UNITED STATES OF AMERICA

Congressional Record

PROCEEDINGS AND DEBATES OF THE *110th* CONGRESS
FIRST SESSION

VOLUME 153—PART 2

JANUARY 18, 2007 TO FEBRUARY 1, 2007
(PAGES 1563 TO 3023)

UNITED STATES GOVERNMENT PRINTING OFFICE, WASHINGTON, 2007

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HOUSE OF REPRESENTATIVES—*Thursday, January 18, 2007*

The House met at 10 a.m.

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

The love of the Lord is perfect; it gives life to the soul. The word of the Lord can be trusted; it gives wisdom to all. The command of the Lord is clear; it gives light to the eye.

Those who love their neighbors fulfill the law, for the whole law is summed up in the command to love. So the command of the Lord is clear. Let us embrace it with our whole heart both now and forever. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Iowa (Mr. BOSWELL) come forward and lead the House in the Pledge of Allegiance.

Mr. BOSWELL led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Speaker's policy with regard to special order speeches announced on February 11, 1994, as clarified and reiterated by subsequent Speakers, will continue to apply in the 110th Congress and, without objection, will be printed in the RECORD.

There was no objection.

On Tuesdays, following legislative business, the Chair may recognize Members for special-order speeches that may not extend beyond midnight. On other days of the week, the Chair may recognize Members for special-order speeches for up to 4 hours after the conclusion of 5-minute special-order speeches. Such speeches may not extend beyond the 4-hour limit without the permission of the Chair, which may be granted only with advance consultation between the leaderships and notification to the House. However, the Chair will not recognize for any special-order speeches beyond midnight.

The Chair will first recognize Members for 5-minute special-order speeches, alternating initially and subsequently between the parties regardless of the date the order was granted by the House. The Chair will then recognize Members for longer special-order speeches. A Member recognized for a 5-minute special-order speech may not be recognized for a longer special-order speech. The 4-hour limitation will be divided between the majority and minority parties. Each party is entitled to reserve its first hour for respective leaderships or their designees. Recognition for periods longer than 5 minutes also will alternate initially and subsequently between the parties each day.

The allocation of time within each party's 2-hour period (or shorter period if prorated to end by midnight) will be determined by a list submitted to the Chair by the respective leaderships. Members may not sign up with their leadership for any special-order speeches earlier than 1 week prior to the special order. Additional guidelines may be established for such sign-ups by the respective leaderships.

Pursuant to clause 2(a) of rule V, the television cameras will not pan the Chamber, but a "crawl" indicating the conduct of morning-hour debate or that the House has completed its legislative business and is proceeding with special-order speeches will appear on the screen. The Chair may announce other adaptations during this period.

The continuation of this format for recognition by the Speaker is without prejudice to the Speaker's ultimate power of recognition under clause 2 of rule XVII should circumstances warrant.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain up to five 1-minute speeches on each side.

OPPOSITION TO INCREASING U.S. TROOP LEVELS IN IRAQ

(Mr. BOSWELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOSWELL. Madam Speaker, I rise today in strong opposition to increasing U.S. troop strength in Iraq. As one Member of Congress who voted in support of the Iraq resolution in 2002, I recognize the pretext for going to war was based on faulty, misleading intelligence. I can not reverse that vote, but I can no longer acquiesce to a failed and tragic military exercise in Iraq.

Two months ago, Generals Casey and Abizaid stated they did not support increasing U.S. troop levels in Iraq. Last month, President Bush maintained that military policy with regard to Iraq would be determined by our military leaders. However, last week President Bush ignored his top military advisors and called for a 20,000-plus increase in U.S. troops to Iraq.

I, along with others, have been pressing the administration to level with the American people on the status of the American security forces being trained and ready to defend their nation. If Iraqis are trained and ready as we are told, we should begin a planned phased withdrawal of U.S. forces; if not, the administration should tell us when they will be trained and ready.

Sending more troops to Iraq does nothing to enhance the Iraqis' training; it only places more U.S. forces into harm's way to become additional targets for the insurgency. This failed policy must be stopped.

We can support our troops in the field and oppose the escalation of U.S. forces. I urge all my colleagues to work in opposition to the President's increase in U.S. forces.

OPPOSITION TO DEMOCRATS' PROPOSED ENERGY BILL

(Ms. FOXX asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. FOXX. Madam Speaker, I rise today to call attention to the Democrats' proposed energy bill that would only hurt hardworking Americans through raising taxes, forcing the cost of gas and home heating oil to increase, and inflicting massive job losses as a result.

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

In the 109th Congress, I distinctly remember the Democrats continually saying that the Republicans were outsourcing jobs. With increased taxes, many hardworking Americans in the oil industry will lose their jobs to overseas corporations, not only hurting the American worker, but also increasing our Nation's dependence on foreign oil.

We have not built a refinery in America since 1976, which further has added to our dependence on foreign oil by giving the Organization of Petroleum Exporting Countries, OPEC, massive control over us.

Madam Speaker, if we want true energy reform, we must begin to build refineries, allow for responsible exploration of energy within our own borders, and invest in energy alternatives.

Raising taxes, causing job losses and increasing fuel costs are not the answer. If we fail to act in a responsible manner, we are continuing to allow ourselves to be at the mercy of OPEC and the nations that control it.

ELECTION OF MINORITY MEMBERS TO CERTAIN STANDING COMMITTEES OF THE HOUSE

Mr. PUTNAM. Mr. Speaker, by direction of the Republican Conference, I offer a privileged resolution (H. Res. 74) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 74

Resolved, That the following named members be and are hereby elected to the following standing committees of the House of Representatives:

(1) COMMITTEE ON THE BUDGET.—Mr. Bonner, Mr. Garrett of New Jersey, Mr. Barrett of South Carolina, Mr. McCotter, Mr. Mario Diaz-Balart of Florida, Mr. Hensarling, Mr. Daniel E. Lungren of California, Mr. Simpson, Mr. McHenry, Mr. Mack, Mr. Conaway, Mr. Campbell of California, Mr. Tiberi, Mr. Porter, Mr. Alexander, and Mr. Smith of Nebraska.

(2) COMMITTEE ON FOREIGN AFFAIRS.—Mr. Manzullo, to rank after Mr. Rohrabacher.

The resolution was agreed to.

A motion to reconsider was laid on the table.

THE HILL OF OPPOSITION

(Mr. KUCINICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUCINICH. My colleagues, a few years ago I was doing some climbing of hills and mountains in Colorado, and when I had started my journey I looked up into the hills and it looked like it would take a few hours to climb to a hill. I started my climb and I finally got there, it took about a half a day. And when I got to the top of this hill, when I was first starting I thought I would just get there and I am right at the top, I am at my destination; but as I got to that top of that hill, I saw there was another hill, and I had to climb another half day.

This Congress is about to climb a hill, and that hill is opposition to the escalation. But when we climb that hill, we are only going to be halfway there because the top of the hill we've got to reach, that second hill, is called "ending the occupation." Stopping the escalation is only half the journey here, we have to end the occupation.

Similarly, people say, well, now they oppose the war. Well, opposing the war, well, that is halfway up that hill. Take that journey. But going all the way up the hill you are going to have to say, stop the funding for the war. The Kucinich plan enables us not only to stop the funding for the war, but to secure Iraq and create a whole new America and world.

"FOREIGN CRIMINALS ARE FREE" IN THE CITY BY THE BAY?

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. When foreigners commit crimes, serve their time, they should be sent back to their native land; but some jurisdictions ignore this commonsense idea and foreigners are not deported. In fact, an audit ordered by this Congress showed that foreign citizens get arrested, go to jail, and on an average—get this—six more times they are arrested after they are released from American jails and not deported. That's right, foreigners commit a crime, go to jail, then cities let them hang around to commit more crime in the "Land of the Free."

The Federal Government has even dumped taxpayer dollars into jurisdictions to help the cost of jailing these foreign criminals. Some jurisdictions take the money but don't help with sending these outlaws back home. San Francisco took $1 million, but, folks, it is a "City of Refuge"; in other words, give us your tired, your poor foreign criminals who steal and rob that are yearning to be free, and we will let them stay in the City by the Bay.

Foreigners who commit crime should go to jail and then be sent back across the seas where they belong.

And that's just the way it is.

SECURITY BREACH

(Mrs. MALONEY of New York asked and was given permission to address the House for 1 minute.)

Mrs. MALONEY of New York. Mr. Speaker, I would like to draw the attention of my colleagues to a large-scale data breach that was announced just yesterday. A hacker was able to gain access to the database maintained by T.J. Maxx and others, and was able to obtain payment card information stored in the database. Millions of cardholders' records are now potentially compromised, all affecting all major payment card brands.

Mr. Speaker, the situation is under investigation and we do not know all the facts yet, but we do know that this is not the only example, it is only the latest in a long series of breaches. The largest so far was CSSI, and this affected over 40 million cardholders in America. This breach that happened yesterday, or was announced yesterday, may even be larger.

How many more breaches like this will the public tolerate before Congress acts to adopt national data security rules?

CONTRACT WITH AMERICA VS. 100 HOURS AGENDA

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, another day, another closed rule governing consideration of legislation in the people's House. The other side likes to highlight the bipartisan support for their so-called 100 hours agenda. But almost 2½ weeks into it, Republicans have yet to be allowed a single amendment on this floor. No committee hearings, no amendments, no alternatives.

Mr. Speaker, it doesn't have to be this way. In 1995, the process under the new Republican majority was far more open. Just look at the numbers. The Contract with America was comprised of 24 bills. Only three of those bills were considered under a closed rule. Democrats were allowed to offer 154 amendments to the Contract with America legislation and 48 of those amendments passed.

Mr. Speaker, the people's House should be a place where all the people have a voice, opportunity to offer amendments, alternatives, and let the best idea win. Under Democratic rule, that is not the case.

BRINGING SENSE TO THE ENERGY DEBATE, BRINGING JOBS HOME

(Mr. WILSON of Ohio asked and was given permission to address the House for 1 minute.)

Mr. WILSON of Ohio. Mr. Speaker and ladies and gentlemen, I would like to talk about the commonsense energy debate that we are going to have today in regard to the bill that we are proposing. Being from the Midwest and from Ohio, I truly believe that our energy costs in Ohio are one of our most significant problems with why we haven't been able to do as much business development as we would like to. We have the opportunity right now instead of paying royalties to the companies that are providing us with our energy, we can now invest in alternatives ways of finding resources to be able to provide the energy for our people and to stimulate the business growth, especially in Ohio and hopefully in America as well.

It is important to realize that we have the opportunities to burn ethanol. I am excited about the fact that certainly in my area we have an abundance of coal, and with clean coal technology we can create more energy. We have the opportunity now, Mr. Speaker, to look at coal-to-liquid fuel as an alternative to lessen our dependency on foreign oil. I truly believe that this is a move in the right direction, Mr. Speaker, and something that will help. I am looking forward to resolving the energy problems of our country.

□ 1015

PARLIAMENTARY INQUIRY

Mr. KINGSTON. Mr. Speaker, reserving my right to object, could the Speaker tell me why we are limiting 1-minutes to five per side, yet we are getting out today in the middle of the day at 2 o'clock?

Mr. Speaker, I will accept that for an answer. I just wanted to ask the question and make sure that we understood that we are.

NO REASON TO CELEBRATE

(Mr. PRICE of Georgia asked and was given permission to address the House for 1 minute.)

Mr. PRICE of Georgia. Mr. Speaker, today the majority party will increase taxes on American oil companies and, hence, on all Americans. And they will increase our dependence on foreign oil. This will complete the sixth item of the majority party's initial agenda. This is the sixth time, but certainly not the last time, that Democrats will put forth a policy that fills a sound bite, but not sound policy. And according to a Democrat clock that stops and starts when it is politically convenient, they will be completed within 100 hours.

While those from across the aisle will pat themselves on the back, this is no cause for celebration. Adopting legislation without allowing consideration by any committee, or even a single amendment, is not a reason to celebrate. Applying the rules of the House only when they serve your purpose are no rules at all. And a blatant disregard to follow through on promises made in November shatters the trust of the American people and is no reason to celebrate.

This is the people's House. It thrives when ideas are wrestled with and challenged. The best ideas and solutions then rise to the top.

Mr. Speaker, the American people are watching. Doing anything less is no reason to celebrate.

A NEW DIRECTION

(Mr. McDERMOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McDERMOTT. Mr. Speaker, today we are going to discuss energy and a new direction.

The Speaker has set a vision to get us off our oil addiction. And in order to do that, we have got to find some money to begin to develop alternative energy sources.

Now, the newspapers today are filled with stories about why we are still in Iraq. We are trying to get a law passed over there that puts in production sharing agreements with the big oil companies of this country. We are trying to get a hold of the Iraqis' oil. We want to take 70 percent of the profits at the beginning.

Now, no Iraqi who has any nationalist feelings is going to sign that, and that is why we are still there 4 years later. We are till trying to get a hold of their oil and control it.

This country has to take the beginning step today, with H.R. 6, to get us off this oil addiction. Alternative energy, whether you are talking solar or wind or biomass or bio diesel, all these are ways that Americans can use for energy and we don't have to live off the rest of the world. We get 3 percent of our oil from the United States. All the rest comes from outside. We are totally dependent on it.

COUNTY PAYMENT

(Mr. WALDEN of Oregon asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WALDEN of Oregon. Mr. Speaker, this Congress and the last have failed to keep the Federal Government's commitment to the people who live near our national forests. This breach of faith means 100 hardworking county employees in Jackson County, Oregon, will lose their jobs in June. That is 10 percent of the county's workforce.

Within 3 months, Jackson County will close all 15 county libraries and slash their road budget.

Remember the heart wrenching search for the Kim family lost in the national forest in southern Oregon? Jackson County used their equipment to help in that search, equipment and personnel paid for by the Secure Rural Schools and Community Self-Determination Act. As Jackson County Commissioner C.W. Smith said: "Loss of this program is a national domestic funding crisis."

I call on the Democratic leadership to put H.R. 17 on your 100-hour legislative agenda. Keep faith with rural schools and counties. Keep the word of the Federal Government to timbered communities.

ELECTION OF MEMBERS TO COMMITTEE ON THE BUDGET

Mr. PALLONE. Mr. Speaker, I offer a resolution (H. Res. 73) and I ask unanimous consent for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 73

Resolved, That the following named Members be and are hereby elected to the following standing committee of the House of Representatives:

(1) COMMITTEE ON THE BUDGET.—Ms. DeLauro, Mr. Edwards, Mrs. Capps, Mr. Cooper, Mr. Allen, Ms. Schwartz of Pennsylvania, Ms. Kaptur, Mr. Becerra, Mr. Doggett, Mr. Blumenauer, Mr. Berry, Mr. Boyd of Florida, Mr. McGovern, Ms. Sutton, Mr. Andrews, Mr. Scott of Virginia, Mr. Etheridge, Ms. Hooley, Mr. Baird, Mr. Moore of Kansas, Mr. Bishop of New York.

Mr. PALLONE (during the reading). Mr. Speaker, I ask unanimous consent that the resolution be considered as read and printed in the RECORD.

The SPEAKER pro tempore (Mr. CAPUANO). Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from New Jersey?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 6, CLEAN ENERGY ACT OF 2007

Mr. McGOVERN. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 66 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 66

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 6) to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes. All points of order against the bill and against its consideration are waived except those arising under clauses 9 or 10 of rule XXI. The bill shall be considered as read. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) three hours of debate, with 60 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means, 60 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Natural Resources, 30 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Agriculture, and 30 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Science and Technology; and (2) one motion to recommit.

SEC. 2. During consideration of H.R. 6 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to a time designated by the Speaker.

The SPEAKER pro tempore. The gentleman from Massachusetts (Mr. McGOVERN) is recognized for 1 hour.

Mr. McGOVERN. Mr. Speaker, for the purposes of debate only, I yield my friend from Florida (Mr. DIAZ-BALART) 30 minutes, pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, H. Res. 66 is a closed rule that allows the House to consider the final piece of the first-100-hours agenda. This rule, as has been mentioned, provides 3 hours of debate in the House, with 60 minutes equally divided and controlled by the chairman and the ranking minority member of the Committee on Ways and Means, 60 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Natural Resources, 30 minutes equally divided and controlled by the Committee on Agriculture, and 30 minutes equally divided and controlled by the chairman and ranking minority member on the Committee on Science and Technology.

Mr. Speaker, I expect that we will hear a great deal from my friends on the other side of the aisle about process, and they will be upset that this is a closed rule.

Mr. Speaker, Democrats campaigned on changing the culture in Washington. We campaigned on ending the culture of corruption and on draining the swamp, and we have done that. We campaigned most importantly, Mr. Speaker, on doing what is right for hardworking American families whose priorities and whose concerns have been ignored for the last 12 years.

Over the last 100 hours, Mr. Speaker, the House has voted to clean up the ethical mess in Congress, to strengthen homeland security, to combat the Federal deficit by instituting pay-as-you-go rules, to invest in lifesaving stem cell research, to make college more affordable by lowering the interest rates on student loans, to reduce prescription drug prices for seniors by allowing the government to negotiate lower prescription drug prices, and to increase the minimum wage for millions of hardworking and underpaid workers in America.

Mr. Speaker, I am very pleased to note that each of these initiatives not only has passed the House of Representatives, but has enjoyed strong bipartisan support.

And in a difference in approach to legislation compared to the Republican majority in the past, who used to subscribe to the rule that they would only bring measures to the floor if a majority of the majority on their side supported it, I am happy to report that yesterday's vote on making college tuition more affordable for our young people not only enjoyed a majority of the majority in terms of support, but a majority of the minority actually voted in support, and that is refreshing.

Mr. Speaker, we made a promise to the American people that we would achieve these goals quickly, and that is what we have done. And in order to keep that promise to the voters, we have utilized an expedited process.

With the passage of this rule, the House will consider H.R. 6, the CLEAN Energy Act of 2007. As an original cosponsor of this legislation, I am proud to stand here in support of this initiative.

The voters sent us a message in November. They called us to account for bill after bill of kickbacks to special interests like Big Oil. We were not sent here to allow huge corporations to continue to reap the benefits of tax breaks while gouging their customers at the gas pump. I commend Speaker PELOSI and Majority Leader HOYER for holding true to their commitments and listening to the American people by bringing this legislation to the floor for a vote.

The distinguished chairmen of the Committees on Ways and Means, Mr. RANGEL, and Natural Resources, Mr. RAHALL, crafted this legislation to balance fiscal responsibility with our Nation's growing energy needs.

At long last, Mr. Speaker, Congress is putting its money where its mouth is and increasing our investment in renewable energy. We are not just talking the talk; we are walking the walk. We promised no quick fixes. It took years of failed legislative policy to dig us into this hole. But the bill before us today will set us on the path toward energy independence.

For years, experts have warned of an impending energy crisis. They pointed to the Nation's increasing oil and gas consumption and called attention to our limited supply of these natural resources. Unfortunately, Congress and the Bush administration failed to heed these warnings. In fact, under the Republican-controlled Congress, Federal investment in alternative energy sources actually decreased over the past decade. And at the same time, the administration prescribed more of the same, giveaways to the oil and gas industries.

During the 109th Congress, President Bush heralded the Republican Energy Policy Act of 2005 as a necessary approach to the Nation's energy crisis. In all, it provided $8.1 billion, let me repeat that, $8.1 billion in tax incentives for the entire energy industry. And despite their record profits, oil and gas companies took 93 percent of these tax breaks, $7.5 billion.

Now, I suppose that that shouldn't be a surprise to many people here, given the fact that in the 2006 elections the oil companies gave $17.5 million to candidates running for Congress. $14.5 million of that money went to Republicans.

Mr. Speaker, all that money going to the oil industry did not leave very much money for alternative and renewable energy supplies. So, Mr. Speaker, when that energy bill was debated, many of us on this side of the aisle voiced concerns that the bill would do nothing to ease the price of gas at the pump or decrease our dependence on foreign oil or provide significant investment in renewable sources of energy.

I should say, Mr. Speaker, there is study after study after study, news article after news article after news article which support our concerns, unfortunately.

Mr. Speaker, H.R. 6 is a critical step in the right direction. It closes the tax loophole for oil companies which provided Conoco Phillips $106 million in 2005, even as that company enjoyed profits totaling $13.5 billion. It rolls back tax breaks for geological studies for oil exploration and repeals five royalty relief provisions from the 2005 energy bill.

□ 1030

Finally, Mr. Speaker, and I think most importantly, for a lot of us who believe that we need to do more to achieve energy independence, it reinvests those funds into clean, renewable energy and energy efficiency. Certainly, there are no easy solutions to remedy our energy crisis.

But we know one thing for certain, if we fail to pass this bill and make the necessary changes and investments now, our dependency on foreign oil will continue to worsen. The time to is now. For those who want the same old, same old, who are married to the status quo, vote the rule down. But for those who are tired of being dictated to by big oil companies, for those who believe that we should reinvest in renewable energy, for those who believe that citizens matter more than campaign contributions, vote "yes" on this rule.

Chairman RAHALL said in his testimony before the Rules Committee 2 days ago that what we are considering today is just the first step. We have much more that we need to do. I look forward to working with him and other Members of this Congress and moving this country forward.

Mr. Speaker, I commend the leadership, Mr. RANGEL and Mr. RAHALL, for their work. I urge my colleagues to join me in supporting the rule and supporting the supporting bill.

Mr. Speaker, I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, at this time I yield myself such time as I may consume.

I would like to thank the gentleman from Massachusetts for the time.

Fairness, openness, sunshine, transparency, bipartisanship, those are just some of the words that the new majority used to describe the way they were going to run the 110th Congress. But today, as we begin debate on the sixth bill of the Democrats' "100 Hours for 6" or 100 hours agenda, we have seen all too clearly, Mr. Speaker, the truth about those promises.

They have been, at best, hollow promises.

On Tuesday of this week, the Committee on Rules met to take testimony and report a rule on the legislation that has been brought to the floor today. Before any testimony was even taken, the distinguished chairwoman of the committee announced that the committee's majority would report out a closed rule.

After the chairwoman's declaration, there really was not any need for testimony or debate on any amendments. The Rules Committee had been closed for business. The majority had already made up its mind to block amendments despite any merits of all possible amendments that could be brought before the committee.

Mr. Speaker, it is difficult to see how you can claim an open and transparent process when you block all amendments before they are even brought before the committee.

During consideration of the bills that comprised the Contract with America in 1995, we Republicans allowed consideration of 154 Democrat amendments; 48 Democrat amendments eventually passed the House and were included in the Contract with America bills that passed the House of Representatives.

But that is not what we see happening today, Mr. Speaker. Today as we consider the last of the new majority's 100 hour agenda, we have not had the chance to debate one amendment, not even one.

From either party, they have been consistent, they close out their Members as well. They promised openness, they promised transparency. Some openness, some transparency.

According to the majority leader's office, Mr. Speaker, we have over 65 hours left in the so-called 100 hours for 2006. The reality is that we have more than enough time, more than enough time to debate some thoughtful amendments. What does the majority plan to do with the rest of their 100 hours? Are we to expect more closed rules?

The 100 hours for 2006 campaign means that six people make all the decisions, apparently. I would imagine it is the Speaker, the majority leader, the whip, the caucus chairman and two others, six for '06 and six for '07 and six for '08, but then the American people get to speak again.

Now, Democrats claim that Congress already debated the bills last year, the bills that are being brought forth to the floor. While it is true that some provisions have come before the Congress in other legislation in previous Congresses, provisions that may be in legislation brought before us under these closed rules that shut out all the amendments, there are many aspects of the bills, including the bill today, that have never seen the light of day. Even more important is that our 54 new colleagues, they were not here for any of our previous debates. Four committees of jurisdiction have jurisdiction over the bill that the majority brings to the floor at this time, Ways and Means, Resources, Budget and Rules. Yet the majority did not allow any of those committees of jurisdiction to hold any hearings or debate the bill.

I am honored to serve as the ranking member on the Rules Subcommittee on Legislative and Budget Process, which has jurisdiction over parts of this underlying consideration. The subcommittee has never held a hearing on the bill. The majority decided it was better if the bill never saw the light of day in any committee process.

I think it is important to recall why we have committees, why we have a committee process. The committee process allows Members to understand the merits and implications of bills and to vet, refine and amend legislation. Completely shutting out committees of jurisdiction is certainly not healthy for the democratic process.

This year we have already seen what happens when you bypass the committee process and blindly bring legislation to the floor. We get outcomes, such as the one in the minimum wage bill that ends up exempting companies from paying the minimum wage in American Samoa. If it had gone through the committee process, at least we would have known about that aspect of the bill. If we had held hearings on the underlying bill before us today, we would learn some of the consequences of this bill.

For example, some bill would cut back on incentives for domestic production of oil and gas. Those incentives are aimed, and the existing incentives, are aimed at reducing U.S. dependence on foreign oil by encouraging domestic exploration and production of oil and natural gas. Removal of those incentives will drive up the cost, obviously, for those who search for oil and gas and thus increase our dependence on foreign suppliers, such as Venezuela and Nigeria. Those countries, I would maintain, are not reliable sources. In the case of Venezuela, its government is clearly anti-American. Do we really want to rely on those countries? Apparently the majority today is saying yes.

Republicans are committed to increasing clean energy supplies and increasing our domestic energy sources. Since 2001, we have seen the investment of nearly $12 billion to develop cleaner, cheaper and more reliable domestic energy sources. This includes the development of biofuels such as cellulosic ethanol, advanced hybrid and plug-in, hybrid electric vehicle technologies, hydrogen fuel cell technologies, wind and solar energy, clean coal and advanced nuclear technologies.

You know, we hear my friend from Massachusetts talking about the fact that some tax breaks or unfair tax breaks were given to the oil and gas companies. It is interesting, because I was seeing a report from the Congressional Research Service that talks about despite the fact that there has been a lot of talk and there continues to be a lot of talk over the tax breaks given to big oil in the energy bill that we passed in 2005, in reality, that energy bill substantially raised taxes on the oil and gas industry $300 million. There was a $300 million tax increase, according to the Congressional Research Service, while at the same time, giving more than almost $9 billion in tax incentives for alternative clean and renewable energy resources.

The bottom line, Mr. Speaker, is that we should not be considering closed rule after closed rule after closed rule and systematically bypassing the committee process. This constant bypass operation that our friends on the other side of the aisle have become enamored to, the constant bypass operation, it really constitutes an affront, I would say, to the democratic spirit as well as, obviously, to the promises that were repeated and repeated by our friends on the other side of the aisle before they arrived and constituted and instituted the continuous, constant bypass operation, bypass the committees, bypass the Members, bypass the possibility of amendments, and go straight to the floor with legislation that no one has seen. That is not healthy. That is not healthy, Mr. Speaker.

Mr. Speaker, at this time I reserve the balance of my time.

Mr. McGOVERN. First of all, let me thank the gentleman from Florida for voting with the Democratic majority in support of increasing the minimum wage and for voting with us to make it more affordable for students to go to college. We appreciate your support. Judging from his statement on this bill, I get the sense that he is opposed to the underlying bill.

Let me just say if you are opposed to the underlying bill, vote "no" for everything. If you are for the same old, same old, if you want more, if you support tax breaks and subsidies for big oil, if you are against investing more in renewable energy, vote "no" on the rule, vote "no" on the underlying bill. I mean, that is the way this place works. That is your right.

Mr. Speaker, I yield 3 minutes to the distinguished member of the Rules

Committee, the gentlelady from Ohio (Ms. SUTTON).

Ms. SUTTON. Mr. Speaker, I thank the distinguished gentleman for yielding me the time.

Mr. Speaker, 2 weeks ago we passed legislation to end the culture of corruption in Congress. Today we consider legislation to reverse some of the harmful consequences of that corruption. H.R. 6, the CLEAN Energy Act, will repeal $14 billion in tax reduction subsidies and other outrageous benefits given to the big oil companies.

Many of these measures were included in legislation that was written in backroom and late-night meetings. With the passage of our ethics reform in this bill, we are fulfilling our responsibility to the American people to clean up Congress and reverse the past lapses that led us to where we are today.

Mr. Speaker, this legislation not only repeals the excesses given to oil companies, our bill uses the money to create a Strategic Renewable Energy Reserve. This will invest in clean renewable energy resources and alternative fuels, promote new energy technologies, develop greater efficiency and improve energy conservation. Investing in alternative and renewable energies and efficiency is not only about protecting the environment and homeland security, it is about promoting new industry and creating jobs.

This type of new investment will help create jobs and support industries in northeast Ohio, where we are already working on new energy technology through organizations like the Ohio Fuel Cell Coalition, which is working to strengthen Ohio's fuel cell industry.

I am proud to say that this coalition includes the University of Akron and the Lorain County Community College in my congressional district. This investment in new energy technology, combined with new incentives and initiatives to make higher education more accessible recently passed by this Congress, will help ensure that our students have the education and the skills necessary for the jobs of the future.

That is what we are doing here today, eliminating the abuses of the past and investing in our Nation's future. Let's pass the CLEAN Energy Act.

MAKING IN ORDER AT ANY TIME CONSIDERATION OF H.R. 475, HOUSE PAGE BOARD REVISION ACT OF 2007

Mr. MCGOVERN. Mr. Speaker, I ask unanimous consent that it shall be in order at any time without intervention of any point of order to consider in the House H.R. 475; the bill shall be considered as read; and the previous question shall be considered as ordered on the bill to final passage without intervening motion except: 30 minutes of debate equally divided and controlled by the chairman and ranking minority member of the Committee on House Administration, and one motion to recommit, with or without instructions.

The SPEAKER pro tempore (Mr. CAPUANO). Is there objection to the request of the gentleman from Massachusetts?

Mr. LINCOLN DIAZ-BALART of Florida. Reserving my right to object, Mr. Speaker, and I may not object, but I don't have a copy of what the gentleman, my friend, was talking about. If the gentleman would explain the motion, because I was not shown a copy before.

Mr. MCGOVERN. This is on the Page Board issue, and the explanation is here. My understanding is that your side has had a copy of this.

Mr. LINCOLN DIAZ-BALART of Florida. I have received it now. I certainly see no reason to object, and I withdraw my reservation.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

□ 1045

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 1 minute to the distinguished Republican leader, the gentleman from Ohio (Mr. BOEHNER).

Mr. BOEHNER. Mr. Speaker, let me thank my colleague for yielding.

Mr. Speaker, let me say to my colleagues that this is the seventh bill that has come to this floor that has not gone through committee, that has not had ample opportunity for amendment in subcommittee or full committee, no opportunity for an amendment on the floor on any of these bills, nor the opportunity for our side of the aisle to offer a substitute.

I am encouraged that the Rules Committee this week has organized and met, but I would note that as the Rules Committee opened, the first debate on the first rule where there was going to be a rule on the bill yesterday, the chairwoman of the Rules Committee made it clear before there were any witnesses before the Rules Committee, before there was any testimony, before there was any discussion, that this would be a closed rule, there would be no amendments, and there would be no substitute offered to the Members on our side of the aisle.

I come here today to talk to my colleagues. The gentleman from Massachusetts who is managing this rule for the majority knows exactly what I am talking about. We have had this discussion here for a long time.

I understand the need for the majority party to want to make its move, to make its first impression; and I understand the first couple of bills had to come flying right to the floor. But we are short-circuiting democracy here, and I think my colleagues on both sides of the aisle understand that.

On the opening day, when I handed the new Speaker the gavel, the first woman in the history of our country to be Speaker, I said that the House needed to work in a more bipartisan way. Over the course of the last several years, I heard my colleagues on the other side of the aisle talk about the need to work in a more bipartisan way.

I said also on the opening day that we do have different ideas about how to solve America's problems and that we should cherish the differences that we have, we should debate them, that we can disagree here without being disagreeable. I also said that we should be nice.

What I didn't say is that we shouldn't be silent, and I won't be silent on behalf of our Members on this side of the aisle.

I think that there is a lot to be gained in bringing legislation to the floor that has been through the subcommittee process, that has been through the committee process, that has an opportunity for a real Rules Committee debate and an opportunity for Members on both sides of the aisle to offer amendments, to allow the minority the opportunity to offer a substitute. That is what the American people want. Our Members represent some 48 percent of the American people, and we are being silenced in this process.

I understand it is in the process. The new majority has only had the majority for 2 weeks. But I am here today to ask my colleagues on the other side of the aisle to live up to the promises that were made, to live up to the desire to be treated fairly.

When we took control of this House in 1995, we had a lot of Members in the new majority then who said we ought to treat the Democrats the way they treated us, and I argued vociferously that that was not the right thing to do, that we should treat the new minority as we had asked to be treated. We worked and I worked to be sure that we were living up to our commitment to treat the then-Democrat minority as we wanted to be treated back in the early nineties when we were making an awful lot of noise.

Over the last year, there has been an awful lot of conversation coming from my colleagues on the other side of the aisle when they were in the minority to make things more fair.

Let me quote one of the pledges: "Bills should generally come to the floor under a procedure that allows open, full and fair debate, consisting of a full amendment process that grants the minority the right to offer its alternatives, including a substitute."

What we are asking for here is fairness, fairness in this process, so that all Members can participate in a deliberative process on behalf of our constituents. Our constituents are just as important as your constituents, and they have a right to be heard and their Members have a right to participate in this process.

So I ask my colleagues, when? When is the time going to come to live up to what you asked for, to live up to your promises, and to live up to your commitment?

MOTION TO ADJOURN

Mr. BOEHNER. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion to adjourn offered by the gentleman from Ohio (Mr. BOEHNER).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 184, nays 233, not voting 18, as follows:

[Roll No. 34]

YEAS—184

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson (IL)
Jordan
Keller
King (IA)
King (NY)
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lungren, Daniel E.
Mack
Manzullo
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—233

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bartlett (MD)
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Kingston
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pelosi
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Whitfield
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—18

Barton (TX)
Burton (IN)
Buyer
Calvert
Costa
Cubin
Davis, Jo Ann
Donnelly
Engel
Johnson, Sam
Levin
Lucas
Marchant
McMorris Rodgers
Norwood
Peterson (PA)
Ramstad
Waters

□ 1122

Mr. WILSON of Ohio, Mrs. CAPPS, and Mr. BERRY changed their vote from "yea" to "nay."

Messrs. GOODLATTE, SOUDER, KNOLLENBERG, ISSA, and PLATTS changed their vote from "nay" to "yea."

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

PARLIAMENTARY INQUIRY

Mr. PRICE of Georgia. Parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his point of parliamentary inquiry.

Mr. PRICE of Georgia. Mr. Speaker, on this vote that just occurred, when the clock expired, the yeas were ahead of the nays and the majority of the Members were voted.

According to H.R. 6, a recorded vote by electronic device shall not be held open for the sole purpose of reversing the outcome of such vote.

Would the Speaker agree with me that this vote then was in violation of the rules?

The SPEAKER pro tempore. As the gentleman is aware, the 15-minute period is a minimum and, in the case of the first vote of the day, and an unexpected vote at that, a longer time may be necessary to complete the vote.

Mr. PRICE of Georgia. Further inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman shall state his point of parliamentary inquiry.

Mr. PRICE of Georgia. Can the Speaker tell me how often the majority party will hold open votes on issues regardless of the result?

The SPEAKER pro tempore. The gentleman has not stated a point of parliamentary inquiry.

PROVIDING FOR CONSIDERATION OF CLEAN ENERGY ACT OF 2007

Mr. McGOVERN. Mr. Speaker, at this time, I would like to yield 1 minute to the distinguished chairwoman of the Rules Committee, Ms. SLAUGHTER.

Ms. SLAUGHTER. Thank you very much. I appreciate your yielding to me.

Mr. Speaker, let me confess off the top, it is true, I committed an act of honesty in the Rules Committee, something we hadn't seen in over 12 years.

I also explained at the time that rules H.R. 5 and H.R. 6 were coming up under the point of privilege with which we started this session.

We are working on an agenda that the minority would not or could not do and we are fulfilling our promise to the American people, and all the whining you can do and all that you can produce will not deter us from it. The majority is pleased and gratified by the minority votes on all of these issues.

I thought I heard a faint chorus yesterday after the bill on student loans was passed, I thought I heard someone singing, Free at last. Free at last.

Obviously, helping the majority to do these bills for the American people has not been any too painful for you. But these have not been addressed for 12 years. We said that we were going to. It was under the beginning rule of the personal privilege. There was nothing amiss there; we were simply being honest.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 4 minutes to the distinguished Republican whip.

Mr. BLUNT. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I am here in opposition to this rule. I don't feel as strongly about the bill because I don't really think the bill is a serious piece of legislation. I don't think it addresses the issues that need to be addressed.

I think the fact that this bill has come to the floor without going to committee, without any opportunity for debate, without the freshmen Members having any opportunity to ever be part of anything except one vote today is truly outrageous.

This should be the premier issue for this Congress. Energy independence and all of that affects everything we are, everything we do as a people. It affects foreign policy, it affects our international situation in so many ways, it affects the economy, it affects the environment. And here we are with a bill today that hopefully is just checking off the list and we really get back to serious discussions of energy legislation.

Mr. Speaker, energy independence is critically important, and it is not going to be achieved in this bill in this way. This bill does take a problem, a problem that was created in 1998 and 1999, a problem that was created when the Secretary of the Interior failed to put in a contract, what the laws that we passed clearly allowed the Secretary of the Interior to do. It didn't happen later, it didn't happen in 2000, it never happened in the current administration. It was a problem. It is a problem in a contract. Whether that is worth 3 hours of debate on the House floor or not, I don't know. I do know that contracts are normally dealt with in a court of law, not on the floor of the House of Representatives.

This is a problem that was created by a past administration that needs to be clarified, but is so far off base from what we ought to be talking about today. We ought to be talking about energy independence for the country.

This rule doesn't allow us to have that kind of debate because the process didn't allow that kind of debate. I guess we are going to be told later today that we are at the end of the 100 hours, which is an interesting calculation in and of itself. And maybe when we will get to the end of the 100 hours, we can get this checklist. I wondered for some time why we didn't have an agenda that would last 100 days.

□ 1130

Since Franklin Roosevelt that has sort of been a mark of the work of the Congress. I have really decided there is not enough work here to do for 100 days, but these 100 hours are checking a list off that will not produce legislation that results in anything happening. At the end of the day today we hopefully can move on to the real business of this Congress, none of it more important than energy independence. This doesn't solve that problem, doesn't even take a significant step in solving that problem.

Mr. McGOVERN. Mr. Speaker, let me emphasize once again that Chairman RAHALL, in his testimony before the Rules Committee 2 days ago, said that this was the first step, that there are a lot more issues that we need to address as a Congress to achieve our goal of energy independence, and we are going to do that. What we are doing today really is responding to the outcry of the American people who are outraged by the fact that in the midst of being gouged by Big Oil, the previous Congress decided to pass a bill to provide billions of dollars in subsidies and tax breaks to those very companies.

So with that, Mr. Speaker, let me yield 1 minute to the distinguished gentleman from New York (Mr. HALL).

Mr. HALL of New York. I thank the gentleman.

Mr. Speaker, I would like to point out that I find it amusing to be lectured about energy independence and working hard to get things done from our colleagues on the other side of the aisle who for the last 6 years could have solved these problems, but instead watched us sink further into dependence on foreign and polluting sources of energy.

In April 2005, President Bush was quoted as saying, "With oil at more than $50 a barrel, energy companies do not need taxpayer incentives to explore for oil and gas." Then, even as prices went higher, he and the Republican Congress went ahead and gave them a goodie bag of taxpayer subsidies. Gas prices topped $3 per gallon, Big Oil made record profits of $97 billion, and record dependence on foreign oil still leaves us vulnerable to the whims of unfriendly regimes.

Today, we are going to take back the tax giveaways to Big Oil so we can give the American people a break at the pump, a breath of fresh air, and a more secure nation.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 4 minutes to the distinguished ranking member of the Rules Committee.

Mr. DREIER. Mr. Speaker, I obviously join my colleagues, rising in strong opposition to this closed rule, which did not allow for any kind of deliberation whatsoever.

I have to begin by saying that I am somewhat troubled at the fact that we continue to see this pattern of name calling from the other side of the aisle.

We recognize that we have begun a new Congress. I am very proud, as a Californian, that we have the first Californian and the first woman Speaker of the House of Representatives. I am very proud of that fact and I think it is a great thing. I am proud that our State has been able to do that. And she is the first Italian American Speaker of the House of Representative, and she always likes to state that, and I congratulate her for that.

I believe we need to, as members of the minority, give the benefit of the doubt to this new majority. It has been 12 years since they have been in the majority, and I think we should provide an opportunity for people to understand their new roles in this institution. But I have to say that while we have continued to have name calling—and the distinguished chair of the Rules Committee has just said that for the last 12 years the Rules Committee was dishonest. I don't know exactly what that means. I am very proud of the record that we have had the last 12 years in the majority in the Rules Committee, and I am proud of the fact that we have been able to put together strong policies to encourage economic growth in this country, we have been able to ensure that we have not had an attack on our soil since September 11. These kinds of policies have come from committees in the Congress, through the Rules Committee to the floor, and I am proud of that fact. So I don't know exactly what it means to simply say the Rules Committee has been dishonest for the last 12 years. We all know that there has been a lot of name calling that has come from the other side of the aisle.

I have to say, Mr. Speaker, that we are at a point right now where it is important for us to recognize that it is not about what we did, it is about what the new majority promised they were going to do.

Now, the distinguished Republican leader stood here and talked about the fact that we have, over the past several days, gone through this process right now; it has been under a closed rule. Yes, Speaker PELOSI announced there would be no opportunity for debate and discussion through the regular order process. So that was an announcement that was made. As the Republican leader said, the Chair of the Rules Committee announced before the process even began that we were going to have closed rules on both the education bill and on this energy bill. I have to say that it is a troubling indication because it is 180 degrees from what was promised by the new majority when they were in the midst of their campaign.

I have to also say, Mr. Speaker, I heard the gentleman from Massachusetts get up and congratulate our friend from Miami for having supported a couple of the items. I am proud that I have supported a number of these items. I think something important to note is that at least half of the items in the Six for '06 were voted on and passed by the Republican Congress. Stem cell research, in a bipartisan way, passed. It would not have come to the floor had the Republican leadership not seen fit to bring it to the floor.

On the issue of the minimum wage, we brought to the House floor, Mr. Speaker, the issue of increasing the minimum wage. We simply said that we should recognize that those who create jobs might want to have the wherewithal to pay those people the minimum wage. And so we had a vote on that.

Earmark reform. We are very proud of the fact that last fall we passed very broad-sweeping earmark reform that enjoyed bipartisan support here.

So what we are doing in many ways on this Six for '06, Mr. Speaker, is simply voting again on initiatives that passed in a Republican Congress.

I also have to say that we passed lots of energy legislation in the past, and we have been able to see a reduction in oil costs. Oil prices are dropping right now. We continue to see that, and that is because of the fact that we want to encourage alternative sources and attaining domestic energy self-sufficiency.

Mr. Speaker, I think it is just important for us to take a moment to look at this issue of fairness and balance and recognize that we do want to work in a bipartisan way, but the issue of this name calling I think should come to an end, and let's try to look to the future rather than the past.

Mr. Speaker, I rise today in opposition to this rule, and the underlying legislation, H.R. 6, the CLEAN Energy Act of 2007. I am a firm believer that Congress should do everything possible to address the Nation's energy needs and reduce our dependence on foreign oil while still protecting the environment and maintaining reasonable energy prices. I believe, however, that this bill falls short of fulfilling this responsibility. Not only that, the Democrats have shut out any hope of fixing the bill's problems by reporting a closed rule for H.R. 6.

The basis of this bill is very simple—it raises taxes on domestic oil producers and then turns around and spends that money to subsidize ethanol, solar energy, and windmills. In the process, Democrats also want to tell the market how to work. Common sense would tell us that if you increase the cost of domestic oil production by $10 billion, you are ensuring that U.S. imports of foreign oil will rise and domestic production will fall. These are basic market principles.

Consumers want affordable gas prices, Mr. Speaker, and unfortunately this bill does nothing to lower them. Raising taxes on firms in the oil and gas industries does nothing to lower the price of a barrel of oil. We all know that numerous factors affect gas prices—Hurricanes Katrina and Rita, and OPEC members in the Middle East, for example. These are complex domestic and international market factors that are hard if not impossible to control. The Democrats are apparently oblivious to this reality.

We also understand that this bill would raise $5 to $6 billion in revenue by removing the tax breaks provided to the oil companies in the 2005 energy bill. But in fact, the Congressional Research Service has reported that the net impact of the 2005 energy bill was an increase in taxes to the oil and gas industry by some $300 million. So how will removing this provision help raise revenues? Furthermore, as Members of Congress, we want to enable companies to take every step forward in the exploration of domestic sources of oil and natural gas. It is counterintuitive to take away incentives for companies to participate in this exploration.

The Democrats talk about keeping America competitive, yet this legislation would impact a domestic company's eligibility to remain competitive with foreign manufacturers by repealing a 2004 tax provision that reduced the effective corporate income tax rate to 32 percent from 35 percent. Why would we deliberately put American producers at a disadvantage with their foreign competitors?

Included in this piece of legislation, which, I will remind my colleagues, did not receive any committee consideration in the 110th Congress, are provisions for a trust fund for alternative fuels. The Democrats say this trust fund money, created by funneling the revenue from abolishing crucial tax incentives and the tightening of royalty regulations, will accelerate the use of clean energy resources and alternative fuels and promote the research and development of renewable energy technologies. This trust fund is an idea that's been heralded by Members on both sides of the aisle. And the objectives that I just mentioned are surely noble ones. However, this bill creates a trust fund and then ends there. There is no mention in the bill as to how this new revenue is to be spent, just suggestions. In this respect, this is a bill with good intentions but no teeth.

Mr. Speaker, we are not arguing that more time and money deserves to be spent on the development of alternative energy. It should. In fact, studies have shown that between 2004 and 2006, investment in alternative energy doubled to $63 billion. And the market is responding. Venture capital funding of green-energy technologies has quadrupled since 1998. Members of Congress have submitted numerous amendments to H.R. 6 mirroring these efforts. The Rules Committee received almost 20 amendments with thoughtful suggestions as to how to direct trust fund money, and other productive approaches to solving our energy needs. Not one amendment, Mr. Speaker, was made in order. In fact, even before the Rules Committee had heard testimony from any of the amendment sponsors, Chairwoman SLAUGHTER announced that she would be granting a closed rule. The Democrats had already made up their minds and closed their ears before they even heard the first amendment.

Mr. Speaker, H.R. 6 was referred to four committees. In another instance in denying the due process and minority rights that Democrats promised the American people, those committees never once met on the bill at hand. Members on both sides of the aisle never had the chance to draft, review or amend the bill. The Democrats campaigned on honesty and openness, and heralded a new era in minority rights, but again have failed to live up to their promises. Again, they completely ignored regular order and pushed this bill to the front of the line, and the deficiencies in the bill are evident because of it.

Mr. Speaker, once again, my colleagues on the other side of the aisle have missed yet another opportunity today to craft comprehensive legislation that would address issues that are important to the energy debate. During the 109th Congress, we worked with Members on both sides of the aisle on legislation that increased refinery capacity. This legislation received strong bipartisan support, and yet is noticeably absent from this legislation we have before us today.

This bill is just like Proposition 87—the 2006 ballot initiative that would have taxed California's home-produced oil in order to subsidize "green technology" alternatives. Thankfully those in my home state were smart enough to defeat Proposition 87, knowing full well it would have damaged California's home oil and gas industry, increased foreign oil consumption, and raised the energy bills of the state's residents.

Mr. Speaker, this bill raises taxes and raises prices at the pump. And all the American people are getting in return is a promise that we'll actually do something down the road. The new majority is well on its way to fulfilling another empty promise and at the expense of the American consumer. Let's vote down this rule, and force the majority to take this bill through committee where we can have a real energy bill with real solutions.

Mr. McGOVERN. Mr. Speaker, the distinguished former chairman of the Rules Committee and the distinguished minority whip have made it clear that they are not impressed with the first 100 hours of this Congress, but the American people are and, quite frankly, that is what counts.

Mr. Speaker, at this point I would like to yield 1½ minutes to the gentleman from Vermont (Mr. WELCH), who is a member of the Rules Committee.

Mr. WELCH of Vermont. Mr. Speaker, the issue for us in this Congress is procedure, but it is really about substance. In the last Congress, what happened was something that you can't make up. Oil companies have enjoyed $125 billion in profits over 3 years, were the beneficiaries of legislation that lowered taxes for them by about $14 billion. You can't make it up.

What this legislation is about is addressing that and for the first time taking a step in the direction of providing incentives for what every American knows is long overdue, and that is to provide incentives for alternative energy opportunities. We need that to strengthen our economy and create good jobs; we need that to strengthen our position in foreign policy so that we are independent; and we also need it to begin addressing global warming.

This legislation is the beginning, it is only a beginning. There is going to be an enormous amount of time for the committees to take up the large issues and for us together to take the broader steps that are required to become truly independent on energy.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from California (Mr. NUNES).

Mr. NUNES. Mr. Speaker, I had the opportunity to go to the Rules Committee the other evening. Of course it was after the distinguished Rules Committee chairwoman said that they weren't going to accept any of our amendments or a substitute. I made a comment at that point that I was essentially wasting my time in the committee, which is unfortunate.

Today we have an opportunity to debate in front of the American people what should be an important policy about energy independence, but this bill doesn't do anything like that, Mr. Speaker. All this bill does is get back at the oil companies. We had many members of the Rules Committee say essentially that it was vengeance. They didn't use the word "vengeance," but essentially I believe that that was the point that they were making because they are putting up a facade that this bill actually does something to lower energy prices to the American people. In fact, all this does is roll back some tax cuts, specifically takes out oil and gas for domestic producers, does nothing to the Middle East producers, and now we are basically going to be left with a bill that isn't going to go anywhere. The majority knows it is not going to go anywhere, and that doesn't even include the process that we have gone through to get this legislation.

Earlier one of the speakers—I forget who said it—for the majority side said that the Republicans crafted their energy bills in the backrooms. Well, I would ask the majority if the backrooms included the subcommittees and the full committees, like the normal process that this Congress is supposed to go through where we have full committee debate, we have a bill introduced, we have debate on the bills. Maybe that was the backrooms that you guys were referring to on the other side.

In this case, you essentially had a few staff people in the Speaker's office write up a bill. Then they put out a facade that this is going to lower the gas prices to Americans and lower energy costs and be the bridge to the next renewable energy trust fund that they are going to create.

It is interesting in the last Congress we had a bipartisan bill that did put money into a trust fund, but you know what we did? We went out and I said, let's take our resources that we have, like in Alaska, let's go and drill in ANWR. Let's put those royalties into a trust fund, and then we can bridge ourselves into the next generation of energy. That is good energy policy. Taxing small domestic oil producers in America is only hurting American-made energy.

I am frustrated not only by the policy that has been put out here as an end-all-be-all perfect solution to America's energy solutions, which it is not, but I am even more frustrated—and I normally don't come down here to speak on rules, but I had to come down here and speak on this rule because I was in the Rules Committee the other night and I wasted my time, and everyone in that committee wasted their time because the Rules Committee chairwoman said, before we even met, that she was not going to accept any amendments or even a substitute.

This is frustrating. I hope that the majority will live up to their promise to the American people and will have full open and honest debate.

Mr. McGOVERN. Mr. Speaker, let me just respond to the gentleman from California by saying to him that I appreciated him being in the Rules Committee. I thought his testimony was very thoughtful, and I look forward to his engagement in a lot of these issues as, again, the chairman of the Resources Committee said, this is the beginning, not the end.

I just want to point out one thing to him so he understands one thing, and that is, in the last year, when the Republicans were in control of the Congress, there were 34 rules provided to bills that were not reported out of committee. I point that out not to make a partisan point, but simply to kind of illuminate him on the fact that there were a lot of bills that no one ever saw before they came before the Rules Committee.

With that, Mr. Speaker, I yield 2 minutes to the distinguished gentlelady from Florida, a member of the Rules Committee, Ms. CASTOR.

Ms. CASTOR. I thank the gentleman.

Mr. Speaker, instead of giving away billions of dollars to big oil companies which made multibillion-dollar profits last year, the new Congress intends to chart a course in a new direction by investing in alternatives for the American people. This will help America become energy independent and ultimately lower the utility cost for average Americans.

Big Oil has held too much sway in the halls of Congress in past years. They even targeted drilling off of Florida's beautiful coastline, putting our tourism industry at risk. The Bush administration refused to get serious about a sensible and sustainable energy policy, even after President Bush proclaimed last year that our country is addicted to foreign oil.

The American people understand that what we really need is a far-sighted plan for energy independence, and they did vote for change. The new Democratic Congress will plan for a more sustainable future, independent of foreign oil entanglements that interfere with our foreign policy. The new Democratic Congress will encourage conservation and development of alternative fuels which in turn will lessen our dependence on polluting fossil fuels.

In my own district, the University of South Florida has developed initiatives at its Clean Energy Research Center to develop and promote new sources of alternative energy, and we can do more.

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So let's take the first step together today and then commit to launching a broad new energy strategy for future generations.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 3 minutes to the distinguished gentlewoman from Illinois (Mrs. BIGGERT).

Mrs. BIGGERT. I thank the gentleman for yielding and, Mr. Speaker, I rise in opposition to this rule.

In 2005, Congress passed and the President signed into law the Energy Policy Act, or EPACT, the first comprehensive energy package enacted with bipartisan support in well over a decade. I supported it for one reason, because it made a much needed and sustained investment in the basic science and applied energy research that will end our reliance on foreign oil.

Congress and the Federal Government must make a steadfast commitment to support the development of advanced energy technologies and alternative fuels that will help end our addiction to oil and gasoline. That is why in the 109th Congress I introduced H.R. 6203, the Alternative Energy Research and Development Act. This bill reflected the latest research, the emergence of innovative technologies, and new ways of thinking about our power problems. Among other things, it supported the development of biofuels, solar and wind power, and battery technologies. It also promoted energy conservation in a number of important ways.

This bill received bipartisan support from the Science Committee. It was approved unanimously by this body in September of last year, but the other body, on the other side of the rotunda, failed to act on it before Congress adjourned. So why aren't these widely supported provisions included in the bill we are considering today? Good question.

I tried to offer an amendment to include provisions from H.R. 6203 in this bill. I went to the Rules Committee to explain my amendment and how it might contribute to our energy independence. But before I could speak, a decision had already been made by the Democratic leadership not to allow any amendments to this bill, not even those whose provisions had been passed unanimously just 4 months ago.

So how does this bill contribute to our energy independence, Mr. Speaker? I supported fixing the Clinton administration oil and gas leasing errors, but I believe we are missing the opportunity to take the next step. We should know where the money will go. Instead of creating a slush fund, as this bill does, for some unknown use in the indefinite future, we should take the steps today to invest in the kind of research, development, and demonstration projects outlined in H.R. 6203 that will ultimately lead to advanced energy technologies. We need to start today.

If we are serious about energy independence, we should put that money to work today as an incentive for consumers to become more energy efficient and use alternative fuels. This could be accomplished by extending and expanding the tax credits created in EPACT for the purchase of vehicles that run on alternative fuels. Let us lift the cap on the number of vehicles that can qualify for these credits. Let us expand incentives for the installation of alternative refueling infrastructure.

I introduced another bill in the last Congress that would do just that by using the revenue generated from repealing certain tax credits for oil and gas production. These are the kind of concrete initiatives that will bring us measurably closer to achieving true energy independence. These are the kind of worthy initiatives we should consider.

I will have to support this bill, I guess, but I think it could be better, so much better, and that is why I urge my colleagues to oppose the rule.

Mr. McGOVERN. Mr. Speaker, at this time I would like to yield 1½ minutes to the gentleman from New Hampshire (Mr. HODES).

Mr. HODES. Mr. Speaker, I thank my good friend, the gentleman from Massachusetts, for yielding me time.

Mr. Speaker, I rise in support of the rule and in strong support of the underlying bill, H.R. 6, the CLEAN Energy Act of 2007.

Mr. Speaker, my State, New Hampshire, is a State known for its pragmatism. The energy crisis that this country faces is no mystery to my constituents. They see our independence on foreign energy sources, they see our climate changing, and they see the tax breaks for Big Oil while their own resources are stretched thin. They have seen roller-coaster high prices at the pumps, giveaways to Big Oil, and those same Big Oil companies reporting record profits.

This should not be a Democratic or Republican issue because it is a common sense issue. And the bill we will consider today is a commonsense and much needed start to solving the problem. H.R. 6 would repeal the billions of dollars in subsidies given to Big Oil in the ill-conceived 2005 energy bill and reinvest those funds in clean renewable energy and energy efficiency.

The bill would require oil companies to pay their fair share in royalties, and would close glaring loopholes in the Tax Code. More importantly, Mr. Speaker, this bill would create a Strategic Renewable Energy Reserve to unleash the entrepreneurial spirit in this country, to jump-start our investment in renewable and alternative energy resources, and to promote conservation and the development of critical new technology.

Energy independence is an issue of national security, it is an issue of jobs, and it is an environmental imperative. No issue is more important to our future or our children's future. Mr. Speaker, I am exceedingly proud of this new majority's 100-hour agenda, but I am perhaps most proud and most ardently supportive of H.R. 6.

It is time to invest in a new energy policy, and I encourage my colleagues to support this rule and support H.R. 6.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 2 minutes to my distinguished friend from New Mexico (Mr. PEARCE).

Mr. PEARCE. I thank the gentleman for yielding, and salute my colleagues for working at a concept really that we all agree on: Energy independence. I refer only to the second title in these comments, where I oppose the rule which says there will be no amendments.

Title II is the one where the Washington Post says "This House bill would break its deadlock by imposing heavy penalties on firms that do not renegotiate on terms imposed by the government." They go on to say, "This heavy handed attack on the stability of contracts would be welcomed in Russia and Bolivia."

Let's look at just a couple of things that have occurred recently. In 2005, Venezuelan President Hugo Chavez mandated private oil firms to cooperate with new contractual changes, much as we are doing in section 2. The investment from foreign firms, which is vital for Chavez's economic plan to succeed, are already being curtailed due to the uncertain investment environment.

In 2006, Bolivia threatened to expel oil companies that refused to agree to new terms on existing contracts. These actions were done for short-term increases in revenue, yet they are leading to massive economic problems in the country through the oil and gas industry.

Also, in Russia, 2006, companies such as Shell, Exxon, and BP have held valid oil and gas leases for years, yet Putin has declared that the agencies are going to pull these leases for a number of suspect reasons. In section 2, title II, we have those same sorts of heavy handed approaches that the Washington Post editorial complains about.

Our colleagues have said that President Bush refused to get serious. If getting serious is undermining the full faith and credit of this government, then I will agree that President Bush failed to get serious.

I had also heard a comment from one of my distinguished colleagues on the other side that this agenda includes things that the minority would not do, and I will agree the minority would not do those things which undermine the contractual basis of this government.

I think this bill should be back in committee to have the hearing and the amendments that would occur, because you know that these things are not valid and will not promote more production from U.S. companies but less.

Mr. McGOVERN. Mr. Speaker, at this time I would like to yield 2 minutes to the gentleman from Maryland (Mr. WYNN).

Mr. WYNN. Mr. Speaker, I thank the gentleman from the Rules Committee for yielding.

I rise in support of this rule. I am a member of the Energy and Commerce Committee, and I watched 2 years ago as my Republican colleagues larded up the Energy Policy Act. While we were trying to talk about energy efficiency and we were trying to talk about energy conservation, they were giving over $8 billion in tax breaks to the oil and gas companies, the companies that are making huge profits right now.

What this bill does is roll back that tax break as well as require the oil and gas companies to pay appropriate royalties to the government, appropriate royalties to the taxpayer.

This bill is looking forward. I am afraid my colleagues on the other side of the aisle are looking backwards. They are still talking about oil and gas. We on the Democrat side, however, get it. We understand that, yes, we are using oil and gas today, but we are also running out of oil and gas in the world and in this country and that we must have alternative energy sources.

So what do we do? We say, let's take this unnecessary tax break of $8 billion and let's collect our royalties and let's put that money in a trust fund to develop alternative energy, renewable energy that can last us well into the latter part of this century.

Now, personally, I am very enthusiastic about hydrogen fuel cell development because hydrogen fuel cell development definitely leads us down the road to energy independence. Hydrogen fuel cells don't have any emissions; they don't leave any emissions. Hydrogen fuel cells aren't dependent on foreign countries. It is a technology we can develop here in this country that will really make us energy independent and will also address the problem of global warming. But we must invest in it.

So let's not look backwards and give oil and gas companies more tax breaks. Let's look forward and invest in renewable energy, in hydrogen, in wind and solar, and the things we have in this country that can make us truly independent. I urge adoption of this bill.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 3 minutes to my good friend from Texas (Mr. CONAWAY).

Mr. CONAWAY. I thank the gentleman for yielding, and I appreciate the chairwoman's honesty earlier about the fact this was going to be a closed rule. We listened for 2 years about the whining on closed rules and the fact that it reflected a closed mind. So on our side, for the next 2 years, we will try to keep our whining to a minimum.

Words are inflammatory. Title I to this act says "Ending Subsidies for Big Oil Act of 2007." I have a title I would like to put on title II of section 1, and that would be the "Congressional Abrogation of Contracts Using Blackmail Act of 2007." We can throw these wild words around at each other all we want to.

I speak against the rule and the process. This is staff-developed underlying legislation. Not one Member of Congress had any input into it at a point in time where you could actually do something about it. There are flaws throughout it.

I offered an amendment yesterday, which turned out to be for no good reason, that would simply say if you are in fact going to hamper domestic production of crude oil, and clearly in the near term increased domestic production is a way to get us to the point where we are no longer as dependent on foreign oil, if this act works to hamper that, then it wouldn't take effect. In other words, get the Secretary of Energy and the Secretary of the Interior to tell us this won't have a negative effect on oil production.

The other amendment I offered would simply say if you are taking those profits, whether you consider them obscene or not, if you are taking those profits and putting them back in the ground to find additional sources of domestic crude oil and natural gas, then this act wouldn't apply. Evidence shows the small oil companies, to which the tax provisions affect, not just Big Oil but it affects the small companies, those small E&P companies reinvest 617 percent of their profits back in the ground finding additional supplies.

The bill is flawed in its mechanics, and I will speak later this afternoon against the underlying concepts, but one of the flaws is, if I am an owner of one of those covered leases and I sell it to somebody else and am no longer in the loop, I am still covered and tainted with that until everybody else in that loop subjugates themselves to this American government and renegotiates those contracts.

The price threshold mechanism is flawed. At 34.73 a barrel there is no threshold, yet at 34.75, I have a $9 pop, which means I am only really making $25 a barrel. These are the kind of things that, had it gone through committee, or I guess it did. Oh, it did not go through committee, that is right. This came straight to the floor without any input from anywhere else. Whether you agree with our positions or not, your closed mind on this issue is clearly evident in this.

My only caution is, and we have heard we are coming to the end of this railroad train, that the other side has now become so intoxicated with the power and authority that they have being in the majority, that they do not continue to misuse that power and authority and continue to ignore open debate and honest ideas and an exchange of honest ideas that the committee process typically allows and that brings better legislation to this floor and helps us address these things.

The consequence of the taint may be intended. I don't think it is, but we ought to know that. And there is no real way to know that without debate within the committee structure where there is adequate time to go at this.

So I urge my colleagues to vote against this closed-minded rule, a little bit of whining just to keep up appearances, to vote against this rule, and I will speak against the underlying bill later this afternoon.

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Mr. MCGOVERN. Mr. Speaker, at this time I would like to yield 2 minutes to the distinguished gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Speaker, this bill today is a historic bill. What it is going to do is to reclaim billions of dollars, the GAO says upwards of $10 billion, which will then be moved over from unnecessary tax breaks and royalty relief for oil and gas companies, and moved over to a Strategic Renewable and Energy Efficiency Reserve so that we can change the direction of energy in our country by just taking back that which is undeserved in tax breaks and royalty relief.

So, what's the issue? Well, the issue is that back in 1998 and 1999 the oil industry received royalty breaks that didn't require them to pay any royalties back to the American people, the American taxpayer, as they drilled on the public lands of our country.

What this bill does is it gives a choice to the oil and gas industry: either renegotiate those leases or pay a fee going forward for the drilling on those lands. And that money will then go into a trust fund for renewables, for energy conservation, for ethanol, so that we can move in a new energy direction for the 21st century. It is a quite simple formula.

Now, the royalty relief, the change in how royalties are collected, it has already passed here on the House floor. But it was then blocked by the Bush administration. The $9 fee was the Pombo amendment. That has already passed on the House floor. So we are not talking about things that haven't already been debated. We are not talking about things that have already passed. What we are talking about are things that the Bush administration then blocked from becoming law. And what the Democrats are adding is just that it be put into a renewable and a conservation and ethanol trust fund so that we can move this country into a new energy direction.

I hope that this rule passes, and then I hope that we have an overwhelming vote, as we have had twice before in the past, by the way, on this royalty issue by all Members of the House, so that we can finally move in a new direction for the 21st century in energy policy.

Mr. Speaker, the bill that we will consider later today represents the important first step in charting a new direction for the Nation's energy policy. H.R. 6, the CLEAN Energy Act of 2007, which repeals the unnecessary and wasteful tax breaks and royalty-free drilling rights for big oil and gas companies, and instead creates a Strategic Energy Efficiency and Renewables Reserve that would invest in clean, renewable energy sources and clean alternative fuels like ethanol, as well as energy efficiency and conservation.

H.R. 6 will put an end to oil companies drilling for free on public land no matter how high oil prices climb. The Government Accountability Office has estimated that the American taxpayers stand to lose at least $10 billion from leases issued in the late '90s that do not suspend so-called royalty relief. H.R. 6 would correct this problem by barring companies from purchasing new leases unless they had either renegotiated their existing faulty leases or agreed to pay a fee on the production of oil and gas from those leases.

The House has already adopted the royalty relief fixes included in H.R. 6 by overwhelming, bipartisan votes. By a vote of 252–165, the House adopted the Markey-Hinchey amendment to the Interior appropriations bill to provide a strong incentive for these companies to renegotiate. The House also voted last year to impose a $9 per barrel fee on oil produced from these leases in a bill authored by former Resources Chairman Pombo. Both those provisions are in H.R. 6. So two times this House has said that we want to put real pressure to renegotiate on all the oil and gas companies holding those 1998–1999 leases.

However, the Bush administration has consistently opposed our efforts to bring every oil company holding one of these leases back to the negotiating table and it continues to oppose the provisions in H.R. 6 that would do so. Instead, the Bush administration has argued that we should allow oil companies to "voluntarily" renegotiate with the Minerals Management Service. However, of the 56 companies holding these leases, only 5 have voluntarily agreed to renegotiate. When billions of taxpayer dollars are at stake, that is simply not an acceptable rate of return. This bill says that it's time for the oil companies to stop playing Uncle Sam for Uncle Sucker.

Passage of H.R. 6 will allow us to begin to move in a new, clean direction on energy and put an end to the free ride that big oil has had under the Bush administration. H.R. 6 represents the beginning of a change in direction, away from subsidizing industries that don't need extra financial incentives, and towards the technologies that do need a helping hand and I urge its adoption.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I reserve the balance of my time.

Mr. McGOVERN. Mr. Speaker, at this time I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. For 12 years, Mr. Speaker, I have engaged in an energy brain trust that would hopefully engage the industry but help to reform the industry. And so I say to my colleagues, today we are making that first step, not ignoring the industry, but opening our doors to engagement and discussion so that we can truly have a reformed energy industry that focuses on energy independence and security for the American people.

Now, we realize in 1998 and 1999 the price per barrel for oil was very low. And the administration, at that time, reasonably addressed the question of royalty relief. Today we have a different economic structure, and the price per barrel is $50-plus and up.

And so what is this Congress and this leadership doing? It is doing the right thing. It is making a determination that we can now place some $14 billion in trust to support clean alternative energy and, of course, renewables, renewables and alternative energy that have been proposed by Members on both sides of the aisle.

I look forward to an engagement of the energy industry so that it can diversify its own portfolio. It is necessary for our independence from foreign oil, and it is necessary for our homeland security.

But what we do not do in this bill is important. For example, we do not repeal refinery expansion expensing. We don't repeal the intangible drilling cost deduction, nor do we impose a windfall profits tax.

We are balanced. We are respectful of this process of engagement, and we don't repeal the natural gas line depreciation or the foreign tax credit.

And so we understand that the industry, one, has to work to ensure that it is productive and that it moves away from total dependence on foreign oil to give relief to the American people as they proceed to develop greater energy independence and conservation.

This is a good bill that focuses, in a balanced way, to begin the march toward energy reformation and opens the door towards new ideas for the energy industry that will allow energy independence and security for America.

Mr. Speaker, I rise today in support of H.R. 6, which will create long-term energy alternatives for the Nation. The Creating Long-Term Energy Alternatives for the Nation, CLEAN, Act of 2007, includes two components that will roll back the unnecessary tax benefits and costly federal oil and gas leasing provisions included in the Energy Policy Act of 2005. The legislation would also help to correct the mistakes of the leases issued by the Interior Department between 1998 and 1999—which, if left unchanged, could cost the Federal Treasury an estimated $60 billion over the next 25 years.

The CLEAN Act calls for investing in clean, renewable energy by repealing $14 billion in subsidies given to Big Oil companies by requiring these companies which were awarded 1998 and 1999 leases for drilling without price thresholds to pay royalties or pay a fee. H.R. 6 also eliminates unnecessary tax deductions which exist in the tax code and in the Energy Policy Act of 2005. In the first ten years, the Congressional Budget Office estimates that these fees will generate $6 billion in revenue and the Joint Commission on Taxation estimates that the elimination of these deductions will result in $7.6 billion in revenue.

The CLEAN Act also creates a Strategic Renewable Energy Reserve which would promote energy efficiency by investing in clean, renewable energy and alternative fuels, promote new energy technologies, develop greater efficiency, and improve energy conservation. We cannot justifiably continue to allow big oil companies to reap astronomical financial benefits while the citizens of this country continue to struggle to pay their living expenses due to the outrageous cost of oil and gas.

These high costs derive primarily from our overwhelming dependence on foreign oil. The Energy Information Administration estimates that the United States imports nearly 60 percent of the oil it consumes. Moreover, the world's greatest petroleum reserves reside in regions of high geopolitical risk, including 57 percent of which are in the Persian Gulf.

Mr. Speaker, we cannot even remotely begin to reduce the high price of oil and gas which has caused many of our citizens to change their standards of living, unless and until we find ways to create a more self-sufficient energy environment within the United States. Investing in clean, renewable energy is an important first step to achieving this goal. For example, an innovative solution to our national energy crisis is in the 21st Century Energy Independence Act, which I introduced in the 110th Congress. This legislation alleviates our dependence on foreign oil and fossil fuels by utilizing loan guarantees to promote the development of traditional and cellulosic ethanol technology. Investing in domestic alternatives such as traditional and cellulosic ethanol can not only help reduce the $180 billion that oil contributes to our annual trade deficit, but it can also end our addiction to foreign oil.

According to the Department of Agriculture, biomass can displace 30 percent of our Nation's petroleum consumption. In addition to ensuring access to more abundant sources of energy, replacing petroleum use with ethanol will help reduce U.S. carbon emissions, which are otherwise expected to increase by 80 percent by 2025. Cellulosic ethanol can also reduce greenhouse gas emissions by 87 percent. Thus, transitioning from foreign oil to ethanol will protect our environment from dangerous carbon and greenhouse gas emissions. Cellulosic ethanol technology requires initial governmental investment and policy support to achieve the necessary scale to become self-sufficient and gain market-penetrating capacity. That is why I introduced the 21st Century Energy Independence Act since it ensures that America achieves energy independence and improves our environment.

In addition to being from the energy capital of the world, for the past twelve years I have been the Co-Chair of the Energy Taskforce of the Congressional Black Caucus. During this time, I have hosted a variety of energy braintrusts, panels, conferences, and symposia designed to bring in all of the relevant players ranging from environmentalists to producers of energy from a variety of sectors including coal, electric, natural gas, nuclear, oil, and alternative energy sources as well as energy producers from West Africa. Bringing together thoughtful yet disparate voices to engage each other on the issue of energy independence has resulted in the beginning of a transformative dialectic which can ultimately result in reforming our energy industry to the extent that we as a Nation achieve energy security and energy independence.

The CLEAN Act strikes energy bill provisions suspending royalty fees from oil and gas companies operating in certain deep waters of Gulf of Mexico. The bill also repeals royalty relief for deep gas wells leased in shallow waters of the western and central areas of the Gulf. It includes a provision from the President's FY 2007 budget restoring drilling permit application cost recovery fees; fees which the 2005 Energy bill prohibited. The measure also strikes royalty relief for specific offshore drilling in Alaska, and special treatment for leases in the National Petroleum Reserve—Alaska (NPR–A).

H.R. 6 requires companies, which unfortunately have been able to escape paying royalties as a result of the 1998 and 1999 leases, to pay their fair share in order to be eligible for new federal leases for drilling. Specifically, the measure requires current offshore fuel producers who are not paying federal royalties to either: (1) Agree to pay royalties when fuel prices reach certain thresholds, $34.73 per barrel for oil and $4.34 per million Btu for natural gas, or (2) to pay new fees established in the bill—in order to be eligible for new federal leases for drilling. Under the bill, a new conservation of resource fee would be based on the amount of oil produced and will apply to new and existing leases and shall be set at $9 per barrel for oil and $1.25 per million Btu for gas.

The changes regarding royalties offered under H.R. 6 are not entirely new. Similar royalty relief provisions have been debated and passed by the House as part of the OCS drilling bill, H.R. 4761, and in the Interior Appropriation bill with bipartisan support of 67 Republicans.

Mr. Speaker, H.R. 6 would also close gaping loopholes and end gigantic giveaways for Big Oil in the tax code and in the 2005 Energy bill. The bill would eliminate a loophole written into the international tax bill, H.R. 4520, which allowed oil companies to qualify for a tax provision intended to encourage domestic manufacturing. According to the New York Times, this loophole provided ConocoPhillips $106 million in 2005, even though its profits totaled $13.5 billion.

The benefits which ConocoPhillips reaped from the tax loophole, represents just a snapshot of the lopsided picture that overwhelmingly favors the financial well-being of big oil companies over average American families. While big oil companies continue to rake in millions and millions of dollars, American families see their budgets shrinking because of high costs of oil and gas. It is our responsibility to refocus our legislative lenses on solving this Nation's energy dependence problem so that we may rescue American families from the recent oil and gas price hikes.

Because I represent the city of Houston, the energy capital of the world, I realize that many oil and gas companies provide many jobs for many of my constituents and serve a valuable need. That is why it is crucial that while seeking solutions to secure more energy independence within this country, we must strike a balance that will still support an environment for continued growth in the oil and gas industry, which I might add, creates millions of jobs across the entire country. We have many more miles to go before we achieve energy independence. Consequently, I am willing, able, and eager to continue working with Houston's and our Nation's energy industry to ensure that we are moving expeditiously on the path to crafting an environmentally sound and economically viable energy policy. Furthermore, I think it is imperative that we involve small, minority and women owned, and independent energy companies in this process because they represent some of the hard working Americans and Houstonians who are on the forefront of energy efficient strategies to achieving energy independence.

H.R. 6 is a vehicle by which we can drive this country in the direction of energy independence. Under this bill, we can invest in clean, renewable energy resources through the creation of the Strategic Renewable Energy Reserve which would: Accelerate the use of clean domestic renewable energy resources and alternative fuels; promote the utilization of energy-efficient products, practices and conservation; and increase research, development, and deployment of clean renewable energy and energy efficiency technologies.

It is critical that some of the additional funding created by this bill is invested in small, minority and women owned business and minority serving institutions. By investing in minority owned business and minority serving institutions, we are ensuring that sectors of our Nation and economy which are often overlooked are given an opportunity to compete against much larger businesses and institutions of higher learning.

Madam Speaker, the changes we propose to the CLEAN Act will allow us to move this country in the right direction—the direction of becoming less dependent on foreign oil and in turn, more reliant on renewable energy. Because of these changes, we anticipate a win-win situation. These changes should stimulate the expansion of research into renewable energy because such changes positively impact oil companies that choose to reinvest in new and emerging technology. Thus, H.R. 6 offers great incentives for oil companies to contribute greatly to our efforts to create an energy-independent America.

Moreover, the provisions that oil companies care about the most are preserved under the CLEAN Act. In part due to the concerted effort of the Houston/Harris County delegation, this bill WILL NOT include the following provisions: (1) Repeal of last-in-first-out (LIFO) accounting; (2) Refinery expansion expensing repeal; (3) Imposition of a windfall profits tax; (4) Repeal of intangible drilling costs deduction; (5) Repeal of natural gas distribution lines depreciation; and (6) Foreign tax credit repeal.

For all of the foregoing reasons, I urge my colleagues to support H.R. 6 to create long-term energy alternatives and to create a more energy-independent and secure America.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, we continue to reserve the balance of our time.

Mr. McGOVERN. Mr. Speaker, I yield 2½ minutes to the gentleman from New York (Mr. ISRAEL).

Mr. ISRAEL. Mr. Speaker, as we debate this rule and debate how we are going to debate this rule, an F–16 is burning 25 gallons of fuel every minute. A Stryker combat vehicle on which our troops travel is traveling at the rate of about 7 miles per gallon. I was on a C–17 recently. It is burning 3,000 gallons an hour.

Energy is a national security issue. It is a vital national security issue. And we can't afford to continue to debate the debate to adjourn this House. The decision before to ask this House to adjourn, I think, is emblematic of failed energy policies. There is no more debating or delaying. It is time to act.

Last year the Department of Defense spent $10.6 billion on basic energy costs. Of that, the Air Force spent $4.7 billion on one thing, buying fuel for its planes.

Now, I believe in a robust defense. We have got some significant challenges in the world. China is a significant challenge. Iran is a significant challenge. But the policies on energy that we have had for the past 6 years have put us in the position where we are borrowing money from China to fund our defense budgets, to fuel our military, which requires buying oil from the Persian Gulf to protect us from China and the Persian Gulf. How does that make sense? It makes no sense.

I was in China just several weeks ago. They are going to reduce their energy consumption by 20 percent and keep growing, and increase their use of renewables, while we continue to rely on our adversaries to power our military to protect us from our adversaries.

This dependence on foreign oil, Mr. Speaker, is as glaring a threat to our national security as Sputnik was, as the Cold War was, as the space race was. And our answer to those threats was, we will research and develop and manufacture and engineer and land men on the Moon by the end of the decade. We confronted those threats and beat those threats.

It is time to quit debating and quit delaying and quit stalling. It is time to put the protection of our troops ahead of the profits of the big oil companies. It is time to understand that this is a critical national security issue that has been tried and debated and delayed for 30 years. It is time to act now.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, one of the reasons why we are so concerned about and opposed to this process of having closed out all of the Members from bringing forth their ideas to improve this legislation is because we seriously believe that this legislation, as drafted, if it were to become law, would increase our dependence on foreign oil. That is why we are so adamant in our opposition to the unfairness of the process, because of the product that this process has brought forward.

Mr. Speaker, I will be asking for a "no" vote on the previous question so that we can amend this closed rule and allow the House to consider H.R. 6 under a fair and open process. If the previous question is defeated, I will offer an amendment to consider H.R. 6 under an open rule. This is the least we can do for the Members of this Congress who have had absolutely no input into this far-reaching piece of legislation, or any other piece of legislation that has been brought to the House floor so far. By considering this bill under an open rule, Members will be finally afforded an opportunity, for the first time in the 110th Congress, to offer meaningful amendments to this bill. For the new majority it is a novel concept, I know. In fact, it is the very concept, though, on which they campaigned. This vote on the previous question represents their last opportunity to live up to their promise to join together in these first 100 hours to make this Congress, in their words, the most honest and open Congress in history; and yet they have closed the process completely down and allowed no amendments by no Member from either side of the aisle.

According to the official 100-hour clock, and I see the clock there, Mr. Speaker, we are only about 35 hours into the first 100 hours. That means we have approximately 65 hours left. If this is, as we are informed, the last item of the Six in '06, 100 hours in '06, agenda, it seems to me that we have plenty of time to consider this bill under an open and fair rule, rather than closing out all the Members and rushing it to the floor as they have.

By defeating the previous question, we will give the Democrats the opportunity to live up to their campaign promises of a more open and transparent legislative process. Let's allow all Members, Mr. Speaker, the opportunity to create a real energy bill with real answers to diminish, not increase, our dependence on foreign oil.

I ask unanimous consent, Mr. Speaker, to insert the text of the amendment and extraneous materials immediately prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield back the balance of my time.

Mr. McGOVERN. Mr. Speaker, let me, first, begin by reiterating something that has been said many times here.

One of the great features of H.R. 6 is that it would create a Strategic Energy Efficiency and Renewables Reserve. It could be used to reduce our dependence on foreign oil. Everybody talks about wanting to become energy independent, but they don't want to do anything about it; and this would actually create a reserve to do that, to accelerate the use of clean domestic renewable energy resources and alternative fuels, to promote the utilization of energy-efficient products and practices and conservation, and to increase research development and deployment of clean renewable energy and energy-efficient technologies.

Again, this is the beginning of our dealing with this issue. There is a lot more to do. And I look forward to more debates and hearings and more ideas from Members from both sides of the aisle to figure out how we can achieve our goal of energy independence.

Mr. Speaker, I want to thank my colleagues on both sides of the aisle for participating in the debate today. Over the past 100 hours, this House has made tremendous progress in addressing the needs of the American people. We have strengthened the ethical rules of this House. We have made the homeland safer by adopting the recommendations of the 9/11 Commission. We have given low-wage workers a much needed raise. We have embraced the promise of stem cell research. We have made student loans and prescription drugs more affordable.

And with the passage of this rule and the CLEAN Energy Act of 2007, we will take our energy policy in a new direction, toward cleaner, renewable energy and away from tax giveaways to huge oil and gas companies.

If you want the same old same old, vote against this rule and vote against the underlying bill. If you want a new direction, then support the rule and support the underlying bill.

Mr. Speaker, let me close with a word about process. I understand the concerns expressed by my friends on the other side of the aisle. I served in the minority party during the last Congress, and I suspect my friends are worried that they will be treated as poorly and disrespectfully as we were.

I was here when the Republican majority passed exactly one open rule on a non appropriations bill. I was here when votes were held open for 3 hours to change people's votes. I was here when special interests provisions were tucked into conference reports after they were signed.

This House is broken, Mr. Speaker, and the Democratic majority was elected to fix it, and that is what we are going to do.

All I can tell my friends on the other side of the aisle is what I believe. I believe that every Member of this House deserves to be respected. I believe that one party does not hold a monopoly on good ideas; and I believe that openness should be the rule, and not the exception. And all I can offer my friends is my word that I will work as hard as I possibly can to make sure that this House runs in a more open, democratic fashion than was the norm over the past 12 years. We will not be perfect, because human endeavors never are. But we will be better.

The material previously referred to by Mr. LINCOLN DIAZ-BALART of Florida is as follows:

AMENDMENT TO H. RES. 66 OFFERED BY MR. LINCOLN DIAZ-BALART OF FLORIDA

Strike all after the resolved clause and insert the following:

"That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 6) to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against the bill and against its consideration are waived except those arising under clauses 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed three hours, with 60 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means, 60 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Natural Resources, 30 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Agriculture, and 30 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Science and Technology. After general debate the bill shall be considered for amendment under the five-minute rule. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.".

Mr. McGOVERN. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting, if ordered, on the question of adoption of the resolution.

The vote was taken by electronic device, and there were—yeas 231, nays 194, not voting 10, as follows:

[Roll No. 35]

YEAS—231

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney

McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pelosi
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—194

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Jo Ann
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson (IL)
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—10

Burton (IN)
Buyer
Calvert
Edwards
Johnson, Sam
Levin
Lucas
McMorris Rodgers
Norwood
Ramstad

□ 1237

Mr. DAVIS of Kentucky changed his vote from "yea" to "nay."

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. OBEY). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 230, noes 194, not voting 11, as follows:

[Roll No. 36]

AYES—230

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pelosi
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOES—194

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Jo Ann
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson (IL)
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield

Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—11

Burton (IN)
Buyer
Calvert
Edwards
Johnson, Sam
Levin
Lucas
McMorris Rodgers
Napolitano
Norwood
Ramstad

☐ 1247

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mrs. NAPOLITANO. Mr. Speaker, on rollcall No. 36, had I been present, I would have voted "yes."

CLEAN ENERGY ACT OF 2007

Mr. RANGEL. Mr. Speaker, pursuant to House Resolution 66, I call up the bill (H.R. 6) to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Creating Long-Term Energy Alternatives for the Nation Act of 2007" or the "CLEAN Energy Act of 2007" .

TITLE I—DENIAL OF OIL AND GAS TAX BENEFITS

SEC. 101. SHORT TITLE.

This title may be cited as the "Ending Subsidies for Big Oil Act of 2007".

SEC. 102. DENIAL OF DEDUCTION FOR INCOME ATTRIBUTABLE TO DOMESTIC PRODUCTION OF OIL, NATURAL GAS, OR PRIMARY PRODUCTS THEREOF.

(a) IN GENERAL.—Subparagraph (B) of section 199(c)(4) of the Internal Revenue Code of 1986 (relating to exceptions) is amended by striking "or" at the end of clause (ii), by striking the period at the end of clause (iii) and inserting ", or", and by inserting after clause (iii) the following new clause:

"(iv) the sale, exchange, or other disposition of oil, natural gas, or any primary product thereof.".

(b) PRIMARY PRODUCT.—Section 199(c)(4)(B) of such Code is amended by adding at the end the following flush sentence:

"For purposes of clause (iv), the term 'primary product' has the same meaning as when used in section 927(a)(2)(C), as in effect before its repeal.".

(c) CONFORMING AMENDMENTS.—Section 199(c)(4) of such Code is amended—

(1) in subparagraph (A)(i)(III) by striking "electricity, natural gas," and inserting "electricity", and

(2) in subparagraph (B)(ii) by striking "electricity, natural gas," and inserting "electricity".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. 103. 7-YEAR AMORTIZATION OF GEOLOGICAL AND GEOPHYSICAL EXPENDITURES FOR CERTAIN MAJOR INTEGRATED OIL COMPANIES.

(a) IN GENERAL.—Subparagraph (A) of section 167(h)(5) of the Internal Revenue Code of 1986 (relating to special rule for major integrated oil companies) is amended by striking "5-year" and inserting "7-year".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to amounts paid or incurred after the date of the enactment of this Act.

TITLE II—ROYALTIES UNDER OFFSHORE OIL AND GAS LEASES

SEC. 201. SHORT TITLE.

This title may be cited as the "Royalty Relief for American Consumers Act of 2007".

SEC. 202. PRICE THRESHOLDS FOR ROYALTY SUSPENSION PROVISIONS.

The Secretary of the Interior shall agree to a request by any lessee to amend any lease issued for any Central and Western Gulf of Mexico tract during the period of January 1, 1998, through December 31, 1999, to incorporate price thresholds applicable to royalty suspension provisions, that are equal to or less than the price thresholds described in clauses (v) through (vii) of section 8(a)(3)(C) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(a)(3)(C)). Any amended lease shall impose the new or revised price thresholds effective October 1, 2006. Existing lease provisions shall prevail through September 30, 2006.

SEC. 203. CLARIFICATION OF AUTHORITY TO IMPOSE PRICE THRESHOLDS FOR CERTAIN LEASE SALES.

Congress reaffirms the authority of the Secretary of the Interior under section 8(a)(1)(H) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(a)(1)(H)) to vary, based on the price of production from a lease, the suspension of royalties under any lease subject to section 304 of the Outer Continental Shelf Deep Water Royalty Relief Act (Public Law 104–58; 43 U.S.C. 1337 note).

SEC. 204. ELIGIBILITY FOR NEW LEASES AND THE TRANSFER OF LEASES; CONSERVATION OF RESOURCES FEES.

(a) ISSUANCE OF NEW LEASES.—

(1) IN GENERAL.—The Secretary shall not issue any new lease that authorizes the production of oil or natural gas in the Gulf of Mexico under the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) to a person described in paragraph (2) unless—

(A) the person has renegotiated each covered lease with respect to which the person is a lessee, to modify the payment responsibilities of the person to include price thresholds that are equal to or less than the price thresholds described in clauses (v) through (vii) of section 8(a)(3)(C) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(a)(3)(C)); or

(B) the person has—

(i) paid all fees established by the Secretary under subsection (b) that are due with respect to each covered lease for which the person is a lessee; or

(ii) entered into an agreement with the Secretary under which the person is obligated to pay such fees.

(2) PERSONS DESCRIBED.—A person referred to in paragraph (1) is a person that—

(A) is a lessee that—

(i) holds a covered lease on the date on which the Secretary considers the issuance of the new lease; or

(ii) was issued a covered lease before the date of enactment of this Act, but transferred the covered lease to another person or entity (including a subsidiary or affiliate of the lessee) after the date of enactment of this Act; or

(B) any other person or entity who has any direct or indirect interest in, or who derives any benefit from, a covered lease;

(3) MULTIPLE LESSEES.—

(A) IN GENERAL.—For purposes of paragraph (1), if there are multiple lessees that own a share of a covered lease, the Secretary may implement separate agreements with any lessee with a share of the covered lease that modifies the payment responsibilities with respect to the share of the lessee to include price thresholds that are equal to or less than the price thresholds described in clauses (v) through (vii) of section 8(a)(3)(C) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(a)(3)(C)).

(B) TREATMENT OF SHARE AS COVERED LEASE.—Beginning on the effective date of an agreement under subparagraph (A), any share subject to the agreement shall not constitute a covered lease with respect to any lessees that entered into the agreement.

(b) CONSERVATION OF RESOURCES FEES.—

(1) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Secretary of the Interior by regulation shall establish–

(A) a conservation of resources fee for producing Federal oil and gas leases in the Gulf of Mexico; and

(B) a conservation of resources fee for nonproducing Federal oil and gas leases in the Gulf of Mexico.

(2) PRODUCING LEASE FEE TERMS.—The fee under paragraph (1)(A)—

(A) subject to subparagraph (C), shall apply to covered leases that are producing leases;

(B) shall be set at $9 per barrel for oil and $1.25 per million Btu for gas, respectively, in 2005 dollars; and

(C) shall apply only to production of oil or gas occurring—

(i) in any calendar year in which the arithmetic average of the daily closing prices for light sweet crude oil on the New York Mercantile Exchange (NYMEX) exceeds $34.73 per barrel for oil and $4.34 per million Btu for gas in 2005 dollars; and

(ii) on or after October 1, 2006.

(3) NONPRODUCING LEASE FEE TERMS.—The fee under paragraph (1)(B)—

(A) subject to subparagraph (C), shall apply to leases that are nonproducing leases;

(B) shall be set at $3.75 per acre per year in 2005 dollars; and

(C) shall apply on and after October 1, 2006.

(4) TREATMENT OF RECEIPTS.—Amounts received by the United States as fees under this subsection shall be treated as offsetting receipts.

(c) TRANSFERS.—A lessee or any other person who has any direct or indirect interest in, or who derives a benefit from, a lease shall not be eligible to obtain by sale or other transfer (including through a swap, spinoff, servicing, or other agreement) any covered lease, the economic benefit of any covered lease, or any other lease for the production of oil or natural gas in the Gulf of Mexico under the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.), unless—

(1) the lessee or other person has—

(A) renegotiated all covered leases of the lessee or other person; and

(B) entered into an agreement with the Secretary to modify the terms of all covered leases of the lessee or other person to include limitations on royalty relief based on market prices that are equal to or less than the price thresholds described in clauses (v) through (vii) of section 8(a)(3)(C) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(a)(3)(C)); or

(2) the lessee or other person has—

(A) paid all fees established by the Secretary under subsection (b) that are due with respect to each covered lease for which the person is a lessee; or

(B) entered into an agreement with the Secretary under which the person is obligated to pay such fees.

(d) DEFINITIONS.—In this section—

(1) COVERED LEASE.—The term "covered lease" means a lease for oil or gas production in the Gulf of Mexico that is—

(A) in existence on the date of enactment of this Act;

(B) issued by the Department of the Interior under section 304 of the Outer Continental Shelf Deep Water Royalty Relief Act (43 U.S.C. 1337 note; Public Law 104-58); and

(C) not subject to limitations on royalty relief based on market price that are equal to or less than the price thresholds described in clauses (v) through (vii) of section 8(a)(3)(C) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(a)(3)(C)).

(2) LESSEE.—The term "lessee" includes any person or other entity that controls, is controlled by, or is in or under common control with, a lessee.

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

SEC. 205. REPEAL OF CERTAIN TAXPAYER SUBSIDIZED ROYALTY RELIEF FOR THE OIL AND GAS INDUSTRY.

(a) REPEAL OF PROVISIONS OF ENERGY POLICY ACT OF 2005.—The following provisions of the Energy Policy Act of 2005 (Public Law 109-58) are repealed:

(1) Section 344 (42 U.S.C. 15904; relating to incentives for natural gas production from deep wells in shallow waters of the Gulf of Mexico).

(2) Section 345 (42 U.S.C. 15905; relating to royalty relief for deep water production in the Gulf of Mexico).

(3) Subsection (i) of section 365 (42 U.S.C. 15924; relating to the prohibition on drilling-related permit application cost recovery fees).

(b) PROVISIONS RELATING TO PLANNING AREAS OFFSHORE ALASKA.—Section 8(a)(3)(B) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(a)(3)(B)) is amended by striking "and in the Planning Areas offshore Alaska" after "West longitude".

(c) PROVISIONS RELATING TO NAVAL PETROLEUM RESERVE IN ALASKA.—Section 107 of the Naval Petroleum Reserves Production Act of 1976 (as transferred, redesignated, moved, and amended by section 347 of the Energy Policy Act of 2005 (119 Stat. 704)) is amended—

(1) in subsection (i) by striking paragraphs (2) through (6); and

(2) by striking subsection (k).

TITLE III—STRATEGIC ENERGY EFFICIENCY AND RENEWABLES RESERVE

SEC. 301. STRATEGIC ENERGY EFFICIENCY AND RENEWABLES RESERVE FOR INVESTMENTS IN RENEWABLE ENERGY AND ENERGY EFFICIENCY.

(a) IN GENERAL.—For budgetary purposes, the additional Federal receipts by reason of the enactment of this Act shall be held in a separate account to be known as the "Strategic Energy Efficiency and Renewables Reserve". The Strategic Energy Efficiency and Renewables Reserve shall be available to offset the cost of subsequent legislation—

(1) to accelerate the use of clean domestic renewable energy resources and alternative fuels;

(2) to promote the utilization of energy-efficient products and practices and conservation; and

(3) to increase research, development, and deployment of clean renewable energy and efficiency technologies.

(b) PROCEDURE FOR ADJUSTMENTS.—

(1) BUDGET COMMITTEE CHAIRMAN.—After the reporting of a bill or joint resolution, or the offering of an amendment thereto or the submission of a conference report thereon, providing funding for the purposes set forth in subsection (a) in excess of the amounts provided for those purposes for fiscal year 2007, the chairman of the Committee on the Budget of the applicable House of Congress shall make the adjustments set forth in paragraph (2) for the amount of new budget authority and outlays in that measure and the outlays flowing from that budget authority.

(2) MATTERS TO BE ADJUSTED.—The adjustments referred to in paragraph (1) are to be made to—

(A) the discretionary spending limits, if any, set forth in the appropriate concurrent resolution on the budget;

(B) the allocations made pursuant to the appropriate concurrent resolution on the budget pursuant to section 302(a) of the Congressional Budget Act of 1974; and

(C) the budget aggregates contained in the appropriate concurrent resolution on the budget as required by section 301(a) of the Congressional Budget Act of 1974.

(3) AMOUNTS OF ADJUSTMENTS.—The adjustments referred to in paragraphs (1) and (2) shall not exceed the receipts estimated by the Congressional Budget Office that are attributable to this Act for the fiscal year in which the adjustments are made.

PARLIAMENTARY INQUIRY

Mr. PRICE of Georgia. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore (Mr. OBEY). The gentleman will state his parliamentary inquiry.

Mr. PRICE of Georgia. Mr. Speaker, under what rule are we considering H.R. 6?

The SPEAKER pro tempore. The rule that the House just adopted.

Mr. PRICE of Georgia. Further inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state his inquiry.

Mr. PRICE of Georgia. Does the rule under which we are considering H.R. 6 allow any amendments to H.R. 6?

The SPEAKER pro tempore. Only through the motion to recommit.

Mr. PRICE of Georgia. Mr. Speaker, because of the rule being adopted on the floor, I demand the question of consideration.

The SPEAKER pro tempore. The gentleman demands the question of consideration. Under clause 3 of rule XVI, the question is: Will the House now consider H.R. 6?

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. PRICE of Georgia. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 228, noes 193, not voting 13, as follows:

[Roll No. 37]

AYES—228

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOES—193

Aderholt
Akin
Alexander
Bachmann
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway

Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Jo Ann
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson (IL)
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—13

Bachus
Burton (IN)
Buyer
Calvert
Chandler
Holt
Johnson, Sam
Levin
Lucas
McMorris Rodgers
Murphy, Patrick
Norwood
Ramstad

☐ 1308

So the question of consideration was decided in the affirmative.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. Pursuant to House Resolution 66, debate shall not exceed 3 hours, with 60 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means, 60 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Natural Resources, 30 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Agriculture, and 30 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Science and Technology.

The gentleman from Washington (Mr. MCDERMOTT), the gentleman from Pennsylvania (Mr. ENGLISH), the gentleman from West Virginia (Mr. RAHALL) and the gentleman from New Mexico (Mr. PEARCE) each will control 30 minutes, and the gentleman from Minnesota (Mr. PETERSON), the gentleman from Virginia (Mr. GOODLATTE), the gentleman from Tennessee (Mr. GORDON) and the gentleman from Texas (Mr. HALL) each will control 15 minutes.

The Chair recognizes the gentleman from Washington.

Mr. MCDERMOTT. Mr. Speaker, I yield myself 2 minutes.

We are here to take one small and bipartisan step toward making clean renewable energy a reality in America. And imagine my surprise, Big Oil doesn't think it is a good idea. But let's set the stage for this debate.

Two years ago, Big Oil muscled their way into a corporate tax break they had never earned and didn't need. They are siphoning off $1 billion a year right out of the pockets of U.S. taxpayers, and they want it to last forever, right along with $10 billion in quarterly profits that they have been reporting.

Their answer to everything is more drilling and more money. The President completely agrees. He thinks it is unfair of us to expect Big Oil to actually earn money. He would actually just give it to them. That is what they think; that is what the American people face.

According to a report by the Department of Energy, it is expected that 86 percent of our energy supply will come from oil, coal, and natural gas in the year 2030. That is the same proportion of our energy consumption that carbon provides today.

That same report states that we should expect oil, gas, and coal prices to continually climb. In other words, if this country does not pursue a radically different approach to energy, we can expect dirty air, more pain at the pump, and more reliance on foreign oil.

The bill before us takes the vital first step in the pursuit of a new energy policy that looks to American innovation to provide renewable energy. This bill is a down payment, and only that, on a commitment to an energy policy that is fitting for the 21st century. The bill before us is fundamentally fair.

In 2004, the Congress sought to help American manufacturers better compete in the global economy, but in doing so they provided a 10 percent reduction in the Federal taxes owed by Big Oil. That translates into a tax subsidy for over $1 billion a year, a real boondoggle.

What is more, the Congress gave this subsidy to oil at a time when the industry was enjoying recordbreaking profits that were resulting from $60 a barrel oil. That is wrong. Today we take the first step back in the right direction.

Today we're taking the taxpayer money and putting it to better use. Today the House of Representatives will decide that it's wiser to invest in renewable energy, innovation, and a future for our economy and our planet.

Mr. ENGLISH of Pennsylvania. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, our friends on the other side of the aisle have proposed a so-called energy bill that they claim will promote America's energy independence. In reality, Mr. Speaker, the Democrats have presented the House Chamber with a placebo that will ultimately reduce domestic energy production, give American energy companies less of a reason to invest in exploration here at home, encourage greater dependence on foreign oil, and damage America's manufacturing base.

H.R. 6 has become another political football for the Democratic Party. And, frankly, Mr. Speaker, as The Washington Post rightfully editorialized yesterday, energy policy deserves more serious treatment.

The Democrats' solution to America's energy crisis is to single out oil and gas producers for a tax increase. The fact is, Mr. Speaker, this legislation is not likely to impact oil producers' profits in any way, shape, or form. This is energy policy by focus group, not a serious prescription for achieving America's energy future.

The one thing that we can be assured that this bill will do is raise prices at the pump for America's consumers. Furthermore, it creates disincentives that will decrease the supply of domestic natural gas and oil and increase our country's energy imports.

While H.R. 6 not only forces our country to become more dependent on foreign oil, it will also force America's working families to bear the brunt of increased energy costs.

The $6.6 billion tax increase embedded in this bill will inevitably be borne entirely by consumers in the form of higher gasoline and home energy prices. The effects of high gas prices will ripple throughout the economy, increasing prices on everything from electronics to school supplies. Like the Keystone Kops, the House leadership aims at one target but ends up hitting the American public.

☐ 1315

In addition, the Democrats have yet to detail what exactly they will do with an additional $14 billion in revenue. In my view, such excess revenue will provide the Democratic leadership with a liberal slush fund to curry favor with one industry over another.

If Democrats want to invest in new energy technologies, they should debate and define their priorities openly. This, Mr. Speaker, is political pork barrel at its worst.

Finally, H.R. 6 is an assault against America's manufacturing base. Using nearly one-third of the Nation's energy, both as fuel and feed stock, energy production is the very heart of American manufacturing. With such an energy-intensive industry, raising energy prices will make domestic manufacturers less competitive in the world market. This is one reason why the National Association of Manufacturers has firmly opposed this bill.

By making the oil and gas industries ineligible for the section 199 deduction for domestic manufacturing activities and changing current amortization rates for the geological and geophysical costs incurred in energy exploration, H.R. 6 will further erode the U.S. comparative advantage, forcing more and more of our good-paying manufacturing jobs overseas.

Mr. Speaker, I have long advocated for a comprehensive energy policy to reduce our dependence on foreign oil and increase America's access to clean, affordable and dependable energy for their cars, homes and businesses. H.R. 6 is simply not the answer.

This legislation is bad energy policy and bad tax policy which explains why the Democratic leadership shoehorned it through the process without a committee markup or even a single public hearing.

We must stand up for American manufacturers, stand up for American consumers, and preserve our domestic energy supply. So I urge my colleagues to join me today in opposing H.R. 6 and supporting the Republican alternative.

Mr. Speaker, I reserve the balance of my time.

Mr. McDERMOTT. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts (Mr. NEAL).

Mr. NEAL of Massachusetts. Mr. Speaker, I want to thank Mr. MCDERMOTT for yielding me this time.

After I got done hearing my friend from Pennsylvania speak, I was reminded once again of a recurring theme in this town from Republicans: have they ever met a special interest they didn't love.

The struggles of Big Oil: profits last year of 117 percent. Remember as we heard these arguments just a couple of minutes ago from those champions of the average guy, as they would have you believe today, these are the people who in a craven moment in the closing days of the 109th Congress tied an increase in the minimum wage to repeal of the estate tax, conveniently forgetting about that individual who had to work one day a week at minimum wage just to fill their gasoline tanks.

This is good policy. It is sensible, and it speaks to the idea of returning $14 billion to the Treasury that will be redirected to renewable and energy-efficient programs resulting in a cleaner and more efficient America where both consumer and business reap the benefits.

Advancing progressive energy will wean us off of foreign oil, which all Americans agree is needed. It has been said that American needs another Manhattan Project, not to create weapons of mass destruction, but to create masses of jobs by harnessing America's technological innovation.

We all know how many jobs have been lost due to foreign competition, and we are going to continue to lose them if we fail to make the necessary investments in energy technology and the people who are behind the research and its development.

Put the American people and their interests first here. The idea that we would drill on public land and not seek some sort of compensation for the Federal Government, relief for the taxpayer, is ridiculous.

Mr. ENGLISH of Pennsylvania. Mr. Speaker, it is my privilege to yield 2 minutes to a distinguished member of the Ways and Means Committee and a strong advocate of energy policy, the gentleman from Illinois (Mr. WELLER).

Mr. WELLER of Illinois. Mr. Speaker, today politics trumps policy. If regular order had been followed in this House, allowing this tax increase to go through the Ways and Means Committee, we would have a better understanding of the consequences of today's $14 billion tax increase.

You know, if the House of Representatives was subjected to the truth-in-labeling requirement, H.R. 6 would be called the Ship Jobs Overseas Act because it imposes a $14 billion tax increase on investing in America.

We have all heard the campaign rhetoric; both sides use it: you know, the Tax Code sends jobs overseas. Well today, this House may well do that if it votes to pass this $14 billion tax increase.

I support replacing imported oil with home-grown biofuels like ethanol and biodiesel, as well as alternatives sources of energy like wind power and solar. And thanks to the energy bill we passed in the previous Congress, there are hundreds of millions of dollars in new wind investment in the district I represent, six new ethanol and biodiesel plants moving forward in our districts; and because I am concerned about climate change, I believe we need to do more.

That is why I believe 25 percent of our energy that we consume by 2025 should come from nonfossil fuel sources.

This bill doesn't do anything about that because H.R. 6 only raises taxes. I would note that one of the biggest refineries in America is in the district I represent, providing 600 jobs. That particular company is investing $1 billion right now to expand. They chose to expand in America, creating American jobs. They could have expanded in Venezuela, making Hugo Chavez happy; but they chose to invest here. And what is their reward? Higher taxes.

That is why this legislation, H.R. 6, should be called the Ship Jobs Overseas Act. Think about it, if you invest in energy in America, you invest in oil and natural gas development in America, my friends on the other side of the aisle want you to pay higher taxes. I urge a "no" vote.

Mr. Speaker, I rise today in opposition to H.R. 6, the Creating Long-Term Energy Alternatives for the Nation Act of 2007. I rise in opposition because this bill before us today will make our country more dependent on foreign oil and less secure.

It's pretty safe to say that every Member here supports the goal of reducing our dependence on foreign oil. It's a national security issue and it hits home every single day when people go to the pumps to fill up their vehicles.

And I agree with the concept of this bill that our Nation must invest in renewable sources of energy like ethanol, biodiesel, wind and solar. In the upcoming weeks I will be introducing multiple pieces of legislation that will increase our use of renewable energy and I look forward to working in a bipartisan way with those in the majority to make some of these ideas a reality.

What really doesn't make sense to me is that, in this bill, the majority do the complete opposite of achieving the goal of reducing our dependence on foreign oil.

They are going to raise the taxes of oil companies that produce oil here domestically and make it more difficult to produce oil here at home.

In my district, ExxonMobil has one of the largest domestic refineries in the country, employing approximately 509 people.

Over the last 5 years, they have invested more than $500 million in the Joliet Refinery of which about $300 million was for equipment to produce low sulfur gasoline and ultra-low sulfur diesel fuel.

In 2007 and 2008 they plan to invest more than $400 million to install additional control equipment.

Now, by passing this bill, we are going to be sending the message to companies like Exxon who by 2008 will have invested close to a billion dollars in central Illinois, saying "Thanks for investing in America, now we are going to raise your taxes."

Bills just like this here before us today should be labeled "the send jobs overseas act" because that is exactly what it will do. Close to a thousand energy related jobs in my district and the approximately 1.8 million jobs in the U.S. are put in jeopardy now because of this policy that discourages investment in America.

And who are the big winners of this bill? Leaders like Hugo Chavez in Venezuela and OPEC who are watching this and loving the fact that we are passing punitive tax policy on domestic energy producers.

With the Energy Policy Act of 2005, we took steps forward in reducing our dependence on foreign oil by creating policy that increased the use of renewable energy in tandem with increasing our domestic production of energy sources.

Due to the Energy bill, we have seen hundreds of millions invested in wind energy and four to five new ethanol and biodiesel plants in my district. In total, we saw investment in renewable energy double in the United States to $68 billion.

We need to go back to those roots of encouraging investment here in the United States.

This bill makes us less secure and more dependent on foreign oil.

Vote against this send jobs overseas act that will raise taxes and discourage investment here in America.

Mr. McDERMOTT. Mr. Speaker, I would remind my gentleman friend from Illinois that the United States is among the lowest countries in the world in terms of corporate taxes.

Mr. Speaker, I yield 2½ minutes to the gentleman from Georgia (Mr. LEWIS).

Mr. LEWIS of Georgia. Mr. Speaker, I want to thank Dr. McDERMOTT, the gentleman from Washington, for yielding me this time and bringing this piece of legislation to us.

Mr. Speaker, I rise in support of H.R. 6, the CLEAN Energy Act. More than ever, we need to get our priorities straight. We need to stop helping big oil companies and start helping American families. We need to stop dancing while Rome burns and reverse the damage we have done to our environment.

Oil companies are making record profits. They do not need our help. They are not begging for our help. They made more than $96 billion in profit in 2006. It is time to end the massive giveaway to the big oil companies. It is time to end corporate welfare. It is time to take taxpayer dollars back from the oil companies and use them to solve our energy problems.

It is our moral duty to use other forms of energy, and H.R. 6 starts us on this process. Global warming can no longer be ignored. 2006 was one of the hottest years on record. The weather in Washington during the last 2 weeks has felt more like the warm weather I am used to in my home State of Georgia. We need to act now. H.R. 6 will start to address global warming and turn back the damage we are doing to our environment.

We also need to reduce our reliance on Middle Eastern oil. It is our duty to help inspire the next generation of energy technology: hydrogen, ethanol, wind and other sources of energy that will not harm our little planet, our little spaceship we call Earth.

The American people need relief from energy costs. By improving our energy efficiency, we can all spend less to light and heat our homes and fuel our cars with gas.

Do the oil companies really deserve tax breaks while they earn billions of dollars in profits? It is time to end this waste. It is not right. It is time to start improving our quality of life. The people have a right to know what is in the air we breathe and what is in the water we drink. I urge my colleagues to support H.R. 6.

Mr. ENGLISH of Pennsylvania. Mr. Speaker, it is my privilege now to yield 3 minutes to a strong advocate of a strong American energy policy, the gentleman from Oklahoma (Mr. COLE).

Mr. COLE of Oklahoma. Mr. Speaker, I rise today in strong opposition to H.R. 6, the so-called CLEAN Energy Act of 2007. I oppose this bill because in it our Democratic friends are putting America's security and economic vitality at risk. This bill is fundamentally a tax-increasing and job-destroying piece of legislation that will result in less energy independence, not more.

Mr. Speaker, there are several provisions within this bill that I take exception to. As one of the Representatives from Oklahoma, I would focus on a particularly onerous provision that will assist in the destruction of small American producers in the domestic oil and gas industry.

In 2005, the Republicans worked for and passed legislation with substantial Democratic support creating clear incentives for domestic production of oil. That policy contributes directly to our efforts to achieve energy independence in America. Today, the Democratic Party claims the oil and gas industry has become too profitable and believes this industry needs to be reined in by burdening it with increased taxes. This conclusion is wrong, and the end result will be increased reliance on foreign oil production, less energy independence here in America, and higher prices for every American consumer.

This legislation is based on the false premise that the oil and gas industry is too profitable. In fact, according to the Census Bureau and the American Petroleum Institute: "The oil and gas industry earned 8.5 cents on every dollar of sales compared to 7.4 cents for all U.S. manufacturing, mining and wholesale trade." The API further states: "For the last 5 years, the oil and gas industry has earned 5.9 cents compared to an average for all U.S. industry of 5.2 cents for every dollar of sales." This is hardly greedy or out of line with other U.S. businesses.

Mr. Speaker, the negative ripple effects of this tax on one of the most basic industries in America are dire; and this will affect the whole oil and gas industry, both large and small. Eliminating this tax break is certain to increase the price of gasoline, natural gas and heating oil, as the extra costs will be passed on to consumers. Consumers should oppose it for the same reasons they oppose taxes on imported oil and gas production: it will raise prices. Moreover, it will discourage domestic energy exploration, extraction, production, and refining, thereby making America more dependent on foreign sources of oil and gas. And it will harm State and local economies as smaller producers are forced to shut down marginal wells. Oklahoma has roughly 70,000 wells producing less than 10 barrels of oil a day, and these will be among the first wells to close down due to unsustainable costs in this tax increase.

Mr. Speaker, H.R. 6 will have profound and long-lasting harmful effects on our economy and our security. Overall, this bill takes our country in the opposite direction than the one in which we need to go. H.R. 6 is nothing more than a ploy by the Democratic Party to create political sound bites at the expense of sound energy policy. Frankly, I hope my Democratic friends from energy-producing States do not feel compelled out of blind partisan loyalty to vote for this bill.

Mr. McDERMOTT. Mr. Speaker, I yield 2 minutes to the gentleman from North Dakota (Mr. POMEROY).

Mr. POMEROY. Mr. Speaker, I am a Democrat representing an energy-producing State, and I will be proudly supporting this bill.

This bill creates a very important reserve, a reserve that will serve as a funding base for our efforts to significantly expand critical research in order to develop greater energy independence for our country while continuing those tax credits that have been absolutely essential to the growth of renewable fuels in our country.

We face the promise of not looking to the Middle East, but looking to the Middle West for our energy future, and we are seeing across the plains of this country wonderful developments. A 10-fold increase of ethanol production alone in my State is under construction at the present time due essentially to these tax credits that continue to fuel this revolution.

What about the issues of a new tax, something that will crack people right at the pump. The reality is we are addressing something that was slipped into a massive bill dealing with the tax needs of manufacturers.

□ 1330

As we restructured the tax base on the Nation's manufacturers, in light of international trade pressures, we constructed a bill, moved the bill forward, and at no point in the debate in the Ways and Means Committee or on the floor of the House was there notice provided that a similar tax treatment was slipped in for the oil companies. This is something they did not have before; it is something that has not been long critical to their operations. This was an ill-gotten windfall amounting to $700 million a year, and it is time it be withdrawn.

In the withdrawing, however, it is not going to the General Treasury. We are dedicating it, dedicating it to the energy picture. So as we try to move from big oil into renewables, we will have the wherewithal to do it. I urge passage.

This bill is an important step for our growing renewable energy industry. H.R. 6 will set up a Strategic Energy Efficiency and Renewables Reserve, which will allow this Congress to begin to get serious about developing America's renewable energy industries.

Through enhanced investment in renewable energy we will not only build a sustainable industry for our State but we will also be helping make America more energy independent and more secure.

There will be many new proposals made in the coming months regarding how we should use this reserve, but we must make sure that while we place significant funds into research and development we also continue to place importance on policies and tax credits that have an immediate impact on the creation of renewable energy. These tax credits include those for ethanol, biodiesel and the production tax credit for wind and other renewables.

The tax credits for biodiesel and ethanol are set to expire in the next few years. These credits must be extended to ensure that the biofuels industry is able to continue its expansion and meet more and more of our transportation fuel needs. These credits helped spur the development of 350 million gallons of ethanol and over 100 million gallons of biodiesel in my State, North Dakota, over the last 2 years alone.

In 2006 over 1 billion gallons of ethanol production capacity came online with another 5.4 billion expected to become operational in the next 18 months easily surpassing the 7.5 billion gallon Renewable Fuels Standard set for 2012. Meanwhile the biodiesel industry has tripled its production capacity each year since 2004. Expansion of these credits will have a direct effect on the volume of biofuels produced, encouraging the development that we need to lower our dependence on foreign oil.

In addition to the biofuels incentives, the production tax credit, which expires at the end of next year, must be extended for 5 years to allow industries such as the wind industry to operate under stabile conditions. Without stabilizing the tax credit, companies like DMI Industries in West Fargo and LM Glassfiber in Grand Forks are in constant limbo. DMI manufactures wind turbine towers and had furloughed over 100 employees in late 2003 after the expiration of the wind production tax credit. LM Glassfiber, which manufactures wind turbine blades, had previously idled all production due to the delay in extending the wind tax credit and was forced to furlough 60 to 70 employees.

America has great potential for meeting our energy needs domestically. In order to achieve energy independence we must enact policies that will take full advantage of our renewable fuel potential but at the same time we must also continue to invest in traditional sources of energy such as clean coal and domestic oil production. Technologies such as coal-to-liquids, enhanced oil recovery through carbon sequestration and clean coal technologies hold great potential for increasing the efficiency of these industries while at the same time making them more environmentally friendly.

Reliance on foreign sources for our energy supply and the volatility of the Middle East create a national security risk that cannot be ignored. We must work to harness our own Nation's energy resources while also bolstering new and inventive methods of meeting our growing energy needs. We are taking an important first step today and I look forward to the debate on renewable energy that will occur in the coming months.

Mr. ENGLISH of Pennsylvania. Mr. Speaker, how much time do we have remaining?

The SPEAKER pro tempore. The gentleman from Pennsylvania has 20½ minutes and the gentleman from Washington has 21½ minutes.

Mr. ENGLISH of Pennsylvania. Mr. Speaker, it is my privilege to yield 2½ minutes to a distinguished member of the Ways and Means Committee, the gentleman from Missouri (Mr. HULSHOF).

Mr. HULSHOF. Before my friend from North Dakota leaves the floor, the bill to which he referenced, he, in fact, along with 72 of his colleagues, voted for. The FSC/ETI bill that actually we are now pulling back that tax reduction. We are repealing that.

It has been an interesting 2 weeks, Mr. Speaker. We have now forced small businesses to take on additional labor costs, yet we have done nothing to cushion the blow for the mom and pop stores across the country. Last week, the majority wanted to stick it to those drug companies that develop lifesaving miracle drugs, while we all have family members who actually live longer and healthier lives because of those miracle drug therapies. Today, we are considering a tax increase on the domestic energy companies.

Now, how many Members have come to the floor and made speeches and beat their breasts and lamented the loss of the manufacturing base in this country? And it is something we agree with, except that the majority's response then is to tax those very domestic energy producing companies?

Let me make a prediction, not a bold one, but as we are wrapping up this 6 in 2006, I suspect that the newly elected Speaker will actually be in the Chair as the vote is called, and as the votes are there to pass this measure there will be thunderous applause from one side of the Chamber, with handshakes and back claps all around.

You know who else is going to be applauding today's measure? The Organization of Petroleum Exporting Companies, upon whom we are already so dependent. You know who else is going to applaud today's efforts? Another big fan. The dictator from Venezuela.

And, of course, there are some on the majority side who have actually called upon Mr. Chavez in Venezuela, visited him during the last Congress, and came back to this country speaking of his benevolence?

The fact is, Mr. Speaker, the Congressional Research Service has reported that the net impact of the 2005 energy bill was to actually raise revenue from the domestic oil and gas industry by $300 million. But let not the facts get in the way of good bumper sticker politics.

Mr. Speaker, I urge a "no" vote on H.R. 6.

Mr. Speaker, I rise to congratulate the majority for making it a whole 2 weeks before deciding to raise taxes—34 hours if you are keeping track by the clock on the Speaker's website. It must have been tough to wait this long.

I've been around here long enough to follow the twists and turns of the FSC/ETI case, and I'm somewhat puzzled by what we are doing today.

It is true that oil and gas companies were not able to claim the previous FSC benefit. It is also true that Chairman RANGEL championed an approach to replace FSC with a broad benefit targeted at domestic manufacturing. The JOBS bill ultimately provided a broad definition of manufacturing activity to avoid arbitrarily creating winners and losers. Yet today, we find ourselves here picking and choosing among domestic activities, without concern for the broader policy implications, based solely on the need for the majority's Leadership to put out a splashy press release about getting tough on big oil.

The bill before us provides an insight into the governing philosophy of the new majority. The concern of people in my district—and across the country for that matter—is that we need to maintain an affordable supply of energy by breaking our dependence on foreign oil. By any common-sense measure, domestic exploration must be part of a multi-faceted solution to this problem. So in that regard, it is counter-intuitive to think that tax hikes on U.S. exploration activities will help provide an affordable, steady supply of gasoline to consumers.

Put another way—most of us took Econ 101 in college. I must admit, it was a few years ago when I took this class, but the way I remember it, if an added cost is put on an industry—in this case a tax—those costs will eventually get passed on to the consumer. And in that regard, I guess the majority's desired policy aim is to make gasoline more expensive.

Everyone agrees that we must break our dependence on foreign oil, and I take a backseat to no one when it comes to promoting homegrown renewable fuels like ethanol and biodiesel as a way to reduce our consumption of petroleum. In fact, had the Rules Committee made my amendments in order, the House could have voted to extend these important incentives.

But the majority's answer to this problem—tax hikes—is simply misguided, and I urge my colleagues to join me in voting "no" on H.R. 6.

Mr. McDERMOTT. Mr. Speaker, I yield 1 minute to the gentleman from Maryland (Mr. BARTLETT), who is an original cosponsor of the bill.

Mr. BARTLETT of Maryland. Mr. Speaker, I rise as a proud conservative and Republican, as well as a cosponsor, to urge support of H.R. 6.

Oil and natural gas are not forever. When we burn them, they are gone. The U.S. has only 2 percent of known oil reserves. We use 25 percent of the world's oil and import two-thirds of what we are using. We pump our reserves four times faster than the rest of the world.

I just returned from a trip to China. China is preparing for a post-oil world.

There are three reasons to pursue renewable alternatives to fossil fuels. One is climate change. A second reason is preparing for peak oil. A third reason is for national security risk of our dependence on foreign oil.

As predicted by M. King Hubbert, and ratified by a recent SAIC report, the world either has or will shortly reach peak oil. As a cofounder and cochairman of the Congressional Peak Oil Caucus, I can assure you that halfway through the age of oil, there is an urgent need for the U.S. to pursue conservation efficiency and alternative renewable sources of domestic energy.

We have a moral obligation to leave younger generations some oil. I urge support of this bill.

Mr. ENGLISH of Pennsylvania. Mr. Speaker, it is my privilege to yield 2 minutes to a leader in the area of energy policy on the Ways and Means Committee, the gentleman from California (Mr. NUNES).

PARLIAMENTARY INQUIRY

Mr. NUNES. Mr. Speaker, before I begin, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. NUNES. Mr. Speaker, would it be correct if I asked about the long title of this bill? Is the long title of this bill, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy?

The SPEAKER pro tempore. It is a long title, but that is the title of the bill, yes.

Mr. NUNES. Thank you, Mr. Speaker.

Mr. NUNES. Mr. Speaker, I just wanted to confirm the long title, because it appears today that we are talking about this bill being about energy independence. And earlier, during the rule debate, it was brought up by the distinguished chairwoman of the Rules Committee, who referred to the process that was used under the last Congress, referring to Mr. DREIER's process, as being dishonest.

Mr. Speaker, this whole process that we are going through today is about dishonesty, and I want to be clear that I am talking about the process. This is unacceptable to me. Because if this is about energy independence, this bill we are going to pass today, then why is there this quote this morning in the Wall Street Journal, and I will read the quote. "Tomorrow we finish our 100 hours and I will talk about what comes next. And included in that is energy independence."

Ms. PELOSI made this statement in the Wall Street Journal this morning. So are we debating today about energy independence? We are going to pass this bill about energy independence, or is this going to be something that we are going to do after this? If so, then something about this process is dishonest. I don't know if this bill is about energy independence or, as the Speaker said, in the future we are going to talk about energy independence. I thought this bill was about energy independence.

So I hope for the rest of this debate that the majority will clarify this, because I don't understand what this is about. And we have had a lot of strong words stated during the rules debate about dishonesty in the process, and I am thoroughly confused as to who is right. Are we doing energy independence today or are we going to do that tomorrow, as the Speaker said?

Mr. McDERMOTT. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Speaker, let me assure the gentleman that after 12 years of Republican misrule here in the House, it will take much more than 100 hours to undo the damage. Today is a first step toward energy independence. It is certainly not the conclusion of what will be a long process that will involve all Members of this House.

We began this 100-hour legislative agenda with ethics laws to clean up this Congress—and it sure needed cleaning up—and we conclude it today with this effort to clean up our environment and clean up our tax code. Although modest, the CLEAN bill is truly a breath of fresh air.

Our oil and gas giants are experts at drilling holes. They drill holes into our earth to get the resources that we need, but they have also been pretty fortunate in drilling holes into our tax code and comingup with tax break after billion dollar tax break.

Allowing Big Oil to convert valuable public assets to private gain also exploits public resources, but we should not also exploit the American taxpayer. Leases should be set at a fair market rate.

Under the former Republican Leadership, Big Oil's best prospecting was not in Texas, not in the Gulf of Mexico, it was right here on the floor of the House and in secret meetings with Vice President CHENEY. They prospected in Washington and they never came up with a dry well. It was one gusher of tax benefits and special privileges after another.

Now, we finally have an opportunity to rewrite a genuine energy policy. We don't just end unreasonable tax breaks in this bill—tax breaks that I think even most of my Republican colleagues, will admit were unjustified—but we use the proceeds of those tax breaks to focus on renewable energy, on energy independence.

We now begin moving toward using our all-American ingenuity for what could be a job creation program of new leadership in energy technology, in clean energy. That is our objective. This CLEAN bill is an important start to restoring fiscal discipline and embarking on genuine energy independence.

Mr. ENGLISH of Pennsylvania. Mr. Speaker, I would like to yield 2 minutes to the gentleman from Kentucky (Mr. LEWIS), a valued member of the Ways and Means Committee.

Mr. LEWIS of Kentucky. Thank you for yielding.

Mr. Speaker, I rise today to voice my opposition to H.R. 6 and encourage my colleagues to vote against this bill, because one of its consequences is to raise revenue for some of America's most adamant and ardent enemies, such as Mr. Hugo Chavez in Venezuela and Mr. Ahmadinejad in Iran.

As I travel my district, my constituents have a consistent message for me: Find a way to achieve energy independence and end our reliance on foreign oil from unstable regions of the world. I am extremely disappointed that the Democrat leadership has chosen to pursue an energy bill that does nothing to achieve this goal and is simply a ruse perpetrated on the American people.

In the past, I have worked with colleagues on both sides of the aisle to promote alternative energy legislation. In previous Congresses, I have sponsored bills to offer incentives for the development of biodiesel and ethanol, to encourage investment in coal-to-liquid technology, and increase the use of renewable fuels. Each of these received bipartisan support.

I attempted to offer an amendment to this bill on an issue that has received bipartisan support, but it was refused. This is the sole piece of energy legislation in the 100-hour agenda, yet our party was not allowed even a single amendment. Why has this legislation not been an opportunity to discuss real solutions to our Nation's energy crisis? Why does this bill include no provisions to move our Nation away from oil use at all?

Why, Mr. Speaker? Because the majority doesn't want a real solution. They only want to stand here today and play politics with our Nation's future.

I truly wish this debate could have been about the virtues of developing alternative energies. Instead, this is a veiled tax hike to create what some may say is a slush fund for future use. This is unconscionable, and I urge my colleagues to vote "no" on this bill.

Mr. McDERMOTT. Mr. Speaker, I yield 1½ minutes to the gentleman from Illinois (Mr. EMANUEL).

Mr. EMANUEL. Mr. Speaker, let's review the score. Big Oil, one; taxpayers, zero. But today we are about to even the score.

When he took office, President Bush said this country was in need of a comprehensive energy policy. He was right, and unfortunately we are still waiting.

We are still waiting because rather than a solution we got a $14 billion taxpayer handout to oil and gas companies. Taxpayers were forced to pay twice, once at the pump and then again on April 15. At the same time, the five big oil companies made record profits of $97 billion in 2006, and the taxpayers were asked to subsidize their industry.

Where are gas prices today? Almost double where they were when George Bush took office. Today, as we complete our first 100 hours, it is the beginning of clean energy and the end of dirty politics.

Just last week, my colleagues on the other side were saying that we were subsidizing: that the private sector was working in the prescription drug area, and today they argue in favor of a $14 billion taxpayer handout for big oil companies. I am proud the inconsistency doesn't seem to get in the way of a good argument.

I think this serves a fitting end to our first 100 hours agenda and the 6 in '06. Two weeks ago, we began the 100 hours by enacting the most comprehensive ethics reform since the Watergate era, and we end the culture of corruption where the special interests had a free rein in determining national policy. Nowhere was that corruption of the system more apparent than the handouts to the energy companies.

Mr. Speaker, for the past 4 years, I have come to this podium and said that that gavel was supposed to open up the people's House, not the auction house. Today, I proudly can say that we have given the people a voice, stood up to the special interests, and fought for hardworking families. The score is tied, and we are just getting warmed up.

□ 1345

Mr. ENGLISH of Pennsylvania. Mr. Speaker, I now have the privilege of yielding 2 minutes to a distinguished and very articulate member of the Ways and Means Committee, the gentleman from Texas (Mr. BRADY).

Mr. BRADY of Texas. Mr. Speaker, I agree completely with our Democrat friends: we need to invest more in renewable energy. It is the right thing to do, and it is long overdue. But doing it by taxing American energy companies more for exploring and creating jobs here at home makes no sense.

Let's be clear. This bill says, foreign oil and foreign jobs are good; American oil and American jobs are bad. And that is crazy.

The new House leadership may believe it scores in political points to target Texas energy companies and refiners, many of whom are union workers. But our communities don't think it is so funny and our union workers don't think it is so funny.

This bill punishes energy companies for doing the research that leads to successful wells. The old Tax Code had a perverse disincentive. If you failed in finding a successful well, you could write off expenses. If you are successful, though, we punished you for it. We changed that, because we think companies ought to do more research, not less, drill accurate wells, drill fewer of them, and have smaller footprints.

This provision is an anti-research and an anti-environmental provision. This bill declares energy jobs in America aren't manufacturing jobs. Under this bill, we treat energy workers, including high-paying union workers, as foreign workers. We treat our people as foreign workers. And farmers are manufacturers under this bill. Cartoonists are manufacturers under this bill. But those who work on oil rigs and refineries in Texas are foreign workers, and we don't touch the foreign oil companies at all.

Ladies and gentlemen, this bill will not lower gas prices one penny. It won't lessen our dependence on foreign oil one barrel. This bill does not strengthen our energy security. Just the opposite. It does not deserve our support.

Mr. McDERMOTT. Mr. Speaker, I yield 1 minute to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Speaker, after 12 years of failure to deal meaningfully with a comprehensive energy policy Republicans instead, gave this Congress and the American public a legislative grab bag. Today, under Democratic leadership, we are starting in the right direction to give conservation and energy choice, which Americans understand will take more than 100 hours, given the schizophrenic approach to energy by this administration and the previous Republican Congress.

We want to make sure, Mr. Speaker, that we are dealing with an overall framework to reduce greenhouse gases, to deal with carbon emissions, to provide predictability for all the players, whether they are people who are going to be dealing with alternative energy or they are the American consumer.

By eliminating unnecessary subsidies to form a fund to deal with alternative energy conservation and global warming is a terrific start. I am pleased that we are doing it at the conclusion of these first 100 hours and look forward to more in the months to come.

Mr. ENGLISH of Pennsylvania. Mr. Speaker, it is now my privilege to yield 2½ minutes to a new Member of the House who I think brings a strong perspective on energy policy to this House, the gentlewoman from Oklahoma (Ms. FALLIN).

Ms. FALLIN. Mr. Speaker, I appreciate the time today. This bill today is a disappointment to those of us who care about the goal of energy independence. This legislation sabotages the incentives with American energy companies to expand their drilling operations and undermines the opportunities to take advantage of our Nation's untapped resources.

American energy reserves are very real. The Bureau of Land Management recently estimated the United States territory contains over 2 trillion barrels of oil shale, 100 billion barrels of energy just alone on the North American slopes of Alaska, enough oil to trump Saudi oil by 10-fold. And it is our U.S. policies that keep us from accessing the U.S. reserves.

Ladies and gentlemen, when we import over 63 percent of our foreign energy supplies from foreign energy sources, who are, many times, not friendly to the United States, and spend almost $300 billion of revenue in buying those foreign energy sources, it is both a national security threat and an economic threat to this Nation. That is why it is important that we carefully review this legislation, that we look at all the ramifications of it, and that we work carefully together towards a process that will move us towards energy independence and also towards the exploration of renewable energy sources.

So, Mr. Speaker, I urge my colleagues to oppose this legislation that will undermine the goal of energy independence in the United States and, in doing so, also drains the resources of the average American. The solution to America's energy crisis lies in expanding our oil production capacity in the short term, while investing in the alternative energy sources in the long-term solution.

To subject new exploration to punitive taxes would surrender our role and our goal as an energy-independent Nation to the Middle East. And, Mr. Speaker, this logic is not an option for us at all.

There is no doubt that meeting America's energy needs is one of the most daunting challenge we face as a nation. It is not, however, an impossible challenge I believe as most Americans believe that this Congress can and must take steps towards making our Nation energy independent, so that America is not held hostage by the oil reserves of the world's most volatile regions. The path forward is clear—we must move towards energy independence by increasing domestic production of oil in he short term while we invest in alternative sources of energy in the long term. I agree with the concept of this bill but believe this path is the wrong answer. Instead of moving towards energy independence, this bill tightens the noose around our neck by making us even more dependent on foreign oil. Never before has it been clearer that we should not and cannot depend on the Middle East for our resources, and yet that is exactly what this bill proposes we do at the expense of our own national security.

Slowing down the production of American oil by instating an irresponsible tax increase also represents a grave economic threat to my State. Oklahoma oil and gas producers—large and small—will be hit hard by this. Make no mistake this legislation will cost Oklahoma jobs. This tax increase will mean less money for new production and ultimately less money in State revenue. We cannot today impose a tax increase which American workers will pay tomorrow at the gas pumps.

Mr. McDERMOTT. Mr. Speaker, I yield 1¼ minutes to the gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Mr. Speaker, this legislation, H.R. 6, begins the process of weaning off of corporate welfare. This is the beginning of it, so you had better get used to it.

I am very shocked to hear what the opponents are saying to this legislation. Ensuring that oil companies actually pay their fair share in royalties is reasonable and prudent.

Why isn't this welfare looked at as our tax money that we provide for these corporations?

They don't need it. You know it, and I know it.

This bill will ultimately repeal approximately $14 billion in oil subsidies given to big oil companies and, most importantly, invest those funds, because the question has been asked on the other side, will this wind up in a slush fund. They cavalierly talk about that.

Specifically, if you read the bill, these funds will go to clean renewable energy and energy-efficient programs. This is critical. The bill creates the Strategic Energy Efficiency and Renewables Reserve, which will help accelerate the use of clean, domestic renewable energy resources, thereby reducing our dependence on foreign oil. And the case has been made over and over and over again this afternoon.

This is the beginning of real security for our country, Mr. Speaker.

Mr. ENGLISH of Pennsylvania. Mr. Speaker, how much time do we have remaining on both sides?

The SPEAKER pro tempore. The gentleman from Pennsylvania has 10 minutes remaining. The gentleman from Washington has 14¾ minutes remaining.

Mr. ENGLISH of Pennsylvania. Mr. Speaker, in that case, I would welcome the opportunity to allow the gentleman from Washington to allocate some more time.

Mr. McDERMOTT. Mr. Speaker, I yield to the gentleman from New York (Mr. CROWLEY) 1 minute.

Mr. CROWLEY. Mr. Speaker, I rise in strong support of H.R. 6, a bill that will finally put our Nation in the correct direction, a new direction towards weaning ourselves off the addiction of oil and gas. This bill is about the future of America.

In the 1960s, President Kennedy challenged our country to dream the unthinkable and to put a man on the Moon. While President Bush has talked about the addiction to foreign oil, the Republican view of the treatment is to continue to pass tax cuts for oil companies, instead of focusing on innovation and new sources of energy.

By this investing in new technology, we have an opportunity for a win-win situation, more energy independence and more jobs for American citizens here in America. Who could be against that?

Please pass this bill. Create a clean energy trust fund and free the resourceful minds of the most resourceful people on Earth today to do what Americans do best, to create and innovate.

We can kick our addiction to foreign oil, and the first step in this is to pass H.R. 6.

Mr. ENGLISH of Pennsylvania. Mr. Speaker, it is now my privilege to yield 1½ minutes to a distinguished Member of the House, a leader from Tennessee, the gentlewoman from Tennessee (Mrs. BLACKBURN).

Mrs. BLACKBURN. Mr. Speaker, I think we can appropriately dub this the Hold on to Your Wallet Congress. And today, the tax increase that is being passed is one that is being put on the energy that runs our cars and heats our homes; and tomorrow, who knows? But hold on to your wallet, America, because they are coming for it.

Some of the previous speakers have said that they are trying to depict this bill as something that would be repealing subsidies to Big Oil and redirecting money to alternative energy. Both are false. Those are false premises. Even The Washington Post, the Wall Street Journal, and the Washington Times don't agree with this bill. They know it is going to raise prices at the pump, punish domestic production, run up the cost of energy on manufactured goods, all of it being done at a time when we are supposed to be weaning off foreign sources of oil. And this bill is going to do exactly the opposite.

There is nothing in the bill that would guarantee that the increased revenues would be spent on alternative energy. While a new reserve is created, it does not have one single enforcement mechanism. In other words, the increased revenues could, in reality, be directed to any Federal discretionary expenditure without penalty, growing the government.

It is the classic bait and switch. It is an energy tax on hardworking Americans with no guarantees for alternative energy.

I will not be a part of the bill, and I urge my colleagues to vote against H.R. 6.

Mr. McDERMOTT. Mr. Speaker, I yield 1¼ minutes to the gentlewoman from Pennsylvania (Ms. SCHWARTZ).

Ms. SCHWARTZ. Mr. Speaker, I rise in strong support of the CLEAN Energy Act. This plan will lead the Nation in a new direction on energy policy.

The United States imports 65 percent of the oil we consume. We spend $800 million every day on foreign oil-producing countries. This threatens our economic stability, our environmental security, and our national security. And today we say, enough.

Today we roll back the Republican-led Congress's giveaways to the oil industry. We stop rewarding the oil companies with taxpayer dollars; and, instead, we start to turn our attention to energy independence in this country.

We will invest the revenues, $14 billion, to put this Nation on the path to energy independence and environmental security. We will reduce our energy consumption by encouraging the development and construction of energy-efficient buildings and consumer appliances and motor vehicles; and, most importantly, we will advance our energy independence by using these revenues to research. We are going to use this money to research and develop and bring to market the alternative sources of energy for a safer, cleaner, cheaper and American-made energy alternatives. We set this country in a new direction.

I wholeheartedly encourage a "yes" vote in doing that today on the floor of Congress.

PARLIAMENTARY INQUIRY

Mr. NUNES. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. NUNES. Mr. Speaker, I need some clearance on this. In this trust fund that is created, is clean coal or coal an option as a possibility to use this trust fund?

The SPEAKER pro tempore. The gentleman is not stating a parliamentary inquiry.

Mr. NUNES. Well, I am trying to get clarification on the language in the bill, Mr. Speaker.

The SPEAKER pro tempore. The gentleman is not stating a parliamentary inquiry.

Mr. NUNES. Well, Mr. Speaker, maybe it is better addressed to the majority party and the author of the bill.

The SPEAKER pro tempore. The gentleman would better address what he is raising in the debate on the bill.

□ 1400

Mr. ENGLISH of Pennsylvania. Mr. Speaker, may I yield the gentleman from California 30 seconds to do that?

Mr. NUNES. I would ask Mr. McDERMOTT, or the majority party, could you clarify if this trust fund can be used for clean coal technologies, since the United States is known as the Saudi Arabia of coal?

Mr. McDERMOTT. The gentleman raises an interesting possibility, and the legislative process will move forward. There will be bills put into the Congress and this will be discussed.

What we are doing today is creating a fund from which proposals can be funded.

Mr. NUNES. Reclaiming my time. I think the answer is——

The SPEAKER pro tempore (Mr. OBEY). The gentleman's time has expired.

Mr. McDERMOTT. Mr. Speaker, I yield 1 minute to the gentleman from Alabama (Mr. DAVIS).

Mr. DAVIS of Alabama. Mr. Speaker, at 3 o'clock in the afternoon this debate can sound a bit technical to people, so let me put it in very plain English. We are saving $14 billion in United States taxpayer dollars. That is an important change in values in this institution because the last Congress, when they wanted to save money, here is how they did it. They decided we will save $8 billion by going to young adults in this country and saying, you know what, we are going to change the rate of interest on your student loan and you have got to pay more money every month. They decided at one point they will save $3 billion by saying to working class families who struggle to have health care, you have to pay more premiums now to go to the doctor. That is how they saved money in the old Congress.

A lot of issues at stake today, Mr. Speaker, but this is the most important one. There is now a new set of values that runs this institution. We no longer ask the least of us to sacrifice, because guess where we are getting this $14 billion from? From companies who at their best average around $15 billion a year in profit after their liabilities. That is a much more equitable way to do it. That is, in major measure, why this side of the aisle sits in the Speaker's chair today and not our opposition.

Mr. ENGLISH of Pennsylvania. I yield myself, Mr. Speaker, 15 seconds simply to point out to the last gentleman that all they are really doing here is moving forward in some leasing policies that are similar to what Congress has passed before, or at least the House has passed before. And beyond that, they are raising taxes, not saving money. That is going to be felt by consumers across the spectrum

Now, Mr. Speaker, I would like to yield 2 minutes to a distinguished member of the Pennsylvania delegation who has been a strong advocate for new exploration in the United States, the gentleman, Mr. PETERSON.

Mr. PETERSON of Pennsylvania. To those that propose this bill, I want to tell you I support a large fund for renewables. I am for all renewables. But why did you choose to tax American-produced oil and gas and not tax foreign oil and gas? When you tax our production, you will have less of it, when you tax their production, you would have less foreign. You have stacked the deck. It is already cheaper to produce foreign energy than it is American energy. We have locked up so many of our fields, and where in old tired fields the cost of producing has increased, the incentive to go in deep water because it cost so much companies wouldn't go there, and we couldn't even get there.

In 10 years since I have been here, we have increased foreign oil from 46 percent to 66 percent. Why is foreign energy taking over? Ninety percent of the land in this country available for oil production is government land, and this Congress has been locking so much of it up.

I totally agree with a large renewable energy fund, but instead of increasing the cost of producing energy in America, open up new fields. The Outer Continental Shelf is our greatest untouched area. We are the only civilized country in the world that doesn't produce there. Everybody produces there. It makes no sense for us not to be there. We haven't even allowed seismic testing to find out what is there because we might produce it.

Locking up supply by this Congress in the past, by Congress and by those proposing this bill, is why four of the oil companies are making huge profits. When energy usage is increasing more than renewables can increase, you need more oil and gas. And when you need more oil and gas and you lock it up, you give those who have purchased the rights to it all over the world, their $30 oil becomes $60 oil becomes $70 oil, that is where their huge profits are. It is the Congress of the United States that has rewarded Big Oil with increased profits.

Mr. McDERMOTT. Mr. Speaker, I yield 1 minute to the gentleman from Colorado (Mr. PERLMUTTER).

Mr. PERLMUTTER. I thank the gentleman from Washington; I would like to ask him a couple of questions.

It is my understanding that this legislation will save the American people billions of dollars. Will those savings be put into a fund?

Mr. McDERMOTT. Yes. The bill before us directs some of the subsidies we currently give to Big Oil into a new fund which is created by this bill called the Strategic Energy Efficiency and Renewables Reserve.

Mr. PERLMUTTER. Can you explain what the goal of this fund will be?

Mr. McDERMOTT. The purpose is really this, to accelerate the use of clean domestic renewable energy and to promote energy efficient products and conservation; and furthermore, we want to spur research, development and deployment of clean renewable energy.

Mr. PERLMUTTER. Mr. Speaker, I think that is great news for America because it is going to change our energy priorities and bring a new direction for this country. It is especially good for Golden, Colorado and Colorado because we have the preeminent research facility in America in the National Renewable Energy Lab.

Mr. ENGLISH of Pennsylvania. Mr. Speaker, it is my intention to reserve the balance of my time until the end of debate and after the other committees have used their time.

Mr. McDERMOTT. Mr. Speaker, could you tell us the amount of time that we have left?

The SPEAKER pro tempore. The gentleman from Washington has 10½ minutes remaining. The gentleman from Pennsylvania has 5¾ minutes remaining.

Mr. McDERMOTT. Mr. Speaker, I yield 1 minute to the gentleman from Maryland (Mr. VAN HOLLEN).

Mr. VAN HOLLEN. I thank my colleague.

Mr. Speaker, it was just about a year ago that the President of the United States came before this Congress and told the country that America is addicted to oil. He was right then and many of us were pleased to hear him acknowledge that very real fact. However, even as we all acknowledge the seriousness of the energy challenge we face as a Nation, the President and the last Congress failed to actually do something about it. We heard great words, but didn't see good deeds. In fact, rather than invest adequately in renewable energy and energy efficiency, we took the opposite approach. We gave greater breaks in taxes to the oil and gas industry even as prices at the pump went up and profits soared. That policy only served to feed the addiction to oil, not break that addiction. It made us more dependent, not less dependent on oil and gas and the volatile regions of the world that control the greatest reserves.

This is a time to change direction, to set a new course on energy policy, to say to the country: We're not just talking rhetoric. We mean what we say.

Mr. McDERMOTT. Mr. Speaker, I yield 1 minute to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. I thank the gentleman for yielding.

I have been listening to this debate. It is, like all debates, interesting. Yesterday we had a debate, a relatively extended debate, in which Republican after Republican rose and said, This bill does not do enough. In this instance, it does not bring us full energy independence. That is obvious. But person after person got up and said, We're not doing enough for students, we're not doing enough for college aid, and then, lo and behold, the vote was taken and 356 people out of 435 voted for that bill, including 124 Republicans. We are not doing enough in this bill, that is clear, but the journey of a thousand miles, as has been observed, starts with a step.

Another individual got up, and then I will go to my remarks, and talked about the Washington Post editorial. An interesting comment that she made. I don't think she had perhaps read all of the editorial because the editorial said this:

"The good part of the bill revokes tax breaks for oil and gas production in the United States that should never have been granted."

I believe in the free market system. What is the free market system? If you have a demand for a product and you can get a good price for it, you produce it. That's supply and demand. In point of fact, the price of the product has gone up and up and up. I do not criticize the oil companies for wanting a tax break. We all want tax breaks. What I criticize is the Congress of the United States for not making a judgment on behalf of the American people. That is who I criticize. The actions taken in the ETI bill were wrong.

Mr. Speaker, one of the lessons that most of us learn early on is to study history so that we can avoid making the same mistakes of the past. A generation ago, this Nation faced a series of crises born of an overreliance on foreign oil. Prices spiked and supplies were rationed. It took work, but Congress and the President acted to combat that dependence and ushered in a wave of new technologies, conservation and efficiency improvements that have saved untold billions of dollars and barrels of oil and greatly enhanced the Nation's economic performance and national security.

Unfortunately, in recent years, however, we seem to have forgotten that time period. The economy grew, the price of oil waned and we forgot the lessons of the past and abandoned the progress toward a more fuel efficient existence. Mr. Speaker, crises at home and abroad have changed that, changed it dramatically, and we find ourselves once again increasingly reliant on foreign oil. And drilling for more oil and gas alone is not the solution. Mr. BARTLETT said that earlier today. Oil is a wasting resource. What wasting means is it is going to go away. I have a great-grandchild, unlike some of you who are much younger than I am. She may not use oil. It may not be available for her.

Today, we will pass the last of the bills that we promised the American people we would undertake at the beginning of this Congress. This legislation is but a first down payment on the promise of a new energy future for our country. This bill is not about punishing one sector of industry, nor does this bill represent the totality or even a substantial component of our energy policy, as evidenced by the Rural Caucus's biofuels energy package, Speaker PELOSI's innovation agenda, and the PROGRESS Act, which I, along with 129-plus Members of this body in the last Congress, introduced. However, the CLEAN Act starts to move our Nation in a new direction. It is about the focus of precious taxpayer dollars and the future of our country.

The oil and gas industry is extraordinarily well-established and well-off. I applaud it for being so. It does not need the American taxpayers' help to be successful or to make a dollar. There is not an American who goes to the gas pump that doesn't know that. Even President Bush, a former executive of an oil company, agrees that the industry does not need additional government subsidies when prices are this high. But our future energy resources do need help to get started. Renewable energy, alternative fuels, conservation and efficiency programs are underutilized in our effort to wean our Nation off our dependence on foreign oil.

The money saved by this bill will be spent on our energy future and set aside to, among other things, accelerate the use of clean domestic renewable energy resources and alternative fuels; promote the use of energy efficiency practices and conservation; and increase research, development and deployment of clean renewable energy and energy efficiency technologies.

By acting now to take this small but significant step to move toward making America energy independent, we have the opportunity, ladies and gentlemen of this House, to leave future generations a lasting legacy that makes our Nation and our world a better place. The legislation is a good first start in that effort.

I urge my colleagues to support this legislation.

Mr. ENGLISH of Pennsylvania. Mr. Speaker, in response may I yield myself 15 seconds, simply to point out to the majority leader that he is terribly mistaken if he thinks he is repealing a special tax break. In fact, oil and other energy production was treated the same way under the tax bill that was passed as all other manufacturers, and this differential treatment is one of the reasons why the National Association of Manufacturers so strongly opposes this bill. This does not fulfill any of their commitments on energy any more than the underlying rule fulfills their commitment to an open process.

□ 1415

Mr. McDERMOTT. Mr. Speaker, I yield 1 minute to the gentleman from Kentucky (Mr. YARMUTH).

Mr. YARMUTH. Mr. Speaker, my constituents, like yours, paid over $3 a gallon for gas last year. Isn't that enough? Do they really need to be paying a second time with their tax dollars?

Last year, Big Oil saw higher profits than any industry in the history of the world, yet we are writing them welfare checks. The United States is 65 percent dependent on foreign oil, worse than we have ever been before, sending $800 million a day to the Middle East. This situation creates conflicts of interest in crucial matters of security and diplomacy whereby we, the United States of America, are beholden to nations who do not represent our best interests. Still, we are cutting a welfare check to Big Oil.

When we embrace the wave of the future and dedicate ourselves to developing alternative, renewable, clean more-affordable energy sources, America will create more than a quarter million new jobs, generate $30 billion in new worker wages, and finally stop funding both sides of the war on terror.

Despite all that, we are still using taxpayer dollars to hand a huge welfare check to billionaire oil companies. The CLEAN Energy Act takes the crucial first steps to ending this policy, and I urge my colleagues to support it.

Mr. McDERMOTT. Mr. Speaker, I yield 1 minute to the gentlelady from Nevada (Ms. BERKLEY).

Ms. BERKLEY. Mr. Speaker, I had prepared remarks, but I am going to set them aside and submit them for the RECORD, because as I was listening to the debate, I couldn't believe my ears as speaker after speaker on the other side of the aisle came up and attacked this relatively simple piece of legislation, talking about how it doesn't go far enough and it doesn't do this and it doesn't do that, when they have had at least 6 years to actually do something about the energy crisis in this country.

When they had the opportunity to do something, they came up with that god-awful 2005 energy bill, where 93 percent of the tax subsidies went to oil, gas and nuclear, and only 7 percent went to alternative energy sources, so that we could develop these alternative energy sources, harness the Sun, wind, Moon, not the Moon, although maybe if we had enough money, we could try that too, geothermal, all of these possible alternative energy sources. And what did they do? Seven measly percent of the tax subsidies went to that.

I would suggest that we have a golden opportunity to do something, and I urge all of my colleagues to support this legislation. It is a good first step.

Mr. Speaker, in 2005, Congress passed energy legislation intended to promote secure, affordable and reliable energy. This was an important goal, because many of us realized that to keep our Nation safe, we must break our dependence on foreign oil.

Unfortunately, instead of focusing on the promotion of clean, renewable energy sources, the 2005 energy bill gave substantial subsidies to the oil and gas industry. I voted against this bill because it made no sense to give incentives to an industry that was enjoying record profits.

Today, oil and gas companies continue to rake in high profits while Congress fails to offer substantial incentives to alternative energy investors. In the absence of effective federal policy to promote investment in renewables, many states have passed their own incentives.

In my home state of Nevada, the legislature has required that by 2015, 20 percent of power sold to Nevadans come from renewables. Nevadans are already seeing results from this mandate—last June, construction began in Las Vegas on the largest solar power installation in the country built by a public agency, and five other solar projects are planned for southern Nevada.

I am supporting H.R. 6 today because it is a great first step toward securing energy independence. In the last Congress, I introduced a bill to promote renewable energy production, and I reintroduce this bill in the 110th Congress. We are far from being energy independent, but today's bill is a good place to start, and I urge my colleagues to support its passage.

Mr. McDERMOTT. Mr. Speaker, I yield 1 minute to the gentleman from Florida (Mr. MEEK).

Mr. MEEK of Florida. Mr. Speaker, it is very important that we listen to the debate that is taking place here on this floor. Some of it is true; some of it is fiction. I think it is very important to understand that $14 billion is going to go into a place that is going to help us to be able to have the kind of energy we need in the future, to be able to invest in the Midwest versus the Middle East.

But I was just on the floor last night talking about something that the American people want even more than what we are doing here in this debate here on the floor, because a lot things are being said here, but they want bipartisanship, and they have had it over the last 2 weeks. And I think the Republican leadership is a little afraid of the fact that their Members are voting on behalf of the American people. So they want to stand in front of the door of the House and say how bad it is.

But when the board lights up here, Members have a choice: do they want to vote on behalf of their constituents and making sure that we have the kind of future here in the United States, or do they want to vote on behalf of the special interests and the status quo for breaks to big oil companies that they didn't even ask for.

I think we are moving in the right direction with this legislation. This is just the beginning of us working together in a bipartisan way, and I look forward to moving in that spirit, Mr. Speaker.

The SPEAKER pro tempore. Each side has 5½ minutes remaining.

Mr. McDERMOTT. Mr. Speaker, I reserve the balance of my time until the end of the debate.

Mr. ENGLISH of Pennsylvania. Mr. Speaker, as I indicated before, I reserve the balance of my time until the end of debate and after other committees have used their time.

The SPEAKER pro tempore. The Chair recognizes the gentleman from West Virginia.

Mr. RAHALL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as we know, the House is considering a part of the 100-hours agenda, H.R. 6, the Creating Long-Term Energy Alternatives for the Nation Act.

This legislation seeks to end the unwarranted tax breaks and subsidies which have been lavished on Big Oil over the last several years, and done so at a time of record prices at the gas pump and record oil industry profits.

Big Oil is hitting the American taxpayer not once, not twice, but three times. They are hitting them at the pump, they are hitting them at the Treasury through the Tax Code, and they are hitting them with royalty holidays put into oil in 1995 and again in 2005.

Meanwhile, our people back home stand in their work boots pumping precious, costly gas into their tanks, while energy lobbyists have scuttled about in Armani suits wanting more.

Indeed, over the last few years we have suffered an unprecedented assault on America's resources and on American taxpayer pockets under the guise of contributing to our energy security. It almost seems like Albert Fall's ghost walks the halls of the Interior Department.

Now, as you remember, Fall was the Secretary of the Interior who embroiled the administration of Warren Harding in the infamous Teapot Dome scandal. Without competitive bidding, Fall leased the Federal oil reserves at Teapot Dome and the Naval oil reserves at Elk Hills in exchange for $404,000 in gifts from the oilmen. In those days, that was a hefty sum of money, but a princely sum back in 1992.

Today, we have a situation at the Interior Department where the OCS oil and gas leasing program is hemorrhaging money as a result of unwarranted royalty relief, royalty underpayments, inadequate audits and potential fraud. The GAO and the Interior Department's Inspector General, Earl Devaney, in particular, have issued scathing reports on these matters.

Last year, in testimony before the House Government Reform Committee hearing on the bureaucratic bungling of oil and gas leases, Devaney went so far as to say: "Simply stated, short of a crime, anything goes at the highest level of the Department of the Interior."

This is no small matter. These are public resources. The names of every American are on the deeds to these public lands and waters where these drillings for oil and natural gas take place. Royalties from this production contribute a significant amount to the Treasury, nearly $8 billion in the last fiscal year, and it would be more if it were not for all the mismanagement at the Department of the Interior.

The pending legislation represents the beginning of the exorcism of Albert's Fall's ghost from the Interior Department by dealing with one egregious aspect of the OCS leasing program. I can assure my colleagues that the Natural Resources Committee will follow up with aggressive hearings into other areas of this program in the near future.

The situation that we seek to address in the pending bill, of course, harkens back to the Deep Water Royalty Relief Act of 1995, which Congress passed over the objections of many on this side of the aisle. That act sought to encourage oil companies to drill in the Gulf of Mexico by allowing them to avoid paying royalties on oil and gas production of publicly owned resources.

As many of us warned at the time, this was nothing but an unwarranted giveaway of public resources, paying the companies to do what they would do anyway, drill for oil. To make matters worse, the Interior Department botched the administration of the law. They failed to include provisions in leases issued between 1998 and 1999 to cut off royalty relief when market prices are high. In other words, these leases did not contain any threshold, any threshold, for when royalty relief would kick in. According to GAO, the failure to include price cutoffs for royalty relief in the 1998–99 gulf leases could cost the Treasury up to $10 billion. H.R. 6 would fix these abuses.

The bill would establish thresholds in the 1998–1999 leases for royalty relief. The holders of these royalty-free leases would be required to either agree to negotiate with the Interior Department to pay royalties when market prices reach those thresholds, or pay a new conservation resource fee established in the bill. In addition, H.R. 6 would impose an annual per-acre fee on nonproducing OCS oil and gas leases. According to CBO, these provisions would raise $6.3 billion over 10 years, money that could be used to finance renewable and alternative energy initiatives.

There are two items that I would like to emphasize with respect to these provisions. First, this legislation is not violating any contractual arrangements. The leases in question were issued with a clause that allows the Federal Government to impose new requirements on them in the future, such as the conservation resource fee being proposed in this bill.

Second, the House is already on record as supporting provisions of this nature. Provisions of this legislation as they relate to the OCS leases have been addressed by amendments offered in the past by MAURICE HINCHEY, ED MARKEY, RON KIND, and RAÚL GRIJALVA over the years. Further, the Jindal-Pombo OCS leasing bill that passed the House last year also included the imposition of a fee on the 1998 and 1999 royalty-free leases. So I would point out that none of the oil companies complained about their contracts being violated at that time.

Finally, H.R. 6 would repeal the extension of the original 1995 royalty relief provision that was contained in the Energy Policy Act of 2005 and also reform several other royalty relief and special benefit provisions in that law. Amendments offered in the past by RON KIND and RAÚL GRIJALVA over the last two Congresses to various of our energy legislation attempted to strike these provisions.

So now, as I conclude, Mr. Speaker, it is time to stand up and be counted: to vote for the integrity of America's resources, to vote for the end of corporate welfare, to vote for a new dawn, a new era, in the management of our public energy resources. And that is to vote for H.R. 6.

Mr. Speaker, I reserve the balance of my time.

Mr. PEARCE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I will join with the distinguished chairman in bringing actions to terminate employees who are incompetent in the Interior Department and bring legal malpractice actions against those firms negotiating for the U.S. Government and creating the problems.

Mr. Speaker, I yield such time as he may consume to the ranking member of the Resources Committee, the distinguished and honorable gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. Mr. Speaker, I thank the ranking member of the committee.

Mr. Speaker, I would say to my dear colleagues, just about 100 hours ago you stood in this House and raised your hand and you followed this quote with an "I do": "Do you solemnly swear you will support and defend the Constitution of the United States against all enemies, foreign and domestic."

This bill, and I am wearing this red shirt today, is the color of the bill that we are debating, communist red. It is a taking. And regardless of what one says, it will go to court, and it should be decided in court. It should be decided there.

My biggest concern, it is often said the road to hell is paved with good intentions, and this is a great example. The good intentions of this bill are a pursuit of new forms of energy to replace our dependency. We all support that.

But even The Washington Post, which is not my favorite newspaper, says this is a low-wattage bill and it fits the realm of Russia and Putin, and it fits Bolivia and Venezuela. And if there is anything this bill will do, in fact it will increase the competitive edge of foreign oil imported to this country. That is what this bill does.

☐ 1430

I ask my colleagues, if the problem is foreign oil, and it is, why increase taxes and make it harder to produce American oil and gas? That makes no sense to me.

I had a motion to recommit and I cannot offer it, but I wanted to take and strike everything after the enacting clause and insert taxes on all foreign oil imported. That would raise your money for renewable resources.

But what we are doing here today is taxing our domestic oil. We are raising dollars supposedly for renewable resources, yet we are still burning fossil fuels.

This is really a San Francisco energy policy, and America is not San Francisco.

My State gets 85 percent of its budget from oil production. I am proud of it and I hope we get more. The pipeline we want to build for gas to deliver the oil to the lower 48 will cost $20 billion, and this, by increasing taxes and taking away the incentives, which this bill does, raises the question of whether we can finance this pipeline, which we all need.

We talk about Joe Blow and all the rest of these people in the smaller income brackets and get the big old oil companies. The reality is if this bill was to become law gas would go to $5 a gallon.

Everybody talks about Big Oil and how much profit they made. These international companies are making that profit overseas shipping the oil to the United States.

If you want to do this right, then let us tax the foreign oil. Let us not tax the American oil. Let us not hurt our little companies, which this bill does. Let us not discourage what I call the frontier areas. Let us help American oil to deliver oil to the American people and quit paying the money to the foreign oil companies, and that is what you are doing.

Mr. RAHALL. Mr. Speaker, I say to the gentleman from Alaska, I welcome him as the ranking member of the Natural Resources Committee. I am sure it will be a good year ahead. I look forward to working with him.

Mr. Speaker, I am very pleased to yield 3 minutes to the gentleman from Arizona (Mr. GRIJALVA), a member of the Natural Resources Committee, a gentleman to which I have already referred in my opening remarks and a leader on this issue.

Mr. GRIJALVA. Mr. Speaker, in 2005, during the debate on the energy bill, I asked my colleagues to strike down provisions that amounted to more corporate welfare for oil companies. At that time the Republican majority voted down that amendment.

Now, as news reports continue to mount regarding the billions of dollars in profit oil and gas companies are reaping we have to look seriously at that policy. Why should the American taxpayer continue to shell out subsidies to oil companies when clearly they need no incentives to drill?

Moreover, why are we still allowing them to drill in our public lands and waters for free because of some mistakes made in the 1990s during the leasing process?

Had the President and his appointees acted when this was discovered, it would have saved taxpayers upwards of $1 billion that has already been lost. Instead, they have deliberately ignored and covered up this problem.

We must send a message that the American taxpayer will no longer be ripped off by Big Oil.

But ending this fiscally ridiculous practice of subsidies for megarich oil companies is not enough. We also need to make a clean break from the past and take a bold step into the 21st century.

Global warming is upon us. We need clean renewable fuel, and we need it now. It will be a tough transition but we have to start right now. We are ready for this challenge. We have the know-how and a highly skilled workforce, and we will create millions of new jobs in the process.

In the strongest way possible, I urge my colleagues to vote "yes" on H.R. 6, a hometown American energy bill that helps and protects the American taxpayer.

Mr. PEARCE. Mr. Speaker, I yield 2 minutes to the gentleman from Oklahoma (Mr. SULLIVAN).

Mr. SULLIVAN. Mr. Speaker, I rise in strong opposition to H.R. 6, legislation that puts America's independent energy producers at risk and increases America's dependence on foreign oil.

This bill unfairly punishes offshore oil and natural gas companies who signed leases with the Federal Government in 1998 and 1999. These leases, due to a mistake by the Clinton administration, did not set price thresholds for royalty incentives. The bill requires all companies to renegotiate these leases, even though they were fairly signed in the first place.

The companies who entered into these agreements cannot be blamed for the Federal Government's mistakes. The contracts signed by the Federal Government and energy producers are legal and binding, regardless of the mistakes of the Federal Government in drafting them. In addition, a fair version of this provision was included in the Republican Outer Continental Shelf drilling bill that was adopted last year.

We talk about this and I think this is a national security issue. Right now we should be encouraging domestic production here in the United States of America, and we are not.

We get 60 percent of our oil from foreign sources, and a lot of that oil that we are getting is from areas that we are at conflict with or we have carpet bombed recently. I think it is asinine we are not doing all we can to spur domestic production here in the United States and not penalizing companies for doing such. It is absolutely ridiculous.

Not only are gas prices low right now, in Tulsa where I am from it is below $2 a gallon when I left this past week, but also crude oil prices are as low as they were in 2005. They are going down.

All this legislation will do is increase gasoline prices at the pump to upwards of $5 a barrel. What we need to be working on is a comprehensive energy policy in this country that will actually get prices down by not only spurring domestic production but also working on getting more refining capacity in this country.

We are operating at 100 percent capacity right now. We need to be expanding, building five or so additional refineries in this country. And we can do it in an environmentally sound way.

Mr. RAHALL. Mr. Speaker, I yield 2 minutes to gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Mr. Speaker, well, who would have ever thought that the Republicans would be defending welfare queens on the floor of the House of Representatives, but they are.

Lee Raymond, just-retired CEO, ExxonMobil, $400 million, part of it in tax subsidies, part of it in royalty forgiveness, and part of it gouging consumers at the pump. But they are standing up here today to defend poor little ole Lee Raymond with his $400 million pension and ExxonMobil, his company, that only made $29.2 billion last year, the largest corporate profit in the history of the world.

They need those subsidies or they will not go out and explore for oil, the Republicans will tell us. Here they are defending welfare queens, subsidies to the most profitable industry in the world. It is sad to see the Republicans come to this.

Now, they laughably say this will lead to higher prices. Oh, higher prices, unlike the price gouging after Katrina where gasoline went over three bucks a gallon in Oregon and we do not even get any supply from the eastern United States? Or the price gouging that goes on day in, day out? The price fixing that goes on day in, day out in this industry? The collusion between the American companies, the foreign companies operating in America, and the OPEC cartel to drive down the supply, to drive up the price, which gives them an excuse to go even higher at the pump?

What about a trade complaint to the WTO? No, the Republican administration does not support that, but George Bush does support two provisions of this bill, saying those are tax breaks that are not necessary to the oil industry. The oil man in the White House says the oil industry does not need this, and the Republicans are down here fighting hard to preserve it, to drain money from the taxpayer, to not take royalties. Unlike any other owner of public resources, the United States would be the only one not to take royalty.

Now, they talked about communism. That would be communism if we did not get a fair return for our taxpayers, if we did not get a fair return for depleting our resources.

Pass this bill and begin to turn back the inordinate influence of Big Oil on this government.

Mr. PEARCE. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, I would like to bring a couple of points up on this in response to the gentleman who was just making the points.

First of all, we talk about the $440 million that the head of Exxon makes. If we divide out the numbers of millions and billions of dollars that Exxon pays out to shareholders and compare it to Tiger Woods, for instance, Tiger Woods made $25,181 a stroke. Shaquille O'Neal made $18,300 per minute that he played. A-Rod made $180,000 per run batted in.

And the people who provide gasoline and oil at the price, $3 for gasoline, you will pay more than $3 for this fingernail polish that comes out to $25,000 per bottle. This bottled water is over $400 per barrel, and it does not require an investment in an operation like this. These offshore platforms are over $1 billion investment, and you are saying that oil is overpriced and we are gouging the American consumers. Next, you should go after bottled water and after fingernail polish because this is $25,000 per barrel.

We need to understand that it takes a lot of investment to put gas in the pumps. It cannot be done. I have heard today that we are going to provide wave energy. Wave energy on our F-16s, I can just imagine it now. The investments to power this Nation are extraordinarily high, and we are not overcompensating the companies that do that.

Mr. Speaker, I reserve the balance.

Mr. RAHALL. Mr. Speaker, I yield 3½ minutes to the gentleman from Texas (Mr. GENE GREEN), a gentleman with whom we have worked with on this legislation in good faith and appreciate his leadership and input.

Mr. GENE GREEN of Texas. Mr. Speaker, I thank the chairman of our Natural Resources Committee.

Mr. Speaker, most Americans believe that dependence on foreign oil is a problem and alternative energy sources deserve our support, particularly after 9/11. The recent election season saw such high consumer gas prices and high anxiety about energy security.

But let us look at another industry. Very cold weather in southern California is causing loss of fruits and vegetables, and ranchers in the Midwest are losing cattle because of the cold weather. The farmers and ranchers who still have crops and livestock stand to make a lot of money from the price spikes that we are seeing literally as we stand here on the floor today.

Are we blaming those farmers and ranchers for the high prices? Are we going to cut farm benefits and raise taxes on the farmers? No.

But for some reason when we have cold winters and hot summers and hurricanes in the gulf that raise gas prices, we all get mad at energy suppliers. It is the easy way out to get mad at the industry, since most of our country just uses energy and does not produce it.

We have a budget deficit, and funds for new alternative energy programs are in short supply. So industry is being targeted for this purpose.

I understand why my colleagues are choosing to do this, but this plan carries a significant risk of being counterproductive, especially in the near future.

H.R. 6 exempts the oil and gas industry from a recent manufacturing tax benefit, cuts geological expense to major energy producers and requires new payments on 1998–1999 offshore leases to make up for serious government errors in the original contracts.

These provisions raise $14 billion over 10 years for clean alternative energy programs that Congress will establish through regular order. That is why I support this bill. That $14 billion will be used for alternatives through the regular order of this Congress, through our committee process.

These tax provisions reduce incentives for domestic production and could increase dependence on foreign oil and LNG which hurt national security.

With current high oil prices, we may not miss these incentives as much if prices were low, but the effects could be very real in the long term.

However, the 100 hours energy bill is a compromise within the Democratic Caucus to promote alternative energy. For the first time in my years in Congress, the Democratic leadership included the Members from energy producing States in the process.

The section 199 tax provision is most unfair because it singles out oil and gas as ineligible, as compared to other manufacturing operations.

The main royalty provision is based on the Jindal-Pombo bill that House Republicans overwhelmingly supported a few months ago in June.

I am also very concerned about the effects of the provision on contract certainty in U.S. oil and gas leasing, but for better or worse, there is a consensus among both parties to address this 1998–1999 lease issue.

While this bill is a far cry from my preferred energy policies, the Democratic leadership has been narrow and targeted.

After extensive discussions between our office and other Members' offices from oil and gas producing States, this bill does not include more punitive measures that seek to alter long-standing oil and gas tax or accounting treatment that could destabilize our Nation's gasoline supply even more.

We do not repeal the refinery tax provision or the deductions for intangible drilling costs. We also do not eliminate LIFO accounting, impose a windfall profits tax, or repeal of natural gas distribution line depreciation.

Mr. Speaker, as a result and the good faith we have had in this 100 hours agenda, I am voting for the bill.

Before I close, I have two messages. First, you cannot hit an industry for $14 billion and go back time and time again.

And my second message is to the oil and gas industry. With the recent November elections, this bill should be a wake-up call to explain energy issues to Democratic Members who may have been ignored in recent years.

We also do not eliminate LIFO accounting, impose a windfall profits tax, or repeal of natural gas distribution line depreciation.

As a result, and as a show of good faith during this critical 100 hours period for our new majority, I am voting for this bill.

Before I close I have two messages, and the first is for the Democratic Caucus—when you hit one industry for $14 billion, you cannot go back for more later and expect enough gasoline in your cars and fuel to heat and cool our homes.

My second message for the oil and gas industry—the recent November election and this bill should be a wake-up call to explain energy issues to Democratic members that they may have ignored in recent years. We are going to need those members to prevent additional legislation of this type.

□ 1445

Mr. PEARCE. Mr. Speaker, I yield 30 seconds to the gentleman from California (Mr. NUNES).

Mr. NUNES. Mr. Speaker, it is evident in the Democrats' energy bill, to gain and achieve energy independence they are not using any coal in this country. And I hope that the majority party from the Resources Committee can answer at some point during this debate why clean coal and coal-to-liquid technology is not included as a possibility to achieve energy independence. That question needs to be answered before the American people on the House floor before this debate ends.

Mr. RAHALL. Mr. Speaker, if I understood the gentleman's question, he is asking why we are not using more clean coal.

Mr. NUNES. Mr. Speaker, will the gentleman yield?

Mr. RAHALL. Yes, to get a clarification of your question to me.

Mr. NUNES. The trust fund that you guys are creating in this bill prohibits clean coal and coal-to-liquid technology.

Mr. RAHALL. Mr. Speaker, reclaiming my time. The gentleman is inaccurate. The fund created would allow for the development of renewable and alternative fuels. And as far as the lack of clean coal technology in the past, it is because Congress in the past energy bills has never gotten serious about clean coal technology. Lip service, yes. Authorizations to go fish, yes. But hard-core appropriation dollars for clean coal technology, no. Thanks to my senior colleague in the other body, yes, we did that, but not through any actions of energy policy acts of this Congress in the past.

And, besides, how can we get anything from coal when we are so addicted to the oil diet? Because we give tax incentives and royalty holidays and other grants to the oil industry without any mention of coal in these pieces of legislation.

I would say to the gentleman from California we have joined in the past in cosponsoring legislation that would help coal liquefication.

Mr. SHIMKUS. Mr. Speaker, will the gentleman yield?

Mr. RAHALL. I yield to the gentleman from Illinois.

Mr. SHIMKUS. And I appreciate it. I know the gentleman is a big supporter of coal. And we did bring to the Rules Committee an amendment that would amend the language in this bill to allow some of this money to go to contract with the Department of Defense so they can move on coal-to-liquid provisions.

You know there are really three avenues to expand coal-to-liquid technology: one is forward contracting for the Department of Defense; one is a tax provision; and the other one is a collar provision that we are working on. And if we could have gotten some provision in this bill, because there is going to be money available to move directly, we have got to get that first coal-to-liquid plant built, then the others will come. And I think that is what our disappointment is.

Mr. RAHALL. I understand the point that the gentleman from California raises, and it is not one with which I disagree. If I might say, in due process, in due time that will be considered by this Congress. I have no question about it. This bill is not a comprehensive energy bill. Nobody is out here touting it as such. That is to be addressed later. This is part of our 6 for '06 agenda; it is to get us started in the right direction, and my agenda on the Natural Resources Committee will go much further than this, not only hearings on our bills and legislation, but extensive oversight over the entire oil and gas leasing program both offshore and onshore.

Mr. SHIMKUS. And if the gentleman would yield, I know you are a big backer of coal, and I do look forward to working with you. This is our window of opportunity to really exploit coal-to-liquid activities, and we are disappointed now. We hope that we can recover later on in this debate.

Mr. RAHALL. I say to the gentleman, please be patient. We didn't get in this mix in 100 hours; we are not going to get out of it in 100 hours.

Mr. Speaker, I would like to yield 3 minutes to the gentleman from Washington (Mr. INSLEE).

Mr. INSLEE. Mr. Speaker, today we really do begin America's clean revolution in this bill. Every revolution has a beginning. The American Revolution began at Concord; the aerospace revolution began at Kittyhawk; and America's clean energy revolution begins today with this bill. And years from now when we have licked global warming and we have achieved energy independence, we will look back to this day as the first step on the road to clean energy for America.

Today we are going to break the shackles of oil and gas. We are going to free Americans to invent, to innovate, to create the clean technologies we need in energy. This is only common sense.

We pay once at the pump for gasoline already. We shouldn't have to pay again on tax day on April 15 to line the pockets of the oil and gas industry. It is common sense.

Our national resources should be going to the innovators who will lead us in energy in the 21st century, rather than to those who have kept us in serfdom to the oil industry, an industry of the 19th century. Change is afoot starting today.

Now we are going to unleash the talents of the Nanosolar Company in California. It is perfecting thin cell solar cells. We are going to empower the Ocean Power Technology Company that is perfecting wave energy, enough wave energy off the California coast to light the entire State. We will get loan guarantees to the Iogen Corporation, which is going to build the first cellulosic ethanol plant in the Western World in Idaho starting today.

Today we recognize that the solution to our energy challenges is not below our feet in the ground. It is above our shoulders in our brains, and we are going to unleash the intellectual talents of America to see that that happens.

I will be introducing again the New Apollo Energy Project bill, which will marshal our Nation's talents, just as John Kennedy marshaled our national resources in the original Apollo Project. Today is the first step of the new Apollo Energy Project. Tomorrow I will introduce the Plug-In Hybrid Bill, a bill that will hasten the day when our cars are powered on clean energy, clean electricity, and clean biofuels so we can get our energy from Midwestern farmers rather than Middle Eastern sheiks.

These are just two of the many steps on this long road of the clean energy revolution; and there is no silver bullet to our energy challenges, but there is a silver lining, and that is the genius of the American people. Today we are freeing the genius of the American people. It is long overdue.

Mr. PEARCE. Mr. Speaker, I yield 2 minutes on this new energy policy for the Nation that some are calling the

Hugo Chavez Competitive Rewards Advantage Program to Mr. SHIMKUS from Illinois.

Mr. SHIMKUS. Mr. Speaker, again, I enjoyed my comments with my colleague, but I know my colleague from Washington State who just left would not mention coal. My folks from the west coast will not mention the benefits of coal, and we have a lot of work to do. We are going to continue to move it forward, and this was our opportunity to be helpful.

I want to talk about section 199. And I know my colleagues on the other side like to talk about the Big Oil guys, but let's talk about the Little Oil guys, the ones in southern Illinois. In southern Illinois, we produce about 30,000 barrels of crude oil per day amounting to $574 million minus about one-eighth of that to royalty owners. These are small mom and pop operations of marginal wells, you know, those wells that you have to put energy in to get the crude oil out.

Section 199 has three primary purposes: exploration, that is a good thing. Production, that is a good thing. Refining, that is a good thing. Three good things to help address our reliance on imported crude oil from overseas.

Illinois crude oil, being delivered from Illinois soil up to the surface area so that it can meet our fuel needs, the attack on section 199 in this bill to a small mom and pop oil producer in southern Illinois in 2008 will be a $200,000 tax increase. In 2009, it will be a $300,000 tax increase on this small marginal oil producer. This is money that she, a woman-owned business operation, cannot use to expand, employ, provide health care benefits to. This is all money that is going to come out of the bottom line in her ability to expand and find new oil reserves and resources in southern Illinois, and that is why I am going to vote against this bill.

Mr. Speaker, if you want to decrease our reliance on foreign energy—exploiting our coal reserves is one way. I offered and amendment through the rules committee that would move some of the revenue from this tax increase to allow DOD to forward contract and purchase CTL fuels.

But this bill will make it more difficult to recover what oil we have left in Southern Illinois.

In Southern Illinois—we produce around 30,000 barrels of crude per day amounting to $574 million minus about ⅛ of that to royalty owners. These are all small mom and pop operations and marginal wells.

The smaller oil and gas producers in my district rely on Section 199 deduction as it lowers the effective tax rate on manufacturing income that comes from exploration, production and refining.

One small producer in my district, for example, estimates that depending on the timing the Democratic repeal would go into effect, they would lose $200,000 in 2008 and around $300,000 in 2009. Now this is $500,000 that a small oil and gas producer in rural Southern Illinois cannot use to improve the efficiency of their business, buy new equipment, hire new employees or even use to pay health insurance cost of their current employees.

Regular order would have allowed a committee to hear some of these concerns so that adjustments could have been made to eliminate the unintended consequences of this bill—or maybe they aren't unintended.

Amortization of Geological and Geophysical (G&G) expenses, another provision that they are trying to repeal today—was passed in the Energy Policy Act of 2005, because it allows producers to affordably use a technology to examine, without drilling, the best spot to drill for oil or gas—this is also an environmentally friendly practice—without it they would have to revert to drilling all over an area to find an optimal drilling point.

The cost of this Geophysical exploration is around 20 to 30 thousand dollars per square mile of exploration—so simple math shows you that this is a significant investment that is being made by the industry, taking that away will lower production and efficiency, making the U.S. less competitive in the world market.

We need to develop policies that make it easier to produce affordable domestic energy.

And, again, we did that in the Energy Policy Act of 2005 that is why expansion is starting to happen today. Expansion with petroleum refineries, with ethanol refineries, with clean coal generation, nuclear generation, expansion of the areas where we can explore for new energy sources.

Here are some numbers: Over 500 million of new ethanol production and nearly 30 new plants; 500 million gallons of new annual ethanol production online; 25 new nuclear reactors planned; 2,000 megawatts of new wind power online; 120 new coal-based facilities in various stages of planning; and 2 million barrels of oil daily that can be replaced by clean, synthetic fuel from coal by 2025.

Raising taxes in this bill will in fact do more harm to the little guys—the guys that are spread across the U.S. diversifying where our domestic petroleum and gas come from. And will not help us reduce our dependence on foreign sources of gas and oil.

Mr. RAHALL. Mr. Speaker, in response to the gentleman from Illinois, some of the issues which he just addressed are properly addressed in the Ways and Means Committee or the Ways and Means section of this bill.

I yield 30 seconds to the gentleman from Washington (Mr. INSLEE).

Mr. INSLEE. Regarding clean coal, we believe clean coal could be part of our energy future, and we need to do research in it to find a way to sequester carbon dioxide so that resource can be used. But in doing so, we can only do it if we have some limitation on carbon dioxide. The FutureGen project will never be built unless we have a limit on carbon dioxide. That is the only way it is going to be built. Democrats stand for research on that. It is part of this bill, it is part of clean energy.

Mr. RAHALL. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey (Mr. HOLT), a member of our Natural Resources Committee.

Mr. HOLT. I thank the chairman.

Mr. Speaker, this week I received an e-mail message from a constituent of mine in Lawrenceville, New Jersey. She said: "Please help turn the tide by doing not a little but a lot to help solar, wind, hydrogen become the mainstream energy sources and turn oil into the alternative."

She is right. This legislation which will end the subsidies, renegotiate the leases, and use the revenues to develop sustainable energy technologies is a very good start.

There are any number of things. Take wind energy. The United States does not lead the world in total production of wind energy. We fall behind Spain, Germany, Denmark. It is because these governments have made commitments that we have not. We have lost some technological leads that we have had, and we won't lessen our addiction to foreign oil in the United States without making investment in these sustainable energy sources. Wind is just one example. Generating power from the oceans is another. This bill is not enough, but it is a good start.

I rise today in support of H.R. 6, the Creating Long-term Energy Alternatives for the Nation Act or the CLEAN Energy Act. This is an important step for our nation in reducing our dependence on foreign oil and I commend Speaker PELOSI, Chairman RAHALL, and Chairman RANGEL for including this legislation in the first 100 hours of legislative business in the 110th Congress.

We have already heard from our colleagues today about the three major tenets of this bill—ending subsidies for large oil companies, renegotiating leases for oil companies that have avoided paying royalties on leases they signed in 1998 and 1999, and creating the Strategic Energy Efficiency and Renewables Reserve. I would like to take some time to speak about the importance of the Strategic Energy Efficiency and Renewables Reserve.

The new sustainable energy reserve created in this legislation will be funded by repealing the tax breaks that have been provided to the large oil companies, who consistently reap excessive profits at the expense of the American consumer. There is a lot that is funding can be used for. It is my hope that we focus our attention on research and development of sustainable energy sources and invest in the technologies needed to wean ourselves from fossil fuels.

One example of a real investment is the wind industry. It was once the case that the wind industry was based-only in California. Production across the country has increased, and I commend the industry for the progress they have made. There is, of course, still more we can do. The United States does not lead the world in total production of wind energy—we fall behind Spain and Germany. These countries have a greater commitment to wind energy than we. And Denmark has made a turnaround in the past thirty years, moving away from relying solely on oil to relying a great deal on wind power for their electricity. This is because the government in Denmark made a real commitment to investing in this technology. The United States can and should be the leader on wind energy. With the proper investment from the government, it will be.

According to the American Wind Energy Association, 46 of our states have the potential to produce significant wind energy. We must harness this potential across our country and make a real commitment to wind power. We can start by including a long term extension of the production tax credit. We can also adopt a renewable portfolio standard, which over twenty states have already done on their own.

We will not lessen our addiction on foreign oil in the United States without making the investment in alternative energy sources now. Wind energy is not the only solution to our energy needs. Neither is generating power from the ocean. But investing in research and development in a variety of different sustainable energy sources will lead us on our path to energy independence. But having a dedicated renewable energy reserve to fund this research and development is an important step.

Many of my constituents have written to me over the past few years passionately urging us in Congress to reverse our energy policy. Just last Friday, I received an email from a constituent of mine in Lawrenceville, New Jersey. She said "Please help turn the tide by doing not a little, but a lot, to help solar, wind, and hydrogen [power] become the mainstream energy source[s]—and turn oil into the "alternative"." She is right. We must do something drastic to change our energy policy and put our country back on a rational energy path. Making advancements in sustainable energy sources is a major component of where our energy policy should be.

Of course, this bill is not enough. But it is a start, and a very good start. Once we pass this bill, we will be able to consider other alternative energy legislation and I am confident that we will. I urge my colleagues to support this bill.

Mr. PEARCE. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania (Mr. PETERSON).

Mr. PETERSON of Pennsylvania. Mr. Speaker, I am going to ask again: Why did we start the new energy independence with taxing domestic production but not taxing foreign oil? We are going to lead us in the wrong direction.

In your anger against Big Oil, I understand that, but you are penalizing everybody. Eighty-two percent of natural gas is produced by independents; 68 percent of oil is produced by independents; 50 percent of refined products is from independents. My little refinery in Warren, Pennsylvania, will get taxed harder because of your new bill. And I have watched them struggle to fund clean diesel; I watched them struggle to fund clean gasoline units, very expensive.

The use of foreign oil under your bill will continue at the same rate of increase, and I predict in 5 years will be 76 percent dependent. I am for all your renewables, I want to fund them all. But if we produce the energy, took the royalties from the new energy that keeps us alive in this country, we could fund them adequately. If we don't open new fields, we will not have a fertilizer industry, a petrochemical industry, a polymers and plastics industry, and we will make bricks and glass in South America.

Mr. RAHALL. Mr. Speaker, may I ask how much time we have?

The SPEAKER pro tempore. The gentleman from West Virginia has 8 minutes remaining; the gentleman from New Mexico has 18 minutes remaining.

Mr. RAHALL. Mr. Speaker, I reserve the balance of my time.

Mr. PEARCE. Mr. Speaker, I yield 2 minutes to the gentleman from Arizona (Mr. SHADEGG).

□ 1500

Mr. SHADEGG. Mr. Speaker, I thank the gentleman for yielding me this time.

I would like to make three quick points. Sadly, this bill will increase our dependency on foreign oil, exactly the wrong public policy. It taxes the production of domestic oil and, therefore, encourages us to buy more foreign oil. The wrong policy.

Second, this bill will increase the cost of gasoline and fuel oil for every American. Make no mistake about it, when you increase the tax, the producers will pass that tax on and our prices are going up.

But I want to make a broader, more important point, and that is to discuss for the American people and for the record how this bill and the preceding five bills were brought to the floor. That procedure is a raw exercise of power, and I would like to ask my Democratic colleagues why they are afraid to allow discussion and dissent.

This bill came to the floor allowing Republicans no amendments. Zero. This bill didn't go through committee. It couldn't be amended in committee and it can't be amended on the floor.

Some people say this is a response to the Contract With America. I would like to make the point that in the Contract With America, we were allowed to set our agenda. You are entitled to set your agenda here. But in the Contract With America, for those bills we allowed Democrats to offer 154 floor amendments. To our Contract With America in 1995, you got to offer 154 amendments. We get to offer zero.

In our Contract With America, in allowing you to offer 154 amendments in addition to the amendments in committee, 48 of the Democrat amendments to the Republican Contract With America were adopted and became a part of the bill. Zero Republican amendments will be adopted because you allow none.

I do not understand and I do not believe that beginning this debate by not allowing the minority to express itself shows any pride. Let the minority speak. What are you afraid of?

Mr. RAHALL. Mr. Speaker, I reserve the balance of my time.

Mr. PEARCE. Mr. Speaker, I recognize one of our new Members, Mr. LAMBORN from Colorado, for 1½ minutes.

Mr. LAMBORN. Mr. Speaker, H.R. 6 would be bad enough if it only increased taxes by $6.5 billion. H.R. 6 would be bad enough if it only drove up the price of domestic energy, hurting working families and empowering Hugo Chavez and OPEC.

But there is a flaw in this bill that goes even deeper and touches on our oath to uphold the United States Constitution. This bill has a takings with no compensation in it which should not be allowed under the United States Constitution.

I thought we had all learned in the aftermath of the Kelo decision that the American people are offended when the government grabs property without just compensation. Yet this bill does exactly that. This bill forces owners of certain oil and gas leases to renegotiate those leases and forces them to forgo all economic benefits from those leases until they do so. This is a clear violation of the fifth amendment.

Under my oath of office, I cannot support H.R. 6. I urge all Members to oppose it for this reason alone, apart from all of the other bad policy that it contains.

Mr. PEARCE. Mr. Speaker, I would like to recognize my friend from Texas, Mr. CONAWAY, for 1 minute.

Mr. CONAWAY. Mr. Speaker, I thank the gentleman for yielding.

The word "integrity" in this bill has been used several times today. It is offensive in the extreme just because of what my colleague just mentioned. The lead-in sentence to section 202, which is the beginning of this wreck where we take money, confiscate money from otherwise good hardworking individuals for government purposes, says, "The Secretary of Interior shall agree to a request by any lessee," and I can assure you that no lessee that has negotiated in good faith leases is going to request without some sort of a gun held to their head, and that gun is this bill.

Tax rates go up and tax rates go down. Everybody understands that. Every businessman understands that. What these businessmen don't understand is this Congress's attack on the sanctity of contracts. These leases were signed in 1998 and 1999. If mistakes were made by the Federal Government, fine, go find those lawyers and bring them up on malpractice suits. But those leases were signed.

This bill has delay rentals which were not in the original negotiation. This bill takes money away from those folks.

The bottom line for this increase in taxes and these takings is that there will be less money reinvested in oil and gas domestic production. Every reduction in domestic production leads to a demand for foreign crude oil and foreign natural gas. I recommend a "no" vote on this bill.

Mr. PEARCE. Mr. Speaker, I would like to yield 2¼ minutes to the gentleman from Texas (Mr. GOHMERT).

Mr. GOHMERT. Thank you, Mr. Speaker.

We have heard complaints from across the aisle today alleging that oil and gas leases being addressed right now were negotiated in a culture of corruption.

Mr. Speaker, if the Democrats have evidence that the Clinton administration that negotiated these leases did so corruptly, it needs to be brought forward. If that evidence is there, the Attorney General can go forward and rescind these leases and get damages. Maybe that is some of the evidence that Sandy Berger was stuffing in his socks to steal away. But if we don't have the evidence, then it is not right to go forward and break contractual words of this country and this Congress.

Once upon a time there was a king who broke his word regularly, like the Democrats are trying to do here, and our forefathers came forth with a document that said when in the course of human events it becomes necessary to dissolve the political bands which have connected one with another, that is what started this country when the king started being so arbitrary and capricious as this.

Now our forefathers tried to protect against that, so they inserted in the Bill of Rights a fifth amendment provision called the takings clause that says you shall not take private property for public use without just compensation.

Now this bill basically says if you don't renegotiate your lease, you can't get any more leases on your existing lease. You can't have economic benefit. That is one of the things. The Penn Central case from 1978 made clear what the test was, and this rises to the level of a regulatory taking.

In this bill, the Democrats are also going to try to change the Tax Code and deprive the oil and gas industry of a deduction that every other industry has. And what it will do is, in effect, prevent domestic drilling, drive us to more foreign oil and send money to our enemies. We should rename the bill the "Chavez Shelter Bill" or the "Terrorist Assistance Bill" or maybe the "National Insecurity Bill."

Gas prices will skyrocket, and if that is what somebody here wants, they will be happy. Look, I am not happy with the deal that the Clinton administration cut. It was not a good deal, but a country cannot go about breaking its word. That is not the right thing to do.

What the majority wants to do is what was done in "Animal House" after a freshman pledge's car was wrecked. He got an arm around his shoulders and the words, "Son, you messed up. You trusted me." That's not the way to run a government.

Mr. RAHALL. Mr. Speaker, I remind the gentleman who just spoke that he voted for the Pombo bill in both committee and on the floor last year, which included the imposition of these new conservation fees.

Mr. PEARCE. Mr. Speaker, I yield myself 2½ minutes.

Mr. Speaker, there are three titles in this bill. First deals with ways and means problems, those problems that have to do with taxes. We can have legitimate discussions on whether to tax or not tax corporations.

The third title deals with the renewable resources. Being from New Mexico, I think we should be exploring and investing in renewable resources. New Mexico is one of the few States that would be self-sufficient in wind and solar. We are making heavy investments in nuclear energy and in biomass, hydrogen, and geothermal.

I am very committed to the section that the Democrats have on title III. The one I have deep reserves about is title II. In that title, page 10 says a lessee shall not be eligible to obtain the economic benefit of any covered lease, or any other lease.

Mr. Speaker, what is occurring here is the piece that is referred to in yesterday's Washington Post editorial where the Democrats are described as being heavy handed. The stability of contracts that would be recognized and welcomed in Russia and Bolivia, I do not think that our friends on the other side of the aisle intended to do this. Therefore, I recommend that we kindly send this back to committee and we could take out these offenses.

Mr. Speaker, the quality of a nation and its government depends on the full faith and credit of that government. This government depends on making promises that are not written to its seniors, to its veterans. Those promises are honored. But it also makes contractual promises, promises where companies are spending billions of dollars based on the contractual agreement that is there. If we are going to find a way out of those foolish mistakes made by the Clinton administration, I agree we need to do it, but we do not need to do it in the way that they did in Venezuela and Bolivia and Russia. We need to go about it in a proper way. If we are going to punish people who did not voluntarily change a contract, we are no better than those countries that nationalize their industries.

Mr. RAHALL. Mr. Speaker, in response to the speaker from New Mexico referring to the silly mistakes of the Clinton administration, I remind him that the current administration has been in power for 6 years.

I yield 2 minutes to the distinguished gentleman from New York (Mr. HINCHEY), a member of the Committee on Natural Resources.

Mr. HINCHEY. Mr. Speaker, our friends on the other side of the aisle have been talking a great deal about the so-called Contract With America. But what our experience has shown over the years is that was not a Contract With America but a contract with and for powerful special interests.

They allowed the drug companies, for example, to write a Medicare bill; and they have allowed the oil companies to determine energy policy in our country. That needs to change.

All day long today they have been talking about how they don't like the idea that the oil companies have to pay their fair share of taxes even while they are making record profits and they have charged record prices at the pump and elsewhere for their product. It makes no sense.

The energy policy that they put in place beginning in 1995, and then made even worse in 2005, caused oil prices to increase dramatically because of their affiliation with the energy companies. We need to change that.

What this bill does is it takes bad policy and turns it into good policy. It takes policy that is based upon the interest of special interests, the oil companies, and changes it into policy that is based upon the big interests of the American people.

It takes as much as $14 billion over the course of the next 10 years and uses that money to promote energy conservation, alternative energy, to bring our country to a situation of increasing energy independence.

They have been talking a great deal about how we are going to be importing more oil. Well, the fact of the matter is 60 percent of the oil that we use in our country today is imported from outside of the country.

The product that we have in places such as the Gulf of Mexico is a very valuable product. It is owned by the American people. The value of that product is going to go up over time significantly. You just want to make it easier for the oil companies to take it now at a cheap price. We are against that. Pass H.R. 6.

Mr. PEARCE. Mr. Speaker, I recognize the gentleman from Louisiana (Mr. BOUSTANY) for 1 minute.

Mr. BOUSTANY. Mr. Speaker, this ill-conceived legislation will halt recent efforts to increase domestic oil and gas production and will further boost our Nation's dependence on foreign oil.

The price we pay for turning a blind eye towards our Nation's energy security is absolutely staggering. Most Americans don't realize the hidden cost of our reliance on foreign oil.

According to the National Defense Council Foundation, the cost to defend America's access to foreign oil supplies rose to nearly $137 billion in 2006.

The majority is pushing through this job-killing legislation that threatens thousands of jobs in my gulf coast district.

Mr. Speaker, I can tell you firsthand, we are not talking about minimum wage jobs. Many times over minimum wage.

Furthermore, the creation of an energy slush fund with no specific wording in this legislation about how it is going to be used is fiscally irresponsible. America deserves a comprehensive bill to address our Nation's energy security. H.R. 6 is not close; and I urge my colleagues to vote "no."

Mr. RAHALL. Mr. Speaker, I yield 1 minute to the gentleman from Rhode Island (Mr. KENNEDY), another member of the Committee on Natural Resources.

Mr. KENNEDY. Mr. Speaker, in 2006, our Nation's oil companies made $97 billion in profits, five times the profits they made in 2002. In the last 3 years, their profits per gallon of gasoline went from 15 cents per gallon of gas that you pumped in your car to 50 cents last year.

□ 1515

So just think of it. Today, when you put your gallon of gas in the car, oil and gas is taking 50 cents a gallon for profits. That is scandalous.

Now, if you want to challenge me, I ask the press to challenge me. And if oil and gas wants to disprove my facts, I ask the oil and gas industry to disprove my facts. Open up your books, oil and gas companies, and disprove what I have to say to you today.

Otherwise, let's pass this bill and give back to the people of this country some of the excess profits these companies have been taking from the American people.

Mr. PEARCE. Mr. Speaker, I yield to the gentlewoman from Oklahoma (Ms. FALLIN) 2½ minutes.

Ms. FALLIN. Mr. Speaker, you know, in America, I still believe that a man's word is a man's word. And in America, contract rights are property rights. And the fifth amendment prohibits the government from taking away those property rights without due process and without just compensation.

Under the Democrat energy bill, contract rights are bona fide leases that are taken away. You cannot sell your lease, you cannot transfer your lease, you cannot derive any economic benefit from your lease until you open up your lease renegotiation. This is a complete elimination of value of these valid and binding contracts. The Supreme Court has long held that when this occurs property owners must be compensated.

The Democrat energy bill doesn't recapture the money lost from the Clinton administration's badly written leases, it just opens up the floodgates for takings litigation. This is a trial lawyer's dream bill. Federal takings claims and property disputes are notoriously long. They can take a long time to resolve.

Now, there was a bipartisan resolution and a vote in Congress to fix the lease mess, but last year's language was killed by the other body. It had a fix on the leases that would give back $10 billion to the American taxpayers. The Democrat bill, as written, will hurt offshore investment in drilling by American companies, which in turn does nothing to reduce our U.S. dependence on foreign energy.

We are breaking our word with American companies who hold these leases and who have invested a lot of their money into drilling. In my opinion, Mr. Speaker, a man's word is a man's word, and a deal is a deal. If our government interferes with lease contracts and changes this deal, who will want to invest in American exploration?

Mr. RAHALL. Mr. Speaker, I yield 1½ minutes to the gentleman from Michigan (Mr. STUPAK).

Mr. STUPAK. Mr. Speaker, for too long Big Oil has benefited from weak royalty laws, huge tax breaks, and subsidies. Last year, the five biggest oil companies' profits were $97 billion, nearly five times their profit in 2002. These record profits were bolstered by excessive tax breaks, generous subsidies, and being allowed to drill on public land without reimbursing taxpayers.

In the meantime, Americans are being taken at the gas pump as gas prices rose to over $3 per gallon last summer. Rather than helping oil companies' bottom lines, these tax breaks and special subsidies will be reallocated in H.R. 6 to promote and develop clean and renewable energy to end our Nation's addiction to oil.

Under prior Republican leadership, the oil industry enjoyed years of record profits with minimal oversight, resulting in price manipulation and record gas prices. The American people have chosen a new direction, and under Democratic leadership we will end the tax breaks and the subsidies to Big Oil.

America will begin to end our addiction to foreign oil, improve our environment, and promote our economic and national security through clean and renewable energy. Vote "yes" on H.R. 6.

Mr. PEARCE. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, this bill is not energy policy, it is industrial policy. The San Francisco wing of the Democrat Party is switching from blaming America first to blaming the American way of life first for all the ills they conjure up.

San Francisco Democrats want to tell the American people they should be running their cars off wind, yet I will tell you that there is only one institution in this Nation that runs off wind and that is the hot air that fuels this institution.

Mr. Speaker, energy is the largest business in the world, not because governments make it so but because 6 billion people demand the freedom and quality of life that its use provides. When America went from horses to cars it was because cars were more efficient and faster than horses, not because government deemed they should be driving in cars. When America went from dirt roads to asphalt it was because asphalt was the more efficient surface that could withstand rain and snow, not because government told people to use it.

Just because we say people should be using wind and solar to power their cars does not mean it is going to occur.

Mr. Speaker, I reserve the balance of my time.

Mr. RAHALL. May I have a time check, please, Mr. Speaker?

The SPEAKER pro tempore. The gentleman from West Virginia has 4 minutes remaining.

Mr. RAHALL. And the gentleman from New Mexico?

The SPEAKER pro tempore. The gentleman from New Mexico has 5¼ minutes remaining.

Mr. PEARCE. Mr. Speaker, I would observe that it is my intent to reserve the balance of my time until the closing of the entire bill, if that would assist the gentleman in planning his time.

Mr. RAHALL. I am sorry, I have the right to close; is that right?

Mr. PEARCE. I am just going to reserve my 5 minutes of debate time until after the next two committees have gone.

Mr. RAHALL. Mr. Speaker, I yield for unanimous consent only to the gentlewoman from Ohio (Mrs. JONES).

Mrs. JONES of Ohio. Mr. Speaker, I rise in favor of H.R. 6.

I rise today in strong support of H.R. 6, which works to stop global warming by creating a fund that will support research in renewable energy sources and encourage energy efficiency.

Yesterday, the publishers of the Bulletin of Atomic Scientists, a group of prominent experts including physicist Lawrence Krauss of Case Western Reserve University, said we are perilously close to destroying the stability of our planet by ignoring the threat of climate change.

Carbon dioxide levels are 27 percent higher now than at any point in 650,000 years, and 2006 registered as the warmest year in recorded history. We can no longer afford to postpone action.

Our need to act now is further enhanced by our Nation's dependence on foreign oil. Currently, we import 60 percent of our oil, and that number will increase to 75 percent in the next four years.

With diminishing domestic oil reserves and growing instability in the Middle East, dependence on imported oil leaves our Nation vulnerable to volatility in foreign nations.

Yet we can reverse our course, and H.R. 6 takes a step toward doing so.

The CLEAN Act will create a Strategic Energy Efficiency and Renewables Reserve, which will finance legislation that promotes renewable energy and energy efficiency.

Although 86 percent of America's energy comes from the burning of fossil fuels, a number of alternatives exist that are better for the environment.

Ohio is home to the largest wind turbines east of the Rockies, installed near Bowling Green. These utility-scale turbines produce 1.8 Megawatts of electricity. Honda and Iten Industries are currently studying developing wind farms at their facilities in Ashtabula and Logan counties.

As part of its Sustainability Program, the City of Cleveland has partnered with Green Energy Ohio to study the feasibility of installing wind turbines on Lake Erie.

Ohio is also a leader in biofuels. Most gasoline sold in Ohio contains 10 percent ethanol, and the Ohio Department of Development offers incentives for research in agricultural-based fuels. Ohioans are installing solar panels on their roofs to heat their water, buying hybrid cars to decrease fuel consumption, and building low-impact dams to produce hydropower. The City of Cleveland is building new bike lanes to encourage commuters to leave their cars at home.

Ohioans are committed to using cleaner energy, but doing so is expensive. The reserve fund established by H.R. 6 would provide the means needed to pursue these environmentally sound strategies.

This reserve will be financed by reinvesting money that used to go to large oil companies through tax breaks, allowing Congress to provide this fund without increasing the deficit.

Critics of H.R. 6 argue this measure will place an undue burden on oil companies, which will lead to higher gas prices. However, by helping reduce our dependence on oil and diversifying the source of energy for Americans, H.R. 6 will lead to increased long-run fuel price stability. Even President Bush has said, "Energy companies do not need taxpayer funded incentives to explore for oil and gas."

Other critics argue the threat of global warming has not been proved. Those in denial ignore the opinions of not only the scientific community, but of corporations such as Wal-Mart and General Electric, state and local governments around the country, and the National Academy of Sciences, who all agree that the fight to stop global warming must start now.

H.R. 6 will not single-handedly solve our climate change problems, but it is one part of an elaborate strategy we must undertake in order to ensure that the planet we love will be here for our grandchildren's grandchildren.

Vote "yes" on H.R. 6.

Mr. RAHALL. Mr. Speaker, just by way of clarification with the gentleman of New Mexico, my name is the lead sponsor on this bill and I am from the State of West Virginia, not San Francisco. Just to correct any misperceptions there.

Mr. PEARCE. I appreciate that clarification from the gentleman.

Mr. RAHALL. Mr. Speaker, I now yield to a valued member of our Natural Resources Committee, the gentlewoman from California (Mrs. CAPPS) 1½ minutes.

Mrs. CAPPS. I thank my colleague for yielding, and I rise in strong support of H.R. 6, the CLEAN Energy Act. Today, our economy relies on fossil fuels for energy. We must simply change that.

President Bush admits we are addicted to oil, and this addiction is harming our country. The best way to beat this addiction is to stop using so much oil and gas by reducing demand, promoting renewables, and developing alternatives.

Since America is not exactly awash in oil and gas, reducing our dependence upon them would be good not only for our environment but for the economy and our national security as well.

To be honest, though, we have to do more than just talk about the potential that renewables and alternative energy has for this country. We have to put in place more funding for programs to bring these energy sources to market. We have to make changes in energy policy to encourage their use. And that is exactly what H.R. 6 does.

In the debate on the floor today, the minority side has described H.R. 6 as a takings. So let me remind all of us that when the House considered and passed the Jindal-Pombo OCS drilling legislation last June, 2006, no Republican Member challenged the conservation fee as a breach of contract or a taking. In fact, the Committee on Resources report on that legislation, H.R. 4761, states, and I quote, "this new fee addresses the mistakes made in leases issued in 1998 and 1999 where price triggers for royalties were not included in the lease without violating contractual obligations of the United States."

Mr. Speaker, Americans want real meaningful solutions to our Nation's energy challenges. Big Oil has received more than its fair share of handouts. It is time we put taxpayer funds to more productive use. Let us pass the CLEAN Energy Act.

Mr. PEARCE. Mr. Speaker, I yield myself 30 seconds just to point out that the conservation fee in this bill, contrary to the testimony we are hearing, applies to all leases, according to the language in the bill, and that clarification is a very important distinction.

Mr. Speaker, I reserve the balance of my time.

Mr. RAHALL. How much time do I have left now, Mr. Speaker?

The SPEAKER pro tempore. The gentleman from West Virginia has 2½ minutes remaining.

Mr. RAHALL. Mr. Speaker, I yield 1 minute to a valued member of our Natural Resources Committee, the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Speaker, I thank the gentleman for his great work and for yielding, and I thank Mr. HINCHEY, who has worked with me over the past 2 years to bring to the attention of the American people this issue of the fact that there is drilling going on off the shores of our public country on public lands where there are no royalties being paid, whether it is $30, $40, $50, $60, $70, or $80 a barrel.

Here is what President Bush said about that on April 19, 2005. "I will tell you, with $55 oil, we don't need the incentives to oil and gas companies to explore," Bush said in a speech in April.

So what are we saying? We are saying keep your contracts. You don't have to change the contracts. Keep them. But if you want new contracts on new drilling sites, renegotiate the old contracts or pay a $9 fee. You can keep the sanctity of the old contracts, but you are not entitled to new contracts. Very simple.

Then, after the money is recollected, we are going to create a Renewable Energy Strategic Fund to change and put our country heading in a new direction.

Mr. Speaker, the bill that we are considering today represents the important first step in charting a new direction for the nation's energy policy. H.R. 6, the CLEAN Energy Act of 2007, repeals the unnecessary and I wasteful tax breaks and royalty-free drilling rights for big oil and gas companies, and instead creates a Strategic Energy Efficiency and Renewables Reserve that would invest in clean, renewable energy sources and clean alternative fuels like ethanol, as well as energy efficiency and conservation.

At a time when they are making record profits and American consumers are being tipped upside down at the pump we should not be giving massive subsidies and tax breaks to big oil companies. Even President Bush conceded in an April 19, 2005 Washington Post article, "I will tell you with $55 oil we don't need incentives to oil and gas companies to explore. . . . There are plenty of incentives." Even George Bush admits that at $55 dollars, the price of oil is enough of an incentive for oil companies to drill and they don't need the additional taxpayer subsidies that were created under the Republican Congress. Today, with H.R. 6, we are simply going to repeal the most egregious of those unnecessary incentives and tax breaks to big oil.

In addition, H.R. 6 will put an end to oil companies drilling for free on public land when oil prices are high. The Government Accountability Office has estimated that the American taxpayers stand to lose at least $10 billion from leases issued in the late 90s that do not suspend so-called royalty relief. H.R. 6 would correct this problem by barring oil companies from purchasing new leases unless they had either renegotiated their existing faulty leases or agreed to pay a fee on the production of oil and gas from those leases.

Now, I have heard some Members on the other side of the aisle argue that if we were to pass the royalty relief fixes included in H.R. 6 and take back from big oil the $10 billion or more that rightfully belongs to the American people, it will violate the contracts that they are holding. That it will turn our country into Bolivia or Russia. But let me be clear—we have spoken to the top constitutional lawyers in the country and they all agree that we are on the firmest of constitutional ground.

The contracts that these oil companies are holding allow for the federal government to impose fees like the ones in this bill. Furthermore, the American Law Division of the Congressional Research Service has said time and time again that including a condition in new oil and gas leases to exclude oil companies that have not renegotiated their faulty leases would not abrogate existing contracts or constitute a takings. All H.R. 6 does is give these big oil companies a choice—they can continue producing royalty-free oil no matter how high the price of oil climbs, that's fine, but then they're not going to get any new leases from the Federal Government.

And more than that, this House has already adopted the royalty relief fixes included in H.R. 6 by overwhelming, bipartisan votes. Many of my Republican colleagues voted for both of those provisions. The House adopted the Markey-Hinchey amendment to the Interior appropriations bill to provide an incentive for these companies to renegotiate by suspending their ability to bid on new leases by a vote of 252–165. The House also voted last year to impose a $9 per barrel fee on oil produced from these leases in a bill authored by former Resources Chairman Pombo. That Pombo fee is this bill, and the Markey-Hinchey suspension on bidding for new leases is also there as an alternative. So, this is something that the House has already voted to do two times. Two times, this House has said that we want to put real pressure on all the oil and gas companies holding those 1998–1999 leases to renegotiate.

However, the Bush Administration has consistently opposed our efforts to bring every oil company holding one of these leases back to the negotiating table and it continues to oppose the provisions in H.R. 6 that would do so. Instead, the Bush Administration has argued that we should allow oil companies to "voluntarily" renegotiate with the Minerals Management Service. However, of the 56 companies holding these leases, only 5 have voluntarily agreed to renegotiate. When billions of taxpayer dollars are at stake, that is simply not an acceptable rate of return. H.R. 6 says that it is time for the oil companies to stop playing Uncle Sam for Uncle Sucker.

According to an Interior Department's Inspector General's report that came out today, senior officials at the Minerals Management Service have known about these faulty leases for nearly three years, yet sat idly by and did absolutely nothing while big oil companies failed to pay nearly $1 billion in royalties that rightfully belonged to the American people. If the allegations in the IG's report are true, top Bush Administration officials have aided and abetted one of the greatest heists in history. We should not now leave those same officials in charge of getting oil companies to "voluntarily" renegotiate those same leases.

Finally today, as part of the first 100 hours, we are starting the comprehensive debate about our nation's energy policy that we should have been having over the last 6 years. Finally today, we are beginning to talk about how we can radically increase the amount of renewable fuels such as ethanol we consume in the country. Finally today, we are beginning to talk on the Floor of the People's House about how to make our appliances or our buildings or our vehicles more energy efficient so that we can reduce our consumption of foreign oil and our emissions of greenhouse gasses.

Adopting H.R. 6 will allow us to begin to move in a new, clean direction on energy and put an end to the free ride that big oil has had under the Bush Administration. This bill is a beginning. It is the beginning of a change in direction, away from subsidizing an industry that doesn't need extra financial incentives, and towards the technologies that do need a helping hand. Today, we have a Strategic Petroleum Reserve that we can tap to help American consumers in the event of another Middle East oil embargo or crisis. But with this bill we create a Strategic Energy Efficiency and Renewables Reserve, that we can tap to ensure that America can move towards energy independence.

I urge an "aye" vote on H.R. 6.

Mr. RAHALL. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. LEE).

Ms. LEE. I thank the gentleman for yielding and for his leadership in introducing this bill.

We are following through with our promise to hold big oil and gas companies accountable to the American people. Now, 6 years ago, when temperatures were spiking around the world, and the effects of global warming were raising alarm bells about the fate of the polar bear, the Vice President was holding secret meetings with energy executives and offering cozy deals and incentives to his Big Oil buddies.

When oil prices spiked, and they spiked after Hurricane Katrina, and oil companies began reporting the highest corporate profits in American history, the President and the Republicans in Congress were eagerly offering their cronies another generous helping of public giveaways. While the American people were emptying their pockets to fill up at the pump, Republicans were lining up to be the first to open our coast to new drilling.

Mr. Speaker, I am proud to say that those days are over. By forcing oil and gas companies to pay their fair share for the natural resources that belong to us, we are recovering more than $14 billion of the taxpayers' money over the next 10 years. That $14 billion represents a real investment in green energy initiatives that will one day allow us to declare energy independence.

Mr. PEARCE. Mr. Speaker, I reserve the balance of my time.

Mr. RAHALL. Mr. Speaker, I yield the remainder of my time to the chairman of the Education and Labor Committee and a valued member of our Natural Resources Committee, the gentleman from California (Mr. GEORGE MILLER).

The SPEAKER pro tempore. The gentleman from West Virginia has 30 seconds remaining.

Mr. GEORGE MILLER of California. I thank the chairman for yielding.

I think it is just incredible that the other side of the aisle would argue, at a time when the most competitive and the most stressed oil market in the world, that what you need to develop oil leases offshore is to have government subsidies. At a time when you have national governments and international oil companies scouring the world to lock up resources, almost willing to do business with anybody in the world, doesn't matter if they are a dictator from the right or the left, at a time when countries are out trying to get their hands on these resources, we suggest the only way you can get people to drill in the most secure area of the entire world is to give them a subsidy.

The national security of the United States is the subsidy they get when they drill here. They do not need additional subsidies.

The SPEAKER pro tempore. The time of the gentleman from West Virginia has expired.

Mr. PEARCE. Mr. Speaker, I reserve the balance of my time until the end of debate after the other committees have used their time.

□ 1530

The SPEAKER pro tempore (Mr. HOLDEN). At this time, the gentleman from Minnesota and the gentleman from Virginia each control 15 minutes.

The Chair recognizes the gentleman from Minnesota.

Mr. PETERSON of Minnesota. Mr. Speaker, thank you. I yield myself such time as I may consume.

Mr. Speaker, as chairman of the House Agriculture Committee, I am pleased today to rise in support of H.R. 6. Rural America is already leading the way towards reducing our dependence on foreign oil and generating electricity from renewable resources.

To encourage the growth of renewable energy production, the Agriculture Committee will be including an energy title in the farm bill that we will write this year; however, we currently have no baseline money to write that energy title.

The funds created in the energy reserve in H.R. 6 will help us establish farm bill policies that will move us closer to energy independence.

One of my top priorities for renewable energy in the farm bill will be funding for additional research and development on cellulosic ethanol, which I believe is the real key to achieving energy independence.

To begin the transition to cellulosic ethanol, we need to start growing cellulosic feedstocks so that we are ready to get the industry off the ground when the technology and infrastructure are in place to begin producing it.

To make this happen, we are going to propose a new farm bill program that will pay farmers and ranchers to begin growing cellulosic feedstocks, such as switch grass, sweet sorghum, miscanthus and other crops in actual, real-world settings. This will help us identify the best feedstocks that each region of the country can grow and supply to this new cellulosic ethanol industry.

While we are learning how to grow the feedstocks that will fuel the cellulosic ethanol industry, we must also help get the first generation of cellulosic ethanol plants up and running. We hoped that the Department of Energy would issue the loan guarantees to start that process, but the unfinished appropriation process left over from the last Congress, it appears, makes that unlikely. So I am going to work with the other committees of relevance to determine what we need to do to help these first cellulosic ethanol plants to be built and to be operational.

Although I am most interested in finding ways to encourage the move to cellulosic ethanol, we will also be looking for ways to make our current starch ethanol industry more efficient by supporting research on better use of by-products and better corn yields.

As we build on the success of the starch ethanol industry and as a value-added agriculture product, we need to continue to support one of our most important value-added industries in agriculture, our livestock industry. This industry has been one of the greatest value-added success stories in recent years, boosting income in our farming communities. We need to ensure that any renewable fuels policies that we pursue do not damage this important sector.

We must also continue to grow our domestic biodiesel industry, so the Agriculture Committee will continue the CCC Bioenergy program, a farm bill program that can also provide incentives for the cellulosic ethanol production.

Beyond the renewable fuel production, there are other policies that the Agriculture Committee will support to help our Nation's farmers and ranchers both conserve and produce more energy. For example, in the 2002 farm bill, we included a program to help farmers and ranchers make their operations more energy efficient. That program, known as the Section 9006 Program, also helps agriculture producers install methane digesters or wind turbines on their land to produce renewable energy.

As we continue to consider the future of the energy production in the United States, we need to be sure that we can provide the technical expertise needed to plan and test all kinds of bio-based products, not just fuels, such as shirts made from corn fiber, which are produced in my district, and fast-food containers made from corn starch.

Mr. Speaker, my home State of Minnesota has been a leader in renewable energy, recognizing the growing needs for a growing industry. Many of our rural communities are coming alive with the excitement and the new investment that renewable energy has brought. I want to be sure that the rest of the country can benefit from this great experience that we have had in Minnesota.

Rural America stands ready to plant, grow and harvest the future of energy independence for our Nation. I encourage the support of this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. GOODLATTE. Mr. Speaker, I yield myself 4 minutes.

Mr. Speaker, I rise today in opposition to H.R. 6. Like my colleagues, I believe we should find solutions to address the growing demand for energy, and I look forward to working with my colleague, the chairman of the Agriculture Committee, Mr. PETERSON, to find new ways for American agriculture to provide increasing sources of domestic energy.

In the Republican-led Congress, I supported an energy bill that was signed into law that actually encouraged domestic energy production and lessened our dependence on foreign oil. Today's legislation, however, seems to dismantle any progress we have made in achieving energy independence.

The Wall Street Journal and The Washington Post, they don't agree with each other very often, they both condemn this legislation. The Wall Street Journal calls it the OPEC Energy Security Act: "This bill is said to promote America's energy independence, but the biggest winner may be OPEC. Raise taxes on domestic oil producers," it said. "Yes, raise the cost at the gas pump for American consumers. Raise the cost for American farmers who have to buy oil and natural gas to operate their farms. Every American farmer has to do that."

The Washington Post says: "This heavy-handed attack on the stability of contracts would be welcomed in Russia, Bolivia or other countries that have been criticized for tearing up revenue-sharing agreements with private energy companies." The Wall Street Journal again says: "So at the same time that the U.S. is trying to persuade Venezuela and other nations to honor property rights, Congress does its own Hugo Chavez imitation."

Many Members have discussed passionately how America needs to decrease its dependence on foreign oil. In fact, many campaigned on promises to decrease our independence. But here we are in the midst of the Democratic leadership's first 100 hours considering a bill to increase America's dependence on foreign oil. This is dangerous policy for our national and economic security.

This legislation increases fees for domestic energy production and repeals for energy companies only the manufacturing tax deduction which was put in place to encourage domestic manufacturing and jobs from domestic production of goods. The manufacturing tax deduction was extended to all manufacturing to fix the problematic FSC–ETI problem, and was in no way a giveaway to the oil companies.

By singling out one industry alone, we are not righting a wrong. We are persecuting an industry and the people employed in that industry domestically. This is not attacks on foreign production in Venezuela or Iran or Saudi Arabia. This is attacks on American production of energy. Repealing these incentives makes it less economical to produce domestic energy and will compel companies to seek cheaper options abroad.

While energy demands continue to rise, this bill would discourage domestic production, forcing the U.S. to import more foreign oil. While the proponents will tell you only oil companies will pay, the truth is every single one of us will pay the price.

So why are we increasing the price of energy as well as our dependence on foreign oil? Those on the other side think this will help spur research for alternative energy. It is estimated that this bill robs about $14 billion over the next decade from domestic energy production. That is quite a lot of money. But where is the plan outlining how that money will be used? Sadly, there isn't one, thanks to a closed rule, with no amendments offered whatsoever time after time during this process, in contrast with the Contract With America, where we allowed 154 Democratic amendments, 48 of which, by the way, passed and were included as a part of the Contract With America. In this process, that possibility of spelling that out is gone. There is no way to tell people how we can use this for more domestic production for renewable fuels, for example. Sadly, there isn't anything like that.

This bill creates a $14 billion piggy bank or slush fund that we have been told will be used for future alternative energy legislation.

I urge my colleagues to oppose this very bad legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. PETERSON of Minnesota. Mr. Speaker, I am pleased to yield 2 minutes to the distinguished vice chairman of the House Agriculture Committee, the gentleman from Pennsylvania (Mr. HOLDEN).

Mr. HOLDEN. Mr. Speaker, I rise in support of H.R. 6, a piece of legislation that will move us towards energy independence. We are 65 percent dependent upon foreign energy, and we need to take advantage of our own natural resources. And in reference to the prior debate, that includes coal.

The only reason we do not have a coal-to-liquid plant in the United States of America right now has nothing to do with anyone in this Chamber on either side of the aisle, but it has directly to do with the Department of Energy that refuses to follow the letter of the law and enforce a loan guarantee of $100 million. If they would do that, we would have a coal-to-liquid plant right now in the Commonwealth of Pennsylvania in the borough of Gilberton. We need to take advantage of all of our natural resources. And serving as the vice chairman of the Agriculture Committee, I look forward to taking advantage of our agriculture natural resources.

The chairman and ranking member last year, when their roles were reversed, traveled around the country having hearings, trying to see what we need to do in the next farm bill. One thing was heard loud and clear, we need to take advantage of our own natural resources. And in the trip to Minnesota at the chairman's district, when we learned how far ahead the State of Minnesota is in ethanol production and cellulosic research, we understood right then what we need to do in writing this farm bill.

So I rise in support of this legislation to give us the opportunity to do the research, to find the feedstocks to make us energy independent so we can, once and for all, not depend upon foreign energy and be independent and bring the price down.

Mr. GOODLATTE. Mr. Speaker, at this time, it is my pleasure to yield 3 minutes to the gentleman from Illinois (Mr. HASTERT).

Mr. HASTERT. Mr. Speaker, H.R. 6 aims to punish Big Oil. In reality, the only people it punishes are the American people.

It is a fact that America is dependent upon foreign sources of oil. Six out of every 10 barrels of oil our Nation consumes come from foreign sources. This means that our Nation's energy security rests in the hands of the leaders of Iran, Venezuela, Algeria, Chad, Angola, Nigeria, and Russia. This state of affairs is unacceptable, and we must do all we can to change it.

The way we change the situation is straightforward, but not easy. We need to be more efficient with the energy we use to fuel our economy, heat our homes, and run our cars. We need to increase the use of alternative and renewable fuels, like ethanol and soy diesel, wind energy and nuclear power. We need to deploy new technologies that will allow us to make clean and efficient use of our nearly inexhaustible supplies of coal, and we need to look forward to a new age where we can use the power derived from hydrogen-replaced fossil fuels.

I am pleased to say that on every one of these fronts, Congress has already acted. The Energy Policy Act of 2005, the first comprehensive energy bill in decades, provided significant incentives for renewable fuels, including the very successful and renewable fuel standard. It provided significant incentives for new nuclear power plants, energy-efficient buildings, solar and wind power, biomass and geothermal energy. It provides funding for FutureGen and other clean coal projects for research into the use of hydrogen and fuel cells. And it provides loan guarantees for projects employing carbon sequestration, coal gasification and coal-to-liquids technology.

This landmark legislation moved us toward where we will ultimately need to be, a country less dependent on uncertain foreign sources of energy.

I agree with many of my colleagues that we need to do more. We need to ensure that this country can deploy nuclear power plants, that we can provide the power investment climate whereby clean coal-to-liquid plants can be built. And we need to push the deployment of E–85 infrastructure.

Mr. Speaker, we need to do all these things and more, but we also need a vibrant and effective energy sector in this country. We need to produce and develop our own energy. We need to open ANWR. We need to make more of our offshore resources available for development, and we need additional investment in energy infrastructure. What we do not need, Mr. Speaker, is a tax increase on domestic energy exploration, production and development. We do not need to make American energy less competitive than energy produced overseas.

And make no mistake about it, increasing taxes on our Nation's energy industry means one thing: more reliance on foreign oil and gasoline. I had the honor of being in Soviet Union, Russia, last fall; met with Premier Putin. He spent 2½ hours talking about how Russia was going to combine and provide the energy for all of Europe and America if we wished to buy it.

□ 1545

Incidentally, he wanted our investment dollars, he wanted companies to invest there. Higher taxes means we have less investment here, less exploration here, development of resources here at home, and more development dependence on energy derived from foreign sources.

Mr. Speaker, we need to vote "no" on this bill.

Mr. Speaker, H.R. 6 is shortsighted policy. Oil companies in recent years have made huge profits, no doubt about it. I, for one, have argued that they use these profits and re-invest them here in developing new energy projects and building new refineries.

My colleagues on the other side of the aisle, however, want to punish such investment in America with new taxes. That is wrong, it is shortsighted and it won't work.

As the Wall Street Journal noted, this is an energy bill only OPEC Ministers could love.

Mr. Speaker, I agree with many of my colleagues that we should fix the Clinton Administrations mistake in not putting price thresholds in offshore leases granted to oil companies in 1998 and 1999.

I voted, along with many of you, to correct this mistake. But I do not agree with my Democrat colleagues that we should punish investment in our Nation's energy resources and infrastructure.

Far from punishing Big Oil we are only punishing ourselves. I urge my colleagues to vote "no."

Mr. PETERSON of Minnesota. Mr. Speaker, I am pleased to yield 1 minute to a member of the Energy and Commerce Committee, my good friend, the distinguished gentleman from New York (Mr. ENGEL).

Mr. ENGEL. I thank my distinguished friend, the chairman of the Agriculture Committee, for giving me time.

Mr. Speaker, I rise in strong support of H.R. 6, the CLEAN Energy Act. I am proud to be a cosponsor of this important legislation. When we passed the Energy Policy Act of 2005, Congress put the interests of Big Oil ahead of enacting a comprehensive energy bill for the American people.

Today we begin to right that wrong by repealing $14 billion in giveaways in tax loopholes to Big Oil. We are also repealing a provision which suspended the royalty fees from oil and gas companies operating in the Gulf of Mexico. We simply cannot let these companies off the hook for reaping record profits without paying their fair share.

We will then invest these funds in clean, renewable energy and energy efficiency and create a Strategic Renewable Energy Reserve which will also promote new energy technologies and improve energy conservation. The 110th Congress presents us with a new opportunity to advance forward-thinking 21st century energy policy. As a matter of national security we must wean ourselves off of foreign oil.

I will be reintroducing the bipartisan Engel/Kingston DRIVE Act, also known as the Fuel Choices for American Security Act. I hope we pass that bill as well.

Mr. GOODLATTE. Mr. Speaker, I ask unanimous consent to yield 4 minutes to the gentleman from Texas (Mr. BARTON) for the purpose of controlling debate.

The SPEAKER pro tempore (Mr. HINCHEY). Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. GOODLATTE. Mr. Speaker, it is my pleasure to yield 1 minute to the gentleman from Iowa (Mr. KING), a member of the committee.

Mr. KING of Iowa. I thank the gentleman from Virginia for yielding.

Mr. Speaker, I rise in opposition to H.R. 6 for a whole series of reasons. The gentleman addressed Vladimir Putin, who just nationalized $20 billion worth of Shell Oil Company's investment. You get a sense of what we have when you have those countries taking over the private investment.

I, for one, don't object to profits that go into companies like Exxon, Chevron, Shell, companies that take their profits and reinvest them back into research and development and exploration. That is why oil went from $75 a barrel down to $53 a barrel, and the trend is on back down.

This bill sends it the other way. I happen to represent Iowa, and Iowa produced 26 percent of the ethanol in the United States of America. That is number one of the States in the United States. We have a Nation that eclipsed Brazil in ethanol production. We have over $1 billion in private capital investment just in my congressional district for the 2006 construction season for renewable energies.

That tells me that research and development is coming in the private sector. They are producing enzymes in the private sector. They will catch up, and they will take care of the cellulosic ethanol. The government does a poor job of investing those dollars.

Mr. Speaker, I rise today in strong opposition of H.R. 6, the CLEAN Energy Act. We need a balanced energy policy in this country. This bill hurts agriculture and renewable fuels, small petroleum companies and well as the energy sector. This bill that affects every man, woman and child in America was not even given committee consideration. I guess an iron fisted rule from the Democrats is what we have come to expect.

Mr. Speaker, the liquid hydrocarbon sector supplies more then 99 percent of fuel used by Americans for transportation and operation of businesses. They produce the diesel fuel used by farmers in my district to run their tractors and combines. These are tractors and combines that plant and harvest our food in America. Natural gas is also the major cost in Nitrogen fertilizer farmers in my district use to grow corn. Corn, Mr. Speaker, is the major feedstock for ethanol in this country followed only by natural gas. This bill will hurt America's farmers by making them pay more for fuel to grow food and more for fertilizer to grow more ethanol. One last point, asphalt is made from petroleum. Asphalt is used for roads. Roads are used to transport grain to market and children to school.

I wonder if the Democrats realize they will be putting additional strain on local and State governments, the largest buyers of asphalt, who will then have to raise taxes to cover their cost. To recap, this bill raises operational costs of farming in my district by making fuel and fertilizer more expensive. In addition, farmers will get hit by increased taxes from their local and country governments.

While recovering royalties from the 98–99 lease issue seems like a politically friendly catch phrase, I would like to make two points on this issue. Recently, Russia forced Shell to hand over a $20 billion project. The Democrat plan to force producers to renegotiate their lease royalties or be barred from future leases is blackmail of American oil companies. This blackmail stems from a mistake from a Democrat administration. Maybe the Democrats are taking a page from Putin's energy policy playbook. They make American petroleum companies fear blackmail on two continents.

Have the Democrats given any consideration to what this legislation will do to small business? Large companies are somewhat cushioned against these types of blows. Small independent oil producers are not.

If they are forced into bankruptcy or mergers, all the Democrats have done is to consolidate petroleum production into fewer hands.

Right now, America is importing a large sum of petroleum from unstable countries. By importing this petroleum, America is enriching her enemies: Importing oil is a fact of life right now. Since I have been in Congress, I have been saying that we need to produce more BTU's here in America. Section 345 of the 2005 Energy bill contained incentives for petroleum producers to venture into deep water. In September 2006 Chevron discovered an oil field 270 miles south-west of New Orleans. This field is projected to increase America's proven reserves by 50 percent. I don't know if Chevron took advantage of Section 345 but it sure would make it easier to convince the accountants of the need to head to deep water. H.R. 6 repeals section 345. The test-well that Chevron had to drill to find this new field cost them $100 million.

The Democrats will no doubt point out the revenues reported in the media as justification for this legislation. I'm curious if the Democrats will acknowledge that the media has reported the gross revenue of oil companies. Not the net profits, but the gross receipts.

As a former small business owner, I wish to remind my Democrat colleagues about simple economics about how to calculate how much profit is made. The GROSS revenue are profits before bills are paid. Once the bills are paid, the net revenues of oil companies are very much in line with other industries as stated by Congressman COLE earlier today.

Some of the debt that oil companies pay is to shareholders. With the recent run-up in oil prices, oil companies have been a profitable sector to invest. When Democrat's take a bite out of the oil companies, they are taking a bite out of 401(k) plans, retirement plans and pension funds. Any tax increase on oil companies will hurt retirees and stockholders. Right now over seventeen million people rely on those funds for their retirement security.

I realize that this bill contains a section that will use royalty money for renewable research. Yet, there is no provision that would prevent this account from being raided for other projects. Most of my colleagues know that Iowa is not only a consumer of energy, but a producer of energy. The Fifth District of Iowa is an energy export center, exporting ethanol and biodiesel all across this Nation. Rest assured the American consumer is driving renewable demand. It is also driving research. Ethanol is good to invest in. Ethanol companies realize that more investment means more money. Ethanol companies also realize that more ethanol means more money for investors. In order to maximize ethanol production companies are doing research to increase the yield of ethanol from feedstock. Rural investors raise money for new ethanol plants in days. Mr. Speaker, if the Democrats want research to happen for renewable energy, then clear the way of burdensome regulations.

Mr. Speaker as I conclude, I wish to reiterate, H.R. 6 sounds good, but it will do nothing but drive up energy prices for the American consumer. The American consumer, who drives to work, drives kids to wrestling practice, the independent truck driver driving more miles to make ends meet. It will make it harder for the American consumer living on a fixed income to make ends meet. I ask my colleagues to join with the American consumer and oppose H.R. 6, the CLEAN Energy Act of 2007.

Mr. PETERSON of Minnesota. Mr. Speaker, I am pleased to recognize a new member of the House Agriculture Committee, the distinguished gentleman from Indiana (Mr. ELLSWORTH) for 1 minute.

Mr. ELLSWORTH. I thank the gentleman for yielding.

Mr. Speaker, this is an argument that has been going on for a long time, when I was a young boy, since the 1970s, talking about reducing our dependence on foreign oil.

I rise today in strong support of this bill for cutting big oil subsidies and investing in our homegrown energy sources.

I have to think of an analogy that this is much like when I was trying to teach my daughter how to ride a bicycle. Had training wheels on a small Stingray. She road like that, and I ran behind her with my hand on the back of the seat. Then at the point she was ready, I let her go. She could ride, and she rode well. I think these companies and these big oil companies are ready to ride on their own.

Mr. Speaker, I think it is time we get serious about kicking our dependence on foreign oil, relying on homegrown sources like we grow in Indiana, corn and soybeans. We know how to do it, we know how to grow it. With the technology incentives, we can turn that into the energy we need.

Mr. BARTON of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to focus, in the small amount of time that I have, on one of the principal components of this particular piece of legislation. That is the apparent attempt to say that some of these leases that were granted in 1997 and 1998 were somehow flawed, and that there were mistakes made and things were covered up and the oil companies tried to renegotiate some of these leases to get a sweetheart deal. Nothing could be further from the truth.

On November 28, 1995, President Clinton signed Public Law 104–58. It was entitled the Outer Continental Shelf Deepwater Royalty Relief Act, Royalty Relief Act. It was the intent of this act to offer royalty relief, royalty suspension in certain tracts in the Gulf of Mexico in order to create an incentive to get the oil companies, both large and small, to actually bid on these leases, to spend money to promote them, develop them and hopefully find some commercial production.

There was no mistake about it. It was the intention of the act to sign some leases that did not have royalty or had a lesser royalty than was commonly in place. Now, remember at this point in time oil was selling for $10 to $15 a barrel, and there was no production, there was no exploration, or very little exploration going on.

Section 303 of that act established a new bidding system that allowed the Secretary of the Interior to offer tracts with royalty suspensions for a period, volume or value that the Secretary so determines. Now, section 304 of that ACT went on and says that all tracts, a-l-l, all tracts that were off within 5 years of the date of enactment in deepwater; that is, water that is at least 200 meters deep, had to be offered under a new bidding system, had to be, not could be, might be, had to be.

This new bidding system had a royalty clause in it, but the royalty clause was based on volume of production and is also based on the depth of the water. The deeper the water was, the less the volume was that you had to produce before you triggered a royalty.

In other words, if you were in the deepest water in the gulf that was leased, you could produce up to 87 million barrels of oil without paying a royalty. That is a lot of oil, 87 million barrels is a lot of oil.

So we, those of us that were in the Congress, in the mid-1990s, passed a Royalty Relief Act, it is in the title. It says, if you will put your hard-earned dollars and go out and bid on these leases, and you win one of those leases, if it is in the deepwater, we are putting in a bidding system, and under this bidding system you may have to pay a royalty based on how much you produce but you won't pay a royalty based on the price.

Now, we only offered these leases for, I think, 2 years, 571 were actually bid on. Of those, about half, I think, were accepted. Of those, we discovered we have current production in 19 of them, 19.

Now, after the fact, we can come back here in 2007, when prices are at $50 a barrel, and say that was a bad deal 12 years ago, we should not have done it. But 12 years ago oil was at $10 a barrel. We had no domestic exploration going on. We passed a specific act of Congress that said give this royalty relief. Today we are, in hindsight, saying take it away. That is wrong, and I oppose the bill.

Mr. Speaker, during the 2006 campaign we were promised civility and "playing by the rules, following regular order." Today, like the rest of the 110th Congress so far, we face the extreme opposite: government by martial law and bumper sticker. Mr. Speaker, your bumper stickers worked in the campaign but they are not governance worthy of the American people and it won't take time for the people to understand the difference.

The last major energy legislation enacted by Congress was the Energy Policy Act of 2005. It was a long and heavy lift. We had countless hours of hearings before the Committee on Energy and Commerce. Committee mark-up seemed to take forever because of the many amendments offered by Members on both sides of the aisle.

And then there was the exhausting conference with the Senate. Many provisions were negotiated in excruciating detail. What did it give us? One of the most important, historic, and consequential pieces of comprehensive legislation in history. It has already directly accounted for several liquefied gas facilities, new nuclear plant announcements, vastly improved electricity transmission reliability, and impressive capital investment in solar, wind, and other renewables.

Did the minority party participation slow things down? You bet it did, but it also improved the product. I am proud of the 70 Democrat votes on final passage but especially of one vote, that of our new chairman of the Committee on Energy and Commerce, the gentleman from Michigan. We earned each other's support for the final product.

Today, by contrast, we have a bumper sticker: "Stick it to Big Oil." That's a cute bumper sticker, but, please, Mr. Speaker, don't use it to govern with because you are only hurting the very people who sent us all here.

In 2004 we agreed that the JOBS Act was important for keeping American manufacturing and production here at home in the face of an increasingly competitive global market. Today we're saying, "all that is still true—let's keep the JOBS Act, except we will carve out one industry for which we don't want American production, American manufacturing, American jobs: the energy industry. No, we'd rather tip the scales so that global companies with American operations in the energy industry will take their jobs and production off shore where they are more welcome: say Nigeria, or Iran, or Venezuela.

Last year virtually all Members recognized the disturbing shortage of U.S. based refining capacity. We had various ideas to address it and virtually every Member of this body voted for one or the other. But driving refineries off shore was on nobody's agenda. Why is it on your's?

Meanwhile, as off-shore energy prices spike as a direct, inevitable result, so do consumer prices for commuters, and soccer moms, and grandmothers struggling to pay home heating.

These prices matter to our constituents in places like Indiana, Kentucky, Ohio, Texas, and other States.

Mr. Speaker, why must you turn every bumper sticker into more taxes and more spending? Why throw $14 billion into the Department of Energy to produce energy? In its entire history with all its billions, how much electricity, how much transportation fuel has DOE really created?

Let's step back, see this H.R. 6 bumper sticker for what it really is and have the courage to say, "The bumper sticker was for last year, now it's time to govern and to put the people of America first." I urge a "no" vote on final passage.

DEPARTMENT OF THE INTERIOR

Minerals Management Service

30 CFR Part 260

RIN 1010–AC14

Royalty Relief for New Leases in Deep Water

AGENCY: Minerals Management Service (MMS), Interior.

ACTION: Final rule.

SUMMARY: The Secretary of the Interior is authorized to offer Outer Continental Shelf (OCS) tracts in parts of the Gulf of Mexico for lease with suspension of royalties for a volume, value, or period of production. This applies to tracts in water depths of 200 meters or more. This final rule specifies the royalty-suspension terms for lease sales using this bidding system.

DATES: This final rule is effective February 17, 1998.

FOR FURTHER INFORMATION CONTACT: Walter Cruickshank, Chief, Washington Division, Office of Policy and Management Improvement, at (202) 208–3822.

SUPPLEMENTARY INFORMATION:

I. Background

Legislative

On November 28, 1995, President Clinton signed Public Law 104–58, which included the Outer Continental Shelf Deep Water Royalty Relief Act ("Act"). The Act contains four major provisions concerning new and existing leases. New leases are tracts leased during a sale held after the Act's enactment on November 28, 1995. Existing leases are all other leases.

First, section 302 of the Act clarifies the Secretary's authority in 43 U.S.C. 1337(a)(3) to reduce royalty rates on existing leases to promote development, increase production, and encourage production of marginal resources on producing or non-producing leases. This provision applies only to leases in the Gulf of Mexico west of 87 degrees, 30 minutes West longitude.

Second, section 302 also provides that "new production" from existing leases in deep water (water at least 200 meters deep) qualifies for royalty suspensions if the Secretary determines that the new production would not be economic without royalty relief. The Act defines "new production" as production (1) From a lease from which no royalties are due on production, other than test production, before the date of the enactment of the Outer Continental Shelf Deep Water Royalty Relief Act; or (2) resulting from lease development activities under a Development Operations Coordination Document (DOCD), or supplement thereto that would expand production significantly beyond the level anticipated in the DOCD approved by the Secretary after the date of the Act. The Secretary must determine the appropriate royalty-suspension volume on a case-by-case basis, subject to specified minimums for leases not in production before the date of enactment. This provision also applies only to leases in the Gulf of Mexico west of 87 degrees, 30 minutes West longitude.

Third, section 303 establishes a new bidding system that allows the Secretary to offer tracts with royalty suspensions for a period, volume, or value the Secretary determines.

Fourth, section 304 provides that all tracts offered within 5 years of the date of enactment in deep water (water at least 200 meters deep) in the Gulf of Mexico west of 87 degrees, 30 minutes West longitude, must be offered under the new bidding system. The following minimum volumes of production are not subject to a royalty obligation:

17.5 million barrels of oil equivalent (MMBOE) for leases in 200 to 400 meters of water;

52.5 MMBOE for leases in 400 to 800 meters of water; and

87.5 MMBOE for leases in more than 800 meters.

Regulatory

On February 2, 1996, we published a final rule modifying the regulations governing the bidding systems we use to offer OCS tracts for lease (61 FR 3800). New §260.110(a)(7) implements the new bidding system under section 303 of the Act.

We published an advance notice of proposed rulemaking (ANPR) in the FEDERAL REGISTER on February 23, 1996 (61 FR 6958), and informed the public of our intent to develop comprehensive regulations implementing the Act. The ANPR sought comments and recommendations to assist us in that process. In addition, we conducted a public meeting in New Orleans on March 12–13, 1996, about the matters the ANPR addressed.

On March 25, 1996, we published an interim final rule in the FEDERAL REGISTER (61 FR 12022) specifying the royalty-suspension terms under which the Secretary would make tracts available under the bidding system requirements of sections 303 and 304 of the Act. We issued an interim final rule, in part, because we needed royalty relief rules in place before the lease sale held on April 24, 1996. However, in the interim final rule we asked for comments on any of the provisions and stated that we would consider those comments and issue a final rule. This final rule now modifies some of the provisions in the March 25, 1996, interim final rule.

On May 31, 1996, we published another interim final rule in the FEDERAL REGISTER (61 FR 27263) implementing section 302 of the Act. The interim final rule established the terms and conditions under which the Minerals Management Service (MMS) would suspend royalty payments on certain deep water leases issued as a result of a lease sale held before November 28, 1995. (The rule also contained provisions dealing with royalty relief on producing leases under the authority granted the Secretary by the OCS Lands Act.) We again asked for comments that we would consider before issuing a final rule.

Simultaneous with the publication of this rule, we are issuing another final rule (RIN 1010-AC13) to replace the interim final rule implementing section 302 of the Act. The final rule will revise 30 CFR 203 to establish conditions for suspension of royalty payments on certain deep water leases issued as a result of lease sales held before November 28, 1995.

II. Responses to Comments

One respondent—Exxon Exploration Company (Exxon)—submitted comments on the Interim Final Rule for Deep Water Royalty Relief for New Leases, issued March 25, 1996.

Exxon disagreed with our definition of the term "Field" (§260.102). Exxon said that our definition could be applied in such a way as to place unrelated and widely separated reservoirs within the same field. Exxon offered an alternative definition that it said provides for the creation of fields based on geology by allowing the inclusion of separate reservoirs in the same field when there is a meaningful geologic relationship between those reservoirs and avoids inclusion of reservoirs when such a relationship does not exist.

Exxon offered this alternative definition:

"Field means an area consisting of a single hydrocarbon reservoir or multiple hydrocarbon reservoirs all grouped on or related to same local geologic feature or stratigraphic trapping condition. There may be two or more reservoirs in a field that are separated vertically by intervening impervious strata. Separate reservoirs would be considered to constitute separate fields if significant lateral separation exists and/or they are controlled by separate trapping mechanisms. Reservoirs vertically separated by a significant interval of nonproductive strata may be considered as separate fields when their reservoir quality, fluid content, drive mechanisms, and trapping mechanisms are sufficiently different to support such a determination."

Except for a minor editorial change, we have decided to leave the definition of "Field" unchanged from the interim final rule for the following reasons:

The definition in the interim final rule is similar to, or consistent with, standard definitions used in industry and government, including the American Petroleum Institute, the National Petroleum Council, and the Department of Energy's Energy Information Administration.

We do not segregate reservoirs vertically since the reservoirs are developed from the same platforms and use the same infrastructure. Affected lessees/operators typically make development decisions based on a primary objective(s) knowing that secondary targets exist which they will pursue subsequently.

Reservoir quality, fluid content, and drive mechanisms are not appropriate determinants for field designations. These factors are reservoir performance/recovery issues. Indeed, such information is rarely available to MMS at the time field determinations are made. We have not considered these factors in our past field designations and their inclusion now would complicate the process significantly and lead to too much subjectivity.

Elements of the alternative definition, e.g., "a significant interval of nonproductive strata" and "significant lateral separation" would be difficult to define and even more difficult to apply consistently.

We recognize industry's concerns about field designations. This rule establishes, as discussed below, a process whereby lessees may appeal field designations to the Director, MMS.

Other steps include:

The MMS Field Naming Handbook, which explains our methodology for designating fields, is available on the Internet (www.mms.gov). The Gulf of Mexico Region will entertain suggestions for improvements in the methodology.

We will elevate the level at which we make field definition decisions in the Gulf of Mexico Region. The Chief, Reserves Section, Office of Resource Evaluation, will make these determinations after a lease has a well into the field qualified as producible.

As part of the field designation process, affected lessees/operators will have the chance to review and discuss the field designation with Gulf of Mexico Region personnel before MMS makes a final decision.

III. Summary of Modifications to the Interim Final Rule

As discussed below, we have modified the interim final rule to:

Allow for appeals of field designations;

Clarify when the cumulative royalty-suspension volume ends;

Describe how MMS will establish and allocate royalty-suspension volume in fields that have a combination of eligible leases and leases that are granted a royalty-suspension volume under section 302 of the Act; and

Eliminate the reference to a pressure base standard in the provision for the conversion of natural gas to oil equivalency (§260.110(d)(14)). The rule now indicates you must measure that natural gas in accordance with the procedures set forth in 30 CFR 250, subpart L.

1. We have added a new provision (§260.110(d)(2)) establishing that you or any other affected lessees may appeal to the Director the decision designating your lease as part of a field. The Director's decision is a final agency action subject to judicial review.

2. The preamble to the interim final rule indicated that a royalty-suspension volume would continue until the end of the month in which cumulative production from eligible leases in the field reached the royalty-suspension volume for the field. The interim final rule itself did not include this provision. This final rule now includes a provision (§260.110(d)(10)) that a royalty-suspension volume will continue through the end of the month in which cumulative production from leases in the field entitled to share the royalty-suspension volume reaches that volume. The purpose of this provision is to avoid the complications that would occur for royalty payors if the royalty rate changed in the middle of the month.

3. We have modified §260.110(d)(9) and added a new §260.110(d)(10) to describe how MMS will establish and allocate royalty-suspension volumes in fields having a combination of pre-Act and eligible leases. (Pre-Act leases are defined as OCS leases issued as a result of a sale held before November 28, 1995; in a water depth of at least 200 meters; and in the Gulf of Mexico west of 87 degrees, 30 minutes West longitude. See 30 CFR 203.60 through 203.80). The provisions are necessary to account for and ensure consistency with the deep water royalty relief rules for pre-Act leases (§203.60). We published the interim final rule for pre-Act leases on May 31, 1996 (61 FR 27263), after publication of the interim final rule for new leases in deep water on March 25, 1996.

We have added wording in §260.110(d)(9) for cases where an eligible lease is added to a field that includes pre-Act leases granted a royalty-suspension volume under section 302 of the Act. This rule provides that the addition of the eligible lease will not change the field's established royalty-suspension volume. The added lease(s) may share in the suspension volume even if the volume is more than the eligible lease would qualify for based on its water depth.

The new §260.110(d)(10) describes a case where pre-Act leases in a field that includes eligible leases apply for and receive a royalty-suspension volume larger than the suspension volume established for the field by the eligible leases. This rule provides that the eligible leases may share in the larger suspension volume to the extent of their actual production until cumulative production by all lessees equals the royalty-suspension volume.

4. This final rule states that lessees must measure natural gas in accordance with 30 CFR 250, Subpart L. We have eliminated the specific measurement procedures from the interim final rule because a forthcoming final rule will change those procedures.

IV. Administrative Matters

Executive Order (E.O.) 12866

This rule is a significant rule under E.O. 12866 due to novel policy issues arising out of legal mandates. You may obtain a copy of the determination from MMS. The Office of Management and Budget (OMB) has reviewed this rule.

Regulatory Flexibility Act

The Department of the Interior (DOI) has determined that the primary impact of this rule, i.e., royalty relief to spur deep water oil and gas development, may have a significant effect on small entities although we can't estimate their number at this time. The number of small entities affected will depend on how many of them acquire leases that meet the statutory and regulatory criteria for royalty relief at lease sales between November 28, 1995, and November 28, 2000.

Exploration and development activities in the deep water areas of the Gulf of Mexico have traditionally been conducted by the major oil companies because of the expertise and financial resources required. "Small entities" (classified by the Small Business Administration as oil and gas producers with fewer than 500 employees) are increasingly active on the OCS, including in deep water, and we expect that trend to continue. The only firm to whom we have granted royalty relief so far under section 302 of the Act is a small entity.

In any case, this rule will have positive impacts on OCS oil and gas companies, large or small. Royalty relief in the form of a royalty-suspension volume is automatically established for leases that meet the statutory and regulatory criteria. No applications or special reports are necessary.

The beneficial effect of this relief on companies' financial operations will be substantial. Once we determine that a lease is eligible for a royalty-suspension volume, the value of that relief may range from tens of millions of dollars to over $100 million. The suspensions will allow companies to recover more of their investment costs before paying royalties, which may allow greater opportunity for small companies to operate in deep water.

This rule also will have a very positive impact on small entities. Constructing and equipping the platforms and other infrastructure associated with deep water development are huge projects that involve not only large companies but numerous small businesses nationwide as well. Once the platforms are operational, other small businesses will provide supplies and services.

Paperwork Reduction Act

This rule contains no reporting and recordkeeping requirements subject to the Paperwork Reduction Act of 1995.

Takings Implication Assessment

DOI certifies that this rule does not represent a governmental action capable of interference with constitutionally protected property rights. A Takings Implication Assessment prepared pursuant to E.O. 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights, is not required.

Unfunded Mandates Reform Act of 1995

DOI has determined and certifies according to the Unfunded Mandates Reform Act, 2 U.S.C. 1502 et seq., that this final rule will not impose a cost of $100 million or more in any given year on State, local, and tribal governments, or the private sector.

E.O. 12988

DOI has certified to OMB that this regulation meets the applicable standards provided in section 3(b)(2) of E.O. 12988.

National Environmental Policy Act

We examined this rulemaking and have determined that this rule does not constitute a major Federal action significantly affecting the quality of the human environment pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)).

List of Subjects in 30 CFR Part 260

Continental shelf, Government contracts, Minerals royalties, Oil and gas exploration, Public lands—mineral resources.

Dated: September 22, 1997.

SYLVIA V. BACA,
Assistant Secretary,
Land and Minerals Management.

For the reasons stated in the preamble, the Minerals Management Service (MMS) amends 30 CFR part 260, as follows:

PART 260—OUTER CONTINENTAL SHELF OIL AND GAS LEASING

1. The authority citation for part 260 continues to read as follows:

Authority: 43 U.S.C. 1331 and 1337.

2. In §260.102, the definitions for "Eligible lease" and "Field" are revised to read as follows:

§260.102 Definitions.

* * * * *

Eligible lease means a lease that results from a sale held after November 28, 1995; is located in the Gulf of Mexico in water depths 200 meters or deeper; lies wholly west of 87 degrees, 30 minutes West longitude; and is offered subject to a royalty-suspension volume authorized by statute.

Field means an area consisting of a single reservoir or multiple reservoirs all grouped on, or related to, the same general geological structural feature and/or stratigraphic trapping condition. Two or more reservoirs may be in a field, separated vertically by intervening impervious strata, or laterally by local geologic barriers, or by both.

* * * * *

3. In §260.110, paragraph (d) is revised to read as follows:

§260.110 Bidding systems.

* * * * *

(d) This paragraph explains how the royalty-suspension volumes in section 304 of the Outer Continental Shelf Deep Water Royalty Relief Act, Public Law 104–58, apply to eligible leases. For purposes of this paragraph, any volumes of production that are not royalty bearing under the lease or the regulations in this chapter do not count against royalty-suspension volumes. Also, for the purposes of this paragraph, production includes volumes allocated to a lease under an approved unit agreement.

(1) Your eligible lease may receive a royalty-suspension volume only if your lease is in a field where no current lease produced oil or gas (other than test production) before November 28, 1995. Paragraph (d) of this section applies only to eligible leases in fields that meet this condition.

(2) We will assign your lease to an existing field or designate a new field and will notify you and other affected lessees of that assignment. Within 15 days of that notification, you or any of the other affected lessees may file a written request with the Director, MMS, for reconsideration accompanied by a statement of reasons. The Director will respond in writing either affirming or reversing the assignment decision. The Director's decision is final for the Department and is not subject to appeal to the Interior Board of Land Appeals under 30 CFR part 290 and 43 CFR part 4.

(3) The Final Notice of Sale will specify the water depth for each eligible lease. Our determination of water depth for each lease is final once we issue the lease. The Notice also will specify the royalty-suspension volume applicable to each water depth. The minimum royalty-suspension volumes for fields are:

(i) 17.5 million barrels of oil equivalent (MMBOE) in 200 to 400 meters of water;

(ii) 52.5 MMBOE in 400 to 800 meters of water; and

(iii) 87.5 MMBOE in more than 800 meters of water.

(4) When production (other than test production) first occurs from any of the eligible leases in a field, we will determine what royalty-suspension volume applies to the eligible lease(s) in that field. The determination is based on the royalty-suspension volumes specified in paragraph (d)(3) of this section.

(5) If a new field consists of eligible leases in different water depth categories, the royalty-suspension volume associated with the deepest eligible lease applies.

(6) If your eligible lease is the only eligible lease in a field, you do not owe royalty on the production from your lease up to the applicable royalty-suspension volume.

(7) If a field consists of more than one eligible lease, payment of royalties on the eligible leases' initial production is suspended until their cumulative production equals the field's established royalty-suspension volume. The royalty-suspension volume for each eligible lease is equal to each lease's actual production (or production allocated under an approved unit agreement) until the field's established royalty-suspension volume is reached.

(8) If an eligible lease is added to a field that has an established royalty-suspension volume as the result of an approved application for royalty relief submitted under 30 CFR part 203 or as the result of one or more eligible leases having been assigned previously to the field, the field's royalty-suspension volume will not change even if the added lease is in deeper water. If a royalty-suspension volume has been granted under 30 CFR part 203 that is larger than the minimum specified for that water depth, the added eligible lease may share in the larger suspension volume. The lease may receive a royalty-suspension volume only to the extent of its production before the cumulative production from all leases in the field entitled to share in the suspension volume equals the field's previously established royalty-suspension volume.

(9) If a pre-Act lease(s) receives a royalty-suspension volume under 30 CFR part 203 for a field that already has a royalty-suspension volume due to eligible leases, then the eligible and pre-Act leases will share a single royalty-suspension volume. (Pre-Act leases are OCS leases issued as a result of a sale held before November 28, 1995; in a water depth of at least 200 meters; and in the Gulf of Mexico west of 87 degrees, 30 minutes West longitude. See 30 CFR part 203). The field's royalty-suspension volume will be the larger of the volume for the eligible leases or the volume MMS grants in response to the pre-Act leases' application. The suspension volume for each lease will be its actual production from the field until cumulative production from all leases in the field equals the suspension volume.

(10) A royalty-suspension volume will continue through the end of the month in which cumulative production from leases in a field entitled to share the royalty-suspension volume reaches that volume.

(11) If we reassign a well on an eligible lease to another field, the past production from that well will count toward the royalty-suspension volume, if any, specified for the field to which it is reassigned. The past

production will not count toward the royalty suspension volume, if any, for the field from which it was reassigned.

(12) You may receive a royalty-suspension volume only if your entire lease is west of 87 degrees, 30 minutes West longitude. A field that lies on both sides of this meridian will receive a royalty-suspension volume only for those eligible leases lying entirely west of the meridian.

(13) Your lease may obtain more than one royalty-suspension volume. If a new field is discovered on your eligible lease that already benefits from the royalty-suspension volume for another field, production from that new field receives a separate royalty suspension.

(14) You must measure natural gas production subject to the royalty-suspension volume as follows: 5.62 thousand cubic feet of natural gas, measured in accordance with 30 CFR part 250, subpart L, equals one barrel of oil equivalent.

Mr. PETERSON of Minnesota. Mr. Speaker, I am pleased to yield 1 minute to the distinguished chairman of the Subcommittee on Livestock, Dairy and Poultry, Mr. BOSWELL of Iowa.

Mr. BOSWELL. Thank you, Mr. Chairman, for this opportunity to say a few words about this bill.

Mr. Speaker, I support it without reservation, in contrast to my colleague from Iowa, another person who spoke a moment or two ago. I really support this. Farmers across Iowa, across the Midwest, across the country, realize that this is an opportunity for us to be more self-sufficient.

I, some 30 years ago, was stationed as a soldier in Portugal when we had the first oil crisis, and I realized that the chaos that took place, that we are in bondage to OPEC. It was really bad then, but now it is even worse. We are up to 65 percent import.

Here is something we can grow out of ground this year. It is the thing to do. It is environmentally sound. We grow it out of the ground this year. We can turn around and grow it next year and have a great step forward and be independent in our energy production.

I hope that everybody will support this bill. It is a good thing all the way around, not just the farmers, it is good for everybody. Support H.R. 6.

Mr. GOODLATTE. Mr. Speaker, at this time I yield 2 minutes to the gentleman from Michigan (Mr. UPTON).

Mr. UPTON. Mr. Speaker, this is a tough vote for some of us here this afternoon. For me, I support greater spending, spending for alternative fuel, so that we can lessen our dependence on foreign oil. For me I am appalled at the ineptness and bungling of the Interior Department's troubled program to collect royalties on oil and gas and public lands in both the Clinton and Bush administrations. It needs to be investigated, and it needs to be remedied.

But other items in this legislation, specifically the repeal of section 199, which will likely drive more refinery production elsewhere overseas, and thus more jobs, is not right.

When JOE BARTON was chairman of the Energy and Commerce Committee, he was rightly proud of the process. It was open and, indeed, bipartisan. Lots of debate, Democrats and Republicans, and lots of amendments were accepted, Democrats and Republicans, and the proof was in the pudding. We passed a bipartisan bill, energy bill, which included the vote of Mr. DINGELL, the chairman today of the Energy and Commerce Committee.

Nobody saw this bill until late last week. No hearings, no markup in subcommittee or full committee, no amendments on the House floor allowed. We know this bill is going to pass, but listening to the debate, I know it could have been a much better bill and one that could have been called bipartisan, and it would pass by a much larger margin than it will this afternoon.

Maybe the margin of the vote could have helped us with the Senate to actually get the bill to the President's desk for his signature, rather than a veto. I urge my Republican colleagues to vote "no" so that we can truly pass a bill that will do something for our constituents in our country.

Mr. Speaker, this is a tough vote for some of us.

For me, I support greater funding of alternative fuels so we can lessen our dependence on foreign oil.

For me, I'm appalled by the ineptness and bungling of the Interior Department's troubled program to collect royalties on oil and gas on public lands in both the Clinton and Bush Administrations and it needs to be investigated and remedied.

But other items in this legislation—specifically the repeal of Sec. 199 which will likely drive more refinery production elsewhere, and therefore jobs, is not right.

When JOE BARTON was Chair of the Energy and Commerce Committee, he was rightly proud of the process. It was open and indeed bi-partisan. Lots of debate (Democrat and Republican) and amendments accepted (Democrat and Republican).

And the proof was in the pudding—we passed on a bi-partisan vote which included the vote of Mr. DINGELL—the new Chair of the Committee on Energy and Commerce.

Nobody saw this bill on the Republican side until Friday of last week, no hearings, no markup in subcommittee or full committee and no amendments on the Floor. This bill will pass, but listening to the debate, I know it could have been a much better bill and one that really could be called bi-partisan and pass by a much greater margin than it will today.

And maybe—the margin of that vote would help us, with the Senate, to actually get the bill to the President's desk for signature rather than a veto.

I urge my Republican colleagues to vote "no" so we can truly pass a bill that will do something for our constituents.

Mr. PETERSON of Minnesota. Mr. Speaker, I am pleased to yield 2 minutes to a leader on the Agriculture Committee and in the Congress on renewable fuels, the distinguished gentlelady from South Dakota (Ms. HERSETH).

Ms. HERSETH. Mr. Speaker, I thank my chairman for yielding.

I rise today in strong support of this bill, the CLEAN Energy Act of 2007.

It is the capstone of the Democrats 100-hour agenda for America, and it is also a significant step towards fulfilling our commitment to meeting our Nation's growing energy needs with clean, homegrown, renewable sources. This bill will redirect roughly $14 billion of taxpayers's money to help fund important existing renewable energy programs, accelerate the development of new and more aggressive renewable energy initiatives and technologies and promote energy efficiency.

The biofuels industry, though still in its infancy, is already providing much needed income to thousands of family farmers and rural citizens across the Great Plains and across the Midwest. It has proven to be a vital economic lifeline to hundreds of communities.

It is the tip of the iceberg. This bill will provide additional funding to further advance research and development in order to greatly diversify the feedstock used to produce biofuels, including cellulosic ethanol. This will include not only dedicated energy crops, but also crop residue, municipal waste, woody biomass and a whole source of other inexpensive renewable sources.

The benefits that will flow from this bill are broader than just biofuels. It can also promote the development of wind energy in this country. In addition to having considerable corn and biomass resources for the production of biofuels in my home State of South Dakota, we also have been blessed with an abundance of wind.

In fact, the Dakotas have been called the Saudi Arabia of wind energy. For decades wind energy development in this country has been hamstrung by inadequate and erratic Federal support.

I look forward to working with my colleagues to enact long-term incentives to provide the certainty and the resources to vastly increase the role of wind in our Nation's energy picture. This bill reprioritizes our national energy policy and our future investments in a way that recognizes the unique challenges, but also the undeniable strengths of rural America. We truly have the solution to our national energy crisis growing in and blowing over our fields.

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This bill is a strong statement of our commitment to an energy policy that decreases our dependence on foreign oil, benefits the environment, enhances our national security, and revitalizes rural America's economies, and I urge all my colleagues to support it.

Mr. GOODLATTE. Mr. Speaker, I reserve the balance of my time.

Mr. PETERSON of Minnesota. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from North Carolina (Mr. ETHERIDGE), the chairman of the General Farm Commodities Subcommittee and a leader on renewable fuels on the committee and in the Congress.

Mr. ETHERIDGE. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, let me congratulate Speaker PELOSI and the House Democratic leadership for bringing this legislation to the floor for a new direction for America's energy independence. Last Congress, I had the honor of serving with Congresswoman STEPHANIE HERSETH as co-chairs of the Speaker's Rural Working Group. Working with leaders like Chairman COLLIN PETERSON, we identified biofuels as a win-win for America's energy needs.

Over the past few years, as gas prices have steadily risen higher and higher, there has been no significant legislation passed in this body to gain our energy independence. Anyone who has filled up his or her gas tank in the past year knows that gas prices are highly volatile and really too high for the average American.

Yet while Americans are struggling to make ends meet, oil companies are making record profits. As a former small businessman in North Carolina and as a part-time farmer, I believe it is our duty to find alternatives for what can become a dangerous reliance on foreign oil.

And let me be clear, our Nation has the capacity to gain its energy independence. H.R. 6 will promote this by creating a renewable fuel standard requiring that, by 2015, 15 percent of our fuels be renewable. This legislation will also extend and expand tax credits for ethanol and biodiesel. It will extend loan guarantees to farmers to produce renewable energy, and it will increase and expand tax credits to promote the use of flex fuel vehicles.

Today we have the technology to solve our energy crisis growing in our fields. We have the ability to turn soybeans and peanuts, both grown in large amounts, I should say, in my home State of North Carolina, into biodiesel, and the technology to turn sugar cane and corn into ethanol. What we haven't had up to this point is the leadership to develop the infrastructure needed to facilitate the use of these fuels.

This legislation before us today will begin to do just that. I encourage my colleagues to vote for H.R. 6.

Mr. PETERSON of Minnesota. Mr. Speaker, I yield 1 minute to the gentlewoman from Connecticut (Ms. DELAURO), the Chair of the Agricultural Appropriations Committee and a leader on agriculture issues and energy independence.

Ms. DELAURO. Mr. Speaker, the need to move our Nation toward energy independence has never been clearer, yet this administration has stood by, leaving consumers struggling to pay their winter heating bills as oil companies continue to enjoy billions in record profits.

With this legislation, we can recover $14 billion in unnecessary oil and gas subsidies and target that money toward where it should have been going all along, into renewable energy sources created right here at home, into alternative fuels grown on our farms and energy-efficiency technologies, creating jobs, protecting our consumers and our economy.

We could generate over 800,000 jobs by 2010, jobs from the Great Plains to the Northeast. In Bethlehem, Connecticut, we have the first biodiesel production plant in New England, in partnership with Maryland and Delaware soybean growers.

By supporting this legislation, we have an opportunity to begin bridging the cultural, economic and social divide growing between rural America and other parts of the country. It starts with investments. It starts with this bill. Let us take control of our energy policy. Let us put our country on the path to energy independence and reenergize our farm economy.

Let's pass this bill.

Mr. GOODLATTE. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I look forward to the day when we can work across the aisle to do what I have heard so many of the speakers here today talk about doing in terms of encouraging greater production of renewable energy here in the United States. The committee will look forward to doing that, indeed.

But this legislation doesn't do it. Unfortunately, it doesn't do it because of the very closed rule that we pointed out throughout the Democrats' 100 hours; no openness whatsoever, in contrast to the Contract with America, when Democrats offered 154 amendments. In fact, 48 were adopted.

We could have spelled out in good legislation, if it had been through the committee process and we had held hearings and markups in each of the committees represented here today, to say what we were going to use this money for.

But, instead, what we are asked to do is vote for a tax increase on domestic production of energy, no tax increase on Venezuela and Hugo Chavez, no tax increase on Iran, no tax increase on any Middle Eastern country, no jobs lost over there, but jobs lost in the United States and American consumers paying for it at the gas pump and American farmers and ranchers paying for it with increased energy cost.

Oppose this legislation.

Mr. PETERSON of Minnesota. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I have been around agriculture all my life, and I have never seen the excitement that is generated by this opportunity, because not only are we going to have economic benefits; we are going to help get this country off oil dependence.

The internal combustion engine and diesel engine were invented to run on alcohol and peanut oil. They went to gasoline because it was cheaper and I guess more available. Well, times have changed and we are going back to the future, and this legislation is going to give us the opportunity and the resources to do that.

So I encourage everybody to support H.R. 6.

The SPEAKER pro tempore. All time has expired.

The gentleman from Tennessee (Mr. GORDON) and the gentleman from Texas (Mr. HALL) each will control 15 minutes.

The Chair recognizes the gentleman from Tennessee.

Mr. GORDON of Tennessee. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as a father of a 5-year-old daughter, I am deeply concerned about the future of our country. I am concerned that our children could be the first generation of Americans that do not have a better quality of life than their parents. I am concerned about the availability of quality jobs for our children. I am concerned that our country's competitive position in the world will continue to deteriorate. And I am concerned that our country will not have access to energy supplies needed to sustain our economy and our growth.

For far too long, our country has relied on foreign sources of oil to meet our energy needs. This dependency is bad for our economic security, it is bad for our national security, it harms our ability to create new quality jobs, and it harms our ability to maintain our competitive position in the world. Ten years from now, I want to look at my daughter and know that I did my part to find a solution.

The bill we are considering today will make a significant down payment for the development of new energy technologies. A stable domestic energy supply is essential to economic well-being and security of our Nation. For years, we have been chipping away at energy policy, increasing production here, a tax incentive there, funding energy R&D when it is convenient, and letting programs languish when it is not.

It is time we think of new ways to approach this problem. Replacing traditional energy sources requires an unprecedented basic research and development technology effort. We must be a world leader, developing new technologies and sustainable energy sources that will maintain our competitive position.

As chairman of the Science and Technology Committee, you have my commitment that our committee will be doing our part. We will be working to use R&D to accelerate the production and use of new biofuels, increase the use of renewable energy, like solar, wind, geothermal, and boost energy efficiency in part by making the Federal Government a model of conservation.

We will not ignore the potential contribution of clean coal, carbon capture and storage technologies and better, cleaner ways to produce oil and gas. And we will not shy away from engaging in a thoughtful dialogue of the role of nuclear power. In these ways, we will help ensure a strong, secure energy future for our children and help manufacturers keep jobs here by ensuring a stable, reliable, and affordable energy supply.

Mr. Speaker, today I will have the privilege of yielding my time to the next generation of leaders in the energy debate. These new members of the Committee on Science and Technology came to Washington to change things and to make a difference. This is their chance. This is their opportunity to leave a legacy that includes the creation of a reasonable, balanced, and effective energy policy for years to come. I am proud I can join with them in supporting this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today, of course, in opposition to H.R. 6. While I would like to believe that we all have the same goal in creating energy independence for our country, I really regret that this bill before us today would not lead us to that goal. This is really, I am very fearful, just the initial attack or one of the early attacks on an industry that is going to have other attacks this year, that survived the windfall profit tax that passed during the Jimmy Carter years of disaster, as far as energy was concerned.

This energy act is more likely to increase the dependence on foreign oil. By decreasing after-tax revenues for oil and gas companies, including the small independent producers that are considered small businessmen, the effect will be an increase in the cost of energy to consumers and a decrease in domestic exploration and production of oil and natural gas, because companies will have less money available to them for their activities.

This will, of course, require our country to import more oil and natural gas from countries that are not our natural allies. We will be dependent on these countries and to the OPEC group to supply us with the lifeblood of our economy. I just can't in good conscience vote for anything that would have that type of outcome.

I have said all along that this country will fight for energy, and the way to prevent our sons and daughters and grandsons and granddaughters from having to go overseas to take some oil away from someone or another country is to ensure that we utilize our own natural resources efficiently and effectively.

I am well aware that drilling alone on U.S. soil is not going to quickly solve all of our problems. I know that we also need to expand our usage of renewable energy and increase the efficiency of how we use fossil fuels. This is why I am supportive of the legislation that passed last Congress on a voice vote under suspension of the rules by my colleague from Illinois, Congresswoman BIGGERT. Among other initiatives, her bill supports the development and advancement of renewable energy in areas such as solar, wind, biofuels, coal, and encourages energy efficiency in buildings and technology.

I am fully supportive of seeing these initiatives enacted now. We have unanimous bipartisan support. Why do we need to wait for "subsequent legislation," as is stated in the Rahall bill? Let's not wait any longer to ensure energy independence.

The United States has substantial amounts of oil and natural gas, but our laws prevent our domestic companies from accessing these resources in both onshore and offshore areas. In fact, we are the only country in the world that has limited ourselves like this. If our goal really is energy independence, then we need to increase access to our domestic resources, not increase taxes on one industry.

□ 1615

The point to remember here is that the Tax Code has little to do with the increase in energy prices. So penalizing oil and gas companies by increasing their taxes is not going to solve our energy problem.

Make no mistake, this country will fight for energy, and if we have to we will send our sons and daughters across the ocean to take energy away from someone when we have plenty right here at home.

Let us help our constituents, not hurt them. Vote against H.R. 6.

Mr. Speaker, I reserve the balance of my time.

Mr. GORDON of Tennessee. Mr. Speaker, I am pleased to yield 1½ minutes to the gentleman from Indiana (Mr. HILL) and welcome him back to Congress and to the Science Committee, my friend.

Mr. HILL. Mr. Speaker, I thank the gentleman from Tennessee for this time.

Mr. Speaker, I rise in strong support of H.R. 6. When I was campaigning last year back in Indiana, people found it incredible that while they were paying $3 a gallon for gasoline Congress was giving the oil companies a tax cut. They wanted change because of those kinds of things that Congress was doing.

Well, today, they are going to get their change. Instead of giving tax cuts to oil companies we are going to pour those resources into renewable energy.

My home State of Indiana boasts two premier research universities, Indiana University and Purdue University. Both of these schools have renowned research labs that study a wide range of topics, including alternative energy creation and use.

Indiana has a lot to contribute to the field of alternative energy. My constituents are very involved in biodiesel oil production. It is important to remember this source of alternative energy, as well as ethanol and hydrogen when deciding what types of initiatives to support with the new clean energy fund.

I encourage my colleagues to vote in favor of this bill that will help make the United States truly energy independent.

Mr. HALL of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Missouri (Mr. AKIN) on the Science Committee.

Mr. AKIN. Mr. Speaker, it is a pleasure to be able to discuss the question here about our dependence on foreign oil.

The leadership in the House of Representatives because of the last election has changed, but the problems that confront our Nation remain the same. The question is how are we going to deal with our dependence on foreign oil, and that is a serious question for many reasons.

Well, there are different ways to approach it, but it is certainly hard for the party of the Democrats that are now in charge to advocate a lot of nuclear because they have a lot of people who do not like that. Very well. And they really do not like burning a lot of fossil fuels because of global warming.

Well, what tool are we going to use? Well, we use our favorite tool, a tax increase. The only trouble with a tax increase, though, is what it is going to do is it is going to make the problem worse because when you increase the taxes on American oil and gas by $10 billion you make it less competitive, and if they are less competitive that means OPEC fills in the gap.

Now, is this just about the problem of $3 gasoline? The answer is no. It is about a lot more than that. When you go over to the Middle East, particularly a human rights trip that I took about a year or two ago to Pakistan, what you find is that there is a very nice country by the name of the Saudis who are funding private education so the little kids in Pakistan can learn. Well, until you find out what they are learning. They are being trained to be radical Islamic terrorists. And who is funding this? Saudi oil money, OPEC oil money.

So this question before us today is not just about SUV owners paying $3 for gasoline. It is a question about where is that money going and the radical Islamists that we are going to fund essentially with this tax increase.

So this is a bill that is trying to deal with a problem that is a serious problem, but a tax increase is not the way to go.

Mr. GORDON of Tennessee. Mr. Speaker, I yield 1½ minutes to the gentleman from Arizona (Mr. MITCHELL), the former mayor of Tempe, as well as a former member of the Arizona State Senate.

Mr. MITCHELL. Mr. Speaker, I am proud to be cosponsor of H.R. 6, the CLEAN Energy Act, because it is time for Congress to do more than talk when it comes to investing in clean and renewable energy sources.

During this last election, the American people asked to repeal billions of dollars in indefensible tax giveaways to big oil and invest in new, clean energy technologies that will reduce our dependence on foreign sources of fuel, and this is what we are doing today.

We are keeping our promise to the American people and we are meeting our obligation to our grandchildren and future generations of Americans by improving our national security and protecting our environment.

But there is another important benefit we are talking about today, and this is an important step in growing the American economy and creating good, high paying jobs.

By investing in research and development for solar, wind and other sources of clean energy, we will be tapping the potential of our Nation's most innovative minds and best engineers.

I am particularly excited about investing in solar energy because I believe my State of Arizona can one day be the Middle East of solar energy, and instead of importing energy we can export it around the world.

This bill puts us on the right path.

Mr. HALL of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. ROGERS).

Mr. ROGERS of Michigan. Mr. Speaker, it is a three-legged stool if we are going to get to energy independence. It is alternatives fuels, which there is great promise. There is also the expansion of refineries. We knew that early, and if we were going to have a stable supply and cheaper prices, we needed more refining capability in America. And it was domestic production. You need all three so that we do not send more money to Ahmadinejad and Chavez.

Political theater is what we see here today. A bill that did not go through the committee process gives you this.

I agree, giving $400 million to a CEO of which they had no material stake in a company is wrong, but what is worse is giving more money to the very people who are targeting the United States and seek our destruction.

Do not fool yourself. This is where this money is going. You make it more expensive to refine gasoline in the United States, this bill does it, they will buy it offshore. You make it more expensive to produce energy in the United States, they will buy it offshore.

These will be the recipients of these dollars. Let us take this bill back and go do it the right way. We can come together on renewable energy. Michigan State University is doing great work on cellulosic research, so we can get to that next generation of ethanol that burns efficiently in American-made automobiles. But we cannot do it if we are sending money to the very people that seek our destruction.

Mr. Speaker, I would strongly urge that we have a little common sense, we close the curtain to this political theater and we get back to the reality of what our policies will really mean for the future of this country. If you care about your children, stop sending the money to Ahmadinejad and Chavez.

Mr. GORDON of Tennessee. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. MCNERNEY) one of the few Members of this body that really brings real world experience in the renewable energy area.

Mr. MCNERNEY. Mr. Speaker, I thank the gentleman from Tennessee.

Mr. Speaker, the energy policy in this country is neither sustainable nor healthy. Every day we import $800 million worth of oil, and not only does that put our economy at great risk, but some of that money is going to the very people who would harm us.

Our vote today in H.R. 6, the CLEAN Energy Act of 2007, will begin moving towards a rational and sustainable energy policy.

After spending more than 20 years climbing wind turbines and developing new energy technology, I can tell you that we have not even begun to realize the potential for jobs creation and sustainability in this industry. We need to be doing much more to expand the use of renewable energy. This bill is a first step to diversify our energy sources.

With H.R. 6 we will end billions of dollars of corporate welfare that we have doled out to big oil companies currently enjoying record profits.

By investing in new energy technologies, we will also create an entire spectrum of good paying jobs right here in America. In fact, the passage of this bill will produce nearly 1 million jobs, generating close to $30 billion in new wages.

I am pleased that we are doing more than just paying lip service to expanding innovation and clean energy by following through with our responsibility to make the environment livable for future generations.

Mr. Speaker, I look forward to working in a bipartisan way with my colleagues on the Science and Technology Committee to increase innovation and investment in our energy future.

Mr. HALL of Texas. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. BURGESS), a member of the Energy and Commerce Committee.

Mr. BURGESS. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise today in opposition to the bill on the floor. Supporters of the bill claim that this will boost our energy independence, promote the use of renewable and alternative energy, but looking at this bill, you really cannot find anything that will help us accomplish those goals.

In fact, there are four provisions in this bill that will make us more, not less, dependent on foreign oil by making it more difficult and more expensive to produce the needed energy here in the United States.

The bill specifically disallows energy companies from receiving the domestic manufacturing tax deduction, thereby making it more expensive for them to do business in the United States and more likely that we will be buying our oil from someone outside this country.

Higher energy taxes will be passed on to the consumers in the form of higher gasoline and in the form of higher home energy prices. Similarly, heavy users of oil and natural gas, such as other manufacturers and agricultural producers, will feel the pinch of these higher prices.

Mr. Speaker, I just cannot help but note the irony that film makers will continue to be eligible for this manufacturing deduction, yet in my district I have not had a single constituent complain about our increasing dependence on foreign film.

The bill before us today would repeal the royalty incentives put in place under last Congress' Energy Policy Act of 2005 to encourage the energy production in hard-to-reach and technologically challenging places such as the ultra deepwater Gulf of Mexico and offshore Alaska.

Mr. Speaker, the Gulf of Mexico delivers more oil and more natural gas to United States markets than any other single source. Since approximately 97 percent of America's coasts are off limits for energy production, energy companies are forced to explore for and produce from increasingly difficult-to-reach places.

The incentives included in the energy bill we passed in August of 2005, which now would be repealed by the Democrats, encouraged production in the Gulf of Mexico that will help the Nation meet the production needs of the future.

It is important to note that unlike the 1998–1999 Clinton leases, under every provision in the energy bill, where royalty relief is granted, the Secretary of the Interior is granted the authority to set those price thresholds, to set those price triggers based upon market price.

Producers would not and do not receive royalty relief through the energy bill of 2005 under today's price climate. These provisions provide energy companies with some price certainty, a price floor that they need, that it is necessary to make to justify the billion dollar investments in America's energy.

The bill creates a new Strategic Energy Efficiency Renewables Reserve but does not specify how those funds would be used. Mr. Speaker, I strongly support the increased use of renewable and alternative energy. In fact, Texas has a strong State renewable energy portfolio and is the largest producer of wind energy in the United States, but before we cast our votes today let us be sure what we understand that the bill is for. It is for partisan advantage, not for the good of the American people.

Mr. GORDON of Tennessee. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. ARCURI), the successor of the former chairman of the Science Committee.

Mr. ARCURI. Mr. Speaker, I thank the chairman.

Mr. Speaker, I rise in proud support today of the CLEAN Energy Act of 2007. My constituents in upstate New York know what it is like to have to pay more than most people in the country for energy. They also know what it is like to have to deal with winters that are more severe, and they know that during those winter months they have to adjust their budget to be able to handle the added expense for fuel costs.

But they also know that prices will continue to rise if something is not done to reduce our dependence on foreign oil and fossil fuels.

□ 1630

However, we must address our long-term energy demands with more than just short-term solutions. We have to face the facts, and the fact is that oil is a finite resource. We ought to be investing in a wide array of clean energy.

The giveaways this legislation will reclaim from oil and gas industry will be placed into a renewable energy account to fund research and development of alternative fuels, providing a much needed new direction to address our Nation's growing energy needs.

It is important to note that we don't pass this legislation today for ourselves, but rather we pass this legislation for our children and our children's children.

Mr. HALL of Texas. Mr. Speaker, may I inquire as to how much time we have left.

The SPEAKER pro tempore (Mr. HINCHEY). The gentleman from Texas has 5 minutes remaining, and the gentleman from Tennessee has 6 minutes remaining.

Mr. HALL of Texas. Mr. Speaker, I yield 2 minutes to Judge POE of Texas, a member of the Transportation Committee.

Mr. POE. I want to thank my friend from Texas for yielding some time.

Mr. Speaker, where I come from in southeast Texas, that area of the State is called the energy capital of the world. We have numerous refineries, petrochemical plants, and hundreds of offshore rigs. Energy byproducts from these areas are shipped all over the country, even to States that won't allow refineries and, heaven forbid, those offshore rigs near their shores.

This is a tax bill, and Economics 101 says when you tax something, you get less of it. Now, we will get less energy because of this bill.

This tax bill will discourage energy independence. It will increase gasoline prices; it will discourage American exploration; it will increase dependence on foreign countries and OPEC; it will cost Americans jobs, especially those in my district. It takes money and invests it in alternative energy.

Investment is a politically correct word for Federal subsidies for special interest groups. Alternative energy is necessary, but this bill doesn't do that, and this bill breaks a contract this government signed. Now we want to legalize contract breaking with oil companies like they do in Bolivia and Venezuela.

So if this bill passes, Americans need to get their checkbooks out because Americans are going to pay more at the pump. Americans always have to pay.

Mr. GORDON of Tennessee. Mr. Speaker, I yield to the former State senator from Arizona (Ms. GIFFORDS), who really has experienced both the private sector and the public sector and will be a great addition to our Science Committee.

Ms. GIFFORDS. Mr. Speaker, I am thrilled today to speak on this final piece of legislation of our first 100 hours and perhaps the most important piece of legislation, the CLEAN Energy Act.

In the early 1960s, in response to the Russians when they launched Sputnik, President Kennedy decided to send a man to the Moon. And remember his words. He said: "We choose to go to the Moon. We choose to go to the Moon in this decade, not because it's easy, but because it's hard." And we did it and we led in science and math and engineering, and it was greatness for our Nation.

These policies led to a major technological breakthrough that benefited both our military and our economy; and now America faces a greater challenge than ever. How we respond to this challenge will have lasting effects not just for the American people but for the entire world. We put our national security at risk when we are reliant on unstable regimes, Middle Eastern oil, Latin American oil. We put our economy at risk by not adequately investing in science and math and engineering and technology, and we put our world at risk when we ignore the real threats of global warming.

Ending America's addiction to foreign oil, investing in renewable energy, and achieving clean energy independence is the Apollo mission of our generation. This will not just result in better jobs and the creation of hundreds of thousands of new economic opportunities for our citizens, but a more stable and a more sustainable world. The CLEAN Energy Act is a meaningful first step in our new mission, and I look forward to working with both Republicans and Democrats in achieving this goal.

Mr. HALL of Texas. Madam Speaker, I recognize the gentleman from Georgia (Mr. KINGSTON) for 3 minutes.

Mr. KINGSTON. I thank the gentleman for yielding.

Madam Speaker, there is one economic fact that doesn't belong to the Democrats or the Republicans. Facts work that way. And that is, that price in the long run is the cost of production, period. It is true with anything.

What we are doing with this bill, should it pass, is we are increasing the cost of production, specifically, domestic production.

We live in a world where, in 2004, we spent $103 billion buying oil from non-democratic countries. Now, some of them might be your best friends. Saudi Arabia, for example. Others might be less than your best friends. Of course, I say that tongue in cheek. But Iran, Iraq, Russia, Venezuela, that is who you are buying your oil from today; and you are going to increase the cost of domestic production. It doesn't quite make sense, except for in the context of the last 2 weeks, the context of the transfer of power from Republican to Democrat. We were promised open government; we were promised open rules; we were promised the opportunity to add amendments and to have fair debates. And yet this bill, as has been the case with the five bills before it, did not even have a committee hearing. It is like giving a book report having not read the book.

Sure, it is a power jam, and certainly the majority has the right to jam its power through on the minority. But in this case, wouldn't it have been more helpful to have a committee hearing so we could have gotten rid of what I would call the tuna fish clause?

Now, we know what the tuna fish clause is. Right? That is where we heard over and over again on the minimum wage debate that increasing wages was good for everybody, good for the economy, good for the worker, particularly the poor worker. And then we read this insidious, surreptitious scheme to exempt American Samoa and the tuna worker factories. Sorry, Charlie, but only the best tuna workers are entitled to minimum wage, not the folks on American Samoa.

Now, that is the tuna fish clause. Now, frankly, I think other States ought to have that option, too. We found out there was a tuna fish clause yesterday in the education bill; and that was that the title of the bill was to decrease the student loan interest rate down to 3.4 percent, but the tuna fish clause in it said that it was only applied for 6 months of the bill. How do you go back home and tell people you cut student loan rates in half when you only did it for 6 months? It is a tuna fish clause.

How do you tell the American people that you are going to have open government, and yet your first six bills bypass the committee process? That is the tuna fish clause.

Today the tuna fish clause is that our domestic oil production is low in terms of our consumption, and we are going to be increasing the cost of the production, which will be passed on to the American consumers.

We do need alternative energy. We need it on a bipartisan basis. I would say to the majority, you missed a great opportunity to work on this.

Mr. GORDON of Tennessee. Madam Speaker, I yield 1 minute to the chairman of the Space and Aviation Committee from Colorado (Mr. UDALL).

Mr. UDALL of Colorado. Madam Speaker, I rise in strong support of H.R. 6, and I am compelled to respond to some of the criticisms of the Members of the other party about the intent of this legislation.

It is clear that the oil and gas industry is doing quite well. There are a number of tax breaks, tax credits, tax deductions, and encouragements that are already in place. This bill says the short-term benefits that were extended to the oil and gas community are overridden, and that the royalty problems that we have had are going to be revised and solved so that taxpayers get a fair return on their investments. After all, we own these assets as the people of this country.

This starts us finally on the right path by creating a Strategic Energy Efficiency and Renewables Reserve. It says we will set aside $14 billion to invest in clean energy technologies. And as the Chair of the bipartisan Renewable Energy and Energy Efficiency Caucus, I can tell you that these are crucial technologies not only to protect our environment but to ensure job creation and, as a member of the Armed Services Committee, to ensure our national security.

So I want to stand in strong support of this legislation. We ought to pass it. The country is for it, and Democrats and Republicans are for it.

I want to echo the views of many of my colleagues who have talked about the importance of diversifying and balancing our energy portfolio and moving toward a clean energy regime. We all know that energy security and national security go hand in hand, and right now we don't enjoy either. That's why—as part of the 100 Hours agenda—we are passing this important legislation. We need a national effort to address our reliance on foreign energy sources.

I rise in support of H.R. 6. H.R. 6 starts us finally on the right path by creating a Strategic Energy Efficiency and Renewables Reserve. The CLEAN Energy Act would set aside roughly $14,000,000,000 to invest in clean renewable energy resources and alternative fuels, promote new energy technologies, and improve energy efficiency.

As co-chair of the bi-partisan Renewable Energy & Energy Efficiency Caucus, I can tell you that renewable energy and energy efficiency technologies can increase our energy security AND allow us to think anew about our energy future.

This isn't just about doing right by the environment—this is also about creating jobs. The U.S. currently leads the world technology in developing advanced energy technologies. But we won't hold onto the lead for long unless U.S. government policies begin to favor their development more than they do now. With the world market for new energy technologies projected to be in the trillions of dollars in twenty years, we would be foolish to forgo this opportunity.

And it is an opportunity—for new jobs, for rural development, for a cleaner environment, for national security. States and localities have realize this, and with federal action at a standstill, many of them—like my state of Colorado—have already acted on renewable portfolio standards and other forward-looking policies. Now Congress is in a position to follow their lead.

We will use this strategic fund to extend the renewable energy production tax credit to give the market the assurance it needs to respond. We can extend energy efficiency tax incentives for buildings. equipment, and appliances, We can invest in renewable energy and energy efficiency research programs at the Department of Energy, and make sure that the National Renewable Energy Laboratory has enough money and enough staff to do its important work. It is these programs that can drive down costs, make commercialization of new technologies possible, and help retain America's leadership role in these technologies.

The best thing about investing in clean energy is that Americans support it. This Administration supports it. Democrats and Republicans alike support it. It is the right thing to do.

The CLEAN Energy Act sets our priorities straight, and for that reason, Mr. Speaker, I will support it wholeheartedly.

Mr. HALL of Texas. Madam Speaker, I have 30 seconds. We do not need that. I will be glad to yield to Chairman GORDON all 30 of those seconds.

Mr. GORDON of Tennessee. Madam Speaker, I thank my friend from Texas, and I yield myself the balance of my time and his time.

You know, most of my life I have heard of red herrings. Today, I got to hear about a red tuna.

It is amazing to me to think that the opponents of this bill could categorize it as sending money overseas. The fact of the matter is what we are doing is we are going to be developing an energy efficiency, an alternative energy, renewable energy in this country so we don't have to send money overseas. It is just the reverse. And not only are we doing that, we are doing it in an economically responsible way in that we are paying as we go. And that is the reason that we are taking these unneeded tax breaks and using them to help us to develop a new type of energy for this country, new jobs for my children, for your children, and for our Nation.

Madam Speaker, I yield back the balance of my time, and I encourage Democrats and Republicans alike to support this good bill.

Mr. PEARCE. Madam Speaker, I would inquire how much time I have remaining.

The SPEAKER pro tempore (Ms. BALDWIN). The gentleman from New Mexico has 5 minutes remaining.

Mr. PEARCE. Madam Speaker, I yield myself the balance of my time.

Madam Speaker and fellow House Members, let's take a look at what we are doing here today. The Democrats say that they are reducing America's dependence on oil by investing in clean, renewable, and alternative resources. Both goals, I agree, are admirable.

In the process, they are trying to unravel a very thorny problem of contracts that were badly negotiated by the Clinton administration, contracts that the Clinton administration made no attempt to remedy. But let's look at what is actually occurring.

In title I, we are penalizing American oil and gas companies and rewarding foreign companies by taxing them differently. That is, we are going to favor foreign jobs and foreign oil over domestic jobs and domestic oil.

The second thing we are doing is charging a conservation fee on U.S.-produced oil while protecting foreign oil from this tax. Now, again, this is $9. If I could get the House to focus on the percentages for just a moment.

If $9 is added on top of the $70 charged to a production company that is making $70 a barrel, that is about 12.8 percent. But already the price of oil has fallen to about $52. And if $9 is assessed into a $50-a-barrel revenue stream, then it is 18 percent.

But what happens if the price of oil falls to $30? I would remind my constituents that as little as 3½ years ago the price of oil was actually at $20. And there, you now have a fee on top of the taxes that is 45 percent. A 45 percent fee will begin to move exploration away from this Nation.

In 1999 and 2000, I was in an oil and gas company that did repairs for oil and gas wells. The price of oil fell to $6.

At that point, our fee is going to be 150 percent.

This bill is extraordinarily prescriptive in declaring not a percent, but instead a fixed fee. It disadvantaged tremendously the production of oil and gas.

But probably the most serious consequence of this bill is where, on page 10, it describes that "a lessee shall not be eligible to obtain the economic benefit of any covered lease or any other lease."

This is the piece of the bill that The Washington Post declares to be heavy handed, the heavy-handed attack on the stability of contracts, a process that would be welcomed in Russia and Bolivia.

In 2005, Venezuelan President Hugo Chavez mandated that private oil firms cooperate with new contractual changes. Those firms that did not agree had their assets nationalized.

□ 1645

This bill does not nationalize, but it prohibits firms who do not agree from participating in future contracts. It is a very serious contractual problem.

Bolivia in 2006 threatened to expel oil companies that refused to agree to new government terms on already existing contracts. That is extraordinarily close to what we are doing in this bill. What Bolivia did has caused investors to begin to take their investments out of Bolivia.

In Russia, President Vladimir Putin wants to gain complete control, and so he has begun to renegotiate with companies like Shell, Exxon and BP, who have held valid oil leases in Russia for several years. Mr. Putin had a number of government agencies threaten to pull these leases for a number of suspect reasons. That is exactly the language contained in this bill.

I do not think it is the intent of my colleagues on the other side of the aisle to be this heavy handed. This bill would have been presented differently if it had been sent to committee, if it had been debated in committee and if amendments had been allowed. My request is that we vote "no" on this bill and we send it back to the committee where we can get a good hearing to take the very troublesome parts of this bill, troublesome parts which The Washington Post describe as heavy handed and the sort of thing that you would expect in Russia and Bolivia.

In this country, we want an environment that causes people to go out and invest. We want people to create jobs and to create a better standard of living. But this bill begins to undermine the full faith and credit of the United States by changing the contractual basis. I urge my colleagues to vote "no."

Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Ms. BALDWIN). The gentleman from Louisiana (Mr. McCRERY) has 5½ minutes remaining.

Mr. McCRERY. Madam Speaker, I yield myself the balance of my time.

Madam Speaker, the portion of this bill under my committee's jurisdiction, the Ways and Means Committee, is somewhat complex; but the effect it would have is simple. These provisions raise taxes on our domestic energy industry. We should not mince words or use semantics; that is what those provisions do. They raise taxes on our home-grown domestic energy industry.

The result of that will be higher prices for gasoline, home heating oil, fewer manufacturing jobs and even more dependence on foreign oil. This legislation is in these respects the exact opposite of the energy policy that the United States needs. Anyone who is serious about energy security should oppose this bill.

There are two tax provisions in the legislation. The first deals with geological and geophysical expenses. These costs, referred to as G&G expenses, are amortized over several years, just like other business expenses. The Democrats' bill would increase the amortization period for costs associated with efforts to find new domestic oil and gas from 5 years to 7 years for the largest American oil companies. That would raise their taxes by about $100 million over 11 years.

But the far larger tax increase is a second provision, and this one is the one that is most unfair. It would eliminate the oil and gas industry, and only the oil and gas industry, from eligibility for the manufacturers' tax incentives, section 199 of the jobs bill. It increases taxes not just on Big Oil but on all oil and gas companies, big and small, that pay corporate taxes. That change will raise the industry's taxes by $7.6 billion over 11 years. This provision would not repeal any special tax break for Big Oil. It won't repeal any subsidy for Big Oil. Instead, it would single out oil and gas businesses for higher taxes than all other manufacturing businesses in the United States.

Worse, it would not place any additional cost on foreign producers of oil and gas. In effect, the legislation would give a new competitive advantage to foreign oil producers and refiners. Why should Congress vote to help Hugo Chavez's regime in Venezuela at the expense of our own domestic energy industry?

The heart of the Democrats' argument seems to be that somehow energy is not an American manufacturing industry. That conclusion is absurd. The United States energy industry employs 1.8 million Americans. These are precisely the sort of high-paying manufacturing jobs that Democrats constantly complain America is losing. The average pay for those workers is $19.34 an hour for workers for oil and gas extraction, $28.41 an hour for refinery workers, and of course they get good benefits in addition to that.

The new Speaker of the House has said, "Manufacturing jobs are the engines that run the economy. These are good jobs that give working families high standards of living." And I agree with her.

The new majority leader has said, "Jobs still will be the number one issue next fall, and manufacturing job loss overseas is a subset of that. We're hearing that giant sucking sound that Perot warned about."

Well, given that prominent Democrats claim to be concerned about the loss of American manufacturing jobs, why are they now leading an effort to drive these jobs overseas?

We should also remember that these jobs are concentrated in the area of the country that was hardest hit by hurricanes Katrina and Rita. I know in my State of Louisiana, good-paying energy industry jobs are a key to our recovery.

In addition, as we saw in the wake of those storms, our domestic refining is already strained to full capacity. The sticker shock many of us faced at the pump after the hurricanes hit was not as a result of a shortage of crude oil, but a shortage of refined gasoline. There are now plans to substantially boost our refining capacity to avoid a repeat of that situation. But repealing section 199 for American oil and gas companies could change that and leave the United States economy even more vulnerable.

We should also remember during this debate that oil companies are not some sort of evil rapacious organization. Indeed, higher taxes on oil companies affect nearly every American with a retirement or pension account because those accounts now hold about 41 percent of the shares in American oil and gas companies.

Both of these new taxes would discourage new exploration for domestic energy resources and weaken our domestic energy industry, and the tax increases will be passed along to consumers. In addition, the effects will ripple throughout our economy, increasing the cost of nearly everything Americans buy and nearly every service they hire.

Increasing the cost of producing oil and gas in America, which this Democratic bill would do, will raise gasoline prices, ship manufacturing jobs overseas, and make America more dependent on foreign oil.

This bill certainly does not constitute a balanced energy policy for this country. What it does constitute is a purely political exercise that should be rejected by this House.

The SPEAKER pro tempore. The gentleman from Washington (Mr. McDERMOTT) has 5½ minutes remaining.

Mr. McDERMOTT. Madam Speaker, I yield myself the balance of my time.

Madam Speaker, as I listened to my colleague from Louisiana, I would think that the end of the Western World as we have known it is about to descend upon us by these rather minor changes we are making in the tax policy of this country, by taking back subsidies to an oil industry that between January and September of 2006 has had $96 billion worth of profit reported.

Now these are minor changes at the most and we know that. This is a down payment on the changes that must go on in this country. We know the American people have spoken on this issue. They are demanding change. That is why they voted the way they did in November. They saw what they got out of the White House and out of the Vice President's office, the records of which are still kept secret so we don't know what agreements were made with the oil companies at the beginning of this administration.

I spoke earlier, and after I spoke I went out of the Chamber and I bumped into some people from the National Wildlife Federation, and they gave me 30,000 signatures of people who want this bill to pass, people who care about the environment. People who care about global warming, people who believe in national security, who believe in economic security, signed this in the last 3 weeks. The American people obviously are way ahead of us.

Detroit didn't know what was going on. The Prius was on the street for 3 years in Tokyo, and they never saw it coming. When the Prius came to the United States, the waiting time was 18 months long. That is what we have to change. We have to change the thinking in this country about whether we are going to be addicted to oil forever or not.

Now global warming is real. The average temperature in the ocean has gone up 1 degree worldwide. In the Northwest, it is up more than 2 degrees. And the changes that means for salmon spawning and for the ecology that goes on are under way. Yesterday's New York Times had a story about the melting of the glaciers in Greenland. There is no question about whether global warming is happening. The question is whether this Congress will respond and lead the way.

Speaker PELOSI when she came in said she was going to do these things and set a new direction for this country. Today we are finishing up 100 hours of efforts in a whole series of areas, this being the toughest, this being the most complicated, the most costly, the one that is going to take us the most time.

We can change the health care system in fairly short order if we want to. We can change college loans in fairly short order if we want to. But changing the way we use energy in this country needs to start today.

No one says this bill is the be-all and end-all of what should happen, but we can see countries that have done it. In Brazil, they have gotten themselves off gasoline. They are using ethanol. We could do that. The Brazilians are not smarter than we are. They just decided as a country they were going to get off their addiction to oil.

The Danes, when we dropped our support for the wind industry, picked up the technology and now at every place you go to see a windmill in this country, it is made in Denmark. Why is that? We started that in 1994 with some amendments supporting the wind industry, and then we let them expire.

Last year, 2005, we suddenly woke up and said, Oh my God, the Danes are ahead of us. We better start again. There is a whole series of things that we should be doing if we are serious about what is going to be our future.

Now, I have hoped that we would have a day like this when we would start to make the change. This is one small step. The Chinese say a journey of a thousand miles starts with the first step. This is the first step.

Mr. RAHALL has done an excellent job, and I want to congratulate the staff of the Ways and Means Committee, and particularly John Buckley whose idea this bill was. He came to me with the idea. It was not my idea. It was John Buckley's and congratulations to John.

Mr. BRADY of Texas. Madam Speaker, I rise today in opposition to H.R. 6, the "Clean Energy Act of 2007." I agree with Democrats that we need to invest more in renewable energy, including new ways to fuel our cars. But by taxing American companies more for exploring and creating jobs here at home—and letting foreign oil companies off the hook—this bill says foreign oil and foreign jobs are good, American oil and American jobs are bad. That's just crazy.

It's bad energy policy—with big costs. Costs to the consumer at the pump, to the refinery worker in the Gulf, and to the retiree whose pension depends on the strength of American industry.

Don't be fooled—the special tax breaks they say the oil and gas industry gets aren't special at all. In 2004, at a time when manufacturing jobs were heading overseas by the thousands and we were increasingly worried about our foreign dependence on oil, Congress passed a bill that gave a tax incentive to all American manufacturers to get them to invest more here at home—including oil and gas producers.

A year later, Congress passed the Energy Policy Act that the Democrats say provided huge tax breaks to "big oil." But they got that wrong, too. According to the non-partisan Congressional Research Service, this bill imposed a net tax increase of nearly $300 million over the next decade. At the same time, we provided incentives for energy exploration in difficult terrains so that our country could take another step toward weaning ourselves off foreign oil.

And we're seeing an important result from these policies: Jobs. The U.S. energy sector employs more than 1.8 million Americans, with good pay—up to $30 an hour on average, and often with union benefits.

In Texas, energy independence is our economy's life blood. Over 35,000 people work in the oil and gas sector in the Houston area alone, and nearly a quarter of our nation's crude oil is refined along the Texas Gulf Coast. Drilling is at record levels and reserves of natural gas are growing. Production is holding steady. The cost of oil, which is historically volatile, is down. And while Democrats like to take a swat at record oil and gas profits, these same companies are putting those profits back into infrastructure and technology—often more than twice their profits in a year. Margins are actually much lower.

But the damage inflicted by Hurricanes Katrina and Rita to our exploration and refining capacity in the Gulf unmasked just how vulnerable our energy sector is. Plans are underway to strengthen that capacity—but that progress could be jeopardized if we place an undue tax burden on our refineries. In an area of the country that's still recovering from these disasters, why strip away even more jobs by taxing an industry that is helping supply thousands?

What's even crazier is that House Democrats will now consider American energy workers, including oil rig and refinery workers, as foreign workers for tax purposes—just so they can raise taxes on U.S. companies. Under this bill, farmers, software designers, and even cartoonists are considered manufacturing workers, but Americans who go to work each day to supply energy for this nation are classified as foreign workers. Explain that.

Democrats like to claim that we need this bill to lower gas and oil prices. I'm not sure who came up with that theory, but common sense tells me that if we put a strain on domestic manufacturers, that only serves to give a boost to foreign competition—and a boost to prices.

At a time when some Americans are relying on Hugo Chavez to heat their homes this winter—we need to take a step back and clearly understand the consequences of our actions. Repealing these tax incentives would only serve to stifle domestic production of oil and gas, raise gas prices and home heating costs for Americans, send more jobs overseas, and increase our dependence on foreign sources of energy.

The new House leadership may believe it scores them cheap political points to target Texas energy companies, many of whom employ union workers, but our communities don't think it's so funny. And at a time we need more U.S. energy and less foreign oil, it makes no sense at all.

As I said before, I believe we should invest in the development of renewable energy and alternative fuels to protect our future and our children's future. But short-changing American jobs today isn't the way to do it.

Mr. CONYERS. Madam Speaker, I rise in strong support of H.R. 6, the CLEAN Energy Act of 2007. This bill takes an important first step towards a new energy future by investing in clean energy resources that will reduce harmful pollution and help break our addiction to foreign oil.

H.R. 6 would reclaim $13 billion in tax breaks and giveaways that the Republican Congress extended to big oil in 2004 and 2005 and ensure that oil companies pay their fair share to drill on public land. It would use that revenue to create a Strategic Renewable Energy Reserve to invest in clean, renewable energy resources and alternative fuels, promote new energy technologies, develop greater efficiency and improve energy conservation.

Over the last several years, Big Oil has raked in record profits while our dependence on foreign oil has climbed ever higher. At the same time, scientists have uncovered new and alarming facts about global warming that demand our urgent attention. While there is broad, bipartisan public support for investing in clean energy technology, the last Congress and the Administration seem to have been more concerned with taking care of their Big Oil buddies than steering us toward a sustainable energy future.

Today, we have an opportunity to chart a new course. H.R. 6 establishes a forward-thinking approach to energy that looks to American innovation to provide renewable energy for our future. Our security, our economy, and indeed, our very existence require nothing less.

Mr. KUCINICH. Madam Speaker, it has been said several times but bears repeating. When you're in a hole, stop digging. Our dependence on oil—foreign and domestic—requires us to stop making the problem worse by giving oil companies billions upon billions of dollars in truly unnecessary subsidies that worsen our dependence. This bill redirects $14 billion away from these subsidies and toward more sustainable energy production.

The transition to a renewable energy economy is not optional. The question is whether we will wait so long to create the transition that we do not make it on our own terms. Europe gets it. They are pouring orders of magnitude more money into research on renewables, positioning their industries to thrive in the future. On the other hand, this Administration has been digging its heels in by throwing billions of taxpayer dollars at an industry that made record profits on the backs of hard working Americans. We have a long way to go to catch up and this bill steers us firmly in that direction. I urge my colleagues to vote "yes".

Mr. LARSON of Connecticut. Madam Speaker, I rise today in support of the Creating Long-Term Energy Alternatives for the Nation (CLEAN) Energy Act, H.R 6. This critical legislation is an important step in increasing our investment in the development of clean and efficient energy technology that will one day end our dependence on foreign oil.

The oil industry has been reaping record profits while working Americans have faced record high gas prices. Last year, while millions of Americans struggled to afford gasoline at $3 a gallon, the top five oil companies made nearly $97 billion in profit. The hard truth is that at a time of record energy costs and oil profits, families in Connecticut and across the country were getting tapped into twice: once at the pump and once again with their tax dollars going to oil companies in the form of tax breaks and subsidies.

The bill before us today restores some common sense to our federal budget by repealing or minimizing nearly $13 billion in unnecessary tax subsidies given away to the oil and gas industries. It includes a rollback of a tax break for geological and geophysical exploration, a provision that the President himself suggested that Congress eliminate. In addition, it closes a $7.6 billion loophole written into the FSC/ETI international tax bill which allowed oil companies to qualify for a tax provision intended to help domestic manufacturers struggling to sell their products overseas. Finally, the CLEAN Energy Act ensures that oil companies that were awarded the 1998 and 1999 leases for drilling pay their fair share in royalties.

Our dangerous dependence on foreign oil is much more than just an energy issue—it is at its very core a matter of national security, foreign policy, environmental responsibility, economic development and technological advancement. Our dependence on foreign energy has grown to an alarming 65 percent of our total need, and we send $800 million each day to the Middle East and other oil producing countries.

H.R. 6 takes the important step towards ending this dependence by directing receipts to a newly created Strategic Energy Efficiency and Renewables Reserve. This fund will be used to fund future legislation promoting energy efficiency and investing in renewable energy technologies, such as the hydrogen fuel cells developed in Connecticut, which will one day provide us with almost unlimited amounts of energy to run our cars, power our homes and businesses and move us away from a petroleum based energy economy.

Eliminating unneeded tax breaks for the oil industry and investing in new energy sources are just part of the solution to lowering energy prices for hardworking American families. As we move forward in the 110th Congress, we must also work to protect the American people from high energy costs by preventing the manipulation of the oil futures market and ending the practice of price gouging. H.R. 6 is just the start and I look forward to working with my colleagues to address issues.

Mr. SHAYS. Madam Speaker, I rise in support of H.R. 6, the CLEAN Energy Act. Protecting our environment and promoting energy independence are two of the most important jobs I have as a Member of Congress.

I have long advocated repealing some of the tax breaks we give oil companies as "incentives" because our current market place provides adequate incentive as is to find additional sources of oil.

I also support using the $14 billion this bill will save in royalty relief to fund a renewable energy and efficient energy trust fund.

The bottom line is we are not resolving our energy needs because we are not conserving. We'll just continue to consume more and waste more, consume more and waste more, and act like it doesn't matter. This legislation is a first step to begin to address our energy needs.

This bill is similar to a provision in my energy legislation, the Energy for Our Future Act, which also repeals extraneous oil and gas company tax breaks. This is just one of the three principal goals the Energy For Our Future Act has for our national energy policy. I also hope Congress works to improve the fuel efficiency of passenger vehicles, provide incentives for the purchase of energy-efficient appliances and promote the growth of renewable energy, all three of which I deal with in my legislation.

In the past we have taken steps to increase our supply with no focus on our need to conserve. I am pleased to see legislation that finally recognizes that we are on a demand course that is simply unsustainable if we do not take control of our over-consumption.

Ms. ESHOO. Madam Speaker, I'm proud to be a cosponsor of this bipartisan legislation which commits nearly $14 billion to renewable energy technology and energy conservation and I rise in strong support of it.

Today we are eliminating unneeded subsidies and tax benefits for the largest and most profitable energy companies, and instead, investing the resources in the development and deployment of renewable energy resources and energy efficient technologies and practices.

This investment is critical because the status quo is not sustainable for our country.

We know that:

(1) The burning of fossil fuels is accelerating global climate change.

(2) We have only 2 percent of the world's oil reserves yet we consume 25 percent of the world's annual oil production.

(3) Two billion people on our planet today do not have access to electricity which is a basic necessity of life and economic security. They aspire to the prosperity we enjoy.

(4) Without a change, we will face stiff competition for oil from the developing world. The Department of Energy estimates that China and India will spur a tripling of energy consumption among Asia's developing nations in the next 25 years.

Rather than a series of problems, I see a tremendous opportunity for our nation.

In Silicon Valley in my Congressional District, the entrepreneurs who developed personal computers, the Internet, e-commerce, biotechnology, and nanotechnology are now turning to energy as the next great frontier for innovation and growth.

With the growing global demand for energy, they understand that the U.S. has the opportunity to be the primary exporter of clean energy and clean energy technology.

In the first 9 months of 2006, these entrepreneurs helped fund $600 million of U.S. investment in green technology.

They are investing in bio-fuels, bio-fuel infrastructure, and R&D to make bio-fuel production more efficient.

One company in my district is developing a fuel cell system that will produce clean, onsite electricity for homes and offices while also providing transportation fuel for hydrogen vehicles.

Others are developing technology that will put fuel cells in laptop computers, consumer electronics and automobiles.

They are developing and manufacturing new, more productive solar cells and solar technology.

Some of the largest computer, technology, and Internet firms are working to develop solutions to reduce the power used by large data centers.

In my region, Tesla Motors, now the third-largest American-owned auto maker, has produced a new line of efficient electric sports cars, with more practical and affordable models on the way.

This isn't happening just in Silicon Valley. Wal-Mart is committing $500 million a year to become more energy efficient and reduce its greenhouse gas emissions.

Just as it was important in the creation and commercialization of the Internet, Federal leadership is needed in this endeavor.

With the funding we're setting aside today, we're setting a national priority and providing the impetus for research, development, and deployment of new and emerging renewable energy technologies in the United States.

This is a very positive step toward energy independence and I urge my colleagues to vote for this bill.

Mr. STARK. Madam Speaker, I rise today in strong support of the Creating Long-Term Energy Alternatives for the Nation (CLEAN) Act. This bill eliminates $7.7 billion in unnecessary tax breaks for the oil and gas industry, and raises another $6.3 billion for the Federal Treasury from new royalties on oil and gas removed from Federal waters. This $14 billion is a good down payment on future energy policies that can help eliminate our oil addiction and stop global warming.

This bill is a good first step, but I will work with my colleagues to eliminate many of the other unnecessary tax subsidies for the oil and gas industry. Oil companies are enjoying record profits. Every time the price of gas increases, the value of existing tax subsidies increases and they make even more money. At a time of record gas prices and record profits we should not provide tax incentives for exploring, extracting or refining oil and gas.

The best ways to eliminate our dependence on oil and reduce greenhouse gas emissions is to lower demand and reduce emissions from power plants and vehicles. For example, fuel economy standards for passenger cars have not been raised since 1985, and even lower "light truck" standards encourage manufacturers to produce gas-guzzling SUVs. I support raising fuel economy standards to at least 33 miles per gallon, which would save 1.1 million barrels of oil a day by 2015 and 2.6 million barrels by 2025. Those who say that we can't do any better than 20-year-old technology might also like to trade their DVDs for VHS tapes, cell phones for pay phones, ipods for boomboxes, and then see just how advanced 1980s technology seems today.

Eliminating tax subsidies will increase revenues, but we must spend those revenues wisely in our quest for clean renewable energy sources. Incentives for clean coal, ethanol and nuclear are not the answer. We must focus our efforts on promoting advancements in wind, hydrogen, solar and thermal power. These renewable sources can provide significant energy output with minimal environmental impact.

I support H.R. 6 and urge all my colleagues to join me in voting for a cleaner America.

Mr. WALBERG. Madam Speaker, I rise today in strong opposition to H.R. 6, which will raise the prices at the pumps, discourage domestic energy production, hurt America's working families, and encourage America's dependence on foreign energy.

I'm reminded of the family down the road from me back home in Michigan. They are a family with four kids, both their parents work and are struggling to get by; and if this legislation becomes law every time they fill up their gas tank or heat their house it will be an even greater burden on this family.

I've always said my number one priority while I'm in Congress is to protect the American taxpayer, that's a promise I made and that's a promise that I'll keep. Never voting for a tax increase is the same promise I made and kept during my 16 years in the Michigan House.

This is the first tax increase vote in 13 years and it didn't take the new majority more than 2 weeks to bring it to the floor to punish the American worker.

This legislation doesn't just force taxpayers to throw more money to the government, it also has our government tearing up already negotiated private contracts with the government at the same time we're trying to convince Russia, Venezuela and other countries to abide by the rule of law and respect its citizen's property rights.

Bottom line, this bill will increase our reliance on foreign oil, decrease our competitiveness and raise the prices at the pumps and the energy bills of working families. I urge my colleagues to vote no on increasing our dependence on foreign oil and yes on lower taxes, less regulation and respect to the rule of law.

Mrs. MALONEY of New York. Madam Speaker, I rise in strong support of H.R. 6, the CLEAN Energy Act. In the first 100 hours of this new Congress, the time finally has come to end the royalty rip-off, which has lined the pockets of Big Oil at the expense of the American taxpayers for entirely too long. For years, I have been working to ensure that Americans get what is owed to them from oil and gas companies through my work on the Government Reform Committee, scathing reports from the Government Accountability Office, and offering amendments here on the House floor. I am thrilled that we finally have the opportunity to give this issue the full attention it deserves.

It is indisputable that the American taxpayers are losing billions of dollars in royalties due to them by the oil and gas companies who are taking valuable resources out of Federal lands. The GAO estimates that because price thresholds were not included in deepwater leases from 1998 and 1999, the government has already lost up to $2 billion in royalties and could lose as much as $10 billion over the life of the leases.

H.R. 6 addresses the problem by requiring current offshore fuel producers with royalty-free leases to either agree to pay royalties when fuel prices reach certain thresholds or agree to pay a new "conservation of resource fee." It would also close loopholes and end giveaways for Big Oil in the tax code and in the 2005 Energy Bill.

Together these savings would generate $14 billion to create a Created Strategic Energy Efficiency and Renewables Reserve to reduce our dependence on foreign oil. The majority of the American public support investing in alternative energy sources to end our addiction to oil, and even President Bush promised to invest in clean renewable fuels and cutting-edge technologies in his 2006 State of the Union Address. This clean energy fund will be used to pay for upcoming legislation to encourage people to use clean domestic renewable energy resources already in existence, promote use of energy-efficient products and practices, and increase research and development of new cutting-edge technologies.

Today, we must take the opportunity to show the American people that we are with them, not with Big Oil. H.R. 6 is an important first step towards a smart energy policy and a clean energy future, and I urge my colleagues to support it.

Mr. LEVIN. Madam Speaker, I rise in strong support of the legislation before the House, the CLEAN Energy Act of 2007.

It's time for Congress to face the facts and begin to break our nation's dangerous addiction to oil. The industry tax breaks and royalty holidays that we seek to eliminate today no doubt serve the interests of the big oil companies, but they do not serve the interests of our nation's long-term energy security, or, for that matter, the interests of taxpayers, consumers and the environment.

We import more than 60 percent of the oil we consume every day in this country. We are increasingly dependent on oil imports from volatile regions of the world and from countries that are not necessarily our friends. If we do nothing, our dependence on imported oil will only grow. Some will say that the answer is to provide more subsidies and tax breaks to encourage oil drilling in the United States. Well, we've tried that, and it hasn't worked. We're more dependent on foreign oil than ever. All the industry subsidies in the world won't change the fact that the U.S. has just 3 percent of the global oil reserves. We can't drill our way out of this problem.

Rather than continue business as usual, today we are beginning to chart a new course to energy security. The legislation before the House repeals $13 billion in egregious tax subsidies and royalty holidays that have been given to the oil companies in recent years. Instead, we will invest these funds in clean, renewable energy that is made here in the United States, including solar, wind, biomass, and biofuels. We will also invest in new energy technologies and develop policies to stimulate investment and deployment of energy efficient products and services. Investing in alternative fuels and new energy technologies is also an investment in jobs here in America.

I want to make it clear that this legislation eliminates only the most egregious energy industry subsidies. First of all, we target the flawed deepwater oil and gas leases that were awarded in 1998 and 1999. Contrary to long-standing practice, these leases did not provide for royalty payments—no matter how high oil prices rise. In this legislation, we require that these leases be renegotiated. The American people deserve a fair royalty for publicly-owned resources.

I also want to respond to some of the statements made today by opponents of this legislation. Some have suggested that our legislation unfairly singles out the oil and gas industry by repealing their ability to take advantage of a tax provision intended to encourage domestic manufacturing. This is not the case. Many of my colleagues will recall that several years ago our trading partners in the European Union successfully challenged a tax benefit that the Federal Government provided to U.S. exporters. Let's be clear that the oil and gas industry did not qualify for the old FSC–ETI tax benefit, and neither did any number of other U.S. industries, including financial services, hospitals, and real estate, to name only a few. When Congress repealed the FSC–ETI in 2004, we provided a replacement benefit to U.S. exporters in the form of tax benefit for domestic manufacturers. But for some reason, this manufacturing tax break was extended to include the oil and gas industry, even though they were never eligible for the old FSC–ETI benefit. If there is a problem with unfairly singling out an industry, it is not in the bill before the House today. The problem lies in the loophole in the 2004 bill that singled out the oil and gas industry to receive a domestic manufacturing benefit that was not justified.

I hope this clears up this matter and that all my colleagues will join me in voting for this important legislation.

Ms. WATSON. Madam Speaker, today Democrats will bring forward the final piece of legislation in the Six for 06 for America, the Clean Energy Act of 2007. This bill is vital in assuring the American taxpayers that the government will close loopholes and end giveaways in the tax code for major oil companies.

In my work as Ranking Member on the Government Reform Subcommittee on Energy and Resources in the 109th Congress, I worked closely with my colleague DARRELL ISSA in investigating the overlooked but serious problems with the oil and gas royalty programs. The mismanagement of several of these leases potentially could cost America's taxpayers nearly twenty billion in royalties over the next 25 years because of errors in drafting the leases.

Had the leases been negotiated properly, it is estimated that the government would have collected an additional $700 million in royalties in 2005 alone. Do the math. These funds would allow one American family to fill their Dodge Caravan minivan over 12 million times, even with the high gas prices we are facing now.

Madam Speaker, our citizens should not pay for bureaucratic mistakes nor should they suffer the consequences of this administration not holding these companies accountable. H.R. 6 will be a start to fixing this and many other examples of government mismanagement in the energy sector.

Madam Speaker, it is time for us to promote energy legislation that will lead to positive outcomes for the economy and the environment while protecting taxpayers and consumers. H.R. 6 does this and I urge my colleagues to vote in favor of this legislation.

Mr. SIRES. Madam Speaker, I rise today in support of H.R. 6. Over the last 24 years, America's dependence on foreign oil has more than tripled. We currently import about 65 percent of our oil, a new record high. At the same time, the Federal Government has been providing tax incentives that have only exacerbated our oil dependence problem.

It's time that we pass this bill and repeal the subsidies created in the 2005 Energy Bill. These government giveaways could be much better used by investing in research and development of clean, renewable energy sources.

Madam Speaker, in my home State of New Jersey, we consume 11.1 million gallons of gasoline per day! That ranks 11th in the Nation. With such high consumption in New Jersey and across our country, we need to start thinking about the future and turn to alternative energy sources. Americans need more choices at the pump.

This legislation will not solve our energy dependence problems overnight, but we have to start somewhere. This legislation gives us a good starting point. I urge my colleagues to vote in favor of H.R. 6.

Mr. CUMMINGS. Madam Speaker, I rise in support of the Clean Energy Act of 2007, H.R. 6.

This bill, like all of the bills brought to the floor by the Democratic leadership under the Six for '06 package has the same effect, to try to level the proverbial playing field so that every American family has a fighting chance.

This bill takes a huge step in the right direction by repealing $14 billion in subsidies given to Big Oil companies and paid for by American taxpayers. It also addresses a future that we know is coming—a future where fossil fuels will be in far less plentiful supply—and sets the stage for investing those profits in clean, renewable and alternative energy technologies and sources.

This bill closes tax loopholes for oil companies, rolls back tax breaks for geological and geophysical expenditures and repeals five royalty relief provisions from the 2005 Republican energy bill. In fact, this bill will require companies that have been reaping billions in profits and providing record golden parachute packages to departing CEOs while the average American family has seen an overall decline in income, to pay royalties in order to qualify for new federal leases for drilling.

The goal of this bill is energy independence for our country that will allow our foreign policy decisions to be based more on what's good for our citizens and not just what's good for our gas tanks.

I applaud the Democratic leadership for bringing this legislation to the floor and I applaud this Congress for successfully passing six critical pieces of legislation that affect the everyday lives of all Americans.

Mr. STEARNS. Madam Speaker, affordable and reliable energy is an important component of continued economic growth. It heats and cools our homes, facilitates the means of production, and fuels our transportation system. However, politics, not sound energy policy is driving the legislation before us today.

The tax provisions targeted for repeal in H.R. 6 are designed to encourage new capital investment in U.S. energy projects, and they are fulfilling this goal. Their repeal will discourage new domestic oil and gas production and refinery capacity, threaten American jobs, and make it less economic to produce domestic energy resources—thereby increasing our dependence on imported crude oil and refined fuel products. A recent economic analysis by PricewaterhouseCoopers confirms:

"Higher taxes on the U.S. activities of the oil and natural gas industry, as would result under H.R. 6, would be expected to reduce U.S. exploration, production, and refining activities and increase U.S. dependence on foreign oil. This outcome is in sharp contrast to long-term energy goals for a Nation less reliant on imported energy sources."

These results run directly counter to sound energy policy goals and, by diminishing energy supplies, would strike a blow to U.S. energy consumers.

Provisions in the bill affecting the deep water royalty relief program will set back the significant gains in oil and gas production that are attributable to the program and discourage new domestic production. This program has been one of the most successful policy stimulants for U.S. oil and natural gas exploration and production. It has contributed to a nearly 400 percent increase in natural gas production and more than 100 new discoveries.

The real impact of actions taken in this bill will be felt by our Nation's manufacturers and every day consumers of energy. The higher energy taxes will be passed on to consumers in the form of higher gasoline and home energy prices. Similarly, heavy users of oil and natural gas, such as manufacturers and their customers, will feel the pinch of these higher prices and the effects of higher gas prices will ripple throughout the economy.

This legislation would give an unfair competitive advantage to foreign energy firms by placing tax increases squarely on the shoulders of domestic energy producers. This will encourage domestic energy companies, which employ 1.8 million Americans to move those jobs overseas.

America's energy future is too important to risk a rush to judgment, and H.R. 6 represents a significant step backward for our Nation's energy security. Imposing new costs, whether in the form of taxes or fees is contrary to the goal of providing stable and affordable energy supplies for American consumers.

America's energy consumers deserve a sound energy policy that will not hit them with unnecessarily increased energy costs. This legislation is a poor substitute for a real energy policy. I urge my colleagues to reject this punitive energy legislation and to decrease our dependence on foreign oil.

Mr. FLAKE. Madam Speaker, I stand in opposition to H.R. 6. This bill is fatally flawed, both because of the provisions that it contains and also the process that brought it to the floor.

Simply put: Congress performs best when the process of Authorization, Appropriation, and Oversight is followed through the regular order.

This bill seeks to both Authorize and Appropriate at the same time by short-cutting the authority of the Budget Committee and directing spending.

In addition, this new language was brought to the floor without the benefit of review by any Committees, and even before the Resources Committee has been organized.

Finally, this bill seeks to create a slush fund for spending on non-specific programs with no enforcement mechanism to ensure that funds are spent appropriately.

We are not talking about an insignificant amount; rather, CBO estimates that these provisions will raise $14 billion dollars in federal revenue—$14 billion that should be returned to the Treasury for deficit reduction, if raised at all.

Beyond the argument of oil and gas tax incentives, sanctity of contracts, or renewable resources, I simply cannot support a bill that displays such a disregard for the legislative process and handle taxpayer dollars with such irresponsibility.

Mr. LANGEVIN. Madam Speaker, it is with great pride that I rise in support of H.R. 6, which will help our Nation take a major step toward energy independence.

We must recognize that we cannot dig or drill our way out of our energy crisis and must move away from our reliance on oil and gas. Our nation deserves a comprehensive energy policy that guarantees access to affordable power, encourages energy conservation efforts, and pursues increased use of environmentally responsible and renewable sources of energy. H.R. 6 moves us in exactly that direction. It will close expensive loopholes and end giveaways to oil and gas companies and invest those dollars in clean and renewable sources of energy here in the United States.

I have strongly supported efforts to develop and adopt new sources of energy, not only for the important environmental benefits they create, but also for their positive impact on our economy and national security. Just as our Nation worked together to put a man on the moon, we must now unite behind an energy policy that enhances national security, creates American jobs, and protects our environment. We must harness Americans' ingenuity and creativity to make the United States a world leader in new energy technology and move our nation toward energy independence.

Many of my colleagues have talked for a long time about how we need to end our addiction to foreign sources of energy. Today we finally have an opportunity to follow through on our promises by voting for H.R. 6.

Mr. KIND. Madam Speaker, I rise today in support of H.R. 6, which will begin to right our country's course on energy policy, steering us away from costly subsidies for the oil and gas industries that are both unnecessary and unwanted. Instead, this bill will allow our government to invest in its own industries, which produce clean, efficient energy that will improve our environment, produce jobs, and increase our national security.

Madam Speaker, I cannot say why, during a time of record profits by oil and gas companies, this industry was targeted for tax relief in 2004 and 2005. I honestly cannot say why the majority of this congress thought it was a good idea to give away billions of taxpayer dollars in this way. What I do know, is that I am not alone in wondering why.

Our own President, whose personal ties to the oil industry are well known, has said numerous times that industry does not need these subsidies. Just last year, he was quoted in the Washington Post saying:

> Record oil prices and large cash flows also mean that Congress has got to understand that these energy companies don't need unnecessary tax breaks like the write-offs of certain geological and geophysical expenditures, or the use of taxpayers' money to subsidize energy companies' research into deep water drilling. I'm looking forward to Congress to take about $2 billion of these tax breaks out of the budget over a 10-year period of time. Cash flows are up. Taxpayers don't need to be paying for certain of these expenses on behalf of the energy companies.

President Bush was saying these things even before we passed the energy bill. In 2005 he said, "With oil at more than $50 a barrel, by the way, energy companies do not need taxpayer funded incentives to explore for oil and gas."

Even the President, from the oil State of Texas, understands that our country needs to move in a new direction on energy policy. In his State of the Union address last year, he said, "America is addicted to oil, which is often imported from unstable parts of the world. The best way to break this addiction is through technology."

Madam Speaker, H.R. 6 will repeal the unnecessary giveaways to the energy industry by reducing the tax deductions for exploration that were included in the 2005 energy bill, and eliminating a tax break the industry never should have had. This is expected to raise $6.6 billion over 10 years, which will be set aside in a new strategic energy efficiency and renewables reserve to go toward research and development of newer, cleaner alternatives.

It is time for us to invest in the midwest, not the Middle East. I urge all of my colleagues to vote for this bill.

Mrs. DAVIS of California. Madam Speaker, the real issue here is about moving this Nation in the direction of energy independence.

It's true that this bill is about increasing royalties for oil extracted from land owned by the American people.

Lease agreements from 1998 and 1999 mistakenly did not include the proper royalty language.

As a result, the American people lost out on an estimated $865 million in royalties.

With this legislation, Congress has an opportunity, and a responsibility, to correct this mistake.

We also have an opportunity to roll back unnecessary subsidies and tax breaks for oil companies.

But the bill is not about sticking it to the oil industry as some critics have claimed. It is about creating an important funding mechanism for our Nation's energy future.

Throughout history, America has been an innovator in technology.

Benjamin Franklin's experiments with electricity paved the way toward harnessing its capabilities.

The Wright Brothers flew the first airplane.

America was the first to put a man on the moon.

Now is the time for America to become a leader in another field: renewable energy.

The funding generated from this bill will allow us to significantly increase our Nation's investment in renewable energy.

As a Nation, we have become more and more dependent on oil. We simply cannot maintain our current rate of oil consumption.

Madam Speaker, let's not wait until we hit rock bottom before making significant progress toward energy independence.

When it comes to renewable energy, we must go forward with the dedication and commitment that put America first in flight and put a man on the moon.

Let's show the American people that this Congress will set this Nation on the path toward clean, renewable energy.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I rise today in support of H.R. 6, Creating Long-Term Energy Alternative for the Nation, also known as the CLEAN Energy Act of 2007.

This bill closes up the tax loopholes that have enabled energy companies to reap huge profits in recent years, as the prices of oil and gas have risen exponentially.

It also rolls back a 2005 Energy Bill tax break for geological and geophysical expenditures, and it repeals provisions that have enabled energy companies to duck out on paying taxes on these profits.

One provision that especially appeals to me is the creation of a Strategic Energy Efficiency and Renewables Reserve.

The Reserve will be used to reduce our dependence on foreign oil, and it would accelerate the use of alternative fuel sources and renewable energy. In addition, it will encourage energy-efficiency and conservation of our resources. The provision will also ultimately fund research to produce better renewable energy technologies.

The House Science Committee, of which I am a member, has had hearings and markups on renewable energy research strategies, and it is clear that we should push harder toward renewable energy.

Energy research and development are the keys to lessening our dependence on foreign oil and to lessening our dependence on fossil fuels. The federal government should continue to support energy research and also provide incentives to encourage the American public and businesses to buy hybrid cars and support renewable fuels.

We must take the lead in supporting energy policies that are good for the environment and help reduce our dependence on foreign oil.

Mr. HERGER. Madam Speaker, I am pleased we're discussing the growing problem of America's dependence on foreign sources of oil and gas, and the high prices that consumers are paying here at home. In the 109th Congress we made great strides in promoting energy independence through tax incentives for oil and gas exploration, improvement of outdated infrastructure and added research into renewable resources.

But while the goal of "energy security" is a good one, I am concerned that today's bill moves us away from that objective. I frequently hear from constituents concerned about our growing dependence on foreign supplies. And rightly so—when we experienced the first "energy crisis," foreign countries provided one, third of our energy needs. Thirty years later, that reliance has nearly doubled.

H.R. 6 does not address this problem. Quite the opposite: Through increasing taxes, the legislation makes it more costly for U.S. firms to develop domestic supplies. This means our over-dependence on foreign supplies will increase even more. The policies we have already put in place are working: American production of natural gas is up 407 percent, and deep water oil production is up 386 percent. And billions of dollars that would otherwise go to hostile nations have been invested in renewable energy developed from open-loop biomass, geothermal and other resources.

Madam Speaker, my constituents want a forward-thinking energy strategy that seeks new ways to meet our needs. Everyone agrees we should pursue "energy independence." H.R. 6 moves us farther from this goal.

Mr. TIAHRT. Madam Speaker, I rise today in opposition to the bill being considered before the House today that would raise taxes on the energy industry, encourage American jobs to go overseas and cause us to become more dependent on foreign sources of oil and gas. H.R. 6 can only make energy more expensive for the American people. And I urge my colleagues to join me in voting against this anti-manufacturing bill.

Raising taxes on a legitimate American manufacturing industry, regardless of its size or profitability, is not good for our economy or for creating and retaining more domestic jobs. H.R. 6 would siphon billions of dollars out of the energy economy that otherwise could have been reinvested into jobs and domestic energy projects.

In the past few years when fuel prices skyrocketed, I heard regularly from my constituents who were experiencing financial hardship due to these high energy costs. Farmers and ranchers were stuck with rising energy bills, small businesses were forced to raise prices for their products and services and American families were forced to spend more of their disposable income on gasoline.

Rather that focusing on ways to continue lowering energy costs, the Democrats are intent on doing precisely the opposite. Raising taxes on the American manufacturing industry that produces our oil and gas is not the way to help lower energy costs for consumers.

Not only could H.R. 6 lead to higher gasoline prices by raising taxes, but it could also bring about more expensive natural gas. Higher natural gas prices are a very real possibility if natural gas investment, exploration and production fall. Americans already pay more for natural gas than any other country in the world. Higher natural gas will not just be an inconvenience; it will cost more American jobs.

Because we pay as much as 600 percent more for natural gas than other countries, American businesses are often at a competitive disadvantage when trying to compete with foreign businesses.

As elected officials sent to Washington to represent the interests of our constituents, we cannot afford to pass legislation that harms jobs and raises the cost of doing business for domestic manufacturers of energy. Singling out one domestic industry and excluding it from manufacturing tax breaks that other manufacturers are entitled to use is nothing more than pandering by the Democrats for political gain.

Instead of voting to raise taxes on energy manufactures, we should instead be considering proposals today that would encourage more domestic energy, which in turn would produce more American jobs and would boost our economy. We should be voting on legislation that would help America increase its refining capacity. We should be making it easier for energy companies to invest in American jobs by exploring for new sources of domestic oil and natural gas. Instead, we are voting on a Democrat energy bill that will encourage more dependence on foreign sources of oil and gas.

This bill is especially harmful for small and medium refineries that are reinvesting their profits to expand refining capacity. In a time when America imports 10 percent of its refined fuel, we should be encouraging expansion of our own refining industry, not raising their cost of doing business. When we raise taxes, we discourage reinvestment and make it more likely the United States will become more dependent on foreign countries for our refined energy products.

As many have already pointed out, the United States dependency on foreign oil is already more than 60 percent, and growing. When we become even more dependent on unstable regions of the world for our oil and gas energy needs, we are placing more of our security into the hands of unpredictable and often hostile foreign governments and dictators.

As a member of the House Permanent Select Committee on Intelligence and the House Appropriations Subcommittee on Defense, I can tell you placing more of our energy security into dangerous regions of the world is the wrong path for America.

I am a supporter of both using and investing in alternative forms of energy as one way to decrease American dependency on foreign oil. The State of Kansas has great potential for being a leader in wind energy production and being a supplier of biomass for biofuel production.

But while our present economy depends largely on safe access to dependable sources of oil and natural gas, we must not penalize these manufacturing industries that provide us with the energy we all use.

I urge all my colleagues who care about keeping American jobs, boosting our economy and treating manufacturers tax equity to vote against this misleading Democrat energy bill.

Mr. CASTLE. Madam Speaker, today I rise in strong support of H.R. 6, the Creating Long-Term Energy Alternatives for the Nation—CLEAN Energy—Act. At a time of record profits for the oil and gas industry, H.R. 6 repeals many incentives that I have not supported over the years and it takes a vital first step in bringing the energy policies of the United States into the 21st century. By recouping Federal revenues through the repeal of nearly $13 billion in subsidies and tax breaks to oil and gas companies, H.R. 6 appropriately dedicates this revenue to create a research and development fund for renewable energy sources including solar and wind energy, alternative fuels like ethanol and biodiesel, efficiency efforts, and conservation incentives.

H.R. 6 rightly creates an incentive for offshore fuel producers to renegotiate leases issued in the late 1990s; an error that has not yet been corrected, which allowed companies to skirt royalty payments because no price threshold was included in lease agreements. It also repeals provisions that authorize additional royalty relief, as well as two tax breaks benefiting oil companies. This is not a tax increase as some may lead you to believe, it is sensible governing. I opposed legislation authorizing the subsidies in the first place and this is why I strongly support directing this money towards conservation and investment in the development in alternative sources of energy.

Continued and increased investment in renewable and alternative fuels, efficiency, and conservation domestically is critical to severing the United States' dependence on fossil fuels, which has been linked to national security concerns as well as significant environmental harm, including global warming pollution.

With the negative impacts of climate change on the security, economy, environment and health in our Nation and around the world abundantly clear, we can no longer delay in implementing policies to address the damaging effects of carbon dioxide in the atmosphere. We also need to set reasonable CAFE standards, which I believe are both achievable and valuable to a good energy policy.

I remain committed to broadening the energy debate to sound and balanced proposals to meeting America's energy needs—while still acting as a steward of the environment. I urge my colleagues to join me in support of H.R. 6.

Mr. HASTINGS of Florida. Madam Speaker, I rise today in strong support of the CLEAN Energy Act of 2007. We must be mindful in the creation of long-term energy alternatives for the future of our nation, as the acronym CLEAN denotes. I am honored to be among my many esteemed colleagues as an original cosponsor of this legislation.

At this juncture, we must move beyond the obvious motivations for responsible energy policies. As my colleagues have acknowledged, scarcity of resources, national security, greenhouse gas emissions, and the impact of oil exploration top the list of concerns addressed by this legislation. However, we must also acknowledge the true impact of these challenges on our nation's most vulnerable populations. In this sense, progressive energy policy is inextricably linked with the pursuit of true environmental justice.

Madam Speaker, my support for this legislation is founded in a profound desire to confront the diminishing life changes and debilitating health conditions attributed to polluting energy sources. Asthma has significantly increased over the past few decades, especially among African American populations. In 2004, 17 percent of African Americans under the age of 18 lived with asthma compared to only 11 percent of their white counterparts. On behalf of our children, we must understand the root cause of this disparity and take action to pursue alternative sources of energy for posterity.

Furthermore, I support the thrust of this legislation because it discourages extraction from offshore oil and natural gas reserves. I stand with many of my constituents in acknowledging that the pursuit of these resources has the potential to cause life-threatening accidents and irreversible environmental damage to our Outer Continental Shelf. Rescinding incentives for this form of oil and natural gas production set forth in the Outer Continental Shelf Lands Act will undoubtedly protect our fragile marine ecosystems and stimulate the quest for alternative energy sources.

Madam Speaker, complemented by other pieces of legislation, the CLEAN Energy Act of 2007 will bring accountability to the industries responsible for many environmental injustices and shift our nation away from a defunct paradigm of reliance on irresponsible energy sources. A new age for energy use is upon us.

Ms. MCCOLLUM of Minnesota. Madam Speaker, I rise in strong support of H.R. 6, the

CLEAN Energy Act, which will end federal welfare for big oil companies and redirect billions of dollars towards investments in a cleaner, more secure energy future.

Less than two weeks into the 110th Congress, Democrats have already delivered real progress for American families by passing the six measures outlined in the 100 Hours Agenda with time to spare. The CLEAN Energy Act (H.R. 6) is one of these priorities. As a cosponsor of H.R. 6, I was proud to vote for the bill when it passed the House 264–163 on January 18, 2007 with the support of 36 Republican members.

Over the past several years, U.S. taxpayer subsidies to oil companies have increased at a time of record-high energy prices for American consumers and record profits for oil companies. In 2006, the five largest oil companies operating in the U.S. received $97 billion in profits—five times their earnings in 2002. In this economic environment, the oil companies themselves have said most federal supports are unnecessary.

The new Congress is ushering in new priorities. H.R. 6 repeals $13 billion in subsidies that should never have been granted during a time of war and spiraling federal budget deficits. Specifically, the measure requires large oil companies that were awarded royalty-free federal drilling leases in 1998 and 1999 to pay their fair share or lose eligibility for future federal leases. It would also close loopholes and end giveaways for big oil in the tax code and in the 2005 Energy bill. In keeping with the Democrats' pledge to take America in a new direction, H.R. 6 reinvests these billions into a Strategic Renewable Energy Reserve that will be used to fund clean, renewable energy technologies such as home-grown biofuels.

H.R. 6 is an important first step in reducing America's dependence on oil. In this new era of global terror and global warming, energy security is national security. Only by pursuing a bold new direction on energy policy will America achieve our three, interdependent goals of national security, economic strength and environmental protection. With an abundance of renewable energy sources in our backyard and clean energy technology companies across the state, Minnesota stands to reap more than its share of benefits from a new national push for clean energy.

One year ago, in his State of the Union Address, President Bush promised to end our oil addiction. Today, the new Democratic majority is helping the President make good on that promise and working to create a more secure and prosperous future for the next generation of Americans.

Mr. CAMP of Michigan. Madam Speaker, we all agree that reducing America's consumption of foreign oil and gas is important. But, sadly this legislation is a missed opportunity. In fact, it will likely increase the country's dependence on foreign fossil fuels.

H.R. 6 will increase taxes on domestic oil and gas producers and place the additional Federal revenues in a fund that will pay for future legislation to subsidize alternative energy programs. Imposing higher taxes one sector of the economy that is responsible for creating millions of jobs and accounts for 3.5 percent of total national employment is nothing short of terrible economic policy. H.R. 6 is a recipe for layoffs, lowered U.S. investment, and higher prices at the pump.

One of the main provisions in the bill is to deny tax benefits enacted in 2004 to oil and gas companies. The tax benefits in the 2004 bill did not single out the oil and gas industry. In fact, the 2004 legislation lowered the corporate tax rate for all domestic manufacturers. The goal of the bill was to encourage companies, from tool and die manufacturers to the film industry, to remain in the United States instead of moving operations to lower-taxed countries. By singling out oil and gas companies and raising their taxes, H.R. 6 will have the effect of encouraging them to expand production overseas, limit U.S. investment, and cut their American workforce.

Another source of concern is the millions of Americans who invest their pension and retirement savings in the oil and gas sector. Many State and local pension funds, as well as individual stockholders, invest in these companies. Retirees and investors depending on high performing stocks will likely be negatively impacted by Congress's decision to single out this sector.

I am also concerned that H.R. 6 will force companies who signed leases with the Federal Government in 1998 and 1999 for drilling rights in the Gulf of Mexico to renegotiate the terms of the contracts they signed. Under the Clinton administration, the Department of Interior failed to insert a clause in these contracts that would require firms to pay royalty fees when the price of oil exceeded a certain amount. Now, realizing the mistake, the Government has begun to renegotiate the leases on a voluntary basis with the affected companies. Some of them have agreed to begin paying royalty fees while others have not. The Government should continue to voluntarily negotiate with these firms. But, for the Government to force companies to pay new, higher fees as a penalty for not renegotiating legitimate contracts seems akin to what a Russian, Venezuelan, or Bolivian government would do.

As a sponsor of legislation to expand tax incentives for solar energy and hybrid vehicles, I am committed to the improvement of energy conservation and new technologies. Reducing oil and gas consumption is important, but I do not believe H.R. 6 is not the right policy for achieving this objective. I urge my colleagues to resist policies like H.R. 6 that arbitrarily penalize American oil and gas companies and practically incentivize them to move operations overseas.

Mr. McDERMOTT. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 66, the bill is considered read and the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. MCCRERY

Mr. McCRERY. Madam Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. McCRERY. Yes, in its current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. McCrery moves to recommit the bill (H.R. 6) to the Committee on Ways and Means, the Committee on Natural Resources, the Committee on the Budget, and the Committee on Rules with instructions that each Committee report the same back to the House after the Committee holds hearings on, and considers, the bill.

□ 1700

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Louisiana is recognized for 5 minutes in support of his motion.

Mr. McCRERY. Madam Speaker, the substance of this motion to recommit is basically to say, look, these matters are complex. My good friend on the Ways and Means Committee, Mr. McDERMOTT, said that himself just a few minutes ago. And because of that complexity and because of the complexity of the issues, not only the tax issues in this legislation but the energy issues as well, this bill deserves regular order. It deserves to go through the relevant committees with full hearings, full ability of both the majority and the minority to offer amendments in committee, and then have some sort of rule on the floor which allows for different opinions to be voted on as either amendments or substitutes as the process goes forward.

As we all know by now, in this 100-hour exercise, which I think still has plenty of time left in it, frankly, we could even go back now and within the 100 hours have committee hearings and dispense with this bill in the regular order, and that is what this motion to recommit will do.

It simply says this is not a rejection of the bill, it is not a rejection of the substance of the bill, it is merely saying let's take this important piece of legislation through regular order, let's allow Members of this House the full rights of Members to talk about a bill, hear expert witnesses, delve into the particulars of the legislation, offer amendments, try to make it better, and then, finally, bring it to the floor for a vote.

The way that this bill has been rushed through, without regular process, without opportunity for amendment, or even a substitute, makes a mockery of the legislative process and certainly, I think, shortchanges the important subjects covered in this legislation.

I have talked about the tax consequences of the provisions in the bill which increase taxes on only one sector of American manufacturing, oil and gas. Again, it is not taking back a subsidy to oil and gas, it is not taking back a special tax break for oil and gas, it is singling out oil and gas for harsher treatment under the Tax Code than any other economic sector in this country. That is punishing oil and gas. That is punitive.

And that is not what this Congress should be engaged in, in my view. We should try to give a level playing field to all sectors of the American economy, give them all the same opportunities to succeed, to return value to its shareholders, to all those millions of pensioners that have pieces of shares of stock in these American oil and gas companies. They shouldn't be punished by this Congress.

We should be striking a balance between the need for, as my good friend from Washington says, new alternative and renewable sources of energy for the future, but also recognize the immediate needs of this country and for the foreseeable future, the 20 or 30 years the experts say we are going to be reliant on fossil fuels. So we ought to have a balanced approach. We ought to encourage, not discourage exploration and development of fossil fuels in this country, and also encourage research and development of new renewable sources of energy.

Unfortunately, the process that we have gone through on this bill didn't give us the opportunity to do that. This motion to recommit would give us that opportunity, and I urge its passage.

Mr. RAHALL. Madam Speaker, I rise in opposition to the motion.

The SPEAKER pro tempore. The gentleman from West Virginia is recognized for 5 minutes.

Mr. RAHALL. Madam Speaker, in response to the declaration of the gentleman from Louisiana that this is a tax increase on the oil and gas industry, this bill is not a tax increase, I say to my colleagues. What we are doing is repealing subsidies, repealing royalties, and asking the oil and gas industry to pay their fair share. There is no tax increase whatsoever in this bill.

The meat and potatoes of this legislation, H.R. 6, came through our Natural Resources Committee. It was drafted by our committee in consultation with the leadership. This committee is the same committee chaired in a previous Congress by our former colleague, Chairman Richard Pombo. Much of the legislation in this bill, H.R. 6, has been debated, has had hearings held therein, and has even been voted upon by the House of Representatives in the previous Congress.

So I would suggest to my colleagues on the other side of the aisle to go back and look at those votes that were held in a previous Congress in order to be consistent today.

For example, the new conservation fee of $9 per barrel that is set up in this bill if the companies choose to pay no royalties. That was set up in the Jindal-Pombo bill of the last session of Congress and supported by a number of my colleagues on the other side of the aisle.

Reference has been made to these notorious leases of 1998 and 1999, where the American taxpayers got socked the most; that these were instituted and allowed to take place under the Clinton administration. True, President Clinton was President of the United States at that time. But I would also remind my colleagues who make this charge that in 2000 we elected President George Bush as President of the United States, and the last time I looked at the calendar, this is 2007. Six years with no action by the current Department of the Interior to correct these abuses. And, I might say, until December 31 of this year, Republicans controlled the Congress as well, yet no action was taken.

So what we are doing here is an attempt to correct mistakes, correct bungling by the Department of the Interior, mismanagement, whatever word you want to call it, on these 1998-1999 leases where there were no royalties collected, where the price of oil has certainly gone above the threshold that was established in the 1995 Deep Royalty Relief Act, again passed by a Republican Congress, and which was overlooked in the implementation and collection on these 1998-1999 leases.

To those who charge that we are breaching contracts today, there is ample precedent and reservation of power in the U.S. to impose fees for the conservation of resources both in the statute in the Outer Continental Lands Act, and reserved specifically in the leases that are issued in the Gulf of Mexico. Again, these leases issued in 1998 and 1999 are royalty free regardless of market, and that is when we impose this conservation fee passed by the Republican Congress in the past but failed to be enacted into law. So we have set ample precedent here.

As I conclude, let me say that I urge my colleagues on both sides of the aisle, in a bipartisan fashion, as we have voted before on this legislation, to pass H.R. 6 for the sake of the American taxpayers.

Madam Speaker, I yield to the gentleman from Washington, a member of the Ways and Means Committee, Mr. McDERMOTT.

Mr. McDERMOTT. Madam Speaker, can you tell me how much time I have?

The SPEAKER pro tempore. The gentleman has 1 minute remaining.

Mr. McDERMOTT. Madam Speaker, I urge people to vote down this motion to recommit. Mr. McCRERY sat in the other day when we had a forum in the Ways and Means Committee and we discussed this bill. We went over it fairly carefully with experts from two sources at least. And, clearly, we are making very modest changes. That was clear from the testimony we had, that these were modest changes to the law.

When we make the bigger changes, which we will have to do to give us a real source of money for this, and decide how we are going to allocate it in the most effective way for the country, there will be full hearings in the Ways and Means Committee, and I look forward to having your participation. You have been a real wonderful change in the Ways and Means Committee for us, and we are looking forward to working with you on the Tax Code to make this truly the first step, the first teeny step, and then we are going to make a lot of other big steps.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. McCRERY. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on the motion to recommit will be followed by 5-minute votes on passage of H.R. 6, if ordered, and the motion to suspend the rules on H. Res. 62.

The vote was taken by electronic device, and there were—yeas 194, nays 232, not voting 8, as follows:

[Roll No. 38]

YEAS—194

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Jo Ann
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson (IL)
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts

Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—232

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—8

Burton (IN)
Buyer
Calvert
Cooper
Johnson, Sam
Lucas
McHenry
Norwood

☐ 1733

Mrs. BOYDA of Kansas, Mrs. CAPPS, Mr. CLAY, Mr. RUPPERSBERGER, Ms. WOOLSEY and Mr. TERRY changed their vote from "yea" to "nay."

Mr. PETERSON of Pennsylvania changed his vote from "nay" to "yea."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

POINT OF ORDER

Mr. BLUNT. Point of order, Madam Speaker.

The SPEAKER pro tempore (Ms. BALDWIN). The gentleman from Missouri.

Mr. BLUNT. Madam Speaker, I do intend to request a recorded vote. However, I first want to make a point of order that the Chair just failed to properly announce the result of the question of passage by the requisite three-fifths pursuant to clause 5(b) of rule XXI, which requires a three-fifths vote to increase tax rates.

Section 102 of H.R. 6 proposes to deny a deduction under section 199 of the Internal Revenue Code of 1986 for an income attributable to domestic production of oil, natural gas or primary products thereof.

Section 199 of the Internal Revenue Code provides for up to a 9 percent deduction in the amount of corporate income that is taxable under section 11(b) of the Code.

As described in the joint statement of managers accompanying H.R. 4520, which created section 199, when enacted section 199 effectively created a lower percentage rate of tax and therefore reduced the amount of tax proposed by such section. Once fully phased in in 2010, section 199 reduces the tax rate under section 11(b) by 3 points.

Section 102 of the pending bill proposes to disallow this deduction for certain taxpayers, thus imposing a new, higher percentage of tax, and thereby increasing the amount of tax imposed on a taxpayer under section 11(b).

The Joint Committee on Taxation has indicated that section 102 will increase tax receipts by $7.6 billion between 2007 and 2017.

Therefore, Madam Speaker, since this bill increases taxes, and since that tax burden will ultimately be passed on to every American consumer who owns or operates an automobile, I insist on my point of order and demand that H.R. 6 not be considered as passed unless agreed to by three-fifths of those Members present and voting.

The SPEAKER pro tempore. For what purpose does the gentleman from Washington rise?

Mr. McDERMOTT. Madam Speaker, to hear the Speaker's answer to the question.

The SPEAKER pro tempore. Does any other Member wish to be heard on this point of order?

The Chair recognizes the gentleman from Louisiana.

Mr. McCRERY. Madam Speaker, I ask to be heard on the point of order.

This bill should require a three-fifths majority for passage. Madam Speaker, it is important to point out that section 199(d)(6), the subject in this bill, incorporates by reference section 55 of the Internal Revenue Code. Section 55 is specifically identified as a provision subject to the point of order found in clause 5(b) of House rule XXI. By amending section 199, the bill is increasing the applicable rate under section 55 as applied to oil and gas manufacturers.

Recognizing the connection between section 199 and section 55 is critical to the interpretation of House rule XXI. All of the sections identified in House rule XXI deal with the imposition of taxes, and those sections, in turn, are referenced throughout the Internal Revenue Code.

For example, Internal Revenue Code section 2(a)(1) defines the term "surviving spouse" for purposes of section 1 as a person whose spouse died up to 2 years before the current tax year. Amending section 2 of the Code to change the definition of a spouse to someone who died only 1 year ago would have the direct effect of increasing the tax rate on widows that is set by section 1 of the Internal Revenue Code.

By way of further example, one computation method for farm income is found in section 1301 of the Internal Revenue Code. That section of the Code also explicitly references section 1. By changing the methods for computing farm income in section 1301, you can directly raise the tax rate of a farmer that is set by section 1.

Madam Speaker, here comes the denouement. Madam Speaker, certainly the intent of rule XXI is for the House to clear a higher hurdle, a three-fifths majority, before it increases taxes on farmers or widows. That intent would be just as relevant in this case where a bill effectively raises the tax rate on some American manufacturers.

The SPEAKER pro tempore. Does anyone else seek recognition on this point of order?

The Chair recognizes the gentleman from Massachusetts.

Mr. MEEHAN. Madam Speaker, these guys passed $14 billion in tax breaks to Big Oil. Now is not the time to redo it.

The SPEAKER pro tempore. The Chair is prepared to rule.

The requirement in clause 5(b) of rule XXI for a three-fifths vote on certain tax measures comprises three elements.

The first element is that the measure amends one of the subsections of the Internal Revenue Code of 1986 that are cited in the rule. The second element is that the measure does so by imposing a new percentage as a rate of tax. The third element is that in doing so the measure increases the amount of tax imposed by any of those cited subsections of the Code.

The Chair is unable to find a provision in the bill that fulfills even the first element of the requirement.

A bill that does not meet any one of the three elements required by clause 5(b) of rule XXI does not carry a Federal income tax rate increase within the meaning of the rule.

Accordingly, the Chair holds that a majority vote is sufficient to pass H.R. 6, and the Chair properly announced the result of the voice vote on passage.

Mr. BLUNT. Madam Speaker, I appeal the ruling of the Chair.

Mr. McDERMOTT. Madam Speaker.

The SPEAKER pro tempore. The gentleman shall suspend.

The question is, shall the decision of this Chair stand as the judgment of the House.

MOTION TO TABLE OFFERED BY MR. MC DERMOTT

Mr. McDERMOTT. Madam Speaker, I move to table the appeal of the ruling of the Chair.

The SPEAKER pro tempore. The question is on the motion to table.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. BLUNT. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on the motion to table will be followed by 5-minute votes on passage of H.R. 6, if ordered, and on the motion to suspend the rules on H. Res. 62, if arising without further debate.

The vote was taken by electronic device, and there were—yeas 230, nays 195, not voting 9, as follows:

[Roll No. 39]

YEAS—230

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—195

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Jo Ann
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson (IL)
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—9

Burton (IN)
Buyer
Calvert
Cooper
Johnson, Sam
Lucas
McHenry
Norwood
Peterson (MN)

□ 1759

Mr. KING of New York changed his vote from "yea" to "nay."

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. For what purpose does the gentleman from Washington rise?

Mr. McDERMOTT. Madam Speaker, I demand the yeas and nays on the passage of the bill.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 264, nays 163, not voting 8, as follows:

[Roll No. 40]

YEAS—264

Abercrombie
Ackerman
Aderholt
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Bartlett (MD)
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Butterfield
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks

Dingell
Doggett
Donnelly
Doyle
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
Eshoo
Etheridge
Everett
Farr
Fattah
Ferguson
Filner
Fortenberry
Frank (MA)
Gerlach
Giffords
Gilchrest
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Hayes
Herseth
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inglis (SC)
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Kirk
Klein (FL)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pelosi
Perlmutter
Peterson (MN)
Petri
Platts
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Reichert
Reyes
Rodriguez
Rogers (AL)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth

NAYS—163

Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Barrow
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boustany
Brady (TX)
Brown (SC)
Burgess
Camp (MI)
Campbell (CA)
Cannon
Cantor
Carter
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Jo Ann
Davis, Tom
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
English (PA)
Fallin
Feeney
Flake
Forbes
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Issa
Jindal
Jordan
Keller
King (IA)
King (NY)
Kingston
Kline (MN)
Lamborn
Lampson
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Pickering
Pitts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Renzi
Reynolds
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Young (AK)
Young (FL)

NOT VOTING—8

Burton (IN)
Buyer
Calvert
Cooper
Johnson, Sam
Lucas
McHenry
Norwood

□ 1809

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Wanda Evans, one of his secretaries.

CONGRATULATING THE GRAND VALLEY STATE UNIVERSITY LAKERS FOR WINNING THE 2006 NCAA DIVISION II FOOTBALL NATIONAL CHAMPIONSHIP

The SPEAKER. The unfinished business is the question of suspending the rules and agreeing to the resolution, H. Res. 62.

The Clerk read the title of the resolution.

The SPEAKER. The question is on the motion offered by the gentleman from Virginia (Mr. SCOTT) that the House suspend the rules and agree to the resolution, H. Res. 62, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 422, nays 0, not voting 13, as follows:

[Roll No. 41]

YEAS—422

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Butterfield
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Jo Ann
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pomeroy
Porter

Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—13

Burton (IN)
Buyer
Calvert
Cooper
Johnson, Sam
Jones (NC)
Lucas
McHenry
Musgrave
Norwood
Poe
Stark
Turner

☐ 1819

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. TURNER. Madam Speaker, on rollcall No. 41, on H. Res. 62, I am not recorded. Had I been present, I would have voted "yes."

PERSONAL EXPLANATION

Mr. CALVERT. Madam Speaker, pursuant to my leave of absence, I am submitting for the RECORD how I would have voted if I had been present earlier today.

I would have voted as follows on today's recorded votes:

Rollcall No. 34, "yea"—Motion to Adjourn; rollcall No. 35, "no"—Ordering the Previous Question; rollcall No. 36, "no"—Agreeing to H. Res. 66, rollcall No. 37, "no"—On Consideration of H.R. 6; rollcall No. 38, "yea"—Motion to Recommit H.R. 6; rollcall No. 39, "no"—Motion to Table the Appeal of the Ruling of the Chair; rollcall No. 40, "no"—Final Passage of H.R. 6; rollcall No. 41, "yea"—Adoption of H. Res. 62—Congratulating the Grand Valley State University Lakers.

PARLIAMENTARY INQUIRY

Mr. PRICE of Georgia. Madam Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. PRICE of Georgia. Madam Speaker, pursuant to the prior order of the House, would it be in order to call up H.R. 475 at this time?

The SPEAKER pro tempore. The order of the House provides that the bill may be brought up at any time.

Mr. PRICE of Georgia. Further inquiry, Madam Speaker.

The SPEAKER pro tempore. The gentleman will state it.

Mr. PRICE of Georgia. Madam Speaker, pursuant to the prior order of the House, regarding H.R. 475, is it correct that it allows for just 15 minutes of debate on each side, that is, 30 minutes total?

The SPEAKER pro tempore. The gentleman is correct.

Mr. PRICE of Georgia. Further parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his further inquiry.

Mr. PRICE of Georgia. Is the Chair aware of any other legislative business that we are doing today?

The SPEAKER pro tempore. The gentleman has not stated a parliamentary inquiry.

Mr. PRICE of Georgia. Is the Chair aware of any further legislative business that we are doing today?

The SPEAKER pro tempore. The Chair would advise the gentleman to consult the leaderships on that question.

Mr. PRICE of Georgia. Further inquiry, Madam Speaker.

The SPEAKER pro tempore. The gentleman will state his inquiry.

Mr. PRICE of Georgia. We do indeed understand the majority's desire to have a 5-day workweek, but is 30 minutes of work on a Friday considered a full day?

The SPEAKER pro tempore. The gentleman is not stating a parliamentary inquiry.

Mr. PRICE of Georgia. Madam Speaker, I move to call up H.R. 475.

The SPEAKER pro tempore. Only a manager identified by the order of the House would be recognized to call up that bill.

Mr. PRICE of Georgia. I thank the Chair.

RESIGNATION AS MEMBER OF COMMITTEE ON ARMED SERVICES

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on Armed Services:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, January 18, 2007.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: This letter is to advise you that, effective today, I am taking a leave of absence from the House Armed Services Committee in order to serve on the House Permanent Select Committee on Intelligence. I understand that I will retain my seniority on the Armed Services Committee for the duration of my leave.

Thank you for your assistance with this matter.

Sincerely,

JAMES R. LANGEVIN,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

ELECTION OF MAJORITY MEMBERS TO CERTAIN STANDING COMMITTEES OF THE HOUSE

Mr. MCGOVERN. Madam Speaker, by direction of the Democratic Caucus, I offer a privileged resolution (H. Res. 75) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 75

Resolved, That the following named Members and Delegate be and are hereby elected to the following standing committees of the House of Representatives:

(1) COMMITTEE ON ARMED SERVICES.—Mr. Meek of Florida (to rank immediately after Mr. Cummings).

(2) COMMITTEE ON FINANCIAL SERVICES.—Mr. Boren.

(3) COMMITTEE ON THE JUDICIARY.—Mr. Berman, Mr. Boucher, Mr. Nadler, Mr. Scott of Virginia, Mr. Watt, Ms. Zoe Lofgren of California, Ms. Jackson-Lee of Texas, Ms. Waters, Mr. Meehan, Mr. Delahunt, Mr. Wexler, Ms. Linda T. Sánchez of California, Mr. Cohen, Mr. Johnson of Georgia, Mr. Gutierrez, Mr. Sherman, Mr. Weiner, Mr. Schiff, Mr. Davis of Alabama, Mr. Ellison.

(4) COMMITTEE ON NATURAL RESOURCES.—Mr. Kildee, Mr. Faleomavaega, Mr. Abercrombie, Mr. Ortiz, Mr. Pallone, Mrs. Christensen, Mrs. Napolitano, Mr. Holt, Mr. Grijalva, Ms. Bordallo, Mr. Costa, Mr. Boren, Mr. Sarbanes, Mr. George Miller of California, Mr. Markey, Mr. DeFazio, Mr. Hinchey, Mr. Kennedy, Mr. Kind, Mrs. Capps, Mr. Inslee, Mr. Udall of Colorado, Mr. Baca, Ms. Solis, Ms. Herseth, Mr. Shuler.

(5) COMMITTEE ON SCIENCE AND TECHNOLOGY.—Mr. Costello, Ms. Eddie Bernice Johnson of Texas, Ms. Woolsey, Mr. Udall of Colorado, Mr. Wu, Mr. Baird, Mr. Miller of North Carolina, Mr. Lipinski, Mr. Lampson, Ms. Giffords, Mr. McNerney, Mr. Rothman, Mr. Honda, Mr. Matheson, Mr. Ross, Mr. Chandler, Mr. Carnahan, Mr. Melancon, Mr. Hill, Mr. Mitchell, Mr. Wilson of Ohio.

(6) COMMITTEE ON VETERANS' AFFAIRS.—Ms. Berkley (to rank immediately after Mr. Doyle), Mr. Walz of Minnesota.

Mr. MCGOVERN (during the reading). Madam Speaker, I ask unanimous consent that the resolution be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

Mr. PEARCE. Madam Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

The Clerk continued to read the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 47

Mr. BUTTERFIELD. Madam Speaker, I ask unanimous consent to remove the name of Ms. MILLENDER-MCDONALD as a cosponsor from H.R. 47. Her name was placed on this bill in error.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

QUESTION OF PERSONAL PRIVILEGE

The SPEAKER pro tempore. For what purpose does the gentleman from Texas rise?

Mr. GOHMERT. Madam Speaker, I rise to a question of personal privilege.

Madam Speaker, the question of personal privilege to which I rise is one regarding the tarnish that is on my reputation and the reputation of others here in this body.

We had heard for the last couple of years the term "culture of corruption"; and, frankly, one of the things that I looked forward to is an end to all this discussion about corruption that tarnishes each one of us. And I know for all of the people whom I am close to it is a big deal as far as our reputation when it is tarnished.

And so what I would submit is that in the last 2 weeks that we have not cleared a culture of corruption; that a cloud of corruption has hovered over this body, it hovers over me now, tarnishing all that we are and that I am. And to have an American territory excluded from a minimum wage bill that directly benefits one of the Members, in fact the Speaker and a company——

The SPEAKER pro tempore. The gentleman will suspend.

Under rule IX, the gentleman has not stated a basis for a question of personal privilege.

Mr. GOHMERT. Point of order.

The SPEAKER pro tempore. The gentleman will state his point of order.

Mr. GOHMERT. Under rule IX, it is provided in the precedents that any time someone's reputation has been tarnished or sullied, it may be addressed.

I would in fact direct you to the second page of section 708 regarding the prior usage for the question of personal privilege. And you will find on the second page of the reference in section 708 of the Rules and Practice Manual that Former Speaker Jim Wright rose to a question of personal privilege and he addressed a matter that was sullying the reputation of the House, and him in particular, and addressed it in order to clear the air.

If you look underneath that in that same page, it references Speaker Gingrich, who rose to a question of personal privilege in order to clear the air and the cloud and allegation of corruption that had arisen. And then, beneath that you will see a reference of a precedent from Speaker HASTERT in 2000 who rose to a question of personal privilege to clear the air and clear the question of malfeasance over the issue of the selection of the Chaplain.

□ 1830

The SPEAKER pro tempore. The Chair would be pleased to examine the basis on which the gentleman from Texas would rely, individually, to be recognized on a point of personal privilege.

Mr. GOHMERT. Well, then perhaps it would be better for the Speaker to come so we can clear the air and get this matter behind us so we can move forward in a bipartisan manner. If it was a staff member or someone else that allowed American Samoa to be exempted, we can get it cleared. The question of personal privilege would disappear. I would rise to make that——

The SPEAKER pro tempore. The gentleman will suspend.

If the gentleman has documents, newspaper articles, or the like, that identify him personally, he may rely on them as a basis for a question of personal privilege.

Mr. GOHMERT. I have a constitutional point of order.

The SPEAKER pro tempore. The gentleman may state his point of order.

Mr. GOHMERT. Madam Speaker, under Article I, section 6, a matter that was discussed at some length in the past year, it says that for any speech or debate in either House, they, the Senators and Representatives, shall not be questioned in any other place.

This is the only place in which a question of personal privilege, in which a matter that is tarnishing anyone's reputation or everyone's reputation in here may be addressed. If I will not be allowed to go further with the question of personal privilege, I would ask the Speaker to rise to a question of personal privilege as the last three Speakers have under Article I, section 6, clear the air, clear the cloud of corruption that is hovering over us so we can move forward in a clean and wholesome, bipartisan environment. And I will do as the Parliamentarian has requested.

The SPEAKER pro tempore. Under the precedents of this House, the Chair would be pleased to examine any documentary evidence the gentleman might bring to her attention in order to be able to proceed on a question of personal privilege. The Chair presently has no basis for decision. The Chair would ask the gentleman to conform to precedent to be allowed to proceed. The Chair has not been provided anything to examine as the basis of his question of personal privilege.

Mr. GOHMERT. Parliamentary inquiry.

The SPEAKER pro tempore. The gentleman may state his parliamentary inquiry.

Mr. GOHMERT. Is the Speaker asking or directing that I bring in articles and things into this House to present to the Speaker here in this floor of the House?

The SPEAKER pro tempore. The Chair at this moment is unable to identify a valid basis for a question of personal privilege. The Chair would encourage the gentleman to give the Chair a basis for decision.

Mr. GOHMERT. The law on its face and what we just passed exempted a territory. It should be very clear.

The SPEAKER pro tempore. The gentleman is not recognized.

APPOINTMENT OF MEMBER TO JOINT ECONOMIC COMMITTEE

The SPEAKER pro tempore. Pursuant to 15 U.S.C. 1024(a), and the order of the House of January 4, 2007, the Chair announces the Speaker's appointment of the following Member of the House to the Joint Economic Committee:

Mrs. MALONEY, New York.

KEEP ECONOMY ROLLING

(Mr. FEENEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FEENEY. Madam Speaker, recently President Bush wrote that now is not the time to increase taxes on the American people. As the stock market hits an all-time high, employment is at an all-time high, unemployment is at a record low. Unfortunately, the first couple weeks in this House is not a good indication of Democratic leadership.

In week number one, we effectively repealed the three-fifths requirement to raise taxes.

In week number two, we passed a so-called PAYGO law that says any of the new liberal spending programs are going to be accompanied with huge new tax increases on the people of America.

And today, with the first major tax increase in 10 years, $7 billion is put on the backs of American energy producers that will directly translate to higher gas prices at the pump.

I ask all of my colleagues, Democrats and Republicans, to sign a letter that is on your desk where we encourage the President to veto any bad tax increases, and we pledge to sustain that veto. Democrats and Republicans alike ought to keep this economy rolling. Please sign the letter that is on your desk. I welcome all of my colleagues to join me.

REMEMBERING WILFRED G. GOODEN

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise today to pay tribute to Wilfred G. Gooden, who passed in January of this year. Wilfred G. Gooden was a philanthropist, and certainly someone who loved his country, but loved service.

Born in Jamaica, West Indies in the Westmoreland area, he was a naturalized citizen. He came to New York City. In his commitment to serving the community, he became a master builder and opened a construction company in 1961 where he created jobs for young men and women in the Harlem area. He was a master artisan, a carpenter, a perfectionist in his work.

As he became an astute businessperson, he also was concerned about affordable housing for many in the New York area. Mayor David Dinkins appointed him to have the opportunity to devise a housing program for the City of Houston. But yet he continued to do more, and he was a great philanthropist, providing clothing and opportunity for the people of Jamaica. We pay great tribute to Wilfred Gooden, and we mourn his loss.

RAILROAD OVERSIGHT

(Mr. KUHL of New York asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUHL of New York. Madam Speaker, I rise today to bring attention to an issue that concerns all of us, and that is railroad safety.

On Tuesday night, there was a train derailment near my congressional district in East Rochester, Monroe County, New York. Fortunately, no one was injured. There have been dozens of other derailments in New York: Recently, on December 28 along route 15 in Gang Mills, in which cars were carrying butane.

According to an online Federal Railroad Administration database, defective tracks have been the number one cause of train derailments since 1996 in New York and Monroe County.

Madam Speaker, I understand the role of railroads and the importance they serve in transporting goods and people across the country. As a member of the House Transportation Committee which oversees the railroad industry, I firmly believe that Congress must provide more thorough oversight of this industry.

Furthermore, I believe that Congress, CSX, and the Federal Railroad Administration and the Department of Environmental Conservation must work together to identify what must be done to avoid similar disasters in the future.

Madam Speaker, I look forward to working with my colleagues in Congress to create a safer, more efficient rail system for everyone.

AMERICAN SAMOA UNDER FAIR LABOR STANDARDS ACT

(Mr. FALEOMAVAEGA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FALEOMAVAEGA. Madam Speaker, I just want to make a point of clarification for my friend here from Texas, insinuating and implying there was something special given to my district, American Samoa, over this minimum wage issue.

I suggest the gentleman should read the provisions of the Fair Labor Standards Act. American Samoa has been subjected to the minimum wage law since 1938. So I suggest to my Republican friends, they ought to check their law and find out what the situation has been.

The Northern Mariana Islands was not even in existence for the past 50 years, only until 1976. So I want to clarify that for the record. And I suggest to my friend from Texas, read the law before you start making accusations against the Speaker, insinuating and implying that her character, that she applied a double standard to the company that supposedly has been operating in my district. I suggest to my friend from Texas, read the law before you start attacking the Speaker on this matter.

ILLEGAL IMMIGRATION CRISIS IN ARIZONA

(Ms. GIFFORDS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. GIFFORDS. Madam Speaker, with the completion of the first 100 hours, I stand here today to discuss an issue of critical importance to southern Arizona, and that is our illegal immigration crisis.

Let me point out two recent events. On January 12, a Border Patrol agent had a deadly altercation with an illegal immigrant crossing into our district. That investigation is going on at this moment. A couple of weeks ago, members of the National Guard unit assigned to work with the Border Patrol were threatened by an armed gang that came into our country and then left. That incident is being looked at.

While many questions still surround these recent incidents, one thing is crystal clear: Now that our 100 hours are over, we must address the illegal immigration crisis and secure the border today.

We are putting our Border Patrol and the National Guard under tremendous strain. It is our responsibility to provide them with the necessary resources and the tools they need.

Fighting for a comprehensive immigration plan must be a priority for this Congress, Democrats and Republicans working together.

STRONG SUPPORT FOR H.R. 6, CLEAN ENERGY ACT

(Mr. BRALEY of Iowa asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BRALEY of Iowa. Madam Speaker, I rise this afternoon to express my strong support for H.R. 6, the CLEAN Energy Act of 2007. This bill will help move our country toward a goal shared by all Americans, a desire to reduce our dependence on foreign oil by shifting our energy emphasis from the Middle East to the Midwest.

According to the GAO, the United States has spent $130 billion in the past 32 years in government subsidies to the oil industry. The CLEAN Energy Act of 2007 represents a bold new direction in our energy policy by creating a strategic renewable energy reserve to invest in clean renewable energy resources like ethanol, biodiesel and wind energy.

As someone whose family has been farming in Iowa for the past 150 years, I am proud that Iowa has been at the epicenter of the renewable fuels explosion and alternative energy boom with over 55 ethanol and biodiesel refineries built or under construction. Iowa also ranks third in wind energy production and tenth in wind energy potential in the United States.

Madam Speaker, I am proud to have had the privilege to have voted today for the CLEAN Energy Act of 2007.

CLOUD OF CORRUPTION

(Mr. GOHMERT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOHMERT. Madam Speaker, I appreciate so much my friend from American Samoa coming in here. I am not casting any aspersions on him or his wonderful territory. I didn't throw allegations or aspersions on anyone. But there is a cloud of corruption hovering over this body that effects every one of us, and it would be so easy to get the air cleared. But there is really one person that could clear the air.

For so long people in this country cynically say: It is not what you know, it is who you know. Many of us say: That is not the case.

I believe if the Speaker would come forward, rise to a question of personal privilege, Madam Speaker, we could get this thing resolved and get it behind us so it is no longer an issue, and figure out how in the world a group, a territory got exempted that actually benefits a company in the Speaker's own district. And then we will be beyond it and move on in a bipartisan way, which I hope we will eventually have the opportunity to do.

☐ 1845

ENERGY SECURITY

(Mr. SCHIFF asked and was given permission to address the House for 1 minute.)

Mr. SCHIFF. Madam Speaker, in these opening weeks of the 110th Congress, the Democratic majority in the House has succeeded in passing a package of bills that is designed to secure America. We passed a bill to improve our Nation's ability to prevent another 9/11 style attack on our country. We have made life a little more secure for millions in the United States who toil at the minimum wage, and millions of young people who leave college with a degree and a mountain of debt. We have secured the ability of America's medical researchers to explore and exploit the life-saving potential of stem cells. We have committed this government to safeguarding our economic security by ending years of fiscal irresponsibility. And today, we have begun what may be the most important project of all, to ensure America's energy security by ending our dependence on foreign oil and developing clean, green renewable sources of energy.

Ensuring our energy security will require more than just the protection of American oil supplies from terrorists in hostile nations. It will also mean we find homegrown fuel sources that reduce our dependence on foreign oil.

It will mean that we pare down our energy consumption and promote efficiency. It will mean that we transition to renewable energy sources that ensure a clean, dependable energy supply for years to come.

There are those who say that it would cost too much to shift our infrastructure over to new energy sources. They say that the market has decided that coal and oil are the cheapest energy, and that switching to renewable energy would harm our economy.

This is shortsighted, false, and, ultimately, dangerous because much of the true cost of oil and coal don't appear on the gas pump or on our electric bills. Extracting coal and oil harms the environment and burning fossil fuels produces pollution that clogs our cities and greenhouse gases that warm our atmosphere. Tens of thousands of Americans get lung cancer and other respiratory diseases from power plant air pollution and this, too, is part of the true cost of "cheap" energy. These expenses are paid by the American people just as surely as they pay their electric bills.

But to find the true cost of a barrel of oil, we must look further, to a foreign policy beholden to oil and gas, and that price is too steep.

Today the House passed a bill that will roll back tax breaks for oil and gas companies and reform the royalty relief system that has cost American taxpayers billions of dollars. The $13 billion dollars saved by this overdue reform will be placed in a strategic reserve to be spent on programs to accelerate the adoption of renewable energy and alternative fuels, promote energy efficiency, and step up research on advanced energy technologies. Initiatives like these are the only way to permanently reduce our dependence on foreign oil, and this bill is a good first step on the road to true energy security.

European and Asian competitors are already developing technologies that will reduce fuel consumption and lower emissions of greenhouse gases. Rather than American entrepreneurs, it is our competitors who are prospering from these developments. By marshaling America's great strengths, our inventiveness, our technological prowess, and our entrepreneurial spirit, we can better secure our Nation, save our environment, and become the world leader in this cutting-edge industry.

We must encourage the development of flexible-fuel and hybrid vehicles. These vehicles can be built with today's technology and will enable a smooth transition from gasoline to biofuels.

We must raise the corporate average fuel economy standards.

We must invest in research and development of new energy technologies, like wind power, cheap solar cells, plug-in hybrid cars, and cellulosic ethanol. The new energy economy will be dominated by rapid innovation, and the scientific investment we make now will be paid back with interest by the technologies it creates.

We must encourage employers to offer mass-transit benefits so that employees can commute without their cars, and support mass transit systems around the country.

We must pass global warming legislation to reduce our output of carbon dioxide and other greenhouse gases. Many of America's most successful companies have realized that something must be done to contain global warming and they are now pushing Congress to lead.

We know what must be done to end our dangerous addiction to oil. All we need now is the will to do it.

Madam Speaker, we have lost so much time since 9/11, time that could have been so profitably used to reduce our dependence on foreign oil. But it is not too late to abruptly and constructively change course. The American people are ready for a clean energy economy, and the bill we passed today will begin to put our country on that new road to energy independence and a more secure future.

LOOKING FORWARD TO GREATER PARTICIPATION

(Mr. KINGSTON asked and was given permission to address the House for 1 minute.)

Mr. KINGSTON. Madam Speaker, the Democrat Party has just ended its 6 for 600 hours, or whatever they call it. I wish I had a clock at home that tracked hours the way the Democrats did. By that standard, I would be 25 years old, and probably look a lot better, as a matter of fact; more youthful.

But I want to say this. The Democrats did this agenda based on kind of, you know, trite, older, more established, safer issues. There was no real reach for the sky here; no entitlement reform, no tax simplification, no energy independence. What they did also was cram down a bunch of things that bypassed the committee process, and I want to give a contrast with the Contract With America.

The Contract With America was 24 pieces of legislation. The number of bills we had open to amendment was nine. The number of bills considered under a closed rule was only three. The numbers of bills considered under suspension of the rules was only two. The total number of Democrat amendments, 154, of which only 95 failed. Many, many Democrat amendments passed.

I hope, as we go into your next 200 or 300 hours, that we can have a more participatory democracy.

COMMUNICATION FROM THE HONORABLE STEVE CHABOT, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from the Honorable STEVE CHABOT, Member of Congress:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, January 17, 2007.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with three subpoenas, issued by the Municipal Court of Hamilton County, Ohio, for testimony in criminal cases.

I do not appear to have any relevant or material testimony to offer, and the parties who issued the subpoenas have declined to inform me what testimony they seek from me. Accordingly, after consultation with the Office of General Counsel, I have determined that compliance with the subpoenas is inconsistent with the precedents and privileges of the House.

Sincerely,

STEVE CHABOT,
Member of Congress.

CONTINUATION OF NATIONAL EMERGENCY WITH RESPECT TO TERRORISTS WHO THREATEN TO DISRUPT THE MIDDLE EAST PEACE PROCESS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 110–8)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Foreign Affairs and ordered to be printed:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the *Federal Register* for publication the enclosed notice, stating that the emergency declared with respect to foreign terrorists who threaten to disrupt the Middle East peace process is to continue in effect beyond January 23, 2007. The most recent notice continuing this emergency was published in the *Federal Register* on January 20, 2006 (71 FR 3407).

The crisis with respect to the grave acts of violence committed by foreign terrorists that disrupt the Middle East peace process and that led to the declaration of a national emergency on January 23, 1995, as expanded on August 20, 1998, has not been resolved. Terrorist groups continue to engage in activities that have the purpose or effect of threatening the Middle East peace process and that are hostile to United States interests in the region. Such actions constitute an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States. For these reasons, I have determined that it is necessary to continue the national emergency declared with respect to foreign terrorists who threaten to disrupt the Middle East peace process and to maintain in force the economic sanctions against them to respond to this threat.

GEORGE W. BUSH.

THE WHITE HOUSE, *January 18, 2007.*

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of today, the following Members will be recognized for 5 minutes each.

REPEATING THE MISTAKES OF VIETNAM

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Madam Speaker, you have been doing a wonderful job up there today.

Madam Speaker, I rise today for the 180th time in the last few years to challenge the Congress and the President to end the destructive, violent, senseless military occupation of Iraq.

A generation ago, Madam Speaker, Democratic and Republican Presidents alike entangled the Nation in a foolish and unnecessary war. Even after a decade, and thousands upon thousands of American casualties in the jungles of Vietnam, our leaders could not bring themselves to publicly admit what most Americans knew; that the United States was asking its youngest and bravest to risk life and limb on an unwinnable mission.

Today, our President is repeating this American tragedy. President Bush said that his goal is to win in Iraq. But he has offered no clear idea of what he means by this or how it is achieved. He just knows he doesn't want to lose.

The bipartisan Iraq Study Group concluded that the United States cannot win in Iraq; that the only question is how best to exit. Iraq is mired in a civil war, and even though we helped ignite it, we have very little influence on its outcome. You can't expect American soldiers as brave, as intelligent, and honorable as they are to solve a religious and sectarian conflict that stretches back centuries.

Whether we stay or leave, the Iraqis will be the ones to decide their own fate. Yet President Bush is sending 20,000 more American lives into mortal danger, and spending $100 million a day just to avoid the humiliation of admitting that his policy has been fundamentally flawed from the very beginning. I think most Americans would prefer the wounding of Presidential pride to the wounding of thousands more of their countrymen and women.

That is why I joined my distinguished colleagues, Ms. WATERS and Ms. LEE, yesterday in introducing the first comprehensive legislation that will quickly, within a 6-month time frame, end the occupation and bring our troops home.

In addition to military withdrawal, the Bring Our Troops Home and Solvency of Iraq Restoration Act would accelerate training of a permanent Iraqi security force during the 6-month transition. It would authorize, only upon the Iraqi government's request, a 2-year U.S. support for an international stabilization force, which would be combined with economic and humanitarian assistance.

Our bill would also prohibit the construction of permanent U.S. military bases in the country; ensure Iraqi control over its own oil supplies; and guarantee full health care funding, including mental health, for U.S. veterans of military operations in Iraq and other conflicts.

It is not enough to stand up and speak out against the President's new escalation plan. I am concerned not just about the 21,000 soldiers that are already being deployed as an add-on to this occupation, I am losing sleep over the 130,000 who are already there. I want to see them returned, and I want to see them returned safely to their families. It is not just the President's escalation of this policy that is unconscionable, it is the policy itself.

That is why our new bill is the answer. That is why it is time to end the occupation now. I fear that in 3 months he will ask for yet another chance to make his plan work and ask more American families to sacrifice. He will tell us once again that he must win. But, really, it will be about saving face, running out the clock until January 2009 when he can make this some other President's problem.

Our more than capable young men and women in Iraq have shown great courage, and it is time that our leaders in Washington showed some courage of their own and stopped trying to defend the indefensible. It took a long time to muster that courage in Vietnam. It is time we have that courage here.

DEMOCRATS RAISE TAXES AFTER ONLY TWO WEEKS IN POWER

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Minnesota (Mrs. BACHMANN) is recognized for 5 minutes.

Mrs. BACHMANN. Madam Speaker, on the first day that Republicans took control of the Congress in 1995, one of their very first actions was to establish a rule that required a supermajority, or three-fifths vote, to raise taxes. This was a good thing, Madam Speaker. On the very first day of Congress in 2007, however, the Democrats established new rules in this Chamber to make it easier to raise taxes with a simple majority vote.

And now, after just 2 weeks in power, the Democrats, our colleagues, have already passed legislation today to raise taxes. What is worse, the taxes that are collected under this new bill will not be going toward deficit reduction or toward paying down the Federal debt. The money is going to be set aside in a special account for more spending.

In Minnesota, we had a phrase when we were in session. We said, hold on to your wallets. And we can say that to the American people right now.

As a Federal tax litigation attorney myself, as a small business owner with my husband Marcus, and as a mother to Lucas, Harrison, Elisa, Caroline, and Sophia, and our 23 foster children, I can tell you as a parent the best way to grow an economy, the best way to raise more jobs is not to raise taxes but to let people, families, keep more of their hard-earned money.

In 2003, tax relief was passed, and the great thing is that 7.2 million jobs were created. In fact, our economy has been adding jobs for 40 straight months. The unemployment rate is incredibly low, at 4.5 percent, well below the average of the last 40 years.

Nowhere are the results more evident, Madam Speaker, than in my home State of Minnesota, which has closed out the calendar year with 54,000 more jobs than at the end of 2005, the strongest job growth since 1999. Our State's annual job growth rate of 2 percent has outpaced the national rate of 1.4 percent. Our unemployment rate is the envy of the Nation, phenomenally low at 4.2 percent.

Meanwhile, tax revenues are absolutely surging into the Treasury. Guess what? Federal receipts rose 14 percent in 2005, 11 percent in 2006, and they kept rising by 9 percent the first 2 months of 2007. These are the highest consecutive revenue increases in the past 25 years.

America, did you hear that? The highest revenue increases in the past 25 years. They come on the heels of the largest tax relief measures in American history.

□ 1900

And the budget deficit, in turn, has fallen $165 billion over 2 years. And just as the economy is gaining tremendous momentum, now, unfortunately, my Democrat colleagues are saying, this is the time to raise taxes.

Madam Speaker, I have learned very quickly in the few days I have been here in Washington, D.C., that facts don't always get in the way of people's opinions here in this fair city. But it is hard to dispute 3 years of unparalleled prosperity.

It is important that we recognize what tax relief does for the average American. It gives us money, a chance to grow a business, a chance to raise our kids while growing the economy and raising a lot more jobs in the process.

I urge my colleagues here in this Chamber, my esteemed colleagues who I have come to respect, to reject new taxes. Instead, let's do this. Let's work to make the tax reduction rates permanent now, while we can, and continue to reduce the overall tax burden.

The American people deserve our best, and the colleagues here are the best from across the country. Let's do that for the American people.

SRI LANKA'S CIVILIANS

The SPEAKER pro tempore (Ms. SUTTON). Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Madam Speaker, I rise this evening to bring attention to the full blown violence taking place in Sri Lanka. The last round of talks in Geneva ended up in a failure, and there are no signs of new negotiations. There is no peaceful solution in sight, and it is the civilians who are desperately suffering.

Since 1983, the Liberation Tigers of Tamil Eelam (LTTE) has been in a military confrontation with the Government of Sri Lanka to win a separate ethnic minority Tamil state. Since last April, more than 200,000 people have been displaced from their homes by the escalation in violence and insecurity. And this is in addition to more than 310,000 people who were displaced previously due to the conflict.

Now, because of this violence, the main highway connecting the two major areas in the north and east region of the country is closed, forcing civilians to use tortuous routes to reach safety. In recent months about 20,000 people have fled through jungles and treacherous waterways towards the government-controlled territory.

Thousands who have not fled are trapped in eastern Sri Lanka and caught between the intense crossfire. Every day there are more news stories highlighting the increasing casualties among the civilian populations, especially children and young adults. Violence continues in other parts of the island nation as well. And many civilians have been killed in air raids and bus bombings in recent weeks. Families live in constant fear, anxiously hoping for their security.

Now, meanwhile, Madam Speaker, access for humanitarian agencies has been a growing problem over the past year. Civilians in Jaffna in the north and in the affected districts of the east have had great difficulty obtaining necessary food and medical supplies.

Both the government and the Tigers should commit to providing humanitarian agencies with unregulated access and full support.

Madam Speaker, the army says the civilians are being used as human shields by the Tamil Tigers. The Tigers deny this claim and accuse the army of targeting civilians to facilitate their forthcoming offensive. And regardless of blame, innocent civilians are dying.

After nearly 25 years of violence, it is clear: there can be no military solution to the conflict. A negotiated political settlement must be reached, and that one will have to be fair to all of the ethnic communities living in the country of Sri Lanka.

I am deeply troubled by the worsening situation in Sri Lanka, Madam Speaker, and it must be addressed by the United States. I commend the commitment by the Bush administration to provide funding for refugees, but I strongly urge President Bush to further U.S. involvement to help secure a lasting peace.

Last week I added my name to a letter urging President Bush to appoint a special envoy for Sri Lanka. The letter is being circulated by my friend from New Jersey, Mr. RUSH HOLT. And I urge my colleagues to also sign on. By naming a special envoy, the U.S. can create a personal monitoring presence in the country and make recommendations for steps to lead to peace. Sri Lanka, more than ever before, needs U.S. engagement.

EVERYONE SUPPORTS THE TROOPS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. PAUL) is recognized for 5 minutes.

Mr. PAUL. Madam Speaker, I have never met anyone who did not support our troops. Sometimes, however, we hear accusations that someone or some group does not support the men and women serving in our Armed Forces. But this is pure demagoguery, and it is intellectually dishonest. The accusers play on emotions to gain support for controversial policies, implying that those who disagree are unpatriotic. But keeping our troops out of harm's way, especially when the war is unnecessary, is never unpatriotic. There is no better way to support the troops.

Since we now know that Iraq had no weapons of mass destruction and was not threatening anyone, we must come to terms with 3,000 American deaths and 23,000 American casualties. It is disconcerting that those who never believed the justifications given for our invasion and who, now, want the war ended, are still accused of not supporting the troops. This is strange, indeed.

Instead of questioning who has the best interest of our troops at heart, we should be debating which policy is best for our country. Defensive wars to preserve our liberties, fought only with proper congressional declarations are legitimate. Casualties under such circumstances still are heartbreaking, but they are understandable. Casualties that occur in undeclared, unnecessary wars, however, are bewildering. Why must so many Americans be killed or hurt in Iraq when our security and our liberty were never threatened?

Cliches about supporting the troops are designed to distract from failed policies, policies promoted by powerful special interests that benefit from war, anything to steer the discussion away from the real reasons the war in Iraq will not end anytime soon.

Many now agree that we must change our policy and extricate ourselves from the mess in Iraq. They cite a mandate from the American people for a new direction. This opinion is now more popular and, thus, now more wildly held by politicians in Washington. But there is always a qualifier. We can't simply stop funding the war because we must support the troops. I find this conclusion bizarre. It means one either believes the support-the-troops propaganda put out by the original promoters of the war, or that one actually is for the war after all, despite the public protestations.

In reality, support for the status quo and the President's troop surge in Iraq means expanding the war to include Syria and Iran. The naval buildup in the region and the proxy war we just fought to take over Somalia demonstrate the administration's intention to escalate our current war into something larger.

There is just no legitimacy to the argument that voting against funding the war somehow harms our troops. Perpetuating and escalating the war only serves those whose egos are attached to some claimed victory in Iraq and those with a determination to engineer regime change in Iran.

Don't believe for a minute that additional congressional funding is needed so our troops can defend themselves or extricate themselves from the war zone. That is nonsense. The DOD has hundreds of billions of dollars in the pipeline available to move troops anywhere on Earth, including home.

We shouldn't forget that the administration took $600 million from the war in Afghanistan and used it in Iraq before any direct appropriations were made for the invasion of Iraq. Funds are always available to put troops in harm's way. They, likewise, are always available for leaving a war zone.

Those in Congress who claim they want the war ended, yet feel compelled to keep funding it, are badly misguided. They either are wrong in their assessment that cutting funds would hurt the troops, or they need to be more honest about supporting a policy destined to dramatically increase the size and the scope of this war. Rest assured, one can be patriotic and truly support the troops by denying funds to perpetuate and spread this ill-advised war.

The sooner we come to this realization, the better it will be for all of us.

CLEAN ENERGY ACT OF 2007

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Madam Speaker, I was pleased to cast my vote today for the CLEAN Energy Act of 2007.

Some of us have been urging energy independence for decades. In fact, President Jimmy Carter had it right over three decades ago when he said the Arab oil embargo was the moral equivalent of war. But America lost sight of his compelling vision for energy independence. We need to give birth to a new sustainable energy age that is bold and develops alternative energy supplies and the infrastructure to support it.

President Bush suddenly realized last year that we have become addicted to foreign oil, of course, most of it coming from the most undemocratic regimes in the world. But during his administration, we are importing 1 billion more barrels of oil from those very undemocratic places since he assumed office. Simply put, his rhetoric doesn't match reality.

I am pleased today that we took some important steps in shifting how Federal resources are dedicated, taking them away from preferential treatment to an oil industry with record profits and little social conscience. Instead, we must incentivize a domestically owned energy industry that has record potential, a shift that America wants and we must take.

While $14 billion over 10 years is nothing to ignore, it is still far too little, especially since more than a third of this amount, a little more than $5 billion, doesn't become available until the 10th year. According to the Government Accountability Office, this government has spent more than $130 billion on subsidies to the oil industry over the last 3½ decades. So today's step forward is the first rung of the ladder to energy independence.

As this country spends billions on oil addiction, 75 percent of it being imported from the most undemocratic places in the world, I might repeat, consider an estimate by the Congressional Research Service which shows the recent increase in oil prices accounts for an additional $60 to $75 billion rise in our country's abysmal trade deficit.

While the oil companies manipulate the market, they continue to rake in billions. During President Bush's tenure, their profits have been record. From 2001 until the first quarter of 2006, ExxonMobil, alone, made $118.2 billion. Now, in the bill today we talk about $14 billion over 10 years. They made $118.2 billion over the last 3 years. Shell has earned $82.3 billion. Shell, one company. BP has made $67.8 billion. Our bill today had $14 billion over 10 years. Chevron Texaco has made $43.1 billion, and Conoco Phillips made $31.1 billion.

We are talking $14 billion over 10 years, with $5 billion in the very last year. Recognizing that those companies' profits were beginning to infuriate the public, does it surprise you that gasoline prices just happened to drop 75 cents a gallon during the run-up to last year's election for Congress?

As we consider this bill today, prices across our Nation, conveniently, are dropping. Imagine, in a place like Toledo, Ohio, they dropped from $2.40 a gallon to $1.75 a gallon. Isn't that strange during the week that we considered this bill?

Imagine an industry earning so much in profits it can manipulate the world and manipulate every single person in our country. Imagine the jobs we could create if we were to dedicate $14 billion, not over 10 years, but each month, rather than spending that money on oil wars in far-flung places, invest it in solar, in wind, in geothermal, in photovoltaic energy, in fuel cells and hydrogen and clean coal production and distribution. Imagine the jobs we could create if we had vision.

These accomplishments that we seek will require not just real imagination, but real leadership. Hopefully this bill today offers a glimmer. America will, at long last, at long last, take seriously what President Jimmy Carter envisioned. He was right then. He remains right today: America must become energy independent. Our people want it. Why shouldn't this Congress deliver it?

□ 1915

PEACE NOT APARTHEID: MORE FICTION THAN FACTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. KIRK) is recognized for 5 minutes.

Mr. KIRK. Madam Speaker, in today's Washington Post, former President Jimmy Carter defended his book, "Palestine: Peace Not Apartheid."

President Carter wrote, " . . . most critics have not seriously disputed or even mentioned the facts . . . "

But after reading the book, I have become a critic and today will only correct the facts that he purports in his book. Regarding our policy towards Israel, there is little room for mistakes, let alone outright misstatements of fact.

For that reason, I want to present to the House eight factual inaccuracies found in President Carter's book.

Error number one, on page 62, President Carter quotes Yasser Arafat as telling him, "The Palestinian Liberation Organization has never advocated the annihilation of Israel." No evidence is provided, and the book does not contain a single footnote.

Fact check, article 22 of the PLO's charter states, "The liberation of Palestine will destroy the Zionist and imperialist presence." Yasser Arafat supported this charter, and he directly lied to President Carter.

Error number two, on page 57 President Carter writes, "The 1947 armistice demarcation lines became the borders of the new nation of Israel, and were accepted by Israel and the United States, and recognized officially by the United Nations."

Fact, the 1949 armistice lines were never accepted as the official borders of Israel, United States or the United Nations. The error reflects a very poor attention to detail in the book.

Error number three, on page number 127, President Carter writes that there was "a surprising exodus of Christians from the Holy Land."

Fact, Israel is one of the only Middle Eastern nations where the Christian community has grown in the last half century. But Christian communities and other faith communities like Baha'is have dropped in size in many Muslim nations.

Error number four, on page 152 President Carter writes, "It was later claimed that the Palestinians rejected a 'generous offer' put forward by Prime Minister Barak with Israel only keeping 5 percent of the West Bank. The fact is no such offers were made."

Fact, according to President Clinton's lead negotiator, Ambassador Dennis Ross, Prime Minister Barak accepted President Clinton's proposal, offering to withdraw from 97 percent of the West Bank, to dismantle isolated settlements, and to accept the Palestinian state with Jerusalem as its capital. Arafat rejected this proposal, and a quick call between President Carter and President Clinton would have corrected this error.

Error number five, on page number 148 President Carter presents two maps he claims were considered at Camp David, one of them labeled "Israel's interpretation of Clinton's proposal."

Fact, there were no maps at Camp David. The map President Carter labeled as Israel's interpretation is a copy of a map that was created later by Dennis Ross for his book, "The Missing Peace." Ambassador Ross's map is a representation of an offer agreed to by Prime Minister Barak and rejected by Arafat. President Carter violated Ambassador Ross's copyright of the map.

Error six, on page 197 President Carter writes, "Confessions extracted through torture are admissible in Israeli courts."

Fact, the Israeli Supreme Court banned the use of torture in interrogations in a decision handed down by the court on September 6, 1999, by Supreme Court President Barak.

Error number seven, on page 188 President Carter writes, "Kadima had been expected to gain 43 seats based on its pledge of a unilateral expansion of the 'great wall.'"

Fact, Israel's Kadima Party ran on Prime Minister Sharon's platform of disengagement, a pledge to dismantle settlements and unilaterally withdraw from territory.

Error number eight, on page 215 President Carter writes that the one option for Israel is "withdrawal from the 1967 border as specified in U.N. Resolution 242."

Fact. The U.N. Security Council Resolution 242 does not define a border.

Madam Speaker, these errors, in fact, diminish the credibility of President Carter's book. President Carter is entitled to his own opinions, but not to his own facts. The errors I present here are only a sampling of the other errors included in his book.

Now, in the twilight of his career, with many at the Carter Center resigning from their posts, President Carter should recall the book and hire competent assistants to assure that his future work does not reflect such poor scholarship.

I want to thank, especially, Dr. Mitchell Bard and the Committee for Accuracy in the Middle East Reporting in America for helping compile this list of errors.

SEED DEMOCRACY IN CUBA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. McDERMOTT) is recognized for 5 minutes.

Mr. McDERMOTT. Madam Speaker, there is one nation in the world where seeding democracy right now might take root. It is Cuba. It is only 90 miles away from our shores, but we are using the same sort of wrong-headed thinking regarding Cuba that we are using in international affairs around the world with equally dismal results.

Today the Bush administration has draconian travel restrictions in place for any American trying to visit family members in Cuba. It is their idea of promoting democracy by punishing the people we are trying to befriend. It makes no difference if a relative is well, sick or dying in Cuba. You get one chance every 3 years to visit Cuba legally. If an American visits a relative in Cuba and that relative is stricken by a heart attack the day after you leave, you cannot go back for 3 years.

The administration thinks that by cutting off families in Cuba from loved ones in the United States, they will encourage the overthrow of Castro.

When will we ever learn? This policy plays right into the hands of those who want to portray the United States as an arrogant bully willing to use innocent people as a wedge against a regime we don't like.

Our policy regarding Cuba is hurting innocent people here and there, not the government we have been trying to overthrow for a generation. It has hurt one of my constituents, an Iraq war hero, who came to the United States from Cuba 15 years ago risking his life coming on a raft floating in the ocean.

Sergeant Carlos Lazo made national headlines last year when he tried to get to Cuba to visit his teenage sons. Carlos is a man who joined the Washington National Guard to give service to his new country.

As a combat medic in Iraq, he risked his life to save others, and for his heroism he was awarded the Bronze Star. I had the honor to pin that medal on him in a ceremony in Seattle last year.

Carlos is an American citizen, a decorated war hero, and he is barred from boarding a flight to visit his family in Cuba. That is not how you promote democracy in Cuba or anywhere else for that matter. And the fact is, there are countless stories just like Carlos. It makes no diplomatic or strategic sense. We hurt U.S. interests by hurting U.S. citizens who reach out to family in Cuba.

Who could possibly be a better ambassador representing the United States than the blood relative of someone living in Cuba? The most powerful statement we could ever make to the people of Cuba is to let them interact with Americans who are related by blood or marriage.

Are the Cubans more likely to listen to U.S. propaganda or to a son or to a daughter? The answer is obvious, and it should be just as obvious that the U.S. needs to revise its travel ban to Cuba.

As it stands now, we are separating families. Instead, we should be reuniting loved ones. We don't promote freedom by denying it to innocent civilians, and we don't make new friends anywhere when an American citizen is denied the ability to visit a dying mother in Cuba. Imagine the propaganda of a press release, Americans barred from visiting mother on death bed in Cuba. A story like that can and will be used against us all over the world.

We don't gain from a policy that forces separate families, and it is time to change. We don't have to lift the embargo against Cuba to restore family relations among Cubans and their relatives who live in America. We have a real opportunity to make progress promoting democracy in Cuba, and we ought to take it.

We need to revise the U.S. travel policy to Cuba to recognize that the American people are the best ambassadors we could ever deploy. Every visit by an American citizen to a loved one in Cuba will do more to promote freedom and democracy than all the leaflets and all the broadcasts and all the saber rattling that we have tried unsuccessfully in the last half century. We don't need to tear down a wall, we do need to tear up a policy and start over, and we should do it now.

THE MISSOURI MIRACLE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri (Mr. HULSHOF) is recognized for 5 minutes.

Mr. HULSHOF. Madam Speaker, they are calling it the Missouri miracle, but it didn't start out that way. In fact, it was a parent's worst nightmare. A 13-year-old gets off a school bus near his home in rural Missouri but never makes it home. The local sheriff's office works frantically to locate the missing boy but has few leads. That was the real life saga for Ben Ownby's family last week near Beaufort, Missouri, in my congressional district.

Last Monday, January 8, after a normal day at school William Ben Ownby rode the bus to school. He got off and disappeared. The wrenching news energized the local community. Volunteers turned out in droves to assist law enforcement and to search the nearby woods. Friends and neighbors began prayer chains and offered moral support to Ben's family. Police officers and sheriffs' deputies from surrounding counties lent their assistance.

Fortunately the single lead provided by 14-year-old Mitchell Hults was a good one. Mitchell had gotten off the school bus with Ben and described having seen a beat-up white Nissan pickup truck with a camper shell, even describing the trailer hitch to a T. Two police officers who had gone to a Kirkwood, Missouri, apartment complex to serve an unrelated warrant saw a truck matching the description, sought additional legal authority and, lo and behold, last Friday, January 12, when officers approached the apartment, not only did they find Ben Ownby unharmed, but a second youth, Shawn Hornbeck, a boy from Washington County, Missouri who had been missing since 2002.

More than 4 years ago, October 6, 2002, when he was 11, Shawn Hornbeck disappeared while riding his bike. In a similar fashion, the community and law enforcement worked hard on that case to no avail. Yet Craig and Pam Akers, Shawn's parents, never gave up. Their ability to persevere 4½ years is a testament to their strength and faith.

During that time, the Akers family established the Shawn Hornbeck Foundation, whose mission it is to help families and law enforcement search for missing children. Craig Akers' commitment to finding Shawn and helping families has come at great personal expense and took a physical and emotional toll, and yet he remains devoted to helping others deal with cases of missing children.

What a miracle that both youths were rescued.

I would be remiss if I did not recognize the hard work of area law enforcement, especially singling out Franklin County Sheriff Gary Toelke and the Franklin County Sheriff's Department. Gary is a friend of mine. This happens to be the second time in 4 months that Sheriff Toelke has reported a happy ending in a missing child case.

You may remember last September, his department recovered an 8-day-old baby girl when a woman attacked the baby's mother. That case became a national news story, as has this one. The outcome of both of these cases is a testament to that department's professionalism and commitment to the community.

I also applaud the great detective work of young Mitchell Hults by remembering the details of that suspicious white pickup truck right down to the dents, rust spots and trailer hitch. Mitchell not only saved the life of his friend Ben, but also rescued Shawn from 4½ years of captivity. All are true heroes, and their diligence saved the lives of two young boys and brought solace to the Akers and Ownby families.

On behalf of all Americans and parents nationwide, this House appreciates their good work. To the Akers and Ownby families, I am sure my colleagues will join me in expressing your shared beliefs that your prayers have been answered. Truly, a Missouri miracle.

□ 1930

PREVENTING IRAN FROM OBTAINING NUCLEAR WEAPONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. SHERMAN) is recognized for 5 minutes.

Mr. SHERMAN. Madam Speaker, preventing Iran from obtaining nuclear weapons ought to be the number one foreign policy objective of the United States. A nuclear Iran would spark region-wide nuclear proliferation. In fact, (Saudi Arabia and its allies have already announced that they are beginning a nuclear program to respond to what Iran is doing). Further, if the Iranian Government were close to being overthrown, and some of us look forward to that day, it could smuggle a nuclear weapon into the United States—either in an effort to reassert popularity with its own people, or with the idea that they would rather go out with a bang.

Now, we cannot stop Iran's nuclear program just by meeting with Iranian emissaries. Secretary Rice has offered to meet with representatives of the Iranian Government anywhere, at any time, to discuss any agenda—so long as during the talks Iran suspends uranium enrichment, just as Iran suspended uranium enrichment when they were talking with European leaders. The refusal of Iran to suspend uranium enrichment, even for a few days in order to speak with Secretary Rice, speaks loudly about their willingness and desire to speak with us.

Likewise, we cannot stop Iran's nuclear program by making unilateral concessions to Iran. We did that in the year 2000. We opened our markets to everything Iran would want to export to us, except oil—things like carpets and dried fruit. In fact, we opened our markets to everything we didn't need, and they couldn't sell anywhere else. The result in public was nasty comments from the Iranian foreign minister. In private what they did was redouble their efforts to obtain nuclear weapons, and provide assistance to the 9/11 hijackers, according to the 9/11 Commission, though they apparently didn't know the exact mission of those they were assisting.

But we can block Iran's nuclear program only if we can pass extreme Security Council sanctions. The mere adoption of strong sanctions at the United Nations would be of enormous political impact on the people of Iran. A ban on selling Iran refined petroleum products would dislocate its economy and bring enormous popular pressure on the Government of Iran, because although Iran exports petroleum, it doesn't have the refining capacity—and therefore is dependent on imports for almost half of its gasoline.

So how do we get these very extreme U.N. Security Council sanctions? Only with a dramatic change in Russia's policy.

Now, our current approach to securing that critical Russian support has been very ineffective, and we have achieved only token sanctions that Tehran can laugh off.

The only way to get the kind of Russian support we need is by offering real changes on our policy toward issues in Russia's own geographic region—issues Russia cares a lot about, issues not of great significance to most of us in the United States. Our efforts to convince Russia to change its Iran policy only because, well, they ought to do it, have been remarkably unsuccessful. We need to address Russia's concerns to change their policy toward Iran's nuclear weapons.

In particular, we may need to offer to make modest changes in our policies towards such issues as the Russian-speaking peoples of Moldova, Latvia and Estonia, the route of Caspian Sea oil pipelines, and Chechnya and Abkhazia.

Now, the State Department bureaucracy is prejudiced towards this approach for three reasons: First, a bureaucracy has bureaus, and they have got an Abkhazia bureau that doesn't want its interests sacrificed for some more important national security priority. Second, there are those in the administration with such an almost faith-based excessive estimate of our national power. They think we can achieve all of our national objectives and that we don't have to sacrifice or delay any of them. Finally, many of America's foreign policy experts grew up in the Soviet era. They spent their time strategizing how to encircle and weaken Russia. And, Madam Speaker, old habits die hard.

Nothing is more important to America's national security than an all-out diplomatic effort to prevent Iran from developing nuclear weapons.

RECOUNTING REASONS FOR VOTING IN FAVOR OF 2002 RESOLUTION AUTHORIZING USE OF MILITARY FORCE IN IRAQ

The SPEAKER pro tempore. Under the Speaker's announced policy of today, the gentlewoman from California (Ms. WATERS) is recognized for 60 minutes as the designee of the majority leader.

Ms. WATERS. Madam Speaker, shortly after the 9/11 terrorist attacks, the President began talking about going to war with Iraq. In the fall of 2002, with the midterm elections heating up, the President increasingly talked about the threat Iraq poses to the United States and its allies. On October 10, 2002, the House voted on H.J. Res. 114, the Authorization For Use of Military Force Against Iraq resolution. It passed the House by a vote of 296–133: 215 Republicans voted for the resolution, 6 voted against it. 81 Democrats voted for it, and 126 voted against it.

Madam Speaker, in light of what many of our Members know today, they perhaps would not have voted for that resolution. As a matter of fact, day in and day out as I talk with my colleagues, they recount all of that which was told to us by the President of the United States and others on the opposite side of the aisle, for the most part, about why it was so important to go to war with Iraq.

They told us there were weapons of mass destruction. They told us that the troop levels that they were sending were necessary. They told us about the cost of the war. They told us that oil revenues would be paying for the reconstruction. They told us we would be greeted as liberators. They told us we would be able to contain sectarian violence.

Well, Madam Speaker, I have colleagues that are here this evening who will recount perhaps some of what they were being told and the way they trusted the Commander in Chief, they trusted our President. They were concerned about the safety and the security of our Nation.

So we have with us tonight some of the brightest, most hardworking, most respected Members of the Congress of the United States. They are going to remind us of what we were being told and how they came to their decision and what they are thinking now.

Leading that discussion will be my dear friend from Missouri, that is my hometown, my birthplace, who I have gotten to know very well. He is the Chair of one of the most important committees of this House, the Armed Services Committee, a highly respected gentleman, Representative IKE SKELTON.

I yield to the gentleman from Missouri.

Mr. SKELTON. Madam Speaker, I thank my friend originally from Missouri for yielding this time.

Last year, I had the opportunity to visit the Joint Forces Staff College in Norfolk, Virginia. After a ceremony there, I went into the library, and in the glassed-off section for old and rare books I found a book printed in 1926 about the 1915 British misadventure at Gallipoli, entitled "The Perils of Amateur Strategy." I have often thought regarding the situation in Iraq that we face today that this administration is not giving food for thought to some author to write a book entitled "The Perils of Amateur Strategy II."

The issue before us this evening is what would we have done, had we known what we know today. Had that been the case, we probably would never have had a resolution before us, much less voted in favor of it.

We have a wonderful military, the finest we have ever had and the finest in modern history. The young men and young women are dedicated, they are professional and they are volunteers, whether they be active duty, whether they be National Guard or Reserve. Gosh, I am proud of them. I have been with them aboard ship; I have been with them in their training. I have been with them in Iraq and Afghanistan and had the privilege of spending Christmas Day with them in Baghdad. But I wonder where all of this ends.

They moved the goalposts on us. The first goal was to make sure that weapons of mass destruction were not there, then to establish a democracy, and now to bring stability to Iraq. And those goalposts keep moving.

I am truly concerned about where we have been and much more concerned about where we go in Iraq. Whatever happens there, and I feel that there is no positive outcome for this, the star of this show will be the young men and young women who wear the uniform of the United States. History will treat them well and our gratitude should go toward them.

There are some mistakes that are made that are irretrievable. There have been such mistakes that we have made in Iraq. The first, of course, was going in with the intelligence that at least was available, not having a plan in use, despite the fact that there was a plan available. Lieutenant General Jay Gardner asked for the people to help draw it up and was finally given one person from the State Department. But the plan was not allowed to be used.

Looting was allowed, and then we dismissed those who belonged to the Baathist Party, who made the trains run and the local government run. Some thousands of school teachers were put out of jobs. Then the army was dismissed, rather than giving them a paycheck and a shovel and the opportunity to help bring security and stability to that torn country.

The military ammunition, weapons and caches, were not guarded. In September of 2003, JOHN SPRATT, ROBIN HAYES and I were told by David Kay that there were 50-some-odd caches that went unguarded, and the truth in fact is there were many, many more. That is where the insurgents got their weapons and ammunition to use against our young people.

We fought the insurgents, the Baathists, criminals, foreigners and al Qaeda helping the insurgency, and then more recently the sectarian violence that overlays all of the insurgency that is going on; and we are there trying to bring stability to that torn land.

☐ 1945

I am hoping for a positive outcome. It is dark and misty as to where we are going today. I am hoping lightning will strike for the benefit of our young people who are there.

It is having serious implications in our readiness which we will explore and talk about and hope to rectify to some extent in the Armed Services Committee.

All of these areas, I think, are irretrievable, and I am hopeful that in the days ahead there will be some light at the end of the tunnel in this very sad misadventure in Iraq.

Ms. WATERS. I thank the gentleman, and before the gentleman leaves the microphone, would you please confirm for me that did you not have a son that served or is serving in Iraq?

Mr. SKELTON. That is correct.

Ms. WATERS. Thank you so much.

Mr. SKELTON. I appreciate the gentlewoman making reference. As you know, I am very, very proud of all three of our sons, two of whom are in uniform, and I do not speak about them other than just to be proud of them.

Ms. WATERS. Thank you so very much. We appreciate your service, we appreciate your work, and we appreciate the fact that you sit here every day trying to manage this most important problem and crisis that we have and the fact that you have your son who is put at great risk. Thank you very much.

Madam Speaker, I yield to the gentlewoman from California (Mrs. TAUSCHER), who is a member of the Armed Services Committee, who is the chair of the New Democrats, one of the hardest working members of the California delegation who will present.

Mrs. TAUSCHER. Madam Speaker, let me first thank my friend and colleague from California for her passion and her presence and for her leadership and also my other colleague BARBARA LEE and for LYNN WOOLSEY and so many of my colleagues who have been indefatigable, unrelenting and brilliant in their insistence that we continue to put pressure on the administration and the President specifically for the litany of mistakes that have been made in Iraq, but at the same time holding deeply in our hearts the fighting men and women that come from all of our neighborhoods, come from all of our communities. For your patriotism, I cannot thank you enough. For your leadership and friendship, I will always be indebted.

Madam Speaker, I cannot and will not support putting more American troops on the ground in Iraq. I stand here today more convinced than ever that the President's so-called new plan to send over 21,000 additional American troops to Iraq will only lead to further chaos.

My opposition to this troop surge is built upon years of hearings in the House Armed Services Committee, where I serve as subcommittee chairman of the Strategic Forces Subcommittee, congressional briefings and five trips to the region, including three to Iraq, witnessing the war firsthand and speaking with our troops and commanders on the ground.

Sadly, the President has gotten it very wrong every step of the way. Yet he continues to ask us to trust him.

When the Republican-controlled Congress was rushing a vote to authorize the war in the middle of 2002's campaign season, I joined my friend DENNIS

KUCINICH to call on the Republican leadership to take the politics out of the vote, take the decision to send our troops into harm's way seriously and postpone the vote until after the election.

We wrote to our colleagues in October of 2002: "It is incumbent upon us to address the matters of national security and decisions through the reasoned and deliberate process afforded us by our Constitution. This becomes particularly important when these decisions could possibly mean putting our young servicemen and women in harm's way. This is not a process that can be rushed for the sake of political expediency."

Our best attempts failed. Congress was rushed to a vet, and we had no opportunity to sort through what we now know was the Bush administration's personal collection of cherry-picked or just plain false intelligence.

The President made it clear that he wanted to rush to invade Iraq and prevent international weapons inspectors from finishing their job.

I spoke out at the time saying, "We must consider every peaceful alternative and contemplate every possible outcome before we turn to force."

Our warnings were again ignored. In February of 2003, I co-authored legislation that would have required the President to submit a public report to Congress prior to initiating military action in Iraq.

Our bill said: "The United States should not proceed with unilateral or preemptive military action in Iraq, but if we do have to go to war to disarm Saddam, Congress needs to be sure there are sensible plans that will not compromise our ability to prosecute the War on Terror elsewhere or further destabilize an already volatile region."

That same month, when then-Secretary of State Colin Powell presented the United Nations with the Bush administration's case on Iraq's weapons of mass destruction, I again said, "I continue to believe that the United States should not proceed with unilateral or preemptive military action."

After the invasion, I remained concerned about the Bush administration's rush to war, and in July 2003 I authored legislation to create a select committee to hold public hearings to investigate several aspects of intelligence, including whether intelligence supported the claim that Iraq was an imminent threat to the United States, questioning the accuracy of intelligence that led the administration to believe Iraq was working with al Qaeda, and questioning the role of the Office of Special Plans in the Pentagon.

The Republican-controlled Congress at the time would not allow my bill to see the light of day.

In September 2003, the President requested an additional $87 billion to finance the war. In response, I authored legislation calling for explanations, noting that "President Bush has not yet provided Congress with a detailed plan that outlines the strategic objectives of Operation Iraqi Freedom."

I have sent dozens of letters to the President, Secretary Rice, Secretary Rumsfeld and others over the past 4½ years urging them to explain our mission and exit strategy for Iraq. I have offered suggestions to stabilize Iraq and bring our troops home sooner. Yet I have received few answers.

Last week, I watched the President plead his case to the American people, trying to justify why more troops will save his failed policy. But yet again I was disappointed by the stubbornness exhibited by a President that has failed in Iraq every step of the way.

I have stated throughout the timeline of the war that the Commander-in-Chief has the responsibility to define a well-articulated mission that has the support of the American people and an exit strategy to bring our troops home sooner and safer. The President has neither.

Top military commanders in Iraq, the bipartisan Iraq Study Group and the American people all agree that sending more troops to Iraq will not end the civil war. They understand that we should immediately begin a strategic redeployment of U.S. troops in conjunction with diplomacy that forces Iraq's neighbors to step up as responsible regional partners.

Adding additional troops further prevents the Iraqi government from taking responsibility for securing their own country. If the President sidesteps the Congress, he does this at his own peril, and sadly, he does it with the men and women of our Armed Forces and their families paying the highest price.

This is why I am an original cosponsor of the Meehan legislation that requires the President to ask Congress for an up-or-down vote if he plans to raise troop levels in Iraq.

I am not advocating cutting funds for the troops while they are in harm's way, but I am an advocate of conditioning all further spending for the Iraq War based on the Iraqis meeting security and political benchmarks and establishing a plan for the redeployment of our troops.

I will continue to challenge the President to abandon his flawed troop surge policy, and I urge all of my colleagues to do the same. We owe it to our troops, to the American people and to our conscience.

Ms. WATERS. Madam Speaker, I would like to thank the gentlewoman from California, not only for the statement that she has made this evening, but I believe that you are an example of one of our highly respected Members of Congress who trusted the President, who believed what he was saying when he offered all of the reasons why we should be going into the war, and to have lost your support, I think, is the kind of significance that everyone should have an appreciation for.

We have come to that point in time where supporters who believed in the President are now withdrawing their support and urging him to abandon the failed policies that took us into that war.

Next, I would like to yield to the gentleman from Maryland (Mr. WYNN). He is a member of the Energy and Commerce Committee, another one of our respected Members in this House who supported the Commander-in-Chief when he brought to us all of the flawed evidence, that we did not know was flawed at that time, and he has taken a lot of criticism for it, but he certainly has clarified his understanding now and he has a statement that he would like to bring forward this evening. I yield to the gentleman from Maryland.

Mr. WYNN. Madam Speaker, I would like to thank first the gentlewoman from California for yielding, and also for her consistent, aggressive and activist leadership on this issue. She has been very courageous throughout. She has always taken a principled position, and she is now leading our efforts to stand up and express our opposition to the President. I want to thank her for that.

Sometimes one of the most difficult things for a politician or elected official to do is to say I was wrong; I made a mistake. I am here to say that tonight.

After 9/11, after the Pentagon was attacked in addition to New York, my district, which is just outside of Washington, D.C., felt the effects very severely. A lot of my constituents worked in the Pentagon. I went to several funerals, and I was very sensitive to the fact that my constituents in suburban Washington, D.C., in Montgomery County and in Prince Georges County, as Federal workers, were very vulnerable to an attack in what is arguably the number one or the number two target of terrorists in the United States.

I represent 72,000 Federal employees, most of whom work right here in the Nation's capital, in the immediate Capitol complex area.

At that time, the President was presenting, as the gentlewoman mentioned, extensive evidence about the existence of weapons of mass destruction, about attempts to develop a nuclear arsenal, about chemical and biological warfare, and I was of the belief that the President, on issues of national security, would put politics aside and would consider only the best interests of the country. Boy, was I wrong.

It has turned out and become evident to everyone that the President's intelligence was seriously flawed. It was inaccurate, it was distorted, and it was exaggerated to create a false impression of urgency that this country had an urgent threat and that weapons of mass destruction, in fact, existed and that they posed a threat to the citizens of the United States and, in my consideration, a threat to my constituents here in the Washington metropolitan area.

We were shown classified information, documents, photographs and the like, all of which were designed to create the impression that we were facing an imminent threat. Assuming the President would not mislead the country, I supported the war. That was a mistake.

But then it came to pass and became increasingly evident that there were no weapons of mass destruction in Iraq and that we were not facing an imminent threat. So in May of 2004, in an appearance before the Muslim Council in my district, I said I think my vote was wrong; I think my vote was a mistake.

Subsequent to that, I heard people say, well, what about the fact that we toppled Saddam Hussein? Well, that was a laudable goal, but it was not worth 3,000 troops. Well, what about the fact we created elections and they put their finger in purple ink and they had elections for the first time? I said I agree, that, too, is a laudable goal, but that was not worth 3,000 troops.

If you had asked me then to make this decision based on what I know now, I would not have voted to support the use of troops.

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Because, you see, there are a lot of dictators in the world, some of whom we not only deal with, some of whom we actually arm. There are a lot of dictators that are cruel, that murder their own people, that violate human rights. There are a lot of countries that don't have democratic processes. And yet we do not make the decision that we ought to engage with them militarily. So to my way of thinking, the only justification, the only justification would have been the existence of weapons of mass destruction and an imminent threat to the United States that in fact did not exist.

What we have in fact seen is that our military presence has worsened the situation. Areas that did not have terrorists now have terrorists. They are called breeding grounds for terrorism because our presence creates a cause for the terrorists, a motivation, if you will, a catalyst, an antagonism. That is not solving the problem of terrorism. That is not effectively fighting the war on terrorism. Our military role has not been productive and effective; in fact, it is been counterproductive and sadly ineffective.

It is time to withdraw our troops. We need to begin now to withdraw our troops so that the Iraqis will take more responsibility for their own security. In fact, Mr. Maliki says that is what he wants us to do. He says, "Give us the weapons, we will do it." He is not so excited about having us. Clearly, the American people don't want to be in Iraq. More importantly, the Iraqi people don't want us to be in Iraq. It is time for us to pull out. We are in the midst of a civil war, one that we cannot resolve, and therefore we are not playing a constructive role.

We are now on the eve of another adventure in Iraq or, should I say, misadventure, in which the President is proposing not to withdraw but just the opposite, contrary to the recommendations of the joint chiefs, contrary to the recommendations of the Iraqi Study Group. The President is saying, Let's send more troops. He calls it a surge. Folks, it is a troop escalation and an escalation of this war, and I will oppose it.

There is a saying that the old folks used to say: Fool me once, shame on you. Fool me twice, shame on me.

Mr. President, you fooled me once. Shame on you. Fool me twice? I don't think so.

I am opposed to any troop escalation. I am opposed to any surge. I am opposed to any expansion of this war by military means. Yes, we have to fight the war on terrorism, but it seems to me we need to use diplomatic means to create an environment in which we can promote peace. We need to involve the other countries in the region, be it Shia or be it Sunni, who have an interest in a stable region. It is their region. They don't want war as a way of life in their region. Let's involve those countries, the Egypts, the Jordans, the Saudi Arabias. Let them get engaged in helping resolve this war. Let us step back from this war. We need to implement diplomatic solutions.

So this is not a question of withdrawing United States leadership. We need to leave, but we need to leave diplomatically. We need to understand that, in the modern world, the use of military force is extremely limited, limited in its utility, because we are operating in a different environment, a terrorist environment, an insurgent environment in which additional troops only work for a temporary period of time. The insurgency withdraws, melts away, and then reemerges, which is to say, the President's proposal can only lead to a permanent U.S. presence of even more troops, putting them in harm's way.

We have lost over 3,000 troops. The Iraqi people have lost tens of thousands more, maybe even hundreds of thousands. It is time to withdraw our military presence. It is time to advance the cause of peace through diplomatic means and diplomatic leadership.

I want to thank the gentlewoman again for giving me this opportunity to speak.

Ms. WATERS. I would like to thank the gentleman for that very clear statement as one who voted to support.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would remind Members to direct their remarks to the Chair.

Ms. WATERS. Madam Speaker, I would like to thank the gentleman for that very clear statement as one who supported the war in Iraq who has withdrawn that support and is sharing with others his feelings about why he supported it and why he no longer supports it.

Madam Speaker, I now yield to the gentleman from California, one of my colleagues on the financial services committee, Representative BRAD SHERMAN.

Mr. SHERMAN. I thank the gentlewoman for yielding.

I remember well the debate on this floor in 2002 about whether to give the President the power he sought to take military action, if necessary, against Saddam Hussein. But before that resolution even came to this floor, we considered it in the International Relations Committee. There, we were told that the administration would invade Iraq only if the inspectors were not allowed to do their job. In fact, Secretary Powell told us that before the whole committee. Then he told me that privately.

Now, I did not completely trust the administration. So in committee I offered a resolution that would allow the use of force only if the inspectors were not allowed to do their job. A majority of Democrats in the committee voted for that resolution. The Republicans pretty much all voted against it; and it was defeated.

Then we all came to this floor, and Mr. SPRATT of South Carolina put forward a resolution that would allow the President to use military force, but only under certain circumstances, such as force being authorized by the United Nations. I voted for Mr. SPRATT's resolution. Unfortunately, it was defeated.

And, finally, the supporters of the President were able to say that there was only one last resolution before us: either we gave the power to the President that he sought, but that he promised to use only if the inspectors were expelled or prevented from doing their job, or we left ourselves in a position where Saddam was free to expel the inspectors and to go all out with his weapons of mass destruction program.

At that point, I voted for an overly broad resolution, a resolution that gave the President more power than he claimed he would use, or gave him power to act under circumstances all under when he said that he would act only under a limited number of circumstances. That of course is not what happened.

The President took that power, made little or no attempt to ensure the inspectors were allowed to do their job, dismissed them, in effect pulled them out of Iraq, and invaded at an early opportunity. Obviously, if I knew then how the President would use the power granted by this Congress, I never would have voted to give him that power.

Not only did he invade even though the inspectors were then able to do their job and, as it turned out, they were right, there were no weapons of mass destruction—but then, in secret briefings on this floor, we had been told (and this has been reported in press, I am not revealing anything), that the plan was to invade Iraq from the north and from the south, so as to take control of the country quickly. What happened was that Turkey at the last minute declared that our troops couldn't go through Turkey, and our best division was sitting there in the middle of the Mediterranean.

So we had a plan. The plan had been previewed to those of us in Congress. The plan involved our best division. (I will just say one of our best divisions; I don't want to cast anything but total glory on all our divisions.) But one of our best divisions was left sitting in the Mediterranean. Now, you would think if you had a plan and you couldn't execute the plan, you would go draft a new plan. Instead, they just took the northern half of the plan and threw it away and implemented the southern half of the plan. Needless to say, we did not take immediate control of Baghdad. Needless to say, there was chaos. And the rest is history.

But there are a host of other mistakes made by the Bush administration. They were detailed by the gentleman from Missouri (Mr. SKELTON). They included an inadequate number of troops at the beginning; disbanding the Iraqi Army when the Saudis, who have some understanding of the area, had advised us to do the exact opposite; not guarding the arms depots; and a host of other problems.

Now we are being asked to authorize a surge. An escalation is the real word. And we are told that this is critical because Iraq is the central front in the war on terrorism. Well, is that really true?

We are told that Iraq could become a place where terrorists could meet and plot. Today they are meeting and plotting in North Waziristan, in much of Afghanistan, in much of Somalia, pretty much anywhere they want in Iran and in Syria and Sudan. They have plenty of places to meet and plot. How many Americans are supposed to die on the theory that denying the terrorists one place to meet will prevent them from meeting in all the places they are meeting today?

Then we are told that there will be a humanitarian debacle in Iraq. And, again, the prognosis for Iraq is not particularly good, but it is by no means clear that we have not done all we can be expected to do to help the people of Iraq avoid a civil war and achieve unity. And at some point it may be necessary to say that Iraq's decisions need to be made by the Iraqis.

Keep in mind that during Saddam's tenure, year in and year out, he killed far more people than have been killed in the time since we invaded. We have bestowed upon the Iraqi people not just the pain and suffering that they have now, but also freedom from a Saddam Hussein who in prior decades had killed not the thousands we see being killed now but hundreds of thousands and millions. Our moral responsibility to the Iraqi people was to do what was reasonable to help them reestablish order. I think we have met much of our moral responsibility. We can do more by providing economic and other aid. And we should keep in mind that Iraq is just one of many places in the world suffering great humanitarian crises.

Finally, we are told that we are going to empower and overjoy the terrorists if they see us leave Iraq or see us fail to surge into Iraq. Keep in mind, the smarter terrorists are thrilled to have us pinned down there, and to have us bled dry there.

But, finally, even if all these things being put forward by the administration are true, even if withdrawal from Iraq or failure to surge into Iraq gives terrorists a place to gather, sets the stage for humanitarian crisis, and overjoys the terrorists, there is no evidence that we are now doing anything but delaying the inevitable by surging over the next few months, or escalating over the next few months. So since we are by no means winning or prevailing, surging is just doing more of the same.

The President has asked us to compare the Global War on Radical Islam with the Cold War, and I think it is an apt comparison. Iraq has some real similarities to Vietnam. And the one thing we all remember about Vietnam is being told that if we didn't prevail in Vietnam, the communists would be on the beaches in Santa Monica. What did we finally do? We withdrew from Vietnam, and doing so was a critical step in winning the Cold War just 15 years later.

I would say that we should pick our own battlefields, we should learn from the Vietnam mistake, and we should recognize that the way to beat radical Islam may be to recognize that Iraq is not the central front and that we have to do a lot of things in a lot of places in the world, and cannot allow ourselves to be utterly fixated on Iraq.

Ms. WATERS. I thank the gentleman from California. And I yield to the gentleman from New Jersey, Representative STEVE ROTHMAN, who serves on the Appropriations Committee, he is on the Subcommittee on Defense, and on the Subcommittee For Foreign Operations. This is not the first evening he has been on the floor; he has made it clear, but he even goes further tonight in helping to clarify and make it known where he stands on this war.

Mr. ROTHMAN. I thank the gentlewoman from California.

Madam Speaker, my friends, I was asked by the gentlewoman from California if I would share with my colleagues and with you, Madam Speaker, the process by which I came to the conclusion that America should withdraw all of its troops from Iraq without delay.

Like most Americans, Madam Speaker, when the President said to Members of Congress and the entire country that Saddam Hussein intended to bring weapons of mass destruction to the United States to destroy us, to kill thousands of Americans, that got my attention, especially since it was after 9/11.

I am from northeastern New Jersey, and a great number, too many, of my constituents were killed at the World Trade Center. But nonetheless, as an American, after 9/11 I didn't want to wait to get hit again. If the President of the United States and his entire Cabinet were willing to go before me in closed session, before the country in his State of the Union address, before the United Nations with photographs and other testimony that Saddam Hussein was sending Iraqi agents to America with weapons of mass destruction, biological and chemical, to be deposited in our water supply system, to bring smallpox to our Nation, et cetera, then maybe we needed to stop Saddam Hussein and stop him immediately.

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Then maybe we needed to stop Saddam Hussein, and stop him immediately.

Again, we were told it was an imminent, immediate threat to the national security of the United States: Saddam, using agents bearing weapons of mass destruction and bringing them on our shores. And so I voted to authorize the President to bring military action against Saddam Hussein.

I think most Americans, Madam Speaker, agreed with me that we didn't want to be caught again off guard, especially if our President told us so unequivocally that these were the facts.

Well, after we deposed Saddam Hussein, removed him from power, Madam Speaker, it became clear to us, most of us and most Americans, and most people in the world, that virtually everything that the President of the United States had told us about Iraq wasn't true. There were no weapons of mass destruction. Saddam had no intention of bringing Iraqi agents to slaughter Americans on our shore and that Saddam had precious little if not zero contact of any significance with any foreign terrorists or anybody who on their own wanted to do something against America.

And so we realized after we deposed Saddam Hussein that we had been led to go to war in Iraq on false statements. I don't believe they were intentionally false, but they were false. And I believe that history will record thereafter, after we gave the President the authority to go to war in Iraq, he and his administration, Madam Speaker, committed historic military and diplomatic blunders.

But, you know, I felt in my heart that, yes, at that point there were no weapons of mass destruction. The reason for going to war had evaporated. But what had we done? Yes, we did a great thing by removing this evil murderous dictator from Iraq as an oppressor of his people. But then because of the botched way it was handled, those people were living amidst looting and insecurity and murder and terrible hardship, and I felt that we had a moral obligation to help the Iraqi people stabilize their country and perhaps give them a way to become a democracy, to live in freedom.

Even though they were a multi-ethnic society that had never enjoyed that kind of freedom, I felt that was our moral responsibility after we had removed their dictator and created such chaos.

Madam Speaker, after the death of more than 3,000 American servicemen and -women, after the more than 23,000 American men and women wounded in Iraq, after more than 3½ years of our Nation being at war with 150,000 troops a year there, and after spending almost one-half a trillion U.S. taxpayer dollars in Iraq, I believe we have met our moral obligation to the Iraqi people; in particular because we have given them a chance in these 3½ years to decide that they will live together in peace, their own neighbor on neighbor, Sunni, Shia and Kurd.

But the Iraqi people have not yet decided that they want to live in peace. And, frankly, our standing there, being shot at and blown up, has apparently not persuaded them to live with their fellow Iraqis in peace.

And we have needs here in America. Homeland security needs, al Qaeda is in over 60 nations in the world planning and plotting against us, and that is a real threat.

Homeland security needs are unmet. We don't inspect 100 percent of the containers coming into our ports; 5 percent. Cargo going on passenger airplanes is not inspected. I could go on and on. Our borders are not secure.

And our military, our brave and courageous and magnificent military, the best in the world, has been depleted, our Army and Marines in particular. Depleted by this 3½ year engagement in Iraq. They have done heroically, but some of them are on their second, third and fourth tour of duty in Iraq. It is time to bring our troops home. We should leave 20,000 or 30,000 in the region in Jordan just in case a foreign nation would want to intervene, but that is unlikely and I will explain that in a second.

But bring our troops home and rebuild our military and deal with our own homeland security needs and deal with our domestic needs in education and health care, balance our budget, and get ready to face the threats that are out there in the world that are real because we still live in a dangerous world.

The President says if we do that, there would be a catastrophe in Iraq. Well, Madam Speaker, over 30,000 died in Iraq last year. Thirty thousand. If you do the math, they only have a country of 25 million. We have a country of 300 million. If you do the math, those 33,000 dead Iraqi civilians, that is equivalent to almost 400,000 civilian American deaths last year.

If that was the case in America, 400,000 American civilians killed in a civil war, wouldn't we call that serious?

What is going on in Iraq today is a disaster already. He says al Qaeda will probably take over. Nonsense. Today you have al Qaeda, who are primarily Sunni members of the Islamic faith. You have Sunni Iraqis killing al Qaeda Sunnis. They don't like foreign fighters in Iraq, whether they be American or al Qaeda.

And the Shia in Iraq are no fans of the Sunni al Qaeda, either. But the folks that they don't like the most in their midst are Americans.

The President says we believe in democracy and we went to Iraq to give them a chance for democracy. This is after there were no weapons of mass destruction and all of the other reasons had changed. He says we should be there to give them democracy, notwithstanding the fact that we are bleeding our own Nation dry of human and other resources.

Madam Speaker, what do the Iraqi people wish us to do? The point of democracy is to allow people to express their will on how they wish to be governed. The Iraqi people, 80 percent of them say: Americans, leave our country. Eighty percent of Iraqis say: Americans, leave our country. Sixty percent of Iraqis today say it is all right to kill Americans.

Madam Speaker, when we leave Iraq, and I hope it is within the next six months, caring only about the safety of our troops as we make this strategic withdrawal and rebuild our military and get ready to face others in the region, know that Iran will be very unhappy that we are leaving. Iran will be very unhappy that we are leaving Iraq.

Why? Because then Iran will have to decide if they go fight on behalf of the Shia members of the Iraqi civil war. Maybe Syria will have to come in on behalf of the Sunnis fighting the Shia because Syria is a Sunni nation.

Maybe Saudi Arabia may have to get in. That won't happen.

When we leave, the regional players in the Middle East around Iraq will finally realize this is their problem that they have to solve and can't continue to stand on the sideline causing trouble.

I appreciate all the time the gentlelady has given me, and I appreciate the opportunity to explain how now for just about a year when I announced to my constituents why I believed it was time for us to withdraw our troops from Iraq, that it is indeed time to do so. It is in America's vital national interest that we do so. It is the smart thing to do for our country. We have other needs to address, including rebuilding our military and getting ready for real threats that face us around the world. And the better results will occur in Iraq and the region after we leave. I thank the gentlelady from California.

Ms. WATERS. I thank the gentleman from New Jersey for all of the time and effort he is putting into helping us get out of Iraq.

Madam Speaker, I yield to Mr. BILL JEFFERSON from Louisiana.

Mr. JEFFERSON. I thank the gentlelady for yielding.

Madam Speaker, this is a very important subject on which we speak tonight. Most of what needs to be said has already been said by Members who have gone before me, and I know the time is short.

However, I want to say a couple of things. I have had the privilege of serving in the military of our country. I was first commissioned as a military intelligence officer and then commissioned in the JAG Corps as a judge advocate general officer. I take it seriously when the Commander in Chief says we need to protect ourselves and defend our country.

I have a district full of veterans. We have a large port facility that is vulnerable to attack and penetration. I had long talks with Colin Powell about these issues, and they were all very persuasive and convincing about what we needed to do to protect ourselves.

I thought back about what we did when President Clinton came to us about Bosnia and Kosovo when he told us that we needed to give him authority to do what we needed to do to protect our country. I thought it was fair to treat both Commanders in Chief the same. We should not play politics over this issue. If we needed to protect our country, we should.

We all know now there were no weapons of mass destruction, no justification for the war, no nuclear weapons could be found there. Nothing that the President told us was true was true. Whether he intended or not, as has been said, the information was untrue;

and, therefore, we should not have based the war on it.

The other thing that is important is that most of us who voted on the resolution decided and expected that the resolution would be followed. Number one, that the President would go to the U.N. and talk to folks and try to get a consensus.

And number two, that he would only go when there was a consensus reached. He really just raced right past the U.N. and went right to war, from the very beginning violating the obligations and trust he asked us to repose in him.

Now we are in the middle of a civil war, and we are asked now to add more troops, add a surge and escalate our efforts there. I don't believe that the American people want to see that done. I surely can't support that at this point down the road.

As we look at what we need to do in our country, there is so much that needs to be done. I happen to represent a district that was inundated by flood waters, not because of a natural disaster only, but because the Corps of Engineers, a U.S. Government agency, failed to protect our people and built levees that were not designed properly, that were not constructed properly and that were not maintained properly. Consequently, they failed and our city drowned.

It is time for our government to face up to domestic responsibilities, particularly for Hurricane Katrina. And all of the money that we are going to spend now on a surge in Iraq, I would like to see a great part of it spent to bring our people home and restore our communities and rebuild back the confidence that people ought to have in us right here in America.

Madam Speaker and Congresswoman WATERS, all of you who have done so much in this area, I thank you for giving me a chance to come here and say these few words tonight. I know our time is very short.

But I want to see our emphasis placed on our domestic responsibility now in the aftermath of Hurricane Katrina. That is where our country needs to focus.

If it was the Iraq war, after the wheels came off the war machine, that has brought about the change in this body, and if that was a major reason for what has happened here, I believe on the domestic front, Hurricane Katrina was just as important to the changes that we have seen in our Congress now. Therefore, our response must be as intense and as direct on what we do to adjust ourselves in that war as we do to come back here and take care of our people back home.

Madam Speaker, I thank you for giving me this opportunity to speak tonight. I look forward to our getting together to get this war behind us and bring our troops home. I applaud diplomacy in this area, and I look forward to getting our focus back on our people at home, particularly on our Hurricane Katrina survivors and evacuees.

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Ms. WATERS. I thank the gentleman from Louisiana for that very clear statement.

And now, Madam Speaker, I yield to the gentlewoman from Oakland, California (Ms. LEE), who has given so much leadership on this issue. She has been with us constantly, urging us to get out and coming up with the prescription for how to do it.

Ms. LEE. Madam Speaker, first, let me thank the gentlewoman from California (Ms. WATERS), the founder of the Out of Iraq Caucus, for her leadership and for this special order tonight, because this is historic.

First of all, let me just say that with regard to the Out of Iraq Caucus, Ms. WATERS knew, and this was early on, that Members of Congress, whether they supported or opposed the war, needed a space in this body, needed a framework to begin to discuss ways to get out of Iraq. She saw early on that Members of Congress knew that they were misled; that the information and intelligence was distorted; and that whether, once again, they believed then and voted for the resolution or not, that they wanted now to have that dialogue and that debate. So she really did open up the space for the debate which we see now occurring, which is extremely important because the debate, quite frankly, especially with regard to this war, has been shut down. So thank you, Ms. WATERS, for your leadership.

Let me also say that tonight we heard from many Members, and I have to thank them for their courage and their very clear statements. They trusted, as they said, the Commander-in-Chief, and the Commander-in-Chief violated their trust. Three thousand of our young men and women now have died and countless Iraqis have died.

The President the other night said that he has made some mistakes, and some of us thought that he was going to talk about how he was going to rectify those mistakes. Instead, he talked about how he was going to continue to escalate this war and continue to dig this country deeper into a hole. He also said, very recently, and his staff, Mr. Snow, said, that if the critics of his policies have a plan on what to do, to come forward with it.

Quite frankly, I believe, and have said this over and over and over again, the President got us into this mess and it is up to him to get us out. But if he wants us to come up with a plan, then we have a plan. We did just that. We introduced, Congresswoman WOOLSEY, WATERS, and myself, H.R. 508, which develops a plan to begin to bring our troops home within 6 months. It also provides for reconstruction of Iraq in terms of our assistance, and it ensures that there will be no permanent military bases in Iraq.

What is going on right now, and we need to call this what it is, is an occupation and it is a civil war. The Iraqi people do not want us there as occupiers. The American people are sick and tired of this war, and we need to bring our troops home.

Let me just remind you that when this authorization to use force was presented to the Congress, Mr. SPRATT, as was said earlier, offered an alternative resolution, and I offered an alternative resolution, which basically said that, look, the United Nations has the responsibility for the inspections process to occur. Let the U.N. process move forward. We received, I believe, about 72 Members, some of which came down and spoke tonight on my resolution. And many Members have told me now that they wish they had voted for that resolution because we would not be in the mess we are in now.

Finally, let me just say once again to Ms. WATERS, thank you for your leadership. I want to thank you for your voice and for making sure that the debate finally is occurring in this Congress, and I urge members of the public and others who believe that what the American people said in November gives us our marching orders to move forward, that they know that we are hearing.

We are going to continue with this debate. Many of us are going to say no to this escalation and no to this $100 billion supplemental. We want our troops home, we want them protected, and we think the funds should be used to do just that.

Ms. WATERS. I thank the gentlewoman from California for all the work she is doing.

We heard earlier from Members who had voted for the resolution to go to war, who have since changed their minds. Fifteen Members signed up for tonight, but some had to leave. They waited as long as they could. And so we will continue to bring to the floor those Members who have changed their minds.

Tonight not only do we have Ms. LEE, who just joined us, but we have Representative KEITH ELLISON from Minnesota, one of our newer Members who has been consistent on getting out of Iraq. I yield to the gentleman from Minnesota.

Mr. ELLISON. I thank the gentlewoman from California. And I was told early on, Madam Speaker, that the gentlewoman from California wanted to feature Congress people who had voted for the war in Iraq and then had subsequently changed their minds. I was persistent in trying to be a part of tonight's special order, and I thank the gentlewoman from California for allowing me to, because I just wanted to point out that back in 2003 I had no idea that I would ever be standing in the halls of Congress, but I did know in 2003, in March, that this war was wrong and we needed to stand absolutely against it.

But I respect those Members of Congress who came forward tonight and pointed out that this war is wrong, was wrong, and we have to get out of Iraq now.

Today—after 6 long years of subsidies to big oil companies with outrageous profit margins—we made a bold change for America.

Today we gave America an energy policy that will move the Nation towards a day in which no young American will ever again have to fight another oil war for any President—especially this one.

The President finally admitted last Wednesday night what most Americans have known for a long time.

His Iraq policy is a failure.

I rise today to strongly oppose this President's solution to that failure—a surge of American troops.

Surge in Bushspeak is plain and simple—an expansion of the same disastrous policy in Iraq.

The vast majority of our country's top military and foreign policy experts disagree with the viability of the President's approach.

This list includes the current Joint Chiefs of Staff, current military commanders in the region—General Abizaid and Casey, the Baker-Hamilton commission and former Secretary of State Colin Powell.

Republican Senator CHUCK HAGEL told it like it is last week: "I think this speech given last night by this President represents the most dangerous foreign policy blunder in this country since Vietnam." As a Vietnam Veteran he should know.

Our military leaders state we must view Iraq policy as a three-legged stool.

Each leg of the stool represents a key strategy to support reconstruction of Iraq—one leg represents our military strategy, one economic and one political.

All 3 legs have to be present, and strong, to ensure Iraqi success. If one strategy is overemphasized—and others don't even exist—the stool and our strategy falls apart.

The President's plan is—at best—a one-legged stool—our military involvement. A one-legged stool cannot stand.

Nor should it—when it is built on the lives of 22,000 young Americans.

I am not a military expert, but experts of counterinsurgencies look at Iraq and recommend a military force of a quarter million, to a half million troops for any hope of success.

[Let me be clear I am not for any increase in our troop levels in Iraq]

But, 22,000 troops don't even come close to making this critical military benchmark.

Ted Carpenter of the Cato Institute stated last week:

. . . A lesser deployment would have no realistic chance to get the job done. A limited surge of additional troops is the latest illusory panacea offered by the people who brought us the Iraq quagmire in the first place. It is an idea that should be rejected.

This is a reckless and irresponsible proposal. To allow the President to place these selfless young Americans in a virtual shooting gallery is wrong.

Since last night, 3,012 of America's most promising young men and women have lost their lives in Iraq—and over 22,000 more have been grievously wounded.

We have squandered more than $350 billion of our Treasury in Iraq with no end in sight.

Three hundred fifty billion dollars would fund 48 million kids a year of Head Start; it could provide 17 million students 4 year scholarships at public universities; we could build 3 million additional housing units; or we could hire 6 million more public school teachers for one year.

Instead, we've dug 3,012 graves and mortgaged our children's future. Enough is enough.

Monday, we celebrated Dr. Martin Luther King's life and work. In one of Dr. King's last speeches in which he criticized our Vietnam policy, Dr. King stated that: "a time comes when silence is betrayal."

That time has come—and our continued silence will be our Nation's betrayal. The immediate withdrawal of our troops is the only new way out of Iraq:

Lt. Gen. William Odom, of the Hudson Institute said, (and I quote): "The wisdom and moral courage to change the course for strategic purposes is what we need today, not mindless rhetoric 'about staying the course.' 'Cutting and running' from Iraq is neither cowardly nor imprudent. It is the only way to recover from what is turning out to be the greatest strategic mistake in American history."

I concur wholeheartedly.

I thank the gentlewoman from California for her courage and persistence in the pursuit of peace; the pursuit of a saner and safer world for our children, and all the children of the world.

ENERGY INDEPENDENCE

The SPEAKER pro tempore. Under the Speaker's announced policy of today, the gentleman from Texas (Mr. CONAWAY) is recognized for 60 minutes as the designee of the minority leader.

Mr. CONAWAY. Madam Speaker, it is great to be here tonight.

Wow. I came here planning to talk about H.R. 6, which was passed this afternoon, but not knowing how much time our colleagues across the aisle were going to take, I was instructed to get here quite early in order that if they quit ahead of time that we might lose our hour. So I have sat here for the last, almost 45 minutes, and listened to my colleagues.

It must be great, it must be wonderful to be so smugly self-confident to know the answers unequivocally. Things going on in Iraq are anything but clear-cut. We have some tough things going on ahead of us. I think there is a phrase that describes what really bothers me the most, and that is the classic, if I had known then what I know now, I might have taken a different course. Well, who wouldn't say that?

It is just amazing to watch folks flee to the sidelines of this fight and say it is all yours, Mr. President, this is all your deal; and we are smugly confident to know that you are doing it the wrong way and our plan is to flee Iraq immediately. And all of the evidence to the contrary, that Iraq would become a disaster of biblical proportions, they simply ignore with a cavalier attitude that just amazes me.

They continue to ignore the fact that since 9/11 we have not had a terrorist attack on this country, and I think that comes from several factors. One, we have some really wonderful men and women standing between us and the bad guys. Whether it is in uniform, whether in the intelligence services, or whether it is in the black operations all around this world, there are great men and women putting their lives on the line so that that has not happened. And they have done a great job.

We are working real hard here at home at Homeland Security and elsewhere to make sure that doesn't happen, but I am afraid we have also been lucky that that has not happened.

We heard some comments this morning from an expert in jihadists. She breaks down the Muslim religion and Muslim group into moderates, who make up about 80 percent of the Muslim population of the world, and 17 or 18 percent would be referred to, in her vernacular, as Islamists, who are kind of in between; and then there is that 1 or 2 or 3 percent she referred to as jihadists. Those are the ones that perpetrated 9/11, and may not have had a hand in 9/11 but cheered and danced in the street. And those are the ones whose intention it is to kill Americans.

They hate us for who we are and the freedoms that we have. And they are still coming to get us. And all of the rhetoric to the contrary that this would be a great wonderful world if we would just simply grab hands and sing Kumbaya is like the little guy walking by the cemetery in the dark, late at night, whistling to beat the band just to try to keep himself from getting his pants scared off.

It is unfortunate we are at this point with respect to the debate, and I am quite frankly saddened by it. It is unworthy of us to be setting ourselves up to say I told you so; the Monday morning quarterbacking. The second-guessing is just legion among the squad who is, with hindsight, with the ability to know things didn't work, yet who at the time supported the program and supported the President, to now come back and cast these horrible aspersions against him and his intelligence squads and all the other things.

Yes, mistakes were made. No doubt about it. Mistakes are made in every war. But, you know, I think I will move on to something that is maybe a little better to talk about.

Another sad day. Today, on this floor we did something I didn't think was, A, possible or legal, but we did it, and I will walk you through it. We passed H.R. 6 with about a 100-vote margin, which I suspect the folks who voted for it will crow that it is a giant bipartisan bill to make this country less dependent on foreign crude oil and natural gas.

In fact, the preamble to the bill says that the intent of H.R. 6 is "to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources," et cetera, et cetera, et cetera. Quite frankly, it doesn't do any investing in that.

This bill's preamble is false because it simply sets aside the money taken away from the folks who are trying to provide crude oil and natural gas to this country and puts it into a slush fund to be spent by who knows who in the future on things we don't have a clue about. But their intent is, I suspect, straightforward when they talk about that.

Would that this bill even came close to doing even that modest a statement. It doesn't.

The one thing that most of my colleagues and I on both sides of the aisle agree on, and most Americans, most folks in my District 11, who I represent, is that we are far too dependent on foreign sources of crude oil and natural gas.

I grew up in west Texas, and still make west Texas my home. It is one of the oil and gas capitals of the United States, and so I am unabashedly in favor of crude oil production and natural gas production. It feeds my family, in some instances, and fed me growing up. So I don't make any apologies for being in support of crude oil and natural gas.

I heard a new phrase today during the debate. One of my colleagues on the other side talked about foreign and polluting sources of crude oil and natural gas and fuels. What I would say to my colleague is that his righteous indignation would be a little more sincere if he would come to me and say, I have committed to either getting to and from my district by walking, I am going to ride a horse, a bicycle, a horse-drawn carriage, or I have come up with some new conveyance that does not use any fossil fuels, non-electric cars, some sort of a new non-fossil fuel way to get here as the first step on making that happen, because I feel so offended by the use of fossil fuels that I am going to begin to take those steps.

If my colleagues would begin to say that, then their disdain for the oil business and all the wealth it has created in this country, all the solutions it has provided would be a little more understandable.

Yes, there are problems with it, and we ought to be dealing with those in a straightforward manner. But that seems to be lost on the folks who on the one hand drive their cars, ride in their airplanes, and at the same time insult the domestic oil and gas industry of this country.

And it is an insult, quite frankly. Just look at the title to section 101, the short title, "Ending Subsidies for Big Oil Act of 2007." What is Big Oil? It is not defined in the act. It is just one of those pejorative terms thrown out there by the folks who drafted this bill, which, by the way, had no Member input into this bill.

And I am going to try to keep the whining about process to a minimum and just whine about the bill itself, but this is a staff deal. So at least the staff think the name Big Oil is pejorative, maybe the Members don't, but those who voted for it certainly agreed to that. So they are disdainful of the oil and gas business.

Back to what we agree on. From the President down to anybody that you talk to, all of us want to be less dependent on foreign sources of crude oil and natural gas or, in fact, totally independent of those sources.

□ 2045

Well, that road to independence is decades away. And between here and there, that road is paved with fossil fuels. That road is driven by crude oil and natural gas, and it is going to be a combination of domestically produced crude oil and natural gas and foreign sources of crude oil and natural gas because we consume 21 million barrels a day of gasoline, and whatever our imports are, about 65 percent of that is foreign sources. So I think most folks recognize that an immediate cessation of importing foreign crude oil and natural gas is not in the cards, not only in the short term, near term or really long term as we go about trying to become less dependent on fossil fuels, less dependent on foreign sources of that crude that we are headed to that path.

I would also argue that every single barrel of domestically produced crude oil and every MCF of natural gas makes us less dependent on foreign sources. That is just one more barrel that we didn't have to import. That is another 50-plus dollars that we didn't send to some country that may hate us. It is another $6 an MCF of natural gas that didn't go somewhere else.

And so, why, for goodness sakes, would we want to intentionally inflict financial harm on the folks that are producing the crude oil and natural gas from domestic sources? It is counterproductive in the extreme.

And so when you talk about reducing our Nation's dependency over some period of time, since we recognize we are going to have to have crude oil and natural gas, then by reducing the domestic production of crude oil and natural gas, you have, in fact, increased the foreign source requirements of that crude oil and natural gas. And so that is what this bill does.

Now, does to do it in a way that is going to destroy the economy or destroy life as we know it? Not likely. This economy, these producers, are incredibly resilient and in spite of all of our predictions of doom and gloom on the one hand, in all likelihood this will have an impact on it. But there will be great men and women working hard every day in the oil business to overcome the challenges that we have put in front of them tonight with the passage of this bill in the House. We will see, of course, whether or not our colleagues in the Senate take this up.

The one disappointing thing about this bill is that as it talks about, they call it clean, renewable and alternative energy sources, it clearly ignores clean-burning coal technology, as well as nuclear power. Most folks who understand the need for energy in this country and understand the scope of energy and the scope of how that energy is produced would acknowledge that clean-burning coal and nuclear are two major and significant sources of energy for this path that we are on to try to get to where we have weaned ourselves off of crude oil and foreign crude and foreign natural gas. It is ignored in this bill.

Now, I know I heard earlier this afternoon, the chairman of the Natural Resources Committee, in his mind, alternative energy sources is coal, but it is a fossil fuel; and I am hard pressed to understand that clean-burning coal fits into the generally accepted definition. So I am disappointed that he was not able to, well that is right, this didn't go through his committee. So he had no opportunity to make that clarifying statement in the committee where the chairman has great sway, whether you are the Republican or Democrat. If you are the chairman of a committee, you have got great control over the bill. And had it been through his committee in the regular order, my guess is, given West Virginia's coal production, that my good friend would have clarified that the money that is confiscated from producers out of this bill would have been used in the clean-burning coal arena to help us wean ourselves from crude oil and natural gas.

Let me talk a little bit about the specifics of what this bill does. Back under the Big Oil category, let me talk about what that did. That is simply a tax increase. Most businessmen and -women understand that taxes on businesses go up and they go down, they go up, they go down, so a 3 percent increase in the tax rate on businesses is not something that is going to destroy any single business, I wouldn't expect. But it is cash flow that would have otherwise gone into their business. And in this instance, their business is producing crude oil and natural gas.

Statistics show that the small producers who are impacted by this provision reinvest about, in 2005, reinvested

617 percent of their profits back in the ground. Let me make sure you understand that. If they made a dollar out of their businesses, they borrowed $5 and put $6 back in the ground.

Now I would give you the statistics from 1999 to 2005, but it is embarrassing. It is 898 percent. And so these are folks that take that money that they earn, taking the risks of drilling for oil and gas. And I am going to be joined here in a few minutes by a colleague who fed his family for a while owning a service company in the oil and gas business, taking the risks that are inherent with all the oil and gas exploration, all of the regulatory burden with trying to produce crude oil and natural gas and making money with it and turning that money back into additional activity.

That 617 percent provides additional jobs, because you spend that with drilling contractors; you spend it with service companies, some large and some small, some mom and pop organizations. In fact, my dad and mom owned an oil field service company for the last 25-plus years of my dad's career. They spent it with folks like him, who he also hired folks, and so that is how that system worked.

What section 102 does is to change a section of the code, section 199, which, back in 2003 when America was losing jobs, particularly manufacturing jobs, the Republican Congress in place at the time said, we need some way to incent manufacturing jobs because most manufacturing jobs have better benefits and better pay than service jobs, particularly entry-level service jobs.

Now, you know, lawyers and accountants and doctors and others are in service business and they make really good money. But the bulk of service jobs are such that they don't make as much money. But manufacturing jobs, by and large, really are important to this economy on a go-forward basis.

In fact, back in 2003, Speaker PELOSI said manufacturing jobs are the engines that run the economy. These are good jobs. They give working families high standards of living. So even our current Speaker agreed that to incent manufacturing jobs to stay in this country was an important thing to do. So that is what section 199 of the code was intended to do.

The net effect was to take the corporate tax rate which, on C corporations is 35 percent, and over its implementation time frame would lower that rate about 3 percent to somewhere between 32 and 33 percent, meaning that those manufacturing jobs would have that 3 percent taxes that instead of coming to the Federal Government and having the 435 of us spend it, the companies would spend that money themselves. And with respect to the oil and gas business, they would take that money and multiply it by, from 200 percent to 600 percent for the small companies with additional activity, additional jobs.

Now, by definition, oil and gas production was considered to be manufacturing under the definition that was put in place. Now, under the ending subsidies for Big Oil, every single oil company, the companies that produce the largest average daily production down to the smallest daily production, if they are a C corp, are impacted by this. So I guess by impact, we will have to assume, my colleagues on the other side's definition of Big Oil includes every oil company, just because that is how this impact will be. This impacts every single oil company that is in that business.

And again, I said taxes go up, taxes go down. But the net effect on this is that there is less money for these companies to spend in the oil business drilling, producing, completing all the things that go on to produce additional crude oil and natural gas which, again, as I said earlier, limits our need for imported crude oil and natural gas. Every single barrel is a barrel that we have not had to buy from somebody who really hates us.

There are a couple of other tax provisions that, whether the amortization period should be 5 years or 7 years or 3 years, reasonable people are going to differ on that and it is unfortunate that we have made that change, but that was not one that I think anybody is necessarily going to fall on their sword over.

Let me talk a little while about the most insulting piece of this entire piece of legislation, and that is referred to under section 201 as the Royalty Relief for American Consumers Act of 2007. Now, just the title would mean that apparently American consumers are paying royalties. That is not the case, and so the title is flawed.

I had introduced an amendment that was not made in order for reasons you will see here in a minute when I quote it. My better title, my amendment would have given this thing a little more descriptive title to the bill than the Royalty Relief for American Consumers Act, which is meaningless, except the individual terms have meaning, but in context of this bill they don't have much meaning.

The title is far more descriptive of what the impact of title II does on our oil producers, is the Congressional Abrogation of Contracts Using Blackmail Act of 2007. That is much more descriptive of what section or title II in these following sections do as a result of this.

Let me set a little bit of the history for you. There are always going to be ups and downs in the oil business, not to be confused with drilling for oil and gas, but nevertheless there are swings in the economy. There are swings in oil and gas, and sometimes it is great to be in the oil business and other times it is not really good to be in the oil business.

One of those times that was particularly bad to be in the oil business was 1998, 1999 when the price of crude oil, sweet crude was about 10 bucks a barrel. Sour crude was $7.50 or less per barrel. And so at that point in time, companies were coming to the Federal Government to lease offshore leases in the Gulf of Mexico.

Now, again, the price was 10 bucks a barrel, 12 bucks a barrel. Contrast that and today. This is 1998 and 1999. I lived through that time in west Texas. We had a march on the Capital led by some folks who demanded that the Texas legislature do something to try to help the oil business. There were thousands and thousands of jobs lost in the economies of west Texas and throughout the oil business as a result of those low prices. It was almost impossible to make money at that price, and folks were being laid off. Rigs were being stacked and not utilized, and it was one of those bottom down times in the oil business that happens from time to time.

So against that backdrop, the Clinton administration, led by Secretary Bruce Babbitt, who I assume is a competent Secretary of the Interior, offered up leases for the oil and gas companies to drill on.

Now, when you are trying to decide how much bonus money to pay the leaseholder, in this instance the Federal Government, obviously the price of crude, the price of natural gas is a significant piece of what you are trying to do. Another piece of it is what your share of the crude oil will be if you find crude oil or natural gas in the ground. Most leases provide for a royalty to the mineral owner. In this instance the Federal Government is the mineral owner. But given the circumstances of the day, there is some fuzziness as to why this happened. But the leases issued in 1998, 1999, which would have normally had a royalty associated with them, did not.

Now, I have to assume that there are competent lawyers, maybe some of them still there at the Interior Department who worked on behalf of the Interior Department to negotiate, in good faith, with the companies who were actually wanting to buy these leases or actually wanted to pay the Federal Government for the right to drill in the Gulf of Mexico in an environment which is very difficult to drill.

I have to assume, since we have not seen any malpractice suits, we have not seen anybody lose their law license, that these guys were doing the job they were told to do. The companies were represented by reputable lawyers, and a deal was struck. In effect, the Federal Government shook hands with these companies and said, here are the leases. Here are the terms. Here is what you need to do. And go forth and drill. 1998, 1999. $10 a barrel crude oil.

Well, today, crude oil has been much higher than it is right now. But it is still over 50 bucks a barrel last time I checked, although it may have dropped some yesterday, and circumstances are radically different. Well, the opportunists on the other side see this as a chance to, in their view, in their mind, correct something that was done wrong in 1998 and 1999.

□ 2100

The truth of the matter is, a deal was struck in good faith by the Federal Government, by other companies. These companies should have been able to rely on those written contracts to conduct their business.

This Congress, though, has seen fit to step into the breach to do something I didn't think was legal for us to do but nevertheless are doing. Most times, when you have a contract conflict or a conflict over the terms of a contract, our judicial system is where that is ferreted out, where facts are drawn, where rational arguments on both sides are presented, where you have a trier of the fact, you have a judge, and everybody comes to whatever conclusions.

That is not how this works on this floor. On this floor somebody came up with a good idea that we ought to go get this money, and 260 of our colleagues agreed to that idea. I am not sure that everybody fully understands that these were contracts that companies should have been able to agree to, should have been able to rely on. Most companies can deal with taxes going up and down. What companies hate to deal with is dealing with a customer, dealing with a partner that you cannot trust.

We have now placed the United States in that category. We are now in league with the conduct of Hugo Chavez, the conduct of Evo Morales in Bolivia in terms of how we treat contracts with this Federal Government.

From this day forward, as far as the House is concerned, and, again, this may not happen in the Senate, but as far as the House is concerned, we are told, at least people in the oil and gas business, if you sign a contract with the Federal Government, too bad. Now, we are going to hold you to every single term in there, but we on the Federal Government side, if we don't like the deal, if the deal changes, if the deal looks like it is too good for you, then in addition to taking tax money away from you, we are going to impose either a fee or we are going to force you to renegotiate these contracts.

Here is some language that is just unpalatable in the extreme. Section 202, the Secretary of the Interior shall agree to a request by any lessee to amend leases. A request by a lessee to come in and change a contract? That is not going to happen. Since when do you have to demand that the Secretary of Interior accept that?

This is only happening because this law is, in effect, a gun held at the head of these lease owners to come in and renegotiate. There are some mechanical flaws in this thing that I am not sure was an intended consequence. One is that if you are a holder in due course of one of these leases, and you sell it to somebody else, you sell all of your right, title and interest in it. Then unless that new leaseholder agrees to these terms and agrees to this, nonsense, then you are forever tainted. You cannot get another lease. That is where the blackmail comes in. Unless you renegotiate the lease, you cannot get another lease from the Federal Government to drill on Federal lands.

I know there are a lot of folks who hate the oil and gas business, and never drilling on another Federal land is an acceptable public policy, but it is wrong-headed if you think that we can continue to import foreign crude oil and get to where we want to with respect to the energy independence.

Another problem that is, in all likelihood, is a Republican problem as well, back in June we passed a similar concept, a conservation fee that is triggered at $34.73 a barrel. Here are the mechanics. If the price is above $34.73 a barrel on average for a year, then you owe a $9 fee on that production. If it is less than that, then you don't owe that fee. So you are the business guy, you are the guy that is producing crude oil and natural gas, you have been rocking along all year along at $34.70 on average, and so you are not paying that fee. You built your business model based on that number.

Then you get a $.10 increase in the average price over that timeframe, and you are now making $34.80. You now owe a $9 fee, which drops you back to a $25 gross revenue on each barrel of oil that is sold.

There are many places in the world where business people have to deal with that kind of a 25 percent haircut just because something went up over a particular threshold.

A couple of amendments that I offered, then I am going to turn to my colleagues for whatever time they would like to take that I offered up that seem to be a little more straightforward than my first one. The first one would have said there is plenty of uncertainty as to what the impact this is going to have on domestic crude oil and natural gas production. We all agree that for every barrel that is produced domestically is a barrel we don't have to buy from somebody else.

Given the uncertainty, given the rush to judgment that this was, let's have the Secretary of Energy and the Secretary of Interior document what the impact is going to be and tell this body for sure and for certain that this will not reduce the investment in crude oil and natural gas and will not reduce the domestic production that we rely on to help wean ourselves off of foreign production. I got turned down on that.

Then the second one was if our goal is to increase domestic production while we bring on these other technologies that are decades into the future, then let's not penalize the people who are taking the money and putting it back in the ground. Let's only have these penalties apply to people who are taking the money and giving it to shareholders or, you know, some nasty thing like that.

So folks who reinvest over 75 percent of their net profits would not be affected by this. For those folks who are taking the money, putting it back in the ground, they wouldn't be impacted by this law; those folks who are taking less than 75 percent of their profits and putting it in the ground, then they would have to pay these penalties, and they would be associated with that.

I meant to say early on that the chairman of the Rules Committee had told us in advance that none of these amendments would be made in order and that we were wasting our time and breath, but it seemed like something I ought to do.

I am joined tonight by STEVE PEARCE from New Mexico. He and I share the New Mexico border along a good long stretch. He is also the Congressman for my three grandsons, and I am particularly interested in him doing a good job on behalf of my three grandsons and my son and daughter-in-law.

Mr. PEARCE, would you share with us some of your thoughts?

Mr. PEARCE. I would thank the gentleman from Texas for bringing this important item up tonight and will enjoy the opportunity to address it.

First of all, as we went through the discussions today, we were told, I heard that it was not the intent to lower production. It was not the intent to harm the American consumer. It was not the intent to defraud the contracting process. But I would share with my colleagues that the same kind of language had to be used in the first item that came to the floor.

That item, the majority placed an element into the new rules package which said that a Member, Delegate Or Resident Commissioner may not use personal funds, official funds or campaign funds for a flight on a nongovernmental airplane that is not licensed by the FAA to operate for compensation or hire.

Now, when it came up for their own colleagues, they came to the floor and just declared in their comments that this was not the intent of the provision. But it is the effect of the provision, because they absolutely outlawed, they made it illegal to use even your own funds or campaign funds or MRA, that is the Congressional delegation funds, for private aircraft. So you had then Mr. HASTINGS of Florida say, I want to assure my colleagues that this is not the intent of this provision.

Now, either we are bumping into people who were not quite prepared to present legislation to the floor, who are maybe getting bad advice, maybe thinking a little bit too quickly, maybe being driven by an agenda to bring stuff to the floor, to bring legislation to the floor that is a little bit narrowly constructed without the opportunity to go to committee.

But let's take a look at what happened today in this energy bill. The first thing they declared was that energy companies are making so much profit that they must be declared immoral, that we must take back some of that money. We heard that over and over and over again today.

But I would like to take a look at a chart here that begins to break down the cost of petroleum versus the cost of some of the other items take we have.

The cost of oil, today, is $52 per barrel. The cost of bottled water is $409.50 per barrel. The cost of American beer is $448 per barrel. The cost of ice cream is $934 per barrel. Nail polish rings up an amazing $75,264 per barrel.

So we have to ask how it is that we are declaring too much profit is being made? I heard today that oil companies, the top oil companies made $96 billion in profit. Yet when I look at Microsoft in just this past year, it was $36 billion just by itself.

If we are going to make it wrong, if we are going to simply set up the class struggle between companies that make extraordinary profits, we should look at those that have no investment in large capital.

When I look at the elements of producing oil that we are describing today, I see an investment in a rig that is almost like $1 billion to $1.5 billion. Now each one of these components that is made on this rig creates jobs, they create cash flow, they create profits for a whole range of companies.

So when my colleagues were saying we need to go up on the taxes for these pieces of property, I think that the American consumer is smart enough to realize that investors just might choose not to put their money into this project.

If that is the case, then we are going to find that our colleagues, in trying to assure energy independence, will, in fact, ensure energy dependence.

Because in America, in the United States, we are driven further and further offshore, further and further down into the ground in order to produce oil.

Saudi Arabia produces from a very shallow depth. Some of the wells in our district may be 20,000 feet deep. Saudi Arabia could be producing from as shallow as 1,000 feet deep. Saudi Arabia already has significant cost advantages over the United States production. We have tried to encourage this kind of drilling, this kind of production, to see that we have as much oil and gas as possible from internal sources.

Now, our friends have said that they wanted to create incentives for the renewable fuels. Then they declared that the previous Congress for 12 years did nothing. I don't think they absolutely intended to mislead the American public on that, but they certainly did.

Just because of the effects of the Energy 2005 Act that we passed from the Republican House, let me read a list of renewable projects that have already started or are already showing results.

First of all, because of that legislation in 2005, 27 new ethanol plants have broken ground, 500 million gallons of new annual ethanol production is online already, 1.4 billion gallons of ethanol production are online by the end of 2006; 401 E–85 pumps, those are the pumps that can give you 85 percent ethanol if you pull up and have an engine that will burn ethanol; 25 new nuclear reactors are planned, 25,000 megawatts of electricity will be generated by 2020 if all 25 plants are built, 15 million households can be powered from the electricity by the 25 plants; 116,871 new hybrid vehicles have been purchased since January 1 of 2006, so the last calendar year, over 116,000 vehicles that are hybrids; there were 2,000 megawatts of new wind power.

Many of those wind generators went into the second district of New Mexico that I represent. Many others lie just outside the district. Wind generators are not suitable for all parts of the country, but New Mexico is one of the few States that could be self-sufficient on wind energy. Very few States are capable of doing that; 493,000 homes will now be powered by new wind power.

Three billion in economic activity is spurred by the wind power production. There is 7 billion pounds of CO2 offset by new wind power production, 1 million homes that can be powered by new wind power by the end of 2006, 100 percent increase in California and New Jersey and the applications for photovoltaic systems, 30 percent increase nationwide are solar, thermal collector installations. We had 15 new efficiency standards implemented for large appliances and 50,000 megawatts of energy saved by 2020 because of the 15 new efficiency standards.

Now, our friends today said frequently that they were giving comments like clean energy policy starts today. Well, they are making the implication that nothing was done previously, and such is just not the case.

Mrs. BLACKBURN. If the gentleman would yield, I would like to refer back to something that he was saying on the alternative fuels development, draw attention to that. I know that the gentleman from Texas will agree with me, just as the gentleman from New Mexico has.

□ 2115

What we are doing is recapping much of what took place in the Energy Act of 2005, and in that act, the $8 billion that was set aside and designated for alternative fuels development, the reason that was done was because the Republican House leadership knew and the Senate agreed and the President agreed that beginning some alternative fuels development was very, very important. It was something that needed to be done. Great ideas needed to be brought to the table.

I think what the gentleman is saying is so very significant, and I want to highlight it because I appreciate so much the fact that you are bringing it forward, that whether you are looking at the blended fuels and ethanol and biodiesel, all of that is coming on line.

If I understood the gentleman correctly, what we have seen over the past 18 months is generation capacity of these alternative fuels, fossil-based fuels and blends. What we are seeing is hundreds of millions of gallons available at the retail level every year. This will increase every year.

We will hear more this evening from our dear colleague from Maryland about developments in other alternative energies and getting outside of the box and thinking outside of that paradigm. But I appreciate so much the gentleman highlighting the provisions that were there and shedding a little bit of sunlight on the statement that was made today over and over and over on the floor of this House, an untruth, whether they are misinformed or misdirected or misguided or whatever, that clean energy policy would start today. Then what did they do when they voted for the energy act that we passed in 2005, because we got that out of Energy and Commerce Committee on a bipartisan vote.

We took significant steps at that point in time, and, as the gentleman is seeing, results are being yielded and brought forth.

Mr. PEARCE. Madam Speaker, I thank the gentlewoman for her comments. One of the distressing things about the vote we took today was that not only were we setting up kind of an undisclosed fund, a slush fund for things that had already been done, the $8 billion referred to by my colleague from Tennessee was in the Energy Act of 2005 and was very specific. It had incentives for wind, solar, biomass, geothermal, hydrogen and nuclear. It had incentives for many of the renewable fuels. Those incentives are taking place and those incentives are causing developments to take place that are very significant.

But the very damaging thing about this bill today was it violated a constitutional provision that prohibits the Federal Government from taking private property. That occurs on page 10 of the bill. Again, I would read the excerpts from the bill, line 4 on transfers.

Basically the language says: "A lessee," and some language in between, "shall not be eligible to obtain the economic benefit of any covered lease or any other lease for production of oil or natural gas in the Gulf of Mexico" unless they voluntarily back away from, agree to undo these contracts written in full faith.

If you can imagine an investor, or even a stockholder, having to walk away from an investment like this because the government changed its standards, the government changed the contracting basis, you would understand then why The Washington Post said: "This House bill would break the deadlock," meaning the deadlock in this contracting process that has been so messed up. "The House would break this deadlock by imposing heavy penalties," that is the heavy penalty of walking away from that investment without economic return, "on firms that do not renegotiate on terms imposed by the government.

"This heavy-handed attack on the stability of contracts would be welcomed in Russia, Bolivia and other countries that have been criticized for tearing up revenue sharing agreements with private energy companies."

I would like to share with my colleagues, before I yield back, the things that this Washington Post is referring to. For instance, in Venezuela in 2006, Hugo Chavez caused royalty rates to be increased from 1 percent to 16 percent without renegotiation. In 2005, Venezuelan President Hugo Chavez mandated that private oil firms cooperate with new contractual changes. Those firms that did not agree had their assets nationalized.

Now, we are not nationalizing these assets, but we are saying you have to sacrifice any potential to make economic benefit from that. That does not seem American. It does not seem like the way that we want to run business in this country, and yet it is what the majority presented to us today. They said, well that is an unintended consequence, which brings me back to my initial point, that maybe they just should have sent these things to committee before they came to the floor with such outlandish provisions.

Bolivia in 2006 threatened to expel oil companies that refused to agree to new government terms on already existing contracts. That is very similar to what this language in this bill did. If you don't agree to the terms in the language here, then you do not get to make economic impact from an investment such as this.

In May of 2006, President Evo Morales in Bolivia suspended negotiations and nationalized his country's energy industry. These actions were done for short-term increases in revenue from taxes and royalties, but foreign investors have canceled almost new projects, which will likely lead to massive economic problems in the future.

Now, if they are going to cancel economic projects in Bolivia because of the overturn of existing contracts, I will guarantee you that they will do the same in the United States, and they will cancel future contracts.

Russia found the same thing. President Putin made firms agree to change existing leases that had been in existence for several years. He threatened to pull these leases for suspect reasons. Now he is willing to hold all of Europe hostage as he takes these nationalized assets. I will tell you that companies will not invest in Russia in the energy business in the future.

These are all problems that this bill today that was passed off the floor of the House of Representatives are going to cause. So if my colleague would give me one more second, we would run through a chart showing what American consumers can expect from this bill.

First, it sends American manufacturing jobs overseas. The second thing that it does is lower domestic energy production, so we are going to use more foreign oil, not less. It is going to provide higher prices at the pump, $3, $4, $5. Hugo Chavez, the Iranian Government and the Russian Government get the handouts at the expense of the American consumer.

American voters need to understand what has occurred in the House of Representatives today. I think that they are going to rise up when they begin to see the effects on jobs, when they see the effects at the pump, and when they see that the contractual basis, the full faith and credit of the United States, has been undermined by this piece of legislation.

I thank the gentleman for yielding. If he has additional time, I have other comments. But I thank the gentleman from Texas for bringing this important issue up.

Mr. CONAWAY. Madam Speaker, I thank the gentleman for joining us tonight. It just occurred to me that the Federal Government has contracts with investors all over the world, where we have borrowed money from them at interest rates that may or may not be advantageous. I wonder if those holders of those bonds and T-notes out there all around the world are noticing tonight that if interest rates go the wrong way, that this Federal Government set a precedent of simply changing them at will. That ought to put a chilling effect on the purchase of this money.

Mr. PEARCE. That is a great point. Let me make one additional comment. The very amusing thing is the people that are so critical of the contracting process, the negotiation process, are exactly the same people that said we should trust the Federal Government, who negotiated so badly here, to negotiate in good faith on our prescription drugs. I will tell you, it is not congruent. It does not fit any sense of logic that I understand.

Mr. CONAWAY. Madam Speaker, we are also joined tonight by a good colleague from Tennessee, MARSHA BLACKBURN. I yield to the gentlewoman.

Mrs. BLACKBURN. Madam Speaker, I thank the gentleman so very much. The gentleman from Texas, being an accountant and understanding what is at stake when you talk about changing contracts and changing rates of taxation, it is so wise to point these things out for our colleagues tonight, and we appreciate that, and also the expertise in the energy industry that our colleague from New Mexico holds.

I have dubbed this the "hold-on-to-your-wallet Congress," and indeed I believe it is. To the Americans who are watching us, you just better be hanging on to that wallet, because if you are not, they are coming to a pocket near you to get every single penny out of it that they can wring out of it. They are off in their 100 hours to quite a start.

As we talk about the energy bill tonight, the gentleman from New Mexico was recapping what this means and the impact this is going to have on the American people, and he is exactly right. The bill that the Democrats in the House passed today does not put one more penny toward alternative energy development or exploration or alternative fuels. It doesn't do it.

It will not make gas cheaper. Contrary to what you heard on the floor of the House today, this is not going to make gas at the pump cheaper.

It will not increase U.S. production. As a matter of fact, it is going to make it more difficult to produce fuels and gas and heating oil in the United States.

Now, the foreign gas production companies and foreign refineries probably love the action that was taken here today, because they saw House Democrats saying we don't have enough faith, we don't trust the U.S. oil industry enough; but we are going to put our attention on foreign investment and foreign oil, because indeed what they did was make us less dependent on U.S. oil and more dependent on foreign sources of oil.

The Washington Post, the Wall Street Journal and the Washington Times, three publications that very seldom agree, all agreed today that the bill, H.R. 6, the Democrat bill, was not a wise move for the people of this great country.

So to the gentleman from Texas, and Madam Speaker, I will commend to you that indeed this is the hold-on-to-your-wallet Congress. As we have heard in this first 100 hours that our friends across the aisle have been in charge of this majority, we have had no regular order. We have no rules. They did go in and make a change to make it easier to raise taxes.

As I said, hold on to that wallet because they are coming for it. They actually made it easier to raise taxes on the American people.

They even want to get into committees and not record votes so that you will not know what they are doing in the Rules Committee and in some of the committees so that you can play both sides of the aisle on these issues.

In addition to the energy bill that was passed today, they also passed a bill dealing with student loans. It is not going to do one single thing to help get one student into college. They were dealing with interest rates after, after, you leave college.

They decided they wanted to rework a Medicare prescription drug plan. Well, do you know what? Over 75 percent of the seniors are satisfied with the prescription drug plan; and here they go, they are wanting to make that one more expensive.

With the 9/11 Commission, we heard from our transportation industry, from companies large and small that transport goods and merchandise that it would be a cost of billions and billions of dollars to the American public.

The minimum wage bill that brought about Tunagate, my goodness, $5 billion to $7 billion worth of added cost to the small businesses, plus our fiasco with Tunagate that was carried forth by the gentlelady from California.

So it has been an interesting 100 hours. They did pass their energy bill today; and as has been said, it is not a bill, Madam Speaker, that is going to make gas cheaper at the pump, more affordable, or make the U.S. less dependent on foreign oil. It will make it more dependent on foreign oil.

I yield back to the gentleman from Texas.

□ 2130

Mr. CONAWAY. I thank the gentlewoman for coming back from her previous engagement this evening to join my colleague from New Mexico. We are just winding down. Does my colleague from New Mexico have another point or two he wanted to make?

Mr. PEARCE. Yes. I would comment to my colleagues that a government depends on the confidence of the people. We make promises all the time, and we are expected to honor those promises if we are going to be a good government. We make promises to our seniors. We make promises to our veterans. We make promises to our young men and women who serve in the military that we will watch out for them, that we will take care of them.

But like the gentleman says, we also make written contracts and written agreements. In this bill today, we have undermined the contracting process. We have declared that previous agreements simply must be renegotiated or you give up all future rights, and when we as a country choose to do that, not only do we offend and compromise our constitutional protection of private property rights, we undermine the confidence in our Nation and in our government.

This is such a very serious step. It is a step that other Nations take very easily and yet is so significant, and yet this major step, this change in American policy was done without one single committee hearing.

This bill that was in front of us today, H.R. 6, should have gone to four different committees. Instead, it went to none, not one committee hearing, and there were new provisions in this bill. There were new people on the floor who were elected just this year who have not heard the old provisions. I do not disagree with my colleagues who wanted to make us energy independent, but they failed in that task, and in the process, they have begun to undermine the confidence of this great Nation and the great reputation it has for treating fairly those people who invest and those people who trust the government.

Who else will be undercut by actions from the floor of this House and the Democrat majority that is willing to take any step to try to enforce a new standard while declaring it to be a new way? Instead, it is an old, tried way that many other Nations have tried in the past. It is unfortunate to see now this Congress and this majority taking steps that Russia or Bolivia might have taken.

I thank the gentleman for yielding time to me.

Mr. CONAWAY. I appreciate the gentleman from New Mexico being with us tonight.

On the campaign trail and in the town hall meetings throughout my brief career, I have talked about Social Security being basically a contract with ourselves, a promise with ourselves, that we would not break that. From now, every time I talk about that, I will have to think about this legislation, have to think about the fact that, wow, here is a written contract, much like the written provisions of Social Security, much like the written provisions in our veterans' benefits, that we tend to keep but here is one that we did not.

I appreciate both my colleagues coming tonight. Here is one final thing. I go through the long list of co-sponsors on this bill. At the end of it, it says they have introduced this bill and it has been referred to the Committee on Ways and Means, Natural Resources, Budget and Rules for a period to be consequently determined by the Speaker. I do not think there is a stopwatch fast enough that could measure the amount of time that this bill laid before those committees because they did not work. So how those committees did meet, how they were able to get it through all four of those committees without anything happening, without any meeting is one of those well-kept secrets about how this process works when you do not have a transparency that a full committee process will have.

As I told them earlier this afternoon, I hope that my colleagues on the other side are not so intoxicated with this power that they now wield that they continue this process of not having committee hearings, not taking regular order, not moving things through in ways where at least we can point out the flaws in a format and in an arena in which it can be perhaps have an impact on the ultimate legislation.

So I want to thank the Chair for having us in here tonight.

PEAK OIL

The SPEAKER pro tempore (Mr. MURPHY of Connecticut). Under the Speaker's announced policy of today, the gentleman from Maryland (Mr. BARTLETT) is recognized for 60 minutes.

Mr. BARTLETT of Maryland. Mr. Speaker, last evening we were here just about this time talking about this same subject, the subject we have been talking about for the last hour. We had been discussing the phenomenon known as peak oil. That is the term given to a prediction that a geologist made, M. King Hubbert, working for the Shell Oil Company in 1956. He gave a speech in San Antonio, Texas, which I believe within a decade will be recognized as the most significant, most important speech given in the last century.

What he predicted was that the United States, which at that time was king of oil, we were producing more oil than any other country. We were using more oil than any other country, and we were exporting more oil than any other country. M. King Hubbert had the audacity in San Antonio, Texas, in 1956 to predict that in just a bit less than a decade-and-a-half, by about 1970, he said that the United States would reach its maximum oil production, and after that, inevitably, no matter what we did, oil production would tail off.

That prediction came true. Surprisingly, in 1970, some may say 1971, we peaked in oil production. In 1969, using this same analysis technique, he predicted that the world would be peaking in oil production about now. So last night we had come in our discussion to the point that we were looking at the potential for the alternatives that we and the world would need to turn to as we slide down the other side of what is referred to as Hubbert's peak. We noted that there were some finite resources, some nuclear resources and then the true renewables.

There are three justifications one might use for moving to alternatives. One is peak oil, and we will transition from fossil fuels to alternatives. Oil, gas and coal obviously will not last forever, and as the earth at some point runs down the other side of what we call Hubbert's peak and there is not enough oil, gas and coal to meet our energy needs in the world, we will transition to alternatives. The only question is whether we do that on a time scale that we control so that it is a pretty easy ride, or whether we do it as dictated by geology, where it may be a very difficult ride.

Two other reasons for moving to alternatives. One is our dependence on foreign oil. Today, we have only about 2 percent of the known reserves of the oil in our country. We use about one-fourth of all the oil in the world, and we import about two-thirds of what we use. Obviously, if M. King Hubbert was right about the world, and there is every reason to believe he will be right about the world, we will need to transition to alternatives.

From a national security perspective, we ought to have been doing this a long while ago. A couple of years ago, 30 prominent Americans, Jim Woolsey, Boyden Gray, McFarland and 27 others, wrote a letter to the President saying, Mr. President, and they used the statistics I just used, the fact that the United States has only 2 percent of the known reserves and uses 25 percent of the world's oil and imports almost two-thirds of what we use is a totally unacceptable national security risk. Mr. President, we really need to do something about that. So even if you think that there is a whole lot of oil and gas out there, you still may be very incentivized to look for alternatives if you are concerned about our national security.

There is another reason to look for alternatives, and that is, if you believe that we have global warming, and I think there is an increasing body of evidence that suggests that that is probably true, and that we are probably contributing to that, although in the past the earth has been very much warmer, this is in a very distant past. Ordinarily, the past that we are talking about is from the last ice age, which is like some 10,000 years back. It is now the warmest we have ever been since that last ice age, but sometime way in the past the earth has been very much warmer because there were apparently subtropical seas in what is now the north slope of Alaska and the North Sea because we are finding oil and gas there.

The general belief is that this oil and gas was produced by organic material that grew in these subtropical seas, that every season it matured and fell to the bottom and was covered and mixed with sediment that was washed off of the adjacent hills, and then that built up for a very long time. Finally, with moving, the tectonic plates was submersed down with enough pressure and enough heat from the molten core of the earth and enough time that this finally was processed into gas and oil, and then if there was a rock dome over it which would hold the gas, now you have a very fertile place in which to drill. It took a very long time to grow all of that organic material and to turn it into gas and oil.

We are now in a relatively few years releasing all of the carbon dioxide that was sequestered in this organic material over quite a long time, until we are driving up the CO2 of the world, which in the last century or so is nearly twice now what it was a century or so ago. This is what we call a greenhouse gas.

You can get some idea as to the greenhouse effect. If tomorrow is a sunny day and a cold day, and if your car is parked outside with the sun shining on the windshield, you may find quite a warm car when you go out there. That is because of what we call the greenhouse effect. The light that comes in from the sun, call it white light, it comes in over a long spectrum of wave lengths, and it goes through the glass of your car. Then it warms up the material of your car and it reradiates only in the infrared. Well, the glass of your car is pretty much opaque to the infrared. It keeps the heat inside. It reflects it back, and that is why your car gets so warm.

The greenhouse gases out there, you may remember being in an airplane, you are 44,000 feet, and the pilot tells you it is 70 degrees below zero, when down just below you may be flying over south Florida where it is very warm, and this is because of the greenhouse effect. The energy coming in from the sun heats up things in the earth, and when that heat is reflected back out, emanated back out, it is reflected by what we call the greenhouse gases and CO2 as one of those.

So there is increasing evidence that we have global warming, and there may be a need to move to the alternatives because many of these alternatives, although they will produce CO2 when you burn them like ethanol, that CO2 was taken out of the atmosphere by the corn plant when it grew. So you are not contributing any more CO2 to the atmosphere if you are using a product that just last year or so took the CO2 out of the atmosphere.

Now, what you would want to do in these last 2 cases is a little different in moving to alternatives. We have a essentially run out of time and run out of energy to invest in alternatives. We absolutely knew by 1980 that M. King Hubbert was right about the United States. We had peaked in 1970. We have done nothing in the ensuing years. If M. King Hubbert is right about the world, we have no excess energy to invest or oil would not be $50, $60 barrel, which means we have essentially run out of time and have no energy to invest.

□ 2145

Now, we could buy some time and free up some energy with a very aggressive conservation program.

Now, if your concern is foreign oil, then you could also get some additional energy from such things as tar sands and oil shales and coal. But if your concern is global warming, this will be a very bad place to get energy to invest in the alternatives that we will ultimately have to transition to because it take a lot of energy to get energy out of tar sands, and that energy is fossil fuel energy and that releases CO2 into the atmosphere.

So you are making a bad situation worse if your concern is global warming and you think CO2 is the cause of that and you want to transition to renewables, and you are going to get the energy to transition to renewables from tar sands and oil shales and particularly in coal somewhat. You will simply be releasing more carbon dioxide into the atmosphere. But let's look at these, because if the other two incentives are your incentives, then these are good bets.

If you are simply concerned that we have got to transition to renewables, then you will use whatever energy is available, and there is potentially enormous amounts of energy available in these tar sands and oil shales. And if you are concerned about dependence on foreign oil, then this is a good place to begin.

The tar sands. Some may call them oil sands; they are tar, thank you. It doesn't flow; it is really very much like tar. It is, I guess, a bit better than the asphalt parking lot out here, but not much better. If you put a blow torch on the parking lot, that will flow, too, which is pretty much what we have to do with the tar sands. They exist in Canada around Alberta, Canada. There is an incredible amount of potential energy there. There is more energy in these tar sands than in all the known reserves of oil in the world.

But why aren't we resting easy, then, that we have got an easy transition, a big source of energy? Because this energy is not all that easy to get out of the tar sands. The Canadians are now getting about a million barrels of oil a day. That sounds like a lot of oil, and it is a lot. It is a little less than 5 percent of what we use in our country and just a bit more than 1 percent of the 84 million, 85 million barrels a day that the world uses; but they are using an incredible amount of energy to get this.

They are mining this, if you will. They have a shovel there that lifts 100 tons at a time, they dump it into a truck that hauls 400 tons, and then they take it and they cook it, and they are cooking it at the present with natural gas. They have what is called stranded natural gas there. There are not very many people in Alberta, Canada, that use it and gas is very difficult to move long distances; and so they are using this gas to produce oil from the tar sands.

I am told, and you can be told a lot of things that aren't true, but I am told that they may be using more energy from the natural gas than they are getting out of the oil that they produce. But from an economy perspective, that is okay, because the gas is very cheap and the oil is very expensive. And I understand it costs them $18 to $25 a barrel to produce the oil; and if it is selling for $50, $60 a barrel, obviously there is a big profit there. But this natural gas will not last forever.

And where will the next energy come from? They are talking about building a nuclear power plant there so they will have additional energy for cooking this oil.

And they have another problem. The vein I understand, if you think of this as a vein, it now ducks under a big overlay of rock and soil, so that they will not be able to continue to develop this by mining it which is what they are doing now. They will have to develop it in situ, and I don't know that they have any economically feasible way of developing it in situ.

So although there is an incredibly large amount of potential energy available there, it will take a lot of energy to get it out, so what you really need to be thinking about is the net energy or the energy-profit ratio that you get out of this.

Who knows what new technologies we may come up with, what the engineers may be able to do, but one should not be too sanguine that this will be a savior, that we will get enormous amounts of energy from this, because of the difficulty of getting the oil out.

The oil shales. The name might better be called tar shales, but we refer to oil shales, and they are found in our western United States, in Utah and Colorado and so forth. And, again, there is absolutely an incredible potential amount of oil that could be extracted from these oil shales, or tar shales. Probably more than all of the known reserves of oil in the world, if we could get it all out. There have been a couple of attempts to do that. The most recent one was by the Shell Oil Company, and there was some glowing reports in the papers about what they did there. But there are aquifers associated with this shale that they need to protect, and so what they do to develop this is to go in and drill a bunch of holes around the perimeter and then freeze it.

So they in effect have a frozen vessel, and the oil will not move through that frozen vessel. And then they drill wells in the middle of it and they cook it, and they cook it for a year. And then they drill a third set of wells, and then when they get to the bottom, they go horizontally. They are very good at doing that now. So the oil that they cooked, loosened up by the second set of wells they drilled, now flows down through the shale, into the well that they drilled that finally went horizontal, and then they pump it out of those wells, and then they pump it for several years and they get a really meaningful amount of oil out.

A couple of years ago I was out in Denver, Colorado, speaking to a peak oil conference there, and the engineer, the scientist who did this little experiment cautioned that it would be several years before Shell Oil Company decided whether it was even economically feasible to get any oil out of the oil shales using that technique. Now, there may be other techniques, but at present to my knowledge nobody has any big exploitation of the oil shales. The one that got the most publicity was this experiment by the Shell Oil Company, and they have indicated it would be several years before they can determine whether $60 a barrel is even feasible to get that oil.

The next one here is coal, and we will put another chart up in front of this one, because we hear a lot about coal. And you may hear it said that we have 250 years, 500 years of coal. We don't have 500 years, but we do have 250 years of coal at current use rates. Be very careful when people are telling you how much we have of some resource. If it is at current use rates, you have to factor in how long it will last you if you have an increased use rate.

After the development of atomic energy, and the world was amazed by that, Dr. Albert Einstein was asked: What will be the next great energy source in the world? And he said the most powerful force in the world was the power of compound interest.

And when you look at exponential growth, if you increase the use of coal just 2 percent, and I submit that we will have to dig into coal much more than just 2 percent increase per year over what we now use, but if it is only 2 percent, that 250 years immediately shrinks to about 85 years; and then you can't fill your trunk with coal and go down the roads. You have to convert it to a gas or liquid. And, by the way, we have been doing this for decades. Hitler ran his whole military and his whole country on oil from coal. When I was a little kid, the lamps that you now call a kerosene lamp we called coal oil lamp because it was coal oil that replaced whale oil in the lamps, and long after we were using kerosene I still called it coal oil.

But if you use some of the energy from the coal to convert the rest of the coal into a gas or a liquid, now you are down to 50 years with just 2 percent growth rate. And there is something else to look at. Because oil is fungible and moves on a world market, and it really doesn't matter in today's world who owns the oil, the guy who bids the highest gets the oil. It all moves on a global marketplace. And since we use one-fourth of the world's oil, our 50-year supply at only 2 percent growth rate will last the world just one-fourth of 50, or 12½ years.

So the coal is there. It is the most readily developed, unconventional fossil fuel energy source, and we need to husband it. But it is dirty. You will pay an environmental penalty if you use it without cleaning it up, or you will pay a big economic penalty if you clean it up.

Let's go back to the original chart we were looking at. And the previous speakers talked about nuclear, and indeed today we produce about 20 percent of our electricity, 8 percent of our total energy from nuclear. We could and maybe should do more. There is no energy source that is without its drawbacks. When you burn any fossil fuel, you release CO_2 into the atmosphere and that produces greenhouse effects, which might very well produce global warming. There are potential drawbacks to nuclear, but so are there drawbacks to not having enough energy for your civilization.

There are three ways in which we can get energy from nuclear materials. One of them is the lightwater reactor, which is the only kind of reactor that we have in our country that uses fissionable uranium, and there is not an inexhaustible amount of fissionable uranium in the world.

And one of the big problems in this whole dialogue is agreement on what the facts are. When I ask how much fissionable uranium remains in the world, and I guess you have to say at current use rates, I get numbers that range from 15 years to 100 years. We desperately need an honest broker to help us agree as to what the facts are so that we can have a meaningful dialogue.

I have thought a lot about this, and perhaps the National Academy of Sciences, which is highly respected and very knowledgeable, would be this honest broker. Because when we sit at the table discussing where we are and where we need to go, you can't have a rational discussion without agreeing on the facts. But nobody disagrees that there is an inexhaustible supply of fissionable uranium. So obviously at some point in a few years, or a few more years with building more nuclear power plants, and China wants to build a lot more nuclear power plants, we will run out of fissionable uranium.

And then we will have to move to the second type of energy released with nuclear fission, and that is the breeder reactor. The only breeder reactors we ever had were those that were used for producing nuclear weapons. France produces about 80 percent, 85 percent of its electricity from nuclears, and they have some breeder reactors. The breeder reactor does what its name implies, it breeds fuel, so you now will have essentially a replaceable and therefore inexhaustible amount of fuel.

But there are problems that go with the breeder reactor. It has waste products that you have to somehow store away for maybe one-quarter of a million years. Now, we have only 5,000 years of recorded history. It is hard for us to imagine one-quarter of a million years. Something that is so hot that I have to store it away somewhere for one-quarter of a million years I think ought to have enough energy in it that we ought to be able to do something productive with that energy. As a matter of fact, the usual nuclear power plant gets only a tiny percentage of all the potential energy out of the nucleus.

So I would like to challenge our engineers to look at a way to make something good out of what is now a big problem when you have breeder reactors, and that is a byproduct that you need to store away for very long time periods.

The second type of nuclear energy release is what is called fusion. And we have a great fusion reactor; it is called our Sun, which is a mediocre star over near one end of the Milky Way. By the way, if you go someplace where the air is not so polluted and you look up at night, you can see across the sky that great Milky Way. It looks like you have taken a brush across the sky. There are just billions and billions of stars out there.

□ 2200

All of the stars are the equivalent of our sun, by the way. Nuclear fusion, power plants, if you will, and we are kind of a mediocre one near one end of the Milky Way.

We invest about $250 million a year in nuclear fusion. I happily support that. I wish there was a technology out there to and a technologist to use more money. I would happily vote for that. But if you think that we are going to solve our energy problems with nuclear fusion, you probably have some confidence you are going to solve your personal economic problems by winning the lottery. The gamble is about the same.

I think there are huge, huge engineering challenges with nuclear fusion. We have been working for many years, and we are always about 20–30 years away from a solution. We have been 20–30 years away from a solution for the last 20–30 years. We may get there. But it is not the kind of thing that you would want to bet the ranch on. By the way, we are home free if we get that. That would be an inexhaustible source of energy, essentially pollution free except for thermal pollution.

I would like to talk about thermal pollution in our power plants. We have had the luxury in this rich country we live in to put our nuclear power plants away from where we live, and the heat energy that comes out of them, we dissipate. If you drive, you see the big cooling towers for the nuclear power plants. What we are doing is we are evaporating drinking water to cool these power plants.

Almost everywhere else in the world, whether it is nuclear or coal, no matter what it is, unless it is hydro, then it is where the water is, but every other power plant is pretty much in the city right where people live, and they use the heat from that for what they call district heating. They pipe it to homes and businesses, and they use it in the wintertime to heat. In the summertime, you can use the heat to cool by the ammonia refrigeration, ammonia cycle refrigeration system, which used to be very popular in this country. But now you have to buy one from Argentina if you want one, for some reason. They have no moving parts and last a very long time. You can get cooling out of heat. So you can both heat and air conditioning with the excess heat from these power plants if you simply sited them nearer where people live.

Once you have used these finite resources, and they are finite, except for the nuclear that we have discussed. The others are finite. They will not last forever, then we will have only the true renewables left. They are such things as solar and wind and geothermal. This is true geothermal.

You may have people talk to you about geothermal and they are talking about connecting your heat pump to the earth or a well. What you are doing with your heat pump in the summertime, your air conditioner is really trying to heat up the outside air, that is how it cools the inside. And in the wintertime, your heat pump is keeping you warm by trying to cool down the outside air.

If you are working against groundwater, and here it is about 56 degrees, groundwater looks very cool in the summertime, and it looks very warm in the wintertime. I remember as a little boy we had a springhouse on our farm, and that is where our food was kept cool. I used to wonder how does that happen.

In the summertime I went into the springhouse and it was so cool. And in the wintertime, it felt so warm. Of course it was essentially the same temperature. But in contrast with the hot summer air it felt cool, and in contrast with the cold winter air it felt warm.

True geothermal is where we are connected to the heat from the molten core of the Earth. If you have been to Iceland, there is not a chimney in all of Iceland because they have geothermal and they get all of their heat sources from that.

Several places in our country we can tap that, and wherever we can we should. It is not really inexhaustible. The molten core of the Earth will not be there forever, but it will be there for millions and millions of years, so from our perspective that is an inexhaustible source of heat so we include it under renewables.

Then we have a number of sources of energy from the oceans. There is huge potential from the oceans. The tides, and by the way, the tides are one of the few energy sources that are not either the direct or indirect result of the sun. All of the fossil fuels that we are burning, gas and oil, and all of these tar, sands and oil shale were all produced by organic material that grew because the sun was shining a very long time ago.

I knew that when I was a little boy for coal because we lived on a farm in western Pennsylvania, and there was a coal mine on our farm. There had been a cave-in and they simply took the mules and the people out an air shaft that had a walkout slope, and so there was still some coal left. There was not enough to open the mine, but we partnered with a miner from the local town but he opened the mine and they drug coal with a pick and a shovel and a wheelbarrow. So we had what was called run-a-mine coal. We had a coal furnace, as did everybody in western Pennsylvania. Some of the lumps were too big to get in the furnace. Leaning against the cellar wall was a sledge hammer. If the lump was too big, you would break it. I remember breaking those lumps of coal and they would break open and there would be the imprint of a fern leaf. I still get a chill when I think about that.

Here I am looking at something that grew who knew how many eons ago. So I knew very well where coal came from, it came from vegetation that had fallen and was overlaid with Earth.

You can see coal in the process of production, by the way, in the bogs of England. It is not yet coal but it is on the way to coal. And if you take it out, it will burn.

The sun produces most of the energy that you can get from the oceans. It produces thermal gradients. It produces the waves. How does it do that, by producing wind. The wind is the result of the differential heating of the Earth, and that therefore is sun driven.

There is one big potential source of energy in the ocean that is not sun generated, and that is the tides. They are generated by the gravitational pull of the Moon, which lifts the whole ocean 2 to 3 feet.

Can you imagine the incredible amount of energy it takes to lift three-fourths of the earth's surface 2 or 3 feet a day. We have tried to get meaningful energy from the tides without a whole lot of success, and it is simply because they are so disperse. There is an old axiom, energy or power to be effective must be concentrated, and the tides are anything but concentrated. They are spread over huge, huge expanses.

We get some meaningful energy from the tides in the fjords where because of funneling effects you may have a 60-foot tide. You let it come in and then you wall it off and let it flow out through a generator when the tide goes out.

There is another potential source of energy from the oceans, it is not really oceans but you find most of it there, and that is gas hydrites. There is more potential energy in the gas hydrites I understand than in all of the fossil fuels in all of the Earth, but we have been singularly unsuccessful in trying to collect those little nodules of gas hydrites and get the energy from them because they are dispersed largely on the ocean bottom over enormous expanses of the ocean. Well, these are all challenges. And one day when energy becomes less and less available from fossil fuels and more and more expensive, some of these other sources will be more exploitable.

And then the agricultural resource, and let me put the next chart up here.

I would like to start on the left-hand side of this because it really shows us where we are and the challenges we face. We are very much like the young couple whose grandparents have died and left them a pretty big inheritance, and so they have established a life-style, pretty lavish life-style where 85 percent of the money they spend comes from their grandparents' inheritance and only 15 percent, some people will say 14, 15 percent comes from their income. They look at how old they are and how much they are spending, gee, it is going to run out before they die, before they retire, as a matter of fact. So they obviously have to do one of two things, or both: They have to make more money or spend less money. That is pretty much where we are with energy.

Three-fourths of all of the energy that we use comes from fossil fuels: Petroleum, natural gas, and coal.

Only 15 percent of it comes from something other than fossil fuels. Eight percent comes from nuclear power, and that is 8 percent of our total energy. Nuclear power represents 20 percent of our electricity. If you don't like nuclear power, imagine when you go home tonight that every fifth business and every fifth home doesn't have any electricity because that's what the picture would be if we didn't have nuclear power. So 8 percent. And this is data from 2000. It is a little different because we have been trying to do something since then.

Seven percent of the energy represents the true renewables, like solar and wood and waste and wind, conventional hydro. Agriculture, here we have alcohol fuel and then the geothermal that we talked about where you are truly tapping into the heat from the molten core of the Earth.

These numbers would have to be a little bigger now, but they would have to be a lot bigger to be relevant because in 2000, solar was 0.07 percent. That is trifling. It has been growing at 30 percent a year so it is several times larger than it was in 2000. But still, it is minuscule compared to the 21 million barrels of oil that we use per day.

And 38 percent of this comes from wood and that's largely the paper and timber industry burning waste product.

Then a very interesting one, waste to energy. A lot of people look at the incredible amount of waste we have and say if we could just burn that waste, we could get a lot of energy from that. That's true.

As you go up into Montgomery County, they have a very nice one, I would be proud to have it beside my church. You don't even know it is a waste to energy power plant. It is a nice looking building and the train or the truck comes in and the waste is all in containers and you don't even see it.

But let me remind you that almost all of this waste is the result of profligate use of fossil fuel energy. What you are really doing when you burn that waste to produce electricity is you are kind of burning secondhand fossil fuels because that's what was used to produce this waste. In an energy deficient world, there will be far, far less waste because waste is a by-product of large energy use, and in an energy-deficient world we would be using nowhere near as much energy.

Wind. Wind is really growing. Our previous hour talked about wind. The wind machines today are huge. You may see the blades for them go down the highway. They may be 60 feet long, as big as an airplane wing. They are huge, and produce megawatts of electricity. They are producing them at about 2.5 cents a kilowatt hour.

By the way, because we did not have the proper incentives in our country, we have now forfeited the manufacture of this product. Almost all I understand of the new big what I think are handsome wind machines are made overseas. Most are made in Denmark.

The cheapest electricity costs several times the 2.5 cents a kilowatt hour, so wind machines are now really competitive with other ways of producing electricity.

There are a lot of siting problems, a lot of nimby kinds of reactions. That is, not in my backyard. My wife says these are really bananas, build absolutely nothing anywhere near anybody, she says is the attitude of many of these people.

You know, pretty is as pretty does, and if your alternative is shivering in the dark in an energy deficient fossil fuel world, that may be what we are coming to, and wind machines may start to look a whole lot better. I know some people who live along the coast would mind wind machines if they couldn't see them, so they are trying to site them out in the ocean beyond the horizon so they won't see the wind machines.

□ 2215

Conventional hydroelectric. You see, that is the biggest sector of these renewables. We have about maxed out on that. We have dammed every river we should have dammed and maybe some we shouldn't. The migratory path of fishes, and I saw a big article the other day about eels, we are now building some ladders so that eels, which are snake-like fish, can get back to their spawning grounds, but there is a huge potential, I understand, maybe as big as that, from something called microhydro. And that is using the water flow and drop in small streams. And there you can use it without the big impacts on the environment that you have when you dam up a big river.

By the way, if you have dammed that river up for water for a downstream city, that will become less and less effective as it gradually fills in with silt, and it will. And by and by, who knows how many years later, there will be little water there because it will be mostly filled with silt that came down from further up in the watershed.

If you are just interested in electricity, it still, when it comes over the dam, falls the same distance. So that silting in won't really effect how much electricity you can produce, but it will affect how much you can vary the height of the reservoir so as to always maintain some reserve for producing the electricity.

I would like to spend a few moments talking about energy from agriculture. There is an awful lot of hype about energy from agriculture. I read the other day, and I don't know why it took us so long to find this, but in 1957, 50 years ago this year, Hyman Rickover, the father of the nuclear submarine, gave a talk to a group of physicians. It is an incredible speech. He was so prophetic. He understood that gas and oil were not forever. That, I think, is obvious.

Maybe it is because I am a scientist, but probably 40 years ago I started asking myself the question, you know, since gas and oil obviously are finite, they are not infinite, they will not last forever, at what point do we need to start being concerned about what is left? Is it a year, 10 years, 100 years, 1,000 years? I didn't know when I first started asking this question. But I knew that at some point in time the world would have to start thinking about, gee, what do we do when gas and oil and coal are gone? Because one day gas and oil and coal will be gone.

So there is a lot of hype about energy from agriculture. But Hyman Rickover, very, very astutely observed that as our population increased, the ground would be more used for producing food than it would be something you burned or fermented. And he also noted, talking about biomass, that biomass might be more valuable returning it to the soil so that you still had soil rather than taking it off to either burn or ferment.

We will get some energy from agriculture, but every bit of corn you use to make ethanol is corn that is not used as a food. We are well fed in this country, many of us more than well fed, but tonight, about 20 percent of the world will go to bed hungry. But as our population continues to increase, there will be less and less opportunity to use agriculture products for energy rather than food.

By the way, there is one way we could free up a lot of agricultural products for energy. If you will eat the corn and the soybeans rather than the pig and the cow that ate the corn and the soybeans, then you could free up a lot of corn for ethanol and soybeans for biodiesel. The animal breeder may brag he has a pig or a chicken that is so efficient that three pounds of corn will make one pound of pig. That is true. But that is three pounds of dry corn and one pound of wet pig; maybe 90 percent dry matter in the corn and for sure 70 percent water in the pig. And you can't eat his bones.

And so on a dry matter to dry matter basis, it takes at least 10 pounds of dry matter in corn to make one pound of dry matter in the pig or the chicken, and probably 20 in the steer. You get very much more efficient conversion of these grains and beans into good food if you use milk.

A cow will today produce 20,000 pounds of milk in a year with a ton of dry matter. She doesn't weigh a ton, but you have a ton of dry matter in her milk for the year, which has very high food value. There is no protein that is as good as milk protein. We determine the quality of protein by feeding young rats. It may not be complimentary that the animal has dietary requirements nearer us than any other, rats, but they do. And they are also omnivorous. And we determine how good their protein is by how fast young rats grow.

If you assign a value of 100 to milk protein, eggs come in at about 96, and the meats on down. And that shouldn't surprise you. God or nature, or whoever you think did it, obviously designed milk to grow young animals. A 100-pound sheep will put a pound each on twin lambs just from her milk. Enormously efficient. And eggs are very efficiently produced compared to producing the chicken that you eat.

So we can free up a lot of these food crops for energy if we will simply eat the food crops rather than processing them through animals.

The next chart shows one of the challenges in producing ethanol. Indeed, there are some scientists who believe that we use more energy in producing ethanol, more fossil fuel energy in producing ethanol than we get out of it. I hope they are wrong. I believe that it can be possible. But even after you have made the ethanol, you still have all of the protein and all of the fat left in the corn, and that is pretty good feed.

Just an observation about what we eat and give to our animals. If you go to the Orient, the main protein source there for people is what is called tofu, and that is soybean protein. In this country, we take the soybean and we express the oil, which is the least valuable nutritionally, and we use the oil and we feed what is left of it to our pigs and chickens. No wonder that they are healthier than many of us.

Here is a little comparison of the energy inputs in producing ethanol and in producing gasoline. Obviously, you expend some energy. You don't get all the energy from the oil in your gas tank. You expend some of that in drilling it, in pumping it, transporting it, refining it and hauling it to the service station, and so forth. So you use 1.23 million Btu's to get 1 million Btu's.

Well, what is the story with corn? Now, you have a lot of free energy with corn. You have the solar energy, the photosynthesis that makes the corn grow. And this is about as good as it is going to get. To get 1 million Btu's of energy out of corn, you are going to have to spend about three-fourths of a million Btus in growing the corn, harvesting it, processing the ethanol, and so forth.

Down at the bottom here is a very interesting pie chart, and it shows something that very few people know, and that is that almost half the energy that goes into producing corn comes from nitrogen fertilizer, which is now made from natural gas. So this is a fossil fuel input. This is all fossil fuel input, by the way.

You just go around this little pie here and you are talking about mining the potash, and mining the phosphate, and mining the lime that makes the soil sweeter so that the nutrients can be absorbed. The diesel fuel in the tractor, the gasoline, the liquid propane gas, the electricity you use is produced by fossil fuels. The natural gas you use for drying your crops, for instance, the custom work, the guy you hire to come.

And then all of the chemicals, something that we rarely, rarely reflect on. Gas and oil are huge feedstocks for a very important petrochemical industry. Most of our insecticides, most of our herbicides and so forth are made from gas and oil. And this is the contribution they make to growing corn. It is really, really quite large there, isn't it?

I have been told that 13 percent of our corn crop would displace 2 percent of our gasoline. But the only fair way to look at the contribution ethanol can make is to grow corn with energy from corn, and you can do that. But if you grow corn with energy from corn, to get a bushel of corn to use here, you have to use three bushels of corn. Remember, the 750,000 Btu inputs to get a million? You need three bushels going in to get one out, which means that it is one to four. You only get a fourth of it out, which means that you are going to have to use 52 percent of your corn crop to displace just 2 percent of our gasoline.

So when you are hearing the euphemistic projections of how much of our gasoline we are going to displace with ethanol, just remember these numbers.

Now, some people are even more enthusiastic about what is called cellulosic ethanol. Cellulose and lignin, particularly cellulose, we can't digest. It is made up of a whole long string of glucose molecules, which is a simple sugar; half of what we call sucrose, which is a double sugar disaccharide. But they are so tightly bound together, we don't have any enzymes in our gut which will release them. And neither does any other animal, by the way.

So, gee, you might say, how do cows, sheep, goats, horses, and guinea pigs make do eating grass and hay? They make do because they have in their gut what are called comincils, animals or little critters that live in there, some of them multi-cellular, some single cells, that have chemicals, enzymes that can split the cellulose into the requisite glucose molecules and then the host simply absorbs those.

We are now able to bioengineer some little organisms that can do that. So now, when you look at the huge piles of beet pulp, look at the corn fields with all the corn fodder out there, people are saying, gee, look how much energy we could get from this agricultural waste. You can get it by burning it, or you can use it by making cellulosic ethanol from it. But, you know, topsoil is topsoil because it has organic material. It gives it tilth. Why does it have to be there? Because without the organic material, the soils can't hold the nutrients and they can't hold the water necessary for growing things. You can't grow plants in stone dust and you can't grow plants in sand. So you have to have organic material there. For a few years, we might be able to mine the organic material and still grow some crops, but there will be diminishing returns. I don't know steady state how much we can take.

Some people are euphemistic about how much we are going to get from sawgrass, prairie grass. They see it growing in huge amounts. But I suspect this year's prairie grass is growing because last year's prairie grass died and is fertilizing it. Now, we certainly can get something from this biomass, from agricultural waste and from growing trees and so forth, but it will not be enormous.

Let me give you some idea of what the challenge is. We use 21 million barrels of oil a day. Each barrel of oil has the energy equivalent of 12 people working all year. Hyman Rickover used data which showed the average family in 1957 used fossil fuel energy resulting in the equivalent of having 33, he said, full-time servants.

☐ 2230

If you have some trouble getting your mind around this one barrel of oil and 12 people working all year, and by the way, that is costing you less than $10 per person per year, think how far a gallon of gasoline or diesel fuel, I appreciate the chart from the previous hour which showed how cheap oil was. It costs considerable less than water in the grocery store, by the way. But think how far that gallon of gasoline or diesel fuel carries your car and how long it would take you to pull the car there. And that gives you some idea of the challenge we face.

Another little example: if you are a strong man and work hard all day long, I will get more work out of an electric motor for less than 25 cents' worth of electricity. Now, that may be humbling to recognize that you are worth less than 25 cents a day in terms of fossil fuel energy, but that is the reality.

There are two publications. We have only a few moments remaining. I want to go quickly through some slides here. We have two major studies, one of them is a Corps of Engineers study and these first few slides will be from their study. The second one is the big SAIC study, commonly known as the Hirsch Report. I just want to read quickly some of the things they said. These are paid for by our government. They are out there. You may be asking the question, Gee, why aren't people talking about this and why aren't we doing something about it? Good question.

This is from the Corps of Engineers: the current price of oil is in the 45 to 57 per barrel range and is expected to stay in that range for several years. When they wrote this, by the way, it was about 65. Oil prices may go significantly higher, and some have predicted prices ranging up to $180 a barrel in a few years.

Oil is the most important form of energy in the world today. Historically, no other energy source equals oil's intrinsic qualities of extractability, transportability, versatility, and cost. The qualities that enabled oil to take over from coal as the front line energy source for the industrialized world in the middle of the 20th century are as relevant today as they were then. And then this quote: In general, all nonrenewable resources follow a natural supply curve, getting more and more till you reach a peak and then falling down the other side. And they are concurring, a careful estimate of all the estimates lead to the conclusion that world oil production may peak within a few short years, after which it will decline. Once peak oil occurs, then the historic patterns of world oil demand and price cycles will cease.

And the last one from this source: Petroleum experts indicate that peaking is either present or imminent; will occur around 2005.

And now some charts from the Hirsch Report. This is very widely publicized. They concluded that we would have unprecedented risk management problems as we face the problem of transitioning from declining quantities of gas and oil and moving to alternatives. The economic, social, and political costs will be unprecedented. And then they state, We cannot conceive of any affordable government-sponsored crash program to accelerate normal replacement schedules. They said we should have started 20 years before peaking. If it is here, we are 20 years too late, aren't we?

And then this quote: The world has never faced a problem like this. There is a third report out there and that is by the Cambridge Energy Research Associates, and they believe that peaking will occur sometime in the future. And they present this little chart. This shows Hubbert's peak here, by the way, and because the actual data points didn't exactly follow his prediction, they are saying that you can't rely on his analysis. The little peak here, by the way, and the next chart will show us, that is from the Alaska oil find. Just a blip and the slide down the other side of Hubbert's peak.

And then in the couple of minutes remaining to us, the last slide we will have a chance to look at here. And this shows several predictions, depending upon whether you think the world will find enormously more oil than we now have found. And I will tell you that most of the experts that I have talked to believe we have found 95 percent of all the oil we will ever find. That is this curve. If you think we are going to double the amount of oil that we have now found, then that is this curve. And the one on top here, and by the way, they say that they don't believe in peaking, but they present this curve which shows peaking. This is unconventional oil.

Make up your own mind how much of that we are going to get, remembering the discussion we had earlier of the difficulty of getting this oil.

Mr. Speaker, we in the world face a huge challenge. I just returned from China. They are talking about post oil. They get it. I wish we did.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. LEVIN (at the request of Mr. HOYER) for today until 1:00 p.m.

Mr. RAMSTAD (at the request of Mr. BOEHNER) for today until 2:00 p.m. on account of attending a funeral.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any Special Orders heretofore entered, was granted to:

(The following Members (at the request of Mr. PALLONE) to revise and extend their remarks and include extraneous material:)

Mr. DEFAZIO, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mrs. MCCARTHY of New York, for 5 minutes, today.

Mr. MCDERMOTT, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mr. GEORGE MILLER of California, for 5 minutes, today.

Mr. STUPAK, for 5 minutes, today.

Mr. SHERMAN, for 5 minutes, today.

Mr. SCHIFF, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

(The following Members (at the request of Mr. KIRK) to revise and extend their remarks and include extraneous material:)

Ms. FOXX, for 5 minutes, today and January 19, 22, 23, 24, and 25.

Mr. GILCHREST, for 5 minutes, today.

Mr. MORAN of Kansas, for 5 minutes, today.

Mr. PENCE, for 5 minutes, today.

Mr. JONES of North Carolina, for 5 minutes, January 22, 23, and 24.

Mr. HULSHOF, for 5 minutes, today.

ADJOURNMENT

Mr. BARTLETT of Maryland. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 35 minutes p.m.), the House adjourned until tomorrow, Friday, January 19, 2007, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

318. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Fluthiacet-methyl; Pesticide Tolerance [EPA-HQ-OPP-2006-0788; FRL-8108-8] received December 27, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

319. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Zeta-Cypermethrin; Pesticide Tolerance [EPA-HQ-OPP-2006-0769; FRL-8093-6] received December 27, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

320. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Update to Materials Incorporated by Reference [PA200-4201; FRL-8249-6] received

December 27, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

321. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Amendment to Tier 2 Vehicle Emission Standards and Gasoline Sulfur Requirements: Partial Exemption for U.S. Pacific Island Territories [EPA-HQ-OAR-2006-0363; FRL-8263-4] (RIN: 2060-AN66) received December 27, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

322. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Maryland; PM-10 Test Methods [EPA-R03-OAR-2006-0904; FRL-8264-8] received December 27, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

323. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Revisions to the Nevada State Implementation Plan; Requests for Rescission [EPA-R09-OAR-0590; FRL-8260-1] received December 27, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

324. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Tennessee: Approval of Revisions to the Knox County Portion of the Tennessee State Implementation Plan [EPA-R04-OAR-2004-TN-0004, EPA-R04-OAR-2005-TN-0009, EPA-R04-OAR-2006-0532, 200607/17(a); FRL-8256-6] received December 27, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

325. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Tennessee: Approval of Revisions to the Knox County Portion of the Tennessee State Implementation Plan [EPA-R04-OAR-2006-0577-20062 (a); FRL-8265-4] received December 27, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

326. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Tennessee: Approval of Revisions to the Knox County Portion of the Tennessee State Implementation Plan [EPA-R04-OAR-2005-TN-0009, EPA-R04-OAR-2006-0471, EPA-R04-OAR-2006-0532, 2006014(a); FRL-8265-8] received December 27, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

327. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — National Emission Standards for Hazardous Air Pollutants for Source Categories From Oil and Natural Gas Production Facilities [EPA-HQ-OAR-2004-0238; FRL-8254-1] (RIN: 2060-AM16) received December 27, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

328. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — National Emission Standards for Hazardous Air Pollutants: Shipbuilding and Ship Repair (Surface Coating) Operations [EPA-HQ-OAR-2004-0357; FRL-8264-2] (RIN: 2060-AO03) received December 27, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

329. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Regulation of Fuels and Fuel Additives: Extension of the Reformulated Gasoline Program to the East St. Louis, Illinois Ozone Nonattainment Area [EPA-HQ-OAR-2006-0841; FRL-8261-9] received December 27, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

330. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, Imperial County Air Pollution Control District and South Coast Air Quality Management District [EPA-R09-OAR-2006-0876; FRL-8258-8] received December 27, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

331. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, Imperial County Air Pollution Control District [EPA-R09-OAR-2005-CA-0011, FRL-8289-9] received December 27, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

332. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Unregulated Contaminent Monitoring Regulation (UCMR) for Public Water Systems Revisions [Docket No. OW-2004-0001; FRL-8261-7] (RIN: 2040-AD93) received December 27, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Filed on January 2, 2007]

Mr. BARTON of Texas: Committee on Energy and Commerce. Report on the Activity of the Committee on Energy and Commerce for the 109th Congress (Rept. 109–751). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. GORDON:

H.R. 547. A bill to facilitate the development of markets for alternative fuels and Ultra Low Sulfur Diesel fuel through research, development, and demonstration and data collection; to the Committee on Science and Technology.

By Mr. DeFAZIO (for himself, Mr. Michaud, Mr. Allen, Ms. Lee, Ms. Jackson-Lee of Texas, Ms. Slaughter, Ms. Kaptur, Mr. Welch of Vermont, Mr. Costello, Ms. Sutton, Mr. Hinchey, Mr. Hall of New York, Mr. Lipinski, Mr. Melancon, Mr. Wu, and Mrs. Tauscher):

H.R. 548. A bill to establish a Congressional Trade Office; to the Committee on Ways and Means.

By Mr. CAMP of Michigan (for himself, Mr. Tanner, and Ms. Pryce of Ohio):

H.R. 549. A bill to amend the Internal Revenue Code of 1986 to increase, extend, and make permanent the above-the-line deduction for certain expenses of elementary and secondary school teachers; to the Committee on Ways and Means.

By Mr. McNULTY (for himself and Mr. Camp of Michigan):

H.R. 550. A bill to amend the Internal Revenue Code of 1986 to extend the investment tax credit with respect to solar energy property and qualified fuel cell property, and for other purposes; to the Committee on Ways and Means.

By Mrs. DAVIS of California (for herself, Mr. Herger, Ms. Zoe Lofgren of California, Ms. Roybal-Allard, Ms. Woolsey, Mr. Cardoza, Ms. Matsui, Mr. Farr, Mrs. Tauscher, Mr. McNerney, Mr. Schiff, Mr. Honda, Mr. Costa, Mr. Filner, Mr. Bilbray, Mr. Calvert, Mr. Waxman, Mr. Berman, and Mr. Lantos):

H.R. 551. A bill to amend the Internal Revenue Code of 1986 with respect to the eligibility of veterans for mortgage bond financing, and for other purposes; to the Committee on Ways and Means.

By Mr. LEWIS of Georgia (for himself and Mr. Pickering):

H.R. 552. A bill to amend title XVIII of the Social Security Act to provide coverage for cardiac rehabilitation and pulmonary rehabilitation services; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. BIGGERT (for herself, Mr. Rogers of Michigan, Mr. Ehlers, Mr. Gutierrez, Mr. Levin, Ms. Kaptur, Mr. McCotter, Mr. Petri, Mr. Hoekstra, Mr. Higgins, Mr. Lipinski, Mr. Dingell, Mr. Kirk, Mr. Walsh of New York, Ms. Slaughter, Mr. Kildee, Mr. Camp of Michigan, Mr. Conyers, Ms. Sutton, Mr. Stupak, Mrs. Miller of Michigan, Mr. Reynolds, Mr. Upton, Mr. Emanuel, and Mr. McHugh):

H.R. 553. A bill to require the Secretary of the Army to operate and maintain as a system the Chicago Sanitary and Ship Canal dispersal barriers; to the Committee on Transportation and Infrastructure.

By Mr. McGOVERN (for himself and Mr. Renzi):

H.R. 554. A bill to provide for the protection of paleontological resources on Federal lands, and for other purposes; to the Committee on Natural Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RUSH (for himself, Mr. Boucher, Mr. Gutierrez, Mr. Wynn, Mr. Towns, Mr. Cleaver, and Mr. Cummings):

H.R. 555. A bill to amend the Communications Act of 1934 to require the Federal Communications Commission to prescribe rules regulating inmate telephone service rates; to the Committee on Energy and Commerce.

By Mrs. MALONEY of New York (for herself, Ms. Pryce of Ohio, Mr. Crowley, Mr. Blunt, Mr. Frank of Massachusetts, Mr. Bachus, Mr. Gutierrez, Mr. Paul, Mr. Ackerman, Mr.

BAKER, Ms. BEAN, Mrs. BIGGERT, Mr. CLEAVER, Mr. CUMMINGS, Mr. FOSSELLA, Mr. GARRETT of New Jersey, Mr. GILLMOR, Mr. AL GREEN of Texas, Mr. HINOJOSA, Ms. HOOLEY, Mr. KING of New York, Mr. KLEIN of Florida, Mr. LANGEVIN, Mr. LYNCH, Mr. MANZULLO, Mr. MCCOTTER, Mr. MEEKS of New York, Mr. GARY G. MILLER of California, Mr. MOORE of Kansas, Ms. MOORE of Wisconsin, Mrs. MYRICK, Mr. REYNOLDS, Ms. ROS-LEHTINEN, Mr. SCOTT of Georgia, Mr. SMITH of Texas, Mr. REICHERT, and Ms. WATSON):

H.R. 556. A bill to ensure national security while promoting foreign investment and the creation and maintenance of jobs, to reform the process by which such investments are examined for any effect they may have on national security, to establish the Committee on Foreign Investment in the United States, and for other purposes; to the Committee on Financial Services, and in addition to the Committees on Energy and Commerce, and Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BRADY of Pennsylvania:

H.R. 557. A bill to amend the Small Business Act to direct the Administrator of the Small Business Administration to establish a vocational and technical entrepreneurship development program; to the Committee on Small Business.

By Mr. DAVIS of Alabama (for himself, Mr. CONYERS, Mr. THOMPSON of Mississippi, Mr. BUTTERFIELD, Mr. SCOTT of Georgia, Mr. BISHOP of Georgia, Mr. CLAY, Mr. MOORE of Kansas, and Mr. COHEN):

H.R. 558. A bill to provide relief for African-American farmers filing claims in the cases of Pigford v. Veneman and Brewington v. Veneman; to the Committee on the Judiciary, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DELAHUNT (for himself, Ms. HERSETH, and Mr. INSLEE):

H.R. 559. A bill to promote renewable fuel and energy security of the United States, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Oversight and Government Reform, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DOOLITTLE:

H.R. 560. A bill to establish a pilot program to eliminate certain restrictions on eligible certified development companies; to the Committee on Small Business.

By Mr. ENGLISH of Pennsylvania:

H.R. 561. A bill to expand visa waiver program to countries on a probationary basis, and for other purposes; to the Committee on the Judiciary.

By Mr. ENGLISH of Pennsylvania (for himself and Mr. POMEROY):

H.R. 562. A bill to amend title XVIII of the Social Security Act to ensure and foster continued patient quality of care by establishing facility and patient criteria for long-term care hospitals and related improvements under the Medicare Program; to the Committee on Ways and Means.

By Mr. HUNTER (for himself, Mr. POE, Mr. JONES of North Carolina, Mr. TANCREDO, Mr. ROHRABACHER, Mr. GOODE, Mr. BURTON of Indiana, Mrs. MUSGRAVE, Mr. ROYCE, Mr. DUNCAN, Mr. BARTLETT of Maryland, Mr. HERGER, Mr. COLE of Oklahoma, Mr. BARRETT of South Carolina, Mr. CARTER, Mr. PORTER, Mr. MCCOTTER, Mr. BURGESS, Mr. GERLACH, Mr. MICA, Mr. SAXTON, Mr. DAVIS of Kentucky, Mr. SESSIONS, Mr. CANTOR, Mr. HOBSON, Mr. LAHOOD, Mr. WALSH of New York, Mr. TERRY, Ms. FOXX, Mr. HASTINGS of Washington, Mr. WELDON of Florida, Mr. BISHOP of Utah, Mr. KIRK, Mr. ROGERS of Alabama, Mrs. MYRICK, Mr. STEARNS, Mr. RENZI, Mr. BONNER, Mr. BAKER, Mr. PETERSON of Pennsylvania, Mr. EVERETT, Mr. CANNON, Mrs. CUBIN, Mr. SHADEGG, Mr. SHIMKUS, Mr. COBLE, Mr. ENGLISH of Pennsylvania, Mr. GILCHREST, Mr. HAYES, Mr. LEWIS of Kentucky, Mr. ROGERS of Kentucky, Mr. DAVID DAVIS of Tennessee, Mr. PEARCE, Mr. GINGREY, Mr. GARY G. MILLER of California, Mr. LOBIONDO, Mr. TIBERI, Mr. WHITFIELD, Mr. LATOURETTE, Mr. YOUNG of Florida, Mrs. BLACKBURN, Mr. PITTS, Mr. SMITH of New Jersey, Mr. SULLIVAN, Mr. MANZULLO, Mr. MCHUGH, Mr. WILSON of South Carolina, Mr. MCKEON, Mr. AKIN, Mr. KINGSTON, and Mr. TIAHRT):

H.R. 563. A bill to vacate further proceedings in the prosecution of certain named persons; to the Committee on the Judiciary, and in addition to the Committee on Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. JEFFERSON:

H.R. 564. A bill to amend the Small Business Act to ensure that when a small business participating in the 8(a) business development program is affected by a catastrophic incident, the period in which it can participate is extended by 18 months; to the Committee on Small Business.

By Mr. JEFFERSON:

H.R. 565. A bill to amend the Small Business Act to improve the availability of disaster loans to individuals and businesses affected by catastrophic incidents; to the Committee on Small Business.

By Ms. EDDIE BERNICE JOHNSON of Texas (for herself, Mr. LEWIS of Georgia, Ms. CORRINE BROWN of Florida, Mr. BUTTERFIELD, Mr. CUMMINGS, Mr. JEFFERSON, Mr. PAYNE, Mr. BISHOP of Georgia, Ms. JACKSON-LEE of Texas, Mr. EDWARDS, and Mr. WYNN):

H.R. 566. A bill to waive the time limitations specified by law for the award of certain military decorations in order to allow the posthumous award of the Medal of Honor to Doris Miller for actions while a member of the Navy during World War II; to the Committee on Armed Services.

By Ms. EDDIE BERNICE JOHNSON of Texas (for herself, Mr. YOUNG of Alaska, Mr. LAMPSON, Mr. MOORE of Kansas, Mr. ENGEL, Mrs. MCCARTHY of New York, Mr. CONYERS, Mr. FRANK of Massachusetts, Ms. LEE, Ms. HIRONO, Mr. ORTIZ, Mr. BERMAN, Mr. HARE, Mr. POMEROY, Mrs. CAPITO, Mr. RANGEL, Ms. JACKSON-LEE of Texas, Ms. BORDALLO, Mr. COHEN, Ms. SCHAKOWSKY, Mr. FORTENBERRY, Ms. HARMAN, Mr. MILLER of Florida, Mr. CUELLAR, Mr. LEWIS of Kentucky, Mr. MCCAUL of Texas, Mr. HINOJOSA, and Mr. BISHOP of New York):

H.R. 567. A bill to ensure Pell Grant eligibility for any student whose parent or guardian died as a result of performing military service in Iraq or Afghanistan after September 11, 2001; to the Committee on Education and Labor.

By Mr. MATHESON (for himself, Ms. GINNY BROWN-WAITE of Florida, Mr. FRANK of Massachusetts, Mr. DAVIS of Kentucky, Ms. WATERS, Mrs. BIGGERT, and Mr. GARY G. MILLER of California):

H.R. 568. A bill to amend section 255 of the National Housing Act to remove the limitation on the number of reverse mortgages that may be insured under the FHA mortgage insurance program for such mortgages; to the Committee on Financial Services.

By Mr. PASCRELL (for himself, Mr. CAMP of Michigan, and Mr. CAPUANO):

H.R. 569. A bill to amend the Federal Water Pollution Control Act to authorize appropriations for sewer overflow control grants; to the Committee on Transportation and Infrastructure.

By Mr. ROGERS of Michigan (for himself, Mr. FOSSELLA, Mr. MCCAUL of Texas, Mr. HAYES, Mr. SHIMKUS, Mr. EHLERS, Mr. KNOLLENBERG, and Mr. MCCOTTER):

H.R. 570. A bill to provide grants from moneys collected from violations of the corporate average fuel economy program to be used to expand infrastructure necessary to increase the availability of alternative fuels; to the Committee on Energy and Commerce.

By Mr. TANCREDO:

H.R. 571. A bill to require additional tariffs be imposed on products of any nonmarket economy country until the President certifies to the Congress that the country is a market economy country, and to direct the Secretary of the Treasury to deposit the amounts generated from those tariffs into the Social Security trust funds; to the Committee on Ways and Means.

By Mr. TOWNS:

H.R. 572. A bill to establish the Comprehensive Immigration Reform Commission; to the Committee on the Judiciary.

By Mr. VISCLOSKY:

H.R. 573. A bill to amend the Act entitled "An Act to provide for the establishment of the Indiana Dunes National Lakeshore" to clarify the authority of the Secretary of the Interior to accept donations of lands that are contiguous to the Indiana Dunes National Lakeshore, and for other purposes; to the Committee on Natural Resources.

By Mr. WHITFIELD:

H.R. 574. A bill to ensure the safety of residents and visitors to Lake Barkley, Kentucky, and to improve recreation, navigation, and the economic vitality of the lake's region, the Army Corps of Engineers, together with any other Federal agency that has the authority to change the pool elevation of such lake, shall establish a pilot program to maintain the pool elevation of such lake at 359 feet until after the first Monday in September; to the Committee on Transportation and Infrastructure.

By Mr. TANCREDO:

H.J. Res. 19. A joint resolution proposing an amendment to the Constitution of the United States to establish English as the official language of the United States; to the Committee on the Judiciary.

Ms. EDDIE BERNICE JOHNSON of Texas (for herself, Mr. DAVIS of Illinois, Mr. RANGEL, Mr. GORDON, Mr. COSTELLO, Mr. ROHRABACHER, Ms. NORTON, Mr. EHLERS, Ms. JACKSON-LEE of Texas, Ms. KILPATRICK, Mr. HOLT, and Ms. MATSUI):

H. Con. Res. 34. Concurrent resolution honoring the life of Percy Lavon Julian, a pioneer in the field of organic chemistry research and development and the first and only African American chemist to be inducted into the National Academy of Sciences; to the Committee on Science and Technology.

By Ms. LEE (for herself, Mrs. CHRISTENSEN, Ms. WATERS, Mr. TOWNS, and Ms. KILPATRICK):

H. Con. Res. 35. Concurrent resolution supporting the goals and ideals of National Black HIV/AIDS Awareness Day; to the Committee on Energy and Commerce.

By Mr. TANCREDO:

H. Con. Res. 36. Concurrent resolution recognizing the importance of Western civilization; to the Committee on Education and Labor.

By Mr. TANCREDO:

H. Con. Res. 37. Concurrent resolution expressing the sense of Congress with regard to pardoning Border Patrol agents Ignacio Ramos and Jose Compean; to the Committee on the Judiciary.

By Mr. BACA (for himself, Mr. SCHIFF, Mr. AL GREEN of Texas, Mr. BUTTERFIELD, Mr. CLAY, Ms. HARMAN, Ms. JACKSON-LEE of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. LANTOS, Ms. ZOE LOFGREN of California, Mr. MCDERMOTT, Mr. DOYLE, Mr. HONDA, Mrs. DAVIS of California, Ms. MCCOLLUM of Minnesota, Mrs. CAPPS, Ms. KAPTUR, Mr. SERRANO, Mr. ORTIZ, Mrs. NAPOLITANO, Mr. GONZALEZ, Ms. ROYBAL-ALLARD, Mr. BECERRA, Mr. FILNER, Mr. DINGELL, Ms. MILLENDER-MCDONALD, Mr. GRIJALVA, Mr. GUTIERREZ, Ms. VELÁZQUEZ, Mr. SALAZAR, Mr. RODRIGUEZ, Mr. PASTOR, Mr. CUELLAR, Mr. HINOJOSA, Ms. LINDA T. SÁNCHEZ of California, Ms. LEE, Mr. SIRES, and Mr. REYES):

H. Res. 76. A resolution urging the establishment and observation of a legal public holiday in honor of Cesar E. Chavez; to the Committee on Oversight and Government Reform.

By Mr. REHBERG:

H. Res. 77. A resolution amending the Rules of the House of Representatives to establish the Committee on Indian Affairs; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. GENE GREEN of Texas introduced a bill (H.R. 575) for the relief of Enrique Soriano, Cleotilde Soriano, and Areli Soriano; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 11: Ms. JACKSON-LEE of Texas, Mr. UDALL of New Mexico, Mr. MORAN of Virginia, and Mr. WEINER.

H.R. 14: Mr. PORTER, Mr. PRICE of Georgia, Ms. PRYCE of Ohio, Mr. GARRETT of New Jersey, Mr. MCKEON, Mr. MILLER of Florida, and Mr. COBLE.

H.R. 16: Mr. PAYNE.

H.R. 22: Mr. CALVERT and Mr. BROWN of South Carolina.

H.R. 25: Mr. MORAN of Kansas.

H.R. 65: Mr. HINOJOSA, Ms. WOOLSEY, Mr. SHUSTER, Mr. LEWIS of Kentucky, Mr. AL GREEN of Texas, Mr. CHANDLER, and Mr. HIGGINS.

H.R. 83: Mr. MCCOTTER.

H.R. 89: Mrs. DAVIS of California.

H.R. 101: Mr. STARK and Mr. HASTINGS of Florida.

H.R. 129: Mr. SIRES.

H.R. 130: Mr. SIRES.

H.R. 136: Mr. GARY G. MILLER of California.

H.R. 137: Mr. ANDREWS, Mr. COBLE, Mr. LARSEN of Washington, Mr. MCNERNEY, Mr. COURTNEY, Mr. BACHUS, and Mr. BRADY of Pennsylvania.

H.R. 161: Mr. GRIJALVA and Mr. GONZALEZ.

H.R. 180: Mr. ALLEN and Mr. MILLER of North Carolina.

H.R. 192: Mr. TERRY.

H.R. 196: Mr. SALAZAR and Mr. LEWIS of Kentucky.

H.R. 206: Mr. GRIJALVA.

H.R. 211: Mr. CAMP of Michigan.

H.R. 237: Mr. PEARCE.

H.R. 278: Mr. RUSH, Mr. INSLEE, Mr. BRALEY of Iowa, Mr. SHIMKUS, and Mr. PETERSON of Pennsylvania.

H.R. 303: Mr. LEWIS of Kentucky and Mrs. DAVIS of California.

H.R. 312: Ms. SHEA-PORTER, Ms. CARSON, Mr. PITTS, and Mr. HINOJOSA.

H.R. 322: Mr. STEARNS.

H.R. 324: Mr. GALLEGLY, Mr. MCCOTTER, Ms. GRANGER, and Mr. PLATTS.

H.R. 327: Mr. ISRAEL, Mr. KAGEN, Mr. KLEIN of Florida, Mr. WALZ of Minnesota, Mr. MCCAUL of Texas, and Ms. CASTOR.

H.R. 336: Mrs. MYRICK.

H.R. 352: Mr. CLEAVER, Ms. WOOLSEY, and Mr. CLAY.

H.R. 353: Mr. WELCH of Vermont.

H.R. 358: Mr. MCCAUL of Texas, Ms. CASTOR, and Mr. HINOJOSA.

H.R. 373: Mr. LEWIS of Kentucky and Mr. PRICE of Georgia.

H.R. 374: Mr. LEWIS of Kentucky and Mr. PRICE of Georgia.

H.R. 379: Mr. LEWIS of Kentucky and Mr. PRICE of Georgia.

H.R. 390: Mrs. MALONEY of New York and Mr. LEWIS of Georgia.

H.R. 402: Mr. GONZALEZ, Mr. HAYES, Mr. MILLER of Florida, Mr. MCCAUL of Texas, and Mrs. DRAKE.

H.R. 433: Mr. PAYNE.

H.R. 435: Mr. CONYERS.

H.R. 439: Ms. CARSON.

H.R. 455: Ms. LEE and Mr. FILNER.

H.R. 463: Mr. BISHOP of New York and Mr. CONYERS.

H.R. 464: Mr. HINCHEY and Mr. PRICE of North Carolina.

H.R. 471: Mrs. JO ANN DAVIS of Virginia.

H.R. 472: Mrs. BIGGERT, Ms. FALLIN, and Mrs. JO ANN DAVIS of Virginia.

H.R. 488: Mr. CARNEY.

H.R. 489: Mr. MARCHANT, Mr. WESTMORELAND, Mr. BROWN of South Carolina, Mr. CAMPBELL of California, Mr. FEENEY, Mr. PRICE of Georgia, Mr. DOOLITTLE, Mr. LAMBORN, and Mr. MCCAUL of Texas.

H.R. 493: Mr. HOYER, Ms. CASTOR, and Mrs. JO ANN DAVIS of Virginia.

H.R. 502: Mr. HINOJOSA, Mr. RODRIGUEZ, and Mr. ORTIZ.

H.R. 508: Ms. SCHAKOWSKY, Mr. DAVIS of Illinois, Mr. FARR, Ms. CARSON, Ms. CORRINE BROWN of Florida, Mr. LEWIS of Georgia, Mr. STARK, and Mr. ELLISON.

H.R. 544: Mr. HINOJOSA.

H.J. Res. 1: Mr. LATHAM, Mr. EDWARDS, Mr. DENT, Mr. LATOURETTE, Mr. PEARCE, Mr. POE, Mr. WALBERG, Mr. WHITFIELD, Mr. JORDAN, and Mr. MCINTYRE.

H.J. Res. 14: Mr. MORAN of Virginia.

H.J. Res. 15: Mr. GERLACH.

H.J. Res. 18: Mr. WEXLER, Ms. CLARKE, Mr. JOHNSON of Georgia, Ms. LINDA T. SÁNCHEZ of California, and Mr. DEFAZIO.

H. Con. Res. 9: Mr. SCOTT of Georgia and Mr. HONDA.

H. Con. Res. 21: Mr. HOLT, Mr. BERMAN, and Mr. TIM MURPHY of Pennsylvania.

H. Con. Res. 33: Mr. OLVER, Ms. HIRONO, Mr. LARSON of Connecticut, Mr. GEORGE MILLER of California, Mr. MORAN of Virginia, and Mr. PRICE of North Carolina.

H. Res. 18: Ms. GINNY BROWN-WAITE of Florida and Mr. FORBES.

H. Res. 29: Mr. SNYDER, Mr. WAXMAN, Mr. MARSHALL, Mr. TERRY, Mr. VAN HOLLEN, and Mr. PORTER.

H. Res. 51: Mr. CUELLAR, Mr. SHAYS, Mr. HARE, Mr. GILLMOR, Mr. DOYLE, Mr. KING of New York, Mr. MCCAUL of Texas, and Mr. RUPPERSBERGER.

H. Res. 52: Mr. SMITH of New Jersey.

H. Res. 54: Mr. BISHOP of New York, Mr. GONZALEZ, Mr. ENGLISH of Pennsylvania, and Mr. MCHUGH.

H. Res. 59: Mrs. GILLIBRAND and Mr. KUHL of New York.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 47: Ms. MILLENDER-MCDONALD.

SENATE—*Thursday, January 18, 2007*

The Senate met at 9 a.m. and was called to order by the Honorable AMY KLOBUCHAR, a Senator from the State of Minnesota.

PRAYER

The PRESIDING OFFICER. Today's prayer will be offered by guest Chaplain, RADM Harold L. Robinson, deputy chief of Navy chaplains for Reserve matters.

The guest Chaplain offered the following prayer:

Eternal God, keep us always in awe of Your grandeur and Your great love for us. You are creator of heaven and Earth, yet You have created us in Your own image. Though we are creatures of clay and dust, You have shared Your spirit with us. We are conscious, able to distinguish good from evil, virtue from vice, selflessness from selfishness. Though these contend for mastery of our lives and we complain of the struggle, let us recall that Your gift of choice is the grandeur and greatness of our humanity. When we choose well and wisely, the hosts rejoice with the psalmist and declare: You have made us just a little less than divine and crowned us with glory and honor.

We pray today for all Your creatures. May peace and good will obtain among all the inhabitants of all lands, most especially our own. We pray fervently for our great Nation and for all whom the people have set in authority. Guide and bless this Chamber and the Senators who here serve You. May each of them be enlightened with Your wisdom and sustained with Your love.

We pray, too, for those who serve us in harm's way: sailors, soldiers, marines, airmen, and coastguardsmen who willingly sacrifice the protection and comfort of home and family to defend our safety and our security. We pray also for their loved ones left at home, family and friends whose daily vigil is the worry for their warrior's wellbeing. Eternal God, we pray for warrior and worrier alike. Keep them under the protecting shadow of Your wing.

Dear God, make each of us more worthy messengers of Your will, that together we might make real the ancient dream that justice shall flow down like waters and righteousness like a mighty stream and our world be perfected under Your unchallenged rule.

Eternal God, bless us and protect us. Look favorably upon us and be gracious to us. Take notice of us and grant us the blessing of peace.

And let us join in saying Amen.

PLEDGE OF ALLEGIANCE

The Honorable AMY KLOBUCHAR led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, January 18, 2007.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable AMY KLOBUCHAR, a Senator from the State of Minnesota, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Ms. KLOBUCHAR thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

MEASURE PLACED ON THE CALENDAR—H.R. 391

Mr. REID. Madam President, it is my understanding that H.R. 391 is at the desk and is due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will read the bill for the second time.

The assistant legislative clerk read as follows:

> A bill (H.R. 391) to authorize the Secretary of Housing and Urban Development to continue to insure, and to enter into commitments to insure, home equity conversion mortgages under section 255 of the National Housing Act.

Mr. REID. I object to any further proceedings at this time.

The ACTING PRESIDENT pro tempore. Objection is heard. The bill will be placed on the calendar.

PARTY INSTITUTES

Mr. REID. Madam President, many years ago the Congress created the party institutes to do development work across the world, building democratic institutions from Eastern Europe, Asia and Africa, to the Middle East. They have come such a long way in the time since they were created. Their workers serve in extremely tough and very dangerous situations and conditions. JOHN MCCAIN has been chairman of the International Republican Institute, and Madeleine Albright chairs the National Democratic Institute for International Affairs. We appreciate so much the work and service both these institutes perform throughout the world in developing and creating democracies.

I am so sad to report that yesterday in Baghdad a convoy carrying a team of NDI employees was attacked and four NDI employees were killed, including one American. This tragedy is a reminder that we have sacrifices of all kinds being made on behalf of democracy across the world. The Nation mourns the losses that occur in Iraq on a daily basis. Yesterday, 170 Iraqis were killed that we know of, 4 Americans. I haven't received the reports this morning on what happened last night. We also mourn for people like these gallant individuals, who were there trying to make the world a better place. Our thoughts go out to the families of these four individuals. Later today, their names will be spread across the RECORD of the U.S. Senate.

ORDER OF PROCEDURE

Mr. REID. Madam President, on the Democratic side, we have six 10-minute speeches. I ask unanimous consent that each Democratic Senator have their full time and, of course, the Republicans would have their full 60 minutes when we complete ours.

Now I ask unanimous consent that Senator SALAZAR be recognized, followed by Senator GREGG, if he is here, Senator CONRAD, Senator BENNETT, Senator DURBIN, and me, in that order.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business, with Senators permitted to speak therein for up to 10 minutes each, with the first hour under

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

the control of the majority leader or his designee and the second hour under the control of the Republican leader or his designee.

The Senator from Colorado is recognized.

OUR WESTERN HEMISPHERE

Mr. SALAZAR. Madam President, just days before the start of the 110th Congress, I had the great honor of traveling to Bolivia, Peru, and Ecuador in South America with our majority leader, HARRY REID, as well as four of my other colleagues: Senator JUDD GREGG from New Hampshire, Senator BOB BENNETT from Utah, Senator KENT CONRAD from North Dakota, and Senator DICK DURBIN of Illinois. It was a great and wonderful trip for me for a number of reasons.

First, my own view is that over the last decade, and perhaps even more, this country has not paid enough attention to our relationship with Latin America and South America. For me, there is a special bond and relationship because of my own history in the Southwest of the United States. My family founded the city of Santa Fe, NM, now 409 years or four centuries ago. So before Plymouth Rock was founded or Jamestown was founded, my family was already living in what is now the northern part of the State of New Mexico.

The place I come from still bears the same names that were put on those places by the Spaniards who settled northern New Mexico and southern Colorado. There is our ranch in the San Luis Valley. When you look around to the mountains to the east, those mountain ranges are called the Sangre de Cristo Mountains or the Blood of Christ range. The mountain ranges in the west at 14,000 feet are named after John the Baptist, the San Juan Mountains, and the river that runs through our ranch is called the Rio San Antonio, the Saint Anthony River. That history has always created a very special bond with our neighbors to the south in Mexico and Central America and Latin America.

When Senator REID and the delegation of six Senators went to South America, it was important for me because what we were doing as a collective group was making a strong statement to Latin America that they are our friends and that we will be working closely with Latin America to make sure that the bond and the relationship between the United States of America and those countries to the south is a bond that is strong and one that will continue.

I also was very pleased with the fact that it was a bipartisan delegation. As we met in those countries with the Presidents of Bolivia and Ecuador, it was important that we were one voice, telling the leaders of those countries that we would find ways in which we would strengthen the relationship between the United States and those countries. That signalled a friendship and mutual interest on the part of the U.S. Government to those countries, and it was very important.

I believe we need to recommit ourselves to strengthening our relationships with Latin America. I also believe our failure to do so will imperil the U.S. strategic interests in fighting terrorism, combating drugs, and helping democratic governments throughout Latin America.

Over 45 years ago, there was another Senator taking on a new role in our Nation's history in this city, and at that time he reached out to Latin America with a program that he called the Alliance for Progress. On March 13, 1961, as the Cold War was beginning to mushroom, President John Kennedy launched the Alliance for Progress—known in Spanish throughout Latin America as la Alianza del Progreso—with a vision to create a strong and united Western Hemisphere of nations. On that momentous day, President Kennedy spoke with remarkable clarity about our country's connection with Latin America. He said:

> We meet together as firm and ancient friends, united by history and experience and by our determination to advance the values of American civilization. This world of ours is not merely an accident of geography. Our continents are bound together by a common history. And our people share a common heritage—the quest for the dignity and the freedom of man.

The effort of the Alliance for Progress was not as successful as President Kennedy wished. Indeed, over the next half century, we witnessed political upheaval in many of the Latin American countries, and we saw strained relationships between the United States and some of these nations. But the Alliance for Progress did work to establish good will among the people of the Americas, and we can learn from its shortcomings as we continue to move forward.

As we enter 2007, I hope our six Senators have begun to shine a spotlight on our strategic alliance with Latin America. Under that spotlight, you will find the difficult and complex issues of international trade, immigration, and the battles we wage together against the awful scourge of drugs which affects the populations of those countries as well as ours. We also face the challenge of increasing economic opportunity and eliminating poverty in that part of the world.

Our first stop in South America was in Bolivia, which is one of the poorest countries in this hemisphere, with one of the largest indigenous populations in Latin America. We met with Bolivia's President, Evo Morales, who was sworn in in 2006 as the country's first indigenous President in its history. We spoke with President Morales about his concerns relating to coca production and our concerns about coca production in Bolivia. We also spoke to him about the interest of Bolivia in extending the Andean trade preferences agreement. I believe it was a productive dialog, but we must continue the dialog if we are to build a stronger relationship with the country of Bolivia and keep Bolivia from going down a path which ultimately will end up in opposition to the interests of the United States.

We also there met with the U.S. Agency for International Development and learned about the scope and impact of their projects in Bolivia. USAID is working to create economic opportunities and alleviate poverty, which is so important to improving the lives of the Bolivian population.

In Ecuador, we met with President Correa, who was busy preparing for his January 15 inauguration. He took time to meet with us, assembling his Cabinet and talking about the importance of the relationship between Ecuador and the United States. President Correa pledged to shut down the drug trafficking that is occurring in and around Ecuador and also raised the need to extend the Andean trade preferences program.

When we visited the LatinFlor flower farm, we saw firsthand the impact of this trade program. It is creating thousands upon thousands of jobs for the people of Ecuador and keeping people there from being recruited by drug traffickers or from having to flee poverty through illegal immigration into the United States.

In Peru, we met with President Alan Garcia. The United States and Peru have long had a strong and lasting relationship.

In fact, during World War II, as Senator REID reminded the President of Peru, Peru provided our country with the strategic materials that were necessary to carry on the war and allowed the United States to set up military bases in Peru and take the fight on in the South Pacific.

President Garcia is very interested in seeing the U.S.-Peru free trade agreement approved by the U.S. Congress. While questions have been raised about this agreement, I am hopeful and confident that we will work through those issues. I look forward to learning more about this agreement and some of the issues that have been raised by some Members about the labor and environmental provisions of the agreement. I admire President Garcia's interest in formulating fundamental and long-lasting change for the poor people of Peru, to improve education, nutrition, and basic health services.

I hope Democrats and Republicans can work together to lift all of the peoples of the Western Hemisphere to a place of hope and opportunity, including those who live in the margins to the south of us. So now it is time for the United States of America to meet the eyes of our Latin American neighbors and to ensure that the many countries sharing our hemisphere will bequeath to our children a common land and future for the people of all the Americas.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New Hampshire is recognized.

Mr. GREGG. Madam President, I also rise to discuss the recent meetings we held in South America. The nature of the meetings has been outlined by the Senator from Colorado and, obviously, the majority leader.

I think I should start by saying that I admire the majority leader for putting together the delegation—and I appreciate having participated in it—which was bipartisan. More importantly, the majority leader chose as his first outreach in the area of foreign policy, in the sense of his taking the status of majority leader of the Senate, which is a significant status, to go to these countries in South America—countries which, regrettably, we probably haven't put as much energy and effort into as we should have over the years, and countries that are important to us in a variety of ways. So I think his choice of these three nations—important nations that are major players in our neighborhood—was significant and appropriate. I appreciated the chance to participate in it.

In all three of these nations we are seeing significant change—change which I sort of sense is in a historical context of repeating, in many instances, past actions. South America has, unfortunately, had a history of going from democracy to military leadership to populace leadership and then back to democracy. These three nations have all recently held very democratic elections, and they have elected very outspoken leaders, some of whose views I agree with and some of whose I definitely do not agree with. But they are in the vortex of a movement in Central and South America involving the question of populace socialism as presented by, in part, obviously, Fidel Castro and, more recently, President Chavez of Venezuela. We have seen in that sort of a populist, socialist movement, a distinct antagonism toward democracy. In fact, Cuba hasn't had an election in 40 years. I don't know whether we will see a real election in Venezuela again in the foreseeable future. So I think it was important for us to show the American spirit, which is committed democracy, liberty, and individual rights, and having an electoral process that works—to show that spirit by coming to these three nations that recently held elections and elected new leadership.

There are a lot of issues involving these nations. Bolivia and Ecuador and Peru have significant questions relative to poverty. But there are three issues which dominate our relationship with them, which have been discussed already, and which we discussed with their leadership extensively at different levels, starting with the Presidency of those three countries. Of course, the first is the question of illegal drugs such as cocaine.

I think it is rather difficult for us as a nation to go to a country such as Bolivia, which is exporting cocaine products mostly to Europe, or Ecuador and Peru, which export it here—it is hard to go to those countries because we don't come with clean hands. Basically, we are the demand. As long as we have the demand in this Nation, which is so overwhelming, somebody is going to supply that demand. So we have put these nations at risk by us having our demand for the use of these illegal drugs, especially cocaine. I feel compassion for these nations in that we have undermined them by our Nation putting so much pressure on them regarding illegal trafficking. You have to admire their leaders.

It was great to travel with the Senator from Colorado and his wife. It was nice to have an American face that spoke pure Spanish. It gave us a presentation that immediately gave us identity with those nations. So it was wonderful to have the Senator and his wife there, especially for those of us who allegedly spoke Spanish when we were in college but never really did. Each one of these Presidents was totally committed to fighting illegal drugs. They recognize the harm it is doing to their nations. So we want to support them in that effort.

Secondly is the issue of immigration, which again, to some degree, you can understand their problem, which is that they have people who want to support their families and they come to America to do that, and a fair number come illegally. How we deal with that as a country is a big issue for us and for those nations. Money coming back into those countries as a result of Ecuadorians or Peruvians working in America and sending money back significantly contributes to their economy. They want to have the ability for their people to come here legally. We want to structure a system to help them.

The reason people are leaving those countries goes to the third issue, which is trade. They need good jobs in their country. There are products that they can provide in their countries which, in the classic context of comparative advantage, they can do better than we can. The same is true vice versa. In fact, we can do a lot of things better than they can. So open and free trade is something they want. Every one of those leaders wants open and free trade with the U.S, which is a very positive attitude on their part because we can produce more products that they need, with value added, and they can produce products we need. I suspect we will be in a surplus fairly quickly with each one of these countries if we go to a true free market. That will raise the standard of living down there, which will relieve, to some degree, the pressure for illegal immigration to the U.S.

So it works to our benefit, and not only from the standpoint of trade. One of the interesting statistics I saw in Peru was that trade from New Hampshire increased 880 percent over the last 2 years—that increase of New Hampshire-produced goods going into Peru. We started at a very low base, but a couple of corporations I am familiar with have significantly expanded economic activity in Peru and, as a result, the opportunity. So there are two pending agreements, one of which we extended, the Indian Free Trade Agreement and Drug Enforcement Act, and the other the Peruvian Free Trade Agreement. I especially think we need to address the second one.

Peru has a government that is more market oriented, that is not pursuing nationalization or quasi-nationalization of any foreign investors there, as has happened in Ecuador and Bolivia. Therefore, we should be sympathetic to that government. This agreement is not going to significantly expand issues that are international in the sense of the free trade bite, and we have those issues with China, obviously, and Southeast Asia. To the extent there are environmental and labor issues with other countries, that is not in play relative to Peru. That is not that big an economy. The Peruvian agreement has been caught up, unfortunately, in this bigger contest in the Congress, and in the popular opinion of American political culture, on the issue of the bigger issue of free trade. We should try to separate it and move the Peruvian Free Trade Agreement forward promptly, if we can, recognizing that it will significantly improve our relationship with Peru and, more importantly, be a statement in the part of the world that we need to have a statement that we are committed to market forces in the face of what is clearly not occurring in Venezuela, which is where you are seeing massive nationalization and a compression and flattening of market forces and a flattening of democratic forces, and that is an issue about which we need to be concerned.

If we can assist Peru and Bolivia and Ecuador in being more economically successful in using a market-oriented model, that is going to undermine the capacity of Venezuela to export their form of populace socialism, which in the end is going to lead, if they are successful, to undermining the quality of life throughout South and Central America.

So it was, in my opinion, a very worthwhile trip. I learned a great deal and met a lot of interesting people. We had the opportunity to meet extraordinary people who worked in our State Department. Each one is a very talented and dedicated person. The people in the Peace Corps are extraordinary. The people working in the AID and microlending projects are doing good work and, of course, the government officials of each country, including the incoming Presidents. It was very valuable. I congratulate the majority leader for pursuing it.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota is recognized.

Mr. CONRAD. Madam President, I join with my colleagues who were part of the delegation to Bolivia, Ecuador, and Peru. I also salute the majority leader, Senator REID, for making as his first trip as majority leader one to these countries in our hemisphere. I think it sent a very important signal to those countries that America is interested in them, that America cares about them, and that we want to improve relations with them. It did make an impression.

In country after country, people told us they could not remember the last time a Senate delegation from the United States had come. They could not recall a delegation of this size and this significance coming. You could tell it made an impression.

Now, why was it important to go? I believe it was important to go because, first, we see Mr. Chavez, the head of Venezuela, attempting to put together an anti-American bloc in our Southern Hemisphere. Even a casual observer can see that is being attempted.

After going to these countries and meeting with the Presidents of each—President Morales, President Correa, President Garcia, and their cabinets—meeting with our Ambassadors in each of the countries—our outstanding Ambassador to Bolivia, Philip Goldberg, our Ambassador to Ecuador, Linda Jewell, who impressed us all with her professionalism, and our Ambassador to Peru, James Struble, deeply knowledgeable, someone who has had wide-ranging experience all around the world—I can tell my colleagues that one of my impressions from this trip was the absolute excellence of our Foreign Service people in each of these countries. They were superb.

But I was also deeply impressed by how serious Mr. Chavez is about putting together an anti-American block. In one country, he is buying 30 radio stations, putting up 30 radio stations to influence public opinion. In other countries, he had interceded in the elections—some directly, others indirectly—in order to try to achieve a result. In fact, in Peru, he went so far as to openly endorse the candidate who lost to Mr. Garcia.

It is very clear, if one goes country to country—Bolivia, Peru, and Ecuador—that Mr. Chavez is working actively and, I might say, hand in glove with the Cubans, to try to influence outcomes there. We see, and have seen in recent weeks, Mr. Chavez take a series of steps, in terms of expropriation, that I think ought to send a message about his intentions.

This delegation consisted of the majority leader, Senator REID, Senator DURBIN, the majority whip, Senator BENNETT, at the time of the trip the chairman of the Joint Economic Committee, Senator GREGG, at the time of the trip chairman of the Budget Committee, and Senator SALAZAR, who really did light up the faces of people in these countries as he speaks such perfect Spanish. One could tell what a difference that makes. My wife speaks some Spanish as well. Of course, Senator SALAZAR's wife is very fluent in Spanish. One could see how it lit up people's faces when those three members of our delegation spoke Spanish.

In addition to the question of Mr. Chavez and his plans to create an anti-American bloc there were other important reasons for this trip. On trade, we have the Andean Trade Preferences Act that will expire. It was only extended for 6 months in the last Congress. Make no mistake, that Trade Preferences Act is critically important to the economies of these three countries. Literally, hundreds of thousands of jobs in those countries are at stake if the Andean Trade Preferences Act is not extended.

I know there is some controversy attached to it, but if one sees the potential outcomes of a failure to extend the Andean Trade Preferences Act, one can see that the pressure for more people to come to this country will intensify and intensify dramatically. That is not in our interest. We already have millions of people from these three countries who are in our country, many of them illegally. That is a fact. If we want millions more to come, one way to assure that is to turn a blind eye to what is needed for those countries to have a chance to suceed.

In country after country—these three countries—we learned that half the people are living on less than $2 a day. We are talking millions of people living on less than $2 a day. We saw poverty that was akin to walking back into time. People are living at a level of subsistence that is almost unimaginable, certainly unimaginable in our country. We have areas of great poverty, but to see people living literally in hovels and huts without electricity, without a clean water supply, other than a river flowing by, without sewage, without anything other than the most meager subsistence kind of life is jolting. A dramatic proportion of their populations being in that condition sends a very sobering signal about the challenge facing this hemisphere. So I think it was very important that Senator REID chose as his first trip to go to countries such as Bolivia. Bolivia is the second poorest country in our hemisphere. Only Haiti is poorer.

One of the reasons we learned that delegations are not necessarily eager to go to these countries is because they are at 13,000 feet, 11,000 feet, and it takes a little adjustment to get used to it. One spends part of the time walking around with a headache. These are not places that are the first on most people's list of where they want to go. The fact that Senator REID chose this as the first place that he would take a delegation sent an important message.

Not only do we have this challenge of Mr. Chavez in Venezuela and the question of the Andean Trade Preferences Act that runs out because it was only extended 6 months in the last Congress, we also have the free-trade agreement with Peru pending. That is a controversial matter. We understand that. In the House and the Senate, that is a controversial matter. We have been assured by the trade ambassador's office that they will seek to negotiate some of the labor provisions of that agreement in order to make it more acceptable and have a greater chance of passage. I welcome that indication from the trade ambassador's office, and I hope they pursue it aggressively.

Still another important reason for this delegation going to Bolivia, Ecuador, and Peru is, of course, most of the illicit drug traffic comes out of the Andean region. Bolivia is increasingly a factor. Most of their product has not come to the United States, as Senator GREGG indicated, but we all know that the drug trade, once it rears its ugly head, has spillover effects everywhere.

Peru, obviously, is an important drug-trafficking location, and President Garcia assured us of his absolute commitment to fight the drug trade. In fact, they told us of a commitment they had made in their budget to spend their money combating illicit drug trade in their country because they recognize the toxic and corrosive effect it will have in their society.

We should salute President Garcia for stepping to the plate and committing funds in a place that is very hard pressed for money, as we are in a different way, that they are committing their own money to combating the illicit drug trade and at some substantial risk to themselves. Let's be clear, those drug cartels are vicious, they are murderous, and they are not averse to taking lives from those who oppose them.

I want to indicate one exchange we had that I believe gives an example of why it is important to do this kind of outreach.

In Bolivia, we heard rumors, discussions that the Government there believed there was a plot by the United

States to destabilize the Morales Government. When we met with President Morales, I raised that issue with him. I said: We have heard repeatedly you have concerns that there is a move by our Government to destabilize yours. I was able to tell him that our delegation had quizzed all aspects of our Government very closely on that question before we went into the meeting with him, and we were assured in significant detail that there is no such plan by our Government to destabilize the Morales Government, that, in fact, there has been no discussion of any move to destabilize his Government.

He became very animated at that point and went through a series of examples of events that told him or at least that gave him concern that perhaps there is a plot by our Government to destabilize them. He was very specific. He talked about an American who went into the country and set off bombs in La Paz last year. He gave as a second example of American students who had taken his picture when he was with President Hugo Chavez of Venezuela. He believed that was perhaps part of an American Government enterprise to spy on him. He cited the example of his Vice President being denied boarding rights to an American airliner.

He felt all of these events were indicators—at least indicators to him—that perhaps the United States was seeking to destabilize his Government.

Ambassador Goldberg was able to go through each of these examples with him and give him answers as to why these events had nothing to do with the United States. In the case of the American who set off bombs in La Paz, this is somebody traveling on a world federalist passport, illegal documents, had nothing to do with the United States—in fact, was an unstable person and recognized as such by our Government.

On the question of the pictures being taken of President Chavez and President Morales, our Ambassador indicated that these were people who were fans of the two and were simply tourists taking pictures.

On the question of boarding being denied the Vice President on an American airline, the Ambassador was able to point out that our Government then moved to make it right by providing our aircraft so that the Vice President of Bolivia could make the trip to the United States.

I believe this trip was important in sending a signal. It was an important chance to communicate clearly and directly our interest in the region and our desire to improve relations. I am not naive. I don't think one trip is going to change the course of history. We know that there are serious challenges on our Southern border, but reaching out, talking with people, indicating that we have an interest in improving relations, sending a signal that the majority leader of the Senate, in his first foreign trip, is coming to these countries—impoverished countries, countries that are not exactly on the list of countries that people might visit—I think was important and productive.

I thank the majority leader for leading this delegation. I thank the other Members. My wife and I found it an exceptional group of people. The people who were on this delegation—Senator REID, Senator DURBIN, Senator BENNETT, Senator GREGG, and Senator SALAZAR—did an exceptional job of representing this country.

I thank the Chair and yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Utah is recognized.

Mr. BENNETT. Madam President, as we have a debate around here about ethics and congressional perks and all of the rest of those issues, I am interested to find some Members of my own party, at least in the other body, boasting that they do not even have a passport, that they are so focused on their jobs that they don't do any foreign travel at all. When I was a newly elected Senator, the then-Republican leader, Bob Dole, took me and a number of other freshmen up to New Jersey to spend a day with former President Richard Nixon. Whatever you might think of Richard Nixon, I think you might confess he had a grasp of foreign affairs that was perhaps unparalleled. And he will be remembered, along with his other problems, for his opening to China, for his level of detente with Russia, and the other things he did in the foreign affairs field.

As we sat with him, one of the first things he said to us was: You cannot do your jobs as Senators if you do not travel. You need to be overseas. You need to be in these other countries. He said: I know the press will criticize you for it, but it is essential that you do it.

I have taken his advice. I have discovered he was right. The press does criticize us for it. There were articles in the Washington Post saying: What are these people doing viewing Inca ruins on a holiday at taxpayer expense, as if the whole purpose was some kind of congressional junket. And there would sit some of my friends in the House, smug in their assurance they didn't even have a passport and they were never going to be criticized for doing this.

The fact is, Nixon was right—not only for the things we learn when we travel but also for the messages we send when we travel. The majority leader had to go over the holiday period because his schedule was so full with other demands that this was the only time he could get away. I was honored and very much pleased when he asked me to come along. The fact that he made it a bipartisan delegation demonstrates his determination to make these trips have an impact both at home and abroad. It did have an impact on the six of us who were there. We have now come back with an understanding of trade issues in ways that you could not get reading a newspaper or, as one paper said: Why couldn't he find out these facts by getting on the telephone? Well, we went to a flower farm where it was pointed out to us, and we saw specific evidence, that the efforts to raise potatoes in Ecuador or corn or wheat may sound good in a political situation, as some Ecuadorian politicians are saying, but the climate and the altitude say they should be raising flowers. It gave a flavor to the whole question of free trade around the world when we realized the most efficient place to raise corn is in the Great Plains of the United States, and the most efficient place to raise baby's breath or roses is in the high altitudes and sunshine of Ecuador.

The fellow who was running the plant said to us: All we are doing is harvesting the sunshine and sending it abroad, and these people have jobs which they would not otherwise have. And this soil and this altitude means raising corn would be crazy. So let the Americans raise corn and ship it to Ecuador, and let the Ecuadorians raise roses and ship them to us.

Being there, seeing the plant, seeing the people at work, seeing the conditions they were under is worth 10,000 phone calls to have somebody try to explain it to us. But perhaps more importantly, on the political level, what Senator CONRAD was talking about, showing up in three countries that have not seen a significant congressional delegation in anybody's memory was a big deal. The press was everywhere. We were on the front page of the newspapers. We were on all of the television stations. The Ecuadorians gave us each a Panama hat. The Panama hat is misnamed. It has always been produced in Ecuador, but for some reason it got labeled the Panama hat. I wore mine. I was not an important member of the delegation as far as title is concerned, but I got on television because I was wearing a Panama hat. The Ecuadorians took sufficient pride in that I found the cameras following me around, just to say here is a U.S. Senator who is wearing one of our local products. I don't know how much good that did, but it can't have done any harm.

Senator REID handled himself with his usual good taste and aplomb in all of the exchanges and all of the press opportunities he had. No matter how much the Presidents of some of these countries who have an anti-American background might resent the Americans, they could not, in the presence of six American Senators, including the Senate majority leader, not be impressed. They could not not be tempered in their attitudes toward the

United States. And some of these Presidents who have the reputation of anti-Americanism in the meetings with others in addition to us were very gracious, and then ultimately in the presence of these Senators, outgoing in their praise of the United States and their delight at having this kind of delegation. Every single Ambassador made it clear to us that by our being there, we made their jobs easier. We made their jobs better. We demonstrated an American interest.

I was reminded when I was there on a congressional delegation of a statement I heard from the leader of a European country who opened the conversation by chiding us and saying: It has been too long since a Senator has been here. What is the matter? Aren't we important enough for you to come?

Well, if a European country that sees Senators come through about every 6 months had that reaction when it had been over a year since a Senator came, how about a South American country that had never seen a Senator in the lifetime of that particular administration.

So, again, we who were on the trip were well served by the things we learned. I have just given one quick example. My colleagues will give others. But just as importantly, the United States was well served in terms of the impact this kind of travel made on those countries that had not seen senatorial delegations.

So I intend for the rest of my Senate career to follow Richard Nixon's advice when he said: You cannot do your job if you don't travel. And I would urge those who somehow think they can get a little cheap publicity in the United States by saying: I am above that, I don't accept all of that travel—you are being derelict in your duty.

Nixon made one other comment. He said: Yes, I know the press will criticize you, but it makes great speech material when you get home. I hope that has been the case for those of us here today from whom the Senate has heard.

The ACTING PRESIDENT pro tempore. The Senator from Illinois is recognized.

Mr. DURBIN. Madam President, let me thank my colleague from Utah for his remarks and for joining us on this trip, this official trip which Senator REID, our majority leader, put together. Senator BENNETT is correct. Members of Congress have to make a decision early in their career: Are they going to travel? I think it has been one of the most valuable experiences of my public life. I have made a point of always announcing in advance where I am going and why I am going, giving full disclosure so that people know. I can say without exception that every time I have taken a trip, carefully planned, I have come back with a better knowledge of the world and a better appreciation of our home.

I have learned things on these trips I just could not appreciate reading in a book. I have met people on these trips who have changed my life. I don't say that loosely; I mean it.

Over 15 years ago, I met a man in Bangladesh named Muhammad Yunus. We had gone to Bangladesh, one of the poorest countries on Earth. This economics professor took us out to show us that he was testing a concept from his economics class called micro credit. He believed—this professor believed—that if you loan a small amount of money to the poorest people on Earth, they would pay it back, and that that small amount of money would change their lives. A simple concept, but he was out to prove it would work, and he proved it over and over again until that concept reached 100 million people on the face of the Earth. That man was recently awarded the Nobel Peace Prize. I met Muhammad Yunus on an official trip. I have fought for micro credit ever since, and I consider him a real inspiration to my public life.

The same is true about Africa. When I finally was able to go to Africa, looking at micro credit food programs, I was hit smack dab between the eyes by the global AIDS crisis. It changed my public service. I came back and established the first bipartisan global AIDS caucus on Capitol Hill and have fought every single year to fight for more money to fight this scourge, this epidemic of AIDS. We have now put together an additional $1 billion in money added to budgets, $1 billion to be spent around the world saving lives. It has made a real difference, and it was the result of an official trip where I saw firsthand what AIDS was doing to that great continent of Africa.

So I would say to my colleagues and my critics, I believe that Members of Congress should be compelled and required to travel overseas every single year and should account for their travel and account for their refusal to travel. We have to understand that these trips help us in public service, help to project the image of our country, and help us to reach a new level of understanding with leaders around the world. This trip was no exception.

Why would we go to Bolivia, Ecuador, and Peru? Of all places on Earth, why would we go there? The first trip by the majority leader, HARRY REID, was scheduled to this region of the world, and I know that many of the leaders down there were surprised, as well, to see us. It is one of the poorest places on Earth. Bolivia is the second poorest nation in our hemisphere next to Haiti. The people there struggle to survive, the majority of them on fewer than $2 a day.

We met with indigenous Bolivian Evo Morales, now President of that country, elected in a free election. We fear that he will lean toward the Chavez model of government, and we hope he will be more open minded. This trip helped us to deliver a message. As Senator CONRAD mentioned earlier, he has misgivings about his relationship with the United States. I think what we had to say to him in our meeting with him, and Senator HARRY REID's insistence that we respect the sovereignty of his nation, was important, a very important thing for him to see.

Bolivia itself is a fascinating country in many respects—very entrepreneurial, with a sense of street justice which you don't find in many poor countries around the world. But I left there with a better understanding of the challenges facing them.

Going on to Ecuador, there was a special meeting with the President-elect, now President Rafael Correa. I felt a special attachment to President-elect Correa because in the year 2001 he received a Ph.D. in economics from the University of Illinois at Champagne-Urbana. We joked about it, and we joked about his experience living in the United States. That evening I got to meet his wife born in Belgium. She served as a special education teacher in Champagne, IL. I say that because those linkages between the United States and the new leadership of Ecuador are valuable. He saw America firsthand. He said to his friends in Ecuador: What I like about America is they don't ask you your mother's lineage. They just want to know who you are, not whether you come from some aristocratic stock.

That is a good lesson to learn in America. It is a good lesson to apply around the world. It says a lot about us and our values.

We went on to Peru as well. There aren't a lot of delegations that visit Peru. I am glad we did. President Garcia is a real friend. In World War II Peru was one of our earliest allies, and they are proud of it. Our standing with Peru as a nation couldn't be better, and it gets better by the year. It tells us, though, that we have critics around the world.

First, let me say if someone stopped me on the streets of Chicago and said: Senator DURBIN, why in the world did you go to Bolivia and Ecuador and Peru, I would ask them one question: Do you think narcotics are a problem in America? I know the answer. The answer is obvious: a big problem. Not just a problem for law enforcement but for families and children, a great expense and a great danger caused by these narcotics, and the Andean region of the world that we visited supplies 100 percent of the cocaine that comes to the United States.

When Senator REID and Senator BENNETT and others and I went to these countries, we sat down with our Ambassadors, we sat down with the Drug Enforcement Agency, we sat through classified briefings and talked about our cooperative efforts with these nations to stop this flow of narcotics.

That is a priority for this Senator, and I am sure it is a priority for many others. By meeting and encouraging these leaders to continue to cooperate with the United States, I think it is going to help to make our Nation safer. When we hear firsthand from the President of Bolivia that he believes he is being shortchanged in bilateral assistance from the United States compared to other countries, it is a legitimate point and one that we brought home and one on which we will follow through. We want to make sure the flow of narcotics is reduced. We want to make America safer, reduce drug crime, and it starts with an understanding between Senators and leaders in these countries that we have the same goals.

Let me say one thing before I turn it over to our majority leader. How do we project the image of the United States? We believe that five or six Senators bringing that message is an important part of it but a tiny part of it. When we visited Bolivia, Senator REID, I believe, asked the question: What is the presence of Cuba in Bolivia? The answer is an important one for us to reflect on. Today, out of about 20,000 medical doctors in Bolivia, 1,500 come from Cuba, another 5,000 classroom teachers come from Cuba. When we asked, in Bolivia, our Ambassador what are we doing, he said the United States is making substantial investments in infrastructure. Stop for a moment and think about it. Which version of the world, which message, will have more impact: A message delivered to a person in Bolivia in a clinic or a classroom or a message delivered on a sign next to a stretch of concrete? Not to diminish the importance of infrastructure, but the fact is those Ambassadors of Mr. Castro's view of the world are going to have an impact on the people they help far beyond what impact we will have by building this infrastructure.

Senator REID makes it a point on his trips and I make it a point on mine to meet with Peace Corps volunteers. We had great meetings in Ecuador. Some of these great American kids—I shouldn't call them kids; young men and women, some not so young—who are Peace Corps volunteers literally spent over 12 hours on an overnight bus to make it to a luncheon. We had a great time. We talked. I had a chance to meet a couple of them from the State of Illinois. Andrew Wiemers from Galesburg was one of them. We talked about the challenges we faced, and we talked about how proud we were that they were, for little or no money, giving 2 years of their lives to tell the American story by giving, by helping. They are making a difference. But around the world, there are only 7,000 Peace Corps volunteers. I think we can do more, and I think we need to do better. We can stretch ourselves and stretch our message out to parts of the world that have the wrong message of the United States.

When John Kennedy was President, he took a hard look at Central and South America for the first time, understanding that in the history of that region, many times our Government and private interests in the United States have exploited it. He created a new opportunity. He called it the Alliance For Progress. And President Kennedy's name is sacred now in this part of the world because of his recognition that they were not just our neighbors but our friends and potential allies.

We have to renew that conversation. It starts with official trips such as these. It starts when we bring our message back to the Secretary of State, Condoleezza Rice. But it can't end there. We have to make sure the legislation we consider, the policies of this country, and our relationships continue to grow.

I will say to those who criticize the official trips by Members of Congress, they don't understand the world in which we live. We have a special responsibility to learn about this world, to tell our message to people around the world and come back with our knowledge and share it with our colleagues. It is important for us as Members of Congress to spend time together in these settings. It builds friendships and alliances and relationships that on the floor of the Senate I have already seen in a few short weeks have paid off. That level of comity, that level of dialog, leads to a more civilized Senate and a better work product at the end of the day.

I thank Senator REID for inviting me to be part of this trip, and I yield the floor.

Mr. REID. Madam President, how much time does the majority leader have in morning business?

The ACTING PRESIDENT pro tempore. The majority has 5½ minutes.

Mr. REID. Madam President, I ask that the time of the minority be extended. I will complete my remarks, if not in 5 minutes, shortly thereafter. But whatever time I expend, I ask that time be given to Republicans so they have a matching amount of time.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. Madam President, I so appreciate the statements of my colleagues who traveled with me to South America. As has been indicated, Bolivia, if not the poorest country in this hemisphere, is the second poorest. You land in an airport, the highest airport in the world—13,400 feet. As my distinguished friend, the Senator from Utah, said, President Nixon said that people should travel, Members of Congress. I use as an example Ronald Reagan. Ronald Reagan was an anti-Communist, and that is an understatement, but Ronald Reagan always spoke to his enemies. But for Ronald Reagan's insistence that there be bilateral negotiations with the Soviet Union on a constant, frequent basis, I am not sure the Cold War would have ended. Not only did he personally meet with the Soviet leaders time after time, people working in his State Department were in constant contact with the Soviet Union.

Members of Congress should travel. There is no better example than these three countries to which we traveled. They are begging for the attention of the United States, and they are getting no attention. They are not begging for the attention of Venezuela and Cuba, but they are getting lots of attention. As a result of that, they have a significant amount of influence where the United States should be the one exerting the influence.

They want us to be involved. We should be involved. Ninety percent of the cocaine in the world comes from the Andean region. Shouldn't we be involved? But we are not. We set up programs to help them fight the illicit growing and production and transmission of illegal narcotics—and we are cutting back on those moneys. They are limited amounts, anyway. These little democracies cannot afford to do this on their own. It is unpopular for them to do that. The President of Bolivia was the head of a union of coca farmers. He wants to fight the illicit drug trafficking, but he needs our help, as does the President of Ecuador. The most biodiverse nation in the world is Ecuador.

The President of Peru loves America. He was effusive in his praise for America. Why can't we help more?

I wish to mention a couple of things. First of all, the hidden heroes of our Government are our Foreign Service officers. I have been in Congress now going on 25 years. My first tour of duty was in the House of Representatives. I was a member of the Foreign Affairs Committee and learned to travel at that time, and rightfully so. I traveled with great chairmen, such as Clem Zablocki from Wisconsin and Dante Fascell from Florida.

I have come to learn that our diplomats, our Foreign Service officers, are the cream of the crop. To become a Foreign Service officer, you have to be very smart and very interested in what goes on in the world. They are the best. They are wonderful people. Every place I go when I travel, I tell these Foreign Service officers something they don't hear very often: They are the difference between America having relations with these countries and not having them.

Ambassadors to these three countries are great human beings. Philip Goldberg in Bolivia—what a tremendous job he is doing, working day and night to improve relations between our country and Bolivia. In Ecuador is a distinguished woman who has a great diplomatic career. She has a smile that is contagious—Linda Jewell. She is doing great work for us in Ecuador; and in Peru, James Curtis Struble, a real professional. I have so much warmth for the work these people do. They go to the remote parts of the world. Every time I meet an ambassador, I say: Where have you been? And you should hear where they have been—the most remote places in the world, starting off as a political officer, economic officer, places where they handle visas, and they work their way up through the ranks. These Ambassadors are similar to a four-star general. I think we only have 140 Ambassadors, and they are the best, the cream of the crop. If you see a person who has been appointed Ambassador through the career State Department offices, they are the best. They are all Americans. They are generals; they are admirals. I so admire the work they do.

Then, as Senator DURBIN mentioned, every place I go, I talk to the Peace Corps volunteers. We only have, in the world, a little over 7,000 of them. We should have 70,000 Peace Corps volunteers. A woman from Reno, NV, traveled 20 hours to meet me in Ecuador, to have lunch with me in Ecuador. This is her tour of duty as a Peace Corps volunteer. One Peace Corps volunteer from Nevada has a master's degree in biology. She works in public health. Another Foreign Service officer from Nevada works with troubled youth. She showed me her pictures. Her father came to visit her. He lives in New York. He came to see her and where she lives, and when he saw her, he started crying. He said: I expected more than this for my daughter. After he left, after visiting his daughter, he cried with joy, recognizing what this woman does for mankind. That is what Peace Corps volunteers do.

This was a wonderful trip. We need to compete with Cuba and Venezuela in this part of the world and other parts of the world or we are going to lose these democracies.

I have to be very candid with you, Madam President. The snide remarks, the cute little things people write in newspapers about trips taken by Members of Congress, I resent them, and I think it does the American public a disservice. I am going to continue to travel in spite of what the newspapers say because I believe I am serving my country by doing that.

With America's attention focused on the Middle East, South America does not get the attention that it deserves, particularly the three countries we visited—Bolivia, Ecuador, and Peru.

And when the world does focus on South America, it is with increased concern over the region's leftward turn, and the inflammatory rhetoric issued by several of the region's leaders criticizing our Government.

There is no doubt that there are serious problems in the region. There is also no question that the Bush administration has neglected the region, and its lack of a comprehensive policy has contributed to this current trend.

Venezuela and Cuba have been filling a vacuum, attempting to pull the region to the left.

But I do not think we should be deterred by this trend. We have much to gain through increased engagement with South America—and much to lose if we retreat from our obligations to the region: We can and must do more.

On our trip, we had productive meetings with the leaders of Bolivia, Ecuador, and Peru. Most importantly, we came away from our visit with an appreciation for the people of these three important nations, and an awareness of the key issues confronting them.

Our first stop was Bolivia, where we had an amicable discussion with President Evo Morales. Much has been said about the somewhat difficult relationship the United States has encountered with President Morales, but we were able to set forth our concerns about increased coca production, the rule of law, and the periodic expressions of anti-Americanism. President Morales also laid out each of his grievances about the U.S. We did not always agree, but we had a very honest and open exchange, and that is what close relationships require.

I was also pleased to see the devoted engagement of our Ambassador Philip Goldberg and his diplomatic team in La Paz. Their insight will be particularly crucial in monitoring the current Bolivian constitutional crisis. We will have to watch these developments closely. We truly hope that whatever happens, Bolivian democracy and Bolivian democratic institutions are strengthened, not weakened. That would be the right result for Bolivia, for the region, and for the relationship with the United States.

Then it was on to Ecuador, the most bio-diverse country in the world. From its snow capped peaks, to the Galapagos Islands, to the Amazon Rain Forest—Ecuador is an environmental treasure. My son spent 2 years there years ago, and to this day, still speaks of his days in Ecuador. After being there, I can understand why Ecuador made such an impact on him.

We were pleased that, although he had not even been sworn in yet, President Correa assembled his new cabinet to meet with our delegation. He seemed quite aware that Ecuador risks becoming a transit hub for narco-trafficking in the region, and vowed to take swift action to shut down the trafficking in and around Ecuador.

Ecuador is the home of the U.S. Forward Operating Location at Manta, which plays a key role in the multilateral approach to fighting the war on drugs. The mission at Manta advances the joint interest that the United States and Ecuador have in curbing the illegal flow of drugs. The American presence at Manta also contributes around $6.5 million a year to the local economy. We hope that this can be the start of a constructive dialogue on this issue, through which the Ecuadorian Government will come to realize the benefits yielded from the Forward Operating Location at Manta.

Peru, our final stop, must also contend with the problem of drug trafficking. But Peru's President, Alan Garcia, is a leader committed to meeting this challenge. We had such a good meeting with President Garcia, a pro-democracy, pro-capitalist and pro-American leader. I am very grateful for the graciousness he showed to our delegation.

President Garcia possesses a keen understanding of the dynamic of the region today, and desires to work together to combat the leftist ideology being promoted by Venezuela's Hugo Chavez and Cuba's Fidel Castro. He noted that, with Castro's possible passing, the U.S. has an opportunity to reengage in the region, and reach out to a new generation looking at the United States as a model for freedom, democracy and opportunity.

Going forward, we must remember that the U.S. and South America will continue to have its ups and downs. But all relationships do. The six of us took this trip because we know that existing relationships must be cultivated and tended to in order to keep them healthy and strong.

There is so much more we can do here at home. Our delegation intends to meet with the Secretary of State in the coming weeks to relay to her the small things the U.S. Government do to improve our position in the region. For example, I believe: we should be doing more with IMET assistance, which in addition to the training program, proves so valuable to developing longstanding relationships between military officers the United States and the IMET beneficiary; we need to increase the USAID budgets for these nations. We learned that Ecuador's aid budget will be cut considerably, from $35 million to under $20 million, and I believe that is a mistake. One thing we learned is how far a few U.S. dollars can go; and we also need to do more to support micro-lending and the counter-drug efforts of the Andean region, in order to keep cocaine off the streets of the United States. I was disturbed to learn that the State Department is contemplating significant cuts to the Andean Counter-drug Program. That, too, would be a serious mistake, and I plan on raising the issue with the Secretary of State.

Finally, I think it is important to extend the trade preferences for Ecuador and Bolivia. I also know that Peru is eager to get its Free Trade Agreement finalized, and this is something that Congress needs to address in the coming year.

Through increased trade, more robust aid and exchange programs, and stronger diplomacy to this region, the United States can help lift many people out of poverty, improve economic conditions, which would have a significant impact on illegal immigration to the United States. We would also help counteract the region's shift to the left. In short, the people of this region want stronger ties with the United States, and that is what we should aim to deliver.

The Andean region is not lost to us; its challenges provide us with an opportunity which we must seize. With more sustained engagement, we can win it back again.

I thank my colleagues for joining me on the floor to talk about this important issue today.

The ACTING PRESIDENT pro tempore. The Senator from Idaho is recognized.

Mr. CRAIG. Madam President, I assume this starts this side's period of morning business, to be extended to what time?

The ACTING PRESIDENT pro tempore. The minority has 62 minutes.

ENERGY

Mr. CRAIG. Madam President, I come to the Chamber today to speak about efforts that are now underway in the 110th Congress to deal with an issue the American people have become tremendously sensitized to over the last couple of years—the issue of energy, the availability of energy, and the cost of energy. I believe it is important, as we look at cost and America's reaction to it, to recognize that while Americans are paying a higher price for energy today, there has never yet been a question about the availability of energy and the supply itself. I think we forget that when we paid, in midsummer, $3 at the gas pump for gas and substantially more for diesel, it was always there, it was always available, and that never became the issue.

What I believe is important for us today, in the new Congress, under new leadership in the House and the Senate, is to not only focus on the availability of energy but also move ourselves toward being a nation that becomes independent in its ability to produce its own energy—all kinds, in all ways—for the American consumer.

I find it fascinating that somehow, in the midst of all of this, we have forgotten that while the energy is still at the pump, the lights still come on when we throw the switch in our house in the morning, and America is awash in the use of energy, we have become increasingly dependent on foreign sources for a substantial portion of the very energy that moves this country. Here is a chart which I think demonstrates that. Today, arguably, we have become 60 percent dependent upon someone else producing our hydrocarbons—our oil to produce our gas and our diesel and, of course, the plastics our country uses as a derivative of that.

In this new Congress, we should focus as aggressively as we did in the last Congress in the creation of the National Energy Policy Act of 2005. We ought to now move a major step forward toward energy independence by not only encouraging the increased production of all forms of energy but looking to see if Government stands in the way of that. Is Government promoting it or are we inhibiting it and forcing those who supply our energy to progressively seek offshore sources of that supply?

The new Committee on Energy and Natural Resources that I serve on, under the guidance of JEFF BINGAMAN, recently held a hearing on who supplies the oil for the world. Is it ExxonMobil? No. Is it Conoco? No. Is it Phillips? No, even though we think it is because that is where we get our fuel when we go to the gas pump. What we found out and what many have known is that 80 percent of the world's oil supplies are controlled by governments. And they are not our Government. They are controlled by government or government-owned companies.

I recently gave a speech to a group of oil producers. I talked about petro nationalism and a growing concern in this country that the world that supplies this portion of our oil can use their political muscle but, more importantly, the valve on the pipeline of the oil supply, to determine the kind of politics and international relations they want to have with us, knowing how we have become so dependent upon that supply.

I hope we continue to focus on supply and availability instead of doing what some are saying we are going to do. We are going to punish the oil companies because they are making too much money. We are going to tax them, and we are going to tax the consumer because somehow that will produce more oil? No, no, no. That is politics, folks. That is, plain and simply, big-time politics, to show the consumer you are macho, that somehow you will knock down the big boys who supply the oil.

Ask the questions, if you are a consumer: Will that keep oil at the pump? Will that keep gas available to me? Will that produce more gas to bring down the price? Those are the legitimate questions that ought to be answered when the leadership of the new Senate says: No, we will muscle up to the big boys and knock 'em down because somehow they may be price gouging. Yet investigation after investigation after investigation suggests that is quite the opposite. That simply is not happening.

Nowhere are they going to tell you in all of this political rhetoric that I would hope would take us toward energy independence and a greater sense of energy security in our country that the new deep wells we are drilling in the gulf that produce or new oil supply could cost upward of $1 billion a well in actual expenses before the oil begins to flow out of that well and into the ships or into the pipelines that take it to the refineries that ultimately put it in the pipeline that get it to the consumers' pumps. And the issue goes on and on.

I hope that in this Congress, while some will want to play politics, a good many will focus on the reality not only of what we have done, which has been very successful in the last few years—and that is the Energy Policy Act of 2005—but go on with the business of setting goals and driving incentives that move us to energy independence. It is phenomenally important we do that as a country. Long-term investment, new technologies, clean sources of energy are going to become increasingly important.

But more important is that we can stand as a Nation and say we are independent of the political pressures of the Middle East or the political pressures of Venezuela or the political pressures of Central Europe and Russia, that now control the world's supply of oil. That is what Americans ought to be asking our Congress at this time. Are you going to ensure an increased supply? Are you going to ensure a greater sense of independence by the reality of where our oil comes from?

This is not just an issue of oil. We know it is an issue of new technology. It is an issue of cleanness. It is an issue of nonemitting greenhouse gas sources of energy because today we are all about clean energy. And we ought to be. Yet we understand the agenda for climate change is going to be a punitive one, one that would obviously distort a market's growth toward cleaner supplies. It is called cap and trade or command and control instead of saying, yes, that is the old technology. Now let's invest in new technologies. Instead of penalizing, let's create the incentives that move toward new technologies and let us then lay down the old. That is how we cause America to become increasingly energy independent. I am talking climate change.

The Speaker of the House yesterday did something very fascinating. She couldn't get the climate change she wanted out of her own committee so she has created a new select committee on climate change to be headed up by Representative ED MARKEY. I remember Representative MARKEY over the years: All antinuclear, day after day, year after year. He lost that battle. Americans said: You are not going to go there anymore. You are going to start producing energy because it is clean. Now he has been assigned a select committee on climate change.

Congressman DINGELL, who chairs the appropriate committee, said select committees are about as useful as feathers on a fish. Congressman DINGELL gets it right.

What is useful, what is important in the argument of climate change, is new technology, it is incentives, it is producing energy in today's market that is, by any dimension, cleaner than what we produced in the past. You do not penalize the producer, you incentivize the producer to make sure that they move in the direction of clean energy. When you do that, you also say, as we said in the Energy Policy Act of 2005, and as we sought to say again and again and again to the consumer, we are going to provide you with the tools to conserve, to become more efficient in your use of energy.

All of those things, in combination over the next 10 to 15 years, clearly ought to allow this country to stand up and say we have narrowed this gap; we are more independent as a Nation today in our supply of energy than we were in 2007, and we are more independent because our Government stood up, got out of the way, incentivized, created those kinds of tools that the private sector could effectively use for an ever-increasing supply of clean energy and that we, as consumers, were given the tools to become more efficient in the use of those clean supplies of energy.

I hope that ought to be and will become the mission of this new Congress, not to play games with the politics they thought brought them to power but to realize that the American consumer still is going to ask that the gas pump be full of energy, that the light switch supplies electricity in the morning and that, hopefully, it will come in a cleaner form and it won't cost any more than it has cost in the past in relation to cost of living and inflation.

Those are the realities of a marketplace that we ought to help, not penalize. Is that politically wise to do? In the long run, it is very politically wise to do because then America can stand on its own two feet. It will not have to bow to the suppliers, such as Russia and the Middle East, and to let a dictator in Venezuela jerk us around because he has a major supply of oil. We can say: No, we supply our own. We are independent. We have been responsible in doing so, and we did it in a clean and diverse way.

It is a phenomenal challenge for us but a challenge that is important to meet.

The PRESIDING OFFICER (Mr. NELSON of Nebraska). The Senator from Georgia.

(The remarks of Mr. ISAKSON and Mr. ALEXANDER pertaining to the introduction of S. 330 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER (Mr. OBAMA). The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I rise to talk about energy, and I start by reminding people, as well as my fellow Senators, that in August 2005, the President signed an energy bill that was very comprehensive—probably tilted toward renewable fuels, such as ethanol, and toward conservation, such as fuel cell cars, but also a small part of it was some incentives for domestic fuel, petroleum production, for refining and for distribution and for things of that nature.

It was a very comprehensive bill because we were concerned about the price of gasoline. We were concerned about what working men and women of America were having to pay. We were concerned about national security. There were a lot of reasons for passing that bill.

But then you get into an election year, 2006, and the impression you get from the election rhetoric is that we never had an energy policy, never passed a bill, or what we did pass was only for the big oil companies, and that there was no concern whatsoever about national security, there was no concern on the part of the Senate, when we passed that Energy Policy Act in 2005, about what many working men and women were paying for gasoline and things of that nature.

And all of this rhetoric against it—or what was said about it, if anybody wanted to admit we had an energy policy passed by Congress—was that it was all for big oil. I wish to remind people that bill was overwhelmingly bipartisan. But yet during the last campaign, one political party talked all about giveaways to big oil, never talked about ethanol, never talked about conservation, that it was an energy bill that was just for big oil and for big corporations, making the other political party out to be nothing but for big corporations, as opposed to what our incentive was: to drive down the price of gasoline and to have an adequate supply of gasoline and not be dependent so much upon foreign sources of oil, which was our motivation.

So I am here, now that the House of Representatives is working on a bill that deals with energy policy, and particularly to repeal what was referred to in the last election as "sweetheart tax deals for big oil" that were included in that Energy Policy Act of 2005, to say this bill that we passed was very well balanced for ethanol, alternative energy, conservation, with a small part of it for domestic oil production, and how intellectually dishonest it is to refer to this bill as a giveaway to big oil.

I will use some statistics to back up what I am referring to. At the time we considered the Energy Policy Act of 2005, I was chairman of the Senate Finance Committee because my party was in the majority. So I played a central role in developing the tax title, along with my colleague, Senator BAUCUS. So, in fact, it was a very bipartisan bill. In fact, Senator BAUCUS and I produced, on a bipartisan basis, this comprehensive tax package that included provisions to increase domestic energy production, increase energy efficiency, and increase the development of alternative and renewable energies.

On the whole, I think the effort was a success. All you have to do to know it was a success is to look at the explosion in the building of ethanol plants throughout the country—most of them in the Midwest but throughout the country—as people are going to alternative energies, renewable fuels now because ethanol is made from crops that are growing from year to year. So I think the effort was very much a success, and that is one small part of it being a success.

The Senate tax title was supported unanimously—I wish to emphasize unanimously—because there, at that time, were 11 Republicans and 9 Democrats on the committee. It came out of our committee unanimously. This bill, which during the last election was talked about as a giveaway to big oil, came out of our committee unanimously and eventually passed the Senate 85 to 15. And the conference agreement, ironing out the differences between the House and the Senate, passed by a margin of 74 to 26.

So throughout the whole process it was bipartisan, that this was the answer to the energy problems facing the Nation—not that it was the end-all and be-all, but it was a very comprehensive effort and a successful effort to solve the energy problems of our Nation.

The entire tax package that was in this bill, the Energy Policy Act of 2005, had a budget score of $11.1 billion over 10 years.

According to the nonpartisan Congressional Research Service, $2.6 billion or 18 percent of the package was for oil and gas production, refining, and distribution. Distribution isn't always by the big oil companies. So 18 percent—that is why I said our bill, passed in 2005, signed by the President, was overwhelmingly tilted toward renewable fuels and toward conservation, not toward domestic petroleum production. According to the Joint Committee on Taxation, the tax title of the Energy Policy Act actually raised taxes on oil and gas companies by at least $224 million.

Understand, this was described in the last election as a giveaway to big oil. Yet nonpartisan staff said that oil and gas companies ended up paying $224 million in new taxes. In the last election, the tax title was characterized as tax giveaways to big oil, anywhere from $9 billion to $14 billion. How do you get $14 billion, if you want to say it was 100 percent for big oil instead of 18 percent? How can you say a bill that was scored at $11.1 billion could end up being a giveaway of $14 billion? It doesn't add up. And figures don't lie.

At a time of record high gas prices last year, the other side accused the Republican majority of failure of leadership. They said it was time to rewrite the Energy bill and stop the billion dollar tax giveaways for big oil, the same kind of misleading insinuations I have been referring to on another issue they had in the last campaign, about the fact that we ought to negotiate with drug companies to get prescription drug prices down, when we are already doing that, as I pointed out in some speeches last week. For the 24 most-used drugs by seniors, the plans that are negotiating with the drug companies have negotiated prices down an average of 35 percent.

Getting back to energy, during the same campaign cycle, Members on the other side sold the taxpayers a bill of goods. They committed to repealing all the tax giveaways to big oil that the Republican Congress included in the Energy Policy Act of 2005, which ended up with $224 million more coming in from oil and gas. With the results of the November election, I presume they believe they were given a mandate from the voters to take away all of those "tax giveaways"—the words they used—in that bill. We heard the arguments over and over, both here on the Senate floor and across the country on the campaign trail. But now that the debt has come due, it is time for the new Democratic majority to deliver on their promises to the American people. So what have they come up with to repeal? How much money are they going to take back from big oil to alleviate consumer pain at the pump? Just one provision—that is right, one provision.

After all the demagoguery against our party and the Energy bill that passed by an overwhelming bipartisan majority, supposedly because of ties to big oil, are they accusing the Democrats who voted for it of ties to big oil as well? And they are going to repeal what? One single tax provision enacted in the Energy Policy Act signed by the President in August of 2005. Of course, that is only half the story. It turns out this outrageous "tax giveaway" to big oil is scored by the Congressional Budget Office to save the U.S. Treasury $104 million over 10 years, not the $14 billion that was the outside figure used during the campaign, not $1.4 billion but $104 million.

I am a family farmer from New Hartford, IA. I know $104 million is still a lot of money. But it turns out to be less than 1 percent of the entire package of the energy tax incentives included in that Energy Policy Act that came out of my committee on a unanimous vote, all Republicans and all Democrats, and passed the Senate in an overwhelmingly bipartisan manner. So in a desperate attempt to increase the size of the tax penalty on domestic oil and gas producers, they have also included the repeal of the oil and gas industry's eligibility for the manufacturing income tax deduction. That is not just for oil and gas; that is for all manufacturing in America. This was another bill, in 2004, that passed overwhelmingly with a bipartisan majority. The American JOBS Creation Act of 2004 was a new law supported by 69 Senators—that is bipartisan—that contained far-reaching measures to revive the manufacturing base in America because of outsourcing.

We did that by cutting taxes so that the cost of capital is competitive with the cost of capital overseas, so we don't lose jobs overseas. We also created incentives for people to invest in the United States instead of investing overseas. It devoted tax benefits to American manufacturers in the form of a 3-percentage-point rate cut subject to the payment of wages to their employees. If they didn't hire more people, they didn't get the benefit. Remember, it was called the Americans JOBS Creation Act. This manufacturing tax cut goes to large and small corporations, family-held S corporations, partnerships, sole proprietors, family farmers, and cooperatives. If you manufacture here, you get the tax cut here. If you manufacture overseas, you don't get the tax cut. It was only for manufacturing in the United States, and it was only for U.S. manufacturers that paid employees' wages. It was not for manufacturing offshore and it was not for folks who only manufacture and hire overseas.

In defining U.S. domestic manufacturing, Congress included in the definition all things that are extracted or grown, including what the family farmers grow. That means that all domestic minerals and the people who produce domestic minerals receive benefits. And that would include extraction of domestic—meaning here in America—oil and gas and the production of products made out of our own oil and gas.

It seems very strange to me that if you want to become less dependent upon foreign oil, the first thing you would do, in your first 100 days being in the majority for the first time in 12 years, is to increase the taxes by 3 percentage points on domestic production of oil and gas, which was part of the American JOBS Creation Act of 2004, which passed in a bipartisan majority in the Senate.

In addition, the House proposal also increases the taxes on all refinery products. That means your home heating oil and your farmer's diesel used to run the machines that harvest the crops. In addition, fertilizer is a primary product of natural gas, so midwestern family farmers are going to be hurt and not helped by any of this proposal. That is what is coming out of the other body to this body to consider. Maybe because it is represented by so many people from the big cities of America, they don't realize food grows on farms. It doesn't grow in a supermarket. Maybe they don't realize what they are doing to the American farmer. But we don't need the cost of our anhydrous ammonia, which last summer was $550 a ton compared to about $250 a ton 2 years ago—so we have fertilizer to grow our crops—to be driven up still more.

In the 100 days of the new majority, this is what they are doing to the American consumer, the American farmer. All of this in the new House majority so they can rewrite and adopt a campaign promise to cut tax benefits to big oil. It is an example of a problem they made up that now they have to deliver on. In the process, they are going to hurt the family farmers, hurt the consumers, and cut out one of the things this body adopted in the JOBS Creation Act of 2004, to create manufacturing jobs in America, incentives to invest in America so that we don't have outsourcing.

If they wanted to get back at Exxon—that is big oil, if there ever was big oil—they missed the mark. The people who produce here in the United States are the same people you go to church with and your kids see in school. If you want to become more dependent upon foreign oil, then you should be happy with this proposal coming out of the first 100 days of the new majority in the new House of Representatives. If you want to create incentives for the production of U.S. lower 48 domestic oil and gas, then this quite obviously is the wrong policy, all for a campaign gimmick, all for campaign pandering. That is not right, to teach the family farmers and the consumers of America, who are already paying enough for their prices and are suffering from high energy costs, to do more by taking away this 3-percent point tax incentive we gave for investment in America to create jobs in America. If it is made in America, you get the benefit of it. If it is made overseas, you don't get the benefit.

Granted, there were also three provisions relating to royalty relief that were included in their bill. Two were included in the bipartisan Energy Policy Act, and one seeks to remedy an error caused by the Clinton administration bureaucrats in the Interior Department of 10 years ago. I will leave those discussions to the people who are best prepared to answer those, my colleagues on the Energy and Natural Resources Committee, who have jurisdiction and expertise in this area.

I also point out to my colleagues and constituents that I am not beholden to big oil or the energy industry. In the years I have been in the Senate, I have battled big oil, because they hate renewable fuels that we call ethanol. They don't want you burning anything in your gas tank that doesn't come out of their oil wells. They don't want you burning in your gas tank those things that come off the farmers' fields in the way of corn from which we make ethanol, also for all of the sorts of things that they don't like, what we call energy conservation and forcing electric utilities to use renewable portfolio standards within the industry. I have supported biodiesel. I have supported ethanol. I have supported renewable portfolio standards—all things that big corporations in America don't like. But we have been successful in doing it.

I have relentlessly chased the bad players in the petroleum industry at all levels, both legal and illegal. As chairman of the Senate Finance Committee, we closed over $10 billion in tax provisions that the President signed into law, shutting down fuel fraud and folks stealing fuel excise taxes from the Highway Trust Fund. These are real provisions, collecting $10 billion of taxes that were evaded that will no longer be evaded.

So what are the facts concerning the track record of the previous Congress and the President of the United States on energy policy and promoting renewable and alternative energy, and what is wrong with the rhetoric of the last campaign that led people to believe it was something different than we ended up passing? We extended and expanded the production tax credit for electricity produced from renewable sources such as wind, biomass, geothermal, and landfill gas. We enacted tax credits for the purchase of hybrid fuel cells and advanced lean burn diesel vehicles. We enacted incentives for the production and use of ethanol and biodiesel and the infrastructure to dispense that fuel.

The distinguished Presiding Officer contributed the idea behind doing that, so we would set up more biodiesel pumps at stations through the 30-percent tax credit that the Senator from Illinois thought of. I thank him for that idea. I was very happy to work with him on that. That is the distinguished Presiding Officer. We enacted the first ever renewable fuel standard for ethanol and biodiesel that has led to fantastic growth in the industry.

With regard to energy efficiency, we enacted incentives for efficiency improvement for new and existing homes and commercial buildings and for energy-efficient home appliances.

According to the clock in the other body, we are still somewhere within the first 100 days of the new Democratic majority, and again we see another example of legislative action not living up to campaign rhetoric. A word of caution to voters across America: Beware of the goods that you might be sold during an election. That applies to both Republicans and Democrats as far as I am concerned. In the case of repealing the "big oil tax giveaways"—those are words used in the last election—from the Energy Policy Act, it turns out in fact to be a pig in a poke.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. ENSIGN. Mr. President, we are debating an important piece of legislation. The American people are rightly frustrated with the process Congress uses to consider. That is to say, it is not done in the light of day and with full transparency. They believe lobbyists have too much influence on this institution. Last year, we tried to pass a lobbying reform bill to help clean up some of the ways that we do legislation around here. We were not able to come to an agreement between the House and Senate, so there is another effort underway this year.

I think this legislation is very important. Republicans support reform. We have been offering relative amendments to make Congress more accountable to the American people. More transparent. These amendments will address the problems that have existed for some time. The majority, however, is trying to end the debate on this bill. They are not willing to let the Senate consider some very important amendments that will improve how Congress handles the people's business. I will mention a couple of my own amendments to this legislation in just a moment. I would say that the majority would be right to cut off debate, if Republicans were strictly trying to obstruct passage of this bill. Then their parliamentary move would, I agree, be appropriate. But the minority is not being obstructionist. We have legitimate amendments that deserve to be debated and voted on. Senators deserve to be heard. It is not right for the majority to try to railroad this piece of legislation through this body without giving Members their right to have amendments debated. Particularly when those amendments are not being used as a delaying tactic. I simply do not believe that is the way this institution should be run. That is why, last night, 45 Senators voted against what is called cloture. That would have brought debate to a close and would have brought any attempt to improve this legislation to a close.

Let me give you two examples of legitimate amendments that have been offered and why they are important to be debated and voted on.

The first amendment I want to talk about addresses provisions where this bill falls short, particularly with respect to transparency and to allow the American people to observe how this Congress operates. Section 102 of this bill is an example of where the bill falls short. I commend the authors of the legislation for including this section. The intent is to stop the conferees from putting unrelated pieces of legislation in a conference report. Too often in the past conferees have inserted provisions in the conference that were completely unrelated to the bill. This simply is not the way the Congress should be legislating. The Senate should not bypass the regular legislative process. When we do, it means we are passing legislation, in some cases, without even holding a hearing. This process also denies Senators the opportunity to debate and offer amendments to improve unrelated provisions. But the most offensive part of this is that it is done outside of the public's view.

In a democracy such as ours, Congress should do its business in the full light of day. The entire Senate should consider, debate, and amend legislation in full view of the American public. I often hear from constituents who have concerns about legislation we are debating on the Senate floor. That feedback has always been important to me. I have always appreciated Nevadans who have taken the time to participate in the legislative process. So when we insert unrelated matters into a conference report, we deny the American people the chance to observe what we are doing, to participate in that process, and to be heard. That is why I fully support the intent of section 102 of the bill because the intent is to fix that which is broken.

In my review of this section, and after consulting with the Senate Parliamentarian's Office, I don't believe that the current language in this bill will work. This section will not change what we are saying needs to be changed. What do I mean? First and foremost, section 102 states that a Senator may object to a conference report that contains provisions that were not considered by the House or the Senate. That sounds good. As written, this sentence reads how rule XXVIII actually operates; that is to say that the point of order is raised against the entire conference report and not the offending provision or objectionable item in a conference report.

While the intent of section 102 is to allow a Senator to object to a single provision that is added into the bill, the bill is not written to allow that. My amendment makes it clear that the point of order is to be raised against an individual item that is in the conference report and not the conference report itself. In other words, this small, simple change is absolutely critical to the process because if you want to strip something out of the bill, without my amendment you cannot strip a single provision out of the bill. You raise a point of order and it brings the entire conference report down. Why is that important? Well, let me tell you why it is important.

For instance, we had a port security bill last year. There was an unrelated item put into the port security bill. There may have been objections to that item, but if one had raised the point of order, it would have brought the whole port security bill down. Nobody wanted to do that. It was an important piece of legislation. Without my amendment, that is the way we would continue to operate.

But that is not what section 102 in this bill states. Its intent is to be able to surgically go in and cut out a piece that is added in the dead of night, behind closed doors, in a conference report—the types of things that, frankly, most Americans find objectionable. So this is one of the reasons that we should not be passing this legislation until the Senate has carefully considered each provision of this bill. We should allow for amendments to go forward, to be debated. We should make sure that we get things in this bill right before it leaves the Senate, so that when it is joined with the House's bill, we have done the best possible job to ensure that we cleaned up the way we do our business.

I have another amendment that I want to talk about. This illustrates the other important point of why it is important to allow Senators to have their time with amendments.

The minority—the Republicans in the Senate—want legitimate amendments to improve this legislation. I believe we should have the right to offer those amendments.

The second amendment I want to talk about is to ensure that our men and women in the military, those serving in harm's way, remain our top budget priority. I want to speak about protecting defense spending from being raided and used for nondefense purposes.

Over the past several years, there have been several congressional scandals that have undermined public confidence in government. It is my sincere hope that this legislation before us will be the first of many steps to restore that confidence. The message to both parties last November was that Congress has to change the way we operate. The American people will no longer accept some of the practices of the past, nor should they. It is up to this body to change our practices, to reform how Congress does the people's business. We should ensure that our dealings are transparent, that we are accountable, and that we are honest with the American people.

The tradition of America is that we rise to the occasion. Americans have a history of meeting the challenges that we face together. Each generation has met obstacles and overcome them. For Congress's part, we must be honest and straightforward with the American people about the nature of the challenges facing our Nation.

Unfortunately, in some respects, Congress has not lived up to its end of the bargain. We have been using sleight of hand and budget gimmicks to mask our out-of-control spending habits. Over the past 5 years, Congress has been underfunding defense in the regular appropriations process in order to shift some of those funds into what are called other discretionary programs that are nondefense items.

The game being played, with a wink and a nod, is that if we underfund defense in the regular appropriations process, we will then make defense whole with what are called emergency supplemental bills. In some instances, Congress has shifted as much as $11.5 billion from defense to nondefense spending in just 1 single year. We know that emergency spending has increased substantially in each of the last 5 years.

I have a chart to illustrate this. In the years 1990 to 1993, under the first President Bush, we had a total of $115 billion in emergency supplementals. During the Clinton administration, the total was just about the same, $115 billion. Since President Bush has been in office, there have been a total of $585 billion in emergency supplementals. Now, we have had 9/11, Katrina, and we have had the war against Islamic extremists around the world, including the wars in Afghanistan and Iraq, that account for most of that spending but not for all of it.

This increased reliance on supplementals coincides exactly with the same time period in which defense has been underfunded. The effects of this gimmick are not felt just in 1 year either. Because of the way we do budgeting, called baseline budgeting, money that is shifted from defense in 1 year is really a permanent shift in funding. And, as a result, a $1 billion shift represents not only a shift of $1 billion this year, but that is put in the baseline next year and adds up cumulatively in perpetuity.

Let me point out exactly how this works and illustrate it. In 2002, $1.9 billion in new spending was shifted from the Department of Defense. That new spending is built into the baseline in the next year. The green part of the graph is from the previous year. The red part on top of that is the amount that defense was underfunded and shifted into other programs that year. Take that and shift it into the next year, and on and on, where we have a total of 4 years later built into the baseline the $29 billion that we have shifted from defense into other programs. That is one of the reasons spending is out of control in Washington, DC. What was labeled as defense spending is not spent on defense and is then being made up in supplemental appropriations bills. Which is a clever way to disguise increased spending in other places. People in Washington have talked about spending around here. They say we have held the line on spending, except for defense-related items. That is not true. We have actually been playing a smoke and mirrors game, and this chart illustrates that.

I believe what we are doing is not honest with the American people, and we have the annual budget deficits as a result of that. I mentioned before that it is important for us to be able to offer amendments. I would not be able to offer an amendment if cloture is invoked on this bill, and we should not cut off debate. This would be considered a nongermane amendment. It would not survive cloture, even though the point of this bill is to require legislative transparency. We are trying to make Congress' actions transparent and to clean up the budget process, however, the majority is trying to cut off debate on these critical reforms.

I am going to have one last chart to demonstrate the effect of this budget gimmick. The total effect of underfunding defense and playing this game has cost the American people. This last chart, when one totals the cost of this gimmick up, is $84 billion. We have shifted $84 billion by using these budget gimmicks. $84 billion that was shifted from defense to nondefense programs. Then we backfill the defense accounts with supplemental appropriations.

We need to have honest budgeting around this place. We need to be honest with the American people. If we are going to appropriate money for defense, let's do it for defense. If it has to be for some other program, let's be honest with the American people and stop playing these budget gimmick games.

If we are going to have transparency in Government, we should have transparency in Government. Accountability in government. That is what this bill is supposed to be about. It is what we are telling the American people that we intend to do. This amendment, along with the one I discussed earlier, are very important to ensure that we end the games and that we end the gimmicks. This amendment ensures that we tell the truth to the American people.

Mr. President, I yield the floor.

Mr. PRYOR. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PRYOR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Maine.

OFFICE OF PUBLIC INTEGRITY

Ms. COLLINS. Mr. President, last night the Senate voted not to invoke cloture on the ethics and lobbying reform legislation we have been considering for the past couple of weeks. I come to the floor this morning to explain why I voted to continue debate on this bill to which, as the Presiding Officer knows, I am very committed and have worked very hard on in the past Congress.

First, then, let me emphasize that I remain committed to passing a strong lobbying reform and ethics bill. I have said before and I will repeat that before we can conduct the business of the people of this country, it is important that we reform our practices.

We need to strengthen the lobbying rules and the ethics rules to increase disclosure and to ban practices that might call into question the integrity of the decisions we make.

We need to assure the American people that the decisions we make are in their interests, that they are not tainted by undue influence or influence by special interests.

The underlying bill, S. 1, is the same bill that last year was the bipartisan product of the Senate Committee on Homeland Security and Governmental Affairs, which I was privileged to chair. It is a good bill and it remains a good bill.

Over the past week and a half, we have debated and voted on amendments that have further improved the legislation before us, and the Senate is making good progress. However, as much progress as we have made, this bill has not reached the point where we should invoke cloture and cut off debate.

Some observers of the Senate may not understand that invoking cloture means that all amendments to this bill that are not germane can no longer be considered. The term and test for germaneness severely limits the types of amendments that can be considered, and many of these amendments—although they are not technically germane to the bill—are nevertheless very relevant to the bill. And perhaps the most important of these amendments is the Collins-Lieberman amendment that would create an Office of Public Integrity.

I know the Presiding Officer has been a strong supporter of an Office of Public Integrity as well, as has the Senator from Arizona, Mr. MCCAIN. The four of us have worked very hard on that concept.

I strongly believe we will have failed our test of producing a truly strong and complete ethics bill if we leave out the enforcement angle, if we do not create an Office of Public Integrity to conduct impartial, independent investigations of allegations against Members of Congress.

The other provisions of this bill are very important and very good, but we cannot ignore the enforcement piece. We need an Office of Public Integrity.

I realize that leaders on both sides of the aisle disagree with me on this issue. I realize I am not likely to prevail. But surely we deserve a vote. But if we invoke cloture before there is a vote on the amendment that Senator LIEBERMAN, the Senator from Illinois and the Senator from Arizona and I have offered, our amendment will fall. It will not pass the strict germaneness test, even though it clearly is relevant to the underlying bill. I think that is wrong. I think we deserve a vote on the Office of Public Integrity. People feel strongly on both sides about this issue. It doesn't break down along party lines. As I said, the two leaders of the Senate are both opposed to the concept. But surely they ought to give us a vote. That is all I am asking. Let's have the Senate go on record on whether this independent office should be included in this bill.

I wish to make sure, since there was a lot of debate about this last year, that everyone understands the key role that the Ethics Committee would continue to play. All the Office of Public Integrity would do is to handle the investigative stage. It would still be up to the Ethics Committee to make critical decisions on whether to proceed with the case. The Ethics Committee would decide what is reported publicly. The Ethics Committee would decide whether action to penalize a Member should be taken. It would be the Ethics Committee that would still have tremendous authority in this whole process, but it would be combined with this independent Office of Public Integrity that would ensure an impartial investigation of allegations and, thus, would help restore public confidence in our ethics system. Isn't that what this debate is all about? It is about restoring public confidence that the decisions we are making are made in the best interests of the American people. I believe that an ethics bill without the Office of Public Integrity is an incomplete response to the concerns so clearly expressed by the American people in the elections last fall.

Again, the underlying bill is a good bill. It is essentially the bill that was reported by the Homeland Security and Governmental Affairs Committee last year. We have made it even better with some of the amendments we have adopted. Let's complete the task. Let's go the rest of the way down the road. Let's create an Office of Public Integrity. But if it is the will of this body not to create an Office of Public Integrity, the American people deserve to know that also.

So I want a vote. I am not going to vote to cut off debate on this bill until we get a vote on the Office of Public Integrity. The American people deserve to know where every Member of this body stands on this important issue. There are different views. There are legitimate views both for and against the office, but we deserve a vote on this issue.

Thank you, Mr. President. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. PRYOR). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. OBAMA. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. OBAMA. Mr. President, I ask unanimous consent that I be permitted to speak for up to 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

IRAQ

Mr. OBAMA. Mr. President, I would like to speak briefly on what is a roiling debate not only in the Senate but across the country and that is the President's policy with respect to Iraq. There are countless reasons the American people have lost confidence in the President's Iraq policy, but chief among them has been the administration's insistence on making promises and assurances about progress and victory that do not appear to be grounded in the reality of the facts. We have been told we would be greeted as liberators. We have been promised the insurgency was in its last throes. We have been assured again and again that we are making progress and that the Iraqis would soon stand up so we could stand down and our brave sons and daughters could start coming home. We have been asked to wait, we have been asked to be patient, and we have been asked to give the President and the new Iraqi Government 6 more months and then 6 more months after that and then 6 more months after that.

Now, after the loss of more than 3,000 American lives, after spending almost $400 billion after Iraq has descended into civil war, we have been promised, once again, that the President's plan to escalate the war in Iraq will, this time, be well planned, well coordinated, and well supported by the Iraqi Government. This time, we didn't have to wait to find out that none of this seems to be the case. Already, American military officials have told the New York Times that there is no clear chain of command between Iraqis and U.S. commanders and no real indication that the Iraqis even want such a partnership. Yesterday, Prime Minister al-Maliki, the person whom the President said had brought this plan to us, the man who is supposed to be our partner in chief for this new plan, told foreign journalists that if the United States would only give his Army better weapons and equipment, our soldiers could go home.

The President's decision to move forward with this escalation anyway, despite all evidence and military advice to the contrary, is the terrible consequence of the decision to give him the broad, open-ended authority to wage this war back in 2002. Over 4 years later, we can't revisit that decision or reverse some of the tragic outcomes, but what we can do is make sure we provide the kind of oversight and constraints on the President this time that we failed to do the last time.

I cannot in good conscience support this escalation. It is a policy which has already been tried and a policy which has failed. Just this morning, I had veterans of the Iraq war visit my office to explain to me that this surge concept is, in fact, no different from what we have repeatedly tried, but with 20,000 troops we will not in any imaginable way be able to accomplish any new progress.

The fact is that we have tried this road before. In the end, no amount of American forces can solve the political differences that lie at the heart of somebody else's civil war. As the President's own military commanders have said, escalation only prevents the Iraqis from taking more responsibility for their own future. It is even eroding our efforts in the wider war on terror as some of the extra soldiers will come directly from Afghanistan where the Taliban has become resurgent.

The President has offered no evidence that more U.S. troops will be able to pressure Shias, Sunnis, and Kurds toward the necessary political settlement, and he has attached no consequences to his plan should the Iraqis fail to make progress. In fact, just last week, when I repeatedly asked Secretary Rice what would happen if the Iraqi Government failed to meet the benchmarks the President has called for and says are an integral part of their rationale for escalation, she couldn't give me an answer. When I asked her if there were any circumstances whatsoever in which we would tell the Iraqis that their failure to make progress means the end of our military commitment, she could not give me an answer. This is simply not good enough. When you ask how many more months and how many more dollars and how many more lives it will take to end the policy that everyone now knows has not succeeded, "I don't know" isn't good enough.

Over the past 4 years, we have given this administration every chance to get this right, and they have disappointed us many times. But ultimately it is our brave men and women in uniform and their families who bear the greatest burden for these mistakes. They have performed in an exemplary fashion. At no stage have they faltered in the mission that has been presented to them.

Unfortunately, the strategy, the tactics, and the mission itself have been flawed. That is why Congress now has the duty to prevent even more mistakes and bring this war to a responsible end. That is why I plan to introduce legislation which I believe will stop the escalation of this war by placing a cap on the number of soldiers in Iraq. I wish to emphasize that I am not unique in taking this approach. I know Senator DODD has crafted similar legislation. Senator CLINTON, I believe, yesterday indicated she shared similar views. The cap would not affect the money spent on the war or on our troops, but it would write into law that the number of U.S. forces in Iraq should not exceed the number that were there on January 10, 2007, the day the President announced his escalation policy.

This measure would stop the escalation of the war in Iraq, but it is my belief that simply opposing the surge is not good enough. If we truly believe the only solution in Iraq is a political one—and I fervently believe that—if we believe a phased redeployment of U.S. forces in Iraq is the best—perhaps only—leverage we have to force a settlement between the country's warring factions, then we should act on that. That is why the second part of my legislation is a plan for phased redeployment that I called for in a speech in Chicago 2 months ago. It is a responsible plan that protects American troops without causing Iraq to suddenly descend into chaos. The President must announce to the Iraqi people that, within 2 to 4 months, under this plan, U.S. policy will include a gradual and substantial reduction in U.S. forces. The President should then work with our military commanders to map out the best plan for such a redeployment and determine precise levels and dates.

Drawing down our troops in Iraq will put pressure on Iraqis to arrive at the political settlement that is needed and allow us to redeploy additional troops in Afghanistan and elsewhere in the region, as well as bring some back home. The forces redeployed elsewhere in the region could then help to prevent the conflict in Iraq from becoming a wider war, something that every international observer is beginning to worry about. It will also reassure our allies in the gulf. It will allow our troops to strike directly at al-Qaida wherever it may exist and demonstrate to international terrorist organizations that they have not driven us from the region.

My plan would couple this phased redeployment with an enhanced effort to train Iraqi security forces and would expand the number of our personnel—especially special forces—who are deployed with Iraqis as unit advisers and would finally link continued economic aid in Iraq with the existence of tangible progress toward reducing sectarian violence and reaching a political settlement.

One final aspect of this plan that I believe is critical is it would call for the engagement by the United States of a regional conference with other countries that are involved in the Middle East—particularly our allies but including Syria and Iran—to find a solution to the war in Iraq. We have to realize that neither Iran nor Syria wants to see the security vacuum in Iraq filled with chaos, terrorism, refugees, and violence, as it could have a destabilizing effect throughout the entire region and within their own countries. So as odious as the behavior of those regimes may be at times, it is important that we include them in a broader conversation about how we can stabilize Iraq.

In closing, let me say this: I have been a consistent and strong opponent of this war. I have also tried to act responsibly in that opposition to ensure that, having made the decision to go into Iraq, we provide our troops, who perform valiantly, the support they need to complete their mission. I have also stated publicly that I think we have both strategic interests and humanitarian responsibilities in ensuring that Iraqi is as stable as possible under the circumstances.

Finally, I said publicly that it is my preference not to micromanage the Commander in Chief in the prosecution of war. Ultimately, I do not believe that is the ideal role for Congress to play. But at a certain point, we have to draw a line. At a certain point, the American people have to have some confidence that we are not simply going down this blind alley in perpetuity.

When it comes to the war in Iraq, the time for promises and assurances, for waiting and patience is over. Too many lives have been lost and too many billions have been spent for us to trust the President on another tried-and-failed policy, opposed by generals and experts, opposed by Democrats and Republicans, opposed by Americans and even the Iraqis themselves. It is time to change our policy. It is time to give Iraqis their country back, and it is time to refocus America's effort on the wider struggle against terror yet to be won.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WYDEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WYDEN. I ask unanimous consent to speak as if in morning business for up to 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

DRUG BARGAINING POWER

Mr. WYDEN. Mr. President, we all understand there has been an awful lot of heated rhetoric about this issue of Medicare and negotiating drug prices and how much savings will come about for the consumer.

I and the distinguished senior Senator from Maine have been working for well over 3 years, in a bipartisan way, on this issue. I and Senator SNOWE have been able to come up with an approach for dealing with this issue, helping the seniors of this country, helping the taxpayers of this country, and lowering the temperature of the debate about prescription drugs by showing how Medicare can be a smart shopper without setting up some kind of big Government price control regime.

Throughout this discussion over the last 3 years, Senator SNOWE and I have repeatedly put into the legislation that we have brought to the Senate a strict prohibition on establishing any kind of price control regime or any kind of uniform formulary, which is essentially a list of drugs that restricts the choices for those involved—seniors or anyone else.

What Senator SNOWE and I have tried to do is lower the temperature on this issue, to try to zero in, in a bipartisan way, on the areas where it is important for the Secretary of Health and Human Services to be in a position of trying to have some negotiations to get a break for the seniors and for the taxpayers. I will use those words specifically. We are talking about what could be a negotiation—not going in with some arbitrary price and throwing around figures of $1.20 a pill or something like that. We are talking about the opportunity for our Government to be a smart shopper, while steering clear of any price control regime. By the way, I know this was an important issue for the Presiding Officer as he campaigned to come here.

Senator SNOWE and I voted for the Medicare prescription drug program. I still have the welts on my back to show for it. But what Senator SNOWE and I said from the very outset, from the very time of the original Senate debate, is we were going to go to work on a bipartisan basis to try to fix those areas, such as the one identified by the Presiding Officer, the distinguished Senator from Rhode Island. We have set out to do just that. And in 2004, the Congressional Budget Office sent us a letter saying we were heading in the right direction.

Senator SNOWE and I said from the beginning we have to make sure that seniors and taxpayers get a good deal when we have what are called single-source drugs, monopoly drugs. These are drugs where there isn't any ability to have the kind of leverage and clout we would like to have in the marketplace.

In 2004, the Congressional Budget Office sent me a letter that there could be savings if negotiations were permitted on single-source drugs for which there is no therapeutic equivalent. It is common sense, it seems to me, when the Congressional Budget Office says there could be savings in one kind of area, we would want to add that. The distinguished chairman of the Committee on Finance, Senator BAUCUS, puts it pretty well. Senator BAUCUS says: Why don't you add that to your cost containment tool box? Senator BAUCUS has said what we need is a variety of ways to hold down the cost—he calls it, in my view correctly, a kind of tool-box approach to making sure seniors and taxpayers get a good deal. What Senator SNOWE and I have said is let's make sure that tool box that Senator BAUCUS has been talking about zero in on this question of single-source drugs, where we do need some bargaining power.

There are some who have said the only possible way to have negotiations is if you set up some kind of one-size-fits-all national formulary. They say: The VA has one. Gosh, you all in the Senate would not want to limit the drugs available to our country's seniors.

Let me make it clear what Senator SNOWE and I are doing rejects that approach. We are not talking about a nationwide formulary or some kind of list of drugs that restricts seniors' choices.

By the way, when the former Secretary of Health and Human Services, Tommy Thompson, felt it was important to do the kind of thing Senator SNOWE and I are talking about on the drug Cipro, Secretary Thompson did not go out and set up a nationwide formulary. He didn't say: We are going to say the price of the pill is $1.27. He did not set up some kind of arbitrary price-control regime. Secretary Thompson, in his last meeting with the press when he was leaving the Department, said he wished he had the power to bargain under Medicare.

Secretary Thompson did exactly the kind of thing that I and Senator SNOWE have been talking about. He said we have to make sure that the consumer and the taxpayers get a good deal for Cipro. Secretary Thompson did not set up a nationwide formulary. Secretary Thompson did not set up some price-control regime. Secretary Thompson did not say: It is going to be $1.27 per pill. He said: Let's negotiate, let's talk, let's go back and forth as everyone does in the marketplace in Rhode Island, Oregon and everywhere else across the country. Let's ask: What are we going to do to make sure that everyone gets a fair shake?

That situation, of course, was an emergency, because we had anthrax. But as the Senator from Rhode Island has pointed out a number of times over the last few months, for a lot of seniors, trying to afford prescription medicine is kind of like having a new emergency every day.

Secretary Thompson said: Yes, we have a big emergency on this anthrax situation. I think the Senator from Rhode Island knows exactly what I see when I am home in Coos Bay, John Day, Pendleton, or Gresham, Oregon, and everywhere else. For a lot of seniors in this country, every day is an emergency with respect to being able to afford their medicine. Those seniors ought to know that their Government, in the case of the single-source drug, for example, where there is monopoly power, can bargain in those kind of instances without price controls, without a nationwide formulary. That is what Senator SNOWE and I and others, on a bipartisan basis, wish to stand up for—to help those seniors and those taxpayers.

Now, some have argued that as seniors get a better deal for Medicare, that means higher prices for everyone else. They, also, argue that negotiations would not do anything. I don't know how one can make both arguments at the same time and make sense. Those two do not connect.

What Senator SNOWE and I wish to do is have a Medicare program that is a smart, savvy shopper. By being a better shopper, seniors and taxpayers are going to save. We know that no one goes to Costco and buys toilet paper one roll at a time. They shop smart. We ought to do that with Medicare.

I was pleased with last week's Committee on Finance hearing. Chairman BAUCUS and others said it is valuable to have additional information to know whether markets for drugs are achieving the best price possible. I and Senator SNOWE have been interested in that approach as well. We know there are a variety of pharmacies out there that can offer cheaper medicines to seniors without limiting the drugs available, and we find it hard to believe that Medicare cannot do exactly the same thing. Let us give Medicare the opportunity to do exactly the same thing that people do in New Hampshire, Texas, and Rhode Island; that is, to shop smart, look for a bargain, and don't set up nationwide price controls and don't set up a nationwide formulary that restricts the kind of drugs our seniors can get.

If we work in a bipartisan way, which is what Senator SNOWE and I have been trying to do on this issue for 3½ years, we can draw a line that promotes smart shopping in Medicare without going over the line to price controls and restrictive formularies. Let us try to lower the temperature on this particular debate by looking at ways to shop smart without price controls.

In 2004, the Congressional Budget Office said it would make a difference in at least one key area I have been talking about today. I believe it would make a difference in other key areas. I am looking forward, as a member of the Senate Committee on Finance, to working under the leadership of Chairman BAUCUS, on a bipartisan basis, to get this issue resolved because, as the Presiding Officer of the Senate has noted over these many months, this is not an abstract issue for the people most involved. Those are seniors walking on an economic tightrope. We don't know what will happen to medical costs this year, but we can make sure we use every possible opportunity without price controls to make the Medicare Program a smart shopper.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. I ask unanimous consent to proceed as in morning business for 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

IRAQ

Mr. GREGG. Mr. President, I rise to talk a little bit about the situation in Iraq and how we are trying to deal with this as a nation. We need to start with, when we are discussing Iraq, what are our national interests and why are we engaged there.

Our basic national interest in Iraq is the protection of America, our desire to make sure that we are projecting our purposes in a way that reduces the ability of those who would wish to do us harm in this war against us, which was declared in the late 1990s, when it was obviously brought to our shores on September 11, that in that war we are best postured to make sure terrorists, specifically Islamic fundamentalists who wish to do us harm, are not successful. That is the first purpose of our engagement in Iraq.

The second purpose, of course, is to make sure our troops, who are engaged in pursuing this war on the ground in Iraq, are adequately funded and given the support they need in order to do their job and not be exposed to risks which would occur were they not adequately funded and supported.

It has been 5 years since we were attacked. That is the good news, that we have not been attacked for 5 years. Obviously, some of that is good fortune and luck, I suspect. But a lot of that is the result of a policy which has essentially said we are going to find the terrorists before they can find us, and we are going to bring them to justice. And we are going to also try to initiate a process where we establish, in the Middle East, an attitude that respects democracy, respects individual rights, respects the rights of women, and respects the approach of a marketplace economy.

In Iraq, we have attempted to accomplish that, and much has occurred in Iraq that has been good, although, obviously, there is a lot there that has occurred that has been unfortunate, and there have been mistakes made. But the fact is, they have gone through major election processes. They have elected a government. They have had a number of elections, where a large percentage of the population participated. Women have been allowed out of the household and are participating in society.

It remains, however, a nation which is torn by religious strife and cultural and deep ethnic differences. We have not been successful in being able to resolve that and nor have the Iraqi people been able to do that through their democratic process.

But the question becomes for us—in light of the President's request that there be an increase of troops, called the surge, of potentially 20,000 troops, especially concentrated in the Baghdad area, to try to bring more stability to that region—how do we approach this as we move down the road?

Well, I think we have to, as we approach this, keep in context what is our goal. Our goal is to protect us—America—from attacks by radical fundamental Islamic movements and individuals, terrorists specifically, and to make sure our troops, who are in the field, are adequately protected and have the support they need in order to do their job correctly.

A precipitous, immediate pullout, which is the proposal that has come from the other side in a number of different scenarios, would, I suspect, lead to a number of results which would not be acceptable to us and would undermine our basic purpose, which is to protect America from further attack and to protect our soldiers who are in the field protecting us.

How do you manage a precipitous pullout that does not immediately lead to chaos in Iraq, where the sectarian and religious violence has escalated dramatically, where the potential that a client state of Iran will be set up, at least over a portion of Iraq, where safe havens will occur and result for al-Qaida in other portions of Iraq, and where even greater numbers of people—even though that may seem hard to understand—but where even greater numbers of people may die in Iraq, where a massive civil war, potentially in catastrophic proportions in relation to the population there, will precipitate?

I do not see how you avoid those occurrences if you immediately withdraw. An immediate withdrawal also leads to the issue of what happens to the troops who are left behind. You cannot get 130,000 troops out of Iraq overnight. It is going to take, even under the scenario laid out here by the Democratic leadership, 8 to 12 months to accomplish that. And if you are doing that in a compressed time—as is proposed by the recent language that has been put forward by some of our colleagues—if you compress that time, you are going to leave some troops behind at significant risk, much more significant risk than if they have the support mechanisms they need in order to do the job right.

Is the surge the right approach? Is this concept of 20,000 troops going to resolve this? Is that going to lead us to an Iraq that is more stable? I do not know the answer to that question. I have deep reservations that that is going to accomplish that goal. I have to admit, I suspect if we are able to stabilize certain sections of Baghdad, divided into nine districts, as is proposed—stabilize them in sequence or in parallel—that as you stabilize one district, you are going to push the people who are causing the problems into another place. It is not as if they are going to disappear or even probably be, for the most part, corralled. They are simply going to move.

So I am not sure it is going to accomplish its goal. But I do know this: It is the proposal put forward by the people who are on the ground and to whom we have given the responsibility of trying to address this issue of how you deal with an Iraq in the context of the problems which it has. To take the other option is to lead inevitably to a dramatic problem that will be immediate, both for us as a nation, because it will give potentially safe haven to al-Qaida and create an Iran client state, and it will also lead to what I suspect would be a huge explosion in the area of civil war.

So although I have reservations, I, also, am not about to vote to cut off the support for the troops who are in the field. Now, I do not command those troops. I am a Senator. I am not the commander of the troops. The President is Commander in Chief. He has literally the unilateral authority to pursue this course of action, unless we vote as a Senate to cut off funding. And the practical implications of us doing that would mean that troops in the field would not have the money they need in order to undertake their own protection. That would be the result of us cutting off funds.

That is a vote I am never going to take or support because the first obligation we have is to those soldiers who are in the field. You may disagree with the Commander in Chief's position, but I do not think that as people who are charged with the responsibility of funding the troops in the field, that you take that disagreement to the point of putting them at risk. So that would not be a vote that I think would be a good vote for us, as a Congress, to take.

But it appears to me—listening to the debate as it has evolved here—there are some who wish to have it sort of both ways. They want to be able to say one thing but not do what they say. I almost am of the view that we should engage this at the level of substance, and we should have that vote. I am not going to vote for it, but we should have that vote. We should say: OK, if it is the position of the Democratic Party that they want to cut off funds to the troops in the field, if they feel that should be the course of action, so be it.

I happen to be attracted, more appropriately, or more positively, to the proposals of the Iraq Study Group. I think they have laid out a blueprint for us to pursue. I am not sure that is going to lead to anything that fundamentally resolves the problem in Iraq, as the problem in Iraq is religious and it is ethnic and it is cultural and it goes back a long way. But at least they have laid out a roadmap. I will not use that word because that word, obviously, has other implications. They have laid out a blueprint we can pursue and I believe we should pursue.

I, for example, think we should engage both Iran and Syria in diplomacy. I agree with former Secretary of State Baker on that point. The way you engage them—of course, that does not instantaneously give them credibility, but there are ways to engage governments that are so antithetical to us, as has been shown over the years, without giving them inordinate credibility as a result of that engagement. And I think that is appropriate.

So there are processes we could follow. But we have to, under any circumstances, get back to what is our basic purpose, I believe, as governors—and I use that term in the generic sense—and it is, A, No. 1, to protect this Nation from another attack. And that means finding the terrorists before they find us and bringing them to justice. And the effort in Iraq was a legitimate and appropriate effort to try to support the construction of a state in the middle of the Middle East which would subscribe to democratic values, which would give its people the opportunity to have a pluralistic society, where individuals are respected, especially women, and as a result to build a center from which we would have the capacity to undermine the Islamic fundamentalist movement's philosophy that Western values are fundamentally at variance with the Muslim religion and the Muslim way of life. And I believe that is still a legitimate and valued purpose.

But it all comes back to how it protects us. And it protects us by creating an atmosphere where we can go to the Muslim world and say we are not your enemy, but we are actually an opportunity for you to have a better lifestyle, if you follow the course of action of liberty, freedom, individual rights, rights for women, and a market-oriented approach. That protects us. And that should be our first goal: the protection of America from further attack.

We should respect the fact that this administration has succeeded for 5 years in protecting us. Some of that is good fortune, as I said, but a lot of it is the fact that we have reached beyond our borders to find them before they could find those who wish to do us harm.

The second purpose must be to make sure the troops who are in the field have the support they need, not only financial and technical and logistical support but the moral support they need, so they know they are fighting for what is an American cause and is going to keep America safe—which they are. And we need to respect them. They are extraordinary young men and women who are on the frontlines of this war against terrorism and who are doing exceptional service for us.

So that is a brief outline of my thoughts on this matter. I notice, in the concurrent resolution which was submitted by some of our colleagues, they stated that the primary objective of the strategy of the United States in Iraq should be to have the Iraq political leaders make political compromise necessary to end the violence in Iraq. That is an objective, but that is not our primary objective. To make compromise? Whom are they going to compromise with, al-Qaida? Are they going to compromise with Iran?

That is not our objective. Our objective is to, hopefully, have an Iraq that is democratic, is pluralistic, and that is reasonably stable, that is not a client state of Iran, that is not a safe haven for al-Qaida.

Our primary purpose in Iraq is to create an atmosphere in the Middle East where people will look at democracy, at liberty and say: It works. Even though I am Muslim, that works for me as a Muslim—where women have a chance to pursue their options, where market forces work.

Our other primary purpose in Iraq must be to make sure our soldiers, who are fighting for us and protecting us and who are engaged there, are properly supported as long as they are there. Our Commander in Chief has made a decision to move additional troops in there; and that those troops are equally supported.

It is, obviously, a difficult and torturous issue for us as a nation because we are a good nation. We do believe genuinely—I ask unanimous consent for an additional 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CORNYN. Mr. President, will the Senator from New Hampshire yield for a question?

Mr. GREGG. Mr. President, if I could complete a quick thought and then turn to the Senator for his question, my thought was this: This is obviously a torturous issue for us as a nation, because we are basically a very good people. And our history shows that when we use force, we use it for the purposes of trying to free people, of giving people more options and a better lifestyle. We did it during World War I and World War II, and we did it throughout the Cold War. Our success is extraordinary. We have never sought territorial gain, and we do not. We seek to give people the opportunity to pursue the liberties and freedoms which were defined so brilliantly by our Founding Fathers. When we see something such as Iraq, where there seems to be such an inability of the culture to grasp these concepts, even though we are trying as hard as we can to give them that option, it is difficult.

But we still can't take our eye off the ball, which is to basically recognize that we are doing this for our national defense, as we try to stabilize a region that represents an immediate threat to us and has already damaged us more than any other event in our history has damaged us, other than potentially Pearl Harbor, and that we have troops in the field who need to be supported.

I yield to the Senator from Texas for a question.

Mr. CORNYN. I agree with the argument the Senator from New Hampshire has made about the importance of our prosecuting the war against terror and particularly what has been called by the terrorists themselves "the central front in the war on terror" in Iraq.

Some of our colleagues have introduced a resolution, which the Senator has spoken to, which is a nonbinding sense-of-the-Senate resolution. I heard others this morning talk about imposing caps on the number of troops we might deploy there.

I ask the distinguished Senator from New Hampshire, if it is so important that we not fail in Iraq and that the region not descend into either a failed state or a launching pad for future terrorist attacks or a regional conflict ensue, does he not believe it would be important for those who criticize the President's announced plan to offer a constructive alternative of their own, if they believe that the President's chosen plan is not the best course of action?

Mr. GREGG. Answering the Senator through the Chair, that seems to me to be the logical approach. As I mentioned earlier, there are some who seem to want the language of opposition but don't want the responsibility of opposition. If the case is that some believe we should have immediate withdrawal, then that ought to be put on the table in a context which would have the force of law and effect, and let us vote on that. I would vote against it, but let us vote on it.

Mr. CORNYN. If the Senator will yield for one final question.

Mr. GREGG. Yes, I yield to the Senator from Texas.

Mr. CORNYN. Notwithstanding the fact that we have a number of our colleagues running for President of the United States in 2008, and notwithstanding the fact that obviously we have Senators of different party affiliation, Republican and Democrat, isn't a matter of national security exactly the kind of issue that should rise above partisan divisions and upon which we should work to find common ground so we can protect the national security of the United States? I ask the Senator whether he believes that perhaps we have let our guard down and let this discourse become too political in nature rather than solution oriented?

Mr. GREGG. Responding to the Senator through the Chair, the Senator makes a good point. My big concern goes to the morale of the troops in the field. What are they thinking? What are they thinking as a young 19-, 20-, 22-year-old soldier in Iraq today when they hear this discourse going forward and they are asked to go out on patrol, and they are told that maybe the troops their military leadership says it needs to support them is an issue? It is a legitimate issue as to how long we should allow this to hang out there. Let's have the debate. Let's resolve our national position as to what it is going to be, at least for the next year, if we get that far, and resolve it so that we know where we are; otherwise, we do harm to our national policy, because it is so disruptive to have this many voices at the same time claiming legitimacy and, more importantly, it does harm to our troops in the field, which is my primary concern.

I thank the Senator from Texas for his questions and yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

ORDER OF PROCEDURE

Mr. CORNYN. Mr. President, I ask unanimous consent to be recognized to speak for up to 10 minutes, followed by the Senator from Michigan for 10 minutes, followed by the Senator from Colorado for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CORNYN. Mr. President, I appreciate the comments made by the Senator from New Hampshire, Mr. GREGG, with regard to his concerns about the public debate in this body on the progress of the war against terrorism and, specifically, the role of the conflict in Iraq. I have to express some deep concern that on an issue so important to our national security, on the type of matter where we have historically said partisan differences should not extend beyond our shorelines, that we ought to try to work harder to find some solution to this problem for our country. I couldn't agree more with the Senator from New Hampshire: This is a matter of America's national interest and America's national security. That is our No. 1 responsibility. That ought to be our focus. We ought to focus on that like a laser and not be distracted by anything else.

I have heard, in addition to nonbinding sense-of-the-Senate resolutions being offered, expressing disapproval of the President's proposed plan, suggestions this morning by the Senator from Illinois that he wants to put a cap on the number of troops that can be deployed in the battlefield. Perhaps there will be other efforts that come forward to try to one-up the other proposal, to micromanage the conduct of this very grave and serious matter which so directly affects our national security. While I disagree fundamentally that we ought to have any suggestion to our troops and to those who are in harm's way that we are going to undermine their efforts by cutting off funds to support our troops during a time of war or whether we are going to send nonbinding sense-of-the-Senate resolutions in a way that will only encourage our enemies and undermine our war effort, or whether we are going to try to micromanage the conduct of the war rather than to rely upon the senior military leadership who has advised the President and been so much a part of the proposal that the President has made, I think this is all extraordinarily premature.

I hope if there is one thing we can all agree on, it is that we have a chance to be successful in Iraq. I know there are those who differ on what success would mean. The President has talked in impressive terms about his vision of establishing a democratic beachhead in Iraq in an area with too few democracies, because the fact is, democracies don't wage war against other democracies. It would be helpful to the long-term stability of the Middle East if that were successful. But I hear people giving up on that vision and saying: Well, the most we can hope for is what the Iraq Study Group said, which is to provide an Iraq that can be sustained, governed, and defended by the Iraqi people.

I would be satisfied at this time if we were able to accomplish that goal. I would hope that would be a goal we could all embrace. But I know there are two ways to fail in achieving that goal. One would be to give up and to have a precipitous withdrawal of our troops or to cut off funds to support our troops now or to try to micromanage from Washington, DC, how many troops are in the field or under what circumstances, what the rules of engagement might be. The other way is to actually try to see whether the President's proposal demonstrates any improvement or progress in Iraq, which I would think we would all welcome, if, in fact, that happens. But of course, we can't guarantee that. No one knows whether that plan will be successful for sure. I do believe the President has attempted to get advice from the very best military minds available—people such as GEN David Petraeus, who hopefully will be confirmed here shortly to serve as the head of coalition forces in Iraq; people such as Admiral Fallon, who will take over as CENTCOM commander—while continuing to rely on the advice of people such as GEN George Casey and GEN John Abizaid, whom those two gentlemen will be succeeding.

It strikes me as odd to say we are going to give up on this new plan, which many have clamored for for months and maybe even years, before we have even had a chance to implement it. Indeed, the fact is we have had as many as 160,000 troops in Iraq at any given time, where now we have approximately 130,000. And even this so-called surge will not bring us up to the maximum number of troops we have had in Iraq at any given period of time.

I think we ought to take a moment and think about what is being proposed here in terms of nonbinding sense-of-the-Senate resolutions, attempts to micromanage the conduct of the war and the battlefield, because I truly believe if we are to allow Iraq to descend into a failed state, that it will, like Afghanistan did after the Soviet Union left, serve as a launching pad for terrorist organizations to train, recruit, and launch terrorist attacks to other parts of the world, including the United States, and that more American civilians will die as a result.

Of course, there is also the issue of a regional conflict. We have already heard from people such as the Saudis that if, in fact, the Iranians take advantage of the Shiites' momentum in Iraq in that there is ethnic cleansing of Sunnis in Iraq, that likely the Saudis will come in in an effort to prevent the ethnic cleansing of Sunnis, and there will certainly be other countries drawn into what will be a regional conflict.

It is not only responsible for the critics of the President's plan to say what they would do differently, but also to explain how they are going to deal with the consequences of a regional conflict in Iraq, should that happen. I do believe that is likely to happen unless we try to see whether the President's plan, in consultation with bipartisan groups such as the Iraq Study Group and in consultation with the very best military minds in the world, has a chance of success.

I don't know of any American who would not support an effort to win and to stabilize Iraq, to provide a means for it to govern itself and defend itself if, in fact, that is in the best interest of the United States, which I believe it is.

Mr. KERRY. Would the Senator allow me to interrupt for a request and I will ask unanimous consent that the interruption not show in his comments?

Mr. CORNYN. I don't know what the interruption is for.

Mr. KERRY. I want to make request to get into the order, if I could.

Mr. CORNYN. I would prefer if the Senator wait until after I am through talking rather than interrupt my comments. I have no objection if he would like to be added to the end of the current unanimous consent request to be recognized after the Senator from Colorado. I ask unanimous consent that that be the case.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRESCRIPTION DRUGS

Mr. CORNYN. Mr. President, let me mention one other subject while I am up, and that has to do with the comments of the distinguished Senator from Oregon about Medicare prescription drugs and the success of the Part D Medicare prescription drug program. I don't know of many governmental programs that have met with more success than this prescription drug program, in terms of the acceptance of America's seniors and the way it has allowed them to get access to prescription drugs at a reasonable cost that they were never able to access before. But I do have grave concerns about those who would attempt to basically interfere with that successful program by imposing Federal controls on the price for which these pharmaceuticals may be charged under the guise of some negotiation. When the Federal Government negotiates with a private entity, there is no real negotiation; it is a take-it-or-leave-it proposition.

I pose as exhibit A to support that the current VA health care system, which is held out as a model by which this kind of negotiation could go forward. The fact is, the VA system is pointed to as a model by which this Government negotiation could occur, and today that system does not supply nearly the variety of pharmaceuticals to its beneficiaries the Medicare system does.

I have read in various places that the number ranges from 19 percent—I have heard as high as 30 percent—of the drugs that are available to Medicare beneficiaries are available to veterans under the VA system because of this feature. So when you impose price controls, which is what is being advocated by those who want to change the current successful system of Medicare prescription drugs, basically, what we are going to find is a rationing effect. I would think that would be the last thing any of us would want to do—to ration the prescription drugs available to our seniors under the enormously successful Medicare Part D reform we passed in 2003.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

PRESCRIPTION DRUGS

Ms. STABENOW. Mr. President, I rise today to speak to the Medicare prescription drug benefit. I have a different view, and the Michigan seniors and people with disabilities who are trying to access this program have a different experience and view than my friend from Texas.

As I said yesterday, I think it is incredibly important that we join with the House of Representatives to do the first step, which is to require negotiation for the best price on prescription drugs through Medicare. I also know there is incredible confusion, that seniors have been offered a variety of private choices but not the one that most seniors asked for, which is to be able to go through Medicare and sign up as they do for Part B and the rest of Medicare and get a good price. I also know there is great concern from seniors who find themselves in this gap, somehow being called a doughnut hole, but the gap in coverage where you continue to pay a premium but don't receive any help. There are a number of concerns I hope we are going to address.

Number 1 needs to be to say clearly that we want the Secretary to negotiate the best price for people. Right now, as we know, the law actually prohibits, actually stops the Secretary from using the bargaining power of all of the seniors and the people with disabilities on Medicare to be able to get the best price. Why in the world does that make sense? In fact, it doesn't make sense—particularly for something that is lifesaving; it is the major way we provide health care today from a preventive and maintenance standpoint, as well as in a crisis.

There are huge differences between the way the Veterans' Administration successfully serves our veterans and what is being done through, unfortunately, inflated prices through the Medicare system that not only seniors are paying, disabled are paying, but taxpayers are paying as well.

Yesterday, I talked about a report—and I want to talk to that today—from Families U.S.A. released last week, which looked at 20 prescription drugs commonly used by seniors. The results are startling. The report compares the prices the private Medicare Part D plans charge and the prices obtained by the VA, which negotiates for low drug prices on behalf of America's veterans. It showed, again, what we have been seeing over the past year: For each of the top 20 drugs prescribed to seniors, the lowest prices charged by any of the top private Part D providers are higher than the price secured by the VA. It is not just a little bit higher, but in many cases it is astoundingly higher.

Let's look at some examples. I am mentioning specific drugs, not to pick on particular drugs, but we talked about the fact in the committee that transparency, the ability to compare price, and the ability for people to know what they are purchasing is very important. This is something we want the Secretary, on behalf of the people of America, to be doing—looking at the differences in these prices, and the particular points where there is a wide disparity, using their negotiating power to be able to step in on behalf of seniors and the disabled.

When we look at Zocor, which I mentioned yesterday—the drug many seniors use to control their cholesterol levels—the lowest VA price for a year is just over $127. The lowest price under a private plan is $1,485.96—over a 1,066-percent difference. That is astounding. I argue that you could still continue to work with the Federal Government and partner to do research and bring that price down.

Why should seniors pay $1,359 more in a year for this particular prescription drug than veterans do? It is exactly the same drug.

Now, I also mentioned Protonix yesterday. It is the same thing. We are looking at $214.52 for a year, the VA price, negotiating the best price, and $1,148.40 with the lowest Part D plan, a difference of 435 percent.

It is the same thing as we go through the next one, which is Fosamax, which is a 205-percent difference, and on down.

We are talking about substantial differences in price—some smaller than others. But the reality is negotiation works. All we have to do is look at the fact that, on average, we are seeing a price difference of 58 percent between the Veterans' Administration and what is happening from the lowest possible plan with the top 20 most prescribed drugs for our seniors. In other words, for half of the drugs our seniors need most, the lowest price charged is almost 60 percent higher, and it is not demagoguery to say people are choosing between food and medicine. It is not. It is not an exaggeration to say that right now somebody is sitting down and deciding: am I going to pay the heating bill or get the medicine I need? That is the reality for people. We need to have a sense of urgency about fixing this.

I also want to speak to the fact that we have heard a lot about the VA. Unfortunately, we have heard things that are not true, according to information from the Veterans' Administration. Yesterday, I was asked if I knew there were well over 1 million veterans who moved to Medicare Part D. The assertion was made that veterans were leaving the VA because the VA could not give them the drugs they wanted. I knew there were veterans who were adding Medicare Part D coverage. We went back to look and see what that was all about after I received that question. In fact, approximately 280,000 veterans have signed up for Medicare. They are not leaving the VA. In fact, it is not even clear that they are getting any drugs through Medicare at this point. They may have done it to add extra coverage. We are not sure what that mix is, but we are not talking about a million veterans or more running to leave VA because it is such a bad program.

Moreover, according to both the Government Accountability Office and the Institute of Medicine, the VA system is working well. According to the GAO, an overwhelming majority of VA physicians report that the formulary, the grouping of drugs that are available, allows them to prescribe drugs that meet their patients' needs.

The Institute of Medicine has reported that veterans believe their needs are being met. Access to drugs is an issue in less than one-half of 1 percent of the complaints about the VA health system. One-half of 1 percent relate an inability to be able to get the medicine they need.

I also need to point out that at our Finance Committee hearing last week it was mentioned that there are fewer drugs available to our veterans. In fact, we have heard it today on the floor. That is exactly the opposite of what is true. The VA actually has more drugs on its formulary, its list of available drugs. I have not heard anybody say, first of all, that we should take the VA system and impose it on Medicare. But there is a lot of misinformation about what is happening in the VA and what is happening for our veterans, and there is a lot we need to do to focus on the reality and the facts of the huge disparities, an average of 58 percent, and the highest is over 1,000 percent.

I find it very interesting that, on the one hand, we hear two different kinds of arguments occurring. One is that negotiation will make no difference in price. On the other hand, we hear we will lose lifesaving research because of negotiation. Those two arguments don't fit together, even though they are being made by the same people. We don't have to worry about research and development if, in fact, negotiation doesn't lower prices. I argue—and I think common sense dictates—that when you are looking at a 1,000-percent difference in price, at the fact that the American taxpayer is contributing, on average, at least as many dollars for research as the brandname industry is—overall, at least contributing that, because we want the lifesaving drugs—when you look at all of the facts, it doesn't add up; it doesn't add up for anybody but the industry itself to be able to argue that they want to keep the prices this high. I appreciate that. Any industry that has such a significant advantage certainly wants to fight to keep it. But I am very hopeful we will join with the House in saying this is lifesaving medicine, it is not an optional product, and we have to get the best price for our seniors and for the disabled in America.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Colorado is recognized under a unanimous consent agreement for 10 minutes.

ENERGY DEPENDENCE

Mr. SALAZAR. Mr. President, I rise today because our dependence on foreign oil is dangerously out of control and it is putting our Nation at risk. It is weakening our defenses and undermining our power around the world.

From my point of view, as I look at the defining issues of the 21st century, there is no doubt in my mind that our energy security is at the very top of those issues which we must address. We must address it because of national security implications, because of our economic security, and because of the environmental security of the United States of America.

First, with respect to the national security of our country, it is incredible to me that in this year, 2007, we are importing 60 percent of our oil from foreign countries, and 22 percent of the world's oil reserves are official sponsors of terrorism that are under some kind of U.N. sanction. When we look at the conflict underway in the Middle East, when we look at the tensions with Venezuela, we in the United States of America are putting our very national security at risk simply because of our overdependence on foreign oil.

Second, the economic security of the United States of America is very much at risk as well. We need to have a new energy economy that will produce jobs in the United States of America and give us stability with respect to the costs that go into our energy economy.

Third, the environmental security of our Nation is also very much at risk.

As we move forward to try to address issues such as global warming, it is important for us to address this issue from a national security point of view, an economic security point of view, and environmental security point of view. Therefore, I believe the Congress and President Bush, Secretary Bodman, and others who are involved in this effort have to get very serious about our energy security. It is time for us to put rhetoric behind us.

As we heard last week in the Senate Energy Committee, we have a pre-9/11 energy policy that is failing us in a post-9/11 world. We have an energy policy which is still a pre-9/11 energy policy, and it is failing us in this post-9/11 world. We must take dramatic steps to reduce our dependence on fossil fuels, conserve energy with new energy-efficient technologies, and expedite the development of renewable energy resources. We must build a clean energy economy that restores our independence and our competitive advantage around the world.

For much of the last century, the United States has been the single most powerful Nation on this globe. We have been a clarion voice for freedom, democracy, and justice for all people. My father and 16 million young Americans served their country in World War II, defeating the Nazis and the fascists around the world, earning us our role on this globe of the most powerful Nation of the last century. Many died to achieve that legacy for the United States of America. My uncle was one of those 400,000 Americans who died in that conflict of World War II, leaving his life, his blood, and his spirit on the soils of Europe.

Today, our dependence on foreign oil is sapping the strength that the World War II generation built for us. Countries such as Saudi Arabia, Russia, and Iran are playing their oil holdings like chess pieces on a chessboard, applying pressure here, threatening there, and eroding U.S. influence around the world. Since 2001, China and Russia have partnered to lock up oil in central Asia, rolling us out of the region. Venezuela has wielded its resources to bully its neighbors and to oppose our interests in South America. And Iran has used its oil resources to court Russia and China, convincing them to oppose our diplomatic effort to stop Iran from building nuclear weapons. We ought not put our foreign policy in the hands of Iran or Venezuela or the sheiks and kings of the Middle East.

Countries that wish us harm know full well of our addiction to their oil. They know that any disruption in supply sends gas prices through the roof and slows our economy. And they are happy to profit from our addiction. Oil money lines the pockets of the terrorists, the extremists, and unfriendly governments. It helps the Syrians buy rockets, such as those the Hezbollah has in Lebanon today. It reaches bin Laden and al-Qaida. It funds the militants in Nigeria who capture and terrorize westerners. The sad truth is that we are funding both sides of the war on terror. We spent over $100 billion last year to fight the extremists in Iraq and Afghanistan—extremists armed with weapons purchased from our oil revenues. It is crazy.

We are importing more oil today than we ever have. Over 60 percent of our oil—more than 12 million barrels a day—comes from abroad. The vast majority of this oil comes from state-owned oil companies in unfriendly countries. This is only going to get worse in the coming years. Take a look at who controls the world's oil reserves. If we look at the chart, the countries of Saudi Arabia, Iran, Russia, Iraq—and the list goes on—control most of the world's oil reserves, and many of these countries are either unfriendly to the United States or have a shaky government around them. But we know one thing for sure: It is not the best interests of the United States they have at heart.

If our oil dependence continues, we will be relying on companies such as Petrovesa, Saudi Aramco, and Gazprom for our oil. What does this mean? It means that Saudi Arabia, Russia, Iran, and Venezuela will hold our very energy security in their hands, which means they hold our very national security in their hands.

We have to change course, and we have to change course now. We are no longer a world where oil costs $12 a barrel. We no longer carry the illusion that others wish us no harm. We live in a complex and dangerous time. Yet we continue to depend on this pre-9/11 energy policy that simply is not working for us in this 21st century.

The good news is that the future of our Nation's energy security lies right here at home. It lies in our farms and in our fields and with the ingenuity of American workers and American technologies.

There are two things we can do immediately to improve our energy security. First, we can dramatically increase our energy efficiency. Improved efficiency is the cheapest and largest source of energy. The technologies that will save us energy and money are already in place, but Government policies often discourage consumers from using them. We have to be much smarter as a country about energy efficiency.

Second, we need to expand our domestic energy production from renewable energy sources. We have taken aggressive steps over the past few years to open new sources of oil and natural gas in this country. We see the effects of these policies throughout our country, especially in my State of Colorado where natural gas production has jumped over 50 percent over 2000, and we see it in the Gulf of Mexico where just a few months ago we in Congress opened millions of new acres for leasing.

But we have fallen woefully short on the renewable energy front. We have fallen woefully short. In last year's State of the Union Address, President Bush touted the virtues of cellulosic ethanol and solar power. He told the American people:

> . . . We have a serious problem, we are addicted to oil.

And he indicated that he would make a serious commitment to renewable energy. That is what the President said a year ago in his State of the Union Address. Yet, in fact, that hasn't happened. The proof is that it simply is not in the budget, and the proof is that if you look at what has happened with renewable energy and energy efficiency, we are investing less in these initiatives than at the time President Bush became President. If you look at our renewable energy investments from 2001 to 2006, you see this line, this thin line. We have actually been investing less in renewable energy resources from 2001 until 2006. For us to have declined by almost $100 million during that time period in terms of what we are investing in renewable energy means we are not walking the talk about what we can do with respect to renewable energy.

I also want to briefly demonstrate the reductions that have been made with respect to our investments in energy efficiency. Again, in 2001, we were investing about $900 million to make this a more energy-efficient country. In the time that has passed in the last 5 years, now, in 2006, we are investing $200 million less. So when people talk about getting energy efficient or investing in renewable energy, the fact is America simply is not walking the talk. We need to start walking the talk if we are going to get to energy independence.

Mr. President, may I inquire how much time I have remaining?

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SALAZAR. I ask unanimous consent to speak for an additional 2 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SALAZAR. I thank my friend and colleague from Massachusetts, Senator KERRY, for being patient.

We need to move forward to start walking the talk, and the first step is for President Bush, when he comes before the Congress for the State of the Union Address, to talk about energy independence, but to make sure the budget that is put on the table for Congress to consider is a real budget that is robust in terms of how it will move us forward with respect to renewable energy, with respect to alternative technologies, and with respect to investments in a greater energy-efficient economy. This is an imperative for the United States of America, and unless we move forward aggressively in a bipartisan fashion, bringing conservatives and progressives, Democrats and Republicans, together on this initiative, we will be compromising the national security of the United States in a manner that is absolutely inexcusable.

I look forward in the days ahead to working with my colleagues as we move forward with a robust energy package that will get us to energy independence.

I thank the Chair, and I yield the floor.

Mr. KERRY. Mr. President, first, let me begin by congratulating my colleague from Colorado on his comments, which are important. As I think the Chair knows, during the course of the 2004 cycle, I made energy independence one of the centerpieces of the campaign. In fact, I am proud that I was the first Presidential candidate to ever advertise in a campaign on that topic. We tried to lay out why and how it is so critical to the security of our country, the health of our country, the economy of our country, and the jobs that would be created. Of course, in terms of environmental protection, it is common sense. There are huge gains to be made with respect to efficiency. Efficiency, in fact, is the largest place available to grab CO_2 out of the atmosphere, which is the biggest problem with global warming, global climate change. So there is an enormous agenda here. In fact, this administration isn't even in the game. It is sad when you measure it against the demands of the country.

So I appreciate what the Senator has said. This is something that has to become a priority over the course of the next days here, and we are going to do everything in our power to help make it so.

TRIBUTE TO PAUL TSONGAS

Mr. KERRY. Mr. President, 10 years ago today, this country lost a leader and this Chamber lost a colleague, and Massachusetts lost a favorite son. Ten years ago today, cancer took Paul Tsongas from us prematurely at 55 years of age. He left three wonderful daughters: Ashley, Katina, and Molly, and his special and extraordinary wife Niki, and he left an enormous number of friends and people whom he touched and affected across the country, those who joined him to help reform our politics.

Paul was a very different kind of public person. He walked his own path. He walked to his own tune. Today we remember him and we join the people in Merrimack Valley and across Massachusetts and so many others who came to appreciate and respect him and learned a lot about him through his Presidential campaign. We honor a life that elevated those whom he knew, and the countless people he never met, but whose lives he affected through the things he fought for and believed in.

Paul Tsongas inspired with his optimism and his drive, his disarming humor, and his love of causes both distant and local. He was proud of his Greek heritage, proud of his roots as the son of a drycleaner, proud of Lowell, and he became a champion of environmental protection and expanding opportunity so the full measure of the American dream that he came to see as a young person himself was accessible to everybody else.

He set a high standard for public service which he continued even after he left the Senate. He continued out of office to work across the aisle proving, with former Senator Warren Rudman and their Concord Coalition, that balancing the budget was not a partisan agenda item and that fiscal discipline could, in fact, invigorate and not stifle the American economy. Paul Tsongas was a Democratic deficit hawk before it was popular and, I might add, together with Senator Gary Hart, was part of that new vanguard that helped to define the defense issues of our Nation in a modern context.

He understood also that being a Democrat did not mean being antibusiness. In Lowell, Paul served as a city councilor and then later as a reformed county commissioner. He loved Lowell. He loved that old mill town where he was born. Even at the end of his life, he knew every single person there, from Main Street through the largest businesses, and he could still see where he had grown up from the house where he lived in his last days.

Paul came to Washington, where he worked with Tip O'Neill, Joe Moakley, Republican Sil Conte, and Ed Brooke in a bipartisan, golden age for the Massachusetts delegation. Paul's love of ideas and his love of Lowell helped trigger one of the earliest sparks of high-tech innovation in Massachusetts. Through his championing of early computer companies such as Wang and others, he helped to fuel the whole era of such stunning ingenuity that it changed the face of America and enhanced our technological leadership in the world. Paul helped Lowell reinvent itself after years of decline, and in 1978, he was elected to the Senate. After one term only in the Senate, he gave up his seat in order to be with his family and fight cancer. He was sustained by the loving support of his sister, his wife, and his daughters, whom he treasured. Paul at age 7, had lost his own mother to tuberculosis, so this idea of being with family during that kind of crucial time was particularly poignant to him.

As a friend of Paul's famously told him: No man ever died wishing he had spent more time with his business. Paul was first diagnosed with cancer in 1983 and he fought it courageously from that day forward. Right to the end of his life, he was tenacious in his support for the causes he believed in, in his fight against the devastating disease that eventually took him but never stole his spirit. Instead, he brought to the fight the same optimism and determination that made him so successful in the Peace Corps. In 1992, when in remission, Paul ran for the Presidency, and he ran one of the most bracingly honest and politically courageous Presidential campaigns of our time. His was a campaign defined by common sense and by that wry sense of humor more than it was defined by fiery oratory. He managed to win Democratic primaries in New Hampshire and three other primaries and four State caucuses before the man from Lowell finally ceded the nomination to the man from Hope.

Paul reached across the country to the distant shores of the Pacific as coauthor of the Alaska Lands Act, which protected millions of acres of pristine wilderness. He made an admirable contribution to our environment. His aggressive policies to protect our natural resources were truly an investment in our future. He made life-long friends in Ethiopia as a result of his Peace Corps service in the early 1960s, proving even as a young man that his sense of the world reached beyond the horizon and to cultures far from his roots.

Today, in Lowell, the name Tsongas graces a museum of industrial history, part of the National Park Service, where the full story, both good and bad, of the industrial revolution and the textile industry in Massachusetts is presented for thousands of visitors, young and old, every year. Today, the name Tsongas graces an arena where athletic excellence, a passion dear to Paul's heart, is practiced along with political conventions and trade shows.

So I rise today not only as the Senator who inherited his seat; I rise as an admirer and a friend. To know Paul Tsongas was to see up close what this business we work in means in people's lives, and the full arch of his time on Earth illuminates the larger impact each of us can have on our communities, on our State, and on our Nation.

That is why this day is special for this Chamber, a sad, proud memory for Lowell and for Massachusetts, and a moment to reflect on Paul's life and his contributions. It is hard to believe Senator Tsongas has been gone for 10 years. If he were with us today, Paul would be a strong voice full of insight, humor, and wisdom, all in that inimitable style, once modest, but incredibly forceful, the style we came to know and appreciate so much. Lowell, MA will miss Paul Tsongas, America misses him, but we remember him today.

Mr. KENNEDY. Mr. President, I would like to take a moment to join my colleague, the junior Senator from Massachusetts, to mark a significant and sad anniversary. Ten years ago today, America lost a great patriot, Massachusetts lost a great advocate, and JOHN KERRY and I lost a great friend when Paul Tsongas passed away after a valiant and courageous fight with cancer.

Paul Tsongas was the epitome of a public servant. From his time in the Peace Corps in both Ethiopia and the West Indies in the 1960s through his spirited campaign for the Presidency in 1992, Paul lived by the words my brother Jack believed so strongly, that each of us can make a difference and all of us should try.

Paul Tsongas tried his best to do so, all his life, and he made a large and continuing difference. To the people of his beloved Lowell, he proved that our great industrial cities can be reborn and renewed, with a creative emphasis on reshaping their great history to meet the needs of our current high tech economy. In the 1970s and 1980s, when America was moving inexorably to the suburbs and so many of our great urban centers were being hollowed out, many of our people found it increasingly difficult to see a bright future for urban areas decimated by the decline of manufacturing.

But today, across the country, a new movement has been born to encourage creative investment in our cities, and one of the first models for how such efforts can succeed is the vision Paul Tsongas had for Lowell, MA.

F. Scott Fitzgerald may have said there are no second acts in American life, but Paul Tsongas could have responded, "Let him come to Lowell."

Paul served in the House and joined me in the Senate in 1978. He was someone I knew I could always count on to fight hard for the people of Massachusetts, and the Nation. He was tireless, determined, and always well prepared. Sometimes we would disagree on policy matters, here and there, but if you were going to challenge Paul, you had better have your facts straight because he knew what he was talking about.

He also was an outstanding campaigner. The conventional wisdom in politics has always been—at least as long as I can remember—that candidates with difficult to pronounce names have a small additional hurdle.

Paul had a silent "t" at the beginning of his name, and I will never forget how brilliantly he turned that small disadvantage into a major asset in his victorious campaigns for elective office.

He ran hilarious ads that had all these people struggling to pronounce his name, and none of them could do it. But by the end of the campaign, every voter could do the silent "t" and everyone loved the candidate who made fun of himself on TV.

Its is a lesson that Paul would carry on throughout his courageous battle against cancer. Everyone faces obstacles—some great and some small. It's how we choose to deal with them that makes us who we are.

Paul Tsongas was an inspiration to all who knew him. The son of a Greek immigrant father and a mother who died of tuberculosis, he demonstrated again and again that through hard work, commitment, and a passion for doing what is right, all things are possible in our America.

He charted a new course for the city he loved. He authored the Alaska Lands Act to protect millions of acres of American wilderness, and he founded, with our former colleague, Warren Rudman, the Concord Coalition, which has become a highly respected force for fiscal responsibility since its creation in the early 1990s.

When the diagnosis of cancer was made, he left the Senate to spend more time with his wonderful wife Niki, his loving sister Thaleia, and his three daughters, Ashley, Katina, and Molly.

After completing his rigorous treatment, he threw his hat in the Presidential ring in the 1992 primaries and his candidacy helped fuel the movement to make Government accountable for its fiscal policies. He left an immense and enduring legacy.

We miss you, Paul. We miss your bravery and your commitment. We miss your friendship and concern, but we know you are resting in peace today after an extraordinary and well-lived life.

Madam President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. THUNE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CARDIN). Without objection, it is so ordered.

APPOINTMENT

The PRESIDING OFFICER. For the information of the Senate, the Chair makes the following announcement:

The President Pro Tempore of the Senate and the Speaker of the House of Representatives, pursuant to the provisions of 201(a)(2) of the Congressional Budget Act of 1974, have appointed Dr. Peter R. Orszag as Director of the Congressional Budget Office effective immediately for the term expiring January 3, 2011.

The Senator from South Dakota is recognized.

Mr. THUNE. I thank the Chair.

(The remarks of Mr. THUNE and Mr. SALAZAR pertaining to the introduction of S. 331 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. THUNE. Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CONRAD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DISCHARGE AND REFERRAL

Mr. CONRAD. Mr. President, I ask unanimous consent that S. Res. 32 be discharged from the Rules Committee and referred to the Committee on Small Business and Entrepreneurship.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. I thank the Chair. I yield the floor and note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROTECT THE POWER OF THE PEOPLE

Mr. BYRD. Mr. President, in the late hours last night, I took to the floor to decry some Senators who wish, if I may put it in this language, to sabotage the ethics reform legislation with a dangerous and unconstitutional line-item veto proposal. What is happening is little more than political blackmail, and the American people—those people out there who are watching through the lenses above the President's chair, the American people—should be outraged. I have been around here a long time. I have spoken on this subject many times. This so-called line-item veto is an assault on the single most important protection that the American people have against a President, any President, who wants to run roughshod over the liberties of the people prescribed in the Constitution. Today I am talking about the congressional power over the purse. The congressional power that is right here, and over on the other side of the Capitol, the congressional power over the purse.

Weaken the power of the purse and one weakens strong—the word "strong" is too weak—one weakens oversight, for example, on this bloody nightmare of a war in Iraq. Get that? Weaken the power over the public purse and we weaken the oversight over this bloody war in Iraq. That is just one example. One weakens the power of the purse and one weakens the checks on a President who wants to tap into personal telephone calls or pry into bank accounts or tear open the mail. Without congressional power over the purse—money—there is no effective way to stop an out-of-control President who is bent on his way, no matter the price, no matter the repercussion. Make no mistake—hear me, now. The Roman orator would say, "Romans, lend me your ears." Make no mistake, this line-item veto authority would grant tremendous—I say tremendous and dangerous—new power to the President.

There are new Members of this body. Perhaps we ought to have some discussions about the line-item veto. The President would have unchecked authority to imperil congressional power over the purse, a power that the constitutional Framers felt was absolutely vital to reining in an overzealous President.

Eight years ago, the United States Supreme Court ruled that the line-item veto—hear me, Senators; you may be watching your boob tubes. Hear me. Eight years ago, the United States Supreme Court ruled that the line-item veto was unconstitutional. I said at the time that the Supreme Court saved the Congress from its own folly. But now, it seems, memories in this Senate are short and wisdom may be even shorter in supply. Here we are, on the heels of 6 years of assault on personal liberty, 6 years of a do-nothing Congress all too willing to turn its eyes from the real problems of the Nation, 6 years of rubberstamps and rubber spines—here we are, all too ready to jettison the single most important protection of the people's liberties: the power of the purse.

Let's review the record. We have a President—I say this in all due respect. I respect the President of the United States. I respect the Presidency; I respect the Chief Executive. We have a President who already has asserted too much power while refusing to answer questions:

> I am the commander—see, I don't need to explain—I do not need to explain why I say things. That's the interesting thing about being the President. Maybe somebody needs to explain to me why they say something, but I don't feel like I owe anybody an explanation.

Those are the words of our President, the very President who some in this body are all too willing to allow to dominate the people's branch, this branch, your branch—the people's branch of Government.

This President claimed the unconstitutional authority to tap into the telephone conversations of American citizens without a warrant, without court approval. This President claimed the unconstitutional authority to sneak and peek, to snoop and scoop into the private lives of you, the American people. This President has taken the Nation to a failed war—yes, to a failed war that we should have never entered into—based on faulty evidence and an unconstitutional doctrine of preemptive strikes, a doctrine that is absolutely unconstitutional on its face. More than 3,000 American sons and daughters have died in Iraq in this failed Presidential misadventure.

What is the response of the Senate? To give the President even more unfettered authority? Give him greater unchecked powers? It is astounding. We have seen the danger of the blank check. We have lived through the aftermath of a rubberstamp Congress. We should not continue to lie down for this or any other President.

Of course, this President wants to strip Congress of its strongest and most important power, the power of the purse. Congress has the ability to shut down the administration's unconstitutional practices. Congress is asking tough questions and demanding honest answers. Congress is taking a hard look at finding ways to bring our troops home from the President's misadventure in Iraq that has already cost the lives of more than 3,000 of the American people's sons and daughters. Of course, the President wants to control the Congress. Some Presidents have wanted to do this before—silence the critics, ignore, if you will, the will of the people seriously cripple oversight.

Strip away the power of the Congress to control the purse strings, then you strip away the power of the Congress to say "No more, Mr. President;" strip away the single most important power granted to the people in this Constitution. That is the White House demand. I, for one, will not kowtow to this President or to any President. I, for one, will not stand quietly by while the people's liberties are placed in jeopardy. No Senator should want to hand such power to the President. No American should stand for it—not now, not today, not tomorrow, not the day after tomorrow, not ever.

Just a few weeks ago, Members of the Senate took an oath, "I do solemnly swear that I will support and defend. . . ." This is in our oath, my oath, that I have taken several times.

> I do solemnly swear that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter: So help me God.

That is the oath I take: "So help me God."

If our Republican colleagues want to stop the Senate's efforts to end the scandals that plagued the last Congress, that is their right. If our Republican colleagues want to stop the first increase in the minimum wage in the past decade, that is their right. But I, this mountain boy from the hills, will not stand with them. And the American people will see through this transparent effort to gut ethics reform.

I, as one Senator with others, if they will stand with me, will do my very best to support and defend the Constitution of the United States. Yet I will bear true faith and allegiance to this Constitution and to the people of this great Nation, defying an effort to weaken the power of the purse.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GREGG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. Mr. President, I will speak briefly on the second look at waste amendment which I have offered which has generated a fair amount of interest and discussion in this Senate. It is an amendment that essentially is an enhanced rescission amendment. It is not a line-item veto.

I am a great admirer of the Senator from West Virginia. I have enjoyed serving in the Senate and being educated by him on all sorts of issues. I respect his view on the importance of the power of the purse and identify with it. That is the essence of the legislative branch's source of power. But I must respectfully disagree with his characterization of this amendment, and I believe I can defend that position effectively and respond to the points he has made and make it clear to our colleagues that we are not voting on line-item veto.

Back in 1995, a line-item veto was given to the President. It was ruled unconstitutional. This amendment is not that proposal or anything similar to that proposal.

I said earlier today, to compare this amendment to the line-item veto amendment is akin to comparing the New England Patriots to the Buffalo Bills. They may be in the same league, but they have no identity of ability or purpose, as far as I could tell.

The enhanced rescission language which I have proposed—which is essentially second-look-at-waste language—the purpose of it is to give the Congress another look at provisions that may have been buried in a bill and which the executive branch thinks need a second look.

The enhanced rescission language which I have proposed essentially tracks the proposal that was put forward by, at that time, Senator Daschle as their alternative to the line-item veto. It has the same essential purposes, except it is weaker, quite honestly, than what Senator Daschle proposed. It allows the President to send up a group of rescissions, in our case four. Under the Daschle proposal, he could have sent up as many as 13 different packages.

Those rescissions, if a Member introduces them, must be voted on in a timeframe; the same thing as the Daschle proposal was. Those rescissions, under the Daschle proposal, were not referred to committee but under our proposal do go back to committees of authorization—a weaker proposal than the Daschle proposal.

Both Houses must act on the rescissions, not just one House, for the rescissions to survive, and they must be acted on with a majority—the same thing as the Daschle proposal.

The President is limited in the amount of time that he can hold the money. The timeframe under the Daschle proposal was, I believe, longer than under our proposal. I am not absolutely sure of that, but our proposal limits him to 45 days that he can hold that money, pending the Senate taking action.

There is some sunlight between the two because the Daschle proposal allowed motions to strike in specific instances, if there were 49 Senators agreeing to the motion to strike. I have said I am open to that as a concept, were we to get into a process of amending the proposal I have proposed. But that is an element of difference.

But there is very little else that is different between what I am proposing and what Senator Daschle proposed as his rescission package. This is not a line-item veto amendment. It reserves to the Congress the authority to make the final call. All it gives to the President is the ability to ask us to take another look at something. That is pretty reasonable in the context of what we see today because we see all these omnibus bills arrive at our doorstep, spending tens of millions, in some instances hundreds of billions of dollars, and in those bills a lot of language works its way in that could be suspect, a lot of earmarks, a lot of things which maybe do not have majority support, but the President gets this big bill. He has to sign the whole thing or the Government shuts down or something else heinous happens.

So it is reasonable to say: All right, let's take out those earmarks and send them back up and give Congress another look. It gives the President no unique authority—no unique authority—that could be identified as a line-item veto. There is no supermajority which is the essence of a line-item veto, no capacity to go in and delete something from a bill which is the essence of a line-item veto. It simply gives him the capacity to say to Congress, four times: Take a look. See if these rescissions make sense.

The Daschle amendment was so far from a line-item veto that the most effective spokesperson in opposition to line-item veto in this Senate, in my lifetime, and probably in anybody else's lifetime, cosponsored the Daschle amendment. That was Senator BYRD.

So I would ask Senator BYRD to take a serious look at what I have offered and say: Aren't we dealing with apples and oranges? Yes, I can understand his opposition to line-item veto. That is fine. That is his position. It has been well said for years. The argument of the importance of protecting the power of the purse is a good one. It is critical—critical. But this rescission language does not affect that. It does not affect the power of the purse. It is not a line-item veto amendment and so far from it that it basically tracks the Daschle amendment.

In fact, I ask unanimous consent that the Daschle amendment be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DASCHLE (AND OTHERS) AMENDMENT NO. 348

(SENATE—MARCH 21, 1995)

SECTION 1. SHORT TITLE.

This Act may be cited as the "Legislative Line Item Veto Act".

SEC. 2. EXPEDITED CONSIDERATION OF CERTAIN PROPOSED CANCELLATIONS OF BUDGET ITEMS.

(a) IN GENERAL.—Title X of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 621 et seq.) is amended by adding after section 1012 the following new section:

"EXPEDITED CONSIDERATION OF CERTAIN PROPOSED CANCELLATIONS OF BUDGET ITEMS

"SEC. 1012A. (a) PROPOSED CANCELLATION OF BUDGET ITEM.—The President may propose, at the time and in the manner provided in subsection (b), the cancellation of any budget item provided in an Act. An item proposed for cancellation under this section may not be proposed for cancellation again under this title.

"(b) Transmittal of Special Message.—

"(1) Special message.—

"(A) In general.—Subject to the time limitations provided in subparagraph (B), the President may transmit to Congress a special message proposing to cancel budget items contained in an Act. A separate special message shall be transmitted for each Act that contains budget items the President proposes to cancel.

"(B) Time limitations.—A special message may be transmitted under this section—

"(i) during the 20-calendar-day period (excluding Saturdays, Sundays, and legal holidays) commencing on the day after the date of enactment of the provision proposed to be rescinded or repealed; or

"(ii) at the same time as the President's budget for any provision enacted after the date the President submitted the preceding budget.

"(2) Draft bill.—The President shall include in each special message transmitted under paragraph (1) a draft bill that, if enacted, would cancel those budget items as provided in this section. The draft bill shall clearly identify each budget item that is proposed to be canceled including, where applicable, each program, project, or activity to which the budget item relates.

"(3) Contents of special message.—Each special message shall specify, with respect to the budget item proposed to be canceled—

"(A) the amount that the President proposes be canceled;

"(B) any account, department, or establishment of the Government to which such budget item is available for obligation, and the specific project or governmental functions involved;

"(C) the reasons why the budget item should be canceled;

"(D) to the maximum extent practicable, the estimated fiscal, economic, and budgetary effect (including the effect on outlays and receipts in each fiscal year) of the proposed cancellation; and

"(E) all facts, circumstances, and considerations relating to or bearing upon the proposed cancellation and the decision to effect the proposed cancellation, and to the maximum extent practicable, the estimated effect of the proposed cancellation upon the objects, purposes, and programs for which the budget item is provided.

"(4) Deficit reduction.—

"(A) Discretionary spending limits and adjustment of committee allocations.—Not later than 5 days after the date of enactment of a bill containing the cancellation of budget items as provided under this section, the President shall—

"(i) with respect to a rescission of budget authority provided in an appropriations Act, reduce the discretionary spending limits under section 601 of the Congressional Budget Act of 1974 for the budget year and any outyear affected by the rescission, to reflect such amount; and

"(ii) with respect to a repeal of a targeted tax benefit, adjust the balances for the budget year and each outyear under section 252(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 to reflect such amount.

"(B) Adjustment of committee allocations.—Not later than 5 days after the date of enactment of a bill containing the cancellation of budget items as provided under this section, the chairs of the Committees on the Budget of the Senate and the House of Representatives shall revise levels under section 311(a) and adjust the committee allocations under section 602(a) to reflect such amount.

"(c) Procedures for Expedited Consideration:

"(1) In general.—

"(A) Introduction.—Before the close of the second day of session of the Senate and the House of Representatives, respectively, after the date of receipt of a special message transmitted to Congress under subsection (b), the majority leader or minority leader of each House shall introduce (by request) the draft bill accompanying that special message. If the bill is not introduced as provided in the preceding sentence in either House, then, on the third day of session of that House after the date of receipt of that special message, any Member of that House may introduce the bill.

"(B) Referral and reporting.—The bill shall be referred to the appropriate committee or (in the House of Representatives) committees. The committee shall report the bill without substantive revision and with or without recommendation. The committee shall report the bill not later than the seventh day of session of that House after the date of receipt of that special message. If the committee fails to report the bill within that period, the committee shall be automatically discharged from consideration of the bill, and the bill shall be placed on the appropriate calendar.

"(C) Final passage.—A vote on final passage of the bill shall be taken in the Senate and the House of Representatives on or before the close of the 10th day of session of that House after the date of the introduction of the bill in that House. If the bill is passed, the Secretary of the Senate or the Clerk of the House of Representatives, as the case may be, shall cause the bill to be engrossed, certified, and transmitted to the other House within one calendar day of the day on which the bill is passed.

"(2) Consideration in the house of representatives.—

"(A) Motion to proceed to consideration.—A motion in the House of Representatives to proceed to the consideration of a bill under this subsection shall be highly privileged and not debatable. An amendment to the motion shall not be in order, nor shall it be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

"(B) Motion to strike.—During consideration under this subsection in the House of Representatives, any Member of the House of Representatives may move to strike any proposed cancellation of a budget item if supported by 49 other Members.

"(C) Limits on debate.—Debate in the House of Representatives on a bill under this subsection shall not exceed 4 hours, which shall be divided equally between those favoring and those opposing the bill. A motion further to limit debate shall not be debatable. It shall not be in order to move to recommit a bill under this subsection or to move to reconsider the vote by which the bill is agreed to or disagreed to.

"(D) Appeals.—Appeals from decisions of the Chair relating to the application of the Rules of the House of Representatives to the procedure relating to a bill under this section shall be decided without debate.

"(E) Application of house rules.—Except to the extent specifically provided in this section, consideration of a bill under this section shall be governed by the Rules of the House of Representatives. It shall not be in order in the House of Representatives to consider any bill introduced pursuant to the provisions of this section under a suspension of the rules or under a special rule.

"(3) Consideration in the senate.—

"(A) Motion to proceed to consideration.—A motion to proceed to the consideration of a bill under this subsection in the Senate shall be nondebatable. It shall not be in order to move to reconsider the vote by which the motion to proceed is agreed to or disagreed to.

"(B) Motion to strike.—During consideration of a bill under this subsection in the Senate, any Member of the Senate may move to strike any proposed cancellation of a budget item if supported by 11 other Members.

"(C) Limits on debate.—Debate in the Senate on a bill under this subsection, amendments thereto, and all debatable motions and appeals in connection therewith (including debate pursuant to subparagraph (D)), shall not exceed 10 hours. The time shall be equally divided between, and controlled by, the majority leader and the minority leader or their designees.

"(D) Appeals.—Debate in the Senate on any debatable motion or appeal in connection with a bill under this subsection shall be limited to not more than 1 hour, to be equally divided between, and controlled by, the mover and the manager of the bill, except that in the event the manager of the bill is in favor of any such motion or appeal, the time in opposition thereto, shall be controlled by the minority leader or his designee. Such leaders, or either of them, may, from time under their control on the passage of a bill, allot additional time to any Senator during the consideration of any debatable motion or appeal.

"(E) Motion to limit debate.—A motion in the Senate to further limit debate on a bill under this subsection is not debatable.

"(F) Motion to recommit.—A motion to recommit a bill under this subsection is not in order.

"(G) Placed on calendar.—Upon receipt in the Senate of the companion bill for a bill that has been introduced in the Senate, that companion bill shall be placed on the calendar.

"(H) Consideration of house companion bill.—

"(i) In general.—Following the vote on the Senate bill required under paragraph (1)(C), when the Senate proceeds to consider the companion bill received from the House of Representatives, the Senate shall—

"(I) if the language of the companion bill is identical to the Senate bill, as passed, proceed to the immediate consideration of the companion bill and, without intervening action, vote on the companion bill; or

"(II) if the language of the companion bill is not identical to the Senate bill, as passed, proceed to the immediate consideration of the companion bill.

"(ii) Amendments.—During consideration of the companion bill under clause (i)(II), any Senator may move to strike all after the enacting clause and insert in lieu thereof the text of the Senate bill, as passed. Debate in the Senate on such companion bill, any amendment proposed under this subparagraph, and all debatable motions and appeals in connection therewith, shall not exceed 10 hours less such time as the Senate consumed or yielded back during consideration of the Senate bill.

"(4) Conference.—

"(A) Consideration of Conference Reports.—Debate in the House of Representatives or the Senate on the conference report and any amendments in disagreement on any bill considered under this section shall be limited to not more than 2 hours, which shall be divided equally between the majority leader and the minority leader. A motion further to limit debate is not debatable. A motion to recommit the conference report is not in order, and it is not in order to move to reconsider the vote by which the conference report is agreed to or disagreed to.

"(B) Failure of Conference to Act.—If the committee on conference on a bill considered under this section fails to submit a conference report within 10 calendar days after the conferees have been appointed by each House, any Member of either House may introduce a bill containing only the text of the draft bill of the President on the next day of session thereafter and the bill shall be considered as provided in this section except that the bill shall not be subject to any amendment.

"(d) Amendments and Divisions Prohibited.—Except as otherwise provided by this section, no amendment to a bill considered under this section shall be in order in either the Senate or the House of Representatives. It shall not be in order to demand a division of the question in the House of Representatives (or in a Committee of the Whole). No motion to suspend the application of this subsection shall be in order in the House of Representatives, nor shall it be in order in the House of Representatives to suspend the application of this subsection by unanimous consent.

"(e) Temporary Presidential Authority To Cancel.—At the same time as the President transmits to Congress a special message under subsection (b)(I)(B)(i) proposing to cancel budget items, the President may direct that any budget item or items proposed to be canceled in that special message shall not be made available for obligation or take effect for a period not to exceed 45 calendar days from the date the President transmits the special message to Congress. The President may make any budget item or items canceled pursuant to the preceding sentence available at a time earlier than the time specified by the President if the President determines that continuation of the cancellation would not further the purposes of this Act.

"(f) Definitions.—For purposes of this section—

"(1) The term 'appropriation Act' means any general or special appropriation Act, and any Act or joint resolution making supplemental, deficiency, or continuing appropriations.

"(2) The term 'budget item' means—

"(A) an amount, in whole or in part, of budget authority provided in an appropriation Act except to fund direct spending programs and the administrative expenses social security; or

"(B) a targeted tax benefit.

"(3) The term 'cancellation of a budget item' means—

"(A) the rescission of any budget authority provided in an appropriation Act; or

"(B) the repeal of any targeted tax benefit.

"(4) The term 'companion bill' means, for any bill introduced in either House pursuant to subsection (c)(1)(A), the bill introduced in the other House as a result of the same special message.

"(5) The term 'targeted tax benefit' means any provision which has the practical effect of providing a benefit in the form of a different treatment to a particular taxpayer or a limited class of taxpayers, whether or not such provision is limited by its terms to a particular taxpayer or a class of taxpayers. Such term does not include any benefit provided to a class of taxpayers distinguished on the basis of general demographic conditions such as income, number of dependents, or marital status.".

(b) Exercise of Rulemaking Powers.—Section 904 of the Congressional Budget Act of 1974 (2 U.S.C. 621 note) is amended—

(1) in subsection (a), by striking "and 1017" and inserting "1012A, and 1017"; and

(2) in subsection (d), by striking "section 1017" and inserting "sections 1012A and 1017".

(c) Clerical Amendments.—The table of sections for subpart B of title X of the Congressional Budget and Impoundment Control Act of 1974 is amended by inserting after the item relating to section 1012 the following:

"Sec. 1012A. Expedited consideration of certain proposed cancellations of budget items.".

(d) Effective Period.—The amendments made by this Act shall—

(1) take effect on the date of enactment of this Act;

(2) apply only to budget items provided in Acts enacted on or after the date of enactment of this Act; and

(3) cease to be effective on September 30, 1998.

Mr. GREGG. As to this amendment, on March 23, Senator BYRD rose and said: " . . . I am 100 percent behind the substitute by Mr. Daschle, and I ask unanimous consent that my name may be added as a cosponsor."

This amendment is essentially what I have offered as the second-look-at-waste amendment. In fact, I will be honest, I would be willing to probably modify my amendment to basically track the Daschle amendment exactly. I have some differences with the Daschle amendment. I do not think in some places it is constructed as well as mine because it has 13 shots from the President. I happen to think that is a mistake. And it is not referred to committees, which I think is a mistake. I would be willing to offer it. If that is what it takes to mute the argument that this is a line-item veto amendment, then I will do that because this is not a line-item veto amendment.

So my immense respect for the Senator from West Virginia and my very high regard for his arguments as to why he opposes the line-item veto remain. I continue to have enthusiasm in both those accounts for him. But I have to say I think for him to characterize this amendment as a line-item veto amendment is incorrect. This amendment is much better characterized as being close to, in fact, the child of, the Daschle amendment of 1995, which had broad support on the other side of the aisle, as I have already mentioned.

With that, Mr. President, I yield the floor.

Mr. LOTT. Mr. President, will the Senator withhold his yielding the floor? I would like to ask him a few questions.

Mr. GREGG. Of course.

The PRESIDING OFFICER. The Republican whip.

Mr. LOTT. Mr. President, I thank Senator GREGG for his work in this area and for the several speeches he has given on this matter over the last few days. I have found it very informative. I hope we have something worked out where we can actually get a vote on this issue. It is still the Senate and, generally speaking, we try to accommodate Members' wishes to discuss an issue and get a vote.

But a little bit of history: I worked very hard, as I pointed out yesterday, on line-item veto legislation, and we got it done. The first time it was used I was very disappointed in the way that President Clinton used it. I thought the veto list had some serious political implications and was very disappointed in that and wondered if I had done the right thing. Then, of course, the Supreme Court struck it down. And now we are back here.

Now, tell me again—where a layman can understand—why is this so-called enhanced rescission?

Mr. GREGG. Second look at waste.

Mr. LOTT. Second look at waste. I like that. I like them taking another look at waste. And I like putting it against the deficit. In fact, I remember back in the 1970s arguing that a President should be able to rescind funding, not spend money that Congress said he should spend because they had been doing it back since the time of Jefferson. That led to, in 1974, the Budget Empowerment Act, which stopped President Nixon and subsequent Presidents from doing that.

There is no question that we sometimes adopt bills that spend funds that should not be spent or events overtake spending. I think there should be some process for a President to get a reconsideration. There may be better ways to use that money. But I do think we have a constitutional role in that too. Once we indicate this is where we think it should be spent, the overwhelming burden should be to explain why not.

The question to you, I say to the Senator, is this: No. 1, why is this different from the line-item veto that we passed that was stricken down by the Supreme Court?

Mr. GREGG. Well, the fundamental difference from the line-item veto is that it does not require a supermajority to reject the idea of the President. It requires a majority of both Houses—both Houses have to have a majority vote in favor of the President's position. Therefore, either House can strike down the President's position. So you retain—we, the Congress—the power of the purse.

Mr. LOTT. Was there language in the Supreme Court that indicated this sort of thing might solve their constitutional reservations?

Mr. GREGG. It is my understanding, from the constitutional lawyers whom we have had look at this, that this would solve the constitutional issues which were raised by a line-item veto because it is not a line-item veto.

Mr. LOTT. Why do you think it is necessary to have four bites at this apple? I am inclined to give Presidents a chance to send up a rescission list. I think it should have a vote. I think it should be an expedited procedure. I like the fact that if we do not spend it, he cannot turn around and spend it somewhere else and it goes to reduce the deficit. I can even see giving him a second bite later on in the year as long as it is not some of the same things a second time. And you took care of that concern I had last year.

But why four times? We will wind up spending half the year working on expedited proceedings to get a vote on rescissions, possibly.

Mr. GREGG. Well, Mr. President, the administration asked for 10 times. The Daschle amendment had 13 times. We reduced it to 4 times, for the exact point that the assistant Republican leader made, which was we did not think the Congress should be able to have these issues wrap up our schedule.

Under this schedule, each rescission would be subject to 10 days before it had to be voted on. I am perfectly agreeable, should we get this into a process where we can amend it, as I said earlier, to include strike language or consider that and to also include language which would take it down to fewer times. That is not a problem, as far as I am concerned. We settled on four, arbitrarily, to say the least.

Mr. LOTT. Mr. President, I say to the Senator, I hear a lot of talk in this Chamber on both sides of the aisle about how we do worry about deficits and getting spending under control and getting some further disclosure or limits on earmarks. Some of that I do not even agree with. But there is a lot of positioning about how we need to get some better control on spending. Wouldn't this be one way to do that? "It would sort of help me before I do it again," sort of thing.

Mr. GREGG. To answer the Senator's question, absolutely, that is what it would do. It, essentially, would create another mechanism where Congress would have a light-of-day experience on things that tend to get buried in these omnibus bills and may have to make a clear call as to whether that spending was appropriate. So, yes, it is very much an issue of fiscal discipline. It is very much an issue of managing earmarks.

Mr. LOTT. Mr. President, we gripe about this earmark or that earmark. Usually it is somebody else's earmark, not our earmark. So we do position on that subject. But this is one last way to make sure those earmarks see the light of day and are reviewed, not in a way where the President can just summarily do it but where he can do it, and we have to face up and vote yes or no.

So I thank the Senator for what he has done. He has been a great chairman of the Budget Committee. I am looking forward to watching him and the Senator from North Dakota work together. I believe we might actually do some good things under yours and his leadership. I wish you the very best in that effort. Thank you.

Mr. President, here we are, the Sun has set on Thursday. It is a quarter to 6. The Sun officially went down at 5:13. We are like bats. The Senate will soon come out from wherever we have been. I am not blaming anybody on either side of the aisle, but I don't know what happened today. Somewhere back, I guess, about 2 o'clock all the combatants went to their respective corners, and there has not been a blow thrown since.

So some people might say: Do something about it. Well, I am trying to do something about it by shedding a little light on what we are not doing. We have been out here marking time all afternoon.

I know how it works. Papers are exchanged, amendments added and struck, and agreements are made. Hello, it is a quarter to 6. I had high hopes and I have high hopes that the Senate is going to find a way to work together and do a better job and that we work at 11 o'clock on Wednesday morning instead of 11 o'clock at night. I know a lot of people don't agree with me on this, but I don't see why it is a good idea to be voting at 11 o'clock on Thursday night but not on Friday morning. I still think it is a really good idea to work during the daylight and go home and not have a meal with a lobbyist but have a meal with your family.

I don't know what else to do. I have called everybody involved. I have been to offices. I have been stirring around, scurrying around. Is there an agenda here? I don't get it. But I know what is going to happen. All of a sudden, we are going to come out of our cages and we are going to start a whole series of votes. Well, let's get started.

I notice the Presiding Officer is an old House Member. There was a clear rule in the House, an adage that was proven right every time, and that has been one of the problems with the House. More and more, the House tried to cram a week's worth of work into 2½ days, and they would have a series of votes at 11 o'clock—outrageous—at night. Any time you are in session beyond 9 o'clock, the odds are pretty good you are going to mess up, do something wrong and embarrass yourself.

So I would say to our leaders: We have an opportunity here to do a better job and to work with each other. But the last 2 days? Again, you might say: Well, it is because Senator GREGG had an amendment. Well, why don't we just vote and move on? People can say: Well, we are working out an agreement where we won't have a lot of votes. Well, we might just as well have a lot of votes. We are standing around giving speeches on something we are not even going to vote on. This is the kind of thing that I think leads to problems and tarnishes our image. I wish we could find a way to do things in a more normal way. But maybe the Senate can't do that. Maybe the Senator from Maryland will help us find a better way to do things as a new Member of the institution. I hope so.

I thought maybe I could draw somebody out, but I guess I was too general. Nobody has moved. The doors are still closed. I have half a mind to ask unanimous consent that we complete all votes on all amendments and all time be expired effective in the morning at 9 o'clock, and I will see you all tomorrow. Maybe I ought to do that. That would be good. Of course, I have no authority to do that, but somebody ought to do it to try to get this place to function normally.

With that, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. McCASKILL). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. TESTER). Is there objection?

Without objection, it is so ordered.

Mr. BYRD. Mr. President, I hope to speak at some length about the line-item veto at a later time. However, for the benefit of my colleagues, I want to respond to the arguments put forward today about two measures I endorsed in 1995 and 1996.

The Daschle amendment that I cosponsored in 1995, and the amendment I offered to the motion to recommit the line-item veto conference report in 1996, are vastly different in regard to their Constitutional ramifications from what has been offered by Senator GREGG to the ethics reform bill.

The Gregg proposal allows the President to submit rescission proposals up to 365 days after he signs a bill into law. Such latitude would allow the President to unilaterally veto a one-year appropriation by delaying its expenditure, and then submitting it for rescission within 45 days of its expiration. In contrast, the proposals I endorsed in 1995 and 1996 would have limited a President to submitting rescission proposals within 20 days of a bill being signed into law. The proposals I have endorsed would have prevented the President from unilaterally cancelling a one-year appropriations. The

Gregg amendment contains no such protection.

The Gregg proposal also prohibits amendments to the President's rescission requests. In contrast, the proposals I have endorsed would have allowed motions to strike. Without the right to amend, Senators are vulnerable to threats by any President who would target a Member's spending and revenue priorities and force the Senate to vote on them at a time and in the manner decided by the President.

I have the greatest respect for the Senator from New Hampshire, and the knowledge and expertise he brings to the Congressional budget and appropriations process. He is a good Senator. But I cannot endorse his views with regard to the line-item veto.

AMENDMENT NO. 31

Mr. FEINGOLD. Mr. President, I wish to speak on amendment No. 31, which I have offered with Senator OBAMA, and which, unless agreement is reached otherwise, will be voted on when we return to the bill in an attempt to finish it. We have offered this amendment to try to give some teeth to the so-called revolving door statute.

The shortcomings of the revolving door law have been known for some time. This bill already corrects two of them, and I strongly support those provisions.

First, it increases the so-called cooling off period—that is, the period during which restrictions on the activities of former Members of Congress apply—from 1 year to 2 years.

Second, it expands the prohibition that applies to senior staff members who become lobbyists. Rather than having to refrain from lobbying the former employing Senator or committee, staffers turned lobbyists may not lobby the entire Senate during this cooling-off period.

These are important changes, but there is an additional reform that I believe we must adopt if the revolving door statute is to be a serious impediment to improper influence peddling.

My amendment would prohibit former Senators not only from personally lobbying their former colleagues during the 2-year cooling-off period, but also from engaging in lobbying activities during that period.

Let me talk for a minute about revolving door restrictions generally, and then I will discuss the need for this particular amendment. The revolving door is a problem for two basic reasons. First, because of the revolving door, some interests have better access to the legislative process than others. Former Members and staff, or former executive branch employees, know how to work the system and get results for their clients. Those who have the money to hire them have a leg up.

The public perceives this as an unfair process, and I agree. Decisions in Congress on legislation, or in regulatory agencies on regulations or enforcement, or in the Defense Department on huge Government contracts, should be made, to the extent possible, on the merits, not based on who has the best connected lobbyist.

The second problem of the revolving door is it creates the perception—perception—that public officials are cashing in on their public service, trading on their connections and their knowledge for personal profit. When you see former Members or staff becoming lobbyists and making three or four or five times what they made in Government service to work on the same issues they worked on here, that raises questions for a lot of people.

Both sides of this coin combine to further the cynicism about how policy is made in this country and who is making it. That, ultimately, is the biggest problem here. The public loses confidence in elected officials and public servants.

One of the worst things we can do here is say we are addressing a problem, knowing we are not getting at the core of the problem. That is what has happened with the revolving door. We have a so-called cooling-off period, which basically has become a "warming-up period." Former Members leave office and they almost immediately join these lobbying firms. Both they and their employers know they cannot lobby Congress for a year, but it does not matter. They can do everything short of picking up the phone or coming to the meeting. They can strategize behind the scenes. They can give advice on who to contact, what arguments to use, what buttons to push. They can even direct others to make the contacts, and say they are doing so at the suggestion of the ex-Senator in question, who is supposedly in the middle of this 2-year cooling-off period.

Making it a 2-year warming-up period does not do enough. We have to change what is allowed during that period. Only then will the public believe we have addressed the revolving door problem.

The Lobbying Disclosure Act requires lobbying firms and organizations that lobby to report on how much they spend not on lobbying contacts but on lobbying activities. "Lobbying activities" is a defined term, covering "lobbying contacts and efforts in support of such contacts, including preparation and planning activities, research and other background work that is intended, at the time it is performed, for use in contacts, and coordination with the lobbying activities of others." This term I just mentioned and defined has been in use for over a decade without controversy.

So the Feingold-Obama amendment simply prohibits former Members of Congress from engaging in lobbying activities for the 2 years following their congressional service. If the money spent on what the former Member is doing would have to be reported under the LDA, then the former Member cannot do it. Adopting this amendment will show the public we are serious about addressing the revolving door problem. It will make a real difference, which I fear simply lengthening the cooling-off period will not.

I have heard some complain that by doing this we are going after our former colleagues' ability to make a living and support their families. I strongly disagree with that.

According to a study done by Public Citizen in 2005, it is only in the last decade or so that lobbying has become the profession of choice for former Members of Congress. In any event, we are not talking about a lifetime ban, just a real cooling-off period for 2 years. Members of Congress are highly talented, highly employable people. Surely, their experience and expertise is of interest to potential employers for something other than trying to influence legislation right after they leave the House or the Senate.

There are many other kinds of work, including some that may be just as fulfilling, though perhaps not as rewarding financially, as representing private interests before their former colleagues. This is not a question of punishing those who serve in Congress. It is a question of Members of Congress recognizing that we are here as public servants, and when that service ends, we should not be allowed to turn around and transform it into a huge personal financial benefit.

If after sitting out an entire Congress—2 full years—a former Member wishes to come to Washington and lobby, he or she can do that. But some of the issues will have changed, and so will the membership of the Congress. The former Member will not have quite the same advantages and connections after a true 2-year cooling-off period. So even if these Members do become lobbyists at that point, I think we will be able to tell our constituents with a straight face that we have addressed the revolving door problem in a meaningful way.

Let me emphasize one thing about this amendment. It does not apply to former staff. The reason is simple. We let, under this, former staffers leave this building and become lobbyists tomorrow. They are limited in what offices they can contact, but they are allowed to lobby. So preventing them from engaging in lobbying activities only with respect to certain offices would not make sense. But for former Members, who are prohibited from contacting anyone in the Congress, this additional prohibition actually makes a lot of sense and will have a real impact.

The American people are looking for real results in this legislation. We cannot claim to be giving them that with respect to the revolving door without this amendment. So I urge my colleagues to vote for the Feingold-Obama amendment.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. Mr. President, I listened with interest to my friend from Wisconsin. I have to repeat what I said on the floor before. I may be the only one—I am not sure—who has had experience with the revolving door, as one who went through it. I worked in the Nixon administration. The day after I walked out, I had a number of clients who wanted me to lobby them at my former department. I was at the Department of Transportation, and I was the chief lobbyist. We pretend that executive departments don't have lobbyists. We call them congressional relations specialists or congressional liaisons, but they are lobbyists. And I had been lobbying the Congress on behalf of the Department of Transportation.

In that role I got access to the Secretary's inner circle. And the day after I left, I was hired by people who had interests before the Department. There was no prohibition for that at that time. So I went to the Department of Transportation and to my old friends with whom I had been working very closely for that period of time. I discovered very quickly that the fact that I no longer was at the Secretary's ear, the fact that I no longer had any position of influence in the Department made me a whole lot less welcome in their offices than I had been the week before. They were happy to see me. They were polite. But they had other things to do. And they were happy to get me out of their offices and out of their hair as quickly as they could.

Did I have an advantage? Yes, I had the advantage of knowing the Department well enough to know where to go and not waste my time. Did I have any additional clout to get these people to do something that would not have been in the public interest by virtue of the fact that I had been there and worked with them and knew them? Not at all. These were legitimate public servants who were not about to do something improper just because a friend who had worked with them asked them to do it. Of course, I was not about to ask them to do anything improper because that would be a violation of my responsibility to my clients. But I learned quickly that this idea of the revolving door is vastly overrated and overstated by some of our friends in the media.

I suppose we will pass the Feingold amendment. I don't suppose it will make any difference. But the idea that a former Member sitting in a board room talking to other people who are engaged in lobbying activity and saying to them: Don't talk to Senator so-and-so, talk to Senator so-and-so because the second Senator so-and-so is the one who really understands this issue. Don't waste your time with the first one. I know him well enough to know that he really won't get your argument—to criminalize that kind of a statement made in a law firm or a lobbying firm, to me, is going much too far. But we will probably pass it. We will go forward. We will see if it survives the scrutiny that it will get in conference, and in conversations with the House.

I, once again, say that we are doing a lot of things that are in response to the media and in response to special interest groups that call themselves public interest groups but raise money and pay salaries just as thoroughly as the special interest groups. And they have to have something to do to keep their members happy. They have to have something to do to keep those dues coming in, those contributions coming in. So they scare them that a U.S. Senator, who leaves and goes to a law firm, cannot be in the room when anybody in that law firm is talking about exercising their constitutional right to petition the Government for redress of their grievances because, if the Senator is in that room for a 2-year period, he is somehow corrupting the entire process. I think that is silly.

Mr. FEINGOLD. Mr. President, I would just say, in response to my friend from Utah, that I don't doubt for a minute that what he has said is true. But to generalize from his experience I don't think makes sense. Our former colleagues are making millions of dollars trading on their experience. I don't think these lobbying firms are throwing away their money for nothing. And I know the public doesn't believe that, which is a very good reason to adopt this amendment. It is not silly; it is the right thing to do.

I yield the floor.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant journal clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that morning business be closed.

The PRESIDING OFFICER. Morning business is closed.

LEGISLATIVE TRANSPARENCY AND ACCOUNTABILITY ACT OF 2007—Resumed

The PRESIDING OFFICER. The clerk will report the pending business.

The legislative clerk read as follows:

A bill (S. 1) to provide greater transparency in the legislative process.

Pending:

Reid amendment No. 3, in the nature of a substitute.

DeMint amendment No. 12 (to amendment No. 3), to clarify that earmarks added to a conference report that are not considered by the Senate or the House of Representatives are out of scope.

DeMint amendment No. 14 (to amendment No. 3), to protect individuals from having their money involuntarily collected and used for lobbying by a labor organization.

Vitter-Inhofe further modified amendment No. 9 (to amendment No. 3), to prohibit Members from having official contact with any spouse of a Member who is a registered lobbyist.

Leahy-Pryor amendment No. 2 (to amendment No. 3), to give investigators and prosecutors the tools they need to combat public corruption.

Gregg amendment No. 17 (to amendment No. 3), to establish a legislative line item veto.

Ensign amendment No. 24 (to amendment No. 3), to provide for better transparency and enhanced congressional oversight of spending by clarifying the treatment of matter not committed to the conferees by either House.

Ensign modified amendment No. 25 (to amendment No. 3), to ensure full funding for the Department of Defense within the regular appropriations process, to limit the reliance of the Department of Defense on supplemental appropriations bills, and to improve the integrity of the congressional budget process.

Cornyn amendment No. 26 (to amendment No. 3), to require full separate disclosure of any earmarks in any bill, joint resolution, report, conference report or statement of managers.

Cornyn amendment No. 27 (to amendment No. 3), to require 3 calendar days notice in the Senate before proceeding to any matter.

Bennett (for McCain) amendment No. 28 (to amendment No. 3), to provide congressional transparency.

Bennett (for McCain) amendment No. 29 (to amendment No. 3), to provide congressional transparency.

Lieberman amendment No. 30 (to amendment No. 3), to establish a Senate Office of Public Integrity.

Bennett-McConnell amendment No. 20 (to amendment No. 3), to strike a provision relating to paid efforts to stimulate grassroots lobbying.

Thune amendment No. 37 (to amendment No. 3), to require any recipient of a Federal award to disclose all lobbying and political advocacy.

Feinstein-Rockefeller amendment No. 42 (to amendment No. 3), to prohibit an earmark from being included in the classified portion of a report accompanying a measure unless the measure includes a general program description, funding level, and the name of the sponsor of that earmark.

Feingold amendment No. 31 (to amendment No. 3), to prohibit former Members of Congress from engaging in lobbying activities in addition to lobbying contacts during their cooling off period.

Feingold amendment No. 33 (to amendment No. 3), to prohibit former Members who are lobbyists from using gym and parking privileges made available to Members and former Members.

Feingold amendment No. 34 (to amendment No. 3), to require Senate campaigns to file their FEC reports electronically.

Durbin amendment No. 36 (to amendment No. 3), to require that amendments and motions to recommit with instructions be copied and provided by the clerk to the desks of the Majority Leader and the Minority Leader before being debated.

Cornyn amendment No. 45 (to amendment No. 3), to require 72 hour public availability of legislative matters before consideration.

Cornyn amendment No. 46 (to amendment No. 2), to deter public corruption.

Bond (for Coburn) amendment No. 48 (to amendment No. 3), to require all recipients of Federal earmarks, grants, subgrants, and contracts to disclose amounts spent on lobbying and a description of all lobbying activities.

Bond (for Coburn) amendment No. 49 (to amendment No. 3), to require all congressional earmark requests to be submitted to the appropriate Senate committee on a standardized form.

Bond (for Coburn) amendment No. 50 (to amendment No. 3), to provide disclosure of lobbyist gifts and travel instead of banning them as proposed.

Bond (for Coburn) amendment No. 51 (to amendment No. 3), to prohibit Members from requesting earmarks that may financially benefit that Member or immediate family member of that Member.

Nelson (NE) amendment No. 47 (to amendment No. 3), to help encourage fiscal responsibility in the earmarking process.

Reid (for Lieberman) amendment No. 43 (to amendment No. 3), to require disclosure of earmark lobbying by lobbyists.

Reid (for Casey) amendment No. 56 (to amendment No. 3), to eliminate the K Street Project by prohibiting the wrongful influencing of a private entity's employment decisions or practices in exchange for political access or favors.

Sanders amendment No. 57 (to amendment No. 3), to require a report by the Commission to Strengthen Confidence in Congress regarding political contributions before and after the enactment of certain laws.

Bennett (for Coburn) amendment No. 59 (to amendment No. 3), to provide disclosure of lobbyist gifts and travel instead of banning them as proposed.

Bennett (for Coleman) amendment No. 39 (to amendment No. 3), to require that a publicly available website be established in Congress to allow the public access to records of reported congressional official travel.

Feingold amendment No. 63 (to amendment No. 3), to increase the cooling off period for senior staff to 2 years and to prohibit former Members of Congress from engaging in lobbying activities in addition to lobbying contacts during their cooling off period.

Feingold amendment No. 64 (to amendment No. 3), to prohibit lobbyists and entities that retain or employ lobbyists from throwing lavish parties honoring Members at party conventions.

Feingold-Obama amendment No. 76 (to amendment No. 3), to clarify certain aspects of the lobbyist contribution reporting provision.

Obama-Feingold amendment No. 41 (to amendment No. 3), to require lobbyists to disclose the candidates, leadership PACs, or political parties for whom they collect or arrange contributions, and the aggregate amount of the contributions collected or arranged.

Nelson (NE)-Salazar amendment No. 71 (to amendment No. 3), to extend the laws and rules passed in this bill to the executive and judicial branches of government.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, first of all, I apologize to everybody for having Senators wait around. I can remember when I was in the House, and in the interest of coming to the Senate, I turned on the TV set. Jim Exon from Nebraska kept suggesting the absence of a quorum. I was so upset not knowing what the procedure was. But I came and served with Jim Exon—first of all, he was as big as the Presiding Officer, and he was a man who was very dedicated to the Senate. But after I got here, I understood more what was happening. So I apologize for all the quorum calls. A lot of people think nothing is going on, but Democrats and Republicans and staff have been working so hard from last night to today to get us to this point.

Mr. President, I ask unanimous consent that all amendments to the amendment No. 3 be withdrawn and that the following be the only amendments remaining in order to the bill or substitute amendment; that the votes in relation to the amendments begin at 8:10 this evening, with 2 minutes for debate equally divided between each vote; that upon disposition of the above-listed amendments, the substitute amendment No. 3 be agreed to as amended, the bill be read the third time, and the Senate vote, without any intervening action or debate, on final passage of the bill.

The amendments that I have referred to are as follows: Bennett amendment No. 20 on grassroots lobbying; Lieberman-Collins amendment No. 30; Vitter amendment No. 9 on spouses; Coburn amendment No. 51 on gifts and travel disclosure; Ensign-DeMint amendment on scope of conference; Feingold amendment No. 31 on former members lobbying; Feingold amendment No. 33 on gym and parking; Durbin amendment No. 77 on providing managers copies of amendments; Obama amendment No. 41 on bundling; Sanders amendment No. 57 on study; Coleman-Cardin amendment No. 39, as modified, on travel Web site; managers' amendment to be agreed to by both managers; further, that the Senate begin consideration of H.R. 2, the minimum wage bill on Monday, January 22, at 2 p.m. and that Senator COBURN be recognized to speak following final passage following the remarks of the two leaders.

The PRESIDING OFFICER. Is there objection?

Mr. LEAHY. Reserving the right to object, would the leader add to that, after the first vote that subsequent votes be 10-minute votes?

Mr. REID. Yes, I will.

The PRESIDING OFFICER. Is there objection?

Mr. GREGG. Mr. President, reserving the right to object, my understanding is that when the Senate turns to minimum wage, the majority leader, or his designee, will offer a substitute amendment that will be fully amendable; is that correct?

Mr. REID. True.

Mr. GREGG. Further, I understand the majority leader is aware that I have agreed to withdraw my amendment on this bill, the lobby reform bill, and I will be here Monday to offer my language to the minimum wage bill.

Mr. REID. That is my understanding. The Senator absolutely has that right.

Mr. GREGG. Further reserving the right to object, I understand that the majority leader will be unable to reach consent for a time agreement to vote on my amendment; therefore, it is likely that a cloture motion will be filed on my language on Monday. I expect my language to be the first amendment to the bill.

Mr. REID. It may not be the first, but we have an agreement that it would be following my recognition, the offering of the substitute, and the minority leader, who would be recognized.

Mr. GREGG. I thank the two leaders for their assistance in this process. I believe this is a reasonable way to bring up the amendment that I have offered and to move this bill at the same time.

I understand that on Monday it would be the expectation that nobody will be complaining that I have it on the wrong vehicle.

Mr. REID. Mr. President, before the Republican leader says anything, I will be brief. We have been able, if this agreement is reached, to accomplish what the distinguished Republican leader and I intended to do this week. As a result of that and an agreement to go forward on the minimum wage, there will be no votes tomorrow or Monday.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. McCONNELL. Mr. President, to reiterate what the majority leader indicated, as a result of this agreement, which did take a while—and I know some of our colleagues wondered if we were ever going to get there—we will complete the bill tonight, and we will have no votes tomorrow or Monday.

This was a successful example of good negotiation—although it took a while—for a favorable result.

Mr. REID. Mr. President, has the agreement been accepted?

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. REID. Mr. President, in that we are not voting until 8:10, I will say a few words. Let me say this. This legislation has been extremely difficult to deal with. It is difficult because it directly affects our lives, Members of the Senate. In the short term, this is going to be difficult because we are going to have to get used to the provisions in this piece of legislation. But in the long term, we will all be thankful these steps have been taken. This legislation will remove even the appearance of impropriety from the work done in this Chamber.

This is not a time for declaring victory. Legislation is the art of compromise, the art of consensus building. There has been a victor in all of this when this matter is completed and that is the American people. I am not a victor, I am not a loser. Senator MCCONNELL is not a victor or a loser. We have worked through this in the way that legislators should work through difficult pieces of legislation. I believe last November Americans, through their votes, asked us to make Government honest. We have done that. We are going to give them what I believe is a Government they deserve.

I am satisfied that this debate has been good for this body. Now we are going to move forward, recognizing the last 24 hours has not been easy legislatively. As Senator DURBIN said last night, it was a bump in the road. It was a real bump and people should have had their seatbelts on because it was a difficult bump. But I believe last night there were people looking for an excuse to not move this bill forward. Let me say, underlying and underscoring this, as I said last night—and I will say it again—Senator JUDD GREGG, the senior Senator from New Hampshire, is a person who has tremendously strong principles. He believes in this legislation. I believe just as strongly that it is wrong. But he believes it is right. I admire and respect him for doing that, just as his partner on the Budget Committee, Senator CONRAD, is a person of principle. They have worked on this issue and other issues together, as legislators should work together. I so much respect the way they work together. They disagree on a number of different issues, but they do it in a way that I think brings dignity to this body.

I, also, wish to say one thing about my friend, Senator RUSS FEINGOLD. He has been a pioneer on a number of different legislative issues. He fought tooth and nail with my friend, the Republican leader, on campaign finance reform. It was a debate that went on for a number of years in this body. Senator FEINGOLD is a person who has talked about ethics since he came to the Senate. There are a lot of people responsible for this legislation, but there is no one more responsible than the Senator from Wisconsin.

He has been a pioneer, and he has not let up from the time he came to the Senate to today in moving forward on what he believes is good for this body politic. With rare exception, I agree with him. He is my friend. He is a person for whom I have great admiration based on his, if nothing else—and there is plenty more—being a Rhodes Scholar, a Harvard graduate with honors, a man who was a dignified and successful lawyer before he came to the Senate. He has shown he is a good legislator. So I have great respect for him.

In the past, I called this legislation the toughest reform since Watergate. That is an understatement. This is the toughest reform bill in the history of this body as it relates to ethics and lawmaking. So everyone tonight, when they vote on this bill, should vote proudly. What is going to happen soon is historic: requiring new lobbying disclosure, banning all gifts, reforming earmarks, requiring Senators to pay charter rates on corporate jets. We will restore the confidence of our citizenry in the Government.

I so appreciate the work that has been done on this legislation. I appreciate the work of my friend, the Republican leader. We have had disagreements on this legislation, but we have an agreement in principle as to what this body is all about. I look forward to working together on more bipartisan legislation. This is bipartisan legislation sponsored by the Democratic leader and the Republican leader of the Senate.

The PRESIDING OFFICER. The Republican leader.

Mr. McCONNELL. Mr. President, I say to my friend, the majority leader, I couldn't agree more. This is a classic example of bipartisanship in the Senate at its very best. We had good bipartisan support last year when we passed a similar bill 90 to 8. This year, I think we are going to finish the job.

I particularly wish to recognize, on this side of the aisle, the extraordinary work of Senator GREGG in achieving his goal on the next bill up to get an important vote that is important not only to him but to many Members on our side of the aisle.

I extend my congratulations to my good friend, BOB BENNETT, the ranking member on our side, who has been involved on this from beginning to end and has done an extraordinary job of managing a very complex and difficult bill; to Senator SUSAN COLLINS, who has been a leader on the Collins-Lieberman amendment on which we will be voting shortly; to Senator VITTER, Senator COBURN, Senator DEMINT, who have been extremely active on this bill, and each of them has an imprint on this final passage measure that we will be dealing with shortly.

Mr. President, I congratulate all Senators for an extraordinary accomplishment, under very difficult circumstances on a broad, bipartisan basis. The patience that was exhibited to allow us to get to this point, I remind everyone, is what produced an opportunity to have no votes tomorrow and no votes on Monday. I think this was worth the wait.

I congratulate the majority leader.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, I failed to acknowledge the managers of this bill. I apologize to both of them. They have been masterful in working this bill the last 2 weeks. The two managers are going to be involved heavily in getting this through conference. I have so much respect for both of them. They are outstanding Senators.

I repeat, I am so sorry I didn't acknowledge them. I should have done that in the beginning because they have done more than anybody else in moving this bill forward. They worked as partners moving this bill forward. It has been a difficult partnership because of the different thoughts on different sides of the aisle as to what is good and bad. They have been able to be dignified in what they have done. I appreciate it.

AMENDMENT NO. 20

The PRESIDING OFFICER. The pending question is the Bennett amendment No. 20.

Mr. BENNETT. Mr. President, parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state his inquiry.

Mr. BENNETT. How is the time allocated between now and the scheduled votes?

The PRESIDING OFFICER. No time is allocated. The Senator may speak.

Mr. BENNETT. Do I understand, Mr. President, that the votes are not locked in for 8:10 p.m.?

The PRESIDING OFFICER. Under the previous order, the voting begins at 8:10 p.m.

Mr. BENNETT. So the time between now and 8:10 p.m. is not allocated.

The PRESIDING OFFICER. That is correct.

Mr. BENNETT. Mr. President, I wish to be fair to whoever opposes my amendment to allow time for them to do that, but I would like to speak briefly in favor of my amendment.

My amendment is called the grassroots lobbying amendment. I have discussed it and its virtues at some length previously during the period of debate, but I remind everyone what this is all about.

This has to do with the regulations and reporting requirements placed on organizations that stimulate people to contact their Members of Congress. These organizations can be, and many times are, outside of Washington, DC. They can, and many times do, carry on their work without ever contacting a Member of Congress directly or participating in any of the activities we normally think of as lobbying. And yet, if an organization or an individual were to stimulate neighbors, Members of a fraternal organization, their bowling club—whatever it is—to try to get them active in the process of petitioning the Government, they run the risk of not registering properly because under the underlying bill, they are defined as lobbyists, and if they fail to fill out their forms properly, if they fail to register properly, they are subject to a $200,000 fine.

The ACLU has said—in my opinion accurately—that this would have a chilling effect on all of these kinds of activities. People on the right side, the National Right to Life, have said this would have a chilling effect on everything we do.

I know there has been talk about astroturf lobbyists and astroturf campaigns. I am certainly competent to know when an astroturf phony campaign has been mounted. The letters and the postcards come into the office, and it is very transparent they are not genuine and real. I do not need to be protected from my constituents by the language in the underlying bill.

My amendment is very simple. It simply strikes the grassroots provision.

Mr. McCAIN. Mr. President, I intend to support amendment No. 20 offered by my colleague from Utah, Senator BENNETT. This amendment would strike section 220, the grassroots reporting provision, from the bill.

Yesterday, during my statement on the need for comprehensive lobbying and ethics reform, I discussed the importance of an informed citizenry and how it is essential to a thriving democracy. A democratic government operates best in the disinfecting light of the public eye. With this bill, we have an opportunity to balance the right of the public to know with its right to petition government; the ability of lobbyists' to advocate their clients' causes with the need for truthful public discourse; and the ability of Members to legislate with the imperative that our government must be free from corrupting influences, both real and perceived. We must act now to ensure that the erosion we see today in the public's confidence in Congress does not become a collapse of confidence.

We have an obligation to address this crisis of confidence, but we also have an obligation to ensure that we do so in a thoughtful, reasoned, and constitutional manner. It is imperative that we be mindful of the rights of American citizens to freely contact their public officials and take part in the political process. After careful consideration, and much input from groups representing all parts of the political spectrum, it has become evident to me that section 220 of the underlying bill could seriously impact legitimate communications between public interest organizations and their members. That is why I will support the efforts of my colleague from Utah to strike section 220 from the bill.

It is my understanding that, under this provision, small organizations—many with no representation in Washington—would have to register as grassroots lobbying firms. These groups would then have to comply with onerous quarterly reporting requirements or face fines and criminal penalties. I do not think it was the intention of the proponents of this provision to restrict the ability of groups to communicate with their membership, but I have concluded that this could very well be the outcome.

The approach taken in the underlying bill is one of greater disclosure of and transparency into the interactions of lobbyists with our public officials. More transparency and disclosure of professional lobbyists' activities can only lead to better government. Unfortunately, section 220 simply goes too far, and I fear that the unintended consequences would negatively impact the legitimate, constitutionally protected activities of small citizen groups and their members.

Mr. LEVIN. Mr. President, I oppose the amendment offered by Senator BENNETT which would strike the grassroots lobbying provision in S. 1.

Several years ago, I, along with several colleagues, undertook the task of strengthening reporting requirements for lobbyists. This culminated in the passage of the Lobbying Disclosure Act which broke new ground by allowing sunlight into the activities of lobbyists in Washington. It finally required meaningful disclosure of the billions of dollars spent on lobbying Members of Congress.

While great progress was made, there was a major loophole left open which needs to be closed. Under current law, lobbyists are permitted to exclude the cost of their efforts to stimulate grassroots lobbying when they report under the LDA. We recognized this problem in 1996 but were not successful in efforts to address it. However, I continue to believe that lobbyists who engage in this so-called "Astroturf" lobbying should also be required to disclose their spending.

The Wall Street Journal examined this issue when we last reviewed this and reported that an estimated $790 million was spent on this type of grassroots lobbying in a 2-year period alone. Accounting for the growth in the lobbying industry that we have seen over the last decade, this number is surely over a billion by now.

What sort of activities does money spent on "Astroturf" lobbying efforts pay for? It is spent on phone banks, telephone patch-throughs to Members, and even professional campaign organizers who are paid to go to key congressional districts to organize letter-writing campaigns. These are coordinated efforts costing tens of thousands of dollars which on their face are part of professional lobbying efforts.

I was pleased to work with Senator LIEBERMAN last year to craft a provision during the Homeland Security and Government Affairs Committee's consideration of the lobbying bill that would close this loophole by requiring disclosure of "paid efforts to stimulate grassroots lobbying." It requires disclosure by paid lobbyists and lobbying firms who stimulate the grassroots to take action. We even went so far as to define pure grassroots lobbying and exclude it from this provision.

The Lieberman-Levin provision that was included in S. 1 simply requires disclosure. This provision does not in any way "restrain" or "regulate" paid efforts to stimulate grassroots lobbying. All that it does is require paid lobbyists to disclose how much they are spending on their grassroots lobbying efforts. This disclosure would be no more burdensome than the disclosure already required by the Lobbying Disclosure Act for direct lobbying: Amounts spent for efforts to stimulate grassroots lobbying, like amounts spent on direct lobbying, would be disclosed only in the form of good-faith estimates, which would be rounded to the nearest $20,000.

In addition, the provision, like the Lobbying Disclosure Act, recognizes that certain organizations are already required to track lobbying expenses, and grassroots lobbying expenses, for IRS purposes. The provision allows these organizations to use their IRS numbers for disclosure purposes, ensuring that they do not have to account twice by different rules.

This section was carefully crafted to exclude certain activities that are not part of this Astroturf lobbying industry. Efforts by an organization to communicate with its own members, employees, officers, or shareholders are expressly excluded. Organizations that exist solely to lobby Congress but do not employ paid lobbyists do not have to report. Finally, any grassroots lobbying efforts targeted at less than 500 people do not have to be reported.

I would also like to clarify just who is required to disclose as a lobbyist under this provision, as there seems to be confusion over this point. Paragraph (b) of section 220 clearly states that individuals who are not registered lobbyists now would not have to register as a lobbyist under this provision so long as their expenditures are only directed at grassroots lobbying. This provision is intended to shed light on the dollars being spent by lobbyists. It in no way affects individuals who want to call or write their Member of Congress.

For the past decade, we have allowed lobbyists to exclude the cost of their organized grassroots lobbying campaigns, even while they are reporting their other lobbying expenses. It is time to put an end to this arbitrary exclusion because the public has a right to know who is paying how much to whom in an effort to influence our decisions.

I urge my colleagues to vote "no" on the Bennett amendment.

The PRESIDING OFFICER. The hour of 8:10 p.m. having arrived, the question is on agreeing to the Bennett amendment No. 20.

Mr. BENNETT. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, before I propound a unanimous consent request, I would very much like to thank both leaders. I know this has been a difficult day. I think it has worked out, and I think that is to the good. I hope everyone else who has waited hour after hour understands that the leadership was in negotiations and there is a product of those negotiations.

I, also, thank the ranking member with whom it has been a great pleasure for me to work. Members should know that we are new. Members should know that our staffs are new to the committee and that this is their first bill on the floor. I believe they have done an excellent job, both on the Democratic side and on the Republican side. It is a kind of baptism of fire, if you will. I say thank you.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. Mr. President, I thank the chairman of the committee for her kind words. I echo her laudatory comments about the staffs on both sides. This is a baptism of fire for all of us, for my staff and her staff as well, and they have had enough background that they know how to swim.

We are very grateful for the cooperation we have received and the support that has come from the staff. I look forward to a productive Congress, working with Senator FEINSTEIN on the Rules Committee on all of the other matters that will come before us.

AMENDMENT NO. 98

Mr. ENSIGN. Mr. President, in a moment, the Senate will adopt the Ensign-McCain-DeMint amendment related to scope of conference. I want to thank Senator MCCAIN and Senator DEMINT for working with me on this amendment.

I also want to explain why this amendment is such an important improvement over the underlying bill. Under the Constitution, the legislative branch controls the purse strings. That is a significant authority given to Congress. Congress must use that authority wisely. As I explained earlier today on the floor, too often conferees insert earmarks in conference reports that were not funded in either bill passed by the House or the Senate.

In a democracy such as ours, Congress should do its business in the full light of day. The entire Senate should consider, debate, and amend legislation in full view of the American public. We should scrutinize how Federal dollars are spent. Each project Congress funds should be debated and considered by Congress. We must do a better job of oversight. We must ensure that the taxpayers' dollars are being spent wisely. But when we insert projects in a conference report, without debate and without oversight, we fail to live up to our responsibilities as Senators.

What the Ensign-McCain-DeMint amendment would do is fix what has become a broken process. My amendment makes clear that a point of order can be raised against any funding, no matter how specific, for any program, project, or account that was not originally funded in either bill sent to conference. This is a simple but critical change. It will improve how Congress operates, and it will make the Government more accountable to the American people.

Mr. MCCAIN. Mr. President, the underlying substitute does include two provisions that are intended to address the out-of-control earmarking and porkbarrel spending of the past years. And, the adoption of the DeMint and Durbin amendments earlier this week have improved upon the underlying bill to ensure that all earmarks are disclosed—including those to Federal entities, as well as all that are included in statements of managers and conference reports. A number of us supported a similar proposal last year, and I am pleased that the effort was finally successful.

I am now pleased that additional improvements will be adopted with respect to section 1 of the underlying bill concerning out of scope matters in conference reports. The amendment sponsored by Senators ENSIGN, DEMINT, and myself, which I understand is agreeable on both sides, would ensure that points of order can be raised against specific items in conference reports. It would add a definition of any matter so that members are empowered to remove out of scope earmarks and policy riders from conference reports without taking down the entire conference report. And, importantly, it would ensure that funding associated with any provision stricken from a conference report is reduced from the total amount appropriated—a critical requirement missing from the underlying measure.

For example, if a conference report provides $10 million for bridge improvements, but then adds a directive that $5 million of that funding should be directed to a specific bridge in a specific place—a directive that was not included in either the House or Senate bill, our amendment would ensure the $5 million that accompanies that out of scope earmark is also removed from the total allocation of the bill. So that the total appropriated would be $5 million, not $10 million. This is about fiscal restraint, Mr. President. It makes little sense to raise a point of order that is sustained against an out of scope earmark, but to appropriate the funding regardless.

While I support the improvements proposed and accepted so far, earmark reform still needs to go much further. We need to curtail earmarks, not just disclose them. The process is clearly broken when each year Congress continues to earmark billions and billions of taxpayer dollars, sometimes with virtually no information about the specifics of those earmarks. The scandal that came to light during the last Congress that involved earmarking by a former House member—now in prison—is a pox not just on him, but on each of us and the process that we have allowed to occur on our watch. The American public, Mr. President, deserves better. That is what this amendment is about.

The growth in earmarked funding in appropriations bills during the past 12 years has been staggering. According to data gathered by CRS, there were 4,126 earmarks in 1994. In 2005, there were 15,877—an increase of nearly 400 percent. There was a little good news in 2006, solely due to the fact that the Labor-HHS appropriations bill was approved almost entirely free of earmarks—an amazing feat given that there were over 3,000 earmarks the prior year for just that bill. Despite this first reduction in 12 years, it doesn't change the fact that the largest number of earmarks in history have still occurred in the last three years—2004, 2005, and 2006.

Now, let's consider the level of funding associated with those earmarks. The amount of earmarked funding increased from $23.2 billion in 1994 to $64 billion in fiscal year 2006. Remarkably, it rose by 34 percent from 2005 to 2006, even though the number of earmarks decreased. Earmarked dollars have doubled just since 2000, and more than tripled in the last 10 years. This is wrong and disgraceful and we urgently need to curtail this seemingly out of control pork barreling practice that has become the norm around here.

I filed an amendment designed to curtail earmarking. I was pleased to be joined by Senators FEINGOLD and GRAHAM in introducing amendment No. 29. Unfortunately, it is clear that we will not be given an opportunity to vote on that amendment and I find myself in the same position as I was in last March during debate on lobbying reform when I was not allowed a vote on my amendment. But one day soon, I am confident we will fundamentally change business as usual with respect to pork barrel spending. The American public has a powerful voice, and I would have thought more of us would have heard that voice last November. But I do want to state my recognition that at least some improvements have been made to require full disclosure of all earmarks and to prevent out of scope matters in conference. And, I believe the Ensign, McCain, DeMint amendment makes further improvements.

AMENDMENT NO. 41

Mr. OBAMA. Mr. President, I have come to the floor to discuss the amendment I introduced with Senator FEINGOLD to require that lobbyists disclose the contributions that they bundle for campaigns. I am grateful to the leadership for accepting the amendment and believe it strengthens an already very strong bill.

Neither I nor any of my colleagues enjoy the amount of money that running for office requires us to raise and spend. And I realize that having influential people help a campaign by asking their friends for contributions makes that task a little easier. And so I appreciate how difficult it can be for us to legislate our own behavior in this area.

But lobbyists who bundle contributions have a personal stake in the outcome of specific legislation before Congress. And because of that nexus, lobbyists should have to report who they are raising money for and the amounts that they are raising—including the contributions that they collect for campaigns from their networks of friends and colleagues.

The legislation before us today is meant to shine a bright light on how lobbyists influence the legislative process. Influence is not just about free meals or gifts or travel but about the millions upon millions of dollars raised to get us elected every few years. We should not keep the biggest role lobbyists play in that process hidden.

We all know that with strict campaign contribution limits, an important sign of a lobbyist's influence is not only how much money he gives but also how much he raises from friends and associates. During the last Presidential campaign, both candidates made great use of bundling.

For instance, the Bush Rangers each raised over $200,000; the Bush Pioneers each raised over $100,000. The Kerry campaign also relied on "vice chairs" who raised at least $100,000.

According to a USA Today story in 2003: "Motives for becoming a bundler include the possibility of increased influence on government policy and consideration for appointment to ambassadorships and other government posts."

And so if we believe that lobbyists should have to disclose campaign contributions, then they should certainly have to disclose the bundling they engage in so that the public knows the relationship between members, their views on policy, and the industries that support them.

Right now, this relationship is largely hidden from public view. So to correct this gap in the underlying bill, my amendment would require quarterly reporting of all contributions that a lobbyist collected or arranged that total more than $200 in a calendar year. This includes not only campaign contributions, but also contributions to Presidential libraries, inaugural committees, and lawmakers' charities.

The amendment has the support of all the major reform advocacy organizations, as well as congressional scholar Norm Ornstein and Thomas Susman, the chair of the Ethics Committee for the American League of Lobbyists.

According to Norm Ornstein: "What is needed is disclosure here—who is doing the bundling, for whom, and how much. These are simple but critical steps for openness in the lobbying and money relationship. The public deserves to know—and this amendment gives them that opportunity."

And in Professor Susman's words: "Full disclosure of these activities, including the 'bundling' of campaign contributions for a candidate, will not burden or inhibit lobbyists. Lobbyists are proud of the role that we play in helping to finance federal campaigns, and we will be just as effective if the public knows about that role as well. Senator OBAMA's amendment is a reasonable way to keep these activities out in the open."

Under the amendment that Senator FEINGOLD and I are offering, contributions are considered to be collected by a lobbyist if they are received by the lobbyist and forwarded to the campaign. Contributions are considered to be arranged by a lobbyist if there is an arrangement or understanding between the lobbyist and a campaign that the lobbyist will receive some kind of credit or recognition for having raised the money.

In discussing this proposal that I am offering, a Washington Post editorial this week said: "No single change would add more to public understanding of how money really operates in Washington."

This is an important addition to the bill we are considering, and I thank my colleagues for accepting it.

AMENDMENTS NOS. 9, 98, 51, 31, 33, 77, 41, 57, AND 39, AS MODIFIED, EN BLOC

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the following amendments be considered en bloc and agreed to en bloc, with the motions to reconsider laid on the table, and that the action thereupon appear separately in the RECORD. The amendments are: Vitter amendment No. 9; Ensign-Demint amendment No. 98; Coburn amendment No. 51; Feingold amendment No. 31; Feingold amendment No. 33; Durbin amendment No. 77; Obama amendment No. 41; Sanders amendment No. 57; and Coleman-Cardin amendment No. 39, as modified.

I believe this has been cleared on both sides of the aisle.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments (Nos. 9, 51, 31, 33, 41, and 57) were agreed to.

The amendment (No. 39), as modified, was agreed to, as follows:

At the appropriate place, insert the following:

SEC. ___. CONGRESSIONAL TRAVEL PUBLIC WEBSITE.

(a) IN GENERAL.—Not later than January 1, 2008, the Secretary of the Senate and the Clerk of the House of Representatives shall each establish a publicly available website without fee or without access charge, that contains information on all officially related congressional travel that is subject to disclosure under the gift rules of the Senate and the House of Representatives, respectively, that includes—

(1) a search engine;

(2) uniform categorization by Member, dates of travel, and any other common categories associated with congressional travel; and

(3) all forms filed in the Senate and the House of Representatives relating to officially-related travel referred to in paragraph (2), including the "Disclosure of Member or Officer's Reimbursed Travel Expenses" form in the Senate.

(b) EXTENSION AUTHORITY.—If the Secretary of the Senate or the Clerk of the House of Representatives is unable to meet the deadline established under subsection (a), the Committee on Rules and Administration of the Senate or the Committee on Rules of the House of Representatives may grant an extension of such date for the Secretary of the Senate or the Clerk of the House of Representatives, respectively.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

AMENDMENTS NOS. 98 AND 77 TO AMENDMENT NO. 3, EN BLOC

The PRESIDING OFFICER. The clerk will report amendments Nos. 98 and 77.

The legislative clerk read as follows:

The Senator from Nevada [Mr. ENSIGN], for himself, Mr. MCCAIN, and Mr. DEMINT, proposes an amendment numbered 98 to amendment No. 3.

The Senator from Illinois [Mr. DURBIN] proposes an amendment numbered 77 to amendment No. 3.

The PRESIDING OFFICER. Without objection, the amendments are agreed to en bloc.

The amendments (Nos. 98 and 77) were agreed to, as follows:

AMENDMENT NO. 98

(Purpose: To provide for better transparency and enhanced Congressional oversight of spending by clarifying the treatment of matter not committed to the conferees by either House)

Strike page 3, line 9 through page 4, line 12 and insert the following:

"(a) IN GENERAL.—A point of order may be made by any Senator against any item contained in a conference report that includes or consists of any matter not committed to the conferees by either House.

(1) For the purpose of this section "matter not committed to the conferees by either House" shall include any item which consists of a specific provision containing a specific level of funding for any specific account, specific program, specific project, or

specific activity, when no such specific funding was provided for such specific account, specific program, specific project, or specific activity in the measure originally committed to the conferees by either House.

(2) For the purpose of Rule XXVIII of the Standing Rules of the Senate "matter not committed" shall include any item which consists of a specific provision containing a specific level of funding for any specific account, specific program, specific project, or specific activity, when no such specific funding was provided for such specific account, specific program, specific project, or specific activity in the measure originally committed to the conferees by either House.

The point of order may be made and disposed of separately for each item in violation of this section.

(b) DISPOSITION.—If the point of order raised against an item in a conference report under subsection (a) is sustained, then—

(1) the matter in such conference report shall be stricken;

(2) when all other points of order under this section have been disposed of—

(A) the Senate shall proceed to consider the question of whether the Senate should recede from its amendment to the House bill, or its disagreement to the amendment of the House, and concur with a further amendment, which further amendment shall consist of only that portion of the conference report that has not been stricken (any modification of total amounts appropriated necessary to reflect the deletion of the matter struck from the conference report shall be made).

AMENDMENT NO. 77

(Purpose: To require that amendments and instructions accompanying a motion to recommit be copied and provided by the Senator offering them to the desks of the Majority Leader and the Minority Leader before being debated)

At the appropriate place, insert the following:

SEC. . AMENDMENTS AND MOTIONS TO RECOMMIT.

Paragraph 1 of Rule XV of the Standing Rules of the Senate is amended to read as follows:

"1. (a) An amendment and any instruction accompanying a motion to recommit shall be reduced to writing and read and identical copies shall be provided by the Senator offering the amendment or instruction to the desks of the Majority Leader and the Minority Leader before being debated.

"(b) A motion shall be reduced to writing, if desired by the Presiding Officer or by any Senator, and shall be read before being debated.".

AMENDMENT NO. 20

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, utilizing a moment in opposition to the amendment of my friend from Utah, Mr. BENNETT, if the section on grassroots lobbying in the bill were as Senator BENNETT described it and as other groups on the outside have described it, I would oppose it.

This provision was in the overall lobbying bill that passed the Senate 90 to 8 last year. It is a natural extension of what the entire bill is doing, which is asking for disclosure from professional lobbying.

Billions of dollars are spent on so-called grassroots lobbying. It is totally legal, but let's get it out into the sunshine. The individual groups writing to Members to lobby us do not have to disclose anything. This only requires disclosure if a group retains a professional lobbyist and only if they pay that lobbyist more than $25,000 a quarter.

This is not amateur citizen lobbying. This is to find out who is getting how much money to influence us. It is not, in any sense, a limitation on the revered first amendment right to petition Congress for a redress of grievances. It is an attempt for disclosure consistent with the entire bill. So I ask my colleagues respectfully to leave this critical provision in this progressive reform bill.

I thank the Chair, and I yield the floor.

Ms. COLLINS. Mr. President, I rise to speak in favor of the amendment offered by Senator BENNETT. This is a very rare instance where I disagree with my colleague and good friend from Connecticut. I simply don't want to discourage any effort to increase citizen participation in Government. Too many citizens are convinced that their voices don't count. They become apathetic about their Government. They become convinced they cannot influence our positions. I think activity that encourages citizens to contact us, to participate in the process, should be encouraged, not discouraged, and I believe the language in the bill could well discourage citizen contact with Members of Congress. So I urge my colleagues to support the amendment offered by the Senator from Utah.

Thank you, Mr. President.

AMENDMENT NO. 99

Mrs. FEINSTEIN. Mr. President, I send a manager's package to the desk. It combines a number of technical corrections requested by the Parliamentarian, the Secretary of the Senate, and the Indian Affairs Committee. It is concurred in by both sides.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from California [Mrs. FEINSTEIN], for herself and Mr. BENNETT, proposes an amendment numbered 99.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

AMENDMENT NO. 99

(Purpose: to make technical amendments)

On page 4, strike lines 16 through 19.

On page 13, lines 1 and 2, strike "the Select Committee on Ethics and".

On page 15, strike beginning with line 22 through page 16, line 21, and insert the following:

(a) IN GENERAL.—Section 207(j)(1) of title 18, United States Code, is amended, by—

(1) striking "The restrictions" and inserting the following:

"(A) IN GENERAL.—The restrictions"; and

(2) adding at the end the following:

"(B) INDIAN TRIBES.—The restrictions contained in this section shall not apply to acts done pursuant to section 104 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450i).".

(b) CONFORMING AMENDMENT.—Section 104(j) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450i(j)) is amended by striking "and former officers and employees of the United States employed by Indian tribes may act as agents or attorneys for or" and inserting "or former officers and employees of the United States who are carrying out official duties as employees or as elected or appointed officials of an Indian tribe may communicate with and".

On page 24, strike lines 11 through 20 and insert the following:

(A) by striking the first sentence and inserting the following: "Not later than 20 days after the end of the quarterly period beginning on the 1st day of January, April, July, and October of each year, or on the first business day after the 20th day if that day is not a business day, in which a registrant is registered with the Secretary of the Senate and the Clerk of the House of Representatives, a registrant shall file a report or reports, as applicable, on its lobbying activities during such quarterly period."; and

On page 27, strike line 12 through "day," on line 15 and insert "Not later than 20 days after the end of the end of the quarterly period beginning on the 1st day of January, April, July, and October of each year, or on the first business day after the 20th day if that day is not a business day,".

On page 46, lines 12 and 13, strike "over sight and enforcement" and insert "administration".

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 99) was agreed to.

VOTE ON AMENDMENT NO. 20

The PRESIDING OFFICER. The question is on agreeing to the Bennett amendment. The yeas and nays have been ordered.

The clerk will call the roll.

The assistant journal clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr JOHNSON) is necessarily absent.

Mr. LOTT. The following Senator was necessarily absent: the Senator from Kansas (Mr. BROWNBACK).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 55, nays 43, as follows:

[Rollcall Vote No. 17 Leg.]

YEAS—55

Alexander
Allard
Baucus
Bayh
Bennett
Bond
Bunning
Burr
Chambliss
Coburn
Cochran
Coleman
Collins
Conrad
Corker
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Dorgan
Ensign
Enzi
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Landrieu
Lott
Lugar

Martinez
McCain
McConnell
Murkowski
Nelson (NE)
Roberts
Salazar
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Thomas
Thune
Vitter
Voinovich
Warner

NAYS—43

Akaka
Biden
Bingaman
Boxer
Brown
Byrd
Cantwell
Cardin
Carper
Casey
Clinton
Dodd
Durbin
Feingold
Feinstein
Harkin
Inouye
Kennedy
Kerry
Klobuchar
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lincoln
McCaskill
Menendez
Mikulski
Murray
Nelson (FL)
Obama
Pryor
Reed
Reid
Rockefeller
Sanders
Schumer
Stabenow
Tester
Webb
Whitehouse
Wyden

NOT VOTING—2

Brownback
Johnson

The amendment (No. 20) was agreed to.

The PRESIDING OFFICER. The pending amendment is the Lieberman-Collins amendment.

The Senator from California.

AMENDMENT NO. 30

Mrs. FEINSTEIN. Mr. President, there have been a variety of proposals for what has been called an Office of Public Integrity. The Senate voted 67 to 30 against one such proposal last year. Last time, Senators JOHNSON and VOINOVICH, the chairs of the Ethics Committee, stood in opposition. This time, the new chairs of the Ethics Committee, Senators BOXER and CORNYN, stand in opposition.

I recognize the strong interest in this issue, especially by Senators LIEBERMAN, COLLINS, OBAMA, FEINGOLD, MCCAIN, and others. I have spoken with Senator OBAMA about it. I have assured him that we would hold a hearing in the Rules Committee and that we would take a look at this proposal and what might or might not be done.

I will vote against this amendment, and I will see that the Rules Committee and the Homeland Security and Governmental Affairs Committee hold these hearings. They will focus on these proposals and ways of strengthening ethics enforcement in the Senate.

Let me say this now. I do believe we need to take great care in how we do this. Yes, we need to reassure the public that those who run afoul of the Senate rules will be held accountable. But we must make sure this does not simply become a new tool used by political opponents who would seek to manipulate the political process by filing false claims. You can be sure that the minute a claim becomes public, without any verification as to its veracity, and is released to the public, that claim will be a 30-second spot in someone's campaign. That is not what we are about.

We have to also ensure that we do not create an office—with a special prosecutor bound and determined to justify his or her existence by creating an atmosphere of ongoing investigation—that will cost taxpayers millions of dollars. The Constitution provides:

> Each House of Congress may determine the Rules of its Proceedings, punish its Members for disorderly Behavior, and, with the Concurrence of two thirds, expel a Member.

Our Founders knew the importance of this and placed it in article I.

The challenge we face right now is how to do it right and ensure that the tough ethics rules we are putting in place will be vigorously overseen and enforced.

I urge a "no" vote.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I rise in support of the amendment to create an Office of Public Integrity.

This underlying bill is a very good one. It will help to restore public confidence in the integrity of our decisions. But we leave the job undone if we do not create an Office of Public Integrity. I thank the leaders on both sides of the aisle for allowing the Senate to have a vote on this important issue.

The problem is that the current system is inherently conflicted. We are our own advisers, we are our own investigators, we are our own prosecutors, we are our own judges, and we are our own jurors. This amendment would take only the investigative part of the process and invest it in an independent, impartial Office of Public Integrity that would help restore the public's confidence in the integrity of our ethics system.

I yield the remainder of the time to the Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, there is not much to add to my colleague from Maine. I thank her for her statement.

Basically, we have a very strong reform of the rules by which we govern our ethics and that of those who lobby before us. What is missing is an equal reform of the process which would do that.

Nothing in this amendment alters the superior role of the Senate Ethics Committee pursuant to the Constitution to make final decisions on claims before it. This amendment simply sets up an independent investigative office. Incidentally, it is merely responding to what my friend from California, Senator FEINSTEIN, said. There is actually more protection against abuse of this process with frivolous complaints than there is in the current system.

I have a feeling this will not pass tonight, but our committee is going to take it up and hopefully report out a bill independently later this session.

I thank the Chair, and I yield the floor.

Mr. REID. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON) is necessarily absent.

Mr. LOTT. The following Senator was necessarily absent: the Senator from Kansas (Mr. BROWNBACK).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 27, nays 71, as follows:

[Rollcall Vote No. 18 Leg.]

YEAS—27

Bayh
Biden
Bingaman
Cantwell
Carper
Casey
Collins
Feingold
Graham
Grassley
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Levin
Lieberman
McCain
McCaskill
Menendez
Nelson (FL)
Obama
Reed
Snowe
Stabenow
Whitehouse
Wyden

NAYS—71

Akaka
Alexander
Allard
Baucus
Bennett
Bond
Boxer
Brown
Bunning
Burr
Byrd
Cardin
Chambliss
Clinton
Coburn
Cochran
Coleman
Conrad
Corker
Cornyn
Craig
Crapo
DeMint
Dodd
Dole
Domenici
Dorgan
Durbin
Ensign
Enzi
Feinstein
Gregg
Hagel
Harkin
Hatch
Hutchison
Inhofe
Inouye
Isakson
Kennedy
Kyl
Leahy
Lincoln
Lott
Lugar
Martinez
McConnell
Mikulski
Murkowski
Murray
Nelson (NE)
Pryor
Reid
Roberts
Rockefeller
Salazar
Sanders
Schumer
Sessions
Shelby
Smith
Specter
Stevens
Sununu
Tester
Thomas
Thune
Vitter
Voinovich
Warner
Webb

NOT VOTING—2

Brownback
Johnson

The amendment (No. 30) was rejected.

The PRESIDING OFFICER. The substitute amendment, as amended, is agreed to.

The amendment (No. 3), as amended, was agreed to.

Mr. CARDIN. Mr. President, I have been privileged to serve as a legislator—first in the Maryland House of Delegates, then in the U.S. House of Representatives, and now in the Senate. I appreciate the trust that the people of Maryland placed in me. And I appreciate how important it is that we adhere to the strictest ethical standards. The American people need to believe their Government is on the up and up.

I served on the House Committee on Standards of Official Conduct from 1991 to 1997. I served as the ranking member of the adjudicative subcommittee that investigated and ultimately recommended sanctions against former

House Speaker Newt Gingrich. In 1997, the House leadership appointed me to serve as the cochairman of the House Ethics Reform Task Force, with my colleague Bob Livingston from Louisiana. Our bipartisan task force came up with a comprehensive set of reforms to overhaul the ethics process. We created a bipartisan package to change House and committee rules. This was the last bipartisan effort in the House to fix ethics procedures. Unfortunately, the ethics process in the House broke down after that.

Here in the Senate, there has been more bipartisan cooperation when it comes to ethics reform. Last year, the Senate voted 90 to 8 to approve a reform bill. And we are getting off to a good start this year, with both the Democratic leader and the Republican leader co-sponsoring both S. 1 and the substitute amendment. Members on both sides of the aisle have been given ample opportunity to offer amendments and have them considered.

As amended, S. 1 represents a significant change in the way elected officials, senior staff, and lobbyists would do business—change the American people are demanding.

When it comes to how we treat ourselves, this legislation revokes the pensions of Members convicted of bribing public officials and witnesses, perjury, and other crimes. S. 1 bans gifts and meals from lobbyists. It slows down the revolving door by extending lobbying bans for former Members and staff. It eliminates floor privileges for former Members who become lobbyists. And it stops partisan attempts, such as the K Street Project to influence private-sector hiring. The bill makes ethics training mandatory for Members and staff.

When it comes to making how Congress works more transparent, this legislation shines a spotlight on earmarks, targeted tax breaks, and tariff reduction bills, to make it clear who is offering them, and on whose behalf. S. 1 ensures that the minority will get to participate in conference committees, and that conference reports can't be changed after they're signed by a majority of the conferees. The bill requires that conference reports have to be posted on the Internet 48 hours prior to consideration so that Members of Congress, staff, and the public can find out what's in them.

When it comes to how lobbyists are to act, this legislation puts an end to the lavish parties they throw in our honor at the national conventions. S. 1 quadruples the penalty for failure to comply with the requirements of the Lobbying Disclosure Act of 1995. It requires lobbyists to file quarterly reports instead of semi-annually. And it directs the Secretary of the Senate and the Clerk of the House of Representatives to maintain on the Internet a publicly available database of lobbying disclosure information.

I am pleased to report that the bill contains an amendment that Senator COLEMAN from Minnesota and I offered to require the Secretary of the Senate and the Clerk of the House of Representatives to establish a website freely available to the public that will contain easy-to-understand information on all officially related congressional travel subject to disclosure under the gift rules. .

During the debate on S. 1, we have heard over and over again former Supreme Court Justice Louis Brandeis' famous dictum, "Sunlight is said to be the best of disinfectants," because it is so true. That is the direction we are moving in by passing this bill. That is what the American people want us to do, and that is what we need to do to regain their trust.

Mrs. CLINTON. Mr. President, as allegations of ethical abuses swirl around their government, the American people have understandably lost confidence in the ability of their elected representatives to lead with integrity. Their confidence has dwindled as the undue influence of lobbyists and special interests has permeated their government. They have lost faith not only in their elected leaders, but also in the institutions that stand as the very pillars of our representative democracy. With their trust waning, Americans spoke at the ballot box last November, admonishing their elected leaders and declaring that they would no longer tolerate the exploitation of their government by those who wield excessive influence.

For this reason, I was gratified to see the House of Representatives move so quickly on ethics and lobby reform when the 110th Congress convened, and I was pleased when Majority Leader REID placed ethics and lobby reform at the top of the Senate agenda. Both the Legislative Transparency and Accountability Act of 2007 and the Lobbying Transparency and Accountability Act of 2007 enact long overdue ethics and lobbying reforms that will hold our elected officials to the highest possible standards.

If we are going to restore the American public's trust in their government, any reform we enact must squarely confront the undue influence that special interests and lobbyists exert on the legislative process. It must strengthen the rules that govern lobbying and close the revolving door between the "K Street" lobby firms and the Capitol. It must shine a light on what has until now been a legislative process corrupted by backroom promises and deals struck in the dead of night. It must promulgate new rules that curb wasteful spending by creating greater transparency in the earmark process.

Earning back the confidence and trust of the American people will require greater transparency and stronger laws. The American public deserves to be certain that their elected officials are not being swayed by lavish gifts offered as quid pro quo for promoting special agendas. To that end, gifts from registered lobbyists have no place in our legislative process. For that reason, I support the sweeping ban on lobbyist-paid gifts in the Senate bill. This ban includes not just meals but also gifts of travel and lodging, areas that have been the subject of notorious abuse.

Our commitment to a new era of openness must go hand in hand with a similar commitment on the part of lobbyists. We must demand more disclosure from lobbyists about their practices and increase the penalties for their failure to disclose their activities. To be clear, our Constitution protects the right of Americans to petition their government. However, what it does not do is protect their ability to hire lobbyists to buy influence by showering elected officials with expensive gifts and vacations.

Reining in wasteful spending must also be a part of any ethical reform we enact. Specifically, we must bring reform and accountability to the process of earmarking. Although the term "earmark" has taken on a negative connotation, the designation of funds for individual projects or programs is not in and of itself devious. The practice of earmarking permits essential public projects that would otherwise go unfunded and ignored to receive critical funds that can sustain their important community work. However, the process by which earmarks are currently distributed is susceptible to corruption and abuse, and that must be corrected by injecting both accountability and transparency into the process.

In order to promote accountability, the Senate bill requires that the legislator sponsoring the earmark identify him or herself and provide a description explaining the "government purpose" served by the sponsored project. Additionally, I believe we can improve accountability by mandating publication of the earmark for a minimum period of time prior to any vote on the underlying measure, ensuring that both other elected officials and the general public have the opportunity to scrutinize the sponsored outlay. Taking these common sense steps would ensure that legislators are made to answer for the spending they sponsor.

The American people demand a more open and honest government, one that strives to put their concerns ahead of those of special interest, one that endeavors to hold its elected officials accountable to the electorate, and one that inspires the confidence of its people. In order to achieve these goals, we must remove any semblance of impropriety. The reforms contained in both the Legislative Transparency and Accountability Act of 2007 and the Lobbying Transparency and Accountability Act of 2007 enact much-needed and long-awaited reforms that move us toward those goals.

Ms. MIKULSKI. Mr. President, I rise today as a proud cosponsor to this Senate ethics reform legislation. The American people sent a clear message in the last election. No more scandals. No more bribes. No more dirty politics. They wanted real ethics reform. The American people want to know that Congress is working in their interest—not for special interests. The American people deserve a government which is honest and open. They want a government which will fight for their values not for corporate values. Democrats have made it our top priority to clean up Washington and clean up politics.

What does this bill do? This bill bans all gifts and travel from lobbyists. It closes the revolving door by extending the lobbying ban for former Members of Congress from one to two years. It improves lobbying disclosure requirements and brings transparency to the Senate. Finally, it requires that all Senators and their staff attend ethics training.

The American people wanted to clean up Washington. They wanted real ethics reform. They wanted to know that lawmakers are fighting for the people they represent—not the special interest lobbyists. This bill holds lawmakers and lobbyists accountable by creating real penalties for those who break the law—by punishing them with jail time not just fines. This bill sets the tone for this Congress—dirty politics will not be tolerated.

The American people demanded change in the last election. They wanted a government they could trust. They wanted a government that would protect everyday, hardworking Americans. This bill is a step in the right direction. We are listening to what American people are telling us. We here in the U.S. Senate are taking their concerns seriously. We are making changes in Washington.

The PRESIDING OFFICER (Mrs. McCASKILL). The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

The majority leader.

Mr. REID. Madam President, for the information of all Senators, we will have a vote Tuesday morning—well, at least by noon Tuesday. No votes Friday or Monday, but we will vote Tuesday at noon or thereabouts.

Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON) is necessarily absent.

Mr. LOTT. The following Senator was necessarily absent: the Senator from Kansas (Mr. BROWNBACK).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 96, nays 2, as follows:

[Rollcall Vote No. 19 Leg.]

YEAS—96

Akaka
Alexander
Allard
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Brown
Bunning
Burr
Byrd
Cantwell
Cardin
Carper
Casey
Chambliss
Clinton
Cochran
Coleman
Collins
Conrad
Corker
Cornyn
Craig
Crapo
DeMint
Dodd
Dole
Domenici
Dorgan
Durbin
Ensign
Enzi
Feingold
Feinstein
Graham
Grassley
Gregg
Hagel
Harkin
Hutchison
Inhofe
Inouye
Isakson
Kennedy
Kerry
Klobuchar
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Martinez
McCain
McCaskill
McConnell
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Sanders
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Tester
Thomas
Thune
Vitter
Voinovich
Warner
Webb
Whitehouse
Wyden

NAYS—2

Coburn
Hatch

NOT VOTING—2

Brownback
Johnson

The bill (S. 1), as amended, was passed, as follows:

(The bill will be printed in a future edition of the RECORD.)

Mr. BENNETT. I move to reconsider the vote.

Mr. DURBIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Madam President, I had asked for this time to spend a few minutes talking about what has happened in the last few weeks. One of the things that is going on in our country is that we have a little bit of a crisis of confidence in our legislative bodies. Some of it is well deserved.

We have had a bill on the floor under the guise of ethics reform. The bill is a statute. It is not a rule. It is going to become law. But I think the American people should be on guard. I was one of two people who voted against this bill and for some very good reasons.

What the American people would like to see is transparency. They would like to see clarity. They would like to see sunshine. Some of the amendments to this bill made it much better; there is no question about that. But some of the things that happened along the way did not allow the American people to really know what is going on in terms of what needs to change. A lot of the amendments tonight were accepted only on the basis that they would preclude debate. Now it is Thursday night. The Senate is not in session tomorrow. And the question people have to ask is, why didn't we debate those amendments? Why didn't we want to debate those amendments? The reason we didn't want to debate those amendments is because they are going to be discarded as soon as we get to conference.

Let me talk about one of them because I believe it is important. We have had hundreds of stories over the last 2 years of Members of Congress who have used the earmark process to enhance the well-being of either members of their office staff's families, personal family members, and even in the House a couple of occasions where they helped themselves. I am thinking particularly about a $1.2 million road that was built for properties owned by the Member of Congress. That fact is, that should have been debated. The American people need to know what the problems are, and there needs to be sunshine. There needs to be transparency about what we do.

The question the American people ought to ask is: What is going to happen when this bill goes to conference and what is going to come out? And is all the rhetoric we heard on the floor truly going to be reflected in an ethics bill that will change behavior?

A lot of effort has been concentrated on lobbyists. Lobbyists aren't the problem. Members of Congress are the problem. And transparency solves that problem. So we are not going to have transparency anymore. We are going to say you can't take a meal from somebody, but you certainly can deliver on a couple-million-dollar earmark. And we are going to create a situation where we say we are going to expose it, but you shouldn't count on that happening until the final bill comes.

My faith and my hope is that we put everything we have done away and don't do any of the things that have been accepted by the Senate tonight because of fear of political consequences, but that we do what the American people want, and that is to be transparent in both our actions and our deeds. The way to clean up ethical problems in Congress is for the Members to be transparent about what they do. So if this bill were to come back and we pass it just as it is, we are going to go through all these hoops that will have been created, and we are going to make sure people don't come to the Senate to serve. We are going to have a "gotcha" system. That is what we just passed. Good, honorable people of integrity are going to make an innocent mistake, and they are going to be gotten. I am not talking about the things that were intentionally done that we have seen over the past 4 to 6 years from both parties. I am talking about good, honest people making an innocent mistake, and it is going to ruin them. Consequently, people are not going to come here. Only those who are shielded and armored, who are careerists and have enough money that no matter what happens, they can defend themselves with the trial lawyers they are going to need to defend themselves after we pass all these rules that are going to come.

I know this sounds a bit negative now that we have passed supposedly an ethics reform bill. But my warning to the American people and to this body is, we should measure that when we see the final product. And we should measure the final product against Senator DEMINT's amendment for true transparency on earmarks, my amendment on true lack of ethical bias in terms of monetary gain for staff members' families or Members' families in terms of earmarks. My faith will be renewed if, in fact, we come out with a great ethics bill. I wait and remain to be convinced that that will be the case.

The final point I want to make is process. Why did we not want to debate in front of the American people the idea that it is unethical for somebody to gain monetarily, directly or indirectly, staff member or staff member's family, Member's family or Member, from an earmark? Why did we not want to debate that? That is a question the press ought to be asking. That is a question we all ought to be asking, as the conference comes back.

The way we solve the problems with ethics in the Senate is through complete and total transparency about what we do. And if we are not ashamed of what we are doing, we should not be ashamed of putting up what we are doing and how we are doing it.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. REID. Madam President, I ask unanimous consent that there be a period for morning business with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE RULES OF PROCEDURE

Mr. BAUCUS. Madam President, pursuant to rule XXVI, paragraph 2, of the Standing Rules of the Senate, I submit for publication in the CONGRESSIONAL RECORD the rules of the Committee on Finance for the 110th Congress, adopted by the committee on January 17, 2007. I ask unanimous consent that the rules be printed.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

COMMITTEE ON FINANCE

I. RULES OF PROCEDURE

(Adopted January 17, 2007)

Rule 1. *Regular Meeting Days.*—The regular meeting day of the committee shall be the second and fourth Tuesday of each month, except that if there be no business before the committee the regular meeting shall be omitted.

Rule 2. *Committee Meetings.*—(a) Except as provided by paragraph 3 of Rule XXVI of the Standing Rules of the Senate (relating to special meetings called by a majority of the committee) and subsection (b) of this rule, committee meetings, for the conduct of business, for the purpose of holding hearings, or for any other purpose, shall be called by the chairman after consultation with the ranking minority member. Members will be notified of committee meetings at least 48 hours in advance, unless the chairman determines that an emergency situation requires a meeting on shorter notice. The notification will include a written agenda together with materials prepared by the staff relating to that agenda. After the agenda for a committee meeting is published and distributed, no nongermane items may be brought up during that meeting unless at least two-thirds of the members present agree to consider those items.

(b) In the absence of the chairman, meetings of the committee may be called by the ranking majority member of the committee who is present, provided authority to call meetings has been delegated to such member by the chairman.

Rule 3. *Presiding Officer.*—(a) The chairman shall preside at all meetings and hearings of the committee except that in his absence the ranking majority member who is present at the meeting shall preside.

(b) Notwithstanding the rule prescribed by subsection (a) any member of the committee may preside over the conduct of a hearing.

Rule 4. *Quorums.*—(a) Except as provided in subsection (b) one-third of the membership of the committee, including not less than one member of the majority party and one member of the minority party, shall constitute a quorum for the conduct of business.

(b) Notwithstanding the rule prescribed by subsection (a), one member shall constitute a quorum for the purpose of conducting a hearing.

Rule 5. *Reporting of Measures or Recommendations.*—No measure or recommendation shall be reported from the committee unless a majority of the committee is actually present and a majority of those present concur.

Rule 6. *Proxy Voting; Polling.*—(a) Except as provided by paragraph 7(a)(3) of Rule XXVI of the Standing Rules of the Senate (relating to limitation on use of proxy voting to report a measure or matter), members who are unable to be present may have their vote recorded by proxy.

(b) At the discretion of the committee, members who are unable to be present and whose vote has not been cast by proxy may be polled for the purpose of recording their vote on any rollcall taken by the committee.

Rule 7. *Order of Motions.*—When several motions are before the committee dealing with related or overlapping matters, the chairman may specify the order in which the motions shall be voted upon.

Rule 8. *Bringing a Matter to a Vote.*—If the chairman determines that a motion or amendment has been adequately debated, he may call for a vote on such motion or amendment, and the vote shall then be taken, unless the committee votes to continue debate on such motion or amendment, as the case may be. The vote on a motion to continue debate on any motion or amendment shall be taken without debate.

Rule 9. *Public Announcement of Committee Votes.*—Pursuant to paragraph 7(b) of Rule XXVI of the Standing Rules of the Senate (relating to public announcement of votes), the results of rollcall votes taken by the committee on any measure (or amendment thereto) or matter shall be announced publicly not later than the day on which such measure or matter is ordered reported from the committee.

Rule 10. *Subpoenas.*—Witnesses and memoranda, documents, and records may be subpoenaed by the chairman of the committee with the agreement of the ranking minority member or by a majority vote of the committee. Subpoenas for attendance of witnesses and the production of memoranda, documents, and records shall be issued by the chairman, or by any other member of the committee designated by him.

Rule 11. *Nominations.*—In considering a nomination, the Committee may conduct an investigation or review of the nominee's experience, qualifications, and suitability, to serve in the position to which he or she has been nominated. To aid in such investigation or review, each nominee may be required to submit a sworn detailed statement including biographical, financial, policy, and other information which the Committee may request. The Committee may specify which items in such statement are to be received on a confidential basis. Witnesses called to testify on the nomination may be required to testify under oath.

Rule 12. *Open Committee Hearings.*—To the extent required by paragraph 5 of Rule XXVI of the Standing Rules of the Senate (relating to limitations on open hearings), each hearing conducted by the committee shall be open to the public.

Rule 13. *Announcement of Hearings.*—The committee shall undertake consistent with the provisions of paragraph 4(a) of Rule XXVI of the Standing Rules of the Senate (relating to public notice of committee hearings) to issue public announcements of hearings it intends to hold at least one week prior to the commencement of such hearings.

Rule 14. *Witnesses at Hearings.*—(a) Each witness who is scheduled to testify at any hearing must submit his written testimony to the staff director not later than noon of the business day immediately before the last business day preceding the day on which he is scheduled to appear. Such written testimony shall be accompanied by a brief summary of the principal points covered in the written testimony. Having submitted his written testimony, the witness shall be allowed not more than ten minutes for oral presentation of his statement.

(b) Witnesses may not read their entire written testimony, but must confine their oral presentation to a summarization of their arguments.

(c) Witnesses shall observe proper standards of dignity, decorum and propriety while presenting their views to the committee. Any witness who violates this rule shall be dismissed, and his testimony (both oral and written) shall not appear in the record of the hearing.

(d) In scheduling witnesses for hearings, the staff shall attempt to schedule witnesses so as to attain a balance of views early in the hearings. Every member of the committee may designate witnesses who will appear before the committee to testify. To the extent that a witness designated by a member cannot be scheduled to testify during the time set aside for the hearing, a special time will be set aside for the witness to testify if the member designating that witness is available at that time to chair the hearing.

Rule 15. *Audiences.*—Persons admitted into the audience for open hearings of the committee shall conduct themselves with the dignity, decorum, courtesy and propriety traditionally observed by the Senate. Demonstrations of approval or disapproval of any statement or act by any member or witness are not allowed. Persons creating confusion or distractions or otherwise disrupting the orderly proceeding of the hearing shall be expelled from the hearing.

Rule 16. *Broadcasting of Hearings.*—

(a) Broadcasting of open hearings by television or radio coverage shall be allowed upon approval by the chairman of a request filed with the staff director not later than noon of the day before the day on which such coverage is desired.

(b) If such approval is granted, broadcasting coverage of the hearing shall be conducted unobtrusively and in accordance with the standards of dignity, propriety, courtesy and decorum traditionally observed by the Senate.

(c) Equipment necessary for coverage by television and radio media shall not be installed in, or removed from, the hearing room while the committee is in session.

(d) Additional lighting may be installed in the hearing room by the media in order to raise the ambient lighting level to the lowest level necessary to provide adequate television coverage of the hearing at the then current state of the art of television coverage.

(e) The additional lighting authorized by subsection (d) of this rule shall not be directed into the eyes of any members of the committee or of any witness, and at the request of any such member or witness, offending lighting shall be extinguished.

(f) No witness shall be required to be photographed at any hearing or to give testimony while the broadcasting (or coverage) of that hearing is being conducted. At the request of any such witness who does not wish to be subjected to radio or television coverage, all equipment used for coverage shall be turned off.

Rule 17. *Subcommittees.*—(a) The chairman, subject to the approval of the committee, shall appoint legislative subcommittees. The ranking minority member shall recommend to the chairman appointment of minority members to the subcommittees. All legislation shall be kept on the full committee calendar unless a majority of the members present and voting agree to refer specific legislation to an appropriate subcommittee.

(b) The chairman may limit the period during which House-passed legislation referred to a subcommittee under paragraph (a) will remain in that subcommittee. At the end of that period, the legislation will be restored to the full committee calendar. The period referred to in the preceding sentences should be 6 weeks, but may be extended in the event that adjournment or a long recess is imminent.

(c) All decisions of the chairman are subject to approval or modification by a majority vote of the committee.

(d) The full committee may at any time by majority vote of those members present discharge a subcommittee from further consideration of a specific piece of legislation.

(e) Because the Senate is constitutionally prohibited from passing revenue legislation originating in the Senate, subcommittees may mark up legislation originating in the Senate and referred to them under Rule 16(a) to develop specific proposals for full committee consideration but may not report such legislation to the full committee. The preceding sentence does not apply to nonrevenue legislation originating in the Senate.

(f) The chairman and ranking minority members shall serve as nonvoting ex officio members of the subcommittees on which they do not serve as voting members.

(g) Any member of the committee may attend hearings held by any subcommittee and question witnesses testifying before that subcommittee.

(h) Subcommittee meeting times shall be coordinated by the staff director to insure that—

(1) no subcommittee meeting will be held when the committee is in executive session, except by unanimous consent;

(2) no more than one subcommittee will meet when the full committee is holding hearings; and

(3) not more than two subcommittees will meet at the same time.

Notwithstanding paragraphs (2) and (3), a subcommittee may meet when the full committee is holding hearings and two subcommittees may meet at the same time only upon the approval of the chairman and the ranking minority member of the committee and subcommittees involved.

(i) All nominations shall be considered by the full committee.

(j) The chairman will attempt to schedule reasonably frequent meetings of the full committee to permit consideration of legislation reported favorably to the committee by the subcommittees.

Rule 18. *Transcripts of Committee Meetings.*—An accurate record shall be kept of all markups of the committee, whether they be open or closed to the public. This record, marked as "uncorrected," shall be available for inspection by Members of the Senate, or members of the committee together with their staffs, at any time. This record shall not be published or made public in any way except:

(a) By majority vote of the committee after all members of the committee have had a reasonable opportunity to correct their remarks for grammatical errors or to accurately reflect statements made.

(b) Any member may release his own remarks made in any markup of the committee provided that every member or witness whose remarks are contained in the released portion is given a reasonable opportunity before release to correct their remarks.

Notwithstanding the above, in the case of the record of an executive session of the committee that is closed to the public pursuant to Rule XXVI of the Standing Rules of the Senate, the record shall not be published or made public in any way except by majority vote of the committee after all members of the committee have had a reasonable opportunity to correct their remarks for grammatical errors or to accurately reflect statements made.

Rule 19. *Amendment of Rules.*—The foregoing rules may be added to, modified, amended or suspended at any time.

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP RULES OF PROCEDURE

Mr. KERRY. Madam President, Senate Standing Rule XXVI requires each committee to adopt rules to govern the procedures of the Committee and to publish those rules in the CONGRESSIONAL RECORD not later than March 1 of the first year of each Congress. Today, January 18, 2007, the Committee on Small Business and Entrepreneurship held a business meeting during which the members of the committee unanimously adopted rules to govern the procedures of the committee. Consistent with Standing Rule XXVI, I am submitting for printing in the CONGRESSIONAL RECORD a copy of the Rules of the Senate Committee on Small Business and Entrepreneurship for the 110th Congress.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RULES FOR THE COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP—110TH CONGRESS

1. GENERAL

All applicable provisions of the Standing Rules of the Senate, the Senate Resolutions, and the Legislative Reorganization Acts of 1946 and of 1970 (as amended), shall govern the Committee.

2. MEETINGS

(a) The regular meeting day of the Committee shall be the first Wednesday of each month unless otherwise directed by the Chairman. All other meetings may be called by the Chairman as he or she deems necessary, on 5 business days notice where practicable. If at least three Members of the Committee desire the Chairman to call a special meeting, they may file in the office of the Committee a written request therefore, addressed to the Chairman. Immediately thereafter, the Clerk of the Committee shall notify the Chairman of such request. If, within 3 calendar days after the filing of such request, the Chairman fails to call the requested special meeting, which is to be held within 7 calendar days after the filing of such request, a majority of the Committee Members may file in the Office of the Committee their written notice that a special Committee meeting will be held, specifying the date, hour and place thereof, and the Committee shall meet at that time and place. Immediately upon the filing of such notice, the Clerk of the Committee shall notify all Committee Members that such special meeting will be held and inform them of its date, hour and place. If the Chairman is not present at any regular, additional or special meeting, such member of the Committee as the Chairman shall designate shall preside.

(b) It shall not be in order for the Committee to consider any amendment in the first degree proposed to any measure under consideration by the Committee unless thirty written copies of such amendment have been delivered to the Clerk of the Committee at least 2 business days prior to the meeting. This subsection may be waived by agreement of the Chairman and Ranking Member or by a majority vote of the members of the Committee.

3. QUORUMS

(a)(1) A majority of the Members of the Committee shall constitute a quorum for reporting any legislative measure or nomination.

(2) One-third of the Members of the Committee shall constitute a quorum for the transaction of routine business, provided that one Minority Member is present. The term "routine business" includes, but is not limited to, the consideration of legislation pending before the Committee and any amendments thereto, and voting on such amendments.

(3) In hearings, whether in public or closed session, a quorum for the asking of testimony, including sworn testimony, shall consist of one Member of the Committee.

(b) Proxies will be permitted in voting upon the business of the Committee by Members who are unable to be present. To be valid, proxies must be signed and assign the right to vote on the date of the meeting to one of the Members who will be present. Proxies shall in no case be counted for establishing a quorum.

4. NOMINATIONS

In considering a nomination, the Committee shall conduct an investigation or review of the nominee's experience, qualifications, suitability, and integrity to serve in the position to which he or she has been nominated. In any hearings on the nomination, the nominee shall be called to testify under oath on all matters relating to his or her nomination for office. To aid in such investigation or review, each nominee may be required to submit a sworn detailed statement including biographical, financial, policy, and other information which the Committee may request. The Committee may specify which items in such statement are to be received on a confidential basis.

5. HEARINGS, SUBPOENAS, AND LEGAL COUNSEL

(a)(1) The Chairman of the Committee may initiate a hearing of the Committee on his or her authority or upon his or her approval of a request by any Member of the Committee. If such request is by the Ranking Member, a decision shall be communicated to the Ranking Member within 7 business days. Written notice of all hearings, including the title, a description of the hearing, and a tentative witness list shall be given at least 5 business days in advance, where practicable, to all Members of the Committee.

(2) Hearings of the Committee shall not be scheduled outside the District of Columbia unless specifically authorized by the Chairman and the Ranking Minority Member or by consent of a majority of the Committee. Such consent may be given informally, without a meeting, but must be in writing.

(b)(1) Any Member of the Committee shall be empowered to administer the oath to any witness testifying as to fact.

(2) The Chairman and Ranking Member shall be empowered to call an equal number of witnesses to a Committee hearing. Such number shall exclude any Administration witness unless such witness would be the sole hearing witness, in which case the Ranking Member shall be entitled to invite one witness. The preceding two sentences shall not apply when a witness appears as the nominee. Interrogation of witnesses at hearings shall be conducted on behalf of the Committee by Members of the Committee or such Committee staff as is authorized by the Chairman or Ranking Minority Member.

(3) Witnesses appearing before the Committee shall file with the Clerk of the Committee a written statement of the prepared testimony at least two business days in advance of the hearing at which the witness is to appear unless this requirement is waived by the Chairman and the Ranking Minority Member.

(c) Any witness summoned to a public or closed hearing may be accompanied by counsel of his own choosing, who shall be permitted while the witness is testifying to advise him of his legal rights. Failure to obtain counsel will not excuse the witness from appearing and testifying.

(d) Subpoenas for the attendance of witnesses or the production of memoranda, documents, records, and other materials may be issued by the Chairman with the consent of the Ranking Minority Member or by the consent of a majority of the Members of the Committee. Such consent may be given informally, without a meeting, but must be in writing. The Chairman may subpoena attendance or production without the consent of the Ranking Minority Member when the Chairman has not received notification from the Ranking Minority Member of disapproval of the subpoena within 72 hours of being notified of the intended subpoena, excluding Saturdays, Sundays, and holidays. Subpoenas shall be issued by the Chairman or by the Member of the Committee designated by him or her. A subpoena for the attendance of a witness shall state briefly the purpose of the hearing and the matter or matters to which the witness is expected to testify. A subpoena for the production of memoranda, documents, records, and other materials shall identify the papers or materials required to be produced with as much particularity as is practicable.

(e) The Chairman shall rule on any objections or assertions of privilege as to testimony or evidence in response to subpoenas or questions of Committee Members and staff in hearings.

6. CONFIDENTIAL INFORMATION

(a) No confidential testimony taken by, or confidential material presented to, the Committee in executive session, or any report of the proceedings of a closed hearing, or confidential testimony or material submitted pursuant to a subpoena, shall be made public, either in whole or in part or by way of summary, unless authorized by a majority of the Members. Other confidential material or testimony submitted to the Committee may be disclosed if authorized by the Chairman with the consent of the Ranking Member.

(b) Persons asserting confidentiality of documents or materials submitted to the Committee offices shall clearly designate them as such on their face. Designation of submissions as confidential does not prevent their use in furtherance of Committee business.

7. MEDIA AND BROADCASTING

(a) At the discretion of the Chairman, public meetings of the Committee may be televised, broadcasted, or recorded in whole or in part by a member of the Senate Press Gallery or an employee of the Senate. Any such person wishing to televise, broadcast, or record a Committee meeting must request approval of the Chairman by submitting a written request to the Committee Office by 5 p.m. the day before the meeting. Notice of televised or broadcasted hearings shall be provided to the Ranking Minority Member as soon as practicable.

(b) During public meetings of the Committee, any person using a camera, microphone, or other electronic equipment may not position or use the equipment in a way that interferes with the seating, vision, or hearing of Committee members or staff on the dais, or with the orderly process of the meeting.

8. SUBCOMMITTEES

The Committee shall not have standing subcommittees.

9. AMENDMENT OF RULES

The foregoing rules may be added to, modified or amended; provided, however, that not less than a majority of the entire Membership so determined at a regular meeting with due notice, or at a meeting specifically called for that purpose.

10TH ANNIVERSARY OF THE USS "CHEYENNE"

Mr. ENZI. Madam President, I rise today to honor SSN 773, the USS *Cheyenne*, for her 10 years of service in the U.S. Navy in defense of our freedom.

On July 6, 1992, the keel was laid for the USS *Cheyenne* in Newport News, VA. She was launched on April 16, 1995. On September 13, 1996, Mrs. Ann Simpson sponsored the USS *Cheyenne*. I am pleased to now occupy the seat of Ann's husband, Senator Alan Simpson, in the U.S. Senate.

Since September 11, 2001, the USS *Cheyenne* has been engaged in important missions as part of the global war on terrorism. The USS *Cheyenne* earned the distinction of the first to strike when she was the first ship to launch Tomahawk missiles in Operation Iraqi Freedom under the command of Commander Charles Doty. She would go on to successfully launch her entire complement of Tomahawks, earning a clean sweep for combat actions in the final three months of her nine month deployment. That level of excellence continues today from her homeport in Pearl Harbor, HI.

The USS *Cheyenne* is the last Los Angeles class submarine built and the third ship in our Nation's fleet named in honor of the city home to Wyoming's State capital. The first USS *Cheyenne*, a tugboat, entered service in 1898. The second USS *Cheyenne*, BM 10, was originally the monitor class USS *Wyoming*. In 1909 it was renamed USS *Cheyenne* to make the name available for the battleship BB 32, the new USS *Wyoming*. Fiction writer Tom Clancy further cemented the legend of the USS *Cheyenne* when he made the submarine a central player in a battle for the Spratly Islands in his novel "SSN."

Cheyenne, Wyoming's motto is "Live the Legend." The 145 submariners who are aboard the USS *Cheyenne* have adopted the motto "Ride the Legend." The city of Cheyenne has formed a special bond with the crew of her namesake. Each year the outstanding sailors of the USS *Cheyenne* are the guests of the city of Cheyenne for Cheyenne Frontier Days, the world's largest outdoor rodeo, and the "Daddy of them

All". Many of the sailors have never been out West or been to a rodeo. For a week the submariners enjoy Wyoming hospitality and have a chance to live the legend. It is a small chance for Wyoming and the people of Cheyenne to repay a debt of gratitude to the crew of the USS *Cheyenne*.

Commander Michael Tesar assumed command of the USS *Cheyenne* on June 4, 2006. I wish him well in his new command and thank Commander Richard Testyon Jr. for his time at the helm. Commander Tesar brings extensive experience to the USS *Cheyenne* and will lead SSN 773 well.

The best skippers are complemented by outstanding crew; I would like to honor the crew of the USS *Cheyenne*. They include EM3 Richard Akins, LTJG Andrew Alvarado, MM1 Cory Alvis, STS3 John Andrada, YNSA Alfonso Angel, STS2 Andrew Aubry, STSSA Raynor Barton, STS2 Adam Baugh, LT Brett Bayer, MM3 Gregory Benedict, ET1 Charles Berger, MM3 Tyler Bird, MMC David Blake, MM2 Steven Bolek, EM2 Nicholas Brechtel, MM3 Daniel Breedlove, ET3 Jeremy Brown, MM3 Jeremy Bruner, ENS James Bucklin, SK3 James Burnett, LTJG Rene Cano, LTJG David Ciha, MM2 Shayne Clemens, LTJG Christopher Clevenger, MMFN Clyde Comstock, FTC Jonathan Consford, CSSA James Couch, STSSN Colt Couture, MM1 Falanda Culp, LT Michael Darby, LTJG Drew DeWalt, MM3 Juan Diaz, ET3 Lucas Dunbar, MM1 Jack Durand, MM2 Jon Espinoza, YN1 Gregorio Familia, ET3 Joseph Filbert, ET3 Chad Fogler, STSSN Abraham Freet, MM2 Steven Frey, SKSN Christopher Fuller, ET3 Shane Garrod, MMFN Robert Gauld, LCDR John Gearhart, ET1 Christopher Ghramm, MM3 Warren Givens, FTC Russell Goltry, LT Parrish Guerrero, ET1 John Guthrie, ET3 Cory Hall, ET2 Long Han, MMFN David Harper, STS2 Christopher Heffernan, CSSN Jacob Holder, ET3 Stilling Horton, EM2 Angier Hsu, ETC Barry Hudson, EM3 Benjamin Huelle, CSCS Kenneth Hughley, ETC David Ingalls, ET3 John Ingle, EM3 Nicholas Jessee, MM2 Christopher Johnson, ET2 Robert Johnson, ET3 James Johnson, STSC Alan Jones, MM3 Edward Ketheley, EM1 William Lawrence, FT2 Sean Little, MM3 John Livengood, MM2 Justin Lynn, MM3 Jonathan Mac Dula, STS2 John Marsh, FT2 Xavier Martinez, ET3 Shaun McCarthy, STS2 Ryan McClure, MM3 Brian McEndree, MM2 Jeremy McLean, FT1 Nicholas Messina, SN Kenton Metzler, EM2 John Miranda, MM2 Thomas Mitchell, EM2 Ambrose Montera, EM3 Matthew Nesbitt, MM3 Hung Nguyen, MM3 Erik Nielson, ETSN Matthew Noland, STS2 Matthew Odom, MM3 Chad O'Hagan, ET1 Jonathan Okert, HMC Nathaniel Olipas, ET3 Steven Pack, CS1 Ted Paro, STS3 Brandon Pash, FT2 Donald Peachey, ET3 Errane Pearce, CS3 Wesley Peltier, ET1 Steven Perry, ETCS John Perryman, EM3 Michael Proskine, ET2 David Purser, ETC Raul Quintana, LTJG Eric Rasmussen, SKC Randall Riley, CS1 Harry Robinson, MM1 Alvin Rodriguez, FTC Damean Rogers, MM2 Douglas Ross, FT2 Anthony Rossi, LTJG Nicholas Saflund, ET3 Jacob Saylor, STSSN Charles Scaife, ET3 Derek Scammon, ET2 Kevin Scharkey, LCDR Ian Schillinger, ET2 John Schmidt, MMC Timothy Schreyer, LTJG William Sheridan, MMFR Grant Shirley, STS3 Levi Shockley, ETCS Gregory Silvey, STS1 Michael Simonds, ET3 Tim Simson, EM1 Jerome Smallwood, YNSN Michael Smith, ET2 Anthony Spartana, MMC John St. Clair, EMC David Stephens, MM3 Kevin Stewart, MMC Gary Strong, MM3 Jesse Swain, EM2 William Tabata, CDR Michael Tesar, MM3 Joshua Tomlinson, LTJG Christopher Topoll, CSSR Joshua Towles, LT Carl Trask, MMFR Justin Trickett, ET2 Eric Trumbull, FT2 Landon RG, MM1 Christian Watson, ET3 Kevin Watson, MM2 Robert Wehrmann, ETC Michael Willison, MM3 Nicholas Wittmann, STS2 Robert Wood, EM2 James Workman, CMDCM Andrew Worshek, and MM3 Charles Wreede.

Again I congratulate the USS *Cheyenne* and her crew on the 10th anniversary of their service and thank them for their sacrifices in defense of our great Nation.

IN HONOR OF RICHARD SHAPIRO

Mr. LIEBERMAN. Madam President, today I honor Richard H. Shapiro, who retired as executive director of the Congressional Management Foundation, CMF, in December after 18 years of service with the foundation and 17 years as its executive director. During those 18 years, Mr. Shapiro has worked tirelessly to help all member and committee offices operate more productively and efficiently.

Mr. Shapiro is a talented business consultant who has adapted many of the best practice methods of the business world to the unique institution that is the congressional office, and taken the time to train thousands of congressional staffers in these methods. In addition, Mr. Shapiro and his staff at CMF have conducted organizational assessments for member, committee and leadership offices. Some years ago, he was kind enough to conduct a structure evaluation for my Senate office, and he made several useful suggestions regarding my office's mail operation, web site and internal communications. My office implemented them all, and both my office and constituents are all better off for it.

He has also helped many new Members of Congress set up both their Washington and district offices, a task that can be very daunting for anyone new to Congress. He has also conducted individual assessments and coaching for senior managers and Members. Under his leadership, the CMF began offering management guidance to congressional officers responsible for managing the House or Senate as a whole. Furthermore, Mr. Shapiro has helped to coordinate bipartisan events for all the Chiefs of Staff, which helps them get to know each other and work together better.

Mr. Shapiro was also a leader in promoting the use of the World Wide Web and other digital forms of communications in Congress. Under his leadership, the CMF pushed for Members of Congress to establish Web sites that constituents could use to e-mail their representatives and get information on Congress. The CMF continues to encourage congressional offices to improve their Web sites by giving out the annual Golden Mouse award to the office with the best and most innovative Web site.

Considering all that CMF has done under Mr. Shapiro's leadership, one is very surprised to find out that CMF has a very small staff and budget. But those who know Mr. Shapiro would tell you that, given his talent and dedication, it is no big surprise that CMF was able to provide so many quality services under his helm.

Madam President, it my sincerest pleasure to thank Richard Shapiro for sharing his talent and dedication with us for so many years. Congress is a better place for it.

ART BUCHWALD—THE MARK TWAIN OF OUR TIME

Mr. KENNEDY. Madam President it is with a heavy heart that I rise to pay tribute to Art Buchwald. Art finally said good-bye to all of us last night. It was far too soon.

Art is survived by his son Joel and his wife Tamara—who he lived with for so many wonderful years—his daughters Jennifer and Connie, his two sisters and five grandchildren. We are fortunate to have had him for so long, and he will be missed very much.

Art was an incredible friend to my wife Vicki and me and to the entire Kennedy family. We all enjoyed Art's company and columns, and President Kennedy was known to read Art's column regularly while he was in the White House.

We enjoyed so many delightful times together. Whether here in Washington or on Martha's Vineyard, Art brought tons of laughter into our lives. We'll continue to remember him and his wife, Ann McGarry Buchwald, as they will now be laid to rest together on the Vineyard.

Art was the Mark Twain of our time. He will forever live on in our hearts and minds for his brilliant wit and observations. For decades there was no better way to start the day than to open the morning paper to Art's column, laugh out loud and learn all over again to take the issues seriously in the world of politics, but not take yourself too seriously.

As Art said, "Whether it's the best of times or the worst of times, it's the only time we've got." The special art of Art Buchwald was to make even the worst of times better. We are fortunate to have had him for so long, and I will miss him very much.

Art was born in 1925 in Mount Vernon, New York, and made his own way in the world becoming a renowned political humorist and highly regarded columnist. In 1982, he received a Pulitzer Prize. Art never stopped working—writing and making us laugh right up until the very end.

Just last November, he published his final book, "Too Soon To Say Goodbye." He even had the foresight to write one final column—published today. Among his final words were these:

> I don't know how well I've done while I was here, but I'd like to think that some of my printed works will persevere at least for three years.

In fact, Art, they'll persevere forever.

Vicki and I remember fondly celebrating Art's 80th birthday just over a year ago with The Brady Center to Prevent Gun Violence, together with my sister Eunice and her husband Sargent Shriver. Like every gathering with Art, it was an evening full of joy, humor and passion. Art was a great friend to the Brady Center and an inspiring advocate for sensible gun laws. He was a true leader for the cause and we are closer to our goal of rational gun control today because of him.

Art was also an outspoken and powerful advocate on the importance of mental health care, speaking openly about his own experiences and providing hope to some many others.

When we lost President Kennedy, Art honored him with his column, "We Weep." He wrote:

> We weep for our president who died for his country. We weep for his wife and his children, brothers and sisters. We weep for the millions of people who are weeping for him. We weep for Americans that this could happen in our country. We weep for the Europeans and the Africans and the Asians and people in every corner of the globe who saw in him a hope for the future and a chance for mankind.

Today, Art, the world weeps for you.

I ask unanimous consent that Art Buchwald's final column, published today, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

(From the International Herald Tribune, Jan. 18, 2007)

MEANWHILE: GOODBYE, MY FRIENDS. WHAT A PLEASURE IT HAS BEEN!

(By Art Buchwald)

Art Buchwald, who began his long career as a humor columnist at this newspaper, asked that this column be published following his death, which came on Wednesday at his home in Washington.

Several of my friends have persuaded me to write this final column, which is something they claim I shouldn't leave without doing.

There comes a time when you start adding up all the pluses and minuses of your life. In my case I'd like to add up all the great tennis games I played and all of the great players I overcame with my now famous "lob."

I will always believe that my tennis game was one of the greatest of all time. Even Kay Graham, who couldn't stand being on the other side of the net from me, in the end forgave me.

I can't cover all the subjects I want to in one final column, but I would just like to say what a great pleasure it has been knowing all of you and being a part of your lives.

Each of you has, in your own way, contributed to my life.

Now, to get down to the business at hand, I have had many choices concerning how I wanted to go. Most of them are very civilized, particularly hospice care. A hospice makes it very easy for you when you decide to go.

What's interesting is that everybody has his or her own opinion as to how you should go out. All my loved ones became very upset because they thought I should brave it out—which meant more dialysis.

But here is the most important thing: This has been my decision. And it's a healthy one.

The person who was the most supportive at the end was my doctor, Mike Newman. Members of my family, while they didn't want me to go, were supportive, too.

But I'm putting it down on paper, so there should be no question the decision was mine.

I chose to spend my final days in a hospice because it sounded like the most painless way to go, and you don't have to take a lot of stuff with you.

For some reason my mind keeps turning to food. I know I have not eaten all the éclairs I always wanted. In recent months, I have found it hard to go past the Cheesecake Factory without at least having a profiterole and a banana split.

I know it's a rather silly thing at this stage of the game to spend so much time on food. But then again, as life went on and there were fewer and fewer things I could eat, I am now punishing myself for having passed up so many good things earlier in the trip.

I think of a song lyric, "What's it all about, Alfie?" I don't know how well I've done while I was here, but I'd like to think some of my printed works will persevere—at least for three years.

I know it's very egocentric to believe that someone is put on earth for a reason. In my case, I like to think I was. And after this column appears in the paper following my passing, I would like to think it will either wind up on a cereal box top or be repeated every Thanksgiving Day.

So, "What's it all about, Alfie?" is my way of saying goodbye.

DEATHS IN IRAQ

Mr. KENNEDY. Madam President, yesterday morning, January 17, a convoy carrying a staff member of the National Democratic Institute and members of her security team was ambushed in Baghdad.

Andrea Parhamovich, an American citizens, was killed. Three other NDI employees, citizens from Croatia, Hungary, and Iraq, also lost their lives in the attack.

Since June 2003, the National Democratic Institute has been working with Iraqi citizens, outside the Green Zone and at great risk, to help build the foundations on which a true democracy depends. I did not know Ms. Parhamovich, whose life was taken so tragically yesterday. But all of us recognize the ideals which inspired her to undertake such a dangerous mission for her country and the people of Iraq.

I offer my deepest respect and appreciation to her last true measure of devotion to democratic ideals. To her family, and the families of those who were also killed, I offer my deepest condolences.

ADDITIONAL STATEMENTS

TRIBUTE TO LAMESA MARKS-JOHNS

• Mr. BUNNING. Madam President, today I pay tribute to LaMesa Marks-Johns of Louisville, KY, for being recognized as one of America's top educators in the 2006 Milken Family Foundation National Educator Awards.

The annual Milken Family Foundation National Educator Award was established in 1985, and recipients consist of a network of teachers, principals, and specialists who serve as experts for policymakers seeking to improve the quality of teachers and public education. Award recipients assist in developing comprehensive strategies and policies to ensure that every child receives the highest quality educational experience possible.

Ms. Marks-Johns, a teacher at Shacklette Elementary School, has been recognized by the Milken Family Foundation for her continuing efforts to provide educational experiences in the classroom. She inspires her students to achieve academically and contribute to the community. Ms. Marks-Johns sets an example of leadership for both colleagues and students alike.

I now ask my fellow colleagues to join me in thanking Ms. Marks-Johns for her dedication and commitment to education. In order for our society to continue to advance in the right direction, we must have teachers like LaMesa Marks-Johns in our schools, in our communities, and in our lives. She is Kentucky at its finest.•

RECOGNIZING MR. WILLARD LASSETER

• Mr. CHAMBLISS. Madam President, it is with great pride that today I honor my dear friend and fellow Georgian, Willard Lasseter, who recently completed his 50th year with John Deere's Lasseter Tractor Company, Inc. Willard and I not only share a strong desire for a successful agriculture sector throughout Georgia and the United States, but we also share the same hometown of Moultrie, GA.

Willard began his many years of service to the farmers of Colquitt County in 1945 when he began to work part time for the local John Deere dealership. In 1956, with a little over $14,000 in borrowed money, Willard purchased a 25 percent share of the John Deere dealership and on December 1, 1956, Lasseter Tractor Company, Inc. had its first day of business. By 1959, Willard, along with help from his father, had secured the remaining shares of the John Deere dealership. The success of the business was almost instantaneous as Lasseter Tractor Company became the No. 1 dealer in terms of sales volume for the Atlanta branch of John Deere dealerships by 1960.

Since its first day of business Lasseter Tractor Company, Inc. has been a model dealership for Deere and Company. Lasseter Tractor Company, Inc.'s many accomplishments include being named to the John Deere's Manager Club for 12 consecutive years, being a John Deere Signature Dealer for top performance in the market place for 5 consecutive years, and being a Gold Star dealer for top performance in commercial products in 2005, 2006, and 2007. Lasseter Tractor Company, Inc. has also garnered the top market share in the Atlanta branch of dealerships for 3 consecutive years.

Through the years, Lasseter Tractor Company, Inc. has continued to expand and prosper. In the late 1990's Lasseter Tractor Company, Inc. began construction of a state-of-the-art dealership and service facility that encompasses over 45,000 square feet. The service center itself can accommodate over 20 cotton pickers. This is not only an important feature but it is also a necessary feature because Lasseter Tractor Company, Inc., is among the top dealerships for sales and servicing of cotton pickers.

Today's Lasseter Tractor Company, Inc., spans south Georgia with dealerships in three counties. Not only has the business increased in size but also in the number of generations that are now involved in the business. Lasseter Tractor Company, Inc., now includes Willard's son Tony and grandson Judd, who oversee the day-to-day operations of the business. One philosophy that Lasseter Tractor Company, Inc., has maintained throughout its existence is: "You must give your customers the best product at the fairest price possible." This is a philosophy that has allowed the company to continue to meet and exceed the needs of its customers.

It is hard to imagine what the state of agriculture might be in southwest Georgia if that young high school student, Willard Lasseter, did not step into the John Deere dealership in Moultrie, GA, in 1945 to begin working part time.

I am extremely proud of the milestone that Willard has just met and it is my sincere hope that he continues his success in the agribusiness community for many years to come. I want to thank my colleagues for giving me the opportunity to recognize my dear friend Willard Lasseter.●

HONORING THOMAS WATSON BROWN

● Mr. ISAKSON. Madam President, today I mourn the passing and pay tribute to a wonderful Georgian and a personal friend. Thomas Watson Brown passed away on January 13, 2007, leaving a tremendous void in the hearts of all who knew and loved this extraordinary gentleman.

Although he was a longtime resident of Marietta, GA, Tom was actually born here in our Nation's Capital where he attended Saint Alban's School. He graduated magna cum laude from Princeton with a degree in history and served a stint in the U.S. Army. He graduated from Harvard Law School in 1959 and moved to Atlanta where he practiced law until his death.

Although Tom was not originally from Georgia, his family had deep Georgia roots. His great-grandfather was U.S. Senator Tom Watson, who was nominated in 1896 for Vice President on the Populist Party ticket with William Jennings Bryan. Brown's grandfather, J.J. Brown, served as Georgia's commissioner of agriculture.

Tom was a character unlike any other. He often described himself as an "18th-century gentleman" and held court in his antebellum mansion on Cherokee Street near the Marietta Square arguing politics with a host of different personalities. History was his greatest passion, especially the Civil War era. He had an unmatched intellect and was a respected historian. He preferred his 10,000-volume library to a personal computer.

Tom was also always ready to support education. He was the former chair of the Watson-Brown Foundation, established by his father Walter Brown in 1970 to provide college opportunities for underprivileged boys and girls. Today his son Tad is president of the foundation, which awards more than $1 million annually in merit- and need-based college scholarships to students from the Central Savannah River Area of Georgia and South Carolina. The foundation also gives grants in support of southern colleges and universities. Recipients of these grants include the University of Georgia for a broadcast museum, Georgia College and State University in Milledgeville for its library, and Mercer Press in Macon for publications of numerous books of Southern history and biography.

Tom led numerous business, civic, philanthropic, and scholarly organizations. He served on the boards of the Atlanta Historical Society, the Georgia Historical Society, the Georgia Civil War Commission, the Atlanta Legal Aid Society, and the Georgia Legal History Foundation. He was also an enthusiastic supporter of the Atlanta Press Club and helped fund its debates each election cycle.

Tom was awarded the Martin Luther King, Jr., Center's community service award for peace and justice. Coretta Scott King herself presented him with the award for his substantial contributions to and support of the Legal Aid Society of Atlanta.

This strong-willed and generous man will always be remembered for his keen intellect and his devotion to history and education. He touched the lives of many Georgians, including this Senator, through his efforts on behalf of our community and State.

It was an honor to know Thomas Watson Brown and it is a privilege to pay tribute to his life.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT ON THE CONTINUATION OF THE NATIONAL EMERGENCY WITH RESPECT TO FOREIGN TERRORISTS WHO THREATEN TO DISRUPT THE MIDDLE EAST PEACE PROCESS—PM 1

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the *Federal Register* for publication the enclosed notice, stating that the emergency declared with respect to foreign terrorists who threaten to disrupt the Middle

East peace process is to continue in effect beyond January 23, 2007. The most recent notice continuing this emergency was published in the *Federal Register* on January 20, 2006 (71 FR 3407).

The crisis with respect to the grave acts of violence committed by foreign terrorists that disrupt the Middle East peace process and that led to the declaration of a national emergency on January 23, 1995, as expanded on August 20, 1998, has not been resolved. Terrorist groups continue to engage in activities that have the purpose or effect of threatening the Middle East peace process and that are hostile to United States interests in the region. Such actions constitute an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States. For these reasons, I have determined that it is necessary to continue the national emergency declared with respect to foreign terrorists who threaten to disrupt the Middle East peace process and to maintain in force the economic sanctions against them to respond to this threat.

GEORGE W. BUSH.

THE WHITE HOUSE, *January 18, 2007*.

MESSAGES FROM THE HOUSE

At 12:30 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 57. An act to repeal certain sections of the Act of May 26, 1936, pertaining to the Virgin Islands.

H.R. 434. An act to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958 through December 31, 2007, and for other purposes.

The message further announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 31. A concurrent resolution honoring the Mare Island Original 21ers for their efforts—to remedy racial discrimination in employment at Mare Island Naval Shipyard.

At 6:23 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 6. An act to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes.

MEASURES DISCHARGED

The following measure was discharged from the Committee on Rules and Administration, and referred as indicated:

S. Res. 32. A resolution authorizing expenditures by the Committee on Small Business and Entrepreneurship; to the Committee on Small Business and Entrepreneurship.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 57. An act to repeal certain sections of the Act of May 26, 1936, pertaining to the Virgin Islands; to the Committee on Energy and Natural Resources.

H.R. 434. An act to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958 through December 31, 2007, and for other purposes; to the Committee on Small Business and Entrepreneurship.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 31. Concurrent resolution honoring the Mare Island Original 21ers for their efforts to remedy racial discrimination in employment at Mare Island Naval Shipyard; to the Committee on Health, Education, Labor, and Pensions.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

H.R. 391. An act to authorize the Secretary of Housing and Urban Development to continue to insure, and to enter into commitments to insure, home equity conversion mortgages under section 255 of the National Housing Act.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

H.R. 6. An act to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-387. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Pine Shoot Beetle; Additions to Quarantined Areas" (Docket No. APHIS-2006-0117) received on January 17, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC-388. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a periodic report relative to the national emergency declared in Executive Order 12947 of January 23, 1995; to the Committee on Banking, Housing, and Urban Affairs.

EC-389. A communication from the Regulatory Specialist, Legislative and Regulatory Activities Division, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Management Official Interlocks" (RIN1557-AD01) received on January 17, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC-390. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Look-Thru Rule for Related Controlled Foreign Corporations" (Notice 2007-9) received on January 17, 2007; to the Committee on Finance.

EC-391. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Investor Control and General Public" (Rev. Rul. 2007-7) received on January 17, 2007; to the Committee on Finance.

EC-392. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Guidance on Multiple Distribution Issues Under the Pension Protection Act of 2006" (Notice 2007-7) received on January 17, 2007; to the Committee on Finance.

EC-393. A communication from the Center for Employee and Family Support Policy, Strategic Human Resources Policy Division, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Federal Employees Health Benefits Program: Discontinuance of Health Plan in an Emergency" (RIN3206-AK95) received on January 16, 2007; to the Committee on Homeland Security and Governmental Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. KERRY, from the Committee on Small Business and Entrepreneurship, without amendment:

S. Res. 32. A resolution authorizing expenditures by the Committee on Small Business and Entrepreneurship.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. CRAPO (for himself, Mrs. LINCOLN, and Ms. SNOWE):

S. 329. A bill to amend title XVIII of the Social Security Act to provide coverage for cardiac rehabilitation and pulmonary rehabilitation services; to the Committee on Finance.

By Mr. ISAKSON:

S. 330. A bill to authorize secure borders and comprehensive immigration reform, and for other purposes; to the Committee on the Judiciary.

By Mr. THUNE (for himself, Mr. SALAZAR, and Mr. HAGEL):

S. 331. A bill to provide grants from moneys collected from violations of the corporate average fuel economy program to be used to expand infrastructure necessary to increase the availability of alternative fuels; to the Committee on Energy and Natural Resources.

By Mr. AKAKA (for himself, Mr. LIEBERMAN, and Mr. FEINGOLD):

S. 332. A bill to amend the Homeland Security Act of 2002 to clarify the investigative authorities of the privacy officer of the Department of Homeland Security, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mrs. DOLE (for herself, Mr. BURR, Mr. INOUYE, and Ms. MIKULSKI):

S. 333. A bill to provide for the acknowledgement of the Lumbee Tribe of North Carolina, and for other purposes; to the Committee on Indian Affairs.

By Mr. WYDEN:

S. 334. A bill to provide affordable, guaranteed private health coverage that will make Americans healthier and can never be taken away; to the Committee on Finance.

By Mr. DORGAN (for himself, Mrs. MURRAY, Ms. MIKULSKI, Mr. AKAKA, Mr. LEAHY, Mr. LEVIN, Mr. KENNEDY, Ms. CANTWELL, Mr. ROCKEFELLER, Mr. KERRY, Mr. INOUYE, Mr. CARDIN, Mrs. BOXER, Mr. LIEBERMAN, Mr. MENENDEZ, Mrs. FEINSTEIN, and Mr. LAUTENBERG):

S. 335. A bill to prohibit the Internal Revenue Service from using private debt collection companies, and for other purposes; to the Committee on Finance.

By Mr. DURBIN (for himself, Mr. VOINOVICH, Mr. LEVIN, Mr. OBAMA, Mr. BAYH, Mr. KOHL, Ms. STABENOW, and Mr. LUGAR):

S. 336. A bill to require the Secretary of the Army to operate and maintain as a system the Chicago Sanitary and Ship Canal dispersal barriers, and for other purposes; to the Committee on Environment and Public Works.

By Mr. SUNUNU:

S. 337. A bill to require the FCC to issue a final order regarding white spaces, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. CONRAD (for himself, Mr. HATCH, Mr. WYDEN, Mr. VITTER, Mr. DORGAN, and Mrs. LINCOLN):

S. 338. A bill to amend title XVIII of the Social Security Act to ensure and foster continued patient quality of care by establishing facility and patient criteria for long-term care hospitals and related improvements under the Medicare program; to the Committee on Finance.

By Mr. BAYH (for himself, Mr. BROWNBACK, Mr. LIEBERMAN, Mr. COLEMAN, Mr. GRAHAM, Mr. SALAZAR, Mr. SESSIONS, Mr. BINGAMAN, Mr. LUGAR, Mr. OBAMA, Ms. COLLINS, Mr. NELSON of Florida, Mr. AKAKA, Ms. CANTWELL, Mrs. CLINTON, Mr. DURBIN, Mrs. FEINSTEIN, Mr. KENNEDY, Mr. KERRY, Mr. KOHL, Mr. LEAHY, Mrs. LINCOLN, Mr. MENENDEZ, Mr. SCHUMER, and Mr. TESTER):

S. 339. A bill to promote the national security and stability of the United States economy by reducing the dependence of the United States on oil through the use of alternative fuels and new technology, and for other purposes; to the Committee on Finance.

By Mrs. FEINSTEIN (for herself, Mr. CRAIG, Mr. KENNEDY, Mr. MARTINEZ, Mrs. BOXER, Mr. VOINOVICH, Mr. LEAHY, Mr. SPECTER, Mrs. CLINTON, Mr. MCCAIN, Mr. OBAMA, Mr. HAGEL, Mr. SCHUMER, Mr. DOMENICI, Mr. KOHL, Mr. SALAZAR, and Mrs. MURRAY):

S. 340. A bill to improve agricultural job opportunities, benefits, and security for aliens in the United States and for other purposes; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LUGAR:

S. Res. 33. A resolution expressing the sense of the Senate that the United States should expand its relationship with the Republic of Georgia by commencing negotiations to enter into a free trade agreement; to the Committee on Finance.

By Mr. KERRY (for himself and Mr. FEINGOLD):

S. Res. 34. A resolution calling for the strengthening of the efforts of the United States to defeat the Taliban and terrorist networks in Afghanistan; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 41

At the request of Mr. BAUCUS, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 41, a bill to amend the Internal Revenue Code of 1986 to provide incentives to improve America's research competitiveness, and for other purposes.

S. 43

At the request of Mr. ENSIGN, the names of the Senator from Idaho (Mr. CRAIG) and the Senator from Texas (Mr. CORNYN) were added as cosponsors of S. 43, a bill to amend title II of the Social Security Act to preserve and protect Social Security benefits of American workers and to help ensure greater congressional oversight of the Social Security system by requiring that both Houses of Congress approve a totalization agreement before the agreement, giving foreign workers Social Security benefits, can go into effect.

S. 46

At the request of Mr. ENSIGN, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 46, a bill to amend the Internal Revenue Code of 1986 to expand the permissible use of health savings accounts to include premiums for non-group high deductible health plan coverage.

S. 122

At the request of Mr. BAUCUS, the names of the Senator from Washington (Ms. CANTWELL) and the Senator from Colorado (Mr. SALAZAR) were added as cosponsors of S. 122, a bill to amend the Trade Act of 1974 to extend benefits to service sector workers and firms, enhance certain trade adjustment assistance authorities, and for other purposes.

S. 170

At the request of Mr. ENSIGN, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 170, a bill to amend the Internal Revenue Code of 1986 to repeal the excise tax on telephone and other communications services.

S. 214

At the request of Mrs. FEINSTEIN, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 214, a bill to amend chapter 35 of title 28, United States Code, to preserve the independence of United States attorneys.

S. 237

At the request of Mrs. FEINSTEIN, the names of the Senator from Pennsylvania (Mr. SPECTER) and the Senator from Nebraska (Mr. HAGEL) were added as cosponsors of S. 237, a bill to improve agricultural job opportunities, benefits, and security for aliens in the United States and for other purposes.

S. 238

At the request of Mrs. FEINSTEIN, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 238, a bill to amend title 18, United States Code, to limit the misuse of Social Security numbers, to establish criminal penalties for such misuse, and for other purposes.

S. 267

At the request of Mr. BINGAMAN, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 267, a bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to clarify that territories and Indian tribes are eligible to receive grants for confronting the use of methamphetamine.

S. 269

At the request of Ms. SNOWE, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 269, a bill to amend the Internal Revenue Code of 1986 to increase and permanently extend the expensing of certain depreciable business assets for small businesses.

S. 284

At the request of Mr. CONRAD, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of S. 284, a bill to provide emergency agricultural disaster assistance.

S. CON. RES. 2

At the request of Mr. BIDEN, the names of the Senator from Maryland (Mr. CARDIN), the Senator from Maryland (Ms. MIKULSKI), the Senator from New York (Mrs. CLINTON), the Senator from Rhode Island (Mr. REED) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of S. Con. Res. 2, a concurrent resolution expressing the bipartisan resolution on Iraq.

S. CON. RES. 3

At the request of Mr. SALAZAR, the names of the Senator from Oregon (Mr.

WYDEN) and the Senator from Alabama (Mr. SESSIONS) were added as cosponsors of S. Con. Res. 3, a concurrent resolution expressing the sense of Congress that it is the goal of the United States that, not later than January 1, 2025, the agricultural, forestry, and working land of the United States should provide from renewable resources not less than 25 percent of the total energy consumed in the United States and continue to produce safe, abundant, and affordable food, feed, and fiber.

AMENDMENT NO. 20

At the request of Mr. BENNETT, the names of the Senator from Wyoming (Mr. ENZI) and the Senator from Florida (Mr. MARTINEZ) were added as cosponsors of amendment No. 20 proposed to S. 1, a bill to provide greater transparency in the legislative process.

AMENDMENT NO. 34

At the request of Mr. FEINGOLD, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of amendment No. 34 proposed to S. 1, a bill to provide greater transparency in the legislative process.

AMENDMENT NO. 39

At the request of Mr. CARDIN, his name was added as a cosponsor of amendment No. 39 proposed to S. 1, a bill to provide greater transparency in the legislative process.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ISAKSON:

S. 330. A bill to authorize secure borders and comprehensive immigration reform, and for other purposes; to the Committee on the Judiciary.

Mr. ISAKSON. Mr. President, I am pleased to rise today before the Senate. This is an issue this Senate visited 9 months ago in the month of May. Nine months ago, the Senate tackled what I submit is the most important domestic issue in the United States of America and in every State. That is the issue of legal immigration and illegal immigration.

In that debate of what became known as a comprehensive immigration reform bill, I submitted an amendment that ended up being amendment No. 1. The amendment simply said that before any provision of this act that grants legal status to someone who is in America illegally takes effect, the Secretary of Homeland Security will certify to the Congress that all of the provisions of border security contained in the bill were funded, in place, and operational. It become known as a trigger—and it was a trigger—because the immigration issue is not like when you can never figure what is the chicken, what is the egg, and what came first. There is no way to reform illegal immigration unless you first stop the porous borders we have and the flow of illegal immigrants. But to do only one without the other is a terrible mistake.

The result of last year's debate was the Senate passed a bill without the trigger that granted new legal statuses. Although it provided for the authorization of border security, it did not provide for the guarantee of border security. The House reaction was, we want border security only, and the debate to this day between the House and the Senate has been the Senate is for comprehensive reform and the House is for border security only and never the twain will meet. The twain must meet. It is the No. 1 domestic issue.

I come to the Senate today to introduce a major immigration reform bill that is the bridge from where we are to where we must go. For a moment, I will discuss the provisions of that proposal.

First of all, it contains the trigger. It predicates any reform of immigration that grants legal status to someone here illegally to be noneffective until we have first closed the doors to the south and to the north. It provides for all the security measures the Senate passed last year—and they are 2,500 new port-of-entry inspectors, 14,000 border inspectors, trained and ready to deploy, $454 million for unmanned aerial vehicles to give us the 24/7 eyes in the sky essential to enforcement on our border, authorization and ultimate appropriation for those barriers and those fences and those roads that are necessary for our agents to patrol, 20,000 beds for detention, to end the practice of cash and release.

When I came to the Senate 2 years ago as a Georgian and one who loves the outdoors, I thought "catch and release" was a fishing term. I found out it became a border term, where we would catch people, tell them to go home, release them and they would wait for us to leave and come back again.

We must remember the reason we have this problem is we have the greatest Nation on the face of this Earth. We do not find anyone trying to break out of the United States of America. They are all trying to break in and for a very special reason: The promise of hope, opportunity, and jobs. But we must make the right way to come to America be the legal way to come to America, not the ease of crossing our border in the dark of night under some other cover.

Lastly, an integral part of border security is a verifiable program, where America's employers can be given a verifiable ID by someone who is here legally that verifies they are who they say they are. The biggest growth industry in the United States of America on our southwestern border is forged documents. We have a proliferation today of forged documents, where illegal aliens have legal-looking documents and we have a customs and immigration system that cannot tell an American farmer or an American employer that, in fact, the document they were shown is, in fact, right or wrong. That has to be fixed.

Once those provisions are in, we have a secure border. Interestingly enough, it takes about the same amount of time to put in the barriers, get unmanned aerial vehicles in the air, train the border security and port-of-entry people as it takes to get the verifiable identification system in place. We know both will take about 24 months.

When we have the trigger, it does not protract reform, but it precedes the implementation of what is going to take 24 months to do anyway. And all of a sudden we have a new paradigm in America. Those who want to come here realize the way to come is the legal way, not the illegal way. They learn there are consequences to coming illegally and employers know when they get an ID they can either swipe it on a computer or they can go up on the Internet and code to customs and immigration and find out that person is legal. The paradigm changes, and then the hope and opportunity of reforming legal immigration in this country can become a reality.

I am not an obstructionist to doing it. In fact, if anything needs to be done, we need to reform the legal system because we almost promote, through the rigidity and difficulty of legal immigration, coming here illegally because we are looking the other way on the border. We have a historical precedent.

In 1986, we reformed immigration with the Simpson Act. We granted 3 million people amnesty, said we were going to secure the border and didn't. Today, we have 12 million because we did not secure that border. That can never happen again.

Second, if the border is secure and we give people who are here illegally but are lawfully obeying the laws a chance to come forward, we can identify who is here who is not a problem.

And you, also, leave open, for those who do not come forward whom you must concentrate on, to see to it they are not here for the wrong reasons and they go home. But you can never enforce the system internally before you first close the external opportunity to come through illegal immigration.

Mr. President, in May 1903, Anders Isakson came through Ellis Island because of the potato famine in Scandinavia. In 1916, my father was born to him and his wife, Josephine. My father became a citizen of this country because he was born on our soil. In 1926, my grandfather became a naturalized citizen of the United States of America.

In my home today, framed and hanging on the wall, are his naturalization certificates from 1926, when he raised his right arm and pledged his allegiance to the United States of America. There is no one who has greater respect and greater joy in the promise of this country and the opportunity of immigration. But we must begin restoring the respect for legal immigration and shutting the door on illegal immigration, or else those lines become blurred, and the stress we have on our social service system, civil justice system, public health system, and public education system that is stretched to the limit because of illegal aliens today will increase.

We owe it to the history of our country and the greatness which makes us great to secure our borders, to honor legal immigration, and to move forward with a reform of illegal immigration that matches the economic needs of the United States of America.

I stand on the Senate floor today committed to work with any Member of this Senate for comprehensive reform, as long as its cornerstone in its foundation is that we fix the problem on our borders, have it certified, and have that fix be the foundation for the modernization and reform of our immigration laws.

Mr. President, I thank you for the time and yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I congratulate the Senator from Georgia. He has described something that for the last several months I have been calling the Isakson principle. I believe the Isakson principle is the basis for a comprehensive immigration bill that could attract 85 to 90 votes in the Senate and could, in a fairly short period of time, be reconciled with legislation passed by the House of Representatives.

It would be a single piece of legislation that would work in two stages. It would first secure our border; and then, as the Senator from Georgia says, the trigger would come in, and we would get the rest of the job done. And the rest of the job includes defining who can work and who can study in the United States if they come from overseas. The rest of the job also includes helping prospective citizens, of which there are about a million a year today—people who are here legally—to help them learn English, to learn our history, and to learn our democratic traditions so we can be one country.

There is a lot of talk this week about the borders of Iraq. I believe there are some more important borders in this world, at least to us Americans, and they are the borders around our own country. It is more important that we secure our borders at home than it is to secure the borders in Iraq.

Last year, both the Senate and the House of Representatives passed an immigration bill. I voted no on the Senate immigration bill. I opposed the bill because I did not believe it did enough to secure our borders. It had some good proposals for border security, and it had a number of other excellent proposals, but it did not guarantee they would be funded. We all know that border security on paper means nothing. It requires boots on the ground. It requires jeeps on the roads and unmanned aerial vehicles in the air. It requires an employer verification system. And it requires adequate funding.

So I voted no. But I said at the time I was ready to vote for, and wanted to vote for, a comprehensive bill, one that fixed the whole problem. And I suggested then, as did a number of others, that the basis for such a bill was the Isakson principle.

Well, instead of getting a bill passed into law, it was a political year, and some Members of the House of Representatives, including some members of my own party, thought the wiser course was basically to run against the Senate bill that I voted against. Well, we now know how successful that turned out to be. That was not successful because the American people expect us to act like grownups, deal with big issues, and come to a conclusion.

There is no issue upon which we in the Congress have more need to come to a conclusion on than the issue of immigration. It is our responsibility. We cannot kick it to the Governors. We cannot blame the mayor of Nashville. We cannot blame anybody in Iraq. It is our job in the Senate and the House of Representatives.

We should begin to do our job. We should take it up within the next few weeks. We should base our bill on the Isakson principle. And we should not stop our work on the immigration bill until we are finished.

The Isakson principle is the basis for success with immigration because of the so-called trigger. As the Senator from Georgia said, once we put into effect all of the things we need to do to secure the border, the trigger operates, and then we get to all the rest of the issues, some of which are hard to solve. But they are made much easier to solve once we and the American people are assured the border will be secured.

It is outrageous for us in the Senate to preach about the rule of law to the rest of the world and ignore it here at home. The rule of law is one of the most important principles of our country. We should make no apology, not be embarrassed 1 minute for insisting upon it. Every new citizen knows that. They do not come to this country to become an American based upon their color or their ethnic background. They come because to be an American, you believe in a few principles which you must learn if you are going to become a citizen. Foremost among those is the rule of law.

So we start with that. But that is not the only principle new citizens learn. There is the principle of laissez-faire—in other words, a strong economy. And immigrants help a strong economy, whether they are going to be Nobel Prize winners or whether they are going to be picking fruit in California.

There is the principle of equal opportunity. There is the principle of e pluribus unum, engraved right up there above the Presiding Officer: How do we become one country? We learn our tradition. We learn a common language. We adhere to common principles, instead of color and background. And there is the tradition of the country that we are a nation of immigrants. By our failure to act, we are showing a lack of respect for the rule of law and a lack of respect for our tradition as a nation of immigrants.

It is especially outrageous for us not to act when there is no one to blame but us. We cannot blame Syria for this one. We cannot blame the Iraqi Government. We cannot blame Iran. We cannot blame al-Qaida. It is us. It is our job. So, Mr. President, I am here today to commend the Senator from Georgia. Since last fall, he has had before us the basis for sound, comprehensive immigration legislation—all in one bill; two parts: secure our borders; and once that is done, then all the rest of it. I believe that would attract 85 or 90 votes. And I would suggest, respectfully, to my friend, the Democratic leader, and my friend, the Republican leader, that if we are looking for things to do that are important, that the American people expect us to act on, that we have already demonstrated we can work on together, that within a few weeks we take up the matter of immigration, we base it on the Isakson principle, and we do not stop until we finish the job.

By Mr. THUNE (for himself, Mr. SALAZAR, and Mr. HAGEL):

S. 331. A bill to provide grants from moneys collected from violations of the corporate average fuel economy program to be used to expand infrastructure necessary to increase the availability of alternative fuels; to the Committee on Energy and Natural Resources.

Mr. THUNE. Mr. President, I rise today along with my colleague from Colorado, Senator SALAZAR, regarding S. 331, the Alternative Energy Refueling Systems Act of 2007. The bill is a very straightforward measure that seeks to increase the number of alternative refueling stations across our country, something that I hope the full Senate will support later this year.

Today, there are over 9 million alternative fuel automobiles on the road in America. However, while automakers have pledged to produce an increasing number of these vehicles, there is a serious shortfall in the number of gas stations to support these vehicles. For instance, while there are more than 6 million flex-fuel vehicles on the road today which can run on E-85 or gasoline, less than 1 percent of all gas stations in this country offer E-85 fuel. Clearly, more must be done to increase the availability of alternative fuels at the retail level.

The Alternative Energy Refueling Systems Act would authorize the Department of Energy, through the existing Clean Cities Program, to provide grants to gas station owners who will install alternative refueling systems. These grants would greatly assist in expanding the availability of alternative fuels such as E-85, which is a mix of 15 percent gasoline and 85 percent ethanol, or biodiesel, natural gas, compressed natural gas, hydrogen, or liquefied petroleum gas.

Under this legislation, gas station owners who wish to install a new alternative fuel tank would be reimbursed for up to 30 percent of the cost, not exceeding $30,000, of expenses related to the purchase and installation of a new alternative refueling system. Keep in mind that subject to an annual appropriations, funding for these grants would come from a portion of the penalties that are collected annually from auto manufacturers who violate the Corporate Average Fuel Economy, or CAFE standards, most of which are foreign automakers.

I have to say the cost to install a pump like this generally runs somewhere from $30,000 to $40,000 to about $200,000, depending on where you are in the country. So obviously, it is a big investment for a lot of these filling station owners. But the fact is, they need to have an incentive and some assistance to make sure we are closing the gap that exists in this country between the production of renewable energy—a lot of ethanol production is going on in the country. In my State alone we have 11 plants currently operating, 5 more under construction, and we will be, by 2008, at 1 billion gallons annually of ethanol in South Dakota alone. So when you add to that the ethanol that is produced in other areas of the Midwest, we have a lot of production out there, and I think we have a big market growing. We have a renewable fuels standard that requires that we use 7.5 billion gallons annually by the year 2012, which, frankly, I think we will eclipse way before that time. Because at the current rate of production, we are going to blow by that in a very short time.

But that being said, there is a requirement out there that a market develop for this. We have a lot of consumers around the country who would like to have access to renewable energy who believe for a lot of reasons, as I do, that it makes sense to lessen our dependence upon foreign sources of energy, to become more energy secure. It cleans up the environment and, obviously, in my part of the country, it is very good for American agriculture. But what we are missing in that distribution system is the retail level. We have the production, we have the demand, we have a renewable fuels standard, we have a market, but we don't have a way of joining those. Because of the costs associated with installing some of these pumps, a lot of filling station owners are reluctant to do so. What this would do is provide up to $30,000 or 30 percent of the cost not to exceed $30,000 toward that end. So we think this is a very commonsense approach to doing something that we really need to be doing in America today, and that is moving away from our dependence upon the oil industry for our energy.

I wanted to tell my colleagues a little bit about who supports this piece of legislation. We have a number of businesses, agricultural and alternative energy groups, including General Motors, Ford Motors, Daimler Chrysler—all the big domestic automakers—Wal-Mart, the Petroleum Marketers Association of America, the National Ethanol Vehicle Coalition, the National Association of Fleet Administrators, the Renewable Fuels Association, the National Biodiesel Board, the National Corn Growers Association, the American Soybean Association, the American Coalition for Ethanol, and the National Association of Truck Stop Operators.

So up and down the so-called food chain, from the production, the corn growers, the manufacturers of vehicles in this country, those who are involved at the retail level with getting fuel out there—filling stations, convenience stores—all the agricultural organizations, as I said, the ethanol industry, are all very much supportive of this particular piece of legislation.

A measure very similar to this overwhelmingly passed in the House of Representatives by a vote of 355 to 9 back on July 4 of 2006. Unfortunately, the Senate was unable to consider our companion measure before adjourning last year.

So Senator SALAZAR and I wholeheartedly believe this is a commonsense measure that will significantly increase the number of alternative refueling stations nationwide. As I said earlier, it accomplishes a lot of objectives that are important from a policy standpoint, a national security standpoint, energy security standpoint, and an environmental standpoint. This, to me, is a win-win, and I hope the Senate will act on it before this year is out. Hopefully, we will start to consider very seriously in the weeks and months ahead energy legislation and another farm bill, which I hope will have a very robust energy title included in it. It is high time we did something substantial to lessen or to close this gap we have and this problem that needs to be addressed in terms of our ability to continue to grow the renewable fuels industry in this country, home-grown energy, energy that we get on an annual basis.

We raise a corn crop every year in South Dakota, as they do in Iowa, Minnesota, and Nebraska and in other States across this country which are all starting to realize the benefits of ethanol production and what it means to their agricultural economy. So this is a good piece of legislation that makes sense in so many ways. I hope the very clear logic of it will help us prevail in getting it passed in the Senate this year.

This legislation is cosponsored by Senator HAGEL of Nebraska and Senator CONRAD of North Dakota. I again put this bill before the Senate, and I look forward to its consideration.

Mr. SALAZAR. Mr. President, I join my colleague Senator THUNE today in introducing S. 331, the Thune/Salazar Alternative Fuel Grant Program. I am proud that Senators HAGEL and CONRAD are also joining us in this effort.

This morning I spoke about the dire threat that our dependence on foreign oil poses to our energy security and our national security. We are simply too vulnerable to oil shocks, supply disruptions, and the whims of oil-rich and democracy-poor countries.

It is time to build a new, clean energy economy that runs on biofuels, wind, solar, and alternative energies. This clean energy economy will move us out of the shadows of our oil dependence. Our farmers, ranchers, engineers, and entrepreneurs should play a lead role in this clean energy revolution, and Congress should do more to help them.

The bill that Senator THUNE and I are introducing today, S. 331, is a straightforward bill that will help expand the availability of alternative fuels at our Nation's filling stations.

It aims to solve a key problem that is slowing the growth of alternative fuels in the transportation sector. Although our farmers and ranchers are producing more and more biofuels each year, and our car manufacturers are building more and more vehicles that run on E-85, consumers still have a difficult time finding anything but gasoline at their filling station.

Our alternative fuel infrastructure is woefully behind the times. At last count, only a few hundred filling stations around the country carried E-85 fuel, while more than 6 million flexible fuel vehicles are on the road.

Consumers should have the choice of whether to fill their car with biofuels or with gasoline. Unfortunately, most of them do not.

The bill we are introducing is simple. It would provide grants to eligible gas station owners, farmers, and businesses that install pumps to deliver alternative fuels, such as natural gas or E-85.

The bill uses funds collected through CAFE penalties—approximately $20 million—for grants of up to $30,000. The funding would still be subject to annual appropriations and is budget neutral.

This bill will dramatically improve the availability of alternative fuels to consumers. It will allow those with E-85 vehicles to finally use the fuel they dream of using. It will also put in place the infrastructure we need for cellulosic ethanol, which is expected to come to market in just a few years.

I urge my colleagues to take a serious look at this bill—it is common sense, straightforward, fills a clear need, and is fiscally responsible.

I again thank my colleague from South Dakota for his leadership on this matter.

By Mr. WYDEN:

S. 334. A bill to provide affordable, guaranteed private health coverage that will make Americans healthier and can never be taken away; to the Committee on Finance.

Mr. WYDEN. Mr. President, it has been more than a decade since the U.S. Senate last addressed fixing health care. I do not think it is morally right for the Senate to duck on health care any longer and that is why I am proposing legislation today to provide affordable, guaranteed, private health coverage for all Americans.

The legislation, called the Healthy Americans Act, ensures care for the 46 million Americans who now live without health insurance, frees business owners from the skyrocketing costs of insuring their workers, and promises every American health care coverage that can never be taken away. My proposal is fully paid for, holds down health care cost growth in the future and provides coverage just like Members of Congress can get now.

America spent $2.2 trillion on health care last year. PriceWaterhouse-Coopers expects premiums will increase 11 percent this year alone and I believe the American health care system as we know it is not sustainable.

Our current employer-sponsored health insurance system is a historic accident. In the 1940s, employers needed a way to attract workers as wage and price controls continued. Our country needs a uniquely American solution that works for an economy that is competing not just with the company across town but the company across the world. Americans need a health care system that works for individuals and families, and encourages people to stay healthy instead of only seeking care after they are sick.

The Healthy Americans Act does this and more. It doesn't take long to explain how the Healthy Americans Act works. From the first day individuals, families and businesses win. The Healthy Americans Act cuts the link between health insurance and employment altogether. Under the Healthy Americans Act, businesses paying for employee health premiums are required to increase their workers' paychecks by the amount they spent last year on their health coverage. Federal tax law is changed to hold the worker harmless for the extra compensation, and the worker is required to purchase private coverage through an exchange in their State that forces insurance companies to offer simplified, standardized coverage, with benefits like a Member of Congress gets, and prohibits insurers from engaging in price discrimination.

Requiring employers to cash out their health premiums, as I propose in the Healthy Americans Act, is good for both employers and workers. With health premiums going up 11 percent this year, employers are going to be glad to be exempt from these increases. With the extra money in their paycheck, workers have a new incentive to shop for their health care and hold down their cost. If a worker can save a few hundred dollars on their health care purchase, they can use that money for something else they need.

In addition, the Healthy Americans Act is easy to administer and guarantees lifetime health security. Once you have signed up with a plan through an exchange in the State in which you live, that is it; you have completed the administrative process. Even if you lose your job or you go bankrupt, you can never have your coverage taken away. Sign up, and the premium you pay for the plan and all of the administrative activities are handled through the tax system. For those who cannot afford private coverage, the Healthy Americans Act subsidizes their purchases.

Businesses that have not been able to afford health coverage for their workers, under the new approach, will pay a fee—one that is tiered to their size and revenue, with some paying as little as 2 percent of the national average premium amount per worker for that basic benefit package.

It will be easy to administer, locally controlled, with guaranteed coverage as good as your Member of Congress gets. The Lewin Group has costed out my proposal and reports that it is fully paid for and in addition to expanding coverage for millions of people, guaranteeing health benefits as good as their Member of Congress gets, it also saves $4.5 billion in health spending in the first year. Money is saved by reducing the administrative costs of insurance, reducing cost shifting, and preventing those needless hospital emergency room visits. Also, there are substantial incentives that come about because insurance companies would have to compete for the business of consumers, who would have a new incentive to hold down health costs.

There are other parts of the Healthy Americans Act I wish to describe briefly. As the name of the legislation suggests, I believe strongly that fixing American health care requires a new ethic of health care prevention, a sharp new focus in keeping our citizens well, and trying to keep them from falling victim to skyrocketing rates of increase in diabetes, heart attack, and strokes.

Spending on these chronic illnesses is soaring, and it is especially sad to see so many children and seniors fall victim to these diseases. Yet many Government programs and private insurance devote most of their attention to treating Americans after they are ill and give short shrift to wellness.

Under the Healthy Americans Act, there will be for the first time significant new incentives for all Americans to stay healthy. They are voluntary incentives, but ones that I think will make a real difference in building a national new ethic of wellness and health care prevention.

Parents who enroll children in wellness programs will be eligible for discounts in their own premiums. Instead of mandating that parents take youngsters to various health programs—and maybe they do and maybe they don't—the Healthy Americans Act says when a parent takes a child to one of those wellness programs, the parent would be eligible to get a discount on the parent's health premiums.

Under the Healthy Americans Act, employers who financially support health care prevention for their workers get incentives for doing that as well. Medicare is authorized to reduce outpatient Part B premiums so as to reward seniors trying to reduce their cholesterol, lose weight, or decrease the risk of stroke. It has never been done before. For example, Part B of Medicare, the outpatient part, doesn't offer any incentives for older Americans to change their behavior. Everybody pays the same Medicare Part B premium right now. The Healthy Americans Act proposes we change that and ensures that if a senior from Virginia or Oregon or elsewhere is involved in a wellness program, in health care prevention efforts, like smoking cessation, they could get a lower Part B premium for doing that.

The preventive health efforts I have described are promoted through new voluntary incentives under the Healthy Americans Act, not heavy-handed mandates. What this legislation says is—let's make it more attractive for people to stay healthy and change their behaviors to promote the kind of wellness practices we all know we should do but need an incentive to follow.

Finally, and most importantly, the Healthy Americans Act does not harm those who have coverage in order to help those who have nothing. The legislation makes clear that all Americans retain the right to purchase as much health care coverage as they want. All Americans will enjoy true health security with the Healthy Americans Act, a lifetime guarantee of coverage at least as good as their Member of Congress receives.

A recent "Health Affairs" article pointed out that more than half of the Nation's uninsured are ineligible for public programs such as Medicaid, but do not have the money to purchase coverage for themselves.

At present, for most poor people to receive health benefits, they have to go out and try to squeeze themselves into one of the categories that entitles them to care. Under the Healthy Americans Act, low-income people will receive private health coverage, coverage that is as good as a Member of Congress gets, automatically. Like everyone else, they will sign up through the exchange in their State. When they are working, the premiums they owe are withheld from their paycheck. If they lose their job, there is an automatic adjustment in their withholding.

In addition, under the Healthy Americans Act, it will be more attractive for doctors and other health care providers to care for the poor. Those who are now in underfunded programs, such as Medicaid, are going to be able to have private insurance that pays doctors and other providers commercial rates which are traditionally higher than Medicaid reimbursement rates.

Because low-income children and the disabled are so vulnerable, if Medicaid provides benefits that are not included in the kind of package Members of Congress get, then those low-income folks would be entitled to get the additional benefits from the Medicaid Program in their State.

The Healthy Americans Act also makes changes in Medicare. As the largest Federal health program, Medicare's financial status is far more fragile than Social Security. Two-thirds of Medicare spending is now devoted to about 5 percent of the elderly population. Those are the seniors with chronic illness and the seniors who need compassionate end-of-life health care. The Healthy Americans Act strengthens Medicare for both seniors and taxpayers in both of these areas.

In addition to reducing Medicare's outpatient premiums for seniors who adopt healthy lifestyles and reduce the prospect of chronic illness, primary care reimbursements for doctors and other providers get a boost under the Healthy Americans Act. Good primary care for seniors also reduces the likelihood of chronic illness that goes unmanaged. This reimbursement boost is sure to increase access to care for seniors—and I see them all over, in Oregon and elsewhere—who are having difficulty finding doctors who will treat them.

To better meet the needs of seniors suffering from multiple chronic illnesses, the Healthy Americans Act promotes better coordination of their care by allowing a special management fee to providers who better assist seniors with these especially important services.

Hospice law is changed so that seniors who are terminally ill do not have to give up care that allows them to treat their illness in order to get the Medicare hospice benefit. In addition, the Healthy Americans Act empowers all our citizens wishing to make their own end-of-life care decisions. The legislation requires hospitals and other facilities to give patients the choice of stating in writing how they would want their doctor and other health care providers to handle various end-of-life care decisions.

When I announced the Healthy Americans Act last December, I stood with an unprecedented coalition of labor and business. Andy Stern, president of SEIU said "It is time for fundamental, not incremental change and Senator WYDEN has a plan that is practical and principle, and sets down a moral test" ‘Why doesn't every American have the right to the same health care as the President, the Vice President, 535 members of Congress and 3 million Federal workers?’" Steve Burd, the CEO of Safeway, a Fortune 50 company that has focused on prevention and wellness, called the Healthy Americans Act "an innovative proposal that lays a foundation to begin a serious discussion on health care reform in this country."

Ron Pollack of Families USA, listed the principles embodied in the Healthy Americans Act that he believes are important: universality; subsides to make the coverage affordable; community rating rules so the sicker and older are not priced out of the market; and benefits like a Member of Congress has today.

Also at my press conference was Mike Roach, of Portland, OR, a 30-year member of National Federation of Independent Businesses. He owns a clothing store in Portland and employs eight people. He believes the Healthy Americans Act will help him attract good employees. And Bob Beal, president of Oregon Iron Works, an Oregon-based company that competes internationally, believes that we must also address the skyrocketing health care costs that make it harder for companies like his in the international market place.

Like me, the people who stood by me when I announced the Healthy Americans Act believe we need to move the health care debate forward and cannot afford to let more time to go by. The last time Congress took a serious look at reforming health care, there wasn't anything resembling this kind of coalition of labor, business, low-income and end-of-life advocates standing together to call for action.

In tackling one-seventh of the economy, invariably technical issues arise. I want to thank many people who have assisted along the way. Len Nichols of the New America Foundation sent me e-mails at 2 in the morning that helped refine provisions. John Sheils, Randy Haught and Evelyn Murphy of the Lewin Group assisted in telling us our numbers worked or didn't. The Congressional Research Service staff followed up on questions from the common to the obscure. That group included: Bob Lyke, Jeanne Hearne, April Grady, Julie Whitaker, Christine Scott, Chris Peterson, Richard Rimkunas, Karen Trintz, Julie Stone and Andrew Sommers. The Senate Legislative Counsel staff translated the ideas and concepts into legislative language. They devoted an enormous amount of time in getting the ideas and the language right. I'd like to thank Mark Mathiesen, Mark McGunagle, Bill Baird, John Goetcheus, Stacy Kern-Sheerer, Kelly Malone and Ruth Ernest for their patience and extraordinary effort.

On my staff, Joshua Sheinkman, my legislative director and Jeff Michaels, my administrative assistant, were instrumental in completing the tax and business sections of the bill. Emily Katz who started in my office as a legislative fellow and became a permanent part of the Wyden health team made sure we had credible facts and statistics. Last but not least, I would like to thank Stephanie Kennan, my Senior Health Policy Adviser for the last 9 years who played devil's advocate, worked through the conflicting and evolving ideas, and kept the many threads of the bill working together.

The full text of the Healthy Americans Act and the Lewin analysis are available on my Web site.

In closing, I believe that without your health, you don't get to the starting line of life. For too long, the Congress has dodged the debate and chosen to slice off parts of the issue. And as worthy as those past efforts have been to help certain segments of our citizens, all Americans deserve guaranteed coverage like their Member of Congress, and no one should go to bed at night worrying about losing their health care. It is time for Congress to provide 21st century solutions to one of the most important issues our country must address. The Healthy Americans Act starts that debate.

I ask unanimous consent, that the Healthy Americans Act section-by-section summary, and examples of how the legislation would affect individuals and families and employers be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE HEALTHY AMERICANS ACT SECTION BY SECTION

Section 1— Short Title and Table of Contents

Section 2—Findings
Section 3—Definitions

TITLE I: HEALTHY AMERICANS PRIVATE INSURANCE PLANS

Subtitle A—Guaranteed Private Coverage

Section 101: Guarantee of Healthy Americans Private Insurance Coverage: Within 2 years of enactment States must create a system as outlined in the bill to provide individuals the opportunity to purchase a Healthy Americans Private Insurance (HAPI) plan that meets the requirements of the Act.

Section 102: Individual Responsibility to Enroll: Adults (over age 19, U.S. citizens, not incarcerated) must enroll themselves and dependent children in a plan offered through the state-wide Health Help Agency (HHA) unless they provide evidence of enrollment or coverage through Medicare, a health insurance plan offered by the Department of Defense, an employee benefit plan through a former employer (i.e. retiree health plans), a qualified collective bargaining agreement, the Department of Veterans Affairs, or the Indian Health Service.

Religious Exemption: If a person opposes for religious reasons to purchasing health insurance the requirement may be waived.

Dependent Children: Each adult has the responsibility to enroll each child in a plan. Dependent children include individuals up to age 24 claimed by their parents for deductions in the tax code.

Penalty for Failure to Purchase Coverage: If an individual fails to purchase coverage and does not meet the exceptions or the religious exemption, then a financial penalty will be assessed. The penalty is calculated by multiplying the number of uncovered months times the weighted average of the monthly premium for a plan in the person's coverage class and coverage area, plus 15 percent. Payments will be made to the HHA of the State in which the person resides. That agency also may establish a procedure to waive the penalty if the penalty poses a hardship. Each State shall determine appropriate mechanisms to enforce the requirement that individuals be enrolled, but the enforcement cannot be the revocation or ineligibility of coverage.

Subtitle B—Standards for Healthy Americans Private Insurance Coverage

Section 111: Healthy Americans Private Insurance Plans: At least two plans that meet the requirements of the Act must be offered through the Health Help Agency in each State. The offerings permitted through Health Help include several options: (1) a plan similar to the Blue Cross Blue Shield Standard Plan provided under the Federal Employees Health Benefit Program as of January 1, 2007; (2) plans with additional benefits added to the standard plan so long as those benefits are priced and displayed separately; and (3) actuarial equivalent plans to the standard plan. In addition, plans must provide benefits for wellness programs; incentives to promote wellness; provide coverage for catastrophic medical events resulting in the exhaustion of lifetime limits; create a health home for the covered individual or family; ensure that as part of a first visit with a primary care physician, a care plan is developed to maximize the health of the individual through wellness and prevention activities; provide for comprehensive disease prevention, early detection and management; and provide for personal responsibility contributions at the time services are administered except for preventive items or services for early detection.

Family Planning: A health insurance issuer must make available supplemental coverage for abortion services that may be purchased in conjunction with a HAPI plan or an actuarially equivalent HAPI.

Actuarial Equivalent Plans: Actuarial equivalent plans have to have a set of core benefits that include preventive items and services; inpatient and outpatient hospital services; physicians' surgical and medical services; and laboratory and X-ray services. Like the other HAPI plans, actuarial equivalent plans cannot charge copays for prevention and chronic disease management items or services.

Coverage Classes: There will be the following coverage classes: (1) individual; (2) married couple or domestic partnership (as determined by a State) without dependent children; (3) coverage of an adult individual with 1 or more dependent children; (4) coverage of a married couple or domestic partnership as determined by a State with one or more dependent children.

Premium Determinations: Community rating or adjusted community rating principles established by the State will be used. States may permit premium variations based only on geography, smoking status, and family size. States may determine to have no variations.

A State shall permit a health insurance issuer to provide premium discounts and other incentives to enrollees based on participation in wellness, chronic disease management, and other programs designed to improve the health of participants.

Limitations: Age, gender, industry, health status or claims experience may not be used to determine premiums.

Section 112: Specific Coverage Requirements: This section requires existing provisions of law currently applied to group health markets to be applied to the plans offered through Health Help Agencies including: protections for coverage of pre-existing conditions; guaranteed availability of coverage; guaranteed renewability of coverage; prohibition of discrimination based on health status; coverage protections for mothers and newborns, mental health parity, and reconstructive surgery following a mastectomy; and prohibition of discrimination on the basis of genetic information.

This section also states that a HAPI plan shall not establish rules for eligibility for enrollment based on genetic information, and premiums and personal responsibility payments cannot be adjusted based on genetic information. A plan cannot request or require an individual to have a genetic test.

Section 113: Updating Healthy Americans Private Insurance Plan Requirements: The Secretary of Health and Human Services (HHS) shall create a 15-person advisory committee that will report annually to Congress and the Secretary concerning modifications to benefits, items and services. The committee members will include a health economist; an ethicist; health care providers including nurses and other non-physician providers; health insurance issuers; health care consumers; a member of the U.S. Preventive Services Task Force; and an actuary.

Subtitle C—Eligibility for Premium and Personal Responsibility Contribution Subsidies

Section 121: Eligibility for Premium Subsidies: Individuals and families with modified adjusted gross incomes of 100% of poverty ($9,800 individual, $20,000 for a family of four) and below will be eligible for a full subsidy with which to purchase health insurance. For individuals and families with income between 100% of poverty and 400% of poverty ($39,200 for an individual, $52,800 for a couple and $80,000 for a family of four), subsidies will be provided on a sliding scale.

[Note: To calculate the subsidy level, the individual or family would first subtract the health deductions and a deduction for children in the family to determine the modified adjusted gross income. See deductions in Section 664.]

Individuals have 60 days to notify the HHA that there has been a change in income which may make them eligible or ineligible for the subsidy. States may also develop other mechanisms to ensure individuals do not have a break in coverage due to a catastrophic financial event.

Section 122: Eligibility for Personal Responsibility Contribution Subsidies:

Full subsidy: Individuals who have a modified adjusted gross income below 100 percent of poverty will receive a subsidy amount equal to the full amount of any personal responsibility contributions.

Partial subsidy: For individuals with modified adjusted gross incomes at or above 100 percent of poverty an HHA may provide a subsidy equal to the amount of any personal responsibility contributions the person incurs.

Section 123: Definitions and Special Rules:

The term modified adjusted gross income means adjusted gross income as defined in the Internal Revenue Code increased by the amount of interest received during the year and the amount of any Social Security benefits received during the taxable year.

Taxable year to be used to determine modified adjusted gross income is determined by the individual's most recent income tax return and other information the Secretary may require.

Poverty Line is the meaning given in the Community Health Services Block Grant.

The Secretary shall promulgate regulations to be used by the HHAs to calculate premium subsides and personal responsibility subsidies for individuals whose modified adjusted gross income is significantly lower than for the previous year being used to calculate the premium subsidy.

Special Rule for Unlawfully Present Aliens: Subsidies may not go to adult illegal aliens.

Special Rule for Aliens: If an alien owes either a premium payment or a penalty, the alien's visa may not be renewed or adjusted.

Bankruptcy: Debts created by failing to pay premiums are not dischargeable through bankruptcy.

Subtitle D—Wellness Programs

Section 131: Requirements for Wellness Programs:

Defining Wellness: Wellness programs must consist of a combination of activities designed to increase awareness, assess risks, educate and promote voluntary behavior change to improve the health of an individual, modify his or her consumer health behavior, enhance his or her personal well-being and productivity, and prevent illness and injury.

Discounts on premiums: Individuals who participate successfully in approved wellness programs are eligible for a discounted premium, including rewarding parents if their child participates in an approved wellness program. Determinations concerning successful participation by an individual in a wellness program shall be made by the plan based on a retrospective review of the activities the individual participated in and the plan may require a minimum level of successful participation.

A plan may choose to provide discounts on personal responsibility contributions.

Wellness programs approved by the insurer must be offered to all enrollees and permit enrollees an opportunity to meet a reasonable alternative participation standard if it is medically inadvisable to attempt to meet the initial program standard. Participation in wellness programs cannot be used as a proxy for health status.

To be an approved wellness program, the program must be designed to promote good health and prevent disease, is approved by the HAPI plan, and is offered to all enrollees.

Employers may deduct the costs of offering wellness programs or worksite health centers.

TITLE II: HEALTHY START FOR CHILDREN

Subtitle A—Benefits and Eligibility

Section 201: General Goal and Authorization of Appropriations for HAPI Plan Coverage for Children: The general goal of Healthy Start is to ensure all children receive health coverage that is good quality, affordable and includes prevention-oriented benefits.

Funds needed for this section are to be appropriated.

If a child is in a family with an income of 300% or below and the child does not have coverage, Healthy Start shall ensure the child is enrolled in a plan. The States and insurers shall create a separate class of coverage for children not enrolled in a plan by an adult. A child is defined as those under the age of 18 or in the case of foster care, under the age of 21.

Section 202: Coordination of Supplemental Coverage under the Medicaid Program to HAPI Plan Coverage for Children: If a child was receiving services through Medicaid that are not offered through the private coverage offered through Health Help, Medicaid will continue to provide that assistance. This includes Early Periodic Screening Diagnosis and Treatment (EPSDT) services.

Subtitle B—Service Providers

Section 211: Inclusion of Providers under HAPI Plans: Children receiving care though school based health centers, other centers funded through Public Health Service Act, rural health clinics or an Indian Health Service facility will be provided services at no cost or HAPI plans will reimburse the providers for the services.

Section 212: Use of, and Grants for, School Based Health Centers: Creates and defines school based health centers and provides for grants to develop more school based health centers.

School based health centers must be located in elementary or secondary schools, operated in collaboration with the school in which the center is located; administered by a community-based organization including a hospital, public health department, community health center, or nonprofit health care agency. The school based health center must provide primary health care services including health assessments, diagnosis and treatment of minor acute or chronic conditions and Healthy Start benefits; and mental health services. Services must be available when the school is open and through on call coverage. Services are to be provided by appropriately credentialed individuals including nurse practitioner, physician assistant, a mental health professional, physician or an assistant. Centers must use electronic medical records by January 1, 2010. In addition, the centers may also provide preventive dental services consistent with State licensure law through dental hygienists or dental assistants.

School based health centers may provide services to students in more than one school if it is determined to be appropriate.

A parent must give permission for the child to receive care in a school based health center. Centers may seek reimbursement from a third party payer including HAPI plans. Funds received from third party payer reimbursement shall be allocated to the center in which the care was provided.

Development Grants: The Secretary shall provide grants to local school districts and communities for the establishment and operation of school based health centers. The Secretary shall give priority to applicants who will establish a school based health center in medically underserved areas or areas for which there are extended distances between the school involved and appropriate providers of care for children; services students with the highest incidence of unmet medical and psycho social needs; and can demonstrate that funding state, local or community partners have provided at least 50 percent of the funding for the center to ensure the ongoing operation of the center.

Federal Tort Claims Act: A health care provider shall have malpractice coverage through the Federal Tort Claims Act for services provided through a school based health center.

TITLE III: BETTER HEALTH FOR OLDER AND DISABLED AMERICANS

Subtitle A—Assurance of Supplemental Medicaid Coverage

Section 301: Coordination of Supplemental Coverage under the Medicaid Program for Elderly and Disabled Individuals: The Secretary shall provide guidance to States and insurers that takes into account the specific health care needs of elderly and disabled individuals who receive Medicaid benefits so that Medicaid may provide services not provided by HAPI plans.

Subtitle B—Empowering Individuals and States To Improve Long-Term Care Choices

Section 311: New, Automatic Medicaid Option for State Choices for Long-Term Care: If a State decides to do a waiver similar to the Vermont waiver which allows individuals to have access to home and community based services, so long as the State meets criteria specified, the State may automatically implement the program.

Section 312: Simpler and More Affordable Long-Term Care Insurance Coverage: This section creates Medigap-like models for tax qualified long term care policies and adds additional consumer protections.

A Qualified Long Term Care Plan is a plan that meets the standards and requirements developed by either the National Association of Insurance Commissioners (NAIC) or by federal regulations.

Development of Standards and Requirements: Within 9 months after the date of enactment, the NAIC should adopt a model regulation to regulate limitations on the groups or packages of benefits that may be offered under a long term care insurance policy; uniform language and definitions; uniform format to be used in the policy with respect to benefits; and other standards required by the Secretary of HHS.

If NAIC does not adopt a model regulation with the 9-month period, the Secretary shall promulgate regulations within 9 months that do the same as the above section. In developing standards and requirements, the Secretary shall consult with a working group of representatives of long term care insurers, beneficiaries and consumer groups, and other individuals.

Limitations on Groups and Packages of Benefits: The model regulation or federal regulation shall provide for the identification of a core group of basic benefits common to all policies and the total number of different benefit packages and combination of benefits that maybe offered as a separate benefit package may not exceed 10.

The objectives that need to be balanced in developing the packages are: to simplify the market to facilitate comparisons among policies; avoiding adverse selection; provide consumer choice; provide market stability and promote competition.

The requirements would go into effect no later than one year after the date NAIC or the Secretary adopts the standards.

Required State Legislation: State legislatures would adopt the standards.

Additional Consumer Protections: This section amends the 1993 NAIC model regulation and model Act to require additional consumer protections for qualified long term care policies concerning, guaranteed renewal or noncancelability; prohibitions on limitations and exclusions, continuation or conversion of coverage, unintentional lapse, probationary periods, preexisting conditions, and other issues.

Any person selling a long term care insurance policy shall make available for sale a policy with only the core group of basic benefits.

TITLE IV: HEALTHIER MEDICARE

Subtitle A—Authority To Adjust Amount of Part B Premium To Reward Positive Health Behavior

Section 401: Authority to Adjust Amount of Medicare Part B Premium to Reward Positive Health Behavior: The Secretary may adjust Part B premiums for an individual based on whether or not the individual participates in healthy behaviors, including weight management, exercise, nutrition counseling, refraining from tobacco use, designating a health home, and other behaviors determined appropriate by the Secretary. In adjusting the Part B premium, the Secretary must ensure budget neutrality and the aggregate must be equal to 25 percent of premium paid (as in current law).

Subtitle B—Promoting Primary Care for Medicare Beneficiaries

Section 411: Primary Care Services Management Payment: This section requires the Secretary to create a primary care management fee for providers who are designated the health home of a Medicare beneficiary and who provide continuous medical care, including prevention and treatment, and referrals to specialists. This section is cross referenced in the chronic care disease management section so that primary care physicians providing chronic disease management may receive the primary care services management fee for those services. The amount of the payment will be determined by the Secretary in consultation with MedPAC.

Requirement for Designation as a Health Home: The management fee shall be provided if the beneficiary has designated the provider as a health home. A health home is a provider that a Medicare beneficiary has designated to monitor the health and health care of the senior.

Subtitle C—Chronic Care Disease Management

Section 421: Chronic Care Disease Management: This section requires Medicare to have a chronic disease management program available to all Medicare beneficiaries no later than January 1, 2008. The program must cover the 5 most prevalent diseases. Physicians who are not primary care providers, but do provide chronic disease management may receive an additional payment for providing chronic disease management. The fee will be determined by the Secretary in consultation with MedPAC.

The Secretary shall establish procedures for identifying and enrolling Medicare beneficiaries who may benefit from participation in the program.

Section 422: Chronic Care Education Centers: This section creates Chronic Care Education Centers to serve as clearinghouses for information on health care providers who have expertise in the management of chronic disease.

Subtitle D—Part D Improvements Chapter 1

Section 431: Negotiating Fair Prices for Medicare Prescription Drugs (based on Snowe-Wyden MEND bill): This section provides the Secretary with authority to negotiate prices with manufacturers of prescription drugs. The Secretary must negotiate for fall back plans and if a plan requests assistance. However, the authority to negotiate is not limited to these two scenarios. Specifies no uniform formulary or price setting is permitted. Savings are to go towards filling the coverage gap or deficit reduction.

Section 432: Process for Individuals Entering the Medicare Coverage Gap to Switch to a Plan that Provides Coverage in the Gap (based on Snowe-Wyden Lifeline Act to permit people to change plans if they hit the donut hole): Permits individuals to change plans if they hit the coverage gap. In addition, the section requires the Secretary to notify individuals they are getting close to the coverage gap and what their options are. This provision would sunset 5 years after enactment.

Subtitle E—Improving Quality in Hospitals for All Patients

Section 441: Improving Quality in Hospitals for All Patients: Within 2 years after enactment, hospitals must demonstrate to accrediting bodies improvements in quality control that include: rapid response teams; heart attack treatments; procedures that reduce medication errors; infection prevention; procedures that reduce the incidence of ventilator-related illnesses; and other elements the Secretary wishes to add.

Within 2 years after enactment, the Secretary shall convene a panel of independent experts to ensure hospitals have state of the art quality control that is updated on an annual basis.

Subtitle F—End-of-Life Care Improvements

Section 451: Patient Empowerment and Following a Patient's Health Care Wishes: Within 2 years after enactment, health care facilities receiving Medicare funds must provide each patient with a document designed to promote patient autonomy by documenting the patient's treatment preferences and coordinating these preferences with physician orders. The document must transfer with the patient from one setting to another; provide a summary of treatment preferences in multiple scenarios by the patient or the patient's guardian and a physician or other practitioner's order for care; is easy to read in an emergency situation; reduces repetitive activities in complying with the Patient Self Determination Act; ensures that the use of the document is voluntary by the patient or the patient's guardian; is easily accessible in the patient's medical chart and does not supplant State health care proxy, living wills or other end-of-life care forms.

Section 452: Permitting Hospice Beneficiaries to Receive Curative Care: Changes the current Medicare requirement that to choose hospice an individual must give up curative care. Instead, an individual may continue curative care while receiving hospice.

Section 453: Providing Beneficiaries with Information Regarding End-of-Life Care Clearinghouse: When signing up for Medicare, the Secretary shall refer people to the clearinghouse described in this Act.

Section 454: Clearinghouse: The Secretary shall establish a national toll-free information clearinghouse that the public may access to find out State-specific information regarding advance directives and end-of-life care decisions. If such a clearinghouse exists and is administered by a not-for-profit organization the Secretary must support that clearinghouse instead of creating a new one.

SUBTITLE G—ADDITIONAL PROVISIONS

Section 461: Additional Cost Information: The Secretary of HHS shall require Medicare Advantage Organizations to aggregate claims information into episodes of care and to provide the information to the Secretary so costs for specific hospitals and physicians may be measured and compared. The Secretary shall make the information public on an annual basis.

Section 462: Reducing Medicare Paperwork and Regulatory Burdens: Not later than 18 months after the date of enactment, the Secretary shall provide to Congress a plan for reducing regulations and paperwork in the Medicare program. The plan shall focus initially on regulations that do not directly enhance the quality of patient care provided under Medicare.

TITLE V: STATE HEALTH HELP AGENCIES

Section 501: Establishment: Each state will establish a Health Help Agency to administer HAPI plans. States must establish an HHA in order to get transition payments to develop them.

Section 502: Responsibilities and Authorities: Health Help Agencies shall promote prevention and wellness through education; distribution of information about wellness programs; making available to the public the number of individuals in each plan that have chosen a health home; and promoting the use and understanding of health information technology.

Enrollment Oversight: Each HHA shall oversee enrollment in plans by: providing standardized unbiased information on plans available; administering open enrollment periods; assisting changes required by birth, divorce, marriage, adoption or other circumstances that may affect the plan a person chooses; establishing a default enrollment process; establishing procedures for hospitals and other providers to report individuals not enrolled in a plan; ensuring enrollment of all individuals; developing standardized language for plan terms and conditions to be used; providing enrollees with a comparative document of HAPI plans; and assisting consumers in choosing a plan by publishing loss ratios, outcome data regarding wellness programs, and disease detection and chronic care management programs categorized by health insurer.

The HHA will determine and administer subsidies to eligible individuals and collect premium payments made by or on behalf of individuals and send the payments to the plans.

HHAs shall empower individuals to make health care decisions by providing State-specific information concerning the right to refuse treatment and laws relating to end-of-life care decisions; and by providing access to State forms.

Each HHA will establish plan coverage areas for the State.

States that share one or more metropolitan statistical areas may enter into agreements to share responsibilities for administration.

States will have to work with the Secretary of HHS to ensure transition from Medicaid and SCHIP is orderly and that individuals receiving other benefits from Medicaid continue to do so.

Section 503: Appropriations for Transition to State Health Help Agencies: States will receive federal funds to establish HHAs for two full fiscal years. States may assess insurers for administrative costs of running their HHAs.

TITLE VI—SHARED RESPONSIBILITIES

Subtitle A—Individual Responsibilities

Section 601: Individual Responsibility to Ensure HAPI Plan Coverage: Individuals must enroll themselves and their children in a plan during open enrollment periods; submit documentation to the HHA to determine premium and personal responsibility contribution subsidies; pay the required premium and personal responsibility contributions; and inform the HHA of any changes that affect family status or residence.

Subtitle B—Employer Responsibilities

Section 611: Health Care Responsibility Payments: Reorders and changes the IRS code.

Subchapter A: Employer Shared Responsibility Payments

Section 3411: Payment Requirement: Employer Shared Responsibility Payments: Every Employer must make an employer shared responsibility payment (ESR) for each calendar year in the amount equal to the number of full time equivalent employees employed by the employer during the previous year multiplied by a percentage of the average HAPI plan premium amount. The percentage used is determined by size and revenue per employee.

Once in effect, the percentages employers would pay are:

Large employers:
0–20th percentile 17%
21st–40th percentile 19%
41st–60th percentile 21%
61st–80th percentile 23%
81st–99th percentile 25%
Small employers:
0–20th percentile 2%
21st–40th percentile 4%
41st–60th percentile 6%
61st–80th percentile 8%
81st–99th percentile 10%

At the beginning of each calendar year, the Secretary in consultation with the Secretary of Labor shall publish a table based on a sampling of employers to be used in determining the national percentile for revenue per employee amounts.

Transition Rates: Employers who offered health insurance prior to enactment will contribute "make good" payments to their employees. The payments will be equal to the cash value of the health insurance provided and the amount will be added to the employee's wages. These employers will not be required to make any other payments in the first two years.

If an employer did not provide health insurance to employees prior to this legislation, the employer shared responsibility payment for the first year will be equal to one-third of the amount otherwise required and the payment for the second year will be two thirds of the amount required.

Employer Shared Responsibility Credit: The Secretary may provide a credit to private employers who provided health insurance benefits greater than the 80th percentile of the national average in the 2 years prior to enactment, can demonstrate the benefits provided encouraged prevention and wellness activities and continue to provide wellness programs.

Section 3412: Instrumentalities of the United States: State and local governments must make employer shared responsibility payments.

Subchapter B: Individual Shared Responsibility Payments

Section 3421: Amount of Payment: Every individual shall pay an amount equal to the premium amount they owe.

Section 3422: Deduction of Individual Shared Responsibility Payment from Wages: Employers may deduct the amount of the payment for premiums from their employees' wages.

Subchapter C: General Provisions

Section 3431: Definitions and Special Rules: Provides definitions.

The average HAPI plan premium used to compute employer responsibility payments will be a simple average of all four premium classes (individuals, married, head of household and family)

All individuals who perform work for an employer for more than three months in the previous calendar year and who meet the definition of common law employee, either full or part time, will be counted toward the employer's total employees when determining the employer shared responsibility payments.

Section 3431: Definitions and Special Rules: Provides definitions

Section 3432: Labor Contracts: In general these provisions do not apply to collective bargaining agreements until the earlier of 7 years after the date of enactment or the date the collective bargaining agreement expires.

Section 612: Distribution of Individual Responsibility Payments to HHAs: The Treasury will provide to each HHA an amount equal to the amount of individual shared responsibility payments made through the tax code by each eligible individual.

Subtitle C—Insurer Responsibilities

Section 621: Insurer Responsibilities: To offer a HAPI plan through an HHA, insurers will be required to: implement and emphasize prevention, early detection and chronic disease management; ensure wellness programs are available; demonstrate how provider reimbursement methodology achieves quality and cost efficiency; ensure a physical and a care plan are available to the individual; ensure enrollees have the opportunity to designate a health home and make public how many enrollees have designated a health home; create a medical record if the patient wants one; comply with loss ratios established; use common claims form and billing practices; make administrative payments the State requires for the operation of its HHA; provide discounts and incentives for the parent if the child participates in a wellness program; report outcome data on wellness programs, disease detection and chronic care management, and loss ratio information; send large hospital bills to patients with a contact name so the patient can contact a person to discuss questions or complaints; and provide HHA with information concerning the plans offered.

Insurers must use standardized common claim forms prescribed by the State HHA chronic care programs offered must help provide early identification and management. Each program will use a uniform set of clinical performance standards.

Insurers must report performance and outcomes of chronic care management programs and loss ratios. Loss ratios will be defined by the Secretary in consultation with NAIC, consumers, and insurers.

Defines administrative expenses as including all taxes, reinsurance premiums, medical and dental consultants used in the adjudication process, concurrent or managed care review when not billed by a health provider and other forms of utilization review, the cost of maintaining eligibility files, legal expenses incurred in the litigation of benefit payments and bank charges for letters of credit.

The cost of personnel, equipment and facilities directly used in the delivery of health care services, payments to HHAs and the cost of overseeing chronic disease management programs and wellness programs are not included in the definition of administrative costs.

Subtitle D—State Responsibilities

Section 631: State Responsibilities: States must: designate or create a Health Help Agency; ensure HAPI plans are sold through the HHA and comply with requirements (there must be at least two HAPI plans offered); develop mechanisms for enrollment and the collection of premiums; ensure enrollment and develop methods to check on enrollment status; implement mechanisms to enforce the individual responsibility to purchase coverage (but this may not include revocation of insurance); and implement a way to automatically enroll individuals who are not covered and seek care in emergency departments.

States will continue to apply State law on consumer protections and licensure.

States must continue a maintenance of effort so they are required to contribute 100 percent of what they spent on health services prior to enactment.

Section 632: Empowering States to Innovate through Waivers: A State may be granted a waiver if the legislature enacts legislation or the State approves through ballot initiative a plan to provide heath care coverage that is at least as comprehensive as required under a HAPI plan. If the State submits a waiver to the Secretary, the Secretary must respond no later than 180 days and if the Secretary refuses to grant a waiver, the Secretary must notify the State and Congress about why the waiver was not granted.

Subtitle E—Federal Fallback Guarantee Responsibility

Section 641: Federal Guarantee of Access to Coverage: If a State does not establish an HHA and have a system up within two years, the Secretary shall establish a fallback plan so individuals can still receive a HAPI plan.

Subtitle F—Federal Financing Responsibilities

Section 561: Appropriation for Subsidy Payments: Appropriations will be made each year to fund the insurance premium subsides.

Section 652: Recapture of Medicare and 90 Percent of Medicaid Federal DSH Funds to Strengthen Medicare and Ensure Continued Support for Public Health Programs: All of Medicare DSH stops and remains in the Part A Trust Fund.

Medicaid DSH continues at 10 percent of current levels. The amount not spent is put into a new trust fund, the "Healthy Americans Public Health Trust Fund."

Section 9511: Healthy Americans Public Health Trust Fund: The Treasury shall establish a trust fund in which the funds that would have been spent on Medicaid DSH will now go. This trust fund will be used only for premium and personal responsibility payment subsidies and to States for a bonus payment if they adopt certain medical malpractice reforms. Any additional amounts will go toward reducing the federal budget deficit.

Subtitle G—Tax Treatment of Health Care Coverage Under Healthy Americans Program; Termination of Coverage Under Other Governmental Programs and Transition Rules for Medicaid and SCHIP

Part 1: Tax Treatment of Health Care Coverage Under Healthy Americans Program

Section 661: Limited Employee Income and Payroll Tax Exclusion for Employer Shared Responsibility Payments, Historic Retiree Health Contributions, and Transitional Coverage Contributions: The following payments made by employers are not taxable as income to their employees: (1) shared responsibility payments by employers; (2) payments for coverage of retirees under existing retiree health plans; (3) payments for continuing employer-provided health plans under existing collective bargaining agreements; and (4) payments for employer-provided coverage for long-term care.

Section 662: Exclusion for Limited Employer-Provided Health Care Fringe Benefits: The value of employer-provided wellness programs and on-site first aid coverage for employees is not taxable as income to the employees.

Section 663: Limited Employer Deduction for Employer Shared Responsibility Payments, Retiree Health Contributions and other Health Care Expenses: Limits the current employer deduction for the costs of employee health care coverage to the following: (1) shared responsibility payments made by employers; (2) coverage of retirees under existing retiree health plans; (3) continuing employer-provided health plans under existing collective bargaining agreements; (4) employer-provided wellness programs; and (5) on-site first aid coverage for employees.

Section 664: Health Care Standard Deduction: Creates a new Health Care Standard Deduction. Taxpayers can claim this deduction and reduce the amount they pay in taxes whether they file an itemized tax return or take the standard deduction. The amount of the deduction a taxpayer can claim depends on the class of health care coverage the taxpayer has. The deduction is indexed to the consumer price index with the deduction amounts initially set as follows:

Individual coverage—$6,025

Married couple or domestic partnership coverage—$12,050

Unmarried individual with dependent children—$8, 610 plus $2,000 for each dependent child

Married couple or domestic partnership (as determined by a State) with dependent children—$15,210 plus $2,000 for each dependent child

The deduction can be claimed by individuals and families with incomes greater than the poverty line. Both the health care and the healthy child deduction are phased in starting from 100-400 percent of poverty. The deduction begins phasing out starting at $62,500 ($125,000 in the case of a joint return) and is fully phased out at $125,000 ($250,000 in the case of a joint return). The deduction will be adjusted for inflation

Section 665: Modification of Other Tax Incentives to Complement Healthy Americans Program: Sunsets the following tax breaks for health care: tax credit for health insurance costs of individuals; coverage of health care benefits under "cafeteria plans"; and Archer Medical Savings Accounts. This section also allows Health Savings Accounts in conjunction with high deductible Healthy Americans Private Insurance plans and long-term care benefits to be provided tax-free to workers through cafeteria plans.

Section 666: Termination of Certain Employer Incentives When Replaced by Lower Health Care Costs: Beginning 2 years after enactment, terminates tax provisions relating to income attributable to domestic production activities, relating to tax-exempt status of voluntary employees' beneficiary associations, and relating to inventory property sales source rule exception, and the deferral of active income of controlled foreign corporations.

Part II: Termination of Group Coverage under other Governmental Programs and Transition Rules for Medicaid and SCHIP

Sections 671–673: eliminates group coverage, FEHBP, Medicaid (except for its wrap around and long term care functions) and SCHIP.

TITLE VII: OTHER PROVISIONS

Subtitle A—Effective Health Services and Products

Section 701: One Time Disallowance of Deduction for Advertising and Promotional Expenses for Certain Prescription Pharmaceuticals: If a drug is new and on the market, there is no tax deduction for advertising unless it is being studied for comparison effectiveness. If the drug is already on the market it must inform consumers that a generic will be on the market if the drug is coming off patent.

Section 702: Enhanced New Drug and Device Approval: Drugs and devices get additional exclusivity or additional patent protection if they submit comparison effectiveness as part of their application to the Food and Drug Administration.

Section 703: Medical Schools and Finding What Works in Health Care: Medical schools and other researchers may post on a website run by Agency Healthcare Research and Quality (AHRQ) evidence-informed best practices. AHRQ will run a pilot program to find ways to get that information into the curricula of medical schools.

Section 704: Finding Affordable Health Care Providers Nearby: Creates a website so individuals can find affordable high quality providers by zip code. The website can begin with the providers who report under pay for performance efforts and then be broadened out to include all providers using uniform care standards developed in consultation with Quality Improvement Organizations (QIOs).

The affordability standard would be developed by the Secretary in consultation with insurers.

Subtitle B—Other Provisions to Improve Health Care Services and Quality

Section 711: Individual Medical Records: Individuals own their medical records.

Section 712: Bonus Payment for Medical Malpractice Reform: If a State adopts certain reforms the State may get additional funds. Those reforms are: (1) require an individual who files a malpractice action in state court have the facts of their case reviewed by a panel with not less than one qualified medical expert chosen in consultation with the State Medicare quality improvement organization or physician specialty whose expertise is appropriate for the case; not less than one legal expert and not less than one community representative to verify that a malpractice claim exists; (2) permit an individual to engage in voluntary non-binding mediation with respect to the malpractice claim prior to filing an action in court; (3) impose sanctions against plaintiffs and attorneys who file frivolous medical malpractice claims in courts; (4) prohibit attorneys who file three or more medical malpractice actions in state courts from filing others in state courts for a period of 10 years; and provides for the application of presumption of reasonableness if the defendant establishes that he or she followed accepted clinical practice guidelines established by the specialty or listed in the National Guideline clearinghouse.

The bonus payments must be used to carry out activities related to disease and illness prevention and for children's health care services.

TITLE VIII: CONTAINING MEDICAL COSTS

Section 801: Cost-Containment Results of the Healthy Americans Act: Summarizes what in the bill contains costs.

THE HEALTHY AMERICANS ACT—AFFORDABLE HEALTH CARE FOR EVERY AMERICAN

Worker Profiles	Current Health System	Wyden Plan
Fabulous Clean, janitor, has $25,000/year income; married with 2 children; family insured through employer.	Pays $2,000 in premiums; Tax savings: $500 (not taxed on employer's $5,000 contribution). Net cost:$1,500	Pays $1,200 in subsidized premiums; Salary increase: $5,000; Additional taxes after the new health care tax deduction: $150 Net savings:$3,650
Sally Forth, secretary, has $40,000/year income; married with 2 children; family insured through employer.	Pays $2,500 in premiums; Tax savings: $1,500 (not taxed on employer's $10,000 contribution). Net cost:$1,000	Pays $3,600 in subsidized premiums; Salary increase: $10,000; Additional taxes after the new health care tax deduction: $60 Net savings:$6,340
Bess Driver, school bus driver, has $55,000/year income; married, couple insured through employer.	Pays $1,000 in premiums; Tax savings: $1,575 (not taxed on employer's $10,500 contribution). Net savings:$575	Pays $8,200 in premiums; Salary increase: $10,500; Tax savings after the new health care tax deduction: $230 Net savings:$2,530
Ann Bankroll, investment banker, has $200,000/year income; married; 2 children; family insured through employer.	Pays $2,500 in premiums; Tax savings: $3,300 (not taxed on employer's $10,000 contribution). Net savings:$800	Pays $10,600 in premiums; Salary increase: $10,000; Additional taxes after the new health care tax deduction: $1,271 Net cost:$1,871
Shirley Needing, waitress, has $15,000/year income; single; no health coverage.	None	Pays $600 in subsidized premiums; Tax savings after new health care tax deduction:: $100 Net cost:$500 ($42/month)
Harold Heart, salesman, has $25,000/year income; married with 2 children; no health coverage.	None available because of preexisting condition.	Pays $600 in subsidized premiums; Tax savings*: $150 Net cost:$450 ($38/month)

THE HEALTHY AMERICANS ACT: WORKING FOR EMPLOYERS

SMALL SERVICE EMPLOYER

Daisy Hills Day Care has 32 employees, 8 are full-time and the other 24 work an average of 20 hours per week. Only the 8 full-time employees are currently eligible for the Daisy Hills health plan, and 6 take advantage of it. The firm pays half of the premium for employees, nothing for family coverage. Daisy Hills's total current health care costs are $10,400 per year, which pays for coverage of only 6 employees. Under the Healthy Americans Act, Daisy Hills would pay a total of $6,208 per year in Employer Shared Responsibility payments. This amount represents 4 percent of the national average essential benefit premium multiplied by 20 full-time equivalent employees.

SMALL RESTAURANT

Doug's Diner has 3 full-time and 9 part-time employees who work an average of 30 hours per week. Doug cannot currently afford to offer health care to his employees. He often loses his best staff to chain restaurants that offer health insurance and is unable to afford insurance for himself and his family on the individual market. This small family business falls into the lowest rate tier under revenue by employee, paying a 2 percent rate. Under the Healthy Americans Act Doug will pay $1,513 per year and he, his family, and all of his employees will have access to affordable health insurance.

MID-SIZE FINANCIAL INSTITUTION

Happy Valley Bank has 1,600 full-time employees and 400 part-time employees who work an average of 25 hours per week. All employees who work over 20 hours per week are offered and take advantage of health care. The firm pays 80 percent of the premiums for individuals and families. Under the current system, Happy Valley's total health care expenditures are $10,200,000 per year. Under the Healthy Americans Act, they will pay a total of $3,589,463 per year. This amount represents 25 percent of the national average essential benefit premium per employee.

MID-SIZED MANUFACTURING FIRM

Allied Industrial has 1,000 full time employees. The firm pays 100 percent of individual premiums and 80 percent of family premiums for all employees. Currently Allied pays $6,100,000 per year in health care premiums and has been seeing 10 percent increases year over year for several years despite the use of a number of cost-control measures. Allied falls into the middle range of companies in revenue per employee, paying the 21 percent rate. Under the Healthy Americans Act, Allied will pay $1,629,890.

LARGE SPECIALTY RETAILER

Acme Game Emporiums is a national specialty retailer with 2,000 full time and 7,000 part time employees who work an average of 22 hours per week. All full time and 4,500 of the part time employees are eligible for and take advantage of Acme's health plan. The firm pays 95 percent of employees' premiums and 60 percent of family premiums. Their current total health care costs are $52,000,000 per year. As a retailer with relatively low revenue per employee, Acme pays the 19 percent rate. Under the Healthy Americans Act, Acme will pay $8,626,351.

By Mr. DORGAN (for himself, Mrs. MURRAY, Ms. MIKULSKI, Mr. AKAKA, Mr. LEAHY, Mr. LEVIN, Mr. KENNEDY, Ms. CANTWELL, Mr. ROCKEFELLER, Mr. KERRY, Mr. INOUYE, Mr. CARDIN, Mrs. BOXER, Mr. LIEBERMAN, Mr. MENENDEZ, Mrs. FEINSTEIN, and Mr. LAUTENBERG):

S. 335. A bill to prohibit the Internal Revenue Service from using private debt collection companies, and for other purposes; to the Committee on Finance.

Mr. DORGAN. Mr. President, today I am joined by Senator MURRAY and 15 of our Senate colleagues in reintroducing legislation to stop the Internal Revenue Service from outsourcing part of its tax collection responsibilities to private collection companies.

Last fall, the Internal Revenue Service, IRS, ignored objections raised by many Federal policymakers and tax experts, including the IRS's own National Taxpayer Advocate, and moved ahead with its controversial plan to hire private companies to collect Federal tax debts. When the IRS attempted a similar plan in 1996, it failed miserably. The 1996 initiative lost money. Taxpayers were harassed by private debt collectors. In many instances, private debt collectors violated Federal debt collection laws and confidential taxpayer information was not properly secured.

Today, the IRS is planning to share more than 2.5 million taxpayer accounts with up to 12 private collection companies when its new private debt collection plan is fully implemented—even though there is compelling evidence that this new initiative will suffer from many of the same maladies experienced by the IRS and taxpayers in the ill-fated 1996 plan.

IRS Commissioner Everson readily admits that if the IRS hired and used trained IRS employees for this purpose, not private collectors, far more revenues would be deposited in the U.S. Treasury fund. Yet the IRS is ready to hand out very large commissions ranging from 21 to 24 percent to private firms for every dollar they collect, when internal IRS reports suggest that it would cost the Federal Government just 3 pennies on a dollar to have trained IRS employees collect tax debts that are owed.

Stated another way, the IRS anticipates spending well over $300 million in commission payments to private firms to collect an estimated $1.4 billion in tax debt over 10 years, when internal IRS reports suggest that spending $296 million to hire new IRS collectors could raise some $9.5 billion annually. At a time of exploding deficits and Federal debt, the IRS's use of private debt collectors is an inexcusable waste of taxpayer money.

In fact, the Government Accountability Office, GAO, released a report last September revealing that the cost of implementing the IRS's initial phases of its tax debt collection initiative alone, excluding any commission payments, may actually exceed all of the tax revenues collected by these private collectors by millions of dollars. The IRS plan is riddled with hidden costs. For example, the three companies hired by the IRS in the initial phase of its private collection plan have some 75 employees working on what the IRS has described as relatively easy collection cases. However, at least 65 IRS employees have been tasked to monitor the work of these collectors. So from a revenue collection and efficiency standpoint, it doesn't take a calculator to figure out that IRS private collection plan is not worth the paper it's printed on.

Using private debt collectors is also very troubling because it puts confidential taxpayer information at risk of public disclosure and misuse. Just over two years ago, a Treasury Inspector General for Tax Administration, TIGTA, investigation found that a contractor's employees committed security violations, placing IRS equipment and taxpayer data at risk. In some cases, TIGTA officials found that contractors "blatantly circumvented IRS policies and procedures even when security personnel had identified inappropriate practices."

As I've mentioned, the IRS has agreed to pay three private collection firms at the outset of its initiative nearly a quarter for every dollar their employees collect on what the IRS has described as relatively easy cases. The IRS's use of very large commissions to pay private firms for their work on such cases is not only fiscally unsound and a shameful example of government waste, it also increases the potential for overzealous collection practices and the misuse of sensitive taxpayer return information. Private debt collection agencies are driven by profit motives, not public service.

Let me emphasize, once again, one very important point. Everybody needs to pay the taxes they owe. If they do not, however, professional IRS employees, not private collectors in search of profits, should be the ones to ensure that outstanding tax debts are paid. If the IRS now says it needs more resources for tax enforcement and collection activities, then Congress should consider providing them.

I fully agree with the recommendations by the independent Taxpayer Advocacy Panel last summer—and recently echoed by National Taxpayer Advocate Nina Olson in the Taxpayer Advocate's 2006 Annual Report to Congress—that the IRS should terminate its outsourcing of taxpayer debt collection and restrict collection activities to properly trained and proficient IRS employees. Indeed, the IRS should immediately reverse course and indefinitely suspend the implementation of its private debt collection activities.

The House of Representatives voted last year to eliminate funding for this IRS initiative in its version of the Treasury Department spending bill, which was never approved by the full Congress. I will be working with Senator MURRAY and many of our colleagues early in this new Congress to get similar language passed by the full Senate at the first available opportunity.

The IRS should act on its own to stop its use of private debt collectors and save any further expenditures of taxpayer money for this purpose. If it will not, however, I will do everything in my power to put the brakes on this initiative in the U.S. Senate. That's why I urge my colleagues to cosponsor this legislation and help us, as the Taxpayer Advocate has suggested, terminate the IRS's privatization collection initiative "once and for all."

By Mr. DURBIN (for himself, Mr. VOINOVICH, Mr. LEVIN, Mr. OBAMA, Mr. BAYH, Mr. KOHL, Ms. STABENOW, and Mr. LUGAR):

S. 336. A bill to require the Secretary of the Army to operate and maintain as a system the Chicago Sanitary and Ship Canal dispersal barriers, and for other purposes; to the Committee on Environment and Public Works.

Mr. DURBIN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 336

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Barrier Project Consolidation and Construction Act of 2007".

SEC. 2. CONSOLIDATION OF BARRIER PROJECTS.

(a) IN GENERAL.—The Chicago Sanitary and Ship Canal Dispersal Barrier Project (referred to in this Act as "Barrier I") (as in existence on the date of enactment of this Act), constructed as a demonstration project under section 1202(i)(3) of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4722(i)(3)), and the project relating to the Chicago Sanitary and Ship Canal Dispersal Barrier, as authorized by section 345 of the District of Columbia Appropriations Act, 2005 (Public Law 108–335; 118 Stat. 1352) (referred to in this Act as "Barrier II"), shall be considered to constitute a single project.

(b) ACTIVITIES RELATING TO BARRIER I AND BARRIER II.—

(1) DUTIES OF SECRETARY OF THE ARMY.—The Secretary of the Army (referred to in this Act as the "Secretary") shall, at full Federal expense—

(A) upgrade and make permanent Barrier I;

(B) construct Barrier II, notwithstanding the project cooperation agreement with the State of Illinois dated June 14, 2005;

(C) operate and maintain Barrier I and Barrier II as a system to optimize effectiveness;

(D) conduct, in consultation with appropriate Federal, State, local, and nongovernmental entities, a study of a full range of options and technologies for reducing impacts of hazards that may reduce the efficacy of the Barriers; and

(E) provide to each State a credit in an amount equal to the amount of funds contributed by the State toward Barrier II.

(2) APPLICATION OF CREDIT.—A State may apply a credit received under paragraph (1)(E) to any cost-sharing responsibility for an existing or future Federal project with the Corps of Engineers in the State.

(c) FEASIBILITY STUDY.—The Secretary, in consultation with appropriate Federal, State, local, and nongovernmental entities, shall conduct a feasibility study, at full Federal expense, of the range of options and technologies available to prevent the spread of aquatic nuisance species between the Great Lakes and Mississippi River Basins through the Chicago Sanitary and Ship Canal and other aquatic pathways.

(d) CONFORMING AMENDMENT.—Section 345 of the District of Columbia Appropriations Act, 2005 (Public Law 108–335; 118 Stat. 1352) is amended to read as follows:

"SEC. 345. There are authorized to be appropriated such sums as are necessary to carry out the Barrier II project of the project for the Chicago Sanitary and Ship Canal Dispersal Barrier, Illinois, initiated pursuant to section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a).".

By Mr. CONRAD (for himself, Mr. HATCH, Mr. WYDEN, Mr. VITTER, Mr. DORGAN, and Mrs. LINCOLN):

S. 338. A bill to amend title XVIII of the Social Security Act to ensure and foster continued patient quality of care by establishing facility and patient criteria for long-term care hospitals and related improvements under the Medicare program; to the Committee on Finance.

Mr. CONRAD. Mr. President, today I am introducing legislation that would take steps to protect access to long-term care hospitals while ensuring that these institutions are admitting the appropriate type of patients. I am pleased to be introducing the bill along with my colleague, Senator HATCH, and I urge my colleagues to consider cosponsoring this cost-saving proposal.

Long Term Acute Care hospitals, or LTAC hospitals, serve a vital role in the Medicare program by providing care to beneficiaries with clinically complex conditions that need hospital care for extended periods of time. These are patients who are too sick to go home or even to a skilled nursing facility, but are stable enough to be released from an intensive care unit. I am happy to have two of these hospitals in North Dakota, one in Fargo and one in Mandan. Together, these two hospitals employ several hundred people and provide care to thousands of North Dakotans. They are a vital part of the North Dakota continuum of care.

While these hospitals provide important health services to very frail individuals, the Centers for Medicare and Medicaid Services (CMS) has become concerned with the growth in these facilities. In 2006, there were 400 LTAC hospitals, compared to 100 in 1996. In addition, the agency has also expressed concern that some LTAC hospitals are admitting patients that may be better served by nursing homes or another level of care. As a result, CMS has begun to arbitrarily cut LTAC hospital payments across-the-board.

As Chairman of the Budget Committee, I have a unique appreciation for the enormous fiscal challenges that face our country and respect CMS's efforts to reduce growth in Medicare. However, any cuts in spending should be targeted at waste and abuse. We should address the growth in LTAC hospitals, but we also want to ensure that there is a place for patients who truly need long-term hospital stays.

The legislation I'm introducing today is a first step in clarifying Congressional intent and giving CMS clearer definitions of what is and is not a LTAC hospital and what type of patient should be admitted to these facilities. At the heart of this bill is a provision that limits the types of patients who can be admitted to LTAC hospitals to those who truly need the specialized care these facilities provide. LTAC hospitals like those in my state that admit only very sick patients will not be significantly affected. But, by eliminating abuses by those facilities that have been receiving generous payments for patients who do not require this sort of specialized care, this provision of the bill would significantly reduce Medicare spending on LTAC hospitals.

It was not easy for the LTAC hospitals in North Dakota and across the country to support legislation that restricts their payments, but I compliment them for working with me to put forward a constructive public policy proposal. In particular, I want to recognize Custer Huseby, Chief Executive Officer of SCCI Hospital in Fargo. He understands that the status quo is no longer defensible and has fought to put forward a workable solution that maintains access to these vital facilities, where they are appropriate. I also want to thank Chip Thomas and Karen Haskins of the North Dakota Healthcare Association, who have partnered with Mr. Huseby to support this legislation.

Long-term care hospitals serve a vital role in our health care system, and we must protect access to these facilities for those who truly need it. But, we can also take responsible steps to ensure that our federal tax dollars are well spent and directed to the most appropriate level of care. I believe my legislation achieves this balance and urge my colleagues to support this measure.

Mr. HATCH. Mr. President, I am happy to join my colleagues, Senators CONRAD, WYDEN, VITTER, DORGAN and LINCOLN in introducing legislation to create standards for long-term, acute-care (LTAC) hospitals. My home State of Utah has LTAC hospitals located in Salt Lake City, West Valley City and Bountiful.

Let me explain what LTAC hospitals are to my colleagues, and discuss the need for this legislation. A general hospital stay in the United States is about 6 days. In contrast, the average patient stay in an LTAC hospital is 25 days. LTAC hospitals represent one of four post-acute care facilities. Of the four types of post-acute care, LTAC hospitals are the most expensive. And, the number of LTAC hospitals has grown rapidly from 100 to 400 over a 10-year period. These dynamics have led the Centers for Medicare & Medicaid Services (CMS) to push for having certain LTAC patients treated in less costly facilities such as nursing homes or rehabilitation clinics.

Our legislation is premised on the belief that only truly sick patients should go to LTAC hospitals. Less medically-complex patients should be seen at less intensive facilities. S. 338 limits the type of patients who may be treated in LTAC hospitals and, by doing so, it will generate at least $1 billion in savings over the next 5 years.

LTAC hospitals have a role to play in the American continuum of health care. We all agree that there should be a place for patients who truly need long-term hospital stays. In that sense, LTAC hospitals serve an important role. Today, Medicare spending on LTAC hospitals is little more than one percent of total Medicare spending.

Let me conclude by saying that this bill is just one component of a larger debate that we need to have about Medicare post-acute care. LTAC hospitals are one component. Nursing homes and rehabilitation clinics are other components. All long-term care providers need to do a better job in convincing the Congress and Federal regulators why our health care system needs four different types of post-acute facilities.

I urge my colleagues to cosponsor the Conrad-Hatch legislation—it is a good bill and it addresses an important aspect of the long-term health care debate. As baby boomers continue to retire, long-term care will become more and more important to all Americans.

Mr. LEAHY. Mr. President, today I join, again, with a bipartisan group of Senators to introduce a bill to reform our immigration laws concerning foreign agricultural workers. America's farmers are calling for a greater number of legal foreign workers, and an improved system for obtaining those workers. We need to likewise ensure meaningful benefits and protections to the workers who will fill these jobs.

I am especially pleased that measures are included to help dairy farmers, who in my home State of Vermont are an integral part of our economy, our history, and our culture. Indeed, it is difficult to think of the Green Mountain State without conjuring up the image of verdant rolling hills dotted with Holstein cows. The provisions in this bill make the H–2A program more workable for dairy farmers by lengthening the time period a foreign worker may remain in the country, providing a process by which an employer can extend the stay of a worker, and by ensuring that workers may ultimately apply for an adjustment to permanent legal resident status.

The bill we introduce today goes a long way toward reforming our H–2A visa program. Along with measures to help streamline procedures for labor certification by employers, the bill will make it easier for employers to meet their responsibilities to ensure that available agricultural jobs are offered first to domestic workers. The bill also makes the process easier for an employer to apply for an extension to a worker's stay, and makes it easier for a foreign worker to switch jobs during their stay.

The bill includes greater protections for workers, including the requirement that employers meet the same motor vehicle safety standards for H–2A workers that are required for domestic workers. A limited Federal right of action is provided for H–2A workers to enforce the economic benefits provided under the H–2A program, or those provided in writing by their employers. More flexibility is provided for workers and employers by permitting employers to elect to provide a housing allowance, instead of housing. These are but a few of the positive reforms contained in the bill.

The bill also contains a procedure by which undocumented workers who have been working in agriculture can apply for a "blue card," a system where through consistent employment, a fine, proof of the payment of taxes, and proof of no serious criminal history, an undocumented worker can continue his or her contribution legally, and eventually adjust his or her status. The "blue card" program encourages family unification by making special provisions for spouses and children of the card holder. The program also has a numerical cap and the built-in safeguard of a sunset provision.

These reforms are a commonsense response that should help meet the needs of our farmers without burdening them with an unduly, time-consuming procedure for securing legal workers. The bill represents an effort to meet both the needs of agricultural employers while respecting the rights and interests of agricultural workers, and is an example of a bipartisan group of legislators listening and responding to the interests of all parties affected.

I join with other Senators in recognizing the needs of our modern economy, and the needs of the American farmer as well as the rights of the individuals who make up the backbone of many farming operations. Working together we can ensure that no American farmer is put in the position of having to choose between obeying the law and making a living, and that no willing worker is denied a chance to work.

By Mrs. FEINSTEIN (for herself, Mr. CRAIG, Mr. KENNEDY, Mr. MARTINEZ, Mrs. BOXER, Mr. VOINOVICH, Mr. LEAHY, Mr. SPECTER, Mrs. CLINTON, Mr. MCCAIN, Mr. OBAMA, Mr. HAGEL, Mr. SCHUMER, Mr. DOMENICI, Mr. KOHL, Mr. SALAZAR, and Mrs. MURRAY):

S. 340. A bill to improve agricultural job opportunities, benefits, and security for aliens in the United States and for other purposes; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, Senators CRAIG, KENNEDY, MARTINEZ, BOXER, VOINOVICH, and several others are once again introducing legislation that will address the chronic labor shortage in our Nation's agricultural industry. This bill is a priority for me and for the tens of thousands of farmers who are currently suffering—and I hope we will move it forward early in this Congress.

The Agricultural Job Opportunities, Benefits, and Security Act, or AgJOBS, is the product of more than ten years of work. It is a bipartisan bill supported by growers, farmers, and farm workers alike. It passed the Senate last year as part of the comprehensive immigration reform bill last spring in the 109th Congress. It is time to move this bill forward.

The agricultural industry is in crisis. Farmers across the Nation report a twenty percent decline in labor.

The result is that there are simply not enough farm workers to harvest the crops.

The Nation's agricultural industry has suffered. If we do not enact a workable solution to the agricultural labor crisis, we risk a national production loss of $5 billion to $9 billion each year, according to the American Farm Bureau.

California, in particular, will suffer. California is the single largest agricultural State in the Nation. California agriculture accounts for $34 billion in annual revenue. There are 76,500 farms that produce half of the Nation's fruits, vegetables, and nuts from only 3 percent of the Nation's farmland. California farms produce approximately 350 different crops: pears, walnuts, raisins, lettuce, onions, cotton, just to name a few.

Many of the farmers who grow these crops have been in the business for generations. They farm the land that their parents and their grandparents farmed before them.

The sad consequence of the labor shortage is that many of these farmers are giving up their farms. Some are leaving the business entirely. Others are bulldozing their fruit trees—literally pulling out trees that have been in the family for generations—because they do not have the labor they need to harvest their fruit.

Once the trees are gone, they are replaced by crops that do not require manual labor. And our pears, our apples, our oranges will come from foreign sources. The trend is quite clear. If there is not a means to grow and harvest our produce here, we will import produce from China, from Mexico, from other countries who have the labor they need.

We will put American farmers out of business. And there will be a ripple effect felt throughout the economy: in farm equipment, inputs, packaging, processing, transportation, marketing, lending and insurance. Jobs will be lost and our economy will suffer.

The reality is that Americans have come to rely on undocumented workers to harvest their crops for them.

In California alone, we rely on approximately one million undocumented workers to harvest the crops. The United Farm Workers estimate that undocumented workers make up as much as 90 percent of the farm labor payroll. Americans simply will not do the work. It is hard, stooped labor, requiring long and unpredictable hours. Farm workers must leave home and travel from farm to farm to plant, prune, and harvest crops according to the season. We must come to terms with the fact that we rely on an undocumented migrant work force. We must bring those workers out of the shadows and create a legal and enforceable means to provide labor for agriculture. That realization is what led to the long and careful negotiations creating AgJOBS.

The AgJOBS bill is a two part bill. Part one identifies and deals with those undocumented agricultural workers who have been working in the United States for the past 2 years or more. Part two creates a more usable H–2A Program, to implement a realistic and effective guest worker program.

The first step requires undocumented agricultural workers to apply for a "blue card" if they can demonstrate that they have worked in American agriculture for at least 150 workdays over the past 2 years. The blue card entitles the worker to a temporary legal resident status. The blue card itself is encrypted and machine readable; it is tamper and counterfeit resistant, and contains biometric identifiers unique to the farm worker.

The second step requires that a blue card holder work in American agriculture for an additional 5 years for at least 100 workdays a year, or 3 years at 150 workdays a year. Blue card workers would have to pay a $500 fine. The workers can travel abroad and reenter the United States and they may work in other, non-agricultural jobs, as long as they meet the agricultural work requirements.

The blue card worker's spouse and minor children, who already live in the United States, may also apply for a temporary legal status and identification card, which would permit them to work and travel. The total number of blue cards is capped at 1.5 million over a five year period and the program sunsets after 5 years. At the end of the required work period, the blue card worker may apply for a green card to become a legal permanent resident.

There are also a number of safeguards. If a blue card worker does not apply for a green card, or does not fulfill the work requirements, that individual can be deported.

Likewise, a blue card holder who commits a felony, three misdemeanors, or any crime that involves bodily injury, the threat of serious bodily injury, or harm to property in excess of

$500, cannot get a green card and can be deported.

This program, for the first time, allows us to identify those hundreds of thousands of farm workers who now work in the shadows. It requires the farm workers to come forward and to be identified in exchange for the right to work and live legally in the United States. And it gives farmers the legal certainty they need to hire the workers they need. The program also modifies the H–2A guest worker program so that it realistically responds to our agricultural needs.

Currently, the H–2A program is bureaucratic, unresponsive, expensive, and prone to litigation. Farmers cannot get the labor when they need it. AgJOBS offers a much-needed reform of the outdated system. The labor certification process, which often takes 60 days or more, is replaced by an "attestation" process. The employer can file a fax-back application form agreeing to abide by the requirements of the H–2A program. Approval should occur in 48 to 72 hours. The interstate clearance order to determine whether there are U.S. workers who can qualify for the jobs is replaced by a requirement that the employer file a job notification with the local office of the State Employment Security Agency. Advertising and positive recruitment must take place in the local labor market area.

Agricultural associations can continue to file applications on behalf of members. The statutory prohibition against "adversely affecting" U.S. workers is eliminated. The Adverse Effect Wage Rate is instead frozen for 3 years, and thereafter indexed by a methodology that will lead to its gradual replacement with a prevailing wage standard. Employers may elect to provide a housing allowance in lieu of housing if the governor determines that there is adequate rental housing available in the area of employment.

Inbound and return transportation and subsistence is required on the same basis as under the current program, except that trips of less than 100 miles are excluded, and workers whom an employer is not required to provide housing are excluded.

The motor vehicle safety standards for U.S. workers are extended to H–2A workers. Petitions for admission of H–2A workers must be processed and the consulate or port of entry notified within 7 days of receipt. Requirements are the same as current law.

Petitions extending aliens' stay or changing employers are valid upon filing. Employers may apply for the admission of new H–2A workers to replace those who abandoned their work or are terminated for cause and the Department of Homeland Security is required to remove H–2A aliens who abandoned their work. H–2A visas will be secure and counterfeit resistant.

A new limited Federal right of action is available to foreign workers to enforce the economic benefits required under the H–2A program, and any benefits expressly offered by the employer in writing. A statute of limitations of 3 years is imposed.

Finally, lawsuits in State court under State contract law alleging violations of the H–2A program requirements and obligations are expressly preempted. Such State court lawsuits have been the venue of choice for litigation against H–2A employers in recent years.

AgJOBS is the one part of the immigration bill about which there is uniform agreement. Everyone knows that agriculture in America is supported by undocumented workers. As immigration enforcement tightens up, and increasing numbers of people are prevented from crossing the borders or are being deported, the result is our crops go unharvested. We are faced today with a very practical dilemma and one that is easy to solve. The legislation has been vetted over and over again. Senator CRAIG, I, and a multitude of other Senators have sat down with the growers, with the farm bureaus, with the chambers, with everybody who knows agriculture, and they have all signed off on the AgJOBS bill. This is our opportunity to solve a real problem.

I ask my colleagues to join this bipartisan coalition and support this legislation. I also ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 340

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE, TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Agricultural Job Opportunities, Benefits, and Security Act of 2007" or the "AgJOBS Act of 2007".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title, table of contents.
Sec. 2. Definitions.

TITLE I—PILOT PROGRAM FOR EARNED STATUS ADJUSTMENT OF AGRICULTURAL WORKERS

Subtitle A—Blue Card Status

Sec. 101. Requirements for blue card status.
Sec. 102. Treatment of aliens granted blue card status.
Sec. 103. Adjustment to permanent residence.
Sec. 104. Applications.
Sec. 105. Waiver of numerical limitations and certain grounds for inadmissibility.
Sec. 106. Administrative and judicial review.
Sec. 107. Use of information.
Sec. 108. Regulations, effective date, authorization of appropriations.

Subtitle B—Correction of Social Security Records

Sec. 111. Correction of Social Security records.

TITLE II—REFORM OF H–2A WORKER PROGRAM

Sec. 201. Amendment to the Immigration and Nationality Act.

TITLE III—MISCELLANEOUS PROVISIONS

Sec. 301. Determination and use of user fees.
Sec. 302. Regulations.
Sec. 303. Reports to Congress.
Sec. 304. Effective date.

SEC. 2. DEFINITIONS.

In this Act:

(1) AGRICULTURAL EMPLOYMENT.—The term "agricultural employment" means any service or activity that is considered to be agricultural under section 3(f) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(f)) or agricultural labor under section 3121(g) of the Internal Revenue Code of 1986 or the performance of agricultural labor or services described in section 101(a)(15)(H)(ii)(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(a)).

(2) BLUE CARD STATUS.—The term "blue card status" means the status of an alien who has been lawfully admitted into the United States for temporary residence under section 101(a).

(3) DEPARTMENT.—The term "Department" means the Department of Homeland Security.

(4) EMPLOYER.—The term "employer" means any person or entity, including any farm labor contractor and any agricultural association, that employs workers in agricultural employment.

(5) SECRETARY.—Except as otherwise provided, the term "Secretary" means the Secretary of Homeland Security.

(6) TEMPORARY.—A worker is employed on a "temporary" basis when the employment is intended not to exceed 10 months.

(7) WORK DAY.—The term "work day" means any day in which the individual is employed 5.75 or more hours in agricultural employment.

TITLE I—PILOT PROGRAM FOR EARNED STATUS ADJUSTMENT OF AGRICULTURAL WORKERS

Subtitle A—Blue Card Status

SEC. 101. REQUIREMENTS FOR BLUE CARD STATUS.

(a) REQUIREMENT TO GRANT BLUE CARD STATUS.—Notwithstanding any other provision of law, the Secretary shall, pursuant to the requirements of this section, grant blue card status to an alien who qualifies under this section if the Secretary determines that the alien—

(1) has performed agricultural employment in the United States for at least 863 hours or 150 work days during the 24-month period ending on December 31, 2006;

(2) applied for such status during the 18-month application period beginning on the first day of the seventh month that begins after the date of enactment of this Act;

(3) is otherwise admissible to the United States under section 212 of the Immigration and Nationality Act (8 U.S.C. 1182), except as otherwise provided under section 105(b); and

(4) has not been convicted of any felony or a misdemeanor, an element of which involves bodily injury, threat of serious bodily injury, or harm to property in excess of $500.

(b) AUTHORIZED TRAVEL.—An alien who is granted blue card status is authorized to travel outside the United States (including commuting to the United States from a residence in a foreign country) in the same manner as an alien lawfully admitted for permanent residence.

(c) AUTHORIZED EMPLOYMENT.—The Secretary shall provide an alien who is granted blue card status an employment authorized endorsement or other appropriate work permit, in the same manner as an alien lawfully admitted for permanent residence.

(d) TERMINATION OF BLUE CARD STATUS.—

(1) IN GENERAL.—The Secretary may terminate blue card status granted to an alien under this section only if the Secretary determines that the alien is deportable.

(2) GROUNDS FOR TERMINATION OF BLUE CARD STATUS.—Before any alien becomes eligible for adjustment of status under section 103, the Secretary may deny adjustment to permanent resident status and provide for termination of the blue card status granted such alien under paragraph (1) if—

(A) the Secretary finds, by a preponderance of the evidence, that the adjustment to blue card status was the result of fraud or willful misrepresentation (as described in section 212(a)(6)(C)(i) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(6)(C)(i)); or

(B) the alien—

(i) commits an act that makes the alien inadmissible to the United States as an immigrant, except as provided under section 105(b);

(ii) is convicted of a felony or 3 or more misdemeanors committed in the United States;

(iii) is convicted of an offense, an element of which involves bodily injury, threat of serious bodily injury, or harm to property in excess of $500; or

(iv) fails to perform the agricultural employment required under section 103(a)(1)(A) unless the alien was unable to work in agricultural employment due to the extraordinary circumstances described in section 103(a)(3).

(e) RECORD OF EMPLOYMENT.—

(1) IN GENERAL.—Each employer of an alien granted blue card status under this section shall annually—

(A) provide a written record of employment to the alien; and

(B) provide a copy of such record to the Secretary.

(2) SUNSET.—The obligation under paragraph (1) shall terminate on the date that is 6 years after the date of the enactment of this Act.

(f) REQUIRED FEATURES OF IDENTITY CARD.—The Secretary shall provide each alien granted blue card status, and the spouse and any child of each such alien residing in the United States, with a card that contains—

(1) an encrypted, machine-readable, electronic identification strip that is unique to the alien to whom the card is issued;

(2) biometric identifiers, including fingerprints and a digital photograph; and

(3) physical security features designed to prevent tampering, counterfeiting, or duplication of the card for fraudulent purposes.

(g) FINE.—An alien granted blue card status shall pay a fine of $100 to the Secretary.

(h) MAXIMUM NUMBER.—The Secretary may not issue more than 1,500,000 blue cards during the 5-year period beginning on the date of the enactment of this Act.

SEC. 102. TREATMENT OF ALIENS GRANTED BLUE CARD STATUS.

(a) IN GENERAL.—Except as otherwise provided under this section, an alien granted blue card status shall be considered to be an alien lawfully admitted for permanent residence for purposes of any law other than any provision of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

(b) DELAYED ELIGIBILITY FOR CERTAIN FEDERAL PUBLIC BENEFITS.—An alien granted blue card status shall not be eligible, by reason of such status, for any form of assistance or benefit described in section 403(a) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1613(a)) until 5 years after the date on which the alien is granted an adjustment of status under section 103.

(c) TERMS OF EMPLOYMENT.—

(1) PROHIBITION.—No alien granted blue card status may be terminated from employment by any employer during the period of blue card status except for just cause.

(2) TREATMENT OF COMPLAINTS.—

(A) ESTABLISHMENT OF PROCESS.—The Secretary shall establish a process for the receipt, initial review, and disposition of complaints by aliens granted blue card status who allege that they have been terminated without just cause. No proceeding shall be conducted under this paragraph with respect to a termination unless the Secretary determines that the complaint was filed not later than 6 months after the date of the termination.

(B) INITIATION OF ARBITRATION.—If the Secretary finds that an alien has filed a complaint in accordance with subparagraph (A) and there is reasonable cause to believe that the alien was terminated from employment without just cause, the Secretary shall initiate binding arbitration proceedings by requesting the Federal Mediation and Conciliation Service to appoint a mutually agreeable arbitrator from the roster of arbitrators maintained by such Service for the geographical area in which the employer is located. The procedures and rules of such Service shall be applicable to the selection of such arbitrator and to such arbitration proceedings. The Secretary shall pay the fee and expenses of the arbitrator, subject to the availability of appropriations for such purpose.

(C) ARBITRATION PROCEEDINGS.—The arbitrator shall conduct the proceeding under this paragraph in accordance with the policies and procedures promulgated by the American Arbitration Association applicable to private arbitration of employment disputes. The arbitrator shall make findings respecting whether the termination was for just cause. The arbitrator may not find that the termination was for just cause unless the employer so demonstrates by a preponderance of the evidence. If the arbitrator finds that the termination was not for just cause, the arbitrator shall make a specific finding of the number of days or hours of work lost by the employee as a result of the termination. The arbitrator shall have no authority to order any other remedy, including reinstatement, back pay, or front pay to the affected employee. Not later than 30 days after the date of the conclusion of the arbitration proceeding, the arbitrator shall transmit the findings in the form of a written opinion to the parties to the arbitration and the Secretary. Such findings shall be final and conclusive, and no official or court of the United States shall have the power or jurisdiction to review any such findings.

(D) EFFECT OF ARBITRATION FINDINGS.—If the Secretary receives a finding of an arbitrator that an employer has terminated the employment of an alien who is granted blue card status without just cause, the Secretary shall credit the alien for the number of days or hours of work not performed during such period of termination for the purpose of determining if the alien meets the qualifying employment requirement of section 103(a).

(E) TREATMENT OF ATTORNEY'S FEES.—Each party to an arbitration under this paragraph shall bear the cost of their own attorney's fees for the arbitration.

(F) NONEXCLUSIVE REMEDY.—The complaint process provided for in this paragraph is in addition to any other rights an employee may have in accordance with applicable law.

(G) EFFECT ON OTHER ACTIONS OR PROCEEDINGS.—Any finding of fact or law, judgment, conclusion, or final order made by an arbitrator in the proceeding before the Secretary shall not be conclusive or binding in any separate or subsequent action or proceeding between the employee and the employee's current or prior employer brought before an arbitrator, administrative agency, court, or judge of any State or the United States, regardless of whether the prior action was between the same or related parties or involved the same facts, except that the arbitrator's specific finding of the number of days or hours of work lost by the employee as a result of the employment termination may be referred to the Secretary pursuant to subparagraph (D).

(3) CIVIL PENALTIES.—

(A) IN GENERAL.—If the Secretary finds, after notice and opportunity for a hearing, that an employer of an alien granted blue card status has failed to provide the record of employment required under section 101(e) or has provided a false statement of material fact in such a record, the employer shall be subject to a civil money penalty in an amount not to exceed $1,000 per violation.

(B) LIMITATION.—The penalty applicable under subparagraph (A) for failure to provide records shall not apply unless the alien has provided the employer with evidence of employment authorization granted under this section.

SEC. 103. ADJUSTMENT TO PERMANENT RESIDENCE.

(a) IN GENERAL.—Except as provided in subsection (b), the Secretary shall adjust the status of an alien granted blue card status to that of an alien lawfully admitted for permanent residence if the Secretary determines that the following requirements are satisfied:

(1) QUALIFYING EMPLOYMENT.—

(A) IN GENERAL.—Subject to subparagraph (B), the alien has performed at least—

(i) 5 years of agricultural employment in the United States for at least 100 work days per year, during the 5-year period beginning on the date of the enactment of this Act; or

(ii) 3 years of agricultural employment in the United States for at least 150 work days per year, during the 3-year period beginning on the date of the enactment of this Act.

(B) 4-YEAR PERIOD OF EMPLOYMENT.—An alien shall be considered to meet the requirements of subparagraph (A) if the alien has performed 4 years of agricultural employment in the United States for at least 150 work days during 3 years of those 4 years and at least 100 work days during the remaining year, during the 4-year period beginning on the date of the enactment of this Act.

(2) PROOF.—An alien may demonstrate compliance with the requirement under paragraph (1) by submitting—

(A) the record of employment described in section 101(e); or

(B) such documentation as may be submitted under section 104(c).

(3) EXTRAORDINARY CIRCUMSTANCES.—In determining whether an alien has met the requirement of paragraph (1)(A), the Secretary may credit the alien with not more than 12 additional months to meet the requirement of that subparagraph if the alien was unable to work in agricultural employment due to—

(A) pregnancy, injury, or disease, if the alien can establish such pregnancy, disabling injury, or disease through medical records;

(B) illness, disease, or other special needs of a minor child, if the alien can establish such illness, disease, or special needs through medical records; or

(C) severe weather conditions that prevented the alien from engaging in agricultural employment for a significant period of time.

(4) APPLICATION PERIOD.—The alien applies for adjustment of status not later than 7 years after the date of the enactment of this Act.

(5) FINE.—The alien pays a fine of $400 to the Secretary.

(b) GROUNDS FOR DENIAL OF ADJUSTMENT OF STATUS.—The Secretary may deny an alien granted blue card status an adjustment of status under this section and provide for termination of such blue card status if—

(1) the Secretary finds by a preponderance of the evidence that the adjustment to blue card status was the result of fraud or willful misrepresentation, as described in section 212(a)(6)(C)(i) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(6)(C)(i)); or

(2) the alien—

(A) commits an act that makes the alien inadmissible to the United States under section 212 of the Immigration and Nationality Act (8 U.S.C. 1182), except as provided under section 105(b);

(B) is convicted of a felony or 3 or more misdemeanors committed in the United States; or

(C) is convicted of an offense, an element of which involves bodily injury, threat of serious bodily injury, or harm to property in excess of $500.

(c) GROUNDS FOR REMOVAL.—Any alien granted blue card status who does not apply for adjustment of status under this section before the expiration of the application period described in subsection (a)(4) or who fails to meet the other requirements of subsection (a) by the end of the application period, is deportable and may be removed under section 240 of the Immigration and Nationality Act (8 U.S.C. 1229a).

(d) PAYMENT OF TAXES.—

(1) IN GENERAL.—Not later than the date on which an alien's status is adjusted under this section, the alien shall establish that the alien does not owe any applicable Federal tax liability by establishing that—

(A) no such tax liability exists;

(B) all such outstanding tax liabilities have been paid; or

(C) the alien has entered into an agreement for payment of all outstanding liabilities with the Internal Revenue Service.

(2) APPLICABLE FEDERAL TAX LIABILITY.—In paragraph (1) the term "applicable Federal tax liability" means liability for Federal taxes, including penalties and interest, owed for any year during the period of employment required under subsection (a)(1) for which the statutory period for assessment of any deficiency for such taxes has not expired.

(3) IRS COOPERATION.—The Secretary of the Treasury shall establish rules and procedures under which the Commissioner of Internal Revenue shall provide documentation to an alien upon request to establish the payment of all taxes required by this subsection.

(e) SPOUSES AND MINOR CHILDREN.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary shall confer the status of lawful permanent resident on the spouse and minor child of an alien granted any adjustment of status under subsection (a), including any individual who was a minor child on the date such alien was granted blue card status, if the spouse or minor child applies for such status, or if the principal alien includes the spouse or minor child in an application for adjustment of status to that of a lawful permanent resident.

(2) TREATMENT OF SPOUSES AND MINOR CHILDREN.—

(A) GRANTING OF STATUS AND REMOVAL.—The Secretary may grant derivative status to the alien spouse and any minor child residing in the United States of an alien granted blue card status and shall not remove such derivative spouse or child during the period that the alien granted blue card status maintains such status, except as provided in paragraph (3). A grant of derivative status to such a spouse or child under this subparagraph shall not decrease the number of aliens who may receive blue card status under subsection (h) of section 101.

(B) TRAVEL.—The derivative spouse and any minor child of an alien granted blue card status may travel outside the United States in the same manner as an alien lawfully admitted for permanent residence.

(C) EMPLOYMENT.—The derivative spouse of an alien granted blue card status may apply to the Secretary for a work permit to authorize such spouse to engage in any lawful employment in the United States while such alien maintains blue card status.

(3) GROUNDS FOR DENIAL OF ADJUSTMENT OF STATUS AND REMOVAL.—The Secretary may deny an alien spouse or child adjustment of status under paragraph (1) and may remove such spouse or child under section 240 of the Immigration and Nationality Act (8 U.S.C. 1229a) if the spouse or child—

(A) commits an act that makes the alien spouse or child inadmissible to the United States under section 212 of such Act (8 U.S.C. 1182), except as provided under section 105(b);

(B) is convicted of a felony or 3 or more misdemeanors committed in the United States; or

(C) is convicted of an offense, an element of which involves bodily injury, threat of serious bodily injury, or harm to property in excess of $500.

SEC. 104. APPLICATIONS.

(a) SUBMISSION.—The Secretary shall provide that—

(1) applications for blue card status under section 101 may be submitted—

(A) to the Secretary if the applicant is represented by an attorney or a nonprofit religious, charitable, social service, or similar organization recognized by the Board of Immigration Appeals under section 292.2 of title 8, Code of Federal Regulations; or

(B) to a qualified designated entity if the applicant consents to the forwarding of the application to the Secretary; and

(2) applications for adjustment of status under section 103 shall be filed directly with the Secretary.

(b) QUALIFIED DESIGNATED ENTITY DEFINED.—In this section, the term "qualified designated entity" means—

(1) a qualified farm labor organization or an association of employers designated by the Secretary; or

(2) any such other person designated by the Secretary if that Secretary determines such person is qualified and has substantial experience, demonstrated competence, and has a history of long-term involvement in the preparation and submission of applications for adjustment of status under section 209, 210, or 245 of the Immigration and Nationality Act (8 U.S.C. 1159, 1160, and 1255), the Act entitled "An Act to adjust the status of Cuban refugees to that of lawful permanent residents of the United States, and for other purposes", approved November 2, 1966 (Public Law 89-732; 8 U.S.C. 1255 note), Public Law 95-145 (8 U.S.C. 1255 note), or the Immigration Reform and Control Act of 1986 (Public Law 99-603; 100 Stat. 3359) or any amendment made by that Act.

(c) PROOF OF ELIGIBILITY.—

(1) IN GENERAL.—An alien may establish that the alien meets the requirement of section 101(a)(1) or 103(a)(1) through government employment records or records supplied by employers or collective bargaining organizations, and other reliable documentation as the alien may provide. The Secretary shall establish special procedures to properly credit work in cases in which an alien was employed under an assumed name.

(2) DOCUMENTATION OF WORK HISTORY.—

(A) BURDEN OF PROOF.—An alien applying for status under section 101(a) or 103(a) has the burden of proving by a preponderance of the evidence that the alien has worked the requisite number of hours or days required under section 101(a)(1) or 103(a)(1), as applicable.

(B) TIMELY PRODUCTION OF RECORDS.—If an employer or farm labor contractor employing such an alien has kept proper and adequate records respecting such employment, the alien's burden of proof under subparagraph (A) may be met by securing timely production of those records under regulations to be promulgated by the Secretary.

(C) SUFFICIENT EVIDENCE.—An alien may meet the burden of proof under subparagraph (A) to establish that the alien has performed the days or hours of work required by section 101(a)(1) or 103(a)(1) by producing sufficient evidence to show the extent of that employment as a matter of just and reasonable inference.

(d) APPLICATIONS SUBMITTED TO QUALIFIED DESIGNATED ENTITIES.—

(1) REQUIREMENTS.—Each qualified designated entity shall agree—

(A) to forward to the Secretary an application submitted to that entity pursuant to subsection (a)(1)(B) if the applicant has consented to such forwarding;

(B) not to forward to the Secretary any such application if the applicant has not consented to such forwarding; and

(C) to assist an alien in obtaining documentation of the alien's work history, if the alien requests such assistance.

(2) NO AUTHORITY TO MAKE DETERMINATIONS.—No qualified designated entity may make a determination required by this subtitle to be made by the Secretary.

(e) LIMITATION ON ACCESS TO INFORMATION.—Files and records collected or compiled by a qualified designated entity for the purposes of this section are confidential and the Secretary shall not have access to such a file or record relating to an alien without the consent of the alien, except as allowed by a court order issued pursuant to subsection (f).

(f) CONFIDENTIALITY OF INFORMATION.—

(1) IN GENERAL.—Except as otherwise provided in this section, the Secretary or any other official or employee of the Department or a bureau or agency of the Department is prohibited from—

(A) using information furnished by the applicant pursuant to an application filed under this title, the information provided by an applicant to a qualified designated entity, or any information provided by an employer or former employer for any purpose other than to make a determination on the application or for imposing the penalties described in subsection (g);

(B) making any publication in which the information furnished by any particular individual can be identified; or

(C) permitting a person other than a sworn officer or employee of the Department or a bureau or agency of the Department or, with respect to applications filed with a qualified designated entity, that qualified designated entity, to examine individual applications.

(2) REQUIRED DISCLOSURES.—The Secretary shall provide the information furnished under this title or any other information derived from such furnished information to—

(A) a duly recognized law enforcement entity in connection with a criminal investigation or prosecution, if such information is requested in writing by such entity; or

(B) an official coroner, for purposes of affirmatively identifying a deceased individual, whether or not the death of such individual resulted from a crime.

(3) CONSTRUCTION.—

(A) IN GENERAL.—Nothing in this subsection shall be construed to limit the use, or release, for immigration enforcement purposes or law enforcement purposes, of information contained in files or records of the Department pertaining to an application filed under this section, other than information furnished by an applicant pursuant to the application, or any other information derived from the application, that is not available from any other source.

(B) CRIMINAL CONVICTIONS.—Notwithstanding any other provision of this subsection, information concerning whether the alien applying for blue card status under section 101 or an adjustment of status under section 103 has been convicted of a crime at any time may be used or released for immigration enforcement or law enforcement purposes.

(4) CRIME.—Any person who knowingly uses, publishes, or permits information to be examined in violation of this subsection shall be subject to a fine in an amount not to exceed $10,000.

(g) PENALTIES FOR FALSE STATEMENTS IN APPLICATIONS.—

(1) CRIMINAL PENALTY.—Any person who—

(A) files an application for blue card status under section 101 or an adjustment of status under section 103 and knowingly and willfully falsifies, conceals, or covers up a material fact or makes any false, fictitious, or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious, or fraudulent statement or entry; or

(B) creates or supplies a false writing or document for use in making such an application,

shall be fined in accordance with title 18, United States Code, imprisoned not more than 5 years, or both.

(2) INADMISSIBILITY.—An alien who is convicted of a crime under paragraph (1) shall be considered to be inadmissible to the United States on the ground described in section 212(a)(6)(C)(i) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(6)(C)(i)).

(h) ELIGIBILITY FOR LEGAL SERVICES.—Section 504(a)(11) of Public Law 104–134 (110 Stat. 1321–53 et seq.) shall not be construed to prevent a recipient of funds under the Legal Services Corporation Act (42 U.S.C. 2996 et seq.) from providing legal assistance directly related to an application for blue card status under section 101 or an adjustment of status under section 103.

(i) APPLICATION FEES.—

(1) FEE SCHEDULE.—The Secretary shall provide for a schedule of fees that—

(A) shall be charged for the filing of an application for blue card status under section 101 or for an adjustment of status under section 103; and

(B) may be charged by qualified designated entities to help defray the costs of services provided to such applicants.

(2) PROHIBITION ON EXCESS FEES BY QUALIFIED DESIGNATED ENTITIES.—A qualified designated entity may not charge any fee in excess of, or in addition to, the fees authorized under paragraph (1)(B) for services provided to applicants.

(3) DISPOSITION OF FEES.—

(A) IN GENERAL.—There is established in the general fund of the Treasury a separate account, which shall be known as the "Agricultural Worker Immigration Status Adjustment Account". Notwithstanding any other provision of law, there shall be deposited as offsetting receipts into the account all fees collected under paragraph (1)(A).

(B) USE OF FEES FOR APPLICATION PROCESSING.—Amounts deposited in the "Agricultural Worker Immigration Status Adjustment Account" shall remain available to the Secretary until expended for processing applications for blue card status under section 101 or an adjustment of status under section 103.

SEC. 105. WAIVER OF NUMERICAL LIMITATIONS AND CERTAIN GROUNDS FOR INADMISSIBILITY.

(a) NUMERICAL LIMITATIONS DO NOT APPLY.—The numerical limitations of sections 201 and 202 of the Immigration and Nationality Act (8 U.S.C. 1151 and 1152) shall not apply to the adjustment of aliens to lawful permanent resident status under section 103.

(b) WAIVER OF CERTAIN GROUNDS OF INADMISSIBILITY.—In the determination of an alien's eligibility for status under section 101(a) or an alien's eligibility for adjustment of status under section 103(b)(2)(A) the following rules shall apply:

(1) GROUNDS OF EXCLUSION NOT APPLICABLE.—The provisions of paragraphs (5), (6)(A), (7), and (9) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)) shall not apply.

(2) WAIVER OF OTHER GROUNDS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the Secretary may waive any other provision of such section 212(a) in the case of individual aliens for humanitarian purposes, to ensure family unity, or if otherwise in the public interest.

(B) GROUNDS THAT MAY NOT BE WAIVED.—Paragraphs (2)(A), (2)(B), (2)(C), (3), and (4) of such section 212(a) may not be waived by the Secretary under subparagraph (A).

(C) CONSTRUCTION.—Nothing in this paragraph shall be construed as affecting the authority of the Secretary other than under this subparagraph to waive provisions of such section 212(a).

(3) SPECIAL RULE FOR DETERMINATION OF PUBLIC CHARGE.—An alien is not ineligible for blue card status under section 101 or an adjustment of status under section 103 by reason of a ground of inadmissibility under section 212(a)(4) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(4)) if the alien demonstrates a history of employment in the United States evidencing self-support without reliance on public cash assistance.

(c) TEMPORARY STAY OF REMOVAL AND WORK AUTHORIZATION FOR CERTAIN APPLICANTS.—

(1) BEFORE APPLICATION PERIOD.—Effective on the date of enactment of this Act, the Secretary shall provide that, in the case of an alien who is apprehended before the beginning of the application period described in section 101(a)(2) and who can establish a nonfrivolous case of eligibility for blue card status (but for the fact that the alien may not apply for such status until the beginning of such period), until the alien has had the opportunity during the first 30 days of the application period to complete the filing of an application for blue card status, the alien—

(A) may not be removed; and

(B) shall be granted authorization to engage in employment in the United States and be provided an employment authorized endorsement or other appropriate work permit for such purpose.

(2) DURING APPLICATION PERIOD.—The Secretary shall provide that, in the case of an alien who presents a nonfrivolous application for blue card status during the application period described in section 101(a)(2), including an alien who files such an application within 30 days of the alien's apprehension, and until a final determination on the application has been made in accordance with this section, the alien—

(A) may not be removed; and

(B) shall be granted authorization to engage in employment in the United States and be provided an employment authorized endorsement or other appropriate work permit for such purpose.

SEC. 106. ADMINISTRATIVE AND JUDICIAL REVIEW.

(a) IN GENERAL.—There shall be no administrative or judicial review of a determination respecting an application for blue card status under section 101 or adjustment of status under section 103 except in accordance with this section.

(b) ADMINISTRATIVE REVIEW.—

(1) SINGLE LEVEL OF ADMINISTRATIVE APPELLATE REVIEW.—The Secretary shall establish an appellate authority to provide for a single level of administrative appellate review of such a determination.

(2) STANDARD FOR REVIEW.—Such administrative appellate review shall be based solely upon the administrative record established at the time of the determination on the application and upon such additional or newly discovered evidence as may not have been available at the time of the determination.

(c) JUDICIAL REVIEW.—

(1) LIMITATION TO REVIEW OF REMOVAL.—There shall be judicial review of such a determination only in the judicial review of an order of removal under section 242 of the Immigration and Nationality Act (8 U.S.C. 1252).

(2) STANDARD FOR JUDICIAL REVIEW.—Such judicial review shall be based solely upon the administrative record established at the time of the review by the appellate authority and the findings of fact and determinations contained in such record shall be conclusive unless the applicant can establish abuse of discretion or that the findings are directly contrary to clear and convincing facts contained in the record considered as a whole.

SEC. 107. USE OF INFORMATION.

Beginning not later than the first day of the application period described in section 101(a)(2), the Secretary, in cooperation with qualified designated entities (as that term is defined in section 104(b)), shall broadly disseminate information respecting the benefits that aliens may receive under this subtitle and the requirements that an alien is required to meet to receive such benefits.

SEC. 108. REGULATIONS, EFFECTIVE DATE, AUTHORIZATION OF APPROPRIATIONS.

(a) REGULATIONS.—The Secretary shall issue regulations to implement this subtitle not later than the first day of the seventh month that begins after the date of enactment of this Act.

(b) EFFECTIVE DATE.—This subtitle shall take effect on the date that regulations required by subsection (a) are issued, regardless of whether such regulations are issued on an interim basis or on any other basis.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as may be necessary to implement this subtitle, including any sums needed for costs associated with the initiation of such implementation, for fiscal years 2007 and 2008.

Subtitle B—Correction of Social Security Records

SEC. 111. CORRECTION OF SOCIAL SECURITY RECORDS.

(a) IN GENERAL.—Section 208(e)(1) of the Social Security Act (42 U.S.C. 408(e)(1)) is amended—

(1) in subparagraph (B)(ii), by striking "or" at the end;

(2) in subparagraph (C), by inserting "or" at the end;

(3) by inserting after subparagraph (C) the following:

"(D) who is granted blue card status under the Agricultural Job Opportunity, Benefits, and Security Act of 2007,"; and

(4) by striking "1990." and inserting "1990, or in the case of an alien described in subparagraph (D), if such conduct is alleged to have occurred before the date on which the alien was granted blue card status.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the first day of the seventh month that begins after the date of the enactment of this Act.

TITLE II—REFORM OF H–2A WORKER PROGRAM

SEC. 201. AMENDMENT TO THE IMMIGRATION AND NATIONALITY ACT.

(a) IN GENERAL.—Title II of the Immigration and Nationality Act (8 U.S.C. 1151 et seq.) is amended by striking section 218 and inserting the following:

"SEC. 218. H–2A EMPLOYER APPLICATIONS.

"(a) APPLICATIONS TO THE SECRETARY OF LABOR.—

"(1) IN GENERAL.—No alien may be admitted to the United States as an H–2A worker, or otherwise provided status as an H–2A worker, unless the employer has filed with the Secretary of Labor an application containing—

"(A) the assurances described in subsection (b);

"(B) a description of the nature and location of the work to be performed;

"(C) the anticipated period (expected beginning and ending dates) for which the workers will be needed; and

"(D) the number of job opportunities in which the employer seeks to employ the workers.

"(2) ACCOMPANIED BY JOB OFFER.—Each application filed under paragraph (1) shall be accompanied by a copy of the job offer describing the wages and other terms and conditions of employment and the bona fide occupational qualifications that shall be possessed by a worker to be employed in the job opportunity in question.

"(b) ASSURANCES FOR INCLUSION IN APPLICATIONS.—The assurances referred to in subsection (a)(1) are the following:

"(1) JOB OPPORTUNITIES COVERED BY COLLECTIVE BARGAINING AGREEMENTS.—With respect to a job opportunity that is covered under a collective bargaining agreement:

"(A) UNION CONTRACT DESCRIBED.—The job opportunity is covered by a union contract which was negotiated at arm's length between a bona fide union and the employer.

"(B) STRIKE OR LOCKOUT.—The specific job opportunity for which the employer is requesting an H–2A worker is not vacant because the former occupant is on strike or being locked out in the course of a labor dispute.

"(C) NOTIFICATION OF BARGAINING REPRESENTATIVES.—The employer, at the time of filing the application, has provided notice of the filing under this paragraph to the bargaining representative of the employer's employees in the occupational classification at the place or places of employment for which aliens are sought.

"(D) TEMPORARY OR SEASONAL JOB OPPORTUNITIES.—The job opportunity is temporary or seasonal.

"(E) OFFERS TO UNITED STATES WORKERS.—The employer has offered or will offer the job to any eligible United States worker who applies and is equally or better qualified for the job for which the nonimmigrant is, or the nonimmigrants are, sought and who will be available at the time and place of need.

"(F) PROVISION OF INSURANCE.—If the job opportunity is not covered by the State workers' compensation law, the employer will provide, at no cost to the worker, insurance covering injury and disease arising out of, and in the course of, the worker's employment which will provide benefits at least equal to those provided under the State's workers' compensation law for comparable employment.

"(2) JOB OPPORTUNITIES NOT COVERED BY COLLECTIVE BARGAINING AGREEMENTS.—With respect to a job opportunity that is not covered under a collective bargaining agreement:

"(A) STRIKE OR LOCKOUT.—The specific job opportunity for which the employer has applied for an H–2A worker is not vacant because the former occupant is on strike or being locked out in the course of a labor dispute.

"(B) TEMPORARY OR SEASONAL JOB OPPORTUNITIES.—The job opportunity is temporary or seasonal.

"(C) BENEFIT, WAGE, AND WORKING CONDITIONS.—The employer will provide, at a minimum, the benefits, wages, and working conditions required by section 218A to all workers employed in the job opportunities for which the employer has applied for an H–2A worker under subsection (a) and to all other workers in the same occupation at the place of employment.

"(D) NONDISPLACEMENT OF UNITED STATES WORKERS.—The employer did not displace and will not displace a United States worker employed by the employer during the period of employment and for a period of 30 days preceding the period of employment in the occupation at the place of employment for which the employer has applied for an H–2A worker.

"(E) REQUIREMENTS FOR PLACEMENT OF THE NONIMMIGRANT WITH OTHER EMPLOYERS.—The employer will not place the nonimmigrant with another employer unless—

"(i) the nonimmigrant performs duties in whole or in part at 1 or more worksites owned, operated, or controlled by such other employer;

"(ii) there are indicia of an employment relationship between the nonimmigrant and such other employer; and

"(iii) the employer has inquired of the other employer as to whether, and has no actual knowledge or notice that, during the period of employment and for a period of 30 days preceding the period of employment, the other employer has displaced or intends to displace a United States worker employed by the other employer in the occupation at the place of employment for which the employer seeks approval to employ H–2A workers.

"(F) STATEMENT OF LIABILITY.—The application form shall include a clear statement explaining the liability under subparagraph (E) of an employer if the other employer described in such subparagraph displaces a United States worker as described in such subparagraph.

"(G) PROVISION OF INSURANCE.—If the job opportunity is not covered by the State workers' compensation law, the employer will provide, at no cost to the worker, insurance covering injury and disease arising out of and in the course of the worker's employment which will provide benefits at least equal to those provided under the State's workers' compensation law for comparable employment.

"(H) EMPLOYMENT OF UNITED STATES WORKERS.—

"(i) RECRUITMENT.—The employer has taken or will take the following steps to recruit United States workers for the job opportunities for which the H–2A nonimmigrant is, or H–2A nonimmigrants are, sought:

"(I) CONTACTING FORMER WORKERS.—The employer shall make reasonable efforts through the sending of a letter by United States Postal Service mail, or otherwise, to contact any United States worker the employer employed during the previous season in the occupation at the place of intended employment for which the employer is applying for workers and has made the availability of the employer's job opportunities in the occupation at the place of intended employment known to such previous workers, unless the worker was terminated from employment by the employer for a lawful job-related reason or abandoned the job before the worker completed the period of employment of the job opportunity for which the worker was hired.

"(II) FILING A JOB OFFER WITH THE LOCAL OFFICE OF THE STATE EMPLOYMENT SECURITY AGENCY.—Not later than 28 days before the date on which the employer desires to employ an H–2A worker in a temporary or seasonal agricultural job opportunity, the employer shall submit a copy of the job offer described in subsection (a)(2) to the local office of the State employment security agency which serves the area of intended employment and authorize the posting of the job opportunity on 'America's Job Bank' or other electronic job registry, except that nothing in this subclause shall require the employer to file an interstate job order under section 653 of title 20, Code of Federal Regulations.

"(III) ADVERTISING OF JOB OPPORTUNITIES.—Not later than 14 days before the date on which the employer desires to employ an H–2A worker in a temporary or seasonal agricultural job opportunity, the employer shall advertise the availability of the job opportunities for which the employer is seeking workers in a publication in the local labor market that is likely to be patronized by potential farm workers.

"(IV) EMERGENCY PROCEDURES.—The Secretary of Labor shall, by regulation, provide a procedure for acceptance and approval of applications in which the employer has not complied with the provisions of this subparagraph because the employer's need for H–2A workers could not reasonably have been foreseen.

"(ii) JOB OFFERS.—The employer has offered or will offer the job to any eligible United States worker who applies and is equally or better qualified for the job for which the nonimmigrant is, or nonimmigrants are, sought and who will be available at the time and place of need.

"(iii) Period of employment.—The employer will provide employment to any qualified United States worker who applies to the employer during the period beginning on the date on which the H–2A worker departs for the employer's place of employment and ending on the date on which 50 percent of the period of employment for which the H–2A worker who is in the job was hired has elapsed, subject to the following requirements:

"(I) Prohibition.—No person or entity shall willfully and knowingly withhold United States workers before the arrival of H–2A workers in order to force the hiring of United States workers under this clause.

"(II) Complaints.—Upon receipt of a complaint by an employer that a violation of subclause (I) has occurred, the Secretary of Labor shall immediately investigate. The Secretary of Labor shall, within 36 hours of the receipt of the complaint, issue findings concerning the alleged violation. If the Secretary of Labor finds that a violation has occurred, the Secretary of Labor shall immediately suspend the application of this clause with respect to that certification for that date of need.

"(III) Placement of united states workers.—Before referring a United States worker to an employer during the period described in the matter preceding subclause (I), the Secretary of Labor shall make all reasonable efforts to place the United States worker in an open job acceptable to the worker, if there are other job offers pending with the job service that offer similar job opportunities in the area of intended employment.

"(iv) Statutory construction.—Nothing in this subparagraph shall be construed to prohibit an employer from using such legitimate selection criteria relevant to the type of job that are normal or customary to the type of job involved so long as such criteria are not applied in a discriminatory manner.

"(c) Applications by Associations on Behalf of Employer Members.—

"(1) In general.—An agricultural association may file an application under subsection (a) on behalf of 1 or more of its employer members that the association certifies in its application has or have agreed in writing to comply with the requirements of this section and sections 218A, 218B, and 218C.

"(2) Treatment of associations acting as employers.—If an association filing an application under paragraph (1) is a joint or sole employer of the temporary or seasonal agricultural workers requested on the application, the certifications granted under subsection (e)(2)(B) to the association may be used for the certified job opportunities of any of its producer members named on the application, and such workers may be transferred among such producer members to perform the agricultural services of a temporary or seasonal nature for which the certifications were granted.

"(d) Withdrawal of Applications.—

"(1) In general.—An employer may withdraw an application filed pursuant to subsection (a), except that if the employer is an agricultural association, the association may withdraw an application filed pursuant to subsection (a) with respect to 1 or more of its members. To withdraw an application, the employer or association shall notify the Secretary of Labor in writing, and the Secretary of Labor shall acknowledge in writing the receipt of such withdrawal notice. An employer who withdraws an application under subsection (a), or on whose behalf an application is withdrawn, is relieved of the obligations undertaken in the application.

"(2) Limitation.—An application may not be withdrawn while any alien provided status under section 101(a)(15)(H)(ii)(a) pursuant to such application is employed by the employer.

"(3) Obligations under other statutes.—Any obligation incurred by an employer under any other law or regulation as a result of the recruitment of United States workers or H–2A workers under an offer of terms and conditions of employment required as a result of making an application under subsection (a) is unaffected by withdrawal of such application.

"(e) Review and Approval of Applications.—

"(1) Responsibility of employers.—The employer shall make available for public examination, within 1 working day after the date on which an application under subsection (a) is filed, at the employer's principal place of business or worksite, a copy of each such application (and such accompanying documents as are necessary).

"(2) Responsibility of the secretary of labor.—

"(A) Compilation of list.—The Secretary of Labor shall compile, on a current basis, a list (by employer and by occupational classification) of the applications filed under subsection (a). Such list shall include the wage rate, number of workers sought, period of intended employment, and date of need. The Secretary of Labor shall make such list available for examination in the District of Columbia.

"(B) Review of applications.—The Secretary of Labor shall review such an application only for completeness and obvious inaccuracies. Unless the Secretary of Labor finds that the application is incomplete or obviously inaccurate, the Secretary of Labor shall certify that the intending employer has filed with the Secretary of Labor an application as described in subsection (a). Such certification shall be provided within 7 days of the filing of the application."

"SEC. 218A. H–2A EMPLOYMENT REQUIREMENTS.

"(a) Preferential Treatment of Aliens Prohibited.—Employers seeking to hire United States workers shall offer the United States workers no less than the same benefits, wages, and working conditions that the employer is offering, intends to offer, or will provide to H–2A workers. Conversely, no job offer may impose on United States workers any restrictions or obligations which will not be imposed on the employer's H–2A workers.

"(b) Minimum Benefits, Wages, and Working Conditions.—Except in cases where higher benefits, wages, or working conditions are required by the provisions of subsection (a), in order to protect similarly employed United States workers from adverse effects with respect to benefits, wages, and working conditions, every job offer which shall accompany an application under section 218(b)(2) shall include each of the following benefit, wage, and working condition provisions:

"(1) Requirement to provide housing or a housing allowance.—

"(A) In general.—An employer applying under section 218(a) for H–2A workers shall offer to provide housing at no cost to all workers in job opportunities for which the employer has applied under that section and to all other workers in the same occupation at the place of employment, whose place of residence is beyond normal commuting distance.

"(B) Type of housing.—In complying with subparagraph (A), an employer may, at the employer's election, provide housing that meets applicable Federal standards for temporary labor camps or secure housing that meets applicable local standards for rental or public accommodation housing or other substantially similar class of habitation, or in the absence of applicable local standards, State standards for rental or public accommodation housing or other substantially similar class of habitation. In the absence of applicable local or State standards, Federal temporary labor camp standards shall apply.

"(C) Family housing.—If it is the prevailing practice in the occupation and area of intended employment to provide family housing, family housing shall be provided to workers with families who request it.

"(D) Workers engaged in the range production of livestock.—The Secretary of Labor shall issue regulations that address the specific requirements for the provision of housing to workers engaged in the range production of livestock.

"(E) Limitation.—Nothing in this paragraph shall be construed to require an employer to provide or secure housing for persons who were not entitled to such housing under the temporary labor certification regulations in effect on June 1, 1986.

"(F) Charges for housing.—

"(i) Charges for public housing.—If public housing provided for migrant agricultural workers under the auspices of a local, county, or State government is secured by an employer, and use of the public housing unit normally requires charges from migrant workers, such charges shall be paid by the employer directly to the appropriate individual or entity affiliated with the housing's management.

"(ii) Deposit charges.—Charges in the form of deposits for bedding or other similar incidentals related to housing shall not be levied upon workers by employers who provide housing for their workers. An employer may require a worker found to have been responsible for damage to such housing which is not the result of normal wear and tear related to habitation to reimburse the employer for the reasonable cost of repair of such damage.

"(G) Housing allowance as alternative.—

"(i) In general.—If the requirement set out in clause (ii) is satisfied, the employer may provide a reasonable housing allowance instead of offering housing under subparagraph (A). Upon the request of a worker seeking assistance in locating housing, the employer shall make a good faith effort to assist the worker in identifying and locating housing in the area of intended employment. An employer who offers a housing allowance to a worker, or assists a worker in locating housing which the worker occupies, pursuant to this clause shall not be deemed a housing provider under section 203 of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1823) solely by virtue of providing such housing allowance. No housing allowance may be used for housing which is owned or controlled by the employer.

"(ii) Certification.—The requirement of this clause is satisfied if the Governor of the State certifies to the Secretary of Labor that there is adequate housing available in the area of intended employment for migrant farm workers and H–2A workers who are seeking temporary housing while employed in agricultural work. Such certification shall expire after 3 years unless renewed by the Governor of the State.

"(iii) Amount of allowance.—

"(I) Nonmetropolitan counties.—If the place of employment of the workers provided an allowance under this subparagraph is a nonmetropolitan county, the amount of the housing allowance under this subparagraph shall be equal to the statewide average fair market rental for existing housing for nonmetropolitan counties for the State, as established by the Secretary of Housing and Urban Development pursuant to section 8(c) of the United States Housing Act of 1937 (42 U.S.C. 1437f(c)), based on a 2-bedroom dwelling unit and an assumption of 2 persons per bedroom.

"(II) Metropolitan counties.—If the place of employment of the workers provided an allowance under this paragraph is in a metropolitan county, the amount of the housing allowance under this subparagraph shall be equal to the statewide average fair market rental for existing housing for metropolitan counties for the State, as established by the Secretary of Housing and Urban Development pursuant to section 8(c) of the United States Housing Act of 1937 (42 U.S.C. 1437f(c)), based on a 2-bedroom dwelling unit and an assumption of 2 persons per bedroom.

"(2) Reimbursement of transportation.—

"(A) To place of employment.—A worker who completes 50 percent of the period of employment of the job opportunity for which the worker was hired shall be reimbursed by the employer for the cost of the worker's transportation and subsistence from the place from which the worker came to work for the employer (or place of last employment, if the worker traveled from such place) to the place of employment.

"(B) From place of employment.—A worker who completes the period of employment for the job opportunity involved shall be reimbursed by the employer for the cost of the worker's transportation and subsistence from the place of employment to the place from which the worker, disregarding intervening employment, came to work for the employer, or to the place of next employment, if the worker has contracted with a subsequent employer who has not agreed to provide or pay for the worker's transportation and subsistence to such subsequent employer's place of employment.

"(C) Limitation.—

"(i) Amount of reimbursement.—Except as provided in clause (ii), the amount of reimbursement provided under subparagraph (A) or (B) to a worker or alien shall not exceed the lesser of—

"(I) the actual cost to the worker or alien of the transportation and subsistence involved; or

"(II) the most economical and reasonable common carrier transportation charges and subsistence costs for the distance involved.

"(ii) Distance traveled.—No reimbursement under subparagraph (A) or (B) shall be required if the distance traveled is 100 miles or less, or the worker is not residing in employer-provided housing or housing secured through an allowance as provided in paragraph (1)(G).

"(D) Early termination.—If the worker is laid off or employment is terminated for contract impossibility (as described in paragraph (4)(D)) before the anticipated ending date of employment, the employer shall provide the transportation and subsistence required by subparagraph (B) and, notwithstanding whether the worker has completed 50 percent of the period of employment, shall provide the transportation reimbursement required by subparagraph (A).

"(E) Transportation between living quarters and worksite.—The employer shall provide transportation between the worker's living quarters and the employer's worksite without cost to the worker, and such transportation will be in accordance with applicable laws and regulations.

"(3) Required wages.—

"(A) In general.—An employer applying for workers under section 218(a) shall offer to pay, and shall pay, all workers in the occupation for which the employer has applied for workers, not less (and is not required to pay more) than the greater of the prevailing wage in the occupation in the area of intended employment or the adverse effect wage rate. No worker shall be paid less than the greater of the hourly wage prescribed under section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) or the applicable State minimum wage.

"(B) Limitation.—Effective on the date of the enactment of the Agricultural Job Opportunities, Benefits, and Security Act of 2007 and continuing for 3 years thereafter, no adverse effect wage rate for a State may be more than the adverse effect wage rate for that State in effect on January 1, 2003, as established by section 655.107 of title 20, Code of Federal Regulations.

"(C) Required wages after 3-year freeze.—

"(i) First adjustment.—If Congress does not set a new wage standard applicable to this section before the first March 1 that is not less than 3 years after the date of enactment of this section, the adverse effect wage rate for each State beginning on such March 1 shall be the wage rate that would have resulted if the adverse effect wage rate in effect on January 1, 2003, had been annually adjusted, beginning on March 1, 2006, by the lesser of—

"(I) the 12-month percentage change in the Consumer Price Index for All Urban Consumers between December of the second preceding year and December of the preceding year; and

"(II) 4 percent.

"(ii) Subsequent annual adjustments.—Beginning on the first March 1 that is not less than 4 years after the date of enactment of this section, and each March 1 thereafter, the adverse effect wage rate then in effect for each State shall be adjusted by the lesser of—

"(I) the 12-month percentage change in the Consumer Price Index for All Urban Consumers between December of the second preceding year and December of the preceding year; and

"(II) 4 percent.

"(D) Deductions.—The employer shall make only those deductions from the worker's wages that are authorized by law or are reasonable and customary in the occupation and area of employment. The job offer shall specify all deductions not required by law which the employer will make from the worker's wages.

"(E) Frequency of pay.—The employer shall pay the worker not less frequently than twice monthly, or in accordance with the prevailing practice in the area of employment, whichever is more frequent.

"(F) Hours and earnings statements.—The employer shall furnish to the worker, on or before each payday, in 1 or more written statements—

"(i) the worker's total earnings for the pay period;

"(ii) the worker's hourly rate of pay, piece rate of pay, or both;

"(iii) the hours of employment which have been offered to the worker (broken out by hours offered in accordance with and over and above the ¾ guarantee described in paragraph (4);

"(iv) the hours actually worked by the worker;

"(v) an itemization of the deductions made from the worker's wages; and

"(vi) if piece rates of pay are used, the units produced daily.

"(G) Report on wage protections.—Not later than December 31, 2009, the Comptroller General of the United States shall prepare and transmit to the Secretary of Labor, the Committee on the Judiciary of the Senate, and Committee on the Judiciary of the House of Representatives, a report that addresses—

"(i) whether the employment of H-2A or unauthorized aliens in the United States agricultural workforce has depressed United States farm worker wages below the levels that would otherwise have prevailed if alien farm workers had not been employed in the United States;

"(ii) whether an adverse effect wage rate is necessary to prevent wages of United States farm workers in occupations in which H-2A workers are employed from falling below the wage levels that would have prevailed in the absence of the employment of H-2A workers in those occupations;

"(iii) whether alternative wage standards, such as a prevailing wage standard, would be sufficient to prevent wages in occupations in which H-2A workers are employed from falling below the wage level that would have prevailed in the absence of H-2A employment;

"(iv) whether any changes are warranted in the current methodologies for calculating the adverse effect wage rate and the prevailing wage; and

"(v) recommendations for future wage protection under this section.

"(H) Commission on wage standards.—

"(i) Establishment.—There is established the Commission on Agricultural Wage Standards under the H-2A program (in this subparagraph referred to as the 'Commission').

"(ii) Composition.—The Commission shall consist of 10 members as follows:

"(I) Four representatives of agricultural employers and 1 representative of the Department of Agriculture, each appointed by the Secretary of Agriculture.

"(II) Four representatives of agricultural workers and 1 representative of the Department of Labor, each appointed by the Secretary of Labor.

"(iii) Functions.—The Commission shall conduct a study that shall address—

"(I) whether the employment of H-2A or unauthorized aliens in the United States agricultural workforce has depressed United States farm worker wages below the levels that would otherwise have prevailed if alien farm workers had not been employed in the United States;

"(II) whether an adverse effect wage rate is necessary to prevent wages of United States farm workers in occupations in which H-2A workers are employed from falling below the wage levels that would have prevailed in the absence of the employment of H-2A workers in those occupations;

"(III) whether alternative wage standards, such as a prevailing wage standard, would be sufficient to prevent wages in occupations in which H-2A workers are employed from falling below the wage level that would have prevailed in the absence of H-2A employment;

"(IV) whether any changes are warranted in the current methodologies for calculating the adverse effect wage rate and the prevailing wage rate; and

"(V) recommendations for future wage protection under this section.

"(iv) FINAL REPORT.—Not later than December 31, 2009, the Commission shall submit a report to the Congress setting forth the findings of the study conducted under clause (iii).

"(v) TERMINATION DATE.—The Commission shall terminate upon submitting its final report.

"(4) GUARANTEE OF EMPLOYMENT.—

"(A) OFFER TO WORKER.—The employer shall guarantee to offer the worker employment for the hourly equivalent of at least ¾ of the work days of the total period of employment, beginning with the first work day after the arrival of the worker at the place of employment and ending on the expiration date specified in the job offer. For purposes of this subparagraph, the hourly equivalent means the number of hours in the work days as stated in the job offer and shall exclude the worker's Sabbath and Federal holidays. If the employer affords the United States or H–2A worker less employment than that required under this paragraph, the employer shall pay such worker the amount which the worker would have earned had the worker, in fact, worked for the guaranteed number of hours.

"(B) FAILURE TO WORK.—Any hours which the worker fails to work, up to a maximum of the number of hours specified in the job offer for a work day, when the worker has been offered an opportunity to do so, and all hours of work actually performed (including voluntary work in excess of the number of hours specified in the job offer in a work day, on the worker's Sabbath, or on Federal holidays) may be counted by the employer in calculating whether the period of guaranteed employment has been met.

"(C) ABANDONMENT OF EMPLOYMENT, TERMINATION FOR CAUSE.—If the worker voluntarily abandons employment before the end of the contract period, or is terminated for cause, the worker is not entitled to the '¾ guarantee' described in subparagraph (A).

"(D) CONTRACT IMPOSSIBILITY.—If, before the expiration of the period of employment specified in the job offer, the services of the worker are no longer required for reasons beyond the control of the employer due to any form of natural disaster, including a flood, hurricane, freeze, earthquake, fire, drought, plant or animal disease or pest infestation, or regulatory drought, before the guarantee in subparagraph (A) is fulfilled, the employer may terminate the worker's employment. In the event of such termination, the employer shall fulfill the employment guarantee in subparagraph (A) for the work days that have elapsed from the first work day after the arrival of the worker to the termination of employment. In such cases, the employer will make efforts to transfer the United States worker to other comparable employment acceptable to the worker. If such transfer is not effected, the employer shall provide the return transportation required in paragraph (2)(D).

"(5) MOTOR VEHICLE SAFETY.—

"(A) MODE OF TRANSPORTATION SUBJECT TO COVERAGE.—

"(i) IN GENERAL.—Except as provided in clauses (iii) and (iv), this subsection applies to any H–2A employer that uses or causes to be used any vehicle to transport an H–2A worker within the United States.

"(ii) DEFINED TERM.—In this paragraph, the term 'uses or causes to be used'—

"(I) applies only to transportation provided by an H–2A employer to an H–2A worker, or by a farm labor contractor to an H–2A worker at the request or direction of an H–2A employer; and

"(II) does not apply to—

"(aa) transportation provided, or transportation arrangements made, by an H–2A worker, unless the employer specifically requested or arranged such transportation; or

"(bb) carpooling arrangements made by H–2A workers themselves, using 1 of the workers' own vehicles, unless specifically requested by the employer directly or through a farm labor contractor.

"(iii) CLARIFICATION.—Providing a job offer to an H–2A worker that causes the worker to travel to or from the place of employment, or the payment or reimbursement of the transportation costs of an H–2A worker by an H–2A employer, shall not constitute an arrangement of, or participation in, such transportation.

"(iv) AGRICULTURAL MACHINERY AND EQUIPMENT EXCLUDED.—This subsection does not apply to the transportation of an H–2A worker on a tractor, combine, harvester, picker, or other similar machinery or equipment while such worker is actually engaged in the planting, cultivating, or harvesting of agricultural commodities or the care of livestock or poultry or engaged in transportation incidental thereto.

"(v) COMMON CARRIERS EXCLUDED.—This subsection does not apply to common carrier motor vehicle transportation in which the provider holds itself out to the general public as engaging in the transportation of passengers for hire and holds a valid certification of authorization for such purposes from an appropriate Federal, State, or local agency.

"(B) APPLICABILITY OF STANDARDS, LICENSING, AND INSURANCE REQUIREMENTS.—

"(i) IN GENERAL.—When using, or causing to be used, any vehicle for the purpose of providing transportation to which this subparagraph applies, each employer shall—

"(I) ensure that each such vehicle conforms to the standards prescribed by the Secretary of Labor under section 401(b) of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1841(b)) and other applicable Federal and State safety standards;

"(II) ensure that each driver has a valid and appropriate license, as provided by State law, to operate the vehicle; and

"(III) have an insurance policy or a liability bond that is in effect which insures the employer against liability for damage to persons or property arising from the ownership, operation, or causing to be operated, of any vehicle used to transport any H–2A worker.

"(ii) AMOUNT OF INSURANCE REQUIRED.—The level of insurance required shall be determined by the Secretary of Labor pursuant to regulations to be issued under this subsection.

"(iii) EFFECT OF WORKERS' COMPENSATION COVERAGE.—If the employer of any H–2A worker provides workers' compensation coverage for such worker in the case of bodily injury or death as provided by State law, the following adjustments in the requirements of subparagraph (B)(i)(III) relating to having an insurance policy or liability bond apply:

"(I) No insurance policy or liability bond shall be required of the employer, if such workers are transported only under circumstances for which there is coverage under such State law.

"(II) An insurance policy or liability bond shall be required of the employer for circumstances under which coverage for the transportation of such workers is not provided under such State law.

"(c) COMPLIANCE WITH LABOR LAWS.—An employer shall assure that, except as otherwise provided in this section, the employer will comply with all applicable Federal, State, and local labor laws, including laws affecting migrant and seasonal agricultural workers, with respect to all United States workers and alien workers employed by the employer, except that a violation of this assurance shall not constitute a violation of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1801 et seq.).

"(d) COPY OF JOB OFFER.—The employer shall provide to the worker, not later than the day the work commences, a copy of the employer's application and job offer described in section 218(a), or, if the employer will require the worker to enter into a separate employment contract covering the employment in question, such separate employment contract.

"(e) RANGE PRODUCTION OF LIVESTOCK.—Nothing in this section, section 218, or section 218B shall preclude the Secretary of Labor and the Secretary from continuing to apply special procedures and requirements to the admission and employment of aliens in occupations involving the range production of livestock.

"SEC. 218B. PROCEDURE FOR ADMISSION AND EXTENSION OF STAY OF H-2A WORKERS.

"(a) PETITIONING FOR ADMISSION.—An employer, or an association acting as an agent or joint employer for its members, that seeks the admission into the United States of an H–2A worker may file a petition with the Secretary. The petition shall be accompanied by an accepted and currently valid certification provided by the Secretary of Labor under section 218(e)(2)(B) covering the petitioner.

"(b) EXPEDITED ADJUDICATION BY THE SECRETARY.—The Secretary shall establish a procedure for expedited adjudication of petitions filed under subsection (a) and within 7 working days shall, by fax, cable, or other means assuring expedited delivery, transmit a copy of notice of action on the petition to the petitioner and, in the case of approved petitions, to the appropriate immigration officer at the port of entry or United States consulate (as the case may be) where the petitioner has indicated that the alien beneficiary (or beneficiaries) will apply for a visa or admission to the United States.

"(c) CRITERIA FOR ADMISSIBILITY.—

"(1) IN GENERAL.—An H–2A worker shall be considered admissible to the United States if the alien is otherwise admissible under this section, section 218, and section 218A, and the alien is not ineligible under paragraph (2).

"(2) DISQUALIFICATION.—An alien shall be considered inadmissible to the United States and ineligible for nonimmigrant status under section 101(a)(15)(H)(ii)(a) if the alien has, at any time during the past 5 years—

"(A) violated a material provision of this section, including the requirement to promptly depart the United States when the alien's authorized period of admission under this section has expired; or

"(B) otherwise violated a term or condition of admission into the United States as a nonimmigrant, including overstaying the period of authorized admission as such a nonimmigrant.

"(3) WAIVER OF INELIGIBILITY FOR UNLAWFUL PRESENCE.—

"(A) IN GENERAL.—An alien who has not previously been admitted into the United States pursuant to this section, and who is otherwise eligible for admission in accordance with paragraphs (1) and (2), shall not be deemed inadmissible by virtue of section 212(a)(9)(B). If an alien described in the preceding sentence is present in the United States, the alien may apply from abroad for H–2A status, but may not be granted that status in the United States.

"(B) MAINTENANCE OF WAIVER.—An alien provided an initial waiver of ineligibility pursuant to subparagraph (A) shall remain eligible for such waiver unless the alien violates the terms of this section or again becomes ineligible under section 212(a)(9)(B) by virtue of unlawful presence in the United States after the date of the initial waiver of ineligibility pursuant to subparagraph (A).

"(d) PERIOD OF ADMISSION.—

"(1) IN GENERAL.—The alien shall be admitted for the period of employment in the application certified by the Secretary of Labor pursuant to section 218(e)(2)(B), not to exceed 10 months, supplemented by a period of not more than 1 week before the beginning of the period of employment for the purpose of travel to the worksite and a period of 14 days following the period of employment for the purpose of departure or extension based on a subsequent offer of employment, except that—

"(A) the alien is not authorized to be employed during such 14-day period except in the employment for which the alien was previously authorized; and

"(B) the total period of employment, including such 14-day period, may not exceed 10 months.

"(2) CONSTRUCTION.—Nothing in this subsection shall limit the authority of the Secretary to extend the stay of the alien under any other provision of this Act.

"(e) ABANDONMENT OF EMPLOYMENT.—

"(1) IN GENERAL.—An alien admitted or provided status under section 101(a)(15)(H)(ii)(a) who abandons the employment which was the basis for such admission or status shall be considered to have failed to maintain nonimmigrant status as an H–2A worker and shall depart the United States or be subject to removal under section 237(a)(1)(C)(i).

"(2) REPORT BY EMPLOYER.—The employer, or association acting as agent for the employer, shall notify the Secretary not later than 7 days after an H–2A worker prematurely abandons employment.

"(3) REMOVAL BY THE SECRETARY.—The Secretary shall promptly remove from the United States any H–2A worker who violates any term or condition of the worker's nonimmigrant status.

"(4) VOLUNTARY TERMINATION.—Notwithstanding paragraph (1), an alien may voluntarily terminate his or her employment if the alien promptly departs the United States upon termination of such employment.

"(f) REPLACEMENT OF ALIEN.—

"(1) IN GENERAL.—Upon presentation of the notice to the Secretary required by subsection (e)(2), the Secretary of State shall promptly issue a visa to, and the Secretary shall admit into the United States, an eligible alien designated by the employer to replace an H–2A worker—

"(A) who abandons or prematurely terminates employment; or

"(B) whose employment is terminated after a United States worker is employed pursuant to section 218(b)(2)(H)(iii), if the United States worker voluntarily departs before the end of the period of intended employment or if the employment termination is for a lawful job-related reason.

"(2) CONSTRUCTION.—Nothing in this subsection is intended to limit any preference required to be accorded United States workers under any other provision of this Act.

"(g) IDENTIFICATION DOCUMENT.—

"(1) IN GENERAL.—Each alien authorized to be admitted under section 101(a)(15)(H)(ii)(a) shall be provided an identification and employment eligibility document to verify eligibility for employment in the United States and verify the alien's identity.

"(2) REQUIREMENTS.—No identification and employment eligibility document may be issued which does not meet the following requirements:

"(A) The document shall be capable of reliably determining whether—

"(i) the individual with the identification and employment eligibility document whose eligibility is being verified is in fact eligible for employment;

"(ii) the individual whose eligibility is being verified is claiming the identity of another person; and

"(iii) the individual whose eligibility is being verified is authorized to be admitted into, and employed in, the United States as an H–2A worker.

"(B) The document shall be in a form that is resistant to counterfeiting and to tampering.

"(C) The document shall—

"(i) be compatible with other databases of the Secretary for the purpose of excluding aliens from benefits for which they are not eligible and determining whether the alien is unlawfully present in the United States; and

"(ii) be compatible with law enforcement databases to determine if the alien has been convicted of criminal offenses.

"(h) EXTENSION OF STAY OF H–2A ALIENS IN THE UNITED STATES.—

"(1) EXTENSION OF STAY.—If an employer seeks approval to employ an H–2A alien who is lawfully present in the United States, the petition filed by the employer or an association pursuant to subsection (a), shall request an extension of the alien's stay and a change in the alien's employment.

"(2) LIMITATION ON FILING A PETITION FOR EXTENSION OF STAY.—A petition may not be filed for an extension of an alien's stay—

"(A) for a period of more than 10 months; or

"(B) to a date that is more than 3 years after the date of the alien's last admission to the United States under this section.

"(3) WORK AUTHORIZATION UPON FILING A PETITION FOR EXTENSION OF STAY.—

"(A) IN GENERAL.—An alien who is lawfully present in the United States may commence the employment described in a petition under paragraph (1) on the date on which the petition is filed.

"(B) DEFINITION.—For purposes of subparagraph (A), the term 'file' means sending the petition by certified mail via the United States Postal Service, return receipt requested, or delivered by guaranteed commercial delivery which will provide the employer with a documented acknowledgment of the date of receipt of the petition.

"(C) HANDLING OF PETITION.—The employer shall provide a copy of the employer's petition to the alien, who shall keep the petition with the alien's identification and employment eligibility document as evidence that the petition has been filed and that the alien is authorized to work in the United States.

"(D) APPROVAL OF PETITION.—Upon approval of a petition for an extension of stay or change in the alien's authorized employment, the Secretary shall provide a new or updated employment eligibility document to the alien indicating the new validity date, after which the alien is not required to retain a copy of the petition.

"(4) LIMITATION ON EMPLOYMENT AUTHORIZATION OF ALIENS WITHOUT VALID IDENTIFICATION AND EMPLOYMENT ELIGIBILITY DOCUMENT.—An expired identification and employment eligibility document, together with a copy of a petition for extension of stay or change in the alien's authorized employment that complies with the requirements of paragraph (1), shall constitute a valid work authorization document for a period of not more than 60 days beginning on the date on which such petition is filed, after which time only a currently valid identification and employment eligibility document shall be acceptable.

"(5) LIMITATION ON AN INDIVIDUAL'S STAY IN STATUS.—

"(A) MAXIMUM PERIOD.—The maximum continuous period of authorized status as an H–2A worker (including any extensions) is 3 years.

"(B) REQUIREMENT TO REMAIN OUTSIDE THE UNITED STATES.—

"(i) IN GENERAL.—Subject to clause (ii), in the case of an alien outside the United States whose period of authorized status as an H–2A worker (including any extensions) has expired, the alien may not again apply for admission to the United States as an H–2A worker unless the alien has remained outside the United States for a continuous period equal to at least ⅕ the duration of the alien's previous period of authorized status as an H–2A worker (including any extensions).

"(ii) EXCEPTION.—Clause (i) shall not apply in the case of an alien if the alien's period of authorized status as an H–2A worker (including any extensions) was for a period of not more than 10 months and such alien has been outside the United States for at least 2 months during the 12 months preceding the date the alien again is applying for admission to the United States as an H–2A worker.

"(i) SPECIAL RULES FOR ALIENS EMPLOYED AS SHEEPHERDERS, GOAT HERDERS, OR DAIRY WORKERS.—Notwithstanding any provision of the Agricultural Job Opportunities, Benefits, and Security Act of 2007, an alien admitted under section 101(a)(15)(H)(ii)(a) for employment as a sheepherder, goat herder, or dairy worker—

"(1) may be admitted for an initial period of 12 months;

"(2) subject to subsection (j)(5), may have such initial period of admission extended for a period of up to 3 years; and

"(3) shall not be subject to the requirements of subsection (h)(5) (relating to periods of absence from the United States).

"(j) ADJUSTMENT TO LAWFUL PERMANENT RESIDENT STATUS FOR ALIENS EMPLOYED AS SHEEPHERDERS, GOAT HERDERS, OR DAIRY WORKERS.—

"(1) ELIGIBLE ALIEN.—For purposes of this subsection, the term 'eligible alien' means an alien—

"(A) having nonimmigrant status under section 101(a)(15)(H)(ii)(a) based on employment as a sheepherder, goat herder, or dairy worker;

"(B) who has maintained such nonimmigrant status in the United States for a cumulative total of 36 months (excluding any period of absence from the United States); and

"(C) who is seeking to receive an immigrant visa under section 203(b)(3)(A)(iii).

"(2) CLASSIFICATION PETITION.—In the case of an eligible alien, the petition under section 204 for classification under section 203(b)(3)(A)(iii) may be filed by—

"(A) the alien's employer on behalf of the eligible alien; or

"(B) the eligible alien.

"(3) NO LABOR CERTIFICATION REQUIRED.—Notwithstanding section 203(b)(3)(C), no determination under section 212(a)(5)(A) is required with respect to an immigrant visa described in paragraph (1)(C) for an eligible alien.

"(4) EFFECT OF PETITION.—The filing of a petition described in paragraph (2) or an application for adjustment of status based on the approval of such a petition shall not constitute evidence of an alien's ineligibility for nonimmigrant status under section 101(a)(15)(H)(ii)(a).

"(5) EXTENSION OF STAY.—The Secretary shall extend the stay of an eligible alien having a pending or approved classification petition described in paragraph (2) in 1-year increments until a final determination is made on the alien's eligibility for adjustment of status to that of an alien lawfully admitted for permanent residence.

"(6) CONSTRUCTION.—Nothing in this subsection shall be construed to prevent an eligible alien from seeking adjustment of status in accordance with any other provision of law.

"SEC. 218C. WORKER PROTECTIONS AND LABOR STANDARDS ENFORCEMENT.

"(a) ENFORCEMENT AUTHORITY.—

"(1) INVESTIGATION OF COMPLAINTS.—

"(A) AGGRIEVED PERSON OR THIRD-PARTY COMPLAINTS.—The Secretary of Labor shall establish a process for the receipt, investigation, and disposition of complaints respecting a petitioner's failure to meet a condition specified in section 218(b), or an employer's misrepresentation of material facts in an application under section 218(a). Complaints may be filed by any aggrieved person or organization (including bargaining representatives). No investigation or hearing shall be conducted on a complaint concerning such a failure or misrepresentation unless the complaint was filed not later than 12 months after the date of the failure, or misrepresentation, respectively. The Secretary of Labor shall conduct an investigation under this subparagraph if there is reasonable cause to believe that such a failure or misrepresentation has occurred.

"(B) DETERMINATION ON COMPLAINT.—Under such process, the Secretary of Labor shall provide, within 30 days after the date such a complaint is filed, for a determination as to whether or not a reasonable basis exists to make a finding described in subparagraph (C), (D), (E), or (G). If the Secretary of Labor determines that such a reasonable basis exists, the Secretary of Labor shall provide for notice of such determination to the interested parties and an opportunity for a hearing on the complaint, in accordance with section 556 of title 5, United States Code, within 60 days after the date of the determination. If such a hearing is requested, the Secretary of Labor shall make a finding concerning the matter not later than 60 days after the date of the hearing. In the case of similar complaints respecting the same applicant, the Secretary of Labor may consolidate the hearings under this subparagraph on such complaints.

"(C) FAILURES TO MEET CONDITIONS.—If the Secretary of Labor finds, after notice and opportunity for a hearing, a failure to meet a condition of paragraph (1)(A), (1)(B), (1)(D), (1)(F), (2)(A), (2)(B), or (2)(G) of section 218(b), a substantial failure to meet a condition of paragraph (1)(C), (1)(E), (2)(C), (2)(D), (2)(E), or (2)(H) of section 218(b), or a material misrepresentation of fact in an application under section 218(a)—

"(i) the Secretary of Labor shall notify the Secretary of such finding and may, in addition, impose such other administrative remedies (including civil money penalties in an amount not to exceed $1,000 per violation) as the Secretary of Labor determines to be appropriate; and

"(ii) the Secretary may disqualify the employer from the employment of aliens described in section 101(a)(15)(H)(ii)(a) for a period of 1 year.

"(D) WILLFUL FAILURES AND WILLFUL MISREPRESENTATIONS.—If the Secretary of Labor finds, after notice and opportunity for hearing, a willful failure to meet a condition of section 218(b), a willful misrepresentation of a material fact in an application under section 218(a), or a violation of subsection (d)(1)—

"(i) the Secretary of Labor shall notify the Secretary of such finding and may, in addition, impose such other administrative remedies (including civil money penalties in an amount not to exceed $5,000 per violation) as the Secretary of Labor determines to be appropriate;

"(ii) the Secretary of Labor may seek appropriate legal or equitable relief to effectuate the purposes of subsection (d)(1); and

"(iii) the Secretary may disqualify the employer from the employment of H–2A workers for a period of 2 years.

"(E) DISPLACEMENT OF UNITED STATES WORKERS.—If the Secretary of Labor finds, after notice and opportunity for hearing, a willful failure to meet a condition of section 218(b) or a willful misrepresentation of a material fact in an application under section 218(a), in the course of which failure or misrepresentation the employer displaced a United States worker employed by the employer during the period of employment on the employer's application under section 218(a) or during the period of 30 days preceding such period of employment—

"(i) the Secretary of Labor shall notify the Secretary of such finding and may, in addition, impose such other administrative remedies (including civil money penalties in an amount not to exceed $15,000 per violation) as the Secretary of Labor determines to be appropriate; and

"(ii) the Secretary may disqualify the employer from the employment of H–2A workers for a period of 3 years.

"(F) LIMITATIONS ON CIVIL MONEY PENALTIES.—The Secretary of Labor shall not impose total civil money penalties with respect to an application under section 218(a) in excess of $90,000.

"(G) FAILURES TO PAY WAGES OR REQUIRED BENEFITS.—If the Secretary of Labor finds, after notice and opportunity for a hearing, that the employer has failed to pay the wages, or provide the housing allowance, transportation, subsistence reimbursement, or guarantee of employment, required under section 218A(b), the Secretary of Labor shall assess payment of back wages, or other required benefits, due any United States worker or H–2A worker employed by the employer in the specific employment in question. The back wages or other required benefits under section 218A(b) shall be equal to the difference between the amount that should have been paid and the amount that actually was paid to such worker.

"(2) STATUTORY CONSTRUCTION.—Nothing in this section shall be construed as limiting the authority of the Secretary of Labor to conduct any compliance investigation under any other labor law, including any law affecting migrant and seasonal agricultural workers, or, in the absence of a complaint under this section, under section 218 or 218A.

"(b) RIGHTS ENFORCEABLE BY PRIVATE RIGHT OF ACTION.—H–2A workers may enforce the following rights through the private right of action provided in subsection (c), and no other right of action shall exist under Federal or State law to enforce such rights:

"(1) The providing of housing or a housing allowance as required under section 218A(b)(1).

"(2) The reimbursement of transportation as required under section 218A(b)(2).

"(3) The payment of wages required under section 218A(b)(3) when due.

"(4) The benefits and material terms and conditions of employment expressly provided in the job offer described in section 218(a)(2), not including the assurance to comply with other Federal, State, and local labor laws described in section 218A(c), compliance with which shall be governed by the provisions of such laws.

"(5) The guarantee of employment required under section 218A(b)(4).

"(6) The motor vehicle safety requirements under section 218A(b)(5).

"(7) The prohibition of discrimination under subsection (d)(2).

"(c) PRIVATE RIGHT OF ACTION.—

"(1) MEDIATION.—Upon the filing of a complaint by an H–2A worker aggrieved by a violation of rights enforceable under subsection (b), and within 60 days of the filing of proof of service of the complaint, a party to the action may file a request with the Federal Mediation and Conciliation Service to assist the parties in reaching a satisfactory resolution of all issues involving all parties to the dispute. Upon a filing of such request and giving of notice to the parties, the parties shall attempt mediation within the period specified in subparagraph (B).

"(A) MEDIATION SERVICES.—The Federal Mediation and Conciliation Service shall be available to assist in resolving disputes arising under subsection (b) between H–2A workers and agricultural employers without charge to the parties.

"(B) 90-DAY LIMIT.—The Federal Mediation and Conciliation Service may conduct mediation or other nonbinding dispute resolution activities for a period not to exceed 90 days beginning on the date on which the Federal Mediation and Conciliation Service receives the request for assistance unless the parties agree to an extension of this period of time.

"(C) AUTHORIZATION.—

"(i) IN GENERAL.—Subject to clause (ii), there are authorized to be appropriated to the Federal Mediation and Conciliation Service $500,000 for each fiscal year to carry out this section.

"(ii) MEDIATION.—Notwithstanding any other provision of law, the Director of the Federal Mediation and Conciliation Service is authorized to conduct the mediation or other dispute resolution activities from any other appropriated funds available to the Director and to reimburse such appropriated funds when the funds are appropriated pursuant to this authorization, such reimbursement to be credited to appropriations currently available at the time of receipt.

"(2) MAINTENANCE OF CIVIL ACTION IN DISTRICT COURT BY AGGRIEVED PERSON.—An H–2A worker aggrieved by a violation of rights enforceable under subsection (b) by an agricultural employer or other person may file suit in any district court of the United States having jurisdiction over the parties, without regard to the amount in controversy, without regard to the citizenship of the parties, and without regard to the exhaustion of any alternative administrative remedies under this Act, not later than 3 years after the date the violation occurs.

"(3) Election.—An H–2A worker who has filed an administrative complaint with the Secretary of Labor may not maintain a civil action under paragraph (2) unless a complaint based on the same violation filed with the Secretary of Labor under subsection (a)(1) is withdrawn before the filing of such action, in which case the rights and remedies available under this subsection shall be exclusive.

"(4) Preemption of state contract rights.—Nothing in this Act shall be construed to diminish the rights and remedies of an H–2A worker under any other Federal or State law or regulation or under any collective bargaining agreement, except that no court or administrative action shall be available under any State contract law to enforce the rights created by this Act.

"(5) Waiver of rights prohibited.—Agreements by employees purporting to waive or modify their rights under this Act shall be void as contrary to public policy, except that a waiver or modification of the rights or obligations in favor of the Secretary of Labor shall be valid for purposes of the enforcement of this Act. The preceding sentence may not be construed to prohibit agreements to settle private disputes or litigation.

"(6) Award of damages or other equitable relief.—

"(A) If the court finds that the respondent has intentionally violated any of the rights enforceable under subsection (b), it shall award actual damages, if any, or equitable relief.

"(B) Any civil action brought under this section shall be subject to appeal as provided in chapter 83 of title 28, United States Code.

"(7) Workers' compensation benefits; exclusive remedy.—

"(A) Notwithstanding any other provision of this section, where a State's workers' compensation law is applicable and coverage is provided for an H–2A worker, the workers' compensation benefits shall be the exclusive remedy for the loss of such worker under this section in the case of bodily injury or death in accordance with such State's workers' compensation law.

"(B) The exclusive remedy prescribed in subparagraph (A) precludes the recovery under paragraph (6) of actual damages for loss from an injury or death but does not preclude other equitable relief, except that such relief shall not include back or front pay or in any manner, directly or indirectly, expand or otherwise alter or affect—

"(i) a recovery under a State workers' compensation law; or

"(ii) rights conferred under a State workers' compensation law.

"(8) Tolling of statute of limitations.—If it is determined under a State workers' compensation law that the workers' compensation law is not applicable to a claim for bodily injury or death of an H–2A worker, the statute of limitations for bringing an action for actual damages for such injury or death under subsection (c) shall be tolled for the period during which the claim for such injury or death under such State workers' compensation law was pending. The statute of limitations for an action for actual damages or other equitable relief arising out of the same transaction or occurrence as the injury or death of the H–2A worker shall be tolled for the period during which the claim for such injury or death was pending under the State workers' compensation law.

"(9) Preclusive effect.—Any settlement by an H–2A worker and an H–2A employer or any person reached through the mediation process required under subsection (c)(1) shall preclude any right of action arising out of the same facts between the parties in any Federal or State court or administrative proceeding, unless specifically provided otherwise in the settlement agreement.

"(10) Settlements.—Any settlement by the Secretary of Labor with an H–2A employer on behalf of an H–2A worker of a complaint filed with the Secretary of Labor under this section or any finding by the Secretary of Labor under subsection (a)(1)(B) shall preclude any right of action arising out of the same facts between the parties under any Federal or State court or administrative proceeding, unless specifically provided otherwise in the settlement agreement.

"(d) Discrimination Prohibited.—

"(1) In general.—It is a violation of this subsection for any person who has filed an application under section 218(a), to intimidate, threaten, restrain, coerce, blacklist, discharge, or in any other manner discriminate against an employee (which term, for purposes of this subsection, includes a former employee and an applicant for employment) because the employee has disclosed information to the employer, or to any other person, that the employee reasonably believes evidences a violation of section 218 or 218A or any rule or regulation pertaining to section 218 or 218A, or because the employee cooperates or seeks to cooperate in an investigation or other proceeding concerning the employer's compliance with the requirements of section 218 or 218A or any rule or regulation pertaining to either of such sections.

"(2) Discrimination against H–2A workers.—It is a violation of this subsection for any person who has filed an application under section 218(a), to intimidate, threaten, restrain, coerce, blacklist, discharge, or in any manner discriminate against an H–2A employee because such worker has, with just cause, filed a complaint with the Secretary of Labor regarding a denial of the rights enumerated and enforceable under subsection (b) or instituted, or caused to be instituted, a private right of action under subsection (c) regarding the denial of the rights enumerated under subsection (b), or has testified or is about to testify in any court proceeding brought under subsection (c).

"(e) Authorization To Seek Other Appropriate Employment.—The Secretary of Labor and the Secretary shall establish a process under which an H–2A worker who files a complaint regarding a violation of subsection (d) and is otherwise eligible to remain and work in the United States may be allowed to seek other appropriate employment in the United States for a period not to exceed the maximum period of stay authorized for such nonimmigrant classification.

"(f) Role of Associations.—

"(1) Violation by a member of an association.—An employer on whose behalf an application is filed by an association acting as its agent is fully responsible for such application, and for complying with the terms and conditions of sections 218 and 218A, as though the employer had filed the application itself. If such an employer is determined, under this section, to have committed a violation, the penalty for such violation shall apply only to that member of the association unless the Secretary of Labor determines that the association or other member participated in, had knowledge, or reason to know, of the violation, in which case the penalty shall be invoked against the association or other association member as well.

"(2) Violations by an association acting as an employer.—If an association filing an application as a sole or joint employer is determined to have committed a violation under this section, the penalty for such violation shall apply only to the association unless the Secretary of Labor determines that an association member or members participated in or had knowledge, or reason to know of the violation, in which case the penalty shall be invoked against the association member or members as well.

"SEC. 218D. DEFINITIONS.

"For purposes of this section and section 218, 218A, 218B, and 218C:

"(1) Agricultural employment.—The term 'agricultural employment' means any service or activity that is considered to be agricultural under section 3(f) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(f)) or agricultural labor under section 3121(g) of the Internal Revenue Code of 1986 or the performance of agricultural labor or services described in section 101(a)(15)(H)(ii)(a).

"(2) Bona fide union.—The term 'bona fide union' means any organization in which employees participate and which exists for the purpose of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or other terms and conditions of work for agricultural employees. Such term does not include an organization formed, created, administered, supported, dominated, financed, or controlled by an employer or employer association or its agents or representatives.

"(3) Displace.—The term 'displace', in the case of an application with respect to 1 or more H–2A workers by an employer, means laying off a United States worker from a job for which the H–2A worker or workers is or are sought.

"(4) Eligible.—The term 'eligible', when used with respect to an individual, means an individual who is not an unauthorized alien (as defined in section 274A).

"(5) Employer.—The term 'employer' means any person or entity, including any farm labor contractor and any agricultural association, that employs workers in agricultural employment.

"(6) H–2A employer.—The term 'H–2A employer' means an employer who seeks to hire 1 or more nonimmigrant aliens described in section 101(a)(15)(H)(ii)(a).

"(7) H–2A worker.—The term 'H–2A worker' means a nonimmigrant described in section 101(a)(15)(H)(ii)(a).

"(8) Job opportunity.—The term 'job opportunity' means a job opening for temporary or seasonal full-time employment at a place in the United States to which United States workers can be referred.

"(9) Laying off.—

"(A) In general.—The term 'laying off', with respect to a worker—

"(i) means to cause the worker's loss of employment, other than through a discharge for inadequate performance, violation of workplace rules, cause, voluntary departure, voluntary retirement, contract impossibility (as described in section 218A(b)(4)(D)), or temporary suspension of employment due to weather, markets, or other temporary conditions; but "(ii) does not include any situation in which the worker is offered, as an alternative to such loss of employment, a similar employment opportunity with the same employer (or, in the case of a placement of a worker with another employer under section 218(b)(2)(E), with either employer described in such section) at equivalent or higher compensation and benefits than the position from which the employee was discharged, regardless of whether or not the employee accepts the offer.

"(B) STATUTORY CONSTRUCTION.—Nothing in this paragraph is intended to limit an employee's rights under a collective bargaining agreement or other employment contract.

"(10) REGULATORY DROUGHT.—The term 'regulatory drought' means a decision subsequent to the filing of the application under section 218 by an entity not under the control of the employer making such filing which restricts the employer's access to water for irrigation purposes and reduces or limits the employer's ability to produce an agricultural commodity, thereby reducing the need for labor.

"(11) SEASONAL.—Labor is performed on a 'seasonal' basis if—

"(A) ordinarily, it pertains to or is of the kind exclusively performed at certain seasons or periods of the year; and

"(B) from its nature, it may not be continuous or carried on throughout the year.

"(12) SECRETARY.—Except as otherwise provided, the term 'Secretary' means the Secretary of Homeland Security.

"(13) TEMPORARY.—A worker is employed on a 'temporary' basis where the employment is intended not to exceed 10 months.

"(14) UNITED STATES WORKER.—The term 'United States worker' means any worker, whether a national of the United States, an alien lawfully admitted for permanent residence, or any other alien, who is authorized to work in the job opportunity within the United States, except an alien admitted or otherwise provided status under section 101(a)(15)(H)(ii)(a).".

(b) TABLE OF CONTENTS.—The table of contents of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended by striking the item relating to section 218 and inserting the following:

"Sec. 218. H–2A employer applications.
"Sec. 218A. H–2A employment requirements.
"Sec. 218B. Procedure for admission and extension of stay of H–2A workers.
"Sec. 218C. Worker protections and labor standards enforcement.
"Sec. 218D. Definitions.".

TITLE III—MISCELLANEOUS PROVISIONS

SEC. 301. DETERMINATION AND USE OF USER FEES.

(a) SCHEDULE OF FEES.—The Secretary shall establish and periodically adjust a schedule of fees for the employment of aliens pursuant to the amendment made by section 201(a) of this Act and a collection process for such fees from employers. Such fees shall be the only fees chargeable to employers for services provided under such amendment.

(b) DETERMINATION OF SCHEDULE.—

(1) IN GENERAL.—The schedule under subsection (a) shall reflect a fee rate based on the number of job opportunities indicated in the employer's application under section 218 of the Immigration and Nationality Act, as amended by section 201 of this Act, and sufficient to provide for the direct costs of providing services related to an employer's authorization to employ aliens pursuant to the amendment made by section 201(a) of this Act, to include the certification of eligible employers, the issuance of documentation, and the admission of eligible aliens.

(2) PROCEDURE.—

(A) IN GENERAL.—In establishing and adjusting such a schedule, the Secretary shall comply with Federal cost accounting and fee setting standards.

(B) PUBLICATION AND COMMENT.—The Secretary shall publish in the Federal Register an initial fee schedule and associated collection process and the cost data or estimates upon which such fee schedule is based, and any subsequent amendments thereto, pursuant to which public comment shall be sought and a final rule issued.

(c) USE OF PROCEEDS.—Notwithstanding any other provision of law, all proceeds resulting from the payment of the fees pursuant to the amendment made by section 201(a) of this Act shall be available without further appropriation and shall remain available without fiscal year limitation to reimburse the Secretary, the Secretary of State, and the Secretary of Labor for the costs of carrying out sections 218 and 218B of the Immigration and Nationality Act, as amended and added, respectively, by section 201 of this Act, and the provisions of this Act.

SEC. 302. REGULATIONS.

(a) REQUIREMENT FOR THE SECRETARY TO CONSULT.—The Secretary shall consult with the Secretary of Labor and the Secretary of Agriculture during the promulgation of all regulations to implement the duties of the Secretary under this Act and the amendments made by this Act.

(b) REQUIREMENT FOR THE SECRETARY OF STATE TO CONSULT.—The Secretary of State shall consult with the Secretary, the Secretary of Labor, and the Secretary of Agriculture on all regulations to implement the duties of the Secretary of State under this Act and the amendments made by this Act.

(c) REQUIREMENT FOR THE SECRETARY OF LABOR TO CONSULT.—The Secretary of Labor shall consult with the Secretary of Agriculture and the Secretary on all regulations to implement the duties of the Secretary of Labor under this Act and the amendments made by this Act.

(d) DEADLINE FOR ISSUANCE OF REGULATIONS.—All regulations to implement the duties of the Secretary, the Secretary of State, and the Secretary of Labor created under sections 218, 218A, 218B, 218C, and 218D of the Immigration and Nationality Act, as amended or added by section 201 of this Act, shall take effect on the effective date of section 201 and shall be issued not later than 1 year after the date of enactment of this Act.

SEC. 303. REPORTS TO CONGRESS.

(a) ANNUAL REPORT.—Not later than September 30 of each year, the Secretary shall submit a report to Congress that identifies, for the previous year—

(1) the number of job opportunities approved for employment of aliens admitted under section 101(a)(15)(H)(ii)(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(a)), and the number of workers actually admitted, disaggregated by State and by occupation;

(2) the number of such aliens reported to have abandoned employment pursuant to subsection 218B(e)(2) of such Act;

(3) the number of such aliens who departed the United States within the period specified in subsection 218B(d) of such Act;

(4) the number of aliens who applied for adjustment of status pursuant to section 101(a);

(5) the number of such aliens whose status was adjusted under section 101(a);

(6) the number of aliens who applied for permanent residence pursuant to section 103(c); and

(7) the number of such aliens who were approved for permanent residence pursuant section 103(c).

(b) IMPLEMENTATION REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall prepare and submit to Congress a report that describes the measures being taken and the progress made in implementing this Act.

SEC. 304. EFFECTIVE DATE.

Except as otherwise provided, sections 201 and 301 shall take effect 1 year after the date of the enactment of this Act.

Mr. CRAIG. Mr. President, the last Congress worked long and hard to resolve one of the most contentious issues of our time: immigration. As many of our colleagues know, while a number of border enforcement measures were enacted, we did not complete all the critical elements of a comprehensive strategy on immigration reform.

Today, I am joining with Senators FEINSTEIN, KENNEDY, SPECTER, LEAHY, MARTINEZ, VOINOVICH, MCCAIN, HAGEL, DOMENICI, BOXER, CLINTON, OBAMA, KOHL, SALAZAR, MURRAY, and SCHUMER in reintroducing legislation to address a very important piece of that unfinished business: the establishment of a workable, secure, effective temporary worker program to match willing foreign workers with jobs that Americans are unwilling or unable to perform.

Our legislation is specific to U.S. agriculture, because this economic sector, more than any other, has become dependent for its existence on the labor of immigrants who are here without legal documentation. The only program currently in place to respond to a lack of legal domestic agricultural workers, the H–2A Guest Worker Program, is profoundly broken. Outside of H–2A, farm employers have no effective, reliable assurance that their employees are legal.

The bill we are reintroducing is called AgJOBS—the Agricultural Job Opportunity, Benefits, and Security Act. This bill was part of the comprehensive immigration legislation passed last year by the Senate. Today's version incorporates a few language changes that update, but do not substantively amend, that measure.

We are reintroducing AgJOBS to fix the serious flaws that plague our country's current agricultural labor system. Agriculture has unique workforce needs because of the special nature of its products and production, and our bill addresses those needs.

Our bill offers a thoughtful, thorough, two-step solution. On a one-time basis, experienced, trusted workers with a significant work history in American agriculture would be allowed to stay here legally and earn adjustment to legal status. For workers and growers using the H–2A legal guest worker program, that program would be overhauled and made more streamlined, practical, and secure.

This legislation has been tested and examined for years in the Senate and

House of Representatives, and it remains the best alternative for resolving urgent problems in our agriculture that require immediate attention. That is why AgJOBS has been endorsed by a historic, broad-based coalition of more than 400 national, State, and local organizations, including farmworkers, growers, the general business community, Latino and immigration issue groups, taxpayer groups, other public interest organizations, State directors of agriculture, and religious groups.

We all want and need a stable, predictable, legal workforce in American agriculture. Willing American workers deserve a system that puts them first in line for available jobs with fair market wages. All workers should receive decent treatment and protection of fundamental legal rights. Consumers deserve a safe, stable, domestic food supply. American citizens and taxpayers deserve secure borders and a government that works.

AgJOBS would serve all these goals.

Last year, we saw millions of dollars' worth of produce rot in the fields for lack of workers. We are beginning to hear talk of farms moving out of the country, moving to the foreign workforce. All Americans face the danger of losing more and more of our safe, domestic food supply to imports.

Time is running out for American agriculture, farmworkers, and consumers. What was a problem years ago is a crisis today and will be a catastrophe if we do not act immediately. I urge my colleagues to demonstrate their support for U.S. agriculture by cosponsoring the Agricultural Job Opportunity, Benefits, and Security Act—AgJOBS 2007—and by helping us pass this critical legislation as soon as possible.

Mr. KENNEDY. Mr. President, it's a privilege to join Senators FEINSTEIN and CRAIG and my other colleagues today as we re-introduce the Agricultural Jobs, Opportunity, Benefits, and Security Act of 2007. I commend them and Representatives HOWARD BERMAN and CHRIS CANNON for their bipartisan leadership and am pleased to be part to this landmark legislation.

The bill reflects a far-reaching and welcome agreement between the United Farm Workers and the agricultural industry, one of the most difficult immigration challenges we face, and we in Congress should make the most of this unique opportunity for progress.

America has a proud tradition as a nation of immigrants and a nation of laws. But our current immigration laws have failed us on both counts. Much of the Nation's economy today depends on the hard work and the many contributions of immigrants. The agricultural industry would grind to a halt without immigrant farm workers. Yet, the overwhelming majority of these workers lack legal status, and thus can be easily exploited by unscrupulous employers.

The Agricultural Jobs, Opportunity, Benefits, and Security Act—AgJOBS—is an opportunity to correct these long-festering problems. It will give farm workers and their families the dignity and justice they deserve, and it will give agricultural employees a legal workforce.

This compromise has broad support in Congress, and from business and labor, civic and faith-based organizations, liberals and conservatives, trade associations and immigrant rights groups.

The AgJOBS Act is a needed reform in our immigration laws, to reflect current economic realities, address our security needs more effectively, and do so in a way that respects America's immigrant heritage. It provides a fair and reasonable way for undocumented agricultural workers to earn legal status and also reforms the current visa program, so that employers unable to find American workers can hire needed foreign workers. Together they serve as the cornerstone for comprehensive immigration reform of the agricultural sector.

AgJOBS is good for labor and business. The Nation can no longer ignore the fact that more than half of our agricultural workers are undocumented. Growers need an immediate, reliable and legal workforce at harvest time. Farm workers need legal status to improve their wages and working conditions. Everyone is harmed when crops rot in the field because of the lack of an adequate labor force.

The AgJOBS Act provides a fair and reasonable process for undocumented agricultural workers to earn legal status. Undocumented farm workers are clearly vulnerable to abuse by unscrupulous labor contractors and growers, and their illegal status deprives them of bargaining power and depresses the wages of all farm workers. Our bill provides fair solutions for undocumented workers who have been toiling in our fields, harvesting our fruits and vegetables.

The bill is not an amnesty. To earn the right to remain in this country, workers would not only have to demonstrate past work contributions to the U.S. economy, but also make a substantial future work commitment. These workers will be able to come forward, identify themselves, provide evidence that they have been employed in agriculture, and continue to work hard and play by the rules.

The legislation will also modify the current temporary foreign agricultural worker program, while preserving and enhancing key labor protections. It strikes a fair balance and streamlines the H–2A program's application process by reducing paperwork for employers and accelerate processing. But individuals participating in the program receive strong labor protections. Anything else would undermine the jobs, wages and working conditions of U.S. workers.

This legislation would unify families. When temporary residence is granted, the farm worker's spouse and minor children would be allowed to remain legally in the U.S., but they would not be authorized to work. When the worker becomes a permanent resident, the spouse and minor children would also gain such status.

AgJOBS will also enhance national security and reduce illegal immigration. AgJOBS will also reduce the chaotic, illegal, and all-too-deadly flows of immigrants at our borders by providing safe and legal avenues for farm workers and their families. Future temporary workers will be carefully screened to meet security concerns. Enforcement resources will be more effectively focused on the highest risks. By bringing undocumented farm workers out of the shadows and require them to pass thorough security checks, it will enable our officers to more effectively train their sights on terrorists and criminals.

Last year, the Senate came together—Democrats and Republicans—to pass farreaching immigration reform legislation, which included the AgJOBS bill. The American people are calling on us to come together again. They know there is a crisis and they want action now.

The President has been a leader on immigration reform, and I'm hopeful that he will renew his efforts with members of his party, so that we can enact comprehensive reform legislation, to end the festering crisis once and for all. The House of Representatives is now ready to be a genuine partner in this effort.

By heritage and history, America is a nation of immigrants. Our legislation proposes necessary changes in the law while preserving this tradition. This bill will ensure that immigrant farm workers can live the American dream and contribute to our prosperity, our security, and our values and I hope very much that it can be enacted quickly in this new Congress.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 33—EXPRESSING THE SENSE OF THE SENATE THAT THE UNITED STATES SHOULD EXPAND ITS RELATIONSHIP WITH THE REPUBLIC OF GEORGIA BY COMMENCING NEGOTIATIONS TO ENTER INTO A FREE TRADE AGREEMENT

Mr. LUGAR submitted the following resolution; which was referred to the Committee on Finance:

S. RES. 33

Whereas, in the November 2003 Rose Revolution, the people of the Republic of Georgia protested fraudulent elections in a non-violent manner and demanded a fair election, resulting in a democratically elected new government;

Whereas, based on commitments to maintain an open economy and adhere to free trade principles including the reduction and elimination of trade barriers, Georgia was granted membership in the World Trade Organization on June 14, 2000;

Whereas, Georgia was found to have accorded its citizens the right to emigrate, travel freely, and to return to their country without restriction meeting the human rights criteria consistent with the objectives of the Trade Act of 1974, and based on these findings was granted permanent normal trade relations through a waiver of Jackson-Vanik sanctions in 2000;

Whereas, in 1994, Georgia concluded a bilateral investment treaty with the United States, its largest source of foreign direct investment, in order to promote and facilitate non-discriminatory, open and fair commercial policies;

Whereas, the United States is Georgia's largest trading partner and the commercial relationship presents an opportunity for American companies to expand and prosper;

Whereas, the Georgian government has made significant efforts to promote regional cooperation and peaceful conflict resolution;

Whereas Georgia has demonstrated a commitment to responsible facilitation of the energy resources located within the region;

Whereas, Georgia has taken important steps toward the creation of democratic institutions and a free-market economy and, as a participating state of the Organization for Security and Cooperation in Europe (OSCE), is committed to developing a system of governance in accordance with the principles regarding human rights and humanitarian affairs that are set forth in the Final Act of the Conference on Security and Cooperation in Europe (also known as the "Helsinki Final Act"); and

Whereas the United States is committed to aiding in regional development, economic integration and supporting democracy in the South Caucuses: Now, therefore, be it

Resolved, That it is the sense of the Senate that the United States should expand its relationship with the Republic of Georgia by commencing negotiations to enter into a free trade agreement.

SENATE RESOLUTION 34—CALLING FOR THE STRENGTHENING OF THE EFFORTS OF THE UNITED STATES TO DEFEAT THE TALIBAN AND TERRORIST NETWORKS IN AFGHANISTAN

Mr. KERRY (for himself and Mr. FEINGOLD) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 34

Whereas global terrorist networks, including the al Qaeda organization that attacked the United States on September 11, 2001, continue to threaten the security of the United States and are recruiting new members and developing the capability and plans to attack the United States and its allies throughout the world;

Whereas a democratic, stable, and prosperous Afghanistan is a vital security interest of the United States;

Whereas stability in Afghanistan is being threatened by antigovernment and Taliban forces that seek to disrupt political and economic developments throughout the country;

Whereas Osama Bin Laden and Ayman al-Zawahiri, the leaders of al Qaeda, are still at large and are reportedly hiding somewhere in the Afghanistan-Pakistan border region;

Whereas, according to United States military intelligence officials—

(1) Taliban attacks on United States, allied, and Afghan forces increased from 1,558 in 2005 to 4,542 in 2006;

(2) suicide bomb attacks in Afghanistan increased from 27 in 2005 to 139 in 2006;

(3) roadside bomb attacks more than doubled from 783 in 2005 to 1,677 in 2006; and

(4) crossborder attacks from Pakistan into Afghanistan have increased by 300 percent since September 2006;

Whereas, on September 2, 2006, the United Nations Office on Drugs and Crime reported that in 2006 opium poppy cultivation in Afghanistan increased 59 percent over 2005 levels and reached a record high;

Whereas the President's current request for United States economic assistance to Afghanistan for fiscal year 2007 is approximately 33 percent of the amount appropriated for fiscal year 2006;

Whereas only 50 percent of the money pledged by the international community for Afghanistan between 2002 and 2005 has actually been delivered;

Whereas, on September 12, 2006, the Secretary of State said, "[A]n Afghanistan that does not complete its democratic evolution and become a stable, terrorist-fighting state is going to come back to haunt us. . . . [I]t will come back to haunt our successors and their successors." and "If we should have learned anything, it is if you allow that kind of vacuum, if you allow a failed state in that strategic a location, you're going to pay for it.";

Whereas the bipartisan Iraq Study Group Report concluded, "If the Taliban were to control more of Afghanistan, it could provide al Qaeda the political space to conduct terrorist operations. This development would destabilize the region and have national security implications for the United States and other countries around the world.";

Whereas the Iraq Study Group Report recommended that the President provide additional political, economic, and military support for Afghanistan, including resources that might become available as combat forces are redeployed from Iraq;

Whereas the Iraq Study Group Report specifically recommended that the United States meet the request of General James Jones, then United States North Atlantic Treaty Organisation (NATO) commander, for more troops to combat the resurgence of al Qaeda and Taliban forces in Afghanistan;

Whereas, on October 8, 2006, General David Richards, NATO's top commander in Afghanistan, warned that a majority of Afghans would likely switch their allegiance to resurgent Taliban militants if their lives showed no visible improvements in the next 6 months;

Whereas, on January 6, 2007, Army Brigadier General Anthony J. Tata stated that the shortage of troops in Afghanistan could create a "strategic high risk, a strategic threat" to the United States and "an operational threat" to the elected government of Hamid Karzai;

Whereas, on January 15, 2007, Secretary of Defense Robert M. Gates stated that there were "indications that the Taliban were planning a large spring offensive" against United States troops and NATO forces;

Whereas, on January 16, 2007, Lieutenant General Karl Eikenberry, the senior United States commander in Afghanistan, asked to extend the deployment of a United States battalion in Afghanistan that was scheduled to be redeployed to Iraq;

Whereas, on January 17, 2007, General David Richards stated that unmet pledges of troops and equipment from NATO countries have left him 10 to 15 percent short of the forces he requires, saying, "Clearly, there is a need to fulfill those commitments.";

Whereas, on January 17, 2007, Secretary of Defense Robert M. Gates stated that United States military commanders in Afghanistan have requested additional United States troops for Afghanistan, and stated that he was "sympathetic" to this request;

Whereas the United States currently has approximately 21,000 troops in Afghanistan, approximately 1/7 of the number of United States troops currently deployed to Iraq;

Whereas the President of the United States has announced plans to send approximately 21,500 additional United States troops to Iraq; and

Whereas if the United States does not strengthen efforts to defeat the Taliban and to create long-term stability in Afghanistan, Afghanistan will become what it was before the September 11, 2001 terrorist attacks, a haven for those who seek to harm the United States and a source of instability that threatens the security of the United States: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the United States must strengthen its commitment to establishing long-term stability and peace in Afghanistan;

(2) the President should not reduce the total number of United States troops serving in Afghanistan in order to increase the total number of United States troops serving in Iraq;

(3) the United States, in partnership with the International Security Assistance Force and the Government of Afghanistan, should immediately increase its efforts to eradicate the Taliban, terrorist organizations, and criminal networks currently operating in Afghanistan, including by increasing United States military personnel as requested by United States military commanders in Afghanistan;

(4) the United States, in support of the Government of Afghanistan, should significantly increase the amount of economic assistance available in Afghanistan for reconstruction, social and economic development, counternarcotics efforts, and democracy promotion activities; and

(5) the United States should work aggressively to encourage members of the international community to deliver on the financial pledges they have made to support development and reconstruction efforts in Afghanistan.

AMENDMENTS SUBMITTED AND PROPOSED

SA 98. Mrs. FEINSTEIN (for Mr. ENSIGN (for himself, Mr. MCCAIN, and Mr. DEMINT)) proposed an amendment to amendment SA 3 proposed by Mr. REID (for himself, Mr. MCCONNELL, Mrs. FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, Ms. COLLINS, Mr. OBAMA, Mr. SALAZAR, and Mr. DURBIN) to the bill S. 1, to provide greater transparency in the legislative process.

SA 99. Mrs. FEINSTEIN (for herself and Mr. BENNETT) proposed an amendment to amendment SA 3 proposed by Mr. REID (for himself, Mr. McCONNELL, Mrs. FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, Ms. COLLINS, Mr. OBAMA, Mr. SALAZAR, and Mr. DURBIN) to the bill S. 1, supra.

TEXT OF AMENDMENTS

SA 98. Mrs. FEINSTEIN (for Mr. ENSIGN (for himself, Mr. McCAIN, and Mr. DEMINT)) proposed an amendment to amendment SA 3 proposed by Mr. REID (for himself, Mr. McCONNELL, Mrs. FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, Ms. COLLINS, Mr. OBAMA, Mr. SALAZAR, and Mr. DURBIN) to the bill S. 1, to provide greater transparency in the legislative process; as follows:

Strike page 3, line 9 through page 4, line 12 and insert the following:

"(a) IN GENERAL.—A point of order may be made by any Senator against any item contained in a conference report that includes or consists of any matter not committed to the conferees by either House.

(1) For the purpose of this section "matter not committed to the conferees by either House" shall include any item which consists of a specific provision containing a specific level of funding for any specific account, specific program, specific project, or specific activity, when no such specific funding was provided for such specific account, specific program, specific project, or specific activity in the measure originally committed to the conferees by either House.

(2) For the purpose of Rule XXVIII of the Standing Rules of the Senate "matter not committed" shall include any item which consists of a specific provision containing a specific level of funding for any specific account, specific program, specific project, or specific activity, when no such specific funding was provided for such specific account, specific program, specific project, or specific activity in the measure originally committed to the conferees by either House.

The point of order may be made and disposed of separately for each item in violation of this section.

(b) DISPOSITION.—If the point of order raised against an item in a conference report under subsection (a) is sustained, then—

(1) the matter in such conference report shall be stricken;

(2) when all other points of order under this section have been disposed of—

(A) the Senate shall proceed to consider the question of whether the Senate should recede from its amendment to the House bill, or its disagreement to the amendment of the House, and concur with a further amendment, which further amendment shall consist of only that portion of the conference report that has not been stricken (any modification of total amounts appropriated necessary to reflect the deletion of the matter struck from the conference report shall be made).

SA 99. Mrs. FEINSTEIN (for herself and Mr. BENNETT) proposed an amendment to amendment SA 3 proposed by Mr. REID (for himself, Mr. McCONNELL, Mrs. FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, Ms. COLLINS, Mr. OBAMA Mr. SALAZAR, and Mr. DURBIN) to the bill S. 1, to provide greater transparency in the legistative process; as follows:

On page 4, strike lines 16 through 19.

On page 13, lines 1 and 2, strike "the Select Committee on Ethics and".

On page 15, strike beginning with line 22 through page 16, line 21, and insert the following:

(a) IN GENERAL.—Section 207(j)(1) of title 18, United States Code, is amended, by—

(1) striking "The restrictions" and inserting the following:

"(A) IN GENERAL.—The restrictions"; and

(2) adding at the end the following:

"(B) INDIAN TRIBES.—The restrictions contained in this section shall not apply to acts done pursuant to section 104 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450i).".

(b) CONFORMING AMENDMENT.—Section 104(j) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450i(j)) is amended by striking "and former officers and employees of the United States employed by Indian tribes may act as agents or attorneys for or" and inserting "or former officers and employees of the United States who are carrying out official duties as employees or as elected or appointed officials of an Indian tribe may communicate with and".

On page 24, strike lines 11 through 20 and insert the following:

(A) by striking the first sentence and inserting the following: "Not later than 20 days after the end of the quarterly period beginning on the 1st day of January, April, July, and October of each year, or on the first business day after the 20th day if that day is not a business day, in which a registrant is registered with the Secretary of the Senate and the Clerk of the House of Representatives, a registrant shall file a report or reports, as applicable, on its lobbying activities during such quarterly period."; and

On page 27, strike line 12 through "day," on line 15 and insert "Not later than 20 days after the end of the end of the quarterly period beginning on the 1st day of January, April, July, and October of each year, or on the first business day after the 20th day if that day is not a business day,".

On page 46, lines 12 and 13, strike "over sight and enforcement" and insert "administration".

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that an oversight hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will be held on Wednesday, February 7, 2007, at 9:30 a.m. in room SD–366 of the Dirksen Senate Office Building.

The purpose of this hearing is to consider the President's Proposed Budget for FY 2008 for the Department of Energy.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150.

For further information, please contact Jonathan Epstein at (202) 224–3031 or Amanda Kelly at (202) 224–6836.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that an oversight hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will be held on Thursday, February 15, 2007, at 9:30 a.m. in room SD–366 of the Dirksen Senate Office Building.

The purpose of this hearing is to consider the President's Proposed Budget for FY 2008 for the Department of the Interior.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150.

For further information, please contact David Brooks at (202) 224–0963 or Rachael Pasternack at (202) 224–0883.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. PRYOR. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, January 18, 2007, at 2:30 p.m., in closed session to receive a briefing on intelligence assessments on the situation in Iraq.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. PRYOR. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on January 18, 2007, at 10 a.m., to vote on committee organizational matters for the 110th Congress; immediately following the executive session the committee will meet to conduct a hearing on "Examining the State of Transit Security."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. PRYOR. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to hold a hearing during the session of the Senate on Thursday, January 18, 2007, at 10 a.m. in room SR–253 of the Russell Senate Office Building.

The purpose of the hearing is to conduct oversight on Federal efforts to improve rail and surface transportation security.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. PRYOR. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to hold a hearing during the session of the Senate on Thursday, January 18, 2007, at 9:30 a.m. in room SD–G50 of the Dirksen Senate Office Building.

The purpose of this oversight hearing is to receive testimony on issues relating to oil and gas royalty management at the Department of the Interior.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. PRYOR. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, January 18, 2007, at 9:30 a.m. to hold a hearing on Iraq.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. PRYOR. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Thursday, January 18, 2007, at 10 a.m. in Room 485 of the Russell Senate Office Building to conduct a business meeting to organize for the 110th Congress by electing the Chairman and Vice Chairman of the Committee and to adopt the rules of the Committee and any other organizational business the Committee needs to consider.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. PRYOR. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on "Department of Justice Oversight" on Thursday, January 18, 2007 at 9:30 a.m. in the Dirksen Senate Office Building Room 106.

PANEL I: The Honorable Alberto Gonzales, Attorney General of the United States, Department of Justice, Washington, DC.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Mr. PRYOR. Mr. President, I ask unanimous consent that the Committee on Small Business and Entrepreneurship be authorized to meet during the session of the Senate for an organizational hearing, on Thursday, January 18, 2007, beginning at 9 a.m. in room 428A of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. PRYOR. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on January 18, 2007, at 2:30 p.m. to hold a closed hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

DESIGNATING SENATORS AS MEMBERS OF THE JOINT COMMITTEE ON TAXATION

The PRESIDING OFFICER. The Chair announces, on behalf of the Committee on Finance, pursuant to section 8002 of title 26, U.S. Code, the designation of the following Senators as members of the Joint Committee on Taxation: the Senator from Montana, Mr. BAUCUS; the Senator from West Virginia, Mr. ROCKEFELLER; the Senator from North Dakota, Mr. CONRAD; the Senator from Iowa, Mr. GRASSLEY; the Senator from Utah, Mr. HATCH.

ORDER FOR STAR PRINT—S. 108

Mr. REID. Madam President, I ask unanimous consent that S. 108, the Psychologists in the Service of the Public Act of 2007, be star printed with the changes at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEASURE READ THE FIRST TIME—H.R. 6

Mr. REID. Madam President, it is my understanding that H.R. 6 has been received from the House and is at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The Senator is correct.

The clerk will state the bill by title.

The legislative clerk read as follows:

A bill (H.R. 6) to reduce our Nation's dependency on foreign oil by investing in clean, renewable and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes.

Mr. REID. Madam President, I object to the second reading.

The PRESIDING OFFICER. Objection is heard.

ORDERS FOR MONDAY, JANUARY 22, 2007

Mr. REID. Madam President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 1 p.m. Monday, January 22; that on Monday, following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, and time for the two leaders be reserved for their use later in the day; that there then be a period of morning business until 2 p.m., with Senators permitted to speak therein for up to 10 minutes each; that at 2 p.m. the Senate begin consideration of H.R. 2, the minimum wage increase bill, as provided for under a previous agreement.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. Madam President, I have already announced that there will be no rollcall votes on Monday or tomorrow. Of course, we are not going to be in session tomorrow.

Tuesday, I expect that we will vote prior to the recess for the caucus luncheons.

ADJOURNMENT UNTIL MONDAY, JANUARY 22, 2007, AT 1 P.M.

Mr. REID. Madam President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 9:35 p.m., adjourned until Monday, January 22, 2007, at 1 p.m.

NOMINATIONS

Executive nominations received by the Senate January 18, 2007:

DEPARTMENT OF COMMERCE

MARIO MANCUSO, OF NEW YORK, TO BE UNDER SECRETARY OF COMMERCE FOR EXPORT ADMINISTRATION, VICE DAVID H. MCCORMICK.

DEPARTMENT OF STATE

WILLIAM B. WOOD, OF NEW YORK, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE ISLAMIC REPUBLIC OF AFGHANISTAN.

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

PAUL J. BONICELLI, OF VIRGINIA, TO BE AN ASSISTANT ADMINISTRATOR OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT, VICE ADOLFO A. FRANCO.

DEPARTMENT OF JUSTICE

PATRICK P. SHEN, OF MARYLAND, TO BE SPECIAL COUNSEL FOR IMMIGRATION-RELATED UNFAIR EMPLOYMENT PRACTICES FOR A TERM OF FOUR YEARS, VICE WILLIAM SANCHEZ, RESIGNED.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIG. GEN. THOMAS W. TRAVIS, 2543

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. DAVID H. CYR, 6543

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. DOUGLAS J. ROBB, 4098

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIGADIER GENERAL FRANK J. CASSERINO, 3455
BRIGADIER GENERAL STEPHEN P. GROSS, 9611
BRIGADIER GENERAL CLAY T. MCCUTCHAN, 9267
BRIGADIER GENERAL FRANK J. PADILLA, 8474
BRIGADIER GENERAL LOREN S. PERLSTEIN, 3269
BRIGADIER GENERAL JACK W. RAMSAUR II, 8374

BRIGADIER GENERAL BRADLEY C. YOUNG, 0584

To be brigadier general

COLONEL FRANK E. ANDERSON, 5346
COLONEL PATRICK A. CORD, 2364
COLONEL CRAIG N. GOURLEY, 9245
COLONEL DONALD C. RALPH, 5242
COLONEL WILLIAM F. SCHAUFFERT, 3083
COLONEL JACK K. SEWELL, JR., 7236
COLONEL RICHARD A. SHOOK, JR., 1131
COLONEL LANCE D. UNDHJEM, 4026
COLONEL JOHN T. WINTERS, JR., 5825

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIG. GEN. JOHN R. ALLEN, 5762
BRIG. GEN. THOMAS L. CONANT, 7621
BRIG. GEN. JOHN F. KELLY, 7821
BRIG. GEN. FRANK A. PANTER, JR., 2226
BRIG. GEN. MASTIN M. ROBESON, 1984
BRIG. GEN. TERRY G. ROBLING, 1530
BRIG. GEN. ROBERT E. SCHMIDLE, JR., 7820
BRIG. GEN. RICHARD T. TRYON, 7313
BRIG. GEN. THOMAS D. WALDHAUSER, 4358

IN THE AIR FORCE

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT IN THE GRADES INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531(A):

To be lieutenant colonel

MICHAEL D. JACOBSON, 1565

To be major

LUIS BERMUDEZRODRIGUEZ, 3286
JUANITA HEIMRICH, 3183
ADLI J. KARADSHEH, 4565
DAVID B. ROBERTS, 0968
TERRILL L. TOPS, 0377

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT IN THE GRADES INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531(A):

To be lieutenant colonel

STUART C. CALLE, 7242
KEVIN T. FITZPATRICK, 0117
MITCHELL A. LUCHANSKY, 5743
CLAYTON H. NASH, 9597
RAFAEL PEREZGUERRA, 1657
DAVID B. TRANT, 0732

To be major

MICHAEL J. DEGUZMAN, 2812
RAVINDRA H. GOEL, 5357
TODD E. JOHNSON, 5688
ARIBETH C. MARLYNE, 3345
EDWIN O. RODRIGUEZPAGAN, 5087

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be colonel

ERIC D. ADAMS, 1600
ALFONSO S. ALARCON, 8685
JON C. ALLISON, 5803
ROCCO A. ARMONDA, 7770
PETER J. ARMSTRONG, 4867
RICANTHONY R. ASHLEY, 6041
DAVID W. BARBER, 5165
SCOTT D. BARNES, 4552
PAUL L. BENFANTI, 5466
PETER J. BENSON, 6789
STEPHEN A. BERNSTEIN, 6841
ROMAN O. BILYNSKY, 3167
LORNE H. BLACKBOURNE, 8223
YONG C. BRADLEY, 5234
DAVID A. BROWN, 5253
ROBERT N. BRUCE, 8907
CHESTER C. BUCKENMAIER III, 6191
ROBERT B. CARROLL, 7601
ELLEN M. CHUNG, 4962
ROBERT M. CRAIG, 6650
MARC L. DAYMUDE, 1073
DAVID A. DELLAGIUSTINA, 9442
PAUL DUCH, 8420
KIRK W. EGGLESTON, 2640
MICHAEL D. EISENHAUER, 1087
RICHARD W. ELLISON, 6124
ROBERT W. ENQUIST, 8256
ALEC T. EROR, 4865
JOHN H. FARLEY, 3677
DENNIS L. FEBINGER, 3130
HERBERT P. FECHTER, 2485
JOHN H. GARR, 0308
JAMIE B. GRIMES, 8677
KIRBY R. GROSS, 7844
KARLA K. HANSEN, 5151
WILLIAM C. HEWITSON, 7787
ANTHONY J. JOHNSON, 6074
JEFFREY J. JOHNSON, 2947
REBECCA A. KELLER, 6459
KIMBERLY L. KESLING, 2121
MAUREEN K. KOOPS, 7778
MARK E. LANDAU, 5107
JAMES R. LIFFRIG, 3273
JAMES M. LUCHETTI, 7422
KURT L. MAGGIO, 0474
LIEM T. MANSFIELD, 2779
AIZENHAWAR J. MARROGI, 0060
SHERMAN A. MCCALL, 1841
CRAIG T. MEARS, 9281
JENNIFER S. MENETREZ, 1876
KEVIN P. MICHAELS, 0198
RON L. MOODY, 7449
ROBERT L. MOTT, JR., 4434
MICHAEL R. NELSON, 5281
FRANK J. NEWTON, 8324
DAVID W. NIEBUHR, 7649
KAREN K. OBRIEN, 0930
JAMES D. OLIVER III, 2267
JULIE A. PAVLIN, 2865
SAMUEL E. PAYNE, 0382
ROBERT T. PERO, 2101
ELLEN M. PINHOLT, 9190
ALBERT V. PORAMBO, 7296
ROBERT T. RUIZ, 6940
ROBERT M. RUSH, JR., 7769
JOHN S. SCOTT, 1150
DAVID W. SEES, 3928
JAMES F. SHIKLE, 9371
JOSEPH A. SHROUT, 2492
STEPHEN V. SILVEY, 3359
ROBERT A. SMITH, 1353
GEORGE B. STACKHOUSE, 3084
JAMES J. STAUDENMEIER, 5017
MICHAEL R. STJEAN, 6023
MARK F. TORRES, 7102
GREGORY M. WINN, 7135
THOMAS W. WISENBAUGH, 5564
DAVID S. ZUMBRO, 2265

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY DENTAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be colonel

JEFFREY S. ALMONY, 6411
ROBIN T. BRUNO, 4767
JAMES J. CLOSMANN, 7919
CAMERON W. COLE, 5126
PAUL L. COREN, 1349
JACK M. COZBY, JR., 9170
JOSEPH L. CRAVER, 6611
ALEXANDER K. DEITCH, 4927
KENNETH N. DUNN, 7302
NANCY K. ELLISTON, 7365
CHRIS EVANOV, 5863
ROBERT C. GERLACH, 2810
TAMER GOKSEL, 8131
CHARLES L. HATLEY, JR., 1494
MICHAEL L. HEMKER, 8832
GEORGE J. HOLZER, JR., 4036
JAMES P. HOUSTON, 5536
DAVID M. JEFFALONE, JR., 7470
STEPHEN M. KEESEE, 8509
BLAINE L. KNOX, 5561
JAMES R. MACHOLL, 3122
JOHN T. MARLEY, 4480
SCOTT A. MATZENBACHER, 3119
EDWYNNA H. MILLER, 3536
RICKEY A. MORLEN, 2056
DAVID A. MOTT, 3319
CHERYL M. RILEY, 2352
CHARLES A. SABADELL, 2741
CUMMINGS J. SANTIAGO, 4992
STEPHANIE J. SIDOW, 2173
MARK B. SWEET, 8499
KHA N. VO, 1679
PRESTON Q. WELCH, 0778
DANIEL A. ZELESKI, 5479

EXTENSIONS OF REMARKS

TRIBUTE TO EDWARD GOTTSCHLING

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 18, 2007

Mr. VISCLOSKY. Madam Speaker, it is with great honor and pleasure that I stand before you today to honor one of northwest Indiana's most dedicated, distinguished, and honorable citizens. I have known Edward Gottschling for many years, and he is one of the most active and involved citizens I have ever known, especially when it comes to his service to the community. For many years, Ed has been a constant fixture in the Portage, Indiana Democratic Party and in northwest Indiana. Today, Ed is celebrating a milestone, his 80th birthday. In his honor, a celebration will be taking place on Saturday, January 20, 2007, at the Portage Yacht Club in Portage, Indiana.

Edward Gottschling was born on January 18, 1927, at his home in Gary, Indiana. As a young boy, Ed attended grammar school at Saint John's Lutheran School in the Tolleston neighborhood of Gary. Following his graduation from Tolleston High School in 1944, where he had been a standout pitcher and 4-year letter winner on the school's baseball team, Ed decided to pursue a career with the railroad. Ed began his career as a machinist helper at Elgin, Joliet, and Eastern (EJ&E) Railroad. However, in 1945, on his 18th birthday, Ed felt the need to serve his country and enlisted in the United States Coast Guard. Undoubtedly, this life-changing decision to serve became the first step in a lifetime of dedicated service to his community. Following training in New York and Miami, Ed was stationed in the San Francisco area, where he served as a seaman aboard the Grand Fork and the Key West. Ed's service ended in May 1946 when the Navy decided to make a reduction in the number of servicemen in the Coast Guard.

Upon his discharge from the service, Ed returned to work at EJ&E as an electrical apprentice. In 1954, having decided to further his education, Ed completed his courses and received his degree in electrical technology from Purdue University-Calumet in Hammond, Indiana. Prior to doing so, Ed made a decision to leave EJ&E for a new position with Illinois Bell Telephone, the company for which he would work for the next 32 years. For several years, Ed held various positions, both indoor and outdoor, with Illinois Bell. Then, in 1959, Ed was transferred to their office in downtown Chicago, where he took on supervisory responsibilities for the company. Though Ed has many fond memories from his years at Illinois Bell, he is particularly fond of being called on to assist with the communication needs for three presidential visits to Chicago, which included visits from former Presidents Richard Nixon, Gerald Ford, and Lyndon Johnson. As if his career were not already impressive enough, Ed was eventually promoted to several other positions, including the Great Lakes Regional Communication Coordinator for the Federal Aviation Administration.

Though Ed retired from Illinois Bell in 1985, it is his lifetime of service to his community that is so astonishing. Since moving his family from Gary to Portage in 1967, Ed has always been an integral part of the Portage community. Ed has served as Portage Police Commissioner and a member of the Planning and Zoning Commission, and he has also served as the Portage area campaign coordinator for a United States Congressional race. Ed's interest in politics and government did not end there, as he has served as a precinct committeeman for the past 14 years and city councilman for the past 12 years, the last 8 of which he has served as council president.

In addition to city government, Ed has also been a very active member of many service clubs and organizations, as well as an active member of his church. He is an active member and past president of the Portage AARP chapter and a member and past commander of the Tolleston VFW post. A member of the VFW for many years, Ed has even held the distinguished post of district commander. Ed is also a lifetime member of the Portage American Legion and Gary Sportsmen's Club and an active member of the Portage Democratic Club. Since the age of 16, Ed has also been a member of the Saxon Lodge, where he has held numerous posts, including club president. As if his commitment to these organizations were not enough, Ed has always dedicated himself to fighting for the needs of the elderly and disabled, as evidenced by his membership with the Porter County Aging and Community Service Corporation and his service on the State Legislative Committee for the AARP and the Governor's Commission on Aging.

Though Ed has a special place in his heart for his community, his greatest love has always been his family. Ed and his wife, Nina, who passed away in 1994 after nearly 43 years of marriage, were the truest example of a loving and committed marriage. The couple raised two very successful children. Dan resides in Seattle, Washington with his wife, Barb, and Laura resides in Crystal Lake, Illinois with her husband, Robert, and children, Mitchell and Stuart. Though he has committed himself to serving his community, Ed's devotion to his family is equally impressive.

Madam Speaker, Edward Gottschling has given his time and efforts selflessly to the people of Portage, Indiana throughout his many years of service. At this time, I ask that you and all of my distinguished colleagues join me in commending him for his lifetime of service and dedication to his community. Also, I ask that you join me in wishing him a very happy 80th birthday.

TRIBUTE TO WILLIAM "BILL" FERGUSON

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 18, 2007

Mr. MEEK of Florida. Madam Speaker, today I rise in sadness over the passing of William "Bill" Ferguson, who suffered a fatal car accident in Miami-Dade County last week. He was a wonderful person, highly educated, and highly motivated and his passing is a great loss for our community.

His family and friends will memorialize him at a "going home" celebration to be held this Friday, January 19, 2007 at the historic Mt. Zion Missionary Baptist Church in Overtown. Mr. Ferguson was a brilliant attorney and counselor, and he was a consummate community activist.

Bill Ferguson's work with Ms. Georgia Ayers's Alternative Program has helped hundreds of men and women become responsible citizens of our community. His work gave hope and courage to countless folks who had been marginalized by their experiences with crime and prison. Some may have given up on them, but Mr. Ferguson's knowledge of the law and his commitment to working with all individuals irrespective of past transgressions made all the difference in countless lives. At work, he was a real marvel to witness.

He was born in November 6, 1946, to James Ferguson and Pauline Holland Ferguson. Having served his country with integrity in the U.S. Navy, he obtained his bachelor's degree in political science at Indiana State University in 1978. He went on to get his law degree from Texas Southern University's Thurgood Marshall School of Law in 1982 in Houston, TX. Not satisfied with his master's degree in law, he pursued another master's degree in counseling from Indiana State University, his alma mater.

He moved to Miami in 1985 where he met Ms. Georgia Ayers, who introduced him to her innovative and award-winning Alternative Program. In his role as "house attorney" and psychologist-counselor, he went above and beyond the call of duty to reach out to needy clients. The collective testimony of praise and gratitude from people in our community is testimony to the utmost respect that people had for Bill Ferguson.

His character and his dedication to helping the less fortunate members of our community defined his leadership. His word was his bond to those who dealt with him—not only in moments of triumphal exuberance in helping many a wayward youth, but also in his quest to transform their lives by the simple rules of good conduct and responsible citizenship.

As we honor William "Bill" Ferguson, I will fondly remember this good man. Our pride in sharing his friendship is only exceeded by our

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

deep gratitude for all that he has given to our community.

MOURNING THE LOSS OF THOMAS G. LYONS

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 18, 2007

Mr. EMANUEL. Madam Speaker, I rise today to honor the memory of my friend Tom Lyons, and I offer my deepest condolences to his family after his passing at the age of 75. Tom was a dedicated public servant who touched many lives and consistently rose to any challenge that came his way.

Thomas G. Lyons was born in Chicago in 1931, and he served his country honorably throughout his life. As a student at Loyola University of Chicago's School of Law, Mr. Lyons enlisted in the Army, where he rose to the rank of Captain in the Army Rangers, garnering recognition for his leadership and spirit.

Mr. Lyons took his lessons from Law School and the Army to his service as a litigator for the Cook County Assessor's Office, and later for the Illinois Attorney General's Office.

In 1964, Mr. Lyons successfully ran for a seat in the Illinois State Senate, where he would ascend to the Chairmanship of the State Senate Appropriations Committee.

In 1990, Mr. Lyons was elected to the Chairmanship of the Cook County Democratic Party, where he was its proud steward and a strong presence for seventeen years until his passing. During this period, Tom served with devotion and humility, always willing to lend a hand to any candidate, regardless of the scope or influence of the particular office.

In 1994, Tom was the recipient of an executive appointment by President Clinton to the American Battle Monuments Commission, in recognition of his years of service to our Nation and our military.

For over 40 years, Mr. Lyons dedicated his life to our Nation with steadfast dedication, humility, and geniality. In his home of Cook County, Tom's legacy of leadership will remain for years to come. Mr. Lyons is succeeded by his wife, Ruth, his three children, Alexandra, Rachel, and Thomas, and his eight grand-children. I extend my deepest condolences and gratitude to the family of Mr. Lyons. We will miss him.

ESSAY BY MR. ANDREW O'ROUKE

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 18, 2007

Mr. VISCLOSKY. Madam Speaker, it is my distinct pleasure to congratulate Mr. Andrew O'Rourke for his articulate essay on the impact of the recent mid-term elections on the current U.S. policy in Iraq. Andrew is a 20-year-old sophomore at the University of Marquette, where his studies have focused on communications, business, and political science courses. His hard work in school has resulted in good grades, and he plans on attending law school after gradation. I am truly impressed by his insights, as well as the quality of his work.

Andrew's essay encapsulates much of the frustration with America's direction that has been felt by my constituents in the First District of Indiana. His essay also expresses the desire for positive change in America. Andrew compels his readers to think hard about what this country means to them. He writes of the pitfalls of shortsightedness in foreign policy, as well as the importance of protecting our civil liberties here at home. Finally, he calls on the need for bipartisanship in order to form a strong-willed consensus for the road ahead.

Madam Speaker, Andrew O'Rourke is an example of the great potential exhibited by the young people of northwest Indiana. Below, you will find the text of his essay, which I would like to have included in the CONGRESSIONAL RECORD. At this time, I ask that you and all of my distinguished colleagues join me in commending Andrew O'Rourke for his well-written essay. I wish him continued success in all his endeavors.

> While Democrats are better equipped now to make some difference in President Bush's foreign policy, no force will be able to influence the President more than a united Republican thrust in favor of U.S. troop withdrawal.
>
> President Bush has proved rather stubborn on the subject of his foreign policy, specifically the aspects of said policy pertaining to Iraq and well, the entire Middle East in general. Despite the sweeping restructuring of the House and Senate during the mid-term elections, President Bush appears still to have no intent on altering the current policy in Iraq. An excerpt from a recent New York Times editorial summarizes my argument quite well. The like-minded author of this article believes that the President, "for all of his professed pipe dreams about democracy in the Middle East, refuses to surrender to democracy's verdict at home."
>
> It seems an indictment of our system, supposedly the best in the world, that a mid-term election could serve the umbrella purpose of a referendum on one specifically controversial and pivotal policy, only to have the said election results have absolutely no effect on the policy. That does not fit the definition of representative democracy I was raised to believe in since grade school. Elected officials do not possess the right to represent the people when and if they chose, as though they know best. We do not live under a benevolent dictator, where the power of decision is placed in the hands of a ruler whom we must trust to make a conclusion we are otherwise deemed incapable of making ourselves. Nor do we live in a country where the wealthy elite enjoy all of the authority, sending young men and women of the poor and middle classes off to become maimed Purple Heart veterans and dead Medal of Honor heroes, fighting in an utterly fruitless quagmire of a war. Especially of late however, the aforementioned possibilities seem likely explanations for the current shameful, stubborn, and painfully simplistic foreign policy utilized by our great nation, with its outrageously gigantic economy, technologically superior mechanized army, and not to forget, insatiable thirst for pure, unadulterated, according-to-hoyle victory. Although many would love to believe such a naïve, black-and-white definition of victory, sadly like most things in this world it is not that simple. Victory is a word that, for every conceivable variable, from the largest, most holy mosque destroyed by American artillery fire to the youngest Iraqi girl whose parents were brutally murdered by either a Sunni or Shiite deathsquad, has numerous definitions. You cannot limit yourself to one characterization of what victory is, for that is a direct route to complete failure and disappointment, as we see everyday on CNN, when we are told the story of another Joe Everyman 21-year-old private-first class from anywhere USA who was killed on a humvee patrol mission aimed at securing the other ninety-five percent of Iraq not secured over three years ago when we triumphantly declared mission accomplished, and were immediately showered with flowers by the Iraqi people. And to those within this country who believe that to withdraw will be a crushing blow against American pride and standing in the world, expound such blind patriotism when it is your son or daughter walking the streets of Baghdad with no idea whether the next street corner will be populated by a nearly invisible IED, exactly like those that have crippled so many young, promise-filled Americans, or one of the many deceivingly well-hidden snipers who make steady sport of firing potshots from a spire outside of an untouchably holy Mosque, hitting our young men and women when they least expect it. It is for these American heroes that I, along with most Americans must hope President Bush's current policy is a success.
>
> Because I know in my heart of hearts that this administration is too prideful to consider taking a hint from the American people, or the 9/11 Commission, or the Iraq Study Group, I am forced to cheer for any alternative to the current policy of "stay the course" while simultaneously hoping that the abovementioned "course staying" rises like the Phoenix from the ashes and succeeds. If Mr. Bush's strategy is a success, which it appears as though, barring some unforeseen circumstance, it most definitely will not be, it will be a victory for the American fighting man and woman, because until the next pre-emptive war, they will be safe. But will the next be somewhere in Asia, Northern Africa, or most likely the Middle East yet again? Iran and Syria both seem hell bent on becoming America's Tour of the Arab World stops two and three.
>
> Most likely it will take Republican pressure and lots of it to revise in any way the single-minded policy of this administration. Nevertheless, it is a heartrending day for democracy when the resounding message of the American people is deemed secondary to the egocentric and stubborn strategy of a few white men (and black woman) who call a giant, white, house on Pennsylvania Avenue in Washington DC, their office.
>
> To reiterate an earlier point, the leaders of this nation are not free to choose what is in our best interest, when we the people have clearly and resoundingly spoken against the current ideals and strategies. The current policy quite simply costs too many Americans and Iraqis their lives without a foreseeable goal or proverbial light at the end of the tunnel. Rather, they have a solemn obligation to represent the views of the people of this country. But who knows? Maybe a benevolent dictator would make things a whole lot easier for most people in this country. Who likes freedom anyways?

TRIBUTE TO GIFFORD CARL RAMSEY

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 18, 2007

Mr. MEEK of Florida. Madam Speaker, I rise today to pay tribute to the late Gifford Carl Ramsey, a fellow trooper and colleague in the Florida Highway Patrol. He died on January 10, 2007—a victim of cancer—and will be buried this Saturday, January 20, 2007, at Glendale Baptist Church in Miami-Dade County's Richmond Heights community.

Born on January 16, 1959, to Gifford and Agatha Ramsey, he was affectionately called "Spanky" by those of his closest friends and teammates, who played on the football team at Florida A&M University. Awarded a full athletic scholarship, he led the Rattlers on the gridiron by winning two consecutive national football titles in 1977 and 1978, and was honored as Division I–AA and Black College All-American.

Ever since I have known Trooper Ramsey as a member of the Florida Highway Patrol's 66th Recruit Class of 1982, he eminently served above and beyond the call of duty until his promotion to Sergeant in July 2006. He also volunteered as chaplain of the National Black State Trooper's Coalition and became the vice president of the Florida Coalition of Black State Troopers.

Responding to an inner calling of consecrating his life to the service of God, he affirmed his vocation by accepting Jesus Christ as his personal Savior in 1988 and joined the congregation of Glendale Missionary Baptist Church under the tutelage of the late Reverend Joseph Coats, Sr. On January 20, 1993, he met his future wife, Lisa Smith of Philadelphia, PA, and married her a year later on July 9, 1994. Two children, Jarrett and Jayla, were born out of this happy union. Thereupon, he and his wife became partners in God's Vineyard, and in 2001, Trooper Gifford "Spanky" Ramsey was ordained a Deacon of Glendale Baptist Church.

Blessed with an unenviable commonsense approach to life, he was also imbued with the rare wisdom of recognizing the strengths and limitations of the members of his congregation and those he served. Trooper Ramsey went about the duties of his profession, and he also became a missionary at home and abroad, serving a short-term tenure in Cape Town, South Africa.

Trooper and Deacon Ramsey was my good friend, and I am deeply saddened by his passing. He was my mentor ever since I became a trooper in the Florida Highway Patrol in 1989. Indeed, he will be an indelible reminder of the noble commitment of public service, and the awesome power of his religious vocation to minister to the youth under the aegis of programs such as the Juvenile Justice Center Read Aloud Program, the Governor's Mentoring Initiative, Special Olympics Fundraising Events, Child Passenger Safety Details in both Miami-Dade and Monroe Counties. His faith was deep and genuine, and his love for Glendale Baptist Church defined his dynamic friendship and understanding. No one who knew Trooper "Spanky"—and being struck by his sunny disposition and optimism—went away not acknowledging the presence of a caring community leader.

Like the God he faithfully served during the remaining years of his life, this trooper and gentleman came and lived among us that we may have life and have hope more abundantly. True to his faith, Reverend Ramsey would urge us to believe that his death does not represent an irrevocable finality, and he would assure us that he will live on in the good deeds he left behind. Indeed, no life could be more revered for having fulfilled his vocation as God's faithful steward. I will cherish the wonderful memories I have of his magnificent friendship.

THE ANNIVERSARY OF "BLACK JANUARY" IN AZERBAIJAN

HON. VIRGINIA FOXX

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 18, 2007

Ms. FOXX. Madam Speaker, on January 20th, the people of Azerbaijan, both at home and abroad, will commemorate the 17th anniversary of what has become known as Black January. The terrible event remembered by this commemoration was an atrocity—but it also gave birth to a hope that led eventually to independence and freedom.

At around midnight, on the night of January 19–20, 1990, Azerbaijan was invaded by 26,000 Soviet troops pursuant to a state of emergency that had been declared in secret by the Presidium of the Supreme Soviet in Moscow. Dozens of people would be dead in the streets of Baku, Azerbaijan's capital, before the Soviet authorities in Moscow ever even deigned to acknowledge that a decision had been made to suppress the pro-independence and pro-democracy movement in Azerbaijan.

A courageous resistance by Azerbaijanis to the Soviet invasion continued into February. Eventually, 140 Azerbaijanis were killed, about 700 more were wounded, and still hundreds more were rounded up and detained indefinitely.

The Soviet attack against innocent civilians in Azerbaijan followed massacres in other constituent republics in the then-Soviet Union, including Kazakhstan in 1986 and Georgia in 1989. Tragically, the Azerbaijani experience would be replicated in large part 1 year later in Lithuania.

In a report issued shortly after the tragedy of Black January, Human Rights Watch put the onrush of events into a larger perspective: ". . . the violence used by the Soviet Army on the night of January 19–20 was so out of proportion to the resistance offered by Azerbaijanis as to constitute an exercise in collective punishment. The punishment inflicted on Baku by Soviet soldiers may have been intended as a warning to nationalists, not only in Azerbaijan, but in the other Republics of the Soviet Union."

But brute force was not enough to hold the Soviet Union together.

Indeed, Madam Speaker, the night of January 19–20, 1990 gave birth to Azerbaijan's independence. It was on that night that Azerbaijanis lost their fear of the Soviet Union. It was on that night that Azerbaijanis realized their dream of independence and freedom could not, and would not, be denied.

On August 30, 1991, in the wake of the attempted coup in the Soviet Union, Azerbaijan declared its independence—one of the first constituent republics to do so. And the last troops from the former Soviet Union were finally removed from Azerbaijani soil in 1993.

Every January 20, as many thousands gather in Martyr's Cemetery in the hills above Baku, the dead are honored and the nation's commitment to independence, democracy, and freedom is renewed. The victims of Black January did not die in vain.

HONORING TOM TEMIN

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 18, 2007

Mr. TOM DAVIS of Virginia. Madam Speaker, I rise today to honor Mr. Tom Temin for over 17 years of service providing the Federal technology community with unbiased, accurate, and timely information.

Through Mr. Temin's role as executive vice president and editor in chief of Government Computer News, Washington Technology, Defense Systems, Government Leader and other technology publications, he has brought valuable insight and creative journalism to the Federal IT arena.

Under Tom's guidance Government Computer News has become a premier IT magazine providing objective and comprehensive rankings of the usefulness and overall value of technology as it reaches the market. Leaders in the executive branch, both Houses of Congress and the broader technology community have come to consider the editorials he has written for Government Computer News as shrewd and perceptive analysis of the implications of IT trends.

The newspaper's fair and unyielding pursuit of issues showing the flaws and faults in the Federal technology sector has prompted numerous reforms that continue to conserve funds and improve performance for the American taxpayers.

Madam Speaker, in closing, I would like to commend and congratulate Mr. Tom Temin on all of his accomplishments. His tireless efforts have deeply impacted the public discussion of IT issues in the Federal Government, truly meriting recognition. I call upon my colleagues to join me in applauding Tom for his past accomplishments and in wishing him continued success in the years to come.

A TRIBUTE TO REPRESENTATIVE EDD NYE

HON. MIKE McINTYRE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 18, 2007

Mr. McINTYRE. Madam Speaker, I rise today to honor North Carolina Representative

Edd Nye and to thank him for more than 30 years of loyal public service to the people of Southeastern North Carolina. Representative Nye began his career in public service by joining the United States Air Force and launched his political career in 1966 as a Bladen County Commissioner. Mr. Nye served one term in the North Carolina State Senate before moving on to the N.C. House of Representatives, where he would go on to serve as a Representative for 30 years. As a loyal and dedicated North Carolina lawmaker, Representative Nye received "Legislator of the Year" awards from numerous advocacy groups, including the Autism Society, the Easter Seals, the Health Directors' Association, and the Mental Health Association. Such distinguished commitment and work are true signs of his dedication to his constituents. Indeed, Representative Nye is a role model for us all.

In addition to his political service, Mr. Nye is also an active member of his community in Bladen County. He has taught Sunday School and served as a deacon at the Elizabethtown Baptist Church. He is a past moderator of the Bladen Baptist Association, a former trustee of both Bladen Community College and Southeastern Mental Health, and an active member of the Bladen Masonic Lodge. Madam Speaker, I commend Edd Nye for his leadership, longevity, and love for the people of Bladen County and North Carolina. He has performed his civic duty with grace, and he has been ever mindful of the people he represents. May God's strength, joy, and peace be with him always.

PEACE FOR THE MIDDLE EAST

HON. THELMA D. DRAKE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 18, 2007

Mrs. DRAKE. Madam Speaker, Secretary of State Condoleezza Rice recently announced that Israeli Prime Minister Ehud Olmert and Palestinian Authority President Mahmoud Abbas would meet with her to discuss how peace can finally be brought to the Middle East. I am pleased to hear of this three-way meeting and believe a meaningful resolution is long overdue.

Since the year 2000, Israel has demonstrated a willingness to act unilaterally in the name of peace; only to have their enemies respond with more acts of violence. In 2000, Israel withdrew its forces from southern Lebanon, only to be followed by Hezbollah and its missiles. In 2005, Israel unilaterally withdrew from Gaza, only to be replaced by the militant wing of the Hamas party. These are just two examples of the terrorism the Israeli people have experienced over time.

Madam Speaker, there will be no peace in the Middle East so long as these terrorist organizations insist on the destruction of Israel. There will be no peace, until Hamas agrees to curtail acts of violence and aggression and show that they are willing to work toward a two-state solution.

More importantly, there will be no peace in the Middle East until the world community speaks out against terrorism with one voice. And, when a world leader sways from this commitment, we take one step back.

Madam Speaker, we took one step back from reaching peace in the Middle East when former President Jimmy Carter published his book, Palestine: Peace Not Apartheid. In his book, Mr. Carter puts the onus for Middle East peace on Israel, stating that it is Israel who is keeping peace from occurring in the Middle East. I strongly disagree with this analysis.

I was recently contacted by one of my constituents in Virginia Beach about this book. Rabbi Israel Zoberman, the founding rabbi and spiritual leader of Congregation Beth Chaverim, wrote:

> How disappointing that the distinguished author of Palestine: Peace Not Apartheid, Jimmy Carter, who served as the 38th President of the United States, has written a book that fails to promote the very goal of peace which he is no doubt committed to. In fact, the title bluntly suggests along with the very essence of the narrative that Israel's policy vis-a-vis the Palestinians in the West Bank and Gaza is the core obstacle to the elusive peace. President Carter thus fails as the honest broker he proudly was when sponsoring the 1979 Israel-Egypt peace treaty.
>
> The mere suggestion of practiced apartheid by Israel is inflammatory enough in alluding to South Africa's overthrown policy. Thus, the book's title with the word "apartheid" in it and the cover's photo of the controversial security barrier, which are surely designed for sales' purposes, are irresponsible . . . To speak of Hezbollah and Hamas as if they were representing freedom fighters only seeking to remove Israel from the occupied territories is unfortunately not so. The means employed by the terrorists disregard civilian lives by using their own women and children as human shields.

Madam Speaker, in August 2005, I had the privilege of visiting Israel. It was truly a life-changing experience which helped put into perspective the crisis facing this generation of Israelis. Every generation is confronted with a moment of truth. We are at that moment now. Our duty as responsible statesmen and world leaders is to promote dialogue and action so that all families, whether they are Israeli or Palestinian can live without fear.

TRIBUTE TO AUDREY C. RUST, PRESIDENT OF THE PENINSULA OPEN SPACE TRUST

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 18, 2007

Ms. ESHOO. Madam Speaker, I rise today to pay tribute to Audrey C. Rust, who is celebrating her 20th anniversary of leadership at the Peninsula Open Space Trust, POST.

Ms. Rust is a graduate of the University of Connecticut, and prior to joining the Peninsula Open Space Trust as its executive director in 1987, served as the director of development and membership for the Sierra Club. She also directed West Coast capital giving programs for Yale University and served in a variety of development capacities for Stanford University. She has also served as a member of the board of directors of the Land Trust Alliance and the League of Conservation Voters in Washington, DC.

Under her leadership, POST has worked effectively through public-private partnerships to acquire and protect over 50,000 acres of land on the San Francisco peninsula. These lands have become parts of the National Park System, the National Wildlife Refuge System, California State Parks, county and city parks, regional open space preserves and private farmland. Ms. Rust's vision helped bring POST to the national stage and on multiple occasions Congress has voted to support her efforts by providing funds for public land purchases and the adoption of POST lands into national areas of conservation. I am particularly proud of our work together on the acquisition of the Phleger estate, now part of the Golden Gate National Recreation Area, and Bair Island, now part of the Don Edwards San Francisco Bay National Wildlife Refuge.

Ms. Rust's work on land conservation is nationally recognized. She has received the League of California Voters Environmental Leadership Award, the Times Mirror-Chevron National Conservationist of the Year Award; the Cynthia Pratt Laughlin Medal, the Garden Club of America's top environmental honor, and the Jacqueline Kennedy Award from John F. Kennedy University.

There are few who embody the commitment to conservation and our collective future as Ms. Rust does. In POST's most recent Annual Report, Ms. Rust wrote:

> Open space defines our sense of place on the Peninsula, and it is worth saving, because it is where we as humans touch mysteries that last long after we are gone. It is the best gift we can pass down to those who follow us, because it connects us to our past and our future, allowing us to share a communal memory of what it's like to live in this extraordinary place. By setting aside land for permanent protection, we declare to the future, "This is what we value; this is what we deem precious."

Madam Speaker, I ask my colleagues to join me in paying tribute to Audrey Rust whose 20 years at POST have benefitted millions of Americans and millions more to come. She is an exceptional leader, a powerful voice for conservation, and a great American.

A TRIBUTE TO CPO BRETT D. MYLES

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 18, 2007

Mr. ANDREWS. Madam Speaker, it is my honor today to announce that Brett D. Myles has been promoted to the rank of Chief Petty Officer of the United States Naval Sea Cadet Corps. Family and friends of CPO Myles will gather on the battleship *New Jersey* on Saturday, January 21, to honor this outstanding young man.

In order to achieve this high rank, CPO Myles had to complete many months of intensive training as well as a broad range of U.S. Navy courses. Throughout his service, Chief Petty Officer Myles displayed superior qualities of patriotism, leadership, and expertise. He should be very proud of his achievement: Less than ½ of 1% of the almost 10,000 Naval Sea

Cadets in the program succeed in attaining this rank.

Madam Speaker, it is my pleasure to honor CPO Myles for his outstanding achievement. He is truly an inspiration to all U.S. Naval Sea Cadets and to all citizens of this great Nation. I want to again congratulate CPO Myles for this achievement and I wish him the best of luck in the future.

TRIBUTE TO RICHARD S. WOODWARD

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 18, 2007

Mr. RADANOVICH. Madam Speaker, I rise today to acknowledge and honor a fellow Californian who has had a long and distinguished career as a political consultant while setting extremely high standards of quality and integrity. For more than 35 years, Richard S. Woodward has guided his political consulting firm to a stunning 98 percent winning record while taking on some of the toughest, seemingly impossible ballot measure campaigns.

Two of America's great institutions helped prepare Mr. Woodward for the future. The United States Marine Corps demanded toughness and a steadfast approach. Graduating from Stanford University required a sharp, agile and inquisitive mind that could apply varied pieces of information to solving problems.

Mr. Woodward raced up the political ladder from legislative staffer to political director. In 1971 he teamed with the dean of the California state capitol press corps, the late Jack McDowell, to form a new consulting firm. It wasn't long before Woodward & McDowell focused solely on that most Californian of election efforts: the ballot measure campaign. Mr. Woodward basically wrote the book on proposition campaigns: Known for his strategic mind, Mr. Woodward has often led his team to victory when early polls showed the other side started with the sentiment of two-thirds or more of the voters. Even with the demands of campaign after campaign, Mr. Woodward and his wife, Mary, have raised two fine sons, Brendan and Ryan.

On February 20, the American Association of Political Consultants will meet in Miami. One order of business will be to honor the former president and chairman of the bipartisan organization, Richard S. Woodward, with the lifetime achievement award.

Madam Speaker, please join me in commending Mr. Woodward for a job well done and wishing him the best of luck and health as he continues setting the standard.

TRIBUTE TO HENRY LEROY CLARKE

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 18, 2007

Mr. GEORGE MILLER of California. Madam Speaker, with a heavy heart, I rise to pay tribute to the life of former General Manager and founder of the Public Employees Union, Local No. 1, Henry LeRoy Clarke who died on January 4, 2007. For more than 38 years, Henry Clarke dedicated his life to improving working conditions for thousands of public employees in the Contra Costa County community. As General Manager, Mr. Clarke was a strong advocate on behalf of union members, transforming the political landscape from one that was highly adverse to organized labor to one that promotes mutual respect between administration and employees.

Henry Clark was born on March 10, 1923, in Denver, Colorado, to a family of seven children. During the depression, Henry moved with his family to Chico, California, to prosper in farming. He graduated from Chico High as Student Body President, and soon after entered WWII to serve in General George Patton's army in Europe. After the war, Henry returned to Chico, where he was named All Western Conference Tackle while playing for Chico State. He transferred to the University of California, Berkeley in 1948 to play football under legendary coach Lynn "Pappy" Waldorf and study labor, economics, and politics. Although Henry was only a young student, he helped organize the food service workers at Cal into one of the first unions in the U.C. system.

Upon graduating with honors from the University of California, Henry became a history teacher in the Napa public schools where he met his lovely wife Maureen. He only taught for 2 years before the school district fired him for none other than trying to form a teachers' union. From that moment on, Henry dedicated himself to the causes of organizing labor. He became the first full-time executive secretary of the California Federation of Teachers, and soon after the western representative of the American Federation of Teachers. In this position, Henry helped direct the largest collective bargaining election of teachers in the United States during the New York City teacher strikes of 1961 and 1962.

In 1962, Henry took on the job of General Manager for the Contra Costa County Employees Association, a title he would hold for the next 38 years. In 1968, he founded the independent Public Employees Union, Local No. 1, which many county employees joined in order to avoid a passive international union. Henry formed the union based upon fierce democratic principles, providing each member access and a voice in the governance of the union. Under Henry's visionary leadership, Local No. 1 grew from 632 members into a model for controlled unions everywhere achieving a current membership of over 15,000, which includes public employees from Northern California's counties, cities, school districts, and special districts. Henry represented these employees with vigor until his retirement in 2000.

Henry Clarke spent over four decades standing up for the rights of workers in Contra Costa County. He was a true public servant who understood the process of social justice.

To Henry's son and daughter-in-law, Cameron and Ellen Clark, and his grandson, Henry Wallace, I extend my heartfelt condolences. Your loss is shared not only by those who knew Henry personally but also by all those who have been touched by the work he has done. We will be forever grateful for the integrity, passion and determination with which he sought to make our country's work environment fair and safe for all.

TRIBUTE TO SONJA LILLIAN MACYS

HON. RAÚL M. GRIJALVA

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 18, 2007

Mr. GRIJALVA. Madam Speaker, I rise today to take the opportunity to honor an environmental leader who has made an indelible mark on the Sonoran Desert region and on the community of Tucson, Arizona. Five years ago, Sonja Lillian Macys came to Tucson and took the town by storm. As an undergraduate, Sonja had mastered the Spanish language in 6 months and lived and worked in Mexico, promoting environmental education and ecotourism. Originally from the horse country of Virginia, she came to Tucson by way of Colorado, where she had skied her way to a Master of Science degree in Protected Area Management specializing in International Conservation, with extensive training in non-profit leadership and management.

Sonja rapidly immersed herself in her new community in the role of the Tucson Audubon Society's Executive Director. Sonja quickly moved to create a broad-based conservation strategy with a significant cross-border element. Sonja's deep commitment to environmental and social justice, sustainability, and public participation soon became Audubon's trademark.

Her contributions to the Southern Arizona community and the U.S.-Mexico borderlands are numerous: creating multi-jurisdictional partnerships to conserve riparian areas and desert landscapes; partnering agencies, conservationists, ranchers, business interests, and students; educating scores of birders and other citizens to become active policy-makers and advisors; protecting critical habitats from devastation wrought by mining, development, overgrazing, and other harmful activities; and creating a community more literate in the articulation of social and environmental justice.

Sonja Macys will leave a legacy that cannot be adequately expressed in words, and gives all of us who have known and worked with her hope that we can truly achieve the goals that we set out to accomplish together. The Tucson community and the wildlife of the Sonoran Desert will sorely miss Ms. Macys, but I have no doubt she will go on to accomplish great things in her future endeavors. I wish her the best of luck.

TRIBUTE TO DANNY VALDEZ

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 18, 2007

Mr. CUELLAR. Madam Speaker, I rise today to honor Danny Valdez on his inauguration as Webb County Judge on January 1, 2007.

Judge Valdez was first elected into office as justice of the peace in May 1982 and has served for nearly 25 years. This inauguration marks the start of his sixth 4-year term with the court in Webb County. Judge Valdez has received numerous awards such as the Community Service Award by LULAC Council No. 12, and the Nuestro Orgullo Award by S.C.A.N. due to his passion in working with at-risk youth in the community, and addressing issues such as truancy, gang violence, drug abuse, teen pregnancy, and juvenile delinquency. He also was recognized for his commitment to the rule of law by the Laredo Bar Association with the Liberty Bell Award and the 2005 Hispanic of the Year Award by LULAC Council No. 7.

Aside from presiding over one of the busiest courts, Judge Valdez is actively involved in community activities such as working with the Texas Department of Criminal Justice Education Program in bringing male and female inmates to local middle and high schools to educate students about the dangers involved in making the wrong choices. He worked with the Lamar Bruni Vergara Trust in the development of the Lamar Bruni Vergara Boys' Scout Camp Huisache and was also instrumental in the development of the Lamar Bruni Inner City Recreation Center. Judge Valdez also reached out to low-income families by chairing the Annual Toys for Tejanitos Drive, the Angel Wish Program, and the Annual Fishing Derby for physically challenged students.

Judge Valdez has given out over $60,000 in scholarships to promising young students from the Laredo Independent School District. He also started the Supply Our Students Campaign that has raised funds for nearly 70 tons of school supplies for low-income students in Webb County. He is truly one of the great Laredoans and it is because of him that the youth in the community have realized their immense potential in creating a new and better future for themselves by learning from the values of Judge Valdez.

Madam Speaker, I am honored to have had this time to recognize the dedication of Judge Danny Valdez to his community.

FREEDOM FOR RAYMUNDO PERDIGÓN BRITO

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 18, 2007

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, I rise today to speak about Raymundo Perdigón Brito, a political prisoner in totalitarian Cuba.

Mr. Perdigón Brito is an independent journalist in Cuba who is striving to create a society that tolerates human rights, freedom, and democracy. He has been a peaceful supporter of bringing the most fundamental of human rights to a people shackled by a tyrant's brutal machinery of repression. Unfortunately, because of his unwavering support of freedom for the people of Cuba Mr. Perdigón Brito has been targeted by the dictatorship.

In November of 2006, Mr. Perdigónn, his sister Ana Margarita Perdigón and several other journalists launched the Yayabo Press news agency. On November 29, 2006, just 12 days after its launch, Mr. Perdigón Brito was arrested by State Security thugs and told to cease his journalistic activities or that he would be sent to prison. Mr. Perdigón Brito was always aware of the risks he was taking as a journalist and he was well aware of his many colleagues serving long prison terms in Castro's hellish gulags, yet rather than allow his voice to be silenced, he preferred to fight for the cause of freedom and democracy on that enslaved island.

On December 5, 2006, Mr. Perdigón Brito was "sentenced" to 4 years in the inhuman squalor of Castro's gulags on charges that he posed a "pre-criminal danger to society". A charge often used to detain pro-democracy activists, even when they have committed no offense, simply because the regime regards them a potential threat to its grotesquely brutal and repressive totalitarian control.

In Mr. Perdigón's absence, his sister, Ana Margarita Perdigón, replaced him as Editor of Yayabo Press. This development did not pass unchecked or unnoticed within the inner circles of the regime's henchmen. According to a dissident journalist who spoke to Reporters Without Borders, "The political police knew this and did everything to ensure the news agency is disbanded as soon as possible".

On the morning of December 5, 2006, as Mr. Perdigón Brito's relatives were leaving the courthouse in the central province of Sancti Spiritus, Cuba, nearly 100 regime thugs attacked them viciously. This barbarous and vile hate crime was carried out with such regimented violence that Mr. Perdigón Brito's father was hospitalized due to serious injuries sustained during the attack.

Madam Speaker, it is repulsive that only 90 miles from our shore, brave souls like that of Mr. Perdigón are locked in dungeons because they too believe in the freedoms we hold sacred to our way of life. My colleagues, let us remember those whose suffer under the totalitarian nightmare that is the Castro regime. Let us demand the immediate release of Raymundo Perdigón Brito and every prisoner of conscience in the dungeons of totalitarian despots.

TRIBUTE TO MR. TONY HOUSEMAN

HON. KEVIN BRADY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 18, 2007

Mr. BRADY of Texas. Madam Speaker, I rise today to honor Mr. Tony Houseman for his continued conservation efforts and his dedicated service to the Houston Safari Club. Tony has been a member of the Houston Safari Club for over twenty years and has served as the Club's Convention Chair in 1996 and the President from 1997–1998. He also has been awarded three distinguished awards from the Houston Safari Club with the 1998 Conservation Award, the 2005 Lifetime Service Award, and the 2007 Frank Green Award.

His tireless leadership has had a positive impact in Texas and across our nation. When Tony and Ray Petty were asked by Congressman Jack Fields to help organize and start the Congressional Sportsmen's Caucus, which I am a proud member, he never hesitated in saying yes. Every year, for ten straight years, they traveled to Washington D.C. to increase the membership and clout of the Caucus and help fight for the rights of the hunter and the hunting community. Now, the Congressional Sportsmen's Caucus has one of the highest memberships and continues to advocate the interests of sportsmen.

Tony also has taken a leadership role in too many projects to list, with notable ones being Operation Bright Lights and the Tony Houseman State Park and Wildlife Management Area. Operation Bright Lights raises funds and works with professional hunters to build schools and water wells in Tanzania, and recently he and his wife Gisela took a trip there and visited one of the newly built schools. For the state park, Tony donated 1,500 acres to conserve the Blue Elbow Swamp in South East Texas. This 3,300 acre conservation site on the Sabine River remains a magical place for wildlife.

Madam Speaker, Tony Houseman is the consummate hunter and conservationist and a friend I deeply admire. Thank you for helping me honor him today.

TRIBUTE TO ARTHUR NOZIK, SARAH KURTZ AND JERRY OLSON

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 18, 2007

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize three researchers from the National Renewable Energy Laboratory, the premier national laboratory for renewable energy and energy efficiency research.

The American Chemical Society recently honored Arthur Nozik, a senior research fellow at NREL, with a special tribute of accomplishments in The Journal of Physical Chemistry B.

During the past 30 years, Dr. Nozik has earned a leading position in the fields of photoelectrochemistry, semiconductor-molecule interfaces, nanoscience and quantum size effects in semiconductors and carrier dynamics in semiconductor quantum dots and quantum wells. He has written more than 160 peer-reviewed publications, 35 book chapters and has edited or co-authored several books in these fields.

Dr. Nozik has been awarded 11 U.S. patents. He also invented a novel photochemical diode for splitting water to generate hydrogen, and the identification of several important solar photoconversion approaches using hot carrier effects, size quantization, and superlattice concepts that could, in principle, enable a leap in efficiency of solar energy conversion.

Dr. Nozik, who joined NREL in 1978, received the 2002 Energy Research Award of the Electrochemical Society. He was a senior editor of The Journal of Physical Chemistry from 1993–2005 and is a fellow of both the American Physical Society and the American Association for the Advancement of Science.

NREL solar energy researchers Sarah Kurtz and Jerry Olson have spent the past 20 years developing the multi-junction solar cell. These solar cells have demonstrated higher solar energy conversion efficiency than conventional silicon cells and are already the choice for most space applications. For their contributions to the field of photovoltaic energy, Kurtz and Olson have been recognized as laureates of the Dan David Prize, given by the Dan David Foundation in cooperation with Tel Aviv University and the French Ministry of Culture and Communication. They and other winners will share $3 million in prize money.

The photovoltaics community has made tremendous progress during the last 30 years. In the past few years, the investment in concentrator systems using high-efficiency, multijunction solar cells has mushroomed. Although this investment is not yet reflected by large installations, the Dan David prize recognizes this technology for its future promise to transform energy markets.

I'm enormously proud to have NREL in my district and equally proud of the work of these three scientists.

INTRODUCTION OF THE HOME OWNERSHIP FOR AMERICA'S VETERANS ACT OF 2007

HON. SUSAN A. DAVIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 18, 2007

Mrs. DAVIS of California. Madam Speaker, I rise today to introduce the Home Ownership for America's Veterans Act of 2007 along with my distinguished colleague from California, Congressman WALLY HERGER.

The Home Ownership for America's Veterans Act of 2007 corrects an inequity in the federal Qualified Veterans Mortgage Bonds (QVMB) program available to a number of states for the purpose of financing home loans for veterans. Specifically, in some states, QVMBs home loan financing is only available to veterans who signed up for military duty prior to 1977.

It is time we address this inequity. Our veterans returning from Iraq and Afghanistan deserve the opportunity to purchase a home with QVMBs. Further, in our home state of California, only 4.1 percent of our veterans are eligible for a home loan through QVMB bonds.

Our legislation extends the program and opens it up to new veterans residing in California and Texas. Congress passed legislation in the 109th Congress making the home loan program available to newly discharged veterans in the other states eligible for QVMBs financing.

It is crucial that we act swiftly to give these veterans and their families the ability to purchase and own a home in California and Texas.

This legislation will benefit every state eligible for QVMBs by requiring annual adjustments to the federal bond limit indexed to the Freddie Mac Conventional Mortgage Home Price Index. A higher bond limit means California, Texas, Oregon, Wisconsin, and Alaska—the five eligible states—will have the ability to provide more of their veterans with home loans. We must keep QVMB financing compatible with national housing costs.

The Home Ownership for Veterans Act of 2007 will help our newly discharged heroes purchase homes while ensuring that state veterans' home loan programs remain viable.

Thank you very much Madam Speaker for the opportunity to introduce legislation to help veterans purchase homes and achieve the American Dream for their families.

A TRIBUTE TO AL ECHOLS, ESQ.

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 18, 2007

Mr. BRADY of Pennsylvania. Madam Speaker, I rise to honor Al Echols, Esq., a Philadelphia legend who after serving 44 years as the executive director of North City Congress has announced his retirement.

Under the leadership of Mr. Echols, North City Congress has remained a valued institution meeting the changing needs of a changing community in North Philadelphia. During its first decade North City Congress represented a federation of neighborhood organizations committed to positive community change.

North City Congress later became a vital social service agency. Today, the agency operates two senior citizens centers that offer meals, social, recreational and cultural activities and in-home management services for the frail and home-bound. It also offers financial management and estate planning for seniors and fiscal management and technical assistance for community-based organizations.

Mr. Echols, a graduate of Virginia Union University and the Howard University Law School, marshaled his considerable acumen in the struggle to gain political power for African Americans in Philadelphia. In 1971, he was a council-at-large candidate on the Thatcher Longstreth Republican ticket in a hard fought race against Democrat Frank Rizzo.

Known for his wit, Mr. Echols is fiercely opinionated and a political sage with whom one cannot have a brief conversation. Not only does he love to explain the nuances of his points of view he punctuates his conversations with a laugh that can shake the grand mansion that houses North City Congress.

As he retires, Al Echols leaves an indelible stamp of good will, principled leadership and service.

A TRIBUTE TO LARRY SHEINGOLD

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 18, 2007

Mr. COSTA. Madam Speaker, we rise today to recognize the retirement of Larry Sheingold after thirty-six years of service as a staff member in the California State Legislature.

Larry's years of service included ten years as an Assembly staff member and twenty-six years working for the State Senate. During his career he worked for Assembly Speakers Bob Moretti and Leo McCarthy and several State Senators including Jim Costa, Betty Karnette, Henry Mello and the current Senate President Pro Tem, Don Perata.

In addition, Larry Sheingold served on the National Conference of State Legislature's Executive Committee from 2003–06. He is one of only nineteen legislative staff members ever to do so.

Though Larry Sheingold may be on the understated side, he has always possessed a giant intellect and is a master of campaign strategies. His advice to candidates and officeholders alike has always been keen, thoughtful and delivered with a quick wit and much humor. Larry is one of those individuals that combine a rare blend of policy expertise and astute political judgment.

Thirty-six years ago, when Larry started his career as a legislative staff member, Ronald Reagan was governor, legislative committee votes were not public and no woman had ever served in the California State Senate. During his career all that has changed and as the invitation to his retirement event stated, "The system may be working, but Larry won't be."

But to paraphrase the late British politician, Lord Salisbury, Larry Sheingold is not the type of gentleman to retire gracefully into the background.

Today, we take great pleasure in honoring, through these remarks, a good friend, a former staff member and a valued advisor, Larry Sheingold. We wish him and his wife Judy only the best of times in retirement, though that may only last until the next election cycle.

PERSONAL EXPLANATION

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 18, 2007

Mr. CALVERT. Madam Speaker, pursuant to my leave of absence, I am submitting for the RECORD how I would have voted if I had been present earlier today, in addition to comments that I request also be entered into the RECORD.

Rollcall No. 34, "yea"—Motion to Adjourn, rollcall No. 35, "no"—Ordering the Previous Question, and rollcall No. 36, "no"—Agreeing to H. Res. 66.

H. Res. 66 is a closed rule that prohibits any amendments to the bill from being considered by the House. Madam Speaker, on November 14, 2006 you wrote in a Christian Science Monitor op-ed that "Democrats pledge to make this the most honest, ethical, and open Congress in history." I am deeply disappointed that past pledges for an open Congress have been broken so quickly with H. Res. 66 and other closed rules imposed by the majority. I believe the People's House operates best when legislation moves through regular order and uses our Committee process where members from both sides of the aisle have an opportunity to work together to improve legislation. Under the new "Closed-door Congress," the House has yet to consider a bill that was moved through regular order and considered by the Committee of jurisdiction. H. Res. 66 establishes the rules for considering

H.R. 6, and, as a senior member of the Natural Resources Committee, I have significant concerns about some of the provisions in H.R. 6. In particular, there are provisions addressing the 1998–99 Clinton Administration OCS leases that are ambiguous and may result in levies on all oil and natural gas lease holders in the Gulf of Mexico, not just the 1998–99 leaseholders. This and other poorly written provisions in H.R. 6 could have been corrected had the legislation been considered by the Natural Resources Committee or had the majority allowed amendments to be considered on the House floor. Unfortunately, the majority's "Closed-door Congress" chose to break its pledge of an "open Congress" and prevented these opportunities to improve the legislation.

Rollcall No. 37, "no"—On Consideration of H.R. 6, rollcall No. 38, "yes"—Motion to Recommit H.R. 6, rollcall No. 39, "no"—Motion to Table the Appeal of the Ruling of the Chair, rollcall No. 40, "no"—Final Passage of H.R. 6.

H.R. 6 represents the first vote for a tax increase in more than 13 years. I have repeatedly pledged to oppose any and all efforts to increase the marginal income tax rates for individuals and businesses—and I stand by my pledge. The majority has claimed that passage of H.R. 6 will roll-back subsidies to the oil and natural gas industry that Congress passed in the Energy Policy Act of 2005. However, a Congressional Research Service report released in December of 2006 concluded that, on balance, the bill imposes "a net tax increase on the industry of nearly $300 million over 11 years." Further raising taxes on the oil and natural gas industry will do nothing to help lower the price of gasoline at the pump Americans are paying and, ultimately, increases our country's dependence on foreign sources of oil. Madam Speaker, I am truly stricken by the fact that the new majority has chosen to bring a bill to the House floor during its highly touted first "100 Hours" that will benefit and strengthen the hands of the likes of Hugo Chavez. I oppose H.R. 6 because it will result in job losses, increase the price of gasoline at the pump, increase the cost of heating homes, and increase dependence on foreign sources of oil. I support an energy policy that takes steps to truly reduce America's dependence on foreign sources of oil while our Nation continues to invest and improve the development of renewable sources of energy and energy efficiency.

Rollcall No. 41, "yes"—Adoption of H. Res. 62—Congratulating the Grand Valley State University Lakers.

INTRODUCTION OF LEGISLATION "ELIMINATING MODERN DAY SLAVERY"

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 18, 2007

Ms. LEE. Madam Speaker, last Thursday, January 11th, along with our civil rights crusader, John Lewis reintroduced a resolution on the tragedy of modern-day slavery and urging the United States to take immediate steps to end it.

The institution of chattel slavery practiced in the United States for over 200 years was not only a past shame in U.S. history but also world history. Yet, this continues today. Throughout the world, an estimated 27 million people are suffering as slaves including the United States. Each year millions become vulnerable to the resurgence of slavery. People forced to survive with little or no resources fall victim to abuse and exploitation in developing countries whose economies slip further into extreme poverty caused by debt and corruption. Still modern-day slavery is ever more expansive encompassing chattel slavery, human trafficking, indentured or bonded labor, forced labor, forced marriage and the worst forms of child labor.

Slavery is rampant in India, Southeast Asia, Africa, and South America, as well as, once again the United States. In Africa, cash crops such as cotton, sugar, and cocoa are produced by child and bonded labor. The Ivory Coast which supplies over half the world's supply of cocoa utilizes child slave labor in at least 90 percent of the cocoa plantations. Slavery still exists in Sudan, remnants from the North and South civil war. In Myanmar, slave labor harvest agricultural products such as sugarcane. In Eastern Europe and Southeast Asia, human trafficking and forced marriage run unimpeded. Moreover, I am repulsed that an estimated 800,000 people are trafficked across international borders and disturbed that annual global profits on trafficked forced labor total $44.3 billion.

This is an historic year for many of the victims of slavery and their descendants. 2007 marks the 200th Anniversary of the Abolition of the Transatlantic Slave Trade, the transport of Africans as slaves into the British American colonies. Our country can no longer allow the practice of slavery to continue further in the 21st century. We must take action to address this issue. The solution is one of political resolve not capability, for we have at our disposal numerous means that will eliminate these human rights violations.

My resolution expresses the sense of the House that the abolition of modern-day slavery should:

Become a high priority in U.S. foreign and domestic policy to eliminate all forms of modern-day slavery by 2017;

Reflect and advance the commitment of U.S. trade, aid, and investment policies for the freedom for all people;

Expand protection and legal options for victims of modern-day slavery;

Form a comprehensive coalition between governments, international organizations, nongovernmental organizations, and individuals to forge a sustained global action plan to fight modern-day slavery; and

Become a priority at the 2007 Group of 8 (G–8) Summit in Germany.

I welcome my colleagues' support and urge the House Leadership to bring it promptly to the House floor for consideration. This year is the time to mark the end of modern-day slavery for victims worldwide.

A TRIBUTE TO SENATOR PAUL TSONGAS

HON. MARTIN T. MEEHAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 18, 2007

Mr. MEEHAN. Madam Speaker, I rise today to remember one of my heroes, Paul Tsongas. Paul Tsongas was a great champion of my hometown of Lowell, Massachusetts and an extraordinary American, whose courage and convictions should inspire us all.

It has been ten years since he lost his battle with cancer and ten years since the American people lost one of their greatest public servants.

Paul was one of my early role models and mentors, and I'm honored to follow in his footsteps as the Congressman for the 5th District of Massachusetts.

Born of Greek immigrants, Paul grew up in our joint hometown of Lowell, Massachusetts. After graduating from Dartmouth College, he became one of the first to answer President John F. Kennedy's call to public service by joining the newly formed Peace Corps. Paul's experience in the Peace Corps would lead him to great heights as a standard-bearer of the Democratic Party.

After his service in the Peace Corps and as a City Councilor in our hometown of Lowell, Paul was elected to the U.S. House of Representatives in 1974. In 1978 he ran and won a seat in the United States Senate where he would serve until 1984 when he retired after being diagnosed with cancer.

Paul loved people and public service. His direct speaking style and heartfelt manner captured the hearts of the nation during his service in the United States Congress and especially during his campaign for President.

As a politician, Paul lived his beliefs. Perhaps Paul's greatest strength was that as a politician he took risks, challenging the tired assumptions about how change should take place.

Paul's vision of what a Democrat can and should be was an inspiration to me and continues to inspire Democrats across the country. Leading by example, Paul expanded the reach of our party and helped shape our promising future.

His leadership forced the debate on dealing with our national debt. At the same time, he reminded us that a Democrat can and should be pro-worker, and pro-family, and also pro-business-pro-employment.

Paul's career as a politician may have been cut short because of his battle with cancer, but his illness never prevented him from fighting for the issues, people, and the city he loved.

In my hometown of Lowell, Paul's fingerprints are all over the remarkable redevelopment and revitalization that has occurred over the past two decades. In the streets of Lowell today, I am constantly reminded of the lessons Paul taught me—that in every community you must preserve that which has meaning and beauty for its users and its visitors.

Paul was a visionary: he envisioned the connection of people to the places where they lived and worked. But more importantly, Paul was a doer: he identified significant community assets and challenged everyone around him to preserve and make visible these deeply felt dreams.

Paul motivated Lowell residents to make these dreams a reality. He didn't stop there. Throughout Massachusetts, he was able to rally similar support. In Concord, the Walden Woods Project preserved the lands and water sanctified by Henry David Thoreau. On Cape Cod, he helped to establish the Cape Cod Commission that is dedicated to protecting critical open space.

As a private citizen, he made significant contributions to education and the environment. Walden Woods, Cape Cod, the Arctic National Wildlife Refuge, the Board of Higher Education all benefited from his leadership and ideas.

And he demonstrated compassion and caring to those who sought comfort and advice on how to deal with life-threatening illness.

I could go on and on about Paul Tsongas, and about how he was an extraordinary individual, but I won't.

I'll close with this—When announcing his presidential candidacy, Paul Tsongas said to his supporters, Just as we reach back to our ancestors for our fundamental values, so we, as guardians of that legacy, must reach ahead to our children and their children. And we do so with a sense of sacredness in that reaching.

I'll simply say that I'm humbled and honored beyond words to follow in Paul Tsongas, footsteps, He truly devoted himself to making a difference not just for our generation, but for our children and future generations.

My thoughts and prayers go out to Paul's daughters, Ashley, Katina, and Molly; his sisters, Thaleia and Vicki, and especially to his wife, Niki, who continues to champion the issues that Paul spent his life fighting for.

IN TRIBUTE TO THE DISTINGUISHED CAREER OF SERVICE AND PHILANTHROPY OF WILFRED GEORGE GOODEN

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 18, 2007

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise to pay tribute to Wilfred George Gooden, a great citizen and patriot, a philanthropist and Good Samaritan. Wilfred Gooden shuffled off the mortal coil and slipped the surly bonds of earth on Saturday, January 6, 2007. He was one month shy of his 75th birthday. More importantly, he was a son, a brother, an uncle, a friend, a neighbor, a servant of God, and a loving husband to his darling Sybil for 57 years.

Madam Speaker, I do not think any of the many people who knew and loved Wilfred Gooden thought that when he returned to his native land of Jamaica in December 2006, that it would have been his last trip from his adopted home in the United States of America? I do not think any of them dreamed that those last fleeting words on the phone or in person would have been their last contact with him before he took his last breath on the Sabbath, January 6, 2007 at the Andrews Memorial Hospital, Kingston, Jamaica, with his faithful wife, Sybil, of 57 years, at his bedside.

Who would have known that the Lord was going to take Wilfred Gooden's hands off the plough and say: "Your work is done, my faithful servant—it's now someone else's turn."

Wilfred Gooden was the last of three sons born to Mr. and Mrs. Gooden in Westmoreland, Jamaica. His parents and brother, Sam predeceased him. Vibert his eldest brother, lives in Atlanta, Georgia. His mother Ethel and stepfather Edburn took care of the family after the death of Wilfred's father. A very close-knit family, Wilfred and his brother telephoned each other and had long chats each day. Even in his last days on earth, Wilfred and his brother Vibert were on the phone.

Brought up in a Christian home, Wilfred was baptized at the Rollington Town Seventh-Day Adventist church, and never forgot his first love—Jesus. His rich baritone voice could be heard in praises as he called his family and all who entered his home to worship morning and evening—wherever he was.

His Christ-like character was seen in his deeds, the way he treated everyone with whom he came in contact—it did not matter their race, ethnicity, gender, religion, political persuasion, title or status; everyone was treated with respect, courtesy and kindness.

In his youth it was not unusual for Wilfred to bring home, unannounced, three or four friends for the weekend who would be warmly received by a generous but sometimes frustrated mother.

In 1944, Wilfred traveled to the United States where he settled in New York City. For many years, he pursued and enjoyed a successful career in mechanical dentistry. Former clients still praise the quality and craftsmanship of his work.

Always on the lookout for new adventures and challenges, Wilfred invested in a brownstone on West 142nd Street, which it needed some repairs. With much enthusiasm, he immediately utilized his knowledge of plumbing as a result of his liberal arts training which required him to learn a trade as a part of degree program and performed the work himself, and in the process launched a new career for himself in housing rehabilitation.

To gain more knowledge about his business, Wilfred attended City College and earned a Certificate in Building Engineering. In 1961, he organized a general contracting company with the basic purpose of renovating existing properties. As owner and builder of multiple dwellings, Wilfred renovated a group of old tenements into two and three bedroom modern, class A apartments. In many areas of New York City, Wilfred has revitalized entire neighborhoods, creating homes that gave and still give each dweller a sense of renewed hope and dignity. As general contractor for Maurel Realty Corporation, he renovated a one hundred apartment complex and for Almeric Realty Corporation, he renovated a fifty apartment complex. Serving in dual capacity as Project Manager and Field Superintendent, he directed every aspect of these massive projects.

Wilfred was appointed by Mayor David Dinkins of the City of New York to work with Roger Starr, Administrator of Housing as consultant to the City's Housing program in urban areas. He reviewed the proposed projects with a vision of minimizing costs and suggested rehabilitation of buildings in the city's most needed areas.

Wilfred George Gooden walked with kings, but never lost the common touch. His walls both in Jamaica and New York are filled with photographs and citations from both the American and Jamaican governments including former President Bill Clinton, former Jamaican Prime Ministers Norman Manley, Michael Manley, Alexander Bustamante, Edward Seaga and P.J. Patterson, as well as government officials in New York and Jamaica, church leaders, industry leaders and the leaders of educational institutions.

Wilfred Gooden was, above all, a community servant. He sat on the Board of Directors of: Housing Board in New York; FISH Clinics in Jamaica; The American Friends of Jamaica; Concerned Committee for Christian Education; and NAJASO.

Wilfred Gooden was honored as a philanthropist by Message Magazine in 1996 for his community service and humanitarianism and awarded honorary Doctor of Letters degree from Faith and Grant College in Huntsville, Alabama.

Wilfred Gooden wanted others to succeed and helped countless Jamaicans relocating to New York to get jobs—many in his own construction company. When housing was needed, when food was required, when winter came and clothes and heat were required to keep bodies warm, they and others in the community knew whom to call: Wilfred Gooden. His charity knew no bounds. In the early years of their marriage, almost every Jamaican relocating to New York made the pilgrimage to the home of Wilfred Gooden for assistance in gaining a foothold in a new land.

Wilfred Gooden was committed to his Church—the Ephesus Seventh-Day Adventist Church in Manhattan. He served as M.V. Leader, Sabbath School teacher, Sabbath School Superintendent and since 1980, as Chairman of the Building Committee, where he did so much to see that the physical plant of the Church was maintained in a manner befitting God's people.

Christian Education was his passion. In 1980, he established The Concerned Committee for Christian Education to provide funds towards Christian schooling for Jamaica's children and organized a concert featuring the Cantata Choir from New York, held at the National Arena in Jamaica, of which the proceeds were used to refurbish and re-start the New Hope Preparatory school at the North Street Seventh-day Adventist Church. The school started out with one teacher and two students. The school has grown to 197 students, 12 teachers and a staff of 5.

Wilfred Gooden provided scholarships for young people who would otherwise not have been able to attend his alma mater, Northern Caribbean University, formerly West Indies College.

Wilfred Gooden personally assisted students from Jamaica, New York, Alabama, and Kenya. Each summer for the past 15 years, he has arranged employment for many students from various Adventist Colleges, thus aiding many in their pursuit of higher Christian education.

As much as he supported students, it was not only "classroom knowledge" that Wilfred Gooden wanted to instill. The Concerned Committee for Christian Education also sponsored the cost for 26 children from Jamaica to go to Disney World in Orlando, Florida, who would not have otherwise been able to have that fun-filled and exciting experience.

The young ladies and gentlemen of his hometown church—Ephesus in Harlem, New York—knew that their tertiary education was assured if they were willing to learn etiquette and social graces. All of the participants worked hard on the annual programs which his team, headed by Ms. Valerie Bennett and Mr. Joseph Merriweather managed. As the young ladies and gentlemen prepared for the Cotillion Ball at the Waldorf Astoria in New York, they stood tall in full bloom and presented themselves under the direction of these nurturers. It is important to note that while this program facilitated the personal development of these young people, it also funded scholarships for their tertiary education.

Jamaican students pursuing medicine, engineering, dentistry, and other disciplines overseas were assured of tuition, housing and personal assistance. Wilfred Gooden wanted to ensure that all Jamaican youth had a chance to succeed so they could make meaningful contributions to society.

Wilfred Gooden loved his native Jamaica and was always willing to support his native land. He thought young people from the country should learn Jamaican civic history and government, so with the authorization of the Jamaican government, he distributed copies of the Jamaican Constitution to every high school student in Jamaica.

Wilfred Gooden brought notable Americans, including former Mayor David Dinkins and New York City Councilwoman Una Clarke, to the campus of his alma mater, Northern Caribbean University. He wanted people to know the quality of the Jamaican educational system and what his church and school were doing for the world.

The philosophy and creed that Wilfred Gooden lived by was simple:

To leave some simple mark behind
To keep his having lived in mind
To be an honest generous foe
To play any part even if the honors did not fall on him.

And like Edgar Guest would say:

I'd like to think when life is done
That I had filled a needed post
That here and there I'd paid my fare
With more than idle talk and boast;
That I had taken gifts divine,
The breath of life and manhood fine,
And tried to use them now and then
In service to my fellow men.

Madam Speaker, the famed writer John Donne declared "Death comes equally to us all and makes us all equal when it comes." Donne goes on:

Death, be not proud,
Though some have called thee
Mighty and dreadful, for
Thou art not so,
For, those whom thou think'st
Thou dost overthrow
Die not, poor death, nor yet cans't thou kill me.

In closing Madam Speaker, let me say that although my heart is heavy with sorrow, it is also filled with joy because I was one of the thousands of people whose lives has elevated and enriched by my association with the remarkable, the unforgettable, the irreplaceable Wilfred George Gooden. He was a role model, a hero, a mentor, a friend. He was my uncle and I will miss him terribly.

HOUSE OF REPRESENTATIVES—*Friday, January 19, 2007*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. ROSS).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

HOUSE OF REPRESENTATIVES,
Washington, DC, January 19, 2007.

I hereby appoint the Honorable MIKE ROSS to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

America has put her trust in the love God has for us and has shown us throughout our history.

Those who live in such love live in God, and God lives in them.

So let us love one another. For then the love that comes from God living in us will reach out to a waiting world and all will be drawn in to love both now and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from New York (Mr. WALSH) come forward and lead the House in the Pledge of Allegiance.

Mr. WALSH of New York led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to 10 one-minute requests on each side.

LET'S COME TOGETHER FOR AMERICA

(Mr. KUCINICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUCINICH. Mr. Speaker, assuming we get there, how strange the politics of today will seem to future generations. Here we are debating whether to send more troops into a nation we are already illegally occupying for oil. Here we are contemplating the U.S. invading another nation, Iran. I wonder if we would be having that discussion if Iran did not have a tremendous amount of oil.

All around us we are in conflict because we are addicted to oil. Our energy consumption choices are causing global warming which is causing weather patterns to change. Think about what we have seen in the last few weeks alone: snow in Los Angeles, billions of dollars in damage to California citrus crops because of a freeze.

The burning of fossil fuels has contributed to erratic weather. Last year, we had the warmest weather in the United States continent in 112 years.

Now, instead of separating the world with our politics, it is imperative that we bring the world together to meet the challenge of global climate change. I am hopeful that in his State of the Union Address next week, the President is going to take a direction to do that.

OUTRAGE ON THE BORDER

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Mr. Speaker, on the desolate Arizona-Mexico board last week, a border agent was apprehending seven illegals when a fight broke out at the scene. The border agent shot one of the illegals. The Mexican Government, in its self-righteous arrogance and without knowing any of the facts, has already condemned the border agent.

President Calderon, like Generalissimo Fox before him, is partly responsible for this incident. Why? Because his government encourages illegals to sneak into America. The blood of the dead is on the hands of the Mexican Government.

Meanwhile, back in Texas, a criminal illegal from Mexico, having been deported several times, is charged with the murder of a Houston police officer by shooting him in the back. Don't hear much outrage and protest from President Calderon on this case. Why not? President Calderon needs to quit blaming the U.S. for problems he is responsible for in Mexico because his people are fleeing Mexico's third-world environment. He needs to quit encouraging illegals to go to America. He needs to quit making his problem our problem; otherwise, more Americans and Mexicans will continue to die on the border.

And that's just the way it is.

SINN FEIN'S ARD COMHAIRLE VOTE ON POLICING

(Mr. NEAL of Massachusetts asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NEAL of Massachusetts. Mr. Speaker, last Saturday in Dublin, the national executive of Sinn Fein voted in favor of holding a special Ard Fheis on January 28 to vote on a motion supporting police and the rule of law.

For those who remain committed to lasting peace and reconciliation on the island of Ireland, bringing this peace process to a successful conclusion, it was a development that would have been unimaginable just 10 years ago.

On both sides of the Irish Sea, the decision by Sinn Fein was welcomed as historic and important. The Taoiseach of Ireland, Bertie Ahern, called it a landmark and timely decision. The British Secretary of State for the North, Peter Hain, called it a hugely significant move of seismic proportions.

Mr. Speaker, as someone who has been involved in this process for three decades, I would describe the action by Sinn Fein as remarkable. It is a reflection of the leadership of Sinn Fein's Gerry Adams and Martin McGuinness. At a critical moment, they honored their commitments and once again kept their word. A vote taken by the executive last week is just the latest example.

No one should minimize the difficulties this decision is causing Sinn Fein leadership on the ground, but for nationalists and republicans the issue of policing has been a long and troubled history. I am confident that the special Ard Fheis will see it as a defining moment in Irish history and vote to support policing and the rule of law.

END OF 100-HOUR AGENDA—THANK GOODNESS

(Mr. PRICE of Georgia asked and was given permission to address the House for 1 minute.)

Mr. PRICE of Georgia. Mr. Speaker, thank goodness that the 100-hour agenda is over. Maybe now we can get down

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☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

to doing some real work on behalf of the American people.

The celebration by our friends on the other side of the aisle is for a victory of form over substance. In just 2 weeks, they have passed a watered-down 9/11 Commission recommendations package, killed working-class jobs by imposing an unfunded mandate upon small businesses, limited choice in health care by forcing the government to fix prices and decrease the availability of medicines for seniors, pulled a bait-and-switch by misrepresenting their promise to cut student loan interest rates while offering no real relief to students; and finally, amazingly, fostered greater reliance on foreign oil by raising taxes on domestic oil production and exploration.

The American people know the difference between campaign rhetoric and good policy, and they demand that the majority honor an open, honest and fair legislative process, one that produces positive, principled and bipartisan solutions. The American people expect no less and deserve more than has been delivered so far.

100-HOUR AGENDA IS A GREAT SUCCESS

(Mr. ALTMIRE asked and was given permission to address the House for 1 minute.)

Mr. ALTMIRE. Mr. Speaker, during the Democrats' 100-hour agenda, the House overwhelmingly passed six bills that are going to make a real impact on the lives of everyday Americans. We have done what we said we are going to do and what the American people wanted to us do, and most important, we did it in a strong bipartisan fashion.

Sixty-eight Republicans joined us in implementing the 9/11 Commission recommendations; 82 Republicans joined us in raising the minimum wage for the first time in 10 years; and 124 Republicans joined us in cutting in half the interest rates on student loans. These bills received strong bipartisan support because they are important to the American people.

Mr. Speaker, I am hopeful that as we move forward we can continue to move legislation that can garner the support of both Republicans and Democrats in this House so that we can continue to make the lives of the American people better.

KLAMATH COUNTY, OREGON

(Mr. WALDEN of Oregon asked and was given permission to address the House for 1 minute.)

Mr. WALDEN of Oregon. Mr. Speaker, this Congress and the last have failed to keep the Federal Government's commitment to the people who live near our national forests. This breach of faith means Greg Thede, the Klamath County school district superintendent, is faced with the choice of letting teachers go, not purchasing English and reading books for all K–12 programs for nearly a decade, or robbing from the school maintenance budget to cover budget shortfalls.

The Klamath County Sheriff's force of 35 officers, which currently patrols a 6,000 square mile area, that is nearly 100 times larger than the District of Columbia, my colleagues, will now be protected with no backup and by as few as 20 officers.

Klamath County, Oregon, is no stranger to hardship nor to hard work; however, they had to endure much of both in the past few years because the Federal Government keeps breaking its commitment to this rural community. As Al Switzer, Klamath County commissioner says: "These are America's forests; they just happen to be in Klamath County."

It is time for Congress to reauthorize the Secure Rural Schools and Community Self-Determination Act, keep faith with rural schools and counties, and keep the word of the Federal Government to timbered communities.

DEMOCRATS WORK ON BEHALF OF THE AMERICAN PEOPLE, NOT THE SPECIAL INTERESTS

(Mr. SIRES asked and was given permission to address the House for 1 minute.)

Mr. SIRES. Mr. Speaker, for too long the American people have been paying for the cost of corruption here in Washington, whether it be skyrocketing prices at the pump last summer, or spiraling prescription drug costs. Democrats vowed to wrestle power of this institution away from special interest lobbyists who have been running it for the last 6 years.

Democrats began to restore faith in Congress when we reformed our rules to prevent the kind of lobbying scandals that have become commonplace during much of the past 6 years.

We then began to fix some of the laws that were written and passed in the dark of night. During the first 100 hours in power, we gave the Federal Government the ability to negotiate lower prescription drug prices for American seniors, something that should have been done when the law was first passed.

Yesterday, we repealed $14 billion in subsidies to big oil companies that simply don't need it right now. We have taken the savings and invested them in renewable fuels so that we can begin to end our dependence on foreign oil.

Mr. Speaker, our first 100 hours are over, but we are only beginning to work on behalf of the American people.

AMSTERDAM PROSTITUTION

(Mr. PITTS asked and was given permission to address the House for 1 minute.)

Mr. PITTS. Mr. Speaker, the coarsening of culture doesn't happen overnight. It is a slow, steady process that chips away at our moral compass; but every now and then something comes along that puts things in perspective and shows us how far the slide has gone.

I read recently that city officials in Amsterdam have approved putting up a statue of a prostitute as a tribute to prostitutes worldwide. Sadly, this strikes me as one of those times when we are able to step back and see just how far we have regressed. The last thing the world's prostitutes need is a statue commemorating the sex industry. The sex industry in places like Amsterdam and countless other cities worldwide is not something to be celebrated. It is a tragedy marked by forced sexual servitude, demeaning human exploitation, and unspeakable brokenness.

Each year, countless numbers of girls are kidnapped and forced into sexual slavery. They lose not only their basic human dignity; many will lose their lives.

Mr. Speaker, these people don't need a statue. We need to help them get out of this exploitative lifestyle.

COMPLETION OF 100 HOURS

(Mr. HARE asked and was given permission to address the House for 1 minute.)

Mr. HARE. Mr. Speaker, during the last election, Democrats had a conversation with the American people. We listened to their concerns; the skyrocketing prices of college tuition and prescription drugs, the dangerously low minimum wage, the persisting security threats to our Nation, gas price gouging by Big Oil, and the disgraceful way the House has been conducting the People's business, and we promised to act quickly to make important changes and take America in a new direction.

I am pleased that we can report to those millions of Americans who voted to elect a Democratic majority in Congress, we have heard your concerns and we have taken action. Already less than 100 hours into this new Democratic Congress, we have passed legislation to clean up House ethics rules, implement the 9/11 Commission recommendations, raised the minimum wage, end Federal subsidies to Big Oil, and lower the price of prescription drugs and a college education.

Mr. Speaker, great progress has been made already this session, but these first 100 hours are just the beginning. Democrats are committed to continuing to improve the lives of all Americans. That is what we were elected to do.

□ 1015

NORTHERN IRELAND PEACE PROCESS

(Mr. WALSH of New York asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WALSH of New York. Mr. Speaker, I come to the House floor this morning with my good friend and colleague, RICHARD NEAL of Massachusetts, to draw attention to the Northern Ireland peace process.

Many remember Northern Ireland's troubles with the endless bombings, bullets, bloodshed and continuous cycle of violence. The fight was for civil rights and national aspiration. The combatants made a conscious decision to end the killing and reach a compromise.

Thanks to the efforts of the British, Irish and American governments and the political leaders of Northern Ireland, we have had peace for about 10 years. But they are still struggling to implement the Good Friday Agreement that provides for power sharing, proportional representation and self-governance.

Over the years, in the face of significant criticism, Sinn Fein has delivered on every commitment outlined in the Good Friday Agreement.

We now look to Ian Paisley and the Democratic Unionist Party to step up and deliver on behalf of the Unionist community. It is time for the DUP to validate their word given at St. Andrews by unequivocally committing to a devolved power sharing government with Sinn Fein. They must make good on their word and consummate their remarkable achievement. An historic moment is dawning on the island of Ireland. It is time to act.

COMPLETION OF 100 HOURS

(Mr. CROWLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CROWLEY. Mr. Speaker, last November the American people overwhelmingly called for change in Congress and a change in the direction of this country. In the first 100 hours after taking office the new Democratic majority answered that call by passing significant legislation to begin taking this Congress and this country in a new direction.

First, we passed groundbreaking ethics reform and fiscal responsibility rules to clean up the way Congress operates. Then we implemented the recommendations of the 9/11 Commission, a long overdue step towards making our Nation safer. We went on to raise the minimum wage for millions of working Americans, gave HHS the ability to negotiate cheaper prescription drug prices for millions of seniors, and made college tuition more affordable for millions of students. And just yesterday, we repealed Republican policies that gave corporate welfare to big oil companies instead of investing those funds in consumer relief alternative fuels and energy efficient technology.

Mr. Speaker, Democrats were elected because Americans wanted to see real change in Congress, and we have not let them down. The legislation we passed will make a real difference in the lives of all Americans, and we can all be proud of the great start that we have made right here in this House.

GLOBAL WARMING TASK FORCE

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, recently the Speaker has indicated that she intends to appoint a special task force, a select committee, to investigate global warming. The committee I serve on, Energy and Commerce, has jurisdiction on this matter and, in fact, we have had a hearing on this subject on July 27, 2006 in our oversight subcommittee. We investigated the so-called hockey stick effect. The hearing showed that there is a lot of information on global warming and that this is a very serious issue. But I question the need for another committee when the Energy and Commerce has full legislative power to continue to investigate and legislate. The committee the Speaker has designated will duplicate what is already in place with the longstanding expertise on the Energy and Commerce. In fact, as the chairman of the Energy and Commerce Committee recently said, "We are just empowering a bunch of enthusiastic amateurs to go around and make speeches and make commitments that will be very difficult to honor."

GIVING AMERICANS WHAT THEY WANT IN A BIPARTISAN FASHION

(Mr. PALLONE asked and was given permission to address the House for 1 minute.)

Mr. PALLONE. Mr. Speaker, last year during the political campaign, House Democrats promised to pass six pieces of legislation if the American people trusted us with control of the House. The American people were looking for a new direction and turned to us to get them there.

In the first 3 weeks of the new Congress, we have not disappointed. Democrats have delivered on all six promises. During 100 hours we have increased the minimum wage, implemented the 9/11 Commission recommendations, cut student loan interest rates in half, repealed preposterous welfare handouts to Big Oil, approved Federal funding for promising stem cell research, and provided our government the ability to negotiate lower prescription drug prices for America's seniors.

Six major pieces of legislation passed by this House within the first 100 hours of the 110th Congress. And this legislation begins to move our Nation in a new direction, one where the needs of all Americans are finally addressed here on the House floor. These six pieces of legislation will produce real results for the American people, and that is why they garnered such strong bipartisan support over the last 3 weeks. And this is only the beginning.

FREEZING WEATHER IN CALIFORNIA

(Mr. McCARTHY of California asked and was given permission to address the House for 1 minute.)

Mr. McCARTHY of California. Mr. Speaker, I rise today to talk of the severe damage that the recent freezing weather in the Central Valley and Central Coast has had on our crops.

Mr. Speaker, Congress must do what we can to help the hardworking farmers and workers who were hit this past week with freezing weather and are predicted to have lost almost all their crops which feed our Nation.

Mr. Speaker, California's fresh citrus industry is valued at over $1 billion and provides 95 percent of the country's fresh citrus. Kern County alone, which I represent, produced over $350 million worth of citrus in 2005. While we do not know the full extent of the damage yet, over 75 percent of our citrus crops may have been lost.

Also in my district is San Luis Obispo, where over $7 million worth of avocados were grown last year, this freeze could have ruined the next year's crops as well.

My heart goes out to all my constituents who have spent sleepless nights trying to save their crops. I applaud Governor Arnold Schwarzenegger, who has already declared a state of emergency in Kern and San Luis Obispo and eight other counties. My California colleagues and I have already sent a letter to the Agriculture Secretary.

Mr. Speaker, I ask this Congress to speed all Federal disaster assistance they can to California farmers and workers.

100 HOUR ACCOMPLISHMENTS

(Mr. DEFAZIO asked and was given permission to address the House for 1 minute.)

Mr. DEFAZIO. Mr. Speaker, it is interesting to hear the Republicans belittling the 100 hours, say, well, we really didn't do much. It is low hanging fruit. Well, if that is so, why in the last 12 years did the Republicans not raise the Federal minimum wage? In fact, they didn't even allow a vote on raising the

Federal minimum wage in the last decade, and they would belittle that because they don't care about working people in this country.

They said a year ago, their leaders in face of the Abramoff scandal which enveloped the Republican Party, that they would have ethics reform on the floor and passed before the end of February. Well, February came and went. We got it done in January, a year later, after we took control. They couldn't even clean up their own mess. And they belittle what we are doing.

A year ago, they jammed through legislation to raise the cost of student financial aid to pay for tax cuts for wealthy investors, to extend those tax breaks from 2008 to 2010. Yesterday, we passed legislation to cut the costs of interest and student financial aid in half. We took on big banks, and we will take on the wealthy investors. There is a big difference in this Congress, and the Republicans are whining.

THE HOLD ON TO YOUR WALLET CONGRESS

(Mrs. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BLACKBURN. Mr. Speaker, this is the "Hold on to Your Wallet Congress" because they have spent 100 hours getting into the taxpayers' wallet, and as we have heard them say, they have just gotten started.

We have had no regular order, no rules. They have made it easier to raise taxes by passing a semblance of PAYGO that makes spending permanent and tax relief temporary.

They don't want recorded votes because they don't want their constituents to know what they are voting on. They have passed a 9/11 bill that our private industry tells us is going to be billions of dollars in cost to the taxpayer. We have a minimum wage bill that is going to cost billions of dollars to small businesses and also brought about the Tunagate scandal.

Yes, you know, we are seeing it on every front, an energy bill that is going to raise taxes, not make gas more affordable, student loan legislation that doesn't do one single thing to help students get into college and stay in college.

Yes, hold on to your wallet, Mr. Speaker. They are coming for it.

RECOGNIZING PETTY OFFICER DUSTIN KIRBY

(Mr. GINGREY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGREY. Mr. Speaker, I rise today to share one of the many stories of bravery from our Armed Forces stationed in Iraq. I want to tell you about Navy Petty Officer Dustin Kirby, a native of Hiram, Georgia, a skilled Navy corpsman attached to the 2nd Marine Division in Iraq.

Petty Officer Kirby was injured by sniper fire outside of Fallujah on Christmas Day. I had the honor of visiting him and his family at Bethesda Naval Hospital earlier this week, and I was deeply moved by his courage and dedication to the defense of our Nation.

From my visit, it was clear Petty Officer Kirby had touched many lives. In fact, while we visited he got a phone call from his fellow troops overseas.

His wife, Lauren, his parents, Jack and Gail, his brother and sister, all shared with me their praise of his bravery and resolve.

Mr. Speaker, it is because of soldiers like Petty Officer Dustin Kirby that I know we will achieve victory in Iraq. The dedication and determination of our Armed Forces is what protects our Nation every day and what will ultimately help deliver security and freedom in the Middle East.

I ask that my colleagues join me in commending Petty Officer Kirby for his service.

CONGRATULATING ELIZABETH ELZA

(Mrs. CAPITO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CAPITO. Mr. Speaker, I rise today to extend congratulations to Elizabeth Elza of Elkins, West Virginia, who was recently awarded the Most Outstanding Junior Trooper Award in the 11th annual West Virginia State Junior Trooper Academy. Elizabeth's hard work, dedication and outstanding performance contributed to her recognition as the top junior trooper.

At the Junior Trooper Academy, junior troopers are trained in law enforcement activities to expose them to the criminal justice and law enforcement career fields during an intensive 5-day period. Candidates are between 14 and 17 years old and must be recommended by a State legislator, school superintendent or uniformed member of the State police.

Elizabeth is truly a leader in her community and among her peers. We need more women in leadership positions, and I am pleased to say that Elizabeth is well on her way to being a role model for future young women in West Virginia. Elizabeth is not only a leader in her community, but an accomplished athlete as a member of, get this, the Elkins High School wrestling team.

I am pleased to have this opportunity to highlight Elizabeth's accomplishments. Congrats on being the most outstanding junior trooper.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. ROSS). Pursuant to section 201(a)(2) of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 601), and the order of the House of January 4, 2007, the Chair announces the Speaker and President pro tempore of the Senate jointly appointed Dr. Peter R. Orszag as Director of the Congressional Budget Office, effective January 18, 2007, for the term expiring January 3, 2011.

HOUSE PAGE BOARD REVISION ACT OF 2007

Ms. MILLENDER-McDONALD. Mr. Speaker, pursuant to the order of the House of January 18, 2007, I call up the bill (H.R. 475) to revise the composition of the House of Representatives Page Board to equalize the number of members representing the majority and minority parties and to include a member representing the parents of pages and a member representing former pages, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 475

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "House Page Board Revision Act of 2007".

SEC. 2. REVISION OF COMPOSITION OF HOUSE OF REPRESENTATIVES PAGE BOARD.

(a) EXPANSION OF MEMBERSHIP.—Section 2(a) of House Resolution 611, Ninety-seventh Congress, agreed to November 30, 1982, as enacted into permanent law by section 127 of Public Law 97–377 (2 U.S.C. 88b–3(a)), is amended—

(1) in paragraph (1), by striking "one Member" and inserting "two Members";

(2) by striking "and" at the end of paragraph (1);

(3) by redesignating paragraph (2) as paragraph (4); and

(4) by inserting after paragraph (1) the following new paragraphs:

"(2) one individual who, at any time during the 5-year period which ends on the date of the individual's appointment, is or was a parent of a page participating in the program;

"(3) one individual who is a former page of the House who is not a Member of the House or an individual described in paragraph (2); and".

(b) SPECIAL RULES FOR MEMBERS REPRESENTING PARENTS AND FORMER PAGES.—Section 2 of such House Resolution (2 U.S.C. 88b–3) is amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by inserting after subsection (a) the following new subsection:

"(b) In the case of the members of the Page Board who are described in paragraphs (2) and (3) of subsection (a), the following shall apply:

"(1) Each such member shall be appointed jointly by the Speaker and minority leader of the House of Representatives.

"(2) Each such member shall serve for a term of one year and may be reappointed for additional terms if the member continues to meet the requirements for appointment.

"(3) A vacancy in the position held by any such member shall be filled in the same manner as the original appointment. An individual appointed to fill a vacancy shall serve for the remainder of the original term and may be reappointed in accordance with paragraph (2).

"(4) Each such member may be paid travel or transportation expenses, including per diem in lieu of subsistence, for attending meetings of the Page Board while away from the member's home or place of business. There are authorized to be appropriated from the applicable accounts of the House of Representatives such sums as may be necessary for payments under this paragraph.".

SEC. 3. REQUIRING REGULAR MEETINGS.

Section 1 of House Resolution 611, Ninety-seventh Congress, agreed to November 30, 1982, as enacted into permanent law by section 127 of Public Law 97–377 (2 U.S.C. 88b–2), is amended—

(1) by striking "Until otherwise" and inserting "(a) Until otherwise"; and

(2) by adding at the end the following new subsection:

"(b) The Page Board shall meet regularly, in accordance with a schedule established jointly by the Speaker and minority leader of the House of Representatives.".

SEC. 4. EFFECTIVE DATE.

The amendments made by this Act shall apply with respect to the portion of the One Hundred Tenth Congress which begins after the date of the enactment of this Act and each succeeding Congress.

The SPEAKER pro tempore. Pursuant to the order of the House of Thursday, January 18, 2007, the gentlewoman from California (Ms. MILLENDER-McDONALD) and the gentleman from Michigan (Mr. EHLERS) each will control 15 minutes.

The Chair recognizes the gentlewoman from California.

Ms. MILLENDER-McDONALD. Mr. Speaker, as chairwoman of the Committee on House Administration, I am delighted to call up this important bill to reform the governance of the House Page Program.

I trust that all Members recall the circumstances that led to this bill coming up during the first days of this new Congress, so that there is little need to deal with them here. Suffice it to say that the events of last September have been abundantly clear that the House Page Board can no longer be constituted as it was during the last Congress with two Members of the majority but only one from the minority. Such a ratio potentially raises the specter of partisanship and political considerations where they have no place.

Mr. Speaker, the House Page Board has the statutory responsibility to govern and oversee the Page Program. The Board must not only be free of partisanship, it must function so all of its members have access to the information necessary to discharge their responsibilities and do what is right for the pages. These delightful pages, whose parents send them here, trusting that they will be safe, become the responsibility of this House.

□ 1030

If structural changes are needed to ensure that members of the page board can properly oversee the programs, free of extraneous concerns, then we must make such changes.

Mr. Speaker, the gentleman from Michigan has written an excellent bill that changes the page board's form and function. First, it enlarges the page board to include a second Member of the House appointed by the minority leader, thus equalizing the number of Members between the two parties. I must say the Speaker of this House is using her nonpartisan efforts to try to bring equity to this board. This alone could strengthen the board dramatically by making the minority full partners on the board.

But the bill goes further. It adds two outside members of the board, one to represent parents of current or recent pages, and another one who represents a former page to represent the pages themselves. These two outside board members must be appointed jointly by the Speaker and the minority leader for a 1-year term, but can be eligible for reappointment if they continue to meet the requisite qualifications. These additional representatives for pages and parents will infuse the board's deliberations with perspectives that only they can bring.

Finally, Mr. Speaker, to ensure that the page board gives the program the attention it deserves, the bill requires regular board meetings on a schedule established jointly by the Speaker and the minority leader. This bill, which would be permanent and effective immediately, authorizes reimbursement of the outside board members for the expenses of attending meetings. I am confident that Members agree that the benefits of a parent and a former page representation will be worth the modest cost.

I commend the gentleman from Michigan and the gentlewoman from West Virginia for introducing this excellent bill, and I commend the Speaker for scheduling this the first days of this landmark 110th Congress.

I urge my colleagues to support the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. EHLERS. Mr. Speaker, I rise in support of H.R. 475. I will not go into any detailed explanation of it because the Chair of the committee has already given that.

But before I begin my remarks on the legislation before us, I want to express my gratitude to all the dedicated young people who come to serve the House as pages. We are blessed to have such a talented group of young people who are willing to leave home and come here to work for us and for the people of this Nation.

I still recall the first page that I appointed during my first term in the Congress. She was a wonderful young woman, and she served here well. She then went on to college, then to medical school, and is now in residency and has established an outstanding record. Both here in the Congress as a wonderful page and academically, she has done very well. I am certain she will be a wonderful doctor as well. This is typical of the types of people that we have in this Congress as pages.

This legislation is certainly no reflection on any problems that they have created, but rather a reflection on problems that Members have created. We believe that pages who serve here should feel nothing but pride for the important role they play in the daily operations of this House and in the legislation that we present. The legislation before us is meant to improve the way that we as adults conduct our oversight of the page program.

Sadly, the sordid revelations of last fall were not the first time the House had demonstrated a failure to protect the young people who come here to serve in the program.

In July 1982, following allegations of sexual misconduct involving Members of both parties and their involvement with pages, the Democratic Speaker and the Republican leader of the House appointed a Speaker's commission on pages to study the page program, its usefulness, and to determine what changes needed to be made to better protect America's youth during their service to the House of Representatives.

Many of the commission's recommendations were adopted by the House, including the creation of a leadership-appointed page board responsible for overseeing the page program. That was certainly a step forward, and today's legislation restructures the board that was created then. It has not been the fault of the pages that we had the incident this past year. It is not even the fault of the page board; but, in fact, rather, it was the fault of not engaging the full page board to deal with the problem that made the problem even worse.

This legislation before us will improve the board, make it more effective, and enable it to better carry out its important responsibilities. The pages who work here provide tremendous service to Members, staff, and the operations of the House of Representatives. They gain an invaluable experience, a superb education and improved insight into the workings of their own government.

We owe it to them to ensure that we are doing everything possible and to ensure that they are able to have a positive, healthy, and beneficial experience. We must ensure that we are taking good care of and protecting the young people who have been entrusted to us.

The legislation that is before us will help us meet our important obligations. I believe that adding an additional member and making it truly bipartisan with no party dominating will be a truly positive change.

I believe that adding a former page to the board will be a positive change. In the past at times we have had Members serving on the board who were serving as pages. They performed that function. But by specifically naming a former page to the board, we can ensure that their input is heard.

Furthermore, having a parent of a former page or, perhaps, even a current page serve on the board will be an asset to us as we consider the operation of the page program, their education and all the regulations pertaining to them.

I hope this legislation will help us meet our important obligation in this regard, and I ask all the Members of Congress to support this excellent piece of legislation.

Mr. Speaker, I reserve the balance of my time.

Ms. MILLENDER-McDONALD. Mr. Speaker, at this time I would like to yield 3 minutes to one of the authors of this important bill, the gentleman from Michigan (Mr. KILDEE).

Mr. KILDEE. I thank the gentlelady for yielding.

Mr. Speaker, I rise in support of H.R. 475, the House Page Board Revision Act of 2007. Since 1985, I have had the honor of serving on the House page board, either as the chairman or as the Democratic representative.

Whenever we met as a board, our efforts were to arrive at decisions by consensus. H.R. 475 strengthens that spirit of cooperation by providing two basic reforms of the House page board.

First, we expand the membership of the page board. The current membership includes two Members of the majority party and one Member of the minority party, as well as the Clerk of the House and the House Sergeant at Arms. This bill would expand the page board members by adding three new members to the board.

We add a second Member of the minority party to make it an even two Democratic Members and two Republican Members. In a major change, we also add two outside members to the board, one a parent of a current or recent page and the other, a former House page. The Speaker and the minority leader will jointly appoint the page parent and the former page. These additions to the House page board provide for partisan balance and for diversity of views from people who have direct interest in the success of the page program.

The second reform in H.R. 475 is the requirement that the House page board meet on a regular basis. The Speaker and minority leader will jointly establish the frequency of such meetings.

Mr. Speaker, we look forward to operating the page program in an effective manner. We will work together to review and constantly improve the operations of the House page program. It is our goal to assure that the pages will gain every possible benefit from this program while ensuring the well-being of the young people who serve this House as pages.

I urge my colleagues to support H.R. 475.

Mr. EHLERS. Mr. Speaker, I am very pleased to recognize a current member of the page board, the gentlewoman from West Virginia (Mrs. CAPITO).

Mrs. CAPITO. Mr. Speaker, I would like to begin by commending my colleague on the page board, the gentleman from Michigan (Mr. KILDEE), for his service to the program, long service to the program, and for the bipartisan manner in which he has handled the legislation before him today.

I would also like to thank the Chair and ranking member of the House Administration Committee, and I would like to join my fellow, the ranking member and all of us, really, to say thank you to all the pages who are in the room today, all the pages who are currently serving, and all those pages who have done wonderful service in the past.

I am proud to be the original cosponsor of the House Page Board Revision Act and rise to urge my colleagues to support it. I believe my colleagues will support it.

The House page program has existed for well over a century and provides teenagers with an incredible opportunity to learn about the legislative process, gain leadership and teamwork skills that can be applied to whatever profession they decide to enter. House pages provide a valuable service to the House of Representatives as well. The page program is truly an asset, both to this body and to the Nation.

I guarantee, if you ask any page in this room, present or former, about their experience, there is one word that they always use to describe it when I ask, and that is "fantastic." That is why Members of this House were shocked to learn that a former Congressman's inappropriate interaction with House pages came to light last fall.

As a mother, it was very upsetting to find out that children sent to Washington could possibly be preyed upon. As a Member of this House and a member of the page board, I was disappointed that the information regarding those e-mails was not shared with the full page board.

But since it is impossible to go back and fix, it is important that the House move forward to make the changes to prevent such an incident or other incidents that could endanger the safety of young people. Certainly, we all know that one of the most important rules of this House is for Members, of course, to conduct themselves in a manner that reflects credibility of the House.

But it is imperative that we learn lessons from last year's situation and take the steps necessary to better protect House pages and to ensure that any potential problem is investigated fully.

Mr. Speaker, many of the items in this bill are suggestions that I made to the page board in October, and I will include this letter into the RECORD listing my reasons for supporting this.

This legislation balances the partisan make-up of the page board by incorporating two pages from each party. I believe this provision is important, not just symbolically but it is also important because it demonstrates that nothing within the page board is ever construed as partisan.

It is important that everyone involved, House Members, staff, employees, pages, dorm supervisors alike feel comfortable approaching the page board with any information about possible threats to the safety of the children in this program. Demonstrating that the board is truly bipartisan should make this easier.

Expanding membership to include a former page and the parent of a current or recent page will improve discussions on policies for the page program and provide that additional perspective, that additional set of eyes and ears for any problems that may arise.

Certainly, regular meetings, I heartily agree, of the page board, will help shed light on any trouble facing our pages, and I am pleased that this provision has been included in the bill.

My hope is that other recommendations that have been put forward, such as a peer counseling program, better communications, will strengthen this program as we move forward into the future.

I commend the leaders of both parties for agreeing to take action to better protect the pages who serve this House; and, again, I thank Mr. KILDEE for offering this bill. This is a good bipartisan piece of legislation, and I ask my colleagues to support it.

OCTOBER 5, 2006.

Hon. JOHN SHIMKUS,
Hon. DALE KILDEE,
Mr. Bill Livingood, Sergeant-at-Arms.

DEAR PAGE BOARD MEMBER: This week has been difficult for all Members of Congress, as well as for the institution in which we serve. Make no mistake, the revelation of Mark Foley's despicable actions have been difficult on the young people in our Page Program as well. I am confident that I speak for the entire Page Board in expressing outrage and hoping that anyone involved in this tragic sequence of events be severely punished.

Today, Speaker Hastert called for the Page Program to be reviewed and strengthened. As the Speaker correctly stated, times have changed since this great program was created, and I believe it is incumbent upon us to ensure we address these changes as they pertain to the Page Program.

As a fellow member of the Page Board, I write to you today for two reasons: (1) To offer my full support for the continuation of the Page Program, and (2) Offer my suggestions on how we can begin to update and strengthen this program to ensure it continues to offer a safe learning experience for our nation's young people.

As we move forward, I ask that we consider using the following items as a starting point for reform to the Page Program:

(1) Increase the number of Members of Congress on the Page Board and, like the Committee on Standards & Official Conduct, establish equal representation from both parties on the Page Board. I know we all agree that the issue of safety for the young people in the Page Program is not a partisan one.

(2) Developing a peer counseling program within the Page Program. Modeled after peer programs that have been successful in our educational system, this would provide pages with an additional outlet to express any problems or concerns that may be easier than reporting to an adult.

(3) The implementation of monthly meetings with the Page Board, pages, as well as a representative from the U.S. Capitol Police. We should create a system in which all members of the Page Board have more information on any potential problem facing the pages, including receiving reports from the Capitol Police on any possible problems with crime activity on Capitol Hill or in the page dorm neighborhood.

(4) Establish training and guidelines on educating Members of Congress and pages on the job description and responsibilities of those in the Page Program as well as proper relationships with pages, Members of Congress, or any employee of the House of Representatives.

I look forward to working with you to achieve our shared goal of improving this great program, and more importantly, ensuring we have put in place the best procedures to protect the safety and welfare of the young people in the Page Program.

Ms. MILLENDER-McDONALD. Mr. Speaker, now I would like to yield 3 minutes to the gentleman from New Jersey (Mr. HOLT), a former page.

Mr. HOLT. I thank the Chair for her time and for presenting this legislation. I also commend the gentleman from Michigan (Mr. KILDEE), the gentleman from Michigan (Mr. EHLERS), the gentlewoman from West Virginia (Mrs. CAPITO), and the others who have been involved in this.

Mr. Speaker, it is important because of the tradition and because of the future. I know some people have said why does Congress even maintain the page program. We could privatize it. We could have messengers. Why does Congress even maintain a dormitory?

□ 1045

Because we contribute to the growth and the education of future leaders.

I speak as a former page, many decades past now, but I must count that as one of the formative experiences of my life. The pages learn the discipline of employment, they learn teamwork, but they also take to heart the democratic process, the representative government. They literally walk in the footsteps of some of the great figures of history. But we have a responsibility as Members of Congress not just for their education and growth, but also for their safety.

This legislation is important. I am pleased that the legislation mandates that the Page Board be composed of equal numbers of Republicans and Democrats, that it include a former page and a page parent, and mandates regular meetings of the board, so that the board is constantly aware and makes us in this body constantly aware of our responsibility for the welfare and the growth and the safety and the education of the pages.

The country is better off because of these pages, many of whom have gone on to important leadership positions and contributed in so many ways, in their hometowns, in their home States, and, in many cases, in the Federal Government.

As a former page and as a parent, I was offended and shocked at the breach of trust that occurred in the past year. But I am pleased that we are acting today to address systemic shortcomings and to prevent any such occurrence in the future, and, more to the point, working to make this a truly positive experience for all pages, all these young men and women, future leaders, and important employees and public servants even now.

Mr. EHLERS. Mr. Speaker, I yield myself such time as I may consume to just make a few closing comments.

Mr. Speaker, I am just delighted with this piece of legislation. I congratulate Mr. KILDEE, my esteemed colleague from the State of Michigan, and also Mrs. SHELLEY MOORE CAPITO, who spoke earlier. It is a good piece of legislation. It is, unfortunately, needed. But it should have been in place before. It might have helped to prevent some of the events we had this past year.

So I strongly support this legislation. I urge all of our colleagues to vote for it. May we all have a better Page Board and a better Page Program and continue one of the most outstanding programs that a young person in this Nation can participate in.

Mr. Speaker, I yield back the balance of my time.

Ms. MILLENDER-McDONALD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to thank the ranking member on the Committee on House Administration for his stewardship and his leadership in the Page Program. I would like to thank all of those who were responsible for this great legislation.

Mr. Speaker, this House must pass this bill. The Page Program is a treasured institution that offers youngsters from across this country the opportunity to serve and to learn firsthand about the Congress, while helping us to conduct the Nation's business.

As I said this morning to the pages when I was coming in, this is your bill. Of all the bills you have heard throughout the years you have been here, this one is yours, and we are happy to introduce this bill today.

Recent unfortunate events have shown that the governance of the Page Program needs reform. The House minority must be brought into the process as full partners with equal representation, eliminating any hint of partisanship. This is why I applaud the Speaker of this House. She wants to make sure, as much as we can, to have nonpartisanship in conducting the business of the People's House.

This board will benefit from new representation of parents and former pages themselves, and that is an added incentive, Mr. Speaker, because when you have parents and when you have former pages, they can have input that will benefit these pages who are here with us.

These and other reforms proposed by the gentleman from Michigan and the gentlewoman from West Virginia, who have served diligently on the Page Board, will greatly improve the program. I think also the increase in meetings will be an additive as well, Mr. Speaker.

So I am proud for all of those who have been part and parcel of this legislation, as well as I am proud of our new Speaker, who has made these reforms part of the agenda for the first days of the new Congress.

I urge all Members now to support this legislation and to protect these young folks who come from all areas of this country, coming here to do a part and to serve us as we do the people's business.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in support of H.R. 475, the House Page Board Revision Act of 2007. I thank my colleagues, Mr. KILDEE, the gentleman from Michigan, and Mrs. CAPITO, the gentlewoman from West Virginia, for their good work in crafting this bipartisan legislation, which will do much to ensure the safety of the pages that serve the United States Congress.

In view of recent events, parents everywhere are right to be concerned for the safety of their children—after all, if children are not safe in the Capitol, the seat of the National Government, can they be safe anywhere? It is important that we pass this legislation today to reassure the public that the Capitol is safe for children, including pages.

The scandal that erupted on September 29, 2007, involving former Representative Mark Foley's predatory conduct toward House pages, and coverup by the senior House Republican leadership, has led some to call for the termination of the Page Program. In my view, that would have been a terrible mistake and a terrible commentary upon the ability of the House of Representatives to ensure the safety of the children entrusted to its care.

Mr. Speaker, the Page Program needs to be mended not ended. The teenagers who serve as congressional pages are outstanding young men and women, invariably chosen because of their high achievement and outstanding service to their community. Service as a page is often a stepping stone to greater public service and nearly always a window into history. The program's alumni include Representative TOM DAVIS, Representative DAN BOREN, Senator CHRISTOPHER DODD, and Microsoft founder Bill Gates.

Instead of eliminating the page program, we need to get rid of sexual predators in office. An important part of the new Democratic majority's agenda is end the culture of corruption that pervaded the previous Congress and to make the 110th Congress the most ethical Congress in history.

The page program is a good thing; the kids that are in it are good kids. Right now, security for pages in Washington includes curfews, a buddy system when they leave their dormitory, 24-hour security at the residence hall, sign-outs when the pages leave, parental notification for many extracurricular activities, and a pre-program orientation laying out acceptable and unacceptable behavior for pages.

Mr. Speaker, as the Chair of the Congressional Children's Caucus, I am proud to support this legislation today. I support H.R. 475 because it will ensure more oversight of the Page Program in Congress, thus reducing substantially the risk of exposing pages to harmful persons or conduct. We must show America that we are striving to keep America's children safe, starting here on Capitol Hill.

Ms. MILLENDER-McDONALD. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. ROSS). All time for debate has expired.

Pursuant to the order of the House of Thursday, January 18, 2007, the bill is considered read and the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. MILLENDER-McDONALD. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 416, nays 0, not voting 18, as follows:

[Roll No. 42]

YEAS—416

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Butterfield
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Jo Ann
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—18

Burton (IN)
Buyer
Calvert
Camp (MI)
Cooper
Fattah
Gallegly
Hobson
Johnson, Sam
Lewis (CA)
Lucas
Marchant
McCollum (MN)
Napolitano
Norwood
Simpson
Smith (WA)
Visclosky

□ 1117

Mrs. BIGGERT changed her vote from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to consider was laid on the table.

Stated for:

Mr. NORWOOD. Mr. Speaker, on rollcall No. 42, on passage of H.R. 475, House Page Board Revision Act, had I been present, I would have voted "yea."

Mr. CALVERT. Mr. Speaker, if I had been present earlier today, Friday, January 19, 2007, I would have voted as follows on today's recorded vote: rollcall No. 42, "yea"—H.R. 475—House Page Board Revision Act of 2007.

Mrs. NAPOLITANO. Mr. Speaker, on Friday, January 19, 2007, I was absent due to a family obligation. Had I been present, I would have voted "yea" on rollcall No. 42, agreeing to H.R. 475—to revise the composition of the House of Representatives Page Board to equalize the number of members representing the majority and minority parties and to include a member representing the parents of pages and a member representing former pages.

Mr. SIMPSON. Mr. Speaker, on rollcall No. 42, had I been present, I would have voted "yea."

PERSONAL EXPLANATION

Mr. COOPER. Mr. Speaker, I was unavoidably absent on Thursday afternoon and Friday morning. Had I been present for rollcall 40, I would have voted "yea" on H.R. 6, a bill I proudly cosponsored that will improve America's energy independence and financial situation.

Had I been present for rollcall 42, I would have voted "yea" on H.R. 475.

GENERAL LEAVE

Ms. MILLENDER-McDONALD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous matter on the measure just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. BLUNT asked and was given permission to address the House for 1 minute.)

Mr. BLUNT. Mr. Speaker, I yield to my friend, the majority leader, Mr. HOYER, for the purpose of inquiring about next week's schedule.

Mr. HOYER. Mr. Speaker, I thank the gentleman for yielding.

We are going to meet at 12:30 p.m. for morning hour on Monday and at 2 p.m. for legislative business. We will consider several bills under suspension of the rules, including, and every Member ought to pay attention closely to this announcement, to the important bill, I think frankly it is going to pass with every Member's vote; we will consider several bills under suspension, but including legislation regarding Members' pension accountability.

I think everybody in this House believes that we ought to have legislation, we have had it; when the minority was the majority they pushed for this legislation, we agreed with them, we are pushing it as well. We think there will be agreement on making sure that if you commit a crime while a Member of Congress that is contrary to your duties that you are going to lose your pension. We think the American public believes that is fair.

On Tuesday, the House will meet at 10:30 for morning hour and noon for legislative business. We will consider additional bills under suspension of the rules. A complete list of those suspension bills, as is the practice, will be available by the end of today.

On Tuesday, obviously we will receive the President for the delivery of the State of the Union message. So we will vacate the Chamber about 5 o'clock to give the opportunity for the security forces to make sure the Chamber is secure.

On Wednesday, we will meet at 10. We will consider a resolution to restore to the Delegates and Resident Commissioner their ability to cast votes in the Committee of the Whole. This rule was in place prior to January 1995, and we believe it is a good rule and will try to adopt that amendment to the rules. We will finish business in time—I have discussed with Mr. BOEHNER and Mr. BLUNT—we are trying to accommodate our schedule so that the minority is able to leave in a timely fashion to go to their meeting in Cambridge.

Mr. BLUNT. I thank my friend. I have several questions. On the last issue that you just raised, that is the first notice that I have had, maybe our staff has had notice, right before coming to the floor on changing the rules for the Committee of the Whole to where Delegates could vote. I would ask my friend, is that only in the Committee of the Whole? Is that what that rule change would be?

Mr. HOYER. This is exactly the same rule that was put in place by the Democrats when we were in the majority to give to our five Delegates the opportunity to come to the floor to express their opinion in the Committee of the Whole. That rule, however, provides that in the event that the votes of the Delegates make a difference in the outcome, that immediately the Committee would rise, go into the House, and it would be revoted in the full House without the ability of the Delegates to vote.

The reason I articulate that, Mr. Whip, is to point out that, as you know, that was taken to court to see whether or not that was appropriate under the Constitution. The Court ruled that it was appropriate under the Constitution, with that caveat that I have just referenced. I have discussed this with all five Delegates. They are all supportive of this rule.

We believed, as you know, when you adopted your rules in January of 1995 and dropped the Delegates, we believed that that was unfortunate, because we have five people here sent by their constituents to the House but do not have an opportunity to express their view in a public way, their position in a public way on behalf of their constituents. This will do that, although under the Constitution we are constrained to write it as we did, which has been confirmed by the court. And I thank the gentleman for that question.

Mr. BLUNT. Now, I believe there are seven Delegates, and we might get our numbers straight on that. Also, I think I am right in that this has only happened in one Congress.

Mr. HOYER. Would the gentleman yield?

Mr. BLUNT. Yes, I would.

Mr. HOYER. There are five, believe me. There are obviously the representative of the District of Columbia, the Virgin Islands, American Samoa, Guam, and Puerto Rico.

Mr. BLUNT. Okay.

This only happened in one Congress, which was the Congress in 1993 and 1994. I wasn't in Congress at the time, but I recall it was very controversial, I believe the gentleman suggested so controversial that there was a court case that determined that these votes, if they had impact on the outcome, immediately would have to be decided by the full House. And I am wondering, is that to give a deceptively large margin in the Committee of the Whole? The majority is in the majority. Four of these five Delegates are on the majority side. Every time it doesn't matter in terms of passage, I guess that means it appears that there are four more votes or maybe five more votes than there would otherwise be.

What is the purpose of this? If it made a difference, it would immediately have to go to a vote that they could not participate in.

I yield for an answer.

Mr. HOYER. I thank the gentleman for yielding.

The purpose is to honor democracy. We are fighting in Iraq to honor democracy and allowing people to vote. I thought it was unfortunate, personally, that we did not continue the rule in place that we adopted in 1993 in the rules package. And this rule will of course extend to the Republican delegate, Resident Commissioner from Puerto Rico, as well as the gentlewoman from the District of Columbia. I personally believe very strongly she ought to have a full vote in this House. She represents 680,000, thereabouts, Americans who, if they moved across the river to Virginia or across the line to Maryland, would have a full vote. I think it is inappropriate, wrong, and frankly inconsistent with our commitment to democracy that she does not have a full vote on the floor of the House.

But I say to the gentleman the purpose is to give to these elected representatives of constituent parts of this country, not States, but constituent parts of this country the ability to express their views on this floor. Under the Constitution, obviously, if they make a difference, there would be a constitutional question; make a difference in the sense that the margin is so close that they would make the difference between winning and losing a proposition. So we provided then and are providing now what the Court has sanctioned as the way to give to the Resident Commissioner from Puerto Rico, a Republican, as well as the four Democrats who represent those four areas of our country that I indicated, the District of Columbia, clearly a part of our country, and the Virgin Islands, American Samoa, and Guam, the ability to come to this floor and express their opinion. We believe that is consistent with the democratic principles of this country, and that is why we are doing it.

Mr. BLUNT. Reclaiming my time, it seems to me that the courts must not think it is consistent, or they wouldn't have ruled and determined that if these votes made a difference you have to vote again with a body that doesn't include the votes from those five individuals.

I would also suggest that while the gentleman makes the point that the Delegate from the District of Columbia represents essentially the same number of people that everybody else on this floor does, that the Delegate from Guam, for instance, represents about a fourth of that number, about 160,000, 165,000 people. So their vote will be tallied in the Committee in a way that appears that the Committee vote has a substantially different margin than the same issue taken to the floor would have, and I am sure this will be a matter of some concern. It was controversial when it was done. It only lasted for one Congress. And as the gentleman would make the point, appropriately, that when my side became the majority side in 1995, that 2-year period where this existed, that rule was changed back.

A little more notice on that would have been helpful, but we have been given notice. We now know that this issue will come up on Wednesday. And in my own mind, I am still unclear why it is so significant for the work of the Committee to be disproportionate in its appearance to the work of the full House. They have maybe four or five extra votes that if they made a difference in essence don't count. But if they don't make a difference, it looks like the margin that the majority has created is bigger than in reality it would be if that was the margin that made the difference in whether an issue passed or not.

I would be glad to hear a response to that.

□ 1130

Mr. HOYER. I thank the gentleman for yielding the time. Of course, we are not very worried about that, we have been getting so many Republicans to vote with our propositions, 124 on one of our bills, 82 on another one of our bills, our margins are so big that is not a big concern to us at this point in time, I tell my friend.

Frankly, Guam is in no different position than some of our States. Some of our States have one Member, and they are guaranteed a Member no matter what their size is. So Wyoming, Montana and other States who have either more or less, Montana now represents more than most of us, Wyoming less than most of us. I am not sure what the population of Alaska is. But to that extent, Guam, American Samoa are not in any different position than a State that is guaranteed a vote.

Now under the Constitution, and I will say again to my friend that it wasn't the courts that imposed this, in our efforts in 1992 and 1993 when we adopted the rule to extend to our colleagues who vote in every committee in this House, they vote in the Ways and Means Committee if they are there, I don't know that there is a Delegate member, but they vote in the Natural Resources Committee, the Science Committee, other committees on which they are members they vote. They are in line to chair or not chair subcommittees, depending upon their seniority. It is only in the Committee of the Whole that they cannot vote. So they cannot express their views for their constituents on an issue.

The Constitution is such, which is why we drafted the rule, you are correct, to have them make a difference would be, we believed, inconsistent with the Constitution. We need a constitutional amendment to do that. We are not offering a constitutional amendment. We don't think that is necessary.

But I want to tell my friend honestly, I have been the chief proponent of this and feel strongly about it, I believe passionately that Ms. NORTON ought to have a full vote, number one.

Number two, I believe the four Delegates, whether they be from Puerto Rico, whether from Guam, American Samoa or the Virgin Islands, ought to have the opportunity to come to this floor and express their views. So we are offering that rule. We thought it was a good rule.

You are right, in the final analysis it is not going to skew the difference between the minority and the majority parties because ultimately if they make a difference, it is not that their vote will not count, their vote will count. Their constituents will see their vote up and other Americans will see their vote up, and they are going to say the gentlelady from Guam or the gentleman from American Samoa or the gentlelady from the Virgin Islands or the gentleman from Puerto Rico believed X, Y or Z on a vote. We think that is consistent with our view that we ought to be extending opportunities for democracy, not limiting them.

Mr. BLUNT. Reclaiming my time on that, in the committees my understanding is if the Delegates in the committees, if their vote is the vote that makes the difference in committee work, that vote does not have to be taken again. There is a fundamental difference clearly, the Constitution and the courts believe, in what happens on the House floor and what both majorities have decided happens in committee.

I also think there is no analogous situation in terms of the number of people represented.

Generally, the single district States now are close to or bigger than. The individual from Montana represents more people than anybody else on the House floor. There is no 160,000-vote in any State.

My good friend from American Samoa, we have been friends for over two decades now. We have found many times to work together, and this certainly in no way reflects on my true fondness or long friendship with him. I would be glad for you to make a comment, and if you want to make a comment about the fact that American Samoa was excluded from the minimum wage increase, another issue that we are concerned about, we would like to be consistent in at least that regard in how we treat these Delegate representatives and the people they represent.

Mr. Speaker, I yield to my friend from American Samoa.

Mr. FALEOMAVAEGA. I thank my good friend and colleague for yielding to me for a few seconds to respond to some of the concerns that he has expressed on the floor concerning whether or not we ought to be giving the privilege of the congressional Delegates to vote in the Committee of the Whole.

The gentleman makes a good point. The fact of the matter was that this matter was taken to court by the other side of the aisle, and on appeal the Court said it is constitutional if this procedure takes place where if, as a result of the vote a congressional Delegate's vote makes a difference, any Member of the House can also then appeal to the Chair for a revote. That is what makes it constitutional.

But to the point where the gentleman says because Guam is only 160,000 residents, I think once we get into the population consideration we are getting into another area. My good friend, the Resident Commissioner from Puerto Rico, who is a Republican, represents 4 million Americans. I can also make the argument to my good friend that we also bleed and die in the wars that we were currently fighting.

If there is any sense of equity and fairness in the process, at least give us a chance to participate in that regard.

I can say the same thing for our good friends from the State of Wyoming or other States. But when you consider the fact that we have a $20 billion presence of our military, the strategic importance of Guam, we should appreciate the fact that people representing the territory of Guam should be given an opportunity. Guam, despite its small population, does and is a very important territory as far as our military strategic interests are concerned.

To the question of the minimum wage issue, I would say to my good friend from Missouri that I would prefer that we take this issue up at another point in time because I have my own ideas. I would simply say the fact of the matter is that the Federal Labor Standards Act does apply to my little district since 1938. The Congress amended the Federal Labor Standards Act in 1956 to allow the Territories, because in those days our economic situations were just not able to bear the Federal minimum wage standards. For that reason, we have established these industrial committees through the supervision and administration of the U.S. Department of Labor to help us, being under the Federal umbrella. So we do this so that eventually the economies of these territories will come up to par with the national standards.

The problem is that my good friends on the Commonwealth of the Northern Mariana Islands are not under the minimum wage provisions of the Federal Labor Standards Act. This is the issue we are trying to correct.

I must say that I think the good Speaker from San Francisco has been unfairly characterized to suggest that she is doing this as a double standard, being hypocritical. I think it was unfair for our good friends on the other side of the aisle to depict the Speaker in doing something like this. It is not right.

I thank my good friend from Missouri for yielding, and I just wanted to explain those things.

Mr. BLUNT. I have great affection for my friend, and have had for a long time. This is not meant to reflect on him or the people he represents in any way. By the way, there are about 60,000 people on American Samoa that my friend represents, as opposed to 600,000 that others represent. I will let you respond to the number if you want to.

Mr. FALEOMAVAEGA. I will be happy to check on that with my good friend. I represent probably the smallest constituency in the House. But is it any different from our friends from Wyoming, if we are talking about population as a factor, to give representation? The fact is it is not because of the population but because of our status as a U.S. territory.

Now I can't say, because many of the Members don't realize we have had a 106-year unique political relationship with this great Nation. I bet to say that not many of the Members know about that relationship. If you want to talk about the contributions we have made, my little territory has the highest per capita casualty rate in the whole United States. If you want to count the numbers, I have had to go eight times to my district to take the remains of our soldiers who were killed in that terrible war in Iraq. If you want to make comparisons to the 70,000 people, yes; but we also say in a very proud way, we are very, very proud to make that contribution to our great Nation. So if you want to talk numbers, I think we can get into other situations as well.

Mr. BLUNT. I am sure we will, and I thank my good friend for that point.

I would just point out for the purpose of this discussion, Alaska, which the majority leader wondered about the population there, has 626,000 people. Wyoming has about 420,000-some people.

In terms of the decision to have the relationship with the Territories, that was not made anticipating that the Territories would be represented as States are represented. That is the plain and simple truth of it.

If it had been, there probably would have been a different thought about how you treat both Puerto Rico and American Samoa. This is a debate that I am sure a dozen years ago was widely discussed as a debate that should be had as a constitutional debate.

If your vote in the Committee of the Whole is going to matter, it shouldn't be reversible by a vote by the body that doesn't include those five representatives. We have Wednesday to discuss this, and I am sure that we will.

I am glad to get the notification, although I think on an issue like this that clearly was a huge issue a dozen years ago, that notification on the floor is a little later than I would have hoped for.

The other issue on the schedule, I appreciate the leader trying his best to accommodate the retreat that our Members will have next week. And of course there will be a reciprocal accommodation for the retreat you have the next week.

Having scheduled the floor for some period of time, as the majority leader for a while and as the majority whip working with the leader, I sympathize with the leader's challenge of the floor.

I would say that on this entire issue of the voting 5 days a week, whether in truth there is anything to vote for or not, I think has been widely taken advantage of, not by the leader but particularly by people who don't prefer to understand how hard our Members work.

The late night comedians love the idea that Congress was suddenly going to work 5 days a week. I think that was an unfair view of what our Members do. In fact, I would advance the theory that our problem is not that our Members don't work 5 days a week, our problem is that too many of our Members work 7 days a week. Too many of our Members get so focused on this that they don't focus on the things that the people they work for hope they would, and this makes it even more difficult to get your work done.

Here we are today, it was about 11 when we started this discussion. We had a 30-minute debate that when we finished at 6 p.m. last night, I would advance, could have happened then and then Members would have had a day in their district to meet with people who want to meet with Members on occasion during their regular workweek, not on Saturday or Sunday, and under this current schedule the only option is to come to Washington.

I know my good friend appreciates how hard the Members work. I know his suggestion that we would start working 5 days a week in Washington was not intended to be an indication that Members somehow don't work as hard as other Americans do because he and I both know that is not the case.

I wish our Members would have been able to go home last night or this morning and spend some of this workday at home instead of on an airplane. All of our Members as far as I know have a desk in their district office. If they are not going to be there Monday through Friday, they are not going to need that desk very often, and the only way to see them is right here. I think it is unfortunate that we had to come back today for 30 minutes of debate on a measure that was already agreed to on a vote that not a single person voted the other way. I say that more in sympathy than I do in criticism. I understand the pledge you made.

Mr. HOYER. Mr. Speaker, will the gentleman yield?

Mr. BLUNT. I yield on that issue.

Mr. HOYER. First of all, let me say he and I agree. I was at dinner last night and Secretary Paulson was there. Secretary Paulson, as everybody knows, was the managing partner of Goldman Sachs. Obviously he worked very hard and is a very successful individual. He has been in his job now for a few months.

He said to me he was surprised how hard Members of Congress worked, how complex were the challenges confronting them, and how much of an education, frankly, over the last months he has had in dealing with Members of Congress, working on both sides of the aisle, how hard they had to work to come to grips with solving our Nation's problems.

I want to make it very clear that Members of Congress do in fact work 6, 7 days a week, and that is the rule, not the exception. And when they are at home in their districts, they are doing what the Founding Fathers expected them to do, particularly in this House, the people's House. They are going home and listening to their public and having town meetings, they are visiting business enterprises that are creating jobs and visiting schools. They are talking to their constituents. They are meeting people with problems with the Federal Government in their district offices where, as the minority whip has pointed out, they have offices, district offices, to serve their public. That is our job.

I tell my public that this job really is a two-fold job. Fifty percent of it is coming to the House and voting yea or nay on policy. Fifty percent of it is making sure that our districts are represented well in their interface with the Federal Government.

□ 1145

The Federal Government has an impact on our States, on our municipalities, on our jurisdictions and on our people, on our veterans and on our seniors in particular, but many, almost everybody. It is our job to be in close communication with them. As a matter of fact, the reason we are elected every 2 years, by the Founding Fathers' device, was to specifically keep us in close touch.

So I agree 100 percent with the minority whip when he indicates that our

Members are working, whether they are here on this floor or they are at home. Period. Having said that, we are going to be considering a CR pretty soon because nine of the 11 appropriation bills that we were supposed to pass into law are still not passed. They weren't passed by the end of the fiscal year, September 30 of 2006. They have not been passed as of January 19, and we are going to try to get at least a CR passed so that we can fund last year's responsibility.

And I want Members to know that the committees have had essentially 2 days to work in this place, Tuesdays and Wednesdays; and the committees have been complaining that they aren't able to get their work done. I want everybody to know, Mr. BLUNT and I are close friends. We are not close Democratic friends and Republican friends; we are close friends. We see one another a lot, we talk to one another a lot, but what I have said, and the whip knows I have said this, we are going to come in Monday nights. Now, why are we going to come in on Monday nights? Because if we do not come in Monday nights and we come in Tuesday night at 6:30, the committees cannot meet because they can't get quorums.

Woodrow Wilson said that the work of Congress is done in its committees. If committees can't work, the Congress can't work. America sent us here to work, to get its work done, to make a difference, to take us in a new direction, and that is on our side.

I am prepared, as the leader, to take some of the flack when sometimes, as we wanted to do today, as the whip knows, we wanted to do the pension bill today. Mr. DREIER objected, it wasn't in the regular order, we understand that, we are going to accommodate that, so we are going to do it Monday. We think it is going to be an overwhelming vote on that. That could have been done today. We could have done that and moved it on, but we will be here on Monday. And committees will have Tuesday and Wednesday. Next week is a short week, the week after is a short week, so we won't be meeting on Fridays. So we are not on an onerous schedule.

But I would say to my colleagues on both sides of the aisle, this leader wants to accommodate the interest of Members. Why? Because I know you work hard, because I have been here for 26 years and I work very hard, and my colleagues work hard. I want you to also know that I think it is our responsibility and duty to the American people to be here in sufficient time to allow us to do the people's business.

And I want the people to know that when we are not on the floor on a Friday and only doing a half an hour or an hour's work, as the gentleman indicated, that our committees have 4 hours, from 9 to 1, to try to do their work.

Now, we are early in the session, so they may not have needed today. And, yes, I could, as practice has been, when we get to Thursday conclude, well, we can get this out of the way and go home. I know Members like to do that.

I want Members to be informed on a regular basis it is my intention, as the leader, as the person responsible for scheduling, to talk to our committee chairmen and committee ranking members that they will have the opportunity to get their work done, and I am hopeful that they will report that work to the floor.

My friend and I have discussed getting work for the floor is sometimes difficult; but I say to my friend, I think it is more difficult if the committees don't have the opportunity to work. We are trying to provide that, while at the same time, I say to my friend, provide for Members' schedules, not only at home to work, but Members to be at home to see their children and their families and their wives and their husbands. We think that is important as well.

So scheduling, as my friend, Mr. BLUNT, has observed, is tough; but we are going to try to provide a schedule which provides the opportunity to do our business here and at home and to make sure that we stay in close touch with our families.

I thank the gentleman for yielding.

Mr. BLUNT. I am reminded of a friend of mine, when I was the Secretary of State in Missouri, who was the leader, the Democratic leader in the State Senate, was fond of saying: If you can't change your mind, you can't change anything. I am absolutely confident that no committees met today. And I understand the work the committees do in the Congress. When the committees aren't working when we could have added 30 minutes onto the schedule last night and been done, not in the middle of the night, by 7 o'clock, I think that would have been a good decision to make. I would hope my friend will remain flexible about that in the future.

This has gone on some time today. I appreciate the chance to talk about the work next week. I am also hopeful, and I would ask, will the change in the rules on allowing delegates to vote in the Committee of the Whole, will that go to the Rules Committees, and will there be a chance for Republicans to at least offer amendments?

Mr. HOYER. The answer to your question is it will go to the Rules Committee; the Rules Committee will consider it. I have not talked to the Rules Committee, nor have I talked to you or to Mr. BOEHNER about what you might want to do on that, but we will do that.

Mr. BLUNT. Well, the gentleman is right, we certainly haven't had any discussion on this until the floor today.

I would also make the point that last week we did take two bills to the Rules Committee; but before any opportunity was given to even offer an amendment, it was announced that no amendments would be allowed. I think that is unprecedented in the last 12 years, where at least the Rules Committee always heard the amendments and tried to offer amendments and always offered a substitute in every instance that I am aware of.

Mr. HOYER. Mr. Speaker, will the gentleman yield?

Mr. BLUNT. I yield briefly, as the gentleman can usually out-talk me.

Mr. HOYER. I would like to yield to Mr. DEFAZIO of Oregon.

Mr. DEFAZIO. I am a member of the full Transportation Committee; and Water Resources, a subcommittee of Transportation, did meet today. Perhaps there were other committees meeting.

Mr. BLUNT. I would ask my friend how long you met and what was the topic.

Mr. DEFAZIO. I don't serve on that subcommittee any longer. I met some people on the way to the committee who told me they were meeting.

Mr. BLUNT. I appreciate the information.

Mr. HOYER. I just knew that you would be delighted to have that information.

Mr. BLUNT. I would be glad to find out the substance of that meeting this morning. I doubt it was very substantive or could not have been done yesterday. I think all the Members understand this discussion.

I think the general coverage of Congress meeting for 5 days a week was a disservice to the institution. It is like assuming that a surgeon only does the surgeon's work when they are in the operating room.

Another point that I believe I am helping my friend, the majority leader, make is, when we are in committee and not on the floor, that doesn't mean we are not working. When we are at home holding town hall meetings or meeting with constituents, or in my case, seeing how we are doing restoring power to 200,000 people that didn't have power in my district this week in weather that was between 6 and 26 degrees all week, it was impossible for me to be there today because I had to be here to cast a vote that could have been cast last night.

I hope we all work hard. Certainly the majority has had the better of this argument so far because it is a lot of fun to talk about Members of Congress that don't work, or suddenly Members are working. Another thing I am going to tell my friend we are going to do, frankly, is keep track of how many hours we worked in essentially a 3- and 4-day week versus a 4- and 5-day week. So far, we are winning in hours of working on the floor.

We worked hard; you worked hard. On the appropriations process, I would have liked to have finished that last year. It is clear to me that the unwillingness of the other body to move forward, a thing neither you nor I have a lot of control over, was the real reason we didn't get more of that work done. We had 11 of our 12 bills done by the 4th of July, without tremendous effort to keep Members here on Friday. The year before we had all of our bills done by the 4th of July. I think that is a reasonable target for us, and I hope that we help achieve that target this year.

We do want to get our work done. This is a bicameral legislative system. We don't control what happens on the other side.

Mr. Speaker, I yield back the balance of my time.

LEGISLATIVE PROGRAM

(Mr. HOYER asked and was given permission to address the House for 1 minute.)

Mr. HOYER. Mr. Speaker, I asked to speak because the whip yielded back his time.

I understand the gentleman's contention. Very frankly, we did our business in a timely fashion and got a lot done these last 2 weeks, in our opinion. We may differ on that. We got, we think, a lot done in a bipartisan fashion, really, in terms of the votes.

I will tell you, the Foreign Affairs Committee had a hearing today; it is going on now. Lee Hamilton is testifying on Iraq. We believe that is timely and important. So that committee is meeting. I just got the notice of what committees are meeting.

I only state that because I believe my friend is correct, that early on we don't have as many committee meetings. We believe that having the time available for our committees to get work done is going to facilitate having meaningful work on the floor, and we hope that we can do our meaningful work on the floor in hours where it will provide for Members not having to work until 11 o'clock and 12 o'clock at night, even though it may save them 2 or 3 hours on a Friday. But we are going to work with you. We have worked together; we are going to continue to work together. We will have differences.

I am going to work with Mr. BOEHNER, the leader, to accommodate our Members. You are my friend. The fact that we are in session or not in session is not an indication of whether Members are working. That representation was never made, nor was it ever intended to be made. It is a misrepresentation, certainly in my view, that that is any contention of mine or implication that ought to be drawn. I think the gentleman agrees with that. Members work hard whether we are in session or not in session.

ADJOURNMENT TO MONDAY, JANUARY 22, 2007

Mr. HOYER. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 12:30 p.m. on Monday next for morning hour debate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. HOYER. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

PROVIDING FOR A JOINT SESSION OF CONGRESS TO RECEIVE A MESSAGE FROM THE PRESIDENT

Mr. HOYER. Mr. Speaker, I send to the desk a privileged concurrent resolution (H. Con. Res. 38) and ask for its immediate consideration.

The SPEAKER pro tempore. The Clerk will report the concurrent resolution.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 38

Resolved by the House of Representatives (the Senate concurring), That the two Houses of Congress assemble in the Hall of the House of Representatives on Tuesday, January 23, 2007, at 9 p.m., for the purpose of receiving such communication as the President of the United States shall be pleased to make to them.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

PENSION BILL REGARDING CONVICTED FORMER MEMBERS FALLS SHORT

(Mr. KIRK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KIRK. Mr. Speaker, today Congressman Ney was sentenced to 30 months in jail after pleading guilty to two Federal felonies. Amazingly, under our law he will still collect a congressional pension funded by the U.S. taxpayer. In fact, other Members of Congress who pled guilty or were convicted of crimes collect. Congressman Rostenkowski collects. Congressman Traficant collects. Congressman Cunningham collects. All taxpayer-funded pensions.

On Monday, we will take up a very limited bill to kill pensions for Members of Congress who commit only one of four felonies. The legislation we will consider misses 17 other public integrity felonies that the House already adopted with the support of Speaker PELOSI and Speaker HASTERT in previous years. The legislation we consider on Monday has never been through a committee and the leadership will not allow any amendments to the legislation. There will be no vote permitted to add the other 17 public integrity felonies that should have been part of this needed reform. The legislation that we will consider on Monday will fall short of the potential that we had to reform this House.

□ 1200

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. CHANDLER). The Chair will now recognize Members for special orders not beyond 2 p.m.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

NO NEW TAXES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. PENCE) is recognized for 5 minutes.

Mr. PENCE. Mr. Speaker, I rise today to speak about an issue that is not so much on our agenda in these first 100 hours, but I believe it will encompass much of our focus during the course of the 110th Congress. It has to do with the how and why that we will achieve fundamental entitlement reform.

President Bush and many leaders in the new majority in the House and Senate have spoken of the priority of reforming Social Security and dealing with the extraordinary unfunded obligations of our mandates in future years. The President, to his credit, 2 years ago raised the prospect of fundamental Social Security reform. But the American people rejected the President's call.

And I rise today to speak about what I believe the parameters of that debate should be from the perspective of a conservative in the minority who believes in the principles of limited government.

Mr. Speaker, I believe that the American people did not reject the Social Security reform or the personal retirement accounts that the President advanced. I think they rejected the entire debate and how it unfolded. I think they rejected the notion that the predominant goal of Social Security reform was to make the numbers add up or, in the language of the wonks, to achieve solvency in Social Security. Such a yardstick expresses no opinion on how to fix an increasingly bankrupt system, and I believe that as a result it invariably blesses benefit cuts or tax increases as a result.

And while President Bush has spoken to his opposition to tax increases, Treasury Secretary Hank Paulson has repeatedly said, in conversations with Members of the House and Senate, that "everything is on the table," raising the specter of the possibility of raising taxes to achieve Social Security reform. And even the President's own Press Secretary, when asked directly whether the White House was ruling out a tax increase to achieve Social Security reform with this newly minted Democrat majority in Congress, the Press Secretary said, "No, I'm not."

I believe, Mr. Speaker, this is all code for a willingness within the Bush administration to consider raising taxes in exchange for achieving Social Security reform. Such a tax increase would likely come from lifting or eliminating the cap on the amount of salary and wages subject to the payroll tax. The current income that is subject to the payroll tax is $94,200.

But raising payroll taxes, I would offer, would prove devastating to working Americans, small businesses and the economy as a whole and, worse, if we eliminated the cap on income subject to payroll taxes for Social Security, would only add a brief 7 years to Social Security's financial solvency.

According to the Heritage Foundation, eliminating the cap will increase taxes by $484 billion over the first 5 years. This 12.4 percentage point marginal tax rate increase would hit middle income families struggling to make ends meet, pay for college and save for retirement, and much of the increase would be borne by the 3 million small business owners who pay both the employer and employee portion of the tax hike. These entrepreneurs are the driving force of our economy, Mr. Speaker. And as a result, a tax increase of this nature would result in a 2 to 3 percent reduction in economic growth, causing massive layoffs across the country. And, again, eliminating the cap on income subjected to Social Security payroll tax would only extend the life of Social Security for 7 years.

Now, there are many, even on my side of the aisle, that are flirting with the notion of raising taxes. But, Mr. Speaker, we have been down this road before. It was 1990, when I was a candidate for Congress, when another President Bush teamed up with a Democrat majority in Congress and headed to Andrews Air Force Base all in the name of entitlement reform and deficit reduction, brought the American people the promise of reform in the future, and the largest tax increase in American history.

We must not go down the road of compromise again. I think the administration needs to be clear that any Social Security compromise must reject tax increases of any kind. That means no increase in the payroll tax rate and no change in the cap apart from the current indexing that happens under the law.

I would say, respectfully, to my colleagues and to the President of the United States, we should say to our good friends in the new majority, "Read our lips. No new taxes."

It is imperative that we bring reforms like personal savings accounts to this new deal program. I think it is imperative that we make the new deal a better deal for younger Americans, but raising taxes on small business owners and family farmers in the manner of lifting the cap or raising the rate is an idea whose time should never come.

LAPSE OF SAFE AND SECURE COUNTY RURAL SCHOOLS ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

Mr. DEFAZIO. Mr. Speaker, as I speak here on the floor of the House today, layoff notices are being prepared for teachers, for county sheriff deputies, and other workers in counties in the Pacific Northwest and indeed, across America. This is a result of the lapse of something called the Safe and Secure County Rural Schools Act, legislation that was enacted in a bipartisan way when Bill Clinton was President of the United States and the Republicans controlled the House and the Senate. And this legislation was adopted in recognition that many counties across America are substantially owned by the Federal Government. And the Federal Government is obviously exempt from taxes. And because of major changes in Federal environmental laws, timber harvest in those counties has dropped dramatically, in some cases to near zero. Therefore, the shared revenues, under a compact with the Federal Government, of these counties and schools have shared in the revenues with the Federal Government. And now, for many counties, these revenues would be near zero without the guarantees that were enacted in the last year of the Clinton presidency. I argued at the time that they should be made permanent. Unfortunately, lobbying by the timber industry and some county commissioners who hadn't thought this through, who thought they could drive a crisis and maybe get a change in forest policy, they were made temporary. They have expired as of the 1st of October and that is why the layoff notices are being prepared now.

Congress must act to renew this legislation. Congress needs to hold up its end of the bargain with these counties and these schools across America. The formula is based on historic timber harvest, and historic timber harvest has dropped dramatically, as I said earlier. Some criticize Oregon saying, well, you get a lot of the money. Well, we have the highest Federal ownership of forest lands and the highest timber harvest on Federal lands, and we also have something that is very unique called the ONC lands, which are a vestige of a failed railroad and revestiture of Federal lands and the agreement between the counties and the Federal Government. Quite complicated.

But the bottom line is, we are just asking the Federal Government to make good on its commitment, its partnership. Otherwise, we are going to see, essentially, counties in southwest Oregon who have very little other opportunity to raise revenues, and none regarding the Federal lands. They don't get PILT payments or anything else. We are going to see them laying off vital service providers. There are large parts of southwest Oregon that could become virtually lawless with our State cutbacks in State police and the question of whether or not we will be able to have county sheriff patrols in large areas. In my home county, the size of the State of Connecticut, you know, once when this happened previously, because of a depression in the timber industry, we had no deputies in an area the size of the State of Connecticut, outside of the cities. With the meth epidemic in rural areas in the West and other things, this would be very bad, not only for Oregon and those counties, but for the entire western United States. It is in the public interest.

We are hopeful, we have asked the President to put it in his budget. Last year he sort of haphazardly put it in his budget after ignoring the issue for a number of years. Unfortunately, the financing mechanism that the President chose was immediately criticized by Republican Senators, and declared to be a nonstarter. There are indications it may be in the President's budget this year. We are hoping that the President has found a more suitable offset, something that we can bring to the Congress and begin to move this legislation through.

We need to look at the emergency supplemental for the possibility of a 1-year extension, and then I am committed to moving a permanent extension through a committee on which I serve, the Resources Committee. Greg Walden and I did that 2 years ago very quickly. But the bill stalled out in Agriculture. Hopefully, this time after we get it out of the Resources Committee, that it will move more expeditiously through the Agriculture Committee for the deliberation of the entire Congress. It is not just the Pacific Northwest at risk. It is hundreds of counties and school districts, from Florida to Maine, all across America, who are at risk. And this Congress and this President need to act to fulfill this commitment and this promise.

HONORING THE LIFE OF DR. MARTIN LUTHER KING, JR.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. SCHIFF) is recognized for 5 minutes.

Mr. SCHIFF. Mr. Speaker, I rise today in honor of Martin Luther King Day that we celebrated earlier this week. Americans celebrated the life and legacy of Dr. Martin Luther King who would have turned 78 this month. While there is much left to be done, Dr. King's dream of a colorblind society is closer to reality this year than last.

Dr. King championed nonviolent resistance as a means to bring about fundamental change. He sought such change to bring about equality between peoples of all races, an end to segregation and racial injustice and improved working conditions for all.

Dr. King was a master of rhetoric, and he used his power to bring together Americans from a variety of backgrounds to march in pursuit of equality and justice. And Dr. King achieved great success at attaining these lofty goals, despite his murder at the age of 39.

At only 26 years of age, Dr. King became a national figure by leading the Montgomery bus boycott. At that time, Dr. King was the new pastor of the Dexter Avenue Baptist Church and was spurred to action by the arrest of Rosa Parks for refusing to give her seat on a public bus to a white man. Dr. King inspired action through his words, "There comes a time when people get tired of being trampled over by the iron feet of oppression." With that, he called for a citywide boycott of public transit and demanded first come, first served seating, courteous treatment by bus operators, and the employment of African American bus drivers. The boycott lasted 382 days and in that time, Dr. King's house was bombed and he was arrested. Ultimately, the United States Supreme Court outlawed racial segregation on public transportation.

With the success of the Montgomery bus boycott, Dr. King noted, "We have gained a new sense of dignity and destiny. We have discovered a new and powerful weapon, nonviolent resistance."

Nonviolent resistance, which had been pioneered by Mohandas Gandhi in India, became a cornerstone of King's strategy to gain full civil rights and equality for all people. Over the next 13 years, Dr. King achieved basic civil rights for African-Americans, desegregation, the annulment of Jim Crow laws and the passage of the Civil Rights Act of 1964 and the Voting Rights Act of 1965.

Dr. Martin Luther King Day allows us to reflect on the steps that we, as a nation, have made towards fulfilling Dr. King's dream. Dr. King's 1963 March on Washington was organized around numerous demands for civil rights, many of which are still very relevant today. One such demand was full and fair employment, including a raise in the minimum wage from $1.25 to $2 at that time.

☐ 1215

I am proud that last week is part of the 110th Congress' first 100 hours. The House of Representatives addressed this issue by raising the minimum wage from $5.15 to $7.25. This will significantly benefit a great many low-income families, including the 2.1 million African American minimum wage earners. Other legislation in the first 100 hours will improve health care and education for American families, including 3.9 million African American Medicare beneficiaries and 2.3 million African American college students.

This past weekend I commemorated the work of Martin Luther King, Jr., at the Jackie Robinson Park and at the Metropolitan Baptist Church in my district. At these celebrations my constituents and I examined our progress over the past 40 years since Dr. King's tragic death and remember his line from "I Have a Dream" about the fierce urgency of now. Dr. King preached then that now is the time to make justice a reality for all of God's children, and it is still that time now.

With continued and wide disparities and access to higher education, wages, and access to health care, we as a Nation still have much work before us. Now, even as we celebrate one of the truly great men in this Nation's history, it is time to recommit ourselves to the vision of Dr. King and bring about racial equality and opportunity for every American.

FIRST 100 HOURS OF THE NEW CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. RODRIGUEZ) is recognized for 5 minutes.

Mr. RODRIGUEZ. Mr. Speaker, today I am proud to stand here today and report to the American people that we have completed the 100-hours agenda. We are demonstrating that we have kept our promise. We have set a tone for the 110th Congress that is one of cooperation, consensus, and compromise that extends beyond party lines. From the ethics reforms to restoring fiscal responsibility, to strengthening our national security, to giving more Americans a realistic shot at the American Dream, the new Democratic majority is committed to real and lasting results for the people that we serve.

On the opening days of the Congress, January 4, we adopted the most sweeping ethics package since the post-Watergate era. We restored tough pay-as-you-go budget rules, which will begin to reverse the record budget deficits that are passing on trillions of dollars to our children and grandchildren. We all recognize how important that is.

We recognize that we are some $8.6 trillion in debt, that each one now owes over $29,000. In fact, every child born now owes some $29,000 in order for us to pay the debt.

In the remainder of the first 100 hours, we have turned to passing the Six for '06 agenda to meet the everyday needs of all Americans. We made America safer by the passage of a bill that implements the recommendation of the bipartisan 9/11 Commission, which were submitted by Congress in 2004.

We are extremely proud of that particular piece of legislation, because it allows us to address those needs that were identified by the commission, needs, especially, in south Texas, as we know, on border security, that are critical, other needs, such significant, although they might be considered not so important, but the importance of the agencies to be able to communicate with each other that was found to be one of the most difficult problems that we have still, but have not confronted.

We made our economy fair by passing a bill that increases the minimum wage from $5.15 to $7.25 an hour over the next 2 years, affecting approximately 900,000 employees in Texas. Texas is hit the hardest with this, with the minimum wage; and we are extremely proud to have passed that piece of legislation. It also impacts some of 28.6 percent of the jobs that pay below the Federal poverty line in Texas. We have improved health care by passing and extending the Federal funding for lifesaving embryonic stem cell research, which will help 110 million Americans suffering from diseases.

We have helped to make health care more affordable by passing a bill that directs the Secretary of Health and Human Services to conduct cost savings negotiations with the drug companies for lower prices for Medicare beneficiaries. That is essential. The way the legislation has been written is basically un-American, not allowing us to bargain with the pharmaceutical companies to get lower prices, very similar to what the VA does now.

We know that they are able to get prices at 60 percent lower than what we can for our seniors under Medicare. This particular piece of legislation is going to be out there, and it is going to help all of us, and especially the taxpayer that has to pay for Medicare. So we are extremely proud to have passed that piece of legislation in the last 100 hours.

We also make college more affordable by passing a bill that cuts the interest rates on subsidized student loans for undergraduates in half over the next 5 years. This is particularly important, also, for Hispanic Americans, since 50 percent of Latinos, undergrads, receive Federal aid affecting some 205,000 students throughout this country.

We are extremely proud to have done that. The interest rates on those loans for those students is essential, that we can lower them to a level where it has a direct impact on the cost of higher education. We also know that tuition has been increasing. No one knows that better than parents and young people that are going to college.

We set America on the path to energy independence by passing a bill that repeals $14 billion in subsidies to big oil and gas companies and invests those funds, instead, in clean, renewable energy resources and alternative fuels.

This is just the beginning of the work we are going to be doing. I am really pleased.

THE AMERICAN PEOPLE TOOK BACK THEIR GOVERNMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. ELLISON) is recognized for 5 minutes.

Mr. ELLISON. Mr. Speaker, today I rise to lend my voice with all of the people who voted for a change for America, but especially to lend my voice with my fellow new Congressmen, the freshmen. I rise because I believe that we were sent here to pursue an agenda for America, to set our country on a new course, a new course which put the public good at the center of our efforts, a new course which said that politics must be in service to the average citizen.

This past November, the winds of change took on a gale force in American politics. American people took back their government. They sent a loud and clear message that the government was here for them, by them and of them. No more, no big contracts. No more legislation written behind closed doors by and for the special interests, no more whittling away the constitutional rights that we were fighting, and no more bridges built to nowhere. No more rubber-stamp administration.

We are going to have an active and engaged Congress that really believes in the principle of oversight, and no more escalating an oil war that we believe is sacrificing innocent young Americans for no legitimate purpose. The American people voted in record numbers and demanded that their voices be heard. They wanted their government to respond to their needs, and their needs are not the needs of the big oil companies, the big pharmaceutical companies or the Halliburtons of this world.

American people want a new politics of inclusion, of generosity. The American people want a new politics which says everybody counts and everybody matters. The Democrats heard them.

In record time, 100 hours, we made history by passing a people's agenda. Yes, within 100 hours, minimum-wage workers were able to say that they were getting a raise; within 100 hours, lifesaving research, so that people could have a real chance at a cure for their loved ones and themselves. Within 100 hours, real implementation of the 9/11 Commission recommendations, and within the 100 hours we made a real statement about education being affordable for all Americans.

I am proud to be a Member of this new class of freshmen, proud to be a Member of these folks who came here to make a change to put the public interest first. The public interest is a very good idea, and I am very proud to say that I have been a part of it.

FRESHMEN 100 HOURS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. SUTTON) is recognized for 5 minutes.

Ms. SUTTON. Mr. Speaker, there are times when the people of this great Nation need and demand things of their government that politics make it impossible to accomplish. This has been the case far too often throughout the last 12 years. Through the last election, the people of this Nation have demanded that this government reexamine and change our priorities and our direction.

The people have asked us to respond to their hopes and their dreams and their needs. They have asked us to realize that there are good citizens of this Nation, honest people who work hard and play by the rules and who nonetheless struggle and live in poverty and toil in obscurity through no fault of their own.

The people have called us to recognize the equality of opportunity, the basis upon which this Nation was founded, the means of equal access to education, equal chances to go to college. The people have demanded that we never squash the hope of science with the politics of partisan personal gain, that we never play games with the opportunity to save lives. They know that the minute that this great Nation stops being a beacon of hope and a champion of forward progress for the world, that we become something less than what we are.

The people have demanded that we never allow the concerns of special interests to collide with the public good, that there will come a day when the quality of our time will be judged not only on our ability to pioneer lifesaving drugs but our ability to make them available to all of our citizens.

The people have demanded that when you gather a group of our Nation's leading experts and ask them to take a hard look at what we need to do to keep our people safe and make our Nation stronger, that they take on that charge and honor their commitment, that you do everything necessary to implement their recommendations handed down to you; and the people have demanded that the conduct of our public officials be beyond reproach, that the great balancing act of our democracy rests upon a fulcrum of public trust that is fragile as it is vital.

But for the past 12 years, politics has demanded something different. Between the 104th and 109th Congress, 6,900 rollcall votes were taken, and politics prevailed almost every time.

In the very first few hours of the 110th Congress, the people have had their day. The people compelled us to raise the minimum wage, not politics. The people asked us to work to cut student loan rates in half, not politics. The people led us to expand stem cell research, not politics. Concern for those people made it imperative that we implement the recommendations of the 9/11 Commission and that we take away the tax breaks for oil companies that have made their profits on the backs of recent American suffering, that we start a process for real meaningful negotiation for prescription drugs, not politics.

The people move us to make immediate changes in the ethical rules that govern this Chamber. Their commitment to a new day in America, and a new day in Congress made it vital that we restore the public trust. We saw the faces and heard the needs of the people we were elected to serve; and in this first 100 hours, we have acted. We have brought in new leadership that recognizes that this was a Nation disconnected with its government, and they have taken immediate and bold steps to reconnect it.

I would be remiss not to commend the leadership's admirable example for the past 2 weeks.

The people were at the heart of what we have done here so far, and the people will be at the heart of the legislative agenda we champion in the days to come.

☐ 1230

Mr. Speaker, these past 2 weeks have been times of great change, historic times that herald an era of American politics unique in its tone and compelling in its vision. You can be sure that this was only the start, and that the people will regain their rightful role in this democracy in the days and years to come.

WORKING TOGETHER TO MAKE PROGRESS FOR AMERICA

The SPEAKER pro tempore (Mr. CHANDLER). Under a previous order of the House, the gentleman from Vermont (Mr. WELCH) is recognized for 5 minutes.

Mr. WELCH of Vermont. Mr. Speaker, I, too, am a new Member of Congress and proud to be part of an institution that has been the cradle of democracy, and very proud to be part of this new class of Republicans and Democrats that came here in the year 2007.

Mr. Speaker, in Vermont, and I think across America, average citizens were somewhat bewildered when they looked at what was happening in Washington. When they saw us go from a record surplus to a record deficit, the only conclusion they could come to was we had lost our way.

When they saw that the drug companies prevailed in actually getting legislation that prohibited price negotiation to get the best price for taxpayers and seniors, they thought America had lost its way.

When they saw that over the course of 9 years, Congress had allowed itself nine pay increases totaling $31,000, but the minimum wage worker was stuck at $5.15 an hour, they thought America had lost its way.

When they saw that when major legislation was brought before this body and the vote was extended for 3 or 4 hours in order to arm-twist, persuade people to change their votes, they thought Congress had lost its way.

I believe what this election was about across America was people in Vermont and people in districts from Vermont to California saying that they wanted Congress to start solving problems. What this 100 hours was about was making a down payment to America, where we are trying to give confidence to Americans that this Congress can do the work that needs to be done to improve the lives of average, everyday people. The strength of our democracy has always depended on a strong middle-class and opportunities for people at the low income level who want to climb the ladder of opportunity.

What we have done in this first 100 hours, frankly, working together with many on the other side of the aisle, is establish that we actually can govern and we can pass legislation that will be meaningful. We have rejected politics as being about finding wedge issues that will divide us so that we can focus on economic issues that can unite us. And this is a beginning, it is not an end.

These first 100 hours, in my view, have been remarkable. We have changed the way Congress does business by enacting ethics reforms; no meals, no free trips, no free travel, and we did this with the support of 68 Republicans.

To return to fiscal responsibility, we adopted pay-as-you-go budgeting. That is going to impose itself on Republicans and Democrats, whether proposing spending increases for programs you favor or tax cuts you might want to advocate for. We did this with the support of 48 Republicans.

To help working families who have really been squeezed as our economy starts widening between those who have and everyone else, we passed cuts in student loan interest rates that will save the average student about $4,400 over the life of the loan, and we did that with the support of 124 Republicans.

We passed, of course, the first minimum wage increase in 10 years, and that is going to help America's lowest paid workers, and we did that with all the Democrats and the support of 82 Republicans.

And on and on; on stem cell research, on the recommendations of the 9/11 Commission, and the commonsense step of ending tax breaks for Big Oil that costs taxpayers $14 billion, while it increased our dependence on foreign oil and put off the day when we embraced the challenge and obligation all of us know we have, to move towards alternative energy.

What we know is this: America has very severe challenges: Health care, 47 million Americans without it; health care for the Americans that do have it, that they are increasingly finding they can't afford; bringing our troops home from Iraq; restoring our budget to balance; moving in a new direction on energy.

What we know is true is that the only way we are going to solve those problems is if we work together. We are in it together, and it is by working together, as we have in these past 100 hours, that we can make progress for America.

Mr. Speaker, thank you for this opportunity.

THE REST OF THE STORY WITH REGARD TO THE DEMOCRATS' 100 HOURS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Iowa (Mr. KING) is recognized for half the time remaining before 2 p.m. as the designee of the minority leader.

Mr. KING of Iowa. Mr. Speaker, as always, I am profoundly pleased and honored to have the privilege to address you on the floor of the House of Representatives here in the United States Congress.

I have had the interesting observation here as I listened to the speakers that come from the other side of the aisle that there is another story, the rest of the story is out there, and a number of things need to be discussed, and one of them is what did we actually do here in the first 100 hours, as was referenced by at least three of the speakers.

In the first 100 hours, the point was made that they kept all of their promises that they would keep within the first 100 hours. We are going to disagree as to how we define that and what the results of it were, and I think it is appropriate in this democratic process that we have that is framed under this constitutional republic that we are, that we talk about and have open dialogue and debate. And that was one of the casualties, I would point out, Mr. Speaker, to this accelerated 100-hour process.

The 100-hour promise was something that sounded good politically. It had a nice ring to it. The bell tolled 100 hours, so therefore the image of accomplishing these things for America was going to get done in 100 hours.

Well, 100 hours can be counted a lot of different ways, and some people would have thought that at midnight, December 31, when you heard the band strike up Auld Lang Syne, then the 100 hours would begin and this harder working than ever Congress and more ethical than ever Congress and more open and more democratic than ever Congress was going to go to work, and in the first 4 days and 4 hours would accomplish these things.

No, I did not actually make that point either, Mr. Speaker. I think it is appropriate for us to have a real legitimate method of keeping track of the 100 hours. If that is going to be the one promise that is sacrosanct, to accomplish these six things in the first 100 hours, then a legitimate clock is a good way to measure that.

So I put up a legitimate clock and kept track of the first 100 hours. And I am going to make this concession at this point, Mr. Speaker, that these six bills, H.R. 1, 2, 3, 4, 5 and 6, were passed off the floor of this Congress within the first 100 hours of a legitimate clock.

My legitimate clock, and I am going to post this up here for the benefit of the people who are observing this process on the floor, Mr. Speaker, I would point out that a legitimate clock would be a clock that calculated from the moment we gavel in, the gavel in in the morning, the opening prayer, the pledge, and off into this process of floor action, until we gavel out in the evening; set your stop watch, click it on in the morning when the gavel gavels us in, shut it off in the evening when we gavel out, and then keep track of the hours.

If the 100 hours is sacrosanct, if all of the other promises were subordinated to this one, 100-hour promise trumps all, then let's watch that clock closely, because everybody is eager to get to an open process in this Congress.

And I point out also, Mr. Speaker, this first 100 hours has not been an open process. There has not been a legitimate hearing. There has not been a legitimate subcommittee meeting. There hasn't been a legitimate full committee meeting. There hasn't been an amendment accepted. There have been requests to offer amendments. There hasn't been an amendment that has been considered in this Congress. And there has not been a legitimate Rules Committee process that would set the parameters as to what amendments might be considered on this floor, how this debate might move forward.

So the open dialogue and debate, especially my sadness goes out to the freshmen who haven't had a voice in this process. That has all been subordinated to this 100-hour promise, get these things done in the first 100 hours and then give us a little break, Mr. COOPER from Tennessee says. Cut us a little slack on that one. We are going to get around to be an open process. We are going to get around to be a more fair, a more Democratic Congress than we have been.

Well, there is nothing that can be done about it, so I am going to take the gentleman from Tennessee at his word, and many other gentlemen and gentleladies from across the majority party, including the Speaker, at her word. Now, there are some reasons not to take her at her word, but I am going to take her at her word on this 100 hours.

So the clock has now ticked, Mr. Speaker, and I have had the stopwatch on it all along, from gavel in the 110th Congress to gavel out, a real legitimate means of checking the time, and it turns out to be this. Real clock, 100 hours ticked over at 11:44 a.m. today Eastern Standard Time. That was when the 100 hours was up. I would have liked to have heard a bell or whistle or maybe a cannon go off that says now, let's deploy out to our hearings and committee rooms and subcommittee rooms and let's start to consider bills and amendments and let's start having an open debate process and let's start to bring the brains of all of the people that have been elected by the 300 million Americans to bear here so that we can use the resources of the knowledge and the information base from all of our districts to improve legislation. Because if you don't do that, then there is this thing that always shows up in legislation called unintended consequences.

One of the unintended consequences has emerged here easily, and that was the unintended consequence of the political price, at least, that had to be paid for exempting American Samoa from the minimum wage. $3.26 an hour is something that has been labeled sweatshop labor by many people on the other side of the aisle as they demagogued the issue when they were advocating for an increase in the minimum wage. But when it came time to actually put it into play, there was an exemption for American Samoa.

I happen to have a soft spot in my heart for American Samoa. My father spent some time there 60-some years ago during the Second World War and spoke fondly of American Samoans, the people, their heart, their happy spirit, and I appreciate the gentleman who represents American Samoa here on the floor of Congress. But that was an unintended consequence, I believe, that they had to pay politically, because we didn't have an open committee process.

But the real 100 hours clicked over at 11:44 a.m. Now we are at about 102 hours, as I check this clock, Mr. Speaker. But the odd part of it is that there is real time, and then there is Pelosi time, Mr. Speaker. And her clock has only clicked over to 42 hours as of 11:44 this morning. I don't know if she shut it off or not. I don't know how they are actually keeping hours.

We have been checking with her hours on a regular basis throughout the work here in this 110th Congress to try to understand what their rationale is for when they turn their clock on and when they turn their clock off. And they refuse to give us a single criteria of what that measure might be.

So, Mr. Speaker, I can only conclude that this 100-hour clock was if things got bogged down here, was going to have to be a clock that would run out of time when the six pieces of legislation, H.R. 1 through 5, were passed, if they needed to stretch it that far, and that the rules could be changed along the way and when the clock was clicked on and off. I have tried my best to divine the rationale that only gets you to 42 hours, when we have gaveled in and gaveled out now to about 102 hours.

But I do know this: This is going to be the hardest working Congress in history. That was a point also, Mr. Speaker, and at least a harder working Congress than the 109th. And you are going to measure that by being here more days. We are going to do 5 days instead of 2 or 3 days. Actually, I am thankful, Mr. Speaker, because I wanted to do 5 days here.

□ 1245

I would like to do 5 or 6 days here, and I would like to do it for 2 or 3 weeks in a row, hard and intense. I want Members in this town so that I can network with Members of Congress and that my staff can network with their staff and we can get things done.

I will point out that the individual Members are far more representative of their district if they have access to other Members of Congress and more days to carry on that kind of network and dialogue and debate and deliberation and information sharing than if there is only going to be a gavel in here for 2 days or perhaps for three. No matter how busy we are back in the district Members of Congress are more effective when they have longer periods of time here, and I would submit give us some time, Mr. Speaker, to go back to the district so that we do not lose touch with the soul of the people in our district.

We have got to have the feel of the rhythm. We have got to know what the economy is doing. We have got to know the rhythm of the issues that come up. We have got to have town meetings so that people can stand up and have their voice represented here in Washington.

So I am glad we are here more time, but the way it is calculated out by the Pelosi clock is this hardest working Congress may be hardest one in history, actually has only by the Pelosi clock worked 4.2 hours a day. Now from an administration that ran on a campaign of harder working, these are days that we have gaveled in. This is not any kind of stretch. We were here for 10, 11 days actually pounding this out of actually being in session, Pelosi clock only clicks over 4.2 hours. That is not a lot of time, and there are not too many folks in my district that can work 4.2 hours a day on a 5-day week or a 2-day week or a 7-day week and still feed their family.

So what is the measure going to be? I have said often the people in the district need to measure this by going to the polls.

But what got accomplished in these 100 hours that are, gavel in to gavel out, real clock or the 42 hours of Pelosi time, what got accomplished? Six pieces of legislation. She met that goal within a legitimate clock. Should have just had a legitimate clock. It all would have looked even better, but here is the cost to the country as this points out.

This is my infinity piece, Mr. Speaker, in that we cannot quite measure this cost to the country because it has gone on too far and it has been too much.

H.R. 1, cost to the taxpayers of about $6 billion, and this is the cost of some of the changes that were passed that were the 9/11 commission's recommendation, not the promise of all of the changes recommended, but some of the changes recommended, and most of this is the additional cost of examining every piece of freight that comes in from overseas. But it does not include the recommendation of the 9/11 Commission to set up a committee that is going to bring all of our homeland security appropriations process under one set of scrutiny. That was a recommendation, too, of the 9/11 Commission. That one was ignored.

So all of the recommendations? No. That was a promise. The reality was spend more money, $6 billion, on something that is right now impossible to achieve, and we have set up a system that has done a very good job to inspect these freight-sealed containers in foreign ports before they are loaded on ships so we know what is coming here.

Second item, H.R. 2 was the minimum wage passage. 25.8 million small business owners in America who create three out of every four new jobs are now being told you are going to have to give a $2.10 raise to all of your employees, and I have been an employer for over 28 years. I have met payroll for over 1,400 consecutive weeks. I have never paid anybody minimum wage, but I met the payroll, and I know this, that we pay on merit. So we have different levels of our wages depending upon the job they do and the level of their efficiency and their proficiency within the job. But my lowest person on the totem level, the one who is entry-level wages, if I give him a $2.00 an hour raise or a $2.10 an hour raise, I guarantee you every employee is lined up outside my office wanting their wages to go up $2 an hour, too, all the way up to the top of the chain, including everybody but the CEO who has to then take it out of whatever your net profits are.

So you make a decision. Do I have as many people? Do I go buy a machine to replace some of these laborers? I am going to be innovative here. I cannot afford to give this raise to everybody because I cannot compete with my competition and sometimes my competition is illegal labor which makes it all the harder because there is not going to be a limitation on wages paid to illegal workers. 25.8 million small businesses punished in that.

Meanwhile, the representative from American Samoa stands over here at this microphone within the last hour and a half and makes the argument that the economy in American Samoa cannot sustain the minimum wage. Now, why is it that Democrats can understand supply and demand and the empirical rule of supply and demand in minimum wage law that if you raise wages it will cost jobs? Why is it they can understand it when they have got it in a microcosm of American Samoa, about 60,000 people there, but they cannot understand it when it is infused out across an economy of the United States of America that is 300 million people? You take it out of that 300 million people and take it over here and say here is what happens in American Samoa, what is the impact? The impact is 5,000 more jobs lost in American Samoa by some allegations. Could understand that in a microcosm, but not in a broader sense of the overall economy.

That is a scary thing to think about people in charge that do not understand the basic elements of free enterprise and supply and demand and the market system.

H.R. 3 forces taxpayers to pay up to $135 million to fund research that takes innocent human lives, the embryonic stem cell research mandate. Right now there is no prohibition in America against doing embryonic stem cell research with private dollars or with public dollars of any kind out there. We just were not going to appropriate your Federal tax dollars to do this. So, Mr. Speaker, I believe it is immoral to compel taxpayers to fund scientific operation that ends innocent human life for the sake of someplace down the road 50 years speculating that someone's life would be improved.

There is not a sound basis for this science. This turned into a political argument. It is not a scientific debate. This has already been lost by that side of the aisle, Mr. Speaker, long ago, within the last year or two, with more mountains of real scientific evidence building up that cord blood stem cell research, or that also amniotic stem cell research, much of that far more promising. If embryonic stem cell research had merit, it would attract private investment dollars. It is not. That is why they have got to come here. They have turned it into a political argument, not a scientific argument and refuse to debate the science of it. That is the cost of $135 million to taxpayers that will be spent to take innocent human life.

I have, Mr. Speaker, held those little snowflake babies in my arm. I looked Sam and Ben in the eye and I looked David in the eye here a year ago, giggly, laughing, bubbly little children that were for 9 years frozen, and now they are happy, human lives that are enriching the lives of everyone around them. Parents who could not have children are now parents of real children they nurture and love. These are also adoptable embryos.

Next, H.R. 4, Part D, the prescription drug that commands the Federal Government to negotiate the value of prescription drugs. There is nothing government can do to improve Part D that was passed here a couple or 3 years ago. The cost of that has gone down. It was projected to be $43 billion a year on average. Now, it is down to $30 billion a year on average. We would have never passed a Medicare policy without including prescription drugs if we had anything more than aspirin so awful back in 1965, but because there has been profit in the prescription drug industry, we now have a broad array of innovative new drugs that save thousands and thousands of American lives and improve the American lives. That is because of research and development that has been invested.

This will shut down some of the research and development, and it is a mandate that puts the Federal Government in the business of these negotiations. The Federal Government does a lousy job of that. I mean, look at the price of hammers and toilet seats. You can look for the same kind of thing to be what you get with prescription drugs. Only research and development slows down, gets shut down, and that means the progress in health is diminished.

H.R. 5, cost to taxpayers, $7.1 billion, and it will not help 84 million Americans with current student loans. $7.1 billion. But that $7.1 billion translates into higher tuition rates, Mr. Speaker, higher costs for education. When I have high school students who will say to me in an auditorium what are you going to do to lower my tuition costs, I ask them, what are you doing to shop for the best bang for your tuition dollar? Are you looking at the cost of the richest institution versus the private school versus the community college? Are you paying attention to take some college courses while you are in high school so you can shorten up that window of time to get your 4-year degree? A lot of them will look at me and say, well, I never thought of that; I never thought I had to be the invisible hand of the consumer when I went to college.

It never occurs to them they can have more to say about the cost of tuition increase if they are smart consumers of that education and higher education. So this will raise the price of tuition, and ultimately, it does not help the problem. It makes it worse because everybody will pay more tuition, and some, a few, a small few will get a short break for a narrow window that looks to me like it is about 6 months over a 6-year period of time.

H.R. 6 increases our dependence on Middle Eastern oil and hurts families and seniors with higher energy prices. We finally after years of struggle, Mr. Speaker, last year marginally opened up some of our drilling offshore in the 181 area down off of the Florida panhandle coast. We have 406 trillion cubic feet of natural gas on the outer continental shelf known reserve. That is just the stuff we know, and we have not been able to drill and explore to the fashion we need to.

We have a lot of oil on the outer continental shelf as well. The political barrier to going into that natural resource has been foreboding because there is an environmental political caucus over here that if anything comes up and they say, oh, that is a green issue, their brain shuts off, the curtains come down over their eyeballs. You cannot talk to them anymore because it is a green issue, and they are going to vote green.

For example, a lot of them belief that ANWR is this pristine, arctic wilderness that somehow or another if we go up there and drill an environmentally friendly well will be destroyed forever and the tourism dollars for the Eskimos would never show up. Well, truthfully, and they know they have to live there, tourism is never going to be their salvation. What if we drilled an environmentally friendly well in ANWR of Alaska and no one came there to see it, then my question is, like when a tree falls in the forest, if no one hears a noise, did it make a sound? Well, if you drill an environmentally friendly well in ANWR and no one looks at it, did it damage the scenery? Not if nobody's looking, Mr. Speaker.

But even if someone is looking, even if thousands are looking, no, it does not damage the scenery. I have challenged the greenies on this side of the aisle. We can fly you over the north slope of Alaska today and challenge you to point out the oil fields. I can fly you over them at 4,000 feet, and you can look down there, and unless somebody is giving you a crib sheet, you are never going to know it because these are not derricks sticking up in the sky. These are not pump jacks pumping oil out of the ground, leaking oil and spilling it into the soil, that idea of the old wildcat days you see in the movies from 80 years ago in Texas.

No, these are well casings that have submersible pumps in them. You do not even see their collector pipes that go on off over to their refinery. This is as an environmentally friendly as it gets. We need to open up all of these resources, and instead, this energy initiative that passed here, H.R. 6, cuts down on the amount of energy available to Americans that can do no other, and it changes the deal, Mr. Speaker. It changes the deal.

Where I come from, if you are going to put your capital on the line, a deal has to be a deal. When you look somebody in the eye, whether or not you shake their hand and you say I will do that for X money, that is a deal. We buy cattle out of the window of the pickup on main street of our towns, two or three pot loads of cattle. Yeah, that is fine, I will take these because I trust you. You keep your word; you will bring me what I want.

We should do the same thing out of this Congress, but the system that is set up out there and the conditions by which some of the findings that are off in the gulf coast, and I am thinking of Chevron that has that field, appears to be something that will increase U.S. domestic oil supply by 50 percent, when that finding is opened up, those kind of deals now are no longer a deal with this piece of legislation because it directs a renegotiation of those leases to punish the very people that are producing the supply of oil that is driving down the price, that has taken us from $75 a barrel down to $53 a barrel. The more that is on the market, the lower the price gets.

Now a deal is not a deal out there in the gulf coast, Mr. Speaker. A deal gets changed, and H.R. 6 says to government, go force, I say this force, renegotiation of those leases because the hook in that is that if you do not renegotiate then you will not be eligible for new leases in areas that might be the most massive oil find in the history of America.

□ 1300

This is debilitating, and the argument was made a little bit ago that they have reduced the dependence on foreign oil. Good night, Mr. Speaker. It couldn't be any more off than 180 degrees by our measure. It has increased our dependency on Middle Eastern oil and it has reduced our availability of oil and gas onto the domestic market, when we can be pumping it out right between us and Hugo Chavez. It is going to slow down that development.

And that is just some of the things on my mind as this 100 hours concludes. I hope the Speaker keeps her promise now and we can come back to work, I think on Monday, and we can gavel in here, and some of these freshmen can have a voice in this process. Not a single freshman has introduced a single amendment. They have not had a bit of impact on one word of all of this legislation that has come through. No freshman has changed one word in anything that has been passed in these first real 100 hours or the 42 hours by the Pelosi clock.

I know there is a lot in the gentleman from New Mexico, and I am very interested in hearing it emerge here on the floor of this Congress, Mr. Speaker. So I would be very pleased to yield so much time as he may consume to the gentleman from New Mexico. And I would point out that we are splitting the time between now and 2:00.

Mr. PEARCE. I would thank the gentleman from Iowa, and consider his comments to the fullest.

I would congratulate my friends across the aisle for their attempts at activity in the first 100 hours. The truth is that, like my friend from Iowa, I am in business. My wife and I had a small business that we bought in, and we had four employees; 14 years later we had 50 employees. We sold that business when we came here. But I understand the creation of jobs and I understand the impact of taxes, the impact of what we do here in Washington. And I like the idea that we would move to bold action. I like the idea that we would compel these United States to be different and new and think differently. But I will tell you, there are some things that in the last 2 weeks have concerned me greatly.

Several years ago I had the opportunity to visit Egypt. When I was in Egypt, I noticed that almost every building had rebar and unconstructed pieces on top. So I mentioned to a friend of mine who was in the embassy that, why are all the buildings unfinished here? His comment was that they do not tax the buildings until they are complete, and so no one ever finishes their house, their home, the building they live in. The top floor is always under construction. And if they get that floor finished, they continue on and put rebar out onto a new addition that may never actually take place.

The truth is, that is a great example of one of the fundamentals of economics: The things that we tax more of, we have fewer. We tax complete houses, so in Egypt we have fewer full, complete houses. That same principle works here.

Now, yesterday on the floor of the House we heard much language that certainly appeals to many people in this Nation, that we are going to get back at those big greedy oil companies, that we are going to tax the people who have taken advantage of the American consumer. I would just point to the photograph on my right, this is what we are taxing. If the principle holds that we have fewer of what we tax, then we would understand that there are going to be fewer of these monstrous oil rigs. This is about a $1 billion to $1.5 billion project that sits out either in the Gulf of Mexico or off of the California coast and they produce tremendous amounts of oil.

I am from an oil producing State, New Mexico, but our oil wells are single wells coming up out of the ground. This one may have 20 or 30 wells that diverge out once it gets under the ocean. Our single wells may produce 50 barrels a day, and that would be a good well in New Mexico. These billion dollar investments might produce thousands or tens of thousands of barrels of oil per day. So like my friend from Iowa said, they contribute greatly to lowering the price of oil and, therefore, lowering the price of gasoline.

Now, in our friends' enthusiasm across the aisle to raise the taxes on those oil companies that have produced so much, what they are actually going to do is raise the taxes on these facilities so that we produce fewer of these and fewer gallons and barrels of oil and gallons of gasoline, which means simply that the price is going to go up at the pump.

Now, I am struck when we are faced with the comments that my friend from Iowa made; I am struck by the comments that he found issues in almost every bill that were like this, that had been poorly thought out yet not subject to the full complement of congressional hearings that they should have gone through, not subject to any amendment. And as I am thinking about his observations, I am drawn to a comment in the Detroit Free Press, and I would submit for the RECORD this entire document. But let me highlight this one quote. This is Mr. DINGELL speaking, talking about the new greenhouse special committee that is being suggested by the new Speaker. And Mr. DINGELL says, "We should probably name it the Committee on World Travel and Junkets." Mr. DINGELL told the Associated Press, "We are just empowering a bunch of enthusiastic amateurs to go around and make speeches and make commitments that will be very difficult to honor."

[From the Detroit Free Press, Jan. 19, 2007]

DINGELL IS OVERSTEPPED ON CLIMATE

(By Justin Hyde)

WASHINGTON.—The battle among House Democrats over global warming heated up Thursday as House Speaker Nancy Pelosi announced the formation of a special committee to hold hearings on climate change, a job that had been under the watch of U.S. Rep. John Dingell, D-Mich.

Dingell, who has long opposed tougher fuel economy standards because of concerns about their effect on Detroit automakers, will still maintain significant control over any global warming bill through his chairmanship of the House Energy and Commerce Committee. He has already asked former Vice President Al Gore to testify on climate change and told members last week that climate change would be a top priority through a series of hearings to be held soon.

But the special committee reflects concern by Pelosi and other Democrats who want fast action on global warming that Dingell might object to provisions they support. Many House Democrats support setting higher fuel economy targets on vehicles as part of any effort to reduce carbon dioxide emissions linked to a warming of the Earth.

Dingell said he had not seen a detailed list of the committee's responsibilities.

Pelosi's move increases the likelihood that Democrats will propose far tougher constraints on greenhouse gas pollution than the Bush administration wants. She also has outflanked for now—and angered—a few Democrats who head important House committees.

"We should probably name it the committee on world travel and junkets," Dingell told the Associated Press. "We're just empowering a bunch of enthusiastic amateurs to go around and make speeches and make commitments that will be very difficult to honor."

Pelosi announced Thursday that she would form a Select Committee on Energy Independence and Global Warming, which would hold hearings and seek suggestions for ways to address climate change. She said Congress needed the committee "to communicate with the American people on this important issue," and that Democrats would come up with bills by July 4.

"The science of global warming and its impact is overwhelming and unequivocal," Pelosi said in a statement. "We already have many of the technology and techniques that we need to reduce global warming pollution, and American ingenuity will supply the rest. With this new select committee, we demonstrate the priority we are giving to confront this most serious challenge."

Pelosi and her aides did not disclose who would head the committee or how many members it would have, but no members of Dingell's Energy and Commerce Committee will apparently be included. While the committee will hold hearings around the country, Pelosi told members Thursday it will not have the ability to write legislation—the key power of the Energy and Commerce Committee.

What concerns Dingell and his allies is that Pelosi is using a select committee rather than a simple task force to highlight climate change. Under House rules, a select committee will have to be created by a House vote, and Pelosi aides say the committee will have Republican members—features that sound more like a legislative body than a Democratic communications tool.

The California Democrat has long backed environmental issues and has asked Dingell and other committee chairmen to submit their ideas for climate change legislation by June 1.

But once the select committee issues its findings, Pelosi could rely on that for legislation or use it instead of what Dingell's committee produces.

Energy issues already appear to be the hottest topic on Capitol Hill. House Democrats celebrated the end of their 100-hour legislative blitz by passing a bill raising about $15 billion in fees and royalties from oil companies. The revenue is aimed at financing research for alternative fuels and energy conservation.

President George W. Bush's aides have said energy issues will play a key role in Bush's State of the Union address on Tuesday.

White House spokesman Tony Snow told reporters Thursday that the President's speech would address the "needs of security and, at the same time, also the environment."

U.S. Rep. Bart Stupak, a Menominee Democrat and member of Dingell's committee, said the select committee could be useful to "highlight the importance of global warming" and that it won't prevent Energy and Commerce from holding its own hearings.

"However, the legislative writing ability has to remain within the Energy and Commerce Committee," Stupak said. "If suddenly there was a special committee . . . that had legislative writing powers, I'd be very concerned because that's a direct assault on a sitting committee."

Now, when I see our friends who I know don't intend to undermine the economy of this country make decisions like they did yesterday, I am concerned that Mr. DINGELL is very accurate, that we have empowered a bunch of enthusiastic amateurs, that they do not understand the full consequences of their actions.

If we look at the Tunagate scandal where we have now exempted from all of America just one piece of America, SunKist and Del Monte as the parent corporation; every corporation in America, according to the minimum wage law, must, whether they can afford it or not, pay a new higher minimum wage. That is the potential of the majority. And yet they came in, the Speaker gave an exclusion to one company, one company based in her district.

Now, we have heard a lot about the ending of special favors and ending the culture of corruption, and yet one of the first things we do is get a special interest. That does not speak so well for the full intent to follow through in this new beginning that we have been given.

I would also point out that one of the greatest arguments made in the renegotiation, allowing government to negotiate the prices on medical prescription drugs, I would point out that one of the harshest criticisms of this bill yesterday, the energy bill, H.R. 6, was that government negotiators failed to get it right; that government negotiators failed to put the provisions in. They did not even ask the oil companies to put those provisions into the contracts, and yet it is the same type of negotiator who we are going to turn loose and say that now we are going to get better prices than what the private negotiators have. I simply don't believe it. I voted the other way. But we will see if our enthusiastic amateurs have gotten it right, or if we in fact do not increase revenues to the Treasury and in fact begin to limit access to prescription medications, which is what I have been told.

For an example, we can go and look at the Veterans Prescription Drug List, and we see that I think the number is only 30 percent of the drugs that have been introduced in the last 5 to 10 years are actually on the list for veterans. They don't have the same access that people on the Medicare prescription drug program do. So that would be a terrible shame if, in their enthusiasm to create a better plan, our friends have instead created a worse plan. I am certainly willing to work with them and see, but in the meantime I do worry.

Now, there is a piece of the legislation yesterday that we all must read. If you have access to your computers, you can always look up H.R. 6, and go to page 10. That is section 2, title II, and we are under the section 204 and we actually then begin a long series of pages and we come to page 10 under section 204, item C. And I will read this, because you as colleagues will find this stunning that it is actually in print. That transfers item C, line 4, page 10: A lessee shall not be eligible to obtain any economic benefit of any covered lease or any other lease.

So President Clinton's team had negotiated bad leases, and now our friends are saying that those bad leases must be stopped. We simply need to stop them. We don't need to unravel them. We don't need to go through the thorny process of making it right for both sides as we unravel. We simply are going to punish you by not allowing you to derive any economic benefit from this type of installation. I will tell you, that undermines the full faith and credit of the United States. If we cannot depend on the word of the United States, then what do we have? I would draw parallels to things that other countries have done.

In Venezuela, Hugo Chavez in 2001 raised the royalty rates from 1 percent to 16 percent just like that. Now, I will tell you as a business guy, if you know that a cost is going to be 1 percent or 16 percent, it is sort of irrelevant, but you must know that the cost is steady. When he raised those rates just at a single point with no ability to redesign these types of infrastructures, then he severely limited the interest of people to invest in that country, and certainly that is exactly what is happening. Foreign firms are already curtailing their investments in that country.

So in Venezuela we see that there is an attempt to change existing contracts, very similar to the way that we changed yesterday on the floor of this House of Representatives, and it has affected the desire of people to invest in Venezuela.

In Bolivia we have the same thing. The Bolivian government threatened to expel oil companies from that country in 2006 if they did not agree to new government terms on existing contracts. What has happened? I think you could forecast what has happened. What is done is that foreign investors are now beginning to reconsider whether or not they will actually be a part of the Bolivian economy or not. This is the thing that all shareholders, they will live with any certainty in life, but they will not live with uncertainty. And when we begin to change the contracts, they begin to pull their investments out and go to places where certainty is more of a potential.

In Russia we have seen the same thing. Companies such as Shell, Exxon, BP have had valid oil and gas leases in Russia for years. President Putin had a number of government agencies threaten to pull these leases for a number of suspect reasons. By threatening to pull these leases, Shell was forced to give up assets that were worth billions of dollars. So we see in Russia this attempt to maneuver contracts, to manipulate contracts much as what we did yesterday, and the effects are very bad. Long term, Russia will not have people who are willing to come and invest in that country.

In 2001, I had the opportunity to go as a company; my wife and I had a small company that dealt in oil and gas, repairs of oil wells. Russia was looking for such capability. So in 2001, I went with a team of people who did various different projects. We were the ones who did down hole repairs on oil wells. They took me, they showed me files of maybe 6,000 or 8,000 wells that were simple to correct, yet they in their technology in 2001 did not have access to even the basics that my father had seen here in the United States in the early 1950s when he was working in the same industry. My father retired from Exxon; his whole life was work.

So when I went back, I showed him the videos of the equipment that was in Russia in 2001. He said, "Son, in 1950 we were more advanced than what we are seeing here."

When countries are unwilling to allow people to have stable returns, it doesn't have to be high returns, low returns, but there must be stability and there must be predictability. When countries do not allow that, there will be no investments. And so here Russia was with over 6,000 wells asking me in 2001 to come and fix because they did not have anyone that was capable of fixing them.

I determined that the environment was very, very unsettling in Russia, so we actually opted not to become a part of the team that went there. There was a company that was about 10 times our size located in Abilene, Texas. They did go. That was about maybe a $50 million company, maybe a $100 million company. Within 2 years, they were selling everything at bankruptcy because the Russians, as you can predict, said, "No. These assets are going to belong to us."

So this contracting problem that was attempted to be cured yesterday in legislation I think is going to be, instead of a fix, is going to cause prices to be higher at the pump, investments to be less, and at the end of the day we are going to wonder if maybe we did not empower a bunch of enthusiastic amateurs to go around and make commitments on behalf of the Federal Government. We shall see. I wish my friends well.

I would say that I am not the only one who wonders about the contracts. Just day before yesterday the Washington Post had an editorial which declared that these elements that are included in the bill, the ones that begin to undo the contracts that we voted on yesterday and pushed by the majority in this House, the Washington Post declared those solutions to be ones that Russia and Bolivia would be proud of.

Now, that is not exactly the new direction that the American people were promised as we came into this session. So I would encourage my colleagues to please open the process up. With debate in committee, these shortcomings in bills could have been brought out. The rough edges could have been knocked off the bills. Instead, we have been faced with bills that have no amendments allowed, no debate in committees, no consideration in committees. And so I worry that our friends are circumventing democracy.

□ 1315

Mr. KING of Iowa. I thank the gentleman from New Mexico for bringing his expertise to the floor. I listened with fascination to the Russian narrative. That is one I wasn't aware of. I look forward to looking into that in further detail in the future.

I see we have some freshmen who have come to the floor, apparently poised to proceed with a Special Order over the next 60 minutes. I trust this is in a great celebration of the first 100 hours and the accomplishment of the 100 hours now being in the CONGRESSIONAL RECORD, and you are here to celebrate you are finally going to have a voice in this process. Maybe next week one of you can offer an amendment and go to a subcommittee meeting and go to a hearing or do a markup, and you can get into the CONGRESSIONAL RECORD some of the things you promised your voters you were going to do.

I have to believe you didn't think you would be muzzled for the first 100 hours, and you thought there would be a process for you to be allowed to offer amendments, engage in debate, go to subcommittee and committee meetings, and maybe even go before the Rules Committee and make a request and have it granted that you could bring your pet issue to this floor of Congress and actually accomplish the things that you pledged you would do.

If any of you have had any of that voice up to this point, I think it would be interesting to hear that. I suspect, no, you are full of frustration, quietly, and now we are going to hear your voices, full throated, maybe in the next hour, hopefully next week. Pelosi time only says 42 hours. I am not sure if you are going to give that chance.

Please make that request so we can go to real-time. Congratulations, you got it all done in the first real 100 hours. You didn't need Pelosi time. I want to hear your voice in the amendment process. Welcome to Congress.

Mr. Speaker, I appreciate this great honor to speak to you this afternoon. I also thank the gentleman from New Mexico.

FRESHMEN DEMOCRATS CELEBRATE COMPLETING 100-HOUR AGENDA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from New Hampshire (Mr. HODES) is recognized for 42 minutes as the designee of the majority leader.

Mr. HODES. Mr. Speaker, I appreciate the opportunity to be here in the House of Representatives. It is an honor and privilege to rise to represent my State of New Hampshire, and also as a new Member of the Democratic majority to celebrate the 100-hours agenda that has recently been completed.

I note with interest that the gentleman from Iowa suggests that somehow the new Democratic Members have not had great input into the agenda for America that the 100 hours was meant to advance and did advance, and somehow the suggestion might be that we haven't participated fully with our leadership in the Congress in determining the new course and a new direction for this country.

I would correct that gentleman because the new Democratic majority and the new Members that are here have had great input with the leadership because the American people have sent us here with a mandate for change. As we campaigned this fall all across this country, nothing was clearer from the American people than they wanted change. They wanted change in the way government did its business. They wanted change in the direction of this country, and we are now privileged and honored to be part of history and be here on the floor of the people's

House to help make that change happen. Today, in some sense, we come to celebrate the 100-hours agenda.

My colleagues across the aisle have made much over the past 2 weeks about hours and minutes. The gentleman from Iowa produced a chart that counted hours and counted minutes and they have counted seconds.

But the American people, Mr. Speaker, have counted years. They have been waiting for years for a new direction for this country. They have said to us in clear and unequivocal terms that they wanted honest leadership and open government. We heard time and time again about a culture of corruption, concern from the American people that the House of Representatives and the Members in this House seemed more concerned about themselves than representing the people of this country.

And so in the American agenda that the Democrats advanced and has been advanced, we pledged honest leadership and open government. We pledged to restore government as good as the people of this country deserve starting with real ethics reform.

So, Mr. Speaker, one of the first things that happened here in the 110th Congress was through the rules process we advanced significant ethics reform to restore honest and transparent leadership in the House of Representatives.

The American people spoke clearly to us about their concerns about what was going on not only across the sea in the wars in Iraq and Afghanistan. They are concerned about real security for America. They are concerned that although the 2001 attacks had been the subject of a bipartisan commission, the 9/11 Commission, to determine what needed to be done to make our homeland safe, to keep the people of this country safe from attacks here, that this Congress somehow had stalled in making those promises, in keeping those promises and making the homeland safe.

So in H.R. 1 as part of the 100-hours agenda, we voted to implement the recommendations of the 9/11 Commission to protect Americans at home and lead the world by telling the truth to our troops, our citizens and our allies. We believe in a strong national defense. And we believe in being tough and smart. But we realized that homeland security must be a priority, and so we voted to implement homeland security.

We were concerned about economic prosperity and educational excellence. We wanted to create jobs that stay in America and restore opportunity for everyone, and that means all Americans, Americans earning all kinds of incomes. I can't tell you, Mr. Speaker, how many times as I walked my district door to door and met people in coffee shops and factories and schools and libraries, everywhere I went the subject of the minimum wage came up time and time again because the good people of this country recognized that the minimum wage was an important factor for millions of Americans. Single moms raising families were trying to do it on a minimum wage that hadn't been raised in 10 years.

I always find it interesting when my colleagues from across the aisle complain about raising the minimum wage, and yet so many voted with us, they voted themselves increases in their salaries for 10 years before raising the minimum wage. We accomplished that in H.R. 2.

We were able to introduce important medical research with stem cell research, to expand stem cell research in a careful and appropriate way, in the way that the American people wanted.

We started to help reform Medicare part D in H.R. 4.

We helped our students go to college in this country by cutting the rate of student loans in half, and we started a move towards energy independence by rolling back tax breaks for big oil companies.

In the last Congress, that Congress voted to cut taxes, give tax breaks to huge oil and gas companies while they saw record prices at the pump, and at the same time cut $12 billion in aid for our college students when we need to send people to college. So we passed H.R. 6, which started to pave the way for energy independence.

Having advanced that agenda, at this time I will yield to the gentleman from Ohio (Mr. WILSON).

Mr. WILSON of Ohio. Mr. Speaker, I just wanted to comment on the good feeling of having the 100 hours' strong start and the issues that we touched upon. Many have talked about it today, but I believe it was very much an important part of fulfilling our promise to the voters throughout our campaigns in '06 to be able to come here in '07 and make a difference.

In less than 100 hours, we were able to move some major legislation, things like prescription drug negotiations with the Health and Human Services Administration, being able to negotiate, which just makes sense. When it is done on everything else that we buy in America, it is actually part of the way business is done, and why there is this protection to keep that from happening, I have no idea. It has been a great opportunity I think to see, and I think it will be a great benefit for seniors. There are so many things that have happened in this 100 hours. And even though the other side says it is not perfect, it is not; but it is certainly a good start.

To do something as simple as enacting the 9/11 Commission, to have the recommendations for safety and scanning our containers that go onto our boats and containers that go into our airplanes so that we know that we are not allowing illegal things into our country and things that can hurt us, this is just a really positive move in the right direction; and I believe it is a good one.

And the minimum wage, to do that raise for the working families of our country that have been neglected for 10 years, it is the right thing to do. I am so proud to be a part of the minimum-wage increase.

I believe, Mr. Speaker, what we did on energy planning yesterday in stopping the royalties that are being given to the large oil companies that are exhibiting exorbitant profits, and to be able to do something where we can say we are going to work towards energy independence in this country. We are going to look at options and how we can do ethanol.

I have an ethanol plant in my State of Ohio that we are trying to get up and running. We want to have alternative fuels. Coal-to-liquid is very exciting. In the Ohio Valley that I represent, we have an abundance of coal, coal that we will be able to use in a liquid plant to be able to produce fuel that could be used by the military. They are working on that contract as we speak.

One of the things that I like about the coal-to-liquid process is it is going to be a long-term investment. As leaders in government, we need to provide the leadership that needs to be done because we can't make the investment in coal-to-liquid plants and then have oil go down to $36 a barrel. It has to be a long-term investment for people to invest in it. It has to be an opportunity where we can work toward our energy independence.

I believe it is a very significant thing, Mr. Speaker. And to know that, again, it is one of the important things that we have done in this 100 hours.

And to know that by reducing the interest on student loans we have provided more students with access to college and higher education, that is what it is about. This is the kind of thing that I believe helps us give people opportunities because so many times we have had bright people who just can't afford to go to higher education. By cutting the loans $4,400 for the average student in their college expense, I think it is a great opportunity.

Last but not least, to finish up with the ethics part, to know that we have done something, to shine the light on the ethics that is in this very body, and that we are going to operate a Congress that is going to be above board and we are going to do things right.

In our first 100 hours, although it is not perfect, it is certainly a great first step in the right direction.

Mr. HODES. I thank the gentleman from Ohio. In terms of the energy independence, the program we are going to advance as leaders in this Congress is designed to unleash the entrepreneurial spirit of this country.

Mr. Speaker, last year the Federal Government only spend $2 billion, one week in Iraq, on all of its research into alternative and renewable energy forms. By setting up the kind of reserve we have now, rolling back the subsidies for Big Oil and putting it into a reserve for Federal research and research into alternative energy, just think about how we are going to unleash the entrepreneurial spirit of this country for new jobs and economic prosperity on into the century.

It is now my pleasure to yield to the distinguished gentleman from Connecticut.

Mr. COURTNEY. I want to congratulate you on your election as the president of the Democratic '06 class. You are doing great so far.

Mr. HODES. I appreciate the congratulations. Some would say condolences.

Mr. COURTNEY. I want to follow-up on your opening comments on the heels of the prior group that was here that seemed to suggest that freshmen were being suppressed in the opening 100 hours of the 110th Congress. As we all know, nothing would be further from the truth.

Our level of participation in the floor debate and in the design of this agenda could not have been more robust and full from the beginning of the process to the end.

□ 1330

Where we, I think, learned our information about the content of that agenda was on the campaign trail talking to the people in our district. These are ideas that have been out there for a long time. If anything has been suppressed or held back, in fact, it was the 100 hours agenda, not the process or the new Members of Congress that are again beginning our time here in the House.

As an undergraduate in Boston, I used to walk by Powder House Square in Cambridge past the home of Tip O'Neill who at that time was Speaker of this body, the predecessor of the gentleman in the chair. He was a wonderful man. He is certainly not maybe the typical blow-dried politician of the 21st century but he had a street wisdom that I think still resonates to this day. Of course, he coined the most famous phrase, which is that all politics is local. I was asked by a local reporter about where does this 100 hours agenda fit into the district. When are you guys going to start dealing with the Second Congressional District where I come from, eastern Connecticut.

The fact of the matter is if you go down this list of the 100 hours agenda, you can find exactly where in eastern Connecticut it matters, starting with homeland security. In my district, we have the Port of New London. We have more of Long Island Sound than any other congressional district in Connecticut. There are thousands of container cargo ships that every month pass up and down the Race in Long Island Sound. Today we have a situation where only a tiny fraction of those containers have been screened before they have reached that point. This is a large population center in our country. Yet despite the fact that the 9/11 Commission recommendations were out there telling us that we need to go a safer direction in terms of screening that cargo, it wasn't done by the prior Congress.

Secondly, the commission recommended that we would have funding based on need, not politics. It was one of the recommendations that the Chairs of the commission in their fifth year anniversary of 9/11 pointed to as the biggest failing of the prior Congress. Yet in the State of the Connecticut where we received almost $60 million funding in homeland security funding 3 years ago, it had dropped to $15 million last year, leaving first responders high and dry in terms of the investment that they were trying to make in communications equipment and systems that would actually protect the people of our area. New York and the World Trade Center is not very far from my district. We lost people in the Second Congressional District on 9/11 and H.R. 1 right out of the box did everything in the world for my local community, my district, in terms of making us safer and stronger as a district and as a State.

In terms of student loans, my district is the home of the University of Connecticut, Eastern Connecticut State University, three community colleges, Mitchell College, Conn College. As Mr. WILSON indicated, this bill will literally make a difference between whether or not students go to college and stay in college or not. It is as simple as that. There was probably no other decision of the 109th Congress that was more out of touch than the decision to cut by $12 billion aid for student loans. What we did a couple of days ago was take a big step in terms of reversing that damage to the system.

On the Education and Labor Committee on which I sit with Congresswoman HIRONO from Hawaii, we are going to follow up on that down payment to address Pell Grants, to revise the reauthorization of the Higher Ed Act to make sure that we build a system that will create a workforce for the 21st century.

Those are just two small examples where we kept faith with the voters. And with Speaker O'Neill's famous words about all politics is local, I think our class was a big part of that process over the last week. It has been terrific working with all of you and I think it is going to be a great time ahead of us in the 110th Congress.

Mr. HODES. I thank the gentleman from Connecticut. It is an honor to be a member of a class with such distinguished people in it of such skills and talents who are ready to move this agenda and move this country forward for the people, because we understand that it is the people's business that we are here to do and we are putting the people back in the People's House. I thank the distinguished gentleman from Connecticut.

I yield at this time to the gentlewoman from New Hampshire (Ms. SHEA-PORTER).

Ms. SHEA-PORTER. Mr. Speaker, I feel exhilarated at the end of this week. As I was campaigning through my district, the First District of New Hampshire, over and over again I kept hearing questions about what can Congress do to help the middle class and what can Congress do to help grow the middle class, to lift people into that robust middle class that we all want. And certainly this week we have shown what we are capable of doing. People are worried about Congress being able to get together and pass any legislation that would actually help the people. This week we have shown that we know how to get this job done. It certainly is an exhilarating feeling to be part of this.

We watched out for the taxpayer this week. We passed a PAYGO, pay-as-you-go. We said to the taxpayers of this country, we know your taxes are high, we know that you're worried about the highest deficits in American history, and we're going to do something about it. We're going to pass some programs that help you and we're also going to make sure that we don't drive up the deficit.

And then we looked at people who have children in college and we said, we know that you need help and we're going to help you. We cut the interest rates in half. Yet it didn't cost the taxpayer a dime. That is awesome. I feel wonderful and proud of the leadership, the Democratic leadership that brought this forward, and I am delighted that so many Republicans joined in that vote, because I think that it helps all of us.

Then we took a look at Medicare part D and we knew there was something wrong with Medicare part D. What was wrong with it was that the American taxpayer was not at the table when that was passed. It was the insurance companies, it was the pharmaceutical companies, but senior citizens were not there and neither were the American taxpayers. And so we said, we're changing this legislation so we will make sure that they have to negotiate the price of prescription drugs.

Now, we did hear a lot of hollering that this wouldn't help, but I will tell you something, you would never find the CEO of a company ordering their purchasing department not to negotiate the price of anything. We all know, children know when they are little, they take their lunches and they try to cut the best deal for themselves trading. We understand that you negotiate if you want the best deal for the American public and that is what we did.

So we can go back to our districts and we can look at everybody and say, we understand, because we come from you. We're the freshman class that have been out there listening to the issues and we have come to the floor of the House and with the help of the Democratic leadership and certainly some Republicans that joined forces with us, we have passed some pretty significant legislation. So when my child goes back to college next year and the American children go back to college next year, they know that when they leave college, we have reduced their debt $4,000 over the terms of their loan. And when senior citizens go to their pharmacies for their prescriptions, they know that we did the best that we could for them this week. It's a beginning. There will be more to be done, of course, but it is an impressive beginning. And when people go to the gas pump, which is the other way that we saved money for the American taxpayer, they know that we are not going to subsidize the oil companies anymore, that we are not going to take taxpayer money and give them a subsidy. This is what we have been asked to do and this is what we delivered this week.

I congratulate everybody who had a part in this and I urge the American people to stay tuned, because we are going to continue to deliver what the American public has asked us to do and what they need us to do. While we do that, we are also going to be paying attention to the international scene. We know that we have to have a strong national defense. We understand that we have enemies in this world and that we have to be careful. That is why we made sure that we will have containers that are inspected and that is why we looked very carefully with the 9/11 Commission and we said, yes, they're right and we need to do this now. On September 11, 2001, I was on the Beltway in Washington, D.C., and it was a terrifying place to be, no question about it. But I would go out to my district and say, we can't live in fear but what we have to do is be sensible and take action to keep us safer. We can't cower in fear but we can pass legislation that will protect all of us. We need to be on the world stage. We need to be bold. We need to take action to make sure that we are safe, but we also have to make sure that we don't terrify Americans.

So this week we said, here is some legislation that is going to protect you at the airports, it is going to protect you at the ports, it is going to protect our Nation and we are moving forward on every direction. I am delighted. It has been a wonderful couple of weeks and I know with all these good people working hard that America can continue to be reassured that we will lead the country in the right direction.

Mr. HODES. I thank the gentlewoman from New Hampshire. I just want to say how proud I am that now New Hampshire has two Democratic Congress Members serving our great State and we will be working hard on behalf of our constituents as I know all our members of the new Democratic majority-makers are going to be doing. I thank the gentlewoman for her remarks.

At this time I yield to the gentleman from Colorado (Mr. PERLMUTTER).

Mr. PERLMUTTER. I thank the gentleman from New Hampshire.

Mr. Speaker, it is my pleasure to be here today. It is an honor for all of us to be here today, to be Members of Congress. We were all sent here, I think, to bring change to this Nation and bring a new direction to this Nation. I am proud that we have been a part of really a bipartisan effort. As Democrats, we have been part of a bipartisan effort to change the way this country is being run. In this last 100 hours, with NANCY PELOSI really pushing us to the maximum, we have taken care of things that have been stymied, stalled and stopped in prior Congresses.

We have dealt with minimum wage that sat on the shelf for 10 years. We dealt with renewable energy which for my district is fantastic. We have the National Renewable Energy Lab. It is time for us to change our priorities and have a more diverse portfolio of energy sources so that we aren't relying on the Middle East all the time. It is good for national security, it is good for the climate, it is good for jobs.

We dealt with student loans. As I said a couple of days ago, I was at a dive meet this past weekend, one of my kids was in a dive meet, and a woman came up and thanked me because we were reducing the rate of interest on student loans because she had one daughter in college, another one coming up, a single mom, and this was going to help their family educate and really build for the future.

One of the things that I was most proud of, and I am talking to the gentleman from Tennessee because he participated in this, was on the stem cell bill. I felt so proud because that is what Congress, that is what the democratic system is all about. There was a bipartisan bill that passed legislation to allow for further stem cell research that holds out so much promise for so many people. One of my kids has epilepsy. We talked about that. DIANA DEGETTE and MIKE CASTLE, one a Democrat, one a Republican, worked very well together to bring about a bipartisan solution to something that will help so many people across this country.

There were other things. There was 9/11. I am a member of the Homeland Security Committee. And for us to finally pass the recommendations of the 9/11 Commission after years of it sitting there without any implementation by the Republican Congress was a great change. I am just happy to be here, Mr. Speaker.

I don't know exactly how you would like me to proceed, but I wanted to ask the gentleman from Tennessee if he feels that there has been the activity and the action and the change in direction of this country that the people in his district elected him to bring change.

Mr. HODES. I yield to the gentleman from Tennessee (Mr. COHEN).

Mr. COHEN. Thank you. I appreciate the gentleman from Colorado posing the question and the gentleman from New Hampshire yielding time.

Mr. Speaker, indeed the people of the Ninth District in Tennessee have felt the differences in this Congress. It has been a great honor to be here as a representative of the Ninth District of Tennessee. Bob Dylan said, "Senators, Congressmen, please heed the call." I think this class has heeded the call. The call is, people felt that Congress was not a place that the American people intended it to be and our Founding Fathers intended it to be. It had fallen to one of the lowest levels of appreciation or lack of appreciation of any body or group in this country. It had a 34 percent, 33 percent approval rate. That is going to go up. The reason is, I think, because this Congress is going to look to the future and the Democratic Party looks to the future.

Most of y'all probably have heard the same stories I have heard. Politics is kind of like cars. If you want to go forward, you put your car in D like Democrat, in drive. And if you want to go in reverse, you put it in R like Republican, you go in reverse. We are in D and the Democrats are going forward and it is about the future. Most of this legislation has been about the future. It has been about the future of people never having to work for $5.15 an hour.

People have come up in this well, Mr. Speaker, and they have talked about watch out for your pocketbook or watch out for your wallet. Folks making $5.15 an hour can't hardly afford a wallet. So when they are talking about look out for your wallet, they are not thinking about the people that are performing the jobs that are necessary to keep this country moving forward that most of us don't want to participate in. Those people will be getting $7.25 in a couple of years and they will have something to put in their pocketbook.

Regarding stem cell research, the gentleman from Colorado mentioned his child. My father had Alzheimer's. Lots of people have family members or friends who have had illnesses that might be cured. That is the future. There will be cures or there will be treatments for diseases because of the legislation that was taken and passed during this 100 hours by this House, and we hope the Senate will concur.

If you look at stem cell research, that is the future. The minimum wage, that is the future. Certainly on oil and fuels and new ideas on energy and getting us independent of Middle Eastern oil, that is defense. That is the future. So if you want to go forward, you put your car in D, you support Democrats and go forward. I am happy to be a part of this Democratic class. It has been an exciting experience. It has been a great 100 hours. We have got a great Speaker, historic, the first woman Speaker. Next week when the President delivers his State of the Union address, there will be a woman behind him. Behind every successful man, there is a woman, and even behind this President there is going to be a woman, and there is going to be a great woman, Speaker PELOSI.

Mr. HODES. I thank the gentleman from Tennessee for his remarks and for quoting a great American artist, Bob Dylan. It is important that we bring art and culture down to the floor of the Congress and make sure that the people of America know that we are connected not only to the past but to the future. I also note that the 100 hours agenda as it turned out was subject to full debate here on the floor of the House.

□ 1345

Now our colleagues across the aisle, from time to time, raised complaints about procedures. They claimed they were cut out. But they were all here and had the opportunity to debate the 100 hours agenda. And, in fact, when it came to votes on the 100 hours agenda, Mr. Speaker, we averaged 67 Republican votes for what we passed in terms of the 100-hour agenda. We averaged 67 votes from our colleagues across the aisle. So while they may have raised their voices about the procedure, we were fulfilling promises to the American people. We knew it was important. They joined us. And so I think we all should be proud of the fact that the 100 hour agenda really was an American agenda. It is an American agenda. It is a down payment on what we are going to do to keep on moving this country forward. And I am proud and glad that our colleagues from across the aisle had the wisdom, the courage, and just the plain smarts to join us on what the American people know is right for America as we move forward in the 21st century.

Now, Mr. Speaker, it is my pleasure to recognize and yield to the gentlewoman from Hawaii (Ms. HIRONO).

Ms. HIRONO. I just wanted to make a comment about what you just said. You know, there is rhetoric, and then there is action. So while we had hours and hours of debate on all of these bills that we dealt with in the first 100 hours, when it came down to action, so many of the Republicans voted with us. So as the saying goes, "Where's the beef?" And frankly, I just want to share with my colleagues from the majority-making class, of which I am very proud, there was an article written in a local newspaper back home about me and how I am doing here, and they quoted a professor from University of Pennsylvania, a political science professor. I don't know why they asked somebody from the University of Pennsylvania. But he teaches a class on how Congress works. And he said, basically, freshmen are hardly ever seen and they are never heard from. Well, nothing could be further from the truth in our class. Not only were we seen, but we were heard from. We were encouraged to speak out. And I think every single one of us had an opportunity to speak on all of these bills, as I certainly did. And so I came here because I really wanted to be responsive to the American people. And as the New York Times only yesterday said, that the House has now approved legislation directly addressing public concerns. And I think that is why we feel really gratified to have been a part of this historic session and to be reminded that prior Congresses, the 104th, 105th, 106th, 107th, 108th, 109th Congresses in the month of January, were taking a break. And we didn't.

Mr. HODES. I thank the gentlewoman from Hawaii for the remarks, and pointing out how important what we are doing really is to the future of this country.

And at this time I would yield to the gentleman from Maryland (Mr. SARBANES) with whom I am very proud to serve.

Mr. SARBANES. Thank you very much. I appreciate that. I thank the gentleman from New Hampshire for his amazing leadership of our class. And I am just so excited to be here and to be part of this debate. You will excuse me for looking at the clock every so often. The reason I am doing it is I am so amazed at what we were able to accomplish in 100 hours. I mean, it is almost unprecedented in terms of legislative activity to produce the results that we have.

Congressman COURTNEY earlier cited Tip O'Neill and the notion that all politics is local. And I think that it is difficult for a lot of folks in this country to understand the connection between what we do here, the action we take, and what happens in their daily lives. But I believe that what we did over the last 10 days is directly connected to making life better for millions of Americans.

All over this country, every day, Americans get up and what do they do? They work hard and they play by the rules. They work hard and they play by the rules. And all they ask, all they expect, and it shouldn't be a tall order, is that we do the same thing; that the people they send here to represent them work hard and play by the rules. We took a step right from the onset by passing an ethics reform package that really is going to make a difference in terms of the way things operate here. And that was the right thing to do. And the message that came from the American people that we needed to do that was loud and clear.

We also decided that we ought to conduct business here in the same way that an average household is conducted, and that is, you make your checkbook balance. So we implemented rules related to fiscal accountability. That makes perfect sense. That makes perfect sense.

Let me talk a little bit more, though, about this connection to people's daily lives in terms of the things that we did. It starts at 6:00 in the morning. If you are a senior citizen in this country, the first thing you do, the first thing you do is you take your prescription medicine. Now, is that an experience that is causing you anxiety because you don't know what trick is coming around the corner next? Or do you feel like your interests are being looked after?

Last week we took the vital step of allowing the Medicare program, on behalf of its beneficiaries, to negotiate drug prices with the pharmaceutical industry. That is going to bring drug prices down and that is going to do right by our seniors. So it matters what we do here in terms of people's daily lives.

The working mother who gets up at 6:00 in the morning, gets her two children off to school, and then goes to a job that pays the minimum wage. What we did last week, in passing an increase in the minimum wage is going to make a difference for that person and millions of people around this country just like her.

Families all over America who wake up every day burdened with the worry and the anxiety about a loved one who is suffering from a debilitating disease or condition where the hope that science can provide for treatment is something that can lift them up. We took the step last week, with significant bipartisan support, of approving the Federal funding of embryonic stem cell research. That was the right thing to do for those families.

We have heard about the issue of security. We took steps last week, out of respect for the families of the victims of September 11, we took steps to implement, finally, the recommendations of the 9/11 Commission.

My blood pressure is going down now because when I go to a gas station to fill up my car I am not seething at the fact that I am paying all this money for gas, and, meanwhile, the oil industry is getting big tax breaks, because we took steps to repeal those because they weren't fair. They weren't fair.

And lastly, we took action on student loans. I have said it before in this Chamber, but I have got to say it again because it is imprinted on me. A woman came up to me whose children are trying to go to college, and she looked me straight in the eye, and this is what she said. She said, I did everything they told me I was supposed to do. My husband and I worked three jobs between us, we saved our money and we told our kids if you work hard and you study, you can make it in America. And now we can't pay for college. We have a problem in this country if people are looking at us and saying, we did everything they told us we were supposed to do and we can't make it. We have to restore the bargain with Americans.

And let me finish by noting this, and it is something we should take to heart as people who have been sent here to make policy. Policymakers can get up in the morning and they can head in one of two different directions. They can get up and they can think about what can I do today as, sadly, I think this administration does, what can I do today to help people who don't need any help? If do you that, you make bad public policy.

But if you get up in the morning and, as I think all of us here do, and you are thinking, what can we do today to help people who really need help, to help the working families of America? Then, you know what? We won't get it perfectly right every time, but most of the time we are going to make good public policy. And that is what we did last week and that is what we did this week. We made good public policy for the American people. I am proud to have been part of that effort. And I am proud to serve with my colleagues who stepped up and made this 100 hours so meaningful for the American people.

Mr. HODES. We thank the gentleman from Maryland for speaking with such passion about the important connection between what we are doing here to make a positive difference in the lives of this country and what it means to every single American that we represent from around this country, what impact it will have on their daily lives, because, as the gentleman from Maryland rightly understands, we are dedicated to making a positive difference for all the people of this country, not just those at the very top, but all the people, those who need it the most, doing the most good for most of the people all the time.

And I would yield briefly now to the distinguished representative from Pennsylvania, Mr. CARNEY, a gentleman who, Mr. Speaker, has served his country in the military with great distinction, and, Mr. Speaker, a gentleman who has the distinction, as a new Member of Congress, of now leading a subcommittee on the Homeland Security Committee, a distinct honor worthy of his experience, skill and talent. I am very proud to serve with him and I yield to Mr. CARNEY.

Mr. CARNEY. Thank you, Mr. HODES, and thank you for your leadership in this class. It is going to be a historic class. I think we have already proven that in the last 100 hours.

Mr. Speaker, in the last 2 weeks in the new Congress we have already taken remarkable action to pass this first 100 hours legislation.

Now, as I traveled across my 10th District of Pennsylvania, I heard from so many families who were struggling to make ends meet. Our working families needed an increase to the minimum wage, and we provided that. Our working families needed affordable education. We provided that relief. Our seniors need lower prescription drug prices. We took steps to make sure they can have them. Our children need to know that they are growing up in a country that is safe, and we provided to enhance the security of this Nation.

Two weeks into this new Congress and already I am proud of what this House of Representatives has achieved in a bipartisan and civil manner. We are listening to the concerns of our constituents and passing meaningful legislation on their behalf.

I encourage our colleagues in the Senate to pass our legislation and for the President to sign it into law. Two weeks into the new Congress, and already I have heard from so many of my constituents who are appreciative of our concerns and their concerns being addressed. But they also remind me that we have only just begun. Two weeks in and still so much left to accomplish.

Mr. HODES. Thank you very much, Mr. CARNEY.

Mr. Speaker, I note the hour. I thank the Speaker for your service today and in this august body, we thank the American people for giving us the privilege to serve the people of this country, to have served in this historic time, to move the 100 hours agenda from a promise into reality, to make good on our promises to the people of this country that we care about all the people, that we are going to make a positive difference as we move forward.

I thank my colleagues, new Members. We have been called majority makers, and I am proud that we are, and we are going to work in a bipartisan way to move this country forward.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. MCCOLLUM of Minnesota (at the request of Mr. HOYER) for today.

Mrs. NAPOLITANO (at the request of Mr. HOYER) for today.

Mr. SIMPSON (at the request of Mr. BOEHNER) for today on account of medical reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. DEFAZIO) to revise and extend their remarks and include extraneous material:)

Mr. PALLONE, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. GEORGE MILLER of California, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. SCHIFF, for 5 minutes, today.

Mr. TAYLOR, for 5 minutes, today.

Mr. CUMMINGS, for 5 minutes, today.

Mrs. MCCARTHY of New York, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mr. STUPAK, for 5 minutes, today.

Mr. BLUMENAUER, for 5 minutes, today.

Mr. RODRIGUEZ, for 5 minutes, today.

Mr. ELLISON, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. PENCE, for 5 minutes, today.

(The following Members (at their own request) to revise and extend their remarks and include extraneous material:)

Ms. SUTTON, for 5 minutes, today.

Mr. WELCH of Vermont, for 5 minutes, today.

ADJOURNMENT

Mr. HODES. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 59 minutes p.m.), under its previous order, the House adjourned until Monday, January 22, 2007, at 12:30 p.m., for morning hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

333. A communication from the President of the United States, transmitting notification stating that the emergency declared with respect to foreign terrorists who threaten to disrupt the Middle East peace process is to continue in effect beyond January 23, 2007, pursuant to 50 U.S.C. 1622(d); (H. Doc. No. 110-8); to the Committee on Foreign Affairs and ordered to be printed.

334. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-594, "Consumer Security Freeze Act of 2006," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

335. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-593, "Consumer Personal Information Security Breach Notification Act of 2006," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

336. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-598, "Expansion of Substance Abuse and Mental Illness Insurance Coverage Amendment Act of 2006," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

337. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-597, "Summary Enclosure of Nuisance Vacant Property Amendment Act of 2006," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

338. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-596, "Definition of Persons With Disabilities A.D.A. Conforming Amendment Act of 2006," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

339. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-595, "Disability Rights Protection Act of 2006," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

340. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-603, "Alcohol and Narcotics-Related Claims Liability Exclusion Repeal Amendment Act of 2006," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

341. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-602, "Mount Vernon Triangle BID Amendment Act of 2006," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

342. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-601, "NoMa Improvement Association Business Improvement District Amendment Act of 2006," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

343. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-600, "PILOT Authorization Increase and Arthur Capper/Carrollsburg Public Improvements Revenue Bonds Approval Act of 2006," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

344. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-599, "Office of Ex-Offender Affairs and Commission on Re-Entry and Ex-Offender Affairs Establishment Act of 2006," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

345. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-615, "Nuisance Properties Abatement Reform and Real Property Classification Temporary Amendment Act of 2006," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

346. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-614, "Lower Income Homeownership Cooperative Housing Association Re-Clarification Temorary Act of 2006," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

347. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-612, "Closing Agreement Temporary Act of 2006," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

348. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-611, "Old Engine Company 12 Deposit of Sale Proceeds Temporary Act of 2006," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

349. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-610, "Washington Convention Center Advisory Committee Temporary Amendment Act of 2006," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

350. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-609, "Tenant-Owner Voting in Conversion Election Clarification Temporary Amendment Act of 2006," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

351. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-608, "Department of Transportation and Department of Consumer and Regulatory Affairs Vending Consolidation of Public Space and Licensing Authorities Temporary Amendment Act of 2006," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

352. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-607, "Ballpark Parking Completion Temporary Amendment Act of 2006," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

353. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-606, "Vacancy Conversion Fee Exemption Reinstatement Temporary Act of 2006," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

354. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-605, "Rent Administrator Hearing Authority Temporary Amendment Act of 2006," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

355. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-604, "Office of the People's Counsel Term Clarification Temporary Amendment Act of 2006," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

356. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-590, "Green Building Act of 2006," pursuantto D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

357. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-591, "Mental Health Civil Commitment Extension Act of 2006," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

358. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-592, "Additional Sanctions for Nuisance Abatement and Office of the Tenant Advocate Duties Clarification Amendment Act of 2006," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

359. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-637, "Comprehensive Plan Amendment Act of 2006," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

360. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-617, "Advisory Neighborhood Commissions Clarification Temporary Amendment Act of 2006," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

361. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-616, "New Town at Capital City Market Revitalization Development and Public/Private Partnership Temporary Act of 2006," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

362. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-587, "District Government Injured Employee Protection Act of 2006," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

363. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-588, "Department of Insurance, Securities, and Banking Omnibus Amendment Act of 2006," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

364. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-589, "Unemployment Compensation Contributions Federal Conformity Amendment Act of 2006," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

365. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-613, "Real Property Tax Benefits Revision Temorary Act of 2006," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

[Omitted from the Record of January 18, 2007]

By Mr. EMANUEL:

H. Res. 73. A resolution electing Members to a certain standing committee of the House of Representatives; considered and agreed to.

By Mr. PUTNAM:

H. Res. 74. A resolution electing minority members to certain committees of the House of Representatives; considered and agreed to.

By Mr. EMANUEL:

H. Res. 75. A resolution electing Members and Delegates to certain standing committees of the House of Representatives; considered and agreed to.

[Filed on January 19, 2007]

By Mr. RAHALL (for himself and Mr. MOLLOHAN):

H.R. 576. A bill to direct the Secretary of Labor to revise the regulations under the Federal Mine Safety and Health Act of 1977 to require that belt haulage entries not be used to ventilate active working places in mines; to the Committee on Education and Labor.

By Mr. DOGGETT (for himself, Mr. BARTON of Texas, Mr. BRADY of Texas, Mr. BURGESS, Mr. CARTER, Mr. CONAWAY, Mr. CUELLAR, Mr. CULBERSON, Mr. EDWARDS, Mr. GOHMERT, Mr. GONZALEZ, Ms. GRANGER, Mr. AL GREEN of Texas, Mr. GENE GREEN of Texas, Mr. HALL of Texas, Mr. HENSARLING, Mr. HINOJOSA, Ms. JACKSON-LEE of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. SAM JOHNSON of Texas, Mr. LAMPSON, Mr. MARCHANT, Mr. MCCAUL of Texas, Mr. NEUGEBAUER, Mr. ORTIZ, Mr. PAUL, Mr. POE, Mr. REYES, Mr. RODRIGUEZ, Mr. SESSIONS, Mr. SMITH of Texas, and Mr. THORNBERRY):

H.R. 577. A bill to designate the facility of the United States Postal Service located at 3903 South Congress Avenue in Austin, Texas, as the "Sergeant Henry Ybarra III Post Office Building"; to the Committee on Oversight and Government Reform.

By Mr. POMEROY (for himself, Mr. MANZULLO, Mr. SOUDER, Mr. MOORE of Kansas, and Mr. BARTLETT of Maryland):

H.R. 578. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for qualified equity investments in certain small businesses; to the Committee on Ways and Means.

By Mr. EDWARDS (for himself and Mr. JONES of North Carolina):

H.R. 579. A bill to amend title 10, United States Code, to prohibit certain increases in fees for military health care; to the Committee on Armed Services.

By Mr. BERMAN (for himself, Mr. CONYERS, and Mr. SCOTT of Virginia):

H.R. 580. A bill to amend chapter 35 of title 28, United States Code, to provide for a 120-day limit to the term of a United States attorney appointed on an interim basis by the Attorney General, and for other purposes; to the Committee on the Judiciary.

By Mrs. BLACKBURN (for herself, Mr. AKIN, Mr. WESTMORELAND, and Mr. GINGREY):

H.R. 581. A bill to amend title II of the Social Security Act to establish a Social Security Surplus Protection Account in the Federal Old-Age and Survivors Insurance Trust Fund to hold the Social Security surplus, to provide for suspension of investment of amounts held in the Account until enactment of legislation providing for investment of the Trust Fund in investment vehicles other than obligations of the United States, and to establish a Social Security Investment Commission to make recommendations for alternative forms of investment of the Social Security surplus in the Trust Fund; to the Committee on Ways and Means.

By Mr. CUMMINGS (for himself, Mr. WYNN, and Mr. COHEN):

H.R. 582. A bill to provide the Secretary of Education with authority to give preference, in the distribution of certain grants under the Individuals with Disabilities Education Act, to local educational agencies and certain public or private nonprofit organizations that provide training to regular education personnel to meet the needs of children with disabilities; to the Committee on Education and Labor.

By Mr. DOYLE (for himself, Mr. PICKERING, Mrs. CAPPS, Mr. DUNCAN, Mrs. BLACKBURN, Mr. ROGERS of Michigan, and Mrs. WILSON of New Mexico):

H.R. 583. A bill to amend the Public Health Service Act to make the provision of technical services for medical imaging examinations and radiation therapy treatments safer, more accurate, and less costly; to the Committee on Energy and Commerce.

By Mr. GENE GREEN of Texas (for himself, Mr. BARTON of Texas, Mr. ORTIZ, Mr. MCCAUL of Texas, Mr. BRADY of Texas, Mr. BURGESS, Mr. CARTER, Mr. CONAWAY, Mr. CUELLAR, Mr. CULBERSON, Mr. DOGGETT, Mr. EDWARDS, Mr. GONZALEZ, Ms. GRANGER, Mr. AL GREEN of Texas, Mr. HALL of Texas, Mr. HINOJOSA, Ms. JACKSON-LEE of Texas, Mr. MARCHANT, Mr. POE, Mr. REYES, Mr. BACA, Mr. CLAY, Mr. CLYBURN, Mr. CROWLEY, Mr. DINGELL, Mr. KENNEDY, Mrs. MALONEY of New York, Mr. OBERSTAR, Mr. OBEY, Mr. RUSH, Ms. LORETTA SANCHEZ of California, Mr. TOWNS, Mr. WATT, Mr. WEXLER, Mr. WYNN, and Mr. LEWIS of Georgia):

H.R. 584. A bill to designate the headquarters building of the Department of Education in Washington, DC, as the Lyndon Baines Johnson Federal Building; to the Committee on Transportation and Infrastructure.

By Ms. HERSETH (for herself and Mr. BOOZMAN):

H.R. 585. A bill to amend title 38, United States Code, to expand the number of individuals qualifying for retroactive benefits from traumatic injury protection coverage under Servicemembers' Group Life Insurance; to the Committee on Veterans' Affairs.

By Mr. HINCHEY:

H.R. 586. A bill to restore fairness in the provision of incentives for oil and gas production, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WEINER:

H.R. 587. A bill to improve the safe operation of aircraft; to the Committee on Transportation and Infrastructure.

By Ms. HOOLEY (for herself, Mr. SPRATT, Mr. PATRICK MURPHY of Pennsylvania, Mr. VAN HOLLEN, Mr. CONYERS, Mrs. MCCARTHY of New York, Mr. JOHNSON of Georgia, Mr. LIPINSKI, Mr. STARK, and Mr. MCDERMOTT):

H.R. 588. A bill to extend the period during which members of the Armed Forces deployed in contingency operations may request and receive reimbursement for helmet pads, which are designed to better protect the wearer from bomb blasts than military-issued pads, that are purchased by or for the use of such members; to the Committee on Armed Services.

By Mr. INSLEE (for himself, Mr. DELAHUNT, Mr. HALL of New York, Mr. CLEAVER, Mr. HONDA, Ms. KAPTUR, Mr. HINCHEY, Mr. GILCHREST, Mr. KLEIN of Florida, and Mr. GRIJALVA):

H.R. 589. A bill to promote the development and use of plug-in hybrid electric vehicles, and for other purposes; to the Committee on Science and Technology, and in addition to the Committees on Ways and Means, and Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KNOLLENBERG:

H.R. 590. A bill to amend the Internal Revenue Code of 1986 to increase the annual contribution limit to Coverdell education savings accounts, and for other purposes; to the Committee on Ways and Means.

By Mrs. MUSGRAVE:

H.R. 591. A bill to amend the Cache La Poudre River Corridor Act to designate a new management entity, make certain technical and conforming amendments, enhance private property protections, and for other purposes; to the Committee on Natural Resources.

By Mr. PASCRELL (for himself, Mr. WILSON of South Carolina, Ms. BORDALLO, Mr. GERLACH, Mr. HOLT, Mr. KING of New York, Mr. LAHOOD, Mr. PAYNE, Mr. JOHNSON of Georgia, Ms. MATSUI, Mrs. JONES of Ohio, Mr. HARE, Mr. MCGOVERN, Mrs. MCCARTHY of New York, Mr. LANTOS, Mr. GRIJALVA, Mr. STUPAK, Ms. LEE, Mr. WHITFIELD, Mr. HOLDEN, Mr. OLVER, Mr. BLUMENAUER, Ms. MCCOLLUM of Minnesota, Ms. SHEA-PORTER, and Mr. CLAY):

H.R. 592. A bill to provide for disclosure of fire safety standards and measures with respect to campus buildings, and for other purposes; to the Committee on Education and Labor.

By Mr. REICHERT (for himself and Mr. TOWNS):

H.R. 593. A bill to amend title XXI of the Social Security Act to provide grants to promote innovative outreach and enrollment under the Medicaid and State children's health insurance programs, and for other purposes; to the Committee on Energy and Commerce.

By Mr. STUPAK (for himself, Mr. DINGELL, Mr. LARSON of Connecticut, Mr. HINCHEY, Mr. ALLEN, Mrs. CAPPS, Mr. DEFAZIO, Ms. SCHAKOWSKY, Mr. CONYERS, Mr. PASCRELL, Mr. GRIJALVA, Ms. JACKSON-LEE of Texas, Mr. TIERNEY, Mr. KILDEE, Ms. SCHWARTZ, Mr. CHANDLER, Mr. MICHAUD, Mrs. DAVIS of California, and Mr. BAIRD):

H.R. 594. A bill to regulate over-the-counter trading of energy derivatives; to the Committee on Agriculture.

By Mr. UDALL of Colorado (for himself and Mr. RYAN of Wisconsin):

H.R. 595. A bill to provide for expedited rescissions of budget authority; to the Committee on the Budget, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WU:

H.R. 596. A bill to encourage partnerships between community colleges and four-year colleges and universities; to the Committee on Education and Labor.

By Mr. WU:

H.R. 597. A bill to amend the Higher Education Act of 1965 to require institutions of higher education to enter into agreements with private for-profit organizations for the provision of work-study employment; to the Committee on Education and Labor.

By Mr. WU:

H.R. 598. A bill to amend the Internal Revenue Code of 1986 to repeal the limitations on the maximum amount of the deduction of interest on education loans; to the Committee on Ways and Means.

By Mr. HOYER:

H. Con. Res. 38. Concurrent resolution providing for a joint session of Congress to receive a message from the President; considered and agreed to.

By Ms. SLAUGHTER (for herself, Ms. DEGETTE, and Mrs. LOWEY):

H. Con. Res. 39. Concurrent resolution honoring women's health advocate Cynthia Boles Dailard; to the Committee on Oversight and Government Reform.

By Mr. HOYER (for himself, Mr. CLYBURN, Mr. EMANUEL, Mr. LARSON of Connecticut, Mr. BECERRA, and Ms. SLAUGHTER):

H. Res. 78. A resolution amending the Rules of the House of Representatives to permit Delegates and the Resident Commissioner to the Congress to cast votes in the Committee of the Whole House on the state of the Union; to the Committee on Rules.

By Mr. GINGREY (for himself, Mr. BARTLETT of Maryland, Mr. HAYES, Mrs. MILLER of Michigan, Mr. BROWN of South Carolina, Mr. MCCOTTER, Mr. CARTER, Mr. PUTNAM, Mr. COBLE, Mr. CARNEY, Mr. TERRY, Mr. CALVERT, Mr. MILLER of Florida, Mr. PEARCE, and Mr. ENGLISH of Pennsylvania):

H. Res. 79. A resolution recognizing the establishment of Hunters for the Hungry programs across the United States and the contributions of those programs efforts to decrease hunger and help feed those in need; to the Committee on Agriculture.

By Ms. JACKSON-LEE of Texas (for herself, Mr. RANGEL, and Ms. CLARKE):

H. Res. 80. A resolution commending Wilfred George Gooden for his distinguished career of service, humanitarian efforts, and philanthropy dedicated to assisting the people of Jamaica and the United States; to the Committee on Foreign Affairs.

By Mr. WU:

H. Res. 81. A resolution to express the sense of the House of Representatives that the maximum Pell Grant should be increased to $5,800; to the Committee on Education and Labor.

By Mr. YARMUTH:

H. Res. 82. A resolution commending the University of Louisville Cardinals football team for their victory in the 2007 Orange Bowl; to the Committee on Education and Labor.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 14: Mr. TIBERI.

H.R. 17: Mr. SIRES, Mr. PEARCE, Mr. BOUCHER, Mr. STARK, Mr. NUNES, Mr. FORTUÑO, Mrs. EMERSON, Mrs. NAPOLITANO, Mr. DAVIS of Alabama, Mr. SNYDER, Mr. BISHOP of Utah, Ms. JACKSON-LEE of Texas, Mr. UDALL of Colorado, and Mrs. CHRISTENSEN.

H.R. 22: Mr. LEWIS of Kentucky and Mr. ALEXANDER.

H.R. 25: Mrs. CUBIN.

H.R. 36: Mr. SOUDER.

H.R. 111: Mr. WAXMAN, Mr. LAMBORN, Mr. MCCAUL of Texas, Mr. BAIRD, Mr. ADERHOLT, Mr. PRICE of North Carolina, Mr. MILLER of Florida, and Mr. LARSEN of Washington.

H.R. 213: Mr. MCDERMOTT, Mr. GRIJALVA, and Mr. NADLER.

H.R. 232: Mr. BARRETT of South Carolina, Mr. DEFAZIO, Mr. MILLER of Florida, Mr. FEENEY, Mr. KLINE of Minnesota, Mr. BOOZMAN, and Mr. MCCAUL of Texas.

H.R. 278: Mr. BOREN and Mr. STUPAK.

H.R. 292: Ms. DELAURO and Mr. PRICE of North Carolina.

H.R. 293: Mr. PRICE of North Carolina.

H.R. 303: Mr. WAXMAN, Mr. BURTON of Indiana, and Mr. BOREN.

H.R. 359: Mr. WYNN, Mr. HONDA, Ms. LINDA T. SÁNCHEZ of California, Mr. GUTIERREZ, and Mr. REYES.

H.R. 380: Mrs. MCCARTHY of New York, Mr. ALLEN, Mr. STARK, Ms. WOOLSEY, Mr. SNYDER, Mr. PETRI, and Ms. HARMAN.

H.R. 381: Mr. KUHL of New York and Mr. MANZULLO.

H.R. 402: Mr. CUELLAR.

H.R. 406: Mr. BRALEY of Iowa and Ms. WOOLSEY.

H.R. 411: Mr. TIM MURPHY of Pennsylvania, Mr. BARTLETT of Maryland, Mr. GINGREY, Mr. SHAYS, Mr. MACK, and Mr. BURTON of Indiana.

H.R. 471: Mrs. BIGGERT, Mr. JORDAN, Mr. MARIO DIAZ-BALART of Florida, Mr. PATRICK MURPHY of Pennsylvania, and Mr. BRADY of Texas.

H.R. 476: Mr. MORAN of Kansas, Mr. MOORE of Kansas, Mr. TIAHRT, Ms. HIRONO, MR. MCGOVERN, Mr. CHANDLER, Mr. LAMPSON, Mr. EMANUEL, Mr. SPACE, Mrs. MALONEY of New York, Ms. SUTTON, Mr. KIND, Ms. KAPTUR, Mr. SHERMAN, Mr. ELLSWORTH, Mr. DONNELLY, Mr. PERLMUTTER, Mr. ROSS, Mr. UDALL of Colorado, Mr. VISCLOSKY, Mr. MURPHY of Connecticut, Mr. BOYD of Florida, Mr. LANTOS, Mr. GEORGE MILLER of California, Mr. SIRES, Mr. LINCOLN DAVIS of Tennessee, Mrs. DAVIS of California, Mrs. MCCARTHY of New York, Mr. COSTA, Mrs. CAPPS, Ms. NORTON, Mr. ALTMIRE, Mr. PATRICK MURPHY of Pennsylvania, Mr. ROTHMAN, Mr. MCNERNEY, Mr. SESTAK, Mrs. GILLIBRAND, Mr. CUELLAR, Mr. SMITH of Washington, Mr. BRALEY of Iowa, Mr. LOEBSACK, Mr. FRANK of Massachusetts, Mr. GUTIERREZ, Mr. CROWLEY, Mr. ETHERIDGE, Mr. WILSON of Ohio, Mr. BLUMENAUER, Ms. HOOLEY, and Mr. MITCHELL.

H.R. 477: Ms. SLAUGHTER, Mr. TAYLOR, Mr. HINOJOSA, Mr. JEFFERSON, Mr. MCNULTY, MR. MOORE of Kansas, Ms. SCHAKOWSKY, Ms. NORTON, Mr. WAXMAN, Mr. UDALL of New Mexico, Mr. LEWIS of Georgia, Mr. COBLE, Mr. MCCOTTER, Ms. BORDALLO, Mr. CLEAVER, Mr. ENGEL, Mr. CLAY, Mrs. DAVIS of California, and Mr. GENE GREEN of Texas.

H.R. 489: Mr. HENSARLING and Mrs. BLACKBURN.

H.R. 493: Mr. ROTHMAN, Mr. FEENEY, Mr. POE, Mr. MEEHAN, and Mr. DEFAZIO.

H.R. 507: Ms. JACKSON-LEE of Texas, Ms. CASTOR, and Mr. STARK.

H.R. 510: Mr. UPTON and Mrs. BIGGERT.

H.R. 548: Mr. GENE GREEN of Texas and Mr. MARSHALL.

H.R. 556: Mr. HOEKSTRA.

H.J. Res. 3: Mr. BOREN.

H. Con. Res. 21: Mr. LINCOLN DAVIS of Tennessee, Mr. NADLER, and Mr. LINDER.

H. Con. Res. 25: Mr. LUCAS, Mr. MCCOTTER, Mr. MCINTYRE, Ms. WOOLSEY, Mr. SALAZAR, and Mr. BRALEY of Iowa.

H. Con. Res. 33: Mr. WELCH of Vermont and Mr. RAHALL.

H. Res. 29: Mr. WILSON of South Carolina, Mr. AL GREEN of Texas, Ms. MILLENDER-MCDONALD, Mr. REYES, Mr. SCHIFF, and Mrs. BIGGERT.

EXTENSIONS OF REMARKS

IN MEMORY OF NAOMI GRAY

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 19, 2007

Ms. PELOSI. Madam Speaker, with deep sadness, I rise to pay my respects to one of San Francisco's most beloved and admired community leaders. Naomi Thomas Gray died peacefully on December 29 at Laguna Honda Hospital in San Francisco after a lifetime of service to our City and our Nation.

Born in Hattiesburg, Mississippi, Naomi earned a Master of Science Degree in Social Services at Indiana University. She moved to New York to work for Planned Parenthood as a field organizer, quickly rising to Vice President for Field Services. For two decades, she crisscrossed America developing community education and organizing programs for Planned Parenthood. She lived among migrant workers where she taught family planning. She forged links with black communities in the rural South by winning over Baptist preachers. She served as a consultant to family planning programs around the globe.

Upon retirement in 1972, she turned her knowledge and might to San Francisco, where she became a champion of the African American and health communities.

Naomi served as a consultant to numerous family planning and health organizations. She founded and served two terms on San Francisco's Health Commission, where she worked to increase access to health care for our City's most vulnerable and disadvantaged residents and she strengthened the affirmative action programs at the San Francisco Department of Health. She warned of the danger of HIV/AIDS to the black community and founded the Black Coalition on AIDS and the African American AIDS Leadership Group.

She was an intrepid champion of the African American community. As founder and president of the Institute for Urban Affairs, she focused on issues of concern to African American children and families. As Executive Director of the Sojourner Truth Foster Family Service Agency, she advocated for and mentored children in the foster care system. She was President of the Black Leadership Forum, member of the Black Chamber of Commerce, and Chair of the Mayor's Task Force on Public Housing and the Mayor's Task Force on Children, Youth and Their Families.

An advocate for excellence in education, Naomi Gray founded the Twenty-First Century Academic School and co-founded the African American Education Leadership Group.

She received awards and commendations too numerous to list. For 30 years, I have been blessed with her support, advice, and friendship. It is an honor to stand before the House to celebrate the life of San Francisco's beloved Naomi Gray.

I hope it is a comfort to her loving nieces, nephews, and other extended family that so many people are mourning her loss and praying for them at this time.

HONORING CHRISTY WALSH

HON. MARSHA BLACKBURN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, January 19, 2007

Mrs. BLACKBURN. Madam Speaker, I ask my colleagues to join me today to remember and honor Christy Walsh. Christy was Woodland Middle School counselor in Franklin, TN. After a life dedicated to helping mold the youth of America and a valiant 4-year battle with cancer, Christy finally has peace and rest.

We all know how important counselors and educational officials are to our communities. In our school systems throughout America, counselors are there for our children, to guide them, advise them through their education and life choices, and to celebrate with them in good times and comfort them in the bad. Christy was innovative, energetic, and dedicated to our kids and we can't thank her enough for that.

Christy served as a Students Taking a Right Stand (STAR) counselor where she led a movement to help guide students away from drug abuse and held support groups for children with social issues such as grief and anger. Her dedication to STAR has had a tremendous positive impact on these students and left a ray of hope for the children she influenced.

I invite my colleagues to, again, join me in extending our condolences to her son Brennan and the entire Walsh family and keep them in our thoughts and prayers. May Christy and her work live on in the hearts of her family, friends and the children that she helped throughout her life.

IN REMEMBRANCE OF ARTHUR F. WESTFALL

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, January 19, 2007

Mr. KUCINICH. Madam Speaker, I rise today to honor the memory of Arthur F. Westfall, whose personal service to the Valley View community in Ohio is a shining example of the commitment and devotion that holds this great country together. Arthur's life was marked by his dedication to country, community, and family.

Arthur graduated from Cuyahoga Heights High School and worked as a homebuilder as a young man, before he was elected mayor in 1971—a position he held for almost 30 years before he retired in 1999, along with being a public insurance adjuster. During these years, his work and commitment as a mayor helped Valley View prosper and become one of the main economic power centers in Northeast Ohio.

Throughout his life Arthur was enthusiastic about and devoted to the citizens of his community. As a public insurance adjuster, he did appraisals that helped claimants receive compensation from insurance companies following catastrophes. And, as a devoted citizen and mayor, Arthur studied law enforcement and criminology at Case Western Reserve University to inform development of a strong police department.

Arthur also helped to improve infrastructure for the citizens of Valley View by building capacity in the water supply, developing a transportation program, as well as a number of benefits for the elderly, things that were not available for the small farmland village back in 1971.

Arthur's legacy continues through his wife, Helen; three children, Sharon White, Randall and Lance; six grandchildren; and three great-grandchildren.

Madam Speaker and colleagues, please join me in honoring the memory of Arthur F. Westfall as a loving community leader. Arthur's lifelong commitment to both community and family is a great example of how one man can dedicate his life to helping others.

PERSONAL EXPLANATION

HON. JOE KNOLLENBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, January 19, 2007

Mr. KNOLLENBERG. Madam Speaker, on January 9 and 10, 2007, I was absent and missed rollcall votes 12–18. For the record, had I been present on January 9, I would have voted: rollcall vote 12—"yea"; rollcall vote 13—"no"; rollcall vote 14—"yea"; and rollcall vote 15—"yea".

Further, had I been present on January 10, I would have voted: rollcall vote 16—"no"; rollcall vote 17—"no"; and rollcall vote 18—"yea."

I support an increase in the minimum wage. The last time the minimum wage was increased was 10 years ago and workers deserve to have the minimum wage increased to $7.25.

I am pleased the House of Representatives passed the initial version of H.R. 2 and look forward to voting on its final passage in the coming weeks.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

CONGRATULATING BISHOP HENRY BARNWELL FOR RECEIVING THE CALVIN C. GOODE LIFETIME ACHIEVEMENT AWARD

HON. ED PASTOR

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 19, 2007

Mr. PASTOR. Madam Speaker, I rise before you today to congratulate Bishop Henry Barnwell for receiving the Calvin C. Goode Lifetime Achievement award during the 21st Annual Dr. Martin Luther King, Jr. Awards Breakfast in Phoenix. This award, named after Phoenix City Councilman Calvin C. Goode, recognizes an exceptional individual who has made Phoenix a better place through a lifelong dedication to promoting social and economic justice, defending civil rights, and enhancing the dignity of all people. Bishop Barnwell exemplifies all of these qualities.

Bishop Barnwell is the retired pastor of the First New Life Missionary Baptist Church, a position he held for over 40 years. As pastor, he was an advocate for human and civil rights and the less fortunate. He mentored and was a role model for other men in his parish, urging them to help those in need. Bishop Barnwell also led the effort to declare Dr. Martin Luther King, Jr.'s birthday a State holiday. Even before this occurred, I remember Bishop Barnwell bringing us together to celebrate Dr. King's birthday at Phoenix's Patriot Square Park.

Bishop Barnwell continues to be an active member in many Phoenix community organizations. For example, he serves on the Boards of the Phoenix Opportunities Industrialization Center, OIC, and St. Mary's Food Bank. He is also a member of the Mayor's Human Relations Commission, the Maricopa County branch of the NAACP, and the Sheriffs Religious Advisory Committee of Maricopa County. Bishop Barnwell will add the Calvin C. Goode Lifetime Achievement award to a long list of local, state, and national recognitions, including Arizona Pastor of the Year, 1989, the Blue Cross Blue Shield Ageless Hero Award, and Honorary Citizen of Tucson, AZ.

Born and raised in Florida, Bishop Barnwell first arrived in Phoenix to attend Grand Canyon College and the Arizona College of the Bible. In 1954, he enlisted in the U.S. Air Force, from which he retired after 20 years of service. Bishop Barnwell is the devoted husband of Sheila Yvonne Barnwell; he is a proud father and grandfather.

Madam Speaker, I am honored to recognize Bishop Barnwell for this award and to thank him for his enduring commitment to improving the lives of Arizona's citizens.

HONORING TRO JUNG-BRANNEN

HON. MARSHA BLACKBURN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, January 19, 2007

Mrs. BLACKBURN. Madam Speaker, I ask my colleagues to join me today in the acknowledgement of the architectural and design firm TRO Jung-Brannen located in Shelby County, TN.

On October 19, 2006, TRO Jung-Brannen was awarded the Export Achievement Certificate given by the United States Department of Commerce in recognition of the firm's export excellence, increased export sales, and the opening of new international markets.

TRO Jung-Brannen is an architectural and design firm with 325 people on staff with billings in excess of 50 million. The Shelby County office has 13 architects and 38 additional employees. The firm specializes in designing healthcare, educational and commercial facilities. The firm was established in 1909 and has served over 500 clients with projects totaling more than six billion dollars.

Please join me in honoring TRO Jung-Brannen on their wonderful award and remarkable record of accomplishments.

IN RECOGNITION OF DON SCHIRMER

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, January 19, 2007

Mr. KUCINICH. Madam Speaker, I rise today in recognition of Don Schirmer and his many years of service to the community of Maple Heights as a high school varsity football referee. Don's five decades of tireless dedication to the game of football is a testament to his heartfelt love of sports and the Maple Heights community.

Don began his tenure as a referee in 1954 in Maple Heights, where his knowledge of sports translated into a position as a varsity official. Over the years, the students playing the game changed, but their referee, Don Schirmer, remained a staple of the community. Through all the victories, losses, and dramatic twists of the sport, one man has stood behind it all.

More than just a referee, Don served as a pillar of his community by volunteering, often cooking for the homeless. It is this spirit of giving, sharing, and brotherly love that Don Schirmer has contributed to the community of Maple Heights. A modest man of many accomplishments, Don can count being an umpire in Major League Baseball, a veteran of the U.S. Navy, and the Captain of the Maple Heights Fire Department all as notches in his all-American belt of experience.

Even at the ripe age of 79, Don's energy, passion, and love of life are at an all-time high. An avid hunter, Don is giving up his striped referee uniform for an orange vest. Though nearly an octogenarian, his zesty vigor keeps him active in the outdoors.

Madam Speaker and colleagues, please join me in honoring Don Schirmer as a true American sportsman. His undying presence on the field has been a joy, honor, and privilege to the students of Maple Heights for over 50 years.

INTRODUCTION OF THE STUDENT FINANCIAL READINESS ACT OF 2007

HON. JOE KNOLLENBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, January 19, 2007

Mr. KNOLLENBERG. Madam Speaker, today I am introducing a very important piece of legislation that will provide additional relief for families as they plan for the financial cost of their children's education.

The cost of college tuition continues to rise in the United States. In fact, over the past 5 years, the cost of obtaining a college education has increased by 35 percent. The higher cost of college should not prevent individuals from receiving an advanced education.

That is why I am introducing the Student Financial Readiness Act of 2007, which will increase the annual tax-free contribution a family or an individual may contribute to a student's elementary, secondary, or college expenses.

Coverdell Education Savings Accounts allow families to make an annual tax-free contribution of $2,000 to assist each of their children with their education. The money can be spent on both K–12 education and college. By allowing families to make tax-free contributions to education savings accounts, we promote ownership of education. Families that save for their children's education are empowering their children. However, the current $2,000 annual limit needs to be adjusted with the increasing tuition rates. The Student Financial Readiness Act of 2007 would permit a contribution level of $5,000 annually and index the contribution amount by the cost-of-living adjustment.

We must give families the option to provide the very best education possible for their children. Our Nation's future depends on educating our children and they must be given every chance to receive the highest education. Our children deserve a competitive advantage in our Nation's job market.

Madam Speaker, I respectfully request the support of my colleagues for this important piece of legislation that will ensure the future success of our Nation's children.

CONGRATULATING MR. CALVIN C. GOODE ON HIS 80TH BIRTHDAY

HON. ED PASTOR

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 19, 2007

Mr. PASTOR. Madam Speaker, I rise before you today to proudly bring to your attention the 80th birthday of a fellow Arizonan who is one of the most respected leaders in my home State and city—Mr. Calvin C. Goode. Calvin Goode is celebrating his 80th birthday this month and, therefore, it is the perfect time to pay tribute to this well-revered public servant who is best known for dedicating 22 years of his life as a Phoenix City Councilman. He has been equally dedicated to the promotion of education and the advancement of civil rights and continues to stand up to injustice, even in his retirement.

Goode's family came to Arizona to work in the agricultural fields when he was an infant, and he remembers picking cotton as a boy. Calvin graduated from eighth grade in Gila Bend and then moved to Prescott to attend high school. When he was a junior, he was diagnosed with a heart condition and was expected to live only a year. He moved to Phoenix for his health, where he enrolled in Carver High School, the only high school in Arizona built exclusively for African American students. Upon graduating from Carver High in 1945, he attended Phoenix College for two years, and went on to Arizona State University where he earned a business degree in 1949. He later earned a Master's degree in education at ASU.

Goode recalls his earlier years as a time when African Americans were not allowed to eat in many restaurants, housing was restricted to certain areas, and jobs were limited. Under these conditions, Goode returned to Carver High as the school accountant. When Phoenix schools were integrated in 1954, Carver High was closed, but Goode continued working in the Phoenix Union High School District for a total of 30 years. During those years, he also ran a tax accounting business—Calvin Goode and Associates—which began with people coming to his home and receiving help over the kitchen table. He kept prices low to help those who needed it.

In 1960, Calvin married Georgie, a school teacher. Together they raised three sons, Vernon, Jerald and Randolph—a family which has now grown to include six grandchildren. During these years, he served on the local school board and chaired the Phoenix LEAP Commission to improve education and job training opportunities. In 1971, Goode was persuaded to run for a seat on the Phoenix City Council. With strong community support, the soft-spoken Goode was elected and came to serve a total of 11 terms—a record 22 years. As a councilman, Goode became the "Conscience of the Council," using his voice to raise questions and push for support to neglected parts of the community. In honor of those efforts, the Phoenix Municipal Building bears his name.

Although retired, Goode continues to serve his community. He is president of the Phoenix Elementary School Board and worked on the transition committee for Governor Janet Napolitano. He is active with his local neighborhood improvement association and the Booker T. Washington Child Development Center. Goode is also helping bring back his high school alma mater as the George Washington Carver Museum and Cultural Center, which will showcase the achievements of African Americans in Phoenix and Arizona.

These represent only a handful of the achievements that have earned him the Phoenix Urban League's Most Distinguished Citizen Award and the Black Heritage Celebration Griot Award, which is given to people who perpetuate the African storytelling tradition. Further recognition has resulted in the Calvin C. Goode Lifetime Achievement Award which is given annually at the Phoenix Martin Luther King Jr. Breakfast to recognize individuals who have made Phoenix a better place to live.

Madam Speaker, there is no doubt Calvin C. Goode is an exemplary leader and a profoundly committed individual who is a true role model for the Nation. He has effected change that has improved the lives and broken down barriers for many Arizonans. Therefore, I am pleased to pay tribute to my friend Calvin C. Goode, and I know my colleagues will join me in wishing him continued success.

HONORING HOUSTON HIGH SCHOOL

HON. MARSHA BLACKBURN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, January 19, 2007

Mrs. BLACKBURN. Madam Speaker, it is a privilege for me today to take a moment and honor the group of dedicated students and faculty of the Houston High School Marching Band and their remarkable 2006 marching season accomplishments.

With a history of academic and competitive success, the Houston High School Band has contributed a sturdy foundation for the students involved with this distinguished family. Director Jim Smith continues this program of good works through instilling lessons of citizenship, character, and team-building as the current director of the Houston High School Band.

The Houston High School Marching Band's show, "An American in Paris," earned championships in the Dixie Marching Band Championship, Vanderbilt Marching Invitational, Briarcrest Marching Invitational, and JCM Marching Invitational. These triumphs have certainly earned Houston High School the well deserved title of Champion Marching Band of the Mid South.

Madam Speaker, I ask my colleagues to join me in congratulating Jim Smith and the Houston High School Marching Band of Germantown for their dedication of success during the 2006 marching season.

A TRIBUTE TO JANE BOLIN—THE FIRST BLACK WOMAN JUDGE

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, January 19, 2007

Mr. RANGEL. Madam Speaker, I rise today to pay tribute to the life and legacy of Jane Bolin, the first African-American judge in the United States, who left this world at the age of 98 years and to enter into the RECORD an article in the New York Times by Douglas Martin entitled "Jane Bolin, the Country's First Black Woman to Become a Judge, Is Dead at 98."

Jane Bolin was born in Poughkeepsie, NY, daughter of the late Gaius C. Bolin and the late Matilda Emery. Her father was the first black graduate of Williams College, had his own legal practice and was president of the Dutchess County Bar Association. She grew up enamored of her father's shelves of leather-bound books on the law and went on to be the first Black woman to attend Yale Law School, after graduating with honors from Wellesley College.

Bolin was appointed to Domestic Relations Court—now the Family Court—of New York in 1939 by Mayor Fiorello LaGuardia, where she served with distinction for 40 years. As judge, two major changes she accomplished, along with Judges Justine Wise Polier and Hubert Delaney, were the assignment of probation officers to cases without regard for race or religion and a requirement that private child care agencies that received public funds had to accept children without regard to ethnic background.

Bolin served on the board of the Wiltwyck School for Boys, the Child Welfare League of America, the Neighborhood Children's Center, the New York State Board of Regents, and took an active role in the local and national NAACP. Judge Bolin has received honorary degrees from Morgan State University, Western College for Women, Tuskegee Institute, Hampton University, and Williams College.

Even though Jane Bolin passed away on January 8, 2006, her contributions to the practice of law brought revolutionary changes to New York's legal bureaucracy and her legacy will live through all those families she touched throughout her years on the New York family court bench.

[From The New York Times]

JANE BOLIN, THE COUNTRY'S FIRST BLACK WOMAN TO BECOME A JUDGE, IS DEAD AT 98

(By Douglas Martin)

Jane Bolin, whose appointment as a family court judge by Mayor Fiorello H. La Guardia in 1939 made her the first black woman in the United States to become a judge, died on Monday in Queens. She was 98 and lived in Long Island City, Queens.

Her death was announced by her son, Yorke B. Mizelle.

Judge Bolin was the first black woman to graduate from Yale Law School, the first to join the New York City Bar Association, and the first to work in the office of the New York City corporation counsel, the city's legal department.

In January 1979, when Judge Bolin had reluctantly retired after 40 years as a judge, Constance Baker Motley, a black woman and a federal judge, called her a role model.

In her speech, Judge Motley said, "When I thereafter met you, I then knew how a lady judge should comport herself.".

The "lady judge" was frequently in the news at the time of her appointment with accounts of her regal bearing, fashionable hats and pearls. But her achievements transcended being a shining example. As a family court judge, she ended the assignment of probation officers on the basis of race and the placement of children in child care agencies on the basis of ethnic background.

Jane Matilda Bolin was born on April 11, 1908, in Poughkeepsie, NY. Her father, Gaius C. Bolin, was the son of an American Indian woman and an African-American man. Her mother, the former Matilda Emery, was a white Englishwoman.

Mr. Bolin, who was the first black graduate of Williams College, had his own legal practice and was president of the Dutchess County Bar Association. His daughter grew up enamored of his shelves of leather-bound books on the law. But her comfortable girlhood was profoundly shaken by articles and pictures of lynchings in Crisis magazine, the official publication of the N.A.A.C.P.

"It is easy to imagine how a young, protected child who sees portrayals of brutality is forever scarred and becomes determined to contribute in her own small way to social justice," she wrote in a letter at the time of her retirement in December 1978.

She attended Wellesley College, where she was one of two black freshmen. They were assigned to the same room in a family's apartment off campus, the first instance of many episodes of discrimination she said she encountered there.

At her graduation in 1928, she was named a Wellesley Scholar, a distinction given to the top 20 students of the class.

When she broached the subject of a law career to a Wellesley guidance counselor, she was told that black women had little chance. Her father also discouraged her at first, saying that lawyers had to deal "with the most unpleasant and sometimes the grossest kind of human behavior."

But Mr. Bolin did not know she had already been admitted to Yale Law School, and he eventually agreed to her career choice.

At Yale, Ms. Bolin was one of three women in her class and the only black person. In an interview with The New York Times in 1993, she said that a few Southerners at the law school had taken pleasure in letting the swinging classroom doors hit her in the face. One of those Southerners later became active in the American Bar Association and invited her to speak before his bar group in Texas. She declined.

After graduation, she practiced for a short time with her father in Poughkeepsie. She then married a lawyer, Ralph E. Mizelle, and the two practiced in New York. He died in 1943. In 1950, she married Walter P. Offutt Jr., a minister; he died in 1974. In addition to her son, she is survived by a granddaughter and a great-granddaughter.

In 1937, six years after her graduation from Yale, she applied for a position in the New York City corporation counsel's office. An assistant there was initially dismissive, but the counsel, Paul Windell, walked into the office and hired her on the spot. She was assigned to Domestic Relations Court, renamed Family Court in 1962.

On July 22, 1939, she was told that Mayor La Guardia wanted to see her at the New York City building at the World's Fair, which had just opened. She worried that she was going to be reprimanded. Instead, she was sworn in as a judge. The ceremony made news around the world.

In an interview with The New York World-Telegram the next day, she said she hoped to show "a broad sympathy for human suffering," adding, "I'll see enough of it."

Her cases included homicides and other crimes committed by juveniles; nonsupport of wives and children; battered spouses; neglected children; children in need of supervision; adoptions; and paternity suits. She chose not to wear judicial robes in order to make children feel more comfortable.

She was reappointed to 10-year terms by Mayors William O'Dwyer, Robert F. Wagner Jr. and John V. Lindsay. When she resigned in December 1978 because she had reached the mandatory retirement age of 70, she complained, "They're kicking me out."

After her retirement, she was a volunteer reading instructor in New York City public schools for two years, and was appointed to the Regents Review Committee of the New York State Board of Regents.

She was outspoken on civil rights issues of many kinds. When she returned to her hometown of Poughkeepsie in 1944 as a judge and something of a local heroine, she pointed out that the city government, schools and hospitals remained segregated.

"Poughkeepsie is fascist to the extent of deluding itself that there is superiority among human beings by reasons solely of color, race or religion," she said in an interview with The Poughkeepsie New Yorker.

In 1958, speaking on women's rights, she said, "We have to fight every inch of the way and in the face of sometimes insufferable humiliations."

ON INTRODUCTION OF THE "HOMEOWNERSHIP FOR AMERICA'S VETERANS ACT OF 2007"

HON. WALLY HERGER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 19, 2007

Mr. HERGER. Madam Speaker, I am pleased to join my fellow Californian in introducing the Homeownership for America's Veterans Act. This bill proposes to make an important change to our Nation's tax laws in order to assist thousands of veterans, in the State of California and elsewhere, realize the American dream of owning their own home.

Currently, a provision in the federal tax code allows states to issue tax-preferred Qualified Veterans Mortgage Bonds, or QVMBs, to provide favorable financing on home mortgages for certain veterans. In California, these bonds are used to help provide low-cost mortgages through the California Department of Veterans Affairs, or Cal-Vet, home loan program.

As written in the tax code, two of the five states that use QVMBs, California and Texas, are prohibited from using this bond-generated revenue to provide mortgages to veterans who entered military service after 1977. Obviously, this significantly limits the usefulness of these bonds to provide mortgages to subsequent generations of military servicemen and women. In fact, according to Cal-Vet's own estimations, only 4.1 percent of California's total veteran population is eligible for home loans financed through QVMBs.

I want to thank my California colleague, Congresswoman SUSAN DAVIS, for her work on this important legislation. Like her, I believe it is important for us to open this bonding authority to allow QVMBs to be used to support home loans for more recent members of the armed forces, who have served our country so ably and with such determination. I look forward to continuing to work on this issue, and am pleased this bill has the strong support of California's veteran community, Governor Arnold Schwarzenegger, and the California Department of Veterans Affairs.

RECOGNIZING THE 50TH ANNIVERSARY OF THE MESQUITE CHAMBER OF COMMERCE

HON. JEB HENSARLING

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, January 19, 2007

Mr. HENSARLING. Madam. Speaker, I rise on behalf of my constituents in Mesquite, Texas, to recognize the Mesquite Chamber of Commerce on its 50th Anniversary. Tonight, we will celebrate this profound accomplishment at the 28th Annual Chamber of Commerce Banquet in Mesquite.

The Mesquite Chamber of Commerce was founded in 1956. The first group of businessmen who comprised the Chamber made the decision to incorporate what had previously been known as the "Mesquite Merchants' Association."

For the past 50 years, the Mesquite Chamber of Commerce has worked to improve the City of Mesquite by promoting the free enterprise system and developing the community. Through their hard work and sense of civic pride and duty, the membership of the Mesquite Chamber of Commerce has helped make Mesquite a wonderful place to live and work for the past half century.

I offer my congratulations to the general membership, past and present, along with the current Board of Directors, who will lead the Chamber into the next 50 years of success. This year's Board of Directors Officers include: Todd Price; Greg Losher; Robert Bowmer; John Bass; Gary Bingham; Cathy Rideout; Sharon Hoskin; and Mark Miller. I would also like to recognize President Terry McCullar.

Madam Speaker, I want to thank the Mesquite Chamber of Commerce for their hard work and effort on behalf of Mesquite and the State of Texas. I wish them the best of luck as they enter into the next 50 years of service benefiting the City of Mesquite. They truly do know the meaning of Real. Texas. Business.

A TRIBUTE TO FRANCES WILLIAMS

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 19, 2007

Mr. BRADY of Pennsylvania. Madam Speaker, I rise in mourning for one of Philadelphia's most well-known and loved moms. "Mom" Frances Williams, a mother of five sons and a civic leader in her own right, left us to go home on January 12, 2007 at the age of 94.

Born in Philadelphia on February 7, 1912, "Mom" was a devoted member of Mount Zion Baptist Church since the age of 12, and over the years generously contributed her time and talents to the church. As a member of the Mt. Zion family, she was the longest serving president of the Young Women's Industrial Club and initiated the first "Get Set" program for children in the church.

"Mom" was considered a surrogate mother to countless young people she mentored over the decades. Many can attest to having found their first jobs with the help of "Mom" Williams. Numerous young people entered college and joined the church because of her guidance. She often went into her pocketbook, cupboard, and closet to help someone else.

She served her community and city as a block captain, committee person and civic leader. Later in life, she directed her energy towards helping seniors in need. She was a member of many organizations and boards. "Mom" founded and served as president of Save Our Senior and Concerned Citizens. She served as a board member of the Philadelphia Corporation of Aging and commissioner on the Philadelphia Commission of Human Relations.

"Mom" ran for City Council At-Large in 1979 on a platform that pledged housing programs for seniors, crime-reduction programs, and initiatives to serve and empower at risk youth and people with disabilities. She also gave our city two generations of leaders in her son former State Sen. Hard Williams and grandson State Sen. Anthony Hardy Williams.

In March 1999, article in the Philadelphia New Observer she explains "It's all very simple. Keep yourself clean and if something makes you sick, don't eat it. Tell the truth and don't follow the crowd. Most of all have faith."

She is survived by one sister, Ruth Lacy of Philadelphia; five sons: James Williams (Gloria) of Blackwood, NJ; Hardy Williams, Fredrick A. Williams (Ernestine); Theodore; and Ali Robinson (Ramona) of Philadelphia; one niece, Vivian Whitt; one nephew, Carl Lacy, both Philadelphia,; twenty one grandchildren; numerous great and great, great grandchildren; and a host of grand and great grand nieces and nephews.

I know that all my colleagues will join me in honoring her memory today.

TRIBUTE TO ROBERT B. GILBERTSON, JR.

HON. ADAM H. PUTNAM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 19, 2007

Mr. PUTNAM. Madam Speaker, I rise today to honor the work of Robert B. Gilbertson, Jr., the innovative leader of the Tampa Metropolitan Area YMCA. After more than 20 years with the Tampa YMCA, Bob is leaving Florida for Seattle in order to serve as the CEO of the YMCA of Greater Seattle.

During his tenure, Bob, led an effort to greatly expand the Tampa YMCA by the creation of 12 new branches throughout Hillsborough County. The expansion effort has resulted in the YMCA membership growing from 5,000 to 130,000 members and their yearly budget has grown from around $1,000,000 to over $33,000,000. More importantly, this expansion has provided the opportunity for the YMCA to expand its charitable mission of building strong kids, strong families and strong communities. No child or family is turned away from the YMCA due to their inability to pay. Today, scholarships are provided to over 30,000 children and families so they can enjoy one of the largest social service charitable organizations operating in Hillsborough County.

I met with Bob recently at the Brandon Family YMCA where he introduced me to some very special children who were involved in the foster care system. I was proud to play a role in ensuring that the U.S. Department of Labor provided the Tampa YMCA with funding to create a job training program for youth aging-out of the foster system. This extremely important program will be one of Bob's lasting legacies in Tampa.

Bob Gilbertson has certainly made his mark in Tampa and I am grateful for the leadership he has provided. I wish him great success as he moves to Seattle.

FEDERAL MINE VENTILATION ACT OF 2007

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 19, 2007

Mr. RAHALL. Madam Speaker, one year ago today tragedy struck for the second time in less than three weeks in the coalfields of West Virginia. A fire broke out along the conveyor belt in the Aracoma Mine, at Alma, Logan County, taking the lives of two good men and turning the national spotlight on a sorely risky industry practice.

The use of the belt air entry to ventilate a mine, as was the case at Aracoma, is egregiously dangerous. The belt entry—the tunnel through which the coal conveyor belt runs—has long been recognized as the dirtiest, most fire-prone entry in the mines. To use it to draw air to the working face exposes miners to higher levels of health-endangering, flammable coal dust and noxious gases. And, although saving operators the cost of adding more entries into the mine, it limits the escape routes for miners trying to evacuate in an emergency—an unacceptable tradeoff.

For at least 35 years, from the time the Mine Act was signed into law, the use of the conveyor belt entries to draw fresh air into working areas of coal mines was effectively "ruled out" as an acceptable standard practice. The use of belt air, during all that time, was considered to be the exception.

Under an initial Mine Safety and Health Administration (MSHA) rule, issued decades ago, mines could use the method, but only after obtaining an exemption through a petition process—a process that, at least, required high-level scrutiny on a mine-by-mine basis. The idea was that, if a mine wanted to take a higher degree of risk, it had to provide a higher level of safety precautions and prove that it was doing so.

Over time, however, MSHA allowed a growing number of mines to use this suspect practice, until in 2004, when the existing, more cautious rule was replaced. The new rule superceded the prohibition Congress had written into law, and opened the door wide to belt air ventilation and all of the dangers it brings with it.

That 2004 rule was a symptom of a shifting set of priorities at MSHA that put promotion of coal production above the protection of miners. That rule should be jettisoned.

Madam Speaker, the Aracoma fire of a year ago, demonstrates how the deteriorating mine safety policies at MSHA have combined with insufficient numbers of inspectors and lax enforcement to intensify the dangers associated with the use of belt entry air.

In issuing that 2004 rule, MSHA decided that the use of modern air monitoring technologies had improved to a degree in recent years to sufficiently reduce the risk posed by belt air ventilation. But at Aracoma, the air-sensing technology failed. The agency put faith in presence of water systems to suppress the outbreak of fires. At Aracoma, the water system malfunctioned. Portions of a wall needed to separate the conveyor belt from the miners primary escapeway, although on the mine map, were missing.

At every turn, some safety measure that should have been taken to protect lives at that mine failed. Even the inspections, on both the state and federal levels, failed.

The problems in our Nation's coalfields are thickly layered and will take years to sufficiently unravel. It makes no sense for the MSHA to retain a rule that allows broad use of this dangerous ventilation method in the midst of an inspector shortage and an overhaul of the mine safety system.

I am at a loss to understand why MSHA has failed to withdraw the 2004 rule, even temporarily. The fact that it has failed to do so demonstrates to me that MSHA is still not putting its duty to protect our miners above the profits of the industry.

So today, Madam Speaker, I, along with my colleague from West Virginia, ALAN MOLLOHAN, am introducing the Federal Mine Ventilation Act of 2007. The bill simply requires the Secretary of Labor, "no later than 90 days after enactment of this Act," to revise: regulations to require, in any coal mine that belt entries "not be used to ventilate active working places." I note that it is my intention with this bill to return to the pre-2004 rulemaking procedure, where the use of belt-entry ventilation was generally prohibited, while retaining the petition process and the associated heightened safety controls.

If MSHA will not act to correct its mistakes then the Congress must.

INTRODUCTION OF STIMULATING LEADERSHIP IN CUTTING EXPENDITURES ("SLICE") ACT

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, January 19, 2007

Mr. UDALL of Colorado. Madam Speaker, I disagree with President Bush on a number of things, but we agree that a constitutionally-sound version of a line-item veto could help increase fiscal responsibility and Congressional accountability.

In fact, I first introduced such legislation even before the president first proposed it, and last year I joined in helping win House passage of a line-item veto bill.

Unfortunately, the Senate did not complete action on that bill before the end of the 109th Congress.

So, I am today again introducing a similar measure—the "Stimulating Leadership in Cutting Expenditure, or "SLICE" Act of 2007, cosponsored by Representative RYAN of Wisconsin.

Over the last 6 years we've seen a dramatic change in the Federal budget—a change for the worse. We've gone from budget surpluses to big deficits, and from reducing the national debt to increasing the "debt tax" on our children.

There's no mystery about how this happened.

Partly, it was caused by a recession. Partly, it was caused by the increased spending needed for national defense, homeland security, and fighting terrorism. And in part it was caused by excessive and unbalanced tax cuts the president pushed for and the Republican-led Congress passed.

Some of those tax cuts—for example, eliminating the marriage penalty, fixing the 10 percent bracket and extending child care tax credits—were good. I supported them because they gave a reasonable boost for the economy and increased the fairness of the tax laws. But overall they were excessive.

Many of us warned against reducing the surplus so recklessly. We urged the administration and Congress to be more responsible, and we voted for Blue Dog budget resolutions that would have set a better course.

But our pleas for restraint were ignored, and since the attacks of 9/11—which led to increased spending on homeland security, a military response in Afghanistan, and a war in Iraq—the budget has nosedived from surplus into deep deficit. And, even in the face of national emergency, neither the president nor the Republican-led Congress has called on Americans for any sacrifice, and instead of temporarily scaling back some of the tax cuts the president has insisted on making all of them permanent even as Federal spending has skyrocketed.

So we have gone on putting the costs of war and everything else the government does on the national credit card—but the debt is owed not just to ourselves (as in the past), but to China, Japan and other foreign countries.

Why have we allowed things to get so far out of hand?

Part of the answer is that budget and tax policy in Washington has been so captive to very partisan and extreme ideological voices that it has been hard to find common ground and moderate consensus.

Even in this time of war, extremists in the Republican Party view tax cuts as almost a religious calling, while some in my party tend to reject any spending cuts. And the Vice President has dismissed complaints by saying "deficits don't matter."

But this cannot go on forever. Sooner or later, something has to give. And, if the result is a new sense of responsibility, sooner is better—because there is an urgent need to rethink and revise our budget policies, including both taxes and spending.

Last year, the House did belatedly take one step forward, by passing a bill similar to the "SLICE" bill I am introducing today.

And already this year, under our new leadership, the House has taken another good step by restoring the "PAYGO" rules that helped bring the budget into balance in the past—something the Republican leadership refused to even consider last year.

But I think we also should take the step of again passing a constitutionally-sound line-item veto—like SLICE—because it also can help to promote transparency and accountability about spending.

We have heard a lot of talk about spending "earmarks"—meaning spending based on proposals by Members of Congress instead of the Administration. And here, too, the new leadership of the House has made possible important changes in our rules that will increase their transparency and our accountability—changes I supported.

But while some people are opposed to all earmarks, I am not one of them.

I think Members of Congress know the needs of their communities, and I think Congress as a whole has the responsibility to decide how tax dollars are spent. And earmarks can help fund nonprofits and other private-sector groups to do jobs that federal agencies are not able to do as well. In short, not all earmarks are bad. In fact, I have sought earmarks for various items that have benefited Coloradans—and I intend to keep on doing that.

Still, we all know some bills have included spending earmarks that might not have been approved if they were considered separately.

That's why President Bush—like many of his predecessors—has asked for the kind of line-item veto that can be used by governors in Colorado and several other states.

And that's why about ten years ago Congress actually passed a law intended to give President Clinton that kind of authority.

However, in 1998 the Supreme Court ruled that the legislation was unconstitutional—and I think the Court got it right.

I think by trying to allow the president to in effect repeal a part of a law he has already signed—and saying it takes a two-thirds vote in both Houses of Congress to restore that part—that Republican-led Congress of 1998 went too far. I think that kind of line-item veto would undermine the checks and balances between the Executive and Legislative branches of the government.

But the SLICE bill is different. It is a practical, effective—and, best of all, constitutional—version of a line-item veto.

It is not unprecedented. It follows the approach of legislation passed by the House of Representatives in 1993 under the leadership of our distinguished colleague, Representative SPRATT and others, including our former colleagues Charlie Stenholm, Tom Carper, Tim Penny and John Kasich.

Under SLICE, the president could identify specific spending items he thinks should be cut—and Congress would have to vote, up or down, on whether to cut each of them.

Current law says the president can ask Congress to rescind—that is, cancel—spending items. But Congress can ignore those requests, and often has done so.

SLICE would change that.

It says if the president proposes a specific cut, Congress can't duck—it would have to vote on it, and if a majority approved the cut, that would be that.

So, it would give the president a bright spotlight of publicity he could focus on earmarks, and it would force Congress to debate those items on their merits.

That would give the president a powerful tool—but it also would retain the balance between the Executive and Legislative branches.

Madam Speaker, presidents are elected to lead, and only they represent the entire nation. My SLICE bill recognizes this by giving the president the leadership role of identifying specific spending items he thinks should be cut.

But, under the Constitution it is the Congress that is primarily accountable to the American people for how their tax dollars will be spent. The bill respects and emphasizes that Congressional role by requiring a vote on each spending cut proposed by the President.

Of course, without knowing what the president might propose to rescind, I don't know if I would support some, all, or any of his proposals.

But I do know that people in Colorado and across the country think there should be greater transparency about our decisions on taxing and spending. And I know that they are also demanding that we be ready to take responsibility for those decisions.

That is the purpose of this bill. It will promote both transparency and accountability, and I think it deserves the support of all our colleagues.

For the information of our colleague, I am attaching an outline of the bill.

STIMULATING LEADERSHIP IN CUTTING EXPENDITURES (SLICE) ACT

The purpose of the bill is to facilitate Presidential leadership and Congressional accountability regarding reduction of other spending to offset the costs of responding to recent natural disasters.

The bill would amend the Budget Act to provide as follows—

The President could propose rescission of any budget authority provided in an appropriations Act through special messages including draft bills to make those rescissions.

The House's majority leader or minority leader would be required to introduce a bill proposed by the president within two legislative days. If neither did so, any Member could then introduce the bill.

The Appropriations Committee would be required to report the bill within seven days after introduction. The report could be made with or without recommendation regarding its passage. If the committee did not meet that deadline, it would be discharged and the bill would go to the House floor.

The House would debate and vote on each proposed rescission within 10 legislative days after the bill's introduction. Debate would be limited to no more than four hours and no amendment, motion to recommit, or motion to reconsider would be allowed.

If passed by the House, the bill would go promptly to the Senate, which would have no more than 10 more days to consider and vote on it. Debate in the Senate would be limited to 10 hours and no amendment or motion to recommit would be allowed.

IN RECOGNITION OF CHARLES CURTIS JOHNSON ON HIS RETIREMENT

HON. J. DENNIS HASTERT

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, January 19, 2007

Mr. HASTERT. Madam Speaker, I rise today to congratulate Charles Curtis Johnson on his retirement from the United States Capitol Police. With devotion, professionalism, and expertise, from September 16, 1974, until his retirement on December 31, 2006, Sergeant Johnson, or "CC" as he is called by his friends, has fulfilled the mission of the United States Capitol Police to protect the Congress, its legislative processes, Members, employees, visitors, and facilities from crime, disruption, or terrorism. I would like to wish him and his family all the best as he embarks upon this new chapter of his life. He will be truly missed.

Sergeant Johnson was first assigned to the Capitol Division and served there as an officer for 14 years, performing various law enforcement duties and assisting Members of Congress, congressional staff, and the general public. In 1998, he was promoted to sergeant and, for 3 years, supervised officers in and around the House and Senate Chambers. In 1992, he was assigned to the First Responder Unit and supervised the officers assigned to the outside of the Capitol as well as serving as the administrative sergeant.

In 2004, Sergeant Johnson earned a post as one of the supervisors of the U.S. Capitol Police Horse Mounted Unit. In addition to undergoing the rigorous training and maintenance of skills required of all members of this elite unit, Sergeant Johnson also supervised and directed all operations of the unit, including maintaining the unit's budget and equipment procurement. With the loss of the unit in 2005, Sergeant Johnson moved to the Patrol/Mobile Response Division and used his considerable expertise and institutional knowledge to supervise and direct the patrol officers within the Capitol Police primary and extended jurisdictions. A tireless performer and distinguished law enforcement professional, Sergeant Johnson deserves the admiration of all who come into contact with him.

In addition to his commitment to the U.S. Capitol Police, Sergeant Johnson is the devoted husband of fellow USCP member Captain Shirley Jo Johnson, and the proud father of three daughters and one son: Angie, Becky, Rachael, and Daniel. He is also the proud "Papa" of three granddaughters and one grandson: Kiera, Sydney, Nate, and Kaylie. He is the proud father-in-law of Greg Lawrence.

In his upcoming retirement, Sergeant Johnson plans on spending plenty of time with his family and is especially looking forward to "Grandbaby Day." Last, but certainly not least, he also plans to buy himself a horse so he can truly ride off into the sunset.

Thank you, Sergeant Johnson, for your exceptional service to the United States Capitol Police, the Congress, and the American people, and congratulations on achieving this important milestone.

INTRODUCTION OF THE "TEACHER TRAINING EXPANSION ACT OF 2007"

HON. ELIJAH E. CUMMINGS

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, January 19, 2007

Mr. CUMMINGS. Madam Speaker, in this country we have made a commitment to fulfill the promise that all students will receive a high quality education. As part of this commitment, assessments mandated under the No Child Left Behind Act of 2001 (NCLB) require, among other things, that all students will have access to classrooms led by highly qualified teachers. In its implementation of the law, the Department of Education has made good on this promise, holding students that have traditionally been allowed to slip through the cracks, such as students with disabilities, to a high standard.

Students with disabilities, under NCLB and the Individuals with Disabilities Education Act (IDEA), are increasingly being integrated into general education classrooms. We have seen great progress from this practice. By holding students with disabilities to the same high standards that we hold general education students, we encourage them to achieve at higher levels. As with all students, students with disabilities respond well to being challenged.

Unfortunately, too many children with disabilities are underserved in general education classrooms because general education teachers often are not trained to meet their needs. As more of these children enter general education classrooms, it is critical that curricula be adapted to suit them. General education teachers and personnel must be equipped to collaborate with special education teachers to ensure that these students receive the best available education.

That is why I am reintroducing the "Teacher Training Expansion Act," legislation that is designed to support training programs for teaching students with disabilities. Specifically, this legislation would authorize the Secretary of Education to give preference, in the distribution of certain grants under IDEA, to local educational agencies and certain public or private nonprofit organizations that provide such training.

Under current law, institutions of higher education are already granted this preferential status in the distribution of these grants. However, I firmly believe that most also make eligible the local educational agencies and public or private nonprofit organizations that are at the forefront of training teachers who work with disabled students.

Madam Speaker, by supporting this legislation we will help our teachers gain the skills they need to work effectively with disabled students in general education classrooms and help make good on our promise to provide a quality education to all students.

In conclusion, let us be vigilant in leveling the playing field for our disabled and special needs communities in any way that we can. The Teacher Training Expansion Act would help in furthering this goal and I urge my colleagues to cosponsor it.

PERSONAL EXPLANATION

HON. ROBERT B. ADERHOLT

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 19, 2007

Mr. ADERHOLT. Madam Speaker, because of a death in the family, I was absent for rollcall votes 24 through 33.

If I had been present for these votes, I would have voted as indicated below.

Rollcall No. 24—"Yes"; Rollcall No. 25—"Yes"; Rollcall No. 26—"Yes"; Rollcall No. 27—"Yes"; Rollcall No. 28—"Yes"; Rollcall No. 29—"No"; Rollcall No. 30—"No"; Rollcall No. 31—"Yes"; Rollcall No. 32—"Yes"; and Rollcall No. 33—"Yes."

IN HONOR OF THE JAPANESE AMERICAN CITIZENS LEAGUE

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 19, 2007

Mr. FARR. Madam Speaker, I rise today to honor the 75th anniversary of the Japanese American Citizens League of the Monterey Peninsula. On January 25, 1932, two years after the national Japanese American Citizens League was formed, 18 charter members organized this local chapter to fight against discriminatory legislation and racial prejudice, and to help their first generation citizens (Issei) navigate through the American bureaucracy in such matters as alien registration.

Throughout the 1930's, the chapter involved itself in the larger community. In 1937, they made a giant American Flag to carry in the Independence Day parade. They reasoned that only a few people could ride on a float but 60 people could carry this huge flag. Another way they assimilated into the community was to participate in organized sports. The JACL-sponsored Monterey Minato established a formidable reputation and broke records in several sports because of its gifted athletes. From 1934 to the outbreak of World War II, the Monterey Minatos virtually dominated all other teams within the Central California Coast Counties Athletic Association. In 1938, just three Minato trackmen won nine of the eleven events at the YMCA Olympics at Kezar Stadium in San Francisco.

Built in 1927, the JACL Hall was originally the Japanese Association building, erected for the purpose of creating a community center for immigrant Japanese. In 1942, the leaders of the Japanese Association gifted the building to the JACL as a way to keep it serving the community. During World War II, the building was used by the National Guard, and after the war it became a hostel for returning internees. Today the Hall plays host to the JACL Japanese Language School, Nisei Memorial Post 1629 of the Veterans of Foreign Wars, Chinese Language School, Nisei Bowling League, Monterey and Satsuma Bonsai Clubs, Mugen Shinshu Daiko (Japanese Drum) classes, Tai Chi, and Jazzercize. The JACL Hall has truly become an Asian Cultural Center.

Today the chapter continues to fight for tolerance and diversity, helps its members preserve their cultural heritage, and assists new immigrants assimilate into society. As they begin their eighth decade, they will build on their 75-five year commitment to redress racism in our society, so that the next generation truly experiences equal justice under law.

Madam Speaker, I know all our colleagues join me in applauding the JACL and in wishing them continued success for these most admirable goals.

PERSONAL EXPLANATION

HON. CHARLIE NORWOOD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 19, 2007

Mr. NORWOOD. Madam Speaker, on rollcall No. 27, on motion to suspend the rules and agree to H. Con. Res. 31, honoring the Mare Island 21ers, had I been present, I would have voted "yes."

Madam Speaker, on rollcall No. 41, on motion to suspend the rules and agree to H. Res. 62, congratulating the Grand Valley State University Lakers for winning the 2006 NCAA Division II Football National Championship, had I been present, I would have voted "yes."

Madam Speaker, on rollcall No. 40, on passage of H.R. 6, Creating Long-Term Energy Alternatives for the Nation Act, had I been present, I would have voted, "no."

Madam Speaker, on rollcall No. 39, to table appeal of the ruling of the Chair on H.R. 6, Creating Long-Term Energy Alternatives for the Nation Act, had I been present, I would have voted "no."

Madam Speaker, on rollcall No. 38, on motion to recommit with instructions H.R. 6, Creating Long-Term Energy Alternatives for the Nation Act, had I been present, I would have voted "yes."

Madam Speaker, on rollcall No. 37, on consideration of the bill H.R. 6, Creating Long-Term Energy Alternatives for the Nation Act, had I been present, I would have voted "no."

Madam Speaker, on rollcall No. 36, on agreeing to the resolution, providing for the consideration of H.R. 6, Creating Long-Term Energy Alternatives for the Nation Act, had I been present, I would have voted "no."

Madam Speaker, on rollcall No. 35, on ordering the previous question, providing for the consideration of H.R. 6, Creating Long-Term Energy Alternatives for the Nation Act, had I been present, I would have voted "no."

Madam Speaker, on rollcall No. 34, on motion to adjourn, had I been present, I would have voted "yes."

Madam Speaker, on rollcall No. 33, on motion to suspend the rules and agree to H. Res. 58, to honor Muhammad Ali, global humanitarian, on the occasion of his 65th birthday and to extend best wishes to him and his family, had I been present, I would have voted "yes."

Madam Speaker, on rollcall No. 32, on passage of H.R. 5, College Student Relief Act, had I been present, I would have voted "no."

Madam Speaker, on rollcall No. 29, on ordering the previous question for H. Res. 65, providing for the consideration of H.R. 5, College Student Relief Act, had I been present, I would have voted "no."

Madam Speaker, on rollcall No. 30, on agreeing to the Resolution for H. Res. 65, providing for the consideration of H.R. 5, College Student Relief Act, had I been present, I would have voted "no."

Madam Speaker, on rollcall No. 31, on motion to recommit with instructions H.R. 5, College Student Relief Act, had I been present, I would have voted "yes."

Madam Speaker, on rollcall No. 28, on motion to suspend the rules and pass H.R. 434, to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958 through December 31, 2007, and for other purposes, had I been present, I would have voted "yes."

HONORING MS. LAUREN LAUSTERN

HON. KENNY MARCHANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, January 19, 2007

Mr. MARCHANT. Madam Speaker, I rise today in honor of Ms. Lauren Laustern for her academic achievement in receiving the Homeland Security Scholarship from the U.S. Department of Homeland Security Science and Technology Directorate. This scholarship will be used to further her studies in science, technology, engineering, or mathematics at Rice University in Houston, Texas. Ms. Laustern and each of the other 200 scholars and fellows visited Washington, DC for an orientation in November of 2006 to formally introduce the Scholars and Fellows to the Department of Homeland Security and other DHS-affiliated organizations and facilities. The Department of Homeland Security Scholars and Fellows Program was developed to inspire, stimulate and support students conducting research relevant to homeland security. The DHS provides many opportunities and resources to a variety of students from all over the county. The program offers two years of support at the undergraduate level and three years of support at the graduate level. In addition the students are also required to complete a 10-week internship to complete their studies. Today I commend her for her hard work and dedication in furthering her education.

TRIBUTE TO BYRON WOOD

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 19, 2007

Mr. SHERMAN. Madam Speaker, I come to the floor of the U.S. House of Representatives to bring to my colleagues' attention the retirement of a man dedicated to the U.S. Space program. The President of Pratt & Whitney Rocketdyne, Byron Wood, has announced his retirement after 44 years of service, not just to Rocketdyne, but to the people of the United States.

Byron has seen his career go full circle, from his early work on the J–2 engine for the Apollo moon program, to his leadership today in resurrecting the J–2 for America's return to the moon. In between, Byron was instrumental in the development of the space shuttle main engine, which has served our national space program flawlessly for 25 years. Byron is the proud recipient of two NASA awards; the Exceptional Engineering Achievement medal and the Public Service medal.

During his career, Byron also made valuable contributions to the national security needs of the United States. His leadership in the development of the RS–68 engine for the Delta IV launch vehicle will help ensure that America's military will maintain information superiority through the reliable launch and placement of our national space based assets. His continued support for the development of small liquid propulsion systems has greatly strengthened our missile defense capability through Rocketdyne's contributions to the Theater High Altitude Area Defense System.

America will miss Byron's service. As we refocus our efforts to return humans to the moon and beyond, and as space systems continue to become more vital to the national security of our country, wisdom and leadership of the type possessed by Byron will be ever more essential. Please join me in wishing Byron the best in his retirement and in thanking him for his work.

SUPPORT FOR THE SAFE COMMISSION

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 19, 2007

Mr. WOLF. Madam Speaker, earlier this week I reintroduced legislation in the House of Representatives aimed at addressing the looming financial crisis facing the Nation, the Securing America's Future Economy (SAFE) Commission Act. The bill would establish a national bipartisan commission that will put everything—entitlement spending as well as all other federal programs and our Nation's tax policies—on the table and require Congress to vote up or down on its recommendations in their entirety, similar to the process set in 1988 to close military bases. Mandating congressional action on the panel's recommendations is what differentiates this commission from previous ones.

Support for the bill is coming from both sides of the aisle. I submit for the RECORD letters from several former Members.

This legislation will be good for the future of America.

THE BLACKSTONE GROUP,
New York, NY, June 28, 2006.

Hon. FRANK WOLF,
House of Representatives,
Washington, DC.

DEAR MR. WOLF: Thank you for sending me a summary of your bill creating a bipartisan commission on long-term fiscal policy and for the excellent statement you made in introducing the bill. I read both with great interest and I wholeheartedly approve of what you are trying to do. I understand that George Voinovich has introduced a similar bill in the Senate.

While I would like to think that the economic and moral case for serious reform is compelling enough to spur action without resort to another commission, I fear that the reality is otherwise. Given the harsh partisan environment you note in your letter, I have come to believe that a new commission could serve a very useful trust-building purpose—so long as it is truly bipartisan and all policy options are on the table.

You clearly agree with these principles, which is one reason I think your bill could help break the political gridlock. It is an added bonus, in my view, that your bill would require the commission to hold public hearings around the country and compel congressional consideration of the commission's recommendations. As one who has sat on many commissions, including the Kerrey-Danforth entitlement and tax reform commission more than 10 years ago, I think all of these special attributes bode well for the success of a commission formed pursuant to your bill.

As you may know, I serve as President of The Concord Coalition. Former Senators Warren Rudman (who I know you have spoken to about this) and Bob Kerrey are cochairs of The Concord Coalition. We have been urging bipartisan action to bring about a more sustainable and generationally equitable fiscal policy for many years. Our executive director, Bob Bixby, has sent you a letter with our approval on behalf of The Concord Coalition expressing our appreciation and commending you for your leadership in drawing attention to one of the nation's most daunting challenges. To that, let me add my personal thanks and encouragement.

Sincerely,

PETER G. PETERSON.

MANATT JONES,
GLOBAL STRATEGIES,
Washington, DC, June 26, 2006.

Hon. FRANK R. WOLF,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN WOLF: Thank you for your letter and for sending me a copy of your legislation, H.R. 5552. I can't speak highly enough in commending you for leading this much needed effort and for the comprehensiveness of your proposal.

As a former House Budget Committee Chairman who subsequently headed the American Stock Exchange among other business activities since leaving the Congress, I have been appalled and discouraged by the recklessness and disregard of our government's fiscal policy. These unconsciousable deficits and mounting federal debt load financed primarily by foreigners are an economic time bomb waiting to explode. If I were managing a private company this irresponsibly, the shareholders should demand my resignation.

We hear much talk about our national security and energy security. But to put our economic security so much in the hands of foreign interests is gambling at its worst.

In addition to the economic dangers, this is also a moral issue in that our generation is saddling our children and grandchildren with the responsibility for paying off our profligacy. That can only reduce the standard of living of future generations. How can we justify such immorality?

I am so proud that you are stepping forward to try to pass legislation with teeth to force both the Congress and the Executive Branch to make hard choices to get our fiscal house on a path to responsibility. I hope that you will make this a bipartisan effort. I will be pleased to support you in every way I can and to urge my fellow Democrats to join you in this effort.

Sincerely yours,

JAMES R. JONES.

THE URBAN INSTITUTE,
Washington, DC, June 22, 2006.

Representative FRANK WOLF,
Washington, DC.

DEAR REPRESENTATIVE WOLF: In response to your letter of June 16, I strongly support your bill to establish a national bipartisan commission on entitlement spending and tax policy. Although many are cynical about the prospects for the success of any commission, I think that you are right that the current political climate is not conducive to passing constructive legislation without some prodding from the outside.

I also believe that the American public is not ready to accept the sacrifices necessary to avoid a crisis, because the dire nature of the situation has not been well communicated by policy makers. Therefore, I particularly commend your idea of holding town meetings across the country and I would hope that the commission has a large budget for this purpose, because I believe that we need lots of meetings. Ideally, the commission would first produce a white paper that could be discussed at the meetings. It would outline the problem in the most objective way possible and describe the major options for solving it.

It is interesting to note that Canada had such meetings prior to a significant reform of their social security system and Canadian officials will tell you that they were extremely helpful in finding a solution. Similarly, Britain is in the midst of reforming their public pension system and they used large focus groups to test their options. I would prefer a town meeting to a focus group format, but however one proceeds, the involvement of the public is absolutely crucial.

I wish you success in getting your idea enacted and would be willing to help in any way that I can.

Yours sincerely,

RUDOLPH G. PENNER.

WOODROW WILSON INTERNATIONAL
CENTER FOR SCHOLARS,
Washington, DC, July 7, 2006.

Hon. FRANK R. WOLF,
Washington, DC.

DEAR FRANK: Thank you for sending along your excellent proposal to establish a national bipartisan commission on America's looming fiscal crisis. I agree that we must hastily address the very grave financial challenges before our Nation. You have laid out a thoughtful and effective way forward. In particular, it is important to put everything on the table—entitlement spending, federal programs, and tax policy. Mandating congressional action would also ensure that a prospective commission does not issue a report that gathers dust on a shelf.

On another note, the Iraq Study Group continues to make excellent progress, and I once again thank you for your leadership and support of our efforts.

With best wishes,

Sincerely,

LEE H. HAMILTON.

THE BROOKINGS INSTITUTION,
Washington, DC, July 14, 2006.

Hon. FRANK R. WOLF,
House of Representatives,
Washington, DC.

DEAR FRANK: I am writing to express my hope your bill, H.R. 5552, Securing America's Future Economy (SAFE) Act, will be swiftly enacted. You and I have discussed this bill and the impending fiscal crises it is designed to avoid.

I am not able to detail in a single page all the fiscal difficulties we face, nor to list all the arguments in favor of H.R. 5552, but I believe it offers the Congress an opportunity for a comprehensive fiscal solution, so the country will not have to face an ongoing series of crises, each demanding a patchwork, probably temporary, and certainly painful, response.

While the BRAC-type Commission necessarily forces Legislation action, H.R. 5552 does provide unusual, extra Legislative discretion by giving the Congress opportunities to enact alternatives not suggested by the Commission.

H.R. 5552 has my enthusiastic endorsement. I hope the House passes it first.

Sincerely,

BILL FRENZEL.

PERSONAL EXPLANATION

HON. KEVIN McCARTHY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 19, 2007

Mr. McCARTHY of California. Madam Speaker, on rollcall No. 33, H. Res. 58, "To honor Muhammad Ali, global humanitarian, on the occasion of his 65th birthday and to extend best wishes to him and his family."

Had I been present, I would have voted "yes."

CORRECTING THE COLLOQUY OF JANUARY 19

HON. DAVID DREIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 19, 2007

Mr. DREIER. Madam Speaker, during this afternoon's colloquy between the Republican Whip and the Democratic Leader, I was in a bipartisan meeting of the leadership of the California delegation. However, I understand that the distinguished Majority Leader indicated that I had objected to consideration of the member pension bill today. While I am flattered that my colleagues believe that I still wield that level of influence now that I am the Ranking Republican of the Rules Committee, I simply want to clarify that at no time did the Republicans object, but simply pointed out to the new majority that a meeting to consider a rule would need to be an "emergency" meeting under the committee rules.

TRIBUTE TO KANSAS BUREAU OF INVESTIGATION DIRECTOR

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Friday, January 19, 2007

Mr. MOORE of Kansas. Madam Speaker, I rise today to pay tribute to a dedicated public servant and individual of the highest integrity, Larry Welch, who has announced he is retiring after 12 years as director of the Kansas Bureau of Investigation and a lifetime of public service in law enforcement.

A graduate of the University of Kansas, with undergraduate and law degrees, and of the FBI Academy, Larry Welch served as an FBI agent and supervisor from 1961–1986 in Tennessee, Washington, Florida, Puerto Rico, Texas, Missouri and Kansas. From 1986–1989, he served as deputy director of the Kansas Law Enforcement Training Center, where he also served as director from 1989–1994. In 1994, he was named director of the Kansas Bureau of Investigation; his longevity in that post is exceeded only by the first director, Lou Richter, who served from 1939–1956.

The KBI has approximately 300 employees, including about 80 agents posted across Kansas. It has four forensic labs, with 53 forensic scientists at the labs in Topeka, Great Bend, Pittsburg and Kansas City. The labs provide technical support to local police agencies in areas including DNA analysis and fingerprint analysis.

Larry and Shirley Welch have three grown children and eight grandchildren. During my twelve years as District Attorney of Johnson County, I worked closely with Larry in his capacity as administrator of the Kansas Law Enforcement Training Center. He is a public servant of unquestioned dedication and skill. The people of Kansas have been extraordinarily lucky that he has served them in a series of sensitive, important law enforcement positions in our state.

Madam Speaker, I include with this statement a column by the editor of the Lawrence Journal-World, Dolph Simons, Jr., entitled "Welch has run KBI with integrity and professionalism." I couldn't have said it better myself, and I commend the career of Larry Welch to all of my colleagues in the House of Representatives.

[From LJWORLD.COM, Jan. 13, 2007]

SIMONS: WELCH HAS RUN KBI WITH INTEGRITY AND PROFESSIONALISM

(By Dolph C. Simons, Jr.)

Kansas and the residents of the state are losing the services of an excellent lawman.

At the end of May, Larry Welch will step down as director of the Kansas Bureau of Investigation.

He has done a superb job as KBI director since assuming the role in 1994 at the invitation of then-Attorney General Bob Stephan. Welch became the KBI's 10th director and served in this position under four Kansas attorneys general, including the recently sworn-in Paul Morrison.

Whether Welch's decision to leave at this time has anything to do with the new attorney general is anyone's guess. However, his announcement about plans to retire said nothing to indicate he has any differences with the new leadership in the AG's office.

The KBI does not have a high public profile, and it is obvious Welch has directed the agency with the goal of being an excellent arm of the law enforcement business, conducting its affairs and efforts in a professional manner, not trying to capture headlines and public attention. Welch and his associates have been far more interested in capturing those who violate the law rather than tooting their own horns or patting themselves on the back.

Welch is a professional and served as a Federal Bureau of Investigation agent before moving into the KBI director's office. He has put together an effective, efficient and lean staff and has gained the respect and high regard of Kansas legislators. He has kept lawmakers informed about KBI activities, and his annual reports detail the work of his agents, scientists and other members of the KBI team.

In his latest report, he notes the success of the KBI in identification and seizure of meth labs in 2006. Over the past five years, the number of meth labs seized and put out of operation has dropped from a high of 846 in 2001 to an estimated 155 for 2006. He attributed this success to the support of Kansas legislators and Gov. Kathleen Sebelius and the legislation that provided funding and manpower to discover, seize and destroy the labs.

He points out, however, "Before we form a circle, hold hands and sing 'Kumbaya,' let me hasten to admit that even one meth lab, with all its dangers and attendant dire consequences is too many, and let me also remind you that, as I have been advising you since 1997, the majority of methamphetamine in Kansas, probably more than 80 percent, has always been of foreign origin, mostly Mexican, and not manufactured locally."

Welch tells the lawmakers the effort to seize and shut down meth labs "remains one of the most dangerous of all law enforcement activities."

He added there still will be meth labs to seek out, investigate, seize and prosecute, but with the effectiveness of the current program, KBI agents will be able to spend more time on efforts to reduce the importation, trafficking and interdiction of methamphetamine in Kansas. He noted, "We will not completely solve our state's methamphetamine problem, of course, until our nation's Southern and Southwest borders are better secured, in my opinion. If that's ever possible."

Not only has Welch's professionalism added stature and respect to the KBI, but also his personal manner has reflected credit on the organization.

The public must have respect for those in the law enforcement business. They don't have to like a local police officer, a member of the sheriffs staff, a local judge, a KBI agent or judges on high state and federal benches, BUT it is essential that citizens respect these men and women. Those in the law business, at whatever level, must perform in a manner that reflects credit on their respective agencies if our system of laws is to work and be effective.

Larry Welch certainly has done this in how he supervised and led the Kansas Bureau of Investigation. All law-abiding Kansans are better off and safer today because of the efforts of Welch and his fellow agents.

The state will miss Welch, and it is important he be succeeded by an equally committed, effective and professional individual. This is no place for political games to be played; the KBI office should never be used as a means of passing out a payback or IOU for some previous political or monetary favor.

TAIWAN PRESIDENT CHEN SHUI BIAN'S VISIT TO THE UNITED STATES

HON. THOMAS G. TANCREDO

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, January 19, 2007

Mr. TANCREDO. Madam Speaker, I rise today to applaud our government's decision to allow Taiwan President Chen Shui Bian to visit the United States earlier this month. As you know, President Chen visited both Los Angeles and San Francisco as part of a larger North American trip.

Unfortunately, Madam Speaker, the government of Mexico was not nearly as hospitable to our democratically elected friend.

While President Chen was on his way to Los Angeles, however, he was informed by Mexican authorities that his plane was prohibited from flying over Mexican air space. This unexpected notification forced the President's plane to make a detour over the Pacific Ocean, extending his flight time to Los Angeles from 5 to 10 hours. This arbitrary decision delayed some of President Chen's meetings with U.S. officials, and more importantly, put President Chen and the other passengers on his plane in danger.

Mexico had given Chen permission to fly over Mexican air space on Chen's way to Nicaragua, so why did Mexican officials refuse to grant Taiwan's democratically elected President the same courtesy on his return flight? I think we all know the answer to this question, Madam Speaker.

In all likelihood, Mexico's sudden change of heart is attributable to pressure exerted by the People's Republic of China. Beijing has been relentless in its efforts to isolate our democratic friends on Taiwan, and this shameless move by the mainland is just the latest in a long series of indignities that the Beijing authorities have visited on the Taiwanese people.

Madam Speaker, communist China is always quick to talk about how much they respect the "Taiwan Compatriots" across the Taiwan Strait. Unfortunately, their hostile actions never reflect that deceptively rosy rhetoric. By continuing to insult and disrespect Taiwan's democratic government, China insults and disrespects the people of Taiwan who elected that government.

By outsourcing their campaign of intimidation to other countries like Mexico—who seem more than willing to subcontract their foreign policy to Beijing—China continues to drive the people of Taiwan further and further away.

I hope that the next time Taiwan's democratically elected president visits the United States; we can host him here in Washington.

And finally, Madam Speaker, I hope next time Taiwan's democratically elected president visits North America, that other democratic countries in our region will treat him with the courtesy and respect they would afford to any other democratically elected head of state.

TRIBUTE TO GENERAL ROBERT E. LEE

HON. JIM MARSHALL

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 19, 2007

Mr. MARSHALL. Madam Speaker, I rise today to pay tribute to General Robert E. Lee in celebration of the bicentennial of his birthday. A U.S. war hero, Lee has been lauded by past presidents and historians and as one of our nation's greatest men and greatest generals.

His birthday has been celebrated in Georgia as a state holiday since 1889 and the Georgia Division of the Sons of Confederate Veterans will be marking the occasion this year with a birthday celebration at the Georgia State Capitol. It is my pleasure to also recognize this event within our nation's Capitol.

Robert Edward Lee was born on January 19, 1807, in Virginia to parents who were instrumental in some of our country's early history.

Lee also dedicated himself to his country—graduating from the U.S. Military Academy at West Point and accepting a commission as a 2nd Lieutenant with the U.S. Army Corps of Engineers. Lee's first assignment was in Georgia, where he supervised the construction of Fort Pulaski on Cockspur Island.

While Lee is probably best remembered as a commanding officer in the Confederate States Army, he also played a key role in defending our country during the Mexican-American War, protecting settlers on the Texas frontier and educating future leaders as superintendent of West Point.

Following the Civil War, Lee accepted a position as president of Washington College in Lexington, Virginia. As president, Lee worked to rebuild the war-ravaged South and stressed the importance of moving forward as a nation of united Americans. Lee also is credited with transforming the college, which has since been renamed Washington and Lee University, into one of the nation's finest institutions of higher education.

Lee continued to serve as president of Washington College until his death on October 12, 1870. Years later during the unveiling of the Robert E. Lee Memorial Statue, President Franklin D. Roosevelt would call Lee "one of our greatest American Christians and one of our greatest American gentlemen."

Madam Speaker, I am confident my colleagues will join me in recognizing the accomplishments of this great American.

IN RECOGNITION OF RABBI WILLIAM ABRAHAM GREENEBAUM II ON HIS 50TH YEAR AS A RABBI

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 19, 2007

Mr. LANTOS. Madam Speaker, I rise to acknowledge the achievements of Rabbi William A. Greenebaum of Monterey County, CA, who is celebrating 50 years in the Rabbinate. From the American Civil Rights movement to the Allocations Panel for United Way, Rabbi Greenebaum has spent his days working to improve the lives and spirits of the elderly, the powerless, and the poor.

Rabbi Greenebaum was born in Philadelphia to a rabbinical family that included a grandfather and great uncle who held prominent positions in the Jewish community. Rabbi Greenebaum received his bachelor's degree in Ancient and Medieval History from the University of Cincinnati in 1948, and earned bachelor's and master's degrees in Hebrew Letters as well as a Doctor of Divinity Honorus Causa from the Hebrew Union College in 1957.

Shortly after his ordination as a rabbi from the Hebrew Union College in Cincinnati, Rabbi Greenebaum enlisted in the U.S. Air Force and served as Jewish Chaplain for two years in San Antonio, Texas. After his military service, he served in Milwaukee, Wisconsin, as Assistant Rabbi, led Congregation Beth Torah in their efforts to build a synagogue in Prairie Village/Overland Park, Kansas, served as Rabbi in Flint, Michigan, and also in Fremont, California, where he met Nancy, his wonderful wife of 35 years.

In 1972, Rabbi Greenebaum enlisted in the active duty U.S. Army and served as Chaplain in Columbia, South Carolina, Heidelberg, Germany, and Monterey, California. After his retirement in 1990, he continued to serve as a civilian chaplain to the Jewish military community in the Monterey Bay region until 2001.

Since his retirement in 1990, Rabbi Greenebaum has continued to serve the Monterey Bay Area full time; as a member of the Board of Directors and substitute rabbi for Congregation Beth Israel in Carmel Valley; interim rabbi for Temple Beth El in Salinas, California; as Assistant District Commissioner for the Boy Scouts of America; as a Monterey County Civil Grand Juror; and as a member of the distinguished Allocations Panel for the Monterey County chapter of the United Way. Rabbi Greenebaum also spends many hours visiting the sick, elderly, and others in his community who are in need of spiritual comfort.

In the 1960's, Rabbi Greenebaum met Dr. Martin Luther King Jr. when they both addressed the National Bar Association Convention in Milwaukee. In 1969, he was appointed Chairman of the Flint, Michigan, Human Relations Commission and served as President of the Flint Ministerial Association. He served as volunteer Jewish Chaplain at the Kansas State Prison and at the Federal Penitentiary in Leavenworth. In 1962, the mayor of Kansas City appointed Rabbi Greenebaum to the Cuban Refugee Committee where he helped the city prepare for and welcome more than one hundred Cuban refugees to Missouri.

The principle of Tikkun Olam, "world repair" through social action and justice, has guided the actions of Rabbi Greenebaum throughout his life. As a prominent community leader, human rights activist, and helping friend, he has given countless hours, tears, and moments of laughter to many who would otherwise have suffered alone, while building religious and civil institutions to support spiritual values and integrity in every sphere of our community lives.

Madam Speaker, I ask all of my colleagues to join me in honoring Rabbi William A. Greenebaum for more than fifty years of outstanding dedication and public service. His deeds are a strong example and inspiration to us all.

SENATE—*Monday, January 22, 2007*

The Senate met at 1 p.m. and was called to order by the Honorable BENJAMIN L. CARDIN, a Senator from the State of Maryland.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Immortal God, Your Name is great throughout the Earth. We thank You for the undeserved favor You give us each day.

Lord, You bless us with life, health, faith, hope, and love. You give us Your peace; great and marvelous are Your works.

Today, guide the Members of this body with Your wisdom. Keep them from adding to our Nation's problems, and help them to resolve to become part of the solutions. Make clear to them the path of duty, and lead them in the doing of Your will. Provide them with counsel to deal with complex challenges, and infuse them with divine discernment to accomplish Your purposes. Open to them doors of opportunity to bless others.

We pray in Your strong Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable BENJAMIN L. CARDIN led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, January 22, 2007.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BENJAMIN L. CARDIN, a Senator from the State of Maryland, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. CARDIN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, today the Senate will be in a period of morning business, with Senators allowed to speak therein for up to 10 minutes each. At 2 p.m., we are going to begin the consideration of the minimum wage bill.

Last Thursday, prior to action being concluded on the ethics bill, Senator GREGG and I engaged in a colloquy on his plan to offer an amendment to the minimum wage bill which relates to enhanced rescissions. Some call it line-item veto. That amendment is expected to be offered today. Cloture will be filed on that amendment, as I told him I would do, setting up a cloture vote for Wednesday. I advise all Members that we may even do it sooner. It is up to Senator GREGG. We talked about that a little last week.

There will be no rollcall votes today. I expect we will have a vote prior to the caucuses tomorrow. Also, tomorrow evening is the State of the Union Address by President Bush. We will be in recess around 6 p.m. and will reassemble at 8:30 p.m. so that at 8:40 we can proceed to the House Chamber to receive the President's State of the Union Message.

I ask unanimous consent that during morning business today, Senator DORGAN be recognized for up to 30 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MEASURE PLACED ON CALENDAR

Mr. REID. Mr. President, I understand that H.R. 6 is at the desk and is due for a second reading.

The ACTING PRESIDENT pro tempore. The leader is correct. The clerk will read the bill for the second time.

The legislative clerk read as follows:

> A bill (H.R. 6) to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes.

Mr. REID. Mr. President, I now object to any further proceedings at this time.

The ACTING PRESIDENT pro tempore. Objection is heard. The bill will be placed on the calendar.

AMENDMENT NO. 51, AS MODIFIED TO AMENDMENT NO. 3, TO S. 1

Mr. REID. Mr. President, I ask unanimous consent that amendment No. 51, previously agreed to, to the bill S. 1 be modified with the technical modification which is at the desk. This is strictly a technical modification to allow for the proper placement of the amendment in the bill.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

The amendment (No. 51), as modified, is as follows:

(Purpose: To prohibit Members from requesting earmarks that may financially benefit that Member or immediate family member of that Member, and for other purposes)

At the appropriate place, insert the following:

SEC. 116. PROHIBITION ON FINANCIAL GAIN FROM EARMARKS BY MEMBERS, IMMEDIATE FAMILY OF MEMBERS, STAFF OF MEMBERS, OR IMMEDIATE FAMILY OF STAFF OF MEMBERS.

Rule XXXVII of the Standing Rules of the Senate is amended by adding at the end the following:

"15. (a) No Member shall use his official position to introduce, request, or otherwise aid the progress or passage of a congressional earmark that will financially benefit or otherwise further the pecuniary interest of such Member, the spouse of such Member, the immediate family member of such Member, any employee on the staff of such Member, the spouse of an employee on the staff of such Member, or immediate family member of an employee on the staff of such Member.

"(b) For purposes of this paragraph—

"(1) the term 'immediate family member' means the son, daughter, stepson, stepdaughter, son-in-law, daughter-in-law, mother, father, stepmother, stepfather, mother-in-law, father-in-law, brother, sister, stepbrother, or stepsister of a Member or any employee on the staff (including staff in personal, committee and leadership offices) of a Member; and

"(2) the term 'congressional earmark' means—

"(A) a provision or report language included primarily at the request of a Member, Delegate, Resident Commissioner, or Senator providing, authorizing or recommending a specific amount of discretionary budget authority, credit authority, or other spending authority for a contract, loan, loan guarantee, grant, loan authority, or other expenditure with or to an entity, or targeted to a specific State, locality or Congressional district, other than through a statutory or administrative formula-driven or competitive award process;

"(B) any revenue-losing provision that—

"(i) provides a Federal tax deduction, credit, exclusion, or preference to 10 or fewer beneficiaries under the Internal Revenue Code of 1986; and

"(ii) contains eligibility criteria that are not uniform in application with respect to potential beneficiaries of such provision;

"(C) any Federal tax provision which provides one beneficiary temporary or permanent transition relief from a change to the Internal Revenue Code of 1986; and

"(D) any provision modifying the Harmonized Tariff Schedule of the United States

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

in a manner that benefits 10 or fewer entities.".

ORDER OF PROCEDURE

Mr. REID. Mr. President, I ask unanimous consent that there be a full hour of morning business following my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. Mr. President, also, we are going to take up the minimum wage bill this afternoon. I hope we can finish it this week. There are a lot of things going on. There is a conference going on someplace outside the boundary of the United States. We have a lot of work to do. We are going to have votes throughout this bill. It will be a little complicated because of cloture being involved, but I will be meeting with the Republican leader later today, and we will talk about ways we can move forward on this minimum wage legislation, perhaps in a more timely fashion. Again, it would be nice to finish the bill this week. It will be difficult to do, but we would like to work it out so that we won't have a series of votes on Friday.

RECOGNITION OF THE REPUBLICAN LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

GETTING STARTED

Mr. McCONNELL. Once again, I thank Senators BENNETT and FEINSTEIN for their efforts last week on the lobbying reform bill. I think the 96-to-2 vote Thursday night pretty well sums up the broad bipartisan support we had for this important legislation.

With regard to the minimum wage, I encourage Members on our side to come to the floor today not only to debate the package but to also offer their amendments. I hope we can have a full, constructive debate as Members offer their various proposals to the bill.

Let me ask my friend, the majority leader, did he indicate that the first vote will probably be before the policy luncheons?

Mr. REID. Yes.

Mr. McCONNELL. As the majority leader indicated, we have a number of different interruptions this week, not the least of which is the State of the Union tomorrow night, which will truncate the amount of time we have on the floor. I think the best way to get started is for Members to come over and offer their amendments, get them in the queue, and let's get started.

I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business until 2 p.m., with Senators permitted to speak therein for up to 10 minutes each.

The Senator from Arizona is recognized.

THE PRESIDENT'S NEW STRATEGY IN IRAQ

Mr. KYL. Mr. President, I wish to address recent changes in the situation in Iraq and the possibility that resolutions of disapproval to the President's new strategy will be offered in the near future—a possibility which I believe would be very dangerous to the success of our military efforts.

I will make three points this afternoon.

The first is that it is important for us to give the newly announced strategy of the President an opportunity to succeed. That makes sense not only because everyone recognized that the President needed to announce a new strategy—he has done that, and it seems to me he should be accorded that courtesy—but also because, from a military standpoint, it is the only thing that makes sense.

The key to the new strategy announced by the President is not the addition of new troops. We have had far more in terms of numbers of troops in Iraq than the increase that will be provided by this latest plan. No, the primary change in the strategy is the actions of the Iraqi Government—in particular, Prime Minister al-Maliki's commitment to begin doing things we wanted him to do a long time ago but which he was unwilling to do—to hold people after being arrested rather than releasing them on the streets, to allow curfews and checkpoints to work, to allow the control of the Mahdi army, which is under the leadership of Sadr, the Shiite leader in Iraq, who has confronted al-Maliki and his government.

It appears this new strategy is beginning to work even after only a few days of its announcement. People have asked: Can we trust al-Maliki? The answer is that no one knows. But actions speak louder than words. Apparently, he has made good—at least initially—on his commitment to confront the Mahdi army and to stop Sadr and that army from continuing the sectarian violence against Sunnis in Baghdad. Apparently, there have been a lot of arrests made, and the United States is going to be able to now conduct the type of hold operations, after they have cleared an area, that would be necessary to create stability for an ultimate peace in Iraq.

So the first point is we do need to give this new strategy a chance to succeed. The very early returns suggest that it just might be having that effect.

In addition, it is important for us to be able to regain control of the Anbar Province. Almost a third of the western part of Iraq is under attack by al-Qaida and other terrorists who mean to create their own little fiefdom—called a caliphate—in that part of the country. Clearly, we cannot allow al-Qaida to have a terrorist base in Iraq. The additional battalion of marines who are committed to clearing this area is critical to the stability in Iraq and the defeat of the terrorists there.

The second reason we should give this strategy a chance is that the nonbinding resolution which has already been offered and will apparently be brought before the Senate within a week or so is wrong for two reasons: First of all, it presents no credible alternative, and secondly, it is dangerous. It presents no credible alternative, just mere criticism. Albeit in a nonbinding way, it is still criticism without any kind of an alternative.

The resolution itself doesn't contain an alternative except the following: "The primary objective of the United States"—I am really listening at this point—"strategy in Iraq"—I am looking for a verb here but instead here are the four words—"should be to have the Iraqi political leaders make the political compromises necessary to end violence in Iraq."

"Should be to have" them. Well, if I had a magic wand, maybe I could make this happen. But the reality is that it is not the lack of political compromise, it is the lack of peace that is enabling them to make the political compromise. As long as the Mahdi army is controlling Sadr City and Sadr is confronting al-Maliki and fomenting violence—Shiite and Sunni and vice versa—the political compromises are going to be impossible to make. That is why the President and al-Maliki understood you have to first create peaceful conditions, change the conditions on the ground. If the Mahdi army is going to have death squads foment this kind of violence, you will never have those political compromises. If al-Maliki can control Sadr and eliminate the threat, political compromise is possible. So there is no alternative to the President's strategy in the nonbinding resolution that was filed.

Secondly, it would be dangerous. To pass a nonbinding resolution in the United States is for effect. What is the effect? Well, the effect theoretically is to try to get the President to change policy. This strategy isn't going to change in the near term. Troops are on the way. Al-Maliki made his commitment and is apparently making good on the commitment, so the new strategy is working out right now. So a nonbinding resolution passed in a week or two is not going to change this. Instead, its effect is a pernicious one. What kind of a message does it send, first of all, to our troops that Congress doesn't support what the President and they are trying to accomplish here; that the Congress thinks we should be going in some other direction, albeit there is no alternative being presented, just in a resolution of criticism? What kind of a message does it send to the allies that the President's policy is going to be undercut to the point that it will not be carried out, and therefore they better begin to hedge their bets? And most important, what message does it send to our enemies? Can they simply decide that in a matter of time, support for the President's policies will have diminished to the point that they won't have to concern themselves with this new strategy anymore if they can wait it out, and they will have an opportunity for success? So it is not going to work, No. 1, and secondly, it is dangerous.

That brings me to the third and final point. It seems to me that those people in favor of sending a message without presenting an alternative have an obligation to consider what will occur if the President's policy doesn't succeed. Almost everybody recognizes that the Iraqi Army is not able to defend this country and create a peaceful stability in the country at this point.

So the question is: What would happen if we leave Iraq a failed state? Most agree, and the intelligence community has recently testified, that it would be disastrous, not only for the people in Iraq but for our allies in the region and for our long-term national security interests, both because of the ability of al-Qaida and other terrorists to consolidate their gains in the area and use that as a place from which to operate, and secondly, because all of the momentum we have gained in getting support, more or less, from countries such as Afghanistan, Pakistan, Saudi Arabia, Yemen, Egypt, Jordan—all of the countries in the region—that have helped in the war against the terrorists will switch the other way as they realize America will not stay in the fight, that they have to begin hedging their bets with the other powers in the region which include the sectarian killers and the terrorists.

What is the consequence of a failed Iraq? It seems to me that for those who present no alternative other than Iraq needs to get its act together and provide for its own security, a policy which I don't know of anyone who agrees would succeed at this point in time, if that is not going to succeed, then what is the consequence of a failed Iraq and what is the consequence of the President's strategy failing?

It all gets back to what I said in the beginning, and that is, it seems to me all Americans should want this strategy to succeed. Why would anyone want the strategy to fail? Just to prove a political point? That doesn't make sense when we have young men and women in harm's way and a lot riding on it not just for Iraqis but also for our national security. We should all want this strategy to work. We should do everything in our power to help make it work, and that begins by giving the plan a chance and not criticizing it before the strategy even has a few days to work out. That is why the possibility of a resolution, which is highly critical of the President's strategy and suggests a different course of action, a timeline for leaving, is the wrong strategy.

What is that alternative in terms of timeline? It simply reads as follows:

> The United States should transfer under an appropriately expedited time line responsibility for internal security and halting sectarian violence in Iraq to the Government of Iraq and Government security forces.

That is the alternative, in an appropriately expedited timeline. That is no alternative at all. That doesn't direct anybody to provide for security in Iraq on any faster basis than we are already attempting. I have heard no one criticize our training of the Iraqi forces or finding or suggesting there is some other way to train them in a better way, in a faster way. It takes time. We are doing the best we can.

The general who was in charge of creating that program, General Petraeus, will be our general in charge again. I think, by all accounts, he did a terrific job of setting up the program. We know it takes a certain amount of time to train these Iraqi forces. We know the country is not in a position to defend itself at this point. Why would we want to set ourselves on a course to leave when we know they cannot defend themselves?

The truth is, for the time being, we are going to have to remain there to help secure the peace in Iraq, and that means we ought to give the President's policy a chance to succeed, and all of us hope it will succeed.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota.

IRAQ

Mr. DORGAN. Mr. President, my distinguished colleague from Arizona is speaking about a very important issue and one that we certainly will have a discussion about and a debate about in this Congress in the coming days, and that is as it should be. We are a democracy with divided branches of Government, separation of powers. We have a President, a legislative branch, a judicial branch, and there is a role here for the legislative branch.

My colleague suggested this was a circumstance where some were simply willing to criticize the President but offer no plan of their own. Then he subsequently said the resolution that some of my colleagues will offer in the Senate will advocate a different course of action. That is a plan, I guess, isn't it? If one advocates a different course of action than the President is advocating, it seems to me that is a plan.

I don't disagree with much of what those who have a different view would say about these issues. Most of us want peace in Iraq. We want the Iraqis to control their own destiny. We want the Iraqi troops to be sufficiently trained so they can provide their own security. We all share that goal. We all want our country to succeed in the missions.

Let me make one very important point. My colleague alluded to it in a way different than I would respond to it. During the debate on the floor of the Senate I don't think there will be a single Senator who stands up and in any way says he wants us to withdraw support for American troops. Speaking for myself—and I think for most other Senators, perhaps every other Senator—I think Members who serve in this Congress believe it is critically important to support our troops. When we send men and women in our uniform to go to war, we are obligated, it seems to me, to do everything to support them in their mission.

So this debate is not about whether we will support those troops whom we have asked to go to war in behalf of our country; we certainly will do that. The debate will be about the President's plan for a surge in troops or a deepening involvement in Iraq. It is a worthy debate for us to have because I think this is obviously a conflict that has gone on a long while, longer now than the Second World War. We have had a lot of discussion with the military leaders in the field about training Iraqi troops to provide for their own security.

Let's review what has happened in Iraq.

Saddam Hussein ran Iraq. We now know he was a butcher. We knew it then; we know it now. There are hundreds of thousands of skeletons in mass graves, of the victims murdered by Saddam Hussein. But Saddam Hussein doesn't exist anymore. He was executed. He has been buried.

There is a new constitution in Iraq, voted for by the Iraqi people. There is a new government in Iraq selected by the Iraqi people. This country belongs to Iraq, not to us. It is their country, not ours. The security for their country is their responsibility, not ours. The question for all of us is: When will the Iraqi people decide they are able to provide for their own security?

My colleague says it is a matter of being patient with training the Iraqi troops. Perhaps today there is going to be a young man or woman who is going to enlist in the Marines and the Army and they will go to training. It won't be very many months before they are fully trained and maybe committed to the battlefield—6 months, 7 months, 8 months. The question is: How long does it take to train an Iraqi army and Iraqi security forces to provide security for their own country? Years? Can they be trained, as American troops are trained, in months rather than years? The answer, at least in the last several years, seems to have been no.

It is very important for us to debate this question of our deepening involvement in Iraq. We all know what is going on there. It is sectarian violence, Shia on Sunni, Sunni on Shia. Seventy-five more people were killed today in Shia neighborhoods, multiple bombings, we are told by the news today, 160 wounded. The day before, dozens of Iraqis were killed, and 25 American troops were killed in numerous attacks. Our hearts break for all of them, particularly the American troops, but also for everyone who is losing their life in this conflict.

Suicide car bombers, simultaneous car bombings, beheaded bodies floating in the Tigris River, bodies with holes drilled in the heads and knees with electric drills, tortured, tortured bodies swinging from lampposts in Iraq, we read. It is a cycle of grim violence, unlike any most of us have ever seen. It is unbelievable.

Let me tell you what General Abizaid, who is in charge of CENTCOM, said about 6 weeks ago. He came to the Congress—and this relates to what my colleague had said and the debate we will have. General Abizaid said this:

> I met with every divisional commander, General Casey, the Corps commander, General Dempsey . ... and I said, in your professional opinion, if we were to bring in more American troops now, does it add considerably to the ability to achieve success in Iraq? And they said no.

This isn't an approximation of what the top general said; it is exactly what he told the Congress: I met with all of my top generals, and I asked them the question, if we were to bring in more troops now, does it add to our ability to achieve success? They said no. That's what General Abizaid said.

Let me describe to you what General Abizaid said following that comment. Again, this is 2 months ago in testimony before the Senate:

> The reason is because we want the Iraqis to do more. It's easy for the Iraqis to rely upon us to do this work. I believe that more American forces prevent the Iraqis from doing more, from taking more responsibility for their own future.

Less than 2 months ago, the top general said his top commanders in Iraq all said no to bringing in more troops. Why? Because it will say to the Iraqis: We will do the job. We will do what we would expect you to do.

As we talk about deepening the American involvement in Iraq and the issue of how many troops we are going to have in that battlefield, let me turn to another issue. If we have 20,000-plus troops to send to Iraq, what about Afghanistan?

Our military is, as all of us know, fairly overstretched. We are calling up guardsmen and reservists and some of them second deployments, some of them third deployments all across this country. But in Afghanistan, which was the home of al-Qaida, where the Taliban ruled and where we went first to route the Taliban and create a democracy in Afghanistan, the Taliban, by all accounts, are now taking hold once again and creating an even greater threat.

They are fighting hard to destabilize the Government of Afghanistan. That was our first battle, to go into Afghanistan and kick the Taliban out. We need more troops in Afghanistan now, not less, and yet my understanding is the President's plan would divert troops we have in Afghanistan to go to Iraq.

Let me read something that Mr. John Negroponte, the Director of National Intelligence said last week. He testified before the Select Committee on Intelligence, and here is what he said:

> Al Qaeda is the terrorist organization that poses the greatest threat to U.S. interests, including to the homeland.

Al-Qaida is what poses the greatest threat to our interests, including our homeland. Then he went on to say this. This is again John Negroponte, Director of National Intelligence.

> Al Qaeda continues to plot attacks against our homeland and other targets with the objective of inflicting mass casualties. And they continue to maintain active connections and relationships that radiate outward from their leaders' secure hideout in Pakistan.

Let me reemphasize:

> And they continue to maintain active connections and relationships that radiate outward from their leaders' secure hideout in Pakistan to affiliates throughout the Middle East, northern Africa, and Europe.

What does that mean? Osama bin Laden, do we know him? Yes. He is the person who ordered—claimed and boasted—he ordered the attacks against this country, killing thousands of innocent Americans. He still lives, apparently, in a secure hideout, according to the top intelligence chief in this country, in Pakistan. It seems to me the elimination of the leadership of al-Qaida, the organization that attacked this country, that murdered thousands of innocent Americans, ought to be the primary interest of this country. That is why moving away from Afghanistan and the related activities that ought to exist in Pakistan to deal with what are called "secure hideouts," the secure hideout from which al-Qaida operates, that ought to be job No. 1 for this country.

I don't understand. My colleague Senator CONRAD and I offered an amendment to the Defense appropriations bill last year on this subject. Does anybody hear anybody talking about Osama bin Laden anymore? Or perhaps better described "Osama been forgotten" these days? Nobody wants to talk about it.

Finally, last week the Director of our intelligence in this country said al-Qaida is the most significant threat to this country. The most significant terrorist threat to this country is al-Qaida, and it operates from a secure hideout in Pakistan. If that is true, what are we doing, deciding to find 20,000 troops by pulling some of them out of Afghanistan and moving them to Iraq? If those troops are available, they ought to be dedicated to dealing with al-Qaida and bringing to justice those who committed the attacks against this country. I will have more to say about that at some point, but I did want to make note of what the Director of Intelligence said last week that seems to be almost ignored in this debate about Iraq.

I am going to be talking as well this week about the minimum wage. We will have an aggressive discussion about that. That is going to be the pending issue of the day.

HEALTH CARE FOR THE FIRST AMERICANS

Mr. DORGAN. Mr. President, I want for a moment this afternoon to talk about another issue that is of great importance to me and I think to a number of our colleagues here in the Senate as well. I am going to chair the Indian Affairs Committee in this session of Congress. I will be working with my colleague Senator CRAIG Thomas from the State of Wyoming. I am pleased to do that.

I want to mention that this week my colleagues here in the Senate are likely to see members of Indian tribes who are coming to town from all over the country. They will likely see them here on Capitol Hill, perhaps in the halls of the Senate and the House. They are here to attend the "State of Indian Nations" address by the President of the National Congress of American Indians. They will come from across the country to hear this "State of the Indian Nations" address and they will probably also drop in some offices and meet with some Senators and Congressmen.

Let me talk about one of the things I am sure they will talk about in virtually every office, and that is the issue of Indian health care. I have seen hearings where, talking about Indian health care, very powerful tribal leaders have been brought to tears when they talk about family members who have taken their own lives because of depression or drug abuse, or family members who needed medical attention desperately and did not get it.

Let me talk a minute about the first Americans, those who were here first.

American Indians and Alaska Natives die at a higher rate than other Americans from tuberculosis. There is a 600-percent higher incidence of tuberculosis than the American population as a whole; alcoholism, 510 percent higher than the population at a whole; diabetes, 189 percent higher than the American population as a whole. Let me say, in many areas it is quadruple, 8 times or 10 times higher than the population as a whole, in terms of the incidence of diabetes. Indian youth and teenage suicide on reservations in the northern Great Plains is 10 times higher than the national average. There are fewer than 90 doctors for every 100,000 Indians compared to 230 doctors for every 100,000 people nationwide. It is almost unbelievable to see what the Indian community faces with respect to the health care issues.

The Indian Health Service expenditure for each American Indian in 2005 was $2,130, compared to $3,900 that we spend for health care for Federal prisoners. We have a responsibility for the health care of Federal prisoners because we incarcerate them. If they get sick, it is our responsibility to provide for their health care. We have a trust responsibility for American Indians, and if they get sick—or in order to keep them well—it is our responsibility. Yet we spend almost twice as much money for health care for Federal prisoners as we do to meet our trust responsibility for American Indians.

I hope my colleagues will have a chance to talk to some of the Indian leaders who come to the Capitol this particular week and visit about these issues.

I want to show a picture of Ardel Hale Baker, to talk a little about what some people face. It is easy to talk about the statistics. Let me talk about the humanity of this issue. This is Ardel Hale Baker. She is a member of the Three Affiliated Tribes in my State. Ms. Baker had sudden and severe chest pains. Her blood pressure was off the charts and she felt she was having a heart attack. So she went to the Indian Health Service clinic of the Three Affiliated Tribes in New Town, ND, and she was diagnosed as having a heart attack. At the insistence of the Indian Health Service staff on that reservation, she was sent by ambulance to the nearest hospital, 80 miles away in Minot, ND. When she got to the hospital, Ardel was being lifted off of a gurney from the ambulance to be taken into the hospital, and the nurse noticed a piece of paper taped to her leg. Curious about this woman, with chest pains, likely having a heart attack—curious about what kind of piece of paper was taped to this woman's leg, the nurse looked and it was a letter. It was a letter from the Indian Health Service, warning that both Ms. Baker and the hospital should understand the Indian Health Service had no funds with which to pay for the health care she needed, because this was not considered a "life or limb" medical condition. Ms. Ardel Hale Baker later, after she survived, received a bill for $10,000.

Let me recreate that again. This is a Native American, living on a reservation. She was having severe chest pains, clearly a heart attack, put in an ambulance and driven 80 miles, and when they pulled her out of the gurney to run her in to the hospital, they noticed a letter taped to her leg in which the Indian Health Service says: "Understand, we don't have the money. Both Ms. Baker and the hospital should understand they may have to assume the cost because we don't have the money to pay for this. It is not life or limb." So this woman gets a bill for $10,000.

Her life was saved, but it was saved notwithstanding a letter taped to her leg saying: "Admit this woman at your own cost."

This is called rationing. It is called health care rationing. If health care rationing existed in this country, there would be an outrage, and it does exist and nobody says much. There is a quiet yawn; somewhere between daydreaming and thumbsucking. People sit around and hardly even think of the fact that when they are sick, it is OK because they can get health care. But when this woman is sick, she might get a letter taped to her leg saying: "Yes, she is having a heart attack, but understand if you admit her, it is at your own expense."

An Indian tribal chief told us once that on his reservation everyone understood the admonition: "Don't get sick after June." Do not get sick after June, because June is the time of the fiscal year when they run out of money for contract health care on the reservations. The Indian Health Service runs out of money after June. If you get sick after June, I am sorry, they might tape a letter to your leg. It is "life or limb." If your illness is not threatening your life or your limb, you are out of luck. That is rationing. That is health care rationing, and it is an outrage in this country. It is happening in a quiet way, inflicting misery all across this country on the first Americans, those who expect we would meet our trust responsibility to provide health care for Native Americans.

We are going to try very hard to see if we can rectify that. I understand the Indian Health Service is staffed with some committed and wonderful doctors, nurses, and administrators. They are understaffed in a dramatic way, underfunded and understaffed. They tell us their budget allows them to treat about 60 percent of the health care needs of the Indian community. That means 40 percent is not dealt with.

One of the things I would have us consider is a new model for delivery of health care, particularly on Indian reservations, that tracks what is happening in some other parts of the country where there are the kinds of low-cost, walk-in clinics open at all hours, where you can get the routine health care, routine diagnosis. I hope the Indian Health Service could do that at no charge. But what is happening now is not working at all. Often health care is not available.

On one reservation of which I am aware, the clinic there is open 5 days a week. After 4:30 or 5 o'clock on Friday: So long, tough luck. You are 80 miles from the nearest major city hospital, and if you get sick, that is where you are going to have to look for some health care. We need to do better than that. I hope we can succeed in talking to the Indian Health Service about a new model, a new approach.

This is only one issue of many. We have a full-scale crisis, I believe, in Indian health care, Indian education, and Indian housing.

I have spoken previously about a woman who died lying in bed in her house, who froze to death in this country. A woman named Swift Hawk froze to death when she lay down and went to bed, living in a climate with 35 degrees below zero weather with, instead of windows in their dwelling, plain plastic sheeting. This grandmother went to bed and didn't wake up because she froze to death. If you saw that in the paper, you would think it was a Third World country, but no, it is not. It is this country and it relates to a health care crisis we need to address. It is not about statistics. It is about the humanity of understanding what is happening and a responsibility to do something about it.

I look forward to working with my colleague on the Indian Affairs Committee, Republicans and Democrats, who I think are of a like mind, that we have a responsibility here and we need to meet it, and we will.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, what is the regular order?

The ACTING PRESIDENT pro tempore. The Senate is in morning business.

Mr. INHOFE. I ask unanimous consent I be recognized for up to 25 minutes in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

BANNING JROTC

Mr. INHOFE. Mr. President, on Tuesday, November 14, 2006, members of the San Francisco School Board voted 4 to 2 to eliminate over the course of 2 years the San Francisco School District's Junior Reserve Officers' Training Corps. We call this JROTC. This was an arrogant, mean-spirited, absolutely foolish decision. The decision was a disservice to children of every socioeconomic and racial background, and it reveals a gangrenous, antimilitary bigotry that festers in some circles of the United States today. The vote deprives hundreds of children of a safe, extremely popular, and cost-effective program that provides structure and enjoyment to the lives of children through an emphasis on physical activity, responsibility, self-discipline, and teamwork.

The merits of the JROTC program alone compel a reversal of this decision, but it is more than that. It is only the latest antimilitary decision in the Bay City. The antimilitary counterrecruitment movement is undertaken by activists and groups who have moved beyond simple disagreement with foreign policies to the outright opposition to the military as an institution. They explicitly deprecate basic civic service and exhibit an utter lack of respect for the sacrifices of men and women which they have made in the defense of our country.

Allow me to offer a statement of one such activist before moving on, to get the sense of the nature of the movement behind the JROTC decision. This is:

> When soldiers are really hurt because there are no new recruits, then we are getting somewhere.

According to the San Francisco Chronicle, when the school board announced its vote to eliminate the 90-year-old program in which 1,600 children participated, the dozens of children and their families gathered at the board meeting were absolutely stunned. Many cadets burst into tears, their faces in their hands, in silent bewilderment. "It provides me a place to go," said a fourth-year cadet, Eric Chu, as he began to cry. At the same time, the board's decision was loudly cheered by JROTC opponents and counterrecruitment activists. Former teacher Nance Manchias summarized the reason behind their jubilation by declaring, "We need to teach a curriculum of peace."

Arguments marshalled in support of this kind of antimilitary activity are not generally arguments of outright opposition to the military. Counterrecruitment activists you usually hear cloak their opposition to the military in discussions about discrimination, about the military's "don't ask, don't tell" policy regarding homosexuals. But in this case these arguments do not apply—not to the JROTC. You don't believe me? The editorial board of the San Francisco Chronicle, which is not really a bastion of conservatism, explains. They say:

> The high-flown arguments fall apart when the drill-and-discipline JROTC basics are examined.

The San Francisco Chronicle's board, writing in support of the JROTC program, continues by explaining the nature and specifics of the program:

> Sorry, adults, but kids love this program as if it's family. There are 1,600 students enrolled in the classes, which fulfill physical-ed requirements. Punctuality, team work, camaraderie are the hallmarks. There, military drill competitions are as popular as football games. There are no weapons, just sticks and flags used in marching. Some ROTC members go on to serve in the military, but the vast majority don't, seeing classes as an enjoyable experience and a chance to learn new things: map-reading, leadership skills and self-discipline that goes with military-style assignments and crisp uniforms.

I am quoting from the San Francisco Chronicle's editorial board.

What were the reasons, then, for the elimination of this program? Were there safety concerns, a lack of interest in the program, budgetary issues, problems with poor management, or a troubling lack of diversity? In fact, none of these factors were at issue in the decision.

The program was popular. More than 1,600 kids were active participants in the JROTC program. Finances were not a problem. The program enjoyed a modest $1 million budget from a school district budget of $365 million. That is $1 million out of $365 million, or a cost of just under three one-thousandths of the entire budget. Was the program poorly managed? The San Francisco Chronicle answers:

> No one has offered an alternative as coherent and well-run as the JROTC.

How about safety? Not a problem. There are no weapons involved. The programs are nonviolent; they are simply character-building exercises which emphasize leadership and self-discipline.

And what about the big one, diversity? For this, I repeat the words of the Chronicle reporter, Jill Tucker, in a story she wrote about the JROTC cadets at Galileo High School:

> These students are 4-foot-10 to 6-foot-4, athletic and disabled, college-bound and barely graduating, gay and straight, white, black, and brown. Some leave for large homes with ocean views. Others board buses for Bayview-Hunter's Point.

Many of the students were immigrants, and one is autistic.

According to the San Francisco Chronicle:

> Opponents acknowledge the program is popular and helps some students stay in school and out of trouble.

So, again, why eliminate a school program in which students simply receive phys-ed and elective credits required for graduation? Sandra Schwartz of the American Friends Service Committee, an organization dedicated to active opposition to the JROTC program, explains:

> We don't want the military ruining our civilian institutions. In a healthy democracy, you contain the military. You must contain the military.

So we have an answer to the question as to why this program was eliminated. It wasn't because of any practical consideration such as cost, interest, or safety, nor was it opposition to a specific policy of the Government. It was opposition to the military as an institution.

But the JROTC decision in San Francisco should come as no surprise. It comes on the heels of two other antimilitary decisions in the Bay City which have taken place over the past year or so. Last year, San Francisco city supervisors refused to allow a ship to dock in the city's port. The ship was a historic World War II battleship, the USS *Iowa*. Just as in the JROTC decision, there were no practical considerations which necessitated refusal of the USS *Iowa*. Supervisor Chris Daly explained the reason for his vote:

> I am not proud of the history of the United States of America since the 1940s.

The decision was intended to be an insult to our Armed Forces.

Also, last year, San Francisco passed measure 1, dubbed "College, Not Combat," which was a symbolic measure to ban all military recruiters in the city's public schools. "College, Not Combat" was the first local success of the counterrecruitment movement. Examples of other counterrecruitment slogans include "Don't die for recruiter's lies," and my personal favorite, "An army of none."

This decision enjoyed the support of many extreme antiwar groups, including ANSWER, Not In Our Name, Ralph Nader's Green Party, American Friends Service Committee, Code Pink, Cindy Sheehan, and the International Socialist Organization.

These decisions to denigrate the Armed Forces are the latest tactics of the antiwar counterrecruitment movement. But, again, make no mistake about the basis or the purpose of this movement. Ignore all the rhetoric about discrimination in the Armed Forces and "don't ask, don't tell." Forget about arguments that this is simply opposition to the Iraq war, to George Bush, or to some other specific policy.

The counterrecruitment movement opposes the military as an institution. Counterrecruitment activists and measure 1 supporter April Owens admit the purpose of her movement, and she is speaking in behalf of measure 1:

> When soldiers are really hurting because there are no new recruits, then we are getting somewhere.

Speaker PELOSI is on record as saying that she was not behind measure 1 100 percent. I think the American people would be interested to know what percentage of her support the measure is enjoying. But at least some political leaders in San Francisco are speaking out about these topics and decisions and this type of attitude toward the American soldiers.

Regarding the school board decision—and this took a lot of courage for him to do it, I might add—San Francisco Mayor Gavin Newsom said:

> This move sends the wrong message. It's important for the city not to be identified with disrespecting the sacrifices of men and women in uniform.

Yes, it is—especially now. Do we really need to remind people that men and women are fighting and dying because they heeded the call of their country? Do we need to remind people that families are grieving?

One wonders whether these activists understand that the only reason they have the freedoms to dedicate their time and energy to opposing the U.S. Armed Forces is because of the very existence of the U.S. Armed Forces. One wonders whether they have ever realized that the Armed Forces have dedicated far more of their time and efforts to establishing and ensuring the continuation of peace rather than launching wars. And when wars are fought, they are done so at the behest of democratically elected civilian leaders.

If they have a problem with any specific policy, they should take it up with the civilians who made the policy, not the soldiers doing their duty and carrying out that policy in the service of their country.

They certainly should not take their frustrations out on schoolchildren who enjoy a structured, character-building, afterschool program such as the JROTC program. But they believe the program exists to trick youngsters into joining the military. School board member Dan Kelly says the JROTC is "basically a branding program, or a recruiting program for the military." Well, Mr. Kelly, if that is the case, that the JROTC is a recruiting vehicle, then the JROTC should enjoy the same protections military recruiters receive. This is what I am getting to now.

San Francisco's measure 1, which tells all military recruiters to stay away from schools, was only symbolic for a reason. San Francisco banned military recruiters in their schools for over a decade, until the No Child Left Behind Act was passed into law in 2001. Under provisions of No Child Left Behind, schools can only prevent military recruitment if they are willing to forgo their Federal funding. Unfortunately, the JROTC is not currently included in the recruiting program under the act. However, as board member Dan Kelly admits, the JROTC program was banned simply because it was perceived as a recruiting program.

Let's make that perception a reality. Let's amend the appropriate laws and give the JROTC the same protection that military recruiters enjoy. The program, as I have illustrated, is clearly a valued program in many communities. It deserves our support. The JROTC program in San Francisco, as well as those in communities all across the nation, deserve our support. Sadly, they need our protection, too.

At this time I would like to announce that I will soon be introducing legislation to afford the same protection to the JROTC programs as the other military recruiters enjoy. I look forward to bipartisan support of that program.

U.N. GLOBAL TAXES

Mr. INHOFE. Mr. President, last session of the Congress, I introduced a bill, along with 30 other Senators, to prevent the imposition of global taxes on the United States. The bill would withhold 20 percent of our contributions to the United Nations' budget should the organization continue in advancing its global tax goals.

There are a lot of things they do. I know this body is divided in support of the United Nations. I, frankly, don't see a lot of good that they do. In fact, many of the things I find offensive all get started in the United Nations. But the fact is, there is an effort to get out from under any type of supervision from any of the member states of the United Nations.

The current efforts of the United Nations—and we are talking about organizations which are trying to replace the dues system so that we can no longer threaten to withhold 20 percent of our dues and come up with some type of a global tax independent funding system so they don't have to answer to anyone. The current efforts of the United Nations and other international organizations to develop, advocate, endorse, promote, and publicize proposals to raise revenue by instituting international taxes are unacceptable.

Last year, United Nations Ambassador John Bolton summarized the U.S. position in stating that although the U.S. fully supports increased development assistance, "the U.S. does not accept global aid targets or global taxes."

My bill is the latest development in a decade-long struggle against the desire of the United Nations to implement a global tax regime.

First, to articulate openly the U.N.'s movement toward global taxes was none other than Boutros-Boutros Ghali, and that was in 1996 in a speech he made at Oxford University in which he hopefully embraced the consent of global taxes and authoritarian world government. The then-Secretary General expressed the U.N.'s desire not to "be under the daily financial will of member states." Now, what he is talking about is the United States.

This statement warranted and resulted in congressional action, and I cosponsored Senator DOLE's bill at that time—this is 1996—to prevent U.N. global taxes, which passed both Houses of Congress and became law.

Our efforts were met with continued resistance and arrogance on the part of the United Nations. In that same year, the concept of global taxes was fully debated. That was after we passed our legislation.

A little later, the U.N. Development Programme Research Project resulted in a push for the Tobin Tax, which is a tax on international monetary transactions to go directly to the United Nations. This tax would net trillions of dollars annually.

The 2001 Zedillo report concluded that "there is a genuine need to establish, by international consensus, stable and contractual new sources of multilateral finance"—world taxes.

Over the next few years, the U.N. pushed for a tax on international arms sales and military expenditures, taxes on international airline tickets, taxes on international trade through an ocean freight tax, a global environmental levy, and all other types of global taxes.

The list goes on and on, but here are just the most recent examples of this movement: A 2004 United Nations University study on global taxation; the U.N.'s 2005 book called "New Sources of Development Finance" edited by A.B. Atkinson; a September 2005, United Nations "Millennium Development Goals" meeting addresses international airline ticket tax; Peter Wahl of the German organization, WEED, says international currency transactions taxes are "ready,"; and International Confederation of Free Trade Unions, which is an affiliation of the AFL–CIO, supports international taxes. The Clinton, Ford, and Gates Foundations participated in U.N. conferences pushing global taxes. George Soros's Open Society Institute and Oxfam America met at the "New Rules for Global Finance Coalition."

The U.N. is fascinated with these global tax schemes. It would be an unprecedented accumulation of power for the United Nations. We cannot concede any ground on this issue. Conceding on even one of these initiatives will only embolden the United Nations to go for more.

The same rules that apply to bureaucracies in the United States—gradual accumulation of more and more power and resources and coercive ability—apply to the United Nations in an even more dramatic manner. The IRS is a model of confidence, moderation, and responsibility when compared to the United Nations.

Unfortunately, the United Nations enjoys support from another international bureaucracy which has endorsed global tax efforts. It is the Paris-based Organization for Economic Cooperation and Development. In addition to its support of U.N. global tax schemes, the OECD, which receives 25 percent of its budget from the United States, has used U.S. taxpayer money in turn to encourage and support higher taxes on U.S. taxpayers.

Now, keep in mind, this is something we are supporting, to encourage increasing U.S. taxes. For these reasons, I had the following language included in the Foreign Operations appropriations bill:

> None of the funds made available in this act may be used to fund activities or projects undertaken by the Organization for Economic Cooperation and Development that are designed to hinder the flow of capital and jobs from high-tax jurisdictions to low-tax jurisdictions, or to infringe on the sovereign right of jurisdictions to determine their own domestic policies.

Of course, we know what has happened to the appropriations bills currently. It is very simple and straightforward. If you want to advocate for higher taxes and global taxes on U.S. taxpayers, U.S. taxpayers would not be forced to foot the bill.

Let's quickly look at some of the reasons for this language and the case against the OECD. The OECD has endorsed and encouraged higher taxes, new taxes, and global taxes no fewer than 24 times in reports with titles such as "Toward Global Tax Cooperation" in which the OECD identifies 35 nations guilty of harmful tax competition. I am quoting there: "Guilty of harmful tax competition."

In other words, they want us to have taxes as high as any of the other countries have.

They have advocated that the U.S. adopt a costly and bureaucratic value added tax, a 40-cent increase in the gas tax, a carbon tax, a fertilizer tax, ending the deductibility of state and local taxes from federal taxes, new taxes at the state level, and a host of other new and innovative taxes on U.S. citizens.

It's not only the recommending of higher taxes which concerns us; the ultimate concern is the movement towards undermining U.S. sovereignty. Ecogroups such as the Friends of the Earth want the OECD to declare that dam building for flood control and electronic power is unacceptable as sustainable energy. In May 2005, the OECD ministers endorsed a proposal at the UN to create a system of global taxes.

The OECD has stated explicitly that low-tax policies unfairly erode the tax bases of other countries and distort the location of capital and services.

What we have here are Paris-based bureaucrats seeking to protect high tax welfare states from the free market.

That's why the OECD goes on to say that free-market tax competition may hamper the application of progressive tax rates and the achievement of redistributive goals. Clearly, free market tax competition makes it harder to implement socialistic welfare states. The free market evidently hasn't been fair to socialistic welfare states. Well, it is a good thing that they have the OECD and nearly $100 million in U.S. taxpayer money to protect them.

Noted economist Walter Williams clearly sees the direction in which this is headed when he says that the bottom line agenda for the OECD is to establish a tax cartel where nations get together and collude on taxes.

Treasury secretary Paul O'Neill seconded that when he said that he was troubled by the underlying premise that low tax rates are somehow suspect and by the notion that any country . . . should interfere in any other country's tax policy.

And John Bolton argued that the OECD represents a kind of worldwide centralization of governments and interest groups. Who do you think bears the costs for all this? Mr. Bolton answers and you probably guessed it—the United States.

America's proud history of independence was driven in no small part by the desire for sovereignty over taxation powers. In this context, it makes no sense to relegate our sovereignty over tax policy, in any way, to international bureaucrats.

It's very simple. U.S. taxpayers are being forced to fund a bunch of international bureaucrats who write, speak, organize, and advocate in support of higher taxes, global taxes, and the gradual erosion of American sovereignty over its domestic fiscal policies.

If individual Americans want to give their money to an organization which is dedicated to raising taxes, they can. It is called the Democratic Party. But most Americans would be outraged to learn that they are forced to subsidize these types of activities with their tax dollars.

I yield the floor.

The PRESIDING OFFICER (Mr. PRYOR). The Senator from Montana.

HONORING LES SKRAMSTAD

Mr. BAUCUS. Mr. President, I rise today to pay tribute to a Montanan who died Saturday night at his home in Libby, MT. Libby is a small town up in the northwest corner of my State.

Les Skramstad was not only an outspoken advocate for his town, which was horribly wronged at the hands of W.R. Grace, but he was also my friend.

I first met Les in Libby in the year 2000, shortly after news reports attributed hundreds of deaths to asbestos exposure from decades of vermiculite mining there.

We sat down in Gayla Benefield's living room. There were about 25 people who were very ill. Over huckleberry pie and coffee, the group explained to me the horrific legacy Grace had left behind. And although I had read the reports and briefing papers on the situation, that was the first time I had seen asbestos exposure up close. And, it was gut wrenching. I will never forget it—as long as I live.

They opened their hearts and poured out unimaginable stories of suffering and tragedy. I was absolutely stunned. It was at that moment that I vowed to myself that I'll do whatever it takes to help Libby become whole again.

Entire families—fathers, mothers, uncles, aunts, sons and daughters are all sick. Hundreds are dead.

They are bound together by one thing: their exposure to tremolite asbestos, mined by W.R. Grace.

That night at Gayla's, when I first met Les, he watched me closely all evening. He was wary and came up to me after his friends and neighbors had finished speaking.

Les said to me, "Senator, a lot of people have come to Libby and told us they would help, then they leave and we never hear from them again."

"Max," he said, "please, as a man like me—as someone's father too, as someone's husband, as someone's son, help me. Help us. Help us make this town safe for Libby's sons and daughters not even born yet."

Les worked at the vermiculite mine starting in 1959. He told me about the dust he swept every day—off of three separate floors at the mine. And although company officials said the dust was harmless, that's what ultimately took his life. And that dust is what has made his wife and children sick, too.

You see, that dust was laden with tremolite asbestos fibers. When he got home, he would hug his wife. His kids would jump up in his lap.

I think he was less worried about his own fate. It was as if Les had accepted that he was going to die. But the thing that got to him most was that he brought that dust home with him. He wanted justice for his family and friends. That night I told him I would do all that I could. That I wouldn't back down. That I wouldn't give up.

Les accepted my offer and then pointed his finger and said to me, "I'll be watching Senator."

I knew Les would. I also knew he didn't have to because I had already vowed to myself I would do all I could, even without Les' encouragement.

Over the years Les and I worked together to help Libby. We became friends in the process. I counted on seeing him every time I went to Libby. I have been up to Libby almost 20 times since then. I talked to Les on the phone. I visited him in the hospital.

Les is my inspiration in the fight to get Libby a clean bill of health and justice for its residents. He is the face of hundreds and thousands of sick and exposed folks in this tiny Montana community.

Les—working with others in the community—became an outspoken advocate for Libby. He put a personal face on asbestos contamination. He provided a straightforward look into the lives of people hurt by Grace and the poisonous asbestos fibers they left behind. Les was a true Western gentleman. And he was very effective.

It has been 8 years since this tragedy first came to light. We have made a lot of progress in Libby.

We launched the Center for Asbestos Related Diseases, which has screened and provided health care to thousands of Libby residents.

We kicked the EPA into gear and got Libby listed as a national Superfund site.

We secured millions for cleanup, health care, and economic development in Libby.

But sadly, there is still much more to do. Much more. Libby residents deserve compensation for their injuries. They deserve health care. They deserve to see those responsible go to prison for what they did. They deserve to know that their town is clean of asbestos.

What I knew about Les makes this news very sad to me, personally. I am sad for his family. I am sad for his friends. I am sad for Libby.

I am also angry at W.R. Grace, which knowingly poisoned its workers. I am angry that justice still has not been done in Libby. I am angry that we haven't been able to do more.

But we won't give up. We will keep fighting for Les and Libby. Les' passing only furthers my resolve to try harder. To do more. We won't let up. We will not stop.

When I get tired, I think of Les. And I can't shake what he asked me to do.

In all of my years as an elected official, helping Libby is among the most personally compelling things I have ever been called on to do.

I will keep the promise I made to Les that night at Gayla's house.

Les was a fighter to the end. He recently minced no words about his feelings towards Grace.

He told the Missoulian newspaper, quote: "There's not a doubt in my mind that [they] are guilty of murder."

"I started in 1959 and I was as healthy as a horse," he said. "I knew all the guys that worked there, 135 employees when I was there. And there's five of us left alive. Five. The rest of them are gone."

Now, sadly, so is Les.

The Book of Proverbs says: "righteousness delivers from death." And if that is true, then Les will certainly be delivered.

My prayers are with Les' wife Norita, his family and friends, and the people of Libby.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

FAIR MINIMUM WAGE ACT OF 2007

The PRESIDING OFFICER. Under the previous order, the hour of 2 p.m. having arrived, the Senate will proceed to the consideration of H.R. 2, which the clerk will report by title.

The assistant legislative clerk read as follows:

A bill (H.R. 2) to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage.

The PRESIDING OFFICER. The majority leader is recognized.

AMENDMENT NO. 100

(Purpose: In the nature of a substitute)

Mr. REID. Mr. President, I send a substitute to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for Mr. BAUCUS, proposes an amendment numbered 100.

Mr. REID. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. REID. Mr. President, that amendment is on behalf of Senator BAUCUS. I failed to mention that.

The PRESIDING OFFICER. The Republican leader is recognized.

AMENDMENT NO. 101 TO AMENDMENT NO. 100

(Purpose: To provide Congress a second look at wasteful spending by establishing enhanced rescission authority under fast-track procedures)

Mr. MCCONNELL. Mr. President, I believe there is an amendment of Senator GREGG's at the desk. I call it up for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL], for Mr. GREGG, for himself, Mr. DEMINT, Mr. MCCONNELL, Mr. LOTT, Mr. KYL, Mrs. HUTCHISON, Mr. CORNYN, Mr. ALLARD, Mr. CRAPO, Mr. BUNNING, Mr. VITTER, Mr. BROWNBACK, Mrs. DOLE, Mr. ALEXANDER, Mr. THOMAS, Mr. CRAIG, Mr. BURR, Mr. MCCAIN, Mr. SUNUNU, Mr. ENZI, Mr. MARTINEZ, Mr. CHAMBLISS, Mr. SESSIONS, Mr. COLEMAN, Mr. GRAHAM, Mr. VOINOVICH, Mr. ISAKSON, Mr. COBURN, Mr. ENSIGN, and Mr. THUNE, proposes an amendment numbered 101 to amendment No. 100.

(The amendment is printed in today's RECORD under "Text of Amendments.")

The PRESIDING OFFICER. The majority leader.

CLOTURE MOTION

Mr. REID. Mr. President, I send to the desk a motion to invoke cloture.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the pending Gregg amendment No. 101 to the substitute amendment to H.R. 2, a bill to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage.

Harry Reid, Mitch McConnell, Judd Gregg, Craig Thomas, John E. Sununu, James Inhofe, Jon Kyl, Johnny Isakson, Tom Coburn, Mike Crapo, Wayne Allard, Lamar Alexander, John Cornyn, Jim Bunning, John Ensign, David Vitter, Bob Corker.

Mr. REID. Mr. President, let me say briefly, we are now at the point where we said we would be last week. Again, I have said on a number of occasions that I appreciate the courtesy of the Senator from New Hampshire. This is an issue which he believes in very strongly. I just finished a conversation with Senator BYRD in his office a short time ago, and he does not believe in it. This is what legislation is all about, and we look forward to voting on this amendment. We will vote on it Wednesday, or we will, as I said, meet with the distinguished Republican leader later today and we will decide if we need to vote on it more quickly or we need to take all that time—whatever the rules call for, unless we are able to work with Senator GREGG and Senator MCCONNELL to move that more quickly.

The PRESIDING OFFICER. The Republican leader.

Mr. MCCONNELL. Yes. Let me indicate my admiration for Senator GREGG in persisting in offering this very important amendment.

I thank the majority leader for working with us to get consideration of this extremely important measure, and we look forward to beginning the debate.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, if the leaders have completed their statements, I would ask for recognition.

Mr. President, first, let me begin by thanking the majority leader and the Republican leader for their efforts here in allowing me to bring forward this amendment at this time. As we know, 2 weeks ago I offered this amendment. At the time, I offered it because I felt it was appropriate to the lobbying reform vehicle, as the lobbying reform vehicle had been greatly involved in the issue of what is known as earmarks. Earmarks are where certain Senators put specific language into a bill which allows spending to occur for a specific item.

I am not inherently opposed to earmarks. Many are very genuinely of good purpose. And I have used it in cases to benefit programs which I thought were appropriate. In fact, I think the legislative branch has a right to direct spending. If you do not direct spending as a legislative branch, then the executive branch has the authority to direct spending, and the practical effect of that is the legislative branch is giving up one of its key powers, which is the power over spending.

However, there have, over the years, been abuses of the earmark process. We all know that. We have seen it. And there have actually been abuses which have been unethical. We have seen that in recent times. So the key, I believe, to earmark reform is transparency and allowing the Congress and the people we represent to see what is being earmarked, and allow the Congress to actually have to vote on it.

The idea of the enhanced rescission proposal, which I have here—and I call it a second-look-at-waste proposal—is to allow the President to send back to the Congress items which he or she feels were inappropriately put in some other bill and which did not receive an up-or-down vote.

Now, how could that happen, people might ask? It happens very simply. A lot of vehicles we pass here, a lot of laws we pass here, a lot of spending proposals we pass here involve literally tens of billions, sometimes hundreds of billions of dollars in spending. What will happen is these bills, which have these huge conglomerates of spending activity in them—which are known as omnibus bills—sometimes we find embedded in them little items, smaller items of spending which were put in there for the purposes of accomplishing specific activity by Members of the Congress, sometimes at the specific request of people who have been asking for those programs.

The President, of course, does not have the choice of going in and saying: Well, that is a bad program or that is an inappropriate program. He or she must sign the entire bill, the whole bill—a $10 billion bill, $100 billion bill, $300 billion bill. That bill must be signed in its entirety. Pieces of it cannot be separated out.

So what this second-look-at-waste amendment does is allow the President, on four different occasions, to send back to the Congress a group of what would be earmarks in most instances for the Congress to vote on again, and essentially say to the Congress: Well, those items which were buried in this great big bill—those specific little items—should be reviewed and Congress should have to vote them up or down.

Congress then, by a majority vote, must vote on whether it approves those specific spending items. That is called enhanced rescission. It is not a line-item veto. A line-item veto is where the President can go in and line-item out a specific item and then send it back to the Congress, and the Congress by a two-thirds vote must vote to override the President's proposal to eliminate the spending. In this instance, the Congress retains the right to spend this money if a majority of the Congress decides to spend the money in either House—in either House.

So as a practical matter, it is a much weaker—dramatically weaker—proposal than what is known as the line-item veto, which passed here in the early 1990s and was ruled unconstitutional. In fact, this amendment has been drafted so it will be constitutional. And, in fact, it has been drafted in a way that basically tracks rather precisely and very closely the language that was offered by Senator Daschle and Senator BYRD back in 1995 and was then called enhanced rescission.

We made one major change in the initiative which we proposed last week to make it even closer to the language of Senator Daschle and Senator BYRD in that we have included in this proposal, which has been filed here today, enhanced rescission which includes the right to strike. What does that mean? That means the Senate will have the right to look at the package of rescissions sent up by the President, which might be two, it might be three, it might be 10, and the Senate does not have to vote up or down the entire package; the Senate can actually go in and vote up or down specific items within that. So it even gives the Senate, and the House for that matter, significantly more authority over this process.

The proposal we are putting forward is what we call second look at waste, what was called, back in 1995 when it was offered by Senator Daschle and Senator BYRD, fast-track rescission. It is not a line-item veto.

I want to reinforce this point because what is shown on this chart references the Daschle language of 1995 and the amendment which we have offered today. You can see that the two agree on almost all the key elements.

The Daschle language established a fast-track process for consideration of Presidential rescissions. We do the same thing. The Daschle language required congressional affirmation of the rescissions. We do the same thing. The Daschle language allowed the President to suspend funds for a maximum of 45 days. We do the same thing.

On the left side of the chart are Senator Daschle's proposals, supported by Senator BYRD and 20 other Members on that side of the aisle. It did not permit the President to resubmit a submitted rescission request. We do the same thing.

It allowed for the rescission of discretionary funding and targeted tax benefits. We do the same thing—only allowed motions to strike, no amendments. So you can move to strike, the same thing as the Daschle amendment. It required rescinded savings to go to the deficit so it could not be respent. That also we do.

Now, the two big changes we have from Senator Daschle's proposal: We allow rescissions of new mandatory programs, not existing mandatory programs. You cannot go in and rescind a farm program that already exists or a VA program that exists. No. A new mandatory program. And we do not allow the rescissions to occur as often, or the President to send up as many rescissions as he could have under Senator Daschle's and Senator BYRD's amendment. We only allow the President to send up four rescission requests. Under Senator Daschle's and Senator BYRD's amendment, you could arguably send up 13 rescission requests. So we have significantly limited the ability of the President to sort of game the system and also tie up the Congress.

It is important to understand this change we have made actually significantly increases congressional authority over the rescission process, as does this one. This other change gives the President additional activity on congressional mandatory spending. Why did we put that in there? Well, because today 60 percent of Federal spending is mandatory spending. The simple fact is that if you do not address mandatory spending in new mandatory programs, then you are taking out the ability to address the budget in a significant way.

Now, I noticed Senator CONRAD, in one of his very well-stated statements in regard to this enhanced rescission, second-look-at-waste program, said: Well, this puts a gaping hole in any agreement that would be reached between the Senate and the President on how to handle even entitlements. I do not believe that. I do not believe that. I think if the Senate and the President reach an agreement on how to handle entitlements, part of that agreement is going to be that the enhanced rescission program that is proposed here is not going to apply. That is logical, reasonable, and the way it is going to work.

Obviously, the Congress is not going to give up that much authority if we are going to reach that type of agreement, and I do hope we reach such agreement. That would be good for us as a Nation.

Again, I emphasize we have put in this new amendment, as it has been sent up, the motion to strike. This was an issue of considerable disagreement on the floor. A lot of Members believed that by not giving us a motion to strike, we were giving too much power to the executive on the issue of enhanced rescission. Senator Daschle and Senator BYRD, in their amendment in 1995, had that language. The administration is not happy with that language. I can argue it both ways. But I think in order to have consistency between both and because it is a significant right to retain with the legislative branch, we have put it back in.

I also think it is important to note that any savings go to deficit reduction. Deficit reduction should be our goal. If the President sends up something he thinks is wasteful and we agree, let's rescind it and send it to reduce the deficit rather than rescinding it and sending it on to be spent. That makes a lot of sense.

To show you how different this is than the line-item veto, back in 1995, when we had the line-item veto—and remember, when we passed it, 11 members of the other party who are presently serving in the Senate voted for the line-item veto: Senators BAUCUS, BIDEN, DORGAN, FEINGOLD, FEINSTEIN, HARKIN, KENNEDY, KERRY, KOHL, LIEBERMAN, and WYDEN; I voted for the line-item veto—that was ruled unconstitutional. That was dramatically more power given to the executive. This basically gives no power to the executive other than to ask the Congress to take another look and vote again. So one would presume that the folks who voted for the line-item veto back in 1995, unless they have changed their view, would be supportive of a much more weaker fast-track rescission approach in 2007.

In addition, the Daschle amendment, which was supported by Senator BYRD and others, had 20 Democratic cosponsors—and it was essentially the same amendment we are offering today—Senators AKAKA, BAUCUS, BIDEN, BINGAMAN, BOXER, BYRD, CONRAD, DODD, DORGAN, FEINGOLD, HARKIN, INOUYE, KOHL, LAUTENBERG, LEAHY, LEVIN, MIKULSKI, MURRAY, REID, and ROCKEFELLER. All supported the Daschle rescission language, which is essentially the language we have offered today, especially now that we put in language relative to a motion to strike.

To read a couple quotes that I believe are informative and accurate, back in 1995, Senator FEINSTEIN said about the proposal:

> Really, what a line-item veto is all about is deterrence, and that deterrence is aimed at pork barrel [spending]. I sincerely believe that a line-item veto will work.

Senator FEINGOLD said:

> The line-item veto is about getting rid of those items after the President has them on his desk. I think this will prove to be a useful tool in eliminating some of the things that have happened in the Congress that have been held up really to public ridicule.

That is the line-item veto they were talking about, a much stronger language than this enhanced rescission language.

Senator BYRD on the Daschle language said:

> The Daschle substitute does not result in any shift of power from the legislative branch to the executive. It is clear cut. It gives the President the opportunity to get a vote . . . So I am 100 percent behind the substitute by Mr. Daschle.

Senator DODD said:

> I support the substitute offered by Senator Daschle. I believe it is a reasonable line-item veto alternative. It requires both houses of Congress to vote on the President's rescission list and sets up a fast-track procedure to ensure that a vote occurs in a prompt and timely manner.

That is an accurate statement as to what it does.

Then, Senator LEVIN, in March 1996—all these quotes are from 1995-96—

> I, for instance, very much favor the version which the Senator from West Virginia has offered, which will be voted upon later this afternoon. That so-called expedited rescission process, it seems to me, is constitutional and is something which we can in good conscience, at least I can in good conscience, support.

Senator LEVIN is one of our true constitutional scholars in this institution.

And Senator BIDEN, in 1996, said:

> Mr. President, I have long supported an experiment with a line-item veto power for the President.

So he supported the line-item veto. Again, I note that this is nowhere near the line-item veto language.

In fact, this language has been vetted, vetted aggressively, not only by Senator Daschle when he offered it back in 1995 but since then with a variety of individuals who are constitutional scholars, to make sure it settles the issue and does not, in any way, take from the Congress the power of the purse, which is the issue that, of course, was raised against the line-item veto in Clinton v. The City of New York, which struck down the line-item veto on the grounds that it did go too far in violating the presentment clause. This language does not do that because it retains to the Senate and to the House absolute authority over spending. It simply asks them, through the Executive, to take a second look at an item that might otherwise—and, in fact, for all practical purposes—never get a clear vote. It was something that was buried in some larger bill. Because we have retained the right to strike, we have even gone further by saying that the entire package which the President sends up, assuming he sent up more than one item to rescind, would be subject to a right to strike.

So the Congress has the ability to pick and choose in its second-look process as to what it thinks makes sense and what it doesn't think makes sense. There is probably going to be a lot of stuff sent up that the Congress agrees with, because some things happen in these major bills where items get in that people don't notice, and certainly a majority of the Congress feels, if they took another look at it, they would not be inclined to support.

Equally important is the restriction on the President, which is different from the Daschle-Byrd amendment, which is that we only allow him to do this four times. That is important. I am willing to go back from four and maybe take it back further. Senator LOTT came to the floor and said he didn't like the idea of four. If we get this thing moving along, I am willing to take a look at less rescission packages. But the President, under the original Daschle amendment in 1995, had 13 shots at the apple because he could do it on each appropriations bill. At that time, we had 13 appropriations bills; now we have 12. But today, under this amendment, he will only have four chances to package ideas, initiatives he thinks were inappropriately buried in some bill, send them back up and say: Take another look at this. I have to get 51 votes to support taking out this item.

What is the purpose of all this? That is the technical purpose in describing it, but what is the real purpose of all this? The real purpose is to get to the issue of managing the Federal purse. Congress has the right to the Federal purse. That is the most important power Congress has. I have listened to the explanation of the Senator from West Virginia on this for many years, and he says it more eloquently than anyone else. Everyone has to agree with his position. The power of the purse is the power of the legislative branch. But this is about managing that power. This is about when a bill comes roaring through that has $300 or $400, $500 billion of initiative in it, called an omnibus bill usually, and you have to pass it because the Government closes if you don't. This is about saying: All right, there is going to be a process where we can take another look at some specific items in that bill without giving up to the Executive power which the Executive should not have, which is the capacity to line item something and force us into a supermajority.

That is what this is about. That is why I presume Senator Daschle offered it back in 1995, and that is why I offer it today. In the end, it is going to give us better discipline over our own fiscal house. It is going to make us better stewards of the taxpayers' dollars. We will be able to say to the taxpayer: Yes, that bill may have been a $500 billion bill. Maybe there were some things in there that we shouldn't have done. We are going take a second look at it to make sure those things were not wasteful. We are going to pass the bill because we need to pass the bill to keep the Government going, but we will have a chance to take a second look. It is just good management, without giving up the authority of the legislative branch, in my humble opinion.

I hope that Members who take a look at this will consider it carefully. I know it has been caught up in the dialog of politics. I regret that. I regret that last week it got caught up and was represented by some as being an attempt to poison the lobbying bill.

That was never my intention. I didn't even think of that, quite honestly, when I offered this amendment. I didn't know it was going to be so controversial. I thought I would just get a vote.

That was not my intention, and I don't think it was anybody's intention on our side. It got caught up in the broader fight of what we do sometimes around here. We let process overwhelm substance. It got characterized by the talking head community out there as both a legislative attempt to kill the lobbying bill and a legislative attempt to show the power of the minority. It wasn't any of that. It was simply an attempt by me to bring forward what I thought was good legislation which would be constructive to our process of fiscal discipline, which happens to be one of my high priorities.

Now it is on the minimum wage bill. I greatly appreciate the Senator from Nevada and especially the Senator from Massachusetts and the Senator from Wyoming, who have to manage this bill, being courteous enough to allow their bill to already have an amendment on it that maybe isn't immediately related to their bill. This, however, was not my choice. I would have preferred to have it on the lobbying bill, which it was immediately related to. That was an earmark bill. That had a lot to do with earmarks. This has a lot to do with earmarks. But nobody can argue that this is the wrong vehicle because I didn't choose this vehicle. This vehicle was chosen for me. That is why we are doing it here.

When we get to the motion on cloture, I hope people will vote for it on its merits and will not vote for it on some procedural argument, such as this is the wrong vehicle. Because I think people are sort of estopped, to use one of our legal phrases—I remember that phrase from law school—from claiming that this is the wrong vehicle. Because as a practical matter, I was told to put it on this vehicle. I didn't choose it. I was told. I am trying to be helpful. So that is why it is here.

That is the presentation in brief. There will be more discussion as we move down the road. I look forward to hearing from everyone. I hope people will take a hard look at the actual substance of the amendment. Substantively, it is not a line-item veto. It is essentially the "daughter of Daschle," for lack of a better term. I would hope that we would consider it on its merits as such. It will give us a chance to govern better and to handle the purse, which we are charged with by our constituents, more frugally and efficiently.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. I thank the Chair.

Mr. President, may I ask the Chair, there is no time limitation on speeches at this point, is there?

The PRESIDING OFFICER. There is no time limit in effect.

Mr. BYRD. Mr. President, the very able and distinguished Senator from Kansas wants to speak for 5 minutes or more. I ask unanimous consent that I may yield to the distinguished Senator for 5 minutes or 6 or 7 minutes or whatever he wants at this time, without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, how much time does the Senator want?

Mr. ROBERTS. Mr. President, I believe I can get my remarks done in 5 or 6 minutes.

Mr. BYRD. The Senator doesn't have to be in a great hurry. I know the Senator is reasonable and he will take such time as he may desire and it is not going to be too much. I yield to the Senator for that purpose without losing my right to the floor.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

WESTERN KANSAS SNOWSTORMS

Mr. ROBERTS. Mr. President, I am going to address a decision that has just been announced by FEMA regarding emergency assistance to the citizens of my State of Kansas.

I rise today to thank all those who have aided thousands and thousands of Kansans stranded by snow and ice over the course of the past few weeks. I want to give them some much needed good news.

First, let us remember the situation. Late last month, a large winter storm spread over 30 inches of very heavy snow and up to 3 inches of ice on top of that over much of my State. Fifteen-foot drifts were very common in western Kansas. At the time, 65,000 Kansans were without power. Snow blocked all major roadways, and many impacted Kansans, many people in small communities, were able to survive only because their friends and neighbors pitched in to help each other.

I came to the Chamber in the aftermath of the storm with charts showing the damage—11,000 utility poles down, transmission lines down—and some very pertinent charts in regard to stranded livestock. I was worried about the state of assistance in our country out on the High Plains. Many financial and economic livelihoods were in danger. In Kansas, farmers remained unable to reach their herds of cattle and keep them fed and watered.

Quite frankly, I was a little worried about the Federal response. I know when we have disasters, FEMA responds as best they possibly can. We have heard a lot about Katrina and forest fires and floods and other situations, but here we had a record disaster in regard to a blizzard and ice in communities that were isolated. I was a little concerned about it. In the midst of this record destruction, let me say that the National Guard, the Department of Transportation, local emergency responders, nonprofit organizations, and regional FEMA representatives really stepped to the plate. Frankly, the swift and selfless response of so many has been almost overwhelming.

Almost immediately, in the wake of this storm, our Governor, Kathleen Sebelius, declared a state of emergency, and we all got to work. The National Guard, at the direction of GEN Tod Bunting, sprung to action, and they delivered bales of hay and generators to those with stranded cattle and also aided in emergency services with helicopters and any other equipment that would work under the circumstances.

The Red Cross, the Salvation Army, and the Association of General Contractors from the private sector also proved vital in providing Kansans simply a place to stay warm. I must particularly thank the State's emergency management officials, working with the regional FEMA office, for the countless hours they worked to expedite the requests for public assistance.

FEMA workers get a lot of brickbat when things get very tough and complicated and difficult. This time, they certainly deserve a great deal of credit. Over the course of the past few weeks, local governments and certain nonprofits serving Kansans needed their Federal Government desperately, and the cry for help was answered. But the best news came a few moments ago when I received a call from the FEMA office here in Washington. I received notice that all remaining categories of public assistance have been approved for the State of Kansas. This is the news we have been waiting for. This gives the State reimbursement for a large portion of the $360 million in damage that has been documented to date. It includes such vital assistance for public buildings and utility and road repair.

Mr. President, we believe in self-help in Kansas, and most of the time we can handle our own problems. But in working through this disaster, we desperately needed Federal help. Federal help came, and Federal help came in record time, and it came because of the cooperation of local and State and national organizations—primarily FEMA—and it was a situation where everybody worked together and got the job done.

On this particular occasion, let me say thank you to all of those people who worked so hard and all of the people in Kansas whom I am so proud to represent. I look forward to the receipt of this assistance and the continued support that our communities in Kansas have seen from all levels of government.

I yield the floor, and I yield my time back to the Senator from West Virginia. I thank him for allowing me to make this statement.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I ask unanimous consent that at the conclusion of the remarks of the Senator from West Virginia, the Senator from North Dakota, Mr. CONRAD, be recognized for 15 minutes, and then after Senator CONRAD, I be recognized, and after I am recognized, the Senator from Wyoming be recognized.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, I very much admire the able Senator from New Hampshire. I like him. As Shakespeare said, "He's a man after my own kidney." That about says it all, I guess. That is the way I feel about the Senator from New Hampshire. He and I served together in the last Congress as chairman and ranking member, respectively, of the Senate Appropriations Homeland Security Subcommittee. I also have the pleasure of serving with him on the Senate Budget Committee, where he has been chairman—and I mean chairman—and is now the ranking member.

The Senator from New Hampshire is one of the finest, one of the brightest, one of the most illustrious Senators serving today. I want Senators to know—and, of course, the CONGRESSIONAL RECORD will reflect—that as much as I oppose the line-item veto—and that is saying a mouthful—I very much respect the Senator from New Hampshire who has attached his name to it.

In his remarks last week on his line-item veto amendment, the very able Senator from New Hampshire, Mr. GREGG, noted that this is not a new issue before the Senate. He correctly noted that the Senate passed a line-item veto measure in 1996, which was later nullified by the U.S. Supreme Court—the highest court of the land—in 1998.

It is appropriate, very appropriate, that Senators know something about the history of this issue, particularly those Senators who were not here when the Senate last considered this piece of garbage called the line-item veto. I can say plenty about this line-item veto. I call it garbage. I can call it worst things than that, but I won't right now.

Senators will recall, I believe, that the House of Representatives in the early 1990s passed a series of legislative line-item vetoes, or expedited rescissions, like the one now before this body. Because of constitutional concerns and a lack of support, none of those bills ever passed the Senate.

Senators will recall that in the summer of 1993, I delivered 14 speeches—I mean, they were cracker jacks, and, man, that is not the end of the line, either—later published as "The Senate of the Roman Republic." They were addresses on the history of Roman constitutionalism on this very topic. Senators will recall that when the 104th Congress passed the Line-Item Veto Act of 1996, I was one of the most outspoken opponents.

I argued against giving any President—any President, any President, even a Democratic President; that makes no difference, even a Democratic President—a line-item veto or a or so-called enhanced rescission authority.

Senators will recall that after President Clinton signed into law the Line-Item Veto Act of 1996 I, ROBERT C. BYRD, a Senator from the State of West Virginia, joined with Senator CARL LEVIN and the late, God bless his name, Daniel Patrick Moynihan—oh, were he here today—in bringing suit—get that—in bringing suit in Federal court against the Director of the Office of Management and Budget, then Franklin Raines, arguing that the act unconstitutionally authorized the President to cancel certain spending and revenue measures without observing the procedures outlined in the presentment clause of article I, section 7.

That suit, Raines v. Byrd, was dismissed by the U.S. Supreme Court for lack of standing, but the arguments, I say, but the arguments were later validated in 1998, when the Court nullified the Line-Item Veto Act in Clinton v. City of New York.

Now, I am no stranger to this issue. I am no stranger to this issue. I have served with the eight Democratic and Republican Presidents since Harry Truman who have asked for line-item veto authority. And I have watched, as the Senate has said "no," n-o, no—the hardest word in the English language to say—I watched as the Senate has said "no" to all but one. And where the Senate erred in yielding to a President's request for such power, I was there when the Supreme Court nullified the Senate's actions. I was there.

The first question ever asked was asked of Adam. The first question ever asked—I hope the Chair is listening closely, my friend in the chair—in all of the centuries of the human race, the first question ever asked was: Adam, where art thou? I won't go into the time and place where that was asked. Everybody ought to know it. Adam, where art thou?

Well, where was ROBERT C. BYRD when the Supreme Court nullified the Senate's actions? I was there when the Supreme Court nullified the Senate's actions.

I do not speak lightly about this subject—hear me now, if you want to take me on, on this question—and to refer Shakespeare:

> And damned be him that first cries, "Hold, enough!"

I do not say it is a proposal that stands in stark defiance of the Constitution without many decades of congressional experience and a deep, deep reverence for the Constitution of the United States, and when I speak about line-item veto today, and in the coming days, if necessary, I speak to all Senators of both parties about the oaths we swear and particularly the one we take upon entry into this office.

We take an oath before God and man to support and defend the Constitution of the United States of America.

I speak today on a subject that broaches the most serious of constitutional questions. Now pending before the Senate is a legislative line-item veto proposal offered as an amendment by Senator GREGG and others to the minimum wage bill. The amendment would alter by statute the constitutional role of the President of the United States in the legislative process. The President does have a role in the legislative process. The amendment would alter by statute the constitutional role of the President in the legislative process. It would allow the President to sign a spending bill into law and then to strip from that bill any spending items he dislikes. Let me say that again.

I have already said that the amendment would alter by statute the constitutional role of the President in the legislative process. It would allow the President, one man, to sign a spending bill into law and then—get this—strip from that bill any spending items he dislikes.

Through a process known as expedited rescission, the President could force an additional vote by the Congress on spending items that do not mimic his budget request and impound the funding that he, the President of the United States, does not like until the Congress votes again.

Such a proposal is a lethal, aggrandizement of the Chief Executive's role in the legislative process. Lethal, deadly. Such a proposal is a lethal aggrandizement of the Chief Executive's role in the legislative process. It is a gross, colossal distortion of the congressional power of the purse. It is a dangerous, dangerous proposition, a wolf in sheep's clothing of fiscal responsibility. Wolf, wolf, wolf, that's what it is.

The Constitution, I say to Senators—hear me out there, my friends in West Virginia and throughout the land—the Constitution is explicit and precise about the role of the President in the legislative process. The President has a role in the legislative process. Read the Constitution, article I, section 7. Here is what it says:

> Every Bill which shall have passed the House of Representatives and the Senate, shall, before it become a Law, be presented to the President of the United States; if he approve he shall sign it, but if not he shall return it, with his Objections. . . .

The President must act within 10 days, Sundays excepted. And once he, the President, has decided to forgo a veto, it is his constitutional responsibility under article II to "take care that the laws be faithfully executed."

President George Washington interpreted his responsibility this way, and I quote the immortal first President of this land, the Father of our Country, the Commander in Chief at Valley Forge, George Washington. President George Washington interpreted his responsibility this way: "I"—meaning George Washington, the President of the United States—"must approve all the parts of a bill or reject it in toto"—totally. No other way. Take it or leave it.

> I must approve all the parts of a bill, or reject it in toto.

The Father of our Country was right. It isn't ROBERT BYRD talking. That was George Washington. Now come to ROBERT BYRD. I continue:

A legislative line-item veto effectively creates a third option for the President of the United States—a third option, talking about the line-item veto. It adds a new dimension to executive power, one that is not found in the Constitution. Instead of vetoing and returning a whole bill to the Congress before it becomes law, under the Gregg amendment, under the amendment by my distinguished friend Senator GREGG, the President can resubmit only those provisions he opposes, and he can do so after a bill becomes law. Did you get that? Instead of vetoing and returning a whole bill to the Congress before it becomes law, under the Gregg amendment—and I speak with great respect—the President can submit only those provisions he opposes and do so after a bill becomes law.

What are we doing here? The President can sign a bill into law and then strip it of the provisions that he doesn't like. Let me say that again. Are you hearing me? What am I doing? What am I saying here? I can't believe it. The President can sign a bill into law and then, after he has signed the bill into law, he can strip it of the provisions he does not like.

Have you ever heard of anything so radical? Instead of the President weighing in before a bill becomes law, he can ignore the pros and cons of debate and wait until well after it has become law. Am I in my senses when I read this? Can you believe it? He can literally ignore both public opinion and congressional debate and deliberation. He can pull out anything he does not like from legislation passed by both Houses of Congress—get that, now. This is one man downtown. He may be a Republican, he may be a Democrat, he may be a Socialist or whatever—whatever the people elect down there at the White House in the future. He can pull out anything he doesn't like from legislation that has been passed by both Houses of Congress and insist on a second run through the legislative process.

The Gregg amendment allows the President to decide what is in a bill considered by the Senate or not in a bill after it has become law. It would allow the President to decide when the Senate considers a spending or revenue item and under what political conditions the Senate considers these measures. Such a proposal is a dangerous departure from the separation of powers doctrine, which aims to prevent any one branch of the Government from seizing both the power to make and to execute a law. The separation of powers dividing inherently legislative and executive functions between two separate and equal branches is a fundamental defense against overzealous and unwise acts by either the President of the United States or the Congress of the United States.

In Federalist No. 51 James Madison writes—this is not ROBERT C. BYRD who wrote it. In Federalist No. 51, James Madison writes:

> But the great security against a gradual concentration of the several powers in the same department consists in giving to those who administer each department the necessary constitutional means and personal motives to resist encroachments of the others . . . Ambition must be made to counteract ambition. . . .

So by empowering the President to craft legislation, the Congress would be ceding the constitutional means of the people to resist executive encroachments.

Let me say that again. By empowering the President of the United States to craft legislation, the Congress would be ceding the constitutional means of the people to resist executive encroachments. For up to 1 year after every bill is passed and signed into law—get this—the President could use this power to manipulate Senators—how about that—or advance his political agenda. Any President. I am not just referring to Mr. Bush. I am starting with him, but I am talking about any President, Republican or Democrat. The President could use this power that Mr. GREGG's amendment would give to the President—remember, this isn't the last President, Mr. Bush. There will be others. The President could use this power to manipulate Senators or advance his political agenda. Under the Gregg amendment, a President could punish or reward recalcitrant Members of Congress by targeting or sparing their interests under the expedited rescission process.

Every debate between the Congress and the White House could be swayed, influenced, by this new power of the President of the United States to influence Senators: You, Mr. CONRAD; you, Mr. BYRD; you, Mr. and Mrs. or Miss Senator—he can use this power over Senators to influence them. What kind of power are we talking about? It would subject every Member and the interests of their constituents and States to the political capricious and unchecked whims of a Chief Executive.

You better think about this. You better think about it. The Gregg amendment provides the President, any President—Democratic, Republican or otherwise—with a mechanism to rewrite legislation after it has passed the Congress. Where are we going? Instead of 10 days to act on a bill, the Gregg amendment would provide the President with up to 365 days. Hear me, friends, Romans, countrymen. Friends, Americans, countrymen, lend me your ears. Instead of 10 days to act on a bill, the Gregg amendment would provide the President with up to 365 days to act on a bill. This is a provision that is unconstitutional on its face. I don't believe that Senator over there sitting in the chair, in the chair to my left, would go along with that. That is Senator CONRAD, for the record.

Within 10 days of the Congress submitting a bill to the President, we know if it has become the law of the land. Under the Gregg measure, nobody—except the President—for up to 1 year after an act is signed into law, will know if all of the provisions of a bill will be carried into effect. One can imagine the confusion of not knowing, for up to 1 year, whether all of the provisions of a single bill will become law. Imagine what happens if the Congress passes a major legislative package such as a Social Security and Medicare reform package, which affects the retirement and health care benefits of many millions of people and the payroll taxes of many millions more. Imagine the President dismantling that package, listen now. Imagine the President dismantling that package months after it has been passed by the Congress. Are you listening? Hear me. How wise and practical will this line-item veto seem then? This line-item veto is an anathema to the Framers' careful balancing of powers within the legislative process because it allows the President, any President, to aggressively—listen to me, my friends on the other side of the aisle; I am not just talking about Mr. Bush or Mr. Republican President—allows a President to aggressively impose his will on the legislative branch in regard to budgetary matters. I will say that once again. This line-item veto is an anathema to the Framers' careful balancing of powers within the legislative process because it allows a President, any President, to aggressively—and I mean aggressively—impose his, the President's, will, be he Republican or Democratic, on the legislative branch in regard to budgetary matters.

This line-item veto amendment goes far—and I mean far—beyond the President simply making recommendations to the Congress. It makes the President, any President, a lawmaker. It is a complete reversal of the legislative process. We do not need to rewrite the Constitution in order to legislate. We do not need to defer extraordinary and unconstitutional powers to the President, any President, in order to ensure that Congress uses its power of the purse in an ethical and rational and wise manner.

We should remember that the President has not exercised his existing constitutional authorities. The President—this President—has only vetoed one authorization bill, and he has never, never vetoed a spending or revenue bill. The President has not submitted a single rescission proposal as currently allowed under the Budget Act. Rather than dealing with the President's failed budget choices, the suggestion here today is that enlarging the President's power in the budget process will somehow magically—somehow magically—reduce these foreboding and menacing deficits. It will not. The suggestion here today is that handing the power to make laws to the President will somehow improve the quality of congressional budget decisions. This suggestion is without foundation. This nefarious line-item veto will only further politicize and degrade a process which is already too much of a political football.

Senators—Senator BYRD being one—take an oath—yes, an oath before God. The ancient Romans felt that an oath was sacred. They would give their lives—I won't go into Roman history at this point—they would give their lives to preserve an oath. Senators take an oath to preserve and protect the Constitution. A lack of understanding about the reasons for entrusting the purse strings to the hands of the Congress, and the unwise tax and spending decisions of this administration, must never, never be allowed to propel such an unconstitutional and dangerous as the legislative line-item veto.

I tell you, ladies and gentlemen, I will stand here until my bones crumble under me, until I have no further breath, if necessary, to let such a proposal become law. Why would we ever want to hand more power to a President who has already grabbed far too much power—any President? Why would we ever want to bargain away our most important tool for protecting the liberties of the people or for derailing a disastrous war? Why would we ever want to fall for this legislative pig-in-a-poke that could cripple this body, the Congress of the United States?

So I urge Senators to listen. This isn't the last word by any means that I could have, let alone many other Senators here. Resist this assault on the Constitution and the Congress. I urge Senators—yes, I urge Senators—Senators—there is no greater name under the Constitution. Who was that great Roman Emperor who said, when he was about to become the Emperor "I still revere the name of Senator." That is 476, I believe, A.D. It was Majorian, I believe, who said, "I still revere the name of Senator." Senator. Did you hear that?

I urge Senators to resist this assault. I am talking about a line-item veto now. You ain't heard nothing yet. I urge Senators to resist this assault on the Congress and on the Constitution of the United States and on the people, the people of the United States.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. CONRAD. Mr. President, I hope colleagues have been listening to the Senator from West Virginia, Mr. BYRD. He is a wise man. He is an experienced man. And what he has been warning this body about this amendment is the truth. This is a dangerous amendment. It is offered by somebody with whom I work closely. Senator GREGG is the former chairman of the Budget Committee. As the incoming chairman of the Budget Committee, we work together virtually every day. I respect him. I like him. But I believe this amendment is profoundly dangerous.

It is suggested that this amendment will help deal with our budget shortfall. It will not. Virtually everyone who has examined it will say it makes virtually no difference with respect to our deficits and debt. What it will do, without question, is transfer power to the President of the United States. Senator BYRD has made it clear that it is not a question of this President; it is a question of any President. Make no mistake, I believe this measure and any measure like it is unconstitutional.

The Founding Fathers had great wisdom. They did not want to repeat the abuses of the King, so they wanted the spending to be in the hands of the bodies closest to the people—the House of Representatives and the U.S. Senate. They did not want any individual, any President, to have the power of the purse because they recognized the inherent dangers in concentrating power in the hands of one person.

Anybody who has any doubt about how this would be used—perhaps by this President but certainly by some President—only needs to reflect on what has happened in the past when people had this kind of unchecked power. I was told by a colleague of ours who served in a State legislature about a situation where the Governor had this kind of power. She got legislation passed that was very important to her. She was called to the Governor's office, and the Governor had her legislation on one side of his desk and a bill he wanted on the other side of his desk. He told her: You know, I am probably going to have to line-item veto your legislation But I have this bill which is important to me, and if you could see your way clear on that, I might be able to help you on your legislation.

Anyone who doubts this President or a future President would use that power on Members of this body ought to think again.

The problems with this line-item veto proposal—and we know line-item veto proposals in the past have been declared unconstitutional by the Supreme Court. I believe this measure would be declared unconstitutional, but we shouldn't abdicate our responsibility. We shouldn't wait for the Supreme Court to make a judgment. We should make this judgment. This line-item veto proposal represents an abdication of congressional responsibility. It shifts too much power to the executive branch, and with very little impact on the deficit. It provides a President up to 1 year to submit rescission requests. It requires Congress to vote within 10 days. It provides no opportunity to filibuster proposed rescissions. And it allows a President to cancel new mandatory spending proposals passed by Congress, such as those dealing with Social Security, Medicare, veterans, and agriculture. Colleagues, that is an extraordinary grant of power to any President. Just with this final piece on mandatory spending, we know we have big problems in the future with Medicare and Social Security. We might labor for months to come to an agreement with the President on the future of those programs, and then under this amendment, after the difficult compromises had been reached, this President or a future President could go back and cherry-pick the provisions he or she did not like. I hope colleagues are listening. That is truly an extraordinary grant of power to this President or any President.

Here is what USA Today said last year in reference to line-item veto. They called it a convenient distraction.

> The vast bulk of the deficit is not the result of self-aggrandizing line items, infuriating as they are. The deficit is primarily caused by unwillingness to make hard choices on benefit programs or to levy the taxes to pay for the true cost of government.

A convenient distraction.

This is what the Roanoke Times said last year with respect to this or a similar proposal:

> The President already has the only tool he needs: the veto. That Bush has declined to challenge Congress in five-plus years is his choice. The White House no doubt sees reviving this debate as a means of distracting people from the missteps, miscalculations, mistruths, and mistakes that have dogged Bush and sent his approval rating south.
>
> The current problems are not systemic; they are ideological. A [line-item] veto will not magically grant lawmakers and the President fiscal discipline and economic sense.

Here is what the former Acting CBO Director, Mr. Marron, said in testimony before the House last year about line-item veto:

> Such tools, however, cannot establish fiscal discipline unless there is a political consensus to do so . . . In the absence of that consensus, the proposed changes to the rescission process . . . are unlikely to greatly affect the budget's bottom line.

The proponent of this amendment said this last year:

> Passage of the [line-item veto] legislation would be a "political victory" that would not address long-term problems posed by growing entitlement programs.

This is the statement of the author of this amendment last year.

He went on to say further:

> It would have "very little impact" on the budget deficit.

He was telling the truth.

Here is what a conservative columnist said about the line-item veto proposal, George Will.

> It would aggravate an imbalance in our constitutional system that has been growing for seven decades: The expansion of executive power at the expense of the legislature.

I hope colleagues are listening. I truly believe this is a dangerous amendment.

A scholar at the American Enterprise Institute went even further and called the proposal "shameful." This is what he said:

> The larger reality is that this [line-item] veto proposal gives the President a great additional mischief-making capability, to pluck out items to punish lawmakers he doesn't like, or to threaten individual lawmakers to get votes on other things, without having any noticeable impact on budget growth or restraint.

I hope colleagues are listening. We are going to have a change in President in 2 years. This amendment might live forever and fundamentally erode the basic concept of a House and a Senate and the division of powers between the legislative branch and the executive branch.

Mr. Ornstein, from the American Enterprise Institute, went on to say:

> More broadly, it simply shows the lack of institutional integrity and patriotism by the majority in Congress. They have lots of ways to put the responsibility of budget restraint where it belongs—on themselves. Instead, they willingly, even eagerly, try to turn their most basic power over to the President. Shameful, just shameful.

That was last year.

Senator GREGG has indicated his proposal closely tracks the proposal of our colleague, Senator Daschle, from 1995. It does not. There are significant differences.

Can the President propose to rescind a few mandatory items, such as Social Security and Medicare reforms? The Gregg proposal, yes; Senator Daschle, no. That is a profound difference. Mandatory proposals would be subject to the President's line-item veto under the Gregg amendment, not under the Daschle amendment. That proposal alone is enough to lead anyone who supported the Daschle proposal to oppose this one.

Second, can the President propose rescissions from multiple bills in one rescissions package? Under the Gregg measure, yes; under the Daschle proposal, no.

What difference does that make? Let me give an example. Remember the bridge to nowhere? That was something that people responded to, depending on its merits. A lot of people thought it was a waste of money. The President could couple that measure, which many would have supported in terms of elimination, with something that was less well-known that really had merit. Under the Gregg proposal, you could jackpot unpopular things with popular things and get them eliminated, giving the President an extraordinary power to leverage individual Members of Congress to get votes from them on completely unrelated matters.

For example, maybe the President puts up a controversial judge and then uses this power to leverage a Senator to vote for a judge that he might not otherwise support in exchange for allowing that Senator's spending proposal to go forward. That is a dangerous power.

Finally, how long does the President have to propose rescissions? Under the Daschle proposal, 20 days, or in the next budget; under the Gregg proposal, 1 year.

I truly believe this is an extraordinarily dangerous amendment. It is dangerous to the balance of powers between the executive branch and the legislative branch of Government. It is an extraordinary granting of power to a President. Remember, the next President might be of a different party. I would make this same speech if a Democrat were advancing it. I would make this same speech if a Democrat were the President of the United States.

This is a dangerous amendment. It will do virtually nothing about our deficit, but it will transfer power to a President who already has too much power.

I hope my colleagues pay very close attention to this debate. I hope they reject the Gregg amendment.

I thank the chairman and ranking member for their extraordinary courtesy today to allow this discussion to go forward before they have even given their opening remarks. That is truly extraordinary in terms of their graciousness. And we appreciate Senator KENNEDY and Senator ENZI.

Mr. BYRD. Will the Senator yield?

Mr. CONRAD. Yes.

Mr. BYRD. Let me thank him for this magnificent speech. Let me thank Senator KENNEDY and Senator ENZI for their remarkable patience and their consideration always. I thank the distinguished Senator for this magnificent speech.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, what is the business now before the Senate?

The PRESIDING OFFICER. Amendment No. 101, the McConnell for Gregg amendment to the Reid substitute to H.R. 2.

Mr. KENNEDY. The Reid substitute effectively is the increase in the minimum wage; am I correct?

The PRESIDING OFFICER (Mr. DURBIN). That is correct.

Mr. KENNEDY. Mr. President, I say to the Senator from West Virginia and to the Senator from North Dakota as well as the Senator from New Hampshire, this has been an enormously important 2 hours in terms of the discussion and debate about the proposal of the Senator from New Hampshire. Over this period of time I am very hopeful our colleagues paid close attention to this debate because it is an extremely important issue that stretches the whole question of constitutional powers, the relationship between the Executive and the Congress.

We have had these individuals speak to this issue. They are knowledgeable, thoughtful colleagues who have spent a good deal of time on this matter.

It is of enormous consequence, the outcome of this proposal. I am enormously appreciative particularly of Senator BYRD and Senator CONRAD for the excellence of their presentation and for the extremely convincing arguments they have made. The power of their arguments I find enormously compelling, and I hope our colleagues will consider it favorably as they make up their minds when we vote on this issue on Wednesday, the day after tomorrow.

This has been an extremely important debate. I am grateful to those who have participated in it. I thank, in particular, again, the Senator from West Virginia who is constant in his commitment and protection of the Constitution and the protection of the Senate as our Founding Fathers saw it and believed in it and chartered it in the Constitution. We are extremely grateful for this debate and discussion. I personally thank the Senator from West Virginia for bringing such clarity and recall of historical importance to this debate and discussion over the period of the last 2 hours. We are very grateful to him as we always are when he talks about the role of the Senate and also about the division of powers under the Constitution. We thank the Senator.

Mr. BYRD. Will the Senator yield?

Mr. KENNEDY. I am happy to yield.

Mr. BYRD. Mr. President, I thank the very able and highly respected Senator from Massachusetts, my favorite Senator of this age, for what he has said.

I thank the distinguished Senator from North Dakota for his remarkable statement. It will be in the RECORD for 1,000 years. There is nothing I could say to embellish it, to add to it, to subtract from it, or to comment on except to say it is one of the great speeches I have heard in this Senate. And I have heard a lot. I have been here a long time. Next year will be my 50th year. The Senator from North Dakota is a leader among men, a leader among Senators. I commend him. I thank him.

I thank all Senators, and I thank the Chair.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, we now bring the focus and attention of the Senate on an issue of enormous importance and consequence to working families in this country. Americans understand the issues of fairness. They understand the importance of work. Americans have believed, for a long period of time, if you work hard and play by the rules, you should not have to live in poverty in the United States of America. They have supported, Republicans and Democrats alike, a fair minimum wage over the period of the last 70 years. Republicans and Democrats alike have supported that concept, which is basic and fundamental in terms of a free society and a free economy. That is the issue we are going to address today because over the period of these last 10 years, we have had intense opposition from Republican leadership over an increase in the minimum wage.

Now, with the change of leadership in the House of Representatives and the Senate of the United States, our Democratic colleagues, with Speaker PELOSI, and now with Senator REID, have put this issue of fairness before the Senate as a priority issue.

We welcome the opportunity to address it. It is one that is easily comprehensible, and it should not take a long time to debate. There are still those in this body who oppose it, and we expect to have amendments to try to undermine this very simple and fundamental concept of saying to those individuals who are at the bottom rung of the economic ladder: If you work hard and play by the rules 40 hours a week in the United States of America, you ought to at least be able to have a wage so you are not going to continue to live in poverty. We are also trying to say, if you have a minimum wage job, that should not condemn you to a life in poverty.

Now, let me go back over what this minimum wage is all about and give some sense about who is affected by the minimum wage and what has happened to it in recent times.

This chart reflects where the minimum wage has been in terms of its purchasing power from 1960 to 2005. If you look at where we are, as of 2005, you see a steady decrease in the purchasing power of the minimum wage worker, who today earns $5.15 an hour. If you look back, again, in terms of the purchasing power of the minimum wage worker in the 1960s, it was about $7 an hour. It was close to $9 in 1967, 1968. And then it went along, and still the purchasing power was about $7 an hour. Then we saw the gradual decline through the 1980s. In spite of our efforts to get President Reagan to increase the minimum wage, we were unable to do so.

Then, we had two times where we got a very modest increase in the minimum wage, in 1991 and then again in 1997. But we have not seen an increase in the minimum wage in the last 10 years, and we have seen the purchasing power of the minimum wage worker reach perhaps its all-time low at the present time.

This red line on the chart indicates, with the passage of the increase in the minimum wage over a 2-year period, bringing it to $7.25, it would still be below the purchasing power of the 20 years between 1960 and 1980, but at least it would give increasing hope to millions of Americans who are working at the minimum wage.

This issue of the minimum wage is a women's issue because so many of those who receive the minimum wage are women. So it is a women's issue. So many of those women have children, so it is a children's issue and a women's issue. It is a family issue because how that family is going to live, depending upon where the minimum wage is, how that child is going to be brought up, is going to depend on what that parent is able to provide for that child.

So it is a women's issue. It is a children's issue. It is a civil rights issue because so many of those who enter the job market, who enter it at the minimum wage, are men and women of color. So it is a civil rights issue, a children's issue, a women's issue, and, most of all, a fairness issue. That is something the American people can understand.

This chart shows what has happened to productivity in the United States. Generally speaking, if you look back over the years of 1960, 1965, 1970, 1975, we see that the minimum wage related to the increase in productivity. As workers became more productive, an important part of that increased productivity was passed on to the workers themselves, as it should be in a fair society.

But what we see at the present time is that the productivity has increased 165 percent over the period of the last 45 years, and the minimum wage, in terms of the total purchasing power over that period of time, has actually gone down. The minimum wage has not only not kept up with productivity, it has even fallen further behind. Productivity was always the issue to be judged when we had debates on the minimum wage years ago that asked: What has happened to the increase in productivity? We can justify an increase in the minimum wage in terms of wages if they produce more. We have seen a dramatic increase in productivity but virtually no increase and a decline in the purchasing power of minimum wage workers.

Here we see the real minimum wage decline: Twenty percent in the 10 years of Republican opposition. The value of it in 1997, $13,448; in 2007, $10,700—$6,000 below the poverty level for a family of three.

And this chart shows the Federal poverty level in this country in 1960, 1965, 1970, 1975, all the way through 1980. For 20 years, this country said: OK, we will have a minimum wage, and we will keep it at least at the poverty level so individuals will not fall behind. If they work hard and play by the rules, they at least will not have to live in poverty. As this chart shows, we see now it is $6,000 below the poverty level for a family of three who is earning the minimum wage.

Since 1980, we have only had two increases in the minimum wage. Now, in the last 10 years, we have had none. That is the issue. Having to take the time to try to go through this and explain why we need an increase in the minimum wage, and why we are going to hear from the other side, those who are in opposition to it, is extraordinary to me with these figures.

Look what has happened. If we try to measure poverty in the Bush economy between 2000 and 2005, there are 5.4 million more people living in poverty today than in the year 2000, largely because of the failure of the Congress to increase the minimum wage. These are the figures. These are the statistics. They do not talk about real lives, how these people struggle. They do not tell about the lost dreams of these families. They do not talk about the shattered conditions of the children who are in these kinds of conditions.

There are 5½ million new people who have gone into poverty in the United States of America, the strongest economy in the world, basically as a result of the failure to increase the minimum wage.

Look what has happened to children. There are 1.3 million more children in poverty today than we had 5 years ago—1.3 million more children in poverty today—primarily because of the failure to increase the minimum wage.

Well, we have to ask ourselves: Where are we as a country and a nation in terms of child poverty? Look at this chart. Of all the industrialized nations of the world, the United States has the highest child poverty rate—the highest poverty rate for children in the industrialized world. There are the figures. There are the statistics. It is not even close, and it is going up.

While we are having the extraordinary profits on Wall Street, what is happening on Main Street? What is happening in the small communities, small farms, small towns, and in the major urban areas of this country? What is happening to the children of this Nation? There is not a person in this Chamber who, in the last 5 days, has not made a speech about how our future is about our children. Everyone goes out and talks about the importance of our children in our democracy and our country. Look what is happening. They talk about it and refuse to do something that can make a big difference. That is child poverty.

When you look at child poverty and look over the figures and statistics, there is nothing terribly surprising about this, with a national average of 17.6 percent. We see who takes the major burdens, the Latinos and African Americans, those women and children of color. We are trying to talk about one country and one society, one history, and, nonetheless, we see the growing disparity in the increased number of families in poverty, the disparity with the increased number of children in poverty, and the disparity between the various communities in our Nation.

Is this what this country wants? We are not saying that the total answer is the increase in the minimum wage, but it makes a major difference. And we can show you, and will show you, why that is so.

We see the figures now in terms of what has happened in terms of statistics. But what does this mean on some of the issues that relate to the conditions of our fellow citizens? Let's take the issue of hunger. Not many people are talking about the challenges and the problems of hunger in our society. This is from the USDA, household food security in the United States, pointing out the increasing number of families who are on the verge of hunger in our economy has increased by 2 million. In the industrialized world, we are No. 1 in child poverty, and we see an increasing number of our fellow citizens in terms of hunger.

How does that impact in terms of children? Mr. President, 12.4 million children are hungry now every single day in the United States of America, and that number is growing. We can look at the number of children who go to bed hungry at night. This quote is from Lisa Hamler-Fugitt, who is the executive director of the Ohio Association of Second Harvest Foodbanks:

> Thirty-five percent of the people that we serve are children.

Thirty-five percent are children.

> I see these children, and I think what are we teaching them? That in America, you can work 40 hours a week and still not earn enough to buy food?

That is what is happening. That is what is happening in the United States of America now, today. And we have to spend hours in this body, after we have had the adequate pay increases of $30,000 for Members of Congress in the last 10 years, and try to convince people to go to a $7.25 minimum wage? And we are going to hear opposition to this? This is what is happening out across this country.

So we know what is out there in terms of hunger, how this reflects itself, the fact that they are not getting the adequate income, how it impacts particular children in our society.

This reflects, at no surprise to anyone—this is the National Low Income Housing Coalition—about how many hours you have to work at the minimum wage to be able to afford a two-bedroom apartment. This is for an average family of three. These are the hours you have to work in 1 week. You would have to work 229 hours a week in my State of Massachusetts at the minimum wage to be able to afford it; 140 hours a week down in Louisiana. Across the country, out in the Southwest, we are looking at New Mexico; Arizona, 149 hours a week; Missouri, 119 hours a week; even Wyoming, 112 hours a week.

This illustrates pressures on these families, their difficulty to be able to provide food for their children, let alone providing for their housing.

The increase, this is how it reflects itself. We propose an increase in the minimum wage to $7.25. This is what it means. It means 2 years of childcare for a minimum wage family. It means full tuition at a community college. This is what it could mean to a family. It means a year and a half of heat and electricity. We have seen the reductions in the fuel assistance programs in the recent times, which has been devastating in my part of the country. It means more than a year of groceries. It means more than 8 months of rent.

This might not make a big deal of difference to a lot of people, but it makes an enormous amount of difference to these families who are earning the minimum wage. This is how it reflects itself: a year of groceries, 8 months of rent, a year and a half of heat and electricity, tuition at a community college—an opportunity for hope for some of these individuals—and also 2 years of childcare, to help with the problems in terms of childcare, the difficulty that these families have in trying to work for the minimum wage and have someone who is going to care and look out for their children. There are heartrending stories to that effect.

This chart reiterates the fact that the great majority, 60, 61 percent, of those working are women, so it is primarily a women's issue. Great numbers of those women have children, so this is a special issue for women.

Here we show that about 1.4 million single parents, most of whom are women, would benefit from an increase in the minimum wage. Some will say, on the one hand, it doesn't affect all that many people. Then why not have an increase in the minimum wage? It doesn't, in terms of the percentage increase in the total payroll of this country, it is infinitesimal, an increase in the minimum wage. I will come to that in a minute. But don't tell me it doesn't make a great deal of difference to the over 1 million single parents, most of whom are women, who would benefit from an increase in the minimum wage.

This tells the story of Diana, a single mother of three from Buffalo, who works for a childcare center, making the minimum wage. She has to rely on food stamps and Medicaid to provide for her family. Increasing the minimum wage will allow her to "decrease her reliance on government subsidies and . . . pursue her dream of self-sufficiency and a better life for herself and her family."

It is interesting, the fact that if we do not increase the minimum wage, we are effectively subsidizing many businesses. Because these families are eligible for food stamps or maybe some could get some fuel assistance, other kinds of support services, who do you think is paying for those programs? Working families. So you get a decent minimum wage out there, and it reduces the pressure on those programs. That means less pressure on our working families who are going to have to pay in.

The increase in the minimum wage will benefit more than 6 million children whose parents will receive a raise. Six million children in this country will benefit because of the increase in the minimum wage. It is a children's issue, a women's issue. This is what this is about.

What happens when children are living a better quality life? Look at this chart: Better attendance, concentration and performance at school, higher test scores and graduation rates. We are going to be debating No Child Left Behind. We are going to be wondering how we can make a difference in terms of children in our schools. There are a number of things that can make a difference to the children: a qualified teacher, classrooms where children can learn, supplementary services, parental involvement. A number of things can make a difference to the children. But one thing we know for sure: If the children can't see the blackboard, if they need glasses, or they can't hear a teacher because they need some kind of help, we tried to do this with the CHIP program to help them. In the CHIP program, it is not required, but a lot of States do provide those. But if the child is going to be hungry, the child is not going to pay attention. We have all kinds of examples for that. We will mention that at another time.

But 6.4 million children will benefit from an increase in the minimum wage: better concentration, performance at school, higher test scores, higher graduation rates, stronger immune systems, better health, fewer expensive hospital visits, fewer run-ins in the juvenile justice system—investing in the children. Again, 6.4 million will benefit from an increase in the minimum wage, and this will be part of the benefits that will come from those increases.

We have seen a higher minimum wage improves children's futures. For families living in poverty, a $400 increase in family income will dramatically increase children's test scores. This is from the Institute of Research on Poverty, on reading and math. This shows the difference in terms of the test scores. Children who are going to be fed, children who are going to have the kind of support do better in schools.

We mentioned earlier the problems of poverty falling disproportionately on those individuals of color. This chart shows that individuals of color benefit from the higher minimum wage. People of color make up 36 percent of all minimum wage workers. If we are able to get an increase in that, it will obviously benefit them.

We talked about children for a time and the impact it has on children. I will spend a few minutes talking about the number of elderly struggling with the problems of poverty. The number of elderly struggling will increase dramatically over the next several years. The best estimate—and this is by the Nation's poor, near-poor older population; it is a very important and significant study—shows the number of elderly who are going to live in poverty, increasing some 41 percent over the period of the next years. And we can understand that because we see the decline in wages according to age. This chart shows declining wages for men as well as women, all set in motion, again, by the issue about where they are going to start off on the minimum wage. So we are going to have significant increases.

This is the RAND study in terms of our seniors who are going to be living in poverty. They will certainly benefit from this.

Here is an elderly worker, Peggy Fraley, a 60-year-old grandmother from Wichita, KS, who works as a receptionist for $5.15 an hour. She lives with her daughter, who also earns the minimum wage, and her five grandchildren. She says: We can barely make it, but we have each other. That is richer sometimes.

This has a real impact. We have been talking a lot about statistics, but it affects people in the most basic and fundamental ways.

Over the period of these recent years where the Senate has failed to act, a number of States have moved ahead. You will see on this chart the red States are the States where they have a minimum wage which is higher than the Federal. These are red States as well as the blue States, with the minimum wage at or below the Federal level. This is what has happened in the country over the period of the last 10 years.

Now let's see, we have pointed out what has been happening in terms of children, people living in poverty, children in poverty. High minimum wage States, meaning those we have just mentioned here that have had some increase in the minimum wage, have lower poverty rates. That should not be surprising. It is all true. You can take it right across the line. The States that have increased their minimum wage are all below the national average in terms of the poverty rate, 12.7 percent. So this has a real impact. And look at what it has with regard to child poverty rates. Remember, I mentioned we are the No. 1 industrial society with the number of children living in poverty. Look what happens in the States where we have actually increased the minimum wage. Just about every one of those is below the national average on child poverty. Increasing the minimum wage has a real impact in terms of child poverty in this country.

I will show what has happened in some other countries. I will show what has happened in other States. Let's see what happened in other countries. We always hear, well, if we do this, it is going to be a disaster to the economy and, therefore, we can't afford to have that because we are going to lose jobs or we will slow down the economy. We are going to throw those people out of work we are trying to help. We are going to hurt their community and we will hurt their families. Right? Wrong.

Let's look at the two countries which have raised their minimum wage the most over the last 5 years. That is Great Britain and Ireland. What are the two countries in Europe that have the best economies? Britain and Ireland. What are their minimum wages? Great Britain is now $10.57 an hour. Ireland is $10.80 an hour. And what has been the result? They have the strongest economies and the second strongest economy, and Britain has brought 2 million children out of poverty. Ireland has reduced its number of children who are in poverty by 40 percent. Look at this: Child poverty, dramatic increase in the minimum wage. They have a strong economy and a dramatic reduction in child poverty. And here we have an increase in child poverty, keeping the minimum wage.

Look at what has happened in terms of Great Britain. They have taken 2 million children out of poverty, and we have seen 1.4 million children go into poverty. Five years ago, Great Britain had the highest number of children in poverty of any of the European countries. And Tony Blair, to his credit, said: We are going to do something about it, and we are going to effectively eliminate child poverty in this decade. They are well on the way to doing so, demonstrating what we have said. That is, you can make a difference with regard to children. You can make a difference in terms of the issues of poverty by increasing the minimum wage.

Now let me take the States. What has happened to the States? You can say that is interesting, what has happened in those countries. But let's take a look at the States that have had an increase in the minimum wage. States with higher minimum wages create more jobs. This is from the Fiscal Policy Institute, March 30, 2006, overall employment growth from January 1998 to January 2006. In the 11 States with a minimum wage higher than $5.15, it has been 9.7 percent. In States with the minimum wage at $5.15, it is 7.5 percent. I thought if you raised the minimum wage, it was supposed to go down. You weren't supposed to grow as fast. And you weren't supposed to have increasing employment. But quite clearly, this isn't the fact.

Let's take the States where they are creating businesses. People say, if you raise the minimum wage, we are going to put a lot of businesses out of work. Is that right? No, that is wrong, too. Here are the 10 States with a minimum wage higher than $5.15. States with higher minimum wages create more small businesses. Overall growth in the number of small businesses, 1998 to 2003, 5.4 percent where you get a minimum wage higher than $5.15, and 4.2 percent where they have had $5.15—more employment, more growth of businesses. This is the result, if you look in other areas as well.

This is States with higher minimum wages on retail jobs. In States with a minimum wage higher than $5.15 an hour, the employment growth is 10 percent in retail jobs; 3.7 percent where the minimum wage is $5.15.

We don't expect the NFIB to support this proposal. But what we do find is that many employers and small businesses do. Malcolm Davis supports raising the minimum wage. This was in the News Observer, a newspaper. He is a small business owner, is proud to say:

> My lowest paid employee makes $8 per hour. With only 11 employees, things are tight, to say the least. If I can find a way to be fair with my employees in rural eastern North Carolina, why can't our government? Try driving to work and raising a family on the minimum wage.

This is more typical than not, Mr. President. Look at this. This is a Gallup Poll of May 9, 2006. Eighty-six percent of small business owners say the minimum wage doesn't affect their businesses. Question: How does the minimum wage affect your business? Eighty-six percent say no effect. Gallup Poll, 2006. Positive effect, 5; negative effect, 8 percent.

Let's look at what has been happening in our country over the period of the recent years in terms of the tax incentives. I think we ought to have an increase. I am going to vote to increase the minimum wage without providing additional kinds of tax incentives. All this proposal does basically is recover the purchasing power we had 10 years ago. There is no reason—we have seen countries that have raised the minimum wage doing very well—why we should add more tax breaks and increase the deficit. Businesses receive billions of dollars while minimum wage workers receive nothing.

This chart is from Citizens for Tax Justice. That is over the last 10 years. There has been $276 billion in tax incentives for corporations—small businesses, $36 billion—and we have had no raise for the minimum wage workers. We are still being asked now to do more when we have seen these kinds of tax breaks for corporations and businesses. I don't think it is necessary that we provide the additional tax breaks. Here we have seen productivity and profits skyrocket while the minimum wage plummets.

This comes from the Bureau of Labor Statistics. Profits are up over 45 percent; productivity, total 29 percent; and the minimum wage and output per hours are down 20 percent. So it gives you an idea about what has been happening out in the economy just generally.

Mr. President, I think this is, above all, a moral issue. The members of our great faiths have all spoken clearly about this issue. Here is the quote from Justice Roll, January 2007:

> More than 1,000 Christian, Jewish, and Muslim faith leaders say minimum wage workers deserve a prompt, clean minimum wage increase with no strings attached.

They make an excellent statement, and it is a convincing one.

Mr. President, these give you at least some idea of what is at issue. We have tried over the few minutes that we have had to point out where the trend lines are, to show the statistics that show that an increase in the minimum wage is morally correct. It will strengthen our economy, and it will make a difference to children and to women and make a difference to men and women of color. It is basically a fairness issue. It will strengthen our economy. It is the right thing to do. It is long overdue.

I thank our Democratic leaders, Speaker PELOSI and Senator REID, for giving it the high priority it deserves. We ought to get about the business of getting this legislation enacted, and enacted speedily, for those individuals who are out there day in and day out, men and women of dignity and men and women of pride, who take a sense of pride in the job they do, even though the jobs are very menial. Maybe it is a teacher's aide or someone looking out after the elderly in elderly homes or someone cleaning out the buildings of American commerce. They are men and women of dignity, and they take pride in the jobs that they do.

America has said it values work, and America says it values individuals who want to work hard and play by the rules. We are calling upon this Senate now to say these working families have waited long enough. Those individuals who work 40 hours a week, 52 weeks of the year in this Nation of ours should not have to be condemned to living a life in poverty.

That is the issue. Does work pay? Do we recognize our fellow citizens and say that we are going to respect them and we want to be one country with one history and one destiny, one Nation? Let's pass the increase in the minimum wage.

Mr. President, I thank my friend and colleague, Senator ENZI, for all of his good work. There are a great many issues on which we agree; there are some on which we differ. I always value his insight on any of these issues and, needless to say, we enjoy working together. I thank him for all of his cooperation on this issue, as on many other issues. We give assurance to our friends in the Senate that we are going to get a lot of good work done for the people of this country in this session.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. ENZI. Mr. President, I thank the Chairman for his kind words. I admire him for the passion he puts into every issue he works on, and people will notice that he works on a lot of issues. He and I have had this debate three times over the last 2 years. We have varied a little bit on the amount of the increase, and I have always tried to get something in there for small businesses to take care of the increase, or to offset the increase a little so that these small businesses can continue to function and provide employment opportunities.

I come from a small business background. But not from small business as defined by the Federal government. The Federal definition is a business with less than 500 employees. Any business that we had in our State that was that large—and I am not sure we have any headquartered in our State—would be considered big business. I am talking about the mom-and-pop shops where the person who does the accounting also sweeps the sidewalks and cleans the toilets and waits on customers—definitely not in that order. This is a significant segment of small business across this country. They generate 60 to 80 percent of the net new jobs annually over the last decade. Raising the minimum wage will affect them more substantially than businesses with as many as 500 or more employees.

In the context of a minimum wage increase, I have always asked that actions be taken to offset the impact of an increase for small businesses. I want to thank Senator BAUCUS and Senator GRASSLEY for their work in the Finance Committee to come up with such a package. That package is now contained in the Reid amendment that has been submitted. I think this package makes a substantial difference and makes a raise in the minimum wage possible. I think had we worked toward this kind of a situation earlier, the minimum wage might have happened earlier. Unfortunately, the times that the minimum wage issue arose in the past 2 years were situations where it was unamendable. It had to be a take-it-or-leave-it—my proposal or Senator KENNEDY's proposal, and we left them both.

Any proposal on which the two of us have been able to reach agreement has been very successful in making it through the Senate and the House and getting signed by the President. It is not an easy task to pass a bill. I don't have to tell the Senator from Massachusetts that. He has been around here practicing the art of legislating a long time. I am one of the newcomers; I have only been here 10 years. I have noticed, however, that legislating means either finding a compromise, or finding a third way.

On this particular bill, we may find that third way. There will no doubt be additional amendments to this bill. I like situations where bills can be amended. I have been in situations where they could not. I have been on the side with the majority of votes in those situations and have not always felt comfortable. So I thank Majority Leader REID for having a situation where there can be amendments.

I ask my side of the aisle not to make amendments that are onerous or wide-ranging but that stick to the subject and see what the best possible package is that we can come up with.

I will speak first to the underlying substitute that has been laid down on this bill. There hasn't been any comment on that yet, even though we have had 2 hours 40 minutes worth of debate. Of course, we started first with Senator GREGG's amendment. I want to mention that this first amendment was an agreement to keep the ethics bill from having a different approach. I appreciate the effort of both parties to allow that to come up. While that will be voted on as a part of the minimum wage, it is not a part of the minimum wage. It allows a vote on that as an up-or-down vote. I am pleased there was some compromise on that and some ability to do that.

I listened to the hour and a half of debate on that amendment and the concern over whether trading votes would happen. Something this body ought to consider, perhaps, is a law that we have in Wyoming that prohibits the trading of votes on any issue and makes it a felony that has to be reported by both sides if an offer is made. It makes each issue stand on its own.

So I will speak first to the underlying substitute that was laid down on this bill because it provides the tax relief we have been talking about for a long time, and this is tax relief that has been agreed upon in a very bipartisan way. Senator GRASSLEY and Senator BAUCUS often work together, and that is why the Finance Committee is so successful in moving things along. They have come up with tax relief for very small businesses that will aid them in meeting their burden of a minimum wage increase. I have long advocated that we must provide a measure of tax and regulatory relief to businesses that will face these higher mandated costs.

The substitute amendment consists of the following provisions: First, it would increase current section 179 expensing by extending the increased expensing of qualified business property allowed for small businesses until 2011. Without an extension, the amount which may be expensed will drop by more than 75 percent. If we pass this extension, we will allow small business owners who are making investments in the future of their business to retain more of their earnings, and these additional funds can be used to retain and hire new employees, thereby balancing out the effect of the minimum wage increase.

Now, we have talked about families and children, and I want to tell you the small businesses that we are talking about are the small businesses that are run by families that, in most instances, have children. Quite often, the small businesses are run by young people. In my own case, I got married, and a week later we started a shoe store. We had kids, and the kids got to learn a little about the retail trade by having to work and help us out. So I have some personal background and experience in running a small business.

Second, the amendment would provide a 15-year recovery period for leasehold improvements and certain restaurant buildings and related improvements. This provision improves current law by including new restaurants, retail space, and improvements by extending the broadened provision. Restaurants and retail employ a very large percentage of minimum wage workers and are most impacted by mandated increases in the Federal wage. This portion of the amendment extends relief to these businesses and seeks to avoid dislocation and decreased employment opportunities for restaurant and other workers.

Third, the amendment would allow noncorporate taxpayers with annual gross receipts of less than $10 million to use the cash method of accounting for purchases and sales of merchandise.

Under current law, those small business taxpayers are generally required to use the accrual method for such purchases and sales, even though they may use the cash accounting method for overall accounting. This simplification and clarification of accounting methods would assist small businesses by reducing their administrative costs, which would free up more resources to maintain employment levels.

I realize most people in America may not know the difference between cash accounting and accrual accounting. I can tell them, accrual accounting is a lot more complicated because one has to guess on the percentages of expenditures and then later make corrections for actual amount, whereas under cash accounting, one takes the actual money coming in and the actual money that goes out. It is a much simpler accounting system. We want to make sure those small businesses have that opportunity.

Fourth, the amendment expands work opportunity tax incentives. This allows employers credit against wages for targeted individuals, including those on welfare, qualified veterans, and high-risk youth. These populations, again, are most likely to lose jobs in an environment where employers are forced to bear increased salary costs. This program would be extended for 5 years.

Fifth. the substitute also creates a voluntary certification program for professional employer organizations that meet the standards of solvency and responsibility and that maintain ongoing certification by the IRS.

Lastly, the amendment provides for a series of clarifications and modifications to the tax and accounting provisions that govern subchapter S corporations. Many small businesses are organized under the provisions of subchapter S of the Internal Revenue Code. Incidentally, the ones that are organized under subchapter S pay taxes on the earnings each and every year as opposed to a corporation that only pays some corporate taxes and then on distribution has to pay the rest of the taxes.

I can't leave this topic of small businesses without commenting briefly on a matter of great concern to these businesses, the employees, and the families that depend on them. I am speaking, of course, about the rise in cost of small business health insurance.

Although cost growth has begun to slow a bit, premiums for small businesses have been rising unsustainably at near double-digit rates for more than half a decade, which is more than double the rate of inflation of wage growth. For much of the last Congress, my colleagues and I engaged in an aggressive and bipartisan effort to tackle this problem. Indeed, the small business health plan legislation I authored with Senator BEN NELSON came within just a few votes of overcoming a filibuster last May. Our legislation would enable small businesses to pool their negotiating across State borders to have a big enough pool to effectively negotiate against the big insurance companies and thus hold down costs and widen access to coverage while preserving the strong role for State oversight and consumer protection.

Progress on this critical issue is moving forward. I have had interesting discussions with people from both sides of the aisle. I think the discussions have been promising. There is a long way to go, but I think we have built a solid foundation, and that foundation continues to grow as we move into a new year and a new Congress.

Small business health insurance reform is vitally important, and I realize there may be some sentiment that the issue should be resolved in the context of the minimum wage debate. However, I firmly believe that offering a version of last year's small business health plan as an amendment to the pending minimum wage legislation would be premature and would not help us move forward toward securing meaningful small group health insurance relief in this Congress or minimum wage or help for small businesses. Rather, the best way to achieve real small business health care reform is to proceed forcefully to build on the significant progress we made last year.

Development of small business health legislation is a process that is well along, and I believe success is in sight. We are on a promising track, and we should stick with it. That promising track, of course, is having bipartisan discussions about what needs to be done in health to keep the insurance rates down, to provide better access to people.

Senator KENNEDY and I have been having some discussions on principles. That is the way we have been attacking the pieces of legislation we do around here. We set down principles and then meet with stakeholders and talk about what difficulties those principles provide for them. Then we come up with a bill that will hopefully find a way through the maze. It is extremely difficult, but the increase in interest in health insurance has risen so greatly that I think this will be a prime topic for people in the next year and hopefully a solution within the next year.

I would also be remiss if I didn't mention, as I have many times in the past, that while an increase in the minimum wage will be a kick-start for some workers, it doesn't address the fundamental issue of chronic low wage earners. Regardless of how we increase the minimum wage today, those who earn it will still be the lowest paid tomorrow. The minimum wage needs to be for all workers what it is for most—a starting point. Our policy should be directed at giving all workers the opportunity to move up the wage ladder, not merely moving the ladder's lowest rung up.

As a former small business owner, I know these entry-level jobs are a gateway into the workforce for people without skills and without experience. Minimum wage usually goes to those with minimum skills. These skills-based wage jobs can open the door to better jobs and better lives for low-skilled workers if we give them the tools they need to succeed. My colleagues know that I strongly believe we must do more in this department. For the past two Congresses, one of my major priorities has been reauthorizing and improving the Nation's job-training system that was created by the Workforce Investment Act. This law will help to provide American workers with the skills they need to compete in the global economy. Education and the acquisition of job skills represent the surest path to economic opportunity and security in the global job market. Increasing skills increases jobs, increases wages, and lifts the lowest boat into a bigger boat.

Over the past few years, this bill has received unanimous support in both the HELP Committee, which has reported it out twice, and the full Senate, which has passed it twice. But I have to say that election-year politics and political positioning have prevented this important bill from becoming law.

We tried to preconference a lot of the bills that came out of the HELP Committee last Congress. We were successful on many. That means the House agreed with the Senate position with some changes prior even to the time the Senate passed a bill, and then the House would pass the same bill, and as a result, the Health, Education, Labor, and Pensions Committee got 27 bills through the legislative process and signed by the President. That is quite a contrast to what happens with most committees.

The Workforce Investment Act was not able to be preconferenced. I hope it can be now. I believe there is a little better understanding of some of the objections and also some of the benefits. I believe this bill will make it through the process and will start an estimated 900,000 people a year on a better career path. It can only happen if it is not a casualty of Congress's inability to overcome its worst partisan instincts. That would be inexcusable.

Outside the glare of election-year politics, I hope we can quickly pass this job-training bill that will truly improve the wages and lives of workers in this country. The Senate has passed it twice. We have spent 4 years working on it.

The potential skills gap facing American workers only deepens when we are compared to our competitors around the world. As chairman of the committee, I was able to travel to some of the foreign countries which are among some of our toughest competitors in the world market. I came home believing strongly that we must focus more seriously on the acquisition and improvement of job and job-related skills. While many of us feel good about what we are doing today when we raise the minimum wage, I intend to make sure we do not neglect to address the far more pressing concerns for American workers: the increasing skills gap and the availability of health insurance. I anticipate we will get to work on these issues at a separate time.

AMENDMENT NO. 103 TO AMENDMENT NO. 100

Mr. ENZI. Mr. President, at this point, I have permission to lay down an amendment on behalf of Senator SNOWE. I send an amendment to the desk.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Wyoming [Mr. ENZI], for Ms. SNOWE, for herself, Mr. ENZI, and Ms. LANDRIEU, proposes an amendment numbered 103 to amendment No. 100.

The amendment is as follows:

(Purpose: To enhance compliance assistance for small businesses)

At the appropriate place, insert the following:

SEC. ___. ENHANCED COMPLIANCE ASSISTANCE FOR SMALL BUSINESSES.

(a) IN GENERAL.—Section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996 (5 U.S.C. 601 note) is amended by striking subsection (a) and inserting the following:

"(a) COMPLIANCE GUIDE.—

"(1) IN GENERAL.—For each rule or group of related rules for which an agency is required to prepare a final regulatory flexibility analysis under section 605(b) of title 5, United States Code, the agency shall publish 1 or more guides to assist small entities in complying with the rule and shall entitle such publications 'small entity compliance guides'.

"(2) PUBLICATION OF GUIDES.—The publication of each guide under this subsection shall include—

"(A) the posting of the guide in an easily identified location on the website of the agency; and

"(B) distribution of the guide to known industry contacts, such as small entities, associations, or industry leaders affected by the rule.

"(3) PUBLICATION DATE.—An agency shall publish each guide (including the posting and distribution of the guide as described under paragraph (2))—

"(A) on the same date as the date of publication of the final rule (or as soon as possible after that date); and

"(B) not later than the date on which the requirements of that rule become effective.

"(4) COMPLIANCE ACTIONS.—

"(A) IN GENERAL.—Each guide shall explain the actions a small entity is required to take to comply with a rule.

"(B) EXPLANATION.—The explanation under subparagraph (A)—

"(i) shall include a description of actions needed to meet the requirements of a rule, to enable a small entity to know when such requirements are met; and

"(ii) if determined appropriate by the agency, may include a description of possible procedures, such as conducting tests, that may assist a small entity in meeting such requirements.

"(C) PROCEDURES.—Procedures described under subparagraph (B)(ii)—

"(i) shall be suggestions to assist small entities; and

"(ii) shall not be additional requirements relating to the rule.

"(5) AGENCY PREPARATION OF GUIDES.—The agency shall, in its sole discretion, taking into account the subject matter of the rule and the language of relevant statutes, ensure that the guide is written using sufficiently plain language likely to be understood by affected small entities. Agencies may prepare separate guides covering groups or classes of similarly affected small entities and may cooperate with associations of small entities to develop and distribute such guides. An agency may prepare guides and apply this section with respect to a rule or a group of related rules.

"(6) REPORTING.—Not later than 1 year after the date of enactment of the Small Business Compliance Assistance Enhancement Act of 2007, and annually thereafter, the head of each agency shall submit a report to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives describing the status of the agency's compliance with paragraphs (1) through (5).".

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 211(3) of the Small Business Regulatory Enforcement Fairness Act of 1996 (5 U.S.C. 601 note) is amended by inserting "and entitled" after "designated".

Mr. ENZI. Mr. President, I rise today in support of the amendment offered by Senator SNOWE. This amendment would provide some measure of relief to those small businesses which bear the economic burden of nearly 41 percent of the increase in the Federal minimum wage. Small businesses not only employ the bulk of the minimum wage workers, they have also been the engine for economic growth.

Small business has been responsible for the majority of new job creation, generating between 60 and 80 percent of the net new jobs annually over the last decade, and it is small businesses which have traditionally provided the only entry port for new workers into the job market.

I congratulate Senator SNOWE for her persistence on this amendment. She has worked on it a number of times and revised it to the present situation. I suspect if there are any objections, we would be willing to work on it additionally.

But we must recognize that raising the Federal minimum wage, whatever else effects there may be, significantly increases the costs for many of these businesses. I mentioned that an increase of 41 percent in labor costs has to be accounted for somehow. Curtailing services, reducing employee complements, and forgoing expansions are some of the many options considered by these businesses in the face of increased costs. The inescapable fact is that increased labor costs heighten the risk of both employment dislocation and decreased job opportunity for the very individuals an increase in the minimum wage is designed to benefit. Unless we are prudent and balance such mandated cost increases for some measure of relief for affected small businesses, we risk serious unintended consequences. Simply put, an increase in the minimum wage is of no value at all to a worker who does not have a job or a job seeker who has no prospects of employment.

As a Senator from a rural, low-population State, I would like to point out another reality. In many cases, heavily populated areas with high costs of living have already, in fact, adjusted their minimum wage levels either by law or by market forces, which actually work.

The town I am from is a boomtown, it is an energy center. If one drives by the Arby's restaurant, the lit-up moving marque sign says: Now hiring, $9.50 an hour plus benefits; you name the hours. If you go in and apply, they will tell you that if they can pick the hours, it is $10.50 an hour.

In many areas, market forces are working. There are construction companies that go from one site to another hiring people away from other construction companies. We have a shortage of people to work in Wyoming. Of course, that requires relocating to the frontier, which is what a lot of people consider Wyoming. Horace Greeley said: Go west, young man. I would say: Go west, young man and young woman. There are coal operations out there, primarily surface mines. They need people to drive coal, or haul trucks. These trucks are 28 feet long, 28 feet wide, and 28 feet tall. They haul a lot of coal. We move 1 million tons of coal a day out of our county. How can we do that? We have a coal seam that is 50- to 90-feet thick, and it is only under 60 to 90 feet of dirt.

When I was mayor and Senator ROCKEFELLER was Governor, he came out to see our mines. Taking him back out to the airport, I always remember what he said: You folks don't mine coal here.

I said: What do you mean?

He said: You just back up trains and you load them.

We have coal which is low in sulfur and other chemicals, which makes it useful across the United States. Some of the States also known as coal States take our coal and mix it with their coal, and they can help meet the clean air standards that way. We are low in Btu, so they increase the Btu by using their coal. If someone has a clean drug record and no experience and can drive anything, they can be trained to drive one of these coal haul trucks and make $60,000 to $80,000 a year, and even more with overtime. It is a very flexible market. So there are job opportunities out there. But they may be nontraditional jobs, and they may require moving to another part of the country.

One will find Wyoming can use a little bit more population. We are trying to reach a population of half a million people. We are 350 miles a side on our State, so we are bigger than most of the States.

At any rate, there are areas which would be most dramatically affected by the minimum wage increase and those are lower cost of living areas. They are often rural and sparsely populated. In those areas, employers will feel the most pressure on their bottom lines. In those areas, employees will have the fewest opportunities to find other employment if they are let go. So a reasonable approach to the minimum wage issue must take those realities into account. If we are going to dramatically increase the costs for some businesses by a wage mandate, we should provide some measure of relief to those same businesses. If we do not, we harm not only those small businesses, we ultimately harm the individuals they employ.

The sound and well-reasoned amendment that is offered by Senator SNOWE accomplishes these ends through reasonable and targeted regulatory relief for those small businesses that are most negatively impacted by a wage increase mandate. I am pleased to be a cosponsor of the amendment along with Senator LANDRIEU. The Snowe amendment provides some regulatory relief by requiring that the Federal agencies which issue new rules and regulations which impact small businesses also provide those employers with plainly written and readily available guidance that explains what employers must do to be in compliance with these rules and regulations.

All employers incur costs keeping up with the obligations Government imposes on them and determining how to meet those obligations. Small businesses regularly incur administrative costs in monitoring Federal regulatory changes and developing compliance programs. There is no question that the burden of Federal regulations falls more heavily on small business. This chart shows the cost of complying with Federal regulations. The per-employee compliance cost for firms with 20 or fewer employees is $7,647. The per-employee compliance cost for firms with 500 or more employees is only $5,282.

So the per-employee compliance costs are 45 percent more for our smallest employers than they are for our largest. Congress has previously recognized the necessity of providing small businesses relief from those compliance and monitoring costs, yet a GAO study has shown the goal of providing small businesses relief from high compliance monitoring costs is far from fully met. The regulatory provision in this amendment seeks to ensure that goal is finally realized. The need for this type of compliance assistance was recognized by my colleague from Maine, Senator SNOWE, the author of this amendment and proponent of this proposal in this Congress as well as the last two Congresses. I am pleased to again cosponsor the bill authored by Senator SNOWE. The bill continues to enjoy broad bipartisan support from our colleagues, including Senators KERRY and LANDRIEU. This regulatory amendment will not only have the benefit of decreasing administrative costs for small employers, it also has the further benefit of increasing compliance levels by ensuring that all employers know the rules of the road and the means to comply with them.

Through the Banking Committee, on which I also serve, we have been able to suggest and get several advisory committees started. Those advisory committees have small businesspeople on them who advise how different statutes as well as rules and regulations affect them, and their input has had considerable impact. This amendment is one of the type things those groups would suggest.

When we write Federal regulation, we often make it very complicated and it is in a very legalistic form. I helped Senator Sarbanes on the Sarbanes-Oxley bill. I brought an accounting perspective to that. I was pleased he listened to it. But one of the factors we missed in that legislation, or you cannot cover in that broad of a bill, is the impact of small business versus big business.

Again, the advisory committees have said what is needed is a better explanation for small business that they can understand. They do not have the specialists big business has. They can't afford them. Consequently, they do not have easy accessible advice on how these legalistic terms actually work. It is the significant difference in cost that we are concerned about here.

It is a relatively simple amendment, but one that could make a significant difference. The substitute amendment to the underlying bill, as I mentioned, went through the Finance Committee. It did not go through the Health, Education, Labor and Pensions Committee, and it did not go through the Banking Committee, so there was no opportunity to suggest this kind of amendment at either of those points. But it is something the Small Business Committee has worked on a number of times. Senator SNOWE has been the chairman and is now the ranking member of the Small Business Committee. I hope we will recognize her effort as well as the bipartisan effort coming out of that committee to provide this kind of a change.

I think when the week is done, or maybe even less time than that, we will be at a point where there will be both a minimum wage increase and some help for small businesses that will offset the impact and keep the economy moving.

I yield the floor.

Mr. SESSIONS. Madam President, is there an order of business?

The PRESIDING OFFICER (Ms. STABENOW). There is no order at this time.

Mr. SESSIONS. I yield to the Senator from Maryland to discuss this order of business. I wish to discuss that a little bit.

Mr. CARDIN. If the Senator will yield, I am prepared to make a unanimous consent request that after I complete my comments, Senator BINGAMAN will be recognized for 10 minutes, and then the Senator will be recognized for up to 15 minutes, and then Senator MENENDEZ for up to 15 minutes.

Mr. SESSIONS. How long does the Senator expect to be?

Mr. CARDIN. No more than 5 to 7 minutes.

Mr. SESSIONS. That is fine from my perspective.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Maryland is recognized.

Mr. CARDIN. Madam President, I take this time in support of the increase of the minimum wage to $7.25. I compliment Senator KENNEDY for his leadership on this issue. I agree with Senator ENZI that this needs to be done in a bipartisan manner, and I am pleased by the way we are proceeding in the consideration of the increase in the minimum wage.

I would first make the point that increasing the minimum wage will have a positive impact on small business. I agree with the comments that have been made that small business is the economic engine of our Nation and we need to do everything we can to make it healthier for small businesses in this country, but increasing the minimum wage will have a positive effect. I say that because when you look at the total impact on payrolls in this country, by increasing the minimum wage to $7.25 per hour, it represents about one-fifth of 1 percent of the entire payroll of our Nation. It is not going to have a dramatic impact on the cost of labor. What it does is try to help wage earners in this country who are suffering.

I believe in a liveable wage. I believe we need to do much better than a minimum wage, but you need to increase the minimum wage if we are going to be able to get to a liveable wage in this country. We need to do something about the disparities among the incomes of wage earners of America.

We had a hearing in the Budget Committee not long ago. The Chairman of the Federal Reserve System talked about the fact that this Nation among the industrial nations in the world has the largest disparity among wealth in wage earners. We need to do something about that. Increasing the minimum wage will have a positive impact on those issues.

The fiscal policy group looked at the effect of minimum wage increases of States that have gone above the Federal minimum wage. I represent one of those States. Maryland has increased its minimum wage to $6.15 per hour. The growth rates in the States that have increased the minimum wage are actually higher than those that have the Federal minimum wage, a growth rate of 9.4 percent versus a growth rate of 6.6 percent.

Every time Congress has increased the minimum wage in prior Congresses, it has had a positive impact on the overall growth of our economy. When you look at the minimum wage increases, if wage earners at the minimum wage had received the same increase in the minimum wage that the CEOs have received over the last 15 years, the minimum wage earners in fast food restaurants today would be making over $23 an hour.

This is an issue that needs to be addressed. Who is affected by it? There are 6.6 million Americans who make the minimum wage. It disproportionately affects women. Although women represent 48 percent of the workforce of America, they represent 61 percent of those who are at the minimum wage. Over 70 percent of the people receiving minimum wage are over 20 years of age, and over one-third are parents—760,000 are single moms.

I mention that because today, if you work 52 weeks a year, 40 hours a week, and you are a family of 2, you live below the poverty rate. You are doing everything right, working 40 hours a week, don't take a day off for the entire year, yet you are still below the Federal poverty rate.

That should not be in America. We can do better than that. Since the last time we increased the minimum wage, the per capita cost of health care has risen by 60 percent, college costs have increased by 51 percent for public schools, debts for students graduated from college have more than doubled, credit debt has increased by 46 percent, and we have the lowest effective minimum wage in 50 years. The last time we increased the minimum wage was 10 years ago. I was proud to have voted for that when I was in the other body. It is now time that we follow or pass what the other body has done and increase the minimum wage to $7.25 an hour over a three-stage process. It is the right thing to do.

It is not only right for our economy, it is not only the right thing to do as far as how it affects the individual wage earner in trying to bring about some fairness, but it is the right thing to do in regard to what is correct for our country on civil rights.

Let me quote a famous American who said:

> We know of no more critical civil rights issue facing Congress today than the need to increase the Federal minimum wage and extend its coverage.

That was stated by Dr. Martin Luther King, Jr., March 18, 1966, when the minimum wage was comparable in purchasing power to what it is today when Congress finally increased the minimum wage. We should have increased the minimum wage before now. We have the opportunity to do this in this Congress. Now is the time for us to act. Now is the time for us to work in a bipartisan manner as we have on previous increases in the minimum wage. I hope my colleagues will work on this bill and get it done this week. It is the right thing to do. It will help our economy, and it is long overdue.

I yield the floor.

The PRESIDING OFFICER. The distinguished Senator from New Mexico.

Mr. BINGAMAN. Madam President, I ask unanimous consent that I be allowed to speak as in morning business for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

GLOBAL WARMING

Mr. BINGAMAN. Madam President, the issue of global warming is more and more on the minds of Americans. There is good reason why it is. I think we are familiar now with the litany of adverse consequences that is associated with unlimited release of greenhouse gases into the atmosphere. The scientific reports are warning us about rising sea levels, about dangerous heat waves, about increasingly devastating hurricanes and other weather events. There are always uncertainties about understanding the Earth's climate, but one thing is clear: Uncontrolled release of greenhouse gases into the atmosphere with no real strategy to reduce those gases is irresponsible and dangerous at this point in our history. It is a great challenge that we face to reduce these emissions in this country and countries around the world. Even individual States within the United States, and regions of this country, are leading the way in dealing with this issue.

The truth is, unless the United States as a whole and the developing countries that have rapidly growing economies find a way to reduce emissions, we are likely to see this entire planet covered with a blanket of gases that will take centuries to dissipate.

In 2005 the Senate passed a resolution setting forth an approach to tackling the challenges of climate change. That resolution called for adoption of a mandatory, economy-wide program that will slow, stop, and then reverse greenhouse gas emissions without harming the economy and that will encourage action by developing nations. Meeting those various tests set out in that resolution will require a bipartisan commitment to understand the impact of any legislative approach.

Today I am joining with my colleague, Senator SPECTER from Pennsylvania, in circulating a bipartisan discussion draft on global warming legislation. The choice to release this discussion draft reflects our desire to modify or approve that legislation in the coming months before it is introduced. This is our commitment to create a bipartisan process that will focus discussion in a constructive direction.

I see three main challenges that we face in this process. First, we need to persuade our colleagues on the program that we have chosen; that is, a cap and trade proposal that incorporates market-based mechanisms and funding for technology development. In 2005 over 53 Members of the Senate went on record in support of such a proposal by defending that sense-of-the-Senate resolution and voting for it. We need to continue to expand that number. We need to engage the administration, which has refused to support such measures for reducing greenhouse gases.

To begin to meet this first challenge, I would like to call the attention of my colleagues to two documents. The first is an analysis by the Department of Energy's Energy Information Administration, or EIA. This was in September of last year. I joined with five other Senators in submitting a request, a discussion draft to the Energy Information Administration asking them to analyze it. Earlier this month, they returned with very favorable results, showing that it is possible to implement a cap-and-trade proposal that begins to reduce the growth of greenhouse gas emissions without harming the economy. The Energy Information Administration of this administration showed that the program has only minor impacts on gross domestic product—a quarter of 1 percent by 2030. That is equal to slowing the rate of economic growth by roughly 1 month over the next 20-plus years.

I ask unanimous consent to have printed in the RECORD the executive summary of this EIA analysis following the completion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. BINGAMAN. The second document to which I wish to call attention is a study by the nonpartisan Congressional Budget Office. In October of 2005, Senator JEFFORDS and I asked CBO to address a debate that has been occurring in the Senate. Most experts agree that significant cuts in fossil fuel use is required if we are to reduce greenhouse gas emissions. But there has been a debate about whether the appropriate strategy was to exclusively fund technology development through tax incentives and through Federal programs or, on the contrary, to put a price on carbon by implementing a cap-and-trade proposal. CBO's analysis demonstrated that the most effective policy was a combination of these two.

I ask unanimous consent to have printed in the RECORD the summary of that CBO report following the completion of my remarks as well.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. BINGAMAN. Madam President, the second challenge we face in this debate is to figure out the appropriate way to structure a cap-and-trade program. Putting targets and timetables aside for a moment and determining the appropriate structure of a cap-and-trade system in order that it functions properly will require an enormous amount of focus and attention. For over a year, I have worked in a bipartisan manner with my colleague from New Mexico, Senator Domenici, to explore many of these issues. In February of last year we released a white paper from the Energy Committee entitled, "Design Elements of a Mandatory Market-Based Greenhouse Gas Regulatory System." That white paper laid out four basic questions about the design of the cap-and-trade proposal. I was very encouraged that we received detailed and constructive comments from over 150 major companies, NGOs, and individuals.

On April 4, 2006, we hosted a day-long workshop with 29 of these respondents talking about their reaction to the white paper. This was the first such discussion in Congress to have taken place. My colleagues can find a transcript of this conference on the U.S. Government Printing Office Web site. I also ask unanimous consent to have printed in the RECORD a joint statement from my colleague, Senator DOMENICI, and myself that summarized the conference.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 3.)

Mr. BINGAMAN. Madam President, the third challenge we face in making progress on this issue is getting political consensus on the right levels of control. Here I am talking about the level of stringency and the aggressiveness of the program. There have already been a number of bills introduced this year. I commend all my colleagues who dedicated their time and effort to addressing this issue. First and foremost, of course, Senators LIEBERMAN and MCCAIN have reintroduced their legislation. These two Senators have been leaders on the issue from the beginning. Also, Senators SANDERS and BOXER have reintroduced legislation that Senator JEFFORDS drafted last year, and I commend them for their leadership and their bold vision. As chairs of the two committees engage in the debate on global warming issues, I plan to work very closely with Senator BOXER to ensure that everything we do will keep momentum on global warming legislation moving forward.

I also commend Senators FEINSTEIN and CARPER for working together to introduce legislation last week. Senator FEINSTEIN was on our Energy Committee. She is not on that committee in this Congress, and she will be missed. But her leadership in this area is very important.

I also would like to acknowledge and congratulate the efforts of the U.S. Climate Action Partnership. This is a unique and diverse group of industry and NGOs that have come together to offer principles on global warming legislation and recommendations for that legislation.

With all these bills and strategies for reducing greenhouse gases on the table, it is vital that we work together to craft sensible policy that can be enacted sooner rather than later. The science tells us that action is needed immediately and that the longer we delay the more difficult the problem will be. I believe the modest impacts that are identified from our proposal, the one Senator SPECTER and I are circulating, as shown by the Energy Information Administration analysis, will provide a basis to explore somewhat more aggressive reduction targets. It is for this reason that we do not want to introduce our bill without first giving great deliberation to different targets and approaches that could gain political consensus in passing legislation.

One thing is clear: We cannot delay. For this reason, I hope to promote a legislative approach that will reflect a constructive center in this often polarized debate.

In circulating this discussion draft, Senator SPECTER and I are setting forth a process. The first step of the process is to invite Senate offices to a series of workshops with experts on the issue to educate and understand the impacts of the legislation. These sessions will be open to Senate staff. We also, of course, want to invite participation or observation by representatives from the administration. The first of the workshops will be February 2 in the afternoon.

We also need to hear from the public and interested stakeholders. In the coming weeks, Senator SPECTER and I will be outlining a process to meet with stakeholders from industry, labor, environmental groups, and others. We plan to solicit their comments on the legislative text. A copy of the discussion draft and supporting documents will be posted on the Energy Committee Web site—energy.senate.gov. I encourage interested parties to look at that draft and to monitor the Web site for further developments.

Madam President, following all of the other items that I have mentioned to be printed in the RECORD, I ask unanimous consent that the discussion draft that Senator SPECTER and I are circulating also be printed in the RECORD following the other documents.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 4.)

EXHIBIT 1

ENERGY MARKET AND ECONOMIC IMPACTS OF A PROPOSAL TO REDUCE GREENHOUSE GAS INTENSITY WITH A CAP AND TRADE SYSTEM, JANUARY 2007

(Energy Information Administration, Office of Integrated Analysis and Forecasting, U.S. Department of Energy, Washington, DC)

EXECUTIVE SUMMARY

BACKGROUND

This report responds to a request from Senators Bingaman, Landrieu, Murkowski, Specter, Salazar, and Lugar for an analysis of a proposal that would regulate emissions of greenhouse gases (GHGs) through a national allowance cap-and-trade system. Under this proposal, suppliers of fossil fuel and other covered sources of GHGs would be required to submit government-issued allowances based on the emissions of their respective products. The gases covered in this analysis of the proposal include energy-related carbon dioxide, methane from coal mining, nitrous oxide from nitric acid and adipic acid production, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride.

The program would establish annual emissions caps based on targeted reductions in greenhouse gas intensity, defined as emissions per dollar of Gross Domestic Product (GDP). The targeted reduction in GHG intensity would be 2.6 percent annually between 2012 and 2021, then increase to 3.0 percent per year beginning in 2022. To limit its potential cost, the program includes a "safety-valve" provision that allows regulated entities to pay a pre-established emissions fee in lieu of submitting an allowance. The safety-valve price is initially set at $7 (in nominal dollars) per metric ton of carbon dioxide equivalent (MMTCO$_2$e) in 2012 and increases each year by 5 percent over the projected rate of inflation, as measured by the projected increase in the implicit GDP price deflator. In 2004 dollars, the safety valve rises from $5.89 in 2012 to $14.18 in 2030.

The proposal calls for initially allocating 90 percent of the allowances for free to various affected groups, but the proportion of allowances to be auctioned grows from 10 percent in 2012 to 38 percent in 2030. The revenue from the auctions and any safety-valve payments are accumulated into a "Climate Change Trust Fund," capped at $50 billion, to provide incentives and pay for research, development, and deployment of technologies to reduce greenhouse gas emissions. The U.S. Treasury would retain any revenue collected in excess of the $50-billion limit.

As specified in the request for the analysis, EIA considered both a Phased Auction case, which allocates allowances as specified in the proposal, and a Full Auction case, in which all allowances are assumed to be auctioned beginning in 2012. Because they share the same emissions targets and safety valve prices, the energy sector impacts in the Phased and Full Auction cases are very similar. The only areas where the impacts in the two cases differ are for electricity prices and the economic impacts associated with collection and use of revenue from the sale of allowances. Several additional sensitivity cases examine the impacts of higher and lower safety valves and limiting the use of emission reduction credits, or offsets, from noncovered entities. The proposal and its variants were modeled using the National Energy Modeling System and compared to the reference case projections from the Annual Energy Outlook 2006 (AEO2006).

The analysis presented in this report builds on previous EIA analyses addressing GHG limitation, including earlier EIA reports requested by Senator Bingaman, Senator Salazar, and Senators Inhofe, McCain, and Lieberman. All of the analysis cases incorporate the economic and technology assumptions used in the AEO2006 reference case. While increased expenditures for research and development (R&D) resulting from the creation of the Climate Change Trust Fund are expected to lead to some technology improvements, a statistically reliable relationship between the level of R&D spending; for specific technologies and the impacts of those expenditures has not been developed. Furthermore, the impact of Federal R&D is also difficult to assess, because the levels of private sector R&D expenditures usually are unknown and often far exceed R&D spending by the Federal Government.

However, the recent reports for Senators Bingaman and Salazar include additional sensitivity analyses on the assumptions made regarding the availability of GHG emissions reductions outside the energy sector and the pace of advances in technology used to produce and consume energy. The report for Senators Inhofe, McCain, and Lieberman also examines the economic implications of possible alternative approaches to recycling revenues collected by government under a cap-and-trade program in which significant amounts of government revenue is collected from allowance auctions. Alternative assumptions in these areas can have a major impact on the results obtained, and the insights from those prior sensitivity cases would also be applicable to the proposal analyzed this report. Readers interested in how the results reported below might be affected by different assumptions in these areas are encouraged to review the earlier reports.

The modeled impacts of the proposal are summarized below. Reported results apply for the $7 Phased Auction case, unless otherwise stated. Energy and allowance prices are reported in 2004 dollars for compatibility with AEO2006. Macroeconomic time series such as GDP and consumption expenditures are reported in 2000 chain-weighted dollars to maintain consistency with standard reports of U.S. economic statistics. Projections of the aggregate value of allowances and auction revenues and fiscal impacts on the budget surplus are reported in nominal dollars, as are deposits relating to the Climate Change Trust Fund.

RESULTS

Emissions and Allowance Prices

The proposal leads to lower GHG emissions than in the reference case, but the intensity reduction targets are not fully achieved after 2025. Some regulated entities would opt to make safety-valve payments beginning in 2026, the year in which the market value of allowances is projected to reach the safety-valve level (Table ES1). With the higher safety-valve prices in the $9 Phased Auction sensitivity case, the intensity targets are attained through 2029.

Relative to the reference case, covered GHG emissions less offsets are 562 MMTCO$_2$e (7.4 percent) lower in 2020 and 1,259 MMTCO$_2$e (14.4 percent) lower in 2030 in the Phased Auction case. Covered GHG emissions grow by 24 percent between 2004 and 2030, about half the increase in the reference case.

In the early years of the program, when allowance prices are relatively low, reductions in GHG emissions outside the energy sector are the predominant source of emissions reductions. In 2020, reductions of GHGs other than energy-related CO_2, estimated based on information provided by the Environmental Protection Agency, account for nearly 66 percent of the total reductions. By 2030, however, the higher allowance prices lead to a significant shift in energy decisions, particularly in the electricity sector, and the reduction in energy-related CO_2 emissions account for almost 58 percent of total GHG emissions reductions.

An allowance allocation incentive for carbon sequestration, available only in the Phased Auction case, is projected to result in an additional emissions impact of 296 MMTCO$_2$e in 2020 and 311 MMTCO$_2$e in 2030, or about 4 percent of covered emissions.

In 2004 dollars, the allowance prices rise from just over $3.70 per metric tons CO_2 equivalent in 2012 to the safety valve price of $14.18 metric tons CO_2 equivalent in 2030.

Energy Markets

The cost of GHG allowances is passed through to consumers, raising the price of fossil fuels charged and providing an incentive to lower energy use and shift away from fossil fuels, particularly in the electric power sector.

When allowance costs are included, the average delivered price of coal to power plants in 2020 increases from $1.39 per million Btu in the reference case to $2.06, an increase of 48 percent. By 2030 the change grows from $1.51 per million Btu in the reference case to $2.73 per million Btu, an increase of 81 percent.

Electricity prices are somewhat lower in the Phased Auction case than in the Full Auction case because the Phased Auction provides a portion of the allowances to the electric power sector for free, a benefit that is passed on to ratepayers where the recipients are subject to cost-of-service regulation. Electricity prices in 2020 are 3.6 and 5.6 percent higher than in the reference case in the Phased and Full Auction cases, respectively. In 2030, electricity prices are 11 and 13 percent above the reference case level. Electricity price impacts are likely to vary across states and regions due to differences in State regulatory regimes and in the fuel mix used for generation in each area.

Relative to the reference case, annual per household energy expenditures in 2020 are 2.6 percent ($41) higher in the Phased Auction case and 3.6 percent ($58) higher in the Full Auction case. By 2030, projected annual per household energy expenditures range from 7.0 percent to 8.1 percent ($118 to $136) higher in the two cases. The difference primarily reflects the lower electricity prices in the Phased Auction case.

Coal use is projected to continue to grow, but at a much slower rate than in the reference case. Total energy from coal increases by 23 percent between 2004 and 2030, less than half the 53-percent increase projected in the reference case over the same time period.

The proposal significantly boosts nuclear capacity additions and generation. The projected 47-gigawatt increase in nuclear capacity between 2004 and 2030 allows nuclear to continue to provide about 20 percent of the Nation's electricity in 2030. In the reference case, nuclear capacity increases by only 9 gigawatts between 2005 and 2030.

The proposal also adds significantly to renewable generation. In the reference case, renewable generation is projected to increase from 358 billion kilowatt hours in 2004 to 559 billion kilowatt hours in 2030. In the Phased Auction case, renewable generation increases to 572 billion kilowatt hours by 2020 and 823 billion kilowatt hours by 2030. Most of the increase in renewable generation is expected to be from non-hydroelectric renewable generators, mainly biomass and wind.

Retail gasoline prices in 2030 are $0.11 per gallon higher in 2030 compared to the AEO2006 reference case, leading to modest changes in vehicle purchase and travel decisions. The transportation sector provides only a small amount of emissions reduction.

Economy

While the Phased Auction and Full Auction cases have similar energy market impacts, the macroeconomic impacts of the two cases differ because of differences in the revenue flows associated with emission allowances.

In the Phased Auction case, the $50-billion cap (nominal dollars) on the maximum cumulative deposits to the Climate Change Trust Fund is reached in 2017, and all subsequent revenues from allowance sales or safety valve payments go to the U.S. Treasury. This leads to a $59-billion reduction in the Federal deficit by 2030. However, in the Full Auction case, the revenues flowing to the government are much larger, resulting in a $200-billion reduction in the Federal deficit in 2030.

In the Phased Auction case, wholesale energy prices rise steadily and, by 2030, are approximately 12 percent above the reference case levels (after inflation). This translates into 8-percent higher energy prices at the consumer level by 2030 and a 1-percent increase in the All-Urban Consumer Price Index (CPI) above the reference case level.

In the Phased Auction case, discounted total GDP (in 2000 dollars) over the 2009–2030 time period is $232 billion (0.10 percent) lower than in the reference case, while discounted real consumer spending is $236 billion (0.14 percent) lower. In 2030, in the Phased Auction case, real GDP is projected to be $59 billion (0.26 percent) lower than in the reference case, while aggregate consumption expenditures, which relate more directly to impacts on consumers, are $55 billion (0.36 percent) lower. The reductions in GDP and consumption reflect the rise in energy prices and the resulting decline in personal disposable income.

While higher energy costs and lower consumption expenditures tend to discourage investment, many provisions of the bill help to support investment activity. The value of allowances allocated to States is substantial, and some portion of the allowance revenue would likely result in increased investment. In addition, the portion of the allowance allocated to the private sector generates funds which would help spur private investment in energy saving technologies.

TABLE ES1.—SUMMARY ENERGY MARKET RESULTS FOR THE REFERENCE AND $7 PHASED AUCTION CASES

Projection	2004	2020		2030	
		AEO2006 reference	Phased auction	AEO2006 reference	Phased auction
Emissions of Greenhouse Gases (million metric tons CO_2 equivalent)					
Energy-Related Carbon Dioxide	5,900	7,119	6,926	8,114	7,387
Other Covered Emissions	259	452	195	627	235
Total Covered emissions	6,159	7,571	7,121	8,742	7,622
Total Greenhouse Gases	7,122	8,649	8,087	9,930	8,671
Emissions Reduction from Reference Case (million metric tons CO_2 equivalent					
Energy-Related Carbon Dioxide	—	—	193	—	727
Other Covered Emissions	—	—	258	—	392
Nonenergy Offset Credits	—	—	111	—	140
Carbon Sequestration	—	—	296	—	311
Total Emission Reductions	—	—	562	—	1,259
Total (including sequestration)	—	—	858	—	1,570
Allowance Price (2004 Dollars per metric ton CO_2 equivalent)	—	—	7.15	—	14.18
Delivered Energy Prices (2004 dollars per unit indicated) (includes allowance costs)					
Motor Gasoline (per gallon)	1.90	2.08	2.14	2.19	2.30
Jet Fuel (per gallon)	1.22	1.42	1.50	1.56	1.69
Distillate (per gallon)	1.74	1.93	2.04	2.06	2.25
Natural Gas (per thousand cubic feet)	7.74	7.14	7.55	8.22	9.10
Residential	10.72	10.48	10.87	11.67	12.59
Electric Power	6.07	5.53	5.99	6.41	7.39
Coal, Electric Power (per million Btu)	1.39	1.39	2.06	1.51	2.73
Electricity (cents per kilowatthour)	7.57	7.25	7.51	7.51	8.31
Fossil Energy Consumption quadrillion Btu)					
Petroleum	40.1	48.1	47.2	53.6	52.0
Natural Gas	23.1	27.7	27.4	27.7	27.9
Coal	22.5	27.6	26.4	34.5	27.7
Electricity Generation (billion kilowatthours)					
Petroleum	120	107	49	115	49
Natural Gas	702	1,103	1,184	993	1,190
Coal	1,977	2,505	2,370	3,381	2,530
Nuclear	789	871	871	871	1,168
Renewable	358	515	572	559	823
Total	3,955	5,108	5,055	5,926	5,768

Source: National Energy Modeling System runs AEO2006.D111905A and BL PHASED7.D112006B.

GDP and consumption impacts in the Full Auction case are substantially larger than those in the Phased Auction case. Relative to the reference case, discounted total GDP (in 2000 dollars) over the 2009–2030 time period in the Full Auction case is $462 billion (0.19 percent lower), while discounted real consumer spending is $483 billion (0.29 percent) lower. In 2030, projected real GDP in the Full Auction case is $94 billion (0.41 percent) lower than in the reference case, while aggregate consumption is $106 billion (0.69 percent) lower, almost twice the estimated consumption loss in the Phased Auction case. These results reflect the substantially higher level of auction revenues under the Full Auction case, which, by assumption, are not re-circulated into the economy beyond the $50 billion in expenditures from the Climate Change Trust Fund. Because these estimated impacts could change significantly under alternative revenue recycling assumptions, these results do not imply a general conclusion that a Phased Auction will necessarily result in lesser impacts on GDP and consumption than a Full Auction.

EXHIBIT 2

A CBO PAPER, SEPTEMBER 2006: EVALUATING THE ROLE OF PRICES AND R&D IN REDUCING CARBON DIOXIDE EMISSIONS

SUMMARY AND INTRODUCTION

Several important human activities—most notably the worldwide burning of coal, oil, and natural gas—are gradually increasing the concentrations of carbon dioxide and other greenhouse gases in the atmosphere and, in the view of many climate scientists, are gradually warming the global climate. That warming, and any long-term damage that might result from it, could be reduced by restraining the growth of greenhouse gas emissions and ultimately limiting them to a level that stabilized atmospheric concentrations.

The magnitude of warming and the damages that might result are highly uncertain, in part because they depend on the amount of emissions that will occur both now and in the future, how the global climate system will respond to rising concentrations of greenhouse gases in the atmosphere, and how changes in climate will affect the health of human and natural systems. The costs of restraining emissions are also highly uncertain, in part because they will depend on the development of new technologies. From an economic point of view, the challenge to policymakers is to implement policies that balance the uncertain costs of restraining emissions against the benefits of avoiding uncertain damages from global warming or that minimize the cost of achieving a target level of concentrations or level of annual emissions.

Researchers have studied the relative efficacy—as well as the appropriate timing—of various policies that might discourage emissions of carbon dioxide (referred to as carbon emissions in the rest of this paper), which makes up the vast majority of greenhouse gases, and restrain the growth of its atmospheric concentration. This paper presents qualitative findings from that research, which are largely dependent of any particular estimate of the costs or benefits of reducing emissions. The paper's conclusions are summarized below.

Policies for reducing carbon emissions

The possibility of climate change involves two distinct "market failures" that prevent unregulated markets from achieving the appropriate balance between fossil fuel use and changes in the climate. One market failure involves the external effects of emissions from the combustion of fossil fuels—that is, the costs that are imposed on society by the use of fossil fuels but that are not reflected in the prices paid for them. The other market failure is a general underinvestment in research and development (R&D) that occurs because investments in innovation may yield "spillover" benefits to society that do not translate into profits for the innovating firm. The first market failure yields inefficiently high use of fossil fuels; the second yields inefficiently low R&D.

Because there are two separate market failures, an efficient response is likely to involve two separate types of policies:

One type of policy would reduce carbon emissions by increasing the costs of emitting carbon, both in the near term and in the future, to reflect the damages that those emissions are expected to cause.

The other type of policy would increase federal support for R&D on various technologies that could help restrain the growth of carbon emissions and would create spillover benefits.

Policymakers could increase the cost of emitting carbon by setting a price on those emissions. That could be accomplished by taxing fossil fuels in proportion to their carbon content (which is released when the fuels are burned) or by establishing a "cap-and-trade" program under which policymakers would set an overall cap on emissions but allow fossil fuel suppliers to trade rights (called allowances) to those limited emissions. Either a tax or a cap-and-trade program would cause the prices of goods and services to rise to reflect the amount of carbon emitted as a result of their consumption. To the extent that a carbon tax or allowance price reflected the present value of expected damages, such policies would encourage users of fossil fuels to account for the costs they impose on others through their emissions of greenhouse gases.

Researchers generally conclude that the appropriate price for carbon would be relatively low in the near term but would rise substantially over time, resulting in relatively modest reductions in emissions in the near term followed by larger reductions in the future. Phasing in price increases would allow firms to gradually replace their stock of physical capital associated with energy use and to gain experience in using new technologies that emit less carbon. Firms would have an incentive to invest in developing new technologies on the basis of their expectations about future prices for emissions.

Federal support could be provided for the research and development of technologies that would lead to lower emissions. Such technologies could include improvements in energy efficiency; advances in low- or zero emissions technologies (such as nuclear, wind, or solar power); and development of sequestration technologies, which capture and store carbon for long periods. Federal support would probably be most cost-effective if it went toward basic research on technologies that are in the early stages of development. Such research is more likely to be underfunded in the absence of government support because it is more likely to create knowledge that is beneficial to other firms but that does not generate profits for the firm conducting the research.

The interaction and timing of policies

Pricing and R&D policies are neither mutually exclusive nor entirely independent—both could be implemented simultaneously, and each would tend to enhance the other. Pricing policies would tend to encourage the use of existing carbon-reducing technologies as well as provide incentives for firms to develop new ones; federal funding of R&D would augment private efforts; and successful R&D investments would reduce the price required to achieve a given level of reductions in emissions.

Neither policy alone is likely to be as effective as a strategy involving both policies. Relying exclusively on R&D funding in the near term, for example, does not appear likely to be consistent with the goal of balancing costs and benefits or the goal of minimizing the costs of meeting an emissions reduction target. At any point in time, there is a cost continuum for emissions reductions, ranging from low-cost to high-cost opportunities. Unless R&D efforts virtually eliminated the value of near-term reductions in emissions (an outcome that appears unlikely given reasonable assumptions about the payoff of R&D efforts), waiting to begin initial pricing (to encourage low-cost reductions) would increase the overall cost of reducing emissions in the long run.

Near-term reductions in emissions achieved with existing technologies could be valuable even if fundamentally new energy technologies would be needed to prevent the buildup of greenhouse gases in the atmosphere from reaching a point that triggered a rapid increase in damages. Near-term reductions could take advantage of low-cost opportunities to avoid adding to the stock of gases in the atmosphere and could allow additional time for new technologies to be developed and put in place. That additional time could prove quite valuable, given that R&D efforts are highly uncertain and that the process of putting new energy systems in place could be slow and costly.

Determining the appropriate mix of policies to address climate change is complicated by the fact that future policies would be layered on a complex mix of current and past policies, all of which affect today's use of fossil fuels and their alternatives as well as the amount of R&D. The analyses reviewed in this paper typically do not account for existing policies or for the administrative costs of implementing a carbon-pricing program or of initiating a larger (and perhaps redesigned) R&D program for carbon-reducing technologies. However, the qualitative conclusion reached in those analyses—that costs would be minimized by a combination of gradually increasing emissions prices coupled with subsidies for R&D—is not likely to be affected by such considerations.

A global concern

The causes and consequences of climate change are global, and reductions in U.S. emissions alone would be unlikely to have a significant impact. Cost-effective mitigation policies would require coordinated international efforts and would involve overcoming institutional barriers to the diffusion of new technologies in developing countries, such as India and China. If a domestic carbon-pricing program significantly increased the prices of U.S.produced goods—and was not matched by efforts to reduce emissions in other countries—it could cause carbon-intensive industries to relocate to countries without similar restrictions, diminishing the environmental benefits of a domestic program.

However, successful domestic R&D efforts, whether funded by the public or private sector, could lower the costs of reducing carbon emissions in other countries as well as within the United States. Some new technologies, such as those that yielded improvements in energy efficiency, might be deployed without additional incentives. Other innovations, such as sequestration technologies or alternative energy technologies that reduce carbon emissions but cost more than their fossil-fuel-based alternatives, would be unlikely to be deployed without financial incentives to reduce carbon emission.

EXHIBIT 3

CHAIRMAN AND RANKING MEMBER STATEMENT: CLIMATE CHANGE CONFERENCE

On April 4, 2006, the Senate Committee on Energy and Natural Resources held a conference to discuss critical issues involved in the design of a mandatory greenhouse gas (GHG) program. More than 300 people attended the event and over 160 organizations and individuals submitted detailed written comments.

Although the issue of climate change continues to elicit a diverse array of opinions, we are encouraged that a number of general themes are emerging that could form the basis of eventual solutions to reducing greenhouse gas emissions.

The following discussion reflects our perception of key areas where there appears to be a narrowing of disagreement and in some cases an emerging consensus. Of course it is not our intent to imply that there is now or will ever be an absolute unanimity of opinion on issues related to climate change, especially on a greenhouse gas regulatory mechanism. Nevertheless, we remain committed to exploring the development of solutions consistent with the requirements set forth in the June 22, 2005, Sense of the Senate Resolution. We continue to work together with our colleagues on the Committee on Energy and Natural Resources and throughout the Senate to fashion reasonable policy solutions to the key issues identified at the April 4, 2006, Workshop and look forward to ongoing input and engagement from interested stakeholders.

CONCEPTUAL DIRECTION FOR REDUCING GREENHOUSE GAS EMISSIONS

In both the written submissions and comments at the workshop, many participants and respondents expressed the view that the risks associated with a changing climate justified the adoption of mandatory limits on greenhouse gas emissions. While opinions varied on the stringency of initial limits, there was support for the notion that a program should begin modestly and strengthen gradually over time. Consistent with the success of the acid rain program and other market-based approaches, most participants supported a market-based approach that would set a "forward price" on greenhouse gas emissions in order to provide both the flexibility and incentive needed to accelerate technology development and deployment.

Most participants recognized that if the price signal initially imposed under a domestic regime is modest, it is unlikely to be strong enough to motivate the development and deployment of the key technologies that will ultimately be needed to eventually eliminate GHG emissions. In order to speed technology deployment, there was general agreement that some portion of the proceeds of a permit auction should be used to enhance current technology incentives. Again there was disagreement about the appropriate size of a permit auction and the means of directing these resources toward technology innovation. Ultimately, we perceive agreement that a GHG policy should provide a combination of a market signal and increased incentives for technology innovation.

In addition to general support for the overall goals of the Sense of the Senate Resolution, we are encouraged by the similarity of views with respect to several of the key questions raised in the White Paper:

Economy-wide approach: A threshold decision in designing a mandatory GHG emission reduction program is whether the program should address GHG's on an economy-wide basis or whether the program should focus on the GHG emissions of just one or more sectors of the economy. In general, there was agreement on the need for economy-wide action to address the wide diversity of sources of GHG's. Many participants argued that an economy-wide program is the most equitable and efficient approach.

Upstream or hybrid point of regulation: Most participants supported either an entirely upstream or a hybrid approach for point of regulation. In an "upstream" regulatory approach, the point of regulation is placed closer to energy producers and suppliers than to end-use consumers. Specifically, a requirement to acquire permits or allowances for emissions associated with fossil fuel use might apply to coal mining companies, petroleum refiners, and natural gas shippers, processors or pipelines rather than to the "smokestack" entities (e.g., electric utilities, large industrial plants). Under a "hybrid" approach, major stationary sources that burn coal would be regulated at the point of combustion, while natural gas and petroleum related emissions would be addressed upstream (at refineries for petroleum and at either shippers, processors, or pipelines for natural gas). Regulating the carbon content of fuels at the point in which energy enters the economy was described by many as providing the most complete coverage through the most manageable regulatory approach. However, several participants noted that the efficiency of an upstream program would not be diminished if only major stationary sources were carved out for regulation at the source of combustion. They note that these sources are limited in number and already have the monitoring and knowledge in place necessary to implement such requirements due to participation in the acid rain program.

Offsets and set-asides: There was general agreement about the benefits of emission reduction projects at sources outside of a cap on GHG emissions. However, there was some disagreement about how to ensure the environmental integrity of these types of projects. Some panelists argued that offsets could provide low-cost emission reductions and could create incentives for new technologies and approaches. In particular, a few panelists specifically mentioned the potential for offset opportunities in the agricultural sector. Others noted that offsets could dilute the environmental benefit of a mandatory program unless they are accompanied by rigorous and standardized baseline and measurement protocols. An additional option would be to dedicate a percentage of allowances from within a program's overall allowance allocation for offset activities that are less easily verified.

Links to other trading programs: Ultimately, GHG emissions cannot be reduced absent an effort that includes meaningful participation from all nations with significant GHG emissions. An emission reduction program in the U.S. could be designed to leave open the possibility of trading with GHG systems in other countries. Most panelists at the conference agreed that linking to other domestic emissions trading programs is theoretically more efficient. However, a few panelists also noted that differences in the design of domestic trading programs (e.g., different target levels, different monitoring and verification systems) may complicate linking programs and make it politically difficult in the near-term.

Developing country action: Many participants agreed that an important component of a U.S. GHG program should encourage major trading partners and large emitters of GHG's to take actions that are comparable to those taken by the U.S. Panelists noted that ultimately, action by major developing countries like China and India is critical to address climate change. There was also discussion of the competitive implications if the U.S. takes action to address climate change and other major trading partners do not. Not all, but many panelists said that the U.S. should not wait for developing countries to act. Rather, the U.S. should take a cautious first step toward mandatory action with additional action conditioned on an evaluation of the efforts of major developing country emitters. There was debate about how to measure progress when different countries have different national circumstances. There was also discussion about the best process for evaluating the actions of developing countries and about how much discretion there should be in this process.

Allowance distribution: Multiple views were expressed at the conference on the best approach to allowance distribution. However, a significant number of panelists emphasized that not all allowances need be distributed for free at the point of regulation. For example, several panelists endorsed the concept of using cost burden as a principle for allocation. In other words, even if a sector is not at the point of regulation, it still might receive some allowances to mitigate the cost impacts of a mandatory program. In addition, some panelists argued for the benefits of allowance auctions. According to this view, auctions can level the playing field for new facilities, and can create an incentive for lower-carbon technology. Auctions may also avoid the need for complex allocation rules that might result in unintended competitive advantages, including windfall profits, for certain market participants. On the other hand, some panelists noted the political difficulties of an auction approach and suggested a gradual transition to an auction. Finally, the discussion on allowance distribution highlighted the diverse economic, regulatory, social, and political considerations associated with this issue. There were a number of creative suggestions at the conference on how to accommodate these different considerations.

Based on the discussion at the conference, we believe the following principles for allocation are emerging:

Allowances should be allocated in a manner that recognizes and roughly addresses the disparate costs imposed by the program.

Allowances should not be allocated solely to regulated entities because such entities do not solely bear the costs of the emissions trading program.

A portion of the allowances should be auctioned (or used for "set-aside" programs), with revenues used to advance climate-related policy goals and other public purposes.

Over time, an allowance distribution approach should transition from approaches that attempt to fairly compensate sectors for past investments in carbon intensive technologies to approaches that create incentives for energy efficiency and lower carbon technologies. In practice, this means a gradual transition over an extended period of time from a largely free allocation of allowances to the use of an auction as the predominant method for distribution of allowances.

NEXT STEPS

The Committee intends to continue soliciting comments on the major points that have been summarized from the conference and on the emerging allowance allocation principles that have been described. The Committee recognizes that any proposals for a mandatory GHG program will deserve further input from affected stakeholders and Members of Congress. We encourage stakeholders and congressional offices to provide the Committee with ideas and suggestions for expanding general findings to the next level of specificity. Please contact John Peschke or Jonathan Black if you have further thoughts or input.

EXHIBIT 4

S.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "________ Act of ______".

SEC. 2. ACTIONS TO ADDRESS GLOBAL CLIMATE.

Title XVI of the Energy Policy Act of 1992 (42 U.S.C. 13381 et seq.) is amended—

(1) by inserting after the title designation and heading the following:

"Subtitle A—General Provisions";

and

(2) by adding at the end the following:

"Subtitle B—Actions to Address Global Climate Change

"SEC. 1611. PURPOSE.

"The purpose of this subtitle is to reduce greenhouse gas emissions intensity in the United States, beginning in calendar year 2012, through an emissions trading system designed to achieve emissions reductions at the lowest practicable cost to the United States.

"SEC. 1612. DEFINITIONS.

"In this subtitle:

"(1) CARBON DIOXIDE EQUIVALENT.—The term 'carbon dioxide equivalent' means—

"(A) for each covered fuel, the quantity of carbon dioxide that would be emitted into the atmosphere as a result of complete combustion of a unit of the covered fuel, to be determined for the type of covered fuel by the Secretary; and

"(B) for each greenhouse gas (other than carbon dioxide) the quantity of carbon dioxide that would have an effect on global warming equal to the effect of a unit of the greenhouse gas, as determined by the Secretary, taking into consideration global warming potentials.

"(2) COVERED FUEL.—The term 'covered fuel' means—

"(A) coal;

"(B) petroleum products;

"(C) natural gas;

"(D) natural gas liquids; and

"(E) any other fuel derived from fossil hydrocarbons (including bitumen and kerogen).

"(3) COVERED GREENHOUSE GAS EMISSIONS.—

"(A) IN GENERAL.—The term 'covered greenhouse gas emissions' means—

"(i) the carbon dioxide emissions from combustion of covered fuel carried out in the United States; and

"(ii) nonfuel-related greenhouse gas emissions in the United States, determined in accordance with section 1615(b)(2).

"(B) UNITS.—Quantities of covered greenhouse gas emissions shall be measured and expressed in units of metric tons of carbon dioxide equivalent.

"(4) EMISSIONS INTENSITY.—The term 'emissions intensity' means, for any calendar year, the quotient obtained by dividing—

"(A) covered greenhouse gas emissions; by

"(B) the forecasted GDP for that calendar year.

"(5) FORECASTED GDP.—The term 'forecasted GDP' means the predicted amount of the gross domestic product of the United States, based on the most current projection used by the Energy Information Administration of the Department of Energy on the date on which the prediction is made.

"(6) FORECASTED GDP IMPLICIT PRICE DEFLATOR.—The term 'forecasted GDP implicit price deflator' means [*TO BE SUPPLIED*].

"(7) GREENHOUSE GAS.—The term 'greenhouse gas' means—

"(A) carbon dioxide;

"(B) methane;

"(C) nitrous oxide;

"(D) hydrofluorocarbons;

"(E) perfluorocarbons; and

"(F) sulfur hexafluoride.

"(8) INITIAL ALLOCATION PERIOD.—The term 'initial allocation period' means the period beginning January 1, 2012, and ending December 31, 2021.

["(9) NATURAL GAS PROCESSING PLANT.—The term 'natural gas processing plant' means a facility designed to separate natural gas liquids from natural gas.]

"(10) NONFUEL REGULATED ENTITY.—The term 'nonfuel regulated entity' means—

"(A) the owner or operator of a facility that manufactures hydrofluorocarbons, perfluorocarbons, sulfur hexafluoride, or nitrous oxide;

"(B) an importer of hydrofluorocarbons, perfluorocarbons, sulfur hexafluoride, or nitrous oxide;

"(C) the owner or operator of a facility that emits nitrous oxide associated with the manufacture of adipic acid or nitric acid;

"(D) the owner or operator of an aluminum smelter;

"(E) the owner or operator of an underground coal mine that emitted more than 35,000,000 cubic feet of methane during 2004 or any subsequent calendar year; and

"(F) the owner or operator of facility that emits hydrofluorocarbon-23 as a byproduct of hydrochlorofluorocarbon-22 production.

"(11) OFFSET PROJECT.—The term 'offset project' means any project to—

"(A) reduce greenhouse gas emissions; or

"(B) sequester a greenhouse gas.

"(12) PETROLEUM PRODUCT.—The term 'petroleum product' means—

"(A) a refined petroleum product;

"(B) residual fuel oil;

"(C) petroleum coke; or

"(D) a liquefied petroleum gas.

"(13) REGULATED ENTITY.—The term 'regulated entity' means—

"(A) a regulated fuel distributor; or

"(B) a nonfuel regulated entity.

"(14) REGULATED FUEL DISTRIBUTOR.—The term 'regulated fuel distributor' means—

"(A) the owner or operator of—

"(i) a petroleum refinery;

"(ii) a coal mine that produces more than 10,000 short tons during 2004 or any subsequent calendar year; or

"(iii) a: natural gas processing plant [*size threshold*];

"(B) an importer of—

"(i) petroleum products;

"(ii) coal;

"(iii) coke; or

"(iv) natural gas liquids; or

"(C) any other entity the Secretary determines under section 1615(b)(3)(A)(ii) to be subject to section 1615.

"(15) SAFETY VALVE PRICE.—The term 'safety valve price' means—

"(A) for 2012, $7 per metric ton of carbon dioxide equivalent; and

"(B) for each subsequent calendar year, an amount equal to the product obtained by multiplying—

"(i) the safety valve price established for the preceding calendar year increased by 5 percent, unless a different rate of increase is established for the calendar year under section 1622; and

"(ii) the ratio that—

"(I) the forecasted GDP implicit price deflator for the calendar year; bears to

"(II) the forecasted GDP implicit price deflator for the preceding calendar year.

"(16) SECRETARY.—The term 'Secretary' means the Secretary of Energy, unless the President designates another officer of the Executive Branch to carry out a function under this subtitle.

"(17) SUBSEQUENT ALLOCATION PERIOD.—The term 'subsequent allocation period' means—

"(A) the 5-year period beginning January 1, 2022, and ending December 31, 2026; and

"(B) each subsequent 5-year period.

"SEC. 1613. QUANTITY OF ANNUAL GREENHOUSE GAS ALLOWANCES.

"(a) INITIAL ALLOCATION PERIOD.—

"(1) IN GENERAL.—Not later than December 31, 2008, the Secretary shall—

"(A) make a projection with respect to emissions intensity for 2011, using—

"(i) the Energy Information Administration's most current projections of covered greenhouse gas emissions for 2011; and

"(ii) the forecasted GDP for 2011;

"(B) determine the emissions intensity target for 2012 by calculating a 2.6 percent reduction from the projected emissions intensity for 2011;

"(C) in accordance with paragraph (2), determine the emissions intensity target for each calendar year of the initial allocation period after 2012; and

"(D) in accordance with paragraph (3), determine the total number of allowances to be allocated for each calendar year during the initial allocation period.

"(2) EMISSIONS INTENSITY TARGETS AFTER 2012.—For each calendar year during the initial allocation period after 2012, the emissions intensity target shall be the emissions intensity target established for the preceding calendar year reduced by 2.6 percent.

"(3) TOTAL ALLOWANCES.—For each calendar year during the initial allocation period, the quantity of allowances to be issued shall be equal to the product obtained by multiplying—

"(A) the emissions intensity target established for the calendar year; and

"(B) the forecasted GDP for the calendar year.

"(b) SUBSEQUENT ALLOCATION PERIODS.—

"(1) IN GENERAL.—Not later than the date that is 4 years before the beginning of each subsequent allocation period, the Secretary shall—

"(A) except as directed under section 1622, determine the emissions intensity target for each calendar year during that subsequent allocation period, in accordance with paragraph (2); and

"(B) issue the total number of allowances for each calendar year of the subsequent allocation period, in accordance with paragraph (3).

"(2) EMISSIONS INTENSITY TARGETS.—For each calendar year during a subsequent allocation period, the emissions intensity target shall be the emissions intensity target established for the preceding calendar year reduced by 3.0 percent.

"(3) TOTAL ALLOWANCES.—For each calendar year during a subsequent allocation period, the quantity of allowances to be issued shall be equal to the product obtained by multiplying—

"(A) the emissions intensity target established for the calendar year; and

"(B) the forecasted GDP for the calendar year.

"(c) ADMINISTRATIVE REQUIREMENTS.—

"(1) DENOMINATION.—Allowances issued by the Secretary under this section shall be denominated in units of metric tons of carbon dioxide equivalent.

"(2) PERIOD OF USE.—An allowance issued by the Secretary under this section may be used during—

"(A) the calendar year for which the allowance is issued; or

"(B) any subsequent calendar year.

"(3) SERIAL NUMBERS.—The Secretary shall—

"(A) assign a unique serial number to each allowance issued under this subtitle; and

"(B) retire the serial number of an allowance on the date on which the allowance is submitted under section 1615.

"SEC. 1614. ALLOCATION AND AUCTION OF GREENHOUSE GAS ALLOWANCES.

"(a) ALLOCATION OF ALLOWANCES.—

"(1) DEFINITION OF STATE.—In this subsection, the term 'State' means—

"(A) each of the several States of the United States;

"(B) the District of Columbia:

"(C) the Commonwealth of Puerto Rico;

"(D) Guam;

"(E) American Samoa;

"(F) the Commonwealth of the Northern Mariana Islands;

"(G) the Federated States of Micronesia;

"(H) the Republic of the Marshall Islands;

"(I) the Republic of Palau; and

"(J) the United States Virgin Islands.

"(2) ALLOCATIONS.—Not later than the date that is 2 years before the beginning of the initial allocation period, and each subsequent allocation period, the Secretary shall allocate for each calendar year during the allocation period a quantity of allowances in accordance with this subsection.

"(3) QUANTITY.—The total quantity of allowances available to be allocated to industry and States [*OR: to industry and by the President*] for each calendar year of an allocation period shall be the product obtained by multiplying—

"(A) the total quantity of allowances issued for the calendar year under subsection (a)(3) or (b)(3) of section 1613; and

"(B) the allocation percentage for the calendar year under subsection (c).

"(4) ALLOWANCE ALLOCATION RULEMAKING.—Not later than 18 months after the date of enactment of this subtitle, the Secretary shall establish, by rule, procedures for allocating allowances in accordance with the criteria established under this subsection, including requirements (including forms and schedules for submission) for the reporting of information necessary for the allocation of allowances under this section.

"(5) DISTRIBUTION OF ALLOWANCES TO INDUSTRY.—The allowances available for allocation to industry under paragraph (3) shall be distributed as follows:

"(A) COAL MINES.—

"(i) DEFINITION OF ELIGIBLE COAL MINE.—In this subparagraph, the term 'eligible coal mine' means a coal mine located in the United States that is a regulated fuel distributor.

"(ii) TOTAL ALLOCATION.—For each year, eligible coal mines shall be allocated 7/55 of the total quantity of allowances available for allocation to industry under paragraph (3).

"(iii) INDIVIDUAL ALLOCATIONS.—For any year, the quantity of allowances allocated to an eligible coal mine shall be the quantity equal to the product obtained by multiplying—

"(I) the total allocation to eligible coal mines under clause (ii); and

"(II) the ratio that—

"(aa) the carbon content of coal produced at the eligible coal mine during the 3-year period beginning on January 1, 2004; bears to

"(bb) the carbon content of coal produced at all eligible coal mines in the United States during that period.

"(B) PETROLEUM REFINERS.—

"(i) TOTAL ALLOCATION.—For each year, the petroleum refining sector shall be allocated 4/55 of the total quantity of allowances available for allocation to industry under paragraph (3).

"(ii) INDIVIDUAL ALLOCATIONS.—For any year, the quantity of allowances allocated to a petroleum refinery located in the United States shall be the quantity equal to the product obtained by multiplying—

"(I) the total allocation to the petroleum refining sector under clause (i); and

"(II) the ratio that—

"(aa) the carbon content of petroleum products produced at the refinery during the 3-year period beginning on January 1, 2004; bears to

"(bb) the carbon content of petroleum products produced at all refineries in the United States during that period.

"(C) NATURAL GAS PROCESSORS.—

"(i) DEFINITION OF ELIGIBLE NATURAL GAS PROCESSOR.—In this subparagraph, the term 'eligible natural gas processor' means a natural gas processor located in the United States that is a regulated fuel distributor.

"(ii) TOTAL ALLOCATION.—For each year, eligible natural gas processors shall be allocated 2/55 of the total quantity of allowances available for allocation to industry under paragraph (3).

"(iii) INDIVIDUAL ALLOCATIONS.—For any year, the quantity of allowances allocated to an eligible natural gas processor shall be the quantity equal to the product obtained by multiplying—

"(I) the total allocation to eligible natural gas processors under clause (ii); and

"(II) the ratio that—

"(aa) the sum of, for the 3-year period beginning on January 1, 2004—

"(AA) the carbon content of natural gas liquids produced by the eligible natural gas processor; and

"(BB) the carbon content of the natural gas delivered into commerce by the eligible natural gas processor; bears to

"(bb) the sum of, for that period—

"(AA) the carbon content of natural gas liquids produced by all eligible natural gas processors; and

"(BB) the carbon content of the natural gas delivered into commerce by all eligible natural gas processors.

"(D) ELECTRICITY GENERATORS.—

"(i) DEFINITION OF ELIGIBLE ELECTRICITY GENERATOR.—In this subparagraph, the term 'eligible electricity generator' means an electricity generator located in the United States that is a fossil fuel-fired electricity generator.

"(ii) TOTAL ALLOCATION.—For each year, eligible electricity generators shall be allocated 30/55 of the total quantity of allowances available for allocation to industry under paragraph (3).

"(iii) INDIVIDUAL ALLOCATIONS.—For any year, the quantity of allowances allocated to an eligible electricity generator shall be the quantity equal to the product obtained by multiplying—

"(I) the total allocation to eligible electricity generators under clause (ii); and

"(II) the ratio that—

"(aa) the carbon content of the fossil fuel input of the eligible electricity generator during the 3-year period beginning on January 1, 2004; bears to

"(bb) the total carbon content of fossil fuel input of eligible electricity generators in the United States during that period.

"(E) CARBON-INTENSIVE MANUFACTURING SECTORS.—

"(i) DEFINITION OF ELIGIBLE MANUFACTURER.—In this subparagraph, the term 'eligible manufacturer' means a carbon-intensive manufacturer located in the United States that [used more than ________ during ; *need to define/specify; need to exclude fossil fuel-fired electricity generation*].

"(ii) TOTAL ALLOCATION.—For each year, eligible manufacturers shall be allocated 10/55 of the total quantity of allowances available for allocation to industry under paragraph (3).

"(iii) INDIVIDUAL ALLOCATIONS.—For any year, the quantity of allowances allocated to an eligible manufacturer shall be the quantity equal to the product obtained by multiplying—

"(I) the total allocation to eligible manufacturers under clause (ii); and

"(II) the ratio that—

"(aa) the carbon content of fossil fuel combusted at the eligible manufacturer during the 3-year period beginning on January 1, 2004; bears to

"(bb) the total carbon content of fossil fuel combusted at all eligible manufacturers in the United States during that period.

"(F) NONFUEL REGULATED ENTITIES.—

"(i) TOTAL ALLOCATION.—For each year, nonfuel regulated entities shall be allocated 2/55 of the total quantity of allowances available for allocation to industry under paragraph (3).

"(ii) INDIVIDUAL ALLOCATIONS.—For any year, the quantity of allowances allocated to a nonfuel regulated entity shall be the quantity equal to the product obtained by multiplying—

"(I) the total allocation to nonfuel regulated entities under clause (i); and

"(II) the ratio that—

"(aa) the carbon dioxide equivalent of the nonfuel-related greenhouse gas produced or emitted by the nonfuel regulated entity at facilities in the United States during the 3-year period beginning on January 1, 2004; bears to

"(bb) the carbon dioxide equivalent of the nonfuel-related greenhouse gases produced or emitted by all nonfuel regulated entities at facilities in the United States during that period.

"(6) ALLOWANCES TO STATES.—

"(A) DISTRIBUTION.—The allowances available for allocation to States under paragraph (3) shall be distributed as follows:

"(i) For each year, ½ of the quantity of allowances available for allocation to States under paragraph (3) shall be allocated among the States based on the ratio that—

"(I) the greenhouse gas emissions of the State during the 3-year period beginning on January 1, 2004; bears to

"(II) the greenhouse gas emissions of all States for that period.

"(ii) For each year, ½ of the quantity of allowances available for allocation to States under paragraph (3) shall be allocated among the States based on the ratio that—

"(I) the population of the State, as determined by the 2000 decennial census; bears to

"(II) the population of all States as determined by that census.

"(B) USE.—

"(i) IN GENERAL.—During any year, a State shall use not less than 90 percent of the allowances allocated to the State for that year—

"(I) to mitigate impacts on low-income energy consumers;

"(II) to promote energy efficiency;

"(III) to promote investment in nonemitting electricity generation technology;

"(IV) to encourage advances in energy technology that reduce or sequester greenhouse gas emissions;

"(V) to avoid distortions in competitive electricity markets;

"(VI) to mitigate obstacles to investment by new entrants in electricity generation markets;

"(VII) to address local or regional impacts of climate change policy, including providing assistance to displaced workers;

"(VIII) to mitigate impacts on energy-intensive industries in internationally-competitive markets; or

"(IX) to enhance energy security.

"(ii) DEADLINE.—A State shall allocate allowances for use in accordance with clause (i) by not later than 1 year before the beginning of each allowance allocation period.

["(6) [*POSSIBLE* SUBSTITUTE FOR (6)] distribution of allowances by president.—]

["(A) IN GENERAL.—The President shall distribute the allowances available for allocation by the President under paragraph (3) in a manner designed to mitigate the undue impacts of the program under this subtitle.]

["(B) USE.—During any year, the President shall use not less than 90 percent of the allowances available for allocation by the President for that year—]

["(i) to mitigate impacts on low-income energy consumers;]

["(ii) to promote energy efficiency;]

["(iii) to promote investment in nonemitting electricity generation technology;]

["(iv) to support advances in energy technology that reduce or sequester greenhouse gas emissions;]

["(v) to avoid distortions in competitive electricity markets;]

["(vi) to mitigate obstacles to investment by new entrants in electricity generation markets;]

["(vii) to address local or regional impacts of climate change policy, including providing assistance to displaced workers;]

["(viii) to mitigate impacts on energy-intensive industries in internationally-competitive markets; and]

["(ix) to enhance energy security.]

[“(C) DEADLINE.—The President shall allocate allowances for use in accordance with subparagraph (B) by not later than 1 year before the beginning of each allowance allocation period. [*Corresponding changes needed elsewhere if this paragraph is selected.*]]

“(7) COST OF ALLOWANCES.—The Secretary shall distribute allowances under this subsection at no cost to the recipient of the allowance.

“(b) AUCTION OF ALLOWANCES.—

“(1) IN GENERAL.—The Secretary shall establish, by rule, a procedure for the auction of a quantity of allowances during each calendar year in accordance with paragraph (2).

“(2) BASE QUANTITY.—The base quantity of allowances to be auctioned during a calendar year shall be the product obtained by multiplying—

“(A) the total number of allowances for the calendar year under subsection (a)(3) or (b)(3) of section 1613; and

“(B) the auction percentage for the calendar year under subsection (c).

“(3) SCHEDULE.—The auction of allowances shall be held on the following schedule:

“(A) In 2009, the Secretary shall auction—

“(i) ½ of the allowances available for auction for 2012; and

“(ii) ½ of the allowances available for auction for 2013.

“(B) In 2010, the Secretary shall auction ½ of the allowances available for auction for 2014.

“(C) In 2011, the Secretary shall auction ½ of the allowances available for auction for 2015.

“(D) In 2012 and each subsequent calendar year, the Secretary shall auction—

“(i) ½ of the allowances available for auction for that calendar year; and

“(ii) ½ of the allowances available for auction for the calendar year that is 4 years after that calendar year.

“(4) UNDISTRIBUTED ALLOWANCES.—In an auction held during any calendar year, the Secretary shall auction any allowance that was—

“(A) available for allocation by the Secretary under subsection (a) for the calendar year, but not distributed;

“(B) available during the preceding calendar year for an agricultural sequestration or early reduction activity under section 1620 or 1621, but not distributed during that calendar year; or

“(C) available for distribution by a State under subsection (a)(6), but not distributed by the date that is 1 year before the beginning of the applicable allocation period.

“(c) AVAILABLE PERCENTAGES.—Except as directed under section 1622, the percentage of the total quantity of allowances for each calendar year to be available for allocation, agricultural sequestration and early reduction projects, and auction shall be determined in accordance with the following table:

Year	Percentage Allocated to Industry	Percentage Allocated to States	Percentage Available for Agricultural Sequestration	Percentage Available for Early Reduction Allowances	Percentage Auctioned
2012	55	29	5	1	10
2013	55	29	5	1	10
2014	55	29	5	1	10
2015	55	29	5	1	10
2016	55	29	5	1	10
2017	53	29	5	1	12
2018	51	29	5	1	14
2019	49	29	5	1	16
2020	47	29	5	1	18
2021	45	29	5	1	20
2022 and thereafter ...	2 less than allocated to industry in the prior year, but not less than 0	30	5	0	2 more than available for auction in the prior year, but not more than 65

“SEC. 1615. SUBMISSION OF ALLOWANCES.

“(a) REQUIREMENTS.—

“(1) REGULATED FUEL DISTRIBUTORS.—For calendar year 2012 and each calendar year thereafter, each regulated fuel distributor shall submit to the Secretary a number of allowances equal to the carbon dioxide equivalent of the quantity of covered fuel, determined in accordance with subsection (b)(1), for the regulated fuel distributor.

“(2) NONFUEL REGULATED ENTITIES.—For 2012 and each calendar year thereafter, each nonfuel regulated entity shall submit to the Secretary a number of allowances equal to the carbon dioxide equivalent of the quantity of nonfuel-related greenhouse gas, determined in accordance with subsection (b)(2), for the nonfuel regulated entity.

“(b) REGULATED QUANTITIES.—

“(1) COVERED FUELS.—For purposes of subsection (a)(1), the quantity of covered fuel shall be equal to—

“(A) for a petroleum refinery located in the United States, the quantity of petroleum products refined, produced, or consumed at the refinery;

“(B) for a natural gas processing plant located in the United States, a quantity equal to the sum of—

“(i) the quantity of natural gas liquids produced or consumed at the plant; and

“(ii) the quantity of natural gas delivered into commerce from, or consumed at, the plant;

“(C) for a coal mine located in the United States, the quantity of coal produced or consumed at the mine; and

“(D) for an importer of coal, petroleum products, or natural gas liquids into the United States, the quantity of coal, petroleum products, or natural gas liquids imported into the United States.

“(2) NONFUEL-RELATED GREENHOUSE GASES.—For purposes of subsection (a)(2), the quantity of nonfuel-related greenhouse gas shall be equal to—

“(A) for a manufacturer or importer of hydrofluorocarbons, perfluorocarbons, sulfur hexafluoride, or nitrous oxide, the quantity of hydrofluorocarbons, perfluorocarbons, sulfur hexafluoride, or nitrous oxide produced or imported by the manufacturer or importer;

“(B) for an underground coal mine, the quantity of methane emitted by the coal mine;

“(C) for a facility that manufactures adipic acid or nitric acid, the quantity of nitrous oxide emitted by the facility;

“(D) for an aluminum smelter, the quantity of perfluorocarbons emitted by the smelter; and

“(E) for a facility that produces hydrochlorofluorocarbon-22, the quantity of hydrofluorocarbon-23 emitted by the facility.

“(3) ADJUSTMENTS.—

“(A) REGULATED FUEL DISTRIBUTORS.—

“(i) Modification.—The Secretary may modify, by rule, a quantity of covered fuels under paragraph (1) if the Secretary determines that the modification is necessary to ensure that—

“(I) allowances are submitted for all units of covered fuel; and

“(II) allowances are not submitted for the same quantity of covered fuel by more than 1 regulated fuel distributor.

“(ii) EXTENSION.—The Secretary may extend, by rule, the requirement to submit allowances under subsection (a)(1) to an entity that is not a regulated fuel distributor if the Secretary determines that the extension is necessary to ensure that allowances are submitted for all covered fuels.

“(B) NONFUEL REGULATED ENTITIES.—The Secretary may modify, by rule, a quantity of nonfuel-related greenhouse gases under paragraph (2) if the Secretary determines the modification is necessary to ensure that allowances are not submitted for the same volume of nonfuel-related greenhouse gas by more than 1 regulated entity.

"(c) DEADLINE FOR SUBMISSION.—Any entity required to submit an allowance to the Secretary under this section shall submit the allowance not later than March 31 of the calendar year following the calendar year for which the allowance is required to be submitted.

"(d) REGULATIONS.—The Secretary shall promulgate such regulations as the Secretary determines to be necessary or appropriate to—

"(1) identify and register each regulated entity that is required to submit an allowance under this section; and

"(2) require the submission of reports and otherwise obtain any information the Secretary determines to be necessary to calculate or verify the compliance of a regulated entity with any requirement under this section.

"(e) EXEMPTION AUTHORITY FOR NON-FUEL REGULATED ENTITIES.—

"(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary may exempt from the requirements of this subtitle an entity that emits, manufactures, or imports nonfuel-related greenhouse gases for any period during which the Secretary determines, after providing an opportunity for public comment, that measuring or estimating the quantity of greenhouse gases emitted, manufactured, or imported by the entity is not feasible.

"(2) EXCLUSION.—The Secretary may not exempt a regulated fuel distributor from the requirements of this subtitle under paragraph (1).

"(f) RETIREMENT OF ALLOWANCES.—

"(1) IN GENERAL.—Any person or entity that is not subject to this subtitle may submit to the Secretary an allowance for retirement at any time.

"(2) ACTION BY SECRETARY.—On receipt of an allowance under paragraph (1), the Secretary—

"(A) shall accept the allowance; and

"(B) shall not allocate, auction, or otherwise reissue the allowance.

"(g) SUBMISSION OF CREDITS.—A regulated entity may submit a credit distributed by the Secretary pursuant to section 1618, 1619, or 1622(e) in lieu of an allowance.

"(h) CLEAN DEVELOPMENT MECHANISM CERTIFIED EMISSION REDUCTIONS.—

"(1) IN GENERAL.—The Secretary shall establish, by regulation, procedures under which a regulated entity may submit a clean development mechanism certified emission reduction in lieu of an allowance under this section.

"(2) CLEAR TITLE AND PREVENTION OF DOUBLE-COUNTING.—Procedures established by the Secretary under this subsection shall include such provisions as the Secretary considers to be appropriate to ensure that—

"(A) a regulated entity that submits a clean development mechanism certified emission reduction in lieu of an allowance has clear title to that certified emission reduction; and

"(B) a clean development mechanism certified emission reduction submitted in lieu of an allowance has not been and cannot be used in the future for compliance purposes under any foreign greenhouse gas regulatory program.

"(i) STUDY ON PROCESS EMISSIONS.—

"(1) IN GENERAL.—Not later than [____________], the Secretary shall—

"(A) carry out a study of the feasibility of requiring the submission of allowances for process emissions not otherwise covered by this subtitle; and

"(B) submit to Congress a report that describes the results of the study (including recommendations of the Secretary based on those results).

"SEC. 1616. SAFETY VALVE.

"The Secretary shall accept from a regulated entity a payment of the applicable safety valve price for a calendar year in lieu of submission of an allowance under section 1615 for that calendar year.

"SEC. 1617. ALLOWANCE TRADING SYSTEM.

"(a) IN GENERAL.—The Secretary shall—

"(1) establish, by rule, a trading system under which allowances and credits may be sold, exchanged, purchased, or transferred by any person or entity, including a registry for issuing, recording, and tracking allowances and credits; and

"(2) specify all procedures and requirements required for orderly functioning of the trading system.

"(b) TRANSPARENCY.—

"(1) IN GENERAL.—The trading system under subsection (a) shall include such provisions as the Secretary considers to be appropriate to—

"(A) facilitate price transparency and participation in the market for allowances and credits; and

"(B) protect buyers and sellers of allowances and credits, and the public, from the adverse effects of collusion and other anticompetitive behaviors.

"(2) AUTHORITY TO OBTAIN INFORMATION.—The Secretary may obtain any information the Secretary considers to be necessary to carry out this section from any person or entity that buys, sells, exchanges, or otherwise transfers an allowance or credit.

"(c) BANKING.—Any allowance or credit may be submitted for compliance during any year following the year for which the allowance or credit was issued.

"SEC. 1618. CREDITS FOR FEEDSTOCKS AND EXPORTS.

"(a) IN GENERAL.—The Secretary shall establish, by rule, a program under which the Secretary distributes credits to entities in accordance with this section.

"(b) USE OF FUELS AS FEEDSTOCKS.—If the Secretary determines that an entity has used a covered fuel as a feedstock so that the carbon dioxide associated with the covered fuel will not be emitted, the Secretary shall distribute to that entity, for 2012 and each subsequent calendar year, a quantity of credits equal to the quantity of covered fuel used as feedstock by the entity during that year, measured in carbon dioxide equivalents.

"(c) EXPORTERS OF COVERED FUEL.—If the Secretary determines that an entity has exported covered fuel, the Secretary shall distribute to that entity, for 2012 and each subsequent calendar year, a quantity of credits equal to the quantity of covered fuel exported by the entity during that year, measured in carbon dioxide equivalents.

"(d) OTHER EXPORTERS.—If the Secretary determines that an entity has exported hydrofluorocarbons, perfluorocarbons, sulfur hexafluoride, or nitrous oxide, the Secretary shall distribute to that entity, for 2012 and each subsequent calendar year, a quantity of credits equal to the volume of hydrofluorocarbons, perfluorocarbons, sulfur hexafluoride, or nitrous oxide exported by the entity during that year, measured in carbon dioxide equivalents.

"SEC. 1619. CREDITS FOR OFFSET PROJECTS.

"(a) ESTABLISHMENT.—The Secretary shall establish, by regulation, a program under which the Secretary shall distribute credits to entities that carry out offset projects in the United States that—

"(1)(A) reduce any greenhouse gas emissions that are not covered greenhouse gas emissions; or

"(B) sequester a greenhouse gas;

"(2) meet the requirements of section 1623(c); and

"(3) are consistent with maintaining the environmental integrity of the program under this subtitle.

"(b) CATEGORIES OF OFFSET PROJECTS ELIGIBLE FOR STREAMLINED PROCEDURES.—

"(1) IN GENERAL.—The program established under this section shall include the use of streamlined procedures for distributing credits to categories of projects for which the Secretary determines there are broadly-accepted standards or methodologies for quantifying and verifying the greenhouse gas emission mitigation benefits of the projects.

"(2) CATEGORIES OF PROJECTS.—The streamlined procedures described in paragraph (1) shall apply to—

"(A) geologic sequestration projects not involving enhanced oil recovery;

"(B) landfill methane use projects;

"(C) animal waste or municipal wastewater methane use projects;

"(D) projects to reduce sulfur hexafluoride emissions from transformers;

"(E) projects to destroy hydrofluorocarbons; and

"(F) such other categories of projects as the Secretary may specify by regulation.

"(c) OTHER PROJECTS.—With respect to an offset project that is eligible to be carried out under this section but that is not classified within any project category described in subsection (b), the Secretary may distribute credits on a basis of less than 1-credit-for-1-ton.

"(d) INELIGIBLE OFFSET PROJECTS.—An offset project shall not be eligible to receive a credit under this section if the offset project is eligible to receive credits or allowances under section 1618, 1620, 1621, or 1622(e).

"SEC. 1620. EARLY REDUCTION ALLOWANCES.

"(a) ESTABLISHMENT.—The Secretary shall establish, by rule, a program under which the Secretary distributes to any entity that carries out a project to reduce or sequester greenhouse gas emissions before the initial allocation period a quantity of allowances that reflects the actual emissions reductions or net sequestration of the project, as determined by the Secretary.

"(b) AVAILABLE ALLOWANCES.—The total quantity of allowances distributed under subsection (a) may not exceed the product obtained by multiplying—

"(1) the total number of allowances issued for the calendar year under subsection (a)(3) of section 1613; and

"(2) the percentage available for early reduction allowances for the calendar year under section 1614(c).

"(c) ELIGIBILITY.—The Secretary may distribute allowances for early reduction projects only to an entity that has reported the reduced or sequestered greenhouse gas emissions under—

"(1) the Voluntary Reporting of Greenhouse Gases Program of the Energy Information Administration under section 1605(b) of the Energy Policy Act of 1992 (42 U.S.C. 13385(b));

"(2) the Climate Leaders Program of the Environmental Protection Agency; or

"(3) a State-administered or privately-administered registry that includes early reduction actions not covered under the programs described in paragraphs (1) and (2).

“SEC. 1621. AGRICULTURAL SEQUESTRATION PROJECTS.

“(a) ESTABLISHMENT.—The Secretary of Agriculture shall establish, by rule, a program under which agricultural sequestration allowances are distributed to entities that carry out soil carbon sequestration projects [*and other projects?*] that—

“(1) meet the requirements of section 1623(c); and

“(2) achieve sequestration results that are—

“(A) greater than sequestration results achieved pursuant to standard agricultural practices; and

[“(B) long-term.]

“(b) QUANTITY.—During a calendar year, the Secretary of Agriculture shall distribute agricultural sequestration allowances in a quantity not greater than the product obtained by multiplying—

“(1) the total number of allowances issued for the calendar year under section 1613; and

“(2) the percentage of allowances available for agricultural sequestration under section 1614(c).

“(c) OVERSUBSCRIPTION.—If, during a calendar year, the qualifying agricultural sequestration exceeds the quantity of agricultural sequestration allowances available for distribution under subsection (b), the Secretary of Agriculture may distribute allowances on a basis of less than 1-allowance-for-1-ton.

“SEC. 1622. CONGRESSIONAL REVIEW.

“(a) INTERAGENCY REVIEW.—

“(1) IN GENERAL.—Not later than January 15, 2016, and every 5 years thereafter, the President shall establish an interagency group to review and make recommendations relating to—

“(A) each program under this subtitle; and

“(B) any similar program of a foreign country described in paragraph (2).

“(2) COUNTRIES TO BE REVIEWED.—An interagency group established under paragraph (1) shall review actions and programs relating to greenhouse gas emissions of—

“(A) each member country (other than the United States) of the Organisation for Economic Co-operation and Development;

“(B) China;

“(C) India;

“(D) Brazil;

“(E) Mexico;

“(F) Russia; and

“(G) Ukraine.

“(3) INCLUSIONS.—A review under paragraph (1) shall—

“(A) for the countries described in paragraph (2), analyze whether the countries that are the highest emitting countries and, collectively, contribute at least 75 percent of the total greenhouse gas emissions of those countries have taken action that—

“(i) in the case of member countries of the Organisation for Economic Co-Operation and Development, is comparable to that of the United States; and

“(ii) in :the case of China, India, Brazil, Mexico, Russia, and Ukraine, is significant, contemporaneous, and equitable compared to action taken by the United States;

“(B) analyze whether each of the 5 largest trading partners of the United States, as of the date on which the review is conducted, has taken action with respect to greenhouse gas emissions that is comparable to action taken by the United States;

“(C) analyze whether the programs established under this subtitle have contributed to an increase in electricity imports from Canada or Mexico; and

“(D) make recommendations with respect to whether—

“(i) the rate of reduction of emissions intensity under subsection (a)(2) or (b)(2) of section 1613 should be modified; and

“(ii) the rate of increase of the safety valve price should be modified.

“(4) SUPPLEMENTARY REVIEW ELEMENTS.—A review under paragraph (1) may include an analysis of—

“(A) the feasibility of regulating owners or operators of entities that—

“(i) emit nonfuel-related greenhouse gases; and

“(ii) that are not subject to this subtitle;

“(B) whether the percentage of allowances for any calendar year that are auctioned under section 1614(c) should be modified;

“(C) whether regulated entities should be allowed to submit credits issued under foreign greenhouse gas regulatory programs in lieu of allowances under section 1615;

“(D) whether the Secretary should distribute credits for offset projects carried out outside the United States that do not receive credit under a foreign greenhouse gas program; and

“(E) whether and how the value of allowances or credits banked for use during a future year should be discounted if an acceleration in the rate of increase of the safety valve price is recommended under paragraph (3)(D)(ii).

“(5) NATIONAL RESEARCH COUNCIL REPORTS.—The President may request such reports from the National Research Council as the President determines to be necessary and appropriate to support the interagency review process under this subsection.

“(b) REPORT.—

“(1) IN GENERAL.—Not later than January 15, 2017, and every 5 years thereafter, the President shall submit to the House of Representatives and the Senate a report describing any recommendation of the President with respect to changes in the programs under this subtitle.

“(2) RECOMMENDATIONS.—A recommendation under paragraph (1) shall take into consideration the results of the most recent interagency review under subsection (a).

“(c) CONGRESSIONAL ACTION.—

“(1) CONSIDERATION.—Not later than September 30 of any calendar year during which a report is to be submitted under subsection (b), the House of Representatives and the Senate may consider a joint resolution, in accordance with paragraph (2), that—

“(A) amends subsection (a)(2) or (b)(2) of section 1613;

“(B) modifies the safety valve price; or

“(C) modifies the percentage of allowances to be allocated under section 1614(c).

“(2) REQUIREMENTS.—A joint resolution considered under paragraph (1) shall—

“(A) be introduced during the 45-day period beginning on the date on which a report is required to be submitted under subsection (b); and

“(B) after the resolving clause and ‘That’, contain only 1 or more of the following:

“(i) ‘, effective beginning January 1, 2017, section 1613(a)(2) of the Energy Policy Act of 1992 is amended by striking “2.6” and inserting “________”.’.

“(ii) ‘, effective beginning ________, section 1613(b)(2) of the Energy Policy Act of 1992 is amended by striking “3.0” and inserting “   ”.’.

“(iii) ‘, effective beginning ________, section 1612(13)(B) of the Energy Policy Act of 1992 is amended by striking “5 percent” and inserting “_____ percent”.’.

“(iv) ‘the table under section 1614(c) of the Energy Policy Act of 1992 is amended by striking the line relating to calendar year 2022 and thereafter and inserting the following:

Year	Percentage Allocated to Industry	Percentage Allocated to States	Percentage Available for Agricultural Sequestration	Percentage Available for Early Reduction Allowances	Percentage Auctioned
2022 and thereafter ...	______	______	______	______	______

“(3) APPLICABLE LAW.—Subsections (b) through (g) of section 802 of title 5, United States Code, shall apply to any joint resolution under this subsection.

“(d) FOREIGN CREDITS.—

“(1) REGULATIONS.—After taking into consideration the initial interagency review under section (a), the Secretary may promulgate regulations that authorize regulated entities to submit credits issued under foreign greenhouse gas regulatory programs in lieu of allowances under section 1615.

“(2) COMPARABLE PROGRAMS AND PREVENTION OF DOUBLE-COUNTING.—Regulations promulgated by the Secretary under paragraph (1) shall ensure that foreign credits submitted in lieu of allowances are—

“(A) from foreign greenhouse gas regulatory programs that the Secretary determines to have a level of environmental integrity that is not less than the level of environmental integrity of the programs under this subtitle; and

“(B) not also submitted for use in achieving compliance under any foreign greenhouse gas regulatory program.

“(e) INTERNATIONAL OFFSETS PROJECTS.—

“(1) ACTION BY THE SECRETARY.—After taking into consideration the results of the initial interagency review under section (a), the Secretary may promulgate regulations establishing a program under which the Secretary distributes credits to entities that—

“(A) carry out offset projects outside the United States that meet the requirements of section 1623(c);

“(B) maintain the environment integrity of the program under this subtitle; and

“(C) do not receive credits issued under a foreign greenhouse gas regulatory program.

“(2) STREAMLINED PROCEDURES AND PREVENTION OF DOUBLE-COUNTING.—Regulations promulgated by the Secretary under the paragraph (1) shall—

“(A) have streamlined procedures for distributing credits to projects for which the Secretary determines there are broadly-accepted standards or methodologies for quantifying and verifying the greenhouse gas emission mitigation benefits of the projects; and

"(B) ensure that offset project reductions credited under the program are not also credited under foreign programs.

"SEC. 1623. MONITORING AND REPORTING.

"(a) IN GENERAL.—The Secretary shall require, by rule, that a regulated entity shall perform such monitoring and submit such reports as the Secretary determines to be necessary to carry out this subtitle.

"(b) SUBMISSION OF INFORMATION.—The Secretary shall establish, by rule, any procedure the Secretary determines to be necessary to ensure the completeness, consistency, transparency, and accuracy of reports under subsection (a), including—

"(1) accounting and reporting standards for covered greenhouse gas emissions;

"(2) standardized methods of calculating covered greenhouse gas emissions in specific industries from other information the Secretary determines to be available and reliable, such as energy consumption data, materials consumption data, production data, or other relevant activity data;

"(3) if the Secretary determines that a method described in paragraph (2) is not feasible for a regulated entity, a standardized method of estimating covered greenhouse gas emissions of the regulated entity;

"(4) a method of avoiding double counting of covered greenhouse gas emissions;

"(5) a procedure to prevent a regulated entity from avoiding the requirements of this subtitle by—

"(A) reorganization into multiple entities; or

"(B) outsourcing the operations or activities of the regulated entity with respect to covered greenhouse gas emissions; and

"(6) a procedure for the verification of data relating to covered greenhouse gas emissions by—

"(A) regulated entities; and

"(B) independent verification organizations.

"(c) DETERMINING ELIGIBILITY FOR CREDITS, AGRICULTURAL SEQUESTRATION ALLOWANCES, AND EARLY REDUCTION ALLOWANCES.—

"(1) IN GENERAL.—An entity shall provide the Secretary with the information described in paragraph (2) in connection with any application to receive—

"(A) a credit under section 1618, 1619, or 1622(e);

"(B) an early reduction allowance under section 1620 (unless, and to the extent that, the Secretary determines that providing the information would not be feasible for the entity); or

"(C) an agricultural sequestration allowance under section 1621.

"(2) REQUIRED INFORMATION.—

"(A) GREENHOUSE GAS EMISSIONS REDUCTION.—In the case of a greenhouse gas emissions reduction, the entity shall provide the Secretary with information verifying that, as determined by the Secretary—

"(i) the entity has achieved an actual reduction in greenhouse gas emissions—

"(I) relative to historic emissions levels of the entity; and

"(II) taking into consideration any increase in other greenhouse gas emissions of the entity; and

"(ii) if the reduction exceeds the net reduction of direct greenhouse gas emissions of the entity, the entity reported a reduction that was adjusted so as not to exceed the net reduction.

"(B) GREENHOUSE GAS SEQUESTRATION.—In the case of a greenhouse gas sequestration, the entity shall provide the Secretary with information verifying that, as determined by the Secretary, the entity has achieved actual increases in net sequestration, taking into account the total use of materials and energy by the entity in carrying out the sequestration.

"SEC. 1624. ENFORCEMENT.

"(a) FAILURE TO SUBMIT ALLOWANCES.—

"(1) PAYMENT TO SECRETARY.—A regulated entity that fails to submit an allowance (or the safety valve price in lieu of an allowance) for a calendar year not later than March 31 of the following calendar year shall pay to the Secretary, for each allowance the regulated entity failed to submit, an amount equal to the product obtained by multiplying—

"(A) the safety valve price for that calendar year; and

"(B) 3.

"(2) FAILURE TO PAY.—A regulated entity that fails to make a payment to the Secretary under paragraph (1) by December 31 of the calendar year following the calendar year for which the payment is due shall be subject to subsection (b) or (c), or both.

"(b) CIVIL ENFORCEMENT.—

"(1) PENALTY.—A person that the Secretary determines to be in violation of this subtitle shall be subject to a civil penalty of not more than $25,000 for each day during which the entity is in violation, in addition to any amount required under subsection (a)(1).

"(2) INJUNCTION.—The Secretary may bring a civil action for a temporary or permanent injunction against any person described in paragraph (1).

"(c) CRIMINAL PENALTIES.—A person that willfully fails to comply with this subtitle shall be subject to a fine under title 18, United States Code, or imprisonment for not to exceed 5 years, or both.

"SEC. 1625. JUDICIAL REVIEW.

"(a) IN GENERAL.—Except as provided in subsection (b), section 336(b) of the Energy Policy and Conservation Act (42 U.S.C. 6306(b)) shall apply to a review of any rule issued under this subtitle in the same manner, and to the same extent, that section applies to a rule issued under sections 323, 324, and 325 of that Act (42 U.S.C. 6293, 6294, 6295).

"(b) EXCEPTION.—A petition for review of a rule under this subtitle shall be filed in the United States Court of Appeals for the District of Columbia.

"SEC. 1626. ADMINISTRATIVE PROVISIONS.

"(a) RULES AND ORDERS.—The Secretary may issue such rules and orders as the Secretary determines to be necessary or appropriate to carry out this subtitle.

"(b) DATA.—

"(1) IN GENERAL.—In carrying out this subtitle, the Secretary may use any authority provided under section 11 of the Energy Supply and Environmental Coordination Act of 1974 (15 U.S.C. 796).

"(2) DEFINITION OF ENERGY INFORMATION.—For the purposes of carrying out this subtitle, the definition of the term 'energy information' under section 11 of the Energy Supply and Environmental Coordination Act of 1974 (15 U.S.C. 796) shall be considered to include any information the Secretary determines to be necessary or appropriate to carry out this subtitle.

"SEC. 1627. EARLY TECHNOLOGY DEPLOYMENT.

"(a) TRUST FUND.—

"(1) ESTABLISHMENT.—There is established in the Treasury a trust fund, to be known as the 'Climate Change Trust Fund' (referred to in this section as the 'Trust Fund').

"(2) DEPOSITS.—The Secretary shall deposit into the Trust Fund any funds received by the Secretary under section 1614(b) or 1616.

"(3) MAXIMUM CUMULATIVE AMOUNT.—Not more than $50,000,000,000 may be deposited into the Trust Fund.

"(b) DISTRIBUTION.—Beginning in fiscal year 2010, the Secretary shall transfer any funds deposited into the Trust Fund during the previous fiscal year as follows:

"(1) ZERO- OR LOW-CARBON ENERGY TECHNOLOGIES.—50 percent of the funds shall be transferred to the Secretary to carry out the zero- or low-carbon energy technologies program under subsection (c).

"(2) ADVANCED ENERGY TECHNOLOGIES INCENTIVE PROGRAM.—35 percent of the funds shall be transferred as follows:

"(A) ADVANCED COAL TECHNOLOGIES.—28 percent shall be transferred to the Secretary to carry out the advanced coal and sequestration technologies program under subsection (d).

"(B) CELLULOSIC BIOMASS.—7 percent shall be transferred to the Secretary to carry out—

"(i) the cellulosic biomass ethanol and municipal solid waste loan guarantee program under section 212(b) of the Clean Air Act (42 U.S.C. 7546(b));

"(ii) the cellulosic biomass ethanol conversion assistance program under section 212(e) of that Act (42 U.S.C. 7546(e)); and

"(iii) the fuel from cellulosic biomass program under subsection (e).

"(3) ADVANCED TECHNOLOGY VEHICLES.—15 percent shall be transferred to the Secretary to carry out the advanced technology vehicles manufacturing incentive program under subsection (f).

"(c) ZERO- OR LOW-CARBON ENERGY TECHNOLOGIES DEPLOYMENT.—

"(1) DEFINITIONS.—In this subsection:

"(A) ENERGY SAVINGS.—The term 'energy savings' means megawatt-hours of electricity or million British thermal units of natural gas saved by a product, in comparison to projected energy consumption under the energy efficiency standard applicable to the product.

"(B) HIGH-EFFICIENCY CONSUMER PRODUCT.—The term 'high-efficiency consumer product' means a covered product to which an energy conservation standard applies under section 325 of the Energy Policy and Conservation Act (42 U.S.C. 6295), if the energy efficiency of the product exceeds the energy efficiency required under the standard.

"(C) ZERO- OR LOW-CARBON GENERATION.—The term 'zero- or low-carbon generation' means generation of electricity by an electric generation unit that—

"(i) emits no carbon dioxide into the atmosphere, or is fossil-fuel fired and emits into the atmosphere not more than 250 pounds of carbon dioxide per megawatt-hour (after adjustment for any carbon dioxide from the unit that is geologically sequestered); and

"(ii) was placed into commercial service after the date of enactment of this Act.

"(2) FINANCIAL INCENTIVES PROGRAM.—During each fiscal year beginning on or after October 1, 2008, the Secretary shall competitively award financial incentives under this subsection in the following technology categories:

"(A) Production of electricity from new zero- or low-carbon generation.

"(B) Manufacture of high-efficiency consumer products.

"(3) REQUIREMENTS.—

"(A) IN GENERAL.—The Secretary shall make awards under this subsection to producers of new zero- or low-carbon generation and to manufacturers of high-efficiency consumer products—

"(i) in the case of producers of new zero- or low-carbon generation, based on the bid of each producer in terms of dollars per megawatt-hour of electricity generated; and

"(ii) in the case of manufacturers of high-efficiency consumer products, based on the bid of each manufacturer in terms of dollars per megawatt-hour or million British thermal units saved.

"(B) ACCEPTANCE OF BIDS.—

"(i) IN GENERAL.—In making awards under this subsection, the Secretary shall—

"(I) solicit bids for reverse auction from appropriate producers and manufacturers, as determined by the Secretary; and

"(II) award financial incentives to the producers and manufacturers that submit the lowest bids that meet the requirements established by the Secretary.

"(ii) FACTORS FOR CONVERSION.—

"(I) IN GENERAL.—For the purpose of assessing bids under clause (i), the Secretary shall specify a factor for converting megawatt-hours of electricity and million British thermal units of natural gas to common units.

"(II) REQUIREMENT.—The conversion factor shall be based on the relative greenhouse gas emission benefits of electricity and natural gas conservation.

"(C) INELIGIBLE UNITS.—A new unit for the generation of electricity that uses renewable energy resources shall not be eligible to receive an award under this subsection if the unit receives renewable energy credits under a Federal renewable portfolio standard.

"(4) FORMS OF AWARDS.—

"(A) ZERO- AND LOW-CARBON GENERATORS.—An award for zero- or low-carbon generation under this subsection shall be in the form of a contract to provide a production payment for each year during the first 10 years of commercial service of the generation unit in an amount equal to the product obtained by multiplying—

"(i) the amount bid by the producer of the zero- or low-carbon generation; and

"(ii) the megawatt-hours estimated to be generated by the zero- or low-carbon generation unit each year.

"(B) HIGH-EFFICIENCY CONSUMER PRODUCTS.—An award for a high-efficiency consumer product under this subsection shall be in the form of a lump sum payment in an amount equal to the product obtained by multiplying—

"(i) the amount bid by the manufacturer of the high-efficiency consumer product; and

"(ii) the energy savings during the projected useful life of the high-efficiency consumer product, not to exceed 10 years, as determined under rules issued by the Secretary.

"(d) ADVANCED COAL AND SEQUESTRATION TECHNOLOGIES PROGRAM.—

"(1) ADVANCED COAL TECHNOLOGIES.—

"(A) DEFINITION OF ADVANCED COAL GENERATION TECHNOLOGY.—In this paragraph, the term 'advanced coal generation technology' means integrated gasification combined cycle or other advanced coal-fueled power plant technologies that—

"(i) have a minimum of 50 percent coal heat input on an annual basis;

"(ii) provide a technical pathway for carbon capture and storage; and

"(iii) provide a technical pathway for co-production of a hydrogen slip-stream.

"(B) DEPLOYMENT INCENTIVES.—

"(i) IN GENERAL.—The Secretary shall use ½ of the funds provided to carry out this subsection during each fiscal year to provide Federal financial incentives to facilitate the deployment of not more than 20 gigawatts of advanced coal generation technologies.

"(ii) ADMINISTRATION.—In providing incentives under clause (i), the Secretary shall—

"(I) provide appropriate incentives for regulated investor-owned utilities, municipal utilities, electric cooperatives, and independent power producers, as determined by the Secretary; and

"(II) ensure that a range of the domestic coal types is employed in the facilities that receive incentives under this subparagraph.

"(C) FUNDING PRIORITIES.—

"(i) PROJECTS USING CERTAIN COALS.—In providing incentives under this paragraph, the Secretary shall set aside not less than 25 percent of any funds made available to carry out this paragraph for projects using lower rank coals, such as subbituminous coal and lignite.

"(ii) SEQUESTRATION ACTIVITIES.—After the Secretary has made awards for 2000 megawatts of capacity under this paragraph, the Secretary shall give priority to projects that will capture and sequester emissions of carbon dioxide, as determined by the Secretary.

"(D) DISTRIBUTION OF FUNDS.—A project that receives an award under this paragraph may elect 1 of the following Federal financial incentives:

"(i) A loan guarantee under section 1403(b).

"(ii) A cost-sharing grant for not more than 50 percent of the cost of the project.

"(iii) Production payments of not more than 1.5 cents per kilowatt-hour of electric output during the first 10 years of commercial service of the project.

"(E) LIMITATION.—A project may not receive an award under this subsection if the project receives an award under subsection (c).

"(2) SEQUESTRATION.—

"(A) IN GENERAL.—The Secretary shall use ½ of the funds provided to carry out this subsection during each fiscal year for large-scale geologic carbon storage demonstration projects that use carbon dioxide captured from facilities for the generation of electricity using coal gasification or other advanced coal combustion processes, including facilities that receive assistance under paragraph (1).

"(B) PROJECT CAPITAL AND OPERATING COSTS.—The Secretary shall provide assistance under this paragraph to reimburse the project owner for a percentage of the incremental project capital and operating costs of the project that are attributable to carbon capture and sequestration, as the Secretary determines to be appropriate.

"(e) FUEL FROM CELLULOSIC BIOMASS.—

"(1) IN GENERAL.—The Secretary shall provide deployment incentives under this subsection to encourage a variety of projects to produce transportation fuels from cellulosic biomass, relying on different feedstocks in different regions of the United States.

"(2) PROJECT ELIGIBILITY.—Incentives under this paragraph shall be provided on a competitive basis to projects that produce fuels that—

"(A) meet United States fuel and emissions specifications;

"(B) help diversify domestic transportation energy supplies; and

"(C) improve or maintain air, water, soil, and habitat quality.

"(3) INCENTIVES.—Incentives under this subsection may consist of—

"(A) additional loan guarantees under section 1403(b) for the construction of production facilities and supporting infrastructure; or

"(B) production payments through a reverse auction in accordance with paragraph (4).

"(4) REVERSE AUCTION.—

"(A) IN GENERAL.—In providing incentives under this subsection, the Secretary shall—

"(i) prescribe rules under which producers of fuel from cellulosic biomass may bid for production payments under paragraph (3)(B); and

"(ii) solicit bids from producers of different classes of transportation fuel, as the Secretary determines to be appropriate.

"(B) REQUIREMENT.—The rules under subparagraph (A) shall require that incentives shall be provided to the producers that submit the lowest bid (in terms of cents per gallon) for each class of transportation fuel from which the Secretary solicits a bid.

"(f) ADVANCED TECHNOLOGY VEHICLES MANUFACTURING INCENTIVE PROGRAM.—

"(1) DEFINITIONS.—In this subsection:

"(A) ADVANCED LEAN BURN TECHNOLOGY MOTOR VEHICLE.—The term 'advanced lean burn technology motor vehicle' means a passenger automobile or a light truck with an internal combustion engine that—

"(i) is designed to operate primarily using more air than is necessary for complete combustion of the fuel;

"(ii) incorporates direct injection; and

"(iii) achieves at least 125 percent of the 2002 model year city fuel economy of vehicles in the same size class as the vehicle.

"(B) ADVANCED TECHNOLOGY VEHICLE.—The term 'advanced technology vehicle' means a light duty motor vehicle that—

"(i) is a hybrid motor vehicle or an advanced lean burn technology motor vehicle; and

"(ii) meets the following performance criteria:

"(I) Except as provided in paragraph (3)(A)(ii), the Tier II Bin 5 emission standard established in regulations prescribed by the Administrator of the Environmental Protection Agency under section 202(i) of the Clean Air Act (42 U.S.C. 7521(i)), or a lower numbered bin.

"(II) At least 125 percent of the base year city fuel economy for the weight class of the vehicle.

"(C) ENGINEERING INTEGRATION COSTS.—The term 'engineering integration costs' includes the cost of engineering tasks relating to—

"(i) incorporating qualifying components into the design of advanced technology vehicles; and

"(ii) designing new tooling and equipment for production facilities that produce qualifying components or advanced technology vehicles.

"(D) HYBRID MOTOR VEHICLE.—The term 'hybrid motor vehicle' means a motor vehicle that draws propulsion energy from onboard sources of stored energy that are—

"(i) an internal combustion or heat engine using combustible fuel; and

"(ii) a rechargeable energy storage system.

"(E) QUALIFYING COMPONENTS.—The term 'qualifying components' means components that the Secretary determines to be—

"(i) specially designed for advanced technology vehicles; and

"(ii) installed for the purpose of meeting the performance requirements of advanced technology vehicles.

"(2) MANUFACTURER FACILITY CONVERSION AWARDS.—The Secretary shall provide facility conversion funding awards under this subsection to automobile manufacturers and component suppliers to pay 30 percent of the cost of—

"(A) re-equipping or expanding an existing manufacturing facility to produce—

"(i) qualifying advanced technology vehicles; or

"(ii) qualifying components; and

"(B) engineering integration of qualifying vehicles and qualifying components.

"(3) PERIOD OF AVAILABILITY.—

"(A) PHASE I.—

"(i) IN GENERAL.—An award under paragraph (2) shall apply to—

"(I) facilities and equipment placed in service before January 1, 2016; and

"(II) engineering integration costs incurred during the period beginning on the date of enactment of this Act and ending on December 31, 2015.

"(ii) TRANSITION STANDARD FOR LIGHT DUTY DIESEL-POWERED VEHICLES.—For purposes of making an award under clause (i), the term 'advanced technology vehicle' includes a diesel-powered or diesel-hybrid light duty vehicle that—

"(I) has a weight greater than 6,000 pounds; and

"(II) meets the Tier II Bin 8 emission standard established in regulations prescribed by the Administrator of the Environmental Protection Agency under section 202(i) of the Clean Air Act (42 U.S.C. 7521(i)), or a lower numbered bin.

"(B) PHASE II.—If the Secretary determines under paragraph (4) that the program under this subsection has resulted in a substantial improvement in the ability of automobile manufacturers to produce light duty vehicles with improved fuel economy, the Secretary shall continue to make awards under paragraph (2) that shall apply to—

"(i) facilities and equipment placed in service before January 1, 2021; and

"(ii) engineering integration costs incurred during the period beginning on January 1, 2016, and ending on December 31; 2020.

"(4) DETERMINATION OF IMPROVEMENT.—

"(A) IN GENERAL.—Not later than January 1, 2015, the Secretary shall determine, after providing notice and an opportunity for public comment, whether the program under this subsection has resulted in a substantial improvement in the ability of automobile manufacturers to produce light duty vehicles with improved fuel economy.

"(B) EFFECT ON MANUFACTURERS.—In preparing the determination under subparagraph (A), the Secretary shall enter into an agreement with the National Academy of Sciences to analyze the effect of the program under this subsection on automobile manufacturers.

"SEC. 1628. EFFECT OF SUBTITLE.

"Nothing in this subtitle affects the authority of Congress to limit, terminate, or change the value of an allowance or credit issued under this subtitle.".

Mr. BINGAMAN. Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

AMENDMENTS NOS. 106, 107, AND 108 EN BLOC

Mr. SESSIONS. Madam President, I would like to share a few thoughts in the form of an overview of our wage situation in the United States and to discuss some things that I think we can do to improve that situation. I would agree that wages are too low for middle-class and lower income workers. They have not kept pace with business profits or with CEO salaries, for example. They have fallen behind. They have fallen behind the profits and bonuses and things of that nature. I believe it is a serious problem. I know the experts tell us—and there is some truth to the fact—that salary increases tend to lag behind business growth and profits. As the profits go up, the first year the bonuses and the salaries don't keep up with it, but they argue that as time goes by, they do make a rise, and we should, therefore, remember that.

There is some historical truth to that argument, there is no doubt about it. But, frankly, it doesn't satisfy me at this point of the issue. It is particularly so to me because the unemployment in our country has been falling and is still so low. I think it is 4.5 percent nationally. It was recently 3.2 percent in my home State of Alabama—the lowest we have ever had. I am excited about that. Why aren't wages, then, for our lower skilled people, our poorer people, our young people, our minority workers—why aren't those wages beginning to increase in a noticeable way? Why aren't they keeping pace, and what can we do about it?

Senator KENNEDY's theory and his argument is pretty clear and simple, as his normally are—and direct. He argues that we should have the Government fix it. Just have the Government set the wage. That is an easy answer. Have wage and price controls. Well, at least wage controls. Set it. Just have the Government order this, dictate it, and we will just make it go that way.

I will admit that we have had minimum wage laws for quite some time, and although in pure theory they are outside the free market agenda that I usually follow, I have voted for minimum wage increases a number of times. That is just a part of the way we do things here, and the way we have done them for quite a number of years. I would hope maybe to vote for this bill.

But let's talk about it more seriously. What we want is higher wages for all Americans. I think a better approach to achieving that in the long run is to examine our policies to see why market forces are not driving up wages. What is the problem? Are there some political, governmental structures at work that are causing wages not to increase sufficiently? There is one issue that is suppressing wages that I am absolutely confident is unfair, and I believe undisputed and undeniable. No, it is not that some free market purists don't want wages to go up. That is not my problem. I think the problem is this: The problem is an excessive flow of low-skilled immigrant workers into our country in such large numbers that it has stultified and eliminated the growth that would have occurred for low-skilled American workers. I wish that weren't so, but I believe the numbers are quite clear on it. In any number of different ways we can see that this has occurred.

So I will be offering an amendment as part of this bill, one that deals with workplace enforcement and what we can do to make the workplace such that American workers are not competing with low-skilled, illegal immigrants in the workforce. We are receiving 1 million immigrants legally in our country today and more than half that many coming in illegally every year. So the competition American workers face from illegal laborers is a serious problem that affects their wages.

If you bring in a huge amount of wheat, you bring a huge amount of cotton, you bring in a huge amount of corn, you can expect those prices to fall. If you bring in exceedingly large amounts of low-skilled labor, you can expect the wages of low-skilled Americans to follow. I don't know where our free marketeers are on that, but I can tell you that is a fact. It is working against the interests of American workers.

Professor Borjas at Harvard, who has written perhaps the most authoritative book on immigration—himself an immigrant—has concluded that he believes the wages of the lowest-skilled American workers, high school dropouts, have been impacted negatively by 8 percent as a result of our current immigration policies.

I will share with our colleagues an article from the Wall Street Journal, this journal of free market economics, which I venerate and respect so much. I will not go into the detail today, but I will share briefly the gist of that front-page article from the last week or 10 days.

The article featured a chicken plant in Georgia. A large number of those workers were found to be illegal. They lost their jobs. According to the Wall Street Journal, the businesses got together and started running ads in the paper offering better than a $1-an-hour increase over the wages they had been paid. They offered transportation from nearby towns for people who would take the jobs. They said people could live onsite in dormitories and work there. What does that say? That was $1 an hour-plus per worker wage increase without governmental intervention. In fact, it was governmental action to enforce the established laws of our country with regard to immigration.

I suggest ending illegal immigration, creating workplace enforcement that actually works, limiting the number of people who come to our country illegally, emphasizing higher skilled workers. Frankly, if it is impacting adversely our low-skilled workers' salaries, maybe we are bringing in too many low-skilled workers.

Education is a factor for immigration, whether a person would speak English and basically follow the Canadian model of a system which focuses on what is in Canada's best interests. Likewise, we should do that in the United States. We should also consider what the Labor Department says is needed in our country.

I have another proposal that I will shock my colleagues with. We could give the average low-to-middle income worker, a family man or woman, almost a $1-an-hour raise without any increase in taxes. How would we do that? In the way we administer the earned-income tax credit. The earned-income tax credit was passed many years ago. President Nixon was involved in it, Milton Friedman supported it. It was supposed to be an incentive to Americans to work and not be on welfare; to go out and work and to give benefits to people who were working as opposed to people who were not working. It made a lot of sense. It was supposed to incentivize work.

I am not sure how well it works. It has been criticized. But it has no possibility of achieving its primary goal, which was to incentivize work, the way it is presently being administered. The way it is administered now, a worker who falls in the category of earned-income tax credit, files his income tax return next April, May or March, whenever he gets his papers together, and gets an average of a $1,700 tax credit from the U.S. Treasury. I submit that worker does not understand or have any real comprehension of the fact that the tax credit incentivizes work. It is not connected to his work.

We ought to reconnect the earned-income tax credit to the workplace. The way we do that is the way it is now authorized under law—it can be done this way, but it is not being done this way—and that is to put it on the paycheck. And $1,700 per year is a $1-an-hour increase in the take-home pay of low-wage workers in America. They could take that money home every week with their paycheck, they could appreciate their jobs much better and they could be more prideful of that paycheck they take home and have more incentive to continue to work.

To me, that is something we should have done a long time ago. I have talked about it for quite a number years. We have not made a serious advancement toward accomplishing it. Some think it could cause more fraud, but I don't think it would. Some think it would cause more people to take advantage of the earned income tax credit because some people probably don't ask for it on the tax returns, but I don't think that is particularly a noble thing to say, that a person who is entitled to it, you hope they don't apply and get it because it would cost the Treasury some dollars. We would be better off to put that in the paycheck. I would like to see us do that. We need to move in that direction.

Finally, one of the great tragedies we are facing as a nation is that we are not saving enough. We need to do a better job of increasing savings in America. I prepared legislation, creating Plus Accounts, that would be a lifetime universal savings plan for every American worker, similar to the Federal Thrift Savings Plan for Federal employees.

On top of Social Security—not taking money from Social Security but on top of it as an individual plan—an account that individual Americans would own. It would be within their grasp.

Half of the American workers work at a company that does not have a savings plan. Of the half that do, 17 million choose not to participate. One more startling statistic, very startling in light of today's volatile labor market. By the age of 35, the average American worker has held nine jobs.

I sat by a gentleman on the plane yesterday. He was 37. He now has a job with the U.S. Civil Service. He is so happy about signing up for the Thrift Plan. I asked him about his previous savings. He had two children, 37 years old. He said, I didn't save much. He had had nine jobs himself. A lot of companies do not have a savings plan. For those that do, maybe you have to work 2 years or a year before you can participate. If you did participate and you change jobs, maybe it is only $500; maybe it is $1,000 or $1,500. And when you change jobs, they cash it in and pay the penalty, figuring it will not amount to much.

But if every American at every paycheck could know that a small percentage of that money was going into an account with their name on it, they would be subject to the magical powers of compound interest and that at age 65 they could have a very substantial nest egg to supplement their Social Security, they would feel better about their work. My plan would say you are given a number at birth. The Government would open the account with a deposit at birth for every child. And every job a person takes, the employee would put in 1 percent, the employer would put in 1 percent at a low-fee managed fund that would allow for conservative investments. If you put in $1,000 at birth, if you went to work and your employer put in 1 percent and you put in 3 percent at median income in America, $46,000 a year for a family, that person would retire with half a million in the bank. We have to create a system so it is easy for working Americans, low-income people who are changing jobs regularly, who find themselves with two or three kids at age 35 with nothing saved. That is an American tragedy when they could, literally, easily retire with half a million in their own name, in their own account.

These are some things we ought to talk about. Yes, I look forward to a bill that Senator ENZI approves—if he approves it, I probably will. If he approves this bill, I will vote for it. But fundamentally we have more to do for low-income workers in America who are not keeping pace, in my view, at the rate we would like to see.

We should create an immigration system that does not subject them to floods of imports. Let's create a savings system they can be proud of and adjust our earned-income tax credit so they can get a $1-an-hour pay raise. If we do some of those things, we will be touching a lot of people in a very special way.

I ask unanimous consent for the purposes of offering my amendments, the pending amendment be set aside and I be allowed to offer three amendments, en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Alabama [Mr. SESSIONS] proposes amendments numbered 106, 107 and 108 en bloc.

The amendments (No. 106, 107 and 108) are as follows:

AMENDMENT NO. 106

(Purpose: To express the sense of the Senate that increasing personal savings is a necessary step toward ensuring the economic security of all the people of the United States upon retirement)

At the appropriate place, insert the following:

SEC. ___. SENSE OF THE SENATE CONCERNING PERSONAL SAVINGS.

(a) FINDINGS.—The Senate finds that—

(1) the personal saving rate in the United States is at its lowest point since the Great Depression, with the rate having fallen into negative territory;

(2) the United States ranks at the bottom of the Group of Twenty (G-20) nations in terms of net national saving rate;

(3) approximately half of all the working people of the United States work for an employer that does not offer any kind of retirement plan;

(4) existing savings policies enacted by Congress provide limited incentives to save for low- and moderate-income families; and

(5) the critically-important Social Security program was never intended by Congress to be the sole source of retirement income.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) there is a need for simple, easily-accessible and productive savings vehicles for all the people of the United States;

(2) it is important to begin retirement saving as early as possible to take full advantage of the power of compound interest;

(3) regularly contributing money to a financially-sound investment account is effective in achieving one's retirement goals; and

(4) Congress should actively develop policies to enhance personal savings for retirement.

AMENDMENT NO. 107

(Purpose: To impose additional requirements to ensure greater use of the advance payment of the earned income credit and to extend such advance payment to all taxpayers eligible for the credit)

At the appropriate place insert the following:

SEC. ___. ADDITIONAL REQUIREMENTS TO ENSURE GREATER USE OF ADVANCE PAYMENT OF EARNED INCOME CREDIT.

Not later than January 1, 2010, the Secretary of the Treasury by regulation shall require—

(1) each employer of an employee who the employer determines receives wages in an

amount which indicates that such employee would be eligible for the earned income credit under section 32 of the Internal Revenue Code of 1986 to provide such employee with a simplified application for an earned income eligibility certificate, and

(2) require each employee wishing to receive the earned income tax credit to complete and return the application to the employer within 30 days of receipt.

Such regulations shall require an employer to provide such an application within 30 days of the hiring date of an employee and at least annually thereafter. Such regulations shall further provide that, upon receipt of a completed form, an employer shall provide for the advance payment of the earned income credit as provided under section 3507 of the Internal Revenue Code of 1986.

SEC. ___. EXTENSION OF ADVANCE PAYMENT OF EARNED INCOME CREDIT TO ALL ELIGIBLE TAXPAYERS.

(a) IN GENERAL.—Section 3507(b) of the Internal Revenue Code of 1986 (relating to earned income eligibility certificate) is amended by striking paragraph (2) and by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively.

(b) CONFORMING AMENDMENTS.—

(1) Section 3507(c)(2)(B) of the Internal Revenue Code of 1986 is amended by inserting "has 1 or more qualifying children and" before "is not married,".

(2) Section 3507(c)(2)(C) of such Code is amended by striking "the employee" and inserting "an employee with 1 or more qualifying children".

(3) Section 3507(f) of such Code is amended by striking "who have 1 or more qualifying children and".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

AMENDMENT NO. 108

(Purpose: To authorize the Secretary of the Treasury to study the costs and barriers to businesses if the advance earned income tax credit program included all EITC recipients)

At the appropriate place insert the following:

SEC. ___. STUDY OF UNIVERSAL USE OF ADVANCE PAYMENT OF EARNED INCOME CREDIT.

Not later than 180 days after the date of the enactment of this Act, the Secretary of the Treasury shall report to Congress on a study of the costs and barriers to businesses (with a special emphasis on small businesses) if the advance earned income tax credit program (under section 3507 of the Internal Revenue Code of 1986) included all recipients of the earned income tax credit (under section 32 of such Code) and what steps would be necessary to implement such inclusion.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. Madam President, I am proud to join my colleagues in calling for something that is long overdue for millions of workers across this Nation, an increase in the minimum wage. Today is not our first day to make this call, but it is time, finally, to answer the voices that have cried out for change for too long. Nearly a decade after the last increase in the Federal minimum wage, this Senate has a chance to right the injustice that millions of workers and their families have endured.

America's minimum wage workers are often not in the forefront of our workforce. They may be in the stockrooms, the kitchens or on the night cleaning crew. By increasing the Federal minimum wage, we will be saying that working in the shadows does not mean a life sentence to poverty.

For far too long, we have allowed a subpar minimum wage to exist that leaves a minimum wage worker supporting a family of three at $6,000 below the poverty level. You get up every day, you work hard, you work 40 hours a week, some of the toughest jobs in America and, at the end, you are still below the poverty level. We are supposed to reward work as a value, not suppress it. We say we want work, not welfare. Yet we have people who get up every day, work some of the toughest jobs and still find themselves below the poverty level.

Those earning minimum wage do some of the toughest jobs our Nation has, and they perform some of the key services we cannot do without, from food preparers, to health care, support staff, to security officers, to cashiers. These occupations are the backbone of businesses and industries that keep our economy running. While we depend on these services they provide every day, many of these workers are earning a wage that is now at its lowest point ever, compared to average hourly wages.

A higher wage is much more than about putting a few more dollars in your pocket each week. A better wage is about fairness, about providing a decent standard of living, and giving workers what they deserve, and ensuring that everyone—everyone—can share in the American dream, not just the top wage earners.

When a minimum wage earner is more likely to be a woman or a minority, we cannot deny that increasing the minimum wage is also about greater equality and justice to nearly 7 million women, who are well over half of the minimum wage workers, or to the 4 million Hispanics and African Americans earning less than $7.25 an hour.

So we can look at the chart and see that as the progression goes down, all of those women's wages lag behind men. And then, when we look at African-American women, Hispanic women, they lag even lower. This is about creating equity, equality. It is about justice.

Our Nation has always been a place where people willing to work hard and play by the rules can earn a better life for themselves and their families. My parents, who came to this country in search of freedom, were willing to do whatever work was necessary for a little piece of the American dream. Whether it was long hours bent over a sewing machine in a factory or working in a cramped carpentry shop, they did whatever they could to provide me the opportunities they never had.

That chance to build a better life through one's labor and determination is something no one in this country should be denied. Yet, for nearly a decade, workers earning the minimum wage have been struggling to get by, struggling to provide what their families need, and struggling to realize the dream our country promises.

It is our duty to ensure everyone in this country can share in that dream. When we as a nation turn a blind eye, when we ignore the fact that millions of workers are earning wages that have been frozen for nearly a decade—how much else of our economy has been frozen for nearly a decade—we are failing those seeking out this dream. And because most minimum-wage workers have children and families to support, it is not just the workers who are struggling to make ends meet or fulfill their dreams, but behind them are families who cannot afford health insurance, or children who are growing up in poverty—children growing up in poverty to parents who are working hard, in the toughest jobs in America, 40 hours a week, making the minimum wage, below the poverty level. So lifting up the wages of these workers is as much about improving the lives of their family members and providing a brighter future for their children.

This week we have a chance to change the course, not just for the workers still earning $5.15 an hour and their family members, but for the country. We will say it is no longer acceptable to leave behind those who may be at the bottom, that they should be as much a priority as any other worker who contributes to our Nation's economy.

I am extremely proud that New Jersey has not waited for Congress to do what is right. Instead, it has taken upon itself to increase the State minimum wage far above the Federal wage. And New Jersey is not alone. Twenty-nine other States have raised their minimum wages above the Federal minimum wage. Now at $7.15 an hour, New Jersey's minimum wage has given over a quarter million workers the chance to build a better life.

It is past time for Congress to act and give millions of other minimum wage workers across the country that chance. It is time to provide them what they have been waiting almost 10 long years for—the chance to earn a wage they deserve and to live with greater dignity. It is time to let them know Washington will no longer turn a deaf ear to their struggles.

I listen to some of our colleagues sometimes, and it is amazing. Congress has raised its salary more than $31,000 over the same time period in which many Members have voted against raising the minimum wage. It is interesting; we can vote to increase the wages of Members of Congress and the minimum wage workers get nothing. I am sure there are Members who would say it was well worth it, of course. But what about minimum wage workers? Nothing for nearly a decade. Congress raises its salary $31,000.

Now, interestingly enough, no one said: Well, we need to give a tax break in order to give the Members of Congress a raise. No one said, certainly, while they were voting for these increases, they did not deserve it. Yet families across this country are struggling in some of the toughest jobs in America. They could not get the same type of support for their struggles. It is simply wrong.

Now is our chance to correct that injustice, but I hope it is only the first step. We can never, ever again allow the hardest workers in our country to see their wages eroded by 10 years of inflation while those at the top of the pile make more and more but give less and less back.

I hope the Senate will pass this overdue increase in the minimum wage. I hope we do not have to give away the store in order to be able to get some of those who are working at some of the toughest jobs, finding themselves below the poverty level—struggling to have families be nurtured to achieve their dreams and hopes and aspirations—I hope we do not have to give away the store. I hope we do not see another increase in Congress before we see an increase in the minimum wage. Therefore, when we pass this overdue increase in the minimum wage, I hope it will work in the future to make sure this increase stands the test of time.

Madam President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. NELSON of Nebraska. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

IRAQ RESOLUTION

Mr. NELSON of Nebraska. Madam President, I am here speaking a little bit early. Senator WARNER will appear on the scene shortly. But as you know, Madam President, I will be presiding, so this gives me the opportunity to speak now.

Senators WARNER and COLLINS and I have worked to develop a bipartisan resolution dealing with Iraq. I thank them for working to forge this bipartisan resolution. I would clarify that the goal of this resolution is to broaden the resolution's appeal. It is important to send a strong message to the White House and Iraq. And the more support the resolution receives in the Senate, the stronger our message will be.

This may not be an either/or situation. We are bringing forth a new set of ideas, something more broadly worded for Senators to consider. Some can vote for this resolution, and the other, without feeling any contradiction.

The content of this resolution is more inclusive of the Iraq Study Group's recommendations and steers clear of partisan or Presidential rhetoric.

I urge our colleagues—some of whom I have spoken with today, and some of whom I have spoken with over the weekend, and others in recent days, some tomorrow—to read this resolution carefully. I believe they will find the resolution to be thoughtful, forceful, and meaningful.

If a Senator is not comfortable with the wording of the previously announced resolution, if a Senator was concerned that the resolution did not include the recommendations of the Iraq Study Group, if a Senator was concerned about the infringement on executive powers, I think that Senator will find our resolution more appealing.

In the end, we all have a responsibility to lead. We are accountable to our constituents—the American people, as is the President. When we see a policy development that we feel is not in the best interests of the United States and the U.S. military, we must speak out, we must act, and we must communicate with the President that we disagree with his plan.

Simply put, that is what we are trying to do—to express our concern, our opposition, or disagreement with deploying troops in the heart of a civil war in Iraq.

The goal is maximum bipartisan support to send the strongest message possible from the Senate to the President, to the American people, and to Iraq about our concern about this plan.

Thank you, Madam President. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. NELSON of Nebraska). Without objection, it is so ordered.

CLOTURE MOTION

Mr. REID. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the clerk will read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close the debate on Calendar No. 5, H.R. 2, providing for an increase in the Federal minimum wage.

Ted Kennedy, Barbara A. Mikulski, Daniel Inouye, Byron L. Dorgan, Jeff Bingaman, Frank R. Lautenberg, Jack Reed, Barbara Boxer, Daniel K. Akaka, Max Baucus, Patty Murray, Maria Cantwell, Tom Harkin, Debbie Stabenow, Robert Menendez, Tom Carper, Harry Reid, Charles Schumer, Richard Durbin.

Mr. REID. I ask unanimous consent that reading of the names of the Senators be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. REID. I ask unanimous consent that we now proceed to a period of morning business with Senators allowed to speak therein for a period of up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO DEANNA JENSEN

Mr. REID. Mr. President, I rise to pay tribute to Deanna Jensen, a lifelong Nevadan whose commitment to breast cancer advocacy will always be remembered. After her own long but heroic battle against breast cancer, she passed away on January 7. My thoughts and prayers are with Deanna's husband Don and her family as they mourn this great loss.

As a loving wife and mother, cherished friend, and respected member of the community, Deanna touched many lives near and far. And my home State of Nevada was fortunate to have her from the beginning. Born in Elko and raised in Clover Valley on a cattle ranch, she graduated from Wells High School and eventually earned a master's degree in speech pathology-audiology at the University of Nevada, Reno. Deanna remained in Nevada, devoting herself to a career as a speech pathologist and working by her husband's side at his business, Jensen Precast.

When breast cancer finally struck, Deanna fought back and became a cancer survivor. In fact, before her recurrent metastatic breast cancer had returned for the final time, she had been cancer free for 5 years. In that time, Deanna had become a tireless activist for the cause of advancing breast cancer research. With a determination and persistence that would not surprise her loved ones, she sought to translate her private struggles with this terrible disease into civic action for the greater good. It was clear to everyone that she cared deeply about the issue. "Why me?" was a question Deanna surely wondered about herself, but she wanted answers for all women who asked that question.

The search for those answers is a driving force behind the Breast Cancer and Environmental Research Act, bipartisan legislation that Deanna sought to see enacted. While the devastating effects of breast cancer are all too evident, its causes are still mostly unknown. We do know that a better understanding of the links between the environment and breast cancer could help improve our knowledge of this complex illness. The Breast Cancer and Environmental Research Act is designed to reveal those links by making a truly meaningful research investment and charting a national research strategy.

In Deanna's words, that is why passing the Breast Cancer and Environmental Research Act is a real opportunity for Congress to "step up for women and breast cancer." Recognizing this call to action, 66 of my Senate colleagues and 262 members of the House of Representatives joined me in the 109th Congress in supporting the legislation. I hope that the new session of Congress will give us another opportunity to make good on our promise to finally pass the bill.

In one of my last correspondences with Deanna, she wrote of her frustration that a bill with so much support had yet to be enacted by Congress. It was a fitting reminder of the way Deanna was mindful of the public sphere beyond her own immediate situation, even as she dealt with a grueling regimen of radiation and chemotherapy in her final moments. Her inner strength could not be extinguished then, nor will her contributions be forgotten now. She will be greatly missed.

MICHAEL KAISER ON CULTURAL DEVELOPMENT AND EXCHANGE

Mr. KENNEDY. Mr. President, I am pleased to share with my colleagues a recent speech by Michael Kaiser, the president of the Kennedy Center. Mr. Kaiser is an impressive and highly respected national leader in arts policy and advocacy. Last month, he addressed the National Press Club and spoke about the importance of cultural development and exchange.

In addition to his role as the president of our national performing arts center, Mr. Kaiser serves as a cultural ambassador for the administration. He has traveled around the globe to assist cultural organizations in many countries—including Latin America, the Middle East, and Asia. Cultural diplomacy is an effective part of our Nation's outreach to other countries and cultures, and Mr. Kaiser's role is an impressive part of that effort.

He is an articulate and visionary leader for the Kennedy Center and a major national resource. I believe his address to the National Press Club last month will be of interest to all of us, and I ask unanimous consent that it be printed at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the National Press Club, Dec. 7, 2006]

CULTURAL DEVELOPMENT AND EXCHANGE

(Remarks by Michael Kaiser)

It is a great pleasure to be here today to discuss the Kennedy Center's approach to international cultural exchange.

I must admit to being a relative newcomer to the international arts scene. In fact, after I finished business school and applied to the World Bank for an entry-level position, I was told I was exactly what they were not looking for—someone who demonstrated no passion for international affairs. I hope they would take me more seriously today.

In the early 1990's, I took the Alvin Ailey American Dance Theater on tour to Japan, Greece, France and elsewhere. But my international work really began with an invitation by the Rockefeller Foundation to help the Market Theatre in Johannesburg in 1994. Three weeks after Nelson Mandela's inauguration I took my first of 18 monthly trips to Jo'burg; I worked for the Market Theatre, I participated in the creation of the Arts Council for the new South Africa and I taught an arts management program in Jo'burg, Durban and Cape Town. I fell in love with a nation and gained a mentor at the same time.

Barney Simon, the late, great founder of the Market Theatre taught me that the arts truly can change the world. Barney, an unlikely father for South African theater, developed and exported anti-apartheid protest theater. He played a major role in educating Europeans and Americans about the horrors of apartheid. He did change the world.

And he changed me.

I learned from Barney about truth in art; about the courage it takes to be a real leader, and about the difference between producing a show and producing change.

When Barney died in 1995 the world lost an arts hero. And I lost a mentor.

What I learned from Barney provided the foundation for my international work at the Kennedy Center.

I have spent the last 5 years building an international activity that I, perhaps naively, believe will change the world. Maybe not as dramatically as Barney's work at the Market Theatre, but change nonetheless.

After my internship with Barney and after observing the arts world from a different perspective when I ran the Royal Opera House in London, I developed my own ideas about cultural exchange.

The Kennedy Center has given me a unique platform to test these ideas. Shortly after I arrived in Washington, I was approached by State Department officials asking me which American artists should be sent abroad to represent the United States and to foster cultural exchange.

I surprised these State Department representatives by explaining that many people around the world feel they experience enough American culture. It may not be high culture but people from London to Jo'burg to St. Petersburg to Beijing have so much exposure to American movies, television and pop music that they have no real interest in more.

And while I am certainly in favor of sending talented Americans to perform abroad, sending a great artist for one concert for 1000 of the richest and most powerful people in any nation has virtually no impact.

I suggested that we need to take a new, two-pronged approach to cultural exchange.

First, we need to recognize that Americans know almost nothing about other peoples. We read about political leaders and movements but we know nothing about the people who live in China or Lebanon or Colombia.

And I believe the most effective and engaging way to learn about other people is to experience their arts. We need to provide access to the art and the culture of other peoples. We need Americans to see what moves other people, what they think of as beautiful, what they worry about. When we hosted the Iraqi Symphony at the Kennedy Center three years ago the most common response I heard was, "I didn't know Iraq had a symphony." Most Americans were completely unaware of the level of education and culture of the people of Iraq. In October of last year, we hosted 900 performers from China at the Kennedy Center in a landmark 4-week festival of Chinese art.

We presented eastern and western music, Chinese opera, theater, ballet, modern dance, film and puppetry. Virtually every performance was sold out. One memorable shadow puppet performance depicted the devastating impact of the Japanese bombing of China through the eyes of a little boy. My audience developed a new and vivid idea of the concerns of Chinese parents; they realized they were far more like Chinese people than they were different.

Not only our audiences were affected. The press attention in Washington, throughout the United States and in China was huge. I believe we influenced the thinking of many people.

We have festivals of Japanese art, Arab art, Indian art and Russian art planned for the coming years.

But that is only one half of the cultural exchange puzzle.

I feel we have to exchange with other nations but it does not necessarily have to be art that we offer.

I have learned through my travels that there is almost no arts management education in other countries.

And while I could and often do make speeches on the need for better arts management education in the United States, I find the state of this training in other countries to be even more rudimentary. It appears that the central role of government funding in other nations has limited the perceived need for this kind of education. But so many governments, in fact most governments, are cutting back on their arts support. And arts organizations in big European countries and small African nations and Latin countries and Asian countries are threatened. Arts managers here and elsewhere have no idea how to respond.

They have never learned how to develop new sources of contributed funds and have been unable, for various reasons, to develop high levels of earned income.

Therefore, I believe that instead of only exchanging our art for the art of other nations, we should also offer our experience and expertise in arts management and revenue generation to arts managers and government officials in other countries.

We at the Kennedy Center believe we are in a strong position to address this issue because we have systematically developed approaches to teaching arts management.

When I first arrived at the Kennedy Center in 2001 we established an arts management institute to address the challenge of training arts managers in the United States and abroad. To date, we have welcomed 66 Fellows; half of them have come from countries other than the United States. These practicing arts administrators have come from Russia and the Czech Republic and Malaysia and Spain and Egypt and Pakistan and numerous other countries. They take classes in development, marketing, technology, financial management, labor relations etc. I teach strategic planning every Friday morning.

But they also work in our various departments on high level projects, participate in board meetings and other similar events, and develop a strong understanding of the way an arts organization can function. For many of our Fellows, and certainly most of our foreign Fellows, this is their first exposure to a large, well-functioning arts organization.

Just last month on a trip to Cairo I was touring an independent arts center named the Townhouse. As I opened a door to its new theater, there was Nora Amin, a former fellow, teaching arts management to a group of young Egyptians. It was both surprising and deeply rewarding.

We have also developed a training program for the leaders of arts organizations of color throughout the United States. This program complements periodic in-person symposia with more frequent on-line training sessions that have become an efficient way for us to reach students from many geographical areas at once. Since developing this program four years ago, we have created others for small and mid-sized orchestras and arts organizations in New York City. In total we are working with 90 arts organizations in this country. And, most recently, we have developed a program for training Board members of arts organizations and created a website, artsmanager.org, featuring arts management resources.

In some cases, we work with individual arts organizations in need. For the past two years we have worked to help save the Dance Theatre of Harlem. More recently, we have worked to assist an arts organization truly in a perilous place at a perilous time: the Louisiana Philharmonic Orchestra—New Orleans' largest classical arts organization. Hurricane Katrina destroyed the LPO's theater, its offices, its music library, and its larger instruments. The subscriber base has been scattered and the donor base focused on other more immediate needs.

Yet the intrepid LPO staff and Board, with some guidance from us, has been able to raise enough to bring the full orchestra back, to mount a fairly large spring program this past season, and to pay off virtually all the payables of the institution.

All of this work has prepared us to address the challenge of teaching arts management in other nations.

Our focus has been on countries in transition and in trouble.

Why?

Because I believe that the arts play an especially important role in troubled societies.

I believe that the arts have a power to heal. Expressing anger, pain and fear on stage is productive and effective. The protest theater of South Africa helped many people cope with their anger while also producing change.

Arts can address all segments of society. While the largest arts organizations typically address the wealthier and better-educated segments of society, the smaller non-government organizations reach far beyond the elite. That is why we have focused our attention on these organizations.

Artists are opinion generators. When we support artists in troubled areas, we teach others about the problems in society and the impact of those problems.

In fact, the arts are the safest way for people to express themselves.

And the arts can replace pain with beauty.

My first foray into this new international realm was in Mexico—until the recent Presidential election not really a country in turmoil but an arts environment in turmoil.

The government of Mexico has been responsible for approximately 90% of arts funding in that country and has a stated goal of reducing this level of support. Also, this funding is concentrated; too few organizations receive any government funding and the non-government organizations—NGO's—are typically tiny and struggling.

I have spent the last two years training a group of 35 arts managers of small arts organizations in Mexico who all run NGO's. They each received their first government grants in a special program called Mexico en Escena, Mexico on Stage. These grants were 2-year grants totaling $50,000.

Part of the grant was access to a week-long seminar on planning at the beginning of the grant and quarterly classes thereafter. I am the teacher of these programs.

The program ends this month, as the government of Mexico changes. Virtually all of the groups have made huge strides. Most have improved their artistic quality substantially and many have created new fund-raising and marketing capabilities. About one-half of the groups are truly poised for additional growth and achievement as this program ends.

As I was initiating my work in Mexico, I also began to develop a relationship with the government of China.

Our festival of Chinese art was of great interest to the government there and a strong relationship was developed. In keeping with my philosophy expressed earlier, we traded art for expertise. The Chinese provided us with a remarkable array of performers and performing groups. We offered back training in arts management.

I go to China twice a year to teach up to 500 arts managers at a time; in addition, we host 20 arts managers from China at the Kennedy Center for a week each summer. I must admit to being a bit daunted the first time I faced a room of 500 students; and the Socratic method of teaching I prefer took my students many days to become accustomed to.

I have also had to fight, as I have elsewhere, to ensure that the majority of my students are truly arts managers and not government bureaucrats. This has been a consistent challenge in every country in which I have taught.

But my students in China are excellent and learn quickly and are working diligently to develop private sources of funding and new marketing techniques. Like my students in Mexico and elsewhere, there is far greater comfort attempting to raise funds from foundations and corporations but I continually pressure my students to attempt to develop an individual donor base as well.

For as we have learned in America, individual donors are far more loyal than institutional donors, and there is far more total money available from individuals, and, eventually, far larger gifts available from individuals. Arts organizations that rely most heavily on institutional giving typically remain small.

Much of my work here and elsewhere focuses in part on the problems faced by all arts organizations, whether in Beijing or Butte.

Of course, the central difficulty we face in the performing arts is the challenge of improving productivity.

Unlike virtually every other industry, we cannot cover the costs of inflation with increases in productivity. There are the same number of performers in Don Giovanni as when Mozart wrote it over 200 years ago. This productivity challenge is matched by an earned income challenge: once we build a theater we have literally set the earned revenue potential in concrete. We cannot increase true earned revenue since we cannot increase the number of seats in our theater. I remember bringing the Ailey company to the Herod Atticus—a beautiful Roman amphitheater built into the base of the Acropolis in Athens. The entire company was awed by the setting—performing outdoors with the moon over the Acropolis. I only stood on stage and marveled that there were the same number of seats as when it was built 2000 years ago.

These productivity and earned income constraints, that the arts have been facing for centuries, place great pressure on ticket prices, unless new sources of funding can be developed. And in most countries, raising ticket prices simply means reducing audience size and diversity, hardly an attractive option.

We teach how to plan for the challenges faced by every arts organization and how to plan for the idiosyncratic challenges faced in a given country.

While every arts organization must address the productivity problem, the challenges posed by religious factions in Pakistan are different from the government restrictions faced by Chinese organizations.

Of course, a good deal of this planning must address how to develop new sources of revenue, and particularly, how marketing can be used to aid this effort. My mantra for running a successful arts organization is good art, well marketed. I have yet to see an arts organization that routinely produces great art and also markets that art aggressively that does not have the resources to pursue its mission.

We teach why this is true and how to implement strong artistic planning and how to develop a comprehensive marketing campaign.

Most recently, we have addressed these issues in Pakistan. The Pakistani arts ecology has experienced 30 years of neglect and its government has asked us to help build back this sector. We have created a plan to address this goal. Central elements of this plan include:

Investing in physical infrastructure: Pakistani theaters are in tremendous disrepair. I visited one of the country's "best" theaters, the Alhambra in Lahore.

It has a floor so warped it can not house professional dancers, and has only 10 lighting instruments, as compared to the 300 or so we expect in an American theater.

Creating flagship arts organizations: There are no larger arts organizations that create important art and serve as role models for the nation. A national gallery of art is about to open; we need major dance and theater and musical organizations as well that can serve as centers of expertise and training.

Improving production capabilities: If Pakistani artists are to compete internationally, the nation must develop more expertise in technical theater: lighting, set, costume and sound design.

Teaching Arts Management: There is virtually no training for people running arts organizations. We must develop some teaching capacity in Pakistan, as we must in other countries in which we can only play a minimal role.

Creating arts education programs: There is little arts education in the schools and very few teachers equipped to bring the arts into the classroom. In addition, there are few works developed expressly for young audiences so children are rarely introduced to the arts.

Building international awareness of Pakistani arts and culture: There is very little understanding of the rich history of culture in the region. And there are currently few arts organizations that can tour with competitive programming.

We have begun to implement this plan. We produced a one-week training program for 30 arts leaders this August. We have created a web site on Pakistani culture to be used to educate their children and others throughout the world on the rich heritage of this nation. We have planned a children's theater collaboration between the Kennedy Center and the Pakistan National Council on the Arts. Additional programs are also in the planning stage.

But if Pakistan is to develop into a true democracy, artists must be free to create, and an infrastructure to present this art must be developed.

It is still unclear if the current government will demonstrate a sustained interest in this endeavor and will be willing to change the vestigial laws that continue to restrict artistic freedom.

I am committed to working with the government of Pakistan to build the strength of its arts ecology but will also work with the nation's artists to change legislation that prohibits this development.

I have learned a great deal from my experiences in China and Mexico and Pakistan. I can summarize them in ten major observations:

Most arts managers in many countries have few peers and fewer mentors from whom they can learn. These managers feel isolated and helpless. If a major donor is truly going to make change, one must provide consistent and substantial technical support as well as cash.

To make major change in many countries requires involvement of the government. In Mexico, for example, arts groups receiving consistent government funding must return to the government that portion of their subsidies that equal their private fundraising or extraordinary ticket sales.

This means there is no inducement for acting entrepreneurially. I am working with the government leaders of Mexico to change this rule to foster the development of new sources of funding. We must also make the case for the arts to government leaders. Most governments do not appreciate the economic impact of the arts, the role of the arts in tourism and the role of the arts in creating international image.

Private donors must also be involved in changing the culture of giving in any country. When I consulted to the Market Theatre, one of our Board members was one of the wealthiest people in the world. When I asked her why I did not see her listed as a donor to the Theatre, she replied, "I do donate. I donate my time by coming to Board meetings." But we also need to make donors comfortable that their money is truly having an impact and is being well-spent. This is particularly important in countries without a tradition of arts philanthropy. In other words, we must market to our donors as well as to our audience.

Non-recurring grants must be tied to a matching requirement. If arts organizations are forced to raise new funds to match a large gift from a single donor, they are forced to develop expertise in fund-raising. I asked the Mexican government, before they made two-year grants to my students, to include some kind of match, and I was ignored. As a result, while several of the groups have prepared well for the end of this special grant, an equal number of them have not and are now being forced to down-size and abandon the projects they initiated with grant funds. This could have been avoided if a matching requirement had been attached to the grant and the groups were required to develop new sources of funding.

Most arts groups in most countries address very small audiences and have minimal scope of operations. While bigger is not always better in the arts, some level of size is required to have an impact and to establish a measure of stability. We need to help arts groups get larger.

While it is assumed that fund-raising skills are the major deficiency in many countries, in fact, marketing knowledge is minimal at best. We must teach how to develop focused programmatic marketing campaigns that help sell tickets and aggressive institutional marketing campaigns that help raise money and awareness.

We need to expand the planning horizon for arts organizations in troubled countries. Most arts organizations have planning horizons of less than 6 months. This makes it virtually impossible to build strong fundraising efforts and major touring programs. But we also have to help train arts entrepreneurs. In my experience, there is no conflict between planning and entrepreneurship but this is not evident to everyone.

We must encourage artists to collaborate with administrators. One of my students in Mexico experienced a total life change when he handed over to an administrator the things he did not know how to do and focused exclusively on his role as artistic director. Today, he has two years of his budget in the bank!

The training we offer must be practical and hands-on. While our goals are idealistic, our training techniques must be immediately implementable if our students are to make change.

And finally, we must work hard to encourage arts organizations not to waste anything. While this is true for arts organizations throughout the world, those organizations in challenging environments must use every dollar and every hour to maximum advantage.

Next on our agenda is a major project with the 22 Arab countries. Again we are using our two-pronged approach to cultural exchange. We are mounting a major Arab arts festival at the Kennedy Center in 2009. But, beginning this coming spring, we are also holding annual symposia on arts management in the Arab countries. We have begun by surveying a large list of Arab arts organizations to determine their chief concerns.

Just last month I visited Cairo, Amman, Riyadh and Damascus to discuss our plans with government leaders, arts managers and artists. The response was very positive from all sectors and the press we received was encouraging. On numerous occasions during my trip I heard enthusiasm for our idea of helping Americans understand Arabs, as people rather than as political entities. And the training we are offering is seen as an act of generosity by people who do not always think of Americans in that way.

I am convinced that this project, our most ambitious to date, will have the dual benefits of educating the American public while also creating stronger cultural institutions in the Arab world. We hope this will allow these institutions to play a more vital role in their countries and will foster relationships between Americans and Arabs that will help to unite and bring understanding and peace.

This is an ambitious goal; some would call it naïve.

But it would be impossible for us not to try.

Thank you.

TRIBUTE TO ANTHONY J. ZAGAMI

Mr. LEVIN. Mr. President, I would like to take this opportunity to recognize Mr. Anthony J. Zagami as he concludes 40 years of dedicated public service. Mr. Zagami officially retired on January 3, 2007, from the U.S. Government Printing Office with the distinction of being the longest serving general counsel in history.

In the mid-1960s, Mr. Zagami began his distinguished career on Capitol Hill as a Senate page. I first met Tony many years ago when he was working in the Senate Democratic cloakroom. Following his service in the cloakroom, he worked for the Secretary of the Senate and eventually went on to become the general counsel for the Joint Committee on Printing for 9 years. Mr. Zagami would ultimately work in the Senate for a total of 25 years in various capacities.

In 1990, Tony began his tenure as the longest serving general counsel in history. In this capacity, he oversaw an agency that is responsible for the printing and distribution of the CONGRESSIONAL RECORD and nearly every other governmental publication. Mr. Zagami served at a momentous time in the history of the GPO, as the agency worked to move into the digital age.

Tony is known as a diligent, thorough, and dedicated public servant, and I am honored to recognize his outstanding service. His record of service, which spans more than four decades, is tremendous indeed. I know my Senate colleagues join me in congratulating Tony Zagami for his tremendous work over the years, and I wish him the best in the years to come. I hope he will enjoy his retirement as much as we have enjoyed his presence around the Capitol over the years.

ADDITIONAL STATEMENTS

TRIBUTE TO JUDGE OTHA LEE BIGGS

• Mr. SESSIONS. Mr. President, there are many public servants who hold office and it is not possible to make mention of the milestones in their lives; however, with Otha Lee Biggs, probate judge of Monroe County, AL, I must make an exception. His remarkable tenure is truly notable. Judge Biggs served 36 years as probate judge and as chairman of the Monroe County Commission. He has been dual-hatted, as they say.

During that time, he has been a tireless proponent of economic growth for the county and constantly worked for more and better jobs for his people. Everyone knows Judge Biggs and he knows everyone. He knows his constituents, their children, parents, cousins, and neighbors. Even knowing those who get along and those who don't. He knows how to get things done. And his word is good. That is to say, he is a master politician in the finest sense of that word.

It is a real treat to hear him tell how he worked to get the Alabama River Pulp Mill to locate in Monroe County in 1978. Make no mistake, that event has been hugely important to the county ever since. He is a friend of Monroe County's best known citizen, Nelle Harper Lee, the author of "To Kill A Mockingbird," the most widely read book of the 20th century in the schools of America. He was a visionary behind the production of the play based on the book. A historian, a conservationist, a fabulous storyteller, and a man of family and tradition, Judge Biggs is one of a kind. We will not see his like again. He is held, to a most unusual degree, in the highest esteem and affection by the people he has served. They have given him their trust, and he has been worthy of it.

His has been a remarkable period of leadership, Constant and faithful he has been, and the people love him for it. Rich and poor, Black and White, he has served them all. He has put them and his county first.

Governors, Senators, and Congressmen have been his friend. I have been honored to be his friend, too. When I pass through Monroeville on the way to visit my homeplace in Hybart, on the northern edge of the county, I always try to stop in for a visit with the Judge. It is a special treat to peer over that pile of papers on his desk, some yellow with age, in his small modest office and to catch up on the news, to hear a good story, to take a peek at his pictures, and to learn about the important issues facing the county, our State and our Nation. For, first of all, Judge Biggs is a patriot. He loves his country and loves it truly and understands its exceptional nature. Thus, his insight is always valuable.

Now, as everyone knows, Judge Biggs is frugal. If he ran the Federal Government, the budget would be balanced—that is for sure. His style is clearly demonstrated at the ceremony at which his successor, Judge Greg Norris, was installed. At the conclusion, Judge Biggs said "I have one bit of advice. Replace the carpet in your office. It's been there 44 years."

The retirement reception for Judge Biggs, hosted by the Alabama Power Company and Alabama River Pulp Company on January 11, 2007, was a remarkable event. I am truly disappointed to have missed that wonderful time. Though my duties here kept me away, I was there in spirit and in admiration for one of Alabama's most important leaders, Judge Otha Lee Biggs. Well done, good and faithful servant, well done.●

IN RECOGNITION OF THE CITY OF VALDOSTA, GEORGIA

● Mr. ISAKSON. Mr. President, today I wish to recognize the city of Valdosta, which received the Audrey Nelson Community Development Achievement Award for its outstanding administration of the 2006 Southern Hospitality Workcamp. The city of Valdosta is 1 of 11 cities from across the Nation to receive this award. I am very proud of its accomplishments, and I would like to commend all of the people involved in this effort.

The Audrey Nelson Community Development Award is presented by the National Community Development Association in recognition of outstanding achievements and exemplary uses of the community development block grant funds. In the spirit of this program, which assists the needs of low-income families and neighborhoods, the city of Valdosta has set a goal of eliminating substandard housing by the year 2010.

Through its 2006 Southern Hospitality Workcamp, the city gathered over 350 youths from across the country to repair 46 homes for low-income and disabled individuals and families. This annual program has also earned the city of Valdosta the State of Georgia's Magnolia Award for excellence in affordable housing. The city has won this award in 3 of the past 6 years.

The honorable work by these students exemplifies the dedication the city has to its goal of eliminating substandard housing. I would like to thank the city of Valdosta for its efforts as well as encourage the city to keep working on this outstanding goal in the future.●

HONORING MASTER SERGEANT LARRY PERRY

● Mr. THUNE. Mr. President, today I recognize MSG Larry Perry of Bruce, SD, who was recently awarded the Purple Heart Medal at Camp Clark in Afghanistan for injuries he incurred while on patrol.

Master Sergeant Perry is married and has two sons. He has served with the National Guard for more than 18 years. He is a member of the 147th Field Artillery Brigade of the South Dakota Army National Guard and is currently the 203rd Regional Corps Assistance Group, RCAG, 1st Brigade Motor Officer. Master Sergeant Perry's service in Afghanistan is part of the efforts to train and mentor members of the newly organized Afghan National Army. The brigade trains Afghani soldiers in areas such as intelligence, communications, logistics, maintenance, military operations, and leadership skills. These necessary skills are allowing the Afghan National Army to operate independently as a professional force to curb terrorist attacks, provide safety and security for its citizens, and participate as an important ally in the war on terror.

On the morning of September 25, 2006, Master Sergeant Perry was serving as a gunner in the turret of a Humvee in Khowst Province when a suicide car bomb exploded alongside his convoy. The explosion sent shrapnel into his shoulder, and he suffered burns to his face and neck.

Master Sergeant Perry and his fellow soldiers face such dangers every day, and their willingness to put themselves in harm's way for the American and Afghani people is truly humbling. I, along with the citizens of South Dakota and the entire United States, owe Master Sergeant Perry a debt of gratitude that we will never be able to repay. We honor Master Sergeant Perry for his patriotism, bravery, and selflessness, and we applaud his courage in the face of danger.●

TRIBUTE TO JOSEPH W. WHITAKER

● Mr. AKAKA. Mr. President, today I acknowledge the contributions of a dedicated public servant, Joe Whitaker. Joe currently serves as the Deputy Assistant Secretary of the Army, Installations and Housing. This makes Joe Whitaker the most senior career civilian official in the Army responsible for military installation issues such as the construction of new facilities and housing for our soldiers and their families. Joe Whitaker's service to the Army includes both military and civilian service, and he is retiring as a member of the Senior Executive Service at the end of this month after a career of over 35 years of dedicated public service to the U.S. Army.

As chairman of the Subcommittee on Readiness and Management Support, I appreciate the challenges Joe Whitaker has faced over the past few years trying to modernize the facilities where our soldiers live and work. These challenges include: an Army at war; the 2005 round of base realignment and closures; the so-called modular conversion of the Army from a division-based force to a brigade-based force; and the relocation of thousands of Army personnel and dependents from Europe to the United States. This would be a significant set of challenges to deal with even if they had occurred one after the other, but Joe Whitaker and the Army have had to address them simultaneously, and I commend him for the job he has done in meeting these challenges.

As a Senator from the State of Hawaii, I have seen first hand the improvements in both military capability and quality of life that have taken place for the Army in Hawaii thanks to the efforts of Joe Whitaker and others in the executive and legislative branches. This includes the privatization and improvement of over 7,800 homes for Army families in Hawaii under the Residential Communities Initiative and the construction of facilities to stand up a Stryker Brigade Combat Team in Hawaii. Our Army forces in Hawaii are better off because of Joe Whitaker's contributions.

Dedicated career civil servants like Joe Whitaker are so important to the work of the Army and other Federal agencies. They provide the continuity, background of knowledge and experience, and relationships that the political appointees representing any administration need to get things accomplished. This is even more true in the military, where effective command during the relatively brief tours of senior military leaders would not be possible without the expertise of career civil servants like Joe Whitaker.

Finally, the members and staff of our committee have also known they could rely on Joe Whitaker as a candid, hardworking partner in our shared responsibility for providing for our men and women in uniform and their families. On behalf of the Subcommittee on Readiness and Management Support and the entire Senate Armed Services Committee, I express our appreciation to Joe Whitaker for his contributions, and dedication to, the soldiers of the U.S. Army and his country, and I wish him success in his future endeavors.•

TRIBUTE TO DONALD D. JUNCK

• Mr. THUNE. Mr. President, today I wish to recognize Donald D. Junck of Sioux Falls, SD. In November of 2006, Donald submitted the one-millionth Trademark Electronic Application System, TEAS, filing.

Donald currently owns two small businesses in Sioux Falls, SD: a construction company and a laser engraving company. He used TEAS to protect the name and logo of his mark, Bait Craft, which is used for his unique, handcrafted fishing tackle boxes. Fishing and other outdoor activities are an important part of South Dakota's heritage and are vital to our State's economy. Fishermen have spent $173 million and hunters $193 million in South Dakota over the last 5 years. TEAS has helped Donald and many others in our State achieve the entrepreneurial success that creates jobs and keeps our economy moving forward.

The U.S. Patent and Trademark Office, USPTO, opened TEAS on a worldwide basis in 1998. TEAS is a cost-effective way to increase access and participation in the trademark process. This system allows trademark applicants, such as Donald Junck, to file an application at anytime and from any location with Internet access. TEAS has been a vital conduit in helping South Dakota's entrepreneurs protect their investments and improve their businesses.

Today, along with the USPTO and Donald Junck's friends, family, and colleagues, I wish to recognize his most recent trademark application and the milestone one-millionth TEAS filing.•

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 1:03 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 475. An act to revise the composition of the House of Representatives Page Board to equalize the number of members representing the majority and minority parties and to include a member representing the parents of pages and a member representing former pages, and for other purposes.

The message further announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con Res. 38. A concurrent resolution providing for a joint session of Congress to receive a message from the President.

The message also announced that pursuant to 15 U.S.C. 1024(a), and the order of the House of January 4, 2007, the Speaker appoints the following Member of the House of Representatives to the Joint Economic Committee: Mrs. MALONEY of New York.

The message further announced that pursuant to section 201(a)(2) of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 601), and the order of the House of January 4, 2007, the Speaker and President Pro Tempore of the Senate jointly appoint Dr. Peter R. Orszag as Director of the Congressional Budget Office, effective January 18, 2007, for the term expiring January 3, 2011.

MEASURES DISCHARGED

The following measure was discharged from the Committee on the Judiciary by unanimous consent, and referred as indicated:

S. 69. A bill to authorize appropriations for the Hollings Manufacturing Extension Partnership Program, and for other purposes; to the Committee on Commerce, Science, and Transportation.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

H.R. 6. An act to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-394. A communication from the Chief Counsel, Bureau of the Public Debt, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Sale and Issue of Marketable Book-Entry Treasury Bills, Notes, and Bonds—Securities Eligible for Purchase in Legacy Treasury Direct" (31 CFR 356) received on January 18, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC-395. A communication from the General Counsel, National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled "Conversion of Insured Credit Unions to Mutual Savings Banks" (RIN3133-AD16) received on January 18, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC-396. A communication from the Secretary, Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled "Rule Concerning Disclosures Regarding Energy Consumption and Water Use of Certain Home Appliances and Other Products Required Under the Energy Policy and Conservation Act; Ceiling Fan Amendments" (RIN3084-AA74) received on January 18, 2007; to the Committee on Commerce, Science, and Transportation.

EC-397. A communication from the Secretary, Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled "Rule Concerning Disclosures Regarding Energy Consumption and Water Use of Certain Home Appliances and Other Products Required Under the Energy Policy and Conservation Act; Room Air Conditioner Ranges" (RIN3084-AA74) received on January 18, 2007; to the Committee on Commerce, Science, and Transportation.

EC-398. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16-594, "Consumer Security Freeze Act of 2006" received on January 18, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-399. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16-595 , "Disability Rights Protection Act of 2006" received on January 18, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-400. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16-596, "Definition of Persons with Disabilities A.D.A. Conforming Amendment Act of 2006" received on January 18, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–401. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–598 , "Expansion of Substance Abuse and Mental Illness Insurance Coverage Amendment Act of 2006" received on January 18, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–402. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–597 , "Summary Enclosure of Nuisance Vacant Property Amendment Act of 2006" received on January 18, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–403. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–593, "Consumer Personal Information Security Breach Notification Act of 2006" received on January 18, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–404. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–591, "Mental Health Civil Commitment Extension Act of 2006" received on January 18, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–405. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–592, "Additional Sanctions for Nuisance Abatement and Office of the Tenant Advocate Duties Clarification Amendment Act of 2006" received on January 18, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–406. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–599, "Office on Ex-Offender Affairs and Commission on Re-Entry and Ex-Offender Affairs Establishment Act of 2006" received on January 18, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–407. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–587, "District Government Injured Employee Protection Act of 2006" received on January 18, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–408. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–588, "Department of Insurance, Securities and Banking Omnibus Amendment Act of 2006" received on January 18, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–409. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–589, "Unemployment Compensation Contributions Federal Conformity Amendment Act of 2006" received on January 18, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–410. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–590, "Green Building Act of 2006" received on January 18, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–411. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–604, "Office of the People's Counsel Term Clarification Temporary Amendment Act of 2006" received on January 18, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–412. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–605, "Rent Administrator Hearing Authority Temporary Amendment Act of 2006" received on January 18, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–413. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–606, "Vacancy Conversion Fee Exemption Reinstatement Temporary Act of 2006" received on January 18, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–414. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–607, "Ballpark Parking Completion Temporary Amendment Act of 2006" received on January 18, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–415. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–608, "Department of Transportation and Department of Consumer and Regulatory Affairs Vending Consolidation of Public Space and Licensing Authorities Temporary Amendment Act of 2006" received on January 18, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–416. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–610, "Washington Convention Center Advisory Committee Temporary Amendment Act of 2006" received on January 18, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–417. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–609, "Tenant-Owner Voting in Conversion Election Clarification Temporary Amendment Act of 2006" received on January 18, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–418. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–611, "Old Engine Company 12 Deposit of Sale Proceeds Temporary Act of 2006" received on January 18, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–419. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–612, "Closing Agreement Temporary Act of 2006" received on January 18, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–420. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–613, "Real Property Tax Benefits Revision Temporary Act of 2006" received on January 18, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–421. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–614, "Lower Income Homeownership Cooperative Housing Association Re-Clarification Temporary Act of 2006" received on January 18, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–422. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–615, "Nuisance Properties Abatement Reform and Real Property Classification Temporary Amendment Act of 2006" received on January 18, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–423. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–616, "New Town at Capital City Market Revitalization Development and Public/Private Partnership Temporary Act of 2006" received on January 18, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–424. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–617, "Advisory Neighborhood Commissions Clarification Temporary Amendment Act of 2006" received on January 18, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–425. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–600, "PILOT Authorization Increase and Arthur Capper/Carrollsburg Public Improvements Revenue Bonds Approval Act of 2006" received on January 18, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–426. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–637, "Comprehensive Plan Amendment Act of 2006" received on January 18, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–427. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–601, "NoMa Improvement Association Business Improvement District Amendment Act of 2006" received on January 18, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–428. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–602, "Mount Vernon Triangle BID Amendment Act of 2006" received on January 18, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–429. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–603, "Alcohol and Narcotics-Related Claims Liability Exclusion Repeal Amendment Act of 2006" received on January 18, 2007; to the Committee on Homeland Security and Governmental Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BAUCUS, from the Committee on Finance, without amendment:

S. 349. An original bill to amend the Internal Revenue Code of 1986 to provide additional tax incentives to employers and employees of small businesses, and for other purposes (Rept. No. 110–1).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. KERRY:

S. 341. A bill to restore fairness in the provision of incentives for oil and gas production, and for other purposes; to the Committee on Finance.

By Mr. VOINOVICH (for himself, Mr. AKAKA, Mr. LUGAR, Ms. MIKULSKI, and Mr. STEVENS):

S. 342. A bill to expand visa waiver program to countries on a probationary basis and for other purposes; to the Committee on the Judiciary.

By Mr. VOINOVICH (for himself, Mr. BROWNBACK, Mr. AKAKA, and Ms. LANDRIEU):

S. 343. A bill to extend the District of Columbia College Access Act of 1999; to the Committee on Homeland Security and Governmental Affairs.

By Mr. SPECTER (for himself, Mr. GRASSLEY, Mr. DURBIN, Mr. SCHUMER, and Mr. FEINGOLD):

S. 344. A bill to permit the televising of Supreme Court proceedings; to the Committee on the Judiciary.

By Mr. REID (for Mr. BIDEN):

S. 345. A bill to establish a Homeland Security and Neighborhood Safety Trust Fund and refocus Federal priorities toward securing the Homeland, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. VITTER:

S. 346. A bill to adjust the boundary of the Barataria Preserve Unit of the Jean Lafitte National Historical Park and Preserve in the State of Louisiana, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. VOINOVICH (for himself and Mr. WARNER):

S. 347. A bill to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage, and for other purposes; to the Committee on Finance.

By Mr. CRAPO:

S. 348. A bill to improve the amendments made by the No Child Left Behind Act of 2001; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BAUCUS:

S. 349. An original bill to amend the Internal Revenue Code of 1986 to provide additional tax incentives to employers and employees of small businesses, and for other purposes; from the Committee on Finance.

By Mr. VITTER:

S. 350. A bill to prohibit certain abortion-related discrimination in government activities; to the Committee on Health, Education, Labor, and Pensions.

By Mr. VITTER:

S. 351. A bill to amend title X of the Public Health Service Act to prohibit family planning grants from being awarded to any entity that performs abortions; to the Committee on Health, Education, Labor, and Pensions.

By Mr. GRASSLEY (for himself, Mr. SCHUMER, Mr. LEAHY, Mr. SPECTER, Mr. GRAHAM, Mr. FEINGOLD, Mr. CORNYN, Mr. DURBIN, Mr. CRAIG, and Mr. ALLARD):

S. 352. A bill to provide for media coverage of Federal court proceedings; to the Committee on the Judiciary.

By Mr. NELSON of Florida (for himself and Mr. MARTINEZ):

S. 353. A bill to authorize ecosystem restoration projects for the Indian River Lagoon-South and the Picayune Strand, Collier County, in the State of Florida; to the Committee on Environment and Public Works.

By Mr. LAUTENBERG (for himself, Mr. MENENDEZ, Mr. KERRY, and Mr. BIDEN):

S. 354. A bill to provide for disclosure of fire safety standards and measures with respect to campus buildings, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DOMENICI (for himself and Mrs. FEINSTEIN):

S. 355. A bill to establish a National Commission on Entitlement Solvency; to the Committee on Finance.

By Mr. BROWNBACK (for himself, Mr. ALEXANDER, Mr. BUNNING, Mr. BURR, Mr. CHAMBLISS, Mr. COBURN, Mr. COCHRAN, Mr. COLEMAN, Mr. CORNYN, Mr. DEMINT, Mrs. DOLE, Mr. ENSIGN, Mr. ENZI, Mr. GRAHAM, Mr. GRASSLEY, Mr. HAGEL, Mr. HATCH, Mr. INHOFE, Mr. ISAKSON, Mr. KYL, Mr. LOTT, Mr. MARTINEZ, Mr. MCCONNELL, Mr. ROBERTS, Mr. SESSIONS, Mr. THUNE, Mr. VITTER, and Mr. VOINOVICH):

S. 356. A bill to ensure that women seeking an abortion are fully informed regarding the pain experienced by their unborn child; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. FEINSTEIN (for herself, Ms. SNOWE, Mr. INOUYE, Mr. DURBIN, Mr. KERRY, Mrs. BOXER, Mr. NELSON of Florida, Ms. CANTWELL, Mr. LAUTENBERG, Mr. LIEBERMAN, Mr. MENENDEZ, and Ms. COLLINS):

S. 357. A bill to improve passenger automobile fuel economy and safety, reduce greenhouse gas emissions, reduce dependence on foreign oil, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Ms. SNOWE (for herself, Mr. KENNEDY, Mr. ENZI, Mr. DODD, Mr. GREGG, Mr. HARKIN, Ms. MURKOWSKI, Ms. MIKULSKI, Mr. HATCH, Mr. BINGAMAN, Mr. ALLARD, Mrs. MURRAY, Mr. REED, Mrs. CLINTON, Mr. OBAMA, Mr. SANDERS, Mr. BROWN, Mr. BIDEN, Mr. LAUTENBERG, Mr. NELSON of Florida, Mr. SALAZAR, Mr. CARDIN, and Ms. COLLINS):

S. 358. A bill to prohibit discrimination on the basis of genetic information with respect to health insurance and employment; to the Committee on Health, Education, Labor, and Pensions.

By Mr. KENNEDY (for himself, Ms. MIKULSKI, Mr. LIEBERMAN, Mr. SCHUMER, Mr. DURBIN, and Mr. OBAMA):

S. 359. A bill to amend the Higher Education Act of 1965 to provide additional support to students; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. VITTER (for himself and Mr. GRASSLEY):

S. Res. 35. A resolution expressing support for prayer at school board meetings; to the Committee on Health, Education, Labor, and Pensions.

By Ms. SNOWE (for herself and Mrs. CLINTON):

S. Res. 36. A resolution honoring women's health advocate Cynthia Boles Dailard; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 2

At the request of Mr. CASEY, his name was added as a cosponsor of S. 2, a bill to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage.

At the request of Mr. KENNEDY, the names of the Senator from Hawaii (Mr. INOUYE) and the Senator from Maryland (Mr. CARDIN) were added as cosponsors of S. 2, supra.

S. 3

At the request of Mr. REID, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 3, a bill to amend part D of title XVIII of the Social Security Act to provide for fair prescription drug prices for Medicare beneficiaries.

S. 10

At the request of Mr. REID, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 10, a bill to reinstate the pay-as-you-go requirement and reduce budget deficits by strengthening budget enforcement and fiscal responsibility.

S. 101

At the request of Mr. STEVENS, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 101, a bill to update and reinvigorate universal service provided under the Communications Act of 1934.

S. 184

At the request of Mr. INOUYE, the names of the Senator from Pennsylvania (Mr. SPECTER), the Senator from Texas (Mrs. HUTCHISON) and the Senator from Minnesota (Ms. KLOBUCHAR) were added as cosponsors of S. 184, a bill to provide improved rail and surface transportation security.

S. 214

At the request of Mrs. FEINSTEIN, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 214, a bill to amend chapter 35 of title 28, United States Code, to preserve the independence of United States attorneys.

S. 242

At the request of Mr. DORGAN, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 242, a bill to amend the Federal Food, Drug, and Cosmetic Act with respect to the importation of prescription drugs, and for other purposes.

S. 291

At the request of Mr. SMITH, the names of the Senator from Texas (Mr. CORNYN), the Senator from Texas (Mrs. HUTCHISON) and the Senator from Mississippi (Mr. LOTT) were added as cosponsors of S. 291, a bill to establish a digital and wireless network technology program, and for other purposes.

S. 294

At the request of Mr. LAUTENBERG, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 294, a bill to reauthorize Amtrak, and for other purposes.

S. 326

At the request of Mrs. LINCOLN, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 326, a bill to amend the Internal Revenue Code of 1986 to provide a special period of limitation when uniformed services retirement pay is reduced as result of award of disability compensation.

S. 340

At the request of Mrs. FEINSTEIN, the names of the Senator from Maine (Ms. SNOWE) and the Senator from Wisconsin (Mr. FEINGOLD) were added as cosponsors of S. 340, a bill to improve agricultural job opportunities, benefits, and security for aliens in the United States and for other purposes.

S. CON. RES. 2

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. Con. Res. 2, a concurrent resolution expressing the bipartisan resolution on Iraq.

At the request of Mr. BIDEN, the names of the Senator from West Virginia (Mr. ROCKEFELLER), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Oregon (Mr. WYDEN) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. Con. Res. 2, supra.

S. RES. 34

At the request of Mr. KERRY, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. Res. 34, a resolution calling for the strengthening of the efforts of the United States to defeat the Taliban and terrorist networks in Afghanistan.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. VOINOVICH (for himself, Mr. AKAKA, Mr. LUGAR, Ms. MIKULSKI, and Mr. STEVENS):

S. 342. A bill to expand visa waiver program to countries on a probationary basis and for other purposes; to the Committee on the Judiciary.

Mr. VOINOVICH. Mr. President, I rise to introduce The Secure Travel and Counterterrorism Partnership Act of 2007, along with my good friends Senators AKAKA, LUGAR, and MIKULSKI.

This legislation would expand the U.S. Visa Waiver Program in a way that would increase cooperation with key allies in the War on Terror while strengthening U.S. national security.

The bill provides a way for us to expand and improve the Visa Waiver Program so that Americans are safer and our Nation is more prosperous for years to come.

This legislation comes at a particularly important time in our Nation's history. We are currently facing multiple foreign policy challenges in the post-9/11 world. We need the cooperation of several allies to combat transnational threats. As such, we are asking our friends and allies to contribute more of their troops and resources to Iraq, Afghanistan, and other conflicts in the world, so that we can be successful. This legislation will help us to solidify key relationships and increase goodwill toward the U.S. for years to come, while also enhancing travel security standards and safety at home.

My legislation would authorize the Department of Homeland Security, in consultation with the Department of State, to expand the Visa Waiver Program to countries that are true friends of America and are prepared to do more to help us keep terrorists and criminals out of our borders.

For those that do not know about the Visa Waiver Program, it was established in 1986 to improve relations with U.S. allies and strengthen the U.S. economy. The program permitted nationals from the selected countries to enter the United States without a visa for up to 90 days for tourism or business purposes.

Currently, 27 countries participate in the program, including the United Kingdom. No countries have been added to the Visa Waiver Program since 1999. But there are a number of newer allies who would also like to participate in the Visa Waiver Program and are willing to meet strict security requirements and cooperate on counterterrorism initiatives.

Many of these countries were former members of the Soviet Union. They were victims of Soviet oppression for years, against their will, and despite their desire for freedom. These countries have a unique understanding of the struggle for democracy taking place in Iraq and Afghanistan. Today, many of these countries have had boots on the ground in Iraq and Afghanistan and want to help the U.S. combat terrorism and promote democracy.

Despite their commitments to the principles of freedom and democracy, these countries are still paying a price that other countries in the West do not pay. Citizens of Portugal, the UK, or Spain can travel easily to the U.S., while citizens of Poland, Hungary, and Slovakia are given second-class treatment.

I recently learned of a story involving a young Czech officer who served in Iraq with Americans. This soldier wanted to come to America to visit the American friends he made during combat operations. But his application for a visa was refused. Why? Because his passport included a visit to Iraq, the very place he served with American soldiers.

Many young people from places like Latvia, Estonia, and Bulgaria have a positive view of America and hope to visit our country. However, their expensive visa applications are frequently rejected, dampening their spirits and tainting their image of America. And this view is spreading every day.

By limiting legitimate travel to the U.S., we are risking a loss of influence with the future leaders of our closest allies.

I have been working for many months to develop legislation that will expand the Visa Waiver Program, without sacrificing U.S. security. I was pleased last November when I heard President Bush announce his intention to work with Congress on this issue. On the margins of the NATO Summit in Riga, he called on Congress to expand the Visa Waiver Program so that we can reward our closest allies for their help and friendship.

I agree with the President—but I want to clarify that visa-free travel privileges are not simply a reward for our allies. The true reward is the knowledge that we are free and democratic countries working together to advance international security. The foremost goal of this legislation is to create mutually beneficial partnerships with clear national security advantages for the United States.

By continuing on the current path, we risk marginalizing some of our closest allies in the War on Terror and losing the hearts and minds of their future leaders and citizens. We have an opportunity to change direction in a way that will promote our own national security interests and improve control of our borders. The Secure Travel and Counterterrorism Partnership Act of 2007 can achieve all of these objectives.

The legislation would give the executive branch the necessary authority to expand visa-free travel privileges for up to five new countries, for a probationary period of three years.

In order for a country to participate in the plan, the executive branch would first need to certify that the country is cooperative on counterterrorism and does not pose a security or law enforcement threat to the United States. Prospective countries would also be required to take a number of new steps to enhance our common security.

Prior to participation, the countries would be required to conclude new agreements with the United States to further strengthen cooperation on counterterrorism and improve information-sharing about critical security issues.

Some might say—if these countries are key allies, aren't they cooperating with us already? The answer is yes. They are very cooperative. But in today's heightened security environment, there is more that each country can do, such as sharing additional sensitive information that can help our intelligence community and law enforcement agencies investigate threats and combat terrorist activity. By negotiating new agreements on counterterrorism and information-sharing to permit participation in the Visa Waiver Program, we can reduce threats to the United States. Additionally, the legislation would require the countries to enact a number of significant security measures, which would limit illegal entry and unlawful presence in their countries and impede travel by terrorists and transnational criminals. Security standards required for participation in the program would include electronic passports with biometric information, as well as prompt reporting of lost, stolen, or fraudulent travel documents to the U.S. and Interpol.

These new requirements would help make the U.S. more secure. Expanding the number of participating visa waiver countries would increase the number of states meeting common security standards. This would allow the United States to shift consular resources used to issue visas to other missions with more critical security needs.

If at any time, participant countries are not complying with these requirements, their probationary status in the program could be revoked.

Likewise, if the program is determined to be successful, it could be expanded to include additional countries.

The last part of the legislation is aimed at enhancing security requirements for countries who are currently participating in the Visa Waiver Program. In this post-9/11 world, the U.S. Government has already required additional security measures of participating visa waiver countries, such as machine readable passports with biometric information. But we can and must do more.

I was very pleased last November when Homeland Security Secretary Chertoff recommended several new measures to further enhance the efficiency and security of the Visa Waiver Program. His recommendations included an electronic travel authorization system, additional passenger information exchanges, common standards for airport security and baggage screening, cooperation in the air marshal program, and home country assistance in repatriation of any traveler who overstays the terms of their visa or violates U.S. law.

As the Administration works to develop the details of its recommendations, my legislation would require that within one year, the executive branch provide a report to Congress on its plans for Visa Waiver Program improvements.

In addition to the substantial benefits my legislation would create for U.S. foreign relations and homeland security, the bill would also advance U.S. economic competitiveness. Visa-free travel to the United States has been proven to significantly boost tourism and business, as well as airline revenues, and would generate substantial economic benefits to the United States well into the future. Additionally, it would improve attitudes toward the United States throughout the world, which would benefit the U.S. economy and national security for generations to come.

As a member of both the Foreign Relations and the Homeland Security and Governmental Affairs Committees, I have studied this issue from every angle. I believe the legislation I am introducing presents us with a real opportunity to strengthen diplomatic relationships, enhance our homeland security, and improve the Visa Waiver Program overall.

I look forward to working with my colleagues in the Congress and the President to move this legislation forward.

I ask unanimous consent that the text of this bill be printed in the Record.

There being no objection, the text of the bill was ordered to be printed in the Record, as follows:

S. 342

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Secure Travel and Counterterrorism Partnership Act".

SEC. 2. SENSE OF CONGRESS.

It is the sense of Congress that the United States should expand the visa waiver program to extend visa-free travel privileges to nationals of foreign countries that are allies in the war on terrorism as that expansion will—

(1) enhance bilateral cooperation on critical counterterrorism and information sharing initiatives;

(2) support and expand tourism and business opportunities to enhance long-term economic competitiveness; and

(3) strengthen bilateral relationships.

SEC. 3. VISA WAIVER PROGRAM EXPANSION.

Section 217(c) of the Immigration and Nationality Act (8 U.S.C. 1187(c)) is amended by adding at the end the following:

"(8) Probationary Participation of Program Countries.—

"(A) Requirement to Establish.—Notwithstanding any other provision of this section and not later than 1 year after the date of the enactment of the Secure Travel and Counterterrorism Partnership Act, the Secretary of Homeland Security, in consultation with the Secretary of State, shall establish a pilot program to permit not more than 5 foreign countries that are not designated as program countries under paragraph (1) to participate in the program.

"(B) Designation as a Probationary Program Country.—A foreign country is eligible to participate in the program under this paragraph if—

"(i) the Secretary of Homeland Security determines that such participation will not compromise the security or law enforcement interests of the United States;

"(ii) that country is close to meeting all the requirements of paragraph (2) and other requirements for designation as a program country under this section and has developed a feasible strategic plan to meet all such requirements not later than 3 years after the date the country begins participation in the program under this paragraph;

"(iii) that country meets all the requirements that the Secretary determines are appropriate to ensure the security and integrity of travel documents, including requirements to issue electronic passports that include biometric information and to promptly report lost, stolen, or fraudulent passports to the Government of the United States;

"(iv) that country cooperated with the Government of the United States on counterterrorism initiatives and information sharing before the date of the enactment of this paragraph; and

"(v) that country has entered into an agreement with the Government of the United States by which that country agrees to further advance United States security interests by implementing such additional counterterrorism cooperation and information sharing measures as may be requested by the Secretary of Homeland Security, in consultation with the Secretary of State.

"(C) Considerations for Country Selection.—

"(i) Visa Refusal Rates.—The Secretary of Homeland Security may consider the rate of refusals of nonimmigrant visitor visas for nationals of a foreign country in determining whether to permit that country to participate in the program under this paragraph but may not refuse to permit that country to participate in the program under this paragraph solely on the basis of such rate unless the Secretary determines that such rate is a security concern to the United States.

"(ii) Overstay Rates.—The Secretary of Homeland Security may consider the rate at which nationals of a foreign country violate the terms of their visas by remaining in the United States after the expiration of such a visa in determining whether to permit that country to participate in the program under this paragraph.

"(D) Term of Participation.—

"(i) Initial Probationary Term.—A foreign country may participate in the program under this paragraph for an initial term of 3 years.

"(ii) Extension of Participation.—The Secretary of Homeland Security, in consultation with the Secretary of State, may permit a country to participate in the program under this paragraph after the expiration of the initial term described in clause (i) for 1 additional period of not more than 2 years if that country—

"(I) has demonstrated significant progress toward meeting the requirements of paragraph (2) and all other requirements for designation as a program country under this section;

"(II) has submitted a plan for meeting the requirements of paragraph (2) and all other requirements for designation as a program country under this section; and

"(III) continues to be determined not to compromise the security or law enforcement interests of the United States.

"(iii) Termination of Participation.—The Secretary of Homeland Security may terminate the participation of a country in the program under this paragraph at any time if the Secretary, in consultation with the Secretary of State, determines that the country—

"(I) is not in compliance with the requirements of this paragraph; or

"(II) is not able to demonstrate significant and quantifiable progress, on an annual basis, toward meeting the requirements of paragraph (2) and all other requirements for designation as a program country under this section.

"(E) TECHNICAL ASSISTANCE.—The Secretary of Homeland Security, in consultation with the Secretary of State, shall provide technical guidance to a country that participates in the program under this paragraph to assist that country in meeting the requirements of paragraph (2) and all other requirements for designation as a program country under this section.

"(F) REPORTING REQUIREMENTS.—

"(i) ANNUAL REPORT.—The Secretary of Homeland Security, in consultation with the Secretary of State, shall submit to Congress an annual report on the implementation of this paragraph.

"(ii) FINAL ASSESSMENT.—Not later than 30 days after the date that the foreign country's participation in the program under this paragraph terminates, the Secretary of Homeland Security, in consultation with the Secretary of State, shall submit a final assessment to Congress regarding the implementation of this paragraph. Such final assessment shall contain the recommendations of the Secretary of Homeland Security and the Secretary of State regarding permitting additional foreign countries to participate in the program under this paragraph.".

SEC. 4. CALCULATION OF THE RATES OF VISA OVERSTAYS.

Not later than 1 year after the date of the enactment of this Act, the Secretary of Homeland Security shall develop and implement procedures to improve the manner in which the rates of nonimmigrants who violate the terms of their visas by remaining in the United States after the expiration of such a visa are calculated.

SEC. 5. REPORTS.

(a) VISA FEES.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General of the United States shall review the fee structure for visas issued by the United States and submit to Congress a report on that structure, including any recommendations of the Comptroller General for improvements to that structure.

(b) SECURE TRAVEL STANDARDS.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Homeland Security, in conjunction with the Secretary of State, shall submit a report to Congress that describes plans for enhancing secure travel standards for existing visa waiver program countries, including the feasibility of instituting an electronic authorization travel system, additional passenger information exchanges, and enhanced airport security standards.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2007 through 2013 to carry out this Act and the amendment made by this Act.

By Mr. VOINOVICH (for himself, Mr. BROWNBACK, Mr. AKAKA, and Ms. LANDRIEU):

S. 343. A bill to extend the District of Columbia College Access Act of 1999; to the Committee on Homeland Security and Governmental Affairs.

Mr. VOINOVICH. Mr. President, today I am pleased to introduce legislation to reauthorize the District of Columbia Tuition Assistance Grant (D.C. TAG) program for an additional five years. This successful program, which began in 2000, has produced dramatic results in higher education in the District of Columbia by enabling District students to choose a college that best suits their educational needs.

One of the most worthwhile things I have done during my time in the Senate was to sponsor the legislation that created the D.C. TAG program. The aim of this program is to assist District students who do not have access to State-supported education systems. Originally, the D.C. TAG program provided District residents with grant funding to pay the difference between in-State and out-of-State tuition at State universities nationwide. D.C. TAG participants are eligible for up to $10,000 per student per school year, capped at $50,000. Since March 2002, District students attending private institutions in Maryland and Virginia, as well as Historically Black Colleges and Universities nationwide are eligible to receive tuition grants of $2,500 per student per school year, capped at $12,500.

Since the programs inception, more than 26,000 grants have been dispersed to 9,769 District students, amounting to approximately $141 million. As a result, the District has seen a 50 percent increase in college attendance. Our States have benefited from having these talented students attending their universities. In Ohio, District students attend nine of our colleges and universities with grants valued at $500,000. Reauthorizing this successful program will ensure that D.C. TAG grants are available for future generations of deserving District high school students.

As the ranking member of the Subcommittee on Oversight of Government Management, the Federal Workforce and the District of Columbia, I am committed to ensuring quality educational opportunities for District residents. I urge all of my colleagues to support this legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 343

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. 5-YEAR REAUTHORIZATION OF TUITION ASSISTANCE PROGRAMS.

(a) PUBLIC SCHOOL PROGRAM.—Section 3(i) of the District of Columbia College Access Act of 1999 (sec. 38–2702(i), D.C. Official Code) is amended by striking "each of the 7 succeeding fiscal years" and inserting "each of the 12 succeeding fiscal years".

(b) PRIVATE SCHOOL PROGRAM.—Section 5(f) of such Act (sec. 38–2704(f), D.C. Official Code) is amended by striking "each of the 7 succeeding fiscal years" and inserting "each of the 12 succeeding fiscal years".

By Mr. SPECTER (for himself, Mr. GRASSLEY, Mr. DURBIN, Mr. SCHUMER, and Mr. FEINGOLD):

S. 344. A bill to permit the televising of Supreme Court proceedings; to the Committee on the Judiciary.

Mr. SPECTER. Mr. President, once again I seek recognition to introduce legislation that will give the public greater access to our Supreme Court. This bill requires the high Court to permit television coverage of its open sessions unless it decides by a majority vote of the Justices that allowing such coverage in a particular case would violate the due process rights of one or more of the parties involved in the matter.

The purpose of this legislation is to open the Supreme Court doors so that more Americans can see the process by which the Court reaches critical decisions of law that affect this country and everyday Americans. The Supreme Court makes pronouncements on Constitutional and Federal law that have a direct impact on the rights of Americans. Those rights would be substantially enhanced by televising the oral arguments of the Court so that the public can see and hear the issues presented to the Court. With this information, the public would have insight into key issues and be better equipped to understand the impact of and reasons for the Court's decisions.

In a very fundamental sense, televising the Supreme Court has been implicitly recognized—perhaps even sanctioned—in a 1980 decision by the Supreme Court of the United States entitled Richmond Newspapers v. Virginia. In this case, the Court noted that a public trial belongs not only to the accused but to the public and the press as well and recognized that people now acquire information on court procedures chiefly through the print and electronic media.

That decision, in referencing the electronic media, appears to anticipate televising court proceedings, although I do not mean to suggest that the Supreme Court is in agreement with this legislation. I should note that the Court could, on its own initiative, televise its proceedings but has chosen not to do so, which presents, in my view, the necessity for legislating on this subject.

When I argued the case of the Navy Yard, Dalton v. Specter, back in 1994, the Court proceedings were illustrated by an artist's drawings—some of which now hang in my office. Today, the public gets a substantial portion, if not most, of its information from television and the internet. While many court proceedings are broadcast routinely on television, the public has little access to the most important and highest court in this country. Although the internet has made receipt of the Court's transcripts, and even more recently, audio recordings, more widely accessible, the public is still deprived of the real time transmission of audio and video feeds from the Court. I believe it is vital for the public to see, as well as to hear, the arguments made before the Court and the interplay among the justices. I think the American people will gain a greater respect for the way in which our High Court functions if they are able to see oral arguments.

Justice Felix Frankfurter perhaps anticipated the day when Supreme Court arguments would be televised when he said that he longed for a day when: "The news media would cover the Supreme Court as thoroughly as it did the World Series, since the public confidence in the judiciary hinges on the public's perception of it, and that perception necessarily hinges on the media's portrayal of the legal system."

When I spoke in favor of this legislation in September of 2000, I said, "I do not expect a rush to judgment on this very complex proposition, but I do believe the day will come when the Supreme Court of the United States will be televised. That day will come, and it will be decisively in the public interest so the public will know the magnitude of what the Court is deciding and its role in our democratic process." I reiterated those sentiments in September of 2005 when I re-introduced an identical bill. Today, I believe the time has come and that this legislation is crucial to the public's awareness of Supreme Court proceedings and their impact on the daily lives of all Americans.

I pause to note that it was not until 1955 that the Supreme Court, under the leadership of Chief Justice Warren, first began permitting audio recordings of oral arguments. Between 1955 and 1993, there were apparently over 5,000 recorded arguments before the Supreme Court. That roughly translates to an average of about 132 arguments annually. But audio recordings are simply ill suited to capture the nuance of oral arguments and the sustained attention of the American citizenry. Nor is it any response that people who wish to see open sessions of the Supreme Court should come to the Capital and attend oral arguments. For, according to one source: "Several million people each year visit Washington, D.C., and many thousands tour the White House and the Capitol. But few have the chance to sit in the Supreme Court chamber and witness an entire oral argument. Most tourists are given just three minutes before they are shuttled out and a new group shuttled in. In cases that attract headlines, seats for the public are scarce and waiting lines are long. And the Court sits in open session less than two hundred hours each year. Television cameras and radio microphones are still banned from the chamber, and only a few hundred people at most can actually witness oral arguments. Protected by a marble wall from public access, the Supreme Court has long been the least understood of the three branches of our Federal Government."

In light of the increasing public desire for information, it seems untenable to continue excluding cameras from the courtroom of the Nation's highest court. As one legal commentator observes: "An effective and legitimate way to satisfy America's curiosity about the Supreme Court's holdings, Justices, and modus operandi is to permit broadcast coverage of oral arguments and decision announcements from the courtroom itself."

Televised court proceedings better enable the public to understand the role of the Supreme Court and its impact on the key decisions of the day. Not only has the Supreme Court invalidated Congressional decisions where there was, in the views of many, simply a difference of opinion as to what is preferable public policy, but the Court determines novel issues such as whether AIDS is a disability under the Americans with Disabilities Act, whether Congress can ban obscenity from the Internet, and whether states can impose term limits upon members of Congress. The current Court, like its predecessors, hands down decisions which vitally affect the lives and liberties of all Americans. Since the Court's historic 1803 decision, Marbury v. Madison, the Supreme Court has the final authority on issues of enormous importance from birth to death. In Roe v. Wade (1973), the Court affirmed a Constitutional right to abortion in this country and struck down state statutes banning or severely restricting abortion during the first two trimesters on the grounds that they violated a right to privacy inherent in the Due Process Clause of the Fourteenth Amendment. In the case of Washington v. Glucksberg, 1997, the court refused to create a similar right to assisted suicide. Here the Court held that the Due Process Clause does not recognize a liberty interest that includes a right to commit suicide with another's assistance.

In the Seventies, the Court first struck down then upheld state statutes imposing the death penalty for certain crimes. In Furman v. Georgia, 1972, the Court struck down Georgia's death penalty statute under the cruel and unusual punishment clause of the Eighth Amendment and stated that no death penalty law could pass constitutional muster unless it took aggravating and mitigating circumstances into account. This decision led Georgia and many States to amend their death penalty statutes and, four years later, in Gregg v. Georgia, 1976, the Supreme Court upheld Georgia's amended death penalty statute.

Over the years, the Court has also played a major role in issues of war and peace. In its opinion in Scott v. Sanford, 1857—better known as the Dredd Scott decision—the Supreme Court held that Dredd Scott, a slave who had been taken into "free" territory by his owner, was nevertheless still a slave. The Court further held that Congress lacked the power to abolish slavery in certain territories, thereby invalidating the careful balance that had been worked out between the North and the South on the issue. Historians have noted that this opinion fanned the flames that led to the Civil War.

The Supreme Court has also ensured adherence to the Constitution during more recent conflicts. Prominent opponents of the Vietnam War repeatedly petitioned the Court to declare the Presidential action unconstitutional on the grounds that Congress had never given the President a declaration of war. The Court decided to leave this conflict in the political arena and repeatedly refused to grant writs of certiorari to hear these cases. This prompted Justice Douglas, sometimes accompanied by Justices Stewart and Harlan, to take the unusual step of writing lengthy dissents to the denials of cert.

In New York Times Co. v. United States, 1971—the so called "Pentagon Papers" case—the Court refused to grant the government prior restraint to prevent the New York Times from publishing leaked Defense Department documents which revealed damaging information about the Johnson Administration and the war effort. The publication of these documents by the New York Times is believed to have helped move public opinion against the war.

In its landmark civil rights opinions, the Supreme Court took the lead in effecting needed social change, helping us to address fundamental questions about our society in the courts rather than in the streets. In Brown v. Board of Education, the Court struck down the principle of "separate but equal" education for blacks and whites and integrated public education in this country. This case was then followed by a series of civil rights cases which enforced the concept of integration and full equality for all citizens of this country, including Gamer v. Louisiana, 1961, Burton v. Wilmington Parking Authority, 1961, and Peterson v. City of Greenville, 1963.

In recent years Marbury, Dred Scott, Furman, New York Times, and Roe, familiar names in the lexicon of lawyerly discussions concerning watershed Supreme Court precedents, have been joined with similarly important cases like Hamdi, Rasul and Roper—all cases that affect fundamental individual rights. In Hamdi v. Rumsfeld, 2004, the Court concluded that although Congress authorized the detention of combatants, due process demands that a citizen held in the United States as an enemy combatant be given a meaningful opportunity to contest the factual basis for that detention before a neutral decisionmaker. The Court reaffirmed the nation's commitment to constitutional principles even during times of war and uncertainty. Similarly, in Rasul v. Bush, 2004, the Court held that the Federal habeas statute gave district courts jurisdiction to hear challenges of aliens held at Guantanamo Bay, Cuba in the U.S. War on Terrorism. In Roper v. Simmons, a 2005 case, the Court held that executions of individuals who were under 18 years of age at the time of their capital crimes is prohibited by Eighth and Fourteenth Amendments.

When deciding issues of such great national import, the Supreme Court is rarely unanimous. In fact, a large number of seminal Supreme Court decisions have been reached through a vote of 5–4. Such a close margin reveals that these decisions are far from foregone conclusions distilled from the meaning of the Constitution, reason and the application of legal precedents. On the contrary, these major Supreme Court opinions embody critical decisions reached on the basis of the preferences and views of each individual justice. In a case that is decided by a vote of 5–4, an individual justice has the power by his or her vote to change the law of the land.

Since the beginning of its October 2005 Term when Chief Justice Roberts first began hearing cases, the Supreme Court has issued 11 decisions with a 5–4 split out of a total of 93 decisions. It has also issued 4 5–3 decisions in which one justice recused. Finally, it has issued a rare 5–2 decision in which Chief Justice Roberts and Justice Alito took no part. In sum, since the beginning of its October 2005 Term, the Supreme Court has issued 16 decisions establishing the law of the land in which only 5 justices explicitly concurred. Many of these narrow majorities occur in decisions involving the Court's interpretation of our Constitution—a sometimes divisive endeavor on the Court. I will not discuss all 16 thinly decided cases but will describe a few to illustrate my point about the importance of the Court and its decisions in the lives of Americans.

The first 5–4 split decision, decided on January 11, 2006, was Brown v. Sanders. In this case the Court considered "the circumstances in which an invalidated sentencing factor will render a death sentence unconstitutional by reason of its adding an improper element to the aggravation scale in the jury's weighing process." A majority of the Court held that henceforth in death penalty cases, an invalidated sentencing factor will render the sentence unconstitutional by reason of its adding an improper element to the aggravation scale unless one of the other sentencing factors enables the sentencer to give aggravating weight to the same facts and circumstances. The majority opinion was authored by Justice Scalia and joined by Chief Justice Roberts and Justices O'Connor, Kennedy and Thomas. Justice Stevens filed a dissenting opinion in which Justice Souter joined. Similarly, Justice Breyer filed a dissenting opinion in which Justice Ginsburg joined.

Last November the Supreme Court decided Ayers v. Belmontes, a capital murder case in which the Belmontes contended that California law and the trial court's instructions precluded the jury from considering his forward looking mitigation evidence suggesting he could lead a constructive life while incarcerated. In Ayers the Supreme Court found the Ninth Circuit erred in holding that the jury was precluded by jury instructions from considering mitigation evidence. Justice Kennedy authored the majority opinion while Justice Stevens wrote a dissent joined by three other justices.

Other 5–4 split decisions since October 2005 include United States v. Gonzalez-Lopez, concerning whether a defendant's Sixth Amendment right to counsel was violated when a district court refused to grant his paid lawyer permission to represent him based upon some past ethical violation by the lawyer, June 26, 2006; LULAC v. Perry, deciding whether the 2004 Texas redistricting violated provisions of the Voting Rights Act, June 28, 2006; Kansas v. Marsh, concerning the Eighth and Fourteenth Amendments in a capital murder case in which the defense argued that a Kansas statute established an unconstitutional presumption in favor of the death sentence when aggravating and mitigating factors were in equipoise, April 25, 2006; Clark v. Arizona, a capital murder case involving the constitutionality of an Arizona Supreme Court precedent governing the admissibility of evidence to support an insanity defense, June 29, 2006; Garcetti v. Ceballos, a case holding that when public employees make statements pursuant to their official duties they are not speaking as citizens for First Amendment purposes, and the Constitution does not insulate their communications from employer discipline, May 30, 2006.

The justices have split 5–3 4 times since October 2005.

In Georgia v. Randolph, March 22, 2006, a 5–3 majority of the Supreme Court held that a physically present co-occupant's stated refusal to permit a warrantless entry and search rendered the search unreasonable and invalid as to that occupant. Justice Souter authored the majority opinion. Justice Stevens filed a concurring opinion as did Justice Breyer. The Chief Justice authored a dissent joined by Justice Scalia. Moreover, Justice Scalia issued his own dissent as did Justice Thomas. In Randolph, there were six opinions in all from a Court that only has nine justices. One can only imagine the spirited debate and interplay of ideas, facial expressions and gestures that occurred in oral arguments. Audio recordings are simply inadequate to capture all of the nuance that only cameras could capture and convey.

In House v. Bell, a 5–3 opinion authored by Justice Kennedy, (June 12, 2006), the Supreme Court held that because House had made the stringent showing required by the actual innocence exception to judicially-established procedural default rules, he could challenge his conviction even after exhausting his regular appeals. Justice Alito took no part in considering or deciding the House case. It bears noting, however, that if one justice had been on the other side of this decision it would have resulted in a 4–4 tie and, ultimately, led to affirming the lower court's denial of House's post-conviction habeas petitions due to a procedural default.

In Hamdan v. Rumsfeld, a 5–3 decision in which Chief Justice Roberts took no part, the Supreme Court held that Hamdan could challenge his detention and the jurisdiction of the President's military commissions to try him despite recent enactment of the Detainee Treatment Act. A thin majority of the justices supported the decision despite knowledge that the DTA explicitly provides "no court . . . shall have jurisdiction to hear or consider . . . an application for . . . habeas corpus filed by . . . an alien detained . . . at Guantanamo Bay." In deciding the merits, the Court went on to hold that the President lacked authority to establish a military commission to try Hamdan or others without enabling legislation passed by both houses of Congress and enacted into law. This case was one of a handful of recent cases in which the Supreme Court released audiotapes or oral arguments almost immediately after they occurred. Yet it would have been vastly preferable to watch the parties' advocates grapple with the legal issues as the justices peppered them with jurisdictional, constitutional and merits-related questions from the High Court's bench.

In another fascinating 5–3 case, Jones v. Flowers, April 26, 2006, Supreme Court considered whether, when notice of a tax sale is mailed to the owner and returned undelivered, the government must take additional reasonable steps to provide notice before taking the owner's property. In an opinion by Chief Justice Roberts, the Court held that where the Arkansas Commissioner of State Lands had mailed Jones a certified letter and it had been returned unclaimed, the Commissioner had to take additional reasonable steps to provide Jones notice. Justices Thomas, Scalia and Kennedy dissented and Justice Alito took no part in the decision.

Though Jones v. Flowers involved the Due Process Clause of the Fourteenth Amendment, not the Takings Clause of Fifth Amendment, one could draw interesting analogies to the

Court's controversial 2005 decision in Kelo v. City of New London. In Kelo, a majority of the justices held that a city's exercise of eminent domain power in furtherance of a privately initiated economic development plan satisfied the Constitution's Fifth Amendment "public use" requirement despite the absence of any blight. Four justices dissented in Kelo and public opinion turned sharply against the decision immediately after it was issued.

It's possible, though merely speculation, that the public ire aimed at Kelo informed what became a majority of justices in Jones v. Flowers. In a passage by Chief Justice Roberts, the Court notes, "when a letter is returned by the post office, the sender will ordinarily attempt to resend it, if it is practicable to do so. This is especially true when, as here, the subject matter of the letter concerns such an important and irreversible prospect as the loss of a house."

Not only lawyers but all homeowners could benefit from knowing how the Court grapples with legal issues governing the rights to their houses. My legislation creates the opportunity for all interested Americans to watch the Court in action in cases like these. From his perch on the High Court one justice has been heard to contend that most Americans could care less about the arcane legal issues argued before the Court. But as elected representatives of the people we must endeavor to view America from a bottoms-up, rather than a top-down perspective.

Regardless of ones view concerning the merits of these decisions, it is clear that they frequently have a profound effect on the interplay between the government, on the one hand, and the individual on the other. So, it is with these watershed decisions in mind that I introduce legislation designed to make the Supreme Court less esoteric and more accessible to common men and women who are so clearly affected by its decisions.

Given the enormous significance of each vote cast by each justice on the Supreme Court, televising the proceedings of the Supreme Court will allow sunlight to shine brightly on these proceedings and ensure greater public awareness and scrutiny.

In a democracy, the workings of the government at all levels should be open to public view. With respect to oral arguments, the more openness and the more real the opportunity for public observation the greater the understanding and trust. As the Supreme Court observed in the 1986 case of Press-Enterprise Co. v. Superior Court, "People in an open society do not demand infallibility from their institutions, but it is difficult for them to accept what they are prohibited from observing."

It was in this spirit that the House of Representatives opened its deliberations to meaningful public observation by allowing C–SPAN to begin televising debates in the House chamber in 1979. The Senate followed the House's lead in 1986 by voting to allow television coverage of the Senate floor.

Beyond this general policy preference for openness, however, there is a strong argument that the Constitution requires that television cameras be permitted in the Supreme Court.

It is well established that the Constitution guarantees access to judicial proceedings to the press and the public. In 1980, the Supreme Court relied on this tradition when it held in Richmond Newspapers v. Virginia that the right of a public trial belongs not just to the accused, but to the public and the press as well. The Court noted that such openness has "long been recognized as an indisputable attribute of an Anglo-American trial."

Recognizing that in modern society most people cannot physically attend trials, the Court specifically addressed the need for access by members of the media: "Instead of acquiring information about trials by first hand observation or by word of mouth from those who attended, people now acquire it chiefly through the print and electronic media. In a sense, this validates the media claim of acting as surrogates for the public. [Media presence] contributes to public understanding of the rule of law and to comprehension of the functioning of the entire criminal justice system."

To be sure, a strong argument can be made that forbidding television cameras in the court, while permitting access to print and other media, constitutes an impermissible discrimination against one type of media over another. In recent years, the Supreme Court and lower courts have repeatedly held that differential treatment of different media is impermissible under the First Amendment absent an overriding governmental interest. For example, in 1983 the Court invalidated discriminatory tax schemes imposed only upon certain types of media in Minneapolis Star & Tribune Co. v. Minnesota Commissioner of Revenue. In the 1977 case of ABC v. Cuomo, the Second Circuit rejected the contention by the two candidates for mayor of New York that they could exclude some members of the media from their campaign headquarters by providing access through invitation only. The Court wrote that: "Once there is a public function, public comment, and participation by some of the media, the First Amendment requires equal access to all of the media or the rights of the First Amendment would no longer be tenable."

However, in the 1965 case of Estes v. Texas, the Supreme Court rejected the argument that the denial of television coverage of trials violates the equal protection clause. In the same opinion, the Court held that the presence of television cameras in the Court had violated a Texas defendant's right to due process. Subsequent opinions have cast serious doubt upon the continuing relevance of both prongs of the Estes opinion.

In its 1981 opinion in Chandler v. Florida, the court recognized that Estes must be read narrowly in light of the state of television technology at that time. The television coverage of Estes' 1962 trial required cumbersome equipment, numerous additional microphones, yards of new cables, distracting lighting, and numerous technicians present in the courtroom. In contrast, the court noted, television coverage in 1980 can be achieved through the presence of one or two discreetly placed cameras without making any perceptible change in the atmosphere of the courtroom. Accordingly, the Court held that, despite Estes, the presence of television cameras in a Florida trial was not a violation of the rights of the defendants in that case. By the same logic, the holding in Estes that exclusion of television cameras from the courts did not violate the equal protection clause must be revisited in light of the dramatically different nature of television coverage today.

Given the strength of these arguments, it is not surprising that over the last two decades there has been a rapidly growing acceptance of cameras in American courtrooms which has reached almost every court except for the Supreme Court itself.

On September 6, 2000, the Senate Judiciary Committee's Subcommittee on Administrative Oversight and the Courts held a hearing titled "Allowing Cameras and Electronic Media in the Courtroom." The primary focus of the hearing was Senate bill S. 721, legislation introduced by Senators GRASSLEY and SCHUMER that would give Federal judges the discretion to allow television coverage of court proceedings. One of the witnesses at the hearing, the late Judge Edward R. Becker, then-Chief Judge U.S. Court of Appeals for the Third Circuit, spoke in opposition to the legislation and the presence of television cameras in the courtroom. The remaining five witnesses, however, including a Federal judge, a State judge, a law professor and other legal experts, all testified in favor of the legislation. They argued that cameras in the courts would not disrupt proceedings but would provide the kind of accountability and access that is fundamental to our system of government.

On November 9, 2005, the Judiciary Committee held a hearing to address whether Federal court proceedings should be televised generally and to consider S. 1768, my earlier version of this bill, and S. 829, Senator GRASSLEY's "Sunshine in the Courtroom Act of 2005." During the November 9 hearing, most witnesses spoke favorably of cameras in the courts, particularly at the appellate level. Among the witnesses favorably disposed toward the cameras were Peter Irons, author of May It Please the Court, Seth Berlin, a First Amendment expert at a local firm, Brian Lamb, founder of C–SPAN, Henry Schleif of Court TV Networks, and Barbara Cochran of the Radio-Television News Directors Association and Foundation.

The notable exception was the Honorable Judge Jan DuBois of the Eastern District of Pennsylvania, who testified on behalf of the Judicial Conference. Judge DuBois warned of problems particularly at the trial level, where witnesses who appear uncomfortable because of cameras might seem less credible to jurors. I note, however, that appellate courts do not appear susceptible to this criticism because there are no witnesses or jurors present for appellate arguments.

The Judiciary Committee considered and passed both bills on March 30, 2006. The Committee vote to report S. 1768 was 12–6, and the bill was placed on the Senate Legislative Calendar. Unfortunately, due to the press of other business neither bill was allotted time on the Senate Floor.

During their confirmation hearings over the past two years, Chief Justice John Roberts stated he would keep an open mind on the issue and Justice Alito stated that as a circuit judge he unsuccessfully voted (in the minority) to permit televised open proceedings in the Third Circuit. I applaud the fact the new Chief Justice has taken steps to make the Court more open and to ensure the timely publication of audio recordings of the arguments as well as the written transcripts.

In my judgment, Congress, with the concurrence of the President, or overriding his veto, has the authority to require the Supreme Court to televise its proceedings. Such a conclusion is not free from doubt and is highly likely to be tested with the Supreme Court, as usual, having the final word. As I see it, there is clearly no constitutional prohibition against such legislation.

Article 3 of the Constitution states that the judicial power of the United States shall be vested "in one Supreme Court and such inferior Courts as the Congress may from time to time ordain and establish." While the Constitution specifically creates the Supreme Court, it left it to Congress to determine how the Court would operate. For example, it was Congress that fixed the number of justices on the Supreme Court at nine. Likewise, it was Congress that decided that any six of these justices are sufficient to constitute a quorum of the Court. It was Congress that decided that the term of the Court shall commence on the first Monday in October of each year, and it was Congress that determined the procedures to be followed whenever the Chief Justice is unable to perform the duties of his office.

Beyond such basic structural and operational matters, Congress also controls more substantive aspects of the Supreme Court. Most importantly, it is Congress that in effect determines the appellate jurisdiction of the Supreme Court. Although the Constitution itself sets out the appellate jurisdiction of the Court, it provides that such jurisdiction exist "with such exceptions and under such regulations as the Congress shall make."

Some objections have been raised to televised proceedings of the Supreme Court on the ground that it would subject justices to undue security risks. My own view is such concerns are vastly overstated. Well-known members of Congress walk on a regular basis in public view in the Capitol complex. Other very well-known personalities, presidents, vice presidents, cabinet officers, all are on public view with even incumbent presidents exposed to risks as they mingle with the public. Such risks are minimal in my view given the relatively minor ensure that Supreme Court justices would undertake through television appearances. Also, any concerns could be mitigated by focusing only on the attorneys presenting arguments. There is no requirement that the justices permit the cameras to focus on the bench.

As I explained earlier, the Supreme Court could, of course, permit television through its own rule but has decided not to do so. Congress should be circumspect and even hesitant to impose a rule mandating the televising of Supreme Court proceedings and should do so only in the face of compelling public policy reasons. The Supreme Court has such a dominant role in key decision-making functions that their proceedings ought to be better known to the public; and, in the absence of Court rule, public policy would be best served by enactment of legislation requiring the televising of Supreme Court proceedings.

This legislation embodies sound policy and will prove valuable to the public. I urge my colleagues to support this bill.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection the bill was ordered to be printed in the RECORD, as follows:

S. 344

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AMENDMENT TO TITLE 28.

(a) IN GENERAL.—Chapter 45 of title 28, United States Code, is amended by inserting at the end the following:

"§ 678. Televising Supreme Court proceedings

"The Supreme Court shall permit television coverage of all open sessions of the Court unless the Court decides, by a vote of the majority of justices, that allowing such coverage in a particular case would constitute a violation of the due process rights of 1 or more of the parties before the Court.".

(b) CLERICAL AMENDMENT.—The chapter analysis for chapter 45 of title 28, United States Code, is amended by inserting at the end the following:

"678. Televising Supreme Court proceedings.".

By Mr. REID (for Mr. BIDEN):

S. 345. A bill to establish a Homeland Security and Neighborhood Safety Trust Fund and refocus Federal priorities toward securing the Homeland, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Mr. BIDEN. Mr. President, I rise today to introduce the Homeland Security Trust Fund Act of 2007. I introduced this legislation in the last Congress, and I do so again because it is my sincere belief that in order to better prevent attacks here at home, we must dramatically reorder the priorities of the Federal Government.

This legislation says in basic terms that we value the security of all Americans over the tax cuts for our Nation's millionaires. Right now, we under fund homeland security and public safety, and at the same time, we have established extremely large tax cuts for the wealthiest among us. This legislation will re-set our priorities by creating a homeland security trust fund that will set aside $53.3 billion dollars—less than one year of the tax cut for millionaires—for the exclusive purpose of investing in our homeland security. Through this trust fund we will allocate an additional $10 billion per year over the next 5 years to enhance the safety and security of our communities.

Everyone in this body knows that we are not yet safe enough. Independent experts, law enforcement personnel, and first responders have warned us that we have not done enough to prevent an attack and we are ill-equipped to respond to one. Hurricane Katrina showed us that little has been done to enhance our preparedness and the devastating consequences of our failure to act responsibly here in Washington. And, just over a year ago, the 9/11 Commission issued their report card on the Administration's and Congresses' progress in implementing their recommendations. The result was a report card riddled with D's and F's.

Last November, the American people voted for a change and their decision ushered in a new Democratic Congress. Under new leadership, we have made a decision to implement the 9/11 Recommendations. I have long argued that we need to take these prudent steps, and I look forward to working with my colleagues to see that this is done, but under the proposals currently being circulated we do not put forward any dedicated funding to pay for these security upgrades.

I believe that the most important responsibility of our Federal Government is to provide for the safety and security of the American people. And, I also believe that we need to do this in a fiscally responsible way. Secretary Chertoff has argued that one strategy of Al Qaeda is to bankrupt us by forcing us to invest too much in our domestic security.

This is an outrageous claim. This is simply a matter of priorities.

This year the tax cut for Americans that make over $1 million is nearly $60 billion. Let me repeat that, just one year of the Bush tax cut for Americans making over $1 million dollars is nearly $60 billion. In contrast, we dedicate roughly one-half of that—approximately $34 billion—to fund the operations of the Department of Homeland Security. We have invested twice as much for a tax cut for millionaires—less than 1 percent of the population—than we do for the Department intended to help secure the entire Nation.

For a Nation that is repeatedly warned about the grave threats we face, how can this be the right priority? The Homeland Security Trust Fund Act of 2007 would change this by taking less than 1 year of the tax cut for millionaires and invest it in homeland security over the next 5 years.

By investing $10 billion per year over the next 5 years, we could implement all the 9/11 Commission recommendations. We could hire 50,000 additional police officers and help local agencies create locally based counter-terrorism units. We could hire an additional 1,000 FBI agents to help ensure that FBI is able to implement critical reforms without abandoning its traditional crime fighting functions. We could also invest in security upgrades within our critical infrastructure, fund efforts to implement 100 percent scanning of cargo containers, fund a grant program to ensure that our first responders can talk in the event of an emergency, and nearly double the funding for state homeland security grants. And, the list goes on.

To add to the concerns that we face with respect to homeland security, crime is unquestionably on the rise in the United States. The FBI reported earlier this past fall that violent crime and murders are on the rise after years of decreases. Given all of this, it is hard to argue that we are as safe as we should be.

We know that the murder rate is up and that there is an officer shortage in communities throughout the nation. Yet, we provide $0 funding for the COPS hiring program, and we've slashed funding for the Justice Assistance Grant.

We know that our first responders can't talk because they don't have enough interoperable equipment and available spectrum. Yet, we have not forced the networks to turn over critical spectrum, and we vote down funding to help local agencies purchase equipment every year.

We know that only 5 percent of cargo containers are scanned, yet we do not invest in the personnel and equipment to upgrade our systems.

We know that our critical infrastructure is vulnerable. Yet, we allow industry to decide what is best and provide scant resources to harden soft targets.

I am hopeful that this will change under the new Democratic Congress, and this legislation will help ensure that we do all this in a fiscally responsible manner.

In addition, this legislation will also establish an independent agency whose sole purpose will be to make recommendations to the Department of Homeland Security with respect to distributing homeland security with respect to risk and vulnerabilities, to improve the grant making process to ensure that all spending is made towards the common goal of improving preparedness and response, and to eliminate any waste of our precious homeland security resources. This board will be comprised of experts at the Federal, State and local level, with law enforcement and first responder experience to ensure that all stakeholders' viewpoints are considered in the recommendation process.

I will conclude where I started. This is all about setting the right priorities for America. Instead of giving a tax cut to the richest Americans who don't need it, we should take some of it and dedicate it towards the security of all Americans. Our Nations most fortunate are just as patriotic as the middle class. They are just as willing to sacrifice for the good of our Nation. The problem is that no one has asked them to sacrifice.

The Homeland Security Trust Fund Act of 2007 will ask them to sacrifice, and I am convinced that they will gladly help us out. And to those who say this won't work, I would remind them that the 1994 Crime Bill established the Violent Crime Reduction Trust Fund, specifically designated for public safety that put more than 100,000 cops on the street, funded prevention programs, and more prison beds to lock up violent offenders. It worked; violent crime went down every year for 8 years from the historic highs to the lowest levels in a generation.

Our Nation is at its best when we all pull together and sacrifice. The bottom line is that with this legislation, we make clear what our national priorities should be, we set out how we will pay for them, and we ensure those who are asked to sacrifice that money the government raises for security actually gets spent on security.

This legislation is about re-ordering our homeland security priorities. I will push for its prompt passage, and I hope to gain the support of my colleagues in this effort.

By Mr. CRAPO:

S. 348. A bill to improve the amendments made by the No Child Left Behind Act of 2001; to the Committee on Health, Education, Labor, and Pensions.

Mr. CRAPO. Mr. President, today I introduce the Improving No Child Left Behind (INCLB) Act. As a father and a legislator, I am committed to advocating for public education in Idaho and throughout the Nation. Ensuring that every child receives a good education is one of my top priorities. President Bush's sweeping education reforms included in the No Child Left Behind Act have had measurable positive effects on many students across the country, and I support the law's objective of ensuring that every child achieves his or her potential.

However, five years after passage of the law, it is now appropriate to review opportunities for needed improvements to the underlying program. After conferring with a number of organizations in Idaho and at the national level, I have identified implementation concerns that seem common to various stakeholder groups. In response, I have created the INCLB Act. This bill contains a number of workable, commonsense modifications to the law. These provisions preserve the major focus on student achievement and accountability and, at the same time, ensure that schools and school districts are accurately and fairly assessed. The act ensures that local schools and districts have more flexibility and control in educating our Nation's children. The goal of the act is expressed in its name: to improve No Child Left Behind.

The bill does a number of things: INCLB would allow supplemental services like tutoring to be offered to students sooner than they are currently available; INCLB would provide flexibility for States to use additional types of assessment models for measuring student progress; INCLB grants states more flexibility in assessing students with disabilities; INCLB would ensure more fair and accurate assessments of Limited English Proficiency (LEP) students; INCLB would create a student testing participation range, providing flexibility for uncontrollable variations in student attendance; INCLB would allow schools to target resources to those student populations who need the most attention by applying sanctions only when the same student group fails to make adequate progress in the same subject for two consecutive years; and INCLB would ensure that students are counted properly and accurately in assessment and reporting systems.

Taken together, these provisions reflect a realistic assessment of both the strengths and weaknesses of No Child Left Behind. While there may be many issues that divide us, our responsibility in education is clear. We must promote successful, meaningful public education for our children. The INCLB Act will ensure that NCLB continues to be an avenue to success for educators and students throughout Idaho and the Nation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 348

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Improving No Child Left Behind Act".

SEC. 2. REFERENCES.

Except as otherwise specifically provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.).

SEC. 3. ADEQUATE YEARLY PROGRESS.

(a) ACCOUNTABILITY.—Section 1111(b)(2) (20 U.S.C. 6311(b)(2)) is amended—

(1) in subparagraph (I)(ii)—

(A) by striking "95 percent" the first place the term appears and inserting "90 percent (which percentage shall be based on criteria established by the State in the State plan)"; and

(B) by striking "95 percent" the second place the term appears and inserting "90 percent";

(2) by redesignating subparagraph (K) as subparagraph (N); and

(3) by inserting, after subparagraph (J), the following:

"(K) SINGLE COUNT OF STUDENTS.—In meeting the definition of adequate yearly progress under subparagraph (C), a student who may be counted in 2 or more groups described in subparagraph (C)(v)(II), may be counted as an equal fraction of 1 for each such group.

"(L) STUDENTS WITH DISABILITIES REQUIRING ALTERNATE ASSESSMENTS.—Notwithstanding any other provision of this part, a State may implement the amendments made to part 200 of title 34, Code of Federal Regulations on December 9, 2003 (68 Fed. Reg. 68698) (related to achievement of students with significant cognitive disabilities) as if such amendments—

"(i) permitted the proficient or advanced scores on alternate assessments of not more than 3.0 percent of all tested students to be considered as proficient or advanced, respectively, for the purposes of determining adequate yearly.progress, except that—

"(I) any assessment given to any such so considered student for the purposes of determining such adequate yearly progress shall be required by the individualized education program of such so considered student;

"(II) the individualized education program shall reflect the need for any such alternate assessment based on the evaluation of such so considered student and the services provided such so considered student under section 614 of the Individuals with Disabilities Education Act; and

"(III) the individualized education program shall include written consent from the parent of such so considered student prior to such alternate assessment being administered;

"(ii) used the term 'students requiring alternate assessments' in lieu of the term 'students with the most significant cognitive disabilities'; and

"(iii) permitted the eligibility, of such so considered students to have the students' scores of proficient or advanced on alternate assessments counted as proficient or advanced for purposes of determining adequate yearly progress, to be determined by the State educational agency, except that such eligibility shall, at a minimum, include—

"(I) such so considered students who are receiving services pursuant to a plan required under section 504 of the Rehabilitation Act of 1973;

"(II) the students described in subclause (I) who are assessed at a grade level below the grade level in which the students are enrolled (out of level assessments); and

"(III) the students described in subclause (I) who are considered students with the most significant cognitive disabilities, as defined by the State educational agency, on the day before the date of enactment of the Improving No Child Left Behind Act .

"(M) OTHER MEASURES OF ADEQUATE YEARLY PROGRESS.—Notwithstanding any other provision of this paragraph, a State may establish in the State plan an alternative definition of adequate yearly progress, subject to approval by the Secretary under subsection (e). Such alternative definition may—

"(i) include measures of student achievement over a period of time (such as a value added accountability system) or the progress of some or all of the groups of students described in subparagraph (C)(v) to the next higher level of achievement described in subparagraph (II) or (III) of paragraph (1)(D)(ii) as a factor in determining whether a school, local educational agency, or State has made adequate yearly progress, as described in this paragraph; or

"(ii) use the measures of achievement or the progress of groups described in clause (i) as the sole basis for determining whether the State, or a local educational agency or school within the State, has made adequate yearly progress, if—

"(I) the primary goal of such definition is that all students in each group described in subparagraph (C)(v) meet or exceed the proficient level of academic achievement, established by the State, not later than 12 years after the end of the 2001–2002 school year; and

"(II) such definition includes intermediate goals, as required under subparagraph (H).".

(b) ASSESSMENTS.—Section 1111(b)(3)(C) (20 U.S.C. 6311(b)(3)(C)) is amended—

(1) in clause (ix), by striking subclause (III) and inserting the following:

"(III) the inclusion of limited English proficient students, who—

"(aa) may, consistent with paragraph (2)(M), be assessed, as determined by the local educational agency, through the use of an assessment which requires achievement of specific gains for up to 3 school years from the first year the student is assessed for the purposes of this subsection;

"(bb) may, at the option of the State educational agency, be assessed in the first year the student attends school in the United States (not including the Commonwealth of Puerto Rico); and

"(cc) shall not be included in any calculation of an adequate yearly progress determination when the student is in the first year of attendance at a school in the United States (not including the Commonwealth of Puerto Rico)."; and

(2) in clause (x), by inserting "of clause (ix)" after "subclause (III)".

(c) REGULATIONS AFFECTING LIMITED ENGLISH PROFICIENT CHILDREN AND CHILDREN WITH DISABILITIES.—Section 1111 (20 U.S.C. 6311) is amended by adding at the end the following:

"(n) CODIFICATION OF REGULATIONS AFFECTING LIMITED ENGLISH PROFICIENT CHILDREN.—Notwithstanding any other provision of this part, this part shall be implemented consistent with the amendments proposed to part 200 of title 34 of the Code of Federal Regulations on June 24, 2004 (69 Fed. Reg. 35462) (relating to the assessment of limited English proficient children and the inclusion of limited English proficient children in subgroups) as if such amendments permitted students who were previously identified as limited English proficient to be included in the group described in subsection (b)(2)(C)(v)(II)(dd) for 3 additional years, as determined by a local educational agency (based on the individual needs of a child) for the purposes of determining adequate yearly progress.".

SEC. 4. SCHOOL IMPROVEMENT AND PUBLIC SCHOOL CHOICE.

Section 1116(b) (20 U.S.C. 6316(b)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by inserting "(in the same subject for the same group of students, as described in section 1111(b)(2)(C)(v))" after "2 consecutive years";

(B) in subparagraph (E)(i)—

(i) by striking "In the case" and inserting "Except as provided in subparagraph (G), in the case"; and

(ii) by striking "all students enrolled in the school with the option to transfer to another public school" and inserting "students who failed to meet the proficient level of achievement on the assessments described in section 1111(b)(3), are enrolled in the school, and are in the group whose academic performance caused the identification under this paragraph, with the option to transfer to one other public school identified by and"; and

(C) by adding at the end the following:

"(G) OPTIONS.—A local educational agency may offer supplemental educational services as described in subsection (e) in place of the option to transfer to another public school described in subparagraph (E), for the first school year a school is identified for improvement under this paragraph.";

(2) in the matter preceding subparagraph (A) of paragraph (5), by inserting "(in the same subject for the same group of students)" after "adequate yearly progress"; and

(3) in the matter preceding clause (i) of paragraph (7)(C), by inserting "(in the same subject for the same group of students)" after "adequate yearly progress".

By Mr. GRASSLEY (for himself, Mr. SCHUMER, Mr. LEAHY, Mr. SPECTER, Mr. GRAHAM, Mr. FEINGOLD, Mr. CORNYN, Mr. DURBIN, Mr. CRAIG, and Mr. ALLARD):

S. 352. A bill to provide for media coverage of Federal court proceedings; to the Committee on the Judiciary.

Mr. GRASSLEY. Mr. President, I rise today to reintroduce the Sunshine in the Courtroom Act, a bipartisan bill which will allow judges at all Federal court levels to open their courtrooms to television cameras and radio broadcasts.

Openness in our courts improves the public's understanding of what goes on there. Our judicial system is a secret to many people across the country. Letting the sun shine in on Federal courtrooms will give Americans an opportunity to better understand the judicial process. It is the best way to maintain confidence and accountability in the system and help judges do a better job.

For decades, States such as my home State of Iowa have allowed cameras in their courtrooms, with great results. As a matter of fact, only the District of Columbia prohibits trial and appellate court coverage entirely. Nineteen States allow news coverage in most courts; fifteen allow coverage with slight restrictions; and the remaining sixteen allow coverage with stricter rules.

The bill I'm introducing today, along with Senator SCHUMER and eight other cosponsors from both sides of the aisle, including Judiciary Chairman LEAHY and Ranking Member SPECTER, will greatly improve public access to Federal courts. It lets Federal judges open their courtrooms to television cameras and other electronic media.

The Sunshine in the Courtroom Act is full of provisions that ensure that the introduction of cameras and other broadcasting devices into the courtrooms goes as smoothly as it has at the State level. First, the presence of the cameras in Federal trial and appellate courts is at the sole discretion of the judges—it is not mandatory. The bill also provides a mechanism for Congress to study the effects of this legislation on our judiciary before making this change permanent through a three-year sunset provision. The bill also protects the privacy and safety of nonparty witnesses by giving them the right to have their faces and voices obscured. Finally, it includes a provision to protect the due process rights of any party, and prohibits the televising of jurors.

We need to bring the Federal judiciary into the 21st Century. This bill improves public access to and therefore understanding of our Federal courts. It has safety provisions to ensure that the cameras won't interfere with the proceedings or with the safety or due process of anyone involved in the cases. Our States have allowed news coverage of their courtrooms for decades. It is time we join them.

I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 352

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Sunshine in the Courtroom Act of 2007".

SEC. 2. FEDERAL APPELLATE AND DISTRICT COURTS.

(a) DEFINITIONS.—In this section:

(1) PRESIDING JUDGE.—The term "presiding judge" means the judge presiding over the court proceeding concerned. In proceedings in which more than 1 judge participates, the presiding judge shall be the senior active judge so participating or, in the case of a circuit court of appeals, the senior active circuit judge so participating, except that—

(A) in en banc sittings of any United States circuit court of appeals, the presiding judge shall be the chief judge of the circuit whenever the chief judge participates; and

(B) in en banc sittings of the Supreme Court of the United States, the presiding judge shall be the Chief Justice whenever the Chief Justice participates.

(2) APPELLATE COURT OF THE UNITED STATES.—The term "appellate court of the United States" means any United States circuit court of appeals and the Supreme Court of the United States.

(b) AUTHORITY OF PRESIDING JUDGE TO ALLOW MEDIA COVERAGE OF COURT PROCEEDINGS.—

(1) AUTHORITY OF APPELLATE COURTS.—

(A) IN GENERAL.—Except as provided under subparagraph (B), the presiding judge of an appellate court of the United States may, at the discretion of that judge, permit the photographing, electronic recording, broadcasting, or televising to the public of any court proceeding over which that judge presides.

(B) EXCEPTION.—The presiding judge shall not permit any action under subparagraph (A), if—

(i) in the case of a proceeding involving only the presiding judge, that judge determines the action would constitute a violation of the due process rights of any party; or

(ii) in the case of a proceeding involving the participation of more than 1 judge, a majority of the judges participating determine that the action would constitute a violation of the due process rights of any party.

(2) AUTHORITY OF DISTRICT COURTS.—

(A) IN GENERAL.—

(i) AUTHORITY.—Notwithstanding any other provision of law, except as provided under clause (iii), the presiding judge of a district court of the United States may, at the discretion of that judge, permit the photographing, electronic recording, broadcasting, or televising to the public of any court proceeding over which that judge presides.

(ii) OBSCURING OF WITNESSES.—Except as provided under clause (iii)—

(I) upon the request of any witness (other than a party) in a trial proceeding, the court shall order the face and voice of the witness to be disguised or otherwise obscured in such manner as to render the witness unrecognizable to the broadcast audience of the trial proceeding; and

(II) the presiding judge in a trial proceeding shall inform each witness who is not a party that the witness has the right to request the image and voice of that witness to be obscured during the witness' testimony.

(iii) EXCEPTION.—The presiding judge shall not permit any action under this subparagraph, if that judge determines the action would constitute a violation of the due process rights of any party.

(B) NO TELEVISING OF JURORS.—The presiding judge shall not permit the televising of any juror in a trial proceeding.

(3) ADVISORY GUIDELINES.—The Judicial Conference of the United States may promulgate advisory guidelines to which a presiding judge, at the discretion of that judge, may refer in making decisions with respect to the management and administration of photographing, recording, broadcasting, or televising described under paragraphs (1) and (2).

(4) SUNSET OF DISTRICT COURT AUTHORITY.—The authority under paragraph (2) shall terminate 3 years after the date of the enactment of this Act.

By Mr. NELSON of Florida (for himself and Mr. MARTINEZ):

S. 353. A bill to authorize ecosystem restoration projects for the Indian River Lagoon-South and the Picayune Strand, Collier County, in the State of Florida; to the Committee on Environment and Public Works.

Mr. NELSON of Florida. Mr. President, today I am introducing legislation authorizing two important Everglades projects: the Indian River Lagoon, IRL, and the Picayune Strand Restoration, PSR. Senator MEL MARTINEZ has joined me as an original cosponsor.

These two projects constitute the first phase of the overall restoration of the Everglades. IRL at the northern tip of the Everglades ecosystem and PSR in the southwest section of the Everglades—are essential to getting the water right. IRL will restore natural sheet flow to the Everglades ecosystem by re-directing water to the Everglades instead of out to the ocean, provide reservoirs for storage of water in the wet season and release in the dry season, build stormwater treatment facilities to improve the water quality of the water flowing through the Everglades ecosystem and remove millions of cubic yards of muck from the St. Lucie Estuary.

I toured the St. Lucie River when it turned phosphorescent green during an algae bloom and what was more amazing to me was that I saw absolutely no wildlife, it was a dead river.

PSR will re-establish the natural sheet flow to the Ten Thousand Islands, restore 72,320 acres of habitat, and restore ecological connectivity of the Florida Panthers National Wildlife Refuge, the Belle Meade State Conservation and Recreation Lands Project Area and the Fakahatchee Strand State Preserve. For these reasons, the Indian River Lagoon and Picayune Strand projects must be authorized and completed.

Last year we came close to meeting that goal, as the projects were included in the Senate passed WRDA 2006. Today I am renewing this effort and will work to ensure these projects are included in WRDA 2007.

I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 353

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Restoring the Everglades, an American Legacy Act of 2007".

SEC. 2. INDIAN RIVER LAGOON-SOUTH, FLORIDA.

(a) INDIAN RIVER LAGOON-SOUTH.—The Secretary of the Army may carry out the project for ecosystem restoration, water supply, flood control, and protection of water quality, Indian River Lagoon-South, Florida, at a total cost of $1,357,167,000, with an estimated Federal cost of $678,583,500 and an estimated non-Federal cost of $678,583,500, in accordance with section 601 of the Water Resources Development Act of 2000 (114 Stat. 2680) and the recommendations of the report of the Chief of Engineers, dated August 6, 2004.

(b) DEAUTHORIZATIONS.—As of the date of enactment of this Act, the following projects are not authorized:

(1) The uncompleted portions of the project authorized by section 601(b)(2)(C)(i) of the Water Resources Development Act of 2000 (114 Stat. 2682), C–44 Basin Storage Reservoir of the Comprehensive Everglades Restoration Plan, at a total cost of $112,562,000, with an estimated Federal cost of $56,281,000 and an estimated non-Federal cost of $56,281,000.

(2) The uncompleted portions of the project authorized by section 203 of the Flood Control Act of 1968 (82 Stat. 740), Martin County, Florida modifications to the Central and South Florida Project, as contained in Senate Document 101, 90th Congress, 2d Session, at a total cost of $15,471,000, with an estimated Federal cost of $8,073,000 and an estimated non-Federal cost of $7,398,000.

(3) The uncompleted portions of the project authorized by section 203 of the Flood Control Act of 1968 (82 Stat. 740), East Coast Backpumping, St. Lucie—Martin County, Spillway Structure S–311 of the Central and South Florida Project, as contained in House Document 369, 90th Congress, 2d Session, at a total cost of $77,118,000, with an estimated Federal cost of $55,124,000 and an estimated non-Federal cost of $21,994,000.

SEC. 3. PICAYUNE STRAND ECOSYSTEM RESTORATION, COLLIER COUNTY, FLORIDA.

The Secretary of the Army may carry out the project for ecosystem restoration, Picayune Strand, Collier County, Florida, at a total cost of $375,328,000, with an estimated Federal cost of $187,664,000 and an estimated non-Federal cost of $187,664,000, in accordance with section 601 of the Water Resources Development Act of 2000 (114 Stat. 2680), Report of the Chief of Engineers dated September 15, 2005.

By Mr. DOMENICI (for himself and Mrs. FEINSTEIN):

S. 355. A bill to establish a National Commission on Entitlement Solvency; to the Committee on Finance.

Mr. DOMENICI. Mr. President, I rise today with my colleague, Senator FEINSTEIN to introduce the Social Security and Medicare Solvency Commission Act.

Our country is facing a looming financial crisis. The Medicare and Social Security programs face major financial problems. Current trends show that these programs are not sustainable, and that if we do not take action soon to reform both these programs, they will drive Federal spending to unprecedented levels.

Without reform, spending on these programs will consume nearly all projected federal revenues, and threaten our country's future prosperity. Social Security costs are projected to rise from about 4.2 percent of gross domestic product today to 6.3 percent of gross domestic product by 2080. Similarly, Medicare expenditures are projected to rise from 2.7 percent of gross domestic product today to more than 11 percent of gross domestic product by 2080. At this rate, no money will be left for any other federal activity. There will be no money for education, defense, federal law enforcement, or any of our other valued social programs.

Federal Reserve Board Chairman Bernacke and GAO Comptroller Walker have testified in front of the Senate Budget Committee in recent weeks that entitlement spending is already a threat to the U.S. economy. However, despite the universal recognition of out of control entitlement spending growth and the problems this will cause, Congress has repeatedly failed to come together to work on a solution.

The legislation we are introducing today will create a bipartisan commission tasked with making recommendations and creating legislation that will ensure the solvency of both Social Security and Medicare. However, unlike past commissions, these recommendations will not sit on a shelf and collect dust. This legislation will force action by Congress.

This legislation mandates that the commission seek public input through a series of public hearings, and then requires the commission to put together a report and submit accompanying legislative language. However, then this bill goes further. It sets a mandatory timelines for Congress to introduce the legislation, take committee action and for action on the floor. In short, it forces Congress to do its job.

When this legislation passes, Congress will be forced to take action that will generate a sustainable Social Security and Medicare system. And, most importantly, this will be a bipartisan effort. I am very pleased that my distinguished colleague, Senator FEINSTEIN has joined me in taking up this cause.

Though highly challenging, the financial difficulties facing Social Security and Medicare are not insurmountable. But the time has come to take action. The sooner these challenges are addressed, the more solutions will be available to us and the less pain they will cause. We need serious and thoughtful engagement from everyone to make sure that Medicare and Social Security are strengthened and sustainable for future generations.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 355

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "The Social Security and Medicare Solvency Commission Act".

SEC. 2. DEFINITIONS.

In this subtitle:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Centers for Medicare & Medicaid Services.

(2) CALENDAR DAY.—The term "calendar day" means a calendar day other than one in which either House is not in session because of an adjournment of more than 3 days to a date certain.

(3) COMMISSION.—The term "Commission" means the National Commission on Entitlement Solvency established under section 3(a).

(4) COMMISSION BILL.—The term "Commission bill" means a bill consisting of the proposed legislative language submitted by the Commission under section 3(c)(2)(A) that is introduced under section 7(a).

(5) COMMISSIONER.—The term "Commissioner" means the Commissioner of Social Security.

(6) LONG-TERM.—The term "long-term" means a period of not less than 75 years beginning on the date of enactment of this Act.

(7) MEDICAID.—The term "Medicaid" means the program established under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.)

(8) MEDICARE.—The term "Medicare" means the program established under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.).

(9) SOCIAL SECURITY.—The term "Social Security" means the program of old-age, survivors, and disability insurance benefits established under title II of the Social Security Act (42 U.S.C. 401 et seq.).

(10) SOLVENCY OF MEDICARE PROGRAM.—

(A) IN GENERAL.—Subject to subparagraph (B), the term "solvency", in relation to the Medicare program, means any year in which there is not excess general revenue Medicare funding (as defined in section 801(c)(1) of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173; 117 Stat. 2358)).

(B) TREATMENT OF NEW REVENUE.—

(i) IN GENERAL.—For purposes of the requirement that the Commission evaluate the solvency of the Medicare program and recommend legislation to restore such solvency as needed, the Commission shall treat any new revenue that is a result of any action taken or any legislation enacted by Congress pursuant to the recommendations of the Commission, as being a dedicated medicare financing source (as defined in section 801(c)(3) of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173; 117 Stat. 2358)).

(ii) DEFINITION OF NEW REVENUE.—For purposes of this subparagraph, the term "new revenue" means only those revenues collected as a result of legislation enacted by Congress pursuant to section 7 of this Act. The term "new revenue" shall not include any revenue otherwise collected under law, including any such revenue that is dedicated to the Federal Hospital Insurance Trust Fund under section 1817 of the Social Security Act (42 U.S.C. 1395i) or the Federal Supplementary Medical Insurance Trust Fund under section 1841 of such Act (42 U.S.C. 1395t).

(11) SOLVENCY OF SOCIAL SECURITY PROGRAM.—The term "solvency", in relation to Social Security, means any year in which the balance ratio (as defined under section 709(b) of the Social Security Act (42 U.S.C. 910(b)) of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund established under section 201 of the Social Security Act (42 U.S.C. 401) is greater than zero; and

SEC. 3. ESTABLISHMENT OF COMMISSION.

(a) ESTABLISHMENT.—There is permanently established an independent and bipartisan commission to be known as the "National Commission on Entitlement Solvency".

(b) PURPOSE.—The Commission shall conduct a comprehensive review of the Social Security and Medicare programs for the following purposes:

(1) REVIEW.—Reviewing relevant analyses of the current and long-term actuarial financial condition of the Social Security and Medicare programs.

(2) IDENTIFYING PROBLEMS.—Identifying problems that may threaten the long-term solvency of the Social Security and Medicare programs.

(3) ANALYZING POTENTIAL SOLUTIONS.—Analyzing potential solutions to problems that threaten the long-term solvency of the Social Security and Medicare programs.

(4) PROVIDING RECOMMENDATIONS AND PROPOSED LEGISLATIVE LANGUAGE.—Providing recommendations and proposed legislative language that will ensure the long-term solvency of the Social Security and Medicare programs and the provision of appropriate benefits.

(c) DUTIES.—

(1) IN GENERAL.—The Commission shall conduct a comprehensive review of the Social Security and Medicare programs consistent with the purposes described in subsection (b) and shall submit the report required under paragraph (2).

(2) REPORT, RECOMMENDATIONS, AND PROPOSED LEGISLATIVE LANGUAGE.—

(A) REPORT.—

(i) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and every 5 years thereafter, the Commission shall submit a report on the long-term solvency of the Social Security and Medicare programs that contains a detailed statement of the findings, conclusions, recommendations, and the proposed legislative language (as required under subparagraph (C)) of the Commission to the President, Congress, the Commissioner, and the Administrator.

(ii) PROPOSED LEGISLATIVE LANGUAGE.—The Commission shall submit the proposed legislative language (as required under clause (i)) in the form of a proposed bill for introduction in Congress.

(B) FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS.—A finding, conclusion, or recommendation of the Commission shall be included in the report under subparagraph (A) only if not less than 10 members of the Commission voted for such finding, conclusion, or recommendation.

(C) LEGISLATIVE LANGUAGE.—

(i) IN GENERAL.—If a recommendation submitted with respect to the Social Security or Medicare programs under subparagraph (A) involves legislative action, the report shall include proposed legislative language to carry out such action. Such legislative language shall only be included in the report under subparagraph (A) if the Commission has considered the impact the recommendation would have on the Medicaid program.

(ii) EXCLUSION OF RECOMMENDATIONS WITH RESPECT TO MEDICAID.—Proposed legislative language to carry out any recommendation submitted by the Commission with respect to the Medicaid program shall not be included in the legislative language submitted under clause (i).

SEC. 4. STRUCTURE AND MEMBERSHIP OF THE COMMISSION.

(a) APPOINTMENT.—

(1) IN GENERAL.—The Commission shall be composed of 15 members, of whom—

(A) 7 members shall be appointed by the President—

(i) 3 of whom shall be Democrats, appointed in consultation with the Majority Leader of the Senate and the Speaker of the House of Representatives;

(ii) 3 of whom shall be Republicans; and

(iii) 1 of whom shall not be affiliated with any political party;

(B) 2 members shall be appointed by the Majority Leader of the Senate, 1 of whom is from the Committee on Finance of the Senate;

(C) 2 members shall be appointed by the Minority Leader of the Senate, 1 of whom is from the Committee on Finance of the Senate;

(D) 2 members shall be appointed by the Speaker of the House of Representatives, 1 of whom is from the Committee on Ways and Means of the House of Representatives; and

(E) 2 members shall be appointed by the Minority Leader of the House of Representatives, 1 of whom is from the Committee on Ways and Means of the House of Representatives.

(2) QUALIFICATIONS.—The members shall be individuals who are, by reason of their education, experience, and attainments, exceptionally qualified to perform the duties of members of the Commission.

(3) DATE.—Members of the Commission shall be appointed by not later than January 1, 2008.

(4) TERMS.—A member of the Commission shall be appointed for a single term of 5 years, except the members initially appointed shall be appointed for terms of 6 years.

(b) VACANCIES.—A vacancy on the Commission shall be filled not later than 30 calendar days after the date on which the Commission is given notice of the vacancy, in the same manner as the original appointment. The individual appointed to fill the vacancy shall serve only for the unexpired portion of the term for which the individual's predecessor was appointed.

(c) COMMITTEE MEMBERS OF COMMISSION.—In the case of an individual appointed to the Commission under subsection (a)(1) who is required to be a member of the Committee on Finance of the Senate or the Committee on Ways and Means of the House of Representatives, if such individual is no longer a member of the required Committee they shall no longer be eligible to serve on the Commission. Such individual shall be removed from the Commission and replaced in accordance with subsection (b).

(d) CO-CHAIRPERSON.—The Commission shall designate 2 Co-Chairpersons from among the members of the Commission, neither of whom may be affiliated with the same political party.

SEC. 5. POWERS OF THE COMMISSION.

(a) MEETINGS AND HEARINGS.—

(1) MEETINGS.—The Commission shall meet at the call of the Co-Chairpersons. The Co-Chairpersons of the Commission or their designee shall convene and preside at the meetings of the Commission.

(2) HEARINGS.—

(A) INITIAL TOWN-HALL STYLE PUBLIC HEARINGS.—

(i) IN GENERAL.—The Commission shall hold at least 1 town-hall style public hearing within each Federal reserve district not later than the date on which the Commission submits the report required under section 3(c)(2)(A), and shall, to the extent feasible, ensure that there is broad public participation in the hearings.

(ii) HEARING FORMAT.—During each hearing, the Commission shall present to the public, and generate comments and suggestions regarding, the issues reviewed under section 3(b), policies designed to address those issues, and tradeoffs between such policies.

(B) ADDITIONAL HEARINGS.—In addition to the hearings required under subparagraph (A), the Commission shall hold such other hearings as the Commission determines appropriate to carry out the purposes of this Act.

(3) QUORUM.—Ten members of the Commission shall constitute a quorum for purposes of voting, but a quorum is not required for members to meet and hold hearings.

(b) ADMINISTRATION.—

(1) COMPENSATION.—Each member, other than the Co-Chairpersons, shall be paid at a rate equal to the daily equivalent of the minimum annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission. The Co-Chairpersons shall be paid at a rate equal to the daily equivalent of the minimum annual rate of basic pay prescribed for level III of the Executive Schedule under section 5314 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission.

(2) TRAVEL EXPENSES.—Members shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code, while away from their homes or regular places of business in performance of services for the Commission.

(c) FEDERAL ADVISORY COMMITTEE ACT.—The Commission shall be exempt from the provisions of the Federal Advisory Committee Act (5 U.S.C. App.).

(d) PERSONNEL.—

(1) DIRECTOR.—The Commission shall have a staff headed by an Executive Director. The Executive Director shall be paid at a rate equivalent to a rate established for the Senior Executive Service under section 5382 of title 5, United States Code.

(2) STAFF APPOINTMENT.—With the approval of the Co-Chairpersons, the Executive Director may appoint such personnel as the Executive Director and the Commission determines to be appropriate.

(3) ACTUARIAL EXPERTS AND CONSULTANTS.—With the approval of the Co-Chairpersons, the Executive Director may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

(4) DETAIL OF GOVERNMENT EMPLOYEES.—Upon the request of the Co-Chairpersons, the head of any Federal agency may detail, without reimbursement, any of the personnel of such agency to the Commission to assist in carrying out the duties of the Commission. Any such detail shall not interrupt or otherwise affect the civil service status or privileges of the Federal employee.

(5) OTHER RESOURCES.—The Commission shall have reasonable access to materials, resources, statistical data, and other information from the Library of Congress, the Chief

Actuary of Social Security, the Secretary of Health and Human Services, the Centers for Medicare & Medicaid Services, the Congressional Budget Office, and other agencies and elected representatives of the executive and legislative branches of the Federal Government. The Co-Chairpersons of the Commission shall make requests for such access in writing when necessary.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out the purposes of this Act.

SEC. 7. EXPEDITED CONSIDERATION OF COMMISSION RECOMMENDATIONS.

(a) Introduction and Committee Consideration.—

(1) Introduction.—A Commission bill shall be introduced in the Senate by the majority leader, or the majority leader's designee, and in the House of Representatives, by the majority leader, or the majority leader's designee. Upon such introduction, the Commission bill shall be referred to the appropriate committees of Congress under paragraph (2). If the Commission bill is not introduced in accordance with the preceding sentence, then any member of Congress may introduce the Commission bill in their respective House of Congress beginning on the date that is the 5th calendar day that such House is in session following the date of the submission of the Commission report under section 3(c)(2)(A).

(2) Committee consideration.—

(A) Referral.—A Commission bill introduced in the Senate shall be referred to the Committee on Finance of the Senate. A Commission bill introduced in the House of Representatives shall be referred jointly to the Committee on Ways and Means and the Committee on Energy and Commerce of the House of Representatives.

(B) Reporting.—Not later than 60 calendar days after the introduction of the Commission bill, each Committee of Congress to which the Commission bill was referred shall report the bill. Each such reported bill shall meet the requirement of ensuring the long-term solvency of the Social Security and Medicare programs, and the provision of appropriate benefits, that the proposed legislative language provided by the Commission is subject to under section 3(b)(4).

(C) Discharge of committee.—If a committee to which is referred a Commission bill has not reported such Commission bill at the end of 60 calendar days after its introduction, such committee shall be automatically discharged from further consideration of the Commission bill and it shall be placed on the appropriate calendar.

(b) Expedited Procedure.—

(1) Amendments.—No amendment that is not relevant to the provisions of the Commission bill shall be in order in either the Senate or the House of Representatives. In either House,. an amendment, any amendment to an amendment, or any debatable motion or appeal is debatable for not to exceed 5 hours to be divided equally between those favoring and those opposing the amendment, motion, or appeal.

(2) Floor consideration in the senate.—

(A) In general.—Not later than 30 calendar days after the date on which a committee has reported or has been discharged from consideration of a Commission bill, the majority leader of the Senate, or the majority leader's designee shall move to proceed to the consideration of the Commission bill. It shall also be in order for any member of the Senate to move to proceed to the consideration of the bill at any time after the conclusion of such 30-day period.

(B) Motion to proceed.—A motion to proceed to the consideration of a Commission bill is privileged in the Senate. The motion is not debatable and is not subject to a motion to postpone consideration of the Commission bill or to proceed to the consideration of other business. A motion to reconsider the vote by which the motion to proceed is agreed to or not agreed to shall not be in order. If the motion to proceed is agreed to, the Senate shall immediately proceed to consideration of the Commission bill without intervening motion, order, action, or other business, and the Commission bill shall remain the unfinished business of the Senate until disposed of.

(C) Limited debate.—

(i) In general.—Consideration in the Senate of the Commission bill and all amendments to such bill, and on all debatable motions and appeals in connection therewith, shall be limited to not more than 40 hours, which shall be equally divided between, and controlled by, the majority leader and the minority leader of the Senate or their designees. A motion further to limit debate on the Commission bill is in order and is not debatable. All time used for consideration of the Commission bill, including time used for quorum calls (except quorum calls immediately preceding a vote), shall come from the 40 hours of consideration.

(ii) Recommital to committee.—Upon expiration of the 40-hour period provided under clause (i), the Commission bill shall be recommitted to committee for further consideration unless ⅗ of the Members, duly chosen and sworn, of the Senate agree to proceed to passage. Any bill reported by a committee as a result of such further consideration shall—

(I) meet the requirement of ensuring the long-term solvency of the Social Security and Medicare programs and the provision of appropriate benefits that the proposed legislative language provided by the Commission is subject to under section 3(b)(4); and

(II) be considered under the expedited procedures under this subsection.

(D) Vote on passage.—

(i) In general.—The vote on passage in the Senate of the Commission bill shall occur immediately following the conclusion of the 40-hour period for consideration of the Commission bill under subparagraph (C) and a request to establish the presence of a quorum.

(ii) Other motions not in order.—A motion in the Senate to postpone consideration of the Commission bill, a motion to proceed to the consideration of other business, or a motion to recommit the Commission bill is not in order. A motion in the Senate to reconsider the vote by which the Commission bill is agreed to or not agreed to is not in order.

(3) Floor consideration in the house.—

(A) In general.—Not later than 30 calendar days after the date on which a committee has reported or has been discharged from consideration of a Commission bill, the majority leader of the House of Representatives, or the majority leader's designee shall move to proceed to the consideration of the Commission bill. It shall also be in order for any member of the House of Representatives to move to proceed to the consideration of the bill at any time after the conclusion of such 30-day period.

(B) Motion to proceed.—A motion to proceed to the consideration of a Commission bill is privileged in the House of Representatives. The motion is not debatable and is not subject to a motion to postpone consideration of the Commission bill or to proceed to the consideration of other business. A motion to reconsider the vote by which the motion to proceed is agreed to or not agreed to shall not be in order. If the motion to proceed is agreed to, the House of Representatives shall immediately proceed to consideration of the Commission bill without intervening motion, order, action, or other business, and the Commission bill shall remain the unfinished business of the House of Representatives until disposed of.

(C) Limited debate.—

(i) In general.—Consideration in the House of Representatives of the Commission bill and all amendments to such bill, and on all debatable motions and appeals in connection therewith, shall be limited to not more than 40 hours, which shall be equally divided between, and controlled by, the majority leader and the minority leader of the House of Representatives or their designees. A motion further to limit debate on the Commission bill is in order and is not debatable. All time used for consideration of the Commission bill, including time used for quorum calls (except quorum calls immediately preceding a vote), shall come from the 40 hours of consideration.

(ii) Recommital to committee.—Upon expiration of the 40-hour period provided under clause (i), the Commission bill shall be recommitted to committee for further consideration unless ⅗ of the Members, duly chosen and sworn, of the House of Representatives agree to proceed to final passage. Any bill reported by a committee as a result of such further consideration shall—

(I) meet the requirement of ensuring the long-term solvency of the Social Security and Medicare programs and the provision of appropriate benefits that the proposed legislative language provided by the Commission is subject to under section 3(b)(4); and

(II) be considered under the expedited procedures under this subsection.

(D) Vote on passage.—

(i) In general.—The vote on passage in the House of Representatives of the Commission bill shall occur immediately following the conclusion of the 40-hour period for consideration of the Commission bill under subparagraph (C) and a request to establish the presence of a quorum.

(ii) Other motions not in order.—A motion in the House of Representatives to postpone consideration of the Commission bill, a motion to proceed to the consideration of other business, or a motion to recommit the Commission bill is not in order. A motion in the House of Representatives to reconsider the vote by which the Commission bill is agreed to or not agreed to is not in order.

(4) Consideration by other house.—If, before the passage by one House of the Commission bill that was introduced in such House, such House receives from the other House a Commission bill as passed by such other House—

(A) the Commission bill of the other House shall not be referred to a committee and may only be considered for passage in the House that receives it under subparagraph (C);

(B) the procedure in the House in receipt of the Commission bill of the other House, with respect to the Commission bill that was introduced in the receiving House, shall be the same as if no Commission bill had been received from the other House; and

(C) notwithstanding subparagraph (B), the vote on final passage shall be on the Commission bill of the other House.

Upon disposition of a Commission bill that is received by one House from the other House, it shall no longer be in order to consider the

Commission bill that was introduced in the receiving House.

(5) CONSIDERATION IN CONFERENCE.—

(A) CONVENING OF CONFERENCE.—In the case of any disagreement between the two Houses of Congress with respect to a Commission bill passed by both Houses, conferees shall be promptly appointed and a conference convened. All motions to proceed to conference are nondebatable. The committee of conference shall make and file a report with respect to such Commission bill within 30 calendar days after the day on which managers on the part of the Senate and the House of Representatives have been appointed. Notwithstanding any rule in either House concerning the printing of conference reports or concerning any delay in the consideration of such reports, such report shall be acted on by both Houses not later than 5 calendar days after the conference report is filed in the House in which such report is filed first. In the event the conferees are unable to agree within 30 calendar days after the date on which the conference was convened, they shall report back to their respective Houses in disagreement.

(B) CONFERENCE REPORT DEFEATED.—Should the conference report be defeated, debate on any request for a new conference and the appointment of conferees shall be limited to 1 hour, to be equally divided between, and controlled by, the manager of the conference report and the minority leader or the minority leader's designee, and should any motion be made to instruct the conferees before the conferees are named, debate on such motion shall be limited to ½ hour, to be equally divided between, and controlled by, the mover and the manager of the conference report. Debate on any amendment to any such instructions shall be limited to 20 minutes, to be equally divided between, and controlled by, the mover and the manager of the conference report. In all cases when the manager of the conference report is in favor of any motion, appeal, or amendment, the time in opposition shall be under the control of the minority leader or the minority leader's designee.

Mrs. FEINSTEIN. Mr. President, as the new Congress begins work, I am pleased to join with Senator DOMENICI in addressing one of the most serious and intractable problems facing the Nation—restoring the long-term fiscal health of Social Security and Medicare.

Today we propose a bipartisan, independent and permanently existing commission to return these essential programs to solid financial footing for generations to come.

Our legislation mandates the periodic, comprehensive review of Social Security and Medicare to ensure their present and future solvency. By a year from the date of enactment, it requires the Commission to devise and recommend to Congress and the President a benefit and revenue structure that allows Social Security and Medicare to become, once again, stable and effective.

A key aspect of the bill is that its mission is ongoing indefinitely. Every five years the Commission returns with new recommendations—small tweaks or larger adjustments, whatever is necessary—to keep these entitlement programs in actuarial balance.

Since 2005, the President, Congress and the Nation have stalemated over the issue of privatizing Social Security. The issue remains contentious. Recent press articles suggest the Administration would be prepared to drop carve out accounts as the price of overall reform.

Meanwhile, the Social Security funding shortfall is projected to balloon to roughly $4.6 trillion over the next 75 years to pay all scheduled benefits. This unfunded obligation has increased by $600 billion alone over the last year. Medicare is in far worse shape, needing $11.3 trillion over the next seventy-five years to close the gap and remain in balance.

The 2006 report from the Trustees of Medicare and Social Security is alarming to say the least. They describe the current path of spending for both as "problematic", "unsustainable," "severe", and in "poor fiscal shape." In sum the Trustees say that "the problems of both programs are driven by inexorable demographics, and, in the case of Medicare, inexorable health care cost inflation, and are not likely to be ameliorated by economic growth or mere tinkering with program financing."

Simple numbers tell the story: growing cash flow deficits will exhaust the Medicare trust fund in 2018, and Social Security reserves will be overcome in 2040, according to the Trustees report.

Our legislation takes a new approach and is bipartisan to the core. Instead of emphasizing the merits of one proposal over another, we wipe the slate clean.

Fifteen experts, some of whom are Members of Congress from the committees of jurisdiction, are appointed. They take a full year to conduct town hall meetings nationwide, assess these trillion dollar programs from top to bottom, and rationalize their cost structure through intensive evaluation.

We advocate an open process, where all American voices can be heard. We have learned in the last two years that these issues effectively surpass the Congress' and President's ability to reach a compromise.

Relying strictly on elected officials to meet privately and out of the public view to negotiate a multi-trillion agreement I believe risks more failure. We have no demonstrated track record since 2005 of being able to achieve bipartisan consensus. And there are no new developments of late that suggest a different outcome than more partisan gridlock.

I know Majority Leader REID is instructing on certain members of the Senate to gather and discuss these issues in the coming months. I hope it works. But I basically share his outlook for the prospects of a bipartisan deal: "It's a tremendous long shot. If you were a Las Vegas bookmaker, you'd put the odds pretty [long] for being able to do that."

The Commission we propose would not be offering one-time solutions that get tossed aside and collect dust. Far from it: the Commission's detailed analysis, nonpartisan recommendations and findings are provided in writing and take the form of legislation that Congress formally considers.

The Senate and House, in turn, through expedited legislative procedures, will hopefully be poised to amend if need be and then enact the changes into law.

Compromise, in the form of increasing payroll tax revenues or other fees and cutting benefits, is the inevitable reality which we face. Senator DOMENICI and I are focused on creating a pathway to reach that compromise. We do not hold out, today, certain ideas that we believe Commission Members ought to consider.

We rely on their independent expertise and motivation to derive what is best for the Nation. Then we let the chips fall where they may from there.

The former Chairman of the Federal Reserve, Alan Greenspan, said two years ago that we had little time to waste in fixing Social Security. He endorsed the notion of establishing a Commission, much like the one he led in 1983 that led to historic changes in the program. His congressional testimony bears repeating:

> This is not a hugely difficult problem to solve . . . And I guess what is missing is the fact that at this stage there has been a rather low interest in actually joining, in finding out where some of the agreements are, and I have a suspicion that when that occurs, that will happen. It may well be that some mechanism such as that which we employed in 1983 may be a useful mechanism to get groups together and find out where there are agreements. I tend to think what happens in these debates is nobody talks about what they agree about but only about what they differ about. And something has got to give soon because we do not have the choice of not resolving this issue.

Chairman Greenspan is absolutely right that it is only a matter of time that we implement Social Security reform. That is because 48 million people, or 1 out of every 6 Americans, depend on it. And by 2050, an astounding 82 million Americans will receive this guaranteed benefit.

For more than 20 percent of retirees, Social Security is it: their only source of income.

For half of those 48 million, Social Security keeps them out of poverty. And for almost two-thirds, Social Security makes up more than half of their total income.

4.8 million widows and widowers rely on Social Security, as do 6.8 million disabled workers and 4 million children.

The long-term challenges are significant. It is not a crisis, we have time to implement gradual reform over time, but we need to get started.

While the current projected shortfall for Social Security amounts to about

$4.6 trillion, the fact of the matter is that 100 percent of benefits can be paid until 2040 by some estimates (Social Security Administration) or 2046 by others (CBO). Beyond that time horizon, 73 percent of benefits can be paid.

So the bottom line is, there is time, the know-how, and the resources to be able to maintain the current system, with phased adjustments occurring over many years to the Social Security Trust Fund.

The key, of course, is coming to a rational consensus—Democrats and Republicans united—in the effort to make Social Security solvent from this day forward.

Most budget experts agree that the Social Security problem pales in comparison to the enormous shortfall facing the Medicare Trust Fund (Part A)—over the next 75 years a total of $11.3 trillion. The various technical estimates are that Medicare is projected to become insolvent far sooner than Social Security.

In fact the most recent Medicare Trustees report confirms that the trust fund will be exhausted in 2018, yet the number of beneficiaries skyrockets upwards—from 42.7 million now, a number which will double by 2030—as the Baby Boom generation ages.

Compounding the problem, the Congressional Budget Office projects that Medicare spending will rise to 11 percent of the gross domestic product by 2080, up from 3.21 percent of GDP in 2006.

And the number of those paying into the system gets smaller and smaller: in 2000, 4 workers supported every Medicare beneficiary. That number shrinks to 2.4 workers per beneficiary by 2030.

The plain truth is that surging health care costs need to come under control or Medicare faces a dire situation. Because the program is financed through payroll taxes on working Americans, and general tax revenue, the pressure is building now on working Americans, given the huge demographic changes we expect when Baby Boomers retire.

In closing let me share one pertinent fact from the Social Security and Medicare Trustees and their 2006 report: "to the extent that changes are delayed or phased in gradually, greater adjustments in scheduled benefits and revenues would be required." The time to act is now, and Senator DOMENICI and I believe that our legislation represents a reasonable and good faith step for curing what ills these vital safety net programs.

By Mr. BROWNBACK (for himself, Mr. ALEXANDER, Mr. BUNNING, Mr. BURR, Mr. CHAMBLISS, Mr. COBURN, Mr. COCHRAN, Mr. COLEMAN, Mr. CORNYN, Mr. DEMINT, Mrs. DOLE, Mr. ENSIGN, Mr. ENZI, Mr. GRAHAM, Mr. GRASSLEY, Mr. HAGEL, Mr. HATCH, Mr. INHOFE, Mr. ISAKSON, Mr. KYL, Mr. LOTT, Mr. MARTINEZ, Mr. MCCONNELL, Mr. ROBERTS, Mr. SESSIONS, Mr. THUNE, Mr. VITTER, and Mr. VOINOVICH):

S. 356. A bill to ensure that women seeking an abortion are fully informed regarding the pain experienced by their unborn child; to the Committee on Health, Education, Labor, and Pensions.

Mr. BROWNBACK. Mr. President, I rise today to introduce the Unborn Child Pain Awareness Act. I am joined by 27 original cosponsors.

After carefully reviewing the medical and ethical arguments that underpin this Act, I am convinced that my colleagues will agree that this legislation is pro-woman, pro-child, and pro-information.

The Unborn Child Pain Awareness Act is about empowering women with information and treating them as adults who are able to participate fully in the medical decision-making process. It is also about respecting and treating the unborn child more humanely. This legislation is, at heart, an informed consent bill which would do two simple things: first, this act would require abortion providers to present women seeking an abortion twenty or more weeks after fertilization with scientific information about what is known regarding the pain capacity of the unborn child inside of her womb.

Second, should the woman desire to continue with the abortion after being presented with this information, the legislation calls for her to be given the opportunity to choose anesthesia for the unborn child in order to lessen its pain.

No abortion procedures would be prohibited by the Unborn Child Pain Awareness Act. This is strictly an informed consent bill.

I don't believe that anyone in this chamber thinks that any patient should ever be denied her right to all the information that is available on a surgery she or her child is about to undergo simply because the patient is pregnant. Providing a woman with medical and scientific information on the development of her unborn child and the pain the child will experience during an abortion will equip her to make an informed decision about how or if to proceed. Pregnant women must be treated as intelligent, mature human beings who are capable of understanding this information and making difficult choices.

Due to amazing advances in medical technology, we have known for some time now that unborn children can and do respond to pain and to human touch in general. This is evidenced by anatomical, functional, physiological and behavioral indicators that are correlated with pain in children and adults.

In light of this knowledge, when a child undergoes prenatal surgery in order to alleviate certain types of congenital hernias which can affect the child's liver and lungs or to correct prenatal heart failure, both the child and the mother are offered anesthesia as a matter of course. Certainly everyone would agree that, at the very least, abortion is a surgical procedure performed on the fetus. Why should the medical community be required to offer anesthesia to one 20-week-old unborn baby undergoing any other type of prenatal surgery, but not require it for another 20-week-old unborn baby who is undergoing the life-terminating surgery of an abortion? Are both babies not at the same stage of development with the same capacity for pain?

Of course, this new scientific knowledge that unborn babies can experience pain is not news to most women. Any mother can tell you her unborn child can feel and respond to stimuli from outside the womb. Sometimes a voice or a sharp movement by the mother will cause the unborn child to stir. And usually, at some point in the late second trimester, even the father can feel and see the unborn child's movements. And if you push the unborn child's limb, the limb may push back. I have many fond memories of feeling my own children kick and move around inside my wife's womb. It was obvious to both of us that our children were very much alive.

In the proposed legislation, we have settled on a 20-week benchmark because there is strong medical and scientific knowledge that unborn children feel and experience pain by 20 weeks after fertilization.

Many scientists and anesthesiologists believe that unborn children actually feel pain weeks earlier, but we chose the 20 week benchmark as a point on which the most scientists and doctors can agree.

We do know that unborn children at 20 weeks' gestation can not only feel, but that their ability to experience pain is heightened. The highest density of pain receptors per square inch of skin in human development occurs in utero from 20 to 30 weeks gestation.

The Unborn Child Pain Awareness Act offers us a rare chance to transcend the traditional political boundaries on the abortion issue. It is a matter of human decency, access to information for women, and patients' rights.

It is my hope that this bill will offer us a chance to work across political divides to forge new understandings in this chamber.

I think that we can all support giving women more information when they are making life-altering decisions.

In fact, according to a Wirthlin Worldwide poll conducted after the 2004 election, 75 percent of respondents favored "laws requiring that women who are 20 weeks or more along in their pregnancies be given information about fetal pain before having an abortion."

During the 2006 elections, candidates from both sides of the aisle promised to support bipartisan solutions dealing with abortion, such as promoting adoption and passing parental notification requirements for minors seeking abortions.

Adoption and parental notification for minors are indeed issues on which I hope we can work together. Perhaps we can begin with this measure. The Unborn Child Pain Awareness Act would provide a wonderful opportunity for us to affirm that the 110th Congress is pro-woman, pro-child, and pro-patient access to information.

By Mrs. FEINSTEIN (for herself, Ms. SNOWE, Mr. INOUYE, Mr. DURBIN, Mr. KERRY, Mrs. BOXER, Mr. NELSON of Florida, Ms. CANTWELL, Mr. LAUTENBERG, Mr. LIEBERMAN, Mr. MENENDEZ, and Ms. COLLINS):

S. 357. A bill to improve passenger automobile fuel economy and safety, reduce greenhouse gas emissions, reduce dependence on foreign oil, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mrs. FEINSTEIN. Mr. President, I rise today to offer a bill with my colleagues Senators SNOWE, INOUYE, DURBIN, KERRY, BOXER, BILL NELSON, CANTWELL, LAUTENBERG, LIEBERMAN, MENENDEZ, and COLLINS to close the SUV loophole.

This bill would increase Corporate Average Fuel Economy, CAFE, standards for SUVs and other light duty trucks. It would increase the combined fleet average for all automobiles—SUVs, light trucks and passenger cars—from 25 miles per gallon to 35 miles per gallon by model year 2019.

The high price of oil is not a problem we can drill our way out of. Global oil demand is rising. China imports more than 40 percent of its record 6.4 million-barrel-per-day oil demand and its consumption is growing by 7.5 percent per year, seven times faster than the U.S.

India imports approximately 70 percent of its oil, which is projected to rise to more than 90 percent by 2020. Their rapidly growing economies are fueling their growing dependence on oil—which makes continued higher prices inevitable.

The most effective step we can take to reduce gas prices is to reduce demand. We must use our finite fuel supplies more wisely.

This legislation is an important first step to limit our Nation's dependence on oil and better protect our environment.

If implemented, closing the SUV Loophole would: save the U.S. 2.1 million barrels of oil a day by 2025, almost the same amount of oil we currently import from the Persian Gulf.

It would also prevent about 350 million tons of carbon dioxide—the top greenhouse gas and biggest single cause of global warming from being emitted into our atmosphere by 2025. This is an 18 percent reduction, the equivalent of taking 60 million cars—or 50 million cars and light trucks—off the road in one year.

This bill would also save SUV and light duty truck owners hundreds of dollars each year in gasoline costs.

CAFE standards were first established in 1975. At that time, light trucks made up only a small percentage of the vehicles on the road, they were used mostly for agriculture and commerce, not as passenger cars.

Today, our roads look much different, SUVs and light duty trucks comprise more than half of the new car sales in the United States. As a result, the overall fuel economy of our Nation's fleet is the lowest it has been in two decades, because fuel economy standards for these vehicles are so much lower than they are for other passenger vehicles.

The bill we are introducing today would change that. SUVs and other light duty trucks would have to meet the same fuel economy requirements by 2013 that passenger cars meet today.

In 2002, the National Academy of Sciences, NAS, released a report stating that adequate lead time can bring about substantive increases in fuel economy standards. Automakers can meet higher CAFE standards if existing technologies are utilized and included in new models of SUVs and light trucks.

In 2003, the head of the National Highway Traffic Safety Administration said he favored an increase in vehicle fuel economy standards beyond the 1.5-mile-per-gallon hike slated to go into effect by 2007. "We can do better," said Jeffrey Runge in an interview with Congressional Green Sheets. "The overriding goal here is better fuel economy to decrease our reliance on foreign oil without compromising safety or American jobs," he said.

With this in mind, we have developed the following phase-in schedule which would follow up on what NHTSA has proposed for the short term and remain consistent with what the NAS report said is technologically feasible over the next decade or so. As a first step, by model year 2010, passenger cars must meet an average fuel economy standard of 29.5 mpg, and SUVs and light trucks must meet 23.5 mpg. By way of comparison, passenger cars in model year 2005 averaged 30 mpg, light trucks averaged 21.8 mpg, and the overall combined fleet average is 25.2 mpg.

The bill also increases the weight limit within which vehicles are bound by CAFE standards to make it harder for automotive manufacturers to build SUVs large enough to become exempted from CAFE standards. Because SUVs are becoming larger and larger, some may become so large that they will no longer qualify as even SUVs anymore.

We are introducing this legislation because we believe that the United States needs to take a leadership role in the fight against global warming.

We have already seen the potential destruction that global warming can cause in the United States.

Snowpacks in the Sierra Nevada are shrinking and will almost entirely disappear by the end of the century, devastating the source of California's water.

Eskimos are being forced inland in Alaska as their native homes on the coastline are melting into the sea.

Glaciers are disappearing in Glacier National Park in Montana. In 100 years, the park has gone from having 150 glaciers to fewer than 30. And the 30 that remain are two-thirds smaller than they once were.

Beyond our borders, scientists are predicting how the impact of global warming will be felt around the globe.

It has been estimated that two-thirds of the glaciers in western China will melt by 2050, seriously diminishing the water supply for the region's 300 million inhabitants. Additionally, the disappearance of glaciers in the Andes in Peru is projected to leave the population without an adequate water supply during the summer.

The United States is the largest energy consumer in the world, with 4 percent of the world's population using 25 percent of the planet's energy.

And much of this energy is used in cars and light trucks: 43 percent of the oil we use goes into our vehicles and one-third of all carbon dioxide emissions come from our transportation sector.

The U.S. is falling behind the rest of the world in the development of more fuel efficient automobiles. Quarterly auto sales reflect that consumers are buying smaller more fuel efficient cars and sales of the big, luxury vehicles that are the preferred vehicle of the American automakers have dropped significantly.

Even SUV sales have slowed. First quarter 2005 deliveries of these vehicles are down compared to the same period last year—for example, sales of the Ford Excursion is down by 29.5 percent, the Cadillac Escalade by 19.9 percent, and the Toyota Sequoia by 12.6 percent.

On the other hand, the Toyota Prius hybrid had record sales in March with a 160.9 percent increase over the previous year.

The struggling U.S. auto market cannot afford to fall behind in the development of fuel efficient vehicles. Our bill sets out a reasonable time frame for car manufacturers to design vehicles that are more fuel efficient and that will meet the growing demand for more fuel efficient vehicles.

We can do this, and we can do this today. I urge my colleagues to support this legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 357

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Ten-in-Ten Fuel Economy Act".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Average fuel economy standards for passenger automobiles and light trucks.
Sec. 3. Passenger car program reform.
Sec. 4. Definition of work truck.
Sec. 5. Definition of light truck.
Sec. 6. Ensuring safety of passenger automobiles and light trucks.
Sec. 7. Onboard fuel economy indicators and devices.
Sec. 8. Secretary of Transportation to certify benefits.
Sec. 9. Credit trading program.
Sec. 10. Report to Congress.
Sec. 11. Labels for fuel economy and greenhouse gas emissions.

SEC. 2. AVERAGE FUEL ECONOMY STANDARDS FOR PASSENGER AUTOMOBILES AND LIGHT TRUCKS.

(a) INCREASED STANDARDS.—Section 32902 of title 49, United States Code, is amended—

(1) in subsection (a)—

(A) by striking "NON-PASSENGER AUTOMOBILES.—" and inserting "PRESCRIPTION OF STANDARDS BY REGULATION.—"; and

(B) by striking "(except passenger automobiles)" and inserting "(except passenger automobiles and light trucks)"; and

(2) by amending subsection (b) to read as follows:

"(b) STANDARDS FOR PASSENGER AUTOMOBILES AND LIGHT TRUCKS.—

"(1) IN GENERAL.—The Secretary of Transportation, after consultation with the Administrator of the Environmental Protection Agency, shall prescribe average fuel economy standards for passenger automobiles and light trucks manufactured by a manufacturer in each model year beginning with model year 2010 in order to achieve a combined average fuel economy standard for passenger automobiles and light trucks for model year 2019 of at least 35 miles per gallon (or such other number of miles per gallon as the Secretary may prescribe under subsection (c)).

"(2) ELIMINATION OF SUV LOOPHOLE.—Beginning not later than model year 2013, the regulations prescribed under this section may not make any distinction between passenger automobiles and light trucks.

"(3) PROGRESS TOWARD STANDARD REQUIRED.—In prescribing average fuel economy standards under paragraph (1), the Secretary shall prescribe appropriate annual fuel economy standard increases for passenger automobiles and light trucks that—

"(A) increase the applicable average fuel economy standard ratably beginning with model year 2010 and ending with model year 2019;

"(B) require that each manufacturer achieve—

"(i) a fuel economy standard for passenger automobiles manufactured by that manufacturer of at least 29.5 miles per gallon not later than model year 2010; and

"(ii) a fuel economy standard for light trucks manufactured by that manufacturer of at least 23.5 miles per gallon not later than model year 2010.

"(4) FUEL ECONOMY BASELINE FOR PASSENGER AUTOMOBILES.—Notwithstanding the maximum feasible average fuel economy level established by regulations prescribed under subsection (c), the minimum fleetwide average fuel economy standard for passenger automobiles manufactured by a manufacturer in a model year for that manufacturer's domestic fleet and foreign fleet, as calculated under section 32904 as in effect before the date of the enactment of the Ten-in-Ten Fuel Economy Act, shall be the greater of—

"(A) 27.5 miles per gallon; or

"(B) 92 percent of the average fuel economy projected by the Secretary for the combined domestic and foreign fleets manufactured by all manufacturers in that model year.

"(5) DEADLINE FOR REGULATIONS.—The Secretary shall promulgate the regulations required by paragraphs (1) and (2) in final form not later than 18 months after the date of the enactment of the Ten-in-Ten Fuel Economy Act.".

SEC. 3. PASSENGER CAR PROGRAM REFORM.

Section 32902(c) of title 49, United States Code, is amended to read as follows:

"(c) AMENDING PASSENGER AUTOMOBILE STANDARDS.—Not later than 18 months before the beginning of each model year, the Secretary of Transportation may prescribe regulations amending a standard prescribed under subsection (b) for a model year to a level that the Secretary determines to be the maximum feasible average fuel economy level for that model year. Section 553 of title 5 applies to a proceeding to amend any standard prescribed under subsection (b). Any interested person may make an oral presentation and a transcript shall be taken of that presentation. The Secretary may prescribe separate standards for different classes of passenger automobiles.".

SEC. 4. DEFINITION OF WORK TRUCK.

(a) DEFINITION OF WORK TRUCK.—Section 32901(a) of title 49 is amended by adding at the end the following:

"(17) 'work truck' means an automobile that the Secretary determines by regulation—

"(A) is rated at between 8,500 and 10,000 pounds gross vehicle weight; and

"(B) is not a medium-duty passenger vehicle (as defined in section 86.1803–01 of title 40, Code of Federal Regulations).".

(b) DEADLINE FOR REGULATIONS.—The Secretary of Transportation—

(1) shall issue proposed regulations implementing the amendment made by subsection (a) not later than 1 year after the date of the enactment of this Act; and

(2) shall issue final regulations implementing the amendment not later than 18 months after the date of the enactment of this Act.

(c) FUEL ECONOMY STANDARDS FOR WORK TRUCKS.—The Secretary of Transportation, in consultation with the Administrator of the Environmental Protection Agency, shall prescribe standards to achieve the maximum feasible fuel economy for work trucks (as defined in section 32901(a)(17) of title 49, United States Code) manufactured by a manufacturer in each model year beginning with model year 2013.

SEC. 5. DEFINITION OF LIGHT TRUCK.

(a) DEFINITION OF LIGHT TRUCK.—

(1) IN GENERAL.—Section 32901(a) of title 49, United States Code, is amended by inserting after paragraph (11) the following:

"(11) 'light truck' means an automobile that the Secretary determines by regulation—

"(A) is manufactured primarily for transporting not more than 10 individuals;

"(B) is rated at not more than 10,000 pounds gross vehicle weight;

"(C) is not a passenger automobile; and

"(D) is not a work truck.".

(2) DEADLINE FOR REGULATIONS.—The Secretary of Transportation—

(A) shall issue proposed regulations implementing the amendment made by paragraph (1) not later than 1 year after the date of the enactment of this Act; and

(B) shall issue final regulations implementing the amendment not later than 18 months after the date of the enactment of this Act.

(3) EFFECTIVE DATE.—Regulations prescribed under paragraph (1) shall apply beginning with model year 2010.

(b) APPLICABILITY OF EXISTING STANDARDS.—This section does not affect the application of section 32902 of title 49, United States Code, to passenger automobiles or non-passenger automobiles manufactured before model year 2010.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Transportation $25,000,000 for each of fiscal years 2009 through 2021 to carry out the provisions of chapter 329 of title 49, United States Code.

SEC. 6. ENSURING SAFETY OF PASSENGER AUTOMOBILES AND LIGHT TRUCKS.

(a) IN GENERAL.—The Secretary of Transportation shall exercise such authority under Federal law as the Secretary may have to ensure that—

(1) passenger automobiles and light trucks (as such terms are defined in section 32901 of title 49, United States Code) are safe;

(2) progress is made in improving the overall safety of passenger automobiles and light trucks; and

(3) progress is made in maximizing United States employment.

(b) VEHICLE SAFETY.—Subchapter II of chapter 301 of title 49, United States Code, is amended by adding at the end the following:

"§ 30129. Vehicle compatibility and aggressivity reduction standard

"(a) STANDARDS.—The Secretary of Transportation shall issue a motor vehicle safety standard to reduce vehicle incompatibility and aggressivity between passenger vehicles and non-passenger vehicles. The standard shall address characteristics necessary to ensure better management of crash forces in multiple vehicle frontal and side impact crashes between different types, sizes, and weights of vehicles with a gross vehicle weight of 10,000 pounds or less in order to decrease occupant deaths and injuries.

"(b) CONSUMER INFORMATION.—The Secretary shall develop and implement a public information side and frontal compatibility crash test program with vehicle ratings based on risks to occupants, risks to other motorists, and combined risks by vehicle make and model.".

(c) RULEMAKING DEADLINES.—

(1) RULEMAKING.—The Secretary of Transportation shall issue—

(A) a notice of a proposed rulemaking under section 30129 of title 49, United States Code, not later than January 1, 2010; and

(B) a final rule under such section not later than December 31, 2011.

(2) EFFECTIVE DATE OF REQUIREMENTS.—Any requirement imposed under the final rule issued under paragraph (1) shall become fully effective not later than September 1, 2013.

(d) CONFORMING AMENDMENT.—The chapter analysis for chapter 301 is amended by inserting after the item relating to section 30128 the following:

"30129. Vehicle compatibility and aggressivity reduction standard".

SEC. 7. ONBOARD FUEL ECONOMY INDICATORS AND DEVICES.

(a) IN GENERAL.—Chapter 329 of title 49, United States Code, is amended by adding at the end the following:

"§32920. Fuel economy indicators and devices

"(a) IN GENERAL.—The Secretary of Transportation, in consultation with the Administrator of the Environmental Protection Agency, shall prescribe a fuel economy standard for passenger automobiles and light trucks manufactured by a manufacturer in each model year beginning with model year 2014 that requires each such automobile and light truck to be equipped with—

"(1) an onboard electronic instrument that provides real-time and cumulative fuel economy data;

"(2) an onboard electronic instrument that signals a driver when inadequate tire pressure may be affecting fuel economy; and

"(3) a device that will allow drivers to place the automobile or light truck in a mode that will automatically produce greater fuel economy.

"(b) EXCEPTION.—Subsection (a) shall not apply to any vehicle that is not subject to an average fuel economy standard under section 32902(b).

"(c) ENFORCEMENT.—Subchapter IV of chapter 301 of this title shall apply to a fuel economy standard prescribed under subsection (a) to the same extent and in the same manner as if that standard were a motor vehicle safety standard under chapter 301.".

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 329 of title 49, United States Code, is amended by inserting after the item relating to section 32919 the following:

"32920. Fuel economy indicators and devices".

SEC. 8. SECRETARY OF TRANSPORTATION TO CERTIFY BENEFITS.

Beginning with model year 2010, the Secretary of Transportation, in consultation with the Administrator of the Environmental Protection Agency, shall annually determine and certify to Congress the reduction in United States consumption of gasoline and petroleum distillates used for vehicle fuel and the reduction in greenhouse gas emissions during the most recent year that are properly attributable to the implementation of the average fuel economy standards imposed under section 32902 of title 49, United States Code, as a result of the amendments made by this Act.

SEC. 9. CREDIT TRADING PROGRAM.

Section 32903 of title 49, United States Code, is amended—

(1) by striking "passenger" each place it appears;

(2) by striking "section 32902(b)–(d) of this title" each place it appears and inserting "subsection (a), (c), or (d) of section 32902";

(3) in subsection (a)(2), by striking "clause (1) of this subsection" and inserting "paragraph (1)"; and

(4) by amending subsection (e) to read as follows:

"(e) CREDIT TRADING AMONG MANUFACTURERS.—The Secretary of Transportation may establish, by regulation, a corporate average fuel economy credit trading program to allow manufacturers whose automobiles exceed the average fuel economy standards prescribed under section 32902 to earn credits to be sold to manufacturers whose automobiles fail to achieve the prescribed standards.".

SEC. 10. REPORT TO CONGRESS.

Not later than December 31, 2014, the Secretary of Transportation shall submit to Congress a report on the progress made by the automobile manufacturing industry towards meeting the 35 miles per gallon average fuel economy standard required under section 32902(b)(1) of title 49, United States Code.

SEC. 11. LABELS FOR FUEL ECONOMY AND GREENHOUSE GAS EMISSIONS.

Section 32908 of title 49, United States Code, is amended—

(1) in subsection (a)(1), by striking "of this title" and inserting "and a light truck manufactured by a manufacturer in a model year after model year 2010; and";

(2) in subsection (b)—

(A) in paragraph (1)—

(i) by redesignating subparagraph (F) as subparagraph (H); and

(ii) by inserting after subparagraph (E) the following:

"(F) a label (or a logo imprinted on a label required by this paragraph) that—

"(i) reflects an automobile's performance on the basis of criteria developed by the Administrator to reflect the fuel economy and greenhouse gas and other emissions consequences of operating the automobile over its likely useful life;

"(ii) permits consumers to compare performance results under clause (i) among all passenger automobiles and light duty trucks; and

"(iii) is designed to encourage the manufacture and sale of passenger automobiles and light trucks that meet or exceed applicable fuel economy standards under section 32902.

"(G) a fuelstar under paragraph (5)."; and

(B) by adding at the end the following:

"(4) GREEN LABEL PROGRAM.—

"(A) MARKETING ANALYSIS.—Not later than 2 years after the date of the enactment of the Ten-in-Ten Fuel Economy Act, the Administrator shall complete a study of social marketing strategies with the goal of maximizing consumer understanding of point-of-sale labels or logos described in paragraph (1)(F).

"(B) ELIGIBILITY.—Not later than 3 years after the date described in subparagraph (A), the Administrator shall issue requirements for the label or logo required under paragraph (1)(F) to ensure that a passenger automobile or light truck is not eligible for the label or logo unless it—

"(i) meets or exceeds the applicable fuel economy standard; or

"(ii) will have the lowest greenhouse gas emissions over the useful life of the vehicle of all vehicles in the vehicle class to which it belongs in that model year.

"(C) CRITERIA.—In developing criteria for the label or logo, the Administrator shall also consider, among others as appropriate, the following factors:

"(i) The recyclability of the automobile.

"(ii) Any other pollutants or harmful byproducts related to the automobile, which may include those generated during manufacture of the automobile, those issued during use of the automobile, or those generated after the automobile ceases to be operated.

"(5) FUELSTAR PROGRAM.—

"(A) IN GENERAL.—The Secretary, shall establish a program, to be known as the 'Fuelstar Program', under which stars shall be imprinted on or attached to the label required by paragraph (1).

"(B) GREEN STARS.—Under the Fuelstar Program, a manufacturer may include on the label maintained on an automobile under paragraph (1)—

"(i) 1 green star for any automobile that meets the average fuel economy standard for the model year under section 32902; and

"(ii) 1 additional green star for each 2 miles per gallon by which the automobile exceeds such standard.

"(C) GOLD STARS.—Under the Fuelstar Program, a manufacturer may include a gold star on the label maintained on an automobile under paragraph (1) if—

"(i) in the case of a passenger automobile, the automobile attains a fuel economy of at least 50 miles per gallon; and

"(ii) in the case of a light truck, the truck attains a fuel economy of at least 37 miles per gallon.".

Mr. INOUYE. Mr. President: I rise today to join my colleague Senator FEINSTEIN in introducing probably one of the most important bills we can consider this Congress in terms of energy, economic, and environmental security: the Ten-In-Ten Fuel Economy Act of 2007. Simply put, this bill would raise the average fuel economy standards for all passenger cars and light trucks from 25 miles per gallon to 35 miles per gallon by the year 2019.

While Senator FEINSTEIN and I have taken the lead on this issue, the bill we are introducing today is the product of considerable input and expertise provided by our colleagues Senators SNOWE, DURBIN, and CANTWELL.

I also want to thank Senators KERRY, BOXER, BILL NELSON, LAUTENBERG, LIEBERMAN, MENENDEZ, and COLLINS for joining us in this effort.

This bill is a win-win for the American public. It will substantially reduce America's dependence on foreign oil from unstable governments, as well as decrease the amount of harmful emissions coming from our nation's passenger vehicles. At the same time, it will save American families money by reducing their fuel costs.

According to the Union of Concerned Scientists, this bill, if enacted, would save 6 billion gallons of gas—equating to $12 billion in fuel cost savings for motorists in this country—within 6 years of the first model year requiring improvement.

That $12 billion in fuel cost savings also translates into a reduction of 65 million metric tons of carbon dioxide emissions—one of the largest contributors to global warming. This level of savings after only 6 years would be accomplished before the full contribution of the bill is achieved.

By 2025, assuming today's price for a gallon of gas, enactment of this bill would effectively reduce consumption of foreign oil by 2.1 million barrels a day by saving over 35 billion gallons of gasoline annually. It would provide motorists with $64 billion in fuel cost savings, and reduce emissions of carbon dioxide by 358 million metric tons. This decrease in carbon dioxide emissions would be the equivalent of taking 52 million cars and trucks off the road. This incredible savings is achieved by simply raising the fuel economy standard from 25 miles per gallon to 35 miles per gallon in a 10 year period.

Some of our colleagues may question whether this proposed standard can be achieved. Let me just note that the Commerce Committee helped establish the first CAFE standards in 1975, against the cries of critics then. History, however, shows that Congress' action then was largely responsible for the Nation's decreased demand for oil during the 1980s necessitated by the Arab Oil Embargo. Since the 1980s, however, the fuel economy average for cars and light trucks combined has remained essentially flat even though advances in technology have continued. It is time to update CAFE standards. The benefits gained from undertaking this endeavor are many, and too long overdue.

By Ms. SNOWE (for herself, Mr. KENNEDY, Mr. ENZI, Mr. DODD, Mr. GREGG, Mr. HARKIN, Ms. MURKOWSKI, Ms. MIKULSKI, Mr. HATCH, Mr. BINGAMAN, Mr. ALLARD, Mrs. MURRAY, Mr. REED, Mrs. CLINTON, Mr. OBAMA, Mr. SANDERS, Mr. BROWN, Mr. BIDEN, Mr. LAUTENBERG, Mr. NELSON of Florida, Mr. SALAZAR, Mr. CARDIN, and Ms. COLLINS):

S. 358. A bill to prohibit discrimination on the basis of genetic information with respect to health insurance and employment; to the Committee on Health, Education, Labor, and Pensions.

Ms. SNOWE. Mr. President, I rise today to introduce the Genetic Information Nondiscrimination Act of 2007 and I am joined in doing so by a number of my colleagues including the Chairman and Ranking Member of the Senate HELP Committee, Senators KENNEDY and ENZI. The bill we are introducing today represents a triumph of bipartisan collaboration—true consensus-building which is so vital to achieving substantive action for our constituents. Such efforts are certainly not always easy—as so many here today know—I have worked with many of you for more than 10 years on this issue.

Today we are on the threshold of a new era, as for the first time, we act to prevent discrimination before it has taken firm hold. Indeed, Senator GREGG described this legislation so well when he said it is, truly, "the first civil rights act of the 21st Century."

And that is what makes this legislation so unique. For in the past Congress has had to act to address existing discrimination. But today we are acting proactively to address genetic bias, before discrimination becomes entrenched.

This type of discrimination is so different than other forms. Because most discrimination is a response to an obvious trait, such as one's gender or the color of your skin. But discrimination based on one's genetic makeup involves actively looking for information on which to discriminate. Because it is so deliberate, one cannot even argue it was—on any level—subconscious or unintentional.

It used to be difficult to find such information on which to discriminate. You might be asked if you had a family history of a disorder. But today things have changed dramatically.

We have long known about a small number of genes which play a role in some diseases—such as Huntington's Disease, and early onset Alzheimer's. Yet the progress of discovery and study was so slow and tedious. But the Human Genome Project changed all that. Today, with new technology we are seeing an explosive increase in our understanding of genetics and human health.

That growing genetic knowledge offers the potential of disease cures and even customized therapies. Even more promising, genetic advances will enable us to actually prevent the development of disease. But this potential . . . and the billions spent in discovering genetic relationships and developing treatments and preventive agents . . . will certainly be in vain if Americans do not avail themselves of these advances.

To do so, Americans will need to take genetic tests. But would you do so if you knew that the information about your genetic makeup would be used against you—to deny you employment or health coverage?

Some say that kind of discrimination is but a future possibility—that we can afford to wait until genetic discrimination begins to take a toll. But it already has done so. I learned from the real life experience of one of my constituents, Bonnie Lee Tucker. In 1997, Bonnie Lee wrote me about her fear of having the BRCA test for breast cancer, even though she has nine women in her immediate family who were diagnosed with breast cancer, and she herself is a survivor. She wrote to me about her fear of having the BRCA test, because she worried it will ruin her daughter's ability to obtain insurance in the future. And Bonnie Lee isn't the only one who has this fear. When the National Institutes of Health offered women genetic testing, nearly 32 percent of those who were offered a test for breast cancer risk declined to take it citing concerns about health insurance discrimination. Mr. President, what good is scientific progress if it cannot be applied to those who would most benefit?

And we have seen cases where some attempted to mandate genetic testing. Even when this is done to improve the delivery of health care, it must be recognized that once that information is disclosed . . . and is unprotected . . . a future employer or insurer may not necessarily use that information in such a benign way. Yet we recognize that if an individual can avail themselves of a genetic test, they may be able to take action as a result which prevents disease or premature death, and reduces the burden of high health costs. And wouldn't everyone want to see that?

I recall the testimony before Congress of Dr. Francis Collins, the Director of the National Human Genome Research Institute, without whom we wouldn't have reached this day. In speaking of the next step for those involved in the Genome project, he explained that the project's scientists were engaged in a major endeavor to "uncover the connections between particular genes and particular diseases," to apply the knowledge they just unlocked. In order to do this, Dr. Collins said, "we need a vigorous research enterprise with the involvement of large numbers of individuals, so that we can draw more precise connections between a particular spelling of a gene and a particular outcome." Well, this effort cannot be successful if people are afraid of possible repercussions of their participation in genetic testing.

The bottom line is that, given the advances in science, there are two separate issues at hand. The first is to restrict discrimination by health insurers. The second is to prevent employment discrimination based simply upon an individual's genetic information.

Some of us saw this danger 10 years ago and the threat it could pose to millions of Americans. I think back to when Representative LOUISE SLAUGHTER and I first introduced our bills to ban genetic discrimination in health insurance back in the 104th Congress. At that time the completion of the human genome seemed far away. But the science has certainly out-paced Congressional action.

The following year, with the commitment of Senators Frist and Jeffords to address this issue, I introduced a bill to ensure we would effectively provide the needed protections to prevent genetic discrimination in the health insurance industry. In turn, that bill was the basis for an amendment offered by Senator Jeffords, to the Fiscal Year 2001 Departments of Labor, Health and Human Services Appropriations bill which passed the Senate by a vote of 58–40.

While that victory was a notable step forward, unfortunately, it was not followed by the enactment of our bill. It did, however, re-spark the debate—which helped lay the foundation for our subsequent efforts.

Indeed, in March of 2002, I was again joined by Senators Frist and Jeffords in introducing an updated version of our bill with the added support of Senator GREGG and Senator ENZI. That bill not only addressed what had become the real threat of employment discrimination but also captured the changing world of science as this was the first bill to include what we had learned with the completion of the Genome Project.

In June of 2003, after sixteen months of bipartisan negotiation, we achieved a unified, bipartisan agreement to address genetic discrimination. Today we again introduce the legislation encompassing that agreement, which the Senate has twice passed . . . unanimously.

The bill we are introducing again today addresses genetic discrimination in both employment and health insurance based on the firm foundation of current law. With regard to health insurance, the issues are clear and familiar, and something the Senate has debated before, in the context of the consideration of larger privacy issues. Indeed, as Congress considered what is now the Health Insurance Portability and Accountability Act of 1996, we also addressed the issues of privacy of medical information.

Moreover, any legislation that seeks to fully address these issues must consider the interaction of the new protections with the privacy rule which was mandated by HIPAA—and our legislation does just that. Specifically, we clarify the protections of genetic information as well as information on the request or receipt of genetic tests, from being used by the insurer against the patient.

Because the fact of the matter is, genetic information only detects the potential for a genetically linked disease or disorder—and potential does not equal a diagnosis of disease. At the same time, it is critical that this information be available to doctors and other health care professionals when necessary to diagnose, or treat, an illness. This is a distinction that begs our acknowledgment, as we discuss protect patients from potential discriminatory practices by insurers.

On the subject of employment discrimination, unlike our legislative history on debating health privacy matters, the issues surrounding protecting genetic information from workplace discrimination is not as extensive. To that end, our bipartisan bill creates these protections in the workplace—and there should be no question of this need.

As demonstrated by the Burlington Northern case, the threat of employment discrimination is very real, and therefore it is essential that we take this information off the table, so to speak, before the use of this information becomes more widespread. While Congress has not yet debated this specific type of employment discrimination, we have a great deal of employment case law and legislative history on which to build.

Indeed, as we considered the need for this type of protection, we agreed that we must extend current law discrimination protections to genetic information. We reviewed current employment discrimination law and considered what sort of remedies people would have for instances of genetic discrimination and if these remedies would be different from those available to people under current law—for instance under the ADA or the EEOC. The bill we introduce today creates new protections by paralleling current law and clarifies the remedies available to victims of discrimination. Ensuring that regardless of whether a person is discriminated against because of their religion, their race or their DNA, these people will all receive the same strong protections under the law.

Indeed, I believe those who have questioned the need for this legislation will see that if we can provide these protections, then individuals can avail themselves of medical knowledge which will not only improve their health, but will reduce health care costs. For employers attempting to address the escalating cost of coverage, isn't it essential to utilize our investment in advancing medical knowledge to prevent disease and disability? Isn't that just the sort of action we need to encourage to reduce health costs and make our businesses, large and small, more competitive?

Indeed we have seen the business community recognizing the critical importance of putting our medical investment to work tc reduce health costs . . . not discouraging employees from undergoing tests that could prevent disease or death. To that end, I noted during the last Congress that IBM pledged to not use genetic information in its hiring practices or in deciding eligibility for health insurance coverage. This demonstrates an admirable understanding of how such discrimination can harm both individuals and business.

It has been more than six years since the completion of the working draft of the Human Genome. Like a book which is never opened, the wonders of the Human Genome are useless unless people are willing to take advantage of it. This bill is the product of over a year of bipartisan negotiations and is a shining example of what we can accomplish if we set aside partisan differences in order to address the challenges facing the American people. Certainly this bill was only possible due to the commitment of members working together—setting aside partisanship—and for that I am grateful.

I know I speak for my colleagues when I say that it is my hope that we shall see this bill again receive the unanimous support of the Senate and that this will allow the House of Representatives to act swiftly to pass this legislation so that the President can sign this bill into law and finally ensure the American public is protected from this newest form of discrimination.

Mr. KENNEDY. Mr. President, it is a privilege to introduce the Genetic Information Nondiscrimination Act of 2007. It is an honor to join Senator SNOWE, Senator ENZI, Senator DODD, Senator HARKIN, Senator GREGG, and other members of our committee in support of this needed legislation.

I especially commend Senator SNOWE for her leadership in this effort to establish protections for the public against genetic discrimination. It is now over a decade since Senator SNOWE first introduced legislation on the issue. It passed the Senate 98-0 in the last Congress, and I am very hopeful we can work with our colleagues in the House and enact it into law, so that our people will finally have the protections they need against the misuse of genetic information.

In this century of the life sciences, much of what we learn through biomedical research is being translated into new treatments and cures, and nowhere is the explosion of scientific progress more apparent than in the field of genetics. Four years after the remarkable achievement of discovering the sequence of the human genome, clinical testing is now possible for over a thousand genetic diseases. It has led to rapid growth in the field of personalized medicine, in which patients' treatment and care is individualized according to their genetic makeup.

In the absence of federal protections, however, patients fear that undergoing genetic tests may lead to disqualification from future insurance coverage, or that an employer will fire them or deny a promotion based on the results of a genetic test. The consequence is that many Americans are choosing not to be tested, and are declining to participate in clinical trials so important for the development of new treatments.

Discrimination based on genetics is just as wrong as discrimination based on race or gender. Our bill provides specific protections for citizens against genetic discrimination. It prohibits health insurers from picking and choosing their customers based on genetics. Employers cannot fire or refuse to hire persons because of their genetic characteristics. It enables Americans to benefit from better health care through the use of genetic information, without the fear that it will be misused against them.

It is difficult to imagine information more personal or more private than a person's genetic makeup. It should not be shared by insurers or employers, or be used in making decisions about health coverage or a job. It should only be used by patients and their doctors to make the best diagnostic and treatment decisions they can.

In the near future, genetic tests will become even cheaper and more widely available. If we don't ban discrimination now, it may soon be routine for employers to use genetic tests to deny jobs to employees, based on their risk for disease.

If Congress enacts clear protections against genetic discrimination in employment and health insurance, all Americans will be able to enjoy the benefits of genetic research, free from the fear that their personal genetic information will be misused. If Congress fails to make sure that genetic information is used only for legitimate purposes, we may well squander the vast potential of genetic research to improve the nation's health.

The bill that we are considering today has been unanimously approved by the full Senate in the past two Congresses. We passed it 95–0 in the 108th Congress, and 98–0 in the 109th Congress. It had over 240 cosponsors in the House in both Congresses, but the leadership refused to bring it to a vote.

As President Bush himself has said, "Genetic information should be an opportunity to prevent and treat disease, not an excuse for discrimination. Just as our nation addressed discrimination based on race, we must now prevent discrimination based on genetic information."

We are closer than ever to enactment. I urge the Senate to approve the bill, and this time, I think we will finally see it become law.

By Mr. KENNEDY (for himself, Ms. MIKULSKI, Mr. LIEBERMAN, Mr. SCHUMER, Mr. DURBIN, and Mr. OBAMA):

S. 359. A bill to amend the Higher Education Act of 1965 to provide additional support to students; to the Committee on Finance.

Mr. KENNEDY. Mr. President, today I rise to introduce the Student Debt Relief Act of 2007.

It's long past time for Congress to take action to address the crisis in college affordability. The cost of college has more than tripled in the last 20 years. Today, the average cost of attendance at a 4-year public college is almost $13,000.

As a result, students and families are pinching pennies more than ever to pay for higher education. Increasingly, more and more students are finding it's just not possible. Every year, 400,000 students who are qualified to attend a 4-year college find themselves shut out because of cost factors.

At a time when 6 out of 10 jobs require some form of post-secondary training, this is completely unacceptable. When qualified students are blocked from the college gates because of cost, they're also blocked from their ticket to the American Dream. It's a situation that's putting our prosperity and economic security as a country at risk.

But the crisis on college affordability is not just limited to those most in need. Every low and middle income family in America is affected by it.

Today, the average student in the U.S. leaves college saddled with more than $17,000 in federal student loans on graduation day. At private universities, the level of student loan debt has increased 108 percent over the past decade. And at public universities, student loan debt has increased an astonishing 116 percent.

This mountain of debt is distorting countless young Americans' basic life choices, from decisions on their career, to getting married, to buying a home, and to starting a family. It's discouraging many from occupations such as teaching, social work and law enforcement, which are lower paying, but bring large rewards for our society. And it's perpetuating a shameful status quo, in which low-income and first-generation students are far less likely to earn a college degree than other students.

It's obvious we need to act immediately to make both college costs and student debt more manageable—and that is what this bill is all about. The Student Debt Relief Act will help lift the financial yoke that burdens our students and families as they try to pay for college.

To assist our neediest students, it will immediately increase the maximum Pell Grant from $4050 to $5100 with mandatory funding. The Pell Grant has been the indispensable lifeline to college for low-income and middle income students for more than 40 years. But today—after five years of broken promises from the President to increase the maximum grant—we've seen its buying power erode.

Twenty years ago, the maximum Pell grant covered 55 percent of the cost of tuition, fees, room and board at a public 4-year college. Now it covers less than 32 percent of those costs. Over the last five years, the gap between the cost of attending college and the maximum Pell grant has continued to grow.

In addition, for the first time in six years, the average Pell Grant has declined. We must reverse this trend. It's time to say, No more broken promises. That's what we'll do by passing the Student Debt Relief Act. The Act will also cut interest rates in half—from 6.8 percent to 3.4 percent—on new student loans for our neediest students.

Last year, the Republican Congress allowed interest rates to rise on student loans, putting college even further out of reach for millions of students. Because of this interest rate hike, typical student borrowers—already straining with more than $17,000 in debt—will be forced to pay an additional $5,800 for their college loans.

But a new day has now dawned in Congress, and last week, our colleagues in the House showed they have their priorities right on college costs by cutting student loan interest rates in half. Now it's our turn in the Senate. But we won't stop there.

We also need to do more to help students manage the burden of unreasonable debt on their student loans. No student should have to mortgage their future to pay for college. And no one should have their lives thrown into disarray when unexpected financial hardship makes it much harder for them to make their student loan payments.

That's why the Student Debt Relief Act caps student loan payments at 15 percent of monthly discretionary income. It forgives loans after 25 years, and also provides a 10-year loan forgiveness option for students who work in public service professions.

This Act will also help reform our broken student loan system, which is larded with inexcusably large subsidies to big lenders and filled with rules that are unfriendly to borrowers.

Like my Student Aid Reward Act, it gives colleges new incentives to offer loans to students through the Direct Loan program—which is cheaper for taxpayers—rather than the more expensive loan FFEL program that's operated through private lenders.

President Bush's own figures back this up. According to his 2007 education budget, the privately-funded student loan program costs taxpayers $6 more for every $100 lent than the same loans made through the Direct Loan program.

When colleges switch to the less-expensive program, the Student Debt Relief Act will let them keep a portion of the savings to the government generated by that switch by giving it back to the schools, in the form of increased Pell Grant aid to students.

The savings generated by this Act will be enough to increase federal Pell Grants by $1000 each at many colleges, making higher education more affordable for millions of students. For example, in my home state of Massachusetts, college students would reap an extra $53 million in Pell Grant scholarships per year. And all told, it could generate an additional $13 billion in Pell Grants for students over 10 years.

The Student Debt Relief Act also extends the college tuition tax deduction, increasing the allowable deduction to $12,000. It repeals the student-unfriendly rule that prevents students from consolidating their loans while they're still in school, and allows them to reconsolidate them as well.

In the Direct Loan program, it also reduces the origination fee that students pay when loans are made, also helping to ease the burden on borrowers. In short, it's a comprehensive plan to ease the double blow of soaring college costs and heavy student loan burdens. It's a plan we must move forward—for the sake of our students, their future, and the future of our Nation.

Access to college is the key to our opportunity, to our economy, and to our values. So we must act now.

Today, in communities across America, students are dreaming about what they want to be when they become adults. And as their parents watch tomorrow's doctors, teachers, engineers and lawyers in action, they know that all of those dreams depend on a college education.

When our children dream about their future, they need to know that those dreams are within their reach. A college education is the foundation of the opportunity society that will keep this country strong and growing in the 21st century. So let's work together to get it done.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 359

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Student Debt Relief Act of 2007".

SEC. 2. INCREASE IN FEDERAL PELL GRANTS.

(a) PROGRAM AUTHORITY.—Section 401(a)(1) of the Higher Education Act of 1965 (20 U.S.C. 1070a(a)(1)) is amended by striking "2004" and inserting "2012".

(b) AMOUNT OF GRANTS.—Section 401(b)(2)(A) of the Higher Education Act of 1965 (20 U.S.C. 1070a(b)(2)(A)) is amended by striking clauses (i) through (v) and inserting the following:

"(i) $5,100 for academic year 2007–2008;

"(ii) $5,400 for academic year 2008–2009;

"(iii) $5,700 for academic year 2009–2010;

"(iv) $6,000 for academic year 2010–2011; and

"(v) $6,300 for academic year 2011–2012,".

(c) ADDITIONAL FUNDS.—

(1) IN GENERAL.—For an academic year, there are authorized to be appropriated, and there are appropriated, to carry out paragraph (2) (in addition to any other amounts appropriated to carry out section 401 of the Higher Education Act of 1965 (20 U.S.C. 1070a) and out of any money in the Treasury not otherwise appropriated) as follows:

(A) For academic year 2007–2008, $4,331,000,000.

(B) For academic year 2008–2009, $5,674,000,000.

(C) For academic year 2009–2010, $7,050,000,000.

(D) For academic year 2010–2011, $8,452,000,000.

(E) For academic year 2011–2012, $9,894,000,000.

(2) INCREASE IN PELL GRANTS.—The amounts made available pursuant to paragraph (1) shall be used to increase the amount of the maximum Federal Pell Grant under section 401 of the Higher Education Act of 1965 (20 U.S.C. 1070a) for which funds are appropriated under appropriations Acts for a fiscal year by—

(A) $1,050 for award year 2007–2008;

(B) $1,350 for award year 2008–2009;

(C) $1,650 for award year 2009–2010;

(D) $1,950 for award year 2010–2011; and

(E) $2,250 for award year 2011–2012.

SEC. 3. STUDENT AID REWARD PROGRAM.

Part G of title IV of the Higher Education Act of 1965 (20 U.S.C. 1088 et seq.) is amended by inserting after section 489 the following:

"SEC. 489A. STUDENT AID REWARD PROGRAM.

"(a) PROGRAM AUTHORIZED.—The Secretary shall carry out a Student Aid Reward Program to encourage institutions of higher education to participate in the student loan program under this title that is most cost-effective for taxpayers.

"(b) PROGRAM REQUIREMENTS.—In carrying out the Student Aid Reward Program, the Secretary shall—

"(1) provide to each institution of higher education participating in the student loan program under this title that is most cost-effective for taxpayers, a Student Aid Reward Payment, in an amount determined in accordance with subsection (c), to encourage the institution to participate in that student loan program;

"(2) require each institution of higher education receiving a payment under this section to provide student loans under such student loan program for a period of 5 years after the date the first payment is made under this section;

"(3) where appropriate, require that funds paid to institutions of higher education under this section be used to award students a supplement to such students' Federal Pell Grants under subpart 1 of part A;

"(4) permit such funds to also be used to award need-based grants to lower- and middle-income graduate students; and

"(5) encourage all institutions of higher education to participate in the Student Aid Reward Program under this section.

"(c) AMOUNT.—The amount of a Student Aid Reward Payment under this section shall be not less than 50 percent of the savings to the Federal Government generated by the institution of higher education's participation in the student loan program under this title that is most cost-effective for taxpayers instead of the institution's participation in the student loan program that is not most cost-effective for taxpayers.

"(d) TRIGGER TO ENSURE COST NEUTRALITY.—

"(1) LIMIT TO ENSURE COST NEUTRALITY.—Notwithstanding subsection (c), the Secretary shall not distribute Student Aid Reward Payments under the Student Aid Reward Program that, in the aggregate, exceed the Federal savings resulting from the implementation of the Student Aid Reward Program.

"(2) FEDERAL SAVINGS.—In calculating Federal savings, as used in paragraph (1), the Secretary shall determine Federal savings on loans made to students at institutions of higher education that participate in the student loan program under this title that is most cost-effective for taxpayers and that, on the date of enactment of this section, participated in the student loan program that is not most cost-effective for taxpayers, resulting from the difference of—

"(A) the Federal cost of loan volume made under the student loan program under this title that is most cost-effective for taxpayers; and

"(B) the Federal cost of an equivalent type and amount of loan volume made, insured, or guaranteed under the student loan program under this title that is not most cost-effective for taxpayers.

"(3) DISTRIBUTION RULES.—If the Federal savings determined under paragraph (2) is not sufficient to distribute full Student Aid Reward Payments under the Student Aid Reward Program, the Secretary shall—

"(A) first make Student Aid Reward Payments to those institutions of higher education that participated in the student loan program under this title that is not most cost-effective for taxpayers on the date of enactment of this section; and

"(B) with any remaining Federal savings after making Student Aid Reward Payments under subparagraph (A), make Student Aid Reward Payments to the institutions of higher education eligible for a Student Aid Reward Payment and not described in subparagraph (A) on a pro-rata basis.

"(4) DISTRIBUTION TO STUDENTS.—Any institution of higher education that receives a Student Aid Reward Payment under this section—

"(A) shall distribute, where appropriate, part or all of such payment among the students of such institution who are Federal Pell Grant recipients by awarding such students a supplemental grant; and

"(B) may distribute part of such payment as a supplemental grant to graduate students in financial need.

"(5) ESTIMATES, ADJUSTMENTS, AND CARRY OVER.—

"(A) ESTIMATES AND ADJUSTMENTS.—The Secretary shall make Student Aid Reward Payments to institutions of higher education on the basis of estimates, using the best data available at the beginning of an academic or fiscal year. If the Secretary determines thereafter that loan program costs for that academic or fiscal year were different than such estimate, the Secretary shall adjust by reducing or increasing subsequent Student Aid Reward Payments rewards paid to such institutions of higher education to reflect such difference.

"(B) CARRY OVER.—Any institution of higher education that receives a reduced Student Aid Reward Payment under paragraph (3)(B), shall remain eligible for the unpaid portion of such institution's financial reward payment, as well as any additional financial reward payments for which the institution is otherwise eligible, in subsequent academic or fiscal years.

"(e) DEFINITION.—In this section:

"(1) STUDENT LOAN PROGRAM UNDER THIS TITLE THAT IS MOST COST-EFFECTIVE FOR TAXPAYERS.—The term 'student loan program under this title that is most cost-effective for taxpayers' means the loan program under part B or D of this title that has the lowest overall cost to the Federal Government (including administrative costs) for the loans authorized by such parts.

"(2) STUDENT LOAN PROGRAM UNDER THIS TITLE THAT IS NOT MOST COST-EFFECTIVE FOR TAXPAYERS.—The term 'student loan program under this title that is not most cost-effective for taxpayers' means the loan program under part B or D of this title that does not have the lowest overall cost to the Federal Government (including administrative costs) for the loans authorized by such parts.".

SEC. 4. INTEREST RATE REDUCTIONS.

(a) FFEL INTEREST RATES.—

(1) Section 427A(*l*) of the Higher Education Act of 1965 (20 U.S.C. 1077a(*l*)) is amended by adding at the end the following:

"(4) REDUCED RATES FOR UNDERGRADUATE SUBSIDIZED LOANS.—Notwithstanding subsection (h) and paragraph (1) of this subsection, with respect to any loan to an undergraduate student made, insured, or guaranteed under this part (other than a loan made pursuant to section 428B, 428C, or 428H) for which the first disbursement is made on or after July 1, 2006, and before July 1, 2012, the applicable rate of interest shall be as follows:

"(A) For a loan for which the first disbursement is made on or after July 1, 2006, and before July 1, 2007, 6.8 percent on the unpaid principal balance of the loan.

"(B) For a loan for which the first disbursement is made on or after July 1, 2007, and before July 1, 2008, 6.12 percent on the unpaid principal balance of the loan.

"(C) For a loan for which the first disbursement is made on or after July 1, 2008, and before July 1, 2009, 5.44 percent on the unpaid principal balance of the loan.

"(D) For a loan for which the first disbursement is made on or after July 1, 2009, and before July 1, 2010, 4.76 percent on the unpaid principal balance of the loan.

"(E) For a loan for which the first disbursement is made on or after July 1, 2010, and before July 1, 2011, 4.08 percent on the unpaid principal balance of the loan.

"(F) For a loan for which the first disbursement is made on or after July 1, 2011, and before July 1, 2012, 3.40 percent on the unpaid principal balance of the loan.".

(2) SPECIAL ALLOWANCE CROSS REFERENCE.—Section 438(b)(2)(I)(ii)(II) of such Act is amended by striking "section 427A(l)(1)" and inserting "section 427A(*l*)(1) or (*l*)(4)".

(b) DIRECT LOAN INTEREST RATES.—Section 455(b)(7) of the Higher Education Act of 1965 (20 U.S.C. 1087e(b)(7)) is amended by adding at the end the following:

"(D) REDUCED RATES FOR UNDERGRADUATE FDSL.—Notwithstanding the preceding paragraphs of this subsection, for Federal Direct Stafford Loans made to undergraduate students for which the first disbursement is made on or after July 1, 2006, and before July 1, 2012, the applicable rate of interest shall be as follows:

"(i) For a loan for which the first disbursement is made on or after July 1, 2006, and before July 1, 2007, 6.8 percent on the unpaid principal balance of the loan.

"(ii) For a loan for which the first disbursement is made on or after July 1, 2007, and before July 1, 2008, 6.12 percent on the unpaid principal balance of the loan.

"(iii) For a loan for which the first disbursement is made on or after July 1, 2008, and before July 1, 2009, 5.44 percent on the unpaid principal balance of the loan.

"(iv) For a loan for which the first disbursement is made on or after July 1, 2009, and before July 1, 2010, 4.76 percent on the unpaid principal balance of the loan.

"(v) For a loan for which the first disbursement is made on or after July 1, 2010, and before July 1, 2011, 4.08 percent on the unpaid principal balance of the loan.

"(vi) For a loan for which the first disbursement is made on or after July 1, 2011, and before July 1, 2012, 3.40 percent on the unpaid principal balance of the loan.".

SEC. 5. INCOME CONTINGENT REPAYMENT FOR PUBLIC SECTOR EMPLOYEES.

Section 455(e) of the Higher Education Act of 1965 (20 U.S.C. 1087e(e)) is amended by adding at the end the following:

"(7) REPAYMENT PLAN FOR PUBLIC SECTOR EMPLOYEES.—

"(A) IN GENERAL.—The Secretary shall forgive the balance due on any loan made under this part or section 428C(b)(5) for a borrower—

"(i) who has made 120 payments on such loan pursuant to income contingent repayment; and

"(ii) who is employed, and was employed for the 10-year period in which the borrower made the 120 payments described in clause (i), in a public sector job.

"(B) PUBLIC SECTOR JOB.—In this paragraph, the term 'public sector job' means a full-time job in emergency management, government, public safety, law enforcement, public health, education (including early childhood education), social work in a public child or family service agency, or public interest legal services (including prosecution or public defense).

"(8) RETURN TO STANDARD REPAYMENT.—A borrower who is repaying a loan made under this part pursuant to income contingent repayment may choose, at any time, to terminate repayment pursuant to income contingent repayment and repay such loan under the standard repayment plan.".

SEC. 6. FAIR PAYMENT ASSURANCE.

(a) AMENDMENT.—Part G of title IV of the Higher Education Act of 1965 (20 U.S.C. 1088 et seq.) is further amended by adding at the end the following:

"SEC. 493C. FAIR PAYMENT ASSURANCE.

"(a) DEFINITIONS.—In this section:

"(1) EXCEPTED PLUS LOAN.—The term 'excepted PLUS loan' means a loan under section 428B, or a Federal Direct PLUS Loan, that is made, insured, or guaranteed on behalf of a dependent student.

"(2) PARTIAL FINANCIAL HARDSHIP.—The term 'partial financial hardship' means the amount by which the annual amount due on the total amount of loans made, insured, or guaranteed under part B or D (other than an excepted PLUS loan) to a borrower as calculated under the standard repayment plan under section 428(b)(9)(A)(i) or 455(d)(1)(A) exceeds 15 percent of the result obtained by calculating the amount by which—

"(A) the borrower's adjusted gross income; exceeds

"(B) 150 percent of the poverty line applicable to the borrower's family size as determined under section 673(2) of the Community Services Block Grant Act.

"(b) FAIR PAYMENT ASSURANCE PROGRAM AUTHORIZED.—Notwithstanding any other provision of this Act, the Secretary shall carry out a program under which—

"(1) a borrower of any loan made, insured or guaranteed under part B or D (other than an excepted PLUS loan) who has a partial financial hardship may elect, during any period the borrower has the partial financial hardship, to have the borrower's aggregate monthly payment for all such loans not exceed 15 percent of the result described in subsection (a)(2) divided by 12;

"(2) the holder of such a loan shall apply the borrower's monthly payment under this subsection first toward interest due on the loan and then toward the principal of the loan;

"(3) any interest due and not paid under paragraph (2)—

"(A) in the case of a Federal Stafford Loan or Federal Direct Stafford Loan, shall be paid by the Secretary; or

"(B) in the case of any other loan under part B or D (other than a loan described in subparagraph (A) or an excepted PLUS loan), shall be capitalized;

"(4) any principal due and not paid under paragraph (2) shall be deferred in the same manner as deferments under section 428(b)(1)(M);

"(5) the amount of time the borrower makes monthly payments under paragraph (1) may exceed 10 years;

"(6) if the borrower no longer has a partial financial hardship or no longer wishes to continue the election under this subsection, then—

"(A) the maximum monthly payment required to be paid for all loans made to the borrower under part B or D (other than an excepted PLUS loan) shall not exceed the monthly amount calculated under section 428(b)(9)(A)(i) or 455(d)(1)(A) when the borrower first made the election described in this subsection; and

"(B) the amount of time the borrower is permitted to repay such loans may exceed 10 years; and

"(7) the Secretary shall repay or cancel any outstanding balance of principal and interest due on all loans made under part B or D (other than an excepted PLUS Loan) to a borrower who—

"(A) is in deferment due to an economic hardship described in section 435(o) for a period of time prescribed by the Secretary, not to exceed 25 years; or

"(B)(i) makes the election under this subsection; and

"(ii) for a period of time prescribed by the Secretary, not to exceed 25 years (including any period during which the borrower is in deferment due to an economic hardship described in section 435(o)), meets any 1 or more of the following requirements:

"(I) Has made reduced monthly payments under paragraph (1).

"(II) Has made monthly payments of not less than the monthly amount calculated under section 428(b)(9)(A)(i) or 455(d)(1)(A) when the borrower first made the election described in this subsection.

"(III) Has made payments under a standard repayment plan under section 428(b)(9)(A)(i) or 455(d)(1)(A).

"(IV) Has made payments under an income contingent repayment plan under section 455(d)(1)(D).".

(b) CONFORMING ICR AMENDMENT.—Section 455(d)(1)(D) of the Higher Education Act of 1965 (20 U.S.C. 1087e(d)(1)(D)) is amended by inserting "made on behalf of a dependent student" after "PLUS loan".

SEC. 7. DEFINITION OF ECONOMIC HARDSHIP.

Section 435(o) of the Higher Education Act of 1965 (20 U.S.C. 1085(o)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A)(ii), by striking "100 percent of the poverty line for a family of 2" and inserting "150 percent of the poverty line applicable to the borrower's family size";

(B) by striking subparagraph (B); and

(C) by redesignating subparagraph (C) as subparagraph (B); and

(2) in paragraph (2), by striking "(1)(C)" and inserting "(1)(B)".

SEC. 8. DEFERRALS.

(a) FISL.—Section 427(a)(2)(C)(iii) of the Higher Education Act of 1965 (20 U.S.C. 1077(a)(2)(C)(iii)) is amended by striking "not in excess of 3 years".

(b) INTEREST SUBSIDIES.—Section 428(b)(1)(M)(iv) of the Higher Education Act of 1965 (20 U.S.C. 1078(b)(1)(M)(iv)) is amended by striking "not in excess of 3 years".

(c) DIRECT LOANS.—Section 455(f)(2)(D) of the Higher Education Act of 1965 (20 U.S.C. 1087e(f)(2)(D)) is amended by striking "not in excess of 3 years".

(d) PERKINS.—Section 464(c)(2)(A)(iv) of the Higher Education Act of 1965 (20 U.S.C. 1087dd(c)(2)(A)(iv)) is amended by striking "not in excess of 3 years".

SEC. 9. MAXIMUM REPAYMENT PERIOD.

(a) IN GENERAL.—Section 455(e) of the Higher Education Act of 1965 (20 U.S.C. 1087e(e)) is amended by adding at the end the following:

"(7) MAXIMUM REPAYMENT PERIOD.—In calculating the extended period of time for which an income contingent repayment plan under this subsection may be in effect for a borrower, the Secretary shall include all time periods during which a borrower of loans under part B, part D, or part E—

"(A) is not in default on any loan that is included in the income contingent repayment plan; and

"(B)(i) is in deferment due to an economic hardship described in section 435(o);

"(ii) makes monthly payments under paragraph (1) or (6) of section 493C(b); or

"(iii) makes payments under a standard repayment plan described in section 428(b)(9)(A)(i) or subsection (d)(1)(A).".

(b) Technical Correction.—Section 455(d)(1)(C)) (20 U.S.C. 1087e(d)(1)(C)) is amended by striking "428(b)(9)(A)(v)" and inserting "428(b)(9)(A)(iv)".

SEC. 10. IN-SCHOOL CONSOLIDATION.

Section 428(b)(7)(A) of the Higher Education Act of 1965 (20 U.S.C. 1078(b)(7)(A)) is amended by striking "shall begin" and all that follows through the period and inserting "shall begin—

"(i) the day after 6 months after the date the student ceases to carry at least one-half the normal full-time academic workload (as determined by the institution); or

"(ii) on an earlier date if the borrower requests and is granted a repayment schedule that provides for repayment to commence at an earlier date.".

SEC. 11. CONSOLIDATION LOAN CHANGES.

Section 428C(a)(3) of the Higher Education Act of 1965 (20 U.S.C. 1078–3(a)(3)) is amended to read as follows:

"(3) Definition of eligible borrower.—For the purpose of this section, the term 'eligible borrower' means a borrower who—

"(A) is not subject to a judgment secured through litigation with respect to a loan under this title or to an order for wage garnishment under section 488A; and

"(B) at the time of application for a consolidation loan—

"(i) is in repayment status as determined under section 428(b)(7)(A);

"(ii) is in a grace period preceding repayment; or

"(iii) is a defaulted borrower who has made arrangements to repay the obligation on the defaulted loans satisfactory to the holders of the defaulted loans.".

SEC. 12. REDUCTION OF DIRECT LOAN ORIGINATION FEES.

Section 455(c) of the Higher Education Act of 1965 (20 U.S.C. 1087e(c)) is amended—

(1) in paragraph (1)—

(A) by striking "4.0 percent" and inserting "3.0 percent"; and

(B) by striking "shall" and inserting "is authorized to"; and

(2) in paragraph (2)—

(A) in subparagraph (A), by striking "'3.0 percent' for '4.0 percent'" and inserting "'2.0 percent' for '3.0 percent'";

(B) in subparagraph (B), by striking "'2.5 percent' for '4.0 percent'" and inserting "'1.5 percent' for '3.0 percent'";

(C) in subparagraph (C), by striking "'2.0 percent' for '4.0 percent'" and inserting "'1.0 percent' for '3.0 percent'";

(D) in subparagraph (D), by striking "'1.5 percent' for '4.0 percent'" and inserting "'0.5 percent' for '3.0 percent'"; and

(E) in subparagraph (E), by striking "'1.0 percent' for '4.0 percent'" and inserting "'0.0 percent' for '3.0 percent'".

SEC. 13. ADMINISTRATIVE ACCOUNT FOR DIRECT LOAN PROGRAM.

Section 458 of the Higher Education Act of 1965 (20 U.S.C. 1087h) is amended—

(1) in subsection (a)—

(A) by striking paragraphs (2) and (3) and inserting the following:

"(2) Mandatory funds for fiscal years 2007 through 2011.—Each fiscal year there shall be available to the Secretary, from funds not otherwise appropriated, funds to be obligated for—

"(A) administrative costs under this part and part B, including the costs of the direct student loan programs under this part; and

"(B) account maintenance fees payable to guaranty agencies under part B and calculated in accordance with subsection (b),

not to exceed (from such funds not otherwise appropriated) $904,000,000 (less any amounts previously appropriated for the costs and fees described this paragraph for fiscal year 2007) for fiscal year 2007, $943,000,000 for fiscal year 2008, $983,000,000 for fiscal year 2009, $1,023,000,000 for fiscal year 2010, $1,064,000,000 for fiscal year 2011, and $1,106,000,000 for fiscal year 2012.";

(B) by redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively; and

(C) in paragraph (3) (as redesignated in subparagraph (B)), by striking "paragraph (3)" and inserting "paragraph (2)"; and

(2) in subsection (b), by striking "(a)(3)" and inserting "(a)(2)".

SEC. 14. COLLEGE TUITION DEDUCTION AND CREDIT FOR INTEREST ON HIGHER EDUCATION LOANS.

(a) Expansion of Deduction for Higher Education Expenses.—

(1) Amount of deduction.—Subsection (b) of section 222 of the Internal Revenue Code of 1986 (relating to deduction for qualified tuition and related expenses) is amended to read as follows:

"(b) Limitations.—

"(1) Dollar limitations.—

"(A) In general.—Except as provided in paragraph (2), the amount allowed as a deduction under subsection (a) with respect to the taxpayer for any taxable year shall not exceed the applicable dollar limit.

"(B) Applicable dollar limit.—The applicable dollar limit for any taxable year shall be determined as follows:

"Taxable year:	**Applicable dollar amount:**
2007	$8,000
2008 and thereafter	$12,000.

"(2) Limitation based on modified adjusted gross income.—

"(A) In general.—The amount which would (but for this paragraph) be taken into account under subsection (a) shall be reduced (but not below zero) by the amount determined under subparagraph (B).

"(B) Amount of reduction.—The amount determined under this subparagraph equals the amount which bears the same ratio to the amount which would be so taken into account as—

"(i) the excess of—

"(I) the taxpayer's modified adjusted gross income for such taxable year, over

"(II) $65,000 ($130,000 in the case of a joint return), bears to

"(ii) $15,000 ($30,000 in the case of a joint return).

"(C) Modified adjusted gross income.—For purposes of this paragraph, the term 'modified adjusted gross income' means the adjusted gross income of the taxpayer for the taxable year determined—

"(i) without regard to this section and sections 199, 911, 931, and 933, and

"(ii) after the application of sections 86, 135, 137, 219, 221, and 469.

For purposes of the sections referred to in clause (ii), adjusted gross income shall be determined without regard to the deduction allowed under this section.

"(D) Inflation adjustments.—

"(i) In general.—In the case of any taxable year beginning in a calendar year after 2007, both of the dollar amounts in subparagraph (B)(i)(II) shall be increased by an amount equal to—

"(I) such dollar amount, multiplied by

"(II) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, by substituting 'calendar year 2006' for 'calendar year 1992' in subparagraph (B) thereof.

"(ii) Rounding.—If any amount as adjusted under clause (i) is not a multiple of $50, such amount shall be rounded to the nearest multiple of $50.".

(2) Qualified tuition and related expenses of eligible students.—

(A) In general.—Section 222(a) of the Internal Revenue Code of 1986 (relating to allowance of deduction) is amended by inserting "of eligible students" after "expenses".

(B) Definition of eligible student.—Section 222(d) of such Code (relating to definitions and special rules) is amended by redesignating paragraphs (2) through (6) as paragraphs (3) through (7), respectively, and by inserting after paragraph (1) the following new paragraph:

"(2) Eligible student.—The term 'eligible student' has the meaning given such term by section 25A(b)(3).".

(3) Deduction made permanent.—Title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 (relating to sunset of provisions of such Act) shall not apply to the amendments made by section 431 of such Act.

(4) Effective date.—The amendments made by this subsection shall apply to payments made in taxable years beginning after December 31, 2006.

(b) Credit for Interest on Higher Education Loans.—

(1) In general.—Subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to nonrefundable personal credits) is amended by inserting after section 25D the following new section:

"SEC. 25E. INTEREST ON HIGHER EDUCATION LOANS.

"(a) Allowance of Credit.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the interest paid by the taxpayer during the taxable year on any qualified education loan.

"(b) Maximum Credit.—

"(1) In general.—Except as provided in paragraph (2), the credit allowed by subsection (a) for the taxable year shall not exceed $1,500.

"(2) Limitation based on modified adjusted gross income.—

"(A) In general.—If the modified adjusted gross income of the taxpayer for the taxable year exceeds $50,000 ($100,000 in the case of a joint return), the amount which would (but for this paragraph) be allowable as a credit under this section shall be reduced (but not below zero) by the amount which bears the same ratio to the amount which would be so allowable as such excess bears to $20,000 ($40,000 in the case of a joint return).

"(B) Modified adjusted gross income.—The term 'modified adjusted gross income' means adjusted gross income determined without regard to sections 199, 222, 911, 931, and 933.

"(C) Inflation adjustment.—In the case of any taxable year beginning after 2007, the

$50,000 and $100,000 amounts referred to in subparagraph (A) shall be increased by an amount equal to—

"(i) such dollar amount, multiplied by

"(ii) the cost-of-living adjustment determined under section (1)(f)(3) for the calendar year in which the taxable year begins, by substituting '2006' for '1992'.

"(D) ROUNDING.—If any amount as adjusted under subparagraph (C) is not a multiple of $50, such amount shall be rounded to the nearest multiple of $50.

"(c) DEPENDENTS NOT ELIGIBLE FOR CREDIT.—No credit shall be allowed by this section to an individual for the taxable year if a deduction under section 151 with respect to such individual is allowed to another taxpayer for the taxable year beginning in the calendar year in which such individual's taxable year begins.

"(d) LIMIT ON PERIOD CREDIT ALLOWED.—A credit shall be allowed under this section only with respect to interest paid on any qualified education loan during the first 60 months (whether or not consecutive) in which interest payments are required. For purposes of this paragraph, any loan and all refinancings of such loan shall be treated as 1 loan.

"(e) DEFINITIONS.—For purposes of this section—

"(1) QUALIFIED EDUCATION LOAN.—The term 'qualified education loan' has the meaning given such term by section 221(d)(1).

"(2) DEPENDENT.—The term 'dependent' has the meaning given such term by section 152.

"(f) SPECIAL RULES.—

"(1) DENIAL OF DOUBLE BENEFIT.—No credit shall be allowed under this section for any amount taken into account for any deduction under any other provision of this chapter.

"(2) MARRIED COUPLES MUST FILE JOINT RETURN.—If the taxpayer is married at the close of the taxable year, the credit shall be allowed under subsection (a) only if the taxpayer and the taxpayer's spouse file a joint return for the taxable year.

"(3) MARITAL STATUS.—Marital status shall be determined in accordance with section 7703.".

(2) CONFORMING AMENDMENT.—The table of sections for subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after the item relating to section 25D the following new item:

"Sec. 25E. Interest on higher education loans.".

(3) EFFECTIVE DATE.—The amendments made by this section shall apply to any qualified education loan (as defined in section 25E(e)(1) of the Internal Revenue Code of 1986, as added by this section) incurred on, before, or after the date of the enactment of this Act, but only with respect to any loan interest payment due after December 31, 2006.

Mr. OBAMA. Mr. President, since coming to the Senate two years ago, I have worked to fulfill pledges I made during my campaign. The first piece of legislation I introduced, the HOPE Act, addressed my pledge to make college more affordable. The HOPE Act arose from what I heard when meeting people across Illinois during my Senate campaign, and what I now continue to hear from students and families across the Nation.

The dreams of our Nation's youth increasingly require a college diploma, but that diploma is becoming, for many, ever more difficult to attain. That difficulty arises not from lack of ambition or aptitude, but from lack of any realistic way for many American families to afford the requisite college education.

This difficulty impacts not only the dreams of millions of students, but also the wellbeing of our Nation. Competition in the global economy requires the attainment of a college degree, in order to create and strengthen the innovative and flexible workforce America needs.

But as college costs increase, financial aid lags. The College Board reports that over the most recent five-year period, the cost of tuition and fees at public four-year colleges jumped 35 percent, even adjusting for inflation. Over that same five-year period, the maximum award offered by the Federal Government through Pell grants increased little. As a result, the proportion of college expenses met by Pell Grants decreased from 42 percent to 33 percent over that five-year period. At the same time, we see that qualified high school graduates from low- and moderate-income families are much less likely to earn that college degree than their wealthier peers.

That is why I am pleased to support Senator KENNEDY as he introduces the Student Debt Relief Act. Not only does it substantially increase Federal support for the Pell Grant, it also takes other steps to make college more affordable. The Act proposes to cut student loan interest rates, to make loan reconsolidation more feasible for many students, and to cap the amount of monthly loan payments for graduates who enter public service careers.

These measures require a major investment. I believe we must continue to support qualified students who deserve the opportunity to turn their dreams into reality. I will continue to work to increase support for our students though the Pell Grant Program, and other measure that make a college degree attainable for many. This remains a priority for me, and I ask all my colleagues to join in this effort.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 35—EXPRESSING SUPPORT FOR PRAYER AT SCHOOL BOARD MEETINGS

Mr. VITTER (for himself and Mr. GRASSLEY) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 35

Whereas the freedom to practice religion and to express religious thought is acknowledged to be a fundamental and unalienable right belonging to all individuals;

Whereas the United States was founded on the principle of freedom of religion and not freedom from religion;

Whereas the framers intended that the first amendment to the Constitution would prohibit the Federal Government from enacting any law that favors one religious denomination over another, not prohibit any mention of religion or reference to God in civic dialogue;

Whereas in 1983, the Supreme Court held in Marsh v. Chambers, 463 U.S. 783, that the practice of opening legislative sessions with prayer has become part of the fabric of our society and invoking divine guidance on a public body entrusted with making the laws is not a violation of the Establishment Clause of the first amendment, but rather is simply a tolerable acknowledgment of beliefs widely held among the people of the Nation;

Whereas voluntary prayer in elected bodies should not be limited to prayer in State legislatures and Congress;

Whereas school boards are deliberative bodies of adults similar to a legislature in that they are elected by the people, act in the public interest, and hold sessions that are open to the public for voluntary attendance; and

Whereas voluntary prayer by an elected body should be protected under law and encouraged in society because voluntary prayer has become a part of the fabric of our society, voluntary prayer acknowledges beliefs widely held among the people of the Nation, and the Supreme Court has held that it is not a violation of the Establishment Clause for a public body to invoke divine guidance: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes that prayer before school board meetings is a protected act in accordance with the fundamental principles upon which the Nation was founded; and

(2) expresses support for the practice of prayer at the beginning of school board meetings.

SENATE RESOLUTION 36—HONORING WOMEN'S HEALTH ADVOCATE CYNTHIA BOLES DAILARD

MS. SNOWE (for herself and Mrs. CLINTON) submitted the following resolution; which was referred to the Committee on Judiciary.

S. RES. 36

Whereas women's health advocate Cynthia Boles Dailard was born on February 29, 1968 and grew up in Syosset, New York;

Whereas Cynthia Dailard excelled as a student both at Harvard University, from which she graduated cum laude with a bachelor's degree in English in 1990, and at the University of California at Berkeley's Boalt Hall School of Law, from which she graduated in 1994;

Whereas Cynthia Dailard entered the nonprofit sector upon graduating from law school, receiving a year-long fellowship at the National Women's Law Center in Washington, D.C.;

Whereas Cynthia Dailard worked as legislative assistant and counsel for Senator Olympia J. Snowe, bringing to bear her keen intelligence, vision, energy, expertise, and talent in service to the Nation and the women of the United States;

Whereas Cynthia Dailard worked as associate director for domestic policy for President William J. Clinton;

Whereas Cynthia Dailard worked for 8 years for the Guttmacher Institute, a respected public policy think tank devoted to women's health;

Whereas Cynthia Dailard spearheaded the Guttmacher Institute's policy work on issues related to domestic family planning programs and sex education;

Whereas Cynthia Dailard was a member of the National Family Planning and Reproductive Health Association Board of Directors;

Whereas Cynthia Dailard spoke and wrote prolifically on matters including family planning, adolescent sexual behavior, and insurance coverage for contraception;

Whereas Cynthia Dailard worked in a bipartisan fashion with elected officials and their staffs to promote the health and wellbeing of women and families;

Whereas Cynthia Dailard was a gifted and passionate voice within the women's health community;

Whereas Cynthia Dailard was driven by an abiding concern for human relationships and the health and well-being of all individuals;

Whereas Cynthia Dailard has left a thoughtful and enduring mark on women's health policy and will remain a role model for advocates by virtue of her wisdom, character, commitment, and scholarship; and

Whereas Cynthia Dailard is survived by her husband Scott and her daughters Miranda and Julia: Now, therefore, be it

Resolved, That the Senate—

(1) notes with deep sorrow the death of Cynthia Boles Dailard on December 24, 2006;

(2) extends its heartfelt sympathy to Scott, Miranda, and Julia Dailard; and

(3) directs the Secretary of the Senate to transmit a copy of this resolution to the family of Cynthia Boles Dailard.

Mrs. CLINTON. I rise today to join my good friend Senator Snowe in introducing a resolution recognizing the life and untimely loss of a distinguished women's advocate and beloved friend to so many in New York, Washington and beyond: Cynthia Boles Dailard. A native New Yorker, Cynthia will be remembered not only for her incredible work and impressive career, but also for the way she touched so many in her all too short life.

Throughout her career, Cynthia impressed and inspired countless colleagues at the National Women's Law Center, as a legislative assistant and counsel for Senator Snowe and as an associate director for domestic policy in the Clinton Administration. She was known for working in a bipartisan manner to promote her passion: the health and wellbeing of women and their families. This passion was matched by a genuine concern for the lives of others.

Cynthia then moved to the Guttmacher Institute, where her passionate and talented voice catalyzed research and policy regarding family planning, adolescent sexual behavior and insurance coverage for contraception. In remembering Cynthia, her friends at the Institute noted how her prolific writings pushed the women's health community "to think deeply and to stretch in new directions." Indeed, it is the sort of innovative work that Cynthia was known for that impacts lives the most, as it spurs policy that can truly make a difference.

As we reflect upon Cynthia's life, we can see a path paved with far more than laudatory academic and professional achievement. Cynthia's legacy is one of commitment, thoughtfulness, character and kindness.

I remain touched by the myriad of ways Cynthia made a difference in people's lives as a wife and a mother, as a lawyer and a writer, and as an advocate and a friend.

I had the pleasure of working with Cynthia on numerous occasions and was always impressed with her intellect, knowledge and passion for women's health.

I extend my deepest sympathies to Cynthia's husband of 14 years, Scott and her daughters Miranda and Julia. And it is with the utmost respect that I pledge to celebrate Cynthia's work and her life through this resolution to honor her memory and through my work in the future to honor the health and wellbeing of women across America and throughout the world.

Ms. SNOWE. Mr. President, I rise today to submit a Senate resolution honoring an exceptional women's health advocate, Cynthia Boles Dailard, who tragically passed away on December 24, 2006.

Cynthia was an extraordinary person and a consummate professional who was passionately committed to the issues she believed in to the everlasting benefit of those who were helped by her enormous dedication. Her zest for living and the spark she carried within her inspired the same in others, especially with respect to improving the lives of America's women.

As a United States Senator from Maine, I was immensely pleased to have Cynthia work for me as a legislative aide for issues of particular importance to women. As one of only sixteen females in the Senate currently—and even fewer in the past—one of my major goals has always been ensuring that matters critical to girls and women are represented and addressed in our government. And Cynthia's family should be incredibly proud that, in that regard—and as I began my very first years in the Senate—I couldn't have asked for a better partner with the keen intelligence, vision, energy, and talent she brought to my office. I was extremely grateful to have the benefit of her service to the country and her wide-ranging expertise and acumen—and no one was more committed to the goal of advancing policy pertaining to America's women than Cynthia Dailard.

In developing groundbreaking initiatives, she not only served me well, but most critically she served the Nation well with her unfailing dedication to efforts that will reverberate for generations. As such, she was invaluable to me as she helped champion the campaign to improve the quality of life of those in my State and across the country.

But above all in her work, Cynthia was effective as an advocate because she was engaged in causes that were a true labor of love. She adhered to those beliefs that motivated her to action, and as a result she made a tremendous difference. She stood as a testament to the ideal of finding a passion and following it—to the fulfillment of oneself and the betterment of all. She also exemplified an intellectual curiosity and a steadfast devotion to learning, for their own sake as well as instruments for improving the greater community—traits that are instructive to us all.

All of us who were touched by Cynthia's life are greatly saddened—she will be forever missed but always remembered and we will hold dear in perpetuity the countless and timeless memories of her. Our thoughts and prayers are with her husband, Scott, and their daughters, Miranda and Julia.

AMENDMENTS SUBMITTED AND PROPOSED

SA 100. Mr. REID (for Mr. Baucus) proposed an amendment to the bill H.R. 2, to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage.

SA 101. Mr. McCONNELL (for Mr. Gregg (for himself, Mr. DeMint, Mr. McConnell, Mr. Lott, Mr. Kyl, Mrs. Hutchison, Mr. Cornyn, Mr. Allard, Mr. Crapo, Mr. Bunning, Mr. Vitter, Mr. Brownback, Mrs. Dole, Mr. Alexander, Mr. Thomas, Mr. Craig, Mr. Burr, Mr. McCain, Mr. Sununu, Mr. Enzi, Mr. Martinez, Mr. Chambliss, Mr. Sessions, Mr. Coleman, Mr. Graham, Mr. Voinovich, Mr. Isakson, Mr. Coburn, Mr. Ensign, and Mr. Thune)) proposed an amendment to amendment SA 100 proposed by Mr. Reid (for Mr. Baucus) to the bill H.R. 2, supra.

SA 102. Mr. ROBERTS submitted an amendment intended to be proposed by him to the bill H.R. 2, supra; which was ordered to lie on the table.

SA 103. Mr. ENZI (for Ms. Snowe (for herself, Mr. Enzi, and Ms. Landrieu)) proposed an amendment to amendment SA 100 proposed by Mr. Reid (for Mr. Baucus) to the bill H.R. 2, supra.

SA 104. Mr. WYDEN (for himself, Mr. Smith, Mrs. Feinstein, and Mrs. Boxer) submitted an amendment intended to be proposed by him to the bill H.R. 2, supra; which was ordered to lie on the table.

SA 105. Mr. MARTINEZ submitted an amendment intended to be proposed by him to the bill H.R. 2, supra; which was ordered to lie on the table.

SA 106. Mr. SESSIONS (for himself, Mr. Kohl, and Mrs. Hutchison) proposed an amendment to amendment SA 100 proposed by Mr. Reid (for Mr. Baucus) to the bill H.R. 2, supra.

SA 107. Mr. SESSIONS proposed an amendment to amendment SA 100 proposed by Mr. Reid (for Mr. Baucus) to the bill H.R. 2, supra.

SA 108. Mr. SESSIONS proposed an amendment to amendment SA 100 proposed by Mr. Reid (for Mr. Baucus) to the bill H.R. 2, supra.

SA 109. Mr. REID proposed an amendment to the concurrent resolution H. Con. Res. 38, providing for a joint session of Congress to receive a message from the President.

SA 110. Mr. VITTER (for himself and Mr. VOINOVICH) submitted an amendment intended to be proposed by him to the bill H.R. 2, to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 100. Mr. REID (for Mr. BAUCUS) proposed an amendment to the bill H.R. 2, to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage; as follows:

Strike all after the enacting clause and insert the following:

TITLE I—FAIR MINIMUM WAGE

SEC. 100. SHORT TITLE.

This title may be cited as the "Fair Minimum Wage Act of 2007".

SEC. 101. MINIMUM WAGE.

(a) IN GENERAL.—Section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) is amended to read as follows:

"(1) except as otherwise provided in this section, not less than—

"(A) $5.85 an hour, beginning on the 60th day after the date of enactment of the Fair Minimum Wage Act of 2007;

"(B) $6.55 an hour, beginning 12 months after that 60th day; and

"(C) $7.25 an hour, beginning 24 months after that 60th day;".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect 60 days after the date of enactment of this Act.

SEC. 102. APPLICABILITY OF MINIMUM WAGE TO THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS.

(a) IN GENERAL.—Section 6 of the Fair Labor Standards Act of 1938 (29 U.S.C. 206) shall apply to the Commonwealth of the Northern Mariana Islands.

(b) TRANSITION.—Notwithstanding subsection (a), the minimum wage applicable to the Commonwealth of the Northern Mariana Islands under section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) shall be—

(1) $3.55 an hour, beginning on the 60th day after the date of enactment of this Act; and

(2) increased by $0.50 an hour (or such lesser amount as may be necessary to equal the minimum wage under section 6(a)(1) of such Act), beginning 6 months after the date of enactment of this Act and every 6 months thereafter until the minimum wage applicable to the Commonwealth of the Northern Mariana Islands under this subsection is equal to the minimum wage set forth in such section.

TITLE II—SMALL BUSINESS TAX INCENTIVES

SEC. 200. SHORT TITLE; AMENDMENT OF CODE.

(a) SHORT TITLE.—This title may be cited as the "Small Business and Work Opportunity Act of 2007".

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

Subtitle A—Small Business Tax Relief Provisions

PART I—GENERAL PROVISIONS

SEC. 201. EXTENSION OF INCREASED EXPENSING FOR SMALL BUSINESSES.

Section 179 (relating to election to expense certain depreciable business assets) is amended by striking "2010" each place it appears and inserting "2011".

SEC. 202. EXTENSION AND MODIFICATION OF 15-YEAR STRAIGHT-LINE COST RECOVERY FOR QUALIFIED LEASEHOLD IMPROVEMENTS AND QUALIFIED RESTAURANT IMPROVEMENTS; 15-YEAR STRAIGHT-LINE COST RECOVERY FOR CERTAIN IMPROVEMENTS TO RETAIL SPACE.

(a) EXTENSION OF LEASEHOLD AND RESTAURANT IMPROVEMENTS.—

(1) IN GENERAL.—Clauses (iv) and (v) of section 168(e)(3)(E) (relating to 15-year property) are each amended by striking "January 1, 2008" and inserting "April 1, 2008".

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to property placed in service after December 31, 2007.

(b) MODIFICATION OF TREATMENT OF QUALIFIED RESTAURANT PROPERTY AS 15-YEAR PROPERTY FOR PURPOSES OF DEPRECIATION DEDUCTION.—

(1) TREATMENT TO INCLUDE NEW CONSTRUCTION.—Paragraph (7) of section 168(e) (relating to classification of property) is amended to read as follows:

"(7) QUALIFIED RESTAURANT PROPERTY.—The term 'qualified restaurant property' means any section 1250 property which is a building (or its structural components) or an improvement to such building if more than 50 percent of such building's square footage is devoted to preparation of, and seating for on-premises consumption of, prepared meals.".

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to any property placed in service after the date of the enactment of this Act, the original use of which begins with the taxpayer after such date.

(c) RECOVERY PERIOD FOR DEPRECIATION OF CERTAIN IMPROVEMENTS TO RETAIL SPACE.—

(1) 15-YEAR RECOVERY PERIOD.—Section 168(e)(3)(E) (relating to 15-year property) is amended by striking "and" at the end of clause (vii), by striking the period at the end of clause (viii) and inserting ", and", and by adding at the end the following new clause:

"(ix) any qualified retail improvement property placed in service before April 1, 2008.".

(2) QUALIFIED RETAIL IMPROVEMENT PROPERTY.—Section 168(e) is amended by adding at the end the following new paragraph:

"(8) QUALIFIED RETAIL IMPROVEMENT PROPERTY.—

"(A) IN GENERAL.—The term 'qualified retail improvement property' means any improvement to an interior portion of a building which is nonresidential real property if—

"(i) such portion is open to the general public and is used in the retail trade or business of selling tangible personal property to the general public, and

"(ii) such improvement is placed in service more than 3 years after the date the building was first placed in service.

"(B) IMPROVEMENTS MADE BY OWNER.—In the case of an improvement made by the owner of such improvement, such improvement shall be qualified retail improvement property (if at all) only so long as such improvement is held by such owner. Rules similar to the rules under paragraph (6)(B) shall apply for purposes of the preceding sentence.

"(C) CERTAIN IMPROVEMENTS NOT INCLUDED.—Such term shall not include any improvement for which the expenditure is attributable to—

"(i) the enlargement of the building,

"(ii) any elevator or escalator,

"(iii) any structural component benefitting a common area, or

"(iv) the internal structural framework of the building.".

(3) REQUIREMENT TO USE STRAIGHT LINE METHOD.—Section 168(b)(3) is amended by adding at the end the following new subparagraph:

"(I) Qualified retail improvement property described in subsection (e)(8).".

(4) ALTERNATIVE SYSTEM.—The table contained in section 168(g)(3)(B) is amended by inserting after the item relating to subparagraph (E)(viii) the following new item:

"(E)(ix) .... 39".

(5) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act.

SEC. 203. CLARIFICATION OF CASH ACCOUNTING RULES FOR SMALL BUSINESS.

(a) CASH ACCOUNTING PERMITTED.—

(1) IN GENERAL.—Section 446 (relating to general rule for methods of accounting) is amended by adding at the end the following new subsection:

"(g) CERTAIN SMALL BUSINESS TAXPAYERS PERMITTED TO USE CASH ACCOUNTING METHOD WITHOUT LIMITATION.—

"(1) IN GENERAL.—An eligible taxpayer shall not be required to use an accrual method of accounting for any taxable year.

"(2) ELIGIBLE TAXPAYER.—For purposes of this subsection, a taxpayer is an eligible taxpayer with respect to any taxable year if—

"(A) for each of the prior taxable years ending on or after the date of the enactment of this subsection, the taxpayer (or any predecessor) met the gross receipts test in effect under section 448(c) for such taxable year, and

"(B) the taxpayer is not subject to section 447 or 448.".

(2) EXPANSION OF GROSS RECEIPTS TEST.—

(A) IN GENERAL.—Paragraph (3) of section 448(b) (relating to entities with gross receipts of not more than $5,000,000) is amended to read as follows:

"(3) ENTITIES MEETING GROSS RECEIPTS TEST.—Paragraphs (1) and (2) of subsection (a) shall not apply to any corporation or partnership for any taxable year if, for each of the prior taxable years ending on or after the date of the enactment of the Small Business and Work Opportunity Act of 2007, the entity (or any predecessor) met the gross receipts test in effect under subsection (c) for such prior taxable year.".

(B) CONFORMING AMENDMENTS.—Section 448(c) of such Code is amended—

(i) by striking "$5,000,000" in the heading thereof,

(ii) by striking "$5,000,000" each place it appears in paragraph (1) and inserting "$10,000,000", and

(iii) by adding at the end the following new paragraph:

"(4) INFLATION ADJUSTMENT.—In the case of any taxable year beginning in a calendar year after 2008, the dollar amount contained in paragraph (1) shall be increased by an amount equal to—

"(A) such dollar amount, multiplied by

"(B) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, by substituting 'calendar year 2007' for 'calendar year 1992' in subparagraph (B) thereof. If any amount as adjusted under this subparagraph is not a multiple of $100,000, such amount shall be rounded to the nearest multiple of $100,000.''.

(b) Clarification of Inventory Rules for Small Business.—

(1) In general.—Section 471 (relating to general rule for inventories) is amended by redesignating subsection (c) as subsection (d) and by inserting after subsection (b) the following new subsection:

''(c) Small Business Taxpayers Not Required to Use Inventories.—

''(1) In general.—A qualified taxpayer shall not be required to use inventories under this section for a taxable year.

''(2) Treatment of taxpayers not using inventories.—If a qualified taxpayer does not use inventories with respect to any property for any taxable year beginning after the date of the enactment of this subsection, such property shall be treated as a material or supply which is not incidental.

''(3) Qualified taxpayer.—For purposes of this subsection, the term 'qualified taxpayer' means—

''(A) any eligible taxpayer (as defined in section 446(g)(2)), and

''(B) any taxpayer described in section 448(b)(3).''.

(2) Conforming amendments.—

(A) Subpart D of part II of subchapter E of chapter 1 is amended by striking section 474.

(B) The table of sections for subpart D of part II of subchapter E of chapter 1 is amended by striking the item relating to section 474.

(c) Effective Date and Special Rules.—

(1) In general.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

(2) Change in method of accounting.—In the case of any taxpayer changing the taxpayer's method of accounting for any taxable year under the amendments made by this section—

(A) such change shall be treated as initiated by the taxpayer;

(B) such change shall be treated as made with the consent of the Secretary of the Treasury; and

(C) the net amount of the adjustments required to be taken into account by the taxpayer under section 481 of the Internal Revenue Code of 1986 shall be taken into account over a period (not greater than 4 taxable years) beginning with such taxable year.

SEC. 204. EXTENSION AND MODIFICATION OF COMBINED WORK OPPORTUNITY TAX CREDIT AND WELFARE-TO-WORK CREDIT.

(a) Extension.—Section 51(c)(4)(B) (relating to termination) is amended by striking ''2007'' and inserting ''2012''.

(b) Increase in Maximum Age for Designated Community Residents.—

(1) In general.—Paragraph (5) of section 51(d) is amended to read as follows:

''(5) Designated community residents.—

''(A) In general.—The term 'designated community resident' means any individual who is certified by the designated local agency—

''(i) as having attained age 18 but not age 40 on the hiring date, and

''(ii) as having his principal place of abode within an empowerment zone, enterprise community, or renewal community.

''(B) Individual must continue to reside in zone or community.—In the case of a designated community resident, the term 'qualified wages' shall not include wages paid or incurred for services performed while the individual's principal place of abode is outside an empowerment zone, enterprise community, or renewal community.''.

(2) Conforming amendment.—Subparagraph (D) of section 51(d)(1) is amended to read as follows:

''(D) a designated community resident,''.

(c) Clarification of Treatment of Individuals Under Individual Work Plans.—Subparagraph (B) of section 51(d)(6) (relating to vocational rehabilitation referral) is amended by striking ''or'' at the end of clause (i), by striking the period at the end of clause (ii) and inserting '', or'', and by adding at the end the following new clause:

''(iii) an individual work plan developed and implemented by an employment network pursuant to subsection (g) of section 1148 of the Social Security Act with respect to which the requirements of such subsection are met.''.

(d) Treatment of Disabled Veterans Under the Work Opportunity Tax Credit.—

(1) Disabled veterans treated as members of targeted group.—

(A) In general.—Subparagraph (A) of section 51(d)(3) (relating to qualified veteran) is amended by striking ''agency as being a member of a family'' and all that follows and inserting ''agency as—

''(i) being a member of a family receiving assistance under a food stamp program under the Food Stamp Act of 1977 for at least a 3-month period ending during the 12-month period ending on the hiring date, or

''(ii) entitled to compensation for a service-connected disability incurred after September 10, 2001.''.

(B) Definitions.—Paragraph (3) of section 51(d) is amended by adding at the end the following new subparagraph:

''(C) Other definitions.—For purposes of subparagraph (A), the terms 'compensation' and 'service-connected' have the meanings given such terms under section 101 of title 38, United States Code.''.

(2) Increase in amount of wages taken into account for disabled veterans.—Paragraph (3) of section 51(b) is amended—

(A) by inserting ''($12,000 per year in the case of any individual who is a qualified veteran by reason of subsection (d)(3)(A)(ii))'' before the period at the end, and

(B) by striking ''Only first $6,000 of'' in the heading and inserting ''Limitation on''.

(e) Effective Date.—The amendments made by this section shall apply to individuals who begin work for the employer after the date of the enactment of this Act, in taxable years ending after such date.

SEC. 205. CERTIFIED PROFESSIONAL EMPLOYER ORGANIZATIONS.

(a) Employment Taxes.—Chapter 25 (relating to general provisions relating to employment taxes) is amended by adding at the end the following new section:

''SEC. 3511. CERTIFIED PROFESSIONAL EMPLOYER ORGANIZATIONS.

''(a) General Rules.—For purposes of the taxes, and other obligations, imposed by this subtitle—

''(1) a certified professional employer organization shall be treated as the employer (and no other person shall be treated as the employer) of any work site employee performing services for any customer of such organization, but only with respect to remuneration remitted by such organization to such work site employee, and

''(2) exclusions, definitions, and other rules which are based on the type of employer and which would (but for paragraph (1)) apply shall apply with respect to such taxes imposed on such remuneration.

''(b) Successor Employer Status.—For purposes of sections 3121(a)(1), 3231(e)(2)(C), and 3306(b)(1)—

''(1) a certified professional employer organization entering into a service contract with a customer with respect to a work site employee shall be treated as a successor employer and the customer shall be treated as a predecessor employer during the term of such service contract, and

''(2) a customer whose service contract with a certified professional employer organization is terminated with respect to a work site employee shall be treated as a successor employer and the certified professional employer organization shall be treated as a predecessor employer.

''(c) Liability of Certified Professional Employer Organization.—Solely for purposes of its liability for the taxes, and other obligations, imposed by this subtitle—

''(1) a certified professional employer organization shall be treated as the employer of any individual (other than a work site employee or a person described in subsection (f)) who is performing services covered by a contract meeting the requirements of section 7705(e)(2), but only with respect to remuneration remitted by such organization to such individual, and

''(2) exclusions, definitions, and other rules which are based on the type of employer and which would (but for paragraph (1)) apply shall apply with respect to such taxes imposed on such remuneration.

''(d) Treatment of Credits.—

''(1) In general.—For purposes of any credit specified in paragraph (2)—

''(A) such credit with respect to a work site employee performing services for the customer applies to the customer, not the certified professional employer organization,

''(B) the customer, and not the certified professional employer organization, shall take into account wages and employment taxes—

''(i) paid by the certified professional employer organization with respect to the work site employee, and

''(ii) for which the certified professional employer organization receives payment from the customer, and

''(C) the certified professional employer organization shall furnish the customer with any information necessary for the customer to claim such credit.

''(2) Credits specified.—A credit is specified in this paragraph if such credit is allowed under—

''(A) section 41 (credit for increasing research activity),

''(B) section 45A (Indian employment credit),

''(C) section 45B (credit for portion of employer social security taxes paid with respect to employee cash tips),

''(D) section 45C (clinical testing expenses for certain drugs for rare diseases or conditions),

''(E) section 51 (work opportunity credit),

''(F) section 51A (temporary incentives for employing long-term family assistance recipients),

''(G) section 1396 (empowerment zone employment credit),

''(H) 1400(d) (DC Zone employment credit),

''(I) Section 1400H (renewal community employment credit), and

''(J) any other section as provided by the Secretary.

''(e) Special Rule for Related Party.—This section shall not apply in the case of a customer which bears a relationship to a certified professional employer organization described in section 267(b) or 707(b). For purposes of the preceding sentence, such sections shall be applied by substituting '10 percent' for '50 percent'.

"(f) SPECIAL RULE FOR CERTAIN INDIVIDUALS.—For purposes of the taxes imposed under this subtitle, an individual with net earnings from self-employment derived from the customer's trade or business is not a work site employee with respect to remuneration paid by a certified professional employer organization.

"(g) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this section.".

(b) CERTIFIED PROFESSIONAL EMPLOYER ORGANIZATION DEFINED.—Chapter 79 (relating to definitions) is amended by adding at the end the following new section:

"SEC. 7705. CERTIFIED PROFESSIONAL EMPLOYER ORGANIZATIONS DEFINED.

"(a) IN GENERAL.—For purposes of this title, the term 'certified professional employer organization' means a person who has been certified by the Secretary for purposes of section 3511 as meeting the requirements of subsection (b).

"(b) GENERAL REQUIREMENTS.—A person meets the requirements of this subsection if such person—

"(1) demonstrates that such person (and any owner, officer, and such other persons as may be specified in regulations) meets such requirements as the Secretary shall establish with respect to tax status, background, experience, business location, and annual financial audits,

"(2) computes its taxable income using an accrual method of accounting unless the Secretary approves another method,

"(3) agrees that it will satisfy the bond and independent financial review requirements of subsection (c) on an ongoing basis,

"(4) agrees that it will satisfy such reporting obligations as may be imposed by the Secretary,

"(5) agrees to verify on such periodic basis as the Secretary may prescribe that it continues to meet the requirements of this subsection, and

"(6) agrees to notify the Secretary in writing within such time as the Secretary may prescribe of any change that materially affects whether it continues to meet the requirements of this subsection.

"(c) BOND AND INDEPENDENT FINANCIAL REVIEW REQUIREMENTS.—

"(1) IN GENERAL.—An organization meets the requirements of this paragraph if such organization—

"(A) meets the bond requirements of paragraph (2), and

"(B) meets the independent financial review requirements of paragraph (3).

"(2) BOND.—

"(A) IN GENERAL.—A certified professional employer organization meets the requirements of this paragraph if the organization has posted a bond for the payment of taxes under subtitle C (in a form acceptable to the Secretary) in an amount at least equal to the amount specified in subparagraph (B).

"(B) AMOUNT OF BOND.—For the period April 1 of any calendar year through March 31 of the following calendar year, the amount of the bond required is equal to the greater of—

"(i) 5 percent of the organization's liability under section 3511 for taxes imposed by subtitle C during the preceding calendar year (but not to exceed $1,000,000), or

"(ii) $50,000.

"(3) INDEPENDENT FINANCIAL REVIEW REQUIREMENTS.—A certified professional employer organization meets the requirements of this paragraph if such organization—

"(A) has, as of the most recent review date, caused to be prepared and provided to the Secretary (in such manner as the Secretary may prescribe) an opinion of an independent certified public accountant that the certified professional employer organization's financial statements are presented fairly in accordance with generally accepted accounting principles, and

"(B) provides, not later than the last day of the second month beginning after the end of each calendar quarter, to the Secretary from an independent certified public accountant an assertion regarding Federal employment tax payments and an examination level attestation on such assertion.

Such assertion shall state that the organization has withheld and made deposits of all taxes imposed by chapters 21, 22, and 24 of the Internal Revenue Code in accordance with regulations imposed by the Secretary for such calendar quarter and such examination level attestation shall state that such assertion is fairly stated, in all material respects.

"(4) CONTROLLED GROUP RULES.—For purposes of the requirements of paragraphs (2) and (3), all professional employer organizations that are members of a controlled group within the meaning of sections 414(b) and (c) shall be treated as a single organization.

"(5) FAILURE TO FILE ASSERTION AND ATTESTATION.—If the certified professional employer organization fails to file the assertion and attestation required by paragraph (3) with respect to any calendar quarter, then the requirements of paragraph (3) with respect to such failure shall be treated as not satisfied for the period beginning on the due date for such attestation.

"(6) REVIEW DATE.—For purposes of paragraph (3)(A), the review date shall be 6 months after the completion of the organization's fiscal year.

"(d) SUSPENSION AND REVOCATION AUTHORITY.—The Secretary may suspend or revoke a certification of any person under subsection (b) for purposes of section 3511 if the Secretary determines that such person is not satisfying the representations or requirements of subsections (b) or (c), or fails to satisfy applicable accounting, reporting, payment, or deposit requirements.

"(e) WORK SITE EMPLOYEE.—For purposes of this title—

"(1) IN GENERAL.—The term 'work site employee' means, with respect to a certified professional employer organization, an individual who—

"(A) performs services for a customer pursuant to a contract which is between such customer and the certified professional employer organization and which meets the requirements of paragraph (2), and

"(B) performs services at a work site meeting the requirements of paragraph (3).

"(2) SERVICE CONTRACT REQUIREMENTS.—A contract meets the requirements of this paragraph with respect to an individual performing services for a customer if such contract is in writing and provides that the certified professional employer organization shall—

"(A) assume responsibility for payment of wages to such individual, without regard to the receipt or adequacy of payment from the customer for such services,

"(B) assume responsibility for reporting, withholding, and paying any applicable taxes under subtitle C, with respect to such individual's wages, without regard to the receipt or adequacy of payment from the customer for such services,

"(C) assume responsibility for any employee benefits which the service contract may require the organization to provide, without regard to the receipt or adequacy of payment from the customer for such services,

"(D) assume responsibility for hiring, firing, and recruiting workers in addition to the customer's responsibility for hiring, firing and recruiting workers,

"(E) maintain employee records relating to such individual, and

"(F) agree to be treated as a certified professional employer organization for purposes of section 3511 with respect to such individual.

"(3) WORK SITE COVERAGE REQUIREMENT.—The requirements of this paragraph are met with respect to an individual if at least 85 percent of the individuals performing services for the customer at the work site where such individual performs services are subject to 1 or more contracts with the certified professional employer organization which meet the requirements of paragraph (2) (but not taking into account those individuals who are excluded employees within the meaning of section 414(q)(5)).

"(f) DETERMINATION OF EMPLOYMENT STATUS.—Except to the extent necessary for purposes of section 3511, nothing in this section shall be construed to affect the determination of who is an employee or employer for purposes of this title.

"(g) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this section.".

(c) CONFORMING AMENDMENTS.—

(1) Section 3302 is amended by adding at the end the following new subsection:

"(h) TREATMENT OF CERTIFIED PROFESSIONAL EMPLOYER ORGANIZATIONS.—If a certified professional employer organization (as defined in section 7705), or a customer of such organization, makes a contribution to the State's unemployment fund with respect to a work site employee, such organization shall be eligible for the credits available under this section with respect to such contribution.".

(2) Section 3303(a) is amended—

(A) by striking the period at the end of paragraph (3) and inserting "; and" and by inserting after paragraph (3) the following new paragraph:

"(4) if the taxpayer is a certified professional employer organization (as defined in section 7705) that is treated as the employer under section 3511, such certified professional employer organization is permitted to collect and remit, in accordance with paragraphs (1), (2), and (3), contributions during the taxable year to the State unemployment fund with respect to a work site employee.", and

(B) in the last sentence—

(i) by striking "paragraphs (1), (2), and (3)" and inserting "paragraphs (1), (2), (3), and (4)", and

(ii) by striking "paragraph (1), (2), or (3)" and inserting "paragraph (1), (2), (3), or (4)".

(3) Section 6053(c) (relating to reporting of tips) is amended by adding at the end the following new paragraph:

"(8) CERTIFIED PROFESSIONAL EMPLOYER ORGANIZATIONS.—For purposes of any report required by this subsection, in the case of a certified professional employer organization that is treated under section 3511 as the employer of a work site employee, the customer with respect to whom a work site employee performs services shall be the employer for purposes of reporting under this section and the certified professional employer organization shall furnish to the customer any information necessary to complete such reporting no later than such time as the Secretary shall prescribe.".

(d) Clerical Amendments.—

(1) The table of sections for chapter 25 is amended by adding at the end the following new item:

"Sec. 3511. Certified professional employer organizations.".

(2) The table of sections for chapter 79 is amended by inserting after the item relating to section 7704 the following new item:

"Sec. 7705. Certified professional employer organizations defined.".

(e) Reporting Requirements and Obligations.—The Secretary of the Treasury shall develop such reporting and recordkeeping rules, regulations, and procedures as the Secretary determines necessary or appropriate to ensure compliance with the amendments made by this section with respect to entities applying for certification as certified professional employer organizations or entities that have been so certified. Such rules shall be designed in a manner which streamlines, to the extent possible, the application of requirements of such amendments, the exchange of information between a certified professional employer organization and its customers, and the reporting and recordkeeping obligations of the certified professional employer organization.

(f) User Fees.—Subsection (b) of section 7528 (relating to Internal Revenue Service user fees) is amended by adding at the end the following new paragraph:

"(4) Certified professional employer organizations.—The fee charged under the program in connection with the certification by the Secretary of a professional employer organization under section 7705 shall not exceed $500.".

(g) Effective Dates.—

(1) In general.—The amendments made by this section shall apply with respect to wages for services performed on or after January 1 of the first calendar year beginning more than 12 months after the date of the enactment of this Act.

(2) Certification program.—The Secretary of the Treasury shall establish the certification program described in section 7705(b) of the Internal Revenue Code of 1986, as added by subsection (b), not later than 6 months before the effective date determined under paragraph (1).

(h) No Inference.—Nothing contained in this section or the amendments made by this section shall be construed to create any inference with respect to the determination of who is an employee or employer—

(1) for Federal tax purposes (other than the purposes set forth in the amendments made by this section), or

(2) for purposes of any other provision of law.

PART II—SUBCHAPTER S PROVISIONS

SEC. 211. CAPITAL GAIN OF S CORPORATION NOT TREATED AS PASSIVE INVESTMENT INCOME.

(a) In General.—Section 1362(d)(3) is amended by striking subparagraphs (B), (C), (D), (E), and (F) and inserting the following new subparagraph:

"(B) Passive investment income defined.—

"(i) In general.—Except as otherwise provided in this subparagraph, the term 'passive investment income' means gross receipts derived from royalties, rents, dividends, interest, and annuities.

"(ii) Exception for interest on notes from sales of inventory.—The term 'passive investment income' shall not include interest on any obligation acquired in the ordinary course of the corporation's trade or business from its sale of property described in section 1221(a)(1).

"(iii) Treatment of certain lending or finance companies.—If the S corporation meets the requirements of section 542(c)(6) for the taxable year, the term 'passive investment income' shall not include gross receipts for the taxable year which are derived directly from the active and regular conduct of a lending or finance business (as defined in section 542(d)(1)).

"(iv) Treatment of certain dividends.—If an S corporation holds stock in a C corporation meeting the requirements of section 1504(a)(2), the term 'passive investment income' shall not include dividends from such C corporation to the extent such dividends are attributable to the earnings and profits of such C corporation derived from the active conduct of a trade or business.

"(v) Exception for banks, etc.—In the case of a bank (as defined in section 581) or a depository institution holding company (as defined in section 3(w)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1813(w)(1)), the term 'passive investment income' shall not include—

"(I) interest income earned by such bank or company, or

"(II) dividends on assets required to be held by such bank or company, including stock in the Federal Reserve Bank, the Federal Home Loan Bank, or the Federal Agricultural Mortgage Bank or participation certificates issued by a Federal Intermediate Credit Bank.".

(b) Conforming Amendment.—Clause (i) of section 1042(c)(4)(A) is amended by striking "section 1362(d)(3)(C)" and inserting "section 1362(d)(3)(B)".

(c) Effective Date.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 212. TREATMENT OF BANK DIRECTOR SHARES.

(a) In General.—Section 1361 (defining S corporation) is amended by adding at the end the following new subsection:

"(f) Restricted Bank Director Stock.—

"(1) In general.—Restricted bank director stock shall not be taken into account as outstanding stock of the S corporation in applying this subchapter (other than section 1368(f)).

"(2) Restricted bank director stock.—For purposes of this subsection, the term 'restricted bank director stock' means stock in a bank (as defined in section 581) or a depository institution holding company (as defined in section 3(w)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1813(w)(1)), if such stock—

"(A) is required to be held by an individual under applicable Federal or State law in order to permit such individual to serve as a director, and

"(B) is subject to an agreement with such bank or company (or a corporation which controls (within the meaning of section 368(c)) such bank or company) pursuant to which the holder is required to sell back such stock (at the same price as the individual acquired such stock) upon ceasing to hold the office of director.

"(3) Cross reference.—

"For treatment of certain distributions with respect to restricted bank director stock, see section 1368(f)".

(b) Distributions.—Section 1368 (relating to distributions) is amended by adding at the end the following new subsection:

"(f) Restricted Bank Director Stock.—If a director receives a distribution (not in part or full payment in exchange for stock) from an S corporation with respect to any restricted bank director stock (as defined in section 1361(f)), the amount of such distribution—

"(1) shall be includible in gross income of the director, and

"(2) shall be deductible by the corporation for the taxable year of such corporation in which or with which ends the taxable year in which such amount in included in the gross income of the director.".

(c) Effective Dates.—

(1) In general.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006.

(2) Special rule for treatment as second class of stock.—In the case of any taxable year beginning after December 31, 1996, restricted bank director stock (as defined in section 1361(f) of the Internal Revenue Code of 1986, as added by this section) shall not be taken into account in determining whether an S corporation has more than 1 class of stock.

SEC. 213. SPECIAL RULE FOR BANK REQUIRED TO CHANGE FROM THE RESERVE METHOD OF ACCOUNTING ON BECOMING S CORPORATION.

(a) In General.—Section 1361, as amended by this Act, is amended by adding at the end the following new subsection:

"(g) Special Rule for Bank Required to Change From the Reserve Method of Accounting on Becoming S Corporation.—In the case of a bank which changes from the reserve method of accounting for bad debts described in section 585 or 593 for its first taxable year for which an election under section 1362(a) is in effect, the bank may elect to take into account any adjustments under section 481 by reason of such change for the taxable year immediately preceding such first taxable year.".

(b) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006.

SEC. 214. TREATMENT OF THE SALE OF INTEREST IN A QUALIFIED SUBCHAPTER S SUBSIDIARY.

(a) In General.—Subparagraph (C) of section 1361(b)(3) (relating to treatment of terminations of qualified subchapter S subsidiary status) is amended—

(1) by striking "For purposes of this title," and inserting the following:

"(i) In general.—For purposes of this title,", and

(2) by inserting at the end the following new clause:

"(ii) Termination by reason of sale of stock.—If the failure to meet the requirements of subparagraph (B) is by reason of the sale of stock of a corporation which is a qualified subchapter S subsidiary, the sale of such stock shall be treated as if—

"(I) the sale were a sale of an undivided interest in the assets of such corporation (based on the percentage of the corporation's stock sold), and

"(II) the sale were followed by an acquisition by such corporation of all of its assets (and the assumption by such corporation of all of its liabilities) in a transaction to which section 351 applies.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006 .

SEC. 215. ELIMINATION OF ALL EARNINGS AND PROFITS ATTRIBUTABLE TO PRE-1983 YEARS FOR CERTAIN CORPORATIONS.

In the case of a corporation which is—

(1) described in section 1311(a)(1) of the Small Business Job Protection Act of 1996, and

(2) not described in section 1311(a)(2) of such Act,

the amount of such corporation's accumulated earnings and profits (for the first taxable year beginning after the date of the enactment of this Act) shall be reduced by an amount equal to the portion (if any) of such accumulated earnings and profits which were accumulated in any taxable year beginning before January 1, 1983, for which such corporation was an electing small business corporation under subchapter S of the Internal Revenue Code of 1986.

SEC. 216. EXPANSION OF QUALIFYING BENEFICIARIES OF AN ELECTING SMALL BUSINESS TRUST.

(a) NO LOOK THROUGH FOR ELIGIBILITY PURPOSES.—Clause (v) of section 1361(c)(2)(B) is amended by adding at the end the following new sentence: "This clause shall not apply for purposes of subsection (b)(1)(C).".

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of the enactment of this Act.

Subtitle B—Revenue Provisions

SEC. 221. MODIFICATION OF EFFECTIVE DATE OF LEASING PROVISIONS OF THE AMERICAN JOBS CREATION ACT OF 2004.

(a) LEASES TO FOREIGN ENTITIES.—Section 849(b) of the American Jobs Creation Act of 2004 is amended by adding at the end the following new paragraph:

"(5) LEASES TO FOREIGN ENTITIES.—In the case of tax-exempt use property leased to a tax-exempt entity which is a foreign person or entity, the amendments made by this part shall apply to taxable years beginning after December 31, 2006, with respect to leases entered into on or before March 12, 2004.".

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in the enactment of the American Jobs Creation Act of 2004.

SEC. 222. APPLICATION OF RULES TREATING INVERTED CORPORATIONS AS DOMESTIC CORPORATIONS TO CERTAIN TRANSACTIONS OCCURRING AFTER MARCH 20, 2002.

(a) IN GENERAL.—Section 7874(b) (relating to inverted corporations treated as domestic corporations) is amended to read as follows:

"(b) INVERTED CORPORATIONS TREATED AS DOMESTIC CORPORATIONS.—

"(1) IN GENERAL.—Notwithstanding section 7701(a)(4), a foreign corporation shall be treated for purposes of this title as a domestic corporation if such corporation would be a surrogate foreign corporation if subsection (a)(2) were applied by substituting '80 percent' for '60 percent'.

"(2) SPECIAL RULE FOR CERTAIN TRANSACTIONS OCCURRING AFTER MARCH 20, 2002.—

"(A) IN GENERAL.—If—

"(i) paragraph (1) does not apply to a foreign corporation, but

"(ii) paragraph (1) would apply to such corporation if, in addition to the substitution under paragraph (1), subsection (a)(2) were applied by substituting 'March 20, 2002' for 'March 4, 2003' each place it appears,

then paragraph (1) shall apply to such corporation but only with respect to taxable years of such corporation beginning after December 31, 2006.

"(B) SPECIAL RULES.—Subject to such rules as the Secretary may prescribe, in the case of a corporation to which paragraph (1) applies by reason of this paragraph—

"(i) the corporation shall be treated, as of the close of its last taxable year beginning before January 1, 2007, as having transferred all of its assets, liabilities, and earnings and profits to a domestic corporation in a transaction with respect to which no tax is imposed under this title,

"(ii) the bases of the assets transferred in the transaction to the domestic corporation shall be the same as the bases of the assets in the hands of the foreign corporation, subject to any adjustments under this title for built-in losses,

"(iii) the basis of the stock of any shareholder in the domestic corporation shall be the same as the basis of the stock of the shareholder in the foreign corporation for which it is treated as exchanged, and

"(iv) the transfer of any earnings and profits by reason of clause (i) shall be disregarded in determining any deemed dividend or foreign tax creditable to the domestic corporation with respect to such transfer.

"(C) REGULATIONS.—The Secretary may prescribe such regulations as may be necessary or appropriate to carry out this paragraph, including regulations to prevent the avoidance of the purposes of this paragraph.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2006.

SEC. 223. DENIAL OF DEDUCTION FOR PUNITIVE DAMAGES.

(a) DISALLOWANCE OF DEDUCTION.—

(1) IN GENERAL.—Section 162(g) (relating to treble damage payments under the antitrust laws) is amended—

(A) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively,

(B) by striking "If" and inserting:

"(1) TREBLE DAMAGES.—If", and

(C) by adding at the end the following new paragraph:

"(2) PUNITIVE DAMAGES.—No deduction shall be allowed under this chapter for any amount paid or incurred for punitive damages in connection with any judgment in, or settlement of, any action. This paragraph shall not apply to punitive damages described in section 104(c).".

(2) CONFORMING AMENDMENT.—The heading for section 162(g) is amended by inserting "OR PUNITIVE DAMAGES" after "LAWS".

(b) INCLUSION IN INCOME OF PUNITIVE DAMAGES PAID BY INSURER OR OTHERWISE.—

(1) IN GENERAL.—Part II of subchapter B of chapter 1 (relating to items specifically included in gross income) is amended by adding at the end the following new section:

"SEC. 91. PUNITIVE DAMAGES COMPENSATED BY INSURANCE OR OTHERWISE.

"Gross income shall include any amount paid to or on behalf of a taxpayer as insurance or otherwise by reason of the taxpayer's liability (or agreement) to pay punitive damages.".

(2) REPORTING REQUIREMENTS.—Section 6041 (relating to information at source) is amended by adding at the end the following new subsection:

"(h) SECTION TO APPLY TO PUNITIVE DAMAGES COMPENSATION.—This section shall apply to payments by a person to or on behalf of another person as insurance or otherwise by reason of the other person's liability (or agreement) to pay punitive damages.".

(3) CONFORMING AMENDMENT.—The table of sections for part II of subchapter B of chapter 1 is amended by adding at the end the following new item:

"Sec. 91. Punitive damages compensated by insurance or otherwise.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to damages paid or incurred on or after the date of the enactment of this Act.

SEC. 224. DENIAL OF DEDUCTION FOR CERTAIN FINES, PENALTIES, AND OTHER AMOUNTS.

(a) IN GENERAL.—Subsection (f) of section 162 (relating to trade or business expenses) is amended to read as follows:

"(f) FINES, PENALTIES, AND OTHER AMOUNTS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), no deduction otherwise allowable shall be allowed under this chapter for any amount paid or incurred (whether by suit, agreement, or otherwise) to, or at the direction of, a government or entity described in paragraph (4) in relation to the violation of any law or the investigation or inquiry by such government or entity into the potential violation of any law.

"(2) EXCEPTION FOR AMOUNTS CONSTITUTING RESTITUTION OR PAID TO COME INTO COMPLIANCE WITH LAW.—Paragraph (1) shall not apply to any amount which—

"(A) the taxpayer establishes—

"(i) constitutes restitution (including remediation of property) for damage or harm caused by or which may be caused by the violation of any law or the potential violation of any law, or

"(ii) is paid to come into compliance with any law which was violated or involved in the investigation or inquiry, and

"(B) is identified as restitution or as an amount paid to come into compliance with the law, as the case may be, in the court order or settlement agreement.

A taxpayer shall not meet the requirements of subparagraph (A) solely by reason an identification under subparagraph (B). This paragraph shall not apply to any amount paid or incurred as reimbursement to the government or entity for the costs of any investigation or litigation.

"(3) EXCEPTION FOR AMOUNTS PAID OR INCURRED AS THE RESULT OF CERTAIN COURT ORDERS.—Paragraph (1) shall not apply to any amount paid or incurred by order of a court in a suit in which no government or entity described in paragraph (4) is a party.

"(4) CERTAIN NONGOVERNMENTAL REGULATORY ENTITIES.—An entity is described in this paragraph if it is—

"(A) a nongovernmental entity which exercises self-regulatory powers (including imposing sanctions) in connection with a qualified board or exchange (as defined in section 1256(g)(7)), or

"(B) to the extent provided in regulations, a nongovernmental entity which exercises self-regulatory powers (including imposing sanctions) as part of performing an essential governmental function.

"(5) EXCEPTION FOR TAXES DUE.—Paragraph (1) shall not apply to any amount paid or incurred as taxes due.".

(b) REPORTING OF DEDUCTIBLE AMOUNTS.—

(1) IN GENERAL.—Subpart B of part III of subchapter A of chapter 61 is amended by inserting after section 6050V the following new section:

"SEC. 6050W. INFORMATION WITH RESPECT TO CERTAIN FINES, PENALTIES, AND OTHER AMOUNTS.

"(a) REQUIREMENT OF REPORTING.—

"(1) IN GENERAL.—The appropriate official of any government or entity which is described in section 162(f)(4) which is involved in a suit or agreement described in paragraph (2) shall make a return in such form as determined by the Secretary setting forth—

"(A) the amount required to be paid as a result of the suit or agreement to which paragraph (1) of section 162(f) applies,

"(B) any amount required to be paid as a result of the suit or agreement which constitutes restitution or remediation of property, and

"(C) any amount required to be paid as a result of the suit or agreement for the purpose of coming into compliance with any law which was violated or involved in the investigation or inquiry.

"(2) SUIT OR AGREEMENT DESCRIBED.—

"(A) IN GENERAL.—A suit or agreement is described in this paragraph if—

"(i) it is—

"(I) a suit with respect to a violation of any law over which the government or entity has authority and with respect to which there has been a court order, or

"(II) an agreement which is entered into with respect to a violation of any law over which the government or entity has authority, or with respect to an investigation or inquiry by the government or entity into the potential violation of any law over which such government or entity has authority, and

"(ii) the aggregate amount involved in all court orders and agreements with respect to the violation, investigation, or inquiry is $600 or more.

"(B) ADJUSTMENT OF REPORTING THRESHOLD.—The Secretary may adjust the $600 amount in subparagraph (A)(ii) as necessary in order to ensure the efficient administration of the internal revenue laws.

"(3) TIME OF FILING.—The return required under this subsection shall be filed not later than—

"(A) 30 days after the date on which a court order is issued with respect to the suit or the date the agreement is entered into, as the case may be, or

"(B) the date specified Secretary.

"(b) STATEMENTS TO BE FURNISHED TO INDIVIDUALS INVOLVED IN THE SETTLEMENT.—Every person required to make a return under subsection (a) shall furnish to each person who is a party to the suit or agreement a written statement showing—

"(1) the name of the government or entity, and

"(2) the information supplied to the Secretary under subsection (a)(1).

The written statement required under the preceding sentence shall be furnished to the person at the same time the government or entity provides the Secretary with the information required under subsection (a).

"(c) APPROPRIATE OFFICIAL DEFINED.—For purposes of this section, the term 'appropriate official' means the officer or employee having control of the suit, investigation, or inquiry or the person appropriately designated for purposes of this section.".

(2) CONFORMING AMENDMENT.—The table of sections for subpart B of part III of subchapter A of chapter 61 is amended by inserting after the item relating to section 6050V the following new item:

"Sec. 6050W. Information with respect to certain fines, penalties, and other amounts.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or incurred on or after the date of the enactment of this Act, except that such amendments shall not apply to amounts paid or incurred under any binding order or agreement entered into before such date. Such exception shall not apply to an order or agreement requiring court approval unless the approval was obtained before such date.

SEC. 225. REVISION OF TAX RULES ON EXPATRIATION OF INDIVIDUALS.

(a) IN GENERAL.—Subpart A of part II of subchapter N of chapter 1 is amended by inserting after section 877 the following new section:

"SEC. 877A. TAX RESPONSIBILITIES OF EXPATRIATION.

"(a) GENERAL RULES.—For purposes of this subtitle—

"(1) MARK TO MARKET.—Except as provided in subsections (d) and (f), all property of a covered expatriate to whom this section applies shall be treated as sold on the day before the expatriation date for its fair market value.

"(2) RECOGNITION OF GAIN OR LOSS.—In the case of any sale under paragraph (1)—

"(A) notwithstanding any other provision of this title, any gain arising from such sale shall be taken into account for the taxable year of the sale, and

"(B) any loss arising from such sale shall be taken into account for the taxable year of the sale to the extent otherwise provided by this title, except that section 1091 shall not apply to any such loss.

Proper adjustment shall be made in the amount of any gain or loss subsequently realized for gain or loss taken into account under the preceding sentence.

"(3) EXCLUSION FOR CERTAIN GAIN.—

"(A) IN GENERAL.—The amount which, but for this paragraph, would be includible in the gross income of any individual by reason of this section shall be reduced (but not below zero) by $600,000. For purposes of this paragraph, allocable expatriation gain taken into account under subsection (f)(2) shall be treated in the same manner as an amount required to be includible in gross income.

"(B) COST-OF-LIVING ADJUSTMENT.—

"(i) IN GENERAL.—In the case of an expatriation date occurring in any calendar year after 2007, the $600,000 amount under subparagraph (A) shall be increased by an amount equal to—

"(I) such dollar amount, multiplied by

"(II) the cost-of-living adjustment determined under section 1(f)(3) for such calendar year, determined by substituting 'calendar year 2006' for 'calendar year 1992' in subparagraph (B) thereof.

"(ii) ROUNDING RULES.—If any amount after adjustment under clause (i) is not a multiple of $1,000, such amount shall be rounded to the next lower multiple of $1,000.

"(4) ELECTION TO CONTINUE TO BE TAXED AS UNITED STATES CITIZEN.—

"(A) IN GENERAL.—If a covered expatriate elects the application of this paragraph—

"(i) this section (other than this paragraph and subsection (i)) shall not apply to the expatriate, but

"(ii) in the case of property to which this section would apply but for such election, the expatriate shall be subject to tax under this title in the same manner as if the individual were a United States citizen.

"(B) REQUIREMENTS.—Subparagraph (A) shall not apply to an individual unless the individual—

"(i) provides security for payment of tax in such form and manner, and in such amount, as the Secretary may require,

"(ii) consents to the waiver of any right of the individual under any treaty of the United States which would preclude assessment or collection of any tax which may be imposed by reason of this paragraph, and

"(iii) complies with such other requirements as the Secretary may prescribe.

"(C) ELECTION.—An election under subparagraph (A) shall apply to all property to which this section would apply but for the election and, once made, shall be irrevocable. Such election shall also apply to property the basis of which is determined in whole or in part by reference to the property with respect to which the election was made.

"(b) ELECTION TO DEFER TAX.—

"(1) IN GENERAL.—If the taxpayer elects the application of this subsection with respect to any property treated as sold by reason of subsection (a), the payment of the additional tax attributable to such property shall be postponed until the due date of the return for the taxable year in which such property is disposed of (or, in the case of property disposed of in a transaction in which gain is not recognized in whole or in part, until such other date as the Secretary may prescribe).

"(2) DETERMINATION OF TAX WITH RESPECT TO PROPERTY.—For purposes of paragraph (1), the additional tax attributable to any property is an amount which bears the same ratio to the additional tax imposed by this chapter for the taxable year solely by reason of subsection (a) as the gain taken into account under subsection (a) with respect to such property bears to the total gain taken into account under subsection (a) with respect to all property to which subsection (a) applies.

"(3) TERMINATION OF POSTPONEMENT.—No tax may be postponed under this subsection later than the due date for the return of tax imposed by this chapter for the taxable year which includes the date of death of the expatriate (or, if earlier, the time that the security provided with respect to the property fails to meet the requirements of paragraph (4), unless the taxpayer corrects such failure within the time specified by the Secretary).

"(4) SECURITY.—

"(A) IN GENERAL.—No election may be made under paragraph (1) with respect to any property unless adequate security is provided to the Secretary with respect to such property.

"(B) ADEQUATE SECURITY.—For purposes of subparagraph (A), security with respect to any property shall be treated as adequate security if—

"(i) it is a bond in an amount equal to the deferred tax amount under paragraph (2) for the property, or

"(ii) the taxpayer otherwise establishes to the satisfaction of the Secretary that the security is adequate.

"(5) WAIVER OF CERTAIN RIGHTS.—No election may be made under paragraph (1) unless the taxpayer consents to the waiver of any right under any treaty of the United States which would preclude assessment or collection of any tax imposed by reason of this section.

"(6) ELECTIONS.—An election under paragraph (1) shall only apply to property described in the election and, once made, is irrevocable. An election may be made under paragraph (1) with respect to an interest in a trust with respect to which gain is required to be recognized under subsection (f)(1).

"(7) INTEREST.—For purposes of section 6601—

"(A) the last date for the payment of tax shall be determined without regard to the election under this subsection, and

"(B) section 6621(a)(2) shall be applied by substituting '5 percentage points' for '3 percentage points' in subparagraph (B) thereof.

"(c) COVERED EXPATRIATE.—For purposes of this section—

"(1) IN GENERAL.—Except as provided in paragraph (2), the term 'covered expatriate' means an expatriate.

"(2) EXCEPTIONS.—An individual shall not be treated as a covered expatriate if—

“(A) the individual—

“(i) became at birth a citizen of the United States and a citizen of another country and, as of the expatriation date, continues to be a citizen of, and is taxed as a resident of, such other country, and

“(ii) has not been a resident of the United States (as defined in section 7701(b)(1)(A)(ii)) during the 5 taxable years ending with the taxable year during which the expatriation date occurs, or

“(B)(i) the individual's relinquishment of United States citizenship occurs before such individual attains age 18½, and

“(ii) the individual has been a resident of the United States (as so defined) for not more than 5 taxable years before the date of relinquishment.

“(d) EXEMPT PROPERTY; SPECIAL RULES FOR PENSION PLANS.—

“(1) EXEMPT PROPERTY.—This section shall not apply to the following:

“(A) UNITED STATES REAL PROPERTY INTERESTS.—Any United States real property interest (as defined in section 897(c)(1)), other than stock of a United States real property holding corporation which does not, on the day before the expatriation date, meet the requirements of section 897(c)(2).

“(B) SPECIFIED PROPERTY.—Any property or interest in property not described in subparagraph (A) which the Secretary specifies in regulations.

“(2) SPECIAL RULES FOR CERTAIN RETIREMENT PLANS.—

“(A) IN GENERAL.—If a covered expatriate holds on the day before the expatriation date any interest in a retirement plan to which this paragraph applies—

“(i) such interest shall not be treated as sold for purposes of subsection (a)(1), but

“(ii) an amount equal to the present value of the expatriate's nonforfeitable accrued benefit shall be treated as having been received by such individual on such date as a distribution under the plan.

“(B) TREATMENT OF SUBSEQUENT DISTRIBUTIONS.—In the case of any distribution on or after the expatriation date to or on behalf of the covered expatriate from a plan from which the expatriate was treated as receiving a distribution under subparagraph (A), the amount otherwise includible in gross income by reason of the subsequent distribution shall be reduced by the excess of the amount includible in gross income under subparagraph (A) over any portion of such amount to which this subparagraph previously applied.

“(C) TREATMENT OF SUBSEQUENT DISTRIBUTIONS BY PLAN.—For purposes of this title, a retirement plan to which this paragraph applies, and any person acting on the plan's behalf, shall treat any subsequent distribution described in subparagraph (B) in the same manner as such distribution would be treated without regard to this paragraph.

“(D) APPLICABLE PLANS.—This paragraph shall apply to—

“(i) any qualified retirement plan (as defined in section 4974(c)),

“(ii) an eligible deferred compensation plan (as defined in section 457(b)) of an eligible employer described in section 457(e)(1)(A), and

“(iii) to the extent provided in regulations, any foreign pension plan or similar retirement arrangements or programs.

“(e) DEFINITIONS.—For purposes of this section—

“(1) EXPATRIATE.—The term ‘expatriate’ means—

“(A) any United States citizen who relinquishes citizenship, and

“(B) any long-term resident of the United States who—

“(i) ceases to be a lawful permanent resident of the United States (within the meaning of section 7701(b)(6)), or

“(ii) commences to be treated as a resident of a foreign country under the provisions of a tax treaty between the United States and the foreign country and who does not waive the benefits of such treaty applicable to residents of the foreign country.

“(2) EXPATRIATION DATE.—The term ‘expatriation date’ means—

“(A) the date an individual relinquishes United States citizenship, or

“(B) in the case of a long-term resident of the United States, the date of the event described in clause (i) or (ii) of paragraph (1)(B).

“(3) RELINQUISHMENT OF CITIZENSHIP.—A citizen shall be treated as relinquishing United States citizenship on the earliest of—

“(A) the date the individual renounces such individual's United States nationality before a diplomatic or consular officer of the United States pursuant to paragraph (5) of section 349(a) of the Immigration and Nationality Act (8 U.S.C. 1481(a)(5)),

“(B) the date the individual furnishes to the United States Department of State a signed statement of voluntary relinquishment of United States nationality confirming the performance of an act of expatriation specified in paragraph (1), (2), (3), or (4) of section 349(a) of the Immigration and Nationality Act (8 U.S.C. 1481(a)(1)–(4)),

“(C) the date the United States Department of State issues to the individual a certificate of loss of nationality, or

“(D) the date a court of the United States cancels a naturalized citizen's certificate of naturalization.

Subparagraph (A) or (B) shall not apply to any individual unless the renunciation or voluntary relinquishment is subsequently approved by the issuance to the individual of a certificate of loss of nationality by the United States Department of State.

“(4) LONG-TERM RESIDENT.—The term ‘long-term resident’ has the meaning given to such term by section 877(e)(2).

“(f) SPECIAL RULES APPLICABLE TO BENEFICIARIES' INTERESTS IN TRUST.—

“(1) IN GENERAL.—Except as provided in paragraph (2), if an individual is determined under paragraph (3) to hold an interest in a trust on the day before the expatriation date—

“(A) the individual shall not be treated as having sold such interest,

“(B) such interest shall be treated as a separate share in the trust, and

“(C)(i) such separate share shall be treated as a separate trust consisting of the assets allocable to such share,

“(ii) the separate trust shall be treated as having sold its assets on the day before the expatriation date for their fair market value and as having distributed all of its assets to the individual as of such time, and

“(iii) the individual shall be treated as having recontributed the assets to the separate trust.

Subsection (a)(2) shall apply to any income, gain, or loss of the individual arising from a distribution described in subparagraph (C)(ii). In determining the amount of such distribution, proper adjustments shall be made for liabilities of the trust allocable to an individual's share in the trust.

“(2) SPECIAL RULES FOR INTERESTS IN QUALIFIED TRUSTS.—

“(A) IN GENERAL.—If the trust interest described in paragraph (1) is an interest in a qualified trust—

“(i) paragraph (1) and subsection (a) shall not apply, and

“(ii) in addition to any other tax imposed by this title, there is hereby imposed on each distribution with respect to such interest a tax in the amount determined under subparagraph (B).

“(B) AMOUNT OF TAX.—The amount of tax under subparagraph (A)(ii) shall be equal to the lesser of—

“(i) the highest rate of tax imposed by section 1(e) for the taxable year which includes the day before the expatriation date, multiplied by the amount of the distribution, or

“(ii) the balance in the deferred tax account immediately before the distribution determined without regard to any increases under subparagraph (C)(ii) after the 30th day preceding the distribution.

“(C) DEFERRED TAX ACCOUNT.—For purposes of subparagraph (B)(ii)—

“(i) OPENING BALANCE.—The opening balance in a deferred tax account with respect to any trust interest is an amount equal to the tax which would have been imposed on the allocable expatriation gain with respect to the trust interest if such gain had been included in gross income under subsection (a).

“(ii) INCREASE FOR INTEREST.—The balance in the deferred tax account shall be increased by the amount of interest determined (on the balance in the account at the time the interest accrues), for periods after the 90th day after the expatriation date, by using the rates and method applicable under section 6621 for underpayments of tax for such periods, except that section 6621(a)(2) shall be applied by substituting ‘5 percentage points’ for ‘3 percentage points’ in subparagraph (B) thereof.

“(iii) DECREASE FOR TAXES PREVIOUSLY PAID.—The balance in the tax deferred account shall be reduced—

“(I) by the amount of taxes imposed by subparagraph (A) on any distribution to the person holding the trust interest, and

“(II) in the case of a person holding a nonvested interest, to the extent provided in regulations, by the amount of taxes imposed by subparagraph (A) on distributions from the trust with respect to nonvested interests not held by such person.

“(D) ALLOCABLE EXPATRIATION GAIN.—For purposes of this paragraph, the allocable expatriation gain with respect to any beneficiary's interest in a trust is the amount of gain which would be allocable to such beneficiary's vested and nonvested interests in the trust if the beneficiary held directly all assets allocable to such interests.

“(E) TAX DEDUCTED AND WITHHELD.—

“(i) IN GENERAL.—The tax imposed by subparagraph (A)(ii) shall be deducted and withheld by the trustees from the distribution to which it relates.

“(ii) EXCEPTION WHERE FAILURE TO WAIVE TREATY RIGHTS.—If an amount may not be deducted and withheld under clause (i) by reason of the distributee failing to waive any treaty right with respect to such distribution—

“(I) the tax imposed by subparagraph (A)(ii) shall be imposed on the trust and each trustee shall be personally liable for the amount of such tax, and

“(II) any other beneficiary of the trust shall be entitled to recover from the distributee the amount of such tax imposed on the other beneficiary.

“(F) DISPOSITION.—If a trust ceases to be a qualified trust at any time, a covered expatriate disposes of an interest in a qualified trust, or a covered expatriate holding an interest in a qualified trust dies, then, in lieu of the tax imposed by subparagraph (A)(ii), there is hereby imposed a tax equal to the lesser of—

"(i) the tax determined under paragraph (1) as if the day before the expatriation date were the date of such cessation, disposition, or death, whichever is applicable, or

"(ii) the balance in the tax deferred account immediately before such date.

Such tax shall be imposed on the trust and each trustee shall be personally liable for the amount of such tax and any other beneficiary of the trust shall be entitled to recover from the covered expatriate or the estate the amount of such tax imposed on the other beneficiary.

"(G) DEFINITIONS AND SPECIAL RULES.—For purposes of this paragraph—

"(i) QUALIFIED TRUST.—The term 'qualified trust' means a trust which is described in section 7701(a)(30)(E).

"(ii) VESTED INTEREST.—The term 'vested interest' means any interest which, as of the day before the expatriation date, is vested in the beneficiary.

"(iii) NONVESTED INTEREST.—The term 'nonvested interest' means, with respect to any beneficiary, any interest in a trust which is not a vested interest. Such interest shall be determined by assuming the maximum exercise of discretion in favor of the beneficiary and the occurrence of all contingencies in favor of the beneficiary.

"(iv) ADJUSTMENTS.—The Secretary may provide for such adjustments to the bases of assets in a trust or a deferred tax account, and the timing of such adjustments, in order to ensure that gain is taxed only once.

"(v) COORDINATION WITH RETIREMENT PLAN RULES.—This subsection shall not apply to an interest in a trust which is part of a retirement plan to which subsection (d)(2) applies.

"(3) DETERMINATION OF BENEFICIARIES' INTEREST IN TRUST.—

"(A) DETERMINATIONS UNDER PARAGRAPH (1).—For purposes of paragraph (1), a beneficiary's interest in a trust shall be based upon all relevant facts and circumstances, including the terms of the trust instrument and any letter of wishes or similar document, historical patterns of trust distributions, and the existence of and functions performed by a trust protector or any similar adviser.

"(B) OTHER DETERMINATIONS.—For purposes of this section—

"(i) CONSTRUCTIVE OWNERSHIP.—If a beneficiary of a trust is a corporation, partnership, trust, or estate, the shareholders, partners, or beneficiaries shall be deemed to be the trust beneficiaries for purposes of this section.

"(ii) TAXPAYER RETURN POSITION.—A taxpayer shall clearly indicate on its income tax return—

"(I) the methodology used to determine that taxpayer's trust interest under this section, and

"(II) if the taxpayer knows (or has reason to know) that any other beneficiary of such trust is using a different methodology to determine such beneficiary's trust interest under this section.

"(g) TERMINATION OF DEFERRALS, ETC.—In the case of any covered expatriate, notwithstanding any other provision of this title—

"(1) any period during which recognition of income or gain is deferred shall terminate on the day before the expatriation date, and

"(2) any extension of time for payment of tax shall cease to apply on the day before the expatriation date and the unpaid portion of such tax shall be due and payable at the time and in the manner prescribed by the Secretary.

"(h) IMPOSITION OF TENTATIVE TAX.—

"(1) IN GENERAL.—If an individual is required to include any amount in gross income under subsection (a) for any taxable year, there is hereby imposed, immediately before the expatriation date, a tax in an amount equal to the amount of tax which would be imposed if the taxable year were a short taxable year ending on the expatriation date.

"(2) DUE DATE.—The due date for any tax imposed by paragraph (1) shall be the 90th day after the expatriation date.

"(3) TREATMENT OF TAX.—Any tax paid under paragraph (1) shall be treated as a payment of the tax imposed by this chapter for the taxable year to which subsection (a) applies.

"(4) DEFERRAL OF TAX.—The provisions of subsection (b) shall apply to the tax imposed by this subsection to the extent attributable to gain includible in gross income by reason of this section.

"(i) SPECIAL LIENS FOR DEFERRED TAX AMOUNTS.—

"(1) IMPOSITION OF LIEN.—

"(A) IN GENERAL.—If a covered expatriate makes an election under subsection (a)(4) or (b) which results in the deferral of any tax imposed by reason of subsection (a), the deferred amount (including any interest, additional amount, addition to tax, assessable penalty, and costs attributable to the deferred amount) shall be a lien in favor of the United States on all property of the expatriate located in the United States (without regard to whether this section applies to the property).

"(B) DEFERRED AMOUNT.—For purposes of this subsection, the deferred amount is the amount of the increase in the covered expatriate's income tax which, but for the election under subsection (a)(4) or (b), would have occurred by reason of this section for the taxable year including the expatriation date.

"(2) PERIOD OF LIEN.—The lien imposed by this subsection shall arise on the expatriation date and continue until—

"(A) the liability for tax by reason of this section is satisfied or has become unenforceable by reason of lapse of time, or

"(B) it is established to the satisfaction of the Secretary that no further tax liability may arise by reason of this section.

"(3) CERTAIN RULES APPLY.—The rules set forth in paragraphs (1), (3), and (4) of section 6324A(d) shall apply with respect to the lien imposed by this subsection as if it were a lien imposed by section 6324A.

"(j) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this section.".

(b) INCLUSION IN INCOME OF GIFTS AND BEQUESTS RECEIVED BY UNITED STATES CITIZENS AND RESIDENTS FROM EXPATRIATES.—Section 102 (relating to gifts, etc. not included in gross income) is amended by adding at the end the following new subsection:

"(d) GIFTS AND INHERITANCES FROM COVERED EXPATRIATES.—

"(1) TREATMENT OF GIFTS AND INHERITANCES.—

"(A) IN GENERAL.—Subsection (a) shall not exclude from gross income the value of any property acquired by gift, bequest, devise, or inheritance from a covered expatriate after the expatriation date.

"(B) DETERMINATION OF BASIS.—Notwithstanding sections 1015 or 1022, the basis of any property described in subparagraph (A) in the hands of the donee or the person acquiring such property from the decedent shall be equal to the fair market value of the property at the time of the gift, bequest, devise, or inheritance.

"(2) EXCEPTIONS FOR TRANSFERS OTHERWISE SUBJECT TO ESTATE OR GIFT TAX.—Paragraph (1) shall not apply to any property if either—

"(A) the gift, bequest, devise, or inheritance is—

"(i) shown on a timely filed return of tax imposed by chapter 12 as a taxable gift by the covered expatriate, or

"(ii) included in the gross estate of the covered expatriate for purposes of chapter 11 and shown on a timely filed return of tax imposed by chapter 11 of the estate of the covered expatriate, or

"(B) no such return was timely filed but no such return would have been required to be filed even if the covered expatriate were a citizen or long-term resident of the United States.

"(3) DEFINITIONS.—For purposes of this subsection, any term used in this subsection which is also used in section 877A shall have the same meaning as when used in section 877A.".

(c) DEFINITION OF TERMINATION OF UNITED STATES CITIZENSHIP.—Section 7701(a) is amended by adding at the end the following new paragraph:

"(50) TERMINATION OF UNITED STATES CITIZENSHIP.—

"(A) IN GENERAL.—An individual shall not cease to be treated as a United States citizen before the date on which the individual's citizenship is treated as relinquished under section 877A(e)(3).

"(B) DUAL CITIZENS.—Under regulations prescribed by the Secretary, subparagraph (A) shall not apply to an individual who became at birth a citizen of the United States and a citizen of another country.".

(d) INELIGIBILITY FOR VISA OR ADMISSION TO UNITED STATES.—

(1) IN GENERAL.—Section 212(a)(10)(E) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(10)(E)) is amended to read as follows:

"(E) FORMER CITIZENS NOT IN COMPLIANCE WITH EXPATRIATION REVENUE PROVISIONS.—Any alien who is a former citizen of the United States who relinquishes United States citizenship (within the meaning of section 877A(e)(3) of the Internal Revenue Code of 1986) and who is not in compliance with section 877A of such Code (relating to expatriation) is inadmissible.".

(2) AVAILABILITY OF INFORMATION.—

(A) IN GENERAL.—Section 6103(l) (relating to disclosure of returns and return information for purposes other than tax administration) is amended by adding at the end the following new paragraph:

"(21) DISCLOSURE TO DENY VISA OR ADMISSION TO CERTAIN EXPATRIATES.—Upon written request of the Attorney General or the Attorney General's delegate, the Secretary shall disclose whether an individual is in compliance with section 877A (and if not in compliance, any items of noncompliance) to officers and employees of the Federal agency responsible for administering section 212(a)(10)(E) of the Immigration and Nationality Act solely for the purpose of, and to the extent necessary in, administering such section 212(a)(10)(E).".

(B) SAFEGUARDS.—Section 6103(p)(4) (relating to safeguards) is amended by striking "or (20)" each place it appears and inserting "(20), or (21)".

(3) Effective dates.—The amendments made by this subsection shall apply to individuals who relinquish United States citizenship on or after the date of the enactment of this Act.

(e) Conforming Amendments.—

(1) Section 877 is amended by adding at the end the following new subsection:

"(h) Application.—This section shall not apply to an expatriate (as defined in section 877A(e)) whose expatriation date (as so defined) occurs on or after the date of the enactment of this subsection.".

(2) Section 2107 is amended by adding at the end the following new subsection:

"(f) Application.—This section shall not apply to any expatriate subject to section 877A.".

(3) Section 2501(a)(3) is amended by adding at the end the following new subparagraph:

"(C) Application.—This paragraph shall not apply to any expatriate subject to section 877A.".

(4) Section 6039G(a) is amended by inserting "or 877A" after "section 877(b)".

(5) The second sentence of section 6039G(d) is amended by inserting "or who relinquishes United States citizenship (within the meaning of section 877A(e)(3))" after "section 877(a))".

(f) Clerical Amendment.—The table of sections for subpart A of part II of subchapter N of chapter 1 is amended by inserting after the item relating to section 877 the following new item:

"Sec. 877A. Tax responsibilities of expatriation.".

(g) Effective Date.—

(1) In general.—Except as provided in this subsection, the amendments made by this section shall apply to expatriates (within the meaning of section 877A(e) of the Internal Revenue Code of 1986, as added by this section) whose expatriation date (as so defined) occurs on or after the date of the enactment of this Act.

(2) Gifts and bequests.—Section 102(d) of the Internal Revenue Code of 1986 (as added by subsection (b)) shall apply to gifts and bequests received on or after the date of the enactment of this Act, from an individual or the estate of an individual whose expatriation date (as so defined) occurs after such date.

(3) Due date for tentative tax.—The due date under section 877A(h)(2) of the Internal Revenue Code of 1986, as added by this section, shall in no event occur before the 90th day after the date of the enactment of this Act.

SEC. 226. LIMITATION ON ANNUAL AMOUNTS WHICH MAY BE DEFERRED UNDER NONQUALIFIED DEFERRED COMPENSATION ARRANGEMENTS.

(a) In General.—Section 409A(a) of the Internal Revenue Code of 1986 (relating to inclusion of gross income under nonqualified deferred compensation plans) is amended—

(1) by striking "and (4)" in subclause (I) of paragraph (1)(A)(i) and inserting "(4), and (5)", and

(2) by adding at the end the following new paragraph:

"(5) Annual limitation on aggregate deferred amounts.—

"(A) Limitation.—The requirements of this paragraph are met if the plan provides that the aggregate amount of compensation which is deferred for any taxable year with respect to a participant under the plan may not exceed the applicable dollar amount for the taxable year.

"(B) Inclusion of future earnings.—If an amount is includible under paragraph (1) in the gross income of a participant for any taxable year by reason of any failure to meet the requirements of this paragraph, any income (whether actual or notional) for any subsequent taxable year shall be included in gross income under paragraph (1)(A) in such subsequent taxable year to the extent such income—

"(i) is attributable to compensation (or income attributable to such compensation) required to be included in gross income by reason of such failure (including by reason of this subparagraph), and

"(ii) is not subject to a substantial risk of forfeiture and has not been previously included in gross income.

"(C) Aggregation rule.—For purposes of this paragraph, all nonqualified deferred compensation plans maintained by all employers treated as a single employer under subsection (d)(6) shall be treated as 1 plan.

"(D) Applicable dollar amount.—For purposes of this paragraph—

"(i) In general.—The term 'applicable dollar amount' means, with respect to any participant, the lesser of—

"(I) the average annual compensation which was payable during the base period to the participant by the employer maintaining the nonqualified deferred compensation plan (or any predecessor of the employer) and which was includible in the participant's gross income for taxable years in the base period, or

"(II) $1,000,000.

"(ii) Base period.—

"(I) In general.—The term 'base period' means, with respect to any computation year, the 5-taxable year period ending with the taxable year preceding the computation year.

"(II) Elections made before computation year.—If, before the beginning of the computation year, an election described in paragraph (4)(B) is made by the participant to have compensation for services performed in the computation year deferred under a nonqualified deferred compensation plan, the base period shall be the 5-taxable year period ending with the taxable year preceding the taxable year in which the election is made.

"(III) Computation year.—For purposes of this clause, the term 'computation year' means any taxable year of the participant for which the limitation under subparagraph (A) is being determined.

"(IV) Special rule for employees of less than 5 years.—If a participant did not perform services for the employer maintaining the nonqualified deferred compensation plan (or any predecessor of the employer) during the entire 5-taxable year period referred to in subparagraph (A) or (B), only the portion of such period during which the participant performed such services shall be taken into account.".

(b) Effective Date.—

(1) In general.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006, except that—

(A) the amendments shall only apply to amounts deferred after December 31, 2006 (and to earnings on such amounts), and

(B) taxable years beginning on or before December 31, 2006, shall be taken into account in determining the average annual compensation of a participant during any base period for purposes of section 409A(a)(5)(D) of the Internal Revenue Code of 1986 (as added by such amendments).

(2) Guidance relating to certain existing arrangements.—Not later than 60 days after the date of the enactment of this Act, the Secretary of the Treasury shall issue guidance providing a limited period during which a nonqualified deferred compensation plan adopted before December 31, 2006, may, without violating the requirements of section 409A(a) of such Code, be amended—

(A) to provide that a participant may, no later than December 31, 2007, cancel or modify an outstanding deferral election with regard to all or a portion of amounts deferred after December 31, 2006, to the extent necessary for the plan to meet the requirements of section 409A(a)(5) of such Code (as added by the amendments made by this section), but only if amounts subject to the cancellation or modification are, to the extent not previously included in gross income, includible in income of the participant when no longer subject to substantial risk of forfeiture, and

(B) to conform to the requirements of section 409A(a)(5) of such Code (as added by the amendments made by this section) with regard to amounts deferred after December 31, 2006.

SEC. 227. INCREASE IN CRIMINAL MONETARY PENALTY LIMITATION FOR THE UNDERPAYMENT OR OVERPAYMENT OF TAX DUE TO FRAUD.

(a) In General.—Section 7206 (relating to fraud and false statements) is amended—

(1) by striking "Any person who—" and inserting "(a) In General.—", and

(2) by adding at the end the following new subsection:

"(b) Increase in Monetary Limitation for Underpayment or Overpayment of Tax Due to Fraud.—If any portion of any underpayment (as defined in section 6664(a)) or overpayment (as defined in section 6401(a)) of tax required to be shown on a return is attributable to fraudulent action described in subsection (a), the applicable dollar amount under subsection (a) shall in no event be less than an amount equal to such portion. A rule similar to the rule under section 6663(b) shall apply for purposes of determining the portion so attributable.".

(b) Increase in Penalties.—

(1) Attempt to evade or defeat tax.—Section 7201 is amended—

(A) by striking "$100,000" and inserting "$500,000",

(B) by striking "$500,000" and inserting "$1,000,000", and

(C) by striking "5 years" and inserting "10 years".

(2) Willful failure to file return, supply information, or pay tax.—Section 7203 is amended—

(A) in the first sentence—

(i) by striking "Any person" and inserting the following:

"(a) In General.—Any person", and

(ii) by striking "$25,000" and inserting "$50,000",

(B) in the third sentence, by striking "section" and inserting "subsection", and

(C) by adding at the end the following new subsection:

"(b) Aggravated Failure To File.—

"(1) In general.—In the case of any failure described in paragraph (2), the first sentence of subsection (a) shall be applied by substituting—

"(A) 'felony' for 'misdemeanor',

"(B) '$500,000 ($1,000,000' for '$25,000 ($100,000', and

"(C) '10 years' for '1 year'.".

"(2) Failure described.—A failure described in this paragraph is a failure to make a return described in subsection (a) for a period of 3 or more consecutive taxable years if the aggregate tax liability for such period is not less than $100,000.".

(3) FRAUD AND FALSE STATEMENTS.—Section 7206(a) (as redesignated by subsection (a)) is amended—

(A) by striking "$100,000" and inserting "$500,000",

(B) by striking "$500,000" and inserting "$1,000,000", and

(C) by striking "3 years" and inserting "5 years".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to actions, and failures to act, occurring after the date of the enactment of this Act.

SEC. 228. DOUBLING OF CERTAIN PENALTIES, FINES, AND INTEREST ON UNDERPAYMENTS RELATED TO CERTAIN OFFSHORE FINANCIAL ARRANGEMENTS.

(a) DETERMINATION OF PENALTY.—

(1) IN GENERAL.—Notwithstanding any other provision of law, in the case of an applicable taxpayer—

(A) the determination as to whether any interest or applicable penalty is to be imposed with respect to any arrangement described in paragraph (2), or to any underpayment of Federal income tax attributable to items arising in connection with any such arrangement, shall be made without regard to the rules of subsections (b), (c), and (d) of section 6664 of the Internal Revenue Code of 1986, and

(B) if any such interest or applicable penalty is imposed, the amount of such interest or penalty shall be equal to twice that determined without regard to this section.

(2) APPLICABLE TAXPAYER.—For purposes of this subsection—

(A) IN GENERAL.—The term "applicable taxpayer" means a taxpayer which—

(i) has underreported its United States income tax liability with respect to any item which directly or indirectly involves—

(I) any financial arrangement which in any manner relies on the use of offshore payment mechanisms (including credit, debit, or charge cards) issued by banks or other entities in foreign jurisdictions, or

(II) any offshore financial arrangement (including any arrangement with foreign banks, financial institutions, corporations, partnerships, trusts, or other entities), and

(ii) has neither signed a closing agreement pursuant to the Voluntary Offshore Compliance Initiative established by the Department of the Treasury under Revenue Procedure 2003-11 nor voluntarily disclosed its participation in such arrangement by notifying the Internal Revenue Service of such arrangement prior to the issue being raised by the Internal Revenue Service during an examination.

(B) AUTHORITY TO WAIVE.—The Secretary of the Treasury or the Secretary's delegate may waive the application of paragraph (1) to any taxpayer if the Secretary or the Secretary's delegate determines that the use of such offshore payment mechanisms is incidental to the transaction and, in addition, in the case of a trade or business, such use is conducted in the ordinary course of the type of trade or business of the taxpayer.

(C) ISSUES RAISED.—For purposes of subparagraph (A)(ii), an item shall be treated as an issue raised during an examination if the individual examining the return—

(i) communicates to the taxpayer knowledge about the specific item, or

(ii) has made a request to the taxpayer for information and the taxpayer could not make a complete response to that request without giving the examiner knowledge of the specific item.

(b) APPLICABLE PENALTY.—For purposes of this section, the term "applicable penalty" means any penalty, addition to tax, or fine imposed under chapter 68 of the Internal Revenue Code of 1986.

(c) EFFECTIVE DATE.—The provisions of this section shall apply to interest, penalties, additions to tax, and fines with respect to any taxable year if, as of the date of the enactment of this Act, the assessment of any tax, penalty, or interest with respect to such taxable year is not prevented by the operation of any law or rule of law.

SEC. 229. INCREASE IN PENALTY FOR BAD CHECKS AND MONEY ORDERS.

(a) IN GENERAL.—Section 6657 (relating to bad checks) is amended—

(1) by striking "$750" and inserting "$1,250", and

(2) by striking "$15" and inserting "$25".

(b) EFFECTIVE DATE.—The amendments made by this section apply to checks or money orders received after the date of the enactment of this Act.

SEC. 230. TREATMENT OF CONTINGENT PAYMENT CONVERTIBLE DEBT INSTRUMENTS.

(a) IN GENERAL.—Section 1275(d) (relating to regulation authority) is amended—

(1) by striking "The Secretary" and inserting the following:

"(1) IN GENERAL.—The Secretary", and

(2) by adding at the end the following new paragraph:

"(2) TREATMENT OF CONTINGENT PAYMENT CONVERTIBLE DEBT.—

"(A) IN GENERAL.—In the case of a debt instrument which—

"(i) is convertible into stock of the issuing corporation, into stock or debt of a related party (within the meaning of section 267(b) or 707(b)(1)), or into cash or other property in an amount equal to the approximate value of such stock or debt, and

"(ii) provides for contingent payments,

any regulations which require original issue discount to be determined by reference to the comparable yield of a noncontingent fixed-rate debt instrument shall be applied as if the regulations require that such comparable yield be determined by reference to a noncontingent fixed-rate debt instrument which is convertible into stock.

"(B) SPECIAL RULE.—For purposes of subparagraph (A), the comparable yield shall be determined without taking into account the yield resulting from the conversion of a debt instrument into stock.".

(b) CROSS REFERENCE.—Section 163(e)(6) (relating to cross references) is amended by adding at the end the following:

"For the treatment of contingent payment convertible debt, see section 1275(d)(2).".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to debt instruments issued on or after the date of the enactment of this Act.

SEC. 231. EXTENSION OF IRS USER FEES.

Subsection (c) of section 7528 (relating to Internal Revenue Service user fees) is amended by striking "September 30, 2014" and inserting "September 30, 2016".

SEC. 232. MODIFICATION OF COLLECTION DUE PROCESS PROCEDURES FOR EMPLOYMENT TAX LIABILITIES.

(a) IN GENERAL.—Section 6330(f) (relating to jeopardy and State refund collection) is amended—

(1) by striking "; or" at the end of paragraph (1) and inserting a comma,

(2) by adding "or" at the end of paragraph (2), and

(3) by inserting after paragraph (2) the following new paragraph:

"(3) the Secretary has served a levy in connection with the collection of taxes under chapter 21, 22, 23, or 24,".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to levies issued on or after the date that is 120 days after the date of the enactment of this Act.

SEC. 233. MODIFICATIONS TO WHISTLEBLOWER REFORMS.

(a) MODIFICATION OF TAX THRESHOLD FOR AWARDS.—Subparagraph (B) of section 7623(b)(5), as added by the Tax Relief and Health Care Act of 2006, is amended by striking "$2,000,000" and inserting "$20,000".

(b) WHISTLEBLOWER OFFICE.—

(1) IN GENERAL.—Section 7623 is amended by adding at the end the following new subsections:

"(c) WHISTLEBLOWER OFFICE.—

"(1) IN GENERAL.—There is established in the Internal Revenue Service an office to be known as the 'Whistleblower Office' which—

"(A) shall at all times operate at the direction of the Commissioner and coordinate and consult with other divisions in the Internal Revenue Service as directed by the Commissioner,

"(B) shall analyze information received from any individual described in subsection (b) and either investigate the matter itself or assign it to the appropriate Internal Revenue Service office,

"(C) shall monitor any action taken with respect to such matter,

"(D) shall inform such individual that it has accepted the individual's information for further review,

"(E) may require such individual and any legal representative of such individual to not disclose any information so provided,

"(F) in its sole discretion, may ask for additional assistance from such individual or any legal representative of such individual, and

"(G) shall determine the amount to be awarded to such individual under subsection (b).

"(2) FUNDING FOR OFFICE.—There is authorized to be appropriated $10,000,000 for each fiscal year for the Whistleblower Office. These funds shall be used to maintain the Whistleblower Office and also to reimburse other Internal Revenue Service offices for related costs, such as costs of investigation and collection.

"(3) REQUEST FOR ASSISTANCE.—

"(A) IN GENERAL.—Any assistance requested under paragraph (1)(F) shall be under the direction and control of the Whistleblower Office or the office assigned to investigate the matter under subparagraph (A). No individual or legal representative whose assistance is so requested may by reason of such request represent himself or herself as an employee of the Federal Government.

"(B) FUNDING OF ASSISTANCE.—From the amounts available for expenditure under subsection (b), the Whistleblower Office may, with the agreement of the individual described in subsection (b), reimburse the costs incurred by any legal representative of such individual in providing assistance described in subparagraph (A).

"(d) REPORTS.—The Secretary shall each year conduct a study and report to Congress on the use of this section, including—

"(1) an analysis of the use of this section during the preceding year and the results of such use, and

"(2) any legislative or administrative recommendations regarding the provisions of this section and its application.".

(2) CONFORMING AMENDMENT.—Section 406 of division A of the Tax Relief and Health Care Act of 2006 is amended by striking subsections (b) and (c).

(3) REPORT ON IMPLEMENTATION.—Not later than 6 months after the date of the enactment of this Act, the Secretary of the Treasury shall submit to Congress a report on the establishment and operation of the Whistleblower Office under section 7623(c) of the Internal Revenue Code of 1986.

(c) PUBLICITY OF AWARD APPEALS.—Paragraph (4) of section 7623(b), as added by the Tax Relief and Health Care Act of 2006, is amended to read as follows:

"(4) APPEAL OF AWARD DETERMINATION.—

"(A) IN GENERAL.—Any determination regarding an award under paragraph (1), (2), or (3) may, within 30 days of such determination, be appealed to the Tax Court (and the Tax Court shall have jurisdiction with respect to such matter).

"(B) PUBLICITY OF APPEALS.—Notwithstanding sections 7458 and 7461, the Tax Court may, in order to preserve the anonymity, privacy, or confidentiality of any person under this subsection, provide by rules adopted under section 7453 that portions of filings, hearings, testimony, evidence, and reports in connection with proceedings under this subsection may be closed to the public or to inspection by the public.".

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to information provided on or after the date of the enactment of this Act.

(2) PUBLICITY OF AWARD APPEALS.—The amendment made by subsection (c) shall take effect as if included in the amendments made by section 406 of the Tax Relief and Health Care Act of 2006.

SEC. 234. MODIFICATIONS OF DEFINITION OF EMPLOYEES COVERED BY DENIAL OF DEDUCTION FOR EXCESSIVE EMPLOYEE REMUNERATION.

(a) IN GENERAL.—Paragraph (3) of section 162(m) is amended to read as follows:

"(3) COVERED EMPLOYEE.—For purposes of this subsection, the term 'covered employee' means, with respect to any taxpayer for any taxable year, an individual who—

"(A) was the chief executive officer of the taxpayer, or an individual acting in such a capacity, at any time during the taxable year,

"(B) is 1 of the 4 highest compensated officers of the taxpayer for the taxable year (other than the individual described in subparagraph (A)), or

"(C) was a covered employee of the taxpayer (or any predecessor) for any preceding taxable year beginning after December 31, 2006.

In the case of an individual who was a covered employee for any taxable year beginning after December 31, 2006, the term 'covered employee' shall include a beneficiary of such employee with respect to any remuneration for services performed by such employee as a covered employee (whether or not such services are performed during the taxable year in which the remuneration is paid).".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2006.

SA 101. Mr. MCCONNELL (FOR MR. GREGG (for himself, Mr. DEMINT, Mr. MCCONNELL, Mr. LOTT, Mr. KYL, Mrs. HUTCHISON, Mr. CORNYN, Mr. ALLARD, Mr. CRAPO, Mr. BUNNING, Mr. VITTER, Mr. BROWNBACK, Mrs. DOLE, Mr. ALEXANDER, Mr. THOMAS, Mr. CRAIG, Mr. BURR, Mr. MCCAIN, Mr. SUNUNU, Mr. ENZI, Mr. MARTINEZ, Mr. CHAMBLISS, Mr. SESSIONS, Mr. COLEMAN, Mr. GRAHAM, Mr. VOINOVICH, Mr. ISAKSON, Mr. COBURN, Mr. ENSIGN, and Mr. THUNE)) proposed an amendment to amendment SA 100 proposed by Mr. REID (for Mr. BAUCUS) to the bill H.R. 2, to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage; as follows:

At the end, insert the following:

TITLE —SECOND LOOK AT WASTEFUL SPENDING ACT OF 2007

SEC. _01. SHORT TITLE.

This title may be cited as the "Second Look at Wasteful Spending Act of 2007".

SEC. _02. ENHANCED RESCISSION AUTHORITY.

(a) IN GENERAL.—Title X of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 621 et seq.) is amended by striking part C and inserting the following:

"PART C—ENHANCED RESCISSION AUTHORITY

"SEC. 1021. EXPEDITED CONSIDERATION OF CERTAIN PROPOSED RESCISSIONS.

"(a) PROPOSED RESCISSIONS.—The President may send a special message, at the time and in the manner provided in subsection (b), that proposes to rescind dollar amounts of discretionary budget authority, items of direct spending, and targeted tax benefits.

"(b) TRANSMITTAL OF SPECIAL MESSAGE.—

"(1) SPECIAL MESSAGE.—

"(A) IN GENERAL.—

"(i) FOUR MESSAGES.—The President may transmit to Congress not to exceed 4 special messages per calendar year, proposing to rescind dollar amounts of discretionary budget authority, items of direct spending, and targeted tax benefits.

"(ii) TIMING.—Special messages may be transmitted under clause (i)—

"(I) with the President's budget submitted pursuant to section 1105 of title 31, United States Code; and

"(II) 3 other times as determined by the President.

"(iii) LIMITATIONS.—

"(I) IN GENERAL.—Special messages shall be submitted within 1 calendar year of the date of enactment of any dollar amount of discretionary budget authority, item of direct spending, or targeted tax benefit the President proposes to rescind pursuant to this Act.

"(II) RESUBMITTAL REJECTED.—If Congress rejects a bill introduced under this part, the President may not resubmit any of the dollar amounts of discretionary budget authority, items of direct spending, or targeted tax benefits in that bill under this part, or part B with respect to dollar amounts of discretionary budget authority.

"(III) RESUBMITAL AFTER SINE DIE.—If Congress does not complete action on a bill introduced under this part because Congress adjourns sine die, the President may resubmit some or all of the dollar amounts of discretionary budget authority, items of direct spending, and targeted tax benefits in that bill in not more than 1 subsequent special message under this part, or part B with respect to dollar amounts of discretionary budget authority.

"(B) CONTENTS OF SPECIAL MESSAGE.—Each special message shall specify, with respect to the dollar amount of discretionary budget authority, item of direct spending, or targeted tax benefit proposed to be rescinded—

"(i) the dollar amount of discretionary budget authority available and proposed for rescission from accounts, departments, or establishments of the government and the dollar amount of the reduction in outlays that would result from the enactment of such rescission of discretionary budget authority for the time periods set forth in clause (iii);

"(ii) the specific items of direct spending and targeted tax benefits proposed for rescission and the dollar amounts of the reductions in budget authority and outlays or increases in receipts that would result from enactment of such rescission for the time periods set forth in clause (iii);

"(iii) the budgetary effects of proposals for rescission, estimated as of the date the President submits the special message, relative to the most recent levels calculated consistent with the methodology described in section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985 and included with a budget submission under section 1105(a) of title 31, United States Code, for the time periods of—

"(I) the fiscal year in which the proposal is submitted; and

"(II) each of the 10 following fiscal years beginning with the fiscal year after the fiscal year in which the proposal is submitted;

"(iv) any account, department, or establishment of the Government to which such dollar amount of discretionary budget authority or item of direct spending is available for obligation, and the specific project or governmental functions involved;

"(v) the reasons why such dollar amount of discretionary budget authority or item of direct spending or targeted tax benefit should be rescinded;

"(vi) the estimated fiscal and economic impacts, of the proposed rescission;

"(vii) to the maximum extent practicable, all facts, circumstances, and considerations relating to or bearing upon the proposed rescission and the decision to effect the proposed rescission, and the estimated effect of the proposed rescission upon the objects, purposes, and programs for which the budget authority or items of direct spending or targeted tax benefits are provided; and

"(viii) a draft bill that, if enacted, would rescind the budget authority, items of direct spending and targeted tax benefits proposed to be rescinded in that special message.

"(2) ANALYSIS BY CONGRESSIONAL BUDGET OFFICE AND JOINT COMMITTEE ON TAXATION.—

"(A) IN GENERAL.—Upon the receipt of a special message under this part proposing to rescind dollar amounts of discretionary budget authority, items of direct spending, and targeted tax benefits—

"(i) the Director of the Congressional Budget Office shall prepare an estimate of the savings in budget authority or outlays resulting from such proposed rescission and shall include in its estimate, an analysis prepared by the Joint Committee on Taxation related to targeted tax benefits; and

"(ii) the Director of the Joint Committee on Taxation shall prepare an estimate and forward such estimate to the Congressional Budget Office, of the savings from repeal of targeted tax benefits.

"(B) METHODOLOGY.—The estimates required by subparagraph (A) shall be made relative to the most recent levels calculated consistent with the methodology used to calculate a baseline under section 257 of the Balanced Budget and Emergency Control Act of 1985 and included with a budget submission under section 1105(a) of title 31, United States Code, and transmitted to the chairmen of the Committees on the Budget of the House of Representatives and Senate.

"(3) ENACTMENT OF RESCISSION BILL.—

"(A) DEFICIT REDUCTION.—Amounts of budget authority or items of direct spending or targeted tax benefit that are rescinded pursuant to enactment of a bill as provided under this part shall be dedicated only to deficit reduction and shall not be used as an offset for other spending increases or revenue reductions.

"(B) ADJUSTMENT OF BUDGET TARGETS.—Not later than 5 days after the date of enactment of a rescission bill as provided under this part, the chairs of the Committees on the Budget of the Senate and the House of Representatives shall revise spending and revenue levels under section 311(a) of the Congressional Budget Act of 1974 and adjust the committee allocations under section 302(a) of the Congressional Budget Act of 1974 or any other adjustments as may be appropriate to reflect the rescission. The adjustments shall reflect the budgetary effects of such rescissions as estimated by the President pursuant to paragraph (1)(B)(iii). The appropriate committees shall report revised allocations pursuant to section 302(b) of the Congressional Budget Act of 1974. Notwithstanding any other provision of law, the revised allocations and aggregates shall be considered to have been made under a concurrent resolution on the budget agreed to under the Congressional Budget Act of 1974 and shall be enforced under the procedures of that Act.

"(C) ADJUSTMENTS TO CAPS.—After enactment of a rescission bill as provided under this part, the President shall revise applicable limits under the Second Look at Wasteful Spending Act of 2007, as appropriate.

"(c) PROCEDURES FOR EXPEDITED CONSIDERATION.—

"(1) IN GENERAL.—

"(A) INTRODUCTION.—Before the close of the second day of session of the Senate and the House of Representatives, respectively, after the date of receipt of a special message transmitted to Congress under subsection (b), the majority leader of each House, for himself, or minority leader of each House, for himself, or a Member of that House designated by that majority leader or minority leader shall introduce (by request) the President's draft bill to rescind the amounts of budget authority or items of direct spending or targeted tax benefits, as specified in the special message and the President's draft bill. If the bill is not introduced as provided in the preceding sentence in either House, then, on the third day of session of that House after the date of receipt of that special message, any Member of that House may introduce the bill.

"(B) REFERRAL AND REPORTING.—

"(i) ONE COMMITTEE.—The bill shall be referred by the presiding officer to the appropriate committee. The committee shall report the bill without any revision and with a favorable, an unfavorable, or without recommendation, not later than the fifth day of session of that House after the date of introduction of the bill in that House. If the committee fails to report the bill within that period, the committee shall be automatically discharged from consideration of the bill, and the bill shall be placed on the appropriate calendar.

"(ii) MULTIPLE COMMITTEES.—

"(I) REFERRALS.—If a bill contains provisions in the jurisdiction of more than 1 committee, the bill shall be jointly referred to the committees of jurisdiction and the Committee on the Budget.

"(II) VIEWS OF COMMITTEE.—Any committee, other than the Committee on the Budget, to which a bill is referred under this clause may submit a favorable, an unfavorable recommendation, without recommendation with respect to the bill to the Committee on the Budget prior to the reporting or discharge of the bill.

"(III) REPORTING.—The Committee on the Budget shall report the bill not later than the fifth day of session of that House after the date of introduction of the bill in that House, without any revision and with a favorable or unfavorable recommendation, or with no recommendation, together with the recommendations of any committee to which the bill has been referred.

"(IV) DISCHARGE.—If the Committee on the Budget fails to report the bill within that period, the committee shall be automatically discharged from consideration of the bill, and the bill shall be placed on the appropriate calendar.

"(C) FINAL PASSAGE.—A vote on final passage of the bill shall be taken in the Senate and the House of Representatives on or before the close of the 10th day of session of that House after the date of the introduction of the bill in that House. If the bill is passed, the Clerk of the House of Representatives shall cause the bill to be transmitted to the Senate before the close of the next day of session of the House.

"(2) CONSIDERATION IN THE HOUSE OF REPRESENTATIVES.—

"(A) MOTION TO PROCEED TO CONSIDERATION.—A motion in the House of Representatives to proceed to the consideration of a bill under this subsection shall be highly privileged and not debatable. An amendment to the motion shall not be in order, nor shall it be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

"(B) LIMITS ON DEBATE.—Debate in the House of Representatives on a bill under this subsection shall not exceed 4 hours, which shall be divided equally between those favoring and those opposing the bill. A motion further to limit debate shall not be debatable. It shall not be in order to move to recommit a bill under this subsection or to move to reconsider the vote by which the bill is agreed to or disagreed to.

"(C) APPEALS.—Appeals from decisions of the chair relating to the application of the Rules of the House of Representatives to the procedure relating to a bill under this part shall be decided without debate.

"(D) APPLICATION OF HOUSE RULES.—Except to the extent specifically provided in this part, consideration of a bill under this part shall be governed by the Rules of the House of Representatives. It shall not be in order in the House of Representatives to consider any bill introduced pursuant to the provisions of this part under a suspension of the rules or under a special rule.

"(3) CONSIDERATION IN THE SENATE.—

"(A) MOTION TO PROCEED TO CONSIDERATION.—A motion to proceed to the consideration of a bill under this subsection in the Senate shall not be debatable. A motion to proceed to consideration of the bill may be made even though a previous motion to the same effect has been disagreed to. It shall not be in order to move to reconsider the vote by which the motion to proceed is agreed to or disagreed to.

"(B) LIMITS ON DEBATE.—Debate in the Senate on a bill under this subsection, and all debatable motions and appeals in connection therewith, shall not exceed a total of 10 hours, equally divided and controlled in the usual form.

"(C) DEBATABLE MOTIONS AND APPEALS.—Debate in the Senate on any debatable motion or appeal in connection with a bill under this subsection shall be limited to not more than 1 hour from the time allotted for debate, to be equally divided and controlled in the usual form.

"(D) MOTION TO LIMIT DEBATE.—A motion in the Senate to further limit debate on a bill under this subsection is not debatable.

"(E) MOTION TO RECOMMIT.—A motion to recommit a bill under this subsection is not in order.

"(F) CONSIDERATION OF THE HOUSE BILL.—

"(i) IN GENERAL.—If the Senate has received the House companion bill to the bill introduced in the Senate prior to the vote required under paragraph (1)(C), then the Senate shall consider, and the vote under paragraph (1)(C) shall occur on, the House companion bill.

"(ii) PROCEDURE AFTER VOTE ON SENATE BILL.—If the Senate votes, pursuant to paragraph (1)(C), on the bill introduced in the Senate, the Senate bill shall be held pending receipt of the House message on the bill. Upon receipt of the House companion bill, the House bill shall be deemed to be considered, read for the third time, and the vote on passage of the Senate bill shall be considered to be the vote on the bill received from the House.

"(4) CONFERENCE.—

"(A) PROCEEDING TO CONFERENCE.—If, after a bill is agreed to in the Senate or House of Representatives, the bill has been amended, the bill shall be deemed to be at a stage of disagreement and motions to proceed to conference are deemed to be agreed to. There shall be no motions to instruct. The Senate and the House of Representatives shall appoint conferees not later than 1 day of session after the vote of the second House under paragraph (1)(C). Debate on any debatable motion in relation to the conference report shall be limited to 1 hour to be equally divided between and controlled by the mover and manager of a bill, or their designees.

"(B) PERIOD OF CONSIDERATION.—A conference report on a bill considered under this section shall be reported out not later than 3 days of session after the vote of the second House under paragraph (1)(C). If the 2 Houses are unable to agree in conference, the committee on conference shall report out the text of the President's original bill.

"(C) SCOPE OF CONFERENCE.—The matter committed to conference for purposes of scope of conference shall be limited to the matter stricken from the text of the bills passed by the Senate and the House of Representatives.

"(D) PROCEDURE.—Debate on a conference report on any bill considered under this section shall be limited to 2 hours equally divided between the manager of the conference report and the minority leader, or his designee.

"(E) FINAL PASSAGE.—A vote on final passage of the conference report shall be taken in the Senate and the House of Representatives on or before the close of the 2nd day of session of that House after the date the conference report is submitted in that House. If the conference report is passed, the Secretary of the Senate or the Clerk of the House of Representatives, as the case may be, shall cause the conference report to be transmitted to the other House before the close of the next day of session of that House.

"(F) ACTION OF SECOND HOUSE.—

"(i) IN GENERAL.—If the Senate has received from the House, the conference report in relation to the special message from the President, prior to the vote required under subparagraph (E), then the Senate shall consider, and the vote under subparagraph (E) shall occur on the House conference report.

"(ii) PROCEDURE AFTER VOTE ON SENATE CONFERENCE REPORT.—If the Senate votes, pursuant to subparagraph (E), on the conference report in relation to the special message from the President, then immediately following that vote, or upon receipt of the House conference report, the House conference report shall be deemed to be considered, read the third time, and the vote on passage of the Senate conference report shall be considered to be the vote on the conference report received from the House.

"(d) AMENDMENTS AND DIVISIONS PROHIBITED.—

"(1) IN GENERAL.—Except as provided in paragraph (2), no amendment to a bill considered under this section shall be in order in either the Senate or the House of Representatives.

"(2) MOTION TO STRIKE.—

"(A) SENATE.—During consideration of a bill in the Senate, any Member of the Senate may move to strike any proposed rescission of a dollar amount of discretionary budget authority, an item of direct spending, or a targeted tax benefit if supported by 11 other Members.

"(B) HOUSE.—During consideration of a bill in the House of Representatives, any Member of the House of Representatives may move to strike any proposed rescission of a dollar amount of discretionary budget authority, an item of direct spending, or a targeted tax benefit if supported by 49 other Members.

"(3) NO DIVISION.—It shall not be in order to demand a division of any motions to strike in the Senate, or the division of the question in the House of Representatives (or in a Committee of the Whole).

"(4) NO SUSPENSION.—No motion to suspend the application of this subsection shall be in order in the Senate or in the House of Representatives, nor shall it be in order in the House of Representatives to suspend the application of this subsection by unanimous consent.

"(e) TEMPORARY PRESIDENTIAL AUTHORITY TO WITHHOLD.—

"(1) AVAILABILITY.—The President may not withhold any dollar amount of discretionary budget authority until the President transmits and Congress receives a special message pursuant to subsection (b). Upon receipt by Congress of a special message pursuant to subsection (b), the President may direct that any dollar amount of discretionary budget authority proposed to be rescinded in that special message shall be withheld from obligation for a period not to exceed 45 calendar days from the date of receipt by Congress.

"(2) EARLY AVAILABILITY.—The President may make any dollar amount of discretionary budget authority withheld from obligation pursuant to paragraph (1) available at an earlier time if the President determines that continued withholding would not further the purposes of this Act.

"(f) TEMPORARY PRESIDENTIAL AUTHORITY TO SUSPEND.—

"(1) SUSPEND.—

"(A) IN GENERAL.—The President may not suspend the execution of any item of direct spending or targeted tax benefit until the President transmits and Congress receives a special message pursuant to subsection (b). Upon receipt by Congress of a special message, the President may suspend the execution of any item of direct spending or targeted tax benefit proposed to be rescinded in that message for a period not to exceed 45 calendar days from the date of receipt by Congress.

"(B) LIMITATION ON 45-DAY PERIOD.—The 45-day period described in subparagraph (A) shall be reduced by the number of days contained in the period beginning on the effective date of the item of direct spending or targeted tax benefit; and ending on the date that is the later of—

"(i) the effective date of the item of direct spending or targeted benefit; or

"(ii) the date that Congress receives the special message.

"(C) CLARIFICATION.—Notwithstanding subparagraph (B), in the case of an item of direct spending or targeted tax benefit with an effective date within 45 days after the date of enactment, the beginning date of the period calculated under subparagraph (B) shall be the date that is 45 days after the date of enactment and the ending date shall be the date that is the later of—

"(i) the date that is 45 days after enactment; or

"(ii) the date that Congress receives the special message.

"(2) EARLY AVAILABILITY.—The President may terminate the suspension of any item of direct spending or targeted tax benefit suspended pursuant to paragraph (1) at an earlier time if the President determines that continuation of the suspension would not further the purposes of this Act.

"(g) DEFINITIONS.—In this part:

"(1) APPROPRIATION LAW.—The term 'appropriation law' means any general or special appropriation Act, and any Act or joint resolution making supplemental, deficiency, or continuing appropriations.

"(2) CALENDAR DAY.—The term 'calendar day' means a standard 24-hour period beginning at midnight.

"(3) DAYS OF SESSION.—The term 'days of session' means only those days on which both Houses of Congress are in session.

"(4) DOLLAR AMOUNT OF DISCRETIONARY BUDGET AUTHORITY.—The term 'dollar amount of discretionary budget authority' means the dollar amount of budget authority and obligation limitations—

"(A) specified in an appropriation law, or the dollar amount of budget authority required to be allocated by a specific proviso in an appropriation law for which a specific dollar figure was not included;

"(B) represented separately in any table, chart, or explanatory text included in the statement of managers or the governing committee report accompanying such law;

"(C) required to be allocated for a specific program, project, or activity in a law (other than an appropriation law) that mandates obligations from or within accounts, programs, projects, or activities for which budget authority or an obligation limitation is provided in an appropriation law;

"(D) represented by the product of the estimated procurement cost and the total quantity of items specified in an appropriation law or included in the statement of managers or the governing committee report accompanying such law; or

"(E) represented by the product of the estimated procurement cost and the total quantity of items required to be provided in a law (other than an appropriation law) that mandates obligations from accounts, programs, projects, or activities for which dollar amount of discretionary budget authority or an obligation limitation is provided in an appropriation law.

"(5) RESCIND OR RESCISSION.—The term 'rescind' or 'rescission' means—

"(A) in the case of a dollar amount of discretionary budget authority, to reduce or repeal a provision of law to prevent that budget authority or obligation limitation from having legal force or effect; and

"(B) in the case of direct spending or targeted tax benefit, to repeal a provision of law in order to prevent the specific legal obligation of the United States from having legal force or effect.

"(6) DIRECT SPENDING.—The term 'direct spending' means budget authority provided by law (other than an appropriation law), mandatory spending provided in appropriation Acts, and entitlement authority.

"(7) ITEM OF DIRECT SPENDING.—The term 'item of direct spending' means any specific provision of law enacted after the effective date of the Second Look at Wasteful Spending Act of 2007 that is estimated to result in an increase in budget authority or outlays for direct spending relative to the most recent levels calculated consistent with the methodology described in section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985 and included with a budget submission under section 1105(a) of title 31, United States Code, and, with respect to estimates made after that budget submission that are not included with it, estimates consistent with the economic and technical assumptions underlying the most recently submitted President's budget.

"(8) SUSPEND THE EXECUTION.—The term 'suspend the execution' means, with respect to an item of direct spending or a targeted tax benefit, to stop the carrying into effect of the specific provision of law that provides such benefit.

"(9) TARGETED TAX BENEFIT.—The term 'targeted tax benefit' means—

"(A) any revenue provision that has the practical effect of providing more favorable tax treatment to a particular taxpayer or limited group of taxpayers when compared with other similarly situated taxpayers; or

"(B) any Federal tax provision which provides one beneficiary temporary or permanent transition relief from a change to the Internal Revenue Code of 1986.".

(b) EXERCISE OF RULEMAKING POWERS.—Section 904 of the Congressional Budget Act of 1974 (2 U.S.C. 621 note) is amended—

(1) in subsection (a), by striking "and 1017" and inserting "1017, and 1021"; and

(2) in subsection (d), by striking "section 1017" and inserting "sections 1017 and 1021".

(c) CLERICAL AMENDMENTS.—

(1) SHORT TITLE.—Section 1(a) of the Congressional Budget and Impoundment Control Act of 1974 is amended by—

(A) striking "Parts A and B" before "title X" and inserting "Parts A, B, and C"; and

(B) striking the last sentence and inserting at the end the following new sentence: "Part C of title X also may be cited as the 'Second Look at Wasteful Spending Act of 2007'.".

(2) TABLE OF CONTENTS.—The table of contents set forth in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by deleting the contents for part C of title X and inserting the following:

"PART C—ENHANCED RESCISSION AUTHORITY

"Sec. 1021. Expedited consideration of certain proposed rescissions".

(d) SEVERABILITY.—If any provision of this title or the amendments made by it is held to be unconstitutional, the remainder of this title and the amendments made by it shall not be affected by the holding.

(e) EFFECTIVE DATE AND EXPIRATION.—

(1) EFFECTIVE DATE.—The amendments made by this title shall—

(A) take effect on the date of enactment of this title; and

(B) apply to any dollar amount of discretionary budget authority, item of direct spending, or targeted tax benefit provided in an Act enacted on or after the date of enactment of this title.

(2) EXPIRATION.—The amendments made by this title shall expire on December 31, 2010.

SA 102. Mr. ROBERTS submitted an amendment intended to be proposed by him to the bill H.R. 2, to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage; as follows:

At the appropriate place, insert the following:

SEC. ___. SMALL BUSINESS CHILD CARE GRANT PROGRAM.

(a) ESTABLISHMENT.—The Secretary of Health and Human Services (referred to in this section as the "Secretary") shall establish a program to award grants to States, on a competitive basis, to assist States in providing funds to encourage the establishment and operation of employer-operated child care programs.

(b) APPLICATION.—To be eligible to receive a grant under this section, a State shall prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including an assurance that the funds required under subsection (e) will be provided.

(c) AMOUNT AND PERIOD OF GRANT.—The Secretary shall determine the amount of a grant to a State under this section based on the population of the State as compared to the population of all States receiving grants under this section. The Secretary shall make the grant for a period of 3 years.

(d) USE OF FUNDS.—

(1) IN GENERAL.—A State shall use amounts provided under a grant awarded under this section to provide assistance to small businesses (or consortia formed in accordance with paragraph (3)) located in the State to enable the small businesses (or consortia) to establish and operate child care programs. Such assistance may include—

(A) technical assistance in the establishment of a child care program;

(B) assistance for the startup costs related to a child care program;

(C) assistance for the training of child care providers;

(D) scholarships for low-income wage earners;

(E) the provision of services to care for sick children or to provide care to school-aged children;

(F) the entering into of contracts with local resource and referral organizations or local health departments;

(G) assistance for care for children with disabilities;

(H) payment of expenses for renovation or operation of a child care facility; or

(I) assistance for any other activity determined appropriate by the State.

(2) APPLICATION.—In order for a small business or consortium to be eligible to receive assistance from a State under this section, the small business involved shall prepare and submit to the State an application at such time, in such manner, and containing such information as the State may require.

(3) PREFERENCE.—

(A) IN GENERAL.—In providing assistance under this section, a State shall give priority to an applicant that desires to form a consortium to provide child care in a geographic area within the State where such care is not generally available or accessible.

(B) CONSORTIUM.—For purposes of subparagraph (A), a consortium shall be made up of 2 or more entities that shall include small businesses and that may include large businesses, nonprofit agencies or organizations, local governments, or other appropriate entities.

(4) LIMITATIONS.—With respect to grant funds received under this section, a State may not provide in excess of $500,000 in assistance from such funds to any single applicant.

(e) MATCHING REQUIREMENT.—To be eligible to receive a grant under this section, a State shall provide assurances to the Secretary that, with respect to the costs to be incurred by a covered entity receiving assistance in carrying out activities under this section, the covered entity will make available (directly or through donations from public or private entities) non-Federal contributions to such costs in an amount equal to—

(1) for the first fiscal year in which the covered entity receives such assistance, not less than 50 percent of such costs ($1 for each $1 of assistance provided to the covered entity under the grant);

(2) for the second fiscal year in which the covered entity receives such assistance, not less than 66⅔ percent of such costs ($2 for each $1 of assistance provided to the covered entity under the grant); and

(3) for the third fiscal year in which the covered entity receives such assistance, not less than 75 percent of such costs ($3 for each $1 of assistance provided to the covered entity under the grant).

(f) REQUIREMENTS OF PROVIDERS.—To be eligible to receive assistance under a grant awarded under this section, a child care provider—

(1) who receives assistance from a State shall comply with all applicable State and local licensing and regulatory requirements and all applicable health and safety standards in effect in the State; and

(2) who receives assistance from an Indian tribe or tribal organization shall comply with all applicable regulatory standards.

(g) STATE-LEVEL ACTIVITIES.—A State may not retain more than 3 percent of the amount described in subsection (c) for State administration and other State-level activities.

(h) ADMINISTRATION.—

(1) STATE RESPONSIBILITY.—A State shall have responsibility for administering a grant awarded for the State under this section and for monitoring covered entities that receive assistance under such grant.

(2) AUDITS.—A State shall require each covered entity receiving assistance under the grant awarded under this section to conduct an annual audit with respect to the activities of the covered entity. Such audits shall be submitted to the State.

(3) MISUSE OF FUNDS.—

(A) REPAYMENT.—If the State determines, through an audit or otherwise, that a covered entity receiving assistance under a grant awarded under this section has misused the assistance, the State shall notify the Secretary of the misuse. The Secretary, upon such a notification, may seek from such a covered entity the repayment of an amount equal to the amount of any such misused assistance plus interest.

(B) APPEALS PROCESS.—The Secretary shall by regulation provide for an appeals process with respect to repayments under this paragraph.

(i) REPORTING REQUIREMENTS.—

(1) 2-YEAR STUDY.—

(A) IN GENERAL.—Not later than 2 years after the date on which the Secretary first awards grants under this section, the Secretary shall conduct a study to determine—

(i) the capacity of covered entities to meet the child care needs of communities within States;

(ii) the kinds of consortia that are being formed with respect to child care at the local level to carry out programs funded under this section; and

(iii) who is using the programs funded under this section and the income levels of such individuals.

(B) REPORT.—Not later than 28 months after the date on which the Secretary first awards grants under this section, the Secretary shall prepare and submit to the appropriate committees of Congress a report on the results of the study conducted in accordance with subparagraph (A).

(2) 4-YEAR STUDY.—

(A) IN GENERAL.—Not later than 4 years after the date on which the Secretary first awards grants under this section, the Secretary shall conduct a study to determine the number of child care facilities that are funded through covered entities that received assistance through a grant awarded under this section and that remain in operation, and the extent to which such facilities are meeting the child care needs of the individuals served by such facilities.

(B) REPORT.—Not later than 52 months after the date on which the Secretary first awards grants under this section, the Secretary shall prepare and submit to the appropriate committees of Congress a report on the results of the study conducted in accordance with subparagraph (A).

(j) DEFINITIONS.—In this section:

(1) COVERED ENTITY.—The term "covered entity" means a small business or a consortium formed in accordance with subsection (d)(3).

(2) INDIAN COMMUNITY.—The term "Indian community" means a community served by an Indian tribe or tribal organization.

(3) INDIAN TRIBE; TRIBAL ORGANIZATION.—The terms "Indian tribe" and "tribal organization" have the meanings given the terms in section 658P of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858n).

(4) SMALL BUSINESS.—The term "small business" means an employer who employed an average of at least 2 but not more than 50 employees on the business days during the preceding calendar year.

(5) STATE.—The term "State" has the meaning given the term in section 658P of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858n).

(k) APPLICATION TO INDIAN TRIBES AND TRIBAL ORGANIZATIONS.—In this section:

(1) IN GENERAL.—Except as provided in subsection (f)(1), and in paragraphs (2) and (3), the term "State" includes an Indian tribe or tribal organization.

(2) GEOGRAPHIC REFERENCES.—The term "State" includes an Indian community in subsections (c) (the second and third place the term appears), (d)(1) (the second place the term appears), (d)(3)(A) (the second place the term appears), and (i)(1)(A)(i).

(3) STATE-LEVEL ACTIVITIES.—The term "State-level activities" includes activities at the tribal level.

(l) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section, $50,000,000 for the period of fiscal years 2008 through 2012.

(2) STUDIES AND ADMINISTRATION.—With respect to the total amount appropriated for such period in accordance with this subsection, not more than $2,500,000 of that amount may be used for expenditures related

to conducting studies required under, and the administration of, this section.

(m) TERMINATION OF PROGRAM.—The program established under subsection (a) shall terminate on September 30, 2012.

SA 103. Mr. ENZI (for Ms. SNOWE (for herself, Mr. ENZI, and Ms. LANDRIEU)) proposed an amendment to amendment SA 100 proposed by Mr. REID (for Mr. BAUCUS) to the bill H.R. 2, to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage; as follows:

At the appropriate place, insert the following:

SEC. ___. ENHANCED COMPLIANCE ASSISTANCE FOR SMALL BUSINESSES.

(a) IN GENERAL.—Section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996 (5 U.S.C. 601 note) is amended by striking subsection (a) and inserting the following:

"(a) COMPLIANCE GUIDE.—

"(1) IN GENERAL.—For each rule or group of related rules for which an agency is required to prepare a final regulatory flexibility analysis under section 605(b) of title 5, United States Code, the agency shall publish 1 or more guides to assist small entities in complying with the rule and shall entitle such publications 'small entity compliance guides'.

"(2) PUBLICATION OF GUIDES.—The publication of each guide under this subsection shall include—

"(A) the posting of the guide in an easily identified location on the website of the agency; and

"(B) distribution of the guide to known industry contacts, such as small entities, associations, or industry leaders affected by the rule.

"(3) PUBLICATION DATE.—An agency shall publish each guide (including the posting and distribution of the guide as described under paragraph (2))—

"(A) on the same date as the date of publication of the final rule (or as soon as possible after that date); and

"(B) not later than the date on which the requirements of that rule become effective.

"(4) COMPLIANCE ACTIONS.—

"(A) IN GENERAL.—Each guide shall explain the actions a small entity is required to take to comply with a rule.

"(B) EXPLANATION.—The explanation under subparagraph (A)—

"(i) shall include a description of actions needed to meet the requirements of a rule, to enable a small entity to know when such requirements are met; and

"(ii) if determined appropriate by the agency, may include a description of possible procedures, such as conducting tests, that may assist a small entity in meeting such requirements.

"(C) PROCEDURES.—Procedures described under subparagraph (B)(ii)—

"(i) shall be suggestions to assist small entities; and

"(ii) shall not be additional requirements relating to the rule.

"(5) AGENCY PREPARATION OF GUIDES.—The agency shall, in its sole discretion, taking into account the subject matter of the rule and the language of relevant statutes, ensure that the guide is written using sufficiently plain language likely to be understood by affected small entities. Agencies may prepare separate guides covering groups or classes of similarly affected small entities and may cooperate with associations of small entities to develop and distribute such guides. An agency may prepare guides and apply this section with respect to a rule or a group of related rules.

"(6) REPORTING.—Not later than 1 year after the date of enactment of the Small Business Compliance Assistance Enhancement Act of 2007, and annually thereafter, the head of each agency shall submit a report to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives describing the status of the agency's compliance with paragraphs (1) through (5).".

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 211(3) of the Small Business Regulatory Enforcement Fairness Act of 1996 (5 U.S.C. 601 note) is amended by inserting "and entitled" after "designated".

SA 104. Mr. WYDEN (for himself, Mr. SMITH, Mrs. FEINSTEIN, AND MRS. BOXER)) submitted an amendment intended to be proposed by him to the bill H.R. 2, to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. EXTENSION OF SECURE RURAL SCHOOLS AND COMMUNITY SELF-DETERMINATION ACT.

(a) IN GENERAL.—The Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 500 note; Public Law 106–393) is amended in sections 101(a), 102(b)(2), 103(b)(1), 203(a)(1), 207(a), 208, 303, and 401 by striking "2006" each place it appears and inserting "2007".

(b) TERMINATION OF AUTHORITY.—

(1) SPECIAL PROJECTS ON FEDERAL LANDS.—Section 208 of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 500 note; Public Law 106–393) is amended in the second sentence by striking "2007" and inserting "2008".

(2) COUNTY PROJECTS.—Section 303 of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 500 note; Public Law 106–393) is amended in the second sentence by striking "2007" and inserting "2008".

SA 105. Mr. MARTINEZ submitted an amendment intended to be proposed by him to the bill H.R. 2, to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. HOUSE PARENT EXCEPTION.

Section 13(b)(24) of the Fair Labor Standards Act of 1938 (29 U.S.C. 212(b)(24)) is amended—

(1) in the matter preceding subparagraph (A), by striking "and his spouse"; and

(2) in the matter following subparagraph (B)—

(A) by striking "and his spouse reside" and inserting "resides";

(B) by striking "receive" and inserting "receives"; and

(C) by striking "are together" and inserting "is".

SA 106. Mr. SESSIONS (for himself, Mr. KOHL, and Mrs. HUTCHISON) proposed an amendment to amendment SA 100 proposed by Mr. REID (for Mr. BAUCUS) to the bill H.R. 2, to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage; as follows:

At the appropriate place, insert the following:

SEC. . SENSE OF THE SENATE CONCERNING PERSONAL SAVINGS.

(a) FINDINGS.—The Senate finds that—

(1) the personal saving rate in the United States is at its lowest point since the Great Depression, with the rate having fallen into negative territory;

(2) the United States ranks at the bottom of the Group of Twenty (G-20) nations in terms of net national saving rate;

(3) approximately half of all the working people of the United States work for an employer that does not offer any kind of retirement plan;

(4) existing savings policies enacted by Congress provide limited incentives to save for low- and moderate-income families; and

(5) the critically-important Social Security program was never intended by Congress to be the sole source of retirement income.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) there is a need for simple, easily-accessible and productive savings vehicles for all the people of the United States;

(2) it is important to begin retirement saving as early as possible to take full advantage of the power of compound interest;

(3) regularly contributing money to a financially-sound investment account is effective in achieving one's retirement goals; and

(4) Congress should actively develop policies to enhance personal savings for retirement.

SA 107. Mr. SESSIONS proposed an amendment to amendment SA 100 proposed by Mr. REID (for Mr. BAUCUS) to the bill H.R. 2, to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage; as follows:

At the appropriate place insert the following:

SEC. ___. ADDITIONAL REQUIREMENTS TO ENSURE GREATER USE OF ADVANCE PAYMENT OF EARNED INCOME CREDIT.

Not later than January 1, 2010, the Secretary of the Treasury by regulation shall require—

(1) each employer of an employee who the employer determines receives wages in an amount which indicates that such employee would be eligible for the earned income credit under section 32 of the Internal Revenue Code of 1986 to provide such employee with a simplified application for an earned income eligibility certificate, and

(2) require each employee wishing to receive the earned income tax credit to complete and return the application to the employer within 30 days of receipt.

Such regulations shall require an employer to provide such an application within 30 days of the hiring date of an employee and at least annually thereafter. Such regulations shall further provide that, upon receipt of a completed form, an employer shall provide for the advance payment of the earned income credit as provided under section 3507 of the Internal Revenue Code of 1986.

SEC. ___. EXTENSION OF ADVANCE PAYMENT OF EARNED INCOME CREDIT TO ALL ELIGIBLE TAXPAYERS.

(a) IN GENERAL.—Section 3507(b) of the Internal Revenue Code of 1986 (relating to earned income eligibility certificate) is amended by striking paragraph (2) and by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively.

(b) CONFORMING AMENDMENTS.—

(1) Section 3507(c)(2)(B) of the Internal Revenue Code of 1986 is amended by inserting "has 1 or more qualifying children and" before "is not married,".

(2) Section 3507(c)(2)(C) of such Code is amended by striking "the employee" and inserting "an employee with 1 or more qualifying children".

(3) Section 3507(f) of such Code is amended by striking "who have 1 or more qualifying children and".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

SA 108. Mr. SESSIONS proposed an amendment to amendment SA 100 proposed by Mr. REID (for Mr. BAUCUS) to the bill H.R. 2, to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage; as follows:

At the appropriate place insert the following:

SEC. ___. STUDY OF UNIVERSAL USE OF ADVANCE PAYMENT OF EARNED INCOME CREDIT.

Not later than 180 days after the date of the enactment of this Act, the Secretary of the Treasury shall report to Congress on a study of the costs and barriers to businesses (with a special emphasis on small businesses) if the advance earned income tax credit program (under section 3507 of the Internal Revenue Code of 1986) included all recipients of the earned income tax credit (under section 32 of such Code) and what steps would be necessary to implement such inclusion.

SA 109. Mr. REID proposed an amendment to the concurrent resolution H. Con. Res. 38, providing for a joint session of Congress to receive a message from the President, as follows:

On page 1, line 3 strike "Wednesday" and insert Tuesday.

SA 110. Mr. VITTER (for himself and Mr. VOINOVICH) submitted an amendment intended to be proposed by him to the bill H.R. 2, to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage; as follows:

At the appropriate place, insert the following:

SEC. ___. SUSPENSION OF FINES FOR FIRST-TIME PAPERWORK VIOLATIONS BY SMALL BUSINESS CONCERNS.

Section 3506 of title 44, United States Code (commonly referred to as the "Paperwork Reduction Act"), is amended by adding at the end the following:

"(j) SMALL BUSINESSES.—

"(1) SMALL BUSINESS CONCERN.—In this subsection, the term 'small business concern' means a business concern that meets the requirements of section 3(a) of the Small Business Act (15 U.S.C. 632(a)) and the regulations promulgated under that section.

"(2) IN GENERAL.—In the case of a first-time violation by a small business concern of a requirement regarding the collection of information by an agency, the head of that agency shall not impose a civil fine on the small business concern unless the head of the agency determines that—

"(A) the violation has the potential to cause serious harm to the public interest;

"(B) failure to impose a civil fine would impede or interfere with the detection of criminal activity;

"(C) the violation is a violation of an internal revenue law or a law concerning the assessment or collection of any tax, debt, revenue, or receipt;

"(D) the violation was not corrected on or before the date that is 6 months after the date of receipt by the small business concern of notification of the violation in writing from the agency; or

"(E) except as provided in paragraph (3), the violation presents a danger to the public health or safety.

"(3) DANGER TO PUBLIC HEALTH OR SAFETY.—

"(A) IN GENERAL.—In any case in which the head of an agency determines under paragraph (2)(E) that a violation presents a danger to the public health or safety, the head of the agency may, notwithstanding paragraph (2)(E), determine not to impose a civil fine on the small business concern if the violation is corrected not later than 24 hours after receipt by the small business owner of notification of the violation in writing.

"(B) CONSIDERATIONS.—In determining whether to provide a small business concern with 24 hours to correct a violation under subparagraph (A), the head of an agency shall take into account all of the facts and circumstances regarding the violation, including—

"(i) the nature and seriousness of the violation, including whether the violation is technical or inadvertent or involves willful or criminal conduct;

"(ii) whether the small business concern has made a good faith effort to comply with applicable laws and to remedy the violation within the shortest practicable period of time; and

"(iii) whether the small business concern has obtained a significant economic benefit from the violation.

"(C) NOTICE TO CONGRESS.—In any case in which the head of an agency imposes a civil fine on a small business concern for a violation that presents a danger to the public health or safety and does not provide the small business concern with 24 hours to correct the violation under subparagraph (A), the head of that agency shall notify Congress regarding that determination not later than the date that is 60 days after the date that the civil fine is imposed by that agency.

"(4) LIMITED TO FIRST-TIME VIOLATIONS.—

"(A) IN GENERAL.—This subsection shall not apply to any violation by a small business concern of a requirement regarding collection of information by an agency if that small business concern previously violated any requirement regarding collection of information by that agency.

"(B) OTHER AGENCIES.—For purposes of making a determination under subparagraph (A), the head of an agency shall not take into account any violation of a requirement regarding collection of information by another agency.".

PRIVILEGES OF THE FLOOR

Mr. BAUCUS. Mr. President, I ask unanimous consent the following fellows, interns, and detailees of the staff of the Committee on Finance be allowed on the Senate floor for duration of debate on the minimum wage bill: Mary Baker, Tom Louthan, Sarah Shepherd, David Ashner, Gretchen Hector, Molly Keenan, Sarah Butler, and Ryan Majerus.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. Mr. President, I ask unanimous consent that Selma Mittal be granted the privileges of the floor during consideration of H.R. 2 and votes that may occur in relationship thereto.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR PRINTING OF S. 1

Mr. REID. I ask unanimous consent that S. 1, as passed by the Senate, be printed.

The PRESIDING OFFICER. Without objection, it is so ordered.

DISCHARGE AND REFERRAL—S. 69

Mr. REID. I ask unanimous consent that S. 69 be discharged from the Committee on the Judiciary and be referred to the Committee on Commerce, Science, and Transportation.

The PRESIDING OFFICER. Without objection, it is so ordered.

JOINT SESSION OF CONGRESS TO RECEIVE A MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 38.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 38) providing for a joint session of Congress to receive a message from the President.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the amendment at the desk be considered and agreed to, the concurrent resolution, as amended, be agreed to, and the motion to reconsider be laid upon the table, without any intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 109) was agreed to, as follows:

AMENDMENT NO. 109

On page 1, line 3 strike "Wednesday" and insert "Tuesday".

The concurrent resolution (H. Con. Res. 38), as amended, was agreed to.

PROGRAM

Mr. REID. Mr. President, cloture has been filed today on the line-item veto offered by Senator GREGG. I filed a cloture motion on the underlying bill, which is a straight minimum wage with no small business set-asides on it.

Today, we have had 4 amendments laid down, and there has been good debate. Tomorrow, we can have our party caucuses at 12:30. We may vote in the morning. There are four amendments pending. We have the Enzi amendment, and the HELP Committee majority is working with him to see if there can be a couple of changes made and, if so, we can vote on that.

Mr. McCONNELL. Mr. President, let me just say, with regard to the cloture motion just filed by the distinguished majority leader, that if cloture were to be invoked on the underlying bill, the opportunity to pass what has developed into a bipartisan minimum wage proposal, including both an increase in the minimum wage and tax provisions, which are important for the small businesses that tend to hire people who work at the minimum wage, would be lost. So certainly it is my hope that cloture will not be invoked on Wednesday on the underlying bill so that we could continue in the bipartisan spirit in which we have begun this session of Congress and move forward on a bill that in all likelihood will receive, at the end of the process, a very large bipartisan vote of support, and that is a combination of the minimum wage increase and the small business tax provision.

So I encourage my colleagues on this side of the aisle to, in the spirit of bipartisanship, defeat that so we can continue to deal with the substitute that I think will enjoy broad bipartisan support.

Mr. REID. Mr. President, during the next couple of days, until we vote on the two cloture matters, if cloture is not invoked on the matter relating to Senator JUDD GREGG, then that matter, it is my understanding, would be withdrawn and we would go to cloture on the underlying bill. If that is, of course, passed, it would be just as Senator MCCONNELL said—it would eliminate the matters the Finance Committee placed on the bill. If it is not invoked, we are right back where we started from and would work off the substitute.

Mr. President, I hope Senators would look at and offer whatever amendments they want on this matter. There is going to come a time, because we have so much other business to do and, besides, there is ample opportunity to file amendments on this bill, that I will be required to file cloture. It would be great if I didn't have to. We could agree on a finite list of amendments, dispose of those amendments, and move to final passage of the bill.

Next week sometime it is likely, as I explained to the distinguished Republican leader, we are going to have to go to the Iraq resolution or resolutions reported out of the Foreign Relations Committee. What the Republican leader and I have talked about doing—and we don't know if that is doable in the Senate—is to limit the votes that would be on that issue, whether we have a couple competing resolutions or one resolution. Whatever we do, we will try to work something out to the satisfaction of the body.

Mr. McCONNELL. Mr. President, briefly, five amendments have been pending, three have been filed. I will have a better sense, I say to my friend, the majority leader, after lunch tomorrow how many amendments my side will be interested in filing. I certainly share the majority leader's view, provided cloture is not invoked on Wednesday, that we would work with the majority leader in the hopes of winding up this bill at the earliest possible time.

ORDERS FOR TUESDAY, JANUARY 23, 2007

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 10 a.m., Tuesday, January 23; that on Tuesday, following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and that there then be a period for the transaction of morning business for 60 minutes, with Senators permitted to speak therein for up to 10 minutes each, with the first half under control of the Republicans and the second half under the control of the majority; that following morning business, the Senate then resume consideration of H.R. 2, the minimum wage bill; that on Tuesday, the Senate recess from 12:30 p.m. to 2:15 p.m. in order to accommodate the respective party conference luncheons.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. Mr. President, we began, as we have just spoken about, a very good debate today on minimum wage. Senator GREGG offered his line-item veto amendment. We had very stimulating debate on that matter from both sides. I filed cloture on that amendment. The cloture vote will occur on Wednesday, unless we decide to move it up earlier.

Also, today I filed cloture on the underlying bill. The Republican leader and I discussed that at some length. If cloture is not invoked on the Gregg amendment, then we will go immediately to a cloture vote on the underlying bill.

ORDER OF PROCEDURE

I ask unanimous consent that the live quorum, with respect to these two cloture motions, be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that Senators have until 2:30 p.m. tomorrow, Tuesday, to file first-degree amendments.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, does the Republican leader have anything further?

Mr. McCONNELL. No. I say to my friend, as I indicated, we have several amendments pending. We will know a little more tomorrow how many amendments will be offered.

ORDER FOR ADJOURNMENT

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that following the remarks of Senator WARNER, the Senate stand adjourned under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RESOLUTION ON THE NEW STRATEGY IN IRAQ

Mr. WARNER. Mr. President, I first thank the Presiding Officer for addressing the Senate earlier this evening with regard to the proposed resolution which you and our distinguished colleague from Maine, Senator COLLINS, have been working on now for several days and throughout the weekend, placing it into the RECORD for all Senators to have an opportunity to study it.

I ask unanimous consent that it be printed in the RECORD following my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. WARNER. Mr. President, as I said when I was joined by you and Senator COLLINS in our brief press conference this afternoon, the resolution we currently anticipate will not be filed formally at the desk until the State of the Union is completed tomorrow and the Senate Foreign Relations Committee works its will on a resolution which is pending before it, authored by the chairman, Senator BIDEN, and Senator HAGEL of Nebraska and other Senators who have joined in that resolution. As that resolution works its way through the Foreign Relations Committee, we, the three of us who have worked on this resolution, will take an examination of what is sent to the floor for purposes of floor consideration, and at that time I anticipate we could indicate to the Senate a desire that our resolution be considered as a substitute resolution and therefore an alternative to the resolution that will be reported out from the Foreign Relations Committee.

That is what we stated today, and it is my intention to continue to work along in that vein because my motivation solely is to do what is in the best interests of the United States of America, and most particularly the men and women of the Armed Forces at this very pivotal time in the history of our Nation's commitment to Iraq, considering the President's plan.

As I said earlier, America's contribution to try to bring about a settlement of so many of the controversies in the Middle East is done in the spirit only of trying to bring peace and freedom to that very troubled region. Iraq, at this moment, is very much before the Congress because the President has, on the 10th of this month, laid down a plan. I say it is very much before us at this time, but also there are the very serious questions relating to Iran and their desire to go ahead and develop certain aspects of nuclear energy which could at some point in time undertake a program that would lead to the development of nuclear weapons. That is a very serious question. The question of Lebanon is before this body, as is the question of the relationship between Israel and the Palestinian people. So what we do in the context of Iraq is not isolated from all of these serious problems.

But for the moment, we have before us the plan laid down by the President on the 10th of this month. We go back and we trace the evolution of this problem from, say, early last fall when clearly, in the minds of many of us, the situation was not measuring up to our expectations. Our strategy at that time was not bringing about clear benchmarks with positive results.

We had an extraordinary chapter of history when our military campaign, together with our coalition partners, enabled the Iraqi people to have free and open elections, to elect a government, and for that government to take office. They were enabled to begin the fundamental steps to create, No. 1, a sovereign nation with the full exercise of sovereignty in the hands of the government and the Iraqi people, and No. 2, an improved security situation in Iraq which would reflect throughout the region.

Those were all very positive accomplishments. It is owing to the commitment of the nations forming the coalition of forces—to some extent the United Nations and the Security Council, so many institutions and commitments, and the bravery of the men and women of the Armed Forces—that they brought about a nation now that is a sovereign nation, Iraq, whose government was elected by a free people.

But the security situation has deteriorated, and it deteriorated in the fall to the point that I and others began to express our concern publicly. Senator LEVIN and I returned from a trip to that region—specifically Iraq—and in the context of reporting back to this body, the Senate, I indicated that, in my judgment, the situation was drifting sideways. We were simply not seeing the improvements in security. The reins of sovereignty which we put into the hands of the Iraqi people and their elected government were not bringing about the results we wished.

The level of attacks was quite significant, and a measure of total distrust was beginning to evolve between the various factions—the Sunnis distrusting the Shias, the Shias distrusting the Sunnis—and this has led to where the sectarian violence is now the predominant problem, bringing back instability into Iraq.

Following comments by leaders of our administration, leaders here in the Congress and, indeed, very respected experts in the private sector, the President—and I commend him—instituted a total analysis of the situation. I had specifically said, when I mentioned it was drifting sideways, that we ought to consider all aspects of changing this strategy we were currently employing at that time. I am not suggesting my remarks were the motivation, but the President took the initiative and the leadership, and he is to be commended. Every entity within the Federal system, from the Departments of State and Defense to all other entities, made contributions to what should be done to change his strategy.

The Joint Chiefs did a very significant study on their own initiative, and I commend Chairman Pace. I think the Baker-Hamilton commission did a remarkably fine study and of value, certainly, in my judgment, to this institution and all those who are concentrating on how to resolve the problems in Iraq.

So the President's plan presumably was his analysis of all of this extraordinary input into a change of strategy, and he laid down his proposal. At the same time he addressed the country, he said—and I would like to quote him. He said very clearly that "he would welcome and encourage others to make contributions."

So what we did by way of putting this together was not to contravene in any way the constitutional authorities of our President which are expressed, his role as Commander in Chief, but to accept the offer to the Congress and others made by the President on January 10, 2007, and I quote:

> If Members have improvements that can be made, we will make them. If circumstances change, we will adjust.

Now, I commend the President for that, and it is in that vein that the three of us came together and began our concentrated effort shortly after January 10, and this is the work product.

It is clear to us that the U.S. strategy and operations in Iraq can only be sustained and achieved with the support of the American people and with a level of bipartisanship in the Congress. On that note, indulge me to reflect a little bit on the Vietnam era where I was privileged to serve as Under Secretary, Secretary of the Navy for 5 years and some months during that extraordinary chapter of American history. I can say unequivocally that my heart goes out to the men and women in the Armed Forces in that chapter of our history. There was a great deal of public misunderstanding about their role and what they were trying to do individually and collectively in the cause of freedom.

Eventually, that public opinion began to infuse itself here in the two bodies of the Congress, and the rest is history. The Congress began to pull back and, as I say, the rest is history.

I do not suggest there is a parallel between the combat situations, although there was enormous suffering and a tremendous level of casualties—over 50,000 men and women killed, wounded and missing in Vietnam—a great sacrifice for our country in the cause of freedom. But today I see an absolute magnificent response all across this Nation among the American citizens to that brave individual in uniform, both men and women. And the same for our many dedicated civilians who are also taking risks in connection with carrying out the instructions our President has laid down for the military, as well as all branches of this Government, to achieve our goals in Iraq.

Our group agreed with the President that a loss, a failed state in Iraq will affect peace in the region and indeed possibly peace elsewhere in the world. The stakes are very high, and we weighed that always, as the three of us prepared these documents. But that is why I say during the Vietnam chapter the support of the American people and a level of bipartisanship in this institution were essential, and that is the purpose of this resolution: to hopefully achieve that.

The purpose of this resolution is not to cut our forces at their present level, nor to institute and force a timetable for withdrawal. That is a matter—those are both matters that have to be left to the President—but, rather, to express the genuine concerns of a number of Senators from both parties about the President's plan and to set forth a strategy.

Unlike some of the other resolutions that have been before the body, we detail a change in strategy which offers to the President the possibility of modification of his plan. We do not mean to be confrontational with our President but instead to provide a sense of bipartisan resolve on recommendations, alternatives, modifications, we should say, to the plan that he laid down. Our thoughts were in many respects guided by the Baker-Hamilton report.

As I say, I personally, and I think the Presiding Officer and others, attach a great deal of significance to that report.

Now, the primary objective we see of our strategy in Iraq should be the following: First, to encourage Iraqi leaders to make political compromises that will foster reconciliation and strengthen the unity of government, ultimately leading to improvements in the security situation. Further, our resolution states the military part of this strategy should focus on the following. Now, let me address the military part. I think the President very wisely—and this reflects on the strength of his proposal. It is really three parts. It is diplomacy. It is economic support in the nature of reconstruction, a greater emphasis on helping the civilian infrastructure, whether it be their electricity, their sanitation, their water, or many things that are very much lacking, regrettably. Irrespective of the enormity of the contributions we have made thus far to improve those situations, they just haven't improved.

So this plan of the President's is really three parts, but I address now the military part. But I caution that a chain is no stronger than its weakest link. All three of these vital parts of the President's program, in order to have any measure of success, have to work together. Our committee, the Armed Services Committee on which the Presiding Officer, Senator COLLINS and I serve, a year or so ago put in specific legislation to encourage the Secretaries of the Cabinet positions here, the Cabinet Secretaries and the administrators of our Government—we put into law giving them flexibility to encourage more of their people to get into the mainstream to support the economic and reconstruction parts of the President's program. That part has to be every bit as strong as whatever the final military components will be, and the same with the diplomacy.

But our military strategies should focus on the following: First, maintaining the territorial integrity of Iraq; second, denying international terrorists a safe haven, conducting counterterrorism operations, promoting regional stability, and training and equipping Iraqi forces to take full responsibility for their own security. Further, our resolution states that the U.S. military operations should, as much as possible, be confined to these goals and charges the Iraqi military with the primary mission of combating sectarian violence. That has been a matter of intense interest for this particular Senator, and I drew up this paragraph accordingly, with the Presiding Officer's help and concurrence.

That is, I said, charges—it says to the Iraqi military: We have invested in this military, over years and years, of training, 2 full years, plus—equipment. Now, this sectarian violence is something that you should be out on the point to handle. That is your primary responsibility. The coalition GI, be it American or British or the others, should not be cast into situations—whenever possible, trying not to let them be cast into situations—or firefights, to be more precise—where Sunni is shooting at Shia, or vice versa, and for them to try and make the decisions of how to solve that. That, to me, we should charge the Iraqis as their responsibility, with their armed forces which we have trained, and which number over 200,000 because they understand the language, they understand the culture, and they understand the complexity of this deep-rooted distrust, this hatred which propels the Sunni versus the Shia, or the Shia versus the Sunni.

This results in these wanton killings, the horrible tortures every day. The bodies are in the streets. I will not describe how those bodies have been desecrated as a symbol of this hatred and distrust. That is not for us to solve. That is for the Iraqis to solve.

As such, our resolution states that the Senate disagrees with the President's plan to augment our forces by 21,500 and urges the President instead to consider all options and alternatives for achieving the strategic goals outlined above. Take a look at 21,500. That sends a difficult signal, a tough signal. We have discussed Anbar Province, the province where the Marines are fighting. There we recognize that an augmentation of forces is necessary; namely, because we are engaged directly with al-Qaida.

I say respectfully to the President, we urge him to consider other options, to use a lesser number of troops. Particularly, we have had briefings recently about the growing sentiment among the Iraqi people, the rank and file, that they do not want more troops on their soil. They are anxious to have them leave now. Leaving precipitously could topple that situation into an all-out civil war, an imploding which has disastrous consequences, as we all know.

Again, the signal we are sending 21,500 is, in our judgment, not a wise strategy. We are looking at Baghdad, which is the central focus of sectarian violence, the central focus of the majority of the insecurity, the failure of security in that sovereign country. There are nine different districts, as I understand the President's plan. Sequentially, we will take a district, go into it, and see whether we can lower the level of violence, provide some stability and confidence for their people so they can look forward to some quality of life and personal safety. However, as we take the initial section of Baghdad and do that, we should lay down clear and precise benchmarks that the Iraqi forces must follow.

First, the commitment of their troop level, together with the troop level of the United States, should be all present and accounted for on the day before that operation starts. Unlike the failure of the previous surge efforts in Baghdad, where the United States showed up and a far less number of Iraqis—although committed—showed up. That is the first thing.

The second thing is, it is imperative the political leadership in that Government, which has tried to reach down and make decisions affecting the tactics of the Armed Forces—both Iraqi Armed Forces and the coalition forces, principally the American forces—that comes to an absolute end. The military commanders should be entrusted to make the tactical decisions, to take the missions they see fit for each of the nine districts—the missions can be different in the nine districts—and carry them out halfway through, after perhaps sacrificing life and limb to accomplish some measure of success, will not be reversed by a political decision made somewhere in the Iraqi Government. That is important.

We had the benchmarks. Before we go to a second location in Baghdad, we will have, hopefully, a clearly documented case of this operation going according to plan. It will document the Iraqis taking the point, as we say in military work, with regard to incidents of sectarian violence. Before we go to another sequenced operation in Baghdad, we better be sure. Words will not do it. Statements will not do it. Only deeds will be convincing that there is a full and unqualified commitment to the Iraqi Government.

Our resolution is worthy of consideration by our colleagues. There is a great deal of concern in the Senate and adversity of opinion. I respect that. I hope it will be considered. The three of us will be glad to work with colleagues individually, collectively, and most respectfully of our own leadership, as to what guidance they might wish to give us.

I thank the Presiding Officer. I thank Senator COLLINS. I wish to thank staff who worked throughout the weekend and over the past few days: Tim Becker, from the staff of the Presiding Officer; Christiana Gallagher, also of your staff; Jane Alonso, of Senator COLLINS' staff; John Ullyot, of my staff; Bill Caniano and Ann Loomis and Sandy Luff, of my staff. We have had quite a team working. They all made possible the completion of this resolution today.

EXHIBIT 1

Language Sponsored by Mr. Warner (for himself, Mr. Nelson of Nebraska, and Ms. Collins)

Resolution expressing the sense of Congress on the new strategy in Iraq.

Whereas, we respect the Constitutional authorities given a President in Article II, Section 2, which states that "The President shall be commander in chief of the Army and Navy of the United States;" it is not the intent of this resolution to question or contravene such authority, but to accept the offer to Congress made by the President on January 10, 2007 that, "if members have improvements that can be made, we will make them. If circumstances change, we will adjust;"

Whereas, the United States' strategy and operations in Iraq can only be sustained and achieved with support from the American people and with a level of bipartisanship;

Whereas, over 137,000 American military personnel are currently serving in Iraq, like thousands of others since March 2003, with the bravery and professionalism consistent with the finest traditions of the United States armed forces, and are deserving of the support of all Americans, which they have strongly;

Whereas, many American service personnel have lost their lives, and many more have been wounded, in Iraq, and the American people will always honor their sacrifices and honor their families;

Whereas, the U.S. Army and Marine Corps, including their Reserve and National Guard organizations, together with components of the other branches of the military, are under enormous strain from multiple, extended deployments to Iraq and Afghanistan;

Whereas, these deployments, and those that will follow, will have lasting impacts on the future recruiting, retention and readiness of our nation's all volunteer force;

Whereas in the National Defense Authorization Act for Fiscal Year 2006, the Congress stated that "calendar year 2006 should be a period of significant transition to full sovereignty, with Iraqi security forces taking the lead for the security of a free and sovereign Iraq;"

Whereas, United Nations Security Council Resolution 1723, approved November 28, 2006, "determin[ed] that the situation in Iraq continues to constitute a threat to international peace and security;"

Whereas, a failed state in Iraq would present a threat to regional and world peace, and the long-term security interests of the United States are best served by an Iraq that can sustain, govern, and defend itself, and serve as an ally in the war against extremists;

Whereas, Iraq is experiencing a deteriorating an ever-widening problem of sectarian and intra-sectarian violence based upon political distrust and cultural differences between some Sunni and Shia Muslims;

Whereas, Iraqis must reach political settlements in order to achieve reconciliation, and the failure of the Iraqis to reach such settlements to support a truly unified government greatly contributes to the increasing violence in Iraq;

Whereas, the responsibility for Iraq's internal security and halting sectarian violence must rest primarily with the Government of Iraq and Iraqi Security Forces;

Whereas, U.S. Central Command Commander General John Abizaid testified to Congress on November 15, 2006, "I met with every divisional commander, General Casey, the Corps Commander, [and] General Dempsey. We all talked together. And I said, in your professional opinion, if we were to bring in more American troops now, does it add considerably to our ability to achieve success in Iraq? And they all said no. And the reason is, because we want the Iraqis to do more. It's easy for the Iraqis to rely upon us to do this work. I believe that more American forces prevent the Iraqis from doing more, from taking more responsibility for their own future;"

Whereas, Iraqi Prime Minister Nouri al-Maliki stated on November 27, 2006 that "The crisis is political, and the ones who can stop the cycle of aggravation and bloodletting of innocents are the politicians;"

Whereas, there is growing evidence that Iraqi public sentiment opposes the continued U.S. troop presence in Iraq, much less increasing the troop level;

Whereas, in the fall of 2006, leaders in the Administration and Congress, as well as recognized experts in the private sector, began to express concern that the situation in Iraq was deteriorating and required a change in strategy; and, as a consequence, the Administration began an intensive, comprehensive review of the Iraq strategy, by all components of the Executive branch;

Whereas, in December 2006, the bipartisan Iraq Study Group issued a valuable report, suggesting a comprehensive strategy that includes "new and enhanced diplomatic and political efforts in Iraq and the region, and a change in the primary mission of U.S. forces in Iraq that will enable the United States to begin to move its combat forces out of Iraq responsibly;"

Whereas, on January 10, 2007, following consultations with the Iraqi Prime Minister, the President announced a new strategy (hereinafter referred to as the "plan,") the central element of which is an augmentation of the present U.S. military force structure through additional deployments of approximately 21,500 U.S. military troops to Iraq;

Whereas, this proposed level of troop augmentation far exceeds the expectations of many of us as to the reinforcements that would be necessary to implement the various options for a new strategy, and led many members to express outright opposition to augmenting our troops by 21,500;

Whereas, the Government of Iraq has promised repeatedly to assume a greater share of security responsibilities, disband militias, consider Constitutional amendments and enact laws to reconcile sectarian differences, and improve the quality of essential services for the Iraqi people; yet, despite those promises, little has been achieved;

Whereas, the President said on January 10, 2007 that "I've made it clear to the Prime Minister and Iraq's other leaders that America's commitment is not open-ended" so as to dispel the contrary impression that exists;

Whereas, the recommendations in this resolution should not be interpreted as precipitating any immediate reduction in, or withdrawal of, the present level of forces: Now therefore, be it

Resolved, by the Senate (the House of Representatives concurring), That it is the sense of Congress that—

(1) the Senate disagrees with the "plan" to augment our forces by 21,500, and urges the President instead to consider all options and alternatives for achieving the strategic goals set forth below with reduced force levels than proposed;

(2) the primary objective of the overall U.S. strategy in Iraq should be to encourage Iraqi leaders to make political compromises that will foster reconciliation and strengthen the unity government, ultimately leading to improvements in the security situation;

(3) the military part of this strategy should focus on maintaining the territorial integrity of Iraq, denying international terrorists a safe haven, conducting counterterrorism operations, promoting regional stability, and training and equipping Iraqi forces to take full responsibility for their own security;

(4) United States military operations should, as much as possible, be confined to these goals, and charge the Iraqi military with the primary mission of combating sectarian violence;

(5) the military Rules of Engagement for this plan should reflect this delineation of responsibilities;

(6) the United States Government should transfer to the Iraqi military, in an expeditious manner, such equipment as is necessary;

(7) the Senate believes the United States should continue vigorous operations in Anbar province, specifically for the purpose of combating an insurgency, including elements associated with the Al Qaeda movement, and denying terrorists a safe haven;

(8) the United States Government should engage selected nations in the Middle East to develop a regional, internationally sponsored peace-and-reconciliation process for Iraq;

(9) the Administration should provide regular updates to the Congress, produced by the Commander of United States Central Command and his subordinate commanders, about the progress or lack of progress the Iraqis are making toward this end.

(10) our overall military, diplomatic and economic strategy should not be regarded as an "open-ended" or unconditional commitment, but rather as a new strategy that hereafter should be conditioned upon the Iraqi government's meeting benchmarks that must be specified by the Administration.

I yield the floor.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

The PRESIDING OFFICER. Under a previous order, the Senate stands in adjournment until 10 a.m., Tuesday, January 23, 2007.

Thereupon, the Senate, at 6:59 p.m., adjourned until Tuesday, January 23, 2007, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate January 22, 2007:

DEPARTMENT OF STATE

RYAN C. CROCKER, OF WASHINGTON, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE WITH THE RANK PERSONAL RANK OF CAREER AMBASSADOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF IRAQ.

JOHN D. NEGROPONTE, OF NEW YORK, TO BE DEPUTY SECRETARY OF STATE, VICE ROBERT B. ZOELLICK, RESIGNED.

EXECUTIVE OFFICE OF THE PRESIDENT

J. MICHAEL MCCONNELL, OF VIRGINIA, TO BE DIRECTOR OF NATIONAL INTELLIGENCE, VICE JOHN D. NEGROPONTE.

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. REX C. MCMILLIAN, 9683

HOUSE OF REPRESENTATIVES—*Monday, January 22, 2007*

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Mrs. DAVIS of California).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

HOUSE OF REPRESENTATIVES,
Washington, DC, January 22, 2007.

I hereby appoint the Honorable SUSAN A. DAVIS to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2007, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Oregon (Mr. DEFAZIO) for 5 minutes.

HEALTH CARE INSURANCE

Mr. DEFAZIO. Well, the President has discovered that we have a problem with health insurance in the United States of America, and that is good news. Approximately 1 million more Americans have become uninsured for health care every year that the President has been in office, a record 46.1 million have no health insurance, 8.3 million of them are children, 609,000 people of them in my State of Oregon, alone.

The President goes on to say, having discovered this problem, that we must address the rising costs so that more Americans can afford basic health insurance. I think there is a lot of room for agreement there. Unfortunately, the solutions the President is offering are straight out of the neoconservative and right-wing think tanks.

The same people who told us we would be greeted as liberators in Iraq are now giving the President the solutions for the uninsured in America. They are saying the problem is those who are insured have too much insurance. We should tax middle-class Americans, particularly union members, who have good health plans, those that actually provide for some dental and vision coverage, in order to provide health insurance to those who don't.

Now, what the President is ignoring here are a few problems with the wildly profitable insurance industry. First off, it is exempt from the antitrust law. There are only two industries exempt from the antitrust law, baseball and insurance. Now, I don't care that much about the baseball exemption, but insurance should not be exempt from antitrust. They should not be allowed to meet together and collude to jack up prices, collude to determine who they will cover and who they won't cover. Now those are big problems. If we dealt with those problems, that would dramatically drop the cost of health care.

The President is a free market forces guy; well, let's have free market forces in health care. We don't today; it is a cartel. They collude to set the prices; they collude to decide who won't get coverage. Those are big problems. They want to cherry-pick. They only want to insure people who aren't going to file claims. We all know about that with our homeowners insurance now; you file a claim? Whoops, sorry; we don't want to insure you anymore even though you have been paying us a premium for 20 years. This is an industry that must be reined in. But no, that is not what the President is going to do. He is going to tax middle-class people. He is going to tax union members, people who have decent health care so that some money could then be provided as tax deductions for those who don't have health care. Well, there is another problem with that; of the 46.1 million people, remember, 8.3 million are children, no earnings there. And many of them come from families that earn less than $50,000 a year. What is a Federal tax deduction worth to those families? Zero, nada, zip. Of course, the President doesn't understand that.

Actually, this will provide tremendous benefits to young, healthy people like, say, people who are millionaires at Google who have chosen not to buy health insurance, they will get a nice $15,000 a year tax break. But for the family that earns $50,000 a year, they will not get a tax break because they are not paying Federal income taxes. So the President's plan is worthless for those who most need it. It penalizes those who are getting by.

And who is the President to talk about gold-plated health care plans? He has socialized medicine. He doesn't pay a penny. He gets a $20,000 physical exam for free every year, in addition to any other health care he might need. And he is talking about Americans, families with gold-plated plans who can actually take their kids to the dentist and get partial payment? Seniors who can actually get some new eyeglasses so they can see again? That is gold-plated in the President's world. Those people should pay taxes so that we can give a phony benefit to the uninsured. This is not the way to solve the problem.

If the President had any guts he would take on the insurance industry. He would join me in proposing to take away the antitrust exemption from the insurance industry, stop them from redlining people and cherry-picking, and that would make health insurance cheaper for all Americans, not the preposterous proposal he is putting forward.

WATER

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2007, the gentleman from Oregon (Mr. BLUMENAUER) is recognized during morning hour debates for 5 minutes.

Mr. BLUMENAUER. Madam Speaker, today, all over Capitol Hill people are preparing for the State of the Union speech. Iraq, global warming, health care are all at the top of everyone's list. One that, unfortunately, will be suspiciously absent is the topic of a conference that is taking place just across the Potomac River, the third National Dialogue on Water Resources. Yet there is nothing that is more important than the discussion about water. Indeed, if you are talking about war and peace, climate change and health care, they are all directly related.

Water is not just a potential source of conflict, but of conflict resolution. You can actually measure water flows in quality. If the Israelies and the Palestinians can solve their water issues, who knows where it could lead.

Health. One-half the people in the world today who are sick are sick due to water-borne disease, almost all of which is preventable.

Global warming. We are concerned about global warming because of the impacts that are directly water-related: rising ocean levels, coastal erosion, storm surges, disappearing snow pack and polar ice, flooding, rainstorms; too much water too little water in the wrong places at the wrong

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

time. Global warming is all about water.

It is my hope that regardless of what is discussed in the State of the Union and thereafter, that we can add this subject to the top of the list of the 110th Congress, to work with the administration and people on both sides of the aisle to build on one of the few areas of bipartisan progress that we have seen in the recent toxic atmosphere on the House floor.

In the 108th Congress, we were able to work to reform the flood insurance programs, before Katrina. In the 109th Congress, we had the landmark Water For the Poor Act that I was able to work on with Republicans Henry Hyde and Senator Bill Frist.

There are some simple steps that we can take now. I hope that Chair LOWEY and Ranking Member WOLF will fund our international water and sanitation commitments. I hope that out of the Transportation and Infrastructure Committee we will update the hopelessly outmoded Corps of Engineers water principles and guidelines that are over a quarter century old and lead to bad decisions. I hope that we can continue Chair FRANK's commitment to further flood insurance reform.

Others are going to take more of a lift, but we can use water supply and quality in the farm bill to pay farmers to do the right thing and make a profound difference on water around the country. We can shift our frame of reference to deal with basin-wide water management; and we can use the huge value implicit in water resources to fund our crying needs.

At core, Madam Speaker, it is time for us to match our policies on where the water comes from, which date back to the beginning of our country and were basically frozen in place by 1950, to overlap with our water quality and environmental and health protections which have been developed largely since that time.

Money is actually less of a problem because, while water is priceless, we are doing silly things with it; for example, subsidizing people to grow cotton in the desert. When we have an era where for bottled water, some people are paying up to $8 a gallon or more, we are paying more than gasoline or cheap wine, there are ways that we can tap into that value. We spend too much on uncoordinated infrastructure investments with inappropriate pricing, poor planning and incremental fragmented management.

We have the possibility to refine those partnerships, both public and private, to bring together the Federal agencies, even Congress itself, to limit our stovepipe mentality with fewer subcommittees and more policy management. It is not really that hard. College students, farmers, local government officials, Girl Scouts and church youth groups understand these basic principles after the most basic of study. It is time for the rest of the players to catch up with them, and I hope starting with the 110th Congress.

GLOBAL WARMING

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2007, the gentleman from New Mexico (Mr. UDALL) is recognized during morning hour debates for 5 minutes.

Mr. UDALL of New Mexico. Madam Speaker, I rise today to talk about global warming and our energy future, the epic challenges of our time.

First, I want to applaud our leader, Speaker NANCY PELOSI, for recognizing the importance of this issue to our children and our grandchildren. And I think she is right to put a deadline for the House to act.

Energy independence and global warming are of paramount concern to the American people. Most polls show the American people, by 70 to 80 percent, think these are very serious problems.

Today, a significant development occurred on this front. In the Capitol this morning, the U.S. Climate Action Partnership issued its call for action. This group is composed of environmental groups, World Resources Institute, NRDC, Environmental Defense, the Pew Center on Global Climate Change; industrial giants like Alcoa, BP, Caterpillar, Duke Energy and Dupont; and many others, including our power company in New Mexico, PNM Resources.

Listen to what they say in their report: "We know enough to act on climate change."

"The challenge is significant, but the United States can grow and prosper in a greenhouse gas constrained world."

"In our view, the climate change challenge will create more economic opportunities than risks for the U.S. economy."

"We need a mandatory flexible climate program."

This report is significant, because major U.S. companies have stepped up to the plate and called for action now. They are optimistic. They believe we can get this done. In the 109th Congress, the Udall-Petri legislation, H.R. 5049, had most of the components called for by this partnership. We will reintroduce it in the 110th and try and capture these up-to-date recommendations.

Udall-Petri stands for immediate action. Our bill is a mandatory cap-and-trade system that uses the marketplace. It puts a price on carbon dioxide emissions. Our bill has a safety valve which balances economic losses with emissions reduction achievements. And our bill provides the flexibility to unleash American business ingenuity.

I told the partnership their first agenda item should be to meet with President Bush. Their message needs to be heard in the White House. The President has called for a voluntary program. While his voluntary program has been in place, we have seen no reduction in carbon dioxide emissions. In fact, we have seen every year in the 6 years a 2 percent increase every year. President Bush should take note of these business leaders and let's join together to leave the planet a better place for our children and grandchildren.

Madam Speaker, this morning myself and several Senators and Representatives including the Senate Majority Leader REID and House Majority Whip HOYER had the honor of participating in an unprecedented meeting with the CEOs of DuPont, GE, Duke Energy, Lehman Brothers, PG&E, FPL Company, Caterpillar, Alcoa, BP America, and PNM Energy from my home state of New Mexico, and the heads of the Natural Resources Defense Council, the Pew Center on Global Climate Change, Environmental Defense, and the World Resources Institute. The United States Climate Action Partnership, as this organization of CEOs is named, has coalesced around the urgent need to enact a federal global warming policy, and to enact it now. I am humbled both by the commitment expressed by these leading global corporations and by the enormity and importance of the task we here in Congress have before us to craft policies to address perhaps the most pressing issue of our generation. I applaud them for their leadership and courage on this issue, and I look forward to working with them.

The time for debate about whether or not global warming is real and whether or not it is attributable to human activity on this planet, has passed. America must lead the global effort with a national global warming policy. We can no longer sit and reap the benefits of fossil fuels without mitigating the negative effects they are having on our planet and our way of life. We cannot, we must not, leave this one up to our children.

It is now the moment in time when we must create a policy to address global warming. To that end, my good friend and colleague from Wisconsin, Mr. TOM PETRI, who was also present at the meeting this morning, have developed a comprehensive greenhouse gas emissions control bill. We introduced the Keep America Competitive Global Warming Act during the 109th Congress and are currently making minor changes to the legislation for reintroduction in the coming weeks. Our legislation will put our country on the path to reducing greenhouse gas emissions, while not jeopardizing American competitiveness, American jobs, and the American economy.

The bill is an economy-wide, upstream, cap-and-trade policy that covers all greenhouse gas emissions. However, to provide some certainty to the economy, the bill provides for an unlimited number of additional "safety valve" allowances. This safety valve provision provides cost-certainty to industry and will help ensure that this policy will not result in economic harm. We believe it is better to have a policy that works slowly yet surely rather than one that might prove economically unworkable. Many companies, including some who were present at this morning's meeting, have expressed the need for a safety valve in any mandatory greenhouse emissions control legislation.

Some of the other key provisions of this legislation include the creation of an Advanced Research Projects Agency at the Department of Energy to explore the truly out-of-the-box, high-risk, high-payoff research that will be necessary if we are to get to a low or no carbon dioxide and greenhouse gas world. Technological advancement hold the key to the long-term solution of global warming. Our bill also includes resources for workers, entities and localities who may be negatively impacted by this policy. Also, Madam Speaker, to address concerns about American competitiveness, our legislation ensures that the United States will not be put at a competitive disadvantage relative to developing countries or countries not taking actions comparable to ours to stem greenhouse gas emissions.

Madam Speaker, the message we hear from scientists is clear, we must act immediately to stop global warming. We must do so, however, in a responsible manner that does not cost American competitiveness and American jobs. Mr. PETRI will soon be reintroducing our reasonable, certain, and efficient global warming legislation. Please join us in combating one the most pressing issues facing our country today.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 12 o'clock and 45 minutes p.m.), the House stood in recess until 2 p.m.

☐ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. SARBANES) at 2 p.m.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God Almighty, the floor of this Chamber, the courts of our land and the tribunals of peace, as well as the everyday decisions of corporate America, cannot live on megabytes, lest the hunger for true justice and holiness become a famine covering the whole Earth.

Help Your people to turn their attention to the deeper truths that will guide nations and unite peoples in compassion and respect for fully living in the present moment.

Do not allow us to argue against the truth, rather, give us a proper sense of our own ignorance; never be ashamed to admit our mistakes, nor swim against the wide current of common sense.

Never let us be the doormat for a fool or seek favor with the powerful. Instead, strengthen us to fight to the death for truth. For then You, Lord God, will fight on our side now and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from California (Mrs. DAVIS) come forward and lead the House in the Pledge of Allegiance.

Mrs. DAVIS of California led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MAKING ADOPTION TAX RELIEF PERMANENT

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, last week, I introduced a bill that will make permanent the $10,000 adoption tax credit which is set to expire in 2010.

As the father of an adopted son, as a former attorney handling adoptions, and as a member of the Congressional Coalition on Adoption, I know firsthand the challenges and rewards adoption brings.

The adoption process can be mentally and procedurally exhausting. Families should not be overwhelmed with financial burdens as well. We should offer incentives, not penalties, to those making this commitment.

I am proud to sponsor this bill and pleased that 46 of our colleagues, including Ways and Means Committee Chairman CHARLES RANGEL, have joined me as co-sponsors. This legislation is necessary to promote adoption and foster the creation of happy homes.

In conclusion, God bless our troops, and we will never forget September 11.

PENSION-KILLING BILL FALLS SHORT

(Mr. KIRK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.

Mr. KIRK. Mr. Speaker, today the House will consider legislation to kill the pensions of Members of Congress convicted of a felony.

Amazingly, lawmakers who broke the law collect taxpayer-funded pensions after conviction. Rostenkowski collects after mail fraud; Traficant collects after corruption; Cunningham collects after bribery; and Ney collects after conspiracy.

Today's bill is a step forward, but blocks pensions for only four felonies: bribery, being a foreign agent, conspiracy to defraud, and perjury. The key story is what is missing.

Our House leadership presented a bill, but banned an amendment that would add 17 public corruption felonies to the list. Under today's unamended bill, Congressmen would still get a pension if convicted of income tax invasion, wire fraud, intimidation to secure contributions, and racketeering. Speaker PELOSI voted for these tougher reforms in 1996, but appears to have changed her mind.

Mr. Speaker, I will support the bill before the House because it is the result of reform-minded Members like me who brought it to the floor, but it does fall 17 felonies short of the reforms needed to fully clean up this House.

SHRINKING MILITARY IS GETTING BIGGER

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Mr. Speaker, disturbing news: the U.S. military is smaller in size than any time in the last 50 years and continues to shrink, according to USA Today. But those who apply are larger than ever.

Only 1.4 million people wear the military uniform; 95 percent of those are Reservists and National Guard troops. So the number of full-time military troops is small considering 300 million people live in the U.S. So why the shrinking military? One reason, more Americans do not qualify. To be in the best military in the world one must be in good medical shape, but two-thirds of the 17- to 24-year-olds that volunteer are disqualified. The number one reason? They are overweight. We have too many young people who are too big to join up.

This Nation as a whole cannot continue to travel the ever-widening path of obesity because large people don't fit into the military. As the size of the military unfortunately trims down, the waistline of those who apply continues to grow.

Mr. Speaker, overweight kids have become a national security issue.

And that's just the way it is.

PENSION-KILLING BILL FALLS SHORT

(Mr. TERRY asked and was given permission to address the House for 1 minute.)

Mr. TERRY. Mr. Speaker, I am proud today that we are going to take up a bill to deny a Member who has been convicted of bribery their pension.

Over a year ago, I introduced the first bill to deny a Member a pension when they have been convicted of a felony such as bribery. Two of my other Republican colleagues stood with me at that press conference and also submitted their own bills. It was actually brought up for a vote last May, and amazingly the Democratic leadership in total voted against denying pensions to Members of the House of Representatives convicted of bribery, but yet we stand here today with a new Member introducing a bill that falls substantially short.

And, by the way, I am happy that this bill is coming to the floor. I really believe it has been the unified pressure of MARK STEVEN KIRK, JOHN SHADEGG, and myself for the last year, including the first day of the session this year, in coming to the House floor and saying we need this bill. That is the reason that it is here today, even though we are being denied our participation in that process.

RECALL DESIGNEE

The SPEAKER pro tempore laid before the House the following communication from the Speaker of the House of Representatives:

HOUSE OF REPRESENTATIVES,
Washington, DC, January 22, 2007.

Hon. KAREN L. HAAS,
Clerk of the House of Representatives, H–154, The Capitol, Washington, DC.

DEAR MADAM CLERK: Pursuant to House Concurrent Resolution 1, and also for purposes of such concurrent resolutions of the current Congress as may contemplate my designation of Members to act in similar circumstances, I hereby designate Representative Steny Hoyer of Maryland to act jointly with the Majority Leader of the Senate or his designee, in the event of my death or inability, to notify the Members of the House and the Senate, respectively, of any reassembly under any such concurrent resolution. In the event of the death or inability of that designee, the alternate Members of the House listed in the letter bearing this date that I have placed with the Clerk are designated, in turn, for the same purposes.

Sincerely,

NANCY PELOSI,
Speaker.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken after 6:30 p.m. today.

SUPPORTING THE GOALS AND IDEALS OF NATIONAL MENTORING MONTH 2007

Mrs. DAVIS of California. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 29) supporting the goals and ideals of National Mentoring Month 2007.

The Clerk read as follows:

H. RES. 29

Whereas mentoring is a longstanding concept in which a dependable adult provides guidance, support, and encouragement to facilitate a young person's social, emotional, and cognitive development;

Whereas high-quality mentoring promotes positive outcomes for young people, including an increased sense of industry and competency, a boost in academic performance and self-esteem, and improved social and communications skills;

Whereas research on mentoring shows that participation in a high-quality mentoring relationship successfully reduces the incidence of risky behavior, delinquency, absenteeism, and academic failure in young people;

Whereas mentoring, in addition to being beneficial for those being mentored, is also extremely rewarding for those serving as mentors;

Whereas quality programs that encourage young people to learn about mentoring and to become mentors, such as programs that recruit high school students to mentor younger children, are important and have the potential to create high-quality mentors at an early age;

Whereas mentoring relationships have grown dramatically in the past 15 years, now reaching 3 million young Americans, because of the remarkable creativity, vigor, and resourcefulness of the thousands of mentoring programs and millions of volunteer mentors in communities throughout the Nation;

Whereas, in spite of the progress made to increase mentoring, our Nation has a serious "mentoring gap," with nearly 15 million young people currently in need of mentors;

Whereas a recent study confirmed that one of the most critical challenges that mentoring programs face is recruiting enough mentors to help close the mentoring gap;

Whereas in December 2006, the President designated January 2007 as National Mentoring Month to call attention to the critical role mentors play in helping young people realize their potential;

Whereas the month-long celebration of mentoring will encourage more individuals and organizations, including schools, businesses, nonprofit organizations, faith institutions, and foundations, to become engaged in mentoring across our Nation; and

Whereas National Mentoring Month will build awareness of mentoring and recruit more individuals to become mentors, thus helping close our Nation's mentoring gap: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals and ideals of National Mentoring Month;

(2) acknowledges the diligent efforts of individuals and groups who promote mentoring and who are observing National Mentoring Month with appropriate ceremonies and activities to further promote awareness of and volunteer involvement with youth mentoring;

(3) recognizes with gratitude the contributions of the millions of caring adults and students who are already volunteering as mentors; and

(4) encourages more adults and students to volunteer as mentors.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Mrs. DAVIS) and the gentleman from South Carolina (Mr. WILSON) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Mrs. DAVIS of California. Mr. Speaker, I request 5 legislative days during which Members may insert material relevant to House Resolution 29 into the RECORD and to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Mrs. DAVIS of California. Mr. Speaker, I yield myself such time as I may consume.

I rise today, Mr. Speaker, to honor those who make a difference in the lives of our young people across the United States. This January marks the National Mentoring Month 2007, a month-long event honoring those who are mentors. This event also draws attention to the great need for additional volunteer mentors.

As we know, Mr. Speaker, many of our children can become lost at an early age without a responsible adult to show them the way. Our children need to know that somebody older cares, and that is what mentoring is all about, showing our kids that we care. Unfortunately, many of our children do not have such an adult in their lives, and without a solid role model, the consequences for our children can be detrimental.

Mr. Speaker, a third of those entering high school do not graduate and will face limited job prospects, according to the Government Accountability Office. This alarming statistic I think would be lower if each one of these kids had a solid mentor to stress the importance of education.

There is no substitute for a healthy relationship with an adult. A caring adult is one of the most important aspects of adolescent development. When a responsible and reliable adult becomes a mentor, the benefits to the mentee last a lifetime.

Another aspect of mentoring sometimes that we overlook are the vast benefits to the mentors themselves. Helping a younger person find their way can be extremely fulfilling, and often those who become a mentor continue to volunteer throughout their lives.

Chris Warren became a mentor to Joshua Becerra in my hometown of San Diego through the Big Brothers/Big Sisters program in 1999. As a mentor, Chris taught Joshua the value of education and encouraged him to study hard in school. Joshua is now a student at High Tech High School and has already visited UCLA, San Diego State University and other campuses trying to decide where to attend college.

As a role model, the relationship has given Chris a healthier perspective on what is important in life, that is, helping others.

The relationship between Joshua and Chris shows what a mentor can do for a young person, and it also shows the joy it can bring to the mentor.

Millions of adults nationwide have similar relationships with children who face problems at home or struggle at school. Unfortunately, research shows that about 15 million children across the United States are in need of a good role model.

This resolution calls on more adults to make a difference in the lives of our young people, and we in Congress also need to heed this call. Federal programs that encourage mentoring need our support. The Mentoring Children of Prisoners program began in 2001 to provide guidance and friendship to children with at least one incarcerated parent. Funding for the program was targeted for a 20 percent reduction for the current fiscal year. Funding for a number of mentoring programs through the Department of Education was targeted for considerable reductions as well. I urge my colleagues to increase our support for these programs and to put a priority on mentoring.

We must also encourage programs that recruit young people to become mentors to those who are younger. It is these programs that will help create a cycle of mentoring between the generations.

The bottom line: our children need strong, responsible mentors.

Again, Mr. Speaker, I would like to commend the millions of adults, and there are millions of them out there, who are mentoring our children, and call on more adults to become role models to those who are in need.

Thank you very much, Mr. Speaker, for the opportunity to bring this resolution to the House floor to call attention to this worthy cause on the occasion of National Mentoring Month 2007. I urge its passage today.

Mr. Speaker, I reserve the balance of my time.

Mr. WILSON of South Carolina. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of House Resolution 29, which celebrates mentors who are positively impacting the lives of young people and highlights the need for additional mentors to make themselves available to America's youth.

I applaud Representative SUSAN DAVIS' continued efforts to draw attention and support to this very important issue, and I appreciate her dedicated leadership in this area.

Mentors give their time and energy to improve the lives of American young people who increasingly spend less time with concerned adult role models. According to the National Mentoring Institute, young people with mentors are roughly half as likely as those without mentors to begin using illegal drugs, 27 percent less likely to begin using alcohol, and 50 percent less prone to absenteeism from school. The positive effects of mentoring also include the improvement of academic achievement, a reduction in violent behavior, and a higher self-esteem.

In December 2006, President Bush proclaimed January 2007 as National Mentoring Month, giving public recognition to mentors who serve as role models and provide quality involvement and interaction in the lives of America's youth.

□ 1415

As the President said, "Through friendship and encouragement, mentors can help prepare young Americans for a hopeful future."

By honoring mentors and mentoring programs, we recognize the importance of mentoring programs implemented in our local schools and communities. We also draw attention to the components of a quality program, including appropriate screening of potential mentors and careful matching of youth with adults who have a genuine interest in providing guidance and being exemplary role models.

Mentoring programs are varied and unique. They can be school-based or faith-based, and they may be established through community organizations or corporate initiatives. I encourage people across the country to take the time to discover what mentoring programs exist in their communities and see what they can do to help. Many volunteers are needed to meet the growing demand for mentors.

Again, I am pleased to recognize the important work of mentors and the quality mentoring programs, and I urge Members to support this resolution.

Mr. Speaker, I reserve the balance of my time.

Mrs. DAVIS of California. Mr. Speaker, does the gentleman have any other speakers on that side of the aisle?

Mr. WILSON of South Carolina. Mr. Speaker, there are no further speakers.

Mrs. DAVIS of California. Mr. Speaker, I really am pleased to be here on behalf of this resolution today. I urge and thank those who have continued to volunteer as mentors in our communities to continue on with those efforts, and I urge that those adults who have not embarked on mentoring think about it and join with some organizations that could help them move forward and help many of our young people who are in the community today and who need their help, their support and certainly the caring that they bring.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in support of H. Res. 29, to support the goals and ideals of National Mentoring Month. As Chair of the Congressional Children's Caucus, I would like to thank the gentlewoman from California, Mrs. DAVIS, for introducing this bill to highlight the importance of mentoring our youth.

Mr. Speaker, today many youth face temptations that often lead them down destructive paths and it is vitally important that we provide guidance that helps them make good decisions.

Mentors have been an integral part of society for many years, dating back to Ancient Greece. The Greek poet Homer wrote in the *Odyssey*, that when Odysseus left to fight in the Trojan War, he charged Mentor, his wise old friend, with the task of caring for his son, Telemachus, and teaching him wisdom. Since then, the word mentor has come to mean a wise and responsible tutor or an experienced person who advises, guides, teaches, challenges, corrects, and serves as a model.

In our society today, mentors exist in many different environments. There are mentors in professional settings who guide apprentices by teaching them how to effectively perform in the workplace. There are mentors in academic settings who guide students, teaching them how to reach and maintain high scholastic achievement. There are mentors in community groups who guide their protégés through life issues, teaching them how to be productive citizens. There are mentors in spiritual and church groups who advise others through their spiritual growth. In all cases, they are very important and essential to the success of the youth that they mentor.

Who needs mentors?

There are 35.2 million young people ages 10–18 in the U.S. today; of those young people: 1 out of 4 lives with only one parent; 1 out of 10 was born to teen parents; 1 out of 5 lives in poverty; 1 out of 10 will not finish high school.

About half of young Americans—17.6 million young people—want or need caring adult mentors to help them succeed in life. Of those 17.6 million young people, only 2.5 million are currently in formal mentoring relationships.

That leaves 15.1 million youth still in need of formal mentoring relationships. We call this our nation's "mentoring gap."

Mr. Speaker, imagine if every child had a mentor—just one person whom they could look up to and go to for advice and guidance. Imagine how many young lives could be positively impacted. We could create the avenues and encouragement to ensure that all of our children receive the proper education. Too many of our youth are not being properly advised and guided on the importance of getting an education.

Mentors can help give those youth living in poverty to strive towards a brighter future for themselves. Every child could benefit from having someone in his or her life to turn to for advice and help in the time of need.

National research has shown that children who have mentors are more confident in their academic performance, able to get along better with their families, 46 percent less likely to begin using illegal drugs, 27 percent less likely to begin using alcohol and 52 percent less likely to skip school. The positive relationships and reinforcement that mentors provide is clearly effective.

I applaud the efforts of the mentors in our nation who encourage and motivate our youth to realize their worth and become productive citizens. I urge my colleagues to join me in thanking and supporting them by passing this resolution, H. Res. 29.

Ms. BORDALLO. Mr. Speaker, I rise today in support of H. Res. 29, which has been introduced in recognition of the goals and ideals of National Mentoring Month for 2007. Young people today are confronted with many challenges in life. They can find the confidence to overcome many of these challenges through a mentor.

The benefits of a mentor are immeasurable. We take this opportunity today through consideration of this resolution to honor those mentors who unselfishly give of their time to encourage and support students across our country. Mentors provide important guidance and friendship to students and they serve as positive role models in our community. Mentors listen and above all, they care.

Mentors leave an indelible imprint on our minds and hearts. I, as well as many of my colleagues, had mentors that helped us shape our aspirations and achieve our goals. The confidence and support that they provide is something that every young person deserves.

Unfortunately, there are not enough mentors for the millions of children who want or need them. Currently, as this resolution notes, approximately 15 million young people are in need of mentors across our country. As we celebrate National Mentoring Month, let us commit ourselves to raising awareness and to promoting the rewards of mentoring for mentors, our children, our communities and our country.

I also take this opportunity today to commend the young people who participate in mentoring programs. Their involvement in mentoring partnerships demonstrates their personal commitment to improve the lives of others. Let us continue to encourage them by providing additional opportunities and resources to enhance and reinforce their mentoring work. I urge my colleagues to vote in favor of this resolution.

Mr. REYES. Mr. Speaker, I rise today in strong support of H. Res. 29, supporting the goals and ideals of National Mentoring Month 2007.

The strains on America's families are immense. Many parents work two and three jobs to put food on the table and provide medical care for their children. Sometimes, tragedy or medical emergency diminishes the support a child receives at home. The list of vulnerabilities children face is long.

The worst circumstances, however, will bring out the best in humanity. When a need exists, society often leans in to help shoulder the load.

Today we are celebrating the uncanny ability of Americans to lend a helping hand. Today on the House floor and this month across America, we honor those people who sacrifice their time and energy to provide a friendly face, a supportive shoulder, a patient ear, and a model for leadership and success in the form of mentoring relationships.

According to Big Brothers, Big Sisters of America, young people touched by mentors are more confident in their schoolwork performance, able to get along better with their families, 46 percent less likely to begin using illegal drugs, 27 percent less likely to begin using alcohol, and 52 percent less likely to skip school.

In my district of El Paso, Texas, I have seen the positive impact of mentoring firsthand through my involvement with Big Brothers, Big Sisters of El Paso. The hundreds of individuals who step up either as big brothers and sisters or in support of the organization not only make a difference in the life of a child but also provide a model for civic involvement that can be emulated by the community at large.

Mr. Speaker, on a daily basis, scores of organizations and millions of Americans provide the positive relationships that help a child gain the confidence and responsibility he or she needs to succeed.

I urge my colleagues to support this bill.

Mrs. DAVIS of California. Mr. Speaker, I yield back the balance of my time, and urge my colleagues to support this resolution.

Mr. WILSON of South Carolina. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Mrs. DAVIS) that the House suspend the rules and agree to the resolution, H. Res. 29.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those voting have responded in the affirmative.

Mrs. DAVIS of California. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

HONORING THE CONTRIBUTIONS OF CATHOLIC SCHOOLS

Mrs. DAVIS of California. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 51) honoring the contributions of Catholic schools.

The Clerk read as follows:

H. RES. 51

Whereas America's Catholic schools are internationally acclaimed for their academic excellence, but provide students more than a superior scholastic education;

Whereas Catholic schools ensure a broad, values-added education emphasizing the lifelong development of moral, intellectual, physical, and social values in America's young people;

Whereas the total Catholic school student enrollment for the 2005–2006 academic year was about 2,400,000 and the student-teacher ratio was 15 to 1;

Whereas Catholic schools teach a diverse group of students;

Whereas more than 27 percent of school children enrolled in Catholic schools are from minority backgrounds, and nearly 14 percent are non-Catholics;

Whereas Catholic schools produce students strongly dedicated to their faith, values, families, and communities by providing an intellectually stimulating environment rich in spiritual, character, and moral development;

Whereas in the 1972 pastoral message concerning Catholic education, the National Conference of Catholic Bishops stated: "Education is one of the most important ways by which the Church fulfills its commitment to the dignity of the person and building of community. Community is central to education ministry, both as a necessary condition and an ardently desired goal. The educational efforts of the Church, therefore, must be directed to forming persons-in-community; for the education of the individual Christian is important not only to his solitary destiny, but also the destinies of the many communities in which he lives."; and

Whereas January 28 to February 3, 2007, has been designated as Catholic Schools Week by the National Catholic Educational Association and the United States Conference of Catholic Bishops: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals of Catholic Schools Week, an event co-sponsored by the National Catholic Educational Association and the United States Conference of Catholic Bishops and established to recognize the vital contributions of America's thousands of Catholic elementary and secondary schools; and

(2) congratulates Catholic schools, students, parents, and teachers across the Nation for their ongoing contributions to education, and for the key role they play in promoting and ensuring a brighter, stronger future for this Nation.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Mrs. DAVIS) and the gentleman from South Carolina (Mr. WILSON) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Mrs. DAVIS of California. Mr. Speaker, I request 5 legislative days during which Members may insert material relevant to H. Res. 51 into the RECORD and to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Mrs. DAVIS of California. Without objection, Mr. Speaker, I yield the balance of my time to the gentleman from Illinois (Mr. LIPINSKI) and request that he control the balance of my time.

There was no objection.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Illinois.

Mr. LIPINSKI. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I rise today in support of H. Res. 51 honoring National Catholic Schools Week and the tremendous contributions that Catholic schools make to our country. Since 1974, Catholic Schools Week has celebrated the important role that these institutions play in America and their excellent reputation for providing a strong academic and moral education, as well as teaching community responsibility and outreach.

I am proud to sponsor this resolution as my first resolution of this new Congress, and I would also like to thank the gentleman from New York (Mr. Fossella) for his work on this resolution. Unfortunately Mr. Fossella today has been unable to make it. He is stuck in New York today. But he would like to be here also to speak of his support for this resolution on Catholic Schools Week.

This year's theme of Catholic Schools Week is "Catholic Schools: The Good News in Education." This theme has multiple meanings for Catholic schools. At the center of Catholic education is the "Good News" or Gospel of Jesus and salvation. Jesus taught love and service. And the history of Catholic schools reveals an ongoing emphasis on the Gospel values of reaching out and serving others.

But the "good news" in Catholic education is also the news of success in shaping the lives of so many young men and women. Nationally about 2.4 million young people are enrolled in nearly 8,000 Catholic schools. These schools have more than 160,000 full-time professional staff, boasting a student/teacher ratio of 15:1. On average, Catholic school students surpass other students in math, science and reading in the three grade levels of the NAPT test. The graduation rate for all Catholic high school students is 95 percent, and 83 percent of Catholic high school graduates go on to college. These are amazing statistics in America today.

Catholic schools are also highly effective in educating minority students and disadvantaged youth. The percentage of minority students in Catholic schools has more than doubled in the past 30 years, today representing more than one-quarter of all those enrolled. And almost one in seven students in Catholic schools is not Catholic. The success of Catholic schools does not just come from selectivity. On average, Catholic schools accept about nine out of every 10 students who apply.

One of the reasons for the "good news" of Catholic schools is that in addition to learning reading, writing and arithmetic, students also learn responsibility and how to become persons of character and integrity.

Community service is a priority in Catholic schools; 94 percent of schools have a service program, with the average student completing 79 hours of service.

I was born, raised and lived in the Chicago Archdiocese, which has one of the most successful school systems in the country. Today more than 106,000 students attend 276 schools. In my district alone there are five Catholic high schools and 34 grammar schools, including one of the best in my home parish of St. John of the Cross.

The success of students in archdiocesan schools is phenomenal, with the high schools having an amazing graduation rate of over 99 percent, and 95 percent of graduates from Catholic schools go on to college. This is certainly a record to be proud of.

My wife and I are each products of 12 years of Catholic education. My wife in Johnstown, Pennsylvania, at St. Patrick's Grade School and Bishop McCourt High School; myself in Chicago at St. Symphorosa Grammar School and St. Ignatius College Prep. Like so many others, I understand how important Catholic schools are in providing a spiritual, moral and intellectual foundation. My 12 years of Catholic education provide me with the knowledge, discipline, desire to serve, and a love of learning that enabled me to go on to earn my Ph.D. and become a teacher before I was elected to Congress.

As we recognize Catholic Schools Week, we must pay special tribute to the dedicated teachers and administrators who sacrifice so much, usually getting paid much less than they could to dedicate their lives to teaching at Catholic schools. I have fond memories of my teachers, who taught me not only the value of a good education, but also the values of faith and service. Although it was 35 years ago that I started school, I can still fondly remember all my teachers, from first grade, Sister Mildred; second grade, Miss Ivers; and on and on. And I will never forget Sister Diane, my coach on the Student Congress in high school. And to this day, when I speak to a crowd, I always remember her sitting there nodding her approval as I gave my speeches, as I was a nervous young kid in high school. Millions of other Americans have similar memories of teachers who gave their heart and soul and made such a big difference in the lives of their students.

Mr. Speaker, as an important complement to public schools and other private institutions, Catholic schools contribute a great deal to America. They have made a big difference in my life and in the lives of countless others. As Father William Davis, Interim Secretary for the Conference of U.S. Catholic Bishops, said, "High achievement rates, high retention rates, high moral values, and high student and parent satisfaction are the distinctive marks of a Catholic school. That's the good news and we want to share it."

For this good news, America's Catholic schools deserve our praise and our support, and to share our praise and support, I urge my colleagues to pass this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. WILSON of South Carolina. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of House Resolution 51, offered by the gentleman from Illinois, Mr. Dan Lipinski. This resolution increases the awareness of Catholic education while honoring the contributions of America's Catholic schools. They are dedicated to not only educating their students academically, but to developing their moral, intellectual, physical and social values.

January 28 through February 3, 2007, is Catholic Schools Week, an annual tradition in its 33rd year and jointly sponsored by the National Catholic Education Association and the United States Conference of Catholic Bishops. The purpose of this resolution and Catholic Schools Week is to celebrate the vital role Catholic elementary and secondary schools play in providing a values-added education with high standards of quality and excellence to millions of children in America.

As President George W. Bush has noted, Catholic educators share the basic conviction that every child can learn, which is the grounding principle behind the No Child Left Behind Act.

Catholic schools have also played a vital role in the gulf coast's path to recovery after Hurricanes Katrina and Rita. They worked as quickly as possible to reenroll their students, while also opening their doors to thousands of public school students displaced by the storm.

Catholic schools continue to demonstrate their faith in every student and commitment to excellence with overwhelming results. According to the U.S. Conference of Catholic Bishops, Catholic schools have a greater than 99 percent graduation rate, and about 97 percent of Catholic high school graduates go on to postsecondary training at 4-year colleges, community colleges, or technical schools.

I know firsthand of the significance of Catholic schools in that my new daughter-in-law, Jennifer Miskewicz Wilson of Fairfield, New Jersey, was influenced by a Catholic education.

I appreciate the great work being done by Catholic schools, their administrators and teachers, as well as their parents and volunteers. Catholic schools carry out their servant mission by building the academic achievement, character and values of their students. I commend my colleague from Illinois for introducing this resolution, and I urge my colleagues to support it.

I would like to congratulate and thank Mrs. Davis and Mr. Lipinski for their leadership on the past two resolutions.

Mr. Speaker, I yield back the balance of my time.

Mrs. DAVIS of California. Mr. Speaker, I just wanted to say in closing that I thank the gentleman from South Carolina, that I thank Mr. Lipinski, the gentleman from Illinois as well, for speaking out so eloquently on the critical role that Catholic schools play in our society today.

Mr. SHAYS. Mr. Speaker, I rise in support of H. Res. 51 to honor the contributions of

Catholic Schools to our nation's educational system. Too many children in our country are not getting the education they need and deserve. Catholic schools provide many students with a wonderful education and, in many cases, a quality alternative to overburdened public schools.

I am grateful for the work of the 39 Catholic schools that are run by the Diocese of Bridgeport which is based in Connecticut's Fourth Congressional District, and serves 10,988 students from diverse backgrounds. These schools offer elementary and secondary education, as well as after-school programs. They present students with an alternative to public schools, and provide a strong sense of faith and discipline.

I commend the teachers, administrators, students and parents for their role in Catholic education, and the key role they play in creating a brighter, better educated nation.

Mr. HIGGINS. Mr. Speaker, I rise today in strong support of House Resolution 657, which has been offered by Mr. LIPINSKI from Illinois. I thank my colleague for introducing this resolution honoring Catholic Schools Week, 2007.

Catholic Schools Week is an annual national celebration of the important role that Catholic elementary and secondary schools across the country play in providing quality education for American youth. The mission of these institutions—to build solid foundations for lives of confidence, faith, and service—has had a tremendous impact in shaping family values and community life across the country, and particularly in my community in Western New York.

Beginning the last Sunday in January, the Nation's nearly 8,000 Catholic schools will celebrate Catholic Schools Week, Jan. 28 through Feb. 3. This year's theme is "Catholic Schools: the Good News in Education" and focuses on the role Catholic Schools play both in educating students and teaching them the value of virtues such as integrity and dignity. Through education and community service, Catholic schools produce students strongly dedicated to their faith, values, families and communities by providing an intellectually stimulating environment rich in spiritual, character, and moral development.

Together, more 160,000 Catholic school teachers nationwide teach 2.4 million students, of which more than 27 percent are from minority backgrounds and nearly 14 percent are non-Catholics. An astounding 99 percent of these students will graduate, and 97 percent of those graduates go on to college. As these students become adults, their intelligence and character will benefit communities in Western New York and throughout the Nation.

In my hometown of Buffalo, neighborhoods are often known by the names of their Catholic Schools and Parishes, and the many families that are active in Catholic schools are enriched by the values they espouse. Indeed, I have spent my life as a first-hand witness to the beneficial work of Catholic schools. My mother was a teacher at Our Lady of Perpetual Help, and my two children, John and Maeve, attend Catholic School in South Buffalo. My family and I are personally grateful for the contributions that America's Catholic schools have been making to families like ours, and American society at large, for more than four centuries.

I thank the National Catholic Educational Association and the United States Conference of Catholic Bishops for cosponsoring this week-long event.

Mr. Speaker, I am pleased to join with my colleagues in supporting this resolution, and I thank my colleague Mr. LIPINSKI for his leadership on this issue.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in support of H. Res. 51, which honors the contributions of Catholic schools. Catholic schools not only ensure that their students are equipped with a superior scholastic education, but also emphasizes the moral, physical, intellectual and social development of America's youth. This bill honors and supports the goals of Catholic Schools Week, an event co-sponsored by the National Catholic Education Association and the United States Conference of Catholic Bishops.

Education is a very important value that should be emphasized to American young people. This bill congratulates Catholic schools, students, parents, and teachers for their role in ensuring that American students remain competitive in a global marketplace while emphasizing their character development.

I commend Congressman LIPINSKI for sponsoring this bill which promotes and encourages education. Education is the pathway to a better future and an American ideal is for students of every background and race to have the opportunity to access equal education. Catholic schools have strived to maintain diversity with more than 27 percent of school children enrolled in Catholic schools from minority backgrounds.

Supporting this bill sends a message that we care about the education of American students. Not only do Catholic schools educate Catholic youth, but 14 percent of those children who attend Catholic schools are non-Catholic. We must keep in mind that Catholic schools educate America's young people and ensure that they have a brighter future. Catholic schools have ensured that they are well equipped to face the rigorous challenges after graduation while contributing to their character development and helping to raise responsible citizens who give back to our communities and the world.

Thus I strongly urge my colleagues to join me in supporting and honoring the contributions of Catholic schools.

Mr. BACA. Mr. Speaker, I stand here in support of H. Res 51, a resolution that honors the contributions of Catholic schools.

As we get ready to celebrate Catholic Schools week, it's important to highlight and celebrate the contributions of the nearly 8,000 Catholic schools that exist in our Nation.

Catholic education has long been characterized by a commitment to high and appropriate standards in all aspects of its educational mission.

The history of Catholic schooling embodies a constant effort to promote academic excellence for a diverse group of students in an environment permeated by religious values and beliefs.

Aside from America's Catholic schools being internationally acclaimed for their academic excellence, catholic school students also learn responsibility, and how to become persons of character and integrity.

Father William Davis of the United States Conference of Catholic Bishops said, "High achievement rates, high retention rates, high moral values and high student and parent satisfaction are the distinctive marks of a Catholic school."

In my district and the surrounding areas, Catholic education is rather prevalent. The San Bernardino diocese contains at least 32 Elementary schools and 2 High schools. A new Preparatory high school is also in the works for the Coachella Valley area.

Catholic schools foster a sense of community. They encourage their students to be loving family members; and to be responsible adults within the workplace, as leaders of the world and as inhibitors of their communities.

I commend Catholic schools for holding high educational standards, instilling good moral values, and community sentiments.

Let us recognize and honor the valuable traits Catholic schools possess.

I urge the rest of Congress to stand with me, and support H. Res. 51.

Mr. PATRICK J. MURPHY of Pennsylvania. Mr. Speaker, I rise today as an original cosponsor and in strong support of House Resolution 51, "Honoring the Contributions of Catholic Schools."

As a product of Saint Anselm and Archbishop Ryan, I know the vital role that Catholic schools, students, parents, and teachers play towards building a stronger nation. I know that I would not be here today without the guidance of Sister McFadden, the assistance of Ms. Erwin, or the countless other teachers, priests and nuns who helped shaped me into the man I am today.

Our Catholic schools instill a strong sense of community and service in their students: service to our God, to our families, to our towns and cities. And it is this spirit of service that leads so many to strengthen our communities: in our hospitals, schools, businesses and even in these halls of Congress.

President John F. Kennedy, the first and only Catholic President—and one of my political heroes—said: "With a good conscience our only sure reward, with history the final judge of our deeds, let us go forth to lead the land we love, asking His blessing and His help, but knowing that here on earth God's work must truly be our own."

Mr. Speaker, though I have not been in this Chamber long, I have relied on the lessons I learned in the classrooms of St. Anselm and Archbishop Ryan to do what I believe is right. And I am honored that in the first 100 hours of the 110th Congress we have passed bills to lift millions out of poverty by raising the minimum wage and to protect our environment by investing in alternative energy.

But Mr. Speaker, the commitment to justice, peace and service taught in Catholic schools resonates far outside this chamber and is felt in countless, yet tangible ways in every corner of the nation. And it is only through everyday men and women simply trying, as President Kennedy so eloquently stated, to make God's work their own, is America the nation it is today.

That is why Mr. Speaker, as a proud former student of Catholic schools, I urge my fellow representatives to support this resolution honoring the contributions of these fine institutions to our communities and Nation.

Mr. FOSSELLA. Mr. Speaker, I want to extend my sincere gratitude to Catholic Schools not only in my Home Congressional District of Staten Island and Brooklyn, but also the entire nation as we honored Catholic Schools Week from January 28–February 3, 2007.

America's Catholic schools educate nearly 2.5 million students a year, providing the nation's young men and women with a broad academic background emphasizing the lifelong development of moral, intellectual physical and social values.

Catholic school initiatives that reach out to disadvantaged young people have touched a diverse group of students who sometimes find themselves trapped in underachieving schools. It is not surprising to me that more than 27 percent of Catholic school students are from minority groups and nearly 14 percent are non-Catholics. Parents recognize the importance of a quality education and are willing to sacrifice to ensure their children have every opportunity to succeed in the world.

Catholic Schools Week pays tribute to the dedication, character, compassion, and values that embody Catholic education in this country. I believe it is important to recognize the outstanding contributions Catholic Schools make in our country today. Their commitment to the educational standards and values ensure our children will have the right moral framework to help lead our great Nation in the future.

I would like to recognize all Catholic Schools in the 13th Congressional District of New York: Academy of St. Dorothy, Blessed Sacrament, Holy Rosary, Immaculate Conception, Notre Dame Academy, Monsignor Farrell High School, Moore Catholic School, Mother Francciska, Notre Dame Academy Elementary, Our Lady of Good Counsel, Our Lady Help of Christians, OL Mount Carme/St. Benedicta, Our Lady Queen of Peace, Our Lady Star of the Sea, Sacred Heart, St. Adalbert, St. Ann, St. Charles, St. Christopher, St. Clare, St. John Villa Academy, St. Joseph, St. Joseph by the Sea High School, St. Joseph Hill Academy, St. Joseph-St. Thomas, St. Margaret Mary, St. Mary, St. Patrick, St. Paul, St. Peter's Boys, St. Peter's Girls, St. Peter's Elementary, St. Rita, St. Roch, St. Sylvester, Seton Foundation For Learning, St. Teresa, Most Precious Blood, Fontbonne Hall Academy, Our Lady of Angels, Our Lady of Grace, Our Lady of Guadalupe, St. Anselm, St. Bernadette, St. Ephrem, St. Finbar, St. Frances Cabrini, St. Patrick School, Sts. Simon & Jude, Visitation Academy, Xavarian High School, Xavarian Genesis Program.

Mr. MCKEON. Mr. Speaker, I rise in support of H. Res. 51, a resolution to recognize our Nation's Catholic schools and honor their important contributions to our students and our communities. I thank the gentleman from Illinois, Mr. LIPINSKI, for offering this important measure.

Roughly 2.3 million students attend more than 7,500 U.S. Catholic schools—more than one-fourth of them minority students. Year in and year out, these schools have made remarkable contributions to our Nation's intellectual growth. For example, on average, ninety-five percent of Catholic school students graduate, with eight out of every ten of Catholic high school graduates going on to pursue a higher education.

While these schools are widely-known for their academic excellence, their contributions go far behind grade point average and graduation rates. Rather, Catholic schools also emphasize the moral, physical, and social values of our Nation's young people. And for that, their contributions simply cannot be quantified.

Next week, our Nation's Catholic schools, their students, and their families will be marking Catholic Schools Week for the 33rd year. Catholic Schools Week celebrates the quality of the education available to all students in Catholic grade schools and high schools across the U.S., and we wish them all the best during their celebration.

As we prepare to reauthorize the No Child Left Behind Act and continue to work to close the achievement gap between disadvantaged students and their more fortunate peers, we also should recognize that if it weren't for our nation's Catholic schools and the dedicated teachers who serve them, the achievement gap today would be even wider.

With this in mind, Mr. Speaker, I strongly support this resolution to honor Catholic schools, students, parents, and teachers for their ongoing contributions to education, as well as for the key role they play in promoting and ensuring a brighter, stronger future for our Nation.

Mr. COURTNEY. Mr. Speaker, I express my strong support for House Resolution 51 offered by Mr. LIPINSKI of Illinois. As both a Catholic and product of Catholic schools, I am proud to be an original cosponsor of this resolution which recognizes January 28th to February 3rd, 2007, as Catholic Schools Week.

Connecticut's Second Congressional District is home to nearly 30 Catholic elementary and secondary schools. From the southeastern corner of the district in Pawcatuck and Saint Michael's School, to the district's northwestern corner and the Enfield Montessori School, Catholic schools are an important part of the fabric of education in eastern Connecticut. The Archdiocese of Hartford and Diocese of Norwich deserve credit for making its schools accessible throughout the State.

As a graduate of Northwest Catholic High School in West Hartford, Connecticut, I know firsthand the academic rigor and discipline that Catholic schools demand. They provide their students with strong scholastic backgrounds and prepare them for life's many moral challenges.

Catholic schools deserve recognition for their contributions to our country. Today more than 2.4 million students are enrolled in Catholic schools, and 27 percent of those students are from minority backgrounds. Furthermore, Catholic schools emphasize strong community development and service. In my hometown of Vernon, Connecticut, students at St. Joseph School and St. Bernard school are active in the community visiting nursing homes and collecting money and clothes for the less fortunate.

I thank the National Catholic Educational Association and the United States Conference of Catholic Bishops for designating January 28th to February 3rd, 2007 as Catholic Schools Week. And I thank Mr. LIPINSKI for offering this important resolution. The country's Catholic schools are certainly meritorious of such recognition.

Ms. BORDALLO. Mr. Speaker, I rise today in strong support of H. Res. 51, a resolution to honor the contributions of Catholic schools. This timely resolution comes before us during the annual commemoration of Catholic Schools Week, and just days before the National Appreciation Day for Catholic Schools on Wednesday, January 24, 2007. This year's theme, "Catholic Schools: The Good News in Education" accurately describes the positive contribution Catholic schools have made to providing children with quality education within the United States and throughout the world.

The work of the National Catholic Educational Association and the United States Conference of Catholic Bishops toward coordinating Catholic Schools Week and toward raising general awareness of the contributions Catholic schools have made to our communities is commendable. Together, their efforts have ensured that Catholic Schools Week has remained a success since its inception in 1974.

Catholic schools have fulfilled an important role in this country. The advent of Catholic schools in this country can be traced back as far as 1606, when the priests from the Franciscan order opened a school in Florida. Today, Catholic schools offer comprehensive programs and educational, spiritual, and moral guidance to approximately 2,400,000 students at nearly 8,000 schools across the United States.

The number of racial and ethnic minority students enrolled in Catholic schools in the United States has more than doubled in the past 30 years. Racial and ethnic minority students now comprise 27 percent of the student population at Catholic schools. These statistics are evidence of the commitment to diversity fostered by Catholic schools in the United States. Catholic schools are also known for their academic excellence. Catholic secondary schools in the United States graduate 99 percent of their students, 97 percent of which go on to attend college.

I represent Guam. The Roman Catholic Church has long been an intrinsic part of Guam's culture. In fact, Padre Diego Luis de San Vitores, a Spanish Jesuit missionary, established a mission in the village of Agaña in 1665. Guam's population is approximately 85 percent Roman Catholic. The positive influence of the Roman Catholic Church on Guam is evidenced as a result its service to the needy, its dedication to the community, and its education of our youth.

In 1946, Bishop Appollinaris Baumgartner, recognizing the need for quality education on Guam, invited the Sisters of Mercy from North Carolina to Guam. The Sisters of Mercy established The Academy of Our Lady. The Academy of Our Lady became the first all girls' Catholic high school on Guam and continues to educate young women today. Three years later, Bishop Baumgartner invited the School Sisters of Notre Dame to Guam. The School Sisters of Notre Dame founded Notre Dame High School, which continues today to provide high-quality Catholic education to young men and women on Guam. Father Dueñas Memorial High School is named in honor of the courageous Father Jesus Baza Dueñas, who was executed by the Imperial Japanese forces occupying Guam during the Second World War for refusing to betray the location of an American sailor hiding on our island. Father Dueñas Memorial High School continues his legacy of courage and integrity. All three of these Catholic high schools offer rigorous curricula to prepare students for college while instilling strong moral values and an understanding of the Catholic faith.

Archbishop Felixberto Camacho Flores, Guam's first Chamorro Bishop, continued Bishop Baumgartner's legacy of shaping the character of Guam's faithful by promoting Catholic education opportunities on our island. Under Archbishop Flores's leadership, the number of Catholic schools serving the people of Guam increased, education programs expanded, and school facilities were modernized. In addition to these three Catholic high schools, Guam is home to four nursery schools, six elementary schools, and six middle schools that teach the Catholic faith in addition to other academic curriculum. Our community knows well the contributions that Catholic schools make toward providing a quality educating to our children.

Catholic schools on Guam and around the country excel in their mission of providing quality and character education to children. Their influence has helped form socially responsible and morally upright graduates who possess the skills, character traits and compassion that help produce good citizens and effective community leaders. On this occasion of the 33rd annual Catholic Schools Week, I recognize and commend the Catholic schools on Guam and throughout the country for their commitment to instilling the principles of academic excellence, strong moral values, and a dedication to and fulfillment of Catholic ideals in our children's daily lives. In particular I recognize in a very special way all of the administrators, the faculty, the staff, the students, the parents, and their families of the greater Catholic School community on Guam. Their work is a testament to the strength of Catholic education on Guam. I also recognize the unfailing leadership of Archbishop Anthony Sablan Apuron, OFM Cap., D.D., the Metropolitan Archbishop of the Archdiocese of Agana, and Ms. Cynthia S. Agbulos, the Superintendent of Catholic Schools for the Archdiocese of Agaña.

Mr. DONNELLY. Mr. Speaker, today I am proud to join my colleagues in the House of Representatives in unanimously passing H. Res. 51 honoring the contributions of America's Catholic Schools.

As a product of Catholic schools, I know first-hand the value of a Catholic education. Through grade school, high school, college, and law school, my Catholic schooling not only prepared me for academic success, but also taught me to serve my community by sharing my Catholic values. Thus, it is no surprise that a Catholic education also played a critical role in the intellectual and spiritual growth of my own children as well.

Today, America's Catholic schools are widely recognized among the best academic institutions in the country. From pre-schools to graduate schools, Catholic intuitions prepare nearly 2.4 million young men and women for meaningful lives rooted in spirituality, respect for others, and a sense of social responsibility.

It gives me great confidence to know that America's Catholic schools are preparing a new generation equipped with the knowledge and values to serve our communities and to meet the many challenges present in our world. On behalf of myself and my family, I want to commend the thousands of dedicated servants that make Catholic education a foundation for a better today and tomorrow.

Mr. TIM MURPHY of Pennsylvania. Mr. Speaker, I am pleased today to rise once again with my colleagues to recognize the students, teachers, faculty and graduates of our nation's Catholic Schools.

As Bishop Donald Wuerl has stated "Catholic schools are a tremendous asset to our Church and our nation." What graduates of Catholic Schools offer to society is not only a commitment to achieving academic excellence but also of service to the community. These are traits I learned at an early age as a student at St. Barnabas Elementary School and Walsh Jesuit High School and I greatly value both my Catholic and public school education.

For instance, 86 schools, along with parishes, youth ministry and CCD programs, raised more than $300,000 over the last nine years in support of the "Kids Share A Lunch Nutrition Project" for the Pittsburgh diocesan mission in Chimbote, Peru.

This year's theme for Catholic Schools Week (January 28–February 3) is "Catholic Schools: The Good News in Education," and the good news is strong in Pennsylvania. With a 15 to 1 student/teacher ratio, more than 97 percent of high school graduates from Pennsylvania's Catholic Schools (including both Catholic and non-Catholics) went on to a post-secondary education following graduation.

This year, Catholic schools in the Diocese of Pittsburgh celebrate 178 years of quality education. Pennsylvania alone, has 650 Catholic schools with over 180,951 High School and elementary students. (47,079 High School Students: 133,872 elementary students).

Dr. Robert Paserba, Pittsburgh diocesan superintendent of schools has stated "parents are choosing our schools because they teach strong moral values in a disciplined environment—clearly a recipe for helping all children in our schools achieve their highest potential. As with our schools themselves, our graduates become a source of hope for the world."

I believe Catholic schools do promote social awareness and help make the world a better place to live. I am pleased to commend all those who teach and are students of Catholic schools.

Mr. GARRETT of New Jersey. Mr. Speaker, the hallmark of Catholic schools is their ability to provide students with a well-rounded education. By focusing on academic excellence based on strong morals, Catholic schools consistently graduate ethical scholars.

I strongly support H. Res. 51 because it recognizes this distinguished ability of Catholic schools. New Jersey's fifth district is proud to be the home of numerous Catholic schools which are overseen by the dioceses of Newark, Metuchen and Paterson.

As we commend Catholic schools through this resolution and during next week's Catholic Schools Week, I would be remiss if I did not highlight the excellent administrators, teachers, parents, and students who make up the New Jersey Catholic School system. It is their dedication to their mission that has cultivated a lasting and celebrated program.

New Jersey's strong tradition of Catholic education can be traced back to the late eighteenth century when larger metropolitan areas started to erect schools which were supervised and supported by church authorities. Now, over 200 years later, Catholic schools can be found all over New Jersey, educating future leaders to serve their fellow statesmen and those who live far beyond our state line.

New Jersey Catholic Schools operate under the motto: "Learning to love. Loving to learn." This maxim pinpoints the consistent successful record of Catholic education: instilling a respect and concern for others while simultaneously sparking a genuine curiosity and thirst for knowledge.

It is with these things in mind that I wholeheartedly support House Resolution 51 and look forward to hearing of the continued successes of the Catholic school system, in New Jersey and all over the world.

Mr. EMANUEL. Mr. Speaker, I rise today in strong support of H. Res. 51, a resolution that honors the contributions of Catholic schools and supports the goals of Catholic Schools Week.

The many accomplishments of Catholic schools and their positive impact on students and communities throughout the nation are evident in the Fifth Congressional District of Illinois, where schools such as St. Pascal Elementary, St. Bartholomew Elementary, and Gordon Technical High School provide a quality education while instilling values that will serve their students throughout their lives. These schools provide strong academic curricula and promote significant parental involvement. They teach students the importance of academic achievement while also providing a balanced perspective on life that promotes responsibility, justice and social service.

Catholic schools also promote ethnic and racial diversity. An increasing number of children in Catholic schools in my district come from our minority communities. Students in Catholic schools achieve exceptionally high graduation rates, and an increasing number are advancing to college and giving back to the community through volunteer service.

Catholic schools foster more than scholastic excellence alone. They provide spiritual guidance to students by encouraging fundamental ideals and an appreciation for family values, community service, and faith in their own lives. This, in turn, shapes Catholic school students into leaders of tomorrow.

I want to take this opportunity to applaud the 2007 "Heart of the School" award winners. Each year, the Archdiocese of Chicago Catholic Schools presents these awards to recognize outstanding and innovative accomplishments of individual teachers at Archdiocese of Chicago schools.

Two 2007 "Heart of the School" award winners teach at schools in the Fifth Congressional District, Kristin McCreary of St.

Josaphat School and Lauren Costa at St. Pascal School. I thank these outstanding educators, past winners, and all of the dedicated Catholic school teachers in my district for their devotion to their students and for setting the standard for teaching excellence.

Mr. Speaker, I support H. Res. 51 and encourage Catholic schools in my district and across the United States to continue contributing to the development of strong moral, intellectual and social values in America's young people. I thank the National Catholic Educational Association and the United States Conference of Catholic Bishops for their sponsorship of Catholic Schools Week.

Mrs. DAVIS of California. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Mrs. DAVIS) that the House suspend the rules and agree to the resolution, H. Res. 51.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those voting have responded in the affirmative.

Mrs. DAVIS of California. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

□ 1430

CONGRATULATING ILLINOIS STATE UNIVERSITY

Mrs. DAVIS of California. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 57) congratulating Illinois State University as it celebrates its sesquicentennial.

The Clerk read as follows:

H. RES. 57

Whereas Illinois State University marks its sesquicentennial with a year-long celebration, beginning with Founder's Day on February 15, 2007;

Whereas Illinois State Normal University was founded by Jesse W. Fell in 1857 as Illinois' first public university and was established as a teacher education institution;

Whereas Abraham Lincoln, then an attorney, drafted the bond that guaranteed that the citizens of Bloomington, Illinois, would fulfill pledges to finance the University;

Whereas more than 2,000 staff members provide outstanding support to the educational mission of Illinois State University; and

Whereas Illinois State University has more than 165,000 alumni living around the world: Now, therefore, be it

Resolved, That the House of Representatives congratulates Illinois State University as it celebrates its sesquicentennial.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Mrs. DAVIS) and the gentlewoman from Illinois (Mrs. BIGGERT) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Mrs. DAVIS of California. Mr. Speaker, I request 5 legislative days during which Members may insert material relevant to House Resolution 57 into the RECORD and to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Mrs. DAVIS of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in full support of House Resolution 57, a resolution congratulating Illinois State University on 150 years of educating students.

Illinois State Normal University was founded in 1857 as Illinois' first public university and opened with an enrollment of just 43 students. The university's very beginnings were touched by history. Four years prior to his election as President, Abraham Lincoln himself drafted the original bond guaranteeing that the citizens of Bloomington, Illinois, would finance Illinois State.

Originally established as a teachers' college, Illinois State University now offers undergraduate degrees in more than 160 fields of study and 39 graduate programs.

In 2005, the university enrolled more than 20,000 students, and 83 percent of its new freshmen students were in the top half of their high school graduating class.

Public colleges, as we know, provide a great service by offering affordable options of higher education and encouraging access for minority and low-income students. This role is increasingly important as the cost of attending college continues to increase.

Illinois State University has embodied this spirit of access to higher education in public service. It is not more clear than in its mission statement. And that mission statement reads: "We devote all of our resources and energy to creating the most supportive and productive community possible to serve the citizens of Illinois and beyond."

Illinois State University has graduated many notable alumni who have given back to the university, the State of Illinois, and this country in so many ways. There are an estimated 155,000 Illinois State University alumni living around the world, and many of these students have gone on to great accomplishments, including Thomas Edison's State College president George Pruitt; two-time Academy Award nominee John Malkovich; and former U.N. Ambassador for the U.S., Donald McHenry.

Mr. Speaker, I congratulate Illinois State University on 150 years of service to their students and alumni, the State of Illinois, and the Nation.

I urge my colleagues to resoundingly pass this resolution.

Mr. Speaker, I reserve the balance of my time.

Mrs. BIGGERT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of House Resolution 57, a resolution congratulating Illinois State, as it celebrates on February 15 its 150th anniversary of its founding. I would like to thank my good friend, Mr. WELLER of Illinois, for introducing this resolution and recognizing the important role Illinois State University plays in educating the citizens of Illinois and many other States in the Nation.

With more than 20,000 students, Illinois State University is a large-scale university with a small-college feel. Of the 20,000 students, there are 3,000 students enrolled in graduate degree programs. In addition to a number of graduate certificates, Illinois State offers 63 undergraduate programs and over 47 master's degrees, specialist and doctoral degree programs.

Illinois State University has been ranked as one of the 100 best values in public education by Kiplinger's Personal Finance magazine. ISU actually jumped four spots, from 83 to 79, in Kiplinger's newest edition and was only one of two State schools to make the list.

Sixty-six percent of Illinois State University students receive financial aid, and the school has a low default rate of 2 percent, well under the national default rate of 4.5 percent.

Illinois State also recognizes the importance of educating students to become good teachers. Founded by Jesse Fell in 1847, Illinois State was the first public university in Illinois and was quickly established as a teachers' education institution.

Now, 150 years later, the university is the second largest producer of teacher education degrees in the country. In fact one in seven Illinois teachers holds a degree from Illinois State. Mr. Speaker, Illinois State University is a remarkable institution, and I would like to congratulate all of those students, the alumni and past and present employees on all that they have accomplished over the past 150 years.

Mr. Speaker, I reserve the balance of my time.

Mrs. DAVIS of California. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois (Mr. LIPINSKI).

Mr. LIPINSKI. Mr. Speaker, I rise today in support of this resolution honoring Illinois State University on its 150th anniversary. I thank the gentleman from Illinois (Mr. WELLER) for sponsoring this resolution.

I want to add my voice as a Representative who has many hundreds of students and alumni from Illinois State University. I want to congratulate all of those associated with the university through those 150 years.

With all of the years of success that they have had, it is a great value, a great part of our public university system in the State of Illinois. As a former college professor, I understand the importance of an education. I know how difficult it is today, especially, to pay for education. Schools like Illinois State give the opportunity for students in Illinois to get a great education at a great value and allow them to pursue so many things as they move forward.

So today I just want to congratulate the students, the alumni, the teachers, the administrators, everyone at Illinois State University on their 150th anniversary.

Mrs. BIGGERT. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois (Mr. WELLER), the author of this resolution.

Mr. WELLER of Illinois. Mr. Speaker, I rise today in strong support of H. Res. 57, a resolution honoring and congratulating Illinois State University on its upcoming 150th-year anniversary. I introduced this resolution with my good friend and colleague, Congressman TIM JOHNSON, with the support of the Illinois delegation.

I am proud to note that the Illinois State University campus is located in the 11th Congressional District which I have the privilege of representing.

On February 15, Illinois State University will start a year-long celebration marking the day that the founder, Jesse W. Fell, took up the campaign of creating the first public institution of higher education in Illinois and having it housed in the Bloomington-Normal area.

In February of 1857, then-Governor William Bissell signed a bill, legislation creating Normal University, and established the board of education for the State of Illinois as its governing body. After Jesse Fell secured financial backing totaling $141,000, future President Abraham Lincoln, then acting as attorney for the board, drew up the bond guaranteeing that Bloomington's citizens would fulfill their financial commitments.

Established originally as a teacher education institution, then known as Illinois State Normal University, it has developed into a multipurpose university, recognized around the world with degree programs in the bachelor's, master's and doctoral levels.

Currently, approximately 20,000 undergraduates and post-graduate students attend the university, supported by an outstanding university staff of 3,200 employees.

I would also note that ISU today benefits from the support of over 65,000 alumni living and working around the world.

My colleagues today have shared much about Illinois State University, but here is a few little-known facts. The model for student teaching that today is used nationwide was invented by Illinois State Normal University teacher Cecilia Lauby, who today is 94 years old and still lives in the town of Normal.

One of every eight teachers in Illinois graduated from Illinois State University. Illinois State University's insurance program is so popular and respected that Lloyd's of London sends it executives each year for management training. And as others have noted, Illinois State University has made the Kiplinger list for the 100 top universities in public education three straight times.

Illinois State's physic's program is ranked as one of the top in the country. Illinois State's first president, Charles Hovey, recruited a regimen of teachers to fight in the Civil War.

Illinois State is also the home of the Gamma Phi Circus, the oldest collegiate circus in the United States, which was founded in 1929. That circus today is one of two collegiate circuses in the United States.

Finally, I would note that Watterson Towers dormitory on Illinois State University, is considered one of the tallest college dormitories in the world and is the tallest structure between the cities of Chicago and the City of St. Louis.

Illinois State University has been a model for higher education institutions around this country over the last 150 years. I would like to note a very good friend of mine, Illinois State University's current president, Dr. Al Bowman, and congratulate him, his great staff and all of those affiliated with Illinois State University as they mark this great achievement.

Illinois State University has been a model for higher education institutions around this Nation for the last 150 years. I wish them all the best in their year-long celebration. I also want to thank the chairman of the committee, Chairman MILLER, and Ranking Member MCKEON for allowing this bill to make it to the floor today.

Mr. Speaker, I ask all of my colleagues to join me in wishing Illinois State University congratulations as it marks its 150th anniversary.

Mrs. BIGGERT. Mr. Speaker, I have no further speakers and would close with just urging all my colleagues to support this bill, and I yield back the balance of my time.

Mrs. DAVIS of California. Mr. Speaker, I thank my colleagues from the great State of Illinois representing this resolution, celebrating 150 years of Illinois State University, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Mrs. DAVIS) that the House suspend the rules and agree to the resolution, H. Res. 57.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those voting have responded in the affirmative.

Mrs. DAVIS of California. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

PAYING TRIBUTE TO REVEREND WAITSTILL SHARP AND MARTHA SHARP FOR THEIR HEROIC EFFORTS TO SAVE JEWS DURING THE HOLOCAUST

Mr. LANTOS. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 52) paying tribute to Reverend Waitstill Sharp and Martha Sharp for their recognition by the Yad Vashem Holocaust Martyrs' and Heroes' Remembrance Authority as Righteous Among the Nations for their heroic efforts to save Jews during the Holocaust.

The Clerk read as follows:

H. RES. 52

Whereas, on June 13, 2006, the Yad Vashem Holocaust Martyrs' and Heroes' Remembrance Authority in Israel, an organization dedicated to preserving the memory of Holocaust victims, honored the Reverend Waitstill Sharp, and his wife, Martha Sharp, posthumously as "Righteous Among the Nations" for risking their lives to save Jews during the Holocaust;

Whereas the Sharps had to leave their 2-year-old daughter and 6-year-old son in the care of family and congregants in Wellesley, Massachusetts, to answer a call from leaders of the American Unitarian Association to go to Czechoslovakia in February 1939 to provide humanitarian assistance for the tens of thousands of refugees crowding into Prague;

Whereas Martha Sharp was a social worker trained at the Jane Addams Hull House, a community service organization in Chicago, Illinois, and the Reverend Waitstill Sharp was a Harvard-educated lawyer and a Sunday school teacher who was inspired to become a Unitarian minister;

Whereas, after their arrival in Czechoslovakia, the Sharps immediately grasped that they needed not only to help feed refugees, but also to assist Jews and opponents of the Nazi regime escape to safety elsewhere in Europe;

Whereas the Sharps refused to leave Prague when, in March 1939, a month after the Sharps' arrival, the Nazis occupied Czechoslovakia, making the Sharps' work more urgent, more complicated, and more dangerous;

Whereas the Sharps insisted on continuing their life-saving mission by working out of private residences even after April 1939, when the Nazis ransacked the office of the Unitarian mission in Prague and threw the furniture into the street;

Whereas the Sharps repeatedly risked their own safety to exit and re-enter Nazi-occupied Czechoslovakia, crisscrossed Europe to obtain the travel documents necessary to help Jews and opponents of the Nazi regime escape Czechoslovakia, and even escorted some refugees by train through Germany to the United Kingdom;

Whereas the Sharps were determined to complete their 6-month mission, even after warnings that the Gestapo was searching for them;

Whereas the Sharps stayed in Czechoslovakia until August 30, 1939, 1 day before Gestapo agents came to arrest Martha Sharp, who had become known for her boldness at evading Nazi rules restricting travel;

Whereas, upon the Sharps' return in 1940 to their family and the Wellesley Hills Unitarian Church in Massachusetts, their report to the American Unitarian Association about the imminent danger posed by the Nazis to refugees across Europe led to the Sharps being asked to establish a similar operation in France under the newly founded Unitarian Service Committee;

Whereas the Sharps returned to Europe in 1940 fully aware of the Nazi terror they would face;

Whereas the Sharps had a special interest in saving refugee children, as well as artists, intellectuals, and political dissidents, and the Sharps and the Unitarian colleagues who followed in their footsteps set up systems and escape routes that functioned throughout World War II to assist approximately 2,000 men, women, and children to gain freedom;

Whereas the famous Jewish novelist, Lion Feuchtwanger, who was one of the first Germans to have his citizenship revoked after Hitler came to power and whose name topped the Gestapo's "Surrender on Demand" list, was one of the first people the Sharps helped in a dramatic and dangerous escape from France;

Whereas Eva Rosemarie Feigl, who was 14 in December 1940 when Martha Sharp helped her and 28 other children reach safety in the United States, provided eye-witness testimony that enabled the Yad Vashem Holocaust Martyrs' and Heroes' Remembrance Authority in Jerusalem, Israel, to honor the Sharps as "Righteous Among the Nations";

Whereas, when the Sharps' plans to set up the first office of the newly formed Unitarian Service Committee in Paris, France, failed as a result of the Nazi occupation of France, the Sharps instead established an operation in neutral Portugal, where throughout World War II Lisbon remained the last hope for refugees seeking safe passage out of Nazi-occupied territory;

Whereas the Sharps recognized that they were dependent upon a much larger circle of friends and colleagues who made their heroism possible, such as the people who cared for the Sharps' children, the members of the congregation in Wellesley, Massachusetts, who maintained the Wellesley Hills Unitarian Church in the Sharps' absence, ordinary Unitarians who financed their cause, ministers across the United States who urged their congregations to become sponsors for refugees, and secretaries who volunteered in Europe and the United States to maintain thousands of case files for refugees;

Whereas the Sharps' efforts resulted not only in the rescue of thousands of people, but in the creation of what is now known as the Unitarian Universalist Service Committee, an institution that multiplied the number of rescues a thousand-fold in the years that followed;

Whereas, at the Yad Vashem ceremony that honored the Sharps as "Righteous Among the Nations" on June 13, 2006, in Israel, officials specifically recognized the Sharps' courage in going into the heart of Europe when World War II was unfolding and many people were fleeing;

Whereas Martha Sharp was the first American woman to be named "Righteous Among the Nations", and the Reverend Waitstill Sharp and Martha Sharp were only the second and third individuals named "Righteous Among the Nations" who were United States citizens at the time they performed the deeds for which they were honored;

Whereas the Sharps' daughter, Martha Sharp Joukowsky, accepted the Yad Vashem honor on behalf of her parents and remarked that they were "modest and ordinary people, who responded to the suffering and needs around them . . . as they would have expected everyone to do in a similar situation";

Whereas Martha Sharp Joukowsky added that the honor given to her parents is also about "the unseen efforts of a much wider circle of people who made their work possible" and that it "is the kind of network that is needed again today to stop the slow genocide in Darfur";

Whereas Martha Sharp Joukowsky concluded her remarks by saying, "Let this celebration about my parents stand as a call to action";

Whereas September 9, 2006, marks the second anniversary of the United States Government declaring the violence in Darfur, Sudan, to be genocide; and

Whereas the Sharps deserve honor for their example and for helping to found an institution, the Unitarian Universalist Service Committee, that today carries on their work in distant corners of the world and asks for the "Righteous Among the Nations" to help save Darfur now: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the Reverend Waitstill Sharp and Martha Sharp as genuine American heroes;

(2) pays tribute to the Reverend Waitstill Sharp and Martha Sharp for having their names added to the Wall of Rescuers in the permanent exhibition of the United States Holocaust Memorial Museum on September 14, 2006;

(3) commends the organization founded to support the Sharps' work, the Unitarian Universalist Service Committee, for its efforts to rescue Jews and opponents of the Nazi regime in Europe from 1939 to 1945 and for carrying on the Sharps' legacy by working to save the lives of the people of Darfur, Sudan, and to protect human rights worldwide; and

(4) requests the Clerk of the House of Representatives to transmit an enrolled copy of this resolution to the Joukowsky family of Providence, Rhode Island, the direct descendants of the Reverend Waitstill Sharp and Martha Sharp, and to the Unitarian Universalist Service Committee of Cambridge, Massachusetts.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. LANTOS) and the gentlewoman from Florida (Ms. ROS-LEHTINEN) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. LANTOS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. LANTOS. Mr. Speaker, I rise in strong support of this resolution and yield myself such time as I might consume.

Mr. Speaker, I would like first to recognize the outstanding efforts of the sponsor of this important measure, Congressman JAMES MCGOVERN, my good friend from Massachusetts, the distinguished member of the Rules Committee, who represents the area where the Reverend Waitstill Sharp, and his wife, Martha Sharp, who are honored in this resolution, lived.

Recently, the Holocaust Remembrance Authority in Jerusalem honored the Reverend Waitstill Sharp and his wife, Martha, posthumously, as Righteous Among the Nations, for risking their lives to save Jews during the Holocaust.

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They are only the second and third Americans to be so honored. Varian Fry, a distinguished American diplomat with whom the Sharps worked, was the first to be so honored.

Mr. Speaker, the Sharps' story is one of courage and caring at vast personal sacrifice. They answered the call from the American Unitarian Association and left their two young children behind to travel to Europe twice to save the lives of Jews who were being persecuted and eventually killed. They spent many months in Czechoslovakia in 1939, returned to the United States for a brief period, and then in 1940 again went back to Europe under the auspices of the newly founded Unitarian Universalist Service Committee to aid more people in escaping the horror of the Nazi regime.

In all, as a result of the efforts of the Reverend and Mrs. Sharp and their Unitarian colleagues, over 2,000 men, women and children were saved from the Nazi death machine.

Mr. Speaker, it is particularly appropriate that this House acknowledge the selfless and courageous actions of the Sharps at this time. In just a few days, on January 27, men and women around the globe will commemorate the Second International Holocaust Remembrance Day.

On November 1, 2005, the United Nations General Assembly adopted a resolution and designated January 27 as an annual International Day of Commemoration in Memory of the Victims of the Holocaust. This action was strongly endorsed and supported by my good friend, Kofi Annan, the recently retired Secretary General of the United Nations.

January 27 was chosen as the day for this commemoration each year because January 27 was the date on which the Nazi death camp at Auschwitz was liberated by Allied troops in 1945 in the closing days of the Second World War. Two years ago on the 50th anniversary of the liberation of Auschwitz, along with the chronicler of the Holocaust Elie Wiesel and his wife, my wife Annette and I had the honor to be members of the United States delegation at

Auschwitz representing our Nation at the solemn ceremonies marking that historic event with heads of state, diplomats, world leaders, and, most importantly, survivors of the Nazi atrocities.

Mr. Speaker, the U.N. General Assembly resolution adopted 14 months ago urges every country to honor the memory of the victims of the Holocaust and encourages the development of educational programs on Holocaust history as part of our firm resolve to prevent genocides in the future.

When this resolution was adopted, Secretary General Kofi Annan said, and I quote, "There can be no reversing the unique tragedy of the Holocaust. It must be remembered with shame and horror for as long as human memory continues. Only by remembering can we pay fitting tribute to the victims. Millions of innocent Jews and members of other minorities were murdered in the most barbarous ways imaginable. We must never forget those men, women and children or their agony."

Mr. Speaker, it is essential that we remember the horror and the reality of the Holocaust. A recent poll taken in the United Kingdom, one of the most advanced countries on the face of this planet, revealed the shocking ignorance of the Holocaust among young children in Britain. The poll reported that 28 percent of 18-to-29-year-olds were not certain that the Holocaust took place. This is both incredible and deeply disturbing. And I fear that the United Kingdom is not the only country where such results could be found.

Even more disturbing are political phenomena like Iranian President Ahmadinejad who claim that the murder of 6 million Jews and others targeted by the Nazis and their collaborators during World War II was fabricated. This same Iranian leader recently convened a so-called "conference" in Tehran to bring together other Holocaust deniers.

As the only survivor of the Holocaust ever elected to Congress, I am outraged at attempts to deny what I experienced and witnessed firsthand. The Holocaust, Mr. Speaker, did take place, and 6 million innocent men, women and children were massacred in this horrific genocide.

International Holocaust Remembrance Day is a time for all of us to remember and to honor the victims, but it is also a time to remember those like the Reverend Waitstill and Martha Sharp, recognized as Righteous Among the Nations, who heroically stood up in the face of unspeakable evil and said "no" to the horrors of the Nazi genocide. They and the decent people who helped them deserve our gratitude, recognition, and admiration.

The Sharps' remarkable story is a powerful reminder that all of us have a moral obligation to take action to end violence and to prevent and stop genocide, genocide which today is taking place in Darfur. We must educate our young people who do not know the significance of the Holocaust, and we must fight against the revisionist historians and phony leaders like Ahmadinejad. The world must be reminded that the Holocaust in fact did occur, that millions suffered untold agony and died.

Mr. Speaker, recent atrocities like Rwanda and Darfur in Sudan remind us that our pledge "Never Again" has not been fulfilled. Let us learn from the Reverend Sharp and his courageous wife to have the fortitude and foresight to act against such evil.

Mr. Speaker, I reserve the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is a profound honor to be on this floor following the words of our chairman of the Foreign Affairs Committee Mr. LANTOS, the loan survivor in Congress of the Holocaust, and I echo all of his sentiments.

I also wish to commend my good friend, the gentleman from Massachusetts (Mr. McGOVERN), for offering this resolution.

Although we come to the floor and pass resolutions, and sometimes we don't take the time to read them, I hope that all of my colleagues do read this inspirational story of the Sharp family and the way that they helped so many flee the Nazi atrocities, and I rise today in strong support of Mr. McGOVERN's resolution.

It recognizes Reverend Waitstill Sharp and his wife Martha Sharp as genuine American heroes. Further, it pays tribute to the Reverend Sharp and his wife Martha for having their names added to the Wall of Rescuers in the permanent exhibit of the United States Holocaust Memorial Museum on September 14 of this year.

It further commends the organization founded to support the Sharps' work, the Unitarian Universalist Service Committee, for its role in rescuing Jews and opponents of the Nazi regime in Europe from the years 1939 to 1945, as well as carrying on to this day the legacy of the Sharps by working to save the lives of people in places like Darfur, Sudan, and to protect human rights worldwide.

Furthermore, it requests that a copy of this resolution be provided to the direct descendants of these courageous individuals in remembrance of their valiant efforts.

Mr. Speaker, the Sharp family is an example for all to emulate. They demonstrated unparalleled courage in the face of Nazi aggression by providing relief and humanitarian assistance to Jewish refugees, particularly children, and to establish escape routes that were the difference between life and death for many Jews during the Holocaust. They deserve to be honored and they deserve to be remembered today and always.

Elie Wiesel has said that he decided to devote his life to telling the story of the Holocaust because, in his words, "Having survived, I owe something to the dead, and anyone who does not remember betrays them again."

We would be betraying the victims as well as the survivors if we did not also remember and honor those who risked their own lives to save the lives of others. For this reason, I ask my colleagues to render their full support to the resolution before us.

Mr. Speaker, I reserve the balance of my time.

Mr. LANTOS. Mr. Speaker, I commend my good friend from Florida for her eloquent and powerful statement.

Mr. Speaker, I am delighted to yield such time as he may consume to my dear friend from Massachusetts (Mr. McGOVERN), the author of this resolution, senior member of our Rules Committee.

Mr. McGOVERN. Mr. Speaker, let me begin by thanking the distinguished chairman of the Foreign Affairs Committee and the distinguished ranking member of the Foreign Affairs Committee for bringing to the floor today H. Res. 52, legislation that pays tribute to the Reverend Waitstill Sharp and his wife Martha, the couple who fought genocide. I also want to express my gratitude to both of my colleagues for their eloquent words in support of this legislation.

Last year on September 14, I was privileged to join the wife of the distinguished chairman of the Foreign Affairs Committee, Annette Lantos, at a ceremony held at the U.S. Holocaust Museum in Washington, D.C., honoring the Reverend Waitstill and Martha Sharp as they became the second and third Americans to be added to the honor roll of 21,000 Righteous Gentiles and non-Jews whose efforts saved countless lives during the Holocaust. At that ceremony we were joined by family members of the Sharps in honoring the memory of this distinguished husband and wife team.

Mr. Speaker, on that same day The Washington Post wrote an article about the Sharps, calling them "The Couple Who Fought Genocide" and I would like to share with my colleagues excerpts from that article:

"As the Nazis marched across Europe in 1939 and 1940, a Unitarian minister from Massachusetts and his wife rushed into the coming Holocaust to save Jews and other refugees, including scores of children. When they set out for Europe in January 1939, Germany had seized the Sudetenland from Czechoslovakia and refugees were flowing across the continent. The American Unitarian Association asked numerous ministers to go to Europe before Waitstill, 37, and his social worker wife, Martha, 33, agreed.

"Prague, Czechoslovakia, was home to one of the world's largest Unitarian congregations, which was helping refugees of all stripes—Jews, trade unionists, political dissenters, and others. The Sharps arrived to lend a hand in February 1939, and 1 month later, the city was occupied by the Nazis.

"On March 15, 1939, the day the Germans took Prague, Martha Sharp guided an anti-Nazi leader to asylum at the British Embassy. A few days later, the Reverend Waitstill Sharp arranged for a member of the Czech Parliament to be smuggled out of a hospital morgue in a body bag. The Nazis soon closed the Sharps' office and threw their furniture into the street, but the couple stayed another 5 months and got out just ahead of the Gestapo.

"On their second foray to Europe, they worked in Marseilles, France, and helped smuggle across the Pyrenees into neutral Portugal. One of their close collaborators was Varian Fry, a 32-year-old New York editor who devoted himself to saving European intellectuals and who was the first U.S. citizen placed by Yad Vashem on its 'Righteous Among the Nations' honor roll, which includes Oskar Schindler and Raoul Wallenberg.

"Since the Sharps burned most of their records to keep them out of Nazi hands, no one knows how many lives they actually saved. Their grandson, Artemis Joukowsky, III, of Boston, estimates they helped 3,500 refugees in Prague, though it is unclear how many survived. In Marseilles, they pioneered routes that hundreds used to escape.

"Marianne Scheckler-Feder of Laguna Hills, California, has a fuzzy but enduring memory of Martha Sharp, reinforced by a fading black-and-white photograph taken on a sun-dappled street in the French port of Marseilles.

☐ 1500

"'I remember a figure. She was a very, very elegant lady. Kind of serious and very concerned. You looked up to her. She demanded respect,' Sheckler-Feder said, who is now 79 years old.

"Thousands of refugees from across Europe had flocked to Marseilles in hopes of gaining passage abroad, only to be interned in work camps when France surrendered to Germany in 1940 and the Nazis set up a collaborationist government in Vichy. Sheckler-Feder was 12. She was one of three Jewish sisters, nearly identical triplets, who had fled with their parents from Vienna, a bare step ahead of the Nazis.

"Marseilles was the end of the road, the end of hope, until they met Martha Sharp. She pestered Vichy officials to issue exit visas for 29 children, including nine Jews. With almost as much difficulty, she persuaded our State Department, which was rife with anti-Semitism at that time, to let the children and 10 adults into the United States.

"Sheckler-Feder and her sisters traveled by train to Lisbon and sailed in December 1940 aboard the Excambion, a ship stripped of all furnishings except sleeping bags, blankets, and pillows to accommodate as many passengers as possible. Their parents eventually followed.

"Sheckler-Feder has no doubt that were it not for Martha Sharp, her family would have perished: 'What she did for us is outstanding. It will never be forgotten.'"

Mr. Speaker, I am very proud to have introduced this bill with the esteemed chairman of the Foreign Affairs Committee, Congressman TOM LANTOS, along with House Members of the U.S. Holocaust Memorial Council, Representatives CANTOR, LATOURETTE, and WAXMAN, the Members of the House congressional delegations representing Rhode Island and Massachusetts, and other bipartisan co-sponsors.

I want to thank Speaker NANCY PELOSI and the majority leader and the minority leader, JOHN BOEHNER, for supporting this consideration on the Suspension Calendar.

It is my hope that all of us in this House will not only pay tribute to the memory and legacy of Reverend Waitstill and Martha Sharp but will recognize the example they set. There are many urgent situations confronting our world today where people's lives are in grave danger. Many people in communities even face the threat of genocide, as is the case in Darfur. I hope that we can learn from the Sharps' example that each of us can make a difference, can save the lives of others, and all we have to do is step up and answer the call. It is my hope that the inspiration of the Sharps will compel our government and other civilized governments across this world into taking more proactive and more effective steps to stop the genocide that is now going on in the Sudan.

Mr. Speaker, I urge all my colleagues to pass this resolution. Again, I want to thank my friend Mr. LANTOS and my friend Ms. ROS-LEHTINEN for their eloquent words of support.

Ms. ROS-LEHTINEN. Mr. Speaker, again I congratulate Mr. MCGOVERN for authoring this important resolution. And that selfless and giving nature of the American spirit as exemplified by this tremendous family is alive and well with so many people trying to stop the genocide in Darfur and in other dark places of the globe.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in support of H. Res, 52, which honors Rev. Waitstill Sharp and Martha Sharp for their outstanding heroism during the Holocaust. Although the couple lived safely with their two children in Massachusetts in 1939, both felt a calling to provide aid to those in need overseas. They traveled to Czechoslovakia and began providing food for the refugees fleeing the Nazi regime. However, when they arrived, the Nazis invaded Czechoslovakia and the situation grew more dangerous.

Instead of returning home, they found that they could better serve those in harm's way by helping them escape from the region. Despite the numerous life-risking situations and constant pursuit by the Gestapo, the couple stayed and succeeded in helping over 2,000 people escape danger throughout World War II.

I am pleased that they received official recognition as "Righteous Among Nations" last June, in the Yad Vashem ceremony in Israel, for truly their righteous actions are unparalleled, and we are incredibly honored to call them our fellow citizens. The Sharps were some of the first Americans to receive the award, setting an incredible example of righteousness and good will for all who follow them.

In addition, I would like to note the powerful words of their daughter, Martha Sharp Joukowsky, who accepted the award on their behalf. She reminded us that her parents' actions represent "the unseen efforts of a much wider circle of people who made their work possible" and that this "is the kind of network that is needed again today to stop the slow genocide in Darfur." Sadly, we must recognize that suffering and oppression does not end with one war or one crisis in our past but continues into our present day. In order to truly pay tribute to the Sharps, we must acknowledge our present condition. So I urge my colleagues, as they remember the Sharps today, to also remember the urgency of the devastating situation in Darfur. I am sure if they were alive today, they would devote all their efforts to save the people there from this modern-day Holocaust.

I urge my colleagues to support H. Res. 52, to honor Reverend and Mrs. Sharp for their heroic rescue efforts during World War II.

Mr. BACA. Mr. Speaker, I rise in support of H. Res. 52, legislation paying tribute to Reverend Waitstill and Martha Sharp, an American couple who left the comfort and safety of their home in Massachusetts to save the lives of Jews in danger of being killed during the Holocaust.

Waitstill Sharp was a Unitarian minister and his wife Martha was a social worker.

In the late 1930s, amid the horrors of the Holocaust and a refugee crisis in Europe, the American Unitarian Association asked numerous ministers to cross the Atlantic and offer assistance. The Sharps agreed, despite the dangers and despite having young children at home whom they would have to leave behind in the care of friends and neighbors and members of their congregation.

In February 1939, the Sharps arrived in Prague, Czechoslovakia, where one of the world's largest Unitarian congregations was assisting Jewish refugees and others who opposed the Nazis, including trade unionists and political dissenters. A month later, the Germans occupied Prague, increasing the urgency of the Sharps' mission but also the risk. They remained in Prague almost six months.

Through their courage, creativity and persistence they were able to lead hundreds of people, likely thousands, to safety.

They again heeded the call to action, returning to Europe in 1940, this time based in Marseilles, France, where they helped smuggle people across the Pyrenees into neutral Portugal. The escape routes that they established enabled hundreds of refugees to survive.

Among those whom the Sharps saved from persecution and slaughter at the hands of the Nazis were many children, including Jewish children who are now elderly, living freely in America, and remember with gratitude the couple who saved their lives almost 70 years ago.

I should note that the Sharps and others who worked to save Jews not only had to worry about the Nazis and the Gestapo, Vichy officials, collaborators and informers but also had to overcome bureaucracy and anti-Semitism even among the U.S. State Department. Historians have documented that inaction, indifferences, failures and even outright hostility by American officials resulted in the tragic death of Jews during the Holocaust.

But today we do not dwell on this; instead we honor the Sharps for persevering despite such obstacles and adversity.

Some of the Sharps' surviving relatives and admirers claim they were merely ordinary people who did what anyone would have done in the face of suffering. While I would like to believe that all people of compassion would come to the aid of people in need, especially when lives are at stake, sadly I know that is not the case. It was not true during the Holocaust, and it is not true today as millions of people in America and around the world suffer poverty, hunger, disease and even genocide and yet still not enough is being done to help them.

The special and extraordinary nature of the Sharps' actions is clear by the rare and high honors they have deservedly received.

In June 2006, the Yad Vashem Holocaust Martyrs' and Heroes' Remembrance Authority in Israel honored Reverend Waitstill Sharp and Martha Sharp posthumously as "Righteous Among the Nations" for risking their lives to save Jews during the Holocaust.

And in September 2006, the U.S. Holocaust Memorial Museum in Washington, D.C. honored the Sharps.

There were definitely other brave, compassionate people who were inspired by their faith, values or their sense of right and wrong and therefore took steps, both small and large, to help Jews during the Holocaust. Some provided food and shelter, some refused to inform on their neighbors or cooperate with authorities enforcing murderous policies, some actively resisted against the Nazis, and some helped transport Jews to safety. But this was not the norm in Europe during the Holocaust. And we know the tragic, horrific results: over 6 million Jewish men, women and children perished.

So today we acknowledge the Sharps as American heroes, and I would add as heroes of humanity. Martha Sharp is the first American woman—and she and Waitstill are only the second and third Americans—to be added to the honor roll of 21,000 "righteous" gentiles, or non-Jews, whose efforts saved countless lives during the Holocaust.

We also commend the Unitarian Universality Service Committee. UUSC was founded to support the Sharps' work and helped rescue Jews and other refugees from Nazi persecution. The organization has continued to do good work in support of human rights all over the world and is actively engaged in efforts to stop the genocide in Darfur, Sudan.

As we honor the Sharps, let us be inspired by their heroic example and let us all commit ourselves to doing what we can—and what we must—to bring an end to human suffering.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield back the balance of my time.

Mr. LANTOS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. LANTOS) that the House suspend the rules and agree to the resolution, H. Res. 52.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those voting have responded in the affirmative.

Mr. LANTOS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

PRESERVATION OF RECORDS OF SERVITUDE, EMANCIPATION, AND POST-CIVIL WAR RECONSTRUCTION ACT

Mr. CLAY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 390) to require the establishment of a national database in the National Archives to preserve records of servitude, emancipation, and post-Civil War reconstruction and to provide grants to State and local entities to establish similar local databases.

The Clerk read as follows:

H.R. 390

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Preservation of Records of Servitude, Emancipation, and Post-Civil War Reconstruction Act".

SEC. 2. ESTABLISHMENT OF NATIONAL DATABASE.

(a) IN GENERAL.—The Archivist of the United States shall preserve relevant records and establish, as part of the National Archives, an electronically searchable national database consisting of historic records of servitude, emancipation, and post-Civil War reconstruction, including the Southern Claims Commission Records, Records of the Freedmen's Bank, Slave Impressments Records, Slave Payroll Records, Slave Manifest, and others, contained within the agencies and departments of the Federal Government to assist African Americans and others in conducting genealogical and historical research.

(b) MAINTENANCE.—The database established under this section shall be maintained by the National Archives or an entity within the National Archives designated by the Archivist.

SEC. 3. GRANTS FOR ESTABLISHMENT OF STATE AND LOCAL DATABASES.

(a) IN GENERAL.—The National Historical Publications and Records Commission of the National Archives shall provide grants to States, colleges and universities, and genealogical associations to preserve records and establish electronically searchable databases consisting of local records of servitude, emancipation, and post-Civil War reconstruction.

(b) MAINTENANCE.—The databases established using grants provided under this section shall be maintained by appropriate agencies or institutions designated by the National Historical Publications and Records Commission.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated—

(1) $5,000,000 to implement section 2; and

(2) $5,000,000 to provide grants under section 3.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Missouri (Mr. CLAY) and the gentleman from Tennessee (Mr. DUNCAN) each will control 20 minutes.

The Chair recognizes the gentleman from Missouri.

GENERAL LEAVE

Mr. CLAY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill, H.R. 390.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. CLAY. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of H.R. 390, which authorizes the National Archives to preserve historical documents relating to servitude, emancipation, and post-Civil War reconstruction. Introduced by my friend, Representative LANTOS of California, the bill calls on the Archives to place these documents in a searchable electronic database for use in historical and genealogical research.

As a cosponsor of H.R. 390 and chairman of the Oversight Subcommittee on Information Policy, Census, and National Archives, I am pleased to see the measure presented for consideration by the House today. Under this legislation, grants will be made available to States, colleges and universities, and genealogical associations to preserve similar records in their possession and make them available electronically. The bill will for the first time make a wide range of historical documents relating to servitude, emancipation, and post-Civil War reconstruction easily accessible and searchable. This will vastly improve the ability of African Americans to research their lineage. It will also facilitate the efforts of historians performing research into this period of American history.

An identical version of this bill was approved unanimously by the Committee on Government Reform last year. And as someone with a deep appreciation of African American and American history, I am honored to support its passage today.

I urge my colleagues to join me in supporting this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. DUNCAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 390, the Preservation of Records of Servitude, Emancipation, and Post-Civil War Reconstruction Act, legislation which would establish a grant program, as outlined just a moment ago by Mr. Clay.

H.R. 390 would authorize the creation of a national database within the National Archives to include records of servitude, emancipation, and post-Civil War reconstruction held by Federal agencies. These records include: the Southern Claims Commission Records, Records of the Freedmen's Bank, Slave Impressment Records, Slave Payroll Records, and Slave Manifests.

Many of these records are not organized, catalogued, or well protected from the elements. H.R. 390 will not only make these documents more accessible to the public but will preserve them as well. H.R. 390 continues the important preservation efforts begun under the Freedmen's Bureau Records Preservation Act of 2000. The creation of a searchable database will help African Americans conduct genealogical research and learn more about their families' history.

In addition, the national database will help historians and others interested in the Civil War and post-Civil War eras to conduct research that promises to reveal more about the history and culture of the South and the African American experience. Similar records of servitude, emancipation, and post-Civil War reconstruction are held by local and State entities.

H.R. 390 authorizes the National Archives to provide grants to States, universities, and genealogical associations to digitally preserve their records through the creation of searchable databases. The digital preservation of these important historical documents and improved accessibility to them will ensure that they are available to future generations of Americans.

I think this is legislation that all my colleagues can support, and I urge support for H.R. 390.

Mr. Speaker, I reserve the balance of my time.

Mr. CLAY. Mr. Speaker, I am pleased to yield such time as he may consume to the sponsor of this legislation, Representative Lantos.

Mr. LANTOS. Mr. Speaker, first I want to thank my dear friend, the distinguished chairman of the committee, for yielding me time and for his leadership on this issue.

Mr. Speaker, last week our Nation paused to remember and to recognize the extraordinary life and achievements of Dr. Martin Luther King, Jr. Today I rise in strong support of H.R. 390, the Preservation of Records of Servitude, Emancipation, and Post-Civil War Reconstruction Act, which will help eliminate a little-known and rarely recognized vestige of slavery. This important legislation, which passed the Government Reform Committee last year by a unanimous vote, will open the way for African Americans to trace their ancestry from the critical period immediately following the end of slavery in this country.

Mr. Speaker, for most Americans, researching their genealogical history involves searching through various historical records, almost all of which have been properly archived as public historical documents. Unfortunately, African Americans face a unique challenge due to our Nation's history of discrimination and slavery. Instead of simply looking up wills, birth and death certificates, or other traditional genealogical research documents, African Americans are forced to identify the names of former slave owners and then hope that these owners kept accurate records of pertinent property tax and probate information.

Compounding the difficulty of this problem, Mr. Speaker, is that many of these records of servitude and emancipation are frequently inaccessible, stored in farmhouses and schools throughout the South. Even when researchers are able to locate the records, they find them poorly catalogued and inadequately preserved from deterioration and decay.

While some States and some localities have undertaken efforts to collect these documents, and they need to be commended for their endeavors, a national effort to preserve these important pieces of public and personal history is necessary to ensure that they are readily and easily accessible to all Americans.

H.R. 390, my legislation, builds on the success of the Freedmen's Bureau Records Preservation Act, which Congress passed and the President signed into law 6 years ago. That law required the archivists of the United States to catalogue the genealogical and historical records into a searchable indexing system and was the first step toward ensuring easy access. Passing H.R. 390 is the next step necessary to complete this preservation project for our entire Nation.

Mr. Speaker, my bill tackles the problems of poorly catalogued and inadequately preserved records in two ways. First, it will make sure that the records of servitude, emancipation, and post-Civil War reconstruction currently being stored within the various agencies of the Federal Government will be properly preserved and accessible in a single electronic site. Second, the searchable index will allow individuals to access information in seconds rather than months or years to build their own personal histories.

□ 1515

Since many of these records are held in non-Federal public and private collections around the country, my legislation authorizes the National Archives to distribute grants to the States, academic institutions, and genealogical associations to locate, preserve, and establish on-line databases of these important records. These grants will ensure that families doing research in my home State of California or anywhere in the country will be able to find post-Civil War reconstruction items easily accessible in a single electronic site. The searchable index will allow individuals to access information in mere seconds.

The Federal and local records covered by my legislation are not only of personal importance to the families involved, Mr. Speaker, they are historically significant to all of us. They document the reuniting of our Nation and the historic moment of transition for slaves from the status of property to citizens, a time when our country finally began to right a horrible moral wrong. We need to take the process another step now by ensuring that those records and the lessons they hold are preserved for all eternity.

I want to thank Chairman Waxman and Ranking Member Tom Davis, both cosponsors of my legislation, for their continued support of this measure. I also want to thank my friend and colleague Elijah Cummings for all his efforts on this important measure. I urge all of my colleagues to join me in supporting this commonsense recognition that justice at long last must be made.

Mr. DUNCAN. Mr. Speaker, I simply want to commend the gentleman from California (Mr. Lantos) and the gentleman from Missouri (Mr. Clay) for their work on this very important legislation. It has been an honor for me to manage this for the minority.

Mr. Speaker, I have no other speakers. I urge support of H.R. 390, and yield back the balance of our time.

Mr. CLAY. Mr. Speaker, in closing I want to thank my good friend from Tennessee (Mr. Duncan) for his leadership on this issue. We appreciate it. I want to commend my good friend from California (Mr. Lantos) for sponsoring this bill that will catalog and preserve these records from a time long ago.

Being a history enthusiast, I believe the adage that a people who don't know their history are doomed to repeat it, and I urge the House to pass the bill.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in support of H.R. 390, the Preservation of Records of Servitude, Emancipation, and Post-Civil War Reconstruction Act. I support H.R. 390 because it will protect a vast amount of genealogical information from this period in our Nation's history. This bill authorizes the National Archives to do two things: (1) to use necessary resources to preserve, maintain and electronically catalogue these important records, and (2) to distribute grants to the States, academic institutions, and genealogical associations in order to preserve and establish online databases of their own important local records.

While most Americans can learn about their genealogy through already well-archived documents like certificates of birth, death, or marriage, African-Americans have more difficulty with this, due to our Nation's history of slavery and discrimination. African-Americans seeking information about their ancestors must instead turn to less well-archived records such as documents written by former slave owners. These records are often not very accessible, disorganized, or in poor condition, and so it is important that we make every effort to adequately archive the familial records of so many of our Nations' citizens.

This bill would be the first national effort to preserve and protect this important part of our nation's history, and I thank Mr. LANTOS, the gentleman from California, for introducing it.

I urge my colleagues to vote in favor of this bill, and I look forward to seeing it passed.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today in strong support of the Preservation of Records of Servitude, Emancipation, and Post-Civil War Reconstruction Act.

The House of Representatives is truly a body of history. Each day we walk through the Capitol and stand where our Nation's first Members of Congress debated hundreds of years ago. Statues, plaques and paintings remind us of the past and inspire our future. In fact, every day history is recorded on the House floor through the records of our statements.

We must not underestimate the importance of our Nation's past and our individual history. For many African Americans identifying their history and researching genealogy becomes challenging due to a lack of organized records. Many African Americans are left with piecing together records of their ancestors left from former slave owners or searching for information from the post-Civil War reconstruction. Many of these records are unorganized, inaccessible and quickly decaying. We need a national effort to preserve these pieces of public and personal history or to make them readily and easily accessible to all Americans.

Under this bill the Federal Government will maintain an organized system for preserving the records of servitude, emancipation, and the post-Civil War. These records will include Southern Claims Commission Records, Records of the Freedmen's Bank, Slave Impressments Records, Slave Payroll Records, and Slave Manifests. This will go a long way towards preserving our past, and helping individuals discover their history as well.

I urge my colleagues who everyday participate in this Nation's history to extend that dedication to preserving our past to vote for this important piece of legislation.

Mr. CLAY. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SARBANES). The question is on the motion offered by the gentleman from Missouri (Mr. CLAY) that the House suspend the rules and pass the bill, H.R. 390.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those voting have responded in the affirmative.

Mr. LANTOS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 3 o'clock and 19 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1753

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. MCGOVERN) at 5 o'clock and 53 minutes p.m.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 5 o'clock and 54 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1820

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. MCGOVERN) at 6 o'clock and 20 minutes p.m.

CONGRESSIONAL PENSION ACCOUNTABILITY ACT

Ms. MILLENDER-MCDONALD. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 476) to amend title 5, United States Code, to make noncreditable for Federal retirement purposes any Member service performed by an individual who is convicted of any of certain offenses committed by that individual while serving as a Member of Congress, and for other purposes, as amended.

The Clerk read as follows:

H.R. 476

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. LOSS OF PENSIONS ACCRUED DURING SERVICE AS A MEMBER OF CONGRESS FOR ABUSING THE PUBLIC TRUST.

(a) CIVIL SERVICE RETIREMENT SYSTEM.—Section 8332 of title 5, United States Code, is amended by adding at the end the following:

"(o)(1) Notwithstanding any other provision of this subchapter, the service of an individual finally convicted of an offense described in paragraph (2) shall not be taken into account for purposes of this subchapter, except that this sentence applies only to service rendered as a Member (irrespective of when rendered). Any such individual (or other person determined under section 8342(c), if applicable) shall be entitled to be paid so much of such individual's lump-sum credit as is attributable to service to which the preceding sentence applies.

"(2)(A) An offense described in this paragraph is any offense described in subparagraph (B) for which the following apply:

"(i) Every act or omission of the individual (referred to in paragraph (1)) that is needed to satisfy the elements of the offense occurs while the individual is a Member.

"(ii) Every act or omission of the individual that is needed to satisfy the elements of the offense directly relates to the performance of the individual's official duties as a Member.

"(iii) The offense is committed after the date of enactment of this subsection.

"(B) An offense described in this subparagraph is only the following, and only to the extent that the offense is a felony under title 18:

"(i) An offense under section 201 of title 18 (bribery of public officials and witnesses).

"(ii) An offense under section 219 of title 18 (officers and employees acting as agents of foreign principals).

"(iii) An offense under section 371 of title 18 (conspiracy to commit offense or to defraud United States), to the extent of any conspiracy to commit an act which constitutes—

"(I) an offense under clause (i) or (ii); or

"(II) an offense under section 207 of title 18 (restrictions on former officers, employees, and elected officials of the executive and legislative branches).

"(iv) Perjury committed under section 1621 of title 18 in falsely denying the commission of an act which constitutes—

"(I) an offense under clause (i) or (ii); or

"(II) an offense under clause (iii), to the extent provided in such clause.

"(v) Subornation of perjury committed under section 1622 of title 18 in connection with the false denial or false testimony of another individual as specified in clause (iv).

"(3) An individual convicted of an offense described in paragraph (2) shall not, after the date of the final conviction, be eligible to participate in the retirement system under this subchapter or chapter 84 while serving as a Member.

"(4) The Office of Personnel Management shall prescribe any regulations necessary to carry out this subsection. Such regulations shall include—

"(A) provisions under which interest on any lump-sum payment under the second sentence of paragraph (1) shall be limited in a manner similar to that specified in the last sentence of section 8316(b); and

"(B) provisions under which the Office may provide for—

"(i) the payment, to the spouse or children of any individual referred to in the first sentence of paragraph (1), of any amounts which (but for this clause) would otherwise have been nonpayable by reason of such first sentence, but only to the extent that the application of this clause is considered necessary given the totality of the circumstances; and

"(ii) an appropriate adjustment in the amount of any lump-sum payment under the second sentence of paragraph (1) to reflect the application of clause (i).

"(5) For purposes of this subsection—

"(A) the term 'Member' has the meaning given such term by section 2106, notwithstanding section 8331(2); and

"(B) the term 'child' has the meaning given such term by section 8341.".

(b) FEDERAL EMPLOYEES' RETIREMENT SYSTEM.—Section 8411 of title 5, United States Code, is amended by adding at the end the following:

"(l)(1) Notwithstanding any other provision of this chapter, the service of an individual finally convicted of an offense described in paragraph (2) shall not be taken into account for purposes of this chapter, except that this sentence applies only to service rendered as a Member (irrespective of when rendered). Any such individual (or other person determined under section 8424(d), if applicable) shall be entitled to be paid so much of such individual's lump-sum credit as is attributable to service to which the preceding sentence applies.

"(2) An offense described in this paragraph is any offense described in section 8332(o)(2)(B) for which the following apply:

"(A) Every act or omission of the individual (referred to in paragraph (1)) that is needed to satisfy the elements of the offense occurs while the individual is a Member.

"(B) Every act or omission of the individual that is needed to satisfy the elements of the offense directly relates to the performance of the individual's official duties as a Member.

"(C) The offense is committed after the date of enactment of this subsection.

"(3) An individual convicted of an offense described in paragraph (2) shall not, after the date of the final conviction, be eligible to participate in the retirement system under this chapter while serving as a Member.

"(4) The Office of Personnel Management shall prescribe any regulations necessary to carry out this subsection. Such regulations shall include—

"(A) provisions under which interest on any lump-sum payment under the second sentence of paragraph (1) shall be limited in a manner similar to that specified in the last sentence of section 8316(b); and

"(B) provisions under which the Office may provide for—

"(i) the payment, to the spouse or children of any individual referred to in the first sentence of paragraph (1), of any amounts which (but for this clause) would otherwise have been nonpayable by reason of such first sentence, but only to the extent that the application of this clause is considered necessary given the totality of the circumstances; and

"(ii) an appropriate adjustment in the amount of any lump-sum payment under the second sentence of paragraph (1) to reflect the application of clause (i).

"(5) For purposes of this subsection—

"(A) the term 'Member' has the meaning given such term by section 2106, notwithstanding section 8401(20); and

"(B) the term 'child' has the meaning given such term by section 8341.".

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. MILLENDER-MCDONALD) and the gentleman from Michigan (Mr. EHLERS) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

Ms. MILLENDER-MCDONALD. Mr. Speaker, I yield myself 8 minutes.

Mr. Speaker, the bill before us today was introduced by my distinguished colleague, Representative NANCY BOYDA from Kansas. It represents part of a continuing effort by the Democratic leadership to clean up the ethics outrage left over by the Abramoff scandal.

The fundamental concept of this bill is simple. If Members of Congress are convicted of engaging in illegal behavior during the performance of official duties, then in addition to going to jail, their public pension will be eliminated. The language was included in the Republican lobby reform bill last year. The only difference is one enhancement responsive to Senate concerns. We have added language to deny pension benefits to Members who ask others to lie for them, or help them cover up their crime.

Applying this penalty to those convicted of corruption is another step toward comprehensive ethics reform and restoring the public trust in Congress.

It goes without saying that no one should ever violate their oath of office. No one in this body should ever engage in criminal conduct. Such conduct distorts the people's business and leads to the formulation of bad public policy. It breaks the social contract that Americans have with one another, and with their elected leaders. Such conduct demoralizes the Nation, and it damages the reputation of this great institution.

The bill before us represents one step toward discouraging illegal and unethical abuses of our office. As a consequence of enacting this bill, Members hopefully will think twice before stepping over the line.

The Boyda pension forfeiture bill denies a congressional pension to any Member of Congress who is convicted of certain felonies and who has exhausted all appeals. It does not apply to a Member's own contributions to the retirement system.

The covered felonies include: Bribery of public officials and witnesses; acting as foreign agent; conspiracy to commit the above offenses, or conspiracy to violate the postemployment restrictions; perjury by falsely denying any of the above-listed crimes; and subornation of perjury by getting someone else to lie or cover up for you.

Every act constituting any of the above felonies: Must have occurred while the Member is in office; must directly relate to a Members's official duties; and must take place after the date of enactment.

Any element of a crime leading to a final conviction can occur at any time after enactment. So passage of this initiative, Mr. Speaker, puts every current and future Member on notice that there will be an additional price to pay for criminal behavior while holding an office of public trust.

Now does this bill go too far or not far enough? I have heard it argued both ways. Some say that more crimes should be included. Others ask: "Why should a criminal's spouse or child be eligible for the criminal's forgone pension?" Some argue that prosecutors should be empowered to use pension forfeiture as a negotiating tool. Others argue that judges should be able to adjust pension forfeiture to fit the crime, and there are many more such questions and thoughts.

I will tell you now that this policy is an important step, but it is only a first step. It is a way to lay down the law. It is a way to tell the public that we reject criminal behavior while in office. It is a way to tell the American people that we are serious about addressing illegal and unethical behavior by our colleagues. And it is a way to get this pension forfeiture penalty enacted. No, it is not perfect, but it moves us in the right direction.

You will hear arguments that it doesn't go far enough, that previously convicted Members should not presently be allowed pensions. And while I am not unsympathetic with the underlying sentiment, we are prohibited, as legislators, from passing ex post facto laws, which criminalize or penalize past behavior, which is again a violation of the Constitution.

You will hear arguments that more types of criminal behavior should be covered. One of my colleagues indicated last Friday that more types of criminal behavior should be covered. Up until this point, pension forfeiture has only applied to treason and espionage and related offenses. So this is a big step. We are extending pension forfeiture to cover those offenses that lie at the heart of violations of the public trust and relate to the performance of official congressional duties. We are not applying this to others in the executive branch, so this is without precedent.

You will hear arguments that an innocent spouse or child should be punished along with the criminal. On balance, I don't think that is good policy. It may satisfy one's desire for revenge, but if you believe in individual responsibility, then you don't punish an innocent person for another's bad behavior just because they are related by marriage or parentage. I think we need to take a look at this principle in other situations as well, but today we are looking at it in the context of criminal behavior by Members of Congress.

The American people are rightly outraged by elected officials' criminal acts, but the American people are also humane and understanding. Although the first response to this outrage is likely to be "throw the bum in jail," most Americans will not countenance throwing the child of a criminal into the street, or anyone's child.

Assuming family members are innocent of any wrongdoing, this bill gives the Office of Personnel Management the discretion to respond to hardships placed on the family and caused by the Member's criminal wrongdoing. If OPM decides to do so, it will come out of any amounts contributed directly by the Member, and to which he or she is still entitled. That is fair and just, in my opinion. OPM could still impose full pension forfeiture, or something less if the totality of the circumstances warrants a different outcome.

There are lots of other arguments we can have about the merits of this initiative and whether it goes too far or not far enough. Some may even question whether it even goes in the right direction. All of these are legitimate policy concerns, which can be pursued by the interested Members with the committees of jurisdiction through future legislation. But the bill before us today, however imperfect you may judge it, is an immediate response to the American people's demand that we change the way we do business here in Washington.

There are many other initiatives we will be taking to reverse the last decade of criminal and ethical decline. We will do them, and we will be a better and more responsive government for having done so. But this is step one. The American people are sending an unequivocal message to all Representatives and Senators: If you lie, cheat or collude with others to cover up your criminal abuse of public office, you will not only go to jail, but you will sacrifice something that the American people provided you, and that is trust, which the American people can take away from you if you violate that trust. Dishonor that trust, and you break your contract with the American people, and the consequences are clear.

Mr. Speaker, I reserve the balance of my time.

PARLIAMENTARY INQUIRY

Mr. SHADEGG. Parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman may state his parliamentary inquiry.

Mr. SHADEGG. Can the Chair tell me if this bill was reported out of committee?

The SPEAKER pro tempore. The bill before us has not been reported by the committees to which it was referred.

Mr. SHADEGG. So it has not been reported out of committee?

The SPEAKER pro tempore. That is correct.

□ 1830

Mr. SHADEGG. Parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. SHADEGG. Can the chairman tell me if this bill was subject to amendment in committee?

The SPEAKER pro tempore. The phrase "as amended" in the motion offered by the gentlewoman from California signifies that the text proposed for passage differs in some respect from the text of the introduced bill.

Mr. SHADEGG. Further parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. SHADEGG. Can the gentleman tell me where and when this bill was amended?

The SPEAKER pro tempore. It is amended in the motion that is placed at the desk.

Mr. SHADEGG. Parliamentary inquiry, Mr. Speaker. Has the majority been provided the text of the bill at this time, or can you tell me when it was amended?

The SPEAKER pro tempore. It is the Chair's understanding that the bill is available to Members in the Chamber and copies have been provided.

Mr. SHADEGG. Parliamentary inquiry, Mr. Speaker. We just asked for a copy of the bill, a Member just did, and was not able to get it. Do we have more than one copy?

The SPEAKER pro tempore. The official copy is at the desk and the Chair understands that there are other copies that have been distributed throughout the Chamber.

Mr. SHADEGG. One further parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his further parliamentary inquiry.

Mr. SHADEGG. Mr. Speaker, it has been widely reported today that this bill has a delayed effective clause which would not make it effective until January of 2009. That is different than the introduced bill, which had an immediate effective date.

Ms. MILLENDER-McDONALD. Is that a parliamentary inquiry that he is just suggesting here?

Mr. SHADEGG. Can the Chair clarify whether or not it has been amended in that respect?

The SPEAKER pro tempore. The content of the bill is a subject for Members to discuss during the debate. It is not for the Chair to state.

Mr. SHADEGG. I thank the gentleman.

PARLIAMENTARY INQUIRY

Mr. KIRK. Parliamentary inquiry.

The SPEAKER pro tempore. The gentleman from Illinois will please state his parliamentary inquiry.

Mr. KIRK. Mr. Speaker, with regard to the amendment in the final form of this bill, my understanding is we are now dealing with a handwritten piece of paper on a napkin?

The SPEAKER pro tempore. The bill, as amended, is at the desk.

Mr. KIRK. Is anything typed and shared with the minority?

The SPEAKER pro tempore. The engrossing Clerk has the official paper at the desk.

Mr. KIRK. Which is handwritten.

The SPEAKER pro tempore. The gentleman may examine the copy at the desk for himself.

Mr. KIRK. I will take that as a "yes."

POINT OF ORDER

Mr. TERRY. Point of order, Mr. Speaker. I have a point of order.

The SPEAKER pro tempore. The gentleman will state his point of order.

Mr. TERRY. Mr. Speaker, as I understand, this suspension rule was just amended or written and changed in the last 45 minutes. It is my understanding from the votes that we took on the first day of the House that the rules were amended. A civility section was added to the rules that said that we would be provided 48 hours' notice.

It is my thought that this last-minute change violates the rules that were adopted in the House our first day in session for the 110th Congress, and I object to the bill's going forward.

The SPEAKER pro tempore. The Chair appreciates the gentleman's comments. Unfortunately, the gentleman has not stated a point of order.

PARLIAMENTARY INQUIRY

Mr. WHITFIELD. Parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Kentucky will state his parliamentary inquiry.

Mr. WHITFIELD. Mr. Speaker, of course this subject matter is very important, the Congressional Pension Accountability Act; and I just went up to the desk and asked for a copy of the bill that we will be debating. And I was told that they did not have a copy. The Speaker has said that there are copies available for Members, and I would like to know where the copies are and how many copies are available for the Members.

The SPEAKER pro tempore. There is an engrossing copy at the desk and further copies will be made available to Members throughout the Chamber.

Mr. WHITFIELD. When will copies be made available for us?

The SPEAKER pro tempore. Currently. The Chair observes their being passed out as we speak.

PARLIAMENTARY INQUIRY

Mr. TERRY. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. TERRY. Mr. Speaker, the ruling from the Chair, in respect to my objection, was based on the rules that were adopted by the House, the civility section, where we were supposed to be provided 48 hours of notice of any legislation brought to the floor.

The SPEAKER pro tempore. The Chair is unaware of a rule that the gentleman describes. A motion to suspend the rules obviates any point of order in any event.

Mr. TERRY. Are you stating that there is no rule saying that the majority has to supply 48 hours' notice?

The SPEAKER pro tempore. That is correct, and a motion to suspend the rules obviates any point of order in any event.

Mr. TERRY. I thank the gentleman.

PARLIAMENTARY INQUIRY

Mr. SHADEGG. Mr. Speaker, I have a parliamentary inquiry

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. SHADEGG. Mr. Speaker, as I understand it, although the rules package contained a provision that said the majority would provide legislative text to the minority 48 hours before a vote, that is not, in fact, a rule; is that correct?

The SPEAKER pro tempore. A motion to suspend the rules, as the gentleman knows, obviates any point of order to that effect.

Mr. SHADEGG. Further parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. SHADEGG. Mr. Speaker, is there a means by which I can appeal the ruling of the Chair in order to allow the Members of the minority the time in the civility clause that is 48 hours to see the language of this bill which was apparently amended within the last 45 minutes?

The SPEAKER pro tempore. Will the gentleman suspend for one moment.

Mr. SHADEGG. I would very much appreciate an answer to my question, Mr. Speaker. I don't think that is asking too much.

POINT OF ORDER

Mr. HOYER. Mr. Speaker, point of order.

The SPEAKER pro tempore. The Chair recognizes the majority leader.

Mr. HOYER. Mr. Speaker, I believe the points of order being made are debate and comment, not points of order. And I am going to object to the continuation of a process that theoretically raises points of order which is debate and not a point of order.

Mr. SHADEGG. Mr. Speaker, I believe I stated a parliamentary inquiry.

The SPEAKER pro tempore. The Chair would say to the gentleman from Arizona that the motion to suspend the rules is simply being given its ordinary meaning in this process.

Mr. SHADEGG. So the answer to my question is that there is no procedure by which I may object to this bill going forward without the 48 hours promised in the civility provision of the House rules?

The SPEAKER pro tempore. That is correct.

Mr. SHADEGG. I thank the gentleman.

Mr. EHLERS. Mr. Speaker, I yield myself such time as I may consume.

But to begin with, I would like to yield a moment to the chairwoman of the committee and ask, just to try to clarify this, what is the effective date of the amendment we are considering?

Ms. MILLENDER-McDONALD. Mr. Speaker, will the gentleman yield?

Mr. EHLERS. I yield to the gentlewoman from California.

Ms. MILLENDER-McDONALD. Mr. Speaker, with reference to the question raised by the gentleman from Michigan, the effective date is upon enactment of the bill.

Mr. EHLERS. Thank you for clarifying that.

Mr. Speaker, part of the reason for the question was an honest inquiry simply because there has been a lot of confusion about the last-minute changes, which is certainly not customary for a bill taken up under suspension.

This bill would deprive Members of Congress from their pensions if they are convicted of certain crimes. Similar language was included in the ethics and lobbying reform bill passed by the Senate last week.

This is not a new issue. This is not the first time the House has considered the question of whether convicted Members should lose their pensions. In 1996, following the conviction of Congressman Dan Rostenkowski, a public outcry followed published reports that he would be receiving a generous pension even while serving his prison term. In response, the House scheduled and voted on H.R. 4011, to take away the pensions of Members convicted of offenses listed in the bill. It passed 390–32 in the House, but was not taken up in the Senate and did not become law; and Mr. Rostenkowski received his full pension.

Incidentally, mail fraud, the crime for which Mr. Rostenkowski was convicted, was a listed offense in that bill, H.R. 4011, but is not listed in the bill pending before us today. So if there were another Rostenkowski event, today this would not affect that behavior.

The recent convictions of some of our former colleagues, and published reports implicating a current Member in bribery schemes, have caused this issue to surface again.

Then, as now, these legislative efforts amount to an attempt to close the barn door after the horse has gone. Even if H.R. 4011 had passed in 1996, it would not have affected anyone engaged in criminal activity prior to its passage. In other words, Mr. Rostenkowski still would not have been affected by that bill. Whatever we do today will not deprive any of our convicted former colleagues of their pensions and won't threaten the pension of a Member who might have already engaged in criminal activity but has yet to be charged or convicted. The Supreme Court has ruled you simply cannot change the criminal penalty for a crime after it has been committed and apply it retroactively. This is called ex post facto punishment and is clearly prohibited by the Constitution, and that is why it is so extremely important to draft this bill properly.

The Congress had originally attempted to do this when it passed the Hiss Act in 1954 in response to the perjury conviction of Alger Hiss. The law applied to a number of offenses. But this law, though passed after his conviction, was written to take away Hiss's pension but was struck down by a Federal court, and later the Congress scaled the law back because it was unmanageable. This illustrates again the importance of careful work on bills of this nature.

Conviction of an offense listed in the Hiss Act, which is still in effect and applies to all government employees, results in total loss of the pension. The Hiss Act, as amended in 1961, is now limited to crimes against the State that threaten national security: treason, espionage, sedition, et cetera.

Of course, had the Congress enacted the House-passed legislation on the subject in 1996, those who have been convicted of listed criminal offenses in the interim would not be able to receive pensions and today's action would not be necessary.

In view of all this, I have to say, Mr. Speaker, that I think it is most unfortunate that we are considering this bill under suspension with last-minute changes, with limited time for debate, and no opportunity to consider alternatives. I believe that it is important to look at some alternatives. The courts have raised the issue of proportionality, that the punishment must be proportional to the crime. This bill does not contain anything relating to that. And it should, because under this bill a person who commits a heinous crime and has 5 years of pension credit suffers a minor penalty compared to a person who might commit a minor crime but has 20 years of pension to lose. This is not taken care of in this bill, and it should be.

The issue of spouse pensions, as the Chair of the committee mentioned, is dealt with in this bill; but I don't think it is dealt with satisfactorily. I think we should give some guidelines to the Office of Personnel Management in dealing with that.

My point on all this, Mr. Speaker, is that this is an important bill. It is going to potentially affect each and every Member of the Congress. I think it should be done with due deliberation and carefulness, and I think it is most unfortunate that this bill has become clouded by the hasty effort to get this taken up on suspension with last-minute changes not approved previously by the minority.

I hope this is not an example of what we can expect in the future. The issue is certainly more important than naming a post office, which is what we normally do on suspension; and I hope that this bill, when it does pass, will come back in conference so that we will be able to fine tune it in conference with the Senate and produce a good bill that is worthy of final passage.

Mr. Speaker I reserve the balance of my time.

Ms. MILLENDER-McDONALD. Mr. Speaker, I would like to just take about 30 seconds to correct a misrepresentation of the ranking member. He spoke of mail fraud, of which Mr. Rostenkowski was convicted, was not one of the crimes contained in the House bill that was passed out of this House by the Republicans last year. So that is a mischaracterization.

□ 1845

Mr. EHLERS. Mr. Speaker, will the gentlewoman yield?

Ms. MILLENDER-McDONALD. I yield to the gentleman from Michigan.

Mr. EHLERS. The bill was passed in 1996.

Ms. MILLENDER-McDONALD. Irrespective of, it was not one of those that were, as you had suggested in your opening statement.

Mr. Speaker, at this time I would like to yield such time as she may consume to the author of this bill, the outstanding new Member who introduced this bill, the gentlewoman from Kansas (Mrs. BOYDA).

Mrs. BOYDA of Kansas. Mr. Speaker, I rise today to introduce a bill that will help rebuild the American people's faith in our Congress.

Last year a Member of this House, Congressman Bob Ney, praised legislation that would have stripped the pensions of Members of Congress who are convicted of trading votes for bribes. Congressman Ney claimed that the bill would hold, and I quote, "Members of Congress and those they work with to the highest standards in order to ensure that those who abuse the public trust will be dealt with accordingly." But that bill never passed, for which Congressman Ney is probably grateful. On Friday he was sentenced to serve 30 months in Federal prison. His crime: Accepting tens of thousands of dollars in luxury vacations, sporting tickets, and meals from Big Money lobbyist Jack Abramoff.

Despite his conviction, Congressman Ney remains eligible to draw a congressional pension. And he isn't alone. Over the last 25 years, as many as 20 politicians convicted of serious offenses have received their congressional pensions. The exact amount of their payments vary, but the typical payment is about $47,000 a year. That is greater than the average American's total household income, and four times the annual earnings of the minimum-wage worker.

Why should taxpayers fund a comfortable retirement for a crooked Congressman? The answer, of course, is that we shouldn't. Corrupt politicians deserve prison sentences, not taxpayer-funded pensions.

Mr. Speaker, this House has already taken an important first step toward ending congressional corruption. On our very first day of Congress in session, we passed an aggressive ethics package that banned Members from accepting meals and gifts from lobbyists, and we enacted real earmark reform. But our work isn't done.

During my campaign I promised my constituents that I would help end Big Money's control of Congress, and that promise won't be fulfilled until Members who accept Big Money bribes cannot still retire at taxpayer expense.

Today I am proud to introduce H.R. 476, the Pensions Forfeiture Act, which would strip the pensions of Members of Congress convicted of bribery, conspiracy, espionage, or perjury. I am honored that my three fellow Representatives from Kansas, Representative TODD TIAHRT, JERRY MORAN, and DENNIS MOORE, are cosponsoring this legislation with me. All of us, Republicans and Democrats alike, are answering Kansas's demands to sever the link between money and politicians.

My father told me when I told him about this legislation, he said, "Sweetheart, it's about time. Let's get on with it."

Unfortunately, we cannot now revoke Congressman Ney's pension. Believe me, I wish we could, but the Constitution prohibits us from passing such laws after the fact. But we can and we must prevent this from happening again.

I urge my colleagues on both sides of the aisle to support the Pensions Forfeiture Act. I hope that this bill will further deter corruption. Perhaps when Congressmen know that their retirement benefits are on the line, they will think long and hard before committing a Federal crime. But if some future Representative does follow in the footsteps of Congressman Ney, at least Kansas taxpayers and the rest of American taxpayers won't have to foot the bill for his retirement home.

Ms. MILLENDER-McDONALD. Mr. Speaker, I would like to inquire as to the time left for both sides.

The SPEAKER pro tempore (Mr. McGOVERN). The gentlewoman from California has 7½ minutes remaining, and the gentleman from Michigan has 13½ minutes remaining.

Mr. EHLERS. Mr. Speaker, I am pleased to yield 2 minutes to Mr. KIRK of Illinois.

Mr. KIRK. Mr. Speaker, I would like to ask the author of this legislation, Mrs. BOYDA, a question. She has added an amendment to this legislation within the last half hour. What was it, and what did you intend to do with that amendment?

Mrs. BOYDA of Kansas. I don't believe that it has been amended in the last half hour, but we did add subornation of perjury.

Mr. KIRK. Reclaiming my time. The gentlewoman actually has amended the legislation within the last half hour to add a fifth charge of subornation of perjury. But this bill falls far short of its potential.

In 1996, the Congress is on record with the vote of Congresswoman PELOSI and Congressman HASTERT of supporting legislation with 21 public integrity felonies, not the 5 under the legislation before us.

We are missing a key element in this legislation which falls far short of our potential for reform. We know under current law that Rostenkowski collects after mail fraud, Traficant collects after corruption, Cunningham collects after bribery, and Ney collects after conspiracy. But the key story tonight is what is missing in this legislation.

Our House leadership presented a bill which until an hour ago would have exempted the 110th Congress from any of these reforms. Now they are going to go back with the original intention of the bill with the new amendment that the Congresswoman added. But this list of felonies fails to include income tax evasion.

I would ask her, why didn't you add income tax evasion to the list of felonies under this bill?

Mrs. BOYDA of Kansas. I believe that the bill is intended as the voters have said we need to get something done. The crimes that are included in this bill will go right at the heart of the corruption that is affecting the Congress.

Mr. KIRK. Reclaiming my time. I would say that we should not provide taxpayer-funded pensions for someone who is convicted of income tax evasion.

Ms. MILLENDER-McDONALD. Mr. Speaker, just a couple of seconds, and I would like to speak to the speaker who has just spoken. He spoke about the amendment to this bill, the subornation of perjury. This is in the gentleman's bill that he has introduced, so I don't know why his objection to that. The Democrats have added two additional crimes to this bill, and one is that; the other is a conspiracy to violate postemployment restrictions. We have tried to put in this bill to strengthen this bill two additional crimes, and so I am concerned that his argument is one that is in his bill that he has introduced.

At this time, Mr. Speaker, I yield 2 minutes to the gentlewoman from California, Mrs. SUSAN DAVIS.

Mrs. DAVIS of California. Mr. Speaker, I rise today in support of H.R. 476, the Pension Forfeiture Act sponsored by my new colleague and good friend NANCY BOYDA.

Usually, Mr. Speaker, I pride myself on seeing two sides of an issue, but honestly, I have looked, and I can't find another side on this one.

I like this bill, because any Member of Congress who has been convicted of a criminal offense doesn't deserve to get his or her pension. And I like this bill for another reason, too. No matter how small the amount, each dollar that now goes to criminal ex-Members can be used to fund vital programs at a time when we are challenged with record debt.

Mr. Speaker, I love this institution, and it makes me angry that the bad behavior of a few has disgraced Congress and harmed our Nation, and, in fact, this is a very important first step. Perhaps in the future we can go beyond this. And it frustrates me deeply when members of the media and the public say that we are incapable or unwilling to reform ourselves. So, let's prove them wrong. Let's prove them wrong today. Let's pass H.R. 476.

Mr. EHLERS. Mr. Speaker, I am pleased to grant 2 minutes the gentleman from Nebraska (Mr. TERRY).

Mr. TERRY. Mr. Speaker, I will help answer the gentlewoman from California; in the sense that this is a decent bill, but it could be much better if it was brought through a regular order where we were allowed to participate and offer improvements by way of amendments. But the process has been shut down to us, and that is why we are upset. We can make a decent bill better if given the chance. It was brought up on suspension with the intended purpose of forbidding us from offering any amendments to make it better.

And I just want to say that MARK STEVEN KIRK, JOHN SHADEGG, and myself, we have been very concerned about people who have violated the people's trust, accepted bribes, broken the law, and getting their pension. That is why all three of us joined together over a year ago and offered bills; but yet the bill that has been brought up today isn't one of the Republican bills. Is that civility? I doubt it.

Now, the interesting part is, after working with the Speaker a year ago, it was brought up for a vote, and almost all of the Democrat leadership and 173 other Members of the Democrat Party voted against the bill that they are now saying, well, geez, it is your bill that you brought up a long time ago.

But there is one area I have amendments prepared, because I thought when we were going to get here that we would go through regular order. And one of them was solicitation of a bribe, which is not part of this.

Mr. Speaker, can I enter into a colloquy with the author of the bill, the gentlewoman from Kansas? My inquiry to her would be, why did you not offer solicitation of the bribe when you authored this piece of legislation? Solicitation is not in there.

Mrs. BOYDA of Kansas. Let me just say that I have offered a bill that I think is historic. I think it is going to make a difference. And I would suggest that you can vote for it, or you can vote against it. It is a good first step.

Mr. TERRY. So if you want to solicit bribes, this is not a part. And there is a glaring gap here that needs to be filled, and we have not been allowed to fill it.

Ms. MILLENDER-McDONALD. Mr. Speaker, it is amazing that my colleague has said that the bill could be stronger. That is an argument that we could make on every bill that comes to this floor, it can be stronger.

Mr. Speaker, I would like to now yield to our majority leader 1 minute, the Honorable STENY HOYER.

Mr. HOYER. It is tough to be in the minority, isn't it? I feel your pain. I want you to know that.

Of course, that perfect bill of which all of you speak could have been passed in 1995 or 1996 or even 1997 or 1998 or 1999 or 2000, or even 2001, 2002, 2003, 2004, 2005, and, yes, 2006 when you were in charge, and we had no say as to what you passed or what you didn't pass. But you didn't pass this bill. You passed this bill through the House; it is not law. It is not law. And you had the President, you had the Senate, and you had the House.

There is now a claim that we have heard now for 2 weeks: The energy bill could have been better. Yes, but many of you voted for it. You indicated, many of you, that the minimum wage bill could have been perhaps better by adding some things on, but 82 of you voted for it.

This bill could be better, but it is timely. It is timely to do the right thing.

Mr. KIRK has a number of suggestions. I think they are pretty good suggestions. I don't mind them. He asked about income tax. Now, we all pay income taxes. All Americans pay income taxes, or some have preference items they avoid, assuming they are doing it legally. But that is not part of our duties as a Member of Congress; it is part of our duties as a citizen.

What this bill seeks to say is when you raise your right hand and swear that you will serve your constituents faithfully and honestly, that you do that; that you don't do it for some outside lobbyist or interest group. And that if you do, we are not going to pay your pension. That is all this bill says.

It is late in coming, but it is never too late to do the right thing, and I would hope that every Member of this House when the roll is called on this bill will say to their constituents that I am going to take pensions away from those who abuse their power and responsibility given to them by the American people as Members of this House and undermine the faith and trust that the American people have in Members and in this House.

□ 1900

I agree with Mr. TERRY, it could be better. We could add things to it. Perhaps we will. As a matter of fact, we just added something, as you have pointed out, because we thought that not only is lying bad, but asking people to lie is bad. It is called a fancy word, subornation of perjury. But what it is, is asking your staffer to say, don't tell the grand jury I did that. That is essentially what that says. So you can't tell your staff to go to the grand jury, when the grand jury says, does Member A, B or C take money or lie or do something or take money to vote on something, if you ask them to do that, and, after all, they work for you, you have control of their salary, you are also going to be subject to loss of pension.

So I agree with those that say this bill is not perfect. They are right, but a lot of the bills that we have passed, as a matter of fact probably no bill that we have passed has been perfect, but this is a good bill. As my friend, the former Congressman from Kentucky would say, "And I tell you that frankly."

My expectation is we are going to have almost every Member, I would hope 100 percent of the House say to the American people we will not allow Members who misuse and fail your trust to get your taxpayers' dollars paid to them in pensions. Vote for this bill. It is a good bill.

I want to congratulate NANCY BOYDA for her leadership in bringing this bill to the floor, and I urge Members on both sides of the aisle, in a bipartisan way, vote to say to the American people, we won't take your pensions if we do wrong by you, and we won't let others do as well.

Mr. EHLERS. Mr. Speaker, I yield myself such time as I may consume.

I would just like to make a brief response to the majority leader before recognizing my next speaker. The issue is not just the quality of the bill. The main issue is the process, and I recall many times over the past few years, when we were in the majority, I asked our leadership to take up a bill on suspension. They said we can't do it unless the minority agrees to it, and I had to wait weeks several times for that.

Now, suddenly, we get a bill tossed out in just a few hours' notice. That is not proper procedure.

Mr. Speaker, I next yield 2 minutes to the gentleman from Arizona (Mr. SHADEGG).

Mr. SHADEGG. Mr. Speaker, we just heard how serious this bill is; and, indeed, I think it is serious and important.

Over a year ago, I introduced a similar bill, so did my colleague Mr. KIRK, and so did my colleague Mr. TERRY. The majority leader has just told us that we ought to all vote for this bill because it is so important; but once again, we are here in a procedural abuse of mind-boggling consequences.

For my colleagues who have not been here, you need to know that in the last hour this bill has been amended by the majority. Indeed, in the last 24 hours, it has been amended not once but twice. It was introduced in one form. This morning they announced two different amendments to it, changing both its effective date and the crimes to which it applies, and your offices were all told when you arrived here today that it had a new effective date and had a new series of crimes to which it applies. But guess what, do not rely on your staff because this bill is so important the majority has amended it within the last few minutes. Now they have added a crime, but changed the effective date again.

This is not the way that serious Congresses legislate. If you believe this bill is important, don't ask these Members to vote on it with less than an hour's notice. If you would like to look at a copy of the bill, many of our Members on the majority asked for a copy moments before debate started, and they could not get a copy. Indeed, the amendments appear to have either been handwritten or typed within the last few minutes.

This is not the way to legislate. Procedure matters. We have not been allowed to see this bill go through committee and to be marked up. It did not go to Rules where we could offer amendments, where we could offer the effective date we think is right or the list of crimes that we believe is right.

No, the majority has decided that the minority does not matter. Well, let's talk about fundamental fairness. In the Contract with America, we allowed that side, when they were in the minority, to offer to our Contract bills 154 floor amendments. That is on top of taking all of those bills to committee, and 48 of those amendments passed.

This is a procedural outrage, and they ought to be ashamed.

Ms. MILLENDER-McDONALD. Mr. Speaker, the speaker who just spoke stated that we changed the date. We changed the date of the bill to comply with the leadership on the Republican side. So he was disingenuous.

Mr. Speaker, I yield 1 minute to the gentleman from Maryland (Mr. HOYER), the majority leader.

Mr. HOYER. Mr. Speaker, I thank the gentlewoman for yielding.

First of all, let me say that I do not think this is the best procedure that we could have followed.

Mr. SHADEGG. Mr. Speaker, parliamentary inquiry, did she not just call me disingenuous? I would like the words taken down.

The SPEAKER pro tempore. Does the gentleman yield for a parliamentary inquiry?

Mr. HOYER. No. I thought I was recognized. I was speaking.

POINT OF ORDER

Mr. SHADEGG. Point of order.

The SPEAKER pro tempore. The gentleman will state his point of order.

Mr. SHADEGG. You may not besmirch the motives of a Member of the body. I believe the lady said that my comments were disingenuous. I would like to hear the comments. If she called me disingenuous, I take that as an offense.

The SPEAKER pro tempore. The gentleman has not stated a point of order.

Mr. SHADEGG. I want her words taken down. Mr. Speaker, I would like the lady's words taken down.

Mr. HOYER. I think we are beyond that point, but let me say I don't believe the gentleman is disingenuous. As a matter of fact——

The SPEAKER pro tempore. Would the majority leader suspend.

The gentleman's request for the words to be taken down has not been requested in a timely and an appropriate manner.

The gentleman from Maryland is now recognized.

Mr. TIAHRT. Parliamentary inquiry.

The SPEAKER pro tempore. The gentleman from Maryland has the time.

Mr. TERRY. Mr. Speaker, I appeal the ruling of the Chair. Just because the Chair wasn't listening to the gentleman doesn't mean he wasn't making it in a timely manner.

The SPEAKER pro tempore. The question is, Shall the decision of the Chair stand as the judgment of the House?

MOTION TO TABLE OFFERED BY MR. HOYER

Mr. HOYER. Mr. Speaker, I move to table.

Mr. TERRY. In all due respect, the Speaker's microphone was not on, and we could not hear your ruling.

PARLIAMENTARY INQUIRY

Mr. HOYER. Parliamentary inquiry. Did you recognize the appeal of the ruling of the Chair?

The SPEAKER pro tempore. The gentleman is correct.

The question is on the motion to table.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. HOYER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 223, nays 190, answered "present" 1, not voting 21, as follows:

[Roll No. 43]

YEAS—223

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McGovern
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pelosi
Perlmutter
Peterson (MN)
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Watson
Watt
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—190

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilirakis
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Davis (KY)
Davis, David
Davis, Jo Ann
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham

LaTourette
Lewis (CA)
Lewis (KY)
LoBiondo
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

ANSWERED "PRESENT"—1

Lungren, Daniel E.

NOT VOTING—21

Bilbray
Bishop (UT)
Buyer
Carson
Costello
Culberson
Gutierrez
Linder
Lucas
McDermott
Moran (VA)
Norwood
Pickering
Pomeroy
Rogers (MI)
Rush
Ryan (WI)
Smith (WA)
Turner
Waters
Waxman

□ 1929

Messrs. BURTON of Indiana, JOHNSON of Illinois and KUHL of New York changed their vote from "yea" to "nay."

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. The gentleman from Maryland (Mr. HOYER), the distinguished majority leader, is recognized.

Mr. HOYER. Mr. Speaker, I would hope that we could dissipate, first of all, any implication that anybody was disingenuous. There are obviously disagreements on issues. I know that the gentlelady, the Chair of the committee, and Mr. SHADEGG have spoken. I think that is a good thing.

I wanted to say to Mr. SHADEGG, I certainly did not believe he was anything but stating his opinion, and I think that is certainly appropriate to do. I want to make that very, very clear, that we do not and I do not nor did the chairwoman intend to put anybody's motivation in question. We should not do that. Hopefully, we will all try not to do that.

Secondly, let me say that in terms of notice, I had the opportunity to talk to Mr. BOEHNER on Friday. This bill was scheduled, as you know, for consideration on Friday.

□ 1930

There was concern that perhaps people hadn't seen it for sufficient time, although this bill, in substance, has, in fact, been passed by the House before with your leadership. So Mr. BOEHNER and I have discussed it. Mr. BLUNT and I had a colloquy, in which time I said that this would be on suspension tonight.

The bill was amended, the gentleman is correct, within the last few hours. The date was changed at the request of Mr. BOEHNER. I happen to agree with Mr. BOEHNER that the date of 2009, which was in the bill, and I know Mrs. BOYDA, I talked to Mrs. BOYDA about it, she agreed with the change as well. The change was made because it was Mr. BOEHNER's feeling, and I think the minority's feeling, that the bill ought to go into effect immediately.

The reason the date was put in as 2009 because that is what the Senate bill does under the constitutional provision of the 27th amendment, where compensation of a Member may not be changed during the course of their term. So it was made effective at the next term.

But my observation, and I think Mr. BOEHNER's, I don't know whether he is on the floor, were the same; that if that question would be raised, let a defendant who is convicted of falling short of his duties and responsibilities, or hers, to their constituents and to this institution, let them raise that. I agreed with that. So that change was made mutually.

There was an additional subornation of perjury which we think is appropriate. But I want to say to Members on both sides, I am an institutionalist. I believe in this institution, I believe in the Members, and I believe the Members need to have careful and thoughtful consideration.

This bill is straightforward and, as I say, for all intents and purposes has been passed. I want to tell everybody, I think we are going to roll the vote on this bill because we don't want anybody to miss it. There are 11 Members on each side absent because of planes that have not flown on schedule because of weather. And it is an equal number on each side, so we are going to wait.

But I hope when this bill comes to a vote that all of us vote for it, notwithstanding our differences on process, which ought to be better. We are going to strive to make it better.

I want you to know that I feel strongly. When I said I feel your pain, I do. I don't think it is disingenuous pain. I think you are accurate on that.

So, Mr. Speaker, I would hope that we could conclude the debate on this. I think we are all going to agree on this.

I see my friend Mr. BOEHNER coming to the podium. But I would hope that we could move this bill and give to the American public the understanding that we believe this is a very serious matter, and we are going to address it, and we are going to address it soon.

I will be glad to yield to my friend.

Mr. BOEHNER. Mr. Speaker, I want to thank my colleague for yielding, and make it clear that when there was a suggestion made about changing the date from the bill that had been introduced on its way to the floor, I, and my staff, believed that it was not in the best interest of the House to change this bill in the hour before it was to come to the floor. And I appreciate my colleague from Maryland, the majority leader's working with us to put the date back to where it was with the introduced bill.

But having said that, I talked last week on the floor about my concern about how the House was proceeding. I understand the Six for '06 and the need to move the Six for '06 agenda right out of the gate. But as I said on the floor last week, I would hope that we would get back to regular order.

Now, we are not on bill number six or bill number seven or, for that matter, bill number eight. I think we are on bill number nine. And as I reiterated on the floor last week, when we took the majority in 1995, there were many of my colleagues on our side of the aisle that said that we ought to treat the other side of the aisle the way they treated us. I stood my ground for months and months and months suggesting to my colleagues that, no, we should treat the minority, the then minority, the way we asked to be treated. And I think the real concern here is that what we have seen today on the floor over this bill is exactly the point we have been trying to make about going back to regular order.

The committee process in this House does work, and I think the gentleman from Maryland clearly understands that, because Members on both sides of the aisle can pinpoint flaws and problems and correct those. And then there is a Rules Committee that has hearings. There is an opportunity for Members to offer amendments, hopefully, to be made in order so that the House can work its will.

And so I would ask my colleague from Maryland, the majority leader, to just treat us the way you have been asked to be treated. My colleagues on this side of the aisle want to participate. We want to work with the majority in the best interest of the American people, and we can do that together. But the only way to do that is to go through regular order. And I think the gentleman from Maryland understands, and I thank him for his time.

Mr. HOYER. I thank the gentleman for his comments. And as we had a good discussion on this particular bill last week, but I understand the gentleman's position. I don't think it is an unreasonable position. I think our perception is that this is a bill that has passed. It is of deep interest to the American public, and we wanted to make a statement as early as possible.

We are not going to affect anybody, obviously, in the past, but going forward we wanted the public to be very assured what our position was. And that is the purpose of this.

I know that the fact that it is on suspension means that it is not open to amendment. We understand that that may cause some consternation, and others will think that that is a procedure under which this kind of a bill probably should be concerned, in any event. But I appreciate the gentleman's view.

Mr. EHLERS. Mr. Speaker, I have asked the other speakers that I have to yield their time, and I will just yield myself such time as I may consume to quickly wrap it up.

I appreciate the comments made by the majority leader and minority leader. I hope they cleared the air.

But I just want to add a personal note. I served on a county commission some years ago and became the chair of the county commission, and there I learned the importance of proper order in doing things in regular order. I served as president pro tem of the State senate, and that even reinforced it more strongly. Always proceed properly, fairly and in order.

And I think part of the difficulty we have had here today is that the members of the current minority sat here for 2 weeks grinding their teeth while they watched things come to the floor without having gone to committee, without prior debate and discussion. And this was the crowning insult, to bring something to the floor under suspension, and to make not just one change, we have heard discussion of the date, but two changes in the bill between the time it was agreed to and the time that it reached the floor.

We cannot have that. As a minority we will not tolerate that. We deserve proper order. We deserve respect. And I assume the majority will, from this time henceforth, give us that respect and follow proper order, proper procedure, so we can avoid these donnybrooks in the future.

Mr. Speaker, I yield back the balance of my time.

Ms. MILLENDER-McDONALD. Mr. Speaker, the statement that I made earlier about the gentleman from Arizona, it was not my intent to question his motives. And I look forward to working with him in the coming days and weeks and months ahead. And so I do not intend for him to take that personally, and I am sorry for that.

Mr. Speaker, and all of my colleagues who are listening and have listened to this debate today, please take note. The Democratic leadership of this institution plans to clean up the criminal and ethical morass it inherited. This bill is a down payment on the new ethical climate control system we are building.

The American people deserve to know that criminal and unethical behavior by any of our colleagues will be punished, and that the penalties for violating the sacred trust which has been bestowed upon us by our voters and the States we represent will be substantive and serious and not window dressing.

We have more to do after this bill passes, so we can continue this discussion during the next installment of ethics reform. But I urge my colleagues to take this leap with me today and with the very distinguished gentlewoman from Kansas who introduced the bill, to begin this journey toward a more open and honest government, and toward a more ethical direction in this 110th Congress. The American people deserve it, and it is up to us, you and I, to deliver it.

Mr. SIRES. Mr. Speaker, I rise in support of H.R. 476.

At the start of the 110th Congress, this chamber passed rules governing how we conduct the people's business. We made sure that the interest of our constituents would be placed ahead of the special interests. Today, we must take the next step to restore the public trust in Congress by stripping Congressional pensions from Members who commit federal crimes while in office.

This legislation is a crucial next step. It adds bribery of public officials and witnesses, wrongfully acting as agents of foreign principals, and conspiracy to commit one of these offenses to the list of federal felonies that will call for the forfeiture of a Congressional pension. In keeping with the spirit of the new rules governing this chamber, a Congressional pension can be stripped when a Member violates the new postemployment restriction statutes. Furthermore, any member who commits perjury or subornation of perjury in denying their involvement in any of these offenses can also lose their pension under this legislation.

We must make sure that those who violate the public trust and their office are not allowed to profit at the tax-payers expense. I proudly rise in support of this measure and urge my colleagues to do the same.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in support of H.R. 476, the "Congressional Pension Accountability Act," which amends title 5 of the U.S. Code to make noncreditable for Federal retirement purposes any Member service performed by an individual who is convicted of any of certain offenses committed by that individual while serving as a Member of Congress. With the adoption of this legislation, we take another giant step in fulfilling the pledge we made to America last November to "drain the swamp" and end the "culture of corruption" that pervaded the 109th Congress.

Mr. Speaker, today, this House will consider another critical component of ethics reform: congressional pension forfeiture. The bill introduced today is similar to the House bill introduced by my colleague Representative BOYDA on January 17, 2007—with two minor changes in response to Senate concerns.

First, subornation of perjury is added as a disqualifying offense. The second change, which extends the effective date of the legislation until January 2009, is necessary to satisfy the requirements of the 27th Amendment. That amendment requires that any law relating to the compensation of a Representative or Senator may not take effect until there has been an intervening congressional election.

With these specific changes, the bill:

Requires that Members convicted of certain Federal felonies related to the performance of their official duties forfeit their congressional pension rights under the Civil Service Retirement System or the Federal Employees Retirement System if the conduct constituting the felony takes place after enactment and while the Member is in Congress and a conviction occurs after January 2, 2009; and

Applies to bribery of public officials and witnesses; wrongfully acting as agents of foreign principals; conspiracy to commit one of the offenses listed above; conspiracy to violate the post-employment prohibitions; and perjury and subornation of perjury in falsely denying committing one of these crimes.

While I believe it is important to punish those Members who violate the law, and in turn the public's trust, I am very pleased that this bill, through the Director of Office Personnel Management (OPM), provides protection for family members of those Members whose conduct warrants forfeiture of their pensions.

The intent of the bill is not to harm the family members of Members who are convicted of certain serious crimes. That is why the bill permits the Director of Office of Personnel Management, if it is determined to be necessary under the totality of the circumstances, to provide benefits to the Member's spouse and children, in which case the lump sum payment due the Member based on his or her own contributions would be reduced by an appropriate amount.

While avoiding harm to family members of the convicted Members, this critical measure to deny pension benefits to House Members convicted of corruption is another step towards comprehensive ethics reform. We promised the American people that we would restore a sense of respect and dignity to the House of Representatives. This measure is a meaningful first step towards restoring public trust in Congress and ensuring that taxpayers do not fund the pensions of Members convicted of corruption while serving the American people. While we seek to do the right thing by punishing perpetrators of serious illegal conduct, we also seek to deter Members from such behavior and to assure the American people that we serve at their behest and in their interest, not our own.

Mr. Speaker, H.R. 476 is necessary because under current law a Federal elected official found to have betrayed the public trust is eligible to receive taxpayer-funded pensions for their service in Congress—even if they are convicted of serious abuses of power. The American people do not want us to reward those Members who have dishonored and disrespected both the law and the public's trust.

By passing this bill, this Congress is sending a message to the American people that we heard their voices loud and clear in November 2006 that we must win back their trust and act in the best interest of the American people.

I urge my colleagues to support H.R. 476 to clean up the American people's House and win back public trust.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise today to express my disappointment with the majority's efforts today to attempt to restore the public trust in government.

The Nation's Capital has been hammered by corruption-related political scandals in recent years, and it is imperative that we take action to respond to these scandals. But H.R 476, the Congressional Pension Accountability Act, is little more than a trophy that the majority can hold up to claim they restored public trust in the Nation's Capital. In a nutshell, the legislation gives Members of Congress who are convicted of a public corruption related crime an additional slap on the wrist by preventing them from counting their time served as a Member of Congress toward their federal retirement.

This stands in stark contrast to much stronger, bipartisan legislation that the Committee on Government Reform marked up last February to crack down on public officials convicted of betraying the public trust. The Federal Pension Forfeiture Act of 2006, approved by unanimous consent by the Committee last year, would have denied federal retirement benefits to any Member, congressional employee or political appointee in the Executive Branch convicted of a crime related to public corruption punishable by more than one year imprisonment for an act committed while the individual was employed by the federal government.

Unlike H.R. 476, last year's proposal would have permanently denied a pension from an official convicted of a corruption-related crime rather than simply limiting time that counted toward the official's retirement. Additionally and most importantly, last year's proposal covered not only Members of Congress but also political appointees in the Executive Branch. After all, federal officials in both branches of government equally share the blame for the fact that the public no longer trusts public officials.

It's unclear to me why the majority would want to only address half of the issue when we have an opportunity to address the issue in its entirety. Unfortunately this is the first opportunity I have had to raise this concern since the legislation was taken straight to the floor rather than receiving the benefit of committee consideration. Regardless of process, I fear that this legislation will do little if anything to restore any of the public's trust in the federal government.

Therefore, it is with regret that I will vote in favor of this legislation, and I do so only because no other option has been presented to the House.

Mr. BILBRAY. Mr. Speaker, thank you for the opportunity to speak on this very important issue. As you know, my constituents have been directly impacted by the very issue we are voting on today. The previous Congressman from my great Congressional district, Randy Cunningham, used this Chamber and his position to line his pockets with bribe money from lobbyists. He violated the trust of his constituents and his colleagues with his behavior, tarnishing this institution. Unfortunately, the taxpayers will be forced to pay a sizeable pension to him every year.

I think this legislation is an important first step in denying pensions to Members of Congress who abuse the trust of the people. However, I want to note that this legislation did not go far enough.

First, it has a 2-year implementation window, which would allow any Member convicted over the next two years to maintain their pension. I think this is the wrong message to send. If it was constitutional, I would support retroactively taking away the pensions of convicted felons such as Dan Rostenkowski and Randy Cunningham.

Additionally, I think H.R. 476 does not go far enough in detailing the types of crimes that would trigger these provisions. That is why I am a strong supporter and cosponsor of H.R. 14, sponsored by Congressman MARK KIRK. His legislation, the Congressional Integrity Act, would deny a Congressional pension to any Member convicted, and denied a final appeal, for a much more expansive number of crimes directly related to the official duties of a Member of Congress.

This legislation is long overdue. I was proud to support a similar measure, H.R. 4011, in the 104th Congress along with many of my Democratic and Republican colleagues, including current Speaker NANCY PELOSI and our former Speaker DENNIS HASTERT.

I call on Speaker PELOSI to widen the scope of this legislation to help us regain the trust of the American people and withhold the pensions of those who violated that trust.

Furthermore, I call on Speaker PELOSI to consider important legislation to develop stricter, more transparent regulations on pork-barrel spending, also known as "airdropped" earmarking. I was proud to introduce legislation that would ban the practice of slipping earmarks into Conference reports that have not been approved by either the House or the Senate previously. These items do not have the benefit of being debated in Committee or on the floor of the House of Representatives. By requiring the Conference Committees to only consider items that were passed by one of the Chambers; we can ensure that all projects were examined in the light of day, not the backrooms of Congress.

I ask for consideration of this important provision.

Ms. MILLENDER-McDONALD. Mr. Speaker, I yield back whatever time that I have left.

The SPEAKER pro tempore (Mr. MCGOVERN). The question is on the motion offered by the gentlewoman from California (Ms. MILLENDER-MCDONALD) that the House suspend the rules and pass the bill, H.R. 476, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those voting have responded in the affirmative.

Ms. MILLENDER-McDONALD. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H. Res. 52, by the yeas and nays;

H.R. 390, by the yeas and nays;

H. Res. 29, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

PAYING TRIBUTE TO REVEREND WAITSTILL SHARP AND MARTHA SHARP FOR THEIR HEROIC EFFORTS TO SAVE JEWS DURING THE HOLOCAUST

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the resolution, H. Res. 52.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. LANTOS) that the House suspend the rules and agree to the resolution, H. Res. 52, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 413, nays 0, not voting 21, as follows:

[Roll No. 44]

YEAS—413

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Jo Ann
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake

Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hall (TX)
Hare
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McGovern
McHenry
McHugh
McIntyre
McKeon
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pitts
Platts
Poe
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—21

Bilbray
Bishop (UT)
Buyer
Carson
Costello
Culberson
Gutierrez
Harman
Lucas
McDermott
McMorris Rodgers
Moran (VA)
Norwood
Pickering
Pomeroy
Rogers (MI)
Rush
Smith (WA)
Tancredo
Turner
Waters

□ 2000

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PRESERVATION OF RECORDS OF SERVITUDE, EMANCIPATION, AND POST-CIVIL WAR RECONSTRUCTION ACT

The SPEAKER pro tempore (Mr. PASCRELL). The pending business is the question of suspending the rules and passing the bill, H.R. 390.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. CLAY) that the House suspend the rules and pass the bill, H.R. 390, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 414, nays 1, not voting 19, as follows:

[Roll No. 45]

YEAS—414

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hall (TX)
Hare
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pitts
Platts
Poe
Porter
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield
Wicker

Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NAYS—1

Paul

NOT VOTING—19

Bilbray
Bishop (UT)
Buyer
Carson
Culberson
Davis, Jo Ann
Gutierrez
Harman
Lucas
McDermott
Norwood
Pickering
Pomeroy
Pryce (OH)
Rogers (MI)
Rush
Smith (WA)
Turner
Waters

□ 2008

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Ms. CARSON. Mr. Speaker, I was unavoidably detained in my home district and unable to record my rollcall votes. Had I been present, I would have voted "yes" on rollcall votes 43–45.

SUPPORTING THE GOALS AND IDEALS OF NATIONAL MENTORING MONTH 2007

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the resolution, H. Res. 29.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Mrs. DAVIS) that the House suspend the rules and agree to the resolution, H. Res. 29, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 410, nays 0, not voting 25, as follows:

[Roll No. 46]

YEAS—410

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY) :
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Granger
Graves
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hall (TX)
Hare
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herseth
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pitts
Platts
Poe
Porter
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—25

Bilbray
Bishop (UT)
Buyer
Carson
Carter
Coble
Culberson
Davis, Jo Ann
Gordon
Gutierrez
Harman
Herger
LaTourette
Lucas
McDermott
Norwood
Pickering
Pomeroy
Pryce (OH)
Rogers (MI)
Roskam
Rush
Smith (WA)
Turner
Waters

□ 2015

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. GUTIERREZ. Mr. Speaker, I was unavoidably absent from this chamber today. Had I been present, I would have voted "yea" on rollcall votes 43, 44, 45, and 46.

GENERAL LEAVE

Ms. MILLENDER-McDONALD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on H.R. 476 considered earlier this evening.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

APPOINTMENT OF MEMBER TO JOINT ECONOMIC COMMITTEE

The SPEAKER pro tempore. Pursuant to 15 U.S.C. 1024(a), and the order of the House of January 4, 2007, the Chair announces the Speaker's appointment of the following Member of the House to the Joint Economic Committee:

Mr. SAXTON, New Jersey.

CUT OFF FUNDING FOR THE IRAQ WAR

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, tomorrow we will receive the constitutional address from the executive, and I hope tomorrow that an olive branch will be extended to this Congress, an equal branch of government.

This weekend has seen some 25 U.S. soldiers fall in battle. To their families and their loved ones, I mourn their loss. They are heroes. And so I rise to thank the United States military for heroically and courageously doing their job.

Now it is time for the Congress to be heroic and courageous and cease the funding of this ill-fated war. We are now to reject any suggestion that continued funding protects our soldiers. Unless the President has a political and diplomatic solution, no amount of military force is going to resolve this sectarian fight.

I vote for cutting off the funds. I vote for a courageous and heroic Congress to save the lives of the young men and women of America, and I thank them for their valiant and courageous service.

34TH ANNIVERSARY OF ROE V. WADE

(Ms. FOXX asked and was given permission to address the House for 1 minute.)

Ms. FOXX. Mr. Speaker, anniversaries are commonly recognized as a cause for celebration. Yet today the 34th anniversary of Roe v. Wade is no cause for celebration. While I am inspired by the thousands of citizens who came to Washington to march for life, I am truly disheartened by those who celebrate this "anniversary," a date which marks an overactive judiciary allowing the destruction of human life.

This judicial opinion's 34th anniversary marks the Federal judiciary's usurpation of the Republic's right to set social and moral policy through the electoral process. Moreover, the science behind the opinion is outdated and should, at the very least, be reevaluated in light of new advancements in science over the last 34 years.

Many legal scholars see the finding in Roe v. Wade as nothing more than judicial activism, a poorly written opinion lacking logic and the strict interpretation of the Constitution in rendering said opinion.

The real legacy of Roe v. Wade is a culture war that will likely continue through many of the opinion's anniversaries yet to come.

Mr. Speaker, today is no cause for celebration. It is yet another example of judges legislating from the bench. Human life is a gift from God, and we all should cherish and protect it.

SMALL BUSINESS HEALTH PLAN

(Mrs. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BLACKBURN. Mr. Speaker, tomorrow we will hear the State of the Union address from the President, and one of the issues that he will highlight in his speech tomorrow night is the need for expanded health care for Americans.

This is something that the Republicans in Congress have focused on for several years, and it is with excitement that we anticipate the President's remarks tomorrow night as he talks about small business health care, talks about small business health plans and how expanding small business health plans to 40 million uninsured Americans, 60 percent of whom work in small businesses, will help more and more families to be able to control their health care and their health care expense, their health care decisions, and preserve their right to access to physicians of their choice.

We know that by giving small businesses the opportunity to band together, they will have greater options. And we know that this will reduce the number of uninsured Americans.

We look forward to the President's plan for expanding health care through small business health plans.

THE SECURE RURAL SCHOOLS AND COMMUNITY SELF-DETERMINATION ACT

(Mr. WALDEN of Oregon asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WALDEN of Oregon. Mr. Speaker, the failure of Congress to reauthorize the Secure Rural Schools and Community Self-Determination Act results in a broken promise to over 600 forested counties across this country.

Surely you remember the frantic search last month for James Kim and his family in the Federal forests of southern Oregon. Josephine County relied on critical emergency resources in this heart-breaking effort. Ninety percent of the county's search and rescue budget has been funded by this Federal program, which this Congress has not reauthorized. Likewise, the county utilizes an emergency phone notification system to alert homeowners to disasters and emergencies. They used it during the search for the Kim family.

Sixty-five percent of Josephine County's land base is Federal. When disaster strikes, quick information response is literally a matter of life and death. Failure to reauthorize this program means these county services may not be funded and may not be available.

As Josephine County Commissioner Dave Toler said, the loss of this program "is about more than numbers. Its loss will change our lives for many more years to come."

My colleagues, it is high time for Congress to reauthorize this legislation.

MARCH FOR LIFE

(Mr. MCHENRY asked and was given permission to address the House for 1 minute.)

Mr. MCHENRY. Mr. Speaker, more than 20,000 people descended on Washington today as part of the March for Life rally, marking the 34th anniversary of the Supreme Court's ruling on Roe v. Wade.

Over 44 million children, little boys and little girls, their lives have been lost since 1973, at this origination of Roe v. Wade. They were never given the opportunity to enjoy life.

As one March for Life participant pointed out today: "Rain or shine, these unborn children don't have that option. They'll never be able to feel the rain on their heads. They'll never be able to feel the wind on their face. So this is a great opportunity for us to march in their honor." And these participants braved cold weather and lots of rain today to participate and stand up for the most vulnerable in our society.

I hope for a more prosperous day when our country respects the lives of the unborn.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. PASCRELL). Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

TALIBAN RESURGENCE IN PAKISTAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, on the eve of President Bush's State of the Union speech, in which he will undoubtedly be searching for support for his plan to send additional troops to Iraq, I fear that the President and his administration are neglecting the real front in the war on terror, and that is Afghanistan. It is because of this neglect that the Taliban has made a resurgence in both Afghanistan and western Pakistan.

In October, President Bush said that "al Qaeda is on the run" and claimed that we are winning the war on terror. The fact is that attacks by jihadists have increased over the last 3 years. In addition to the tragic bombings in Madrid and London, violent incidents linked to al Qaeda have occurred in Iraq, Egypt, Jordan, Indonesia, and elsewhere in the Middle East.

Investigators discovered that the man behind the London bombings, Mohammed Siddique Khan, spent significant time in western Pakistan prior to the bombings. He was in the area of

Pakistan that shares the border with Afghanistan, and this area has grown to be one of the most problematic regions in America's war on terror.

Mr. Speaker, the problem stems from late 2001, when American forces pushed al Qaeda out of Afghanistan. The group did not disappear, but rather jumped the border to western Pakistan, where it has set up a network of training camps. A former American intelligence official who worked in Pakistan has claimed that over 2,000 foreign fighters are currently in the region.

The details of insurgent attacks on the ground in Afghanistan are very disconcerting. Suicide attacks have increased from 27 in 2005 to an alarming 139 attacks in 2006. Instances of roadside bombs have more than doubled from 783 in 2005 to 1,677 in 2006. And, Mr. Speaker, we are hardly winning this war.

President Bush and Secretary of State Condoleezza Rice must push Pakistani President Perves Musharraf to take action against Taliban militants in the western region of his nation. After the attacks of 9/11, President Musharraf offered his support to the United States by vowing to search for Taliban fighters and Islamic extremists in western Pakistan. However, he has failed to live up to his promise, as reports show that Taliban fighters seem to be flourishing in western Pakistan.

And it appears that Pakistan's agencies, particularly the large and powerful ISI, have been promoting the Islamic insurgency. According to press reports, NATO has captured nearly 200 members of the Taliban, including Pakistanis, who have described in detail the ISI's support of the Taliban.

Last week Director of National Intelligence John Negroponte said that al Qaeda "continues to plot attacks against our homeland from their leaders' secure hideout in Pakistan." President Bush must listen to Negroponte and others who see the realistic side of the war of terror, a war that we are not winning because the President is too focused on the failed war in Iraq.

By sending additional troops to Iraq, in a sense escalating the war, the President will continue to undermine the U.S. mission in Afghanistan. In fact, some reports have stated that a portion of the proposed 22,000 additional troops moving to Iraq will be pulled out of Afghanistan. It is simply unacceptable for the President to continue to risk American lives in Iraq in a war we cannot win while the real terror threat continues to grow in Afghanistan and Pakistan.

Mr. Speaker, if the goal of the war on terror is to prevent future incidents of terrorism in the United States and abroad, President Bush must shift his focus away from Iraq and return it to Afghanistan and Pakistan. He must work with President Musharraf to eliminate extremist training camps in western Pakistan and acknowledge that the real epicenter of the war on terror is Afghanistan and not Iraq.

INDIANAPOLIS COLTS: AFC CHAMPIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

Mr. BURTON of Indiana. Mr. Speaker, yesterday was a great day for the State of Indiana and the city of Indianapolis.

For a long, long time, the Indianapolis Colts, our football team, has been trying to make it to the Super Bowl; but they have come just a little bit short the last 3 or 4 years. As a matter of fact, many people were saying that they didn't have what it takes to make it to the Super Bowl.

Yesterday, the Indianapolis Colts were down 21–3 at the half, and many Hoosiers who were watching the football game and people across the country were so dismayed because they thought once again we weren't going to make it. But Peyton Manning, the quarterback for the Colts; and Joseph Addai; Tony Dungy, the coach of the team; Bill Polian, who put this thing together as president of the club; and the whole team did an outstanding job and came back and made the greatest comeback in the history of championship playoff games to win the game by 4 points right at the end.

I just have to tell you that it was the most exciting game that I have ever seen, and I want to congratulate the Colts on behalf of the Congress and behalf of the people of the State of Indiana for doing such an outstanding job.

One other thing I would like to comment on is the defense of the Colts has been maligned over the past four, five or six games of the season, and yet when it came to the playoffs, they rose to the occasion and did an outstanding job. Defenses don't usually get the accolades they deserve when they perform well, but I want to say to the Colts' defense, you guys did one heck of a job, and you proved your mettle, and I hope in the next 2 weeks you will get yourselves all up for this big game for the championship in Miami. Everybody in Indiana is rooting for you. You did a great job in the playoffs. Peyton, take them to victory in the Super Bowl. We are rooting for you.

□ 2030

BLUE DOG COALITION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Arkansas (Mr. ROSS) is recognized for 60 minutes as the designee of the majority leader.

Mr. ROSS. Mr. Speaker, I rise this evening on behalf of the 44-member fiscally conservative Democratic Blue Dog Coalition. Each week we come to the floor of the U.S. House of Representatives to discuss with you and the people of this Congress, Mr. Speaker, about the need to restore fiscal discipline and common sense to our national government.

We speak of the need for accountability. Why? Because today the U.S. national debt is $8,710,232,192,210; and, we ran out of room on the poster, but if you want to be exact about it, 43 cents. And for every man, woman, and child living in America today, their share of the national debt as of tonight is $29,061.20. It is what those of us in the fiscally conservative Blue Dog Coalition refer to as the debt tax, D-E-B-T, which is one tax that will never go away until we get our fiscal house in order.

Mr. Speaker, as you walk the halls of Congress, it is easy to detect when you are walking by an office of a fellow Blue Dog member, because you will see this poster reminding Members of Congress and reminding the American people of the fiscal recklessness that we have witnessed all across this Nation for the past 6 years. The American people have spoken, the American people have given the Democrats an opportunity to lead this Chamber, and we are determined as members of the fiscally conservative Democratic Blue Dog Coalition to getting our Nation's fiscal house in order and restoring fiscal discipline and common sense to our national government.

The Blue Dog Coalition is about accountability. And, Mr. Speaker, tomorrow, on Tuesday, many members of the Blue Dog Coalition will be filing a resolution for the 110th Congress, a resolution providing for Operation Iraqi Freedom cost accountability. I want to thank the gentleman from Pennsylvania (Mr. PATRICK MURPHY) for his work on this, a veteran of the Iraqi war who will be joining us later this evening on the floor.

This evening, as members of the Blue Dog Coalition, we plan to talk about providing for Operation Iraqi Freedom cost accountability. You ask people what they think about this postwar Iraq policy, you ask 100 people, you get 100 different ideas about how we ought to do it. One thing is for sure, everybody believes that we need to move in a new direction.

But, Mr. Speaker, one of the things that really makes me proud to be an American is that, unlike Vietnam, and I believe one of the painful lessons to come out of Vietnam is this time, this time at least, we are getting the support for soldier part of this right, because I see us all, not as Democrats and Republicans, but as Americans first. And what I have witnessed this time around has been truly amazing and has made me proud to be an American, and that is that everyone, regardless of how they feel about the war in Iraq, regardless of whether they are a Democrat or a Republican, everyone in America for the most part has stood united in support of our men and women in uniform.

I couldn't help but notice the plane I was on today from Little Rock to Atlanta had about a half dozen soldiers heading to Iraq, and I had the opportunity to shake their hand and thank them for their service to our country. I noticed others doing the same when I was changing planes in Atlanta. There were a lot of soldiers today in Atlanta headed for Iraq.

Mr. Speaker, personally I am opposed to this surge. I think that is not a new direction, I think it is more of the same. But as members of the fiscally conservative Democratic Blue Dog Coalition, we didn't take a position on that because everyone needs to represent the views of their district, and everyone needs to speak from their heart.

We have approached this, Mr. Speaker, from an accountability standpoint. And, Mr. Speaker, I would like to read to you this resolution so you will know exactly what is in it, and you will know exactly what the fiscally conservative Democratic Blue Dog Coalition stands for and what we are talking about, and then a number of Blue Dog fellow members will be joining me in this Special Order to discuss various aspects of this.

But resolution providing for Operation Iraqi Freedom cost accountability says:

Whereas it has been nearly 4 years since Operation Iraqi Freedom began;

Whereas our military personnel have performed with honor and bravery, and deserve the support of all Americans;

Whereas more than 3,000 American military personnel have been killed in Operation Iraqi Freedom and more than 20,000 have been injured;

Whereas the United States has spent nearly $400 billion in support of Operation Iraqi Freedom;

Whereas the United States has spent tens of billions of dollars paying private contractors for services performed in Operation Iraqi Freedom;

Whereas government investigations and media reports have detailed waste, fraud, and possible war profiteering by some of these contractors;

Whereas American taxpayers deserve a detailed cost accounting for funds spent in Operation Iraqi Freedom;

Whereas instead of the normal budgetary process, the administration has used emergency supplemental appropriation bills to fund Operation Iraqi Freedom;

Whereas the normal appropriations process gives Congress greater oversight concerning both the need for and use of budgeted funds;

Whereas the annual need to budget substantial funding for Operation Iraqi Freedom is not unanticipated within the meaning of section 502 of the fiscal year 2007 budget resolution, and further funding for Operation Iraqi Freedom should be attained through the normal budgeting process;

Whereas since coalition forces removed Saddam Hussein from power, success in Operation Iraqi Freedom has depended upon an active and effective partnership between coalition forces and the Government and people of Iraq, a partnership that provides indispensable leverage to the coalition's financial, military, and political investments;

Whereas Iraqis must assume principal responsibility for internally policing Iraq, failing which past, present, and future coalition investments will not lead to security in Iraq and Iraq will dissolve in chaos.

Let me read that again: Whereas Iraqis must assume principal responsibility for internally policing Iraq, failing which past, present, and future coalition investments will not lead to security in Iraq and Iraq will dissolve in chaos. In other words, we are in this together, and it is time for the Iraqi people to step up to the plate and assume more accountability and responsibility for the internal policing of Iraq.

Now, therefore, be it resolved that; and this is what the Blue Dog Coalition's accountability measure is about: Within 30 days after the adoption of this resolution, and every 90 days thereafter, the Department of Defense Inspector General and the Special Inspector General for Iraq Reconstruction shall prepare and transmit to Congress an unclassified report, but with a classified annex if necessary, that would contain:

Number 1. A detailed accounting of how military and reconstruction funds in Iraq have been spent thus far; $400 billion of tax money from the hardworking people of America has gone to Iraq, and they deserve to know how that money has been spent in support of our men and women in uniform in support of this new Iraqi Government;

Number 2. A detailed accounting of the types and terms of contracts awarded on behalf of the United States, including the methods by which such contracts were awarded and contractors selected;

Our cities and counties all across this Nation are expected to advertise for bids and award bids based on the lowest bid they receive for services rendered for what they are looking for. Our Federal Government should not be any different.

Number 3. A description of the efforts to obtain support and assistance from other countries toward the rehabilitation of Iraq;

And, number 4. An assessment of what additional funding is needed to complete military operations and reconstruction efforts in Iraq, including a plan for security of Iraq, a detailed plan for how any future funds will be spent, and a statement of how those funds will advance the interests of the United States in Iraq.

That is one point.

The second point:

If either Inspector General fails to submit a quarterly report, the Government Accountability Office shall conduct an audit and report to Congress.

Sanctions shall be imposed against contractors who have engaged in fraud or abuse or war profiteering.

Congress should create a Truman Committee to conduct an ongoing study and investigation of the awarding and carrying out of contracts by the United States to conduct activities with regard to Operation Iraqi Freedom, and make such recommendations to the House as the select committee deems appropriate.

Funding requests for Operation Iraqi Freedom in fiscal year 2008 and beyond must come through the regular appropriations process, and not through so-called emergency supplementals.

No more hiding the cost of the war.

In furtherance of the partnership that is critical to success in Operation Iraqi Freedom, the administration should firmly condition further American financial, military, and political resources upon steady improvement in Iraqi assumption of principal responsibility for internally policing Iraq.

☐ 2045

That is the resolution that many members of the Blue Dog Coalition will be filing, a resolution endorsed by the 44-member strong, fiscally conservative Blue Dog Coalition, with the Clerk of the House on Tuesday or Wednesday of this week. I just read it in detail, word by word, so the American people, Mr. Speaker, will know exactly what it is that we are offering up.

It is not complicated. It is not partisan. It is not about whether we should or should not be in Iraq and about whether we should or should not leave tonight or tomorrow, next month or next year. It is about being accountable for the $400 billion that has already been spent in Iraq, and God knows how much more will be spent in Iraq, and the American people, the hardworking people of this country that get up, go to work, work hard and pay taxes, deserve to know and have a full accounting for how their money is being spent in Iraq.

That is what this resolution is all about. It is what the Blue Dog Coalition is all about. It is about standing for responsibility, transparency and accountability and in getting our Nation's fiscal house in order so we can see this number, Mr. Speaker, the national debt, begin to trend downward, because as long as we are spending a half a billion dollars a day paying interest on the debt we have already got, before we increase it another billion dollars a day, many of America's priorities will continue to go unmet.

We have got to get our fiscal house in order because, you know what, coming home from Iraq and Afghanistan and other parts of the world is a whole new generation of veterans. It is our duty in these United States to be there in support of our veterans, to be there in support of our men and women in uniform, regardless of whether they are serving us in Iraq, Afghanistan or elsewhere across the globe.

We can have differences of opinion with the President on Iraq and his Iraq policy, but what makes me proud to be an American is that we are standing together in support of our men and women in uniform.

Mr. Speaker, we have got a number of folks that have joined me this evening to talk about accountability in this Iraq War, and at this time, I yield to the gentleman from Georgia (Mr. SCOTT).

Mr. SCOTT of Georgia. Mr. Speaker, I thank Mr. ROSS very much. It is always a pleasure to be on the floor with you and my other colleagues in the Blue Dog Coalition.

I would like to maybe start just responding to what we are doing so that we can set the stage properly for the American people who are watching to understand why we are doing this and the important confirmation that we have for doing it that is embedded deep in the Constitution of the United States.

The question on what role does Congress have in this has been put before pundits and before commentators, news articles once the President made his statement about the surge, and I, too, want to go on record as saying that I oppose this surge, almost exclusively because of the strain that it is placing on our military, which is already overstrained, and taking our young men and women and not only just putting them in harm's way, but placing them in the cross-hairs of a civil war.

But fundamentally, as I mentioned earlier, what this legislation is that we are here to bring some transparency and to bring some understanding of how the taxpayers' money is being spent is embedded, as I said early, deep into the Constitution.

Now, I want everybody to understand that when we put forward this bill, we are not putting it forward based upon what we feel like today. We are putting this forward so that we can be responsive to the job that we were created to do.

In Article I in Section 8 of the Constitution, it states clearly, when that question was put to James Madison and to Alexander Hamilton at the beginning of the formation of the Continental Army, the fight for the freedom of this country at the very beginning, the question was this: Who has the authority to declare war; who has the authority to raise and support our military? Here is what it says in Article I, Section 8, that was written well over 200 years ago.

Article I, Section 8, gives Congress, not the White House, not the executive branch, not the President, it says clearly it gives Congress the power to "raise and support armies." Those words are in there. In other words, it gives Congress the exclusive power to appropriate the funds for war and then to determine the manner in which those funds are handled and used.

That is what undergirds our resolution that we are putting forth as Blue Dogs and as Democrats and as Republicans, because I believe that we will get bipartisan support for standing up and finally allowing this Congress to do what the Founding Fathers put us here to do.

Just for a moment, our war in Iraq has been prosecuted at a tremendous cost to our Nation, a tremendous cost in terms of especially our soldiers' lives, and we cannot thank our soldiers enough for the sacrifice that they have given, but also the strain that it has placed on their families through repeated and increasingly hefty deployments, wear and tear on our equipment and, of course, the taxpayers' money.

That is what the Founding Fathers said when they said raise and support our Army. They just did not say tax the money. It did not say that. It said raise and support, which means put your arms around it and make sure you take care of your Army.

I will tell you, up to this point this Congress has not done so. The strain on our military is extraordinary. Our service members, as we know, are all volunteers. They and their families are more than willing to sacrifice, as they have and as they will continue to do, for the good of our Nation, and the American public at large is also willing to allow its tax dollars to be spent on a worthy cause. However, we in Congress owe it to the whole country to make sure that our service members are not sacrificing needlessly in Iraq and Afghanistan, and that tax money is not being squandered.

The American public and Members of Congress have largely not been aware of exactly where the money is going, where the funding that we are providing has been going, and there is widespread reports of contractor fraud. There is bribery, there is waste, there is theft of reconstruction funds for the war in Iraq and Afghanistan, and the reason it has been is because we have not fulfilled Article I in Section 8 which gives Congress the power to raise and support our armies and determine how this money is being spent, because this Congress, up to now, has rolled over and given this President everything he asked for without asking the questions because they have allowed him to use the emergency supplemental funding process.

For those in America and those on C-SPAN, what that means is that that is a type of funding that prohibits us in Congress from doing exactly what the Founding Fathers said we must do in Article I, Section 8, of the Constitution, and that is to raise and support armies and determine how this money is being spent.

It is because this administration has used the dubious practice of emergency supplementals to fund the operations in Iraq and Afghanistan away from congressional oversight, that is why we have had fraud.

That is why we have had bribery. Emergency supplementals do not go through the normal budgeting and appropriations cycle.

The administration has also not been forthcoming in providing the detail as to what specifically the funds in the supplemental budget request is being used for, and as a result, Members of Congress typically have not had the opportunity to scrutinize the request thoroughly. Supplementals are considered on an expedited basis and basically a sight unseen.

That is why what the Blue Dogs are doing with our resolution is so important. It pulls the covers off and it says let the Congress do the job that the Founding Fathers put us here to do.

One more point I want to make in the Iraq Study Group report that came out, it recognized this problem, and it mentions briefly the issue of budgeting for Operation Iraqi Freedom, and specifically they recommended that funding be placed back in the regular budget process, away from the supplemental, saying that this should be done to increase transparency and accountability. The Blue Dogs are taking that recommendation and doing with it what was recommended, and for those of you that have that report, you might find that recommendation on page 59 and 60. It is recommendation 72.

So, to correct this problem, we in the Blue Dog Coalition are introducing this bill. As Mr. ROSS said, we will be doing it later this week. This bill will allow the Members of Congress the time and the information required to provide proper oversight of defense spending and contracting, and it will allow us the time to apply the new PAYGO rules recently passed by the House of Representatives, and, most importantly, it will allow the American people, that is what this election was about, it was about this country and this country taking this country back and putting into practice those things that the Founding Fathers gave us to do, and in the process the American people will become more fully educated on the true costs of this war and the sacrifices they are making and make sure that this money goes where it is supposed to go, and will hopefully, prayerfully bring our sons and daughters, our husbands and our wives, our fathers and our mothers back home safe as soon as we possibly can and end this war.

Mr. ROSS. Mr. Speaker, I want to thank the gentleman from Georgia and would invite him to stay and continue this conversation with me this evening during this Special Order that is being hosted by the fiscally conservative Democratic Blue Dog Coalition.

Mr. Speaker, if you have any comments, questions or concerns for us, you can e-mail us at bluedog@mail.house.gov. Again, you can e-mail us at bluedog@mail.house.gov.

One of the new Members of the fiscally conservative Blue Dog Coalition comes to us from the State of Pennsylvania, and that is PATRICK MURPHY, a veteran of the Iraq War who was very involved, as I mentioned at the beginning of the discussion this evening, in helping to carefully craft this resolution to demand accountability for how the tax money of the people of America is being spent in Iraq while continuing to remain steadfast in our support of our soldiers.

At this time, I yield to the gentleman from Pennsylvania (Mr. PATRICK MURPHY).

Mr. PATRICK MURPHY of Pennsylvania. Mr. Speaker, I thank the gentleman from Arkansas for this opportunity and for allowing me to serve on that task force that we formed to present this bill this week, this Operation Iraqi Freedom cost accountability resolution.

As I was seeking to prepare my remarks, I could not help but think about Mr. SCOTT from the great State of Georgia when he talked about that Constitution. That is the Constitution that every soldier, every airmen, every marine takes note to support and defend against all enemies, foreign and domestic. I appreciate that.

That is the Constitution I had the great opportunity to talk about and teach about every single day at the United States Military Academy at West Point, and talking about those first three articles of our Constitution that lays out the framework, that separation of powers that we talk about. There is a reason why Article I was the Congress and Article II was the President and Article III was the judiciary.

Those two main goals of the U.S. Congress is to, one, declare war; but two is the purse strings, that budget that you talked so eloquently about. So I appreciate you bringing that up, and I hope we can make this happen this week. I do believe that we will get many of our colleagues, not just on our side of the aisle, but also on the other side of the Chamber as well.

Mr. Speaker, I rise today to talk about the war in Iraq, and I want to talk today because the Blue Dogs, the Blue Dog Democrats, the fiscally conservative Democrats, stay focused on two things: one, fiscal responsibility; and, two, a strong national defense. The legislation that we are discussing this week, which I will have the opportunity to introduce, tackles both of these issues.

Mr. Speaker, we have spent over $360 billion in Iraq over the course of the last 4 years.

□ 2100

Along with the casualty reports and the terrible news on the ground, we are getting reports about money lost and weapons missing.

Last week, as a member of the Armed Services Committee, we heard from Stuart Bowen, the Special Inspector General for Iraqi reconstruction. He told those of us at the hearing that as much as 15 percent of the billions of dollars that we were spending in Iraq has vanished, and as many as 14,000 weapons sent to the Iraqis have gone missing because of mismanagement and fraud. That is enough weaponry to arm an entire division of the al Sadr militia. This isn't just about money; it is about the safety of our troops as well.

Mr. Speaker, it is long past time that we kept track of the money and the weapons that we are giving to the Iraqis and to replace the fraud, waste and abuse with proper oversight, responsibility and accountability.

The legislation that the Blue Dogs are introducing this week addresses the glaring lack of oversight and accountability in Iraq and addresses how our taxpayer dollars are spent on the war. It puts forward commonsense proposals that ensure fewer resources are wasted and more resources get to the troops in the field.

This bill contains measures everyone can agree on, regardless of their political party. American families are frustrated with the war in Iraq, and this legislation will go a long way toward providing some meaningful solutions.

Another thing that this legislation does is urge the establishment of a Truman Committee-type commission to track and curb the waste, fraud and abuse in Iraq. In the 1940s, then-Senator Harry Truman established a committee that wasn't very popular at the time. Senator Truman's work reportedly saved $11 billion, and eventually landed him on the cover of Time magazine.

Now, Mr. Speaker, none of us here, none of us Blue Dogs here, are looking to be on the front of a magazine cover; but we are looking for an end to the mismanagement in Iraq and in the war.

As you know, this issue hits very close to home for me. I served in Baghdad, Iraq, in 2003 to 2004 as a member of the 82nd Airborne Division, Second Brigade Combat Team. On our team, we lost 19 men, men that made the ultimate sacrifice. Part of what we did in Iraq was to train the Iraqi National Defense Corps.

At the time that we were training them back in that summer of 2003, they didn't have uniforms, so we took the initiative to give them hats, Chicago White Sox hats, so that we could identify them as a unit. They didn't have uniforms. There was no oversight. There was no thought process. But our soldiers on the ground took the initiative to at least give them something that would distinguish them.

At our hearing, Special Inspector Bowen revealed one example of $75 million so grossly mismanaged by the Iraqi Police Academy that it had to be knocked down before it was even put to use. That is $75 million in American taxpayer money that is just thrown to the wayside.

Mr. Speaker, it is time for answers, and it is time for accountability.

Mr. ROSS. Mr. Speaker, I thank the gentleman from Pennsylvania, a veteran of the Iraqi war, a new member of the fiscally conservative Democratic Blue Dog Coalition, for not only joining us for this Special Order this evening on demanding accountability of the American people's tax money and how it is being spent in Iraq, but also playing a very important role in helping draft, carefully craft and write this resolution that the Blue Dog Coalition has endorsed and will be filed as a House resolution on the floor of this House this week. I thank the gentleman from Pennsylvania again for his work on that and for his service to our country.

At this time I yield to the gentlewoman from Illinois, Ms. BEAN, another very active member of the Blue Dog Coalition, someone who comes to this town and demands fiscal accountability and responsibility like we are doing here on the floor of the House this evening.

Ms. BEAN. Mr. Speaker, I thank the gentleman for yielding to me. It is always a pleasure to join my Blue Dog colleagues on the House floor.

The Blue Dogs were formed with the intention of always demanding accountability and oversight, particularly relative to our national budget. We are out here pretty regularly talking about the $8 trillion national debt. You have the number right next to you, Mr. ROSS. That has really ballooned out of control.

We talk about PAYGO budget rules, which we were glad to lead our caucus into passing through the House so we can start to bring some fiscal sense back to this Congress in the same way that our taxpayers and constituents have to bring to their home budgets and their business budgets. They deserve the same level of accountability with their tax dollars and the way we spend them here.

That applies to the entire budget. There is no more important priority than ensuring the safety of our troops and our Nation. So it is almost incomprehensible that billions of dollars of the roughly $400 billion that has been spent on the war in Iraq goes unaccounted for.

Congressman MURPHY just spoke to that. He talked about it is not just dollars unaccounted for, but weapons as well. So there is a serious safety issue for our troops. Therefore, I was proud to join my Blue Dog colleagues as a cosponsor of this Iraq war cost accountability resolution that I believe we are introducing on the floor tomorrow.

Before I talk about the resolution itself, I just wanted to mention another one of our colleagues who is not with us today, Congresswoman JANE HARMAN, who recently had an op-ed piece that she entitled "Stop Conducting the War Off the Books." She talked about how the emergency supplemental that the President has said he will be bringing to this Congress will be the sixth emergency supplemental for this war. She also talks about how our own last year's budget resolution defined "emergency" as only spending that is "sudden, unforeseen or temporary." While certainly supporting our troops is urgent and important, it is not sudden, when we are almost 4 years and $400 billion into this war.

I think she makes a good case that we all support, who are on this resolution, getting these requests into the budget, and that one of the reasons they have been called emergencies when they haven't been unforeseen or sudden is that doing so exempts the President from spending caps and from counting the hundreds of billions of dollars that have been spent on the war in Iraq in our deficit.

What that really is, it is dishonest accounting. We are not asking all Americans to join Congress in making the hard decisions about what the cost of this war should mean relative to a shared sacrifice. So by doing it off the books, we are not engaging in the dialogue we really should be having.

This resolution that we are introducing tomorrow will require four things: first, accountability and oversight, not only for our own spending, but also what we are doing to urge other countries and allies to participate and what their spending would be. It will talk about dollars already spent and how they have been spent and whether we have accomplished what we set out to do. Also important is it will include sanctions for contractors that have engaged in fraud, abuse or war profiteering.

The second thing it will do, as Congressman MURPHY alluded to, is create committees akin to the Truman Committee that will, again, look at all contracts awarded and also the method of how those contracts are awarded to ensure we are getting the best return on our tax dollars.

Third, it will require, as I just alluded to, the on-budget accounting of the war. No more emergency supplementals. But it will require that the war in Iraq, starting in fiscal 2008 and beyond, any requests for funding must come through the regular appropriations process, with the oversight and accountability that goes along with that.

The fourth thing that this resolution does is it states how important it is for Iraq to be moving forward in assuming the principal responsibility for their own internal security. It will require that the administration should condition further American financial or military support upon steady improvement in Iraqi progress toward that end.

I am very proud to join my colleagues on this resolution. I think the American public should expect no less from this Congress. I am hopeful that we are going to have bipartisan support on this resolution, as we have on some of the things we have been introducing in the first 100 hours in our new majority.

Mr. Speaker, I thank the gentleman for letting me join him.

Mr. ROSS. Mr. Speaker, I thank an active member of the fiscally responsible Blue Dog Democrat Coalition, the gentlewoman from Illinois, MELISSA BEAN, for being a part of this discussion this evening to talk about the Blue Dog Coalition's resolution to demand accountability for how tax money is being spent in Iraq, just as we do here at home through our Blue Dog 12-point plan for budget reform.

This resolution will be filed on the floor of this House this week as the Blue Dog Coalition demands this administration to be accountable for how your tax money, Mr. Speaker, is being spent in Iraq.

At this time I yield to the gentleman from New York, a new member of the Blue Dog Coalition, someone who has come here and been a very active member of our coalition and has been doing a lot to help us with this resolution, and that is the gentleman from New York, MIKE ARCURI.

Mr. ARCURI. Mr. Speaker, I thank my colleague from Arkansas.

Mr. Speaker, I rise today to voice my strong opposition to this administration's call for 21,000 new troops in the surge in Iraq. As one of three New Yorkers in the Blue Dog Coalition, I am very proud of the position that the Blue Dog Coalition takes with respect to identifying issues of fiscal responsibility. They have done that very thing with the war.

There are many, many reasons why we shouldn't be involved in the war in Iraq, and the Blue Dogs have pointed out one additional reason for that in terms of the cost that this war has and the way it has burdened our country.

When I talk to people in my district, they always ask me, why are we spending so much money on the war, when we have such great needs for education or for health care or for housing? Those are all issues that people are very concerned about; yet we continue to spend billions and billions of dollars on a very unpopular war.

My other concern with respect to this war and this operation in Iraq is the fact that our Army is an army that is a volunteer army, which means that in order for us to continue to defend our country and to get the numbers that we need in the Armed Forces, we need to have high numbers of volunteers. Yet with this protracted engagement that we are involved in now in Iraq, it continues to lower morale and makes it more and more difficult to attract troops and to attract recruits to our military.

I am very humbled when I hear my colleague PATRICK MURPHY, a real patriot, a veteran of Iraq, get up here and speak and talk from his heart about the things that he experienced while he was in Iraq. It concerns me, because I believe that this war and this engagement in Iraq is doing more to hurt the morale of our military than any other operation that we have seen in recent history. It concerns me because I hear different anecdotal stories from people in my district. There is one I would like to share with you.

Mr. Speaker, a constituent of mine who was a very patriotic young man enlisted in the armed services and actually did three tours of duty. He did one in Afghanistan and two in Iraq. He was wounded and received the Purple Heart and received a Bronze Star.

After his last tour in Iraq, he was ready to leave the military. He talked to his people in his outfit, and they asked him if he would stay and help to train troops in a non-deployment type of position stateside. Being the patriotic person that he is, he agreed to do that.

The problem for him was that because of the buildup and because of the steps that are being taken now, he was told that he would no longer be able to continue in a nondeployment type of position, but would rather have to go into a third tour of duty in Iraq. It put a huge strain on him. It put a huge strain on his family.

These are the kinds of concerns that we have when it comes to the morale and when it comes to the future of our military.

☐ 2115

And speaking from myself, I would just like to say that I believe that this type of action and this type of activity puts a huge strain on our military.

I strongly support the efforts of the Blue Dog Coalition because I believe that they point out the things that we need to do as a country. We are talking about a resolution that will create a Truman type of committee that will help to oversee efforts and oversee different actions which are taking place by different contractors in Iraq. So I am very pleased to be here today to talk on behalf of the Blue Dog Coalition.

Mr. ROSS. I thank the gentleman from New York (Mr. ARCURI), a new Member of this Congress, a new member of the Blue Dog Coalition, for coming and visiting with us this evening about the need for accountability and responsibility in Iraq.

Mr. Speaker, as you know, the Blue Dog Coalition is about fiscal responsibility. It is about restoring common sense and fiscal discipline to our Nation's government, not only here at home, but also in Iraq. And that is why this week the Blue Dog Coalition will file a resolution that its coalition, the Blue Dog members, have endorsed to demand accountability in Iraq.

We read the resolution in its entirety at the beginning of this Special Order. Basically, we want a detailed accounting of how military and reconstruction funds in Iraq have been spent thus far, a detailed accounting of the types and terms of contracts awarded on behalf of the United States, including the methods by which such contracts were awarded and contractors selected; a description of efforts to obtain support and assistance from other countries toward the rehabilitation of Iraq. The U.S. should not be going this alone; an assessment of what additional funding is needed to complete military operations and reconstruction efforts in Iraq, including a plan for security in Iraq; a detailed plan for how any future funds will be spent; and a statement of how those funds will advance the interests of the United States in Iraq. Sanctions shall be imposed against contractors who have engaged in fraud or abuse or, yes, war profiteering.

We are calling for the creation of a Truman-like committee commissioned to conduct an ongoing study and investigation of the awarding and carrying out of contracts by the United States to conduct activities with regard to Operation Iraqi Freedom, and make such recommendations to the House as the select committee deems appropriate.

Funding requests for Operation Iraqi Freedom in fiscal year 2008 and beyond must come through the regular appropriation process, not through the so-called emergency supplementals; no more of not being accountable; no more hiding the true cost of the war.

And finally, the administration should firmly condition further American financial, military and political resources upon steady improvement in Iraqi assumption of principal responsibility for internally policing Iraq.

Now, why are we filing this resolution? Because our Nation has now spent over $400 billion, nearly a half a trillion, in Iraq. Total for 2006, $100.4 billion; for the month, $8.44 billion; the cost per day, $275 million. And, Mr. Speaker, yes, each hour we are sending $11,458,333 of your tax money to Iraq. And we believe it is time for this Congress to fulfill its constitutional duty to provide oversight on how this money is being spent.

I yield to my fellow Blue Dog member from California Mr. COSTA.

Mr. COSTA. Thank you very much, the gentleman from Arkansas. I appreciate having an opportunity to share with my fellow Blue Dog colleagues this evening the challenges that our country is facing as we wage this war on terrorism, and try to bring together some level of stability in Iraq.

The War Funding Accountability Act that the Blue Dog Coalition is sponsoring, that we present to you this evening, is an attempt to bring accountability that has sorely been missing almost 4 years now after we have been engaged in this effort. And we, as Americans, are all engaged in this effort.

This War Accountability Act, if it successfully passes Congress, would require the Department of Defense Inspector General, as well as the Special Inspector General for Iraq on Reconstruction, to report to the Congress every 30 days after any supplemental bill passes, and quarterly thereafter. These reports, unfortunately, have been lacking over the last 4 years.

Now, as we look back, there has been a lot of water that has passed under this bridge, at tremendous costs, beginning first with over 3,000 American lives, men and women that have been lost, and over 20,000 Americans who have suffered injuries as a result of this engagement in Iraq and Afghanistan.

We are talking about the fiscal costs here this evening. But there is no way that we can put a cost or a value on the American lives that have been lost in this effort to try to bring stability and continue to protect Americans on this war on terrorism.

What has been lacking is accountability. The Blue Dogs feel strongly that accountability not only in the fiscal sense, but accountability in how we have engaged in this war effort needs to be seriously focused on. And that is why I am supporting this resolution.

A couple of weeks ago I met with the President, as he solicited our ideas about how we should go forth. I said, "Mr. President, I was in Iraq last year, among the first delegation to meet with Prime Minister Maliki, and I asked Prime Minister Maliki what his goals were. He said they were disband the militias, reduce violence, get reconstruction going and move the economy." It all makes a lot of sense. Eight months later, going on to 9 months, unfortunately, the Prime Minister's actions have been far deficient of his words. And so today we are focusing on this War Funding Accountability Act.

But I said, "Mr. President, militarily we cannot be successful in this effort alone. There needs to be a political agreement in which the major sectarian factions in this sectarian civil war are willing to agree upon on how to share the political power in Iraq and the oil revenues." Let's make no mistake about it. That is what we are fighting in today.

Unfortunately, that is the sectarian civil war that we have gotten ourselves into, and without a political solution, we will not be successful in Iraq.

I have been there. I looked into the eyes of the American men and women in uniform who are fighting valiantly on our behalf, and we need to put the same support for them as we try to put for you. So as we demand accountability on single-source bidding, on sole-source contracting for the efforts in Iraq, let's also hold the Iraqi Government to the same time lines and the same sort of accountability that we should be holding our own government for. And for these reasons, I support the Blue Dog Coalition on the War Funding Accountability Act.

And as I told the President, "Put me in the doubtful column as it relates to the surge unless we have a political agreement among the Shiites, the Kurds and the Sunnis on how they are going to share power forthwith and how they are going to share the oil revenues, because otherwise, in my opinion, we are kidding ourselves, and, more importantly, we are misleading the American public. And sadly, what is at stake are the lives of American men and women in uniform who are in harm's way in Iraq and Afghanistan.

Mr. ROSS. I thank the gentleman from California (Mr. COSTA). And in the 8 minutes or so we have remaining, I have got three other members of the Blue Dog Coalition that have joined us, and we are very pleased that they have. At this time I yield to the gentleman from California (Mr. CARDOZA).

Mr. CARDOZA. Mr. Speaker and Mr. Ross, tomorrow night, when the President of the United States delivers his State of the Union Address, the Nation will listen carefully as he lays out his agenda for the final 2 years of office. And there is no question our Nation faces many great challenges. The one issue, however, that weighs most heavily on the minds of the American people is, of course, the war in Iraq. The President is now moving forward with a plan to escalate the war, despite bipartisan opposition. I have grave doubts about the wisdom of this action, as do most of my colleagues.

Regardless of one's views on the right way to move forward in Iraq, we should be able to agree on one thing: Fraud and abuse and flagrant waste of taxpayer dollars that we have seen throughout this war have got to stop. It is bleeding our Treasury dry, and it is further undermining our security in Iraq.

Some estimates suggest the war in Iraq will cost the American people $2 trillion when all is said and done, and that is truly a staggering figure. That is why the Blue Dogs are putting forward this resolution asking for accountability. We can't afford another $2 trillion in debt piled on to what Mr. ROSS has already said, $8.710 and change trillion.

So Mr. Speaker, I am not going to take up a lot of time. We have two distinguished colleagues that have waited here to speak to you tonight. But I will say that I applaud the Blue Dogs, and I am proud of being a member of the Blue Dogs. I am proud to be here with you again, Mr. ROSS, and I just believe it is high time that the American people have a full accounting of what this war is costing, and how the contractors have misspent American Treasury in the process.

Mr. ROSS. I thank the gentleman from California for demanding accountability of how your tax money, Mr. Speaker, is being spent, the tax money of hardworking Americans is being spent, not only here at home, but also abroad in places like Iraq.

I yield to the gentleman from Tennessee, my fellow Blue Dog member, Mr. LINCOLN DAVIS.

Mr. LINCOLN DAVIS of Tennessee. Congressman Ross, thanks very much. I will be very brief.

During the campaign in November, October and September, obviously leading up to the November 7 election, I heard a great deal from those who would be talking about, do you favor cut and run or stay the course?

I submit to you that neither of those are good alternatives. And the sad thing is that the American public have been told that mission has been accomplished after landing on the battleship. And then shortly after that, the Iraqi insurgents were told, just bring it on. I think it is time that we bring on a little bit of accountability. And this accountability and the resolution that the Blue Dog Democrats have introduced doesn't deal with whether or not we stay, how long we stay. It just talks about the stay that we have already been there, account for it. Account for the almost $400 billion that has been spent of taxpayer dollars that could be used, quite frankly, maybe to have won the war in a better way, to have brought about a safe Iraq that is not there today.

And my real concern, as I go back and study the Tet Offensive, it is my concern that, as we send these 20-some thousand extra troops into Iraq, and as we start talking on the Shiia militias, that we may see the results of another Tet Offensive that we saw in 1968 in Vietnam.

I just hope that our President, that the Defense Department and those who are advocating additional troops not only will be accountable for what we have already done there, but at least present to us a better plan than what we have had presented to us in the past.

Stay the course, mission accomplished and bring it on just ain't got it done, and it is time that we look at what is going on in this country. When you look at Iraq and Iran, and you realize that when you hear that there are a billion folks of the faith of Islam, most of those are either in Asia, Central Asia and in Africa, not in the Middle East. Virtually all in the Middle East perhaps are the Islam faith except, obviously, for the nation of Israel. But when you look where most of the Shiias are, only 10 percent of the faith of Islam are Shiias. The other are Sunnis. And when you look at where the bulk of the Shiia population is, it is in Iraq and in Iran.

It is my fear that stay the course, bring it on and mission accomplished has only brought to us two nations in the Middle East, Iraq and Iran, with probably close to 7 percent of the Shiias that will be in control of two nations in the Middle East that will have under their soils around 50 percent of the oil in the Middle East. It is time, Mr. Speaker, that we take a serious look and do what the old crossing at the railroad used to say: Stop, look and listen to what we are doing.

Mr. ROSS. I thank the gentleman from Tennessee for his assessment in support of this Blue Dog resolution to demand accountability in Iraq. And with the remaining 3 or 4 minutes left in this Special Order, Mr. Speaker, I yield as much time as the gentleman from Florida, a new member of the Blue Dog Coalition, a new Member of this Congress, Mr. MAHONEY, may so desire.

□ 2130

Mr. MAHONEY of Florida. Mr. Speaker, I want to thank my good friend from Arkansas for yielding to me tonight. I stand here today representing the great State of Florida's 16th Congressional District, a district that spans from the Atlantic to the Gulf of Mexico and represents the hopes and aspirations of all Floridians.

I stand here as a freshman member of the Blue Dog Coalition supporting our resolution demanding that the administration account for the Iraq war in a manner that lets this Nation see the true costs of the undertaking, and ensuring that our brave men and women who are fighting for our freedom are not being robbed by profiteers and inefficient government bureaucracy.

What got me was that not only was the deficit a tax on my daughter, Bailey's, future, but this administration was not leveling with the American people. This administration was not telling the people the true cost of their programs, telling us that these tax breaks for the wealthiest were driving us to the poor house, cutting revenues when increasing government by over 30 percent.

Now, do not get me wrong. I believe in smaller, more efficient government. I do not believe we need to raise taxes. However, as a businessman, I believe in living within one's means, having to make tough choices so that we can determine what is important, determining what our national priorities are and making those hard choices.

The fact that this administration has calculatingly funded this war with emergency supplemental appropriations so that the American people would not see the true cost is wrong. This Congress and the American people have the right to determine for themselves if the results justify the expenses. Looking at the budget cuts our children had to endure when he cut Head Start, when he unfunded No Child Left Behind, cutting the budget for health services for our veterans, cutting funding for law enforcement programs while violent crime is on the rise, making a decision to leave our ports unsecured by not inspecting the hundreds of thousands of containers that enter this country every year.

Mr. Speaker, the American people deserve to have all of the facts so that they can make their own decision. This resolution calls on the President to budget for the Iraq war like he budgets for everything else. No longer can this country afford the President standing in front of the American people and declaring fiscal victory when he loses less of our money than he projected, declaring victory when we are running record deficits and not adding the cost of the Iraq war.

These are real losses, these are real debts, debts to be repaid with our tax dollars. Further, this resolution calls for the President to be a good steward of our money by asking for accountability in how our hard-earned money is spent. Our resolution specifically calls on Congress to perform this congressional responsibility to provide oversight and make sure that our brave men and women fighting for our liberty get everything they need to come home and make those who would steal from them pay the price.

This is not a new idea. President Truman, as a U.S. Senator, did exactly that during World War II, a Democrat in Congress providing oversight to a Democratic administration. Imagine that. What a novel idea.

Tonight I call upon the American people to let the President know that regardless of whether you support the war in Iraq or not, you expect him to level with the American people.

Mr. ROSS. Mr. Speaker, let me be clear the Blue Dog Coalition stands for fiscal responsibility and accountability here at home and in Iraq, and we stand in support of our men and women in uniform, and we demand accountability for them to ensure that these resources are going to them to support them, to keep them safe, and to return them home to their families. May God bless our troops and their families.

With that, Mr. Speaker, I yield back the balance of my time.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SPACE). Pursuant to clause 8 of rule XX, postponed votes on motions to suspend the rules with respect to House Resolution 51, House Resolution 57, and H.R. 476 will be taken tomorrow.

DEMOCRATS MUST ACT TO AVOID TAX INCREASES

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Pennsylvania (Mr. SHUSTER) is recognized for 60 minutes as the designee of the minority leader.

Mr. SHUSTER. Mr. Speaker, I rise tonight, as I have for the past couple of weeks, to remind the American people that if this Congress does not act over the next 2, over the next 4 years, in just 1,440 days there will be a tax increase in this country. It is going to happen as I said over the next 4 years if the Democrats do not extend the tax cuts that the Republicans have put in place over the last several years.

It is going to amount to about $200 billion that the American people will pay more in taxes. And I appreciate my colleagues from the Blue Dog Democrat Coalition coming down to the House floor and talking about fiscal responsibility. They talk about the budget. But I hear very little about taxes and keeping taxes low on the American people.

And one of the Blue Dogs mentioned in his remarks that he believes in smaller and efficient government and that we have to make tough choices. And that is true. We have to make very tough choices. But it is not our money.

We need to make sure that one of the decisions is to not raise the taxes on the American people, because when we were here in the final hours of the Democrats' 100 hours, on that Friday morning, right after they finished the 100 hours, we were in session for all of about 45 minutes, from 10 to 11 a.m. and most Americans did not see that 45 minutes.

So that is why I think it is important that I come to the floor and remind the American people what this Congress is doing and what we have done in the last couple of weeks or the 100 hours that the Democrats ran their six bills. And I have a number, 1,440. That is again January 1, 2011, when our taxes will finally get up to that $200 billion tax increase if we do not act. All the Democrats have to do is run the clock out, they do not have to pass legislation, and those tax cuts that we put in place that have benefited this economy so greatly will expire.

There is another number that you can put up, and that is how many days since the Democrats' last tax increase. And it has been just 4 days. Now, little did I know and little did I think that it would take only 14 days of the Democrats being in the majority party in Congress, they worked for 13 years to win back the majority, and in 14 days the first tax increase passed this House and is going to move on to the Senate. I hope the Senate does not pass it.

Because that is a tax increase on the American people. Now, the Democrats say that it is the oil company, the big oil companies that are going to receive this increase in taxes. And that is true. The big oil companies will pay about $6.5 billion of taxes over the next several years. But the reality is, corporations and businesses do not pay taxes in this country; consumers pay it. The tax increase will be passed along. And it will be passed along in the form of higher energy costs.

We will pay more at the pump when we go to fill our cars up. Oil companies, they will have a competitive disadvantage. They will have to pay more when they go out to explore for oil. It will be the Venezuelan oil company, Citgo, or it will be the Iranian or some other foreign oil company that is going to be in a better position to be able to spend money to find oil, to sell it to the American economy, sell it to America, less expensive than our own domestic energy producers.

Ladies and gentlemen, I just think if you are watching tonight that is not the right thing to do, especially in this time of high energy costs. We have got to make it more cost efficient, give our companies a better footing to compete, not only in energy but in manufacturing. And raising taxes on business is the wrong thing to do.

And as I said, it has only taken the Democrats 14 days until this first tax increase has come down the road and has passed this House of Representatives. And that should not surprise anybody in America, because during the campaign, the new chairman of the Ways and Means Committee, the Representative from New York, he told the Bloomberg News that he cannot think of one tax cut passed under President Bush that merits renewal.

There is no question about it, he said, everything has to be on the table. And what we have seen already is a tax increase just 4 days ago. And as I said, I believe that is going to trickle down into the American public, and they will be paying that through higher energy costs, higher fuel costs.

As I said, it is important that I think the American people, if you are watching this evening, are reminded that you are getting exactly what the Democrats said during the election. They said that they would raise your taxes. Once again, I hear the Blue Dogs come down here night after night talking about fiscal responsibility. I do not hear them, though, talking about taxes, making sure they keep the taxes low on the American people.

I do not hear them talking about the biggest spending programs that our government has, and that is Social Security, Medicare, Medicaid. How are we going to improve and strengthen, reform those important programs important to the American citizens, important to our seniors in this country?

So those are things that I do not hear them talking about. I am very interested to see what the Blue Dog Democrats will propose when it comes to the budget. We will come into budget season here I believe in March. And I know that when the Republicans were in the majority, the Blue Dogs offered a budget every time. There was a Democrat budget, there was a Blue Dog budget, and there was the Republican budget. So I am very, very interested in seeing what the Blue Dogs propose if in fact they are even allowed to propose a budget, because I think it will be different than their elected leadership will put on this floor.

But back to the tax cuts and what it means to the American people. Over the last 4 years we have seen 7.2 million jobs created in this country from those tax cuts. Our economy is creating jobs month after month. Just in December 167,000 jobs were created in this country. The unemployment rate is down to 4.5 percent. It is the lowest average it has been in four decades. That is directly attributable to the tax cuts we have put in place over the last several years.

Now, if we do not extend them, if we do not do the responsible thing, the American taxpayers are going to be penalized for their hard work by us taking money out of their pockets. When you look at a family of four that earns over $40,000, if we allow the child tax credit and the marriage penalty to expire, they will pay about $2,000 more that will come out of their pockets.

That is money that they could use to save for college, to pay for health care insurance, to buy a new washer and dryer, or put a down payment on a new car. That is their money. They should be able to spend that money as they see fit. And the way to do that is to keep the tax rates low so that they can continue to determine how to use that money best.

Small business owners, same situation. If we allow some of these tax cuts to increase, our small businesses in this country will be hurt. And I hope the Democrats take a lesson from history. President Kennedy, back in 1960, did just that. He cut taxes. And when he cut taxes, revenues to the Federal Treasury rose as they have today.

Ronald Reagan did it in 1980. He had to fight a Democratic majority, but finally was able to cut taxes. And what happened was the economy grew, one of the greatest expansions of our economy in history, and revenues to the Federal Government grew as well. That is the same thing we did in 2001 and 2003, cut taxes, the economy rebounded, it was coming out of a recession, coming out of the terrible attack of 9/11, and now our economy is growing very strong. And we do not want to turn that back.

I do not think the Americans, although they did vote in many part of this country for a change, they did not vote to change to slow this economy down. They did not vote to increase taxes. I know that none of my constituents is coming up to me and saying we voted for a change, increase our taxes. That is not what they voted for.

I think it is very important that we in Congress have a very clear voice talking about the need to maintain these tax cuts that as I said we put in place in 2001 and 2003.

I see I am joined tonight by my colleague from Kentucky, a former Army Ranger and a great Kentuckian and also a small business owner who has six kids. So he knows the effects of when you are running a small business how important it is to have a low tax rate so that you can invest back in your business, and also with six children the importance of having money to be able to raise your children and save for their college and make sure that they have a better tomorrow than we have today.

So with that I yield to the gentleman from Kentucky (Mr. DAVIS).

□ 2145

Mr. DAVIS of Kentucky. Mr. Speaker, I thank the gentleman from Pennsylvania. One of the things I do want to share is I appreciate his leadership on this critical issue that often gets lost in much of the noise that we hear in politics of the moment.

As you and I have shared before, what happened on election day, unbeknownst to the vast majority of Americans, is that with the change in majority, every working family in the United States of America voted themselves, or what was voted for was a tax increase of over $2,000 a year for families making between $30,000 and $50,000 a year.

We have been in the business world and worked out there creating jobs, and we understand the issues relating to health care. In fact, when we look at the bigger picture from the standpoint of job creation, I think about my oldest daughter who is in her third year of college and has started her practicum now as an education major. She is working 2 days a week in a local high school in our home county teaching. Where is the revenue going to come from to pay for her health insurance, to provide for her future as she teaches students in the generation coming behind? Ultimately, it is going to be job creation and economic growth that comes from policies that will stimulate that and focus on making our economy more competitive for the long term.

One of the things that I think you have emphasized is that the government is the best steward of money. The American people should be able to keep more of their own money, and we have proven time and time again, by allowing people to keep more of their own money and creating taxpayers instead of raising taxes, we actually get more revenue into the Federal Government.

One of the things I would like to read into the record tonight which is very important for some of these policy discussions was an editorial in the Wall Street Journal regarding surging revenues, and I think it is important to note when we create taxpayers and don't raise taxes, government will have the revenue that is necessary to function. There is a fundamental world view difference between the parties on the role of government. Liberal Democrats believe the government needs to be paternalistic in telling us how to run our lives to make these decisions.

The reality is that by allowing people to keep more of their own money, which is a bedrock Republican principle, we will make sure that people can make the decision on the spot, they understand the impact of that.

I look back at the time when I started my business. I look back on the decisions we had to make, and we understood everything in terms of the cost that we had, the obligations that we had to our employees, the commitments that we made to each other to keep that money, moving forward to keep us employed to strengthen the business. At the same time, that was when President Clinton in 1993, our first full year in business, allowed us to make an investment in the government that dramatically increased the taxes not for me and the company, but for every member of our team. I think about all of those literally hundreds of thousands of dollars over the following decade. Had those been allowed to stay there, that would not have been simply revenue that the government lost, it would have been more employees, more people who would have been out there generating revenue and creating jobs and helping to keep our economy strong.

This editorial that appeared in the Wall Street Journal on January 17 highlights this and talks about the surging of revenues. What we need to do from the standpoint of Congress is to empower people, not to constrain them.

It says, "The myth persists in some media circles that the Federal budget deficiency is surging or ballooning or something terrible, all of which is served up as ammunition for those in Congress who want a tax increase."

As an aside, I make a parenthetical statement and say we are now a little over 1,400 days away from a very, very large tax increase that will happen unless Congress takes action.

"At the risk of being drummed out of the guild, we thought you'd rather have the real story.

"The deficit has in fact declined by some $165 billion over the last 2 fiscal years, and according to the most recent data has continued to fall in the first quarter of fiscal 2007. The latest Treasury estimates for January show that tax receipts in December were $18 billion higher than a year earlier, helping to boost the budget surplus for the month to $40 billion, up from $11 billion a year ago. December is typically a good month for revenues due to year-end tax payments.

"Meanwhile, for the first 3 months of fiscal 2007 through December, revenues climbed 8.1 percent, building on double-digit revenue increases in the previous 2 years. Corporate income taxes were up a remarkable 22.2 percent in the first fiscal quarter, showing that the government continues to grab a nice chunk of rising business profits that so many of our politicians like to deplore. Individual income taxes rose 8.8 percent, thanks to strong wage and salary growth. Much of this revenue comes from 'the rich,' believe it or not.

"In the most surprising budget news, Federal spending was nearly flat in the first fiscal quarter. This was despite a 22.1 percent increase in Medicare spending due largely to the new prescription drug benefit, and a 10.7 percent increase in defense spending. Those increases were offset by lower spending for flood insurance and disaster assistance compared with the peaks of post-Katrina payments a year ago. So the first quarter deficit was $85 billion, down sharply from $119 billion a year earlier.

"All in all, despite huge outlays for wars in Iraq and Afghanistan, the Nation's fiscal picture is brightening. We hate to ruin the press corps's day with such cheerful news, but there it is."

That article shows clearly this contrast between the perception that is created with the politics of fear, the politics of class warfare, and what I would like to call the politics of reality and truth. The one thing that we need to remember is the ultimate key to the economic success to our children and their children in the future is not going to be big government, it is not going to be large solutions and increases in taxes, taking away that extra benefit that working families have, but it is going to be allowing them to keep more of their own money.

I think it is critical that we do this. It is critical to funding many of the programs that we do, be it defense, be it education, ultimately comes from somebody who has a job who is not a government employee, somebody out there in the economy creating a job to make that difference and provide that revenue by adding that value that funds all of the critical infrastructure.

Our goal must be to create taxpayers, not raise new taxes. And I think the one thing that we see, and it is one thing that I appreciate my colleague from Pennsylvania taking great leadership on this issue, is to shine a light of truth onto the fact that the Democrats are going to raise taxes. They are committed to that. We are a little over 1,400 days away from that taking place if Congress does not act, and it is critical that we act to preserve this one thing that has generated so much revenue for the government that allows us to bring the deficit down and control spending and ultimately provide a future for our children.

Mr. SHUSTER. I would just remind the gentleman, it has only been 4 days since the Democrats raised taxes because of their repeal of section 199 for oil and gas which was enacted in 2004 to help manufacturing companies. It took them 13 years to win the majority, and in only 14 days they raised taxes.

What you are talking about in that article, this is what is going to happen. It is wrong for us to raise taxes, those tax increases that they put in place just 4 days ago, placed squarely on the domestic energy production which will encourage companies to move jobs overseas. When you raise taxes, when you raise the regulatory burden, that is what companies do, they want to go someplace where they can make a profit. And they are going to encourage the domestic energy industry, which employs 1.8 million Americans who have an average salary of $30 an hour with great benefits, this is going to cause these companies to look to go offshore to produce their product, in this case energy.

Shifting the energy industry and facilities overseas will make America more dependent on foreign oil, not less, as the Democrats claim. So the refining of fuels and, again, exploration is going to occur off the coast of America and not on the coast of America, driving jobs out of this country.

The higher taxes on the oil companies will hurt retirement security because as I have found out in some of the research we have done, 41 percent of the shares of oil and gas companies are in retirement accounts and pension funds. So when Democrats are helping to drive their profits down to make less money to drive them offshore, it is going to hurt those folks who are retired today. Again, 41 percent of the shares of oil and gas companies are owned by pension funds and retirement funds. Once again, this is a wrongheaded plan. It only took them 14 days.

I see the CPA from Texas joins us to remind me of that. It is only 4 days since the Democrats last raised taxes, and we see it is going to come. We talked the past couple of weeks about how they made it easier to raise taxes with the PAYGO rules going from three-fifths majority to a simple majority to raise taxes.

Now the Speaker and her party want to give the vote to the American Samoa here in Congress. They want Guam and the Virgin Islands, they are territories of the United States and wonderful people, but they don't pay taxes. They are going to allow them to vote, so these folks that don't pay taxes are going to have the ability to raise taxes on Americans.

American Samoa has a population of 60,000, which is 91 percent of the average congressional district. My district is 650,000. The delegate from the American Samoa is going to have the ability to vote to raise taxes.

Mr. DAVIS of Kentucky. And I would add one point on that. We have 10 times that number of folks in my district in Kentucky. I think there is a bit of a double standard on Samoa, too. Though they would be given the vote on the ability to raise taxes, they were denied the fairness on the minimum wage that the Speaker had programmed in for a large company in her district to ensure there would be a double standard.

I think one of the things that is important to understand from somebody who worked in manufacturing after my military life is, and I have talked to many workers in the energy industry in my own district, they are dismayed, regardless of their party, be they Republican, Democrat, union, nonunion, to find out that this legislation that the Democrats passed last week, I would say forced through without regular order and debate, without discussing the impact on working families, to find that the energy industry is not manufacturing.

Mr. CONAWAY. If the gentleman would yield, not only did they kick them out, but they have now defined all workers in the oil and gas industry as foreign workers. Isn't that the effect? Every one of these jobs are no longer American manufacturing jobs, but get the same treatment that the jobs for foreign workers. I know my colleagues in the oil business in West Texas are not excited about that.

I yield back.

Mr. DAVIS of Kentucky. To the gentleman from Texas' point, my constituents, who are members of the International Boilermakers, from a bipartisan standpoint, we have a positive and proactive relationship with our boilermakers and our professional trades in the Fourth District of Kentucky. But it is my boilermakers, my pipe fitters, my millwrights and steelworkers, ironworkers, my operating engineers, my Teamsters, anybody who is affiliated in the energy industry is no longer considered in manufacturing.

What that means for the average working family is a hidden tax increase, because the tax credits that would go for training and professional development, that would relate to a provision of health care, nearly 80 percent of manufacturing employees are covered with full health benefits. In my company we covered every single family with health benefits. The economic incentives are now removed, and it is no different than treating those in our critical bedrock base industry that drives not only manufacturing, drives the automotive industry, drives utilities, drives the transportation infrastructure of this Nation, is now being told they are not manufacturing, they are not value added. Somehow they are a nemesis.

Again, I come back to the fact of this issue of class-warfare politics. Who gets affected by the tax increases that are buried in that bill? It is not a simple issue of trying to say these are tax breaks for some nebulous, super-rich oil executives. Here is what happens: The entire supply chain is affected. This does not hurt the large international global energy producers, the international oil companies. Who does it hurt? It hurts our wildcatters for natural gas, our small natural gas producers, our small oil producers, the investors. It hurts the supply chain of manufacturing and fabrication industry that supports the oil industry.

Outside of any refinery, one will find a very large base of welding, fabrication, machine tool operations, toolmaking, maintenance. Then we have around that circle there the provision of parts, the supply chain of manufacturers' representatives for components that come into the industry. And then who else is affected by that? It is the small business owner. It is the distributor of gasoline and oil and energy products. It is the parts manufacturer for vehicles. It is the convenience store operator who is affected by that.

And ultimately all of these people who I have mentioned so far in the chain are taxpayers. They are contributing to the public welfare and public infrastructure. Who is going to be lost when we lose those taxpayers because we eliminate those jobs by what seems to be a good thing on the surface but is very hurtful? We are eliminating funding, in effect, that provides for law enforcement, provides money for education, and provides money to deal with transportation and infrastructure, that funds the operation of government. And ultimately it is a regressive issue and it comes back it your fundamental point: When we leave money in the hands of taxpayers, they will invest it, they will save it, or they will spend it in such a way that we create taxpayers and we don't need to raise taxes, and I think the numbers bear that out.

Mr. SHUSTER. The gentleman is correct. All Americans want to pay less at the gas pump and less for heating oil. As we have seen in the last month alone, prices have come down to about $50 to $52 a barrel.

□ 2200

But the answer is not to increase the cost on the oil and gas producers. The answer is to have more supply. The answer is for us to conserve more, to use it in more efficient ways. The answer is to come up with alternative fuels, which I hope to hear the President talk about that initiative tomorrow night.

But when you talk about the oil industry and you talk about dollars and cents, there is nobody better to talk about it than the gentleman from Texas, our resident CPA, who can keep us on the dollars and cents.

And with that I would like to yield to the gentleman from Texas.

Mr. CONAWAY. Mr. Speaker, I appreciate the gentleman from Pennsylvania's hosting tonight and allowing me to participate in it.

Let me kind of flesh out what our good colleague from Kentucky said about the mechanics of those impacts on tax increases. He talked about a variety of manufacturing and some service industries who may or may not be directly impacted by section 199, but here are the mechanics of what happens:

The small E and P companies, the exploration and production companies, those companies that are out there trying to find crude oil and natural gas, on average in 2005 spent 617 percent of their profits. In other words, for every dollar that they earned, they spent $6.17 reinvesting in the ground. And here is how they are able to do that: if you are a successful oil and gas finder, you find reserves in the ground that have a value. The value is based on the price and the length of time you expect it takes to get that crude oil and natural gas out of the ground; the lifting costs, depending on what that costs; lease operating expenses. All those expenses go into that, and they make a reasonably scientific guess as to the future value today of those reserves in the ground. Proved oil and gas reserves.

In other words, you take the life of that well, those cash flows. You discount that back to today's number, and that creates a value that in many instances these E and P companies go to the bank. They take the reserve report that shows that they have got a cash flow stream over the next 10 years, as an example, to their banker, and they say, Mr. Banker, we want to borrow against those reserves because we want to replicate what we have done. We want to put those dollars that we borrow from you back into the ground to find additional reserves for oil and gas or develop additional wells that are currently in the proved undeveloped category that they will continue to expand our reserve base, in other words, continue to expand the cash flow stream that we are going to earn as that oil and natural gas is produced over the next 30, 40 years, whatever the life of the well is, 10 years, 5 years, whatever the economic life of that well may be.

The large companies, to my recollection off the top of my head, reinvest about 175 percent of their profits. So everybody in the exploration and production food chain spends more money than they make going back in the ground.

So this tax increase that this Congress, and some of our good colleagues on the Republican side joined in, passed last week, a mere 4 days ago, what that does is it reduces the cash flow, reduces the profits of all of these companies. And as you reduce those dollars, like in the small E and P company, if you reduce them a dollar, you have really cut expenditures in the oil business by $6. So for every dollar of taxes that are increased as a result of this action, we have eliminated $6 out of the reinvestment in the ground. And it is that reinvestment that my good friend from Kentucky was talking about, because that money goes to all of these suppliers, goes to all these subcontractors, goes to all the folks who actually do the work and try to find this business.

So when that doesn't happen, then there is less work for them to do. There is less need for employees, less of everything. So just the mechanics of the tax increase has that effect.

Here is the twisted logic that our colleagues on the other side have used, and I have been thinking about this for all of last week when we found out what that bill was going to do, as well as over the weekend. I think one of the things we can all agree on is that we want to be less dependent on foreign sources of crude oil and natural gas, sources that we pay our good hard-earned money for. These are foreign sources. So all of us agree on that. The road forward or how we get that done is a multidecade journey.

While we are on this journey, it would make sense to me that the more domestic production we can produce, the more domestic barrels, the more domestic Mcf of natural gas that we produce means that that offsets or reduces in and of itself the crude oil and natural gas that we are importing. So the logic that our good colleagues used last week was if we can reduce the domestic supply of crude oil and natural gas, then we have also reduced our dependency on foreign crude natural gas.

Well, that doesn't make any sense. I grew up in Odessa, Texas, and I am just a country boy from west Texas and grew up in the oil fields. That is twisted logic. It does not make any sense whatsoever.

It would seem that we would want to promote the production of domestic supplies so that we could increase the domestic supply and therefore offset, in some small way, the need for foreign imports. Now, that does make sense. So a bill and a mechanics that reduces directly the domestic production seems awfully weird to me and a convoluted logic that I have been unable to kind of work my way through that.

Now, you and I and many of our colleagues have stood at these microphones and bemoaned the fact that that happened. Will we be able to point specifically at last Thursday's vote 5 years down the road and say, okay, had we not had that tax increase, had we not abrogated those contracts, if we hadn't done the things that the Democrats decided were in the best interests of this country, production would be some percentage greater than it currently is? We will not have that analysis. We just won't be able to do it, partly because the industry that we hit upside the head with a big old stick last week is incredibly resilient.

These are tough, independent, self-sufficient folks, and whatever hand they are dealt, they are going to go back to the drawing board and try to find domestic crude oil and natural gas. That is what they do. We have just simply made their job harder. We are going to force them to do a little bit less of it, or we are going to force them to go to other sources for their backing. But whatever it is we did, it will have an impact on the volume of crude oil and natural gas produced in this country over the next decades.

The bad news is we won't be able to quantify that. We won't be able to come to these microphones and say, as many of our colleagues did over the last 2 years, I told you so, Monday morning quarterbacking. We are telling you ahead of time that this will happen, and we will be more dependent on foreign sources of crude oil and natural gas than we would have otherwise been, and that is really the differential here. We didn't have to be that dependent. We are going to be dependent on it, but we could have helped ourselves just somewhat by every increased barrel of crude oil produced and every increased Mcf of natural gas produced domestically and whether those restrictions come and where we can explore for crude oil and natural gas, the resources that companies have available to them after they comply with all of the regulatory schemes and the tax schemes that we have put in place.

And just to whine the most, the contracts we abrogated last week, you saw some of the estimates of why that is important to the folks on the other side, which is that money stolen from those oil companies is big dollars. The leases signed in 1998 and 1999 when the price of crude was 10 bucks a barrel, when that seemed to make sense, if it did at that point in time, it takes 5 or 6 years to get that crude oil to market, as it were. By the time you get the rigs put in place and all the things that have to go on when you drill in deep water, it takes awhile. And now we are beginning to see the fruit of all that hard work, the fruit of the risks taken by those companies.

There is a particular company I am aware of that, along with one of the major oil companies, has recently discovered what looks to be a very large oil discovery in the gulf, and it is off of one of those leases in which they were incented to buy and pay the lease bonus on at a time when it really didn't make a lot of economic sense, 10 bucks a barrel. They are estimating the cost to themselves, if this process that went through last week is sustained, that it will cost that one company $1 billion. And as you mentioned earlier, 41 percent of the stock is in individual retirement accounts. But I wonder if you picked up in addition to retirement accounts mutual funds owned outside of retirement accounts, individuals who owned stock directly in these oil companies.

☐ 2210

My guess is the percentage ownership would be much higher than the 41 percent.

Mr. SHUSTER. Retired folks that have mutual funds.

Mr. CONAWAY. That is right, separate and apart.

Mr. DAVIS of Kentucky. If the gentleman would yield on one point to emphasize this. Again, I come back to the issue of the politics of fear versus the politics of hope and a practical and truthful vision of what the future is.

Again, I come back to my real-world experience in manufacturing, which wasn't as a Democrat or a Republican, it was simply as an operations person. The average manufacturing company in this country, gross profit is about 7 percent per year if they are successful. That is an important thing to understand, if they are successful.

The oil companies who right now are achieving record profits and are being portrayed as these great robber barons, and I am going to come back to my district here in just a minute, are making slightly over 8 percent gross profit. So they are 1 percent higher than the average manufacturing company in terms of truthful and real numbers versus the hype, versus the rhetoric and the emotion.

Who actually gets hurt by this foolish bill that was passed last week on a motion without regular order? Democratic friends of mine shared privately they are extremely upset about the fact of adverse economic impact that it had on their districts. I can tell you the impact on our district. One of our larger employers in the Fourth District of Kentucky, the Marathon refinery, which has many, many first- and second-tier vendors that do work with them, this was a huge tax increase on their ability to refine and produce oil that directly affects our transportation industry. Their largest customer in Kentucky is the worldwide air hub of United Parcel Service, a great job creator in the Louisville area. It is one of the largest employers in the Commonwealth of Kentucky, really in the tristate area.

So what was done by this seemingly well-meaning issue to support energy independence has actually hurt a local job-producing entity and affected the entire supply chain. And I think the one thing that to me the reality is not the hype, not the emotion, not the class warfare, but it is the old comment: Do the numbers. What are the real numbers? What is the impact?

A job-creating manufacturing entity, a job-creating technology entity will have a 3–1 multiplier for its community on average. That is the convenience stores, the retail outlets, the personal service companies. It is the other types of businesses that supports the public infrastructure, law enforcement, education, transportation and public works.

Mr. CONAWAY. The property tax base.

Mr. DAVIS of Kentucky. The property tax base that pays for the schools. In my home county, which has got a growing and thriving manufacturing industry, that payback is 7–1. One of the reasons we have some of the top schools in the Commonwealth of Kentucky is the fact that we have a tremendously powerful economic engine that ironically is directly affected by energy prices and access.

One of the issues in this so-called bill, which was really a tax increase. Calling it energy independence is not only disingenuous, and maybe that points back to the discussion which took place earlier this evening in the House, but it really misrepresents the entire reality of what is happening.

BARACK OBAMA from Illinois, someone that would not be considered a strong conservative by the standards of human events, but is a very committed Senator, and JIM BUNNING, who is the junior Senator from Kentucky, cosponsored a bipartisan bill for energy independence that focused on an alternative source which is one we really have; instead of building lots of windmills and solar generators in the colder areas, was to use the resource that we have. And coal is environmentally friendly, it is a proven technology, and he was attacked from the left from environmental groups that strongly supported this bill that hurts jobs for being bad on environmental issues because he would support this very thing that he sees the facts on that would create a second industrial revolution in this country.

And it all comes back to the reality of what the role of government would be here in the long run, missing the truth that we need to allow people, those who create the jobs, to keep more of their own money, to allow working families to keep more of their own money to invest.

Mr. SHUSTER. And you look at another measurement when you look at investments and profitabilities. In 2004, a 10-year period ending in 2004 shows that the return on investment the refining marketing segment of the oil companies are in was 7.7 percent return on investment, which was well behind the 13.9 average of the S&P 500. So I think, as our friend from Texas was talking about, huge investments, huge investments. They are certainly making returns, and they are certainly making profits, but it is far behind what many of the other manufacturing and the other companies in the S&P 500 are making.

So this is a capital investment industry. We have got to encourage them to keep on going out and looking and looking and finding the reserves. But it is also important, I think, as you pointed out, coming from Kentucky, I come from Pennsylvania, the importance of that other natural resource we have from coal and how we utilize that to truly make us energy independent or move toward energy independence, not this wrong-headed tax increase.

And, again, I believe that it is just the first of many we are going to see, statements by the chairman of the Ways and Means Committee over the last several months, the rules that the Speaker and the Democrats put into place to make it easier to raise taxes, not harder, to make it easier. And I think the American people need to know that the Democrats, the majority in the Congress, are going to raise your taxes. And when it happens, as it happened 4 days ago, this was a targeted tax increase, they think, just to one industry, but it is going to flow down through the economy, and every American is going to feel it. But we are going to see tax increases. They are not going to control spending, they are going to continue to increase spending. And they said they are going to pay for it, and they are going to pay for it by taking away hard-earned dollars from Americans.

I was talking today, I went to see my accountant to prepare myself for tax season this year. And I wonder if the gentleman from Texas would comment on it. My accountant told me that just the sheer difficulty, the complexity, of keeping up with the Tax Code, he said to me that he thinks he produces a reasonably correct, he can't assure anybody that it is correct because it is so difficult. We passed the extenders last year, and he told me that the IRS has informed him he cannot file electronically until February 1. So he is going to have a backlog; he is trying to figure it out, but he doesn't get an extension from April 15 to May 15 because he doesn't file electronically.

So I think that the time has not only come to continue to keep tax rates low, but to change our Tax Code. He had on his wall, I am going to get a copy of it, 1913 was the first year that we had the income tax. It was three pages long, it was pretty simple, and basically it was a graduated flat tax. And, again, I am going to bring that in here next week and have it blown up to see how simple it was, and I think the time has come that we go to some different kind of tax.

But if the gentleman CPA from Texas would like to comment on that.

Mr. CONAWAY. I thank the gentleman.

I think it is Money Magazine every year or so runs a contest where they will present a set of facts, the same set of facts to a variety of tax preparers. And it is interesting the variety of taxes due number that comes up. You would think, the same facts because everybody is working off the same codes, the same set of regulations, that all these tax return preparers would come up with the same answer. But it is very rare that even two out of the group come up with the same answer because of the complexity of the code.

I spent 32 plus years of my professional career helping clients comply with the code or a company that I was working for and attempting to do my own tax return, because most folks really wouldn't understand a CPA screwing up his own tax return. So if I couldn't do mine right, why would I hold myself out for doing somebody else's right? And every time you signed one of those returns, it gives you a pause, because this is complicated stuff. And the legend at the bottom where you sign doesn't say, I have got this as close as I can to the right answer, sign your name; it requires you under penalties of perjury to say you have got it right. And that does give you some pause, because it is an incredibly complex code, unnecessarily complex.

And we will have hopefully another night where we can talk about ways that we ought to be looking at how we collect the minimum amount of money needed to fund this Federal Government in a fair, straightforward, easy-to-comply-with way that most Americans would buy into, because I think our voluntary compliance in that arena would be far greater than it currently is with this incredibly complicated code.

If you want to file manually, your client, you can file manually. I am trying to remember, I was reading one of those tax credits that was extended.

□ 2220

There is no line for it on the form, and so the services said if you want to claim this credit or deduction, one of the two, since we did not put a line item on the return for it, stick it on a different line and tell us what that is. So you can go ahead and file manually if you would like to, but you are right. I thought it was February 4 maybe.

Mr. SHUSTER. Beginning of February.

Mr. CONAWAY. Electronic filing before the IRS will have their computer systems ready to be able to receive that information coming in as a result of the late-breaking changes that we Republicans made in December to extend many of the tax credits that some had already expired and others that were set to expire with the close of business in 2006.

Mr. SHUSTER. My accountant also told me that he believes this year the AMT that is starting to catch more and more people in the AMT to pay higher tax. He said he believes next year he will see for the first time dual income husband and wife that are teachers that are making in central Pennsylvania about 110, 120 combined income, he thinks for the first time they are going to be caught up in the AMT and they are going to pay several hundred to a thousand dollars or more in taxes.

Mr. CONAWAY. Could I give the gentleman a quick history lesson?

Mr. SHUSTER. Absolutely.

Mr. CONAWAY. The alternative minimum tax was put in in 1969 at a point in time where our marginal tax rate, upper marginal tax rate was like 70 percent, and it was a point in time where there were a lot of gimmicks and tax loopholes, not loopholes because the code was written that way, but there were a lot of deductions and a lot of activities that folks could deduct against that 70 percent number.

So consequently you had a lot of folks incented to do that, to take risks they might not have otherwise taken. So, as a matter of fairness and equity, the Congress put in an alternative minimum tax. In other words, they felt like everybody in America ought to pay something and that these folks were taking advantage of tax shelters in a way that was keeping them from paying any tax at all. Congress and the President, Johnson I guess, at that point in time felt like everybody ought to pay a little something.

This was targeted at the really larger tax returns, really big investors, the big folks who made a lot of money. It was never intended to catch those two teachers who make together, what did you say, about $110,000, $120,000. The spirit of that was never intended to catch them in this loop.

In the interest of full and fair disclosure, I had to pay the alternative minimum tax this year which irritated me. So the AMT is something that we did not do a good job of it. As Republicans, we kind of kicked the can down the road for a couple of years, a year at a time. This Democrat-led Congress is going to have that issue wrapped around their neck, and we will see how they go about trying to propose a fix for it, but it is an issue that is going to catch millions and millions of new taxpayers through the alternative minimum tax scheme each year that we move forward.

Mr. SHUSTER. We seem to be wrapping up, so if the gentleman from Kentucky has any closing remarks.

Mr. DAVIS of Kentucky. I think one thing to put into perspective is the real question, what I like to do is come back to the facts and the numbers.

There is a lot of talk about, again, the politics of fear, the politics of class warfare, who actually will be rewarded or hurt by these tax cuts or tax increases. Here is the reality in a practical sense.

The tax cuts that have been put in place have created record revenues for government because of job creation. Millions of people were taken off of the tax rolls all together. The floor for tax payments was pushed upward. The 10 percent tax bracket was created for those who are just starting out, those who are just in transition, so their burden would not be unduly high. All of that goes away. What are some other things that go away?

One of the things that I think is kind of interesting, as somebody who is the grandson of a teacher, the husband of a teacher and the father of a soon-to-be-certified teacher, how does it impact education? Well, let us look at this.

We passed an extension in the last Congress, carrying on above-the-line deduction for higher education expenses. The provision allows taxpayers to deduct up to $4,000 depending upon their income for higher education expenses to improve their lives in lieu of claiming the hope or lifetime learning tax credits. The deduction can be claimed by all individual taxpayers regardless of whether they itemize and use specific deductions or do not itemize, and it is extended for 2 years through 2007.

The incoming chairman of the Ways and Means Committee put this, along with an entire bushel basket of tax incentives for working families, for people to improve their lives, and that goes away. For teachers, we passed an above-the-line deduction that became law for teacher classroom expenses.

I remember when I was a young officer in the Army and my wife was teaching school. She paid for a tremendous amount of classroom expenses out of her own pocket because she cared about her students and wanted to invest.

What is the response of the Republican Congress to that was to give them the incentive to invest and to know that that will not be a personal penalty for them to make that investment in their children, to make that investment in their future. It is a provision that allows teachers to deduct up to $250 of out-of-pocket costs incurred to purchase books, supplies and other classroom equipment. It is available to all individual taxpayers, regardless of whether they itemize their deductions or not.

This provision was extended for 2 years through 2007. That is in that bushel basket of things that go away when we enact these tax policies, these tax cuts that ultimately will be in full force in 1,440 days.

As a former small business owner who helped companies to create jobs in the manufacturing industry and operations, we dealt with many entry-level people. People would come in with difficult tasks or in transition. We passed a welfare-to-work tax credit that would incent small business owners and employers to create jobs, to give people a leg up, to give them an opportunity to create value, to become a taxpayer, not a burden on the system, to create a future for their children.

Employers can claim that welfare-to-work tax credit if they hire individuals who receive public assistance to help them move from a receiver to a giver. The maximum credit is $3,500 during an employee's first year and $5,000 during the second year. That incentive for small business owners goes away with this.

All of these small things, these numbers that are hidden from the American people out of this politics of fear get lost in this whole issue, and ultimately, we need to allow people to keep more of what they earn to create that future.

I appreciate your leadership on this issue greatly.

Mr. SHUSTER. I thank the gentleman for joining us tonight. The gentleman from Texas, if he has any closing remarks?

Mr. CONAWAY. I do. I wonder how many words have been spoken from these microphones over the almost 160 years that we have been just in this chamber.

Mr. SHUSTER. Too many.

Mr. CONAWAY. Too many, clearly. There are not a lot of lines created or spoken here that many people quote. The inaugural address produces great lines. It is not what you do for your country, all those kinds of lines that come out. I do not know of anything spoken here that many people quote.

Lincoln said, and I will butcher this, but I think he said in his Gettysburg Address, the world will little remember what is said here. As it turns out, he was wrong, but I think that is exactly what happened here.

In West Texas, I suspect, and in central Pennsylvania as well as Kentucky, talk is cheap, but what we do here is important and it is remembered. When we vote, as we did last week, to abrogate contracts with the Federal Government, when we vote, as we did last week, to tell people who have business deals with this Federal Government you really cannot trust the contract because if it begins to look like you are making a little money off this contract, some Member of Congress will think that is a bad idea and they will convince a party, maybe both parties, to take and redo that contract.

When we vote, as we did two weeks ago, to say there are some lives in this country, they are not particularly important, lives on the front end of creation, that is remembered. That is important. That has an impact on what we do.

When we vote here to do things to protect America, as I suspect over the next coming couple of weeks we will vote as to how we think this Congress ought to be commander-in-chief, that is important what we do.

The good is important and the bad is important just as well. It is long remembered and long noted by the people of this country, the people in West Texas in District 11, and many instances, the people around the world.

As I hear tonight our good colleague from Maryland talking about flaws in the bill that we will vote on tomorrow with respect to pensions, that I think all of us would love to support, when he says, well, guys, do not worry about it, this is just the House version; we will fix it in conference or we will fix it in the Senate.

Mr. DAVIS of Kentucky. Heard that before.

Mr. CONAWAY. We said it, our guys said it, but today was a particular one where our good colleague from Maryland just seemed to pooh-pooh the idea that there were some flaws in this bill that we did not need to worry about because we are the House of Representatives. I challenge that. We are the House of Representatives, and what we do here is important. I do not know that what we say here is of particular importance, but what we do here is important.

I appreciate being with you tonight.

□ 2230

Mr. SHUSTER. Mr. Speaker, I think the gentleman is absolutely correct. What we did here in 2001 and 2003 by reducing the tax rate on American people, it is going to expire in 1,440 days, unless this Congress acts.

You need to look at the numbers that the gentleman from Kentucky pointed out. Record revenues are flowing into the Federal Government. Since August of 2003, we have created 7.2 million jobs. In December alone, 167,000 jobs were created. The October and November numbers increased by 29,000 jobs. In 2006 alone, there was an increase of 1.8 million jobs. In the 2003 period to today, 7.2 million have been created. That is more jobs than the European Union and Japan combined have created.

Our economy has added jobs for 40 straight months, and I believe it is going to do that with an unemployment rate of 4.5 percent. That is well below the 5.1 percent rate of 2005, and below the average of the past 4 decades. So these tax cuts have worked.

We need to make sure that we act in this Congress and not run out the clock. The American people need to know that if this Congress does not act, if it just sits on the ball and runs out the clock, come 1,440 days, January 1, 2011, the American people will have seen a $200 billion tax increase, and that is not good for America.

TAKING CREDIT FOR RISING GAS PRICES

The SPEAKER pro tempore (Mr. WALZ of Minnesota). Under a previous order of the House, the gentleman from Texas (Mr. GOHMERT) is recognized for 5 minutes.

Mr. GOHMERT. Mr. Speaker, friends from this side of the aisle have been talking tonight about the tax increase we had last week.

One of the things that I have observed in my 2 years that I have been here is sometimes people take credit for things that maybe they had an effect on, and maybe they didn't. But over the last couple of years, one of the things we have been doing is we have tried to provide for drilling for gas.

There are trillions of cubic feet of natural gas in the Gulf Coast. It is a fact, we have trillions of cubic feet of gas. You can go along the Outer Continental Shelf along both coasts, and many States do not want any drilling out there. They want all the energy, they want it cheap. They don't want any of it drilled where they may have to look at it, but they want the energy. People fight that. They don't want any drilling out there.

Then we have this area that is tundra, as we were taught growing up in public school, tundra, where there is just not much of anything. Yet people don't want to allow drilling in that area, even though it could provide 1½ million barrels of oil a day.

The OCS and ANWR, those are not be-all-end-all solutions to our energy needs, but they are a small part of the solution. Alternative fuels, bioethanol. We have biomass in East Texas, where I am from, and we have oil and gas as well. We have coal. We have all these things. There are projects to produce energy with zero emissions from coal. All of these great things are going on that we are trying to push, and so much of it met with opposition.

Then we came along last week, and we end up having the incentives to do domestic drilling in the United States or off our coasts to provide additional energy and to do it with domestic people, domestic companies, domestic jobs to help the economy, as well as provide fuel that we don't have go overseas to get, and yet those incentives, it was voted by the majority as pushed by our Democrat friends across the aisle to remove those incentives.

The thing that struck me over the last couple of years as we fought against Democrats who didn't want to drill the Outer Continental Shelf, didn't want to drill ANWR, they fought like crazy against having incentives for new refineries. We are realistic enough. We know that the big oil companies are not going to build more refineries here. They do it in other places where it is cheaper. But it was to encourage independent oil companies to drill here in America, and also to refine here in America, because we need the gasoline to keep things going until we get sufficient alternative fuels.

But after fighting against us to allow those things to bring down the prices of gasoline, as gasoline skyrocketed, I was amazed. People on the other side of the aisle blamed Republicans for the skyrocketing gas prices.

The thing that struck me, and I just wanted to leave my friends in the House with this thought, if you are going to fight against the things that make for cheaper fuel, then when the price of gasoline skyrockets, at least have the decency to take credit for it. "Yes, we got the high gas prices. America, you ought to love us. We drove up the price of gasoline, and now it is way up and you ought to love us for it." Instead, we got blamed because gasoline got high.

So I hope as a result of what we saw what happen last week, as it ends up in the next year or so causing a spike in the price of gasoline, that our friends across the aisle that caused this spike that they have put in the pipeline now to generate a skyrocketing gasoline price, that when that occurs, they will go ahead and stand up and say, "You bet gasoline is high; and we Democrats, we proudly caused it."

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. GUTIERREZ (at the request of Mr. HOYER) for today.

Mr. POMEROY (at the request of Mr. HOYER) for today.

Mr. BUYER (at the request of Mr. BOEHNER) for today and the balance of the week on account of medical reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. PALLONE) to revise and extend their remarks and include extraneous material:)

Mr. PALLONE, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Ms. WATERS, for 5 minutes, today.

Mr. GEORGE MILLER of California, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. CUMMINGS, for 5 minutes, today.

Mrs. MCCARTHY of New York, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

(The following Members (at the request of Mr. BURTON of Indiana) to revise and extend their remarks and include extraneous material:)

Mr. POE, for 5 minutes, today and January 23, 24, and 29.

Mr. BURTON of Indiana, for 5 minutes, today and January 24.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. GOHMERT, for 5 minutes, today.

ADJOURNMENT

Mr. GOHMERT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 37 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, January 23, 2007, at 10:30 a.m., for morning hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

366. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Beauveria Bassiana HF23; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2005-0316; FRL-8108-4] received January 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

367. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of Presidential Determination No. 2007-6, Waiving Conditions on Obligation and Expenditure of Funds for Planning, Design, and Construction of a Chemical Weapons Destruction Facility in Russia; to the Committee on Armed Services.

368. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Air Quality: Revision to Definition of Volatile Organic Compunds — Exclusion of HFE-7300 [EPA-HQ-OAR-2005-0124; FRL-8270-6] (RIN: 2060-AN34) received January 16, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

369. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Wisconsin; Correction [EPA-R05-OAR-2006-0797; FRL-8269-2] received January 16, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

370. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Environmental Protection Agency Implementation of OMB Guidance on Nonprocurement Debarment and Suspension [FLR-8270-5] (RIN: 2030-AA94) received January 16, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

371. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Virginia; Indentification of the Northern Virginia PM2.5 Nonattainment Area [EPA-R03-OAR-2006-0648; FRL-82661] received January 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

372. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Plans For Designated Facilities; New Jersey; Delegation of Authority [Docket No. EPA-R02-OAR-2006-0615, FRL-8268-9] received January 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

373. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Maryland; Control of Volatile Organic Compounds from Medical Device Manufacturing [EPA-R03-OAR-2006-0638; FRL-8267-7] received January 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

374. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Determination of Attainment, Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; Indiana; Redesignation of the Allen County 8-hour Ozone Nonattainment Area to Attainment [EPA-R05-OAR-2006-0399; FRL-8267-9] received January 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

375. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, South Coast Air Quality Management District and Ventura County Air Pollution Control District [EPA-R09-OAR-2006-0843; FRL-8261-3] received January 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

376. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting Copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b; to the Committee on Foreign Affairs.

377. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of the Memorandum of Justification under Section 610 of the Foreign Assistance Act of 1961 regarding the determination to transfer prior year funds to the FY 2006 International Narcotics Control and Law Enforcement Account for the Women's Justice and Empowerment Initiative; to the Committee on Foreign Affairs.

378. A letter from the General Counsel, General Accounting Office, transmitting the FY 2006 report of the instances in which a federal agency did not fully implement a recommendation made by the GAO in connection with a bid protest decided the prior fiscal year, pursuant to 31 U.S.C. 3554(e)(2); to the Committee on Oversight and Government Reform.

379. A letter from the Associate General Counsel for General Law, Department of Homeland Security, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

380. A letter from the Chief, Compliance Operations Division, Department of Transportation, transmitting revisions to the Department's annual report for FY 2005 prepared in accordance with Section 203 of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act), Public Law 107-174; to the Committee on Oversight and Government Reform.

381. A letter from the Secretary, Department of the Treasury, transmitting the Financial Report of the United States Government for Fiscal Year 2006, pursuant to 31 U.S.C. 331(e)(1); to the Committee on Oversight and Government Reform.

382. A letter from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting the semiannual report on the activities of the Office of Inspector General for the period April 1, 2006 through September 30, 2006, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 8G(h)(2); to the Committee on Oversight and Government Reform.

383. A letter from the Administrator, National Aeronautics and Space Administration, transmitting in accordance with the Reports Consolidation Act of 2000, Pub. L. 106-531, the Administration's FY 2006 Performance and Accountability Report; to the Committee on Oversight and Government Reform.

384. A letter from the Commissioner, Social Security Administration, transmitting the Administration's report on Fiscal Year 2006 Competitive Sourcing Efforts as required by the Consolidated Appropriations Act of FY 2004; to the Committee on Oversight and Government Reform.

385. A letter from the Director, U.S. Trade and Development Agency, transmitting the Agency's Annual Report for FY 2006, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Oversight and Government Reform.

386. A letter from the Chief Administrative Officer, transmitting the quarterly report of receipts and expenditures of appropriations and other funds for the period October 1, 2006 through December 31, 2006 as compiled by the Chief Administrative Officer, pursuant to 2 U.S.C. 104a Public Law 88-454; (H. Doc. No. 110-9); to the Committee on House Administration and ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. LANGEVIN (for himself, Mr. ROGERS of Alabama, Mr. THOMPSON of Mississippi, Mr. MCCAUL of Texas, Mr. MEEK of Florida, Mr. REICHERT, Ms. HARMAN, Mr. KING of New York, Ms. JACKSON-LEE of Texas, Mr. SHAYS, Mrs. CHRISTENSEN, Mr. DAVID DAVIS of Tennessee, Mr. CARNEY, Mr. SOUDER, Mr. CUELLAR, Mr. DENT, and Mr. PASCRELL):

H.R. 599. A bill to direct the Secretary of Homeland Security to streamline the SAFETY Act and anti-terrorism technology procurement processes; to the Committee on Homeland Security.

By Mr. RUSH (for himself, Mr. TOWNS, and Mr. WYNN):

H.R. 600. A bill to amend the Internal Revenue Code of 1986 to provide for a deferral of tax on gain from the sale of telecommunications businesses in specific circumstances or a tax credit and other incentives to promote diversity of ownership in telecommunications businesses; to the Committee on Ways and Means.

By Mrs. BIGGERT (for herself and Mr. HINOJOSA):

H.R. 601. A bill to expand the definition of independent student in the Higher Education Act of 1965 to include homeless youth; to the Committee on Education and Labor.

By Mr. BOREN:

H.R. 602. A bill to amend section 119 of title 17, United States Code, to allow the secondary transmission to any subscriber in the State of Oklahoma of primary transmissions of local network stations in that State; to the Committee on the Judiciary.

By Mr. HAYES:

H.R. 603. A bill to amend the Internal Revenue Code of 1986 to provide an incentive for expanding employment in rural areas by allowing employers the work opportunity credit for hiring residents of rural areas; to the Committee on Ways and Means.

By Mr. HAYES:

H.R. 604. A bill to amend the Internal Revenue Code of 1986 to increase the incentives for E-85 fuel vehicle refueling property; to the Committee on Ways and Means.

By Mr. HAYES:

H.R. 605. A bill to amend title 18, United States Code, to provide an increased maximum penalty for telemarketing fraud targeting seniors, and for other purposes; to the Committee on the Judiciary, and in addition to the Committees on Oversight and Government Reform, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HAYES:

H.R. 606. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income mileage reimbursements to volunteer emergency medical responders and volunteer firefighters and to increase the mileage allowance for charitable contributions for the benefit of volunteer fire departments, and for other purposes; to the Committee on Ways and Means.

By Mr. ANDREWS:

H.R. 607. A bill to prohibit defense contractors from requiring licenses or fees for use of military likenesses and designations; to the Committee on Armed Services.

By Mr. BARTON of Texas (for himself, Mr. UPTON, and Mr. HASTERT):

H.R. 608. A bill to further inform consumers about the transition to digital television; to the Committee on Energy and Commerce.

By Mr. EDWARDS:

H.R. 609. A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Central Texas Water Recycling and Reuse Project, and for other purposes; to the Committee on Natural Resources.

By Mr. CARNAHAN (for himself, Mr. RANGEL, Mr. LEWIS of Georgia, Mr. LEWIS of Kentucky, Ms. SCHWARTZ, Mr. SKELTON, Mr. GORDON, Mr. CLAY, Mr. CLEAVER, Mr. GONZALEZ, Mr. HINCHEY, Mr. HOLT, Mrs. MALONEY of New York, Mr. MARSHALL, Mr. MOORE of Kansas, Mr. PAYNE, Mr. ROTHMAN, Mr. SOUDER, Mr. LAHOOD, and Mrs. JONES of Ohio):

H.R. 610. A bill to amend the Internal Revenue Code of 1986 to expand the incentives for the rehabilitation of older buildings, including owner-occupied residences; to the Committee on Ways and Means.

By Mr. ENGLISH of Pennsylvania (for himself and Mr. HOLDEN):

H.R. 611. A bill to eliminate the requirement that States collect Social Security numbers from applicants for recreational licenses; to the Committee on Ways and Means.

By Mr. FILNER:

H.R. 612. A bill to amend title 38, United States Code, to extend the period of eligibility for health care for combat service in the Persian Gulf War or future hostilities from two years to five years after discharge or release; to the Committee on Veterans' Affairs.

By Mr. FORTUÑO (for himself and Mr. SERRANO):

H.R. 613. A bill to amend section 1011 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 to permit Puerto Rico to qualify for Federal reimbursement of emergency health services furnished to undocumented aliens; to the Committee on Energy and Commerce.

By Mr. FORTUÑO (for himself, Mr. SERRANO, Mr. GUTIERREZ, and Ms. VELÁZQUEZ):

H.R. 614. A bill to amend titles XI and XIX of the Social Security Act to remove the cap on Medicaid payments for Puerto Rico, the Virgin Islands, Guam, the Northern Mariana Islands, and American Samoa; to the Committee on Energy and Commerce.

By Mr. FORTUÑO (for himself, Mr. SERRANO, Ms. ROS-LEHTINEN, Mr. MARIO DIAZ-BALART of Florida, Mr. LINCOLN DIAZ-BALART of Florida, Mr. DENT, Mr. WELLER, Mr. GUTIERREZ, and Ms. VELÁZQUEZ):

H.R. 615. A bill to amend title XVIII of the Social Security Act to increase inpatient hospital payments under the Medicare Program to Puerto Rico hospitals; to the Committee on Ways and Means.

By Mr. FORTUÑO (for himself, Mr. SERRANO, Mr. GUTIERREZ, and Ms. VELÁZQUEZ):

H.R. 616. A bill to amend title XVIII of the Social Security Act to provide for equity in the calculation of Medicare disproportionate share hospital payments for hospitals in Puerto Rico; to the Committee on Ways and Means.

By Mr. HASTINGS of Florida (for himself, Mr. MARIO DIAZ-BALART of Florida, Mr. MAHONEY of Florida, Mr. KLEIN of Florida, Ms. CASTOR, Mr. WEXLER, and Mr. MEEK of Florida):

H.R. 617. A bill to authorize ecosystem restoration projects for the Indian River Lagoon-South and the Picayune Strand, Collier County, in the State of Florida; to the Committee on Transportation and Infrastructure.

By Mr. HUNTER (for himself, Mr. SMITH of New Jersey, Mr. HAYES, Mr. DAVIS of Kentucky, Mr. MCCAUL of Texas, Mr. FRANKS of Arizona, Mr. JOHNSON of Illinois, Mrs MCMORRIS

RODGERS, Mr. SESSIONS, Mr. CANNON, Mr. WAMP, Mr. WESTMORELAND, Mr. RENZI, Mr. NORWOOD, Mr. ROGERS of Kentucky, Mr. WILSON of South Carolina, Mr. BOUSTANY, Mr. BISHOP of Utah, Mr. GARY G. MILLER of California, Mr. HERGER, Mr. ALEXANDER, Mr. MANZULLO, Mrs. CUBIN, Mrs. JO ANN DAVIS of Virginia, Mr. INGLIS of South Carolina, Mr. MCCOTTER, Mr. LINCOLN DAVIS of Tennessee, Mr. FORBES, Mr. SOUDER, Mr. HALL of Texas, Mrs. MUSGRAVE, Mr. PICKERING, Mr. CHABOT, Mr. BOOZMAN, Mr. SAM JOHNSON of Texas, Mr. CONAWAY, Mr. BARTLETT of Maryland, Mr. DAVID DAVIS of Tennessee, Mr. TIAHRT, Mrs. MYRICK, Mr. FORTUÑO, Mr. AKIN, Mr. DOOLITTLE, Mr. GINGREY, Mr. LAHOOD, Mr. HOEKSTRA, Mr. SMITH of Nebraska, Ms. FOXX, Mr. SALI, Mr. LEWIS of Kentucky, Mr. TERRY, Mr. PITTS, Mr. TANCREDO, Mr. MCKEON, Mr. JORDAN, Mr. GOODE, Mr. LAMBORN, Mr. HENSARLING, Mr. GILLMOR, Mr. SHADEGG, Mr. KLINE of Minnesota, Mr. MCHENRY, Mr. WALBERG, Mr. CARTER, and Mr. GOODLATTE):

H.R. 618. A bill to implement equal protection under the 14th article of amendment to the Constitution for the right to life of each born and preborn human person; to the Committee on the Judiciary.

By Mrs. LOWEY (for herself, Mr. SHAYS, Mrs. MALONEY of New York, Mr. CROWLEY, Mr. KIRK, Mr. MOORE of Kansas, Ms. MCCOLLUM of Minnesota, Ms. KILPATRICK, Mr. WAXMAN, Mr. HOLT, Ms. MATSUI, Mr. LARSEN of Washington, Ms. SCHWARTZ, Mr. MCGOVERN, Mr. ROTHMAN, Mr. WU, Mr. ENGEL, Mr. NADLER, Mr. BLUMENAUER, Mr. BERMAN, Mr. CARNAHAN, Mr. FATTAH, Mrs. GILLIBRAND, Mrs. CAPPS, Mr. GEORGE MILLER of California, Mr. COHEN, Mr. DELAHUNT, Mr. LANTOS, Mr. AL GREEN of Texas, Ms. HOOLEY, Mr. MCDERMOTT, Mr. MORAN of Virginia, Mr. STARK, Mr. SHERMAN, Mrs. DAVIS of California, Ms. SCHAKOWSKY, Mr. MCNULTY, and Mr. GRIJALVA):

H.R. 619. A bill to prohibit the application of certain restrictive eligibility requirements to foreign nongovernmental organizations with respect to the provision of assistance under part I of the Foreign Assistance Act of 1961; to the Committee on Foreign Affairs.

By Mr. OLVER (for himself, Mr. GILCHREST, Mr. INSLEE, Mr. WALSH of New York, Mr. CUMMINGS, Mr. KIRK, Ms. SOLIS, Mr. CASTLE, Mr. HINCHEY, Mr. SHAYS, Ms. HARMAN, Mr. SAXTON, Mr. DICKS, Ms. MCCOLLUM of Minnesota, Ms. DEGETTE, Mr. THOMPSON of California, Mr. CARDOZA, and Mr. HARE):

H.R. 620. A bill to accelerate the reduction of greenhouse gas emissions in the United States by establishing a market-driven system of greenhouse gas tradeable allowances that will limit greenhouse gas emissions in the United States, reduce dependence upon foreign oil, and ensure benefits to consumers from the trading in such allowances, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Science and Technology, and Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PRICE of Georgia:

H.R. 621. A bill to amend part B of title XVIII of the Social Security Act to restore the Medicare treatment of ownership of oxygen equipment to that in effect before enactment of the Deficit Reduction Act of 2005; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RANGEL:

H.R. 622. A bill to posthumously award a Congressional gold medal to Shirley Chisholm; to the Committee on Financial Services.

By Mr. RANGEL:

H.R. 623. A bill to permit expungement of records of certain nonviolent criminal offenses; to the Committee on the Judiciary.

By Mr. RANGEL (for himself and Ms. LEE):

H.R. 624. A bill to lift the trade embargo on Cuba, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committees on Ways and Means, Energy and Commerce, the Judiciary, Financial Services, Oversight and Government Reform, and Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. SOLIS:

H.R. 625. A bill to designate the facility of the United States Postal Service located at 4230 Maine Avenue in Baldwin Park, California, as the "Atanacio Haro-Marin Post Office"; to the Committee on Oversight and Government Reform.

By Mr. STUPAK:

H.R. 626. A bill to amend the Railroad Retirement Act of 1974 to provide that a current connection is not lost by an individual who is misled or not properly informed by the Railroad Retirement Board of the requirement for, and the circumstances resulting in the loss of, a current connection; to the Committee on Transportation and Infrastructure.

By Mr. VAN HOLLEN (for himself, Mr. GEORGE MILLER of California, Mr. PAYNE, Mr. SCOTT of Virginia, Ms. WOOLSEY, Mr. HINOJOSA, Mr. TIERNEY, Mr. KUCINICH, Mrs. DAVIS of California, Mr. DAVIS of Illinois, Mr. GRIJALVA, Mr. BISHOP of New York, Mr. SESTAK, Mr. LOEBSACK, Mr. HARE, Mr. BACA, Mr. BERMAN, Mr. BISHOP of Georgia, Ms. BORDALLO, Mr. BOUCHER, Ms. CORRINE BROWN of Florida, Mr. CARNAHAN, Mr. CHANDLER, Mrs. CHRISTENSEN, Mr. CLAY, Mr. CLEAVER, Mr. COHEN, Mr. COSTELLO, Mr. CUELLAR, Mr. CUMMINGS, Mr. DEFAZIO, Mr. DOYLE, Mr. ENGEL, Mr. ETHERIDGE, Mr. FILNER, Mr. FRANK of Massachusetts, Mr. AL GREEN of Texas, Mr. GUTIERREZ, Mr. HIGGINS, Mr. KLEIN of Florida, Mr. LANTOS, Mr. LARSEN of Washington, Mr. LARSON of Connecticut, Ms. LEE, Mr. LYNCH, Ms. MCCOLLUM of Minnesota, Mr. MCGOVERN, Mrs. MALONEY of New York, Mr. MEEHAN, Ms. MOORE of Wisconsin, Mrs. NAPOLITANO, Mr. ORTIZ, Mr. REYES, Mr. RODRIGUEZ, Ms. SCHAKOWSKY, Ms. SUTTON, and Mr. WEXLER):

H.R. 627. A bill to require full funding of the Elementary and Secondary Education Act of 1965 and the Individuals with Disabilities Education Act; to the Committee on Education and Labor, and in addition to the Committee on Appropriations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. WILSON of New Mexico (for herself, Mr. MARSHALL, Mr. SMITH of Washington, and Mr. PRICE of Georgia):

H.R. 628. A bill to direct the Secretary of Homeland Security to ensure that an individual may file an orphan petition for at least 2 years after approval of an advanced processing application; to the Committee on the Judiciary.

By Mr. WU (for himself, Mr. HONDA, Mr. ABERCROMBIE, Ms. MCCOLLUM of Minnesota, Mr. MCDERMOTT, and Ms. ZOE LOFGREN of California):

H.R. 629. A bill to amend the Higher Education Act of 1965 to authorize grants for institutions of higher education serving Asian Americans and Pacific Islanders; to the Committee on Education and Labor.

By Mr. GOODE (for himself, Mr. WAMP, Mr. JONES of North Carolina, Mr. PAUL, Mr. STEARNS, Mr. DUNCAN, and Ms. FOXX):

H. Con. Res. 40. Concurrent resolution expressing the sense of Congress that the United States should not engage in the construction of a North American Free Trade Agreement (NAFTA) Superhighway System or enter into a North American Union with Mexico and Canada; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. DAVIS of California (for herself, Mr. FILNER, Mr. BILBRAY, Mr. HUNTER, and Mr. ISSA):

H. Res. 83. A resolution congratulating Tony Gwynn for his election to the Baseball Hall of Fame, for an outstanding career as an athlete, and for his contributions to baseball and to his community; to the Committee on Oversight and Government Reform.

By Mr. KUHL of New York (for himself and Mr. MICA):

H. Res. 84. A resolution recognizing the 100th anniversary of Glenn Curtiss's achievement of record-breaking speed and his contributions to the motorcycle and aircraft industries; to the Committee on Oversight and Government Reform.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. FILNER introduced A bill (H.R. 630) for the relief of Flavia Maboloc Cahoon; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 14: Mr. CASTLE, Mr. HOEKSTRA, Mr. SHIMKUS, Mr. GINGREY, and Mr. BILBRAY.

H.R. 22: Mr. PICKERING, Mr. MCCRERY, Mr. BONNER, Mr. SCOTT of Georgia, Mr. LAMBORN, and Mr. CONAWAY.

H.R. 25: Mr. HENSARLING.

H.R. 27: Mr. LINDER.

H.R. 60: Mr. CUELLAR, Mr. LINCOLN DAVIS of Tennessee, Mr. HENSARLING, Mr. MILLER of Florida, and Mr. WELDON of Florida.

H.R. 65: Mr. SALAZAR, Mr. BUTTERFIELD, Mr. SERRANO, Ms. MATSUI, Mr. ISRAEL, Mr. WHITFIELD, Ms. SCHAKOWSKY, Mr. PASCRELL, Mrs. MUSGRAVE, and Mr. OBERSTAR.

H.R. 133: Mr. CAMPBELL of California.

H.R. 134: Mr. ISSA.

H.R. 136: Mr. ISSA.

H.R. 137: Mr. DAVIS of Alabama, Mr. WALBERG, Mr. WALZ of Minnesota, Mr. FALEOMAVAEGA, and Ms. SUTTON.

H.R. 138: Mr. FRANKS of Arizona.

H.R. 159: Mr. PATRICK MURPHY of Pennsylvania.

H.R. 161: Mr. WU.

H.R. 169: Mr. FATTAH, Mr. KILDEE, Mr. COSTELLO, Mr. JONES of North Carolina, Mr. BARTLETT of Maryland, and Mr. DEFAZIO.

H.R. 210: Mr. GRIJALVA.

H.R. 217: Mr. CROWLEY.

H.R. 269: Mr. LIPINSKI, Mr. SAXTON, Mr. PALLONE, Mr. GINGREY, Ms. JACKSON-LEE of Texas, Mr. CALVERT, Mr. ETHERIDGE, Mr. MELANCON, Mr. LINCOLN DAVIS of Tennessee, Mr. HOLT, and Mr. SMITH of New Jersey.

H.R. 279: Mrs. CAPITO.

H.R. 303: Mr. COSTELLO, Mr. TERRY, Mr. FILNER, and Mr. PATRICK MURPHY of Pennsylvania.

H.R. 323: Mr. CAMPBELL of California.

H.R. 353: Mr. BLUMENAUER.

H.R. 358: Mrs. MCMORRIS RODGERS, Mr. CARTER, Mr. CLEAVER, and Mr. PATRICK MURPHY of Pennsylvania.

H.R. 359: Mr. MCGOVERN.

H.R. 365: Ms. HOOLEY, Mr. MATHESON, Ms. JACKSON-LEE of Texas, Mr. LARSEN of Washington, Mr. LEWIS of Kentucky, Mr. UDALL of Colorado, Ms. GIFFORDS, Mr. REICHERT, Mr. MCINTYRE, Ms. BERKLEY, Mr. EHLERS, Mr. LATHAM, Ms. WOOLSEY, Mr. BOSWELL, Mr. MCCAUL of Texas, Mr. UPTON, Mr. COSTELLO, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. HINOJOSA, Mr. MCHUGH, and Ms. ZOE LOFGREN of California.

H.R. 369: Mr. GEORGE MILLER of California.

H.R. 390: Mr. NADLER, Mr. PRICE of North Carolina, Mr. WAXMAN, Ms. WATSON, and Mr. SNYDER.

H.R. 403: Mr. PAYNE, Mr. MITCHELL, Mr. REYES, Ms. KAPTUR, and Ms. MOORE of Wisconsin.

H.R. 410: Mr. GENE GREEN of Texas.

H.R. 413: Mr. KUCINICH, Ms. WOOLSEY, and Ms. LEE.

H.R. 440: Mr. FORBES.

H.R. 451: Mr. TIERNEY, Mr. AL GREEN of Texas, and Ms. SCHAKOWSKY.

H.R. 464: Mr. CARNAHAN.

H.R. 468: Ms. SLAUGHTER, Mr. SCHIFF, Mr. MOORE of Kansas, Ms. BORDALLO, Mrs. NAPOLITANO, Mr. MORAN of Virginia, Mrs. CAPPS, Mr. MCNULTY, Ms. DELAURO, and Mr. HOLT.

H.R. 476: Mr. WELCH of Vermont, Mr. COURTNEY, Ms. MATSUI, Mr. MARSHALL, Mr. BARROW, Ms. CASTOR, and Mr. AL GREEN of Texas.

H.R. 491: Mr. SHIMKUS, Mr. RUPPERSBERGER, Ms. LINDA T. SÁNCHEZ of California, Ms. BEAN, Mrs. EMERSON, Mr. SCHIFF, and Ms. BERKLEY.

H.R. 508: Mr. BRADY of Pennsylvania.

H.R. 511: Mr. MARCHANT, Mr. WICKER, Mr. FRANKS of Arizona, Mr. MCCAUL of Texas, Mr. CONAWAY, Mr. SESSIONS, Mrs. SCHMIDT, Mr. BACHUS, Mrs. BLACKBURN, Mr. SHUSTER, Mr. KLINE of Minnesota, Mr. EVERETT, Ms. FALLIN, Mr. DAVIS of Kentucky, Mr. NUNES, Mr. MCHENRY, Mr. MACK, Mr. GINGREY, Mr. CALVERT, Mr. BURGESS Mr. PENCE, Mr. CAMP of Michigan, Mr. REYNOLDS, Mrs. MYRICK, Mr. KUHL of New York, Mr. PRICE of Georgia, Ms. PRYCE of Ohio, Mr. CRENSHAW, Mr. WELLER, Mr. BRADY of Texas, Mr. KIRK, Mr. GOODLATTE, Mr. GILLMOR, Mr. DOOLITTLE, Mr. BOOZMAN, Mr. HERGER, Mr. BAKER, Mr. MCCARTHY of California, Mr. MILLER of Florida, Mr. SENSENBRENNER, Mr. GARY G. MILLER of California, Mr. WILSON of South Carolina, Mr. BONNER, Mr. HALL of Texas, and Mr. SHIMKUS.

H.R. 522: Mr. MARIO DIAZ-BALART of Florida.

H.R. 563: Mr. ALEXANDER, Mr. FRANKS of Arizona, Mr. SAM JOHNSON of Texas, Mr. WOLF, and Mr. MILLER of Florida.

H.R. 566: Mrs. CHRISTENSEN and Mr. TOWNS.

H.R. 567: Mrs. GILLIBRAND, Mr. PATRICK MURPHY of Pennsylvania, and Ms. SUTTON.

H.R. 594: Mr. LAMPSON, Mr. RODRIGUEZ, and Mr. SESSIONS.

H.R. 589: Mr. SCHIFF, Mr. SERRANO, and Mr. DOGGETT.

H.R. 592: BOOZMAN and Mr. WALSH of New York.

H.J. Res. 18: Mr. JEFFERSON, Mr. ABERCROMBIE, and Ms. SHEA-PORTER.

H. Con. Res. 5: Mr. COHEN and Mr. PATRICK MURPHY of Pennsylvania.

H. Con. Res. 13: Mr. CARNEY.

H. Con. Res. 20: Mr. MCHUGH, Mr. MCCOTTER, Mr. SIRES, Mr. MCGOVERN, Mr. ROHRABACHER, Mr. PASCRELL, Mr. BURTON of Indiana, and Mr. FERGUSON.

H. Con. Res. 21: Mr. COHEN and Mr. GINGREY.

H. Con. Res. 23: Mr. MICHAUD, Mr. SHERMAN, and Mrs. MALONEY of New York.

H. Con. Res. 33: Mr. HINCHEY.

H. Con. Res. 35: Ms. JACKSON-LEE of Texas, Ms. CORRINE BROWN of Florida, Ms. NORTON, Mr. JEFFERSON, Mr. BISHOP of Georgia, Ms. MILLENDER-MCDONALD, Mr. LEWIS of Georgia, Mr. FATTAH, Mr. CLYBURN, Mr. CUMMINGS, Mr. RANGEL, and Mr. MEEKS of New York.

H. Con. Res. 37: Mr. SAM JOHNSON of Texas.

H. Res. 37: Ms. LINDA T. SÁNCHEZ of California, Ms. JACKSON-LEE of Texas, Mr. AL GREEN of Texas, Ms. WATSON, Mr. SERRANO, Ms. ZOE LOFGREN of California, Mr. GUTIERREZ, Mr. MCDERMOTT, and Mrs. CAPPS.

H. Res. 41: Ms. SCHWARTZ.

H. Res. 51: Ms. SUTTON and Mr. WALBERG.

H. Res. 52: Mr. COHEN and Ms. WASSERMAN SCHULTZ.

H. Res. 59: Mr. AKIN.

H. Res. 68: Ms. BALDWIN.

EXTENSIONS OF REMARKS

IN MEMORY OF MAYOR TIM LESLIE

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, January 22, 2007

Mr. BURGESS. Madam Speaker, I rise today to honor Mayor Tim Leslie of Aubrey, Texas, who passed away Thursday, January 18, from complications due to pancreatic cancer.

Mr. Tim Leslie, born in Salt Fork, Utah, moved to Denton, Texas, with his family to attend graduate school at the University of North Texas, where he later received his doctoral degree. He instantly became active in the community by starting youth baseball teams and teaching local children. He had a passion for both education and baseball, and would willingly discuss both topics with anyone. Mr. Leslie's love for. baseball led to the establishment of the first baseball field in Aubrey, Texas.

As a young man, Mr. Tim Leslie realized the many benefits of schooling, and would continue to inspire others in their education endeavors. He would call college recruits for his baseball players, and he helped start the Aubrey Education Foundation, a scholarship for local students. Due to his passion for education, he ran for a position on the Aubrey ISD School Board, on which he served 11 years, many as the chairman of the school board. Mr. Leslie's intelligence and natural leadership abilities ensured his role as mayor of Aubrey in 1999. While mayor, he facilitated a new waste water treatment building, the Aubrey Area Library and Community Building, and new athletic fields for the community. With help from his wife, Mr. Leslie started the Aubrey local newspaper, the Town Charter, in 1999. One of his goals was to publish mostly positive and uplifting news, which would astound many newspaper editors. As an optimist, he had a habit of focusing on positive events in life.

Despite Mr. Leslie's faithful involvement in the community, his family continued to be a top priority. His deep love and concern for his family remained strong throughout his illness, and his loss will be greatly felt among family, friends, and the community. Mr. Leslie is survived by his wife, Allison Leslie, and three children, Chad Leslie, Tiffannie Leslie, and Jason Leslie. I extend my sincerest sympathies to his family and friends. Mayor Tim Leslie will be deeply missed and his service to our community will always be greatly appreciated.

TRIBUTE TO I.E. MILLSTONE OF ST. LOUIS, MO

HON. RUSS CARNAHAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, January 22, 2007

Mr. CARNAHAN. Madam Speaker, today I would like to honor Saint Louis community leader Isadore Erwin "I.E." Millstone for his centennial birthday that occurred on January 6, 2007.

In the past several decades, Mr. Millstone has been nothing less than a business and civic visionary, contributing greatly both to the Saint Louis region and to the larger world.

With his firm, Millstone Construction Company, I.E. Millstone has literally built Saint Louis. His works include the Busch Memorial Stadium, highway 64/40, and the Federal Building downtown. His company has constructed everything from office towers to shopping malls to bridges and you can witness his work throughout the area.

Not content with achieving merely financial success, Mr. Millstone has been a dedicated philanthropist as well.

The impact of his leadership and generosity has been felt far and wide, from his local efforts, securing the Jewish community center for the St. Louis Jewish population and providing the resources for scholarships and various campus structures at Washington University, to his international efforts in Israel, building sustainable housing for new immigrants and helping to establish the Hebrew University.

For his hard work the world over, Mr. Millstone has been honored with numerous awards. He has earned the respect and admiration of not only family and mends but his community.

Madam Speaker, Mr. Millstone has been a true patriarch of the Saint Louis area, and it is my honor to recognize his 100 years of life.

THE INTRODUCTION OF THE KEEP OUR PACT ACT

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, January 22, 2007

Mr. VAN HOLLEN. Madam Speaker, it is with a sense of urgency that I reintroduce the Keep Our Promises to America's Children and Teachers Act at the beginning of the 110th Congress.

I offer the Keep Our PACT Act today to help meet the aspirations of our Nation's schoolchildren—and to help provide all of their teachers and schools with the resources they need to help them achieve those aspirations. Additionally, I offer this bill as a reminder to those of us in government of the importance of keeping our promises and of truly making education a priority.

Put it simply, the Keep Our PACT Act would put Congress on a fiscally responsible path to fully funding the No Child Left Behind Act and the Individuals with Disabilities Act—on a mandatory basis, once and for all.

Madam Speaker, the 2006 Education Appropriations bill funded No Child Left Behind at $23.51 billion, over $1 billion less than the previous year and $13.36 billion below the 2006 authorized level. As a result, over 3.1 million students are not getting the extra Title I help they were promised under NCLB.

Furthermore, the 2006 Education Appropriations bill continued underfunding IDEA at $10.7 billion—less than half of the 40 percent average per pupil expenditure the government originally promised states more than 30 years ago.

By keeping our commitments to NCLB and IDEA, we can support our schools and provide all of our students with resources they need to succeed.

Madam Speaker, once again I am proud to make the Keep Our PACT Act the very first piece of legislation I introduce in this Congress. Additionally, I want to thank my colleagues for joining me as original cosponsors of this bill today. We pledge to stand for the fundamental values this bill represents and invite Members from both sides of the aisle to embrace those values and get this bill passed.

CONGRATULATIONS WHEATON WARRENVILLE SOUTH TIGERS

HON. PETER J. ROSKAM

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, January 22, 2007

Mr. ROSKAM. Madam Speaker, I rise today to congratulate the Wheaton Warrenville South Tigers football team for their remarkable victory in the Class 8A Illinois State championship on November 25, 2006.

After a close first quarter, Wheaton Warrenville South pulled ahead with three touchdowns in the second quarter. The Tigers' Jim O'Brien sealed the deal with an incredible 95-yard kickoff return to defeat Mt. Carmel 44–21 and claim the Illinois State championship. The Tigers finished the season with a perfect 14–0 record.

I commend the Wheaton Warrenville South players and coaches for their intensity and dedication throughout the season. Their incredible performance in the State championship is a tribute to long hours of hard work, both on and off the field.

Tigers, your families, your school, and your community are extremely proud of what you've accomplished. You have continued the great legacy of Wheaton South football. I wish you all the best in the future. Go Tigers.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

HONORING ARNOLD X.C. PERKINS

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 22, 2007

Ms. LEE. Madam Speaker, I rise today to honor the extraordinary career of Arnold X.C. Perkins. A longtime resident of California's 9th Congressional District, Arnold has served as the Director of the Alameda County Public Health Department since 1994. Throughout his career Arnold has been known for his unwavering dedication to promoting health and well being for all members of our community. This year Arnold celebrates his retirement after more than a decade of service to the county and many more years of distinguished work here in the Bay Area.

Arnold holds a B.A. from San Francisco State University, his Teaching Credential from the University of California at Berkeley, and he completed Masters coursework at California State University, Hayward. Throughout the course of his distinguished career, Arnold has served our community as a high school teacher and principal; nonprofit organization executive director; family counselor and advocate; foundation program officer; college teacher and administrator; and restaurant owner and operator.

Arnold came to the Alameda County Public Health Department in 1994. As director he has provided leadership and management of the administrative program and policy activities of the department, which has a budget of $105 million and over 500 employees, and serves a population of 1.4 million people. His professional expertise is supplemented by his diverse experience and deep commitment to building and maintaining the spirit of community.

Under Arnold's leadership, the department has undergone a number of changes that are making its functions reflective of a broader vision of public health. Some of the milestones that have marked Arnold's tenure as director include, but are certainly not limited to, establishing Community Health Teams, through which the department deployed field staff in 10 neighborhoods throughout the county to provide individual and population based services; establishing the Legislative Council, which develops the Health Department's legislative platform and supports the implementation of new policy; and working with my office, the office of Alameda County Supervisor Keith Carson and many others to declare an HIV/AIDS State of Emergency in the African-American community. The AIDS pandemic is devastating African Americans and other communities of color, and women in particular in these groups. Arnold's leadership has been crucial in addressing these impacts here in Alameda County and making treatment, prevention and education available and accessible to those who need it most.

In addition to his stellar work leading the Public Health Department, Arnold has been and continues to be heavily involved in a number of other boards and organizations here in the Bay Area and nationally. He has served the Centers for Disease Control (CDC) as a Member of the Advisory Committee for the National Center on HIV & STD Prevention as well as the Public Health Workforce 21st Century Taskforce. He has served as the President of the West Berkeley Health Center as well as the Chair of the Professional School of Psychology. Furthermore, Arnold has served with distinction as a board member within the San Francisco Foundation; the Family Violence Prevention Fund; Youth Radio; The Mentoring Center; United Way of the Bay Area, and many more organizations. Arnold has been recognized for his service with numerous awards from organizations such as the Center for Independent Living, the U.C. Berkeley School of Public Health, YMCA of the East Bay and Bay Area Strive for Five.

Today the friends, family and colleagues of Arnold Perkins have come together to celebrate not only his retirement, but also his legacy of service and his permanent and positive impact on our community. On this very special day, I join all of them in thanking and saluting Arnold for his profound contributions to California's 9th Congressional District, our country and our world.

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ANOTHER PENTAGON SMEAR

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, January 22, 2007

Mr. FRANK of Massachusetts. Madam Speaker, I am sometimes thankful for small things—for example, the fact that I am not in charge of judging what pronouncement from the Bush administration is the most outrageous. While I do not have to pick the winner, I do want to note an entry that would be a strong contender for that title: the extraordinarily wrong-headed and morally flawed attack by Deputy Assistant Secretary of Defense Cully Stimson on American lawyers who are defending people detained in Guantanamo. Not only does Mr. Stimson impugn people who have taken on an unpleasant job that is in the best traditions of the legal profession, and very much in the mainstream of American constitutional doctrine, he actually called on business leaders in this country to punish these lawyers economically for upholding these important American values.

As the Boston Globe editorial from January 16th points out, "the right to counsel is a pillar of the U.S. justice system" and the Globe correctly asserts that "Stimson's boss, Defense Secretary Robert Gates, should go beyond the Pentagon's pro forma disavowal of these remarks and ensure that Stimson watches this 'play out' from someplace other than a job at the Defense Department."

It is intolerable for a high public official of the United States Government to try to inflict economic harm on lawyers for upholding American constitutional tradition. Cully Stimson's blatant unfitness for an important public position ought to be clear to even officials of the Bush administration. It is incumbent on the President, Mr. Speaker, to repudiate these outrageous sentiments and to take the only action that can reassure lawyers in America that they will not suffer from doing their duty—firing Mr. Stimson.

[From the Boston Globe, Jan. 16, 2007]

ANOTHER PENTAGON SMEAR

When the shameful history of the Guantanamo detention center is finally written, one of the few reassuring chapters will be the way lawyers from many U.S. law firms have given pro-bono representation to prisoners who have been denied their Geneva Convention rights. It is especially outrageous that the Pentagon official responsible for detainees has maligned these lawyers and encouraged corporations to take their legal business away from their firms.

In an interview last Thursday, deputy assistant secretary of defense Cully Stimson said he found it "shocking" that lawyers from prestigious firms were representing Guantanamo detainees. "I think, quite honestly," Stimson said, "when corporate CEOs see that those firms are representing the very terrorists who hit their bottom line back in 2001, those CEOs are going to make those law firms choose between representing terrorists or representing reputable firms, and I think that is going to have major play in the next few weeks. And we want to watch that play out."

Since the right to counsel is a pillar of the U.S. justice system, Stimson's boss, defense secretary Robert Gates, should go beyond the Pentagon's pro forma disavowal of these remarks and ensure that Stimson watches this "play out" from someplace other than a job at the Defense Department. Gates might also set the record straight by pointing out that the only inmates at Guantanamo suspected of links to the Sept. 11 attacks were brought there just recently, after long being held in secret Central Intelligence Agency prisons where they had no access to counsel whatsoever.

Twice, the Supreme Court has ruled that Guantanamo detainees' rights are being denied by the Bush administration in cases brought by the lawyers whom Stimson vilifies. In another case on behalf of Guantanamo detainees in 2005, U.S. District Judge Gladys Kessler said the petitioners' lawyers are acting "in the very finest tradition of the American legal profession." It was a tradition established in part by John Adams's representation of the British soldiers accused in the Boston Massacre of 1770.

Stimson's remarks came just as critics of U.S. detention policies were noting the fifth anniversary of the use of Guantanamo as a center for indefinite imprisonment of persons captured during the war in Afghanistan, or other fronts in the war on terrorism. The administration should close Guantanamo and try any detainees that it believes responsible for acts of terror or war crimes in U.S. courts.

Congress's new Democratic majorities should repeal the law passed last year that denies detainees their habeas corpus right to challenge their continued detention. That, like the right to counsel, is another mainstay of the American legal system that must not be a victim of the war on terror.

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HONORING CHIEF MICHAEL P. NEUHARD IN RETIREMENT

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 22, 2007

Mr. TOM DAVIS of Virginia. Madam Speaker, I rise today to honor Chief Michael P.

Neuhard upon his retirement as Fire Chief and Fairfax County Fire Marshal for the Fairfax County Fire and Rescue Department.

Over the past 30 years Chief Michael Neuhard has worked tirelessly to promote efforts that ensure the safety and well-being of the citizens of Fairfax County. During his career he has moved through the ranks of the department serving in such positions as assistant chief of administrative services, deputy chief of special operations, hazardous materials response team coordinator and head of hazardous materials services in the fire prevention division.

As Fire Chief and Fairfax County Fire Marshal, Chief Neuhard oversees a staff of 1,678 personnel, 300 operational fire and EMS volunteers, and 36 fire stations. In this role he plans, coordinates, and directs the overall operation of the Fire and Rescue Department, which includes fire suppression, hazardous material abatement, emergency medical services, fire prevention, technical rescue, as well as administrative and support services.

Through service on numerous department, county, regional, state and national boards, Chief Neuhard has demonstrated his dedication to safety in his community. He is chair of his department's Strategic Planning Leadership Team, a member of the Fairfax County Domestic Violence Prevention Policy Coordinating Council, chair of the National Technology Transfer Center—Emergency Response Advisory Committee, as well as chairman of the Washington Metropolitan Council of Governments Fire Chiefs Committee. Additionally, he has served on the Secure Commonwealth Panel since his appointment in 2002 by then-Governor Mark Warner.

Madam Speaker, in closing, I would like to commend and congratulate Chief Michael P. Neuhard on all of his accomplishments. His efforts have boosted the overall safety and preparedness of the citizens of Fairfax County and the region. I call upon my colleagues to join me in applauding Chief Neuhard for his past accomplishments and in wishing him continued success in the years to come.

THE WATER QUALITY INVESTMENT ACT OF 2007

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, January 22, 2007

Mr. PASCRELL. Madam Speaker, last week I was proud to introduce the Water Quality Investment Act of 2007, along with original cosponsors Congressmen DAVE CAMP and MIKE CAPUANO. This bipartisan legislation authorizes a $3 billion grant program over 6 years to control combined sewer overflows and sanitary sewer overflows.

A combined sewer is a type of sewer system which provides partially separated channels for sanitary sewage and stormwater runoff. This allows the sanitary sewer system to provide backup capacity for the runoff sewer when runoff volumes are unusually high, but it is an antiquated system that is vulnerable to overflow during peak rainfall events. These overflows, called combined sewer overflows, CSOs, contain stormwater and untreated human and industrial waste, toxic materials, and debris that are very harmful to human health.

Combined sewer systems serve roughly 772 American communities containing about 40 million people. My home state of New Jersey has 31 combined sewer systems, with over 200 discharge points throughout the state. The EPA estimates that about 850 billion gallons of untreated wastewater and storm water are released as CSOs each year in the United States.

Because CSOs contain raw sewage along with large volumes of storm water and contribute pathogens, solids, debris, and toxic pollutants to receiving waters, CSOs can create significant public health and water quality concerns. CSOs have contributed to beach closures, shellfish bed closures, contamination of drinking water supplies, and other environmental and public health concerns.

A sanitary sewer overflow, SSO, occurs when raw sewage from municipal sanitary sewers unintentionally discharges, polluting our waters and backing up into basements. SSOs can be attributed to severe weather, vandalism, and a variety of other causes. The EPA estimates that there are at least 40,000 SSOs every year. In 2003, New Jersey closed over 30,000 acres of classified shellfish growing areas in the Raritan Bay area due to a large SSO.

Upgrading these systems is extremely expensive. The EPA estimates that the total cost of repairing the country's combined sewer systems is nearly $51 billion; the price tag for fixing U.S. sanitary sewer systems hovers around $89 billion.

As the former mayor of Paterson, New Jersey, I fully understand the fiscal challenge that many municipalities face in meeting state and federal environmental standards. Many states find building or improving sewer infrastructure financially impossible without aid from the federal government. The Water Quality Investment Act of 2007 will help to alleviate this financial burden, so that municipalities are able to mitigate the harmful effects of CSOs and SSOs.

Madam Speaker, I urge Congress to enact this important legislation, so that we may help our communities provide a cleaner, safer environment for their citizens.

TRIBUTE TO OFFICERS CHRIS NELSON AND GARY WAGSTER

HON. RUSS CARNAHAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, January 22, 2007

Mr. CARNAHAN. Madam Speaker, I stand before you today to honor the efforts of Kirkwood police officers Chris Nelson and Gary Wagster in their rescue of Ben Ownby and Shawn Hornbeck.

Because of these officers' keen skills, these young boys have been reunited to their families and may return to the business of growing up. By their efforts, Officers Nelson and Wagster have given hope to the many families who long for their children's homecoming.

The officers may say that they "simply did their job." However, Madam Speaker, this simply demonstrates the importance and value of the police officers who serve and protect our communities.

Officers Chris Nelson and Gary Wagster are every day heroes, and I am honored to recognize their great work.

I thank them both for their service to our community.

IN RECOGNITION OF MS. MYRENE LAW

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, January 22, 2007

Mr. BURGESS. Madam Speaker, I rise today to recognize Ms. Myrene Law of North Richland Hills, Texas, who celebrated her 103rd birthday on January 16, 2007.

Born on January 16, 1904 in Fort Worth, Texas, Ms. Myrene Law was an only child raised by her aunt, Rose Melton Twining. She attended Central High School, now Paschal High School, and graduated from a local business college to acquire skills needed as a legal stenographer. She grew up in a time when newspaper carriers shouted out the news and people listened to radios as a form of entertainment. Ms. Law met her husband, Nugent Law, when she was 12 years old; they were married in 1926. The Laws had a daughter, Rosemary Law, who passed away at a very young age, and a son, Leroy Law, who is now 67 years old.

In 1944, the couple moved to North Richland Hills, Texas, into a house in the Smithfield area where she remained until faltering eyesight forced her to move into a retirement community at 96 years of age. As a stenographer, she worked a myriad of jobs. Ms. Law first worked for a real estate agent, then 4 years for a law firm, 6 years for the legal department of Sinclair Oil Company, and for 10 years at General Dynamics. Initially attempting to retire at age 65, she decided to work for a "lady journalist" the following week, using a typewriter to transcribe recordings for Jane Pattie of Aledo, an author of historical books on cowboy and American Indian facts and legends. Ms. Law later retired again at age 83.

An avid listener of audio books, Ms. Myrene Law has a friend take her to the North Richland Hills Public Library every other week to check out books on cassette, her favorite of which are mysteries. Another friend faithfully takes her to church on Sundays. In addition to being a church and library regular, she also enjoys listening to sermons and news programs on the radio, keeping friends updated on the weather, sharing information on her family, and telling jokes.

I extend my utmost congratulations to Ms. Myrene Law on her recent 103rd birthday, and I join her family and friends in wishing her well in the year 2007. She is a blessing to our community and I am proud to serve as her representative.

HONORING THE HONORABLE ROBERT S. CHALK OF LAKE COUNTY, CALIFORNIA

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 22, 2007

Mr. THOMPSON of California. Madam Speaker, I rise today to honor my friend Robert Chalk on the occasion of his retirement after 32 years of service as a Sheriff Deputy, Police Officer and Chief of Police in Lake County and Clearlake, California. Mr. Chalk has served his community with distinction. His commitment to running an open, citizen-oriented department will long be remembered.

Mr. Chalk began his career in law enforcement in 1975 as a new hire with the Lake County Sheriff's Department. For the last 25 years he has worked for the Clearlake Police Department, rising from Patrol Officer to Sergeant and then Lieutenant before being appointed Chief of Police in 1993. During this time he has also been immensely involved with local law enforcement groups, including 13 years as President of the Lake County Law Enforcement Chief's Association. During his tenure as Chief, Mr. Chalk has overseen a sharp reduction in crime rates in and around Clearlake. His strength of character and affection for his community has been reflected in the work he has accomplished as Chief of Police.

In addition to his work as Police Chief, Mr. Chalk volunteers in a number of civic and philanthropic organizations, working to strengthen his community. He was actively involved with the Citizens to Restore Clearlake, which was formed to bring about substantial improvements to the environment in Clearlake.

Mr. Chalk has deep roots in Lake County. Mr. Chalk was born in Lakeport, California and has lived and worked in Lake County all his life. He and his wife Marsha are the proud parents of 3 children, Johnnie, Merissa and Ryan and 10 grandchildren.

Madam Speaker and colleagues, it is appropriate at this time that we thank Mr. Robert Chalk for his many years of service to Lake County and the City of Clearlake, and extend our best wishes to him in retirement.

INTRODUCTION OF THE RIGHT TO LIFE ACT

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 22, 2007

Mr. HUNTER. Madam Speaker, one of the most fascinating and popular shows on television today, In the Womb on the National Geographic Channel, provides viewers with amazingly detailed footage of unborn children growing and interacting in utero, Watching these babies suck their thumbs, smile and cry has led many to question why a nation, that can spend millions of dollars searching for life on other planets, is not able to discern life in the beating heart of an unborn child. For many years now, I have introduced an important piece of legislation that fulfills what I believe to be one of our most important obligations as elected leaders of this great Nation; protecting our unborn children from harm. I am proud to once again be introducing the Right to Life Act and I am optimistic of its future.

Unfortunately, over 1.3 million abortions are performed in the United States each year and over 38 million have been performed since abortion was legalized in 1973. Mr. Speaker, this is a national tragedy. It is the duty of all Americans to protect our children—born and unborn. This bill, the Right to Life Act, would provide blanket protection to all unborn children from the moment of conception.

In 1973, the United States Supreme Court, in the landmark case of Roe v. Wade, refused to determine when human life begins and therefore found nothing to indicate that the unborn are persons protected by the Fourteenth Amendment. In the decision, however, the Court did concede that, "If the suggestion of personhood is established, the appellants" case, of course, collapses, for the fetus' right to life would be guaranteed specifically by the Amendment." Considering Congress has the constitutional authority to uphold the Fourteenth Amendment, coupled by the fact that the Court admitted that if personhood were to be established, the unborn would be protected, it can be concluded that we have the authority to determine when life begins.

The Right to Life Act does what the Supreme Court refused to do in Roe v. Wade and recognizes the personhood of the unborn for the purpose of enforcing 4 important provisions in the Constitution: (1) Sec. 1 of the Fourteenth Amendment prohibiting States from depriving any person of life; (2) Sec. 5 of the Fourteenth Amendment providing Congress the power to enforce, by appropriate legislation, the provision of this amendment; (3) the due process clause of the Fifth Amendment, which concurrently prohibits the Federal Government from depriving any person of life; and (4) Article I, Section 8, giving Congress the power to make laws necessary and proper to enforce all powers in the Constitution.

This legislation will protect millions of future children by prohibiting any State or Federal law that denies the personhood of the unborn, thereby effectively overturning Roe v. Wade. I firmly believe that life begins at conception and that the preborn child deserves all the rights and protections afforded an American citizen. This measure will recognize the unborn child as a human being and protect the fetus from harm. The Right to Life Act will finally put our unborn children on the same legal footing as all other persons and I hope my colleagues will join me in support of this important effort.

HONORING BARRY BRICKEY 2006 TENNESSEE PUBLIC FIRE EDUCATOR OF THE YEAR

HON. DAVID DAVIS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, January 22, 2007

Mr. DAVID DAVIS of Tennessee. Madam Speaker, I rise today to pay tribute to Barry Brickey, a resident of the First Congressional District of Tennessee, who has received the 2006 Tennessee Public Fire Educator of the Year award.

Barry Brickey is a native of Kingsport, Tennessee. He graduated from Sullivan North High School and entered into the Tennessee Air National Guard where he served this great nation and was honorably discharged. He has been the voice of the Kingsport Mets, Co-host of a popular children's radio program entitled, "The WHCB 91.5 FM Kids Show" and now serves in his current capacity as Fire Education Officer for the Kingsport Fire Department.

Barry Brickey is a devoted husband and father. He is married to Rebecca and together they have two children, Nathaniel age 3 and Hannah age 1.

Barry Brickey teaches children of all ages fire safety precautions. He is dedicated to the success of safety in the City of Kingsport and surrounding areas. Last year alone, he oversaw the distribution of 10,000 smoke detectors and educated over 6,000 students about fire safety.

Madam Speaker, I ask that the House join me this evening in honoring Barry Brickey for his service, commitment, and determination. It is true that our children are our future. Because of the hard work of people like Barry Brickey, our future continues to be bright.

SIMEON BOOKER: INTEGRITY, COMPASSION AND SERVICE IN JOURNALISM

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, January 22, 2007

Mr. RANGEL. Madam. Speaker, I rise to pay tribute to my dear friend, Simeon Booker, on the occasion of his retirement as Washington Bureau Chief of Jet magazine. One of our nation's greatest journalists, his legacy is that of trailblazing reporter, radio commentator, author, and most of all, selfless and courageous advocate and defender of his people.

Simeon, whom I have known since coming to Washington in 1971 at the time of the founding of the Congressional Black Caucus, was almost single-handedly responsible for informing the nation of our presence in the United States Congress and our fledgling role in the governance of the country. With his weekly column, he made it known to Black America that they too had a voice in national politics which spoke for them in the formulation of policies that affected their lives. The Caucus has grown from the original 13 to 43 members, one of them running for President. Simeon Booker has more to do with that than he would ever admit.

Trailblazer that he was, Simeon never made himself the story. Forever humble, his great, and only, mission was to advocate for and record the history of African Americans. Bravely, he covered the Emmett Till lynching, despite threats to his life by a local white sheriff; reporting the first freedom ride from Atlanta to Birmingham, he had to use his Washington connections to get Justice Department protection from an angry mob. He marched with

Martin Luther King through the hisses and catcalls from hostile white crowds. He covered the Little Rock 9 as they entered the Arkansas school house protected by federal troops. He traveled to Africa with Vice President Nixon and others as that continent threw off the yoke of European imperialism.

The first Black reporter at the Washington Post, he gave up the job to focus on covering the civil rights movement for the Black press. He was the first to win the Newspaper Guild Award, the second awarded the prestigious Nieman Fellowship to Harvard, and the first ever named to the pool of reporters covering the inauguration of President John F. Kennedy in 1962.

I congratulate and commend to my colleagues Simeon Booker, a preacher's son born in Baltimore, and his dear wife, Carol McCabe, who has stood by him. In the pantheon of American journalism, he stands in the first tier.

HONORING THE KNIGHTS OF COLUMBUS 7899

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 22, 2007

Mr. THOMPSON of California. Madam Speaker, I rise today in recognition of the 25th anniversary of the Knights of Columbus Council 7899, Mary Queen of Peace Parrish, in Clearlake, California. In Clearlake, throughout Lake County, and across the nation the members of the order, in keeping with their mission, have greatly contributed to the community and welfare of America.

The Mary Queen of Peace Parrish was chartered on December 17, 1981 with the mission to bring the values and benefits of the Knights of Columbus to Clearlake. Since that time, they have been active in numerous community charitable causes and have been model members of the community through their active civic participation. Their members are characterized by their love and charity for all, and their attention to members of the community, such as the elderly who may need companionship and support.

In Lake County, the Knights of Columbus have been the sponsors of many good works and projects. They have given ongoing support to People Service, Inc., an agency created to support members of the community who need assistance in their daily lives. They run an annual Tootsie Roll drive in support of the Knights of Columbus' work to help fund the Special Olympics and lend support to the annual Passion Play each spring.

Madam Speaker and colleagues, it is appropriate at this time that we recognize the Knights of Columbus Council 7899, Mary Queen of Peace Parrish, in Clearlake, California, in honor of the 25th anniversary of their foundation.

HONORING 100-YEAR-OLD UTICA WOMAN, MRS. ETHEL HERTLINE

HON. MICHAEL A. ARCURI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, January 22, 2007

Mr. ARCURI. Madam Speaker, I would like to recognize Mrs. Ethel Hertline of Utica, New York who celebrated her 100th birthday on January 19, 2007. I am in awe of her years of experience and lifetime of joy. It is a pleasure to celebrate Mrs. Hertline's birthday and all that she has seen in her 100 years.

Mrs. Hertline was born in Chester, Pennsylvania, on January 19, 1907 to Edgar and Jessie House. She married John Charles Hertline on November 25, 1925 at St. John's Church in Camden, New Jersey. Together they had 4 children: John, Mary, Anna, and Harry; 18 grandchildren who reside in New York, Mississippi, Virginia, and the Philippines; 34 great grandchildren who reside in Florida, New York, Mississippi, Virginia, Washington, and the Philippines; and 2 great-great grandchildren who reside in Washington.

During her lifetime, Mrs. Hertline worked at Fort Schuyler Knitting Mill in Utica, New York, during World War II crocheting various items including afghans, bed dolls, and mittens. She also enjoys doing crossword puzzles and has a pet parakeet named Andy.

Mrs. Hertline has truly lived the American experience, and I would like to wish her another 100 years of happiness.

CONGRATULATIONS TO TONY GWYNN

HON. SUSAN A. DAVIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 22, 2007

Mrs. DAVIS of California. Madam Speaker, I rise today to congratulate one of San Diego's hometown heroes on a very special occasion.

Tony Gwynn, who played as a San Diego Padre for 20 years, was elected to the Baseball Hall of Fame on January 9, 2007 for his great accomplishments in Major League Baseball. He will be inducted on July 29, 2007 along with fellow baseball legend Cal Ripken.

It is a privilege to be joined by my distinguished colleagues from San Diego, Representative BOB FILNER, Representative DUNCAN HUNTER, Representative BRIAN BILBRAY, and Representative DARRELL ISSA to introduce a resolution honoring Tony Gwynn for reaching it to the Baseball Hall of Fame.

With a lifetime batting average of .338, Gwynn is widely considered one of the greatest hitters in baseball history. Gwynn has 3,141 career hits, with only 17 players beating this benchmark. Gwynn has received eight Silver Bats for the eight batting titles he won—tying him for the National League record. He has not only proven to be a great hitter but a great defensive player, winning five Gold Glove awards. Gwynn has been selected to 16 All-Star teams and played in two World Series.

Gwynn is an exemplar of superior sportsmanship and a role model for Americans of all ages. In an era when money dominates the game of baseball, Tony Gwynn chose to play in San Diego and remained loyal to the Padres.

Gwynn is a well-known philanthropist, supporting the Tony Gwynn and Alicia Gwynn Foundation, the Casa de Amparo, the Police Athletic League, the New Haven Home, the Jackie Robinson Family YMCA, the Epilepsy Society of San Diego, and many more organizations.

In recognition of Gwynn's vast involvement in the community, he was named Individual of the Year at the 1998 Equal Opportunity Awards Dinner, was the 1995 Branch Rickey Award winner, and was the 1998 Padres nominee for Major League Baseball's Roberto Clemente Man of the Year Award.

After his amazing career in baseball, Gwynn chose to give back to the community by returning to his alma mater to coach the San Diego State University Aztecs. After leading the Aztecs to a conference title in only his second season as manager, Gwynn was named the Mountain West Conference Baseball Coach of the Year in 2004.

Madam Speaker, thank you very much for the opportunity to introduce a resolution today honoring a great man and superb athlete as he is inducted into the Baseball Hall of Fame.

TRIBUTE TO W.W. "FRENCHIE" LAJOIE

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, January 22, 2007

Mr. STUPAK. Madam Speaker, I rise today to pay tribute to a constituent of mine who has spent the last 50 years serving his community in a local business with deep community roots. W.W. "Frenchie" LaJoie began working for Central Savings Bank in 1957 as a teller. Since then, Mr. LaJoie has held just about every position at the bank except for cashier. Today, as Chairman and Chief Executive Officer of the Central Savings Bank, he continues to serve the community as an extraordinary banker and community leader. Like Frenchie, the Central Savings Bank is the oldest independent bank in the eastern Upper Peninsula.

Over the course of this remarkable tenure, Mr. LaJoie has always continued to put his community first, consistently working to see the Sault Ste. Marie (Soo) area grow and thrive economically.

Mr. LaJoie was raised in Barbeau, Michigan, graduating from Pickford High School. It was there that he first received the nickname "Frenchie," which has stuck with him for over five decades. As he puts it, even his teachers never knew his real name.

After attending Lake Superior State University, Mr. LaJoie played a couple of years of professional baseball as a catcher for the Graceville Oilers in the Florida State League.

Leaving baseball behind, Mr. LaJoie returned to the Soo where he began his tenure at Central Savings Bank. Starting as a teller in the then tiny bank, he quickly moved into the collections department, where he would rewrite loans for customers that were experiencing difficulty paying off their loans.

Frenchie was then transferred to the loan department.

Mr. LaJoie was named President and Chief Executive Officer in 1985 and Chairman of the Board and Chief Executive Officer in January of 1994. To learn more about banking, Mr. LaJoie went back to college and graduated from the University of Michigan Graduate School of Banking and the University of Chicago National Installment Credit School.

Under Mr. LaJoie's leadership, Central Savings Bank achieved a number of important banking milestones as it grew and expanded with new branch offices in De Tour, Kinross, Pickford, Rudyard, Cedarville, St. Ignace and Mackinac Island. Mr. LaJoie was recognized by his peers and served a 3-year term as a Director of the Federal Reserve Board.

In addition to his professional accomplishments, Mr. LaJoie should be commended for his many achievements on behalf of his community. In 2002, LaJoie was named the Elks Lodge #552 Citizen of the Year. In April of 2004, he was appointed to the Lake Superior State University Board of Trustees.

His previous charity involvements include chairing the United Way Campaign, the Department of Social Service and the boards of Le Sault de Sainte Marie Historical Sites and Kiwanis Club. He also was a member of the finance Committee for the Sault Ste. Marie Country Club. Mr. LaJoie has twice chaired Group One of the Michigan Bankers Association. He has also served on the Executive Committee and Legislative Committee for the Michigan Bankers Association. He is currently a Director on the Board for the Chippewa County War Memorial Hospital.

Madam Speaker, Mr. LaJoie's personal and professional record demonstrates how business can be not only profitable, but also strengthen and assist their community. In rural communities, having a local bank with truly local roots in the community can be essential to the well being of all citizens. Mr. LaJoie has always strived to make Central Savings Bank responsive not only to the pressures and demands of the market, but also the needs of the local community. For these reasons, I ask you and the entire U.S. House of Representatives to join me in saluting Mr. "Frenchie" LaJoie for his 50 years of service and in wishing him all the best as he continues to serve the people of Chippewa County, Michigan.

IN MEMORIAL OF HAROLD T. ELLEN

HON. BOB ETHERIDGE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 22, 2007

Mr. ETHERIDGE. Madam Speaker, today I rise to honor the life of Harold T. Ellen of Angier, North Carolina, who passed on Wednesday, January 17, 2007 at the age of 75. In his passing, North Carolina lost one of its most outstanding citizens and a man who was instrumental in his community, county, and State.

One of the area's most beloved men, my friend Harold Ellen, was a native of Harnett County and the son of the late Irvin and Gladys Smith Ellen. Harold grew up on his family farm and learned the value of hard work at a very early age. He graduated from Angier High School and served in the U.S. Navy aboard a Destroyer Escort, the USS *Hanna* during the Korean War. After service, Harold received a combined basketball-baseball scholarship to Campbell Junior College where he met his lovely wife Patsy Ann Walters Ellen. Harold and Patsy transferred to Elon College to complete their degrees. After graduating from Elon College, Harold played Semi-professional baseball for Fuquay-Varina, Angier, and Pea Ridge. In 1957, Harold became the head basketball and track coach at Fuquay-Varina High school.

Coach Ellen went to Pembroke State University as interim head baseball coach in 1967 and in 1969 he was named head coach, a position he held until his retirement from coaching in 1986. His 331 wins were the most in the school history and 19 years as head coach makes him the longest tenured baseball coach at the University. He achieved many milestones and received many accolades while coaching at Pembroke.

Madam Speaker, Harold used every minute of his long and productive life to make the world a better place. He was a respected and successful coach, a dedicated public servant, and a great North Carolinian. It is fitting that we honor him and his family today.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, January 23, 2007 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JANUARY 24

9 a.m.

Foreign Relations

Business meeting to consider S. Con. Res. 2, expressing the bipartisan resolution on Iraq, and subcommittee assignments and jurisdiction for the 110th Congress.

SH–216

9:45 a.m.

Energy and Natural Resources

Organizational business meeting to consider an original resolution authorizing expenditures for committee operations, committee's rules of procedure for the 110th Congress, and subcommittee assignments; to be followed by a hearing to examine an analysis completed by the Energy Information Administration entitled "Energy Market and Economic Impacts of a Proposal to Reduce Greenhouse Gas Intensity with a Cap and Trade System".

SD–366

10 a.m.

Commerce, Science, and Transportation

Organizational business meeting to consider an original resolution authorizing expenditures for committee operations, committee's rules of procedure for the 110th Congress, and subcommittee assignments; to be followed by a hearing to examine the potential impact of airline mergers and industry consolidation relating to the state of the airline industry.

SR–253

Finance

To hold hearings to examine the nomination of Michael J. Astrue, of Massachusetts, to be Commissioner of Social Security.

SD–215

Health, Education, Labor, and Pensions

Organizational business meeting to consider an original resolution authorizing expenditures for committee operations, committee's rules of procedure for the 110th Congress, and subcommittee assignments; committee will also consider the Genetic Information Nondiscrimination Act.

SD–430

Homeland Security and Governmental Affairs

Organizational business meeting to consider an original resolution authorizing expenditures for committee operations, committee's rules of procedure for the 110th Congress, and subcommittee assignments.

SD–342

JANUARY 25

9:30 a.m.

Armed Services

To hold hearings to examine the current situation in Iraq and on the Administration's recently announced strategy for continued United States assistance to the Iraqi government and for an increased United States military presence in Iraq.

SD–106

Banking, Housing, and Urban Affairs

To hold hearings to examine the billing, marketing, and disclosure practices of the credit card industry, and their impact on consumers.

SD–538

Energy and Natural Resources

To hold hearings to examine oil and gas resources on the Outer Continental Shelf and areas available for leasing in the Gulf of Mexico.

SD–366

Indian Affairs

Business meeting to consider an original resolution authorizing expenditures for committee operations, and committee's rules of procedure for the 110th Congress.

SR–485

10 a.m.

Budget

To hold hearings to examine the Congressional Budget Office budget and economic outlook.

SD-608

Judiciary

Business meeting to consider an original resolution authorizing expenditures for committee operations, committee's rules of procedure for the 110th Congress, subcommittee assignments, the nominations of Lisa Godbey Wood, to be United States District Judge for the Southern District of Georgia, Philip S. Gutierrez, and Valerie L. Baker, each to be United States District Judge for the Central District of California, Lawrence Joseph O'Neill, to be United States District Judge for the Eastern District of California, Gregory Kent Frizzell, to be United States District Judge for the Northern District of Oklahoma, S. 188, to revise the short title of the Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006, S. 214, to amend chapter 35 of title 28, United States Code, to preserve the independence of United States attorneys, S. Res. 21, recognizing the uncommon valor of Wesley Autrey of New York, New York, S. Res. 24, designating January as "National Stalking Awareness Month", and S. Res. 29, expressing the sense of the Senate regarding Martin Luther King, Jr. Day.

SD-226

2:30 p.m.

Homeland Security and Governmental Affairs

Oversight of Government Management, the Federal Workforce, and the District of Columbia Subcommittee

To hold hearings to examine the Federal government's efforts to develop a foreign language strategy, focusing on the government's efforts to increase foreign language education to meet the Federal workforce, national security, and economic competitiveness needs.

SD-342

Intelligence

To hold hearings to examine intelligence reform.

SH-216

JANUARY 30

10 a.m.

Energy and Natural Resources

To hold hearings to examine the status of Federal land management agencies' efforts to contain the costs of their wildlife suppression activities and to consider recent independent reviews of and recommendations for those efforts.

SD-366

Judiciary

To hold hearings to examine exercising Congress' constitutional power to end a war.

SD-226

2 p.m.

Foreign Relations

To hold hearings to examine the remaining options, alternative plans and the Iraq Study Group relating to securing America's interests in Iraq.

SH-216

JANUARY 31

10 a.m.

Judiciary

To hold hearings to examine the Iraq Study Group, focusing on recommendations for improvements to Iraq's police and criminal justice system.

SD-226

2:30 p.m.

Commerce, Science, and Transportation

To hold hearings to examine economic and security concerns relating to promoting travel to America.

SR-253

Judiciary

To hold hearings to examine challenges and strategies for securing the U.S. border.

SD-226

Armed Services

Readiness and Management Support Subcommittee

To resume hearings to examine abusive practices in Department of Defense contracting for services and inter-agency contracting.

SR-222

FEBRUARY 1

10 a.m.

Commerce, Science, and Transportation

To hold hearings to examine the communications marketplace relating to the Federal Communications Commission.

SR-253

FEBRUARY 7

9:30 a.m.

Energy and Natural Resources

To hold hearings to examine the President's proposed budget request for fiscal year 2008 for the Department of Energy.

SD-366

FEBRUARY 8

9:30 a.m.

Energy and Natural Resources

To hold hearings to examine issues relating to labor, immigration, law enforcement, and economic conditions in the Commonwealth of the Northern Mariana Islands.

SD-366

FEBRUARY 15

9:30 a.m.

Energy and Natural Resources

To hold hearings to examine the President's proposed budget request for fiscal year 2008 for the Department of the Interior.

SD-366

HOUSE OF REPRESENTATIVES—*Tuesday, January 23, 2007*

The House met at 10:30 a.m. and was called to order by the Speaker pro tempore (Mr. SHULER).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
January 23, 2007.

I hereby appoint the Honorable HEATH SHULER to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker, House of Representatives.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2007, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Georgia (Mr. PRICE) for 5 minutes.

DELEGATE VOTING

Mr. PRICE of Georgia. Mr. Speaker, what if I were to tell you that non-Members of the House of Representatives were about to be given a vote right here in the House? You would say no, can't happen, right? Well, hold on, because it's about to happen and it's about to happen this week.

This week is a remarkable week; it should be a time of great anticipation, the State of the Union, we've got incredible and remarkable challenges that face our Nation. But at home, when I go home, people are kind of wondering out loud, what's going on up there in Washington? There is skepticism about the Six for '06, you know, the things that the Democrat majority adopted in their vaunted first 100 hours, albeit under an unfair process and with no input from either their new Members or the minority. Really a clear abuse of power. But the explanation was, well, we ran on these issues, everyone knew they were coming, they endorsed them in the election.

Now, regardless of the truthfulness of that statement, most folks just kind of shake their head, and most in the press have given the Democrats the benefit of the doubt, and that's all right. There is a basic sense of, you know, it's tough to believe that they would violate so many principles coming right out of the chute.

And then yesterday we had a suspension bill; that is a bill that is brought to the floor of the House that requires a supermajority, two-thirds, in order to pass. And by tradition, it is brought to the floor because it has got an overwhelming amount of support, with the full knowledge of both the majority and the minority. And yesterday, a bill that virtually everyone here supports, removing Federal pensions from Members of Congress who are convicted of a felony, was brought to the floor and amended or changed twice within a few minutes before even reaching the floor. Now this is fairly esoteric stuff; however, it is important because it demonstrates the unfair process, the abuse of the rules and the abuse of power.

And now we have another in what seems to be this daily event of power-hungry Democrat majorities to give non-Members of the House a vote on this floor. It is a move that they tried the last time they were in control, a move that generated some interesting headlines—"Have the Democrats No Shame?" "The Democrats' Greedy Power Grab," "Power Grab in the House." And these are from the New York Times and the Chicago Tribune and the Washington Post, not this year, but in 1992.

Now the issue is whether or not to allow non-Members of the House of Representatives, specifically the Resident Commissioner from Puerto Rico, and the Delegates from Guam, the Virgin Islands, the District of Columbia and American Samoa the privilege to vote during the Committee of the Whole on this floor of the House. Mr. Speaker, this is outrageous; it is an incredible, phenomenal move in both process and in substance.

Once again, now becoming the routine, this bill, scheduled to come to the floor of the House tomorrow, has had no committee hearing, no debate, no opportunity to amend, no democracy. I assure you, this is not the kind of change that the American people voted for last November.

The Constitution states that the House shall be composed of, quote, "Members chosen by the people of the several States," not Delegates representing non-State territories. It is an unconstitutional power grab, a plan that runs roughshod over the constitutional principle of one person, one vote. One of these territories has 57,000 residents, compared to the 650,000 in my district. These individuals could vote to raise your taxes, Mr. Speaker, without paying taxes themselves.

Clearly the plot by the Democrats is to slip this through during the week of the State of the Union when they think no one is paying attention. This is an unconscionable action, it is a violation of trust and a clear abuse of power.

Under the Democrat plot and logic, they could seat and allow anyone that the majority desires in the House. Who's next, Mr. Speaker? Howard Dean? Does he get a vote in the House?

The American people are disgusted with this level of arrogance and abuse of power.

The oath that all of us took just a few weeks ago, we all pledged to uphold the Constitution of the United States; this proposal belies that oath.

I urge my Democrat colleagues to regain some sense of propriety, some sense of history, some sense of rectitude. When you trample on the Constitution, when you use the Constitution as a doormat and not the foundational document of our wonderful representative democracy, you do great harm to our Nation.

ELIMINATING POVERTY

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2007, the gentleman from New Jersey (Mr. PALLONE) is recognized during morning hour debates for 5 minutes.

Mr. PALLONE. Mr. Speaker, last week, on the night of the Martin Luther King, Jr. holiday, I attended a truly amazing event in the West Side Community Center in Asbury Park, New Jersey.

The city of Asbury Park is in my congressional district, and has been plagued in recent months by gang violence. It is a phenomenon shared by many New Jersey municipalities, including my hometown of Long Branch nearby, which recently witnessed several gang murders.

Mr. Speaker, redevelopment has come to Asbury Park, all the outward signs are of a seaside resort that is coming back big time. So why, you might ask, the gang violence? Why the murders? One of which took place right in front of the West Side Community Center where the Dr. King celebration took place. The truth is that the plight

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

of the have-nots, that other America, has gotten worse in the last few years.

The event was organized by the Reverend Kevin Nunn, leader of Spirit of Truth World Vision Outreach in Asbury Park. More than 15 local clergy testified to the difficulty of young people in getting an education, avoiding drugs, and preventing a return to prison because of lack of economic opportunities. The recreation programs which had been the backbone of the West Side Community Center are at risk because of lack of funding.

Now, Mr. Speaker, the most important theme I can convey about Monday night's event was the message of hope. Dr. King was invoked as the example of love, peace and harmony among those of all races and creeds, and he was a symbol that pervaded the audience as the speakers talked about the need to vote, to go to church and unite as a committee. Reverend Nunn and most of the clergy who spoke at this meeting are directly involved in bringing shelter to the homeless, food to the needy, and promoting economic opportunity.

The people present Monday night are proud Americans, but they need help. They are certainly not looking to government to solve all their problems, but they believe that government can make a difference, and it is up to us as their representatives to make the changes necessary so they can continue to have hope.

Mr. Speaker, Senator BOB MENENDEZ and I will soon introduce legislation to address the issue of gang violence. The bills will have three main goals. Our first goal is to provide after-school programs for students so they have a place to go instead of joining a gang. The type of recreation and mentor programs that were discussed in Asbury Park at the community meeting I attended could benefit from the grant set up by this legislation.

The second goal is to prevent recidivism, the idea that people who leave jail don't get caught up in a gang once again because they have no job, no family or home to return to after jail. The legislation expands adult and juvenile offender demonstration projects to help with post-release housing and promote programs that hire former prisoners.

And last, the administration addresses better police enforcement as well as gang suppression initiatives. At the Asbury Park meeting, the cries of "Stop the Violence" came up repeatedly. The legislation will direct more resources to towns to create a new COPS grant program and put more police on the street. Penalties will increase for those convicted of gang crimes, and particularly those using firearms, and communities would be empowered to create their own task forces to implement antigang initiatives.

Now all of these ideas require more dollars, and on the day when President Bush is making his State of the Union address, I want to make one very serious point about Federal resources. We can't, as a nation, continue to escalate the war in Iraq with no positive consequences for America at a continued drain of hundreds of billions of dollars. President Bush needs to reverse course and redeploy our troops out of Iraq. The money and manpower are not only needed on the fight against terrorism elsewhere, for example, in Afghanistan, but also at home, to fight the criminals on our streets. The need is not only for more policemen, but for the housing, health care education and life support needs that will make it possible to get rid of the poverty that I saw on Martin Luther King Day in my community of Asbury Park.

DELEGATE VOTING

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2007, the gentleman from North Carolina (Mr. MCHENRY) is recognized during morning hour debates for 5 minutes.

Mr. MCHENRY. Mr. Speaker, this week House Democrats are pushing forward a measure allowing Delegates to cast votes even on the House floor, even in this chamber.

Now, what is happening here is a continuation of a policy that the Democrats have put in place since day one, and that is an abuse of power. This proposal this week means that Delegates from Guam, the Virgin Islands, Puerto Rico, and my favorite, American Samoa, will enjoy new voting privileges similar to Members of Congress who actually represent districts in the United States and who actually represent districts with tax-paying citizens of the United States. This is a clear abuse of power.

And beyond that, as we all know, there is this little thing called the Constitution, and the Constitution says very clearly, the House shall be comprised of Members chosen by the people of the several States, not territories, not any member who wishes to come to this House floor and vote, but those elected by the citizens of the United States from districts in the United States.

What the Democrats are trying to do here is cushion their numbers. There is a tight majority here in the House that the Democrats have, and they are trying to add to those numbers so that when they have tough votes on the House floor, they can look up and point to a better number for their side than for the Republican side.

Beyond that, 80 percent of the Delegates from these territories are Democrats. Let's think this thing through. I think it is starting to make sense now, Mr. Speaker. There is an abuse of power that is continuing in the third week of Congress that began even before its first day. And let me tell you what is so perplexing about this, is that while my constituents have to pay Federal income tax in order to have their representation in Congress, the Delegates from the territories represent constituents who never have to pay Federal income tax. While the Revolutionary War was fought over this idea of taxation without representation, what we have here today with this Delegate voting is representation without taxation. I think that would be great for my constituents in western North Carolina; I think it would be great for all of America if we don't have to pay Federal income tax and still have our power and our elected democracy, but that is not the case.

But let's rewind. Just 2 weeks ago, the new Speaker of the House pushed forward a new minimum wage bill, a minimum wage bill that covered all of America and all of the territories, save one, American Samoa. The largest employer in American Samoa is headquartered in no other district than the Speaker's home district in San Francisco. I think something smells fishy. That is what I said at the time. And I think this is another fishy favor to the Delegates from the territories. It is quite perplexing, Mr. Speaker, that in week three we have a continued abuse of power on this House floor.

But let's go back, let's rewind. What else have the Democrats done in their short time in power to abuse the power that the American people gave them? Well, let's look at this: On opening day, we proposed the Pelosi minority bill of rights, the same bill of rights that the Democrats demanded 2 years ago. We proposed the same thing, and the Speaker summarily dismissed it. Look at the 9/11 Commission, they pledged to implement all of the 9/11 Commission recommendations, and they went back on that pledge. A 5-day workweek, that was a key pledge they made during the campaign, and after the campaign they said this House will work 5 days a week. We have yet to work a 5-day workweek. In fact, last Friday we voted on only one bill.

And also, in 3 weeks in Congress, we only worked 40 hours in those 3 weeks. Another abuse of power, Mr. Speaker.

And finally, when they talk about keeping votes open in order to change the outcome; they have already done that, which is another abuse of power.

Mr. Speaker, this Delegate voting is something fishy, and it is another fishy favor put forward by the new Speaker of the House and the new Democrat majority in order to pad their number and further abuse power. We should reject it, and the American people who pay taxes should be angry at this proposal.

THE BIKE CAUCUS

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2007, the gentleman from Oregon (Mr. BLUMENAUER) is recognized during morning hour debates for 5 minutes.

Mr. BLUMENAUER. Mr. Speaker, I find it somewhat amusing listening to my colleagues on the other side of the aisle fulminating against the notion that we would allow Delegates to participate in our deliberations of the Committee of the Whole. Obviously the people either haven't read the proposal, or they don't care about what the content is, because these are duly elected representatives that we are proposing to be able to enter into efforts only under operation as Committee of the Whole. While they are signaling their intent, how they would vote, that if at any point they provide the margin that would change the outcome, we provided for a revote. So we are protecting the integrity of the House, it is just when we are operating in the Committee of the Whole, and it is to give voice, for example, to the Republican Delegate from Puerto Rico who represents 4 million people who do pay taxes, who fight in our wars; Delegate ELEANOR HOLMES NORTON, who represents full tax-paying citizens of the District of Columbia who have been disenfranchised. In effect we have a tax-paying colony of United States citizens. That is our Nation's capital. It is shameful that ELEANOR HOLMES NORTON hasn't been extended full voting status, but we will work on that ultimately by changing the Constitution.

Until that day comes, this represents a reasonable compromise to give voice to the men and women who are Delegates, who play an important role, including Puerto Rico, a Republican Delegate, and ELEANOR HOLMES NORTON, who represents American citizens disenfranchised in the District.

Mr. Speaker, I come to the floor today on a somewhat lighter note. While we are dealing with affairs of state, we are going to hear partisan bickering back and forth. We are going to be dealing with major issues or war and peace and global warming. We also have an opportunity this week to reinstitute a tradition that continues to unify and uplift Congress, and I am speaking about bike-partisanship. The last 15 years have signaled a renaissance in cycling—the feats of Greg LaMond and Lance Armstrong in the Tour de France; Americans using over a hundred million bicycles around the country; the landmark ISTEA legislation reauthorizing the Surface Transportation Act that since 1991 has directed $8 billion to biking and walking and trail activities, $4.5 billion in the last bill alone, another record.

We are working for ways to enhance the status of people who burn calories, not oil, people who take up less space on congested roadways, do not contribute to air pollution, and simplify the parking problems faced by more Americans.

It is not just better for the cyclists, but it is better for the motorists who don't have the cyclists competing with them. It is better for the health of Americans. We know that we are dealing with an issue of obesity in America, a lack of exercise. Think right now how many Americans are stuck in traffic on their way to ride an exercise bike at a health club.

Well, we have an opportunity, Mr. Speaker, by enlisting friends on both sides of the aisle to rejoin the Congressional Bicycle Caucus. I strongly urge that my colleagues respond to the invitation that is going out today along with my co-chairman, Tom Petri, a great member of the Transportation and Infrastructure Committee, to join with us. Last session we had over 160 bike-partisan members from both parties who dealt with issues of transportation. We have done activities that involve members and staff and family. We urge fellow members to sign up now to be ready for the hundreds of cyclists that will join us for the annual Bicycle Summit in March. This is one activity that brings us together that all people can benefit from, and they will be entitled to their membership pin in the Congressional Bicycle Caucus.

I strongly urge that we take these steps for a healthier America, for an environmentally sensitive America, for an America where children can get to school safely on their own, and that we are able to live a little lighter on the land.

STATEMENT ON PRESIDENTIAL PARDON FOR TWO U.S. BORDER PATROL AGENTS IN FEDERAL PRISON

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2007, the gentleman from North Carolina (Mr. JONES) is recognized during morning hour debates for 5 minutes.

Mr. JONES of North Carolina. Thank you, Mr. Speaker.

Mr. Speaker, now is a critical time in the case of two United States Border Patrol agents. Last week, the agents turned themselves in to U.S. marshals to begin serving 11 and 12 years, respectively, in Federal prison. U.S. Border Patrol agents Ramos and Compean were convicted last spring for wounding a Mexican drug smuggler who brought 743 pounds of marijuana across our southern border into Texas. The agents fired shots during a foot chase with the smuggler, who had fled in a van they were pursuing. The van contained approximately $1 million worth of marijuana.

Mr. Speaker, after months of silence, the President recently said in a television interview that he would take a sober look at the case and a tough look at the facts to see whether the agents should be pardoned. For the agents' safety, I am hopeful that the President of the United States will look into this case as soon as possible.

The facts will tell the President what countless citizens and Members of Congress already know, that the United States Attorney's office was on the wrong side in this case. Compelling physical evidence—the angle of the bullet that struck the drug smuggler—makes it clear that the smuggler was pointing something at the agents as he ran away and the agents fired in self-defense. Yet the U.S. Attorney's office prosecuted the agents almost exclusively on the testimony of an admitted drug smuggler who claimed he was unarmed. Despite claims of insufficient evidence, the fact that the U.S. Attorney's office and Office of Inspector General were able to track down this smuggler in Mexico proves that they had enough evidence to tie him to the drug load, but they chose not to prosecute him. Instead, Mr. Speaker, the United States Attorney's office prosecuted the agents and granted immunity to the drug smuggler for his testimony against our border agents. That is absolutely unacceptable.

The drug smuggler received full medical care in El Paso, Texas, was permitted to return to Mexico, and is now suing the Border Patrol for $5 million for violating his civil rights. Contrary to the claims of the United States attorney, there is no law that requires the government to give medical assistance to injured illegal aliens. This drug smuggler is not an American citizen. He is a criminal. Since the agents were convicted, three of the 12 jurors have submitted sworn statements that they were misled into believing that there could be no dissent in the jury's decision and therefore believed that they had to give in to the majority opinion of guilt. Still, the judge refused to overturn the verdict.

Mr. Speaker, the extraordinary details surrounding the prosecution of this case assures that justice has not been served. For the sake of the agents and their families and for the sake of the American people who they were working to protect, I encourage the President to review the facts of this case as soon as possible. In addition to the 250,000 petitions that have been collected on behalf of the agents, the American people and Members of Congress should encourage the President to review this case. I hope that the Members of Congress and the American people will call the White House and ask the President to immediately reverse this injustice by pardoning these two innocent men.

STATE OF THE UNION

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2007, the gentlewoman from California (Ms. SOLIS) is recognized during morning hour debates for 5 minutes.

Ms. SOLIS. Last November, the American people demanded a dramatic change at home and abroad. Now in the majority, Democrats in Congress are delivering on that promise. With the State of the Union address to be held tonight, President Bush can demonstrate that he has listened to the American public and is ready to work with the Congress on these priorities. On critical issues from Iraq to energy independence, it is time to take America in a new direction.

On security and Iraq. President Bush likes to make promises in the State of the Union addresses, he just doesn't always keep those promises. The President has promised the American people to strengthen America's security. Unfortunately, his policies have made the world more dangerous and America less safe. Now he wants to escalate the war in Iraq over the overwhelming opposition of the American public and many of his own generals. Unfortunately, President Bush's plan to escalate the war in Iraq will not bring success in Iraq or make America safer. It will receive an up-or-down vote in both chambers of Congress. We will always put our troops first, and that means holding the President accountable for those changes that he wants to provide.

Democrats have a plan for success that will make America safer and bring our troops home. Shifting the principal mission of our forces from combat to training, logistics, force protection and activities to counter terrorism; beginning the phased deployment of our forces in the income tax 4 to 6 months; and implementing an aggressive diplomatic strategy both within the region and beyond to help the Iraqis achieve a sustainable political settlement, including amending their constitution.

On economic security. Last November, the American people demanded real results to improve their everyday lives and strengthen middle-class families. Today, President Bush has the opportunity to talk about a change of action there and work in a bipartisan way with those of us that are here serving in the House.

In its first 100 hours, the House of Representatives succeeded in passing legislation to raise the minimum wage, expand Federal funding for stem cell research, implement recommendations of the bipartisan 9/11 Commission, require negotiations for lower prescription drug costs, make college more affordable for many, many families, and end subsidies for Big Oil to invest in clean renewable energy. These 100-hour bills are just the beginning. The new Congress will do more to take America in a new direction.

On health care. President Bush's health insurance proposal is a tax hike on the middle class of our country. It will do little to help the uninsured and will undermine the health insurance of those lucky enough to have it already. In the same year that President Bush is once again submitting a budget making his tax cuts permanent—tax cuts that go overwhelmingly to the richest Americans—he is proposing to shift more of the cost of health care onto working families. Under President Bush's leadership, the Nation's health insurance crisis has actually worsened, costs are up and the number of uninsured Americans has grown. This latest proposal is another step in the wrong direction.

On energy independence. Key to our national security and our economic security is energy independence. Last year in the State of the Union address by the President, he declared that we were addicted to oil. One week later in his annual budget, he shortchanged the development of alternative fuels and technologies needed to make America energy independent. As you know, Democrats are already putting America on a path to energy independence by cutting huge subsidies to Big Oil and investing in the alternative fuels and technologies needed to protect our national security, our economy and our environment. The science of global warming and its impact is overwhelming, as you know. The American public understands the urgency of the problem. We want to work with President Bush in a bipartisan fashion but we can't wait for him to put science before special interests.

Democrats will listen to what President Bush has to say today and we hope he will listen to the American public. It is time for all of us to work together for a new direction for all Americans.

THE INFORMED CHOICE ACT, H.R. 223

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2007, the gentleman from Florida (Mr. STEARNS) is recognized during morning hour debates for 5 minutes.

Mr. STEARNS. Mr. Speaker, yesterday there was a pro-life rally here in Washington, DC. In fact, the 22nd annual rally. I thought I would take a moment and talk about some of the innovations involved with ultrasound equipment which is very beneficial for women who are pregnant who wish to look at the fetus.

Recently, my colleagues, National Geographic presented a 2-hour program charting the fetal development of several mammals with the use of new generation ultrasound imagery. Physicians created a stunning portrait of a mammal in utero, but just imagine the reaction of parents today when viewing a 3-D fetal snapshot of their unborn son or daughter smiling back at them.

Professor Stuart Campbell, one of the world's leading experts in obstetrics, believes that ever improving imagery, particularly moving from 3-D to 4-D scanning, which are inching closer and closer to actually displaying real-time movements, represents the tip of the iceberg for fetal behavior study.

As with these amazing images, ultrasound technology provides parents-to-be with a window into the womb which can result in a stronger parent-child bond, better prenatal treatment and also supply doctors with obviously an advanced understanding of fetal development and behavior.

Today's ultrasound equipment is better than ever and the technology will improve even better over time. Such images allow physicians to readily identify critical health problems such as spina bifida, heart complications, neural tube defects, and genetic syndromes. Ultrasound imagery brings many benefits to women, their unborn children and, of course, to our health care system in general. Continued research, breakthrough developments, and preventative care could save millions of dollars.

Public health advocates know that access to early, high-quality prenatal care is key to maternal and newborn health. Therefore, this prenatal care should include ultrasound equipment. Sonograms can diagnose serious complications that can be easily avoided if discovered early on during a pregnancy. Four-dimensional imaging shows objects in 3-D moving close to real time. Doctors have long known that fetuses move, but the physical behavior revealed by these scans is expanding upon their knowledge exponentially. The possibilities of improving the health of women and their unborn children are endless.

Mr. Speaker, these advanced ultrasound images can give women an opportunity for better prenatal health and decrease risks during pregnancy not only for themselves but obviously for their unborn child. Unfortunately, there are a lot of women today that cannot afford access to this critical medical service. These underprivileged women do not have the option of safeguarding their health and prenatal well-being. Therefore, I have introduced the Informed Choice Act, H.R. 223. This legislation authorizes Health and Human Services to establish simple grants for not-for-profit and community-based health clinics to purchase ultrasound equipment. The centers that purchase these machines will be able to provide free examinations to women who are unable to obtain access to this critical care. That is, women that are poor. Each year, these pregnancy centers serve hundreds of thousands of women, ranging from girls barely in their teens to women in their mid to late thirties. Many of these women are among the poorest of the poor. For them, the free care that they receive is an essential lifeline. Access to ultrasound equipment is clearly one of the best things that this Congress can do to promote women's health and prenatal care.

Women understand the importance of ultrasound equipment. A recent poll confirms this. In order to provide women in crisis pregnancies with sufficient prenatal care and the full scope of information about their pregnancy, I urge my colleagues today to cosponsor my legislation. It is clear that these women view ultrasounds as an essential resource, a resource for women who are faced with unplanned pregnancies struggling with that prime decision. Additionally, the Focus on the Family organization found that an overwhelming 84 percent of women surveyed decide against abortion after viewing an ultrasound of their unborn baby.

Women have a right to know what is going on during their pregnancy. These ultrasound images, specifically with the 3-D and 4-D technology, depict fetuses beyond 24 weeks sucking their thumbs, sticking their tongues out and even making emotional faces.

So again, my colleagues, I urge you to join me in protecting the health of women and their unborn children by cosponsoring the Informed Choice Act, H.R. 223. This bill is about giving vulnerable women the information they need about their pregnancy and making this critical technology available to all Americans.

WHEN THEY COME HOME: MEETING THE MENTAL HEALTH NEEDS OF OUR TROOPS

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2007, the gentleman from Pennsylvania (Mr. TIM MURPHY) is recognized during morning hour debates for 5 minutes.

Mr. TIM MURPHY of Pennsylvania. Mr. Speaker, over 17 percent of soldiers returning from Iraq, higher than any other measured military conflict, meet the criteria for post-traumatic stress disorder, or PTSD. Predeployment mental health screening, availability of treatment, perception toward treatment and public attitudes of the soldiers' actions all affect the vulnerability and prognosis for this disorder.

PTSD is a severe anxiety disorder that develops after a traumatic event involving physical danger. It is also called "shell shock" or "battle fatigue" in other wars and is particularly prevalent among soldiers who have experienced wartime combat. Symptoms can include insomnia, irritability, inability to concentrate, panic, terror, dread, despair, grief and include daytime recollections, traumatic nightmares or combat flashbacks. Most persons exposed to severe trauma do not develop symptoms. Onset can be immediate but more commonly occurs from a few months to years after the event.

Currently, the Department of Defense provides mental health services for 180 days following discharge and the VA offers its health care services, including mental health, to veterans at no cost for 2 years following discharge. Afterwards, veterans may continue to receive mental health treatment but are subject to copayments.

Unit support while still deployed helps reduce symptom risk. Once soldiers return home these supports end, but ongoing support is essential to reduce the risk, from families, friends, veterans, the VA and our society as a whole. Many with early symptoms of PTSD, however, isolate from social contact and do not benefit from these supports.

In the current war in Iraq, unlike Vietnam, society as a whole is generally able to separate support for the soldier from support for the war. However, as criticism for the war increases and the public questions the purpose and outcome of this war, a significant question remains as to the impact upon the soldier's mental health of these expressions of doubt. For those at risk for PTSD and since hopelessness may raise the risk, society's comments of the situation may increase the soldier's sense of personal blame and lead the soldiers to question if they did their job well. Or they may develop a sense of worthlessness and guilt that their fellow soldiers lost their lives for a cause that was not supported by the country. Further research must be done to explore this link, but it also raises an important issue. Not only is there a concern for a stigma for the war action itself but also getting help. The majority of soldiers who need treatment for PTSD and mental health symptoms do not seek help for fear of being seen as weak, for fear of being treated differently by their commander, or fear of future harm to their career.

Pictures, commentary and news coverage of this war affects not only recent combat veterans but extends to those of prior wars. A survey of 70 Vietnam veterans stated that 57 percent reported flashbacks after watching reports about this war on television, and almost half faced sleep disorders.

Mr. Speaker, there is a need for specialized military mental health services. As of May last year, of the 5 percent of Iraq and Afghanistan soldiers who may have been at risk, only 22 percent sought help from mental health providers. The rest sought help from primary care doctors, many without mental health training.

The National Defense Authorization Act of last year created the defense task force on mental health. Within a year, they are to submit a report to us with a long-term plan to improve the effectiveness for Armed Forces who have experienced multiple deployments. But Congress can improve the Department of Defense referral process for mental health evaluations by psychiatrists/psychologists to better meet the needs of our troops. As chronic PTSD symptoms can continue for years, the VA should extend the 2-year universal coverage period for mental health services for our Nation's soldiers when they return from active duty and combat. And we need to study the effects of the 24-hour media exposure on the occurrence of PTSD symptoms upon returning veterans from Iraq and Afghanistan. Congress can also increase public awareness of PTSD to reduce the stigma for returning veterans and for them to take advantage of mental health services at the VA.

Working together, we can ensure that none of our Nation's veterans suffering with PTSD are left behind, but above all as Members of Congress we have to make sure that the things we do and say respond to the caveat to first do no harm.

DELEGATE VOTING

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2007, the gentlewoman from Tennessee (Mrs. BLACKBURN) is recognized during morning hour debates for 5 minutes.

Mrs. BLACKBURN. Thank you, Mr. Speaker. I appreciate the time and the opportunity to talk with my colleagues about an issue that is of tremendous importance to us. It is certainly one that I have heard from from my constituents in Tennessee's Seventh Congressional District. They are quite concerned about this. It seems that all of a sudden last week, outside of regular order, outside of the normal committee process, an old idea resurfaced and came before this body in the form of a piece of legislation that is not going through regular order, is not going through the committee process. And I had many constituents who were quite concerned about this, and how could a bill that is important to us, important to our Nation, important to our structure and our way of governing come before us without people being aware? This issue is the issue of delegate voting. We are going to hear more about this today and tomorrow. Then the Democrat majority is going to push this to the floor for a vote so that they can circumvent what is the constitutional underpinning of this great Nation.

Now, we as Republicans believe in the constitutional principle of one person, one vote. We think that that is important. It is important to adhere to that, that everyone is equal under the law. Everyone is entitled to their vote, everyone is entitled to that representation of one person, one vote. And to change that principle and allow delegate voting would require an amendment of the Constitution. That is not a statement that comes only from me but the Democrats can look at their former Speaker of the House, Tom Foley, who is on record in 1970 when this old issue came up at that point. In 1970, former Speaker of the House Tom Foley, a Democrat from Washington State said, and I am quoting, it is very clear that a constitutional amendment would be required to give delegates a vote in the Committee of the Whole, which is the full House.

Now, Mr. Speaker, this act by the Democrats is nothing more than an unconstitutional power grab that they want in order to be able to further their agenda. So we feel that it is important to stand against this. We feel that it is also important that we look at the Constitution, when it says that the House shall be composed of Members chosen by the people of the several States, not delegates representing the non-State territories. There is a distinction here. There is a bright line here.

We also feel like that it is important to note that this plan would run over that tenderly held principle of one person, one vote. The average congressional district has approximately 650,000 people. Mine in Tennessee has a little bit more than that. We know that Speaker PELOSI's has 640,000 people. But we also know that American Samoa has 57,000 people, the Virgin Islands 108,000, and Guam 155,000. So the Delegates that represent those numbers of individuals could vote to raise your taxes, but—and this is another point that concerned my constituents—they would not have to pay them. So their Delegates can vote to raise the taxes of my constituents in Tennessee but those Delegates' constituents wouldn't have to be paying the taxes. They get benefits, they want a vote, they want to use that money. They are just not having to pay the taxes.

Now, Mr. Speaker, I do believe that this is something that many people would say, well, if we're going to have equity under the law, if they're not going to have to pay though those taxes, if they're going to have a Congressman for 57,000 people and they have their vote for 57,000 or 108,000 or 155,000, then why don't we just change the rules for everybody? The answer to that, Mr. Speaker, we know is because this Constitution means something. This is a Nation of laws. It is a Nation that is built on the rule of law. And to give Delegates the right to vote is inappropriate. It is a circumvention of our law. It is a violation of our Constitution.

Now, we know that the Democrat leadership is trying to ram this through the House and there are some reasons for doing this. They feel like they can literally do it on the sly this week. Tonight is the State of the Union. They feel like they can do this in the shadow of the State of the Union without going through the process of the committees, without going through the process of amending the Constitution. We also know that they would choose to do it before they establish regular order.

Mr. Speaker, you know, we have not been in the committee process. The committees have not been functioning. We have been having bills come straight to the floor without the due diligence and the oversight that is done by the committees. We know the Democrats would choose to circumvent that process and pass this before regular order is established. It is an issue of great concern. I appreciate very much that my constituents have been involved in the issue.

HOPING FOR LESS TALK AND MORE ACTION FROM WHITE HOUSE

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2007, the gentleman from New York (Mr. MCNULTY) is recognized during morning hour debates for 5 minutes.

Mr. MCNULTY. Mr. Speaker, the President is going to come here tonight and by all indications he is going to call for a new era of cooperation. I hope that comes to pass. But that is not his record. On Iraq, he continues to ignore the American people, both parties in this Congress, and even his own generals. And our troops continue to suffer the consequences.

On energy policy, I have been in this chamber for the last several years when the President has spoken, I believe eloquently, about the need to develop alternative sources of energy. Then he gave huge multibillion-dollar tax cuts to the oil companies.

Health insurance is also a subject he is going to address tonight. In the words of former Governor Al Smith of New York, "Let's look at the record." When this President took office, there were 39 million people uninsured in this country. Today that number is 47 million, up by 8 million people. We're going in the wrong direction.

Mr. Speaker, I hope that in the year 2007, from the White House and from this administration, we get less talk and more action.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until noon today.

Accordingly (at 11 o'clock and 18 minutes a.m.), the House stood in recess until noon.

☐ 1200

AFTER RECESS

The recess having expired, the House was called to order at noon.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God, King of the universe, Creator of all, tonight television cameras and media from around the world will be focused on this Chamber, where President George W. Bush, 43rd President of the United States of America, will address a joint session of the 110th Congress in his State of the Union.

Holding the office of the highest authority in the land and elected by the people of this Nation, he has become a world figure whose words and actions draw the attention of peoples worldwide and will shape the human events of our time. Thereby, he is so deserving of our prayer today and every day. We owe him our prayerful support as free citizens who pledge allegiance to the flag of the United States of America.

Lord God, bless, protect and guide our President, for Divine Providence has called him at this moment to be a living symbol of free democracy and a blessing for this Nation and for the world. Grant him health, wisdom and strength.

For You, O Lord God, give strength and power to Your people, both now and forever. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Oregon (Mr. WALDEN) come forward and lead the House in the Pledge of Allegiance.

Mr. WALDEN of Oregon led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed with an amendment in which the concurrence of the House is requested, a concurrent resolution of the House of the following title:

> H. Con. Res. 38. Concurrent resolution providing for a joint session of Congress to receive a message from the President.

The message also announced that pursuant to section 8002 of title 26, United States Code, the Chair, on behalf of the Committee on Finance, announces the designation of the following Senators as members of the Joint Committee on Taxation:

The Senator from Montana (Mr. BAUCUS).

The Senator from West Virginia (Mr. ROCKEFELLER).

The Senator from North Dakota (Mr. CONRAD).

The Senator from Iowa (Mr. GRASSLEY).

The Senator from Utah (Mr. HATCH).

PRESIDENT NEEDS TO GET SERIOUS ABOUT ADDRESSING NATION'S HEALTH CARE NEEDS

(Mr. SIRES asked and was given permission to address the House for 1 minute.)

Mr. SIRES. Madam Speaker, the skyrocketing price of health care continues to be a major concern for millions of Americans. Skyrocketing costs are causing the number of uninsured Americans to increase by 1 million people every year since the President took office.

Last year, during his State of the Union Address, the President promised his administration would "confront the rising cost of health care, strengthen the doctor-patient relationship, and help people afford the insurance coverage they need." The President did not live up to his promise.

Madam Speaker, the President can no longer afford to provide lip service on health care. The proposal that the President will unveil tonight will do nothing to lower health care costs, nor will it provide health insurance to more Americans. He should reject this proposal and instead work with this Democratic Congress to help come up with real health care solutions.

CONDEMNING THE BRUTAL MURDER OF HRANT DINK

(Mr. ROYCE asked and was given permission to address the House for 1 minute.)

Mr. ROYCE. Madam Speaker, I rise to condemn the brutal murder of newspaper editor and leading figure in the Armenian genocide debate in Turkey, Hrant Dink.

Last Friday freedom of speech suffered a setback as Dink was shot three times in the head in broad daylight outside of his office. As a Turkish citizen of Armenian descent, he had gained notoriety in Turkish society for the court cases brought against him, in which he faced jail time for simply talking of that genocide. Nationalists see such statements, they say, as insults to the honor of Turks.

Well, Dink was mourned worldwide, and journalists like him and Nobel Laureate Orhan Pamuk continue to be persecuted by suppressive laws that seek to stifle discussion on matters that are claimed to be insulting to Turkish identity.

It is my sincere hope that the Turkish Government uses this tragedy to revisit its laws and open up to free speech. The laws themselves are a catalyst for this type of intolerance.

STATE OF UNION ADDRESS PROVIDES OPPORTUNITY TO BEGIN WORKING IN BIPARTISAN FASHION

(Mr. BRALEY of Iowa asked and was given permission to address the House for 1 minute.)

Mr. BRALEY of Iowa. Madam Speaker, last November the American people demanded real results to improve their everyday lives and strengthen middle-class families. Tonight President Bush has the opportunity to change course and work in a bipartisan way to deliver results for America's families.

The new Democratic Congress has not waited for the President to ask. In our first 100 hours, this House has already succeeded in passing legislation to raise the minimum wage, expand Federal funding for stem cell research, implement the recommendations of the bipartisan 9/11 Commission, require negotiation for lower prescription drug costs, make college more affordable and end subsidies for Big Oil to invest in clean, renewable energy.

Tonight I would hope that the President would voice support for these popular bills. After all, they received strong bipartisan support here in the House. On average, 67 Republicans supported each of these bills.

The Democratic Congress looks forward to working with the President to take America in a new direction, but in order to do that, the President needs to realize that he cannot continue down the same road he has traveled for the last 6 years. We will see tonight if he has learned that lesson.

CONGRESS NEEDS TO PASS THE SECURE RURAL SCHOOLS AND COMMUNITY SELF-DETERMINATION ACT

(Mr. WALDEN of Oregon asked and was given permission to address the House for 1 minute.)

Mr. WALDEN of Oregon. Madam Speaker, the failure of Congress to reauthorize the Secure Rural Schools and Community Self-Determination Act amounts to breach of faith to the more than 600 forested counties across America.

For Grant County, Oregon, where 61 percent of the land in the county is Federal, this means the school district will now be forced to eliminate essential school programs and nearly double class sizes, delay school repairs and begin telling teachers, administrators and staff who gets to stay and who has to go.

School Superintendent Newell Cleaver puts it this way: "We are watching our infrastructure being destroyed as this issue is debated in Congress. This program is the difference between rural schools remaining competitive with urban schools or not."

Grant County Commissioner Boyd Britton says, "If the Federal Government would simply allow us to manage these natural resources, we would not need these funds. However, losing these funds will be felt by every man, woman and child in the county, especially the school children."

My colleagues, Congress needs to pass H.R. 17 and keep the Federal Government's word to timbered communities and the citizens who live there. Time is running out for them.

TIME TO GET TO THE PEOPLE'S AGENDA

(Ms. EDDIE BERNICE JOHNSON of Texas asked and was given permission to address the House for 1 minute.)

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, President Bush will deliver his State of the Union Address tonight. The American people have been very clear in what they want. They want a change in the tone, they want a change in direction in Iraq, and they want our national priorities to focus on helping families.

The President should use this opportunity to answer some questions. I know my constituents would like to hear three things from the State of the Union: One, how is the President going to work with Congress to really fix this country's broken health care system; two, how is the President going to bring our troops home swiftly and safely; and, three, when is the President really going to return to the domestic priorities.

The Democratically controlled House and Senate are ready for him to change his agenda, change his tone and get to the people's agenda. So tonight we hear from our President.

CONGRESS AND AMERICA MUST BACK AMERICAN TROOPS

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute.)

Mr. SAM JOHNSON of Texas. Madam Speaker, I filed a bill to support our troops in harm's way, and I rise in support of them, and in support of this country and this Congress backing our brave men and women in uniform 100 percent.

I fear what all the talk of Washington about pulling funding for our troops is going to do to the privates and sergeants stationed in Camp Blue Diamond, think about it, for the next 11 months.

We are elected to protect our men and women in uniform, just as they protect our freedoms every day. Our guys are fighting for America. They are fighting for you and me.

All this talk of doom and gloom hurts mission success and stifles troop morale. It is imperative our Nation backs our troops to the hilt. As long as we deploy men and women across the globe, we will never, ever leave a member of our military in harm's way without support. That is our Congress's responsibility.

Our troops are not the enemy. They deserve our full support, and that is why I hope folks will cosponsor my bill to support our troops in harm's way.

BUSH TROOP ESCALATION PLAN IS NOT GOING TO MAKE AMERICA SAFER

(Ms. WATSON asked and was given permission to address the House for 1 minute.)

Ms. WATSON. Madam Speaker, in past State of the Union addresses, the President has promised the American people that he will strengthen America's security. Unfortunately, his policies have made the world more dangerous and America less safe. Now he wants to escalate the war in Iraq, despite the overwhelming opposition of the American people and many of his own generals.

After years of insisting we "stay the course" in Iraq, the President has finally decided to make a change. Unfortunately, it is one that puts more Americans in danger and further compromises our security here at home. There is no doubt that the war in Iraq was the defining issue during last year's election. Americans overwhelmingly voted in favor of a change in course, but not the one now proposed by President Bush.

Madam Speaker, tonight President Bush has a chance to show he has listened to the American people, his own generals, and Democratic and Republican Members of Congress.

PLEDGING THE SUPPORT OF CONGRESS TO UNITED STATES ARMED FORCES SERVING IN HARM'S WAY

(Mr. NEUGEBAUER asked and was given permission to address the House for 1 minute.)

Mr. NEUGEBAUER. Madam Speaker, I rise today and I am proud to follow my good friend from Texas, Mr. JOHNSON, and support his bill, H.R. 511, to say to those men and women across the world that are defending freedom and democracy on our behalf, we will not let you down; we will support you.

One of the things that there is a lot of debate in this House on and will be is about whether our mission is the right mission or not. But let there be no mistake that we cannot fail in our mission, and we cannot afford for our young men and women to ever doubt that this United States Congress will support them.

Also, I rise to honor today a great American, Roy Velez, Jr., who will be my guest tonight for the President's State of the Union message. Roy paid the ultimate price for our country in that he gave two sons to our efforts in Iraq and Afghanistan.

Madam Speaker, we cannot let our men and women have any doubt of our support, nor can we let their families doubt the support of this Congress.

So I rise in support and encourage all of my colleagues to support H.R. 511, to say to the men and women and our troops, thank you, God bless you, and we will support you.

TIME TO BRING OUR MISSING CHILDREN HOME

(Mr. LAMPSON asked and was given permission to address the House for 1 minute.)

Mr. LAMPSON. Madam Speaker, when I last served in Congress, I made it my mission to discuss missing and exploited children at every opportunity, and I rise today to bring attention to the hundreds of thousands of children who go missing annually and to the thousands of children who go missing every day.

Pedro Maldonado is just one of those children. Pedro is missing from Camden, New Jersey. He is 17 years old and was last seen on September 14, last year. At that time he was 5′11″ and weighed 180 pounds. He is biracial, white and Hispanic, and has black hair and brown eyes. Pedro has a scar above his right eye and may still be seen in the local area. He may still be in the Camden area and is considered "endangered missing."

Madam Speaker, I ask that anyone who is watching this proceeding, especially if they are in New Jersey or New York, take a moment, look at Pedro's picture to see if you recognize him, and anyone having information should contact the National Center for Missing and Exploited Children at 1–800–THE-LOST or the Camden City Police Department at 856–757–7400.

Madam Speaker, it is time we bring our missing children home.

SUPPORT AMERICAN TROOPS

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Madam Speaker, the American soldier has always protected this Nation from those seeking to destroy our freedoms. U.S. soldiers go to the vast plains of combat. These troops forge onward into the fires of battle. They ensure generations of Americans that our interests will be protected around the world. Our volunteers expect their government to support them.

Now some Members of Congress talk of cutting funding to the American soldiers engaged in the desert battles of Iraq, and they want to pull our soldiers out a few at a time. This ill-advised political decision will leave U.S. soldiers abandoned and at the mercy of an enemy that will exploit this weakness.

But this action by Congress is not new. A previous Congress did not like the way a war was going and tried to change the policy and tried to change the plan. That Congress even complained about funds for the war and wanted a new leader.

Good thing that commander pressed on and won the war. He said to those skeptics and cynics in Congress, "We should never despair. Our situation before has been unpromising, and has changed for the better. So it will again." The war was the War for Independence, and the Commander in Chief was George Washington.

And that's just the way it is.

□ 1215

PRESIDENT BUSH EXPECTED TO SPEAK OUT ABOUT GLOBAL WARMING TONIGHT AND NEEDS TO ACT

(Mr. PAYNE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PAYNE. Madam Speaker, over the last week, we have heard that President Bush is finally going to admit tonight what most of us have known for many years, that global warming is actually occurring and that we as a Nation need to take action.

Tonight's expected pronouncement from the President is welcome news, but it does not excuse the administration's past record on global warming. Over the last 6 years the Bush administration has served as a major roadblock to reversing dangerous warming trends. The President walked away from international efforts to help reduce the growing danger to our planet, refusing to actually lead on this critically important issue.

In my home State of New Jersey, we are proud of the fact that former Governor Richard J. Codey took decisive action over a year ago to strengthen our State's efforts to combat global warming by classifying carbon dioxide as an air contaminant. This action made New Jersey one of the first States in the Union to take such a step. By contrast, the Bush administration has been in constant denial that environmental dangers to our planet exist. So, therefore, we hope that the Nation will take this seriously.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. JONES of Ohio). Members should not traffic the well while another Member is speaking.

FUNDING FOR TROOPS IN IRAQ

(Mrs. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BLACKBURN. Madam Speaker, efforts to cut off funding for our troops in harm's way is really unacceptable and would be a devastating message for us to send to our men and women in our Armed Forces, to their families, and to the families of our Nation's fallen heroes. No one knows this better than SAM JOHNSON, our colleague from Texas, who is a true American hero; and I commend him for introducing House Resolution 511. I would commend it to every Member of this body to support.

And I want to say to the Democrats that if they should mean what they say and do what they mean, they really cannot have it both ways on this vote. To vote to support the troops in the field and then not give them the equipment and the supplies and the resources that they need to win is deceptive, it is dangerous, and it puts the lives of American servicemen and -women at risk.

The Democrat majority must understand the stakes in Iraq. Certainly, our constituents understand the stakes that are there, both in the terms of human life and global stability.

I would commend H.R. 511 to our colleagues for support.

PRESIDENT BUSH MUST BEGIN MOVING IN A NEW DIRECTION

(Mr. CARNAHAN asked and was given permission to address the House for 1 minute.)

Mr. CARNAHAN. Madam Speaker, last November the American people demanded dramatic changes and provided a substantial Democratic majority. Since the election, President Bush has yet to show he got the message.

While an overwhelming majority of Americans are demanding that the Iraqi Government take more control, the President has, instead, proposed an escalation plan that flies in the face of military experts, the bipartisan Iraq Study Group, Democrat and Republican leaders in Congress and the American public.

While the President continues his failure to listen when it comes to Iraq, I hope tonight he will actually propose some helpful solutions to some of the most pressing concerns of hardworking middle-class Americans like those I represent in the State of Missouri.

This Democratic House has already produced positive results for the American people, passing our promised 100-hour agenda. I hope the President embraces these policies tonight and shows the American people that he has heard their discontent and plans to work with the Democratic Congress that the American people chose to take us in a new direction.

SUPPORT FOR OUR TROOPS

(Ms. FOXX asked and was given permission to address the House for 1 minute.)

Ms. FOXX. Madam Speaker, I rise today in full support of our troops and H.R. 511, legislation reaffirming Congress's support for the troops deployed in a theater of war. Those overseas protecting us from further terrorist attacks and fighting nobly on the Global War on Terror deserve our steadfast support.

The President has recognized missteps and offered a new direction and plan for victory. My colleagues on the other side of the aisle have yet to address the issue, except to criticize the President's plan before it has even been implemented. It was Leader BOEHNER and the Republican Conference that have called upon the Speaker to create a select committee on oversight to hold the President and Prime Minister Maliki accountable for progress in Iraq.

Madam Speaker, I stand here with pride and offer my full support to the brave soldiers who are helping foster democracy in the Middle East, while, at the same time preventing terrorists from attacking us on our soil. So many Members pledged "We will never forget." Well, that is a promise I made and intend to fulfill.

To our troops, thank you for your dedication, bravery and noble work to make the world and America a better place, following in the footsteps of so many American heroes.

I commend Congressman SAM JOHNSON, an American hero, and urge support of H.R. 511.

THE PRESIDENT SHOULD LISTEN TO THE AMERICAN PEOPLE

(Mr. MAHONEY of Florida asked and was given permission to address the House for 1 minute.)

Mr. MAHONEY of Florida. Madam Speaker, I am here today representing Florida's 16th District. Tonight we will listen to the President with the expectation that he will listen to the American people.

Our Nation is facing some of the greatest challenges of our time. From the war in Iraq, to global terrorism, to ending the addiction to foreign oil, the stakes are high and getting higher.

Americans understand the urgency of our challenges. It is time for the President to step up to the plate and offer real solutions that put America on the path to success and security.

I hope the President will offer a new strategy to win the war in Iraq and that that strategy will use diplomacy as its cornerstone, not troop' escalation. Let me be clear. I am committed to supporting our brave men and women in uniform, but do not believe their role should be policing a civil war.

We need to turn our energy crisis into an opportunity by investing in domestic production of biofuels and alternative and renewable energies. Last year the President called for an end to America's addiction to oil. And one week later, he cut funding for the development of alternative fuels and energy-efficient technologies. Instead of rhetoric, we need results.

I ask the President to listen to the American people, to the message they sent last November. Our children depend on it.

SEVERE WINTER STORMS IN NEBRASKA

(Mr. SMITH of Nebraska asked and was given permission to address the House for 1 minute.)

Mr. SMITH of Nebraska. Madam Speaker, I rise today to address the serious situation many of my constituents are facing. Recently, a series of severe winter storms and ice storms, more specifically, hit Nebraska, leaving thousands in the Third District without power.

An expedited major disaster declaration for 57 affected counties in Nebraska, almost all in the Third District, was granted, freeing up Federal funds to assist the utility companies and local governments with the immense recovery efforts.

Due to the severity of the storms, thousands of constituents were without power for days and even weeks. They lost wages, food spoiled and expenses began piling up.

During these trying weeks, neighbors, families, friends and strangers have worked together to aid and assist those in need. Donations were made. Generators, gas, food and shelter have poured in to assist those suffering from the effects of the storm.

Utility linemen have been working long hours and even volunteering to repair the shattered grid system.

This difficult time has brought about great personal sacrifice for many Nebraskans, and I strongly commend the volunteers and donors who have come to the aid of those in need.

I urge my colleagues in the House, whether or not your district has been hurt, to remember these folks as we take up tax issues, the AMT and the farm bill.

ENERGY

(Mr. PERLMUTTER asked and was given permission to address the House for 1 minute.)

Mr. PERLMUTTER. Madam Speaker and Members of the House, tonight we will hear the President give his State of the Union address, and I expect and I am confident that he will address energy issues.

I had a meeting this morning with an Assistant Secretary from the Department of Energy, and I believe that we are going to have a chance to have bipartisan effort, Democrats and Republicans, coming together with the President to deal with energy efficiency, renewable energy, and redeveloping and re-energizing our distribution grid throughout the country. This is going to be good for all of America, no matter what side of the aisle you might be on, because it is good for national security. It is good for the climate, and it is good for jobs across this country.

In the Seventh Congressional District of Colorado, which I represent, the suburbs of Denver, we have the preeminent laboratory in America and in the world in the National Renewable Energy Lab. And with this focus on energy conservation, renewable energy and distributing energy in a way that is reliable, we will make this country more secure. And I am confident that the President is going to focus on it, as will we in the Congress.

FUNDING FOR OUR TROOPS

(Mr. HENSARLING asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HENSARLING. Madam Speaker, efforts to cut off funding for our troops in harm's way is simply unacceptable. It would be a devastating message to the brave men and women who serve in our Armed Forces, their families and the families of our Nation's fallen heroes. No one knows this better than SAM JOHNSON, a true American hero, and I commend him on introducing H.R. 511.

It is time for the Democrats to say what they mean and mean what they say. They can't have it both ways. To vote to support troops in the field and then vote not to give them the resources needed to win can be deceptive, dangerous, and could put the lives of American servicemen and -women at even greater risk.

If the Democrat majority does not support the President's plan, they are in the majority, they need to put forth their plan that is in the interest of the American people, and they must also reflect upon the cost of failure. They must understand how high the stakes are in Iraq, both in terms of human life and global stability. Our failure in Iraq could cause the nation to become what Afghanistan once was, a breeding ground for terrorists. Let's work together and find freedom and security in Iraq.

THE STATE OF THE UNION

(Ms. CLARKE asked and was given permission to address the House for 1 minute.)

Ms. CLARKE. Madam Speaker and my colleagues, the State of the Union?

Mr. President, we are on edge. The American public have said no to the war in Iraq and you have turned a deaf ear to this American admonition.

What does a troop escalation mean to American families?

More of our women and men, sons and daughters, brothers and sister, neighbors and friends will lose their lives or the life of someone they love, more families, such as the family of Operations Specialist Joseph Alomar, who gave his life in honor just this past week, and LCpl Nicholas Whyte, who gave his life this summer. More families, Mr. President, will be mourning. More of the American tax dollars will be spent on the war, rather than on building better schools, hospitals, roads and bridges.

Madam Speaker, in the 11th District of Brooklyn, New York, and in congressional districts around the country, Americans want our troops home.

Mr. President, end this war in Iraq. Redeploy our troops now. We need our domestic tranquility.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded to address their remarks to the Chair.

SUPPORT OUR TROOPS

(Mr. KINGSTON asked and was given permission to address the House for 1 minute.)

Mr. KINGSTON. Madam Speaker, I wanted to speak today about the debate on the war. And I have the honor of representing Fort Stewart, home of the Third Infantry Division, which is located in Hinesville and Savannah, Georgia.

This month the Third Infantry will start its third deployment to Iraq. And as they go over there, certainly they know what is going on in Washington in terms of the debate. But I think it is real important that we don't send a signal to our men and women in harm's way that what they are doing is irrelevant, that we can't win, and that because Bush might be a President whose policies aren't perfect that we need to withdraw.

In fact, I think what we should do is reaffirm on a bipartisan basis that we support the troops. We want to get them all the up-armored vehicles that they need, the Cougars, for example, blue tracking, the advanced night vision goggles. We should say on a bipartisan basis, we want to give them absolutely all the military hardware that they need to win the war. And then, in a separate debate, have the discussion of what an alternative is, where is the plan of the Bush critics and what is the price of pulling out. And I think we need to make that statement. And I am glad SAM JOHNSON is moving in that direction.

HEALTH CARE IN AMERICA

(Mr. PALLONE asked and was given permission to address the House for 1 minute.)

Mr. PALLONE. Madam Speaker, we must seriously begin to address the problem of the Nation's uninsured and the skyrocketing price of health insurance.

Unfortunately, the plan the President is expected to outline tonight will do nothing to cut down on the number of uninsured because a tax deduction simply is not going to be enough to make insurance affordable to low and middle-income workers. In most cases, individual health plans are more expensive to purchase and provide considerably less coverage, but the Bush administration is under the false impression that their tax deduction will provide enough of an incentive for uninsured workers to sign up.

At the same time, the Bush administration falsely believes they can begin to target the cost of health care premiums by taxing employee-based health benefits. This is nothing more than a tax increase on middle-class workers who have been lucky enough to secure good benefits through their job. Quality health benefits provided by employers should be the norm; and as policymakers, we should not discourage it.

The President's proposal is a nonstarter for me, Madam Speaker. But I am hopeful that I can work with the Bush administration to begin to solve some of our health care problems.

☐ 1230

IN SUPPORT OF H.R. 511

(Mr. GARRETT of New Jersey asked and was given permission to address the House for 1 minute.)

Mr. GARRETT of New Jersey. Madam Speaker, I rise to associate myself today with the words of my colleague, Mr. SAM JOHNSON from Texas, a Member who can probably speak more eloquently than any Member of Congress on the loneliness, the separation, the uncertainty that is war, and the need to know for such soldiers that the Nation is behind them and supports them.

I have had the honor to travel and visit our troops in Iraq, and I have had the opportunity to visit the troops when they have returned. And in each and every one of them, I have seen their commitment and determination to the completion of their mission.

I have also had the opportunity to be with parents who have lost a son or daughter in the war, to look them in the eye and to hug them during that time, and to be with other parents who were about to see their son and daughter go off to war, and to be with them during those uncertain times.

Madam Speaker, at this point in time, this Nation and this Congress must double its commitment to our troops to make sure that they know that we are behind them and support them for their eventual and soon safe return to their families.

STATE OF THE UNION DOES NOT SUPPORT THE HISPANIC COMMUNITY

(Mr. BACA asked and was given permission to address the House for 1 minute.)

Mr. BACA. Madam Speaker, tonight the President will give the State of the Union Address. For Hispanics, the State of the Union Address is disappointing. The President has broken his promise on education and cut funding for programs at the expense of Hispanic children. He has failed to support the higher minimum wage, and forced nearly 3 million of our workers to struggle to feed their families.

While Hispanics are fighting and dying in a mistaken war, President Bush still has no plan to make our country safer. Even when the country has cried for a comprehensive immigration reform, the President has failed to lead his own party to make the right course or take the right course of action.

Last November, Hispanics along with all Americans voted for a new direction for America. Thanks to Speaker PELOSI and the Democratic Caucus, half the Hispanic Caucus are now in leadership positions. Ya es tiempo para una nueva direccion! (It's time for a new direction!)

SUPPORT H.R. 511

(Mr. MCHENRY asked and was given permission to address the House for 1 minute.)

Mr. MCHENRY. Madam Speaker, today I rise to encourage my colleagues to support the troops in harm's way. We are fighting an ongoing war on terror not just in Iraq, but around the globe, and it is immoral for Members of this body to defund troops that are in harm's way.

That is why I commend my colleague SAM JOHNSON for stepping forward, for a resolution saying that we are not going to defund troops in harm's way, that we are going to stand beside them and fight with them in this war on terrorism and this war in Iraq, because, after all, terror is merely a tactic that Islamic extremists are using to fight the West.

As one of the last great powers in this world, we are the embodiment of the West. Therefore the Islamic extremists are seeking to destroy and undermine our society. So now more than ever we have to stand with our troops in harm's way so that they can defend us and make it possible for us to live in a vibrant, free Nation and a great economy.

SUPPORT H.R. 511

(Mrs. BACHMANN asked and was given permission to address the House for 1 minute.)

Mrs. BACHMANN. Madam Speaker, I rise today to let all of our troops serving overseas know that America supports you. Eliminating or cutting funding for our men and women who wear the uniform of the United States is not a recipe for ensuring stability in the Middle East; in fact, it is a recipe for demoralization, and it is irresponsible in its proposal. I urge all Members to support our troops and oppose any effort to cut off or restrict funding for American troops in harm's way, whether in Iraq, in Afghanistan, or elsewhere in the global war on terror.

It is imperative that we fully support those who are on the front lines fighting the war on terror. America thanks you, our brave men and women in uniform.

SUPPORT H.R. 511

(Mr. GOHMERT asked and was given permission to address the House for 1 minute.)

Mr. GOHMERT. Madam Speaker, I rise in support of SAM JOHNSON's resolution. I visited this fall with a Specialist William Barth at Walter Reed. I got this e-mail from his father, and I talked to his wife Rachel this morning. They encouraged me to proceed with this.

This is Specialist William Barth. His father said:

> I wanted to thank you for visiting my son, Specialist William Barth, at Walter Reed. William was injured by an IED in Iraq around September 8, 2006. He since has recovered from these injuries and he has been redeployed to Iraq. He is heading there now.
>
> William is committed to his job and his fellow soldiers. He could have chosen to stay stateside; however, he felt the job, his job, was not finished. I have another son, Sergeant Aaron Barth, who is equally committed to the cause of freedom. Aaron has already served over a year in Iraq and is preparing to return as well.
>
> Mr. Gohmert, my family is behind the President 100 percent. We are committed to the cause of freedom. Keep up the good work and do not allow anyone to defund the military. The next time you see the President, let him know that fellow Texans are praying for him, for you and for our Nation.

Now, this is support for the troops. That is what we need to be about, not defunding these guys fighting for us.

SUPPORT H.R. 511

(Mr. PRICE of Georgia asked and was given permission to address the House for 1 minute.)

Mr. PRICE of Georgia. Madam Speaker, I am pleased to rise today in support of H.R. 511 introduced by Mr. SAM JOHNSON of Texas, which says that we ought to pledge the faithful support of Congress to members of the United States Armed Forces serving in harm's way.

Madam Speaker, there are a lot of things we can disagree on on this floor of the House, but cutting funding for our troops ought not be one of them. As many others have done, I have also visited Walter Reed and talked to the brave men and women who have served there, not just from my district, from my State and around the Nation. And when I ask them, is there anything that we can do for you, the vast majority of them say, Congressman, just let me get back to my unit.

Madam Speaker, that sense of duty, that sense of honor, that sense of commitment and that sense of patriotism is something we in Congress would do well to emulate. This resolution says that members of the United States Armed Forces have served honorably in their mission to fight terrorism and protect the greater security of the United States, that these members of the Armed Forces and their families have made many sacrifices. This resolution, Madam Speaker, deserves our support.

OUR TROOPS NEED TO LEAVE IRAQ

(Mr. KUCINICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUCINICH. Madam Speaker, so what is the state of our Union? It is war. It is neglect of an overt agenda. The President will come to our country tonight, and he will give us more war, 21,500 troops sent to escalate the war in Iraq, a war that has cost the lives of 650,000 innocent Iraqi civilians.

We need our President to realize that it is time to take a new direction, and that direction is out of Iraq. It is time to end the occupation, to withdraw our troops, to close the bases. It is time for us to work with the international community in an overall peace plan, which I presented to this Congress. The Kucinich plan calls for not only ending the occupation, withdrawing troops, closing the bases, but also an international peace plan that enables the Iraqi people to have the security they need through reconciliations, through reparations, and through paying for reconstruction.

The United States must lead the way with the international community in a plan for peace. The President must take a new direction.

PROVIDING FOR A JOINT SESSION OF CONGRESS TO RECEIVE A MESSAGE FROM THE PRESIDENT

The SPEAKER pro tempore (Mrs. JONES of Ohio). The Chair lays before the House a privileged Senate amendment to the concurrent resolution (H. Con. Res. 38) providing for a joint session of Congress to receive a message from the President.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The Clerk will report the Senate amendment.

The Clerk read as follows:

Senate amendment:

Page 1, line 3, strike out "Wednesday" and insert "Tuesday".

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

PROVIDING FOR AN ADJOURNMENT OF THE HOUSE

Mr. FRANK of Massachusetts. Madam Speaker, I send to the desk a privileged concurrent resolution (H. Con. Res. 41) and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 41

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on the legislative day of Wednesday, January 24, 2007, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2 p.m. on Monday, January 29, 2007, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the House adjourns on the legislative day of Wednesday, January 31, 2007, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2 p.m. on Monday, February 5, 2007, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker or her designee, after consultation with the Minority Leader, shall notify the Members to reassemble at such place and time as she may designate if, in her opinion, the public interest shall warrant it.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken later today.

SEASONED CUSTOMER CTR EXEMPTION ACT OF 2007

Mr. FRANK of Massachusetts. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 323) to amend section 5313 of title 31, United States Code, to reform certain requirements for reporting cash transactions, and for other purposes.

The Clerk read as follows:

H.R. 323

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Seasoned Customer CTR Exemption Act of 2007".

SEC. 2. EXCEPTION FROM CURRENCY TRANSACTION REPORTS FOR SEASONED CUSTOMERS.

(a) FINDINGS.—The Congress finds as follows:

(1) The completion of and filing of currency transaction reports under section 5313 of title 31, United States Code, poses a compliance burden on the financial industry.

(2) Due to the nature of the transactions or the persons and entities conducting such transactions, some reports as currently filed may not be relevant to the detection, deterrence, or investigation of financial crimes, including money laundering and the financing of terrorism.

(3) However, the data contained in such reports can provide valuable context for the analysis of other data derived pursuant to subchapter II of chapter 53 of title 31, United States Code, as well as investigative data, which provide invaluable and indispensable information supporting efforts to combat money laundering and other financial crimes.

(4) An appropriate exemption process from the reporting requirements for certain currency transactions that are of little or no value to ongoing efforts of law enforcement agencies, financial regulatory agencies, and the financial services industry to investigate, detect, or deter financial crimes would continue to fulfill the compelling need to produce and provide meaningful information to policy-makers, financial regulators, law enforcement, and intelligence agencies, while potentially lowering the compliance burden placed on financial institutions by the need to file such reports.

(5) The Secretary of the Treasury has by regulation, and in accordance with section 5313 of title 31, United States Code, implemented a process by which institutions may seek exemptions from filing certain currency transaction reports based on appropriate circumstances; however, the financial industry has not taken full advantage of these provisions and has contended that they are unduly burdensome.

(6) The act of providing notice to the Secretary of the Treasury of designations of exemption—

(A) provides meaningful information to law enforcement officials on exempt customers and enables law enforcement to obtain account information through appropriate legal process; and

(B) complements other sections of title 31, United States Code, whereby law enforcement can locate financial institutions with relevant records relating to a person of investigative interest, such as information requests made pursuant to regulations implementing section 314(a) of the USA PATRIOT Act of 2001.

(7) A designation of exemption has no effect on requirements for depository institutions to apply the full range of anti-money laundering controls required under subchapter II of chapter 53 of title 31, United States Code, and related provisions of law, including the requirement to apply the customer identification program pursuant to section 5326 of such title, and the requirement to identify, monitor, and, if appropriate, report suspicious activity in accordance with section 5318(g) of such title.

(8) The Federal banking agencies and the Financial Crimes Enforcement Network have recently provided guidance through the Federal Financial Institutions Examination Council Bank Secrecy Act/Anti-Money Laundering Examination Manual on applying appropriate levels of due diligence and identifying suspicious activity by the types of cash-intensive businesses that generally will be subject to exemption.

(b) SEASONED CUSTOMER EXEMPTION.—Section 5313(e) of title 31, United States Code, is amended to read as follows:

"(e) QUALIFIED CUSTOMER EXEMPTION.—

"(1) IN GENERAL.—Before the end of the 270-day period beginning on the date of the enactment of the Seasoned Customer CTR Exemption Act of 2007, the Secretary of the Treasury shall prescribe regulations that exempt any depository institution from filing a report pursuant to this section in a transaction for the payment, receipt, or transfer of United States coins or currency (or other monetary instruments the Secretary of the Treasury prescribes) with a qualified customer of the depository institution.

"(2) QUALIFIED CUSTOMER DEFINED.—For purposes of this section, the term 'qualified customer', with respect to a depository institution, has such meaning as the Secretary of the Treasury shall prescribe, which shall include any person that—

"(A) is incorporated or organized under the laws of the United States or any State, including a sole proprietorship (as defined in 31 C.F.R. 103.22(d)(6)(vii), as in effect on January 4, 2007), or is registered as and eligible to do business within the United States or a State;

"(B) has maintained a deposit account with the depository institution for at least 12 months; and

"(C) has engaged, using such account, in multiple currency transactions that are subject to the reporting requirements of subsection (a).

"(3) REGULATIONS.—

"(A) IN GENERAL.—The Secretary of the Treasury shall prescribe regulations requiring a depository institution to file a 1-time notice of designation of exemption for each qualified customer of the depository institution.

"(B) FORM AND CONTENT OF EXEMPTION NOTICE.—The Secretary shall by regulation prescribe the form, manner, content, and timing of the qualified customer exemption notice and such notice shall include information sufficient to identify the qualified customer and the accounts of the customer.

"(C) AUTHORITY OF SECRETARY.—

"(i) IN GENERAL.—The Secretary may suspend, reject, or revoke any qualified customer exemption notice, in accordance with criteria prescribed by the Secretary by regulation.

"(ii) CONDITIONS.—The Secretary may establish conditions, in accordance with criteria prescribed by regulation, under which exempt qualified customers of an insured depository institution that is merged with or acquired by another insured depository institution will continue to be treated as designated exempt qualified customers of the surviving or acquiring institution.".

(c) 3-YEAR REVIEW AND REPORT.—Before the end of the 3-year period beginning on the date of the enactment of this Act, the Secretary of the Treasury, in consultation with the Attorney General, the Secretary of Homeland Security, the Federal banking agencies, the banking industry, and such other persons as the Secretary deems appropriate, shall evaluate the operations and effect of the provisions of the amendment made by subsection (a) and make recommendations to Congress as to any legislative action with respect to such provision as the Secretary may determine to be appropriate.

SEC. 3. PERIODIC REVIEW OF REPORTING THRESHOLD AND ADJUSTMENT FOR INFLATION.

Section 5318 of title 31, United States Code, is amended by adding at the end the following new subsection:

"(o) PERIODIC REVIEW OF REPORTING THRESHOLD AND ADJUSTMENT FOR INFLATION.—

"(1) IN GENERAL.—Before the end of the 90-day period beginning on the date of the enactment of the Seasoned Customer CTR Exemption Act of 2007 and at least every 5 years after the end of such period, the Secretary of the Treasury shall—

"(A) review the continuing appropriateness, relevance, and utility of each threshold amount or denomination established by the Secretary, in the Secretary's discretion, for any report required by the Secretary under this subchapter; and

"(B) adjust each such amount, at such time and in such manner as the Secretary considers appropriate, for any inflation that the Secretary determines has occurred since the date any such amount was established or last adjusted, as the case may be.

"(2) REPORT.—Before the end of the 60-day period beginning upon the completion of any review by the Secretary of the Treasury under paragraph (1), the Secretary shall submit a report to the Congress containing the findings and conclusions of the Secretary in connection with such review, together with an explanation for any adjustment, or lack of adjustment, of any threshold amount or denomination by the Secretary as a result of such review, including the adjustment for inflation.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts (Mr. FRANK) and the gentleman from Alabama (Mr. BACHUS) each will control 20 minutes.

The Chair recognizes the gentleman from Massachusetts.

GENERAL LEAVE

Mr. FRANK of Massachusetts. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to express themselves on this and to include therein extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. FRANK of Massachusetts. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, this is an example of sensible regulation because sensible regulation includes deregulation when that is appropriate.

The Committee on Financial Services reported this bill out last year. It passed the House. Surprisingly it managed not to make it through the Senate. The efficiency of that body failed us on this occasion apparently, but we are going to try again.

We believe in regulation, and this is an important area where we provide information to our financial detectives, and it is especially important with regard to terrorist financing.

But too much regulation can defeat the purpose for which regulation is intended, and we have a situation now where the banks are required to report every year on customers' transactions of $10,000 or more. Now, one of the things this bill would do is give the Secretary of the Treasury the authority to increase a dollar figure that has been left unadjusted for inflation for too long.

More importantly, we are talking now about the exemption that is given to what we call seasoned customers of the bank. When the banks are dealing, and this is particularly important for our community bankers, when they are dealing with people whom they know, with whom they have had regular and continuing relationships, having to report every time they do a transaction of $10,000 or more generates extra work for the bank, and I believe, if anything, interferes with the ability of the regulators to find what they should be looking for.

If we are telling people to find needles, we should not set about building them bigger haystacks. What this bill says is that where we are talking about regular customers, regular seasoned customers, they can apply for the exemption, which is in the control of the Secretary of the Treasury, with careful criteria.

And having received that exemption, as long as they remain seasoned customers of the same bank, that process does not have to be repeated every 2 years. It reduces the regulatory burden on banks, and it is particularly important to small banks.

I would ask at this point, Madam Speaker, under my general leave to include a letter to myself and the gentleman from Alabama from America's Community Bankers strongly endorsing this bill.

AMERICA'S COMMUNITY BANKERS,
Washington, DC, January 22, 2007.

Hon. BARNEY FRANK,
Chairman, Financial Services Committee, House of Representatives Washington, DC.

Hon. SPENCER BACHUS,
Ranking Member, Financial Services Committee, House of Representatives Washington, DC.

Dear Chairman Frank and Ranking Member Bachus: America's Community Bankers is pleased to support H.R. 323, the Seasoned Customer CTR Exemption Act of 2007. The legislation would make important improvements to the current exemption system for cash transaction reports (CTRs) by making it easier to exempt the routine transactions of certain seasoned business customers. H.R. 323 would more appropriately balance the cost and benefits of the Bank Secrecy Act's CTR reporting requirements. The legislation would also reduce the number of CTRs filed on routine transactions of well-known, law abiding customers.

We urge the full House of Representatives to adopt H.R. 323 and look forward to working with you to enact this important legislation.

While we fully support H.R. 323, we urge the Committee to modernize the Bank Secrecy Act further by increasing the $10,000 threshold that triggers CTR filing. This threshold has not been updated since 1970. Increasing the $10,000 trigger would more appropriately balance the reporting obligations of depository institutions and the information needs of law enforcement agencies.

Sincerely,

ROBERT R. DAVIS,
Executive Vice President and Managing Director, Government Relations.

□ 1245

What this will do is to reduce the paperwork burden on the banks; it will ease the burden on the regulators. It will not diminish in any way the flow of information that is needed for those whose job it is to keep us safe.

Madam Speaker, I reserve the balance of my time.

Mr. BACHUS. Madam Speaker, I yield 3 minutes to the gentleman from Texas (Mr. HENSARLING).

Mr. HENSARLING. Madam Speaker, I thank the gentleman for yielding. I certainly thank him for his leadership in this area to remove some unneeded regulation on our financial institutions. I also want to thank our new chairman, the gentleman from Massachusetts, for his steadfast support on this issue as well.

Madam Speaker, current Federal regulations require financial institutions to file a currency transaction report with the IRS for any customer transaction over $10,000 during a business day.

We all know that these CTRs, as they are called, are designed to help our Federal law enforcement thwart money laundering and other illegal activities; but the problem is that this $10,000 threshold which was set in 1970 is so low in the existing exemption process, so cumbersome and costly that it is causing banks to repeatedly file CTRs for many of their known and expected regular business transactions for their well-known customers.

And it doesn't matter if that business has been a so-called "seasoned customer" for the financial institution for 5, 10, 15 or even 20 years. Right now it is simply too difficult for our financial institutions to apply for exemptions for our customers that they know are not a risk. So this forces, Madam Speaker, our financial institutions to file CTRs when they know the customer is not a risk just to protect themselves from legal liability or potential large fines.

And so when law enforcement is looking for a needle in a haystack, our financial institutions are being asked to put more hay on the stack and they are being told to pay for it by taking money away from their local communities that otherwise could be used for local lending. If the financial institutions passed these CTR compliance costs on to customers, through higher fees or higher interest rates, it makes it more difficult for American citizens to save for retirement, finance a child's college education, or launch a small business that creates jobs.

This bill, which I have long supported, will fix this problem by clarifying the existing CTRs filing exemption for seasoned customers. And as a result of this legislation, when passed, a number of the 13 million-plus CTRs filed annually would stop, allowing banks to devote more of their resources to improving other suspicious activity reporting.

The fact remains, Madam Speaker, when we come across a regulation like this, if we cannot determine a compelling reason for it to exist in the modern marketplace, we have a duty to either modify it or eliminate it, and that is what we are doing today.

Congress today can help reduce the cost of banking for customers without jeopardizing critical law enforcement goals. I urge all of my colleagues to support this important bill.

Mr. FRANK of Massachusetts. Madam Speaker, I reserve the balance of my time.

Mr. BACHUS. Madam Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. GILLMOR).

Mr. GILLMOR. I thank the gentleman for yielding. I would also like to thank my colleagues on the Financial Services Committee for their diligence on this legislation.

This much-needed regulatory relief provision will help reduce unnecessary paperwork for both banks and for their regulators. And by granting an exemption from currency transaction report requirements for seasoned customers, this legislation seeks to streamline the filing of CTRs, which is a critical tool for our law enforcement officials.

There is little doubt that our regulatory structure has contributed to the United States being the model for the world when it comes to financial services; but without constant attention to the burdens of outdated rules and regulations, our markets can be weighted down by unnecessary costs.

I am pleased to see that Congress is tackling the issues of the regulatory burden early in this session, and I look forward to working with Chairman FRANK, Chairman MALONEY, and Ranking Member BACHUS and the other members to look for ways to find sensible regulatory relief for our banks, our thrifts, and our credit unions.

Mr. BACHUS. Madam Speaker, I yield 2 minutes to the gentleman from New Jersey.

Mr. GARRETT of New Jersey. I thank the gentleman.

I, too, rise today in support of H.R. 323, the Seasoned Customer CTR Exemption Act of 2007, legislation which seeks to reduce the regulatory burden caused by the previous Bank Secrecy Act and does so by simplifying exemptions for financial institutions, banks, for example, in their currency transaction reports, their CTRs, on seasoned customers.

You know, while well-intentioned CTRs have imposed a tremendous regulatory burden on financial institutions without a corresponding increase in benefit to our efforts to thwart terrorist attacks, for the most part law enforcement agencies have found these reports to be largely useless in the prevention of crimes and terrorist attacks, while banks have found the filing costs and regulatory burden they create enormous.

Currency transaction reports were created to follow any large transaction through the banking industry to catch money laundering before it became a fait accompli, but the provision that created them is now outdated. What was considered a large amount of money back in 1970 is hardly so today; in fact, the threshold for filing a CTR is $10,000, which in today's term is close to $50,000.

So with the provisions caught in time, banks are now locked in a situation by which they are filing CTRs for many everyday transactions; and because of the frequency of these filings, paper overflows and the actual tracking of criminal activity is severely hampered. Potentially criminal transactions that should be setting all alarms with the banks and law enforcement agencies are drowned out in a sea of paperwork.

This legislation then is a good start towards helping reduce regulatory burdens on our Nation's banks and financial institutions, and I therefore encourage all of my colleagues to support this important legislation.

Mr. BACHUS. Madam Speaker, I yield 2 minutes to the gentleman from Texas (Mr. NEUGEBAUER).

Mr. NEUGEBAUER. Madam Speaker, I rise today in support of H.R. 323, the Seasoned Customer CTR Exemption Act.

I appreciate the work of Chairman FRANK and Ranking Member BACHUS to introduce this legislation and get it on the floor quickly in this Congress.

The last Congress succeeded in passing some much-needed and long overdue regulatory relief for some of our financial institutions. Unfortunately, the provisions that originally were passed in this body as related to the CTR exemption were not included in that very important legislation.

In passing H.R. 323 today, the House is saying once more that we believe financial institutions, their customers and national security will be better served by exempting institutions from filing CTRs for their very qualified and seasoned customers.

Banks in my district have been telling me for the past few years that this legislation is needed. They tell us about the countless staff hours that it takes to file reports for customers that they have had relationships with for 20, 30 and 40 years just to be in compliance with the current regulation.

Under H.R. 323, instead of filing a form every time one of their longstanding seasoned customers comes in with a transaction over $10,000, they will file a one-time exemption for that customer to be recognized as a seasoned and qualified customer. I think that makes more sense for the American people. I think it makes more sense to use common sense.

Someone told me recently that the District of Columbia geographically is a 10-square-mile area, some have said it is a 10-square-mile logic-free environment. Well, we have an opportunity to overcome that feeling today by bringing some logic to the way we handle these cash transactions.

I urge my colleagues to support H.R. 323. Let's bring some common sense and logic back into the way government handles national security and recognize that banks and their seasoned customers, those relationships are long-standing and that time would be better served in looking at other opportunities.

Mr. FRANK of Massachusetts. Madam Speaker, I reserve the balance of my time.

Mr. BACHUS. Madam Speaker, I yield to myself such time as I may consume.

I want to take this occasion to first thank Mr. FRANK and congratulate him. I think this is the first piece of legislation that he is bringing to the floor in his capacity as the new chairman of the Financial Services Committee. I congratulate you on your appointment to that important position, Mr. FRANK.

Mr. FRANK of Massachusetts. I thank the gentleman, and if the gentleman would yield.

Mr. BACHUS. Yes, I would yield.

Mr. FRANK of Massachusetts. I would certainly recommend the way this bill is being treated and received on both sides as a precedent that I hope will be followed.

Mr. BACHUS. That sounds very good to me.

I do want to thank you for this piece of legislation because I think it is both a predictor of the past in that this committee has worked in a bipartisan way to do the right thing for both the customers of financial services and for the financial services institutions. And I am very optimistic that we will continue to work together.

I am going to yield back the balance of my time. I have about a five-page statement that I will spare the body having to listen to.

I do want to say this: last year this legislation came up, a similar legislation to this, both in March and July of last year; so this is basically our third shot in less than a year. It amends the Bank Secrecy Act; it amends specifically the part of that act dealing with currency transaction reports. It does not amend the part dealing with suspicious activity reports. They will continue to report to the different law enforcement agencies. What this will affect is your drug stores, your grocery stores, your retail outlets, who every day are filing these reports.

It is estimated by the Financial Crimes Enforcement Network that the cost of these alone is 25 minutes spent filing each one of these reports. So this is going to be a tremendous burden taken away from them. The American Banking Association said that it will result in a savings of $187 million annually.

I rise in strong support of H.R. 323, The Seasoned Customer CTR Exemption Act of 2007.

H.R. 323, which I introduced with Chairman FRANK, simplifies the process by which financial institutions may be exempted from filing currency transaction reports, CTRs, for seasoned customers while still ensuring valuable information is passed on to law enforcement.

Twice last year, legislation similar to H.R. 323 passed the House overwhelmingly: H.R. 5341, the Seasoned Customer CTR Exemption Act of 2006 passed the House by voice vote last July. In addition, the language was included in the House-passed version of regulatory relief legislation—H.R. 3505—which passed the House last March by a vote of 415–2.

H.R. 323 seeks to reduce regulatory burden caused by the Bank Secrecy Act. Specifically, the legislation requires regulators to promulgate new regulations and streamline the process by which financial institutions may be exempted from filing CTRs for seasoned customers. CTRs are required to be filed for cash transactions of $10,000 and above. This filing is required even in the case of seasoned customers—long-time bank customers that routinely deal in large volumes of cash, but whose business dealings are well-enough understood to rule out the possibility of money laundering or the financing of terror.

The Financial Crimes Enforcement Network, FinCEN, which administers the Bank Secrecy Act, received over 12 million CTRs in 2005. According to a survey conducted by the Treasury Department, more than 30 percent of these CTRs were on recurring customer transactions that were eligible for exemption for filing under existing rules.

Unfortunately, the current process by which a financial institution can exempt seasoned customers is rarely invoked because it is difficult to understand, needlessly cumbersome, and subject to redundant renewals.

The filing of these superfluous forms imposes an unnecessary cost on both the financial services industry and the law enforcement community.

With respect to the financial services industry, according to data released last year the number of CTRs filed on an annual basis now tops 13.1 million. Even FinCEN's conservative estimate of around 25 minutes per report for filing and recordkeeping indicates the banking industry as a whole devoted about 5.5 million staff hours to handling CTRs in 2005.

Based on a survey by the American Bankers Association, the industry paid around $187 million in wages for this staff time.

A typical bank with $2 billion of assets filed 1,400 CTRs in 2005. These filings took 583 staff-hours, with 438 of the staffhours simply to report on long-standing customers.

With respect to the law enforcement community, not only do these superfluous reports add nothing to its efforts, they actually make it more difficult for the law enforcement community to track suspicious activity by requiring it to wade through millions of pages of unnecessary paperwork.

The Government Accountability Office, GAO, the Internal Revenue Service, IRS, and FinCEN have all recommended that the number of CTRs be reduced by 30 to 40 percent by simply exempting large well-established customers or so-called seasoned customers.

In 1994, the GAO published a report which concluded, based upon an extensive analysis of CTRs, that the volume of reports could be substantially reduced without jeopardizing law enforcement priorities. According to that report, in 1993 the IRS, which administers the CTR program, stated that 30 to 40 percent of these reports of routine deposits by large, well-established retail businesses have no likelihood of identifying potential money laundering or other currency violations.

William Fox, who headed up FinCEN from 2003 to 2006, testified as follows before our Committee:

> We know that some of the currency transaction reports filed by financial institutions are of little relevance in the investigation of financial crimes. We also know that depository institutions, especially our community banks, identify the time and expense of filing CTRs as the number one regulatory expense. It is clear that our efforts to encourage the exemption of routine filings on certain customers has not brought about the reductions of filings that were sought.

H.R. 323 will reduce the number of CTRs by clarifying the exemption process, thereby freeing financial institutions from having to file CTRs for routine cash transactions with their long- time customers, i.e. supermarkets, fast food restaurants or warehouse stores. This will enable law enforcement to target its resources on CTRs where criminal or terrorist activity is suspected. Moreover, under the legislation, banks will still be required to report suspicious transactions engaged in by exempted businesses pursuant to the Suspicious Activity Reporting regime administered by FinCEN.

Let me close by thanking Chairman FRANK, Congressman HENSARLING, Congressman MOORE, Congressman RENZI, Congresswoman HOOLEY, and Congresswoman MALONEY for all of their work on this legislation. Since this is the first bill that the gentleman from Massachusetts has brought to the floor in his capacity as Chairman of the Financial Services Committee, I want to congratulate him on his appointment, and tell him that I look forward to working with him to build on the record of bipartisan legislative accomplishments that our Committee has compiled over the past several Congresses.

Finally, let me also thank Former FinCEN Director Fox, who deserves a lot of credit for his work on this issue. I look forward to working with the Senate and the new FinCEN Director to ensure that this important legislation is signed into law.

Ms. HIRONO. Madam Speaker, I rise in strong support of H.R. 323, the Seasoned Customer CTR Exemption Act. This bill eliminates a no-longer-necessary regulatory requirement which increases the costs of doing business for hundreds of financial institutions and their customers who ultimately bear the cost of this regulation.

H.R. 323 provides long overdue relief for our financial institutions from the requirement of keeping records and filing reports called Currency Transaction Reports (CTRs) to the Treasury Department for any financial transaction valued in excess of $10,000.00.

While the original purpose of the regulation, to identify suspected money laundering activities, was a commendable tool for Federal prosecutors, its utility has been adequately replaced since 1996 by the filing of Suspicious Activity Reports required by Treasury Department's Financial Crimes Enforcement Network. The CTRs are no longer the primary tool to identify suspected money laundering activities but banks must still file these reports, unless an exemption is given by the Department to certain "qualified business customers." The exemption procedures, however, have been found to be difficult to understand, cumbersome and still required the banks to obtain annual renewals.

This legislation will allow by statute the Treasury Department to issue regulations that would permit depository institutions to apply for an exemption from the requirement to file CTRs on a "qualified customer." The bill defines a qualified customer as any business organized or incorporated under state or federal law that has maintained a deposit account with the institution for at least twelve months and engaged in multiple currency transactions otherwise subject to the reporting requirement.

An estimated 30 percent of the 12 million CTRs received by the Treasury Department were filed on recurring customer transactions that were eligible for exemption under the current law. This bill will relieve financial institutions of the costly and unnecessary requirement to file CTRs in those instances and allow them to file a one-time notice of exemption for each qualified customer.

The Department will still be permitted where justified to suspend, reject or revoke such exemption notices to assure that it performs its legal duties. It also requires the department to report back within 3 years of enactment on the effects of the bill.

This bill is an example of Congress taking appropriate action after reviewing a regulatory requirement that made sense when first enacted but which no longer is needed. Too often, these burdensome requirements continue on the books to the detriment of our business community. Congress should continue to work with our business community to identify other instances of unnecessary regulations and requirements so that appropriate action can be taken.

Mr. BACHUS. Madam Speaker, I yield back the balance of my time.

Mr. FRANK of Massachusetts. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. FRANK) that the House suspend the rules and pass the bill, H.R. 323.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 65

Mr. TANNER. Madam Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 65.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

DISTRICT OF COLUMBIA AND UNITED STATES TERRITORIES CIRCULATING QUARTER DOLLAR PROGRAM ACT

Mr. GUTIERREZ. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 392) to provide for a circulating quarter dollar program to honor the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands, and for other purposes.

The Clerk read as follows:

H.R. 392

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "District of Columbia and United States Territories Circulating Quarter Dollar Program Act".

SEC. 2. ISSUANCE OF REDESIGNED QUARTER DOLLARS HONORING THE DISTRICT OF COLUMBIA AND EACH OF THE TERRITORIES.

Section 5112 of title 31, United States Code, is amended by adding at the end the following new subsection:

"(r) REDESIGN AND ISSUANCE OF CIRCULATING QUARTER DOLLAR HONORING THE DISTRICT OF COLUMBIA AND EACH OF THE TERRITORIES.—

"(1) REDESIGN IN 2009.—

"(A) IN GENERAL.—Notwithstanding the fourth sentence of subsection (d)(1) and subsection (d)(2) and subject to paragraph (6)(B), quarter dollar coins issued during 2009, shall have designs on the reverse side selected in accordance with this subsection which are emblematic of the District of Columbia and the territories.

"(B) FLEXIBILITY WITH REGARD TO PLACEMENT OF INSCRIPTIONS.—Notwithstanding subsection (d)(1), the Secretary may select a design for quarter dollars issued during 2009 in which—

"(i) the inscription described in the second sentence of subsection (d)(1) appears on the reverse side of any such quarter dollars; and

"(ii) any inscription described in the third sentence of subsection (d)(1) or the designation of the value of the coin appears on the obverse side of any such quarter dollars.

"(2) SINGLE DISTRICT OR TERRITORY DESIGN.—The design on the reverse side of each quarter dollar issued during 2009 shall be emblematic of one of the following: The District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands.

"(3) SELECTION OF DESIGN.—

"(A) IN GENERAL.—Each of the 6 designs required under this subsection for quarter dollars shall be—

"(i) selected by the Secretary after consultation with—

"(I) the chief executive of the District of Columbia or the territory being honored, or such other officials or group as the chief executive officer of the District of Columbia or the territory may designate for such purpose; and

"(II) the Commission of Fine Arts; and

"(ii) reviewed by the Citizens Coinage Advisory Committee.

"(B) SELECTION AND APPROVAL PROCESS.—Designs for quarter dollars may be submitted in accordance with the design selection and approval process developed by the Secretary in the sole discretion of the Secretary.

"(C) PARTICIPATION.—The Secretary may include participation by District or territorial officials, artists from the District of Columbia or the territory, engravers of the United States Mint, and members of the general public.

"(D) STANDARDS.—Because it is important that the Nation's coinage and currency bear dignified designs of which the citizens of the United States can be proud, the Secretary shall not select any frivolous or inappropriate design for any quarter dollar minted under this subsection.

"(E) PROHIBITION ON CERTAIN REPRESENTATIONS.—No head and shoulders portrait or bust of any person, living or dead, and no portrait of a living person may be included in the design of any quarter dollar under this subsection.

"(4) TREATMENT AS NUMISMATIC ITEMS.—For purposes of sections 5134 and 5136, all coins minted under this subsection shall be considered to be numismatic items.

"(5) ISSUANCE.—

"(A) QUALITY OF COINS.—The Secretary may mint and issue such number of quarter dollars of each design selected under paragraph (4) in uncirculated and proof qualities as the Secretary determines to be appropriate.

"(B) SILVER COINS.—Notwithstanding subsection (b), the Secretary may mint and issue such number of quarter dollars of each design selected under paragraph (4) as the Secretary determines to be appropriate, with a content of 90 percent silver and 10 percent copper.

"(C) TIMING AND ORDER OF ISSUANCE.—Coins minted under this subsection honoring the District of Columbia and each of the territories shall be issued in equal sequential intervals during 2009 in the following order: the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands.

"(6) OTHER PROVISIONS.—

"(A) APPLICATION IN EVENT OF ADMISSION AS A STATE.—If the District of Columbia or any territory becomes a State before the end of the 10-year period referred to in subsection (l)(1), subsection (l)(7) shall apply, and this subsection shall not apply, with respect to such State.

"(B) APPLICATION IN EVENT OF INDEPENDENCE.—If any territory becomes independent or otherwise ceases to be a territory or possession of the United States before quarter dollars bearing designs which are emblematic of such territory are minted pursuant to this subsection, this subsection shall cease to apply with respect to such territory.

"(7) TERRITORY DEFINED.—For purposes of this subsection, the term 'territory' means the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. GUTIERREZ) and the gentleman from Delaware (Mr. CASTLE) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

Mr. GUTIERREZ. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation, and to insert extraneous material thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. GUTIERREZ. Madam Speaker, I yield myself 3 minutes.

Madam Speaker, I urge the House pass H.R. 392, a bipartisan bill introduced by the distinguished gentlelady from Washington, D.C., Ms. HOLMES NORTON.

This legislation simply extends the very popular quarter coin bill to honor the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the U.S. Virgin Islands, and the Commonwealth of the Northern Mariana Islands.

□ 1300

We believe that extending the program will generate the same cultural pride in the District of Columbia and the U.S. territories that is done in every State across the Nation. When it comes to American history and tradition, Washington, D.C., is second to none, and that is why I am pleased that the gentlewoman from the District of Columbia has introduced this bill.

Citizens of other territories have made similar contributions and sacrifices. They, too, deserve the highest possible recognition and equality. That is why, in my opinion, extending the quarter program to include the U.S. territories is the least we can do to recognize the role that these great peoples and their cultures played in enriching American history.

Madam Speaker, I reserve the balance of my time.

Mr. CASTLE. Madam Speaker, I yield myself such time as I may consume.

I also rise in support of H.R. 392, the District of Columbia and United States Territories Circulating Quarter Dollar Program Act. I want to thank Chairman FRANK, Chairman GUTIERREZ, and Ranking Member BACHUS for the Financial Services Committee's support of this legislation and for getting this important bill to the floor early in the 110th Congress. This is a little bit unusual that we are doing early, perhaps early enough to get it done in the Senate as well.

The legislation before us would extend the popular 50 State Quarter project to include coins honoring the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands.

Madam Speaker, the 50 State Quarter legislation has proven to be a great success. It has reinvigorated coin collecting, has become an invaluable educational tool, and has so far contributed close to $6 billion to the United States Treasury through seiniorage and the sale of products to collectors. With an estimated 140 million Americans collecting these coins, the State quarters have become the most popular coin program in the United States' Mint history.

Madam Speaker, expanding the program to include D.C. and the U.S. territories will further benefit the taxpayer and educate Americans about our Commonwealth. These coins are integral to the history of our country and educate children and tourists about the American way of life. This bipartisan legislation is supported by the members of the Financial Services Committee and has passed the House in every Congress since the 106th Congress. I am pleased that we have brought this much-needed legislation to the floor today and urge my colleagues on both sides of the aisle to join me in supporting the bill.

Madam Speaker, I reserve the balance of my time.

Mr. GUTIERREZ. Madam Speaker, I yield 3½ minutes to the gentlewoman from the District of Columbia (Ms. NORTON), who is an effective and tireless advocate for the people of Washington, D.C., and the author of this bill.

Ms. NORTON. Madam Speaker, I thank the gentleman from Illinois for yielding and for his early work on this bill, and I certainly thank the gentleman from Delaware, who has worked on this matter with me, which now this makes the fifth time. Indeed, this is the fifth time, and I am grateful that the House has been willing to come back time and again, that we will pass a bill to afford the five insular areas and the District of Columbia a quarter bearing a design of their choice on the reverse side. Inadvertently these Americans were excluded from the 50 State bill affording this same right to the States in 1998.

We owe very special thanks to successive committee and subcommittee Chairs and ranking members of the Financial Services Committee. We especially appreciate the new chairman, BARNEY FRANK, who reached out to us to put this bill for consideration by the House on the early suspension calendar.

Forty States have had their State designs on the reverse side of the quarter with four more States to be added before this year is ended. All the coins are minted according to the year each State ratified the Constitution of the United States or were admitted into the Union.

Although States have appropriate latitude, there are limitations as to what can be used as a design. According to the law, the Secretary of Treasury has the final approval of each design. The law gives clear guidance as to what is an acceptable design concept. Suitable design concepts include State landmarks, historically significant buildings, symbols of State resources or industries, official State flora and fauna, State icons, and outlines of States. Among the examples of suitable coins are many, New York's Statue of Liberty and the like.

This bill points out the importance of including all Americans in the symbols of American citizenship. The residents of the District and of the insular areas are full and equal American citizens. To leave them out of mere exercises of citizenship is to seem to deny the citizenship they revere and share with other Americans. The Americans who live in these areas have fought and died in our country's wars and have extraordinary records of service, particularly in the Armed Forces, in considerably larger numbers than many States. District citizens, in addition, pay Federal income taxes.

We in the Congress all represent proud Americans. There are, of course, significant differences between the States and the jurisdictions covered by this bill. However, qualification to be part of a program of quarter coins to commemorate congressional districts is not one of them. Under the Constitution all Americans are equal notwithstanding important differences in form, structure, and other significant distinctions. Today, by including all Americans, Congress avoids any appearance of differential or discriminatory treatment and any implication that these areas are colonies, never the intention when the five jurisdictions were not included in the original bill in 1998, as the House has made clear by repeatedly bringing this bill to the floor. Perhaps the other body this time is ready to grant us our citizenship.

Today, when our country is at war and faces unparalleled dangers, this bill is yet another example of our unity as Americans and our indivisibility in honoring all of our country's citizens. By repeatedly passing this measure, the House has made it abundantly clear that we are one country, and that our hope is that the Senate will join us.

Mr. CASTLE. Madam Speaker, at this time I yield such time as he may consume to the distinguished gentleman from Puerto Rico (Mr. FORTUÑO).

Mr. FORTUÑO. Madam Speaker, I rise today in strong support of H.R. 392, the District of Columbia and United States Territories Circulating Quarter Dollar Program Act, of which I am an original cosponsor. I want to thank Chairmen FRANK and GUTIERREZ and Ranking Members CASTLE and BACHUS for their leadership on this.

This bill, introduced by Congresswoman ELEANOR HOLMES NORTON, whom I commend as well, would finally allow the District of Columbia as well as Puerto Rico, American Samoa, Guam, the Virgin Islands, and the Northern Mariana Islands the right to choose a design, which would be imprinted on the reverse of a quarter. Inadvertently these jurisdictions were excluded from the 50 State quarter dollar bill that gave each State their own coins in 1998.

I echo the sentiments of my colleagues. This bill recognizes the importance of including all Americans in the symbols of American citizenship. I am confident and hopeful that this bill will see swift congressional passage and then that the President will imprint his signature.

As Puerto Rico's sole representative in Congress of the almost 4 million American citizens who reside in Puerto Rico, it is my honor to acknowledge the significant contributions which Puerto Rican Americans have made to our Nation. In particular, Puerto Ricans have never failed in their proud patriotic commitment to their call of duty, defending this Nation and its democratic principles. Madam Speaker, Puerto Rican Americans have served with honor and distinction in the Armed Forces of the United States in all wars and conflicts since 1917 to this day.

This bill's passage is long overdue. Its enactment would be an extremely meaningful way to honor these Puerto Rican Americans. It may seem like a small gesture, but our exclusion from this program undermines how faithful Puerto Rican Americans have been to this Nation and how we revere our citizenship and fellowship with all Americans.

Mr. GUTIERREZ. Madam Speaker, I yield the balance of my time to the delegate from Washington, D.C. (Ms. NORTON) and ask unanimous consent that she be permitted to control that time.

The SPEAKER pro tempore (Mrs. JONES of Ohio). Is there objection to the request of the gentleman from Illinois?

There was no objection.

Ms. NORTON. Madam Speaker, I yield 3 minutes to the gentlewoman from the U.S. Virgin Islands (Mrs. CHRISTENSEN).

Mrs. CHRISTENSEN. Madam Speaker, I thank the gentlewoman for yielding.

Madam Speaker, once again the bill to add the quarters representing the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, and the U.S. Virgin Islands is before this body for passage.

And I want to thank Chairman FRANK, Ranking Member CASTLE, and my colleagues who have supported this in the past and our colleague ELEANOR HOLMES NORTON for her persistence, which I believe is going to pay off in this Congress. The holdup in the past has been in the other body, but I believe we have a commitment to get it passed this time.

As often happens in the territories, not usually Washington, D.C., we were overlooked and left out when the bill authorizing the coins first passed and was signed into law. With the passage today of H.R. 392, we will fix that oversight, but I hope we can move to ensure that the territories are remembered and considered when any legislation is being written.

We will continue to work to that end, but today my constituents are looking forward to displaying an image on our coin that will convey a part of our rich history to our fellow Americans and people around the world, whether it would be General Budhoe, the slave who led the effort that resulted in our emancipation; the three women who are best known for having led the labor revolt of 1878; D. Hamilton Jackson, a judge, labor leader, champion of the free press, and actually the first delegate to Washington on behalf of the Virgin Islands; or any number of people or monuments that represent who and what we are when that is yet to be decided.

But, Madam Speaker, with the passage of this bill today, we will have begun the process, and the Virgin Islands will be ready to proudly join the States in this program.

I urge my colleagues to support H.R. 392.

Mr. CASTLE. Madam Speaker, I have no further requests for time, and I reserve the balance of my time.

Ms. NORTON. Madam Speaker, I yield 3 minutes to the gentleman from American Samoa.

Mr. FALEOMAVAEGA. Madam Speaker, I rise today in strong support of H.R. 392, the District of Columbia and United States Territories Circulating Quarter Dollar Program Act.

I want to commend my colleague from the District of Columbia for introducing this proposed legislation to include the District of Columbia and the territories by amending the 50 States Commemorative Coin Program Act that was made law since 1997. I want to commend the gentleman from Massachusetts, the chairman of the House Financial Services Committee; as well as the ranking member, the gentleman from Alabama, for their leadership and support of this legislation. Madam Speaker, I also want to especially thank the gentleman from Delaware, my esteemed friend, for his unwavering support of this legislation. For many years he has worked tirelessly with the sponsor of this bill, and I would be remiss if I did not thank the good gentleman from Delaware for his commitment to pass this historic legislation.

This important piece of legislation has been an ongoing issue for the past 8 years, Madam Speaker. All five congressional delegates are and were original cosponsors of this bipartisan measure. During the 107th Congress we introduced H.R. 4005, identical legislation that was unanimously passed by the House and was received in the Senate in 2002. In the 108th and 109th Congresses, the same legislation was unanimously passed with bipartisan support by the House. But, unfortunately, Congress adjourned before the Senate could consider the bills.

Madam Speaker, I am hopeful that we pass H.R. 392 and that the Senate will pass this legislation before the 110th Congress adjourns. H.R. 392 affords us an opportunity to recognize the special contributions of the residents of the good people of the District of Columbia and the territories.

I urge my colleagues to support this legislation.

Ms. NORTON. Madam Speaker, I yield 4 minutes to the gentlewoman from Guam (Ms. BORDALLO).

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Ms. BORDALLO. Madam Speaker, I rise in strong support of H.R. 392, the District of Columbia and the United States Territories Circulating Quarter Dollar Program Act.

This bill would authorize the Secretary of the Treasury to provide for a circulating quarter dollar coin program to honor the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands.

The Commemorative Coin Program Act was passed, Madam Speaker, in 1997, and enacted as Public Law 105–124. It authorized the minting of 50 commemorative coin designs to represent the unique culture and history of each respective State. This is an unprecedented program by which the design of the United States quarter dollar changes five times each year for a 10-year period beginning in January 1999. The 50 States are honored under the current program in the order in which they were admitted into the Union. This program authorized the first change to the quarter since production of the bicentennial quarter in 1975–1976 and is meant to foster pride among citizens of each State, greater appreciation for the diversity of our Nation, and to instill an enhanced sense of national unity. By all accounts, Madam Speaker, this program has been a resounding success. However, it has excluded the territories.

H.R. 392 represents the fifth consecutive attempt, the fifth consecutive attempt to enact legislation to honor the Capital City, Washington, D.C., and the U.S. territories by including them in the 50 State Quarter Program.

I want to thank the gentlewoman from the District of Columbia (Ms. NORTON), who has persevered over all these years to try to get this piece of legislation through, and I also thank the gentleman from Delaware (Mr. CASTLE) for his continued strong support for the District of Columbia and the U.S. territories to be included in this successful program.

I represent Guam, an island approximately 3,500 miles southwest of Hawaii. Guam, like the District of Columbia and the other U.S. territories, has unique attributes that too few Americans are aware of. In fact, it is all too common for Americans to be unaware of or misinformed about Guam's relationship with the United States and that its residents are duly U.S. citizens. I believe this record should be improved, and one way to accomplish this is to authorize the Secretary of the Treasury to provide for the circulating quarter dollar coin program to honor the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Marianas.

The bottom line is that every time someone looks at the back of a quarter, they learn something about the State represented. Much can be learned about Guam and her sister territories and the District. In doing so, the curious American will learn more about their wonderful country in which they live and more about their fellow Americans with whom they share this bountiful land.

Mr. CASTLE. Madam Speaker, just in closing I thought I would reference back to what I said in the opening, and that is that this particular program which is known as the 50 State Quarter Program, has made a profit, if you want to call it that, through what we call seigniorage of about $6 billion for the Federal Government. How can that be? It is fairly simple: it costs about a nickel to make a quarter, and we essentially sell the quarters, if you will, for 25 cents; and that amount of money, that extra money is carried over, that 20 cents. And since none of these coins are being basically turned in because of all the collecting which is going on, this is money which the Federal Government can spend, it is called seigniorage, and it has worked out extraordinarily well.

This program not only honors and recognizes these very important entities that have been spoken to by their representatives here today, but also provides an opportunity for the Federal Government to continue to profit from this program, which will, by the end, end otherwise in the year 2008. So I would encourage everybody to vote for it.

I hope, to the distinguished woman from the District of Columbia, that the fifth time is good luck. We have had great luck here in the House; it is in the Senate that we seem to struggle a little bit, and hopefully we can get it done this time.

And let me make a point that I think is important. There has been a lot in the news lately about a delegate voting bill which some people here on the floor may be interested in. This is not that bill, and I am not either denigrating or advocating that bill today. But I think it is very important to understand what this is: it is just a clear recognition of those areas that have been left out of this quarter program that many of us think should be brought in and, for that reason, are very supportive of this legislation. Hopefully this is a bill which both political parties can be very supportive of when the time comes to vote on it.

Madam Speaker, I yield back the balance of my time.

Ms. NORTON. Madam Speaker, may I inquire how much time is remaining.

The SPEAKER pro tempore. The gentlewoman has 9½ minutes remaining.

Ms. NORTON. Madam Speaker, I cannot close without saying a word about the spirit in which the gentleman from Delaware has handled this matter. What is it, we are told 8 years. It was a quintessential moment of bipartisanship.

I was sitting in my office when the bill came to the floor, and staff came in and said the District of Columbia and the territories are not included in this coin bill. I ran to the floor and ran over to the gentleman. It is understandable, it is called 50 States, that it is easy to forget us I guess, and he assured us there had been no intention.

Madam Speaker, I had two choices. One choice was on suspension, as it is today, which was simply to ask my side to vote against it and it wouldn't have passed on suspension. The other side was to listen to what the chairman said, and what he said was that he would put this bill again on the floor. He, and for that matter his successor committee chairs and subcommittee chairs, has never wavered on putting this bill forward. Let us be clear that when we are talking about five times, we are talking about, shall we call them, the other body.

I point this out because I believe we owe the same reciprocal spirit of bipartisanship that, sir, you so kindly granted us. The fact is, this is such a small matter. That such a small matter can be so hurtful may not be understandable to others.

One way to understand it is the disproportionate service in the Armed Forces. I don't know why, but you have only to look at the statistics to be stunned by the disproportionate service in our Armed Forces of people from the District of Columbia and the insular areas. It is not because they during the period of the draft were more often drafted; it was a greater willingness to serve.

I want to say, Madam Speaker, in closing that a virtual unwritten rule of this House should be that no distinction not proscribed by laws ever be made among American citizens, particularly in the people's House. We will all be challenged, I hope shortly, on an entirely unrelated bill, not the bill that the gentleman from Delaware spoke of that is due to come to the floor on delegate voting, but yet another bill, a bill 200 years in the making, 200 painful years of service in the Armed Forces, of paying taxes without representation which are going to call Congress to account, especially my party, which has flooded this floor with statements of belief in the full voting rights of the people of the Nation's Capital.

To his great credit, Representative TOM DAVIS when he chaired the Government Reform Committee discovered a magic opportunity, that is the only word for it because it won't come again soon, that the State of Utah had barely missed getting a vote in the last census. And he came to me and suggested that we put Utah and the District of Columbia together just as Alaska and Hawaii came in the Union together, and precisely the only way we have increased representation in the House and the Senate, and that is through political balance.

It was an offer we couldn't refuse, but it took us 4 years of my negotiating with the Democrats who kept telling me what they wanted and Mr. DAVIS negotiating with Republicans who kept telling them what they wanted, and finally we got the bill through the Government Reform Committee 15–14. This is such an extraordinary bipartisan vote on a controversial bill, 15 Democrats, 14 Republicans voting for the bill, the Davis-Norton bill for a House vote. Not a vote in both Houses, my friends, a vote in the people's House, went to the Judiciary Committee, additional requirements made, they were fulfilled by the State of Utah.

Here, we have the most Republican State in the Union and a big city normally Democratic who come forward together, who are literally joined at the hip together, and say regrettably, although we thank the other side who took this almost to the floor, through two committees, didn't get it to the floor, my party has an obligation written in miles of rhetoric, written in their platform over many decades to bring the bill for the full vote for the residents of the District of Columbia to this floor.

I congratulate my colleagues on the other side who almost brought us home. Now, the challenge is to those who got up and pointed their finger at the other side about not doing enough, the finger is now pointed at us and the time has come. While this bill has nothing to do with that, if you represent the District of Columbia, if you were second per capita in Federal income taxes, if you had gone to Arlington during this war, if you had sat in churches during this war, then you would understand that any opportunity to remind this Congress, including my side, that the moment of truth has come and it has got to come in the 110th Congress for a seat for the District of Columbia this year. Meanwhile, we begin with an entirely noncontroversial "yes" symbolic bill. Let this bill pass the House.

I thank the Speaker, and I particularly thank my good colleagues for persevering with us. I hope we have set the tone for the 110th Congress.

Mr. BACHUS. Madam Speaker, I rise in strong support of H.R. 392, the District of Columbia and United States Territories Circulating Quarter Dollar Program Act, introduced by the gentlewoman from the District of Columbia, Ms. NORTON.

We are all aware of the popularity of the 50-State quarter program, which will continue through 2008. The Treasury has benefited from more than $6 billion worth of quarters taken out of circulation by serious and amateur collectors alike.

The gentleman from Delaware, Mr. CASTLE, deserves great credit for the State quarters program. He came up with the idea, worked tirelessly through two Congresses, and brought the Treasury Department on board back in the mid-1990s.

H.R. 392 would establish a quarters program for the District of Columbia and U.S. territories in 2009, after the 50-State program runs its course. This is actually the fifth Congress in which we've tried to pass this program. I managed consideration of the bill in the House in September 2000. It has passed the House in every succeeding Congress, but has never been taken up—even at the committee level—in the other body.

The quarters program has immense educational value. Teachers prepare lesson plans based on each new quarter, and parents save them and discuss them with their children. H.R. 392 is a way to recognize the contributions made to the United States by people from the District of Columbia, Puerto Rico and the territories.

Madam Speaker, this is good legislation, and I am glad we are taking it up as one of the first bills from the Financial Services Committee in the 110th Congress. This is bipartisan legislation, as much of the work product of the committee has been since I came to Congress, and I look forward to continuing that tradition with the new chairman, the gentleman from Massachusetts, Mr. FRANK. I only hope that this time, the legislation will win full congressional approval and be sent to the President for his signature.

Madam Speaker, I welcome this bill and urge its immediate adoption.

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise today in strong support of H.R. 392, which requires the Circulating Quarter Dollar Coin Program to honor the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands.

Madam Speaker, you will recall that in 1999, the United States Mint began circulating quarters in commemoration of each of the 50 States. The coin honoring my great State of Texas was issued in 2004. The coin, featuring the Lone Star of Texas, is the 28th in the series and commemorates Texas' admission to the Union as the 28th State on December 29, 1845.

To date, Mr. Speaker, 40 of the 50 State coins have been circulated. I look forward to seeing the last 10 States honored with their own special quarter-dollar coin.

Unfortunately, the beautiful city in which we stand today, our Nation's capital, has been thus far denied the opportunity to commemorate its vital importance as a part of our union, with a quarter-dollar coin of its own. Likewise, the United States territories have not had the opportunity to commemorate their important role in our nation. H.R. 392 would change this regrettable state of affairs.

I thank the delegate from the District of Columbia, Ms. NORTON, for introducing this legislation and urge my colleagues to vote in favor of it. I am, however, saddened that she herself cannot cast a vote in favor of this bill since she is not yet permitted a vote on the floor of the House or in the Committee of the Whole. I am optimistic that the new Democratic majority in this House will grant elected delegates the right to vote in the Committee of the Whole at the earliest possible opportunity. I remain a strong supporter of H.R. 328, the District of Columbia Fair and Equal Voting Rights Act of 2007, which will give the representative for the District of Columbia a full, fair, and equal vote on the floor of the House of Representatives.

As a supporter of freedom, democracy, and equality, I believe that it is long overdue for the citizens of the District of Columbia to have a representative in Congress who can vote on the vital legislation considered in this august body. It is wrong, Madam Speaker, that the citizens of the District of Columbia, who after all pay taxes to the United States, serve in the Armed Forces, and are subject to the laws and jurisdiction of the United States, are denied a vote in the body that imposes those taxes, raises and maintains the Armed Forces, and makes the laws that each of us must obey. Similarly, we cannot deny the territories of Puerto Rico, American Samoa, Guam, the Virgin Islands, and the Northern Mariana Islands the right to have a vote in Congress. Doing so denies the important relationships of these territories to our Nation and diminishes the contributions of their people to our country.

In light of this unfortunate situation, I commend the delegate from our Nation's Capital for introducing H.R. 392, to show the people of the United States capital and territories that we do indeed honor them. I urge my colleagues to pay tribute to them by voting in favor of this legislation to establish a quarter dollar coin program in their commemoration.

Ms. NORTON. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. GUTIERREZ) that the House suspend the rules and pass the bill, H.R. 392.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

STREAMLINING OF SAFETY ACT AND ANTI-TERRORISM TECHNOLOGY PROCUREMENT PROCESSES

Mr. LANGEVIN. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 599) to direct the Secretary of Homeland Security to streamline the SAFETY Act and anti-terrorism technology procurement processes.

The Clerk read as follows:

H.R. 599

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. STREAMLINING OF SAFETY ACT AND ANTI-TERRORISM TECHNOLOGY PROCUREMENT PROCESSES.

(a) PERSONNEL.—The Secretary of Homeland Security shall ensure that, in addition to any personnel engaged in technical evaluations that may be appropriate, a sufficient number of full-time equivalent personnel, who are properly trained and qualified to apply legal, economic, and risk analyses, are involved in the review and prioritization of anti-terrorism technologies for the purpose of determining whether such technologies may be designated by the Secretary as qualified anti-terrorism technologies under section 862(b) of the SAFETY Act (6 U.S.C. 441(b)) or certified by the Secretary under section 863(d) of such Act (6 U.S.C. 442(d)).

(b) COORDINATION WITHIN DEPARTMENT OF HOMELAND SECURITY.—The Secretary of Homeland Security shall—

(1) establish a formal coordination process that includes the official of the Department of Homeland Security with primary responsibility for the implementation of the SAFETY Act, the Chief Procurement Officer of the Department, the Under Secretary for Science and Technology, the Under Secretary for Policy, and the Department of Homeland Security General Counsel to ensure the maximum application of the litigation and risk management provisions of the SAFETY Act to anti-terrorism technologies procured by the Department; and

(2) promote awareness and utilization of the litigation and risk management provisions of the SAFETY Act in the procurement of anti-terrorism technologies.

(c) ISSUANCE OF DEPARTMENTAL DIRECTIVE.—The Secretary of Homeland Security shall, in accordance with the final rule implementing the SAFETY Act, issue a Departmental management directive providing for coordination between Department procurement officials and any other Department official responsible for implementing the SAFETY Act in advance of any Department procurement of an anti-terrorism technology, as required under subsection (b).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Rhode Island (Mr. LANGEVIN) and the gentleman from Alabama (Mr. ROGERS) each will control 20 minutes.

The Chair recognizes the gentleman from Rhode Island.

GENERAL LEAVE

Mr. LANGEVIN. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks, and to insert extraneous materials relating to the bill under consideration into the CONGRESSIONAL RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Rhode Island?

There was no objection.

Mr. LANGEVIN. Madam Speaker, I yield myself such time as I may consume.

Today, Madam Speaker, I rise in support of legislation I introduced, the SAFETY Reform Act of 2007, which will help ensure that safe and effective antiterrorism technologies are being deployed by the Department of Homeland Security to bolster our security throughout the country.

□ 1330

The Support for Anti-Terrorism by Fostering Effective Technologies Act of 2002, or SAFETY Act as it is known, was designed to provide incentives for development and deployment of antiterrorism technologies.

The SAFETY Act was intended to address the liability concerns of businesses and to pave the way for innovative development of key antiterrorism technologies. Unfortunately, a lack of personnel within the Office of SAFETY Act Implementation, an excessively burdensome application process, and a lack of communication between the Department's procurement and management divisions made for difficult implementation of the SAFETY Act.

This legislation which I have introduced, along with Chairman THOMPSON, Subcommittee Ranking Member Rogers and many other members of the Homeland Security Committee, should fix many of those shortcomings.

Last year the Homeland Security Committee held a subcommittee hearing highlighting some of the problems that arose from the SAFETY Act's implementation. We heard from a variety of industry leaders and experts that the application process was overly burdensome, and that it took far too long for the Department of Homeland Security to properly evaluate and approve many of the applications that businesses submitted.

While I am pleased to see that many companies with new and innovative technologies have already applied for the SAFETY Act program, the program can be effective only when the applications are properly approved.

My legislation, therefore, takes three important steps to improve the effectiveness of the application process. First, this bill will help facilitate communication between the Department of Homeland Security's procurement sector and the Department's Office of SAFETY Act Implementation, which is the entity tasked with reviewing the applications. This approach will allow officials at DHS to thoroughly review applications while also maintaining quick turnaround times.

Second, the bill would require that the Secretary employ a sufficient number of analysts in the Office of SAFETY Act Implementation who can deal with the ever-growing number of applications. Appropriate staffing will help ensure that the applications are being processed in a timely manner, thereby allowing us to deploy the newest and best technologies as quickly as possible.

Finally, this legislation will help raise awareness of SAFETY Act risk management provisions among procurement officers across Federal, State, and local levels, and throughout the private sector.

Contributions made by private enterprises are an extremely important component of our Nation's security, and our governmental policies should continue to encourage innovation, not stifle it.

By passing the SAFETY Reform Act, I am optimistic that we will be able to effectively streamline the application process and encourage participation in this program across all levels of government and the private sector.

I urge my colleagues to join me in supporting the SAFETY Reform Act of 2007.

Madam Speaker, I reserve the balance of my time.

Mr. ROGERS of Alabama. Madam Speaker, I yield 3 minutes to the gentleman from Texas (Mr. McCAUL), my friend and colleague.

Mr. McCAUL of Texas. Madam Speaker, I thank the gentleman for yielding.

I want to thank Chairman LANGEVIN and Ranking Member ROGERS for their leadership on this issue, and I am proud to have been a coauthor of this bill.

Madam Speaker, I rise today in support of H.R. 599, a bipartisan bill to help protect and encourage companies that develop antiterrorism technologies. This bill helps implement the Support Anti-Terrorism by Fostering Effective Technologies, or SAFETY Act. The SAFETY Act was passed as part of the Homeland Security Act of 2002, and basically it encourages companies to develop antiterrorism technology by limiting their liability in the event of a terrorist attack.

As part of the oversight provided in the 109th Congress, the Homeland Security Committee determined that the SAFETY Act better protected the American people, and over 60 new technologies have been approved for coverage under the SAFETY Act in areas such as radiation detection, facility protection and passenger screening.

Unfortunately, in order to qualify for SAFETY Act protection, companies must go through a cumbersome application process rife with red tape. This bill cuts that red tape by requiring DHS to streamline their process and make it more effective.

In my district there are a number of companies developing antiterrorism technologies, including detection and identification systems. By limiting their potential legal liability, this bill will help them develop new technologies to address the real and constant threat of a terrorist attack.

This bill represents a commonsense, bipartisan approach, and I applaud my colleagues on the other side of the aisle, an approach to streamline government and make it friendlier to the American people. By doing this, we will make it easier for government and the private sector to work together to make America safer.

Madam Speaker, I urge my colleagues to support this important legislation.

Mr. LANGEVIN. Madam Speaker, I am pleased to yield such time as he may consume to the gentleman from Mississippi (Mr. THOMPSON), the chairman of the Homeland Security Committee.

Mr. THOMPSON of Mississippi. Madam Speaker, I thank Mr. LANGEVIN.

Today I rise to support a bill that reaffirms our commitment to ensuring that safe and effective antiterrorism technologies are being deployed by the Department of Homeland Security.

This bill, offered by my colleague Mr. LANGEVIN, will provide much-needed reforms to the SAFETY Act process within the Department.

In conducting oversight over the Department's implementation of the SAFETY Act over the last several years, it was apparent that there was several significant disconnections within the Department.

It became clear that the Office of SAFETY Act Implementation and the private sector were working on separate wavelengths. The right hand simply was not speaking to the left.

The private sector struggled to fulfill the lengthy paperwork requirements of the SAFETY Act, while the SAFETY Act office often seemed nonresponsive to private sector requests.

While the Department's adoption of final regulations this summer implementing the SAFETY Act appears to be an encouraging step forward, still more must be done to ensure that the government is being responsive to developments in the private sector.

This bill would require that the Secretary employ a sufficient number of analysts in the Office of SAFETY Act Implementation who can deal with the ever-growing number of applications. This will ensure that applications are being processed in a timely fashion to bring more technologies to the table earlier than ever.

Perhaps more importantly, this bill will also ensure the proper coordination between the Department's procurement and implementing offices and raise the awareness of SAFETY Act risk management provisions among procurement officers across Federal, State and local government, and throughout the private sector.

In order to generate revolutionary breakthroughs in antiterrorism technologies, the Department must actively promote awareness of SAFETY Act protections not only among private sector, but across government procurement agencies. This legislation will help achieve those goals.

I congratulate Mr. LANGEVIN for offering this legislation and strongly urge my colleagues to join me in supporting this bill. We must enable the private sector to deliver the revolutionary, breakthrough technologies that will help win the Nation's fight against terrorism.

Mr. ROGERS of Alabama. Madam Speaker, I reserve the balance of my time.

Mr. LANGEVIN. Madam Speaker, I yield 3 minutes to the gentleman from Florida (Mr. MEEK).

Mr. MEEK of Florida. Madam Speaker, let me just say that this piece of legislation is an outstanding bipartisan piece of work. I know that it has bipartisan support, something that is going to help the private sector and be able to help us move forward in securing America.

I would like to thank my good friend Mr. ROGERS for his outstanding work and also on the Republican side. We have had a great discussion. As you know, in the last Congress I was the ranking member on the oversight committee, and all of us that are involved in this bill have heard hours and hours of testimony on why this is important. Even going as far back as the 108th Congress in the select committee, we were hearing from members of the private sector, saying that we want to participate in protecting America, need it be bio or what have you, but we also do not want to end up losing our shirts in the process or giving away secrets.

So I think this legislation is going to help us move forward. I hope it has a speedy process in the Senate. I look forward to coming to the floor later on to vote on this very good piece of legislation.

I just wanted to come by and say, once again, this is another example on how we have and we are now working in a bipartisan way on behalf of securing America for future generations and this generation so that we can continue to move forward hand in hand.

I want to thank the bill's sponsor from Rhode Island for bringing this legislation to the floor quickly, and also Mr. THOMPSON, the chairman of the committee, and ranking member of the committee on the Republican side for bringing this to the floor for speedy consideration.

I rise today in strong support of this legislation. H.R. 599, the Support for Antiterrorism by Fostering Effective Technologies or "SAFETY" Act would provide greater incentive to US companies that develop and produce domestic, antiterrorism technologies and would better ensure the integrity of our national security.

Congress enacted the SAFETY Act in 2002 to limit the liability of manufacturers of qualified, antiterrorism technologies. This was seen as an essential step to promote innovation in technology, and to ensure that our first responders received the very latest and best equipment.

However, the methods used by the Department of Homeland Security to implement the original legislation were markedly slow and burdensome to applicants. This created disincentive to companies to participate in the program, and negated the original intent of the legislation.

I raised this issue and others during a September 2006 joint hearing before the Homeland Security Subcommittees on Management, Integration, and Oversight and Emergency Preparedness, Science and Technology. In that hearing, questions were raised addressing these issues; however, little was done in the closing days of the 109th to enact sufficient change. The Department did take positive steps to alleviate some of these issues, by issuing improved application "kits" and approving the final rule.

Still more is needed, and H.R. 599 would be a significant step in that direction. Because procuring these vital technologies as they become available is imperative to national security, SAFETY Act certification must happen at the same time as production.

To ensure that both our companies and our first responders are protected, this bill would require the Department to formalize the coordination between its procurement office and the Office of SAFETY Act Implementation. This would stand to greatly improve the efficiency of the program and the application process. Moreover, this bill would also ensure that sufficient staff be made available for reviewing applications. Delays in certification can dissuade companies from bringing life saving technology to market for long periods of time.

The SAFETY Act, as it is named, is about the security of the American people. Improving this process will ensure that our Federal, State, and local authorities have the tools they need to protect the American people.

I urge my colleagues, to support this bipartisan measure and to further strengthen our defense from terror.

Mr. ROGERS of Alabama. Madam Speaker, I yield myself such time as I may consume.

The bill we consider today will streamline the procurement process of the Department of Homeland Security by implementing the SAFETY Act. The SAFETY Act was enacted in November 2002 as a part of the Homeland Security Act. At that time it was the intent of Congress to spur the development and deployment of innovative antiterrorism technologies. The act does this, in part, by limiting the liability exposure of companies that provide those technologies in the event of a terrorist attack.

Since the law was enacted, however, the number of applications to DHS for SAFETY Act protections has fallen well below expectations. Critics charged that this result is due to a number of factors, including the Department's slow evaluation and approval process, the understaffing in key DHS offices, and the lack of full coordination between the SAFETY Act office and the procurement office in the process at DHS.

To address those concerns, the Committee on Homeland Security included bipartisan provisions in the DHS authorization bill for fiscal years 2006 and 2007, but time ran out, and neither bill came to law.

Last summer DHS issued its final rule to implement the SAFETY Act. The Department revised the application kit to make it easier for companies to apply for SAFETY Act protection.

To review those materials and hear from the private sector, I cochaired a hearing in the Management, Integration and Oversight Subcommittee with the former Chairman REICHERT and his subcommittee on September 13, 2006. We heard from the Under Secretary for Science and Technology and the chief procurement officer at DHS.

We also heard from leading industry representatives, including the U.S. Chamber of Commerce, the Homeland Security and Defense Business Council, and the Professional Services Council. The feedback we received from industry about the revisions DHS made to the process was mostly positive. Progress has been made.

DHS reports a 100 percent increase in applications, from 14 to 28, over 1 year since the fourth quarter of 2005, but more can be done to further streamline and improve the SAFETY Act procurement process.

The bill we consider today continues our work from the 109th Congress and makes those improvements. First, the bill would ensure DHS has a sufficient number of properly trained analysts to review and prioritize antiterrorism technologies that could qualify for SAFETY Act designation.

Second, the bill would establish a formal coordination process within DHS and involve the Under Secretary for Science and Technology, the Under Secretary for Policy, the chief procurement officer and the general counsel.

And third, the bill would require that SAFETY Act issues are fully considered in advance of procurement by DHS of an antiterrorism technology.

This bill would improve implementation of the SAFETY Act so the private sector can do more to protect our Nation from terrorist attacks. I urge my colleagues to support its passage.

Madam Speaker, I yield back the balance of my time.

Mr. LANGEVIN. Madam Speaker, in closing, I want to thank the speakers who have come forward. I want to thank Members on the other side of the aisle for working with us in a bipartisan fashion to bring this bill to the floor. I want to particularly recognize the leadership of Chairman THOMPSON and his due diligence in seeing that this act was put together in such a timely fashion and brought to the floor so quickly.

□ 1345

It is the responsibility of every level of government, whether it is the local, State or Federal level, first and foremost to protect our citizens. Our Nation is at war, and homeland security must be our top priority. The quicker that we can get these new and vital technologies in place that will better protect the American people, the better off we will all be.

So it is my intent that this act will clarify some of the problems with the original SAFETY Act and with the implementation that has been witnessed by the Department of Homeland Security, and I am pleased that we have brought this act to the floor today.

Madam Speaker, I move its passage.

Madam Speaker, I request that the following letters be made part of the CONGRESSIONAL RECORD.

PROFESSIONAL SERVICES COUNCIL,
Arlington, VA, January 22, 2007.

Hon. JAMES LANGEVIN,
Chairman, Subcommittee on Emerging Threats, Cybersecurity, Science and Technology.
Hon. MIKE ROGERS,
Ranking Member, Subcommittee on Management, Investigations and Oversight.
HOMELAND SECURITY COMMITTEE,
House of Representatives,
Washington, DC.

DEAR CHAIRMAN LANGEVIN AND CONGRESSMAN ROGERS: On behalf of the Professional Services Council (PSC), the leading national trade association representing the professional and technical services industry selling to the Federal Government, I am writing to endorse the legislation introduced by you and others (H.R. 599) to streamline the SAFETY Act and anti-terrorism technology procurement processes.

We appreciated the bipartisan leadership of Chairman Thompson and Ranking Member King during the 109th Congress to provide strong oversight of SAFETY Act implementation, including the execution of the responsibilities of the Secretary of Homeland Security and the Under Secretary for Science and Technology in administering the Act. We are confident that the Committee's support for the full implementation of the law and for extending the coverage of the Act to appropriate anti-terrorism technologies will remain strong through your Subcommittees' leadership.

PSC has been a strong and active supporter of the SAFETY Act since its development in Congress in 2002. We have commented extensively on the Act, on the implementing regulations, application kits, and operating principles. We have met repeatedly with key leaders within the Department and other offices in the Executive Branch. We testified before your Committee last year on the Act. We are pleased with the recent progress made in providing the regulatory and administrative framework for implementation, and with DHS's renewed commitment to moving that implementation forward. However, more can and should be done.

While the Department is fully committed to robust implementation of the Act, we see your bill as an important step in helping the Department achieve that goal—whether through the allocation of additional full-time DHS employees to carry out the functions assigned under the Act or ensuring that the Department's internal procurement and policy organizations are aligned with and use the authorities provided under the Act. In addition, the Department plays an important role in providing guidance and information to other federal agencies and to other stakeholders about the Act. Each of these important items is addressed in H.R. 599.

We appreciated the opportunity to comment on the draft bill and are pleased to offer PSC's support for the legislation as introduced. We strongly support passage by the House early in the legislative cycle and look forward to further legislative and administrative action to fully implement the goals and objectives of the SAFETY Act. We also look forward to working with your Subcommittees and others on this important homeland security initiative.

In the interim, if you or your staffs have any questions or need any additional information, please do not hesitate to let me know.

Sincerely,

ALAN CHVOTKIN, ESQ.,
Senior Vice President and Counsel.

CROWELL MORING,
Washington, DC, January 22, 2007.

Re Proposed Legislation for Streamlining of SAFETY Act Processes

Representative JAMES R. LANGEVIN,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE LANGEVIN: Your proposed legislation—"Streamlining of SAFETY Act and Anti-Terrorism Technology Procurement Processes"—represents a critical step forward to enhance the implementation of the SAFETY Act. This legislation recognizes the clear Congressional purpose embodied in the SAFETY Act—save lives through anti-terrorism technology.

One of the continuing impediments to more aggressive implementation of the SAFETY Act has been the concern that the Department of Homeland Security (DHS) has not fully synchronized SAFETY Act approvals with major procurements for anti-terrorism technology. Your legislation squarely addresses this concern by requiring the DHS Secretary to establish a formal coordination process to assure more effective implementation of the Congressional directive to accelerate the availability of anti-terrorism technology. Thank you for promoting the SAFETY Act's core purpose and clearing the path for moving anti-terrorism technology to the Nation's front lines.

Sincerely,

DAVID Z. BODENHEIMER,
Homeland Security Practice Chair,
Crowell & Moring LLP.

CHAMBER OF COMMERCE OF THE
UNITED STATES OF AMERICA,
Washington, DC, January 23, 2007.

Hon. JAMES R. LANGEVIN,
Chairman, Subcommittee on Emerging Threats, Cybersecurity, and Science and Technology, House of Representatives, Washington, DC.

DEAR CHAIRMAN LANGEVIN: The U.S. Chamber of Commerce, the world's largest business federation representing more than three million businesses and organizations of every size, sector, and region, supports H.R. 599, the "SAFETY Act Reform Bill," which you introduced with Rep. Michael D. Rogers (R-AL), Ranking Member of the Subcommittee on Management, Investigations and Oversight. This bipartisan legislation provides an incentive to develop and deploy anti-terrorism technologies and services.

The Chamber applauds your leadership on this critical national security issue and looks forward to working with the Committee to ensure the SAFETY Act of 2002 is fully implemented.

Sincerely,

R. BRUCE JOSTEN.

JANUARY 23, 2007.

Re Support for H.R. 599

Hon. JAMES R. LANGEVIN,
Chairman, Subcommittee on Emerging Threats, Cybersecurity, and Science and Technology, House of Representatives, Committee on Homeland Security, Washington, DC.

DEAR MR. LANGEVIN: I am writing to you in my personal capacity to express my support for the goals expressed in H.R. 599. H.R. 599 is intended to encourage the Department of Homeland Security to streamline the Support Anti-Terrorism By Fostering Effective Technology Act of 2002 (SAFETY Act) application and procurement processes. The bill is drafted to ensure that the Department utilizes a sufficient number of trained personnel to review any individual application, that the various components of the Department coordinate in implementing the Act, and that Department issues a management directive to coordinate procurement and SAFETY Act implementation efforts.

In light of my experience in drafting numerous SAFETY Act applications, I support the goals enumerated by the legislation, particularly as related to Department-wide coordination and coordination in procurement policy and implementation. Through my experiences with the SAFETY Act, I believe the Department has taken a number of solid steps in ensuring that such goals are met, and any encouragement from the U.S. Congress to meet those goals is welcome. The widespread utilization of the SAFETY Act is critical to defending our nation from terrorist attacks, and so I welcome the efforts of the U.S. Congress to support the Department's efforts at full implementation.

Thank you for your consideration, and I welcome any queries on this matter.

Respectfully submitted,

BRIAN E. FINCH.

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise today in support of H.R. 599, to direct the Secretary of Homeland Security to streamline the SAFETY Act and anti-terrorism technology procurement processes.

I would like to thank my friend from Rhode Island, Mr. LANGEVIN, for introducing H.R. 599 which is essential to the exercise of our oversight responsibility over the Department of Homeland Security and critical in ensuring our great Nation's preparation for future terrorist threats and attacks.

This bill serves largely to rearrange and streamline the Support for Anti-terrorism by Fostering Effective Technologies (SAFETY) Act of 2002. The SAFETY Act was implemented to protect the American people from terrorism by providing incentives for the development and deployment of anti-terrorism technologies for homeland security by limiting the liability of providers of qualified anti-terrorism technologies from claims arising out of acts of terrorism.

Despite our legislative intent that the SAFETY Act would pave the way for innovative development of key anti-terrorism technologies by addressing businesses' liability concerns, unfortunately industry was skeptical about the burdens imposed by the SAFETY Act's application process as implemented by the Department of Homeland Security. Regrettably, our high expectations for the SAFETY Act were not met and issues were raised about the excessively burdensome and slow evaluation and approval of applications by the Department's Office of SAFETY Act Implementation, OSAI, during the September 2006 joint hearing before the Homeland Security Subcommittees on Management, Integration, and Oversight and Emergency Preparedness, Science and Technology.

Significant improvements have been made to make this process more user-friendly, less time-consuming, and less costly for business with the SAFETY Act Application Kit, Kit, and final rule. However positive these improvements implemented may have been, additional improvements are of paramount importance to ensure that Congress' legislative intent of the SAFETY Act is met.

H.R. 599 will better address our legislative intent of the SAFETY Act and facilitate the following improvements: Make the application process more user-friendly, less time-consuming, and less costly for businesses; make the review process more swift, efficient and effective; result in a significant increase in the volume of SAFETY Act applications; more closely integrate the application and review process with the procurement of such technologies and services; and bolster awareness of and confidence in the efficacy of the SAFETY Act program among producers of anti-terrorism technologies as well as Federal, state, and local government purchases of these technologies.

While implementing the SAFETY Act, DHS has faced substantial criticisms about delays and insufficient personnel. It is critical that the Department continue to address these persistent issues and increase the number of highly trained, full-time personnel dedicated to reviewing and approving SAFETY Act applications. It is imperative that quick turnaround times are maintained when responding to operational needs. The link between the SAFETY Act office and the procurement office must be improved. If a product meets a test for procurement officials, there is no reason why the SAFETY Act office should have to run through a new process to test the effectiveness of the product.

I commend Congressman LANGEVIN for sponsoring this legislation that requires the issuance of a Department directive to formalize the coordination between the Department's procurement office and OSAI.

Thus, I strongly urge my colleagues to join me in supporting H.R. 599, to direct the Secretary of Homeland security to streamline the SAFETY Act and anti-terrorism technology procurement processes. It is my hope and expectation that the passage of H.R. 599 will ensure the proper and timely implementation of the SAFETY Act of 2002.

Mr. LANGEVIN. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. JONES of Ohio). The question is on the motion offered by the gentleman from Rhode Island (Mr. LANGEVIN) that the House suspend the rules and pass the bill, H.R. 599.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those voting have responded in the affirmative.

Mr. PRICE of Georgia. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on the motion to suspend the rules and pass H.R. 599 will be followed by 5-minute votes on motions to suspend the rules with respect to House Resolution 51, H.R. 476, and House Resolution 57.

The vote was taken by electronic device, and there were—yeas 427, nays 0, not voting 8, as follows:

[Roll No. 47]

YEAS—427

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Jo Ann
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—8

Buyer
Carson
Gordon
Lucas
Manzullo
Norwood
Pickering
Wynn

□ 1410

Mr. HELLER of Nevada, Ms. GINNY BROWN-WAITE of Florida and Mr. CALVERT changed their vote from "nay" to "yea."

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Ms. CARSON. Madam Speaker, I was unable to record my vote for rollcall vote 47. Had I been able to record my vote, I would have voted "yea."

HONORING THE CONTRIBUTIONS OF CATHOLIC SCHOOLS

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and agreeing to the resolution, H. Res. 51.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Mrs. DAVIS) that the House suspend the rules and agree to the resolution, H. Res. 51, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 428, nays 0, not voting 7, as follows:

[Roll No. 48]

YEAS—428

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell

Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Jo Ann
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—7

Buyer
Kaptur
Lucas
McHugh
Norwood
Pickering
Wynn

☐ 1419

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CONGRESSIONAL PENSION ACCOUNTABILITY ACT

The SPEAKER pro tempore (Mrs. BOYDA of Kansas). The unfinished business is the question of suspending the rules and passing the bill, H.R. 476, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. MILLENDER-MCDONALD) that the House suspend the rules and pass the bill, H.R. 476, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 431, nays 0, not voting 4, as follows:

[Roll No. 49]

YEAS—431

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Jo Ann
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich

Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—4

Buyer
Lucas
Norwood
Pickering

□ 1427

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CONGRATULATING ILLINOIS STATE UNIVERSITY

The SPEAKER pro tempore (Mr. LYNCH). The unfinished business is the question of suspending the rules and agreeing to the resolution, H. Res. 57.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Mrs. DAVIS) that the House suspend the rules and agree to the resolution, H. Res. 57, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 423, nays 0, not voting 11, as follows:

[Roll No. 50]

YEAS—423

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Jo Ann
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth
Higgins
Hill
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—11

Buyer
Cannon
Cubin
Hinchey
Lucas
Murtha
Norwood
Pickering
Stark
Tancredo
Waters

□ 1436

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

HAPPY BIRTHDAY VANCOUVER, WASHINGTON

(Mr. BAIRD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BAIRD. Mr. Speaker, it is a pleasure today to wish happy birthday to America's Vancouver, Vancouver, Washington. I rise in honor of the 150th birthday of Vancouver, Washington. As we say back home, Vancouver not B.C., Washington not D.C.

There was a place up north that was not founded until 29 years later, so we were the first. America's Vancouver was the first incorporated city in what is now Washington State. It hosts its proud heritage with the Vancouver National Historic Reserve. Fort Vancouver, Pearson Field, the site of the first transpolar aviation landing, a host of historic achievements and wonders.

I would invite everyone to join us in America's Vancouver on July 7 of this year as we officially celebrate America's Vancouver's 150th anniversary.

Mr. Speaker, I include for the RECORD an article from the Columbian.

[From the Columbian, Jan. 21, 2007]

HAPPY 150TH!

And the most-senior city in Washington state is . . . Seattle? The biggest city in the Northwest and hub of the state's economy, is a sad non-contender in the competition. It was incorporated in 1869.

And Spokane? The Capital of the Inland Empire, as the second-largest city calls itself, is practically a newborn. It was incorporated in 1881 and just celebrated its 125th birthday anniversary.

Walla Walla is older than that. It came into being in 1862.

But Steilacoom (near Tacoma), now there's an old city: 1854.

That was just one year after the oldest incorporated city in Washington, Columbia City . . . Ooops . . . Columbia City was the name as late as 1850, when it was recognized as more than just a military or fur-trapping post. But when it was incorporated seven years later, on Jan. 23, 1857, as the first city in what would become Washington state, it was Vancouver. Our Vancouver!

The real newcomer is the other Vancouver, in Canada, eh? Incorporation: 1886. So, if nothing else, on Tuesday this week, when Vancouver USA officially turns 150, you might silently pledge to pay no attention the next time someone suggests, as someone always does, that we rename our city Fort Vancouver in order to avoid confusion with the bigger city to the north. We were here first. Let them rename their city.

Much of the story of Vancouver USA's early years and most famous people is efficiently and colorfully told in words and photographs in a special section in today's Columbian, "Vancouver, Washington—150 Years in the Making." Frankly, it's a hoot. There's also an online slide show at columbian com/video.

Mayor Royce Pollard, who always calls the state's oldest city "America's Vancouver," will deliver his State of the City Address on Tuesday, kicking off a year-long celebration. While acknowledging the past, the speech will fittingly look ahead. Pollard has titled his address, "Pride, Progress, Possibilities."

The signature event of the 150th birthday will be on Saturday, July 7, at the Vancouver National Historic Reserve, which long-time residents still refer to as "The Barracks" and newer residents know as the place they have the big fireworks shows on the Fourth of July. The hope is to get country singer Willie Nelson out for the event. He was a disc jockey in the mid-'50s at the old KVAN radio station, 707½ Main St.

In a Columbian editorial on May 31, 1921, the writer was effusive about the county and the town, noting that it was the world's greatest prune producer, had "industrial possibilities second to no other city on the globe . . . has the finest water in (the) state" and that its "beautiful homes (and) wide streets elicit wonder from its visitors . . ."

Such boosterism brings a snicker today, but you gotta love the spirit behind it and wish for more like it in this, Vancouver's 150th year.

STATE OF THE UNION ROAD MAP

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, in a few hours we will be listening to the President provide us with a road map for the State of the Union. I ask the President as he comes to this House and this place to recognize that we are in this together and we look forward to working together.

But it certainly should be part of the conscience of this body and of America that our soldiers remain in serious jeopardy, not because they have not done their job, but because we have not done ours.

When soldiers can be dressed in semi-American uniforms and wage attacks on unsuspecting U.S. military, we have a problem.

Mr. Speaker, I am asking for a serious consideration of the cutting of funds to this war in terms of its plus-up, a new direction, and a political diplomatic approach allowing Iraq to provide its own security with our technical support.

It is now time to celebrate the heroes of our military and to bring our soldiers home. I look forward to the message on the State of the Union.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LYNCH). After consultation among the Speaker and the majority and minority leaders, and with their consent, the Chair announces that, when the two Houses meet tonight in joint session to hear an address by the President of the United States, only the doors immediately opposite the Speaker and those immediately to her left and right will be open.

No one will be allowed on the floor of the House who does not have the privilege of the floor of the House. Due to the large attendance that is anticipated, the rule regarding the privilege of the floor must be strictly enforced. Children of Members will not be permitted on the floor. The cooperation of all Members is requested.

The practice of reserving seats prior to the joint session by placard will not be allowed. Members may reserve their seats only by physical presence following the security sweep of the Chamber.

Without prejudice to the possible resumption of legislative business, the Chair will now recognize Members for Special Orders not beyond 5 p.m., at which time the Chair will declare the House in recess.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 217

Mr. SERRANO. Mr. Speaker, I ask unanimous consent that Mr. CROWLEY from New York be removed from the list of cosponsors for H.R. 217.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

A TERRORIST GROUP REARMS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GENE GREEN) is recognized for 5 minutes.

Mr. GENE GREEN of Texas. Mr. Speaker, today in Lebanon, protesters are rioting, burning tires and cars, and crippling Beirut to oppose the government of Lebanese Prime Minister Fuad Saniora.

The majority of the opposition comes from Hezbollah and its supporters seeking more influence in Lebanon's government.

At the same time, one of our close allies is forced to watch these riots as a recurring threat is building on its borders.

Last summer we watched as the terrorist group Hezbollah kidnapped two Israeli soldiers and killed eight others and began firing missiles into Israeli cities intentionally targeting civilian populations and infrastructure.

This group was supplied by Syria and Iran for years, and built up stockpiles of weapons after Israel completely withdrew from southern Lebanon in 2000 in accordance with United Nations Security Council Resolution 425.

Israel responded in self-defense and launched an offensive in southern Lebanon to destroy the weapons caches and Hezbollah's bunkers. Fortunately, the Israeli Air Force was able to destroy many of the longer range rockets Hezbollah possessed, but thousands of shorter-range rockets were indiscriminately fired at Israeli towns and villages.

After 2 months of fighting, United Nations Security Council Resolution 1701 was passed. Among other things, 1701 called for a U.N. peacekeeping force of up to 50,000 troops to assist the Lebanese military to prevent Hezbollah's resurgence and rearmament in southern Lebanon.

Unfortunately, these troops have not stopped Syria and Iran from rearming Hezbollah, and Israel must watch as this threat is re-emerging just miles from its border.

Mr. Speaker, I submit for the RECORD this recent article that appeared in Jane's Defence Weekly. It details some of the problems Lebanese and U.N. forces are having stopping the movement of weapons across the Syrian-Lebanese border. What is clear from this article, and numerous other reports, is that Hezbollah is rearming and gaining autonomy again in southern Lebanon.

Just last week in an interview, Hezbollah's leader, Hassan Nasrallah, promised that Hezbollah would intensify its campaign to bring down the Lebanese Government in the coming days and weeks. Israel and the United States cannot let this happen, and we must support Israel's right to defend itself before its civilians are indiscriminately attacked once again.

Over the years, we have watched as Israel has made unilateral concessions, withdrawing from Lebanon in 2000 and withdrawing from Gaza in 2005, and each concession has resulted in growing threats on its borders and attacks on its soldiers and citizens.

After entering southern Lebanon to battle Hezbollah militants last summer, Israel again withdrew under United Nations Resolution 1701, passed sending international troops to southern Lebanon with the promise that the international troops would assist Lebanon's military to prevent Hezbollah from rearming.

Again, the promises of security made to Israel by the international community have not been fulfilled and Hezbollah is getting stronger.

Mr. Speaker, I urge my colleagues and the international community to join me in looking for a solution to this situation. As a close ally, we should ensure Israel's hands are not tied while this threat builds on its border, and we should address this growing problem before Hezbollah again decides to attack Israeli soldiers and civilians.

[From Jane's Defence Weekly, Jan. 3, 2007]

Iran Replenishes Hizbullah's Arms Inventory

(By Robin Hughes)

Some five months after UN Resolution 1701 halted the conflict in south Lebanon between Israel and the Islamic Resistance—the armed wing of Shi'ite Party of God (Hizbullah), Iran has replenished Hizbullah's depleted stocks of surface-to-surface rockets and anti-tank guided weapons (ATGWs).

Prior to the onset of the conflict on 12 July, Western intelligence agencies estimated that Hizbullah had amassed an inventory of some 12,000 rockets of various calibres. During the conflict the Islamic Resistance expended about 4,000 rockets, while its longer-range systems, namely the Iranian-supplied 50 km range Fajr–3, the 70 km range Fajr-S, the 125 km-range Zelzal 1 and 210 km-range Zelzal 2 rocket systems were not employed, having sustained considerable damage as a result of Israel Air Force (IAF) strikes.

Hizbullah emerged from the conflict strategically weaker, and, with the implementation of Resolution 1701, lost its autonomy in south Lebanon.

A Western defence source told Jane's that Iran, with Syrian compliance, has now ramped up deliveries of rockets, ATGWs and other advanced systems in "an effort to rehabilitate Hizbullah's military strength and status".

The underlying message here is one of "unfinished business" or preparation for a second stage of operations.

Ali Akbar Mohtashemi Pour, Iran's former ambassador to Syria and one of the main forces behind the foundation of Hizbullah, confirmed on 1 November in an interview with the AKI news agency that Tehran had begun restocking Hizbullah with weapons. Later, on 6 November, Mohtashemi Pour noted that Tehran had "started to re-arm Hizbullah for all its needs".

The extent of this commitment was borne out in a speech by Hizbullah Secretary General Sheikh Hassan Nasrallah at the Divine Victory Rally in Beirut on 22 September.

"The resistance today has more than 20,000 rockets. The resistance is today stronger than on July 12 and stronger than ever before," he said.

While these numbers have yet to be independently confirmed, the source noted that the Iranian unit charged with liaising with Hizbullah, the Iranian Islamic Revolutionary Guards Corps (IRGC) "Qods Force"—currently headed by IRGC Brigadier General Kazem Soleimani—has, since the end of the conflict, significantly stepped up the transfer of war materiel, along with funding, training and intelligence on Israel, to the Islamic Resistance.

Much of this weapons supply has been facilitated by the compliance of Damascus in smuggling weapons across its borders, the source claimed. "While Iran is the key weapon supplier, Syria was, and still is, the dominant if not exclusive channel for weapons transfer to Hizbullah. This operation is led by Syrian military officers in co-operation with senior IRGC officials in Iran and Syria," the source added.

However, most of the rockets fired on Israel during the conflict were Syrian made and the majority of ATGW deployed by Hizbullah were Russian made, acquired and supplied by Syria.

Terje Roed-Larsen, the UN Secretary General's Special Envoy for the Implementation of Security Council Resolution 1559, announced on 31 October that he had received reports from Lebanese government officials of "extensive weapons smuggling into Lebanon".

In an unprecedented step, the Lebanese armed forces have deployed over 8,000 troops along the 265 km Lebanon-Syria border to counter these activities.

While they have managed limited successes, "the length of the border and the forces allocated for the mission by the government are insufficient", the sources said.

"Moreover, because of the sensitivity of the issue and the considerable concern over Hizbullah's military strength—where the Lebanese forces do not want to openly confront Hizbullah—the general trend is to turn a blind eye toward the border activity and to detect and cover up exposed weapon smuggling incidents as quickly as possible," the source said.

At the same time, 19 vessels of the reinforced UN Interim Force in Lebanon (UNIFIL–2) are patrolling Lebanese waters and inspecting ships approaching the country to prevent maritime smuggling.

A Western diplomatic source told Jane's that the Islamic Resistance—citing lessons learned in the early stages of the conflict where it lacked the means to contend with IAF operations—has specifically pressured Iran for "an array of more advanced weaponry, including surface-to-air missile [SAM] systems."

The source said that "following the supply of an undisclosed quantity of Iranian-made Noor [reverse-engineered Chinese C802/YJ-2] radar-guided anti-ship cruise missiles and Chinese QW–1 [Vanguard] shoulder-launched SAMs", Iran has agreed to supply advanced Russian-made SAM systems to Hizbullah as part of its strategy to transform Hizbullah "into a coherent fighting force and a regional strategic arm".

The source added that Tehran will supply Hizbullah with Russian-produced SAMs, including the Strela-2/2M (SA–7 "Grail"), Strela-3 (SA–14 "Gremlin") and Ilgla-1E (SA-16 "Gimlet") man-portable SAMs. Iran is also understood to have agreed to deliver its own version of the Chinese QW–1 man-portable low- to very-low-altitude SAM system—the Mithaq-l—developed by the Iranian Defence Ministry's Shahid Kazemi Industrial Complex in Tehran.

Iran has, in the interim, set out to restock Hizbullah's inventory of 122 mm Grad-series Katyusha rockets, 240 mm Fajr-3 and 333 mm Fajr-5 rockets, truck-mounted Falaq-1 and Falaq-2 truck-mounted multiple-launch rockets systems, RAAD–T and Toophan ATGWs and Nader improved rocket-propelled grenades (RPGs), the source said. However, to date there is no evidence that Tehran is replenishing Hizbullah's Zelzal-series longer-range rockets, although sources suggest these could still be smuggled in separate component packages.

Syria, the source said, continues to resupply Hizbullah with 220 mm and 302 mm rockets (dubbed Raad and Khaibar-1 (M302 by the IDF) respectively); Kornet-E, Metis-M and Konkurs ATGWs; and RPG–29 tandem-warhead RPGs.

These moves come despite offers to Israel from Syrian President Bashar al-Assad on 19 December to crack down on Hizbullah and the Palestinian Islamic Resistance Movement, Hamas, in exchange for a return to negotiations.

□ 1445

APPOINTMENT OF MEMBERS TO BOARD OF REGENTS OF THE SMITHSONIAN INSTITUTION

The SPEAKER pro tempore (Mr. LYNCH). Pursuant to sections 5580 and 5581 of the Revised Statutes (20 U.S.C. 42–43), and the order of the House of January 4, 2007, the Chair announces the Speaker's appointment of the following Members of the House to the Board of Regents of the Smithsonian Institution:

Mr. BECERRA, California
Ms. MATSUI, California.

APPOINTMENT OF MEMBERS TO SELECT INTELLIGENCE OVERSIGHT PANEL

The SPEAKER pro tempore. Pursuant to clause 4(a)(5) of rule X, and the order of the House of January 4, 2007, the Chair announces the Speaker's appointment of the following Members of the House to the Select Intelligence Oversight Panel of the Committee on Appropriations:

Mr. HOLT, New Jersey, Chairman
Mr. OBEY, Wisconsin
Mr. MURTHA, Pennsylvania
Mr. REYES, Texas
Mr. DICKS, Washington
Mrs. LOWEY, New York
Mr. CRAMER, Alabama
Mr. SCHIFF, California
Mr. LAHOOD, Illinois, Ranking Minority Member
Mr. LEWIS, California
Mr. YOUNG, Florida

Mr. HOEKSTRA, Michigan
Mr. FRELINGHUYSEN, New Jersey.

CONGRATULATING THE RICHLAND SPRINGS COYOTES FOOTBALL TEAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. CONAWAY) is recognized for 5 minutes.

Mr. CONAWAY. Mr. Speaker, I rise today to commend the Richland Springs Coyotes football team for winning the 2006 Six-Man Division 1 State Champions and the Sports Illustrated six-man football poll national championship. With its second national crown in 3 years, Richland Springs becomes only the third school to achieve such an honor.

Playing before a record crowd of 12,000 fans at Abilene's Shotwell Stadium, they defeated the Rule Bobcats by a score of 78–58, finishing the year with a perfect 14–0 record. The Coyotes broke the 1988 record for the highest score in a championship game and amazed the fans with their speed and skill by recovering the on-side kick to open the game.

Six-man football has a long history in Texas. From its beginning in 1938, Texas now has over 102 public schools and as many as 60 private schools continuing this proud tradition of six-man football.

I want to recognize the tireless efforts of Coach Burkhart, Coach Ethridge, Coach Dodson, and Coach Rogers for the national and State titles that they have brought to Richland Springs.

I also want to recognize members of the team: Coey Smith, Jeremiah Ramirez, Cason Fikes, Houston Burleson, Mark Williams, Haustin Burkhart, Kevin Larson, Shelby Smith, James Farris, Nigel Bates, Mitchell Jacobson, Andrew Fowler, Chevy Saldivar, Tyler Ethridge, Richie Daniels, Adrian Avila, Bobby Borders, Khalid Khatib, Patrick Couch, Genero Hernandez, Randy Couch, Daniel Barrett, Abraham Ahumada, Branch Vancourt, C.J. Finke, Dean King, Dean Charriez, Jesstin Fox, and Ryan Soto.

I congratulate the Richland Springs Coyotes on their national and State championships and wish them the best of luck next season.

THE PRESIDENT'S STATE OF THE UNION SPEECH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

Mr. DEFAZIO. Mr. Speaker, well, this evening the President, in bowing to the electoral reality of last November and, with finally some recognition of real problems confronting our Nation and our citizens, is about to begin, in his State of the Union, to address the issue of the need for an expansion of health insurance. Forty-six million Americans lack health insurance, 1 million more per year every year this President has been in office. He will also address the issues of energy efficiency, energy independence, and global warming; and we welcome some remarks from the President in those areas. And he is going to address the debt and the deficit.

We welcome this new focus on these extraordinarily important and difficult issues that have been pretty much ignored during his Presidency. Unfortunately, his rhetorical U-turn is not going to be matched by the reality of his proposals. In order to provide health insurance to 46.1 million people who don't have it, he says we should tax people who do have health insurance.

Now, that is interesting because the President, of course, gets his health insurance for free. And his proposal would also extend tax benefits to the wealthiest among us because many people who don't have health insurance can't benefit from tax breaks. They don't pay Federal income taxes.

That is not a real solution. A real solution would be to take on the antitrust immunity of the insurance industry, estimated to raise $45 billion, saving consumers that money. That is the cost of uninsured health care in America.

Energy efficiency and independence, well, we will wait and hear what the President has to say. But remember a year ago, he talked about our addiction to oil, and all his policies have been designed to further that addiction thus far.

On the debt and the deficit, he still wants to cut taxes for the wealthiest among us. He wants to extend, to make permanent, all of his tax cuts; exempt all estates from taxes; and says he is going to balance the budget. Well, if he was really going to do that by the year 2012, he would have to eliminate the Federal Government except for the Department of Defense, a little bit of the Department of Homeland Security, because the projected deficit is as large as about the rest of the discretionary budget if his tax cuts are maintained. You have to begin to raise revenues from the wealthiest among us to address this gaping maw hole, the deficit.

And then there is one very important problem where he isn't even pretending to change direction, one where a majority of the American people and a majority of the United States disagree with the President's nostrum, and that is his desire to escalate the war in Iraq as a way out. Defying his own Joint Chiefs of Staff and the senior officers and advisers in the military; defying the Prime Minister of Iraq, who said we shouldn't put more Americans into Baghdad; defying the American people; and defying this Congress, the President is going to offer us more stay the course in Iraq and try to spin it into a new policy that will lead to success.

We want to succeed, but to succeed, the Iraqi Government has to be willing to take on some of its own problems. The Shiias and the Sunnis have got to stop slaughtering each other trying to settle a 1,400-year-old grudge and putting us in the middle of their civil war. They have got to begin to meaningfully share power, and they have got to begin to resolve their own issues. And the U.S. sending more troops is not going to lead them down that path.

So I fear that what the President is proposing there will lead to more conflict. It may look good in the short term, but long term it is not going to resolve this very difficult issue.

I hope that the President offers us some real changes in direction tonight and not just a rhetorical U-turn to bow to the reality of the elections.

WE NEED A NEW DIRECTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. KUCINICH) is recognized for 5 minutes.

Mr. KUCINICH. Mr. Speaker, a State of the Union Address is an opportunity for the Nation to take stock of where it is at this exact moment.

It is obvious that the entire domestic agenda has been swallowed up by the war in Iraq. With over 3,000 U.S. soldiers killed in action; with over 650,000 innocent Iraqi civilians dead in the war; with this Nation's having spent over $400 billion in the war and, according to Nobel Prize winning economist Joseph Stieglitz, will spend up to $2 trillion for the war in Iraq, we have seen the hopes and the aspirations of the American people for more jobs, for better housing, for decent health care, for education for their children just swept aside as the administration focuses intently not only on the war, but escalating the war.

I think all across this country people are hopeful that America will have a new agenda, one which will recognize that we must focus on America's basic needs. It is time for America to come home. Come home and start taking care of the needs of our people here for decent housing, the needs of our people for health care. Over 100 million Americans either have no health insurance or lack access to adequate health insurance, and yet we are about destroying the health of the people of Iraq instead of focusing on the needs of our people here back home.

Martin Luther King said it years ago in his speech at Riverside Church in New York. He said that the hopes and the aspirations of people of two countries were being set aside. He was speaking of Vietnam and the United States. Today the hopes and the aspirations of people of two countries, of Iraq and the United States, are being set aside in this head-long rush to escalation of a war.

Now, what should be our policies, and what steps should we take? First of all, this isn't just about opposing escalation. I would say that is pretty easy to do based on the record of this administration's conduct of the war. But we should be taking a strong stand against the occupation. We should be demanding that the United States end the occupation, that we bring our troops home, that we close our bases. That then will set the precondition that is necessary for the world community to come together and support a peacekeeping and security mission in Iraq. That then sets the stage for the Iraqi people to reach a moment of possibility for reconciliation between the Shiites, the Kurds, and the Sunnis. It is absolutely imperative that the United States announce that it is going to end the occupation because it is the occupation which is fueling the insurgency.

Tonight the Nation is waiting for a new direction. It is not looking for more war. It is not looking for more casualties. It is not looking for a continued destruction of our domestic agenda. So we are here to state that there is a plan, and I have submitted it.

The Kucinich 12-point plan is the plan that sets the stage for America to take a new direction. That direction is out of Iraq, but it is also a direction of reconciling with the world community because the way this administration responded to 9/11 separated us from the world community. At a moment when the whole world was ready to embrace the United States in its suffering and to work with us to meet the challenges of security, we set ourselves apart with strategies of unilateralism, first strike, and preemption. We need to replace that with strategies of embracing the world community, of working together, of recognizing that the world is interdependent, interconnected. And because of that, we understand the common fate which we all have on this planet to work together, to put together structures of peace internationally.

And the United States must take that direction. We must engage with Iran and Syria. We must reach out to the region and look for a solution and find that solution which will enable us to bring our troops home. We can have our troops home in 3 months if we can come up with an agreement and a new direction, and we should be about that work.

Mr. Speaker, the American people want health care. The American people want jobs. The American people want education for their children. The American people want retirement security. And our whole domestic agenda is sacrificed for this war.

It is time for a new direction. It is time for a State of the Union which celebrates what we have in America that needs to be improved, which restates the American vision of a Nation for all, and which takes us away from policies of endless war.

NAFTA AND THE DRUG TRADE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, this evening we are going to listen to the President of the United States, and I have no doubt in the State of the Union he will talk about the war on terrorism, and he will talk about the need to create jobs in Iraq to stabilize the terrible situation there, and he will talk about more funds for reconstruction of Iraq. Our Nation has already spent over $500 billion and rising in that sad country.

But I would like to focus on the United States just for a second, if I could, and talk about the terrorism focused inside of this country and point out that 90 percent of all the drugs that are smuggled into this country enter through our border with Mexico, and that is according to our State Department. In fact, under NAFTA, the North American Free Trade Agreement, which his father negotiated, drug and drug-related smuggling across the Mexican border has risen to over $142 billion a year, according to our Drug Enforcement Agency.

☐ 1500

Every single community in our country is affected, not just border communities. Every single jail, every single sheriff, every single law enforcement official, every single prison. Our communities are infected with burglaries, with robberies, with personal assaults related to the abuse of drugs in our country. I will be very interested to see what the President has to say about that war on terrorism tonight that affects every single neighborhood in this country.

NAFTA brings a significant increase in cargo traffic across our southern border and thus strains the enforcement efforts of our border patrols and enables traffickers and terrorists. In fact, 9,300 commercial trucks cross our border daily. 9,300 more trucks. And do you know how many we inspect? Five percent. Five percent. So there is a 95 percent chance for smugglers who are out there, whatever they want to get into this country, that will be their rate of success.

Now, the Mexican Government is working very hard to build a four-lane highway which they call La Entrada al Pacifico, the Entrance from the Pacific. And the idea there would be to redirect so much of the traffic from Asia, from China, these big ships that are bound for the United States, from the west coast, Ports of Los Angeles and Oakland, further south, and stretch the actual shipping lanes into Mexico versus the United States. It is estimated that as much as 30 percent of the truck traffic will also be diverted from California and El Paso to the ports of entry at Presidio.

The idea is that the highway into our country would begin further south where goods would come in in deep-water ports, and the completed route would save up to 4 shipping days for goods moving between the Pacific Rim countries and Texas, which would be one of the major ports of entry into our country.

The problem is that we really haven't addressed the issue of drug smuggling as a part of this. Ninety percent, again, of all drugs smuggled into this country come over the Mexican border. That area has become almost lawless. Hundreds of murders related to drug trafficking go unaddressed both on the Mexican side of that border and our side. We really need to have a border enforcement organization that is negotiated by treaty by amending NAFTA in order that we can have proper enforcement along that very porous part of our country which makes us so vulnerable.

Our border guards are overwhelmed. We know that pedestrian traffic has increased by 55 percent across that border, according to the Drug Enforcement Administration, and all kinds of vehicular traffic. Can you imagine that one place on that border accounts for 70 to 90 percent of the cocaine sold in the United States smuggled through that region? In fact, the drug cartels have moved up their major source of operation in Colombia up to the state of Juarez, and now control the state of Juarez just south of the State of Texas. This is real terrorism poised at our country.

Let's say the people in the Middle East want to get something into the United States. You mean to tell me they haven't thought about this? Of course they have. And we know that drug presence leads to more violence and more corruption at every level.

An unreleased Drug Enforcement Agency report notes that drugs, weapons, people traffickers, and terrorist organizations have to cross the border from Mexico into the United States, and they will use one of the many corridors available to them. I hope that the President of the United States tonight talks about securing our southern border.

[From the Inland Valley Daily Bulletin, Dec. 27, 2006]

CROSSROADS OF CONFLICT—WORLD TRADE BRIDGE HAS CHANGED THE U.S.-MEXICO BORDER, FOR GOOD AND BAD

(By Sara A. Carter)

LAREDO, TEXAS.—The mammoth globe on the World Trade Bridge spins in the glow of the Texas moon, welcoming hundreds of cargo trucks from Mexico to the United States' largest inland port.

Nighttime is the slowest time for the bridge.

During the day, literally thousands of trucks cross the span into the U.S., headed for destinations scattered throughout the Midwest and East and north into Canada.

Traffic between Laredo and Nuevo Laredo, on Mexico's side of the bridge, is only expected to increase in coming years with Mexico anticipating billions of dollars in new trade, mainly from China, on its way to the United States, according to a U.S. Drug Enforcement Administration executive summary.

Increasing trade has, however, been matched by growth in corruption and death in both border cities, though U.S. and Mexican officials are loathe to admit it.

$142 billion in drug trade between the U.S. and Mexico, according to the U.S. Drug Enforcement Administration.

86,000 Transportation jobs created as a result of the World Trade Bridge.

9,300 Commercial trucks pass through the World Trade Bridge daily.

90% of all drugs smuggled into the United States enter through its border with Mexico.

The prospect of expanded trade in Mexican states controlled by some of the country's most dangerous cartel leaders could pose serious national security challenges for the United States, an internal DEA report obtained by the Daily Bulletin explains.

The report, which has never been released, examines how already strained federal law enforcement agencies monitoring border security and narcotics will be challenged by not only Mexican and South and Central American drug trafficking organizations, but also by Asian cartels.

With slim resources to monitor cargo and inadequate border security measures in place, it will be next to impossible for U.S. agencies to stem the tide of contraband expected to enter the country from Mexico, the DEA report warns. Agencies will be hard-pressed to monitor the billions of dollars in contraband expected to enter the nation if U.S. officials don't take heed.

"Contraband can be anything from narcotics, pirated videos, humans or weapons of mass destruction," said David Monnette, spokesman for the DEA in El Paso, Texas. "These drug trafficking organizations know that we are spread thin, and many times they use legitimate trade routes to move their contraband into the United States. This report explains the possible dangers of not addressing these issues."

TRADE ROUTE

A joint venture of Texas and the Mexican government, La Entrada al Pacifico (Gateway to the Pacific) which also is the title of the DEA report is meant to get more goods from Asia north into the United States.

The plan which involves redirecting more than half of East Coast-bound Asian cargo from the ports of Long Beach and Los Angeles to Mexico will stretch the power of Mexican cartels while aligning them with Asian drug-trafficking organizations, according to the DEA report. That report focuses on the Mexican port of Topolobampo, Sinaloa, on Mexico's southwestern coast.

But Topolobampo has taken a back seat during the past year to another port, Lázaro Cárdenas, just 72 hours from Laredo.

Lázaro Cárdenas, the deepest container port on the Pacific, is in southern Mexico, in Michoacán. The volume of re-routed trade through it is expected to explode within the next four years.

And that's troubling to U.S. authorities.

"The (plan) represents an expanding threat to the U.S. for drug, weapon and alien smuggling, as well as related crime, through a 260-mile stretch of Texas into the heartland of the U.S.," the report states. "(Drug trafficking organizations) will be able to exploit the new corridor through the use of established smuggling networks and associations with Mexican drug trafficking organizations.

"They may evade U.S. law enforcement under the guise of the North American Free Trade Agreement (NAFTA) and use established Asian communities in the U.S. for the distribution of drugs."

PIGGY-BACKING

Ninety percent of all non-domestic narcotics enter the U.S. through the Mexican border, according to a 2005 U.S. State Department report.

Drugs are a multibillion-dollar industry for cartels in Latin America. The National Drug Intelligence Center conservatively estimates more than $108 billion roughly equal to the combined gross domestic product of Ecuador and Guatemala in drugs comes into the U.S. yearly. The U.S. Drug Enforcement Administration puts the figure at $142 billion in drug trade just between the U.S. and Mexico. Other estimates soar even higher.

"NAFTA has made smuggling drugs across the border easier by several means," including via cargo trucks, the DEA report notes. "The volume of truck traffic coming across the border necessitates the expediting of inspections to the point that few trucks are thoroughly inspected."

More than 9,300 commercial trucks, carrying everything from pinatas to electronics, pass through Nuevo Laredo into Laredo each day, according to U.S. Customs and Border Protection officials. As cargo shifts from Los Angeles to Mexico, it is expected to triple the amount of traffic moving from Mexico through the Texas highway system.

At the same time, drug cartels are using the trucks to piggy-back more than $10 million a day in drugs through the Laredo corridor into the United States, according to senior DEA officials interviewed by the Daily Bulletin.

The numbers aren't surprising, said TJ Bonner, president of the National Border Patrol Council. In July, Bonner testified before Congress that less than 5 percent of the 6 million cargo containers entering the U.S. each year are physically inspected by U.S. Customs and Border Protection agents.

"From the standpoint of homeland security, this plan (Gateway to the Pacific) is a nightmare," Bonner said. "Any possible benefit of expedited trade is going to be totally eclipsed by the increased amount of contraband . . . slipping across borders."

Hidden among the televisions, piñatas and clothing are heroin, cocaine and methamphetamine, law enforcement officials say. Worse are weapons and people, and the possibility of terrorist organizations using gaps in border security to put their agents in the United States. ". . . All such ventures have one common factor: They have to cross the border from Mexico into the U.S., and they will use one of several corridors available to do so," the DEA report points out. "La Entrada al Pacifico is one of the corridors."

THE BRIDGE

With the ports of Long Beach and Los Angeles already stretched to capacity, Lázaro Cárdenas' ability to handle billions of dollars worth of cargo from Asia is proving a godsend to global corporations and city leaders in the American southwest.

For their part, Port of Los Angeles officials say they don't expect the Mexican port to siphon off anywhere near the amount of cargo called for in the Gateway to the Pacific Plan, though they admit business is booming.

Theresa Adams Lopez, the L.A. port's media director, said she disagrees with the assumption that half of the Asian cargo headed to Los Angeles will be diverted to ports in Mexico.

"Our cargo is expected to double and triple in the upcoming years," she said. "The bulk of it is still going to come in through the Port of L.A. and through our partner, the Port of Long Beach.

"A lot of the problem with new developments like the one in Mexico is the infrastructure rail and roads to get things out. Coming here is literally one stop, and going there would be two stops first from their original destination, and then through Mexico to the United States.

"There is plenty of cargo to go around," she said. "But the contention that half of our business will go away is not true."

Regardless, Laredo officials are pinning their hopes on increased port business, and tout the World Trade Bridge and its ability to handle cargo from places like Lázaro Cárdenas as the lifeblood of Webb County, Texas.

Born out of NAFTA, the bridge signaled the beginning of a bright future with Mexico as a significant partner in North American trade.

According to a 2004 U.S. Census Bureau report, the most recent data available, the Port of Laredo handles more than $130 billion worth of goods and merchandise each year. Nearly 86,000 transportation jobs have been created since the World Trade Bridge was built. More than 90 percent of the truck traffic between Laredo and Nuevo Laredo goes over it.

Expansion of Lázaro Cárdenas will allow delivery of cargo to the East Coast via the World Trade Bridge four to five days faster than from California, say proponents of the plan especially officials in Laredo, which benefits every time traffic and trade increase.

"NAFTA started moving Laredo away from being the frontier land to the center of something very significant," said Roger Creery, executive director of the Laredo Development Foundation. "We're not the U.S. vs. Mexico vs. Canada anymore. We are the Americas."

Even as Congress held numerous immigration field hearings during the summer to determine the extent of security failures at the U.S. border, private corporations, local and federal government officials and international investment corporations were planning for trade expansion.

Those plans include finishing the Trans-Texas Corridor, which would open the highways to future shipping of cargo from Lázaro Cárdenas, whose biggest investors are Hong Kong-based Hutchison Port Holdings Group and Wal-Mart. Those two firms already have invested more than $300 million to expand the container port.

For many business and political leaders, the economic growth promised by Gateway to the Pacific and the Trans-Texas Corridor outweighs any perceived danger about national security or increased drug trafficking.

That philosophy seems to be heard even in the words of former Laredo Mayor Elizabeth Flores, who was criticized publicly earlier this year for playing down the escalation of violence in Nuevo Laredo.

"We've lived with the cartels all of our lives," Flores said in an interview a few weeks before she left office. "They are a part of life on the border. Eventually, one will take control, and the killings will slow down."

The business Lázaro Cárdenas will bring to Laredo and Nuevo Laredo could transform both cities, Flores added.

"It's about growth, not death," she said.

With billions of dollars in legal trade at stake, bad publicity simply isn't something business leaders or politicians are willing to acknowledge, others say.

"See no evil, hear no evil," said Webb County Sheriff Rick Flores, who testified before Congress numerous times this year about growing violence in Laredo, the county's largest city, and along the border. "That's the way they want it, and that's what they have done."

VIOLENT NEIGHBOR

Lost in the talk about bigger business and improved trade is the picture of life on the street in Nuevo Laredo.

The drug cartels have compromised truck drivers, U.S. Customs inspectors at ports of entry and business owners on both sides of the river, according to residents and law enforcement officials.

And then there are the killings, which come on a stunningly regular basis.

The sound of gunfire in the distance doesn't seem to shock residents in the heart of Nuevo Laredo. Many of their homes are fortified with thick cement blocks, iron gates and barbed wire protection from the high-powered weapons used by the cartels.

"The government is owned by the cartels," said an older woman returning home. "As the trucks make their way to America freely, we are forced to live like animals. While the rich get richer, we are here dying, and nobody really cares."

Residents in Nuevo Laredo say that the violence has only become worse over the past year. Expansion of trade routes will only heighten the tension and violence among Mexico's cartels, they contend.

"They want to control the routes into the United States," said Nacho, a Nuevo Laredo resident whose real name was withheld to protect his identity. "In a way, they already do. And U.S. officials should be worried, because the cartels will do anything for money. They will kill anyone, help anyone, do anything to get what they need to move contraband across the border for the right price."

The DEA report echoes what Nacho and other residents believe. The possibility of a "direct, nearly inspection-free route to the central U.S. and expanded market for drugs" has or will result in the following, according to the report:

Networks created by Mexican and Asian organized crime organizations to smuggle illegal aliens, counterfeit products and pirated intellectual property into Mexico.

Cargo containers being used to smuggle drugs into the U.S.

Distribution networks being created by Asian gangs in communities.

Creation of legitimate businesses in the U.S. to cover up smuggling, contraband and money laundering.

Expedited truck inspections "to keep substantial backup of trucks from regularly occurring."

The cartels' reach extends well beyond the streets and people of Nuevo Laredo and the border, however.

On Dec. 12, newly elected President Felipe Calderón sent more than 6,500 troops to Michoacán, where the Port of Lázaro Cárdenas is located, in an effort to get a handle on the growing violence.

Calderón also transferred 10,000 troops from the army and navy to the federal police force on Dec. 13, the largest move against narcotics traffickers since his predecessor, former President Vicente Fox, sent nearly 1,000 troops to Nuevo Laredo to squelch a drug war that has killed more than 3,000 people across the country during the past two years.

Calderón, may have learned how deadly dealing with the cartels can be. First Lady Margarita Zavala, Calderón's wife, lost her cousin, Luis Felipe Zavala, on Dec. 12 when gunmen open fired on his SUV in Mexico City.

According to DEA intelligence officials, Zavala's assassination was retaliation for Calderón's promise to take down Mexico's drug kingpins. "It was an assassination of opportunity," said one DEA intelligence official who requested anonymity. "... It was directly related to Calderón's move into Michoacán."

However, Mexico's attorney general, Eduardo Medina Mora, told reporters the incident was a coincidence.

"There is at this time no indication ... that would suggest or make us guess that this unfortunate event was related to the Mexican government's efforts against organized crime," he told reporters at a press conference a day after the killing.

Since the Sept. 11, 2001, attacks, the Department of Homeland Security has tried to beef up security along the border. Officials say new technologies radiation portal monitors, hand-held radiation detectors and X-ray machines assist front-line agents in detecting dangerous materials that may be in trucks at ports of entry.

U.S. Customs and Border Protection spokesman Pat Jones said striking a balance between increased traffic and inspections is challenging. New programs implemented by the Department of Homeland Security have assisted in better checks at ports of entries along the southwest border, he said.

"It may be possible to improve the flow of legitimate trade and improve security," Jones said. "Prior to 9/11, the thought was that if you improve security, you're going to slow down cargo trade. We've learned that if you actually could identify and separate the risk-free cargo, the flow of cargo could be expedited."

But once the illegal cargo finds its way into the U.S., there's little law enforcement can do.

Laredo police can barely keep up with the violence spilling into their community from their sister city across the border. Sheriff Flores said growing violence and corruption in Mexico is spilling into the U.S. and becoming increasingly difficult to manage.

"The cartels have more power, money and weaponry than we do," he said. "The cartels know how to get their narcotics across the (World Trade) bridge. They're not afraid to lose some of their loads; they expect it. The risk is worth it because the possibility of getting caught is minimal, at best."

THE IRAQ WAR

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WATERS) is recognized for 5 minutes.

Ms. WATERS. Mr. Speaker and Members, tonight the President of the United States will address a joint session of Congress to offer his assessment of the state of the Union. He is expected to spend a lot of time talking about domestic issues and will reportedly spend some time on the war on terror. However, very little, if any, of his State of the Union address will discuss the war in Iraq.

Ladies and gentlemen, the President of the United States has bungled the management of this war, and he certainly needs to explain further why he feels that escalation will suddenly turn the situation in Iraq around. The reality is that escalation will not bring us success. The President pushed forward against the advice of many Members of Congress, the joint chiefs of staff, and many experts in and outside of government. Even the Iraqi Prime Minister did not want more U.S. troops sent to his country.

Since Friday, January 19, 2007, 27 members of our armed services have died in Iraq. These deaths bring the total number of U.S. servicemembers that have died in Iraq since the war in Iraq began to 3,029. More than 22,000 others have been seriously injured.

The insurgent attacks against the United States military have become more and more brazen. In one of the attacks over the past weekend, insurgents wore uniforms that looked like official U.S. uniforms and used vehicles that the U.S. and Iraqi officials use. According to press accounts, Iraqi guards at a government compound allowed several vehicles traveling in a caravan through checkpoints because they were wearing what appeared to be legitimate U.S. military uniforms and driving cars commonly used by foreigners. Once the insurgents were inside the compound, they attacked and killed five of our troops. Witnesses say that the attackers targeted only U.S. servicemembers and not the Iraqis who were in the room. Elsewhere in Iraq, 12 Americans were killed when their Blackhawk helicopter was attacked, and 10 others were killed in fire fights with insurgents.

Mr. Speaker, Iraq is in a civil war. The level of violence is growing each day, and increasingly our troops are caught in the middle of it. By adding more troops, as the President plans to do, we will only increase the risk of more U.S. deaths and injuries.

Nearly everyone agrees that the war will not be won through military means. Instead, there is general agreement that stability in Iraq and the Middle East will only come about through intense diplomatic efforts.

The President's Iraq policy has failed. Sending more troops to Iraq will only make the situation worse. As the saying goes: when you find yourself in a hole, stop digging. Mr. President, I would urge you to stop digging and bring our troops home.

Ladies and gentlemen, this is what bothers me about what is happening in

Iraq. Our military, our troops don't know a Sunni from a Shiite from a Kurd. They are with Iraqi soldiers who don't like them oftentimes, who desert us when there is a confrontation, and who undermine us. There are those who believe that the way that the insurgents got into the compound was they were allowed in there by Iraqi soldiers.

How can we win in the middle of a civil war? We can't win. It is time for the President of the United States to come up with a reasonable exit plan. We have not asked, and nobody is saying, Quick withdrawal. Withdrawal in 24 hours. Some would make you believe we are saying that, but we are not. We are talking about a well thought through reasonable plan for getting out of Iraq. Some people would like to say, Oh, if you don't continue to support the President's request for additional funds, that you are deserting the soldiers. Not so.

And the Members of this Congress have got to have the courage to stand up and explain the difference between the sound bites and what those on the opposite side of this issue would describe as our efforts of getting the soldiers out and the truth. The truth of the matter is we all know there is enough money in the pipeline to credibly come out of Iraq in a timely way.

PUBLICATION OF THE RULES OF THE COMMITTEE ON ARMED SERVICES, 110TH CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri (Mr. SKELTON) is recognized for 5 minutes.

Mr. SKELTON. Madam Speaker, In accordance with clause 2 of rule XI of the Rules of the House, I respectfully submit the rules of the Committee on Armed Services for printing in the CONGRESSIONAL RECORD. On January 10, 2007, the Committee on Armed Services adopted by a unanimous vote, a quorum being present, the following rules:

RULES OF THE COMMITTEE ON ARMED SERVICES, 110TH CONGRESS

RULE 1. APPLICATION OF HOUSE RULES

The Rules of the House of Representatives are the rules of the Committee on Armed Services (hereinafter referred to in these rules as the "Committee") and its subcommittees so far as applicable.

RULE 2. FULL COMMITTEE MEETING DATE

(a) The Committee shall meet every Wednesday at 10 a.m., when the House of Representatives is in session, and at such other times as may be fixed by the Chairman of the Committee (hereinafter referred to as the "Chairman"), or by written request of members of the Committee pursuant to clause 2(c) of rule XI of the Rules of the House of Representatives.

(b) A Wednesday meeting of the Committee may be dispensed with by the Chairman, but such action may be reversed by a written request of a majority of the members of the Committee.

RULE 3. SUBCOMMITTEE MEETING DATES

Each subcommittee is authorized to meet, hold hearings, receive evidence, and report to the Committee on all matters referred to it. Insofar as possible, meetings of the Committee and its subcommittees shall not conflict. A subcommittee Chairman shall set meeting dates after consultation with the Chairman, other subcommittee Chairmen, and the Ranking Minority Member of the subcommittee with a view toward avoiding, whenever possible, simultaneous scheduling of committee and subcommittee meetings or hearings.

RULE 4. JURISDICTION AND MEMBERSHIP OF COMMITTEE AND SUBCOMMITTEES

(a) Jurisdiction

(1) The Committee retains jurisdiction of all subjects listed in clause 1 (c) of rule X of the Rules of the House of Representatives and retains exclusive jurisdiction for: defense policy generally, ongoing military operations, the organization and reform of the Department of Defense and Department of Energy, counter-drug programs, acquisition and industrial base policy, technology transfer and export controls, joint interoperability, the Cooperative Threat Reduction program, Department of Energy nonproliferation programs, and detainee affairs and policy. While subcommittees are provided jurisdictional responsibilities in subparagraph (2), the Committee retains the right to exercise oversight and legislative jurisdiction over all subjects within its purview under rule X of the Rules of the House of Representatives.

(2) The Committee shall be organized to consist of seven standing subcommittees with the following jurisdictions:

Subcommittee on Air and Land Forces: All Army and Air Force acquisition programs (except strategic missiles, special operations and information technology programs). In addition, the subcommittee will be responsible for deep strike bombers and related systems, National Guard and Army and Air Force reserve modernization, and ammunition programs.

Subcommittee on Readiness: Military readiness, training, logistics and maintenance issues and programs. In addition, the subcommittee will be responsible for all military construction, installations and family housing issues, including the base closure process.

Subcommittee on Terrorism, Unconventional Threats and Capabilities: Department of Defense counter-proliferation and counter-terrorism programs and initiatives. In addition, the subcommittee will be responsible for Special Operations Forces; science and technology policy, including the Defense Advanced Research Projects Agency and information technology programs; force protection policy and oversight; homeland defense and consequence management programs within the committee's jurisdiction; and related intelligence support.

Subcommittee on Military Personnel: Military personnel policy, reserve component integration and employment issues, military health care, military education and POW/MIA issues. In addition, the subcommittee will be responsible for Morale, Welfare and Recreation issues and programs.

Subcommittee on Strategic Forces: Strategic Forces (except deep strike systems), space programs, ballistic missile defense, intelligence policy and national programs and Department of Energy national security programs (except non-proliferation programs).

Subcommittee on Seapower and Expeditionary Forces: Navy and Marine Corps programs (except strategic weapons, space, special operations and information technology programs) and Naval Reserve equipment. In addition, the subcommittee will be responsible for Maritime programs under the jurisdiction of the Committee as delineated in rule X, clauses 5, 6, and 9 of the Rules of the House of Representatives.

Subcommittee on Oversight and Investigations: Any matter within the jurisdiction of the Committee, subject to the concurrence of the Chairman of the Committee and, as appropriate, affected subcommittee chairmen. The subcommittee shall have no legislative jurisdiction.

(b) Membership of the Subcommittees

(1) Subcommittee memberships, with the exception of membership on the Subcommittee on Oversight and Investigations, shall be filled in accordance with the rules of the Majority party's caucus and the Minority party's conference, respectively.

(2) The Chairman and Ranking Minority Member of the Subcommittee on Oversight and Investigations shall be filled in accordance with the rules of the Majority party's caucus and the Minority party's conference, respectively. Consistent with the party ratios established by the Majority party, all other Majority members of the subcommittee shall be appointed by the Chairman of the Committee, and all other Minority members shall be appointed by the Ranking Minority Member of the Committee.

RULE 5. COMMITTEE PANELS AND TASK FORCES

(a) Committee Panels

(1) The Chairman may designate a panel of the Committee consisting of members of the Committee to inquire into and take testimony on a matter or matters that fall within the jurisdiction of more than one subcommittee and to report to the Committee.

(2) No panel appointed by the Chairman shall continue in existence for more than six months after the appointment. A panel so appointed may, upon the expiration of six months, be reappointed by the Chairman for a period of time which is not to exceed six months.

(3) Consistent with the party ratios established by the Majority party, all Majority members of the panels shall be appointed by the Chairman of the Committee, and all Minority members shall be appointed by the Ranking Minority Member of the Committee. The Chairman of the Committee shall choose one of the Majority members so appointed who does not currently chair another subcommittee of the Committee to serve as Chairman of the panel. The Ranking Minority Member of the Committee shall similarly choose the Ranking Minority Member of the panel.

(4) No panel shall have legislative jurisdiction.

(b) Committee and Subcommittee Task Forces

(1) The Chairman of the Committee, or a Chairman of a subcommittee with the concurrence of the Chairman of the Committee, may designate a task force to inquire into and take testimony on a matter that falls within the jurisdiction of the Committee or subcommittee, respectively. The Chairman and Ranking Minority Member of the Committee or subcommittee shall each appoint an equal number of members to the task force. The Chairman of the Committee or subcommittee shall choose one of the members so appointed, who does not currently chair another subcommittee of the Committee, to serve as Chairman of the task force. The Ranking Minority Member of the Committee or subcommittee shall similarly appoint the Ranking Minority Member of the task force.

(2) No task force appointed by the Chairman of the Committee or subcommittee

shall continue in existence for more than three months. A task force may only be reappointed for an additional three months with the written concurrence of the Chairman and Ranking Minority Member of the Committee or subcommittee whose Chairman appointed the task force.

(3) No task force shall have legislative jurisdiction.

RULE 6. REFERENCE AND CONSIDERATION OF LEGISLATION

(a) The Chairman shall refer legislation and other matters to the appropriate subcommittee or to the full Committee.

(b) Legislation shall be taken up for a hearing or markup only when called by the Chairman of the Committee or subcommittee, as appropriate, or by a majority of those present and voting.

(c) The Chairman, with approval of a majority vote of a quorum of the Committee, shall have authority to discharge a subcommittee from consideration of any measure or matter referred thereto and have such measure or matter considered by the Committee.

(d) Reports and recommendations of a subcommittee may not be considered by the Committee until after the intervention of three calendar days from the time the report is approved by the subcommittee and available to the members of the Committee, except that this rule may be waived by a majority vote of a quorum of the Committee.

RULE 7. PUBLIC ANNOUNCEMENT OF HEARINGS AND MEETINGS

Pursuant to clause 2(g)(3) of rule XI of the Rules of the House of Representatives, the Chairman of the Committee, or of any subcommittee, panel, or task force shall make public announcement of the date, place, and subject matter of any hearing before that body at least one week before the commencement of the hearing. However, if the Chairman of the Committee, or of any subcommittee, panel, or task force, with the concurrence of the respective Ranking Minority Member, detennines that there is good cause to begin the hearing sooner, or if the Committee, subcommittee, panel, or task force so determines by majority vote, a quorum being present for the transaction of business, such chairman shall make the announcement at the earliest possible date. Any announcement made under this rule shall be promptly published in the Daily Digest, promptly entered into the committee scheduling service of the House Information Resources, and promptly posted to the internet web page maintained by the Committee.

RULE 8. BROADCASTING OF COMMITTEE HEARINGS AND MEETINGS

Clause 4 of rule XI of the Rules of the House of Representatives shall apply to the Committee.

RULE 9. MEETINGS AND HEARINGS OPEN TO THE PUBLIC

(a) Each hearing and meeting for the transaction of business, including the markup of legislation, conducted by the Committee, or any subcommittee, panel, or task force, to the extent that the respective body is authorized to conduct markups, shall be open to the public except when the Committee, subcommittee, panel, or task force in open session and with a majority being present, determines by record vote that all or part of the remainder of that hearing or meeting on that day shall be in executive session because disclosure of testimony, evidence, or other matters to be considered would endanger the national security, would compromise sensitive law enforcement information, or would violate any law or rule of the House of Representatives. Notwithstanding the requirements of the preceding sentence, a majority of those present, there being in attendance no fewer than two members of the Committee, subcommittee, panel, or task force may vote to close a hearing or meeting for the sole purpose of discussing whether testimony or evidence to be received would endanger the national security, would compromise sensitive law enforcement information, or would violate any law or rule of the House of Representatives. If the decision is to proceed in executive session, the vote must be by record vote and in open session, a majority of the Committee, subcommittee, panel, or task force being present.

(b) Whenever it is asserted by a member of the committee or subcommittee that the evidence or testimony at a hearing may tend to defame, degrade, or incriminate any person, or it is asserted by a witness that the evidence or testimony that the witness would give at a hearing may tend to defame, degrade, or incriminate the witness, notwithstanding the requirements of (a) and the provisions of clause 2(g)(2) of rule XI of the Rules of the House of Representatives, such evidence or testimony shall be presented in executive session, if by a majority vote of those present, there being in attendance no fewer than two members of the Committee or subcommittee, the Committee or subcommittee determines that such evidence may tend to defame, degrade or incriminate any person. A majority of those present, there being in attendance no fewer than two members of the Committee or subcommittee may also vote to close the hearing or meeting for the sole purpose of discussing whether evidence or testimony to be received would tend to defame, degrade or incriminate any person. The Committee or subcommittee shall proceed to receive such testimony in open session only if the Committee or subcommittee, a majority being present, determines that such evidence or testimony will not tend to defame, degrade or incriminate any person.

(c) Notwithstanding the foregoing, and with the approval of the Chairman, each member of the Committee may designate by letter to the Chairman, only one member of that member's personal staff, which may include fellows, with Top Secret security clearance to attend hearings of the Committee, or that member's subcommittee(s), panel(s), or task force(s) (excluding briefings or meetings held under the provisions of committee rule 9(a)), which have been closed under the provisions of rule 9(a) above for national security purposes for the taking of testimony. The attendance of such a staff member or fellow at such hearings is subject to the approval of the Committee, subcommittee, panel, or task force as dictated by national security requirements at that time. The attainment of any required security clearances is the responsibility of individual members of the Committee.

(d) Pursuant to clause 2(g)(2) of rule XI of the Rules of the House of Representatives, no Member, Delegate, or Resident Commissioner may be excluded from nonparticipatory attendance at any hearing of the Committee or a subcommittee, unless the House of Representatives shall by majority vote authorize the Committee or subcommittee, for purposes of a particular series of hearings on a particular article of legislation or on a particular subject of investigation, to close its hearings to Members, Delegates, and the Resident Commissioner by the same procedures designated in this rule for closing hearings to the public.

(e) The Committee or the subcommittee may vote, by the same procedure, to meet in executive session for up to five additional consecutive days of hearings.

RULE 10. QUORUM

(a) For purposes of taking testimony and receiving evidence, two members shall constitute a quorum.

(b) One-third of the members of the Committee or subcommittee shall constitute a quorum for taking any action, with the following exceptions, in which case a majority of the Committee or subcommittee shall constitute a quorum:

(1) Reporting a measure or recommendation;

(2) Closing committee or subcommittee meetings and hearings to the public;

(3) Authorizing the issuance of subpoenas;

(4) Authorizing the use of executive session material; and

(5) Voting to proceed in open session after voting to close to discuss whether evidence or testimony to be received would tend to defame, degrade, or incriminate any person.

(c) No measure or recommendation shall be reported to the House of Representatives unless a majority of the Committee is actually present.

RULE 11. THE FIVE-MINUTE RULE

(a) The time anyone member may address the Committee or subcommittee on any measure or matter under consideration shall not exceed five minutes and then only when the member has been recognized by the Chairman or subcommittee chairman, as appropriate, except that this time limit may be exceeded by unanimous consent. Any member, upon request, shall be recognized for not more than five minutes to address the Committee or subcommittee on behalf of an amendment which the member has offered to any pending bill or resolution. The five-minute limitation shall not apply to the Chairman and Ranking Minority Member of the Committee or subcommittee.

(b)(1) Members who are present at a hearing of the Committee or subcommittee when a hearing is originally convened shall be recognized by the Chairman or subcommittee chairman, as appropriate, in order of seniority. Those members arriving subsequently shall be recognized in order of their arrival. Notwithstanding the foregoing, the Chairman and the Ranking Minority Member will take precedence upon their arrival. In recognizing members to question witnesses in this fashion, the Chairman shall take into consideration the ratio of the Majority to Minority members present and shall establish the order of recognition for questioning in such a manner as not to disadvantage the members of either party.

(2) The Chairman of the Committee or a subcommittee, with the concurrence of the respective Ranking Minority Member, may depart with the regular order for questioning which is specified in paragraphs (a) and (b) of this rule provided that such a decision is announced prior to the hearing or prior to the opening statements of the witnesses and that any such departure applies equally to the Majority and the Minority.

(c) No person other than a Member, Delegate, or Resident Commissioner of Congress and committee staff may be seated in or behind the dais area during Committee, subcommittee, panel, or task force hearings and meetings.

RULE 12. POWER TO SIT AND ACT; SUBPOENA POWER

(a) For the purpose of carrying out any of its functions and duties under rules X and XI of the Rules of the House of Representatives, the Committee and any subcommittee is authorized (subject to subparagraph (b)(1) of this paragraph):

(1) to sit and act at such times and places within the United States, whether the House is in session, has recessed, or has adjourned, and to hold hearings, and

(2) to require by subpoena, or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers and documents, including, but not limited to, those in electronic form, as it considers necessary.

(b) (1) A subpoena may be authorized and issued by the Committee, or any subcommittee with the concurrence of the full Committee Chairman and after consultation with the Ranking Member of the Committee, under subparagraph (a)(2) in the conduct of any investigation, or series of investigations or activities, only when authorized by a majority of the members voting, a majority of the Committee or subcommittee being present. Authorized subpoenas shall be signed only by the Chairman, or by any member designated by the Committee.

(2) Pursuant to clause 2(m) of rule XI of the Rules of the House of Representatives, compliance with any subpoena issued by the Committee or any subcommittee under subparagraph (a)(2) may be enforced only as authorized or directed by the House of Representatives.

RULE 13: WITNESS STATEMENTS

(a) Any prepared statement to be presented by a witness to the Committee or a subcommittee shall be submitted to the Committee or subcommittee at least 48 hours in advance of presentation and shall be distributed to all members of the Committee or subcommittee as soon as practicable but not less than 24 hours in advance of presentation. A copy of any such prepared statement shall also be submitted to the Committee in electronic form. If a prepared statement contains national security information bearing a classification of secret or higher, the statement shall be made available in the Committee rooms to all members of the Committee or subcommittee as soon as practicable but not less than 24 hours in advance of presentation; however, no such statement shall be removed from the Committee offices. The requirement of this rule may be waived by a majority vote of the Committee or subcommittee, a quorum being present. In cases where a witness does not submit a statement by the time required under this rule, the Chairman of the Committee or subcommittee, as appropriate, with the concurrence of the respective Ranking Minority Member, may elect to exclude the witness from the hearing.

(b) The Committee and each subcommittee shall require each witness who is to appear before it to file with the Committee in advance of his or her appearance a written statement of the proposed testimony and to limit the oral presentation at such appearance to a brief summary of the submitted written statement.

RULE 14. ADMINISTERING OATHS TO WITNESSES

(a) The Chairman, or any member designated by the Chairman, may administer oaths to any witness.

(b) Witnesses, when sworn, shall subscribe to the following oath: "Do you solemnly swear (or affirm) that the testimony you will give before this Committee (or subcommittee) in the matters now under consideration will be the truth, the whole truth, and nothing but the truth, so help you God?".

RULE 15. QUESTIONING OF WITNESSES

(a) When a witness is before the Committee or a subcommittee, members of the Committee or subcommittee may put questions to the witness only when recognized by the Chairman or subcommittee chairman, as appropriate, for that purpose according to Rule 11 of the Committee.

(b) Members of the Committee or subcommittee who so desire shall have not more than five minutes to question each witness or panel of witnesses, the responses of the witness or witnesses being included in the five-minute period, until such time as each member has had an opportunity to question each witness or panel of witnesses. Thereafter, additional rounds for questioning witnesses by members are within the discretion of the Chairman or subcommittee chairman, as appropriate.

(c) Questions put to witnesses before the Committee or subcommittee shall be pertinent to the measure or matter that may be before the Committee or subcommittee for consideration.

RULE 16. PUBLICATION OF COMMITTEE HEARINGS AND MARKUPS

The transcripts of those hearings and mark-ups conducted by the Committee, subcommittee, or panel will be published officially in verbatim form, with the material requested for the record inserted at that place requested, or at the end of the record, as appropriate. Any requests to correct any errors, other than those in transcription, or disputed errors in transcription, will be appended to the record, and the appropriate place where the change is requested will be footnoted. Any transcript published under this rule shall include the results of record votes conducted in the session covered by the transcript and shall also include materials that have been submitted for the record and are covered under Rule 19. The handling and safekeeping of these materials shall fully satisfy the requirements of Rule 20. No transcript of an executive session conducted under Rule 9 shall be published under this rule.

RULE 17. VOTING AND ROLLCALLS

(a) Voting on a measure or matter may be by record vote, division vote, voice vote, or unanimous consent.

(b) A record vote shall be ordered upon the request of one-fifth of those members present.

(c) No vote by any member of the Committee or a subcommittee with respect to any measure or matter shall be cast by proxy.

(d) In the event of a vote or votes, when a member is in attendance at any other committee, subcommittee, or conference committee meeting during that time, the necessary absence of that member shall be so noted in the record vote record, upon timely notification to the Chairman by that member.

(e) The Chairman of the Committee or a subcommittee, as appropriate, with the concurrence of the Ranking Minority Member or the most senior Minority member who is present at the time, may elect to postpone requested record votes until such time or point at a mark-up as is mutually decided. When proceedings resume on a postponed question, notwithstanding any intervening order for the previous question, the underlying proposition shall remain subject to further debate or amendment to the same extent as when the question was postponed.

RULE 18. COMMITTEE REPORTS

(a) If, at the time of approval of any measure or matter by the Committee, any member of the Committee gives timely notice of intention to file supplemental, Minority, additional or dissenting views, that member shall be entitled to not less than two calendar days (excluding Saturdays, Sundays, and legal holidays except when the House is in session on such days) in which to file such views, in writing and signed by that member, with the staff director of the Committee. All such views so filed by one or more members of the Committee shall be included within, and shall be a part of, the report filed by the Committee with respect to that measure or matter.

(b) With respect to each record vote on a motion to report any measure or matter, and on any amendment offered to the measure or matter, the total number of votes cast for and against, the names of those voting for and against, and a brief description of the question, shall be included in the committee report on the measure or matter.

RULE 19. PUBLIC INSPECTION OF COMMITTEE ROLLCALLS

The result of each record vote in any meeting of the Committee shall be made available by the Committee for inspection by the public at reasonable times in the offices of the Committee. Information so available for public inspection shall include a description of the amendment, motion, order, or other proposition and the name of each member voting for and each member voting against such amendment, motion, order, or proposition and the names of those members present but not voting.

RULE 20. PROTECTION OF NATIONAL SECURITY INFORMATION

(a) Except as provided in clause 2(g) of Rule XI of the Rules of the House of Representatives, all national security information bearing a classification of secret or higher which has been received by the Committee or a subcommittee shall be deemed to have been received in executive session and shall be given appropriate safekeeping.

(b) The Chairman of the Committee shall, with the approval of a majority of the Committee, establish such procedures as in his judgment may be necessary to prevent the unauthorized disclosure of any national security information received classified as secret or higher. Such procedures shall, however, ensure access to this information by any member of the Committee or any other Member, Delegate, or Resident Commissioner of the House of Representatives, staff of the Committee, or staff designated under Rule 9(c) who have the appropriate security clearances and the need to know, who has requested the opportunity to review such material.

RULE 21. COMMITTEE STAFFING

The staffing of the Committee, the standing subcommittees, and any panel or task force designated by the Chairman or chairmen of the subcommittees shall be subject to the rules of the House of Representatives.

RULE 22. COMMITTEE RECORDS

The records of the Committee at the National Archives and Records Administration shall be made available for public use in accordance with rule VII of the Rules of the House of Representatives. The Chairman shall notify the Ranking Minority Member of any decision, pursuant to clause 3(b)(3) or clause 4(b) of rule VII, to withhold a record otherwise available, and the matter shall be presented to the Committee for a determination on the written request of any member of the Committee.

RULE 23. HEARING PROCEDURES

Clause 2(k) of rule XI of the Rules of the House of Representatives shall apply to the Committee.

30-SOMETHING WORKING GROUP

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Florida (Mr. MEEK) is recognized for half the time remaining before 5 p.m. as the designee of the majority leader.

Mr. MEEK of Florida. Mr. Speaker, it is an honor to address the House, and I can share with you on this day of the State of the Union we all look forward to hearing what the President/Commander in Chief has to share not only with the country but the world, and we hope that he will bring words of wisdom and unity to the House floor. This will be the President's seventh opportunity coming to the floor to share with us the needs of the Nation. And I hope that he speaks on behalf of the entire Nation.

As you know, the 30-Something Working Group has been coming to the floor for the last 3 years sharing with the Members about what was going on under the Capitol dome and what wasn't going on under the Capitol dome. And we come today in the spirit of bipartisanship, Mr. Speaker, and I would also like to continue to highlight bipartisanship, because that is what the American people have called for and that is what we have delivered.

And when I say "we," I am saying a majority of the Members of the House of Representatives, and you can sprinkle in some Republican votes in achieving that. And I am glad that on a number of votes as relates to the Medicare prescription drug price negotiating, all Democrats on the floor voted for that, 24 Republicans voted for it, too. They voted with their constituents.

The Stem Cell Research Enhancement Act, just about all the Democrats on the floor voting on behalf, 216 with 37 Republicans joining us on that vote, it was 253, which is a good majority of the House voting in the affirmative. That is bipartisan.

The Fair Minimum Wage Act, Mr. Speaker, that passed on January 10, which was a recorded vote, there were 315 yeas in the affirmative, all Democrats on the floor at that time voted for it, 82 Republicans joined Democrats in voting on that bill together, Mr. Speaker.

Again, in the implementation of the 9/11 Commission recommendations, which we all know, Mr. Speaker, was a bipartisan piece of work by individuals that were appointed by the President, the leadership, and the House and Senate at that time, with two bipartisan chairmen, one Republican and the vice chair was Democrat, all Democrats on the floor voted, 231, and 68 Republicans. That brought that vote to 299.

I think it is important, Mr. Speaker, as we continue to move on and as we look at the student loan vote, as we look at a number of the votes that have come here to the floor, a great vote today as relates to pensions for those that step out of the line, Members of the House that step out of line and Members of the Senate, that their pensions will be on the line. Not one vote against that measure.

In that spirit, I know, on behalf of the Democratic side of the aisle, the Speaker, majority leader, Democratic whip, the chairman of our caucus, the vice chair of our caucus, and other elected leadership within the Democratic Caucus are looking to continue this bipartisan spirit that we have adopted here.

As you know, in the 109th Congress, Mr. Speaker, I used to always share with the Members that bipartisanship is only allowed if the majority allows it. I think that on some issues we will see issues where we won't be able to see eye to eye and there will be some partisan votes on this floor. That is just the reality of life here in Washington, D.C., but it should not be the rule. It should be the exception. And I want to commend all of those Members that are moving in a bipartisan spirit.

Now, I must say the winds of bipartisanship are here on the floor. I am sad to report that on many of those votes the Republican leadership did not vote with the majority of the U.S. House of Representatives, including Republicans that did vote on those measures. I say this to promote a bipartisan spirit here when the State of the Union, when the President comes in and gives his speech tonight; when he comes to speak to the American people in the U.S. House, the U.S. Congress, Judiciary, all branches of the military that will be represented here tonight, Cabinet officers that will be represented here tonight, hopefully deliver a message that we can move forward as a unit, as all Americans, so something we can all grasp.

□ 1515

I think it is important to move in that direction.

Now, on our side of many of these issues, when I say "our side," I am saying the Democratic side where we have talked about six in 2006, where Republicans have joined us in those efforts because they wanted to vote for it all along but their leadership would not allow them to do that. We want to continue. We want to lead by example. We want the American people to know that we are leading on behalf of the country, not just one side versus the other. We do not want to create that kind of environment; but when it has to take place, it has to take place.

Tonight, Senator WEBB, Virginia, will be delivering the Democratic response to the President, and I think it is important if we can see eye to eye on a policy in Iraq because right now, as you know, a number of the Senators on the other side of the Capitol dome have disagreed with the surge policy or with the escalation of troops policy that we have now that the President has stepped forward with. Many Members of the House on both sides of the aisle disagree with that policy.

As you know, Mr. Speaker, a number of Americans spoke not only to Democratic candidates but to Republican candidates about a solution in Iraq versus just identifying a problem and continuing to add on to the unfortunate situation of U.S. troops losing their lives in Iraq.

I think it is also important for us to know that for us to work in a bipartisan way the President cannot continue to say, just because I have the power to deploy troops along with my advisers that I am going to do it. I think a level of responsibility has to kick in.

Mr. Speaker, I was talking to a group earlier today, and I shared with them that the watch word for the 110th Congress should be "responsibility," responsibility on both sides of the aisle to make sure that we can fight our way out of the record deficit that we have now and to be able to stick with our pay-as-we-go rules that we put in place; to make sure that we govern on behalf of all the American people need it be young or old, rich or poor; that we govern on behalf of Americans and not on behalf of the special interests; and to make sure that our children's children and we have safe, clean water, air to breath; and that we can provide health care.

Now, saying all of that, it cannot be my way or the highway. Mr. Speaker, the President has put forth a commission to look at Social Security more than two times, and at the end of all of those commissions, the President has come back and said we need to privatize Social Security. That is a my-way-or-highway approach to governing.

I think it is important that the President come to this floor tonight and the Congress respond in a way that we can work together, we can work together to make America better. We can work together to make sure that our troops in Iraq, hopefully more sooner than later, can be redeployed, and that we can call not only on the Iraqi Government but other countries throughout the world to take part in the security of that region. As long as we continue to have an escalation in troops without any questions asked, we are going to have problems.

Now, I am glad to be joined here by my good colleague and friend from the great State of Ohio, Niles, Ohio, and we have spent many an hour on the floor here talking about these issues, but I was sharing with the Speaker and with the Members the fact when the President comes here tonight that it is important that it is a message that all

Americans can embrace, that we deal with the serious issues so that we can get on with the work of the American people, because shortly after he gives his speech, he is going to send his budget to Capitol Hill, and that is going to have a lot to do with the way this Congress is going to function in this first session of the 110th Congress.

Hopefully, we will be able to pass a budget that will work on behalf of the American people, but it cannot be a my-way-or-the-highway kind of approach that it has been in the past. That did not work well, even when his party had the majority here in the Congress. Imagine what will happen, and they do have the minority in this Congress.

But we are willing, Mr. Speaker, to work in a bipartisan way to make sure we can get something done. I think that is very, very important. I think that is what the American people are asking for, and I yield to my friend.

Mr. RYAN of Ohio. Mr. Speaker, I appreciate how the gentleman has been focused on bipartisanship over the past several weeks since we have been here.

I agree with my friend from Florida on several issues. Just to go back a few seconds, to talk about what is going on in Iraq and what really the President's plan has been, and I think it is important that we remove this from any kind of partisanship.

As we have shown in the past couple weeks here, I mean, the votes that we have passed here have consistently been passed in a bipartisan way. Minimum wage, student loans, Medicare and negotiations, all of these have been passed in a bipartisan way. So the tone that Speaker PELOSI has set in this House has been a tone of bipartisanship.

The concern that we have in Iraq at this point with the troop surge is that this President does not have the support of the American people. He does not have the support of the Democratic Party. He is losing support among the Republican Party, and the former Chair of the Senate Committee on Armed Services, JOHN WARNER, has now come out against the President's proposal. The military, for the most part, is against this proposal. It seems like almost everyone who was in the Bush administration who had been in the military under this Commander in Chief and has left is now against what the President is saying. The Iraqi leadership is against it.

The only people who are for this is the administration, and I think it is important for us to recognize that we need to get out in a way that makes sure that we retain our dignity and that we redeploy. No one's talking about cutting and running, but redeploy in a responsible way and getting our kids out of harm's way, because this has been botched from the get-go.

But I think it is important, and I appreciate you consistently focusing. We have talked for 3½ or 4 years about if we get in charge we are going to do it in a bipartisan way, and we have been able to maintain that over the past couple of weeks, and I think it is important that we continue to go down that road.

If you look at, and I do not want to talk too long because I know my friend has an interest in joining, I want to look at the, Mr. Speaker, first 100 hours, at what we have been able to.

Okay. This has kind of gone in two different directions. Pass the minimum wage, reduce student loan interest rates, cut them in half, and allow the Secretary of Health and Human Services to negotiate down drug prices. So if you are an average family, those are three major steps forward where you are going to make more money, if you have a minimum-wage worker, where you have less student loans to pay because the interest rate is going to be cut in half, and the prescription drug prices that your parents and grandparents are paying will be a lot less. So that is going to be significant savings in the short term.

But now we have our long-term program, and if you look at where the Democratic Party and Speaker PELOSI is pushing our agenda, we have investments into stem cell research, which is something that we passed in this Chamber just a few days ago, that we are going to invest into this new and great and vibrant industry and new sector of our economy that is not only going to reap tremendous health care benefits for our citizens but also provide jobs for our scientists and our researchers and funding the research and development and partnering with private sector people.

That is going to create an economic boom in the United States of America because once we pass it, if we can get it past the President, that is going to be a heck of a move on our part. I think it is going to be great for the American people, and it is going to be great for the next generation of people coming out of college and coming out of medical school and getting their Ph.D.s. We are going to have a whole other sector of the economy.

In addition to the repealing of the corporate welfare, which I know you had talked a lot about on this floor the past couple of years, repealing the corporate welfare that we gave to the oil companies and the energy companies and putting that money into research for alternative energy sources, creating and pushing a whole other sector of our economy so that we do not depend on the Middle East for our energy, we got it right in the Midwest in the United States of America.

So we are stabilizing. We are taking care of people today. We are giving the American people a pay raise, cutting student loan interest rates in half, reducing the cost of prescription drugs now, and then in the future moving into these two major growth areas of alternative energy and stem cell research and into the health care industry.

I think Leader PELOSI and Mr. HOYER and Mr. CLYBURN and Mr. LARSON and Mr. EMANUEL have all set an agenda for the Democrats in the House to do some good in the short term and then to open up these other areas of the economy in the long term.

So with that I would be happy to yield back to my good friend, my dear friend from Florida (Mr. MEEK).

Mr. MEEK of Florida. Well, I think it is important that we have a real discussion back and forth on this very issue.

We talked about the President coming to the floor and hopefully bringing about and, well, promoting bipartisanship, coming to the floor and saying there are some good things that have happened here; you know, hey recognize the historical moment of having the first female Speaker in the history of the country; but secondly, dealing with some of the major issues.

I understand, Mr. Speaker, in his speech on Iraq he is going to say what he says and says he sent the escalation troops. He is going to stick with it or my way or the highway. It is the wrong approach and it is going to inflame the American people and Members of Congress on both sides of the aisle.

Also, I would like to say, even when it comes down to the issue of the minimum wage, I know that the President has said, well, you know, I like the minimum wage but there are some things that I would like to do. That is fine, but as far as I am concerned, when it comes down to the bill, signing it, he needs to be overjoyed to sign it because that is what the American people want. It is not just Democrats. I mean, the American people want to see folks that are making $5.15 an hour to make $7.15 or greater because when they make more, the American people make more, salaried workers, because their pay is going to go up.

I see Mr. RYAN has something there he is going to go a little further into it. Stem cell research, folks may have issues here and there, but the bottom line is the American people have spoken in many of these Senate races and many of these House races, and they have spoken because they want their loved ones to have a better chance in beating some of the terminal cancer that is out there right now and diseases that so many Americans are suffering through and their family members are trying to fight through those issues.

The bipartisan 9/11 Commission, Mr. Speaker, why fight on the commas and the periods saying that, well, we believe that we are already doing that. Well, apparently you must not be doing it because the 9/11 Commission has given you Ds and Fs in those areas that you say that you are already doing it.

So not just because we got to the cafeteria first we get an opportunity at the only oatmeal cookie that is left. It is the fact that we have to secure America. This goes beyond I thought of this first or I thought of this second.

The American people said they want the full implementation of the 9/11 Commission, and that is what we gave them. The majority vote here in this House and will be a majority vote in the Senate and will have the opportunity to go to the White House and hopefully the President will implement those recommendations, it is to make America safer. It is not because it was not your original thought to do it, and I am hoping that he comes to the floor and embraces that on behalf of all of our safety.

I do not think that I need to advise the President in any way, but I think that on behalf of all of us, if we are going to continue the spirit that we have started and bipartisanship and having the least friction as possible, especially on issues that we should not even be debating on, the issues that I have outlined, they are not even issues that are brand-new issues. These are issues that have been talked about in committee, talked about it in commissions, even as it relates to campaigns to get to Congress.

The issue of the investment on Big Oil, the billions of dollars in subsidies, and now we have reversed and put them in the clean, renewable energy, that should not even be a debate.

□ 1530

It should not even be, well, I agree with it or I don't agree with it. You should agree with it, because we need it more now than ever.

One of the big issues now, Mr. RYAN, when it all boils down to redeployment of our troops in Iraq, all of this is a vicious circle of irresponsibility in the past, or a lack of responsibility, and making sure that we are able to carry out not only diplomatic responsibility, but legislative responsibility and oversight.

I think the reason we have had the escalation in troops, Mr. RYAN, is prior to the lights being illuminated or the committee rooms being illuminated to have hearings on what we should do in Iraq, how we should work in a diplomatic way in Iraq, what kind of leadership should we have in Iraq, now that is happening with the confirmation of a new general to take over the command in Iraq.

I think it is important, Mr. RYAN, that we move in the direction that we have been moving in, and that is in a bipartisan direction, that is in a direction that the supermajority of American people agree with. Let's get those things off the table. Let's start fine-tuning these issues of six in '06. I think some of the Republican leadership just has issues with the fact it is part of six in '06 and "we have to be against it, because we didn't do it when we had the opportunity to do it."

I can care less about what happened in the last Congress. I do care about what is happening in this Congress, Mr. RYAN, and what is happening in the future Congresses. Because when folks woke up at 7 o'clock in the morning on a Tuesday morning and voted for representation, they voted for leadership, they voted for bipartisanship, they voted for a Washington, D.C., especially under the Capitol dome, Americans coming together, because we are all Americans, coming together on behalf of the greater good.

That is what they are counting on. That is what we should give them. The majority of the Members of the House should give that to them. When I am speaking of the majority members of the House, I am talking about Republicans too. I am talking about all of us coming together on their behalf.

So, to hear these issues tonight, it is going to be very, very important. The President has a choice. If he wants to come to the floor, Mr. Speaker, and continue to give the same speech that he has been giving in the past, it will be very, very unfortunate. But if he comes to the floor tonight talking about how he would like to work with the Democratic Congress and work with the Democratic leadership and the Republican leadership, and the same thing over in the House and the Senate, work in a bipartisan way, if he used the words "bipartisan Congress," I think he will be more successful in passing legislation that we can all come together on and that we do have an input in it, because we will have input in it, and we should not dig in and deny the American people of this great opportunity, Members, to see advancement in health care, to see some advancement in the issue of Iraq and Afghanistan at the same time, and to see some level of advancement in having clean air for our children and renewable fuel here in America, investing in the Midwest versus the Middle East.

I yield to my friend from Ohio.

Mr. RYAN of Ohio. Well, I appreciate that. This is something you mentioned about being bipartisan and working in a bipartisan way. I think what has happened here has been very successful, and I think this kind of illustrates it.

A couple of the things that the Democratic leadership and the Democratic Caucus, with some help from the Republicans on the other side, have been very successful. This is what has happened just in the first 100 hours, should this all become law.

You look at the minimum wage being raised. It means $4,400 a year for the average minimum wage worker. So over the next 5 years, the average person will make another $22,000 because of what happened here in this Chamber, led by Speaker PELOSI in a bipartisan way with a handful of Republicans who were able to do that, 80 or 90, I think.

College loan interest rates cut over 5 years will save about $1,473. Total earnings and savings for a family over 5 years will be $23,473.

This is bread and butter stuff. This is what will be implemented if we can get it through the other side and signed by the President. This is good stuff. This is what we can do in a bipartisan way.

So, I think this kind of stuff is important to move the country forward. When we do that, I think we open up a lot of opportunities for a lot of people around the country, and really around the world, because of the opportunity that we would provide here. This is the kind of bipartisan agenda that we want to continue with.

We are joined hereby a rising star already making a name for himself down here in Congress, our good friend from Connecticut, Mr. MURPHY.

Mr. MURPHY of Connecticut. Thank you, Mr. RYAN. I am only making a name for myself by associating myself with the works and deeds of Mr. MEEK and Mr. RYAN.

You are exactly right. As you know, I am able to join you here as a second time as a new Member of this Congress.

What we were charged with doing was really taking back this House and this place for people who are struggling every day to make ends meet. The cost of tuition since 2001 has gone up 41 percent, while we know wages have essentially remained stagnant, the minimum wage staying exactly where it has been for the last 2 years, while the cost of everything from food to school to gas goes up exponentially.

What we are doing here, piece by piece, is really restoring that American dream, that idea your kids might be able to do better than you, that your grandkids are going to live in a world with a greater quality of life than you were able to live in. The first 100 hours were about doing that, and, as I know you both have remarked, doing it in a bipartisan way, doing it in a way in which the votes that came before in the first 2 weeks drew an average of 60 Republican votes.

As Mr. MEEK was saying as I walked into the Chamber, I think the President tonight will find a very receptive Democratic side of the aisle if he seeks to embrace that same type of middle-class/working-class agenda that we have made really the central feature of this place for the last 2 weeks.

Mr. RYAN, if I might, I wanted to talk just for a moment about health care, because we are going to hear something from the President that, unfortunately, we have heard for the last several years. We have heard that the President wants to focus on the rising costs of health care, the trouble that middle-class families are finding in trying to find insurance.

It is about time on the issue of health care that this administration starts to meet words with action. We have seen a lot of verbal compassion, but we haven't seen a lot of meaningful reform from this administration, as the profits being made by those who would make money off of this health care system are in record numbers today. We are seeing on the other side record numbers of families falling into the ranks the uninsured.

Tonight we are going to hear a proposal that will essentially lop off families who are receiving good insurance and put them into the ranks of those families that have very bad insurance or are underinsured. Essentially the President is going to propose tonight to make health care cheaper and worse, whereas the Democrats, we know we can find a way to make health care cheaper and better.

I simply look forward, Mr. RYAN, to engaging the President on that debate and trying to convert he and his administration to the new-found wisdom we found in this Chamber to put middle-class families rather than those lobbyists and corporate interests first.

Mr. RYAN of Ohio. Mr. Speaker, I thank the gentleman for his remarks. The President only has a couple years left, Mr. Speaker, and I hope he really uses this as an opportunity to try to reengage Congress and reengage the American people and have some bold initiatives too. And not just the rhetoric. Because we went through and our staffs went true and were comparing everything that the President had said in previous State of the Union addresses and then what the reality is, and you can pick an issue, and we will give you the Web site and you can go and check it all out. So a very skeptical Congress will be here listening tonight.

But I hope in regards to health care that we can really focus. Of course, we want everyone covered. But if you think about it, we actually have a universe health care system right now, but it is just run through emergency rooms. It is run in the most inefficient, ineffective way that you could possibly set up a health care system. So it is really not even a system, but it is just health care kind of.

What we need to do is try to get some of this investment on the front end, make sure our kids through SCHIP have access to health care, and that we are reaching out and communicating and pulling in people who may qualify for some of these programs but don't actually sign up for them. What is the outreach going to be? Because as we are competing a global economy, as we have talked 1 million times on this floor, we only have 300 million people in the United States of America. We are now competing against China, who has 1.3 billion, India who has a billion, and everyone else on the globe. We only have 300 million.

So we have to make our best efforts count, because we need all 300 million on the field playing for us, especially these young kids who are coming up through the ranks. That is why I think it is important when we are talking about the minimum wage and we are talking about making sure that student loan rates are cut in half so we can have more kids go to college, and then we pass the stem cell bill, so we are creating not only a compassionate kind of research that is going to go on and save people's lives and improve their quality of life, but that is creating jobs in a whole new sector of the economy that right now we are not doing exactly what we should be doing.

Then we also repeal the corporate welfare and we take the 13 or 14 billion and we are going to pump that into alternative energy, create a whole other sector for alternative energy sources.

So you put all this stuff together that we are able to do that, that is bold leadership. These are the kind of initiatives that we really need in the country, and Speaker PELOSI has provided us with that leadership.

So I hope in regards to health care, we get some bold tax credits. How about a bold program where all Americans are going to be covered and where we are going to put the money, instead of managed disease, prevent diseases from happening and investing in these young people so that they are healthy, educated and then create opportunity for us.

Mr. MEEK of Florida. I think it is very important, Mr. RYAN, to really talk about many of the issues that are facing the right here, right now Congress, right here, right now. Not, well, what we would like to do pie-in-the-sky. Something realistic.

Mr. MURPHY, I can tell you that it is very important that when we look at the issue of Iraq, that we have a real discussion. The President is going in the opposite direction of the American people at this point. I mean, in November, that is what happened. The President is moving in this direction, the American people are going in the opposite direction. He could be going this way, they are going that way. I mean, it is just that simple.

I don't know who the advisers are in the White House or what have you, but when you have generals that have been in the field at the double digit numbers saying that we are headed in the wrong direction as it relates to the strategy that the administration has, you have Colin Powell. Goodness gracious, the Secretary of State, the former I guess two Joint Chiefs of Staff, the head of the military, to say an escalation in troops in a civil war is a wrong thing to do.

We have been saying in November and even now saying that the principal mission of our forces should be training of the Iraqi troops. Now, that is "we are going to start training."

Well, we have been saying that from the beginning. That is a strategy to redeploy hopefully one day. Not "we will work it out sometime in the near future." The issue of the logistics and force protection and counterterrorism activities, those are the things that we should be involved in versus patrolling the streets of Baghdad. Patrolling the streets of Mosul. That should be the Iraqi force's responsibility right now.

The beginning of phase, to be able to redeploy our troops, that has to happen. We have military bases, Mr. RYAN, we have been there. We have military bases that are the size of some U.S. cities in Iraq where troops can be trained, Iraqi troops can be trained, along with getting some of our allies to take part in that.

So for us to have what we talk about so much here on this floor, a bipartisan approach towards some of these major, major issues, we are going to have to move in that direction.

To try to make tax cuts permanent for the super wealthy, that is the opposite direction as it relates to being able to provide some sort of relief for the middle-class and small businesses in this country. We have already said, Mr. MURPHY, that we are going to operate in a pay-as-you-go atmosphere. What does that mean? Mr. RYAN, you know how over the years we have said we want to break this down, Mr. MURPHY, so that everyone can understand what we are talking about.

That means if you are going to pay for something, if you are going to spend money, then you have to show how you are going to pay for it. Not just saying a chicken in the pot for everyone. Well, how much does it cost? That is not important, because we will just ask our country, we will just ask Japan, China, the U.K., the Caribbean, Taiwan, Korea, Canada and Germany and OPEC nations to pay that for us and we will just owe them. We don't have to pay it any time soon, but we will owe them. We will be indebted to countries even to countries that we have been with war with in the past.

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Mr. RYAN of Ohio. I appreciate that, because that is exactly what happens is you don't have the money, there was no pay-as-you-go in the last several Congresses, runaway spending, borrowing money from China. What does that mean? Well, here is our budget priorities for 2007 prior to Democrats taking office, budget into the billions of dollars. This red bar here is just interest on the money that we borrowed. This is not paying it down; this is just paying the interest on it. You know, you get your mortgage and you get your car loan and you open it up and you have got a 5 or $600 payment. You see $300 of it is actually going to the payment and the other stuff is interest, and it breaks your heart.

This is what the country is doing. But compare that to what we are doing, this is education, homeland security and veterans. This is going back to China; this is going back to some of those other countries.

And then you look and you see China says the test they did in space does not signal an intent to militarize space. You can't get the real facts on China's military budget, but they are buying a ton more ships. That is where that money is going.

I think it is important to make that point because it is not just money that just goes and floats out and the Federal Reserve tries to find it somewhere. It is going to China, it is going to the Middle East, it is going to OPEC countries.

And then we are funding both sides of the war on terror because we are buying all the oil, making them money. It gets back to the terrorists. And then we have a war in the Middle East and we pass almost $500 billion already that we are spending from our side already on the war in Iraq.

Mr. MEEK of Florida. I am going to yield to my friend from Connecticut here in one second. Great point. I am glad that you put a period at the end of that dot.

Mr. RYAN of Ohio. That is why we are friends, stuff like that.

Mr. MEEK of Florida. Thank you, Mr. RYAN.

The real issue here is, gentlemen, even before I have an opportunity to get a copy of the President's speech, Mr. Speaker, and even before our great Sergeant at Arms stands there and says, Madam Speaker, for the first time in the history of the country, the President of the United States, even before that happens, I guarantee you, gentlemen, that this health care proposal that the President has is going to end up being to the American middle-class taxpayer, a person that wants health care, money out of this pocket, taking money out of this pocket and putting it hopefully in the other, with some coming out to pay for it.

There will be no real program that will benefit the middle class in achieving health care. It would have to almost be, Mr. Speaker, an atmosphere to where for a person to get a true benefit, they would probably have to go out and get a tax attorney to understand their opportunities, their lucky-ducky opportunities that we hear so much about here on Capitol Hill.

I think it is important, Members, that we break this thing down before we leave Washington this week to make sure the American people know exactly the direction that the administration wants this Congress to move in, because there has to be a discussion. And it has to be open-ended, Mr. MURPHY. He needs to say, Listen, I have this health care initiative; I would love to have a discussion with the Congress on how we can make this possible for the American people.

Now, I can tell you right now, the superwealthy have an advocate in the administration in making their tax cuts permanent; I am talking about the superwealthy. I am talking about the folks who are not worried about if they are going to be able to get health care. They already have it.

We are talking about those 47 million Americans that are stuck right now, and the thousands of small businesses that once provided a level of health care; but let's not make it so technical so that only a few can benefit. Some of the earned income tax credits are not taken advantage of, Members, because when you are punching in and punching out every day and you have to go pick up your kids, and if you have got to take them to the doctor, you are making a career decision, that is the reason why the emergency room is so convenient because the boss person doesn't want to let that working parent or parents off to be able to take care of his health care needs.

So this is a huge issue. But at the same time, I think it is important, Members, that we keep in the frame here this issue of Iraq. It has to continue to surface; we have to deal with it; and the American people are counting on us to provide leadership.

I yield to the gentleman from Connecticut.

Mr. MURPHY of Connecticut. I thank Mr. MEEK.

There are already reports that the words we may get tonight are going to give a little short shrift to the issue of Iraq. If the President wants to put forth a plan that is so unpopular that it is not backed by his own military leaders, it is not backed by our civilian foreign policy expert, it is not backed by the American public, well, then he should also have the courage to talk about it, to defend it, to put it before us. But knowing that it is unpopular, we may not hear too much about it tonight.

To get back to, Mr. MEEK, your point on health care, let us be honest about what is going to be proposed tonight, how we are going to save money on health care. It is not by investing more in prevention; it is not by moving people out of emergency rooms and putting them into real programs and care. It is taking people who have good insurance and making their good insurance bad insurance. It is going out and taking folks who have had the great benefit of working for an employer that provides a comprehensive package of benefits, and it is becoming less and less likely these days that even good employers out there can afford to give a robust package of benefits.

What the President is going to propose today is that for families that have had the good fortune to find a good insurance plan, they are going to tax that employer. They are going to make it less likely that you are going to get good insurance anymore. So we are going to get a proposal today which is going to actually result in worse health care for a lot of families.

I guess the point here is that, you know, again, if we are going to listen to the words that come from this administration, we heard in last year's State of the Union that we need to confront the rising cost of care, strengthen the doctor/patient relationship and help people afford the insurance coverage we need, if we want to talk about that, then we need to do something about that. And how we do something about that is not by taking the haves and putting them into the column of the have-nots. It is by keeping the haves where they are on health care and taking the have-nots and giving them that same level of health care.

We can absolutely do that without adding cost to the system, because those have-nots, as Mr. RYAN said, end up getting care. They just end up getting the most expensive, the most unfortunate type of care, that being crisis care. We can do a better job on that.

And, Mr. MEEK, as you said, we can make sure that we continue to have that discussion on Iraq, which may be missing tonight.

Mr. RYAN of Ohio. One of the issues, you know, the more you talk, the more you see how all this just really ties together. This is health care costs and tying in a way to the minimum wage. The average family health care premium in 2005 was $10,880; and the salary of a full-time year-round minimum-wage worker was less than that, $10,700. So you will work as a minimum-wage worker 40 hours a week for an entire year and not even be able to pay for your full health care bill.

Now, in the United States of America, there is something wrong with that. There is something wrong with the wage of the minimum-wage worker, and there is obviously something wrong with the cost of health care in the United States because of this kind of backward system that we now have that just basically treats diseases and is not focusing probably like it should in preventing a lot of these things from happening.

And I think the more we reach out through the SCHIP program to make sure that these families who are qualified for children's health care know that they are qualified, to get them signed up, because at the end of the day it is the right thing to do, it is the compassionate thing to do, but at the end of the day it is going to save everybody a lot more money, too.

If we can get these kids at a young age and make sure they are treated, evaluated, they know the direction that they are going in, they know the medical history of both parents so that they can be treated accordingly.

I appreciate what you are saying and I appreciate you bringing up the issue of health care.

I know we are running down here; the clock is ticking, Mr. MEEK. I would be happy to yield to you in order to get us down the road here of wrapping things up. I appreciate all the comments that have been made here, and I appreciate our young friend being here with us, who is probably older than me.

I yield to our fearless leader from Florida.

Mr. MEEK of Florida. Mr. Speaker, I think in light of bipartisanship, I know we split the hour, and I see my colleague on the Republican side is already here, in the light of bipartisanship, we will yield back our 10 minutes that we have left on our time to get off on a good note here.

Mr. RYAN of Ohio. Mr. Speaker, for any Members who want to, also to their constituents, if they want to look at some of these charts we have, www.speaker.gov/30something, get on the Web site, send us an e-mail at 30somethingdems@mail.house.gov, you will get a chance to look at all these charts.

I appreciate our friend from Connecticut joining us. I look forward to our President's speech tonight and hope it is inspiring and filled with good information and good public policy that we can work on in a bipartisan way.

ELECTION OF MEMBERS TO CERTAIN STANDING COMMITTEES OF THE HOUSE

Mr. RYAN of Ohio (during the Special Order of Mr. MEEK of Florida). Mr. Speaker, by direction of the Democratic Caucus, I offer a privileged resolution (H. Res. 85) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 85

Resolved, That the following named Members be and are hereby elected to the following standing committees of the House of Representatives:

(1) COMMITTEE ON FINANCIAL SERVICES.—Mr. Wexler (to rank immediately after Mr. Donnelly).

(2) COMMITTEE ON THE JUDICIARY.—Ms. Wasserman Schultz (to rank immediately after Mr. Davis of Alabama).

(3) COMMITTEE ON SCIENCE AND TECHNOLOGY.—Mr. Kanjorski (to rank immediately after Mr. McNerney), Ms. Hooley (to rank immediately after Mr. Kanjorski).

(4) COMMITTEE ON SMALL BUSINESS.—Ms. Millender-McDonald, Mr. Jefferson, Mr. Shuler, Mr. Gonzalez, Mr. Larsen of Washington, Mr. Grijalva, Mr. Michaud, Ms. Bean, Mr. Cuellar, Mr. Lipinski, Ms. Moore of Wisconsin, Mr. Altmire, Mr. Braley of Iowa, Ms. Clarke, Mr. Ellsworth, Mr. Johnson of Georgia, Mr. Sestak.

Mr. RYAN of Ohio (during the reading). Mr. Speaker, I ask unanimous consent that the resolution be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H. RES. 78, PERMITTING DELEGATES AND THE RESIDENT COMMISSIONER TO CAST VOTES IN THE COMMITTEE OF THE WHOLE

Ms. SLAUGHTER (during the Special Order of Mr. MEEK of Florida), from the Committee on Rules, submitted a privileged report (Rept. No. 110–3) on the resolution (H. Res. 86) providing for consideration of the resolution (H. Res. 78) amending the Rules of the House of Representatives to permit Delegates and the Resident Commissioner to the Congress to cast votes in the Committee of the Whole House on the state of the Union, which was referred to the House Calendar and ordered to be printed.

REPUBLICAN PERSPECTIVE ON 110TH CONGRESS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentlewoman from Tennessee (Mrs. BLACKBURN) is recognized for 60 minutes as the designee of the minority leader.

Mrs. BLACKBURN. I thank the gentlemen for yielding their time back and doing it in the spirit of bipartisanship.

Mr. Speaker, I hope that now that the 100 hours is out of the way and we are to the point of having the State of the Union, that we will see this body return to a format of regular order and regular process and rules that we have had in place and have respected and this body has abided by through the course of this great Nation. That would, indeed, be welcomed.

In the 100-hour agenda we have seen the majority party take action on some of the issues that they had chosen to address. Their 100-hour agenda has included legislation on student loans that really is not going to do anything to make loans more accessible and available to those students that are trying to get into college. It is not going to reduce the cost of college while it is there. And it will take effect after a person has graduated and then is working and is looking at consolidating those loans and paying them back.

So that one was a little bit of a head-scratcher for a lot of our constituents because we have worked tirelessly to make college more affordable, to raise the caps on what could be loaned for students to get those Stafford loans, Pell Grants and increasing the funding for those, things that actually would make a difference, and that is an accomplishment of the Republican majority over the past decade.

Minimum wage. One of our colleagues had just mentioned minimum wage. And I will point out, Mr. Speaker, to the Members of this body that the actions that were taken on minimum wage, we heard from our small business community. Certainly small business employers that are in my district were very concerned about this. We have heard estimates of 5 to 7 to as much as $17 billion in costs that this would be to our small businesses. That is of tremendous concern. That is a cost that is going to get passed on.

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That is a cost that is going to get passed on. And of course in the minimum wage bill, we had the unfortunate error of Tunagate that was crept into that bill somehow in one of the sessions as the bill was being drafted, and there again, not going through regular order in making its way to the House. And we hope that we will see that situation addressed.

And the tuna producers that American Samoa were exempted from that, American Samoa was exempted from that minimum wage. That is not fair to the rest of the tuna producers in this country. It is not fair to the rest of the companies that sell tuna and tuna products, and we do hope that there will be attention placed to that and that issue will be addressed, because it was a northern California, San Francisco, company that produced the tuna that is harvested in American Samoa. We do have concerns about favoritism that was shown there.

The Medicare bill that was passed in the first 100 hours will indeed yield additional costs to the VA. We have had some numbers there that are of quite concern, as much as three-quarters of a billion dollars that this would end up costing, be an additional cost to the veterans health care system, to our veterans for their pharmaceuticals.

And what we have heard from our seniors is that they are pleased with Medicare part D. They are pleased to have access to affordable health care. They are very pleased that prescriptions and pharmaceuticals and therapies that at one point they did not have, that they now have access to that.

It was a little bit of a head-scratcher, Mr. Speaker, that a program that has been so well received by our seniors, that the new majority would come along and say, well, we are going to change it. We are going to tweak it. It does not matter if it is working well.

And it leads us to question: Is it just they want programs that only they design and only they grow, or do they want programs that are going to be of service to the American people?

Another of the bills that came through was the 9/11 Commission implementation, not exactly what had been promised in campaign promises. But, you know, the new majority did take the bill up and did take action. And we have heard from a lot of our businesses that are in logistics and transportation with great concerns, great concerns about the cost.

Mr. Speaker, when you pass additional fees and additional mandates, and additional costs on to business, guess what? Ronald Reagan was right. It is the people that end up paying those costs. It is not businesses that are bearing those costs and absorbing them. They get passed on to you, to me, and to other consumers, the taxpayers, who see their costs go up because the business that they are doing business with is having to meet the mandates of who? Guess what? The mandates of the Federal Government.

So, yes, this has been a very expensive first 100 hours. And it has been troublesome in that regular order was not abided by, the bills were not going through committees and having hearings and having the due diligence process that we as Members of Congress are bound to do. And then they were just coming to the floor without those hearings.

I just had another of our colleagues mention something on health care. Of course, this is an issue that we know the President is going to speak a little bit about this evening. Before we move on to a couple of other points, I do want to make a couple of observations about health care and some of the discussion that was taking place on the issue of health care.

We know the President is going to talk about health care tonight. Now, the Republicans, the conservatives, have an approach that they think is a right approach. We think that it is appropriate for small businesses to be able to band together and come together under an umbrella and purchase health care, health coverage, health insurance for their employees.

That is very good. Our Nation has 40 million uninsured, and to be able to have groups come together, small businesses, let us say all of your florists, or all of your auto supply companies, or all of your plumbing companies, or companies that are a part of the Chamber of Commerce or other small business organizations, or women-owned businesses, businesses of like groups can come together and make that purchase of insurance.

It is called small business health plans or association health plans, very good idea for helping our Nation's 40 million uninsured, and the right type, the right type step because it helps make health care insurance affordable.

Mr. Speaker, that is positive. That is a free-market way to address the situation. It is a pro-small-business way to address the situation. It is the right step.

Another good step is allowing a tax deduction, $5,000, $7,500, for small business that buy insurance. That is the great step. That is the way it should be. You know, when you start looking at the end of the year and filling out your taxes, that is money that you have earned, and being able to take that deduction because you have done something that is right, way to go.

It should be incentivized. There should be deductions for that. And it is appropriate that that take place. Now, those are private sector, free market responses to addressing the health care situation. They work very well with the health savings accounts that were passed as part of the Medicare modernization when that bill came forward in 2003.

Health savings accounts have been tremendously popular. We now know that we have about 15 million Americans that are insured through health savings accounts. The number is growing. By 2010 we know that there will be over 20 million American families that are there and insured through health savings accounts, having the opportunity to take responsibility for their health care from dollar one.

And continuing to incentivize health savings accounts, tax deductions there. There again, it is a private sector, free-enterprise solution to the health care situation, more market-driven, allowing people to have control of access, to take control of their health care decisions, and to participate in those, have choice over who their physician is. Those are the right things to do.

Now, one of my colleagues just made a statement about the haves and the have-nots in health care, and made a statement that health care could be provided and, I think I am quoting this correctly, said: We could do it without any additional cost to the system.

Oh, Mr. Speaker, let me tell you, when I hear things like that, without any additional cost to the system, it certainly causes me to pay a little bit closer attention, because one of the things that we have realized, Mr. Speaker, is you know what? Nothing is free. There is nothing free. Nothing. There is no free lunch. There is nothing free in health care. Somebody is paying the bill.

What we see take place many times is cost shifting, and you will see costs shift within a system. Now, in my wonderful State of Tennessee, we have had an interesting situation take place. We have had a program that went into place in January 1, 1995. It is called TENNCARE, and it was basically a template for HILLARY CLINTON's health care plan. And one of the talking points on it was: There will be no additional costs. We will just spread out the risk. We will allow those who are uninsured, up to so many percent of poverty, 400 percent of poverty, to come in and to access health care, and we will spread the risk. We will do it through managed care organizations. And managed care organizations can compete for the opportunity to provide this insurance.

Well, it has been a program that has had quite a bit of turmoil. We now see that nearly 30 percent of the individuals in our State are on the program, and it is eating up about 36 percent of our State's budget.

The reason for that, Mr. Speaker, is because whenever you are trying to give things for free, someone else is paying. In the case of TENNCARE, it has been the citizens of our State, the taxpayers of our State. And there is no way to ever keep up with the exponential growth of that program. So I would encourage all of my colleagues to be very, very thoughtful as we move forward on the health care debate.

There is no such thing as being free. There is no way to do this with no additional cost, because, as you try to make more things free, what happens is your access is restricted. What happens is you have fewer physicians who are available for those individuals that need those services. What have you when things are free is people flood into that State trying to get that for a reduced fee, and your own citizens of the State who need the program many times are not able to access it.

So I would step very cautiously as our colleagues on the other side of the aisle talk about health care that is going to be free, and universal health care and HILLARY CLINTON's health care plan. There are some pitfalls that are there, and they deserve to be recognized by the body of this House.

As we talk about health care, I would love to yield to the gentleman from Georgia, Dr. PRICE, a distinguished Member of this body who is an expert on health care, for some of his thoughts on the issues of the day.

Mr. PRICE of Georgia. Mr. Speaker, I thank the gentlewoman for yielding. I want to thank you for your leadership and your organization of this hour, and day in and day out of working here in the Congress to represent your constituents in Tennessee, but working so diligently on behalf of the hardworking American taxpayer out there, making certain that their interests are upheld here in the House of Representatives.

I appreciate you bringing up the issue of health care. There are a couple of things that I would be interested in talking about today. But the issue of health care is near and dear to my heart. As you mentioned, I am a physician, or was in my former life before coming to Congress, spent over 20 years in the private practice of orthopedic surgery outside Atlanta.

One thing that I knew for certain and that my patients knew for certain was that when doctors and patients are able to make health care decisions, then good decisions get made. When insurance companies or government inserts themselves into those decisions, then most often, most often those decisions do not resemble the kind of decisions that individual persons would make in very personal health care decisions that they have.

I appreciate the comments that you made. I would like to commend the President for putting on the table what I believe will be discussed tonight in his State of the Union; that is, the individual tax deductibility of health insurance. I have been a longtime supporter of the right of individuals to have the same kind of benefit that employers do in the purchase of health insurance.

So I am pleased that we have heard that that is indeed going to be a possibility brought forward by the President this evening. It would give so many people an opportunity to purchase health insurance that right now are not able to do so financially. So I look forward to that proposal coming forward tonight. And I would be happy to yield back to the gentlewoman and talk about some other issues if you so desire.

Mrs. BLACKBURN. Mr. Speaker, I thank the gentleman for yielding. Before I yield back to him for some further comments, I just want to highlight one of the things that he brought up as a physician, and someone who deals with this.

When you have a government-run program, what you are doing is putting bureaucrats in charge of your health care decisions, and you are removing that doctor-patient relationship many times. You are putting a barrier there between the individual and that doctor. Someone else that is removed from the process is making that decision; thereby it removes the patient many times from that decision process.

☐ 1615

That is something that we do not want to see this Nation run toward. Our seniors, our families want to be able to participate in making those health care decisions for themselves. We are so pleased to know that the President will talk about, as I said earlier, the private sector free market-based approach to solving our health care problem.

Mr. Speaker, that is what it is going to require, innovation, thinking outside of the box and being certain of something we know: access, affordability, and preserving that doctor-patient relationship.

In my case, preserving health care for Tennesseeans. In the gentleman from Georgia (Mr. PRICE), preserving health care for Georgians. That is where our focus will be as we move forward on this discussion. We do not want a government-run, government-directed program that is going to place barriers between patients and the individuals that are making those decisions with their health care professionals.

Mr. PRICE of Georgia. Sometimes it is hard to get your arms around what do you mean the government being involved in the process.

I would suggest to my colleagues here and others who are listening that we already see the inroads of some government decisions. One of them is what sounded wonderful at the time, the HIPAA legislation, Health Insurance Portability and Accountability Act, which was supposed to make every individual citizen in this Nation make their health records more secure and private. In fact, what that bill has done is make that information less private and more available to more individuals than ever before. That is because, as you well know when you go in to see your doctor, the first thing you have to do is sign a ream of documents. You feel like you are in a lawyer's office. You sign a ream of documents.

What you are doing when you sign those documents is providing so that the physician, when he or she shares your medical information with anybody, isn't liable for violating HIPAA. Medicine is a collegial activity. It requires that Dr. A communicate with Dr. B who communicates with Dr. C, and they get together and come up with the best solution for anybody's health problem.

When you are not able to share that information, the quality of health care goes down. What has happened because the government had this brilliant idea to get involved in the process is to say we will make it so that your information cannot be shared with anybody unless you give your permission. So because Dr. Smith doesn't know when he or she is going to run into Dr. Jones to discuss that case, it is imperative that every single patient sign away their right to any privacy so the doctor can communicate when that time arises.

What the government has done by putting these rules in place, which sounded wonderful, but what the government has done is made it so every single patient in this Nation, their medical information is less private and less secure than it was before governmental intervention.

Mrs. BLACKBURN. I thank the gentleman for bringing that forward. The unintended consequences are many times what is so difficult to deal with. In theory to bureaucrats sitting in buildings, that sounded like a great deal: let's have everybody sign the forms.

In practice what happened for physicians, it was additional paperwork, additional staff, and removing the patient from the process, making it longer before they get a definitive diagnosis and know how to begin a protocol and treatment that will restore their health, things that impede a quality of life that our constituents desire.

So those unintended consequences many times get in the way. We are just very hopeful that we will continue the focus and that the Democrats will join us in wanting a private sector, free-market solution to health care and not a government-run bureaucracy.

Mr. PRICE of Georgia. If the gentlewoman would yield, I appreciate that description of a free market private system health care. I call it patient centered when I am talking about private because it means that patients are empowered to do what they feel is appropriate in their instance.

When you have a medical problem or when somebody else has a medical problem, their decision about what they want to do to treat that may not be what mine would be or my family's would be. It is only when individuals get to make those personal decisions that we are able to make certain that patient-centered health care exists.

When we try to describe what the future may be if our friends on the other side of the aisle had their way and put in place a government system that they tried to do in the early 1990s, all you have to do is think about the last time you were at your doctor's and you needed a test or an X-ray or some type of procedure done. Well, it is very likely that discussion and education that you got as a patient with your physician didn't last terribly long and you came to an understanding and agreement about what would happen next.

What you may not have known what happens next is one of those employees in that office then gets on the phone and talks to the insurance company to make certain that it is okay. Most often we have gotten that process down to be relatively streamlined. But can you imagine if we put the government in charge of health care and you had to get on the phone and get the government's permission, Washington's permission, so you could have an MRI or biopsy or some other procedure? That is what is looming.

The problem is now just time and inconvenience. The problem is that if you, in order to have that happen and to be effective from the government, from Washington's viewpoint, if you were not to follow those rules, there would be significant punishment. In fact, you would violate the law.

So what we saw in the early 1990s in the proposal that was put on the table, if you as a patient or a physician were to do something that wasn't allowed by the government, that would be a crime. It wouldn't just be a bad decision; it would be a crime.

So what our friends on the other side of the aisle are in fact proposing in the small print, and I know they like bumper-sticker politics, I know they like to give these glorious titles to things, and they sound wonderful, but when you get down to the fine print, what you see, especially in the area of health care that I feel so passionately about, when you get down to the fine print, what it means is that patients and doctors will be exposed to criminal violations if they don't follow what Washington says they ought to do. That concerns me very, very greatly; and I know it does you.

I yield back.

Mrs. BLACKBURN. It does indeed. I thank the gentleman for yielding back.

Having this process that gets more and more convoluted every single day is of such concern to our constituents who just want to be able to go to the doctor, have a relationship with the doctor and know a little bit about what to expect.

As I said earlier, not knowing what to expect has been one of the interesting points that we have dealt with in this first 100 hours. I think that we all have been a little bit concerned about a bill that was brought forward on Friday. I know my constituents asked about it as they heard about it over the weekend. We talked about it on the floor some this morning, and this is allowing the Delegates voting rights.

I have had constituents say, well now, wouldn't that require an amendment to the Constitution? They remember when this debate took place at different times through history back in the 1970s and again in the early 1990s when there were those that wanted to give voting rights to our territories. They are very, very concerned about this, and rightfully so.

This morning on the floor earlier I quoted a comment that was made by the Democrat Speaker of the House in 1970, Tom Foley, who said: "It is very clear that a constitutional amendment would be required to give Delegates a vote in the Committee of the Whole or in the full House." That was taken from a New York Times editorial.

Now, this is something that we have to realize, we hold our Constitution and the orderly process and the rule of law that is laid forth in that Constitution, we hold that to be meaningful. We recognize the necessity, Mr. Speaker, to respect the Constitution of this great land. We respect that it is built on one man, one vote and equal representation under the law.

So when we hear about giving the residents of our territories a vote, it is of concern to us and it does raise several succinct points that we have discussed on the floor today. It is a point worthy of discussion because it appears that since this has not gone through regular order and through the committee process, we haven't held hearings, this is nothing more than an unconstitutional power grab in order to try to move the new majority's agenda. It is of tremendous concern.

I yield to the gentleman from Georgia for some comments on the issue.

Mr. PRICE of Georgia. I thank the gentlewoman for yielding and her leadership on this issue.

The issue we are talking about is House Resolution 78, H. Res. 78. As the gentlewoman mentioned, it was just brought up as a possibility that we would be voting on it this week this past Friday. I would venture to say, Mr. Speaker, that in your race and I know in my race and I doubt in anybody's race around this Nation, save possibly the elections in the territories, did anyone ever address the issue of Delegates voting on the floor of the House of Representatives. I can honestly say I don't know of anybody who used that as an issue that they ran on in November.

We all appreciate that the American people were interested in change when they voted in November, but I'm with you: I don't think that the American people were interested in this kind of change, this kind of change that I believe to be unconstitutional.

When I go to schools, middle schools and high schools, around my district and I talk to students and we talk about the process of government, oftentimes I will ask them a question: Can we make any law we want in the House of Representatives? Can we make any law in Congress we want?

Sometimes you will get some folks that say yeah; but most often the young men and women and boys and girls in my district and I know across this Nation know and understand and appreciate that the guiding principles that we follow here are defined in the Constitution. I know that it is challenging sometimes for people to be held to make certain that they follow the Constitution, because there are some really stiff rules in this Constitution.

But one of the ones at the very beginning, article I, is about the legislative branches, as you well know, Mr. Speaker, and I believe article I was about the legislative branch because the Founders knew the incredible importance of the representative branch of government, the legislative branch of government. And section 1 is about all powers being vested in the House and Senate. Article I, section 2 states: "The House of Representatives shall be composed of Members chosen every second year by the people of the several States."

It didn't mention anything about territories, Delegates from territories. I am so pleased, and we are really aided by the representation in the committees by the Delegates from the territories, by the Resident Commissioner from Puerto Rico, by the Delegates from Guam, the Virgin Islands and American Samoa, and by the Delegate from the District of Columbia, but clearly they do not represent States.

In this Chamber, Mr. Speaker, when we gather as a Committee of the Whole or as the House of Representatives, it is clear that the Founders and that our Constitution states that an individual to vote in that instance must be a Member of the House and a representative of the State.

Mrs. BLACKBURN. Mr. Speaker, repeating again from the Constitution that the representatives of this body are popularly elected from the several States, and that is so important, and I want to talk for just a moment about the size of our districts.

Mine is right around 700,000 people. We have some that I think are as low as 640,000, 650,000. They are going to vary just a little bit. But that is the size of them.

We do appreciate so much the guidance that is given by the Delegates from the territories. They are a valuable participation and a valuable addition and a wonderful and treasured resource of this body. We need their opinion and their input. But the Constitution does not allow for their having a vote.

I think in Guam we have about 155,000 people, and in American Samoa there are about 57,000 people.

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So we look at one man, one vote and the equal representation, and then we have to say, my goodness, that is just really a far smaller number. That is the size of many of our towns or our counties that we represent when you have a district like mine. So I think that it is important for us to realize that.

And it is important for us also to realize that these are Delegates that will be able to vote to raise your taxes, but they are not paying those Federal income taxes, and that is of tremendous concern to our constituents.

Mr. Speaker, we have dubbed this time and again the "hold on to your wallet Congress" because it seems as if they are looking for ways to increase the cost of government and increase the size of that bureaucracy. And our concern is that this is another of those ways that would make it easier to raise your taxes.

And I yield back to the gentleman from Georgia.

Mr. PRICE of Georgia. I thank you so much for yielding. And I appreciate your bringing up that point because it is so important and really so basic to our Nation.

Our Nation began for a variety of reasons, but not the least of which is that our Founding Fathers believed that they were being taxed without any ability to have representation in the body that was deciding whether or not to tax them. They had taxation without representation.

Well, this is really turning it on its head because, as you mentioned, the individuals, the people in American Samoa, Guam, Puerto Rico, and the

Virgin Islands, wonderful people that they are, but they are not obligated to pay any Federal income tax. None. So what we would be doing would be allowing Members, individuals in this House of Representatives who would be described as Members, to vote on whether or not to raise income taxes, but not be affected personally and not have the people that they represent be affected. So that would be representation without taxation. And I simply believe and I think that our constituents believe across this Nation that that is fundamentally wrong. Fundamentally wrong.

And I want to get back for just a moment to the issue of one person/one vote, because when people say, well, it does not make a whole lot of difference if the districts are a little bit different size. What difference does that make? But, again, our Founders knew and understood wisely that every Member of this House of Representatives ought to represent essentially the same number of people so that when individuals at home, citizens at home, vote for their representative, their vote counts basically the same as every other citizen of this Nation. And when you have districts that are one-tenth the size of other districts, which, as you mentioned, American Samoa has a population of about 57,000, 58,000, and most of our districts are around 650,000; so that means that every person in American Samoa who votes, their vote counts 10 times, 10 times the amount that your vote and my vote and every other American citizen's vote counts. And that, Mr. Speaker, and ladies and gentlemen, and colleagues of the House of Representatives, one, is not fair; and, two, it is not the way our Founders envisioned anybody voting in this House of Representatives.

Mrs. BLACKBURN. I thank the gentleman.

And one of the things that we have our focus on as we prepare for the State of the Union tonight and for the work that is before us for the rest of this Congress is certainly making certain that we are successful in our efforts in Iraq and making certain that we are successful in the war on terror.

Mr. Speaker, our constituents know that this has been a long war. They know that the terrorists started attacking us over two decades ago, and they also know that on September 11 this Nation decided we were no longer going to respond to terrorist attacks as civil disobedience. What we were going to do was to change course, and we were going to respond to it as what it is: an act of war. And our constituents all know, especially constituents in my district, National Guard families, Reserve families, families at Fort Campbell that are in our district, they know that this is a very, very difficult time for our Nation, and it is a difficult time for our men and women in uniform. And they know that freedom is worth protecting.

And when I talk to those men and women, many who have been deployed in Afghanistan, have done two deployments in Iraq and know that they may be going back, they will say, Yes, we are going back because our job is not done. And they understand it, Mr. Speaker. And they know that we take a step forward and then we take a step or two back, and that it comes very slowly, and that progress is very slow.

We have seen, and our colleague JOHN SHADEGG had handed me an article from Real Clear Politics that pointed out some things that have been happening recently that just haven't caught the eye of the media, and I wish that they had because I would like for them to catch the eye of the American people.

First of all, there appears to be some retreating by al Qaeda from Baghdad because they know that troop levels are returning to where they were during the electoral process that took place in January of last year in Iraq. They know that the radical cleric, al Sadr, has decided to call off his boycott, and that his people are returning to participate in that newly formed Parliament, and they know that he is lowering his profile. And they also have seen Prime Minister al Maliki begin to take a change of course and to put some distance between himself and al Sadr. But this is of tremendous concern to us when we hear the naysayers talk about cutting funding and not supporting the troops.

And this morning I was on the floor speaking about our colleague SAM JOHNSON, who truly is a hero and has a wonderful piece of legislation that steps forward. It is House Resolution 511, and it really pushes forward on the idea of supporting our troops and funding these men and women who are in harm's way, making certain that they have what they need to do the job that is in front of them; sending the message to them that we stand with them and we are not going to desert them.

We know that this is difficult work. We know that it is a job, as I said, that is slow; that progress is slow. But, Mr. Speaker, as we stand here today preparing for the State of the Union, and as we expect to hear this evening from our Commander in Chief that the state of the Union is indeed strong, we also want these men and women in uniform to know that it is strong because of the work they do.

We have the ability to stand here every day and talk about freedom and defend freedom and talk about having a Nation that is so wonderful and so diverse that we all, each and every one of us, can pursue our dreams, can focus on hope and opportunity that is so important to us. We do that because men and women have put their life on the line, many times more than once, many times for days on end, to be certain that freedom remains. And we feel that it is appropriate to bring forward a resolution that says fund the troops and fund their needs.

We think that it is important that we move forward letting the men and women know that, when they are in the field, we are listening to them. We are listening to the troops. We are listening to the commanders, and we respect their judgment. That is an important message for us to send.

And I yield to the gentleman from Georgia for his comments.

Mr. PRICE of Georgia. Mr. Speaker, I thank the gentlewoman for yielding. And it is so important. And I appreciate your bringing up Congressman JOHNSON's resolution. I spoke for a brief moment on the floor earlier about that as well.

And I know that in this Chamber we can disagree about a lot of things, and we should. Our system works best when ideas are exchanged and the best solutions rise to the top, because it really is a battle of ideas. But in this instance we can disagree, as I mentioned, about many things, but we ought not disagree about whether or not our men and women in harm's way, our troops who are defending liberty truly around the globe, ought to receive every single resource that they need in order to defend themselves and to defend us.

I know that many folks go to Walter Reed and visit some of those brave men and women who have been injured in battle. I have had the opportunity to do that, and I was struck always by every conversation that I had with some of those men and women who have come back, some with devastating injuries, truly. And I am just so humbled by those conversations that I have with those brave soldiers and warriors because I would try to close every conversation and ask them what it was that we could do to help. What can I do to help? And virtually every single one of them said without fail, Congressman, if you can do one thing, if you can do just one thing, please, please let me get back to my unit. And that kind of enthusiasm, that kind of commitment, that kind of sense of duty and honor and patriotism is chilling. It really is.

There are incredible stories that each of them tell, but also I believe those men and women serve as a guidepost for us. And, in fact, we ought to look to them and look to their courage to have the courage that we need in order to support our men and women who are in harm's way.

And I am very hopeful that this House of Representatives will support Congressman JOHNSON's resolution because it truly speaks for, I believe, the vast majority of the American people who want to make certain that, regardless of how you feel about this conflict, we as a Congress state clearly that we will make certain that we provide all of the resources necessary for our men and women in harm's way.

Mrs. BLACKBURN. I thank the gentleman.

I will close our hour by referencing some comments I have had from some veterans in my district. I love the fact that I have absolutely wonderful veterans who participate with me on these issues in our National Security Coalition, in our Veterans Coalition, which are advisory groups for me. And I have had great discussions with them and have sent them information about the new strategy going forward in Iraq, about some of the conversations that have been taking place here, and have sought their best judgment, men and women who have worn the uniform and have been there and who have fought and seeking their best judgment. And a couple of their comments, I think, are so incredibly significant.

One of them says: "We have to continue our push forward and let our military make the decisions in this war. When the House and Senate changed, there was no doubt there would be a change of efforts. Our enemy knows this and will continue to strike as long as they think our country is not united."

And another of the veterans said in this e-mail: "What is important is that we show a unified front to the enemy and we give the new plan and the deployment a chance to work. If we win, if we defeat radical Islam, then maybe, maybe, this is all going to be worth it."

Mr. Speaker, these men and women who have put that uniform on and have gone into battle know that this is the price that we pay. They understand that this is not going to be easy. They know, and they are watching the President's speech tonight, and they are watching our response. And I would submit to you, Mr. Speaker, that our enemy is watching our response. And I will submit to you that, while we all have different philosophies, we all come from different districts, and we are a very diverse body. I would commend to you and my colleagues that it is important that we stand with our men and women in uniform, that we show a unified front and show that we are committed to being certain that this Nation continues to stand as a great Nation and that we persevere.

RECESS

The SPEAKER pro tempore (Mr. LYNCH). Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 8:40 p.m. for the purpose of receiving in joint session the President of the United States.

Accordingly (at 4 o'clock and 45 minutes p.m.), the House stood in recess until approximately 8:40 p.m.

□ 2041

AFTER RECESS

The recess having expired, the House was called to order at 8 o'clock and 41 minutes p.m.

JOINT SESSION OF THE HOUSE AND SENATE HELD PURSUANT TO THE PROVISIONS OF HOUSE CONCURRENT RESOLUTION 38 TO HEAR AN ADDRESS BY THE PRESIDENT OF THE UNITED STATES

The Speaker of the House presided.

The Deputy Sergeant at Arms, Mrs. Kerri Hanley, announced the Vice President and Members of the U.S. Senate, who entered the Hall of the House of Representatives, the Vice President taking the chair at the right of the Speaker, and the Members of the Senate the seats reserved for them.

The SPEAKER. The Chair appoints as members of the committee on the part of the House to escort the President of the United States into the Chamber:

The gentleman from Maryland (Mr. HOYER);

The gentleman from South Carolina (Mr. CLYBURN);

The gentleman from Illinois (Mr. EMANUEL);

The gentleman from Connecticut (Mr. LARSON);

The gentleman from Ohio (Mr. BOEHNER);

The gentleman from Missouri (Mr. BLUNT);

The gentleman from Florida (Mr. PUTNAM); and

The gentleman from Michigan (Mr. MCCOTTER).

The VICE PRESIDENT. The President of the Senate, at the direction of that body, appoints the following Senators as members of the committee on the part of the Senate to escort the President of the United States into the House Chamber:

The Senator from Nevada (Mr. REID);

The Senator from Illinois (Mr. DURBIN);

The Senator from New York (Mr. SCHUMER);

The Senator from Washington (Mrs. MURRAY);

The Senator from North Dakota (Mr. DORGAN);

The Senator from Michigan (Ms. STABENOW);

The Senator from Kentucky (Mr. MCCONNELL);

The Senator from Mississippi (Mr. LOTT);

The Senator from Arizona (Mr. KYL);

The Senator from Texas (Mr. CORNYN);

The Senator from Texas (Mrs. HUTCHISON);

The Senator from Nevada (Mr. ENSIGN); and

The Senator from Alaska (Mr. STEVENS).

The Deputy Sergeant at Arms announced the Dean of the Diplomatic Corps, His Excellency Roble Olhaye, Ambassador from the Republic of Djibouti.

The Dean of the Diplomatic Corps entered the Hall of the House of Representatives and took the seat reserved for him.

The Deputy Sergeant at Arms announced the Chief Justice of the United States and the Associate Justices of the Supreme Court.

The Chief Justice of the United States and the Associate Justices of the Supreme Court entered the Hall of the House of Representatives and took the seats reserved for them in front of the Speaker's rostrum.

The Deputy Sergeant at Arms announced the Cabinet of the President of the United States.

The members of the Cabinet of the President of the United States entered the Hall of the House of Representatives and took the seats reserved for them in front of the Speaker's rostrum.

At 9 o'clock and 7 minutes p.m., the Sergeant at Arms, the Honorable Wilson Livingood, announced the President of the United States.

The President of the United States, escorted by the committee of Senators and Representatives, entered the Hall of the House of Representatives and stood at the Clerk's desk.

(Applause, the Members rising.)

The SPEAKER. Members of the Congress, I have the high privilege and the distinct honor of presenting to you the President of the United States.

(Applause, the Members rising.)

THE STATE OF THE UNION ADDRESS BY THE PRESIDENT OF THE UNITED STATES

The PRESIDENT. Thank you very much. Tonight, I have a high privilege and distinct honor of my own—as the first President to begin the State of the Union message with these words: Madam Speaker.

In his day, the late Congressman Thomas D'Alesandro, Jr., from Baltimore, Maryland, saw Presidents Roosevelt and Truman at this rostrum. But nothing could compare with the sight of his only daughter, Nancy, presiding tonight as Speaker of the House of Representatives. Congratulations, Madam Speaker.

Two Members of the House and Senate are not with us tonight, and we pray for the recovery and speedy return of Senator Tim Johnson and Congressman Charlie Norwood.

Madam Speaker, Vice President Cheney, Members of Congress, distinguished guests, and fellow citizens:

This rite of custom brings us together at a defining hour, when decisions are hard and courage is tested. We enter the year 2007 with large endeavors under way, and others that are ours to begin. In all of this, much is asked of us. We must have the will to face difficult challenges and determined enemies, and the wisdom to face them together.

Some in this Chamber are new to the House and Senate, and I congratulate the Democratic majority. Congress has changed, but our responsibilities have not. Each of us is guided by our own convictions, and to these we must stay faithful. Yet we are all held to the same standards and called to serve the same good purposes: to extend the Nation's prosperity, to spend the people's money wisely, to solve problems, not leave them to future generations, to guard America against all evil, and to keep faith with those we have sent forth to defend us.

We are not the first to come here with government divided and uncertainty in the air. Like many before us, we can work through our differences and achieve big things for the American people. Our citizens don't much care which side of the aisle we sit on, as long as we are willing to cross that aisle when there is work to be done. Our job is to make life better for our fellow Americans and help them to build a future of hope and opportunity, and this is the business before us tonight.

A future of hope and opportunity begins with a growing economy, and that is what we have. We are now in the 41st month of uninterrupted job growth, in a recovery that has created 7.2 million new jobs, so far. Unemployment is low, inflation is low, and wages are rising. The economy is on the move, and our job is to keep it that way, not with more government but with more enterprise.

Next week, I will deliver a full report on the state of our economy. Tonight, I want to discuss three economic reforms that deserve to be priorities for this Congress.

First, we must balance the Federal budget. We can do so without raising taxes. What we need to do is impose spending discipline in Washington, D.C. We set a goal of cutting the deficit in half by 2009, and met that goal 3 years ahead of schedule. Now let us take the next step. In the coming weeks, I will submit a budget that eliminates the Federal deficit within the next 5 years. I ask you to make the same commitment. Together, we can restrain the spending appetite of the Federal Government and balance the Federal budget.

Next, there is the matter of earmarks. These special interest items are often slipped into bills at the last hour, when not even C–SPAN is watching. In 2005 alone, the number of earmarks grew to over 13,000 and totaled nearly $18 billion. Even worse, over 90 percent of earmarks never make it to the floor of the House and Senate. They are dropped into committee reports that are not even part of the bill that arrives on my desk. You did not vote them into law. I did not sign them into law. Yet they are treated as if they have the force of law. The time has come to end this practice. So let us work together to reform the budget process, expose every earmark to the light of day and to a vote in Congress, and cut the number and cost of earmarks at least in half by the end of this session.

Finally, to keep this economy strong we must take on the challenge of entitlements. Social Security and Medicare and Medicaid are commitments of conscience, and so it is our duty to keep them permanently sound. Yet we are failing in that duty, and this failure will one day leave our children with three bad options: huge tax increases, huge deficits, or huge and immediate cuts in benefits. Everyone in this Chamber knows this to be true, yet somehow we have not found it in ourselves to act. So let us work together and do it now. With enough good sense and good will, you and I can fix Medicare and Medicaid, and save Social Security.

Spreading opportunity and hope in America also requires public schools that give children the knowledge and character they need in life. Five years ago, we rose above partisan differences to pass the No Child Left Behind Act, preserving local control, raising standards, and holding those schools accountable for results. And because we acted, students are performing better in reading and math, and minority students are closing the achievement gap.

Now the task is to build on this success, without watering down standards, without taking control from local communities, and without back sliding and calling it reform. We can lift student achievement even higher by giving local leaders flexibility to turn around failing schools, and by giving families with children stuck in failing schools the right to choose someplace better. We must increase funds for students who struggle, and make sure these children get the special help they need. And we can make sure our children are prepared for the jobs of the future, and our country is more competitive, by strengthening math and science skills. The No Child Left Behind Act has worked for America's children, and I ask Congress to reauthorize this good law.

A future of hope and opportunity requires that all our citizens have affordable and available health care. When it comes to health care, government has an obligation to care for the elderly, the disabled, and poor children, and we will meet those responsibilities. For all other Americans, private health care insurance is the best way to meet their needs. But many Americans cannot afford a health insurance policy.

So tonight, I propose two new initiatives to help more Americans afford their own insurance. First, I propose a standard tax deduction for health insurance that will be like the standard tax deduction for dependents. Families with health insurance will pay no income or payroll taxes on $15,000 of their income. Single Americans with health insurance will pay no income or payroll taxes on $7,500 of their income. With this reform, more than 100 million men, women, and children who are now covered by employer-provided insurance will benefit from lower tax bills.

At the same time, this reform will level the playing field for those who do not get health insurance through their job. For Americans who now purchase health insurance on their own, this proposal would mean a substantial tax savings, $4,500 for a family of four making $60,000 a year. And for the millions of other Americans who have no health insurance at all, this deduction would help put a basic private health insurance plan within their reach. Changing the Tax Code is a vital and necessary step to making health care affordable for more Americans.

My second proposal is to help the States that are coming up with innovative ways to cover the uninsured. States that make basic private health insurance available to all their citizens should receive Federal funds to help them provide this coverage to the poor and the sick. I have asked the Secretary of Health and Human Services to work with Congress to take existing Federal funds and use them to create "Affordable Choices" grants. These grants would give our Nation's Governors more money and more flexibility to get private health insurance to those most in need.

There are many other ways that Congress can help. We need to expand health savings accounts. We need to help small businesses through association health plans, we need to reduce costs and medical errors with better information technology. We will encourage price transparency, and to protect good doctors from junk lawsuits we need to pass medical liability reform. And in all we do, we must remember that the best health care decisions are made not by government and insurance companies, but by patients and their doctors.

Extending hope and opportunity in our country requires an immigration system worthy of America, with laws that are fair and borders that are secure. When laws and borders are routinely violated, this harms the interests of our country. To secure our border, we are doubling the size of the Border Patrol, and funding new infrastructure and technology.

Yet even with all these steps, we cannot fully secure the border unless we take pressure off the border, and that requires a temporary worker program. We should establish a legal and orderly path for foreign workers to enter our country to work on a temporary basis. As a result, they won't have to try to sneak in, and that will leave border agents free to chase down drug smugglers and criminals and terrorists. We will enforce our immigration laws at the work site, and give employers the tools to verify the legal status of their workers, so there is no excuse left for violating the law. We need to uphold the great tradition of the melting pot that welcomes and assimilates new arrivals. We need to resolve the status of illegal immigrants who are already in our country, without animosity and without amnesty.

Convictions run deep in this Capitol when it comes to immigration. Let us have a serious, civil, and conclusive debate, so that you can pass, and I can sign, comprehensive immigration reform into law.

Extending hope and opportunity depends on a stable supply of energy that keeps America's economy running and America's environment clean. For too long our Nation has been dependent on foreign oil, and this dependence leaves us more vulnerable to hostile regimes, and to terrorists, who could cause huge disruptions of oil shipments, and raise the price of oil, and do great harm to our economy.

It is in our vital interest to diversify America's energy supply, and the way forward is through technology. We must continue changing the way America generates electric power, by even greater use of clean coal technology, solar and wind energy, and clean, safe nuclear power. We need to press on with battery research for plug-in and hybrid vehicles and expand the use of clean diesel vehicles and biodiesel fuel. We must continue investing in new methods of producing ethanol, using everything from wood chips, to grasses, to agricultural wastes.

We have made a lot of progress, thanks to good policies here in Washington and the strong response of the market. And now even more dramatic advances are within reach. Tonight, I ask Congress to join me in pursuing a great goal. Let us build on the work we have done and reduce gasoline usage in the United States by 20 percent in the next 10 years. When we do that, we will be cutting our total imports by the equivalent of three-quarters of all the oil we now import from the Middle East.

To reach this goal, we must increase the supply of alternative fuels, by setting a mandatory fuels standard to require 35 billion gallons of renewable and alternative fuels in 2017. And that is nearly five times the current target. At the same time, we need to reform and modernize fuel economy standards for cars the way we did for light trucks, and conserve up to 8½ billion more gallons of gasoline by 2017.

Achieving these ambitious goals will dramatically reduce our dependence on foreign oil, but it is not going to eliminate it. So as we continue to diversify our fuel supply, we must also step up domestic oil production in environmentally sensitive ways. And to further protect America against severe disruptions to our oil supply, I ask Congress to double the current capacity of the Strategic Petroleum Reserve.

America is on the verge of technological breakthroughs that will enable us to live our lives less dependent on oil. These technologies will help us become better stewards of the environment, and they will help us to confront the serious challenge of global climate change.

A future of hope and opportunity requires a fair, impartial system of justice. The lives of our citizens across our Nation are affected by the outcome of cases pending in our Federal courts. We have a shared obligation to ensure that the Federal courts have enough judges to hear those cases and deliver timely rulings. As President, I have a duty to nominate qualified men and women to vacancies on the Federal bench. And the United States Senate has a duty as well, to give those nominees a fair hearing and a prompt up-or-down vote on the Senate floor.

For all of us in this room, there is no higher responsibility than to protect the people of this country from danger. Five years have come and gone since we saw the scenes and felt the sorrow that the terrorists can cause. We have had time to take stock of our situation. We have added many critical protections to guard the homeland. We know with certainty that the horrors of that September morning were just a glimpse of what the terrorists intend for us, unless we stop them.

With the distance of time, we find ourselves debating the causes of conflict and the course we have followed. Such debates are essential when a great democracy faces great questions. Yet one question has surely been settled, that to win the war on terror we must take the fight to the enemy.

From the start, America and our allies have protected our people by staying on the offense. The enemy knows that the days of comfortable sanctuary, easy movement, steady financing, and free-flowing communications are long over. For the terrorists, life since 9/11 has never been the same.

Our success in this war is often measured by the things that did not happen. We cannot know the full extent of the attacks that we and our allies have prevented, but here is some of what we do know: we stopped an al Qaeda plot to fly a hijacked airplane into the tallest building on the west coast. We broke up a Southeast Asian terrorist cell grooming operatives for attacks inside the United States. We uncovered an al Qaeda cell developing anthrax to be used in attacks against America. And just last August, British authorities uncovered a plot to blow up passenger planes bound for America over the Atlantic Ocean. For each life saved, we owe a debt of gratitude to the brave public servants who devote their lives to finding the terrorists and stopping them.

Every success against the terrorists is a reminder of the shoreless ambitions of this enemy. The evil that inspired and rejoiced in 9/11 is still at work in the world. And so long as that is the case, America is still a Nation at war.

In the minds of the terrorists, this war began well before September 11 and will not end until their radical vision is fulfilled. And these past 5 years have given us a much clearer view of the nature of this enemy. Al Qaeda and its followers are Sunni extremists, possessed by hatred and commanded by a harsh and narrow ideology. Take almost any principle of civilization, and their goal is the opposite. They preach with threats, instruct with bullets and bombs, and promise paradise for the murder of the innocent.

Our enemies are quite explicit about their intentions. They want to overthrow moderate governments and establish safe havens from which to plan and carry out new attacks on our country. By killing and terrorizing Americans, they want to force our country to retreat from the world and abandon the cause of liberty. They would then be free to impose their will and spread their totalitarian ideology. Listen to this warning from the late terrorist Zarqawi: "We will sacrifice our blood and bodies to put an end to your dreams, and what is coming is even worse." And Osama bin Laden declared: "Death is better than living on this Earth with the unbelievers among us."

These men are not given to idle words, and they are just one camp in the Islamist radical movement. In recent times, it has also become clear that we face an escalating danger from Shia extremists who are just as hostile to America and are also determined to dominate the Middle East. Many are known to take direction from the regime in Iran, which is funding and arming terrorists like Hezbollah, a group second only to al Qaeda in the American lives it has taken.

The Shia and Sunni extremists are different faces of the same totalitarian threat. Whatever slogans they chant, when they slaughter the innocent, they have the same wicked purposes. They want to kill Americans, kill democracy in the Middle East, and gain the weapons to kill on an even more horrific scale.

In the sixth year since our Nation was attacked, I wish I could report to you that the dangers had ended. They have not. And so it remains the policy of this government to use every lawful and proper tool of intelligence, diplomacy, law enforcement, and military action to do our duty, to find these enemies, and to protect the American people.

This war is more than a clash of arms. It is a decisive ideological struggle, and the security of our Nation is in the balance. To prevail, we must remove the conditions that inspire blind hatred, and drove 19 men to get onto airplanes and to come and kill us. What every terrorist fears most is human freedom, societies where men and women make their own choices, answer to their own conscience, and live by their hopes instead of their resentments. Free people are not drawn to violent and malignant ideologies, and most will choose a better way when they are given a chance. So we advance our own security interests by helping moderates, reformers, and brave voices for democracy. The great question of our day is whether America will help men and women in the Middle East to build free societies and share in the rights of all humanity. And I say, for the sake of our own security, we must.

In the last 2 years, we have seen the desire for liberty in the broader Middle East, and we have been sobered by the enemy's fierce reaction. In 2005, the world watched as the citizens of Lebanon raised the banner of the Cedar Revolution. They drove out the Syrian occupiers, and chose new leaders in free elections. In 2005, the people of Afghanistan defied the terrorists and elected a democratic legislature. And in 2005, the Iraqi people held three national elections, choosing a transitional government, adopting the most progressive, democratic constitution in the Arab world, and then electing a government under that constitution. Despite endless threats from the killers in their midst, nearly 12 million Iraqi citizens came out to vote in a show of hope and solidarity we should never forget.

A thinking enemy watched all of these scenes, adjusted their tactics, and in 2006 they struck back. In Lebanon, assassins took the life of Pierre Gemayel, a prominent participant in the Cedar Revolution. Hezbollah terrorists, with support from Syria and Iran, sowed conflict in the region and are seeking to undermine Lebanon's legitimately elected government. In Afghanistan, Taliban and al Qaeda fighters tried to regain power by regrouping and engaging Afghan and NATO forces. In Iraq, al Qaeda and other Sunni extremists blew up one of the most sacred places in Shia Islam, the Golden Mosque of Samarra. This atrocity, directed at a Muslim house of prayer, was designed to provoke retaliation from Iraqi Shia, and it succeeded. Radical Shia elements, some of whom receive support from Iran, formed death squads. The result was a tragic escalation of sectarian rage and reprisal that continues to this day.

This is not the fight we entered in Iraq, but it is the fight we are in. Every one of us wishes that this war were over and won. Yet it would not be like us to leave our promises unkept, our friends abandoned, and our own security at risk. Ladies and gentlemen, on this day, at this hour, it is still within our power to shape the outcome of this battle. Let us find our resolve and turn events toward victory.

We are carrying out a new strategy in Iraq, a plan that demands more from Iraq's elected government and gives our forces in Iraq the reinforcements they need to complete their mission. Our goal is a democratic Iraq that upholds the rule of law, respects the rights of its people, provides them security, and is an ally in the war on terror.

In order to make progress toward this goal, the Iraqi Government must stop the sectarian violence in its capital. But the Iraqis are not yet ready to do this on their own. So we are deploying reinforcements of more than 20,000 additional soldiers and marines to Iraq. The vast majority will go to Baghdad, where they will help Iraqi forces to clear and secure neighborhoods, and serve as advisers embedded in Iraqi Army units. With Iraqis in the lead, our forces will help secure the city by chasing down the terrorists, insurgents, and the roaming death squads. And in Anbar province, where al Qaeda terrorists have gathered and local forces have begun showing a willingness to fight them, we are sending an additional 4,000 United States marines, with orders to find the terrorists and clear them out. We did not drive al Qaeda out of their safe haven in Afghanistan only to let them set up a new safe haven in a free Iraq.

The people of Iraq want to live in peace, and now is the time for their government to act. Iraq's leaders know that our commitment is not open ended. They have promised to deploy more of their own troops to secure Baghdad, and they must do so. They have pledged that they will confront violent radicals of any faction or political party. And they need to follow through and lift needless restrictions on Iraqi and Coalition forces so these troops can achieve their mission of bringing security to all of the people of Baghdad. Iraq's leaders have committed themselves to a series of benchmarks to achieve reconciliation, to share oil revenues among all of Iraq's citizens, to put the wealth of Iraq into the rebuilding of Iraq, to allow more Iraqis to reenter their nation's civic life, to hold local elections, and to take responsibility for security in every Iraqi province. But for all of this to happen, Baghdad must be secured. And our plan will help the Iraqi Government take back its capital and make good on its commitments.

My fellow citizens, our military commanders and I have carefully weighed the options. We discussed every possible approach. In the end, I chose this course of action because it provides the best chance for success. Many in this Chamber understand that America must not fail in Iraq, because you understand that the consequences of failure would be grievous and far reaching.

If American forces step back before Baghdad is secure, the Iraqi Government would be overrun by extremists on all sides. We could expect an epic battle between Shia extremists backed by Iran, and Sunni extremists aided by al Qaeda and supporters of the old regime. A contagion of violence could spill out across the country, and in time the entire region could be drawn into the conflict.

For America, this is a nightmare scenario. For the enemy, this is the objective. Chaos is their greatest ally in this struggle. And out of chaos in Iraq would emerge an emboldened enemy with new safe havens, new recruits, new resources, and an even greater determination to harm America. To allow this to happen would be to ignore the lessons of September 11 and invite tragedy. And ladies and gentlemen, nothing is more important at this moment in our history than for America to succeed in the Middle East, to succeed in Iraq, and to spare the American people from this danger.

This is where matters stand tonight, in the here and now. I have spoken with many of you in person. I respect you and the arguments you have made. We went into this largely united, in our assumptions and in our convictions. And whatever you voted for, you did not vote for failure. Our country is pursuing a new strategy in Iraq, and I ask you to give it a chance to work. And I ask you to support our troops in the field, and those on their way.

The war on terror we fight today is a generational struggle that will continue long after you and I have turned our duties over to others. That is why it is important to work together so our Nation can see this great effort through. Both parties and both branches should work in close consultation. And this is why I propose to establish a special advisory council on the war on terror, made up of leaders in Congress from both political parties. We will share ideas for how to position America to meet every challenge that confronts us. And we will show our enemies abroad that we are united in the goal of victory.

One of the first steps we can take together is to add to the ranks of our military, so that the American Armed Forces are ready for all the challenges ahead. Tonight I ask the Congress to authorize an increase in the size of our active Army and Marine Corps by 92,000 in the next 5 years. A second task we can take on together is to design and establish a volunteer civilian reserve corps. Such a corps would function much like our military reserve. It would ease the burden on the Armed Forces by allowing us to hire civilians with critical skills to serve on missions abroad when America needs them. And it would give people across America who do not wear the uniform a chance to serve in the defining struggle of our time.

Americans can have confidence in the outcome of this struggle, because we are not in this struggle alone. We have a diplomatic strategy that is rallying the world to join in the fight against extremism. In Iraq, multinational forces are operating under a mandate from the United Nations, and we are working with Jordan, Saudi Arabia, Egypt, and the gulf states to increase support for Iraq's government. The United Nations has imposed sanctions on Iran and made it clear that the world will not allow the regime in Tehran to acquire nuclear weapons. With the other members of the Quartet, the U.N., the European Union and Russia, we are pursuing diplomacy to help bring peace to the Holy Land, and pursuing the establishment of a democratic Palestinian state living side by side with Israel in peace and security. In Afghanistan, NATO has taken the lead in turning back the Taliban and al Qaeda offensive, the first time the alliance has deployed forces outside the North Atlantic area. Together with our partners in China, Japan, Russia, and South Korea, we are pursuing intensive diplomacy to achieve a Korean Peninsula free of nuclear weapons. And we will continue to speak out for the cause of freedom in places like Cuba, Belarus, and Burma, and continue to awaken the conscience of the world to save the people of Darfur.

American foreign policy is more than a matter of war and diplomacy. Our work in the world is also based on a timeless truth: to whom much is given, much is required. We hear the call to take on the challenges of hunger and poverty and disease, and that is precisely what America is doing. We must continue to fight HIV/AIDS, especially on the continent of Africa. Because you funded our Emergency Plan for AIDS Relief, the number of people receiving life-saving drugs has grown from 50,000 to more than 800,000 in 3 short years. I ask you to continue funding our efforts to fight HIV/AIDS, and I ask you to provide $1.2 billion over 5 years so we can combat malaria in 15 African countries. I ask that you fund the Millennium Challenge Account so that American aid reaches the people who need it, in nations where democracy is on the rise and corruption is in retreat. And let us continue to support the expanded trade and debt relief that are the best hope for lifting lives and eliminating poverty.

When America serves others in this way, we show the strength and generosity of our country. These deeds reflect the character of our people. The greatest strength we have is the heroic kindness, courage, and self-sacrifice of the American people. You see this spirit often if you know where to look, and tonight we need only look above to the gallery.

Dikembe Mutombo grew up in Africa amid great poverty and disease. He came to Georgetown University on a scholarship to study medicine, but Coach John Thompson got a look at Dikembe and had a different idea. Dikembe became a star in the NBA and a citizen of the United States. But he never forgot the land of his birth, or the duty to share his blessings with others. He built a brand-new hospital in his old hometown. A friend has said of this good hearted man: "Mutombo believes that God has given him this opportunity to do great things." And we are proud to call this son of the Congo a citizen of the United States of America.

After her daughter was born, Julie Aigner-Clark searched for ways to share her love of music and art with her child. So she borrowed some equipment and began filming children's videos in her basement. The Baby Einstein Company was born, and in just 5 years her business grew to more than $20 million in sales. In November 2001, Julie sold Baby Einstein to Walt Disney Company; and with her help, Baby Einstein has grown into a $200 million business. Julie represents the great enterprising spirit of America. And she is using her success to help others, producing child safety videos with John Walsh of the National Center for Missing and Exploited Children. Julie says of her new project: "I believe it is the most important thing that I have ever done. I believe that children have the right to live in a world that is safe." And so tonight we are pleased to welcome this talented business entrepreneur and generous social entrepreneur, Julie Aigner-Clark.

Three weeks ago, Wesley Autry was waiting at a Harlem subway station with his two little girls, when he saw a man fall into the path of a train. With seconds to act, Wesley jumped onto the tracks, pulled the man into the space between the rails, and held him as the train passed right above their heads. He insists he is not a hero. He says: "We got guys and girls overseas dying for us to have our freedoms. We have got to show each other some love." There is something wonderful about a country that produces a brave and humble man like Wesley Autry.

Tommy Rieman was a teenager pumping gas in Independence, Kentucky, when he enlisted in the United States Army. In December 2003, he was on a reconnaissance mission in Iraq when his team came under heavy enemy fire. From his Humvee, Sergeant Rieman returned fire. He used his body as a shield to protect his gunner. He was shot in the chest and arm, and received shrapnel wounds to his legs, yet he refused medical attention and stayed in the fight. He helped to repel a second attack, firing grenades at the enemy's position. For his exceptional courage, Sergeant Rieman was awarded the Silver Star. And like so many other Americans who have volunteered to defend us, he has earned the respect and the gratitude of our whole country.

In such courage and compassion, ladies and gentlemen, we see the spirit and character of America, and these qualities are not in short supply. This is a decent and honorable country, and resilient, too. We have been through a lot together. We have met challenges and faced dangers, and we know that more lie ahead. Yet we can go forward with confidence, because the state of our Union is strong, our cause in the world is right, and tonight that cause goes on. God bless.

(Applause, the Members rising.)

At 10 o'clock and 8 minutes p.m., the President of the United States, accompanied by the committee of escort, retired from the Hall of the House of Representatives.

The Deputy Sergeant at Arms escorted the invited guests from the Chamber in the following order:

The Members of the President's Cabinet; Chief Justice of the United States and Associate Justices of the Supreme Court; the Dean of the Diplomatic Corps.

JOINT SESSION DISSOLVED

The SPEAKER. The Chair declares the joint session of the two Houses now dissolved.

Accordingly, at 10 o'clock and 9 minutes p.m., the joint meeting of the two Houses was dissolved.

The Members of the Senate retired to their Chamber.

MESSAGE OF THE PRESIDENT REFERRED TO THE COMMITTEE OF THE WHOLE HOUSE ON THE STATE OF THE UNION

Mr. HOYER. Madam Speaker, I move that the message of the President be referred to the Committee of the Whole House on the state of the Union and ordered to be printed.

The motion was agreed to.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. LUCAS (at the request of Mr. BOEHNER) for today on account of family illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. GENE GREEN of Texas) to revise and extend their remarks and include extraneous material:)

Mr. GEORGE MILLER of California, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. GENE GREEN of Texas, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. WATERS, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. KUCINICH, for 5 minutes, today.

(The following Member (at the request of Mr. CONAWAY) to revise and extend his remarks and include extraneous material:)

Mr. CONAWAY, for 5 minutes, today.

ADJOURNMENT

Mr. HOYER. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 10 minutes p.m.), the House adjourned until tomorrow, Wednesday, January 24, 2007, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

387. A letter from the Chief Counsel/FEMA, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations — received November 28, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

388. A letter from the Chief Counsel/FEMA, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility [Docket No. FEMA-7951] received November 28, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

389. A letter from the Chief Counsel/FEMA, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations — received November 20, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

390. A letter from the Chief Counsel/FEMA, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility [Docket No. FEMA-7945] received October 18, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

391. A letter from the Chief Counsel/FEMA, Department of Homeland Security, transmitting the Department's final rule — National Flood Insurance Program; Appeal of Decisions Relating to Flood Insurance Claims (RIN: 1660-AA41) received October 30, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

392. A letter from the Chief Counsel/FEMA, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket No. FEMA-B-7466] received November 20, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

393. A letter from the Chief Counsel/FEMA, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations — received November 2, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

394. A letter from the Chief Counsel/FEMA, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations — received November 2, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

395. A letter from the Chief Counsel/FEMA, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations — received November 2, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

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397. A letter from the Chief Counsel/FEMA, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations — received November 2, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

398. A letter from the Chief Counsel/FEMA, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations — received November 2, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

399. A letter from the Chief Counsel/FEMA, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations — received November 2, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

400. A letter from the Chief Counsel/FEMA, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations — received November 2, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

401. A letter from the Chief Counsel/FEMA, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations — November 20, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

402. A letter from the Chief Counsel/FEMA, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket No. FEMA-B-7467] received November 20, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

403. A letter from the Chief Counsel/FEMA, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations — received November 20, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

404. A letter from the Chief Counsel/FEMA, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations — received November 28, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

405. A letter from the Chief Counsel/FEMA, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations — received November 28, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

406. A letter from the General Counsel, National Credit Union Administration, transmitting the Administration's final rule — Conversion of Insured Credit Unions to Mutual Savings Banks (RIN: 3133-AD16) received January 19, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HASTINGS of Florida: Committee on Rules. House Resolution 86. Resolution providing for consideration of the resolution (H. Res. 78) amending the Rules of the House of Representatives to permit Delegates and the Resident Commissioner to the Congress to cast votes in the Committee of the Whole House on the state of the Union (Rept. 110–3). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. FLAKE (for himself, Mr. HENSARLING, Mr. TERRY, Mr. RADANOVICH, Mr. CAMPBELL of California, Mr. FORTUÑO, Mr. MILLER of Florida, Mr. PENCE, Mr. SALI, Mr. BILBRAY, Mr. WALBERG, and Mr. BARTLETT of Maryland):

H.R. 631. A bill to prohibit Federal agencies from obligating funds for earmarks included only in congressional reports, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. LIPINSKI (for himself, Mr. INGLIS of South Carolina, Mr. DOYLE, Mr. BROWN of South Carolina, Mr. DENT, Mr. EHLERS, Ms. LORETTA SANCHEZ of California, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. TERRY, Mr. MCCAUL of Texas, Mr. GERLACH, Mr. CAMP of Michigan, Mr. BARRETT of South Carolina, Mr. WILSON of South Carolina, Mr. REICHERT, Mr. WOLF, Mr. WICKER, Mr. JOHNSON of Illinois, Mr. SOUDER, Mr. KUHL of New York, Mr. WYNN, Mr. LARSON of Connecticut, Mr. KINGSTON, Mr. LINCOLN DAVIS of Tennessee, Mr. ARCURI, and Mr. WAMP):

H.R. 632. A bill to authorize the Secretary of Energy to establish monetary prizes for achievements in overcoming scientific and technical barriers associated with hydrogen energy; to the Committee on Science and Technology.

By Mr. VAN HOLLEN (for himself, Mr. MEEHAN, Mr. COHEN, Mr. KUCINICH, Mr. SESTAK, Ms. GIFFORDS, Mr. MCNULTY, and Mrs. DAVIS of California):

H.R. 633. A bill to amend the Lobbying Disclosure Act of 1995 to require lobbyists to disclose the candidates, leadership PACs, and political party committees for whom they collect or arrange contributions, and for other purposes; to the Committee on the Judiciary.

By Mr. MOORE of Kansas (for himself and Mr. KIRK):

H.R. 634. A bill to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States; to the Committee on Financial Services.

By Mr. UPTON (for himself, Mr. Doyle, Mr. Platts, Mrs. Emerson, Mr. LaTourette, Mr. Regula, Mrs. Biggert, Mr. Ehlers, Mr. Gilchrest, Mr. Kildee, Mr. Hoekstra, Mr. Shimkus, Mr. Ramstad, Mrs. Miller of Michigan, and Mr. Donnelly):

H.R. 635. A bill to amend the Clean Air Act to require that, after the year 2012, all gasoline sold to consumers in the United States for motor vehicles contain not less than 10 percent renewable fuel, and for other purposes; to the Committee on Energy and Commerce.

By Mrs. BACHMANN (for herself, Mr. Akin, Mr. Bartlett of Maryland, Mrs. Blackburn, Mr. Boustany, Mr. Burgess, Mr. Burton of Indiana, Mr. Carter, Mr. Conaway, Mrs. Cubin, Mrs. Jo Ann Davis of Virginia, Mr. Feeney, Mr. Franks of Arizona, Mr. Gingrey, Mr. Gillmor, Mr. Gohmert, Mr. Graves, Mr. Hall of Texas, Mr. Walberg, Mr. Jones of North Carolina, Mr. King of Iowa, Mr. McCotter, Mr. Miller of Florida, Mr. Paul, Mr. Pence, Mr. Peterson of Pennsylvania, Mr. Radanovich, Mr. Rohrabacher, Mr. Sensenbrenner, Mr. Sessions, Mr. Simpson, Mr. Terry, Mr. Weller, Mr. Young of Alaska, Mr. Rogers of Alabama, Mr. Platts, Mr. Flake, and Mr. Weldon of Florida):

H.R. 636. A bill to amend the Internal Revenue Code of 1986 to improve health care choice by providing for the tax deductibility of medical expenses by individuals; to the Committee on Ways and Means.

By Ms. HERSETH:

H.R. 637. A bill to grant a Federal charter to the National American Indian Veterans, Incorporated; to the Committee on the Judiciary.

By Mr. JINDAL:

H.R. 638. A bill to amend the Violent Crime Control and Law Enforcement Act of 1994 to improve efforts to reduce gang activity and violent crime; to the Committee on the Judiciary.

By Mr. JINDAL:

H.R. 639. A bill to designate as HUBZones the disaster areas associated with Hurricanes Katrina and Rita; to the Committee on Small Business.

By Mr. JINDAL:

H.R. 640. A bill to amend the Internal Revenue Code of 1986 to permit financial institutions to determine their interest expense deduction without regard to tax-exempt bonds issued to provide certain small loans for health care or educational purposes; to the Committee on Ways and Means.

By Mr. JINDAL:

H.R. 641. A bill to clarify the tax treatment of certain payments made to homeowners by the Louisiana Recovery Authority and the Mississippi Development Authority; to the Committee on Ways and Means.

By Mrs. JONES of Ohio (for herself and Mr. Whitfield):

H.R. 642. A bill to establish a demonstration incentive program within the Department of Education to promote installation of fire sprinkler systems, or other fire suppression or prevention technologies, in qualified student housing and dormitories, and for other purposes; to the Committee on Education and Labor.

By Mrs. JONES of Ohio (for herself and Mr. Ryan of Wisconsin):

H.R. 643. A bill to amend the Internal Revenue Code of 1986 to provide for collegiate housing and infrastructure grants; to the Committee on Ways and Means.

By Mr. GARY G. MILLER of California (for himself, Mrs. Maloney of New York, Mr. Frank of Massachusetts, Mr. Bachus, Ms. Waters, Mr. Kanjorski, Mr. Souder, Ms. Eddie Bernice Johnson of Texas, Mr. McHugh, Mr. Pascrell, Mr. Shays, and Mr. Turner):

H.R. 644. A bill to facilitate the provision of assistance by the Department of Housing and Urban Development for the cleanup and economic redevelopment of brownfields; to the Committee on Financial Services.

By Mr. PRICE of North Carolina (for himself, Mr. Miller of North Carolina, Mr. Lewis of Georgia, Ms. Velázquez, Ms. Jackson-Lee of Texas, Mr. Fattah, and Mr. Bishop of New York):

H.R. 645. A bill to provide for the withdrawal of United States Armed Forces from Iraq, to authorize assistance for Iraq, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ROGERS of Kentucky (for himself, Mr. Davis of Kentucky, Mr. Lewis of Kentucky, Mr. Whitfield, Mr. Chandler, and Mr. Yarmuth):

H.R. 646. A bill to establish the Kentucky Artisan Heritage Trails National Heritage Area Act in the Commonwealth of Kentucky, and for other purposes; to the Committee on Natural Resources.

By Ms. WATERS (for herself, Mr. Frank of Massachusetts, and Ms. Pryce of Ohio):

H.R. 647. A bill to extend for 5 years the Mark-to-Market program of the Department of Housing and Urban Development; to the Committee on Financial Services.

By Mr. YOUNG of Alaska:

H.R. 648. A bill to amend the Elementary and Secondary Education Act of 1965, and for other purposes; to the Committee on Education and Labor.

By Mr. FRANK of Massachusetts:

H. Con. Res. 41. Concurrent resolution providing for a conditional adjournment of the House of Representatives; considered and agreed to.

By Mrs. McCARTHY of New York:

H. Con. Res. 42. Concurrent resolution honoring the heroic service and sacrifice of the 6,500 glider pilots of the United States Army Air Forces during World War II; to the Committee on Armed Services.

By Mr. PAUL (for himself, Mr. Neal of Massachusetts, Mr. Gilchrest, Mr. Kucinich, Mr. Bartlett of Maryland, Mr. Meehan, Mr. Duncan, Mr. Abercrombie, Mr. Jones of North Carolina, and Mr. Taylor):

H. Con. Res. 43. Concurrent resolution expressing the sense of Congress that the President should implement Recommendation 9 of the Iraq Study Group Report; to the Committee on Foreign Affairs.

By Mr. EMANUEL:

H. Res. 85. A resolution electing Members to certain standing committees of the House of Representatives; considered and agreed to.

By Mr. KNOLLENBERG:

H. Res. 87. A resolution expressing the sense of the House of Representatives that all Americans should participate in a moment of silence to reflect upon the service and sacrifice of members of the United States Armed Forces both at home and abroad; to the Committee on Armed Services.

By Ms. GINNY BROWN-WAITE of Florida (for herself, Mr. Shays, Mrs. Miller of Michigan, Mr. Castle, Mrs. Musgrave, Mr. Miller of Florida, Mrs. Myrick, Mr. English of Pennsylvania, Mr. Porter, Mr. McCotter, Mr. Pitts, and Mr. Jindal):

H. Res. 88. A resolution expressing the sense of the House of Representatives that Members of the House are not immune from having their offices searched; to the Committee on the Judiciary.

By Mr. HOEKSTRA (for himself and Mr. Van Hollen):

H. Res. 89. A resolution expressing the sense of the House of Representatives that a day should be established as Dutch-American Friendship Day to celebrate the historic ties of the United States and the Netherlands; to the Committee on Oversight and Government Reform.

By Ms. KILPATRICK (for herself, Mr. Lipinski, Ms. Eddie Bernice Johnson of Texas, Mr. Baca, Ms. Carson, Mr. Cleaver, Mr. Kirk, Mr. Payne, Mr. Davis of Illinois, Mr. Serrano, Ms. Watson, Mr. Grijalva, and Mr. Filner):

H. Res. 90. A resolution congratulating Lovie Smith of the Chicago Bears and Tony Dungy of the Indianapolis Colts on becoming the first African-American head coaches of National Football League teams to qualify for the Super Bowl; to the Committee on Oversight and Government Reform.

By Mr. SALAZAR:

H. Res. 91. A resolution demanding the return of the U.S.S. Pueblo the United States Navy from North Korea; to the Committee on Foreign Affairs.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 14: Mr. Frelinghuysen and Mr. Tiahrt.

H.R. 19: Mr. Knollenberg.

H.R. 25: Mr. David Davis of Tennessee.

H.R. 65: Mr. Stark.

H.R. 81: Mr. Hayes.

H.R. 89: Mr. McIntyre.

H.R. 114: Mr. Reynolds.

H.R. 135: Mrs. Napolitano.

H.R. 172: Ms. Castor and Ms. Moore of Wisconsin.

H.R. 180: Mr. Michaud, Mr. Wynn, Mr. Grijalva, and Ms. Eddie Bernice Johnson of Texas.

H.R. 190: Mr. Walberg and Mr. Goode.

H.R. 192: Mr. Platts.

H.R. 195: Mr. Miller of Florida.

H.R. 207: Mr. Crowley, Mr. McDermott, Mr. Farr, and Mr. Conyers.

H.R. 211: Mrs. Lowey and Mr. David Davis of Tennessee.

H.R. 251: Mr. Tim Murphy of Pennsylvania, Mr. Gillmor, Ms. Shea-Porter, Mrs. Lowey, and Mr. Gallegly.

H.R. 277: Mr. Carnahan and Ms. Shea-Porter.

H.R. 303: Mr. Wexler, Mr. McIntyre, and Mr. Young of Florida.

H.R. 312: Ms. Ros-Lehtinen.

H.R. 346: Mr. Delahunt, Mr. Calvert, Mr. Miller of Florida, and Mr. Langevin.

H.R. 359: Mr. FILNER, Mrs. CAPPS, Ms. LORETTA SANCHEZ of California, Mr. LANTOS, Mr. UDALL of Colorado, Ms. LEE, Ms. MOORE of Wisconsin, and Ms. ZOE LOFGREN of California.

H.R. 369: Ms. WOOLSEY and Ms. BERKLEY.

H.R. 373: Mr. PENCE.

H.R. 374: Mr. PENCE.

H.R. 379: Mr. PENCE.

H.R. 404: Mr. CARTER.

H.R. 418: Mrs. LOWEY, Mr. HINOJOSA, and Mr. UPTON.

H.R. 439: Ms. CASTOR, Ms. WATSON, and Mr. BUTTERFIELD.

H.R. 473: Mr. GOODLATTE.

H.R. 477: Mr. ABERCROMBIE, Mr. GONZALEZ, Mr. ALLEN, Mr. TERRY, Mr. LYNCH, Mr. GEORGE MILLER of California, Mr. GRIJALVA, Mr. GORDON, Mr. WEXLER, Mr. MCGOVERN, Mr. KENNEDY, Mr. WEINER, Mr. LANTOS, Mrs. JONES of Ohio, and Mr. PAYNE.

H.R. 493: Mr. WEINER, Mr. OBERSTAR, Mr. PALLONE, and Mr. MCGOVERN.

H.R. 511: Mr. LAHOOD, Mr. HENSARLING, Mr. SHADEGG, Mr. POE, Ms. FOXX, Mr. SMITH of Nebraska, Mr. NEUGEBAUER, Mr. DAVID DAVIS of Tennessee, Mr. BISHOP of Utah, Mr. DENT, Mr. HASTERT, Mr. GERLACH, and Mr. INGLIS of South Carolina.

H.R. 526: Ms. SUTTON.

H.R. 562: Mr. LEWIS of Kentucky.

H.R. 579: Mr. KUHL of New York, Mr. HAYES, Mr. LINCOLN DAVIS of Tennessee, Mr. RYAN of Ohio, Mrs. MALONEY of New York, Mr. ETHERIDGE, Mr. FARR, Mr. DEFAZIO, Mr. TAYLOR, Mr. MCINTYRE, Mr. KILDEE, Mr. FATTAH, Mr. DELAHUNT, Mr. BISHOP of Utah, Mr. CONYERS, Mr. BOUCHER, Mrs. CAPPS, Mr. GEORGE MILLER of California, Mr. GENE GREEN of Texas, and Mr. FRANK of Massachusetts.

H.R. 582: Mr. BUTTERFIELD and Mr. PAYNE.

H.R. 592: Mr. ROTHMAN and Mrs. MALONEY of New York.

H.R. 599: Mr. DANIEL E. LUNGREN of California and Mr. BILIRAKIS.

H.R. 617: Ms. WASSERMAN SCHULTZ, Mr. BOYD of Florida, and Ms. CORRINE BROWN of Florida.

H.R. 627: Mr. ROSS and Ms. ESHOO.

H.J. Res. 14: Mr. BLUMENAUER, Mr. FORTUÑO, and Mr. MCGOVERN.

H.J. Res. 19: Mr. BURTON of Indiana, Mr. GRAVES, and Mr. JONES of North Carolina.

H. Con. Res. 7: Mr. DOYLE.

H. Con. Res. 21: Mr. AL GREEN of Texas, Mr. GERLACH, Mr. CARDOZA, WAMP, Mr. WEXLER, Mr. FRANKS of Arizona, Ms. WASSERMAN SCHULTZ, Mr. CANNON, Mr. SMITH of New Jersey, Mr. LOBIONDO, Mrs. EMERSON, Mr. MARIO DIAZ-BALART of Florida, Mr. LINCOLN DIAZ-BALART of Florida, Ms. SCHWARTZ, Mr. ACKERMAN, Mr. PALLONE, Mr. ISRAEL, Mr. FILNER, Mr. RODRIGUEZ, Mr. SIRES, Mr. BISHOP of New York, and Mrs. DAVIS of California.

H. Con. Res. 37: Mr. BURTON of Indiana, Mr. GINGREY, Mr. JONES of North Carolina, and Mr. POE.

H. Res. 16: Mr. SCOTT of Virginia.

H. Res. 41: Mrs. MALONEY of New York and Mr. COURTNEY.

H. Res. 51: Mr. STUPAK.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 65: Mr. TANNER.

H.R. 217: Mr. CROWLEY.

SENATE—*Tuesday, January 23, 2007*

The Senate met at 10 a.m. and was called to order by the Honorable JON TESTER, a Senator from the State of Montana.

PRAYER

The PRESIDING OFFICER. Today's prayer will be offered by former Senate Chaplain Dr. Lloyd Ogilvie of Los Angeles, CA.

The guest chaplain offered the following prayer:

"Wait on the Lord; take courage, and He shall strengthen your heart. Wait, I say, on the Lord."

Gracious God, Sovereign of our Nation, Lord of our lives and source of inspiration and courage for the high calling of political leadership, the bracing admonition of the psalmist sounds in our souls. Wait on You Lord? That is not easy for us to do. Then we realize that waiting on You is not for You to catch up with us to bless what we have already decided but for us to linger in Your presence until we think Your thoughts, experience Your love, will to do Your will, and receive Your supernatural guidance for the great issues we face. Thank You for stopping us in our tracks, capturing our minds, quieting our stress-strained emotions, and interrupting our flow of words with Your Word, "Be still and know that I am God."

Father, we need You more than our next breath and we depend on You more than the thump of our next heartbeat.

We really believe there is no problem too big for You to solve, no division so complex that there is no solution through creative compromise, and no struggle for political power that You cannot turn into a stepping stone.

On this day of the State of the Union Address, bless our President as he speaks and the Members of Congress as they listen, that unified by patriotism, they may lead our beloved Nation through this turbulent time. We thank You for the patriotic Americans who lead this Senate: ROBERT BYRD, HARRY REID, MITCH MCCONNELL, DICK DURBIN, and TRENT LOTT. We wait on You. Grant us courage and strengthen our hearts. You are our Lord and Savior. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JON TESTER led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The assistant legislative clerk read the following letter:

> U.S. SENATE,
> PRESIDENT PRO TEMPORE,
> *Washington, DC, January 23, 2007.*
>
> *To the Senate:*
>
> Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JON TESTER, a Senator from the State of Montana, to perform the duties of the Chair.
>
> ROBERT C. BYRD,
> *President pro tempore.*

Mr. TESTER thereupon assumed the Chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

WELCOME BACK TO REVEREND OGILIVIE

Mr. REID. Mr. President, it is very good to have back Reverend Ogilivie, our former Senate Chaplain. A lot of thoughts came to my mind. I sat here for 6 years and listened to almost every one of his prayers. My mind goes back to some of the tragedies that had come to the Senate during his tenure, including the death of Governor Carnahan, the death of Paul Wellstone, and the death of Paul Coverdell. I mention Paul Coverdell because I traveled to his funeral in Georgia, and the Chaplain at that time, Chaplain Ogilivie, delivered the eulogy and was in charge of the services there in Georgia. I will always remember the dignity, compassion, and the understanding in the words of Reverend Ogilivie. It is good to have you back. Thank you very much for all you do for our country. I am sure you are doing good things in California, as you did here for so many years.

Mr. MCCONNELL. Mr. President, if the majority leader will allow me an observation about Dr. Ogilivie and his extraordinary service to this body and to the Nation, it was truly exemplary. I know I speak for all of the Members on this side of the aisle when I say to Dr. Ogilivie, thank you for your years of service here. It is wonderful to see you again.

SCHEDULE

Mr. REID. Mr. President, this morning, we will be in a period of morning business for 60 minutes. The first half of the time will be under the control of the Republicans and the second half of the time will be under the control of the Democrats.

Following morning business, we will resume consideration of H.R. 2, the minimum wage bill. We will be in recess today from 12:30 to 2:15 for the party luncheons. As I indicated, we have two cloture motions that have been filed. The first vote, on line-item veto, will take place tomorrow. If cloture is not invoked, we will then proceed to a vote on the underlying bill, which is S. 2.

There have been a number of amendments filed and that is very good. We are looking at a number of them closely to see if we can schedule a vote on one of them sometime this morning.

Looking at the schedule, we are going to have a couple of votes Friday morning, and everyone should understand that. The only way I can see that we will not have votes Friday morning is if we can figure out a way to finish minimum wage on Thursday. That is certainly possible. I am impressed with the seriousness of the amendments that have been offered. To this point, five amendments have been offered, and we certainly could complete this bill this week if we put our minds to it. I hope we can do that. If we cannot, it will spill over into next week. I am not sure that is good; we have so many things that we have to do. I have had a number of conversations with the Republican leader and we are going to have debate on Iraq. We are going to make that as meaningful as possible. We are going to work together to see if we can limit the subject matter of the debate on Iraq. We hope we can do that. We also have other things that are facing us down the road, not the least of which is stem cell research and negotiation on Medicare. But more importantly, we have to make sure the Government has money after February 15. That is something, again. I have had a number of conversations on with the distinguished Republican leader. The Appropriations Committee, with Democrats and Republicans, has worked very well on that. Senator COCHRAN has been fully engaged and all of the subcommittee chairs and ranking members have been engaged.

I think we are at a point where we have a pretty good idea of the subject matter of the CR. There will be no earmarks, zero, not a single earmark on the CR. That is what we have agreed upon. Senator McCONNELL agrees with that, as I do, and the two appropriating bodies agree with that. So we are going to move forward on the CR. It is not going to be fun. I have been an appropriator here for many years, as has Senator McCONNELL. We like to do the regular process, but in my opinion we cannot get to that unless we get the CR out of the way and work on the budget and get the appropriations bills done.

It is my goal to work very hard to get the appropriations bills done this year. It has been done before and we can do it again. It has been done under Republican leadership and under Democratic leadership in the Senate. We have been working on it on a bipartisan basis. I think we can get it done.

As a reminder, first-degree amendments must be filed at the desk by 2:30 p.m. this afternoon.

RECOGNITION OF THE REPUBLICAN LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

CLOTURE

Mr. McCONNELL. Mr. President, let me focus my remarks on the second cloture vote that will occur tomorrow. Were cloture to be invoked on what is generally referred to as a "clean minimum wage," the bipartisan compromise that has been put together between Senator BAUCUS and Senator GRASSLEY and Senator ENZI and others would be wiped out. So I think it is extremely important to mention to Members, those who would like to continue to go forward on a bipartisan basis, if cloture were to be invoked, that would eliminate the possibility of going forward on a bipartisan basis on minimum wage. I hope cloture will not be invoked—the second cloture vote would not be invoked, so that we can proceed with the substitute, which seems to enjoy broad, bipartisan support in the Senate.

I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will be a period for the transaction of morning business for up to 60 minutes, with Senators permitted to speak therein for up to 10 minutes each, with the first half of the time under the control of the minority and the second half of the time under the control of the majority.

The Senator from Oregon is recognized.

HEALTH CARE

Mr. SMITH. Mr. President, it is always an exciting time when a new Congress takes its oath of office and the President comes to Capitol Hill to give his State of the Union Address. It is a time when our Nation takes its pulse and checks its health.

As we contemplate what the President might say and the agenda that this Congress might pursue, it occurs to me that this is a good time to express what I hope will be a priority of this Congress, and it relates to health.

I think, undoubtedly, the President will focus some of his remarks on Iraq. That continues as a major focus of public attention and a legitimate cause of its concern. But I think the American people would also very much appreciate our turning our focus to home, on things that affect the lives of everyday Americans and their families and on their individual concerns.

There is probably no greater individual concern than health care. I do hope the President will address health care because I know moms and dads are addressing it every day.

There are three issues I would like to speak to as it relates to health care, to what I hope will be a focus of the 110th Congress.

When I think of health care in this Congress, the issues that come to mind are stem cells, mental health, and the uninsured. When I think of stem cells, I immediately think of some of the most loathesome diseases that affect humankind. Obviously, Parkinson's disease, which has certainly taken its toll in my family; Alzheimer's, which afflicts so many of our seniors and puts incredible burdens upon their caregivers; and diabetes. It is heartrending to meet with children afflicted with diabetes at an early age, that directs them down a path of lifelong suffering and dependence upon injections.

I think of cardiovascular disease. Heart disease is probably our greatest killer as a people. Then, of course, there are those who, through accidents or other causes, suffer spinal cord injuries. All of these terrible afflictions have mystified our best and brightest minds in the scientific community, and yet stem cell research, in all of its forms—embryonic, adult stem cells, and some of the new breakthroughs that have been discovered through amniotic fluid—all hold great promise.

It does seem to me that one of the first steps of this Congress ought to be to return to this debate. The time is now to make progress. The time is now for us as a people to have the vast majority view heard and enacted into law. It is important for the Federal Government to show up to work on this issue. It is important because the Federal Government can provide the seed money. The Federal Governmeht can provide the moral boundaries. The Federal Government can help to provide world leadership on this important biomedical ethical issue.

So as we enter this Congress, I do hope that by large majorities in the House and the Senate, we will pass embryonic stem cell research and further those other avenues in stem cell research that hold out so much promise. I have always believed that an ethic of life includes concern for the living as well. I believe it is time for us to unshackle the hands of our scientists so that we can unlock with the key of science these great mysteries.

Next, Mr. President, I speak of mental health. It has always been troubling to me, but especially in light of my family's history, that physical health is held at one level but mental health has always occupied a subordinate level. Because of the embarrassment and then the shame that attends mental health, a great stigma has attached to this issue, and because stigma attaches to it, society has caused those who suffer debilitating mental health issues not to seek treatment or to hide their afflictions. Yet it seems to me obvious that such issues as schizophrenia, bipolar condition, postpartum depression—it is hard to imagine anyone in this modern day and age who says these are not legitimate afflictions of humankind. And if they are legitimate, then the Congress of the United States should begin to treat them as legitimate.

It seems to me that in all of its manifestations, these biases against mental health need to be removed. We find them in our statutes relative to Medicaid and Medicare. When it comes to copays, when it comes to reimbursement, the Federal Government has a prejudice against mental health. Why would that be? If you do not have mental health but you have physical health, you do not have health. The mind and body interact in a very direct way, and both are necessary if the American people are to have health.

I do believe the Congress needs to address the biases against mental health. I do believe we should enact mental health parity in insurance law. It is a source of pride to me that my own State of Oregon this past legislative session enacted mental health parity, so that on January 1 of this year, all Oregonians woke up to know that as a matter of law their health care covers mental health as well. And we should do no less as the Federal Government. We need to change this aspect. We need to change it in Medicaid, Medicare, in insurance law, in teaching parity in our medical schools, in our pharmaceutical policies—all of these things must elevate mental health to the same level as physical health.

Another part of mental health, in my own calculation, is a very personal passion of mine; that is, the reauthorization and full funding of the Garrett Lee Smith Memorial Act. There is a plague in this country, an epidemic, if you will, of youth suicide. It begins as depression and sometimes leads to the most tragic of results. It is my hope that this 110th Congress, the House and the Senate, united, will reauthorize and fully fund this great and important act. It is not the whole answer, but it is an important beginning because it incentivizes States to enact prevention and intervention programs—not just States but tribes, colleges, universities—to be able to respond to this issue which is costing the lives of over 3,000 young people a year. I hope we will do that. It is one of the actions the Congress before took which was truly bipartisan, which truly has made a difference in saving hundreds, perhaps thousands, of lives.

Finally, let me speak to access. I think it is a source of some national shame that 46 million Americans are uninsured. It is true that probably half of that number are uninsured by choice. They tend to be young people who would want to spend their money in other ways. But of that 46 million, 9 million of these are children, and that is a national shame.

I believe we need to reauthorize the SCHIP program. SCHIP, along with Medicaid, is one of the central strands in our public safety net. I believe we need to do this because of the 6 million children who are insured by this, some 3 million more are eligible but are not enrolled.

I believe, in addition to this, we need to look at all the good ideas we can find in this Congress to provide insurance coverage for the uninsured. Senator WYDEN of Oregon and I have a proposal for universal catastrophic coverage. We believe that, at least in America, if you lose your health, you should not lose your home.

Mr. President, I believe my time is up. I thank you for the time, and I focus our Nation's attention on a most pressing and urgent family and national urgency, which is health care.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Texas.

WASTEFUL SPENDING AMENDMENT

Mr. CORNYN. Mr. President, I rise in support of the amendment pending on the floor, the second look at wasteful spending amendment, otherwise known as the Gregg amendment, after the distinguished Senator from New Hampshire. The truth is, we might call this really the Daschle amendment or the Byrd amendment or the Levin amendment or Murray or Dodd, other Senators who have supported virtually this same proposal on previous occasions. I will explain that more in just a moment.

If we look at this amendment, compared with one offered by the former majority leader, Senator Tom Daschle, when the Democrats were, again, in leadership, we can see how the Gregg amendment corresponds virtually, precisely with the proposal made by then-Democratic majority leader Tom Daschle. It established a fast-track congressional process for consideration of Presidential rescissions. It required congressional affirmation of rescissions. It allowed the President to suspend funds for a maximum of 45 days. It does not permit the President to resubmit rescissions once rejected by the Congress. It allowed rescissions of discretionary funding and targeted tax benefits. It did not allow rescissions of new mandatory programs. That is one area where this differs from the Daschle amendment. The Gregg amendment would permit rescission of new mandatory spending.

I interject, if we are going to get a handle on runaway Federal spending, it is not going to be in discretionary spending alone. We have actually—contrary, perhaps, to popular perception—done a pretty good job limiting nondefense, nonhomeland security discretionary spending. But to paraphrase, that is not where the money is. Where the money is actually in mandatory spending—in entitlement spending, such as Medicare, Medicaid, and Social Security.

So the Gregg amendment quite appropriately addresses rescission of new, not existing, new mandatory spending programs. We can see here that in virtually every respect except two—the one I just mentioned and that only four rescission packages would be permitted annually under the Gregg amendment—there is virtual identity between these two amendments.

Why is this so important? I have to tell my colleagues that as I travel around my State of Texas, there are issues people talk to me about, as with other Members. They are concerned about our lack of border security. They are concerned, obviously, about the war on terror and the way forward in Iraq. But one of the really top three issues that my constituents talk to me about is Federal spending. They worry about the deficit. They worry about the long-term obligation under Social Security and Medicare, a bill that is going to be paid by our children and grandchildren, about the morality of basically putting this burden on their backs in the future. So what this amendment does, this second look at wasteful spending, it allows us to cut out some of the pork, cut out some of the waste in a way that I think responds to this very realistic concern by the American people.

You will note that in 1995, when Senator Daschle offered this amendment, this was, of course, during the Clinton administration—I want to note that—we had 21 Democratic Senators—virtually all of whom, I guess, are still in the Senate—who supported that Daschle amendment. My hope is they would vote for cloture so we can have an up-or-down vote on this Gregg amendment, which, as I showed a moment ago, is virtually identical.

Let's look at some of the quotes back then by distinguished Members of the Senate in support of the Daschle amendment. My hope would be that Senators would remember, perhaps have their recollection refreshed by this exercise in a way that would encourage them to have at least an open mind and possibly even embrace the Gregg amendment today as they did the Daschle amendment back in 1995.

Senator BYRD, the distinguished chairman of the Senate Appropriations Committee, someone who respects congressional prerogative and understands the separation of powers perhaps better than anybody else in this body, said:

> I have no problem with giving the President another opportunity to select from appropriations bills certain items which he feels for his political or for whatever reasons, I have no problem with his sending them to the two Houses and our giving him a vote.

That was on March 22, 1995.

Then there is this comment by Senator FEINSTEIN, the distinguished Senator from California. She said:

> Really, what a line-item veto is all about is deterrence, and that deterrence is aimed at the porkbarrel. I sincerely believe that a line-item veto will work.

What we are talking about, this so-called rescission provision, is in essence a version of the line-item veto, something Presidents have called for in the past on both sides of the aisle and something I believe, obviously, there has existed bipartisan support for in the Senate.

Then there is Senator DORGAN, who has said:

> Fully 43 Governors have the line-item veto, which suggests to me that it is a power that the President can safely wield . . . That is why I voted for it, and why I am pleased it is now the law of the land.

This was back on April 25, 1996.

Of course, we know what happened to the line-item veto. It ultimately was struck down by the U.S. Supreme Court. That is why we have had to come back with this modification of this rescission package in order to address the Court's concerns and to ensure its constitutionality.

Then there is the distinguished Senator from Delaware, Senator JOE BIDEN, who said:

> Mr. President, I have long supported an experiment with the line-item veto power for the President.

That was Senator BIDEN on March 27, 1996.

Then there is Senator DODD who has said:

> I support the substitute offered by Senator Daschle.

That is the Daschle amendment.

> I believe it is a reasonable line-item veto alternative. It requires both Houses of Congress to vote on a President's rescission list and sets up a fast-track procedure to ensure that a vote occurs in a prompt and timely manner.

There are just a couple of more. Mr. FEINGOLD, the Senator from Wisconsin, said this:

> The line-item veto is about getting rid of those items after the President has them on his desk. I think this will prove to be a useful tool in eliminating some of the things that have happened in Congress that have been held up to public ridicule.

That obviously goes with the pork spending, the embarrassing earmarks that we have heard so much about from our constituents, particularly leading up to this last election.

Senator MURRAY said:

> I want to give the President the ability to line-item veto all those portions of the appropriations bills that have not been through the hearing and authorization process. All those pork items contribute to our deficit.

I think we have one more from Senator DORGAN, but we have already heard from him. There is one last one from Mr. LEVIN, the distinguished Senator from Michigan. He said:

> That so-called expedited rescission process, it seems to me, is constitutional and is something which we can in good conscience, at least I in good conscience, support.

My point is obvious, perhaps, but let me, at the risk of beating a dead horse, say it again. If this was good policy back in 1995 and 1996, what has changed in 2007? I submit the only thing that has changed is that our deficit has increased for many years, part of which is porkbarrel spending which can be eliminated with the kind of cooperation that this particular amendment would allow. I suggest to our Democratic colleagues—in the spirit of bipartisanship in which we have started this new Congress with the overwhelming bipartisan passage of an ethics and lobby reform bill and consideration of this minimum wage bill with appropriate relief for small businesses when it comes to regulations and tax relief that will attenuate some of the blow—this is an appropriate amendment for us to consider and pass.

I hope the spirit of bipartisanship does not end so early on in this session of the Senate. I know there are many cynics who believe it will die an early death. I am not one of them. I remain hopeful and optimistic that our colleagues on both sides of the aisle will embrace this opportunity to do the right thing for the people of this great country.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Georgia is recognized.

Mr. ISAKSON. Mr. President, how much time is remaining?

The ACTING PRESIDENT pro tempore. Ten minutes.

Mr. ISAKSON. Mr. President, first of all, I commend the Senator from Texas on his remarks. I commend Senator JUDD GREGG on the submission of this amendment. I commend Senator MCCONNELL, the Republican leader, for his insistence on bringing this amendment to the floor of the Senate early. It had been my preference that it be debated during the lobbying reform and ethics bill, S. 1, which we debated last week because the remarks I am going to make tell you how much I think the enhanced rescission and a second look at wasteful spending is so important to end, curb, and finally do away with what has been an abuse in this body for a long time, and that is the abuse of earmarks.

In fact, I want to tell a story. When I first came to the Congress of the United States in 1999, the first budget that I voted on and was passed was a voluminous, huge budget—appropriations bill. It had spending in thousands of different categories, many of which I never even looked at, A, because I was not on the committee that had jurisdiction or, B, because so much of it went into last-minute negotiations in the conference committee on the appropriations bill.

I will never forget a telephone call I got at 8 o'clock in the morning from a reporter, shortly after—about 2 weeks after the passage of an Omnibus appropriations bill. A newspaper reporter called and said to me:

> Congressman, why did you vote for a $50,000 appropriation for a tatoo removal parlor in California?

I said:

> I didn't vote for any such a thing.

The reporter said:

> Yes, you did. Didn't you vote for the Omnibus budget?

I said:

> Yes, I did.

The reporter said:

> Well, it was right there in clear view.

I said:

> Well, it wasn't in clear view to me.

Well, it turned out, after going through that embarrassing experience, which all of us in this business go through from time to time, I started digging around trying to find the $50,000 appropriation for a tatoo removal parlor in California. Finally, I found it. It went into the budget on the appropriations bill on the last night of negotiations. It was on something like page 1186, line 33, in small print. The appropriations act we voted on was put on our desk about 8 hours before we voted on it.

I am not a fast reader anyway, but I couldn't read 1,100 pages in 8 hours. I would go blind. And the fact is, Congress was embarrassed, the Representative who put it in there was very embarrassed, but this Representative was very embarrassed. So I introduced legislation the next year to basically put an end to the last-minute earmark that said the earmark had to be in bold type, large fonts, and on the front page of each appropriations act, and had to lay on the desk for 24 hours to at least give us a chance to look at it.

What Senator GREGG has proposed today is the opportunity for us to not only get a second look, but in the case of a lot of these earmarks a first look, at wasteful appropriations. That is why I thought it should have gone on the previous bill we debated last week, the lobbying reform and ethics bill for, you see, if a President of the United States had gotten that omnibus budget and had the right of rescission, that President could have said: I think we ought to strike the $50,000 for a tatoo removal parlor in California. And under the Gregg proposal, it would come back to the Senate and the House, and we would have to affirm that. I do not think there is a single person in either party, including the author of that earmark 9 years ago, who would not have voted to affirm the President's rescission.

The light of day, sunshine, the power of knowledge, facts are stubborn things. But so often in the appropriations process facts get obliterated or not seen. Appropriations get written in late at night in negotiations between conferees, and we end up with wasteful spending.

This is an outstanding proposal by Senator GREGG. As Senator CORNYN has said, and others who have spoken today have said, it actually reflects what has been approved by Members of both parties in this Senate before. But it makes good, common, horse sense and passes the constitutional test, which is so important.

The President gets four times a year to send rescissions to the Congress. The Congress has to fast-track its response within 8 days. The Congress has to affirm the rescission, which is the key point in the balance of power between each of the bodies of Government that are so important to our Constitution. It does not give a President unilateral authority, but it forces the light of day on a Presidential decision for us to take a second look at what was probably a mistake that this body might have made.

Lastly, I have had some experience with this process. I had the privilege of representing the great State of Georgia for 17 years in its statehouse, in its State senate. At the time I was in the minority, and the Democratic Party in Georgia was in the majority. A dear friend of mine, a fellow against whom I ran for Governor of Georgia in 1990, and who came to this Senate, Zell Miller, and whom I later replaced in this Senate, a great Georgian—I watched him use the line-item veto, which is legal in

Georgia, to cause accountability on the part of legislators, to let the light of day shine on appropriations and, most importantly, to see to it that Georgia was run in a fiscally sound way and we didn't get away with things that we should not have gotten away with.

If it is good enough for the States, it is good enough for the Federal Government. If it passes the constitutional test of the division of power in our Government—legislative, executive, judicial—it ought to be a part of the body of law, and this proposal does.

Most important of all, although all the promotion pieces I have read call this a second look at the budget process, in many cases because of the volume it gives us, as individuals, a first look at a mistake we made. Instead of current law, where once that mistake is made it is there, under this right of recision we have a second chance at what was a first impression, and we can make the right decision and do the right thing.

The money, when it is struck, goes where it ought to go—to deficit reduction. This country has a serious deficit problem, and it has had a serious spending problem. Enhanced rescission places the responsibility on the President to delineate a mistake and forces us to affirm if that, in fact, was a mistake, and the benefit from that savings goes to reduce the deficit, which is the mortgage on our children's future and the future of our grandchildren.

I am delighted to come to the floor today as a cosponsor of the enhanced rescissions amendment proposed by Senator GREGG to speak in its favor, and I encourage every Member of the Senate to take a second look at this proposal.

It makes sense. It is constitutional. It is the right thing to do.

I yield the floor.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

IRAQ

Mr. DURBIN. Mr. President, there is one moment each year when America comes together, when the leader of our country, our President, in his State of the Union Address, speaks of our experience in the past, our history, and his vision of our Nation's future. It is a rare moment on Capitol Hill, House and Senate together on a bipartisan basis, the Supreme Court, the Cabinet, the diplomatic corps. It is quite a festive and historic—sometimes solemn—gathering. Tonight will be an opportunity for us to gather again for the State of the Union Address. I am looking forward to it.

It comes at a moment in American history when there is a strong emotion across this country, a strong feeling about the war in Iraq. It is a feeling that was made even more intense by the events of this last weekend where we lost so many of our brave soldiers: a helicopter crash from the sky, lives were taken on the ground. At the end of the day, we had lost 3,059 of our best and bravest soldiers, marines, airmen, and sailors in this war in Iraq.

The President will speak of many things this evening. That is his responsibility—from energy to health care to education and beyond. But the issue most dominant in the minds of America is the issue of Iraq. It was certainly the most dominant issue in the November election when the message came through loudly and clearly that it was time to change, it was time for America to step back and reassess our role in Iraq and where we go from here.

Since that election, many important things have happened. The Secretary of Defense, Donald Rumsfeld, resigned, replaced by Robert Gates. The military leadership in Iraq was changed and the President came forward, after a time of deliberation, with his own proposal. That proposal, which we heard a little over a week ago, called for adding more troops in the theater of war in Iraq, some 21,000 more Americans, to join the 144,000 soldiers who are there today.

Most of us have spoken publicly about that in disagreement with the President: our belief that the escalation of the number of troops in Iraq is the wrong way, the wrong direction for our Nation; our belief that 21,000 soldiers cannot stop the civil war that has 14 centuries of fighting behind it; and our belief that 21,000 American lives are too many to ever lose in this kind of dangerous situation.

The President, undoubtedly, will speak to Iraq this evening and the American people will listen closely. But that is not the end of the conversation. The conversation will continue in the Senate where men and women representing States, as I have the honor to do in representing Illinois, will engage for the first meaningful debate on the war in Iraq in more than 4 years since we passed the use-of-force resolution.

Circumstances have changed dramatically. Reading the resolution today, one would wonder if it even justifies our current presence because it spoke of removing Saddam Hussein, dealing with weapons of mass destruction, stopping the march of nuclear weapons into Iraq. We now know all of those things were either wrong in that original resolution or have become moot by the events that have transpired.

There is an effort underway to make sure this debate on Iraq represents the bipartisan feeling of America, represents the fact that there are Democrats and Republicans and Independents who feel intensely that the current strategy, the current plan the President is pursuing is not the right plan.

The first resolution will be considered by the Foreign Relations Committee this week and is sponsored by Senators BIDEN and LEVIN on the Democratic side and Senator HAGEL on the Republican side.

Yesterday, there was another resolution brought to the attention of the American people, introduced by three Members I respect. Senator JOHN WARNER, former chairman of the Committee on Armed Services, a Republican Senator from Virginia, the lead sponsor, Senator BEN NELSON, a Democrat from Nebraska, and Senator SUSAN COLLINS, a Republican from Maine, are about to introduce a resolution that clearly expresses the sense of Congress about this strategy in Iraq. Much has been written about it. The resolution should speak for itself because these Senators, two Republicans and a Democrat, resolve:

> That it is the sense of Congress that—
>
> (1) the Senate disagrees with the "plan" to augment our forces by 21,500, and urges the President instead to consider all options and alternatives for achieving the strategic goals set forth below with reduced force levels than proposed.

The important thing about these resolutions, though they are different in wording, is they all reach the same conclusion. The conclusion is the President's policy, the escalation or augmentation, virtually the same word, is the wrong way to move in Iraq today.

I hope at the end of the day we can come together on a bipartisan basis, that we can cooperate in finding ways to blend these resolutions so we do speak as much as possible with a common bipartisan voice in the Senate. We need to call for the kind of change in the President's policy that the American people asked for in this election.

Our call is not based on politics but based on reality—the reality of the deaths which American troops have endured in this conflict and the reality of the war on the ground, a war which becomes more serious and more violent by the day.

We know the military experts have disagreed with the White House for a long time. GEN Eric Shinseki in 2003, as Army Chief of Staff, said we would need many more troops than the administration was prepared to send and more allies to secure peace ultimately in Iraq. Not only did the administration ignore General Shinseki's advice, they invited him to leave. We now know he was the one who had the insight they should have followed.

General Abizaid, the commander of all our forces in Iraq and Afghanistan, has told us that every divisional and corps commander in the theater has told him we should not send more troops. That is what the President has chosen to do despite this advice from his top generals. General Abizaid testified before Congress that he is convinced that:

> . . . more American forces prevent the Iraqis from doing more, from taking more responsibility for their own future.

General Abizaid and others have also repeatedly stated that the solution to the violence in Iraq is not military, it is political. We have to turn to Prime Minister Maliki and his Cabinet to make the political decisions which will make the difference.

General Abizaid is not alone. The Iraqis themselves appear to agree with his conclusion. Iraqi Prime Minister Nuri al-Maliki stated on November 27 last year:

> The crisis is political, and the ones who can stop the cycle of aggravation and bloodletting of innocents are the politicians.

The Iraqi Prime Minister has said what he needs most is weapons and equipment, not American soldiers. When Prime Minister Maliki met with President Bush in Jordan in November, he didn't ask for more American troops; rather, he said he needed support by way of equipment and weapons. In fact, Prime Minister Maliki suggested we should reduce the presence of American troops in his country. The President has done just the opposite.

A United States official was quoted as saying that "The message in Amman was that Maliki wanted to take the lead and put an Iraqi face on it. He wanted to control his own forces."

The answer to all of Iraq's problems is not simply to deliver more American soldiers. But American weaponry and equipment can be helpful. President Bush has disagreed. Although he steadfastly said as the Iraqis stand up, our forces will stand down, exactly the opposite has occurred. As the Prime Minister of Iraq has offered to stand up more forces to defend his own country, the President of the United States has said we are going to send 21,000 more of our best and bravest into the face of danger.

Our troops have fought brilliantly and courageously. Over the weekend, Senator JOHN MCCAIN, a man whom I respect and count as a friend, made a statement on one of the talk shows, I believe it was "Meet the Press," that he felt the resolutions we were debating were a vote of confidence on whether we trusted America's troops to get the job done. As much as I respect Senator MCCAIN, I could not disagree more. This vote is not about our faith in our troops. Trust me, if a vote came to the Senate on our commitment and respect for our American military service men and women, it would be 100 to 0. We all stand in awe and admiration of the contributions they have made to our country and the courage they show every day. We have confidence that given an assignment that can be physically accomplished, they will do it better than any military force in the world.

But the debate is not over our troops. The debate is over the President's policy. Those troops didn't write the policy that sent too few troops to Iraq initially. Those soldiers didn't write the requisitions to send humvees that have become, sadly, opportunities for roadside bombs to maim and kill our soldiers. Those troops didn't make the critical decisions about disbanding the Iraqi Army. They didn't make the political decisions along the way. They did their duty. And they continue to do so.

What we are debating here is the policy decisions being made by this administration, and a larger and larger number of Democratic and Republican Senators are speaking out that these decisions have been wrong and that the President's plans continue to make the wrong decision.

The Iraq Study Group was a bipartisan effort to try to find a way through this, to come out with a plan that will work so we can truly bring our troops home successfully. They talked about the fact that adding more troops would not be a good move. In fact, bringing troops home should be our goal. They established the date of April 1, 2008, for most of those troops to be gone. And they called for something that this administration continues to ignore: They called for a surge in diplomacy—not a surge in the military but a surge in diplomacy.

Baker and Hamilton, a Republican and a Democrat, with credentials of real experience at the highest levels of our Government, said it is time for us to open a dialog with the Syrians and with the Iranians about the stability of the Middle East and to try to find common ground. There are no guarantees of success with diplomatic dialog, but there is a guarantee that if you don't try, you won't succeed.

Sadly, this administration has refused to try at the diplomatic level. Their responses continue to be military when we know time and again the solution is political within Iraq and diplomatic outside Iraq.

The Baker-Hamilton study group issued its report. It was received cordially by the White House and then ignored. Many Members believe we should return to it, begin the redeployment of American forces, start them coming home, as Prime Minister al-Malaki has asked, start moving the Iraqis into a position of more responsibility and leadership, call on the al-Malaki government in Iraq to make the political concessions to try to bring an end to the sectarian strife, the civil war that has caused all this violence and continues to on a day-to-day basis.

There is one thing we should stop and assess as well. That is the real cost of this war. I have come to the floor of the Senate many times and talked about $2 billion a week that is not being spent in America, $2 billion being spent on this war. I voted for the money to support our troops, and I will continue to, but we have to be honest about the costs of the war. Our Defense bill for the coming year, according to the Wall Street Journal last week, may top $600 billion. That figure does not include the extra $100 billion in emergency appropriations that Congress will soon be asked to vote on to sustain current operations in Iraq and Afghanistan.

The costs of the war in Iraq have been extraordinary, whether measured in dollars or human lives. I went through a long list last week of what we could have done in America with $400 billion, the $400 billion we have spent in Iraq, what we could have done by way of extending the opportunity for health care and health insurance to millions of Americans currently uninsured, offering to pay for college education for students coming out of high school who are accepted at the best colleges. All of these things could have been done and weren't done because, instead, we have invested the money in this war.

The administration's view is, we will continue with no end in sight to spend these dollars at great expense to America and lost opportunities to our people. An open-ended commitment, as this administration has suggested, means these costs are also open-ended. It is time to break this cycle, to address our real security needs in America, to implement the 9/11 recommendations at some expense but, really, to protect our people from any future possible terrorist attack. The bipartisan resolution that will come before the Senate in the coming days states that our goal in Iraq should be to maximize our chances of success. An open-ended commitment of U.S. forces in Iraq reduces these chances rather than increasing them. Here in the safety and comfort of Washington, we owe to it our troops not to forget that today they stand in danger risking their lives.

Soon we will vote on whether we support the escalation of the war that the President has called on. Let no one confuse that issue with the question of whether we support our troops, whether we have confidence in our troops.

Let me make something else clear: The resolution we are debating is not a vote of confidence on the President, nor on the troops. It is about a policy. It is a deliberation about a policy and a strategic decision. That is why we are here. That is why we were elected. We cannot shy away from that responsibility. We all support our men and women in uniform. But like a majority of Americans, we also support the changes in policy that will lead to the redeployment of U.S. forces, ultimately bringing them home to safety.

That is the change that was called for in the last election. That is the new direction that is needed at this point in our history.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Ms. SNOWE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Ms. SNOWE. Mr. President, I ask unanimous consent to proceed as in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMPLIANCE ASSISTANCE FOR SMALL BUSINESSES

Ms. SNOWE. Mr. President, I wish to take this opportunity to discuss an amendment that is pending before the Senate, which was offered by the ranking member of the committee, Senator ENZI, which I have introduced along with Senators ENZI and LANDRIEU. It is a bipartisan amendment to enhance compliance assistance for small businesses. Before I address the amendment, I wish to make a few comments about the minimum wage package we are currently considering on the floor.

I thank the leadership on both sides of the political aisle for working together to develop a bipartisan consensus to raise the minimum wage. From the outset, Senator REID and Senator MCCONNELL set a bipartisan tone in forging a path to increasing the minimum wage. I also thank Chairman KENNEDY and the ranking member, Senator ENZI, for working together to develop this bipartisan legislation as well. I think this is a very encouraging beginning to the 110th Congress and hopefully a time we can reach across partisan divides to enact meaningful legislation.

I also commend Chairman BAUCUS of the Finance Committee, along with Senator GRASSLEY, for working to draft the small business tax package that is also incorporated in the minimum wage bill. It was especially refreshing to see both Chairman BAUCUS and Ranking Member Grassley working so closely together to forge a compromise that addresses concerns on both sides of the aisle.

By enacting the minimum wage, we will accomplish a legislative win-win by increasing the minimum wage but also at the same time providing small businesses with significant tax and regulatory relief in a way that does not add to our Nation's deficit. That is a great example of the social and fiscal responsibility we must embrace.

Small business tax and regulatory relief and increasing the minimum wage do not have to be mutually exclusive. I believe it is time to raise the minimum wage. It is certainly long overdue, since the last time the minimum wage was raised was back in 1997. Given the significant increases in the cost of living since then, most notably the rise in prices in housing, energy, and health care, families need to support themselves, and they certainly cannot do it on less than $11.000 annually.

I am deeply concerned as well about the widening wage gap in America, which is creating a burgeoning economic divide when it comes to income. As the chart behind me shows—and I think it is very important because hopefully one of the priorities in this Congress will be to explore policies that will narrow the wage gap in America—according to the latest census data, in 2005, a household in the 90th percentile earned $114,000 more—or 11 times as much—than a family in the 10th income percentile. Moreover, income for households at the top has grown over the last 30 years, while income for households at the bottom has remained flat.

A recent BusinessWeek article reported that increasing the minimum wage to $7.25 an hour could raise the pay for 16 percent of the Nation's workforce. So I am unequivocally supportive of this initiative. I also believe, as the ranking member of the Small Business Committee and previously chair of the committee, that we need to balance the minimum wage increase with a robust package of small business tax and regulatory reform to relieve many of the burdens small businesses continue to face.

The fact is, small business is the engine that is driving the economy. It is the one segment of the economy that is actually creating jobs. Three-quarters of all of the net new jobs are created by a small business; therefore, it is in our interest to make sure we can guarantee for the future that this segment of the economy is going to continue to create jobs and to restore the long-term economic vitality of small businesses.

Over the past 20 years, which is the subject of this amendment today, the number and complexity of Federal regulations has multiplied at an alarming rate. In 2004, for example, the Federal Register contained 75,675 pages, an all-time record, and 4,101 rules. These rules and regulations impose a much more significant impact on smaller businesses than larger businesses. As illustrated by the chart behind me, it demonstrates unequivocally the disproportionate burden borne by small businesses versus large corporations in order to absorb the impact of more regulations and more rules. It illustrates the conclusion found in a recent report that was prepared by the Small Business Administration's Office of Advocacy that said in 2004 that the per-employee cost of Federal regulations for small businesses with fewer than 20 employees was $7,647. In contrast, the per-employee cost of Federal regulations for firms with 500 or more workers was $5,282. This results in a 44-percent increase in burden for smaller businesses compared to their larger counterparts. Clearly, we must find ways to ease the regulatory burden for our Nation's small businesses so they may continue to create jobs and drive economic growth.

As the leading Republican on the Small Business Committee, I continue to hear from small businesses across the country, in addition to my home State of Maine, which is essentially a small business State where 98 percent of all employers are small businesses. But to give an example of the impact of the regulatory burden, I cite one company, Hammond Lumber Company, which faces the increased cost of regulatory compliance. It is a shining example of the American dream come true. It has been a family-owned company for three generations. They have been thriving in the State of Maine and serving not only Maine but all of New England for more than 50 years. It grew from a company of 41 employees in 1976 to over 300 employees in 2006. Hammond Lumber exemplifies the tremendous spirit of the American entrepreneur. It also demonstrates the pivotal role small businesses play in creating jobs and driving our Nation's economy. However, as Hammond Lumber has grown, so has its regulatory burden. In 1976, its total regulatory cost per employee equaled $98. Last year, it was $441 per employee. I had the opportunity to tour the company. I talked to the owners and talked to the employees. Unquestionably, it is a thriving company. They told us that the burden they were enduring as a result of the regulatory compliance was clearly having adverse consequences.

So we need to level the playing field for small businesses and make it easier for them to comply with complex regulations. All too often, small businesses don't maintain staff, don't have the financial resources to comply with Federal complexities, rules, and regulations. This places them at a disadvantage compared to larger companies. It also reduces the effectiveness of the agency's regulations. If the agency cannot describe how to comply with its regulations, how can we expect a small business to figure it out? That is why I have offered this amendment, along with Senator ENZI and Senator LANDRIEU, which would clarify the small business requirement that exists under Federal law.

Our amendment is drawn directly from recommendations put forward by the GAO and is intended only to clarify an already existing requirement which passed unanimously in the Senate, became law, back in 1996 when we passed the model legislation to ease the impact on small businesses with respect to the Federal bureaucracy creating rules and regulations. That legislation that became law was intended to ensure that the Federal Government and all of the agencies consider the impact to small businesses of these proposed rules and regulations.

One of the most important provisions of this act was a requirement that Federal agencies work to produce compliance assistance materials to help small businesses satisfy their regulatory obligations. Unfortunately, the GAO has discovered that Federal agencies have ignored these requirements or failed miserably in their attempt to satisfy them. GAO also discovered that the language of the act is unclear in some places about what is actually required of small businesses. Consequently, small businesses were forced to figure out all these complicated regulations on their own. Obviously, this makes compliance that much more difficult to achieve. So my amendment is drawn specifically and directly from the GAO. It clarifies when a small business compliance guide is required, how a guide shall be designated, how and when a guide shall be published, and that the agency make the guide available on the Internet. These are commonsense, good government reforms, which will provide major relief for small businesses at virtually no cost to the Federal Government.

I think it is very important that this amendment be adopted because all too often we have discovered—as underscored by GAO in their recent report—that the agencies find ways or discover loopholes to circumvent the requirement. It is that much easier because they don't want to have to bother to help small businesses comply with regulations, and they use the rationale—or the excuse, I might say—of the ambiguity in law that doesn't allow them to be clear or to provide the assistance directly to small businesses. So we want to remove the ambiguity and we want to be sure that the amendment as represented here today, which would be translated into the statute, will be abundantly clear and specific in terms of how the agencies are going to allow small businesses to comply with these regulations, with the assistance that could be provided by these agencies as well.

I think it is also important to stress that this amendment does not place any additional arduous requirements on small businesses. There are no additional enforcement measures. We are just saying that this is important to clarify, so that agencies don't have an excuse for avoiding compliance with this regulation and also providing assistance to small businesses, and doesn't undercut an agency's ability to enforce its regulation to the fullest extent they currently enjoy.

Furthermore, this amendment was introduced in the form of a bill that enjoyed broad bipartisan support. It was also included last year in the Small Business Reauthorization Act that was unanimously reported out of the Senate Small Business Committee in the 109th Congress. This isn't any new ground. It is straightforward. It will help small businesses, which are doing so much to create jobs in our economy. Frankly, we ought to do more for small businesses. I think this is a sector of our economy which we have overlooked and ignored.

There are so many resources that we could make available to small businesses for a minimal cost that I think could leverage job creation throughout this country. I know, in working with the new chair of the Small Business Committee, Senator KERRY, that we are going to look to the future to see what kind of programs we can build upon, what kind of efforts we can make that can help small businesses thrive and flourish and create the jobs that so many parts of our country desperately need and require.

I am looking forward to working with Chairman KERRY in that regard, also with Chairman BAUCUS and the Senate Finance Committee because the underlying bill includes some very significant tax relief measures. Unfortunately, they will expire in the future. In the short term, in some cases, such as small business expensing, I think we have to consider ways to make that expensing requirement permanent because small businesses clearly deserve to have continuity of that provision and the certainty that it is going to be there.

I applaud Chairman BAUCUS for undertaking this initiative as the first action as chair of the Finance Committee in the markup, and it clearly is going to go a long way toward helping to bolster a very significant part of our economy, and that is, of course, small business growth.

We want to do more, we should do more, and we can do more.

Again, I urge Members of the Senate to support this amendment.

I yield the floor.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

FAIR MINIMUM WAGE ACT OF 2007

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 2, which the clerk will report.

The bill clerk read as follows:

A bill (H.R. 2) to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage.

Pending:

Reid (for Baucus) amendment No. 100, in the nature of a substitute.

McConnell (for Gregg) amendment No. 101 (to amendment No. 100), to provide Congress a second look at wasteful spending by establishing enhanced rescission authority under fast-track procedures.

Enzi (for Snowe) amendment No. 103 (to amendment No. 100), to enhance compliance assistance for small businesses.

Sessions amendment No. 106 (to amendment No. 100), to express the sense of the Senate that increasing personal savings is a necessary step toward ensuring the economic security of all the people of the United States upon retirement.

Sessions amendment No. 107 (to amendment No. 100), to impose additional requirements to ensure greater use of the advance payment of the earned income credit and to extend such advance payment to all taxpayers eligible for the credit.

Sessions amendment No. 108 (to amendment No. 100), to authorize the Secretary of the Treasury to study the costs and barriers to businesses if the advance earned income tax credit program included all EITC recipients.

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts.

AMENDMENT NO. 103, AS MODIFIED

Mr. KENNEDY. Mr. President, if I can have the attention of the Senator from Maine, what I would like to do now is to ask that the amendment be modified with the modification that is at the desk, if that is agreeable with the Senator.

Ms. SNOWE. It certainly is.

The ACTING PRESIDENT pro tempore. Without objection, the amendment is modified.

The amendment (No. 103), as modified, is as follows:

At the appropriate place, insert the following:

SEC. ___. ENHANCED COMPLIANCE ASSISTANCE FOR SMALL BUSINESSES.

(a) IN GENERAL.—Section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996 (5 U.S.C. 601 note) is amended by striking subsection (a) and inserting the following:

"(a) COMPLIANCE GUIDE.—

"(1) IN GENERAL.—For each rule or group of related rules for which an agency is required to prepare a final regulatory flexibility analysis under section 605(b) of title 5, United States Code, the agency shall publish 1 or more guides to assist small entities in complying with the rule and shall entitle such publications 'small entity compliance guides'.

"(2) PUBLICATION OF GUIDES.—The publication of each guide under this subsection shall include—

"(A) the posting of the guide in an easily identified location on the website of the agency; and

"(B) distribution of the guide to known industry contacts, such as small entities, associations, or industry leaders affected by the rule.

"(3) PUBLICATION DATE.—An agency shall publish each guide (including the posting and distribution of the guide as described under paragraph (2))—

"(A) on the same date as the date of publication of the final rule (or as soon as possible after that date); and

"(B) not later than the date on which the requirements of that rule become effective.

"(4) COMPLIANCE ACTIONS.—

"(A) IN GENERAL.—Each guide shall explain the actions a small entity is required to take to comply with a rule.

"(B) EXPLANATION.—The explanation under subparagraph (A)—

"(i) shall include a description of actions needed to meet the requirements of a rule, to enable a small entity to know when such requirements are met; and

"(ii) if determined appropriate by the agency, may include a description of possible procedures, such as conducting tests, that may assist a small entity in meeting such requirements, except that, compliance with any procedures described pursuant to this section does not establish compliance with the rule, or establish a presumption or inference of such compliance.

"(C) PROCEDURES.—Procedures described under subparagraph (B)(ii)—

"(i) shall be suggestions to assist small entities; and

"(ii) shall not be additional requirements, or diminish requirements, relating to the rule.

"(5) AGENCY PREPARATION OF GUIDES.—The agency shall, in its sole discretion, taking into account the subject matter of the rule and the language of relevant statutes, ensure that the guide is written using sufficiently plain language likely to be understood by affected small entities. Agencies may prepare separate guides covering groups or classes of similarly affected small entities and may cooperate with associations of small entities to develop and distribute such guides. An agency may prepare guides and apply this section with respect to a rule or a group of related rules.

"(6) REPORTING.—Not later than 1 year after the date of enactment of the Fair Minimum Wage Act of 2007, and annually thereafter, the head of each agency shall submit a report to the Committee on Small Business and Entrepreneurship of the Senate, the Committee on Small Business of the House of Representatives, and any other committee of relevant jurisdiction describing the status of the agency's compliance with paragraphs (1) through (5).".

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 211(3) of the Small Business Regulatory Enforcement Fairness Act of 1996 (5 U.S.C. 601 note) is amended by inserting "and entitled" after "designated".

Mr. KENNEDY. Mr. President, I will take a moment or two to thank the Senator from Maine and thank the Senator from Wyoming. If one will take a few moments and look through this amendment and the modification, they will understand what the good Senators have been talking about. It talks about posting to make sure the information is going to be available to small businesses. It talks about distribution, to make sure there is going to be a generous distribution. It talks about a timely distribution, so we are not going to have a final date, and then the Agency is going to delay in terms of posting and distribution.

It explains what is necessary for small businesses to be able to comply with the rules and the regulations. It doesn't affect those regulations that have been set and established. And it makes the requirement that it be put in plain English language so that any person is able to understand what is intended and what the rule is covering, and then it has the provision to inform Congress, the appropriate committees, as to what they have done over previous years.

This makes a lot of good sense. I commend the Senator from Maine and the Senator from Wyoming, and my colleague, Senator KERRY, who has been involved in this effort, and Senator LANDRIEU as well. I am very grateful to all of them for working with us. This is a very useful and extremely important and valuable addition to the legislation.

I know the Senator from Pennsylvania is desirous to address the overall issue. Mr. President, as I understand it, under the previous order, at noontime, we are going to vote on this amendment; is that correct?

The ACTING PRESIDENT pro tempore. There is no order to that effect.

Mr. KENNEDY. As I understand, shortly, there will be, I expect. At the appropriate time, we will ask for the yeas and nays. We intend to have the vote, for the information of offices, at that time.

I see both the Senator from New Hampshire and the Senator from Pennsylvania are here.

The ACTING PRESIDENT pro tempore. The Senator from New Hampshire.

AMENDMENT NO. 112 TO AMENDMENT NO. 100

Mr. SUNUNU. Mr. President, I ask unanimous consent that the pending amendment be set aside, and I call up amendment No. 112 and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. Is there objection? Without objection, the clerk will report.

The bill clerk read as follows:

The Senator from New Hampshire [Mr. SUNUNU] proposes an amendment numbered 112.

Mr. SUNUNU. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To prevent the closure and defunding of certain women's business centers)

At the appropriate place, insert the following:

SEC.   . RENEWAL GRANTS FOR WOMEN'S BUSINESS CENTERS.

Section 29 of the Small Business Act (15 U.S.C. 656) is amended by adding at the end the following:

"(m) CONTINUED FUNDING FOR CENTERS.—

"(1) IN GENERAL.—A nonprofit organization described in paragraph (2) shall be eligible to receive, subject to paragraph (3), a 3-year grant under this subsection.

"(2) APPLICABILITY.—A nonprofit organization described in this paragraph is a nonprofit organization that—

"(A) has received funding under subsections (b) and (l); and

"(B) is not eligible under the programs under such subsections for the first fiscal year after the end of the period of financial assistance under subsection (l).

"(3) APPLICATION AND APPROVAL CRITERIA.—

"(A) CRITERIA.—The Administrator shall develop and publish criteria for the consideration and approval of applications by nonprofit organizations under this subsection.

"(B) NOTIFICATION.—Not later than 60 days after the date of the deadline to submit applications for each fiscal year, the Administrator shall approve or deny any application under this subsection and notify the applicant for each such application.

"(4) AWARD OF GRANTS.—

"(A) IN GENERAL.—Subject to the availability of appropriations, the Administrator shall make a grant for the Federal share of the cost of activities described in the application to each applicant approved under this subsection.

"(B) AMOUNT.—A grant under this subsection shall be for not less than $90,000 and not more than $150,000, for each year of that grant.

"(C) FEDERAL SHARE.—The Federal share under this subsection shall be not more than 50 percent.

"(D) PRIORITY.—In allocating funds made available for grants under this section, the Administrator shall give applications under this subsection priority over first-time applications under subsection (b).

"(5) RENEWAL.—The Administrator may renew a grant under this subsection for additional 3-year periods, if the nonprofit organization submits an application for such renewal at such time, in such manner, and accompanied by such information as the Administrator may establish.".

Mr. SUNUNU. Mr. President, this is an important debate and important discussion, especially in regard to the points made by Senator SNOWE of Maine; that is, if we raise the minimum wage, we need to understand both the potential impact on small businesses and recognize those small businesses are creating most of the job opportunities in our country. They fuel our economy. Over the long term, as those smaller entrepreneurial firms grow, they provide support for a growing wage base, for benefits, and for support of the families who depend on those small businesses for their jobs.

I welcome her amendment that deals with small business regulation. It is an important step in the right direction, and I certainly hope it continues to receive bipartisan support in the Senate. I think many of the provisions that are in the substitute that deal with support for small business will receive bipartisan support.

Senator SNOWE also mentioned the importance of tax treatment for small business investments and capital spending, and that they be allowed to expense that, in turn, allowing them to find additional resources to continue that pattern of investment.

The amendment I have called up also deals with the issue of small business, entrepreneurship and job creation and a small, but important, program in our Government called the Women's Business Centers. There are about 100 Women's Business Centers across the country. There is one in Portsmouth, NH, that was among the very first created in the United States, and it deals with a range of issues from providing an incubator for women entrepreneurs just starting out a firm, to providing training and counseling, support for marketing services, information about Government procurement, so many of the issues that have already been addressed on the floor.

What this amendment does is to simply ensure that those high-performing Women's Business Centers that have continued to serve a strong, important clientele and have supported entrepreneurship and investment in their community continue to be eligible for funding.

Under the current restrictions, some of those centers, after 5 years of sustainability grants, lose the opportunity for additional funding. My amendment would create a new program within the WBC program that allows those centers to apply for a 3-year continuation of Federal funding, provided they continue to meet high standards, serve their clients effectively, and attract sources of funding from the community.

I think it is a reasonable approach, one that makes sense. Look at the great example that has been set in Portsmouth. With the limited amount of Federal funding and other community resources, in the past year, it has served over 1,300 individual entrepreneurs. That, as we like to say in Washington, is real leverage, real performance.

This does not require additional funding. It is a straightforward way to ensure that an important need continues to be met and that this bill has the appropriate balance and support for the small business community.

I commend the work of the Senator from Maine, for her work on small business generally within the Small Business Committee. This is something they have tried to address before and the Senate has supported in the past. I hope it is something that will continue to receive bipartisan support.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, with regard to the amendment of the Senator from New Hampshire, it seems by both the explanation and a first look, this is something that will be very useful and valuable. If the Senator will work with us—I am not prepared, at this time, to recommend the amendment, but we will work on it with him and indicate what our position is in the very near future. But it certainly seems, trying to give some focus and attention to small businesses that are initiated by women, to make a good deal of sense, and it is subject to an authorization, so there is no point of order.

The ACTING PRESIDENT pro tempore. The Senator from New Hampshire.

Mr. SUNUNU. Mr. President, I thank the chairman for his comments. Obviously, I just called up the amendment. I don't expect him to endorse it wholeheartedly. I think he will find he has supported it in the past and many in the Chamber have supported it in the past and it is worthy of our consideration.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

AMENDMENT NO. 115 TO AMENDMENT NO. 100

Mr. KYL. Mr. President, I seek recognition for the purpose of laying down an amendment and not speaking to it. I ask unanimous consent that the pending amendment be laid aside for that purpose.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. KYL. Mr. President, I send to the desk an amendment that deals with extending some current provisions and adding additional provisions to assist small businesses to pay for a minimum wage increase, should one be adopted. I will speak to this later. I appreciate others allowing me to lay it down.

The ACTING PRESIDENT pro tempore. The clerk will report.

The bill clerk read as follows:

The Senator from Arizona [Mr. KYL] proposes an amendment numbered 115 to amendment No. 100.

Mr. KYL. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To extend through December 31, 2008, the depreciation treatment of leasehold, restaurant, and retail space improvements)

On page 4, line 21, strike "April 1, 2008" and insert "January 1, 2009".

On page 6, lines 5 and 6, strike "April 1, 2008" and insert "January 1, 2009".

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania.

Mr. CASEY. Mr. President, I rise today in support of H.R. 2 which, as we know, will increase the minimum wage from $5.15 an hour to $7.25 an hour. I thank my colleague, Senator KENNEDY, and the bipartisan work that went into developing this issue.

I speak today of an issue which I believe is one of economic justice. Those earning the minimum wage have not had an increase in 10 years. We should ask ourselves today not only about the information in the bill and the data, as important as that is, we should ask ourselves who are these Americans who have not had an increase in 10 long years?

Most, of course, we know are adults working full time. In fact, in my home State of Pennsylvania, 71 percent of the workers whose wages would be raised directly by an increase in the minimum wage are adults ages 20 and older.

Also, these Americans in many cases are women. Sixty percent of those who would be affected by an increase in the minimum wage are women, working every day to make ends meet, to support their children. In fact, if the minimum wage is raised, 6 million children will benefit.

Recently, the Children's Defense Fund reported that a single parent working full time at the current minimum wage of $5.15 an hour earns enough to cover only 40 percent—just 40 percent—of the cost of raising children.

Those who earn the minimum wage are not people who are connected to the wealthy and the powerful. They don't have high-paid lobbyists in Washington advocating for them. No, these people are Americans who lead quiet, triumphant lives of struggle and sacrifice, overcoming hardships and setbacks every day. They do hard work, very hard work, such as the waitresses we see every day carrying heavy trays, on their feet hour after hour, as they dream of a better life for themselves and for their children. And at the end of a long day, these Americans return to work and go home at the end of a long day often exhausted, often working not one job but two jobs or three, and the dignity of their labor gives meaning to their lives. We know, and they would tell us that if they were standing here today next to me. So that work they do gives meaning to their lives without a doubt.

But no one, no matter how hard they work, can keep pace with the avalanche of cost increases we have seen over the last 10 years. Let me take my colleagues through a couple of those cost increases.

Since 1997, congressional pay has increased 24 percent, about $31,000. This has occurred while the value of the minimum wage has been eroded by 20 percent.

Let me say that again: Congressional pay up 24 percent, the value of the minimum wage down 20 percent. We cannot say that enough. The cost of living is up 26 percent, the cost of food up 23 percent, the cost of housing up 29 percent, the cost of gasoline up over 130 percent, the cost of health care up 43 percent. Families who are listening to this today know this. The average premium for a family of four costs over $10,000, almost $11,000, which is more than a minimum wage worker earns in a year.

The cost of raising a child since 1997 has increased 52 percent; the cost of educating those children has risen 61 percent; the cost of heating a home has increased by 120 percent.

What we are talking about here is an issue, indeed, of economic justice. Raising the Federal minimum wage will give our workers more than $4,000 per year. Let's consider what that could buy for a family in America. You can buy almost 2 years of childcare with over $4,000, full tuition at a community college, 2 years of health care, 1 year of groceries, 1½ years of heat and electricity, and 8 months of rent. That is how we affect, in a positive way, people's lives, the lives of hardworking men and women in America today.

Those who argue against an increase in the minimum wage will say that an increase will hurt small business and/or the economy. I do not agree with that because if you look at the data, when the minimum wage was increased in 1997, what happened in the aftermath? Millions and millions of jobs were created and raising the minimum wage did not slow that down one iota.

Recently, over 650 economists issued a statement calling for an increase in the minimum wage. We do not have time today to go through that, but it is an important statement from leading economists in America. With an increase in minimum wage, employers will get a lot in return: higher productivity they will get with an increase in the minimum wage; lower turnover; and, of course, increased worker morale.

Mr. President, you know as well as I do that more than 28 States now have increased the minimum wage, including my home State of Pennsylvania. In July of this year it will increase to $7.15 an hour, as a result of State legislation. That should not have had to take place. The Federal Government long ago—we are years overdue on this—should have taken the responsibility for increasing the minimum wage, but that did not happen here in Washington. There were other priorities, other interests, more powerful interests that took precedence.

More than 400,000 Pennsylvanians will be affected positively by an increase in the minimum wage. I am thinking of them today as I am of families across America who will be affected positively by an increase in the minimum wage. Yes, I do believe that small businesses across Pennsylvania and America do need help. However, in my judgment, based upon the people to whom I have spoken in my State, the No. 1 priority or the No. 1 burden faced by small business owners, men or women, is the cost, the crushing cost of health care. We need to deliver health care relief to those small businesses, and that as well is long overdue, because those small business owners and their workers deserve the same kind of economic justice I talked about today.

I fervently urge support for this legislation, and I appreciate this time.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I thank my friend from Pennsylvania for speaking in favor of this minimum wage amendment. This was an issue, I know, out in the State of Pennsylvania during the course of the campaign. Senator CASEY was resolute in his commitment to the working families in his State and I am very grateful for his comments and strong support for this issue.

As I understand it, we expect Senator GRASSLEY is going to speak to the Senate, and my friend and colleague from Hawaii, Senator AKAKA, is going to address the Senate. We are working out the consent agreement for the time for the vote. It had initially been set tentatively for noontime. Now, I want to tell our colleagues, it is going to be after the caucuses. We are working out the final time and we will make that announcement in a very few moments. But for the information of our colleagues, and their schedules, we will not be voting prior to the caucuses. We will be voting after the caucuses and we will be more precise in a very short period of time.

The ACTING PRESIDENT pro tempore. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I want to address two aspects of this legislation because they are necessarily connected. One is, obviously, the increase in the minimum wage. The other one is the small business tax provisions that have come out of the committee Senator BAUCUS chairs and on which I am the ranking member, the Finance Committee. I want to deal with the minimum wage part of this issue first.

Popular support for raising the minimum wage is based on a number of widely held beliefs: First, that no one can support a family at $5.15 an hour; second, minimum wage earners will not get a pay raise unless Congress gives them one; and third, raising the minimum wage helps millions of poor workers and hurts no one.

Unfortunately, these popular beliefs are in some cases misleading and in some cases outright wrong. First, minimum wage earners are not trying to support a family—or you might argue a small percentage of them are trying to support a family, but I want to say why most are not. Those who are, of course, can get additional benefits through Government programs to supplement family income; thus, no one has to rely solely on the minimum wage to support a family.

Second, minimum wage jobs are generally entry level jobs. Most workers who start at the minimum wage quickly earn more. Few workers remain stuck at the minimum wage for very long and, unfortunately, those who do are most at risk of losing their jobs from a minimum wage increase.

Third, the benefits of a minimum wage increase do not go exclusively to poor families. Only 15 percent of the proposed minimum wage increase would go to those living below the poverty level, as an example. Increasing the minimum wage would result in higher prices for consumers of minimum wage products, higher unemployment among the least skilled minimum wage workers—and that particularly affects minority groups within our country—increased poverty among minimum wage families, and in some cases it could be a combination of these three things I mentioned.

Much of the popular support for the minimum wage is based on a fallacy, that the Government can help the poor without hurting anyone else. But if the Government can increase wages with no ill effects, then why stop at $7.25, as is currently proposed? Why not make it $10.25? Why not make it $20.25, or even more? The fact is, this does have limited impact and it does have some negative consequences, so that is why these occasional increases are justified.

Popular support for increasing the minimum wage is tempered by the fact that virtually everyone agrees that there is some level at which the minimum wage would produce obvious negative effects. In the past, policymakers have attempted to mitigate any negative effects by limiting the size of the minimum wage increase, providing tax credits to employers who hire at-risk workers, and providing tax or regulatory relief to business generally, particularly small businesses.

However, additional research in recent years has cast some doubt on the effectiveness of these previous efforts. First, research suggests raising the minimum wage does not reduce poverty among minimum wage earners. Instead, it most likely increases poverty.

Second, legislative action by various States to adopt their own higher minimum wage has led to significant differences within our 50 States.

Third, research shows that the earned income tax credit could provide a cost-effective way to help poorest workers and be more effective than even increasing the minimum wage.

I am pleased that over the last few years we have enhanced the earned income credit for many families by making the child tax credit refundable. That is through the work of the Senate Finance Committee.

Before I go on to my next point I would say parenthetically there are studies that have been updated quite frequently over the last 20 or 25 years, where economists have followed people in quintiles: the lowest, the second, you know, for five quintiles from the lowest income up to the highest income. Following people over a period of years, they have been able to study the mobility of the American worker. In other words, once you are in the workforce, most people work themselves up the economic ladder—some way up, some part way up. But we find that only about 2 percent of our population seems to be stuck in the lowest quintile of income for long periods of time—a very small percentage. But other people go from the second quintile—from the first to the second to the third, and we also find that there is a larger percentage of our population that moves up from the lower two quintiles into the third or the fourth quintiles—a lot more rapidly and with a lot more mobility than we find people moving from the fourth to the top. While there are some people moving down from the highest to a lower quintile, history proves the mobility of the workforce in America is very much upward.

Despite some serious policy concerns, public support for increasing the minimum wage remains strong. That is why the Senate is taking up a minimum wage increase. The political reality is a majority of Senators support a minimum wage increase.

So a lot of economists would make an argument that you should not have any increase in the minimum wage at all and that the mistakes, going back to the 1930s, were mistakes; that you should not interfere with the marketplace. But Congress has decided for 70 years to do that. We are in the process for doing it. Regardless of the economic arguments, as long as this is a political issue, without a doubt, from time to time it is going to be raised and I suppose you could make an argument that, as long as it is political it ought to be raised, or else you should not even have a minimum wage.

Now I would go to the tax incentive portions we hope stay in this bill when it goes to the other body. Tax incentives targeted to small business and other businesses impacted by a minimum wage increase have been linked to the minimum wage legislation. We have done this in the past decade. Democrats have at times joined Republicans supporting this language.

I would quote from two former chairmen on this committee in their opening remarks on the conference agreement on the last piece of legislation that went through this body to raise the minimum wage. Senator Roth, then the chairman of the committee, described taxes as the sand that grinds the gears of small business. So he saw merit in small business tax relief as a separate matter. Senator Roth went on to say:

> [We will] proceed to the legislation on the minimum wage and small business taxes. We're anxious to move ahead on the small business tax legislation.

Senator Moynihan, who at times was chairman of the committee and at times the ranking Democrat, said, at the same time Senator Roth was speaking:

> My distinguished chairman, as always, has so stated the facts. But there is a small semantic issue here. Some call this a small business relief act; others on this side call it the minimum wage bill. But we will not resolve that tonight, nor need we.

Now, the next time the Senate deals with this, about 8 or 9 years since we last dealt with it, it is still the same issue. Senators Roth and Moynihan were right then, and if they were still living today, I would tell them they are right now.

To different groups of Senators, these topics carry their own benefits or burdens. Many on my side don't like the idea of second-guessing the labor market with a federally mandated minimum wage. I pointed out some of the related issues that should give us pause, arguments put forth by economists when considering this legislation, that it is not all positive.

Many on the Democratic side want a straight minimum wage hike and refuse to consider the burden that policy puts on employers and workers. Those Members do not want any linkage between the minimum wage policy and small business tax relief. As Senator Moynihan said, however, we don't have to agree now whether the upcoming legislation will be a minimum wage or a small business tax relief bill.

Some, mostly Democrats, will call it a minimum wage bill. Some, mostly Republicans, will call it a small business tax relief bill. Still others will call it both a minimum wage and small business tax relief bill. President Bush, like President Clinton, the last President who signed an increase in the minimum wage bill years ago, will recognize both parts of the package. If my friends on the other side review the statement made by President Clinton, they will see that he saw merit in small business tax relief.

Our Committee on Finance chairman, Senator BAUCUS, recognizes the linkage. I told him Republicans will insist on a small business tax relief package. He, in his cooperative way, as I hope I have been cooperative with him in the past, has heard us. Some in his caucus, their labor union friends and sympathetic ears of the east coast media, attacked Senator BAUCUS—which I don't understand—for recognizing a basic reality, as Senator Moynihan and Senator Roth worked together a decade ago to do, to see that there is some negative impact on small business from an increase in the minimum wage so you ought to offset that with some benefit to small business through the tax portions of the legislation.

Those folks who are criticizing Senator BAUCUS don't have the responsibility to find the middle ground and evidently think we can get a bill through the Senate that can get the votes without finding the middle ground. It can't be done.

Now, if I were chairman—and I am not chairman, and I am not crying about that—I would have tilted this package a little bit more toward the depreciation incentive and less toward the work opportunity tax credits. The reality is, Republicans don't have a majority on the Committee on Finance or in the full Senate, so chairman BAUCUS has struck a balance between majority Democrats and minority Republicans.

I will assist Senator BAUCUS in defending the tax relief package that goes for the offsets and the revenue-losing provisions. We should not disturb the core structure of this package. I am hopeful, however, that we will improve the package by enhancing the package on the depreciation side, as Senator KYL has suggested. It is important these incentives coincide with the time when the minimum wage increase will take effect. In seeking this objective we will need to find appropriate offsets, obviously. There may be other improvements.

The bottom line is the Committee on Finance package is a well-known set of small business tax relief measures, things we have done before—extending, mostly. These proposals have merit by themselves, but a minimum wage increase is not likely to pass the Senate without them. I hope everyone understands that.

As many know, I am a working family farmer. For farmers, fields look familiar because we work our fields every year. This linkage, then, to put a commonsense touch on it, is that the linkage between minimum wage and small business relief is a familiar feel. I can quote Roth and Moynihan ad infinitum to prove it. It is not something new that is coming up with Baucus and Grassley. We have plowed this ground before. This is well-known common ground.

I referred to President Clinton in a signing ceremony about 10 years ago. That legislation was founded on a small business tax relief package twice this size. I emphasize it was twice the size of what people are complaining about now that we are presenting to the Senate. It was supported at that time by many seeking cloture on the bill that is before the Senate.

President Clinton singled out the work opportunity tax credit and the depreciation proposals in his remarks. My friend, Senator KENNEDY, attended the signing ceremony and was recognized by President Clinton for the great product they brought to President Clinton. And John Sweeney was recognized, the head of the AFL–CIO.

I ask unanimous consent the remarks be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE,
OFFICE OF THE PRESS SECRETARY,
August 20, 1996.

REMARKS BY THE PRESIDENT AT SIGNING OF THE SMALL BUSINESS JOB PROTECTION ACT OF 1996

The President: Thank you very much. Cathy, it may be your birthday, but I would say that everybody feels that you have given us a great gift today by reminding us about what this is all about. And we wish you and your fine children well. And I don't think being in the band will hurt them a bit. I'm glad you're going to do that. (Laughter.)

I want to thank the members of our administration who are here—Secretary Reich, Small Business Administrator Phil Lader and others. I want to thank all the members of Congress who are here, especially Senator Kennedy who, himself, probably broke the wage in hour laws by working so hard to pass this bill. If we'd been paying him by the hour we'd be underpaying him in the last year. Thank you very much. (Applause.)

There are a lot of people who worked hard on this bill who aren't here—Senator Daschle, Congressman Gephardt, Congressman Bonior, Congressman Clay, in particular did. I want to join with others and thank the countless labor unions who have championed this bill, led by the truly tireless John Sweeney. (Applause.)

I'd like to remind the American people of something, because sometimes our unions are criticized for looking out for their members too much. There are very few unions in America that have minimum wage workers. Most of these unions did this because they thought it was the right thing to do. They spent their time and their money and their energy trying to help other people who do not belong to their organization, and I thank you for that. (Applause.)

I'd like to thank the religious groups, the economists, the business people who have made this their cause of concern. Again, I thank the members, including members of both parties, who supported this legislation.

I'll say more in a moment about the rest of the bill, but let me just begin by saying this is a truly remarkable piece of legislation. It is pro-work, pro-business and pro-family; it raises the minimum wage; it helps small businesses in a number of ways that I will explain in a moment, including retirement and incentive to invest; and it promotes adoption in two very sweeping ways that have long needed to be done in the United States. This is a cause for celebration for all Americans of all parties, all walks of life, all faiths. This bill represents the very best in our country.

It will give 10 million Americans, as Cathy said, a chance to raise stronger families and build better futures. By coming together across lines that have too often divided us and finding common ground, we have made this a real season of achievement for the people of America.

At its heart, this bill does reaffirm our most profoundly American values—offering opportunity to all, demanding responsibility from all, and coming together as a community to do the right thing. This bill says to the working people of America: If you're willing to take responsibility and go to work, your work will be honored. We're going to honor your commitment to your family, we're going to recognize that $4.25 an hour is not enough to raise a family.

It's harder and harder to raise children today and harder and harder for people to succeed at home and at work. And I have said repeatedly, over and over again to the American people: We must not force our families to make a choice. Most parents have to work. We have a national interest in seeing that our people can succeed at home where it counts the most in raising their children, and succeed at work so they'll have enough income to be able to succeed at home. We must do both, and this bill helps us achieve that goal. (Applause.)

These 10 million Americans will become part of America's economic success story. A success story that in the last four years has led us to 900,000 new construction jobs; a record number of new businesses started, including those owned by women and minorities; a deficit that is the smallest it's been since 1981, and 60 percent less than it was when I took office; 10 million new jobs; 12 million American families who have been able to take advantage of Family and Medical Leave: almost 4.5 million new homeowners and 10 million other Americans who refinanced their homes at lower mortgage rates. And, most importantly of all, perhaps, real hourly wages, which fell for a decade, have finally begun to rise again. America is on the move. (Applause.)

But our challenge, my fellow Americans, is to make sure that every American can reap the rewards of a growing economy, every American has the tools to make the most of his or her own life, to build those strong families and to succeed at home and at work. As the Vice President said, the first step was taken in 1993 with the passage of the Family and Medical Leave Law and with the Earned Income Tax Credit, which cut taxes for 15 million working families. Today, that earned income tax credit is worth about $1,000 to a family of four with an income under $28,000 a year.

Well, today, we complete the second half of that effort. Together with our tax cut for working families, this bill ensures that a parent working full-time at the minimum wage can lift himself or herself and their children out of poverty. Nobody who works full-time with kids in the home should be in poverty. If we want to really revolutionize America's welfare system and move people from welfare to work and reward work, that is the first, ultimate test we all have to meet. If you get up every day and you go to work, and you put in your time and you have kids in your home, you and your children will not be in poverty. (Applause.)

We have some hard working minimum wage people here today supporting Cathy. Let me tell you about them. Seventy percent of them are adults, six of 10 are working women, and for them, work is about more than a paycheck, it's about pride. They want a wage they can raise their families on. By raising the minimum wage by 90 cents, this bill, over two years, will give those families an additional $1,800 a year in income—enough to buy seven months of groceries, several months of rent, or child care. Or, as Cathy said, to pay all of the bills from the utilities in the same month.

For many, this bill will make the difference between their ability to keep their families together and their failure to do so. These people reflect America's values, and it's a lot harder for them than it is for most of us to go around living what they say they believe in. It's about time they got a reward and, today, they'll get it. (Applause.)

I would also like to say a very special word of thanks to the business owners, especially the small business owners who supported this bill. Many of the minimum wage employers I talk to wanted to pay their employees more than $4.25 an hour and would be happy to do so as long as they can do it without hurting their businesses, and that means their competitors have to do the same thing. This bill will allow them to complete and win, to have happier, more productive employees, and to know they're doing the right thing. For all of those small businesses, I am very, very appreciative. (Applause.)

I would also like to say that this bill does a remarkable number of things for small businesses. In each of the last three years, our nation has set a new record in each succeeding year in the number of new businesses stated. And we know that most of the new jobs in America are being created by small- and medium-sized businesses. In 1993, I proposed a $15,000 increase in the amount of capital a small business can expense, to spark the kind of investment that they need to create jobs. Well, in 1993 we only won half that increase, but today I'll get to sign the second half into law, and I thank the Congress for passing that, as well. (Applause.)

As the Vice President said, this bill also includes a Work Opportunity Tax Credit to provide jobs for the most economically disadvantaged working Americans, including people who want to move from welfare to work. Now, there will be a tightly drawn economic incentive for people to hire those folks and give them a chance to enter the workforce, as well. It extends the research tax credit to help businesses stay competitive in the global economy. It extends a tax incentive for businesses to train and educate their employees. That's good news for people who need those skills, and it's good news for America because we have to have the best educated workforce in the world in the 21st century.

This legislation does even more to strengthen small business by strengthening the families that make them up. It helps millions of more Americans to save for their own retirement. It makes it much easier for small businesses to offer pension plans by creating a new small business 401(k) plan. It also lets more Americans keep their pensions when they change jobs without having to wait a year before they can start saving at their new jobs. As many as 10 million Americans without pensions today could now earn them as a result of this bill.

I'm delighted we are joined today, among others, by Shawn Marcell, the CEO of Prima Facie, a fast-growing video monitoring company in Pennsylvania, which now has just 17 employees—but that's a lot more than he started with. He stood with me in April and promised that if we kept our word and made pensions easier and cheaper for small businesses like his, he'd give pensions to all of his employees. Today, he has told us he's making good on that pledge. I'd like him to stand up, and say I predict that thousands more will follow Shawn's lead. Thank you, Shawn. Please stand up. Let's give him a hand. God bless you, sir. Thank you. (Applause.)

I'd also like to say a special word of thanks to our SBA Administrator, Phil Lader, and to the White House Conference on Small Business. When the White House Conference on Small Business met, they said one of their top priorities was increasing the availability and the security of pensions for small business owners in America. This is a good thing. It is also pro-work, pro-family and pro-business.

Finally, this bill does something else that is especially important to me and to Hillary—and I'm glad she's here with us today.

It breaks down the financial and bureaucratic barriers to adoption, giving more children what every child needs and deserves—loving parents and a strong, stable home. (Applause.)

Two weeks ago, we had a celebration for the American athletes who made us so proud in Atlanta at the Centennial Olympics. Millions of Americans now know that one of them—the Decathlon Gold medalist, Dan O'Brien—speaks movingly about having been an adopted child and how much the support of his family meant in his life. Right now, there are tens of thousands of children waiting for the kind of family that helped to make Dan O'Brien an Olympic champion. At the same time, there are thousands of middle class families that want to bring children into their homes but cannot afford it. We're offering a $5,000 tax credit to help bring them together. It gives even more help to families that will adopt children with disabilities or take in two siblings, rather than seeing them split up.

And, lastly, this bill ends the long-standing bias against interracial adoption which has too often meant an endless, needless wait for America's children. (Applause.)

You know, as much as we talk about strong, loving families, it's not every day that we here in Washington get to enact a law that literally creates them or helps them stay together. This is such a day. Although he can't be with us today, I also want to thank Dave Thomas, himself adopted, who went on to found Wendy's and do so much for our country. Perhaps more than any other American citizen, he has made these adoption provisions possible, and we thank him.

Lastly, I'd like to point out that we do have some significant number of adoptive families here with us today, including some who are on the stage. And so I'd just like to acknowledge the Weeks (ph.) family, the Wolfington (ph.) family, the Outlaw (ph.) family, the Fitzwater (ph.) family, and ask them and anyone else here from the adoptive family community to stand up who'd like to stand. We'd like to recognize you and thank you for being here. Thank you all for being here. Thank you. (Applause.)

Beside me, or in front of me now, is the desk used by Frances Perkins—Franklin Roosevelt's labor secretary and the very first woman ever to serve in the Cabinet. She was one of our greatest labor secretaries. It was from her desk that many of America's pioneering wage, hour and workplace laws originated—including the very first 25 cent an hour minimum wage signed into law by President Roosevelt in 1938.

Secretary Perkins understood that a living wage was about more than feeding a family or shelter from a storm. A living wage makes it possible to participate in what she called the culture of community—to take part in the family, the community, the religious life we all cherish. Confident in our ability to provide for ourselves and for our children, secure in the knowledge that hard work does pay. A minimum wage increase, portable health care, pension security, welfare to work opportunities—that's a plan that's putting America on the right track.

Now, we have to press forward, giving tax cuts for education and child-rearing and child care, buying a first home, finishing that job of balancing the budget without violating our obligations to our parents and our children and the disabled and health care, to education and the environment and to our future. That's a plan that will keep America on the right track, building strong families and strong futures by working together.

For everyone here who played a role in this happy day, I thank you, America thanks you, and our country is better because of your endeavors. God bless you. Thank you. (Applause.)

(The bill is signed.) (Applause.)

Mr. GRASSLEY. President Clinton said in the signing ceremony:

> I want to thank all the Members of Congress who are here, especially Senator KENNEDY who, himself, probably broke the wage in hour laws by working so hard to pass this bill.

And then in another place:

> There are a lot of people who worked hard on this bill who aren't here—Senator Daschle, Congressman Gephardt—

He went on to name other Members—

> led by truly tireless John Sweeney.

And there was applause. Now, some of the same people are objecting to what we are doing now.

Another quote:

> I would also like a very special word of thanks to the business owners, especially the small business owners who supported this bill. Many of the minimum wage employers I talked to wanted to pay their employees more than $4.25 an hour and would be happy to do so as long as they can do it without hurting their businesses, and that means their competitors have to do the same thing. This bill will allow them to compete and win, to have happier, more productive employees, and to know they are doing the right thing. For all those small businesses, I am very, very appreciative.

Continuing:

> I would also say that this bill does a remarkable number of things for small businesses. . . .[a]nd we know that most of the new jobs in America are being created by small- and medium-sized businesses. In 1993 I—

Meaning President Clinton—

> proposed a $15,000 increase in the amount of capital a small business can expense, to spark the kind of investment that they need to create jobs.
>
> As the Vice President said—

Meaning at that time Mr. Gore—

> this bill also includes a Work Opportunity Tax Credit to provide jobs for the most economically disadvantaged working Americans, including people who want to move from welfare to work. Now, there will be a tightly drawn economic incentive for people to hire those folks and give them a chance to enter the workforce, as well.

Well, if Senators who were on the stage at that time thought that the work opportunity tax credit was a good thing to have, why isn't it a good thing to have it here, to extend it? Why not?

This is a win-win situation. There is a win for the workers, a win for small business. Why should we chortle over a little thing such as increasing the minimum wage or having a tax provision in it?

The PRESIDING OFFICER (Mr. CASEY). The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I ask unanimous consent that at 2:45 today the Senate proceed to a vote on or in relation to Snowe amendment No. 103, as modified, with time from 2:15 to 2:45 equally divided and controlled in the usual form, with no second-degree amendments in order prior to the vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENT OF COMMITTEE TO ESCORT THE PRESIDENT OF THE UNITED STATES

Mr. KENNEDY. I ask unanimous consent that the Presiding Officer of the Senate be authorized to appoint a committee on the part of the Senate to join with a like committee on the part of the House to escort the President of the United States into the House Chamber for the joint session to be held at 9 p.m. Tuesday.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I see my friend and colleague from Hawaii wishes to address the Senate on morning business time.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. AKAKA. Mr. President, I ask unanimous consent to speak for 10 minutes as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. AKAKA and Mr. KENNEDY are printed in today's RECORD under "Morning Business.")

Mr. KENNEDY. Mr. President, we are going to go into a recess in a moment. We will come out of the party caucuses at 2:15. We are working on some additional amendments. The amendments of the Senator from Alabama, the Sessions amendments, we will try to include, if necessary, votes on those issues as well around the 2:45 hour. We are making some progress. We have a shorter evening tonight because of the President's State of the Union, but we want to move this legislation. It is not complicated. Everyone in this body, new Members who have arrived here, understands what the increase in the minimum wage is all about. It is not complex. Is it not difficult. It is not hard to understand. There is no reason we can't move this process quickly. If it is necessary to have votes, we are prepared to move along on those issues.

We have listened this morning to those who believe that raw economic arguments ought to control the question of the minimum wage. We as a country have moved away from that. We have accepted the great traditions of Judeo-Christian teachings as well as the underlying teachings of all the religions that talk about responsibilities we all have for the least among us. In the Constitution of the United States, they have what is called the general welfare clause. The general welfare clause was written into the Constitution for those very purposes.

The fact is, this country has rejected the law of the jungle as it applies to economic conditions for workers. In my State of Massachusetts, we had individuals at the turn of the last century, children, 10, 11, 12 years old, who were working 12, 15 hours a day, 6½ days a week. We had the exploitation of children, of women, the exploitation of workers. We, as a country and a society, have recognized that we can be the strongest economy in the world and treat people with respect and dignity. That is why the members of Let Justice Roll, an extraordinary number of religious leaders representing a wide group of churches, talk about what the Scriptures say about poverty in their letter.

I ask unanimous consent to print the letter in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JANUARY 5, 2007.

DEAR MEMBERS OF CONGRESS: We, the undersigned religious leaders, in partnership with the Let Justice Roll Living Wage Campaign, call on the 110th Congress to raise the minimum wage! Let Justice Roll is a nonpartisan coalition of more than 80 faith, community and labor organizations working to raise the minimum wage at the state and federal level. In 2006, we played a major role in increasing the minimum wage throughout the country at the state level.

We strongly support the Miller/Kennedy bill that increases the minimum wage from $5.15 to $7.25 an hour. Furthermore, we strongly oppose any attempts to add provisions to the bill. We urge you to vote for this clean minimum wage bill.

The Prophet Amos proclaims, "Let justice roll down like waters, and righteousness like an everflowing stream" (5:24, NRSV). We are morally outraged by the number of people living in poverty in the United States, and believe that now is the time to give hard-working low-wage workers a raise and take the first step toward a true living wage for America's workers.

It has been nearly 10 years since the last federal increase in the minimum wage, and low-wage workers urgently need a raise. A minimum wage employee—making $5.15 an hour, working 40 hours a week, 52 weeks a year, earns about $10,700 a year—about $6,000 below the federal poverty line for a family of three. This situation is unconscionable and immoral, as the wealth of our nation continues to be built on the backs of the working poor. Working poor families in America are struggling to meet the rising costs of health care, gasoline and housing, and $5.15 an hour is simply not enough.

Minimum wage legislation in the past has stalled in Congress because of attempts to attach unrelated provisions such as tying the minimum wage to a repeal of the estate tax, rolling back over-time protections or reducing the minimum wage of tip workers. In addition, such provisions are harmful to the very workers that a minimum wage increase is intended to help. The strong victory on all the minimum wage ballot initiatives is evidence that there is strong and widespread support from Americans for a prompt, clean minimum wage increase at the federal level.

We appreciate the commitment made by the leadership of the 110th Congress to address the woefully inadequate federal minimum wage. We will continue to raise our voices on behalf of "the least of these" and proclaim that a job should keep you out of poverty, not keep you in it.

Signed, Rev. Dr. Paul Sherry, National Coordinator, Let Justice Roll, Cleveland, OH, Rev. Dr. Bob Edgar, General Secretary, National Council of Churches, New York, NY, The Most Rev. Katharine Jefferts Schori, Presiding Bishop, The Episcopal Church, NY, NY, Rev. Jim Wallis, President and CEO, Sojourners/Call to Renewal, Washington, DC, Rev. John H. Thomas, General Minister and President, United Church of Christ, Cleveland, OH, Rabbi David Saperstein, Director, Religious Action Center of Reform Judaism, Washington, DC, Rev. Dr. Roy Medley, Gen. Secretary, American Baptist Churches in the USA, Valley Forge, PA.

Rev. Jennifer Butler, Executive Director, Faith in Public Life, Washington, DC; Mary Ellen McNish, General Secretary, American Friends Service Committee, Philadelphia, PA; Rev. William G. Sinkford, President, Unitarian Universalist Association, Boston, MA; The Rev. Dr. James A. Forbes, Senior Minister, The Riverside Church, New York, NY; The Rev. Clifton Kirkpatrick, Stated Clerk of the Presbyterian Church USA, Louisville, KY; Rev. Dr. Sharon E. Watkins, Gen. Minister and President, Christian Church (Disciples of Christ); Rev. Roy Riley, Chair of the Conference of Bishops and Bishop of the NJ Synod ELCA, NJ; Bishop Thomas J. Gumbleton, Archdiocese of Detroit, MI; Rev. Dr. Stan Hastey, Executive Director, The Alliance of Baptists, Washington, DC; James E. Winkler, General Secretary, United Methodist Church, Gen. Board of Church in Society, Washington, DC; Rev. Michael Livingston, President, National Council of Churches and Executive Director, ICCC, Trenton, NJ; Rev. John L. McCullough, Executive Director, Church World Service; Charlie Clements, President, Unitarian Universalist Service Committee, Cambridge, MA; Rabbi Rebecca Alpert, Temple University, Philadelphia, PA.

Most Reverend Gabino Zavala, Auxiliary Bishop, Archdiocese of Los Angeles, Los Angeles, CA; Rev. Dr. Rita Nakashima Brock, Director, Faith Voices for the Common Good, Christian Church (Disciples of Christ), Oakland, CA; David A. Robinson, Executive Director Pax Christi USA: National Catholic Peace Movement, Washington, DC; Simon Greer, President and CEO, Jewish Funds for Justice, New York, NY; Dr. Michael Kinnamon, Chair, Justice and Advocacy Commission, National Council of Churches, St. Louis, MO; Sr. Catherine McDonnell, OP, Prioress of the Dominican Sister of Hope, Ossining, NY; Rev. Kim Bobo, Executive Director, Interfaith Worker Justice, Chicago, IL; Rev. Tom Youngblood, United Methodist, Decatur, AL; The Rt. Rev. Mark MacDonald, Episcopal Bishop of Alaska and Navajoland, AK; Rev. Trina Zelle, Arizona Interfaith Worker Justice, Tempe, AZ; Rev. Briget Nicholson, Pastor, First Congregational United Church of Christ, Tucson, AZ; Rev. Stephen Copley, President, Arkansas Interfaith Conference, United Methodist Church, North Little Rock, AR; Imam Ali Siddiqui, Corona Valley, CA.

The Rev. Dr. Rick Schlosser, Executive Director, CA Council of Churches, California Church IMPACT, Sacramento CA; Bishop Allan C. Bjornberg, Rocky Mountain Synod, ELCA, Denver, CO; Fidel "Butch" Montoya, Minister Confianza, An Association of Latino Ministers, Denver, CO; Sister Maureen McCormack, President, The Interfaith Alliance of Colorado, Denver, CO; The Right Rev. James E. Curry, Bishop Suffragan, Episcopal Diocese of Connecticut, Hartford, CT; Rev. Dr. Davida Foy Crabtree, Conference Minister, Connecticut Conference, United Church of Christ, Hartford, CT; Rev. Dr, William L. Rhines, Jr., Harriet R. Tubman United Methodist Church, New Castle, DE; The Rt. Rev. Philip M. Duncan, II, Bishop, Diocese of the Central Gulf Coast, Pensacola, FL; Rev. John F. Stanton, Associate Priest, Trinity Episcopal Cathedral, Miami, FL; Rev. Charles Buck, Conference Minister, Hawaii Conf. United Church of Christ, Honolulu, HI; The Rt. Rev. Harry B. Bainbridge, III, Bishop, Episcopal Diocese of Idaho, Boise, ID; Bishop Paul R. Landahl, Metropolitan Chicago Synod, Evangelical Lutheran Church in America, Chicago, IL; The Rev. Dr. Larry L. Greenfield, Executive Minister, American Baptist Churches of Metro Chicago, Chicago, IL; Megan M. Ramer, Pastor, Chicago Community Mennonite Church, Chicago, IL; The Rt. Rev. Catherine Waynick, Bishop of Indianapolis, IN.

Rev. Stephen C. Gray, Conf. Minister, Indiana-Kentucky Conference, UCC, Indianapolis, IN; Rev. Dick Clark, Pastor, St. Timothy's United Methodist Church, Cedar Falls, IA; Sr. Joy Peterson, PBVM, President, Sisters of the Presentation of BVM, Dubuque, IA; Rev. David Hansen, Conference Minister, Kansas-Oklahoma Conference, United Church of Christ, Wichita, KS; Rev. Albert M. Pennybacker, Former National Chair, Clergy and Laity Network, Former Natl. President, The Interfaith Alliance, Christian Church (Disciples of Christ), Lexington KY; Sr. Margaret Stallmeyer, CDP, Thomas More College President, Congregation of Divine Providence, Melbourne, KY; Rev. David F. Kniker, Kewanee, LA; Rabbi Darah R. Lerner, Congregation Beth El, Bangor, ME; Rev. David R. Gaewski, Conference Minister, Maine Conference, United Church of Christ, Yarmouth, ME; The Right Reverend Robert W. Ihloff, Episcopal Bishop of Maryland.

Sr. Gayle Lwanga Crumbley, National Coordinator, National Advocacy Center of the Sisters of the Good Shepherd, Silver Spring, MD; The Rev. Dr. Jim Antal, Conference Minister and President, Massachusetts Conference, United Church of Christ, Framingham, MA; Rabbi David Lerner, Temple Emunah, Lexington, MA; Johanna Chao Rittenburg, Economic Justice Program Manager, Unitarian Universalist Service Committee, Cambridge, MA; Rev. Dr. Kent J. Ulery, Conference Minister, Michigan Conference United Church of Christ, East Lansing MI; Lucinda Keils, Executive Director, Detroit Metropolitan Interfaith Committee on Worker Issues, Detroit, MI; Rev. Peg Chemberlin, Executive Director, Minnesota Council of Churches, Minneapolis, MN; Rev. Dr. Karen Smith Sellers, Conference Minister, Minnesota Conference United Church of Christ, Minneapolis, MN; Rev. Charlene B. Burch, Interim Conference Minister, Missouri Mid-South Conference, United Church of Christ, St. Louis. MO; Rev. W. Audrey Hollis, Organizer, St. Louis Area Jobs With Justice, St. Louis, MO.

The Rev. Randall Hyvonen, Conference Minister, Montana-Northern Wyoming Conference, United Church of Christ, Billings, MT; Rev. F. Vernon Wright, Minister, UCC, Helena, MT; Rev. Dr. Dallas Dee Brauninger, Burwell, NE; Mr. David Lamarre-Vincent, Exec. Dir., New Hampshire Council of Churches, Concord, NH; The Rev. Eleanor McLaughlin, Ph.D. Rector, St. Barnabas Episcopal Church, Berlin, NH; The Rev. Bruce H. Davidson, Dir., Lutheran Office of Governmental Ministry in NJ, Trenton, NJ; Frank McCann, Director, Just Neighbors Program, Summit, NJ; The Reverend Elizabeth Purdum, Pastor, St. Luke Lutheran Church, Albuquerque, NM; The Reverend Arthur Meyer, Manager, Pastoral Care Dept, San Juan Regional Medical Center, Farmington, NM; The Rt. Rev. Jack McKelvey, Episcopal Bishop of Rochester, NY.

The Rt. Rev. Catherine S. Roskam, Bishop Suffragan of the Episcopal Diocese of New York; Rev. Ned Wight, Executive Director, Unitarian Universalist Veatch Program at Shelter Rock, Manhasset, NY; Rabbi Jill Jacobs, Director of Education, Jewish Funds for Justice, New York, NY; Rev. Nelson Johnson, Board Chair, Interfaith Worker Justice, Greensboro, NC; Rev. Ginny N. Britt, Director, The Advocacy for the Poor, Winston-Salem, NC; Rev. Dr. Charles R. Traylor, Executive Presbyter, Presbytery of the Northern Plains, Presbyterian Church (USA), Fargo, ND; Rt. Rev. Kenneth Price, Bishop, Episcopal Diocese of Southern Ohio, Columbus, OH; Rev. Callon Holloway, Jr., Bishop for Southern Ohio Synod, ELCA, Columbus, OH.

Rev. Rebecca Tollefson, Executive Director, Ohio Council of Churches, Columbus, OH; Rev. Ron Hooker, Chair of Church in the World Commission, Central-Southeast Association of the Ohio Conference UCC, Columbus, OH; Fr. Clark Sheckelford, Rector, Emmanuel Episcopal, Shawnee, OK; Rev. Robin Meyers, Pastor, Mayflower UCC, Oklahoma City, OK; Rev. John M. Gantt, interim Conference Minister, Central Pacific Conference of the United Church of Christ, Portland, OR; Norene Goplen, Director, Lutheran Advocacy Ministry of Oregon, Portland OR; Gary Straughan, President, Eastern District Executive Board, Moravian Church, Northern Province, Bethlehem, PA; Rev. Sandra L. Strauss, Director of Public Advocacy, Pennsylvania Council of Churches, Harrisburg, PA; Rabbi Gail Glicksman, Dean of Students, Reconstructionist Rabbinical College, Wyncote, PA.

Rev. Christopher H. Bender, Pastor, Dormition of the Theotokos Greek Orthodox Church, Aliquippa, PA; Father Jack O'Malley, Labor Religion Coalition of Western PA; Rev. John Zehring, Kingston Congregational Church, Kingston, RI; Rev. Peter E. Lanzillotta, Ph.D., Minister, The Unitarian Church in Charleston, Charleston, SC; Bishop Craig B. Anderson (VIII South Dakota)—Retired, SD; Rev. Rebekah Jordan, Executive Director, Mid-South Interfaith Network for Economic Justice, Memphis, TN; Dr. Nabil Bayakly, Muslims in Memphis, Memphis, TN; Rev. Janet Wolf, United Methodist Clergy, Hobson United Methodist Church, Chair, Division of Church Vocations, American Baptist College, Nashville, TN; The Reverend Jeff St. Clair, Pastor, New Hope Lutheran Church, El Paso, TX.

Rev. Tom VandeStadt, Pastor, Congregational Church of Austin United Church of Christ, TX; Linda Hilton, Director, Coalition of Religious Communities, Salt Lake City, UT; Kay Miller, Salt Lake City Police Dept Chaplain, All Saints Episcopal Church, Salt Lake City; The Rt. Rev. Neff Powell, Bishop, Episcopal Diocese of Southwestern Virginia, Roanoke, VA; Rev. C. Douglas Smith, Executive Director, Virginia Interfaith Center for Public Policy, Richmond, VA; Francis X. Doyle, (retired) Associate General Secretary, U.S. Conference of Catholic Bishops, Ashburn, VA; Rev. Paul Benz, Director, Lutheran Public Policy Office of Washington State Don Kelly, Co-chair, UU Voices for Justice, Seattle, WA.

Fr. James E. Hug, S.J, President, Center of Concern, Washington, DC; Rev. Marvin M. Silver, United Church of Christ Justice & Witness Ministries, Washington, DC; Rev. Dr. Ken Brooker Langston, Director, Disciples Justice Action Network, Coordinator, Disciples Center for Public Witness, Washington, DC; Mr. Curtis Ramsey-Lucas, National Coordinator of Public and Social Advocacy, National Ministries, American Baptist Churches USA, Washington, DC; Rev. Elenora Giddings Ivory, Director, Washington Office, Presbyterian Church (USA), Washington, DC; Rev. Romal J. Tune, CEO, Clergy Strategic Alliances, LLC, Washington, DC; Alexia Kelley, Executive Director, Catholics in Alliance for the Common Good, Washington DC; Rev. Ernest S. Lyght, Bishop, West Virginia Conf., United Methodist Church, Charleston, WV; Rev. Lori Fell, Morgantown, WV; Scott Anderson, Executive Director, Wisconsin Council of Churches, Sun Prairie, WI; Rev. Robert Chapman, Pastor, Mount of Olives Lutheran Church, Rock Springs, WY.

For a complete list of signatories in formation, please visit http://www.letjusticeroll.org/pdfs/20070105NationalMinWageletter.pdf.

I am a member of NETWORK, A Catholic Social Justice Lobby, and I support S. 2, the Fair Minimum Wage Act of 2007—to increase to the minimum wage from $5.15 to 7.25. Long overdue, this bill provides a first step towards a dignified life for low-wage workers in poverty. I urge you to support a "clean" bill to raise the federal minimum wage—one that does not attempt to add provisions of any kind and instead allows it to pass as a stand-alone issue.

Catholic Social Teaching reminds us that all persons are created by God, which is the basis for their dignity. In justice and to live with dignity, each human person working full time should be compensated enough to support him/herself and a family. It has been almost ten years since Congress voted to increase the minimum wage. Currently, a minimum wage employee who works 40 hours a week, 52 weeks in a year makes $10,700 for that year. For a single parent with two children, that amount is thousands of dollars below the poverty line. This is unconscionable. Workers who provide security, clean hotels, wash dishes and haul supplies should not have to rely on charity or government assistance to get by. The proposed minimum wage increase to $7.25 an hour (from $5.15/hr.) would give an additional $4,368 per year to a full-time worker making minimum wage. This would bring them a step closer to obtaining a livable wage which would provide for a family's basic needs: food, shelter, health care, clothing, education and recreation.

The minimum wage should be increased without any extra provisions or tax breaks in order avoid establishing such a precedent. Since the last minimum wage increase, congress has passed no fewer than five tax relief packages which have provided small businesses with up to $36 billion in tax breaks. While congress has had no problem providing tax breaks for small businesses without considering raising the minimum wage, it seems impossible for some that the minimum wage be raised without a tax break for small businesses. Given the urgency of the minimum wage increase it is best to avoid linking it to other issues and pass it as a stand-alone "clean" bill.

The American people have spoken out on the urgency of this bill. With strong victories in all six minimum wage ballot initiatives this election, voters have shown concern for hardworking people in poverty. People who work full-time should earn enough to support themselves and their families. Consequently, I call on you to act justly, and challenge your other members to do the same. I urge you to quickly pass the minimum wage bill with no extra add-on provisions as it comes up this January.

Mr. KENNEDY. They mention Matthew's great teachings. The questioner says: When did I fail to treat you well? And the Lord says: When you failed to treat the least of these among us.

We are talking about a minimum wage, not an optimum wage. As the charts show, it has declined dramatically over a period of years, now at $5.15, far away from what it was in the 1960s and 1970s, right through the 1980s. We believe that in this country, with the strongest economy in the world, people who work hard 40 hours a week, 52 weeks of the year, should not have to live in poverty. An increase in the minimum wage is long overdue. Hopefully, we will have an opportunity in this body to express our views on this in the near future.

If there are no further speakers, I suggest that we recess, according to the leadership's earlier request.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate will stand in recess until 2:15 p.m.

Thereupon, at 12:25 p.m., the Senate recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. CARPER).

FAIR MINIMUM WAGE ACT OF 2007—Continued

AMENDMENT NO. 103

The PRESIDING OFFICER. Under the previous order, there are now 30 minutes equally divided on amendment No. 103, as modified. Who yields time?

The Senator from Wyoming is recognized.

Mr. ENZI. Mr. President, I yield myself 3 minutes.

The PRESIDING OFFICER. The Senator is recognized for 3 minutes.

Mr. ENZI. Mr. President, I rise today in support of the amendment offered by Senator SNOWE, Senator LANDRIEU, and others, to provide regulatory assistance to our Nation's small businesses.

This amendment requires that when Federal agencies issue new rules and regulations that impact small business, they also must issue compliance guides for small businesses. The amendment also requires that the compliance guides be written in plain English and made available in a timely manner.

I think this is a commonsense requirement. It not only reduces the administrative costs for small business, but it also increases the level of compliance with such new rules and regulations. I think the work opportunity tax credit is an example. That isn't a program that a lot of small businesses have taken advantage of. Part of it is because they don't know about it, and part is they don't know how to comply with it. They don't have the opportunity to hire the specialists that might be needed to understand it or to do the recordkeeping on it. So they don't take advantage of it to the level they could. It is a provision in the tax bill that could make quite a difference to small employers.

Many small employers simply lack the resources, the outside consultants, the experts necessary to continually advise them of changes in Federal rules that impact the way they must run their business. As it now stands, smaller businesses currently pay disproportionate per employee compliance costs when compared to larger employers. The average per employee cost for Federal regulatory compliance in a business with less than 20 employees is 45 percent higher than the same cost for a business with 500 or more employees. So it is about $7,600 for a small business to comply versus $5,200 for a big business to comply. Those numbers stagger me—the cost for small business to comply with Federal rules and regulations. That doesn't count the cost of complying with the Tax Code, which is a whole other range of costs.

Cost mandates, such as a minimum wage increase, impose significant financial burdens on our small employers. We must do everything we can to help alleviate this burden and ensure that small businesses remain the well-run engine of our economy, and providing the kind of compliance assistance called for in Senator SNOWE's amendment is one of the ways we can assist small businesses in meeting the administrative costs associated with Federal regulation.

I commend Senator SNOWE for her efforts on behalf of small businesses and am proud to be a cosponsor of this legislation with her. She has put in diligent efforts to hold hearings and get this into place in the committee that she chaired, the Small Business Committee, on which she is now the ranking member.

I urge my colleagues to support this amendment that not only provides assistance that reduces employer costs but also assistance that increases employer compliance. That is two goals. This amendment will do both of those. I ask for your support.

I yield the floor and suggest the absence of a quorum, and I ask unanimous consent that the time be equally divided between the sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, we still anticipate a vote at 2:45 p.m. As I mentioned, we are going to urge the Senate to accept the amendment offered by Senator SNOWE. I think it is an important contribution to small businesses and their understanding of the kinds of rules and regulations that have been out there and do it in ways that are understandable and in a timely way and to ensure that the relevant committee is going to find out how that is being implemented. We are certainly in strong support of that concept and idea. I commend those who have been involved in it.

We are going to vote at 2:45. We have amendments that are related to the Finance Committee. I talked with Senator BAUCUS during the noon hour. His staff is working on some that have been offered by Senator SESSIONS, and we are in the process of trying to work with the Senator to see what progress can be made, and the Finance Committee staff, as well as Senator BAUCUS, is attentive to those issues.

Senator ROBERTS has an amendment dealing with childcare and small business. It was a subject matter he talked about during our hearing in the Health, Education, Labor, and Pensions Committee. He will come over to the floor now and address the Senate about that issue. We have been trying to work with him. We think most of us have been strong supporters in terms of childcare. Senator DODD has been a real leader with Senator HATCH in the past with the block grant childcare program.

We have a childcare program that is also tied in with the Social Security program, and we have a very effective childcare program in the military which receives awards. It is very close, actually, to the bill that was initially introduced by Senator DODD a number of years ago.

We will have a chance to consider those amendments in a short period of time. I will take a few minutes now to review for the Senate what will be the first vote tomorrow, and that will be on what we call the line-item veto amendment.

We had an excellent debate and discussion on that amendment yesterday. I refer any of those interested to read the RECORD, the excellent comments that were made on this issue by the chairman of the Appropriations Committee, Senator BYRD, and also the chairman of the Budget Committee, Senator CONRAD, enormously, I think, comprehensive comments on it. I urge they read the comments of Senator GREGG as well, who is the proponent of the amendment.

Senator CONRAD and Senator BYRD made excellent presentations. We will be considering that early tomorrow. I hope those who are interested in the amendment will take a few moments and look back at the RECORD. It is a very complete record on that issue. I stand with Senator CONRAD and Senator BYRD, for the reasons they have outlined, in opposition to the Gregg amendment.

Next we will have a chance to vote on what we call a clean increase in the minimum wage. That means a vote on the increase in the minimum wage over a 2-year period to rise from $5.15 to $7.25 an hour.

I strongly urge our colleagues to vote for what we call a clean bill on the minimum wage. I do so for a number of reasons.

First, this is the area of need. It is among workers who haven't gotten a raise in the last 10 years. For 10 years, the longest time since we had a minimum wage increase, they have lost effectively 20 percent of their purchasing power, and they are working in tough and difficult jobs. These are men and women of great pride and dignity. They do hard, difficult, trying work, and they do it to the best of their ability. They deserve to have a raise.

I don't think any of us in this country thought the minimum wage would be a permanent wage for millions of Americans, and yet, nonetheless, if one looks at the figures, effectively 40 percent of those earning the minimum wage were earning the minimum wage 4 years ago. That they have been able to make ends meet over this amount of time is extraordinary, particularly when they have members of their family to look after.

This country has said if one works hard 40 hours a week, 52 weeks of the year, one shouldn't have to live in poverty in the richest nation in the world. That is an issue of fairness. It is a moral issue.

As we demonstrated earlier, the Members of the great face of this country have all spoken about the morality of this issue. It is part of our Constitution that talks about the general welfare, how are we going to treat each other. It is as old as the Mayflower Compact. In my State of Massachusetts, before landing, the Pilgrims gathered together near Provincetown. Most people think they landed at Plymouth Rock, but they landed at Provincetown, MA. Before they landed—they had been at sea for close to 100 days, and many had died and many suffered from disease—they got together and talked about their Compact, their willingness to work together for a common purpose and common respect for their fellow human beings. That was going to be the essence of their whole life experiment in the United States.

It is reflected in the actions that have been taken in this body with the minimum wage. On only one occasion in the last nine occasions when we raised the minimum wage have we added a tax provision.

Again, the minimum wage has lost 20 percent of all of its purchasing power. It was a good deal higher in the sixties, seventies, and eighties. It has dropped and dropped significantly over time and has lost that purchasing power.

Secondly, only once in 1996 did we pair a minimum wage increase with tax cuts. Previous increases had strong bipartisan support, despite the lack of tax cuts. In 1989, the minimum wage was raised with no tax cuts and passed by a margin of 89 to 8. In 1977, with no giveaways, an increase passed 63 to 24. We have seen what has happened. Only one time—it didn't happen in 1938, 1949, 1955, 1961, 1966, 1974, 1977, 1989—only in 1996. And look in the last 10 years what has happened in terms of the reduction of taxes for corporations and for small businesses. In corporations, it is $276 billion in tax breaks; small businesses, $36 billion; and no raise for minimum wage workers.

We didn't hesitate. We were around here to provide tax benefits to small businesses and large corporations. Where were the voices to say let's give the minimum wage workers a little boost?

Now, all of a sudden, we are trying to get minimum wage workers a little boost, and everybody is running around to get an increase in tax provisions. Fair is fair, Mr. President; fair is fair.

We have seen what has happened in productivity. Over the last 10 years—here are the statistics from the Bureau of Labor Statistics—profits are up 45 percent, productivity is up 29 percent, and the minimum wage is down 20 percent. These minimum wage workers haven't even had the opportunity to get an increase in their salaries in spite of the fact that we have seen a real increase in productivity. Historically, when we saw an increase in productivity, that was reflected in an increase in the minimum wage. That was all true in the 1960s, 1970s, up to the 1980s. As productivity increased, so did the minimum wage increase over a considerable period of time, but not in the last few years.

As I have pointed out, a recent Gallup Poll found that 86 percent of small business owners do not think the minimum wage affects their businesses. Three out of four small businesses said an increase in the minimum wage would have no effect on their company. Many small businesses are already paying higher wages to recruit and retain quality workers. A higher minimum wage actually benefits them because it levels the playing field and allows them to compete with the bigger business.

What we have found over time, when we provide a decent wage to workers—and this is demonstrated; I mentioned it here, I spelled it out in some greater degree on yesterday—what we find is we get workers who are loyal to the business. We find there is less of a turnover when there was an increase in the minimum wage to a living wage.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. KENNEDY. Our time has expired. That is interesting. Have we reserved the last 5 minutes for debate on the Snowe amendment?

The PRESIDING OFFICER. That was not the unanimous consent agreement. There is 30 minutes equally divided.

Mr. KENNEDY. I thank the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, how much time is remaining on our side?

The PRESIDING OFFICER. The Senator has 6½ minutes remaining.

Mr. ENZI. I thank the Chair.

I appreciate the comments of the Senator from Massachusetts and the diligence with which he has worked on this issue and the number of times we have debated it. I appreciate the majority leader making it possible for us to consider amendments on this bill. I understand how some people would like to have this as a clean amendment, that we just do the increase. The debate the last three times we have done it has been about whether we can have some provisions for small businesses to offset the impact of the raise in the minimum wage.

I want to bring a more personal face to this small business. We confuse that sometimes even with General Motors and some of the airlines. Those are big corporations. In fact, the ones I am particularly concerned about are the ones with 50 employees or less, and even more concerned about the ones that only have 2 or 3 employees. The impact and their ability to adjust is much more limited. We are talking about the inventors in their garages who have an idea and who will employ another person to help put their product together and market it. We are talking about the corner grocery store. We are talking about the laundry. We are talking about the little shoe store, the independent one.

These are families that are eking out a living. These are not families that are getting rich. These are families that took on a lot of risk for the American dream. They are hoping that with all of the loans they put in place to be able to do this business that they always dreamed of doing, they might make a return on their investment and enough to keep their family going. But there is no guarantee.

These are the people who—and I know; I used to be a small businessman. I used to own shoe stores. One of my definitions of a small businessman is the guy who wakes up, sits up straight in bed in the middle of the night and says: Tomorrow is payday; how do I meet payroll? And they figure out a way because the employees get paid first.

These are people worrying about how to stay in business, how to make a living, and taking on a whole lot of risk to make sure other people have jobs.

We have to remember that the small businessman will be forced to come up with additional funds to pay his or her workers on what we are mandating today. Those funds don't come from a money tree or some pot of gold at the end of the rainbow. They come out of the pockets of the Nation's small businessmen. It is the penalty they pay for taking the risk associated with running a small business.

I have about 3 minutes. I yield the remainder of the time to the Senator from Maine.

The PRESIDING OFFICER. The Senator from Maine is recognized for 3 minutes.

Ms. SNOWE. Mr. President, I thank the Senator from Wyoming for his leadership on this amendment that is so important to the small business sector of our economy. I also thank Chairman KENNEDY as well for bringing this legislation to the floor.

I rise today in support of the pending modified amendment we will be voting on shortly that has been offered by the Senator from Wyoming, Mr. ENZI, the Senator from Louisiana, Ms. LANDRIEU, as well by the Senator from Massachusetts, Mr. KENNEDY, to enhance compliance assistance for small businesses. I truly appreciate all those joining me in this effort.

I ask unanimous consent to add Senators KERRY, BOND, SUNUNU, and ROBERTS as cosponsors to this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. SNOWE. Mr. President, I want to say to Members of the Senate, this amendment would significantly help to reduce the regulatory burden imposed on small businesses throughout this country. The amendment is designed to clarify an existing Federal law that the Senate unanimously passed back in 1996. The Government Accountability Office has suggested that we needed to have further clarification to the existing law because many Federal agencies are circumventing the law. These agencies are using loopholes to ignore requirements under the law that the agencies publish small business compliance guides so that small businesses know how to comply with complex Federal regulations. The agencies have used ambiguity in the law as a rationale for not assisting small businesses.

This amendment would clarify existing Federal rules and regulations, by requiring that Federal agencies produce compliance assistance materials to help small businesses satisfy their regulatory obligations. Because the GAO has found widespread and pervasive disregard of this law by agencies, we felt it was very important to clarify the law so that small business not only gets the assistance it requires but also can meet the regulatory requirements promulgated by the Federal government. As we well know, small businesses face a disproportionate burden of the impact of regulations in rules issued by Federal agencies. In fact, employers with 20 or fewer employees face 44.8 percent more of a regulatory burden than companies with 500 or more employees, in terms of compliance costs per employee.

So you can see that for our Nation's small businesses, we clearly need to do better so they can continue to drive our economy, by creating three-quarters of all the net new jobs each year. This amendment will go a long way toward easing the impact of the cost of small business regulatory compliance and making sure the agencies comply with requirements under existing law to provide the support small businesses rightly deserve.

Mr. President, I yield the floor.

The PRESIDING OFFICER. All time has expired.

Mr. KENNEDY. Mr. President, have the yeas and nays been ordered?

The PRESIDING OFFICER. They have not been ordered.

Mr. KENNEDY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to the amendment. The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON) is necessarily absent.

The PRESIDING OFFICER (Mrs. MCCASKILL). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 99, nays 0, as follows:

[Rollcall Vote No. 20 Leg.]

YEAS—99

Akaka
Alexander
Allard
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Brown
Brownback
Bunning
Burr
Byrd
Cantwell
Cardin
Carper
Casey
Chambliss
Clinton
Coburn
Cochran
Coleman
Collins
Conrad
Corker
Cornyn
Craig
Crapo
DeMint
Dodd
Dole
Domenici
Dorgan
Durbin
Ensign
Enzi
Feingold
Feinstein
Graham
Grassley
Gregg
Hagel
Harkin
Hatch
Hutchison
Inhofe
Inouye
Isakson
Kennedy
Kerry
Klobuchar
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Martinez
McCain
McCaskill
McConnell
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Sanders
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Tester
Thomas
Thune
Vitter
Voinovich
Warner
Webb
Whitehouse
Wyden

NOT VOTING—1

Johnson

The amendment (No. 103), as modified, was agreed to.

Mrs. LINCOLN. Madam President, I move to reconsider the vote, and I move to lay that motion on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Madam President, the Senator from Kansas has an amendment. He has brought it up during the course of meetings of our Health, Education, Labor, and Pensions Committee, and he has been advocating for it for some period of time. He wishes to address the Senate at this time, if we could have order so that the Senator could be heard.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

AMENDMENT NO. 102

Mr. ROBERTS. Madam President, I rise today to offer amendment No. 102.

As we debate the issue of minimum wage, we can't forget the impact on the employers who hire these minimum wage workers. Small businesses pay 45 percent of the payroll in the United States, and they have created 60 to 80 percent of new jobs over the last decade. In my home State of Kansas, small businesses actually employ the brunt of hard-working families. I often hear from these employers who agree with their workers that they deserve a fair wage for a fair day's work, but they admit, however, that they struggle to offer the basic benefits to their employees such as childcare. With a mandated increase in the minimum wage, that struggle will only grow. So affordable childcare oftentimes becomes a factor in keeping a job for many Americans in small communities such as Dodge City, my hometown, and other very similar communities. Childcare facilities are very scarce, limiting the possibilities for families to earn——

Mr. KENNEDY. Madam President, if the Senator will yield, maybe we could have order. We are making good progress on this legislation. This is an important amendment. The Senator has spent a good deal of time, and we welcome the opportunity to hear him on it. We would ask our colleagues and friends if they would be good enough to take their conversations to another part of the Senate so we can hear the Senator.

The PRESIDING OFFICER. Senators, please remove your conversations out of the well.

The Senator from Kansas is recognized.

Mr. ROBERTS. I thank the Senator from Massachusetts and I thank the Presiding Officer and I thank my colleagues to my right who, hopefully, will take their conversation from the floor of the Senate.

Unfortunately, small businesses generally do not have the resources required to start up and support a childcare center like happens in many areas in urban America and big cities.

When I came to the Senate in 1997, one of the first bills I introduced was the Small Business Child Care Act, which authorized a short-term flexible grant as a program to encourage small businesses to work together or with other local childcare agencies to provide childcare services for their employees. This amendment includes the bipartisan language of the Small Business Child Care Act that was passed out of the HELP Committee in August of 2005 as part of the larger childcare and development block grant.

Under the amendment, small businesses are eligible for grants up to $500,000 for startup costs and training and scholarships and other related activities, with priority given to grantees who work with other small businesses or local childcare organizations. These grants all have a matching requirement which encourages self-sustaining facilities that will go on well after the program ends.

In many small Kansas towns, childcare facilities can be very scarce, as I have said before. This amendment would alleviate the strain on working families who often have to close the door on the opportunity to be a double-income family because of the lack of childcare options in their communities.

When I first ran for the House back in 1980, I was going door to door in Dodge City. I was in south Dodge and I knocked on a door and a young lady came to the door and two children were immediately right there with her. I handed her a brochure, and I said: I am running for Congress. What can I do for you? Is there anything I can do for you as a candidate?

She looked at me with the two kids behind her—she was obviously a single mother—and she said: Mr. ROBERTS, it's your world, I'm just living in it.

That made a big impression on me.

I said: What do you need more than anything else?

She said: If there could be a possibility that there could be any childcare for these two children, I could go to work. I could go back to work.

But that was not the case at that particular time. Then I promised myself that we would try our very best so that in a small community with a bank, the implement dealer, and, say, a restaurant, they could come together, and with these kinds of grants offer affordable childcare.

So I am very hopeful we can get this amendment passed. It is a small change that will make a big difference in the lives of many employees and employers who see a need for childcare in their communities. I hope my colleagues will join me in supporting this amendment.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Madam President, I rise to thank the Senator from Kansas for offering this amendment. Back about 20 years ago, the Senator from Utah and I, along with Senator KENNEDY and others, authored the first childcare development block grant ever to be proposed by the Congress. We had hoped in those days that we would be able to expand the availability, affordability, and quality of childcare to millions of Americans and their children who are lacking those resources.

Over the years, we have provided some good assistance. I am grateful to my colleagues over the years who have been supportive.

We have gone stale on the commitment over the last 5 or 6 years. The funding has not gone up at all and demand continues to grow. We have done a fairly good job in serving some of the working poor. We must do better, however. We have not done a good job, in my view, on the most critical issue most parents and others care about, and that is the quality of childcare. This amendment gets to the quality of child care by providing small businesses the opportunity to use the grant for facilities and to create partnerships with local organizations such as health departments.

What is happening with our colleague's amendment is that it is trying to expand opportunities for families, and I am grateful to him for proposing it. Everyday I hear about the communities in which the demand for child care for exceeds the supply. This amendment would increase the supply and allow more parents to go to work knowing that their children are safe.

I am supporting it. I think it is worthwhile, and it will help make a difference of expanding quality and access.

It is good for everyone involved. A lot of times we offer legislation with winners and losers. Here, everybody wins. From a business standpoint, they are retaining good employees, allowing parents' minds to be focused on their jobs. In no small measure, this depends on how you feel, where your children are, who is caring for them, and what the conditions are. In terms of productivity and retention, all the elements businesses desire for employees, childcare is a major component. For the parents, obviously, not to be worried or concerned about the quality of the care their children receive and whether they can afford it is a major issue. I am preaching to the choir for those who understand what I am talking about. Obviously, from the child's perspective, it's essential to be able to have that good, nurturing environment. There is not a guarantee they will get it in every case, but it is more likely if this amendment passes.

The difficult area is with smaller businesses. Many larger corporations have installed childcare facilities onsite. In fact, in some cases they have offered less in salaries and wages in exchange for providing better childcare; I am not saying that is great, but people are so hungry to have a good, safe, childcare environment, they will opt for lesser wage or salary in exchange for the assurance their children are in a safe place. Smaller businesses cannot do that. Some of them are at shopping malls, and they develop consortiums and set aside space. There are a lot of creative ideas. But it is the hardest thing in the world for smaller business to provide child care. It is not that they do not recognize the need for it. They understand the value of it. This amendment, from a child's perspective, from a parent's perspective, and from a business perspective is a win for all. I commend my colleague. We have talked of this in the past and agreed on its importance. I thank Senator ENZI.

While I am here, I would like to talk about the underlying bill, to raise the minimum wage. Exactly because of what the Senator from Kansas has offered, it is important to know that his amendment is a related matter when it comes to children. The increase in the minimum wage has a huge impact on children.

So I am taking advantage of a couple of minutes on his amendment to highlight this point. In the last 5 years, we have watched child poverty in this country increase by 1.3 million children. This figure is from the U.S. Census Bureau, not a private think tank making this up. Nearly 12.9 million children in this country live in poverty.

Obviously, that is a matter of great concern, I hope to all of us. What is bothersome to me and should be to every single one of us—I don't care what your politics are or your political persuasion—the fact that the United States of America, at the outset of the 21st century, has one of the highest rate of child poverty among all the industrialized nations. That is something that ought to concern each and every one of us, not just because of what a shameful statistic that is. As we look to the 21st century, watching our country grow, meeting the challenges in front of us, we have to do a better job if we are going to have a well-prepared generation to meet the challenges.

Aside from providing decent child care, we know by increasing the earning capacity of parents we make a difference. In fact, nearly 6 million children will benefit from a minimum wage increase.

Children whose parents are economically secure—and this increase is not going to guarantee security, but it moves a family closer to it—have better attendance in school and have a higher concentration on the work they are asked to do. Performance levels go up, test scores go up, and graduation rates increase when a family's economic circumstances are far more stable. In addition, children have stronger immune systems, better health, fewer expensive hospital visits and fewer runins with the juvenile justice system. Those are facts when you have a family doing better economically. For the families who have the greatest economic stability at home, these statistics improve in almost every category.

Because of what the Senator from Kansas has offered, focusing on childcare, combined with what the Senator from Massachusetts, Senator KENNEDY, is leading today on the minimum wage, we can make a difference for these children. That is the point I wanted to make to my colleagues.

I commend them both. It is long overdue. My hope is that the amendment from my friend from Kansas will be a forerunner this year for increasing our commitments to child care. My colleague from Maine, Senator SNOWE, has been terrific on this issue over the years. Senator HATCH was my principal cosponsor on this many years ago. It was courageous of him then. A lot of people did not realize the value of it. I am remiss not mentioning those who played a significant role. And let me add my colleague, Senator ROBERTS, for his leadership on this issue. I thank him immensely. I thank Senator KENNEDY for his leadership on minimum wage. We can make a difference for children with both of these proposals.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Madam President, I thank my friend and colleague for his excellent presentation. He has been the leader of the children's caucus and a leader on this issue of childcare.

We have 14,000 family members now waiting, parents who are waiting for childcare slots in my State of Massachusetts.

I have listened to the Senator give the statistics nationwide. This is all related to work. It is obviously related to lower income because those at the lower income levels have less opportunity as far as affordability.

I can remember when the Senator first offered the childcare legislation. I remember the debates we had about limiting the childcare legislation. We debated for about 10 days or so while it was constantly adjusted, altered, and changed. Eventually, it passed. The childcare block grant has done an enormous amount of good.

The Senator has been very much involved in the other childcare programs that have come out through the CDBG and the other Social Security programs. There is a third childcare program, the one in the military. If you read back in the history books, that particular program passed by over 90 votes. This, effectively, was the legislation the Senator from Connecticut introduced. Today, when we have comparisons about which childcare programs work the best, everyone points to the military. The Senator from Connecticut can give the reasons for it.

The point is, this is a matter of enormous importance to working families, with the whole change in the workforce, the increasing number of women in the workforce, the increasing number of women with children, the increasing demands upon those women, in particular, but not exclusively.

We appreciate the fact that the Senator from Kansas would give focus and attention to this issue. We wish to work with the Senator. We can do part of the job in terms of the authorization. We are going to rely on him to help get limited resources to make sure we bring life to this program. I thank the Senator for his statements and comments.

We look forward to hearing from my friend and colleague from Wyoming, hopefully, urging acceptance of the amendment.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Madam President, I echo what the Senator from Massachusetts said, that this does provide for authorization. There is room for that to be included, and we can help look for the resources to do something on that.

I commend both Senator ROBERTS and Senator DODD for their tenaciousness and their active work to be able to bring this to the Senate at this point in time. I note that Senator ROBERTS has been working on this for about 10 years. Six years is the average for a bill around here. That should qualify.

I ask we make this part of that package.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. ROBERTS. Madam President, I say to the Senator from Connecticut, I thank him very much for his comments. He has been absolutely tenacious, as described by the Senator from Wyoming.

I can remember, it was about, what, 5, 6, 7 years ago, that we all were over, on a cold day, at the childcare center that is offered for employees on Capitol Hill over by the Hart building. We had a press conference. Senator KENNEDY was there, I was there, Senator DODD was there, I think Senator JEFFORDS was there at that time. That was 4 or 5 years ago.

So we should be moving on these things. I pledge my support to see what we can do down the road.

I rise to call up Senate amendment 102.

The PRESIDING OFFICER. Without objection the pending amendments are set aside.

The clerk will report.

The legislative clerk read as follows:

The Senator from Kansas [Mr. ROBERTS] proposes an amendment numbered 102.

Mr. ROBERTS. Madam President, I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To establish a small business child care grant program)

At the appropriate place, insert the following:

SEC. ___. SMALL BUSINESS CHILD CARE GRANT PROGRAM.

(a) ESTABLISHMENT.—The Secretary of Health and Human Services (referred to in this section as the "Secretary") shall establish a program to award grants to States, on a competitive basis, to assist States in providing funds to encourage the establishment and operation of employer-operated child care programs.

(b) APPLICATION.—To be eligible to receive a grant under this section, a State shall prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including an assurance that the funds required under subsection (e) will be provided.

(c) AMOUNT AND PERIOD OF GRANT.—The Secretary shall determine the amount of a grant to a State under this section based on the population of the State as compared to the population of all States receiving grants under this section. The Secretary shall make the grant for a period of 3 years.

(d) USE OF FUNDS.—

(1) IN GENERAL.—A State shall use amounts provided under a grant awarded under this section to provide assistance to small businesses (or consortia formed in accordance with paragraph (3)) located in the State to enable the small businesses (or consortia) to establish and operate child care programs. Such assistance may include—

(A) technical assistance in the establishment of a child care program;

(B) assistance for the startup costs related to a child care program;

(C) assistance for the training of child care providers;

(D) scholarships for low-income wage earners;

(E) the provision of services to care for sick children or to provide care to schoolaged children;

(F) the entering into of contracts with local resource and referral organizations or local health departments;

(G) assistance for care for children with disabilities;

(H) payment of expenses for renovation or operation of a child care facility; or

(I) assistance for any other activity determined appropriate by the State.

(2) APPLICATION.—In order for a small business or consortium to be eligible to receive assistance from a State under this section, the small business involved shall prepare and submit to the State an application at such time, in such manner, and containing such information as the State may require.

(3) PREFERENCE.—

(A) IN GENERAL.—In providing assistance under this section, a State shall give priority to an applicant that desires to form a consortium to provide child care in a geographic area within the State where such care is not generally available or accessible.

(B) CONSORTIUM.—For purposes of subparagraph (A), a consortium shall be made up of 2 or more entities that shall include small businesses and that may include large businesses, nonprofit agencies or organizations, local governments, or other appropriate entities.

(4) LIMITATIONS.—With respect to grant funds received under this section, a State may not provide in excess of $500,000 in assistance from such funds to any single applicant.

(e) MATCHING REQUIREMENT.—To be eligible to receive a grant under this section, a State shall provide assurances to the Secretary that, with respect to the costs to be incurred by a covered entity receiving assistance in carrying out activities under this section, the covered entity will make available (directly or through donations from public or private entities) non-Federal contributions to such costs in an amount equal to—

(1) for the first fiscal year in which the covered entity receives such assistance, not less than 50 percent of such costs ($1 for each $1 of assistance provided to the covered entity under the grant);

(2) for the second fiscal year in which the covered entity receives such assistance, not less than 66⅔ percent of such costs ($2 for each $1 of assistance provided to the covered entity under the grant); and

(3) for the third fiscal year in which the covered entity receives such assistance, not less than 75 percent of such costs ($3 for each $1 of assistance provided to the covered entity under the grant).

(f) REQUIREMENTS OF PROVIDERS.—To be eligible to receive assistance under a grant awarded under this section, a child care provider—

(1) who receives assistance from a State shall comply with all applicable State and local licensing and regulatory requirements and all applicable health and safety standards in effect in the State; and

(2) who receives assistance from an Indian tribe or tribal organization shall comply with all applicable regulatory standards.

(g) STATE-LEVEL ACTIVITIES.—A State may not retain more than 3 percent of the amount described in subsection (c) for State administration and other State-level activities.

(h) ADMINISTRATION.—

(1) STATE RESPONSIBILITY.—A State shall have responsibility for administering a grant awarded for the State under this section and for monitoring covered entities that receive assistance under such grant.

(2) AUDITS.—A State shall require each covered entity receiving assistance under the grant awarded under this section to conduct an annual audit with respect to the activities of the covered entity. Such audits shall be submitted to the State.

(3) MISUSE OF FUNDS.—

(A) REPAYMENT.—If the State determines, through an audit or otherwise, that a covered entity receiving assistance under a grant awarded under this section has misused the assistance, the State shall notify the Secretary of the misuse. The Secretary, upon such a notification, may seek from such a covered entity the repayment of an amount equal to the amount of any such misused assistance plus interest.

(B) APPEALS PROCESS.—The Secretary shall by regulation provide for an appeals process with respect to repayments under this paragraph.

(i) REPORTING REQUIREMENTS.—

(1) 2-YEAR STUDY.—

(A) IN GENERAL.—Not later than 2 years after the date on which the Secretary first awards grants under this section, the Secretary shall conduct a study to determine—

(i) the capacity of covered entities to meet the child care needs of communities within States;

(ii) the kinds of consortia that are being formed with respect to child care at the local level to carry out programs funded under this section; and

(iii) who is using the programs funded under this section and the income levels of such individuals.

(B) REPORT.—Not later than 28 months after the date on which the Secretary first awards grants under this section, the Secretary shall prepare and submit to the appropriate committees of Congress a report on the results of the study conducted in accordance with subparagraph (A).

(2) 4-YEAR STUDY.—

(A) IN GENERAL.—Not later than 4 years after the date on which the Secretary first awards grants under this section, the Secretary shall conduct a study to determine the number of child care facilities that are funded through covered entities that received assistance through a grant awarded under this section and that remain in operation, and the extent to which such facilities are meeting the child care needs of the individuals served by such facilities.

(B) REPORT.—Not later than 52 months after the date on which the Secretary first awards grants under this section, the Secretary shall prepare and submit to the appropriate committees of Congress a report on the results of the study conducted in accordance with subparagraph (A).

(j) DEFINITIONS.—In this section:

(1) COVERED ENTITY.—The term "covered entity" means a small business or a consortium formed in accordance with subsection (d)(3).

(2) INDIAN COMMUNITY.—The term "Indian community" means a community served by an Indian tribe or tribal organization.

(3) INDIAN TRIBE; TRIBAL ORGANIZATION.—The terms "Indian tribe" and "tribal organization" have the meanings given the terms in section 658P of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858n).

(4) SMALL BUSINESS.—The term "small business" means an employer who employed an average of at least 2 but not more than 50 employees on the business days during the preceding calendar year.

(5) STATE.—The term "State" has the meaning given the term in section 658P of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858n).

(k) APPLICATION TO INDIAN TRIBES AND TRIBAL ORGANIZATIONS.—In this section:

(1) IN GENERAL.—Except as provided in subsection (f)(1), and in paragraphs (2) and (3), the term "State" includes an Indian tribe or tribal organization.

(2) GEOGRAPHIC REFERENCES.—The term "State" includes an Indian community in subsections (c) (the second and third place the term appears), (d)(1) (the second place the term appears), (d)(3)(A) (the second place the term appears), and (i)(1)(A)(i).

(3) STATE-LEVEL ACTIVITIES.—The term "State-level activities" includes activities at the tribal level.

(l) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section, $50,000,000 for the period of fiscal years 2008 through 2012.

(2) STUDIES AND ADMINISTRATION.—With respect to the total amount appropriated for such period in accordance with this subsection, not more than $2,500,000 of that amount may be used for expenditures related to conducting studies required under, and the administration of, this section.

(m) TERMINATION OF PROGRAM.—The program established under subsection (a) shall terminate on September 30, 2012.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 102) was agreed to.

Mr. KENNEDY. Madam President, I see the Senator from Alabama looking for recognition. He has filed some amendments. Hopefully, I will have an opportunity to discuss some of those.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. I thank Senator KENNEDY and Senator ENZI for their courtesy as we discuss some of the issues I have raised by my amendments.

What is the pending business?

The PRESIDING OFFICER. The pending question is amendment 118 offered by Senator KYL.

AMENDMENT NO. 106, AS MODIFIED

Mr. SESSIONS. I call for the regular order with respect to Senate amendment 106 and send a modification to the desk.

The PRESIDING OFFICER. The Senator has that right.

The amendment will be so modified.

The amendment (No. 106), as modified, is as follows:

At the appropriate place, insert the following:

SEC. . SENSE OF THE SENATE CONCERNING PERSONAL SAVINGS.

(a) FINDINGS.—The Senate finds that—

(1) the personal saving rate in the United States is at its lowest point since the Great Depression, with the rate having fallen into negative territory;

(2) the United States ranks at the bottom of the Group of Twenty (G–20) nations in terms of net national saving rate;

(3) approximately half of all the working people of the United States work for an employer that does not offer any kind of retirement plan;

(4) existing savings policies enacted by Congress provide limited incentives to save for low- and moderate-income families; and

(5) the Social Security program was enacted to serve as the safest component of a retirement system that also includes employer-sponsored retirement plans and personal savings.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) Congress should enact policies that promote savings vehicles for retirement that are simple, easily accessible and provide adequate financial security for all the people of the United States;

(2) it is important to begin retirement saving as early as possible to take full advantage of the power of compound interest; and

(3) regularly contributing money to a financially-sound investment account is one important method for helping to achieve one's retirement goals.

Mr. SESSIONS. Madam President, it is important as we think about low- and middle-income, middle-class workers in America today, to think about how they are getting along and whether they are saving adequately. Savings is a part of any person's financial security. It makes a difference between how a person thinks about his life, how he or she thinks about her job, and how they can live in the latter years. Most Americans today depend upon Social Security to finance their retirement as Social Security provides 73 percent of the retirement income of the typical household. That is not enough money for the average American to live on adequately. The truth is, they can have so much more so easily. I would like to talk about that today.

To live the comfortable life that Americans deserve after 40-plus years of work, most need to supplement their Social Security income with additional savings, either through an employer-sponsored plan or their own savings plan. Yet despite this need, most Americans are not putting aside money for their future.

Statistic after statistic tragically shows this. The personal savings rate in the United States, as this chart demonstrates, is at its lowest ebb since the Great Depression. It is a matter of national importance, as the Chairman of the Reserve Board and others have discussed.

Look at this chart. It shows, since 1946, our savings rate has fallen steadily; in 2006, it is below zero. We are spending our savings now more than we are saving. It is a very troubling matter. We have to do something about it.

After having averaged better than 7 percent throughout most of the post-World War II period, the personal savings rate dipped into negative territory by 2005 for the first time since 1933. This trend continued last year as the personal savings rate remained in negative territory for the first three quarters of 2006, with the fourth quarter numbers not yet reported.

These statistics indicate that the average American household has been spending more during the last 2 years by either drawing down past savings or selling assets or borrowing.

An alarming number of Americans also lack any financial resources beyond personal income. According to a Federal Reserve 2004 survey of consumer finances, 17 percent of all households have zero or a negative net worth, while 30 percent have a net worth of less than $10,000. This is especially a problem for African-American households, as they are more than twice as likely to have zero or a negative net worth.

Perhaps most troubling, as this next chart demonstrates, almost half of the 152 million Americans who worked in 2004, 71.5 million employees, worked for an employer that did not sponsor a retirement plan of any kind. Another 17 million did not participate in the plan their employer offered. That means over 58 percent of working Americans in 2004 were not participating in an employer-sponsored retirement plan.

Higher income people take care of their plans, but the average working American tends to focus his savings through his business and employer. In particular, younger workers are much less likely to participate in their employer's 401(k) plan, as only about one-third of workers age 21 to 30 participate in any retirement plan at work. Even if a worker is participating in an employer-sponsored retirement plan, he or she is unlikely to be saving sufficiently for the future.

The average American worker holds nine jobs by the time they are 35, meaning that he or she often leaves the job before their retirement benefits become vested. In fact, frequently they cash it out. I had the opportunity to be on an airplane recently with a young man, 37, with two kids. He is beginning to work for the Federal Government. He is going to be saving through the thrift plan. I asked him what he had done before about savings. I told him the average person had nine jobs. He said: I had nine jobs. And when asked about savings, he said: I cashed in my plans. I just had a few hundred dollars in this one and a few hundred in that one. It didn't make sense to hold on to them. I cashed them in and paid my penalties. So at 35 with two kids, he has missed those first 10 or 15 or 20 years of work that he could have been saving and having the power of compound interest at work. About 45 percent of the participants in employer-sponsored retirement plans cashed out when they changed jobs in 2004. A lot of plans don't offer savings until you have worked with the company 6 months or a year; some, 2 years.

As this next chart shows, if we considered business and Government savings, we find that the United States has the lowest national savings rate of any of the group of 20 industrial nations. Whereas Japan's savings rate was 10.8 percent in 2003, Germany's was 5.4 percent, and India's was 15.4 percent, the United States had a net national savings rate of 1.6 percent in 2003. This is a World Bank chart. We can see we have the lowest rate on the chart. That is significant, not only for individuals, most importantly for individual working Americans, but also for our economy because economists tell us that this is a major detriment to our economy. In fact, all but two of the nations listed on the chart I just showed have a net national savings rate of more than twice that of the United States, if not more than 10 times our savings rate.

The lack of personal savings is a particular problem in my State of Alabama. An A.G. Edwards study rated Alabama the Nation's 46th lowest savings State. This lack of personal savings is a national tragedy, as few Americans are putting money aside to ensure their financial security upon retirement, during a time where we have growth and relative prosperity in our Nation. I will repeat that. Think about the tragedy that is occurring when people are not setting aside even a small percentage of their salary, when if they do, they could retire with hundreds of thousands of dollars in a savings account at age 65. This is very realistic. It is very possible. I will talk about it a little bit more in a minute. But as anybody knows who has studied the compound interest factor, the earlier you save, the more important it is. So it is a special tragedy when we see this lack of savings. For example, according to an analysis by Fidelity Investments, if one is 25 years old and has 40 years until retirement, every additional dollar a person saves would be worth $8.14 at retirement, adjusted for inflation. So a dollar saved, if you are 25, is worth $8.14 at retirement.

Increasing savings also allows Americans to achieve greater control and choice over their lives. According to the Center for Social Development, the presence of savings is even associated with improved health and psychological well-being.

The benefits of increasing our Nation's personal savings rate go beyond the financial security of individual families. By increasing household savings, we will be providing the investment capital our Nation needs to ensure long-term economic growth and create more and better jobs. Increasing savings will allow the United States to depend less on foreign capital. America's current account deficit, the amount of domestic investment financed by borrowing from abroad, hit a record high of over 6 percent of GDP in 2005. Foreign capital can sustain our economy in the short run, but I don't know if we can depend on that in the long run. Moreover, we, as a country, benefit from the interest and dividends our assets generate when we own them.

So what can we do to increase personal savings for retirement? I will soon be introducing a bill to help solve our savings problem by creating a national savings system that would give every American the opportunity to retire a half-millionaire. Not a chicken in every pot, not a car in every garage, we desire that every American be able to retire with half a million dollars in the bank. That is possible, realistic, so easily within our grasp if we set forth the right plans today.

Under the plan I will be introducing, individual savings accounts, or PLUS Accounts—for Portable, Lifelong, Universal Savings accounts—would be created for every working American. One percent of every paycheck earned would be deposited automatically, pretax, into individual PLUS Accounts, along with a 1-percent match from every employer, and invested in a new system like our Federal thrift system, a new 401(k)-type system. Under this plan, a savings account would be established for every American at birth, endowing these accounts with $1,000.

This is a proposal which the British are already doing. The UK has a plan similar to this plan. They are very excited about how well it is working. Savings among families in Britain has gone up 40 percent since they started this plan. It has educated people to the power of savings and compound interest.

Senators, such as Mr. SCHUMER, Mr. Santorum, and others, have previously offered legislation of this kind.

So these funds contributed to PLUS Accounts would be the legal property of each account holder, but they could not be spent until age 65. Any funds remaining when an individual died would be passed on as they chose to their spouse, children, grandchildren, or any one of the holder's choosing, including a favorite charity. Account assets would be protected from creditors and would not be considered in determining eligibility for any federally funded benefits or in calculating estate tax liability.

Finally, my plan would simply serve as a supplement to Social Security, not altering the Social Security system in any way. I supported the President's idea of changes in Social Security. I thought it made sense. We did not have the votes to do that in this Congress. So I say, let's do it on top of Social Security.

I believe this can work. If we begin PLUS Accounts at birth and require a portion of every paycheck to be invested, the first check you get, the first job you go to work at, the average American citizen could retire with a rather sizable nest egg. For example, given a reasonable rate of return, someone who makes $46,000 a year—the median household income in 2005—and only contributes 1 percent of each paycheck would retire with almost $300,000 in the bank. Think about that. You put in 1 percent, your employer puts in 1 percent. You have a $1,000 deposit at birth. With no more money put in there other than what you pay out, you would retire with $300,000 in your account. What a remarkable and great country this is. At age 65, this account could be converted to an annuity that would pay the recipient $2,100 per month for life, which is probably more than they will get from Social Security. If the same individual were to contribute 3 percent, if they would just contribute 3 percent of their paycheck over the course of their working life, they could expect to retire with half a million dollars in their account—enough to purchase an annuity that pays over $3,700 per month for life, if they chose, or they could simply live off the income of it and have assets for their children or the charity they chose. This is if the company, the employer, only puts in 1 percent. But many employers today offer more than that.

I have to say, I was talking with Senator CORKER from Tennessee, a successful businessman, about this issue. He said: I believe in savings. We have a savings plan in my company that our people all sign up for.

I said: Tell me about it.

He said: We put in 10 percent, if they will put in 5 percent.

Think about that. That is what Senator CORKER does. A lot of businesses would do this. A lot of businesses would put in more. Many already are, but many businesses would step up to the plate and put in more than 1 percent. But if the employee put in 3 percent and the employer put in 1, at age 65, it would be worth half a million dollars, if you are operating at median income. That is remarkable.

Thus, I would say that if we care about working Americans, if we really want to do something historic, I believe we have an opportunity, a bipartisan opportunity to establish a savings program for Americans. That program should be modeled, in my view, although I am open to other suggestions, on the Federal thrift plan that our employees admire so much and they value so much, you couldn't take it from them with a crowbar. The Federal employees like it. They pay Social Security, and they get a thrift plan where the Government puts in 5 percent if they put in 5 percent. And they can put in more than that. Many of these young people working today who work a career in the Government are going to retire with a very sizable nest egg, something they own, an asset they have earned themselves from their work, and they will be able to retire comfortably, whereas otherwise they may be dependent on Social Security.

It is a national tragedy that we are not educating our children to save. It is a national tragedy that our savings rate has fallen below zero. I believe we can do better. I am offering this sense-of-the-Senate resolution to have the Senate think about it, to affirm its commitment to increasing savings. As we go forward in the weeks to come, we could be talking about the various proposals that are out there to actually make this happen.

I see Senator KENNEDY is off the floor. As I understand, we will set the vote on this resolution for an appropriate time.

Hopefully, we will have strong support from my colleagues.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

AMENDMENT NO. 119

Mr. BUNNING. Madam President, I call up amendment No. 119.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. BUNNING] proposes an amendment numbered 119.

Mr. BUNNING. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To amend the Internal Revenue Code of 1986 to repeal the 1993 income tax increase on Social Security benefits)

At the appropriate place insert the following:

SEC. ___. REPEAL OF 1993 INCOME TAX INCREASE ON SOCIAL SECURITY BENEFITS.

(a) Restoration of Prior Law Formula.—Subsection (a) of section 86 (relating to social security and tier 1 railroad retirement benefits) is amended to read as follows:

"(a) In General.—Gross income for the taxable year of any taxpayer described in subsection (b) (notwithstanding section 207 of the Social Security Act) includes social security benefits in an amount equal to the lesser of—

"(1) one-half of the social security benefits received during the taxable year, or

"(2) one-half of the excess described in subsection (b)(1).".

(b) Repeal of Adjusted Base Amount.—Subsection (c) of section 86 is amended to read as follows:

"(c) Base Amount.—For purposes of this section, the term 'base amount' means—

"(1) except as otherwise provided in this subsection, $25,000,

"(2) $32,000 in the case of a joint return, and

"(3) zero in the case of a taxpayer who—

"(A) is married as of the close of the taxable year (within the meaning of section 7703) but does not file a joint return for such year, and

"(B) does not live apart from his spouse at all times during the taxable year.".

(c) Conforming Amendments.—

(1) Subparagraph (A) of section 871(a)(3) is amended by striking "85 percent" and inserting "50 percent".

(2)(A) Subparagraph (A) of section 121(e)(1) of the Social Security Amendments of 1983 (Public Law 98–21) is amended—

(i) by striking "(A) There" and inserting "There";

(ii) by striking "(i)" immediately following "amounts equivalent to"; and

(iii) by striking ", less (ii)" and all that follows and inserting a period.

(B) Paragraph (1) of section 121(e) of such Act is amended by striking subparagraph (B).

(C) Paragraph (3) of section 121(e) of such Act is amended by striking subparagraph (B) and by redesignating subparagraph (C) as subparagraph (B).

(D) Paragraph (2) of section 121(e) of such Act is amended in the first sentence by striking "paragraph (1)(A)" and inserting "paragraph (1)".

(d) Effective Dates.—

(1) In general.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to taxable years beginning after December 31, 2007.

(2) Subsection (c)(1).—The amendment made by subsection (c)(1) shall apply to benefits paid after December 31, 2007.

(3) Subsection (c)(2).—The amendments made by subsection (c)(2) shall apply to tax liabilities for taxable years beginning after December 31, 2007.

SEC. ___. MAINTENANCE OF TRANSFERS TO HOSPITAL INSURANCE TRUST FUND.

There are hereby appropriated to the Federal Hospital Insurance Trust Fund established under section 1817 of the Social Security Act (42 U.S.C. 1395i) amounts equal to the reduction in revenues to the Treasury by reason of the enactment of this Act. Amounts appropriated by the preceding sentence shall be transferred from the general fund at such times and in such manner as to replicate to the extent possible the transfers which would have occurred to such Trust Fund had this Act not been enacted.

Mr. BUNNING. Madam President, this is an important amendment for many of our seniors because it deals with the taxes on Social Security benefits. I have brought this issue before this Chamber before, so it should be familiar to many of my colleagues.

When the Social Security program was created, benefits were not taxed. However, in 1983, Congress changed the rules of the game by passing legislation to begin taxing up to 50 percent of a senior's Social Security benefit if their income was over $25,000 for a single individual or $32,000 for a couple.

Many seniors across the country were hit with a tax they never anticipated and were forced to send a portion of their Social Security benefits back to the IRS.

In 1993, Congress felt taxing 50 percent of benefits wasn't good enough. That year, Congress passed and President Clinton signed a bill that allows 85 percent of a senior's Social Security benefits to be taxed if their income is above $34,000 for a single and $44,000 for a couple. This was known as the "Clinton senior citizens tax."

The additional money this tax raises doesn't even go into helping Social Security solvency; instead, it goes into a Medicare Part A program.

I was a Member of the House of Representatives in 1993, and I opposed this tax then and I oppose this tax today, 14 years later.

Some people think this tax only affects "rich" seniors, but that is not the case. In fact, the income thresholds both for the 50-percent tax and the 85-percent tax haven't changed since they were first enacted back in 1983 and 1993. This means more and more seniors are paying these taxes every year.

In fact, it is estimated that of the 40 million Social Security beneficiaries, about 15 million—or 39 percent—of seniors pay taxes on their Social Security benefits. Of these, it is estimated that over 9.5 million pay taxes on up to 85 percent of their Social Security benefit.

On one hand, we tell seniors to plan and save for retirement and, on the other hand, we tax them for doing that.

In the past, there have been efforts by Members of Congress, including myself, to remove this unfair tax. During debate on the Senate 2006 budget resolution, I offered an amendment that provided Congress with the budget resources to remove this unfair tax on benefits. My amendment passed 55 to 45. Unfortunately, the tax reconciliation instructions were scaled back during conference.

Today, I am offering another amendment to finally repeal the 1993 tax on Social Security benefits. This means the 85-percent tax tier would be eliminated and the maximum amount of Social Security benefits that could be taxed would be 50 percent. Millions of seniors would be able to keep more of their Social Security benefits, and Congress gets an opportunity to end this unfair tax on seniors.

It is also important to point out that the Medicare Program is not harmed by my amendment. As I already said, this tax funds the Medicare program. Therefore, my amendment transfers to Medicare any amount it would have received due to this tax from the general fund.

This was an unfair tax on our seniors, and it is time we repeal it. I urge my colleagues to support this amendment. I thank the Chair for the time. We will look for a time later to bring up the amendment again.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. SANDERS. Madam President, I rise today in strong support of the Fair Minimum Wage Act of 2007. I commend Senator KENNEDY for his leadership on this issue. This important legislation would increase the Federal minimum wage from the abysmally low $5.15 an hour to $7.25 an hour over a 2-year period.

Let us make no mistake about it, this bill will benefit millions of workers and their families. It is very long overdue. Anyone who works 40 hours a week in the United States of America should not be living in abject poverty. It is a moral disgrace that Congress has not increased the minimum wage since 1997. Yes, Congress has provided hundreds of billions of dollars in tax breaks to people who don't need it, but somehow, over a 10-year period, Congress has not reached out to millions of workers making the minimum wage and raised that wage.

Today's minimum wage workers have less buying power than minimum wage workers did back in 1955, when Dwight Eisenhower was President. Simply put, a job should keep you out of poverty, not keep you in poverty.

At the current Federal minimum wage of $5.15 an hour, a person working full time makes less than $11,000 per year before taxes, which is approximately $6,000 below the Federal poverty line for a family of three.

Moreover, while the cost of living has skyrocketed, the value of the minimum wage has eroded by over 20 percent since the last increase. Today, nearly 13 million workers, 10 percent of the United States workforce, would directly or indirectly benefit from a raise in the minimum wage to $7.25 an hour; 5.5 million workers would benefit directly, 7.4 million workers would benefit indirectly, and more than 60 percent of those who would benefit are women.

In addition to workers, millions of American families would benefit from a raise in the minimum wage, including nearly 6 million children who would see their parents' earnings increase.

But some will argue that an increase in the minimum wage will primarily benefit teenagers. I think the evidence is quite strong that that is not the case. Further, recently, over 650 economists, including Nobel Prize winners and past presidents of the American Economics Association, released a statement calling for a raise in the minimum wage. They confirm that "a modest increase in the minimum wage would improve the well-being of low-wage workers and would not have the adverse effects that critics have claimed.: . . . The weight of the evidence suggests that modest increases in the minimum wage have very little or no effect on employment."

Moreover, and interestingly, a recent Gallup Poll revealed that 86 percent of small business owners today do not believe that an increase in the minimum wage would hurt their business. Three-fourths of small business owners thought a 10-percent increase would have no effect on them. In fact, nearly half of those polled thought the minimum wage should be increased.

While I believe it is important to raise the minimum wage to $7.25 an hour, it is clear to me that much more needs to be done. We should see this increase—long overdue—in the minimum wage as simply a start to address the disgraceful reality that more and more of our fellow Americans are living in poverty, and it is an outrage that today in the United States of America we have, by far, the highest rate of childhood poverty in the industrialized world.

In the last 10 years, what we have seen in our country is a proliferation of millionaires and billionaires. We have seen the wealthiest people become ever wealthier. But what we have also seen, since President Bush has been in office, is that over 5 million more Americans have slipped into poverty. The rich become richer, the poor become poorer, and the middle class continues to shrink. In my view, raising the minimum wage is an important start in attempting to address the crisis of poverty in America, but it is clear to me that we have to do much more. Among many other things we have to do, we must address the reality in America today that we are losing millions of good-paying manufacturing jobs and good-paying white-collar information technology jobs because of our disastrous trade agreements.

The time is now to begin to fundamentally rethink our trade agreements so we can begin to create good-paying jobs here in the United States, so our young people will be able to make it to the middle class rather than to continue to struggle year after year in poverty.

We have to take a hard look at the National Labor Relations Act and the National Labor Relations Board, which today make it increasingly hard for workers to form unions. If workers are able to collectively negotiate a contract, very often the wages they get will be substantially higher than if they did not have a union. So in raising the minimum wage, what we are doing today is saying to millions of workers who are struggling desperately to keep their heads above water, we understand what you are going through. We understand it is an outrage that for a 10-year period this Congress has not raised the minimum wage, and the purchasing value of the minimum wage has declined. But I hope that what we are doing this week is simply a start to address the very serious economic problems facing not only low-income Americans but the middle class as well.

I hope that this Senate, this Congress, will begin focusing its attention on the decline of the middle class, the increase of poverty, and come up with economic and fiscal policies that benefit all Americans and not just the wealthy and large multinational corporations.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. GRAHAM. Madam President, I ask unanimous consent to speak for 5 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

NEW STRATEGY IN IRAQ

Mr. GRAHAM. Madam President, the reason I rise to take the floor is this afternoon—I think the Presiding Officer was present in the Armed Services Committee hearing when General Petraeus testified about the new strategy in Iraq. I hope that over time more Americans will be familiar with him and his view of what we can do to go forward.

In his testimony, General Petraeus clearly indicated we have made a lot of mistakes in Iraq. We never had enough troops to secure the country, and the debaathification program basically was a mistake. Other agencies involved in nationbuilding have not done their part. Militias have grown. The biggest event in the sectarian violence was the bombing of the Shia Golden Dome Mosque, and since that event, which was al-Qaida-inspired, we have been going backward instead of forward and the sectarian violence in Baghdad has gotten worse.

But General Petraeus believes this new strategy is not more people doing the same thing. It is a fundamentally different shift in policy. I agree with him and hope the country will listen closely to what he says. I have a lot of confidence in General Petraeus. I intend to support him.

I will not vote for any resolution that declares a strategy of failure before he has a chance to implement it because if we do that, it is going to be a very bad sendoff for our troops going into battle. It will embolden the enemy and weaken the moderates we eventually have to rely on in the Mideast to help us in the war on terror.

The strategy will be similar to this: We will be increasing reinforcements on all fronts. We have had enough military people in Iraq to clear territory but never hold it. We never lost a battle with insurgents. We can clear out a town or sector of Baghdad, but once we leave, we turn it over to an immature Iraqi Army or corrupt police force.

What we are doing by having 21,500 more troops is it doubles the combat capability of American forces in Baghdad to 17,500, and that will allow some soldiers to stay behind with the Iraqis to hold territory. Hold for what purpose? To give the political leadership in Iraq a chance to reconcile their differences through the political process.

Ask General Petraeus: Do you believe Iraq is part of the overall global war on terror?

I do.

If you believe it is a Vietnam which is a lost cause and not worth fighting for and we need to get out, don't pass a resolution condemning the action. Cut off funding. If you believe it is part of the global war on terror, as I do, we need to fight to win. I think that is exactly what we are trying to do. We are going to reinforce the military so we can hold, to give the Iraqi leadership a chance to reconcile the problems politically. I don't believe any political group could find democracy or common ground in this much violence. It is hard enough for us to find a solution to immigration and none of us being shot at. Can you imagine trying to reconcile a country oppressed by dictators for over 30 years with this level of violence?

If we can control the violence, I think it will lead to a better political result. They have to share the oil revenues with the Sunnis. The Sunnis have to have something to fight for, not against. That has to happen. At the end of the day, a million troops won't change Baghdad or Iraq if the Iraqi people are not willing to make the accommodations they need to make. They are under siege. They need reinforcements.

On the economic front, 70 percent of our casualties come from improvised explosive devices, somebody planting a bomb along the side of the road. Some people are planting those bombs because they don't have a job. They don't have any way to support their family, so they are taking money from the insurgents. Let's create an economy to give them an option other than planting bombs.

Secondly, some people are planting bombs because there is no downside. Once you get caught, you get released. We need a robust rule of law. If you want to change the way our troops are treated in Iraq, put people in jail for a very long time for attacking our troops. That will be a deterrent.

Finally, more military presence will put pressure on those making these explosive devices. This is a surge on all fronts. He is confident this plan will work. He understands the Iraqi political leadership has to do their part. The Iraqi military has to do their part. But the sectarian violence has come about because al-Qaida hit the motherload when they blew up the Golden Mosque. We cannot let al-Qaida win in destabilizing Iraq. They went to Iraq behind us because they understand that the consequences of success in Iraq are not confined to Iraq. If you can have a stable, functioning democracy that is tolerant, then it will spread to other areas of the Mideast and will be a mighty blow to the al-Qaida agenda.

We need to understand that a failed state in Iraq creates chaos for not just us but the world. Iran becomes a big winner. The south of Iraq becomes a puppet state of Iran. We could have a war between Turkey and the Kurds in the north. And if there is a bloodbath in Bagdad, which there surely will be if we leave, then Sunni Arab nations are going to get involved, and the whole region becomes much more unstable.

I urge my colleagues to listen to General Petraeus and ask the question: Do you have confidence in this man to do what he says he can do? And if the answer is yes, don't undermine him before he leaves. Give him the resources he needs. If you don't have confidence in him and our military and our leadership to change policy and strategy and be successful, don't let one more person go to Iraq to get killed or wounded in a lost cause. You should have the courage of your convictions to cut off funding. A middle-ground solution is the worst of all worlds.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

AMENDMENTS NOS. 152, 153, AND 154 EN BLOC

Mr. ENZI. Madam President, on behalf of Senator ENSIGN, I call up amendments Nos. 152, 153, and 154.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from Wyoming [Mr. ENZI], for Mr. ENSIGN, proposes amendments numbered No. 152, 153, and 154 en bloc.

Mr. ENZI. Madam President, I ask unanimous consent that the reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

AMENDMENT NO. 152

(Purpose: To reduce document fraud, prevent identity theft, and preserve the integrity of the Social Security system)

At the appropriate place, insert the following:

SEC. ___. PRECLUSION OF SOCIAL SECURITY CREDITS PRIOR TO ENUMERATION.

(a) INSURED STATUS.—Section 214 of the Social Security Act (42 U.S.C. 414) is amended by adding at the end, the following new subsection:

"(d)(1) Except as provided in paragraph (2), no quarter of coverage shall be credited for purposes of this section if, with respect to any individual who is assigned a social security account number on or after the date of enactment of the Fair Minimum Wage Act of 2007, such quarter of coverage is earned prior to the year in which such social security account number is assigned.

"(2) Paragraph (1) shall not apply with respect to any quarter of coverage earned by an individual who, at such time such quarter of coverage is earned, satisfies the criterion specified in subsection (c)(2).".

(b) BENEFIT COMPUTATION.—Section 215(e) of such Act (42 U.S.C. 415(e)) is amended—

(1) by striking "and" at the end of paragraph (1);

(2) by striking the period at the end of paragraph (2) and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(3) in computing the average indexed monthly earnings of an individual who is assigned a social security account number on or after the date of enactment of the Fair Minimum Wage Act of 2007, there shall not be counted any wages or self-employment income for which no quarter of coverage may be credited to such individual as a result of the application of section 214(d).".

AMENDMENT NO. 153

(Purpose: To preserve and protect Social Security benefits of American workers, including those making minimum wage, and to help ensure greater congressional oversight of the Social Security system by requiring that both Houses of Congress approve a totalization agreement before the agreement, giving foreign workers Social Security benefits, can go into effect)

At the appropriate place, insert the following:

SEC. ___. TRANSMITTAL AND APPROVAL OF TOTALIZATION AGREEMENTS.

(a) IN GENERAL.—Section 233(e) of the Social Security Act (42 U.S.C. 433(e)) is amended to read as follows:

"(e)(1) Any agreement to establish a totalization arrangement which is entered into with another country under this section shall enter into force with respect to the United States if (and only if)—

"(A) the President, at least 90 calendar days before the date on which the President enters into the agreement, notifies each House of Congress of the President's intention to enter into the agreement, and promptly thereafter publishes notice of such intention in the Federal Register,

"(B) the President transmits the text of such agreement to each House of Congress as provided in paragraph (2), and

"(C) an approval resolution regarding such agreement has passed both Houses of Congress and has been enacted into law.

"(2)(A) Whenever an agreement referred to in paragraph (1) is entered into, the President shall transmit to each House of Congress a document setting forth the final legal text of such agreement and including a report by the President in support of such agreement. The President's report shall include the following:

"(i) An estimate by the Chief Actuary of the Social Security Administration of the effect of the agreement, in the short term and in the long term, on the receipts and disbursements under the social security system established by this title.

"(ii) A statement of any administrative action proposed to implement the agreement and how such action will change or affect existing law.

"(iii) A statement describing whether and how the agreement changes provisions of an agreement previously negotiated.

"(iv) A statement describing how and to what extent the agreement makes progress in achieving the purposes, policies, and objectives of this title.

"(v) An estimate by the Chief Actuary of the Social Security Administration, working in consultation with the Comptroller General of the United States, of the number of individuals who may become eligible for any benefits under this title or who may otherwise be affected by the agreement.

"(vi) An assessment of the integrity of the retirement data and records (including birth, death, and marriage records) of the other country that is the subject of the agreement.

"(vii) An assessment of the ability of such country to track and monitor recipients of benefits under such agreement.

"(B) If any separate agreement or other understanding with another country (whether oral or in writing) relating to an agreement to establish a totalization arrangement under this section is not disclosed to Congress in the transmittal to Congress under this paragraph of the agreement to establish a totalization arrangement, then such separate agreement or understanding shall not be considered to be part of the agreement approved by Congress under this section and shall have no force and effect under United States law.

"(3) For purposes of this subsection, the term 'approval resolution' means a joint resolution, the matter after the resolving clause of which is as follows: 'That the proposed agreement entered into pursuant to section 233 of the Social Security Act between the United States and ___________ establishing totalization arrangements between the social security system established by title II of such Act and the social security system of ___________, transmitted to Congress by the President on   , is hereby approved.', the first two blanks therein being filled with the name of the country with which the United States entered into the agreement, and the third blank therein being filled with the date of the transmittal of the agreement to Congress.

"(4) Whenever a document setting forth an agreement entered into under this section and the President's report in support of the agreement is transmitted to Congress pursuant to paragraph (2), copies of such document shall be delivered to both Houses of Congress on the same day and shall be delivered to the Clerk of the House of Representatives if the House is not in session and to the Secretary of the Senate if the Senate is not in session.

"(5) On the day on which a document setting forth the agreement is transmitted to the House of Representatives and the Senate pursuant to paragraph (1), an approval resolution with respect to such agreement shall be introduced (by request) in the House by the majority leader of the House, for himself or herself and the minority leader of the House, or by Members of the House designated by the majority leader and minority leader of the House; and shall be introduced (by request) in the Senate by the majority leader of the Senate, for himself or herself and the minority leader of the Senate, or by Members of the Senate designated by the majority leader and minority leader of the Senate. If either House is not in session on the day on which such an agreement is transmitted, the approval resolution with respect to such agreement shall be introduced in that House, as provided in the preceding sentence, on the first day thereafter on which that House is in session. The resolution introduced in the House of Representatives shall be referred to the Committee on Ways and Means and the resolution introduced in the Senate shall be referred to the Committee on Finance.".

(b) ADDITIONAL REPORTS AND EVALUATIONS.—Section 233 of the Social Security Act (42 U.S.C. 433) is amended by adding at the end the following new subsections:

"(f) BIENNIAL SSA REPORT ON IMPACT OF TOTALIZATION AGREEMENTS.—

"(1) REPORT.—For any totalization agreement transmitted to Congress on or after January 1, 2007, the Commissioner of Social Security shall submit a report to Congress and the Comptroller General that—

"(A) compares the estimates contained in the report submitted to Congress under clauses (i) and (v) of subsection (e)(2)(A) with respect to that agreement with the actual number of individuals affected by the agreement and the actual effect of the agreement on social security system receipts and disbursements; and

"(B) contains recommendations for adjusting the methods used to make the estimates.

"(2) DATES FOR SUBMISSION.—The report required under this subsection shall be provided not later than 2 years after the effective date of the totalization agreement that is the subject of the report and biennially thereafter.

"(g) GAO EVALUATION AND REPORT.—

"(1) EVALUATION OF INITIAL REPORT ON IMPACT OF TOTALIZATION AGREEMENTS.—With respect to each initial report regarding a totalization agreement submitted under subsection (f), the Comptroller General of the United States shall conduct an evaluation of the report that includes—

"(A) an evaluation of the procedures used for making the estimates required by subsection (e)(2)(A);

"(B) an evaluation of the procedures used for determining the actual number of individuals affected by the agreement and the effects of the totalization agreement on receipts and disbursements under the social security system; and

"(C) such recommendations as the Comptroller General determines appropriate.

"(2) REPORT.—Not later than 1 year after the date of submission of an initial report regarding a totalization agreement under subsection (f), the Comptroller General shall submit to Congress a report setting forth the results of the evaluation conducted under paragraph (1).

"(3) DATA COLLECTION.—The Commissioner of Social Security shall collect and maintain the data necessary for the Comptroller General of the United States to conduct the evaluation required by paragraph (1).".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to agreements establishing totalization arrangements entered into under section 233 of the Social Security Act which are transmitted to Congress on or after January 1, 2007.

AMENDMENT NO. 154

(Purpose: To improve access to affordable health care)

At the appropriate place, insert the following:

SEC. ___. NON-GROUP HIGH DEDUCTIBLE HEALTH PLAN PREMIUMS OPTIONS.

(a) IN GENERAL.—Section 223(d)(2)(C) of the Internal Revenue Code of 1986 (relating to exceptions) is amended by striking "or" at the end of clause (iii), by striking the period at the end of clause (iv) and inserting ", or", and by adding at the end the following new clause:

"(v) a high deductible health plan, other than a group health plan (as defined in section 5000(b)(1)).".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2007.

AMENDMENT NO. 106, AS MODIFIED

Mr. ENZI. Madam President, in a while, we will take some action on Senator SESSIONS' amendment. I would like to make a couple comments on that amendment before we get to that point. This might be an appropriate time.

Last year, Congress undertook the most sweeping changes to pension law since the enactment of ERISA. It was a major milestone and resulted in the most comprehensive change to workers' and their families' pension and retirement savings in the past 32 years.

The Pension Protection Act could not have been enacted without bipartisan cooperation, but it took more than Republicans and Democrats working together. The Pension Protection Act resulted from a deep commitment toward cooperation between the Finance Committee, which oversaw the tax provisions of the bill, and the Health, Education, Labor, and Pensions Committee, which oversaw the pensions provisions.

On the Health, Education, Labor, and Pensions Committee, we had previously taken a strong bipartisan look at retirement issues and retirement savings as part of our pension oversight duties. The new chairman of the committee has stated he will continue the committee's strong pension oversight responsibilities in order to protect and strengthen the retirement savings so that workers and their families may prosper long into their retirement years.

The sense-of-the-Senate resolution before us expresses the sentiment that saving for retirement is important. We all agree with that point. The fact is that savings opportunities are available almost everywhere, but many workers do not take advantage of it. By this sense-of-the-Senate resolution, we are not advocating any particular retirement programs or initiatives over others on the books already or proposed to be introduced. We are simply saying that people ought to save enough to maintain their standard of living during their golden years, and they ought to invest prudently so that their savings will be safe when they do retire.

Better financial education and investment advice is needed. Automatic enrollment rules that were enacted in the Pension Protection Act will help people learn to save. New default investment regulations, when finalized, will help too.

In that respect, progress has been made in saving for retirement, but much needs to be done.

I am happy to join with my colleagues in reiterating the commitment by supporting the sense-of-the-Senate resolution.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Madam President, I expect we will vote at a quarter to 5 or so on the Sessions amendment. I will vote in favor and urge my colleagues to vote in favor.

Americans who have worked hard and played by the rules for a lifetime deserve a secure retirement. They deserve to be able to enjoy their golden years, spend time with their families, and rest after a lifetime of hard work. We need to be sure they have the income they need for gasoline, prescription drugs, and other needs of daily living.

As my friend and colleague, Senator ENZI, pointed out, we passed a comprehensive bill last year. It was the result of years of work by the HELP and Finance Committees. That work took steps to strengthen our pension system and increase retirement savings, but we still have a long way to go. Half of Americans have no type of pension plan at all in their workplace. And today, Americans have negative savings rates for the first time since the Great Depression.

In order to guarantee a secure retirement for Americans, we need to ensure that the three legs of retirement security are all there: Social Security, private pensions, and personal savings. Each one of these legs plays a vital role, and we need to strengthen all three—Social Security, private pensions, and personal savings.

I know the Senator from Alabama has proposed ideas for creating and expanding personal savings. Our staff has been talking about these ideas and many proposals are being developed by Senator BAUCUS, Senator BINGAMAN, Senator CONRAD, and others. I look forward to continuing to work with Senator ENZI, Senator MIKULSKI, and Senator BYRD on our Retirement Security Subcommittee.

This is an area of enormous concern for working families in this country—what is going to happen during their golden years. They look forward to Social Security, and we are going to have to address that issue. We are going to have to address the Medicare issue, which will begin to run out of funds in, I believe, 2018.

We know that defined benefit programs have been collapsing over the years, and 401(k)s that have tried to fill in have not played the role that defined benefit plans played in terms of giving answers to workers, and we have seen that the personal savings accounts brought out during the discussions by Senator ENZI and Senator SESSIONS have been in rapid decline.

The indicators are all moving in the wrong direction, in terms of a firm, secure, dependable, and reliable retirement program for working families in this country. We should find ways to work to encourage a change in that policy.

At the appropriate time, when the Senator comes back, we will dispose of the Senator's amendment. We are at an appropriate time.

Madam President, I ask unanimous consent that at 4:45 p.m. today, the Senate proceed to a vote on or in relation to the Session's amendment No. 106, as modified; that there be 2 minutes of debate equally divided and controlled between Senator KENNEDY and Senator SESSIONS prior to the vote; and that no second-degree amendment be in order to the amendment prior to the vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ENZI. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ENZI. Madam President, too often when we debate the issue of minimum wage, we focus on abstract ideas and proposals and fail to consider the impact of our actions on the small business community that lives and breathes in the real world. I appreciate the cooperation with Senator REID and others, focused around Senator BAUCUS and Senator GRASSLEY, working in a very bipartisan way to put together a package that would help to relieve some of the impact of the minimum wage increase. I hope everyone has noticed that in the minimum wage debate we have been having, the debate has not been over whether to raise the minimum wage. The debate has been on what we can do to alleviate some of the impact on small business. I hope that is the way we can continue the discussion on this, too.

I mentioned earlier today that you need to meet some of these small businessmen. They are in your neighborhood. You can meet them easily. They run the laundry, corner grocery, little retail stores. For the most part they are families who are eking out a living while they are taking on a lot of risk. They do have these moments that they wonder why they undertook that risk and how they are going to continue to fund that risk. Sometimes they are paying employees when they can't even afford to pay themselves, and their families are relying on the business to support them as a family, too, particularly considering all the risks they are taking.

Sometimes they are forced to come up with additional funds to pay their workers on what we will be mandating. Those funds do not come from a money tree or some pot of gold at the end of the rainbow. They come out of the pockets of the Nation's small businessmen. It is the penalty they pay for taking the risks associated with running a small business.

The first hearing I held in Wyoming was as part of the Small Business Committee. We had a hearing on some of the problems of small business. When it was over, one of the reporters came up and said: You only had about 100 small businessmen attend this. Why do you suppose it was such a poor turnout?

I said: That wasn't a poor turnout from small business. If small business had an extra employee to send to a day's conference, they would fire him. They can't afford extra people.

With that realization, it was a good turnout and there were a lot of good suggestions. I always like to go back to Wyoming and meet with the people and actually talk to the guy on the end of the shovel because he usually has the best suggestions for changing the shovel. I found that to be true of the small businessmen.

This afternoon we agreed to an amendment that will provide for easier compliance with Federal rules and regulations, and I appreciate the bipartisan action that was taken. That will make a huge difference to small businessmen.

We could consider that the action we are about to take will be making it bad business for people to hire people who need some help and support in developing their skills by that method, making them higher wage workers. That cannot help but cost some people their jobs. In other instances, the hours they need will be cut back, hours that they need to get a good paycheck.

We cannot leave the floor today feeling better about having helped ease the income strain for many of the workers of our States but having left the employers wondering how to pay for the increases we have mandated. Once again, we have the best of intentions, but, once again, we have to remember one simple rule: It is not our money. We are, once again, reaching into the pockets of the small businessmen in our community and taking their money and telling them the amount of wages they will pay their employees without regard to the talents and abilities of the employees they can hire.

We have this huge job training corps out there. It is called small businesses. They take people who don't have the skills that are necessary for the small business they are operating and they teach them how to run a cash register, how to count change, how to interact with a customer, how to dress appropriately.

You might think these are all things that might be covered in school classes, and they are, if you take the right classes. But there are a lot of people who not only don't take the right classes, they drop out of school. They need to earn a living and they have to start somewhere earning a living. To earn that living they have to have some training, some basic job training. A lot of these small businesses are where they get that basic business training, and they kind of get it for free. The businessmen provide that information, and most of the people in the minimum wage level move up rather quickly. As they learn those skills, they get paid more. I know a lot of businesses where they have the minimum wage situation that lasts about 3 weeks if the people learn enough to advance so they can actually wait on the customer.

What we are talking about is a blanket increase that will warm the hearts of those who lack the skills for higher wage jobs as it leaves the employers out in the cold, unless we do the Reid package. Any increase in the minimum wage must be offset by a small business tax incentive package.

As a former small business owner of mom-and-pop shoe stores, let me walk through the realities of how business owners may address a mandated Federal minimum wage hike. Raising the minimum wage to $7.50 imposes a 41-percent increase in labor costs for a small employer with minimum wage workers. Every employer must face the very real issue of how he or she will deal with this increase in the costs and still meet the payroll week after week.

These are very real and difficult questions that impact our smallest employers most heavily. These increases must be paid for by employers and, as I said before, the money doesn't grow on trees. An employer must make hard decisions about how to meet these increased payroll obligations.

When costs go up, most businesses first look to cut expenses. The choices they have can be difficult and have often already been used. To meet higher mandated payroll costs, a small employer may be forced to consider cutting back on benefits such as health insurance, retirement, or leave plans—although a lot of small businesses can't afford to provide those in the first place.

It is simply too easy to forget that fringe benefits have a significant cost. Most employees don't realize the benefit they are getting when they get those. If a small employer has to reduce expenses to meet payroll, those are often the costs that go.

I know of a video store—I was talking to a young man who works in the Senate now, and he used to work in the Senate and part-time in a video store. When the minimum wage went up last time, what the video store did was instead of having two people at the store at the close of business, they only had one, and only having one isn't nearly as safe as having two. But that was the choice that the owner had to make in order to be able to meet the payroll.

We have seen some charts where, in States where there has been a raise in minimum wage, there has been an increase in number of jobs as well. I appreciate those charts and believe those charts to be accurate. What those charts are doing, though, is aggregating for the entire State. What we are doing is imposing this on one business at a time, one employee at a time. It really gets down to as local as politics ever gets. Those small businessmen believe that individuals matter, that people matter, and they are forced into some of these choices. There are not a whole lot of ways they can compensate for the change.

I have a chart that shows how to cut costs when there are none to cut. This came from the Washington Post. It says:

> We're at the bottom. If the minimum wage went up, I don't know how we would make the cuts to cover it . . . the employee said.

The lone salaried employee, she works 80 hours a week to make up for the lack of workers. "I have mixed feelings," she continued. "I know that people can't afford to live on $5.15 an hour. But on the business side, small businesses can't afford to pay it."

There are examples like that that are real-life situations that do make it difficult. That is the lone employee in a store.

Beyond cutting fringe benefits, small businesses may need to consider cutting back work hours, eliminating overtime, or laying off workers. Such actions are traditional and often necessary responses to meeting increased costs—not just the increased costs of the minimum wage. Unfortunately, these actions ultimately hurt the very workers the minimum wage increase is designed to help.

Some would say raise the prices. That is not always possible in the short run. In the long run there may be some flexibility because this is going to be imposed on everybody and will drive up prices. Of course, when it drives up prices, it kind of eliminates the benefit of the increase in the minimum wage. In the real world, small employers have to consider these types of options to cope with mandated increases in wages. Small business owners who themselves favor a minimum wage increase nonetheless recognize that any increase may result in having to make these tough choices.

In a recent front-page Washington Post article, the owner of a discount store in Kansas noted that, while he felt a wage of $7.25 seemed fair, he also noted that his profit margin was thin and that wages are his biggest controllable expense. He said: If wages go up, hours will have to come down. And the question will become: Whose, his stockman who works 6 hours a day and takes care of a wife who is blind and arthritic or should it be another worker who is ill and is on a waiting list for an organ transplant and needs more hours rather than fewer or yet another employee who is 22 years old and pregnant? These are hard realities that are faced by many small employers and those who work with them.

I ask unanimous consent that an article from the Washington Post that came out recently—I congratulate the writer of that article—be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Jan. 10, 2007]

LIFE AT $7.25 AN HOUR

(By David Finkel)

ATCHISON, KS.—It was payday. Money, at last. Twenty-two-year-old Robert Iles wanted to celebrate. "Tonight, chimichangas!" he announced.

He was on his way out of the store where his full-time job pays him $7.25 an hour—the rate that is likely to become the nation's new minimum wage. Life at $7.25; This is the life of Robert Iles and with $70 in a wallet that had been empty that morning, he headed to a grocery store where for $4.98 he bought not only 10 chimichangas but two burritos as well.

From there he stopped at a convenience store, where for $16.70 he filled the gas tank of the car he purchased when he got his raise to $7.25; then he went to another grocery stores where he got a $21.78 money order to pay down some bills, including $8,000 in medical bills from the day he accidentally sliced open several fingers with a knife while trying to cut a tomato; and then he headed toward the family trailer 19 miles away, where his parents were waiting for dinner.

Today in Washington, the House is scheduled to vote on whether to increase the federal minimum wage from $5.15 to $7.25. Passage is expected, with Senate approval soon to follow, and if President Bush signs the resulting bill into law, as he indicated he would, the U.S. minimum wage would rise for the first time since 1997, ending a debate about whether such a raise would be good or bad for the economy.

But even if the matter is settled in Congress, it isn't settled at all in Atchison, and Robert Iles's drive home is proof. Every stop he made on his ride home revealed a different facet of how complicated the minimum wage can be in the parts of America where, instead of a debatable issue, it is a way of life.

At the store where Iles works, for instance, the owner thinks the minimum wage should be increased as a moral issue but worries about which employees' hours he will have to cut to compensate.

At the store where he bought the chimichangas, the cashier who makes $6.25 worries that a raise will force her out of her subsidized apartment and onto the street.

At the convenience store where he bought gas, the owner worries that he will have to either raise prices, angering his customers, or make less money, "and why would I want to make less money?"

At the store where he got the money order, the worries are about Wal-Mart, which not only supports an increase but also built a Supercenter on the edge of town that has been sucking up customers since it opened three years ago.

As for Iles—who keeps $70 out of every paycheck to cover two weeks' worth of food and gas and in a matter of minutes was already down to $26.54—his worry was as basic as how fast to drive home.

Drive too fast and he'd be wasting gas. But his family was waiting. And his chimichangas, best cooked frozen, were starting to thaw.

THE MEANING OF A DOLLAR

The debate about the minimum wage usually comes down to jobs. If Congress approves the increase it will result in raises for an estimated 13 million Americans, or about 9 percent of the total workforce. That's a percentage that most economists agree would cause a modest increase in national unemployment. In Kansas, however, "it would have a fairly significant impact," said Beth Martino, a spokeswoman for the state Department of Labor. According to one independent analysis, 16 percent of the workforce, or 237,000 workers, would be affected—and that doesn't include the 20,000 whose wages aren't governed by the federal Fair Labor Standards Act and earn the state minimum wage of $2.65. That rate, the lowest in the nation and unchanged since 1988, hints at the prevailing wisdom in Kansas about the minimum wage, which is that the only way low-wage earners will make more is through congressional action.

This holds true from Topeka, where the powerful Kansas Chamber of Commerce has long opposed any raise, to rural Mulvane, home of Republican state legislator Ted Powers, who says his futile effort three year's ago to raise the state minimum wage resulted in his being branded a "dirty dog," to Atchison, a working-class city of 11,000 where the stores that depend on low-wage workers include one called "Wow Only $1.00!" This is the store where Robert Iles has worked for five years.

"Robert, would you help me a second?" Jack Bower, the owner, called to Iles soon after opening, as the line at the cash register grew. A onetime Wal-Mart vice president, Bower moved back to Atchison several years ago to teach and ended up buying the old J.C. Penney store, and now runs a business where the meaning of a dollar is displayed on shelf after shelf. The jar of Peter Piper's Hot Dog Relish? That's what a dollar is worth. The Wolfgang Puck Odor Eliminator that a customer was looking at as she said to a friend, "I just don't know how I'm ever going to make it. My ex-husband's not paying his child support"? That's a dollar, too, as is the home pregnancy test, the most shoplifted item in the store.

"This is not a wealthy community," Bower explained. "The thing is, a lot of people depend on this store."

Robert Iles has his own version of a dollar's meaning, learned last February when Bower took him aside and said he would be getting a pay raise to $7.25. "Okay," Iles remembers replying, wanting to seem businesslike. "But inside I was doing the cha-cha-cha," he said. "It was like going from lower class to lower middle class."

Soon after, he bought his car, a used 2005 Dodge Neon, and just about every workday since then he has spent his lunch break in the driver's seat, eating a bologna sandwich with the engine off to save gas, even in winter. An hour later, he was back behind the cash register, telling customers "Thank you and have a nice day" again and again.

And meanwhile, Jack Bower wondered whose hours he will cut if he has to give his employees a raise.

It's not that he's against raising the minimum wage—"I don't think $5.15 is adequate," he said, adding that $7.25 seems fair—but his profit margin is thin, and wages are his biggest controllable expense. So if wages go up, he said, hours will have to come down, and the question will become: Whose?

Will it be Neil Simpson, 66, who works six hours a day as a stockman, and then five more hours somewhere else cleaning floors, and takes care of a wife who is blind and arthritic?

Will it be Susan Irons 57, who was infected with hepatitis C from a blood transfusion, is on a waiting list for a liver transplant and needs more hours rather than fewer?

Will it be Christina Lux, who is 22 years old and 13 weeks pregnant?

Will it be Iles?

"Attention, all shoppers," he said into the microphone. "We will be closing in 10 minutes. Please begin making your final selections." Ten minutes later, he was clocked out and back in his Neon. "My brand new car," he called it proudly, and he explained how he was able to afford it on $7.25 an hour: a no-money-down loan for which he will pay $313.13 a month until 2012.

SMALL BUSINESS "AT BOTTOM"

Seven dollars and twenty-five cents an hour equals $15,080 per year, and out of that comes $313 for the car loan and $100 for car insurance, Iles said, going over his monthly bills. An additional $90 for the 1995 car with 135,000 miles on it that he is buying from a friend for his mother, $150 for the family phone bills, $35 on his credit card, $100 for gas $100 toward the mortgage on the trailer. "That's about it. Oh yeah, $20 in doctors' bills," he said, and totaled it up on fingers scarred by surgical stitches. Nine hundred and eight dollars. "I bring home 900 a month," he said. "So I very rarely have any money for myself."

He parked in front of a store called Always Low Prices, which has the cheapest chimichangas in town.

Once it was a full-service grocery store with 28 employees. Then came word that Wal-Mart was looking for land for a Supercenter, and now it has become a bare-bones operation where the starting pay for its few employees is $5.50, and the manager wonders how the store will survive if wages increase.

"We're at the bottom. If the minimum wage went up, I don't know how we would make the cuts to cover it," Michelle Henry said. The lone salaried employee, she works 80 hours a week to make up for the lack of workers. "I have mixed feelings," she continued. "I know that people can't afford to live on $5.15 an hour. But on the business side, small businesses can't afford to pay it."

At the register, meanwhile, Shannon Wilk, 33, who makes $6.25 an hour, said that of course she would like to earn more money. It would help her. It would help her 18-month-old daughter. "It would be good," she said, "but also, for me, I live in income-based housing, and if I get a raise, my rent would go up, and I would lose my assistance." Even the tiniest raise would affect her, she said, and with nowhere to go, the last thing she can afford is a raise to $7.25.

In such an equation, the fact that she was working in Kansas was to her benefit. Atchison sits on the Kansas-Missouri border, and if Wilk worked a few hundred yards to the east, she would already be in jeopardy: In November Missouri voters supported a ballot initiative increasing the state's minimum wage to $6.50, with an annual adjustment for inflation. Five other states had similar votes, with similar results, bringing to 29 the number that now require an hourly wage above the federal minimum. In the District the minimum is $7, in Maryland it's $6.15, and in Virginia it's $5.15.

Such is the arbitrariness of state-by-state minimum wage laws that Wilk feels lucky to be in Kansas making $6.25 an hour while inside at the first grocery store across the Missouri state line, the cashier was ecstatic that she was in a place where her pay was going from $6.20 to $6.50, explaining, "That's 30 cents more I ain't got."

Iles handed over a $10 bill for his 10 chimichangas and two burritos. He stuffed the change deep in his pocket, and headed next to a convenience store owned by a man named Bill Murphy, who said that if he had the chance to talk to new House Speaker Nancy Pelosi, he would ask one question. "Where does she think the money will come from? And that is the question," he said. "My wages are going to go up 10 percent."

Unlike Jack Bower who would compensate by cutting hours. Murphy said that in his two convenience stores there are no hours to cut. "I'm going to have to raise my prices," he said—not only because his workers who make less than the new minimum wage would get raises but also because those who earn more would insist on raises as well. Employees at $7.25 will want $8.25. Those at $8.25 will want $9.25.

Economists classify such workers as the ones who would be indirectly affected by a minimum-wage increase. Of the estimated 13 million workers expected to get raises, 7.4 million are in that category. "You've created this entitlement," Murphy said he would tell Pelosi.

And yet he will pay it, he said, and compensate with price increases, which he worries will be inflationary, even though most economists say that won't happen. He will raise prices he continued, because the only other option would be to earn less money, which he doesn't want to do because he owes $1.5 million on his businesses and wouldn't want to default.

"Now that might be a stretch in some people's minds, from giving a guy a raise to not being able to pay the bank, but that's the path I'm talking about," he said. Against such a dire backdrop, Iles put $17 worth of gas in his car.

"That'll be $16.70," the clerk said to him, and instead of correcting this. Iles gladly took the change.

Thirty cents, suddenly got.

THE WAL-MART FACTOR

Iles drove past the Atchison Inn, where starting pay i$ $5.15, past Movie Gallery, where it's also $5.15, and stopped in front of Country Mart, the fanciest grocery store in town, where high school students start at $5.15 and, according to owner Dennis Garrett, "some of them aren't worth that."

A few days earlier, Garrett had gotten a letter from a lobbying consortium called the Coalition for Job Opportunities, urging him to write Congress to protest the minimum-wage increase. It came in the form of a letter already written, to which he merely had to add his congressman's name and send it off to Washington. "We are very concerned," the letter began. and it was signed by 25 organizations.

The most conspicuous signature, though, was the one that wasn't there, that of Wal-Mart, the nation's largest private employer, with 1.3 million workers. Wal-Mart won't say how many of those workers earn less than what the new minimum wage would be, but if the Atchison store is an example, starting pay is $6 an hour.

Nonetheless, in October 2005, Wal-Mart chief executive H. Lee Scott Jr. said in a speech that the "U.S. minimum wage of $5.15 an hour has not been raised in nearly a decade, and we believe it is out of date with the times," He went on to say, "Our customers simply don't have the money to buy basic necessities between paychecks."

When it comes to Wal-Mart, however, just about any announcement that affects public policy is greeted with suspicion, and that has been the case with the minimum wage. Some have said that Wal-Mart, in need of good publicity, is supporting an increase for public relations reasons; others have declared it an attempt to drive small, independently owned stores out of business.

These suspicions exist in Atchison as well. As in many small communities, Wal-Mart defines local retail, and just as Always Low Prices had to retool itself, Country Mart was significantly affected by Wal-Mart's new food-stocked Supercenter several miles away.

What is Wal-Mart up to? What are its true motives? Like many others, Dennis Garrett wonders. He imagines public relations is part of it, but he didn't want to speculate on whether this was an attempt to put him out of business, except to say that raising some wages wouldn't do that. He'd reduce some hours, he said. He'd manage.

Yes, Atchison businesses would be hurt initially, but in the long run, if unemployment increases, those hurt the most would be the very ones Wal-Mart insists would be helped—the customers, especially the younger ones, "the people who don't advance their education and need a job between the ages of 16 and 21, 22, 23."

In other words, many of the workers in Atchison, one of whom was now at Garrett's service counter buying a money order so he could pay bills. Even though Iles has a checking account, this is the method he prefers because if he were to pay by check, and the check were to bounce because of insufficient funds, the penalty would be devastating. A $25 fee would require more than three hours of work.

And where would those hours come from?

"IT'S TOUGH FOR ME"

So go the calculations of a $7.25 worker, now headed home.

"It's an old trailer," he explained earlier in the day.

The heat doesn't work, he said, and the water heater works sporadically.

One of the bedroom ceilings is caving in. He sleeps in the other bedroom, and his parents sleep in the living room because his father, who has diabetes and had to have several inches of one of his feet amputated, can't really get around.

Also, his father has leukemia. And is legally blind. And his mother, who once made $6.50 an hour as an aide at a nursing home, quit to take care of her husband.

"We're pretty much living off my money," Iles said, and in he went to cook them dinner, bring payday to an end and, the next morning, start the cycle again.

Life at $7.25. Should that be the minimum wage?

"Yes," Iles said.

Even if it hurts job opportunities for people like him, as Dennis Garrett had suggested?

"Yes."

Or causes price increases, as Bill Murphy had suggested?

"Yes."

Or damages businesses such as Always Low Prices?

"I mean, it's tough for me, and I'm already making $7.25 an hour."

Or causes Jack Bower to reduce hours for one of his employees? Perhaps for Iles himself?

"It's just so hard for people. I mean it's hard," Iles said, and then he went to work.

"I think it'll be bad today," one of the workers suggested as the line at the Wow Only $1.00! cash register began to form.

"Well, it depends on your perspective," Iles said.

Mr. ENZI. The author of the article is really a master at showing how all of these things are intertwined. It is very revealing and makes a good case for the increase in the minimum wage. But it does show some of the decisions that will have to be made and how that will affect other people, some of whom will be in a similar situation.

In a similar vein, when confronted by higher labor costs, employers will naturally gravitate toward filling positions with their most highly skilled, experienced, and productive workers available. Once again, this phenomenon of replacing low-skilled with high-skilled workers in the face of rising labor costs winds up harming the very workers an increase in the minimum wage seeks to help. The minimum wage positions are very often the entryway into the world of work for those who lack skills and experience. I can't say that enough. I am hoping the Workforce Investment Act will kind of come out of this whole process, too, and provide some additional training so people with less skills can have more skills and get some of the choice jobs that this country has to offer. But mandated increases in the minimum wage run the risk of closing that entryway to many.

Another option, of course, for employers that has to be considered is automation as an alternative to a paid employee. Does this sound farfetched? Consider how the automated teller machines, the ATMs, have replaced tellers, how the self-checkout lane at many establishments has replaced the clerk, and the drive-through has replaced the waiter, and in toll booths the EZ Pass has replaced the toll collector—not all of them, but a lot of them who use the EZ Pass eliminate toll collectors. We have seen some charts on how productivity goes up when the minimum wage goes up. Sometimes productivity goes up when machines are instituted in place of people. They can work 24 hours a day, 7 days a week, 365 days a year. We don't pay them any health benefits. We may have a little bit of maintenance done on them. They don't get any vacation.

Employees are still necessary. I keep telling people that you can't outsource the fact when your toilet is plugged and you need some help or when your electric switch doesn't work, there are a lot of hands-on things that absolutely require people. But they are figuring out ways to automate a lot of these things. In Gillette, WY, where I am from, we have this huge worker shortage, and as I have said a number of times, I keep encouraging people to go west and find the new frontier and get some good jobs. But when they are pinched, they come up with some other ways of doing things. The drive-up for our McDonald's is actually handled out of California. When you drive up to the little window and you order your Big Mac, you are actually talking to someone in California who uses the Internet to send the order back to the people who are putting it all together to give to you when you get in your car. They have been able to increase the number of drive-throughs substantially using lower paid—this kind of amazes me—out of California. So automation is one of the answers.

Beyond these cost-cutting measures of eliminating benefits, reducing hours, downsizing, laying off employees, reducing low-skill and entry-level employment, and automating, employers may also have to face up to the prospect of increasing the price of their goods and services. Price increases caused by mandated cost increases bring their own catalog of ills. Such increases drive inflation and cause all consumers to ultimately pay the price of these mandates. The irony is that as the cost of these labor increases is passed to the consumers, it affects everyone, including the minimum wage worker, whose recently increased wages are suddenly devalued by the increased price for goods and services that impact them as well. So on this ladder of success, we have kind of removed the lower rung of it. So it is a little bigger step to get up there, and some of them aren't going to be able to make the step because of some of the ways that it has to be adjusted.

In the same Washington Post article I mentioned earlier, another small employer who owns two convenience stores noted that he simply does not have the option of cutting hours to meet his increased payroll burden. Instead, he noted: I am going to have to raise my prices. He indicated if he had the chance to talk with Speaker PELOSI about the minimum wage, he would ask one question, and that is: Where does she think the money will come from? Of course, it can be argued that his customers, if he raises the price for the candy bar or the cup of coffee, will go somewhere where it is cheaper, and that is a good possibility. That means that in order to maintain the business, if he is going to raise those prices, he has to have employees who give better service, quicker service, and that goes back to the on-the-job training I was mentioning that a lot of these small businesses do. They have to have the good service in order to keep their loyal customers. Sometimes that doesn't just hinge on the price of the candy bar or a cup of coffee.

I believe almost all of us recognize these economic realities and that none of us want them to come about. It is for those precise reasons that the substitute amendment contains provisions designed to enable our smallest employers to meet the obligations imposed by a minimum wage increase without resorting to the difficult personnel choices, the consumer price increases or all of the other things I mentioned.

Yesterday, I spoke briefly about the fact that in legislating, it is often important to find a third way. In this instance, the third way is one that will provide an increase in the minimum wage but also provide relief to the most affected small businesses so that they don't experience employee dislocation, a reduction in employment opportunities for low-skilled and entry-level workers or an increase in consumer prices that takes away the real value of any wage increase.

The third way is represented by the real value of any wage increase. The third way is represented by the substitute amendment that was the product of extensive bipartisan support, Democrats and Republicans working together, acknowledging the fact that mandated cost increases can have negative economic effects. So together we developed a means of addressing those concerns in the form of a bipartisan substitute amendment. I can't emphasize enough how pleased I am with the cooperation I saw as people worked out different alternatives. There were certainly a wide variety of them that were done and I think with some concentration particularly on how they would affect small business. I would reiterate the bipartisan support of that small business tax incentive package. There are key Democratic leaders who have acknowledged the need for the package to offset any wage increase in order to not disenfranchise the employers and their workers.

So I hope we won't make this partisan now. As I mentioned yesterday, the Senator from Massachusetts, Mr. KENNEDY, and I have gone head to head on raising the minimum wage three times in the past several years. Each time, the votes were set up for each side to fail. This time around, we worked to come up with a third way in order to get the job done. I hope that all efforts to try and unravel this third way that will most likely result in a minimum wage increase isn't abandoned for the sake of making partisan messages. I urge my colleagues to continue to support the small business incentive package as a much-needed offset to the increased Federal wage.

I think this is a tremendous opportunity for us to do the right thing in all aspects, and I hope there will be good bipartisan support. I understand the desire to have a clean minimum wage, but that is what we have been going through for a couple of years now, and we are finally talking bipartisan. I think that was something that came out of the elections. I am pleased to see it is operating, and we will see how long it continues. I hope it continues through the entire session.

AMENDMENT NO. 108, AS MODIFIED

Mr. ENZI. Madam President, I ask unanimous consent that the Sessions amendment No. 108 be modified with the changes at the desk, and I urge its adoption, as modified.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment is so modified.

The amendment (No. 108), as modified, is as follows:

At the appropriate place insert the following:

SEC. ___. STUDY OF UNIVERSAL USE OF ADVANCE PAYMENT OF EARNED INCOME CREDIT.

Not later than 180 days after the date of the enactment of this Act, the Secretary of the Treasury shall report to Congress on a study of the benefits, costs, risks, and barriers to workers and to businesses (with a special emphasis on small businesses) if the advance earned income tax credit program (under section 3507 of the Internal Revenue Code of 1986) included all recipients of the earned income tax credit (under section 32 of such Code) and what steps would be necessary to implement such inclusion.

The PRESIDING OFFICER. The question is on agreeing to the amendment, as modified.

The amendment (No. 108), as modified, was agreed to.

Mr. ENZI. Madam President, I move to reconsider the vote.

Mr. KENNEDY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 107 WITHDRAWN

Mr. ENZI. Madam President, I ask unanimous consent that the Sessions amendment No. 107 be withdrawn.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ENZI. Madam President, I yield the floor.

Mr. KENNEDY. Madam President, in about 6 or 7 minutes, we will be having a vote, and then I would expect the President's State of the Union Address will place demands on the Members, so that will mean we will probably move over until tomorrow. As I mentioned earlier, I hope our colleagues will vote in support of the Sessions amendment for the reasons I have outlined.

I think an important message ought to go out to families and to workers all over this country and many others who have worked long and hard to try and urge the Senate of the United States to move on the minimum wage issue and raise the minimum wage, as it has been stuck for the last 10 years at $5.15. There are people who have knocked on doors, there are people who have stuffed envelopes and there are people who have phoned into radio stations and people who have written letters to the editors and people who have met with Members of Congress all over this country. People have marched, attended parades, and demonstrated. They have spoken out for fairness and justice for workers. Tomorrow we will have a real opportunity to respond to that.

I am very hopeful, as a result of the votes tomorrow, we will be well on the way toward this body supporting action that has taken place in the House of Representatives and a vote for an increase in the minimum wage. There will be those who will go to bed tonight who have been working long and hard for $5.15 an hour. They may work one job, and many of them, 300,000 Americans, work two full-time jobs. They probably keep saying a prayer, and they are keeping their fingers crossed that in the Senate, tomorrow will provide at least some additional breath of hope to them and to their families, to their loved ones, that can make a difference in terms of their lives and what a difference this can make.

As we have mentioned, it may be more than a year's worth of groceries to some families or it may be the tuition for a community college. It could be 20 months of child care for some workers. It could be heating and electric bills for 19 months, all measured in a few months, for things that so many of us, certainly in this body, take for granted. But out there in so many communities across the country, people fight and struggle to try and achieve those goals.

So this is a very important vote. We have important votes and some not so important votes in this body, but tomorrow will be one of great importance and consequence. I think it will be a defining issue about what kind of society we are; what is the measure of our decency and the measure of our humanity in this body. So I am very hopeful as to the outcome, and we urge our colleagues to give us their support. We will have an opportunity to make comments tomorrow morning briefly before we vote on these measures. We thank all of our Members for all of their cooperation and their help to Senator ENZI and myself over the last several days. So with that I would indicate to our colleagues that in approximately 2 minutes or so we will begin the vote on the Sessions amendment, an amendment which both I and Senator ENZI support.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ENZI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SALAZAR). Without objection, it is so ordered.

Mr. ENZI. I yield back, with the consent of both sides, the 2 minutes that was to be available on both sides. I yield back that time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ENZI. I request the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to amendment No. 106, as modified.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN) and the Senator from South Dakota (Mr. JOHNSON) are necessarily absent.

I further announce that, if present and voting, the Senator from Delaware (Mr. BIDEN) would vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 98, nays 0, as follows:

[Rollcall Vote No. 21 Leg.]

YEAS—98

Akaka
Alexander
Allard
Baucus
Bayh
Bennett
Bingaman
Bond
Boxer
Brown
Brownback
Bunning
Burr
Byrd
Cantwell
Cardin
Carper
Casey
Chambliss
Clinton
Coburn
Cochran
Coleman
Collins
Conrad
Corker
Cornyn
Craig
Crapo
DeMint
Dodd
Dole
Domenici
Dorgan
Durbin
Ensign
Enzi
Feingold
Feinstein
Graham
Grassley
Gregg
Hagel
Harkin
Hatch
Hutchison
Inhofe
Inouye
Isakson
Kennedy
Kerry
Klobuchar
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Martinez
McCain
McCaskill
McConnell
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Sanders
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Tester
Thomas
Thune
Vitter
Voinovich
Warner
Webb
Whitehouse
Wyden

NOT VOTING—2

Biden
Johnson

The amendment (No. 106), as modified, was agreed to

Mr. DURBIN. I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MORNING BUSINESS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

VA AND MEDICARE DRUG PRICE NEGOTIATION

Mr. AKAKA. Mr. President, much has been said recently about the way in which VA purchases drugs and the manner in which medications are provided to beneficiaries. This discussion has been a part of the ongoing debate to allow Medicare to negotiate for drugs on behalf of its beneficiaries.

Concerns have been raised about veterans' access to drugs, the quality of the benefit, and VA's formulary and pricing. Veterans medication coverage has been misunderstood. I would like to take this opportunity to set the record straight about the process by which VA achieves drug cost savings and the level of care afforded to veterans.

VA is different than Medicare for a variety of reasons, there is no doubt, but I believe some lessons can be applied to address Medicare drug prices.

While there is no question that VA's formulary is an important component of VA pharmacy management, decisions about which drugs are on the formulary are not made by bureaucrats nor are they made by those solely concerned about the bottom line.

VA employs a scientific review process to select drugs to be available to beneficiaries and to ensure quality care. Physicians and clinical pharmacists from the VA's regional offices manage the formulary.

While some concern has been expressed that the VA formulary covers only 30 percent of the 4,300 drugs available on Medicare's market-priced formulary, this is not the case. Rather, it is my understanding that VA actually offers 11 percent more drugs than are available under Part D of Medicare.

VA offers 4,778 drugs by way of a "core" national formulary which requires that they must be made available at all VA medical care facilities. If a drug is needed which is not on the formulary, VA has a quick process to ensure that the drug will be prescribed. This off-formulary process is so robust, in fact, that last year, VA dispensed prescriptions for an additional 1,416 drugs. So, to put a finer point on this, when a non-formulary medication is clinically needed—it is provided.

To those who argue that VA's formulary is "among the most restrictive in the marketplace," I would only say that the Institute of Medicine took a good long look at VA and found that in many respects it is actually less restrictive than other public or private formularies.

The chairman of the IOM committee said that if VA did not have a formulary process like it has, they would have indeed urged that one be created just like it.

Some have suggested that veterans receive substandard care because of the VA drug benefit The literature says otherwise. Veterans get better pharmaceutical care than private or public hospitals, according to a study last year published in the Archives of Internal Medicine.

VA's mail order pharmacy has been criticized, as well. VA employs nearly 10,000 pharmacists and technicians and is regarded by many pharmacy organizations as excellent. VA also operates 230 outpatient pharmacies. VA also trains more doctors of pharmacy than any other single organization in the U.S. And most significantly, while the error rate for prescriptions in the U.S. is between 3 and 8 percent, the error rate in VA is less than one one-hundredth of one percent.

In VA, new drugs are reviewed on their merits and are made available quickly if they provide distinct benefits. Safety and how well a drug works are the most important considerations in the review process, followed by cost.

I could go on. We know that VA gets the best prices, but I think the essential question is: Do veterans get the necessary drugs to promote the best health care? The answer—based on peer-reviewed studies—is a resounding yes. The quality of medical care in VA is significantly higher for overall quality in chronic care and preventative care.

And if some believe that veterans aren't happy with their drug access and pricing, it is news to me, and to the administration. Just last week, VA announced results of a survey done by an independent reviewer of customer satisfaction. For the seventh straight year, the Department of Veterans Affairs has received significantly higher ratings than the private health care industry. VA's marks keep continuing to rise.

When veterans' groups testify before Congress about their needs and desires, the only thing they say about their drug coverage is that they want to keep it the way it is.

Peer-reviewed studies, veterans service organizations, polls, and consumer reports consistently testify to the superiority of VA health care over private sector care. The VA formulary has been repeatedly reviewed and approved by Congress, GAO and the Institute of Medicine. Consumer choice provides clear insight into the success of the VA pharmacy management system.

We can learn a number of lessons from the VA as we consider Medicare price negotiations. I support drug price negotiation by Medicare. As chairman of the Veterans Affairs Committee, I will closely monitor the evolution of this issue to ensure VA retains access to affordable drugs. The gains that can be made in Medicare—and the improvement of quality—are just too great to do nothing.

I ask unanimous consent that the VA's summary of the study to which I previously referred be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JOURNAL ARTICLE PRAISES VA HEALTH CARE—SECRETARY NICHOLSON: FURTHER PROOF OF VA'S TOP QUALITY CARE

WASHINGTON.—"One of the most striking examples of American health care success"—that is one medical journal's recent assessment of the health care system operated by the Department of Veterans Affairs (VA).

The most recent tribute to VA's health care system came in an article in the medical journal Neurology.

"The quality of VA's health care system is recognized by medical professionals and, most importantly, by veterans," said Secretary of Veterans Affairs Jim Nicholson. "Repeatedly, the medical community holds up VA's health care system as a model."

"The VA has achieved remarkable improvements in patient care and health outcomes, and is a cost-effective and efficient organization," according to the journal. For example, the article cited VA's comprehensive coverage and said it is especially suited to manage chronic disease.

Dr. Michael J. Kussman, VA's Acting Under Secretary for Health, said the article underscores the Department's commitment to high quality patient care.

"This shows that VA's health system is recognized internationally as the benchmark for health care services," Dr. Kussman said. "It further demonstrates that our commitment to high quality care is benefiting the men and women who have earned the best possible care through service to our country."

The Neurology article is the second recent study citing the quality of VA health care. In December, a comprehensive study by Harvard Medical School said federal and military hospitals, such as those run by the VA, provide the best care available anywhere for some of the most common life-threatening illnesses.

In 2006, VA received the prestigious "Innovations in American Government" Award from Harvard's Kennedy School of Government for its advanced electronic health records and performance measurement system.

Mr. AKAKA. I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I thank the Senator, my friend from Hawaii, for his excellent presentation. I pay tribute to him for his extraordinary work on behalf of the veterans of this country. He has been the real leader in the Senate on this issue, particularly for those who have suffered the wounds of war. He has been a tireless advocate to make sure we get the very best focus and attention to them. We have listened to him frequently. I hope the Senate will pay close attention to his words and his findings and his urging for this body.

I thank him for his comments, as always.

RECOGNIZING RICK HUMMEL

Mr. DURBIN. Mr. President, I rise today to honor one of our Nation's finest sportswriters, Rick Hummel, and congratulate him on receiving the J.G. Taylor Spink Award, the highest honor awarded by the Baseball Writers Association of America.

The great sportswriter, Red Smith, once said "There's nothing to writing. All you do is sit down at a typewriter and open a vein." He meant, of course, that writing is not easy. Sports writing can be particularly challenging, but when done well it can be some of the best journalistic writing there is. Rick Hummel does it well.

Those who know Hummel best call him the "Commish" a nickname he earned by organizing the newsroom's softball and bowling league teams. Over the years, the moniker has taken on deeper meaning. Today, it serves as a nod to his extensive knowledge of the game of baseball and as a tribute to his venerable career.

Rick Hummel was born and raised in Quincy, IL. He graduated from Quincy High School in 1964, went on to earn a degree from the University of Missouri School of Journalism, and then served in the U.S. Army for 3 years.

Hummel joined the staff of the St. Louis Post-Dispatch in 1971. At the Post-Dispatch, he learned the ropes, as many sportswriters do, by covering high school athletics. Hummel was given his first chance to write about the World Champion St. Louis Cardinals in 1973. By 1978, covering the Cardinals was Hummel's full-time job. He spent the next 24 years as a beat reporter and continues to write for the Post-Dispatch as a regular columnist.

Hummel is passionate about baseball, but as a writer he is known for his uncomplicated style and humility, as well as his ability to work with players, coaches, and managers alike.

Hummel was nominated for a Pulitzer Prize in 1980 and the National Sportswriters and Sportscasters Association named him Missouri Sportswriter of the Year on four separate occasions. Now as the 57th winner of the J.G. Taylor Spink Award, presented annually for "meritorious contributions to baseball writing," Hummel will be recognized in a permanent exhibit at the National Baseball Hall of Fame. He joins such legendary sportswriters as Red Smith, Ring Lardner, Grantland Rice, and Damon Runyon.

I congratulate Rick Hummel on this achievement and recognize his accomplishments throughout his long and successful career.

AMENDMENT NO. 71 TO S. 1

Mr. NELSON of Nebraska. Mr. President, as I have mentioned before, last year Washington was rocked by the Abramoff scandal and other misdeeds. I am pleased that Congress has shown it is taking seriously its responsibility to the American people by revisiting and tightening the rules and laws that govern Members of the Senate. Many have said that S.1, which overwhelmingly passed out of the Senate last week, includes the most sweeping ethics reform measures since Watergate.

There is one point that I discussed and pushed forward during last year's debate that I believe needs to again be part of what we are doing now. Last year I offered a sense-of-the-Senate amendment to make many of the reforms we have considered throughout this ethics debate apply to all branches of Government. I am pleased that this sense of the Senate was accepted and is included in the underlying bill.

During the debate last week, I filed an amendment, No. 71, which builds upon the principle behind this sense of the Senate—that the standards employed in this bill should be the minimum standards that guide the other branches of Government. I thought this was a good amendment—in fact, a necessary amendment—that ought to be accepted into this bill. Unfortunately, that did not happen. I have spoken with some of my colleagues and understand that though there is general support for the principle that ethics standards in the executive branch should be as stringent as those made applicable by this bill, some of my colleagues believe the provisions of this amendment warrant further evaluation. Though I am disappointed this amendment will not be included on this bill, I respect and appreciate the importance and value of committee evaluation and will look forward to working on this issue as that committee process proceeds.

Mr. LIEBERMAN. I would like to thank my friend and colleague from Nebraska for bringing this amendment and important issue forward. The Senate Committee on Homeland Security and Governmental Affairs has jurisdiction over these issues which impact the executive branch. As chairman of that committee, I can appreciate that this amendment warrants more thorough evaluation and deliberation. Later this year, the committee will consider the reauthorization of the Office of Government Ethics—the executive branch's ethics arm. I look forward to working with my friend from Nebraska on the issue throughout the year and as we consider this reauthorization and other matters.

Mr. NELSON of Nebraska. I thank my good friend from Connecticut. I appreciate his thoughtfulness in this debate, and I look forward to discussing it further as his committee proceeds this year.

UNI-CAPITOL WASHINGTON INTERNSHIP PROGRAMME

Mr. CRAPO. Mr. President, as modern communication makes our world increasingly smaller, linking global societies at unprecedented business, government and social levels, it is critical that America and other democracies worldwide engage in a process of ongoing co-education about the efforts and work of democratic governments. This educational exchange is best facilitated by hands-on learning and personal experience. A terrific example of this effort is the Uni-Capitol Washington Internship Programme, in which outstanding college students from seven of Australia's top universities compete for the opportunity to serve as interns for Members of the U.S. Congress. In its eighth year, the program has facilitated internships for 68 Australian students thus far.

I am fortunate to be able to participate this year. Charis Tierney from Brisbane, Queensland, has been a wonderful addition to my office this winter. She says of this opportunity:

> The UCWIP has been a once in a lifetime to not only observe but participate in the work of the U.S. Congress. Working within Senator Crapo's office has given me the kind of unique appreciation for the United States Senate's work that can only be gained from behind the scenes. My daily interaction with the fantastic staff of the Senator's office has only enhanced the experience.

I offer my congratulations to Director Eric Federing and his wife Daphne for their support and dedication of this important educational program. The additional activities such as visits to historic sites, meetings with other government agencies and outside organizations and special events helps enhance the experience for these promising young women and men. The Federings' commitment to comprehensive bilateral civic education has made it possible for students like Charis to take their experiences here in the legislative branch of the U.S. Government back to Australia and apply lessons learned as they pursue their own course of study across a wide range of academic pursuits.

This valuable program bridges the 9,000 miles that separate the United States and Australia with the friendship of shared experiences and realization and application of common goals and interests.

RECOGNIZING CONNIE FEUERSTEIN

Ms. STABENOW. Mr. President, I rise today in celebration of my longtime friend and staff member, Connie Feuerstein. After working with me for over a decade, Connie has decided to join her husband, Jack, in retirement.

Long before joining my staff, Connie was active in her church, community, and Genesee County politics. Her efforts were critical in my successful campaign for the U.S. House of Representatives in 1996, and I am so fortunate that she was willing to join my congressional staff.

For Connie, her work has always been so much more than just a job. She brings such passion and energy to everything she does. Whether it is attending a community event, walking in a parade or advocating on behalf of a family or for the needs of her community, Connie always gives 110 percent to whatever she is doing.

As a district representative in my congressional offices in Brighton and Flint and a regional manager in my Flint/Saginaw/Bay office in the Senate, Connie has been my link to the community. She is a respected community leader in her own right. Through the years, she has mentored interns and staff members, many of whom have caught her zeal for public service and have kept in touch with her long after they left the office.

My staff and I will miss her sense of humor, boundless energy, optimism and enthusiasm, although I am certain that retirement will not stop her from staying involved. I also know that many people in Michigan, whose lives she touched through her work, will miss her.

Upon leaving the Senate, Connie plans to spend time in Florida, where she will be closer to one of her daughters and her three precious grandchildren. She has a love for life that is contagious and I know her family will appreciate having more of her time and attention.

Mr. President, I am sad because I am losing a trusted and valued member of my staff, but I am happy to see a dear friend move on to new challenges, and I wish her the best of everything.

ADDITIONAL STATEMENTS

TRIBUTE TO ERLANGER, KENTUCKY, FIRE DEPARTMENT

• Mr. BUNNING. Mr. President, today I wish to pay tribute to the city of Erlanger, KY, which is the recipient of the 2006 Award for Municipal Excellence at the National League of Cities' Congress of Cities. This city's Tiered Advanced Life Support System Program for Emergency Medical Services earned Erlanger the Gold Award, which is presented to cities that have a population below 50,000 people. By winning this prestigious award, the Erlanger Fire Department and Emergency Medical Services, EMS, team exhibit the power of hard work as well as their dedication to their community while serving as an example to the rest of the United States.

Since 1989, the goal of the Awards for Municipal Excellence has been to recognize cities that improve the lives of citizens in their communities. These awards identify and feature outstanding city and town programs that show innovation in enhancing the quality of life in America's communities.

The fire department and city of Erlanger recognize the need to have paramedic response and transport capabilities for the safety and welfare of the citizens in its community of 17,000 people. After debating several options, they found a fire service-based EMS delivery model that was affordable and could be enacted immediately. This model provides two cross-trained EMS firefighters on a transport rescue unit, followed by a cross-trained firefighter paramedic in a staff car who can assist and ride in the rescue ambulance with the patient. If the patient does not need advanced life support, the paramedic is ready to respond immediately to the next emergency call. This model delivers the best medical care available and keeps more firefighters on the street to deliver the highest quality fire protection. This joint partnership has made a positive difference in both fire and EMS delivery services in the community of Erlanger.

I congratulate the city of Erlanger, KY, for receiving this Award for Municipal Excellence. By using an innovative approach to address an important community need, they have created this outstanding program. This cutting-edge approach to community emergency response shines as a model for all communities in Kentucky and the United States. This is a true example of Kentucky at its finest and a leadership example to the entire Commonwealth.•

TRIBUTE TO JANE BOLIN

• Mrs. CLINTON. Mr. President, today I honor the life and legacy of Ms. Jane Bolin.

Jane Matilda Bolin of Queens, NY, passed away on Monday, January 8, 2007 after a lifetime of public service. In 1939, Ms. Bolin was the first Black woman to become a judge in the United States, and she continued to serve honorably on the bench for the next 40 years. Her lifelong dedication to social justice, civil rights, and to the betterment of our American society serves as an inspiration to us all.

A trailblazer in so many arenas, Ms. Bolin pursued her goals in the face of widespread discrimination and prejudice. She was the first Black woman to graduate from Yale Law School, the first to join the New York City Bar Association, and the first to work in the city's legal department. In addition to being a fellow Yale Law graduate, she and I also share the same undergraduate alma mater. Ms. Bolin attended Wellesley College in the 1920s as one of only two Black freshmen. She went on to graduate as a Wellesley Scholar, an honor given only to the top 20 students in her class.

Ms. Bolin's tenacity set a powerful example for the women of my generation. In 1958, she commented on the struggle for women's rights that "we have to fight every inch of the way and in the face of sometimes insufferable humiliations." And Ms. Bolin never stopped fighting. She spoke out against segregation in her native Poughkeepsie. She used her position on the bench to end the assignment of probation officers and the placement of children in childcare agencies on the basis of race. As a family court judge, she heard cases ranging from homicides and battered spouses to child support and paternity suits.

Jane Bolin was truly a remarkable woman.

I offer my deepest sympathies to her son, Yorke B. Mizzle, and to all those whose lives she enriched. My thoughts and prayers are with her family during this difficult time.•

TRIBUTE TO JOHN AND JILL MAHAN

• Mr. BUNNING. Mr. President, today I pay tribute to John and Jill Mahan, an exceptional young couple from Kentucky who are the recipients of the American Farm Bureau Young Farmers and Ranchers National Achievement Award. By winning this prestigious award, the Mahans exhibited an unprecedented passion and skill for farming, beating out competition from across the United States.

The American Farm Bureau Young Farmers and Ranchers National Achievement Award is presented to young farmers and ranchers across the United States who demonstrate knowledge and achievement in agriculture, as well as a steadfast strength and goal of promoting the agricultural community. With the average age of American farmers increasing steadily as the years go by, it is refreshing to see a young couple like the Mahans embrace the financial and labor-intensive plight that is common in the field of agriculture.

The Mahans own 523 acres of a 2,000-acre farm near their home in Lexington, KY. With the changing needs facing farmers, they quickly learned to diversify their production options and create alternatives for income. Currently, the Mahans produce burley tobacco, beef cattle, wheat, soybeans, corn, and alfalfa. This forward-thinking approach to the ever-changing agriculture market is a clear reason this couple experiences continued success in their farming career.

I congratulate John and Jill Mahan on this prestigious award from the American Farm Bureau. By winning this national award, they have shown the rest of the Nation the strength of the agricultural community in Kentucky along with their personal dedication to their remarkable careers in farming. They are true examples of Kentucky at its finest.•

MESSAGES FROM THE HOUSE

At 12:09 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 390. An act to require the establishment of a national database in the National Archives to preserve records of servitude, emancipation, and post-Civil War reconstruction and to provide grants to State and local entities to establish similar local databases.

The message also announced that pursuant to 15 U.S.C. 1024(a), and the order of the House of January 4, 2007, the Speaker appoints the following Member of the House of Representatives to the Joint Economic Committee: Mr. SAXTON of New Jersey.

At 2:15 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 41. Concurrent resolution providing for a conditional adjournment of the House of Representatives.

The message further announced that the House agrees to the amendment of the Senate to the concurrent resolution (H. Con. Res. 38) providing for a joint session of Congress to receive a message from the President.

REPORT ON THE STATE OF THE UNION DELIVERED TO A JOINT SESSION OF CONGRESS ON JANUARY 23, 2007—PM 2

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was ordered to lie on the table:

To the Congress of the United States:

Thank you very much. Tonight, I have a high privilege and distinct honor of my own—as the first President to begin the State of the Union message with these words: Madam Speaker.

In his day, the late Congressman Thomas D'Alesandro, Jr., from Baltimore, Maryland, saw Presidents Roosevelt and Truman at this rostrum. But nothing could compare with the sight of his only daughter, Nancy, presiding tonight as Speaker of the House of Representatives. Congratulations.

Two members of the House and Senate are not with us tonight—and we pray for the recovery and speedy return of Senator Tim Johnson and Congressman Charlie Norwood.

Madam Speaker, Vice President Cheney, Members of Congress, distinguished guests, and fellow citizens:

This rite of custom brings us together at a defining hour—when decisions are hard and courage is tested. We enter the year 2007 with large endeavors underway, and others that are ours to begin. In all of this, much is asked of us. We must have the will to face difficult challenges and determined enemies—and the wisdom to face them together.

Some in this Chamber are new to the House and Senate—and I congratulate the Democratic majority. Congress has changed, but our responsibilities have not. Each of us is guided by our own convictions—and to these we must stay faithful. Yet we are all held to the same standards, and called to serve the same good purposes: To extend this Nation's prosperity . . . to spend the people's money wisely . . . to solve problems, not leave them to future generations . . . to guard America against all evil, and to keep faith with those we have sent forth to defend us.

We are not the first to come here with government divided and uncertainty in the air. Like many before us, we can work through our differences and achieve big things for the American people. Our citizens don't much care which side of the aisle we sit on—as long as we are willing to cross that aisle when there is work to be done. Our job is to make life better for our fellow Americans, and help them to build a future of hope and opportunity—and this is the business before us tonight.

A future of hope and opportunity begins with a growing economy—and that is what we have. We are now in the 41st month of uninterrupted job growth—in a recovery that has created 7.2 million new jobs . . . so far. Unemployment is low, inflation is low, and wages are rising. This economy is on the move—and our job is to keep it that way, not with more government but with more enterprise.

Next week, I will deliver a full report on the state of our economy. Tonight, I want to discuss three economic reforms that deserve to be priorities for this Congress.

First, we must balance the Federal budget. We can do so without raising taxes. What we need to do is impose spending discipline in Washington, D.C. We set a goal of cutting the deficit in half by 2009—and met that goal 3 years ahead of schedule. Now let us take the next step. In the coming weeks, I will submit a budget that eliminates the Federal deficit within the next 5 years. I ask you to make the same commitment. Together, we can restrain the spending appetite of the Federal Government, and balance the Federal budget.

Next, there is the matter of earmarks. These special interest items are often slipped into bills at the last hour—when not even C-SPAN is watching. In 2005 alone, the number of earmarks grew to over 13,000 and totaled nearly $18 billion. Even worse, over 90 percent of earmarks never make it to the floor of the House and Senate—they are dropped into Committee reports that are not even part of the bill that arrives on my desk. You did not vote them into law. I did not sign them into law. Yet they are treated as if they have the force of law. The time has come to end this practice. So let us work together to reform the budget process . . . expose every earmark to the light of day and to a vote in Congress, and cut the number and cost of earmarks at least in half by the end of this session.

Finally, to keep this economy strong we must take on the challenge of entitlements. Social Security and Medicare and Medicaid are commitments of conscience—and so it is our duty to keep them permanently sound. Yet we are failing in that duty—and this failure will one day leave our children with three bad options: huge tax increases, huge deficits, or huge and immediate cuts in benefits. Everyone in this Chamber knows this to be true—yet somehow we have not found it in ourselves to act. So let us work together and do it now. With enough good sense and good will, you and I can fix Medicare and Medicaid—and save Social Security.

Spreading opportunity and hope in America also requires public schools that give children the knowledge and character they need in life. Five years ago, we rose above partisan differences to pass the No Child Left Behind Act—preserving local control, raising standards in public schools, and holding those schools accountable for results. And because we acted, students are performing better in reading and math, and minority students are closing the achievement gap.

Now the task is to build on this success, without watering down standards . . . without taking control from local communities . . . and without backsliding and calling it reform. We can lift student achievement even higher by giving local leaders flexibility to turn around failing schools . . . and by giving families with children stuck in failing schools the right to choose something better. We must increase funds for students who struggle—and make sure these children get the special help they need. And we can make sure our children are prepared for the jobs of the future, and our country is more competitive, by strengthening math and science skills. The No Child Left Behind Act has worked for America's children—and I ask Congress to reauthorize this good law.

A future of hope and opportunity requires that all our citizens have affordable and available health care. When it comes to health care, government has an obligation to care for the elderly, the disabled, and poor children. We will meet those responsibilities. For all other Americans, private health insurance is the best way to meet their needs. But many Americans cannot afford a health insurance policy.

Tonight, I propose two new initiatives to help more Americans afford their own insurance. First, I propose a standard tax deduction for health insurance that will be like the standard tax deduction for dependents. Families with health insurance will pay no income or payroll taxes on $15,000 of their income. Single Americans with health insurance will pay no income or payroll taxes on $7,500 of their income. With this reform, more than 100 million men, women, and children who are now covered by employer-provided insurance will benefit from lower tax bills.

At the same time, this reform will level the playing field for those who do not get health insurance through their job. For Americans who now purchase health insurance on their own, my proposal would mean a substantial tax savings—$4,500 for a family of four making $60,000 a year. And for the millions of other Americans who have no health insurance at all, this deduction would help put a basic private health insurance plan within their reach. Changing the tax code is a vital and necessary step to making health care affordable for more Americans.

My second proposal is to help the States that are coming up with innovative ways to cover the uninsured. States that make basic private health insurance available to all their citizens should receive Federal funds to help them provide this coverage to the poor and the sick. I have asked the Secretary of Health and Human Services to work with Congress to take existing Federal funds and use them to create "Affordable Choices" grants. These grants would give our Nation's Governors more money and more flexibility to get private health insurance to those most in need.

There are many other ways that Congress can help. We need to expand Health Savings Accounts . . . help small businesses through Association Health Plans . . . reduce costs and medical errors with better information technology, encourage price transparency . . . and protect good doctors from junk lawsuits by passing medical liability reform. And in all we do, we must remember that the best health care decisions are made not by government and insurance companies, but by patients and their doctors.

Extending hope and opportunity in our country requires an immigration system worthy of America—with laws that are fair and borders that are secure. When laws and borders are routinely violated, this harms the interests of our country. To secure our border, we are doubling the size of the Border Patrol—and funding new infrastructure and technology.

Yet even with all these steps, we cannot fully secure the border unless we take pressure off the border—and that requires a temporary worker program. We should establish a legal and orderly path for foreign workers to enter our country to work on a temporary basis. As a result, they won't have to try to sneak in—and that will leave border agents free to chase down drug smugglers, and criminals, and terrorists. We will enforce our immigration laws at the worksite, and give employers the tools to verify the legal status of their workers—so there is no excuse left for violating the law. We need to uphold the great tradition of the melting pot that welcomes and assimilates new arrivals. And we need to resolve the status of the illegal immigrants who are already in our country—without animosity and without amnesty.

Convictions run deep in this Capitol when it comes to immigration. Let us have a serious, civil, and conclusive debate—so that you can pass, and I can sign, comprehensive immigration reform into law.

Extending hope and opportunity depends on a stable supply of energy that keeps America's economy running and America's environment clean. For too long, our Nation has been dependent on foreign oil. And this dependence leaves us more vulnerable to hostile regimes, and to terrorists—who could cause huge disruptions of oil shipments . . . raise the price of oil . . . and do great harm to our economy.

It is in our vital interest to diversify America's energy supply—and the way forward is through technology. We must continue changing the way America generates electric power—by even greater use of clean coal technology . . . solar and wind energy . . . and clean, safe nuclear power. We need to press on with battery research for plug-in and hybrid vehicles, and expand the use of clean diesel vehicles and biodiesel fuel. We must continue investing in new methods of producing ethanol—using everything from wood chips, to grasses, to agricultural wastes.

We have made a lot of progress, thanks to good policies in Washington and the strong response of the market. Now even more dramatic advances are within reach. Tonight, I ask Congress to join me in pursuing a great goal. Let us build on the work we have done and reduce gasoline usage in the United States by 20 percent in the next 10 years—thereby cutting our total imports by the equivalent of 3/4 of all the oil we now import from the Middle East.

To reach this goal, we must increase the supply of alternative fuels, by setting a mandatory Fuels Standard to require 35 billion gallons of renewable and alternative fuels in 2017—this is nearly 5 times the current target. At the same time, we need to reform and modernize fuel economy standards for cars the way we did for light trucks—and conserve up to 8.5 billion more gallons of gasoline by 2017.

Achieving these ambitious goals will dramatically reduce our dependence on foreign oil, but will not eliminate it. So as we continue to diversify our fuel supply, we must also step up domestic oil production in environmentally sensitive ways. And to further protect

America against severe disruptions to our oil supply, I ask Congress to double the current capacity of the Strategic Petroleum Reserve.

America is on the verge of technological breakthroughs that will enable us to live our lives less dependent on oil. These technologies will help us become better stewards of the environment—and they will help us to confront the serious challenge of global climate change.

A future of hope and opportunity requires a fair, impartial system of justice. The lives of citizens across our Nation are affected by the outcome of cases pending in our Federal courts. And we have a shared obligation to ensure that the Federal courts have enough judges to hear those cases and deliver timely rulings. As President, I have a duty to nominate qualified men and women to vacancies on the Federal bench. And the United States Senate has a duty as well—to give those nominees a fair hearing, and a prompt up-or-down vote on the Senate floor.

For all of us in this room, there is no higher responsibility than to protect the people of this country from danger. Five years have come and gone since we saw the scenes and felt the sorrow that terrorists can cause. We have had time to take stock of our situation. We have added many critical protections to guard the homeland. We know with certainty that the horrors of that September morning were just a glimpse of what the terrorists intend for us—unless we stop them.

With the distance of time, we find ourselves debating the causes of conflict and the course we have followed. Such debates are essential when a great democracy faces great questions. Yet one question has surely been settled—that to win the war on terror we must take the fight to the enemy.

From the start, America and our allies have protected our people by staying on the offense. The enemy knows that the days of comfortable sanctuary, easy movement, steady financing, and free-flowing communications are long over. For the terrorists, life since 9/11 has never been the same.

Our success in this war is often measured by the things that did not happen. We cannot know the full extent of the attacks that we and our allies have prevented—but here is some of what we do know: We stopped an al Qaeda plot to fly a hijacked airplane into the tallest building on the West Coast. We broke up a Southeast Asian terrorist cell grooming operatives for attacks inside the United States. We uncovered an al Qaeda cell developing anthrax to be used in attacks against America. And just last August, British authorities uncovered a plot to blow up passenger planes bound for America over the Atlantic Ocean. For each life saved, we owe a debt of gratitude to the brave public servants who devote their lives to finding the terrorists and stopping them.

Every success against the terrorists is a reminder of the shoreless ambitions of this enemy. The evil that inspired and rejoiced in 9/11 is still at work in the world. And so long as that is the case, America is still a Nation at war.

In the minds of the terrorists, this war began well before September 11, and will not end until their radical vision is fulfilled. And these past 5 years have given us a much clearer view of the nature of this enemy. Al Qaeda and its followers are Sunni extremists, possessed by hatred and commanded by a harsh and narrow ideology. Take almost any principle of civilization, and their goal is the opposite. They preach with threats . . . instruct with bullets and bombs . . . and promise paradise for the murder of the innocent.

Our enemies are quite explicit about their intentions. They want to overthrow moderate governments and establish safe havens from which to plan and carry out new attacks on our country. By killing and terrorizing Americans, they want to force our country to retreat from the world and abandon the cause of liberty. They would then be free to impose their will and spread their totalitarian ideology. Listen to this warning from the late terrorist Zarqawi: "We will sacrifice our blood and bodies to put an end to your dreams, and what is coming is even worse." And Osama bin Laden declared: "Death is better than living on this Earth with the unbelievers among us."

These men are not given to idle words, and they are just one camp in the Islamist radical movement. In recent times, it has also become clear that we face an escalating danger from Shia extremists who are just as hostile to America, and are also determined to dominate the Middle East. Many are known to take direction from the regime in Iran, which is funding and arming terrorists like Hezbollah—a group second only to al Qaeda in the American lives it has taken.

The Shia and Sunni extremists are different faces of the same totalitarian threat. But whatever slogans they chant, when they slaughter the innocent, they have the same wicked purposes. They want to kill Americans . . . kill democracy in the Middle East . . . and gain the weapons to kill on an even more horrific scale.

In the 6th year since our Nation was attacked, I wish I could report to you that the dangers have ended. They have not. And so it remains the policy of this Government to use every lawful and proper tool of intelligence, diplomacy, law enforcement, and military action to do our duty, to find these enemies, and to protect the American people.

This war is more than a clash of arms—it is a decisive ideological struggle, and the security of our Nation is in the balance. To prevail, we must remove the conditions that inspire blind hatred, and drove 19 men to get onto airplanes and come to kill us. What every terrorist fears most is human freedom—societies where men and women make their own choices, answer to their own conscience, and live by their hopes instead of their resentments. Free people are not drawn to violent and malignant ideologies—and most will choose a better way when they are given a chance. So we advance our own security interests by helping moderates, reformers, and brave voices for democracy. The great question of our day is whether America will help men and women in the Middle East to build free societies and share in the rights of all humanity. And I say, for the sake of our own security . . . we must.

In the last 2 years, we have seen the desire for liberty in the broader Middle East—and we have been sobered by the enemy's fierce reaction. In 2005, the world watched as the citizens of Lebanon raised the banner of the Cedar Revolution . . . drove out the Syrian occupiers . . . and chose new leaders in free elections. In 2005, the people of Afghanistan defied the terrorists and elected a democratic legislature. And in 2005, the Iraqi people held three national elections—choosing a transitional government . . . adopting the most progressive, democratic constitution in the Arab world . . . and then electing a government under that constitution. Despite endless threats from the killers in their midst, nearly 12 million Iraqi citizens came out to vote in a show of hope and solidarity we should never forget.

A thinking enemy watched all of these scenes, adjusted their tactics, and in 2006 they struck back. In Lebanon, assassins took the life of Pierre Gemayel, a prominent participant in the Cedar Revolution. And Hezbollah terrorists, with support from Syria and Iran, sowed conflict in the region and are seeking to undermine Lebanon's legitimately elected government. In Afghanistan, Taliban and al Qaeda fighters tried to regain power by regrouping and engaging Afghan and NATO forces. In Iraq, al Qaeda and other Sunni extremists blew up one of the most sacred places in Shia Islam—the Golden Mosque of Samarra. This atrocity, directed at a Muslim house of prayer, was designed to provoke retaliation from Iraqi Shia—and it succeeded. Radical Shia elements, some of whom receive support from Iran, formed death squads. The result was a tragic escalation of sectarian rage and reprisal that continues to this day.

This is not the fight we entered in Iraq, but it is the fight we are in. Every one of us wishes that this war were over and won. Yet it would not be like us to leave our promises unkept, our friends abandoned, and our own security at risk. Ladies and gentlemen: On this day, at this hour, it is still within our power to shape the outcome of this battle. So let us find our resolve, and turn events toward victory.

We are carrying out a new strategy in Iraq—a plan that demands more from Iraq's elected government, and gives our forces in Iraq the reinforcements they need to complete their mission. Our goal is a democratic Iraq that upholds the rule of law, respects the rights of its people, provides them security, and is an ally in the war on terror.

In order to make progress toward this goal, the Iraqi government must stop the sectarian violence in its capital. But the Iraqis are not yet ready to do this on their own. So we are deploying reinforcements of more than 20,000 additional soldiers and Marines to Iraq. The vast majority will go to Baghdad, where they will help Iraqi forces to clear and secure neighborhoods and serve as advisers embedded in Iraqi Army units. With Iraqis in the lead, our forces will help secure the city by chasing down terrorists, insurgents, and roaming death squads. And in Anbar province—where al Qaeda terrorists have gathered and local forces have begun showing a willingness to fight them—we are sending an additional 4,000 United States Marines, with orders to find the terrorists and clear them out. We did not drive al Qaeda out of their safe haven in Afghanistan only to let them set up a new safe haven in a free Iraq.

The people of Iraq want to live in peace, and now is the time for their government to act. Iraq's leaders know that our commitment is not open ended. They have promised to deploy more of their own troops to secure Baghdad—and they must do so. They have pledged that they will confront violent radicals of any faction or political party. They need to follow through, and lift needless restrictions on Iraqi and Coalition forces, so these troops can achieve their mission of bringing security to all of the people of Baghdad. Iraq's leaders have committed themselves to a series of benchmarks to achieve reconciliation—to share oil revenues among all of Iraq's citizens . . . to put the wealth of Iraq into the rebuilding of Iraq . . . to allow more Iraqis to re-enter their nation's civic life . . . to hold local elections . . . and to take responsibility for security in every Iraqi province. But for all of this to happen, Baghdad must be secured. And our plan will help the Iraqi government take back its capital and make good on its commitments.

My fellow citizens, our military commanders and I have carefully weighed the options. We discussed every possible approach. In the end, I chose this course of action because it provides the best chance of success. Many in this Chamber understand that America must not fail in Iraq—because you understand that the consequences of failure would be grievous and far reaching.

If American forces step back before Baghdad is secure, the Iraqi government would be overrun by extremists on all sides. We could expect an epic battle between Shia extremists backed by Iran, and Sunni extremists aided by al Qaeda and supporters of the old regime. A contagion of violence could spill out across the country—and in time the entire region could be drawn into the conflict.

For America, this is a nightmare scenario. For the enemy, this is the objective. Chaos is their greatest ally in this struggle. And out of chaos in Iraq would emerge an emboldened enemy with new safe havens . . . new recruits . . . new resources . . . and an even greater determination to harm America. To allow this to happen would be to ignore the lessons of September 11 and invite tragedy. And ladies and gentlemen, nothing is more important at this moment in our history than for America to succeed in the Middle East . . . to succeed in Iraq . . . and to spare the American people from this danger.

This is where matters stand tonight, in the here and now. I have spoken with many of you in person. I respect you and the arguments you have made. We went into this largely united—in our assumptions, and in our convictions. And whatever you voted for, you did not vote for failure. Our country is pursuing a new strategy in Iraq—and I ask you to give it a chance to work. And I ask you to support our troops in the field—and those on their way.

The war on terror we fight today is a generational struggle that will continue long after you and I have turned our duties over to others. That is why it is important to work together so our Nation can see this great effort through. Both parties and both branches should work in close consultation. And this is why I propose to establish a special advisory council on the war on terror, made up of leaders in Congress from both political parties. We will share ideas for how to position America to meet every challenge that confronts us. And we will show our enemies abroad that we are united in the goal of victory.

One of the first steps we can take together is to add to the ranks of our military—so that the American Armed Forces are ready for all the challenges ahead. Tonight I ask the Congress to authorize an increase in the size of our active Army and Marine Corps by 92,000 in the next 5 years. A second task we can take on together is to design and establish a volunteer Civilian Reserve Corps. Such a corps would function much like our military reserve. It would ease the burden on the Armed Forces by allowing us to hire civilians with critical skills to serve on missions abroad when America needs them. And it would give people across America who do not wear the uniform a chance to serve in the defining struggle of our time.

Americans can have confidence in the outcome of this struggle—because we are not in this struggle alone. We have a diplomatic strategy that is rallying the world to join in the fight against extremism. In Iraq, multinational forces are operating under a mandate from the United Nations—and we are working with Jordan, Saudi Arabia, Egypt, and the Gulf States to increase support for Iraq's government. The United Nations has imposed sanctions on Iran, and made it clear that the world will not allow the regime in Tehran to acquire nuclear weapons. With the other members of the Quartet—the U.N., the European Union, and Russia—we are pursuing diplomacy to help bring peace to the Holy Land, and pursuing the establishment of a democratic Palestinian state living side-by-side with Israel in peace and security. In Afghanistan, NATO has taken the lead in turning back the Taliban and al Qaeda offensive—the first time the Alliance has deployed forces outside the North Atlantic area. Together with our partners in China, Japan, Russia, and South Korea, we are pursuing intensive diplomacy to achieve a Korean peninsula free of nuclear weapons. And we will continue to speak out for the cause of freedom in places like Cuba, Belarus, and Burma—and continue to awaken the conscience of the world to save the people of Darfur.

American foreign policy is more than a matter of war and diplomacy. Our work in the world is also based on a timeless truth: To whom much is given, much is required. We hear the call to take on the challenges of hunger, poverty, and disease—and that is precisely what America is doing. We must continue to fight HIV/AIDS, especially on the continent of Africa—and because you funded our Emergency Plan for AIDS Relief, the number of people receiving life-saving drugs has grown from 50,000 to more than 800,000 in 3 short years. I ask you to continue funding our efforts to fight HIV/AIDS. I ask you to provide $1.2 billion over 5 years so we can combat malaria in 15 African countries. I ask that you fund the Millennium Challenge Account, so that American aid reaches the people who need it, in nations where democracy is on the rise and corruption is in retreat. And let us continue to support the expanded trade and debt relief that are the best hope for lifting lives and eliminating poverty.

When America serves others in this way, we show the strength and generosity of our country. These deeds reflect the character of our people. The greatest strength we have is the heroic kindness, courage, and self-sacrifice of the American people. You see this spirit often if you know where to look—

and tonight we need only look above to the gallery.

Dikembe Mutombo grew up in Africa, amid great poverty and disease. He came to Georgetown University on a scholarship to study medicine—but Coach John Thompson got a look at Dikembe and had a different idea. Dikembe became a star in the NBA, and a citizen of the United States. But he never forgot the land of his birth—or the duty to share his blessings with others. He has built a brand new hospital in his hometown. A friend has said of this good-hearted man: "Mutombo believes that God has given him this opportunity to do great things." And we are proud to call this son of the Congo our fellow American.

After her daughter was born, Julie Aigner-Clark searched for ways to share her love of music and art with her child. So she borrowed some equipment, and began filming children's videos in her basement. The Baby Einstein Company was born—and in just 5 years her business grew to more than $20 million in sales. In November 2001, Julie sold Baby Einstein to the Walt Disney Company, and with her help Baby Einstein has grown into a $200 million business. Julie represents the great enterprising spirit of America. And she is using her success to help others—producing child safety videos with John Walsh of the National Center for Missing and Exploited Children. Julie says of her new project: "I believe it is the most important thing that live ever done. I believe that children have the right to live in a world that is safe." We are pleased to welcome this talented business entrepreneur and generous social entrepreneur—Julie Aigner-Clark.

Three weeks ago, Wesley Autrey was waiting at a Harlem subway station with his two little girls, when he saw a man fall into the path of a train. With seconds to act, Wesley jumped onto the tracks . . . pulled the man into a space between the rails . . . and held him as the train passed right above their heads. He insists he's not a hero. Wesley says: "We got guys and girls overseas dying for us to have our freedoms. We got to show each other some love." There is something wonderful about a country that produces a brave and humble man like Wesley Autrey.

Tommy Rieman was a teenager pumping gas in Independence, Kentucky, when he enlisted in the United States Army. In December 2003, he was on a reconnaissance mission in Iraq when his team came under heavy enemy fire. From his Humvee, Sergeant Rieman returned fire—and used his body as a shield to protect his gunner. He was shot in the chest and arm, and received shrapnel wounds to his legs—yet he refused medical attention, and stayed in the fight. He helped to repel a second attack, firing grenades at the enemy's position. For his exceptional courage, Sergeant Rieman was awarded the Silver Star. And like so many other Americans who have volunteered to defend us, he has earned the respect and gratitude of our whole country.

In such courage and compassion, ladies and gentlemen, we see the spirit and character of America—and these qualities are not in short supply. This is a decent and honorable country—and resilient, too. We have been through a lot together. We have met challenges and faced dangers, and we know that more lie ahead. Yet we can go forward with confidence—because the State of our Union is strong . . . our cause in the world is right . . . and tonight that cause goes on.

Thank you.

GEORGE W. BUSH.

THE WHITE HOUSE, *January 23, 2007.*

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 390. An act to require the establishment of a national database in the National Archives to preserve records of servitude, emancipation, and post-Civil War reconstruction and to provide grants to State and local entities to establish similar local databases; to the Committee on Homeland Security and Governmental Affairs.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-430. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Spiromesifen; Pesticide Tolerance" (FRL No. 8110-3) received on January 18, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC-431. A communication from the Legal Information Assistant, Office of Thrift Supervision, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Subordinated Debt Securities and Mandatorily Preferred Stock" (RIN1550-AC06) received on January 18, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC-432. A communication from the Chief Financial Officer, Department of Housing and Urban Development, transmitting, pursuant to law, a report relative to the Department's competitive sourcing efforts for fiscal year 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC-433. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Designation of Areas for Air Quality Planning Purposes; Arizona; Miami Sulfur Dioxide State Implementation Plan and Request for Redesignation to Attainment; Correction of Boundary of Miami Sulfur Dioxide Nonattainment Area" (FRL No. 8270-3) received on January 18, 2007; to the Committee on Environment and Public Works.

EC-434. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Texas; EL Paso County Carbon Monoxide Redesignation to Attainment, and Approval of Maintenance Plan" (FRL No. 8272-5) received on January 18, 2007; to the Committee on Environment and Public Works.

EC-435. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Standards of Performance for New Stationary Sources and Emission Guidelines for Existing Sources: Other Solid Waste Incineration Units: Reconsideration" (FRL No. 8272-2) received on January 18, 2007; to the Committee on Environment and Public Works.

EC-436. A communication from the Director of the Peace Corps, transmitting, pursuant to law, a report relative to the Corps' competitive sourcing efforts for fiscal year 2006; to the Committee on Foreign Relations.

EC-437. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2007-001—2007-011); to the Committee on Foreign Relations.

EC-438. A communication from the Secretary of Labor, transmitting, pursuant to law, a report relative to the operations of the Office of Workers' Compensation Programs for fiscal year 2004; to the Committee on Health, Education, Labor, and Pensions.

EC-439. A communication from the Administrator, Office of Workforce Security, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Unemployment Compensation—Eligibility" (RIN1205-AB41) received on January 22, 2007; to the Committee on Health, Education, Labor, and Pensions.

EC-440. A communication from the Director of Legislative Affairs, Office of the Director of National Intelligence, transmitting, pursuant to law, the report of a discontinuation of service in the acting role for the position of Principal Deputy Director of National Intelligence, received on January 22, 2007; to the Select Committee on Intelligence.

EC-441. A communication from the General Counsel, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the report of a nomination for the position of Administrator (Office of Information and Regulatory Affair), received on January 18, 2007; to the Committee on Homeland Security and Governmental Affairs.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BINGAMAN (for himself and Mr. SMITH):

S. 360. A bill to amend the Internal Revenue Code of 1986 to expand expenses which qualify for the Hope Scholarship Credit and to make the Hope Scholarship Credit and the Lifetime Learning Credit refundable; to the Committee on Finance.

By Mr. BINGAMAN (for himself and Mr. DOMENICI):

S. 361. A bill to designate the United States courthouse at South Federal Place in Santa Fe, New Mexico, as the "Santiago E. Campos United States Courthouse"; to the Committee on Environment and Public Works.

By Mr. COLEMAN:

S. 362. A bill to expand the number of embryonic stem cell lines available for Federally funded research; to the Committee on Health, Education, Labor, and Pensions.

By Mr. COLEMAN:

S. 363. A bill to provide increased Federal funding for stem cell research, to expand the number of embryonic stem cell lines available for Federally funded research, to provide ethical guidelines for stem cell research, to derive human pluripotent stem cell lines using techniques that do not create an embryo or embryos for research or knowingly harm human embryo or embryos, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. ROCKEFELLER:

S. 364. A bill to strengthen United States trade laws and for other purposes; to the Committee on Finance.

By Mr. GRAHAM (for himself, Mr. HAGEL, and Mr. DORGAN):

S. 365. A bill to authorize the Secretary of Energy to establish monetary prizes for achievements in overcoming scientific and technical barriers associated with hydrogen energy; to the Committee on Energy and Natural Resources.

By Mr. DOMENICI:

S. 366. A bill to authorize the conveyance of certain Federal land in the State of New Mexico; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. DORGAN (for himself, Mr. GRAHAM, Mr. FEINGOLD, Mr. BROWN, Mr. BYRD, and Mr. SANDERS):

S. 367. A bill to amend the Tariff Act of 1930 to prohibit the import, export, and sale of goods made with sweatshop labor, and for other purposes; to the Committee on Finance.

By Mr. BIDEN (for himself, Mr. BAUCUS, Mrs. BOXER, Ms. CANTWELL, Mrs. CLINTON, Mr. DODD, Mrs. FEINSTEIN, Mr. HARKIN, Mr. KERRY, Mr. KOHL, Mr. LAUTENBERG, Mr. LEAHY, Mr. LIEBERMAN, Mr. MENENDEZ, Ms. MIKULSKI, Mr. OBAMA, Mr. REED, Mr. SALAZAR, Mr. SCHUMER, Mr. SMITH, Ms. STABENOW, and Mr. REID):

S. 368. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to enhance the COPS ON THE BEAT grant program, and for other purposes; to the Committee on the Judiciary.

By Mr. SCHUMER (for himself, Mrs. CLINTON, Mr. SPECTER, Mr. BAUCUS, Mr. BAYH, Mr. BIDEN, Mrs. BOXER, Mr. DURBIN, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. HARKIN, Mr. INOUYE, Mr. KENNEDY, Mr. KERRY, Mr. KOHL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. MENENDEZ, Mrs. MURRAY, Mr. PRYOR, and Mr. SALAZAR):

S. 369. A bill to provide for a medal of appropriate design to be awarded by the President to the next of kin or other representative of those individuals killed as a result of the terrorist attacks of September 11, 2001; to the Committee on Banking, Housing, and Urban Affairs.

By Mrs. HUTCHISON (for herself and Mr. CORNYN):

S. 370. A bill to designate the headquarters building of the Department of Education in Washington, DC, as the Lyndon Baines Johnson Federal Building; to the Committee on Environment and Public Works.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Ms. STABENOW (for herself and Mr. LEVIN):

S. Res. 37. A resolution designating March 26, 2007 as "National Support the Troops Day" and encouraging the people of the United States to participate in a moment of silence to reflect upon the service and sacrifice of members of the Armed Forces both at home and abroad; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 2

At the request of Mr. KENNEDY, the names of the Senator from Rhode Island (Mr. WHITEHOUSE) and the Senator from Minnesota (Ms. KLOBUCHAR) were added as cosponsors of S. 2, a bill to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage.

S. 21

At the request of Mr. REID, the names of the Senator from Oregon (Mr. WYDEN) and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of S. 21, a bill to expand access to preventive health care services that help reduce unintended pregnancy, reduce abortions, and improve access to women's health care.

S. 43

At the request of Mr. ENSIGN, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 43, a bill to amend title II of the Social Security Act to preserve and protect Social Security benefits of American workers and to help ensure greater congressional oversight of the Social Security system by requiring that both Houses of Congress approve a totalization agreement before the agreement, giving foreign workers Social Security benefits, can go into effect.

S. 65

At the request of Mr. INHOFE, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 65, a bill to modify the age-60 standard for certain pilots and for other purposes.

S. 138

At the request of Mr. SCHUMER, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 138, a bill to amend the Internal Revenue Code of 1986 to apply the joint return limitation for capital gains exclusion to certain post-marriage sales of principal residences by surviving spouses.

S. 223

At the request of Mr. FEINGOLD, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 223, a bill to require Senate candidates to file designations, statements, and reports in electronic form.

S. 261

At the request of Ms. CANTWELL, the names of the Senator from Oregon (Mr. WYDEN) and the Senator from Wisconsin (Mr. FEINGOLD) were added as cosponsors of S. 261, a bill to amend title 18, United States Code, to strengthen prohibitions against animal fighting, and for other purposes.

S. 320

At the request of Mr. AKAKA, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 320, a bill to provide for the protection of paleontological resources on Federal lands, and for other purposes.

S. 343

At the request of Mr. VOINOVICH, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 343, a bill to extend the District of Columbia College Access Act of 1999.

S. 347

At the request of Mr. VOINOVICH, the name of the Senator from Virginia (Mr. WARNER) was withdrawn as a cosponsor of S. 347, a bill to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage, and for other purposes.

S. 356

At the request of Mr. BROWNBACK, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 356, a bill to ensure that women seeking an abortion are fully informed regarding the pain experienced by their unborn child.

AMENDMENT NO. 102

At the request of Mr. DODD, his name was added as a cosponsor of amendment No. 102 proposed to H.R. 2, a bill to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage.

At the request of Mr. KENNEDY, his name was added as a cosponsor of amendment No. 102 proposed to H.R. 2, supra.

AMENDMENT NO. 103

At the request of Mr. REID, his name was added as a cosponsor of amendment No. 103 proposed to H.R. 2, a bill to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage.

At the request of Ms. SNOWE, the names of the Senator from Massachusetts (Mr. KERRY), the Senator from New Hampshire (Mr. SUNUNU), and the Senator from Kansas (Mr. ROBERTS) were added as cosponsors of amendment No. 103 proposed to H.R. 2, supra.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BINGAMAN (for himself and Mr. SMITH):

S. 360. A bill to amend the Internal Revenue Code of 1986 to expand expenses which qualify for the Hope Scholarship Credit and to make the Hope Scholarship Credit and the Lifetime Learning Credit refundable; to the Committee on Finance.

Mr. BINGAMAN. Mr. President, I rise today with Senator Smith to introduce the Greater Access To Education, or GATE Act, of 2007. This legislation would amend the Internal Revenue Code of 1986 in order to make college more affordable, and thus provide greater access to postsecondary education for lower income students and working families. Simply put, this bill would expand expenses which qualify for the Hope Scholarship Credit, prevent aid for needy students from reducing the credit, and make the Hope Scholarship and Lifetime Learning Credits refundable.

The cost of attending college in the U.S. has grown by 44 percent since 2000, far outpacing the median growth in income. We've seen a 35 percent jump in inflation-adjusted average tuition and fees for in-state students at public colleges and universities since 2001–02. The cost of going to college is 6.3 percent higher than just last year, averaging $12,796 including room and board.

Unfortunately, year after year, Congress has failed to raise Pell Grant Scholarships for needy students. This critical student aid has been frozen at just over $4000 for four years. Ten years ago, the maximum Pell Grant covered more than 50 percent of the cost of tuition, fees, room and board at a public four-year college. Last year, it covered only 35 percent of those costs.

At the same time, we're seeing increasing competition among colleges and universities for the highest scoring students. And these students command higher tuition discounts, particularly in the form of merit scholarships. As a result, there's a smaller proportion of the financial aid budget available for low income students at colleges with rising tuitions.

A recent report by Education Trust found that many of the flagship and research-extensive public universities have reallocated financial aid resources away from the low income students who need help to go to college—mostly to compete for high income students who would enroll in college regardless of the amount of aid they receive. Between 1995 and 2003, flagship and other research-extensive public universities actually decreased grant aid by 13 percent for students from families with an annual income of $20,000 or less while they increased aid to students from families who make more than $100,000 by 406 percent. In 2003, these institutions spent a combined $257 million to subsidize the tuition of students from families with annual incomes over $100,000—a staggering increase from the $50 million they spent in 1995.

In addition, many colleges and universities are now using "enrollment and revenue management" firms to help manage admissions and financial aid. I am concerned that too many schools are trying to leverage their financial aid to entice wealthier and high scoring students to attend their schools, at the expense of aid to lower income students. In essence, they're directing financial aid dollars to students who will increase a school's revenues and rankings.

As a result, low income students are disproportionately bearing the brunt of increased college tuition and fees. In turn, more and more students increasingly rely on loans to finance their education. And, we've seen a significant increase in the amount of student debt in this country. In New Mexico, the average student now graduates from 4 years of college with more than $16,000 in debt.

And, last year, Congress cut $12 billion out of the Federal student aid programs, pushing college further out of reach for American families. It is the largest single cut the Federal Government has made to student aid programs, and it is expected to increase the debt burden of students and their families as many borrowers of student loans will face higher interest payments.

Congress, simply, has moved in the wrong direction, and failed to help make college more affordable for students from low income and working families.

Full time students receive about $3,100 per year in aid in the form of grants and tax benefits at 4-year public institutions. In 2003–04, however, only 56 percent of 4-year public institution students from families with incomes below $30,000 received sufficient grant aid and tax benefits to cover tuition and fees.

Even worse, we know that each year there are hundreds of thousands of students who are prepared to attend a 4-year college but do not do so because of financial barriers.

We must reverse this course and make college more affordable for students from low-income and working families.

The first priority for this Congress should be to increase student aid for needy students. We must increase the amount of Pell grants to at least $5,100.

The next thing we should do is make sure that the existing education tax credits work effectively for the families that need them most. The Hope Scholarship and Lifetime Learning tax credits have helped millions of Americans finance their college education. For this tax year, the credits allow eligible tax filers to reduce their tax liability by receiving a credit of up to $1,650 for the Hope program or up to $2,000 for the Lifetime Learning credit for tuition and course-related fees paid for a single student.

Unfortunately, research shows that these tax credits are not working as effectively as they could be. They do not support students who are currently enrolled in college to any significant degree, and they do not induce greater numbers of students, including working adults who need to upgrade their education and skills, to earn a postsecondary degree.

Many students and their families are unable to take advantage of the maximum amount of the credit because it is limited to covering "tuition and related expenses." Students who attend colleges with lower tuition costs, such as those attending community colleges, are not entitled to the maximum amount of the credit.

For college students attending institutions with relatively high tuition rates, the maximum credit will be available to cover the higher tuition. This is not the case, however, for many students, particularly the vast majority of community college students, as well as hundreds of thousands of students attending public four-year colleges, who attend college where the tuition is lower. These students are not able to access the full credit because tuition at these institutions is lower than the maximum credit, and the scope of the credit is limited to tuition and related expenses. College students must pay for much more than just tuition, however, including room and board, books, supplies, equipment and fees.

Further, a student's eligibility for the Hope tax credit is actually reduced by any grants the student receives—Federal, State, or private. The impact of this limitation is felt particularly by the by the low income students that receive Pell Grants or other Federal or State assistance. Often, the assistance received fully offsets the amount of the credit.

This legislation is simple and straightforward, and is crafted to address these shortcomings. First, in addition to tuition, it allows the Hope credit to cover room and board, required fees, books, supplies, and equipment. It is important to note that the IRS Code commonly recognizes non-tuition expenses, including substantial living expenses, in programs such as Section 529 plans and tax-exempt, prepaid tuition plans.

As we all know, tuition is just one of the many expenses associated with going to college. Room and board, books, supplies, equipment and fees can be prohibitively expensive for those who attend colleges that have reasonable tuition charges. The cost for books and supplies alone can be as high as $1000 per year.

In addition, the legislation changes the IRS Code so that any Federal Pell Grants and Supplemental Educational Opportunity Grants students receive are not counted against their eligible expenses when Hope eligibility is calculated. This change will provide some assistance to needier students, especially those attending four-year public colleges.

But these fixes only get to a part of the problem. Because the education tax credits are not refundable, a family of four must earn above $30,000 to get the maximum credit. A student or working family must have a positive tax liability to receive the credit. Nearly half of all families with college students do not get the full credit because their income is too low.

In fact, only 36 percent of filers claiming the credits at all had incomes under $30,000; less than 10 percent of filers claiming the credits had incomes under $15,000. By contrast, 36 percent of filers claiming the credits earned $50,000 or more.

Making the credits refundable would ensure that families in lower tax brackets are eligible for the maximum benefits and would thus make college more affordable to those students and families who need the most assistance.

I believe we all can agree that maintaining a skilled and educated workforce should rank as one of our highest priorities. The National Academy of Sciences projected that while the U.S. economy is doing well today, current trends indicate that the U.S. may not fare as well in the future, particularly in the areas of science and technology, where innovation is spurred and high-wage jobs follow.

This Congress should do everything in its power to ensure that every capable student who wants to go to college should be able to, which will in turn ensure that we have workers to fill the high-quality, high-wage jobs we are working so hard to create. I urge my colleagues to support this critical legislation.

I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 360

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Greater Access To Education Act of 2007".

SEC. 2. EXPANSION OF EDUCATIONAL EXPENSES ALLOWED AS PART OF HOPE SCHOLARSHIP CREDIT.

(a) QUALIFIED TUITION AND RELATED EXPENSES EXPANDED TO INCLUDE ROOM AND BOARD, BOOKS, SUPPLIES, AND EQUIPMENT.—Paragraph (1) of section 25A(f) of the Internal Revenue Code of 1986 (defining qualified tuition and related expenses) is amended by adding at the end the following new subparagraph:

"(D) ADDITIONAL EXPENSES ALLOWED FOR HOPE SCHOLARSHIP CREDIT.—For purposes of the Hope Scholarship Credit, such term shall, with respect to any academic period, include—

"(i) reasonable costs for such period incurred by the eligible student for room and board while attending the eligible educational institution, and

"(ii) fees, books, supplies, and equipment required for such period for courses of instruction at the eligible educational institution.".

(b) HOPE SCHOLARSHIP CREDIT NOT REDUCED BY FEDERAL PELL GRANTS AND SUPPLEMENTAL EDUCATIONAL OPPORTUNITY GRANTS.—Subsection (g) of section 25A of such Code (relating to special rules) is amended by adding at the end the following new paragraph:

"(8) PELL AND SEOG GRANTS.—For purposes of the Hope Scholarship Credit, paragraph (2) shall not apply to amounts paid for an individual as a Federal Pell Grant or a Federal supplemental educational opportunity grant under subparts 1 and 3, respectively, of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070a and 1070b et seq., respectively).".

(c) EXPANDED HOPE EXPENSES NOT SUBJECT TO INFORMATION REPORTING REQUIREMENTS.—Subsection (e) of section 6050S of such Code (relating to definitions) is amended by striking "subsection (g)(2)" and inserting "subsections (f)(1)(D) and (g)(2)".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to expenses paid after December 31, 2006 (in tax years ending after such date), for education furnished in academic periods beginning after such date.

SEC. 3. HOPE AND LIFETIME LEARNING CREDITS TO BE REFUNDABLE.

(a) CREDIT TO BE REFUNDABLE.—Section 25A of the Internal Revenue Code of 1986 (relating to Hope and Lifetime Learning credits), as amended by section 2, is hereby moved to subpart C of part IV of subchapter A of chapter 1 of such Code (relating to refundable credits) and inserted after section 35.

(b) TECHNICAL AMENDMENTS.—

(1) Section 36 of the Internal Revenue Code of 1986 is redesignated as section 37.

(2) Section 25A of such Code (as moved by subsection (a)) is redesignated as section 36.

(3) Paragraph (1) of section 36(a) of such Code (as redesignated by paragraph (2)) is amended by striking "this chapter" and inserting "this subtitle".

(4) Subparagraph (B) of section 72(t)(7) of such Code is amended by striking "section 25A(g)(2)" and inserting "section 36(g)(2)".

(5) Subparagraph (A) of section 135(d)(2) of such Code is amended by striking "section 25A" and inserting "section 36".

(6) Section 221(d) of such Code is amended—

(A) by striking "section 25A(g)(2)" in paragraph (2)(B) and inserting "section 36(g)(2)",

(B) by striking "section 25A(f)(2)" in the matter following paragraph (2)(B) and inserting "section 36(f)(2)", and

(C) by striking "section 25A(b)(3)" in paragraph (3) and inserting "section 36(b)(3)".

(7) Section 222 of such Code is amended—

(A) by striking "section 25A" in subparagraph (A) of subsection (c)(2) and inserting "section 36",

(B) by striking "section 25A(f)" in subsection (d)(1) and inserting "section 36(f)", and

(C) by striking "section 25A(g)(2)" in subsection (d)(1) and inserting "section 36(g)(2)".

(8) Section 529 of such Code is amended—

(A) by striking "section 25A(g)(2)" in subclause (I) of subsection (c)(3)(B)(v) and inserting "section 36(g)(2)",

(B) by striking "section 25A" in subclause (II) of subsection (c)(3)(B)(v) and inserting "section 36", and

(C) by striking "section 25A(b)(3)" in clause (i) of subsection (e)(3)(B) and inserting "section 36(b)(3)".

(9) Section 530 of such Code is amended—

(A) by striking "section 25A(g)(2)" in subclause (I) of subsection (d)(2)(C)(i) and inserting "section 36(g)(2)",

(B) by striking "section 25A" in subclause (II) of subsection (d)(2)(C)(i) and inserting "section 36", and

(C) by striking "section 25A(g)(2)" in clause (iii) of subsection (d)(4)(B) and inserting "section 36(g)(2)".

(10) Subsection (e) of section 6050S of such Code is amended by striking "section 25A" and inserting "section 36".

(11) Subparagraph (J) of section 6213(g)(2) of such Code is amended by striking "section 25A(g)(1)" and inserting "section 36(g)(1)".

(12) Paragraph (2) of section 1324(b) of title 31, United States Code, is amended by inserting before the period "or from section 36 of such Code".

(13) The table of sections for subpart C of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by striking the item relating to section 36 and inserting the following:

"Sec. 36. Hope and Lifetime Learning credits.

"Sec. 37. Overpayments of tax.".

(14) The table of sections for subpart A of such part IV is amended by striking the item relating to section 25A.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006.

By Mr. BINGAMAN. (for himself and Mr. DOMENICI):

S. 361. A bill to designate the United States courthouse at South Federal Place in Santa Fe, New Mexico, as the "Santiago E. Campos United States Courthouse"; to the Committee on Environment and Public Works.

Mr. BINGAMAN. Mr. President, I rise today with my colleague Senator DOMENICI to introduce a bill to designate the United States Courthouse in Santa Fe, NM as the "Honorable Santiago E. Campos United States Courthouse." Santiago Campos was appointed to the Federal bench in 1978 by President Jimmy Carter and was the first Hispanic Federal judge in New Mexico. He held the title of Chief U.S. District Judge from February 5, 1987 to December 31, 1989 and took senior status in 1992.

Judge Campos was a dedicated and passionate public servant who spent most of his life committed to working for the people of New Mexico and our Nation. He served as a seaman first class in the United States Navy from 1944 to 1946, as the Assistant Attorney

General and then First Assistant Attorney General of New Mexico from 1954 to 1957, and as a district court judge from 1971 to 1978 in the First Judicial District in the State of New Mexico. He was the prime mover in reestablishing Federal court judicial activity in Santa Fe and had his chambers in the courthouse there for over 22 years. For his dedication to the State, Judge Campos received distinguished achievement awards in 1993 from both the State Bar of New Mexico and the University of New Mexico.

Sadly, Judge Campos passed away January 20, 2001 after a long battle with cancer. Judge Campos was an extraordinary jurist and served as a role model and mentor to others in New Mexico. He was admired and respected by all that knew him. I believe that it would be an appropriate tribute to Judge Campos to have the courthouse in Santa Fe bear his name.

The Senate passed a bill in the 108th Congress to name the same courthouse for Judge Campos by unanimous consent. Unfortunately, the House was unable to take up the measure and it failed to be signed into law. I rise again to ask the Senate to pass the bill and honor the work and dedication of Judge Santiago Campos.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 361

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The United States courthouse at South Federal Place in Santa Fe, New Mexico, shall be known and designated as the "Santiago E. Campos United States Courthouse".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States courthouse referred to in section 1 shall be deemed to be a reference to the "Santiago E. Campos United States Courthouse".

By Mr. ROCKEFELLER:

S. 364. A bill to strengthen United States trade laws and for other purposes; to the Committee on Finance.

Mr. ROCKEFELLER. Mr. President, I rise today to introduce legislation that will help America's manufacturers compete on even terms with foreign manufacturers.

For generations, American manufacturing has been a tremendous source of pride and a ladder to the middle class. Unfortunately, over the last several years, the manufacturing sector of our economy has suffered disproportionately and millions of good jobs have been lost. In my home State of West Virginia, well over 10,000 manufacturing jobs have disappeared since 2001. Workers and manufacturers in all of our States have found it increasingly difficult to compete in today's global markets, when the odds are stacked against them because of unfair trading practices.

American industry can compete with anyone in the world when it's a fair fight. Our domestic and international trade laws were set up to establish a level playing field, but unfortunately some of our trading partners have repeatedly found ways to circumvent these laws in order to gain an unfair advantage in trade with the United States. This has led to our record-breaking—and still growing—trade deficits, which threaten the long-term health of our economy, and have contributed to the migration of manufacturing jobs to factories overseas. This is an enormous problem that the United States must face and conquer.

A large part of the problem in recent years is that the Bush Administration has not been an aggressive enforcer of U.S. domestic trade laws. It has also failed to successfully advocate for U.S. interests in the multilateral dispute settlement setting. The bill I introduce today, the Strengthening America's Trade Law Act of 2007, will improve our ability to correct deficiencies in four areas of U.S. trade policy: first, it will address problems in the U.S. approach to the WTO Dispute Settlement process; second, it will strengthen anti-dumping remedies, third, it will expand the reach of countervailing duties, and fourth, it will remove the President's discretion to disregard the recommendations of the International Trade Commission in certain circumstances.

The steel industry is perhaps the best-known example of how our trade laws can help or hurt domestic industry when it is injured by unfair foreign trade practices, but industries from timber to chinaware to candlemaking are all too familiar with this point.

This bill contains a number of provisions that would provide meaningful improvements to U.S. trade law. The United States would remain fully compliant with its obligations in the World Trade Organization under this legislation.

Let me briefly describe what this bill will do to level the playing field for American manufacturers.

Title I of the Strengthening America's Trade Laws Act bolsters the United States' position in WTO dispute settlement proceedings. The dispute settlement system set up in 1994 upon the creation of the WTO was intended to establish a rules-based system of enforcing trade agreements. However, recent cases involving U.S. application of its laws regarding import surges, anti-dumping and countervailing duties have raised concerns about the fairness of the system.

To address these concerns, Title I allows the direct participation in WTO dispute settlement proceedings of the U.S. business and trade associations that are directly affected by these proceedings, which would improve the prospects of zealous advocacy on behalf of U.S. interests at stake. It also creates a Congressional Advisory Commission on WTO Dispute Settlement that would analyze WTO decisions that are adverse to the United States, report to Congress on the propriety of the decisions and provide guidance for how the Congress might proceed in responding to adverse decisions.

Title I also requires Congressional approval of all measures taken by the U.S. government to comply with adverse decisions. In most cases, compliance with an adverse WTO decision calls for legislative changes, but in some cases such as the recent case involving "zeroing" on dumping determinations, the Bush Administration has determined that the United States can comply with the adverse decision through regulatory changes such as altering the methodology through which the Commerce Department calculates the dumping margin. This provision of my trade bill would prevent the Administration from side-stepping Congress in determining how to respond to an adverse decision in the WTO. Congressional oversight is an important element of our trade policy, and these provisions would help restore it.

Title II of the Strengthening America's Trade Laws Act tightens the rules in anti-dumping cases in favor of the petitioning domestic industry and makes it harder for dumping countries and businesses to circumvent the rules. Additionally, it applies a stricter methodology for determining the market value of goods from countries designated as "nonmarket economies" (NMEs). These countries presently include small former Soviet republics such as Turkmenistan and Georgia, and also large U.S. trading partners such as China. These NME designations are an important element of U.S. trade policy, and Title II gives Congress the ability to approve or disapprove any change in a country's NME status.

Title II also overrules the recent decision by the Federal Circuit in the Bratsk case, which inappropriately added a new requirement not presently included in our anti-dumping laws, namely that ITC anti-dumping investigations must include evaluating the role of imports that are not actually subject to the investigation. This speculative element is not part of the investigation process that Congress mandated the ITC to follow in anti-dumping cases, and my bill would remove this judicially-added requirement that was never a part of our trade remedy law.

Title III of the Strengthening America's Trade Laws Act expands the reach of countervailing duties (CVDs) in order to address two significant sources of unfair trade: China's artificially undervalued currency, and the disparate treatment that international trade rules give to value-added taxes (VAT) used by most U.S. trade partners.

Unlike anti-dumping duties, CVDs have not been applied against imports from NME countries like China, leaving a huge hole in the trade remedies available to U.S. manufacturers who are competing against subsidized imports from China. This bill explicitly makes CVDs applicable to NME countries, and it and provides a methodology for determining subsidy levels in NMEs that is similar to the methodology for determining fair market value in anti-dumping investigations regarding NME countries.

Next, Title III designates currency exchange rate manipulation as a subsidy that can be addressed by application of CVDs. It is well known that China's government pegs its currency's value to the value of a "basket" of currencies including the dollar rather than allowing the value to be determined freely in currency exchange markets. This practice keeps China's currency artificially low, boosting Chinese exports and protecting Chinese domestic industry from imports. In December, Federal Reserve Chairman Ben Bernanke called this practice what it is, an "effective subsidy." This provision of Title III would allow the U.S. government to apply our CVD law to this subsidy.

Title III also contains a vital provision that would lead to the possible future use of CVDs as a remedy for the differential treatment that international trade rules give to value-added taxes (VAT) used by most U.S. trade partners. WTO rules provide that rebates on "direct" taxes such as income, employment, and real estate taxes constitute subsidies, whereas rebates on "indirect taxes" such as sales and VAT taxes are not subsidies. This puts U.S. producers at a significant disadvantage to producers in countries that use value-added tax (VAT) systems.

Over 135 U.S. trading partners use VAT taxes for a significant amount of their revenue, and when U.S. exports enter a VAT tax country, they are subject to the importing country's VAT tax, whereas U.S. imports from a VAT tax country are not subject to the producing country's VAT tax. This unfair tax treatment constitutes both a hidden import duty for U.S. exports and a hidden export subsidy for VAT tax country products entering the United States.

This provision of Title III would push the USTR to negotiate this issue to a satisfactory conclusion within the next two years. Failing such negotiations, it would designate this differential treatment a countervailable subsidy which would then be subject to CVDs.

Finally, Title IV of the Strengthening America's Trade Laws Act would remove Presidential discretion to ignore the recommendations of the ITC in safeguard cases regarding China, or so-called "Section 421" cases. Section 421 of the legislation that provided for China's accession to the WTO is a "safeguard" provision that provides for temporary relief from surges of imports that have caused injury to domestic industry. There are a number of recent examples of President Bush's failure to take action in cases in which the ITC has recommended "safeguard" relief most notably on December 30, 2005, when he denied the relief that the ITC had recommended for U.S. steel pipe and tube manufacturers in the face of a surge of imports from China. Title IV would ensure that such denials do not happen in the future by removing Presidential discretion in applying safeguard measures in cases involving imports from China and instead making the findings and recommendations of the ITC the final word on the matter.

The Strengthening America's Trade Laws Act will provide meaningful improvements to U.S. trade law and a more level playing field for U.S. workers and manufacturers in an increasingly competitive global economy. I commend it to my colleagues and urge them to join me in pushing for its swift enactment. Congress has sat on the sidelines for too long as our country's finest manufacturers have been dealt blow after blow. This bill will not solve the trade deficit alone, but it is a reasonable start.

I am going to ask my leadership, in my caucus and on the Finance Committee, to work with me on this legislation, and I look forward to joining forces with my allies on the other side of the aisle to move this bill. I ask unanimous consent that the bill be entered into the record. I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the text of the bill was ordered to be printed in the Record, as follows:

S. 364

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) Short Title.—This Act may be cited as the "Strengthening America's Trade Laws Act".

(b) Table of Contents.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—DISPUTE SETTLEMENT

Subtitle A—Findings, Purpose, and Definitions

Sec. 101. Congressional findings and purpose.
Sec. 102. Definitions.

Subtitle B—Participation in WTO Panel Proceedings

Sec. 111. Participation in WTO panel proceedings.

Subtitle C—Congressional Advisory Commission on WTO Dispute Settlement

Sec. 121. Establishment of Commission.
Sec. 122. Duties of the Commission.
Sec. 123. Powers of the Commission.

Subtitle D—Congressional Approval of Regulatory Action Relating to Adverse WTO Decisions

Sec. 131. Congressional approval of regulatory actions relating to adverse WTO decisions.

Subtitle E—Clarification of Rights and Obligations Through Negotiations

Sec. 141. Clarification of rights and obligations in the WTO through negotiations.

TITLE II—STRENGTHENING ANTIDUMPING AND COUNTERVAILING DUTY LAWS

Sec. 201. Prevention of circumvention.
Sec. 202. Export price and constructed export price.
Sec. 203. Nonmarket economy methodology.
Sec. 204. Determinations on the basis of facts available.
Sec. 205. Clarification of determination of material injury.
Sec. 206. Revocation of nonmarket economy country status.

TITLE III—EXPANSION OF APPLICABILITY OF COUNTERVAILING DUTIES

Sec. 301. Application of countervailing duties to nonmarket economies and strengthening application of the law.
Sec. 302. Treatment of exchange-rate manipulation as countervailable subsidy under title VII of the Tariff Act of 1930.
Sec. 303. Affirmation of negotiating objective on border taxes.
Sec. 304. Presidential certification; application of countervailing duty law.

TITLE IV—LIMITATION ON PRESIDENTIAL DISCRETION IN ADDRESSING MARKET DISRUPTION

Sec. 401. Action to address market disruption.

TITLE V—MISCELLANEOUS

Sec. 501. Application to Canada and Mexico.

TITLE I—DISPUTE SETTLEMENT

Subtitle A—Findings, Purpose, and Definitions

SEC. 101. CONGRESSIONAL FINDINGS AND PURPOSE.

(a) Findings.—The Congress finds the following:

(1) The United States joined the World Trade Organization as an original member with the goal of creating an improved global trading system and providing expanded economic opportunities for United States workers, farmers, and businesses.

(2) The dispute settlement rules of the WTO were created to enhance the likelihood that governments will observe their WTO obligations.

(3) Successful operation of the WTO dispute settlement system was critical to congressional approval of the Uruguay Round Agreements and is critical to continued support by the United States for the WTO. In particular, it is imperative that dispute settlement panels and the Appellate Body—

(A) operate with fairness and in an impartial manner;

(B) strictly observe the terms of reference and any applicable standard of review set forth in the Uruguay Round Agreements; and

(C) not add to the obligations, or diminish the rights, of WTO members under the Uruguay Round Agreements in violation of Articles 3.2 and 19.2 of the Dispute Settlement Understanding.

(4) An increasing number of reports by dispute settlement panels and the Appellate Body have raised serious concerns within the Congress about the ability of the WTO dispute settlement system to operate in accordance with paragraph (3).

(5) In particular, several reports of dispute settlement panels and the Appellate Body have added to the obligations and diminished the rights of WTO members, particularly under the Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade 1994, the Agreement on Subsidies and Countervailing Measures, and the Agreement on Safeguards.

(6) In order to come into compliance with reports of dispute settlement panels and the Appellate Body that have been adopted by the Dispute Settlement Body, the Congress may need to amend or repeal statutes of the United States. In such cases, the Congress must have a high degree of confidence that the reports are in accordance with paragraph (3).

(7) The Congress needs impartial, objective, and juridical advice to determine the appropriate response to reports of dispute settlement panels and the Appellate Body.

(8) The United States remains committed to the multilateral, rules-based trading system.

(b) PURPOSE.—It is the purpose of this subtitle to provide for the establishment of the Congressional Advisory Commission on WTO Dispute Settlement to provide objective and impartial advice to the Congress on the operation of the dispute settlement system of the World Trade Organization.

SEC. 102. DEFINITIONS.

In this title:

(1) ADVERSE FINDING.—The term "adverse finding" means—

(A) in a proceeding of a dispute settlement panel or the Appellate Body that is initiated against the United States, a finding by the panel or the Appellate Body that any law, regulation, practice, or interpretation of the United States, or any State, is inconsistent with the obligations of the United States under a Uruguay Round Agreement (or nullifies or impairs benefits accruing to a WTO member under such an Agreement); or

(B) in a proceeding of a panel or the Appellate Body in which the United States is a complaining party, any finding by the panel or the Appellate Body that a measure of the party complained against is not inconsistent with that party's obligations under a Uruguay Round Agreement (or does not nullify or impair benefits accruing to the United States under such an Agreement).

(2) APPELLATE BODY.—The term "Appellate Body" means the Appellate Body established by the Dispute Settlement Body pursuant to Article 17.1 of the Dispute Settlement Understanding.

(3) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives.

(4) DISPUTE SETTLEMENT BODY.—The term "Dispute Settlement Body" means the Dispute Settlement Body established pursuant to the Dispute Settlement Understanding.

(5) DISPUTE SETTLEMENT PANEL; PANEL.—The terms "dispute settlement panel" and "panel" mean a panel established pursuant to Article 6 of the Dispute Settlement Understanding.

(6) DISPUTE SETTLEMENT UNDERSTANDING.—The term "Dispute Settlement Understanding" means the Understanding on Rules and Procedures Governing the Settlement of Disputes referred to in section 101(d)(16) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(16)).

(7) TERMS OF REFERENCE.—The term "terms of reference" has the meaning given that term in the Dispute Settlement Understanding.

(8) TRADE REPRESENTATIVE.—The term "Trade Representative" means the United States Trade Representative.

(9) UNITED STATES PERSON.—The term "United States person" means—

(A) a United States citizen or an alien admitted for permanent residence into the United States; and

(B) a corporation, partnership, labor organization, or other legal entity organized under the laws of the United States or of any State, the District of Columbia, or any commonwealth, territory, or possession of the United States.

(10) URUGUAY ROUND AGREEMENT.—The term "Uruguay Round Agreement" means any of the Agreements described in section 101(d) of the Uruguay Round Agreements Act.

(11) WORLD TRADE ORGANIZATION; WTO.—The terms "World Trade Organization" and "WTO" mean the organization established pursuant to the WTO Agreement.

(12) WTO AGREEMENT.—The term "WTO Agreement" means the Agreement Establishing the World Trade Organization entered into on April 15, 1994.

(13) WTO MEMBER.—The term "WTO member" has the meaning given that term in section 2(10) of the Uruguay Round Agreements Act (19 U.S.C. 3501(10)).

Subtitle B—Participation in WTO Panel Proceedings

SEC. 111. PARTICIPATION IN WTO PANEL PROCEEDINGS.

(a) IN GENERAL.—If the Trade Representative, in proceedings before a dispute settlement panel or the Appellate Body of the WTO, seeks—

(1) to enforce United States rights under a multilateral trade agreement, or

(2) to defend an action or determination of the United States Government that is challenged,

a United States person that is supportive of the United States Government's position before the panel or Appellate Body and that has a direct economic interest in the panel's or Appellate Body's resolution of the matters in dispute shall be permitted to participate in consultations and panel or Appellate Body proceedings. The Trade Representative shall issue regulations, consistent with subsections (b) and (c), ensuring full and effective participation by any such person.

(b) ACCESS TO INFORMATION.—The Trade Representative shall make available to persons described in subsection (a) all information presented to or otherwise obtained by the Trade Representative in connection with the WTO dispute settlement proceeding in which such persons are participating. The Trade Representative shall promulgate regulations to protect information designated as confidential in the proceeding.

(c) PARTICIPATION IN PANEL PROCESS.—Upon request from a person described in subsection (a), the Trade Representative shall—

(1) consult in advance with such person regarding the content of written submissions from the United States to the panel or Appellate Body concerned or to the other member countries involved;

(2) include, if appropriate, such person or the person's appropriate representative as an advisory member of the delegation in sessions of the dispute settlement panel or Appellate Body;

(3) allow such person, if such person would bring special knowledge to the proceeding, to appear before the panel or Appellate Body, directly or through counsel, under the supervision of responsible United States Government officials; and

(4) in proceedings involving confidential information, allow the appearance of such person only through counsel as a member of the special delegation.

Subtitle C—Congressional Advisory Commission on WTO Dispute Settlement

SEC. 121. ESTABLISHMENT OF COMMISSION.

(a) ESTABLISHMENT.—There is established a commission to be known as the Congressional Advisory Commission on WTO Dispute Settlement (in this subtitle referred to as the "Commission").

(b) MEMBERSHIP.—

(1) COMPOSITION.—The Commission shall be composed of 5 members, all of whom shall be judges or former judges of the Federal judicial circuits and shall be appointed by the Speaker of the House of Representatives and the President pro tempore of the Senate after considering the recommendations of the Chairman and ranking member of each of the appropriate congressional committees. Commissioners shall be chosen without regard to political affiliation and solely on the basis of each Commissioner's fitness to perform the duties of a Commissioner.

(2) DATE.—The appointments of the initial members of the Commission shall be made not later than 90 days after the date of the enactment of this Act.

(c) PERIOD OF APPOINTMENT; VACANCIES.—

(1) IN GENERAL.—Members of the Commission shall each be appointed for a term of 5 years, except that of the members first appointed, 3 members shall each be appointed for a term of 3 years.

(2) VACANCIES.—

(A) IN GENERAL.—Any vacancy on the Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made and shall be subject to the same conditions as the original appointment.

(B) UNEXPIRED TERM.—An individual chosen to fill a vacancy shall be appointed for the unexpired term of the member replaced.

(d) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Commission have been appointed, the Commission shall hold its first meeting.

(e) MEETINGS.—Except for the initial meeting, the Commission shall meet at the call of the Chairperson.

(f) QUORUM.—A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(g) CHAIRPERSON AND VICE CHAIRPERSON.—The Commission shall select a Chairperson and Vice Chairperson from among its members.

(h) FUNDING.—Members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

SEC. 122. DUTIES OF THE COMMISSION.

(a) ADVISING THE CONGRESS ON THE OPERATION OF THE WTO DISPUTE SETTLEMENT SYSTEM.—

(1) IN GENERAL.—The Commission shall review—

(A) all adverse findings that are—

(i) adopted by the Dispute Settlement Body; and

(ii) the result of a proceeding initiated against the United States by a WTO member; and

(B) upon the request of either of the appropriate congressional committees—

(i) any adverse finding of a dispute settlement panel or the Appellate Body—

(I) that is adopted by the Dispute Settlement Body; and

(II) in which the United States is a complaining party; or

(ii) any other finding that is contained in a report of a dispute settlement panel or the Appellate Body that is adopted by the Dispute Settlement Body.

(2) SCOPE OF REVIEW.—The Commission shall advise the Congress in connection with each adverse finding under paragraph (1)(A) or (1)(B)(i) or other finding under paragraph (1)(B)(ii) on—

(A) whether the dispute settlement panel or the Appellate Body, as the case may be—

(i) exceeded its authority or its terms of reference;

(ii) added to the obligations, or diminished the rights, of the United States under the Uruguay Round Agreement that is the subject of the finding;

(iii) acted arbitrarily or capriciously, engaged in misconduct, or demonstrably departed from the procedures specified for panels and the Appellate Body in the applicable Uruguay Round Agreement; or

(iv) deviated from the applicable standard of review, including in antidumping, countervailing duty, and other trade remedy cases, the standard of review set forth in Article 17.6 of the Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade 1994;

(B) whether the finding is consistent with the original understanding by the United States of the Uruguay Round Agreement that is the subject of the finding as explained in the statement of administrative action approved under section 101(a) of the Uruguay Round Agreements Act (19 U.S.C. 3511(a)); and

(C) what actions, if any, the United States should take in response to the finding, including any proposals to amend, rescind, or otherwise modify a law, regulation, practice, or interpretation of the United States.

(3) NO DEFERENCE.—In advising the Congress under paragraph (2), the Commission shall not accord deference to findings of law made by the dispute settlement panel or the Appellate Body, as the case may be.

(b) DETERMINATION; REPORT.—

(1) DETERMINATION.—

(A) IN GENERAL.—Not later than 150 days after the date on which the Commission receives notice of a report or request under section 123(b), the Commission shall make a written determination with respect to the matters described in paragraph (2) of subsection (a), including a full analysis of the basis for its determination. A vote by a majority of the members of the Commission shall constitute a determination of the Commission, although the members need not agree on the basis for their vote.

(B) DISSENTING OR CONCURRING OPINIONS.—Any member of the Commission who disagrees with a determination of the Commission or who concurs in such a determination on a basis different from that of the Commission or other members of the Commission, may write an opinion expressing such disagreement or concurrence, as the case may be.

(2) REPORT.—The Commission shall promptly report the determinations described in paragraph (1)(A) to the appropriate congressional committees. The Commission shall include with the report any opinions written under paragraph (1)(B) with respect to the determination.

(c) AVAILABILITY TO THE PUBLIC.—Each report of the Commission under subsection (b)(2), together with the opinions included with the report, shall be made available to the public.

SEC. 123. POWERS OF THE COMMISSION.

(a) HEARINGS.—The Commission may hold a public hearing to solicit views concerning an adverse finding or other finding described in section 122(a)(1), if the Commission considers such hearing to be necessary to carry out the purpose of this subtitle. The Commission shall provide reasonable notice of a hearing held pursuant to this subsection.

(b) INFORMATION FROM INTERESTED PARTIES AND FEDERAL AGENCIES.—

(1) NOTICE TO COMMISSION.—

(A) UNDER SECTION 122(a)(1)(A).—The Trade Representative shall advise the Commission not later than 5 business days after the date the Dispute Settlement Body adopts an adverse finding that is to be reviewed by the Commission under section 122(a)(1)(A).

(B) UNDER SECTION 122(a)(1)(B).—Either of the appropriate congressional committees may make and notify the Commission of a request under section 122(a)(1)(B) not later than 1 year after the Dispute Settlement Body adopts the adverse finding or other finding that is the subject of the request.

(C) FINDINGS ADOPTED PRIOR TO APPOINTMENT OF COMMISSION.—With respect to any adverse finding or other finding to which section 122(a)(1)(B) applies and that is adopted before the date on which the first members of the Commission are appointed under section 121(b)(2), either of the appropriate congressional committees may make and notify the Commission of a request under section 122(a)(1)(B) with respect to the adverse finding or other finding not later than 1 year after the date on which the first members of the Commission are appointed under section 121(b)(2).

(2) SUBMISSIONS AND REQUESTS FOR INFORMATION.—

(A) IN GENERAL.—The Commission shall promptly publish in the Federal Register notice of—

(i) the notice received under paragraph (1) from the Trade Representative or either of the appropriate congressional committees; and

(ii) an opportunity for interested parties to submit written comments to the Commission.

(B) COMMENTS AVAILABLE TO PUBLIC.—The Commission shall make comments submitted pursuant to subparagraph (A)(ii) available to the public.

(C) INFORMATION FROM FEDERAL AGENCIES AND DEPARTMENTS.—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out the provisions of this subtitle. Upon the request of the chairperson of the Commission, the head of such department or agency shall furnish the information requested to the Commission in a timely manner.

(3) ACCESS TO PANEL AND APPELLATE BODY DOCUMENTS.—

(A) IN GENERAL.—The Trade Representative shall make available to the Commission all submissions and relevant documents relating to an adverse finding described in section 122(a)(1), including any information contained in such submissions and relevant documents identified by the provider of the information as proprietary information or information designated as confidential by a foreign government.

(B) PUBLIC ACCESS.—Any document that the Trade Representative submits to the Commission shall be available to the public, except information that is identified as proprietary or confidential or the disclosure of which would otherwise violate the rules of the WTO.

(c) ASSISTANCE FROM FEDERAL AGENCIES; CONFIDENTIALITY.—

(1) ADMINISTRATIVE ASSISTANCE.—Any agency or department of the United States that is designated by the President shall provide administrative services, funds, facilities, staff, or other support services to the Commission to assist the Commission with the performance of the Commission's functions.

(2) CONFIDENTIALITY.—

(A) DOCUMENTS AND INFORMATION FROM AGENCIES.—The Commission shall protect from disclosure any document or information submitted to it by a department or agency of the United States that the agency or department requests be kept confidential.

(B) DISCLOSURE OF DOCUMENTS AND INFORMATION OF COMMISSION.—The Commission shall not be considered to be an agency for purposes of section 552 of title 5, United States Code.

Subtitle D—Congressional Approval of Regulatory Action Relating to Adverse WTO Decisions

SEC. 131. CONGRESSIONAL APPROVAL OF REGULATORY ACTIONS RELATING TO ADVERSE WTO DECISIONS.

(a) IN GENERAL.—Section 123(g) of the Uruguay Round Agreements Act (19 U.S.C. 3533(g)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (E), by striking "and";

(B) by redesignating subparagraph (F) as subparagraph (H); and

(C) by inserting after subparagraph (E) the following new subparagraphs:

"(F) the appropriate congressional committees have received the report on the determinations of the Congressional Advisory Commission on WTO Dispute Settlement under section 122(b)(2) of the Strengthening America's Trade Laws Act with respect to the relevant dispute settlement panel or Appellate Body decision;

"(G) a joint resolution, described in paragraph (2), approving the proposed modification or final rule is enacted into law after the appropriate congressional committees receive the report on the determinations of the Congressional Advisory Commission on WTO Dispute Settlement under section 122(b)(2) of the Strengthening America's Trade Laws Act; and"; and

(2) by amending paragraph (2) to read as follows:

"(2) JOINT RESOLUTION TO APPROVE MODIFICATION IN AGENCY REGULATION OR PRACTICE.—

"(A) IN GENERAL.—For the purposes of paragraph (1)(G), a joint resolution is a joint resolution of the 2 Houses of the Congress, the matter after the resolving clause of which is as follows: 'That the Congress approves the modifications to the regulation or practice of the United States proposed in a report submitted to the Congress under subparagraph (D) or (F) of section 123(g)(1) of the Uruguay Round Agreements Act (19 U.S.C. 3533(g)(1) (D) and (F)) on ____________, relating to ____________.', with the first blank space being filled with the date on which the report is submitted to the Congress and the second blank space being filled with the specific modification proposed to the regulation or practice of the United States.

“(B) PROCEDURAL PROVISIONS.—The procedural provisions of subsections (d) through (i) of section 206 of the Strengthening America's Trade Laws Act shall apply to a joint resolution described in subparagraph (A).”.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall take effect on the date of the enactment of this Act.

(2) MODIFICATIONS MADE BETWEEN JANUARY 1, 2007 AND THE DATE OF THE ENACTMENT OF THIS ACT.—

(A) IN GENERAL.—Modifications to any regulation or practice of a department or agency of the United States made pursuant to the provisions of section 123(g) of the Uruguay Round Agreements Act (19 U.S.C. 3533(g)) that became effective on or after January 1, 2007, and before the date of the enactment of this Act, shall be suspended upon the enactment of this Act and have no effect.

(B) APPROVAL OF MODIFICATIONS.—On or after the date of the enactment of this Act, the Trade Representative and the head of the department or agency within whose jurisdiction the modification described in subparagraph (A) falls may seek approval of such modification pursuant to the procedures set out in section 123(g)(1) of the Uruguay Round Agreements Act (19 U.S.C. 3533(g)(1)), as amended by subsection (a).

Subtitle E—Clarification of Rights and Obligations Through Negotiations

SEC. 141. CLARIFICATION OF RIGHTS AND OBLIGATIONS IN THE WTO THROUGH NEGOTIATIONS.

(a) IN GENERAL.—After an adverse finding, the United States shall work within the World Trade Organization to obtain clarification of the Uruguay Round Agreement to which the adverse finding applies to conform the Agreement to the understanding of the United States regarding the rights and obligations of the United States and shall not modify the law, regulation, practice, or interpretation of the United States in response to the adverse finding if—

(1) the United States has stated at the Dispute Settlement Body that the adverse finding has created obligations never agreed to by the United States;

(2) either of the appropriate congressional committees by resolution finds that the adverse finding has created obligations never agreed to by the United States; or

(3) the Congressional Advisory Commission on WTO Dispute Resolution makes a determination under section 122(a)(2)(A)(ii) that the adverse finding has created obligations never agreed to by the United States.

(b) APPLICABILITY.—

(1) IN GENERAL.—This section shall apply to any adverse finding on or after January 1, 2002.

(2) EFFECT ON MODIFICATION OF REGULATION, PRACTICE, OR INTERPRETATION ADOPTED BEFORE ENACTMENT OF THIS ACT.—

(A) IN GENERAL.—Any agency that modified a regulation, practice, or interpretation in response to an adverse finding between January 1, 2002 and the date of the enactment of this Act shall provide notice that the modification shall cease to have force and effect on the date that is 30 days after the date of the enactment of this Act and such modification shall cease to have force and effect on such date.

(B) APPLICABILITY IN TRADE REMEDY CASES.—The cessation of the force and effect of the modification described in subparagraph (A) shall apply with respect to—

(i) investigations initiated—

(I) on the basis of petitions filed under section 702(b), 732(b), or 783(a) of the Tariff Act of 1930 (19 U.S.C. 1671a(b), 1673a(b), and 1677n(a)) or section 202(a), 221, 251(a), or 292(a) of the Trade Act of 1974 (19 U.S.C. 2252(a), 2271, 2341(a), and 2401a(a)) after the date on which the modification ceases to have force and effect under subparagraph (A);

(II) by the administering authority under section 702(a) or 732(a) of the Tariff Act of 1930 (19 U.S.C. 1671a(a) and 1673a(a)) after such date; or

(III) under section 753 of the Tariff Act of 1930 (19 U.S.C. 1675b) after such date;

(ii) reviews initiated under section 751 of the Tariff Act of 1930 (19 U.S.C. 1675)—

(I) by the administering authority or the International Trade Commission on their own initiative after such date; or

(II) pursuant to a request filed after such date; and

(iii) all proceedings conducted under section 129 of the Uruguay Round Agreements Act (19 U.S.C. 3538) commenced after such date.

(3) EFFECT ON PRIOR STATUTORY CHANGES.—

(A) IN GENERAL.—Paragraph (2)(A) shall not apply to modifications to statutes of the United States made in response to adverse findings.

(B) CLARIFICATION OF UNITED STATES RIGHTS.—If a statute of the United States has been modified in response to an adverse finding, the United States shall obtain clarification of the rights and obligations of the United States affected by the adverse finding pursuant to subsection (a).

TITLE II—STRENGTHENING ANTIDUMPING AND COUNTERVAILING DUTY LAWS

SEC. 201. PREVENTION OF CIRCUMVENTION.

Section 781(c) of the Tariff Act of 1930 (19 U.S.C. 1677j(c)) is amended by adding at the end the following new paragraph:

“(3) SPECIAL RULE.—The administering authority may exclude altered merchandise from the class or kind of merchandise subject to an investigation and order or finding described in paragraph (1), if such exclusion is not inconsistent with the affirmative determination of the Commission on which the order or finding is based.”.

SEC. 202. EXPORT PRICE AND CONSTRUCTED EXPORT PRICE.

Section 772(c)(2)(A) of the Tariff Act of 1930 (19 U.S.C. 1677a(c)(2)(A)) is amended by inserting “(including antidumping and countervailing duties imposed under this title)” after “duties”.

SEC. 203. NONMARKET ECONOMY METHODOLOGY.

Section 773(c)(4) of the Tariff Act of 1930 (19 U.S.C. 1677b(c)(4)) is amended to read as follows:

“(4) VALUATION OF FACTORS OF PRODUCTION.—

“(A) IN GENERAL.—The administering authority, in valuing factors of production under paragraph (1), shall utilize, to the extent possible, the prices or costs of factors of production in one or more market economy countries that are—

“(i) at a level of economic development comparable to that of the nonmarket economy country; and

“(ii) significant producers of comparable merchandise.

In this paragraph, the term ‘surrogate’ refers to the values, calculations, and market economy countries used under this subparagraph.

“(B) VALUING MATERIALS USED IN PRODUCTION.—In determining the value of materials used in production under subparagraph (A), the following applies:

“(i) The administering authority may use the value of inputs that are purchased from market economy suppliers and are not suspected of being dumped or subsidized, only for the quantity of such purchases.

“(ii) All materials purchased or otherwise obtained from nonmarket economy countries shall be valued using surrogate values under subparagraph (A).

“(iii) A purchased material shall be viewed as suspected of being subsidized if there are any affirmative findings by the United States or another WTO member of export subsidy programs in the supplying country.

“(iv) A purchased material shall be viewed as suspected of being dumped if there are any affirmative findings by the United States or other WTO member of dumping in the general category of merchandise, or if information supplied by the petitioner or otherwise of record suggests significant underpricing to the purchaser in the nonmarket economy country.

“(v) Surrogate values for materials from a market economy country shall be disregarded as not reflective of prices in that surrogate market only if prices in that market are viewed as aberrational, such as a case in which prices undersell or exceed any reported price in that surrogate market by a large amount.

“(vi) There shall be a presumption that the administering authority will include all market prices from a surrogate market. Prices that are high or low shall be excluded only when it is demonstrated that the prices are not reflective of prices in the surrogate country for the relevant category of merchandise.

“(vii) If amounts pertaining to the cost of production of imports into a surrogate country from market economy suppliers are used for valuing the materials used, such amounts shall be valued on the basis of CIF (cost, insurance, and freight), plus duties paid, to provide a proxy for prices in the surrogate country competing with locally produced goods. Such values shall not be reduced by the import duties.

“(C) VALUING LABOR.—

“(i) The administering authority may use an average of wage rates for market economies, but shall ensure that labor rates used fully reflect all labor costs, including benefits, health care, and pension costs.

“(ii) Labor shall be the total labor employed by a nonmarket economy country producer or used by a nonmarket economy country producer in the overall business, with allocations to other merchandise produced or sold by that producer that is not subject merchandise.

“(iii) Labor shall reflect the average labor for all other producers in the nonmarket economy country that are producing the particular merchandise subject to investigation or review, and shall not be limited to operations used for export.

“(D) VALUING FACTORY OVERHEAD, GENERAL SELLING AND ADMINISTRATIVE EXPENSES, AND PROFIT.—

“(i) IN GENERAL.—The administering authority shall use the best information available with respect to likely values of factory overhead, general selling and administrative expenses, and profit from a surrogate country. If the values determined under subparagraphs (B) and (C) for materials used and labor consumed result in amounts that are demonstrably larger or smaller than the amounts used in determining surrogate ratios from financial or other reports from a surrogate country, adjustments shall be made to the ratios to reflect fully the level of such costs and profits in the surrogate country on a per item produced basis.

"(ii) RATIOS DEFINED.—For purposes of this subparagraph, the term 'ratios' means—

"(I) the ratio of factory overhead to labor, materials, and energy;

"(II) the ratio of general selling and administrative costs to factory overhead, labor, materials, and energy; and

"(III) the ratio of profit to general selling and administrative costs, factory overhead, labor, materials, and energy.

"(E) USE OF CONFIDENTIAL INFORMATION FROM A FOREIGN PRODUCER IN A SURROGATE COUNTRY.—The administering authority shall generally use publicly available information to value factors of production, except that, in a case in which any foreign producer in the surrogate country that is willing to provide information to the administering authority on factors of production to produce the same class of merchandise and such information is subject to verification, the administering authority shall accept and use such information. The relationship of the foreign producer providing the information to a party to the proceeding shall not be a basis for disqualification.".

SEC. 204. DETERMINATIONS ON THE BASIS OF FACTS AVAILABLE.

Section 776(a)(2)(B) of the Tariff Act of 1930 (19 U.S.C. 1677e(a)(2)(B)) is amended to read as follows:

"(B) fails to provide such information by the deadline for submission of the information or in the form and manner required, and in conformity with prior administering authority determinations in the proceeding and final judicial decisions in the proceeding, subject to subsections (c)(1) and (e) of section 782,".

SEC. 205. CLARIFICATION OF DETERMINATION OF MATERIAL INJURY.

Section 771(7) of the Tariff Act of 1930 (19 U.S.C. 1677(7)) is amended by adding at the end the following new subparagraph:

"(J) CLARIFICATION OF DETERMINATION OF MATERIAL INJURY.—In determining if there is material injury, or threat of material injury, by reason of imports of the subject merchandise, the Commission shall make the Commission's determination without regard to—

"(i) whether other imports are likely to replace subject merchandise, or

"(ii) the effect of a potential order on the domestic industry.".

SEC. 206. REVOCATION OF NONMARKET ECONOMY COUNTRY STATUS.

(a) AMENDMENT OF DEFINITION OF "NONMARKET ECONOMY COUNTRY".—Section 771(18)(C)(i) of the Tariff Act of 1930 (19 U.S.C. 1677(18)(C)(i)) is amended to read as follows:

"(i) Any determination that a foreign country is a nonmarket economy country shall remain in effect until—

"(I) the administering authority makes a final determination to revoke the determination under subparagraph (A); and

"(II) a joint resolution is enacted into law pursuant to section 206 of the Strengthening America's Trade Laws Act.".

(b) NOTIFICATION BY PRESIDENT; JOINT RESOLUTION.—Whenever the administering authority makes a final determination under section 771(18)(C)(i)(I) of the Tariff Act of 1930 (19 U.S.C. 1677(18)(C)(i)(I)) to revoke the determination that a foreign country is a nonmarket economy country—

(1) the President shall notify the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives of that determination not later than 10 days after the publication of the administering authority's final determination in the Federal Register;

(2) the President shall transmit to the Congress a request that a joint resolution be introduced pursuant to this section; and

(3) a joint resolution shall be introduced in the Congress pursuant to this section.

(c) DEFINITION.—For purposes of this section, the term "joint resolution" means only a joint resolution of the 2 Houses of the Congress, the matter after the resolving clause of which is as follows: "That the Congress approves the change of nonmarket economy status with respect to the products of __________ transmitted by the President to the Congress on   .", the first blank space being filled in with the name of the country with respect to which a determination has been made under section 771(18)(C)(i) of the Tariff Act of 1930 (19 U.S.C. 1677(18)(C)(i)), and the second blank space being filled with the date on which the President notified the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives under subsection (b)(1).

(d) INTRODUCTION.—A joint resolution shall be introduced (by request) in the House by the majority leader of the House, for himself, or by Members of the House designated by the majority leader of the House, and shall be introduced (by request) in the Senate by the majority leader of the Senate, for himself, or by Members of the Senate designated by the majority leader of the Senate.

(e) AMENDMENTS PROHIBITED.—No amendment to a joint resolution shall be in order in either the House of Representatives or the Senate, and no motion to suspend the application of this subsection shall be in order in either House, nor shall it be in order in either House for the presiding officer to entertain a request to suspend the application of this subsection by unanimous consent.

(f) PERIOD FOR COMMITTEE AND FLOOR CONSIDERATION.—

(1) IN GENERAL.—If the committee or committees of either House to which a joint resolution has been referred have not reported the joint resolution at the close of the 45th day after its introduction, such committee or committees shall be automatically discharged from further consideration of the joint resolution and it shall be placed on the appropriate calendar. A vote on final passage of the joint resolution shall be taken in each House on or before the close of the 15th day after the joint resolution is reported by the committee or committees of that House to which it was referred, or after such committee or committees have been discharged from further consideration of the joint resolution. If, prior to the passage by one House of a joint resolution of that House, that House receives the same joint resolution from the other House, then—

(A) the procedure in that House shall be the same as if no joint resolution had been received from the other House, but

(B) the vote on final passage shall be on the joint resolution of the other House.

(2) COMPUTATION OF DAYS.—For purposes of paragraph (1), in computing a number of days in either House, there shall be excluded any day on which that House is not in session.

(g) FLOOR CONSIDERATION IN THE HOUSE.—

(1) MOTION PRIVILEGED.—A motion in the House of Representatives to proceed to the consideration of a joint resolution shall be highly privileged and not debatable. An amendment to the motion shall not be in order, nor shall it be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(2) DEBATE LIMITED.—Debate in the House of Representatives on a joint resolution shall be limited to not more than 20 hours, which shall be divided equally between those favoring and those opposing the joint resolution. A motion further to limit debate shall not be debatable. It shall not be in order to move to recommit a joint resolution or to move to reconsider the vote by which a joint resolution is agreed to or disagreed to.

(3) MOTIONS TO POSTPONE.—Motions to postpone, made in the House of Representatives with respect to the consideration of a joint resolution, and motions to proceed to the consideration of other business, shall be decided without debate.

(4) APPEALS.—All appeals from the decisions of the Chair relating to the application of the Rules of the House of Representatives to the procedure relating to a joint resolution shall be decided without debate.

(5) OTHER RULES.—Except to the extent specifically provided in the preceding provisions of this subsection, consideration of a joint resolution shall be governed by the Rules of the House of Representatives applicable to other bills and resolutions in similar circumstances.

(h) FLOOR CONSIDERATION IN THE SENATE.—

(1) MOTION PRIVILEGED.—A motion in the Senate to proceed to the consideration of a joint resolution shall be privileged and not debatable. An amendment to the motion shall not be in order, nor shall it be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(2) DEBATE LIMITED.—Debate in the Senate on a joint resolution, and all debatable motions and appeals in connection therewith, shall be limited to not more than 20 hours. The time shall be equally divided between, and controlled by, the majority leader and the minority leader or their designees.

(3) CONTROL OF DEBATE.—Debate in the Senate on any debatable motion or appeal in connection with a joint resolution shall be limited to not more than 1 hour, to be equally divided between, and controlled by, the mover and the manager of the joint resolution, except that in the event the manager of the joint resolution is in favor of any such motion or appeal, the time in opposition thereto shall be controlled by the minority leader or his designee. Such leaders, or either of them, may, from time under their control on the passage of a joint resolution, allot additional time to any Senator during the consideration of any debatable motion or appeal.

(4) OTHER MOTIONS.—A motion in the Senate to further limit debate is not debatable. A motion to recommit a joint resolution is not in order.

(i) RULES OF HOUSE OF REPRESENTATIVES AND SENATE.—Subsections (c) through (h) are enacted by the Congress—

(1) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such subsections (c) through (h) are deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of joint resolutions described in subsection (c), and subsections (c) through (h) supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner

and to the same extent as in the case of any other rule of that House.

TITLE III—EXPANSION OF APPLICABILITY OF COUNTERVAILING DUTIES

SEC. 301. APPLICATION OF COUNTERVAILING DUTIES TO NONMARKET ECONOMIES AND STRENGTHENING APPLICATION OF THE LAW.

(a) IN GENERAL.—Section 701(a)(1) of the Tariff Act of 1930 (19 U.S.C. 1671(a)(1)) is amended by inserting "(including a nonmarket economy country)" after "country" each place it appears.

(b) DEFINITION OF COUNTERVAILABLE SUBSIDY.—Section 771(5)(E) of the Tariff Act of 1930 (19 U.S.C. 1677(5)(E)) is amended by adding at the end the following: "For purposes of clauses (i) through (iv), if there is a reasonable indication that government intervention has distorted prices or other economic indicators in the country that is subject to the investigation or review, or if data regarding such prices or economic indicators are otherwise unavailable, then the administering authority shall measure the benefit conferred to the recipient by reference to data regarding relevant prices or other economic indicators from a country other than the country that is subject to the investigation or review. If there is a reasonable indication that prices or other economic indicators within a political subdivision, dependent territory, or possession of a foreign country are distorted, or data are not available, then the administering authority shall measure the benefit conferred to the recipient in that political subdivision, dependent territory, or possession by reference to data from the most comparable area or region in which relevant prices or other economic indicators are not distorted, regardless of whether such area or region is in the same country.".

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) apply to petitions filed under section 702 of the Tariff Act of 1930 (19 U.S.C. 1671a) on or after the date of the enactment of this Act.

(d) ANTIDUMPING PROVISIONS NOT AFFECTED.—The amendments made by subsections (a) and (b) shall not affect the status of a country as a nonmarket economy country for the purposes of any matter relating to antidumping duties under subtitle B of title VII of the Tariff Act of 1930 (19 U.S.C. 1673 et seq.).

SEC. 302. TREATMENT OF EXCHANGE-RATE MANIPULATION AS COUNTERVAILABLE SUBSIDY UNDER TITLE VII OF THE TARIFF ACT OF 1930.

(a) AMENDMENTS TO DEFINITION OF COUNTERVAILABLE SUBSIDY.—Section 771(5)(D) of the Tariff Act of 1930 (19 U.S.C. 1677(5)(D)) is amended—

(1) by striking "The term" and inserting "(i) The term";

(2) by redesignating clauses (i) through (iv) as subclauses (I) through (IV), respectively; and

(3) by adding at the end the following:

"(ii) The term 'provides a financial contribution' includes engaging in exchange-rate manipulation (as defined in paragraph (5C)).".

(b) DEFINITION OF EXCHANGE-RATE MANIPULATION.—Section 771 of the Tariff Act of 1930 (19 U.S.C. 1677) is amended by inserting after paragraph (5B) the following new paragraph:

"(5C) DEFINITION OF EXCHANGE-RATE MANIPULATION.—

"(A) IN GENERAL.—For purposes of paragraphs (5) and (5A), the term 'exchange-rate manipulation' means protracted large-scale intervention by a country to undervalue the country's currency in the exchange market that prevents effective balance-of-payments adjustment or that gains an unfair competitive advantage over any other country.

"(B) FACTORS.—In determining whether exchange-rate manipulation is occurring and a benefit thereby conferred, the administering authority in each case—

"(i) shall consider the exporting country's—

"(I) bilateral balance-of-trade surplus or deficit with the United States;

"(II) balance-of-trade surplus or deficit with its other trading partners individually and in the aggregate;

"(III) foreign direct investment in its territory;

"(IV) currency-specific and aggregate amounts of foreign currency reserves; and

"(V) mechanisms employed to maintain its currency at a fixed exchange rate relative to another currency and, particularly, the nature, duration, monetary expenditures, and potential monetary expenditures of those mechanisms;

"(ii) may consider such other economic factors as are relevant; and

"(iii) shall measure the trade surpluses or deficits described in subclauses (I) and (II) of clause (i) with reference to the trade data reported by the United States and the other trading partners of the exporting country, unless such trade data are not available or are demonstrably inaccurate, in which case the exporting country's trade data may be relied upon if shown to be sufficiently accurate and trustworthy.

"(C) TYPE OF ECONOMY.—A country found to be engaged in exchange-rate manipulation may have—

"(i) a market economy;

"(ii) a nonmarket economy; or

"(iii) a combination thereof.".

SEC. 303. AFFIRMATION OF NEGOTIATING OBJECTIVE ON BORDER TAXES.

The Congress reaffirms the negotiating objective relating to border taxes set forth in section 2102(b)(15) of the Bipartisan Trade Promotion Authority Act of 2002 (19 U.S.C. 3802(b)(15)).

SEC. 304. PRESIDENTIAL CERTIFICATION; APPLICATION OF COUNTERVAILING DUTY LAW.

(a) CERTIFICATION BY THE PRESIDENT.—

(1) IN GENERAL.—The President shall certify to the Congress by January 1, 2009 that, under the Agreement on Subsidies and Countervailing Measures or subsequent agreement of the World Trade Organization, the full or partial exemption, remission, or deferral specifically related to exports of direct taxes is treated in the same manner as the full or partial exemption, remission, or deferral specifically related to exports of indirect taxes.

(2) EFFECT OF FAILURE TO CERTIFY.—If the President does not make the certification to Congress required by paragraph (1) by January 1, 2009, the Secretary of Commerce, in any investigation conducted under subtitle A of title VII of the Tariff Act of 1930 (19 U.S.C. 1671 et seq.) to determine whether a countervailable subsidy is being provided with respect to a product of a country that provides the full or partial exemption, remission, or deferral specifically related to exports of indirect taxes on products exported from that country, shall treat as a countervailable subsidy the full or partial exemption, remission, or deferral specifically related to exports of indirect taxes paid on that product.

(b) DEFINITIONS.—In this section:

(1) AGREEMENT ON SUBSIDIES AND COUNTERVAILING MEASURES.—The term "Agreement on Subsidies and Countervailing Measures" means the agreement referred to in section 101(d)(12) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(12)).

(2) DIRECT TAXES.—The term "direct taxes" means taxes on wages, profits, interest, rents, royalties, and all other forms of income, and taxes on the ownership of real property.

(3) IMPORT CHARGES.—The term "import charges" means tariffs, duties, and other fiscal charges that are levied on imports.

(4) INDIRECT TAXES.—The term "indirect taxes" means sales, excise, turnover, value added, franchise, stamp, transfer, inventory, and equipment taxes, border taxes, and all taxes other than direct taxes and import charges.

(5) FULL OR PARTIAL EXEMPTION, REMISSION, OR DEFERRAL SPECIFICALLY RELATED TO EXPORTS OF DIRECT TAXES.—The term "full or partial exemption, remission, or deferral specifically related to exports of direct taxes" means direct taxes that are paid to the United States Government by a business concern and are fully or partially exempted, remitted, or deferred by the Government by reason of the export by that business concern of its products from the United States.

(6) FULL OR PARTIAL EXEMPTION, REMISSION, OR DEFERRAL SPECIFICALLY RELATED TO EXPORTS OF INDIRECT TAXES.—The term "full or partial exemption, remission, or deferral specifically related to exports of indirect taxes" means indirect taxes that are paid to the government of a country by a business concern and are fully or partially exempted, remitted, or deferred by that government by reason of the export by that business concern of its products from that country.

(c) EFFECTIVE PERIOD.—

(1) IN GENERAL.—Subsection (a) shall cease to be effective on the date on which the President makes a certification described in subsection (a).

(2) TERMINATION OF COUNTERVAILING DUTY ORDERS.—Any countervailing duty order that is issued pursuant to an investigation conducted under subsection (a) and is still in effect on the date described in paragraph (1) shall terminate on such date.

TITLE IV—LIMITATION ON PRESIDENTIAL DISCRETION IN ADDRESSING MARKET DISRUPTION

SEC. 401. ACTION TO ADDRESS MARKET DISRUPTION.

Section 421 of the Trade Act of 1974 (19 U.S.C. 2451) is amended—

(1) in subsection (a), by striking "to the extent and for such period" and all that follows to the end period and inserting "as recommended by the International Trade Commission";

(2) in subsection (e), by striking "agreed upon by either group" and all that follows to the end period and inserting "shall be considered an affirmative determination";

(3) in subsection (f)—

(A) by striking "ON PROPOSED REMEDIES" in the heading and inserting "FOR RELIEF";

(B) by striking "the Commission shall propose" and inserting "the Commission shall recommend"; and

(C) by striking "proposed action" and inserting "recommended action";

(4) by striking subsection (h);

(5) in subsection (i)—

(A) in the flush sentence at the end of paragraph (1), by striking "agreed upon by either group" and all that follows to the end period and inserting "shall be deemed an affirmative determination"; and

(B) by striking paragraphs (3) and (4);

(6) by striking subsections (j) and (k);

(7) by amending paragraph (1) of subsection (*l*) to read as follows: "(1) The President's implementation of the International Trade Commission remedy shall be published in the Federal Register.";

(8) by amending subsection (m) to read as follows:

"(m) EFFECTIVE DATE OF RELIEF.—Import relief under this section shall take effect on the date the International Trade Commission's recommendation is published in the Federal Register, but not later than 15 days after the date of the Commission's vote recommending the relief.";

(9) by amending subsection (n) to read as follows:

"(n) MODIFICATION OF RELIEF.—Any import relief that includes an increase in duty or the imposition of import restrictions shall be for a period not to exceed 3 years."; and

(10) by striking subsection (o).

TITLE V—MISCELLANEOUS

SEC. 501. APPLICATION TO CANADA AND MEXICO.

Pursuant to article 1902 of the North American Free Trade Agreement and section 408 of the North American Free Trade Agreement Implementation Act (19 U.S.C. 3438), this Act and the amendments made by this Act shall apply with respect to goods from Canada and Mexico.

By Mr. DOMENICI:

S. 366. A bill to authorize the conveyance of certain Federal land in the State of New Mexico; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. DOMENICI. Mr. President, today I rise to introduce an uncontroversial piece of legislation that I hope will receive prompt committee action and will make its way quickly to the President's desk for his signature.

I would first like to familiarize the Senate with the important mission and related work of the Chihuahuan Desert Nature Park in Las Cruces, NM. The Chihuahuan Desert is the largest desert in North America and contains a great variety of unique plant and animal species. The ecosystem makes up an indispensable part of the Southwest's treasured ecological diversity. As such, it is important that we teach our youth an appreciation for New Mexico's biological diversity and impart upon them the value of this ecological treasure.

The Chihuahuan Desert Nature Park is a non-profit institution that has spent the past six years providing hands-on science education to K-12th graders. To achieve this mission, the Nature Park provides classroom presentations, field trips, schoolyard ecology projects and teacher workshops. The Nature Park serves more than 11,000 students and 600 teachers annually. This instruction will enable our future leaders to make informed decisions about how best to manage these valuable resources. I commend those at the Nature Park for taking the initiative to create and administer a wonderfully successful program that has been so beneficial to the surrounding community.

The Chihuahuan Desert Nature Park was granted a 1,000 acre easement in 1998 at the southern boundary of USDA—Agriculture Research Service (USDA-ARS) property just north of Las Cruces, NM. This easement will expire soon. It is important that we provide them a permanent location so that they are able to continue their valuable mission.

The bill I introduce today would transfer an insignificant amount of land: 1,000 of 193,000 USDA acres to the Desert Nature Park so that they may continue their important work. The USDA-ARS has approved the land transfer, noting the critically important mission of the Desert Park. In addition, this bill was passed by the Senate in the 109th Congress without amendments by unanimous consent. I have no doubt that Senators on both sides of the aisle will recognize the importance of this land transfer.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 366

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Jornada Experimental Range Transfer Act of 2007".

SEC. 2. DEFINITIONS.

In this Act:

(1) BOARD.—The term "Board" means the Chihuahuan Desert Nature Park Board.

(2) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

SEC. 3. CONVEYANCE OF LAND TO CHIHUAHUAN DESERT NATURE PARK BOARD.

(a) CONVEYANCE.—The Secretary may convey to the Board, by quitclaim deed, for no consideration, all right, title, and interest of the United States in and to the land described in subsection (b).

(b) DESCRIPTION OF LAND.—The parcel of land referred to in subsection (a) consists of not more than 1000 acres of land selected by the Secretary—

(1) that is located in the Jornada Experimental Range in the State of New Mexico; and

(2) that is subject to an easement granted by the Agricultural Research Service to the Board.

(c) CONDITIONS.—The conveyance of land under subsection (a) shall be subject to—

(1) the condition that the Board pay—

(A) the cost of any surveys of the land; and

(B) any other costs relating to the conveyance;

(2) any rights-of-way to the land reserved by the Secretary;

(3) a covenant or restriction in the deed to the land described in subsection (b) requiring that—

(A) the land may be used only for educational purposes;

(B) if the land is no longer used for the purposes described in subparagraph (A), the land shall, at the discretion of the Secretary, revert to the United States; and

(C) if the land is determined by the Secretary to be environmentally contaminated under subsection (d)(2)(A), the Board shall remediate the contamination; and

(4) any other terms and conditions that the Secretary determines to be appropriate.

(d) REVERSION.—If the land conveyed under subsection (a) is no longer used for the purposes described in subsection (c)(3)(A)—

(1) the land shall, at the discretion of the Secretary, revert to the United States; and

(2) if the Secretary chooses to have the land revert to the United States, the Secretary shall—

(A) determine whether the land is environmentally contaminated, including contamination from hazardous wastes, hazardous substances, pollutants, contaminants, petroleum, or petroleum by-products; and

(B) if the Secretary determines that the land is environmentally contaminated, the Board or any other person responsible for the contamination shall remediate the contamination.

By Mr. DORGAN (for himself, Mr. GRAHAM, Mr. FEINGOLD, Mr. BROWN, Mr. BYRD, and Mr. SANDERS):

S. 367. A bill to amend the Tariff Act of 1930 to prohibit the import, export, and sale of goods made with sweatshop labor, and for other purposes; to the Committee on Finance.

Mr. DORGAN. Mr. President, this week I am introducing a bipartisan piece of legislation that every Member of the Senate should support. The legislation aims to crack down on sweatshop abuses taking place in overseas factories that produce merchandise for sale in the American marketplace.

The United States currently prohibits the importation of products made with prison labor but does not similarly prohibit the importation of products made in sweatshops under slave-like conditions. What is more, if a U.S. retailer finds that one of its competitors is importing products made in a foreign sweatshop, it has no recourse in U.S. courts and is placed at a competitive disadvantage.

I am certain that if Members of the Senate were asked to raise their hand if they support abusive sweatshop conditions at foreign factories producing for the United States, not one hand would go up. Yet, as the media and watchdog groups have documented all too well, these conditions are prevalent in a number of our major trading partners.

We have to put a stop to this. Sweatshop factories undermine the foreign workers who work in them, and they undermine U.S. workers who are asked to compete with them.

The bill I am introducing is called the Decent Working Conditions and Fair Competition Act, and it is really very simple.

First, the bill says that it is illegal to bring the product of sweatshop factories to this country. In this bill, a "sweatshop factory" is one where workers are abused in violation of that country's labor laws.

Second, the bill allows U.S. retailers the right to sue their competitors for damages in U.S. court if their competitors are sourcing their merchandise from sweatshop factories.

Let me give you an example of why such legislation is essential, involving the country of Jordan.

Our trade negotiators signed the Jordan Free Trade Agreement in October of 2000. The agreement was negotiated under the Clinton administration, and it was supposed to be a model trade agreement. I give the Clinton administration credit for at least giving some thought to putting labor provisions in the trade deal with Jordan.

But those labor provisions were not enforced, and the result has been the proliferation of sweatshops in Jordan. In May of last year, the New York Times described this trend.

It turned out that when the agreement was signed in 1999, Jordan began to fly in so-called guest workers from countries like Bangladesh and China to make products in Jordan for sale at stores like Wal-Mart and Target. The conditions for these so-called guest workers in Jordan were slave-like.

This is how the New York Times described it: "Propelled by a free trade agreement with the United States, apparel manufacturing is booming in Jordan, its exports to America soaring twenty fold in the last five years. But some foreign workers in Jordanian factories that produce garments for Target, Wal-Mart and other retailers are complaining of dismal conditions—of 20-hour days, of not being paid for months and of being hit by supervisors and jailed when they complain."

These were some of the other conditions documented at these factories. Workers were promised $120 a month but in some cases were hardly paid at all. One worker was paid only $50 for 5 months of work. And 40-hour shifts were common. Incredibly, the 40-hour shift apparently had replaced the 40-hour workweek.

To its credit, Wal-Mart admitted to the New York Times that it had found "serious problems with the conditions at several major Jordanian factories." But it should not have taken a New York Times investigation to uncover these abuses.

Here is another instance of sweatshop conditions. In November 2006, BusinessWeek had a cover story on sweatshop abuses entitled "Secrets, Lies, and Sweatshops." The article begins with the description of a Chinese company called the Ningbo Beifa Group. This company has made a lot of money as a top supplier of pens, mechanical pencils, and highlighters to Wal-Mart Stores and other major retailers.

In 2005, Wal-Mart inspected this company's factories. It found that the company was paying its 3,000 workers less than China's minimum wage and violating overtime rules. So Wal-Mart asked the company to fix these serious problems.

The Chinese company failed to do so. Wal-Mart then returned to the company, found the same problems, and told the company to shape up. Again, the Chinese company failed to do so and happily continued making pens and highlighters for Wal-Mart. Wal-Mart returned a third time and gave the Chinese company its third warning. Once again, the Chinese company failed to treat its workers according to Chinese law.

So finally, even Wal-Mart had had enough, and they issued a fourth warning—comply with the law or we will stop doing business with you. What did the Chinese company do? It turned to another Chinese company called the Shanghai Corporate Responsibility Management & Consulting Co. For a $5,000 fee, the company promised to send a consultant to take care of the Wal-Mart problem.

The consultant provided advice on how to create fake but authentic-looking payroll records. The consultant also told the company that, on the day of the fourth Wal-Mart audit, they should give the day off to any workers with grievances, so that they would not tell any inconvenient stories. After following the consultant's advice, the Chinese factory passed the Wal-Mart audit—even though the Chinese company later admitted that it didn't change any of its practices.

Now, I am not suggesting that Wal-Mart deliberately turned a blind eye in this case. And there are certainly documented cases of other companies selling sweatshop products in the United States.

But I do think that companies that decide to import products for sale in this country should not be allowed to gain an unfair competitive advantage by deliberately sourcing from sweatshop factories. And the bill that I am introducing would address such abuses by banning the importation or sale of products made in factories under sweatshop conditions.

For purposes of the bill, "sweatshop conditions" are gross violations of the labor, health, and safety laws of the country where the labor is performed. Enforcement would be divided between the Customs Service and the Federal Trade Commission. If the Federal Trade Commission determined that a factory was operating under sweatshop conditions, it would issue an order prohibiting the sale of products from that factory. Violations of those orders would then carry a civil penalty of up to $10,000 for each individual violation.

The import ban deals only with goods that can be proven to have been made with sweatshop labor and is not a ban of products based on the country of origin. In order to comply with nondiscrimination provisions of the WTO, the sales ban would apply to both domestic and imported goods. The President could waive the application of this section to particular goods, but the Congress would also be able to pass a joint resolution rejecting a Presidential waiver.

The legislation also creates a private right of action for U.S. retailers and their investors to bring a civil action against competitors who import or sell sweatshop goods. For each offense, plaintiffs can sue for damages of the higher of $10,000 or the actual value of the goods. They can also sue for injunctive relief, to prevent the further entry of these goods into the U.S. marketplace.

This legislation is similar to S. 3485, a bill that I introduced late in the last Congress. I am happy that, in introducing the legislation in the 110th Congress, I am being joined by Senator GRAHAM of South Carolina, who has agreed to lead the effort to advance it from the other side of the aisle. The legislation is also cosponsored by Senator SHERROD BROWN, who last year introduced a companion piece of legislation in the House of Representatives. And I would also like to thank the other original cosponsors of the bill, Senators BYRD, FEINGOLD, AND SANDERS.

I believe that one of the messages the American people sent to Congress in the November elections is that they demand fair trade. The legislation I am introducing is a way for Congress to show that the message has been heard.

By Mr. BIDEN (for himself, Mr. BAUCUS, Mrs. BOXER, Ms. CANTWELL, Mrs. CLINTON, Mr. DODD, Mrs. FEINSTEIN, Mr. HARKIN, Mr. KERRY, Mr. KOHL, Mr. LAUTENBERG, Mr. LEAHY, Mr. LIEBERMAN, Mr. MENENDEZ, Ms. MIKULSKI, Mr. OBAMA, Mr. REED, Mr. SALAZAR, Mr. SCHUMER, Mr. SMITH, Ms. STABENOW, and Mr. REID):

S. 368. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to enhance the cops on the beat grant program, and for other purposes; to the Committee on the Judiciary.

Mr. BIDEN. Mr. President, today, I rise to introduce legislation, the COPS Improvement Act of 2007, to reauthorize the Department of Justice's Office of Community Oriented Policing Services (COPS). This program has achieved what my colleagues and I hoped for back when we were debating the 1994 Crime Bill. Prior to the final vote, in August of 1994, I stated that "I will vote for this bill, because, as much as anything I have ever voted on in 22 years in the U.S. Senate, I truly believe that passage of this legislation will make a difference in the lives of the American people. I believe with every fiber in my being that if this bill passes, fewer people will be murdered, fewer people will be victims, fewer women will be senselessly beaten, fewer people will continue on the drug path, and fewer children will become criminals."

Fortunately, with the creation of the COPS program, we were able to form a partnership amongst Federal, State, and local law enforcement and create programs that helped drive down crime rates for eight consecutive years. In 1994 we had historically high rates of violent crimes, such as murders, forcible rapes, and aggravated assaults. We were able to reduce these to the lowest levels in a generation. We reduced the murder rate by 37.8 percent; we reduced forcible rapes by 19.1 percent; and we reduced aggravated assaults by 25.5 percent. Property crimes, including auto thefts also were reduced from historical highs to the lowest levels in decades. The COPS program has been endorsed by every major law enforcement group in the Nation, including the International Association of Chiefs of Police (IACP), the National Association of Police Organizations (NAPO), the National Sheriffs Association (NSA), the International Brotherhood of Police Organizations, the National Organization of Black Law Enforcement Officials (NOBLE), the International Union of Police Associations (IUPA), the Fraternal Order of Police, and others.

Rather than support this important program, the Bush Administration and Republican leadership has been set on eliminating it. President Bush has proposed cuts each year he has been in office, and while we have fought to maintain funding for COPS, the hiring program was completely eliminated in 2005. Overall funding for State and local law enforcement programs has been slashed by billions and the COPS hiring program has been completely eliminated. Last year's budget request contained only $117 million for local law enforcement from COPS and the complete elimination of the Justice Assistance Grant.

These cuts are coming at the worst possible time. Local law enforcement is facing what I have called a perfect storm. The FBI is reprogramming its field agents from local crime to terrorism. Undoubtedly, this is necessary given the threats facing our Nation. But, this means that there will be less Federal assistance for drug cases, bank robberies, and violent crime. Local law enforcement will be required to fill the gap left by the FBI in addition to performing more and more homeland security duties.

Due to budget restraints at the local level and the unprecedented cuts in Federal assistance they will be less able to do either. Articles in the USA Today and the New York Times highlighted the fact that many cities are being forced to eliminate officers because of local budgets woes. In fact, New York City has lost over 3,000 officers in the last few years. Other cities, such as Cleveland, MN, and Houston, TX, are facing similar shortages. As a result, local police chiefs are reluctantly pulling officers from the proactive policing activities that were so successful in the nineties, and they are unable to provide sufficient numbers of officers for Federal task forces. These choices are not made lightly. Police chiefs understand the value of proactive policing and the need to be involved in homeland security task forces; however, they simply don't have the manpower to do it all. Responding to emergency calls must take precedence over proactive programs and task forces, and we are beginning to pay the price. The FBI is reporting rising violent crime in cities throughout the Nation, with murder rates rising 3.4 percent in 2005. Additionally, the preliminary numbers for 2006 show that violent crime is up 3.7 percent and murder rates up 1.4 percent when compared to last year's preliminary numbers.

Although the COPS program was reauthorized as part of Department of Justice Reauthorization, this bill is critical for several reasons. First, it reestablishes our commitment to the hiring program by including a separate authorization of $600 million to hire officers to engage in community policing, intelligence gathering, and as school resource officers. We need more cops on the beat and in our schools, and this will help get us there. It also authorizes $350 million per year for technology grants, and it includes $200 million per year to help local district attorneys hire community prosecutors. Finally, it congressionally establishes the COPS office as the entity within the Department of Justice to carry out these functions in order to eliminate duplication of efforts. The bottom line is that this bill keeps faith with our State and local law enforcement officers who put their lives on the line every day to keep our communities safe from crime and terrorism. I would ask all of my colleagues to go ask their local police chief or sheriff and ask them if they should support this legislation, and I hope that they will because if they did it would be passed 100–0.

I ask unanimous consent that the text of this legislation be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 368

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "COPS Improvements Act of 2007".

SEC. 2. COPS GRANT IMPROVEMENTS.

(a) IN GENERAL.—Section 1701 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd) is amended—

(1) by amending subsection (a) to read as follows:

"(a) GRANT AUTHORIZATION.—The Attorney General shall carry out grant programs under which the Attorney General makes grants to States, units of local government, Indian tribal governments, other public and private entities, multi-jurisdictional or regional consortia, and individuals for the purposes described in subsections (b), (c), (d), and (e).";

(2) in subsection (b)—

(A) by striking the subsection heading text and inserting "COMMUNITY POLICING AND CRIME PREVENTION GRANTS";

(B) in paragraph (3), by striking ", to increase the number of officers deployed in community-oriented policing";

(C) in paragraph (4), by inserting "or train" after "pay for";

(D) by inserting after paragraph (4) the following:

"(5) award grants to hire school resource officers and to establish school-based partnerships between local law enforcement agencies and local school systems to combat crime, gangs, drug activities, and other problems in and around elementary and secondary schools;";

(E) by striking paragraph (9);

(F) by redesignating paragraphs (10) through (12) as paragraphs (9) through (11), respectively;

(G) by striking paragraph (13);

(H) by redesignating paragraphs (14) through (17) as paragraphs (12) through (15), respectively;

(I) in paragraph (14), as so redesignated, by striking "and" at the end;

(J) in paragraph (15), as so redesignated, by striking the period at the end and inserting a semicolon; and

(K) by adding at the end the following:

"(16) establish and implement innovative programs to reduce and prevent illegal drug manufacturing, distribution, and use, including the manufacturing, distribution, and use of methamphetamine; and

"(17) award enhancing community policing and crime prevention grants that meet emerging law enforcement needs, as warranted.";

(3) by striking subsection (c);

(4) by striking subsections (h) and (i);

(5) by redesignating subsections (d) through (g) as subsections (f) through (i), respectively;

(6) by inserting after subsection (b) the following:

"(c) TROOPS-TO-COPS PROGRAMS.—

"(1) IN GENERAL.—Grants made under subsection (a) may be used to hire former members of the Armed Forces to serve as career law enforcement officers for deployment in community-oriented policing, particularly in communities that are adversely affected by a recent military base closing.

"(2) DEFINITION.—In this subsection, 'former member of the Armed Forces' means a member of the Armed Forces of the United States who is involuntarily separated from the Armed Forces within the meaning of section 1141 of title 10, United States Code.

"(d) COMMUNITY PROSECUTORS PROGRAM.—The Attorney General may make grants under subsection (a) to pay for additional community prosecuting programs, including programs that assign prosecutors to—

"(1) handle cases from specific geographic areas; and

"(2) address counter-terrorism problems, specific violent crime problems (including intensive illegal gang, gun, and drug enforcement and quality of life initiatives), and localized violent and other crime problems based on needs identified by local law enforcement agencies, community organizations, and others.

"(e) Technology Grants.—The Attorney General may make grants under subsection (a) to develop and use new technologies (including interoperable communications technologies, modernized criminal record technology, and forensic technology) to assist State and local law enforcement agencies in reorienting the emphasis of their activities from reacting to crime to preventing crime and to train law enforcement officers to use such technologies.";

(7) in subsection (f), as so redesignated—

(A) in paragraph (1), by striking "to States, units of local government, Indian tribal governments, and to other public and private entities,";

(B) in paragraph (2), by striking "define for State and local governments, and other public and private entities," and inserting "establish";

(C) in the first sentence of paragraph (3), by inserting "(including regional community policing institutes)" after "training centers or facilities"; and

(D) by adding at the end the following:

"(4) Exclusivity.—The Office of Community Oriented Policing Services shall be the exclusive component of the Department of Justice to perform the functions and activities specified in this paragraph.";

(8) in subsection (g), as so redesignated, by striking "may utilize any component", and all that follows and inserting "shall use the Office of Community Oriented Policing Services of the Department of Justice in carrying out this part.";

(9) in subsection (h), as so redesignated—

(A) by striking "subsection (a)" the first place that term appears and inserting "paragraphs (1) and (2) of subsection (b)"; and

(B) by striking "in each fiscal year pursuant to subsection (a)" and inserting "in each fiscal year for purposes described in paragraph (1) and (2) of subsection (b)";

(10) in subsection (i), as so redesignated, by striking the second sentence; and

(11) by adding at the end the following:

"(j) Retention of Additional Officer Positions.—For any grant under paragraph (1) or (2) of subsection (b) for hiring or rehiring career law enforcement officers, a grant recipient shall retain each additional law enforcement officer position created under that grant for not less than 12 months after the end of the period of that grant, unless the Attorney General waives, wholly or in part, the retention requirement of a program, project, or activity.".

(b) Applications.—Section 1702 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd-1) is amended—

(1) in subsection (c)—

(A) in the matter preceding paragraph (1), by inserting ", unless waived by the Attorney General" after "under this part shall";

(B) by striking paragraph (8); and

(C) by redesignating paragraphs (9) through (11) as paragraphs (8) through (10), respectively; and

(2) by striking subsection (d).

(c) Renewal of Grants.—Section 1703 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd-2) is amended to read as follows:

"SEC. 1703. RENEWAL OF GRANTS.

"(a) In General.—A grant made under this part may be renewed, without limitations on the duration of such renewal, to provide additional funds, if the Attorney General determines that the funds made available to the recipient were used in a manner required under an approved application and if the recipient can demonstrate significant progress in achieving the objectives of the initial application.

"(b) No Cost Extensions.—Notwithstanding subsection (a), the Attorney General may extend a grant period, without limitations as to the duration of such extension, to provide additional time to complete the objectives of the initial grant award.".

(d) Limitation on Use of Funds.—Section 1704 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd-3) is amended—

(1) in subsection (a), by striking "that would, in the absence of Federal funds received under this part, be made available from State or local sources" and inserting "that the Attorney General determines would, in the absence of Federal funds received under this part, be made available for the purpose of the grant under this part from State or local sources"; and

(2) by striking subsection (c).

(e) Enforcement Actions.—

(1) In general.—Section 1706 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd-5) is amended—

(A) in the section heading, by striking "**REVOCATION OR SUSPENSION OF FUNDING**" and inserting "**ENFORCEMENT ACTIONS**"; and

(B) by striking "revoke or suspend" and all that follows and inserting "take any enforcement action available to the Department of Justice.".

(2) Technical and conforming amendment.—The table of contents of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711) is amended by striking the item relating to section 1706 and inserting the following:

"Sec. 1706. Enforcement actions.".

(f) Definitions.—Section 1709(1) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd-8(1)) is amended—

(1) by inserting "who is a sworn law enforcement officer" after "permanent basis"; and

(2) by inserting ", including officers for the Amtrak Police Department" before the period at the end.

(g) Authorization of Appropriations.—Section 1001(11) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(11)) is amended—

(1) in subparagraph (A), by striking "1,047,119,000" and inserting "1,150,000,000"; and

(2) in subparagraph (B)—

(A) in the first sentence, by striking "3 percent" and inserting "5 percent"; and

(B) by striking the second sentence and inserting the following: "Of the funds available for grants under part Q, not less than $600,000,000 shall be used for grants for the purposes specified in section 1701(b), not more than $200,000,000 shall be used for grants under section 1701(d), and not more than $350,000,000 shall be used for grants under section 1701(e).".

(h) Purposes.—Section 10002 of the Public Safety Partnership and Community Policing Act of 1994 (42 U.S.C. 3796dd note) is amended—

(1) in paragraph (4), by striking "development" and inserting "use"; and

(2) in the matter following paragraph (4), by striking "for a period of 6 years".

(i) COPS Program Improvements.—

(1) In general.—Section 109(b) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3712h(b)) is amended—

(A) by striking paragraph (1);

(B) by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively; and

(C) in paragraph (2), as so redesignated, by inserting ", except for the program under part Q of this title" before the period.

(2) Law enforcement computer systems.—Section 107 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3712f) is amended by adding at the end the following:

"(c) Exception.—This section shall not apply to any grant made under part Q of this title.".

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 37—DESIGNATING MARCH 26, 2007 AS "NATIONAL SUPPORT THE TROOPS DAY" AND ENCOURAGING THE PEOPLE OF THE UNITED STATES TO PARTICIPATE IN A MOMENT OF SILENCE TO REFLECT UPON THE SERVICE AND SACRIFICE OF MEMBERS OF THE ARMED FORCES BOTH AT HOME AND ABROAD

Ms. STABENOW (for herself and Mr. Levin) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. Res. 37

Whereas it was through the brave and noble efforts of the forefathers of the United States that the United States first gained freedom and became a sovereign country;

Whereas there are more than 1,300,000 regular members of the Armed Forces and more than 1,100,000 members of the National Guard and Reserves serving the Nation in support and defense of the values and freedom that all people in the United States cherish;

Whereas the members of the Armed Forces deserve the utmost respect and admiration of the people of the United States for putting their lives in danger for the sake of the freedoms enjoyed by all people of the United States;

Whereas members of the Armed Forces are defending freedom and democracy around the globe and are playing a vital role in protecting the safety and security of all the people of the United States; and

Whereas all people of the United States should participate in a moment of silence to support the troops: Now, therefore, be it

Resolved, That the Senate—

(1) designates March 26, 2007 as "National Support the Troops Day"; and

(2) encourages all people in the United States to participate in a moment of silence to reflect upon the service and sacrifice of members of the Armed Forces both at home and abroad.

AMENDMENTS SUBMITTED AND PROPOSED

SA 111. Mr. SUNUNU submitted an amendment intended to be proposed by him to the bill H.R. 2, to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage; which was ordered to lie on the table.

SA 112. Mr. SUNUNU submitted an amendment intended to be proposed to amendment SA 100 proposed by Mr. Reid (for Mr. Baucus) to the bill H.R. 2, supra.

SA 113. Mr. SMITH submitted an amendment intended to be proposed by him to the bill H.R. 2, supra; which was ordered to lie on the table.

SA 114. Mr. THUNE (for himself and Mr. Vitter) submitted an amendment intended to be proposed by him to the bill H.R. 2, supra; which was ordered to lie on the table.

SA 115. Mr. KYL proposed an amendment to amendment SA 100 proposed by Mr. Reid (for Mr. Baucus) to the bill H.R. 2, supra.

SA 116. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill H.R. 2, supra; which was ordered to lie on the table.

SA 117. Mr. CHAMBLISS (for himself, Mr. Burr, and Mr. Isakson) submitted an amendment intended to be proposed by him to the bill H.R. 2, supra; which was ordered to lie on the table.

SA 118. Mr. CHAMBLISS (for himself, Mr. Isakson, and Mr. Burr) submitted an amendment intended to be proposed by him to the bill H.R. 2, supra; which was ordered to lie on the table.

SA 119. Mr. BUNNING submitted an amendment intended to be proposed to amendment SA 100 proposed by Mr. Reid (for Mr. Baucus) to the bill H.R. 2, supra.

SA 120. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill H.R. 2, supra; which was ordered to lie on the table.

SA 121. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill H.R. 2, supra; which was ordered to lie on the table.

SA 122. Ms. SNOWE (for herself and Mrs. Lincoln) submitted an amendment intended to be proposed by her to the bill H.R. 2, supra; which was ordered to lie on the table.

SA 123. Ms. SNOWE (for herself and Mrs. Lincoln) submitted an amendment intended to be proposed by her to the bill H.R. 2, supra; which was ordered to lie on the table.

SA 124. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill H.R. 2, supra; which was ordered to lie on the table.

SA 125. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill H.R. 2, supra; which was ordered to lie on the table.

SA 126. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill H.R. 2, supra; which was ordered to lie on the table.

SA 127. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill H.R. 2, supra; which was ordered to lie on the table.

SA 128. Mr. KERRY (for himself and Ms. Snowe) submitted an amendment intended to be proposed by him to the bill H.R. 2, supra; which was ordered to lie on the table.

SA 129. Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 100 proposed by Mr. Reid (for Mr. Baucus) to the bill H.R. 2, supra; which was ordered to lie on the table.

SA 130. Mr. VOINOVICH submitted an amendment intended to be proposed by him to the bill H.R. 2, supra; which was ordered to lie on the table.

SA 131. Mr. VOINOVICH submitted an amendment intended to be proposed by him to the bill H.R. 2, supra; which was ordered to lie on the table.

SA 132. Mr. SMITH (for himself and Mr. Schumer) submitted an amendment intended to be proposed by him to the bill H.R. 2, supra; which was ordered to lie on the table.

SA 133. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2, supra; which was ordered to lie on the table.

SA 134. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2, supra; which was ordered to lie on the table.

SA 135. Mr. CORNYN submitted an amendment intended to be proposed to amendment SA 100 proposed by Mr. Reid (for Mr. Baucus) to the bill H.R. 2, supra; which was ordered to lie on the table.

SA 136. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill H.R. 2, supra; which was ordered to lie on the table.

SA 137. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill H.R. 2, supra; which was ordered to lie on the table.

SA 138. Mr. CORNYN submitted an amendment intended to be proposed to amendment SA 100 proposed by Mr. Reid (for Mr. Baucus) to the bill H.R. 2, supra; which was ordered to lie on the table.

SA 139. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill H.R. 2, supra; which was ordered to lie on the table.

SA 140. Mr. CORNYN submitted an amendment intended to be proposed to amendment SA 100 proposed by Mr. Reid (for Mr. Baucus) to the bill H.R. 2, supra; which was ordered to lie on the table.

SA 141. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 2, supra; which was ordered to lie on the table.

SA 142. Mr. SESSIONS submitted an amendment intended to be proposed to amendment SA 100 proposed by Mr. Reid (for Mr. Baucus) to the bill H.R. 2, supra; which was ordered to lie on the table.

SA 143. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 2, supra; which was ordered to lie on the table.

SA 144. Mr. SESSIONS submitted an amendment intended to be proposed to amendment SA 100 proposed by Mr. Reid (for Mr. Baucus) to the bill H.R. 2, supra; which was ordered to lie on the table.

SA 145. Mr. SESSIONS (for himself, Mr. Inhofe, and Mr. Grassley) submitted an amendment intended to be proposed by him to the bill H.R. 2, supra; which was ordered to lie on the table.

SA 146. Mr. SESSIONS (for himself and Mr. Inhofe) submitted an amendment intended to be proposed by him to the bill H.R. 2, supra; which was ordered to lie on the table.

SA 147. Mr. SESSIONS (for himself and Mr. Inhofe) submitted an amendment intended to be proposed to amendment SA 100 proposed by Mr. Reid (for Mr. Baucus) to the bill H.R. 2, supra; which was ordered to lie on the table.

SA 148. Mr. SESSIONS (for himself, Mr. Inhofe, and Mr. Grassley) submitted an amendment intended to be proposed to amendment SA 100 proposed by Mr. Reid (for Mr. Baucus) to the bill H.R. 2, supra; which was ordered to lie on the table.

SA 149. Mr. ENSIGN (for himself and Mr. Inhofe) submitted an amendment intended to be proposed by him to the bill H.R. 2, supra; which was ordered to lie on the table.

SA 150. Mr. ENSIGN (for himself, Mr. Sessions, Mr. Craig, Mrs. Dole, Mr. Thomas, Mr. Cornyn, Mr. Inhofe, Mr. Isakson, and Mr. Coleman) submitted an amendment intended to be proposed by him to the bill H.R. 2, supra; which was ordered to lie on the table.

SA 151. Mr. ENSIGN (for himself, Mr. DeMint, Mr. Graham, and Mr. Coburn) submitted an amendment intended to be proposed by him to the bill H.R. 2, supra; which was ordered to lie on the table.

SA 152. Mr. ENSIGN (for himself and Mr. Inhofe) submitted an amendment intended to be proposed to amendment SA 100 proposed by Mr. Reid (for Mr. Baucus) to the bill H.R. 2, supra.

SA 153. Mr. ENSIGN (for himself, Mr. Sessions, Mr. Craig, Mrs. Dole, Mr. Thomas, Mr. Cornyn, Mr. Inhofe, Mr. Isakson, and Mr. Coleman) submitted an amendment intended to be proposed to amendment SA 100 proposed by Mr. Reid (for Mr. Baucus) to the bill H.R. 2, supra.

SA 154. Mr. ENSIGN (for himself, Mr. DeMint, Mr. Graham, and Mr. Coburn) submitted an amendment intended to be proposed to amendment SA 100 proposed by Mr. Reid (for Mr. Baucus) to the bill H.R. 2, supra.

SA 155. Mr. DeMINT submitted an amendment intended to be proposed by him to the bill H.R. 2, supra; which was ordered to lie on the table.

SA 156. Mr. DeMINT submitted an amendment intended to be proposed by him to the bill H.R. 2, supra; which was ordered to lie on the table.

SA 157. Mr. DeMINT submitted an amendment intended to be proposed by him to the bill H.R. 2, supra; which was ordered to lie on the table.

SA 158. Mr. DeMINT submitted an amendment intended to be proposed by him to the bill H.R. 2, supra; which was ordered to lie on the table.

SA 159. Mr. DeMINT submitted an amendment intended to be proposed by him to the bill H.R. 2, supra; which was ordered to lie on the table.

SA 160. Mr. DeMINT submitted an amendment intended to be proposed by him to the bill H.R. 2, supra; which was ordered to lie on the table.

SA 161. Mr. DeMINT submitted an amendment intended to be proposed by him to the bill H.R. 2, supra; which was ordered to lie on the table.

SA 162. Mr. DeMINT submitted an amendment intended to be proposed by him to the bill H.R. 2, supra; which was ordered to lie on the table.

SA 163. Ms. SNOWE (for herself and Mr. Feingold) submitted an amendment intended to be proposed by her to the bill H.R. 2, supra; which was ordered to lie on the table.

SA 164. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill H.R. 2, supra; which was ordered to lie on the table.

SA 165. Mr. SMITH (for himself and Mr. Bingaman) submitted an amendment intended to be proposed by him to the bill H.R. 2, supra; which was ordered to lie on the table.

SA 166. Mr. SMITH submitted an amendment intended to be proposed by him to the bill H.R. 2, supra; which was ordered to lie on the table.

SA 167. Mrs. FEINSTEIN (for herself and Mr. Craig) submitted an amendment intended to be proposed to amendment SA 118 submitted by Mr. Chambliss (for himself, Mr. Isakson, and Mr. Burr) and intended to be proposed to the bill H.R. 2, supra; which was ordered to lie on the table.

SA 168. Mrs. FEINSTEIN (for herself and Mr. Craig) submitted an amendment intended to be proposed to amendment SA 117 submitted by Mr. Chambliss (for himself, Mr. Burr, and Mr. Isakson) and intended to be proposed to the bill H.R. 2, supra; which was ordered to lie on the table.

SA 169. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill H.R. 2, supra; which was ordered to lie on the table.

SA 170. Mr. GREGG (for himself, Mr. SUNUNU, and Mr. ISAKSON) submitted an amendment intended to be proposed by him to the bill H.R. 2, supra; which was ordered to lie on the table.

SA 171. Mr. GREGG (for himself, Mr. SUNUNU, and Mr. ISAKSON) submitted an amendment intended to be proposed to amendment SA 100 proposed by Mr. REID (for Mr. BAUCUS) to the bill H.R. 2, supra; which was ordered to lie on the table.

SA 172. Mr. ROBERTS submitted an amendment intended to be proposed by him to the bill H.R. 2, supra; which was ordered to lie on the table.

SA 173. Mr. KERRY submitted an amendment intended to be proposed to amendment SA 112 submitted by Mr. SUNUNU to the amendment SA 100 proposed by Mr. REID (for Mr. BAUCUS) to the bill H.R. 2, supra; which was ordered to lie on the table.

SA 174. Mr. KERRY submitted an amendment intended to be proposed by him to the bill H.R. 2, supra; which was ordered to lie on the table.

SA 175. Mr. HATCH submitted an amendment intended to be proposed by him to the bill H.R. 2, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 111. Mr. SUNUNU submitted an amendment intended to be proposed by him to the bill H.R. 2, to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC.   . PUBLIC HOUSING AGENCY PLANS FOR CERTAIN QUALIFIED PUBLIC HOUSING AGENCIES.

(a) SHORT TITLE.—This section may be cited as the "Small Public Housing Authorities Paperwork Reduction Act".

(b) IN GENERAL.—Section 5A(b) of the United States Housing Act of 1937 (42 U.S.C. 1437c–1(b)) is amended by adding at the end the following:

"(3) EXEMPTION OF CERTAIN PHAS FROM FILING REQUIREMENT.—

"(A) IN GENERAL.—Notwithstanding paragraph (1) or any other provision of this Act—

"(i) the requirement under paragraph (1) shall not apply to any qualified public housing agency; and

"(ii) except as provided in subsection (e)(4)(B), any reference in this section or any other provision of law to a 'public housing agency' shall not be considered to refer to any qualified public housing agency, to the extent such reference applies to the requirement to submit an annual public housing agency plan under this subsection.

"(B) CIVIL RIGHTS CERTIFICATION.—Notwithstanding that qualified public housing agencies are exempt under subparagraph (A) from the requirement under this section to prepare and submit an annual public housing plan, each qualified public housing agency shall, on an annual basis, make the certification described in paragraph (16) of subsection (d), except that for purposes of such qualified public housing agencies, such paragraph shall be applied by substituting 'the public housing program of the agency' for 'the public housing agency plan'.

"(C) DEFINITION.—For purposes of this section, the term 'qualified public housing agency' means a public housing agency that—

"(i) administers—

"(I) 500 or fewer public housing dwelling units; or

"(II) any number of vouchers under section 8(o) of this Act; and

"(ii) is not designated under section 6(j)(2) as a troubled public housing agency.".

(c) RESIDENT PARTICIPATION.—Section 5A of the United States Housing Act of 1937 (42 U.S.C. 1437c–1) is amended—

(1) in subsection (e), by inserting after paragraph (3) the following:

"(4) QUALIFIED PUBLIC HOUSING AGENCIES.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), nothing in this section may be construed to exempt a qualified public housing agency from the requirement under paragraph (1) to establish 1 or more resident advisory boards. Notwithstanding that qualified public housing agencies are exempt under subsection (b)(3)(A) from the requirement under this section to prepare and submit an annual public housing plan, each qualified public housing agency shall consult with, and consider the recommendations of the resident advisory boards for the agency, at the annual public hearing required under subsection (f)(5), regarding any changes to the goals, objectives, and policies of that agency.

"(B) APPLICABILITY OF WAIVER AUTHORITY.—Paragraph (3) shall apply to qualified public housing agencies, except that for purposes of such qualified public housing agencies, subparagraph (B) of such paragraph shall be applied by substituting 'the functions described in the second sentence of paragraph (4)(A)' for 'the functions described in paragraph (2)'.

"(f) PUBLIC HEARINGS.—"; and

(2) in subsection (f) (as so designated by the amendment made by paragraph (1)), by adding at the end the following:

"(5) QUALIFIED PUBLIC HOUSING AGENCIES.—

"(A) REQUIREMENT.—Notwithstanding that qualified public housing agencies are exempt under subsection (b)(3)(A) from the requirement under this section to conduct a public hearing regarding the annual public housing plan of the agency, each qualified public housing agency shall annually conduct a public hearing—

"(i) to discuss any changes to the goals, objectives, and policies of the agency; and

"(ii) to invite public comment regarding such changes.

"(B) AVAILABILITY OF INFORMATION AND NOTICE.—Not later than 45 days before the date of any hearing described in subparagraph (A), a qualified public housing agency shall—

"(i) make all information relevant to the hearing and any determinations of the agency regarding changes to the goals, objectives, and policies of the agency to be considered at the hearing available for inspection by the public at the principal office of the public housing agency during normal business hours; and

"(ii) publish a notice informing the public that—

"(I) the information is available as required under clause (i); and

"(II) a public hearing under subparagraph (A) will be conducted."

SA 112. Mr. SUNUNU submitted an amendment intended to be proposed to amendment SA 100 proposed by Mr. REID (for Mr. BAUCUS) to the bill H.R. 2, to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage; as follows:

At the appropriate place, insert the following:

SEC. ___. RENEWAL GRANTS FOR WOMEN'S BUSINESS CENTERS.

Section 29 of the Small Business Act (15 U.S.C. 656) is amended by adding at the end the following:

"(m) CONTINUED FUNDING FOR CENTERS.—

"(1) IN GENERAL.—A nonprofit organization described in paragraph (2) shall be eligible to receive, subject to paragraph (3), a 3-year grant under this subsection.

"(2) APPLICABILITY.—A nonprofit organization described in this paragraph is a nonprofit organization that—

"(A) has received funding under subsections (b) and (l); and

"(B) is not eligible under the programs under such subsections for the first fiscal year after the end of the period of financial assistance under subsection (l).

"(3) APPLICATION AND APPROVAL CRITERIA.—

"(A) CRITERIA.—The Administrator shall develop and publish criteria for the consideration and approval of applications by nonprofit organizations under this subsection.

"(B) NOTIFICATION.—Not later than 60 days after the date of the deadline to submit applications for each fiscal year, the Administrator shall approve or deny any application under this subsection and notify the applicant for each such application.

"(4) AWARD OF GRANTS.—

"(A) IN GENERAL.—Subject to the availability of appropriations, the Administrator shall make a grant for the Federal share of the cost of activities described in the application to each applicant approved under this subsection.

"(B) AMOUNT.—A grant under this subsection shall be for not less than $90,000 and not more than $150,000, for each year of that grant.

"(C) FEDERAL SHARE.—The Federal share under this subsection shall be not more than 50 percent.

"(D) PRIORITY.—In allocating funds made available for grants under this section, the Administrator shall give applications under this subsection priority over first-time applications under subsection (b).

"(5) RENEWAL.—The Administrator may renew a grant under this subsection for additional 3-year periods, if the nonprofit organization submits an application for such renewal at such time, in such manner, and accompanied by such information as the Administrator may establish.".

SA 113. Mr. SMITH submitted an amendment intended to be proposed by him to the bill H.R. 2, to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC.   . PERMANENT EXTENSION OF CERTAIN EDUCATION-RELATED TAX INCENTIVES.

(a) REPEAL OF SUNSET ON AFFORDABLE EDUCATION PROVISIONS.—Title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 (relating to sunset of provisions of such Act) shall not apply to title IV of such Act (relating to affordable education provisions).

(b) PERMANENT EXTENSION OF ABOVE-THE-LINE DEDUCTION FOR CERTAIN EXPENSES OF ELEMENTARY AND SECONDARY SCHOOL TEACHERS.—Subparagraph (D) of section 62(a)(2) of the Internal Revenue Code of 1986 is amended by striking "In the case of taxable years beginning during 2002, 2003, 2004, 2005, 2006, or 2007, the deductions" and inserting "The deductions".

SA 114. Mr. THUNE (for himself and Mr. Vitter) submitted an amendment intended to be proposed by him to the bill H.R. 2, to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE —SMALL BUSINESS HEALTH COVERAGE

SEC. 01. SHORT TITLE.

This title may be cited as the "Small Business Health Improvement Act of 2007".

SEC. 02. RULES GOVERNING ASSOCIATION HEALTH PLANS.

(a) In General.—Subtitle B of title I of the Employee Retirement Income Security Act of 1974 is amended by adding after part 7 the following new part:

"PART 8—RULES GOVERNING ASSOCIATION HEALTH PLANS

"SEC. 801. ASSOCIATION HEALTH PLANS.

"(a) In General.—For purposes of this part, the term 'association health plan' means a group health plan whose sponsor is (or is deemed under this part to be) described in subsection (b).

"(b) Sponsorship.—The sponsor of a group health plan is described in this subsection if such sponsor—

"(1) is organized and maintained in good faith, with a constitution and bylaws specifically stating its purpose and providing for periodic meetings on at least an annual basis, as a bona fide trade association, a bona fide industry association (including a rural electric cooperative association or a rural telephone cooperative association), a bona fide professional association, or a bona fide chamber of commerce (or similar bona fide business association, including a corporation or similar organization that operates on a cooperative basis (within the meaning of section 1381 of the Internal Revenue Code of 1986)), for substantial purposes other than that of obtaining or providing medical care;

"(2) is established as a permanent entity which receives the active support of its members and requires for membership payment on a periodic basis of dues or payments necessary to maintain eligibility for membership in the sponsor; and

"(3) does not condition membership, such dues or payments, or coverage under the plan on the basis of health status-related factors with respect to the employees of its members (or affiliated members), or the dependents of such employees, and does not condition such dues or payments on the basis of group health plan participation.

Any sponsor consisting of an association of entities which meet the requirements of paragraphs (1), (2), and (3) shall be deemed to be a sponsor described in this subsection.

"SEC. 802. CERTIFICATION OF ASSOCIATION HEALTH PLANS.

"(a) In General.—The applicable authority shall prescribe by regulation a procedure under which, subject to subsection (b), the applicable authority shall certify association health plans which apply for certification as meeting the requirements of this part.

"(b) Standards.—Under the procedure prescribed pursuant to subsection (a), in the case of an association health plan that provides at least one benefit option which does not consist of health insurance coverage, the applicable authority shall certify such plan as meeting the requirements of this part only if the applicable authority is satisfied that the applicable requirements of this part are met (or, upon the date on which the plan is to commence operations, will be met) with respect to the plan.

"(c) Requirements Applicable to Certified Plans.—An association health plan with respect to which certification under this part is in effect shall meet the applicable requirements of this part, effective on the date of certification (or, if later, on the date on which the plan is to commence operations).

"(d) Requirements for Continued Certification.—The applicable authority may provide by regulation for continued certification of association health plans under this part.

"(e) Class Certification for Fully Insured Plans.—The applicable authority shall establish a class certification procedure for association health plans under which all benefits consist of health insurance coverage. Under such procedure, the applicable authority shall provide for the granting of certification under this part to the plans in each class of such association health plans upon appropriate filing under such procedure in connection with plans in such class and payment of the prescribed fee under section 807(a).

"(f) Certification of Self-Insured Association Health Plans.—An association health plan which offers one or more benefit options which do not consist of health insurance coverage may be certified under this part only if such plan consists of any of the following:

"(1) a plan which offered such coverage on the date of the enactment of the Small Business Health Improvement Act of 2007,

"(2) a plan under which the sponsor does not restrict membership to one or more trades and businesses or industries and whose eligible participating employers represent a broad cross-section of trades and businesses or industries, or

"(3) a plan whose eligible participating employers represent one or more trades or businesses, or one or more industries, consisting of any of the following: agriculture; equipment and automobile dealerships; barbering and cosmetology; certified public accounting practices; child care; construction; dance, theatrical and orchestra productions; disinfecting and pest control; financial services; fishing; foodservice establishments; hospitals; labor organizations; logging; manufacturing (metals); mining; medical and dental practices; medical laboratories; professional consulting services; sanitary services; transportation (local and freight); warehousing; wholesaling/distributing; or any other trade or business or industry which has been indicated as having average or above-average risk or health claims experience by reason of State rate filings, denials of coverage, proposed premium rate levels, or other means demonstrated by such plan in accordance with regulations.

"SEC. 803. REQUIREMENTS RELATING TO SPONSORS AND BOARDS OF TRUSTEES.

"(a) Sponsor.—The requirements of this subsection are met with respect to an association health plan if the sponsor has met (or is deemed under this part to have met) the requirements of section 801(b) for a continuous period of not less than 3 years ending with the date of the application for certification under this part.

"(b) Board of Trustees.—The requirements of this subsection are met with respect to an association health plan if the following requirements are met:

"(1) Fiscal control.—The plan is operated, pursuant to a trust agreement, by a board of trustees which has complete fiscal control over the plan and which is responsible for all operations of the plan.

"(2) Rules of operation and financial controls.—The board of trustees has in effect rules of operation and financial controls, based on a 3-year plan of operation, adequate to carry out the terms of the plan and to meet all requirements of this title applicable to the plan.

"(3) Rules governing relationship to participating employers and to contractors.—

"(A) Board membership.—

"(i) In general.—Except as provided in clauses (ii) and (iii), the members of the board of trustees are individuals selected from individuals who are the owners, officers, directors, or employees of the participating employers or who are partners in the participating employers and actively participate in the business.

"(ii) Limitation.—

"(I) General rule.—Except as provided in subclauses (II) and (III), no such member is an owner, officer, director, or employee of, or partner in, a contract administrator or other service provider to the plan.

"(II) Limited exception for providers of services solely on behalf of the sponsor.—Officers or employees of a sponsor which is a service provider (other than a contract administrator) to the plan may be members of the board if they constitute not more than 25 percent of the membership of the board and they do not provide services to the plan other than on behalf of the sponsor.

"(III) Treatment of providers of medical care.—In the case of a sponsor which is an association whose membership consists primarily of providers of medical care, subclause (I) shall not apply in the case of any service provider described in subclause (I) who is a provider of medical care under the plan.

"(iii) Certain plans excluded.—Clause (i) shall not apply to an association health plan which is in existence on the date of the enactment of the Small Business Health Improvement Act of 2007.

"(B) Sole authority.—The board has sole authority under the plan to approve applications for participation in the plan and to contract with a service provider to administer the day-to-day affairs of the plan.

"(c) Treatment of Franchise Networks.—In the case of a group health plan which is established and maintained by a franchiser for a franchise network consisting of its franchisees—

"(1) the requirements of subsection (a) and section 801(a) shall be deemed met if such requirements would otherwise be met if the franchiser were deemed to be the sponsor referred to in section 801(b), such network were deemed to be an association described in section 801(b), and each franchisee were deemed to be a member (of the association and the sponsor) referred to in section 801(b); and

"(2) the requirements of section 804(a)(1) shall be deemed met.

The Secretary may by regulation define for purposes of this subsection the terms 'franchiser', 'franchise network', and 'franchisee'.

"SEC. 804. PARTICIPATION AND COVERAGE REQUIREMENTS.

"(a) Covered Employers and Individuals.—The requirements of this subsection are met with respect to an association health plan if, under the terms of the plan—

"(1) each participating employer must be—

"(A) a member of the sponsor,

"(B) the sponsor, or

"(C) an affiliated member of the sponsor with respect to which the requirements of subsection (b) are met,

except that, in the case of a sponsor which is a professional association or other individual-based association, if at least one of the officers, directors, or employees of an employer, or at least one of the individuals who are partners in an employer and who actively participates in the business, is a member or such an affiliated member of the sponsor, participating employers may also include such employer; and

"(2) all individuals commencing coverage under the plan after certification under this part must be—

"(A) active or retired owners (including self-employed individuals), officers, directors, or employees of, or partners in, participating employers; or

"(B) the beneficiaries of individuals described in subparagraph (A).

"(b) Coverage of Previously Uninsured Employees.—In the case of an association health plan in existence on the date of the enactment of the Small Business Health Improvement Act of 2007, an affiliated member of the sponsor of the plan may be offered coverage under the plan as a participating employer only if—

"(1) the affiliated member was an affiliated member on the date of certification under this part; or

"(2) during the 12-month period preceding the date of the offering of such coverage, the affiliated member has not maintained or contributed to a group health plan with respect to any of its employees who would otherwise be eligible to participate in such association health plan.

"(c) Individual Market Unaffected.—The requirements of this subsection are met with respect to an association health plan if, under the terms of the plan, no participating employer may provide health insurance coverage in the individual market for any employee not covered under the plan which is similar to the coverage contemporaneously provided to employees of the employer under the plan, if such exclusion of the employee from coverage under the plan is based on a health status-related factor with respect to the employee and such employee would, but for such exclusion on such basis, be eligible for coverage under the plan.

"(d) Prohibition of Discrimination Against Employers and Employees Eligible to Participate.—The requirements of this subsection are met with respect to an association health plan if—

"(1) under the terms of the plan, all employers meeting the preceding requirements of this section are eligible to qualify as participating employers for all geographically available coverage options, unless, in the case of any such employer, participation or contribution requirements of the type referred to in section 2711 of the Public Health Service Act are not met;

"(2) upon request, any employer eligible to participate is furnished information regarding all coverage options available under the plan; and

"(3) the applicable requirements of sections 701, 702, and 703 are met with respect to the plan.

"SEC. 805. OTHER REQUIREMENTS RELATING TO PLAN DOCUMENTS, CONTRIBUTION RATES, AND BENEFIT OPTIONS.

"(a) In General.—The requirements of this section are met with respect to an association health plan if the following requirements are met:

"(1) Contents of governing instruments.—The instruments governing the plan include a written instrument, meeting the requirements of an instrument required under section 402(a)(1), which—

"(A) provides that the board of trustees serves as the named fiduciary required for plans under section 402(a)(1) and serves in the capacity of a plan administrator (referred to in section 3(16)(A));

"(B) provides that the sponsor of the plan is to serve as plan sponsor (referred to in section 3(16)(B)); and

"(C) incorporates the requirements of section 806.

"(2) Contribution rates must be nondiscriminatory.—

"(A) The contribution rates for any participating small employer do not vary on the basis of any health status-related factor in relation to employees of such employer or their beneficiaries and do not vary on the basis of the type of business or industry in which such employer is engaged.

"(B) Nothing in this title or any other provision of law shall be construed to preclude an association health plan, or a health insurance issuer offering health insurance coverage in connection with an association health plan, from—

"(i) setting contribution rates based on the claims experience of the plan; or

"(ii) varying contribution rates for small employers in a State to the extent that such rates could vary using the same methodology employed in such State for regulating premium rates in the small group market with respect to health insurance coverage offered in connection with bona fide associations (within the meaning of section 2791(d)(3) of the Public Health Service Act),

subject to the requirements of section 702(b) relating to contribution rates.

"(3) Floor for number of covered individuals with respect to certain plans.—If any benefit option under the plan does not consist of health insurance coverage, the plan has as of the beginning of the plan year not fewer than 1,000 participants and beneficiaries.

"(4) Marketing requirements.—

"(A) In general.—If a benefit option which consists of health insurance coverage is offered under the plan, State-licensed insurance agents shall be used to distribute to small employers coverage which does not consist of health insurance coverage in a manner comparable to the manner in which such agents are used to distribute health insurance coverage.

"(B) State-licensed insurance agents.—For purposes of subparagraph (A), the term 'State-licensed insurance agents' means one or more agents who are licensed in a State and are subject to the laws of such State relating to licensure, qualification, testing, examination, and continuing education of persons authorized to offer, sell, or solicit health insurance coverage in such State.

"(5) Regulatory requirements.—Such other requirements as the applicable authority determines are necessary to carry out the purposes of this part, which shall be prescribed by the applicable authority by regulation.

"(b) Ability of Association Health Plans to Design Benefit Options.—Subject to section 514(d), nothing in this part or any provision of State law (as defined in section 514(c)(1)) shall be construed to preclude an association health plan, or a health insurance issuer offering health insurance coverage in connection with an association health plan, from exercising its sole discretion in selecting the specific items and services consisting of medical care to be included as benefits under such plan or coverage, except (subject to section 514) in the case of (1) any law to the extent that it is not preempted under section 731(a)(1) with respect to matters governed by section 711, 712, or 713, or (2) any law of the State with which filing and approval of a policy type offered by the plan was initially obtained to the extent that such law prohibits an exclusion of a specific disease from such coverage.

"SEC. 806. MAINTENANCE OF RESERVES AND PROVISIONS FOR SOLVENCY FOR PLANS PROVIDING HEALTH BENEFITS IN ADDITION TO HEALTH INSURANCE COVERAGE.

"(a) In General.—The requirements of this section are met with respect to an association health plan if—

"(1) the benefits under the plan consist solely of health insurance coverage; or

"(2) if the plan provides any additional benefit options which do not consist of health insurance coverage, the plan—

"(A) establishes and maintains reserves with respect to such additional benefit options, in amounts recommended by the qualified actuary, consisting of—

"(i) a reserve sufficient for unearned contributions;

"(ii) a reserve sufficient for benefit liabilities which have been incurred, which have not been satisfied, and for which risk of loss has not yet been transferred, and for expected administrative costs with respect to such benefit liabilities;

"(iii) a reserve sufficient for any other obligations of the plan; and

"(iv) a reserve sufficient for a margin of error and other fluctuations, taking into account the specific circumstances of the plan; and

"(B) establishes and maintains aggregate and specific excess/stop loss insurance and solvency indemnification, with respect to such additional benefit options for which risk of loss has not yet been transferred, as follows:

"(i) The plan shall secure aggregate excess/stop loss insurance for the plan with an attachment point which is not greater than 125 percent of expected gross annual claims. The applicable authority may by regulation provide for upward adjustments in the amount of such percentage in specified circumstances in which the plan specifically provides for and maintains reserves in excess of the amounts required under subparagraph (A).

"(ii) The plan shall secure specific excess/stop loss insurance for the plan with an attachment point which is at least equal to an amount recommended by the plan's qualified actuary. The applicable authority may by regulation provide for adjustments in the amount of such insurance in specified circumstances in which the plan specifically provides for and maintains reserves in excess of the amounts required under subparagraph (A).

"(iii) The plan shall secure indemnification insurance for any claims which the plan is unable to satisfy by reason of a plan termination.

Any person issuing to a plan insurance described in clause (i), (ii), or (iii) of subparagraph (B) shall notify the Secretary of any failure of premium payment meriting cancellation of the policy prior to undertaking such a cancellation. Any regulations prescribed by the applicable authority pursuant to clause (i) or (ii) of subparagraph (B) may allow for such adjustments in the required levels of excess/stop loss insurance as the qualified actuary may recommend, taking into account the specific circumstances of the plan.

“(b) Minimum Surplus in Addition to Claims Reserves.—In the case of any association health plan described in subsection (a)(2), the requirements of this subsection are met if the plan establishes and maintains surplus in an amount at least equal to—

“(1) $500,000, or

“(2) such greater amount (but not greater than $2,000,000) as may be set forth in regulations prescribed by the applicable authority, considering the level of aggregate and specific excess/stop loss insurance provided with respect to such plan and other factors related to solvency risk, such as the plan's projected levels of participation or claims, the nature of the plan's liabilities, and the types of assets available to assure that such liabilities are met.

“(c) Additional Requirements.—In the case of any association health plan described in subsection (a)(2), the applicable authority may provide such additional requirements relating to reserves, excess/stop loss insurance, and indemnification insurance as the applicable authority considers appropriate. Such requirements may be provided by regulation with respect to any such plan or any class of such plans.

“(d) Adjustments for Excess/Stop Loss Insurance.—The applicable authority may provide for adjustments to the levels of reserves otherwise required under subsections (a) and (b) with respect to any plan or class of plans to take into account excess/stop loss insurance provided with respect to such plan or plans.

“(e) Alternative Means of Compliance.—The applicable authority may permit an association health plan described in subsection (a)(2) to substitute, for all or part of the requirements of this section (except subsection (a)(2)(B)(iii)), such security, guarantee, hold-harmless arrangement, or other financial arrangement as the applicable authority determines to be adequate to enable the plan to fully meet all its financial obligations on a timely basis and is otherwise no less protective of the interests of participants and beneficiaries than the requirements for which it is substituted. The applicable authority may take into account, for purposes of this subsection, evidence provided by the plan or sponsor which demonstrates an assumption of liability with respect to the plan. Such evidence may be in the form of a contract of indemnification, lien, bonding, insurance, letter of credit, recourse under applicable terms of the plan in the form of assessments of participating employers, security, or other financial arrangement.

“(f) Measures to Ensure Continued Payment of Benefits by Certain Plans in Distress.—

“(1) Payments by certain plans to association health plan fund.—

“(A) In general.—In the case of an association health plan described in subsection (a)(2), the requirements of this subsection are met if the plan makes payments into the Association Health Plan Fund under this subparagraph when they are due. Such payments shall consist of annual payments in the amount of $5,000, and, in addition to such annual payments, such supplemental payments as the Secretary may determine to be necessary under paragraph (2). Payments under this paragraph are payable to the Fund at the time determined by the Secretary. Initial payments are due in advance of certification under this part. Payments shall continue to accrue until a plan's assets are distributed pursuant to a termination procedure.

“(B) Penalties for failure to make payments.—If any payment is not made by a plan when it is due, a late payment charge of not more than 100 percent of the payment which was not timely paid shall be payable by the plan to the Fund.

“(C) Continued duty of the Secretary.—The Secretary shall not cease to carry out the provisions of paragraph (2) on account of the failure of a plan to pay any payment when due.

“(2) Payments by Secretary to continue excess/stop loss insurance coverage and indemnification insurance coverage for certain plans.—In any case in which the applicable authority determines that there is, or that there is reason to believe that there will be: (A) a failure to take necessary corrective actions under section 809(a) with respect to an association health plan described in subsection (a)(2); or (B) a termination of such a plan under section 809(b) or 810(b)(8) (and, if the applicable authority is not the Secretary, certifies such determination to the Secretary), the Secretary shall determine the amounts necessary to make payments to an insurer (designated by the Secretary) to maintain in force excess/stop loss insurance coverage or indemnification insurance coverage for such plan, if the Secretary determines that there is a reasonable expectation that, without such payments, claims would not be satisfied by reason of termination of such coverage. The Secretary shall, to the extent provided in advance in appropriation Acts, pay such amounts so determined to the insurer designated by the Secretary.

“(3) Association health plan fund.—

“(A) In general.—There is established on the books of the Treasury a fund to be known as the ‘Association Health Plan Fund’. The Fund shall be available for making payments pursuant to paragraph (2). The Fund shall be credited with payments received pursuant to paragraph (1)(A), penalties received pursuant to paragraph (1)(B); and earnings on investments of amounts of the Fund under subparagraph (B).

“(B) Investment.—Whenever the Secretary determines that the moneys of the fund are in excess of current needs, the Secretary may request the investment of such amounts as the Secretary determines advisable by the Secretary of the Treasury in obligations issued or guaranteed by the United States.

“(g) Excess/Stop Loss Insurance.—For purposes of this section—

“(1) Aggregate excess/stop loss insurance.—The term ‘aggregate excess/stop loss insurance’ means, in connection with an association health plan, a contract—

“(A) under which an insurer (meeting such minimum standards as the applicable authority may prescribe by regulation) provides for payment to the plan with respect to aggregate claims under the plan in excess of an amount or amounts specified in such contract;

“(B) which is guaranteed renewable; and

“(C) which allows for payment of premiums by any third party on behalf of the insured plan.

“(2) Specific excess/stop loss insurance.—The term ‘specific excess/stop loss insurance’ means, in connection with an association health plan, a contract—

“(A) under which an insurer (meeting such minimum standards as the applicable authority may prescribe by regulation) provides for payment to the plan with respect to claims under the plan in connection with a covered individual in excess of an amount or amounts specified in such contract in connection with such covered individual;

“(B) which is guaranteed renewable; and

“(C) which allows for payment of premiums by any third party on behalf of the insured plan.

“(h) Indemnification Insurance.—For purposes of this section, the term ‘indemnification insurance’ means, in connection with an association health plan, a contract—

“(1) under which an insurer (meeting such minimum standards as the applicable authority may prescribe by regulation) provides for payment to the plan with respect to claims under the plan which the plan is unable to satisfy by reason of a termination pursuant to section 809(b) (relating to mandatory termination);

“(2) which is guaranteed renewable and noncancellable for any reason (except as the applicable authority may prescribe by regulation); and

“(3) which allows for payment of premiums by any third party on behalf of the insured plan.

“(i) Reserves.—For purposes of this section, the term ‘reserves’ means, in connection with an association health plan, plan assets which meet the fiduciary standards under part 4 and such additional requirements regarding liquidity as the applicable authority may prescribe by regulation.

“(j) Solvency Standards Working Group.—

“(1) In general.—Within 90 days after the date of the enactment of the Small Business Health Improvement Act of 2007, the applicable authority shall establish a Solvency Standards Working Group. In prescribing the initial regulations under this section, the applicable authority shall take into account the recommendations of such Working Group.

“(2) Membership.—The Working Group shall consist of not more than 15 members appointed by the applicable authority. The applicable authority shall include among persons invited to membership on the Working Group at least one of each of the following:

“(A) a representative of the National Association of Insurance Commissioners;

“(B) a representative of the American Academy of Actuaries;

“(C) a representative of the State governments, or their interests;

“(D) a representative of existing self-insured arrangements, or their interests;

“(E) a representative of associations of the type referred to in section 801(b)(1), or their interests; and

“(F) a representative of multiemployer plans that are group health plans, or their interests.

“SEC. 807. REQUIREMENTS FOR APPLICATION AND RELATED REQUIREMENTS.

“(a) Filing Fee.—Under the procedure prescribed pursuant to section 802(a), an association health plan shall pay to the applicable authority at the time of filing an application for certification under this part a filing fee in the amount of $5,000, which shall be available in the case of the Secretary, to the extent provided in appropriation Acts, for the sole purpose of administering the certification procedures applicable with respect to association health plans.

“(b) Information to Be Included in Application for Certification.—An application for certification under this part meets the requirements of this section only if it includes, in a manner and form which shall be prescribed by the applicable authority by regulation, at least the following information:

"(1) IDENTIFYING INFORMATION.—The names and addresses of—

"(A) the sponsor; and

"(B) the members of the board of trustees of the plan.

"(2) STATES IN WHICH PLAN INTENDS TO DO BUSINESS.—The States in which participants and beneficiaries under the plan are to be located and the number of them expected to be located in each such State.

"(3) BONDING REQUIREMENTS.—Evidence provided by the board of trustees that the bonding requirements of section 412 will be met as of the date of the application or (if later) commencement of operations.

"(4) PLAN DOCUMENTS.—A copy of the documents governing the plan (including any bylaws and trust agreements), the summary plan description, and other material describing the benefits that will be provided to participants and beneficiaries under the plan.

"(5) AGREEMENTS WITH SERVICE PROVIDERS.—A copy of any agreements between the plan and contract administrators and other service providers.

"(6) FUNDING REPORT.—In the case of association health plans providing benefits options in addition to health insurance coverage, a report setting forth information with respect to such additional benefit options determined as of a date within the 120-day period ending with the date of the application, including the following:

"(A) RESERVES.—A statement, certified by the board of trustees of the plan, and a statement of actuarial opinion, signed by a qualified actuary, that all applicable requirements of section 806 are or will be met in accordance with regulations which the applicable authority shall prescribe.

"(B) ADEQUACY OF CONTRIBUTION RATES.—A statement of actuarial opinion, signed by a qualified actuary, which sets forth a description of the extent to which contribution rates are adequate to provide for the payment of all obligations and the maintenance of required reserves under the plan for the 12-month period beginning with such date within such 120-day period, taking into account the expected coverage and experience of the plan. If the contribution rates are not fully adequate, the statement of actuarial opinion shall indicate the extent to which the rates are inadequate and the changes needed to ensure adequacy.

"(C) CURRENT AND PROJECTED VALUE OF ASSETS AND LIABILITIES.—A statement of actuarial opinion signed by a qualified actuary, which sets forth the current value of the assets and liabilities accumulated under the plan and a projection of the assets, liabilities, income, and expenses of the plan for the 12-month period referred to in subparagraph (B). The income statement shall identify separately the plan's administrative expenses and claims.

"(D) COSTS OF COVERAGE TO BE CHARGED AND OTHER EXPENSES.—A statement of the costs of coverage to be charged, including an itemization of amounts for administration, reserves, and other expenses associated with the operation of the plan.

"(E) OTHER INFORMATION.—Any other information as may be determined by the applicable authority, by regulation, as necessary to carry out the purposes of this part.

"(c) FILING NOTICE OF CERTIFICATION WITH STATES.—A certification granted under this part to an association health plan shall not be effective unless written notice of such certification is filed with the applicable State authority of each State in which at least 25 percent of the participants and beneficiaries under the plan are located. For purposes of this subsection, an individual shall be considered to be located in the State in which a known address of such individual is located or in which such individual is employed.

"(d) NOTICE OF MATERIAL CHANGES.—In the case of any association health plan certified under this part, descriptions of material changes in any information which was required to be submitted with the application for the certification under this part shall be filed in such form and manner as shall be prescribed by the applicable authority by regulation. The applicable authority may require by regulation prior notice of material changes with respect to specified matters which might serve as the basis for suspension or revocation of the certification.

"(e) REPORTING REQUIREMENTS FOR CERTAIN ASSOCIATION HEALTH PLANS.—An association health plan certified under this part which provides benefit options in addition to health insurance coverage for such plan year shall meet the requirements of section 103 by filing an annual report under such section which shall include information described in subsection (b)(6) with respect to the plan year and, notwithstanding section 104(a)(1)(A), shall be filed with the applicable authority not later than 90 days after the close of the plan year (or on such later date as may be prescribed by the applicable authority). The applicable authority may require by regulation such interim reports as it considers appropriate.

"(f) ENGAGEMENT OF QUALIFIED ACTUARY.—The board of trustees of each association health plan which provides benefits options in addition to health insurance coverage and which is applying for certification under this part or is certified under this part shall engage, on behalf of all participants and beneficiaries, a qualified actuary who shall be responsible for the preparation of the materials comprising information necessary to be submitted by a qualified actuary under this part. The qualified actuary shall utilize such assumptions and techniques as are necessary to enable such actuary to form an opinion as to whether the contents of the matters reported under this part—

"(1) are in the aggregate reasonably related to the experience of the plan and to reasonable expectations; and

"(2) represent such actuary's best estimate of anticipated experience under the plan.

The opinion by the qualified actuary shall be made with respect to, and shall be made a part of, the annual report.

"SEC. 808. NOTICE REQUIREMENTS FOR VOLUNTARY TERMINATION.

"Except as provided in section 809(b), an association health plan which is or has been certified under this part may terminate (upon or at any time after cessation of accruals in benefit liabilities) only if the board of trustees, not less than 60 days before the proposed termination date—

"(1) provides to the participants and beneficiaries a written notice of intent to terminate stating that such termination is intended and the proposed termination date;

"(2) develops a plan for winding up the affairs of the plan in connection with such termination in a manner which will result in timely payment of all benefits for which the plan is obligated; and

"(3) submits such plan in writing to the applicable authority.

Actions required under this section shall be taken in such form and manner as may be prescribed by the applicable authority by regulation.

"SEC. 809. CORRECTIVE ACTIONS AND MANDATORY TERMINATION.

"(a) ACTIONS TO AVOID DEPLETION OF RESERVES.—An association health plan which is certified under this part and which provides benefits other than health insurance coverage shall continue to meet the requirements of section 806, irrespective of whether such certification continues in effect. The board of trustees of such plan shall determine quarterly whether the requirements of section 806 are met. In any case in which the board determines that there is reason to believe that there is or will be a failure to meet such requirements, or the applicable authority makes such a determination and so notifies the board, the board shall immediately notify the qualified actuary engaged by the plan, and such actuary shall, not later than the end of the next following month, make such recommendations to the board for corrective action as the actuary determines necessary to ensure compliance with section 806. Not later than 30 days after receiving from the actuary recommendations for corrective actions, the board shall notify the applicable authority (in such form and manner as the applicable authority may prescribe by regulation) of such recommendations of the actuary for corrective action, together with a description of the actions (if any) that the board has taken or plans to take in response to such recommendations. The board shall thereafter report to the applicable authority, in such form and frequency as the applicable authority may specify to the board, regarding corrective action taken by the board until the requirements of section 806 are met.

"(b) MANDATORY TERMINATION.—In any case in which—

"(1) the applicable authority has been notified under subsection (a) (or by an issuer of excess/stop loss insurance or indemnity insurance pursuant to section 806(a)) of a failure of an association health plan which is or has been certified under this part and is described in section 806(a)(2) to meet the requirements of section 806 and has not been notified by the board of trustees of the plan that corrective action has restored compliance with such requirements; and

"(2) the applicable authority determines that there is a reasonable expectation that the plan will continue to fail to meet the requirements of section 806,

the board of trustees of the plan shall, at the direction of the applicable authority, terminate the plan and, in the course of the termination, take such actions as the applicable authority may require, including satisfying any claims referred to in section 806(a)(2)(B)(iii) and recovering for the plan any liability under subsection (a)(2)(B)(iii) or (e) of section 806, as necessary to ensure that the affairs of the plan will be, to the maximum extent possible, wound up in a manner which will result in timely provision of all benefits for which the plan is obligated.

"SEC. 810. TRUSTEESHIP BY THE SECRETARY OF INSOLVENT ASSOCIATION HEALTH PLANS PROVIDING HEALTH BENEFITS IN ADDITION TO HEALTH INSURANCE COVERAGE.

"(a) APPOINTMENT OF SECRETARY AS TRUSTEE FOR INSOLVENT PLANS.—Whenever the Secretary determines that an association health plan which is or has been certified under this part and which is described in section 806(a)(2) will be unable to provide benefits when due or is otherwise in a financially hazardous condition, as shall be defined by the Secretary by regulation, the Secretary shall, upon notice to the plan, apply to the appropriate United States district court for appointment of the Secretary as trustee to administer the plan for the duration of the insolvency. The plan may appear as a party and other interested persons may intervene in the proceedings at the discretion of the court. The court shall appoint such Secretary trustee if the court determines that the trusteeship is necessary to protect the interests of the participants and beneficiaries or providers of medical care or to avoid any unreasonable deterioration of the financial condition of the plan. The trusteeship of such Secretary shall continue until the conditions described in the first sentence of this subsection are remedied or the plan is terminated.

"(b) POWERS AS TRUSTEE.—The Secretary, upon appointment as trustee under subsection (a), shall have the power—

"(1) to do any act authorized by the plan, this title, or other applicable provisions of law to be done by the plan administrator or any trustee of the plan;

"(2) to require the transfer of all (or any part) of the assets and records of the plan to the Secretary as trustee;

"(3) to invest any assets of the plan which the Secretary holds in accordance with the provisions of the plan, regulations prescribed by the Secretary, and applicable provisions of law;

"(4) to require the sponsor, the plan administrator, any participating employer, and any employee organization representing plan participants to furnish any information with respect to the plan which the Secretary as trustee may reasonably need in order to administer the plan;

"(5) to collect for the plan any amounts due the plan and to recover reasonable expenses of the trusteeship;

"(6) to commence, prosecute, or defend on behalf of the plan any suit or proceeding involving the plan;

"(7) to issue, publish, or file such notices, statements, and reports as may be required by the Secretary by regulation or required by any order of the court;

"(8) to terminate the plan (or provide for its termination in accordance with section 809(b)) and liquidate the plan assets, to restore the plan to the responsibility of the sponsor, or to continue the trusteeship;

"(9) to provide for the enrollment of plan participants and beneficiaries under appropriate coverage options; and

"(10) to do such other acts as may be necessary to comply with this title or any order of the court and to protect the interests of plan participants and beneficiaries and providers of medical care.

"(c) NOTICE OF APPOINTMENT.—As soon as practicable after the Secretary's appointment as trustee, the Secretary shall give notice of such appointment to—

"(1) the sponsor and plan administrator;

"(2) each participant;

"(3) each participating employer; and

"(4) if applicable, each employee organization which, for purposes of collective bargaining, represents plan participants.

"(d) ADDITIONAL DUTIES.—Except to the extent inconsistent with the provisions of this title, or as may be otherwise ordered by the court, the Secretary, upon appointment as trustee under this section, shall be subject to the same duties as those of a trustee under section 704 of title 11, United States Code, and shall have the duties of a fiduciary for purposes of this title.

"(e) OTHER PROCEEDINGS.—An application by the Secretary under this subsection may be filed notwithstanding the pendency in the same or any other court of any bankruptcy, mortgage foreclosure, or equity receivership proceeding, or any proceeding to reorganize, conserve, or liquidate such plan or its property, or any proceeding to enforce a lien against property of the plan.

"(f) JURISDICTION OF COURT.—

"(1) IN GENERAL.—Upon the filing of an application for the appointment as trustee or the issuance of a decree under this section, the court to which the application is made shall have exclusive jurisdiction of the plan involved and its property wherever located with the powers, to the extent consistent with the purposes of this section, of a court of the United States having jurisdiction over cases under chapter 11 of title 11, United States Code. Pending an adjudication under this section such court shall stay, and upon appointment by it of the Secretary as trustee, such court shall continue the stay of, any pending mortgage foreclosure, equity receivership, or other proceeding to reorganize, conserve, or liquidate the plan, the sponsor, or property of such plan or sponsor, and any other suit against any receiver, conservator, or trustee of the plan, the sponsor, or property of the plan or sponsor. Pending such adjudication and upon the appointment by it of the Secretary as trustee, the court may stay any proceeding to enforce a lien against property of the plan or the sponsor or any other suit against the plan or the sponsor.

"(2) VENUE.—An action under this section may be brought in the judicial district where the sponsor or the plan administrator resides or does business or where any asset of the plan is situated. A district court in which such action is brought may issue process with respect to such action in any other judicial district.

"(g) PERSONNEL.—In accordance with regulations which shall be prescribed by the Secretary, the Secretary shall appoint, retain, and compensate accountants, actuaries, and other professional service personnel as may be necessary in connection with the Secretary's service as trustee under this section.

"SEC. 811. STATE ASSESSMENT AUTHORITY.

"(a) IN GENERAL.—Notwithstanding section 514, a State may impose by law a contribution tax on an association health plan described in section 806(a)(2), if the plan commenced operations in such State after the date of the enactment of the Small Business Health Improvement Act of 2007.

"(b) CONTRIBUTION TAX.—For purposes of this section, the term 'contribution tax' imposed by a State on an association health plan means any tax imposed by such State if—

"(1) such tax is computed by applying a rate to the amount of premiums or contributions, with respect to individuals covered under the plan who are residents of such State, which are received by the plan from participating employers located in such State or from such individuals;

"(2) the rate of such tax does not exceed the rate of any tax imposed by such State on premiums or contributions received by insurers or health maintenance organizations for health insurance coverage offered in such State in connection with a group health plan;

"(3) such tax is otherwise nondiscriminatory; and

"(4) the amount of any such tax assessed on the plan is reduced by the amount of any tax or assessment otherwise imposed by the State on premiums, contributions, or both received by insurers or health maintenance organizations for health insurance coverage, aggregate excess/stop loss insurance (as defined in section 806(g)(1)), specific excess/stop loss insurance (as defined in section 806(g)(2)), other insurance related to the provision of medical care under the plan, or any combination thereof provided by such insurers or health maintenance organizations in such State in connection with such plan.

"SEC. 812. DEFINITIONS AND RULES OF CONSTRUCTION.

"(a) DEFINITIONS.—For purposes of this part—

"(1) GROUP HEALTH PLAN.—The term 'group health plan' has the meaning provided in section 733(a)(1) (after applying subsection (b) of this section).

"(2) MEDICAL CARE.—The term 'medical care' has the meaning provided in section 733(a)(2).

"(3) HEALTH INSURANCE COVERAGE.—The term 'health insurance coverage' has the meaning provided in section 733(b)(1).

"(4) HEALTH INSURANCE ISSUER.—The term 'health insurance issuer' has the meaning provided in section 733(b)(2).

"(5) APPLICABLE AUTHORITY.—The term 'applicable authority' means the Secretary, except that, in connection with any exercise of the Secretary's authority regarding which the Secretary is required under section 506(d) to consult with a State, such term means the Secretary, in consultation with such State.

"(6) HEALTH STATUS-RELATED FACTOR.—The term 'health status-related factor' has the meaning provided in section 733(d)(2).

"(7) INDIVIDUAL MARKET.—

"(A) IN GENERAL.—The term 'individual market' means the market for health insurance coverage offered to individuals other than in connection with a group health plan.

"(B) TREATMENT OF VERY SMALL GROUPS.—

"(i) IN GENERAL.—Subject to clause (ii), such term includes coverage offered in connection with a group health plan that has fewer than 2 participants as current employees or participants described in section 732(d)(3) on the first day of the plan year.

"(ii) STATE EXCEPTION.—Clause (i) shall not apply in the case of health insurance coverage offered in a State if such State regulates the coverage described in such clause in the same manner and to the same extent as coverage in the small group market (as defined in section 2791(e)(5) of the Public Health Service Act) is regulated by such State.

"(8) PARTICIPATING EMPLOYER.—The term 'participating employer' means, in connection with an association health plan, any employer, if any individual who is an employee of such employer, a partner in such employer, or a self-employed individual who is such employer (or any dependent, as defined under the terms of the plan, of such individual) is or was covered under such plan in connection with the status of such individual as such an employee, partner, or self-employed individual in relation to the plan.

"(9) APPLICABLE STATE AUTHORITY.—The term 'applicable State authority' means, with respect to a health insurance issuer in a State, the State insurance commissioner or official or officials designated by the State to enforce the requirements of title XXVII of the Public Health Service Act for the State involved with respect to such issuer.

"(10) QUALIFIED ACTUARY.—The term 'qualified actuary' means an individual who is a member of the American Academy of Actuaries.

"(11) AFFILIATED MEMBER.—The term 'affiliated member' means, in connection with a sponsor—

"(A) a person who is otherwise eligible to be a member of the sponsor but who elects an affiliated status with the sponsor,

"(B) in the case of a sponsor with members which consist of associations, a person who is a member of any such association and elects an affiliated status with the sponsor, or

"(C) in the case of an association health plan in existence on the date of the enactment of the Small Business Health Improvement Act of 2007, a person eligible to be a member of the sponsor or one of its member associations.

"(12) LARGE EMPLOYER.—The term 'large employer' means, in connection with a group health plan with respect to a plan year, an employer who employed an average of at least 51 employees on business days during the preceding calendar year and who employs at least 2 employees on the first day of the plan year.

"(13) SMALL EMPLOYER.—The term 'small employer' means, in connection with a group health plan with respect to a plan year, an employer who is not a large employer.

"(b) RULES OF CONSTRUCTION.—

"(1) EMPLOYERS AND EMPLOYEES.—For purposes of determining whether a plan, fund, or program is an employee welfare benefit plan which is an association health plan, and for purposes of applying this title in connection with such plan, fund, or program so determined to be such an employee welfare benefit plan—

"(A) in the case of a partnership, the term 'employer' (as defined in section 3(5)) includes the partnership in relation to the partners, and the term 'employee' (as defined in section 3(6)) includes any partner in relation to the partnership; and

"(B) in the case of a self-employed individual, the term 'employer' (as defined in section 3(5)) and the term 'employee' (as defined in section 3(6)) shall include such individual.

"(2) PLANS, FUNDS, AND PROGRAMS TREATED AS EMPLOYEE WELFARE BENEFIT PLANS.—In the case of any plan, fund, or program which was established or is maintained for the purpose of providing medical care (through the purchase of insurance or otherwise) for employees (or their dependents) covered thereunder and which demonstrates to the Secretary that all requirements for certification under this part would be met with respect to such plan, fund, or program if such plan, fund, or program were a group health plan, such plan, fund, or program shall be treated for purposes of this title as an employee welfare benefit plan on and after the date of such demonstration.".

(b) CONFORMING AMENDMENTS TO PREEMPTION RULES.—

(1) Section 514(b)(6) of such Act (29 U.S.C. 1144(b)(6)) is amended by adding at the end the following new subparagraph:

"(E) The preceding subparagraphs of this paragraph do not apply with respect to any State law in the case of an association health plan which is certified under part 8.".

(2) Section 514 of such Act (29 U.S.C. 1144) is amended—

(A) in subsection (b)(4), by striking "Subsection (a)" and inserting "Subsections (a) and (d)";

(B) in subsection (b)(5), by striking "subsection (a)" in subparagraph (A) and inserting "subsection (a) of this section and subsections (a)(2)(B) and (b) of section 805", and by striking "subsection (a)" in subparagraph (B) and inserting "subsection (a) of this section or subsection (a)(2)(B) or (b) of section 805";

(C) by redesignating subsection (d) as subsection (e); and

(D) by inserting after subsection (c) the following new subsection:

"(d)(1) Except as provided in subsection (b)(4), the provisions of this title shall supersede any and all State laws insofar as they may now or hereafter preclude, or have the effect of precluding, a health insurance issuer from offering health insurance coverage in connection with an association health plan which is certified under part 8.

"(2) Except as provided in paragraphs (4) and (5) of subsection (b) of this section—

"(A) In any case in which health insurance coverage of any policy type is offered under an association health plan certified under part 8 to a participating employer operating in such State, the provisions of this title shall supersede any and all laws of such State insofar as they may preclude a health insurance issuer from offering health insurance coverage of the same policy type to other employers operating in the State which are eligible for coverage under such association health plan, whether or not such other employers are participating employers in such plan.

"(B) In any case in which health insurance coverage of any policy type is offered in a State under an association health plan certified under part 8 and the filing, with the applicable State authority (as defined in section 812(a)(9)), of the policy form in connection with such policy type is approved by such State authority, the provisions of this title shall supersede any and all laws of any other State in which health insurance coverage of such type is offered, insofar as they may preclude, upon the filing in the same form and manner of such policy form with the applicable State authority in such other State, the approval of the filing in such other State.

"(3) Nothing in subsection (b)(6)(E) or the preceding provisions of this subsection shall be construed, with respect to health insurance issuers or health insurance coverage, to supersede or impair the law of any State—

"(A) providing solvency standards or similar standards regarding the adequacy of insurer capital, surplus, reserves, or contributions, or

"(B) relating to prompt payment of claims.

"(4) For additional provisions relating to association health plans, see subsections (a)(2)(B) and (b) of section 805.

"(5) For purposes of this subsection, the term 'association health plan' has the meaning provided in section 801(a), and the terms 'health insurance coverage', 'participating employer', and 'health insurance issuer' have the meanings provided such terms in section 812, respectively.".

(3) Section 514(b)(6)(A) of such Act (29 U.S.C. 1144(b)(6)(A)) is amended—

(A) in clause (i)(II), by striking "and" at the end;

(B) in clause (ii), by inserting "and which does not provide medical care (within the meaning of section 733(a)(2)),'' after "arrangement,", and by striking "title." and inserting "title, and"; and

(C) by adding at the end the following new clause:

"(iii) subject to subparagraph (E), in the case of any other employee welfare benefit plan which is a multiple employer welfare arrangement and which provides medical care (within the meaning of section 733(a)(2)), any law of any State which regulates insurance may apply.".

(4) Section 514(e) of such Act (as redesignated by paragraph (2)(C)) is amended—

(A) by striking "Nothing" and inserting "(1) Except as provided in paragraph (2), nothing"; and

(B) by adding at the end the following new paragraph:

"(2) Nothing in any other provision of law enacted on or after the date of the enactment of the Small Business Health Improvement Act of 2007 shall be construed to alter, amend, modify, invalidate, impair, or supersede any provision of this title, except by specific cross-reference to the affected section.".

(c) PLAN SPONSOR.—Section 3(16)(B) of such Act (29 U.S.C. 102(16)(B)) is amended by adding at the end the following new sentence: "Such term also includes a person serving as the sponsor of an association health plan under part 8.".

(d) DISCLOSURE OF SOLVENCY PROTECTIONS RELATED TO SELF-INSURED AND FULLY INSURED OPTIONS UNDER ASSOCIATION HEALTH PLANS.—Section 102(b) of such Act (29 U.S.C. 102(b)) is amended by adding at the end the following: "An association health plan shall include in its summary plan description, in connection with each benefit option, a description of the form of solvency or guarantee fund protection secured pursuant to this Act or applicable State law, if any.".

(e) SAVINGS CLAUSE.—Section 731(c) of such Act is amended by inserting "or part 8" after "this part".

(f) REPORT TO THE CONGRESS REGARDING CERTIFICATION OF SELF-INSURED ASSOCIATION HEALTH PLANS.—Not later than January 1, 2010, the Secretary of Labor shall report to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate the effect association health plans have had, if any, on reducing the number of uninsured individuals.

(g) CLERICAL AMENDMENT.—The table of contents in section 1 of the Employee Retirement Income Security Act of 1974 is amended by inserting after the item relating to section 734 the following new items:

"PART 8—RULES GOVERNING ASSOCIATION HEALTH PLANS

"Sec. 801. Association health plans
"Sec. 802. Certification of association health plans
"Sec. 803. Requirements relating to sponsors and boards of trustees
"Sec. 804. Participation and coverage requirements
"Sec. 805. Other requirements relating to plan documents, contribution rates, and benefit options
"Sec. 806. Maintenance of reserves and provisions for solvency for plans providing health benefits in addition to health insurance coverage
"Sec. 807. Requirements for application and related requirements
"Sec. 808. Notice requirements for voluntary termination
"Sec. 809. Corrective actions and mandatory termination
"Sec. 810. Trusteeship by the Secretary of insolvent association health plans providing health benefits in addition to health insurance coverage
"Sec. 811. State assessment authority
"Sec. 812. Definitions and rules of construction".

SEC. _03. CLARIFICATION OF TREATMENT OF SINGLE EMPLOYER ARRANGEMENTS.

Section 3(40)(B) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(40)(B)) is amended—

(1) in clause (i), by inserting after "control group," the following: "except that, in any case in which the benefit referred to in subparagraph (A) consists of medical care (as defined in section 812(a)(2)), two or more trades or businesses, whether or not incorporated, shall be deemed a single employer for any plan year of such plan, or any fiscal year of such other arrangement, if such trades or businesses are within the same control group during such year or at any time during the preceding 1-year period,";

(2) in clause (iii), by striking "(iii) the determination" and inserting the following:

"(iii)(I) in any case in which the benefit referred to in subparagraph (A) consists of medical care (as defined in section 812(a)(2)), the determination of whether a trade or business is under 'common control' with another trade or business shall be determined under regulations of the Secretary applying principles consistent and coextensive with the principles applied in determining whether employees of two or more trades or businesses are treated as employed by a single employer under section 4001(b), except that, for purposes of this paragraph, an interest of greater than 25 percent may not be required as the minimum interest necessary for common control, or

"(II) in any other case, the determination";

(3) by redesignating clauses (iv) and (v) as clauses (v) and (vi), respectively; and

(4) by inserting after clause (iii) the following new clause:

"(iv) in any case in which the benefit referred to in subparagraph (A) consists of medical care (as defined in section 812(a)(2)), in determining, after the application of clause (i), whether benefits are provided to employees of two or more employers, the arrangement shall be treated as having only one participating employer if, after the application of clause (i), the number of individuals who are employees and former employees of any one participating employer and who are covered under the arrangement is greater than 75 percent of the aggregate number of all individuals who are employees or former employees of participating employers and who are covered under the arrangement,".

SEC. _04. ENFORCEMENT PROVISIONS RELATING TO ASSOCIATION HEALTH PLANS.

(a) CRIMINAL PENALTIES FOR CERTAIN WILLFUL MISREPRESENTATIONS.—Section 501 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1131) is amended—

(1) by inserting "(a)" after "Sec. 501."; and

(2) by adding at the end the following new subsection:

"(b) Any person who willfully falsely represents, to any employee, any employee's beneficiary, any employer, the Secretary, or any State, a plan or other arrangement established or maintained for the purpose of offering or providing any benefit described in section 3(1) to employees or their beneficiaries as—

"(1) being an association health plan which has been certified under part 8;

"(2) having been established or maintained under or pursuant to one or more collective bargaining agreements which are reached pursuant to collective bargaining described in section 8(d) of the National Labor Relations Act (29 U.S.C. 158(d)) or paragraph Fourth of section 2 of the Railway Labor Act (45 U.S.C. 152, paragraph Fourth) or which are reached pursuant to labor-management negotiations under similar provisions of State public employee relations laws; or

"(3) being a plan or arrangement described in section 3(40)(A)(i),

shall, upon conviction, be imprisoned not more than 5 years, be fined under title 18, United States Code, or both.".

(b) CEASE ACTIVITIES ORDERS.—Section 502 of such Act (29 U.S.C. 1132) is amended by adding at the end the following new subsection:

"(n) ASSOCIATION HEALTH PLAN CEASE AND DESIST ORDERS.—

"(1) IN GENERAL.—Subject to paragraph (2), upon application by the Secretary showing the operation, promotion, or marketing of an association health plan (or similar arrangement providing benefits consisting of medical care (as defined in section 733(a)(2))) that—

"(A) is not certified under part 8, is subject under section 514(b)(6) to the insurance laws of any State in which the plan or arrangement offers or provides benefits, and is not licensed, registered, or otherwise approved under the insurance laws of such State; or

"(B) is an association health plan certified under part 8 and is not operating in accordance with the requirements under part 8 for such certification,

a district court of the United States shall enter an order requiring that the plan or arrangement cease activities.

"(2) EXCEPTION.—Paragraph (1) shall not apply in the case of an association health plan or other arrangement if the plan or arrangement shows that—

"(A) all benefits under it referred to in paragraph (1) consist of health insurance coverage; and

"(B) with respect to each State in which the plan or arrangement offers or provides benefits, the plan or arrangement is operating in accordance with applicable State laws that are not superseded under section 514.

"(3) ADDITIONAL EQUITABLE RELIEF.—The court may grant such additional equitable relief, including any relief available under this title, as it deems necessary to protect the interests of the public and of persons having claims for benefits against the plan.".

(c) RESPONSIBILITY FOR CLAIMS PROCEDURE.—Section 503 of such Act (29 U.S.C. 1133) is amended by inserting "(a) IN GENERAL.—" before "In accordance", and by adding at the end the following new subsection:

"(b) ASSOCIATION HEALTH PLANS.—The terms of each association health plan which is or has been certified under part 8 shall require the board of trustees or the named fiduciary (as applicable) to ensure that the requirements of this section are met in connection with claims filed under the plan.".

SEC. ___05. COOPERATION BETWEEN FEDERAL AND STATE AUTHORITIES.

Section 506 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1136) is amended by adding at the end the following new subsection:

"(d) CONSULTATION WITH STATES WITH RESPECT TO ASSOCIATION HEALTH PLANS.—

"(1) AGREEMENTS WITH STATES.—The Secretary shall consult with the State recognized under paragraph (2) with respect to an association health plan regarding the exercise of—

"(A) the Secretary's authority under sections 502 and 504 to enforce the requirements for certification under part 8; and

"(B) the Secretary's authority to certify association health plans under part 8 in accordance with regulations of the Secretary applicable to certification under part 8.

"(2) RECOGNITION OF PRIMARY DOMICILE STATE.—In carrying out paragraph (1), the Secretary shall ensure that only one State will be recognized, with respect to any particular association health plan, as the State with which consultation is required. In carrying out this paragraph—

"(A) in the case of a plan which provides health insurance coverage (as defined in section 812(a)(3)), such State shall be the State with which filing and approval of a policy type offered by the plan was initially obtained, and

"(B) in any other case, the Secretary shall take into account the places of residence of the participants and beneficiaries under the plan and the State in which the trust is maintained.".

SEC. ___06. EFFECTIVE DATE AND TRANSITIONAL AND OTHER RULES.

(a) EFFECTIVE DATE.—The amendments made by this title shall take effect one year after the date of the enactment of this Act. The Secretary of Labor shall first issue all regulations necessary to carry out the amendments made by this title within one year after the date of the enactment of this Act.

(b) TREATMENT OF CERTAIN EXISTING HEALTH BENEFITS PROGRAMS.—

(1) IN GENERAL.—In any case in which, as of the date of the enactment of this Act, an arrangement is maintained in a State for the purpose of providing benefits consisting of medical care for the employees and beneficiaries of its participating employers, at least 200 participating employers make contributions to such arrangement, such arrangement has been in existence for at least 10 years, and such arrangement is licensed under the laws of one or more States to provide such benefits to its participating employers, upon the filing with the applicable authority (as defined in section 812(a)(5) of the Employee Retirement Income Security Act of 1974 (as amended by this subtitle)) by the arrangement of an application for certification of the arrangement under part 8 of subtitle B of title I of such Act—

(A) such arrangement shall be deemed to be a group health plan for purposes of title I of such Act;

(B) the requirements of sections 801(a) and 803(a) of the Employee Retirement Income Security Act of 1974 shall be deemed met with respect to such arrangement;

(C) the requirements of section 803(b) of such Act shall be deemed met, if the arrangement is operated by a board of directors which—

(i) is elected by the participating employers, with each employer having one vote; and

(ii) has complete fiscal control over the arrangement and which is responsible for all operations of the arrangement;

(D) the requirements of section 804(a) of such Act shall be deemed met with respect to such arrangement; and

(E) the arrangement may be certified by any applicable authority with respect to its operations in any State only if it operates in such State on the date of certification.

The provisions of this subsection shall cease to apply with respect to any such arrangement at such time after the date of the enactment of this Act as the applicable requirements of this subsection are not met with respect to such arrangement.

(2) DEFINITIONS.—For purposes of this subsection, the terms "group health plan", "medical care", and "participating employer" shall have the meanings provided in section 812 of the Employee Retirement Income Security Act of 1974, except that the reference in paragraph (7) of such section to an "association health plan" shall be deemed a reference to an arrangement referred to in this subsection.

SA 115. Mr. KYL proposed an amendment to amendment SA 100 proposed by Mr. REID (for Mr. BAUCUS) to the bill H.R. 2, to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage; as follows:

On page 4, line 21, strike "April 1, 2008" and insert "January 1, 2009".

On page 6, lines 5 and 6, strike "April 1, 2008" and insert "January 1, 2009".

SA 116. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill H.R. 2, to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage; which was ordered to lie on the table; as follows:

At the end of section 2, add the following:

(c) STATE FLEXIBILITY.—Section 6 of the Fair Labor Standards Act of 1938 (29 U.S.C. 206) is amended by adding at the end the following:

"(h) STATE FLEXIBILITY.—Notwithstanding any other provision of this section, an employer shall not be required to pay an employee a wage that is greater than the minimum wage provided for by the law of the State in which the employee is employed and not less than the minimum wage in effect in that State on January 1, 2007.".

SA 117. Mr. CHAMBLISS (for himself, Mr. BURR, and Mr. ISAKSON) submitted an amendment intended to be proposed by him to the bill H.R. 2, to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage; as follows:

At the appropriate place, add the following new section:

SEC. ___. WAGES FOR AGRICULTURAL WORKERS.

Section (6)(a)(5) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(5)) is amended to read as follows:

"(5) if such employee is employed to provide agriculture labor or services—

"(A) not less than the minimum wage rate in effect under paragraph (1) after December 31, 1977; or

"(B) pursuant to the provisions of section 218 of the Immigration and Nationality Act (8 U.S.C. 1188), not less than the greater of—

"(i) the minimum wage rate in effect under paragraph (1) after December 31, 1977; or

"(ii) the prevailing wage established by the Occupational Employment Statistics program, or other wage survey, conducted by the Bureau of Labor Statistics in the county of intended employment, for entry level workers who are employed in agriculture in the area of the work to be performed.".

SA 118. Mr. CHAMBLISS (for himself, Mr. ISAKSON, and Mr. BURR) submitted an amendment intended to be proposed by him to the bill H.R. 2, to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following new section:

SEC. . WAGES FOR AGRICULTURAL WORKERS.

Section (6)(a)(5) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(5)) is amended to read as follows:

"(5) if such employee is employed in agriculture, or is employed to provide agriculture labor or services pursuant to section 218 of the Immigration and Nationality Act (8 U.S.C. 1188), not less than the greater of—

"(A) the minimum wage rate in effect under paragraph (1) after December 31, 1977; or

"(B) the prevailing wage established by the Occupational Employment Statistics program, or other wage survey, conducted by the Bureau of Labor Statistics in the county of intended employment, for entry level workers who are employed in agriculture in the area of work to be performed.".

SA 119. Mr. BUNNING submitted an amendment intended to be proposed by him to amendment SA 100 proposed by Mr. REID (for Mr. BAUCUS) to the bill H.R. 2, to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage; as follows:

At the appropriate place insert the following:

SEC. . REPEAL OF 1993 INCOME TAX INCREASE ON SOCIAL SECURITY BENEFITS.

(a) RESTORATION OF PRIOR LAW FORMULA.—Subsection (a) of section 86 (relating to social security and tier 1 railroad retirement benefits) is amended to read as follows:

"(a) IN GENERAL.—Gross income for the taxable year of any taxpayer described in subsection (b) (notwithstanding section 207 of the Social Security Act) includes social security benefits in an amount equal to the lesser of—

"(1) one-half of the social security benefits received during the taxable year, or

"(2) one-half of the excess described in subsection (b)(1).".

(b) REPEAL OF ADJUSTED BASE AMOUNT.—Subsection (c) of section 86 is amended to read as follows:

"(c) BASE AMOUNT.—For purposes of this section, the term 'base amount' means—

"(1) except as otherwise provided in this subsection, $25,000,

"(2) $32,000 in the case of a joint return, and

"(3) zero in the case of a taxpayer who—

"(A) is married as of the close of the taxable year (within the meaning of section 7703) but does not file a joint return for such year, and

"(B) does not live apart from his spouse at all times during the taxable year.".

(c) CONFORMING AMENDMENTS.—

(1) Subparagraph (A) of section 871(a)(3) is amended by striking "85 percent" and inserting "50 percent".

(2)(A) Subparagraph (A) of section 121(e)(1) of the Social Security Amendments of 1983 (Public Law 98–21) is amended—

(i) by striking "(A) There" and inserting "There";

(ii) by striking "(i)" immediately following "amounts equivalent to"; and

(iii) by striking ", less (ii)" and all that follows and inserting a period.

(B) Paragraph (1) of section 121(e) of such Act is amended by striking subparagraph (B).

(C) Paragraph (3) of section 121(e) of such Act is amended by striking subparagraph (B) and by redesignating subparagraph (C) as subparagraph (B).

(D) Paragraph (2) of section 121(e) of such Act is amended in the first sentence by striking "paragraph (1)(A)" and inserting "paragraph (1)".

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to taxable years beginning after December 31, 2007.

(2) SUBSECTION (c)(1).—The amendment made by subsection (c)(1) shall apply to benefits paid after December 31, 2007.

(3) SUBSECTION (c)(2).—The amendments made by subsection (c)(2) shall apply to tax liabilities for taxable years beginning after December 31, 2007.

SEC. ___. MAINTENANCE OF TRANSFERS TO HOSPITAL INSURANCE TRUST FUND.

There are hereby appropriated to the Federal Hospital Insurance Trust Fund established under section 1817 of the Social Security Act (42 U.S.C. 1395i) amounts equal to the reduction in revenues to the Treasury by reason of the enactment of this Act. Amounts appropriated by the preceding sentence shall be transferred from the general fund at such times and in such manner as to replicate to the extent possible the transfers which would have occurred to such Trust Fund had this Act not been enacted.

SA 120. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill H.R. 2, to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 201. EXTENSION AND MODIFICATIONS OF INCREASED EXPENSING FOR SMALL BUSINESSES.

(a) EXTENSION.—Section 179 (relating to election to expense certain depreciable business assets) is amended by striking "2010" each place it appears and inserting "2011".

(b) INCREASE IN LIMIT AND PHASEOUT THRESHOLD FOR EXPENSING FOR SMALL BUSINESS.—

(1) IN GENERAL.—Paragraph (1) of section 179(b) of the Internal Revenue Code of 1986 (relating to dollar limitation), as amended by subsection (a), is amended by striking "$25,000 ($100,000 in the case of taxable years beginning after 2002 and before 2011)" and inserting "$25,000 ($150,000 in the case of taxable years beginning after 2007 and before 2011)".

(2) INCREASE IN QUALIFYING INVESTMENT AT WHICH PHASEOUT BEGINS.—Paragraph (2) of section 179(b) of such Code (relating to reduction in limitation), as amended by subsection (a), is amended by striking "$200,000 ($400,000 in the case of taxable years beginning after 2002 and before 2011)" and inserting "$200,000 ($600,000 in the case of taxable years beginning after 2007 and before 2011)".

(3) INFLATION ADJUSTMENTS.—Section 179(b)(5)(A) of such Code (relating to inflation adjustments), as amended by subsection (a), is amended—

(A) in the matter preceding clause (i)—

(i) by striking "after 2003 and before 2011" and inserting "after 2008 and before 2011", and

(ii) by striking "the $100,000 and $400,000 amounts" and inserting "the $150,000 and $600,000 amounts", and

(B) in clause (ii), by striking "calendar year 2002" and inserting "calendar year 2007".

(4) EFFECTIVE DATE.—The amendments made by this subsection shall apply to taxable years beginning after December 31, 2007.

SA 121. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill H.R. 2, to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 201. EXTENSION AND MODIFICATIONS OF INCREASED EXPENSING FOR SMALL BUSINESSES.

(a) EXTENSION.—Section 179 (relating to election to expense certain depreciable business assets) is amended by striking "2010" each place it appears and inserting "2011".

(b) INCREASE IN LIMIT AND PHASEOUT THRESHOLD FOR EXPENSING FOR SMALL BUSINESS.—

(1) IN GENERAL.—Paragraph (1) of section 179(b) of the Internal Revenue Code of 1986 (relating to dollar limitation), as amended by subsection (a), is amended by striking "$25,000 ($100,000 in the case of taxable years beginning after 2002 and before 2011)" and inserting "$25,000 ($150,000 in the case of taxable years beginning after 2007 and before 2011)".

(2) INCREASE IN QUALIFYING INVESTMENT AT WHICH PHASEOUT BEGINS.—Paragraph (2) of section 179(b) of such Code (relating to reduction in limitation), as amended by subsection (a), is amended by striking "$200,000 ($400,000 in the case of taxable years beginning after 2002 and before 2011)" and inserting "$200,000 ($600,000 in the case of taxable years beginning after 2007 and before 2011)".

(3) INFLATION ADJUSTMENTS.—Section 179(b)(5)(A) of such Code (relating to inflation adjustments), as amended by subsection (a), is amended—

(A) in the matter preceding clause (i)—

(i) by striking "after 2003 and before 2011" and inserting "after 2008 and before 2011", and

(ii) by striking "the $100,000 and $400,000 amounts" and inserting "the $150,000 and $600,000 amounts", and

(B) in clause (ii), by striking "calendar year 2002" and inserting "calendar year 2007".

(4) EFFECTIVE DATE.—The amendments made by this subsection shall apply to taxable years beginning after December 31, 2007.

SA 122. Ms. SNOWE (for herself and Mrs. LINCOLN) submitted an amendment intended to be proposed by her to the bill H.R. 2, to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. QUALIFIED SMALL BUSINESSES ELECTION OF TAXABLE YEAR ENDING IN A MONTH FROM APRIL TO NOVEMBER.

(a) IN GENERAL.—Part I of subchapter E of chapter 1 (relating to accounting periods) is amended by inserting after section 444 the following new section:

"SEC. 444A. QUALIFIED SMALL BUSINESSES ELECTION OF TAXABLE YEAR ENDING IN A MONTH FROM APRIL TO NOVEMBER.

"(a) GENERAL RULE.—A qualified small business may elect to have a taxable year, other than the required taxable year, which ends on the last day of any of the months of April through November (or at the end of an equivalent annual period (varying from 52 to 53 weeks)).

"(b) YEARS FOR WHICH ELECTION EFFECTIVE.—An election under subsection (a)—

"(1) shall be made not later than the due date (including extensions thereof) for filing the return of tax for the first taxable year of the qualified small business, and

"(2) shall be effective for such first taxable year or period and for all succeeding taxable years of such qualified small business until such election is terminated under subsection (c).

"(c) TERMINATION.—

"(1) IN GENERAL.—An election under subsection (a) shall be terminated on the earliest of—

"(A) the first day of the taxable year following the taxable year for which the entity fails to meet the gross receipts test,

"(B) the date on which the entity fails to qualify as an S corporation, or

"(C) the date on which the entity terminates.

"(2) GROSS RECEIPTS TEST.—For purposes of paragraph (1), an entity fails to meet the gross receipts test if the entity fails to meet the gross receipts test of section 448(c).

"(3) EFFECT OF TERMINATION.—An entity with respect to which an election is terminated under this subsection shall determine its taxable year for subsequent taxable years under any other method that would be permitted under subtitle A.

"(4) INCOME INCLUSION AND DEDUCTION RULES FOR PERIOD AFTER TERMINATION.—If the termination of an election under paragraph (1) results in a short taxable year—

"(A) items relating to net profits for the period beginning on the day after its last fiscal year-end and ending on the day before the beginning of the taxable year determined under paragraph (3) shall be includible in income ratably over the 4 taxable years following the year of termination, or (if fewer) the number of taxable years equal to the fiscal years for which the election under this section was in effect, and

"(B) items relating to net losses for such period shall be deductible in the first taxable year after the taxable year with respect to which the election terminated.

"(d) DEFINITIONS.—For purposes of this section—

"(1) QUALIFIED SMALL BUSINESS.—The term 'qualified small business' means an entity—

"(A)(i) for which an election under section 1362(a) is in effect for the first taxable year or period of such entity and for all subsequent years, or

"(ii) which is treated as a partnership for the first taxable year or period of such entity for Federal income tax purposes,

"(B) which conducts an active trade or business or which would qualify for an election to amortize start-up expenditures under section 195, and

"(C) which is a start-up business.

"(2) START-UP BUSINESS.—For purposes of paragraph (1)(C), an entity shall be treated as a start-up business so long as not more than 75 percent of the entity is owned by any person or persons who previously conducted a similar trade or business at any time within the 1-year period ending on the date on which such entity is formed. For purposes of the preceding sentence, a person and any other person bearing a relationship to such person specified in section 267(b) or 707(b)(1) shall be treated as one person, and sections 267(b) and 707(b)(1) shall be applied as if section 267(c)(4) provided that the family of an individual consists of the individual's spouse and the individual's children under the age of 21.

"(3) REQUIRED TAXABLE YEAR.—The term 'required taxable year' has the meaning given to such term by section 444(e).

"(e) TIERED STRUCTURES.—The Secretary shall prescribe rules similar to the rules of section 444(d)(3) to eliminate abuse of this section through the use of tiered structures.".

(b) CONFORMING AMENDMENT.—Section 444(a)(1) is amended by striking "section" and inserting "section and section 444A".

(c) CLERICAL AMENDMENT.—The table of sections for part I of subchapter E of chapter 1 is amended by inserting after the item relating to section 444 the following new item:

"Sec. 444A. Qualified small businesses election of taxable year ending in a month from April to November.".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006.

SA 123. Ms. SNOWE (for herself and Mrs. LINCOLN) submitted an amendment intended to be proposed by her to the bill H.R. 2, to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . QUALIFIED SMALL BUSINESSES ELECTION OF TAXABLE YEAR ENDING IN A MONTH FROM APRIL TO NOVEMBER.

(a) IN GENERAL.—Part I of subchapter E of chapter 1 (relating to accounting periods) is amended by inserting after section 444 the following new section:

"SEC. 444A. QUALIFIED SMALL BUSINESSES ELECTION OF TAXABLE YEAR ENDING IN A MONTH FROM APRIL TO NOVEMBER.

"(a) GENERAL RULE.—A qualified small business may elect to have a taxable year, other than the required taxable year, which ends on the last day of any of the months of April through November (or at the end of an equivalent annual period (varying from 52 to 53 weeks)).

"(b) YEARS FOR WHICH ELECTION EFFECTIVE.—An election under subsection (a)—

"(1) shall be made not later than the due date (including extensions thereof) for filing the return of tax for the first taxable year of the qualified small business, and

"(2) shall be effective for such first taxable year or period and for all succeeding taxable years of such qualified small business until such election is terminated under subsection (c).

"(c) TERMINATION.—

"(1) IN GENERAL.—An election under subsection (a) shall be terminated on the earliest of—

"(A) the first day of the taxable year following the taxable year for which the entity fails to meet the gross receipts test,

"(B) the date on which the entity fails to qualify as an S corporation, or

"(C) the date on which the entity terminates.

"(2) GROSS RECEIPTS TEST.—For purposes of paragraph (1), an entity fails to meet the gross receipts test if the entity fails to meet the gross receipts test of section 448(c).

"(3) EFFECT OF TERMINATION.—An entity with respect to which an election is terminated under this subsection shall determine its taxable year for subsequent taxable years under any other method that would be permitted under subtitle A.

"(4) INCOME INCLUSION AND DEDUCTION RULES FOR PERIOD AFTER TERMINATION.—If the termination of an election under paragraph (1) results in a short taxable year—

"(A) items relating to net profits for the period beginning on the day after its last fiscal year-end and ending on the day before the beginning of the taxable year determined under paragraph (3) shall be includible in income ratably over the 4 taxable years following the year of termination, or (if fewer) the number of taxable years equal to the fiscal years for which the election under this section was in effect, and

"(B) items relating to net losses for such period shall be deductible in the first taxable year after the taxable year with respect to which the election terminated.

"(d) DEFINITIONS.—For purposes of this section—

"(1) QUALIFIED SMALL BUSINESS.—The term 'qualified small business' means an entity—

"(A)(i) for which an election under section 1362(a) is in effect for the first taxable year or period of such entity and for all subsequent years, or

"(ii) which is treated as a partnership for the first taxable year or period of such entity for Federal income tax purposes,

"(B) which conducts an active trade or business or which would qualify for an election to amortize start-up expenditures under section 195, and

"(C) which is a start-up business.

"(2) START-UP BUSINESS.—For purposes of paragraph (1)(C), an entity shall be treated as a start-up business so long as not more than 75 percent of the entity is owned by any person or persons who previously conducted a similar trade or business at any time within the 1-year period ending on the date on which such entity is formed. For purposes of the preceding sentence, a person and any other person bearing a relationship to such person specified in section 267(b) or 707(b)(1) shall be treated as one person, and sections 267(b) and 707(b)(1) shall be applied as if section 267(c)(4) provided that the family of an individual consists of the individual's spouse and the individual's children under the age of 21.

"(3) REQUIRED TAXABLE YEAR.—The term 'required taxable year' has the meaning given to such term by section 444(e).

"(e) TIERED STRUCTURES.—The Secretary shall prescribe rules similar to the rules of section 444(d)(3) to eliminate abuse of this section through the use of tiered structures.".

(b) CONFORMING AMENDMENT.—Section 444(a)(1) is amended by striking "section" and inserting "section and section 444A".

(c) CLERICAL AMENDMENT.—The table of sections for part I of subchapter E of chapter 1 is amended by inserting after the item relating to section 444 the following new item:

"Sec. 444A. Qualified small businesses election of taxable year ending in a month from April to November.".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006.

SA 124. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill H.R. 2, to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . ESTABLISHMENT OF SIMPLE CAFETERIA PLANS FOR SMALL BUSINESSES.

(a) IN GENERAL.—Section 125 (relating to cafeteria plans) is amended by redesignating subsections (h) and (i) as subsections (i) and (j), respectively, and by inserting after subsection (g) the following new subsection:

"(h) SIMPLE CAFETERIA PLANS FOR SMALL BUSINESSES.—

"(1) IN GENERAL.—An eligible employer maintaining a simple cafeteria plan with respect to which the requirements of this subsection are met for any year shall be treated as meeting any applicable nondiscrimination requirement with respect to benefits provided under the plan during such year.

"(2) SIMPLE CAFETERIA PLAN.—For purposes of this subsection, the term 'simple cafeteria plan' means a cafeteria plan—

"(A) which is established and maintained by an eligible employer, and

"(B) with respect to which the contribution requirements of paragraph (3), and the eligibility and participation requirements of paragraph (4), are met.

"(3) CONTRIBUTIONS REQUIREMENTS.—

"(A) IN GENERAL.—The requirements of this paragraph are met if, under the plan—

"(i) the employer makes matching contributions on behalf of each employee who is eligible to participate in the plan and who is not a highly compensated or key employee in an amount equal to the elective plan contributions of the employee to the plan to the extent the employee's elective plan contributions do not exceed 3 percent of the employee's compensation, or

"(ii) the employer is required, without regard to whether an employee makes any elective plan contribution, to make a contribution to the plan on behalf of each employee who is not a highly compensated or key employee and who is eligible to participate in the plan in an amount equal to at least 2 percent of the employee's compensation.

"(B) MATCHING CONTRIBUTIONS ON BEHALF OF HIGHLY COMPENSATED AND KEY EMPLOYEES.—The requirements of subparagraph (A)(i) shall not be treated as met if, under the plan, the rate of matching contribution with respect to any elective plan contribution of a highly compensated or key employee at any rate of contribution is greater than that with respect to an employee who is not a highly compensated or key employee.

"(C) SPECIAL RULES.—

"(i) TIME FOR MAKING CONTRIBUTIONS.—An employer shall not be treated as failing to meet the requirements of this paragraph with respect to any elective plan contributions of any compensation, or employer contributions required under this paragraph with respect to any compensation, if such contributions are made no later than the 15th day of the month following the last day of the calendar quarter which includes the date of payment of the compensation.

"(ii) FORM OF CONTRIBUTIONS.—Employer contributions required under this paragraph may be made either to the plan to provide benefits offered under the plan or to any person as payment for providing benefits offered under the plan.

"(iii) ADDITIONAL CONTRIBUTIONS.—Subject to subparagraph (B), nothing in this paragraph shall be treated as prohibiting an employer from making contributions to the plan in addition to contributions required under subparagraph (A).

"(D) DEFINITIONS.—For purposes of this paragraph—

"(i) ELECTIVE PLAN CONTRIBUTION.—The term 'elective plan contribution' means any amount which is contributed at the election of the employee and which is not includible in gross income by reason of this section.

"(ii) HIGHLY COMPENSATED EMPLOYEE.—The term 'highly compensated employee' has the meaning given such term by section 414(q).

"(iii) KEY EMPLOYEE.—The term 'key employee' has the meaning given such term by section 416(i).

"(4) MINIMUM ELIGIBILITY AND PARTICIPATION REQUIREMENTS.—

"(A) IN GENERAL.—The requirements of this paragraph shall be treated as met with respect to any year if, under the plan—

"(i) all employees who had at least 1,000 hours of service for the preceding plan year are eligible to participate, and

"(ii) each employee eligible to participate in the plan may, subject to terms and conditions applicable to all participants, elect any benefit available under the plan.

"(B) CERTAIN EMPLOYEES MAY BE EXCLUDED.—For purposes of subparagraph (A)(i), an employer may elect to exclude under the plan employees—

"(i) who have less than 1 year of service with the employer as of any day during the plan year,

"(ii) who have not attained the age of 21 before the close of a plan year,

"(iii) who are covered under an agreement which the Secretary of Labor finds to be a collective bargaining agreement if there is evidence that the benefits covered under the cafeteria plan were the subject of good faith bargaining between employee representatives and the employer, or

"(iv) who are described in section 410(b)(3)(C) (relating to nonresident aliens working outside the United States).

A plan may provide a shorter period of service or younger age for purposes of clause (i) or (ii).

"(5) ELIGIBLE EMPLOYER.—For purposes of this subsection—

"(A) IN GENERAL.—The term 'eligible employer' means, with respect to any year, any employer if such employer employed an average of 100 or fewer employees on business days during either of the 2 preceding years. For purposes of this subparagraph, a year may only be taken into account if the employer was in existence throughout the year.

"(B) EMPLOYERS NOT IN EXISTENCE DURING PRECEDING YEAR.—If an employer was not in existence throughout the preceding year, the determination under subparagraph (A) shall be based on the average number of employees that it is reasonably expected such employer will employ on business days in the current year.

"(C) GROWING EMPLOYERS RETAIN TREATMENT AS SMALL EMPLOYER.—If—

"(i) an employer was an eligible employer for any year (a 'qualified year'), and

"(ii) such employer establishes a simple cafeteria plan for its employees for such year,

then, notwithstanding the fact the employer fails to meet the requirements of subparagraph (A) for any subsequent year, such employer shall be treated as an eligible employer for such subsequent year with respect to employees (whether or not employees during a qualified year) of any trade or business which was covered by the plan during any qualified year. This subparagraph shall cease to apply if the employer employs an average of 200 more employees on business days during any year preceding any such subsequent year.

"(D) SPECIAL RULES.—The rules of section 220(c)(4)(D) shall apply for purposes of this paragraph.

"(6) APPLICABLE NONDISCRIMINATION REQUIREMENT.—For purposes of this subsection, the term 'applicable nondiscrimination requirement' means any requirement under subsection (b) of this section, section 79(d), section 105(h), or paragraph (2), (3), (4), or (8) of section 129(d).

"(7) Compensation.—The term 'compensation' has the meaning given such term by section 414(s)."

(b) Effective Date.—The amendments made by this section shall apply to years beginning after December 31, 2006.

SA 125. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill H.R. 2, to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . ESTABLISHMENT OF SIMPLE CAFETERIA PLANS FOR SMALL BUSINESSES.

(a) In General.—Section 125 (relating to cafeteria plans) is amended by redesignating subsections (h) and (i) as subsections (i) and (j), respectively, and by inserting after subsection (g) the following new subsection:

"(h) Simple Cafeteria Plans for Small Businesses.—

"(1) In general.—An eligible employer maintaining a simple cafeteria plan with respect to which the requirements of this subsection are met for any year shall be treated as meeting any applicable nondiscrimination requirement with respect to benefits provided under the plan during such year.

"(2) Simple cafeteria plan.—For purposes of this subsection, the term 'simple cafeteria plan' means a cafeteria plan—

"(A) which is established and maintained by an eligible employer, and

"(B) with respect to which the contribution requirements of paragraph (3), and the eligibility and participation requirements of paragraph (4), are met.

"(3) Contributions requirements.—

"(A) In general.—The requirements of this paragraph are met if, under the plan—

"(i) the employer makes matching contributions on behalf of each employee who is eligible to participate in the plan and who is not a highly compensated or key employee in an amount equal to the elective plan contributions of the employee to the plan to the extent the employee's elective plan contributions do not exceed 3 percent of the employee's compensation, or

"(ii) the employer is required, without regard to whether an employee makes any elective plan contribution, to make a contribution to the plan on behalf of each employee who is not a highly compensated or key employee and who is eligible to participate in the plan in an amount equal to at least 2 percent of the employee's compensation.

"(B) Matching contributions on behalf of highly compensated and key employees.—The requirements of subparagraph (A)(i) shall not be treated as met if, under the plan, the rate of matching contribution with respect to any elective plan contribution of a highly compensated or key employee at any rate of contribution is greater than that with respect to an employee who is not a highly compensated or key employee.

"(C) Special rules.—

"(i) Time for making contributions.—An employer shall not be treated as failing to meet the requirements of this paragraph with respect to any elective plan contributions of any compensation, or employer contributions required under this paragraph with respect to any compensation, if such contributions are made no later than the 15th day of the month following the last day of the calendar quarter which includes the date of payment of the compensation.

"(ii) Form of contributions.—Employer contributions required under this paragraph may be made either to the plan to provide benefits offered under the plan or to any person as payment for providing benefits offered under the plan.

"(iii) Additional contributions.—Subject to subparagraph (B), nothing in this paragraph shall be treated as prohibiting an employer from making contributions to the plan in addition to contributions required under subparagraph (A).

"(D) Definitions.—For purposes of this paragraph—

"(i) Elective plan contribution.—The term 'elective plan contribution' means any amount which is contributed at the election of the employee and which is not includible in gross income by reason of this section.

"(ii) Highly compensated employee.—The term 'highly compensated employee' has the meaning given such term by section 414(q).

"(iii) Key employee.—The term 'key employee' has the meaning given such term by section 416(i).

"(4) Minimum eligibility and participation requirements.—

"(A) In general.—The requirements of this paragraph shall be treated as met with respect to any year if, under the plan—

"(i) all employees who had at least 1,000 hours of service for the preceding plan year are eligible to participate, and

"(ii) each employee eligible to participate in the plan may, subject to terms and conditions applicable to all participants, elect any benefit available under the plan.

"(B) Certain employees may be excluded.—For purposes of subparagraph (A)(i), an employer may elect to exclude under the plan employees—

"(i) who have less than 1 year of service with the employer as of any day during the plan year,

"(ii) who have not attained the age of 21 before the close of a plan year,

"(iii) who are covered under an agreement which the Secretary of Labor finds to be a collective bargaining agreement if there is evidence that the benefits covered under the cafeteria plan were the subject of good faith bargaining between employee representatives and the employer, or

"(iv) who are described in section 410(b)(3)(C) (relating to nonresident aliens working outside the United States).

A plan may provide a shorter period of service or younger age for purposes of clause (i) or (ii).

"(5) Eligible employer.—For purposes of this subsection—

"(A) In general.—The term 'eligible employer' means, with respect to any year, any employer if such employer employed an average of 100 or fewer employees on business days during either of the 2 preceding years. For purposes of this subparagraph, a year may only be taken into account if the employer was in existence throughout the year.

"(B) Employers not in existence during preceding year.—If an employer was not in existence throughout the preceding year, the determination under subparagraph (A) shall be based on the average number of employees that it is reasonably expected such employer will employ on business days in the current year.

"(C) Growing employers retain treatment as small employer.—If—

"(i) an employer was an eligible employer for any year (a 'qualified year'), and

"(ii) such employer establishes a simple cafeteria plan for its employees for such year,

then, notwithstanding the fact the employer fails to meet the requirements of subparagraph (A) for any subsequent year, such employer shall be treated as an eligible employer for such subsequent year with respect to employees (whether or not employees during a qualified year) of any trade or business which was covered by the plan during any qualified year. This subparagraph shall cease to apply if the employer employs an average of 200 more employees on business days during any year preceding any such subsequent year.

"(D) Special rules.—The rules of section 220(c)(4)(D) shall apply for purposes of this paragraph.

"(6) Applicable nondiscrimination requirement.—For purposes of this subsection, the term 'applicable nondiscrimination requirement' means any requirement under subsection (b) of this section, section 79(d), section 105(h), or paragraph (2), (3), (4), or (8) of section 129(d).

"(7) Compensation.—The term 'compensation' has the meaning given such term by section 414(s)."

(b) Effective Date.—The amendments made by this section shall apply to years beginning after December 31, 2006.

SA 126. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill H.R. 2, to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. HEALTH PROFESSIONS TRAINING DEMONSTRATION PROJECT.

Section 171 of the Workforce Investment Act of 1998 (29 U.S.C. 2916) is amended by adding at the end the following:

"(e) Health Professions Training Demonstration Project.—

"(1) Definitions.—In this subsection:

"(A) Covered community.—The term 'covered community' means a community or region that—

"(i) has experienced a significant percentage decline in positions in the manufacturing or service sectors; and

"(ii)(I) is eligible for designation under section 332 of the Public Health Service Act (42 U.S.C. 254e) as a health professional shortage area;

"(II) is eligible to be served by a health center under section 330 or a grantee under section 330(h) (relating to homeless individuals) of the Public Health Service Act (42 U.S.C. 254b, 254b(h));

"(III) has a shortage of personal health services, as determined under criteria issued by the Secretary of Health and Human Services under section 1861(aa)(2) of the Social Security Act (relating to rural health clinics) (42 U.S.C. 1395x(aa)(2)); or

"(IV) is designated by a Governor (in consultation with the medical community) as a shortage area or medically underserved community.

"(B) Covered worker.—The term 'covered worker' means an individual who—

"(i)(I) has been terminated or laid off, or who has received a notice of termination or layoff, from employment in a manufacturing or service sector;

"(II)(aa) is eligible for or has exhausted entitlement to unemployment compensation; or

"(bb) has been employed for a duration sufficient to demonstrate, to the appropriate entity at a one-stop center referred to in section 134(c), attachment to the workforce, but is not eligible for unemployment compensation due to insufficient earnings or having performed services for an employer that were not covered under a State unemployment compensation law; and

"(III) is unlikely to return to a previous industry or occupation; or

"(ii)(I) has been terminated or laid off, or has received a notice of termination or layoff, from employment in a manufacturing or service sector as a result of any permanent closure of, or any substantial layoff at, a plant, facility, or enterprise; or

"(II) is employed in a manufacturing or service sector at a facility at which the employer has made a general announcement that such facility will close within 180 days.

"(C) HEALTH CARE PROFESSIONAL.—The term 'health care professional'—

"(i) means an individual who is involved with—

"(I) the delivery of health care services, or related services, pertaining to—

"(aa) the identification, evaluation, and prevention of diseases, disorders, or injuries; or

"(bb) home-based or community-based long-term care;

"(II) the delivery of dietary and nutrition services; or

"(III) rehabilitation and health systems management; and

"(ii) includes nurses, home health aides, nursing assistants, physician assistants, dental hygienists, diagnostic medical sonographers, dietitians, medical technologists, occupational therapists, physical therapists, radiographers, respiratory therapists, emergency medical service technicians, speech-language pathologists, and specific occupational needs of the community served by the eligible entities as defined in section (e)(4) of this Act.

"(2) ESTABLISHMENT OF PROJECT.—In accordance with subsection (b), the Secretary shall establish and carry out a health professions training demonstration project.

"(3) GRANTS.—In carrying out the project, the Secretary, after consultation with the Secretary of Health and Human Services, shall make grants to eligible entities to enable the entities to carry out programs in covered communities to train covered workers for employment as health care professionals. The Secretary shall make each grant in an amount of not less than $100,000 and not more than $500,000.

"(4) ELIGIBLE ENTITIES.—Notwithstanding subsection (b)(2)(B), to be eligible to receive a grant under this subsection to carry out a program in a covered community, an entity shall be a partnership that is—

"(A) under the direction of a local workforce investment board established under section 117 that is serving the covered community; and

"(B) composed of members serving the covered community, such as—

"(i) a 4-year institution of higher education;

"(ii) an accredited community college;

"(iii) an accredited vocational or technical school;

"(iv) a health clinic or hospital;

"(v) a home-based or community-based long-term care facility or program; or

"(vi) a health care facility administered by the Secretary of Veterans Affairs.

"(5) APPLICATIONS.—To be eligible to receive a grant under this subsection, an entity shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require, including, at a minimum—

"(A) a proposal to use the grant funds to establish or expand a training program in order to train covered workers for employment as health care professionals or paraprofessionals;

"(B) information demonstrating the need for the training and support services to be provided through the program;

"(C) information describing the manner in which the entity will expend the grant funds, and the activities to be carried out with the funds;

"(D) information demonstrating that the entity meets the requirements of paragraph (4); and

"(E) with respect to training programs carried out by the applicant, information—

"(i) on the graduation rates of the programs involved;

"(ii) on the retention measures carried out by the applicant;

"(iii) on the length of time necessary to complete the training programs of the applicant; and

"(iv) on the number of qualified trainees that are refused admittance into the training programs because of lack of capacity.

"(6) SELECTION.—In making grants under paragraph (3), the Secretary, after consultation with the Secretary of Health and Human Services, shall—

"(A) consider the date submitted by the applicant under paragraph (5)(E); and

"(B) select—

"(i) eligible entities submitting applications that meet such criteria as the Secretary of Labor determines to be appropriate; and

"(ii) among such entities, the eligible entities serving the covered communities with the greatest need for the grants and the greatest potential to benefit from the grants.

"(7) USE OF FUNDS.—

"(A) IN GENERAL.—An entity that receives a grant under this subsection shall use the funds made available through the grant for training and support services that meet the needs described in the application submitted under paragraph (5), which may include—

"(i) increasing capacity, subject to subparagraph (B)(i), at an educational institution or training center to train individuals for employment as health professionals, such as by—

"(I) expanding a facility, subject to subparagraph (B)(ii);

"(II) expanding course offerings;

"(III) hiring faculty;

"(IV) providing a student loan repayment program for the faculty;

"(V) establishing or expanding clinical education opportunities;

"(VI) purchasing equipment, such as computers, books, clinical supplies, or a patient simulator; or

"(VII) conducting recruitment; or

"(ii) providing support services for covered workers participating in the training, such as—

"(I) providing tuition assistance;

"(II) establishing or expanding distance education programs;

"(III) providing transportation assistance; or

"(IV) providing child care.

"(B) LIMITATION.—To be eligible to use the funds to expand a facility, the eligible entity shall demonstrate to the Secretary in an application submitted under paragraph (5) that the entity can increase the capacity described in subparagraph (E)(iv) of such facility only by expanding the facility.

"(8) FUNDING.—Of the amounts appropriated to, and available at the discretion of, the Secretary or the Secretary of Health and Human Services for programmatic and administrative expenditures, a total of $25,000,000 shall be used to establish and carry out the demonstration project described in paragraph (2) in accordance with this subsection.".

SA 127. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill H.R. 2, to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. 4. ANNUAL REPORT ON ACQUISITIONS OF ARTICLES, MATERIALS, AND SUPPLIES MANUFACTURED OUTSIDE THE UNITED STATES.

Section 2 of the Buy American Act (41 U.S.C. 10a) is amended—

(1) by striking "Notwithstanding" and inserting the following:

"(a) IN GENERAL.—Notwithstanding"; and

(2) by adding at the end the following:

"(b) REPORTS.—

"(1) IN GENERAL.—Not later than 180 days after the end of each fiscal year, the head of each Federal agency shall submit a report to Congress on the amount of the acquisitions made by the agency of articles, materials, or supplies purchased from entities that manufacture the articles, materials, or supplies outside of the United States in that fiscal year.

"(2) CONTENTS OF REPORT.—The report required by paragraph (1) shall separately include—

"(A) the dollar value of any articles, materials, or supplies that were manufactured outside the United States;

"(B) an itemized list of all waivers granted with respect to such articles, materials, or supplies under this Act, and a citation to the treaty, international agreement, or other law under which each waiver was granted;

"(C) if any articles, materials, or supplies were acquired from entities that manufacture articles, materials, or supplies outside the United States, the specific exception under this section that was used to purchase such articles, materials, or supplies; and

"(D) a summary of—

"(i) the total procurement funds expended on articles, materials, and supplies manufactured inside the United States; and

"(ii) the total procurement funds expended on articles, materials, and supplies manufactured outside the United States.

"(3) PUBLIC AVAILABILITY.—The head of each Federal agency submitting a report under paragraph (1) shall make the report publicly available to the maximum extent practicable.

"(4) EXCEPTION FOR INTELLIGENCE COMMUNITY.—This subsection shall not apply to acquisitions made by an agency, or component thereof, that is an element of the intelligence community as specified in, or designated under, section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).".

SA 128. Mr. KERRY (for himself and Ms. SNOWE) submitted an amendment intended to be proposed by him to the bill H.R. 2, to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . SMALL BUSINESS REGULATORY ASSISTANCE.

(a) PURPOSE.—The purpose of this section is to establish a 4-year pilot program to—

(1) provide confidential assistance to small business concerns;

(2) provide small business concerns with the information necessary to improve their rate of compliance with Federal and State regulations derived from Federal law;

(3) create a partnership among Federal agencies to increase outreach efforts to small business concerns with respect to regulatory compliance;

(4) provide a mechanism for unbiased feedback to Federal agencies on the regulatory environment for small business concerns; and

(5) expand the services delivered by the Small Business Development Centers under section 21(c)(3)(H) of the Small Business Act to improve access to programs to assist small business concerns with regulatory compliance.

(b) DEFINITIONS.—In this section, the following definitions shall apply:

(1) ADMINISTRATION.—The term "Administration" means the Small Business Administration.

(2) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Administration, acting through the Associate Administrator for Small Business Development Centers.

(3) ASSOCIATION.—The term "association" means the association established pursuant to section 21(a)(3)(A) of the Small Business Act (15 U.S.C. 648(a)(3)(A)) representing a majority of Small Business Development Centers.

(4) PARTICIPATING SMALL BUSINESS DEVELOPMENT CENTER.—The term "participating Small Business Development Center" means a Small Business Development Center participating in the pilot program established under this section.

(5) REGULATORY COMPLIANCE ASSISTANCE.—The term "regulatory compliance assistance" means assistance provided by a Small Business Development Center to a small business concern to assist and facilitate the concern in complying with Federal and State regulatory requirements derived from Federal law.

(6) SMALL BUSINESS DEVELOPMENT CENTER.—The term "Small Business Development Center" means a Small Business Development Center described in section 21 of the Small Business Act (15 U.S.C. 648).

(7) STATE.—The term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, and Guam.

(c) SMALL BUSINESS REGULATORY ASSISTANCE PILOT PROGRAM.—

(1) AUTHORITY.—In accordance with this section, the Administrator shall establish a pilot program to provide regulatory compliance assistance to small business concerns through participating Small Business Development Centers.

(2) SMALL BUSINESS DEVELOPMENT CENTERS.—

(A) IN GENERAL.—In carrying out the pilot program established under this section, the Administrator shall enter into arrangements with participating Small Business Development Centers under which such Centers shall—

(i) provide access to information and resources, including current Federal and State nonpunitive compliance and technical assistance programs similar to those established under section 507 of the Clean Air Act Amendments of 1990 (42 U.S.C. 7661f);

(ii) conduct training and educational activities;

(iii) offer confidential, free-of-charge, one-on-one, in-depth counseling to the owners and operators of small business concerns regarding compliance with Federal and State regulations derived from Federal law, provided that such counseling is not considered to be the practice of law in a State in which a Small Business Development Center is located or in which such counseling is conducted;

(iv) provide technical assistance;

(v) give referrals to experts and other providers of compliance assistance who meet such standards for educational, technical, and professional competency as are established by the Administrator; and

(vi) form partnerships with Federal compliance programs.

(B) REPORTS.—Each participating Small Business Development Center shall transmit to the Administrator and the Chief Counsel for Advocacy of the Administration, as the Administrator may direct, a quarterly report that includes—

(i) a summary of the regulatory compliance assistance provided by the Center under the pilot program;

(ii) the number of small business concerns assisted under the pilot program; and

(iii) for every fourth report, any regulatory compliance information based on Federal law that a Federal or State agency has provided to the Center during the preceding year and requested that it be disseminated to small business concerns.

(3) ELIGIBILITY.—A Small Business Development Center shall be eligible to receive assistance under the pilot program established under this section only if such Center is certified under section 21(k)(2) of the Small Business Act (15 U.S.C. 648(k)(2)).

(4) SELECTION OF PARTICIPATING STATE PROGRAMS.—

(A) GROUPINGS.—

(i) CONSULTATION.—In consultation with the association, and giving substantial weight to the recommendations of the association, the Administrator shall select the Small Business Development Center Programs of 2 States from each of the groups of States described in clauses (ii) through (xi) to participate in the pilot program established under this section.

(ii) GROUP 1.—Group 1 shall consist of Maine, Massachusetts, New Hampshire, Connecticut, Vermont, and Rhode Island.

(iii) GROUP 2.—Group 2 shall consist of New York, New Jersey, Puerto Rico, and the Virgin Islands.

(iv) GROUP 3.—Group 3 shall consist of Pennsylvania, Maryland, West Virginia, Virginia, the District of Columbia, and Delaware.

(v) GROUP 4.—Group 4 shall consist of Georgia, Alabama, North Carolina, South Carolina, Mississippi, Florida, Kentucky, and Tennessee.

(vi) GROUP 5.—Group 5 shall consist of Illinois, Ohio, Michigan, Indiana, Wisconsin, and Minnesota.

(vii) GROUP 6.—Group 6 shall consist of Texas, New Mexico, Arkansas, Oklahoma, and Louisiana.

(viii) GROUP 7.—Group 7 shall consist of Missouri, Iowa, Nebraska, and Kansas.

(ix) GROUP 8.—Group 8 shall consist of Colorado, Wyoming, North Dakota, South Dakota, Montana, and Utah.

(x) GROUP 9.—Group 9 shall consist of California, Guam, American Samoa, Hawaii, Nevada, and Arizona.

(xi) GROUP 10.—Group 10 shall consist of Washington, Alaska, Idaho, and Oregon.

(B) DEADLINE FOR SELECTION.—The Administrator shall make selections under this paragraph not later than 60 days after the date of publication of final regulations under subsection (d).

(C) COORDINATION TO AVOID DUPLICATION WITH OTHER PROGRAMS.—In selecting Small Business Development Center Programs under this paragraph, the Administrator shall give a preference to any such program that has a plan for consulting with Federal and State agencies to ensure that any assistance provided under this section is not duplicated by a Federal or State program.

(5) MATCHING REQUIREMENT.—Subparagraphs (A) and (B) of section 21(a)(4) of the Small Business Act (15 U.S.C. 648(a)(4)) shall apply to assistance made available under the pilot program established under this section.

(6) GRANT AMOUNTS.—Each State program selected to receive a grant under paragraph (4) shall be eligible to receive a grant in an amount equal to—

(A) not less than $150,000 per fiscal year; and

(B) not more than $300,000 per fiscal year.

(7) EVALUATION AND REPORT.—The Comptroller General of the United States shall—

(A) not later than 30 months after the date of disbursement of the first grant under the pilot program established under this section, initiate an evaluation of the pilot program; and

(B) not later than 6 months after the date of the initiation of the evaluation under subparagraph (A), transmit to the Administrator, the Committee on Small Business and Entrepreneurship of the Senate, and the Committee on Small Business of the House of Representatives, a report containing—

(i) the results of the evaluation; and

(ii) any recommendations as to whether the pilot program, with or without modification, should be extended to include the participation of all Small Business Development Centers.

(8) AUTHORIZATION OF APPROPRIATIONS.—

(A) IN GENERAL.—There are authorized to be appropriated to carry out this section—

(i) $5,000,000 for the first fiscal year beginning after the date of enactment of this Act; and

(ii) $5,000,000 for each of the 3 fiscal years following the fiscal year described in clause (i).

(B) LIMITATION ON USE OF OTHER FUNDS.—The Administrator may carry out the pilot program established under this section only with amounts appropriated in advance specifically to carry out this section.

(9) TERMINATION.—The Small Business Regulatory Assistance Pilot Program established under this section shall terminate 4 years after the date of disbursement of the first grant under the pilot program.

(d) RULEMAKING.—After providing notice and an opportunity for comment, and after consulting with the association (but not later than 180 days after the date of enactment of this Act), the Administrator shall promulgate final regulations to carry out this section, including regulations that establish—

(1) priorities for the types of assistance to be provided under the pilot program established under this section;

(2) standards relating to educational, technical, and support services to be provided by participating Small Business Development Centers;

(3) standards relating to any national service delivery and support function to be provided by the association under the pilot program;

(4) standards relating to any work plan that the Administrator may require a participating Small Business Development Center to develop; and

(5) standards relating to the educational, technical, and professional competency of any expert or other assistance provider to whom a small business concern may be referred for compliance assistance under the pilot program.

SA 129. Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 100 proposed by Mr. REID (for Mr. BAUCUS) to the bill H.R. 2, to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

SEC. ____. MODIFICATION OF DETERMINATION OF EXCLUSION FOR TRACTORS WEIGHING NOT MORE THAN 19,500 POUNDS FROM FEDERAL EXCISE TAX ON HEAVY TRUCKS AND TRAILERS.

(a) IN GENERAL.—Subparagraph (B) of section 4051(a)(4) is amended to read as follows:

"(B) the gross combined weight (as determined by the Secretary) of such tractor, in combination with a trailer or a semitrailer, does not exceed the tractor's gross vehicle weight by 26,000 pounds or more.".

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in the amendment made by section 11112(a) of Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users.

SA 130. Mr. VOINOVICH submitted an amendment intended to be proposed by him to the bill H.R. 2, to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

SEC. ___. EXTENSION OF WORK OPPORTUNITY TAX CREDIT TO QUALIFIED RESTAURANT EMPLOYEES.

(a) IN GENERAL.—Section 51(d)(1) of the Internal Revenue Code of 1986 is amended by striking "or" at the end of subparagraph (H), by striking the period at the end of subparagraph (I) and inserting ", or", and by adding at the end the following new subparagraph:

"(J) a qualified restaurant employee.".

(b) QUALIFIED RESTAURANT EMPLOYEE.—Section 51(d) of the Internal Revenue Code of 1986 is amended by redesignating paragraphs (11) through (13) as paragraphs (12) through (14), respectively, and by inserting after paragraph (10) the following new paragraph:

"(11) QUALIFIED RESTAURANT EMPLOYEE.—

"(A) IN GENERAL.—The term 'qualified restaurant employee' means any individual—

"(i) who performs services in a restaurant where tipping is not customary,

"(ii) who is not exempt under the Fair Labor Standards Act and earns at least the Federal minimum wage, and

"(iii) who is certified by the employer during the hiring process as having attained age 16 but not 20 on the hiring date.

"(B) SPECIAL RULE FOR DETERMINING AMOUNT OF CREDIT.—For purposes of applying this subpart to wages paid or incurred to any qualified restaurant employee, subsection (b)(3) shall be applied by substituting '$3,000' for '$6,000'.".

(c) SPECIAL RULE FOR CERTIFICATIONS.—Subparagraph (A) of section 51(d)(14) of the Internal Revenue Code of 1986, as redesignated by subsection (b), is amended by inserting ", other than an individual described in paragraph (11)," after "An individual".

(d) NONQUALIFYING REHIRES.—Paragraph (2) of section 51(i) of the Internal Revenue Code of 1986 is amended to read as follows:

"(2) NONQUALIFYING REHIRES.—

"(A) IN GENERAL.—No wages shall be taken into account under subsection (a) with respect to any individual, other than an individual described in subsection (d)(11), if, prior to the hiring date of such individual, such individual had been employed by the employer at any time.

"(B) QUALIFIED RESTAURANT EMPLOYEES.—In the case of an individual described in subsection (d)(11), no wages shall be taken into account under subsection (a) if, prior to the hiring date of such individual, such individual had been employed by the employer within the prior 90 day period.".

(e) MINIMUM EMPLOYMENT PERIODS.—Section 51(i)(3) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

"(C) NONAPPLICATION TO QUALIFIED RESTAURANT EMPLOYEES.—Subparagraphs (A) and (B) shall not apply to an individual described in subsection (d)(11).".

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to individuals who begin work for the employer after the date of the enactment of this Act.

SA 131. Mr. VOINOVICH submitted an amendment intended to be proposed by him to the bill H.R. 2, to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

SEC. ____. DEDUCTIBILITY OF INTEREST EXPENSE INCURRED BY ELECTING SMALL BUSINESS TRUST TO ACQUIRE S CORPORATION STOCK.

(a) IN GENERAL.—Subparagraph (C) of section 641(c)(2) of the Internal Revenue Code of 1986 (relating to modifications) is amended by inserting after clause (iii) the following new clause:

"(iv) Any interest expense incurred to acquire stock in an S corporation.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2006.

SA 132. Mr. SMITH (for himself and Mr. SCHUMER) submitted an amendment intended to be proposed by him to the bill H.R. 2, to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. EXPANSION OF DEDUCTION FOR HEALTH INSURANCE COSTS OF SELF-EMPLOYED INDIVIDUALS.

(a) IN GENERAL.—Paragraph (1) of section 162(l) of the Internal Revenue Code of 1986 (relating to special rules for health insurance costs of self-employed individuals) is amended to read as follows:

"(1) ALLOWANCE OF DEDUCTION.—In the case of a taxpayer who is an employee within the meaning of section 401(c)(1), there shall be allowed as a deduction under this section an amount equal to the amount paid during the taxable year for insurance which constitutes medical care for—

"(A) the taxpayer,

"(B) the taxpayer's spouse,

"(C) the taxpayer's dependents,

"(D) any individual—

"(i) who was not the spouse, determined without regard to section 7703, of the taxpayer at any time during the taxable year of the taxpayer,

"(ii) who—

"(I) has not attained the age of 19 as of the close of the calendar year in which the taxable year of the taxpayer begins, or

"(II) is a student who has not attained the age of 24 as of the close of such calendar year,

"(iii) who, for the taxable year of the taxpayer, has the same principal place of abode as the taxpayer and is a member of the taxpayer's household, and

"(iv) with respect to whom the taxpayer provides over one-half of the individual's support for the calendar year in which the taxpayer's taxable year begins, and

"(E) an individual—

"(i) who is designated by the taxpayer for purposes of this paragraph,

"(ii) who is not the spouse or qualifying child of such taxpayer or any other taxpayer for any taxable year beginning in the calendar year in which the taxpayer's taxable year begins, and

"(iii) who, for the taxable year of the taxpayer, has the same principal place of abode as the taxpayer and is a member of the taxpayer's household.

For purposes of subparagraph (E)(i), not more than 1 person may be designated by the taxpayer for any taxable year.".

(b) CONFORMING AMENDMENT.—Subparagraph (B) of section 162(l)(2) of the Internal Revenue Code of 1986 is amended by striking "or of the spouse of the taxpayer" and inserting ", of the spouse of the taxpayer, or of any individual described in paragraph (1)(E)".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

SA 133. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2, to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . STATE MINIMUM WAGE.

Section 6 of the Fair Labor Standards Act of 1938 (29 U.S.C. 206) is amended by adding at the end the following:

"(h)(1) An employer in a State that adopts a minimum wage law that conforms to the requirements of paragraph (2) shall not be required to pay the employer's employees at the minimum wage prescribed by subsection (a)(1).

"(2) Paragraph (1) shall apply in a State that adopts a minimum wage law that—

"(A) sets a rate that is not less than $5.15 an hour; and

"(B) applies that rate to not fewer than the employees performing work within the State who would otherwise be covered by the minimum wage rate prescribed by subsection (a)(1).

"(3) In the case of a State that does not have a State law that conforms to the requirements of paragraph (2), an increase in the minimum wage rate prescribed by subsection (a)(1) that is enacted on or after the date of enactment of the Fair Minimum Wage Act of 2007 shall go into effect in such State 6 months after the first day of the first legislative session of the State legislature in which a State law described in paragraph (2) may be considered.".

SA 134. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2, to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. STATE MINIMUM WAGE.

Section 6 of the Fair Labor Standards Act of 1938 (29 U.S.C. 206) is amended by adding at the end the following:

"(h)(1) An employer in a State that adopts a minimum wage law that conforms to the requirements of paragraph (2) shall not be required to pay the employer's employees at the minimum wage prescribed by subsection (a)(1).

"(2) Paragraph (1) shall apply in a State that adopts a minimum wage law that—

"(A) sets a rate that is not less than $5.15 an hour; and

"(B) applies that rate to not fewer than the employees performing work within the State who would otherwise be covered by the minimum wage rate prescribed by subsection (a)(1).

"(3) In the case of a State that does not have a State law that conforms to the requirements of paragraph (2), an increase in the minimum wage rate prescribed by subsection (a)(1) that is enacted on or after the date of enactment of the Fair Minimum Wage Act of 2007 shall go into effect in such State 6 months after the first day of the first legislative session of the State legislature in which a State law described in paragraph (2) may be considered.".

SA 135. Mr. CORNYN submitted an amendment intended to be proposed to amendment SA 100 proposed by Mr. REID (for Mr. BAUCUS) to the bill H.R. 2, to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. REPEAL OF FEDERAL UNEMPLOYMENT SURTAX.

(a) IN GENERAL.—Section 3301 (relating to rate of Federal unemployment tax) is amended by striking "or" at the end of paragraph (1), by redesignating paragraph (2) as paragraph (3), and by inserting after paragraph (1) the following new paragraph:

"(2) in the case of wages paid in calendar year 2007—

"(A) 6.2 percent in the case of wages for any portion of the year ending before April 1, and

"(B) 6.0 percent in the case of wages for any portion of the year beginning after March 31; or".

(b) CONFORMING AMENDMENT.—Section 3301(1) of such Code is amended by striking "2007" and inserting "2006".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to wages paid after December 31, 2006.

SA 136. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill H.R. 2, to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. REPEAL OF FEDERAL UNEMPLOYMENT SURTAX.

(a) IN GENERAL.—Section 3301 (relating to rate of Federal unemployment tax) is amended by striking "or" at the end of paragraph (1), by redesignating paragraph (2) as paragraph (3), and by inserting after paragraph (1) the following new paragraph:

"(2) in the case of wages paid in calendar year 2007—

"(A) 6.2 percent in the case of wages for any portion of the year ending before April 1, and

"(B) 6.0 percent in the case of wages for any portion of the year beginning after March 31; or".

(b) CONFORMING AMENDMENT.—Section 3301(1) of such Code is amended by striking "2007" and inserting "2006".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to wages paid after December 31, 2006.

SA 137. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill H.R. 2, to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. EMPLOYER-PROVIDED OFF-PREMISES HEALTH CLUB SERVICES.

(a) TREATMENT AS FRINGE BENEFIT.—Subparagraph (A) of section 132(j)(4) of the Internal Revenue Code of 1986 (relating to on-premises gyms and other athletic facilities) is amended to read as follows:

"(A) IN GENERAL.—Gross income shall not include—

"(i) the value of any on-premises athletic facility provided by an employer to its employees, and

"(ii) in the case of any taxable year beginning in 2007, so much of the fees, dues, or membership expenses paid by an employer to an athletic or fitness facility described in subparagraph (C) on behalf of its employees as does not exceed $900 per employee per year.".

(b) ATHLETIC FACILITIES DESCRIBED.—Paragraph (4) of section 132(j) of the Internal Revenue Code of 1986 (relating to special rules) is amended by adding at the end the following new subparagraph:

"(C) CERTAIN ATHLETIC OR FITNESS FACILITIES DESCRIBED.—For purposes of subparagraph (A)(ii), an athletic or fitness facility described in this subparagraph is a facility—

"(i) which provides instruction in a program of physical exercise, offers facilities for the preservation, maintenance, encouragement, or development of physical fitness, or is the site of such a program of a State or local government,

"(ii) which is not a private club owned and operated by its members,

"(iii) which does not offer golf, hunting, sailing, or riding facilities,

"(iv) whose health or fitness facility is not incidental to its overall function and purpose, and

"(v) which is fully compliant with the State of jurisdiction and Federal anti-discrimination laws.".

(c) EXCLUSION APPLIES TO HIGHLY COMPENSATED EMPLOYEES ONLY IF NO DISCRIMINATION.—Section 132(j)(1) of the Internal Revenue Code of 1986 is amended—

(1) by striking "Paragraphs (1) and (2) of subsection (a)" and inserting "Subsections (a)(1), (a)(2), and (j)(4)", and

(2) by striking the heading thereof through "(2) APPLY" and inserting "CERTAIN EXCLUSIONS APPLY".

(d) EMPLOYER DEDUCTION FOR DUES TO CERTAIN ATHLETIC FACILITIES.—

(1) IN GENERAL.—Paragraph (3) of section 274(a) of the Internal Revenue Code of 1986 (relating to denial of deduction for club dues) is amended by adding at the end the following new sentence: "The preceding sentence shall not apply to so much of the fees, dues, or membership expenses paid in any taxable year beginning in 2007 to athletic or fitness facilities (within the meaning of section 132(j)(4)(C)) as does not exceed $900 per employee per year.".

(2) CONFORMING AMENDMENT.—The last sentence of section 274(e)(4) of such Code is amended by inserting "the first sentence of" before "subsection (a)(3)".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006.

SA 138. Mr. CORNYN submitted an amendment intended to be proposed to amendment SA 100 proposed by Mr. REID (for Mr. BAUCUS) to the bill H.R. 2, to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. EMPLOYER-PROVIDED OFF-PREMISES HEALTH CLUB SERVICES.

(a) TREATMENT AS FRINGE BENEFIT.—Subparagraph (A) of section 132(j)(4) of the Internal Revenue Code of 1986 (relating to on-premises gyms and other athletic facilities) is amended to read as follows:

"(A) IN GENERAL.—Gross income shall not include—

"(i) the value of any on-premises athletic facility provided by an employer to its employees, and

"(ii) in the case of any taxable year beginning in 2007, so much of the fees, dues, or membership expenses paid by an employer to an athletic or fitness facility described in subparagraph (C) on behalf of its employees as does not exceed $900 per employee per year.".

(b) ATHLETIC FACILITIES DESCRIBED.—Paragraph (4) of section 132(j) of the Internal Revenue Code of 1986 (relating to special rules) is amended by adding at the end the following new subparagraph:

"(C) CERTAIN ATHLETIC OR FITNESS FACILITIES DESCRIBED.—For purposes of subparagraph (A)(ii), an athletic or fitness facility described in this subparagraph is a facility—

"(i) which provides instruction in a program of physical exercise, offers facilities for the preservation, maintenance, encouragement, or development of physical fitness, or is the site of such a program of a State or local government,

"(ii) which is not a private club owned and operated by its members,

"(iii) which does not offer golf, hunting, sailing, or riding facilities,

"(iv) whose health or fitness facility is not incidental to its overall function and purpose, and

"(v) which is fully compliant with the State of jurisdiction and Federal anti-discrimination laws.".

(c) Exclusion Applies to Highly Compensated Employees Only if No Discrimination.—Section 132(j)(1) of the Internal Revenue Code of 1986 is amended—

(1) by striking "Paragraphs (1) and (2) of subsection (a)" and inserting "Subsections (a)(1), (a)(2), and (j)(4)", and

(2) by striking the heading thereof through "(2) APPLY" and inserting "CERTAIN EXCLUSIONS APPLY".

(d) Employer Deduction for Dues to Certain Athletic Facilities.—

(1) In general.—Paragraph (3) of section 274(a) of the Internal Revenue Code of 1986 (relating to denial of deduction for club dues) is amended by adding at the end the following new sentence: "The preceding sentence shall not apply to so much of the fees, dues, or membership expenses paid in any taxable year beginning in 2007 to athletic or fitness facilities (within the meaning of section 132(j)(4)(C)) as does not exceed $900 per employee per year.".

(2) Conforming amendment.—The last sentence of section 274(e)(4) of such Code is amended by inserting "the first sentence of" before "subsection (a)(3)".

(e) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006.

SA 139. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill H.R. 2, to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. REPEAL OF EGTRRA AND JGTRRA SUNSETS.

(a) EGTRRA.—The Economic Growth and Tax Relief Reconciliation Act of 2001 is amended by striking title IX.

(b) JGTRRA.—Title III of the Jobs and Growth Tax Relief Reconciliation Act of 2003 is amended by striking section 303.

SA 140. Mr. CORNYN submitted an amendment intended to be proposed to amendment SA 100 proposed by Mr. Reid (for Mr. Baucus) to the bill H.R. 2, to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . REPEAL OF EGTRRA AND JGTRRA SUNSETS.

(a) EGTRRA.—The Economic Growth and Tax Relief Reconciliation Act of 2001 is amended by striking title IX.

(b) JGTRRA.—Title III of the Jobs and Growth Tax Relief Reconciliation Act of 2003 is amended by striking section 303.

SA 141. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 2, to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. RESPONSIBLE EMPLOYER REQUIREMENTS.

(a) Penalties for Unlawful Employment of Aliens.—Section 274A of the Immigration and Nationality Act (8 U.S.C. 1324a) is amended—

(1) in subsection (e)(4)—

(A) in subparagraph (A)(i), by striking "not less than $250 and not more than $2,000" and inserting "not less than $5000 and not more than $7,500";

(B) in subparagraph (A)(ii), by striking "not less than $2,000 and not more than $5,000" and inserting "not less than $10,000 and not more than $15,000"; and

(C) in subparagraph (A)(iii), by striking "not less than $3,000 and not more than $10,000" and inserting "not less than $25,000 and not more than $40,00";

(2) in subsection (e)(5)—

(A) by inserting ", subject to paragraph (10)," after "in an amount";

(B) by striking "$100 and not more than $1,000" and inserting "$1,000 and not more than $25,000"; and

(C) by adding at the end the following sentence: "Providing information to the basic pilot program described in section 403(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note) that the person or entity knows or reasonably believes to be false, shall be treated as a violation of subsection (a)(1)(A) and shall not qualify for the exemption provided by (e)(10).";

(3) by adding at the end of subsection (e) the following new paragraph:

"(10) Exemption from penalty for employers participating in the basic pilot program.—In the case of imposition of a civil penalty under paragraph (4)(A) with respect to a violation of subsection (a)(1)(A) or (a)(2) for hiring or continuation of employment by an employer and in the case of imposition of a civil penalty under paragraph (5) for a violation of subsection (a)(1)(B) for hiring or recruitment or referral by a person or entity, the penalty otherwise imposed shall be waived if the violator establishes that it was voluntarily participating in the basic pilot electronic verification program at the time of the offense.";

(4) by amending paragraph (1) of subsection (f) to read as follows:

"(1) Criminal penalty.—Any person or entity which engages in a pattern or practice of violations of paragraph (1) or (2) of subsection (a) shall be fined not less than $3,000 and more than $50,000 for each unauthorized alien with respect to which such a violation occurs, imprisoned for not less than one year, or both, notwithstanding the provisions of any other Federal law relating to fine levels."; and

(5) in subsection (f)(2), by striking "Attorney General" each place it appears and inserting "Secretary of Homeland Security".

(b) Retention and Use of Employment Eligibility Verification Documents.—

(1) Retention.—Section 274A(b) of the Immigration and Nationality Act (8 U.S.C. 1324a(b)) is amended by striking paragraph (4) and inserting the following:

"(4) Copying and retention of documentation.—

"(A) In general.—A person or entity required to examine a document described in subparagraph (B), (C), or (D) of paragraph (1) or receive an attestation described in paragraph (2) shall retain a paper, microfiche, microfilm, or electronic version of each such document and attestation, indicate that each such version is a copied document, and make such versions available for inspection by an officer of the Department of Homeland Security or any other person designated by the Secretary, the Special Counsel for Immigration-Related Unfair Employment Practices of the Department of Justice, or the Secretary of Labor during the period beginning on the date of the hiring, or recruiting or referring for a fee, of the individual and ending—

"(i) in the case of the recruiting or referral for a fee (without hiring) of an individual, 5 years after the date of the recruiting or referral; or

"(ii) in the case of the hiring of an individual the later of—

"(I) 5 years after the date of such hiring; or

"(II) 1 year after the date the individual's employment is terminated.

"(B) Other records.—Such person or entity shall maintain records of any action taken and copies of any correspondence written or received with respect to the verification of an individual's identity or eligibility for employment in the United States.".

(2) Limitation on use of retained documents.—Paragraph (5) of section 274A(b) of the Immigration and Nationality Act (8 U.S.C. 1324a(b)) is amended—

(A) in the heading, by striking "LIMITATION ON USE OF ATTESTATION FORM" and inserting "ATTESTATION FORM";

(B) by redesignating such paragraph (5) as subparagraph (A);

(C) by indenting such subparagraph, as so designated, six ems from the left margin;

(D) by inserting before such subparagraph, as so designated, the following:

"(5) Limitation on use.—"; and

(E) by inserting after such subparagraph, as so designated, the following new subparagraph:

"(B) Retained documents.—A person or entity required to retain versions of documents or attestations or maintain records under paragraph (4) shall use any such version, attestation, or record only for the purposes of complying with the requirements of this subsection, except as otherwise permitted under law.".

(c) Extension of the Basic Pilot Program.—Section 403(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note) is amended by adding at the end the following new paragraph:

"(5) Individuals covered.—Notwithstanding any other provision of this title, a person or other entity that elects to participate in the basic pilot program shall follow the procedures described in paragraphs (1) through (4) for each individual who the person or entity hires (or recruits or refers) for employment and for each individual who is employed by the person or entity.".

SEC. ___. RESPONSIBLE GOVERNMENT CONTRACTOR REQUIREMENTS.

Section 274A(e) of the Immigration and Nationality Act (8 U.S.C. 1324a(e)) is amended by adding at the end the following new paragraph:

"(10) Prohibition on award of government contracts, grants, and agreements.—

"(A) Employers with no contracts, grants, or agreements.—

"(i) In general.—Subject to clause (iii) and subparagraph (C), if an employer who does not hold a Federal contract, grant, or cooperative agreement is determined to have violated this section, the employer shall be debarred from the receipt of a Federal contract, grant, or cooperative agreement for a period of 7 years.

"(ii) PLACEMENT ON EXCLUDED LIST.—The Secretary of Homeland Security or the Attorney General shall advise the Administrator of General Services of the debarment of an employer under clause (i) and the Administrator of General Services shall list the employer on the List of Parties Excluded from Federal Procurement and Nonprocurement Programs for a period of 7 years.

"(iii) WAIVER.—

"(I) AUTHORITY.—The Administrator of General Services, in consultation with the Secretary of Homeland Security and the Attorney General, may waive operation of clause (i) or may limit the duration or scope of a debarment under clause (i) if such waiver or limitation is necessary to national defense or in the interest of national security.

"(II) NOTIFICATION TO CONGRESS.—If the Administrator grants a waiver or limitation described in subclause (I), the Administrator shall submit to each member of the Committee on the Judiciary of the Senate and of the Committee on the Judiciary of the House of Representatives immediate notice of such waiver or limitation.

"(III) PROHIBITION ON JUDICIAL REVIEW.—The decision of whether to debar or take alternative action under this clause shall not be judicially reviewed.

"(B) EMPLOYERS WITH CONTRACTS, GRANTS, OR AGREEMENTS.—

"(i) IN GENERAL.—Subject to clause (iii) and subclause (C), an employer who holds a Federal contract, grant, or cooperative agreement and is determined to have violated this section shall be debarred from the receipt of new Federal contracts, grants, or cooperative agreements for a period of 10 years.

"(ii) NOTICE TO AGENCIES.—Prior to debarring the employer under clause (i), the Secretary of Homeland Security, in cooperation with the Administrator of General Services, shall advise any agency or department holding a contract, grant, or cooperative agreement with the employer of the Government's intention to debar the employer from the receipt of new Federal contracts, grants, or cooperative agreements for a period of 10 years.

"(iii) WAIVER.—

"(I) AUTHORITY.—After consideration of the views of any agency or department that holds a contract, grant, or cooperative agreement with the employer, the Administrator of General Services, in consultation with the Secretary of Homeland Security and the Attorney General, may waive operation of clause (i) or may limit the duration or scope of the debarment under clause (i) if such waiver or limitation is necessary to the national defense or in the interest of national security.

"(II) NOTIFICATION TO CONGRESS.—If the Administrator grants a waiver or limitation described in subclause (I), the Administrator shall submit to each member of the Committee on the Judiciary of the Senate and of the Committee on the Judiciary of the House of Representatives immediate notice of such waiver or limitation.

"(III) PROHIBITION ON JUDICIAL REVIEW.—The decision of whether to debar or take alternate action under this clause shall not be judicially reviewed.

"(C) EXEMPTION FROM PENALTY FOR EMPLOYERS PARTICIPATING IN THE BASIC PILOT PROGRAM.—In the case of imposition on an employer of a debarment from the receipt of a Federal contract, grant, or cooperative agreement under subparagraph (A) or (B), that penalty shall be waived if the employer establishes that the employer was voluntarily participating in the basic pilot program under section 403(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note) at the time of the violations of this section that resulted in the debarment.".

SA 142. Mr. SESSIONS submitted an amendment intended to be proposed to amendment SA 100 proposed by Mr. REID (for Mr. BAUCUS) to the bill H.R. 2, to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . RESPONSIBLE EMPLOYER REQUIREMENTS.

(a) PENALTIES FOR UNLAWFUL EMPLOYMENT OF ALIENS.—Section 274A of the Immigration and Nationality Act (8 U.S.C. 1324a) is amended—

(1) in subsection (e)(4)—

(A) in subparagraph (A)(i), by striking "not less than $250 and not more than $2,000" and inserting "not less than $5000 and not more than $7,500";

(B) in subparagraph (A)(ii), by striking "not less than $2,000 and not more than $5,000" and inserting "not less than $10,000 and not more than $15,000"; and

(C) in subparagraph (A)(iii), by striking "not less than $3,000 and not more than $10,000" and inserting "not less than $25,000 and not more than $40,00";

(2) in subsection (e)(5)—

(A) by inserting ", subject to paragraph (10)," after "in an amount";

(B) by striking "$100 and not more than $1,000" and inserting "$1,000 and not more than $25,000"; and

(C) by adding at the end the following sentence: "Providing information to the basic pilot program described in section 403(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note) that the person or entity knows or reasonably believes to be false, shall be treated as a violation of subsection (a)(1)(A) and shall not qualify for the exemption provided by (e)(10).";

(3) by adding at the end of subsection (e) the following new paragraph:

"(10) EXEMPTION FROM PENALTY FOR EMPLOYERS PARTICIPATING IN THE BASIC PILOT PROGRAM.—In the case of imposition of a civil penalty under paragraph (4)(A) with respect to a violation of subsection (a)(1)(A) or (a)(2) for hiring or continuation of employment by an employer and in the case of imposition of a civil penalty under paragraph (5) for a violation of subsection (a)(1)(B) for hiring or recruitment or referral by a person or entity, the penalty otherwise imposed shall be waived if the violator establishes that it was voluntarily participating in the basic pilot electronic verification program at the time of the offense.";

(4) by amending paragraph (1) of subsection (f) to read as follows:

"(1) CRIMINAL PENALTY.—Any person or entity which engages in a pattern or practice of violations of paragraph (1) or (2) of subsection (a) shall be fined not less than $3,000 and more than $50,000 for each unauthorized alien with respect to which such a violation occurs, imprisoned for not less than one year, or both, notwithstanding the provisions of any other Federal law relating to fine levels."; and

(5) in subsection (f)(2), by striking "Attorney General" each place it appears and inserting "Secretary of Homeland Security".

(b) RETENTION AND USE OF EMPLOYMENT ELIGIBILITY VERIFICATION DOCUMENTS.—

(1) RETENTION.—Section 274A(b) of the Immigration and Nationality Act (8 U.S.C. 1324a(b)) is amended by striking paragraph (4) and inserting the following:

"(4) COPYING AND RETENTION OF DOCUMENTATION.—

"(A) IN GENERAL.—A person or entity required to examine a document described in subparagraph (B), (C), or (D) of paragraph (1) or receive an attestation described in paragraph (2) shall retain a paper, microfiche, microfilm, or electronic version of each such document and attestation, indicate that each such version is a copied document, and make such versions available for inspection by an officer of the Department of Homeland Security or any other person designated by the Secretary, the Special Counsel for Immigration-Related Unfair Employment Practices of the Department of Justice, or the Secretary of Labor during the period beginning on the date of the hiring, or recruiting or referring for a fee, of the individual and ending—

"(i) in the case of the recruiting or referral for a fee (without hiring) of an individual, 5 years after the date of the recruiting or referral; or

"(ii) in the case of the hiring of an individual the later of—

"(I) 5 years after the date of such hiring; or

"(II) 1 year after the date the individual's employment is terminated.

"(B) OTHER RECORDS.—Such person or entity shall maintain records of any action taken and copies of any correspondence written or received with respect to the verification of an individual's identity or eligibility for employment in the United States.".

(2) LIMITATION ON USE OF RETAINED DOCUMENTS.—Paragraph (5) of section 274A(b) of the Immigration and Nationality Act (8 U.S.C. 1324a(b)) is amended—

(A) in the heading, by striking "LIMITATION ON USE OF ATTESTATION FORM" and inserting "ATTESTATION FORM";

(B) by redesignating such paragraph (5) as subparagraph (A);

(C) by indenting such subparagraph, as so designated, six ems from the left margin;

(D) by inserting before such subparagraph, as so designated, the following:

"(5) LIMITATION ON USE.—"; and

(E) by inserting after such subparagraph, as so designated, the following new subparagraph:

"(B) RETAINED DOCUMENTS.—A person or entity required to retain versions of documents or attestations or maintain records under paragraph (4) shall use any such version, attestation, or record only for the purposes of complying with the requirements of this subsection, except as otherwise permitted under law.".

(c) EXTENSION OF THE BASIC PILOT PROGRAM.—Section 403(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note) is amended by adding at the end the following new paragraph:

"(5) INDIVIDUALS COVERED.—Notwithstanding any other provision of this title, a person or other entity that elects to participate in the basic pilot program shall follow the procedures described in paragraphs (1) through (4) for each individual who the person or entity hires (or recruits or refers) for employment and for each individual who is employed by the person or entity.".

SEC. ___. RESPONSIBLE GOVERNMENT CONTRACTOR REQUIREMENTS.

Section 274A(e) of the Immigration and Nationality Act (8 U.S.C. 1324a(e)) is amended by adding at the end the following new paragraph:

"(10) PROHIBITION ON AWARD OF GOVERNMENT CONTRACTS, GRANTS, AND AGREEMENTS.—

"(A) EMPLOYERS WITH NO CONTRACTS, GRANTS, OR AGREEMENTS.—

"(i) IN GENERAL.—Subject to clause (iii) and subparagraph (C), if an employer who does not hold a Federal contract, grant, or cooperative agreement is determined to have violated this section, the employer shall be debarred from the receipt of a Federal contract, grant, or cooperative agreement for a period of 7 years.

"(ii) PLACEMENT ON EXCLUDED LIST.—The Secretary of Homeland Security or the Attorney General shall advise the Administrator of General Services of the debarment of an employer under clause (i) and the Administrator of General Services shall list the employer on the List of Parties Excluded from Federal Procurement and Nonprocurement Programs for a period of 7 years.

"(iii) WAIVER.—

"(I) AUTHORITY.—The Administrator of General Services, in consultation with the Secretary of Homeland Security and the Attorney General, may waive operation of clause (i) or may limit the duration or scope of a debarment under clause (i) if such waiver or limitation is necessary to national defense or in the interest of national security.

"(II) NOTIFICATION TO CONGRESS.—If the Administrator grants a waiver or limitation described in subclause (I), the Administrator shall submit to each member of the Committee on the Judiciary of the Senate and of the Committee on the Judiciary of the House of Representatives immediate notice of such waiver or limitation.

"(III) PROHIBITION ON JUDICIAL REVIEW.—The decision of whether to debar or take alternative action under this clause shall not be judicially reviewed.

"(B) EMPLOYERS WITH CONTRACTS, GRANTS, OR AGREEMENTS.—

"(i) IN GENERAL.—Subject to clause (iii) and subclause (C), an employer who holds a Federal contract, grant, or cooperative agreement and is determined to have violated this section shall be debarred from the receipt of new Federal contracts, grants, or cooperative agreements for a period of 10 years.

"(ii) NOTICE TO AGENCIES.—Prior to debarring the employer under clause (i), the Secretary of Homeland Security, in cooperation with the Administrator of General Services, shall advise any agency or department holding a contract, grant, or cooperative agreement with the employer of the Government's intention to debar the employer from the receipt of new Federal contracts, grants, or cooperative agreements for a period of 10 years.

"(iii) WAIVER.—

"(I) AUTHORITY.—After consideration of the views of any agency or department that holds a contract, grant, or cooperative agreement with the employer, the Administrator of General Services, in consultation with the Secretary of Homeland Security and the Attorney General, may waive operation of clause (i) or may limit the duration or scope of the debarment under clause (i) if such waiver or limitation is necessary to the national defense or in the interest of national security.

"(II) NOTIFICATION TO CONGRESS.—If the Administrator grants a waiver or limitation described in subclause (I), the Administrator shall submit to each member of the Committee on the Judiciary of the Senate and of the Committee on the Judiciary of the House of Representatives immediate notice of such waiver or limitation.

"(III) PROHIBITION ON JUDICIAL REVIEW.—The decision of whether to debar or take alternate action under this clause shall not be judicially reviewed.

"(C) EXEMPTION FROM PENALTY FOR EMPLOYERS PARTICIPATING IN THE BASIC PILOT PROGRAM.—In the case of imposition on an employer of a debarment from the receipt of a Federal contract, grant, or cooperative agreement under subparagraph (A) or (B), that penalty shall be waived if the employer establishes that the employer was voluntarily participating in the basic pilot program under section 403(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note) at the time of the violations of this section that resulted in the debarment.".

SA 143. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 2, to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE II—UNLAWFUL EMPLOYMENT OF ALIENS

SEC. 201. UNLAWFUL EMPLOYMENT OF ALIENS.

(a) IN GENERAL.—Section 274A of the Immigration and Nationality Act (8 U.S.C. 1324a) is amended to read as follows:

"SEC. 274A. UNLAWFUL EMPLOYMENT OF ALIENS.

"(a) MAKING EMPLOYMENT OF UNAUTHORIZED ALIENS UNLAWFUL.—

"(1) IN GENERAL.—It is unlawful for an employer—

"(A) to hire, or to recruit or refer for a fee, an alien for employment in the United States knowing, or with reckless disregard, that the alien is an unauthorized alien with respect to such employment; or

"(B) to hire, or to recruit or refer for a fee, for employment in the United States an individual unless such employer meets the requirements of subsections (c) and (d).

"(2) CONTINUING EMPLOYMENT.—It is unlawful for an employer, after lawfully hiring an alien for employment, to continue to employ the alien in the United States knowing that the alien is (or has become) an unauthorized alien with respect to such employment.

"(3) USE OF LABOR THROUGH CONTRACT.—

"(A) IN GENERAL.—An employer who uses a contract, subcontract, or exchange to obtain the labor of an alien in the United States knowing, or with reckless disregard—

"(i) that the alien is an unauthorized alien with respect to performing such labor, shall be considered to have hired the alien in violation of paragraph (1)(A); or

"(ii) that the person hiring such alien failed to comply with the requirements of subsections (c) and (d) shall be considered to have hired the alien in violation of paragraph (1)(B).

"(B) INFORMATION SHARING.—The person hiring the alien shall provide to the employer, who obtains the labor of the alien, the employer identification number assigned to such person by the Commissioner of Internal Revenue. Failure to provide such number shall be considered a recordkeeping violation under subsection (e)(4)(B).

"(C) REPORTING REQUIREMENT.—The employer shall submit to the Electronic Verification System established under subsection (d), in a manner prescribed by the Secretary, the employer identification number provided by the person hiring the alien. Failure to submit such number shall be considered a recordkeeping violation under subsection (e)(4)(B).

"(D) ENFORCEMENT.—The Secretary shall implement procedures to utilize the information obtained under subparagraphs (B) and (C) to identify employers who use a contract, subcontract, or exchange to obtain the labor of an alien from another person, where such person hiring such alien fails to comply with the requirements of subsections (c) and (d).

"(4) DEFENSE.—

"(A) IN GENERAL.—Subject to subparagraph (B), an employer that establishes that the employer has complied in good faith with the requirements of subsections (c) and (d) has established an affirmative defense that the employer has not violated paragraph (1)(A) with respect to such hiring, recruiting, or referral.

"(B) EXCEPTION.—Until the date that an employer is required to participate in the Electronic Employment Verification System under subsection (d) or is participating in such System on a voluntary basis, the employer may establish an affirmative defense under subparagraph (A) by complying with the requirements of subsection (c).

"(b) ORDER OF INTERNAL REVIEW AND CERTIFICATION OF COMPLIANCE.—

"(1) AUTHORITY TO REQUIRE CERTIFICATION.—If the Secretary has reasonable cause to believe that an employer has failed to comply with this section, the Secretary is authorized, at any time, to require that the employer certify that the employer is in compliance with this section, or has instituted a program to come into compliance.

"(2) CONTENT OF CERTIFICATION.—Not later than 60 days after the date an employer receives a request for a certification under paragraph (1) the employer shall certify under penalty of perjury that—

"(A) the employer is in compliance with the requirements of subsections (c) and (d); or

"(B) that the employer has instituted a program to come into compliance with such requirements.

"(3) EXTENSION.—The 60-day period referred to in paragraph (2), may be extended by the Secretary for good cause, at the request of the employer.

"(4) PUBLICATION.—The Secretary is authorized to publish in the Federal Register standards or methods for certification under paragraph (1) and for specific recordkeeping practices with respect to such certification, and procedures for the audit of any records related to such certification.

"(c) DOCUMENT VERIFICATION REQUIREMENTS.—An employer hiring, or recruiting or referring for a fee, an individual for employment in the United States shall verify that the individual is eligible for such employment by meeting the following requirements:

"(1) ATTESTATION BY EMPLOYER.—

"(A) REQUIREMENTS.—

"(i) IN GENERAL.—The employer shall attest, under penalty of perjury and on a form prescribed by the Secretary, that the employer has verified the identity and eligibility for employment of the individual by examining a document described in subparagraph (B).

"(ii) SIGNATURE REQUIREMENTS.—An attestation required by clause (i) may be manifested by a handwritten or electronic signature.

"(iii) STANDARDS FOR EXAMINATION.—The employer has complied with the requirement of this paragraph with respect to examination of documentation if a reasonable person would conclude that the document examined is genuine and relates to the individual whose identity and eligibility for employment in the United States is being verified. If the individual provides a document sufficient to meet the requirements of this paragraph, nothing in this paragraph shall be construed as requiring an employer to solicit any other document or as requiring the individual to produce any other document.

"(B) IDENTIFICATION DOCUMENTS.—A document described in this subparagraph is—

"(i) in the case of an individual who is a national of the United States—

"(I) a United States passport; or

"(II) a driver's license or identity card issued by a State, the Commonwealth of the Northern Mariana Islands, or an outlying possession of the United States that satisfies the requirements of division B of Public Law 109–13 (119 Stat. 302);

"(ii) in the case of an alien lawfully admitted for permanent residence in the United States, a permanent resident card, as specified by the Secretary;

"(iii) in the case of an alien who is authorized under this Act or by the Secretary to be employed in the United States, an employment authorization card, as specified by the Secretary that—

"(I) contains a photograph of the individual or other identifying information, including name, date of birth, gender, and address; and

"(II) contains security features to make the document resistant to tampering, counterfeiting, and fraudulent use;

"(iv) in the case of an individual who is unable to obtain a document described in clause (i), (ii), or (iii), a document designated by the Secretary that—

"(I) contains a photograph of the individual or other identifying information, including name, date of birth, gender, and address; and

"(II) contains security features to make the document resistant to tampering, counterfeiting, and fraudulent use; or

"(v) until the date that an employer is required to participate in the Electronic Employment Verification System under subsection (d) or is participating in such System on a voluntary basis, a document, or a combination of documents, of such type that, as of the date of the enactment of the Fair Minimum Wage Act of 2007, the Secretary had established by regulation were sufficient for purposes of this section.

"(C) AUTHORITY TO PROHIBIT USE OF CERTAIN DOCUMENTS.—

"(i) AUTHORITY.—If the Secretary finds that a document or class of documents described in subparagraph (B) is not reliable to establish identity or is being used fraudulently to an unacceptable degree, the Secretary shall prohibit, or impose conditions, on the use of such document or class of documents for purposes of this subsection.

"(ii) REQUIREMENT FOR PUBLICATION.—The Secretary shall publish notice of any findings under clause (i) in the Federal Register.

"(2) ATTESTATION OF EMPLOYEE.—

"(A) REQUIREMENTS.—

"(i) IN GENERAL.—The individual shall attest, under penalty of perjury on the form described in paragraph (1)(A)(i), that the individual is a national of the United States, an alien lawfully admitted for permanent residence, or an alien who is authorized under this Act or by the Secretary to be hired, or to be recruited or referred for a fee, in the United States.

"(ii) SIGNATURE FOR EXAMINATION.—An attestation required by clause (i) may be manifested by a handwritten or electronic signature.

"(B) PENALTIES.—An individual who falsely represents that the individual is eligible for employment in the United States in an attestation required by subparagraph (A) shall, for each such violation, be subject to a fine of not more than $5,000, a term of imprisonment not to exceed 3 years, or both.

"(3) RETENTION OF ATTESTATION.—The employer shall retain a paper, microfiche, microfilm, or electronic version of the attestations made under paragraph (1) and (2) and make such attestations available for inspection by an officer of the Department of Homeland Security, any other person designated by the Secretary, the Special Counsel for Immigration-Related Unfair Employment Practices of the Department of Justice, or the Secretary of Labor during a period beginning on the date of the hiring, or recruiting or referring for a fee, of the individual and ending—

"(A) in the case of the recruiting or referral for a fee (without hiring) of an individual, 5 years after the date of the recruiting or referral; or

"(B) in the case of the hiring of an individual the later of—

"(i) 5 years after the date of such hiring;

"(ii) 1 year after the date the individual's employment is terminated; or

"(iii) in the case of an employer or class of employers, a period that is less than the applicable period described in clause (i) or (ii) if the Secretary reduces such period for such employer or class of employers.

"(4) DOCUMENT RETENTION AND RECORDKEEPING REQUIREMENTS.—

"(A) RETENTION OF DOCUMENTS.—Notwithstanding any other provision of law, an employer shall retain, for the applicable period described in paragraph (3), the following documents:

"(i) IN GENERAL.—The employer shall copy all documents presented by an individual described in paragraph (1)(B) and shall retain paper, microfiche, microfilm, or electronic copies of such documents. Such copies shall be designated as copied documents.

"(ii) OTHER DOCUMENTS.—The employer shall maintain records of any action taken and copies of any correspondence written or received with respect to the verification of an individual's identity or eligibility for employment in the United States.

"(B) USE OF RETAINED DOCUMENTS.—An employer shall use copies retained under clause (i) or (ii) of subparagraph (A) only for the purposes of complying with the requirements of this subsection, except as otherwise permitted under law.

"(5) PENALTIES.—An employer that fails to comply with the recordkeeping requirements of this subsection shall be subject to the penalties described in subsection (e)(4)(B).

"(6) NO AUTHORIZATION OF NATIONAL IDENTIFICATION CARDS.—Nothing in this section may be construed to authorize, directly or indirectly, the issuance, use, or establishment of a national identification card.

"(d) ELECTRONIC EMPLOYMENT VERIFICATION SYSTEM.—

"(1) REQUIREMENT FOR SYSTEM.—The Secretary, in cooperation with the Commissioner of Social Security, shall implement an Electronic Employment Verification System (referred to in this subsection as the 'System') to determine whether—

"(A) the identifying information submitted by an individual is consistent with the information maintained by the Secretary or the Commissioner of Social Security; and

"(B) such individual is eligible for employment in the United States.

"(2) REQUIREMENT FOR PARTICIPATION.—The Secretary shall require all employers in the United States to participate in the System, with respect to all employees hired by the employer on or after the date that is 18 months after the date that not less than $400,000,000 have been appropriated and made available to implement this subsection.

"(3) OTHER PARTICIPATION IN SYSTEM.—Notwithstanding paragraph (2), the Secretary has the authority—

"(A) to permit any employer that is not required to participate in the System under paragraph (2) to participate in the System on a voluntary basis; and

"(B) to require any employer or class of employers to participate on a priority basis in the System with respect to individuals employed as of, or hired after, the date of enactment of the Fair Minimum Wage Act of 2007—

"(i) if the Secretary designates such employer or class of employers as a critical employer based on an assessment of homeland security or national security needs; or

"(ii) if the Secretary has reasonable cause to believe that the employer has engaged in material violations of paragraph (1), (2), or (3) of subsection (a).

"(4) REQUIREMENT TO NOTIFY.—The Secretary shall notify the employer or class of employers in writing regarding the requirement for participation in the System under paragraph (3)(B) not less than 60 days prior to the effective date of such requirement. Such notice shall include the training materials described in paragraph (8)(E)(v).

"(5) REGISTRATION OF EMPLOYERS.—An employer shall register the employer's participation in the System in the manner prescribed by the Secretary prior to the date the employer is required or permitted to submit information with respect to an employee under this subsection.

"(6) ADDITIONAL GUIDANCE.—A registered employer shall be permitted to utilize any technology that is consistent with this section and with any regulation or guidance from the Secretary to streamline the procedures to facilitate compliance with—

"(A) the attestation requirement in subsection (c); and

"(B) the employment eligibility verification requirements in this subsection.

"(7) CONSEQUENCE OF FAILURE TO PARTICIPATE.—If an employer is required to participate in the System and fails to comply with the requirements of the System with respect to an employee—

"(A) such failure shall be treated as a violation of subsection (a)(1)(B); and

"(B) a rebuttable presumption is created that the employer has violated subsection (a)(1)(A), however, such presumption may not apply to a prosecution under subsection (f)(1).

"(8) DESIGN AND OPERATION OF SYSTEM.—

"(A) IN GENERAL.—The Secretary shall, through the System—

"(i) respond to each inquiry made by a registered employer through the Internet or other electronic media, or over a toll-free telephone line regarding an individual's identity and eligibility for employment in the United States; and "(ii) maintain a record of each such inquiry and the information provided in response to such inquiry.

"(B) INITIAL INQUIRY.—

"(i) INFORMATION REQUIRED.—A registered employer shall, with respect to the hiring, or recruiting or referring for a fee, any individual for employment in the United States, obtain from the individual and record on the form described in subsection (c)(1)(A)(i)—

"(I) the individual's name and date of birth and, if the individual was born in the United States, the State in which such individual was born;

"(II) the individual's social security account number;

"(III) the employment identification number of the individual's employer during any one of the 5 most recently completed calendar years; and

"(IV) in the case of an individual who does not attest that the individual is a national of the United States under subsection (c)(1)(A)(i), such alien identification or authorization number that the Secretary shall require.

"(ii) SUBMISSION TO SYSTEM.—A registered employer shall submit an inquiry through the System to seek confirmation of the individual's identity and eligibility for employment in the United States—

"(I) not later than 3 days after the date of the hiring, or recruiting or referring for a fee, of the individual (as the case may be); or

"(II) in the case of an employee hired by a critical employer designated by the Secretary under paragraph (3)(B) at such time as the Secretary shall specify.

"(iii) EIN REQUIREMENTS.—

"(I) REQUIREMENT TO PROVIDE.—An employer shall provide the employer identification number issued to such employer to the individual, upon request, for purposes of providing the information under clause (i)(III).

"(II) REQUIREMENT TO AFFIRMATIVELY STATE A LACK OF RECENT EMPLOYMENT.—An individual providing information under clause (i)(III) who was not employed in the United States during any of the 5 most recently completed calendar years shall affirmatively state on the form described in subsection (c)(1)(A)(i) that no employer identification number is provided because the individual was not employed in the United States during such period.

"(C) INITIAL RESPONSE.—Not later than 10 days after an employer submits an inquiry to the System regarding an individual, the Secretary shall provide, through the System, to the employer—

"(i) if the System is able to confirm the individual's identity and eligibility for employment in the United States, a confirmation notice, including the appropriate codes on such confirmation notice; or

"(ii) if the System is unable to confirm the individual's identity or eligibility for employment in the United States, and after a secondary manual verification has been conducted, a tentative nonconfirmation notice, including the appropriate codes on such tentative nonconfirmation notice.

"(D) CONFIRMATION OR NONCONFIRMATION.—

"(i) CONFIRMATION UPON INITIAL INQUIRY.—If an employer receives a confirmation notice under paragraph (C)(i) for an individual, the employer shall record, on the form described in subsection (c)(1)(A)(i), the appropriate code provided in such notice.

"(ii) TENTATIVE NONCONFIRMATION.—If an employer receives a tentative nonconfirmation notice under paragraph (C)(ii) for an individual, the employer shall inform such individual of the issuance of such notice in writing, on a form prescribed by the Secretary not later than 3 days after receiving such notice. Such individual shall acknowledge receipt of such notice in writing on the form described in subsection (c)(1)(A)(i).

"(iii) NO CONTEST.—If the individual does not contest the tentative nonconfirmation notice within 10 days of receiving notice from the individual's employer, the notice shall become final and the employer shall record on the form described in subsection (1)(A)(i), the appropriate code provided through the System to indicate the individual did not contest the tentative nonconfirmation. An individual's failure to contest a tentative nonconfirmation shall not be considered an admission of guilt with respect to any violation of this Act or any other provision of law.

"(iv) CONTEST.—If the individual contests the tentative nonconfirmation notice, the individual shall submit appropriate information to contest such notice under the procedures established in subparagraph (E)(iii) not later than 10 days after receiving the notice from the individual's employer.

"(v) EFFECTIVE PERIOD OF TENTATIVE NONCONFIRMATION NOTICE.—A tentative nonconfirmation notice shall remain in effect until such notice becomes final under clause (iii), or the earlier of—

"(I) a final confirmation notice or final nonconfirmation notice is issued through the System; or

"(II) 30 days after the individual contests a tentative nonconfirmation under clause (iv).

"(vi) AUTOMATIC FINAL NOTICE.—

"(I) IN GENERAL.—If a final notice is not issued within the 30-day period described in clause (v)(II), the Secretary shall automatically provide to the employer, through the System, the appropriate code indicating a final notice.

"(II) PERIOD PRIOR TO INITIAL CERTIFICATION.—During the period beginning on the date of the enactment of the Fair Minimum Wage Act of 2007 and ending on the date the Secretary submits the initial report described in subparagraph (E)(ii), an automatic notice issued under subclause (I) shall be a final confirmation notice.

"(III) PERIOD AFTER INITIAL CERTIFICATION.—After the date that the Secretary submits the initial report described in subparagraph (E)(ii), an automatic notice issued under subclause (I) shall be a final confirmation notice unless the most recent such report includes a certification that the System is able to correctly issue, within the period beginning on the date an employer submits an inquiry to the System and ending on the date an automatic default notice would be issued by the System, a final notice in at least 99 percent of the cases in which the notice relates to an individual who is eligible for employment in the United States. If the most recent such report includes such a certification, the automatic notice issued under subclause (I) shall be a final nonconfirmation notice.

"(IV) ADDITIONAL AUTHORITY.—Notwithstanding the second sentence of subclause (III), the Secretary shall have the authority to issue a final confirmation notice for an individual who would be subject to a final nonconfirmation notice under such sentence. In such a case, the Secretary shall determine the individual's eligibility for employment in the United States and record the results of such determination in the System within 12 months.

"(vii) EFFECTIVE PERIOD OF FINAL NOTICE.—A final confirmation notice issued under this paragraph for an individual shall remain in effect—

"(I) during any continuous period of employment of such individual by such employer, unless the Secretary determines the final confirmation was the result of identity fraud; or

"(II) in the case of an alien authorized to be employed in the United States for a temporary period, during such period.

"(viii) PROHIBITION ON TERMINATION.—An employer may not terminate the employment of an individual based on a tentative nonconfirmation notice until such notice becomes final under clause (iii) or a final nonconfirmation notice is issued for the individual by the System. Nothing in this clause shall prohibit the termination of employment for any reason other than such tentative nonconfirmation.

"(ix) RECORDING OF CONTEST RESOLUTION.—The employer shall record on the form described in subsection (c)(1)(A)(i) the appropriate code that is provided through the System to indicate a final confirmation notice or final nonconfirmation notice.

"(x) CONSEQUENCES OF NONCONFIRMATION.—If the employer has received a final nonconfirmation regarding an individual, the employer shall terminate the employment, recruitment, or referral of the individual. Such employer shall provide to the Secretary any information relating to the individual that the Secretary determines would assist the Secretary in enforcing or administering the immigration laws. If the employer continues to employ, recruit, or refer the individual after receiving final nonconfirmation, a rebuttable presumption is created that the employer has violated subsections (a)(1)(A) and (a)(2). Such presumption may not apply to a prosecution under subsection (f)(1).

"(E) RESPONSIBILITIES OF THE SECRETARY.—

"(i) IN GENERAL.—The Secretary shall establish a reliable, secure method to provide through the System, within the time periods required by this subsection—

"(I) a determination of whether the name and alien identification or authorization number provided in an inquiry by an employer is consistent with such information maintained by the Secretary in order to confirm the validity of the information provided; and

"(II) a determination of whether the individual is authorized to be employed in the United States.

"(ii) ANNUAL REPORT AND CERTIFICATION.—Not later than the date that is 24 months after the date that not less than $400,000,000 have been appropriated and made available to the Secretary to implement this subsection, and annually thereafter, the Secretary shall submit to Congress a report that includes—

"(I) an assessment of whether the System is able to correctly issue, within the period described in subparagraph (D)(v)(II), a final notice in at least 99 percent of the cases in which the final notice relates to an individual who is eligible for employment in the United States (excluding an individual who fails to contest a tentative nonconfirmation notice); and

"(II) if the assessment under subclause (I) is that the System is able to correctly issue within the specified time period a final notice in at least 99 percent of the cases described in such subclause, a certification of such assessment.

"(iii) CONTEST AND SELF-VERIFICATION.—The Secretary in consultation with the Commissioner of Social Security, shall establish procedures to permit an individual who contests a tentative or final nonconfirmation notice, or seeks to verify the individual's own employment eligibility prior to obtaining or changing employment, to contact the appropriate agency and, in a timely manner, correct or update the information used by the System.

"(iv) INFORMATION TO EMPLOYEE.—The Secretary shall develop a written form for employers to provide to individuals who receive a tentative or final nonconfirmation notice. Such form shall be made available in a language other than English, as necessary and reasonable, and shall include—

"(I) information about the reason for such notice;

"(II) the right to contest such notice;

"(III) contact information for the appropriate agency and instructions for initiating such contest; and

"(IV) a 24-hour toll-free telephone number to respond to inquiries related to such notice.

"(v) TRAINING MATERIALS.—The Secretary shall make available or provide to the employer, upon request, not later than 60 days prior to such employer's participation in the System, appropriate training materials to facilitate compliance with this subsection, and sections 274B(a)(7) and 274C(a).

"(F) RESPONSIBILITIES OF THE COMMISSIONER OF SOCIAL SECURITY.—The responsibilities of the Commissioner of Social Security with respect to the System are set out in section 205(c)(2) of the Social Security Act.

"(9) PROTECTION FROM LIABILITY.—No employer that participates in the System shall be liable under any law for any employment-related action taken with respect to an individual in good faith reliance on information provided by the System.

"(10) ADMINISTRATIVE REVIEW.—

"(A) IN GENERAL.—An individual who is terminated from employment as a result of a final nonconfirmation notice may, not later than 60 days after the date of such termination, file an appeal of such notice.

"(B) PROCEDURES.—The Secretary and Commissioner of Social Security shall develop procedures to review appeals filed under subparagraph (A) and to make final determinations on such appeals.

"(C) REVIEW FOR ERRORS.—If a final determination on an appeal filed under subparagraph (A) results in a confirmation of an individual's eligibility to work in the United States, the administrative review process shall require the Secretary to determine if the final nonconfirmation notice issued for the individual was the result of—

"(i) an error or negligence on the part of an employee or official operating or responsible for the System;

"(ii) the decision rules, processes, or procedures utilized by the System; or

"(iii) erroneous system information that was not the result of acts or omissions of the individual.

"(D) COMPENSATION FOR ERROR.—

"(i) IN GENERAL.—If the Secretary makes a determination under subparagraph (C) that the final nonconfirmation notice issued for an individual was not caused by an act or omission of the individual, the Secretary shall compensate the individual for lost wages.

"(ii) CALCULATION OF LOST WAGES.—Lost wages shall be calculated based on the wage rate and work schedule that prevailed prior to termination. The individual shall be compensated for wages lost beginning on the first scheduled work day after employment was terminated and ending 180 days after completion of the administrative review process described in this paragraph or the day after the individual is reinstated or obtains employment elsewhere, whichever occurs first.

"(E) LIMITATION ON COMPENSATION.—For purposes of determining an individual's compensation for the loss of employment, such compensation shall not include any period in which the individual was ineligible for employment in the United States.

"(F) SOURCE OF FUNDS.—Compensation or reimbursement provided under this paragraph shall not be provided from funds appropriated in annual appropriations Acts to the Secretary for the Department of Homeland Security.

"(11) JUDICIAL REVIEW.—

"(A) IN GENERAL.—After the Secretary makes a final determination on an appeal filed by an individual under the administrative review process described in paragraph (10), the individual may obtain judicial review of such determination by a civil action commenced not later than 60 days after the date of such decision, or such further time as the Secretary may allow.

"(B) JURISDICTION.—A civil action for such judicial review shall be brought in the district court of the United States for the judicial district in which the plaintiff resides, or has a principal place of business, or, if the plaintiff does not reside or have a principal place of business within any such judicial district, in the District Court of the United States for the District of Columbia.

"(C) ANSWER.—As part of the Secretary's answer to a complaint for such judicial review, the Secretary shall file a certified copy of the administrative record compiled during the administrative review under paragraph (10), including the evidence upon which the findings and decision complained of are based. The court shall have power to enter, upon the pleadings and transcript of the record, a judgment affirming or reversing the result of that administrative review, with or without remanding the cause for a rehearing.

"(D) COMPENSATION FOR ERROR.—

"(i) IN GENERAL.—In cases in which such judicial review reverses the final determination of the Secretary made under paragraph (10), the court shall compensate the individual for lost wages.

"(ii) CALCULATION OF LOST WAGES.—Lost wages shall be calculated based on the wage rate and work scheduled that prevailed prior to termination. The individual shall be compensated for wages lost beginning on the first scheduled work day after employment was terminated and ending 180 days after completion of the judicial review described in this paragraph or the day after the individual is reinstated or obtains employment elsewhere, whichever occurs first.

"(12) LIMITATION ON COLLECTION AND USE OF DATA.—

"(A) LIMITATION ON COLLECTION OF DATA.—

"(i) IN GENERAL.—The System shall collect and maintain only the minimum data necessary to facilitate the successful operation of the System, and in no case shall the data be other than—

"(I) information necessary to register employers under paragraph (5);

"(II) information necessary to initiate and respond to inquiries or contests under paragraph (8);

"(III) information necessary to establish and enforce compliance with paragraphs (5) and (8);

"(IV) information necessary to detect and prevent employment related identity fraud; and

"(V) such other information the Secretary determines is necessary, subject to a 180 day notice and comment period in the Federal Register.

"(ii) PENALTIES.—Any officer, employee, or contractor who willfully and knowingly collects and maintains data in the System other than data described in clause (i) shall be guilty of a misdemeanor and fined not more than $1,000 for each violation.

"(B) LIMITATION ON USE OF DATA.—Whoever willfully and knowingly accesses, discloses, or uses any information obtained or maintained by the System—

"(i) for the purpose of committing identity fraud, or assisting another person in committing identity fraud, as defined in section 1028 of title 18, United States Code;

"(ii) for the purpose of unlawfully obtaining employment in the United States or unlawfully obtaining employment in the United States for any other person; or

"(iii) for any purpose other than as provided for under any provision of law;

shall be guilty of a felony and upon conviction shall be fined under title 18, United States Code, or imprisoned for not more than 5 years, or both.

"(C) EXCEPTIONS.—Nothing in subparagraph (A) or (B) may be construed to limit the collection, maintenance, or use of data by the Commissioner of Internal Revenue or the Commissioner of Social Security as provided by law.

"(13) MODIFICATION AUTHORITY.—The Secretary, after notice is submitted to Congress and provided to the public in the Federal Register, is authorized to modify the requirements of this subsection with respect to completion of forms, method of storage, attestations, copying of documents, signatures, methods of transmitting information, and other operational and technical aspects to improve the efficiency, accuracy, and security of the System.

"(14) ANNUAL GAO STUDY AND REPORT.—

"(A) REQUIREMENT.—The Comptroller General of the United States shall conduct an annual study of the System.

"(B) PURPOSE.—The study shall evaluate the accuracy, efficiency, integrity, and impact of the System.

"(C) REPORT.—Not later than the date that is 24 months after the date that not less than $400,000,000 have been appropriated and made available to the Secretary to implement this subsection, and annually thereafter, the Comptroller General shall submit to Congress a report containing the findings of the study carried out under this paragraph. Each such report shall include, at a minimum, the following:

"(i) An assessment of the annual report and certification described in paragraph (8)(E)(ii).

"(ii) An assessment of System performance with respect to the rate at which individuals who are eligible for employment in the United States are correctly approved within each of the periods specified in paragraph (8), including a separate assessment of such rate for nationals and aliens.

"(iii) An assessment of the privacy and security of the System and its effects on identity fraud or the misuse of personal data.

"(iv) An assessment of the effects of the System on the employment of unauthorized aliens.

"(v) An assessment of the effects of the System, including the effects of tentative confirmations, on unfair immigration-related employment practices and employment discrimination based on national origin or citizenship status.

"(vi) An assessment of whether the Secretary and the Commissioner of Social Security have adequate resources to carry out the duties and responsibilities of this section.

"(e) COMPLIANCE.—

"(1) COMPLAINTS AND INVESTIGATIONS.—The Secretary shall establish procedures—

"(A) for individuals and entities to file complaints regarding potential violations of subsection (a);

"(B) for the investigation of such complaints that the Secretary determines are appropriate to investigate; and

"(C) for the investigation of other violations of subsection (a) that the Secretary determines is appropriate.

"(2) AUTHORITY IN INVESTIGATIONS.—

"(A) IN GENERAL.—In conducting investigations and hearings under this subsection, officers and employees of the Department of Homeland Security—

"(i) shall have reasonable access to examine evidence regarding any employer being investigated; and

"(ii) if designated by the Secretary, may compel by subpoena the attendance of witnesses and the production of evidence at any designated place in an investigation or case under this subsection.

"(B) FAILURE TO COOPERATE.—In case of refusal to obey a subpoena lawfully issued under subparagraph (A)(ii), the Secretary may request that the Attorney General apply in an appropriate district court of the United States for an order requiring compliance with such subpoena, and any failure to obey such order may be punished by such court as contempt.

"(C) DEPARTMENT OF LABOR.—The Secretary of Labor shall have the investigative authority provided under section 11(a) of the Fair Labor Standards Act of 1938 (29 U.S.C. 211(a)) to ensure compliance with the provisions of this section.

"(3) COMPLIANCE PROCEDURES.—

"(A) PREPENALTY NOTICE.—If the Secretary has reasonable cause to believe that there has been a violation of a requirement of this section and determines that further proceedings related to such violation are warranted, the Secretary shall issue to the employer concerned a written notice of the Secretary's intention to issue a claim for a fine or other penalty. Such notice shall—

"(i) describe the violation;

"(ii) specify the laws and regulations allegedly violated;

"(iii) specify the amount of fines or other penalties to be imposed;

"(iv) disclose the material facts which establish the alleged violation; and

"(v) inform such employer that the employer shall have a reasonable opportunity to make representations as to why a claim for a monetary or other penalty should not be imposed.

"(B) REMISSION OR MITIGATION OF PENALTIES.—

"(i) REVIEW BY SECRETARY.—If the Secretary determines that such fine or other penalty was incurred erroneously, or determines the existence of such mitigating circumstances as to justify the remission or mitigation of such fine or penalty, the Secretary may remit or mitigate such fine or other penalty on the terms and conditions as the Secretary determines are reasonable and just, or order termination of any proceedings related to the notice.

"(ii) APPLICABILITY.—This subparagraph may not apply to an employer that has or is engaged in a pattern or practice of violations of paragraph (1), (2), or (3) of subsection (a) or of any other requirements of this section.

"(C) PENALTY CLAIM.—After considering evidence and representations offered by the employer, the Secretary shall determine whether there was a violation and promptly issue a written final determination setting forth the findings of fact and conclusions of law on which the determination is based and the appropriate penalty.

"(4) CIVIL PENALTIES.—

"(A) HIRING OR CONTINUING TO EMPLOY UNAUTHORIZED ALIENS.—Any employer that violates any provision of paragraph (1), (2), or (3) of subsection (a) shall pay civil penalties as follows:

"(i) Pay a civil penalty of not less than $500 and not more than $4,000 for each unauthorized alien with respect to each such violation.

"(ii) If the employer has previously been fined 1 time during the 12-month period preceding the violation under this subparagraph, pay a civil penalty of not less than $4,000 and not more than $10,000 for each unauthorized alien with respect to each such violation.

"(iii) If the employer has previously been fined more than 1 time during the 24-month period preceding the violation under this subparagraph or has failed to comply with a previously issued and final order related to any such provision, pay a civil penalty of not less than $6,000 and not more than $20,000 for each unauthorized alien with respect to each such violation.

"(B) RECORDKEEPING OR VERIFICATION PRACTICES.—Any employer that violates or fails to comply with the recordkeeping requirements of subsections (a), (c), and (d), shall pay a civil penalty as follows:

"(i) Pay a civil penalty of not less than $200 and not more than $2,000 for each such violation.

"(ii) If the employer has previously been fined 1 time during the 12-month period preceding the violation under this subparagraph, pay a civil penalty of not less than $400 and not more than $4,000 for each such violation.

"(iii) If the employer has previously been fined more than 1 time during the 24-month period preceding the violation under this subparagraph or has failed to comply with a previously issued and final order related to such requirements, pay a civil penalty of not less than $600 and not more than $6,000 for each such violation.

"(C) OTHER PENALTIES.—Notwithstanding subparagraphs (A) and (B), the Secretary may impose additional penalties for violations, including violations of cease and desist orders, specially designed compliance plans to prevent further violations, suspended fines to take effect in the event of a further violation, and in appropriate cases, the criminal penalty described in subsection (f).

"(5) JUDICIAL REVIEW.—An employer adversely affected by a final determination may, within 45 days after the date the final determination is issued, file a petition in any appropriate district court of the United States. The filing of a petition as provided in this paragraph shall stay the Secretary's determination until entry of judgment by the court. The burden shall be on the employer to show that the final determination was not supported by substantial evidence. The Secretary is authorized to require that the petitioner provide, prior to filing for review, security for payment of fines and penalties through bond or other guarantee of payment acceptable to the Secretary.

"(6) ENFORCEMENT OF ORDERS.—If an employer fails to comply with a final determination issued against that employer under this subsection, and the final determination is not subject to review as provided in paragraph (5), the Attorney General may file suit to enforce compliance with the final determination, not earlier than 46 days and not later than 180 days after the date the final determination is issued, in any appropriate district court of the United States. In any such suit, the validity and appropriateness of the final determination shall not be subject to review.

"(7) RECOVERY OF COSTS AND ATTORNEY'S FEES.—In any appeal brought under paragraph (5) or suit brought under paragraph (6) of this section the employer shall be entitled to recover from the Secretary reasonable costs and attorney's fees if such employer substantially prevails on the merits of the case. Such an award of attorney's fees may not exceed $25,000. Any such costs and attorney's fees assessed against the Secretary shall be charged against the operating expenses of the Department for the fiscal year in which the assessment is made, and may not be reimbursed from any other source.

"(f) CRIMINAL PENALTIES AND INJUNCTIONS FOR PATTERN OR PRACTICE VIOLATIONS.—

"(1) CRIMINAL PENALTY.—An employer that engages in a pattern or practice of knowing violations of subsection (a)(1)(A) or (a)(2) shall be fined not more than $20,000 for each unauthorized alien with respect to whom such a violation occurs, imprisoned for not more than 3 years for the entire pattern or practice, or both.

"(2) ENJOINING OF PATTERN OR PRACTICE VIOLATIONS.—If the Secretary or the Attorney General has reasonable cause to believe that an employer is engaged in a pattern or practice of employment, recruitment, or referral in violation of paragraph (1)(A) or (2) of subsection (a), the Attorney General may bring a civil action in the appropriate district court of the United States requesting a permanent or temporary injunction, restraining order, or other order against the employer, as the Secretary deems necessary.

"(g) ADJUSTMENT FOR INFLATION.—All penalties and limitations on the recovery of costs and attorney's fees in this section shall be increased every 4 years beginning January 2010 to reflect the percentage increase in the consumer price index for all urban consumers (all items; U.S. city average) for the 48 month period ending with September of the year preceding the year such adjustment is made. Any adjustment under this subparagraph shall be rounded to the nearest dollar.

"(h) PROHIBITION OF INDEMNITY BONDS.—

"(1) PROHIBITION.—It is unlawful for an employer, in the hiring, recruiting, or referring for a fee, of an individual, to require the individual to post a bond or security, to pay or agree to pay an amount, or otherwise to provide a financial guarantee or indemnity, against any potential liability arising under this section relating to such hiring, recruiting, or referring of the individual.

"(2) CIVIL PENALTY.—Any employer which is determined, after notice and opportunity for mitigation of the monetary penalty under subsection (e), to have violated paragraph (1) of this subsection shall be subject to a civil penalty of $10,000 for each violation and to an administrative order requiring the return of any amounts received in violation of such paragraph to the employee or, if the employee cannot be located, to the Employer Compliance Fund established under section 286(w).

"(i) PROHIBITION ON AWARD OF GOVERNMENT CONTRACTS, GRANTS, AND AGREEMENTS.—

"(1) EMPLOYERS WITH NO CONTRACTS, GRANTS, OR AGREEMENTS.—

“(A) IN GENERAL.—If an employer who does not hold a Federal contract, grant, or cooperative agreement is determined by the Secretary to be a repeat violator of this section or is convicted of a crime under this section, the employer shall be debarred from the receipt of a Federal contract, grant, or cooperative agreement for a period of 5 years. The Secretary or the Attorney General shall advise the Administrator of General Services of such a debarment, and the Administrator of General Services shall list the employer on the List of Parties Excluded from Federal Procurement and Nonprocurement Programs for a period of 5 years.

“(B) WAIVER.—The Administrator of General Services, in consultation with the Secretary and the Attorney General, may waive operation of this subsection or may limit the duration or scope of the debarment.

“(2) EMPLOYERS WITH CONTRACTS, GRANTS, OR AGREEMENTS.—

“(A) IN GENERAL.—An employer who holds a Federal contract, grant, or cooperative agreement and is determined by the Secretary to be a repeat violator of this section or is convicted of a crime under this section, shall be debarred from the receipt of new Federal contracts, grants, or cooperative agreements for a period of 5 years.

“(B) NOTICE TO AGENCIES.—Prior to debarring the employer under subparagraph (A), the Secretary, in cooperation with the Administrator of General Services, shall advise any agency or department holding a contract, grant, or cooperative agreement with the employer of the Government's intention to debar the employer from the receipt of new Federal contracts, grants, or cooperative agreements for a period of 5 years.

“(C) WAIVER.—After consideration of the views of any agency or department that holds a contract, grant, or cooperative agreement with the employer, the Secretary may, in lieu of debarring the employer from the receipt of new Federal contracts, grants, or cooperative agreements for a period of 5 years, waive operation of this subsection, limit the duration or scope of the debarment, or may refer to an appropriate lead agency the decision of whether to debar the employer, for what duration, and under what scope in accordance with the procedures and standards prescribed by the Federal Acquisition Regulation. However, any proposed debarment predicated on an administrative determination of liability for civil penalty by the Secretary or the Attorney General shall not be reviewable in any debarment proceeding. The decision of whether to debar or take alternate action under this subparagraph shall not be judicially reviewed.

“(3) SUSPENSION.—Indictments for violations of this section or adequate evidence of actions that could form the basis for debarment under this subsection shall be considered a cause for suspension under the procedures and standards for suspension prescribed by the Federal Acquisition Regulation.

“(j) MISCELLANEOUS PROVISIONS.—

“(1) DOCUMENTATION.—In providing documentation or endorsement of authorization of aliens eligible to be employed in the United States, the Secretary shall provide that any limitations with respect to the period or type of employment or employer shall be conspicuously stated on the documentation or endorsement (other than aliens lawfully admitted for permanent residence).

“(2) PREEMPTION.—The provisions of this section preempt any State or local law imposing civil or criminal sanctions (other than through licensing and similar laws) upon those who employ, or recruit or refer for a fee for employment, unauthorized aliens.

“(k) DEPOSIT OF AMOUNTS RECEIVED.—Except as otherwise specified, civil penalties collected under this section shall be deposited by the Secretary into the Employer Compliance Fund established under section 286(w).

“(l) DEFINITIONS.—In this section:

“(1) EMPLOYER.—The term ‘employer’ means any person or entity, including any entity of the Government of the United States, hiring, recruiting, or referring an individual for employment in the United States.

“(2) SECRETARY.—Except as otherwise provided, the term ‘Secretary’ means the Secretary of Homeland Security.

“(3) UNAUTHORIZED ALIEN.—The term ‘unauthorized alien’ means, with respect to the employment of an alien at a particular time, that the alien is not at that time either—

“(A) an alien lawfully admitted for permanent residence; or

“(B) authorized to be so employed by this Act or by the Secretary.”.

(b) CONFORMING AMENDMENTS.—

(1) AMENDMENTS.—

(A) REPEAL OF BASIC PILOT.—Sections 401, 402, 403, 404, and 405 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208; 8 U.S.C. 1324a note) are repealed.

(B) REPEAL OF REPORTING REQUIREMENTS.—

(i) REPORT ON EARNINGS OF ALIENS NOT AUTHORIZED TO WORK.—Subsection (c) of section 290 of the Immigration and Nationality Act (8 U.S.C. 1360) is repealed.

(ii) REPORT ON FRAUDULENT USE OF SOCIAL SECURITY ACCOUNT NUMBERS.—Subsection (b) of section 414 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208; 8 U.S.C. 1360 note) is repealed.

(2) CONSTRUCTION.—Nothing in this subsection or in subsection (d) of section 274A of the Immigration and Nationality Act, as amended by subsection (a), may be construed to limit the authority of the Secretary of Homeland Security to allow or continue to allow the participation of employers who participated in the basic pilot program under sections 401, 402, 403, 404, and 405 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208; 8 U.S.C. 1324a note) in the Electronic Employment Verification System established pursuant to such subsection (d).

(c) TECHNICAL AMENDMENTS.—

(1) DEFINITION OF UNAUTHORIZED ALIEN.—The Immigration and Nationality Act is amended in sections 218(i)(1) (8 U.S.C. 1188(i)(1)), 245(c)(8) (8 U.S.C. 1255(c)(8)), 274(a)(3)(B)(i) (8 U.S.C. 1324(a)(3)(B)(i)), and 274B(a)(1) (8 U.S.C. 1324b(a)(1)) are amended by striking “274A(h)(3)” and inserting “274A”.

(2) DOCUMENT REQUIREMENTS.—Section 274B of the Immigration and Nationality Act (8 U.S.C. 1324b) is amended—

(A) in subsections (a)(6) and (g)(2)(B), by striking “274A(b)” and inserting “274A(c) and (d)”; and

(B) in subsection (g)(2)(B)(ii), by striking “274A(b)(5)” and inserting “274A(c)”.

(d) AMENDMENTS TO THE SOCIAL SECURITY ACT.—Section 205(c)(2) of the Social Security Act (42 U.S.C. 405(c)(2)) is amended by adding at the end the following new subparagraphs:

“(I)(i) The Commissioner of Social Security shall, subject to the provisions of section 201(f)(2) of the Fair Minimum Wage Act of 2007, establish a reliable, secure method to provide through the Electronic Employment Verification System established pursuant to subsection (d) of section 274A of the Immigration and Nationality Act (referred to in this subparagraph as the ‘System’), within the time periods required by paragraph (8) of such subsection—

“(I) a determination of whether the name, date of birth, employer identification number, and social security account number of an individual provided in an inquiry made to the System by an employer is consistent with such information maintained by the Commissioner in order to confirm the validity of the information provided;

“(II) a determination of the citizenship status associated with such name and social security account number, according to the records maintained by the Commissioner;

“(III) a determination of whether the name and number belongs to an individual who is deceased, according to the records maintained by the Commissioner;

“(IV) a determination of whether the name and number is blocked in accordance with clause (ii); and

“(V) a confirmation notice or a nonconfirmation notice described in such paragraph (8), in a manner that ensures that other information maintained by the Commissioner is not disclosed or released to employers through the System.

“(ii) The Commissioner of Social Security shall prevent the fraudulent or other misuse of a social security account number by establishing procedures under which an individual who has been assigned a social security account number may block the use of such number under the System and remove such block.

“(J) In assigning social security account numbers to aliens who are authorized to work in the United States under section 218A of the Immigration and Nationality Act, the Commissioner of Social Security shall, to the maximum extent practicable, assign such numbers by employing the enumeration procedure administered jointly by the Commissioner, the Secretary of State, and the Secretary.”.

(e) DISCLOSURE OF CERTAIN TAXPAYER IDENTITY INFORMATION.—

(1) IN GENERAL.—Section 6103(l) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

“(21) DISCLOSURE OF CERTAIN TAXPAYER IDENTITY INFORMATION BY SOCIAL SECURITY ADMINISTRATION TO DEPARTMENT OF HOMELAND SECURITY.—

“(A) IN GENERAL.—From taxpayer identity information which has been disclosed to the Social Security Administration and upon written request by the Secretary of Homeland Security, the Commissioner of Social Security shall disclose directly to officers, employees, and contractors of the Department of Homeland Security the following information:

“(i) DISCLOSURE OF EMPLOYER NO-MATCH NOTICES.—Taxpayer identity information of each person who has filed an information return required by reason of section 6051 during calendar year 2006, 2007, or 2008 which contains—

“(I) more than 100 names and taxpayer identifying numbers of employees (within the meaning of such section) that did not match the records maintained by the Commissioner of Social Security, or

“(II) more than 10 names of employees (within the meaning of such section) with the same taxpayer identifying number.

“(ii) DISCLOSURE OF INFORMATION REGARDING USE OF DUPLICATE EMPLOYEE TAXPAYER

IDENTIFYING INFORMATION.—Taxpayer identity information of each person who has filed an information return required by reason of section 6051 which the Commissioner of Social Security has reason to believe, based on a comparison with information submitted by the Secretary of Homeland Security, contains evidence of identity fraud due to the multiple use of the same taxpayer identifying number (assigned under section 6109) of an employee (within the meaning of section 6051).

"(iii) DISCLOSURE OF INFORMATION REGARDING NONPARTICIPATING EMPLOYERS.—Taxpayer identity information of each person who has filed an information return required by reason of section 6051 which the Commissioner of Social Security has reason to believe, based on a comparison with information submitted by the Secretary of Homeland Security, contains evidence of such person's failure to register and participate in the Electronic Employment Verification System authorized under section 274A(d) of the Immigration and Nationality Act (hereafter in this paragraph referred to as the 'System').

"(iv) DISCLOSURE OF INFORMATION REGARDING NEW EMPLOYEES OF NONPARTICIPATING EMPLOYERS.—Taxpayer identity information of all employees (within the meaning of section 6051) hired after the date a person identified in clause (iii) is required to participate in the System under section 274A(d)(2) or section 274A(d)(3)(B) of the Immigration and Nationality Act.

"(v) DISCLOSURE OF INFORMATION REGARDING EMPLOYEES OF CERTAIN DESIGNATED EMPLOYERS.—Taxpayer identity information of all employees (within the meaning of section 6051) of each person who is required to participate in the System under section 274A(d)(3)(B) of the Immigration and Nationality Act.

"(vi) DISCLOSURE OF NEW HIRE TAXPAYER IDENTITY INFORMATION.—Taxpayer identity information of each person participating in the System and taxpayer identity information of all employees (within the meaning of section 6051) of such person hired during the period beginning with the later of—

"(I) the date such person begins to participate in the System, or

"(II) the date of the request immediately preceding the most recent request under this clause,

ending with the date of the most recent request under this clause.

"(B) RESTRICTION ON DISCLOSURE.—The Commissioner of Social Security shall disclose taxpayer identity information under subparagraph (A) only for purposes of, and to the extent necessary in—

"(i) establishing and enforcing employer participation in the System,

"(ii) carrying out, including through civil administrative and civil judicial proceedings, of sections 212, 217, 235, 237, 238, 274A, 274B, and 274C of the Immigration and Nationality Act, and

"(iii) the civil operation of the Alien Terrorist Removal Court.

"(C) REIMBURSEMENT.—The Commissioner of Social Security shall prescribe a reasonable fee schedule for furnishing taxpayer identity information under this paragraph and collect such fees in advance from the Secretary of Homeland Security.

"(D) TERMINATION.—This paragraph shall not apply to any request made after the date which is 3 years after the date of the enactment of this paragraph.".

(2) COMPLIANCE BY DHS CONTRACTORS WITH CONFIDENTIALITY SAFEGUARDS.—

(A) IN GENERAL.—Section 6103(p) of such Code is amended by adding at the end the following new paragraph:

"(9) DISCLOSURE TO DHS CONTRACTORS.—Notwithstanding any other provision of this section, no return or return information shall be disclosed to any contractor of the Department of Homeland Security unless such Department, to the satisfaction of the Secretary—

"(A) has requirements in effect which require each such contractor which would have access to returns or return information to provide safeguards (within the meaning of paragraph (4)) to protect the confidentiality of such returns or return information,

"(B) agrees to conduct an on-site review every 3 years (mid-point review in the case of contracts or agreements of less than 1 year in duration) of each contractor to determine compliance with such requirements,

"(C) submits the findings of the most recent review conducted under subparagraph (B) to the Secretary as part of the report required by paragraph (4)(E), and

"(D) certifies to the Secretary for the most recent annual period that such contractor is in compliance with all such requirements.

"The certification required by subparagraph (D) shall include the name and address of each contractor, a description of the contract or agreement with such contractor, and the duration of such contract or agreement.".

(3) CONFORMING AMENDMENTS.—

(A) Section 6103(a)(3) of such Code is amended by striking "or (20)" and inserting "(20), or (21)".

(B) Section 6103(p)(3)(A) of such Code is amended by adding at the end the following new sentence: "The Commissioner of Social Security shall provide to the Secretary such information as the Secretary may require in carrying out this paragraph with respect to return information inspected or disclosed under the authority of subsection (l)(21).".

(C) Section 6103(p)(4) of such Code is amended—

(i) by striking "or (17)" both places it appears and inserting "(17), or (21)", and

(ii) by striking "or (20)" each place it appears and inserting "(20), or (21)".

(D) Section 6103(p)(8)(B) of such Code is amended by inserting "or paragraph (9)" after "subparagraph (A)".

(E) Section 7213(a)(2) of such Code is amended by striking "or (20)" and inserting "(20), or (21)".

(f) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to the Secretary of Homeland Security such sums as are necessary to carry out the amendments made by this section.

(2) LIMITATION ON VERIFICATION RESPONSIBILITIES OF COMMISSIONER OF SOCIAL SECURITY.—The Commissioner of Social Security is authorized to perform activities with respect to carrying out the Commissioner's responsibilities in this title or the amendments made by this title, but only to the extent the Secretary of Homeland Security has provided, in advance, funds to cover the Commissioner's full costs in carrying out such responsibilities. In no case shall funds from the Federal Old-Age and Survivors Insurance Trust Fund or the Federal Disability Insurance Trust Fund be used to carry out such responsibilities.

(g) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by subsections (a), (b), (c), and (d) shall take effect on the date that is 180 days after the date of the enactment of this Act.

(2) SUBSECTION (e).—

(A) IN GENERAL.—The amendments made by subsection (e) shall apply to disclosures made after the date of the enactment of this Act.

(B) CERTIFICATIONS.—The first certification under section 6103(p)(9)(D) of the Internal Revenue Code of 1986, as added by subsection (e)(2), shall be made with respect to calendar year 2008.

SEC. 202. EMPLOYER COMPLIANCE FUND.

Section 286 of the Immigration and Nationality Act (8 U.S.C. 1356) is amended by adding at the end the following new subsection:

"(w) EMPLOYER COMPLIANCE FUND.—

"(1) IN GENERAL.—There is established in the general fund of the Treasury, a separate account, which shall be known as the 'Employer Compliance Fund' (referred to in this subsection as the 'Fund').

"(2) DEPOSITS.—There shall be deposited as offsetting receipts into the Fund all civil monetary penalties collected by the Secretary of Homeland Security under section 274A.

"(3) PURPOSE.—Amounts refunded to the Secretary from the Fund shall be used for the purposes of enhancing and enforcing employer compliance with section 274A.

"(4) AVAILABILITY OF FUNDS.—Amounts deposited into the Fund shall remain available until expended and shall be refunded out of the Fund by the Secretary of the Treasury, at least on a quarterly basis, to the Secretary of Homeland Security.".

SEC. 203. ADDITIONAL WORKSITE ENFORCEMENT AND FRAUD DETECTION AGENTS.

(a) INCREASE IN NUMBER OF PERSONNEL.—The Secretary of Homeland Security shall, subject to the availability of appropriations for such purpose, annually increase, by not less than 2,200, the number of personnel of the Bureau of Immigration and Customs Enforcement during the 5-year period beginning on the date of the enactment of this Act.

(b) USE OF PERSONNEL.—The Secretary of Homeland Security shall ensure that not less than 25 percent of all the hours expended by personnel of the Bureau of Immigration and Customs Enforcement shall be used to enforce compliance with sections 274A and 274C of the Immigration and Nationality Act (8 U.S.C. 1324a and 1324c).

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Homeland Security for each of the fiscal years 2008 through 2012 such sums as may be necessary to carry out this section.

SEC. 204. CLARIFICATION OF INELIGIBILITY FOR MISREPRESENTATION.

Section 212(a)(6)(C)(ii)(I) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(6)(C)(ii)(I)), is amended by striking "citizen" and inserting "national".

SEC. 205. ANTIDISCRIMINATION PROTECTIONS.

(a) APPLICATION OF PROHIBITION OF DISCRIMINATION TO VERIFICATION SYSTEM.—Section 274B(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1324b(a)(1)) is amended by inserting ", the verification of the individual's work authorization through the Electronic Employment Verification System described in section 274A(d)," after "the individual for employment".

(b) CLASSES OF ALIENS AS PROTECTED INDIVIDUALS.—Section 274B(a)(3)(B) of the Immigration and Nationality Act (8 U.S.C. 1324b(a)(3)(B)) is amended to read as follows:

"(B) is an alien who is—

"(i) lawfully admitted for permanent residence;

"(ii) granted the status of an alien lawfully admitted for temporary residence under section 210(a) or 245(a)(1);

"(iii) admitted as a refugee under section 207;

"(iv) granted asylum under section 208;

"(v) granted the status of a nonimmigrant under section 101(a)(15)(H)(ii)(c);

"(vi) granted temporary protected status under section 244; or

"(vii) granted parole under section 212(d)(5).".

(c) Requirements for Electronic Employment Verification.—Section 274B(a) of the Immigration and Nationality Act (8 U.S.C. 1324b(a)) is amended by adding at the end the following:

"(7) Antidiscrimination requirements of the electronic employment verification system.—It is an unfair immigration-related employment practice for a person or other entity, in the course of the electronic verification process described in section 274A(d)—

"(A) to terminate or undertake any adverse employment action due to a tentative nonconfirmation;

"(B) to use the verification system for screening of an applicant prior to an offer of employment;

"(C) except as described in section 274A(d)(3)(B), to use the verification system for a current employee after the first 3 days of employment, or for the reverification of an employee after the employee has satisfied the process described in section 274A(d); or

"(D) to require an individual to make an inquiry under the self-verification procedures established in section 274A(d)(8)(E)(iii).".

(d) Increase in Civil Money Penalties.—Section 274B(g)(2) of the Immigration and Nationality Act (8 U.S.C. 1324b(g)(2)) is amended—

(1) in subparagraph (B)(iv)—

(A) in subclause (I), by striking "$250 and not more than $2,000" and inserting "$1,000 and not more than $4,000";

(B) in subclause (II), by striking "$2,000 and not more than $5,000" and inserting "$4,000 and not more than $10,000";

(C) in subclause (III), by striking "$3,000 and not more than $10,000" and inserting "$6,000 and not more than $20,000"; and

(D) in subclause (IV), by striking "$100 and not more than $1,000" and inserting "$500 and not more than $5,000".

(e) Increased Funding of Information Campaign.—Section 274B(l)(3) of the Immigration and Nationality Act (8 U.S.C. 1324b(l)(3)) is amended by inserting "and an additional $40,000,000 for each of fiscal years 2008 through 2010" before the period at the end.

(f) Effective Date.—The amendments made by this section shall take effect on the date that is 180 days after the date of the enactment of this Act and shall apply to violations occurring on or after such date.

SA 144. Mr. SESSIONS submitted an amendment intended to be proposed to amendment SA 100 proposed by Mr. Reid (for Mr. Baucus) to the bill H.R. 2, to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE II—UNLAWFUL EMPLOYMENT OF ALIENS

SEC. 201. UNLAWFUL EMPLOYMENT OF ALIENS.

(a) In General.—Section 274A of the Immigration and Nationality Act (8 U.S.C. 1324a) is amended to read as follows:

"SEC. 274A. UNLAWFUL EMPLOYMENT OF ALIENS.

"(a) Making Employment of Unauthorized Aliens Unlawful.—

"(1) In general.—It is unlawful for an employer—

"(A) to hire, or to recruit or refer for a fee, an alien for employment in the United States knowing, or with reckless disregard, that the alien is an unauthorized alien with respect to such employment; or

"(B) to hire, or to recruit or refer for a fee, for employment in the United States an individual unless such employer meets the requirements of subsections (c) and (d).

"(2) Continuing employment.—It is unlawful for an employer, after lawfully hiring an alien for employment, to continue to employ the alien in the United States knowing that the alien is (or has become) an unauthorized alien with respect to such employment.

"(3) Use of labor through contract.—

"(A) In general.—An employer who uses a contract, subcontract, or exchange to obtain the labor of an alien in the United States knowing, or with reckless disregard—

"(i) that the alien is an unauthorized alien with respect to performing such labor, shall be considered to have hired the alien in violation of paragraph (1)(A); or

"(ii) that the person hiring such alien failed to comply with the requirements of subsections (c) and (d) shall be considered to have hired the alien in violation of paragraph (1)(B).

"(B) Information sharing.—The person hiring the alien shall provide to the employer, who obtains the labor of the alien, the employer identification number assigned to such person by the Commissioner of Internal Revenue. Failure to provide such number shall be considered a recordkeeping violation under subsection (e)(4)(B).

"(C) Reporting requirement.—The employer shall submit to the Electronic Verification System established under subsection (d), in a manner prescribed by the Secretary, the employer identification number provided by the person hiring the alien. Failure to submit such number shall be considered a recordkeeping violation under subsection (e)(4)(B).

"(D) Enforcement.—The Secretary shall implement procedures to utilize the information obtained under subparagraphs (B) and (C) to identify employers who use a contract, subcontract, or exchange to obtain the labor of an alien from another person, where such person hiring such alien fails to comply with the requirements of subsections (c) and (d).

"(4) Defense.—

"(A) In general.—Subject to subparagraph (B), an employer that establishes that the employer has complied in good faith with the requirements of subsections (c) and (d) has established an affirmative defense that the employer has not violated paragraph (1)(A) with respect to such hiring, recruiting, or referral.

"(B) Exception.—Until the date that an employer is required to participate in the Electronic Employment Verification System under subsection (d) or is participating in such System on a voluntary basis, the employer may establish an affirmative defense under subparagraph (A) by complying with the requirements of subsection (c).

"(b) Order of Internal Review and Certification of Compliance.—

"(1) Authority to require certification.—If the Secretary has reasonable cause to believe that an employer has failed to comply with this section, the Secretary is authorized, at any time, to require that the employer certify that the employer is in compliance with this section, or has instituted a program to come into compliance.

"(2) Content of certification.—Not later than 60 days after the date an employer receives a request for a certification under paragraph (1) the employer shall certify under penalty of perjury that—

"(A) the employer is in compliance with the requirements of subsections (c) and (d); or

"(B) that the employer has instituted a program to come into compliance with such requirements.

"(3) Extension.—The 60-day period referred to in paragraph (2), may be extended by the Secretary for good cause, at the request of the employer.

"(4) Publication.—The Secretary is authorized to publish in the Federal Register standards or methods for certification under paragraph (1) and for specific recordkeeping practices with respect to such certification, and procedures for the audit of any records related to such certification.

"(c) Document Verification Requirements.—An employer hiring, or recruiting or referring for a fee, an individual for employment in the United States shall verify that the individual is eligible for such employment by meeting the following requirements:

"(1) Attestation by employer.—

"(A) Requirements.—

"(i) In general.—The employer shall attest, under penalty of perjury and on a form prescribed by the Secretary, that the employer has verified the identity and eligibility for employment of the individual by examining a document described in subparagraph (B).

"(ii) Signature requirements.—An attestation required by clause (i) may be manifested by a handwritten or electronic signature.

"(iii) Standards for examination.—The employer has complied with the requirement of this paragraph with respect to examination of documentation if a reasonable person would conclude that the document examined is genuine and relates to the individual whose identity and eligibility for employment in the United States is being verified. If the individual provides a document sufficient to meet the requirements of this paragraph, nothing in this paragraph shall be construed as requiring an employer to solicit any other document or as requiring the individual to produce any other document.

"(B) Identification documents.—A document described in this subparagraph is—

"(i) in the case of an individual who is a national of the United States—

"(I) a United States passport; or

"(II) a driver's license or identity card issued by a State, the Commonwealth of the Northern Mariana Islands, or an outlying possession of the United States that satisfies the requirements of division B of Public Law 109–13 (119 Stat. 302);

"(ii) in the case of an alien lawfully admitted for permanent residence in the United States, a permanent resident card, as specified by the Secretary;

"(iii) in the case of an alien who is authorized under this Act or by the Secretary to be employed in the United States, an employment authorization card, as specified by the Secretary that—

"(I) contains a photograph of the individual or other identifying information, including name, date of birth, gender, and address; and

"(II) contains security features to make the document resistant to tampering, counterfeiting, and fraudulent use;

"(iv) in the case of an individual who is unable to obtain a document described in clause (i), (ii), or (iii), a document designated by the Secretary that—

"(I) contains a photograph of the individual or other identifying information, including name, date of birth, gender, and address; and

"(II) contains security features to make the document resistant to tampering, counterfeiting, and fraudulent use; or

"(v) until the date that an employer is required to participate in the Electronic Employment Verification System under subsection (d) or is participating in such System on a voluntary basis, a document, or a combination of documents, of such type that, as of the date of the enactment of the Fair Minimum Wage Act of 2007, the Secretary had established by regulation were sufficient for purposes of this section.

"(C) AUTHORITY TO PROHIBIT USE OF CERTAIN DOCUMENTS.—

"(i) AUTHORITY.—If the Secretary finds that a document or class of documents described in subparagraph (B) is not reliable to establish identity or is being used fraudulently to an unacceptable degree, the Secretary shall prohibit, or impose conditions, on the use of such document or class of documents for purposes of this subsection.

"(ii) REQUIREMENT FOR PUBLICATION.—The Secretary shall publish notice of any findings under clause (i) in the Federal Register.

"(2) ATTESTATION OF EMPLOYEE.—

"(A) REQUIREMENTS.—

"(i) IN GENERAL.—The individual shall attest, under penalty of perjury on the form described in paragraph (1)(A)(i), that the individual is a national of the United States, an alien lawfully admitted for permanent residence, or an alien who is authorized under this Act or by the Secretary to be hired, or to be recruited or referred for a fee, in the United States.

"(ii) SIGNATURE FOR EXAMINATION.—An attestation required by clause (i) may be manifested by a handwritten or electronic signature.

"(B) PENALTIES.—An individual who falsely represents that the individual is eligible for employment in the United States in an attestation required by subparagraph (A) shall, for each such violation, be subject to a fine of not more than $5,000, a term of imprisonment not to exceed 3 years, or both.

"(3) RETENTION OF ATTESTATION.—The employer shall retain a paper, microfiche, microfilm, or electronic version of the attestations made under paragraph (1) and (2) and make such attestations available for inspection by an officer of the Department of Homeland Security, any other person designated by the Secretary, the Special Counsel for Immigration-Related Unfair Employment Practices of the Department of Justice, or the Secretary of Labor during a period beginning on the date of the hiring, or recruiting or referring for a fee, of the individual and ending—

"(A) in the case of the recruiting or referral for a fee (without hiring) of an individual, 5 years after the date of the recruiting or referral; or

"(B) in the case of the hiring of an individual the later of—

"(i) 5 years after the date of such hiring;

"(ii) 1 year after the date the individual's employment is terminated; or

"(iii) in the case of an employer or class of employers, a period that is less than the applicable period described in clause (i) or (ii) if the Secretary reduces such period for such employer or class of employers.

"(4) DOCUMENT RETENTION AND RECORDKEEPING REQUIREMENTS.—

"(A) RETENTION OF DOCUMENTS.—Notwithstanding any other provision of law, an employer shall retain, for the applicable period described in paragraph (3), the following documents:

"(i) IN GENERAL.—The employer shall copy all documents presented by an individual described in paragraph (1)(B) and shall retain paper, microfiche, microfilm, or electronic copies of such documents. Such copies shall be designated as copied documents.

"(ii) OTHER DOCUMENTS.—The employer shall maintain records of any action taken and copies of any correspondence written or received with respect to the verification of an individual's identity or eligibility for employment in the United States.

"(B) USE OF RETAINED DOCUMENTS.—An employer shall use copies retained under clause (i) or (ii) of subparagraph (A) only for the purposes of complying with the requirements of this subsection, except as otherwise permitted under law.

"(5) PENALTIES.—An employer that fails to comply with the recordkeeping requirements of this subsection shall be subject to the penalties described in subsection (e)(4)(B).

"(6) NO AUTHORIZATION OF NATIONAL IDENTIFICATION CARDS.—Nothing in this section may be construed to authorize, directly or indirectly, the issuance, use, or establishment of a national identification card.

"(d) ELECTRONIC EMPLOYMENT VERIFICATION SYSTEM.—

"(1) REQUIREMENT FOR SYSTEM.—The Secretary, in cooperation with the Commissioner of Social Security, shall implement an Electronic Employment Verification System (referred to in this subsection as the 'System') to determine whether—

"(A) the identifying information submitted by an individual is consistent with the information maintained by the Secretary or the Commissioner of Social Security; and

"(B) such individual is eligible for employment in the United States.

"(2) REQUIREMENT FOR PARTICIPATION.—The Secretary shall require all employers in the United States to participate in the System, with respect to all employees hired by the employer on or after the date that is 18 months after the date that not less than $400,000,000 have been appropriated and made available to implement this subsection.

"(3) OTHER PARTICIPATION IN SYSTEM.—Notwithstanding paragraph (2), the Secretary has the authority—

"(A) to permit any employer that is not required to participate in the System under paragraph (2) to participate in the System on a voluntary basis; and

"(B) to require any employer or class of employers to participate on a priority basis in the System with respect to individuals employed as of, or hired after, the date of enactment of the Fair Minimum Wage Act of 2007—

"(i) if the Secretary designates such employer or class of employers as a critical employer based on an assessment of homeland security or national security needs; or

"(ii) if the Secretary has reasonable cause to believe that the employer has engaged in material violations of paragraph (1), (2), or (3) of subsection (a).

"(4) REQUIREMENT TO NOTIFY.—The Secretary shall notify the employer or class of employers in writing regarding the requirement for participation in the System under paragraph (3)(B) not less than 60 days prior to the effective date of such requirement. Such notice shall include the training materials described in paragraph (8)(E)(v).

"(5) REGISTRATION OF EMPLOYERS.—An employer shall register the employer's participation in the System in the manner prescribed by the Secretary prior to the date the employer is required or permitted to submit information with respect to an employee under this subsection.

"(6) ADDITIONAL GUIDANCE.—A registered employer shall be permitted to utilize any technology that is consistent with this section and with any regulation or guidance from the Secretary to streamline the procedures to facilitate compliance with—

"(A) the attestation requirement in subsection (c); and

"(B) the employment eligibility verification requirements in this subsection.

"(7) CONSEQUENCE OF FAILURE TO PARTICIPATE.—If an employer is required to participate in the System and fails to comply with the requirements of the System with respect to an employee—

"(A) such failure shall be treated as a violation of subsection (a)(1)(B); and

"(B) a rebuttable presumption is created that the employer has violated subsection (a)(1)(A), however, such presumption may not apply to a prosecution under subsection (f)(1).

"(8) DESIGN AND OPERATION OF SYSTEM.—

"(A) IN GENERAL.—The Secretary shall, through the System—

"(i) respond to each inquiry made by a registered employer through the Internet or other electronic media, or over a toll-free telephone line regarding an individual's identity and eligibility for employment in the United States; and

"(ii) maintain a record of each such inquiry and the information provided in response to such inquiry.

"(B) INITIAL INQUIRY.—

"(i) INFORMATION REQUIRED.—A registered employer shall, with respect to the hiring, or recruiting or referring for a fee, any individual for employment in the United States, obtain from the individual and record on the form described in subsection (c)(1)(A)(i)—

"(I) the individual's name and date of birth and, if the individual was born in the United States, the State in which such individual was born;

"(II) the individual's social security account number;

"(III) the employment identification number of the individual's employer during any one of the 5 most recently completed calendar years; and

"(IV) in the case of an individual who does not attest that the individual is a national of the United States under subsection (c)(1)(A)(i), such alien identification or authorization number that the Secretary shall require.

"(ii) SUBMISSION TO SYSTEM.—A registered employer shall submit an inquiry through the System to seek confirmation of the individual's identity and eligibility for employment in the United States—

"(I) not later than 3 days after the date of the hiring, or recruiting or referring for a fee, of the individual (as the case may be); or

"(II) in the case of an employee hired by a critical employer designated by the Secretary under paragraph (3)(B) at such time as the Secretary shall specify.

"(iii) EIN REQUIREMENTS.—

"(I) REQUIREMENT TO PROVIDE.—An employer shall provide the employer identification number issued to such employer to the individual, upon request, for purposes of providing the information under clause (i)(III).

"(II) REQUIREMENT TO AFFIRMATIVELY STATE A LACK OF RECENT EMPLOYMENT.—An individual providing information under clause (i)(III) who was not employed in the United States during any of the 5 most recently completed calendar years shall affirmatively state on the form described in subsection (c)(1)(A)(i) that no employer identification number is provided because the individual was not employed in the United States during such period.

“(C) INITIAL RESPONSE.—Not later than 10 days after an employer submits an inquiry to the System regarding an individual, the Secretary shall provide, through the System, to the employer—

“(i) if the System is able to confirm the individual's identity and eligibility for employment in the United States, a confirmation notice, including the appropriate codes on such confirmation notice; or

“(ii) if the System is unable to confirm the individual's identity or eligibility for employment in the United States, and after a secondary manual verification has been conducted, a tentative nonconfirmation notice, including the appropriate codes on such tentative nonconfirmation notice.

“(D) CONFIRMATION OR NONCONFIRMATION.—

“(i) CONFIRMATION UPON INITIAL INQUIRY.—If an employer receives a confirmation notice under paragraph (C)(i) for an individual, the employer shall record, on the form described in subsection (c)(1)(A)(i), the appropriate code provided in such notice.

“(ii) TENTATIVE NONCONFIRMATION.—If an employer receives a tentative nonconfirmation notice under paragraph (C)(ii) for an individual, the employer shall inform such individual of the issuance of such notice in writing, on a form prescribed by the Secretary not later than 3 days after receiving such notice. Such individual shall acknowledge receipt of such notice in writing on the form described in subsection (c)(1)(A)(i).

“(iii) NO CONTEST.—If the individual does not contest the tentative nonconfirmation notice within 10 days of receiving notice from the individual's employer, the notice shall become final and the employer shall record on the form described in subsection (1)(A)(i), the appropriate code provided through the System to indicate the individual did not contest the tentative nonconfirmation. An individual's failure to contest a tentative nonconfirmation shall not be considered an admission of guilt with respect to any violation of this Act or any other provision of law.

“(iv) CONTEST.—If the individual contests the tentative nonconfirmation notice, the individual shall submit appropriate information to contest such notice under the procedures established in subparagraph (E)(iii) not later than 10 days after receiving the notice from the individual's employer.

“(v) EFFECTIVE PERIOD OF TENTATIVE NONCONFIRMATION NOTICE.—A tentative nonconfirmation notice shall remain in effect until such notice becomes final under clause (iii), or the earlier of—

“(I) a final confirmation notice or final nonconfirmation notice is issued through the System; or

“(II) 30 days after the individual contests a tentative nonconfirmation under clause (iv).

“(vi) AUTOMATIC FINAL NOTICE.—

“(I) IN GENERAL.—If a final notice is not issued within the 30-day period described in clause (v)(II), the Secretary shall automatically provide to the employer, through the System, the appropriate code indicating a final notice.

“(II) PERIOD PRIOR TO INITIAL CERTIFICATION.—During the period beginning on the date of the enactment of the Fair Minimum Wage Act of 2007 and ending on the date the Secretary submits the initial report described in subparagraph (E)(ii), an automatic notice issued under subclause (I) shall be a final confirmation notice.

“(III) PERIOD AFTER INITIAL CERTIFICATION.—After the date that the Secretary submits the initial report described in subparagraph (E)(ii), an automatic notice issued under subclause (I) shall be a final confirmation notice unless the most recent such report includes a certification that the System is able to correctly issue, within the period beginning on the date an employer submits an inquiry to the System and ending on the date an automatic default notice would be issued by the System, a final notice in at least 99 percent of the cases in which the notice relates to an individual who is eligible for employment in the United States. If the most recent such report includes such a certification, the automatic notice issued under subclause (I) shall be a final nonconfirmation notice.

“(IV) ADDITIONAL AUTHORITY.—Notwithstanding the second sentence of subclause (III), the Secretary shall have the authority to issue a final confirmation notice for an individual who would be subject to a final nonconfirmation notice under such sentence. In such a case, the Secretary shall determine the individual's eligibility for employment in the United States and record the results of such determination in the System within 12 months.

“(vii) EFFECTIVE PERIOD OF FINAL NOTICE.—A final confirmation notice issued under this paragraph for an individual shall remain in effect—

“(I) during any continuous period of employment of such individual by such employer, unless the Secretary determines the final confirmation was the result of identity fraud; or

“(II) in the case of an alien authorized to be employed in the United States for a temporary period, during such period.

“(viii) PROHIBITION ON TERMINATION.—An employer may not terminate the employment of an individual based on a tentative nonconfirmation notice until such notice becomes final under clause (iii) or a final nonconfirmation notice is issued for the individual by the System. Nothing in this clause shall prohibit the termination of employment for any reason other than such tentative nonconfirmation.

“(ix) RECORDING OF CONTEST RESOLUTION.—The employer shall record on the form described in subsection (c)(1)(A)(i) the appropriate code that is provided through the System to indicate a final confirmation notice or final nonconfirmation notice.

“(x) CONSEQUENCES OF NONCONFIRMATION.—If the employer has received a final nonconfirmation regarding an individual, the employer shall terminate the employment, recruitment, or referral of the individual. Such employer shall provide to the Secretary any information relating to the individual that the Secretary determines would assist the Secretary in enforcing or administering the immigration laws. If the employer continues to employ, recruit, or refer the individual after receiving final nonconfirmation, a rebuttable presumption is created that the employer has violated subsections (a)(1)(A) and (a)(2). Such presumption may not apply to a prosecution under subsection (f)(1).

“(E) RESPONSIBILITIES OF THE SECRETARY.—

“(i) IN GENERAL.—The Secretary shall establish a reliable, secure method to provide through the System, within the time periods required by this subsection—

“(I) a determination of whether the name and alien identification or authorization number provided in an inquiry by an employer is consistent with such information maintained by the Secretary in order to confirm the validity of the information provided; and

“(II) a determination of whether the individual is authorized to be employed in the United States.

“(ii) ANNUAL REPORT AND CERTIFICATION.—Not later than the date that is 24 months after the date that not less than $400,000,000 have been appropriated and made available to the Secretary to implement this subsection, and annually thereafter, the Secretary shall submit to Congress a report that includes—

“(I) an assessment of whether the System is able to correctly issue, within the period described in subparagraph (D)(v)(II), a final notice in at least 99 percent of the cases in which the final notice relates to an individual who is eligible for employment in the United States (excluding an individual who fails to contest a tentative nonconfirmation notice); and

“(II) if the assessment under subclause (I) is that the System is able to correctly issue within the specified time period a final notice in at least 99 percent of the cases described in such subclause, a certification of such assessment.

“(iii) CONTEST AND SELF-VERIFICATION.—The Secretary in consultation with the Commissioner of Social Security, shall establish procedures to permit an individual who contests a tentative or final nonconfirmation notice, or seeks to verify the individual's own employment eligibility prior to obtaining or changing employment, to contact the appropriate agency and, in a timely manner, correct or update the information used by the System.

“(iv) INFORMATION TO EMPLOYEE.—The Secretary shall develop a written form for employers to provide to individuals who receive a tentative or final nonconfirmation notice. Such form shall be made available in a language other than English, as necessary and reasonable, and shall include—

“(I) information about the reason for such notice;

“(II) the right to contest such notice;

“(III) contact information for the appropriate agency and instructions for initiating such contest; and

“(IV) a 24-hour toll-free telephone number to respond to inquiries related to such notice.

“(v) TRAINING MATERIALS.—The Secretary shall make available or provide to the employer, upon request, not later than 60 days prior to such employer's participation in the System, appropriate training materials to facilitate compliance with this subsection, and sections 274B(a)(7) and 274C(a).

“(F) RESPONSIBILITIES OF THE COMMISSIONER OF SOCIAL SECURITY.—The responsibilities of the Commissioner of Social Security with respect to the System are set out in section 205(c)(2) of the Social Security Act.

“(9) PROTECTION FROM LIABILITY.—No employer that participates in the System shall be liable under any law for any employment-related action taken with respect to an individual in good faith reliance on information provided by the System.

“(10) ADMINISTRATIVE REVIEW.—

“(A) IN GENERAL.—An individual who is terminated from employment as a result of a final nonconfirmation notice may, not later than 60 days after the date of such termination, file an appeal of such notice.

"(B) PROCEDURES.—The Secretary and Commissioner of Social Security shall develop procedures to review appeals filed under subparagraph (A) and to make final determinations on such appeals.

"(C) REVIEW FOR ERRORS.—If a final determination on an appeal filed under subparagraph (A) results in a confirmation of an individual's eligibility to work in the United States, the administrative review process shall require the Secretary to determine if the final nonconfirmation notice issued for the individual was the result of—

"(i) an error or negligence on the part of an employee or official operating or responsible for the System;

"(ii) the decision rules, processes, or procedures utilized by the System; or

"(iii) erroneous system information that was not the result of acts or omissions of the individual.

"(D) COMPENSATION FOR ERROR.—

"(i) IN GENERAL.—If the Secretary makes a determination under subparagraph (C) that the final nonconfirmation notice issued for an individual was not caused by an act or omission of the individual, the Secretary shall compensate the individual for lost wages.

"(ii) CALCULATION OF LOST WAGES.—Lost wages shall be calculated based on the wage rate and work schedule that prevailed prior to termination. The individual shall be compensated for wages lost beginning on the first scheduled work day after employment was terminated and ending 180 days after completion of the administrative review process described in this paragraph or the day after the individual is reinstated or obtains employment elsewhere, whichever occurs first.

"(E) LIMITATION ON COMPENSATION.—For purposes of determining an individual's compensation for the loss of employment, such compensation shall not include any period in which the individual was ineligible for employment in the United States.

"(F) SOURCE OF FUNDS.—Compensation or reimbursement provided under this paragraph shall not be provided from funds appropriated in annual appropriations Acts to the Secretary for the Department of Homeland Security.

"(11) JUDICIAL REVIEW.—

"(A) IN GENERAL.—After the Secretary makes a final determination on an appeal filed by an individual under the administrative review process described in paragraph (10), the individual may obtain judicial review of such determination by a civil action commenced not later than 60 days after the date of such decision, or such further time as the Secretary may allow.

"(B) JURISDICTION.—A civil action for such judicial review shall be brought in the district court of the United States for the judicial district in which the plaintiff resides, or has a principal place of business, or, if the plaintiff does not reside or have a principal place of business within any such judicial district, in the District Court of the United States for the District of Columbia.

"(C) ANSWER.—As part of the Secretary's answer to a complaint for such judicial review, the Secretary shall file a certified copy of the administrative record compiled during the administrative review under paragraph (10), including the evidence upon which the findings and decision complained of are based. The court shall have power to enter, upon the pleadings and transcript of the record, a judgment affirming or reversing the result of that administrative review, with or without remanding the cause for a rehearing.

"(D) COMPENSATION FOR ERROR.—

"(i) IN GENERAL.—In cases in which such judicial review reverses the final determination of the Secretary made under paragraph (10), the court shall compensate the individual for lost wages.

"(ii) CALCULATION OF LOST WAGES.—Lost wages shall be calculated based on the wage rate and work scheduled that prevailed prior to termination. The individual shall be compensated for wages lost beginning on the first scheduled work day after employment was terminated and ending 180 days after completion of the judicial review described in this paragraph or the day after the individual is reinstated or obtains employment elsewhere, whichever occurs first.

"(12) LIMITATION ON COLLECTION AND USE OF DATA.—

"(A) LIMITATION ON COLLECTION OF DATA.—

"(i) IN GENERAL.—The System shall collect and maintain only the minimum data necessary to facilitate the successful operation of the System, and in no case shall the data be other than—

"(I) information necessary to register employers under paragraph (5);

"(II) information necessary to initiate and respond to inquiries or contests under paragraph (8);

"(III) information necessary to establish and enforce compliance with paragraphs (5) and (8);

"(IV) information necessary to detect and prevent employment related identity fraud; and

"(V) such other information the Secretary determines is necessary, subject to a 180 day notice and comment period in the Federal Register.

"(ii) PENALTIES.—Any officer, employee, or contractor who willfully and knowingly collects and maintains data in the System other than data described in clause (i) shall be guilty of a misdemeanor and fined not more than $1,000 for each violation.

"(B) LIMITATION ON USE OF DATA.—Whoever willfully and knowingly accesses, discloses, or uses any information obtained or maintained by the System—

"(i) for the purpose of committing identity fraud, or assisting another person in committing identity fraud, as defined in section 1028 of title 18, United States Code;

"(ii) for the purpose of unlawfully obtaining employment in the United States or unlawfully obtaining employment in the United States for any other person; or

"(iii) for any purpose other than as provided for under any provision of law;

shall be guilty of a felony and upon conviction shall be fined under title 18, United States Code, or imprisoned for not more than 5 years, or both.

"(C) EXCEPTIONS.—Nothing in subparagraph (A) or (B) may be construed to limit the collection, maintenance, or use of data by the Commissioner of Internal Revenue or the Commissioner of Social Security as provided by law.

"(13) MODIFICATION AUTHORITY.—The Secretary, after notice is submitted to Congress and provided to the public in the Federal Register, is authorized to modify the requirements of this subsection with respect to completion of forms, method of storage, attestations, copying of documents, signatures, methods of transmitting information, and other operational and technical aspects to improve the efficiency, accuracy, and security of the System.

"(14) ANNUAL GAO STUDY AND REPORT.—

"(A) REQUIREMENT.—The Comptroller General of the United States shall conduct an annual study of the System.

"(B) PURPOSE.—The study shall evaluate the accuracy, efficiency, integrity, and impact of the System.

"(C) REPORT.—Not later than the date that is 24 months after the date that not less than $400,000,000 have been appropriated and made available to the Secretary to implement this subsection, and annually thereafter, the Comptroller General shall submit to Congress a report containing the findings of the study carried out under this paragraph. Each such report shall include, at a minimum, the following:

"(i) An assessment of the annual report and certification described in paragraph (8)(E)(ii).

"(ii) An assessment of System performance with respect to the rate at which individuals who are eligible for employment in the United States are correctly approved within each of the periods specified in paragraph (8), including a separate assessment of such rate for nationals and aliens.

"(iii) An assessment of the privacy and security of the System and its effects on identity fraud or the misuse of personal data.

"(iv) An assessment of the effects of the System on the employment of unauthorized aliens.

"(v) An assessment of the effects of the System, including the effects of tentative confirmations, on unfair immigration-related employment practices and employment discrimination based on national origin or citizenship status.

"(vi) An assessment of whether the Secretary and the Commissioner of Social Security have adequate resources to carry out the duties and responsibilities of this section.

"(e) COMPLIANCE.—

"(1) COMPLAINTS AND INVESTIGATIONS.—The Secretary shall establish procedures—

"(A) for individuals and entities to file complaints regarding potential violations of subsection (a);

"(B) for the investigation of such complaints that the Secretary determines are appropriate to investigate; and

"(C) for the investigation of other violations of subsection (a) that the Secretary determines is appropriate.

"(2) AUTHORITY IN INVESTIGATIONS.—

"(A) IN GENERAL.—In conducting investigations and hearings under this subsection, officers and employees of the Department of Homeland Security—

"(i) shall have reasonable access to examine evidence regarding any employer being investigated; and

"(ii) if designated by the Secretary, may compel by subpoena the attendance of witnesses and the production of evidence at any designated place in an investigation or case under this subsection.

"(B) FAILURE TO COOPERATE.—In case of refusal to obey a subpoena lawfully issued under subparagraph (A)(ii), the Secretary may request that the Attorney General apply in an appropriate district court of the United States for an order requiring compliance with such subpoena, and any failure to obey such order may be punished by such court as contempt.

"(C) DEPARTMENT OF LABOR.—The Secretary of Labor shall have the investigative authority provided under section 11(a) of the Fair Labor Standards Act of 1938 (29 U.S.C. 211(a)) to ensure compliance with the provisions of this section.

"(3) COMPLIANCE PROCEDURES.—

"(A) PREPENALTY NOTICE.—If the Secretary has reasonable cause to believe that there has been a violation of a requirement of this section and determines that further proceedings related to such violation are warranted, the Secretary shall issue to the employer concerned a written notice of the Secretary's intention to issue a claim for a fine or other penalty. Such notice shall—

"(i) describe the violation;

"(ii) specify the laws and regulations allegedly violated;

"(iii) specify the amount of fines or other penalties to be imposed;

"(iv) disclose the material facts which establish the alleged violation; and

"(v) inform such employer that the employer shall have a reasonable opportunity to make representations as to why a claim for a monetary or other penalty should not be imposed.

"(B) REMISSION OR MITIGATION OF PENALTIES.—

"(i) REVIEW BY SECRETARY.—If the Secretary determines that such fine or other penalty was incurred erroneously, or determines the existence of such mitigating circumstances as to justify the remission or mitigation of such fine or penalty, the Secretary may remit or mitigate such fine or other penalty on the terms and conditions as the Secretary determines are reasonable and just, or order termination of any proceedings related to the notice.

"(ii) APPLICABILITY.—This subparagraph may not apply to an employer that has or is engaged in a pattern or practice of violations of paragraph (1), (2), or (3) of subsection (a) or of any other requirements of this section.

"(C) PENALTY CLAIM.—After considering evidence and representations offered by the employer, the Secretary shall determine whether there was a violation and promptly issue a written final determination setting forth the findings of fact and conclusions of law on which the determination is based and the appropriate penalty.

"(4) CIVIL PENALTIES.—

"(A) HIRING OR CONTINUING TO EMPLOY UNAUTHORIZED ALIENS.—Any employer that violates any provision of paragraph (1), (2), or (3) of subsection (a) shall pay civil penalties as follows:

"(i) Pay a civil penalty of not less than $500 and not more than $4,000 for each unauthorized alien with respect to each such violation.

"(ii) If the employer has previously been fined 1 time during the 12-month period preceding the violation under this subparagraph, pay a civil penalty of not less than $4,000 and not more than $10,000 for each unauthorized alien with respect to each such violation.

"(iii) If the employer has previously been fined more than 1 time during the 24-month period preceding the violation under this subparagraph or has failed to comply with a previously issued and final order related to any such provision, pay a civil penalty of not less than $6,000 and not more than $20,000 for each unauthorized alien with respect to each such violation.

"(B) RECORDKEEPING OR VERIFICATION PRACTICES.—Any employer that violates or fails to comply with the recordkeeping requirements of subsections (a), (c), and (d), shall pay a civil penalty as follows:

"(i) Pay a civil penalty of not less than $200 and not more than $2,000 for each such violation.

"(ii) If the employer has previously been fined 1 time during the 12-month period preceding the violation under this subparagraph, pay a civil penalty of not less than $400 and not more than $4,000 for each such violation.

"(iii) If the employer has previously been fined more than 1 time during the 24-month period preceding the violation under this subparagraph or has failed to comply with a previously issued and final order related to such requirements, pay a civil penalty of not less than $600 and not more than $6,000 for each such violation.

"(C) OTHER PENALTIES.—Notwithstanding subparagraphs (A) and (B), the Secretary may impose additional penalties for violations, including violations of cease and desist orders, specially designed compliance plans to prevent further violations, suspended fines to take effect in the event of a further violation, and in appropriate cases, the criminal penalty described in subsection (f).

"(5) JUDICIAL REVIEW.—An employer adversely affected by a final determination may, within 45 days after the date the final determination is issued, file a petition in any appropriate district court of the United States. The filing of a petition as provided in this paragraph shall stay the Secretary's determination until entry of judgment by the court. The burden shall be on the employer to show that the final determination was not supported by substantial evidence. The Secretary is authorized to require that the petitioner provide, prior to filing for review, security for payment of fines and penalties through bond or other guarantee of payment acceptable to the Secretary.

"(6) ENFORCEMENT OF ORDERS.—If an employer fails to comply with a final determination issued against that employer under this subsection, and the final determination is not subject to review as provided in paragraph (5), the Attorney General may file suit to enforce compliance with the final determination, not earlier than 46 days and not later than 180 days after the date the final determination is issued, in any appropriate district court of the United States. In any such suit, the validity and appropriateness of the final determination shall not be subject to review.

"(7) RECOVERY OF COSTS AND ATTORNEY'S FEES.—In any appeal brought under paragraph (5) or suit brought under paragraph (6) of this section the employer shall be entitled to recover from the Secretary reasonable costs and attorney's fees if such employer substantially prevails on the merits of the case. Such an award of attorney's fees may not exceed $25,000. Any such costs and attorney's fees assessed against the Secretary shall be charged against the operating expenses of the Department for the fiscal year in which the assessment is made, and may not be reimbursed from any other source.

"(f) CRIMINAL PENALTIES AND INJUNCTIONS FOR PATTERN OR PRACTICE VIOLATIONS.—

"(1) CRIMINAL PENALTY.—An employer that engages in a pattern or practice of knowing violations of subsection (a)(1)(A) or (a)(2) shall be fined not more than $20,000 for each unauthorized alien with respect to whom such a violation occurs, imprisoned for not more than 3 years for the entire pattern or practice, or both.

"(2) ENJOINING OF PATTERN OR PRACTICE VIOLATIONS.—If the Secretary or the Attorney General has reasonable cause to believe that an employer is engaged in a pattern or practice of employment, recruitment, or referral in violation of paragraph (1)(A) or (2) of subsection (a), the Attorney General may bring a civil action in the appropriate district court of the United States requesting a permanent or temporary injunction, restraining order, or other order against the employer, as the Secretary deems necessary.

"(g) ADJUSTMENT FOR INFLATION.—All penalties and limitations on the recovery of costs and attorney's fees in this section shall be increased every 4 years beginning January 2010 to reflect the percentage increase in the consumer price index for all urban consumers (all items; U.S. city average) for the 48 month period ending with September of the year preceding the year such adjustment is made. Any adjustment under this subparagraph shall be rounded to the nearest dollar.

"(h) PROHIBITION OF INDEMNITY BONDS.—

"(1) PROHIBITION.—It is unlawful for an employer, in the hiring, recruiting, or referring for a fee, of an individual, to require the individual to post a bond or security, to pay or agree to pay an amount, or otherwise to provide a financial guarantee or indemnity, against any potential liability arising under this section relating to such hiring, recruiting, or referring of the individual.

"(2) CIVIL PENALTY.—Any employer which is determined, after notice and opportunity for mitigation of the monetary penalty under subsection (e), to have violated paragraph (1) of this subsection shall be subject to a civil penalty of $10,000 for each violation and to an administrative order requiring the return of any amounts received in violation of such paragraph to the employee or, if the employee cannot be located, to the Employer Compliance Fund established under section 286(w).

"(i) PROHIBITION ON AWARD OF GOVERNMENT CONTRACTS, GRANTS, AND AGREEMENTS.—

"(1) EMPLOYERS WITH NO CONTRACTS, GRANTS, OR AGREEMENTS.—

"(A) IN GENERAL.—If an employer who does not hold a Federal contract, grant, or cooperative agreement is determined by the Secretary to be a repeat violator of this section or is convicted of a crime under this section, the employer shall be debarred from the receipt of a Federal contract, grant, or cooperative agreement for a period of 5 years. The Secretary or the Attorney General shall advise the Administrator of General Services of such a debarment, and the Administrator of General Services shall list the employer on the List of Parties Excluded from Federal Procurement and Nonprocurement Programs for a period of 5 years.

"(B) WAIVER.—The Administrator of General Services, in consultation with the Secretary and the Attorney General, may waive operation of this subsection or may limit the duration or scope of the debarment.

"(2) EMPLOYERS WITH CONTRACTS, GRANTS, OR AGREEMENTS.—

"(A) IN GENERAL.—An employer who holds a Federal contract, grant, or cooperative agreement and is determined by the Secretary to be a repeat violator of this section or is convicted of a crime under this section, shall be debarred from the receipt of new Federal contracts, grants, or cooperative agreements for a period of 5 years.

"(B) NOTICE TO AGENCIES.—Prior to debarring the employer under subparagraph (A), the Secretary, in cooperation with the Administrator of General Services, shall advise any agency or department holding a contract, grant, or cooperative agreement with the employer of the Government's intention to debar the employer from the receipt of new Federal contracts, grants, or cooperative agreements for a period of 5 years.

"(C) WAIVER.—After consideration of the views of any agency or department that holds a contract, grant, or cooperative agreement with the employer, the Secretary may, in lieu of debarring the employer from the receipt of new Federal contracts, grants, or cooperative agreements for a period of 5 years, waive operation of this subsection, limit the duration or scope of the debarment, or may refer to an appropriate lead agency the decision of whether to debar the employer, for what duration, and under what scope in accordance with the procedures and standards prescribed by the Federal Acquisition Regulation. However, any proposed debarment predicated on an administrative determination of liability for civil penalty by the Secretary or the Attorney General shall not be reviewable in any debarment proceeding. The decision of whether to debar or take alternate action under this subparagraph shall not be judicially reviewed.

"(3) Suspension.—Indictments for violations of this section or adequate evidence of actions that could form the basis for debarment under this subsection shall be considered a cause for suspension under the procedures and standards for suspension prescribed by the Federal Acquisition Regulation.

"(j) Miscellaneous Provisions.—

"(1) Documentation.—In providing documentation or endorsement of authorization of aliens eligible to be employed in the United States, the Secretary shall provide that any limitations with respect to the period or type of employment or employer shall be conspicuously stated on the documentation or endorsement (other than aliens lawfully admitted for permanent residence).

"(2) Preemption.—The provisions of this section preempt any State or local law imposing civil or criminal sanctions (other than through licensing and similar laws) upon those who employ, or recruit or refer for a fee for employment, unauthorized aliens.

"(k) Deposit of Amounts Received.—Except as otherwise specified, civil penalties collected under this section shall be deposited by the Secretary into the Employer Compliance Fund established under section 286(w).

"(l) Definitions.—In this section:

"(1) Employer.—The term 'employer' means any person or entity, including any entity of the Government of the United States, hiring, recruiting, or referring an individual for employment in the United States.

"(2) Secretary.—Except as otherwise provided, the term 'Secretary' means the Secretary of Homeland Security.

"(3) Unauthorized alien.—The term 'unauthorized alien' means, with respect to the employment of an alien at a particular time, that the alien is not at that time either—

"(A) an alien lawfully admitted for permanent residence; or

"(B) authorized to be so employed by this Act or by the Secretary.".

(b) Conforming Amendments.—

(1) Amendments.—

(A) Repeal of basic pilot.—Sections 401, 402, 403, 404, and 405 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104-208; 8 U.S.C. 1324a note) are repealed.

(B) Repeal of reporting requirements.—

(i) Report on earnings of aliens not authorized to work.—Subsection (c) of section 290 of the Immigration and Nationality Act (8 U.S.C. 1360) is repealed.

(ii) Report on fraudulent use of social security account numbers.—Subsection (b) of section 414 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104-208; 8 U.S.C. 1360 note) is repealed.

(2) Construction.—Nothing in this subsection or in subsection (d) of section 274A of the Immigration and Nationality Act, as amended by subsection (a), may be construed to limit the authority of the Secretary of Homeland Security to allow or continue to allow the participation of employers who participated in the basic pilot program under sections 401, 402, 403, 404, and 405 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104-208; 8 U.S.C. 1324a note) in the Electronic Employment Verification System established pursuant to such subsection (d).

(c) Technical Amendments.—

(1) Definition of unauthorized alien.—The Immigration and Nationality Act is amended in sections 218(i)(1) (8 U.S.C. 1188(i)(1)), 245(c)(8) (8 U.S.C. 1255(c)(8)), 274(a)(3)(B)(i) (8 U.S.C. 1324(a)(3)(B)(i)), and 274B(a)(1) (8 U.S.C. 1324b(a)(1)) are amended by striking "274A(h)(3)" and inserting "274A".

(2) Document requirements.—Section 274B of the Immigration and Nationality Act (8 U.S.C. 1324b) is amended—

(A) in subsections (a)(6) and (g)(2)(B), by striking "274A(b)" and inserting "274A(c) and (d)"; and

(B) in subsection (g)(2)(B)(ii), by striking "274A(b)(5)" and inserting "274A(c)".

(d) Amendments to the Social Security Act.—Section 205(c)(2) of the Social Security Act (42 U.S.C. 405(c)(2)) is amended by adding at the end the following new subparagraphs:

"(I)(i) The Commissioner of Social Security shall, subject to the provisions of section 201(f)(2) of the Fair Minimum Wage Act of 2007, establish a reliable, secure method to provide through the Electronic Employment Verification System established pursuant to subsection (d) of section 274A of the Immigration and Nationality Act (referred to in this subparagraph as the 'System'), within the time periods required by paragraph (8) of such subsection—

"(I) a determination of whether the name, date of birth, employer identification number, and social security account number of an individual provided in an inquiry made to the System by an employer is consistent with such information maintained by the Commissioner in order to confirm the validity of the information provided;

"(II) a determination of the citizenship status associated with such name and social security account number, according to the records maintained by the Commissioner;

"(III) a determination of whether the name and number belongs to an individual who is deceased, according to the records maintained by the Commissioner;

"(IV) a determination of whether the name and number is blocked in accordance with clause (ii); and

"(V) a confirmation notice or a nonconfirmation notice described in such paragraph (8), in a manner that ensures that other information maintained by the Commissioner is not disclosed or released to employers through the System.

"(ii) The Commissioner of Social Security shall prevent the fraudulent or other misuse of a social security account number by establishing procedures under which an individual who has been assigned a social security account number may block the use of such number under the System and remove such block.

"(J) In assigning social security account numbers to aliens who are authorized to work in the United States under section 218A of the Immigration and Nationality Act, the Commissioner of Social Security shall, to the maximum extent practicable, assign such numbers by employing the enumeration procedure administered jointly by the Commissioner, the Secretary of State, and the Secretary.".

(e) Disclosure of Certain Taxpayer Identity Information.—

(1) In general.—Section 6103(l) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

"(21) Disclosure of certain taxpayer identity information by Social Security Administration to Department of Homeland Security.—

"(A) In general.—From taxpayer identity information which has been disclosed to the Social Security Administration and upon written request by the Secretary of Homeland Security, the Commissioner of Social Security shall disclose directly to officers, employees, and contractors of the Department of Homeland Security the following information:

"(i) Disclosure of employer no-match notices.—Taxpayer identity information of each person who has filed an information return required by reason of section 6051 during calendar year 2006, 2007, or 2008 which contains—

"(I) more than 100 names and taxpayer identifying numbers of employees (within the meaning of such section) that did not match the records maintained by the Commissioner of Social Security, or

"(II) more than 10 names of employees (within the meaning of such section) with the same taxpayer identifying number.

"(ii) Disclosure of information regarding use of duplicate employee taxpayer identifying information.—Taxpayer identity information of each person who has filed an information return required by reason of section 6051 which the Commissioner of Social Security has reason to believe, based on a comparison with information submitted by the Secretary of Homeland Security, contains evidence of identity fraud due to the multiple use of the same taxpayer identifying number (assigned under section 6109) of an employee (within the meaning of section 6051).

"(iii) Disclosure of information regarding nonparticipating employers.—Taxpayer identity information of each person who has filed an information return required by reason of section 6051 which the Commissioner of Social Security has reason to believe, based on a comparison with information submitted by the Secretary of Homeland Security, contains evidence of such person's failure to register and participate in the Electronic Employment Verification System authorized under section 274A(d) of the Immigration and Nationality Act (hereafter in this paragraph referred to as the 'System').

"(iv) Disclosure of information regarding new employees of nonparticipating employers.—Taxpayer identity information of all employees (within the meaning of section 6051) hired after the date a person identified in clause (iii) is required to participate in the System under section 274A(d)(2) or section 274A(d)(3)(B) of the Immigration and Nationality Act.

"(v) Disclosure of information regarding employees of certain designated employers.—Taxpayer identity information of all employees (within the meaning of section 6051) of each person who is required to participate in the System under section 274A(d)(3)(B) of the Immigration and Nationality Act.

"(vi) Disclosure of new hire taxpayer identity information.—Taxpayer identity information of each person participating in the System and taxpayer identity information of all employees (within the meaning of section 6051) of such person hired during the period beginning with the later of—

"(I) the date such person begins to participate in the System, or

"(II) the date of the request immediately preceding the most recent request under this clause,

ending with the date of the most recent request under this clause.

"(B) RESTRICTION ON DISCLOSURE.—The Commissioner of Social Security shall disclose taxpayer identity information under subparagraph (A) only for purposes of, and to the extent necessary in—

"(i) establishing and enforcing employer participation in the System,

"(ii) carrying out, including through civil administrative and civil judicial proceedings, of sections 212, 217, 235, 237, 238, 274A, 274B, and 274C of the Immigration and Nationality Act, and

"(iii) the civil operation of the Alien Terrorist Removal Court.

"(C) REIMBURSEMENT.—The Commissioner of Social Security shall prescribe a reasonable fee schedule for furnishing taxpayer identity information under this paragraph and collect such fees in advance from the Secretary of Homeland Security.

"(D) TERMINATION.—This paragraph shall not apply to any request made after the date which is 3 years after the date of the enactment of this paragraph.".

(2) COMPLIANCE BY DHS CONTRACTORS WITH CONFIDENTIALITY SAFEGUARDS.—

(A) IN GENERAL.—Section 6103(p) of such Code is amended by adding at the end the following new paragraph:

"(9) DISCLOSURE TO DHS CONTRACTORS.—Notwithstanding any other provision of this section, no return or return information shall be disclosed to any contractor of the Department of Homeland Security unless such Department, to the satisfaction of the Secretary—

"(A) has requirements in effect which require each such contractor which would have access to returns or return information to provide safeguards (within the meaning of paragraph (4)) to protect the confidentiality of such returns or return information,

"(B) agrees to conduct an on-site review every 3 years (mid-point review in the case of contracts or agreements of less than 1 year in duration) of each contractor to determine compliance with such requirements,

"(C) submits the findings of the most recent review conducted under subparagraph (B) to the Secretary as part of the report required by paragraph (4)(E), and

"(D) certifies to the Secretary for the most recent annual period that such contractor is in compliance with all such requirements.

"The certification required by subparagraph (D) shall include the name and address of each contractor, a description of the contract or agreement with such contractor, and the duration of such contract or agreement.".

(3) CONFORMING AMENDMENTS.—

(A) Section 6103(a)(3) of such Code is amended by striking "or (20)" and inserting "(20), or (21)".

(B) Section 6103(p)(3)(A) of such Code is amended by adding at the end the following new sentence: "The Commissioner of Social Security shall provide to the Secretary such information as the Secretary may require in carrying out this paragraph with respect to return information inspected or disclosed under the authority of subsection (l)(21).".

(C) Section 6103(p)(4) of such Code is amended—

(i) by striking "or (17)" both places it appears and inserting "(17), or (21)", and

(ii) by striking "or (20)" each place it appears and inserting "(20), or (21)".

(D) Section 6103(p)(8)(B) of such Code is amended by inserting "or paragraph (9)" after "subparagraph (A)".

(E) Section 7213(a)(2) of such Code is amended by striking "or (20)" and inserting "(20), or (21)".

(f) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to the Secretary of Homeland Security such sums as are necessary to carry out the amendments made by this section.

(2) LIMITATION ON VERIFICATION RESPONSIBILITIES OF COMMISSIONER OF SOCIAL SECURITY.—The Commissioner of Social Security is authorized to perform activities with respect to carrying out the Commissioner's responsibilities in this title or the amendments made by this title, but only to the extent the Secretary of Homeland Security has provided, in advance, funds to cover the Commissioner's full costs in carrying out such responsibilities. In no case shall funds from the Federal Old-Age and Survivors Insurance Trust Fund or the Federal Disability Insurance Trust Fund be used to carry out such responsibilities.

(g) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by subsections (a), (b), (c), and (d) shall take effect on the date that is 180 days after the date of the enactment of this Act.

(2) SUBSECTION (e).—

(A) IN GENERAL.—The amendments made by subsection (e) shall apply to disclosures made after the date of the enactment of this Act.

(B) CERTIFICATIONS.—The first certification under section 6103(p)(9)(D) of the Internal Revenue Code of 1986, as added by subsection (e)(2), shall be made with respect to calendar year 2008.

SEC. 202. EMPLOYER COMPLIANCE FUND.

Section 286 of the Immigration and Nationality Act (8 U.S.C. 1356) is amended by adding at the end the following new subsection:

"(w) EMPLOYER COMPLIANCE FUND.—

"(1) IN GENERAL.—There is established in the general fund of the Treasury, a separate account, which shall be known as the 'Employer Compliance Fund' (referred to in this subsection as the 'Fund').

"(2) DEPOSITS.—There shall be deposited as offsetting receipts into the Fund all civil monetary penalties collected by the Secretary of Homeland Security under section 274A.

"(3) PURPOSE.—Amounts refunded to the Secretary from the Fund shall be used for the purposes of enhancing and enforcing employer compliance with section 274A.

"(4) AVAILABILITY OF FUNDS.—Amounts deposited into the Fund shall remain available until expended and shall be refunded out of the Fund by the Secretary of the Treasury, at least on a quarterly basis, to the Secretary of Homeland Security.".

SEC. 203. ADDITIONAL WORKSITE ENFORCEMENT AND FRAUD DETECTION AGENTS.

(a) INCREASE IN NUMBER OF PERSONNEL.—The Secretary of Homeland Security shall, subject to the availability of appropriations for such purpose, annually increase, by not less than 2,200, the number of personnel of the Bureau of Immigration and Customs Enforcement during the 5-year period beginning on the date of the enactment of this Act.

(b) USE OF PERSONNEL.—The Secretary of Homeland Security shall ensure that not less than 25 percent of all the hours expended by personnel of the Bureau of Immigration and Customs Enforcement shall be used to enforce compliance with sections 274A and 274C of the Immigration and Nationality Act (8 U.S.C. 1324a and 1324c).

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Homeland Security for each of the fiscal years 2008 through 2012 such sums as may be necessary to carry out this section.

SEC. 204. CLARIFICATION OF INELIGIBILITY FOR MISREPRESENTATION.

Section 212(a)(6)(C)(ii)(I) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(6)(C)(ii)(I)), is amended by striking "citizen" and inserting "national".

SEC. 205. ANTIDISCRIMINATION PROTECTIONS.

(a) APPLICATION OF PROHIBITION OF DISCRIMINATION TO VERIFICATION SYSTEM.—Section 274B(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1324b(a)(1)) is amended by inserting ", the verification of the individual's work authorization through the Electronic Employment Verification System described in section 274A(d)," after "the individual for employment".

(b) CLASSES OF ALIENS AS PROTECTED INDIVIDUALS.—Section 274B(a)(3)(B) of the Immigration and Nationality Act (8 U.S.C. 1324b(a)(3)(B)) is amended to read as follows:

"(B) is an alien who is—

"(i) lawfully admitted for permanent residence;

"(ii) granted the status of an alien lawfully admitted for temporary residence under section 210(a) or 245(a)(1);

"(iii) admitted as a refugee under section 207;

"(iv) granted asylum under section 208;

"(v) granted the status of a nonimmigrant under section 101(a)(15)(H)(ii)(c);

"(vi) granted temporary protected status under section 244; or

"(vii) granted parole under section 212(d)(5).".

(c) REQUIREMENTS FOR ELECTRONIC EMPLOYMENT VERIFICATION.—Section 274B(a) of the Immigration and Nationality Act (8 U.S.C. 1324b(a)) is amended by adding at the end the following:

"(7) ANTIDISCRIMINATION REQUIREMENTS OF THE ELECTRONIC EMPLOYMENT VERIFICATION SYSTEM.—It is an unfair immigration-related employment practice for a person or other entity, in the course of the electronic verification process described in section 274A(d)—

"(A) to terminate or undertake any adverse employment action due to a tentative nonconfirmation;

"(B) to use the verification system for screening of an applicant prior to an offer of employment;

"(C) except as described in section 274A(d)(3)(B), to use the verification system for a current employee after the first 3 days of employment, or for the reverification of an employee after the employee has satisfied the process described in section 274A(d); or

"(D) to require an individual to make an inquiry under the self-verification procedures established in section 274A(d)(8)(E)(iii).".

(d) INCREASE IN CIVIL MONEY PENALTIES.—Section 274B(g)(2) of the Immigration and Nationality Act (8 U.S.C. 1324b(g)(2)) is amended—

(1) in subparagraph (B)(iv)—

(A) in subclause (I), by striking "$250 and not more than $2,000" and inserting "$1,000 and not more than $4,000";

(B) in subclause (II), by striking "$2,000 and not more than $5,000" and inserting "$4,000 and not more than $10,000";

(C) in subclause (III), by striking "$3,000 and not more than $10,000" and inserting "$6,000 and not more than $20,000"; and

(D) in subclause (IV), by striking "$100 and not more than $1,000" and inserting "$500 and not more than $5,000".

(e) INCREASED FUNDING OF INFORMATION CAMPAIGN.—Section 274B(l)(3) of the Immigration and Nationality Act (8 U.S.C. 1324b(l)(3)) is amended by inserting "and an additional $40,000,000 for each of fiscal years 2008 through 2010" before the period at the end.

(f) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date that is 180 days after the date of the enactment of this Act and shall apply to violations occurring on or after such date.

SA 145. Mr. SESSIONS (for himself, Mr. INHOFE, and Mr. GRASSLEY) submitted an amendment intended to be proposed by him to the bill H.R. 2, to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . RESPONSIBLE GOVERNMENT CONTRACTOR REQUIREMENTS.

Section 274A(e) of the Immigration and Nationality Act (8 U.S.C. 1324a(e)) is amended by adding at the end the following new paragraph:

"(10) PROHIBITION ON AWARD OF GOVERNMENT CONTRACTS, GRANTS, AND AGREEMENTS.—

"(A) EMPLOYERS WITH NO CONTRACTS, GRANTS, OR AGREEMENTS.—

"(i) IN GENERAL.—Subject to clause (iii) and subparagraph (C), if an employer who does not hold a Federal contract, grant, or cooperative agreement is determined to have violated this section, the employer shall be debarred from the receipt of a Federal contract, grant, or cooperative agreement for a period of 7 years.

"(ii) PLACEMENT ON EXCLUDED LIST.—The Secretary of Homeland Security or the Attorney General shall advise the Administrator of General Services of the debarment of an employer under clause (i) and the Administrator of General Services shall list the employer on the List of Parties Excluded from Federal Procurement and Nonprocurement Programs for a period of 7 years.

"(iii) WAIVER.—

"(I) AUTHORITY.—The Administrator of General Services, in consultation with the Secretary of Homeland Security and the Attorney General, may waive operation of clause (i) or may limit the duration or scope of a debarment under clause (i) if such waiver or limitation is necessary to national defense or in the interest of national security.

"(II) NOTIFICATION TO CONGRESS.—If the Administrator grants a waiver or limitation described in subclause (I), the Administrator shall submit to each member of the Committee on the Judiciary of the Senate and of the Committee on the Judiciary of the House of Representatives immediate notice of such waiver or limitation.

"(III) PROHIBITION ON JUDICIAL REVIEW.—The decision of whether to debar or take alternative action under this clause shall not be judicially reviewed.

"(B) EMPLOYERS WITH CONTRACTS, GRANTS, OR AGREEMENTS.—

"(i) IN GENERAL.—Subject to clause (iii) and subclause (C), an employer who holds a Federal contract, grant, or cooperative agreement and is determined to have violated this section shall be debarred from the receipt of new Federal contracts, grants, or cooperative agreements for a period of 10 years.

"(ii) NOTICE TO AGENCIES.—Prior to debarring the employer under clause (i), the Secretary of Homeland Security, in cooperation with the Administrator of General Services, shall advise any agency or department holding a contract, grant, or cooperative agreement with the employer of the Government's intention to debar the employer from the receipt of new Federal contracts, grants, or cooperative agreements for a period of 10 years.

"(iii) WAIVER.—

"(I) AUTHORITY.—After consideration of the views of any agency or department that holds a contract, grant, or cooperative agreement with the employer, the Administrator of General Services, in consultation with the Secretary of Homeland Security and the Attorney General, may waive operation of clause (i) or may limit the duration or scope of the debarment under clause (i) if such waiver or limitation is necessary to the national defense or in the interest of national security.

"(II) NOTIFICATION TO CONGRESS.—If the Administrator grants a waiver or limitation described in subclause (I), the Administrator shall submit to each member of the Committee on the Judiciary of the Senate and of the Committee on the Judiciary of the House of Representatives immediate notice of such waiver or limitation.

"(III) PROHIBITION ON JUDICIAL REVIEW.—The decision of whether to debar or take alternate action under this clause shall not be judicially reviewed.

"(C) EXEMPTION FROM PENALTY FOR EMPLOYERS PARTICIPATING IN THE BASIC PILOT PROGRAM.—In the case of imposition on an employer of a debarment from the receipt of a Federal contract, grant, or cooperative agreement under subparagraph (A) or (B), that penalty shall be waived if the employer establishes that the employer was voluntarily participating in the basic pilot program under section 403(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note) at the time of the violations of this section that resulted in the debarment.".

SA 146. Mr. SESSIONS (for himself and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill H.R. 2, to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . RESPONSIBLE EMPLOYER REQUIREMENTS.

(a) PENALTIES FOR UNLAWFUL EMPLOYMENT OF ALIENS.—Section 274A of the Immigration and Nationality Act (8 U.S.C. 1324a) is amended—

(1) in subsection (e)(4)—

(A) in subparagraph (A)(i), by striking "not less than $250 and not more than $2,000" and inserting "not less than $5000 and not more than $7,500";

(B) in subparagraph (A)(ii), by striking "not less than $2,000 and not more than $5,000" and inserting "not less than $10,000 and not more than $15,000"; and

(C) in subparagraph (A)(iii), by striking "not less than $3,000 and not more than $10,000" and inserting "not less than $25,000 and not more than $40,00";

(2) in subsection (e)(5)—

(A) by inserting ", subject to paragraph (10)," after "in an amount";

(B) by striking "$100 and not more than $1,000" and inserting "$1,000 and not more than $25,000"; and

(C) by adding at the end the following sentence: "Providing information to the basic pilot program described in section 403(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note) that the person or entity knows or reasonably believes to be false, shall be treated as a violation of subsection (a)(1)(A) and shall not qualify for the exemption provided by (e)(10).";

(3) by adding at the end of subsection (e) the following new paragraph:

"(10) EXEMPTION FROM PENALTY FOR EMPLOYERS PARTICIPATING IN THE BASIC PILOT PROGRAM.—In the case of imposition of a civil penalty under paragraph (4)(A) with respect to a violation of subsection (a)(1)(A) or (a)(2) for hiring or continuation of employment by an employer and in the case of imposition of a civil penalty under paragraph (5) for a violation of subsection (a)(1)(B) for hiring or recruitment or referral by a person or entity, the penalty otherwise imposed shall be waived if the violator establishes that it was voluntarily participating in the basic pilot electronic verification program at the time of the offense.";

(4) by amending paragraph (1) of subsection (f) to read as follows:

"(1) CRIMINAL PENALTY.—Any person or entity which engages in a pattern or practice of violations of paragraph (1) or (2) of subsection (a) shall be fined not less than $3,000 and more than $50,000 for each unauthorized alien with respect to which such a violation occurs, imprisoned for not less than one year, or both, notwithstanding the provisions of any other Federal law relating to fine levels."; and

(5) in subsection (f)(2), by striking "Attorney General" each place it appears and inserting "Secretary of Homeland Security".

(b) RETENTION AND USE OF EMPLOYMENT ELIGIBILITY VERIFICATION DOCUMENTS.—

(1) RETENTION.—Section 274A(b) of the Immigration and Nationality Act (8 U.S.C. 1324a(b)) is amended by striking paragraph (4) and inserting the following:

"(4) COPYING AND RETENTION OF DOCUMENTATION.—

"(A) IN GENERAL.—A person or entity required to examine a document described in subparagraph (B), (C), or (D) of paragraph (1) or receive an attestation described in paragraph (2) shall retain a paper, microfiche, microfilm, or electronic version of each such document and attestation, indicate that each such version is a copied document, and make such versions available for inspection by an officer of the Department of Homeland Security or any other person designated by the Secretary, the Special Counsel for Immigration-Related Unfair Employment Practices of the Department of Justice, or the Secretary of Labor during the period beginning on the date of the hiring, or recruiting or referring for a fee, of the individual and ending—

"(i) in the case of the recruiting or referral for a fee (without hiring) of an individual, 5 years after the date of the recruiting or referral; or

"(ii) in the case of the hiring of an individual the later of—

"(I) 5 years after the date of such hiring; or

"(II) 1 year after the date the individual's employment is terminated.

"(B) OTHER RECORDS.—Such person or entity shall maintain records of any action taken and copies of any correspondence written or received with respect to the verification of an individual's identity or eligibility for employment in the United States.".

(2) LIMITATION ON USE OF RETAINED DOCUMENTS.—Paragraph (5) of section 274A(b) of the Immigration and Nationality Act (8 U.S.C. 1324a(b)) is amended—

(A) in the heading, by striking "LIMITATION ON USE OF ATTESTATION FORM" and inserting "ATTESTATION FORM";

(B) by redesignating such paragraph (5) as subparagraph (A);

(C) by indenting such subparagraph, as so designated, six ems from the left margin;

(D) by inserting before such subparagraph, as so designated, the following:

"(5) LIMITATION ON USE.—"; and

(E) by inserting after such subparagraph, as so designated, the following new subparagraph:

"(B) RETAINED DOCUMENTS.—A person or entity required to retain versions of documents or attestations or maintain records under paragraph (4) shall use any such version, attestation, or record only for the purposes of complying with the requirements of this subsection, except as otherwise permitted under law.".

(c) EXTENSION OF THE BASIC PILOT PROGRAM.—Section 403(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note) is amended by adding at the end the following new paragraph:

"(5) INDIVIDUALS COVERED.—Notwithstanding any other provision of this title, a person or other entity that elects to participate in the basic pilot program shall follow the procedures described in paragraphs (1) thorough (4) for each individual who the person or entity hires (or recruits or refers) for employment and for each individual who is employed by the person or entity.".

SA 147. Mr. SESSIONS (for himself and Mr. INHOFE) submitted an amendment intended to be proposed to amendment SA 100 proposed by Mr. REID (for Mr. BAUCUS) to the bill H.R. 2, to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . RESPONSIBLE EMPLOYER REQUIREMENTS.

(a) PENALTIES FOR UNLAWFUL EMPLOYMENT OF ALIENS.—Section 274A of the Immigration and Nationality Act (8 U.S.C. 1324a) is amended—

(1) in subsection (e)(4)—

(A) in subparagraph (A)(i), by striking "not less than $250 and not more than $2,000" and inserting "not less than $5000 and not more than $7,500";

(B) in subparagraph (A)(ii), by striking "not less than $2,000 and not more than $5,000" and inserting "not less than $10,000 and not more than $15,000"; and

(C) in subparagraph (A)(iii), by striking "not less than $3,000 and not more than $10,000" and inserting "not less than $25,000 and not more than $40,00";

(2) in subsection (e)(5)—

(A) by inserting ", subject to paragraph (10)," after "in an amount";

(B) by striking "$100 and not more than $1,000" and inserting "$1,000 and not more than $25,000"; and

(C) by adding at the end the following sentence: "Providing information to the basic pilot program described in section 403(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note) that the person or entity knows or reasonably believes to be false, shall be treated as a violation of subsection (a)(1)(A) and shall not qualify for the exemption provided by (e)(10).";

(3) by adding at the end of subsection (e) the following new paragraph:

"(10) EXEMPTION FROM PENALTY FOR EMPLOYERS .PARTICIPATING IN THE BASIC PILOT PROGRAM.—In the case of imposition of a civil penalty under paragraph (4)(A) with respect to a violation of subsection (a)(1)(A) or (a)(2) for hiring or continuation of employment by an employer and in the case of imposition of a civil penalty under paragraph (5) for a violation of subsection (a)(1)(B) for hiring or recruitment or referral by a person or entity, the penalty otherwise imposed shall be waived if the violator establishes that it was voluntarily participating in the basic pilot electronic verification program at the time of the offense.";

(4) by amending paragraph (1) of subsection (f) to read as follows:

"(1) CRIMINAL PENALTY.—Any person or entity which engages in a pattern or practice of violations of paragraph (1) or (2) of subsection (a) shall be fined not less than $3,000 and more than $50,000 for each unauthorized alien with respect to which such a violation occurs, imprisoned for not less than one year, or both, notwithstanding the provisions of any other Federal law relating to fine levels."; and

(5) in subsection (f)(2), by striking "Attorney General" each place it appears and inserting "Secretary of Homeland Security".

(b) RETENTION AND USE OF EMPLOYMENT ELIGIBILITY VERIFICATION DOCUMENTS.—

(1) RETENTION.—Section 274A(b) of the Immigration and Nationality Act (8 U.S.C. 1324a(b)) is amended by striking paragraph (4) and inserting the following:

"(4) COPYING AND RETENTION OF DOCUMENTATION.—

"(A) IN GENERAL.—A person or entity required to examine a document described in subparagraph (B), (C), or (D) of paragraph (1) or receive an attestation described in paragraph (2) shall retain a paper, microfiche, microfilm, or electronic version of each such document and attestation, indicate that each such version is a copied document, and make such versions available for inspection by an officer of the Department of Homeland Security or any other person designated by the Secretary, the Special Counsel for Immigration-Related Unfair Employment Practices of the Department of Justice, or the Secretary of Labor during the period beginning on the date of the hiring, or recruiting or referring for a fee, of the individual and ending—

"(i) in the case of the recruiting or referral for a fee (without hiring) of an individual, 5 years after the date of the recruiting or referral; or

"(ii) in the case of the hiring of an individual the later of—

"(I) 5 years after the date of such hiring; or

"(II) 1 year after the date the individual's employment is terminated.

"(B) OTHER RECORDS.—Such person or entity shall maintain records of any action taken and copies of any correspondence written or received with respect to the verification of an individual's identity or eligibility for employment in the United States.".

(2) LIMITATION ON USE OF RETAINED DOCUMENTS.—Paragraph (5) of section 274A(b) of the Immigration and Nationality Act (8 U.S.C. 1324a(b)) is amended—

(A) in the heading, by striking "LIMITATION ON USE OF ATTESTATION FORM" and inserting "ATTESTATION FORM";

(B) by redesignating such paragraph (5) as subparagraph (A);

(C) by indenting such subparagraph, as so designated, six ems from the left margin;

(D) by inserting before such subparagraph, as so designated, the following:

"(5) LIMITATION ON USE.—"; and

(E) by inserting after such subparagraph, as so designated, the following new subparagraph:

"(B) RETAINED DOCUMENTS.—A person or entity required to retain versions of documents or attestations or maintain records under paragraph (4) shall use any such version, attestation, or record only for the purposes of complying with the requirements of this subsection, except as otherwise permitted under law.".

(c) EXTENSION OF THE BASIC PILOT PROGRAM.—Section 403(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note) is amended by adding at the end the following new paragraph:

"(5) INDIVIDUALS COVERED.—Notwithstanding any other provision of this title, a person or other entity that elects to participate in the basic pilot program shall follow the procedures described in paragraphs (1) thorough (4) for each individual who the person or entity hires (or recruits or refers) for employment and for each individual who is employed by the person or entity.".

SA 148. Mr. SESSIONS (for himself, Mr. INHOFE, and Mr. GRASSLEY) submitted an amendment intended to be proposed to amendment SA 100 proposed by Mr. REID (for Mr. BAUCUS) to the bill H.R. 2, to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. RESPONSIBLE GOVERNMENT CONTRACTOR REQUIREMENTS.

Section 274A(e) of the Immigration and Nationality Act (8 U.S.C. 1324a(e)) is amended by adding at the end the following new paragraph:

"(10) PROHIBITION ON AWARD OF GOVERNMENT CONTRACTS, GRANTS, AND AGREEMENTS.—

"(A) EMPLOYERS WITH NO CONTRACTS, GRANTS, OR AGREEMENTS.—

"(i) IN GENERAL.—Subject to clause (iii) and subparagraph (C), if an employer who does not hold a Federal contract, grant, or cooperative agreement is determined to have violated this section, the employer shall be debarred from the receipt of a Federal contract, grant, or cooperative agreement for a period of 7 years.

"(ii) PLACEMENT ON EXCLUDED LIST.—The Secretary of Homeland Security or the Attorney General shall advise the Administrator of General Services of the debarment of an employer under clause (i) and the Administrator of General Services shall list the employer on the List of Parties Excluded from Federal Procurement and Nonprocurement Programs for a period of 7 years.

"(iii) WAIVER.—

"(I) AUTHORITY.—The Administrator of General Services, in consultation with the

Secretary of Homeland Security and the Attorney General, may waive operation of clause (i) or may limit the duration or scope of a debarment under clause (i) if such waiver or limitation is necessary to national defense or in the interest of national security.

"(II) Notification to Congress.—If the Administrator grants a waiver or limitation described in subclause (I), the Administrator shall submit to each member of the Committee on the Judiciary of the Senate and of the Committee on the Judiciary of the House of Representatives immediate notice of such waiver or limitation.

"(III) Prohibition on judicial review.—The decision of whether to debar or take alternative action under this clause shall not be judicially reviewed.

"(B) Employers with contracts, grants, or agreements.—

"(i) In general.—Subject to clause (iii) and subclause (C), an employer who holds a Federal contract, grant, or cooperative agreement and is determined to have violated this section shall be debarred from the receipt of new Federal contracts, grants, or cooperative agreements for a period of 10 years.

"(ii) Notice to agencies.—Prior to debarring the employer under clause (i), the Secretary of Homeland Security, in cooperation with the Administrator of General Services, shall advise any agency or department holding a contract, grant, or cooperative agreement with the employer of the Government's intention to debar the employer from the receipt of new Federal contracts, grants, or cooperative agreements for a period of 10 years.

"(iii) Waiver.—

"(I) Authority.—After consideration of the views of any agency or department that holds a contract, grant, or cooperative agreement with the employer, the Administrator of General Services, in consultation with the Secretary of Homeland Security and the Attorney General, may waive operation of clause (i) or may limit the duration or scope of the debarment under clause (i) if such waiver or limitation is necessary to the national defense or in the interest of national security.

"(II) Notification to Congress.—If the Administrator grants a waiver or limitation described in subclause (I), the Administrator shall submit to each member of the Committee on the Judiciary of the Senate and of the Committee on the Judiciary of the House of Representatives immediate notice of such waiver or limitation.

"(III) Prohibition on judicial review.—The decision of whether to debar or take alternate action under this clause shall not be judicially reviewed.

"(C) Exemption from penalty for employers participating in the basic pilot program.—In the case of imposition on an employer of a debarment from the receipt of a Federal contract, grant, or cooperative agreement under subparagraph (A) or (B), that penalty shall be waived if the employer establishes that the employer was voluntarily participating in the basic pilot program under section 403(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note) at the time of the violations of this section that resulted in the debarment.".

SA 149. Mr. ENSIGN (for himself and Mr. Inhofe) submitted an amendment intended to be proposed by him to the bill H.R. 2, to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. PRECLUSION OF SOCIAL SECURITY CREDITS PRIOR TO ENUMERATION.

(a) Insured Status.—Section 214 of the Social Security Act (42 U.S.C. 414) is amended by adding at the end, the following new subsection:

"(d)(1) Except as provided in paragraph (2), no quarter of coverage shall be credited for purposes of this section if, with respect to any individual who is assigned a social security account number on or after the date of enactment of the Fair Minimum Wage Act of 2007, such quarter of coverage is earned prior to the year in which such social security account number is assigned.

"(2) Paragraph (1) shall not apply with respect to any quarter of coverage earned by an individual who, at such time such quarter of coverage is earned, satisfies the criterion specified in subsection (c)(2).".

(b) Benefit Computation.—Section 215(e) of such Act (42 U.S.C. 415(e)) is amended—

(1) by striking "and" at the end of paragraph (1);

(2) by striking the period at the end of paragraph (2) and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(3) in computing the average indexed monthly earnings of an individual who is assigned a social security account number on or after the date of enactment of the Fair Minimum Wage Act of 2007, there shall not be counted any wages or self-employment income for which no quarter of coverage may be credited to such individual as a result of the application of section 214(d).".

SA 150. Mr. ENSIGN (for himself, Mr. Sessions, Mr. Craig, Mrs. Dole, Mr. Thomas, Mr. Cornyn, Mr. Inhofe, Mr. Isakson, and Mr. Coleman) submitted an amendment intended to be proposed by him to the bill H.R. 2, to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. TRANSMITTAL AND APPROVAL OF TOTALIZATION AGREEMENTS.

(a) In General.—Section 233(e) of the Social Security Act (42 U.S.C. 433(e)) is amended to read as follows:

"(e)(1) Any agreement to establish a totalization arrangement which is entered into with another country under this section shall enter into force with respect to the United States if (and only if)—

"(A) the President, at least 90 calendar days before the date on which the President enters into the agreement, notifies each House of Congress of the President's intention to enter into the agreement, and promptly thereafter publishes notice of such intention in the Federal Register,

"(B) the President transmits the text of such agreement to each House of Congress as provided in paragraph (2), and

"(C) an approval resolution regarding such agreement has passed both Houses of Congress and has been enacted into law.

"(2)(A) Whenever an agreement referred to in paragraph (1) is entered into, the President shall transmit to each House of Congress a document setting forth the final legal text of such agreement and including a report by the President in support of such agreement. The President's report shall include the following:

"(i) An estimate by the Chief Actuary of the Social Security Administration of the effect of the agreement, in the short term and in the long term, on the receipts and disbursements under the social security system established by this title.

"(ii) A statement of any administrative action proposed to implement the agreement and how such action will change or affect existing law.

"(iii) A statement describing whether and how the agreement changes provisions of an agreement previously negotiated.

"(iv) A statement describing how and to what extent the agreement makes progress in achieving the purposes, policies, and objectives of this title.

"(v) An estimate by the Chief Actuary of the Social Security Administration, working in consultation with the Comptroller General of the United States, of the number of individuals who may become eligible for any benefits under this title or who may otherwise be affected by the agreement.

"(vi) An assessment of the integrity of the retirement data and records (including birth, death, and marriage records) of the other country that is the subject of the agreement.

"(vii) An assessment of the ability of such country to track and monitor recipients of benefits under such agreement.

"(B) If any separate agreement or other understanding with another country (whether oral or in writing) relating to an agreement to establish a totalization arrangement under this section is not disclosed to Congress in the transmittal to Congress under this paragraph of the agreement to establish a totalization arrangement, then such separate agreement or understanding shall not be considered to be part of the agreement approved by Congress under this section and shall have no force and effect under United States law.

"(3) For purposes of this subsection, the term 'approval resolution' means a joint resolution, the matter after the resolving clause of which is as follows: 'That the proposed agreement entered into pursuant to section 233 of the Social Security Act between the United States and ___________ establishing totalization arrangements between the social security system established by title II of such Act and the social security system of ___________, transmitted to Congress by the President on   , is hereby approved.', the first two blanks therein being filled with the name of the country with which the United States entered into the agreement, and the third blank therein being filled with the date of the transmittal of the agreement to Congress.

"(4) Whenever a document setting forth an agreement entered into under this section and the President's report in support of the agreement is transmitted to Congress pursuant to paragraph (2), copies of such document shall be delivered to both Houses of Congress on the same day and shall be delivered to the Clerk of the House of Representatives if the House is not in session and to the Secretary of the Senate if the Senate is not in session.

"(5) On the day on which a document setting forth the agreement is transmitted to the House of Representatives and the Senate pursuant to paragraph (1), an approval resolution with respect to such agreement shall be introduced (by request) in the House by the majority leader of the House, for himself or herself and the minority leader of the

House, or by Members of the House designated by the majority leader and minority leader of the House; and shall be introduced (by request) in the Senate by the majority leader of the Senate, for himself or herself and the minority leader of the Senate, or by Members of the Senate designated by the majority leader and minority leader of the Senate. If either House is not in session on the day on which such an agreement is transmitted, the approval resolution with respect to such agreement shall be introduced in that House, as provided in the preceding sentence, on the first day thereafter on which that House is in session. The resolution introduced in the House of Representatives shall be referred to the Committee on Ways and Means and the resolution introduced in the Senate shall be referred to the Committee on Finance.".

(b) ADDITIONAL REPORTS AND EVALUATIONS.—Section 233 of the Social Security Act (42 U.S.C. 433) is amended by adding at the end the following new subsections:

"(f) BIENNIAL SSA REPORT ON IMPACT OF TOTALIZATION AGREEMENTS.—

"(1) REPORT.—For any totalization agreement transmitted to Congress on or after January 1, 2007, the Commissioner of Social Security shall submit a report to Congress and the Comptroller General that—

"(A) compares the estimates contained in the report submitted to Congress under clauses (i) and (v) of subsection (e)(2)(A) with respect to that agreement with the actual number of individuals affected by the agreement and the actual effect of the agreement on social security system receipts and disbursements; and

"(B) contains recommendations for adjusting the methods used to make the estimates.

"(2) DATES FOR SUBMISSION.—The report required under this subsection shall be provided not later than 2 years after the effective date of the totalization agreement that is the subject of the report and biennially thereafter.

"(g) GAO EVALUATION AND REPORT.—

"(1) EVALUATION OF INITIAL REPORT ON IMPACT OF TOTALIZATION AGREEMENTS.—With respect to each initial report regarding a totalization agreement submitted under subsection (f), the Comptroller General of the United States shall conduct an evaluation of the report that includes—

"(A) an evaluation of the procedures used for making the estimates required by subsection (e)(2)(A);

"(B) an evaluation of the procedures used for determining the actual number of individuals affected by the agreement and the effects of the totalization agreement on receipts and disbursements under the social security system; and

"(C) such recommendations as the Comptroller General determines appropriate.

"(2) REPORT.—Not later than 1 year after the date of submission of an initial report regarding a totalization agreement under subsection (f), the Comptroller General shall submit to Congress a report setting forth the results of the evaluation conducted under paragraph (1).

"(3) DATA COLLECTION.—The Commissioner of Social Security shall collect and maintain the data necessary for the Comptroller General of the United States to conduct the evaluation required by paragraph (1).".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to agreements establishing totalization arrangements entered into under section 233 of the Social Security Act which are transmitted to Congress on or after January 1, 2007.

SA 151. Mr. ENSIGN (for himself, Mr. DEMINT, Mr. GRAHAM, Mr. COBURN) submitted an amendment intended to be proposed by him to the bill H.R. 2, to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ;. NON-GROUP HIGH DEDUCTIBLE HEALTH PLAN PREMIUMS OPTIONS.

(a) IN GENERAL.—Section 223(d)(2)(C) of the Internal Revenue Code of 1986 (relating to exceptions) is amended by striking "or" at the end of clause (iii), by striking the period at the end of clause (iv) and inserting ", or", and by adding at the end the following new clause:

"(v) a high deductible health plan, other than a group health plan (as defined in section 5000(b)(1)).".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2007.

SA 152. Mr. ENSIGN (for himself and Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 100 proposed by Mr. REID (for Mr. BAUCUS) to the bill H.R. 2, to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage; as follows:

At the appropriate place, insert the following:

SEC. . PRECLUSION OF SOCIAL SECURITY CREDITS PRIOR TO ENUMERATION.

(a) INSURED STATUS.—Section 214 of the Social Security Act (42 U.S.C. 414) is amended by adding at the end, the following new subsection:

"(d)(1) Except as provided in paragraph (2), no quarter of coverage shall be credited for purposes of this section if, with respect to any individual who is assigned a social security account number on or after the date of enactment of the Fair Minimum Wage Act of 2007, such quarter of coverage is earned prior to the year in which such social security account number is assigned.

"(2) Paragraph (1) shall not apply with respect to any quarter of coverage earned by an individual who, at such time such quarter of coverage is earned, satisfies the criterion specified in subsection (c)(2).".

(b) BENEFIT COMPUTATION.—Section 215(e) of such Act (42 U.S.C. 415(e)) is amended—

(1) by striking "and" at the end of paragraph (1);

(2) by striking the period at the end of paragraph (2) and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(3) in computing the average indexed monthly earnings of an individual who is assigned a social security account number on or after the date of enactment of the Fair Minimum Wage Act of 2007, there shall not be counted any wages or self-employment income for which no quarter of coverage may be credited to such individual as a result of the application of section 214(d).".

SA 153. Mr. ENSIGN (for himself, Mr. SESSIONS, Mr. CRAIG, Mrs. DOLE, Mr. THOMAS, Mr. CORNYN, Mr. INHOFE, Mr. ISAKSON, and Mr. COLEMAN) submitted an amendment intended to be proposed to amendment SA 100 proposed by Mr. REID (for Mr. BAUCUS) to the bill H.R. 2, to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage; as follows:

At the appropriate place, insert the following:

SEC. ___. TRANSMITTAL AND APPROVAL OF TOTALIZATION AGREEMENTS.

(a) IN GENERAL.—Section 233(e) of the Social Security Act (42 U.S.C. 433(e)) is amended to read as follows:

"(e)(1) Any agreement to establish a totalization arrangement which is entered into with another country under this section shall enter into force with respect to the United States if (and only if)—

"(A) the President, at least 90 calendar days before the date on which the President enters into the agreement, notifies each House of Congress of the President's intention to enter into the agreement, and promptly thereafter publishes notice of such intention in the Federal Register,

"(B) the President transmits the text of such agreement to each House of Congress as provided in paragraph (2), and

"(C) an approval resolution regarding such agreement has passed both Houses of Congress and has been enacted into law.

"(2)(A) Whenever an agreement referred to in paragraph (1) is entered into, the President shall transmit to each House of Congress a document setting forth the final legal text of such agreement and including a report by the President in support of such agreement. The President's report shall include the following:

"(i) An estimate by the Chief Actuary of the Social Security Administration of the effect of the agreement, in the short term and in the long term, on the receipts and disbursements under the social security system established by this title.

"(ii) A statement of any administrative action proposed to implement the agreement and how such action will change or affect existing law.

"(iii) A statement describing whether and how the agreement changes provisions of an agreement previously negotiated.

"(iv) A statement describing how and to what extent the agreement makes progress in achieving the purposes, policies, and objectives of this title.

"(v) An estimate by the Chief Actuary of the Social Security Administration, working in consultation with the Comptroller General of the United States, of the number of individuals who may become eligible for any benefits under this title or who may otherwise be affected by the agreement.

"(vi) An assessment of the integrity of the retirement data and records (including birth, death, and marriage records) of the other country that is the subject of the agreement.

"(vii) An assessment of the ability of such country to track and monitor recipients of benefits under such agreement.

"(B) If any separate agreement or other understanding with another country (whether oral or in writing) relating to an agreement to establish a totalization arrangement under this section is not disclosed to Congress in the transmittal to Congress under this paragraph of the agreement to establish a totalization arrangement, then such separate agreement or understanding shall not be considered to be part of the agreement approved by Congress under this section and shall have no force and effect under United States law.

"(3) For purposes of this subsection, the term 'approval resolution' means a joint resolution, the matter after the resolving clause of which is as follows: 'That the proposed agreement entered into pursuant to section 233 of the Social Security Act between the United States and establishing totalization arrangements between the social security system established by title II of such Act and the social security system of , transmitted to Congress by the President on __________, is hereby approved.', the first two blanks therein being filled with the name of the country with which the United States entered into the agreement, and the third blank therein being filled with the date of the transmittal of the agreement to Congress.

"(4) Whenever a document setting forth an agreement entered into under this section and the President's report in support of the agreement is transmitted to Congress pursuant to paragraph (2), copies of such document shall be delivered to both Houses of Congress on the same day and shall be delivered to the Clerk of the House of Representatives if the House is not in session and to the Secretary of the Senate if the Senate is not in session.

"(5) On the day on which a document setting forth the agreement is transmitted to the House of Representatives and the Senate pursuant to paragraph (1), an approval resolution with respect to such agreement shall be introduced (by request) in the House by the majority leader of the House, for himself or herself and the minority leader of the House, or by Members of the House designated by the majority leader and minority leader of the House; and shall be introduced (by request) in the Senate by the majority leader of the Senate, for himself or herself and the minority leader of the Senate, or by Members of the Senate designated by the majority leader and minority leader of the Senate. If either House is not in session on the day on which such an agreement is transmitted, the approval resolution with respect to such agreement shall be introduced in that House, as provided in the preceding sentence, on the first day thereafter on which that House is in session. The resolution introduced in the House of Representatives shall be referred to the Committee on Ways and Means and the resolution introduced in the Senate shall be referred to the Committee on Finance.".

(b) ADDITIONAL REPORTS AND EVALUATIONS.—Section 233 of the Social Security Act (42 U.S.C. 433) is amended by adding at the end the following new subsections:

"(f) BIENNIAL SSA REPORT ON IMPACT OF TOTALIZATION AGREEMENTS.—

"(1) REPORT.—For any totalization agreement transmitted to Congress on or after January 1, 2007, the Commissioner of Social Security shall submit a report to Congress and the Comptroller General that—

"(A) compares the estimates contained in the report submitted to Congress under clauses (i) and (v) of subsection (e)(2)(A) with respect to that agreement with the actual number of individuals affected by the agreement and the actual effect of the agreement on social security system receipts and disbursements; and

"(B) contains recommendations for adjusting the methods used to make the estimates.

"(2) DATES FOR SUBMISSION.—The report required under this subsection shall be provided not later than 2 years after the effective date of the totalization agreement that is the subject of the report and biennially thereafter.

"(g) GAO EVALUATION AND REPORT.—

"(1) EVALUATION OF INITIAL REPORT ON IMPACT OF TOTALIZATION AGREEMENTS.—With respect to each initial report regarding a totalization agreement submitted under subsection (f), the Comptroller General of the United States shall conduct an evaluation of the report that includes—

"(A) an evaluation of the procedures used for making the estimates required by subsection (e)(2)(A);

"(B) an evaluation of the procedures used for determining the actual number of individuals affected by the agreement and the effects of the totalization agreement on receipts and disbursements under the social security system; and

"(C) such recommendations as the Comptroller General determines appropriate.

"(2) REPORT.—Not later than 1 year after the date of submission of an initial report regarding a totalization agreement under subsection (f), the Comptroller General shall submit to Congress a report setting forth the results of the evaluation conducted under paragraph (1).

"(3) DATA COLLECTION.—The Commissioner of Social Security shall collect and maintain the data necessary for the Comptroller General of the United States to conduct the evaluation required by paragraph (1).".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to agreements establishing totalization arrangements entered into under section 233 of the Social Security Act which are transmitted to Congress on or after January 1, 2007.

SA 154. Mr. ENSIGN (for himself, Mr. DEMINT, Mr. GRAHAM, and Mr. COBURN) submitted an amendment intended to be proposed to amendment SA 100 proposed by Mr. REID (for Mr. BAUCUS) to the bill H.R. 2, to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage; as follows:

At the appropriate place, insert the following:

SEC. . NON-GROUP HIGH DEDUCTIBLE HEALTH PLAN PREMIUMS OPTIONS.

(a) IN GENERAL.—Section 223(d)(2)(C) of the Internal Revenue Code of 1986 (relating to exceptions) is amended by striking "or" at the end of clause (iii), by striking the period at the end of clause (iv) and inserting ", or", and by adding at the end the following new clause:

"(v) a high deductible health plan, other than a group health plan (as defined in section 5000(b)(1)).".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2007.

SA 155. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 2, to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . COOPERATIVE GOVERNING OF INDIVIDUAL HEALTH INSURANCE COVERAGE.

(a) SPECIFICATION OF CONSTITUTIONAL AUTHORITY FOR ENACTMENT OF LAW.—This section is enacted pursuant to the power granted Congress under article I, section 8, clause 3, of the United States Constitution.

(b) COOPERATIVE GOVERNING OF INDIVIDUAL HEALTH INSURANCE COVERAGE.—

(1) IN GENERAL.—Title XXVII of the Public Health Service Act (42 U.S.C. 300gg et seq.) is amended by adding at the end the following new part:

"PART D—COOPERATIVE GOVERNING OF INDIVIDUAL HEALTH INSURANCE COVERAGE

"SEC. 2795. DEFINITIONS.

"In this part:

"(1) PRIMARY STATE.—The term 'primary State' means, with respect to individual health insurance coverage offered by a health insurance issuer, the State designated by the issuer as the State whose covered laws shall govern the health insurance issuer in the sale of such coverage under this part. An issuer, with respect to a particular policy, may only designate one such State as its primary State with respect to all such coverage it offers. Such an issuer may not change the designated primary State with respect to individual health insurance coverage once the policy is issued, except that such a change may be made upon renewal of the policy. With respect to such designated State, the issuer is deemed to be doing business in that State.

"(2) SECONDARY STATE.—The term 'secondary State' means, with respect to individual health insurance coverage offered by a health insurance issuer, any State that is not the primary State. In the case of a health insurance issuer that is selling a policy in, or to a resident of, a secondary State, the issuer is deemed to be doing business in that secondary State.

"(3) HEALTH INSURANCE ISSUER.—The term 'health insurance issuer' has the meaning given such term in section 2791(b)(2), except that such an issuer must be licensed in the primary State and be qualified to sell individual health insurance coverage in that State.

"(4) INDIVIDUAL HEALTH INSURANCE COVERAGE.—The term 'individual health insurance coverage' means health insurance coverage offered in the individual market, as defined in section 2791(e)(1).

"(5) APPLICABLE STATE AUTHORITY.—The term 'applicable State authority' means, with respect to a health insurance issuer in a State, the State insurance commissioner or official or officials designated by the State to enforce the requirements of this title for the State with respect to the issuer.

"(6) HAZARDOUS FINANCIAL CONDITION.—The term 'hazardous financial condition' means that, based on its present or reasonably anticipated financial condition, a health insurance issuer is unlikely to be able—

"(A) to meet obligations to policyholders with respect to known claims and reasonably anticipated claims; or

"(B) to pay other obligations in the normal course of business.

"(7) COVERED LAWS.—The term 'covered laws' means the laws, rules, regulations, agreements, and orders governing the insurance business pertaining to—

"(A) individual health insurance coverage issued by a health insurance issuer;

"(B) the offer, sale, and issuance of individual health insurance coverage to an individual; and

"(C) the provision to an individual in relation to individual health insurance coverage of—

"(i) health care and insurance related services;

"(ii) management, operations, and investment activities of a health insurance issuer; and

"(iii) loss control and claims administration for a health insurance issuer with respect to liability for which the issuer provides insurance.

"(8) STATE.—The term 'State' means only the 50 States and the District of Columbia.

"(9) UNFAIR CLAIMS SETTLEMENT PRACTICES.—The term 'unfair claims settlement practices' means only the following practices:

"(A) Knowingly misrepresenting to claimants and insured individuals relevant facts or policy provisions relating to coverage at issue.

"(B) Failing to acknowledge with reasonable promptness pertinent communications with respect to claims arising under policies.

"(C) Failing to adopt and implement reasonable standards for the prompt investigation and settlement of claims arising under policies.

"(D) Failing to effectuate prompt, fair, and equitable settlement of claims submitted in which liability has become reasonably clear.

"(E) Refusing to pay claims without conducting a reasonable investigation.

"(F) Failing to affirm or deny coverage of claims within a reasonable period of time after having completed an investigation related to those claims.

"(10) FRAUD AND ABUSE.—The term 'fraud and abuse' means an act or omission committed by a person who, knowingly and with intent to defraud, commits, or conceals any material information concerning, one or more of the following:

"(A) Presenting, causing to be presented or preparing with knowledge or belief that it will be presented to or by an insurer, a reinsurer, broker or its agent, false information as part of, in support of or concerning a fact material to one or more of the following:

"(i) An application for the issuance or renewal of an insurance policy or reinsurance contract.

"(ii) The rating of an insurance policy or reinsurance contract.

"(iii) A claim for payment or benefit pursuant to an insurance policy or reinsurance contract.

"(iv) Premiums paid on an insurance policy or reinsurance contract.

"(v) Payments made in accordance with the terms of an insurance policy or reinsurance contract.

"(vi) A document filed with the commissioner or the chief insurance regulatory official of another jurisdiction.

"(vii) The financial condition of an insurer or reinsurer.

"(viii) The formation, acquisition, merger, reconsolidation, dissolution or withdrawal from one or more lines of insurance or reinsurance in all or part of a State by an insurer or reinsurer.

"(ix) The issuance of written evidence of insurance.

"(x) The reinstatement of an insurance policy.

"(B) Solicitation or acceptance of new or renewal insurance risks on behalf of an insurer, reinsurer, or other person engaged in the business of insurance by a person who knows or should know that the insurer or other person responsible for the risk is insolvent at the time of the transaction.

"(C) Transaction of the business of insurance in violation of laws requiring a license, certificate of authority, or other legal authority for the transaction of the business of insurance.

"(D) Attempt to commit, aiding or abetting in the commission of, or conspiracy to commit the acts or omissions specified in this paragraph.

"SEC. 2796. APPLICATION OF LAW.

"(a) IN GENERAL.—The covered laws of the primary State shall apply to individual health insurance coverage offered by a health insurance issuer in the primary State and in any secondary State, but only if the coverage and issuer comply with the conditions of this section with respect to the offering of coverage in any secondary State.

"(b) EXEMPTIONS FROM COVERED LAWS IN A SECONDARY STATE.—Except as provided in this section, a health insurance issuer with respect to its offer, sale, renewal, and issuance of individual health insurance coverage in any secondary State is exempt from any covered laws of the secondary State (and any rules, regulations, agreements, or orders sought or issued by such State under or related to such covered laws) to the extent that such laws would—

"(1) make unlawful, or regulate, directly or indirectly, the operation of the health insurance issuer operating in the secondary State, except that any secondary State may require such an issuer—

"(A) to pay, on a nondiscriminatory basis, applicable premium and other taxes (including high risk pool assessments) which are levied on insurers and surplus lines insurers, brokers, or policyholders under the laws of the State;

"(B) to register with and designate the State insurance commissioner as its agent solely for the purpose of receiving service of legal documents or process;

"(C) to submit to an examination of its financial condition by the State insurance commissioner in any State in which the issuer is doing business to determine the issuer's financial condition, if—

"(i) the State insurance commissioner of the primary State has not done an examination within the period recommended by the National Association of Insurance Commissioners; and

"(ii) any such examination is conducted in accordance with the examiners' handbook of the National Association of Insurance Commissioners and is coordinated to avoid unjustified duplication and unjustified repetition;

"(D) to comply with a lawful order issued—

"(i) in a delinquency proceeding commenced by the State insurance commissioner if there has been a finding of financial impairment under subparagraph (C); or

"(ii) in a voluntary dissolution proceeding;

"(E) to comply with an injunction issued by a court of competent jurisdiction, upon a petition by the State insurance commissioner alleging that the issuer is in hazardous financial condition;

"(F) to participate, on a nondiscriminatory basis, in any insurance insolvency guaranty association or similar association to which a health insurance issuer in the State is required to belong;

"(G) to comply with any State law regarding fraud and abuse (as defined in section 2795(10)), except that if the State seeks an injunction regarding the conduct described in this subparagraph, such injunction must be obtained from a court of competent jurisdiction; or

"(H) to comply with any State law regarding unfair claims settlement practices (as defined in section 2795(9));

"(2) require any individual health insurance coverage issued by the issuer to be countersigned by an insurance agent or broker residing in that Secondary State; or

"(3) otherwise discriminate against the issuer issuing insurance in both the primary State and in any secondary State.

"(c) CLEAR AND CONSPICUOUS DISCLOSURE.—A health insurance issuer shall provide the following notice, in 12-point bold type, in any insurance coverage offered in a secondary State under this part by such a health insurance issuer and at renewal of the policy, with the 5 blank spaces therein being appropriately filled with the name of the health insurance issuer, the name of primary State, the name of the secondary State, the name of the secondary State, and the name of the secondary State, respectively, for the coverage concerned:

'This policy is issued by   and is governed by the laws and regulations of the State of   , and it has met all the laws of that State as determined by that State's Department of Insurance. This policy may be less expensive than others because it is not subject to all of the insurance laws and regulations of the State of   , including coverage of some services or benefits mandated by the law of the State of   . Additionally, this policy is not subject to all of the consumer protection laws or restrictions on rate changes of the State of ________. As with all insurance products, before purchasing this policy, you should carefully review the policy and determine what health care services the policy covers and what benefits it provides, including any exclusions, limitations, or conditions for such services or benefits.'.

"(d) PROHIBITION ON CERTAIN RECLASSIFICATIONS AND PREMIUM INCREASES.—

"(1) IN GENERAL.—For purposes of this section, a health insurance issuer that provides individual health insurance coverage to an individual under this part in a primary or secondary State may not upon renewal—

"(A) move or reclassify the individual insured under the health insurance coverage from the class such individual is in at the time of issue of the contract based on the health-status related factors of the individual; or

"(B) increase the premiums assessed the individual for such coverage based on a health status-related factor or change of a health status-related factor or the past or prospective claim experience of the insured individual.

"(2) CONSTRUCTION.—Nothing in paragraph (1) shall be construed to prohibit a health insurance issuer—

"(A) from terminating or discontinuing coverage or a class of coverage in accordance with subsections (b) and (c) of section 2742;

"(B) from raising premium rates for all policy holders within a class based on claims experience;

"(C) from changing premiums or offering discounted premiums to individuals who engage in wellness activities at intervals prescribed by the issuer, if such premium changes or incentives—

"(i) are disclosed to the consumer in the insurance contract;

"(ii) are based on specific wellness activities that are not applicable to all individuals; and

"(iii) are not obtainable by all individuals to whom coverage is offered;

"(D) from reinstating lapsed coverage; or

"(E) from retroactively adjusting the rates charged an individual insured individual if the initial rates were set based on material misrepresentation by the individual at the time of issue.

"(e) PRIOR OFFERING OF POLICY IN PRIMARY STATE.—A health insurance issuer may not offer for sale individual health insurance coverage in a secondary State unless that coverage is currently offered for sale in the primary State.

"(f) LICENSING OF AGENTS OR BROKERS FOR HEALTH INSURANCE ISSUERS.—Any State may require that a person acting, or offering to act, as an agent or broker for a health insurance issuer with respect to the offering of individual health insurance coverage obtain a license from that State, except that a State many not impose any qualification or requirement which discriminates against a nonresident agent or broker.

"(g) DOCUMENTS FOR SUBMISSION TO STATE INSURANCE COMMISSIONER.—Each health insurance issuer issuing individual health insurance coverage in both primary and secondary States shall submit—

"(1) to the insurance commissioner of each State in which it intends to offer such coverage, before it may offer individual health insurance coverage in such State—

"(A) a copy of the plan of operation or feasibility study or any similar statement of the policy being offered and its coverage (which shall include the name of its primary State and its principal place of business);

"(B) written notice of any change in its designation of its primary State; and

"(C) written notice from the issuer of the issuer's compliance with all the laws of the primary State; and

"(2) to the insurance commissioner of each secondary State in which it offers individual health insurance coverage, a copy of the issuer's quarterly financial statement submitted to the primary State, which statement shall be certified by an independent public accountant and contain a statement of opinion on loss and loss adjustment expense reserves made by—

"(A) a member of the American Academy of Actuaries; or

"(B) a qualified loss reserve specialist.

"(h) POWER OF COURTS TO ENJOIN CONDUCT.—Nothing in this section shall be construed to affect the authority of any Federal or State court to enjoin—

"(1) the solicitation or sale of individual health insurance coverage by a health insurance issuer to any person or group who is not eligible for such insurance; or

"(2) the solicitation or sale of individual health insurance coverage by, or operation of, a health insurance issuer that is in hazardous financial condition.

"(i) STATE POWERS TO ENFORCE STATE LAWS.—

"(1) IN GENERAL.—Subject to the provisions of subsection (b)(1)(G) (relating to injunctions) and paragraph (2), nothing in this section shall be construed to affect the authority of any State to make use of any of its powers to enforce the laws of such State with respect to which a health insurance issuer is not exempt under subsection (b).

"(2) COURTS OF COMPETENT JURISDICTION.—If a State seeks an injunction regarding the conduct described in paragraphs (1) and (2) of subsection (h), such injunction must be obtained from a Federal or State court of competent jurisdiction.

"(j) STATES' AUTHORITY TO SUE.—Nothing in this section shall affect the authority of any State to bring action in any Federal or State court.

"(k) GENERALLY APPLICABLE LAWS.—Nothing in this section shall be construed to affect the applicability of State laws generally applicable to persons or corporations.

"SEC. 2797. PRIMARY STATE MUST MEET FEDERAL FLOOR BEFORE ISSUER MAY SELL INTO SECONDARY STATES.

"A health insurance issuer may not offer, sell, or issue individual health insurance coverage in a secondary State if the primary State does not meet the following requirements:

"(1) The State insurance commissioner must use a risk-based capital formula for the determination of capital and surplus requirements for all health insurance issuers.

"(2) The State must have legislation or regulations in place establishing an independent review process for individuals who are covered by individual health insurance coverage unless the issuer provides an independent review mechanism functionally equivalent (as determined by the primary State insurance commissioner or official) to that prescribed in the 'Health Carrier External Review Model Act' of the National Association of Insurance Commissioners for all individuals who purchase insurance coverage under the terms of this part.

"SEC. 2798. ENFORCEMENT.

"(a) IN GENERAL.—Subject to subsection (b), with respect to specific individual health insurance coverage the primary State for such coverage has sole jurisdiction to enforce the primary State's covered laws in the primary State and any secondary State.

"(b) SECONDARY STATE'S AUTHORITY.—Nothing in subsection (a) shall be construed to affect the authority of a secondary State to enforce its laws as set forth in the exception specified in section 2796(b)(1).

"(c) COURT INTERPRETATION.—In reviewing action initiated by the applicable secondary State authority, the court of competent jurisdiction shall apply the covered laws of the primary State.

"(d) NOTICE OF COMPLIANCE FAILURE.—In the case of individual health insurance coverage offered in a secondary State that fails to comply with the covered laws of the primary State, the applicable State authority of the secondary State may notify the applicable State authority of the primary State.".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to individual health insurance coverage offered, issued, or sold after the date of the enactment of this Act.

(c) SEVERABILITY.—If any provision of this section or the application of such provision to any person or circumstance is held to be unconstitutional, the remainder of this section and the application of the provisions of such to any other person or circumstance shall not be affected.

SEC. . DISPOSITION OF UNUSED HEALTH BENEFITS IN CAFETERIA PLANS AND FLEXIBLE SPENDING ARRANGEMENTS.

(a) IN GENERAL.—Section 125 of the Internal Revenue Code of 1986 (relating to cafeteria plans) is amended by redesignating subsections (h) and (i) as subsections (i) and (j), respectively, and by inserting after subsection (g) the following:

"(h) CONTRIBUTIONS OF CERTAIN UNUSED HEALTH BENEFITS.—

"(1) IN GENERAL.—For purposes of this title, a plan or other arrangement shall not fail to be treated as a cafeteria plan solely because qualified benefits under such plan include a health flexible spending arrangement under which not more than $500 of unused health benefits may be—

"(A) carried forward to the succeeding plan year of such health flexible spending arrangement, or

"(B) to the extent permitted by section 106(d), contributed by the employer to a health savings account (as defined in section 223(d)) maintained for the benefit of the employee.

"(2) HEALTH FLEXIBLE SPENDING ARRANGEMENT.—For purposes of this subsection, the term 'health flexible spending arrangement' means a flexible spending arrangement (as defined in section 106(c)) that is a qualified benefit and only permits reimbursement for expenses for medical care (as defined in section 213(d)(1), without regard to subparagraphs (C) and (D) thereof).

"(3) UNUSED HEALTH BENEFITS.—For purposes of this subsection, with respect to an employee, the term 'unused health benefits' means the excess of—

"(A) the maximum amount of reimbursement allowable to the employee for a plan year under a health flexible spending arrangement, over

"(B) the actual amount of reimbursement for such year under such arrangement.".

(b) REPEAL OF FSA TERMINATION PROVISION.—

(1) IN GENERAL.—Subsection (e) of section 106 of the Internal Revenue Code of 1986, as added by the Tax Relief and Health Care Act of 2006, is amended by striking "health flexible spending arrangement or" each place it appears.

(2) CONFORMING AMENDMENTS.—

(A) The heading of section 106(e) of such Code is amended by striking "FSA OR".

(B) Section 223(c)(1)(B)(iii)(II) of such Code, as added by the Tax Relief and Health Care Act of 2006, is amended to read as follows:

"(II) the balance of such arrangement is contributed by the employer to a health savings account of the individual under section 125(h)(1)(B), in accordance with rules prescribed by the Secretary.".

(c) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to taxable years beginning after December 31, 2010.

SEC. ___. EXPANSION OF USE OF HEALTH SAVINGS ACCOUNTS FOR HEALTH INSURANCE PREMIUM PAYMENTS FOR CERTAIN HIGH DEDUCTIBLE HEALTH PLANS.

(a) IN GENERAL.—Subparagraph (C) of section 223(d)(2) of the Internal Revenue Code of 1986 (relating to qualified medical expenses) is amended by striking "or" at the end of clause (iii), by striking the period at the end of clause (iv), and by adding at the end the following new clause:

"(v) any high deductible health plan other than a group health plan (as defined in section 5000(b)(1)).".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006.

SA 156. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 2, to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. DISPOSITION OF UNUSED HEALTH BENEFITS IN CAFETERIA PLANS AND FLEXIBLE SPENDING ARRANGEMENTS.

(a) IN GENERAL.—Section 125 of the Internal Revenue Code of 1986 (relating to cafeteria plans) is amended by redesignating subsections (h) and (i) as subsections (i) and (j), respectively, and by inserting after subsection (g) the following:

"(h) CONTRIBUTIONS OF CERTAIN UNUSED HEALTH BENEFITS.—

"(1) IN GENERAL.—For purposes of this title, a plan or other arrangement shall not fail to be treated as a cafeteria plan solely because qualified benefits under such plan include a health flexible spending arrangement under which not more than $500 of unused health benefits may be—

"(A) carried forward to the succeeding plan year of such health flexible spending arrangement, or

"(B) to the extent permitted by section 106(d), contributed by the employer to a health savings account (as defined in section 223(d)) maintained for the benefit of the employee.

"(2) HEALTH FLEXIBLE SPENDING ARRANGEMENT.—For purposes of this subsection, the term 'health flexible spending arrangement' means a flexible spending arrangement (as defined in section 106(c)) that is a qualified benefit and only permits reimbursement for expenses for medical care (as defined in section 213(d)(1), without regard to subparagraphs (C) and (D) thereof).

"(3) UNUSED HEALTH BENEFITS.—For purposes of this subsection, with respect to an employee, the term 'unused health benefits' means the excess of—

"(A) the maximum amount of reimbursement allowable to the employee for a plan year under a health flexible spending arrangement, over

"(B) the actual amount of reimbursement for such year under such arrangement.".

(b) REPEAL OF FSA TERMINATION PROVISION.—

(1) IN GENERAL.—Subsection (e) of section 106 of the Internal Revenue Code of 1986, as added by the Tax Relief and Health Care Act of 2006, is amended by striking "health flexible spending arrangement or" each place it appears.

(2) CONFORMING AMENDMENTS.—

(A) The heading of section 106(e) of such Code is amended by striking "FSA OR".

(B) Section 223(c)(1)(B)(iii)(II) of such Code, as added by the Tax Relief and Health Care Act of 2006, is amended to read as follows:

"(II) the balance of such arrangement is contributed by the employer to a health savings account of the individual under section 125(h)(1)(B), in accordance with rules prescribed by the Secretary.".

(c) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to taxable years beginning after December 31, 2010.

SA 157. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 2, to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage; which was ordered to lie on the table; as follows:

In section 2 of the bill, strike subsection (a) and insert the following:

(a) IN GENERAL.—Section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) is amended to read as follows:

"(1) except as otherwise provided in this section, not less than—

"(A) beginning on the 60th day after the date of enactment of the Fair Minimum Wage Act of 2007, an amount equal to the minimum wage in effect on such date in the State in which such employee is employed (whether as a result of the application of Federal or State law) increased by $0.70;

"(B) beginning 12 months after that 60th day, the amount that would be determined under subparagraph (A) by substituting '$1.40' for '$0.70'; and

"(C) beginning 24 months after that 60th day, the amount that would be determined under subparagraph (A) by substituting '$2.10' for '$0.70';".

SA 158. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 2, to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage; which was ordered to lie on the table; as follows:

In section 101 of the amendment, strike subsection (a) and insert the following:

(a) IN GENERAL.—Section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) is amended to read as follows:

"(1) except as otherwise provided in this section, not less than—

"(A) beginning on the 60th day after the date of enactment of the Fair Minimum Wage Act of 2007, an amount equal to the minimum wage in effect on such date in the State in which such employee is employed (whether as a result of the application of Federal or State law) increased by $0.70;

"(B) beginning 12 months after that 60th day, the amount that would be determined under subparagraph (A) by substituting '$1.40' for '$0.70'; and

"(C) beginning 24 months after that 60th day, the amount that would be determined under subparagraph (A) by substituting '$2.10' for '$0.70';".

SA 159. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 2, to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . PROTECTION OF WORKERS' POLITICAL RIGHTS.

Title III of the Labor Management Relations Act, 1947 (29 U.S.C. 185 et seq.) is amended by adding at the end the following:

"SEC. 304. PROTECTION OF WORKER'S POLITICAL RIGHTS.

"(a) PROHIBITION.—Except with the separate, prior, written, voluntary authorization of an individual, it shall be unlawful for any labor organization to collect from or assess its members or nonmembers any dues, initiation fee, or other payment if any part of such dues, fee, or payment will be used to lobby members of Congress or Congressional staff for the purpose of influencing legislation.

"(b) AUTHORIZATION.—An authorization described in subsection (a) shall remain in effect until revoked and may be revoked at any time.".

SA 160. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 2, to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. DEFERRED PAYMENT OF TAX BY CERTAIN SMALL BUSINESSES.

(a) IN GENERAL.—Subchapter B of chapter 62 (relating to extensions of time for payment of tax) is amended by adding at the end the following new section:

"SEC. 6168. EXTENSION OF TIME FOR PAYMENT OF TAX FOR CERTAIN SMALL BUSINESSES.

"(a) IN GENERAL.—An eligible small business may elect to pay the tax imposed by chapter 1 in 4 equal installments.

"(b) LIMITATION.—The maximum amount of tax which may be paid in installments under this section for any taxable year shall not exceed whichever of the following is the least:

"(1) The tax imposed by chapter 1 for the taxable year.

"(2) The amount contributed by the taxpayer into a BRIDGE Account during such year.

"(3) The excess of $250,000 over the aggregate amount of tax for which an election under this section was made by the taxpayer (or any predecessor) for all prior taxable years.

"(c) ELIGIBLE SMALL BUSINESS.—For purposes of this section—

"(1) IN GENERAL.—The term 'eligible small business' means, with respect to any taxable year, any person if—

"(A) such person meets the active business requirements of section 1202(e) throughout such taxable year,

"(B) the taxpayer has gross receipts of $10,000,000 or less for the taxable year,

"(C) the gross receipts of the taxpayer for such taxable year are at least 10 percent greater than the average annual gross receipts of the taxpayer (or any predecessor) for the 2 prior taxable years, and

"(D) the taxpayer uses an accrual method of accounting.

"(2) CERTAIN RULES TO APPLY.—Rules similar to the rules of paragraphs (2) and (3) of section 448(c) shall apply for purposes of this subsection.

"(d) DATE FOR PAYMENT OF INSTALLMENTS; TIME FOR PAYMENT OF INTEREST.—

"(1) DATE FOR PAYMENT OF INSTALLMENTS.—

"(A) IN GENERAL.—If an election is made under this section for any taxable year, the first installment shall be paid on or before the due date for such installment and each succeeding installment shall be paid on or before the date which is 1 year after the date prescribed by this paragraph for payment of the preceding installment.

"(B) DUE DATE FOR FIRST INSTALLMENT.—The due date for the first installment for a taxable year shall be whichever of the following is the earliest:

"(i) The date selected by the taxpayer.

"(ii) The date which is 2 years after the date prescribed by section 6151(a) for payment of the tax for such taxable year.

"(2) TIME FOR PAYMENT OF INTEREST.—If the time for payment of any amount of tax has been extended under this section—

"(A) INTEREST FOR PERIOD BEFORE DUE DATE OF FIRST INSTALLMENT.—Interest payable under section 6601 on any unpaid portion of such amount attributable to the period before the due date for the first installment shall be paid annually.

"(B) INTEREST DURING INSTALLMENT PERIOD.—Interest payable under section 6601 on any unpaid portion of such amount attributable to any period after such period shall be paid at the same time as, and as a part of, each installment payment of the tax.

"(C) INTEREST IN THE CASE OF CERTAIN DEFICIENCIES.—In the case of a deficiency to which subsection (e)(3) applies for a taxable year which is assessed after the due date for the first installment for such year, interest attributable to the period before such due date, and interest assigned under subparagraph (B) to any installment the date for payment of which has arrived on or before the date of the assessment of the deficiency, shall be paid upon notice and demand from the Secretary.

"(e) SPECIAL RULES.—

"(1) APPLICATION OF LIMITATION TO PARTNERS AND S CORPORATION SHAREHOLDERS.—

"(A) IN GENERAL.—In applying this section to a partnership which is an eligible small business—

"(i) the election under subsection (a) shall be made by the partnership,

"(ii) the amount referred to in subsection (b)(1) shall be the sum of each partner's tax which is attributable to items of the partnership and assuming the highest marginal rate under section 1, and

"(iii) the partnership shall be treated as the taxpayer referred to in paragraphs (2) and (3) of subsection (b).

"(B) OVERALL LIMITATION ALSO APPLIED AT PARTNER LEVEL.—In the case of a partner in a partnership, the limitation under subsection (b)(3) shall be applied at the partnership and partner levels.

"(C) SIMILAR RULES FOR S CORPORATIONS.—Rules similar to the rules of subparagraphs (A) and (B) shall apply to shareholders in an S corporation.

"(2) ACCELERATION OF PAYMENT IN CERTAIN CASES.—

"(A) IN GENERAL.—If—

"(i) the taxpayer ceases to meet the requirement of subsection (c)(1)(A), or

"(ii) there is an ownership change with respect to the taxpayer,

then the extension of time for payment of tax provided in subsection (a) shall cease to apply, and the unpaid portion of the tax payable in installments shall be paid on or before the due date for filing the return of tax imposed by chapter 1 for the first taxable year following such cessation.

"(B) OWNERSHIP CHANGE.—For purposes of subparagraph, in the case of a corporation, the term 'ownership change' has the meaning given to such term by section 382. Rules similar to the rules applicable under the preceding sentence shall apply to a partnership.

"(3) PRORATION OF DEFICIENCY TO INSTALLMENTS.—Rules similar to the rules of section 6166(e) shall apply for purposes of this section.

"(f) BRIDGE ACCOUNT.—For purposes of this section—

"(1) IN GENERAL.—The term 'BRIDGE Account' means a trust created or organized in the United States for the exclusive benefit of an eligible small business, but only if the written governing instrument creating the trust meets the following requirements:

"(A) No contribution will be accepted for any taxable year in excess of the amount allowed as a deferral under subsection (b) for such year.

"(B) The trustee is a bank (as defined in section 408(n)) or another person who demonstrates to the satisfaction of the Secretary that the manner in which such person will administer the trust will be consistent with the requirements of this section.

"(C) The assets of the trust consist entirely of cash or of obligations which have adequate stated interest (as defined in section 1274(c)(2)) and which pay such interest not less often than annually.

"(D) The assets of the trust will not be commingled with other property except in a common trust fund or common investment fund.

"(E) Amounts in the trust may be used only—

"(i) as security for a loan to the business or for repayment of such loan, or

"(ii) to pay the installments under this section.

"(2) ACCOUNT TAXED AS GRANTOR TRUST.—The grantor of a BRIDGE Account shall be treated for purposes of this title as the owner of such Account and shall be subject to tax thereon in accordance with subpart E of part I of subchapter J of this chapter (relating to grantors and others treated as substantial owners).

"(3) TIME WHEN PAYMENTS DEEMED MADE.—For purposes of this section, a taxpayer shall be deemed to have made a payment to a BRIDGE Account on the last day of a taxable year if such payment is made on account of such taxable year and is made within 3½ months after the close of such taxable year.

"(g) REPORTS.—The Secretary may require such reporting as the Secretary determines to be appropriate to carry out this section.

"(h) APPLICATION OF SECTION.—This section shall apply to taxes imposed for taxable years beginning after December 31, 2010, and before January 1, 2015."

(b) PRIORITY OF LENDER.—Subsection (b) of section 6323 is amended by adding at the end the following new paragraph:

"(11) LOANS SECURED BY BRIDGE ACCOUNTS.—With respect to a BRIDGE account (as defined in section 6168(f)) with any bank (as defined in section 408(n)), to the extent of any loan made by such bank without actual notice or knowledge of the existence of such lien, as against such bank, if such loan is secured by such account."

(c) CLERICAL AMENDMENT.—The table of sections for subchapter B of chapter 62 is amended by adding at the end the following new item:

"Sec. 6168. Extension of time for payment of tax for certain small businesses.".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2010.

(e) STUDY BY GENERAL ACCOUNTING OFFICE.—

(1) STUDY.—In consultation with the Secretary of the Treasury, the Comptroller General of the United States shall undertake a study to evaluate the applicability (including administrative aspects) and impact of the BRIDGE Act of 2007 including how it affects the capital funding needs of businesses under the Act and number of businesses benefitting.

(2) REPORT.—Not later than March 31, 2014, the Comptroller General shall transmit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a written report presenting the results of the study conducted pursuant to this subsection, together with such recommendations for legislative or administrative changes as the Comptroller General determines are appropriate.

SA 161. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 2, to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . FLEXIBLE SCHEDULE PROGRAMS.

(a) PROHIBITION OF USE OF FLEXIBLE SCHEDULES FOR FEDERAL EMPLOYEES UNTIL FLEXIBLE SCHEDULES ARE AVAILABLE TO PRIVATE EMPLOYEES.—

(1) PROHIBITION OF USE OF FLEXIBLE SCHEDULES FOR FEDERAL EMPLOYEES.—Notwithstanding any provision of subchapter II of chapter 61 of title 5, United States Code, no agency may establish, administer, or use any flexible schedule program authorized under section 6122 of that title.

(2) EFFECTIVE DATE.—Paragraph (1) shall take effect 1 year after the date of enactment of this Act, unless during such 1 year period, the Secretary of Labor submits certification to the Office of Personnel Management that a statute has been enacted that allows employers covered by the Fair Labor Standards Act of 1938 to provide for the use of a flexible schedule similar to the flexible schedule program authorized under section 6122 of title 5, United States Code, for employees engaged in commerce or in the production of goods for commerce.

(b) TERMINATION OF PROHIBITION.—If the prohibition under subsection (a) takes effect, that subsection shall cease to have any force or effect on the date that the Secretary of Labor submits a certification described in subsection (a)(2) to the Office of Personnel Management.

SA 162. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 2, to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . ENTERPRISE ENGAGED IN COMMERCE.

(a) ANNUAL GROSS VOLUME OF SALES.—Section 3(s)(1)(A)(ii) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(s)(1)(A)(ii)) is amended by striking "$500,000" and inserting "$1,080,000".

(b) APPLICABILITY OF MINIMUM WAGE.—Section 6 of the Fair Labor Standards Act of 1938 (20 U.S.C. 206) is amended—

(1) in subsection (a), by striking "is engaged in commerce or in the production of goods for commerce, or"; and

(2) in subsection (b), by striking "is engaged in commerce or in the production of goods for commerce, or".

SA 163. Ms. SNOWE (for herself and Mr. FEINGOLD) submitted an amendment intended to be proposed by her to the bill H.R. 2, to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . EQUAL ACCESS FOR SMALL PARTIES IN CIVIL AND ADMINISTRATIVE PROCEEDINGS.

(a) ELIGIBILITY OF SMALL BUSINESSES FOR FEE AWARD.—

(1) ADMINISTRATIVE PROCEEDINGS.—

(A) IN GENERAL.—Section 504(b)(1)(B)(ii) of title 5, United States Code, is amended by striking "$7,000,000" and inserting "$10,000,000".

(B) ADJUSTMENT IN NET WORTH LIMITATION.—Section 504(b) of title 5, United States Code, is amended by adding at the end the following:

"(3) Beginning on January 1 of the 5th year following the date of enactment of this paragraph, and on January 1 every 5 years thereafter, the dollar amount under paragraph (1)(B)(ii) shall be adjusted by the Producer Price Index as determined by the Secretary of the Treasury, in collaboration with the Bureau of Labor Statistics.".

(2) JUDICIAL PROCEEDINGS.—

(A) IN GENERAL.—Section 2412(d)(2)(B)(ii) of title 28, United States Code, is amended by striking "$7,000,000" and inserting "$10,000,000".

(B) ADJUSTMENT IN NET WORTH LIMITATION.—Section 2412(d) of title 28, United

States Code, is amended by adding at the end the following:

"(5) Beginning on January 1 of the 5th year following the date of enactment of this paragraph, and on January 1 every 5 years thereafter, the dollar amount under paragraph (2)(B)(ii) shall be adjusted by the Producer Price Index as determined by the Secretary of the Treasury, in collaboration with the Bureau of Labor Statistics.".

(b) ELIMINATION OF RATE CAP.—

(1) ADMINISTRATIVE PROCEEDINGS.—Section 504(b)(1)(A) of title 5, United States Code, is amended—

(A) by striking "(i)"; and

(B) by striking "by the agency involved" and all that follows through "a higher fee" and inserting "by the agency involved".

(2) JUDICIAL PROCEEDINGS.—Section 2412(d)(2)(A) of title 28, United States Code, is amended—

(A) by striking "(i)"; and

(B) by striking "by the United States" and all that follows through "a higher fee" and inserting "by the United States".

(c) APPLICABILITY.—The amendments made by this section shall—

(1) take effect 30 days after the date of the enactment of this Act; and

(2) apply to any proceeding pending on, or commenced on or after, the effective date of this section.

SA 164. Ms. SNOWE submitted an amendment intended to be proposed by him to the bill H.R. 2, to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. REGULATORY FLEXIBILITY REFORM FOR SMALL BUSINESSES.

(a) REQUIREMENTS PROVIDING FOR MORE DETAILED ANALYSES.—

(1) INITIAL REGULATORY FLEXIBILITY ANALYSIS.—Section 603 of title 5, United States Code, is amended by adding at the end the following:

"(d) An agency shall notify the Chief Counsel for Advocacy of the Small Business Administration of any draft rules that may have a significant economic impact on a substantial number of small entities either—

"(1) when the agency submits a draft rule to the Office of Information and Regulatory Affairs at the Office of Management and Budget under Executive Order 12866, if that order requires such submission; or

"(2) if no submission to the Office of Information and Regulatory Affairs is so required, at a reasonable time prior to publication of the rule by the agency.".

(2) FINAL REGULATORY FLEXIBILITY ANALYSIS.—

(A) INCLUSION OF RESPONSE TO COMMENTS ON CERTIFICATION OF PROPOSED RULE.—Section 604(a)(2) of title 5, United States Code, is amended by inserting "(or certification of the proposed rule under section 605(b))" after "initial regulatory flexibility analysis".

(B) INCLUSION OF RESPONSE TO COMMENTS FILED BY CHIEF COUNSEL FOR ADVOCACY.—Section 604(a) of title 5, United States Code, is amended by redesignating paragraphs (3), (4), and (5) as paragraphs (4), (5), and (6), respectively, and inserting after paragraph (2) the following:

"(3) the response of the agency to any comments filed by the Chief Counsel for Advocacy of the Small Business Administration in response to the proposed rule, and a detailed statement of any changes made to the proposed rule in the final rule as a result of such comments;".

(C) PUBLICATION OF ANALYSIS ON WEB SITE, ETC.—Section 604(b) of title 5, United States Code, is amended to read as follows:

"(b) The agency shall make copies of the final regulatory flexibility analysis available to the public, including placement of the entire analysis on the agency's Web site, and shall publish in the Federal Register the final regulatory flexibility analysis, or a summary thereof that includes the telephone number, mailing address, and link to the Web site where the complete analysis may be obtained.".

(3) CROSS-REFERENCES TO OTHER ANALYSES.—Section 605(a) of title 5, United States Code, is amended to read as follows:

"(a) A Federal agency shall be treated as satisfying any requirement regarding the content of an agenda or regulatory flexibility analysis under section 602, 603, or 604, if such agency provides in such agenda or analysis a cross-reference to the specific portion of another agenda or analysis that is required by any other law and which satisfies such requirement.".

(4) CERTIFICATIONS.—The second sentence of section 605(b) of title 5, United States Code, is amended—

(A) by inserting "detailed" before "statement"; and

(B) by inserting "and legal" after "factual".

(5) QUANTIFICATION REQUIREMENTS.—Section 607 of title 5, United States Code, is amended to read as follows:

"§ 607. Quantification requirements

"In complying with sections 603 and 604, an agency shall provide—

"(1) a quantifiable or numerical description of the effects of the proposed or final rule and alternatives to the proposed or final rule; or

"(2) a more general descriptive statement and a detailed statement explaining why quantification is not practicable or reliable.".

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) HEADING.—The heading of section 605 of title 5, United States Code, is amended to read as follows:

"§ 605. Incorporations by reference and certifications".

(2) TABLE OF SECTIONS.—The table of sections for chapter 6 of title 5, United States Code, is amended—

(A) by striking the item relating to section 605 and inserting the following:

"605. Incorporations by reference and certifications."; and

(B) by striking the item relating to section 607 and inserting the following:

"607. Quantification requirements.".

SA 165. Mr. SMITH (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill H.R. 2, to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . TREATMENT OF CERTAIN PENSION PLANS OF INDIAN TRIBAL GOVERNMENTS.

(a) AMENDMENT TO INTERNAL REVENUE CODE OF 1986.—The last sentence of section 414(d) of the Internal Revenue Code of 1986 (definition of governmental plan) is amended to read as follows: "The term 'governmental plan' includes a plan established or maintained for its employees by an Indian tribal government (as defined in section 7701(a)(40)), a subdivision of an Indian tribal government (determined in accordance with section 7871(d)), an agency instrumentality (or subdivision) of an Indian tribal government, or an entity established under Federal, State, or tribal law which is wholly owned or controlled by any of the foregoing.".

(b) AMENDMENTS TO EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.—

(1) IN GENERAL.—The last sentence of section 3(32) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(32)) is amended to read as follows: "The term 'governmental plan' includes a plan established or maintained for its employees by an Indian tribal government (as defined in section 7701(a)(40) of the Internal Revenue Code of 1986), a subdivision of an Indian tribal government (determined in accordance with section 7871(d) of such Code), an agency instrumentality (or subdivision) of an Indian tribal government, or an entity established under Federal, State, or tribal law that is wholly owned or controlled by any of the foregoing.".

(2) CONFORMING AMENDMENTS.—

(A) Paragraph (14) of section 4021(b) of such Act (29 U.S.C. 1321(b)(14)) is amended to read as follows:

"(14) established or maintained for its employees by an Indian tribal government (as defined in section 7701(a)(40) of the Internal Revenue Code of 1986), a subdivision of an Indian tribal government (determined in accordance with section 7871(d) of such Code), an agency instrumentality (or subdivision) of an Indian tribal government, or an entity established under Federal, State, or tribal law that is wholly owned or controlled by any of the foregoing.".

(B) Section 4021(b)(2) of such Act (29 U.S.C. 1321(b)(2) is amended by striking "or which is described in the last sentence of section 3(32)".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in section 906 of the Pension Protection Act of 2006.

SA 166. Mr. SMITH submitted an amendment intended to be proposed by him to the bill H.R. 2, to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . EXPANSION OF DEDUCTION FOR HEALTH INSURANCE COSTS OF SELF-EMPLOYED INDIVIDUALS.

(a) IN GENERAL.—Paragraph (1) of section 162(l) of the Internal Revenue Code of 1986 (relating to special rules for health insurance costs of self-employed individuals) is amended to read as follows:

"(1) ALLOWANCE OF DEDUCTION.—In the case of a taxpayer who is an employee within the meaning of section 401(c)(1), there shall be allowed as a deduction under this section an amount equal to the amount paid during the taxable year for insurance which constitutes medical care for—

"(A) the taxpayer,

"(B) the taxpayer's spouse,

"(C) the taxpayer's dependents,

"(D) any individual—

"(i) who was not the spouse, determined without regard to section 7703, of the taxpayer at any time during the taxable year of the taxpayer,

"(ii) who—

"(I) has not attained the age of 19 as of the close of the calendar year in which the taxable year of the taxpayer begins, or

"(II) is a student who has not attained the age of 24 as of the close of such calendar year,

"(iii) who, for the taxable year of the taxpayer, has the same principal place of abode as the taxpayer and is a member of the taxpayer's household, and

"(iv) with respect to whom the taxpayer provides over one-half of the individual's support for the calendar year in which the taxpayer's taxable year begins, and .

"(E) an individual—

"(i) who is designated by the taxpayer for purposes of this paragraph,

"(ii) who is not the spouse or qualifying child of such taxpayer or any other taxpayer for any taxable year beginning in the calendar year in which the taxpayer's taxable year begins, and

"(iii) who, for the taxable year of the taxpayer, has the same principal place of abode as the taxpayer and is a member of the taxpayer's household.

For purposes of subparagraph (E)(i), not more than 1 person may be designated by the taxpayer for any taxable year.".

(b) CONFORMING AMENDMENT.—Subparagraph (B) of section 162(l)(2) of the Internal Revenue Code of 1986 is amended by striking "or of the spouse of the taxpayer" and inserting ", of the spouse of the taxpayer, or of any individual described in paragraph (1)(E)".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

SA 167. Mrs. FEINSTEIN (for herself and Mr. CRAIG) submitted an amendment intended to be proposed to amendment SA 118 submitted by Mr. CHAMBLISS (for himself, Mr. ISAKSON, and Mr. BURR) and intended to be proposed to the bill H.R. 2, to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

TITLE II—AGJOBS ACT OF 2007

SEC. 201. SHORT TITLE.

This title may be cited as the "Agricultural Job Opportunities, Benefits, and Security Act of 2007" or the "AgJOBS Act of 2007".

SEC. 202. DEFINITIONS.

In this title:

(1) AGRICULTURAL EMPLOYMENT.—The term "agricultural employment" means any service or activity that is considered to be agricultural under section 3(f) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(f)) or agricultural labor under section 3121(g) of the Internal Revenue Code of 1986 or the performance of agricultural labor or services described in section 101(a)(15)(H)(ii)(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(a)).

(2) BLUE CARD STATUS.—The term "blue card status" means the status of an alien who has been lawfully admitted into the United States for temporary residence under section 211(a).

(3) DEPARTMENT.—The term "Department" means the Department of Homeland Security.

(4) EMPLOYER.—The term "employer" means any person or entity, including any farm labor contractor and any agricultural association, that employs workers in agricultural employment.

(5) SECRETARY.—Except as otherwise provided, the term "Secretary" means the Secretary of Homeland Security.

(6) TEMPORARY.—A worker is employed on a "temporary" basis when the employment is intended not to exceed 10 months.

(7) WORK DAY.—The term "work day" means any day in which the individual is employed 5.75 or more hours in agricultural employment.

Subtitle A—Pilot Program for Earned Status Adjustment of Agricultural Workers

PART I—BLUE CARD STATUS

SEC. 211. REQUIREMENTS FOR BLUE CARD STATUS.

(a) REQUIREMENT TO GRANT BLUE CARD STATUS.—Notwithstanding any other provision of law, the Secretary shall, pursuant to the requirements of this section, grant blue card status to an alien who qualifies under this section if the Secretary determines that the alien—

(1) has performed agricultural employment in the United States for at least 863 hours or 150 work days during the 24-month period ending on December 31, 2006;

(2) applied for such status during the 18-month application period beginning on the first day of the seventh month that begins after the date of enactment of this Act;

(3) is otherwise admissible to the United States under section 212 of the Immigration and Nationality Act (8 U.S.C. 1182), except as otherwise provided under section 215(b); and

(4) has not been convicted of any felony or a misdemeanor, an element of which involves bodily injury, threat of serious bodily injury, or harm to property in excess of $500.

(b) AUTHORIZED TRAVEL.—An alien who is granted blue card status is authorized to travel outside the United States (including commuting to the United States from a residence in a foreign country) in the same manner as an alien lawfully admitted for permanent residence.

(c) AUTHORIZED EMPLOYMENT.—The Secretary shall provide an alien who is granted blue card status an employment authorized endorsement or other appropriate work permit, in the same manner as an alien lawfully admitted for permanent residence.

(d) TERMINATION OF BLUE CARD STATUS.—

(1) IN GENERAL.—The Secretary may terminate blue card status granted to an alien under this section only if the Secretary determines that the alien is deportable.

(2) GROUNDS FOR TERMINATION OF BLUE CARD STATUS.—Before any alien becomes eligible for adjustment of status under section 213, the Secretary may deny adjustment to permanent resident status and provide for termination of the blue card status granted such alien under paragraph (1) if—

(A) the Secretary finds, by a preponderance of the evidence, that the adjustment to blue card status was the result of fraud or willful misrepresentation (as described in section 212(a)(6)(C)(i) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(6)(C)(i)); or

(B) the alien—

(i) commits an act that makes the alien inadmissible to the United States as an immigrant, except as provided under section 215(b);

(ii) is convicted of a felony or 3 or more misdemeanors committed in the United States;

(iii) is convicted of an offense, an element of which involves bodily injury, threat of serious bodily injury, or harm to property in excess of $500; or

(iv) fails to perform the agricultural employment required under section 213(a)(1)(A) unless the alien was unable to work in agricultural employment due to the extraordinary circumstances described in section 213(a)(3).

(e) RECORD OF EMPLOYMENT.—

(1) IN GENERAL.—Each employer of an alien granted blue card status under this section shall annually—

(A) provide a written record of employment to the alien; and

(B) provide a copy of such record to the Secretary.

(2) SUNSET.—The obligation under paragraph (1) shall terminate on the date that is 6 years after the date of the enactment of this Act.

(f) REQUIRED FEATURES OF IDENTITY CARD.—The Secretary shall provide each alien granted blue card status, and the spouse and any child of each such alien residing in the United States, with a card that contains—

(1) an encrypted, machine-readable, electronic identification strip that is unique to the alien to whom the card is issued;

(2) biometric identifiers, including fingerprints and a digital photograph; and

(3) physical security features designed to prevent tampering, counterfeiting, or duplication of the card for fraudulent purposes.

(g) FINE.—An alien granted blue card status shall pay a fine of $100 to the Secretary.

(h) MAXIMUM NUMBER.—The Secretary may not issue more than 1,500,000 blue cards during the 5-year period beginning on the date of the enactment of this Act.

SEC. 212. TREATMENT OF ALIENS GRANTED BLUE CARD STATUS.

(a) IN GENERAL.—Except as otherwise provided under this section, an alien granted blue card status shall be considered to be an alien lawfully admitted for permanent residence for purposes of any law other than any provision of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

(b) DELAYED ELIGIBILITY FOR CERTAIN FEDERAL PUBLIC BENEFITS.—An alien granted blue card status shall not be eligible, by reason of such status, for any form of assistance or benefit described in section 403(a) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1613(a)) until 5 years after the date on which the alien is granted an adjustment of status under section 213.

(c) TERMS OF EMPLOYMENT.—

(1) PROHIBITION.—No alien granted blue card status may be terminated from employment by any employer during the period of blue card status except for just cause.

(2) TREATMENT OF COMPLAINTS.—

(A) ESTABLISHMENT OF PROCESS.—The Secretary shall establish a process for the receipt, initial review, and disposition of complaints by aliens granted blue card status who allege that they have been terminated without just cause. No proceeding shall be conducted under this paragraph with respect to a termination unless the Secretary determines that the complaint was filed not later than 6 months after the date of the termination.

(B) INITIATION OF ARBITRATION.—If the Secretary finds that an alien has filed a complaint in accordance with subparagraph (A) and there is reasonable cause to believe that the alien was terminated from employment without just cause, the Secretary shall initiate binding arbitration proceedings by requesting the Federal Mediation and Conciliation Service to appoint a mutually agreeable arbitrator from the roster of arbitrators maintained by such Service for the geographical area in which the employer is located. The procedures and rules of such Service shall be applicable to the selection of such arbitrator and to such arbitration proceedings. The Secretary shall pay the fee and expenses of the arbitrator, subject to the availability of appropriations for such purpose.

(C) ARBITRATION PROCEEDINGS.—The arbitrator shall conduct the proceeding under this paragraph in accordance with the policies and procedures promulgated by the American Arbitration Association applicable to private arbitration of employment disputes. The arbitrator shall make findings respecting whether the termination was for just cause. The arbitrator may not find that the termination was for just cause unless the employer so demonstrates by a preponderance of the evidence. If the arbitrator finds that the termination was not for just cause, the arbitrator shall make a specific finding of the number of days or hours of work lost by the employee as a result of the termination. The arbitrator shall have no authority to order any other remedy, including reinstatement, back pay, or front pay to the affected employee. Not later than 30 days after the date of the conclusion of the arbitration proceeding, the arbitrator shall transmit the findings in the form of a written opinion to the parties to the arbitration and the Secretary. Such findings shall be final and conclusive, and no official or court of the United States shall have the power or jurisdiction to review any such findings.

(D) EFFECT OF ARBITRATION FINDINGS.—If the Secretary receives a finding of an arbitrator that an employer has terminated the employment of an alien who is granted blue card status without just cause, the Secretary shall credit the alien for the number of days or hours of work not performed during such period of termination for the purpose of determining if the alien meets the qualifying employment requirement of section 213(a).

(E) TREATMENT OF ATTORNEY'S FEES.—Each party to an arbitration under this paragraph shall bear the cost of their own attorney's fees for the arbitration.

(F) NONEXCLUSIVE REMEDY.—The complaint process provided for in this paragraph is in addition to any other rights an employee may have in accordance with applicable law.

(G) EFFECT ON OTHER ACTIONS OR PROCEEDINGS.—Any finding of fact or law, judgment, conclusion, or final order made by an arbitrator in the proceeding before the Secretary shall not be conclusive or binding in any separate or subsequent action or proceeding between the employee and the employee's current or prior employer brought before an arbitrator, administrative agency, court, or judge of any State or the United States, regardless of whether the prior action was between the same or related parties or involved the same facts, except that the arbitrator's specific finding of the number of days or hours of work lost by the employee as a result of the employment termination may be referred to the Secretary pursuant to subparagraph (D).

(3) CIVIL PENALTIES.—

(A) IN GENERAL.—If the Secretary finds, after notice and opportunity for a hearing, that an employer of an alien granted blue card status has failed to provide the record of employment required under section 211(e) or has provided a false statement of material fact in such a record, the employer shall be subject to a civil money penalty in an amount not to exceed $1,000 per violation.

(B) LIMITATION.—The penalty applicable under subparagraph (A) for failure to provide records shall not apply unless the alien has provided the employer with evidence of employment authorization granted under this section.

SEC. 213. ADJUSTMENT TO PERMANENT RESIDENCE.

(a) IN GENERAL.—Except as provided in subsection (b), the Secretary shall adjust the status of an alien granted blue card status to that of an alien lawfully admitted for permanent residence if the Secretary determines that the following requirements are satisfied:

(1) QUALIFYING EMPLOYMENT.—

(A) IN GENERAL.—Subject to subparagraph (B), the alien has performed at least—

(i) 5 years of agricultural employment in the United States for at least 100 work days per year, during the 5-year period beginning on the date of the enactment of this Act; or

(ii) 3 years of agricultural employment in the United States for at least 150 work days per year, during the 3-year period beginning on the date of the enactment of this Act.

(B) 4-YEAR PERIOD OF EMPLOYMENT.—An alien shall be considered to meet the requirements of subparagraph (A) if the alien has performed 4 years of agricultural employment in the United States for at least 150 work days during 3 years of those 4 years and at least 100 work days during the remaining year, during the 4-year period beginning on the date of the enactment of this Act.

(2) PROOF.—An alien may demonstrate compliance with the requirement under paragraph (1) by submitting—

(A) the record of employment described in section 211(e); or

(B) such documentation as may be submitted under section 214(c).

(3) EXTRAORDINARY CIRCUMSTANCES.—In determining whether an alien has met the requirement of paragraph (1)(A), the Secretary may credit the alien with not more than 12 additional months to meet the requirement of that subparagraph if the alien was unable to work in agricultural employment due to—

(A) pregnancy, injury, or disease, if the alien can establish such pregnancy, disabling injury, or disease through medical records;

(B) illness, disease, or other special needs of a minor child, if the alien can establish such illness, disease, or special needs through medical records; or

(C) severe weather conditions that prevented the alien from engaging in agricultural employment for a significant period of time.

(4) APPLICATION PERIOD.—The alien applies for adjustment of status not later than 7 years after the date of the enactment of this Act.

(5) FINE.—The alien pays a fine of $400 to the Secretary.

(b) GROUNDS FOR DENIAL OF ADJUSTMENT OF STATUS.—The Secretary may deny an alien granted blue card status an adjustment of status under this section and provide for termination of such blue card status if—

(1) the Secretary finds by a preponderance of the evidence that the adjustment to blue card status was the result of fraud or willful misrepresentation, as described in section 212(a)(6)(C)(i) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(6)(C)(i)); or

(2) the alien—

(A) commits an act that makes the alien inadmissible to the United States under section 212 of the Immigration and Nationality Act (8 U.S.C. 1182), except as provided under section 215(b);

(B) is convicted of a felony or 3 or more misdemeanors committed in the United States; or

(C) is convicted of an offense, an element of which involves bodily injury, threat of serious bodily injury, or harm to property in excess of $500.

(c) GROUNDS FOR REMOVAL.—Any alien granted blue card status who does not apply for adjustment of status under this section before the expiration of the application period described in subsection (a)(4) or who fails to meet the other requirements of subsection (a) by the end of the application period, is deportable and may be removed under section 240 of the Immigration and Nationality Act (8 U.S.C. 1229a).

(d) PAYMENT OF TAXES.—

(1) IN GENERAL.—Not later than the date on which an alien's status is adjusted under this section, the alien shall establish that the alien does not owe any applicable Federal tax liability by establishing that—

(A) no such tax liability exists;

(B) all such outstanding tax liabilities have been paid; or

(C) the alien has entered into an agreement for payment of all outstanding liabilities with the Internal Revenue Service.

(2) APPLICABLE FEDERAL TAX LIABILITY.—In paragraph (1) the term "applicable Federal tax liability" means liability for Federal taxes, including penalties and interest, owed for any year during the period of employment required under subsection (a)(1) for which the statutory period for assessment of any deficiency for such taxes has not expired.

(3) IRS COOPERATION.—The Secretary of the Treasury shall establish rules and procedures under which the Commissioner of Internal Revenue shall provide documentation to an alien upon request to establish the payment of all taxes required by this subsection.

(e) SPOUSES AND MINOR CHILDREN.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary shall confer the status of lawful permanent resident on the spouse and minor child of an alien granted any adjustment of status under subsection (a), including any individual who was a minor child on the date such alien was granted blue card status, if the spouse or minor child applies for such status, or if the principal alien includes the spouse or minor child in an application for adjustment of status to that of a lawful permanent resident.

(2) TREATMENT OF SPOUSES AND MINOR CHILDREN.—

(A) GRANTING OF STATUS AND REMOVAL.—The Secretary may grant derivative status to the alien spouse and any minor child residing in the United States of an alien granted blue card status and shall not remove such derivative spouse or child during the period that the alien granted blue card status maintains such status, except as provided in paragraph (3). A grant of derivative status to such a spouse or child under this subparagraph shall not decrease the number of aliens who may receive blue card status under subsection (h) of section 211.

(B) TRAVEL.—The derivative spouse and any minor child of an alien granted blue card status may travel outside the United States in the same manner as an alien lawfully admitted for permanent residence.

(C) EMPLOYMENT.—The derivative spouse of an alien granted blue card status may apply to the Secretary for a work permit to authorize such spouse to engage in any lawful employment in the United States while such alien maintains blue card status.

(3) GROUNDS FOR DENIAL OF ADJUSTMENT OF STATUS AND REMOVAL.—The Secretary may deny an alien spouse or child adjustment of status under paragraph (1) and may remove such spouse or child under section 240 of the Immigration and Nationality Act (8 U.S.C. 1229a) if the spouse or child—

(A) commits an act that makes the alien spouse or child inadmissible to the United States under section 212 of such Act (8 U.S.C. 1182), except as provided under section 215(b);

(B) is convicted of a felony or 3 or more misdemeanors committed in the United States; or

(C) is convicted of an offense, an element of which involves bodily injury, threat of serious bodily injury, or harm to property in excess of $500.

SEC. 214. APPLICATIONS.

(a) SUBMISSION.—The Secretary shall provide that—

(1) applications for blue card status under section 211 may be submitted—

(A) to the Secretary if the applicant is represented by an attorney or a nonprofit religious, charitable, social service, or similar organization recognized by the Board of Immigration Appeals under section 292.2 of title 8, Code of Federal Regulations; or

(B) to a qualified designated entity if the applicant consents to the forwarding of the application to the Secretary; and

(2) applications for adjustment of status under section 213 shall be filed directly with the Secretary.

(b) QUALIFIED DESIGNATED ENTITY DEFINED.—In this section, the term "qualified designated entity" means—

(1) a qualified farm labor organization or an association of employers designated by the Secretary; or

(2) any such other person designated by the Secretary if that Secretary determines such person is qualified and has substantial experience, demonstrated competence, and has a history of long-term involvement in the preparation and submission of applications for adjustment of status under section 209, 210, or 245 of the Immigration and Nationality Act (8 U.S.C. 1159, 1160, and 1255), the Act entitled "An Act to adjust the status of Cuban refugees to that of lawful permanent residents of the United States, and for other purposes", approved November 2, 1966 (Public Law 89-732; 8 U.S.C. 1255 note), Public Law 95-145 (8 U.S.C. 1255 note), or the Immigration Reform and Control Act of 1986 (Public Law 99-603; 100 Stat. 3359) or any amendment made by that Act.

(c) PROOF OF ELIGIBILITY.—

(1) IN GENERAL.—An alien may establish that the alien meets the requirement of section 211(a)(1) or 213(a)(1) through government employment records or records supplied by employers or collective bargaining organizations, and other reliable documentation as the alien may provide. The Secretary shall establish special procedures to properly credit work in cases in which an alien was employed under an assumed name.

(2) DOCUMENTATION OF WORK HISTORY.—

(A) BURDEN OF PROOF.—An alien applying for status under section 211(a) or 213(a) has the burden of proving by a preponderance of the evidence that the alien has worked the requisite number of hours or days required under section 211(a)(1) or 213(a)(1), as applicable.

(B) TIMELY PRODUCTION OF RECORDS.—If an employer or farm labor contractor employing such an alien has kept proper and adequate records respecting such employment, the alien's burden of proof under subparagraph (A) may be met by securing timely production of those records under regulations to be promulgated by the Secretary.

(C) SUFFICIENT EVIDENCE.—An alien may meet the burden of proof under subparagraph (A) to establish that the alien has performed the days or hours of work required by section 211(a)(1) or 213(a)(1) by producing sufficient evidence to show the extent of that employment as a matter of just and reasonable inference.

(d) APPLICATIONS SUBMITTED TO QUALIFIED DESIGNATED ENTITIES.—

(1) REQUIREMENTS.—Each qualified designated entity shall agree—

(A) to forward to the Secretary an application submitted to that entity pursuant to subsection (a)(1)(B) if the applicant has consented to such forwarding;

(B) not to forward to the Secretary any such application if the applicant has not consented to such forwarding; and

(C) to assist an alien in obtaining documentation of the alien's work history, if the alien requests such assistance.

(2) NO AUTHORITY TO MAKE DETERMINATIONS.—No qualified designated entity may make a determination required by this subtitle to be made by the Secretary.

(e) LIMITATION ON ACCESS TO INFORMATION.—Files and records collected or compiled by a qualified designated entity for the purposes of this section are confidential and the Secretary shall not have access to such a file or record relating to an alien without the consent of the alien, except as allowed by a court order issued pursuant to subsection (f).

(f) CONFIDENTIALITY OF INFORMATION.—

(1) IN GENERAL.—Except as otherwise provided in this section, the Secretary or any other official or employee of the Department or a bureau or agency of the Department is prohibited from—

(A) using information furnished by the applicant pursuant to an application filed under this title, the information provided by an applicant to a qualified designated entity, or any information provided by an employer or former employer for any purpose other than to make a determination on the application or for imposing the penalties described in subsection (g);

(B) making any publication in which the information furnished by any particular individual can be identified; or

(C) permitting a person other than a sworn officer or employee of the Department or a bureau or agency of the Department or, with respect to applications filed with a qualified designated entity, that qualified designated entity, to examine individual applications.

(2) REQUIRED DISCLOSURES.—The Secretary shall provide the information furnished under this title or any other information derived from such furnished information to—

(A) a duly recognized law enforcement entity in connection with a criminal investigation or prosecution, if such information is requested in writing by such entity; or

(B) an official coroner, for purposes of affirmatively identifying a deceased individual, whether or not the death of such individual resulted from a crime.

(3) CONSTRUCTION.—

(A) IN GENERAL.—Nothing in this subsection shall be construed to limit the use, or release, for immigration enforcement purposes or law enforcement purposes, of information contained in files or records of the Department pertaining to an application filed under this section, other than information furnished by an applicant pursuant to the application, or any other information derived from the application, that is not available from any other source.

(B) CRIMINAL CONVICTIONS.—Notwithstanding any other provision of this subsection, information concerning whether the alien applying for blue card status under section 211 or an adjustment of status under section 213 has been convicted of a crime at any time may be used or released for immigration enforcement or law enforcement purposes.

(4) CRIME.—Any person who knowingly uses, publishes, or permits information to be examined in violation of this subsection shall be subject to a fine in an amount not to exceed $10,000.

(g) PENALTIES FOR FALSE STATEMENTS IN APPLICATIONS.—

(1) CRIMINAL PENALTY.—Any person who—

(A) files an application for blue card status under section 211 or an adjustment of status under section 213 and knowingly and willfully falsifies, conceals, or covers up a material fact or makes any false, fictitious, or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious, or fraudulent statement or entry; or

(B) creates or supplies a false writing or document for use in making such an application,

shall be fined in accordance with title 18, United States Code, imprisoned not more than 5 years, or both.

(2) INADMISSIBILITY.—An alien who is convicted of a crime under paragraph (1) shall be considered to be inadmissible to the United States on the ground described in section 212(a)(6)(C)(i) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(6)(C)(i)).

(h) ELIGIBILITY FOR LEGAL SERVICES.—Section 504(a)(11) of Public Law 104-134 (110 Stat. 1321-53 et seq.) shall not be construed to prevent a recipient of funds under the Legal Services Corporation Act (42 U.S.C. 2996 et seq.) from providing legal assistance directly related to an application for blue card status under section 211 or an adjustment of status under section 213.

(i) APPLICATION FEES.—

(1) FEE SCHEDULE.—The Secretary shall provide for a schedule of fees that—

(A) shall be charged for the filing of an application for blue card status under section 211 or for an adjustment of status under section 213; and

(B) may be charged by qualified designated entities to help defray the costs of services provided to such applicants.

(2) PROHIBITION ON EXCESS FEES BY QUALIFIED DESIGNATED ENTITIES.—A qualified designated entity may not charge any fee in excess of, or in addition to, the fees authorized under paragraph (1)(B) for services provided to applicants.

(3) DISPOSITION OF FEES.—

(A) IN GENERAL.—There is established in the general fund of the Treasury a separate account, which shall be known as the "Agricultural Worker Immigration Status Adjustment Account". Notwithstanding any other provision of law, there shall be deposited as offsetting receipts into the account all fees collected under paragraph (1)(A).

(B) USE OF FEES FOR APPLICATION PROCESSING.—Amounts deposited in the "Agricultural Worker Immigration Status Adjustment Account" shall remain available to the Secretary until expended for processing applications for blue card status under section 211 or an adjustment of status under section 213.

SEC. 215. WAIVER OF NUMERICAL LIMITATIONS AND CERTAIN GROUNDS FOR INADMISSIBILITY.

(a) Numerical Limitations Do Not Apply.—The numerical limitations of sections 201 and 202 of the Immigration and Nationality Act (8 U.S.C. 1151 and 1152) shall not apply to the adjustment of aliens to lawful permanent resident status under section 213.

(b) Waiver of Certain Grounds of Inadmissibility.—In the determination of an alien's eligibility for status under section 211(a) or an alien's eligibility for adjustment of status under section 213(b)(2)(A) the following rules shall apply:

(1) Grounds of exclusion not applicable.—The provisions of paragraphs (5), (6)(A), (7), and (9) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)) shall not apply.

(2) Waiver of other grounds.—

(A) In general.—Except as provided in subparagraph (B), the Secretary may waive any other provision of such section 212(a) in the case of individual aliens for humanitarian purposes, to ensure family unity, or if otherwise in the public interest.

(B) Grounds that may not be waived.—Paragraphs (2)(A), (2)(B), (2)(C), (3), and (4) of such section 212(a) may not be waived by the Secretary under subparagraph (A).

(C) Construction.—Nothing in this paragraph shall be construed as affecting the authority of the Secretary other than under this subparagraph to waive provisions of such section 212(a).

(3) Special rule for determination of public charge.—An alien is not ineligible for blue card status under section 211 or an adjustment of status under section 213 by reason of a ground of inadmissibility under section 212(a)(4) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(4)) if the alien demonstrates a history of employment in the United States evidencing self-support without reliance on public cash assistance.

(c) Temporary Stay of Removal and Work Authorization for Certain Applicants.—

(1) Before application period.—Effective on the date of enactment of this Act, the Secretary shall provide that, in the case of an alien who is apprehended before the beginning of the application period described in section 211(a)(2) and who can establish a nonfrivolous case of eligibility for blue card status (but for the fact that the alien may not apply for such status until the beginning of such period), until the alien has had the opportunity during the first 30 days of the application period to complete the filing of an application for blue card status, the alien—

(A) may not be removed; and

(B) shall be granted authorization to engage in employment in the United States and be provided an employment authorized endorsement or other appropriate work permit for such purpose.

(2) During application period.—The Secretary shall provide that, in the case of an alien who presents a nonfrivolous application for blue card status during the application period described in section 211(a)(2), including an alien who files such an application within 30 days of the alien's apprehension, and until a final determination on the application has been made in accordance with this section, the alien—

(A) may not be removed; and

(B) shall be granted authorization to engage in employment in the United States and be provided an employment authorized endorsement or other appropriate work permit for such purpose.

SEC. 216. ADMINISTRATIVE AND JUDICIAL REVIEW.

(a) In General.—There shall be no administrative or judicial review of a determination respecting an application for blue card status under section 211 or adjustment of status under section 213 except in accordance with this section.

(b) Administrative Review.—

(1) Single level of administrative appellate review.—The Secretary shall establish an appellate authority to provide for a single level of administrative appellate review of such a determination.

(2) Standard for review.—Such administrative appellate review shall be based solely upon the administrative record established at the time of the determination on the application and upon such additional or newly discovered evidence as may not have been available at the time of the determination.

(c) Judicial Review.—

(1) Limitation to review of removal.—There shall be judicial review of such a determination only in the judicial review of an order of removal under section 242 of the Immigration and Nationality Act (8 U.S.C. 1252).

(2) Standard for judicial review.—Such judicial review shall be based solely upon the administrative record established at the time of the review by the appellate authority and the findings of fact and determinations contained in such record shall be conclusive unless the applicant can establish abuse of discretion or that the findings are directly contrary to clear and convincing facts contained in the record considered as a whole.

SEC. 217. USE OF INFORMATION.

Beginning not later than the first day of the application period described in section 211(a)(2), the Secretary, in cooperation with qualified designated entities (as that term is defined in section 214(b)), shall broadly disseminate information respecting the benefits that aliens may receive under this subtitle and the requirements that an alien is required to meet to receive such benefits.

SEC. 218. REGULATIONS, EFFECTIVE DATE, AUTHORIZATION OF APPROPRIATIONS.

(a) Regulations.—The Secretary shall issue regulations to implement this subtitle not later than the first day of the seventh month that begins after the date of enactment of this Act.

(b) Effective Date.—This subtitle shall take effect on the date that regulations required by subsection (a) are issued, regardless of whether such regulations are issued on an interim basis or on any other basis.

(c) Authorization of Appropriations.—There are authorized to be appropriated to the Secretary such sums as may be necessary to implement this subtitle, including any sums needed for costs associated with the initiation of such implementation, for fiscal years 2007 and 2008.

PART II—CORRECTION OF SOCIAL SECURITY RECORDS

SEC. 221. CORRECTION OF SOCIAL SECURITY RECORDS.

(a) In General.—Section 208(e)(1) of the Social Security Act (42 U.S.C. 408(e)(1)) is amended—

(1) in subparagraph (B)(ii), by striking "or" at the end;

(2) in subparagraph (C), by inserting "or" at the end;

(3) by inserting after subparagraph (C) the following:

"(D) who is granted blue card status under the Agricultural Job Opportunity, Benefits, and Security Act of 2007,"; and

(4) by striking "1990." and inserting "1990, or in the case of an alien described in subparagraph (D), if such conduct is alleged to have occurred before the date on which the alien was granted blue card status.".

(b) Effective Date.—The amendments made by subsection (a) shall take effect on the first day of the seventh month that begins after the date of the enactment of this Act.

Subtitle B—Reform of H–2A Worker Program

SEC. 231. AMENDMENT TO THE IMMIGRATION AND NATIONALITY ACT.

(a) In General.—Title II of the Immigration and Nationality Act (8 U.S.C. 1151 et seq.) is amended by striking section 218 and inserting the following:

"SEC. 218. H–2A EMPLOYER APPLICATIONS.

"(a) Applications to the Secretary of Labor.—

"(1) In general.—No alien may be admitted to the United States as an H–2A worker, or otherwise provided status as an H–2A worker, unless the employer has filed with the Secretary of Labor an application containing—

"(A) the assurances described in subsection (b);

"(B) a description of the nature and location of the work to be performed;

"(C) the anticipated period (expected beginning and ending dates) for which the workers will be needed; and

"(D) the number of job opportunities in which the employer seeks to employ the workers.

"(2) Accompanied by job offer.—Each application filed under paragraph (1) shall be accompanied by a copy of the job offer describing the wages and other terms and conditions of employment and the bona fide occupational qualifications that shall be possessed by a worker to be employed in the job opportunity in question.

"(b) Assurances for Inclusion in Applications.—The assurances referred to in subsection (a)(1) are the following:

"(1) Job opportunities covered by collective bargaining agreements.—With respect to a job opportunity that is covered under a collective bargaining agreement:

"(A) Union contract described.—The job opportunity is covered by a union contract which was negotiated at arm's length between a bona fide union and the employer.

"(B) Strike or lockout.—The specific job opportunity for which the employer is requesting an H–2A worker is not vacant because the former occupant is on strike or being locked out in the course of a labor dispute.

"(C) Notification of bargaining representatives.—The employer, at the time of filing the application, has provided notice of the filing under this paragraph to the bargaining representative of the employer's employees in the occupational classification at the place or places of employment for which aliens are sought.

"(D) Temporary or seasonal job opportunities.—The job opportunity is temporary or seasonal.

"(E) Offers to United States workers.—The employer has offered or will offer the job to any eligible United States worker who applies and is equally or better qualified for the job for which the nonimmigrant is, or the nonimmigrants are, sought and who will be available at the time and place of need.

"(F) Provision of insurance.—If the job opportunity is not covered by the State workers' compensation law, the employer will provide, at no cost to the worker, insurance covering injury and disease arising out of, and in the course of, the worker's employment which will provide benefits at least equal to those provided under the State's workers' compensation law for comparable employment.

"(2) JOB OPPORTUNITIES NOT COVERED BY COLLECTIVE BARGAINING AGREEMENTS.—With respect to a job opportunity that is not covered under a collective bargaining agreement:

"(A) STRIKE OR LOCKOUT.—The specific job opportunity for which the employer has applied for an H–2A worker is not vacant because the former occupant is on strike or being locked out in the course of a labor dispute.

"(B) TEMPORARY OR SEASONAL JOB OPPORTUNITIES.—The job opportunity is temporary or seasonal.

"(C) BENEFIT, WAGE, AND WORKING CONDITIONS.—The employer will provide, at a minimum, the benefits, wages, and working conditions required by section 218A to all workers employed in the job opportunities for which the employer has applied for an H–2A worker under subsection (a) and to all other workers in the same occupation at the place of employment.

"(D) NONDISPLACEMENT OF UNITED STATES WORKERS.—The employer did not displace and will not displace a United States worker employed by the employer during the period of employment and for a period of 30 days preceding the period of employment in the occupation at the place of employment for which the employer has applied for an H–2A worker.

"(E) REQUIREMENTS FOR PLACEMENT OF THE NONIMMIGRANT WITH OTHER EMPLOYERS.—The employer will not place the nonimmigrant with another employer unless—

"(i) the nonimmigrant performs duties in whole or in part at 1 or more worksites owned, operated, or controlled by such other employer;

"(ii) there are indicia of an employment relationship between the nonimmigrant and such other employer; and

"(iii) the employer has inquired of the other employer as to whether, and has no actual knowledge or notice that, during the period of employment and for a period of 30 days preceding the period of employment, the other employer has displaced or intends to displace a United States worker employed by the other employer in the occupation at the place of employment for which the employer seeks approval to employ H–2A workers.

"(F) STATEMENT OF LIABILITY.—The application form shall include a clear statement explaining the liability under subparagraph (E) of an employer if the other employer described in such subparagraph displaces a United States worker as described in such subparagraph.

"(G) PROVISION OF INSURANCE.—If the job opportunity is not covered by the State workers' compensation law, the employer will provide, at no cost to the worker, insurance covering injury and disease arising out of and in the course of the worker's employment which will provide benefits at least equal to those provided under the State's workers' compensation law for comparable employment.

"(H) EMPLOYMENT OF UNITED STATES WORKERS.—

"(i) RECRUITMENT.—The employer has taken or will take the following steps to recruit United States workers for the job opportunities for which the H–2A nonimmigrant is, or H–2A nonimmigrants are, sought:

"(I) CONTACTING FORMER WORKERS.—The employer shall make reasonable efforts through the sending of a letter by United States Postal Service mail, or otherwise, to contact any United States worker the employer employed during the previous season in the occupation at the place of intended employment for which the employer is applying for workers and has made the availability of the employer's job opportunities in the occupation at the place of intended employment known to such previous workers, unless the worker was terminated from employment by the employer for a lawful job-related reason or abandoned the job before the worker completed the period of employment of the job opportunity for which the worker was hired.

"(II) FILING A JOB OFFER WITH THE LOCAL OFFICE OF THE STATE EMPLOYMENT SECURITY AGENCY.—Not later than 28 days before the date on which the employer desires to employ an H–2A worker in a temporary or seasonal agricultural job opportunity, the employer shall submit a copy of the job offer described in subsection (a)(2) to the local office of the State employment security agency which serves the area of intended employment and authorize the posting of the job opportunity on 'America's Job Bank' or other electronic job registry, except that nothing in this subclause shall require the employer to file an interstate job order under section 653 of title 20, Code of Federal Regulations.

"(III) ADVERTISING OF JOB OPPORTUNITIES.—Not later than 14 days before the date on which the employer desires to employ an H–2A worker in a temporary or seasonal agricultural job opportunity, the employer shall advertise the availability of the job opportunities for which the employer is seeking workers in a publication in the local labor market that is likely to be patronized by potential farm workers.

"(IV) EMERGENCY PROCEDURES.—The Secretary of Labor shall, by regulation, provide a procedure for acceptance and approval of applications in which the employer has not complied with the provisions of this subparagraph because the employer's need for H–2A workers could not reasonably have been foreseen.

"(ii) JOB OFFERS.—The employer has offered or will offer the job to any eligible United States worker who applies and is equally or better qualified for the job for which the nonimmigrant is, or nonimmigrants are, sought and who will be available at the time and place of need.

"(iii) PERIOD OF EMPLOYMENT.—The employer will provide employment to any qualified United States worker who applies to the employer during the period beginning on the date on which the H–2A worker departs for the employer's place of employment and ending on the date on which 50 percent of the period of employment for which the H–2A worker who is in the job was hired has elapsed, subject to the following requirements:

"(I) PROHIBITION.—No person or entity shall willfully and knowingly withhold United States workers before the arrival of H–2A workers in order to force the hiring of United States workers under this clause.

"(II) COMPLAINTS.—Upon receipt of a complaint by an employer that a violation of subclause (I) has occurred, the Secretary of Labor shall immediately investigate. The Secretary of Labor shall, within 36 hours of the receipt of the complaint, issue findings concerning the alleged violation. If the Secretary of Labor finds that a violation has occurred, the Secretary of Labor shall immediately suspend the application of this clause with respect to that certification for that date of need.

"(III) PLACEMENT OF UNITED STATES WORKERS.—Before referring a United States worker to an employer during the period described in the matter preceding subclause (I), the Secretary of Labor shall make all reasonable efforts to place the United States worker in an open job acceptable to the worker, if there are other job offers pending with the job service that offer similar job opportunities in the area of intended employment.

"(iv) STATUTORY CONSTRUCTION.—Nothing in this subparagraph shall be construed to prohibit an employer from using such legitimate selection criteria relevant to the type of job that are normal or customary to the type of job involved so long as such criteria are not applied in a discriminatory manner.

"(c) APPLICATIONS BY ASSOCIATIONS ON BEHALF OF EMPLOYER MEMBERS.—

"(1) IN GENERAL.—An agricultural association may file an application under subsection (a) on behalf of 1 or more of its employer members that the association certifies in its application has or have agreed in writing to comply with the requirements of this section and sections 218A, 218B, and 218C.

"(2) TREATMENT OF ASSOCIATIONS ACTING AS EMPLOYERS.—If an association filing an application under paragraph (1) is a joint or sole employer of the temporary or seasonal agricultural workers requested on the application, the certifications granted under subsection (e)(2)(B) to the association may be used for the certified job opportunities of any of its producer members named on the application, and such workers may be transferred among such producer members to perform the agricultural services of a temporary or seasonal nature for which the certifications were granted.

"(d) WITHDRAWAL OF APPLICATIONS.—

"(1) IN GENERAL.—An employer may withdraw an application filed pursuant to subsection (a), except that if the employer is an agricultural association, the association may withdraw an application filed pursuant to subsection (a) with respect to 1 or more of its members. To withdraw an application, the employer or association shall notify the Secretary of Labor in writing, and the Secretary of Labor shall acknowledge in writing the receipt of such withdrawal notice. An employer who withdraws an application under subsection (a), or on whose behalf an application is withdrawn, is relieved of the obligations undertaken in the application.

"(2) LIMITATION.—An application may not be withdrawn while any alien provided status under section 101(a)(15)(H)(ii)(a) pursuant to such application is employed by the employer.

"(3) OBLIGATIONS UNDER OTHER STATUTES.—Any obligation incurred by an employer under any other law or regulation as a result of the recruitment of United States workers or H–2A workers under an offer of terms and conditions of employment required as a result of making an application under subsection (a) is unaffected by withdrawal of such application.

"(e) REVIEW AND APPROVAL OF APPLICATIONS.—

"(1) RESPONSIBILITY OF EMPLOYERS.—The employer shall make available for public examination, within 1 working day after the date on which an application under subsection (a) is filed, at the employer's principal place of business or worksite, a copy of each such application (and such accompanying documents as are necessary).

"(2) Responsibility of the Secretary of Labor.—

"(A) Compilation of list.—The Secretary of Labor shall compile, on a current basis, a list (by employer and by occupational classification) of the applications filed under subsection (a). Such list shall include the wage rate, number of workers sought, period of intended employment, and date of need. The Secretary of Labor shall make such list available for examination in the District of Columbia.

"(B) Review of applications.—The Secretary of Labor shall review such an application only for completeness and obvious inaccuracies. Unless the Secretary of Labor finds that the application is incomplete or obviously inaccurate, the Secretary of Labor shall certify that the intending employer has filed with the Secretary of Labor an application as described in subsection (a). Such certification shall be provided within 7 days of the filing of the application."

"SEC. 218A. H-2A EMPLOYMENT REQUIREMENTS.

"(a) Preferential Treatment of Aliens Prohibited.—Employers seeking to hire United States workers shall offer the United States workers no less than the same benefits, wages, and working conditions that the employer is offering, intends to offer, or will provide to H–2A workers. Conversely, no job offer may impose on United States workers any restrictions or obligations which will not be imposed on the employer's H–2A workers.

"(b) Minimum Benefits, Wages, and Working Conditions.—Except in cases where higher benefits, wages, or working conditions are required by the provisions of subsection (a), in order to protect similarly employed United States workers from adverse effects with respect to benefits, wages, and working conditions, every job offer which shall accompany an application under section 218(b)(2) shall include each of the following benefit, wage, and working condition provisions:

"(1) Requirement to provide housing or a housing allowance.—

"(A) In general.—An employer applying under section 218(a) for H–2A workers shall offer to provide housing at no cost to all workers in job opportunities for which the employer has applied under that section and to all other workers in the same occupation at the place of employment, whose place of residence is beyond normal commuting distance.

"(B) Type of housing.—In complying with subparagraph (A), an employer may, at the employer's election, provide housing that meets applicable Federal standards for temporary labor camps or secure housing that meets applicable local standards for rental or public accommodation housing or other substantially similar class of habitation, or in the absence of applicable local standards, State standards for rental or public accommodation housing or other substantially similar class of habitation. In the absence of applicable local or State standards, Federal temporary labor camp standards shall apply.

"(C) Family housing.—If it is the prevailing practice in the occupation and area of intended employment to provide family housing, family housing shall be provided to workers with families who request it.

"(D) Workers engaged in the range production of livestock.—The Secretary of Labor shall issue regulations that address the specific requirements for the provision of housing to workers engaged in the range production of livestock.

"(E) Limitation.—Nothing in this paragraph shall be construed to require an employer to provide or secure housing for persons who were not entitled to such housing under the temporary labor certification regulations in effect on June 1, 1986.

"(F) Charges for housing.—

"(i) Charges for public housing.—If public housing provided for migrant agricultural workers under the auspices of a local, county, or State government is secured by an employer, and use of the public housing unit normally requires charges from migrant workers, such charges shall be paid by the employer directly to the appropriate individual or entity affiliated with the housing's management.

"(ii) Deposit charges.—Charges in the form of deposits for bedding or other similar incidentals related to housing shall not be levied upon workers by employers who provide housing for their workers. An employer may require a worker found to have been responsible for damage to such housing which is not the result of normal wear and tear related to habitation to reimburse the employer for the reasonable cost of repair of such damage.

"(G) Housing allowance as alternative.—

"(i) In general.—If the requirement set out in clause (ii) is satisfied, the employer may provide a reasonable housing allowance instead of offering housing under subparagraph (A). Upon the request of a worker seeking assistance in locating housing, the employer shall make a good faith effort to assist the worker in identifying and locating housing in the area of intended employment. An employer who offers a housing allowance to a worker, or assists a worker in locating housing which the worker occupies, pursuant to this clause shall not be deemed a housing provider under section 203 of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1823) solely by virtue of providing such housing allowance. No housing allowance may be used for housing which is owned or controlled by the employer.

"(ii) Certification.—The requirement of this clause is satisfied if the Governor of the State certifies to the Secretary of Labor that there is adequate housing available in the area of intended employment for migrant farm workers and H–2A workers who are seeking temporary housing while employed in agricultural work. Such certification shall expire after 3 years unless renewed by the Governor of the State.

"(iii) Amount of allowance.—

"(I) Nonmetropolitan counties.—If the place of employment of the workers provided an allowance under this subparagraph is a nonmetropolitan county, the amount of the housing allowance under this subparagraph shall be equal to the statewide average fair market rental for existing housing for nonmetropolitan counties for the State, as established by the Secretary of Housing and Urban Development pursuant to section 8(c) of the United States Housing Act of 1937 (42 U.S.C. 1437f(c)), based on a 2-bedroom dwelling unit and an assumption of 2 persons per bedroom.

"(II) Metropolitan counties.—If the place of employment of the workers provided an allowance under this paragraph is in a metropolitan county, the amount of the housing allowance under this subparagraph shall be equal to the statewide average fair market rental for existing housing for metropolitan counties for the State, as established by the Secretary of Housing and Urban Development pursuant to section 8(c) of the United States Housing Act of 1937 (42 U.S.C. 1437f(c)), based on a 2-bedroom dwelling unit and an assumption of 2 persons per bedroom.

"(2) Reimbursement of transportation.—

"(A) To place of employment.—A worker who completes 50 percent of the period of employment of the job opportunity for which the worker was hired shall be reimbursed by the employer for the cost of the worker's transportation and subsistence from the place from which the worker came to work for the employer (or place of last employment, if the worker traveled from such place) to the place of employment.

"(B) From place of employment.—A worker who completes the period of employment for the job opportunity involved shall be reimbursed by the employer for the cost of the worker's transportation and subsistence from the place of employment to the place from which the worker, disregarding intervening employment, came to work for the employer, or to the place of next employment, if the worker has contracted with a subsequent employer who has not agreed to provide or pay for the worker's transportation and subsistence to such subsequent employer's place of employment.

"(C) Limitation.—

"(i) Amount of reimbursement.—Except as provided in clause (ii), the amount of reimbursement provided under subparagraph (A) or (B) to a worker or alien shall not exceed the lesser of—

"(I) the actual cost to the worker or alien of the transportation and subsistence involved; or

"(II) the most economical and reasonable common carrier transportation charges and subsistence costs for the distance involved.

"(ii) Distance traveled.—No reimbursement under subparagraph (A) or (B) shall be required if the distance traveled is 100 miles or less, or the worker is not residing in employer-provided housing or housing secured through an allowance as provided in paragraph (1)(G).

"(D) Early termination.—If the worker is laid off or employment is terminated for contract impossibility (as described in paragraph (4)(D)) before the anticipated ending date of employment, the employer shall provide the transportation and subsistence required by subparagraph (B) and, notwithstanding whether the worker has completed 50 percent of the period of employment, shall provide the transportation reimbursement required by subparagraph (A).

"(E) Transportation between living quarters and worksite.—The employer shall provide transportation between the worker's living quarters and the employer's worksite without cost to the worker, and such transportation will be in accordance with applicable laws and regulations.

"(3) Required wages.—

"(A) In general.—An employer applying for workers under section 218(a) shall offer to pay, and shall pay, all workers in the occupation for which the employer has applied for workers, not less (and is not required to pay more) than the greater of the prevailing wage in the occupation in the area of intended employment or the adverse effect wage rate. No worker shall be paid less than the greater of the hourly wage prescribed under section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) or the applicable State minimum wage.

"(B) Limitation.—Effective on the date of the enactment of the Agricultural Job Opportunities, Benefits, and Security Act of 2007 and continuing for 3 years thereafter, no adverse effect wage rate for a State may be more than the adverse effect wage rate for that State in effect on January 1, 2003, as established by section 655.107 of title 20, Code of Federal Regulations.

“(C) REQUIRED WAGES AFTER 3-YEAR FREEZE.—

“(i) FIRST ADJUSTMENT.—If Congress does not set a new wage standard applicable to this section before the first March 1 that is not less than 3 years after the date of enactment of this section, the adverse effect wage rate for each State beginning on such March 1 shall be the wage rate that would have resulted if the adverse effect wage rate in effect on January 1, 2003, had been annually adjusted, beginning on March 1, 2006, by the lesser of—

“(I) the 12-month percentage change in the Consumer Price Index for All Urban Consumers between December of the second preceding year and December of the preceding year; and

“(II) 4 percent.

“(ii) SUBSEQUENT ANNUAL ADJUSTMENTS.—Beginning on the first March 1 that is not less than 4 years after the date of enactment of this section, and each March 1 thereafter, the adverse effect wage rate then in effect for each State shall be adjusted by the lesser of—

“(I) the 12-month percentage change in the Consumer Price Index for All Urban Consumers between December of the second preceding year and December of the preceding year; and

“(II) 4 percent.

“(D) DEDUCTIONS.—The employer shall make only those deductions from the worker's wages that are authorized by law or are reasonable and customary in the occupation and area of employment. The job offer shall specify all deductions not required by law which the employer will make from the worker's wages.

“(E) FREQUENCY OF PAY.—The employer shall pay the worker not less frequently than twice monthly, or in accordance with the prevailing practice in the area of employment, whichever is more frequent.

“(F) HOURS AND EARNINGS STATEMENTS.—The employer shall furnish to the worker, on or before each payday, in 1 or more written statements—

“(i) the worker's total earnings for the pay period;

“(ii) the worker's hourly rate of pay, piece rate of pay, or both;

“(iii) the hours of employment which have been offered to the worker (broken out by hours offered in accordance with and over and above the ¾ guarantee described in paragraph (4);

“(iv) the hours actually worked by the worker;

“(v) an itemization of the deductions made from the worker's wages; and

“(vi) if piece rates of pay are used, the units produced daily.

“(G) REPORT ON WAGE PROTECTIONS.—Not later than December 31, 2009, the Comptroller General of the United States shall prepare and transmit to the Secretary of Labor, the Committee on the Judiciary of the Senate, and Committee on the Judiciary of the House of Representatives, a report that addresses—

“(i) whether the employment of H–2A or unauthorized aliens in the United States agricultural workforce has depressed United States farm worker wages below the levels that would otherwise have prevailed if alien farm workers had not been employed in the United States;

“(ii) whether an adverse effect wage rate is necessary to prevent wages of United States farm workers in occupations in which H–2A workers are employed from falling below the wage levels that would have prevailed in the absence of the employment of H–2A workers in those occupations;

“(iii) whether alternative wage standards, such as a prevailing wage standard, would be sufficient to prevent wages in occupations in which H–2A workers are employed from falling below the wage level that would have prevailed in the absence of H–2A employment;

“(iv) whether any changes are warranted in the current methodologies for calculating the adverse effect wage rate and the prevailing wage; and

“(v) recommendations for future wage protection under this section.

“(H) COMMISSION ON WAGE STANDARDS.—

“(i) ESTABLISHMENT.—There is established the Commission on Agricultural Wage Standards under the H–2A program (in this subparagraph referred to as the ‘Commission’).

“(ii) COMPOSITION.—The Commission shall consist of 10 members as follows:

“(I) Four representatives of agricultural employers and 1 representative of the Department of Agriculture, each appointed by the Secretary of Agriculture.

“(II) Four representatives of agricultural workers and 1 representative of the Department of Labor, each appointed by the Secretary of Labor.

“(iii) FUNCTIONS.—The Commission shall conduct a study that shall address—

“(I) whether the employment of H–2A or unauthorized aliens in the United States agricultural workforce has depressed United States farm worker wages below the levels that would otherwise have prevailed if alien farm workers had not been employed in the United States;

“(II) whether an adverse effect wage rate is necessary to prevent wages of United States farm workers in occupations in which H–2A workers are employed from falling below the wage levels that would have prevailed in the absence of the employment of H–2A workers in those occupations;

“(III) whether alternative wage standards, such as a prevailing wage standard, would be sufficient to prevent wages in occupations in which H–2A workers are employed from falling below the wage level that would have prevailed in the absence of H–2A employment;

“(IV) whether any changes are warranted in the current methodologies for calculating the adverse effect wage rate and the prevailing wage rate; and

“(V) recommendations for future wage protection under this section.

“(iv) FINAL REPORT.—Not later than December 31, 2009, the Commission shall submit a report to the Congress setting forth the findings of the study conducted under clause (iii).

“(v) TERMINATION DATE.—The Commission shall terminate upon submitting its final report.

“(4) GUARANTEE OF EMPLOYMENT.—

“(A) OFFER TO WORKER.—The employer shall guarantee to offer the worker employment for the hourly equivalent of at least ¾ of the work days of the total period of employment, beginning with the first work day after the arrival of the worker at the place of employment and ending on the expiration date specified in the job offer. For purposes of this subparagraph, the hourly equivalent means the number of hours in the work days as stated in the job offer and shall exclude the worker's Sabbath and Federal holidays. If the employer affords the United States or H–2A worker less employment than that required under this paragraph, the employer shall pay such worker the amount which the worker would have earned had the worker, in fact, worked for the guaranteed number of hours.

“(B) FAILURE TO WORK.—Any hours which the worker fails to work, up to a maximum of the number of hours specified in the job offer for a work day, when the worker has been offered an opportunity to do so, and all hours of work actually performed (including voluntary work in excess of the number of hours specified in the job offer in a work day, on the worker's Sabbath, or on Federal holidays) may be counted by the employer in calculating whether the period of guaranteed employment has been met.

“(C) ABANDONMENT OF EMPLOYMENT, TERMINATION FOR CAUSE.—If the worker voluntarily abandons employment before the end of the contract period, or is terminated for cause, the worker is not entitled to the ‘¾ guarantee’ described in subparagraph (A).

“(D) CONTRACT IMPOSSIBILITY.—If, before the expiration of the period of employment specified in the job offer, the services of the worker are no longer required for reasons beyond the control of the employer due to any form of natural disaster, including a flood, hurricane, freeze, earthquake, fire, drought, plant or animal disease or pest infestation, or regulatory drought, before the guarantee in subparagraph (A) is fulfilled, the employer may terminate the worker's employment. In the event of such termination, the employer shall fulfill the employment guarantee in subparagraph (A) for the work days that have elapsed from the first work day after the arrival of the worker to the termination of employment. In such cases, the employer will make efforts to transfer the United States worker to other comparable employment acceptable to the worker. If such transfer is not effected, the employer shall provide the return transportation required in paragraph (2)(D).

“(5) MOTOR VEHICLE SAFETY.—

“(A) MODE OF TRANSPORTATION SUBJECT TO COVERAGE.—

“(i) IN GENERAL.—Except as provided in clauses (iii) and (iv), this subsection applies to any H–2A employer that uses or causes to be used any vehicle to transport an H–2A worker within the United States.

“(ii) DEFINED TERM.—In this paragraph, the term ‘uses or causes to be used’—

“(I) applies only to transportation provided by an H–2A employer to an H–2A worker, or by a farm labor contractor to an H–2A worker at the request or direction of an H–2A employer; and

“(II) does not apply to—

“(aa) transportation provided, or transportation arrangements made, by an H–2A worker, unless the employer specifically requested or arranged such transportation; or

“(bb) car pooling arrangements made by H–2A workers themselves, using 1 of the workers' own vehicles, unless specifically requested by the employer directly or through a farm labor contractor.

“(iii) CLARIFICATION.—Providing a job offer to an H–2A worker that causes the worker to travel to or from the place of employment, or the payment or reimbursement of the transportation costs of an H–2A worker by an H–2A employer, shall not constitute an arrangement of, or participation in, such transportation.

“(iv) AGRICULTURAL MACHINERY AND EQUIPMENT EXCLUDED.—This subsection does not apply to the transportation of an H–2A worker on a tractor, combine, harvester, picker, or other similar machinery or equipment while such worker is actually engaged in the planting, cultivating, or harvesting of agricultural commodities or the care of livestock or poultry or engaged in transportation incidental thereto.

“(v) COMMON CARRIERS EXCLUDED.—This subsection does not apply to common carrier motor vehicle transportation in which the provider holds itself out to the general public as engaging in the transportation of passengers for hire and holds a valid certification of authorization for such purposes from an appropriate Federal, State, or local agency.

“(B) APPLICABILITY OF STANDARDS, LICENSING, AND INSURANCE REQUIREMENTS.—

“(i) IN GENERAL.—When using, or causing to be used, any vehicle for the purpose of providing transportation to which this subparagraph applies, each employer shall—

“(I) ensure that each such vehicle conforms to the standards prescribed by the Secretary of Labor under section 401(b) of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1841(b)) and other applicable Federal and State safety standards;

“(II) ensure that each driver has a valid and appropriate license, as provided by State law, to operate the vehicle; and

“(III) have an insurance policy or a liability bond that is in effect which insures the employer against liability for damage to persons or property arising from the ownership, operation, or causing to be operated, of any vehicle used to transport any H-2A worker.

“(ii) AMOUNT OF INSURANCE REQUIRED.—The level of insurance required shall be determined by the Secretary of Labor pursuant to regulations to be issued under this subsection.

“(iii) EFFECT OF WORKERS' COMPENSATION COVERAGE.—If the employer of any H-2A worker provides workers' compensation coverage for such worker in the case of bodily injury or death as provided by State law, the following adjustments in the requirements of subparagraph (B)(i)(III) relating to having an insurance policy or liability bond apply:

“(I) No insurance policy or liability bond shall be required of the employer, if such workers are transported only under circumstances for which there is coverage under such State law.

“(II) An insurance policy or liability bond shall be required of the employer for circumstances under which coverage for the transportation of such workers is not provided under such State law.

“(c) COMPLIANCE WITH LABOR LAWS.—An employer shall assure that, except as otherwise provided in this section, the employer will comply with all applicable Federal, State, and local labor laws, including laws affecting migrant and seasonal agricultural workers, with respect to all United States workers and alien workers employed by the employer, except that a violation of this assurance shall not constitute a violation of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1801 et seq.).

“(d) COPY OF JOB OFFER.—The employer shall provide to the worker, not later than the day the work commences, a copy of the employer's application and job offer described in section 218(a), or, if the employer will require the worker to enter into a separate employment contract covering the employment in question, such separate employment contract.

“(e) RANGE PRODUCTION OF LIVESTOCK.—Nothing in this section, section 218, or section 218B shall preclude the Secretary of Labor and the Secretary from continuing to apply special procedures and requirements to the admission and employment of aliens in occupations involving the range production of livestock.

“SEC. 218B. PROCEDURE FOR ADMISSION AND EXTENSION OF STAY OF H-2A WORKERS.

“(a) PETITIONING FOR ADMISSION.—An employer, or an association acting as an agent or joint employer for its members, that seeks the admission into the United States of an H-2A worker may file a petition with the Secretary. The petition shall be accompanied by an accepted and currently valid certification provided by the Secretary of Labor under section 218(e)(2)(B) covering the petitioner.

“(b) EXPEDITED ADJUDICATION BY THE SECRETARY.—The Secretary shall establish a procedure for expedited adjudication of petitions filed under subsection (a) and within 7 working days shall, by fax, cable, or other means assuring expedited delivery, transmit a copy of notice of action on the petition to the petitioner and, in the case of approved petitions, to the appropriate immigration officer at the port of entry or United States consulate (as the case may be) where the petitioner has indicated that the alien beneficiary (or beneficiaries) will apply for a visa or admission to the United States.

“(c) CRITERIA FOR ADMISSIBILITY.—

“(1) IN GENERAL.—An H-2A worker shall be considered admissible to the United States if the alien is otherwise admissible under this section, section 218, and section 218A, and the alien is not ineligible under paragraph (2).

“(2) DISQUALIFICATION.—An alien shall be considered inadmissible to the United States and ineligible for nonimmigrant status under section 101(a)(15)(H)(ii)(a) if the alien has, at any time during the past 5 years—

“(A) violated a material provision of this section, including the requirement to promptly depart the United States when the alien's authorized period of admission under this section has expired; or

“(B) otherwise violated a term or condition of admission into the United States as a nonimmigrant, including overstaying the period of authorized admission as such a nonimmigrant.

“(3) WAIVER OF INELIGIBILITY FOR UNLAWFUL PRESENCE.—

“(A) IN GENERAL.—An alien who has not previously been admitted into the United States pursuant to this section, and who is otherwise eligible for admission in accordance with paragraphs (1) and (2), shall not be deemed inadmissible by virtue of section 212(a)(9)(B). If an alien described in the preceding sentence is present in the United States, the alien may apply from abroad for H-2A status, but may not be granted that status in the United States.

“(B) MAINTENANCE OF WAIVER.—An alien provided an initial waiver of ineligibility pursuant to subparagraph (A) shall remain eligible for such waiver unless the alien violates the terms of this section or again becomes ineligible under section 212(a)(9)(B) by virtue of unlawful presence in the United States after the date of the initial waiver of ineligibility pursuant to subparagraph (A).

“(d) PERIOD OF ADMISSION.—

“(1) IN GENERAL.—The alien shall be admitted for the period of employment in the application certified by the Secretary of Labor pursuant to section 218(e)(2)(B), not to exceed 10 months, supplemented by a period of not more than 1 week before the beginning of the period of employment for the purpose of travel to the worksite and a period of 14 days following the period of employment for the purpose of departure or extension based on a subsequent offer of employment, except that—

“(A) the alien is not authorized to be employed during such 14-day period except in the employment for which the alien was previously authorized; and

“(B) the total period of employment, including such 14-day period, may not exceed 10 months.

“(2) CONSTRUCTION.—Nothing in this subsection shall limit the authority of the Secretary to extend the stay of the alien under any other provision of this Act.

“(e) ABANDONMENT OF EMPLOYMENT.—

“(1) IN GENERAL.—An alien admitted or provided status under section 101(a)(15)(H)(ii)(a) who abandons the employment which was the basis for such admission or status shall be considered to have failed to maintain nonimmigrant status as an H-2A worker and shall depart the United States or be subject to removal under section 237(a)(1)(C)(i).

“(2) REPORT BY EMPLOYER.—The employer, or association acting as agent for the employer, shall notify the Secretary not later than 7 days after an H-2A worker prematurely abandons employment.

“(3) REMOVAL BY THE SECRETARY.—The Secretary shall promptly remove from the United States any H-2A worker who violates any term or condition of the worker's nonimmigrant status.

“(4) VOLUNTARY TERMINATION.—Notwithstanding paragraph (1), an alien may voluntarily terminate his or her employment if the alien promptly departs the United States upon termination of such employment.

“(f) REPLACEMENT OF ALIEN.—

“(1) IN GENERAL.—Upon presentation of the notice to the Secretary required by subsection (e)(2), the Secretary of State shall promptly issue a visa to, and the Secretary shall admit into the United States, an eligible alien designated by the employer to replace an H-2A worker—

“(A) who abandons or prematurely terminates employment; or

“(B) whose employment is terminated after a United States worker is employed pursuant to section 218(b)(2)(H)(iii), if the United States worker voluntarily departs before the end of the period of intended employment or if the employment termination is for a lawful job-related reason.

“(2) CONSTRUCTION.—Nothing in this subsection is intended to limit any preference required to be accorded United States workers under any other provision of this Act.

“(g) IDENTIFICATION DOCUMENT.—

“(1) IN GENERAL.—Each alien authorized to be admitted under section 101(a)(15)(H)(ii)(a) shall be provided an identification and employment eligibility document to verify eligibility for employment in the United States and verify the alien's identity.

“(2) REQUIREMENTS.—No identification and employment eligibility document may be issued which does not meet the following requirements:

“(A) The document shall be capable of reliably determining whether—

“(i) the individual with the identification and employment eligibility document whose eligibility is being verified is in fact eligible for employment;

“(ii) the individual whose eligibility is being verified is claiming the identity of another person; and

“(iii) the individual whose eligibility is being verified is authorized to be admitted into, and employed in, the United States as an H-2A worker.

"(B) The document shall be in a form that is resistant to counterfeiting and to tampering.

"(C) The document shall—

"(i) be compatible with other databases of the Secretary for the purpose of excluding aliens from benefits for which they are not eligible and determining whether the alien is unlawfully present in the United States; and

"(ii) be compatible with law enforcement databases to determine if the alien has been convicted of criminal offenses.

"(h) EXTENSION OF STAY OF H–2A ALIENS IN THE UNITED STATES.—

"(1) EXTENSION OF STAY.—If an employer seeks approval to employ an H–2A alien who is lawfully present in the United States, the petition filed by the employer or an association pursuant to subsection (a), shall request an extension of the alien's stay and a change in the alien's employment.

"(2) LIMITATION ON FILING A PETITION FOR EXTENSION OF STAY.—A petition may not be filed for an extension of an alien's stay—

"(A) for a period of more than 10 months; or

"(B) to a date that is more than 3 years after the date of the alien's last admission to the United States under this section.

"(3) WORK AUTHORIZATION UPON FILING A PETITION FOR EXTENSION OF STAY.—

"(A) IN GENERAL.—An alien who is lawfully present in the United States may commence the employment described in a petition under paragraph (1) on the date on which the petition is filed.

"(B) DEFINITION.—For purposes of subparagraph (A), the term 'file' means sending the petition by certified mail via the United States Postal Service, return receipt requested, or delivered by guaranteed commercial delivery which will provide the employer with a documented acknowledgment of the date of receipt of the petition.

"(C) HANDLING OF PETITION.—The employer shall provide a copy of the employer's petition to the alien, who shall keep the petition with the alien's identification and employment eligibility document as evidence that the petition has been filed and that the alien is authorized to work in the United States.

"(D) APPROVAL OF PETITION.—Upon approval of a petition for an extension of stay or change in the alien's authorized employment, the Secretary shall provide a new or updated employment eligibility document to the alien indicating the new validity date, after which the alien is not required to retain a copy of the petition.

"(4) LIMITATION ON EMPLOYMENT AUTHORIZATION OF ALIENS WITHOUT VALID IDENTIFICATION AND EMPLOYMENT ELIGIBILITY DOCUMENT.—An expired identification and employment eligibility document, together with a copy of a petition for extension of stay or change in the alien's authorized employment that complies with the requirements of paragraph (1), shall constitute a valid work authorization document for a period of not more than 60 days beginning on the date on which such petition is filed, after which time only a currently valid identification and employment eligibility document shall be acceptable.

"(5) LIMITATION ON AN INDIVIDUAL'S STAY IN STATUS.—

"(A) MAXIMUM PERIOD.—The maximum continuous period of authorized status as an H–2A worker (including any extensions) is 3 years.

"(B) REQUIREMENT TO REMAIN OUTSIDE THE UNITED STATES.—

"(i) IN GENERAL.—Subject to clause (ii), in the case of an alien outside the United States whose period of authorized status as an H–2A worker (including any extensions) has expired, the alien may not again apply for admission to the United States as an H–2A worker unless the alien has remained outside the United States for a continuous period equal to at least ⅕ the duration of the alien's previous period of authorized status as an H–2A worker (including any extensions).

"(ii) EXCEPTION.—Clause (i) shall not apply in the case of an alien if the alien's period of authorized status as an H–2A worker (including any extensions) was for a period of not more than 10 months and such alien has been outside the United States for at least 2 months during the 12 months preceding the date the alien again is applying for admission to the United States as an H–2A worker.

"(i) SPECIAL RULES FOR ALIENS EMPLOYED AS SHEEPHERDERS, GOAT HERDERS, OR DAIRY WORKERS.—Notwithstanding any provision of the Agricultural Job Opportunities, Benefits, and Security Act of 2007, an alien admitted under section 101(a)(15)(H)(ii)(a) for employment as a sheepherder, goat herder, or dairy worker—

"(1) may be admitted for an initial period of 12 months;

"(2) subject to subsection (j)(5), may have such initial period of admission extended for a period of up to 3 years; and

"(3) shall not be subject to the requirements of subsection (h)(5) (relating to periods of absence from the United States).

"(j) ADJUSTMENT TO LAWFUL PERMANENT RESIDENT STATUS FOR ALIENS EMPLOYED AS SHEEPHERDERS, GOAT HERDERS, OR DAIRY WORKERS.—

"(1) ELIGIBLE ALIEN.—For purposes of this subsection, the term 'eligible alien' means an alien—

"(A) having nonimmigrant status under section 101(a)(15)(H)(ii)(a) based on employment as a sheepherder, goat herder, or dairy worker;

"(B) who has maintained such nonimmigrant status in the United States for a cumulative total of 36 months (excluding any period of absence from the United States); and

"(C) who is seeking to receive an immigrant visa under section 203(b)(3)(A)(iii).

"(2) CLASSIFICATION PETITION.—In the case of an eligible alien, the petition under section 204 for classification under section 203(b)(3)(A)(iii) may be filed by—

"(A) the alien's employer on behalf of the eligible alien; or

"(B) the eligible alien.

"(3) NO LABOR CERTIFICATION REQUIRED.—Notwithstanding section 203(b)(3)(C), no determination under section 212(a)(5)(A) is required with respect to an immigrant visa described in paragraph (1)(C) for an eligible alien.

"(4) EFFECT OF PETITION.—The filing of a petition described in paragraph (2) or an application for adjustment of status based on the approval of such a petition shall not constitute evidence of an alien's ineligibility for nonimmigrant status under section 101(a)(15)(H)(ii)(a).

"(5) EXTENSION OF STAY.—The Secretary shall extend the stay of an eligible alien having a pending or approved classification petition described in paragraph (2) in 1-year increments until a final determination is made on the alien's eligibility for adjustment of status to that of an alien lawfully admitted for permanent residence.

"(6) CONSTRUCTION.—Nothing in this subsection shall be construed to prevent an eligible alien from seeking adjustment of status in accordance with any other provision of law.

"SEC. 218C. WORKER PROTECTIONS AND LABOR STANDARDS ENFORCEMENT.

"(a) ENFORCEMENT AUTHORITY.—

"(1) INVESTIGATION OF COMPLAINTS.—

"(A) AGGRIEVED PERSON OR THIRD-PARTY COMPLAINTS.—The Secretary of Labor shall establish a process for the receipt, investigation, and disposition of complaints respecting a petitioner's failure to meet a condition specified in section 218(b), or an employer's misrepresentation of material facts in an application under section 218(a). Complaints may be filed by any aggrieved person or organization (including bargaining representatives). No investigation or hearing shall be conducted on a complaint concerning such a failure or misrepresentation unless the complaint was filed not later than 12 months after the date of the failure, or misrepresentation, respectively. The Secretary of Labor shall conduct an investigation under this subparagraph if there is reasonable cause to believe that such a failure or misrepresentation has occurred.

"(B) DETERMINATION ON COMPLAINT.—Under such process, the Secretary of Labor shall provide, within 30 days after the date such a complaint is filed, for a determination as to whether or not a reasonable basis exists to make a finding described in subparagraph (C), (D), (E), or (G). If the Secretary of Labor determines that such a reasonable basis exists, the Secretary of Labor shall provide for notice of such determination to the interested parties and an opportunity for a hearing on the complaint, in accordance with section 556 of title 5, United States Code, within 60 days after the date of the determination. If such a hearing is requested, the Secretary of Labor shall make a finding concerning the matter not later than 60 days after the date of the hearing. In the case of similar complaints respecting the same applicant, the Secretary of Labor may consolidate the hearings under this subparagraph on such complaints.

"(C) FAILURES TO MEET CONDITIONS.—If the Secretary of Labor finds, after notice and opportunity for a hearing, a failure to meet a condition of paragraph (1)(A), (1)(B), (1)(D), (1)(F), (2)(A), (2)(B), or (2)(G) of section 218(b), a substantial failure to meet a condition of paragraph (1)(C), (1)(E), (2)(C), (2)(D), (2)(E), or (2)(H) of section 218(b), or a material misrepresentation of fact in an application under section 218(a)—

"(i) the Secretary of Labor shall notify the Secretary of such finding and may, in addition, impose such other administrative remedies (including civil money penalties in an amount not to exceed $1,000 per violation) as the Secretary of Labor determines to be appropriate; and

"(ii) the Secretary may disqualify the employer from the employment of aliens described in section 101(a)(15)(H)(ii)(a) for a period of 1 year.

"(D) WILLFUL FAILURES AND WILLFUL MISREPRESENTATIONS.—If the Secretary of Labor finds, after notice and opportunity for hearing, a willful failure to meet a condition of section 218(b), a willful misrepresentation of a material fact in an application under section 218(a), or a violation of subsection (d)(1)—

"(i) the Secretary of Labor shall notify the Secretary of such finding and may, in addition, impose such other administrative remedies (including civil money penalties in an amount not to exceed $5,000 per violation) as the Secretary of Labor determines to be appropriate;

"(ii) the Secretary of Labor may seek appropriate legal or equitable relief to effectuate the purposes of subsection (d)(1); and

"(iii) the Secretary may disqualify the employer from the employment of H–2A workers for a period of 2 years.

"(E) DISPLACEMENT OF UNITED STATES WORKERS.—If the Secretary of Labor finds, after notice and opportunity for hearing, a willful failure to meet a condition of section 218(b) or a willful misrepresentation of a material fact in an application under section 218(a), in the course of which failure or misrepresentation the employer displaced a United States worker employed by the employer during the period of employment on the employer's application under section 218(a) or during the period of 30 days preceding such period of employment—

"(i) the Secretary of Labor shall notify the Secretary of such finding and may, in addition, impose such other administrative remedies (including civil money penalties in an amount not to exceed $15,000 per violation) as the Secretary of Labor determines to be appropriate; and

"(ii) the Secretary may disqualify the employer from the employment of H–2A workers for a period of 3 years.

"(F) LIMITATIONS ON CIVIL MONEY PENALTIES.—The Secretary of Labor shall not impose total civil money penalties with respect to an application under section 218(a) in excess of $90,000.

"(G) FAILURES TO PAY WAGES OR REQUIRED BENEFITS.—If the Secretary of Labor finds, after notice and opportunity for a hearing, that the employer has failed to pay the wages, or provide the housing allowance, transportation, subsistence reimbursement, or guarantee of employment, required under section 218A(b), the Secretary of Labor shall assess payment of back wages, or other required benefits, due any United States worker or H–2A worker employed by the employer in the specific employment in question. The back wages or other required benefits under section 218A(b) shall be equal to the difference between the amount that should have been paid and the amount that actually was paid to such worker.

"(2) STATUTORY CONSTRUCTION.—Nothing in this section shall be construed as limiting the authority of the Secretary of Labor to conduct any compliance investigation under any other labor law, including any law affecting migrant and seasonal agricultural workers, or, in the absence of a complaint under this section, under section 218 or 218A.

"(b) RIGHTS ENFORCEABLE BY PRIVATE RIGHT OF ACTION.—H–2A workers may enforce the following rights through the private right of action provided in subsection (c), and no other right of action shall exist under Federal or State law to enforce such rights:

"(1) The providing of housing or a housing allowance as required under section 218A(b)(1).

"(2) The reimbursement of transportation as required under section 218A(b)(2).

"(3) The payment of wages required under section 218A(b)(3) when due.

"(4) The benefits and material terms and conditions of employment expressly provided in the job offer described in section 218(a)(2), not including the assurance to comply with other Federal, State, and local labor laws described in section 218A(c), compliance with which shall be governed by the provisions of such laws.

"(5) The guarantee of employment required under section 218A(b)(4).

"(6) The motor vehicle safety requirements under section 218A(b)(5).

"(7) The prohibition of discrimination under subsection (d)(2).

"(c) PRIVATE RIGHT OF ACTION.—

"(1) MEDIATION.—Upon the filing of a complaint by an H–2A worker aggrieved by a violation of rights enforceable under subsection (b), and within 60 days of the filing of proof of service of the complaint, a party to the action may file a request with the Federal Mediation and Conciliation Service to assist the parties in reaching a satisfactory resolution of all issues involving all parties to the dispute. Upon a filing of such request and giving of notice to the parties, the parties shall attempt mediation within the period specified in subparagraph (B).

"(A) MEDIATION SERVICES.—The Federal Mediation and Conciliation Service shall be available to assist in resolving disputes arising under subsection (b) between H–2A workers and agricultural employers without charge to the parties.

"(B) 90-DAY LIMIT.—The Federal Mediation and Conciliation Service may conduct mediation or other nonbinding dispute resolution activities for a period not to exceed 90 days beginning on the date on which the Federal Mediation and Conciliation Service receives the request for assistance unless the parties agree to an extension of this period of time.

"(C) AUTHORIZATION.—

"(i) IN GENERAL.—Subject to clause (ii), there are authorized to be appropriated to the Federal Mediation and Conciliation Service $500,000 for each fiscal year to carry out this section.

"(ii) MEDIATION.—Notwithstanding any other provision of law, the Director of the Federal Mediation and Conciliation Service is authorized to conduct the mediation or other dispute resolution activities from any other appropriated funds available to the Director and to reimburse such appropriated funds when the funds are appropriated pursuant to this authorization, such reimbursement to be credited to appropriations currently available at the time of receipt.

"(2) MAINTENANCE OF CIVIL ACTION IN DISTRICT COURT BY AGGRIEVED PERSON.—An H–2A worker aggrieved by a violation of rights enforceable under subsection (b) by an agricultural employer or other person may file suit in any district court of the United States having jurisdiction over the parties, without regard to the amount in controversy, without regard to the citizenship of the parties, and without regard to the exhaustion of any alternative administrative remedies under this Act, not later than 3 years after the date the violation occurs.

"(3) ELECTION.—An H–2A worker who has filed an administrative complaint with the Secretary of Labor may not maintain a civil action under paragraph (2) unless a complaint based on the same violation filed with the Secretary of Labor under subsection (a)(1) is withdrawn before the filing of such action, in which case the rights and remedies available under this subsection shall be exclusive.

"(4) PREEMPTION OF STATE CONTRACT RIGHTS.—Nothing in this Act shall be construed to diminish the rights and remedies of an H–2A worker under any other Federal or State law or regulation or under any collective bargaining agreement, except that no court or administrative action shall be available under any State contract law to enforce the rights created by this Act.

"(5) WAIVER OF RIGHTS PROHIBITED.—Agreements by employees purporting to waive or modify their rights under this Act shall be void as contrary to public policy, except that a waiver or modification of the rights or obligations in favor of the Secretary of Labor shall be valid for purposes of the enforcement of this Act. The preceding sentence may not be construed to prohibit agreements to settle private disputes or litigation.

"(6) AWARD OF DAMAGES OR OTHER EQUITABLE RELIEF.—

"(A) If the court finds that the respondent has intentionally violated any of the rights enforceable under subsection (b), it shall award actual damages, if any, or equitable relief.

"(B) Any civil action brought under this section shall be subject to appeal as provided in chapter 83 of title 28, United States Code.

"(7) WORKERS' COMPENSATION BENEFITS; EXCLUSIVE REMEDY.—

"(A) Notwithstanding any other provision of this section, where a State's workers' compensation law is applicable and coverage is provided for an H–2A worker, the workers' compensation benefits shall be the exclusive remedy for the loss of such worker under this section in the case of bodily injury or death in accordance with such State's workers' compensation law.

"(B) The exclusive remedy prescribed in subparagraph (A) precludes the recovery under paragraph (6) of actual damages for loss from an injury or death but does not preclude other equitable relief, except that such relief shall not include back or front pay or in any manner, directly or indirectly, expand or otherwise alter or affect—

"(i) a recovery under a State workers' compensation law; or

"(ii) rights conferred under a State workers' compensation law.

"(8) TOLLING OF STATUTE OF LIMITATIONS.—If it is determined under a State workers' compensation law that the workers' compensation law is not applicable to a claim for bodily injury or death of an H–2A worker, the statute of limitations for bringing an action for actual damages for such injury or death under subsection (c) shall be tolled for the period during which the claim for such injury or death under such State workers' compensation law was pending. The statute of limitations for an action for actual damages or other equitable relief arising out of the same transaction or occurrence as the injury or death of the H–2A worker shall be tolled for the period during which the claim for such injury or death was pending under the State workers' compensation law.

"(9) PRECLUSIVE EFFECT.—Any settlement by an H–2A worker and an H–2A employer or any person reached through the mediation process required under subsection (c)(1) shall preclude any right of action arising out of the same facts between the parties in any Federal or State court or administrative proceeding, unless specifically provided otherwise in the settlement agreement.

"(10) SETTLEMENTS.—Any settlement by the Secretary of Labor with an H–2A employer on behalf of an H–2A worker of a complaint filed with the Secretary of Labor under this section or any finding by the Secretary of Labor under subsection (a)(1)(B) shall preclude any right of action arising out of the same facts between the parties under any Federal or State court or administrative proceeding, unless specifically provided otherwise in the settlement agreement.

"(d) DISCRIMINATION PROHIBITED.—

"(1) IN GENERAL.—It is a violation of this subsection for any person who has filed an application under section 218(a), to intimidate, threaten, restrain, coerce, blacklist, discharge, or in any other manner discriminate against an employee (which term, for purposes of this subsection, includes a former employee and an applicant for employment) because the employee has disclosed information to the employer, or to any other person, that the employee reasonably believes evidences a violation of section 218 or 218A or any rule or regulation pertaining to section 218 or 218A, or because the employee cooperates or seeks to cooperate in an investigation or other proceeding concerning the employer's compliance with the requirements of section 218 or 218A or any rule or regulation pertaining to either of such sections.

"(2) DISCRIMINATION AGAINST H–2A WORKERS.—It is a violation of this subsection for any person who has filed an application under section 218(a), to intimidate, threaten, restrain, coerce, blacklist, discharge, or in any manner discriminate against an H–2A employee because such worker has, with just cause, filed a complaint with the Secretary of Labor regarding a denial of the rights enumerated and enforceable under subsection (b) or instituted, or caused to be instituted, a private right of action under subsection (c) regarding the denial of the rights enumerated under subsection (b), or has testified or is about to testify in any court proceeding brought under subsection (c).

"(e) AUTHORIZATION TO SEEK OTHER APPROPRIATE EMPLOYMENT.—The Secretary of Labor and the Secretary shall establish a process under which an H–2A worker who files a complaint regarding a violation of subsection (d) and is otherwise eligible to remain and work in the United States may be allowed to seek other appropriate employment in the United States for a period not to exceed the maximum period of stay authorized for such nonimmigrant classification.

"(f) ROLE OF ASSOCIATIONS.—

"(1) VIOLATION BY A MEMBER OF AN ASSOCIATION.—An employer on whose behalf an application is filed by an association acting as its agent is fully responsible for such application, and for complying with the terms and conditions of sections 218 and 218A, as though the employer had filed the application itself. If such an employer is determined, under this section, to have committed a violation, the penalty for such violation shall apply only to that member of the association unless the Secretary of Labor determines that the association or other member participated in, had knowledge, or reason to know, of the violation, in which case the penalty shall be invoked against the association or other association member as well.

"(2) VIOLATIONS BY AN ASSOCIATION ACTING AS AN EMPLOYER.—If an association filing an application as a sole or joint employer is determined to have committed a violation under this section, the penalty for such violation shall apply only to the association unless the Secretary of Labor determines that an association member or members participated in or had knowledge, or reason to know of the violation, in which case the penalty shall be invoked against the association member or members as well.

"SEC. 218D. DEFINITIONS.

"For purposes of this section and section 218, 218A, 218B, and 218C:

"(1) AGRICULTURAL EMPLOYMENT.—The term 'agricultural employment' means any service or activity that is considered to be agricultural under section 3(f) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(f)) or agricultural labor under section 3121(g) of the Internal Revenue Code of 1986 or the performance of agricultural labor or services described in section 101(a)(15)(H)(ii)(a).

"(2) BONA FIDE UNION.—The term 'bona fide union' means any organization in which employees participate and which exists for the purpose of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or other terms and conditions of work for agricultural employees. Such term does not include an organization formed, created, administered, supported, dominated, financed, or controlled by an employer or employer association or its agents or representatives.

"(3) DISPLACE.—The term 'displace', in the case of an application with respect to 1 or more H–2A workers by an employer, means laying off a United States worker from a job for which the H–2A worker or workers is or are sought.

"(4) ELIGIBLE.—The term 'eligible', when used with respect to an individual, means an individual who is not an unauthorized alien (as defined in section 274A).

"(5) EMPLOYER.—The term 'employer' means any person or entity, including any farm labor contractor and any agricultural association, that employs workers in agricultural employment.

"(6) H–2A EMPLOYER.—The term 'H–2A employer' means an employer who seeks to hire 1 or more nonimmigrant aliens described in section 101(a)(15)(H)(ii)(a).

"(7) H–2A WORKER.—The term 'H–2A worker' means a nonimmigrant described in section 101(a)(15)(H)(ii)(a).

"(8) JOB OPPORTUNITY.—The term 'job opportunity' means a job opening for temporary or seasonal full-time employment at a place in the United States to which United States workers can be referred.

"(9) LAYING OFF.—

"(A) IN GENERAL.—The term 'laying off', with respect to a worker—

"(i) means to cause the worker's loss of employment, other than through a discharge for inadequate performance, violation of workplace rules, cause, voluntary departure, voluntary retirement, contract impossibility (as described in section 218A(b)(4)(D)), or temporary suspension of employment due to weather, markets, or other temporary conditions; but

"(ii) does not include any situation in which the worker is offered, as an alternative to such loss of employment, a similar employment opportunity with the same employer (or, in the case of a placement of a worker with another employer under section 218(b)(2)(E), with either employer described in such section) at equivalent or higher compensation and benefits than the position from which the employee was discharged, regardless of whether or not the employee accepts the offer.

"(B) STATUTORY CONSTRUCTION.—Nothing in this paragraph is intended to limit an employee's rights under a collective bargaining agreement or other employment contract.

"(10) REGULATORY DROUGHT.—The term 'regulatory drought' means a decision subsequent to the filing of the application under section 218 by an entity not under the control of the employer making such filing which restricts the employer's access to water for irrigation purposes and reduces or limits the employer's ability to produce an agricultural commodity, thereby reducing the need for labor.

"(11) SEASONAL.—Labor is performed on a 'seasonal' basis if—

"(A) ordinarily, it pertains to or is of the kind exclusively performed at certain seasons or periods of the year; and

"(B) from its nature, it may not be continuous or carried on throughout the year.

"(12) SECRETARY.—Except as otherwise provided, the term 'Secretary' means the Secretary of Homeland Security.

"(13) TEMPORARY.—A worker is employed on a 'temporary' basis where the employment is intended not to exceed 10 months.

"(14) UNITED STATES WORKER.—The term 'United States worker' means any worker, whether a national of the United States, an alien lawfully admitted for permanent residence, or any other alien, who is authorized to work in the job opportunity within the United States, except an alien admitted or otherwise provided status under section 101(a)(15)(H)(ii)(a).".

(b) TABLE OF CONTENTS.—The table of contents of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended by striking the item relating to section 218 and inserting the following:

"Sec. 218. H–2A employer applications.
"Sec. 218A. H–2A employment requirements.
"Sec. 218B. Procedure for admission and extension of stay of H–2A workers.
"Sec. 218C. Worker protections and labor standards enforcement.
"Sec. 218D. Definitions.".

Subtitle C—Miscellaneous Provisions

SEC. 241. DETERMINATION AND USE OF USER FEES.

(a) SCHEDULE OF FEES.—The Secretary shall establish and periodically adjust a schedule of fees for the employment of aliens pursuant to the amendment made by section 231(a) of this Act and a collection process for such fees from employers. Such fees shall be the only fees chargeable to employers for services provided under such amendment.

(b) DETERMINATION OF SCHEDULE.—

(1) IN GENERAL.—The schedule under subsection (a) shall reflect a fee rate based on the number of job opportunities indicated in the employer's application under section 218 of the Immigration and Nationality Act, as amended by section 231 of this Act, and sufficient to provide for the direct costs of providing services related to an employer's authorization to employ aliens pursuant to the amendment made by section 231(a) of this Act, to include the certification of eligible employers, the issuance of documentation, and the admission of eligible aliens.

(2) PROCEDURE.—

(A) IN GENERAL.—In establishing and adjusting such a schedule, the Secretary shall comply with Federal cost accounting and fee setting standards.

(B) PUBLICATION AND COMMENT.—The Secretary shall publish in the Federal Register an initial fee schedule and associated collection process and the cost data or estimates upon which such fee schedule is based, and any subsequent amendments thereto, pursuant to which public comment shall be sought and a final rule issued.

(c) USE OF PROCEEDS.—Notwithstanding any other provision of law, all proceeds resulting from the payment of the fees pursuant to the amendment made by section 231(a) of this Act shall be available without further appropriation and shall remain available without fiscal year limitation to reimburse the Secretary, the Secretary of State, and the Secretary of Labor for the costs of carrying out sections 218 and 218B of the Immigration and Nationality Act, as amended and added, respectively, by section 231 of this Act, and the provisions of this title.

SEC. 242. REGULATIONS.

(a) REQUIREMENT FOR THE SECRETARY TO CONSULT.—The Secretary shall consult with the Secretary of Labor and the Secretary of Agriculture during the promulgation of all regulations to implement the duties of the Secretary under this title and the amendments made by this title.

(b) Requirement for the Secretary of State to Consult.—The Secretary of State shall consult with the Secretary, the Secretary of Labor, and the Secretary of Agriculture on all regulations to implement the duties of the Secretary of State under this title and the amendments made by this title.

(c) Requirement for the Secretary of Labor to Consult.—The Secretary of Labor shall consult with the Secretary of Agriculture and the Secretary on all regulations to implement the duties of the Secretary of Labor under this title and the amendments made by this title.

(d) Deadline for Issuance of Regulations.—All regulations to implement the duties of the Secretary, the Secretary of State, and the Secretary of Labor created under sections 218, 218A, 218B, 218C, and 218D of the Immigration and Nationality Act, as amended or added by section 231 of this Act, shall take effect on the effective date of section 231 and shall be issued not later than 1 year after the date of enactment of this Act.

SEC. 243. REPORTS TO CONGRESS.

(a) Annual Report.—Not later than September 30 of each year, the Secretary shall submit a report to Congress that identifies, for the previous year—

(1) the number of job opportunities approved for employment of aliens admitted under section 101(a)(15)(H)(ii)(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(a)), and the number of workers actually admitted, disaggregated by State and by occupation;

(2) the number of such aliens reported to have abandoned employment pursuant to subsection 218B(e)(2) of such Act;

(3) the number of such aliens who departed the United States within the period specified in subsection 218B(d) of such Act;

(4) the number of aliens who applied for adjustment of status pursuant to section 211(a);

(5) the number of such aliens whose status was adjusted under section 211(a);

(6) the number of aliens who applied for permanent residence pursuant to section 213(c); and

(7) the number of such aliens who were approved for permanent residence pursuant section 213(c).

(b) Implementation Report.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall prepare and submit to Congress a report that describes the measures being taken and the progress made in implementing this Act.

SEC. 244. EFFECTIVE DATE.

Except as otherwise provided, sections 231 and 241 shall take effect 1 year after the date of the enactment of this Act.

SA 168. Mrs. FEINSTEIN (for herself and Mr. CRAIG) submitted an amendment intended to be proposed to amendment SA 117 submitted by Mr. CHAMBLISS (for himself, Mr. BURR, and Mr. ISAKSON) and intended to be proposed to the bill H.R. 2, to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

TITLE II—AGJOBS ACT OF 2007

SEC. 201. SHORT TITLE.

This title may be cited as the "Agricultural Job Opportunities, Benefits, and Security Act of 2007" or the "AgJOBS Act of 2007".

SEC. 202. DEFINITIONS.

In this title:

(1) Agricultural employment.—The term "agricultural employment" means any service or activity that is considered to be agricultural under section 3(f) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(f)) or agricultural labor under section 3121(g) of the Internal Revenue Code of 1986 or the performance of agricultural labor or services described in section 101(a)(15)(H)(ii)(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(a)).

(2) Blue card status.—The term "blue card status" means the status of an alien who has been lawfully admitted into the United States for temporary residence under section 211(a).

(3) Department.—The term "Department" means the Department of Homeland Security.

(4) Employer.—The term "employer" means any person or entity, including any farm labor contractor and any agricultural association, that employs workers in agricultural employment.

(5) Secretary.—Except as otherwise provided, the term "Secretary" means the Secretary of Homeland Security.

(6) Temporary.—A worker is employed on a "temporary" basis when the employment is intended not to exceed 10 months.

(7) Work day.—The term "work day" means any day in which the individual is employed 5.75 or more hours in agricultural employment.

Subtitle A—Pilot Program for Earned Status Adjustment of Agricultural Workers

PART I—BLUE CARD STATUS

SEC. 211. REQUIREMENTS FOR BLUE CARD STATUS.

(a) Requirement to Grant Blue Card Status.—Notwithstanding any other provision of law, the Secretary shall, pursuant to the requirements of this section, grant blue card status to an alien who qualifies under this section if the Secretary determines that the alien—

(1) has performed agricultural employment in the United States for at least 863 hours or 150 work days during the 24-month period ending on December 31, 2006;

(2) applied for such status during the 18-month application period beginning on the first day of the seventh month that begins after the date of enactment of this Act;

(3) is otherwise admissible to the United States under section 212 of the Immigration and Nationality Act (8 U.S.C. 1182), except as otherwise provided under section 215(b); and

(4) has not been convicted of any felony or a misdemeanor, an element of which involves bodily injury, threat of serious bodily injury, or harm to property in excess of $500.

(b) Authorized Travel.—An alien who is granted blue card status is authorized to travel outside the United States (including commuting to the United States from a residence in a foreign country) in the same manner as an alien lawfully admitted for permanent residence.

(c) Authorized Employment.—The Secretary shall provide an alien who is granted blue card status an employment authorized endorsement or other appropriate work permit, in the same manner as an alien lawfully admitted for permanent residence.

(d) Termination of Blue Card Status.—

(1) In general.—The Secretary may terminate blue card status granted to an alien under this section only if the Secretary determines that the alien is deportable.

(2) Grounds for termination of blue card status.—Before any alien becomes eligible for adjustment of status under section 213, the Secretary may deny adjustment to permanent resident status and provide for termination of the blue card status granted such alien under paragraph (1) if—

(A) the Secretary finds, by a preponderance of the evidence, that the adjustment to blue card status was the result of fraud or willful misrepresentation (as described in section 212(a)(6)(C)(i) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(6)(C)(i)); or

(B) the alien—

(i) commits an act that makes the alien inadmissible to the United States as an immigrant, except as provided under section 215(b);

(ii) is convicted of a felony or 3 or more misdemeanors committed in the United States;

(iii) is convicted of an offense, an element of which involves bodily injury, threat of serious bodily injury, or harm to property in excess of $500; or

(iv) fails to perform the agricultural employment required under section 213(a)(1)(A) unless the alien was unable to work in agricultural employment due to the extraordinary circumstances described in section 213(a)(3).

(e) Record of Employment.—

(1) In general.—Each employer of an alien granted blue card status under this section shall annually—

(A) provide a written record of employment to the alien; and

(B) provide a copy of such record to the Secretary.

(2) Sunset.—The obligation under paragraph (1) shall terminate on the date that is 6 years after the date of the enactment of this Act.

(f) Required Features of Identity Card.—The Secretary shall provide each alien granted blue card status, and the spouse and any child of each such alien residing in the United States, with a card that contains—

(1) an encrypted, machine-readable, electronic identification strip that is unique to the alien to whom the card is issued;

(2) biometric identifiers, including fingerprints and a digital photograph; and

(3) physical security features designed to prevent tampering, counterfeiting, or duplication of the card for fraudulent purposes.

(g) Fine.—An alien granted blue card status shall pay a fine of $100 to the Secretary.

(h) Maximum Number.—The Secretary may not issue more than 1,500,000 blue cards during the 5-year period beginning on the date of the enactment of this Act.

SEC. 212. TREATMENT OF ALIENS GRANTED BLUE CARD STATUS.

(a) In General.—Except as otherwise provided under this section, an alien granted blue card status shall be considered to be an alien lawfully admitted for permanent residence for purposes of any law other than any provision of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

(b) Delayed Eligibility for Certain Federal Public Benefits.—An alien granted blue card status shall not be eligible, by reason of such status, for any form of assistance or benefit described in section 403(a) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1613(a)) until 5 years after the date on which the alien is granted an adjustment of status under section 213.

(c) Terms of Employment.—

(1) Prohibition.—No alien granted blue card status may be terminated from employment by any employer during the period of blue card status except for just cause.

(2) TREATMENT OF COMPLAINTS.—

(A) ESTABLISHMENT OF PROCESS.—The Secretary shall establish a process for the receipt, initial review, and disposition of complaints by aliens granted blue card status who allege that they have been terminated without just cause. No proceeding shall be conducted under this paragraph with respect to a termination unless the Secretary determines that the complaint was filed not later than 6 months after the date of the termination.

(B) INITIATION OF ARBITRATION.—If the Secretary finds that an alien has filed a complaint in accordance with subparagraph (A) and there is reasonable cause to believe that the alien was terminated from employment without just cause, the Secretary shall initiate binding arbitration proceedings by requesting the Federal Mediation and Conciliation Service to appoint a mutually agreeable arbitrator from the roster of arbitrators maintained by such Service for the geographical area in which the employer is located. The procedures and rules of such Service shall be applicable to the selection of such arbitrator and to such arbitration proceedings. The Secretary shall pay the fee and expenses of the arbitrator, subject to the availability of appropriations for such purpose.

(C) ARBITRATION PROCEEDINGS.—The arbitrator shall conduct the proceeding under this paragraph in accordance with the policies and procedures promulgated by the American Arbitration Association applicable to private arbitration of employment disputes. The arbitrator shall make findings respecting whether the termination was for just cause. The arbitrator may not find that the termination was for just cause unless the employer so demonstrates by a preponderance of the evidence. If the arbitrator finds that the termination was not for just cause, the arbitrator shall make a specific finding of the number of days or hours of work lost by the employee as a result of the termination. The arbitrator shall have no authority to order any other remedy, including reinstatement, back pay, or front pay to the affected employee. Not later than 30 days after the date of the conclusion of the arbitration proceeding, the arbitrator shall transmit the findings in the form of a written opinion to the parties to the arbitration and the Secretary. Such findings shall be final and conclusive, and no official or court of the United States shall have the power or jurisdiction to review any such findings.

(D) EFFECT OF ARBITRATION FINDINGS.—If the Secretary receives a finding of an arbitrator that an employer has terminated the employment of an alien who is granted blue card status without just cause, the Secretary shall credit the alien for the number of days or hours of work not performed during such period of termination for the purpose of determining if the alien meets the qualifying employment requirement of section 213(a).

(E) TREATMENT OF ATTORNEY'S FEES.—Each party to an arbitration under this paragraph shall bear the cost of their own attorney's fees for the arbitration.

(F) NONEXCLUSIVE REMEDY.—The complaint process provided for in this paragraph is in addition to any other rights an employee may have in accordance with applicable law.

(G) EFFECT ON OTHER ACTIONS OR PROCEEDINGS.—Any finding of fact or law, judgment, conclusion, or final order made by an arbitrator in the proceeding before the Secretary shall not be conclusive or binding in any separate or subsequent action or proceeding between the employee and the employee's current or prior employer brought before an arbitrator, administrative agency, court, or judge of any State or the United States, regardless of whether the prior action was between the same or related parties or involved the same facts, except that the arbitrator's specific finding of the number of days or hours of work lost by the employee as a result of the employment termination may be referred to the Secretary pursuant to subparagraph (D).

(3) CIVIL PENALTIES.—

(A) IN GENERAL.—If the Secretary finds, after notice and opportunity for a hearing, that an employer of an alien granted blue card status has failed to provide the record of employment required under section 211(e) or has provided a false statement of material fact in such a record, the employer shall be subject to a civil money penalty in an amount not to exceed $1,000 per violation.

(B) LIMITATION.—The penalty applicable under subparagraph (A) for failure to provide records shall not apply unless the alien has provided the employer with evidence of employment authorization granted under this section.

SEC. 213. ADJUSTMENT TO PERMANENT RESIDENCE.

(a) IN GENERAL.—Except as provided in subsection (b), the Secretary shall adjust the status of an alien granted blue card status to that of an alien lawfully admitted for permanent residence if the Secretary determines that the following requirements are satisfied:

(1) QUALIFYING EMPLOYMENT.—

(A) IN GENERAL.—Subject to subparagraph (B), the alien has performed at least—

(i) 5 years of agricultural employment in the United States for at least 100 work days per year, during the 5-year period beginning on the date of the enactment of this Act; or

(ii) 3 years of agricultural employment in the United States for at least 150 work days per year, during the 3-year period beginning on the date of the enactment of this Act.

(B) 4-YEAR PERIOD OF EMPLOYMENT.—An alien shall be considered to meet the requirements of subparagraph (A) if the alien has performed 4 years of agricultural employment in the United States for at least 150 work days during 3 years of those 4 years and at least 100 work days during the remaining year, during the 4-year period beginning on the date of the enactment of this Act.

(2) PROOF.—An alien may demonstrate compliance with the requirement under paragraph (1) by submitting—

(A) the record of employment described in section 211(e); or

(B) such documentation as may be submitted under section 214(c).

(3) EXTRAORDINARY CIRCUMSTANCES.—In determining whether an alien has met the requirement of paragraph (1)(A), the Secretary may credit the alien with not more than 12 additional months to meet the requirement of that subparagraph if the alien was unable to work in agricultural employment due to—

(A) pregnancy, injury, or disease, if the alien can establish such pregnancy, disabling injury, or disease through medical records;

(B) illness, disease, or other special needs of a minor child, if the alien can establish such illness, disease, or special needs through medical records; or

(C) severe weather conditions that prevented the alien from engaging in agricultural employment for a significant period of time.

(4) APPLICATION PERIOD.—The alien applies for adjustment of status not later than 7 years after the date of the enactment of this Act.

(5) FINE.—The alien pays a fine of $400 to the Secretary.

(b) GROUNDS FOR DENIAL OF ADJUSTMENT OF STATUS.—The Secretary may deny an alien granted blue card status an adjustment of status under this section and provide for termination of such blue card status if—

(1) the Secretary finds by a preponderance of the evidence that the adjustment to blue card status was the result of fraud or willful misrepresentation, as described in section 212(a)(6)(C)(i) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(6)(C)(i)); or

(2) the alien—

(A) commits an act that makes the alien inadmissible to the United States under section 212 of the Immigration and Nationality Act (8 U.S.C. 1182), except as provided under section 215(b);

(B) is convicted of a felony or 3 or more misdemeanors committed in the United States; or

(C) is convicted of an offense, an element of which involves bodily injury, threat of serious bodily injury, or harm to property in excess of $500.

(c) GROUNDS FOR REMOVAL.—Any alien granted blue card status who does not apply for adjustment of status under this section before the expiration of the application period described in subsection (a)(4) or who fails to meet the other requirements of subsection (a) by the end of the application period, is deportable and may be removed under section 240 of the Immigration and Nationality Act (8 U.S.C. 1229a).

(d) PAYMENT OF TAXES.—

(1) IN GENERAL.—Not later than the date on which an alien's status is adjusted under this section, the alien shall establish that the alien does not owe any applicable Federal tax liability by establishing that—

(A) no such tax liability exists;

(B) all such outstanding tax liabilities have been paid; or

(C) the alien has entered into an agreement for payment of all outstanding liabilities with the Internal Revenue Service.

(2) APPLICABLE FEDERAL TAX LIABILITY.—In paragraph (1) the term "applicable Federal tax liability" means liability for Federal taxes, including penalties and interest, owed for any year during the period of employment required under subsection (a)(1) for which the statutory period for assessment of any deficiency for such taxes has not expired.

(3) IRS COOPERATION.—The Secretary of the Treasury shall establish rules and procedures under which the Commissioner of Internal Revenue shall provide documentation to an alien upon request to establish the payment of all taxes required by this subsection.

(e) SPOUSES AND MINOR CHILDREN.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary shall confer the status of lawful permanent resident on the spouse and minor child of an alien granted any adjustment of status under subsection (a), including any individual who was a minor child on the date such alien was granted blue card status, if the spouse or minor child applies for such status, or if the principal alien includes the spouse or minor child in an application for adjustment of status to that of a lawful permanent resident.

(2) TREATMENT OF SPOUSES AND MINOR CHILDREN.—

(A) GRANTING OF STATUS AND REMOVAL.—The Secretary may grant derivative status to the alien spouse and any minor child residing in the United States of an alien granted blue card status and shall not remove such derivative spouse or child during the period that the alien granted blue card status maintains such status, except as provided in paragraph (3). A grant of derivative status to such a spouse or child under this subparagraph shall not decrease the number of aliens who may receive blue card status under subsection (h) of section 211.

(B) TRAVEL.—The derivative spouse and any minor child of an alien granted blue card status may travel outside the United States in the same manner as an alien lawfully admitted for permanent residence.

(C) EMPLOYMENT.—The derivative spouse of an alien granted blue card status may apply to the Secretary for a work permit to authorize such spouse to engage in any lawful employment in the United States while such alien maintains blue card status.

(3) GROUNDS FOR DENIAL OF ADJUSTMENT OF STATUS AND REMOVAL.—The Secretary may deny an alien spouse or child adjustment of status under paragraph (1) and may remove such spouse or child under section 240 of the Immigration and Nationality Act (8 U.S.C. 1229a) if the spouse or child—

(A) commits an act that makes the alien spouse or child inadmissible to the United States under section 212 of such Act (8 U.S.C. 1182), except as provided under section 215(b);

(B) is convicted of a felony or 3 or more misdemeanors committed in the United States; or

(C) is convicted of an offense, an element of which involves bodily injury, threat of serious bodily injury, or harm to property in excess of $500.

SEC. 214. APPLICATIONS.

(a) SUBMISSION.—The Secretary shall provide that—

(1) applications for blue card status under section 211 may be submitted—

(A) to the Secretary if the applicant is represented by an attorney or a nonprofit religious, charitable, social service, or similar organization recognized by the Board of Immigration Appeals under section 292.2 of title 8, Code of Federal Regulations; or

(B) to a qualified designated entity if the applicant consents to the forwarding of the application to the Secretary; and

(2) applications for adjustment of status under section 213 shall be filed directly with the Secretary.

(b) QUALIFIED DESIGNATED ENTITY DEFINED.—In this section, the term "qualified designated entity" means—

(1) a qualified farm labor organization or an association of employers designated by the Secretary; or

(2) any such other person designated by the Secretary if that Secretary determines such person is qualified and has substantial experience, demonstrated competence, and has a history of long-term involvement in the preparation and submission of applications for adjustment of status under section 209, 210, or 245 of the Immigration and Nationality Act (8 U.S.C. 1159, 1160, and 1255), the Act entitled "An Act to adjust the status of Cuban refugees to that of lawful permanent residents of the United States, and for other purposes", approved November 2, 1966 (Public Law 89–732; 8 U.S.C. 1255 note), Public Law 95–145 (8 U.S.C. 1255 note), or the Immigration Reform and Control Act of 1986 (Public Law 99–603; 100 Stat. 3359) or any amendment made by that Act.

(c) PROOF OF ELIGIBILITY.—

(1) IN GENERAL.—An alien may establish that the alien meets the requirement of section 211(a)(1) or 213(a)(1) through government employment records or records supplied by employers or collective bargaining organizations, and other reliable documentation as the alien may provide. The Secretary shall establish special procedures to properly credit work in cases in which an alien was employed under an assumed name.

(2) DOCUMENTATION OF WORK HISTORY.—

(A) BURDEN OF PROOF.—An alien applying for status under section 211(a) or 213(a) has the burden of proving by a preponderance of the evidence that the alien has worked the requisite number of hours or days required under section 211(a)(1) or 213(a)(1), as applicable.

(B) TIMELY PRODUCTION OF RECORDS.—If an employer or farm labor contractor employing such an alien has kept proper and adequate records respecting such employment, the alien's burden of proof under subparagraph (A) may be met by securing timely production of those records under regulations to be promulgated by the Secretary.

(C) SUFFICIENT EVIDENCE.—An alien may meet the burden of proof under subparagraph (A) to establish that the alien has performed the days or hours of work required by section 211(a)(1) or 213(a)(1) by producing sufficient evidence to show the extent of that employment as a matter of just and reasonable inference.

(d) APPLICATIONS SUBMITTED TO QUALIFIED DESIGNATED ENTITIES.—

(1) REQUIREMENTS.—Each qualified designated entity shall agree—

(A) to forward to the Secretary an application submitted to that entity pursuant to subsection (a)(1)(B) if the applicant has consented to such forwarding;

(B) not to forward to the Secretary any such application if the applicant has not consented to such forwarding; and

(C) to assist an alien in obtaining documentation of the alien's work history, if the alien requests such assistance.

(2) NO AUTHORITY TO MAKE DETERMINATIONS.—No qualified designated entity may make a determination required by this subtitle to be made by the Secretary.

(e) LIMITATION ON ACCESS TO INFORMATION.—Files and records collected or compiled by a qualified designated entity for the purposes of this section are confidential and the Secretary shall not have access to such a file or record relating to an alien without the consent of the alien, except as allowed by a court order issued pursuant to subsection (f).

(f) CONFIDENTIALITY OF INFORMATION.—

(1) IN GENERAL.—Except as otherwise provided in this section, the Secretary or any other official or employee of the Department or a bureau or agency of the Department is prohibited from—

(A) using information furnished by the applicant pursuant to an application filed under this title, the information provided by an applicant to a qualified designated entity, or any information provided by an employer or former employer for any purpose other than to make a determination on the application or for imposing the penalties described in subsection (g);

(B) making any publication in which the information furnished by any particular individual can be identified; or

(C) permitting a person other than a sworn officer or employee of the Department or a bureau or agency of the Department or, with respect to applications filed with a qualified designated entity, that qualified designated entity, to examine individual applications.

(2) REQUIRED DISCLOSURES.—The Secretary shall provide the information furnished under this title or any other information derived from such furnished information to—

(A) a duly recognized law enforcement entity in connection with a criminal investigation or prosecution, if such information is requested in writing by such entity; or

(B) an official coroner, for purposes of affirmatively identifying a deceased individual, whether or not the death of such individual resulted from a crime.

(3) CONSTRUCTION.—

(A) IN GENERAL.—Nothing in this subsection shall be construed to limit the use, or release, for immigration enforcement purposes or law enforcement purposes, of information contained in files or records of the Department pertaining to an application filed under this section, other than information furnished by an applicant pursuant to the application, or any other information derived from the application, that is not available from any other source.

(B) CRIMINAL CONVICTIONS.—Notwithstanding any other provision of this subsection, information concerning whether the alien applying for blue card status under section 211 or an adjustment of status under section 213 has been convicted of a crime at any time may be used or released for immigration enforcement or law enforcement purposes.

(4) CRIME.—Any person who knowingly uses, publishes, or permits information to be examined in violation of this subsection shall be subject to a fine in an amount not to exceed $10,000.

(g) PENALTIES FOR FALSE STATEMENTS IN APPLICATIONS.—

(1) CRIMINAL PENALTY.—Any person who—

(A) files an application for blue card status under section 211 or an adjustment of status under section 213 and knowingly and willfully falsifies, conceals, or covers up a material fact or makes any false, fictitious, or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious, or fraudulent statement or entry; or

(B) creates or supplies a false writing or document for use in making such an application,

shall be fined in accordance with title 18, United States Code, imprisoned not more than 5 years, or both.

(2) INADMISSIBILITY.—An alien who is convicted of a crime under paragraph (1) shall be considered to be inadmissible to the United States on the ground described in section 212(a)(6)(C)(i) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(6)(C)(i)).

(h) ELIGIBILITY FOR LEGAL SERVICES.—Section 504(a)(11) of Public Law 104–134 (110 Stat. 1321–53 et seq.) shall not be construed to prevent a recipient of funds under the Legal Services Corporation Act (42 U.S.C. 2996 et seq.) from providing legal assistance directly related to an application for blue card status under section 211 or an adjustment of status under section 213.

(i) APPLICATION FEES.—

(1) FEE SCHEDULE.—The Secretary shall provide for a schedule of fees that—

(A) shall be charged for the filing of an application for blue card status under section 211 or for an adjustment of status under section 213; and

(B) may be charged by qualified designated entities to help defray the costs of services provided to such applicants.

(2) PROHIBITION ON EXCESS FEES BY QUALIFIED DESIGNATED ENTITIES.—A qualified designated entity may not charge any fee in excess of, or in addition to, the fees authorized under paragraph (1)(B) for services provided to applicants.

(3) DISPOSITION OF FEES.—

(A) IN GENERAL.—There is established in the general fund of the Treasury a separate account, which shall be known as the "Agricultural Worker Immigration Status Adjustment Account". Notwithstanding any other provision of law, there shall be deposited as offsetting receipts into the account all fees collected under paragraph (1)(A).

(B) USE OF FEES FOR APPLICATION PROCESSING.—Amounts deposited in the "Agricultural Worker Immigration Status Adjustment Account" shall remain available to the Secretary until expended for processing applications for blue card status under section 211 or an adjustment of status under section 213.

SEC. 215. WAIVER OF NUMERICAL LIMITATIONS AND CERTAIN GROUNDS FOR INADMISSIBILITY.

(a) NUMERICAL LIMITATIONS DO NOT APPLY.—The numerical limitations of sections 201 and 202 of the Immigration and Nationality Act (8 U.S.C. 1151 and 1152) shall not apply to the adjustment of aliens to lawful permanent resident status under section 213.

(b) WAIVER OF CERTAIN GROUNDS OF INADMISSIBILITY.—In the determination of an alien's eligibility for status under section 211(a) or an alien's eligibility for adjustment of status under section 213(b)(2)(A) the following rules shall apply:

(1) GROUNDS OF EXCLUSION NOT APPLICABLE.—The provisions of paragraphs (5), (6)(A), (7), and (9) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)) shall not apply.

(2) WAIVER OF OTHER GROUNDS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the Secretary may waive any other provision of such section 212(a) in the case of individual aliens for humanitarian purposes, to ensure family unity, or if otherwise in the public interest.

(B) GROUNDS THAT MAY NOT BE WAIVED.—Paragraphs (2)(A), (2)(B), (2)(C), (3), and (4) of such section 212(a) may not be waived by the Secretary under subparagraph (A).

(C) CONSTRUCTION.—Nothing in this paragraph shall be construed as affecting the authority of the Secretary other than under this subparagraph to waive provisions of such section 212(a).

(3) SPECIAL RULE FOR DETERMINATION OF PUBLIC CHARGE.—An alien is not ineligible for blue card status under section 211 or an adjustment of status under section 213 by reason of a ground of inadmissibility under section 212(a)(4) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(4)) if the alien demonstrates a history of employment in the United States evidencing self-support without reliance on public cash assistance.

(c) TEMPORARY STAY OF REMOVAL AND WORK AUTHORIZATION FOR CERTAIN APPLICANTS.—

(1) BEFORE APPLICATION PERIOD.—Effective on the date of enactment of this Act, the Secretary shall provide that, in the case of an alien who is apprehended before the beginning of the application period described in section 211(a)(2) and who can establish a nonfrivolous case of eligibility for blue card status (but for the fact that the alien may not apply for such status until the beginning of such period), until the alien has had the opportunity during the first 30 days of the application period to complete the filing of an application for blue card status, the alien—

(A) may not be removed; and

(B) shall be granted authorization to engage in employment in the United States and be provided an employment authorized endorsement or other appropriate work permit for such purpose.

(2) DURING APPLICATION PERIOD.—The Secretary shall provide that, in the case of an alien who presents a nonfrivolous application for blue card status during the application period described in section 211(a)(2), including an alien who files such an application within 30 days of the alien's apprehension, and until a final determination on the application has been made in accordance with this section, the alien—

(A) may not be removed; and

(B) shall be granted authorization to engage in employment in the United States and be provided an employment authorized endorsement or other appropriate work permit for such purpose.

SEC. 216. ADMINISTRATIVE AND JUDICIAL REVIEW.

(a) IN GENERAL.—There shall be no administrative or judicial review of a determination respecting an application for blue card status under section 211 or adjustment of status under section 213 except in accordance with this section.

(b) ADMINISTRATIVE REVIEW.—

(1) SINGLE LEVEL OF ADMINISTRATIVE APPELLATE REVIEW.—The Secretary shall establish an appellate authority to provide for a single level of administrative appellate review of such a determination.

(2) STANDARD FOR REVIEW.—Such administrative appellate review shall be based solely upon the administrative record established at the time of the determination on the application and upon such additional or newly discovered evidence as may not have been available at the time of the determination.

(c) JUDICIAL REVIEW.—

(1) LIMITATION TO REVIEW OF REMOVAL.—There shall be judicial review of such a determination only in the judicial review of an order of removal under section 242 of the Immigration and Nationality Act (8 U.S.C. 1252).

(2) STANDARD FOR JUDICIAL REVIEW.—Such judicial review shall be based solely upon the administrative record established at the time of the review by the appellate authority and the findings of fact and determinations contained in such record shall be conclusive unless the applicant can establish abuse of discretion or that the findings are directly contrary to clear and convincing facts contained in the record considered as a whole.

SEC. 217. USE OF INFORMATION.

Beginning not later than the first day of the application period described in section 211(a)(2), the Secretary, in cooperation with qualified designated entities (as that term is defined in section 214(b)), shall broadly disseminate information respecting the benefits that aliens may receive under this subtitle and the requirements that an alien is required to meet to receive such benefits.

SEC. 218. REGULATIONS, EFFECTIVE DATE, AUTHORIZATION OF APPROPRIATIONS.

(a) REGULATIONS.—The Secretary shall issue regulations to implement this subtitle not later than the first day of the seventh month that begins after the date of enactment of this Act.

(b) EFFECTIVE DATE.—This subtitle shall take effect on the date that regulations required by subsection (a) are issued, regardless of whether such regulations are issued on an interim basis or on any other basis.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as may be necessary to implement this subtitle, including any sums needed for costs associated with the initiation of such implementation, for fiscal years 2007 and 2008.

PART II—CORRECTION OF SOCIAL SECURITY RECORDS

SEC. 221. CORRECTION OF SOCIAL SECURITY RECORDS.

(a) IN GENERAL.—Section 208(e)(1) of the Social Security Act (42 U.S.C. 408(e)(1)) is amended—

(1) in subparagraph (B)(ii), by striking "or" at the end;

(2) in subparagraph (C), by inserting "or" at the end;

(3) by inserting after subparagraph (C) the following:

"(D) who is granted blue card status under the Agricultural Job Opportunity, Benefits, and Security Act of 2007,"; and

(4) by striking "1990." and inserting "1990, or in the case of an alien described in subparagraph (D), if such conduct is alleged to have occurred before the date on which the alien was granted blue card status.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the first day of the seventh month that begins after the date of the enactment of this Act.

Subtitle B—Reform of H–2A Worker Program

SEC. 231. AMENDMENT TO THE IMMIGRATION AND NATIONALITY ACT.

(a) IN GENERAL.—Title II of the Immigration and Nationality Act (8 U.S.C. 1151 et seq.) is amended by striking section 218 and inserting the following:

"SEC. 218. H–2A EMPLOYER APPLICATIONS.

"(a) APPLICATIONS TO THE SECRETARY OF LABOR.—

"(1) IN GENERAL.—No alien may be admitted to the United States as an H–2A worker, or otherwise provided status as an H–2A worker, unless the employer has filed with the Secretary of Labor an application containing—

"(A) the assurances described in subsection (b);

"(B) a description of the nature and location of the work to be performed;

"(C) the anticipated period (expected beginning and ending dates) for which the workers will be needed; and

"(D) the number of job opportunities in which the employer seeks to employ the workers.

"(2) ACCOMPANIED BY JOB OFFER.—Each application filed under paragraph (1) shall be accompanied by a copy of the job offer describing the wages and other terms and conditions of employment and the bona fide occupational qualifications that shall be possessed by a worker to be employed in the job opportunity in question.

"(b) ASSURANCES FOR INCLUSION IN APPLICATIONS.—The assurances referred to in subsection (a)(1) are the following:

"(1) JOB OPPORTUNITIES COVERED BY COLLECTIVE BARGAINING AGREEMENTS.—With respect to a job opportunity that is covered under a collective bargaining agreement:

"(A) UNION CONTRACT DESCRIBED.—The job opportunity is covered by a union contract which was negotiated at arm's length between a bona fide union and the employer.

"(B) STRIKE OR LOCKOUT.—The specific job opportunity for which the employer is requesting an H–2A worker is not vacant because the former occupant is on strike or being locked out in the course of a labor dispute.

"(C) NOTIFICATION OF BARGAINING REPRESENTATIVES.—The employer, at the time of filing the application, has provided notice of the filing under this paragraph to the bargaining representative of the employer's employees in the occupational classification at the place or places of employment for which aliens are sought.

"(D) TEMPORARY OR SEASONAL JOB OPPORTUNITIES.—The job opportunity is temporary or seasonal.

"(E) OFFERS TO UNITED STATES WORKERS.—The employer has offered or will offer the job to any eligible United States worker who applies and is equally or better qualified for the job for which the nonimmigrant is, or the nonimmigrants are, sought and who will be available at the time and place of need.

"(F) PROVISION OF INSURANCE.—If the job opportunity is not covered by the State workers' compensation law, the employer will provide, at no cost to the worker, insurance covering injury and disease arising out of, and in the course of, the worker's employment which will provide benefits at least equal to those provided under the State's workers' compensation law for comparable employment.

"(2) JOB OPPORTUNITIES NOT COVERED BY COLLECTIVE BARGAINING AGREEMENTS.—With respect to a job opportunity that is not covered under a collective bargaining agreement:

"(A) STRIKE OR LOCKOUT.—The specific job opportunity for which the employer has applied for an H–2A worker is not vacant because the former occupant is on strike or being locked out in the course of a labor dispute.

"(B) TEMPORARY OR SEASONAL JOB OPPORTUNITIES.—The job opportunity is temporary or seasonal.

"(C) BENEFIT, WAGE, AND WORKING CONDITIONS.—The employer will provide, at a minimum, the benefits, wages, and working conditions required by section 218A to all workers employed in the job opportunities for which the employer has applied for an H–2A worker under subsection (a) and to all other workers in the same occupation at the place of employment.

"(D) NONDISPLACEMENT OF UNITED STATES WORKERS.—The employer did not displace and will not displace a United States worker employed by the employer during the period of employment and for a period of 30 days preceding the period of employment in the occupation at the place of employment for which the employer has applied for an H–2A worker.

"(E) REQUIREMENTS FOR PLACEMENT OF THE NONIMMIGRANT WITH OTHER EMPLOYERS.—The employer will not place the nonimmigrant with another employer unless—

"(i) the nonimmigrant performs duties in whole or in part at 1 or more worksites owned, operated, or controlled by such other employer;

"(ii) there are indicia of an employment relationship between the nonimmigrant and such other employer; and

"(iii) the employer has inquired of the other employer as to whether, and has no actual knowledge or notice that, during the period of employment and for a period of 30 days preceding the period of employment, the other employer has displaced or intends to displace a United States worker employed by the other employer in the occupation at the place of employment for which the employer seeks approval to employ H–2A workers.

"(F) STATEMENT OF LIABILITY.—The application form shall include a clear statement explaining the liability under subparagraph (E) of an employer if the other employer described in such subparagraph displaces a United States worker as described in such subparagraph.

"(G) PROVISION OF INSURANCE.—If the job opportunity is not covered by the State workers' compensation law, the employer will provide, at no cost to the worker, insurance covering injury and disease arising out of and in the course of the worker's employment which will provide benefits at least equal to those provided under the State's workers' compensation law for comparable employment.

"(H) EMPLOYMENT OF UNITED STATES WORKERS.—

"(i) RECRUITMENT.—The employer has taken or will take the following steps to recruit United States workers for the job opportunities for which the H–2A nonimmigrant is, or H–2A nonimmigrants are, sought:

"(I) CONTACTING FORMER WORKERS.—The employer shall make reasonable efforts through the sending of a letter by United States Postal Service mail, or otherwise, to contact any United States worker the employer employed during the previous season in the occupation at the place of intended employment for which the employer is applying for workers and has made the availability of the employer's job opportunities in the occupation at the place of intended employment known to such previous workers, unless the worker was terminated from employment by the employer for a lawful job-related reason or abandoned the job before the worker completed the period of employment of the job opportunity for which the worker was hired.

"(II) FILING A JOB OFFER WITH THE LOCAL OFFICE OF THE STATE EMPLOYMENT SECURITY AGENCY.—Not later than 28 days before the date on which the employer desires to employ an H–2A worker in a temporary or seasonal agricultural job opportunity, the employer shall submit a copy of the job offer described in subsection (a)(2) to the local office of the State employment security agency which serves the area of intended employment and authorize the posting of the job opportunity on 'America's Job Bank' or other electronic job registry, except that nothing in this subclause shall require the employer to file an interstate job order under section 653 of title 20, Code of Federal Regulations.

"(III) ADVERTISING OF JOB OPPORTUNITIES.—Not later than 14 days before the date on which the employer desires to employ an H–2A worker in a temporary or seasonal agricultural job opportunity, the employer shall advertise the availability of the job opportunities for which the employer is seeking workers in a publication in the local labor market that is likely to be patronized by potential farm workers.

"(IV) EMERGENCY PROCEDURES.—The Secretary of Labor shall, by regulation, provide a procedure for acceptance and approval of applications in which the employer has not complied with the provisions of this subparagraph because the employer's need for H–2A workers could not reasonably have been foreseen.

"(ii) JOB OFFERS.—The employer has offered or will offer the job to any eligible United States worker who applies and is equally or better qualified for the job for which the nonimmigrant is, or nonimmigrants are, sought and who will be available at the time and place of need.

"(iii) PERIOD OF EMPLOYMENT.—The employer will provide employment to any qualified United States worker who applies to the employer during the period beginning on the date on which the H–2A worker departs for the employer's place of employment and ending on the date on which 50 percent of the period of employment for which the H–2A worker who is in the job was hired has elapsed, subject to the following requirements:

"(I) PROHIBITION.—No person or entity shall willfully and knowingly withhold United States workers before the arrival of H–2A workers in order to force the hiring of United States workers under this clause.

"(II) COMPLAINTS.—Upon receipt of a complaint by an employer that a violation of subclause (I) has occurred, the Secretary of Labor shall immediately investigate. The Secretary of Labor shall, within 36 hours of the receipt of the complaint, issue findings concerning the alleged violation. If the Secretary of Labor finds that a violation has occurred, the Secretary of Labor shall immediately suspend the application of this clause with respect to that certification for that date of need.

"(III) PLACEMENT OF UNITED STATES WORKERS.—Before referring a United States worker to an employer during the period described in the matter preceding subclause (I), the Secretary of Labor shall make all reasonable efforts to place the United States worker in an open job acceptable to the worker, if there are other job offers pending with the job service that offer similar job opportunities in the area of intended employment.

"(iv) STATUTORY CONSTRUCTION.—Nothing in this subparagraph shall be construed to prohibit an employer from using such legitimate selection criteria relevant to the type of job that are normal or customary to the type of job involved so long as such criteria are not applied in a discriminatory manner.

"(c) APPLICATIONS BY ASSOCIATIONS ON BEHALF OF EMPLOYER MEMBERS.—

"(1) IN GENERAL.—An agricultural association may file an application under subsection (a) on behalf of 1 or more of its employer members that the association certifies in its application has or have agreed in writing to comply with the requirements of this section and sections 218A, 218B, and 218C.

"(2) TREATMENT OF ASSOCIATIONS ACTING AS EMPLOYERS.—If an association filing an application under paragraph (1) is a joint or sole employer of the temporary or seasonal agricultural workers requested on the application, the certifications granted under subsection (e)(2)(B) to the association may be used for the certified job opportunities of any of its producer members named on the application, and such workers may be transferred among such producer members to perform the agricultural services of a temporary or seasonal nature for which the certifications were granted.

"(d) WITHDRAWAL OF APPLICATIONS.—

"(1) IN GENERAL.—An employer may withdraw an application filed pursuant to subsection (a), except that if the employer is an agricultural association, the association may withdraw an application filed pursuant to subsection (a) with respect to 1 or more of its members. To withdraw an application, the employer or association shall notify the Secretary of Labor in writing, and the Secretary of Labor shall acknowledge in writing the receipt of such withdrawal notice. An employer who withdraws an application under subsection (a), or on whose behalf an application is withdrawn, is relieved of the obligations undertaken in the application.

"(2) LIMITATION.—An application may not be withdrawn while any alien provided status under section 101(a)(15)(H)(ii)(a) pursuant to such application is employed by the employer.

"(3) OBLIGATIONS UNDER OTHER STATUTES.—Any obligation incurred by an employer under any other law or regulation as a result of the recruitment of United States workers or H-2A workers under an offer of terms and conditions of employment required as a result of making an application under subsection (a) is unaffected by withdrawal of such application.

"(e) REVIEW AND APPROVAL OF APPLICATIONS.—

"(1) RESPONSIBILITY OF EMPLOYERS.—The employer shall make available for public examination, within 1 working day after the date on which an application under subsection (a) is filed, at the employer's principal place of business or worksite, a copy of each such application (and such accompanying documents as are necessary).

"(2) RESPONSIBILITY OF THE SECRETARY OF LABOR.—

"(A) COMPILATION OF LIST.—The Secretary of Labor shall compile, on a current basis, a list (by employer and by occupational classification) of the applications filed under subsection (a). Such list shall include the wage rate, number of workers sought, period of intended employment, and date of need. The Secretary of Labor shall make such list available for examination in the District of Columbia.

"(B) REVIEW OF APPLICATIONS.—The Secretary of Labor shall review such an application only for completeness and obvious inaccuracies. Unless the Secretary of Labor finds that the application is incomplete or obviously inaccurate, the Secretary of Labor shall certify that the intending employer has filed with the Secretary of Labor an application as described in subsection (a). Such certification shall be provided within 7 days of the filing of the application."

"SEC. 218A. H-2A EMPLOYMENT REQUIREMENTS.

"(a) PREFERENTIAL TREATMENT OF ALIENS PROHIBITED.—Employers seeking to hire United States workers shall offer the United States workers no less than the same benefits, wages, and working conditions that the employer is offering, intends to offer, or will provide to H-2A workers. Conversely, no job offer may impose on United States workers any restrictions or obligations which will not be imposed on the employer's H-2A workers.

"(b) MINIMUM BENEFITS, WAGES, AND WORKING CONDITIONS.—Except in cases where higher benefits, wages, or working conditions are required by the provisions of subsection (a), in order to protect similarly employed United States workers from adverse effects with respect to benefits, wages, and working conditions, every job offer which shall accompany an application under section 218(b)(2) shall include each of the following benefit, wage, and working condition provisions:

"(1) REQUIREMENT TO PROVIDE HOUSING OR A HOUSING ALLOWANCE.—

"(A) IN GENERAL.—An employer applying under section 218(a) for H-2A workers shall offer to provide housing at no cost to all workers in job opportunities for which the employer has applied under that section and to all other workers in the same occupation at the place of employment, whose place of residence is beyond normal commuting distance.

"(B) TYPE OF HOUSING.—In complying with subparagraph (A), an employer may, at the employer's election, provide housing that meets applicable Federal standards for temporary labor camps or secure housing that meets applicable local standards for rental or public accommodation housing or other substantially similar class of habitation, or in the absence of applicable local standards, State standards for rental or public accommodation housing or other substantially similar class of habitation. In the absence of applicable local or State standards, Federal temporary labor camp standards shall apply.

"(C) FAMILY HOUSING.—If it is the prevailing practice in the occupation and area of intended employment to provide family housing, family housing shall be provided to workers with families who request it.

"(D) WORKERS ENGAGED IN THE RANGE PRODUCTION OF LIVESTOCK.—The Secretary of Labor shall issue regulations that address the specific requirements for the provision of housing to workers engaged in the range production of livestock.

"(E) LIMITATION.—Nothing in this paragraph shall be construed to require an employer to provide or secure housing for persons who were not entitled to such housing under the temporary labor certification regulations in effect on June 1, 1986.

"(F) CHARGES FOR HOUSING.—

"(i) CHARGES FOR PUBLIC HOUSING.—If public housing provided for migrant agricultural workers under the auspices of a local, county, or State government is secured by an employer, and use of the public housing unit normally requires charges from migrant workers, such charges shall be paid by the employer directly to the appropriate individual or entity affiliated with the housing's management.

"(ii) DEPOSIT CHARGES.—Charges in the form of deposits for bedding or other similar incidentals related to housing shall not be levied upon workers by employers who provide housing for their workers. An employer may require a worker found to have been responsible for damage to such housing which is not the result of normal wear and tear related to habitation to reimburse the employer for the reasonable cost of repair of such damage.

"(G) HOUSING ALLOWANCE AS ALTERNATIVE.—

"(i) IN GENERAL.—If the requirement set out in clause (ii) is satisfied, the employer may provide a reasonable housing allowance instead of offering housing under subparagraph (A). Upon the request of a worker seeking assistance in locating housing, the employer shall make a good faith effort to assist the worker in identifying and locating housing in the area of intended employment. An employer who offers a housing allowance to a worker, or assists a worker in locating housing which the worker occupies, pursuant to this clause shall not be deemed a housing provider under section 203 of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1823) solely by virtue of providing such housing allowance. No housing allowance may be used for housing which is owned or controlled by the employer.

"(ii) CERTIFICATION.—The requirement of this clause is satisfied if the Governor of the State certifies to the Secretary of Labor that there is adequate housing available in the area of intended employment for migrant farm workers and H-2A workers who are seeking temporary housing while employed in agricultural work. Such certification shall expire after 3 years unless renewed by the Governor of the State.

"(iii) AMOUNT OF ALLOWANCE.—

"(I) NONMETROPOLITAN COUNTIES.—If the place of employment of the workers provided an allowance under this subparagraph is a nonmetropolitan county, the amount of the housing allowance under this subparagraph shall be equal to the statewide average fair market rental for existing housing for nonmetropolitan counties for the State, as established by the Secretary of Housing and Urban Development pursuant to section 8(c) of the United States Housing Act of 1937 (42 U.S.C. 1437f(c)), based on a 2-bedroom dwelling unit and an assumption of 2 persons per bedroom.

"(II) METROPOLITAN COUNTIES.—If the place of employment of the workers provided an allowance under this paragraph is in a metropolitan county, the amount of the housing allowance under this subparagraph shall be equal to the statewide average fair market rental for existing housing for metropolitan counties for the State, as established by the Secretary of Housing and Urban Development pursuant to section 8(c) of the United States Housing Act of 1937 (42 U.S.C. 1437f(c)), based on a 2-bedroom dwelling unit and an assumption of 2 persons per bedroom.

"(2) REIMBURSEMENT OF TRANSPORTATION.—

"(A) TO PLACE OF EMPLOYMENT.—A worker who completes 50 percent of the period of employment of the job opportunity for which the worker was hired shall be reimbursed by the employer for the cost of the worker's transportation and subsistence from the place from which the worker came to work for the employer (or place of last employment, if the worker traveled from such place) to the place of employment.

"(B) FROM PLACE OF EMPLOYMENT.—A worker who completes the period of employment for the job opportunity involved shall be reimbursed by the employer for the cost of the worker's transportation and subsistence from the place of employment to the place from which the worker, disregarding intervening employment, came to work for the employer, or to the place of next employment, if the worker has contracted with a subsequent employer who has not agreed to provide or pay for the worker's transportation and subsistence to such subsequent employer's place of employment.

"(C) LIMITATION.—

"(i) AMOUNT OF REIMBURSEMENT.—Except as provided in clause (ii), the amount of reimbursement provided under subparagraph (A) or (B) to a worker or alien shall not exceed the lesser of—

"(I) the actual cost to the worker or alien of the transportation and subsistence involved; or

"(II) the most economical and reasonable common carrier transportation charges and subsistence costs for the distance involved.

"(ii) DISTANCE TRAVELED.—No reimbursement under subparagraph (A) or (B) shall be required if the distance traveled is 100 miles or less, or the worker is not residing in employer-provided housing or housing secured through an allowance as provided in paragraph (1)(G).

"(D) EARLY TERMINATION.—If the worker is laid off or employment is terminated for contract impossibility (as described in paragraph (4)(D)) before the anticipated ending date of employment, the employer shall provide the transportation and subsistence required by subparagraph (B) and, notwithstanding whether the worker has completed 50 percent of the period of employment, shall provide the transportation reimbursement required by subparagraph (A).

"(E) TRANSPORTATION BETWEEN LIVING QUARTERS AND WORKSITE.—The employer shall provide transportation between the worker's living quarters and the employer's worksite without cost to the worker, and such transportation will be in accordance with applicable laws and regulations.

"(3) REQUIRED WAGES.—

"(A) IN GENERAL.—An employer applying for workers under section 218(a) shall offer to pay, and shall pay, all workers in the occupation for which the employer has applied for workers, not less (and is not required to pay more) than the greater of the prevailing wage in the occupation in the area of intended employment or the adverse effect wage rate. No worker shall be paid less than the greater of the hourly wage prescribed under section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) or the applicable State minimum wage.

"(B) Limitation.—Effective on the date of the enactment of the Agricultural Job Opportunities, Benefits, and Security Act of 2007 and continuing for 3 years thereafter, no adverse effect wage rate for a State may be more than the adverse effect wage rate for that State in effect on January 1, 2003, as established by section 655.107 of title 20, Code of Federal Regulations.

"(C) Required wages after 3-year freeze.—

"(i) First adjustment.—If Congress does not set a new wage standard applicable to this section before the first March 1 that is not less than 3 years after the date of enactment of this section, the adverse effect wage rate for each State beginning on such March 1 shall be the wage rate that would have resulted if the adverse effect wage rate in effect on January 1, 2003, had been annually adjusted, beginning on March 1, 2006, by the lesser of—

"(I) the 12-month percentage change in the Consumer Price Index for All Urban Consumers between December of the second preceding year and December of the preceding year; and

"(II) 4 percent.

"(ii) Subsequent annual adjustments.—Beginning on the first March 1 that is not less than 4 years after the date of enactment of this section, and each March 1 thereafter, the adverse effect wage rate then in effect for each State shall be adjusted by the lesser of—

"(I) the 12-month percentage change in the Consumer Price Index for All Urban Consumers between December of the second preceding year and December of the preceding year; and

"(II) 4 percent.

"(D) Deductions.—The employer shall make only those deductions from the worker's wages that are authorized by law or are reasonable and customary in the occupation and area of employment. The job offer shall specify all deductions not required by law which the employer will make from the worker's wages.

"(E) Frequency of pay.—The employer shall pay the worker not less frequently than twice monthly, or in accordance with the prevailing practice in the area of employment, whichever is more frequent.

"(F) Hours and earnings statements.—The employer shall furnish to the worker, on or before each payday, in 1 or more written statements—

"(i) the worker's total earnings for the pay period;

"(ii) the worker's hourly rate of pay, piece rate of pay, or both;

"(iii) the hours of employment which have been offered to the worker (broken out by hours offered in accordance with and over and above the ¾ guarantee described in paragraph (4);

"(iv) the hours actually worked by the worker;

"(v) an itemization of the deductions made from the worker's wages; and

"(vi) if piece rates of pay are used, the units produced daily.

"(G) Report on wage protections.—Not later than December 31, 2009, the Comptroller General of the United States shall prepare and transmit to the Secretary of Labor, the Committee on the Judiciary of the Senate, and Committee on the Judiciary of the House of Representatives, a report that addresses—

"(i) whether the employment of H–2A or unauthorized aliens in the United States agricultural workforce has depressed United States farm worker wages below the levels that would otherwise have prevailed if alien farm workers had not been employed in the United States;

"(ii) whether an adverse effect wage rate is necessary to prevent wages of United States farm workers in occupations in which H–2A workers are employed from falling below the wage levels that would have prevailed in the absence of the employment of H–2A workers in those occupations;

"(iii) whether alternative wage standards, such as a prevailing wage standard, would be sufficient to prevent wages in occupations in which H–2A workers are employed from falling below the wage level that would have prevailed in the absence of H–2A employment;

"(iv) whether any changes are warranted in the current methodologies for calculating the adverse effect wage rate and the prevailing wage; and

"(v) recommendations for future wage protection under this section.

"(H) Commission on wage standards.—

"(i) Establishment.—There is established the Commission on Agricultural Wage Standards under the H–2A program (in this subparagraph referred to as the 'Commission').

"(ii) Composition.—The Commission shall consist of 10 members as follows:

"(I) Four representatives of agricultural employers and 1 representative of the Department of Agriculture, each appointed by the Secretary of Agriculture.

"(II) Four representatives of agricultural workers and 1 representative of the Department of Labor, each appointed by the Secretary of Labor.

"(iii) Functions.—The Commission shall conduct a study that shall address—

"(I) whether the employment of H–2A or unauthorized aliens in the United States agricultural workforce has depressed United States farm worker wages below the levels that would otherwise have prevailed if alien farm workers had not been employed in the United States;

"(II) whether an adverse effect wage rate is necessary to prevent wages of United States farm workers in occupations in which H–2A workers are employed from falling below the wage levels that would have prevailed in the absence of the employment of H–2A workers in those occupations;

"(III) whether alternative wage standards, such as a prevailing wage standard, would be sufficient to prevent wages in occupations in which H–2A workers are employed from falling below the wage level that would have prevailed in the absence of H–2A employment;

"(IV) whether any changes are warranted in the current methodologies for calculating the adverse effect wage rate and the prevailing wage rate; and

"(V) recommendations for future wage protection under this section.

"(iv) Final report.—Not later than December 31, 2009, the Commission shall submit a report to the Congress setting forth the findings of the study conducted under clause (iii).

"(v) Termination date.—The Commission shall terminate upon submitting its final report.

"(4) Guarantee of employment.—

"(A) Offer to worker.—The employer shall guarantee to offer the worker employment for the hourly equivalent of at least ¾ of the work days of the total period of employment, beginning with the first work day after the arrival of the worker at the place of employment and ending on the expiration date specified in the job offer. For purposes of this subparagraph, the hourly equivalent means the number of hours in the work days as stated in the job offer and shall exclude the worker's Sabbath and Federal holidays. If the employer affords the United States or H–2A worker less employment than that required under this paragraph, the employer shall pay such worker the amount which the worker would have earned had the worker, in fact, worked for the guaranteed number of hours.

"(B) Failure to work.—Any hours which the worker fails to work, up to a maximum of the number of hours specified in the job offer for a work day, when the worker has been offered an opportunity to do so, and all hours of work actually performed (including voluntary work in excess of the number of hours specified in the job offer in a work day, on the worker's Sabbath, or on Federal holidays) may be counted by the employer in calculating whether the period of guaranteed employment has been met.

"(C) Abandonment of employment, termination for cause.—If the worker voluntarily abandons employment before the end of the contract period, or is terminated for cause, the worker is not entitled to the '¾ guarantee' described in subparagraph (A).

"(D) Contract impossibility.—If, before the expiration of the period of employment specified in the job offer, the services of the worker are no longer required for reasons beyond the control of the employer due to any form of natural disaster, including a flood, hurricane, freeze, earthquake, fire, drought, plant or animal disease or pest infestation, or regulatory drought, before the guarantee in subparagraph (A) is fulfilled, the employer may terminate the worker's employment. In the event of such termination, the employer shall fulfill the employment guarantee in subparagraph (A) for the work days that have elapsed from the first work day after the arrival of the worker to the termination of employment. In such cases, the employer will make efforts to transfer the United States worker to other comparable employment acceptable to the worker. If such transfer is not effected, the employer shall provide the return transportation required in paragraph (2)(D).

"(5) Motor vehicle safety.—

"(A) Mode of transportation subject to coverage.—

"(i) In general.—Except as provided in clauses (iii) and (iv), this subsection applies to any H–2A employer that uses or causes to be used any vehicle to transport an H–2A worker within the United States.

"(ii) Defined term.—In this paragraph, the term 'uses or causes to be used'—

"(I) applies only to transportation provided by an H–2A employer to an H–2A worker, or by a farm labor contractor to an H–2A worker at the request or direction of an H–2A employer; and

"(II) does not apply to—

"(aa) transportation provided, or transportation arrangements made, by an H–2A worker, unless the employer specifically requested or arranged such transportation; or "(bb) car pooling arrangements made by H-2A workers themselves, using 1 of the workers' own vehicles, unless specifically requested by the employer directly or through a farm labor contractor.

"(iii) CLARIFICATION.—Providing a job offer to an H–2A worker that causes the worker to travel to or from the place of employment, or the payment or reimbursement of the transportation costs of an H–2A worker by an H–2A employer, shall not constitute an arrangement of, or participation in, such transportation.

"(iv) AGRICULTURAL MACHINERY AND EQUIPMENT EXCLUDED.—This subsection does not apply to the transportation of an H–2A worker on a tractor, combine, harvester, picker, or other similar machinery or equipment while such worker is actually engaged in the planting, cultivating, or harvesting of agricultural commodities or the care of livestock or poultry or engaged in transportation incidental thereto.

"(v) COMMON CARRIERS EXCLUDED.—This subsection does not apply to common carrier motor vehicle transportation in which the provider holds itself out to the general public as engaging in the transportation of passengers for hire and holds a valid certification of authorization for such purposes from an appropriate Federal, State, or local agency.

"(B) APPLICABILITY OF STANDARDS, LICENSING, AND INSURANCE REQUIREMENTS.—

"(i) IN GENERAL.—When using, or causing to be used, any vehicle for the purpose of providing transportation to which this subparagraph applies, each employer shall—

"(I) ensure that each such vehicle conforms to the standards prescribed by the Secretary of Labor under section 401(b) of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1841(b)) and other applicable Federal and State safety standards;

"(II) ensure that each driver has a valid and appropriate license, as provided by State law, to operate the vehicle; and

"(III) have an insurance policy or a liability bond that is in effect which insures the employer against liability for damage to persons or property arising from the ownership, operation, or causing to be operated, of any vehicle used to transport any H–2A worker.

"(ii) AMOUNT OF INSURANCE REQUIRED.—The level of insurance required shall be determined by the Secretary of Labor pursuant to regulations to be issued under this subsection.

"(iii) EFFECT OF WORKERS' COMPENSATION COVERAGE.—If the employer of any H–2A worker provides workers' compensation coverage for such worker in the case of bodily injury or death as provided by State law, the following adjustments in the requirements of subparagraph (B)(i)(III) relating to having an insurance policy or liability bond apply:

"(I) No insurance policy or liability bond shall be required of the employer, if such workers are transported only under circumstances for which there is coverage under such State law.

"(II) An insurance policy or liability bond shall be required of the employer for circumstances under which coverage for the transportation of such workers is not provided under such State law.

"(c) COMPLIANCE WITH LABOR LAWS.—An employer shall assure that, except as otherwise provided in this section, the employer will comply with all applicable Federal, State, and local labor laws, including laws affecting migrant and seasonal agricultural workers, with respect to all United States workers and alien workers employed by the employer, except that a violation of this assurance shall not constitute a violation of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1801 et seq.).

"(d) COPY OF JOB OFFER.—The employer shall provide to the worker, not later than the day the work commences, a copy of the employer's application and job offer described in section 218(a), or, if the employer will require the worker to enter into a separate employment contract covering the employment in question, such separate employment contract.

"(e) RANGE PRODUCTION OF LIVESTOCK.—Nothing in this section, section 218, or section 218B shall preclude the Secretary of Labor and the Secretary from continuing to apply special procedures and requirements to the admission and employment of aliens in occupations involving the range production of livestock.

"SEC. 218B. PROCEDURE FOR ADMISSION AND EXTENSION OF STAY OF H–2A WORKERS.

"(a) PETITIONING FOR ADMISSION.—An employer, or an association acting as an agent or joint employer for its members, that seeks the admission into the United States of an H–2A worker may file a petition with the Secretary. The petition shall be accompanied by an accepted and currently valid certification provided by the Secretary of Labor under section 218(e)(2)(B) covering the petitioner.

"(b) EXPEDITED ADJUDICATION BY THE SECRETARY.—The Secretary shall establish a procedure for expedited adjudication of petitions filed under subsection (a) and within 7 working days shall, by fax, cable, or other means assuring expedited delivery, transmit a copy of notice of action on the petition to the petitioner and, in the case of approved petitions, to the appropriate immigration officer at the port of entry or United States consulate (as the case may be) where the petitioner has indicated that the alien beneficiary (or beneficiaries) will apply for a visa or admission to the United States.

"(c) CRITERIA FOR ADMISSIBILITY.—

"(1) IN GENERAL.—An H–2A worker shall be considered admissible to the United States if the alien is otherwise admissible under this section, section 218, and section 218A, and the alien is not ineligible under paragraph (2).

"(2) DISQUALIFICATION.—An alien shall be considered inadmissible to the United States and ineligible for nonimmigrant status under section 101(a)(15)(H)(ii)(a) if the alien has, at any time during the past 5 years—

"(A) violated a material provision of this section, including the requirement to promptly depart the United States when the alien's authorized period of admission under this section has expired; or

"(B) otherwise violated a term or condition of admission into the United States as a nonimmigrant, including overstaying the period of authorized admission as such a nonimmigrant.

"(3) WAIVER OF INELIGIBILITY FOR UNLAWFUL PRESENCE.—

"(A) IN GENERAL.—An alien who has not previously been admitted into the United States pursuant to this section, and who is otherwise eligible for admission in accordance with paragraphs (1) and (2), shall not be deemed inadmissible by virtue of section 212(a)(9)(B). If an alien described in the preceding sentence is present in the United States, the alien may apply from abroad for H–2A status, but may not be granted that status in the United States.

"(B) MAINTENANCE OF WAIVER.—An alien provided an initial waiver of ineligibility pursuant to subparagraph (A) shall remain eligible for such waiver unless the alien violates the terms of this section or again becomes ineligible under section 212(a)(9)(B) by virtue of unlawful presence in the United States after the date of the initial waiver of ineligibility pursuant to subparagraph (A).

"(d) PERIOD OF ADMISSION.—

"(1) IN GENERAL.—The alien shall be admitted for the period of employment in the application certified by the Secretary of Labor pursuant to section 218(e)(2)(B), not to exceed 10 months, supplemented by a period of not more than 1 week before the beginning of the period of employment for the purpose of travel to the worksite and a period of 14 days following the period of employment for the purpose of departure or extension based on a subsequent offer of employment, except that—

"(A) the alien is not authorized to be employed during such 14-day period except in the employment for which the alien was previously authorized; and

"(B) the total period of employment, including such 14-day period, may not exceed 10 months.

"(2) CONSTRUCTION.—Nothing in this subsection shall limit the authority of the Secretary to extend the stay of the alien under any other provision of this Act.

"(e) ABANDONMENT OF EMPLOYMENT.—

"(1) IN GENERAL.—An alien admitted or provided status under section 101(a)(15)(H)(ii)(a) who abandons the employment which was the basis for such admission or status shall be considered to have failed to maintain nonimmigrant status as an H–2A worker and shall depart the United States or be subject to removal under section 237(a)(1)(C)(i).

"(2) REPORT BY EMPLOYER.—The employer, or association acting as agent for the employer, shall notify the Secretary not later than 7 days after an H–2A worker prematurely abandons employment.

"(3) REMOVAL BY THE SECRETARY.—The Secretary shall promptly remove from the United States any H–2A worker who violates any term or condition of the worker's nonimmigrant status.

"(4) VOLUNTARY TERMINATION.—Notwithstanding paragraph (1), an alien may voluntarily terminate his or her employment if the alien promptly departs the United States upon termination of such employment.

"(f) REPLACEMENT OF ALIEN.—

"(1) IN GENERAL.—Upon presentation of the notice to the Secretary required by subsection (e)(2), the Secretary of State shall promptly issue a visa to, and the Secretary shall admit into the United States, an eligible alien designated by the employer to replace an H–2A worker—

"(A) who abandons or prematurely terminates employment; or

"(B) whose employment is terminated after a United States worker is employed pursuant to section 218(b)(2)(H)(iii), if the United States worker voluntarily departs before the end of the period of intended employment or if the employment termination is for a lawful job-related reason.

"(2) CONSTRUCTION.—Nothing in this subsection is intended to limit any preference required to be accorded United States workers under any other provision of this Act.

"(g) IDENTIFICATION DOCUMENT.—

"(1) IN GENERAL.—Each alien authorized to be admitted under section 101(a)(15)(H)(ii)(a) shall be provided an identification and employment eligibility document to verify eligibility for employment in the United States and verify the alien's identity.

“(2) Requirements.—No identification and employment eligibility document may be issued which does not meet the following requirements:

“(A) The document shall be capable of reliably determining whether—

“(i) the individual with the identification and employment eligibility document whose eligibility is being verified is in fact eligible for employment;

“(ii) the individual whose eligibility is being verified is claiming the identity of another person; and

“(iii) the individual whose eligibility is being verified is authorized to be admitted into, and employed in, the United States as an H–2A worker.

“(B) The document shall be in a form that is resistant to counterfeiting and to tampering.

“(C) The document shall—

“(i) be compatible with other databases of the Secretary for the purpose of excluding aliens from benefits for which they are not eligible and determining whether the alien is unlawfully present in the United States; and

“(ii) be compatible with law enforcement databases to determine if the alien has been convicted of criminal offenses.

“(h) Extension of Stay of H–2A Aliens in the United States.—

“(1) Extension of stay.—If an employer seeks approval to employ an H–2A alien who is lawfully present in the United States, the petition filed by the employer or an association pursuant to subsection (a), shall request an extension of the alien's stay and a change in the alien's employment.

“(2) Limitation on filing a petition for extension of stay.—A petition may not be filed for an extension of an alien's stay—

“(A) for a period of more than 10 months; or

“(B) to a date that is more than 3 years after the date of the alien's last admission to the United States under this section.

“(3) Work authorization upon filing a petition for extension of stay.—

“(A) In general.—An alien who is lawfully present in the United States may commence the employment described in a petition under paragraph (1) on the date on which the petition is filed.

“(B) Definition.—For purposes of subparagraph (A), the term ‘file’ means sending the petition by certified mail via the United States Postal Service, return receipt requested, or delivered by guaranteed commercial delivery which will provide the employer with a documented acknowledgment of the date of receipt of the petition.

“(C) Handling of petition.—The employer shall provide a copy of the employer's petition to the alien, who shall keep the petition with the alien's identification and employment eligibility document as evidence that the petition has been filed and that the alien is authorized to work in the United States.

“(D) Approval of petition.—Upon approval of a petition for an extension of stay or change in the alien's authorized employment, the Secretary shall provide a new or updated employment eligibility document to the alien indicating the new validity date, after which the alien is not required to retain a copy of the petition.

“(4) Limitation on employment authorization of aliens without valid identification and employment eligibility document.—An expired identification and employment eligibility document, together with a copy of a petition for extension of stay or change in the alien's authorized employment that complies with the requirements of paragraph (1), shall constitute a valid work authorization document for a period of not more than 60 days beginning on the date on which such petition is filed, after which time only a currently valid identification and employment eligibility document shall be acceptable.

“(5) Limitation on an individual's stay in status.—

“(A) Maximum period.—The maximum continuous period of authorized status as an H–2A worker (including any extensions) is 3 years.

“(B) Requirement to remain outside the United States.—

“(i) In general.—Subject to clause (ii), in the case of an alien outside the United States whose period of authorized status as an H–2A worker (including any extensions) has expired, the alien may not again apply for admission to the United States as an H–2A worker unless the alien has remained outside the United States for a continuous period equal to at least ⅕ the duration of the alien's previous period of authorized status as an H–2A worker (including any extensions).

“(ii) Exception.—Clause (i) shall not apply in the case of an alien if the alien's period of authorized status as an H–2A worker (including any extensions) was for a period of not more than 10 months and such alien has been outside the United States for at least 2 months during the 12 months preceding the date the alien again is applying for admission to the United States as an H–2A worker.

“(i) Special Rules for Aliens Employed as Sheepherders, Goat Herders, or Dairy Workers.—Notwithstanding any provision of the Agricultural Job Opportunities, Benefits, and Security Act of 2007, an alien admitted under section 101(a)(15)(H)(ii)(a) for employment as a sheepherder, goat herder, or dairy worker—

“(1) may be admitted for an initial period of 12 months;

“(2) subject to subsection (j)(5), may have such initial period of admission extended for a period of up to 3 years; and

“(3) shall not be subject to the requirements of subsection (h)(5) (relating to periods of absence from the United States).

“(j) Adjustment to Lawful Permanent Resident Status for Aliens Employed as Sheepherders, Goat Herders, or Dairy Workers.—

“(1) Eligible alien.—For purposes of this subsection, the term ‘eligible alien’ means an alien—

“(A) having nonimmigrant status under section 101(a)(15)(H)(ii)(a) based on employment as a sheepherder, goat herder, or dairy worker;

“(B) who has maintained such nonimmigrant status in the United States for a cumulative total of 36 months (excluding any period of absence from the United States); and

“(C) who is seeking to receive an immigrant visa under section 203(b)(3)(A)(iii).

“(2) Classification petition.—In the case of an eligible alien, the petition under section 204 for classification under section 203(b)(3)(A)(iii) may be filed by—

“(A) the alien's employer on behalf of the eligible alien; or

“(B) the eligible alien.

“(3) No labor certification required.—Notwithstanding section 203(b)(3)(C), no determination under section 212(a)(5)(A) is required with respect to an immigrant visa described in paragraph (1)(C) for an eligible alien.

“(4) Effect of petition.—The filing of a petition described in paragraph (2) or an application for adjustment of status based on the approval of such a petition shall not constitute evidence of an alien's ineligibility for nonimmigrant status under section 101(a)(15)(H)(ii)(a).

“(5) Extension of stay.—The Secretary shall extend the stay of an eligible alien having a pending or approved classification petition described in paragraph (2) in 1-year increments until a final determination is made on the alien's eligibility for adjustment of status to that of an alien lawfully admitted for permanent residence.

“(6) Construction.—Nothing in this subsection shall be construed to prevent an eligible alien from seeking adjustment of status in accordance with any other provision of law.

“SEC. 218C. WORKER PROTECTIONS AND LABOR STANDARDS ENFORCEMENT.

“(a) Enforcement Authority.—

“(1) Investigation of complaints.—

“(A) Aggrieved person or third-party complaints.—The Secretary of Labor shall establish a process for the receipt, investigation, and disposition of complaints respecting a petitioner's failure to meet a condition specified in section 218(b), or an employer's misrepresentation of material facts in an application under section 218(a). Complaints may be filed by any aggrieved person or organization (including bargaining representatives). No investigation or hearing shall be conducted on a complaint concerning such a failure or misrepresentation unless the complaint was filed not later than 12 months after the date of the failure, or misrepresentation, respectively. The Secretary of Labor shall conduct an investigation under this subparagraph if there is reasonable cause to believe that such a failure or misrepresentation has occurred.

“(B) Determination on complaint.—Under such process, the Secretary of Labor shall provide, within 30 days after the date such a complaint is filed, for a determination as to whether or not a reasonable basis exists to make a finding described in subparagraph (C), (D), (E), or (G). If the Secretary of Labor determines that such a reasonable basis exists, the Secretary of Labor shall provide for notice of such determination to the interested parties and an opportunity for a hearing on the complaint, in accordance with section 556 of title 5, United States Code, within 60 days after the date of the determination. If such a hearing is requested, the Secretary of Labor shall make a finding concerning the matter not later than 60 days after the date of the hearing. In the case of similar complaints respecting the same applicant, the Secretary of Labor may consolidate the hearings under this subparagraph on such complaints.

“(C) Failures to meet conditions.—If the Secretary of Labor finds, after notice and opportunity for a hearing, a failure to meet a condition of paragraph (1)(A), (1)(B), (1)(D), (1)(F), (2)(A), (2)(B), or (2)(G) of section 218(b), a substantial failure to meet a condition of paragraph (1)(C), (1)(E), (2)(C), (2)(D), (2)(E), or (2)(H) of section 218(b), or a material misrepresentation of fact in an application under section 218(a)—

“(i) the Secretary of Labor shall notify the Secretary of such finding and may, in addition, impose such other administrative remedies (including civil money penalties in an amount not to exceed $1,000 per violation) as the Secretary of Labor determines to be appropriate; and

"(ii) the Secretary may disqualify the employer from the employment of aliens described in section 101(a)(15)(H)(ii)(a) for a period of 1 year.

"(D) WILLFUL FAILURES AND WILLFUL MISREPRESENTATIONS.—If the Secretary of Labor finds, after notice and opportunity for hearing, a willful failure to meet a condition of section 218(b), a willful misrepresentation of a material fact in an application under section 218(a), or a violation of subsection (d)(1)—

"(i) the Secretary of Labor shall notify the Secretary of such finding and may, in addition, impose such other administrative remedies (including civil money penalties in an amount not to exceed $5,000 per violation) as the Secretary of Labor determines to be appropriate;

"(ii) the Secretary of Labor may seek appropriate legal or equitable relief to effectuate the purposes of subsection (d)(1); and

"(iii) the Secretary may disqualify the employer from the employment of H–2A workers for a period of 2 years.

"(E) DISPLACEMENT OF UNITED STATES WORKERS.—If the Secretary of Labor finds, after notice and opportunity for hearing, a willful failure to meet a condition of section 218(b) or a willful misrepresentation of a material fact in an application under section 218(a), in the course of which failure or misrepresentation the employer displaced a United States worker employed by the employer during the period of employment on the employer's application under section 218(a) or during the period of 30 days preceding such period of employment—

"(i) the Secretary of Labor shall notify the Secretary of such finding and may, in addition, impose such other administrative remedies (including civil money penalties in an amount not to exceed $15,000 per violation) as the Secretary of Labor determines to be appropriate; and

"(ii) the Secretary may disqualify the employer from the employment of H–2A workers for a period of 3 years.

"(F) LIMITATIONS ON CIVIL MONEY PENALTIES.—The Secretary of Labor shall not impose total civil money penalties with respect to an application under section 218(a) in excess of $90,000.

"(G) FAILURES TO PAY WAGES OR REQUIRED BENEFITS.—If the Secretary of Labor finds, after notice and opportunity for a hearing, that the employer has failed to pay the wages, or provide the housing allowance, transportation, subsistence reimbursement, or guarantee of employment, required under section 218A(b), the Secretary of Labor shall assess payment of back wages, or other required benefits, due any United States worker or H–2A worker employed by the employer in the specific employment in question. The back wages or other required benefits under section 218A(b) shall be equal to the difference between the amount that should have been paid and the amount that actually was paid to such worker.

"(2) STATUTORY CONSTRUCTION.—Nothing in this section shall be construed as limiting the authority of the Secretary of Labor to conduct any compliance investigation under any other labor law, including any law affecting migrant and seasonal agricultural workers, or, in the absence of a complaint under this section, under section 218 or 218A.

"(b) RIGHTS ENFORCEABLE BY PRIVATE RIGHT OF ACTION.—H–2A workers may enforce the following rights through the private right of action provided in subsection (c), and no other right of action shall exist under Federal or State law to enforce such rights:

"(1) The providing of housing or a housing allowance as required under section 218A(b)(1).

"(2) The reimbursement of transportation as required under section 218A(b)(2).

"(3) The payment of wages required under section 218A(b)(3) when due.

"(4) The benefits and material terms and conditions of employment expressly provided in the job offer described in section 218(a)(2), not including the assurance to comply with other Federal, State, and local labor laws described in section 218A(c), compliance with which shall be governed by the provisions of such laws.

"(5) The guarantee of employment required under section 218A(b)(4).

"(6) The motor vehicle safety requirements under section 218A(b)(5).

"(7) The prohibition of discrimination under subsection (d)(2).

"(c) PRIVATE RIGHT OF ACTION.—

"(1) MEDIATION.—Upon the filing of a complaint by an H–2A worker aggrieved by a violation of rights enforceable under subsection (b), and within 60 days of the filing of proof of service of the complaint, a party to the action may file a request with the Federal Mediation and Conciliation Service to assist the parties in reaching a satisfactory resolution of all issues involving all parties to the dispute. Upon a filing of such request and giving of notice to the parties, the parties shall attempt mediation within the period specified in subparagraph (B).

"(A) MEDIATION SERVICES.—The Federal Mediation and Conciliation Service shall be available to assist in resolving disputes arising under subsection (b) between H–2A workers and agricultural employers without charge to the parties.

"(B) 90-DAY LIMIT.—The Federal Mediation and Conciliation Service may conduct mediation or other nonbinding dispute resolution activities for a period not to exceed 90 days beginning on the date on which the Federal Mediation and Conciliation Service receives the request for assistance unless the parties agree to an extension of this period of time.

"(C) AUTHORIZATION.—

"(i) IN GENERAL.—Subject to clause (ii), there are authorized to be appropriated to the Federal Mediation and Conciliation Service $500,000 for each fiscal year to carry out this section.

"(ii) MEDIATION.—Notwithstanding any other provision of law, the Director of the Federal Mediation and Conciliation Service is authorized to conduct the mediation or other dispute resolution activities from any other appropriated funds available to the Director and to reimburse such appropriated funds when the funds are appropriated pursuant to this authorization, such reimbursement to be credited to appropriations currently available at the time of receipt.

"(2) MAINTENANCE OF CIVIL ACTION IN DISTRICT COURT BY AGGRIEVED PERSON.—An H–2A worker aggrieved by a violation of rights enforceable under subsection (b) by an agricultural employer or other person may file suit in any district court of the United States having jurisdiction over the parties, without regard to the amount in controversy, without regard to the citizenship of the parties, and without regard to the exhaustion of any alternative administrative remedies under this Act, not later than 3 years after the date the violation occurs.

"(3) ELECTION.—An H–2A worker who has filed an administrative complaint with the Secretary of Labor may not maintain a civil action under paragraph (2) unless a complaint based on the same violation filed with the Secretary of Labor under subsection (a)(1) is withdrawn before the filing of such action, in which case the rights and remedies available under this subsection shall be exclusive.

"(4) PREEMPTION OF STATE CONTRACT RIGHTS.—Nothing in this Act shall be construed to diminish the rights and remedies of an H–2A worker under any other Federal or State law or regulation or under any collective bargaining agreement, except that no court or administrative action shall be available under any State contract law to enforce the rights created by this Act.

"(5) WAIVER OF RIGHTS PROHIBITED.—Agreements by employees purporting to waive or modify their rights under this Act shall be void as contrary to public policy, except that a waiver or modification of the rights or obligations in favor of the Secretary of Labor shall be valid for purposes of the enforcement of this Act. The preceding sentence may not be construed to prohibit agreements to settle private disputes or litigation.

"(6) AWARD OF DAMAGES OR OTHER EQUITABLE RELIEF.—

"(A) If the court finds that the respondent has intentionally violated any of the rights enforceable under subsection (b), it shall award actual damages, if any, or equitable relief.

"(B) Any civil action brought under this section shall be subject to appeal as provided in chapter 83 of title 28, United States Code.

"(7) WORKERS' COMPENSATION BENEFITS; EXCLUSIVE REMEDY.—

"(A) Notwithstanding any other provision of this section, where a State's workers' compensation law is applicable and coverage is provided for an H–2A worker, the workers' compensation benefits shall be the exclusive remedy for the loss of such worker under this section in the case of bodily injury or death in accordance with such State's workers' compensation law.

"(B) The exclusive remedy prescribed in subparagraph (A) precludes the recovery under paragraph (6) of actual damages for loss from an injury or death but does not preclude other equitable relief, except that such relief shall not include back or front pay or in any manner, directly or indirectly, expand or otherwise alter or affect—

"(i) a recovery under a State workers' compensation law; or

"(ii) rights conferred under a State workers' compensation law.

"(8) TOLLING OF STATUTE OF LIMITATIONS.—If it is determined under a State workers' compensation law that the workers' compensation law is not applicable to a claim for bodily injury or death of an H–2A worker, the statute of limitations for bringing an action for actual damages for such injury or death under subsection (c) shall be tolled for the period during which the claim for such injury or death under such State workers' compensation law was pending. The statute of limitations for an action for actual damages or other equitable relief arising out of the same transaction or occurrence as the injury or death of the H–2A worker shall be tolled for the period during which the claim for such injury or death was pending under the State workers' compensation law.

"(9) PRECLUSIVE EFFECT.—Any settlement by an H–2A worker and an H–2A employer or any person reached through the mediation process required under subsection (c)(1) shall preclude any right of action arising out of the same facts between the parties in any

Federal or State court or administrative proceeding, unless specifically provided otherwise in the settlement agreement.

"(10) SETTLEMENTS.—Any settlement by the Secretary of Labor with an H-2A employer on behalf of an H-2A worker of a complaint filed with the Secretary of Labor under this section or any finding by the Secretary of Labor under subsection (a)(1)(B) shall preclude any right of action arising out of the same facts between the parties under any Federal or State court or administrative proceeding, unless specifically provided otherwise in the settlement agreement.

"(d) DISCRIMINATION PROHIBITED.—

"(1) IN GENERAL.—It is a violation of this subsection for any person who has filed an application under section 218(a), to intimidate, threaten, restrain, coerce, blacklist, discharge, or in any other manner discriminate against an employee (which term, for purposes of this subsection, includes a former employee and an applicant for employment) because the employee has disclosed information to the employer, or to any other person, that the employee reasonably believes evidences a violation of section 218 or 218A or any rule or regulation pertaining to section 218 or 218A, or because the employee cooperates or seeks to cooperate in an investigation or other proceeding concerning the employer's compliance with the requirements of section 218 or 218A or any rule or regulation pertaining to either of such sections.

"(2) DISCRIMINATION AGAINST H-2A WORKERS.—It is a violation of this subsection for any person who has filed an application under section 218(a), to intimidate, threaten, restrain, coerce, blacklist, discharge, or in any manner discriminate against an H-2A employee because such worker has, with just cause, filed a complaint with the Secretary of Labor regarding a denial of the rights enumerated and enforceable under subsection (b) or instituted, or caused to be instituted, a private right of action under subsection (c) regarding the denial of the rights enumerated under subsection (b), or has testified or is about to testify in any court proceeding brought under subsection (c).

"(e) AUTHORIZATION TO SEEK OTHER APPROPRIATE EMPLOYMENT.—The Secretary of Labor and the Secretary shall establish a process under which an H-2A worker who files a complaint regarding a violation of subsection (d) and is otherwise eligible to remain and work in the United States may be allowed to seek other appropriate employment in the United States for a period not to exceed the maximum period of stay authorized for such nonimmigrant classification.

"(f) ROLE OF ASSOCIATIONS.—

"(1) VIOLATION BY A MEMBER OF AN ASSOCIATION.—An employer on whose behalf an application is filed by an association acting as its agent is fully responsible for such application, and for complying with the terms and conditions of sections 218 and 218A, as though the employer had filed the application itself. If such an employer is determined, under this section, to have committed a violation, the penalty for such violation shall apply only to that member of the association unless the Secretary of Labor determines that the association or other member participated in, had knowledge, or reason to know, of the violation, in which case the penalty shall be invoked against the association or other association member as well.

"(2) VIOLATIONS BY AN ASSOCIATION ACTING AS AN EMPLOYER.—If an association filing an application as a sole or joint employer is determined to have committed a violation under this section, the penalty for such violation shall apply only to the association unless the Secretary of Labor determines that an association member or members participated in or had knowledge, or reason to know of the violation, in which case the penalty shall be invoked against the association member or members as well.

"SEC. 218D. DEFINITIONS.

"For purposes of this section and section 218, 218A, 218B, and 218C:

"(1) AGRICULTURAL EMPLOYMENT.—The term 'agricultural employment' means any service or activity that is considered to be agricultural under section 3(f) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(f)) or agricultural labor under section 3121(g) of the Internal Revenue Code of 1986 or the performance of agricultural labor or services described in section 101(a)(15)(H)(ii)(a).

"(2) BONA FIDE UNION.—The term 'bona fide union' means any organization in which employees participate and which exists for the purpose of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or other terms and conditions of work for agricultural employees. Such term does not include an organization formed, created, administered, supported, dominated, financed, or controlled by an employer or employer association or its agents or representatives.

"(3) DISPLACE.—The term 'displace', in the case of an application with respect to 1 or more H-2A workers by an employer, means laying off a United States worker from a job for which the H-2A worker or workers is or are sought.

"(4) ELIGIBLE.—The term 'eligible', when used with respect to an individual, means an individual who is not an unauthorized alien (as defined in section 274A).

"(5) EMPLOYER.—The term 'employer' means any person or entity, including any farm labor contractor and any agricultural association, that employs workers in agricultural employment.

"(6) H-2A EMPLOYER.—The term 'H-2A employer' means an employer who seeks to hire 1 or more nonimmigrant aliens described in section 101(a)(15)(H)(ii)(a).

"(7) H-2A WORKER.—The term 'H-2A worker' means a nonimmigrant described in section 101(a)(15)(H)(ii)(a).

"(8) JOB OPPORTUNITY.—The term 'job opportunity' means a job opening for temporary or seasonal full-time employment at a place in the United States to which United States workers can be referred.

"(9) LAYING OFF.—

"(A) IN GENERAL.—The term 'laying off', with respect to a worker—

"(i) means to cause the worker's loss of employment, other than through a discharge for inadequate performance, violation of workplace rules, cause, voluntary departure, voluntary retirement, contract impossibility (as described in section 218A(b)(4)(D)), or temporary suspension of employment due to weather, markets, or other temporary conditions; but

"(ii) does not include any situation in which the worker is offered, as an alternative to such loss of employment, a similar employment opportunity with the same employer (or, in the case of a placement of a worker with another employer under section 218(b)(2)(E), with either employer described in such section) at equivalent or higher compensation and benefits than the position from which the employee was discharged, regardless of whether or not the employee accepts the offer.

"(B) STATUTORY CONSTRUCTION.—Nothing in this paragraph is intended to limit an employee's rights under a collective bargaining agreement or other employment contract.

"(10) REGULATORY DROUGHT.—The term 'regulatory drought' means a decision subsequent to the filing of the application under section 218 by an entity not under the control of the employer making such filing which restricts the employer's access to water for irrigation purposes and reduces or limits the employer's ability to produce an agricultural commodity, thereby reducing the need for labor.

"(11) SEASONAL.—Labor is performed on a 'seasonal' basis if—

"(A) ordinarily, it pertains to or is of the kind exclusively performed at certain seasons or periods of the year; and

"(B) from its nature, it may not be continuous or carried on throughout the year.

"(12) SECRETARY.—Except as otherwise provided, the term 'Secretary' means the Secretary of Homeland Security.

"(13) TEMPORARY.—A worker is employed on a 'temporary' basis where the employment is intended not to exceed 10 months.

"(14) UNITED STATES WORKER.—The term 'United States worker' means any worker, whether a national of the United States, an alien lawfully admitted for permanent residence, or any other alien, who is authorized to work in the job opportunity within the United States, except an alien admitted or otherwise provided status under section 101(a)(15)(H)(ii)(a).".

(b) TABLE OF CONTENTS.—The table of contents of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended by striking the item relating to section 218 and inserting the following:

"Sec. 218. H-2A employer applications.
"Sec. 218A. H-2A employment requirements.
"Sec. 218B. Procedure for admission and extension of stay of H-2A workers.
"Sec. 218C. Worker protections and labor standards enforcement.
"Sec. 218D. Definitions.".

Subtitle C—Miscellaneous Provisions

SEC. 241. DETERMINATION AND USE OF USER FEES.

(a) SCHEDULE OF FEES.—The Secretary shall establish and periodically adjust a schedule of fees for the employment of aliens pursuant to the amendment made by section 231(a) of this Act and a collection process for such fees from employers. Such fees shall be the only fees chargeable to employers for services provided under such amendment.

(b) DETERMINATION OF SCHEDULE.—

(1) IN GENERAL.—The schedule under subsection (a) shall reflect a fee rate based on the number of job opportunities indicated in the employer's application under section 218 of the Immigration and Nationality Act, as amended by section 231 of this Act, and sufficient to provide for the direct costs of providing services related to an employer's authorization to employ aliens pursuant to the amendment made by section 231(a) of this Act, to include the certification of eligible employers, the issuance of documentation, and the admission of eligible aliens.

(2) PROCEDURE.—

(A) IN GENERAL.—In establishing and adjusting such a schedule, the Secretary shall comply with Federal cost accounting and fee setting standards.

(B) PUBLICATION AND COMMENT.—The Secretary shall publish in the Federal Register an initial fee schedule and associated collection process and the cost data or estimates upon which such fee schedule is based, and any subsequent amendments thereto, pursuant to which public comment shall be sought and a final rule issued.

(c) USE OF PROCEEDS.—Notwithstanding any other provision of law, all proceeds resulting from the payment of the fees pursuant to the amendment made by section 231(a) of this Act shall be available without further appropriation and shall remain available without fiscal year limitation to reimburse the Secretary, the Secretary of State, and the Secretary of Labor for the costs of carrying out sections 218 and 218B of the Immigration and Nationality Act, as amended and added, respectively, by section 231 of this Act, and the provisions of this title.

SEC. 242. REGULATIONS.

(a) REQUIREMENT FOR THE SECRETARY TO CONSULT.—The Secretary shall consult with the Secretary of Labor and the Secretary of Agriculture during the promulgation of all regulations to implement the duties of the Secretary under this title and the amendments made by this title.

(b) REQUIREMENT FOR THE SECRETARY OF STATE TO CONSULT.—The Secretary of State shall consult with the Secretary, the Secretary of Labor, and the Secretary of Agriculture on all regulations to implement the duties of the Secretary of State under this title and the amendments made by this title.

(c) REQUIREMENT FOR THE SECRETARY OF LABOR TO CONSULT.—The Secretary of Labor shall consult with the Secretary of Agriculture and the Secretary on all regulations to implement the duties of the Secretary of Labor under this title and the amendments made by this title.

(d) DEADLINE FOR ISSUANCE OF REGULATIONS.—All regulations to implement the duties of the Secretary, the Secretary of State, and the Secretary of Labor created under sections 218, 218A, 218B, 218C, and 218D of the Immigration and Nationality Act, as amended or added by section 231 of this Act, shall take effect on the effective date of section 231 and shall be issued not later than 1 year after the date of enactment of this Act.

SEC. 243. REPORTS TO CONGRESS.

(a) ANNUAL REPORT.—Not later than September 30 of each year, the Secretary shall submit a report to Congress that identifies, for the previous year—

(1) the number of job opportunities approved for employment of aliens admitted under section 101(a)(15)(H)(ii)(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(a)), and the number of workers actually admitted, disaggregated by State and by occupation;

(2) the number of such aliens reported to have abandoned employment pursuant to subsection 218B(e)(2) of such Act;

(3) the number of such aliens who departed the United States within the period specified in subsection 218B(d) of such Act;

(4) the number of aliens who applied for adjustment of status pursuant to section 211(a);

(5) the number of such aliens whose status was adjusted under section 211(a);

(6) the number of aliens who applied for permanent residence pursuant to section 213(c); and

(7) the number of such aliens who were approved for permanent residence pursuant section 213(c).

(b) IMPLEMENTATION REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall prepare and submit to Congress a report that describes the measures being taken and the progress made in implementing this Act.

SEC. 244. EFFECTIVE DATE.

Except as otherwise provided, sections 231 and 241 shall take effect 1 year after the date of the enactment of this Act.

SA 169. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill H.R. 2, to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage; which was ordered to lie on the table; as follows:

At the end, add the following new section:

SEC. 4. SHARING OF SOCIAL SECURITY DATA FOR IMMIGRATION ENFORCEMENT PURPOSES.

(a) SOCIAL SECURITY ACCOUNT NUMBERS.—Section 264(f) of the Immigration and Nationality Act (8 U.S.C. 1304(f)) is amended to read as follows:

"(f) Notwithstanding any other provision of law (including section 6103 of the Internal Revenue Code of 1986), the Secretary of Homeland Security, the Secretary of Labor, and the Attorney General are authorized to require any individual to provide his or her own social security account number for purposes of inclusion in any record of the individual maintained by either such Secretary or the Attorney General, or of inclusion in any application, document, or form provided under or required by the immigration laws.".

(b) EXCHANGE OF INFORMATION.—Section 290(c) of the Immigration and Nationality Act (8 U.S.C. 1360(c)) is amended by striking paragraph (2) and inserting the following new paragraphs:

"(2)(A) Notwithstanding any other provision of law (including section 6103 of the Internal Revenue Code of 1986) if earnings are reported on or after January 1, 1997, to the Social Security Administration on a social security account number issued to an alien not authorized to work in the United States, the Commissioner of Social Security shall provide the Secretary of Homeland Security with information regarding the name, date of birth, and address of the alien, the name and address of the person reporting the earnings, and the amount of the earnings.

"(B) The information described in subparagraph (A) shall be provided in an electronic form agreed upon by the Commissioner and the Secretary.

"(3)(A) Notwithstanding any other provision of law (including section 6103 of the Internal Revenue Code of 1986), if a social security account number was used with multiple names, the Commissioner of Social Security shall provide the Secretary of Homeland Security with information regarding the name, date of birth, and address of each individual who used that social security account number, and the name and address of the person reporting the earnings for an individual who used that social security account number.

"(B) The information described in subparagraph (A) shall be provided in an electronic form agreed upon by the Commissioner and the Secretary for the sole purpose of enforcing the immigration laws.

"(C) The Secretary, in consultation with the Commissioner, may limit or modify the requirements of this paragraph, as appropriate, to identify the cases posing the highest possibility of fraudulent use of social security account numbers related to violation of the immigration laws.

"(4)(A) Notwithstanding any other provision of law (including section 6103 of the Internal Revenue Code of 1986), if more than one person reports earnings for an individual during a single tax year, the Commissioner of Social Security shall provide the Secretary of Homeland Security information regarding the name, date of birth, and address of the individual, and the name and address of the each person reporting earnings for that individual.

"(B) The information described in subparagraph (A) shall be provided in an electronic form agreed upon by the Commissioner and the Secretary for the sole purpose of enforcing the immigration laws.

"(C) The Secretary, in consultation with the Commissioner, may limit or modify the requirements of this paragraph, as appropriate, to identify the cases posing the highest possibility of fraudulent use of social security account numbers related to violation of the immigration laws.

"(5)(A) The Commissioner of Social Security shall perform, at the request to the Secretary of Homeland Security, any search or manipulation of records held by the Commissioner if the Secretary certifies that the purpose of the search or manipulation is to obtain information that is likely to assist in identifying individuals (and their employers) who are using false names or social security numbers, who are sharing a single valid name and social security number among multiple individuals, who are using the social security number of a person who is deceased, too young to work, or not authorized to work, or who are otherwise engaged in a violation of the immigration laws. The Commissioner shall provide the results of such search or manipulation to the Secretary, notwithstanding any other provision law (including section 6103 of the Internal Revenue Code of 1986).

"(B) The Secretary shall transfer to the Commissioner the funds necessary to cover the costs directly incurred by the Commissioner in carrying out each search or manipulation requested by the Secretary under subparagraph (A).".

(c) FALSE CLAIMS OF CITIZENSHIP BY NATIONALS OF THE UNITED STATES.—Section 212(a)(6)(C)(ii)(I) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(6)(C)(ii)(I)) is amended by inserting "or national" after "citizen".

SA 170. Mr. GREGG (for himself, Mr. SUNUNU, and Mr. ISAKSON) submitted an amendment intended to be proposed by him to the bill H.R. 2, to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . EMPLOYEE OPTION TIME.

(a) BIWEEKLY WORK PROGRAMS.—

(1) IN GENERAL.—The Fair Labor Standards Act of 1938 is amended by inserting after section 13 (29 U.S.C. 213) the following:

"SEC. 13A. BIWEEKLY WORK PROGRAMS.

"(a) VOLUNTARY PARTICIPATION.—

"(1) OPTION OF EMPLOYEE.—Except as provided in paragraph (2), no employee may be required to participate in a program described in this section. Participation in a program described in this section may not be a condition of employment.

"(2) COLLECTIVE BARGAINING AGREEMENT.—In a case in which a valid collective bargaining agreement exists between an employer and the labor organization that has been certified or recognized as the representative of the employees of the employer under applicable law, an employee may only be required to participate in such a program in accordance with the agreement.

"(b) Biweekly Work Programs.—

"(1) In general.—Notwithstanding section 7, an employer may establish biweekly work programs that—

"(A) allow the use of a biweekly work schedule—

"(i) that consists of a basic work requirement of not more than 80 hours, over a 2-week period; and

"(ii) in which more than 40 hours of the work requirement may occur in a week of the period, except that no more than 10 hours may be shifted between the 2 weeks involved; and

"(B) provides that an employee participating in the program is compensated for overtime hours in accordance with paragraph (4).

"(2) Conditions.—An employer may carry out a biweekly work program described in paragraph (1) for employees only pursuant to the following:

"(A) Agreement.—The program may be carried out only in accordance with—

"(i) applicable provisions of a collective bargaining agreement between the employer and the labor organization that has been certified or recognized as the representative of the employees under applicable law; or

"(ii) in the case of an employee who is not represented by a labor organization described in clause (i), a written agreement arrived at between the employer and employee before the performance of the work involved if the agreement was entered into knowingly and voluntarily by such employee and was not a condition of employment.

"(B) Statement of voluntary participation.—The program shall apply to an employee described in subparagraph (A)(ii) if such employee has affirmed, in a written statement that is made, kept, and preserved in accordance with section 11(c), that the employee has voluntarily chosen to participate in the program.

"(C) Minimum service.—No employee may participate, or agree to participate, in the program unless the employee has been employed for at least 12 months by the employer, and for at least 1,250 hours of service with the employer during the previous 12-month period.

"(3) Compensation for hours in schedule.—Notwithstanding section 7, in the case of an employee participating in such a biweekly work program, the employee shall be compensated for each hour in such a biweekly work schedule at a rate not less than the regular rate at which the employee is employed.

"(4) Overtime compensation provision.—An employee participating in such a biweekly work program shall be compensated for each overtime hour at a rate not less than one and one-half times the regular rate at which the employee is employed, in accordance with section 7(a)(1).

"(5) Discontinuance of program or withdrawal.—

"(A) Discontinuance of program.—An employer that has established a biweekly work program under paragraph (1) may discontinue the program for employees described in paragraph (2)(A)(ii) after providing 30 days' written notice to the employees who are subject to an agreement described in paragraph (2)(A)(ii).

"(B) Withdrawal.—An employee may withdraw an agreement described in paragraph (2)(A)(ii) at the end of any 2-week period described in paragraph (1)(A)(i), by submitting a written notice of withdrawal to the employer of the employee.

"(c) Prohibition of Coercion.—

"(1) In general.—An employer shall not directly or indirectly intimidate, threaten, or coerce, or attempt to intimidate, threaten, or coerce, any employee for the purpose of interfering with the rights of the employee under this section to elect or not to elect to work a biweekly work schedule.

"(2) Definition.—In paragraph (1), the term 'intimidate, threaten, or coerce' includes promising to confer or conferring any benefit (such as appointment, promotion, or compensation) or effecting or threatening to effect any reprisal (such as deprivation of appointment, promotion, or compensation).

"(d) Definitions.—In this section:

"(1) Basic work requirement.—The term 'basic work requirement' means the number of hours, excluding overtime hours, that an employee is required to work or is required to account for by leave or otherwise.

"(2) Collective bargaining.—The term 'collective bargaining' means the performance of the mutual obligation of the representative of an employer and the labor organization that has been certified or recognized as the representative of the employees of the employer under applicable law to meet at reasonable times and to consult and bargain in a good-faith effort to reach agreement with respect to the conditions of employment affecting such employees and to execute, if requested by either party, a written document incorporating any collective bargaining agreement reached, but the obligation referred to in this paragraph shall not compel either party to agree to a proposal or to make a concession.

"(3) Collective bargaining agreement.—The term 'collective bargaining agreement' means an agreement entered into as a result of collective bargaining.

"(4) Employee.—The term 'employee' means an individual—

"(A) who is an employee (as defined in section 3);

"(B) who is not an employee of a public agency; and

"(C) to whom section 7(a) applies.

"(5) Employer.—The term 'employer' does not include a public agency.

"(6) Overtime hours.—The term 'overtime hours' when used with respect to biweekly work programs under subsection (b), means all hours worked in excess of the biweekly work schedule involved, in excess of the allotted 50 hours a week, or in excess of the allotted 80 hours in the 2-week period involved, that are requested in advance by an employer.

"(7) Regular rate.—The term 'regular rate' has the meaning given the term in section 7(e).".

(2) Remedies.—

(A) Prohibitions.—Section 15(a)(3) of the Fair Labor Standards Act of 1938 (29 U.S.C. 215(a)(3)) is amended—

(i) by inserting "(A)" after "(3)";

(ii) by adding "or" after the semicolon; and

(iii) by adding at the end the following:

"(B) to violate any of the provisions of section 13A;".

(B) Remedies and sanctions.—Section 16 of the Fair Labor Standards Act of 1938 (29 U.S.C. 216) is amended—

(i) in subsection (c)—

(I) in the first sentence—

(aa) by inserting after "7 of this Act" the following: ", or of the appropriate legal or monetary equitable relief owing to any employee or employees under section 13A"; and

(bb) by striking "wages or unpaid overtime compensation and" and inserting "wages, unpaid overtime compensation, or legal or monetary equitable relief, as appropriate, and";

(II) in the second sentence, by striking "wages or overtime compensation and" and inserting "wages, unpaid overtime compensation, or legal or monetary equitable relief, as appropriate, and"; and

(III) in the third sentence—

(aa) by inserting after "first sentence of such subsection" the following: ", or the second sentence of such subsection in the event of a violation of section 13A,"; and

(bb) by striking "wages or unpaid overtime compensation under sections 6 and 7 or" and inserting "wages, unpaid overtime compensation, or legal or monetary equitable relief, as appropriate, or"; and

(ii) in subsection (e)—

(I) in the second sentence, by striking "section 6 or 7" and inserting "section 6, 7, or 13A"; and

(II) in the fourth sentence, in paragraph (3), by striking "15(a)(4) or" and inserting "15(a)(4), a violation of section 15(a)(3)(B), or".

(3) Notice to employees.—Not later than 30 days after the date of enactment of this section, the Secretary of Labor shall revise the materials the Secretary provides, under regulations contained in section 516.4 of title 29, Code of Federal Regulations, to employers for purposes of a notice explaining the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.) to employees so that the notice reflects the amendments made to the Act by this section.

(b) Congressional Coverage.—Section 203 of the Congressional Accountability Act of 1995 (2 U.S.C. 1313) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking "and section 12(c)" and inserting "section 12(c), and section 13A"; and

(B) by striking paragraph (3);

(2) in subsection (b)—

(A) by striking "The remedy" and inserting the following:

"(1) In general.—Except as provided in paragraph (2), the remedy"; and

(B) by adding at the end the following:

"(2) Biweekly work programs and flexible credit hours programs.—The remedy for a violation of subsection (a) relating to the requirements of section 13A of the Fair Labor Standards Act of 1938 shall be such remedy as would be appropriate if awarded under sections 16 and 17 of such Act (29 U.S.C. 216, 217) for such a violation."; and

(3) in subsection (c), by striking paragraph (4).

(c) Termination.—The authority provided by this section and the amendments made by this section terminates 5 years after the date of enactment of this section.

SA 171. Mr. GREGG (for himself, Mr. Sununu, and Mr. Isakson) submitted an amendment intended to be proposed to amendment SA 100 proposed by Mr. Reid (for Mr. Baucus) to the bill H.R. 2, to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . EMPLOYEE OPTION TIME.

(a) Biweekly Work Programs.—

(1) In general.—The Fair Labor Standards Act of 1938 is amended by inserting after section 13 (29 U.S.C. 213) the following:

"SEC. 13A. BIWEEKLY WORK PROGRAMS.

"(a) Voluntary Participation.—

"(1) Option of employee.—Except as provided in paragraph (2), no employee may be required to participate in a program described in this section. Participation in a program described in this section may not be a condition of employment.

"(2) COLLECTIVE BARGAINING AGREEMENT.—In a case in which a valid collective bargaining agreement exists between an employer and the labor organization that has been certified or recognized as the representative of the employees of the employer under applicable law, an employee may only be required to participate in such a program in accordance with the agreement.

"(b) BIWEEKLY WORK PROGRAMS.—

"(1) IN GENERAL.—Notwithstanding section 7, an employer may establish biweekly work programs that—

"(A) allow the use of a biweekly work schedule—

"(i) that consists of a basic work requirement of not more than 80 hours, over a 2-week period; and

"(ii) in which more than 40 hours of the work requirement may occur in a week of the period, except that no more than 10 hours may be shifted between the 2 weeks involved; and

"(B) provides that an employee participating in the program is compensated for overtime hours in accordance with paragraph (4).

"(2) CONDITIONS.—An employer may carry out a biweekly work program described in paragraph (1) for employees only pursuant to the following:

"(A) AGREEMENT.—The program may be carried out only in accordance with—

"(i) applicable provisions of a collective bargaining agreement between the employer and the labor organization that has been certified or recognized as the representative of the employees under applicable law; or

"(ii) in the case of an employee who is not represented by a labor organization described in clause (i), a written agreement arrived at between the employer and employee before the performance of the work involved if the agreement was entered into knowingly and voluntarily by such employee and was not a condition of employment.

"(B) STATEMENT OF VOLUNTARY PARTICIPATION.—The program shall apply to an employee described in subparagraph (A)(ii) if such employee has affirmed, in a written statement that is made, kept, and preserved in accordance with section 11(c), that the employee has voluntarily chosen to participate in the program.

"(C) MINIMUM SERVICE.—No employee may participate, or agree to participate, in the program unless the employee has been employed for at least 12 months by the employer, and for at least 1,250 hours of service with the employer during the previous 12-month period.

"(3) COMPENSATION FOR HOURS IN SCHEDULE.—Notwithstanding section 7, in the case of an employee participating in such a biweekly work program, the employee shall be compensated for each hour in such a biweekly work schedule at a rate not less than the regular rate at which the employee is employed.

"(4) OVERTIME COMPENSATION PROVISION.—An employee participating in such a biweekly work program shall be compensated for each overtime hour at a rate not less than one and one-half times the regular rate at which the employee is employed, in accordance with section 7(a)(1).

"(5) DISCONTINUANCE OF PROGRAM OR WITHDRAWAL.—

"(A) DISCONTINUANCE OF PROGRAM.—An employer that has established a biweekly work program under paragraph (1) may discontinue the program for employees described in paragraph (2)(A)(ii) after providing 30 days' written notice to the employees who are subject to an agreement described in paragraph (2)(A)(ii).

"(B) WITHDRAWAL.—An employee may withdraw an agreement described in paragraph (2)(A)(ii) at the end of any 2-week period described in paragraph (1)(A)(i), by submitting a written notice of withdrawal to the employer of the employee.

"(c) PROHIBITION OF COERCION.—

"(1) IN GENERAL.—An employer shall not directly or indirectly intimidate, threaten, or coerce, or attempt to intimidate, threaten, or coerce, any employee for the purpose of interfering with the rights of the employee under this section to elect or not to elect to work a biweekly work schedule.

"(2) DEFINITION.—In paragraph (1), the term 'intimidate, threaten, or coerce' includes promising to confer or conferring any benefit (such as appointment, promotion, or compensation) or effecting or threatening to effect any reprisal (such as deprivation of appointment, promotion, or compensation).

"(d) DEFINITIONS.—In this section:

"(1) BASIC WORK REQUIREMENT.—The term 'basic work requirement' means the number of hours, excluding overtime hours, that an employee is required to work or is required to account for by leave or otherwise.

"(2) COLLECTIVE BARGAINING.—The term 'collective bargaining' means the performance of the mutual obligation of the representative of an employer and the labor organization that has been certified or recognized as the representative of the employees of the employer under applicable law to meet at reasonable times and to consult and bargain in a good-faith effort to reach agreement with respect to the conditions of employment affecting such employees and to execute, if requested by either party, a written document incorporating any collective bargaining agreement reached, but the obligation referred to in this paragraph shall not compel either party to agree to a proposal or to make a concession.

"(3) COLLECTIVE BARGAINING AGREEMENT.—The term 'collective bargaining agreement' means an agreement entered into as a result of collective bargaining.

"(4) EMPLOYEE.—The term 'employee' means an individual—

"(A) who is an employee (as defined in section 3);

"(B) who is not an employee of a public agency; and

"(C) to whom section 7(a) applies.

"(5) EMPLOYER.—The term 'employer' does not include a public agency.

"(6) OVERTIME HOURS.—The term 'overtime hours' when used with respect to biweekly work programs under subsection (b), means all hours worked in excess of the biweekly work schedule involved, in excess of the allotted 50 hours a week, or in excess of the allotted 80 hours in the 2-week period involved, that are requested in advance by an employer.

"(7) REGULAR RATE.—The term 'regular rate' has the meaning given the term in section 7(e).".

(2) REMEDIES.—

(A) PROHIBITIONS.—Section 15(a)(3) of the Fair Labor Standards Act of 1938 (29 U.S.C. 215(a)(3)) is amended—

(i) by inserting "(A)" after "(3)";

(ii) by adding "or" after the semicolon; and

(iii) by adding at the end the following:

"(B) to violate any of the provisions of section 13A;".

(B) REMEDIES AND SANCTIONS.—Section 16 of the Fair Labor Standards Act of 1938 (29 U.S.C. 216) is amended—

(i) in subsection (c)—

(I) in the first sentence—

(aa) by inserting after "7 of this Act" the following: ", or of the appropriate legal or monetary equitable relief owing to any employee or employees under section 13A"; and

(bb) by striking "wages or unpaid overtime compensation and" and inserting "wages, unpaid overtime compensation, or legal or monetary equitable relief, as appropriate, and";

(II) in the second sentence, by striking "wages or overtime compensation and" and inserting "wages, unpaid overtime compensation, or legal or monetary equitable relief, as appropriate, and"; and

(III) in the third sentence—

(aa) by inserting after "first sentence of such subsection" the following: ", or the second sentence of such subsection in the event of a violation of section 13A,"; and

(bb) by striking "wages or unpaid overtime compensation under sections 6 and 7 or" and inserting "wages, unpaid overtime compensation, or legal or monetary equitable relief, as appropriate, or"; and

(ii) in subsection (e)—

(I) in the second sentence, by striking "section 6 or 7" and inserting "section 6, 7, or 13A"; and

(II) in the fourth sentence, in paragraph (3), by striking "15(a)(4) or" and inserting "15(a)(4), a violation of section 15(a)(3)(B), or".

(3) NOTICE TO EMPLOYEES.—Not later than 30 days after the date of enactment of this section, the Secretary of Labor shall revise the materials the Secretary provides, under regulations contained in section 516.4 of title 29, Code of Federal Regulations, to employers for purposes of a notice explaining the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.) to employees so that the notice reflects the amendments made to the Act by this section.

(b) CONGRESSIONAL COVERAGE.—Section 203 of the Congressional Accountability Act of 1995 (2 U.S.C. 1313) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking "and section 12(c)" and inserting "section 12(c), and section 13A"; and

(B) by striking paragraph (3);

(2) in subsection (b)—

(A) by striking "The remedy" and inserting the following:

"(1) IN GENERAL.—Except as provided in paragraph (2), the remedy"; and

(B) by adding at the end the following:

"(2) BIWEEKLY WORK PROGRAMS AND FLEXIBLE CREDIT HOURS PROGRAMS.—The remedy for a violation of subsection (a) relating to the requirements of section 13A of the Fair Labor Standards Act of 1938 shall be such remedy as would be appropriate if awarded under sections 16 and 17 of such Act (29 U.S.C. 216, 217) for such a violation."; and

(3) in subsection (c), by striking paragraph (4).

(c) TERMINATION.—The authority provided by this section and the amendments made by this section terminates 5 years after the date of enactment of this section.

SA 172. Mr. ROBERTS submitted an amendment intended to be proposed by him to the bill H.R. 2, to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

SEC. . AGRICULTURAL CHEMICALS SECURITY CREDIT.

(a) In General.—Subpart D of part IV of subchapter A of chapter 1 (relating to business related credits) is amended by adding at the end the following new section:

"SEC. 45O. AGRICULTURAL CHEMICALS SECURITY CREDIT.

"(a) In General.—For purposes of section 38, in the case of an eligible agricultural business, the agricultural chemicals security credit determined under this section for the taxable year is 30 percent of the qualified security expenditures for the taxable year.

"(b) Facility Limitation.—The amount of the credit determined under subsection (a) with respect to any facility for any taxable year shall not exceed—

"(1) $100,000, reduced by

"(2) the aggregate amount of credits determined under subsection (a) with respect to such facility for the 5 prior taxable years.

"(c) Annual Limitation.—The amount of the credit determined under subsection (a) with respect to any taxpayer for any taxable year shall not exceed $2,000,000.

"(d) Qualified Chemical Security Expenditure.—For purposes of this section, the term 'qualified chemical security expenditure' means, with respect to any eligible agricultural business for any taxable year, any amount paid or incurred by such business during such taxable year for—

"(1) employee security training and background checks,

"(2) limitation and prevention of access to controls of specified agricultural chemicals stored at the facility,

"(3) tagging, locking tank valves, and chemical additives to prevent the theft of specified agricultural chemicals or to render such chemicals unfit for illegal use,

"(4) protection of the perimeter of specified agricultural chemicals,

"(5) installation of security lighting, cameras, recording equipment, and intrusion detection sensors,

"(6) implementation of measures to increase computer or computer network security,

"(7) conducting a security vulnerability assessment,

"(8) implementing a site security plan, and

"(9) such other measures for the protection of specified agricultural chemicals as the Secretary may identify in regulation.

Amounts described in the preceding sentence shall be taken into account only to the extent that such amounts are paid or incurred for the purpose of protecting specified agricultural chemicals.

"(e) Eligible Agricultural Business.—For purposes of this section, the term 'eligible agricultural business' means any person in the trade or business of—

"(1) selling agricultural products, including specified agricultural chemicals, at retail predominantly to farmers and ranchers, or

"(2) manufacturing, formulating, distributing, or aerially applying specified agricultural chemicals.

"(f) Specified Agricultural Chemical.—For purposes of this section, the term 'specified agricultural chemical' means—

"(1) any fertilizer commonly used in agricultural operations which is listed under—

"(A) section 302(a)(2) of the Emergency Planning and Community Right-to-Know Act of 1986,

"(B) section 101 of part 172 of title 49, Code of Federal Regulations, or

"(C) part 126, 127, or 154 of title 33, Code of Federal Regulations, and

"(2) any pesticide (as defined in section 2(u) of the Federal Insecticide, Fungicide, and Rodenticide Act), including all active and inert ingredients thereof, which is customarily used on crops grown for food, feed, or fiber.

"(g) Controlled Groups.—Rules similar to the rules of paragraphs (1) and (2) of section 41(f) shall apply for purposes of this section.

"(h) Regulations.—The Secretary may prescribe such regulations as may be necessary or appropriate to carry out the purposes of this section, including regulations which—

"(1) provide for the proper treatment of amounts which are paid or incurred for purpose of protecting any specified agricultural chemical and for other purposes, and

"(2) provide for the treatment of related properties as one facility for purposes of subsection (b).

"(i) Termination.—This section shall not apply to any amount paid or incurred after December 31, 2010.".

(b) Credit Allowed as Part of General Business Credit.—Section 38(b) is amended by striking "plus" at the end of paragraph (30), by striking the period at the end of paragraph (31) and inserting ", plus", and by adding at the end the following new paragraph:

"(32) in the case of an eligible agricultural business (as defined in section 45O(e)), the agricultural chemicals security credit determined under section 45O(a).".

(c) Denial of Double Benefit.—Section 280C is amended by adding at the end the following new subsection:

"(f) Credit for Security of Agricultural Chemicals.—No deduction shall be allowed for that portion of the expenses (otherwise allowable as a deduction) taken into account in determining the credit under section 45O for the taxable year which is equal to the amount of the credit determined for such taxable year under section 45O(a).".

(d) Clerical Amendment.—The table of sections for subpart D of part IV of subchapter A of chapter 1 is amended by adding at the end the following new item:

"Sec. 45O. Agricultural chemicals security credit.".

(e) Effective Date.—The amendments made by this section shall apply to amounts paid or incurred after December 31, 2006.

SA 173. Mr. KERRY submitted an amendment intended to be proposed to amendment SA 112 submitted by Mr. Sununu to the amendment SA 100 proposed by Mr. Reid (Mr. Baucus) to the bill H.R. 2, to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. . SUSTAINABILITY PROGRAM.

(a) In General.—Section 29(l) of the Small Business Act (15 U.S.C. 656(l)) is amended—

(1) in the subsection heading, by striking "Pilot";

(2) in paragraph (1), by striking "4-year pilot"; and

(3) in paragraph (5), by striking "pilot".

(b) Conforming Amendments.—Section 29(k) of the Small Business Act (15 U.S.C. 656(k)) is amended—

(1) in paragraph (1), by striking "pilot";

(2) in paragraph (4)—

(A) in the paragraph heading, by striking "pilot";

(B) in subparagraph (A), by adding at the end the following:

"(v) For fiscal years 2007 and 2008, not less than 41 percent."; and

(C) in the heading for subparagraph (B), by striking "pilot".

SA 174. Mr. KERRY submitted an amendment intended to be proposed by him to the bill H.R. 2, to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . SUSTAINABILITY PROGRAM.

(a) In General.—Section 29(l) of the Small Business Act (15 U.S.C. 656(l)) is amended—

(1) in the subsection heading, by striking "Pilot";

(2) in paragraph (1), by striking "4-year pilot"; and

(3) in paragraph (5), by striking "pilot".

(b) Conforming Amendments.—Section 29(k) of the Small Business Act (15 U.S.C. 656(k)) is amended—

(1) in paragraph (1), by striking "pilot";

(2) in paragraph (4)—

(A) in the paragraph heading, by striking "pilot";

(B) in subparagraph (A), by adding at the end the following:

"(v) For fiscal years 2007 and 2008, not less than 41 percent."; and

(C) in the heading for subparagraph (B), by striking "pilot".

SA 175. Mr. HATCH submitted an amendment intended to be proposed by him to the bill H.R. 2, to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . PROVISIONS TO IMPROVE AND EXPAND THE AVAILABILITY OF HEALTH SAVINGS ACCOUNTS.

(a) Provisions Relating to Eligibility to Contribute to HSAs.—

(1) Individuals eligible for reimbursement under spouse's flexible spending arrangement.—Section 223(c)(1) (defining eligible individual) is amended by adding at the end the following new subparagraph:

"(C) Special rule for certain flexible spending arrangements.—For purposes of subparagraph (A)(ii), an individual shall not be treated as covered under a health plan described in such subparagraph merely because the individual is covered under a flexible spending arrangement (within the meaning of section 106(c)(2)) which is maintained by an employer of the spouse of the individual, but only if—

"(i) the employer is not also the employer of the individual, and

"(ii) the individual certifies to the employer and to the Secretary (in such form and manner as the Secretary may prescribe) that the individual and the individual's spouse will not accept reimbursement under the arrangement for any expenses for medical care provided to the individual.".

(2) Individuals over age 65 automatically enrolled in medicare part A.—Section

223(b)(7) (relating to contribution limitation on medicare eligible individuals) is amended by adding at the end the following new sentence: "This paragraph shall not apply to any individual during any period the individual's only entitlement to such benefits is an entitlement to hospital insurance benefits under part A of title XVIII of such Act pursuant to an automatic enrollment for such hospital insurance benefits under the regulations under section 226(a)(1) of such Act."

(3) INDIVIDUALS ELIGIBLE FOR CERTAIN VETERANS BENEFITS.—Section 223(c)(1) (defining eligible individual), as amended by subsection (a), is amended by adding at the end the following new subparagraph:

"(D) SPECIAL RULE FOR INDIVIDUALS ELIGIBLE FOR CERTAIN VETERANS BENEFITS.—For purposes of subparagraph (A)(ii), an individual shall not be treated as covered under a health plan described in such subparagraph merely because the individual receives periodic hospital care or medical services for a service-connected disability under any law administered by the Secretary of Veterans Affairs but only if the individual is not eligible to receive such care or services for any condition other than a service-connected disability.".

(b) FAMILY PLAN MAY HAVE INDIVIDUAL ANNUAL DEDUCTIBLE LIMIT.—Section 223(c)(2) (defining high deductible health plan) is amended by adding at the end the following new subparagraph:

"(E) SPECIAL RULE FOR FAMILY COVERAGE.—A health plan providing family coverage shall not fail to meet the requirements of subparagraph (A)(i)(II) merely because the plan elects to provide both—

"(i) an aggregate annual deductible limit for all individuals covered by the plan which is not less than the amount in effect under subparagraph (A)(i)(II), and

"(ii) an annual deductible limit for each individual covered by the plan which is not less than the amount in effect under subparagraph (A)(i)(I).".

(c) DEFINITION OF QUALIFIED MEDICAL EXPENSES.—

(1) PREMIUMS FOR LOW PREMIUM HEALTH PLANS TREATED AS QUALIFIED MEDICAL EXPENSES.—Subparagraph (C) of section 223(d)(2) is amended by striking "or" at the end of clause (iii), by striking the period at the end of clause (iv) and inserting ", or", and by adding at the end the following new clause:

"(v) a high deductible health plan, but only if the expenses are for coverage for a month with respect to which the account beneficiary is an eligible individual by reason of the coverage under the plan.".

(2) SPECIAL RULE FOR CERTAIN MEDICAL EXPENSES INCURRED BEFORE ESTABLISHMENT OF ACCOUNT.—Paragraph (2) of section 223(d) is amended by adding at the end the following new subparagraph:

"(D) CERTAIN MEDICAL EXPENSES INCURRED BEFORE ESTABLISHMENT OF ACCOUNT TREATED AS QUALIFIED.—An expense shall not fail to be treated as a qualified medical expense solely because such expense was incurred before the establishment of the health savings account if such expense was incurred—

"(i) during either—

"(I) the taxable year in which the health savings account was established, or

"(II) the preceding taxable year in the case of a health savings account established after the taxable year in which such expense was incurred but before the time prescribed by law for filing the return for such taxable year (not including extensions thereof), and

"(ii) for medical care of an individual during a period that such individual was an eligible individual.

For purposes of clause (ii), an individual shall be treated as an eligible individual for any portion of a month the individual is described in subsection (c)(1), determined without regard to whether the individual is covered under a high deductible health plan on the 1st day of such month.".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that an oversight hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will be held on Tuesday, February 13, 2007, at 10:00 a.m. in room SD–106 of the Dirksen Senate Office Building.

The purpose of this hearing is to receive testimony on the Stern Review of the Economics of Climate Change, examining the economic impacts of climate change and stabilizing greenhouse gases in the atmosphere.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150.

For further information, please contact Jonathan Black at (202) 224–6722 or Amanda Kelly at (202) 224–5836.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that an oversight hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will be held on Tuesday, January 30, 2007, at 2:30 p.m. in room SD–366 of the Dirksen Senate Office Building.

The purpose of this hearing is to receive testimony on transportation sector fuel efficiency, including challenges to and incentives for increased oil savings through technological innovation including plug-in hybrids.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150.

For further information, please contact Michael Carr at (202) 224–8164 or Rachael Pasternack at (202) 224–0883.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, January 23, 2007, at 9:30 a.m., in open session to consider the nomination of LTG David H. Petraeus, USA, to be General and Commander, Multi-National Forces-Iraq.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, January 23, 2007 at 9:15 a.m. to hold a hearing on Iraq.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, January 23, 2007 at 2:30 p.m. to hold a hearing on Iraq.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on Tuesday, January 23, 2007, to hold an oversight hearing on DOD/VA Collaboration and Cooperation to Meet the Needs of Returning Service members. The hearing will take place in room 418 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on January 23, 2007 at 2:30 p.m. to hold a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE TRANSPARENCY AND ACCOUNTABILITY ACT OF 2007

On Thursday, January 18, 2007, the Senate passed S. 1, as amended, as follows:

S. 1

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Table of contents.

TITLE I—LEGISLATIVE TRANSPARENCY AND ACCOUNTABILITY ACT OF 2007

Sec. 101. Short title.

Sec. 102. Out of scope matters in conference reports.
Sec. 103. Congressional earmark reform.
Sec. 104. Availability of conference reports on the Internet.
Sec. 105. Sense of the Senate on conference committee protocols.
Sec. 106. Elimination of floor privileges for former Members, Senate Officers, and Speakers of the House who are lobbyists or seek financial gain.
Sec. 107. Proper valuation of tickets to entertainment and sporting events.
Sec. 108. Ban on gifts from lobbyists and entities that hire lobbyists.
Sec. 108A. National party conventions.
Sec. 109. Restrictions on lobbyist participation in travel and disclosure.
Sec. 110. Restrictions on former officers, employees, and elected officials of the executive and legislative branch.
Sec. 111. Post employment restrictions.
Sec. 112. Disclosure by Members of Congress and staff of employment negotiations.
Sec. 113. Prohibit official contact with spouse or immediate family member of Member who is a registered lobbyist.
Sec. 114. Influencing hiring decisions.
Sec. 115. Sense of the Senate that any applicable restrictions on Congressional branch employees should apply to the Executive and Judicial branches.
Sec. 116. Amounts of COLA adjustments not paid to certain Members of Congress.
Sec. 117. Requirement of notice of intent to proceed.
Sec. 118. CBO scoring requirement.
Sec. 119. Effective date.

TITLE II—LOBBYING TRANSPARENCY AND ACCOUNTABILITY ACT OF 2007

Sec. 201. Short title.

Subtitle A—Enhancing Lobbying Disclosure

Sec. 211. Quarterly filing of lobbying disclosure reports.
Sec. 212. Quarterly reports on other contributions.
Sec. 213. Additional disclosure.
Sec. 214. Public database of lobbying disclosure information.
Sec. 215. Disclosure by registered lobbyists of all past executive and Congressional employment.
Sec. 216. Increased penalty for failure to comply with lobbying disclosure requirements.
Sec. 217. Disclosure of lobbying activities by certain coalitions and associations.
Sec. 218. Disclosure of enforcement for noncompliance.
Sec. 219. Electronic filing of lobbying disclosure reports.
Sec. 220. Electronic filing and public database for lobbyists for foreign governments.
Sec. 221. Additional lobbying disclosure requirements.
Sec. 222. Increased criminal penalties for failure to comply with lobbying disclosure requirements.
Sec. 223. Effective date.

Subtitle B—Oversight of Ethics and Lobbying

Sec. 231. Comptroller General audit and annual report.
Sec. 232. Mandatory Senate ethics training for Members and staff.
Sec. 233. Sense of the Senate regarding self-regulation within the Lobbying community.
Sec. 234. Annual ethics committees reports.

Subtitle C—Slowing the Revolving Door

Sec. 241. Amendments to restrictions on former officers, employees, and elected officials of the executive and legislative branches.

Subtitle D—Ban on Provision of Gifts or Travel by Lobbyists in Violation of the Rules of Congress

Sec. 251. Prohibition on provision of gifts or travel by registered lobbyists to Members of Congress and to Congressional employees.

Subtitle E—Commission to Strengthen Confidence in Congress Act of 2007

Sec. 261. Short title.
Sec. 262. Establishment of commission.
Sec. 263. Purposes.
Sec. 264. Composition of commission.
Sec. 265. Functions of commission.
Sec. 266. Powers of commission.
Sec. 267. Administration.
Sec. 268. Security clearances for commission Members and staff.
Sec. 269. Commission reports; termination.
Sec. 270. Funding.

TITLE III—CONGRESSIONAL PENSION ACCOUNTABILITY

Sec. 301. Short title.
Sec. 302. Denial of retirement benefits.
Sec. 303. Constitutional authority.
Sec. 304. Effective date.

TITLE IV—GENERAL PROVISIONS

Sec. 401. Knowing and willful falsification or failure to report.
Sec. 402. Public availability of Senate committee and subcommittee meeetings.
Sec. 403. Free attendance at a bona fide constituent event.
Sec. 404. Prohibition on financial gain from earmarks by Members, immediate family of Members, staff of Members, or immediate family of staff of Members.
Sec. 405. Amendments and motions to recommit.
Sec. 406. Congressional travel public website.

TITLE I—LEGISLATIVE TRANSPARENCY AND ACCOUNTABILITY ACT OF 2007

SEC. 101. SHORT TITLE.

This title may be cited as the "Legislative Transparency and Accountability Act of 2007".

SEC. 102. OUT OF SCOPE MATTERS IN CONFERENCE REPORTS.

(a) IN GENERAL.—A point of order may be made by any Senator against any item contained in a conference report that includes or consists of any matter not committed to the conferees by either House.

(1) For the purpose of this section "matter not committed to the conferees by either House" shall include any item which consists of a specific provision containing a specific level of funding for any specific account, specific program, specific project, or specific activity, when no such specific funding was provided for such specific account, specific program, specific project, or specific activity in the measure originally committed to the conferees by either House.

(2) For the purpose of Rule XXVIII of the Standing Rules of the Senate "matter not committed" shall include any item which consists of a specific provision containing a specific level of funding for any specific account, specific program, specific project, or specific activity, when no such specific funding was provided for such specific account, specific program, specific project, or specific activity in the measure originally committed to the conferees by either House.

The point of order may be made and disposed of separately for each item in violation of this section.

(b) DISPOSITION.—If the point of order raised against an item in a conference report under subsection (a) is sustained, then—

(1) the matter in such conference report shall be stricken;

(2) when all other points of order under this section have been disposed of—

(A) the Senate shall proceed to consider the question of whether the Senate should recede from its amendment to the House bill, or its disagreement to the amendment of the House, and concur with a further amendment, which further amendment shall consist of only that portion of the conference report that has not been stricken (any modification of total amounts appropriated necessary to reflect the deletion of the matter struck from the conference report shall be made);

(B) the question shall be debatable; and

(C) no further amendment shall be in order.

(c) SUPERMAJORITY WAIVER AND APPEAL.—This section may be waived or suspended in the Senate only by an affirmative vote of ⅗ of the Members, duly chosen and sworn. An affirmative vote of ⅗ of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

SEC. 103. CONGRESSIONAL EARMARK REFORM.

The Standing Rules of the Senate are amended by adding at the end the following:

RULE XLIV

EARMARKS

"1. It shall not be in order to consider—

"(a) a bill or joint resolution reported by a committee unless the report includes a list, which shall be made available on the Internet in a searchable format to the general public for at least 48 hours before consideration of the bill or joint resolution, of congressional earmarks, limited tax benefits, and limited tariff benefits in the bill or in the report (and the name of any Member who submitted a request to the committee for each respective item included in such list) or a statement that the proposition contains no congressional earmarks, limited tax benefits, or limited tariff benefits;

"(b) a bill or joint resolution not reported by a committee unless the chairman of each committee of jurisdiction has caused a list, which shall be made available on the Internet in a searchable format to the general public for at least 48 hours before consideration of the bill or joint resolution, of congressional earmarks, limited tax benefits, and limited tariff benefits in the bill (and the name of any Member who submitted a request to the committee for each respective item included in such list) or a statement that the proposition contains no congressional earmarks, limited tax benefits, or limited tariff benefits to be printed in the Congressional Record prior to its consideration; or

"(c) a conference report to accompany a bill or joint resolution unless the joint explanatory statement prepared by the managers on the part of the House and the managers on the part of the Senate includes a list, which shall be made available on the

Internet in a searchable format to the general public for at least 48 hours before consideration of the conference report, of congressional earmarks, limited tax benefits, and limited tariff benefits in the conference report or joint statement (and the name of any Member, Delegate, Resident Commissioner, or Senator who submitted a request to the House or Senate committees of jurisdiction for each respective item included in such list) or a statement that the proposition contains no congressional earmarks, limited tax benefits, or limited tariff benefits.

"2. For the purpose of this rule—

"(a) the term 'congressional earmark' means a provision or report language included primarily at the request of a Member, Delegate, Resident Commissioner, or Senator providing, authorizing or recommending a specific amount of discretionary budget authority, credit authority, or other spending authority for a contract, loan, loan guarantee, grant, loan authority, or other expenditure with or to an entity, or targeted to a specific State, locality or Congressional district, other than through a statutory or administrative formula-driven or competitive award process;

"(b) the term 'limited tax benefit' means—

"(1) any revenue provision that—

"(A) provides a Federal tax deduction, credit, exclusion, or preference to a particular beneficiary or limited group of beneficiaries under the Internal Revenue Code of 1986; and

"(B) contains eligibility criteria that are not uniform in application with respect to potential beneficiaries of such provision; or

"(2) any Federal tax provision which provides one beneficiary temporary or permanent transition relief from a change to the Internal Revenue Code of 1986; and

"(c) the term 'limited tariff benefit' means a provision modifying the Harmonized Tariff Schedule of the United States in a manner that benefits 10 or fewer entities.

"3. A Member may not condition the inclusion of language to provide funding for a congressional earmark, a limited tax benefit, or a limited tariff benefit in any bill or joint resolution (or an accompanying report) or in any conference report on a bill or joint resolution (including an accompanying joint explanatory statement of managers) on any vote cast by another Member, Delegate, or Resident Commissioner.

"4. (a) A Member who requests a congressional earmark, a limited tax benefit, or a limited tariff benefit in any bill or joint resolution (or an accompanying report) or in any conference report on a bill or joint resolution (or an accompanying joint statement of managers) shall provide a written statement to the chairman and ranking member of the committee of jurisdiction, including—

"(1) the name of the Member;

"(2) in the case of a congressional earmark, the name and address of the intended recipient or, if there is no specifically intended recipient, the intended location of the activity;

"(3) in the case of a limited tax or tariff benefit, identification of the individual or entities reasonably anticipated to benefit, to the extent known to the Member;

"(4) the purpose of such congressional earmark or limited tax or tariff benefit; and

"(5) a certification that the Member or spouse has no financial interest in such congressional earmark or limited tax or tariff benefit.

"(b) Each committee shall maintain the written statements transmitted under subparagraph (a). The written statements transmitted under subparagraph (a) for any congressional earmarks, limited tax benefits, or limited tariff benefits included in any measure reported by the committee or conference report filed by the chairman of the committee or any subcommittee thereof shall be published in a searchable format on the committee's or subcommittee's website not later than 48 hours after receipt on such information.

"5. It shall not be in order to consider any bill, resolution, or conference report that contains an earmark included in any classified portion of a report accompanying the measure unless the bill, resolution, or conference report includes to the greatest extent practicable, consistent with the need to protect national security (including intelligence sources and methods), in unclassified language, a general program description, funding level, and the name of the sponsor of that earmark.".

SEC. 104. AVAILABILITY OF CONFERENCE REPORTS ON THE INTERNET.

(a) IN GENERAL.—

(1) AMENDMENT.—Rule XXVIII of all the Standing Rules of the Senate is amended by adding at the end the following:

"7. (a) It shall not be in order to consider a conference report unless such report is available to all Members and made available to the general public by means of the Internet for at least 48 hours before its consideration.

"(b) This paragraph may be waived or suspended in the Senate only by an affirmative vote of ⅗ of the Members, duly chosen and sworn. An affirmative vote of ⅗ of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this paragraph.

"8. It shall not be in order to consider a conference report unless the text of such report has not been changed after the Senate signatures sheets have been signed by a majority of the Senate conferees.".

(2) EFFECTIVE DATE.—This subsection shall take effect 60 days after the date of enactment of this title.

(b) IMPLEMENTATION.—Not later than 60 days after the date of enactment of this title, the Secretary of the Senate, in consultation with the Clerk of the House of Representatives, the Government Printing Office, and the Committee on Rules and Administration, shall develop a website capable of complying with the requirements of paragraph 7 of rule XXVIII of the Standing Rules of the Senate, as added by subsection (a).

SEC. 105. SENSE OF THE SENATE ON CONFERENCE COMMITTEE PROTOCOLS.

It is the sense of the Senate that—

(1) conference committees should hold regular, formal meetings of all conferees that are open to the public;

(2) all conferees should be given adequate notice of the time and place of all such meetings; and

(3) all conferees should be afforded an opportunity to participate in full and complete debates of the matters that such conference committees may recommend to their respective Houses.

SEC. 106. ELIMINATION OF FLOOR PRIVILEGES FOR FORMER MEMBERS, SENATE OFFICERS, AND SPEAKERS OF THE HOUSE WHO ARE LOBBYISTS OR SEEK FINANCIAL GAIN.

Rule XXIII of the Standing Rules of the Senate is amended by—

(1) inserting "1." before "Other";

(2) inserting after "Ex-Senators and Senators-elect" the following: ", except as provided in paragraph 2";

(3) inserting after "Ex-Secretaries and ex-Sergeants at Arms of the Senate" the following: ", except as provided in paragraph 2";

(4) inserting after "Ex-Speakers of the House of Representatives" the following: ", except as provided in paragraph 2"; and

(5) adding at the end the following:

"2. (a) The floor privilege provided in paragraph 1 shall not apply, when the Senate is in session, to an individual covered by this paragraph who is—

"(1) a registered lobbyist or agent of a foreign principal; or

"(2) is in the employ of or represents any party or organization for the purpose of influencing, directly or indirectly, the passage, defeat, or amendment of any legislative proposal.

"(b) The Committee on Rules and Administration may promulgate regulations to allow individuals covered by this paragraph floor privileges for ceremonial functions and events designated by the Majority Leader and the Minority Leader.

"3. A former Member of the Senate may not exercise privileges to use Senate or House gym or exercise facilities or member-only parking spaces if such Member is—

"(1) a registered lobbyist or agent of a foreign principal; or

"(2) in the employ of or represents any party or organization for the purpose of influencing, directly or indirectly, the passage, defeat, or amendment of any legislative proposal.".

SEC. 107. PROPER VALUATION OF TICKETS TO ENTERTAINMENT AND SPORTING EVENTS.

Paragraph 1(c)(1) of rule XXXV of the Standing Rules of the Senate is amended by adding at the end the following: "The market value of a ticket to an entertainment or sporting event shall be the face value of the ticket or, in the case of a ticket without a face value, the value of the most similar ticket sold by the issuer to the public. A determination of similarity shall consider all features of the ticket, including access to parking, availability of food and refreshments, and access to venue areas not open to the public. A ticket with no face value and for which no similar ticket is sold by the issuer to the public, shall be valued at the cost of a ticket with the highest face value for the event.".

SEC. 108. BAN ON GIFTS FROM LOBBYISTS AND ENTITIES THAT HIRE LOBBYISTS.

Paragraph 1(a)(2) of rule XXXV of the Standing Rules of the Senate is amended by—

(1) inserting "(A)" after "(2)"; and

(2) adding at the end the following:

"(B) A Member, officer, or employee may not knowingly accept a gift from a registered lobbyist, an agent of a foreign principal, or a private entity that retains or employs a registered lobbyist or an agent of a foreign principal, except as provided in subparagraph (c).".

SEC. 108A. NATIONAL PARTY CONVENTIONS.

Paragraph (1)(d) of rule XXXV of the Standing Rules of the Senate is amended by adding at the end the following:

"5. A Member may not participate in an event honoring that Member at a national party convention if such event is paid for by any person or entity required to register pursuant to section 4(a) of the Lobbying Disclosure Act of 1995, or any individual or entity identified as a lobbyist or a client in any current registration or report filed under such Act.".

SEC. 109. RESTRICTIONS ON LOBBYIST PARTICIPATION IN TRAVEL AND DISCLOSURE.

(a) PROHIBITION.—Paragraph 2 of rule XXXV is amended—

(1) in subparagraph (a)(1), by—

(A) adding after "foreign principal" the following: "or a private entity that retains or employs 1 or more registered lobbyists or agents of a foreign principal";

(B) striking the dash and inserting "complies with the requirements of this paragraph."; and

(C) striking clauses (A) and (B);

(2) by redesignating subparagraph (a)(2) as subparagraph (a)(3) and adding after subparagraph (a)(1) the following:

"(2) Notwithstanding clause (1), a reimbursement (including payment in kind) to a Member, officer, or employee of the Senate from an individual other than a registered lobbyist or agent of a foreign principal that is a private entity that retains or employs one or more registered lobbyists or agents of a foreign principal for necessary transportation, lodging, and related expenses for travel to a meeting, speaking engagement, factfinding trip or similar event in connection with the duties of the Member, officer, or employee shall be deemed to be a reimbursement to the Senate under clause (1) if it is, under regulations prescribed by the Select Committee on Ethics to implement this clause, provided only for attendance at or participation for 1-day at an event (exclusive of travel time and an overnight stay) described in clause (1) or sponsored by a 501(c)(3) organization that has been pre-approved by the Select Committee on Ethics. When deciding whether to pre-approve a 501(c)(3) organization, the Select Committee on Ethics shall consider the stated mission of the organization, the organization's prior history of sponsoring congressional trips, other educational activities performed by the organization besides sponsoring congressional trips, whether any trips previously sponsored by the organization led to an investigation by the Select Committee on Ethics and any other factor deemed relevant by the Select Committee on Ethics. Regulations to implement this clause, and the committee on a case-by-case basis, may permit a 2-night stay when determined by the committee to be practically required to participate in the event.";

(3) in subparagraph (a)(3), as redesignated, by striking "clause (1)" and inserting "clauses (1) and (2)";

(4) in subparagraph (b), by inserting before "Each" the following: "Before an employee may accept reimbursement pursuant to subparagraph (a), the employee shall receive advance authorization from the Member or officer under whose direct supervision the employee works to accept reimbursement.";

(5) in subparagraph (c)—

(A) by inserting before "Each" the following: "Each Member, officer, or employee that receives reimbursement under this paragraph shall disclose the expenses reimbursed or to be reimbursed and authorization (for an employee) to the Secretary of the Senate not later than 30 days after the travel is completed.";

(B) by striking "subparagraph (a)(1)" and inserting "this subparagraph";

(C) in clause (5), by striking "and" after the semicolon;

(D) by redesignating clause (6) as clause (7); and

(E) by inserting after clause (5) the following:

"(6) a description of meetings and events attended; and";

(6) by redesignating subparagraphs (d) and (e) as subparagraphs (f) and (g), respectively;

(7) by adding after subparagraph (c) the following:

"(d) A Member, officer, or employee of the Senate may not accept a reimbursement (including payment in kind) for transportation, lodging, or related expenses under subparagraph (a) for a trip that was planned, organized, or arranged by or at the request of a registered lobbyist or agent of a foreign principal, or on which a lobbyist accompanies the Member, officer, or employee on any segment of the trip. The Select Committee on Ethics shall issue regulations identifying de minimis activities by lobbyists or foreign agents that would not violate this subparagraph.

"(e) A Member, officer, or employee shall, before accepting travel otherwise permissible under this paragraph from any person—

"(1) provide to the Select Committee on Ethics a written certification from such person that—

"(A) the trip will not be financed in any part by a registered lobbyist or agent of a foreign principal;

"(B) the source either—

"(i) does not retain or employ registered lobbyists or agents of a foreign principal and is not itself a registered lobbyist or agent of a foreign principal; or

"(ii) certifies that the trip meets the requirements specified in rules prescribed by the Select Committee on Ethics to implement subparagraph (a)(2);

"(C) the source will not accept from any source funds earmarked directly or indirectly for the purpose of financing the specific trip; and

"(D) the trip will not in any part be planned, organized, requested, or arranged by a registered lobbyist or agent of a foreign principal and that the traveler will not be accompanied on any segment of the trip by a registered lobbyist or agent of a foreign principal, except as permitted by regulations issued under subparagraph (d), and specifically details the extent of any involvement of a registered lobbyist or agent of a foreign principal; and

"(2) after the Select Committee on Ethics has promulgated regulations mandated in subparagraph (h), obtain the prior approval of the committee for such reimbursement.";

(8) by striking subparagraph (g), as redesignated, and inserting the following:

"(g) The Secretary of the Senate shall make all advance authorizations, certifications, and disclosures filed pursuant to this paragraph available for public inspection as soon as possible after they are received."; and

(9) by adding at the end the following:

"(h)(1) Not later than 45 days after the date of adoption of this subparagraph and at annual intervals thereafter, the Select Committee on Ethics shall develop and revise, as necessary—

"(A) guidelines on judging the reasonableness of an expense or expenditure for purposes of this clause, including the factors that tend to establish—

"(i) a connection between a trip and official duties;

"(ii) the reasonableness of an amount spent by a sponsor;

"(iii) a relationship between an event and an officially connected purpose; and

"(iv) a direct and immediate relationship between a source of funding and an event; and

"(B) regulations describing the information it will require individuals subject to this clause to submit to the committee in order to obtain the prior approval of the committee for any travel covered by this clause, including any required certifications.

"(2) In developing and revising guidelines under clause (1)(A), the committee shall take into account the maximum per diem rates for official Government travel published annually by the General Services Administration, the Department of State, and the Department of Defense.

"(3) For purposes of this subparagraph, travel on an aircraft operated or paid for by a carrier not licenced by the Federal Aviation Administration to operate for compensation shall not be considered a reasonable expense.

"(i) A Member, officer, or employee who travels on an aircraft operated or paid for by a carrier not licenced by the Federal Aviation Administration shall file a report with the Secretary of the Senate not later than 60 days after the date on which such flight is taken. The report shall include—

"(1) the date of such flight;

"(2) the destination of such flight;

"(3) the owner or lessee of the aircraft;

"(4) the purpose of such travel;

"(5) the persons on such flight (except for any person flying the aircraft); and

"(6) the charter rate paid for such flight.".

(b) REIMBURSEMENT FOR NONCOMMERCIAL AIR TRAVEL.—

(1) CHARTER RATES.—Paragraph 1(c)(1) of rule XXXV of the Standing Rules of the Senate is amended by adding at the end the following: "Fair market value for a flight on an aircraft operated or paid for by a carrier not licensed by the Federal Aviation Administration to operate for compensation or hire, excluding an aircraft owned or leased by a governmental entity or by a Member of Congress or a Member's spouse (including an aircraft owned by an entity that is not a public corporation in which the Member or Member's spouse has an ownership interest, provided that the Member does not use the aircraft anymore than the Member's or spouse's proportionate share of ownership allows), shall be the pro rata share of the fair market value of the normal and usual charter fare or rental charge for a comparable plane of comparable size (as determined by dividing such cost by the number of members, officers, or employees of the Congress on the flight).".

(2) UNOFFICIAL OFFICE ACCOUNTS.—Paragraph 1 of rule XXXVIII of the Standing Rules of the Senate is amended by adding at the end the following:

"(c) For purposes of reimbursement under this rule, fair market value of a flight on an aircraft operated or paid for by a carrier not licensed by the Federal Aviation Administration to operate for compensation or hire, shall be the pro rata share of the fair market value of the normal and usual charter fare or rental charge for a comparable plane of comparable size (as determined by dividing such cost by the number of members, officers, or employees of the Congress on the flight).".

(3) CANDIDATES.—Subparagraph (B) of section 301(8) of the Federal Election Campaign Act of 1971 (42 U.S.C. 431(8)(B)) is amended by—

(A) in clause (xiii), striking "and" at the end;

(B) in clause (xiv), striking the period and inserting "; and"; and

(C) by adding at the end the following :

"(xv) any travel expense for a flight on an aircraft that is operated or paid for by a carrier not licensed by the Federal Aviation Administration to operate for compensation or hire, but only if the candidate, the candidate's authorized committee, or other political committee pays—

"(I) to the owner, lessee, or other person who provides the airplane the pro rata share of the fair market value of such flight (as determined by dividing the fair market value of the normal and usual charter fare or rental charge for a comparable plane of appropriate size by the number of candidates on the flight) by not later than 7 days after the date on which the flight is taken; and

"(II) files a report with the Secretary of the Senate not later than 60 days after the date on which such flight is taken, such report shall include—

"(aa) the date of such flight;

"(bb) the destination of such flight;

"(cc) the owner or lessee of the aircraft;

"(dd) the purpose of such travel;

"(ee) the persons on such flight (except for any person flying the aircraft); and

"(ff) the charter rate paid for such flight.".

(4) RULES COMMITTEE REVIEW OF TRAVEL ALLOWANCES.—Not later than 90 days after the enactment of this Act, the Senate Committee on Appropriations, Subcommittee on the Legislative Branch, in consultation with the Committee on Rules and Administration of the Senate, shall consider and propose, as necessary in the discretion of the subcommittee, any adjustment to the Senator's Official Personnel and Office Expense Account needed in light of the revised standards for reimbursement for private air travel required by this subsection, and any modifications of Federal statutes or appropriations measures needed to accomplish such adjustments.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect 60 days after the date of enactment of this Act.

SEC. 110. RESTRICTIONS ON FORMER OFFICERS, EMPLOYEES, AND ELECTED OFFICIALS OF THE EXECUTIVE AND LEGISLATIVE BRANCH.

(a) IN GENERAL.—Section 207(j)(1) of title 18, United States Code, is amended, by—

(1) striking "The restrictions" and inserting the following:

"(A) IN GENERAL.—The restrictions"; and

(2) adding at the end the following:

"(B) INDIAN TRIBES.—The restrictions contained in this section shall not apply to acts done pursuant to section 104 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450i).".

(b) CONFORMING AMENDMENT.—Section 104(j) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450i(j)) is amended by striking "and former officers and employees of the United States employed by Indian tribes may act as agents or attorneys for or" and inserting "or former officers and employees of the United States who are carrying out official duties as employees or as elected or appointed officials of an Indian tribe may communicate with and".

SEC. 111. POST EMPLOYMENT RESTRICTIONS.

(a) IN GENERAL.—Paragraph 9 of rule XXXVII of the Standing Rules of the Senate is amended by—

(1) designating the first sentence as subparagraph (a);

(2) designating the second sentence as subparagraph (b); and

(3) adding at the end the following:

"(c) If an employee on the staff of a Member or on the staff of a committee whose rate of pay is equal to or greater than 75 percent of the rate of pay of a Member and employed at such rate for more than 60 days in a calendar year, upon leaving that position, becomes a registered lobbyist under the Lobbying Disclosure Act of 1995, or is employed or retained by such a registered lobbyist for the purpose of influencing legislation, such employee may not lobby any Member, officer, or employee of the Senate for a period of 1 year after leaving that position.".

(b) EFFECTIVE DATE.—This section shall take effect 60 days after the date of enactment of this title.

SEC. 112. DISCLOSURE BY MEMBERS OF CONGRESS AND STAFF OF EMPLOYMENT NEGOTIATIONS.

Rule XXXVII of the Standing Rules of the Senate is amended by adding at the end the following:

"14. (a) A Member shall not directly negotiate or have any arrangement concerning prospective private employment until after his or her successor has been elected, unless such Member files a statement with the Secretary of the Senate, for public disclosure, regarding such negotiations or arrangements within 3 business days after the commencement of such negotiation or arrangement, including the name of the private entity or entities involved in such negotiations or arrangements, the date such negotiations or arrangements commenced, and must be signed by the Member.

"(b) A Member shall not directly negotiate or have any arrangement concerning prospective employment until after his or her successor has been elected for a job involving lobbying activities as defined by the Lobbying Disclosure Act of 1995.

"(c)(1) An employee of the Senate earning in excess of 75 percent of the salary paid to a Senator shall notify the Committee on Ethics that he or she is negotiating or has any arrangement concerning prospective private employment.

"(2) The disclosure and notification under this subparagraph shall be made within 3 business days after the commencement of such negotiation or arrangement.

"(3) An employee to whom this subparagraph applies shall recuse himself or herself from any matter in which there is a conflict of interest or an appearance of a conflict for that employee under this rule and notify the Select Committee on Ethics of such recusal.".

SEC. 113. PROHIBIT OFFICIAL CONTACT WITH SPOUSE OR IMMEDIATE FAMILY MEMBER OF MEMBER WHO IS A REGISTERED LOBBYIST.

Rule XXXVII of the Standing Rules of the Senate is amended by—

(1) redesignating paragraphs 10 through 12 as paragraphs 11 through 13, respectively; and

(2) inserting after paragraph 9, the following:

"10. (a) If a Member's spouse or immediate family member is a registered lobbyist under the Lobbying Disclosure Act of 1995, or is employed or retained by such a registered lobbyist for the purpose of influencing legislation, the Member shall prohibit all staff employed by that Member (including staff in personal, committee, and leadership offices) from having any official contact with the Member's spouse or immediate family member.

"(b) Members and employees on the staff of a Member (including staff in personal, committee, and leadership offices) shall be prohibited from having any official contact with any spouse of a Member who is a registered lobbyist under the Lobbying Disclosure Act of 1995, or is employed or retained by such a registered lobbyist.

"(c) The prohibition in subparagraph (a) shall not apply to the spouse of a Member who was serving as a registered lobbyist at least 1 year prior to the election of that Member to office or at least 1 year prior to their marriage to that Member.

"(d) In this paragraph, the term 'immediate family member' means the son, daughter, stepson, stepdaughter, son-in-law, daughter-in-law, mother, father, stepmother, stepfather, mother-in-law, father-in-law, brother, sister, stepbrother, or stepsister of the Member.".

SEC. 114. INFLUENCING HIRING DECISIONS.

Rule XLIII of the Standing Rules of the Senate is amended by adding at the end the following:

"6. No Member shall, with the intent to influence on the basis of partisan political affiliation an employment decision or employment practice of any private entity—

"(1) take or withhold, or offer or threaten to take or withhold, an official act; or

"(2) influence, or offer or threaten to influence the official act of another.".

SEC. 115. SENSE OF THE SENATE THAT ANY APPLICABLE RESTRICTIONS ON CONGRESSIONAL BRANCH EMPLOYEES SHOULD APPLY TO THE EXECUTIVE AND JUDICIAL BRANCHES.

It is the sense of the Senate that any applicable restrictions on Congressional branch employees in this title should apply to the Executive and Judicial branches.

SEC. 116. AMOUNTS OF COLA ADJUSTMENTS NOT PAID TO CERTAIN MEMBERS OF CONGRESS.

(a) IN GENERAL.—Any adjustment under section 601(a) of the Legislative Reorganization Act of 1946 (2 U.S.C. 31) (relating to the cost-of-living adjustments for Members of Congress) shall not be paid to any Member of Congress who voted for any amendment (or against the tabling of any amendment) that provided that such adjustment would not be made.

(b) DEPOSIT IN TREASURY.—Any amount not paid to a Member of Congress under subsection (a) shall be transmitted to the Treasury for deposit in the appropriations account under the subheading "**MEDICAL SERVICES**" under the heading "**VETERANS HEALTH ADMINISTRATION**."

(c) ADMINISTRATION.—The salary of any Member of Congress to whom subsection (a) applies shall be deemed to be the salary in effect after the application of that subsection, except that for purposes of determining any benefit (including any retirement or insurance benefit), the salary of that Member of Congress shall be deemed to be the salary that Member of Congress would have received, but for that subsection.

(d) EFFECTIVE DATE.—This section shall take effect on the first day of the first applicable pay period beginning on or after February 1, 2008.

SEC. 117. REQUIREMENT OF NOTICE OF INTENT TO PROCEED.

(a) IN GENERAL.—The majority and minority leaders of the Senate or their designees shall recognize a notice of intent of a Senator who is a member of their caucus to object to proceeding to a measure or matter only if the Senator—

(1) submits the notice of intent in writing to the appropriate leader or their designee; and

(2) within 3 session days after the submission under paragraph (1), submits for inclusion in the Congressional Record and in the applicable calendar section described in subsection (b) the following notice:

"I, Senator ____, intend to object to proceeding to   , dated   .".

(b) CALENDAR.—The Secretary of the Senate shall establish, for both the Senate Calendar of Business and the Senate Executive

Calendar, a separate section entitled "Notices of Intent to Object to Proceeding". Each section shall include the name of each Senator filing a notice under subsection (a)(2), the measure or matter covered by the calendar that the Senator objects to, and the date the objection was filed.

(c) REMOVAL.—A Senator may have an item with respect to the Senator removed from a calendar to which it was added under subsection (b) by submitting for inclusion in the Congressional Record the following notice:

"I, Senator ____, do not object to proceeding to , dated .".

SEC. 118. CBO SCORING REQUIREMENT.

(a) IN GENERAL.—It shall not be in order in the Senate to consider a report of a committee of conference unless an official written cost estimate or table by the Congressional Budget Office is available at the time of consideration.

(b) SUPERMAJORITY REQUIREMENT.—This section may be waived or suspended in the Senate only by an affirmative vote of ⅗ of the Members, duly chosen and sworn. An affirmative vote of ⅗ of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

SEC. 119. EFFECTIVE DATE.

Except as otherwise provided in this title, this title shall take effect on the date of enactment of this title.

TITLE II—LOBBYING TRANSPARENCY AND ACCOUNTABILITY ACT OF 2007

SEC. 201. SHORT TITLE.

This title may be cited as the "Legislative Transparency and Accountability Act of 2007".

Subtitle A—Enhancing Lobbying Disclosure

SEC. 211. QUARTERLY FILING OF LOBBYING DISCLOSURE REPORTS.

(a) QUARTERLY FILING REQUIRED.—Section 5 of the Lobbying Disclosure Act of 1995 (in this title referred to as the "Act") (2 U.S.C. 1604) is amended—

(1) in subsection (a)—

(A) in the subsection heading, by striking "Semiannual" and inserting "Quarterly"; and

(B) by striking the first sentence and inserting the following: "Not later than 20 days after the end of the quarterly period beginning on the 1st day of January, April, July, and October of each year, or on the first business day after the 20th day if that day is not a business day, in which a registrant is registered with the Secretary of the Senate and the Clerk of the House of Representatives, a registrant shall file a report or reports, as applicable, on its lobbying activities during such quarterly period."; and

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking "semiannual report" and inserting "quarterly report";

(B) in paragraph (2), by striking "semiannual filing period" and inserting "quarterly period";

(C) in paragraph (3), by striking "semiannual period" and inserting "quarterly period"; and

(D) in paragraph (4), by striking "semiannual filing period" and inserting "quarterly period".

(b) CONFORMING AMENDMENTS.—

(1) DEFINITION.—Section 3(10) of the Act (2 U.S.C. 1602) is amended by striking "six month period" and inserting "three-month period".

(2) REGISTRATION.—Section 4 of the Act (2 U.S.C. 1603) is amended—

(A) in subsection (a)(3)(A), by striking "semiannual period" and inserting "quarterly period"; and

(B) in subsection (b)(3)(A), by striking "semiannual period" and inserting "quarterly period".

(3) ENFORCEMENT.—Section 6(a)(6) of the Act (2 U.S.C. 1605(6)) is amended by striking "semiannual period" and inserting "quarterly period".

(4) ESTIMATES.—Section 15 of the Act (2 U.S.C. 1610) is amended—

(A) in subsection (a)(1), by striking "semiannual period" and inserting "quarterly period"; and

(B) in subsection (b)(1), by striking "semiannual period" and inserting "quarterly period".

(5) DOLLAR AMOUNTS.—

(A) REGISTRATION.—Section 4 of the Act (2 U.S.C. 1603) is amended—

(i) in subsection (a)(3)(A)(i), by striking "$5,000" and inserting "$2,500";

(ii) in subsection (a)(3)(A)(ii), by striking "$20,000" and inserting "$10,000";

(iii) in subsection (b)(3)(A), by striking "$10,000" and inserting "$5,000"; and

(iv) in subsection (b)(4), by striking "$10,000" and inserting "$5,000".

(B) REPORTS.—Section 5 of the Act (2 U.S.C. 1604) is amended—

(i) in subsection (c)(1), by striking "$10,000" and "$20,000" and inserting "$5,000" and "$10,000", respectively; and

(ii) in subsection (c)(2), by striking "$10,000" both places such term appears and inserting "$5,000".

SEC. 212. QUARTERLY REPORTS ON OTHER CONTRIBUTIONS.

Section 5 of the Act (2 U.S.C. 1604) is amended by adding at the end the following:

"(d) QUARTERLY REPORTS ON OTHER CONTRIBUTIONS.—

"(1) IN GENERAL.—Not later than 45 days after the end of the quarterly period beginning on the 20th day of January, April, July, and October of each year, or on the first business day after the 20th if that day is not a business day, each registrant under paragraphs (1) or (2) of section 4(a), and each employee who is listed as a lobbyist on a current registration or report filed under this Act, shall file a report with the Secretary of the Senate and the Clerk of the House of Representatives containing—

"(A) the name of the registrant or lobbyist;

"(B) the employer of the lobbyist or the names of all political committees established or administered by the registrant;

"(C) the name of each Federal candidate or officeholder, leadership PAC, or political party committee, to whom aggregate contributions equal to or exceeding $200 were made by the lobbyist, the registrant, or a political committee established or administered by the registrant within the calendar year, and the date and amount of each contribution made within the quarter;

"(D) the name of each Federal candidate or officeholder, leadership PAC, or political party committee for whom a fundraising event was hosted, co-hosted, or sponsored by the lobbyist, the registrant, or a political committee established or administered by the registrant within the quarter, and the date, location, and total amount (or good faith estimate thereof) raised at such event;

"(E) the name of each Federal candidate or officeholder, leadership PAC, or political party committee for whom aggregate contributions equal to or exceeding $200 were collected or arranged within the calendar year, and to the extent known the aggregate amount of such contributions (or a good faith estimate thereof) within the quarter for each recipient;

"(F) the name of each covered legislative branch official or covered executive branch official for whom the lobbyist, the registrant, or a political committee established or administered by the registrant provided, or directed or caused to be provided, any payment or reimbursements for travel and related expenses in connection with the duties of such covered official, including for each such official—

"(i) an itemization of the payments or reimbursements provided to finance the travel and related expenses, and to whom the payments or reimbursements were made with the express or implied understanding or agreement that such funds will be used for travel and related expenses;

"(ii) the purpose and final itinerary of the trip, including a description of all meetings, tours, events, and outings attended;

"(iii) whether the registrant or lobbyist traveled on any such travel;

"(iv) the identity of the listed sponsor or sponsors of such travel; and

"(v) the identity of any person or entity, other than the listed sponsor or sponsors of the travel, who directly or indirectly provided for payment of travel and related expenses at the request or suggestion of the lobbyist, the registrant, or a political committee established or administered by the registrant;

"(G) the date, recipient, and amount of funds contributed, disbursed, or arranged (or a good faith estimate thereof) by the lobbyist, the registrant, or a political committee established or administered by the registrant—

"(i) to pay the cost of an event to honor or recognize a covered legislative branch official or covered executive branch official;

"(ii) to, or on behalf of, an entity that is named for a covered legislative branch official, or to a person or entity in recognition of such official;

"(iii) to an entity established, financed, maintained, or controlled by a covered legislative branch official or covered executive branch official, or an entity designated by such official; or

"(iv) to pay the costs of a meeting, retreat, conference, or other similar event held by, or for the benefit of, 1 or more covered legislative branch officials or covered executive branch officials;

"(H) the date, recipient, and amount of any gift (that under the standing rules of the House of Representatives or Senate counts towards the $100 cumulative annual limit described in such rules) valued in excess of $20 given by the lobbyist, the registrant, or a political committee established or administered by the registrant to a covered legislative branch official or covered executive branch official; and

"(I) the name of each Presidential library foundation and Presidential inaugural committee, to whom contributions equal to or exceeding $200 were made by the lobbyist, the registrant, or a political committee established or administered by the registrant within the calendar year, and the date and amount of each such contribution within the quarter.

"(2) RULES OF CONSTRUCTION.—

"(A) IN GENERAL.—For purposes of this subsection, contributions, donations, or other funds—

"(i) are 'collected' by a lobbyist where funds donated by a person other than the lobbyist are received by the lobbyist for, or forwarded by the lobbyist to, a Federal candidate or other recipient; and

"(ii) are 'arranged' by a lobbyist—

"(I) where there is a formal or informal agreement, understanding, or arrangement between the lobbyist and a Federal candidate or other recipient that such contributions, donations, or other funds will be or have been credited or attributed by the Federal candidate or other recipient in records, designations, or formal or informal recognitions as having been raised, solicited, or directed by the lobbyist; or

"(II) where the lobbyist has actual knowledge that the Federal candidate or other recipient is aware that the contributions, donations, or other funds were solicited, arranged, or directed by the lobbyist.

"(B) CLARIFICATIONS.—For the purposes of this paragraph—

"(i) the term 'lobbyist' shall include a lobbyist, registrant, or political committee established or administered by the registrant; and

"(ii) the term 'Federal candidate or other recipient' shall include a Federal candidate, Federal officeholder, leadership PAC, or political party committee.

"(3) DEFINITIONS.—In this subsection, the following definitions shall apply:

"(A) GIFT.—The term 'gift'—

"(i) means a gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary value; and

"(ii) includes, whether provided in kind, by purchase of a ticket, payment in advance, or reimbursement after the expense has been incurred—

"(I) gifts of services;

"(II) training;

"(III) transportation; and

"(IV) lodging and meals.

"(B) LEADERSHIP PAC.—The term 'leadership PAC' means with respect to an individual holding Federal office, an unauthorized political committee which is associated with an individual holding Federal office, except that such term shall not apply in the case of a political committee of a political party.".

SEC. 213. ADDITIONAL DISCLOSURE.

Section 5(b) of the Act (2 U.S.C. 1604(b)) is amended—

(1) in paragraph (3), by striking "and" after the semicolon;

(2) in paragraph (4), by striking the period and inserting a semicolon; and

(3) by adding at the end of the following:

"(5) for each client, immediately after listing the client, an identification of whether the client is a public entity, including a State or local government or a department, agency, special purpose district, or other instrumentality controlled by a State or local government, or a private entity.".

SEC. 214. PUBLIC DATABASE OF LOBBYING DISCLOSURE INFORMATION.

(a) DATABASE REQUIRED.—Section 6 of the Act (2 U.S.C. 1605) is amended—

(1) in paragraph (7), by striking "and" at the end;

(2) in paragraph (8), by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(9) maintain, and make available to the public over the Internet, without a fee or other access charge, in a searchable, sortable, and downloadable manner, an electronic database that—

"(A) includes the information contained in registrations and reports filed under this Act;

"(B) directly links the information it contains to the information disclosed in reports filed with the Federal Election Commission under section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434); and

"(C) is searchable and sortable, at a minimum, by each of the categories of information described in section 4(b) or 5(b).".

(b) AVAILABILITY OF REPORTS.—Section 6(a)(4) of the Act is amended by inserting before the semicolon the following: "and, in the case of a report filed in electronic form under section 5(e), shall make such report available for public inspection over the Internet not more than 48 hours after the report is filed".

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out paragraph (9) of section 6(a) of the Act, as added by subsection (a).

SEC. 215. DISCLOSURE BY REGISTERED LOBBYISTS OF ALL PAST EXECUTIVE AND CONGRESSIONAL EMPLOYMENT.

Section 4(b)(6) of the Act (2 U.S.C. 1603) is amended by striking "or a covered legislative branch official" and all that follows through "as a lobbyist on behalf of the client," and inserting "or a covered legislative branch official,".

SEC. 216. INCREASED PENALTY FOR FAILURE TO COMPLY WITH LOBBYING DISCLOSURE REQUIREMENTS.

Section 7 of the Act (2 U.S.C. 1606) is amended by striking "$50,000" and inserting "$200,000".

SEC. 217. DISCLOSURE OF LOBBYING ACTIVITIES BY CERTAIN COALITIONS AND ASSOCIATIONS.

(a) IN GENERAL.—Section 4(b)(3)(B) of the Act (2 U.S.C. 1603(b)(3)(B)) is amended to read as follows:

"(B) participates in a substantial way in the planning, supervision, or control of such lobbying activities;".

(b) NO DONOR OR MEMBERSHIP LIST DISCLOSURE.—Section 4(b) of the Act (2 U.S.C. 1603(b)) is amended by adding at the end the following:

"No disclosure is required under paragraph (3)(B) if it is publicly available knowledge that the organization that would be identified is affiliated with the client or has been publicly disclosed to have provided funding to the client, unless the organization in whole or in major part plans, supervises, or controls such lobbying activities. Nothing in paragraph (3)(B) shall be construed to require the disclosure of any information about individuals who are members of, or donors to, an entity treated as a client by this Act or an organization identified under that paragraph.".

SEC. 218. DISCLOSURE OF ENFORCEMENT FOR NONCOMPLIANCE.

Section 6 of the Act (2 U.S.C. 1605) is amended—

(1) by inserting "(a)" before "The Secretary of the Senate";

(2) in paragraph (8), by striking "and" at the end;

(3) in paragraph (9), by striking the period and inserting "; and";

(4) after paragraph (9), by inserting the following:

"(10) make publicly available the aggregate number of lobbyists and lobbying firms, separately accounted, referred to the United States Attorney for the District of Columbia for noncompliance as required by paragraph (8) on a semi annual basis"; and

(5) by inserting at the end the following:

"(b) ENFORCEMENT REPORT.—The United States Attorney for the District of Columbia shall report to the Committee on Homeland Security and Governmental Affairs and the Committee on the Judiciary of the Senate and the Committee on Government Reform and the Committee on the Judiciary of the House of Representatives on a semi annual basis the aggregate number of enforcement actions taken by the Attorney's office under this Act and the amount of fines, if any, by case, except that such report shall not include the names of individuals or personally identifiable information.".

SEC. 219. ELECTRONIC FILING OF LOBBYING DISCLOSURE REPORTS.

Section 5 of the Act (2 U.S.C. 1604) is amended by adding at the end the following:

"(e) ELECTRONIC FILING REQUIRED.—A report required to be filed under this section shall be filed in electronic form, in addition to any other form. The Secretary of the Senate and the Clerk of the House of Representatives shall use the same electronic software for receipt and recording of filings under this Act.".

SEC. 220. ELECTRONIC FILING AND PUBLIC DATABASE FOR LOBBYISTS FOR FOREIGN GOVERNMENTS.

(a) ELECTRONIC FILING.—Section 2 of the Foreign Agents Registration Act (22 U.S.C. 612) is amended by adding at the end the following new subsection:

"(g) ELECTRONIC FILING OF REGISTRATION STATEMENTS AND UPDATES.—A registration statement or update required to be filed under this section shall be filed in electronic form, in addition to any other form that may be required by the Attorney General.".

(b) PUBLIC DATABASE.—Section 6 of the Foreign Agents Registration Act (22 U.S.C. 616) is amended by adding at the end the following new subsection:

"(d) PUBLIC DATABASE OF REGISTRATION STATEMENTS AND UPDATES.—

"(1) IN GENERAL.—The Attorney General shall maintain, and make available to the public over the Internet, without a fee or other access charge, in a searchable, sortable, and downloadable manner, an electronic database that—

"(A) includes the information contained in registration statements and updates filed under this Act;

"(B) directly links the information it contains to the information disclosed in reports filed with the Federal Election Commission under section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434); and

"(C) is searchable and sortable, at a minimum, by each of the categories of information described in section 2(a).

"(2) ACCOUNTABILITY.—Each registration statement and update filed in electronic form pursuant to section 2(g) shall be made available for public inspection over the Internet not more than 48 hours after the registration statement or update is filed.".

SEC. 221. ADDITIONAL LOBBYING DISCLOSURE REQUIREMENTS.

Section 5(b) of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1604(b)) is amended by adding at the end the following:

"(8) a certification that the lobbying firm, or registrant, and each employee listed as a lobbyist under section 4(b)(6) or 5(b)(2)(C) for that lobbying firm or registrant, has not provided, requested, or directed a gift, including travel, to a Member or employee of Congress in violation rule XXXV of the Standing Rules of the Senate or rule XXV of the Rules of the House of Representatives.".

SEC. 222. INCREASED CRIMINAL PENALTIES FOR FAILURE TO COMPLY WITH LOBBYING DISCLOSURE REQUIREMENTS.

Section 7 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1606) is amended—

(1) by inserting "(a) CIVIL PENALTY.—" before "Whoever"; and

(2) by adding at the end the following:

"(b) CRIMINAL PENALTY.—Whoever knowingly, willfully, and corruptly fails to comply with any provision of this section shall be imprisoned for not more than 10 years, or fined under title 18, United States Code, or both.".

SEC. 223. EFFECTIVE DATE.

This subtitle and the amendments made by this subtitle shall take effect January 1, 2006.

Subtitle B—Oversight of Ethics and Lobbying

SEC. 231. COMPTROLLER GENERAL AUDIT AND ANNUAL REPORT.

(a) AUDIT REQUIRED.—The Comptroller General shall audit on an annual basis lobbying registration and reports filed under the Lobbying Disclosure Act of 1995 to determine the extent of compliance or noncompliance with the requirements of that Act by lobbyists and their clients.

(b) ANNUAL REPORTS.—Not later than April 1 of each year, the Comptroller General shall submit to Congress a report on the review required by subsection (a). The report shall include the Comptroller General's assessment of the matters required to be emphasized by that subsection and any recommendations of the Comptroller General to—

(1) improve the compliance by lobbyists with the requirements of that Act; and

(2) provide the Secretary of the Senate and the Clerk of the House of Representatives with the resources and authorities needed for effective administration of that Act.

SEC. 232. MANDATORY SENATE ETHICS TRAINING FOR MEMBERS AND STAFF.

(a) TRAINING PROGRAM.—The Select Committee on Ethics shall conduct ongoing ethics training and awareness programs for Members of the Senate and Senate staff.

(b) REQUIREMENTS.—The ethics training program conducted by the Select Committee on Ethics shall be completed by—

(1) new Senators or staff not later than 60 days after commencing service or employment; and

(2) Senators and Senate staff serving or employed on the date of enactment of this Act not later than 120 days after the date of enactment of this Act.

SEC. 233. SENSE OF THE SENATE REGARDING SELF-REGULATION WITHIN THE LOBBYING COMMUNITY.

It is the sense of the Senate that the lobbying community should develop proposals for multiple self-regulatory organizations which could provide—

(1) for the creation of standards for the organizations appropriate to the type of lobbying and individuals to be served;

(2) training for the lobbying community on law, ethics, reporting requirements, and disclosure requirements;

(3) for the development of educational materials for the public on how to responsibly hire a lobbyist or lobby firm;

(4) standards regarding reasonable fees to clients;

(5) for the creation of a third-party certification program that includes ethics training; and

(6) for disclosure of requirements to clients regarding fee schedules and conflict of interest rules.

SEC. 234. ANNUAL ETHICS COMMITTEES REPORTS.

The Committee on Standards of Official Conduct of the House of Representatives and the Select Committee on Ethics of the Senate shall each issue an annual report due no later than January 31, describing the following:

(1) The number of alleged violations of Senate or House rules including the number received from third parties, from Members or staff within each House, or inquires raised by a Member or staff of the respective House or Senate committee.

(2) A list of the number of alleged violations that were dismissed—

(A) for lack of subject matter jurisdiction; or

(B) because they failed to provide sufficient facts as to any material violation of the House or Senate rules beyond mere allegation or assertion.

(3) The number of complaints in which the committee staff conducted a preliminary inquiry.

(4) The number of complaints that staff presented to the committee with recommendations that the complaint be dismissed.

(5) The number of complaints that the staff presented to the committee with recommendation that the investigation proceed.

(6) The number of ongoing inquiries.

(7) The number of complaints that the committee dismissed for lack of substantial merit.

(8) The number of private letters of admonition or public letters of admonition issued.

(9) The number of matters resulting in a disciplinary sanction.

Subtitle C—Slowing the Revolving Door

SEC. 241. AMENDMENTS TO RESTRICTIONS ON FORMER OFFICERS, EMPLOYEES, AND ELECTED OFFICIALS OF THE EXECUTIVE AND LEGISLATIVE BRANCHES.

(a) VERY SENIOR EXECUTIVE PERSONNEL.—The matter after subparagraph (C) in section 207(d)(1) of title 18, United States Code, is amended by striking "within 1 year" and inserting "within 2 years".

(b) RESTRICTIONS ON LOBBYING BY MEMBERS OF CONGRESS AND EMPLOYEES OF CONGRESS.—Subsection (e) of section 207 of title 18, United States Code, is amended—

(1) in paragraph (1)(A), by striking "within 1 year" and inserting "within 2 years";

(2) by striking paragraphs (2) through (5) and inserting the following:

"(2) CONGRESSIONAL STAFF.—

"(A) PROHIBITION.—Any person who is an employee of a House of Congress and who, within 1 year after that person leaves office, knowingly makes, with the intent to influence, any communication to or appearance before any of the persons described in subparagraph (B), on behalf of any other person (except the United States) in connection with any matter on which such former employee seeks action by a Member, officer, or employee of either House of Congress, in his or her official capacity, shall be punished as provided in section 216 of this title.

"(B) CONTACT PERSONS COVERED.—Persons referred to in subparagraph (A) with respect to appearances or communications are any Member, officer, or employee of the House of Congress in which the person subject to subparagraph (A) was employed. This subparagraph shall not apply to contacts with staff of the Secretary of the Senate or the Clerk of the House of Representatives regarding compliance with lobbying disclosure requirements under the Lobbying Disclosure Act of 1995.

"(3) MEMBERS OF CONGRESS AND ELECTED OFFICERS.—Any person who is a Member of Congress or an elected officer of either House of Congress and who, within 2 years after that person leaves office, knowingly engages in lobbying activities on behalf of any other person (except the United States) in connection with any matter on which such former Member of Congress or elected officer seeks action by a Member, officer, or employee of either House of Congress shall be punished as provided in section 216 of this title.".

(3) in paragraph (6)—

(A) by striking "paragraphs (2), (3), and (4)" and inserting "paragraph (2)";

(B) by striking "(A)";

(C) by striking subparagraph (B); and

(D) by redesignating the paragraph as paragraph (4); and

(4) by redesignating paragraph (7) as paragraph (5).

(c) DEFINITION OF LOBBYING ACTIVITY.—Section 207(i) of title 18, United States Code, is amended—

(1) in paragraph (2), by striking "and" after the semicolon;

(2) in paragraph (3), by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(4) the term 'lobbying activities' has the same meaning given such term in section 3(7) of the Lobbying Disclosure Act (2 U.S.C. 1602(7)).".

(d) EFFECTIVE DATE.—The amendments made by subsection (b) shall take effect 60 days after the date of enactment of this Act.

Subtitle D—Ban on Provision of Gifts or Travel by Lobbyists in Violation of the Rules of Congress

SEC. 251. PROHIBITION ON PROVISION OF GIFTS OR TRAVEL BY REGISTERED LOBBYISTS TO MEMBERS OF CONGRESS AND TO CONGRESSIONAL EMPLOYEES.

The Lobbying Disclosure Act of 1995 is amended by adding at the end the following:

"SEC. 25. PROHIBITION ON PROVISION OF GIFTS OR TRAVEL BY REGISTERED LOBBYISTS TO MEMBERS OF CONGRESS AND TO CONGRESSIONAL EMPLOYEES.

"(a) PROHIBITION.—Persons described in subsection (b) may not make a gift or provide travel to a Member, Delegate, Resident Commissioner, officer, or employee of Congress, if the person has knowledge that the gift or travel may not be accepted under the rules of the House of Representatives or the Senate.

"(b) PERSONS SUBJECT TO PROHIBITION.—The persons subject to the prohibition in subsection (a) are any lobbyist that registers under section 4(a)(1), any organization that employs 1 or more lobbyists and registers under section 4(a)(2), and any employee listed as a lobbyist by a registrant under section 4(b)(6).

"(c) PENALTY.—Any person who violates this section shall be subject to the penalties provided in section 7.".

Subtitle E—Commission to Strengthen Confidence in Congress Act of 2007

SEC. 261. SHORT TITLE.

This subtitle may be cited as the "Commission to Strengthen Confidence in Congress Act of 2007".

SEC. 262. ESTABLISHMENT OF COMMISSION.

There is established in the legislative branch a commission to be known as the "Commission to Strengthen Confidence in Congress" (in this subtitle referred to as the "Commission").

SEC. 263. PURPOSES.

The purposes of the Commission are to—

(1) evaluate and report the effectiveness of current congressional ethics requirements, if penalties are enforced and sufficient, and make recommendations for new penalties;

(2) weigh the need for improved ethical conduct with the need for lawmakers to have access to expertise on public policy issues;

(3) determine whether the current system for enforcing ethics rules and standards of conduct is sufficiently effective and transparent;

(4) determine whether the statutory framework governing lobbying disclosure should be expanded to include additional means of attempting to influence Members of Congress, senior staff, and high-ranking executive branch officials;

(5) analyze and evaluate the changes made by this Act to determine whether additional changes need to be made to uphold and enforce standards of ethical conduct and disclosure requirements; and

(6) investigate and report to Congress on its findings, conclusions, and recommendations for reform.

SEC. 264. COMPOSITION OF COMMISSION.

(a) Members.—The Commission shall be composed of 10 members, of whom—

(1) the chair and vice chair shall be selected by agreement of the majority leader and minority leader of the House of Representatives and the majority leader and minority leader of the Senate;

(2) 2 members shall be appointed by the senior member of the Senate leadership of the Republican Party, 1 of which is a former member of the Senate;

(3) 2 members shall be appointed by the senior member of the Senate leadership of the Democratic Party, 1 of which is a former member of the Senate;

(4) 2 members shall be appointed by the senior member of the leadership of the House of Representatives of the Republican Party, 1 of which is a former member of the House of Representatives; and

(5) 2 members shall be appointed by the senior member of the leadership of the House of Representatives of the Democratic Party, 1 of which is a former member of the House of Representatives.

(b) Qualifications; Initial Meeting.—

(1) Political party affiliation.—Five members of the Commission shall be Democrats and 5 Republicans.

(2) Nongovernmental appointees.—An individual appointed to the Commission may not be an officer or employee of the Federal Government or any State or local government.

(3) Other qualifications.—It is the sense of Congress that individuals appointed to the Commission should be prominent United States citizens, with national recognition and significant depth of experience in professions such as governmental service, government consulting, government contracting, the law, higher education, historian, business, public relations, and fundraising.

(4) Deadline for appointment.—All members of the Commission shall be appointed on a date 3 months after the date of enactment of this Act.

(5) Initial meeting.—The Commission shall meet and begin the operations of the Commission as soon as practicable.

(c) Quorum; Vacancies.—After its initial meeting, the Commission shall meet upon the call of the chairman or a majority of its members. Six members of the Commission shall constitute a quorum. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

SEC. 265. FUNCTIONS OF COMMISSION.

The functions of the Commission are to submit to Congress a report required by this title containing such findings, conclusions, and recommendations as the Commission shall determine, including proposing organization, coordination, planning, management arrangements, procedures, rules and regulations—

(1) related to section 263; or

(2) related to any other areas the commission unanimously votes to be relevant to its mandate to recommend reforms to strengthen ethical safeguards in Congress.

SEC. 266. POWERS OF COMMISSION.

(a) Hearings and Evidence.—The Commission or, on the authority of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out this title hold such hearings and sit and act at such times and places, take such testimony, receive such evidence, administer such oaths.

(b) Obtaining Information.—Upon request of the Commission, the head of any agency or instrumentality of the Federal Government shall furnish information deemed necessary by the panel to enable it to carry out its duties.

(c) Limit on Commission Authority.—The Commission shall not conduct any law enforcement investigation, function as a court of law, or otherwise usurp the duties and responsibilities of the ethics committee of the House of Representatives or the Senate.

SEC. 267. ADMINISTRATION.

(a) Compensation.—Except as provided in subsection (b), members of the Commission shall receive no additional pay, allowances, or benefits by reason of their service on the Commission.

(b) Travel Expenses and Per Diem.—Each member of the Commission shall receive travel expenses and per diem in lieu of subsistence in accordance with sections 5702 and 5703 of title 5, United States Code.

(c) Staff and Support Services.—

(1) Staff director.—

(A) Appointment.—The Chair (or Co-Chairs) in accordance with the rules agreed upon by the Commission shall appoint a staff director for the Commission.

(B) Compensation.—The staff director shall be paid at a rate not to exceed the rate established for level V of the Executive Schedule under section 5315 of title 5, United States Code.

(2) Staff.—The Chair (or Co-Chairs) in accordance with the rules agreed upon by the Commission shall appoint such additional personnel as the Commission determines to be necessary.

(3) Applicability of civil service laws.—The staff director and other members of the staff of the Commission shall be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and shall be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

(4) Experts and consultants.—With the approval of the Commission, the staff director may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

(d) Physical Facilities.—The Architect of the Capitol, in consultation with the appropriate entities in the legislative branch, shall locate and provide suitable office space for the operation of the Commission on a nonreimbursable basis. The facilities shall serve as the headquarters of the Commission and shall include all necessary equipment and incidentals required for the proper functioning of the Commission.

(e) Administrative Support Services and Other Assistance.—

(1) In general.—Upon the request of the Commission, the Architect of the Capitol and the Administrator of General Services shall provide to the Commission on a nonreimbursable basis such administrative support services as the Commission may request.

(2) Additional support.—In addition to the assistance set forth in paragraph (1), departments and agencies of the United States may provide the Commission such services, funds, facilities, staff, and other support services as the Commission may deem advisable and as may be authorized by law.

(f) Use of Mails.—The Commission may use the United States mails in the same manner and under the same conditions as Federal agencies and shall, for purposes of the frank, be considered a commission of Congress as described in section 3215 of title 39, United States Code.

(g) Printing.—For purposes of costs relating to printing and binding, including the cost of personnel detailed from the Government Printing Office, the Commission shall be deemed to be a committee of the Congress.

SEC. 268. SECURITY CLEARANCES FOR COMMISSION MEMBERS AND STAFF.

The appropriate Federal agencies or departments shall cooperate with the Commission in expeditiously providing to the Commission members and staff appropriate security clearances to the extent possible pursuant to existing procedures and requirements, except that no person shall be provided with access to classified information under this title without the appropriate security clearances.

SEC. 269. COMMISSION REPORTS; TERMINATION.

(a) Annual Reports.—The Commission shall submit—

(1) an initial report to Congress not later than July 1, 2007; and

(2) annual reports to Congress after the report required by paragraph (1);

containing such findings, conclusions, and recommendations for corrective measures as have been agreed to by a majority of Commission members.

(b) Report Regarding Political Contributions.—

(1) In general.—Not later than 6 months after the date of enactment of this Act, the Commission shall submit a report to Congress detailing the number, type, and quantity of contributions made to Members of the Senate or the House of Representatives during the 30-month period beginning on the date that is 24 months before the date of enactment of the Acts identified in paragraph (2) by the corresponding organizations identified in paragraph (2).

(2) Organizations and acts.—The report submitted under paragraph (1) shall detail the number, type, and quantity of contributions made to Members of the Senate or the House of Representatives as follows:

(A) For the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173; 117 Stat. 2066), any contribution made during the time period described in paragraph (1) by or on behalf of a political action committee associated or affiliated with—

(i) a pharmaceutical company; or

(ii) a trade association for pharmaceutical companies.

(B) For the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 (Public Law 109–8; 119 Stat. 23), any contribution made during the time period described in paragraph (1) by or on behalf of a political action committee associated or affiliated with—

(i) a bank or financial services company;

(ii) a company in the credit card industry; or

(iii) a trade association for any such companies.

(C) For the Energy Policy Act of 2005 (Public Law 109-58; 119 Stat. 594), any contribution made during the time period described in paragraph (1) by or on behalf of a political action committee associated or affiliated with—

(i) a company in the oil, natural gas, nuclear, or coal industry; or

(ii) a trade association for any such companies.

(D) For the Dominican Republic-Central America-United States Free Trade Agreement Implementation Act (Public Law 109-53; 119 Stat. 462), any contribution made during the time period described in paragraph (1) by or on behalf of a political action committee associated or affiliated with—

(i) the United States Chamber of Commerce, the National Association of Manufacturers, the Business Roundtable, the National Federation of Independent Business, the Emergency Committee for American Trade, or any member company of such entities; or

(ii) any other free trade organization funded primarily by corporate entities.

(3) AGGREGATE REPORTING.—The report submitted under paragraph (1)—

(A) shall not list the particular Member of the Senate or House of Representative that received a contribution; and

(B) shall report the aggregate amount of contributions given by each entity identified in paragraph (2) to—

(i) Members of the Senate during the time period described in paragraph (1) for the corresponding Act identified in paragraph (2); and

(ii) Members of the House of Representatives during the time period described in paragraph (1) for the corresponding Act identified in paragraph (2).

(4) DEFINITIONS.—In this subsection—

(A) the terms "authorized committee", "candidate", "contribution", "political committee", and "political party" have the meanings given such terms in section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431); and

(B) the term "political action committee" means any political committee that is not—

(i) a political committee of a political party; or

(ii) an authorized committee of a candidate.

(c) ADMINISTRATIVE ACTIVITIES.—During the 60-day period beginning on the date of submission of each annual report and the final report under this section, the Commission shall—

(1) be available to provide testimony to committees of Congress concerning such reports; and

(2) take action to appropriately disseminate such reports.

(d) TERMINATION OF COMMISSION.—

(1) FINAL REPORT.—Five years after the date of enactment of this Act, the Commission shall submit to Congress a final report containing information described in subsection (a).

(2) TERMINATION.—The Commission, and all the authorities of this title, shall terminate 60 days after the date on which the final report is submitted under paragraph (1), and the Commission may use such 60-day period for the purpose of concluding its activities.

SEC. 270. FUNDING.

There are authorized such sums as necessary to carry out this title.

TITLE III—CONGRESSIONAL PENSION ACCOUNTABILITY

SEC. 301. SHORT TITLE.

This title may be cited as the "Congressional Pension Accountability Act".

SEC. 302. DENIAL OF RETIREMENT BENEFITS.

(a) IN GENERAL.—Section 8312(a) of title 5, United States Code, is amended—

(1) by striking "or" at the end of paragraph (1), by striking the period at the end of paragraph (2) and inserting "; or", and by inserting after paragraph (2) the following:

"(3) was convicted of an offense described in subsection (d), to the extent provided by that subsection."; and

(2) by striking "and" at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting "; and", and by inserting after subparagraph (B) the following:

"(C) with respect to the offenses described in subsection (d), to the period after the date of conviction.".

(b) OFFENSES DESCRIBED.—Section 8312 of such title 5 is amended by redesignating subsection (d) as subsection (e), and by inserting after subsection (c) the following:

"(d) The offenses to which subsection (a)(3) applies are the following:

"(1) An offense within the purview of—

"(A) section 201 of title 18 (bribery of public officials and witnesses); or

"(B) section 371 of title 18 (conspiracy to commit offense or to defraud United States), to the extent of any conspiracy to commit an act which constitutes an offense within the purview of such section 201.

"(2) Perjury committed under the statutes of the United States or the District of Columbia in falsely denying the commission of any act which constitutes an offense within the purview of a statute named by paragraph (1), but only in the case of the statute named by subparagraph (B) of paragraph (1).

"(3) Subornation of perjury committed in connection with the false denial or false testimony of another individual as specified by paragraph (2).

An offense shall not be considered to be an offense described in this subsection except if or to the extent that it is committed by a Member of Congress (as defined by section 2106, including a Delegate to Congress).".

(c) ABSENCE FROM UNITED STATES TO AVOID PROSECUTION.—Section 8313(a)(1) of such title 5 is amended by striking "or" at the end of subparagraph (A), by striking "and" at the end of subparagraph (B) and inserting "or", and by adding at the end the following:

"(C) for an offense described under subsection (d) of section 8312; and".

(d) NONACCRUAL OF INTEREST ON REFUNDS.—Section 8316(b) of such title 5 is amended by striking "or" at the end of paragraph (1), by striking the period at the end of paragraph (2) and inserting "; or", and by adding at the end the following:

"(3) if the individual was convicted of an offense described in section 8312(d), for the period after the conviction.".

SEC. 303. CONSTITUTIONAL AUTHORITY.

The Constitutional authority for this title is the power of Congress to make all laws which shall be necessary and proper as enumerated in Article I, Section 8 of the United States Constitution, and the power to ascertain compensation for Congressional service under Article I, Section 6 of the United States Constitution.

SEC. 304. EFFECTIVE DATE.

This title, including the amendments made by this title, shall take effect on January 1, 2009 and shall apply with respect to convictions for offenses committed on or after the date of enactment of this Act.

TITLE IV—GENERAL PROVISIONS

SEC. 401. KNOWING AND WILLFUL FALSIFICATION OR FAILURE TO REPORT.

Section 104(a) of the Ethics in Government Act of 1978 (5 U.S.C. App.) is amended—

(1) by inserting "(1)" after "(a)";

(2) in paragraph (1), as so designated, by striking "$10,000" and inserting "$50,000"; and

(3) by adding at the end the following:

"(2)(A) It shall be unlawful for any person to knowingly and willfully falsify, or to knowingly and willingly fails to file or report, any information that such person is required to report under section 102.

"(B) Any person who violates subparagraph (A) shall be fined under title 18, United States Code, imprisoned for not more than 1 year, or both.".

SEC. 402. PUBLIC AVAILABILITY OF SENATE COMMITTEE AND SUBCOMMITTEE MEETINGS.

(a) IN GENERAL.—Paragraph 5(e) of rule XXVI of the Standing Rules of the Senate is amended by—

(1) by inserting after "(e)" the following: "(1)"; and

(2) by adding at the end the following:

"(2) Except with respect to meetings closed in accordance with this rule, each committee and subcommittee shall make publicly available through the Internet a video recording, audio recording, or transcript of any meeting not later than 14 business days after the meeting occurs.".

(b) EFFECTIVE DATE.—This section shall take effect October 1, 2007.

SEC. 403. FREE ATTENDANCE AT A BONA FIDE CONSTITUENT EVENT.

(a) IN GENERAL.—Paragraph 1(c) of rule XXXV of the Senate Rules is amended by adding at the end the following:

"(24) Subject to the restrictions in subparagraph (a)(2), free attendance at a bona fide constituent event permitted pursuant to subparagraph (h).".

(b) IN GENERAL.—Paragraph 1 of rule XXXV of the Senate Rules is amended by adding at the end the following:

"(h)(1) A Member, officer, or employee may accept an offer of free attendance in the Member's home State at a convention, conference, symposium, forum, panel discussion, dinner event, site visit, viewing, reception, or similar event, provided by a sponsor of the event, if—

"(A) the cost of meals provided the Member, officer or employee does not exceed $50;

"(B)(i) the event is sponsored by bona fide constituents of, or a group that consists primarily of bona fide constituents of, the Member (or the Member by whom the officer or employee is employed); and

"(ii) the event will be attended primarily by a group of at least 5 bona fide constituents of the Member (or the Member by whom the officer or employee is employed) provided that an individual registered to lobby under the Federal Lobbying Disclosure Act shall not attend the event; and

"(C)(i) the Member, officer, or employee participates in the event as a speaker or a panel participant, by presenting information related to Congress or matters before Congress, or by performing a ceremonial function appropriate to the Member's, officer's, or employee's official position; or

"(ii) attendance at the event is appropriate to the performance of the official duties or representative function of the Member, officer, or employee.

"(2) A Member, officer, or employee who attends an event described in clause (1) may accept a sponsor's unsolicited offer of free attendance at the event for an accompanying individual if others in attendance will generally be similarly accompanied or if such attendance is appropriate to assist in the representation of the Senate.

"(3) For purposes of this paragraph, the term 'free attendance' has the same meaning as in subparagraph (d).

SEC. 404. PROHIBITION ON FINANCIAL GAIN FROM EARMARKS BY MEMBERS, IMMEDIATE FAMILY OF MEMBERS, STAFF OF MEMBERS, OR IMMEDIATE FAMILY OF STAFF OF MEMBERS.

Rule XXXVII of the Standing Rules of the Senate is amended by adding at the end the following:

"15. (a) No Member shall use his official position to introduce, request, or otherwise aid the progress or passage of a congressional earmark that will financially benefit or otherwise further the pecuniary interest of such Member, the spouse of such Member, the immediate family member of such Member, any employee on the staff of such Member, the spouse of an employee on the staff of such Member, or immediate family member of an employee on the staff of such Member.

"(b) For purposes of this paragraph—

"(1) the term 'immediate family member' means the son, daughter, stepson, stepdaughter, son-in-law, daughter-in-law, mother, father, stepmother, stepfather, mother-in-law, father-in-law, brother, sister, stepbrother, or stepsister of a Member or any employee on the staff (including staff in personal, committee and leadership offices) of a Member; and

"(2) the term 'congressional earmark' means—

"(A) a provision or report language included primarily at the request of a Member, Delegate, Resident Commissioner, or Senator providing, authorizing or recommending a specific amount of discretionary budget authority, credit authority, or other spending authority for a contract, loan, loan guarantee, grant, loan authority, or other expenditure with or to an entity, or targeted to a specific State, locality or Congressional district, other than through a statutory or administrative formula-driven or competitive award process;

"(B) any revenue-losing provision that—

"(i) provides a Federal tax deduction, credit, exclusion, or preference to 10 or fewer beneficiaries under the Internal Revenue Code of 1986; and

"(ii) contains eligibility criteria that are not uniform in application with respect to potential beneficiaries of such provision;

"(C) any Federal tax provision which provides one beneficiary temporary or permanent transition relief from a change to the Internal Revenue Code of 1986; and

"(D) any provision modifying the Harmonized Tariff Schedule of the United States in a manner that benefits 10 or fewer entities.".

SEC. 405. AMENDMENTS AND MOTIONS TO RECOMMIT.

Paragraph 1 of Rule XV of the Standing Rules of the Senate is amended to read as follows:

"1. (a) An amendment and any instruction accompanying a motion to recommit shall be reduced to writing and read and identical copies shall be provided by the Senator offering the amendment or instruction to the desks of the Majority Leader and the Minority Leader before being debated.

"(b) A motion shall be reduced to writing, if desired by the Presiding Officer or by any Senator, and shall be read before being debated.".

SEC. 406. CONGRESSIONAL TRAVEL PUBLIC WEBSITE.

(a) IN GENERAL.—Not later than January 1, 2008, the Secretary of the Senate and the Clerk of the House of Representatives shall each establish a publicly available website without fee or without access charge, that contains information on all officially related congressional travel that is subject to disclosure under the gift rules of the Senate and the House of Representatives, respectively, that includes—

(1) a search engine;

(2) uniform categorization by Member, dates of travel, and any other common categories associated with congressional travel; and

(3) all forms filed in the Senate and the House of Representatives relating to officially-related travel referred to in paragraph (2), including the "Disclosure of Member or Officer's Reimbursed Travel Expenses" form in the Senate.

(b) EXTENSION AUTHORITY.—If the Secretary of the Senate or the Clerk of the House of Representatives is unable to meet the deadline established under subsection (a), the Committee on Rules and Administration of the Senate or the Committee on Rules of the House of Representatives may grant an extension of such date for the Secretary of the Senate or the Clerk of the House of Representatives, respectively.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

Mr. DURBIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROVIDING FOR A CONDITIONAL ADJOURNMENT OF THE HOUSE OF REPRESENTATIVES

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 41, just received from the House and at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

A House concurrent resolution (H. Con. Res. 41) providing for a conditional adjournment of the House of Representatives.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DURBIN. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the motion to reconsider be laid upon the table, without any intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 41) was agreed to.

HOUSE PAGE BOARD REVISION ACT OF 2007

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of H.R. 475, received from the House and at the desk.

The PRESIDING OFFICER. The clerk will state the bill by title.

The legislative clerk read as follows:

A bill (H.R. 475) to revise the composition of the House of Representatives Page Board to equalize the number of members representing the majority and minority parties and to include a member representing the parents of pages and a member representing former pages, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. DURBIN. Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD as if read, with no intervening action.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 475) was ordered to a third reading, was read the third time, and passed.

ORDER FOR RECESS AND ORDERS FOR WEDNESDAY, JANUARY 24, 2007

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate now stand in recess until 8:30 p.m. this evening and that at 8:40 p.m., Members then proceed as a body to the House of Representatives for the State of the Union Address; that upon the conclusion of the address, the Senate then stand adjourned until 9:30 a.m., Wednesday, January 24; that on Wednesday, following the prayer and pledge, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day; that there then be a period for the transaction of morning business until 10:30 a.m., with the time equally divided and controlled between the majority and Republican leaders or their designees, with Senators permitted to speak therein for up to 10 minutes each; that the majority control the first half and the Republicans the second portion; that at 10:30 a.m., there be an hour for debate prior to the cloture vote on the Gregg amendment, with the time equally divided and controlled between the majority and Republican leaders or their designees; that at 11:30 a.m., the Senate proceed to vote on the motion to invoke cloture on the Gregg amendment; and that Members have until 10:30 a.m. to file second-degree amendments.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. DURBIN. Mr. President, tomorrow morning, we will have a period for the transaction of morning business and then an hour for debate prior to the cloture vote. The cloture vote on the Gregg amendment will occur at 11:30 a.m. Also, Members will have until 10:30 a.m. to file second-degree amendments.

RECESS

Mr. DURBIN. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in recess under the previous order.

There being no objection, the Senate, at 5:29 p.m., recessed until 8:30 p.m. and reassembled when called to order by the Presiding Officer (Mr. BROWN).

JOINT SESSION OF THE TWO HOUSES—ADDRESS BY THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 110–___)

The PRESIDING OFFICER. The Senate will proceed to the Hall of the House of Representatives to hear the address by the President of the United States.

Thereupon, the Senate, preceded by the Deputy Sergeant at Arms, Drew Willison, the Secretary of the Senate, Nancy Erickson, and the Vice President of the United States, RICHARD B. CHENEY, proceeded to the Hall of the House of Representatives to hear the address by the President of the United States, George W. Bush.

(The address delivered by the President of the United States to the joint session of the two Houses of Congress is printed in the proceedings of the House of Representatives in today's RECORD.)

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

At the conclusion of the joint session of the two Houses and in accordance with the order previously entered, at 10:09 p.m., the Senate adjourned until Wednesday, January 24, 2007, at 9:30 a.m.

EXTENSIONS OF REMARKS

RECOGNIZING MAYOR CURT ANDRE

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 23, 2007

Mr. RADANOVICH. Madam Speaker, I rise today to recognize the Honorable Curt Andre for his many years of service and leadership to the City of Turlock and greater Central Valley. Mayor Andre has served as the Mayor of Turlock for an unprecedented seventeen years and as the Chairman of Turlock's Planning Commission for the previous eight years.

Mayor Andre was born and raised in Turlock and—after earning a degree in optometry from the University of California at Berkeley—he returned to Turlock to start his profession. Mayor Andre has since served as the President of Statesmen of Stanislaus, the President of Turlock's Active 20–30 Club, a member of the United States Conference of Mayors, and a member of the California State University Advisory Board.

In addition to these roles, Mayor Andre has served as the Chairman of the Turlock Planning Commission and Mayor of Turlock for a total of twenty-nine. Overseeing the growth of a town from roughly 30,000 to over 70,000, Mayor Andre has been a much needed element of consistency in Turlock's time of transition.

For his commitment to a better quality of life in Turlock, Mayor Andre has received the Paul Harris Award, the Distinguished Public Service Award from Rotary District 5220, the 2004 Citizen of the Year Award from the Turlock Chamber of Commerce, and the 2006 Outstanding Community Leader from the California State University at Stanislaus.

Madam Speaker, I rise to recognize Mayor Andre for his many years of service and dedication to the residents of Turlock. I urge my colleagues to join me in wishing him many years of continued happiness and success.

PERSONAL EXPLANATION

HON. EARL POMEROY

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 23, 2007

Mr. POMEROY. Madam Speaker, on January 22, 2007, due to flight delays, I missed rollcall votes Nos. 43, 44, 45, and 46. Had I been present, I would have voted in the following manner: Rollcall No. 43, yea; rollcall No. 44, yea; rollcall No. 45, yea; rollcall No. 46, yea.

RECOGNIZING THE 40TH ANNIVERSARY OF MINNESOTA PUBLIC RADIO

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 23, 2007

Ms. McCOLLUM of Minnesota. Madam Speaker, it is my great pleasure to rise today to recognize Minnesota Public Radio's 40 years of broadcasting excellence.

Minnesota Public Radio—or simply "MPR" as it is known to its many members and fans—began humbly on January 22nd, 1967, as a small radio station at Saint John's University in Collegeville, Minnesota. Thanks to the extraordinary vision and dogged determination of then-recent graduate Bill Kling (now MPR President) and future college president Father Colman Barry, that little college radio station has grown into a 37-station network that serves nearly 800,000 every day with its programming for radio, Internet and in-person audiences. Nationally, MPR reaches more than 14 million people through original programs produced by American Public Media.

Throughout the years, MPR has earned distinction as one of the nation's finest public radio systems, offering world-class news and cultural programming. Its vision has always included strengthening radio nationally. In 1970, MPR helped provide the leadership to found National Public Radio, with President Kling serving on NPR's first board of directors. In 1982, MPR launched American Public Radio and its corporate parent (later renamed American Public Media), which distributes Minnesota Public Radio programming, to affiliate stations nationwide.

One of MPR's most formative years was 1974, when a talented young writer who was working as a classical music host at the station began a regular Saturday night variety show. The host was Garrison Keillor, the show "A Prairie Home Companion," and the rest was history. From its home in St. Paul's Fitzgerald Theater, and on the road, "A Prairie Home Companion" continues to entertain listeners every Saturday night on MPR and on public radio stations across America.

MPR has come a long way since its college radio station beginnings. It continues to expand and enhance its programming to serve a diverse, dynamic and growing audience. In recent years, it has launched "The Current," a critically acclaimed music service helping to showcase local talent in addition to its news and information and classical music services. In 2006, MPR completed a $46 million capital campaign that has enlarged its St. Paul headquarters, adding to the network's ability to serve the public through high-quality programming.

MPR news and information earns its reputation as "the most trusted news source" for Minnesotans daily with its thorough and thoughtful coverage and timely reporting. This trust is exemplified through MPR's partnership with the State of Minnesota to maintain and improve the technical infrastructure to the state's Emergency Alert System (EAS). In addition, MPR serves as the backbone of the state's AMBER Alert child abduction warning system.

I join my fellow Minnesotans who are so proud of MPR's commitment to its audience. We rely on MPR for news without spin, for high quality music and cultural programming. Most of all, we appreciate the people who make MPR great. They have built a strong foundation that will ensure that MPR will be serving listeners for decades to come.

Madam Speaker, please join me in commending Minnesota Public Radio for its contributions to Minnesota and the nation throughout its first 40 years on the air.

MS. NORA ROCK

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 23, 2007

Mr. ORTIZ. Madam Speaker, I rise to commend a pioneer of Brownsville, Texas, on the occasion, of her 105th birthday.

Nora Rock will celebrate that birthday tomorrow; and her name belies her strength. She is a rock. That also describes her faith in the Lord; He is her rock.

Her family came to Brownsville in the aftermath of the Civil War. Her grandfather was part of the Union Army occupying Brownsville in the 1860s.

She is an amazing woman, a quiet, simple lady whose love in life is service to others. She believes her longevity is a gift from God, one which she repays by spending her long life helping others in her community.

She remembers going to military band concerts at Fort Brown—the Army fort around which Brownsville grew—as a teenager during World War I, and remembers the daily cannon firings during those troubled times.

Ms. Rock is a very nice and humble lady who is wholly devoted to her faith and the South Texas community. Her way is to help others in a private way, not a public way to win accolades. The look of happiness in the eyes of another is all the tribute she would want or need.

She is an extraordinary American who has seen the history of our Nation in the 20th Century from the front row. She says she is still so vibrant after 100 years because the Lord has seen fit to keep her on the earth, but also—she says with a twinkle in her eyes—because she loves chocolate.

Madam Speaker, I would imagine she would not have expected for a woman to occupy the

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Speaker's Chair for the U.S. House of Representatives during her lifetime; we are both glad to have the opportunity to see you there.

I ask Speaker PELOSI, and our colleagues, to join me in commending the long and beautiful life of Nora Rock.

"SUPPORT OUR TROOPS" DAY

HON. JOE KNOLLENBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 23, 2007

Mr. KNOLLENBERG. Madam Speaker, one year ago I came across a young high school student who had a brilliant and patriotic idea. Alexandra McGregor set out to establish a "Support Our Troops" Day and for the second year in a row I am introducing a resolution inspired by Alexandra.

A year ago, my office got word of Alexandra's extraordinary effort to contact, local, State, and Federal officials in support of a national "Support Our Troops" Day. Alexandra even went as far as to write to one school in each State encouraging them to participate in a moment of silence on March 26th, her grandfather's birthday, who was an American soldier.

Every year, this House celebrates Memorial Day; in a month we will take time out of the schedule to celebrate our Presidents, and further down the road we will honor our veterans; but never do we honor our active-duty military men and women who are protecting our freedom today.

With inspiration from Alexandra, my resolution encourages Americans to participate in a moment of silence on March 26th to think about those who are serving this country both at home and abroad.

COLLEGE STUDENT RELIEF ACT OF 2007

HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 23, 2007

Mr. ROGERS of Michigan. Madam Speaker, I rise today to express concerns with the College Student Relief Act, which passed the House on January 17, 2007.

As the author, while a Michigan State Senator, of legislation creating the Michigan Education Savings Plan, my commitment to helping families afford college has been a longstanding priority of my public service tenure. In fact, this program has helped thousands of Michigan families save for college expenses as well over 100,000 accounts have been opened since the program's inception.

Unfortunately, for many families, their ability to save cannot keep pace with the rising costs of post-secondary education. For these families, student loans represent an integral piece to the higher education puzzle, which is why we, as policymakers, must ensure that our actions meet the twin goals of reducing the cost of, and increasing access to, a college education,

The College Student Relief Act represents a short-term solution for student loan relief for a very specific group of student borrowers. This legislation reduces the student loan rate on only subsidized Stafford loans. It does not reduce the rates of undergraduate students borrowing from unsubsidized Stafford loans, nor does it provide relief to graduate students. Furthermore, this legislation does not permanently reduce student loan rates but cuts rates over five years, after which point they will go back to a higher interest rate, in effect providing only six months of relief.

Lastly, I believe students must be provided with borrowing choices, and they should be able to borrow from lenders who provide the most affordable option for them and their families. A competitive student loan marketplace is central to lowering the longterm costs associated with higher education

Rest assured, I will continue to work in Congress, must work, to help make college more affordable and attainable for every American family.

IN RECOGNITION OF THE RETIREMENT OF MR. PAT LANE

HON. KAY GRANGER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 23, 2007

Ms. GRANGER. Madam Speaker, I rise today to congratulate Mr. Pat Lane, on the occasion of his retirement from Lockheed Martin Aeronautics Company after more than 40 years of dedicated service. Pat will be greatly missed, and I join his many friends and coworkers with whom he served in wishing him the best of luck in the next phase of his life.

Pat began his long and distinguished career with then-General Dynamics Fort Worth Division in 1966. He was elected by his peers as the union representative for his department, a position he served in until 1974. He was then elected to the office of Business Representative for International Association of Machinists and Aerospace Workers, District Lodge 776.

Since 1978, Pat has served as President and Directing Business Representative for the District Lodge. In this role, Pat has had the responsibility of negotiating multiple labor agreements and enforcing 61 labor agreements with employers. He also served 10,000 members representing nineteen local lodges in the District. Finally, he had the full responsibility of overseeing and supervising a full staff of elected business representatives and office employees.

Particularly noteworthy is Pat's work in establishing a Joint Apprenticeship Program between General Dynamics and District Lodge 776, which has continued under Lockheed Martin. This model program successfully trained highly skilled aircraft tooling personnel with a high completion rate. I am most familiar with Pat's outstanding work with the Community Learning Center in Fort Worth. Currently, he serves on the Board of Directors for the Community Learning Center which provides skills training to unemployed, underemployed and displaced workers.

Pat Lane has also been extremely active in the Fort Worth community. He served on the Texas Council on Workforce and Economic Competitiveness for four years. In addition, he served on the Board of Directors for the Tarrant County United Way as well as the Tarrant County Junior College as a labor consultant. Furthermore, he has devoted his time as a youth baseball coach and Boy Scouts Leader.

Madam Speaker, I am honored to have had this opportunity to recognize the dedication of Mr. Pat Lane to the Fort Worth community. As he retires, I join his friends and family in wishing him a long and happy retirement. He has certainly earned it.

MOURNING THE PASSING OF KEELEY DORSEY, A STUDENT AT THE UNIVERSITY OF SOUTH FLORIDA

HON. KATHY CASTOR

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 23, 2007

Ms. CASTOR. Madam Speaker, I rise today with great sadness to recognize the life of a talented student at the University of South Florida, Keeley Dorsey. I know my colleagues join with me in extending their sincere condolences to Keeley's family and friends who knew him well and loved him deeply.

The USF family lost a valued member of its community last Wednesday afternoon. Unfortunately, during a routine workout session with his fellow football team members, Keeley passed out, and efforts to revive him were unsuccessful. He was only 19 years old, but even during his short time among us, Keeley made a huge impact on those around him and set a sterling example for what hard work and perseverance can achieve.

Keeley was a star football player at Lincoln High School in Tallahassee, strong enough to play three positions—quarterback, tailback and wide receiver. As he excelled on the football field, he worked just as diligently on his academics and gained admission to USF. In Keeley's first football game last fall, he ran 52 yards for a touchdown. Over the course of the season, his talent on the field showed, and coaches were certain that Keeley, with his positive attitude and outstanding leadership skills, would be a cornerstone of the next season's football team. He had even been selected to be a host for visiting high school recruits, a duty usually carried out only by upperclassmen.

As I join with Keeley's family and friends in mourning a life lost so young, I know that they are proud of him and of the accomplishments he made in his 19 years. I know the University of South Florida family will remember him always.

TRIBUTE TO UNITED STATES COAST GUARD RESERVIST SPRING DE HAVILAND

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 23, 2007

Mr. WAXMAN. Madam Speaker, I rise to acknowledge and thank retiring United States Coast Guard Reserve Public Affairs Specialist First Class Spring de Haviland for her exemplary service to our Nation.

Specialist First Class de Haviland retired from the United States Coast Guard Reserves on January 11, 2007 after 30 years of service that began on January 26, 1977. She served at a number of duty stations, including San Pedro, California, Valdez, Alaska, Grand Haven, Michigan, Kodiak Island, Alaska, Washington, D.C. United States Coast Guard Headquarters; and Washington Island, Wisconsin.

During her distinctive career, Ms. de Haviland earned 6 Good Conduct Medals, 6 Meritorious Service Medals, a Unit Commendation Medal, and a Special Operations Medal. She received 4 awards for exemplary service from the U.S. Department of Defense Information School for her work as a public affairs, media relations, community relations and cultural affairs relations instructor. Among her many projects, she created, produced and distributed worldwide to the military Persian Excursion, a humorous video featuring Bob Hope, and directed the Two Hundred Year USCG Anniversary celebration in Grand Haven, Michigan. Ms. de Haviland was also recognized as Outstanding Enlistee of the Year by her USCGR group.

I ask my colleagues to join me in recognizing Specialist First Class de Haviland for her 30 years of dedicated service. Our Nation owes her a debt of gratitude for her commitment and record of accomplishments.

CONGRATULATING THE 2007 NAACP HUMANITARIAN OF THE YEAR HON. CAROLYN Q. COLEMAN

HON. G. K. BUTTERFIELD

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 23, 2007

Mr. BUTTERFIELD. Madam Speaker, I rise today to honor a great woman in the African-American community and a visionary leader in North Carolina, The Honorable Carolyn Q. Coleman. Mrs. Coleman will receive the 2007 NAACP Humanitarian of the Year Award at the 23rd Annual NAACP Humanitarian of the Year Banquet on Saturday, January 27 in Durham, North Carolina. Her work over the last year is inspiring but what truly makes her remarkable is the scope of her deeds over a lifetime.

Carolyn Quilloin Coleman is a native of Savannah, Georgia, where as a young woman she became involved in civil rights and human rights issues with the local NAACP Youth Council. After a 9 year ban of the NAACP in Alabama, Coleman joined the late Althea Simmons in reorganizing units in that State. She currently serves as Secretary of the National Board and Assistant Secretary of the National Association. On the State level, Mrs. Coleman is the First Vice President of the North Carolina State Conference and is a member of the Greensboro Branch's Executive Committee.

Mrs. Coleman graduated from Savannah State College with a Bachelor of Science degree in History and minors in Economics and Sociology. She pursued her Masters Degree in Adult Education at North Carolina A&T and has also studied at the Memphis Theological Seminary in Tennessee.

Professionally, Mrs. Coleman served as the Special Assistant to Governor Jim Hunt for eight years, providing guidance on issues of the minority community. In her forty-year relationship with the NAACP, Mrs. Coleman has served with distinction as a Regional Youth Director, Alabama State Director, Southeast Voter Education Director and the North Carolina State Director.

Mrs. Coleman led the North Carolina State Conference in filing 13 lawsuits challenging the at-large elections of Judges, County Commissioners, City Council and School Board members. Her efforts led to redistricting in the State, which made possible the election of two African-American Members of Congress in the 1990s, the first since Reconstruction. In total, the results of those suits led to the election of ten African-American Superior Court Judges and over 100 new African-American officials.

In 2006, Mrs. Coleman won re-election to the Guilford County Board of Commissioners with 74 percent of the vote and was elected the first African-American woman to chair the Board. As a Commissioner, Mrs. Coleman is a liaison on several boards, including the Greensboro Sports Commission, the Greensboro Convention and Visitors Bureau, the Piedmont Authority for Regional Transportation, the Piedmont Triad Council of Governments and the Work First Planning Board, in addition to her responsibilities on the Board's Budget Process Committee, Community Based Organizations Study Committee and School Budget Committee.

Despite her years of continued service, Mrs. Coleman still makes time for her friends—as a member of Delta Sigma Theta Sorority, her family—as the mother of one son, Carlton, and faith—as a communicant of the New Zion Baptist Church in Greensboro.

I have had the privilege of knowing Mrs. Coleman for more than twenty years as a family friend and a colleague in the struggle for racial justice. There is no question that her work has made a difference in the lives of many North Carolinians.

Madam Speaker, I ask my colleagues to join me and the delegates to the NAACP Conference in paying tribute to this courageous and dedicated woman who has worked to foster and continue our Nation's founding principle—that all men and women are created equal.

THE CLEAN WATER STATE REVOLVING LOAN FUND

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 23, 2007

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, it was brought to my attention that on last Friday—during the customary exchange between Majority Leader HOYER and Minority Whip BLUNT—the gentleman from Missouri had some questions regarding the "substantive" nature of my subcommittee's business on last Friday.

As the recently elected Chairwoman of the Water Resources and Environment Subcommittee, I have come to the floor to address the gentleman's inquiries.

From the onset, I want to make it clear to the gentleman from Missouri that I empathize with his disgruntlement over our current work schedule.

However, I also want the gentleman to understand that I will not sit idly by and allow the escalation of the gentleman's disgruntlement to come at the expense of my subcommittee and the good work of the committee members.

The Water Resources Subcommittee has the broadest agenda of any of the Transportation Subcommittees, covering Corps of Engineers' projects and authorities, EPA's Clean Water and Superfund Programs, Brownfields, the Tennessee Valley Authority, the Saint Lawrence Seaway, and programs carried out by the National Oceanic and Atmospheric Administration and the Natural Resources Conservation Service.

Last Friday, with a standing room only crowd, the Subcommittee returned to some of the unfinished work of the previous, Republican-led Congress—particularly, reauthorization of the highly popular Clean Water State Revolving Loan Fund program.

This is the same program that, despite bipartisan efforts, was blocked from floor consideration by Republican leadership last Congress due to various objections to certain wage provisions.

The Clean Water State Revolving Loan Fund program is a powerful partnership between EPA and the States. It allows States the flexibility to provide funding for projects that will address their highest-priority water quality needs.

The program allows Federal, State, and local agencies to leverage limited dollars. Moreover, loans for such water infrastructure projects also tend to stimulate local economies by encouraging commercial development and construction and creating good paying jobs.

As a result of this, the Water Resources & Environment Subcommittee will be moving forward on a pro-environment and pro-infrastructure agenda.

Over the coming weeks my subcommittee will be introducing legislation aimed at reauthorizing a series of long overdue Clean Water Act program provisions and water infrastructure bills aimed at restoring and maintaining confidence in our Nation's water resources.

Regrettably, over the past six years the current Administration has presided over the slow, but steady, dismantling of the public's confidence in our water resources. Inadequate budgets, the easing of regulatory safeguards, and misguided priorities have brought about a dramatic reversal in national water quality trends.

We have not enacted a Water Resources Development Act since this President has been in office. This is ridiculous!

Adequate investment in our Nation's drinking water infrastructure has also been woefully neglected. Two years ago the EPA conducted a survey of the needs of public water systems. The survey estimates that public water systems need to invest $276 billion on drinking water infrastructure improvements over twenty years to comply with drinking water regulations and to ensure safe water.

Without a renewed commitment towards investment from all parties, in less than a generation, the U.S. could lose much of the gains made possible by the Clean Water Act.

State and local governments can not tackle these enormous challenges alone. The Federal Government must be a willing and able partner and the time to act is now. The Federal Government must renew its commitment to ensure the chemical, physical, and biological integrity of our Nation's water supply.

We owe future generations no less.

RECOGNIZING MRS. MICKEY PEABODY

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 23, 2007

Mr. RADANOVICH. Madam Speaker, I rise today to recognize Mrs. Mickey Peabody for her many years of service and leadership to the City of Oakdale and the community of Stanislaus County. On January 19th, friends and colleagues will hold an event to express sincere gratitude and to congratulate Mickey as she receives the Lifetime Achievement Award from the Oakdale Chamber of Commerce.

In addition to her history of great community involvement, Mickey will be thanked for her years of devotion to the Stanislaus County Commission for Women, Childcare Planning Council, Mental Health Board, Commission on Aging, Citizens Against Substance Abuse, Oakdale Fights Back, and the California Senior Legislature—along with many other agencies and commissions.

In addition to this Lifetime Achievement Award, Mickey has received awards that include Outstanding Woman of the Year, Outstanding Senior Citizen, and Woman of Distinction. Additionally, Mickey has earned a leadership award from the California Public Health Consortium and the National Center for Small Communities.

Mickey has a past filled with great instances of charity and compassion, and she will undoubtedly continue this same community devotion in the years to come.

Madam Speaker, I rise to recognize Mrs. Mickey Peabody for her many years of service and philanthropy. I urge my colleagues to join me in wishing her many years of continued happiness and success.

COMMEMORATING THE 60TH ANNIVERSARY OF THE HAPPY HOOLIGANS

HON. EARL POMEROY

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 23, 2007

Mr. POMEROY. Madam Speaker, on January 16, I joined the Happy Hooligans and the North Dakota Air National Guard in celebrating their 60th Anniversary. This unit—the 119th Fighting Wing, now rechristened the 119th Wing—has served our nation for the better part of the last century, and their dedicated commitment to our Nation's defense will only continue in the coming years.

I can remember being at the Capitol on September 11th and one year later, being at the Pentagon to recognize those pilots from the 119th Fighter Wing, who were flying vigil that day and in fact, did the first fly-over of the Pentagon after the attack. These moments will forever be part of the Hooligans' history.

This unit demonstrated time and again a commitment to excellence in flying fighter aircraft. The William Tell competition, which pits the top fighter units from across the country, was won by the 119th three times. The unit won the Hughes Achievement Award for air defense twice. It only makes sense to provide such a skilled and decorated unit a mission for the new century consistent with the evolution of the United States Air Force.

We know about our two new missions—the C–21s and the Predators—but what we don't yet know is how exactly the Hooligans will make their next entry into the history books with those aircraft. Ultimately, the 119th is about the people that make it up and those people have a record of accomplishment and great service to our Nation.

The 119th changes its mission, but brings with it an enviable record for flying safety. The unit was awarded the Flight Safety Trophy four times in the past seven years. Since 1990, the "Happy Hooligans" have flown more than 70,000 hours in F–16 aircraft without an accident from dozens of locations around the world, in a variety of weather conditions, during daylight and nighttime hours. That achievement coupled with hours of accident free flying in F–4 fighters and flight hours in F–101 fighter aircraft is one of the best safety records in U.S. Air Force history.

The pilots and other personnel in Fargo today who have stood up to terrorists and stood for freedom to protect the United States are remarkable heroes and their stories will ring true for many years in our hearts and our history books.

PERSONAL EXPLANATION

HON. MICHAEL R. TURNER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 23, 2007

Mr. TURNER. Madam Speaker, on rollcalls numbers 44, 45, and 46, on January 22, I am not recorded.

Had I been present, I would have voted "yea" on each vote

A TRIBUTE TO JON SAMUELS

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 23, 2007

Ms. SCHAKOWSKY. Madam Speaker, when our constituents think of the House of Representatives, they think of the 435 elected Congressmen and women. Yet each of us is acutely aware that much of what we do or say simply wouldn't happen without our hard-working staff—the men and women who choose this way to serve their country, and, oh yes, toil to make us look good.

I rise today to pay tribute to Jonathan Samuels who has worked with me and for me from the earliest days of my first Congressional race, beginning in 1997 until today. It is with great pride, even motherly pride, that I see him move on to a key position in the office of Majority Whip JIM CLYBURN.

In the early fall of 1997, I literally recruited Jon Samuels off the street in my home town of Evanston, Illinois. He and I were walking together in a student-led march against violence that started at the High School and ended in downtown Evanston, a few blocks from my campaign office. He told me that he had recently graduated from college and talked about the work he was doing with the youth in our community. I learned he was experienced outdoors man and led young people on challenging wilderness experiences.

By the time we reached our destination, I knew that I had to have Jon on my team. I clung to him during the speeches and then took him directly to my office to sign him up as an organizer in the Campaign School I was creating. The Campaign School was to be made up of seventeen young people from around the country who wanted to learn to become political professionals by working the Congressional campaign of a progressive Democratic woman. In exchange for providing excellent training, they would work for a stipend and organize a sufficient number of volunteers and identify enough voters that would elect me to Congress.

The plan worked, in large part, because Jon Samuels was a star. There wasn't anything he couldn't do in that first campaign, and there was no way I could go to Washington without him. For the next 8 years, Jon worked by my side as Legislative Assistant, Legislative Director, and then as Deputy Chief of Staff/Communications Director. Along with my amazing Chief of Staff, Cathy Hurwit, Jon has been the brains behind Team Schakowsky.

As good as he was when he started, Jon has only gotten better. I have watched him grow into one of the most capable, dedicated, strategic, focused, wise-beyond-his-years young men I have ever encountered. I have relied on him to handle the most complicated issues and situations, deal with the media, constituents and outside groups, with other members and their staffs.

But even more than for all of his extraordinary talents and skills, I appreciate and love Jon Samuels for his heart. Working in my office was never just a job for Jon. He believes in our shared progressive vision. He believed our team could make a difference. And I always knew he believed in me, and that has been and continues to be a source of inspiration.

Jon is now like family to me. I feel privileged to say that because Jon is fiercely loyal to his family. He even calls his Grandmother every single day!

And so, Madam Speaker, I rise to say on the record, Thank you, Jon Samuels. Thank you for your service to the residents of the 9th Congressional District of Illinois, for your continuing contributions to our country, for sticking with me for over 9 years, and for your love and friendship. You will always be part of Team Schakowsky.

RETIREMENT OF SUSAN K. KERN, DIRECTOR OF THE UNIONDALE PUBLIC LIBRARY

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 23, 2007

Mrs. McCARTHY of New York. Madam Speaker, I rise today to honor a dedicated and spirited community leader from the 4th Congressional District, Director of the Uniondale Public Library Susan K. Kern. Susan K. Kern began her library career 40 years ago in her hometown of Worcester, Massachusetts after receiving her Master's degree in Library Science from Simmons College in Boston, Massachusetts.

Susan spent time working in public libraries in Massachusetts, Rhode Island and New Jersey before relocating to Long Island, New York in 1981.

In 1986, Susan became the Director of Uniondale Public Library. She remained in that position for over 20 years. During her tenure at the Uniondale Public Library Susan was a major factor in several projects and programs that are still in existence today. She was responsible for installing the library's first elevator in 1987, coordinating the removal of dangerous asbestos in 1992 to keep the community safe and healthy.

The major project of her Uniondale Public Library career has been the Building Expansion and Renovation project. Beginning in 2003, this renovation took nearly 3 years to complete, ending with a Grand Reopening Celebration on January 8, 2006. This project has doubled the size of the library and has enabled the facility to offer more services and materials for the community.

In addition to the great projects Susan has completed, she is also responsible for many programs for the community. Susan has initiated many art exhibits, classes for both children and adults, and countless cultural programs for community members of all ages.

Madam Speaker, I ask that my colleagues join me today in recognizing the outstanding guidance provided by Susan K. Kern, and the remarkable accomplishments she has made along the way. Together with her family and friends, I applaud Susan for her dedication and service to the community. I wish her continued success, and am honored to have her as a member of my district.

HONORING JERRY ZREMSKI ON HIS INAUGURATION AS PRESIDENT OF THE NATIONAL PRESS CLUB

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 23, 2007

Mr. HIGGINS. Madam Speaker, I rise today to honor and congratulate Mr. Jerry Zremski, newly inaugurated president of the National Press Club and new Washington Bureau Chief of the Buffalo News. Jerry has worked for the Buffalo News for 27 years, and we are privileged to have such a reputable journalist covering our city.

Jerry joined the Washington bureau of the Buffalo News in 1989. From presidential elections and the Buffalo waterfront to the Western New York congressional delegation and international conflicts, Jerry has played an integral part in reporting and analyzing the news for our great Western New York newspaper over these past years.

A native of Elkland, Pennsylvania, Jerry is a Syracuse University graduate, where he received his Bachelor's degree in journalism and he holds a Master's degree in political science from American University.

Jerry served as the president of the Regional Reporters Association in 1997 and was a Nieman fellow at Harvard University in 1999–2000. Jerry previously served as the National Press Club's vice president, has also served as membership secretary and treasurer since joining the Club in 1989. He is already taking a proactive approach to the upcoming year, identifying freedom of the press as the primary focus for his term in office. Jerry will undoubtedly continue to be a strong voice for free press worldwide, carrying on the National Press Club's traditions of ethical and worthy journalism.

Madam Speaker, I would like to take this opportunity to honor and celebrate the achievements of Jerry Zremski and thank him for his contributions to our Western New York community.

THE INTRODUCTION OF THE BUNDLING DISCLOSURE ACT

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 23, 2007

Mr. VAN HOLLEN. Madam Speaker, I rise today to introduce The Bundling Disclosure Act. While we have already made tremendous strides in the 110th Congress by passing many ethics reform measures, in the first 100 hours, our work is not done. We must continue to move forward to ensure that the proper relationship is maintained between Members of Congress and lobbyists who advance their clients, legislative interests before Congress. This bill is an important step in the direction of adding some sunlight to the activities of lobbyists who have business before the Congress while at the same time providing campaign contributions, co-hosting events or collecting and transmitting the contributions of others.

While lobbyists are subject to the same legal limitations as any other individual regarding the amount of a contribution they can make to a Member's campaign, some lobbyists also solicit, gather and transmit the contributions of others to Members. This "bundling" practice enables lobbyists to enhance their significance to a Member of Congress and consequently, this practice should be transparent to the public

This disclosure to the American people is essential in order to provide the accountability that so many voters demanded as a result of the abuses that took place in the recent past. We need to create transparency around the campaign finance practices of registered lobbyists. As Justice Brandeis has said, "sunlight is the best disinfectant."

Last year, I amended the Lobbying Disclosure Act, in the Judiciary Committee, to require lobbyists to disclose their bundling of funds. This amendment was adopted on a bipartisan vote of 28 to 4 and was the subject of a Washington Post editorial on April 13, 2005 entitled, "Real Lobbying Reform, A House Committee Tackles the Nexus Between Campaign Cash and Legislative Influence". Unfortunately, a funny thing happened on the way to the Rules Committee. This bundling disclosure provision was mysteriously stripped from the bill without a vote or comment. Any effort to add the provision back into the bill in the Rules Committee or on the House floor was blocked.

Therefore, I was pleased to see that Senators FEINGOLD and OBAMA drafted a similar provision in the 110th Congress. The Senate's bundling disclosure requirement was included in the Senate Ethics bill that passed by a vote of 96 to 2. This bill that I am introducing today with Congressman MEEHAN contains the same provision.

The American people spoke loud and clear during the last election. They want reform. They want this Congress to correct the abuses of the past. This bill will shed much needed light on the murky intersection of fundraising and the legislative process. I urge you to support this bill so that we can restore the American people's faith in Congress and put the public interest before the special interests.

PERSONAL EXPLANATION

HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 23, 2007

Mr. ROGERS of Michigan. Madam Speaker, on the legislative day of January 22, 2007 the House voted on three measures under suspension of the rules. H. Res. 52, paying tribute to Reverend Waitstill Sharp and Martha Sharp, H.R. 390, to require the establishment of a national database in the National Archives to preserve records and H. Res. 29, supporting the goals and ideals of National Mentoring Month 2007.

On rollcall votes Nos. 44, 45 and 46 I was unavoidably detained. Had I been present, I would have voted "aye."

HONORING THE WILLIAM FLOYD HIGH SCHOOL VARSITY FOOTBALL TEAM

HON. TIMOTHY H. BISHOP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 23, 2007

Mr. BISHOP of New York. Madam Speaker, I rise to congratulate and recognize the extraordinary efforts of the William Floyd High School Varsity Football Team, for winning the 2006 Long Island High School Championship and the coveted Rutgers Trophy.

After an undefeated regular season, the William Floyd Colonials captured the Conference I Championship, the Suffolk County Championship, and finished the season with a 34–27 victory over Baldwin High School for the Long Island Championship. The Colonials executed on both sides of the football, in front of more than 5,200 boisterous fans. They controlled the game, exhibiting teamwork and great individual effort to finish with a perfect 11–0 season.

I am honored to represent William Floyd High School and these athletes who not only strive to succeed on the field of play, but in the classroom as well. As a parent, I value the important lessons that competitive athletics teaches our students in pursuit of a lifetime of success. I have long been an advocate of sports and extracurricular activities as they complement academic excellence, inspire leadership, and build character, which better prepare our students to face the challenges of the 21st century.

Special congratulations to William Floyd's head coach, Paul Longo, and the coaching staff who trained this football team to be the best on Long Island. These young student athletes represent all that is good about high school sports, and it is my privilege to serve as their Congressman.

Go Floyd!

TRIBUTE TO COACH TONY NAPOLET

HON. TIM RYAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 23, 2007

Mr. RYAN of Ohio. Madam Speaker, I rise today to honor the recently completed season and still ongoing career of someone who is an institution in Ohio High School football and the community of Warren, Ohio. Coach Tony Napolet was awarded this year's Coach of the Year award after leading the Warren JFK Eagles to a 14–1 season capped by a berth to the Division 5 State championship game.

Although I never had the opportunity to play for him, Coach Napolet has been a friend and mentor throughout my entire adult life. The year following my graduation from Warren JFK, Tony Napolet was brought on for what he anticipated as being a 1-year stint as JFK head coach. That season, after squeaking into the playoffs, Napolet and the Eagles rattled off an amazing run to win the State Championship. At the conclusion of that season Coach Napolet agreed to come back to coach the Eagles indefinitely. He followed his title winning season with another birth to the State championship game. Although Coach Nap and the Eagles suffered a 1-point loss, the 2nd straight appearance in the State championship game solidified Tony Napolet's niche in the upper echelon of Ohio high school football coaches. And that was hardly the twilight of Coach Nap's career. He has since coached the Eagles to numerous winning seasons and three more State semifinal appearances including this past season's appearance in another State championship game.

Overall Coach Tony Napolet has garnered three top ten AP rankings, five state semi-final appearances, a winning percentage of .716 during his time at Warren JFK, and an overall coaching record of 191 wins, 84 losses and 3 ties.

All of the records, statistics, and awards, however, cannot speak to the influential and inspirational man that is Tony Napolet. One thing that everyone who has "ever played for Coach Napolet knows is that whether you were the starting quarterback or the third string defensive lineman, you were treated exactly the same. Not only was everyone an equal on the field, but also off the field, midseason, off-season, and after you had graduated. Tony Napolet is known in the community just as much for what he does for young people after they graduate, as he is for his coaching prowess. Of course there are the typical phone calls to college coaches and recommendation letters, but his involvement in his former players' lives doesn't end there. Coach Napolet is the one who helps you find a summer job when you're home from school, or serves as a reference on an internship application. Since Coach Napolet is such an integral part of the JFK High family, he in turn treats everyone as a member of his family.

Tony Napolet is every part of what a high school football coach should be. He realizes and has always realized that the role he plays is not just that of football coach but as someone who is helping prepare young men for the next step in their lives, whether that involves football or not.

So, today I am not honoring a coach and his distinct record, but rather a great man who also happens to be a fantastic coach.

THE CAMPUS FIRE SAFETY RIGHT TO KNOW ACT OF 2007

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 23, 2007

Mr. PASCRELL. Madam Speaker, 7 years ago this month, Seton Hall University in South Orange, NJ, suffered a horrible tragedy, as a fire ripped through one of its residence halls. That fire killed 3 young freshmen and wounded 58 other students.

Unfortunately, campus fires have become all too common. Each year, thousands of fires rage through the campuses and off-campus housing of our colleges and universities. Since January 2000, almost 100 people have died in campus-related fires across the country. In 2006 alone, 12 people were killed.

Last week, I was proud to reintroduce the Campus Fire Safety Right to Know Act of 2007, H.R. 592, in response to this problem. This bill is widely supported, and has garnered 28 bipartisan cosponsors to date. Senator FRANK LAUTENBERG has also introduced companion legislation in the Senate, S. 354.

This landmark legislation calls for colleges and universities to report vital fire safety information to the U.S. Department of Education. This will allow prospective students and their parents to make informed decisions regarding a fire-safe school based on criteria such as the installation of automatic fire sprinkler systems, automatic fire alarm systems, fire prevention training and other related factors.

The Campus Fire Safety Right to Know Act does not mandate upgrades; it simply requires schools to collect and report data crucial to the safety and well-being of students and other residents.

The fact that this legislation was passed by the House of Representatives in the 109th Congress was due, in no small part, to the tremendous support provided by leading fire safety organizations. These and other organizations have joined with me once again to support this vital legislation in order to protect our students on campuses across the Nation. They are working tirelessly every day to improve fire safety for our citizens, and I want to recognize and commend them for their support and their leadership.

These fourteen organizations include Campus Firewatch, The Center for Campus Fire Safety, the Congressional Fire Services Institute, the International Fire Chiefs Association, the International Association of Fire Fighters, the International Code Council, the International Fire Marshals Association, the National Association of State Fire Marshals, the National Electrical Manufacturers Association, the National Fire Protection Association, the National Fire Sprinkler Association, the National Volunteer Fire Council, the Society of Fire Protection Engineers, and Underwriters Laboratories.

Madam Speaker, I urge Congress to act now on this important legislation so that we may ensure a safe school environment for all college and university students. When we entrust our children to any institution, we expect that they will be in a safe environment. And we have the right to expect that much.

PRESIDENT BUSH EXPECTED TO SPEAK OUT ABOUT GLOBAL WARMING TONIGHT—NEEDS TO ACT

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 23, 2007

Mr. PAYNE. Madam Speaker, over the last week we've heard that President Bush is finally going to admit tonight what most of us have known for years—that global warming is actually occurring and that we as a Nation need to take action.

Tonight's expected pronouncement from the President is welcome news, but it does not excuse the administration's past record on global warming.

Over the last six years, the Bush administration has served as a major roadblock to reversing dangerous warming trends. The President walked away from international efforts to help reduce this growing danger to our planet, refusing to actually lead on this critically important issue.

In my home State of New Jersey, we are proud of the fact that former Governor Richard J. Codey took decisive action over a year ago to strengthen our State's efforts to combat global warming by classifying carbon dioxide as an air contaminant. This action made New Jersey one of the first States in the Nation to take such a step. By contrast, the Bush administration has been in constant denial about environmental dangers to our planet.

I hope President Bush provides more than just lip service on global warming as he addresses the Nation tonight. After all, the President has pledged to reduce our dependence on foreign oil every year since he took office, while his policies have consistently made the problem worse.

Last year was the hottest ever recorded in our Nation's history. Our planet simply cannot afford more inaction from this administration. I hope that the President is serious about joining us in producing policies that will reduce greenhouse gas emissions. The time for action is long overdue.

CONGRATULATING THE 2007 NAACP HUMANITARIAN OF THE YEAR HON. CAROLYN Q. COLEMAN

HON. G. K. BUTTERFIELD

OF NORTH CAROLINA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, January 23, 2007

Mr. BUTTERFIELD. Madam Speaker, I rise today to honor a great woman in the African American community and a vocal leader in North Carolina, the Honorable Carolyn Q. Coleman. Mrs. Coleman will receive the 2007 NAACP Humanitarian of the Year Award at the 23rd Annual NAACP Humanitarian of the Year Banquet on Saturday, January 27 in Durham, North Carolina. Her work over the last year is inspiring but what truly makes her remarkable is the scope of her deeds over a lifetime.

Carolyn Quilloin Coleman is a native of Savannah, Georgia, where as a young woman she became involved in civil rights and human rights issues with the local NAACP Youth Council. After a 9-year ban of the NAACP in Alabama, Coleman joined the late Althea Simmons in reorganizing units in that State. She currently serves as Secretary of the National Board and Assistant Secretary of the National Association. On the State level, Mrs. Coleman is the First Vice President of the North Carolina State Conference and is a member of the Greensboro Branch's Executive Committee.

Coleman graduated from Savannah State College with a Bachelor of Science degree in History and minors in Economics and Sociology. Coleman pursued her Masters Degree in Adult Education at North Carolina A&T and has also studied at the Memphis Theological Seminary in Tennessee.

Professionally, Coleman served as the Special Assistant to Governor Jim Hunt for 8 years, providing guidance on issues of the minority community. In her 40-year relationship with the NAACP, Mrs. Coleman has served with distinction as a Regional Youth Director, Alabama State Director, Southeast Voter Education Director and the North Carolina State Director.

Mrs. Coleman led the North Carolina State Conference in filing 13 lawsuits challenging the at-large elections of Judges, County Commissioners, City Council and School Board members. Her efforts led to redistricting in the State, which made possible the election of two African-American Members of Congress in the 1990s, the first since Reconstruction. In total, the results of those suits led to the election of 10 African-American Superior Court Judges and over 100 new African-American officials.

In 2006, Mrs. Coleman won re-election to the Guilford County Board of Commissioners with 74 percent of the vote and was elected the first African-American woman to chair the Board. As a Commissioner, Coleman is a liaison on several boards including the Greensboro Sports Commission, the Greensboro Convention and Visitors Bureau, the Piedmont Authority for Regional Transportation, the Piedmont Triad Council of Governments and the Work First Planning Board in addition to her responsibilities on the Board's Budget Process Committee, Community Based Organizations Study Committee and School Budget Committee.

Despite her years of continued service, Mrs. Coleman still makes time for her friends—as a member of Delta Sigma Theta Sorority, her family—as the mother of one son, Carlton, and faith—as a communicant of the New Zion Baptist Church in Greensboro.

Madam Speaker, I ask my Colleagues to join me and the delegates to the NAACP Conference in paying tribute to this courageous and dedicated woman who has worked to foster and continue our Nation's founding principle—that all men and women are created equal.

HOUSE OF REPRESENTATIVES—*Wednesday, January 24, 2007*

The House met at 10 a.m and was called to order by the Speaker pro tempore (Mr. CLEAVER).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
January 24, 2007.

I hereby appoint the Honorable EMANUEL CLEAVER to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord of history, and ever-present to those in need, we come to You in prayer to dedicate the work of this government to the common good of Your people, and to give glory to Your holy name.

May the words of Your prophet Isaiah ring true in this place at this time in history:

"A strong city have we. The Lord has set up walls and ramparts to protect us. Open wide the gates to Your presence and let in a nation that is just, one that keeps faith.

"A nation of firm purpose You will keep in peace. There will be peace if it places its trust in You. Because the Lord is an eternal rock, trust in the Lord now and forever." Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) come forward and lead the House in the Pledge of Allegiance.

Mrs. CHRISTENSEN led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment a bill and a concurrent resolution of the House of the following titles:

H.R. 475. An act to revise the composition of the House of Representatives Page Board to equalize the number of members representing the majority and minority parties and to include a member representing the parents of pages and a member representing former pages, and for other purposes.

H. Con. Res. 41. Concurrent resolution providing for a conditional adjournment of the House of Representatives.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain five 1-minute speeches on both sides.

LIEUTENANT COLONEL DAVID CANEGATA III AND SERGEANT FLOYD JAMES LAKE

(Mrs. CHRISTENSEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CHRISTENSEN. Mr. Speaker, it is with a heavy heart that I rise this morning to grieve, along with the residents of my entire district, over the loss of two members of the Virgin Islands National Guard who were lost when the Black Hawk helicopter they were on was shot down in Iraq on Saturday.

We thank God for them, their professionalism, dedication and their service, Lieutenant Colonel David Canegata III and Sergeant Floyd James Lake. And we thank God for the over 400 soldiers, men and women, who have served in this war, including five others who also made the ultimate sacrifice. We pray for their families and for the day that we will bring all of our soldiers home.

And so, Mr. Speaker, especially now, I am forced to ask on their behalf and on behalf of all of the people of the Virgin Islands who have sent our loved ones to every war from the Revolutionary to this in higher per capita numbers than most States, why it is that some would seek to deny us an even limited vote in the Committee of the Whole.

These brave men died in support of extending democracy in the Middle East. Every Member of this body should vote to extend democracy here at home, to support your colleagues and fellow Americans who happen to live in the District and territories, and we should have a unanimous vote on H. Res. 78.

THE TOWN STALKER

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Mr. Speaker, Justin Thurber was a deviant that liked to secretly sneak, slither around, and follow women who rebuffed him. He tracked them like one would track an animal for prey. He did not like being told no.

For the young women in a small Kansas college town of Arkansas City, Thurber's predatory actions were well known. He was the town stalker, the town weirdo. Jodi Sanderholm was one of his victims. When Jodi disappeared, her college friends knew who was responsible.

On January 5 of this year, Thurber had enough of being ignored by Jodi. He kidnapped her; he drove her to a remote, lonely, desolate area in the county. He raped her; he strangled her to death. He covered up his dastardly murder by hiding her body in the remoteness of the woods and he dumped her car in the lake. Jodi died, and the last person on Earth she saw was not her family, but the town stalker.

Mr. Speaker, nearly 1.4 million people are stalked each year, and most of them women. Intimidating a woman by following her around and showing up outside her home, work, and school is not romantic, it is a perverted crime. Hopefully the good people of Kansas will put this stalker in the ground.

And that's just the way it is.

BUSH HEALTH INSURANCE PROPOSAL

(Mr. JOHNSON of Georgia asked and was given permission to address the House for 1 minute.)

Mr. JOHNSON of Georgia. Mr. Speaker, last night President Bush unveiled a health insurance proposal that is nothing more than a tax hike on middle-class Americans. The President's plan would provide tax breaks to Americans who purchase their own medical insurance and would pay for it by taxing so-called high-priced health insurance plans.

And just who is the President referring to when he talks about those supposed high-priced insurance plans? Paul Krugman of the New York Times writes, "We're not talking about the wealthy, we're talking about ordinary workers who manage to negotiate better-than-average health plans." That's right. In the same year that the President is once against submitting a budget making his tax cuts permanent, tax

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☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

cuts that go overwhelmingly to the richest of Americans, he is proposing to shift more of the cost of health onto working Americans.

Mr. Speaker, this is not the way to solve our Nation's health care problems. This Democratic House will work and look at creative ways to reduce the number of uninsured without taxing the health care benefits of middle-class workers.

SCHOOLS, COUNTIES SUFFER WHILE CONGRESS FAILS TO ACT

(Mr. WALDEN of Oregon asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WALDEN of Oregon. Mr. Speaker, the failure of Congress to reauthorize and fund the Secure Rural Schools and Community Self-Determination Act amounts to a breach of faith to more than 600 forested counties across America.

For rural Lake County, Oregon, no stranger to economic challenges, this means 93 percent of the county's road budget has vanished. With 709 miles of road to maintain during rugged winters, basic maintenance and sure passage for school buses and emergency vehicles will be crippled.

County Commissioner Brad Winters says, "Without these dollars, the destruction of our roads through lack of repair will be inevitable and we will be back to dirt."

Failure to reauthorize delivers a blow to our schools, too. School District Superintendent Judy Graham put it this way: "Our past challenges have made it difficult to offer even limited services. Losing county payments funding will devastate the environment our children rely upon to learn and grow."

My colleagues, Congress must pass H.R. 17 and keep the Federal Government's promise to timbered communities. Time is running out.

RETURNING FREEDOM TO AMERICAN WORKERS

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, today I will reintroduce the National Right to Work Act. This bill seeks to end compulsory union dues and return to American workers their unalienable freedom of choice.

As ranking member of the Subcommittee on Workforce Protections, this is an issue with which I am actively involved. No American should be forced to pay union dues to get or keep a job. Ironically, even proponents of compulsory unionism acknowledge that coercion is the central pillar of our current Federal labor law.

By simply repealing certain provisions of the National Labor Relations Act and the Railway Labor Act, we can abolish forced union dues.

I am pleased to introduce this bill with 51 of our colleagues, and I urge you to join us in increasing the freedom and prosperity of American workers.

In conclusion, God bless our troops, and we will never forget September 11.

DELEGATE VOTING IS UNFAIR

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, "The Democrats are stretching the Constitution beyond its limits and inviting further partisan abuse." Mr. Speaker, those aren't my words, that is a direct quote from a 1993 USA Today editorial. That was the last time House Democrats moved to give congressional voting privileges to the Delegates of the U.S. territories, and today they will attempt the same thing.

While the other side will cloak this move in the language of inclusion and fairness, make no mistake, this is a power grab. Democrats are simply looking for more votes on this floor. They will say this is fair and just, but keep in mind that four of the five U.S. territories are exempt from U.S. Federal income tax laws.

What is fair or just about letting untaxed Delegates vote on tax policy for the rest of Americans who do pay taxes? The American public should not be fooled by my friends on the other side of the aisle today. This is nothing more than a thinly veiled power grab, and it comes at the expense of the U.S. Constitution.

EAGLE SCOUT KNAVENSHUE

(Mrs. CAPITO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CAPITO. Mr. Speaker, I rise today to extend congratulations to Jeremiah Kent Knavenshue, who recently accomplished the highest rank in boy scouting, becoming an Eagle Scout on October 4, 2006.

Jeremiah achieved a new title at the end of a 7-year career in Boy Scout Troop 88, which is chartered by the Elkins United Methodist Church. He served as an assistant patrol leader and bugler, and was elected patrol leader.

Jeremiah performed many community service projects, including Adopt-a-Highway and other community beautification projects. Boy Scout Troop 88 also organized a "Scouting For Food" project at Elkins, which is a national Boy Scout activity where members of the troop collect food donations from their community to allocate to food banks. For his Eagle Scout project, he cleared and finished an area in Riverbend Park for the public to use.

Jeremiah is a student at Elkins High School, where he is president of the Future Farmers of America chapter. He is a member of the National Honor Society and is on the wrestling team and participates in the band.

I am proud to recognize Jeremiah on his accomplishments. Randolph County and the State of West Virginia are fortunate to have him as a leader and a volunteer in his community.

APPOINTMENT OF MEMBER TO BOARD OF REGENTS OF THE SMITHSONIAN INSTITUTION

The SPEAKER pro tempore. Pursuant to sections 5580 and 5581 of the Revised Statutes (20 U.S.C. 42–43), and the order of the House of January 4, 2007, the Chair announces the Speaker's appointment of the following Member of the House to the Board of Regents of the Smithsonian Institution:

Mr. SAM JOHNSON, Texas.

□ 1015

PROVIDING FOR CONSIDERATION OF H. RES. 78, PERMITTING DELEGATES AND THE RESIDENT COMMISSIONER TO CAST VOTES IN THE COMMITTEE OF THE WHOLE

Mr. McGOVERN. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 86 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 86

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the resolution (H. Res. 78) amending the Rules of the House of Representatives to permit Delegates and the Resident Commissioner to the Congress to cast votes in the Committee of the Whole House on the state of the Union. The resolution shall be considered as read. The previous question shall be considered as ordered on the resolution and on any amendment thereto to final adoption without intervening motion or demand for division of the question except: (1) one hour of debate on the resolution equally divided and controlled by the chairman and ranking minority member of the Committee on Rules; (2) the amendment printed in the report of the Committee on Rules accompanying this resolution, if offered by Representative Kirk of Illinois or his designee, which shall be in order without intervention of any point of order or demand for division of the question, shall be considered as read, and shall be separately debatable for 20 minutes equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit which may not contain instructions.

SEC. 2. During consideration of H. Res. 78 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to a time designated by the Speaker.

The SPEAKER pro tempore. The gentleman from Massachusetts (Mr. McGOVERN) is recognized for 1 hour.

Mr. MCGOVERN. Mr. Speaker, for the purposes of debate only, I yield to my friend from California, the distinguished ranking member of the Committee on Rules, Mr. DREIER, 30 minutes; pending which I yield myself such time as I may consume. And during consideration of this resolution, all time yielded is for the purposes of debate only.

Mr. Speaker, the rule before us provides 1 hour of general debate in the House equally divided and controlled by the chairman and ranking minority member on the Committee on Rules. The rule waives all points of order against consideration of the resolution and provides that the resolution shall be considered as read. The rule makes in order the amendment printed in the Rules report accompanying this resolution, if offered by Representative KIRK of Illinois or his designee. The amendment shall be considered as read, shall be debatable for 20 minutes equally divided and controlled by the proponent and an opponent, and shall not be subject to a demand for a division of the question. The rule also waives all points of order against consideration of the amendment printed in the report, and contains one motion to recommit, which may not contain instructions. Finally, the rule provides that, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to a time designated by the Speaker.

Mr. Speaker, let me clearly state that there is no obligation for any Member to offer the amendment. The rule simply allows Mr. KIRK or his designee the option of offering this amendment if they choose to do so.

Also, Mr. Speaker, the Republicans were given the option to offer a substitute, and they declined.

This resolution will amend the House rules and allow the five Delegates who were elected to the House of Representatives to vote in the Committee of the Whole.

The Committee of the Whole is comprised of all Members of the House of Representatives, and is a procedural forum in which the House considers debates and votes on amendments to most of the legislation reported out of committee. After consideration of amendments in the Committee of the Whole, legislation is reported to the floor of the House for final consideration.

As we all know, Mr. Speaker, Delegates and Resident Commissioner have the same powers, rights and responsibilities as full Members of the House, with some exceptions. They cannot vote on the floor in the House or in the Committee of the Whole, they cannot offer a motion to reconsider, and they are not counted for quorum purposes.

Mr. Speaker, this resolution provides certain protections that have been ruled constitutional by Federal courts. Specifically, no Delegate or Resident Commissioner can provide the deciding margin of any amendment considered in the Committee of the Whole. In other words, if the vote in the Committee of the Whole is decided by five or fewer votes, it must be reconsidered immediately by the House of Representatives.

Let me state this clearly for all my colleagues. No Delegate or Resident Commissioner will provide the margin of victory or defeat of any amendment. It is that clear.

Delegates and the Resident Commissioner will not be able to vote on final passage, nor will they be able to vote on procedural motions.

Mr. Speaker, the Delegates and Resident Commissioner represent people who serve in our Armed Forces. Thirty thousand residents of Guam are military personnel. Over 2,400 soldiers from the territories and the District of Columbia are fighting in Iraq and Afghanistan today, wars that this Chamber voted in favor of. American Samoa has the highest per capita casualty rate of any State or territory for the war in Iraq.

We believe that the people who fight and die wearing the uniform of the United States deserve to have their voices heard in the people's House.

Beyond that, Mr. Speaker, residents of all territories and the District of Columbia pay Social Security taxes, Medicare taxes under FICA. The people living in the territories and the District of Columbia deserve to have a voice in Congress, and their elected representatives, the Delegates and the Resident Commissioner, deserve to have a vote in the Committee of the Whole.

Mr. Speaker, while these voting privileges are in large part symbolic, and I, for one, believe that the District of Columbia, where people actually pay Federal taxes in addition to all the other contributions that they make to this country, deserve to have full voting rights in this Congress, but this is the least, I think, we can do to restore some modicum of representation to these millions of Americans, and I strongly urge my colleagues to support this rule and vote for the resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume.

I rise to express my appreciation to my very good friend from Massachusetts for yielding me the time and for his effort in getting us to the point where we are.

But, Mr. Speaker, I do rise in very, very strong opposition to not only this rule, but the underlying legislation, H. Res. 78, as well, which, as the gentleman has said very clearly, will authorize the Delegates and the Resident Commissioner to vote on legislation that is on the House floor.

I must confess that I am broadly disappointed in how we have arrived here. I am disappointed that we are here again debating a proposal which is, I truly believe, at its heart, unconstitutional.

While I have the utmost respect for my colleagues from the territories, and from the District of Columbia, if they want to vote in this body, Mr. Speaker, they should begin the statehood process, plain and simple. They should pursue that with great vigor and enthusiasm. And those who are the strongest supporters of it now have a majority in this House, which, I believe, should allow them to proceed with that effort if they so choose.

Now, Mr. Speaker, reasonable people can disagree as to the merits of this proposal. We are going to hear an awful lot this morning. However, I am also disappointed that we find ourselves in a situation where my colleagues at the Rules Committee have, once again, rolled back the transparency that I was very proud to work so diligently on behalf of when I had the privilege to serve as chairman of the committee. First, it was the ability to enforce the rules regarding putting record votes in committee reports. Thrown out the window. Next, rather than following the example that I was privileged to set in the 109th Congress of conducting actual hearings and markups of rule changes, we find ourselves, Mr. Speaker, without the benefit of hearings with outside witnesses, without a committee report explaining the committee's thinking, without any opportunity for the minority to have its views published as part of the legislative history.

And I understand full well, Mr. Speaker, this, for the average American, is seen as inside baseball stuff. But deliberative democracy is something that is very near and dear to the founding of this country, the very basis on which our Nation was founded. And last night we had a great speech from the President of the United States that was delivered here in which he talked about our goal of working together.

But more than that, Mr. Speaker, I am disappointed about how my colleagues are approaching the most basic tasks of the Rules Committee. The Rules Committee is the all-important committee of the House, the traffic cop through which every major piece of legislation must go before it is considered here on the House floor. With the exception of privileged resolutions and items that we consider under suspension of the rules, what we really do here, and the appropriations process, we have tremendous responsibility. I argue that the Rules Committee is the single most important committee that exists in this institution because of the very, very unique role that we play.

I am so disappointed in how I have seen the basic handling of this committee. Any of you who have had the honor to serve as Chairs of committees know the challenges of crafting an agenda, of building support and moving that support forward. But as chairmen, we have a basic responsibility to maintain those very basic workings of the committee to ensure that Members have the documents that they need to discuss and debate matters that are before them.

Now, I don't want to belabor this, Mr. Speaker, by going through the particulars of yesterday's meeting, but I have to say it is very, very disappointing. Let me just say that my colleagues failed, the majority failed, at the most basic responsibilities, which disappoints me even more.

The last time this body considered, Mr. Speaker, the issue of Delegate voting, it was as part of an opening day rules package. The rule was changed, despite bipartisan opposition. That rule change led the then minority leader, our friend Mr. Michel, to file a lawsuit against the House to stop Delegates from voting on the House floor.

□ 1030

Well, the courts upheld the rule. They did so only because of the parliamentary sleight of hand which makes the right conferred on our colleagues illusory, illusory at the very best.

Mr. Speaker, 14 years later, this body is made up of 299 Members, 299 Members who were not here, never had a chance to vote on this issue before. And as I said, even back then there has never been a hearing, never been a process for us to hear from the scholars who clearly, clearly would spend a great deal of time and energy considering whether or not we should proceed with allowing the people who are not Representatives from States to have a chance to vote on the House floor.

So, Mr. Speaker, this is a very, very bad rule. It is a bad, bad, bad process. And what we witnessed last night in the Rules Committee was one of, if not the greatest, disservice to this institution that I have ever seen, it clearly is up there as one of the most pathetic and sad and disappointing things that I have ever seen.

As I said before, if my colleagues want the Delegates and the Resident Commissioner to enjoy the benefits conferred upon Representatives of the several States, they should encourage efforts to achieve statehood. There is nothing, nothing, Mr. Speaker, to be served by moving this unconstitutional rule any further in the process.

And to the point that was offered by my friend from Massachusetts on this notion of a substitute provided, I was taught very early on when I came to this institution more than a quarter of a century ago that you do not amend a bad bill. There is nothing that can be done in the amendment process that could make this constitutional.

And this notion that we have gone the entire route, the United States Supreme Court has not considered this, Mr. Speaker. I believe that what we are going to do here today, if it in fact succeeds, what we are going to do is we are going to embark on another legal struggle just as we did 14 years ago.

So I urge my colleagues to vote against this rule. And if the rule does prevail, I urge them to vote against the underlying resolution, Mr. Speaker.

Mr. Speaker, I reserve the balance of my time.

Mr. McGOVERN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, again I would remind my colleagues that the minority was given the opportunity for a substitute and they declined. I would remind my colleagues in the House that the one Member of the minority who came before the Rules Committee and offered an amendment, that amendment has been made in order if he so chooses to offer it.

So I guess, maybe because this is not a closed rule, it does not fit into the Republican talking points today, they are a little bit upset. But the bottom line is that we on the majority side have done our best to try to accommodate the minority.

Mr. DREIER. Mr. Speaker, will the gentleman yield?

Mr. McGOVERN. Mr. Speaker, not at this time.

Mr. DREIER. I completely understand.

Mr. McGOVERN. Mr. Speaker, I am glad the gentleman respects the courtesies of the decorum of the House.

Mr. Speaker, let me also say that it is a little bit difficult for any of us on this side of the aisle to stand here and be lectured about process by the distinguished former chairman of the Rules Committee, to be lectured about transparency, and about how the committee should be run.

I recall being in the committee when the USA PATRIOT Act was brought before the Rules Committee, went through a process of regular order, bipartisan process, and then was rewritten in the Rules Committees without anybody knowing what was going on, and then brought to the floor under a very closed process.

I remember a special interest provision that magically appeared on a conference report after the report was signed and closed. That is not the process that this new Democratic majority wants to be like.

Mr. DREIER. Mr. Speaker, will the gentleman yield?

Mr. McGOVERN. I yield 30 seconds to the gentleman from California.

Mr. DREIER. Mr. Speaker, as the gentleman goes through this litany of arguments, I would ask my friend if we ever, ever denied the wishes of a Member who asked that an amendment be withdrawn and gone ahead and made that amendment in order.

Mr. McGOVERN. I reclaim my time.

Mr. Speaker, I could be here all day, all week, all month and perhaps all year documenting and listing occasion after occasion where the former majority, I think, broke the rules of this House and did a great disservice to the rules of this House.

We have done our best to accommodate the minority on this rule. They had the opportunity to offer a substitute, they declined. An amendment that was brought before the Rules Committee has been made in order. If they don't want to offer it, they don't have to offer it. In fact, if they don't want it in the rule, we have made the offer that if they want to offer an amendment to strike the Kirk provision, they can offer an amendment on this floor and we will be happy to accept it.

So I think, Mr. Speaker, that this kind of talk of a bad process, and I should also point out just for the record that the Committee on Rules met in the afternoon, Mr. DREIER, not in the evening. Things have changed. We meet in the light of day, not in the middle of the night anymore.

Mr. Speaker, I yield 3½ minutes to the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN).

Mrs. CHRISTENSEN. Mr. Speaker, I rise in support of what is a very fair rule, H. Res. 86, to provide for the consideration of H. Res. 78, to amend the rules of the House of Representatives to permit Delegates and the Resident Commissioner to cast votes in the Committee of the Whole.

But I see no reason for any amendment to this very straightforward provision that is simply the right thing to do. It is a rule that we have asked for in every Congress since I have been here, since the 105th, when the Republicans were in the majority, but have never had a chance to become a part of the rule.

I want to commend and thank my friend and colleague, our majority leader, STENY HOYER, as well as the original cosponsors of the resolution, Majority Whip CLYBURN, Caucus Chair EMANUEL, Vice Chair LARSON, Representative BECERRA and Rules Committee Chairwoman SLAUGHTER. My fellow Delegates and I greatly appreciate their steadfast support for inclusion and full participation of all Americans in our national assembly.

A few minutes ago I took to the floor to express my condolences and that of my constituents and to recognize the service to the family of two members of the Virgin Islands National Guard who were killed along with 10 other soldiers in the crash of a Black Hawk helicopter northeast of Baghdad on Saturday.

I mention this because you will hear a litany of objections from our colleagues on the other side of the aisle to the limited extension of democracy for me and the other Delegates because of constitutional concerns.

This attempt to prevent us from the practice of democracy in this limited way is shameful because my Republican colleagues know well that the proposal the House will be voting on today is constitutional, and that the Federal courts have held that it is.

Why then are they insisting that my fellow Delegates and I not be given the opportunity to participate more fully in the deliberations on legislation on the floor on behalf of our constituents, which is in keeping with our country's spirit of inclusion and democratic ideals?

When my Republican colleagues bring up the question of payment of taxes, they know well that the residents of the territories pay Federal taxes, we pay full Social Security and Medicare payroll taxes like every other American. We also pay the same Federal income taxes as prescribed by the tax laws that are passed here which I cannot vote on.

It is just under the principle of no taxes without representation, which goes back to the founding of our country. Congress allows those taxes to remain in the territory to fulfill Federal responsibilities there.

Moreover, because we get to keep those Federal taxes that we pay, we do not get the full benefit of all Federal programs. In the Medicaid program, for example, we receive less than a quarter of the Federal share of the program that we would receive if we were fully participating in the program.

Mr. Speaker, as a resident of a U.S. territory, my constituents proudly fulfill the ultimate responsibility of citizenship, being called upon to fight and die for our country, but without having a say in choosing who the Commander in Chief will be or having a representative in Congress with the right to vote on legislation on the floor.

I know this cannot completely correct this under the Constitution, but we can make this small step toward inclusion of all Americans in the democratic process. So I urge a "yes" vote on the rule and a "yes" vote on H. Res. 78.

Mr. DREIER. Mr. Speaker, my distinguished colleague from Miami, Mr. DIAZ-BALART, has just read the appellate court decision on this issue and has spent a great deal of time and effort, and I yield him 3 minutes.

Mr. LINCOLN DIAZ-BALART of Florida. I thank the gentleman.

Mr. Speaker, let me begin by expressing my profound respect for the Delegates in this House, and most especially for their constituents. But above all, I rise, Mr. Speaker, with profound respect for the documents that we all swear to uphold when we are elected, when we take possession of this awesome responsibility, an honor granted to us by our constituents.

I think there can be few parts of the United States Constitution that are clearer when Article I, section 2 state "that the House of Representatives shall be composed of Members chosen every second year by the people of the several States."

Now, when in 1970, as you know Mr. Speaker, before there had been by law and precedent, Delegates of territories had been given some privileges in this House. And then in 1970 there was a clarification of those privileges. The vote was given to Delegates in standing committees in 1970. At that time, when the vote was given to Delegates in standing committees, there was some concern that that may be unconstitutional.

In fact, there was a colloquy on this floor where Congressman B.F. Sisk of California asked future Speaker, then Representative Tom Foley, about that issue. And I would like to read what future Speaker Foley said. "Now, it is very clear that a constitutional amendment would be required to give the Resident Commissioner," and he is speaking about all of the Delegates, "a vote in the Committee of the Whole or the full House."

The point is that the constitutional issue does not touch preliminary advisory votes, which is what standing committee votes are, but only the votes which are cast in the Committee of the Whole or the full House.

Those votes, Mr. Foley said, can be cast only by Members of Congress. Now the appellate court, interestingly enough, and I really find it difficult to believe that it was not appealed to the Supreme Court, because the appellate court said, well, true, but we are not dealing with votes in this rule, we are dealing with a figment of our imagination related to votes because they do not count.

If they do count in the outcome of an amendment, there is an automatic revote. So they are not really votes. So since they are not really votes, they are not really constitutional. I think that was not a serious, I respectfully say this, ruling by the district court. But obviously this time if it does pass, I would assume that it will go to the Supreme Court where perhaps there will be a more serious ruling.

Mr. McGOVERN. Mr. Speaker, at this time I yield 3 minutes to the distinguished gentleman from New York, who was actually born in the territory of Puerto Rico, Mr. SERRANO.

Mr. SERRANO. I thank the gentleman. You are right. Perhaps it is that example that I present to you that shows why the system is broken. Because my parents chose to move in 1950 to New York, I am able to be a Member of Congress with full voting rights.

Had I stayed in Puerto Rico, I could only aspire to be a Resident Commissioner, which is fine enough, but without full voting rights. So, question: Since when does residency overpower and overtake citizenship? The 4 million people who live in Puerto Rico, the citizens, American citizens who live in all of the territories, have no way to represent themselves in Congress, have no way to vote for the President of the United States.

At this very moment, dozens of Puerto Ricans are mourned as they have died in the war in Iraq. Yet, their colleagues who will come back will not be able to express themselves in Congress, or express themselves through a Presidential vote in terms of how they feel about that war or about that service.

And so the issue today is simply this: Do you believe that American citizens, American citizens, that has to be repeated, American citizens, who live in territories, not States, have certain rights? I believe they have full rights. If it was up to me they would have full voting representation.

All we are saying today is that those Delegates, these representatives, will have a right to participate on the House floor.

□ 1045

We don't even go far enough to say that if the vote makes a difference, it stays put; there is a revote.

So what are we really giving them? An opportunity to participate in democracy. How can we be trying to spread democracy throughout the world when we are not willing to spread it right here at home?

Four million citizens live in the Commonwealth of Puerto Rico. Those 4 million could have six or seven Members of Congress if they were a State. The gentleman, rightfully so, says, well, if they want to be a State, they should be a State. There is only one problem with that: The group holding the colony, the American Government, has to initiate that progress, that system, to bring people into the Union. You can't hold a colony for 108 years, in the case of Puerto Rico, and expect them to tell you at what time they want to be whatever they want to be, because for 108 years you have divided them into three different movements: independence, Commonwealth, statehood.

If we are holding the territory of Puerto Rico, it is our responsibility to say, we are ready to invite you to come in.

Mr. DREIER. Mr. Speaker, will the gentleman yield?

Mr. SERRANO. I yield to the gentleman from California.

Mr. DREIER. Mr. Speaker, I would simply say that the gentleman's party is in charge now, and the process of beginning that move is really in your court. It is one that we will be very, very interested to engage in and look at and consider. I think that it would be an absolutely fascinating debate.

Mr. SERRANO. Reclaiming my time, that is a great suggestion. I am sorry that you didn't do it for the last 12 years.

Mr. DREIER. Mr. Speaker, at this time I am very happy to yield 2 minutes to a very hardworking Member of Congress, our friend from Georgia, Dr. PRICE.

Mr. PRICE of Georgia. Mr. Speaker, I thank the gentleman for yielding on this extremely important issue. I, too, rise with great respect for the individuals who are Delegates and our Resident Commissioner. I also want to make it certain that I state up front that we commend all of the men and women who fight our battle in this war on terror with the recognition and appreciation that those men and women serve in a voluntary capacity, and our hearts and prayers go out to them and their families.

I do want to say, however, Mr. Speaker, that this process is a remarkable abuse of power. I oppose the rule and the underlying bill on the basis of both process and policy, which I believe to be flawed. and also because it is remarkably unconstitutional.

I am oftentimes reminded of the Lewis Carroll book, and sometimes I feel that way: Just because you say it is so doesn't make it so.

Individuals who promote what we are doing right now believe, in fact, that they can just make up rules at a whim. In fact, we are tied by the ultimate document of our Nation, and that is the United States Constitution. It makes it very clear in that Constitution, Article I, section 2, that the House of Representatives shall be composed of Members chosen every second year by the people of the several States. It doesn't say territories, it doesn't say the Delegates of the territories, it doesn't say Resident Commissioner.

I might, indeed, support a move for statehood for any of those entities. However, this is an unconscionable action. This is a violation of the public trust, and it is a clear abuse of power.

Under this strategy, under this Democrat plot, the majority party could seat anybody, anybody, in the House. Who is next? Who would you like to seat next? Howard Dean? He has a significant constituency. Why not have Howard Dean have a seat in the United States House of Representatives and a vote in the Committee of the Whole?

Mr. Speaker, the American people are disgusted with this level of arrogance and the abuse of power that this demonstrates. I urge my colleagues to defeat this rule and to defeat the underlying bill. We will ultimately see the final defeat of this in the Supreme Court of the United States.

Mr. MCGOVERN. Let me encourage the gentleman from Georgia to read the rule. The Republicans were offered the right for a substitute. They could have had a substitute that null and voided this entire resolution, and they chose not to.

There is an amendment made in order under the rule by the gentleman from Illinois or his designee, which I strongly disagree with, that would essentially gut this entire provision. It would allow no one, with the possible exception of the gentlewoman who represents the District of Columbia, to be able to participate. So the opportunity is there. What the gentleman needs to do is read the rule.

Mr. Speaker, I yield 2½ minutes to the gentlewoman from Guam (Ms. BORDALLO).

Ms. BORDALLO. Mr. Speaker, I rise in support of the rule under consideration which, if adopted, will allow this House to openly and fairly debate an issue important to my constituents and to our fellow Americans who reside right here in the shadow of the Capitol dome, the citizens of our Nation's Capital City, and our fellow Americans who reside in the U.S. territories.

I urge a "yes" vote on this rule because it means we can move forward with this important debate. Our participation in the Committee of the Whole, a symbolic vote, in the manner proposed by the amendment to the rules would be consistent with the very foundations of our representative democracy.

This issue is about elected public office for which we, as Members and Delegates alike, take a solemn oath. Like all Members, we, too, solemnly affirm to support and defend the Constitution of the United States and to well and faithfully discharge the duties inherent with that responsibility.

Mr. Speaker, it is in keeping with this oath that I come to the floor today to appeal for support on the rule and the resolution on principle and on the merits of this issue.

This is about representation, the very core of this institution. This is about a symbolic but meaningful gesture. It is about inclusion. It is about the principle that every American deserves to be represented with a vote in Congress.

This is a step in the right direction. It is not without precedent, and it has survived review by the judicial branch. The history of service by Delegates to Congress from the territories dates back almost to the founding of our country. The noted and well-respected historian Robert Remini, in his excellent history of the House published just last year, notes that one of the most unique features of the House of Representatives under the Constitution is the fact that Delegates from the territories can participate, and have participated, in important debates.

I urge a "yes" vote on this rule in the spirit of this tradition.

Mr. DREIER. Mr. Speaker, at this time I am very happy to yield 1 minute to a very hardworking Member from Pittsburgh (Mr. TIM MURPHY).

Mr. TIM MURPHY of Pennsylvania. Mr. Speaker, we certainly appreciate and admire all of the citizens of the United States and all those from territories, and they participate in debate here.

One of the things that helps us understand what takes place here, I would like to go back to what happens in Alleghany County where I live in the city of Pittsburgh. We have an Alleghany County Council, and they meet in the city of Pittsburgh regularly, and some members of that council are citizens of the city of Pittsburgh; but their jurisdiction is not the city of Pittsburgh. What would happen if they decided it would be their jurisdiction to vote on issues that affected that city on matters of taxation and other issues that take place? I believe the courts would say that just because you are citizens of this area does not mean that your jurisdiction of your elected body extends to that city, and courts would strike it down.

This is not an issue of whether or not we respect and admire our friends and fellow citizens from these territories. It is the matter of the rules of what our Constitution states and what people can represent and what should be allowed in this body. It concerns me that on the tote boards here of the list of votes, it does not say whether somebody is a full Member or a Delegate. That, I believe, is something that is also going to mislead the American public as to the vote totals here.

But more than anything else, to be able to vote on issues that affect my constituents, whether it is taxation or other issues of representation, it is simply not in our Constitution to have that there, and I urge Members to vote "no" on this.

Mr. MCGOVERN. Mr. Speaker, I yield 6 minutes to the gentlewoman from the District of Columbia (Ms. NORTON), the District of Columbia, a place where there is taxation but not full representation.

Ms. NORTON. Mr. Speaker, I thank the gentleman for yielding, and for reminding this House of the bottom line.

The delegate vote resolution on the floor will confuse many, anger others, and needlessly divide the people's House about a right to vote settled by the Federal courts 14 years ago.

Mr. Speaker, during the 103rd Congress, I had just finished my freshmen year. When the Democrats were in the majority, I submitted a legal memorandum and requested and obtained the right to vote in the Committee of the Whole for the residents of the District of Columbia.

The House decided to include the other Delegates as well because we normally have all been treated the same. Of course, we had no objection.

The Democrats, however, sent the matter to outside attorneys and experts who confirmed that a Delegate vote would be constitutional, and the House acted.

The Republican minority then sued the House. However, the U.S. District Court for the District of Columbia and the U.S. Court of Appeals both confirmed the constitutionality of the House's action in allowing Delegate voting in the Committee of the Whole, just as Congress had long done in subject matter committees created by the House.

The Republicans took control in the 104th Congress and withdrew the only vote the residents of the District of Columbia have ever had on the floor for more than 200 years.

I say to my friends on the other side of the aisle, there is nothing left to debate about. The courts have now spoken. You had your say. In a debate when the Democrats did it the right way, simply put it in the rules and allowed full debate, you debated then. You took it to the courts. You debated again, and you took it to the Court of Appeals, and you debated it again. If there had to be a debate, it should have been on January 4 when this Congress convened.

But for reasons I have not been able to find, it wasn't in the rules the way it was in the rules when I first got this vote. I want to be clear, this was a breakthrough for the District of Columbia when after my first term, I got this vote. My residents, seeing the first thing trotted out of this House now is not H.R. 328, for 4 years we have tried to get the full vote, but the vote I got 14 years ago, regard this as a setback for the District of Columbia.

This House and the Senate in 2006 reauthorized the Voting Rights Act of 1965. My friends, the D.C. vote is the Voting Rights Act of 2007, and we will be held accountable to enact this bill.

This is not my fight. The civil rights movement has spent 4 years, 4 years in actions all over America to get support for the full House vote for the District of Columbia. Most Americans expect that a vote for the District of Columbia will be the vote they see come from the House first. They are going to be completely confused.

I ask my colleagues on the other side of the aisle not to allow this needless debate to poison the atmosphere that Tom Davis and I have struggled to create for the last 4 years in a bipartisan bill for the full House vote for the District of Columbia.

The right to vote was taken out of the rules by the Republicans. If the Republicans took it out of the rules, it obviously was an obligation of the Democrats to put it back in. They had no alternative. Why not put it back in the rules? Why are we having to be drawn and quartered as Delegates out here? There are differences being drawn out here. Why is this debate dividing this House and seeking to divide the Delegates? Why is there a debate that divides me from my brothers and sisters who are Delegates? Why have you done this to us?

And don't you take the bait. Please don't take the bait. Respect the Delegates, not just me who pays Federal income taxes, but the other Delegates who fight and die in war disproportionately compared to the rest of us. What has my side done, giving the Republicans a nonissue?

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Worse, they have subjected us to controversy and we don't want to be controversial. We want Delegates to be fully respected.

It is heartbreaking for me. This debate is entirely heartbreaking for me. As you know, this vote is not the full vote. That is what is heartbreaking. Look at the calendar. The calendar is empty because the committees are just organizing. Why isn't H.R. 328 the first bill out of the Democratic House? That is what I cannot explain to my constituents. They don't understand this debate. Somebody has got to come to this floor and tell me why I have to plead for the vote that the courts said I was entitled to 14 years ago.

It is time to go where we left off. Mark up at Judiciary Committee and let us get that vote out of here. For goodness sakes, you have got to give this vote to the Delegates. Move on.

The residents of the District of Columbia have been grateful for those Republicans who have supported our full House vote and for Democrats who have done so for so long.

The Delegate vote is unavoidable. Do it, get it done. But it is less than the full vote that the District of Columbia deserves and that you have supported. It does not set the standard have set for yourselves—to have me to come to the floor to ask for a vote that I won 14 years ago. The standard we have to meet is the standard we set for ourselves.

Full voting rights for the District of Columbia.

Mr. DREIER. Mr. Speaker, the very thoughtful remarks of our friend from the District of Columbia underscore the great challenge that we have here on both sides.

Mr. Speaker, I yield 1 minute to my very good friend from Hollidaysburg, Pennsylvania (Mr. SHUSTER).

Mr. SHUSTER. Mr. Speaker, I thank the gentleman for yielding.

I rise today with great respect for the Delegates and the Resident Commissioner and all the people that they represent. But I strongly oppose both this rule and the underlying resolution.

The resolution we are considering today is, pure and simple, a power grab. There is no way I can support a resolution that dilutes the rights of the hardworking people of western and central Pennsylvania, and there is no reason they should support representatives that have their rights diluted.

The Democratic scheme tramples on the Constitution and the design of one man, one vote. Article I, section 2 of the Constitution clearly states the House "shall be comprised of Members chosen by the people of the several States." It does not provide full voting privileges for Delegates representing non-State territories.

Plain and simple, this is representation without taxation. This proposal will allow the Democratic Delegates to raise the taxes on the American people, but then they will not have to pay them.

I strongly encourage all members of the Pennsylvania delegation to vote against this resolution and protect the rights of the hardworking people of Pennsylvania.

Mr. McGOVERN. Mr. Speaker, at this time I yield 2 minutes to the gentleman from American Samoa (Mr. FALEOMAVAEGA).

Mr. FALEOMAVAEGA. Mr. Speaker, I know that some of our colleagues on the other side of the aisle have seriously challenged the constitutionality of this proposed rule, as it was indicated yesterday by our good friend and colleague from the State of Louisiana and also now reiterated by my good friend from California.

Mr. Speaker, this proposed rule has already gone through the process where 13 of our Republican friends from the other side of the aisle 13 years ago filed a lawsuit in the district court, Federal District Court of the District of Columbia, to challenge the constitutionality of this proposed rule. And what happens? The judge ruled that it was constitutional. Our friends on the other side appealed the case to the Federal Circuit Court of the Court of Appeals of the District of Columbia, and they reaffirmed the decision of the lower court.

So when you talk about the constitutionality of this issue, Mr. Speaker, I submit to my good friends on the other side of the aisle, the constitutionality of this proposed rule is moot. It is a moot issue. We have already discussed this in the court.

Now, if my good friends on the other side of the aisle would like to appeal this case to the Supreme Court, then let us do it. But as far as I can read and with my limited knowledge of constitutional law, Mr. Speaker, this matter has already been settled in the courts that say this proposed rule is constitutional.

Mr. DREIER. Mr. Speaker, at this time I am very happy to yield 1 minute to our good friend from Pennsylvania (Mr. ENGLISH).

Mr. ENGLISH of Pennsylvania. Mr. Speaker, I rise, sadly, to oppose this unconscionable power grab in which the Democrats, who claimed they have changed, have clearly indicated that they are back. They are up to the old tricks that they tried 12 years ago when they were thrown out of the majority. Here they are again using the

Constitution as a political Handiwipe and extending full voting rights to favored rotten boroughs.

Now what is a rotten borough? During the 19th century in Britain, there were municipalities with tiny populations that were given full voting rights, and it took Britain years to get rid of that political inequity.

Today, to these people we are talking about extending voting rights to territories that have a fraction of the population of a congressional district, one territory that has the population roughly of Butler County, Pennsylvania, one of my constituencies; one that has roughly the population of Mercer County, Pennsylvania. And to my good friend from Samoa, and he is a good friend, he represents a constituency with roughly the population of Mill Creek Township in Erie County, Pennsylvania, which I represent. And yet he would be given full voting rights within the Committee of the Whole. That is an outrage.

Democrats once stood for one man, one vote. Today on the floor of the House, they stand for one Samoan, 10 votes.

Vote this down.

Mr. MCGOVERN. Mr. Speaker, at this time I would like to yield 1 minute to the distinguished gentleman from Maryland (Mr. HOYER), our Democratic leader.

Mr. HOYER. Mr. Speaker, I don't know whether the gentleman who just spoke understands the pain that he inflicts, understands the lack of respect that he shows, understands the denial of democracy that he reflects.

I tell the gentleman that my friend who sits behind you, four aisles back, represents seven times as many people as you and I represent, seven times as many people, who, if they move from the island of Puerto Rico to the State of Maryland, the State of Pennsylvania, have full voting rights. But he inflicts on the gentleman from American Samoa and those Samoans who have fought for this country and died and are serving today who have no vote. And for you on your side to represent that this is a power grab, in my opinion, is absolutely unconscionable, in your words, because it is so inaccurate.

Why did the court of appeals rule this to be constitutional? Because it does not diminish any one of the 435 Members in this body. Why? Because this is symbolism. This is symbolic. The Delegates know it. The Delegates know that this is not full voting rights for them or for the people they represent. But it is an opportunity for them to participate and to reference on the board in the Committee of the Whole their vote, their opinion.

Mr. FALEOMAVAEGA. Mr. Speaker, will the gentleman yield?

Mr. HOYER. I would be glad to yield to my friend.

Mr. FALEOMAVAEGA. Mr. Speaker, I thank the gentleman for yielding.

And I just want to say that I do have the utmost respect for my good friend from Pennsylvania, and I am really saddened this day to hear that the small population of the district that I represent doesn't mean anything to my distinguished colleague who had made the statement, alluding to the fact that there are not very many Samoans living in this great Nation of ours. I really am saddened by that notion.

Mr. HOYER. Reclaiming my time, Mr. Speaker, ladies and gentlemen of the House, what we are doing here is we are saying to five people, and I want to say you saw the pain of the representative of the District of Columbia who absolutely ought to have a full vote in this House. I hope that we will address that shortly.

Mr. DREIER. Mr. Speaker, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from California.

Mr. DREIER. Mr. Speaker, I thank my friend for yielding, my friend and classmate. We came together in 1981. I came a little before he did because he came in a special election, Mr. Speaker. He knows that I have the highest regard for him. We have worked very closely in a bipartisan way on a number of issues, and one of the things I was most proud of over the past several years was that my friend carried in his breast pocket quotes of mine on things that I said what we were in the minority about, the need for greater deliberation.

We considered, as my friend knows, a very noncontroversial issue, that being the extension of suspension days from Monday and Tuesday to Wednesday. We did that 3 years ago, a little over 3 years ago, and it had very little controversy to it. We began a very deliberative process. We had a hearing on that. Again, there wasn't much controversy.

And now I am going to take this opportunity to extend the quote of my friend, if he will indulge me, when he, on June 23 of 2003, at our Rules hearing on this said: "The lack of free and fair debate on such important matters is an embarrassment to the Members who are privileged to serve. It demeans the House, it cheats the American people, and it offends our democratic traditions. Unfortunately, tactics designed to shut down debate are not an aberration; they are becoming the norm."

And, Mr. Speaker, all I would say to my friend is that the sort of unpleasant debate that we are witnessing right now underscores the fact that moving through the procedure that we have to the House floor without a single committee hearing, without the input of scholars who might talk about the impact on this institution, on the American people, on the rights of American citizens, is something that we should consider. And that is the concern that we have. And I believe what we should do is withdraw this measure from the floor and go through regular order.

I simply offered, as the ranking minority member now of the committee, an amendment in the rule that would simply say that if I could offer, as the ranking member, the committee of jurisdiction, a germane amendment, I would like to have a chance to do that. And I was voted down in that quest.

Let us do proceed with what the gentleman has argued passionately for. He and I are both institutionalists, Mr. Speaker. Let us do allow the kind of deliberation that is essential to consideration of such an important issue.

Mr. MCGOVERN. Mr. Speaker, will the gentleman yield?

Mr. HOYER. I yield to my friend.

Mr. MCGOVERN. Mr. Speaker, I just want to clarify for the record that the Rules Committee did offer the Republicans a substitute, which they declined. The amendment that was brought before the Rules Committee was made in order.

And I also would like to say, Mr. Speaker, in response to my friend, Mr. ENGLISH, that there are 58 million Americans who pay no income tax in this country, just payroll tax. I hope the gentleman is not suggesting that those people shouldn't have a right to vote.

Mr. HOYER. Mr. Speaker, reclaiming my time, and we are running out of time, I want to say that when I yielded, I was talking about symbolism. All of us believe that symbolism is very important. Our flag is a great symbol. Samoans have died for that flag. Residents of the District of Columbia have died for that flag. Residents of the Virgin Islands have died for that flag. Residents of Guam have died for that flag. And many, many residents of Puerto Rico have died for that flag.

Yes, this is symbolic, which is why the courts said it was appropriate, because it does not constitutionally diminish the vote of any one of the 435 Members of this body one iota. Why? Because if their votes make a difference, we automatically have a vote of the 435 of us. That is why the courts said this is absolutely constitutional.

It is not enough, what we do today. But it would be tragic if we do not do at least this basic step to recognize the inclusion of those who serve with us, who can speak with us, who can vote in committee across the street or in this building, but who have had their vote in the Committee of the Whole taken away from them when the Republicans took power in 1995.

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Let us restore that vote today. Vote for this rule, which is a fair rule. And I say to my friend who quoted my comments, you were accorded a right to a substitute. You chose not to take it.

You were accorded the right to an amendment. You now want to withdraw that. I will tell you that, on our side, if you want to withdraw that amendment by unanimous consent, we will not object. But my understanding is you don't want to make that request.

Mr. DREIER. Will the gentleman yield?

Mr. HOYER. We have given you that amendment.

My time is up. The last time you asked me to yield, you gave a speech. And that is fine, but you are going to do it on your time.

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume to simply say to my friend that we are clearly in a position where upstairs we had said that we did not believe we should amend a bad bill. But at the same time, I simply made the request for, as the ranking minority member, the right to have a germane amendment if we so chose. And that was, in fact, denied us on a party-line vote that we had in the House.

Mr. Speaker, at this time I am very happy to yield a minute to my good friend from Allentown, Pennsylvania (Mr. DENT).

Mr. DENT. Mr. Speaker, I, too, today rise in opposition to this rule and the underlying legislation. In this bill, the Delegates and the Resident Commissioner will be allowed to vote on proceedings in the Committee of the Whole; but if their vote is decisive, then there must be a revote in the full House without the participation of these Delegates. In other words, the bill says that your vote counts except when it doesn't count. And when it really, really counts, that is when it will make a difference in the outcome of the proceedings, it turns out that your vote doesn't count at all.

This kind of absurdity might be appropriate in the drama of Beckett or Ionesco, but it has no place in the making of American law.

And I do want to address the issue, too. In the last session I supported the Tom Davis-Holmes Norton bill to help deal with the issue of the District of Columbia's voting rights. I agree with that. I support that legislation, and we should take up that legislation. We shouldn't do it through this rule.

Also, with respect to self-determination in Puerto Rico, we have been supportive of Mr. FORTUÑO and his effort to allow for self-determination of the island where people have a choice to make: independence, territorial status, or statehood. Let that process take its course. This is not the way to go. I oppose the rule and the underlying legislation.

Mr. McGOVERN. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Might I say, Mr. Speaker, it is a joy to see you in the chair, and I thank the member of the majority Rules Committee and the Rules Committee and a number of my colleagues.

And might I just remind my colleagues that we had some 10 years for the Members on the other side of the aisle to make good on a constitutional promise.

It should be noted that this very rule and its format has been affirmed on constitutional grounds. It was utilized by majority vote in the 103th Congress without one incident except three revotes.

The idea and concept is to again inform America that we believe in one vote, one person. I know historically the complete insult to being considered less than one vote. Slaves were characterized historically as less than one person. And so this particular legislation is a making of the whole of individuals who pay taxes, Federal taxes, Social Security, Medicare taxes, and individuals who we know, Mr. Speaker, have been on the front lines of Iraq, Afghanistan, and every single war.

And so to the American Samoa, to the District of Columbia, to the Virgin Islands, and to the District of Columbia along with Puerto Rico and the Commissioner, the argument for self-rule or however Puerto Rico will ultimately be designed is not the argument here today. The argument here today is to allow the constituents, some 4.4 million, represented by Commissioners and Delegates to have a constitutional right to vote. There is no way that this Congress, this Democratic Congress under the leadership of Speaker PELOSI and the leadership team, can reject the right for Americans to vote or those who are in many instances citizens.

And so, Mr. Speaker, I support the rule and the underlying bill, and would ask us to uphold the Constitution by voting today to allow those who have the right to vote to express their vote.

Mr. Speaker, I rise today in support of H. Res. 78, which would amend the rules of the House of Representatives to permit Delegates from the District of Columbia, Guam, the Virgin Islands, American Samoa, and the Resident Commissioner of Puerto Rico to cast votes in the Committee of the Whole House on the State of the Union.

I support H.R. 78 because restoring to the Delegates and the Resident Commissioner the right to vote in the Committee of the Whole is an act of simple justice long overdue. Indeed, Mr. Speaker, H.R. 78 merely restores the practice that prevailed in this House during the 103rd Congress. When the Republicans won control of this chamber in 1994, one of their first acts was to strip elected Delegates and the Resident Commissioner of Puerto Rico of their right to vote in the Committee of the Whole.

Let me point out at the outset, Mr. Speaker, that the rule we seek to restore today was rescinded by the Republican controlled 104th Congress, and prohibited by each succeeding Congress through the 110th not because the rule is unconstitutional or illegal but because for apparently partisan reasons. Four of the five Members directly affected by the rule are members of the Democratic Caucus.

But the fact is, Mr. Speaker, the authority of this House to confer voting rights in the Committee of the Whole upon elected Delegates and the Resident Commissioner of Puerto has been squarely addressed and upheld by the Federal courts.

When the House adopted a similar rule during the 103d Congress, Republican opponents immediately brought action in federal court challenging the constitutionality of the rule on the ground that it vested legislative power in persons who were not elected to represent citizens of any of the several States. In March 1993, the United States District Court for the District of Columbia upheld the rules change on the ground that the Delegate votes was structured so that Delegate votes in the Committee of the Whole were symbolic in nature and thus did not affect the final ultimate outcome of any vote. *Michaels* v. *Anderson*, 817 F. Supp. 126 (D.D.C. 1993), aff'd, 109 F.3d 623 (1994). For this reason, the court held that the rule did not unconstitutionally confer legislative power upon Delegates.

In affirming the district court, the Court of Appeals for the District of Columbia held that the additional authority conferred on Delegates by the rule change was "largely symbolic" and "not significantly greater than that which they enjoy serving and voting on the standing committees." Id. Nor was the court persuaded by the argument raised by opponents below that the rule change had the symbolic effect of granting Delegates higher status and greater prestige in their home districts. In rejecting the claim, the court noted that because of the savings clause contained in the rule, the claimed harm was "unproven, remote, and speculative" and of no unconstitutional moment. Simply put, the court held that the rule "was not unconstitutional as the delegation of an improper exercise of legislative power."

Moreover, Mr. Speaker, the Supreme Court has long held and it is now settled that the Congress has broad authority to take action with respect to the territories and the District of Columbia. See *Sere & Laralde* v. *Pilot*, 10 U.S. 332, 336–37 (1810); *Murphy* v. *Ramsey*, 114 U.S. 15, 44 (1885); *Binns* v. *U.S.*, 194 U.S. 486 (1885).

Mr. Speaker, our Nation's Capital of the District of Columbia, the United States territories of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Northern Mariana Islands, all play an important role in this great Nation. They serve in our military. They are fighting for us right now in Iraq and Afghanistan. They are making and have made the ultimate sacrifice to protect and defend this Nation.

Mr. Speaker, more than 30,000 residents of Guam are on active duty in the Armed Forces of the United States. That is nearly 20 percent of the population of the territory. No other congressional district or State comes close to matching this measure of devotion. Approximately 2,500 soldiers from the District of Columbia and the territories are currently serving in Iraq and Afghanistan today. And American Samoa has the highest per capita rate of any State or territory in the Iraq war. The Iraq war death rate per 1 million people in the population is almost as high for American Samoa as for the 10 highest States combined.

Sadly also, Mr. Speaker, the Nation lost 19 brave soldiers this past Saturday when the helicopter they were riding was shot down by insurgents. Two of the heroes who made this supreme sacrifice for their country were residents of the Virgin Islands.

Mr. Speaker, if a person can be called upon to pay Federal taxes and serve in the Armed Forces of the United States, then he or she should at least have the opportunity to vote for a Representative who could at least cast a symbolic vote in this Chamber on critical matters facing our Nation—issues like war and peace, equality and justice.

Mr. Speaker, taxation without representation is tyranny. In the aggregate, nearly 5 million persons residing in the District of Columbia, Guam, the Virgin Islands, American Samoa, and Puerto Rico are wrongly, and I say unconscionably, being denied a vote—and therefore denied a voice—in the most important legislative body in the world and making a mockery of our commitment to democracy and equal justice.

As a supporter of freedom, democracy, and equality, I believe that it is long overdue for the citizens of the District of Columbia to have a Representative in Congress who can vote on the vital legislation considered in this body.

It is wrong, Mr. Speaker, that the citizens of the District of Columbia, who after all pay taxes to the United States, serve in the Armed Forces, and are subject to the laws and jurisdiction of the United States, are denied a vote in the body that imposes those taxes, raises and maintains the Armed Forces, and makes the laws that each of us must obey.

License plates in the District of Columbia remind us of their ongoing struggle for a proper voice in this Federal Government, reading: "Taxation without representation." The people in Boston felt so strongly about this in 1775 that they rebelled in Boston Harbor, launching the "Boston Tea Party."

This principle is no less vital today. We must not deny the territories of Puerto Rico, American Samoa, Guam, the Virgin Islands, and the Northern Mariana Islands the right to have a vote in Congress. Doing so denies their important relationships with our Nation and contributions to our economy.

Mr. Speaker, I commend the gentleman from Maryland, Mr. HOYER, for introducing H. Res. 78, which honors and vindicates the residents of the District of Columbia and the territories. Not only do we appreciate their military service and tax receipts, we value their views and opinion in the halls of Congress.

I urge my colleagues to support H. Res. 78. But let us not stop there. I hope all Members will support H.R. 328, the D.C. Fair and Equal Voting Rights Act, which will give full voting rights in the House to the nearly 600,000 citizens of the District of Columbia.

Mr. DREIER. Mr. Speaker, I am very pleased to yield 2 minutes to a former member of the Rules Committee, we miss him greatly upstairs, our good friend from Marietta, Georgia, Dr. GINGREY.

Mr. GINGREY. Mr. Speaker, I thank my former chairman on the Rules Committee for the time. And I rise in opposition to this rule and the underlying resolution, with some degree of sadness, because I certainly have great, great respect for the representatives of the territories and the District of Columbia. They are sitting here on the floor and speaking, and they are great Members. But I have to oppose this because I think that indeed, Mr. Speaker, it will be ruled unconstitutional in the final analysis.

And I know that the Democratic majority in the first 2 weeks, in the 100 hours, with the Six for '06 legislative agenda, the bumper sticker issues that were poll-tested; if you took an issue like this and you said to the American people, We are about to grant voting rights to the members from the territories that do not pay Federal income taxes, and these votes can raise your taxes, and they don't pay Federal income taxes, I think that the poll on that would be at least 90 percent in opposition. So if you are going to do things on a poll-driven agenda, you would not be doing this.

I think that it may end up being a moot point, Mr. Speaker, because voting in the Committee of the Whole, giving the Members that right, it may never occur. It may be a moot point, because with these closed rules and no regular order, there may never be any votes in the Committee of the Whole.

So I regrettably rise to oppose this. I think it is absolutely wrong. But I have great respect for my colleagues from the territories and the District of Columbia.

Mr. MCGOVERN. Mr. Speaker, I want to ask unanimous consent to have inserted in the RECORD a letter that was sent to the Rules Committee signed by Mr. FALEOMAVAEGA, Mr. FORTUÑO, Ms. ELEANOR HOLMES NORTON, Mrs. CHRISTENSEN, and Ms. BORDALLO in support of the underlying bill.

And let me remind my colleague from Georgia, this is not a closed rule. If he wants a closed rule, he has the right to amend it.

Mr. Speaker, I reserve the balance of my time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

Mr. PRICE of Georgia. Mr. Speaker, reserving the right to object, I just wanted to appreciate the gentleman for placing items in the RECORD. I would point out that the majority leader has stated that the Republicans have described this as a power grab. In fact, the New York Times, the Chicago Tribune, The Washington Post, and USA Today describe it as a power grab.

Mr. Speaker, I withdraw my reservation.

Mr. MCGOVERN. What is the gentleman's objection?

The SPEAKER pro tempore. The gentleman reserved the right to object and has now withdrawn his reservation.

Without objection, the item will be placed in the RECORD.

There was no objection.

CONGRESS OF THE UNITED STATES
Washington, DC, January 22, 2007.

Hon. LOUISE MCINTOSH SLAUGHTER,
Chairwoman, Committee on Rules, Washington, DC.

Hon. DAVID DREIER,
Ranking Republican Member, Committee on Rules, Washington, DC.

DEAR CHAIRWOMAN SLAUGHTER AND RANKING MEMBER DREIER: We write to respectfully request your support for H. Res. 78, which has been introduced by our colleague from Maryland and the distinguished Majority Leader, the Hon. Steny Hoyer, to amend the Rules of the House of Representatives to afford us the opportunity to cast votes in the Committee of the Whole House on the state of the Union. We represent the District of Columbia, Puerto Rico, American Samoa, Guam and the U.S. Virgin Islands, and this rules change will have symbolic importance for us as Delegates and for our constituents.

We recognize this proposal as consistent with the provision that was provided for this same purpose within the Rules of the House of Representatives for the 103rd Congress. We further recognize this proposal to be within the Constitutionally-tested limits. H. Res. 78 would grant us meaningful participation in the legislative process along with our participation in standing committees. We hope that you will support H. Res. 78 and that you will favorably report this amendment to the Rules of the House of Representatives for the House to consider. Thank you for your consideration of our views.

Sincerely,

ENI F.H. FALEOMAVAEGA,
Member of Congress.
ELEANOR HOLMES NORTON,
Member of Congress.
LUIS G. FORTUÑO,
Member of Congress.
DONNA M. CHRISTENSEN,
Member of Congress.
MADELEINE Z. BORDALLO,
Member of Congress.

Mr. DREIER. Mr. Speaker, may I inquire of the Chair how much time is remaining on both sides.

The SPEAKER pro tempore. The gentleman from California has 11½ minutes; the gentleman from Massachusetts has 3 minutes.

Mr. MCGOVERN. Mr. Speaker, I will let the gentleman proceed.

Mr. DREIER. Mr. Speaker, at this point, I am very, very pleased to yield 3 minutes to the distinguished Resident Commissioner from Puerto Rico, our good friend Mr. FORTUÑO.

Mr. FORTUÑO. Mr. Speaker, as the only Republican afforded a vote by House Resolution 78, I rise to thank my distinguished colleague from Maryland, Majority Leader HOYER, for introducing this resolution granting the five representatives of the nonstate areas of our Nation voting representation in the Committee of the Whole, but, perhaps even more importantly, for opening up the discussion of the status of the U.S. possessions and territories. That is what is going on here today.

I also rise to urge my colleagues who can exercise their right to vote on this amendment to the rules to give the representatives in the House from the District of Columbia, Virgin Islands, American Samoa, Guam, and Puerto Rico the only meaningful representation we can provide our constituents in the House of Representatives. However, I do this with some reluctance since I share some legal concerns as well as fervor, because this proposed representation will be so limited: A vote on amendments to bills in the Committee of the Whole with a revote in the event that our votes become decisive.

What the House really needs to do for the almost 4 million U.S. citizens that I represent before the Senate, the executive branch, as well as this House is to authorize a process of self-determination for Puerto Rico. Puerto Rico has been a U.S. territory since 1898, and we still remain disenfranchised. Puerto Rican Americans have been citizens since 1917, and we have served with distinction and honor in our Armed Forces and have defended our Nation in every battlefield around the world. Actually, as we speak, we have lost 54 of our constituents so far in the gulf war on terrorism.

What my constituents really deserve is the opportunity to seek equal representation and equal responsibilities in the Federal system or, alternatively, the freedom of a sovereign nation, even though the latter option has very little support among my constituents.

I am pleased that 110 of my colleagues in the last Congress agreed, including leaders on both sides of the aisle, such as the distinguished majority leader, Mr. HOYER, to cosponsor the Puerto Rico Democracy Act. I am also heartened that the chairman of the committee of jurisdiction, the gentleman from West Virginia (Mr. RAHALL) and the ranking minority member, the gentleman from Alaska (Mr. YOUNG) have indicated that legislation for this purpose is a priority this year.

The question now, however, is whether to give all the territories and the District of Columbia as much representation for our constituents that my four nonstate colleagues and I can constitutionally provide: A vote in the Committee of the Whole that will not be decisive on the amendments. Together, the five of us represent 4.9 million U.S. citizens, Americans who fight and die for the United States every single day. I respectfully request that they deserve this representation, limited as it may be, until our status situation is fully addressed, as I hope it will be fully addressed in the near future.

Mr. DREIER. Mr. Speaker, I would inquire of the gentleman from Massachusetts how many speakers he has remaining.

Mr. McGOVERN. I am it.

Mr. DREIER. Mr. Speaker, then I will yield myself the balance of the time.

Mr. Speaker, this has been a very, very sad debate. It has been a sad debate because of the lack of deliberation and the lack of the consideration.

The issue is, at best, controversial. I listened to the remarks of my very good friend, who, as I just told her, spends more time representing me now that we have this 5-day workweek than I do myself as a Californian because we spend so much time in the District of Columbia. Her remarks go right to the point of concern that we have raised about this process and why we are where we are at this juncture.

As I look at the other Delegates, and we have just heard from the Resident Commissioner, we obviously have the utmost respect for them, their service, and the great representation that they provide. And, over and above that, the issue that everyone has mentioned since the focal point of the State of the Union address delivered here by the President last night is that, as we prosecute this global war on terror, it is essential that we respect and revere every single life that has been lost in that struggle. And we know that there are many people who have come from the District of Columbia and from the other territories who have paid the ultimate price, and we are in debt to them for that.

But, Mr. Speaker, the thing that is very troubling to me is that we are at this point, without having ever given any kind of committee hearing, without any discussion or debate, and with a process upstairs that I think my colleagues on the other side of the aisle will acknowledge was really a great travesty and an injustice.

I want to express my appreciation to Mr. McGOVERN. Mr. Speaker, Mr. McGOVERN, when we were considering this rule upstairs, did make a good-faith effort in trying to offer a proposed compromise to this rule, and unfortunately he was denied the chance to do that.

□ 1130

As we look at the issue before us, many of us are troubled about the constitutionality of this, and our friends have basically just on the other side of the aisle discussed the court decision on this issue, Mr. Speaker, by saying what was stated by the circuit court. They used the word "meaningless" to describe this vote, and it was true, as I said, legerdemain, legislative sleight of hand, that they were able to at this juncture move through those two courts as they did with this measure.

But, Mr. Speaker, my plea to my very good friends and colleagues in the majority is simply let us go through the process of deliberation. Let us go through committee hearings. Let us hear from those very thoughtful scholars who so often testified before the Rules Committee in the past on a wide range of issues that we considered, and then after we go through that deliberative process, this process of democracy which we all hold near and dear, then I believe we could have a proposal that we could bring to the floor, if possible, to consider this measure.

Mr. Speaker, as I said, I am very, very, very disappointed at the way this whole issue has been handled, and frankly, as my friend from Marietta said earlier, all of the closed rules that we have had on these measures that were brought before us, we were told that when we got beyond the Six for 2006, that things were going to be much different.

A professor at my alma mater, Claremont McKenna College, wrote in the Orange County Register yesterday that that is like saying, I will respect you in the morning.

Mr. Speaker, we have seen a continuation of a clamp-down of deliberative democracy, and what we are faced with here at this moment, offer of a substitute aside, has denied the deliberation that this very important issue deserves.

So, Mr. Speaker, I urge my colleagues to oppose this rule, and if by chance the rule does pass, I urge strong opposition to the underlying resolution.

Mr. Speaker, I yield back the balance of my time.

Mr. McGOVERN. Mr. Speaker, I yield myself the remaining time.

Mr. Speaker, let me restate what I said earlier: This rule allows for consideration of the only amendment offered in the Rules Committee yesterday. We also offered the minority the opportunity for a substitute, which they declined. If this bill is so awful, they could have introduced a substitute to null and void it. Indeed, the amendment that is made in order practically null and voids this entire bill. As someone who has been around for a few years, I do not think I have ever heard so many complaints about a rule that makes in order every single amendment offered in the Rules Committee.

But, Mr. Speaker, let me say, the old days are over. I could stand on this floor all day and cite a list of abuses by the former majority. Instead, let me focus on how this Democratic majority has chosen to operate.

For the last few weeks, we have heard complaint after complaint that the Republicans were not allowed to offer amendments on our Six for '06 agenda. Now the gentleman from California and others are complaining that we are allowing a Republican amendment. I have got a case of whiplash.

Mr. Speaker, I am afraid that by allowing the other side of the aisle to offer amendments and offer a substitute, we have messed up their talking points.

Mr. KIRK from Illinois came before the Rules Committee with a thoughtful amendment, offered in good faith. I happened to disagree very strongly with the substance of his amendment, but I support his right to offer it, debate it and get an up-or-down vote in this House. Indeed, I would urge my colleagues to go to the Rules Committee and to read the testimony of Mr. KIRK and also the statements by members of the Rules Committee, Republican members, who urged that this amendment be made in order. This was a hearing, I would remind my colleagues, that happened in the light of day, not in the middle of the night.

Let me also remind my colleague there is no obligation for the gentleman from Illinois or anybody else to offer the amendment if they choose not to. It is up to them. Indeed, they could offer an amendment to strike this amendment from the rule if they want and have a closed rule, which they have become accustomed to under their leadership.

What we are allowing, Mr. Speaker, is for the Delegates and the Resident Commissioner to the House of Representatives to have a symbolic vote that will not count if they are the deciding margin of victory or defeat of any amendment. We are allowing for the possible consideration of an amendment. If the sponsor Member decides to offer the amendment to this resolution, he can offer it, or his designee. Finally, we are protecting that amendment from all points of order.

Let me close, Mr. Speaker, by addressing the rank-and-file Members on the Republican side. We believe that you have a right to be heard. If you come before the Rules Committee with thoughtful amendments, we will give you every possible consideration. We will not be perfect. We will do some things that you will not like, but the distinguished chairwoman of the Rules Committee Ms. SLAUGHTER and all of us on this side of the aisle have made it very clear that we will preside over a more open, democratic process than was the norm for the past 12 years.

The rule before us is a product of that commitment, and indeed, it responds to the Member who came before the Rules Committee to offer an amendment. I think that is good form.

Mr. Speaker, I would urge my colleagues to vote "yes" on the previous question and vote "yes" on the rule.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. DREIER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting, if ordered, on the question of adoption of the resolution.

The vote was taken by electronic device, and there were—yeas 229, nays 191, not voting 14, as follows:

[Roll No. 51]

YEAS—229

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Dreier
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Filner
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—191

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Jo Ann
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Duncan
Ehlers
Emerson
English (PA)
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Taylor
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—14

Buyer
Castle
Cubin
Everett
Fattah
Frank (MA)
Jindal
Johnson (IL)
Lowey
Lucas
Norwood
Pickering
Radanovich
Rohrabacher

□ 1204

Messrs. ALEXANDER, RAMSTAD and KELLER of Florida changed their vote from "yea" to "nay."

Ms. DEGETTE and Mr. GORDON of Tennessee changed their vote from "nay" to "yea."

So the previous question was ordered.

The result of the vote was announced as above recorded.

Mr. DREIER. Mr. Speaker, I move to reconsider the vote on the previous question.

MOTION TO TABLE OFFERED BY MR. MC GOVERN

Mr. McGOVERN. Mr. Speaker, I move to table the motion to reconsider.

The SPEAKER pro tempore. The question is on the motion to table.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. DREIER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, this 5-minute vote on the motion to table will be followed by a 5-minute vote on adoption of the resolution, if ordered.

The vote was taken by electronic device, and there were—ayes 229, noes 189, not voting 16, as follows:

[Roll No. 52]

AYES—229

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Filner
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOES—189

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC):
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Carter
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Jo Ann
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—16

Buyer
Cannon
Castle
Cubin
Everett
Fattah
Frank (MA)
Franks (AZ)
Jindal
Johnson (IL)
Lowey
Lucas
Norwood
Pickering
Radanovich
Rohrabacher

☐ 1215

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. DREIER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 228, noes 188, not voting 18, as follows:

[Roll No. 53]

AYES—228

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Filner
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Kirk
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOES—188

Aderholt
Akin
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)

Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Jo Ann
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Fallin
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—18

Alexander
Buyer
Castle
Cubin
Everett
Fattah
Feeney
Frank (MA)
Jindal
Johnson (IL)
Lowey
Lucas
Norwood
Ortiz
Pickering
Radanovich
Rohrabacher
Rothman

□ 1226

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PRIVILEGES OF THE HOUSE

Mr. BOEHNER. Mr. Speaker, I rise to a question of the privileges of the House, and I send to the desk a resolution.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read the resolution, as follows:

H. RES. 93

Whereas at approximately 11:30 a.m. on the 23rd of January, 2007 the Committee on Rules began consideration of a special order of business providing for consideration of H. Res. 78;

Whereas the gentleman from Illinois (Mr. Kirk) submitted an amendment to the Committee for its consideration;

Whereas during a recess of the Committee, the gentleman from Illinois (Mr. Kirk) submitted a letter to the Chairwoman of the Committee on Rules requesting that his amendment be withdrawn from further consideration;

Whereas that letter was date stamped in the customary practice of the Committee;

Whereas it has been the long standing practice of the Committee to not further consider amendments that have been so withdrawn;

Whereas the gentleman from Massachusetts (Mr. McGovern) made a motion to report a special order of business providing for consideration of the amendment by Mr. Kirk despite its withdrawal;

Whereas when the issue of the withdrawal of the amendment was being debated by the Committee, the Ranking Republican Member attempted to obtain a copy of the letter from the Majority and the Majority willfully refused to produce a copy of the letter after repeated requests;

Whereas the wrongful refusal of the Majority to produce a copy of the letter under debate constituted a breach of the dignity and integrity of the Committee's proceedings; therefore be it

Resolved, that the House of Representatives disapproves of the actions taken by the Committee's Majority and directs the Chairwoman of the Committee to undertake practices to prevent future occurrences.

The SPEAKER pro tempore. The resolution qualifies.

MOTION TO TABLE OFFERED BY MR. HASTINGS OF FLORIDA

Mr. HASTINGS of Florida. Mr. Speaker, I move to lay on the table the resolution of the distinguished gentleman.

The SPEAKER pro tempore. The question is on the motion to table.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. BOEHNER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. The Chair would also add that all Members please vote during the allotted time.

The vote was taken by electronic device, and there were—ayes 223, noes 189, not voting 22, as follows:

[Roll No. 54]

AYES—223

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Filner
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Reyes
Rodriguez
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOES—189

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Jo Ann
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham

LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Taylor
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—22

Buyer
Castle
Chandler
Cubin
Doyle
Everett
Fattah
Frank (MA)
Gingrey
Jindal
Johnson (IL)
Lucas
McCrery
Norwood
Pickering
Radanovich
Rangel
Rogers (AL)
Rohrabacher
Ross
Scott (GA)
Wexler

□ 1247

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MOTION TO ADJOURN

Mr. WALDEN of Oregon. Madam Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore (Mrs. TAUSCHER). The question is on the motion to adjourn offered by the gentleman from Oregon (Mr. WALDEN).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. DREIER. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 185, nays 226, not voting 23, as follows:

[Roll No. 55]

YEAS—185

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCotter
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—226

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Filner
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Kingston
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—23

Barton (TX)
Boucher
Buyer
Cubin
Cuellar
Cummings
Davis, Jo Ann
Everett
Fattah
Frank (MA)
Jindal
Johnson (IL)
Lucas
McCaul (TX)
McCrery
Musgrave
Norwood
Pickering
Radanovich
Reyes
Rohrabacher
Sánchez, Linda T.
Scott (GA)

□ 1310

Messrs. EMANUEL, TOWNS, and SPRATT changed their vote from "yea" to "nay."

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

PERMITTING DELEGATES AND THE RESIDENT COMMISSIONER TO CAST VOTES IN THE COMMITTEE OF THE WHOLE

Mr. HASTINGS of Florida. Madam Speaker, pursuant to House Resolution 86, I call up the resolution (H. Res. 78) amending the Rules of the House of Representatives to permit Delegates and the Resident Commissioner to the Congress to cast votes in the Committee of the Whole House on the state of the Union, and ask for its immediate consideration.

The Clerk read the title of the resolution.

Mr. MCHENRY. Madam Speaker, I demand the question of consideration.

The SPEAKER pro tempore (Mrs. TAUSCHER). The gentleman from North Carolina demands the question of consideration. The question is: Will the House consider the resolution?

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. MCHENRY. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 224, noes 186, not voting 24, as follows:

[Roll No. 56]

AYES—224

Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boyd (FL)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Filner
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOES—186

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson, Sam
Jones (NC)
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
LaHood
Lamborn
Latham
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Petri
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Taylor
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—24

Abercrombie
Boucher
Boyda (KS)
Buyer
Carson
Cubin
Davis, Jo Ann
Everett
Fattah
Frank (MA)
Jindal
Johnson (IL)
Johnson, E. B.
Jordan
Kuhl (NY)
LaTourette
Lucas
Musgrave
Norwood
Peterson (PA)
Pickering
Radanovich
Rogers (MI)
Tancredo

□ 1329

Ms. LINDA T. SÁNCHEZ of California changed her vote from "no" to "aye."

So the question of consideration was decided in the affirmative.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. JORDAN of Ohio. Madam Speaker, I was absent from the House floor during today's rollcall vote on considering House Resolution 78.

Had I been present, I would have voted "no."

The SPEAKER pro tempore. The Clerk will re-report the title.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. Pursuant to House Resolution 86, the resolution is considered read.

The text of the resolution is as follows:

H. RES. 78

Resolved,

SECTION 1. VOTING BY DELEGATES AND RESIDENT COMMISSIONER IN COMMITTEE OF THE WHOLE.

(a) PERMITTING VOTES TO BE CAST.—Clause 3(a) of rule III of the Rules of the House of Representatives is amended to read as follows:

"3. (a) In a Committee of the Whole House on the state of the Union, each Delegate and the Resident Commissioner shall possess the same powers and privileges as Members of the House. Each Delegate and the Resident Commissioner shall be elected to serve on standing committees in the same manner as Members of the House and shall possess in such committees the same powers and privileges as the other members of the committee.".

(b) APPOINTMENT OF CHAIR.—The first sentence of clause 1 of rule XVIII of the Rules of the House of Representatives is amended by striking "a Chairman" and inserting "a Member, Delegate, or the Resident Commissioner as Chairman".

(c) REPEATING OF CERTAIN VOTES.—Clause 6 of rule XVIII of the Rules of the House of Representatives is amended by adding at the end the following new paragraph:

"(h) Whenever a recorded vote on any question has been decided by a margin within which the votes cast by the Delegates and the Resident Commissioner have been decisive, the Committee of the Whole shall rise and the Speaker shall put such question de novo without intervening motion. Upon the announcement of the vote on that question, the Committee of the Whole shall resume its sitting without intervening motion.".

The SPEAKER pro tempore. After 1 hour of debate on the resolution, it shall be in order to consider the amendment printed in House Report 110–3, if offered by the gentleman from Illinois (Mr. KIRK), or his designee, which shall be considered read, and shall be debatable for 20 minutes, equally divided and controlled by the proponent and an opponent.

The gentleman from Florida (Mr. HASTINGS) and the gentleman from California (Mr. DREIER) each will control 30 minutes of debate on the resolution.

The Chair recognizes the gentleman from Florida.

Mr. HASTINGS of Florida. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I am very proud to be bringing this bill to the House floor today. This minor change in House rules represents a major step forward for the nearly 5 million Americans whose voice is not currently represented on the floor of this House. That is right, Madam Speaker, 5 million Americans go unrepresented on the floor of the people's House.

This is one of the few things we can do for the American body politic that is not only the right thing to do, it is easy to do as well.

One of the most simple, yet eloquent and powerful statements in support of what we will do today was made by one of our former colleagues several years ago. Ben Blaz served in this House for 8 years as the delegate from Guam in the mid-1980s and early 1990s.

□ 1330

Delegate Blaz is a man of unquestioned patriotism and uncommon valor. He retired from the Marine Corps with the rank of brigadier general, and during his time in the corps he was awarded the Legion of Merit, a Bronze Star with Combat V and the Vietnam Cross of Gallantry.

I give you a little background on the former Delegate so that our colleagues can have some context when I tell you what General Blaz had to say at one time on this House floor. What the general said about his status in the House and the faith of his fellow Guamanians was this: "We are equal in war, but not in peace."

So it is today, Madam Speaker. Over the past several months, and as recently as this week, in the deserts of Iraq and Afghanistan, young Americans from Guam, American Samoa, Puerto Rico, the Virgin Islands and Washington, D.C. have fought and died in defense of their country and in service to the Nation they love. In the helicopter that crashed last week, two from the Virgin Islands were on that helicopter and lost their lives.

And yet our colleagues, Mr. FORTUÑO from Puerto Rico, Dr. CHRISTENSEN from the Virgin Islands, Mr. FALEOMAVAEGA from American Samoa, Ms. BORDALLO from Guam and Ms. NORTON, from Washington, D.C., have no right to cast a vote and be a voice for their constituents and our fellow Americans out on the battlefield.

But, you know, Madam Speaker, I may be overstating the importance of this modest rules change. It is, after all, more symbolism than substance. Yes, our colleagues who I just mentioned will finally be able to cast a vote on the House floor, but, and this should be the clincher for my Republican friends who generally prefer to see democracy squelched in the people's House, if a vote cast by a Delegate or the Resident Commissioner or by them collectively amounts to the deciding votes on a question before the House, then the vote is retaken without permitting them to participate.

So who could possibly be opposed to giving our colleagues, arguably some of the most gifted and thoughtful legislators in this Chamber, the right to cast a nondecisive vote on the House floor? I mean, that really should be done.

Let me close for now by doing something I don't often do here, and that is to quote the current President of the United States. Last night, Madam Speaker, standing where you are, not 25 feet from where I stand today, the distinguished President of the United States, President Bush, said, "This is a decent and honorable country."

What we are trying to do on the House floor today, colleagues, is the decent and honorable thing to do.

Madam Speaker, I reserve the balance of my time.

Mr. DREIER. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today in strong opposition to House Resolution 78, which will allow the Delegates and the Resident Commissioner to vote on the House floor.

My colleagues who support this measure will talk about how the vote granted under this change in the House rules is merely symbolic and the votes cast don't count. But, Madam Speaker, that analysis says that the value of a vote is worth little more than its ability to be used in a press release or a letter to a constituent. I value my vote. I consider it to be an extraordinary honor to serve here, and I believe that the Delegates and the Resident Commissioners should and would desire to value their votes as well.

Those who advocate granting the right in the Committee of the Whole have apparently forgotten the full name of that committee. Madam Speaker, we are in the House right now, but when we are in the Committee of the Whole, it is called the Committee of the Whole House on the state of the Union. I underscore the word "Union." We need to remember that.

The Union is made up of the several States, and only Representatives from those States may vote here on the House floor. That is what the U.S. Constitution says.

Yes, the Committee of the Whole finds its roots in the British Parliament, but the modern House of Representatives and the 17th century British Parliament used the Committee of the Whole for two vastly different purposes.

We use the Committee of the Whole House on the state of the Union for the purpose of allowing the House of Representatives to expedite the amendment process and to allow for a more free-flowing debate. We do not, and I underscore this, Madam Speaker, we do not use it to say that we are no longer the House of Representatives, and therefore allow us to close deliberations to emissaries of the Queen. That is not what going into the Committee of the Whole House on the state of the Union is about.

Madam Speaker, my colleagues from the territories and the District of Columbia feel disenfranchised, and I understand why. They enjoy many of the benefits granted to the citizens of the several States. However, with the exception of the District of Columbia, their representatives are different. For instance, some pay income taxes differently; some not at all. Some are subject to the recently increased minimum wage; others are not subjected to the recently increased minimum wage.

This change in the House rules is an end run around the United States Constitution. The court said so when it upheld the rule. Because the Constitution limits who can wield legislative power, in order to pass muster the rule had to make it appear that Delegates and Resident Commissioners had none.

It is the ultimate in illusions, Madam Speaker. When your vote counts, it doesn't count; and when it doesn't count, it counts. I will say that again. When your vote counts, it doesn't count; and when it doesn't count, it counts. That is really what we are doing here.

But we all know that Member voting behavior is far more subtle than my colleagues have led on. A recent academic study of voting patterns in the 103rd Congress showed that while the Delegate voting rule was in place, there was a drastic increase in the number of votes retaken in the House. While there were only three automatic revotes pursuant to the Delegate voting rule, there were a total of 75 votes taken in the Committee of the Whole that were retaken in the House of Representatives.

Madam Speaker, on those revotes, the study shows there was an average of 31 switches per vote, and that out of the 435 Members, 403 switched their vote at least once, and that there was an average of 3.9 switches per Member. While the Democrats will argue that the Delegate voting rule had no effect on the switching, there is no doubt that the rule change drastically increased the number of revotes here in the House of Representatives.

Madam Speaker, if we want to grant the Delegates the right to vote, we have, I clearly believe, two options: Either they need to start the path towards statehood, or we need to change the United States Constitution. I know full well, Madam Speaker, that both of them are long, difficult paths, but they are clearly preferable to this parlor trick of a rule.

Madam Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Madam Speaker, I am very pleased at this time to yield 4 minutes to my good friend, the gentleman from Michigan (Mr. CONYERS), the distinguished Chair of the Judiciary Committee.

Mr. CONYERS. Madam Speaker, I want to thank the distinguished member of the Rules Committee, and I rise, Madam Speaker, in some shock about the strong opposition to this rule and the underlying bill.

I had never thought that I would hear a reason to deny a Member of the House of Representatives a vote because of convenience, because of the number of revotes that have occurred and whether or not the switched votes that took place were because of whether Delegates were voting or not. This is an incredible kind of an argument.

Today I commend the House leadership for bringing to the floor a small attempt to give our Delegates a voice in the House. This rule allows Congress to be more inclusive and integrated as it pertains to our Delegates.

Significantly, the rule brings the Congresswoman from the District of Columbia, ELEANOR HOLMES NORTON, closer to a House vote for the District, a vote that was almost realized through bipartisan efforts in the 109th Congress.

By giving our Delegates a vote in the Committee of the Whole, we provide these representatives with the opportunity to greater serve their constituents. I wonder what the rest of the citizens of this country would think would be wrong with such an opportunity for these citizens to have a voting Representative, as our citizens do?

Delegates will now have a record that reflects their positions on the measures that come before the House, but ultimately Delegates will be more involved with the work of the Congress, which would, at least in small part, become their Congress.

In recognizing our Delegates, Mr. FALEOMAVAEGA, Ms. BORDALLO, Mrs. CHRISTENSEN, Mr. FORTUÑO and ELEANOR HOLMES NORTON, I point out that their contributions have been much like that of other representatives. Our Delegates already serve and vote on committee business, they serve in caucus and leadership positions, and they diligently represent the interests of their constituents. It is an honor to work alongside these Members. Why shouldn't we help them in this long, arduous struggle toward full membership in the House?

For the Delegate from the District of Columbia, I believe that a vote in the Committee of the Whole is a step toward achieving a vote in the House. It is not the final step. Our work to bring democracy to the Nation's Capital will continue after today's, what I hope will be a success.

For over 200 years, the District residents have been disenfranchised while assuming the responsibilities of United States citizenship. Like both State and territory residents, District residents serve in the Armed Forces and are currently represented in Iraq, Afghanistan and other countries in the world. Like State residents, but unlike territory residents, citizens of the District pay Federal taxes and vote in Presidential elections.

However, the District is alone in that it is denied voting representation in the very entity that controls all aspects of the city's legislative, executive, and judicial functions—the Congress. No other entity—State or territory—lacks this much autonomy.

I will continue to support Congresswoman NORTON in her efforts to secure a vote for the District. I pledge to work towards such a vote in the coming weeks. This Congress is capable of a sound, bipartisan response and in fact proved as much last Congress. Let us now address the unfinished business of the 109th Congress and the unfinished business of our democracy.

Mr. DREIER. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, the distinguished chairman of the Judiciary Committee knows I have the highest regard for him. I was simply quoting an academic study underscoring the fact that we very much need to have a greater opportunity for deliberation on this issue, rather than moving without any hearings whatsoever.

Madam Speaker, I yield 3 minutes to a very hardworking member of the Rules Committee, the gentleman from Texas (Mr. SESSIONS).

Mr. SESSIONS. Madam Speaker, we are here today to consider the Democrat leadership's proposed change to the current House practices to provide Delegates from U.S. territories with representation without taxation.

The Democrat leadership, in a political effort to pad votes, is willing to trample on the Constitution by allowing these Delegates to cast votes on amendments that could affect taxpayers across the United States of America without requiring that these residents pay taxes into the United States Treasury. According to a 2000 census, American Samoa had 60,000 residents, about one-tenth the size of an average congressional district. This too undermines the fundamental constitutional provision and principle of one man, one vote.

I encourage all of my colleagues to oppose this bad policy and political effort by the Democrat leadership and majority to extend representation without taxation to nontaxpayers and to dilute the votes of the American taxpayers in the United States House of Representatives.

□ 1345

Mr. HASTINGS of Florida. I would merely urge the gentleman to recognize that Puerto Rico has 4 million citizens, and I don't know what planet he is living on, but everybody in the District of Columbia pays taxes. And I don't understand this continuing argument. I am curious to know what would happen if Dallas, Texas, didn't have the right to vote in the House.

I would also remind the gentleman that the United States District Court of Appeals for the District of Columbia has already ruled that this matter is not unconstitutional.

Madam Speaker, I yield 3 minutes to the distinguished gentlewoman from New York (Ms. VELÁZQUEZ), my good friend and classmate who is the Chair of the Small Business Committee.

Ms. VELÁZQUEZ. Madam Speaker, I come before this House of Representatives, and I would like to speak not only on behalf of the 4 million American citizens who live in Puerto Rico, but also on behalf of the seven American Puerto Ricans who lost their lives in Iraq fighting to protect our Nation.

Today I rise to remove the muzzle from the mouths in support of the close to 5 million U.S. citizens' voices that are represented by the Delegates of the U.S. Virgin Islands, Guam, American Samoa and the Resident Commissioner of the Commonwealth of Puerto Rico. I say voices because that is all their representatives in Congress are allowed to utter at the well of this House of Representatives. It is time to allow them to also act on behalf of their constituents in this Chamber by allowing them to vote in the Committee of the Whole House.

Right now these Members are allowed to fully participate, not only debate, but also vote at the committees on which they serve with distinction. The change proposed is very measured. It simply allows our respected friends and colleagues to vote in an additional committee, the Committee of the Whole House.

Why are my colleagues from the other side of the aisle so unwilling to allow them in this committee? They do not seem to mind them in the other committees. Madam Speaker, my Republican colleagues have even placed the Republican Resident Commissioner of Puerto Rico in several committees, including Foreign Affairs.

My colleagues on the other side of the aisle claim that this rule may have constitutional problems. The reality is that the courts don't agree with this. I will tell my colleagues on the other side of the aisle, you cannot pick and choose which court decisions you agree with or you like. That is not how democracy works.

But as you all know, the Committee of the Whole House does not vote on final passage of legislation. It carries out similar work as the standing committees.

The only thing this new rule does allow is for our Delegates and Resident Commissioner colleagues to vote in a committee. The difference for their constituents is that this committee is not located in a small room, but meets here in this Chamber for all to watch.

Today's debate is about whether this House believes it is right to give these Members the opportunity to express their positions and values through the act of voting out in the open. Openness is a strong democratic value that all of us should support.

I want to emphasize this. These men and women are Members of this House. Let us help them express the voices of their U.S. citizen constituents by allowing them to vote in this committee as well.

Mr. DREIER. Madam Speaker, at this time I am happy to yield 2 minutes to the distinguished ranking member of the Committee on Resources, the gentleman from Fort Yukon, Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. Madam Speaker, I rise to thank my distinguished colleague from Maryland, the majority leader, for introducing this resolution, but I am forced to oppose it.

The voting rights we are considering today are so limited in scope that they are merely symbolic, which has been said. Under the gentleman's resolution, the Delegates and Resident Commissioner will never be able to cast a vote to determine the final outcome of a vote, because if it were to be decisive, there would be an automatic revote on which they could not participate. As odd as it may seem, when it doesn't count, it counts. And when it counts, it doesn't count, as my good friend from California said.

Madam Speaker, this proposal falls far short from what we should be doing to address the way our Nation currently deals with its insular areas, and that is why I am unable to support this legislation. As chairman of the Resources Committee in the mid- to late 1990s, we led an effort, we, this side, not that side, led an effort that would have specifically addressed the question of political status of the 4 million American citizens that reside in Puerto Rico. That bill did pass this House by one vote, but the Senate failed to act on it.

In the last Congress, my good friend and colleague from Puerto Rico, the ranking member of the Insular Affairs Subcommittee, Resident Commissioner Luis Fortuño, revived this effort after 5 years of inaction. He introduced a bipartisan legislation that was followed with the recommendations set forth by the White House Task Force on Puerto Rico's Status Report to Congress.

Puerto Rico has been a U.S. territory with an unresolved political status since our Nation acquired the island in 1898. Puerto Ricans have been citizens and have honorably served in our Nation's Armed Forces since 1917. Close to 60 of them have already paid the ultimate sacrifice in our Nation's war against terror in Iraq and Afghanistan.

These 4 million U.S. citizens deserve more than just symbolism. They deserve a permanent resolution to the question of their political status.

Madam Speaker, I say respectfully, it is time we act honorably and give them the right to vote as a State.

Mr. HASTINGS of Florida. Madam Speaker, I am very pleased to yield 2 minutes to the distinguished chairwoman of the Congressional Black Caucus and my good friend from Michigan (Ms. KILPATRICK).

Ms. KILPATRICK. Madam Speaker, I rise in support of the resolution. The Delegates vote in committees. They are assigned the task. They spend the hours, and they deserve the vote in the full House. There is no reason, except for an act in 1995 that caused them to lose that right to vote in committees, Committee of the Whole, and here this resolution talks about voting in the Committee of the Whole.

We need their vote. They are citizens of our country. They work, they pay taxes, they fight our wars. There is no reason that they would not be allowed, not just the Committee of the Whole, as was mentioned just earlier, they also need that final vote on legislation. When you fight wars, and we are in some now, and some of their people are fighting, they ought to be represented and have a voice in this Congress.

At the same time, and I don't want anybody to mistake, the District of Columbia, who has over 700,000 residents, more than some of our States who have two Senators and a Congressperson, not being allowed the right to vote? Something is very wrong with that in this country where we live. And I believe that this is the first step to regain what they lost earlier, but it is certainly not, I hope, the final step.

It is important as we go forward and as we acknowledge Congresswoman, as I call her, Delegate ELEANOR HOLMES NORTON, my good friend, Congresswoman DONNA CHRISTENSEN and the Representatives from Puerto Rico and Guam and Samoa Islands, that they fight our wars, they pay taxes in D.C., and they serve in our Congress. So I rise to support it, and Members of the Congressional Black Caucus take a unanimous position that we support this legislation. We ask for its immediate passage, and we come back and give D.C. statehood that they have earned and should have.

Citizens from Guam, American Samoa, the U.S. Virgin Islands, Puerto Rico and Washington, D.C. have paid taxes and have protected the Constitution of this country in our military. Some of our colleagues who have been fortunate enough to serve Americans in this august body have protected it as Members of Congress. It is now time for us to protect the rights of those citizens to at least be able to vote in the Committee of the Whole. It is a first step toward equity, equality and egalitarianism for so many people who have given so much but have received so little with regard to having a voting representative in the United States Congress.

Right here, in Washington, D.C., citizens were not allowed to even vote for President until the adoption of the 23rd Amendment to the Constitution in 1961, but which actually occurred in 1964. Right here, in Washington, D.C., citizens were not even allowed to vote for their own Mayor or local form of government until 1974. Right here, in Washington, D.C., as I face the setting sun, thousands of white tombstones, honoring some of the souls of individuals from Guam, American Samoa, the U.S. Virgin Islands, Puerto Rico and Washington, D.C. face us as immortals. These citizens, about six miles away from where I stand at Arlington National Cemetery, have paid the highest price for freedom any individual will ever pay. These citizens—hardworking, women and men, some of whom have served and are still serving our country in Afghanistan and Iraq—two centuries and thirty-one years since the Declaration of Independence, do not have the right to full representation in Congress. I applaud my colleagues for beginning the process that, I hope, will ultimately allow the citizens from Guam, American Samoa, the U.S. Virgin Islands, Puerto Rico and Washington, D.C. full voting representation in Congress. This is but a small step, but it is a step in the right direction. It is right, it is just, and it is time.

Mr. DREIER. Madam Speaker, at this time I am very happy to yield 2½ minutes to my very hardworking friend from Grantville, Georgia (Mr. WESTMORELAND).

Mr. WESTMORELAND. Madam Speaker, legislation to allow Delegate voting should have appeared on the 100-hour agenda because it would fit snugly under the agenda's general theme of symbolism over substance.

In fact, to bolster their case, the bill's advocates insist that Delegates' votes will be meaningless. But it is not meaningless. We have a written Constitution that clearly outlines who receives a vote in Congress. The principle is as clear as it is simple. The Members will be chosen every second year by the people of the several States. The Constitution doesn't provide exemptions to those rules in cases where it feels good, it is seemingly irrelevant or is politically expedient.

Residents of U.S. territories reap the benefits of the world's biggest economy; they are protected by the greatest military in the world, and they have coveted access to the 50 States. Yet territories, by definition, are not States. This status comes with pros and cons. On the one hand, they maintain a greater deal of autonomy, independent identity and self-determination. On the other hand, territories don't get the same representation in Congress as States do. This is a prime example having your cake and eating it, too.

There are many reasons to oppose this legislation. For one, it makes no sense in the people's House where representation is determined by population for Puerto Rico's 4 million to get the same vote as American Samoa of 57,000. It makes no sense to give Delegates a vote that doesn't count if it counts. And it makes no sense to pretend that this effort is anything but political opportunism.

But those aren't the most important reasons for opposing this bill. The most important reason is that it plays fast and loose with the constitutional limitations on who can vote on the floor of this House. We are not members of a backyard club making up rules on who gets to vote as we go along.

When we took this job, we swore to uphold the Constitution, and that is what I am doing by opposing this legislation today. If supporters of this bill think it is important to give Delegates a vote on the House floor, I urge them to draft a constitutional amendment, not a constitutional runaround.

I ask and I say to the majority's argument with us, it is not with us, it is with the Founding Fathers and the writers of the Constitution.

I ask my colleagues, and especially those from the great sovereign State of Georgia, to oppose this legislation.

Mr. HASTINGS of Florida. Madam Speaker, I am very pleased to yield to a continuing champion of this subject for 3¾ minutes, the distinguished gentlewoman from the District of Columbia, most deserving of statehood, Ms. NORTON.

Ms. NORTON. Madam Speaker, I thank the gentleman for yielding and for his gracious introduction and work on this debate.

The other side really doth protest too much. Most Delegate votes, of course, don't carry the day, so a revote is not necessary.

If the vote doesn't count, if the vote is only symbolic, then it certainly has not been worth 2 hours of votes to adjourn, as if the world was coming to an end. It certainly has not been worth the insults to the Delegates. It certainly has not been worth the disgrace to the House of Representatives to have Members of this venerable House come down and take to the floor to argue against the right to vote that has been upheld by the Federal courts of the United States. It certainly isn't worth besmirching your name in that way, and besmirching ours because that debate has occurred here.

The matter before us is no longer subject to debate in a political body in our political system because that matter has gone the full way in our system. And the courts in our system, my friends, have the last word in our system on matters of constitutional right. You have got to understand that.

□ 1400

Using regular order, Mr. Speaker, right after my freshman year I wrote a memo arguing for the Committee of the whole vote. The Democrats didn't handle this matter lightly. Nobody in 200 years had argued that Delegates should have a vote on the House floor; they sent the memo to outside counsel, then they subjected it to debate in the Rules. The first day of the 103rd Congress the Republicans argued strongly against the matter. And then they did something very unusual, they took the House to court and lost in the district court and the court of appeals. This is a system of laws in which we work.

They had two more times to debate in the courts, in the trial court and in the court of appeals. They finally had their way politically. They had their way, notwithstanding what the Federal courts had found, and they yanked the authority, court-approved authority of Delegates to vote out of the rules the moment they came to power, showing no respect for the Delegates, and an insult to the Democrats who had tried to maximize participation in the people's House.

I was thrilled and grateful to get that vote then, I welcome the vote now, but it is very hard to be grateful to the House or anybody else for a vote you are entitled to. A vote that offers so little for Americans who have given so much should be hard even for the other side to resist.

The test for the 110th Congress is not the Delegate vote, however. The test is the District of Columbia House voting rights bill, where we left off at the Judiciary Committee.

I want to thank Representative TOM DAVIS and the cosponsors of that bill. I want to thank the Democrats. I can't go anywhere in my own caucus that they don't say, when are we going to get to vote on your full House bill?

The Democrats have devoted decades of energy to full voting rights. I ask that the House bring forward H.R. 328 so that the House can vote on a full House vote for the District of Columbia.

Mr. DREIER. Madam Speaker, I am going to ask unanimous consent to yield the management of the time to my colleague from Pasco, Washington (Mr. HASTINGS).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. DREIER. Madam Speaker, as I do that, I would like to yield 2 minutes to the gentleman from Cherryville, North Carolina (Mr. MCHENRY), a hardworking Member.

Mr. MCHENRY. I thank my colleague.

Madam Speaker, today the House Democrats continue their abuse of power. They are pushing forward a measure to allow the territory Delegates, nonvoting Members of Congress traditionally, actually, not Members of Congress on a technical basis because they don't represent States, their constituents don't pay Federal income taxes, they are going to allow these individuals to cast votes and even preside when the Chamber meets. So let's have a quick Q&A on this; let's talk questions and answers here.

Why would the Democrats do this? Because 80 percent of the territory Delegates are, hold for an answer here, they are Democrats. They want to cushion their numbers. Why is this an abuse of power? Well, there is this little thing we Americans call the Constitution. It says, "The House shall be comprised of Members chosen by the people of the several States," not territories, not mayors of cities allowed to vote on this House floor, not any individual, but "comprised of Members chosen by the people of the several States," not non-State territories. But plainly the Democrats are cushioning their numbers and abusing their power.

The Democrats' power grab is a continuation of the abusive policies and actions they have taken since day one in this institution. Since day one they have shut down all debate. Since day one they have shut down the committee process. They held open a vote to change the outcome because they were losing on the vote. They ran through the Speaker's special interest project affectionately known as TunaGate, and all without fulfilling their pledge of working a 5-day week. In fact, in 3 weeks we only worked 40 hours in this House. That is a new Democrat majority, that is a continuation of the abuse of power.

What we have to do today is vote down this legislation that is, first, unconstitutional, and second, an abuse of power by the Democrat majority.

I urge my colleagues to vote "no" on this measure.

Mr. HASTINGS of Florida. Madam Speaker, I yield 3 minutes to the distinguished woman from the Virgin Islands, my good friend, Dr. CHRISTENSEN.

Mrs. CHRISTENSEN. Thank you for yielding, Mr. HASTINGS.

Madam Speaker, I rise as a representative of the people of the U.S. Virgin Islands, proud Americans who willingly and gladly serve this country in every way, including the ultimate sacrifice, as I have said on two occasions on this floor this morning, and who only seek the fullest representation possible under the Constitution of the United States, and that is purely and simply what H.R. 78 does. I thank the Democratic leadership, Mr. HASTINGS, and my colleagues for their support.

Just as it did in 1992, the rule granting Delegates the right to vote in the Committee of the Whole includes a mechanism which provided for an automatic revote in the full House of any of the amendments which passed or failed by a margin that included the votes of the Delegates. That rule and procedure was tested in Federal court and was upheld as constitutional.

While this is less than perfect, as is often said, we must not let the perfect be the enemy of the good, or, I add, the enemy of what is the right thing to do.

Listening to the strong objections from the other side on the basis of unconstitutionality, taxation, and others which are not relevant to the discussion, I have to wonder if these same objections would be raised by my Republican colleagues, an issue that is clearly one of participation and inclusion, if there were four Republican Delegates and one Democratic Delegate.

The one Resident Commissioner and four Delegates in the House of Representatives are the sole congressional representatives of over 4.5 million Americans. It is apparently lost to my friends on the other side of the aisle that these Americans have no representation whatsoever in the U.S. Senate in addition to their Delegates being unable to vote in the House of Representatives on legislation that has great and enduring impact on the lives of those we represent.

During the historic debate in 2002 on the resolution authorizing the use of military force against Iraq, for example, although I spoke on the record, I was not able to vote "yea" or "nay" on behalf of my constituents, many of whom I knew would soon be called upon to serve and die for their country.

Madam Speaker, my fellow Delegates and Resident Commissioner have worked closely with all of you at the committee level, some of us have chaired subcommittees or will be doing so in the near future. It is therefore fitting and proper that we be given the right to vote in the Committee of the Whole once again. It worked well in the 103rd Congress; it does not violate the Constitution.

We should be given this greater degree of participation in the formulation of the laws that affect the lives of the people who send us here to represent them. And then once we have passed this, we must go on from here to give the residents of the District of Columbia full voting rights in this body as they deserve.

I ask my colleagues to respect your fellow Americans in the District and the territories. Do justice to your colleagues; let's get a unanimous vote for democracy. Vote "yes" on H. Res. 78.

Mr. HASTINGS of Washington. Madam Speaker, I am pleased to yield 2½ minutes to the gentleman from New Jersey (Mr. GARRETT).

Mr. GARRETT of New Jersey. Madam Speaker, I rise, too, in strong opposition to this resolution which violates the Constitution and the fundamental intent of the Framers of the Constitution as well, and it does so in four ways.

First, it would allow Delegates to vote, even though our Founding Fathers intended that this legislative body represent the people of the States. The Constitution, Article I, section 2, clause 1, states, "The House of Representatives shall be composed of Members chosen by the people of the several States." By definition, Delegates do not represent States.

Secondly, this resolution violates the principle of one person, one vote.

The average congressional district represents approximately 650,000 people, but three of these areas have populations of less than 160,000 people, and American Samoa has residents of less than 57,000 people.

The Supreme Court has already spoken on this. In 1964, the decision of Wesberry v. Sanders, the Supreme Court said, "To say a vote is worth more in one district than in another would run not only counter to our fundamental ideas of a democrat government, but it would also cast aside the principles of the House of Representatives elected by the people. That was a principle tenaciously fought for and established at the Constitutional Convention."

Thirdly, the qualifications for these Delegates are not the same as all the other Members of the House. Neither Puerto Rico, American Samoa nor the District of Columbia requires that their Delegates be a citizen of the United States for 7 years, as all other Members have to be.

Fourthly, the Constitution requires that all Members be elected and "chosen every second year." Puerto Rico Delegates, however, hold 4-year terms.

Finally, Madam Speaker, it was a former Democrat Speaker of the House who said, "It is very clear that a constitutional amendment would be required to give Delegates a vote in the Committee of the Whole or in the House." H. Res. 78 does not do this.

H. Res. 78 obviously is not a constitutional amendment; it is, instead, an attempt to resurrect a shameful move done back in the 103rd Congress, back in 1993.

I do not support, nor should the Members of this side of the aisle nor any Members of this Congress, an assault on the Constitution of the United States nor an assault on the people of this country as well.

Vote "no" on this resolution.

Mr. HASTINGS of Florida. Madam Speaker, before yielding, I would just like for my distinguished colleague to reference two cases, Michaels v. Anderson, and the action of the United States District Court.

And since you are so worried about the constitutionality, I would just urge that you read those two cases; it may add clarity.

Mr. GARRETT of New Jersey. Would the gentleman yield?

Mr. HASTINGS of Florida. I wish I had the time.

Madam Speaker, as a matter of fact, with your permission, how much time do we have?

The SPEAKER pro tempore. For the majority, 8½ minutes before yielding, and 14½ minutes for the minority.

Mr. HASTINGS of Florida. Perhaps you can get some time from your side.

With that in mind, I had the good fortune, Madam Speaker, of traveling on two different occasions to American Samoa. I never met people that were more inclined to be patriots than the people of American Samoa. I had the good fortune of traveling there on each of those occasions with the gentleman now that I yield 4½ minutes to, my very good friend from American Samoa (Mr. Faleomavaega).

Mr. FALEOMAVAEGA. Madam Speaker, I have had a sleepless night in pondering and wondering how this day's debate is going to turn out, and it is most unfortunate that this issue has become divisive among our colleagues this day.

Much has been said about America's insular territories and the District of Columbia. In fact, this is probably the first time in years that we have ever given this much attention to the privileges and rights of the five congressional Delegates, the privileges and rights of those of us who represent some 5 million fellow Americans that are part and parcel of this great Nation.

Some have said that the insular areas don't pay Federal income taxes, and therefore why are we allowing our congressional Delegates to vote in the Committee of the Whole. In the first place, it is constitutional; we have been through that test already 13 years ago.

The question of taxation without representation also comes to mind. And I submit to my friends on the other side of the aisle, it seems that at some period, at least in my humble opinion, at some period of time, if the Congress ever works its will to have the insular areas to pay Federal income taxes, that should we not also be allowed the right to vote?

How ironic that here under the shadow of our Nation's Capitol some 600,000 U.S. citizens pay Federal income taxes. And my distinguished colleague representing the District of Columbia for how many years has pled this case, no representation without taxation, but she pays taxes. So how ironic is it that we are talking about representation and taxation, and yet right under the shadows of our Nation's Capitol 600,000 U.S. citizens are denied their due representation by my distinguished friend and colleague from the District of Columbia in the process. Where is the equity and fairness in the process, Madam Speaker?

Much has been said about the population as a factor in this debate. And it seems that my friends on the other side have, almost to the point of making a mockery of the fact that I happen to have 70,000 residents of my district that I represent, I make no apologies for the fact that I represent some 70,000 residents of the United States territory of American Samoa. I make no apologies for the fact that nine of my soldiers have died fighting for our country's interest in that terrible conflict in Iraq, and about 40 or more wounded. I daresay, I wonder if any of my colleagues have a constituency of 70,000 whose soldiers, eight of them I have had to personally escort their remains to my district, which is about only a 16-hour flight from here.

□ 1415

I make no apologies for the fact that I am here because this body passed a law some 26 years ago to allow my little territory representation. So if my colleagues on the other side want to introduce a bill to get rid of Delegate representation in this body, then do so. But don't come here and make these, almost an embarrassment, to suggest that my little constituency is less important to the fact that there are 36 million Californians living in California. Is it any different than the 500,000 living in Wyoming, another half million living in Vermont, or other States of our great Nation? So let's not use population as a factor to suggest that because I only have 70,000 residents and some 130,000 living throughout the United States, that because of that reason we should not be here.

I submit, Madam Speaker, I am saddened that this has gotten to the point where we are caught in the crossfire, and here the congressional Delegates are caught in between the political movements that are going on.

I respectfully request and ask my colleagues on both sides of the aisle to pass this proposed resolution.

Madam Speaker. I rise today in support of H. Res. 78, amending the Rules of the House of Representatives to permit Delegates and the Resident Commissioner to the Congress to cast votes in the Committee of the Whole House on the state of the Union. I thank my good friend and colleague the gentleman from Maryland—the distinguished Majority Leader for his initiative and leadership by introducing this resolution now before us for consideration.

This is not the first time this proposed rule has been debated and adopted. In 1993, the 103rd Congress amended the House Rules in the exact manner we are discussing today. From 1993 to 1995, the House of Representatives voted to allow the Congressional delegates of the different territories to vote in the Committee of the Whole, with the caveat that if the outcome of the vote was within the margin of the number of Delegates voting, the Committee would rise and the House would revote the question without the participation of the Delegates. In 1995, the new Republican majority eliminated these provisions from the House Rules and our Congressional delegates no longer voted in the Committee of the Whole.

In the lawsuit filed by our Republican colleagues challenging these Rules in 1993, the federal district court determined that the Rules changes were constitutional. As the district court held, the determining factor that rendered these proposed rules constitutional was the revote provision that was included. In the view of the court, this provision essentially made the vote meaningless as an exercise of legislative power—a power that is reserved by the Constitution to the Representatives of the States. This judgment was later affirmed by the U.S. Court of Appeals for the DC Circuit.

Given that this amendment to the House Rules was adjudged to be constitutional only because it provided what was characterized as a meaningless vote, why are we discussing this legislation? I submit that we are here because although the privilege extended by this change in the Rules is meaningless as an exercise of legislative power, it is vitally important because it provides a forum for our representatives from Puerto Rico, DC, American Samoa, Guam, and the U.S. Virgin Islands to participate in the democratic process.

As the Majority Leader explained on the floor of the House last Friday when asked the purpose of this legislation, and he said and I quote, "the purpose is to honor democracy." Each of us has been elected by our home districts to represent their interests in the U.S. House of Representatives. Because we do not represent states we do not vote on legislation, but we do advocate on behalf of our constituencies nonetheless. The Rules changes contemplated here today represent a symbolic extension of our ability as Congressional delegates to advocate, to educate, and to inform our colleagues in the House of Representatives as they vote on legislation that impacts the lives of some 5 million of our fellow Americans who live in the District of Columbia, the Commonwealth of Puerto Rico, Guam, the U.S. Virgin Islands, American Samoa, and the Commonwealth of the Northern Mariana Islands.

If our goal here in Congress is to produce the best possible legislation, would it not benefit us to consider and debate in the Committee of the Whole the potential impact of legislation on all Americans, including those 5 million Americans residing in the territories? For example, given the strategic importance of Guam in the Pacific and the billions of dollars the United States spends on our military presence in Guam, wouldn't legislation pertaining to Guam benefit from the perspective of Guam's representative? Also, given that the Resident Commissioner represents nearly 4 million Americans, shouldn't his perspective on initiatives that impact the people of Puerto Rico at least be considered as Congress deliberates on such issues?

Another obvious benefit of this legislation would be that the votes taken in the Committee of the Whole would establish a voting record for our constituents to inform them of our positions on issues that affect the lives of all of our people. While we make every effort to ensure that those we represent here in Congress are familiar with our position on current issues, a recorded vote would provide evidence of our commitment to their issues of concern.

Recently, concerns have been expressed that, in my opinion, only distract from the fundamental issue of honoring democracy by agreeing to these Rules changes. First, this is not an issue of party affiliation. We are here from both parties. Second, this is not an issue of patriotism. We are all Americans—just as in your districts, our soldiers from the territories sacrifice their lives and limbs to protect our freedoms. Third, this is not an issue of population size. Our populations range from 70,000 to over 3.4 million. We are each here to represent the interest of our respective areas—territories, district, and commonwealth.

The Rules changes being considered to allow Delegates and the Resident Commissioner are important not because they would provide the territorial representatives a symbolic vote, but because they would enhance our opportunities to participate in the democratic process.

These changes have been judicially affirmed as clearly constitutional. The passage of these rules gives Congress the potential to enhance legislation produced in the House. H. Res. 78 would allow us as Delegates and Resident Commissioner to better represent our constituents by providing a voting record through which they could evaluate our positions on national legislation.

I strongly support this legislation and I urge my colleagues to support H. Res. 78, and allow the Delegates and the Resident Commissioner a vote in the Committee of the Whole on the State of the Union.

Mr. HASTINGS of Washington. Madam Speaker, I am pleased to yield 3 minutes to the gentleman from Virginia (Mr. TOM DAVIS).

Mr. TOM DAVIS of Virginia. Madam Speaker, I rise today in opposition to House Resolution 78. This is an uncomfortable decision for me since for many years I have tried to convince the Republican-controlled Rules Committee to grant my friend, the Representative from the District of Columbia, a vote in the Committee of the Whole.

In the beginning I did so because the right to vote in the Committee of the Whole, which has little meaning in practice, carried important symbolic meaning to people who had no representation at all.

Over the past 4 years, I have embarked on a journey to give D.C. a real vote in the House of Representatives. Working with Congresswoman NORTON and numerous legal scholars and many colleagues on my side from across the ideological spectrum, we have crafted a bill that was politically neutral, gave real rights to the District of Columbia, and solved Utah's special problem created in the last census to boot.

The Speaker of the House has been a cosponsor of my legislation. The majority whip says he expects the bill to be brought up quickly this session. It is clear that if our bill, the D.C. FAIR Act, were brought to the floor today, it would pass with solid support from both parties.

Today's resolution muddies the waters. It fails to recognize the fundamental difference between the District of Columbia and the territories. It ignores the carefully constructed bipartisan compromise we reached in the D.C. FAIR Act. It amounts, as The Washington Post opined today, to little more than "dithering."

I hope this vote, which grants illusory voting rights to Delegates, is designed to expose the strong support that exists for full D.C. voting rights. But pardon me if I appear cynical.

To the cynic in me, this resolution smacks of obfuscation. What the majority is doing today threatens to delay action on the real injustice that has plagued the District for more than two centuries. I am looking for assurances that this is not the case.

Admittedly, we could have avoided this awkward grouping of governmental apples and oranges if the Republican leadership had brought the bill to the floor at the end of last year. The bill was ready. It is ready now, too. It is time for the new majority to not just talk the talk.

What is proposed today in H. Res. 78 is not a politically neutral solution. It adds four Democrat votes and one Republican. Traditionally, when we have added votes in the House, we have done so in a politically neutral manner. Worse, this resolution mixes the interests of the District of Columbia, the Federal district, the capital of the free world, whose residents pay Federal income taxes, with those of the territories.

This mushy thinking is what has led to nearly 200 years of no representation for District residents. H. Res. 78 distracts attention and saps energy from the movement we have created behind D.C. voting rights. It is confusing and allows Members to check a box that in reality is not being checked.

Still it is tempting to support this, if only to get more Members of Congress acclimated to voting to expand representation for District residents. But this is a sham, and I am not going to be part of it. I can't condone grandstanding and symbolism when real reform is so easily within our grasp.

Mr. HASTINGS of Florida. Madam Speaker, I heard someone say the vote counts, and it doesn't count. But every time I see the scroll indicating that another American soldier has died, that is a count that adds up, and that count is firm. The people of, the residents of Puerto Rico and the Delegates lose the lives of their soldiers in that count along with those of us from the respective States.

Mr. HASTINGS of Washington. Madam Speaker, I am pleased to yield 3 minutes to the gentleman from Puerto Rico (Mr. FORTUÑO).

Mr. FORTUÑO. Madam Speaker, I am the only Republican afforded a vote under H. Res. 78, and I want to thank the gentleman from Maryland (Mr. HOYER) for introducing this bill. Having said that, I also want to thank the gentleman from Alaska, Resources Committee Ranking Member DON YOUNG, for bringing this issue to the appropriate perspective.

What the House really needs to do for the almost 4 million citizens that I represent before the Senate, the executive branch, as well as the House, is to authorize a process of self-determination for Puerto Rico.

Puerto Rico has been a U.S. territory since 1898, and we still to this day remain disenfranchised. Puerto Rican Americans have been citizens since 1917, and we have served with distinction and valor in our Armed Forces and have defended our Nation in every battlefield around the world. I will say that 18,000 served in World War I. Over 65,000 served in World War II, and I must say, the oldest surviving veteran of that war was my constituent, Mr. Emiliano Mercado, who died today of natural causes at the tender age of 115 years.

More than 48,000 Puerto Rican Americans served in Vietnam; 430 of them were killed and 3,000 were wounded. Close to 2,600 Puerto Rican National Guard volunteers and U.S. Army Reserve soldiers mobilized for Desert Storm.

So far, I have lost 56 constituents in the global war on terror. I regularly visit our soldiers at Walter Reed Army Medical Center. Every time I visit with our soldiers, our true American heroes, I cannot help myself but think that none of them have been able to elect their Commander in Chief, only because they reside in a territory. If they were to reside in one of the States, and they could because we are U.S. citizens, they would have been able to vote for the Commander in Chief. This is morally wrong in the 21st century.

We are about to commemorate the 90th anniversary of Congress granting U.S. citizenship to the people of Puerto Rico, yet we still cannot vote for our President, nor vote in this Chamber, nor vote on legislation that affects us.

Congress has an unfinished agenda with Puerto Rico. The 4 million citizens that live in Puerto Rico should finally be given the opportunity to make an educated, fair and democratic choice regarding their final status preference.

After 108 years of territorial status and 90 years of being U.S. citizens, we are tired of waiting. The people of Puerto Rico deserve better, and we have earned our right to be heard.

I urge my colleagues to vote in favor of this resolution, but I bring it back to the bottom line, and the bottom line is that we have unfinished business with Puerto Rico as well as the U.S. territories.

Mr. HASTINGS of Washington. Madam Speaker, I yield such time as he may consume to the gentleman from Ohio (Mr. BOEHNER), the distinguished minority leader.

Mr. BOEHNER. Madam Speaker, let me thank my colleague from Washington for yielding.

I remind my colleagues that when the session started, as every session has started, we raise our right hands and we swear to uphold and defend the Constitution of the United States. That is our solemn obligation.

The Constitution outlines who has the right to vote here in the House. It clearly spells out that the Members from the States have the right to vote. Over the years as Delegates came to this House, they were granted the privilege of voting in the committee. That is not something spelled out in the Constitution.

I could describe what is going on here today is an outrageous grab of power by the new majority; a breach of the trust of the Members here. That is if it weren't such a silly idea.

To say to the Delegates that you can vote as long as it doesn't count, but if your vote counts, we are going to revote it, I think that diminishes the stature of the House, diminishes the stature of the Delegates, quite frankly, to say that they have a vote, but only if it doesn't count, because if it counts, there is an automatic revote under this rule that is outlined today.

I think it does demean the House. I think it undermines our responsibility to the American people. And I think that this should not be on the floor today.

The process by which this bill came to the floor, no committee hearings, a short Rules Committee hearing. We heard earlier today about the problems with the rule and how it was crafted. And here we are having this debate once again.

I was here in 1993 when this issue was brought to the House the first time. The debate was probably more rancorous then than it is today.

But it saddens me that there was no discussion about this with the minority. There was no advance notice of it until last Friday when the majority leader outlined the schedule for this week. So here we are, no opportunity to have a real conversation between the majority and the minority party about doing this.

Over the course of the last 3 weeks, and actually before that, going into December, I have done everything I can to reach out to the Speaker and the majority leader to try to work here in this House in a bipartisan way on the issues the American people care about. And it seems, though, over the last 3 weeks that more we reach out and offer our hand of bipartisanship, it is slapped away.

It happened last night up in the Rules Committee on the rule that brought this to the floor, and I am saddened by it. We have an opportunity to work together. We have an opportunity to do what the American people expect of us. But if we are going to do it together, we need to live up to our promises, and we need to live up to our commitments.

I don't think that what we are doing on the floor today helps that process at all. And so while it would be easy for me to describe this as a power grab, I could if I thought this meant something, but it means nothing. This is symbolism at its best. And in the process of creating symbolism for a few, I think we diminish our roles as serious legislators here on behalf of the American people.

Mr. HASTINGS of Washington. Madam Speaker, I yield back the balance of my time.

Mr. HASTINGS of Florida. Madam Speaker, I yield myself 30 seconds merely to respond to the distinguished minority leader that we offered in the Rules Committee a motion that they denied, and that was to have an opportunity to have a substitute. An amendment was made in order if the gentleman had chosen to make that amendment, and he chose not to.

But I say to those who argue that there is symbolism involved here that indeed there is. But death is more than symbolism. Death is real, and the persons who die that come from the 5 million persons that these Delegates and the Resident Commissioner represent are real people. They and their families need this symbolism.

Madam Speaker, I am very pleased to yield the balance of our time to the distinguished gentlewoman from Guam (Ms. BORDALLO), my good friend.

□ 1430

Ms. BORDALLO. Madam Speaker, I rise in full support of House Resolution 78, which would grant a measure of symbolic participation for the Delegates in the Committee of the Whole.

Our chairman referred to General Blaz earlier. He was a distinguished Delegate representing Guam, and he was a member of the Republican Party. But the participation is neither Democrat nor Republican here; it is American.

Let me say a few words about my district, the island of Guam. Some would point out that Guam's population is small, with only about 160,000 residents. I would point out that Guam has lost seven soldiers in the Iraq war, far more per capita than most communities other than maybe American Samoa. If our Nation had the same percentage of deaths in the Iraq war as Guam, the death toll would be more than three times the current toll. In other words, when it comes to joining the military and dying for our country, Americans from our island have more than contributed our share.

Some would say that Guam does not deserve this new level of participation. I would respond that you have not met the people of Guam who survived a brutal enemy occupation during World War II. You have not heard their stories of loyalty to our Nation. You have not learned of their confinement in concentration camps, of their being beaten and beheaded. You have not seen and felt their patriotism.

Our ability to participate in the Committee of the Whole would make these sacrifices all the more meaningful for us as Americans. It means, Madam Speaker, that my colleagues will recognize us for who we are, members, members of the American family.

Some would say that the test for our participation is our level of taxation. I say that you surely misunderstand the promise of America and the meaning of democracy. Democracy is founded on voting and participation. Would you teach this lesson to the Iraqis? Have we become this cynical as Americans that even symbolic participation is tested by the taxes that we pay? Is the greatest test the willingness to defend the Nation or the 1040s? Is the greatest sacrifice that made by our troops and their families or that made by our tax accountants?

If you would deny your fellow Americans, the people of Guam, this small bit of symbolic participation, the greater loss is our Nation's loss of its promise to the world of a democracy that is inclusive and that values all of its citizens. The loss is the ideal of American democracy, however imperfect. The loss is the recognition of a cynical Congress that wants to know how much taxes you have paid, not how much sacrifice that you have made for this great land. The loss, ladies and gentlemen, is not Guam or the territories or the District of Columbia. It is the Nation's.

Mr. HASTINGS of Florida. Madam Speaker, do we have any time remaining at all?

The SPEAKER pro tempore. The gentleman from Florida has 15 seconds remaining.

Mr. HASTINGS of Florida. In that 15 seconds, I would ask my friends, the Delegates, if they would just stand and have America know something, that I am getting ready to cast a vote for them. They cannot cast a vote for themselves. How long does it take for 5 million people to be represented in this body?

I thank my colleagues.

Ms. GINNY BROWN-WAITE of Florida. Madam Speaker, I rise today in opposition to H. Res. 78.

This bill reverses the last 12 years of precedent and returns our House Rules to a questionable practice of delegates voting in the Committee of the Whole.

Our Constitution clearly states that Members of Congress should be chosen by residents of States.

As much as we appreciate the contribution of our great territories and the District of Columbia, they are not States.

If the other side would like to change that, they are welcome to propose a constitutional amendment.

Instead, this bill makes an end run around the Constitution by granting Delegates this privilege.

Opponents are arguing that the courts approved this practice as long as the House revotes on an issue if the Delegates make a difference in the outcome.

We are taking time away that we could be spending on more important issues by forcing a superfluous voting exercise on every closely divided issue.

This was a bad idea in 1992. A Chicago Tribune article at the time said: "This change would subvert the Constitution to give the territorial delegates the power to vote, but guarantee that any time their votes really count, they won't be counted."

And this is a bad idea today. Today's Washington Times editorial said: "Despite Democratic protestations to the contrary, it's hard to see this rule change as anything other than an attempt to add four more votes to their majority."

Frankly, we are creating a rule today that will waste our time and waste the American people's time.

Mr. HONDA. Madam Speaker, as chair of the Congressional Asian Pacific American Caucus, I strongly support H. Res. 78, a resolution that would restore the privileges of the House Delegates representing the District of Columbia, the U.S. Virgin Islands, Guam, and American Samoa, as well as the Resident Commissioner of Puerto Rico, to cast a vote in the Committee of the Whole.

For the past 12 years, Delegates and the Resident Commissioner have been deprived of the ability to sufficiently represent the voices of their constituents. The time is long overdue to restore this privilege.

Of great significance to the Asian Pacific Islander community, the resolution would give greater voice to the approximate 170,000 U.S. citizens in Guam, and the approximate 60,000 U.S. nationals in American Samoa.

Permitting the Delegates and the Resident Commissioner to vote in the Committee of the Whole improves the legislative process and increases the degree to which the House of Representatives accurately reflects needs of American citizens and nationals. in this regard, every American benefits with a truer democracy.

On behalf of CAPAC, I urge my colleagues to pass this measure.

Mr. HOYER. Madam Speaker, I am proud to be joined by House Democratic Whip Clyburn, House Democratic Caucus Chair Emanuel, Vice Chair Larson, and of course the distinguished chairwoman of the Rules Committee in sponsoring House Resolution 78.

This measure will restore voting rights in the Committee of the Whole for the four House Delegates and Resident Commissioner of Puerto Rico.

In fact, this measure is identical in substance to the rule that operated successfully—and constitutionally—from 1993 to 1995.

The purpose of this resolution is simple:

To honor democracy in every corner of the United States of America;

To provide that all people who are subject to the laws and jurisdiction of the United States have a voice in their national legislature; and

To give to the elected representatives of the District of Columbia, the U.S. Virgin Islands, Guam, and American Samoa and Puerto Rico—constituent parts of this country—the ability to register their views and take a stance on issues that are considered in the most important and representative committee of the house: the Committee of the Whole House on the State of the Union.

During the 103rd Congress, House Delegates, as well as the Resident Commissioner, were granted the privilege to cast a vote in the Committee of the Whole, a body comprised of all House Members whose function is to expedite consideration of bills and amendments on the House floor while ensuring that debate is fair to both sides of the aisle.

This right is a logical extension of the Delegates' right to serve on and vote in the House committees—a right, I must stress, that was granted in the 1970s and to which no Member of this body whom I know has ever objected.

The measure that we will vote on today is identical to the rule that existed in the 103rd Congress, which the U.S. Court of Appeals for the District of Columbia held in 1994 was constitutional.

To ensure that the provision complies with article I of the United States Constitution, in the event that a matter before the Committee of the Whole is decided by the margin of the Delegates' votes, the measure provides for an automatic re-vote in the full House, where Delegates and the Resident Commissioner may not participate.

Now, I want to address some of the misinformation that has been directed at this measure by opponents whose desire to defeat this resolution is more intense than their fealty to the facts.

I have heard opponents contend that this measure confers "representation without taxation."

That is false.

The residents who will benefit from this measure do indeed pay taxes in the form of Medicare and Social Security.

At a time when the President's own economic advisors predict that these two programs will go bust if changes are not made in the next few years, I for one believe residents of the five territories should have a voice in shaping a bipartisan consensus that shores up the financial health of these vital programs.

I have heard opponents contend that the average congressional district is 630,000 and that American Samoa, with a population of roughly 70,000 is too small to deserve even a symbolic vote.

However, opponents making this argument omit the inconvenient case of Puerto Rico, whose population of almost 4 million would entitle it to as many as six seats if it had full representation.

They also omit Wyoming, whose population of only 515,000 puts it well below the average congressional district.

I have heard opponents contend that the five votes will slow down the legislative process and distort outcomes.

According to a 1994 article in the Congressional Quarterly Almanac, "Of the 404 times that delegates were eligible to vote during the 103rd Congress, only three times—all in 1994—did their vote prove decisive, triggering an automatic revote." Twice the outcome was reversed, proving that the rule worked.

My friends, I would submit to each and every one of you that something magical happens when 435 Representatives from the 50 States come to this floor to vote on behalf of their constituents.

Simply put, the genius of deliberative democracy achieves its fullest expression.

We hear each other out on issues of the day.

We get to know one another as something more than Members.

We come to understand the needs and aspirations of one another's districts, whatever our political leanings.

And through this process of personal interaction, we enact laws that, when we are at our best, make our country better.

By granting a limited but important vote to five of our colleagues, we will be honoring the deliberative democratic process.

In doing so, we will improve the legislative process and the degree to which the House of Representatives accurately reflects the views of the 300 million Americans who are subject to laws it passes.

In that sense, every American, as well as our democratic system of government as a whole, stands to benefit from House Resolution 78.

I urge my colleagues to support it.

Mr. HASTINGS of Florida. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Pursuant to House Resolution 86, the previous question is ordered on the resolution.

The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. HASTINGS of Florida. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 226, nays 191, not voting 18, as follows:

[Roll No. 57]

YEAS—226

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Burton (IN)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Filner
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pelosi
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—191

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Jo Ann
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Taylor
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—18

Boucher
Brady (TX)
Buyer
Carson
Castor
Costa
Cubin
Everett
Fattah
Frank (MA)
Herger
Jindal
Johnson (IL)
Lucas
Norwood
Pickering
Radanovich
Salazar

□ 1507

Mr. CLEAVER changed his vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FATTAH. Madam Speaker, had I been present for the vote on H. Res. 78, I would have voted "yea."

Stated against:

Mr. BRADY of Texas. Madam Speaker, on rollcall No. 57 on H. Res. 78, I am not recorded because I was absent due to illness. Had I been present, I would have voted "nay."

PERSONAL EXPLANATION

Mr. JOHNSON of Illinois. Madam Speaker, unfortunately I was unable to cast my votes on the following rollcall votes on January 24, 2007. Had I been present to vote, I would have voted as follows:

On rollcall 51—The Previous Question for the Rule to consider H. Res. 78—I would have voted "no."

On rollcall 52—To Table the Motion to Reconsider—I would have voted "no."

On rollcall 53—Final Passage of the Rule for H. Res. 78—I would have voted "no."

On rollcall 54—The Motion to Table the Priveleged Resolution—I would have voted "no."

On rollcall 55—The Motion to Adjourn—I would have voted "yes."

On rollcall 56—The Question of Consideration of H. Res. 78—I would have voted "no."

On rollcall 57—To allow Delegates and the Resident Commissioner to vote in the Committee of the Whole—I would have voted "no." Our Constitution clearly sets forth who is allowed to vote in Congress and I believe that this bill is in direct violation to that provision.

PERSONAL EXPLANATION

Mr. NORWOOD. Madam Speaker, had I been present on rollcall Vote No. 43, I would have voted "no." Had I been present on rollcall Vote No. 44, I would have voted "yes." Had I been present on rollcall Vote No. 45, I would have voted "yes." Had I been present on rollcall Vote No. 46, I would have voted "yes." Had I been present on rollcall Vote No. 47, I would have voted "yes." Had I been present on rollcall Vote No. 48, I would have voted "yes." Had I been present on rollcall Vote No. 49, I would have voted "yes." Had I been present on rollcall Vote No. 50, I would have voted "yes." Had I been present on rollcall Vote No. 51, I would have voted "no." Had I been present on rollcall Vote No. 52, I would have voted "no." Had I been present on rollcall Vote No. 53, I would have voted "no." Had I been present on rollcall Vote No. 54, I would have voted "no." Had I been present on rollcall Vote No. 55, I would have voted "yes." Had I been present on rollcall Vote No. 56, I would have voted "no." Had I been present on rollcall Vote No. 57, I would have voted "no."

LEGISLATIVE PROGRAM

(Mr. BLUNT asked and was given permission to address the House for 1 minute.)

Mr. BLUNT. Madam Speaker, I rise to address the House for the purpose of inquiring about next week's schedule, and I yield to my good friend, the majority leader, Mr. HOYER.

Mr. HOYER. Madam Speaker, I thank the gentleman for yielding, and I am glad that I am still his good friend. We are going to remain so.

On Monday, the House will meet at 2 p.m. for legislative business. We will consider several bills under suspension of the rules. There will be no votes before 6:30.

On Tuesday, the House will meet at 10:30 a.m. for morning hour debate and noon for legislative business. We will consider additional bills under suspension of the rules. A complete list of the suspension bills for the week will be announced later this week.

On Wednesday, the House will meet at 10 o'clock. We will consider a long-term continuing resolution. I want Members to hear that because on Wednesday we will consider the long-term continuing resolution. We have a continuing resolution which expires on February 15. The long-term will cover approximately nine appropriation bills that failed to pass in the last Congress and will fund most of government, other than the Defense Department and the Homeland Security Department.

The House will not meet on Thursday and Friday next week in order to accommodate the Democratic Members issues conference. I thank my friend for yielding.

Mr. BLUNT. I thank my friend for his response. I would like to inquire further on the topic of the continuing resolution.

I know the appropriations chairman has said that that would be a resolution that would not have earmarks in it. First of all, is that still the position of the majority that there would be no specific Member-oriented, district-oriented earmarks in this CR?

Mr. HOYER. I believe that that is essentially the case. The only reason that I do not answer that absolutely is there are some earmarks I think that are being looked at that have general application to the operations of certain departments; but beyond that, the answer is yes.

Mr. BLUNT. And with that caveat, otherwise should we anticipate this will be a CR that just extends the current CR? Would we expect to see either policy or additional funding language in the CR?

Mr. HOYER. Would the gentleman yield?

Mr. BLUNT. I yield.

Mr. HOYER. I thank the gentleman for yielding.

There are some problems that are raised because bills failed to pass, military construction being one, the veterans being another, which have put us in a position where if there is not additional language and funding in the bill, and they are, of course, both as a result of the earmarks not being funded and as a result of the caps not being met that was in the Republican budget that passed but did not pass the Congress, and the level of funding in the 2007 bills that did not pass, there need to be some things in there that Mr. LEWIS and Mr. OBEY are both aware of. As I understand, they are working together in a bipartisan fashion. The staffs are working together.

So I will tell my friend, although I cannot tell you specifically because they are still working on it, as you know from your past experience that these are works in progress, that my expectation is there will be additional funding for programs that will be very adversely affected if they were required to go forward at 2006 levels or the lower of the House- or Senate-passed bills.

Mr. BLUNT. I thank my friend for that response.

I would ask further, if there are additions like that, which the obvious place to determine the merits of those additions is the House floor, will there be the opportunity for amendments and the ideas of other Members to be advanced?

Mr. HOYER. Will the gentleman yield?

Mr. BLUNT. I yield.

Mr. HOYER. I thank the gentleman for yielding.

The answer to that question is we are working closely with the Senate. The CR expires, as you know, on February 15. The Senate has a very difficult challenge. I know that Mr. REID is trying to work with Mr. MCCONNELL to figure out how they can do it.

What we are really trying to do is trying to see if we can have a Senate and House agreement so that we can meet that February 15 deadline with this CR, which would not necessitate going back to a subsequent CR; in other words, making this a CR through September 30 of this year and take care of the 2007 funding cycle.

As Mr. OBEY has indicated, the reason for that is we are now proceeding on the 2008 cycle, and until we put the 2007 cycle behind us, it is difficult to focus on that.

So I frankly don't have the answer to that question at this point in time because those discussions are going on between the House and the Senate.

Mr. LEWIS and Mr. OBEY are involved in what we are doing here, and we are, after all, talking about nine bills, numerous departments and agencies and objects, and frankly, if that bill is open to amendment, CRs, as you know, generally come with closed rules, and they are clean CRs usually, but even some nonclean CRs, and that is for the public's sake, things that have additional items other than simply funding levels at a given level, have been closed rules.

Obviously to try to get through nine different bills on the House floor between now and February 25, much less February 15, if the bill is open to amendment, as appropriation bills generally are, as you know, would be something probably we would not be able to do. So that is being discussed, trying to figure it out.

I don't have a definitive answer for you here on Wednesday, but I want to tell you candidly that I believe there will not be a full opportunity in the sense that there has been, and I am not sure that I can represent to the gentleman that there will be an open rule.

Mr. BLUNT. I thank the gentleman for his response. In that regard, normally when we have had a closed rule on a continuing resolution, it has been a continuing resolution that did not include much or normally nothing in new policy, and we will have to watch these circumstances and hope that if there is a significant policy addition or significant financial addition, there is the normal process that goes on with appropriations bills to have a debate and a discussion about that. We are hopeful that whatever this bill is, it is as narrow as it can be and also that we get it out of the way as quickly as we can so that we can get on with the appropriations work for the next year.

I understand the challenge this creates for the appropriators, but the more we try to do the 2008 work in the 2007 bill, the harder that is, I think, to move that bill along quickly as well.

□ 1515

Let me ask one other question.

Mr. HOYER. Madam Speaker, if my friend would yield before he asks another question, as my friend knows well, having not passed appropriations bills, and, frankly, leaving in December without passing appropriations bills was, of course, the other body's judgment, we passed the bills through here except for the Labor-Health bill, we are placed in an extraordinarily difficult position. We labored long and hard, and I was then a member of the Appropriations Committee, on our bills. We considered them here on the floor. There was debate. There were amendments offered. They passed.

Frankly, the ideal, as you well know, would have been to have them pass, go to conference and pass them through both Houses. But we are now confronted with a lot of work product over a year on all of these bills out of the Appropriations Committee now sitting, frankly, in limbo with a deadline of February 15 to have a short-term CR, which we are not for. We want to complete this business.

So we have a challenge that I think is relatively unique, given all of this work product, of just not having a simple CR which says we do '06 levels, because all that work product would be, A, down the drain, and B, was responding to needs that the administration wants, that our military wants, that our veterans want, that others need. So that is the challenge confronting Mr. OBEY and Mr. LEWIS.

I know you appreciate that. The failure was not on this side of the Capitol, but the fact of the matter is, wherever the failure was, we are now confronted with trying to solve the problem.

I thank the gentleman.

Mr. BLUNT. I appreciate my good friend's comments in that regard too. As my friend knows, I argued and he argued and others did in November and into December that it would be so much better for this Congress if we could have worked with the other body and get these bills done last year. I regret that we didn't. I wanted to. I wanted to at least get some of them done. I think all of our colleagues on this side were on that side of the debate, or virtually all of us, and now we are faced with this work.

One other topic I would like to bring up today, because we didn't get to discuss it during the privileged motion, but I know my good friend from Maryland cares about the House, cares about the procedures of the House.

The topic that was raised earlier by the minority leader of an amendment submitted to the Rules Committee and then the Member who submitted it asked that it be withdrawn before the meeting; there may have been a similar occasion in the past, we can't find one in our research. I am hoping that was the fits-and-starts of a new Congress, rather than a new standard.

Occasionally Members, and your Members did it often during the last Congress, submit an amendment, realize as the debate develops and the discussion goes on that that is not an amendment that is in their best interests, or anybody else's, to be offered, and then request it be withdrawn.

I think we honored on every occasion, I believe, and if we did not, that is beside the point, my belief is on every occasion, if a Member wanted to withdraw an amendment, we allowed that Member to do that. I hope that will be the process from now on in this Congress as well. I would be pleased to have your reassurance that we are headed in that direction.

I yield to the gentleman.

Mr. HOYER. I thank the gentleman for yielding. I certainly reassure you we are moving in that direction, and I would hope that would be the case. I hope the gentleman will take this as a very friendly observation that in this case, the gentleman wouldn't take apparently yes for an answer. We were going to give him an amendment.

As you know, the day before we had been bitterly criticized for not giving amendments. I was not there and I did not participate in this decision, but the committee was confronted with wanting to be in a position to give an amendment. Then when they were told the gentleman didn't want the amendment, they in effect took yes for an answer. The gentleman did not.

I understand that. We want to accommodate that. You are absolutely right. If a Member doesn't want to offer the amendment, he didn't have to offer the amendment, he did not offer the amendment. Nobody has been forced to offer an amendment. He was given the opportunity to do so.

But we do understand that Members make decisions that maybe that is not what I want to do, and I would like to withdraw it. Certainly I hope we will accommodate Members in the future.

Mr. BLUNT. I thank you for that response. I would hope that would be the case. It has happened frequently. The gentleman has made no suggestion that this is unique or no one has ever thought about this before. It has happened frequently. When it has happened in the past, generally submitted by Members on your side to a Rules Committee at that time controlled by our side, when the Member said, wait a minute, I've changed my mind, that was always honored, with no sense of no, wait a minute; you put the piece of paper down, you now have to stick with it, even though we haven't acted yet.

Mr. HOYER. I want to say, Mr. Leader, we also wanted to give you a substitute, but you didn't want that either, and we didn't give you that substitute, then, I guess.

In any event, your point is well taken, and I don't want to be jocular about the fact. We really do want to make sure that you can come to this floor and think you are being treated fairly and openly and have an opportunity to make your legislative case. That is the way this body ought to work.

I know the first 2½ weeks now we have been moving on an agenda, rules changes and others, that we wanted to get done. As you know, some of these have involved rules changes, as this particular bill did.

As you know, although Mr. DREIER talked about having hearings on this, rarely does either side have hearings on the rules it presents. The rules package is put together by the majority party and there aren't hearings on it. It is offered on the floor and it is voted up or down. In this case we offered your rules, as you know, as they were in being in the 109th Congress. There were some additions we wanted to make.

But your point is well taken. I share your view that we want to make sure, whether we disagree, that you feel you got the opportunity on your side of the aisle to make your case.

Mr. BLUNT. Well, I appreciate my friend's comments. We look forward to that happening. I think we all will benefit from more debate, more discussion.

That has always been the desire here, and often the minority doesn't feel like they get quite their opportunity to do that, but we hope that we have an opportunity to do that and look forward to moving to a process to where all the Members are involved, the new Members.

Some of these issues, I will admit, that we have dealt with in the last 2 weeks, in fact in the last Congress, the Congress I was in the majority in, passed bills highly similar. But the 60 new Members didn't get to participate in committee.

But that is behind us. I am prepared to look forward. I hope that we have those opportunities. We will look carefully at the character of the CR and hope that it is as minimal in its changes as possible and that all the members of the Appropriations Committee are part of that discussion.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. HOYER. Madam Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

APPOINTMENT OF HON. STENY H. HOYER AND HON. CHRIS VAN HOLLEN TO ACT AS SPEAKER PRO TEMPORE TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS THROUGH JANUARY 29, 2007

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

HOUSE OF REPRESENTATIVES,
Washington, DC, January 24, 2007.

I hereby appoint the Honorable STENY H. HOYER and the Honorable CHRIS VAN HOLLEN to act as Speaker pro tempore to sign enrolled bills and joint resolutions through January 29, 2007.

NANCY PELOSI,
Speaker of the House of Representatives.

The SPEAKER pro tempore. Without objection, the appointment is approved.

There was no objection.

COMMUNICATION FROM HON. JOHN A. BOEHNER, REPUBLICAN LEADER

The SPEAKER pro tempore laid before the House the following communication from the Honorable JOHN A. BOEHNER, Republican Leader:

HOUSE OF REPRESENTATIVES,
Washington, DC, January 24, 2007.

Hon. NANCY PELOSI,
Speaker, U.S. Capitol,
Washington, DC.

DEAR SPEAKER PELOSI: Pursuant to 2 U.S.C. 88b-3, I am pleased to appoint the Honorable SHELLEY MOORE CAPITO of West Virginia to the Page Board. Ms. CAPITO has expressed her interest in serving in this capacity and I am pleased to fulfill her request.

Sincerely,

JOHN A. BOEHNER,
Republican Leader.

APPOINTMENT OF MEMBERS TO HOUSE OF REPRESENTATIVES PAGE BOARD

The SPEAKER pro tempore. Pursuant to 2 U.S.C. 88b-3- and the order of the House of January 4, 2007, the Chair announces the Speaker's appointment of the following Members of the House to the House of Representatives Page Board:

Mr. KILDEE, Michigan
Ms. DEGETTE, Colorado.

HONORING GLENN H. CURTISS, A TRUE TRANSPORTATION PIONEER

(Mr. KUHL of New York asked and was given permission to address the House for 1 minute.)

Mr. KUHL of New York. Madam Speaker, I rise today to remember and honor Glenn H. Curtiss from my hometown of Hammondsport, New York. Glenn Curtiss was a true transportation pioneer.

This week, I introduced House Resolution 84 to recognize Glenn Curtiss for setting the world's speed record on the first V–8 powered motorcycle exactly 100 years ago today. In honor of that ride in 1907, the Curtiss Museum and the City of Ormond Beach, Florida, which is the "birthplace of speed," hosted a Curtiss motorcycle run on the beach today, January 24, 2007.

In addition to his recordbreaking speed, which was 137 miles an hour, Mr. Curtiss was the founder of the Curtiss Aeroplane and Motor Company, now part of the Curtiss-Wright Corporation. Glenn Curtiss also developed the first successful sea plane and manufactured the famous World War I Jenny training plane.

Again, Madam Speaker, it is with great pride that I rise today to honor the memory of Mr. Glenn Curtiss, and I encourage all Members to join me in honoring the legacy of Mr. Curtiss and cosponsoring House Resolution 84.

ENSURING EFFECTIVE OVERSIGHT OF U.S. TAXPAYER DOLLARS

(Mr. KIRK asked and was given permission to address the House for 1 minute.)

Mr. KIRK. Mr. Speaker, the State Department has notified this House of the President's intent to transfer $86 million to provide vehicles, uniforms and body armor to Palestinian President Mahmoud Abbas' security forces. Yet on January 11, Abbas made the following remarks at a Fatah rally in Ramallah: "Let 1,000 flowers bloom and let our rifles, all our rifles, all our rifles, be aimed at the occupation:"

Mr. Speaker, we have seen this movie before. In 1996, the U.S. pledged $100 million to help Fatah defeat Hamas terrorists. But in 2000, Yasser Arafat turned his American-funded security forces on Israel.

Now, Abbas calls on rifles to be aimed at Israel again, and we are poised to give him $86 million to upgrade his security forces, without first establishing an independent audit regime.

I urge my colleagues to apply the lessons of history and to increase the effective oversight of this taxpayer-funded program, which in the past has been turned against our allies in Israel.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. JOHNSON of Georgia). Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

PUBLICATION OF THE RULES OF THE COMMITTEE ON SCIENCE AND TECHNOLOGY, 110TH CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee (Mr. GORDON) is recognized for 5 minutes.

Mr. GORDON of Tennessee. Madam Speaker, I hereby submit for printing in the RECORD the Rules of the Committee on Science and Technology, as agreed to and passed on January 24, 2007.

RULES GOVERNING PROCEDURE OF THE COMMITTEE ON SCIENCE AND TECHNOLOGY, U.S. HOUSE OF REPRESENTATIVES, FOR THE ONE HUNDRED TENTH CONGRESS

RULE 1. GENERAL PROVISIONS

GENERAL STATEMENT

(a) The Rules of the House of Representatives, as applicable, shall govern the Committee and its Subcommittees, except that a motion to recess from day to day and a motion to dispense with the first reading (in full) of a bill or resolution, if printed copies are available, are privileged motions in the Committee and its Subcommittees and shall be decided without debate. The rules of the Committee, as applicable, shall be the rules of its Subcommittees. The rules of germaneness shall be enforced by the Chairman. [XI 1(a)]

MEMBERSHIP

(b) A majority of the majority Members of the Committee shall determine an appropriate ratio of majority to minority Members of each Subcommittee and shall authorize the Chairman to negotiate that ratio with the minority party; Provided, however, that party representation on each Subcommittee (including any ex-officio Members) shall be no less favorable to the majority party than the ratio for the Full Committee. Provided, further, that recommendations of conferees to the Speaker shall provide a ratio of majority party Members to minority party Members which shall be no less favorable to the majority party than the ratio of the Full Committee.

POWER TO SIT AND ACT; SUBPOENA POWER

(c)(1) Notwithstanding paragraph (2), a subpoena may be authorized and issued in the conduct of any investigation or series of investigations or activities to require the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers and documents as deemed necessary, only when authorized by majority vote of the Full Committee or Subcommittee (as the case may be), a majority of the Committee or Subcommittee being present. Authorized subpoenas shall be signed only by the Chairman of the Full Committee, or by any member designated by the Chairman. [XI 2(m)]

(2) The Chairman of the Full Committee, after consultation with the Ranking Minority Member of the Full Committee, or if the Ranking Member cannot be reached, the Ranking Minority Member of the relevant Subcommittee, may authorize and issue such subpoenas as described in paragraph (1), during any period in which the House has adjourned for a period longer than seven (7) days. [XI 2(m)(3)(A)(i)]

(3) A subpoena duces tecum may specify terms of return other than at a meeting or a hearing of the Committee.

SENSITIVE OR CONFIDENTIAL INFORMATION RECEIVED PURSUANT TO SUBPOENA

(d) Unless otherwise determined by the Committee or Subcommittee, certain information received by the Committee or Subcommittee pursuant to a subpoena not made part of the record at an open hearing shall be deemed to have been received in Executive Session when the Chairman of the Full Committee, in his judgment and after consultation with the Ranking Minority Member, deems that in view of all the circumstances, such as the sensitivity of the information or the confidential nature of the information, such action is appropriate.

NATIONAL SECURITY INFORMATION

(e) All national security information bearing a classification of secret or higher which has been received by the Committee or a Subcommittee shall be deemed to have been received in Executive Session and shall be given appropriate safekeeping. The Chairman of the Full Committee may establish such regulations and procedures as in his judgment are necessary to safeguard classified information under the control of the Committee. Such procedures shall, however, ensure access to this information by any Member of the Committee, or any other Member of the House of Representatives who has requested the opportunity to review such material.

OVERSIGHT

(f) Not later than February 15 of the first session of a Congress, the Committee shall meet in open session, with a quorum present, to adopt its oversight plans for that Congress for submission to the Committee on Government Reform and the Committee on House Administration, in accordance with the provisions of clause 2(d) of Rule X of the House of Representatives.

(g) The Chairman of the Full Committee may undertake any formal investigation in the name of the Committee after consultation with the Ranking Minority Member of the Full Committee.

(h) The Chairman of any Subcommittee shall not undertake any formal investigation in the name of the Full Committee or Subcommittee without formal approval by the Chairman of the Full Committee, in consultation with other appropriate Subcommittee Chairmen, and after consultation with the Ranking Minority Member of the Full Committee. The Chairman of any Subcommittee shall also consult with the Ranking Minority Member of the Subcommittee before undertaking any investigation in the name of the Committee.

ORDER OF BUSINESS

(i) The order of business and procedure of the Committee and the subjects of inquiries or investigations will be decided by the Chairman, subject always to an appeal to the Committee.

SUSPENDED PROCEEDINGS

(j) During the consideration of any measure or matter, the Chairman of the Full Committee, or of any Subcommittee, or any Member acting as such, may recess the Committee at any point. Additionally, during the consideration of any measure or matter, the Chairman of the Full Committee, or of any Subcommittee shall suspend further proceedings after a question has been put to the Committee at any time when there is a vote by electronic device occurring in the House of Representatives. Suspension of proceedings after a record vote is ordered on the question of approving a measure or matter or on adopting an amendment, shall be conducted in compliance with the provisions of Rule 2(t).

OTHER PROCEDURES

(k) The Chairman of the Full Committee, after consultation with the Ranking Minority Member, may establish such other procedures and take such actions as may be necessary to carry out the foregoing rules or to facilitate the effective operation of the Committee.

USE OF HEARING ROOMS

(l) In consultation with the Ranking Minority Member, the Chairman of the Full Committee shall establish guidelines for use of Committee hearing rooms.

RULE 2. COMMITTEE MEETINGS AND PROCEDURES

QUORUM [XI 2(H)]

(a)(1) One-third of the Members of the Committee shall constitute a quorum for all purposes except as provided in paragraphs (2) and (3) of this Rule.

(2) A majority of the Members of the Committee shall constitute a quorum in order to: (A) report or table any legislation, measure, or matter; (B) close Committee meetings or hearings pursuant to Rules 2(c) and 2(d); and, (C) authorize the issuance of subpoenas pursuant to Rule 1(c).

(3) Two (2) Members of the Committee shall constitute a quorum for taking testimony and receiving evidence, which, unless waived by the Chairman of the Full Committee after consultation with the Ranking Minority Member of the Full Committee, shall include at least one (1) Member from each of the majority and minority parties.

TIME AND PLACE

(b)(1) Unless dispensed with by the Chairman, the meetings of the Committee shall be held on the 2nd and 4th Wednesdays of each month the House is in session at 10:00 a.m. and at such other times and in such places as the Chairman may designate. [XI 2(b)]

(2) The Chairman of the Committee may convene, as necessary, additional meetings of the Committee for the consideration of any bill or resolution pending before the Committee or for the conduct of other Committee business subject to such rules as the Committee may adopt. The Committee shall meet for such purpose under that call of the Chairman. [XI 2(c)]

(3) The Chairman shall make a public announcement of the date, time, place and subject matter of any of its hearings, and to the extent practicable, a list of witnesses at least one (1) week before the commencement of the hearing. If the Chairman, with the concurrence of the Ranking Minority Member, determines there is good cause to begin the hearing sooner, or if the Committee so determines by majority vote, a quorum being present for the transaction of business, the Chairman shall make the announcement at the earliest possible date. Any announcement made under this Rule shall be promptly published in the Daily Digest, and promptly made available by electronic form, including the Committee website. [XI 2(g)(3)]

OPEN MEETINGS [XI 2(G)]

(c) Each meeting for the transaction of business, including the markup of legislation, of the Committee shall be open to the public, including to radio, television, and still photography coverage, except when the Committee, in open session and with a majority present, determines by record vote that all or part of the remainder of the meeting on that day shall be in executive session because disclosure of matters to be considered would endanger national security, would compromise sensitive law enforcement information, would tend to defame, degrade or incriminate any person or otherwise would violate any law or rule of the House. Persons other than Members of the Committee and such nonCommittee Members, Delegates, Resident Commissioner, congressional staff, or departmental representatives as thf Committee may authorize, may not be present at a business or markup session that is held in executive session. This Rule does not apply to open Committee hearings which are provided for by Rule 2(d).

(d)(1) Each hearing conducted by the Committee shall be open to the public including radio, television, and still photography coverage except when the Committee, in open session and with a majority present, determines by record vote that all or part of the remainder of that hearing on that day shall be closed to the public because disclosure of testimony, evidence, or other matters to be considered would endanger national security, would compromise sensitive law enforcement information, or would violate a law or rule of the House of Representatives. Notwithstanding the requirements of the preceding sentence and Rule 2(q), a majority of those present, there being in attendance the requisite number required under the rules of the Committee to be present for the purpose of taking testimony:

(A) may vote to close the hearing for the sole purpose of discussing whether testimony or evidence to be received would endanger the national security, would compromise sensitive law enforcement information or would violate Rule XI 2(k)(5) of the Rules of the House of Representatives; or

(B) may vote to close the hearing, as provided in Rule XI 2(k)(5) of the Rules of the House of Representatives. No Member, Delegate, or Resident Commissioner may be excluded from non-participatory attendance at any hearing of any Committee or Subcommittee, unless the House of Representatives shall by majority vote authorize a particular Committee or Subcommittee, for purposes of a particular series of hearings on a particular article of legislation or on a particular subject of investigation, to close its hearings to Members, Delegates, and the

Resident Commissioner by the same procedures designated in this Rule for closing hearings to the public; Provided, however, that the Committee or Subcommittee may by the same procedure, vote to close one subsequent day of the hearing.

AUDIO AND VISUAL COVERAGE [XI, CLAUSE 4]

(e)(1) Whenever a hearing or meeting conducted by the Committee is open to the public, these proceedings shall be open to coverage by television, radio, and still photography, except as provided in Rule XI 4(t)(2) of the House of Representatives. The Chairman shall not be able to limit the number of television, or still cameras to fewer than two (2) representatives from each medium (except for legitimate space or safety considerations in which case pool coverage shall be authorized).

(2)(A) Radio and television tapes, television film, and internet recordings of any Committee hearings or meetings that are open to the public may not be used, or made available for use, as partisan political campaign material to promote or oppose the candidacy of any person for elective public office.

(B) It is, further, the intent of this rule that the general conduct of each meeting or hearing covered under authority of this rule by audio or visual means, and the personal behavior of the Committee Members and staff, other government officials and personnel, witnesses, television, radio, and press media personnel, and the general public at the meeting or hearing, shall be in strict conformity with and observance of the acceptable standards of dignity, propriety, courtesy, and decorum traditionally observed by the House in its operations, and may not be such as to:

(i) distort the objects and purposes of the meeting or hearing or the activities of Committee Members in connection with that meeting or hearing or in connection with the general work of the Committee or of the House; or

(ii) cast discredit or dishonor on the House, the Committee, or a Member, Delegate, or Resident Commissioner or bring the House, the Committee, or a Member, Delegate, or Resident Commissioner into disrepute.

(C) The coverage of Committee meetings and hearings by audio and visual means shall be permitted and conducted only in strict conformity with the purposes, provisions, and requirements of this rule.

(f) The following shall apply to coverage of Committee meetings or hearings by audio or visual means:

(1) If audio or visual coverage of the hearing or meeting is to be presented to the public as live coverage, that coverage shall be conducted and presented without commercial sponsorship.

(2) The allocation among the television media of the positions or the number of television cameras permitted by a Committee or Subcommittee Chairman in a hearing or meeting room shall be in accordance with fair and equitable procedures devised by the Executive Committee of the Radio and Television Correspondents' Galleries.

(3) Television cameras shall be placed so as not to obstruct in any way the space between a witness giving evidence or testimony and any member of the Committee or the visibility of that witness and that member to each other.

(4) Television cameras shall operate from fixed positions but may not be placed in positions that obstruct unnecessarily the coverage of the hearing or meeting by the other media.

(5) Equipment necessary for coverage by the television and radio media may not be installed in, or removed from, the hearing or meeting room while the Committee is in session.

(6)(A) Except as provided in subdivision (B), floodlights, spotlights, strobelights, and flashguns may not be used in providing any method of coverage of the hearing or meeting.

(B) The television media may install additional lighting in a hearing or meeting room, without cost to the Government, in order to raise the ambient lighting level in a hearing or meeting room to the lowest level necessary to provide adequate television coverage of a hearing or meeting at the current state of the art of television coverage.

(7) In the allocation of the number of still photographers permitted by a Committee or Subcommittee Chairman in a hearing or meeting room, preference shall be given to photographers from Associated Press Photos and United Press International Newspictures. If requests are made by more of the media than will be permitted by a Committee or Subcommittee Chairman for coverage of a hearing or meeting by still photography, that coverage shall be permitted on the basis of a fair and equitable pool arrangement devised by the Standing Committee of Press Photographers.

(8) Photographers may not position themselves between the witness table and the members of the Committee at any time during the course of a hearing or meeting.

(9) Photographers may not place themselves in positions that obstruct unnecessarily the coverage of the hearing by the other media.

(10) Personnel providing coverage by the television and radio media shall be currently accredited to the Radio and Television Correspondents' Galleries.

(11) Personnel providing coverage by still photography shall be currently accredited to the Press Photographers' Gallery.

(12) Personnel providing coverage by the television and radio media and by still photography shall conduct themselves and their coverage activities in an orderly and unobtrusive manner.

SPECIAL MEETINGS

(g) Rule XI2(c) of the Rules of the House of Representatives is hereby incorporated by reference (Special Meetings).

VICE CHAIRMAN TO PRESIDE IN ABSENCE OF CHAIRMAN

(h) A Member of the majority party on the Committee, or any Subcommittee, shall be designated by the Chairman of the Full Committee as the Vice Chairman of the Committee or Subcommittee, as the case may be, and shall preside during the absence of the Chairman from any meeting. If the Chairman and Vice-Chairman of the Committee or Subcommittee are not present at any meeting of the Committee or Subcommittee, the Ranking Majority Member who is present shall preside at that meeting. [XI 2(d)]

OPENING STATEMENTS; 5-MINUTE RULE

(i) Insofar as is practicable, the Chairman, after consultation with the Ranking Minority Member, shall limit the total time of opening statements by Members to no more than 10 minutes, the time to be divided equally between the Chairman and Ranking Minority Member. The time any one (1) Member may address the Committee on any bill, motion, or other matter under consideration by the Committee or the time allowed for the questioning of a witness at hearings before the Committee will be limited to five (5) minutes, and then only when the Member has been recognized by the Chairman, except that this time limit may be waived by the Chairman or acting Chairman. [XI 2(j)]

(j) Notwithstanding Rule 2(i), upon a motion the Chairman, in consultation with the Ranking Minority Member, may designate an equal number of members from each party to question a witness for a period not to exceed one (1) hour in the aggregate or, upon a motion, may designate staff from each party to question a witness for equal specific periods that do not exceed one (1) hour in the aggregate. [XI 2(j)]

PROXIES

(k) No Member may authorize a vote by proxy with respect to any measure or matter before the Committee. [XI 2(f)]

WITNESSES

(1)(1) Insofar as is practicable, each witness who is to appear before the Committee shall file no later than 24 hours in advance of his or her appearance, both a statement of the proposed testimony and a curriculum vitae in printed copy and electronic form. Each witness shall limit his or her presentation to a five (5) minute summary, provided that additional time may be granted by the Chairman when appropriate. [XI 2(g)(4)]

(2) To the greatest extent practicable, each witness appearing before the Committee shall include with the written statement of proposed testimony a disclosure of any financial interests which are relevant to the subject of his or her testimony. These include, but are not limited to, public and private research grants, stock or stock options held in publicly traded and privately owned companies, and any form of payment or compensation from any relevant entity. The source and amount of the financial interest should be included in this disclosure.

(3) Members of the Committee have two weeks from the date of a hearing to submit additional questions for the record, to be answered by witnesses who have appeared in person. The letters of transmittal and any responses thereto shall be printed in the hearing record.

(m) Whenever any hearing is conducted by the Committee on any measure or matter, the minority Members of the Committee shall be entitled, upon request to the Chairman by a majority of them before the completion of the hearing, to call witnesses selected by the minority to testify with respect to the measure or matter during at least one (1) day of hearing thereon. [XI 2(j)(1)]

HEARING PROCEDURES

(n) Rule XI 2(k) of the Rules of the House of Representatives is hereby incorporated by reference.

BILL AND SUBJECT MATTER CONSIDERATION

(o) Bills and other substantive matters may be taken up for consideration only when called by the Chairman of the Committee or by a majority vote of a quorum of the Committee, except those matters which are the subject of special-call meetings outlined in Rule 2(g). [XI 2(c)]

PRIVATE BILLS

(p) No private bill will be reported by the Committee if there are two (2) or more dissenting votes. Private bills so rejected by the Committee will not be reconsidered during the same Congress unless new evidence sufficient to justify a new hearing has been presented to the Committee.

CONSIDERATION OF MEASURE OR MATTER

(q)(1) It shall not be in order for the Committee to consider any new or original measure or matter unless written notice of the date, place and subject matter of consideration and to the maximum extent practicable, a written copy of the measure or matter to be considered, and to the maximum extent practicable the original text for purposes of markup of the measure to be considered have been available to each Member of the Committee for at least 48 hours in advance of consideration, excluding Saturdays, Sundays and legal holidays. To the maximum extent practicable, amendments to the measure or matter to be considered, shall be submitted in writing to the Clerk of the Committee at least 24 hours prior to the consideration of the measure or matter.

(2) Notwithstanding paragraph (1) of this rule, consideration of any legislative measure or matter by the Committee shall be in order by vote of two-thirds of the Members present, provided that a majority of the Committee is present.

REQUESTS FOR WRITTEN MOTIONS

(r) Any legislative or non-procedural motion made at a regular or special meeting of the Committee and which is entertained by the Chairman shall be presented in writing upon the demand of any Member present and a copy made available to each Member present.

REQUESTS FOR RECORD VOTES AT FULL COMMITTEE

(s) A record vote of the Members may be had at the request of three (3) or more Members or, in the apparent absence of a quorum, by any one (1) Member.

POSTPONEMENT OF PROCEEDINGS

(t) The Chairman of the Full Committee, or of any Subcommittee, is authorized to postpone further proceedings when a record vote is ordered on the question of approving a measure or matter or on adopting an amendment, and to resume proceedings on a postponed question at any time after reasonable notice. Upon resuming proceedings on a postponed question, notwithstanding any intervening order for the previous question, an underlying proposition shall remain subject to further debate or amendment to the same extent as when the question was postponed. [XI (2)(h)(4)]

REPORT LANGUAGE ON USE OF FEDERAL RESOURCES

(u) No legislative report filed by the Committee on any measure or matter reported by the Committee shall contain language which has the effect of specifying the use of federal resources more explicitly (inclusively or exclusively) than that specified in the measure or matter as ordered reported, unless such language has been approved by the Committee during a meeting or otherwise in writing by a majority of the Members.

COMMITTEE RECORDS

(v)(1) The Committee shall keep a complete record of all. Committee action which shall include a record of the votes on any question on which a record vote is demanded. The result of each record vote shall be made available by the Committee for inspection by the public at reasonable times in the offices of the Committee. Information so available for public inspection shall include a description of the amendment, motion, order, or other proposition and the name of each Member voting for and each Member voting against such amendment, motion, order, or proposition, and the names of those Members present but not voting. [XI 2(e)]

(2) The records of the Committee at the National Archives and Records Administration shall be made available for public use in accordance with Rule VII of the Rules of the House of Representatives. The Chairman shall notify the Ranking Minority Member of any decision, pursuant to clause 3(b)(3) or clause 4(b) of the Rule, to withhold a record otherwise available, and the matter shall be presented to the Committee for a determination on the written request of any Member of the Committee. [XI 2(e)(3)]

(3) To the maximum extent feasible, the Committee shall make its publications available in electronic form, including the Committee website. [XI 2(e)(4)]

(4)(A) Except as provided for in subdivision (B), all Committee hearings, records, data, charts, and files shall be kept separate and distinct from the congressional office records of the member serving as its Chairman. Such records shall be the property of the House, and each Member, Delegate, and the Resident Commissioner, shall have access thereto.

(B) A Member, Delegate, or Resident Commissioner, other than members of the Committee on Standards of Official Conduct, may not have access to the records of the Committee respecting the conduct of a Member, Delegate, Resident Commissioner, officer, or employee of the House without the specific prior permission of the Committee.

PUBLICATION OF COMMITTEE HEARINGS AND MARKUPS

(w) The transcripts of those hearings conducted by the Committee shall be published as a substantially verbatim account of remarks actually made during the proceedings, subject only to technical, grammatical, and typographical corrections authorized by the person making the remarks involved. Transcripts of markups shall be recorded and published in the same manner as hearings before the Committee and shall be included as part of the legislative report unless waived by the Chairman. [XI 2(e)(1)(A)]

COMMITTEE WEBSITE

(x) The Chairman shall maintain an official Committee website for the purpose of furthering the Committee's legislative and oversight responsibilities, including communicating information about the Committee's activities to Committee Members and other Members of the House. The Ranking Minority Member may maintain a similar website for the same purpose, including communicating information about the activities of the minority to Committee Members and other Members of the House.

RULE 3. SUBCOMMITTEES

STRUCTURE AND JURISDICTION

(a) The Committee shall have the following standing Subcommittees with the jurisdiction indicated.

(1) Subcommittee on Energy and Environment

Legislative jurisdiction and general oversight and investigative authority on all matters relating to energy research, development, and demonstration and projects therefor, commercial application of energy technology, and environmental research including:

Department of Energy research, development, and demonstration programs;

Department of Energy laboratories;

Department of Energy science activities;

energy supply activities;

nuclear, solar and renewable energy, and other advanced energy technologies;

uranium supply and enrichment, and Department of Energy waste management and environment, safety, and health activities as appropriate;

fossil energy research and development;

clean coal technology;

energy conservation research and development;

energy aspects of climate change;

pipeline research, development, and demonstration projects;

energy and environmental standards;

energy conservation including building performance, alternate fuels for and improved efficiency of vehicles, distributed power systems, and industrial process improvements;

Environmental Protection Agency research and development programs;

National Oceanic and Atmospheric Administration, including all activities related to weather, weather services, climate, and the atmosphere, and marine fisheries, and oceanic research;

risk assessment activities; and

scientific issues related to environmental policy, including climate change.

(2) Subcommittee on Technology and Innovation

Legislative jurisdiction and general oversight and investigative authority on all matters relating to competitiveness, technology, standards, and innovation:

standardization of weights and measures including technical standards, standardization, and conformity assessment;

measurement, including the metric system of measurement;

the Technology Administration of the Department of Commerce;

the National Institute of Standards and Technology;

the National Technical Information Service;

competitiveness, including small business competitiveness;

tax, antitrust, regulatory and other legal and governmental policies as they relate to technological development and commercialization;

technology transfer including civilian use of defense technologies;

patent and intellectual property policy;

international technology trade;

research, development, and demonstration activities of the Department of Transportation;

surface and water transportation research, development, and demonstration programs;

earthquake programs (except for NSF) and fire research programs including those related to wildfire proliferation research and prevention;

biotechnology policy;

research, development, demonstration, and standards related activities of the Department of Homeland Security;

Small Business Innovation Research and Technology Transfer; and

voting technologies and standards.

(3) Subcommittee on Research and Science Education

Legislative jurisdiction and general oversight and investigative authority on all matters relating to science policy and science education including:

Office of Science and Technology Policy;

all scientific research, and scientific and engineering resources (including human resources), math, science and engineering education;

intergovernmental mechanisms for research, development, and demonstration and cross-cutting programs;

international scientific cooperation;

National Science Foundation, including NSF earthquake programs;

university research policy, including infrastructure and overhead;

university research partnerships, including those with industry;

science scholarships;

issues relating to computers, communications, and information technology;

research and development relating to health, biomedical, and nutritional programs;

to the extent appropriate, agricultural, geological, biological and life sciences research; and

materials research, development, and demonstration and policy.

(4) Subcommittee on Space and Aeronautics

Legislative jurisdiction and general oversight and investigative authority on all matters relating to astronautical and aeronautical research and development including:

national space policy, including access to space;

sub-orbital access and applications;

National Aeronautics and Space Administration and its contractor and government-operated laboratories;

space commercialization including the commercial space activities relating to the Department of Transportation and the Department of Commerce;

exploration and use of outer space;

international space cooperation;

National Space Council;

space applications, space communications and related matters;

earth remote sensing policy;

civil aviation research, development, and demonstration;

research, development, and demonstration programs of the Federal Aviation Administration; and

space law.

(5) Subcommittee on Investigations and Oversight

General and special investigative and oversight authority on all matters within the jurisdiction of the Committee on Science and Technology.

REFERRAL OF LEGISLATION

(b) The Chairman shall refer all legislation and other matters referred to the Committee to the Subcommittee or Subcommittees of appropriate primary and secondary jurisdiction within two (2) weeks unless the Chairman deems consideration is to be by the Full Committee. Subcommittee Chairmen may make requests for referral of specific matters to their Subcommittee within the two (2) week period if they believe Subcommittee jurisdictions so warrant.

EX-OFFICIO MEMBERS

(c) The Chairman and Ranking Minority Member shall serve as ex-officio Members of all Subcommittees and shall have the right to vote and be counted as part of the quorum and ratios on all matters before the Subcommittee.

PROCEDURES

(d) No Subcommittee shall meet for markup or approval when any other Subcommittee of the Committee or the Full Committee is meeting to consider any measure or matter for markup or approval.

(e) Each Subcommittee is authorized to meet, hold hearings, receive evidence, and report to the Committee on all matters referred to it. For matters within its jurisdiction, each Subcommittee is authorized to conduct legislative, investigative, forecasting, and general oversight hearings; to conduct inquiries into the future; and to undertake budget impact studies. Subcommittee Chairmen shall set meeting dates after consultation with the Chairman and other Subcommittee Chairmen with a view toward avoiding simultaneous scheduling of Committee and Subcommittee meetings or hearings wherever possible.

(f) Any Member of the Committee may have the privilege of sitting with any Subcommittee during its hearings or deliberations and may participate in such hearings or deliberations, but no such Member who is not a Member of the Subcommittee shall vote on any matter before such Subcommittee, except as provided in Rule 3(c).

(g) During any Subcommittee proceeding for markup or approval, a record vote may be had at the request of one (1) or more Members of that Subcommittee.

RULE 4. REPORTS

SUBSTANCE OF LEGISLATIVE REPORTS

(a) The report of the Committee on a measure which has been approved by the Committee shall include the following, to be provided by the Committee:

(1) the oversight findings and recommendations required pursuant to Rule X 2(b)(1) of the Rules of the House of Representatives, separately set out and identified [XIII, 3(c)];

(2) the statement required by section 308(a) of the Congressional Budget Act of 1974, separately set out and identified, if the measure provides new budget authority or new or increased tax expenditures as specified in [XIII, 3(c)(2)];

(3) with respect to reports on a bill or joint resolution of a public character, a "Constitutional Authority Statement" citing the specific powers granted to Congress by the Constitution pursuant to which the bill or joint resolution is proposed to be enacted.

(4) with respect to each record vote on a motion to report any measure or matter of a public character, and on any amendment offered to the measure or matter, the total number of votes cast for and against, and the names of those Members voting for and against, shall be included in the Committee report on the measure or matter;

(5) the estimate and comparison prepared by the Committee under Rule XIII, clause 3(d)(2) of the Rules of the House of Representatives, unless the estimate and comparison prepared by the Director of the Congressional Budget Office prepared under subparagraph 2 of this Rule has been timely submitted prior to the filing of the report and included in the report [XIII, 3(d)(3)(D)];

(6) in the case of a bill or joint resolution which repeals or amends any statute or part thereof, the text of the statute or part thereof which is proposed to be repealed, and a comparative print of that part of the bill or joint resolution making the amendment and of the statute or part thereof proposed to be amended [Rule XIII, clause 3];

(7) a transcript of the markup of the measure or matter unless waived under Rule 2(v); and,

(8) a statement of general performance goals and objectives, including outcome-related goals and objectives, for which the measure authorizes funding. [XIII, 3(c)]

(b) The report of the Committee on a measure which has been approved by the Committee shall further include the following, to be provided by sources other than the Committee:

(1) the estimate and comparison prepared by the Director of the Congressional Budget Office required under section 403 of the Congressional Budget Act of 1974, separately set out and identified, whenever the Director (if timely, and submitted prior to the filing of the report) has submitted such estimate and comparison of the Committee [XIII, clauses 2-4];

(2) if the Committee has not received prior to the filing of the report the material required under paragraph (1) of this Rule, then it shall include a statement to that effect in the report on the measure.

MINORITY AND ADDITIONAL VIEWS [XI 2(L)]

(c) If, at the time of approval of any measure or matter by the Committee, any Member of the Committee gives notice of intention to file supplemental, minority, or additional views, that Member shall be entitled to not less than two (2) subsequent calendar days after the day of such notice (excluding Saturdays, Sundays, and legal holidays) in which to file such views, in writing and signed by that Member, with the clerk of the Committee. All such views so filed by one (1) or more Members of the Committee shall be included within, and shall be a part of, the report filed by the Committee with respect to that measure or matter. The report of the Committee upon that measure or matter shall be printed in a single volume which shall include all supplemental, minority, or additional views, which have been submitted by the time of the filing of the report, and shall bear upon its cover a recital that any such supplemental, minority, or additional views (and any material submitted under Rule 4(b)(1)) are included as part of the report. However, this rule does not preclude (1) the immediate filing or printing of a Committee report unless timely request for the opportunity to file supplemental, minority, or additional views has been made as provided by this Rule or (2) the filing by the Committee of any supplemental report upon any measure or matter which may be required for the correction of any technical error in a previous report made by that Committee upon that measure or matter.

(d) The Chairman of the Committee or Subcommittee, as appropriate, shall advise Members of the day and hour when the time for submitting views relative to any given report elapses. No supplemental, minority, or additional views shall be accepted for inclusion in the report if submitted after the announced time has elapsed unless the Chairman of the Committee or Subcommittee, as appropriate, decides to extend the time for submission of views beyond the two (2) subsequent calendar days after the day of notice, in which case he shall communicate such fact to Members, including the revised day and hour for submissions to be received, without delay.

CONSIDERATION OF SUBCOMMITTEE REPORTS

(e) After ordering a measure or matter reported, a Subcommittee shall issue a Subcommittee report in such form as the Chairman shall specify. Reports and recommendations of a Subcommittee shall not be considered by the Full Committee until after the intervention of 48 hours, excluding Saturdays, Sundays and legal holidays, from the time the report is submitted and made available to full Committee membership and printed hearings thereon shall be made available, if feasible, to the Members, except that this rule may be waived at the discretion of the Chairman after consultation with the Ranking Minority Member.

TIMING AND FILING OF COMMITTEE REPORTS [XIII]

(f) It shall be the duty of the Chairman to report or cause to be reported promptly to the House any measure approved by the Committee and to take or cause to be taken the necessary steps to bring the matter to a vote. To the maximum extent practicable, the written report of the Committee on such measures shall be made available to the Committee membership for review at least 24 hours in advance of filing.

(g) The report of the Committee on a measure which has been approved by the Committee shall be filed within seven (7) calendar days (exclusive of days on which the House is not in session) after the day on which there has been filed with the clerk of the Committee a written request, signed by the majority of the Members of the Committee, for the reporting of that measure. Upon the filing of any such request, the clerk of the Committee shall transmit immediately to the Chairman of the Committee notice of the filing of that request.

(h)(1) Any document published by the Committee as a House Report, other than a report of the Committee on a measure which has been approved by the Committee, shall be approved by the Committee at a meeting, and Members shall have the same opportunity to submit views as provided for in Rule 4(c).

(2) Subject to paragraphs (3) and (4), the Chairman may approve the publication of any document as a Committee print which in his discretion he determines to be useful for the information of the Committee.

(3) Any document to be published as a Committee print which purports to express the views, findings, conclusions, or recommendations of the Committee or any of its Subcommittees must be approved by the Full Committee or its Subcommittees, as applicable, in a meeting or otherwise in writing by a majority of the Members, and such Members shall have the right to submit supplemental, minority, or additional views for inclusion in the print within at least 48 hours after such approval.

(4) Any document to be published as a Committee print other than a document described in paragraph (3) of this Rule: (A) shall include on its cover the following statement: "This document has been printed for informational purposes only and does not represent either findings or recommendations adopted by this Committee;" and (B) shall not be published following the sine die adjournment of a Congress, unless approved by the Chairman of the Full Committee after consultation with the Ranking Minority Member of the Full Committee.

(i) A report of an investigation or study conducted jointly by this Committee and one (1) or more other Committee(s) may be filed jointly, provided that each of the Committees complies independently with all requirements for approval and filing of the report.

(j) After an adjournment of the last regular session of a Congress sine die, an investigative or oversight report approved by the Committee may be filed with the Clerk at any time, provided that if a member gives notice at the time of approval of intention to file supplemental, minority, or additional views, that member shall be entitled to not less than seven (7) calendar days in which to submit such views for inclusion with the report.

(k) After an adjournment sine die of the last regular session of a Congress, the Chairman may file the Committee's Activity Report for that Congress under clause 1(d)(1) of Rule XI of the Rules of the House with the Clerk of the House at anytime and without the approval of the Committee, provided that a copy of the report has been available to each member of the Committee for at least seven (7) calendar days and that the report includes any supplemental, minority, or additional views submitted by a member of the Committee. [XI 1(d), XI 1(d)(4)]

OVERSIGHT REPORTS

(l) A proposed investigative or oversight report shall be considered as read if it has been available to the members of the Committee for at least 24 hours (excluding Saturdays, Sundays, or legal holidays except when the House is in session on such day). [XI 1(b)(2)]

LEGISLATIVE AND OVERSIGHT JURISDICTION OF THE COMMITTEE ON SCIENCE AND TECHNOLOGY

Rule X. Organization of Committees.

Committees and their legislative jurisdictions.

1. There shall be in the House the following standing Committees, each of which shall have the jurisdiction and related functions assigned to it by this clause and clauses 2, 3, and 4. All bills, resolutions, and other matters relating to subjects within the jurisdiction of the standing Committees listed in this clause shall be referred to those Committees, in accordance with clause 2 of rule XII, as follows:

(o) Committee on Science and Technology.

(1) All energy research, development, and demonstration, and projects therefor, and all federally owned or operated nonmilitary energy laboratories.

(2) Astronautical research and development, including resources, personnel, equipment, and facilities.

(3) Civil aviation research and development.

(4) Environmental research and development.

(5) Marine research.

(6) Commercial application of energy technology.

(7) National Institute of Standards and Technology, standardization of weights and measures and the metric system.

(8) National Aeronautics and Space Administration.

(9) National Space Council.

(10) National Science Foundation.

(11) National Weather Service.

(12) Outer space, including exploration and control thereof.

(13) Science Scholarships.

(14) Scientific research, development, and demonstration, and projects therefor.

SPECIAL OVERSIGHT FUNCTIONS

3.(k) The Committee on Science and Technology shall review and study on a continuing basis laws, programs, and Government activities relating to nonmilitary research and development.

□ 1530

A MANDATE FOR CHANGE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, on Tuesday, November 7, the American public sent a powerful, unmistakable message to their elected leaders in Washington.

They want change. They are fed up with the corruption and sick of the infighting. But most importantly, voters, with a strong and decisive voice, demanded a change in our government's Iraq policy.

Last Wednesday, when the President addressed the Nation, and again last night when he came to this Chamber and called for an increase in troops, without mentioning an exit plan or a plan to care for our returning veterans, he proved yet again that he isn't going to listen to the voters. He doesn't care about what the polls say about the ordinary person and not liking what he is doing in Iraq. He won't listen to his commanders. And, in fact, those who disagree with him are either fired or transferred. And his own Republican Party that is coming out against this occupation in Iraq are being ignored.

In giving Democrats a majority, Mr. Speaker, Americans did not give my party a mandate simply to work with the President, or to wait for cues from any blue ribbon committee. No, the people told us to correct the President, challenge the President, and to confront the President on the moral challenge of our times.

The message is clear. The American public has directed the Congress to be bold, to change course in Iraq and having our main goal be that of bringing our troops home.

Yet there remains a debate within this Congress on what it means to oppose the war. There are some who claim to oppose it, even while arguing that we cannot bring our troops home right away, that to do so would be catastrophic. But how could it get more catastrophic than fueling a devastating, homegrown insurgency in Iraq? The catastrophe is continuing to foment a civil war, a war that is tearing a proud nation apart at the seams.

This current policy is the catastrophe. Staying the course at this point will only plunge Iraq further into the abyss, costing thousands more American and Iraqi lives.

There are others who claim that while they oppose the war, they support the troops, and, they say, supporting a withdrawal would dishonor them. But is it honoring these brave men and women, some of the best America has to offer, to leave them in a dangerous, unwinnable situation? No. Honoring them means bringing them home to their families and strengthening a Veterans Administration health care system that has been all but laid to waste by the Bush administration in recent years.

Every day that we remain in Iraq is a day that we shortchange our priorities right here at home. This occupation has already cost over $300 billion, approximately $11 million every hour of every day, 7 days a week, 24 hours a day. The total cost is now projected to surpass the cost of the entire Vietnam war.

This is an astronomical, irresponsible sum, a sum that would be better used here at home to improve our schools, provide quality health care, put Americans back to work and help Iraq rebuild its economy and its infrastructure.

In January of 2005, I came down here to the floor of the United States House of Representatives and, as the first Member of Congress, demanded that the President put together a plan to bring our troops home. Since then I have followed up with public forums, resolutions, forced votes and these nightly speeches, which tonight makes 181, all designed to build support for a movement to end the occupation.

Many times along the way, and going as far back as 2002, when we first debated the Iraq invasion, the right wing and their media mouthpieces greeted me and other antiwar leaders with the usual smears and jeers. But who will history judge as calling this one correctly?

Everyone but the blindest Bush-Cheney loyalist recognizes that Iraq has been an unmitigated disaster, a strategic blunder and moral failing of historic proportions.

Today, because of the pressure applied by the anti-war camp, I stand with the majority of the American public and with a growing number of elected leaders from both parties in opposing this occupation.

We were right in 2002, and we are still right—withdrawing our troops is the only humane, sensible option we have left.

Congress has the power to end this occupation. We must stand up to our responsibility and bring every pressure to bear on this administration. We must use every lever and pursue any avenue to hold them accountable for their immeasurable failures in Iraq.

This is not just another priority for the new Congress. According to the voters who have elected us, this is the 110th Congress' most solemn duty.

That is why last week, along with 25 of my colleagues, I introduced the "Bring the Troops Home and Iraq Sovereignty Restoration Act." This is the only comprehensive bill that will provide for a safe return of our troops, strengthen Iraqi institutions and provide for our veterans.

I urge my colleagues to cosponsor H.R. 508 today and to send a clear message to our President that—in absence of a real plan from him—Congress is ready to bring our troops home.

STRATEGY FOR IRAQ

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WATERS) is recognized for 5 minutes.

Ms. WATERS. Mr. Speaker, last night the President reiterated his plans to send more troops to Iraq, despite bipartisan opposition in Congress and the opposition of most Americans.

Iraq is in a civil war. The violence that plagues Iraq is increasing, and our troops are caught in the middle of Iraqi sectarian violence. We have lost 3,032 of our brave men and women in this war.

Mr. Speaker and Members, despite the fact that the President talks about his surge, or what we know it to be, an expansion, we have to remember, these are not new boots on the ground. These tours are being extended. These tours are being extended, and some of our men and women in the military are being asked to extend their tours two and three times. They are also shortening the length of time that these soldiers have at home. Many of them, who have been on two tours and expect to go home and spend a little time with their families, are being told, no, you won't be able to spend the time that you thought you were going to be able to spend. You have got to come back after having been home a shorter period of time. Even the National Guard. They are now eliminating the limitations on how many times they can be called up for Active Duty. So these are not new boots on the ground.

As the Iraq Study Group noted in its report, "Attacks against U.S. coalition and Iraqi security forces are persistent and growing. Total attacks in October 2006 averaged 180 per day, up from 70 per day in January 2006. Daily attacks against Iraqi security forces in October were more than double the level in January. Attacks against civilians in October were four times higher than in January. Some 3,000 Iraqi civilians are killed every month."

The United Nations estimated that more than 34,000 civilians were violently killed across Iraq in 2006, with an average of 94 killed every day.

The U.S. Department of Defense claims that the number of Iraqis that are trained and equipped is increasing each month. In fact, they claim that there are almost 300,000 Iraqis trained.

However, our troops are in a difficult situation, and they cannot trust many of those who serve in Iraq's security forces. For example, American troops often complain that Iraqi police and soldiers tip off the targets of raids ahead of time. American troops also say that Iraqis flee during some of the security operations. It is also reported that the Iraqi desertion rate is high among those who serve in Iraqi security forces. Sending more U.S. troops to Iraq will only put more of them at risk.

Mr. Speaker, and Members, I am worried. I am worried that our Nation, our Commander in Chief is on the path to confrontation with al-Sadr and al-Sadr City, and I believe that this is going to be disastrous.

First of all, I don't trust Maliki, who is friends with al-Sadr. Remember when the President of the United States went to Jordan to meet with Maliki, he was stopped from going into that meeting by al-Sadr. He finally did meet before he left Jordan, but that was an exercise of power by al-Sadr. And I don't want this confrontation.

There are over 50,000 Iraqis in that militia, and I don't want our soldiers, with so-called Iraqi soldiers working with them, fighting with us, who may desert them, who may tip them off, to confront this militia. I want our soldiers out of there before it happens.

On Saturday, I will be marching with Representative LYNN WOOLSEY and thousands of other Americans who want to end this war and bring our troops home. The rally that is going to be held here in Washington, D.C., will attract millions, and we will send a clear message to President Bush and his administration that we have had enough. It is time to bring our troops home, and it is time to use diplomacy to stabilize Iraq and the Middle East region.

Mr. Speaker, and Members, we have Members of Congress who voted to support the Commander in Chief. They voted to go into this war. But many of them are saying to us today, if they had known then what they know now, they never would have taken that vote to send our troops into that war.

Of course, we don't have to say it, but we must remind people over and over again, there were no weapons of mass destruction. There was no reason for us to go into Iraq. We have destabilized Iraq. We are destabilizing the entire Middle East, and we cannot win with this strategy that the President has employed.

And I would simply say to my colleagues, please do everything you can to help get us out.

IRAQ

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Hampshire (Mr. HODES) is recognized for 5 minutes.

Mr. HODES. Mr. Speaker. Last night I watched the State of the Union Address in this hall for the first time as a Member of Congress. While I found the pageantry inspiring, I wish I could say the same about the speech itself.

We heard another attempt to allay with hollow rhetoric the concerns of an alarmed Nation about the war in Iraq. And rather than seizing an opportunity to level with the American people and set the new course they rightly demand, the administration, once again, chose to cling to its delusions and insist that its failing policies be enacted.

In 2003, the administration requested and received from Congress authority to invade Iraq on the basis of the claim that Iraq possessed weapons of mass destruction and presented an imminent threat to our national security. Senior administration officials claimed that the Iraqi Government was connected with the al Qaeda terrorists who perpetrated the attacks of September 11, 2001. And we now know that neither the premise for the invasion and subsequent occupation of Iraq nor the claim of a connection to 9/11 was true.

After the fall of Baghdad, the administration sent in officials with little or no knowledge and understanding of Iraq, its people, its culture or its politics. Costly mistakes, including the dismantling of the army and the failure to secure weapons stockpiles, paved the way for the current situation in

Iraq: More than $450 billion spent with billions unaccounted for; an undependable Iraqi Government, unwilling or incapable of controlling warring sects in their militias; more than 3,000 American deaths, and more than 25,000 soldiers maimed or grievously wounded; hundreds of thousands of Iraqi civilians killed, wounded or driven from their homes by sectarian violence; and a profound loss of respect for our country in the region and around the world.

All in all, it constitutes an unparalleled foreign policy disaster for the United States.

The administration still has no plans for a responsible exit strategy to protect our security. And unbelievably, the administration wants to send an additional 21,000 troops to Iraq.

The proposal is a cavalier rejection of the sound views of the American people, the consensus of the bipartisan Iraq Study Group, and the counsel of wise military commanders.

In a city of some 7 million people, and without a unified government or the infrastructure to provide jobs to an ever more agitated population, an injection of 20,000 troops will not succeed. It can only stoke the flames of chaos and bloodshed in Iraq.

Our national strategic interests, Mr. Speaker, require a change of course, not an escalation. The imperative to support our troops requires a change of course, not an escalation.

Last year the Republican-controlled House declared in the defense authorization bill that 2006 would be a year of transition to Iraqi control of Iraq, and that redeployment would begin at that point. Yet here we are in 2007 with the administration calling for an escalation supported by many in this body.

In my judgment, Mr. Speaker, the time has come and gone for this Congress to say "enough is enough." The time has come and gone for statements of concern. The time has come and gone for "trust but verify." The situation in Iraq is dire.

It is now time for this Congress to do what the American people said so clearly in November that they wanted us to do: Change the course in Iraq. We have a saying in my home State in New Hampshire, "When you're in a hole, stop digging."

Mr. Speaker, I support our valiant troops, and I oppose the administration's proposed escalation. I resolve to work with my colleagues over the coming weeks for a concrete new direction in Iraq. In the absence of an acceptable plan from the President, the American people are calling upon Congress to lead the way. Popular demand for new direction in Iraq is, in large part, the reason I am here in Washington and the reason Democrats now hold the majority.

□ 1545

We can no longer accept empty promises from the administration or hope the administration will honestly confront the realty of its failures. The American people are looking to this Congress for leadership. They are impatient. And we must and we will respond.

CONGRESS SHOULD DUST OFF OVERSIGHT PLAN FROM 30 YEARS AGO

The SPEAKER pro tempore (Mr. JOHNSON of Georgia). Under a previous order of the House, the gentleman from California (Mr. SCHIFF) is recognized for 5 minutes.

Mr. SCHIFF. Mr. Speaker, in December 2005, we learned that the Bush administration was using the National Security Agency, the NSA, to eavesdrop on Americans on U.S. soil without a warrant or judicial oversight, in violation of the Foreign Intelligence Surveillance Act.

Over a year later, Congress has yet to address this issue, and the NSA's secret surveillance program has continued unabated. Just last week the administration continued its unilateral approach, announcing that notwithstanding its protestations last year, that it could not possibly allow the Foreign Intelligence Surveillance Court to oversee the NSA program; it would now submit to the court's jurisdiction, but not tell the Congress how the Foreign Intelligence Surveillance Court would oversee the program or why its policies have changed.

When Members of Congress questioned the Attorney General and the National Intelligence Director regarding this shift in policy, both officials refused to provide information regarding the nature of the administration's new policy in this area.

Indeed, we have no idea whether the administration is now seeking warrants on an individualized basis or broad programmatic approval from the Foreign Intelligence Surveillance Court.

Congressional silence in this area and others has had other repercussions. Earlier this month Congress was again caught by surprise when we learned that the President has claimed potentially sweeping new powers to open Americans' mail without a court warrant.

Again, the administration could obtain a warrant, and quickly, from a Foreign Intelligence Surveillance Court judge, but has chosen not to submit this effort to court supervision. Interestingly, the developments over the last year bear a striking resemblance to events that occurred some 30 years ago, when a series of troubling reports began appearing in the press concerning domestic intelligence activities and surveillance of political activities of U.S. citizens.

These revelations and others revealed by the Watergate scandal convinced lawmakers that Congress had been too permissive and trusting, failing to carry out its oversight responsibilities over the executive branch.

In response, a U.S. Senate committee was formed to investigate intelligence activities by the government. The United States Senate Select Committee to Study Governmental Operations With Respect to Intelligence Activities, commonly referred to as the Church committee, after its Senate chairman, issued more than 50,000 pages of reports in what is considered the most comprehensive review of intelligence activities in the country.

Ironically, the reports included sections on mail opening as well as the National Security Agency and fourth amendment rights. In rebuffing recent congressional requests for information on the current NSA program, the administration has made the argument that the NSA surveillance program is too sensitive to be shared with Congress, even to Members in the classified setting.

When these same concerns were weighed by the Church committee in 1975, the opposite result was reached, with the committee refusing to neglect its oversight responsibility merely because their work would be harder. In fact, the extensive oversight and the substantial record generated by the Church committee inspired the creation of the Foreign Intelligence Surveillance Act, and the Foreign Intelligence Surveillance Court.

Both have worked effectively to ensure that the President has the tools necessary to thwart attacks while ensuring respect for the civil liberties of Americans and the adherence to the rule of law. FISA, as it is called, has provided a measure of oversight over foreign intelligence activities on U.S. soil, and with it the confidence of the American people.

This administration, however, has undermined that trust by circumventing FISA. Congress should follow the example of the Church committee, by vigorously examining the NSA surveillance program and determining what legislative action is necessary. The administration should cooperate and work with Congress as we engage in our oversight responsibilities, and make the case for statutory change if revisions are required to meet new challenges in the war on terror.

If, however, the administration rejects congressional oversight in this area and continues to defy requests for information, Congress should seek other means of redress. I have introduced bipartisan legislation with Representative JEFF FLAKE that can serve as a basis for examining these issues and restoring the rule of law.

The NSA Oversight Act, H.R. 11, would reiterate existing law requiring court approval for the surveillance of Americans on American soil, and would provide greater oversight of NSA's surveillance activity. Our legislation also makes some key changes to FISA in order to streamline and expedite the process in response to the administration's argument that the current framework was too cumbersome.

Mr. Speaker, I urge the Congress to fully examine this issue, step up its oversight responsibility, and take legislative action if necessary.

RECOGNIZING THE 35TH ANNIVERSARY OF THE DC PRESERVATION LEAGUE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. MILLER) is recognized for 5 minutes.

Mr. MILLER of North Carolina. Mr. Speaker, Mr. TURNER of Ohio and I are the cochairs of the Congressional Historic Preservation Caucus. I am proud to rise today, as cochair of that caucus, to recognize the 35th anniversary of the District of Columbia Preservation League.

In 1971 the old post office on Pennsylvania Avenue was slated for demolition to allow completion of an addition to the Federal Triangle Building. In part, to save that Washington landmark, the DCPL, which is also known as Don't Tear it Down, was founded. And since then, the DCPL has worked tirelessly to preserve Washington's historic treasures and save many of the unique features of this great city, the features that really define our Nation's capital.

Washington's history and character are among Washington's greatest assets, and are vital to the local economic development efforts.

Advocacy and education have been at the forefront of the DCPL's mission. The League has produced educational programs, including tours, lectures, newsletters and guides of historic districts here in Washington, and since 1996 has annually published a list of Washington's most endangered places.

For the last 35 years, the DCPL has prepared, sponsored, or cosponsored more than 120 individual District of Columbia landmark nominations and many historic district nominations throughout the Nation's Capital.

Mr. Speaker, this is just a sampling of the efforts that the DCPL puts into protecting the history of the District of Columbia. I am sure the League will continue to make invaluable contributions to this city, and every member of the League, every member, every citizen of the District of Columbia, has every right to feel proud of the history of the work, the legacy of the DCPL.

I urge all of the citizens of Washington and supporters of historic preservation around the country to join me in commending the DCPL for its dedication and commitment to preserving and protecting the history and environment of this city through the work of advocacy and education.

Mr. Speaker, I would also like to submit for the RECORD a resolution, a proclamation by the Congressional Historic Preservation Caucus, recognizing Thursday, January 25, 2007 as the DCPL's 35th anniversary.

Whereas, the DC Preservation League was founded by dedicated volunteers in 1971 as Don't Tear It Down, to save the Old Post Office on Pennsylvania Avenue and other notable downtown buildings from Federal Government-sponsored demolition,

Whereas, Don't Tear It Down worked to provide protection for historic landmarks and historic districts in the Nation's Capital through the establishment of the Historic Landmark and Historic District Protection Act (D.C. Law 2–144) in 1978,

Whereas, over the last 35 years the DC Preservation League has prepared, sponsored or co-sponsored more than 120 individual DC Landmark nominations and numerous historic district nominations throughout the Nation's Capital,

Whereas, to carry out its mission of preservation advocacy and education, the DC Preservation League has produced educational programs including tours, lectures, citywide conferences, candidates' forums, publications including newsletters, information brochures and guides to historic districts, and since 1996 has annually publicized a list of Washington's Most Endangered Places,

Whereas, the DC Preservation League works with the government of the United States, its federal agency representatives, committees appointed by the President, and organizations chartered by Congress to advocate for the preservation of historic resources as a vital component of the economic and cultural life of our Nation's Capital,

Whereas, the DC Preservation League is supported by members, contributors and volunteers from across the Washington, DC region who are dedicated to the promotion of the history of the Nation's Capital for visitors and residents alike,

Whereas, the DC Preservation League will celebrate 35 years of preservation activism as Washington, DC's only citywide non-profit historic preservation organization at the historic Willard InterContinental Hotel on Thursday, January 25, 2007,

As co-chairs of the Congressional Historic Preservation Caucus, we would like to recognize January 25, 2007 as the DC Preservation League's 35th Anniversary.

30-SOMETHING WORKING GROUP

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Florida (Mr. MEEK) is recognized for 60 minutes as the designee of the majority leader.

Mr. MEEK of Florida. Thank you very much, Mr. Speaker. It is an honor to come before the House once again. We have finished our work for the week, and a lot has happened, a lot has been said. As you know, the 30-Something Working Group, Mr. MURPHY, and I are here today, my good friend from Connecticut. We are going to talk about some of the issues that have been discussed over the last 24 hours on the floor, some of the votes that we have taken, even as it relates to last week, some of the challenges that are facing the country.

I know there will be other Members of the 30-Something Working Group that may be joining us this afternoon. I can tell you as we continue to move forward in this 110th Congress, there is a lot that the American people have to be proud of at some level of accomplishment as it relates to issues that are truly facing the American people.

Yesterday, Mr. Speaker, we had an opportunity to hear from the President of the United States. Some say that there was some issues that he brought to the table that are not new. He has mentioned some of these issues before. Alternative fuel, the issue of Iraq, talking about health care, still holding onto the issue of savings accounts that have been proposed in past State of the Unions but haven't been acted upon to even bring about real changes as relates to health care.

The President talked about earmarks last night, Mr. Speaker. But it is interesting under the Republican-controlled Congress, that is when the earmarks were out of control. And it was under his watch and his party's watch. And now the President wants to be the chief, I guess, the chief person who says who gets an earmark and who does not get an earmark. Earmark reform was a part of the Democratic reform package, and was not even really given serious consideration until the Democrats took control of the Congress.

The glaring issue as it relates to Iraq, and Mr. MURPHY and I and Mr. RYAN were talking about this just yesterday, it is obvious that the American people voted for change in the last election, and that the President continues to march in the opposite direction of the American people. The American people are ready to go in a new direction. The President seems like he is ready to go and continue to keep going in the old direction.

The new direction, redeployment of troops, working in a diplomatic way, following some of the Iraq Study Group recommendations of talking with Iran and Syria, and I would even add Turkey if we want to look at a diplomatic resolution to what is happening in the Middle East, making sure that our troops are safe, making sure that we take the training wheels off the Iraqi Government train, redeploy, diplomatic mission.

The President seems to think that the answer is to have an escalation in troops. The American people are looking for escalation in the truth, not the troops. And also the President has spoken of giving him a chance for his plan to work. Well, I can tell you that the American people have given the President a lot of latitude as it relates to Iraq. I think it is important, I take from Senator WARNER's, and I can talk, I have a number of quotes here on the escalation of troops from Senator WARNER, the former chairman, who is a Republican, the former chairman of the Senate Armed Services Committee.

I can also take from our colleagues who spoke after the President spoke yesterday and prior to his speech yesterday, that contradict or are going in a new direction as it relates to Iraq and what the American people called for, versus what they did not call for, more of the same.

□ 1600

So hopefully, Mr. MURPHY, we will talk a little bit about some of this today.

There are some other issues, as it relates to the State of the Union speech, that we can get into, but I think it is important, we spent a lot of time yesterday talking about bipartisanship, we spent a lot of time yesterday saying the President had an opportunity, and we hoped that he would come and share with us, hold up issues such as the minimum wage that we passed overwhelmingly on this floor that he is ready to sign. We thought that he would come to the floor saying, I want to work with the leaders here in the House on the minority and majority side on passing real health care on behalf of millions of Americans that are without health care. Those things did not come out.

I can say that the Americans, Mr. Speaker, that were pointed out yesterday in the gallery by the President, well-noted heroes and "she-roes" that were sitting up there, this State of the Union was about a state of the Union, and I can tell you, hearing last night's speech, we have a lot of work ahead of us, Democrats and Republicans. So I am excited about that opportunity.

I yield to my good friend, Mr. MURPHY of Connecticut.

Mr. MURPHY of Connecticut. I thank you, Mr. MEEK.

It is an honor to be standing in the traditional place of Mr. RYAN today, and I will attempt to equal at least half of his eloquence on this floor.

You are right, I think there are a lot of missing pieces from that speech last night. It was my first opportunity to sit and listen to a Presidential State of the Union, and you couldn't help but leave disappointed. There were a lot of promises that I think the American people were looking to be fulfilled in that speech.

Mr. MEEK, I think you were exactly right when you talked about a sense of bipartisanship, which I think is infectious in this building right now due to the first 100-hours agenda that, as we know, drew bipartisan support, on average 60 Members of the other aisle supporting each piece of that 100-hours agenda. That bipartisanship seems to be lost when it comes to the issue of Iraq.

It doesn't go without note that since the President had unveiled his plan to escalate this war, to put another 21,000 brave men and women in harm's way to do a job that Colin Powell and others will tell you 100,000 people can't do.

Mr. MEEK of Florida. Mr. MURPHY, will you yield for a moment?

I was kind of paying attention to the room last night when the President said, "Give my plan a chance to work." Now, if you kind of look on the gauge of who stands up for that or who claps for it, I can tell you that it was lukewarm on the Republican side, and definitely over here on the Democratic side it was more of the same.

I mean, you made it to Congress, I made it back to Congress with a message that we were going to move in a new direction. And I believe that we will have a majority, and I am not just talking about a Democratic majority, if it comes down to a question, I know they had some action on the other side of the Capitol dome today, on this very issue of the escalation of the troops, and we have quotes here that will be on the 30-Something Web site I know, hopefully, by the end of the week of Senators, Representatives and others that have said just the contrary to what the President said last night. So I believe that there is some hope on the Iraq issue.

Now, the Republican leadership is not necessarily there where we need them to be. And you heard me say once before that I am not upset with certain Members that are not following the will and the desire of the American people. The good thing about the U.S. House of Representatives is we are all up for reelection in 23, 24 months from now, and we have to be accountable. And if Members want to follow leadership, or whoever they think that is going to share with them how they should vote and what they should stand for on all these different issues, then I think it is important that they realize that we are going to have an election, and that you have got to go home, you have to explain why you voted for more of the same.

I believe that we are getting to a head here. And the good thing about being in the majority is that we have the opportunity, we used to give speeches on this floor, Mr. MURPHY, saying if we are blessed enough to have the opportunity to be in the majority to lead the American agenda, the American people, everyday Americans who wants accountability and who pray and look for bipartisanship, look for leadership, we will give it to them, and that is what we are going to have a chance to do.

Thank you for yielding. I just wanted to point that out because that was an observation. And while I am speaking, if you want, I will yield to you so that we can drive this home, because we want to break this down because we don't want Members to go back to their districts and say, you know, I didn't understand that. We want individuals to be able to pull the CONGRESSIONAL RECORD and say, wow, how couldn't you understand it; it was mentioned 10 or 12 times in a given day on the reason why we were doing what we did.

Mr. MURPHY of Connecticut. Mr. MEEK, you are very right. And I am glad those quotes are going to be on the 30-Something Web site because it really is a cross-section of this Chamber, the people who have been really speaking out and asking the President to revisit this plan to escalate the war. You have dozens of Republicans, more every day, that are coming out and suggesting that there has got to be a plan C, right? Plan A we know didn't work; we are now debating plan B, which everyone from foreign policy experts to the President's own military advisors suggest won't work.

And we hope that some of the folks watching us on C–SPAN right now caught some of the hearings, Mr. MEEK, before the Armed Services Committees and other relevant committees because you have heard some remarkable testimony from the President's own military leaders expressing grave doubts about this plan to put new troops into Iraq and into Baghdad.

So we have got both sides of the aisle coming together and saying, listen, let's sit down and talk about plan C, because that is what this is about. This is not about just standing up here in front of TV cameras and telling people the President's plan doesn't work; it has got to be about setting another way. And there are other ways. We can talk about the redeployment of troops. We can talk about starting to rebuild our credibility in the world.

The President talked last night, Mr. MEEK, about the unification of the world's communities around the President's strategy. Well, that certainty doesn't comport with reality, it doesn't comport with what we are seeing; but it doesn't mean that the opportunity is lost, it doesn't mean that we still can't go back to the world community and say, let's together build a new strategy to get ourselves out of Iraq in a way that leaves that country as stable as we can.

And, Mr. MEEK, I don't know about you, but I think we can still do that. And I am actually interested. The President is going to speak to our issues conference in a week and a half, and I know there is some grumbling about that, but I am actually looking forward to him coming to us so that we might be able to have another chance to persuade him to work with both sides of the aisle here on this floor to come up with a new strategy that will allow us to lend stability to that country and rebuild the world community, and do it in a way that doesn't put more and more troops of ours in harm's way. And I know, Mr. MEEK, of other Members who have been here much longer than I believe that we can do that together.

Mr. MEEK of Florida. We can do it together. And I can tell you, Mr. Speaker, that it can be done.

Let's just put it this way: It is the new direction versus more of the same. There are Members of Congress that are saying that they are on board on the new direction. There are troops in Iraq that are saying that they are on board for a new direction. And I can tell you from 4 years on the Armed Services Committee that looking in the eyes of the commanders when they come, they are also looking for a new direction. And even, Mr. Speaker, when the President puts forth this Iraq Study Group that brought forth recommendations on the direction we should move in, the President says, thank you very much for your input, I appointed you, bipartisan commission, but we are going to send new troops to Iraq, and that is the answer.

I am not a Member of Congress with a conspiracy theory, but I will say that the President sent the 20,000 additional troops before we had an opportunity to really look at what is happening or what has been happening in the time that our committee rooms have sat with the lights off. We didn't have hearings in the 109th Congress. NANCY PELOSI wasn't Speaker of the House. The will and the desire wasn't there to find out what is happening with all the supplemental money that we have given towards Iraq and Afghanistan and other issues that we paid for that didn't go through the regular budget process.

Now we are going to have an opportunity, hopefully, in speaking with Mr. MURTHA, who is the chairman of the Defense Subcommittee on Defense. He is asking questions. They are having hearings. Brass and suits together are coming in to answer the tough questions about, well, what happened to the money we have already given you?

When you look at companies like—we talked about Halliburton, and we talked about some of these other companies that have run away with these dollars, we talked about the U.S. troops that are being there, let's talk about the mercenaries that are there. Let's talk about the hired individuals that are there to carry out missions that are not wearing a U.S. flag on their shoulders, but they are contractors to carry out security missions for convoys. There are a number of those individuals that are dying, and they are not being counted in the troop calculation. And many of those individuals, Mr. Speaker, are former members of our military Armed Forces. I know for a fact that some of these companies are providing even better incentives, much greater, sometimes twice that our men and women are earning in uniform. So after their time is up, as we give the military their ability, because so many individuals have been deployed two and three times, and when their time is up as it relates to their service, to get them to reenlist we incentivize them not only through monetary means, but also the ability to move up the ladder.

At the same time you have the private sector that understands that same philosophy, Mr. Speaker and Members, and they are incentivizing them to go into the private side of it. And these individuals are securing the convoys, securing some of the facilities that are there, carrying out some missions. And they are replacing, because we talk about the coalition, if you want to break that down, I mean, we have U.S. men and women in uniform, and then U.S. contractors. It is not Great Britain, it is not some of the other folks that people are talking about, the coalition of the few, the United States of America and U.S. contractors. Guess what? U.S. taxpayers are paying for that. So I think it is important, the issues that we talked about.

I have Senator WARNER here, I mentioned him earlier, the Republican from Virginia. Basically he is saying after the speech last night, to place our U.S. men in the middle of a fight between Sunnis and Shiites is not the right time to do that.

You also have CHUCK HAGEL. Senator HAGEL has also said, Republican, has said that he thinks the speech that was given last night by the President represents the most dangerous foreign policy blunder in this country since Vietnam. If it is carried out, he would have to resist it. He said, "I will resist it." This is not what Democrats are saying. People have heard what we had to say. Now we have Republicans that have heard the voice of the American people that are saying, if I am going to stay in the U.S. Congress, I am not appointed, I am elected, if I am going to stay in the U.S. Congress, I have to follow the will and the desire of my constituents and the American people.

I always say, Mr. MURPHY, when we are elected from our districts, we are federalized to represent an entire country and those that are in harm's way. We are talking about training. We are talking about tactical missions against terrorists or what have you, not everyday street patrol, security patrol on the block. That is where our men and women are losing.

We have been talking about training of the troops from the time that we were in Baghdad, Mr. Speaker. I can tell you, I am a witness to it, I have been on the committee, we have had the testimony. Oh, we are training them; and then all of a sudden we find out that the training is not keeping up with the need. Well, we have military bases not only in Mosul, but Tikrit, also in Baghdad and other spots throughout Iraq where those troops can be trained right there.

I look forward, Mr. Speaker, in going to Iraq within the next couple of months, Mr. MURPHY, I would love to have you join me if you haven't gone already, to ask these tough questions on the issue of the training issues because now it is under our watch. The American people have empowered a majority of the Members who feel the way the American people feel, that we need to take care of our mission in Iraq. I am pretty sure we will have some presence of troops there for some time, but not at these levels, not at the level to where that is not an issue of redeployment.

Mr. MURPHY, I hate to get preachy on this, but the President has said that is up to another President to deal with, another administration to deal with, I am not going to do it. Well, like our good friend Senator WEBB said last night, if he doesn't want to take the leadership way, then we are going to have to show him the way, the Congress.

□ 1615

And the good thing about it, Mr. Speaker, it will be in a bipartisan way. It won't be just Democrats. It will be Democrats and Republicans, and I welcome that bipartisan spirit

Mr. MURPHY of Connecticut. Mr. Speaker, Mr. MEEK is very right. It is going to be in a bipartisan way. And there are moments when maybe public opinion and things you hear back in the district don't always match up with maybe the things that you hear from the experts on that particular issue. That is inevitable in public service. And there are choices to be made, and inevitably your obligation in the end is to side with the people that you represent.

But on this issue there is a growing hegemony of opinion that backs up public opinion within the military community. Mr. MEEK quoted some of the leaders of both parties who have come out against this plan for escalation, but the military has come out against this plan as well.

Let me just give a quick quote of Colonel Paul Hughes, who was the first person that was put in charge of strategic planning of the U.S. occupation in Baghdad, the first person on the ground to start planning on how we were going to keep Baghdad stable. We obviously failed pretty miserably in that mission, but here is what he said about the President's plan to escalate this war. He said: "Just sending more troops to Baghdad is like pouring more water in the sands of Al Anbar. It's going to disappear without accomplishing anything."

And that is what we have heard over and over again. There may be a number of troops that you could put into Baghdad or, lest we forget, the 12 other, 11 other major areas of conflict in Iraq. There might be a number, but it certainly isn't 21,000. And the President in his speech talked about not only using those troops to secure Baghdad but also using them to secure Al Anbar Province, also trying to do increased training, also trying to better secure the borders around Iraq to prevent the insurgents from coming in. Twenty-one thousand troops can't do that, and what ends up happening, as many of our military experts have told us over and over again, is it just puts those men and women in even graver danger. That is an opinion shared not just by Members of Congress on both sides of the aisle but by the military community as well.

And Mr. MEEK talked about the oversight that is going to happen here in terms of our strategy going forward. And I think that these hearings have been so valuable because I think they educate the American public and educate all of us about our options going forward. But the oversight also has to be about how we conduct ourselves so far, because if there was any faith in our ability to manage this war and manage the reconstruction, then maybe we would look a little bit differently upon the President's proposal.

But the fact is, and this number startled me, we have $8.8 billion of money, Mr. MEEK, of money that is unaccounted for by the Coalition Provisional Authority, $8.8 billion that we can't even explain where it went. That is about enough money to run the State of Connecticut for an entire year. And that is not the money we spent; that is the money we can't find anymore.

Mr. MEEK served on the Armed Services Committee. I am going to get the opportunity to serve on the Government Reform Committee under Mr. WAXMAN of California, and our focus there is going to be on that waste, fraud, and abuse that has happened within our military spending in Iraq. And it is important not just because of taxpayer dollars and because we were all sent here to make sure that every hard-earned dollar that our taxpayers send to Washington gets spent effectively, but it is important because it educates us on the inefficiency and the blundering in a lot of places that has happened in the conduct of this war and the conduct of the reconstruction. And there are a myriad of reasons why we should start listening to people like Mr. MURTHA and others who are counseling us to redeploy our forces and to significantly draw down the number of troops we have there very soon. There are a number of reasons why we should take those arguments seriously and why many of us support bringing a large number of our troops home very soon.

But at the top of that list is the fact that the money we are spending there, even beyond the philosophy, just when you are talking about the money, the money isn't being spent to make that country safer, to rebuild that country. That money is being lost, and as you said, Mr. MEEK, through the Speaker, much of that money we are now finding out actually finds its way into the hands of the very people that we are fighting in Iraq. We can't account for it, and thus it finds its way into the hands of the insurgents who are attacking the convoys, who are taking the oil that is being produced there, and are, in fact, using our own money to fight our own efforts there. So it is our obligation, Mr. MEEK, as you have said, not only to investigate, not only to hold hearings into the strategy and the conduct of our military operations but also to ask some questions about how all of our taxpayer dollars are being spent there, because I think we are going to find some very interesting things as we go forward in the next few weeks.

Mr. MEEK of Florida. Mr. MURPHY, I would tell you right now, and Members, I think it is important that we look at this for what it is worth. If I was thinking of the Iraq issue solely as a political issue, it would be let us go to the floor, Mr. MURPHY, and as we talk, we meet in the 30-something Working Group, let us not talk about the politics of the Iraq issue. If this was about maintaining the majority as it relates to politics, Mr. Speaker and Members, if this was about capturing the White House, Mr. Speaker, we wouldn't come to the floor to talk about how we can work in a bipartisan way or come to the floor and promote leadership. And I think it is important that we promote leadership and move in this new direction and saying that we have to deal with the big issue of Iraq.

I get members of local government and State government saying, Congressman, I need more money in my city. You cut the COPS program. Your Federal commitment as it relates to dollars for health care, for security, for the environment, they are not there like they used to be there. And we put parameters on ourselves because we told the American people what we would do, pay-as-we-go philosophy or principles that we already passed, and we have this war going on and we have young men and young women. You have a lot of Reservists that are there that are 40, 50 years old, that are away from their families 15 months at a pop.

We come to Washington, D.C., most of us, our families are back in the district and we are here and we are missing for about 4 or 5 days, but we get to go back home at the end of the week, unlike those men and women when they board that chartered flight. When they go over to Kuwait or fly straight into Baghdad Airport or end up in Turkey at one of our staging bases there, or end up somewhere else as they feed into Iraq, they don't get the opportunity to say, Hey, kids, I am going to be back in a couple of weeks. So I think it is important that we look at this issue and treat it with the serious attention that it needs.

So for the President to come here last night and say, give me an opportunity, give me an opportunity for my plan to work, well, let me tell you something. It is almost like looking in the refrigerator and seeing a carton of milk there and you take it out and open the carton and you say, wow, that milk is sour; let me put it back in, maybe it will be fresh tomorrow. That logic doesn't work. So it is important.

And I am glad to see some of our Republican colleagues and many of our Democratic colleagues that are questioning the President, before he can even leave the Chamber, about the speech, what he did not say in the speech, that did November 7 happen? Did you hear it?

At the press conference after the November election, he said, you know, I guess it did have something to do with Iraq. And some of the tough talk ended. And I just want to say if I can commend the President, he didn't come with the chest-beating that he usually does, but he did go back to scaring the American people.

So I think it is important. There are issues we have to deal with. But I am on record, Mr. Speaker and Members, on the issue of being a leader, having the courage, and representing the people that have sent us to Washington, DC to be able to govern in this government. Give our men and women what they need in Iraq, but at the same time push forth diplomatic talks. At the same time make sure that we start not only discussion but redeployment of our troops more sooner than later, because that message would not only get to the Iraqi Government but also to the world community because we all play a role in this.

I see my good friend from Florida. We have served together, and she is the chairwoman on the Rail Subcommittee under the Transportation Committee. I am so glad she has joined us. Mr. MURPHY has had so much to say on this topic, and I am so glad you are here on the floor.

I yield to Ms. BROWN from Florida.

Ms. CORRINE BROWN of Florida. Thank you so much for your leadership, Congressman from Miami, my good friend.

Let me just say I just finished with Gator Radio, and they asked me the question, What is the role of Congress, what can we do about stopping the President from expanding the war? And I was just on the radio talking to the community and I have gotten some call back, what can we do as a Congress?

I tell people all the time I did not vote for the war, but I support the troops. And you have got your head in the lion's mouth. How do you get it out? And the question is what can we do as a Congress to stop the expansion?

Because I think the speech that the President gave about expanding it to 20,000 troops, that is not what he was saying. I think he was saying that he doesn't need to come to this Congress to decide that he is going into Iran or that he is going into other places, and so there is clearly an expansion of the war. And what is our role as Members of Congress when the President of the United States does not respect the Congress and does not feel that we are coequal branches and that he does not have to come to us to get permission to expand this war? The students want to know. I want to know what to tell them.

Mr. MEEK of Florida. Reclaiming my time, the bottom line is, Ms. BROWN, that we have the responsibility to govern here. The President is the executive. He is the Commander in Chief. He was given the authority by the Congress, even though there were many votes that weren't in the affirmative of giving him that authority. He can send additional troops.

There has been a discussion in the Senate. I haven't quite read the briefing information on it or the report from the Senate session today. I know there will be sessions in the House dealing with that. I talked earlier in this Special Order about Mr. MURTHA and what he is doing in his committee as it relates to defense oversight. We know that there will be a bill, a supplemental, I think a $99 billion bill coming to the floor, which will be, from what I understand, the last supplemental bill.

When we say "supplemental," I want to make sure all the Members and everyone understands this is basically what we call emergency funding for the war. It is not necessarily in the budget. If it was in the budget, it would go through a process just like you do with your transportation dollars in your committee, giving authorization for certain spending. This is just pretty much a wish list from the administration that is given to the Appropriations Committee, and it really doesn't go through the full process. I understand this is the last supplemental that will come through for Iraq and Afghanistan. But what is also in his supplemental are ballistic missiles, other issues that they are spending money on.

So we have the power of the purse strings. But I can tell you, which I know that we are all together on and you mentioned, we will not cut money off to the troops that are on the ground there. But we said, leading up to the end of the 109th Congress, that we will not defund the troops that are in harm's way. But no one said anything about escalating the number of troops, adding more onto it.

So a lot of folks are upset. It is not just Democrats that are upset. The American people are. And the President is going against a 70-plus percent approval and heading in a new direction on this issue of Iraq, and he is still heading in the same direction that he was heading in prior to the November election. So it is up to us, Congresswoman BROWN, to not only state within the CONGRESSIONAL RECORD but encourage our colleagues not only on our side of the aisle but on the Republican side of the aisle that we have to lead in the way that the American people want us to lead.

I am encouraged by something, seeing some of the comments by some of the Republicans about what the President said.

□ 1630

Ms. CORRINE BROWN of Florida. You know, we had a closed-door briefing yesterday, and the important point that I made is that every Member, all 435 Members of this House of Representatives have the responsibility for the security of this country. And I think we have more of a responsibility than just to give this President a blank check. And I think we owe it to this country to make sure we get more of some kind of response other than we are just expanding, and not really deal with us in a very constructive way.

The second point, and I have just got two quick points, and I have a plane to catch. On the area of health care, the President talked about health care, and I am one Member that would vote for it. I believe we should have universal health care. But you have to, always dealing with this administration, it is always in the details. Now he is talking about taking money from public hospitals. And when we say public hospitals, you have got one, I have got Shands, but you have got Jackson Memorial. Taking money from public hospitals, that is unacceptable. That is the only safety net that we have. And so that is one proposal that shouldn't arrive here, but when it does, it should be dead on arrival.

And the last point, I was disappointed, and I guess everybody in the gulf region was disappointed, there was no discussion about the gulf region, none whatsoever. Nothing about Katrina. Now, the American people, they saw something with Katrina that they didn't like. Not only did they see a government that was inept, uncaring, but incompetent, and yet nothing.

I talked to an 82-year-old lady on Thursday who 3 months before Katrina, she paid off her house. Paid off her house 3 months before Katrina. To this day she is homeless and hasn't received a penny from all of the dollars that we have appropriated. Now, we have a responsibility to this lady just like we do, we are insisting, that we put almost $500 billion in Iraq and said that, oh, they don't have to pay it back. But every dime that we put into New Orleans, we are going to say they have got to pay it back. I am sure it doesn't have anything to do that they are people of color.

But I have got to say we have got our challenges. I want to thank all of you 30-something-plus for your leadership on the floor and keeping these issues before the American people.

Mr. MEEK of Florida. Ms. BROWN, when you said 30-something-plus, you looked at me.

Ms. WASSERMAN SCHULTZ. And then she looked at me.

Ms. CORRINE BROWN of Florida. Well, obviously we have a couple of Gators here on the floor, and like I said, I just talked to the Gator network. And so it has nothing to do with age, it has to do with maturity on the issues. And I want to thank you all for bringing these issues before the American people.

Mr. MEEK of Florida. Ms. BROWN, before you leave, I just wanted to say before yielding to Ms. WASSERMAN SCHULTZ that I am glad that you came to the floor, because you have been given voice in this.

And I remember being a non-Member of Congress. You served with my mom; and I was in the senate, Ms. WASSERMAN SCHULTZ and I were serving in the Florida Senate. I remember you going out to the mike by the Cannon Building where C–SPAN had a camera rolling, and it was a press conference, and you went out along with a number of Members saying that it is wrong that we gave the President the authority to go to war; and that you have been a voice on this issue because you knew that this could possibly happen, the position that we are in now.

I also want to add, since you said he didn't mention anything about Katrina, he didn't say anything about veterans. And I know you have been up front and on target on veteran benefits. We have many from Florida; I know Mr. MURPHY has them from Connecticut. And I think that it is important that even though, Mr. Speaker, veterans were not mentioned, victims of Katrina weren't mentioned, we picked up on it. And we are going to make sure that we continue to do the things that we need to do.

Thank you, Ms. BROWN.

Ms. CORRINE BROWN of Florida. Thank you. And as far as veterans are concerned, I am the second person on the committee, and I have been here for over 14 years, and I have been on that committee because I think it is so important that people that give their most, that we have got to make sure that we pay them back. And I am concerned that in the past under this administration, that is where we have cut. We have cut veterans programs, and they are coming back, and they need everything. I have gone out to Bethesda, and I am planning that we all go out there to Bethesda, and every veteran in every room needed casework and assistance.

So, basically we are not doing our duty, not taking care of those men and women when they come back wounded after giving their all for this country. We have got a responsibility in the Constitution, coequal branches. This is the people's House, and we should speak up and make sure that we fund programs that will benefit those veterans. Thank you again for your leadership.

Ms. WASSERMAN SCHULTZ. Thank you so much to our colleague, the gentlewoman from Florida, Congresswoman BROWN. And I am so pleased to join my 30-Something colleagues here this afternoon, our newest 30-Something colleague from Connecticut CHRIS MURPHY. With our new-found responsibility, I have been a little tied up the last couple times we have had this Special Order hour, so I am really pleased to be able to be with you. And we have some fresh blood and some new dynamics that we will engage in. It will be really fun to work with you and banter a little bit.

But I will tell you that this being the day after the President's State of the Union Address, Mr. MURPHY, I was particularly disturbed listening to the President. The privilege that we have here in this House, and it was yours for the first time last night, and I remember 2 years ago, I am just 2 years ahead of you in this process, and I remember the feeling that I had sitting in this Chamber and the awesome responsibility that I felt on my shoulders being this far from the President and having the chance to listen to him deliver that address, and the expectation that I had as a representative of my constituents, that the expectation that he would say something more than words.

And last year, if you recall, you were in your State legislature when he delivered last year's State of the Union. He talked about the need to end America's addiction to foreign oil, and subsequently that turned out to just be words because he ended up proposing in his budget, and they actually enacted, a cut in the energy legislation, that this Republican leadership that is no longer in charge here, they actually cut the funding to alternative energy, exploring alternative energy resources.

Now, last night he says the same thing in a different way. And we are just to the point, why should we expect that there is meaning and action coming down the pipe behind the words?

On the war in Iraq, I know I have heard from my constituents, and it is just shocking that after the response from the voters on November 7, that this President would not get the message that the American people were sending him. They want a new direction. They want to move the troops from a combat focus to a training focus, get the Iraqi troops to stand up on their own so that that country can take care of itself. So it is just shocking the lack of understanding of his priorities and where he is on the issues that are most important to people.

On health care, the health care priorities. There are 47 million people in this country, 3½ million in Florida, that don't have health insurance. And his solution to that problem is a tax deduction, a tiny tax deduction that he thinks will spur people who benefit from it to take that money and buy health insurance. That just shows a callous indifference. And you are an expert in health care; that was your focus. That shows a callous indifference to what the problems that the uninsured and underinsured are really facing.

You are probably familiar with the death spiral created by insurance companies where they cordoned off the people who are the most sick. Some States have adopted guaranteed-issue policies and modified community rating like we did in Florida so that there were only a few things that were taken into consideration when rates were set. But for the most part that is not what people are able to get when buying health insurance. So the sickest of the sick get cordoned off into a group; that group is priced out of the market, and then they don't have the ability to afford that health insurance.

A simple tax deduction is not going to make health insurance accessible and affordable for that group of people. It is just unbelievable, Mr. MURPHY. And I fail to understand why this President only seems to keep his own counsel. It is just really unbelievable.

So I will yield to you or to Mr. MEEK, but that was my feeling and my reaction in listening last night. And when I talked to our radio stations in south Florida this morning, I know the feedback that our radio hosts were getting was similar.

Mr. MURPHY of Connecticut. Thank you for yielding, Ms. WASSERMAN SCHULTZ. I think that was the feeling that a lot of us here for our first State of the Union felt as well. I was able to sit with a lot of the first-term Members to listen to the speech, and we all left shaking our heads, because when we went out and campaigned to come to this body, and when we go back to our districts to talk to people, I mean, it is very clear that they don't want patchwork solutions when it comes to health care; they don't want a little tinkering around the edges when it comes to energy reform. They want bold leadership from Washington.

It is no small thing for a bunch of people across this country to go out and cast out long-term incumbents, which is what happened in a lot of these districts. It takes a lot of courage in order to make that decision for change. And, Ms. WASSERMAN SCHULTZ, I think you are exactly right that they are looking to us to have that same type of courage. They are requiring us to take that same type of bold action that they took by turning over this body into new hands, into new leadership. And the President's suggestions last night when it came to health care and when it came to energy policy simply don't measure up.

Let's think about it; 6.8 million people in this country have lost their health care insurance in the last 6 years. Premiums during that time have risen 81 percent in the last 6 years while wages stayed flat. Now, if the President, as you said, Ms. WASSERMAN SCHULTZ, listened to counsel besides his own, he would know that a tax deduction doesn't help the people that don't have insurance because about 50 percent of the uninsured aren't paying income taxes right now. So the people that we need to help, the people that right now are clogging up our emergency rooms, and, as you know, this is not just a matter of doing the right thing for the uninsured, this is doing the right thing for all of us who are subsidizing the people who walk into the emergency rooms, get this extravagantly expensive care simply because they didn't have the insurance to get them in to have preventative care. The proposal he unveiled yesterday really, I think, does grave injustice to those people out there who were struggling with a system that is fundamentally broken, and it simply isn't going to be fixed around the edges.

Ms. WASSERMAN SCHULTZ. Will the gentleman yield for 1 second on that point? Because on the health care issue specifically, the gentlewoman from Florida talked about being supportive of universal health care. And, I mean, I am supportive of expanding access to health care to everyone as well. But our good friends on the other side of the aisle like to use that as a bogeyman for us and imply that that means socialized medicine, and that we want to implement this single-payer system that is going to be government top-down health care.

There are ways to expand access to health care to large populations, to almost everybody who is uninsured, and then we only have to work hard towards ensuring that last phase of the population. We can expand access to health care for all children by expanding the SCHIP program. We can expand access to health care to more older Americans by simply expanding the Medicare program and letting people from 50 to 64 years old buy into that program. Those are bills that were filed when we were in the minority and that will be filed again and that we will have an opportunity to able to pursue now that we are past the 100-hour agenda. So just you having come just out of the State legislature and being a health care expert, I would just love to hear your thoughts about that.

Mr. MURPHY of Connecticut. Ms. WASSERMAN SCHULTZ, you are exactly right. I remember standing at a supermarket in my district during the campaign or maybe a few years before, and a woman who was, I think, 59, 58 years old, who had been laid off, and who understandably was having trouble finding new employment. It is difficult for older Americans to find a new job, especially one that has a comprehensive package of benefits. And she looked at me with this blank face and said, "Why am I in this position? Why can I not get health care when I know the Medicare program is right there? I am willing to pay for it. I am willing to contribute to it. And yet I can't get access to this program simply because I have been put into a situation where I can't find a job or I can't find a job with benefits, and I don't qualify for the program."

So there are ways that we can help, as you said, those older Americans who are on the cusp of being able to qualify for Medicare, and certainly the millions of children around this country who have no health care insurance and end up getting sick. I mean, they get sick, and they come into our emergency rooms to get the care they need. Mr. RYAN said here the other night, we do have a system of universal coverage in this country; unfortunately, it is in our emergency rooms rather than in our doctors' offices and our primary care doctors' offices.

And maybe just to tie this back to what we were talking about before when it comes to the war in Iraq. You know, we have an obligation to our veterans when they come back, and what we have done here over the past 10 years to the health care system for veterans is a travesty of justice to the brave men and women who have fought for this country.

I absolutely support moving towards universal coverage. I think you are right, it doesn't have to be done all at once. In fact, I think the best proposals before this body are to really take some commonsense approaches to it. But maybe the first thing we should do is start to repair some of the damage that we did to the veterans health care system to make sure that when you volunteer to serve this country abroad, that when you come back, you are going to get the mental health care that you need, that you are going to not have to wait in line for a surgery that you badly need. Maybe that is our first obligation is to take care of those folks, because in the end we are here to serve everyone, but we are certainly here to make sure that those people that fight for us, Mr. MEEK, are taken care of. And I would yield to you.

□ 1645

Mr. MEEK of Florida. All I am going to do is do a close. I know we have the Web site and all, but I want to yield to Ms. WASSERMAN SCHULTZ because I want to tell you, I am not from Connecticut, but if I was one of your constituents, I would vote for you. You are good. That is all I can say.

Mr. MURPHY of Connecticut. We had another member of the Florida delegation. I am honored to be part of the 30-something group, but to be part of the Florida delegation here today was just as impressive.

Mr. MEEK of Florida. I was just saying if I was your constituent I would vote for you. It is good to have a Member of Congress that is as well informed into the issues that are facing the constituents and the American people. I yield to Ms. WASSERMAN SCHULTZ because we are going to be closing out soon.

Ms. WASSERMAN SCHULTZ. Thank you so much. One of the things that I think is important for the Members and other folks to know is we did this 30-something hour night after night in the minority for the last several years, and we want folks to know that we are not just shutting down and becoming complacent and resting on our laurels now that we are in the majority because there continues to be a need for accountability, as the State of the Union address demonstrated last night.

We are going to assert Congress's oversight role, reestablish the system of checks and balances that was totally absent the last number of years. We are going to use the 30-something Working Group forum to be able to do that and also talk about what Democrats are going to do, implement our agenda, talk about the priorities of the American people.

I am so thrilled that we have expanded our ranks and that we have an opportunity to interact and dialogue with you. I can tell you that on election night on November 7, I was cheering very loud that you were coming to join us in the 110th.

Mr. Speaker, I am going to yield to Mr. MURPHY and he is going to give the Web site out and we will be ready to shut down.

Mr. MURPHY of Connecticut. Thank you very much. As I said before, coming back from the campaign trail I got to watch the three of you down here, and I think stole a lot of your material. So I am glad to maybe provide a little bit of material for the next crop of 30-somethings.

May I do Mr. RYAN's job today?

Ms. WASSERMAN SCHULTZ. Please.

Mr. MURPHY of Connecticut. And give out the Web site for the 30-something Working Group: www.speaker.gov/30something. If you go there, you will get all the good information that we talked about today and participate online in the discussion that we have been having here.

Mr. MEEK of Florida. Well, it is an honor to be on the floor with Mr. MURPHY and also Ms. WASSERMAN SCHULTZ. Being in the majority brings about responsibility for all of us. So we have a lot to do. And Mr. Speaker, we want to thank the Democratic leadership, from the Speaker to the leader to the whip to the chair and the vice chair for allowing us to have this Special Order on the Democratic side. It was an honor addressing the House once again.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one if its clerks, announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 1. An act to provide greater transparency in the legislative process.

ENERGY

The SPEAKER pro tempore (Mr. JOHNSON of Georgia). Under the Speaker's announced policy of January 18, 2007, the gentleman from Maryland (Mr. BARTLETT) is recognized for 60 minutes as the designee of the minority leader.

Mr. BARTLETT of Maryland. Mr. Speaker, I thought that there was only one speech given in the last century that would become very famous in the few years just ahead of us, and that was the speech given on the 8th day of March in San Antonio, Texas, by M. King Hubbert in 1956, but I just discovered a few days ago a speech which I think may become just about as famous.

This was a speech that was given by the father of the nuclear submarine, Hyman Rickover, and he gave this speech in May 1957. So soon we will reach the 50th anniversary of this very famous speech by the father of the nuclear submarine.

I just wanted to start by reading a couple of things from this speech that he gave. He gave the speech, by the way, to a group of physicians at a banquet of the Annual Scientific Assembly of the Minnesota State Medical Association in St. Paul, Minnesota, May 14, 1957.

The title of the speech had nothing to do with medicine. The title of the speech is "Energy Resources and Our Future." He says early on in the speech that, "With high energy consumption goes a high standard of living. Thus the enormous fossil fuel energy which we in this country control feeds machines which make each of us master of an army of mechanical slaves." Now, this was 50 years ago and can you imagine what has happened since then?

"Man's muscle power is rated at 35 watts continuously," that is, 24/7. Of course, you need to sleep and eat and so forth, and so when you are working, you are working at more than 35 watts, but 35 watts continuously, which is one-twentieth of horsepower.

"Machines therefore furnish every American industrial worker with energy equivalent to that of 244 men." So all of those things that we enjoy in our life, the automobile, the refrigerator, the microwave, all of these represent the equivalent of 244 men in place of just the one that can turn these things out with the aid of this fossil fuel energy.

Then he goes on to say, "While at least 2,000 men push his automobile along the road," probably more than that for an SUV, "and his family is supplied with 33 faithful household helpers. Each locomotive engineer controls energy equivalent to that of 100,000 men; each jet pilot of 700,000 men. Truly," he says, "the humblest American enjoys the services of more slaves than were once owned by the richest nobles, and lives better than most ancient kings. In retrospect, and despite wars, revolutions, and disasters, the hundred years just gone by," that was the 100 years up to 1957, it is now 150 years, "just gone by may well seem like a Golden Age."

Others have commented on this incredible energy density in these fossil fuels by noting that just one barrel of oil contains the energy equivalent of 12 men working all year. If you look at the cost of that at the pump, that is roughly $10 a year. For $10 a year, you can have a servant work for you all year long. You may have some trouble getting your mind around that, but imagine how far that gallon of gasoline or diesel fuel, still cheaper, by the way, than water in the grocery store, how far that takes your SUV or your car or your truck and how long it would take you to pull your SUV or truck or car the distance that that gallon of diesel fuel or gasoline takes it. I drive a Prius. We get about 50 miles per gallon. How long would it take me to pull my Prius 50 miles?

Let me give another little example to help you understand the incredible energy density in these fossil fuels and how much they have improved our life and how totally dependent we are on them.

If a big man goes outside and is working really hard all day long doing physical work, I can get more work out of an electric motor for less than 25 cents' worth of electricity. That may be humbling to recognize that in terms of fossil fuel energy, our muscle power is worth less than 25 cents a day, but understanding that helps us to understand how totally dependent we have come to be on these fossil fuels.

A little later in his speech, Hyman Rickover said, "I think no further elaboration is needed to demonstrate the significance of energy resources for our own future. Our civilization rests upon a technological base which requires enormous quantities of fossil fuels. What assurance do we then have that our energy needs will continue to be supplied by fossil fuels?" And then this answer, 50 years ago, when we were king of oil, biggest producers, biggest consumers in the world, I think biggest exporters in the world, "The answer is," he says, "in the long run, none."

There is no assurance that we can have these fossil fuels for the long term. "The earth is finite," he says. "Fossil fuels are not renewable. In this respect our energy base differs from that of all earlier civilizations. They could have maintained their energy supply by careful cultivation," when we got our energy from the soil. "We cannot. Fuel that has been burned is gone forever. Fuel is even more evanescent than metals. Metals, too, are nonrenewable resources threatened with ultimate extinction, but something can be salvaged from scrap. Fuel leaves no scrap and there is nothing man can do to rebuild exhausted fossil fuel reserves. They were created by solar energy," he says, "500 million years ago and took eons to grow to their present volume."

Another quote from his talk. "In the 8,000 years from the beginning of history to the year 2000 A.D., world population will have grown from 10 million to 4 billion." Actually, he missed it a little. It is now 7 billion, as you will see in a moment, "with 90 percent of that growth taking place during the last 5 percent of that period, in 400 years. It took the first 3,000 years of recorded history to accomplish the first doubling of population, 100 years for the last doubling, but the next doubling will require only 50 years." As a matter of fact, it required less than that, because today we have about nearly 7 billion people in the world rather than just 4 billion.

Another quote from his talk. "High-energy consumption has always been a prerequisite of political power . . . Ultimately," he says, "the Nation which controls the largest energy resources will become dominant. If we give thought to the problem of energy resources, if we act wisely and in time to conserve what we have and prepare well for necessary future changes, we shall insure this dominant position for our own country."

Have we done that? In no way have we done that.

Another quote from his talk. "I suggest that this is a good time to think soberly about our responsibilities to our descendants, those who will ring out the Fossil Fuel Age . . . We might even, if we wanted, give a break to these youngsters by cutting fuel and metal consumption," this was 50 years ago, "by cutting fuel and metal consumption a little here and there so as to provide a safer margin for the necessary adjustments which eventually must be made in a world without fossil fuels."

I just came back about 3 weeks ago from a trip to China. Nine Members of Congress went. We met with a number of the top officials in China, and I was pleased and surprised. We went to talk about energy primarily, and they began every discussion of energy by talking about post-oil. Hyman Rickover 50 years ago understood that one day we would be talking about post-oil. The Chinese now are talking about post-oil. By the way, they do not mean that there is not going to be any more oil in the world. Nobody is telling you that.

What they mean by post-oil is that it will be post the peak production of oil, where we can no longer produce additional oil so we are going to have to make do with what we have. As a matter of fact, each year after that there would be less and less oil available for us to use.

The next chart. There is nothing man can do to rebuild exhausted fossil fuel reserves, and this is part of the quote I just made. They were created by solar energy a very long time ago and took eons to grow into their present volume. In the face of the basic factor, fossil fuel reserves are finite. The exact length of time these reserves will last is important in only one respect. The longer they last, the more time do we have to invent ways of living off renewable substitute energy sources and to adjust our economy to the vast changes which we can expect from such a shift. This is 50 years ago.

□ 1700

He is saying the same thing that our President said last night in the State of the Union message, that we should get busy with preparing for a transition from fossil fuels to renewables.

Then I really love this quote. I am a father of 10, a grandfather of 15 and a great-grandfather of two. "Fossil fuels resemble capital in the bank. A prudent and responsible parent will use his capital sparingly in order to pass on to his children as much as possible of his inheritance."

Do you think, Mr. Speaker, that we have been using fossil fuel energy sparingly? I doubt that you would find very much concurrence for this anywhere in this country, and certainly worldwide. When you look from other places to this country and see this one person out of 22 using 25 percent of all of the world's energy, you will have nobody over there saying we have used our energy sparingly. "A selfish and irresponsible parent will squander it in riotous living and care not one whit how his offspring will fair."

I have characterized our relationship with energy as the equivalent of the pig who found the feed room door open and just went in and pigged out. That is what we have been doing. When our children and our grandchildren and great grandchildren look back in a world with diminishing fossil fuel availability, and, by the way, saddled with a huge debt that we are passing on to them, they may well ask themselves the question, how could they have done it?

When we found this incredible wealth under the ground, that provides the equivalent of 33 servants, 100,000 people pushing your train, 244 people pushing your automobile down the road, when we found this incredible fuel fossil fuel energy under the ground, why didn't somebody stop and ask the question, what should we do with this to provide the most good for the most people for the longest time? That clearly is not what we did.

What we did was to extract this oil from the ground as quickly as possible; to use it as prolifically as possible; to develop a lifestyle ever more and more dependent on fossil fuel; to develop an agriculture where one person out of 50 feeds the rest and much of the world; where the man sits on top of a 150 horsepower tractor and uses fertilizers produced from natural gas to grow his crops.

The next chart here is a really interesting one. Suppose the size of the countries in the world was determined by how much oil they have. This is the world according to oil. If you look at our military might, if you look at our economic might, we are really big. But when you look at the oil we have, here we are, itty-bitty United States. Notice Alaska is pretty big here, a fair amount of oil up there.

But look at Saudi Arabia, Iraq, Kuwait. Little Kuwait. Look at a map and see how little Kuwait is. But look at the oil they have. This is what the world would like look like if the countries were sized relative to the amount of oil they have.

Look at Russia there. People talk about the huge reserves in Russia. It is dwarfed by Saudi Arabia and Iraq, and even little Kuwait has more oil than Russia. Look at Venezuela down here. It is probably twice the size of the United States in terms of what they have in oil. Look at some of the African countries here. Nigeria, what, way bigger than the United States. Libya, bigger than the United States in terms of the amount of oil that they have.

The next chart, this was predicted by that second famous speech that I mentioned that was given in the last century, and that is the talk given by M. King Hubbard on the 8th day of March, 1956, to a group of petroleum engineers in San Antonio, Texas, and a lot of other oilmen there. This was the time, you remember, when the United States was the biggest oil producer in the world, the biggest consumer of oil in the world, and I think maybe the biggest exporter of oil in the world.

What M. King Hubbard told hose assembled people was that in just about 14 years, the United States would reach its maximum oil production and then, no matter what we did, the oil production would drop off after that.

How did he know that that was going to happen? He had watched the exploitation and exhaustion of individual oil fields, and each one of them followed what we call a bell curve. That is a curve that goes ever up and up and reaches a peak and comes down the other side. You get a bell curve if you weigh people and see how much they weigh. There will be a few very light people, a few very heavy people. Most of them are in the middle. How tall people are, how many mice are in a litter of mice and so forth, most of the things in a natural world follow a bell curve. He predicted that we would follow a bell curve.

When he noticed each one of these little fields, he saw when they reached a peak, they had pumped about half of all the oil they would ever pump. So he theorized if he knew how many little fields we had, little bell curves, and how many more we were likely to find, and if you added all those up, you could predict when we would reach the peak. So he did that, and he said that was going to be about 1970.

And the Shell Oil Company, for whom he worked, said, please don't do that and embarrass us. You make a fool of yourself and embarrass yourself. He gave the talk and for a while he was kind of a humorous person. But then he became an icon in his own time, because right on schedule in 1970, we peaked in oil production.

Now, this curve that I have here is one that is taken from the Cambridge Energy Research Associates, and I use this especially because you may hear from these people, they are called CERA, and they are predicting that there is lots more oil out there, we are going to find a whole lot more oil, not to worry. They use this to make the point that M. King Hubbard really didn't know what he was talking about and he really was wrong.

They are saying that because the total U.S. production, and this, by the way, is with Prudhoe Bay and the Gulf of Mexico in, if you put only the lower 48 in, which is what M. King Hubbard was predicting, this was the actual on the green, and his prediction was the yellow here, and they said, gee, he was off. That doesn't look like it is very far off to me.

Let's look at another chart which shows the same data. This shows two peaks here. The smooth green symbols here are the prediction of M. King Hubbard. The more ragged ones are the actual data points.

You see right on schedule we peaked in 1970. We have been going down ever since. The red one is the former Soviet Union, FSU, and they kind of fell apart and didn't reach their potential. They are having a second little peak now and are going down.

Do you remember from that chart of the world according to oil, they were maybe twice the United States? They aren't using anywhere near as much oil as we are, so now they are a major exporter. But they don't have all that much oil. As you can see here, the area under this curve represents how much oil they have, the area under this curve represents how much oil we have, and you can see the general relationships there.

The next chart shows where our oil has come from. M. King Hubbard predicted only Texas and the rest of the United States, and that was his prediction and that was the actual data points. Then we found oil in Alaska and we learned to make oil from gas, non-gas liquids, natural gas liquids.

This is the oil that we found in the Gulf of Mexico. You remember those fabled discoveries in the Gulf of Mexico? I remember them. We were home free. They were going to solve our oil problem for the foreseeable future. You can hardly see their contributions as we slid down the other side of Hubbard's peak.

The next chart shows another depiction of peak oil, and this is one again from Energy Information Area, the EIA, quoted in the Hirsch Report. Let me spend a moment on what the Hirsch Report is.

Our government has paid for two big studies of the fossil fuel energy situation. One of those was financed by the Department of Energy, done by SAIC, a very prestigious, large scientific organization, and Dr. Hirsch was the principal investigator there, so it is frequently referred to as the Hirsch Report. He here is reporting this information that came from our Energy Information Agency, which is a part of our Department of Energy.

Here they are using some very interesting statistical terms, but they aren't true statistical term. I have had the EIA people come in and talk with them at the office about this, because I had some trouble understanding it.

A couple of Congresses ago, I was the Chair of the Energy Subcommittee on Science and I wanted to determine the dimensions of the problem. So we had experts come in from around the world to tell us how much oil they thought remained in the world and how much more oil they thought we would find.

I was quite surprised at the relative unanimity. They all were pretty close to 1,000 gigabarrels, maybe 970 to 1,040. Now, I use gigabarrels instead of million barrels and that is because the British billion is not our billion. The British billion is a million million. Our billion is a thousand million. But everybody understands a giga. So when you hear "giga" used, you know that is an international term. A thousand gigabarrels, which is 1 trillion barrels of oil, that is what remains.

You remember at the peak of that curve, M. King Hubbard said about half of the oil would be used, so that means we have used about 1,000 gigabarrels, and here they have the total of 2,248 gigabarrels. So about half of that has been used and about half of that remains.

Now, they are using some very interesting techniques here, and they did some simulations, and I have no idea what the inputs were into the simulations, but they have convinced themselves that there is a high probability that we will find twice as much more oil as all the oil that now exists out there unpumped. So they said gee, halfway between what they say is the low probability and the high probability is the mean, which is the expected yield. So they believe we are going to get, this is a total of 3,000, so we are going to get another 2,000 gigabarrels of oil. That is this red curve here.

What they show is that even if that is true, Mr. Speaker, even if that is true, and I think the odds that that is true are very small, but even if that is true, that pushes the peak out only to 2016.

What the dotted curve here shows is what you might be able to do with enhanced oil recovery, pump live steam down there and a bunch of solvents and push water in there, and maybe you can get it quicker. But if you get it quicker look what happens to the other side. Just a demonstration that you can't pump what is not there, and the total volume you will pump is the area under this curve. If you get it sooner, you won't have it later. Notice how quickly that curve drops down.

If they don't find the additional enormous quantities of oil that they believe they will find, then we are about here and the peak will occur at about 2005 or so, which is where M. King Hubbard said that the peak would occur. By the way, he predicted it in 1969, a year before the United States peak. He was confident enough of his analytical techniques that he predicted the world would be peaking about now.

The next chart is another chart from CERA, and it depicts some of the same information on that chart a little differently.

This is the curve, the peaking curve, if there is a roughly 2 trillion, 2000 gigabarrels. You will notice slightly different figures between these, because there is not unanimity on how much is there, but it is roughly 1.9 to 2.2. This is in the same ballpark. If that is the case, then peaking according to them is going to occur fairly soon according to them.

But if you find another 1 trillion barrels of oil, that pushes peaking out only to what, 2035, something like that. That is not all that far off. And the probability we are going to find that oil is very, very small, as we will see in a few moments.

Now he has piled on top of that, CERA has piled on top of that, an enormous amount of oil that they think we are going to get from unconventional oil sources. This is like the Canadian tar sands and like our oil shales out in the West.

We may or may not get enormous quantities of oil from that. There are potentially huge quantities there. There is more potential oil in the tar sands of Canada than all of the known reserves in the world. That big map we saw, there is more potential oil there.

But there is also an incredible amount of potential energy in the tides, but we have not been very successful in harnessing that energy from the tides. Canada is now getting about 1 million barrels of oil with a shovel that lifts 100 tons and dumps it into a truck that hauls 400 tons. They then haul it and cook it with enormous amounts of energy from natural gas, which is stranded. By "stranded" we mean there are not very many people there to use it.

□ 1715

Since it is expensive to ship, why, it is cheaper there, and so they are producing that oil at about 18 to 25 dollars a barrel. I understand they are getting 55, today, dollars a barrel for it. That is a pretty good dollar profit ratio. But they know this is not sustainable for several reasons. One is they are using water faster than they can supply it. The energy from the gas will run out. They are thinking of building a nuclear power plant, and they have a huge, relatively huge, lake there of tailing water they call it. It is really very toxic water, so there are huge environmental impacts of it. And furthermore, this vein of the tar sands will shortly duck under an overlay so that they will no longer be able to deadlift it or surface mine it, whatever you want to call it. They will now have to develop it in situ, and they have not even experimented with how they are going to do that.

The next chart has a little simple schematic. And by the way, you can make this peak look very hard and sharp or spread it out by the scale you use on the abscissa and the ordinate. Here we have spread it out because we have an expanded scale on the abscissa and a restricted one on the ordinate here. But that yellow area represents the additional oil we would like to have, because growth is exponential at about 2 percent. And if we reach the peak, I think we are about here. We are now having some problems with meeting the demand, which is why oil is going from 50 to 60 to 78 at the highest a few months ago.

And by the way, they showed undulating plateau in that last big chart I showed, and I agree with them. May I put that chart up for just another moment? That is a very interesting one. I want to focus on this. They are saying that there is no such thing as peak oil. And this is what they show. Tell me that is not a peak. This is from their publication. And it is an article where they are kind of pooh-poohing the idea of peak oil, and they are showing peak oil. For every potential level of oil that they think will be there, they are showing a peak. They are just showing it, and I agree with them that it is going to be undulating plateau. It is not going to be a smooth thing. The curve just under it shows it very smooth because we have simplified it. And what it shows is, and, by the way, the 2 percent growth, it doubles in 35 years. This point is doubled this point, so that is a 35-year period there. So you see it takes a while to get through that peak.

The next chart is one that if you had only one chart to look at and talk about relative to oil, this would be the chart. And you could spend a very long time looking at this chart and talking about it. The big bars here show the discoveries. And you notice that there was a rash of discoveries way back in the 1940s, 16 years before M. King Hubbert made his prediction. By the way, he made that prediction here in 1956, about here. Wow. Look how much more we discovered after that. And he was able to predict how much more we would discover and correctly predict when we would reach peak oil production.

The solid line here shows the consumption. And obviously up until about 1980 we were always finding more than we were consuming. Now, remember, underneath this curve represents all that we have used. So we have used this much of what we found. But this much of what we found was left over that we could use in the future. So ever since 1980, now, we have been finding less and less oil and using more and more oil. Notice a little stuttering here in the 1970s. The Arab oil embargo. The oil price spike hikes, the big push for efficiency in our country. Your air conditioner now uses about half the energy that it used in 1970.

Well, what will the future look like? The folks who put this chart together believe that peaking will occur at about 2010. Who knows? We really won't know until after it has peaked and you look back and see the data. It could be peaking now. It could be 5 years from now, it could be 10 years from now. But both of these are very, very short term in terms of what we need to do to address this.

What will the future look like? They have predicted that future oil discoveries will follow, and of course they won't be smooth like that, but on the average they will follow the curve like that. And you can't pump what you haven't found. And if you were to put a smooth curve over this discovery curve, and you have an area under that which will equal the amount which will be the total amount of oil you have found, that is adding up all these little bars here, and the area under that discovery curve cannot be different than the area ultimately under the consumption curve. So you can make this curve go, within limits, any way you want, within reason. You can use vigorous enhanced oil recovery techniques and get it out quicker, and you can maybe delay the peak a little bit. But you can't pump what is not there. And so it ultimately is going to fall off much, much faster. This is a very interesting chart. We could spend a lot of time looking at this. But what you cannot do is pump oil that you have not found.

Now, what CERA is predicting is that you are going to find as much more oil as all of the reserves that now exist. The reserves that exist, and I calculated this, I think that this area pretty much fills in this. So the reserve that exists is this. They think we are going to find that much more oil? What do you think when you look at this chart? Do you think it is reasonable that they are going to find that much more oil?

Mr. Speaker, this is a chart which kind of smooths out those big different bar graphs that we saw before. Now, as early finds in the 19, here, they have a little spike here and a big spike here. You can smooth that whole thing out, of course. But this is roughly a graph drawn through the bar graphs on that previous chart. And now we are down here at this point in time. And the Energy Information Agency, using those three numbers that we used before, the 95 percent, which they say is low, the 50 percent, which they say is the mean, and the 5 percent, which they say is high, and they think that because the 50 percentile is halfway between the 95 and the 5, that that is the most likely thing. Well, anybody in statistics knows that if it is 95 percent more probable, it is more probable than 50 percent probable. That is pretty simple to understand, I think.

Well, the red dots here indicate what the actual data have been. Now, their projection was that this discovery line would follow the green. Clearly it has been following what you would expect it to follow, the 95 percent probability.

The next chart is an interesting one, and Hyman Rickover referred to this. He referred to 8,000 years of recorded history. And he, at that time, noted that they were about 100 years into the age of oil. Today we are about 150 years into the age of oil. And ultimately, out of 8,000 years of recorded history, the age of oil will be but a blip in the history of man. It will occupy maybe 300 years from when we first found it and started to really exploit it until it becomes so difficult to get and so expensive that we won't be getting much of it again.

This is a little chart that shows the development of the industrial revolution. It started with wood. Brown, here. The hills of New England were denuded carrying charcoal to England to make steel there. Come up to Frederick County where I live, and we have a little historic site up there, Catoctin Furnace. We denuded the hills up there where Camp David is now to make charcoal to make steel at Catoctin Furnace.

Then we discovered coal. And on the ordinate here, it is a quadrillion Btus, how much energy we were producing. Look how much more energy we were able to produce with coal. The coal locomotive. Lots more energy in coal than there is in wood, so we could do a lot more things with.

The industrial revolution was kind of stuttering when we discovered gas and oil, and then look what happened. And if you could superimpose on this a chart of the population growth in the world, it would look just about like this. Remember Hyman Rickover said that it was going to grow from that half billion back here to 4 billion? It really grew to almost 7 billion, which is where we are today. So that population curve with appropriate dimensions would just about follow exactly the energy use curve. This is an incredible amount of energy we are using that obviously could not continue.

A really interesting statistic. Up until the Carter years, every decade, the world used as much oil as it had used in all of previous history. That is this curve. Now, in the 1970s you see what happened. We really had a shock, and we stopped and took some sense of where we were. And we drove smaller cars, and we developed more efficient refrigerators and air conditioners, and we reduced energy. We had a big recession, a big worldwide recession as a result of that. So energy use went down.

But now look. It is climbing back up again. Three hundred years, the age of oil, it will be but a blip in the history of man.

Again, I ask, what will future people think when they look back at this and say, why didn't we stop when we found this incredible wealth under the ground to ask what could we do with this to get the most good for the most people for the longer time? That is obviously the question that almost nobody asked. What we asked was, how can we use more and more of this to improve more and more our quality of life, as if it were forever. Obviously, as Hyman Rickover said 50 years ago, it can't be forever.

The next chart is a really interesting one. As I mentioned, we are 1 person out of 22, and we use a fourth of the world's energy. Energy use is on the abscissa here, and how good you feel about life is on the ordinate. And notice that we are way out there. We feel pretty good about life, but not as good as many others. We are just here. There are all of those who feel better about life. And we clearly are using the most energy. Only little Switzerland comes close to us in using energy.

Interesting chart here. If you could draw a line through this, you would see that with little energy it is really tough to feel good about life. But when you come up here to what, a fifth of the amount of energy we use, a lot of people, Colombia, Brazil, Mexico, China, they feel about as good about life as we do. If you look at the countries in Europe here, you will find that many of those use about half the energy we use, and they feel just as good about life as we feel.

What this points out is that it is possible to live a quality life using much less energy than we use, and all you have to do is to look at these countries that use very much less energy than we do and feel just about as good, and some of them better. All of these above my arm here feel better about life than we feel about life. And they are using less energy than we are using.

Well, what now? Well, obviously, we must transition. Geology will assure it, as anticipated by Hyman Rickover in that very fascinating speech to the physicians 50 years ago. We will transition ultimately as we go through the age of oil from the fossil fuels to renewables. We have available to us some finite sources, and I mentioned the tar sands, and we have about as large a potential supply of energy in our West called the oil shales, a little bit different. They aren't really oil. You put a solvent in, they won't flow out. But if you cook them, they will turn to oil, and you can then refine it. And there is potentially a huge amount of energy there. But can we get it?

The Shell Oil Company has gone there doing some experimentation. And a year or so ago I was a speaker out in Denver, Colorado, at the American chapter of the Peak Oil Association. And the investigator for the Shell Oil Company that conducted this little experiment was there and reported on it. And what he said in his report there was very different than the stories you read in the papers. The stories in the papers said, you know, don't worry about energy. We have this huge potential amount there, and we have found a way to get it. That is not what he said.

Let me tell you what they did. What they did was, and I am not sure of the reasoning because I hear two reasons for it. One was that there was an aquifer there they didn't want to contaminate. And the other had something to do with the mechanics of sequestering the oil. But they drilled a series of holes around the periphery, and then they froze the ground, and they froze it for a year so that now they had, in effect, a frozen vessel.

The second argument was that they did that to contain the heat. That is a little hard for me to understand how a frozen vessel contains heat, but that is the argument that I was given. Then at the end of the year they went in and drilled a second set of holes, and then they pumped heat down there, and they cooked it for a year. And then they drilled a third set of holes, and then when they got to the bottom of those holes, they turned it sideways, which they can do now, and drilled it horizontally. So the oil that was loosened by cooking it in the second set of wells they drilled now flowed down through the shale and was picked up by those horizontal channels from the third set of wells they drilled. And they pumped for several years a really meaningful amount of oil from that. So there is potentially a lot of oil there.

□ 1730

But what the investigator told us was that it would be, I think he said, something like 2013 before they could even decide whether it was economically feasible to develop those fields.

So there is huge potential there. There are also huge challenges there. But it is energy. We will develop some of it. But it is finite. It will not last forever either. And there is going to be enormous cost in developing it, both economic cost and environmental costs.

Now, you can trade the environmental cost for economic cost. If you do not mind polluting the environment you can develop it for less money. At the moment, most of us believe we should not be polluting our environment so we spend the money necessary that we do not, although they are not really doing that in Alberta, Canada. They are using up precious water, and they have a relatively huge lake of tailing water as they call it, which is really pretty toxic stuff.

Coal. We and China have a lot of coal. China was suffocating themselves with coal smoke. They closed down some of their coal-fired power plants. People will tell you that we have 500 years of coal. That is just not true. It is true that we have 250 years of coal at current use rates. We will put the next chart up in front of this one.

Be very careful when people tell you we have so much of something at current use rates. When Albert Einstein was asked what the next big force in the universe was going to be after nuclear energy, which had such a dramatic increase over any kind of energy we had before that, his answer was, compound interest, he said was the most powerful force in the universe.

And there is a really interesting talk given, he is not my relative, I wish he were so I had some of his genes, but Dr. Albert Bartlett, Professor Emeritus at the University of Colorado has given a talk on energy I think some 1,600 times. Just do Albert Bartlett and energy and you will pull it up. It was the most fascinating 1-hour talk I ever listened to, and I am sure you will agree.

But he says that the biggest failure of our industrialized society is our inability to understand the exponential function. You see this coal that will last us 250 years at current use rates if we increase its use only 2 percent, and we will have to do better than that. By the way, coal has been in the past a big source of gas and oil. Hitler ran his whole country and his whole military on it. And when we were limiting the opportunities for trade in South Africa, they were making gas and oil from coal. When I was a little boy, it was coal oil. And I thought it was all one word, coal oil that replaced whale oil in the lamps. I kept calling it coal oil a long time after they were getting it from kerosene rather than coal.

But if you increase it just 2 percent, that shrinks its usable duration to about 85 years. But obviously for many of our uses you cannot use coal, you have got to use it as a gas or liquid. If you use some of the energy from the coal to make it into a gas or liquid you have now shrunk it to 50 years.

But the reality is that it does not matter who owns the resource today, it is all traded in a global marketplace. And the guy who has the dollars buys the oil or the gas. And so whether we like it or not, there is no alternative that we are going to share our oil with the world. Because, you see if we use oil from our coal, that just frees up some oil from pumping it out of the ground that somebody else can use.

So the effect is as if we were sharing our oil with the world so that 50 years from now, we use a fourth, you remember the rest of the world uses the other three-fourths, that means that now shrinks to 12½ years. So that marvelous 200 years of coal at no growth for us now shrinks to 50 years when we increase its growth to only 2 percent, and use some of it, the energy, to convert it to gas and oil. And then we realize that we are going to have to share this, no alternative, unless we have a big enough Navy to say, it is ours and we can keep you from coming and getting it. We are going to have to share it with the world so now it lasts 12½ years.

Let's go back to this chart. Going just for a few moments about nuclear. If you were in France, you would get about 80, 85 percent of all of your electricity from nuclear. We get in our country 20 percent of our electricity from nuclear, that is a lot. When you go home tonight look out your window, and every fifth business and every fifth house would be dark if it were not for nuclear energy.

We have never had an accident. We have never had a fatality. Three Mile Island, it behaved just as it was supposed to behave. I lived within the radiation zone of that. And we contained that. That was not a disaster. It was just a demonstration that we were building them right, because when we had the meltdown at Three Mile Island we contained that. There was little effect from it.

There are three different ways you can get nuclear energy. One is the way we get it from lightwater reactors. That uses fissionable uranium. There is a finite supply of fissionable uranium in the world. And I get wildly divergent estimates of how long it will last, 15 years, 100 years. Again, this is at that current use rate. So you have to ask the person, what rate of use are you assuming when you make this projection? This reminds me, by the way, that we need an honest broker to help us agree on the facts.

It is hard to have a rational discussion when you cannot agree on the facts. And I think the right candidate to do this is the National Academy of Sciences. Enormously respected, very competent. And I have talked with them, and they would be interested in doing this. We just need to fund them so they can do it.

We need to have a rational discussion of this. And we cannot have that when there is big differences of opinion as to what the facts are.

Well, ultimately one day sooner or later, there will not be enough fissionable uranium to go to lightwater reactors. So then we are going to have to go to the second type of fission reactors, that is the breeder reactor. France already uses those. The only ones we had we used for making weapons. We now do not do that anymore. They have problems.

The big advantage, of course, is they are what the name implies, they are breeder reactors, they make more fuel that they use. The problems are that they have a byproduct that we must store away for a quarter of a million years. I cannot even imagine that. A quarter of a million years.

I think there is a challenge here. Anything that is so hot that has no much energy in it that I cannot get near it for a quarter of a million years, don't you think ought to have enough energy there that we can do something meaningful with it?

Now we have been profligate in our use of energy, all energy including nuclear energy. And we use only a tiny fraction of the nuclear energy in the isotope when we say it is no longer good for our reactors, so we put some more in. But I think there is a big challenge there. I think there is a potential source of energy from these byproducts. If it is so hot, such high radiation that I cannot get near it for a quarter of a million years, it ought to have some usable energy in it. We have very creative, innovative people. I think that we can find that if we realize that we need to.

The third type of nuclear energy is the type that is represented in the sun and every other star out there in the Milky Way. The sun is a nuclear reactor. And it is fusion reaction, it is like our hydrogen bomb. By the way, it will one day run down too. But that will be in millions of years in the future, so in our context we do not need to think about that.

We have been spending money on fusion, about $250 million a year. We are always about 30 years away from a solution. I gladly would vote for the money that we spend there. I think that we have got to do that. If we can conquer the enormous engineering challenges then we are home free. That is the only energy source out there that can take the place of fossil fuels. But I think the odds of doing that are about the same as the odds of winning the lottery. And if you are satisfied that you are going to meet your financial obligations by playing the lottery, then you are probably satisfied that we are going to meet our energy needs with nuclear fusion. Please do not bet the ranch on it.

Well, once we have gone through these finite sources and we have done what we can with nuclear, I have friends that have been devoutly antinuclear, but they are very bright people. And when they are looking at a very probable alternative, that is, shivering in the dark, not enough energy to keep warm, not enough energy to run the lights, nuclear does not look all that bad to many people who before were not enthusiastic about it when the alternative might be shivering in the dark.

Well, then we have renewable resources. And as Dr. Rickover said, by and by, we will have transitioned to these renewable resources. There will come a day when the fossil fuels are so scarce, so hard to get, so expensive, that we are getting little or none of them. And we will have, by that time, have transitioned, like it or not, we will have transitioned to these renewables. What are they? There is the sun. As I look at what the sun does, I am not surprised that the ancients worshiped the sun.

Almost all of the energy that we have been talking about here came from the sun. It was the sun that permitted the organic materials to grow in those subtropical seas that existed. The Earth, a long time ago, was much warmer than the Earth today. They were up there in the North Shore of Alaska, and in the North Sea off England producing these organic materials that settled to the bottom, infiltrated by runoff from the adjacent hills, probably. This is all theory. As good an explanation as I have heard as to how it got there. Tectonic moved. It opened up. It sank down. Near enough, proper pressure, proper heat, enough time, and by and by it becomes gas and oil, with a dome over so the gas cannot escape.

Then you have a good field. You get gas from it. You get oil from it. And if you drill into the oil and seal off the gas, the gas pressure above is putting pressure on the oil, so you have a gusher, it just pushes it up the pipe. So you see that this is the way it was formed. We have an explanation for what we find when we drill out there.

So all of the gas and oil came from the sun. When I was a little boy, we had a coal furnace. And we had run a mined coal from dust to big lumps, and some lumps so big that you could not put them in the furnace. And there was a sledgehammer by the wall, and we would break the lumps so we could get them in the furnace.

I remember as a little kid the feelings that I had, and I still get a chill when I think of this. I would break open the lump of that coal and there would be a fern leaf. You did not have to tell me where the coal came from. I knew where the coal came from. It came from ancient vegetation that grew and fell over and was covered up and ultimately became coal. We can see this process in the making in England, of the bogs there, it is not coal yet but you can take it out and burn it.

Wind. The wind blows because the sun shines. It is differential heating of the Earth that makes the wind blow.

Here is one that is not due to the sun. This is geothermal. True geothermal, not tying your heat pump to groundwater or earth, which makes a whole lot more sense than trying to coal the winter air and heat the summer air, which is what your radiational air conditioner and heat system, heat pump does.

But this is tapping into the heat from the molten core of the Earth. You go to Iceland, there is not a single chimney because they have a lot of geothermal, that is where they get their energy.

Ocean energy. Except for the tides, all of ocean energy is really a secondhand sun energy. It is the sun which differentially heats the waters. It is the sun which produces ultimately the Gulf Stream and the Japanese current, which carries so much warmth to northern Europe. Look at England on a globe. You will see that England is about mid-Canada, that is certainly not their climate, that is because of what the sun does in heating that water and setting up this conveyor belt.

The tides, of course, are produced by the Moon. There a lot of potential energy there. And then a very popular potential source of energy today, the President talked about it last night in his State of the Union, energy sources from agriculture.

Hyman Rickover in his speech here talked about that. And he said that ultimately, if you are getting energy from agriculture, you are going to be competing with one of two things, either you compete with food, and today corn is over $4 a barrel, it is ordinarily about $2 a barrel so that our dairy farmers and chicken farmers and hog farmers are now having a hard time making ends meet, because corn has about doubled in price, and that is because using corn for ethanol is competing with corn for food.

If we all became vegetarians, by the way, we would all have a whole lot more corn to use for energy. Soy diesel, biodiesel, these are all attractive sources. The second potential source of energy from agriculture was biomass. And the President talked a lot about that last night.

But Hyman Rickover very astutely noted that today's crops grow because last year's crops died and are fertilizing them. He noted that you will need to return the biomass to the soils if you are going to keep productivity going.

□ 1745

Now, we can get some energy from ethanol, and we can get some energy from biomass by burning it or fermenting it, but there are limits as to how much we can get there. And the incredible amount of energy that we use from fossil fuels presents a huge challenge to try to find enough disparate sources of energy to add up to equal the energy that we get there.

Waste energy, that is an interesting one, and we ought to be doing more of that. It is a very good idea. But remember, that big pile of waste that you see at the city dump is the result of profligate use of energy. In an energy-deficient world, we are not going to have those huge piles of waste. That is really secondhand use of fossil fuels because that is how the waste got there.

Hydrogen. Hydrogen is not an energy source. We must make hydrogen. The second law of thermodynamics says you will always get less energy out of hydrogen than it took to make it. So why are we talking about hydrogen? For two reasons. One, when you burn it, it is really clean. You get water.

Secondly, if we ever get an economically feasible fuel cell, hydrogen is a great candidate for the fuel cell. But minus a good fuel cell, there will not be a viable hydrogen economy because you will always get less energy out of hydrogen than it took to make it. If you are simply burning the hydrogen, you could have gotten more energy by burning the gas from which you got the electricity which you used to split the water to get hydrogen.

So that is why there is such a focus on fuel cells, because it opens up the promise of a really clean fuel with at least twice the efficiency of the reciprocating engine.

The next chart, and I would like to talk about this one in terms of a young couple whose grandparents have died and left them a big inheritance, and they have now established a life-style. Hyman Rickover described that life-style with 33 servants, or the equivalent. They have established a life-style where 85 percent of the money they spend comes from their grandparents' inheritance, and only 15 percent comes from their income. It is not going to last long enough for them to retire. They have to do something. They have to spend less money or make more money.

That is exactly where we are energywise. Eighty-five percent of our energy comes from fossil fuels: coal, petroleum, natural gas. Only 15 percent comes from other sources, and a bit more than half of that comes from nuclear. That could grow, and probably should grow. And that leaves 7 percent, and this is in 2000. We are a little better today than we were in 2000, but the challenges are huge. Even with 30 percent growth, when you are going from 0.07 percent, in 2000 that is the contribution that solar made to our energy supply. It is minuscule. And the noise level.

We are doing much better today, and it is growing rapidly, but it is still a tiny fraction of the energy we use.

Notice wood here, more than a third of all of the renewables. That is the timber industry and the paper industry wisely using a by-product.

Waste to energy we talked about.

Wind is just another way to use sun energy.

Conventional hydro, we have maxed out on that. We can maybe get some microhydro. We have about maxed out on that.

The next chart, briefly, what do we need to do. We need a program, if we are going to have a relatively smooth ride, and we have waited too long to address this problem, but we need a program that has the total commitment of World War II, that has the technology focus of putting a man on the moon, and has the urgency of the Manhattan Project.

We need a vigorous conservation time to buy time, free up some energy, buy some time, use it wisely, invest it in those things that will do the most good for the most people. We could become a major exporter. We have a very innovative society. We have a farm bill that is challenging our farmers. And if a farm can't be energy independent, we have big problems because that is where a lot of energy could be produced.

This is challenging our farm people to develop a farm where they produce twice as much energy as they use so there is some for the city person.

Mr. Speaker, www.bartlett.house.gov will get you access to all of this material.

Mr. Speaker, I submit into the Congressional Record the entire speech "Energy Resources and Our Future," by Admiral Hyman Rickover, Chief, Naval Reactors Branch, Division of Reactor Development, U.S. Atomic Energy Commission and Assistant Chief of the Bureau of Ships for Nuclear Propulsion, Navy Department, prepared for delivery at a Banquet of the Annual Scientific Assembly of the Minnesota State Medical Association, St. Paul, Minnesota on May 14, 1957.

Energy Resources and Our Future

I am honored to be here tonight, though it is no easy thing, I assure you, for a layman to face up to an audience of physicians. A single one of you, sitting behind his desk, can be quite formidable.

My speech has no medical connotations. This may be a relief to you after the solid professional fare you have been absorbing. I should like to discuss a matter which will, I hope, be of interest to you as responsible citizens: the significance of energy resources in the shaping of our future.

We live in what historians may some day call the Fossil Fuel Age. Today coal, oil, and natural gas supply 93% of the world's energy; water power accounts for only 1%; and the labor of men and domestic animals the remaining 6%. This is a startling reversal of corresponding figures for 1850—only a century ago. Then fossil fuels supplied 5% of the world's energy, and men and animals 94%. Five sixths of all the coal, oil, and gas consumed since the beginning of the Fossil Fuel Age has been burned up in the last 55 years.

These fuels have been known to man for more than 3,000 years. In parts of China, coal was used for domestic heating and cooking, and natural gas for lighting as early as 1000 B.C. The Babylonians burned asphalt a thousand years earlier. But these early uses were sporadic and of no economic significance. Fossil fuels did not become a major source of energy until machines running on coal, gas, or oil were invented. Wood, for example, was the most important fuel until 1880 when it was replaced by coal; coal, in turn, has only recently been surpassed by oil in this country.

Once in full swing, fossil fuel consumption has accelerated at phenomenal rates. All the fossil fuels used before 1900 would not last five years at today's rates of consumption.

Nowhere are these rates higher and growing faster than in the United States. Our country, with only 6% of the world's population, uses one third of the world's total energy input; this proportion would be even greater except that we use energy more efficiently than other countries. Each American has at his disposal, each year, energy equivalent to that obtainable from eight tons of coal. This is six times the world's per capita energy consumption. Though not quite so spectacular, corresponding figures for other highly industrialized countries also show above average consumption figures. The United Kingdom, for example, uses more than three times as much energy as the world average.

With high energy consumption goes a high standard of living. Thus the enormous fossil energy which we in this country control feeds machines which make each of us master of an army of mechanical slaves. Man's muscle power is rated at 35 watts continuously, or one-twentieth horsepower. Machines therefore furnish every American industrial worker with energy equivalent to that of 244 men, while at least 2,000 men push his automobile along the road, and his family is supplied with 33 faithful household helpers. Each locomotive engineer controls energy equivalent to that of 100,000 men; each jet pilot of 700,000 men. Truly, the humblest American enjoys the services of more slaves than were once owned by the richest nobles, and lives better than most ancient kings. In retrospect, and despite wars, revolutions, and disasters, the hundred years just gone by may well seem like a Golden Age.

Whether this Golden Age will continue depends entirely upon our ability to keep energy supplies in balance with the needs of our growing population. Before I go into this question, let me review briefly the role of energy resources in the rise and fall of civilizations.

Possession of surplus energy is, of course, a requisite for any kind of civilization, for if man possesses merely the energy of his own muscles, he must expend all his strength—mental and physical—to obtain the bare necessities of life.

Surplus energy provides the material foundation for civilized living—a comfortable and tasteful home instead of a bare shelter; attractive clothing instead of mere covering to keep warm; appetizing food instead of anything that suffices to appease hunger. It provides the freedom from toil without which there can be no art, music, literature, or learning. There is no need to belabor the point. What lifted man—one of the weaker mammals—above the animal world was that he could devise, with his brain, ways to increase the energy at his disposal, and use the leisure so gained to cultivate his mind and spirit. Where man must rely solely on the energy of his own body, he can sustain only the most meager existence.

Man's first step on the ladder of civilization dates from his discovery of fire and his domestication of animals. With these energy resources he was able to build a pastoral culture. To move upward to an agricultural civilization he needed more energy. In the past this was found in the labor of dependent members of large patriarchal families, augmented by slaves obtained through purchase or as war booty. There are some backward communities which to this day depend on this type of energy.

Slave labor was necessary for the city-states and the empires of antiquity; they frequently had slave populations larger than their free citizenry. As long as slaves were abundant and no moral censure attached to their ownership, incentives to search for alternative sources of energy were lacking; this may well have been the single most important reason why engineering advanced very little in ancient times.

A reduction of per capita energy consumption has always in the past led to a decline in civilization and a reversion to a more primitive way of life. For example, exhaustion of wood fuel is believed to have been the primary reason for the fall of the Mayan Civilization on this continent and of the decline of once flourishing civilizations in Asia. India and China once had large forests, as did much of the Middle East. Deforestation not only lessened the energy base but had a further disastrous effect: lacking plant cover, soil washed away, and with soil erosion the nutritional base was reduced as well.

Another cause of declining civilization comes with pressure of population on available land. A point is reached where the land can no longer support both the people and their domestic animals. Horses and mules disappear first. Finally even the versatile water buffalo is displaced by man who is two and one half times as efficient an energy converter as are draft animals. It must always be remembered that while domestic animals and agricultural machines increase productivity per man, maximum productivity per acre is achieved only by intensive manual cultivation.

It is a sobering thought that the impoverished people of Asia, who today seldom go to sleep with their hunger completely satisfied, were once far more civilized and lived much better than the people of the West. And not so very long ago, either. It was the stories brought back by Marco Polo of the marvelous civilization in China which turned Europe's eyes to the riches of the East, and induced adventurous sailors to brave the high seas in their small vessels searching for a direct route to the fabulous Orient. The "wealth of the Indies" is a phrase still used, but whatever wealth may be there it certainly is not evident in the life of the people today.

Asia failed to keep technological pace with the needs of her growing populations and sank into such poverty that in many places man has become again the primary source of energy, since other energy converters have become too expensive. This must be obvious to the most casual observer. What this means is quite simply a reversion to a more primitive stage of civilization with all that it implies for human dignity and happiness.

Anyone who has watched a sweating Chinese farm worker strain at his heavily laden wheelbarrow, creaking along a cobblestone road, or who has flinched as he drives past an endless procession of human beasts of burden moving to market in Java—the slender women bent under mountainous loads heaped on their heads—anyone who has seen statistics translated into flesh and bone, realizes the degradation of man's stature when his muscle power becomes the only energy source he can afford. Civilization must wither when human beings are so degraded.

Where slavery represented a major source of energy, its abolition had the immediate effect of reducing energy consumption. Thus when this time-honored institution came under moral censure by Christianity, civilization declined until other sources of energy could be found. Slavery is incompatible with Christian belief in the worth of the humblest individual as a child of God. As Christianity spread through the Roman Empire and masters freed their slaves—in obedience to the teaching of the Church—the energy base of Roman civilization crumbled. This, some historians believe, may have been a major factor in the decline of Rome and the temporary reversion to a more primitive way of life during the Dark Ages. Slavery gradually disappeared throughout the Western world, except in its milder form of serfdom. That it was revived a thousand years later merely shows man's ability to stifle his conscience—at least for a while—when his economic needs are great. Eventually, even the needs of overseas plantation economies did not suffice to keep alive a practice so deeply repugnant to Western man's deepest convictions.

It may well be that it was unwillingness to depend on slave labor for their energy needs which turned the minds of medieval Europeans to search for alternate sources of energy, thus sparking the Power Revolution of the Middle Ages which, in turn, paved the way for the Industrial Revolution of the 19th Century. When slavery disappeared in the West engineering advanced. Men began to harness the power of nature by utilizing water and wind as energy sources. The sailing ship, in particular, which replaced the slave-driven galley of antiquity, was vastly improved by medieval shipbuilders and became the first machine enabling man to control large amounts of inanimate energy.

The next important high-energy converter used by Europeans was gunpowder—an energy source far superior to the muscular strength of the strongest bowman or lancer. With ships that could navigate the high seas and arms that could outfire any hand weapon, Europe was now powerful enough to preempt for herself the vast empty areas of the Western Hemisphere into which she poured her surplus populations to build new nations of European stock. With these ships and arms she also gained political control over populous areas in Africa and Asia from which she drew the raw materials needed to speed her industrialization, thus complementing her naval and military dominance with economic and commercial supremacy.

When a low-energy society comes in contact with a high-energy society, the advantage always lies with the latter. The Europeans not only achieved standards of living vastly higher than those of the rest of the world, but they did this while their population was growing at rates far surpassing those of other peoples. In fact, they doubled their share of total world population in the short span of three centuries. From one sixth in 1650, the people of European stock increased to almost one third of total world population by 1950.

Meanwhile much of the rest of the world did not even keep energy sources in balance with population growth. Per capita energy consumption actually diminished in large areas. It is this difference in energy consumption which has resulted in an ever-widening gap between the one-third minority who live in high-energy countries and the two-thirds majority who live in low-energy areas.

These so-called underdeveloped countries are now finding it far more difficult to catch up with the fortunate minority than it was for Europe to initiate transition from low-energy to high-energy consumption. For one thing, their ratio of land to people is much less favorable; for another, they have no outlet for surplus populations to ease the transition since all the empty spaces have already been taken over by people of European stock.

Almost all of today's low-energy countries have a population density so great that it perpetuates dependence on intensive manual agriculture which alone can yield barely enough food for their people. They do not have enough acreage, per capita, to justify using domestic animals or farm machinery, although better seeds, better soil management, and better hand tools could bring some improvement. A very large part of their working population must nevertheless remain on the land, and this limits the amount of surplus energy that can be produced. Most of these countries must choose between using this small energy surplus to raise their very low standard of living or postpone present rewards for the sake of future gain by investing the surplus in new industries. The choice is difficult because there is no guarantee that today's denial may not prove to have been in vain. This is so because of the rapidity with which public health measures have reduced mortality rates, resulting in population growth as high or even higher than that of the high-energy nations. Theirs is a bitter choice; it accounts for much of their anti-Western feeling and may well portend a prolonged period of world instability.

How closely energy consumption is related to standards of living may be illustrated by the example of India. Despite intelligent and sustained efforts made since independence, India's per capita income is still only 20 cents daily; her infant mortality is four times ours; and the life expectance of her people is less than one half that of the industrialized countries of the West. These are ultimate consequences of India's very low energy consumption: one-fourteenth of world average; one-eightieth of ours.

Ominous, too, is the fact that while world food production increased 9% in the six years from 1945-51, world population increased by 12%. Not only is world population increasing faster than world food production, but unfortunately, increases in food production tend to occur in the already well-fed, high-energy countries rather than in the undernourished, low-energy countries where food is most lacking.

I think no further elaboration is needed to demonstrate the significance of energy resources for our own future. Our civilization rests upon a technological base which requires enormous quantities of fossil fuels. What assurance do we then have that our energy needs will continue to be supplied by fossil fuels: The answer is—in the long run—none.

The earth is finite. Fossil fuels are not renewable. In this respect our energy base differs from that of all earlier civilizations. They could have maintained their energy supply by careful cultivation. We cannot. Fuel that has been burned is gone forever. Fuel is even more evanescent than metals. Metals, too, are non-renewable resources threatened with ultimate extinction, but something can be salvaged from scrap. Fuel leaves no scrap and there is nothing man can do to rebuild exhausted fossil fuel reserves. They were created by solar energy 500 million years ago and took eons to grow to their present volume.

In the face of the basic fact that fossil fuel reserves are finite, the exact length of time these reserves will last is important in only one respect: the longer they last, the more time do we have, to invent ways of living off renewable or substitute energy sources and to adjust our economy to the vast changes which we can expect from such a shift.

Fossil fuels resemble capital in the bank. A prudent and responsible parent will use his capital sparingly in order to pass on to his children as much as possible of his inheritance. A selfish and irresponsible parent will squander it in riotous living and care not one whit how his offspring will fare.

Engineers whose work familiarizes them with energy statistics; far-seeing industrialists who know that energy is the principal factor which must enter into all planning for the future; responsible governments who realize that the well-being of their citizens and the political power of their countries depend on adequate energy supplies—all these have begun to be concerned about energy resources. In this country, especially, many studies have been made in the last few years, seeking to discover accurate information on fossil-fuel reserves and foreseeable fuel needs.

Statistics involving the human factor are, of course, never exact. The size of usable reserves depends on the ability of engineers to improve the efficiency of fuel extraction and use. It also depends on discovery of new methods to obtain energy from inferior resources at costs which can be borne without unduly depressing the standard of living. Estimates of future needs, in turn, rely heavily on population figures which must always allow for a large element of uncertainty, particularly as man reaches a point where he is more and more able to control his own way of life.

Current estimates of fossil fuel reserves vary to an astonishing degree. In part this is because the results differ greatly if cost of extraction is disregarded or if in calculating how long reserves will last, population growth is not taken into consideration; or, equally important, not enough weight is given to increased fuel consumption required to process inferior or substitute metals. We are rapidly approaching the time when exhaustion of better grade metals will force us to turn to poorer grades requiring in most cases greater expenditure of energy per unit of metal.

But the most significant distinction between optimistic and pessimistic fuel reserve statistics is that the optimists generally speak of the immediate future—the next twenty-five years or so—while the pessimists think in terms of a century from now. A century or even two is a short span in the history of a great people. It seems sensible to me to take a long view, even if this involves facing unpleasant facts.

For it is an unpleasant fact that according to our best estimates, total fossil fuel reserves recoverable at not over twice today's unit cost, are likely to run out at some time between the years 2000 and 2050, if present standards of living and population growth rates are taken into account. Oil and natural gas will disappear first, coal last. There will be coal left in the earth, of course. But it will be so difficult to mine that energy costs would rise to economically intolerable heights, so that it would then become necessary either to discover new energy sources or to lower standards of living drastically.

For more than one hundred years we have stoked ever growing numbers of machines with coal; for fifty years we have pumped gas and oil into our factories, cars, trucks, tractors, ships, planes, and homes without giving a thought to the future. Occasionally the voice of a Cassandra has been raised only to be quickly silenced when a lucky discovery revised estimates of our oil reserves upward, or a new coalfield was found in some remote spot. Fewer such lucky discoveries can be expected in the future, especially in industrialized countries where extensive mapping of resources has been done. Yet the popularizers of scientific news would have us believe that there is no cause for anxiety, that reserves will last thousands of years, and that before they run out science will have produced miracles. Our past history and security have given us the sentimental belief that the things we fear will never really happen—that everything turns out right in the end. But, prudent men will reject these tranquilizers and prefer to face the facts so that they can plan intelligently for the needs of their posterity.

Looking into the future, from the mid-20th Century, we cannot feel overly confident that present high standards of living will of a certainty continue through the next century and beyond. Fossil fuel costs will soon definitely begin to rise as the best and most accessible reserves are exhausted, and more effort will be required to obtain the same energy from remaining reserves. It is likely also that liquid fuel synthesized from coal will be more expensive. Can we feel certain that when economically recoverable fossil fuels are gone science will have learned how to maintain a high standard of living on renewable energy sources?

I believe it would be wise to assume that the principal renewable fuel sources which we can expect to tap before fossil reserves run out will supply only 7 to 15% of future energy needs. The five most important of these renewable sources are wood fuel, farm wastes, wind, water power, and solar heat.

Wood fuel and farm wastes are dubious as substitutes because of growing food requirements to be anticipated. Land is more likely to be used for food production than for tree crops; farm wastes may be more urgently needed to fertilize the soil than to fuel machines.

Wind and water power can furnish only a very small percentage of our energy needs. Moreover, as with solar energy, expensive structures would be required, making use of land and metals which will also be in short supply. Nor would anything we know today justify putting too much reliance on solar energy though it will probably prove feasible for home heating in favorable localities and for cooking in hot countries which lack wood, such as India.

More promising is the outlook for nuclear fuels. These are not, properly speaking, renewable energy sources, at least not in the present state of technology, but their capacity to "breed" and the very high energy output from small quantities of fissionable material, as well as the fact that such materials are relatively abundant, do seem to put nuclear fuels into a separate category from exhaustible fossil fuels. The disposal of radioactive wastes from nuclear power plants is, however, a problem which must be solved before there can be any widespread use of nuclear power.

Another limit in the use of nuclear power is that we do not know today how to employ it otherwise than in large units to produce electricity or to supply heating. Because of its inherent characteristics, nuclear fuel cannot be used directly in small machines, such as cars, trucks, or tractors. It is doubtful that it could in the foreseeable future furnish economical fuel for civilian airplanes or ships, except very large ones. Rather than nuclear locomotives, it might prove advantageous to move trains by electricity produced in nuclear central stations. We are only at the beginning of nuclear technology, so it is difficult to predict what we may expect.

Transportation—the lifeblood of all technically advanced civilizations—seems to be assured, once we have borne the initial high cost of electrifying railroads and replacing buses with streetcars or interurban electric trains. But, unless science can perform the miracle of synthesizing automobile fuel from some energy source as yet unknown or unless trolley wires power electric automobiles on all streets and highways, it will be wise to face up to the possibility of the ultimate disappearance of automobiles, trucks, buses, and tractors. Before all the oil is gone and hydrogenation of coal for synthetic liquid fuels has come to an end, the cost of automotive fuel may have risen to a point where private cars will be too expensive to run and public transportation again becomes a profitable business.

Today the automobile is the most uneconomical user of energy. Its efficiency is 5 percent compared with 23 percent for the Diesel-electric railway. It is the most ravenous devourer of fossil fuels, accounting for over half of the total oil consumption in this country. And the oil we use in the United States in one year took nature about 14 million years to create. Curiously, the automobile, which is the greatest single cause of the rapid exhaustion of oil reserves, may eventually be the first fuel consumer to suffer. Reduction in automotive use would necessitate an extraordinarily costly reorganization of the pattern of living in industrialized nations, particularly in the United States. It would seem prudent to bear this in mind in future planning of cities and industrial locations.

Our present known reserves of fissionable materials are many times as large as our net economically recoverable reserves of coal. A point will be reached before this century is over when fossil fuel costs will have risen high enough to make nuclear fuels economically competitive. Before that time comes we shall have to make great efforts to raise our entire body of engineering and scientific knowledge to a higher plateau. We must also induce many more young Americans to become metallurgical and nuclear engineers. Else we shall not have the knowledge or the people to build and run the nuclear power plants which ultimately may have to furnish the major part of our energy needs. If we start to plan now, we may be able to achieve the requisite level of scientific and engineering knowledge before our fossil fuel reserves give out, but the margin of safety is not large. This is also based on the assumption that atomic war can be avoided and that population growth will not exceed that now calculated by demographic experts.

War, of course, cancels all man's expectations. Even growing world tension just short of war could have far-reaching effects. In this country it might, on the one hand, lead to greater conservation of domestic fuels, to increased oil imports, and to an acceleration in scientific research which might turn up unexpected new energy sources. On the other hand, the resulting armaments race would deplete metal reserves more rapidly, hastening the day when inferior metals must be utilized with consequent greater expenditure of energy. Underdeveloped nations with fossil fuel deposits might be coerced into withholding them from the free world or may themselves decide to retain them for their own future use. The effect on Europe, which depends on coal and oil imports, would be disastrous and we would have to share our own supplies or lose our allies.

Barring atomic war or unexpected changes in the population curve, we can count on an increase in world population from two and one half billion today to four billion in the year 2000; six to eight billion by 2050. The United States is expected to quadruple its population during the 20th Century—from 75 million in 1900 to 300 million in 2000—and to reach at least 375 million in 2050. This would almost exactly equal India's present population which she supports on just a little under half of our land area.

It is an awesome thing to contemplate a graph of world population growth from prehistoric times—tens of thousands of years ago—to the day after tomorrow—let us say the year 2000 AD. If we visualize the population curve as a road which starts at sea level and rises in proportion as world population increases, we should see it stretching endlessly, almost level, for 99 percent of the time that man has inhabited the earth. In 6000 B.C., when recorded history begins, the road is running at a height of about 70 feet above sea level, which corresponds to a population of 10 million. Seven thousand years later—in 1000 AD.—the road has reached an elevation of 1,600 feet; the gradation now becomes steeper, and 600 years later the road is 2,900 feet high. During the short span of the next 400 years—from 1600 to 2000—it suddenly turns sharply upward at an almost perpendicular inclination and goes straight up to an elevation of 29,000 feet—the height of Mt. Everest, the world's tallest mountain.

In the 8,000 years from the beginning of history to the year 2000 AD. world population will have grown from 10 million to 4 billion, with 90 percent of that growth taking place during the last 5 percent of that period, in 400 years. It took the first 3,000 years of recorded history to accomplish the first doubling of population, 100 years for the last doubling, but the next doubling will require only 50 years. Calculations give us the astonishing estimate that one out of every 20 human beings born into this world is alive today.

The rapidity of population growth has not given us enough time to readjust our thinking. Not much more than a century ago our country—the very spot on which I now stand was a wilderness in which a pioneer could find complete freedom from men and from government. If things became too crowded—if he saw his neighbor's chimney smoke—he could, and often did, pack up and move west. We began life in 1776 as a nation of less than four million people—spread over a vast continent—with seemingly inexhaustible riches of nature all about. We conserved what was scarce—human labor—and squandered what seemed abundant—natural resources—and we are still doing the same today.

Much of the wilderness which nurtured what is most dynamic in the American character has now been buried under cities, factories and suburban developments where each picture window looks out on nothing more inspiring than the neighbor's back yard with the smoke of his fire in the wire basket clearly visible.

Life in crowded communities cannot be the same as life on the frontier. We are no longer free, as was the pioneer—to work for our own immediate needs regardless of the future. We are no longer as independent of men and of government as were Americans two or three generations ago. An ever larger share of what we earn must go to solve problems caused by crowded living—bigger governments; bigger city, state, and federal budgets to pay for more public services. Merely to supply us with enough water and to carry away our waste products becomes more difficult and expansive daily. More laws and law enforcement agencies are needed to regulate human relations in urban industrial communities and on crowded highways than in the America of Thomas Jefferson.

Certainly no one likes taxes, but we must become reconciled to larger taxes in the larger America of tomorrow.

I suggest that this is a good time to think soberly about our responsibilities to our descendents—those who will ring out the Fossil Fuel Age. Our greatest responsibility, as parents and as citizens, is to give America's youngsters the best possible education. We need the best teachers and enough of them to prepare our young people for a future immeasurably more complex than the present, and calling for ever larger numbers of competent and highly trained men and women. This means that we must not delay building more schools, colleges, and playgrounds. It means that we must reconcile ourselves to continuing higher taxes to build up and maintain at decent salaries a greatly enlarged corps of much better trained teachers, even at the cost of denying ourselves such momentary pleasures as buying a bigger new car, or a TV set, or household gadget. We should find—I believe—that these small self-denials would be far more than offset by the benefits they would buy for tomorrow's America. We might even—if we wanted—give a break to these youngsters by cutting fuel and metal consumption a little here and there so as to provide a safer margin for the necessary adjustments which eventually must be made in a world without fossil fuels.

One final thought I should like to leave with you. High-energy consumption has always been a prerequisite of political power. The tendency is for political power to be concentrated in an ever-smaller number of countries. Ultimately, the nation which controls the largest energy resources will become dominant. If we give thought to the problem of energy resources, if we act wisely and in time to conserve what we have and prepare well for necessary future changes, we shall insure this dominant position for our own country.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. FATTAH (at the request of Mr. HOYER) for today on account of personal reasons.

Mr. EVERETT (at the request of Mr. BOEHNER) for today after 11:00 a.m. on account of a family matter.

Mr. BRADY of Texas (at the request of Mr. BOEHNER) for today after 2:00 p.m. on account of illness.

Mr. LUCAS (at the request of Mr. BOEHNER) for today on account of illness in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. HODES) to revise and extend their remarks and include extraneous material:)

Mr. GEORGE MILLER of California, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Ms. WATERS, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. HODES, for 5 minutes, today.

Mr. SCHIFF, for 5 minutes, today.

Mrs. MCCARTHY of New York, for 5 minutes, today.

Mr. MILLER of North Carolina, for 5 minutes, today.

Ms. EDDIE BERNICE JOHNSON of Texas, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

(The following Members (at the request of Mr. KIRK) to revise and extend their remarks and include extraneous material:)

Mr. JONES of North Carolina, for 5 minutes, January 29, 30 and 31.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. BARTLETT of Maryland, and to include therein extraneous material, notwithstanding the fact that it exceeds two pages of the RECORD and is estimated by the Public Printer to cost $1,620.

ENROLLED BILLS SIGNED

Mrs. Haas, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 475. An act to revise the composition of the House of Representatives Page Board to equalize the number of members representing the majority and minority parties and to include a member representing the parents of pages and a member representing former pages, and for other purposes.

ADJOURNMENT

Mr. BARTLETT of Maryland. Mr. Speaker, pursuant to House Concurrent Resolution 41, 110th Congress, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER pro tempore. Pursuant to House Concurrent Resolution 41, 110th Congress, the House stands adjourned until 2 p.m. on Monday, January 29, 2007.

Thereupon (at 5 o'clock and 50 minutes p.m.), pursuant to House Concurrent Resolution 41, the House adjourned until Monday, January 29, 2007, at 2 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

407. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-646, "National Capital Revitalization Corporation Asset Transfer Clarification Amendment Act of 2006," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

408. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-647, "Community Access to Health Care Amendment Act of 2006," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

409. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-648, "Closing of a Portion of a Public Alley in Square 85, S.O. 06-8859, Act of 2006," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

410. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-649, "Film DC Economic Incentive Act of 2006," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

411. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-650, "Closing of a Public Alley in Square 375, S.O. 06-656, Act of 2006," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

412. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-651, "Domestic Partnership Joint Filing Act of 2006," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

413. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-652, "Anti-Deficiency Act Revision Act of 2006," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

414. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-653, "Second Techincal Amendments Act of 2006," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

415. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-654, "Mayor and Council Compensation Adjustment and Compensation Advisory Commission Establishment

Amendment Act of 2006," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

416. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-655, "Shelter Monitoring and Emergency Assistance Amendment Act of 2006," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

417. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-630, "Mandatory Juvenile Public Safety Notification Act of 2006," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

418. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-629, "Protection from Discriminatory Eviction for Victims of Domestic Violence Amendment Act of 2006," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

419. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-628, "Jury Trial Improvements Act of 2006," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

420. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-639, "Closing of Portions of a Public Alley System in Square 700, S.O. 06-3582, Act of 2006," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

421. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-640, "Closing of a Public Alley in Squares 739, the Closure of Streets, the Opening and Widening of Streets, and the Dedication of Land for Street Purposes (S.O. 06-221), Act of 2006," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

422. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-641, "Walter E. Washington Convention Center Designation Act of 2006," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

423. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-642, "Use of Closed Circuit Television to Combat Crime Amendment Act of 2006," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

424. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-643, "Rebuttable Presumption to Detain Robbery and Handgun Violation Suspects Act of 2006," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

425. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-644, "Special Purpose Financial Captive Authorization Amendment Act of 2006," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

426. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-645, "Captive Insurance Company Amendment Act of 2006," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

427. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-638, "Closing of Portions of a Public Alley System on the West Side of Square 701, S.O. 06-3392, Act of 2006," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

428. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-636, "Department of Motor Vehicles Service and Safety Amendment Act of 2006," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

429. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-635, "Workforce Housing Production Program Approval Act of 2006," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

430. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-634, "Closing of Public Alleys in Square 798, 799, and 824 (S.O. 04-12081) and Dedication and Designation of 2nd Place, S.E., 3rd Place, S.E., L Street, S.E., (S.O. 04-12080), Act of 2006," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

431. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-633, "Interest on Rental Security Deposits Amendment Act of 2006," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

432. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-632, "Inclusionary Zoning Implementation Amendment Act of 2006," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

433. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-631, "Criminal Record Sealing Act of 2006,"pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

434. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-627, "Commercial Exception Clarification Act of 2006," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

435. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-626, "Property Interest Amendment Act of 2006," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

436. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-625, "Placement of Students with Disabilities in Nonpublic Schools Amendment Act of 2006," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

437. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-624, "Public Charter School Assets and Facilities Preservation Amendment Act of 2006," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

438. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-622, "Longtime Residential Business Definition Amendment Act of 2006," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

439. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-623, "Rate of Pay for the Position of Inspector General for the Office of the Inspector General Amendment Act of 2006," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

440. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-621, "Childhood Lead Screening Amendment Act of 2006," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

441. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-620, "Developmental Disabilities Services Management Reform Amendment Act of 2006," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

442. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-619, "Medical Malpratice Amendment Act of 2006," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

443. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-618, "Homeland Security, Risk Reduction, and Preparedness Amendment Act of 2006," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

444. A letter from the Chief Counsel, Bureau of Public Debt, Department of the Treasury, transmitting the Department's final rule — Sale and Issue of Marketable Book-Entry Treasury Bills, Notes, and Bonds — Securities Eligible for Purchase in Legacy Treasury Direct [Docket No. BPD GSRS 06-03] received January 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

445. A letter from the Chief Counsel, Bureau of Public Debt, Department of the Treasury, transmitting the Department's final rule — Sale and Issue of Marketable Book-Entry Treasury Bills, Notes, and Bonds — Customer Confirmation Reporting Requirement Threshold Amount [Docket No. BOD GSRS 06-02] received December 15, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

446. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Gross Income Defined (Rev. Rul. 2007-7) received January 17, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

447. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Look-thru rule for related controlled foreign corporations [Notice 2007-9] received January 17, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

448. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Miscellaneous Pension Protection Act Changes [Notice 2007-7] received January 17, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

449. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Extension of Election of Alternative Deficit Reduction Contribution [Notice 2006-105] received December 15, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

450. A letter from the Chief, Publications and Regulations Branch, Internal Revenue

Service, transmitting the Service's final rule — Rulings and determination letters (Rev. Proc. 2007-9) received December 15, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

451. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Transition Relief for Certain Partnership and Other Pass-Thru Entities Under Section 470 [Notice 2007-4] received December 15, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

452. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — 2006 Cumulative List of Changes in Plan Qualification Requirements [Notice 2007-3] received December 15, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

453. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Rulings and determination letters (Rev. Proc. 2007-10) received December 15, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

454. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Guidance Necessary to Facilitate Business Electronic Filing [TD9300] (RIN: 1545-BC15) received December 15, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

455. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Reduction in Taxable Income for Housing Hurricane Katrina Displaced Individuals [TD 9301] (RIN: 1545-BF89) received December 15, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

456. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Exception to the HIPAA Nondiscrimination Requirements for Certain Grandfathered Church Plans [TD 9299] (RIN: 1545-AY33) received December 15, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

457. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Last-in, First-out inventories (Rev. Rul. 2006-62) received December 15, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

458. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Final Rules for Nondiscrimination and Wellness Programs in Health Coverage in the Group Market [TD 9298] (RIN: 1545-AY32) received December 15, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

459. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Losses Reported From Inflated Basis Assets From Lease Stripping Transactions — received December 27, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

460. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Determination of Issue Price in the case of Certain Debt Instruments Issued for Property (Rev. Rul. 2007-2) received December 27, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

461. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Corporate Reorganizations; Distributions under sections 368(a)(1)(D) and 354(b)(1(B) [TD 9303] (RIN: 1545-BF84) received December 27, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

462. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Prohibited Allocations of Securities in an S Corporation [TD 9302] (RIN: 1545-BC34) received December 27, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

463. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Field Directive on Application of IRC Section 118 to Partnerships — received January 5, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. REYNOLDS (for himself, Mr. Fossella, Mr. Crowley, Mr. McNulty, Mr. Murtha, Mr. Holden, Mr. Meeks of New York, Mr. Delahunt, Mrs. Lowey, Mr. Platts, Mr. McGovern, Mr. Rothman, Mrs. McCarthy of New York, Mr. Higgins, Mrs. Maloney of New York, Mr. Capuano, Mr. Carney, Mr. Fattah, Mr. Frank of Massachusetts, Mr. Sestak, Mr. Altmire, Mr. Arcuri, Mr. Hinchey, Mr. McHugh, and Mr. Walsh of New York):

H.R. 649. A bill to amend title XVI of the Social Security Act to provide that annuities paid by States to blind veterans shall be disregarded in determining supplemental security income benefits; to the Committee on Ways and Means.

By Mr. REYNOLDS (for himself, Mr. Bartlett of Maryland, Mr. Cole of Oklahoma, Ms. Fallin, Mr. Fortuño, Ms. Giffords, Mr. Hayes, Mr. Kuhl of New York, Mrs. Myrick, Mr. Sessions, and Mr. Wolf):

H.R. 650. A bill to provide for the Secretary of Veterans Affairs to conduct a pilot program to determine the effectiveness of contracting for the use of private memory care facilities for veterans with Alzheimer's Disease; to the Committee on Veterans' Affairs.

By Mr. REYNOLDS (for himself, Mr. Cole of Oklahoma, Ms. Fallin, Mr. Wolf, and Mr. Calvert):

H.R. 651. A bill to permit States to place supplemental guide signs relating to veterans cemeteries on Federal-aid highways; to the Committee on Transportation and Infrastructure.

By Mr. REYNOLDS (for himself, Mr. Bartlett of Maryland, Mr. Brown of South Carolina, Mr. Burton of Indiana, Mrs. Christensen, Mr. Cole of Oklahoma, Mr. David Davis of Tennessee, Mr. Ehlers, Ms. Fallin, Mr. Fossella, Mr. Hall of Texas, Mr. Hinojosa, Mr. Lewis of California, Mr. LoBiondo, Mr. Miller of Florida, Mrs. Myrick, Mr. Ramstad, Mr. Rogers of Kentucky, Mr. Smith of New Jersey, Mr. Wilson of South Carolina, and Mr. Calvert):

H.R. 652. A bill to make the National Parks and Federal Recreational Lands Pass available at a discount to certain veterans; to the Committee on Natural Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. REYNOLDS (for himself and Mrs. Maloney of New York):

H.R. 653. A bill to amend title 38, United States Code, to allow the sworn affidavit of a veteran who served in combat during the Korean War or an earlier conflict to be accepted as proof of service-connection of a disease or injury alleged to have been incurred or aggravated by such service; to the Committee on Veterans' Affairs.

By Mr. RANGEL (for himself, Mr. Flake, Mr. McGovern, Mrs. Emerson, Mr. Delahunt, Mr. Ramstad, Mr. Snyder, and Mr. Moran of Kansas):

H.R. 654. A bill to allow travel between the United States and Cuba; to the Committee on Foreign Affairs.

By Ms. VELÁZQUEZ:

H.R. 655. A bill to provide for more accurate valuation of multifamily housing properties, and loans for such properties, that are sold at a discount by the Department of Housing and Urban Development to facilitate acquisition of such properties that maintains the properties as affordable housing; to the Committee on Financial Services.

By Mr. REICHERT (for himself, Mr. Johnson of Illinois, Mr. Castle, Mr. Kuhl of New York, Mr. Gilchrest, Mr. Shays, Mr. Bartlett of Maryland, Mr. Platts, Mr. Saxton, Mr. LoBiondo, Mr. LaHood, Mr. Kirk, and Mr. Walsh of New York):

H.R. 656. A bill to require higher standards of automobile fuel efficiency with the goal of reducing the amount of oil used for fuel by automobiles in the United States by 10 percent beginning in 2017, and for other purposes; to the Committee on Energy and Commerce.

By Mr. JONES of North Carolina:

H.R. 657. A bill to amend title 10, United States Code, to provide for forgiveness of certain overpayments of retired pay paid to deceased retired members of the Armed Forces following their death; to the Committee on Armed Services.

By Mr. PORTER:

H.R. 658. A bill to authorize the Secretary of the Interior to enter into cooperative agreements to protect natural resources of units of the National Park System through collaborative efforts on land inside and outside of units of the National Park System, and for other purposes; to the Committee on Natural Resources.

By Mr. ROGERS of Alabama (for himself, Mr. Carney, Mr. King of New York, and Mr. Thompson of Mississippi):

H.R. 659. A bill to improve the programs of the Department of Homeland Security relating to trained detection canines, and for other purposes; to the Committee on Homeland Security.

By Mr. CONYERS (for himself, Mr. Gohmert, and Mr. Scott of Virginia):

H.R. 660. A bill to amend title 18, United States Code, to protect judges, prosecutors, witnesses, victims, and their family members, and for other purposes; to the Committee on the Judiciary, and in addition to the Committees on Ways and Means, and Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ACKERMAN (for himself, Mr. LaTourette, Ms. DeLauro, Mr. Crowley, Mr. Tierney, Ms. Lee, Mr. Grijalva, Ms. Berkley, Mr. Moran of Virginia, Ms. Woolsey, Ms. Schwartz, Mr. Bartlett of Maryland, Mr. King of New York, Mr. George Miller of California, Mr. Smith of New Jersey, Ms. Pryce of Ohio, Mr. Kildee, Mr. Cummings, Mr. Frank of Massachusetts, Ms. Kaptur, Ms. Shea-Porter, Ms. Sutton, Mr. Weiner, Mr. Dicks, Mr. Doyle, Mr. Blumenauer, Mr. Nadler, Mr. Serrano, Mr. Gutierrez, Ms. Jackson-Lee of Texas, Mr. Higgins, Mr. McDermott, Mr. Sherman, Mr. Berman, Ms. Zoe Lofgren of California, Ms. Bordallo, Mr. Pallone, Mrs. Davis of California, Mr. Hinchey, Mr. Farr, Mrs. McCarthy of New York, Mr. Wexler, Mr. DeFazio, Mrs. Maloney of New York, Mr. Holt, Mr. Shays, Mr. Gerlach, Mr. Gallegly, Mrs. Lowey, Ms. Matsui, Mrs. Capps, Mrs. Tauscher, Mr. Israel, Mr. LoBiondo, Ms. Carson, Mr. Clyburn, Mrs. Capito, Mr. Bishop of New York, Ms. McCollum of Minnesota, Mr. Payne, Mr. Van Hollen, Mr. Udall of Colorado, Mr. Platts, Mr. Rangel, Mr. McNulty, Mr. Olver, Mr. Schiff, Mr. Conyers, Mr. Saxton, Mrs. Biggert, Mr. Wolf, Mr. Kirk, Mr. Cleaver, Mr. Honda, and Mr. Stark):

H.R. 661. A bill to amend the Humane Methods of Livestock Slaughter Act of 1958 to ensure the humane slaughter of nonambulatory livestock, and for other purposes; to the Committee on Agriculture.

By Mr. BECERRA (for himself, Mr. Daniel E. Lungren of California, Mr. Honda, and Mr. Cannon):

H.R. 662. A bill to establish a fact-finding Commission to extend the study of a prior Commission to investigate and determine facts and circumstances surrounding the relocation, internment, and deportation to Axis countries of Latin Americans of Japanese descent from December 1941 through February 1948, and the impact of those actions by the United States, and to recommend appropriate remedies, and for other purposes; to the Committee on the Judiciary.

By Mr. BLUMENAUER (for himself, Mr. Farr, Ms. Baldwin, Mr. Bishop of New York, and Mr. Hare):

H.R. 663. A bill to redeploy United States Armed Forces from Iraq and to establish a new direction for United States policy toward Iraq; to the Committee on Foreign Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CAMPBELL of California:

H.R. 664. A bill to amend the Water Desalination Act of 1996 to authorize the Secretary of the Interior to assist in research and development, environmental and feasibility studies, and preliminary engineering for the Municipal Water District of Orange County, California, Dana Point Desalination Project located at Dana Point, California; to the Committee on Natural Resources, and in addition to the Committee on Science and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. CAPPS (for herself and Mr. Cardoza):

H.R. 665. A bill to amend the Consolidated Omnibus Budget Reconciliation Act of 1985 to expand the county organized health insuring organizations authorized to enroll Medicaid beneficiaries; to the Committee on Energy and Commerce.

By Mr. COOPER:

H.R. 666. A bill to amend the Internal Revenue Code of 1986 to require that amounts paid for employer-provided coverage under accident or health plans be included on W-2 Forms; to the Committee on Ways and Means.

By Mr. COSTA (for himself, Mr. Putnam, Mr. Farr, Mr. Cardoza, Mr. English of Pennsylvania, Mr. Rohrabacher, Mr. Honda, Mr. Herger, Mr. Baca, Mr. Filner, Mr. Radanovich, Mr. Daniel E. Lungren of California, Mr. Thompson of California, Mr. Calvert, Mrs McMorris Rodgers, Mr. Gallegly, Ms. Zoe Lofgren of California, Mr. Hinojosa, Mr. George Miller of California, Mr. Nunes, Mrs. Capps, Mr. Crenshaw, Mr. Carter, Mr. Gary G. Miller of California, Mrs. Davis of California, Ms. Matsui, Ms. Woolsey, Mr. Salazar, Mr. Boyd of Florida, Mr. Butterfield, Mr. Bonner, and Ms. Hirono):

H.R. 667. A bill to authorize the Secretary of Agriculture to enter into cooperative agreements with States to augment their efforts to conduct early detection and surveillance to prevent the establishment or spread of plant pests that endanger agriculture, the environment, and the economy of the United States, and for other purposes; to the Committee on Agriculture.

By Mr. MARIO DIAZ-BALART of Florida:

H.R. 668. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to require States who wish to receive funds under the Act to increase the penalty applied to a defendant convicted of a violent crime who placed a video of the commission of that crime on the Internet; to the Committee on the Judiciary.

By Mr. DINGELL (for himself and Mrs. Maloney of New York):

H.R. 669. A bill to direct the Secretary of Labor to make a grant to a public university to establish the Center for the Study of Women and Workplace Policy; to the Committee on Education and Labor.

By Mr. ENGEL (for himself, Mr. Kingston, Mr. Inslee, Mr. Saxton, Ms. Eshoo, Mrs. Bono, Mr. Wynn, Mr. Terry, Ms. Harman, Mr. Rogers of Alabama, Ms. Schakowsky, Mr. Bartlett of Maryland, Mr. Udall of Colorado, Mr. Inglis of South Carolina, Mr. Ross, Mr. Campbell of California, Mr. Weiner, Mr. Gilchrest, Mr. Towns, Mr. Souder, Mr. DeFazio, Mr. Gerlach, Mr. Bishop of New York, Mr. Renzi, Mr. Israel, Mr. Everett, Mr. Hall of New York, Mr. LoBiondo, Ms. Matsui, Mr. McCotter, Mrs. Lowey, Mr. Linder, Mr. Kuhl of New York, Mr. Hinchey, Mr. Westmoreland, Mr. Berman, Mr. Gingrey, Mr. Ackerman, Mr. Andrews, Mr. Arcuri, Ms. Berkley, Mr. Bishop of Georgia, Mr. Cohen, Mr. Cleaver, Ms. Giffords, Mrs. Gillibrand, Mr. Honda, Mr. Kind, Mr. Klein of Florida, Mr. Lipinski, Mr. McNulty, Ms. McCollum of Minnesota, Mr. Moore of Kansas, Mr. Moran of Virginia, Mrs. Napolitano, Mr. Price of North Carolina, Ms. Schwartz, Mr. Rothman, Mr. Ruppersberger, Mr. Schiff, Mr. Burton of Indiana, Mr. Scott of Georgia, Mr. Platts, Mr. Sherman, Mr. Wexler, Mr. Price of Georgia, Mr. Lincoln Davis of Tennessee, and Mr. Lantos):

H.R. 670. A bill to promote the national security and stability of the United States economy by reducing the dependence of the United States on foreign oil through the use of alternative fuels and new vehicle technologies, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Science and Technology, Ways and Means, Transportation and Infrastructure, and Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FORTUÑO:

H.R. 671. A bill to make funds generated from the Caribbean National Forest in the Commonwealth of Puerto Rico available to the Secretary of Agrictulture for land acquisition intended to protect the integrity of the buffer zone surrounding the Caribbean National Forest, and for other purposes; to the Committee on Natural Resources.

By Mr. FORTUÑO:

H.R. 672. A bill to protect the critical aquifers and watersheds that serve as a principal water source for the Commonwealth of Puerto Rico, to protect the tropical forests of the Karst Region of the Commonwealth, and for other purposes; to the Committee on Natural Resources, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GRIJALVA:

H.R. 673. A bill to direct the Secretary of the Interior to take lands in Yuma County, Arizona, into trust as part of the reservation of the Cocopah Indian Tribe, and for other purposes; to the Committee on Natural Resources.

By Mr. GUTIERREZ (for himself and Ms. Corrine Brown of Florida):

H.R. 674. A bill to amend title 38, United States Code, to repeal the provision of law requiring termination of the Advisory Committee on Minority Veterans as of December 31, 2009; to the Committee on Veterans' Affairs.

By Ms. HERSETH:

H.R. 675. A bill to amend title 38, United States Code, to increase the amount of assistance available to disabled veterans for specially adapted housing and to provide for annual increases in such amount; to the Committee on Veterans' Affairs.

By Mr. CONYERS (for himself, Mr. Kucinich, Mr. McDermott, Mrs. Christensen, Ms. Lee, Mr. Farr, Mr. McNulty, Mr. Grijalva, Mr. Hinchey, Mr. Gutierrez, Ms. Jackson-Lee of Texas, Ms. Watson, Mr. Ellison, Mr. Loebsack, Mr. Clay, Mr. Honda, Ms. Roybal-Allard, Mr. McGovern, Ms. Carson, Ms. Baldwin, Mr. Scott of Virginia, Mr. Engel, Mr. Abercrombie, Ms. Woolsey, Mr. Wexler, Mr. Pastor, Mr. Payne, Ms. Eddie Bernice Johnson of Texas, Mr. WEINER, Mr. MEEHAN, Mr. AL GREEN of Texas, Mr. FATTAH, Mr. WYNN, Mr. CUMMINGS, Mr. DAVIS of Illinois, Mr. FILNER, Mr. JACKSON of Illinois, Ms. KILPATRICK, Mr. LEWIS of Georgia, Mr. GEORGE MILLER of California, Ms. MOORE of Wisconsin, Mr. RANGEL, and Mr. TOWNS):

H.R. 676. A bill to provide for comprehensive health insurance coverage for all United States residents, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, and Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HOLT (for himself, Mr. MCNULTY, Ms. BORDALLO, Mrs. CHRISTENSEN, Ms. MCCOLLUM of Minnesota, Mr. GRIJALVA, Mr. HINCHEY, Mr. DEFAZIO, Mr. MCDERMOTT, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. HIGGINS, Mr. CUMMINGS, Ms. WOOLSEY, Ms. JACKSON-LEE of Texas, and Mr. CONYERS):

H.R. 677. A bill to provide for a study by the Institute of Medicine of the National Academy of Sciences to identify constraints encountered by schools of nursing in admitting and graduating the number of nurses sufficient to meet the health care needs of the United States, and for other purposes; to the Committee on Energy and Commerce.

By Mr. HOLT (for himself, Mr. GEORGE MILLER of California, Mr. WOLF, Mr. PAYNE, Mrs. MYRICK, Ms. WOOLSEY, Mr. WU, Mrs. DAVIS of California, Mr. DAVIS of Illinois, Ms. SHEA-PORTER, Mr. SCOTT of Virginia, Mr. KLEIN of Florida, Mr. PATRICK MURPHY of Pennsylvania, Mr. JOHNSON of Georgia, Mr. KIND, Ms. MCCOLLUM of Minnesota, Mr. VAN HOLLEN, Mr. LARSON of Connecticut, Ms. HARMAN, Mr. HASTINGS of Florida, Mr. HARE, Mr. ACKERMAN, Mr. BERMAN, Ms. BORDALLO, Mr. BOUCHER, Mr. DOYLE, Mr. FATTAH, Mr. GUTIERREZ, Mr. GONZALEZ, Mr. ISRAEL, Ms. JACKSON-LEE of Texas, Ms. ZOE LOFGREN of California, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. MCGOVERN, Mr. MCDERMOTT, Mr. MCNULTY, Mr. MOORE of Kansas, Mr. MORAN of Virginia, Mr. OBERSTAR, Mr. OLVER, Mr. PRICE of North Carolina, Mr. RUPPERSBERGER, Mr. SCHIFF, Mr. SHERMAN, Ms. SCHAKOWSKY, Mr. SNYDER, Mr. WEINER, and Ms. GIFFORDS):

H.R. 678. A bill to strengthen the national security through the expansion and improvement of foreign language study, and for other purposes; to the Committee on Education and Labor, and in addition to the Committees on Intelligence (Permanent Select), and Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. HOOLEY (for herself, Mr. WU, Mr. BLUMENAUER, and Mr. DEFAZIO):

H.R. 679. A bill to waive application of the Indian Self-Determination and Education Assistance Act to a specific parcel of real property transferred by the United States to 2 Indian tribes in Oregon, and for other purposes; to the Committee on Natural Resources.

By Mr. JEFFERSON (for himself, Mr. MELANCON, Mr. JINDAL, Mr. BAKER, Mr. BOUSTANY, and Mr. ALEXANDER):

H.R. 680. A bill to permit the cancellation of certain loans under the Robert T. Stafford Disaster Relief and Emergency Assistance Act; to the Committee on Transportation and Infrastructure.

By Mr. JONES of North Carolina:

H.R. 681. A bill to prohibit a State from receiving Federal education funds unless the State has certain policies and procedures regarding the purchase or acquisition of library and classroom-based reference, instructional, and other print materials for use in elementary schools, and for other purposes; to the Committee on Education and Labor.

By Ms. KAPTUR:

H.R. 682. A bill to expand the Strategic Petroleum Reserve to include alternative fuels, and for other purposes; to the Committee on Energy and Commerce.

By Mr. LEWIS of Kentucky (for himself, Mr. LINCOLN DAVIS of Tennessee, Mr. NUNES, Mr. ROGERS of Kentucky, Mrs. CAPITO, Mr. DAVIS of Kentucky, Mr. WHITFIELD, Mr. PICKERING, Mr. SHIMKUS, and Mr. MCCOTTER):

H.R. 683. A bill to amend the Internal Revenue Code of 1986 to promote investment in energy independence through coal to liquid technology, biomass, and oil shale; to the Committee on Ways and Means.

By Mr. MOORE of Kansas (for himself, Mr. ABERCROMBIE, Mr. BAIRD, Mrs. BOYDA of Kansas, Mr. CHANDLER, Mr. CLAY, Mr. COOPER, Mr. CUMMINGS, Mr. DOGGETT, Mr. FRANK of Massachusetts, Mr. GRIJALVA, Mr. HINCHEY, Mr. HASTINGS of Florida, Mr. HOLDEN, Mr. HONDA, Mr. ISRAEL, Ms. JACKSON-LEE of Texas, Mr. LARSEN of Washington, Ms. LEE, Ms. ZOE LOFGREN of California, Mrs. LOWEY, Mr. MATHESON, Ms. MCCOLLUM of Minnesota, Mr. MCGOVERN, Mr. MICHAUD, Mr. MORAN of Virginia, Mr. PATRICK MURPHY of Pennsylvania, Mr. NADLER, Mr. ORTIZ, Mr. RAMSTAD, Mr. ROSS, Mr. ROTHMAN, Mr. SALAZAR, Mr. THOMPSON of Mississippi, and Ms. WOOLSEY):

H.R. 684. A bill to require full funding of part A of title I of the Elementary and Secondary Education Act of 1965, as amended by the No Child Left Behind Act of 2001; to the Committee on Education and Labor.

By Mr. NEAL of Massachusetts:

H.R. 685. A bill to amend the Social Security Act to eliminate the 5-month waiting period for Social Security disability and the 24-month waiting period for Medicare benefits in the cases of individuals with disabling burn injuries; to the Committee on Ways and Means.

By Mr. POMEROY (for himself, Mr. ENGLISH of Pennsylvania, Mr. LEVIN, Mr. LEWIS of Kentucky, Mr. LARSON of Connecticut, Ms. BERKLEY, Mr. CROWLEY, Mr. SOUDER, Ms. HIRONO, Mrs. CAPITO, Mr. KENNEDY, Mr. BOUCHER, Mr. HARE, Ms. JACKSON-LEE of Texas, Mr. FERGUSON, Mr. TERRY, Mrs. BONO, Mr. BACHUS, Mrs. MYRICK, Mr. PATRICK MURPHY of Pennsylvania, Mr. HASTINGS of Florida, Mr. MILLER of Florida, Mr. RUPPERSBERGER, Mr. MARIO DIAZ-BALART of Florida, Mr. MOORE of Kansas, Mr. MCHUGH, Mr. BISHOP of New York, Mr. HOLT, Ms. HOOLEY, Mr. MCCAUL of Texas, Mrs. JO ANN DAVIS of Virginia, Mr. CARNEY, Mr. ROGERS of Michigan, Mr. SMITH of New Jersey, Mr. PRICE of North Carolina, and Mr. BURTON of Indiana):

H.R. 686. A bill to amend the Internal Revenue Code of 1986 to make permanent the qualified tuition deduction; to the Committee on Ways and Means.

By Mr. RAMSTAD (for himself, Mr. STARK, and Mr. KENNEDY):

H.R. 687. A bill to amend the Public Health Service Act to establish a State family support grant program to end the practice of parents giving legal custody of their seriously emotionally disturbed children to State agencies for the purpose of obtaining mental health services for those children; to the Committee on Energy and Commerce.

By Mr. RAMSTAD (for himself, Mrs. JO ANN DAVIS of Virginia, Mr. GENE GREEN of Texas, Mr. LOBIONDO, Mr. MCCAUL of Texas, Mrs. MYRICK, Mr. BRADY of Pennsylvania, Mr. DOYLE, Mr. FATTAH, Mr. MILLER of North Carolina, Mr. ORTIZ, and Mr. ROTHMAN):

H.R. 688. A bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to provide standards and procedures to guide both State and local law enforcement agencies and law enforcement officers during internal investigations, interrogation of law enforcement officers, and administrative disciplinary hearings, to ensure accountability of law enforcement officers, to guarantee the due process rights of law enforcement officers, and to require States to enact law enforcement discipline, accountability, and due process laws; to the Committee on the Judiciary.

By Mr. RYAN of Wisconsin (for himself, Mr. UDALL of Colorado, Mr. MATHESON, Mr. BOEHNER, Mr. HENSARLING, Mr. GARRETT of New Jersey, Mr. ENGLISH of Pennsylvania, Mr. CHABOT, Mr. CAMPBELL of California, Mr. BARRETT of South Carolina, Mr. KING of Iowa, Mr. BLUNT, Mr. GINGREY, Mr. KUHL of New York, Mr. PUTNAM, Mrs. MUSGRAVE, Mr. SENSENBRENNER, Mr. WILSON of South Carolina, Mr. DREIER, Mr. JORDAN, Mr. SMITH of Nebraska, Mr. NORWOOD, Mr. FLAKE, Mr. MCCOTTER, Mr. WELDON of Florida, Mr. CRENSHAW, Ms. FOXX, Mr. MARIO DIAZ-BALART of Florida, Mr. INGLIS of South Carolina, Mr. RAMSTAD, Mr. PITTS, Mr. FRANKS of Arizona, Mr. KIRK, Mr. MACK, Mr. ROYCE, Mr. TERRY, Mr. WELLER, Mr. MILLER of Florida, Mr. DAVIS of Kentucky, Mrs. BONO, Mr. GILLMOR, Mr. HASTINGS of Washington, Mr. JINDAL, Mr. AKIN, Mrs. MYRICK, Mr. SHADEGG, Mrs. BLACKBURN, Mr. HERGER, Mr. ISSA, Mr. CANNON, Mr. BRADY of Texas, Mr. SESSIONS, Mr. PENCE, Mr. FEENEY, Mr. CONAWAY, Mr. HOEKSTRA, Mr. KINGSTON, Mrs. SCHMIDT, Mr. NEUGEBAUER, Mrs. DRAKE, Mr. GERLACH, Mr. MCHENRY, Mr. SHAYS, Mr. PLATTS, Mr. FORTENBERRY, Mr. PRICE of Georgia, Mr. CASTLE, Mr. TIAHRT, Mr. BURTON of Indiana, Mr. RADANOVICH, Mrs. BACHMANN, Mr. WALBERG, Mrs MCMORRIS RODGERS, Mr. ROSKAM, Mr. DANIEL E. LUNGREN of California, Mr. COBLE, Mr. RENZI, Mr. COOPER, Mr. BILIRAKIS, Mr. MCCAUL of Texas, Mr. GOODLATTE, Mr. UPTON, Mr. REICHERT, and Mr. FERGUSON):

H.R. 689. A bill to amend the Congressional Budget and Impoundment Control Act of 1974 to provide for the expedited consideration of certain proposed rescissions of budget authority; to the Committee on the Budget, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SAXTON (for himself, Mr. CALVERT, Mr. LOBIONDO, Mr. BISHOP of Georgia, Mr. BRADY of Pennsylvania, Mr. LAHOOD, Mr. ETHERIDGE, Mr. BOOZMAN, Mr. DEFAZIO, Mr. MCGOVERN, Mr. FRELINGHUYSEN, Mr. ROTHMAN, Mr. JONES of North Carolina, Mr. MARSHALL, Mr. SMITH of New Jersey, Mr. HAYES, Mr. WILSON of South Carolina, Mr. MILLER of Florida, Mr. CONAWAY, Mr. HOLDEN, Mr. FILNER, Mr. STUPAK, Mr. TERRY, Mr. BILIRAKIS, Mr. BISHOP of Utah, Mr. RYAN of Wisconsin, Mr. BURTON of Indiana, Ms. HERSETH, Mr. HOLT, Mr. GONZALEZ, Ms. SCHWARTZ, Mr. FRANK of Massachusetts, Mr. CLAY, Ms. SCHAKOWSKY, and Mr. FERGUSON):

H.R. 690. A bill to amend title 10, United States Code, to reduce the minimum age for receipt of military retired pay for non-regular service from 60 to 55; to the Committee on Armed Services.

By Mr. STUPAK:

H.R. 691. A bill to amend title 10, United States Code, to expedite the prompt return of the remains of deceased members of the Armed Forces to their loved ones for burial; to the Committee on Armed Services.

By Mr. STUPAK (for himself, Mr. WEXLER, Mr. BRADY of Pennsylvania, Mrs. MALONEY of New York, Mr. KILDEE, and Ms. KILPATRICK):

H.R. 692. A bill to amend title 4, United States Code, to authorize the Governor of a State, territory, or possession of the United States to order that the National flag be flown at half-staff in that State, territory, or possession in the event of the death of a member of the Armed Forces from that State, territory, or possession who dies while serving on active duty; to the Committee on the Judiciary.

By Mr. TOWNS (for himself and Ms. CLARKE):

H.R. 693. A bill to amend title 40, United States Code, to require restroom gender parity in Federal buildings; to the Committee on Transportation and Infrastructure.

By Mr. TOWNS (for himself, Mr. FORBES, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. GORDON, Mr. PAYNE, Mr. SCOTT of Virginia, Mr. HINOJOSA, Ms. JACKSON-LEE of Texas, and Mrs. DRAKE):

H.R. 694. A bill to establish a digital and wireless network technology program, and for other purposes; to the Committee on Science and Technology, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. VAN HOLLEN (for himself, Mr. ROTHMAN, Mr. CARNAHAN, Mr. BISHOP of New York, Mr. BRADY of Pennsylvania, Mrs. CAPITO, Ms. CARSON, Mr. CHANDLER, Mrs. CHRISTENSEN, Mr. CLAY, Mr. CLEAVER, Mr. COHEN, Mr. CUMMINGS, Mr. DEFAZIO, Mr. DINGELL, Mr. DOYLE, Mr. FARR, Mr. FATTAH, Mr. FILNER, Mr. GRIJALVA, Mr. HARE, Mr. HAYES, Ms. KILPATRICK, Mr. KUCINICH, Mr. LANTOS, Mr. LATOURETTE, Mr. LEWIS of Georgia, Mr. MANZULLO, Mr. MCHUGH, Ms. MOORE of Wisconsin, Mr. MORAN of Virginia, Mr. PATRICK MURPHY of Pennsylvania, Ms. NORTON, Mr. OBEY, Mr. PAYNE, Mr. PRICE of North Carolina, Mr. RUPPERSBERGER, Ms. SCHAKOWSKY, Ms. SCHWARTZ, Mr. SERRANO, Mr. SIRES, Mr. STARK, Mr. STUPAK, Ms. WATSON, and Mr. WAXMAN):

H.R. 695. A bill to amend the Internal Revenue Code of 1986 to repeal the authority of the Secretary of the Treasury to enter into private tax collection contracts; to the Committee on Ways and Means.

By Mrs. WILSON of New Mexico:

H.R. 696. A bill to amend the National Foundation on the Arts and the Humanities Act of 1965 to make available additional funds to increase access to the arts through the support of education; to the Committee on Education and Labor.

By Mr. WILSON of South Carolina (for himself, Mrs. MUSGRAVE, Mr. WICKER, Mr. PAUL, Mr. SESSIONS, Mr. GOODE, Mr. NORWOOD, Mr. MANZULLO, Mr. GARRETT of New Jersey, Mr. DOOLITTLE, Mr. SMITH of Nebraska, Mr. WELDON of Florida, Mr. POE, Mr. BURGESS, Mr. GINGREY, Mr. HAYES, Mr. CULBERSON, Mr. RADANOVICH, Mr. PRICE of Georgia, Mr. BRADY of Texas, Mrs. CUBIN, Mr. CRENSHAW, Mr. WESTMORELAND, Mr. LAMBORN, Mr. FRANKS of Arizona, Mr. MILLER of Florida, Mr. MACK, Mr. CARTER, Mrs. MYRICK, Mr. HENSARLING, Mr. CAMPBELL of California, Mr. HERGER, Mr. BONNER, Mrs. DRAKE, Mr. CALVERT, Mr. CONAWAY, Mr. GARY G. MILLER of California, Mr. DREIER, Mrs. BLACKBURN, Mr. BURTON of Indiana, Mr. GALLEGLY, Mr. FLAKE, Mr. INGLIS of South Carolina, Mr. PICKERING, Mr. STEARNS, Mr. CHABOT, Mr. GOHMERT, Mr. LEWIS of Kentucky, Mr. GOODLATTE, Mr. BARTON of Texas, Mr. BOOZMAN, and Mr. PENCE):

H.R. 697. A bill to preserve and protect the free choice of individual employees to form, join, or assist labor organizations, or to refrain from such activities; to the Committee on Education and Labor.

By Mr. AL GREEN of Texas (for himself, Mr. HOLT, Mr. MCDERMOTT, Ms. MCCOLLUM of Minnesota, Mr. SCHIFF, Mr. NADLER, Mr. MOORE of Kansas, Mr. VAN HOLLEN, Mr. HONDA, Mr. SARBANES, Mr. FARR, Mr. SERRANO, Mr. DINGELL, Mr. ROTHMAN, Mr. CLEAVER, Mr. KUCINICH, Ms. HIRONO, Mr. PATRICK MURPHY of Pennsylvania, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. HINOJOSA, Mr. WEINER, Mr. ENGEL, Ms. MATSUI, Ms. BERKLEY, Ms. WOOLSEY, Ms. CASTOR, Mr. MILLER of North Carolina, Mrs. NAPOLITANO, Mr. GRIJALVA, Mr. BACA, Mr. DELAHUNT, Ms. SOLIS, Mr. SIRES, Mr. SCOTT of Virginia, Mr. WU, Ms. BORDALLO, Mr. FALEOMAVAEGA, Mr. COHEN, Mr. BISHOP of Georgia, Ms. CORRINE BROWN of Florida, Ms. NORTON, Mr. LANTOS, Mrs. MALONEY of New York, Mr. BRADY of Pennsylvania, Ms. MILLENDER-MCDONALD, Mr. GUTIERREZ, Ms. CARSON, Mr. EMANUEL, Mr. WAXMAN, Mr. WEXLER, Mrs. LOWEY, Mr. LEWIS of Georgia, Mr. FATTAH, Mr. HOLDEN, Mr. CLAY, Mr. PAYNE, Ms. SCHAKOWSKY, Mr. MORAN of Virginia, Mr. ISRAEL, Mr. CUMMINGS, Mr. LAMPSON, Mr. GENE GREEN of Texas, Ms. SUTTON, Mr. MCGOVERN, Mr. ORTIZ, Ms. SLAUGHTER, Ms. LINDA T. SÁNCHEZ of California, Mr. GONZALEZ, Mr. SNYDER, Mr. KILDEE, Mr. SPRATT, Mr. ROSS, Mr. CROWLEY, Mr. SESTAK, Mr. SCOTT of Georgia, Mr. DAVIS of Illinois, Mr. JACKSON of Illinois, Ms. CLARKE, Mr. TOWNS, Mr. BERMAN, Mrs. JONES of Ohio, Mr. PASTOR, Ms. KILPATRICK, Mr. PRICE of North Carolina, Mr. TANNER, Mr. HARE, Mr. THOMPSON of Mississippi, Mr. HASTINGS of Florida, Mr. ELLISON, Mr. CONYERS, Mr. DAVIS of Alabama, Mr. JEFFERSON, Mr. WYNN, Mr. BUTTERFIELD, Ms. WATERS, Mr. MEEK of Florida, Mr. VISCLOSKY, Mr. UDALL of Colorado, Ms. WASSERMAN SCHULTZ, Ms. LEE, Mr. RUPPERSBERGER, Mr. STUPAK, Mr. BISHOP of New York, Mr. CARNEY, and Mr. RANGEL):

H. Con. Res. 44. Concurrent resolution honoring and praising the National Association for the Advancement of Colored People on the occasion of its 98th anniversary; to the Committee on the Judiciary.

By Mr. WOLF:

H. Con. Res. 45. Concurrent resolution expressing the sense of Congress on the new strategy in Iraq; to the Committee on Foreign Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ISSA:

H. Res. 92. A resolution amending the Rules of the House of Representatives to clarify and make corrections to the House ban on air travel; to the Committee on Standards of Official Conduct.

By Mr. BOEHNER:

H. Res. 93. Resolution raising a question of the privileges of the House.

By Mr. HINOJOSA (for himself and Mrs. BIGGERT):

H. Res. 94. A resolution supporting the goals and ideals of National Consumer Protection Week; to the Committee on Energy and Commerce.

By Mrs. JONES of Ohio (for herself and Mr. WHITFIELD):

H. Res. 95. A resolution expressing the sense of the House of Representatives supporting the goals and ideals of Campus Fire Safety Month, and for other purposes; to the Committee on Education and Labor.

By Ms. KAPTUR (for herself, Mr. GERLACH, Mr. LEVIN, and Mr. BARTLETT of Maryland):

H. Res. 96. A resolution supporting the establishment and full funding of a staff exchange program between the House of Representatives and the Parliament of Ukraine, the Verkhovna Rada, as soon as possible; to the Committee on Foreign Affairs.

By Mr. PATRICK J. MURPHY of Pennsylvania (for himself, Ms. HARMAN, Mr. TANNER, Mr. MARSHALL, Mr. THOMPSON of California, Mr. BOYD of Florida, Mr. ROSS, Ms. HERSETH, Mr. MOORE of Kansas, Mr. MATHESON, Mr. CARDOZA, Mr. CHANDLER, Mr. ARCURI, Mr. MCINTYRE, Mr. BOSWELL, Mr. SALAZAR, Mr. SCOTT of Georgia, Mr. COSTA, Mr. SHULER, Mr. HILL, Mr. MAHONEY of Florida, Mr. ELLSWORTH, Mr. HOLDEN, Mr. LINCOLN DAVIS of Tennessee, Mr. BACA, Mrs. GILLIBRAND, Ms. BEAN, Mr. ISRAEL, Mr. DONNELLY, Mr. MELANCON, Mr. BERRY, Mr. POMEROY, Mr. BARROW, Mr. BISHOP of Georgia, Mr. PETERSON of Minnesota, and Mr. MICHAUD):

H. Res. 97. A resolution providing for Operation Iraqi Freedom cost accountability; to the Committee on Armed Services, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PAYNE (for himself, Mr. Wolf, Mr. Capuano, Mr. Lantos, Ms. Lee, Ms. Watson, Ms. Waters, Mr. Meeks of New York, Mr. Watt, Mr. Hastings of Florida, Mr. Clyburn, Mrs. Christensen, Mr. Jefferson, Mr. Cleaver, Mr. Scott of Virginia, Ms. Clarke, Mr. Rush, Ms. Corrine Brown of Florida, Mr. Butterfield, Mr. Towns, Mr. Bishop of Georgia, Ms. Jackson-Lee of Texas, Mr. Wynn, Mr. Thompson of Mississippi, Mr. Lewis of Georgia, Mr. Clay, Mr. Al Green of Texas, Mr. Davis of Illinois, Ms. Millender-McDonald, Mr. Johnson of Georgia, Mrs. Jones of Ohio, Mr. Conyers, Mr. Fattah, Mr. Ellison, Ms. Eddie Bernice Johnson of Texas, Mr. Davis of Alabama, Ms. Kilpatrick, Mr. Rangel, Mr. Cummings, Mr. Scott of Georgia, Ms. Carson, Ms. Moore of Wisconsin, Mr. Meek of Florida, and Mr. Jackson of Illinois):

H. Res. 98. A resolution honoring the life and achievements of the late Dr. John Garang de Mabior and reaffirming the continued commitment of the House of Representatives to a just and lasting peace in the Republic of Sudan; to the Committee on Foreign Affairs.

By Mr. SMITH of Nebraska (for himself, Mr. Fortenberry, and Mr. Terry):

H. Res. 99. A resolution commending the University of Nebraska-Lincoln volleyball team for winning the NCAA Division I Women's Volleyball Championship; to the Committee on Education and Labor.

By Ms. SOLIS (for herself, Mr. Burton of Indiana, Ms. Lee, Mr. Lantos, and Mr. Engel):

H. Res. 100. A resolution expressing the sympathy of House of Representatives to the families of women and girls murdered in Guatemala and encouraging the Government of Guatemala to bring an end to these crimes; to the Committee on Foreign Affairs.

By Ms. WOOLSEY (for herself, Mr. Grijalva, Mr. Moore of Kansas, Mr. Olver, Mr. Kennedy, Mr. Stark, Mr. Hastings of Florida, Mrs. Capps, Mr. Moran of Virginia, Mrs. Maloney of New York, Mr. Crowley, Mr. Gutierrez, Ms. McCollum of Minnesota, Mr. Davis of Illinois, Mr. Udall of New Mexico, Ms. Norton, Mrs. Napolitano, Ms. Waters, Mr. Farr, Mr. Schiff, Ms. Linda T. Sánchez of California, Mr. Honda, Mr. Capuano, Ms. DeLauro, Mr. Miller of North Carolina, Mr. Waxman, Mr. Wexler, Ms. Baldwin, Mr. Berman, Mr. Filner, Mr. Pascrell, Mr. Markey, Mr. Allen, Mr. Kucinich, Ms. Eddie Bernice Johnson of Texas, Ms. Herseth, Ms. Harman, Mr. Al Green of Texas, Ms. Eshoo, Ms. Moore of Wisconsin, Ms. Solis, Ms. Slaughter, Mr. Lewis of Georgia, Ms. Millender-McDonald, Mr. Cummings, Ms. Jackson-Lee of Texas, Mr. Frank of Massachusetts, Mr. Fattah, and Ms. Kaptur):

H. Res. 101. A resolution expressing the sense of the House of Representatives that the Senate should ratify the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW); to the Committee on Foreign Affairs.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 17: Mr. Michaud, Mrs. Wilson of New Mexico, Mr. Baca, Mr. Ruppersberger, Mr. Ortiz, Mr. Matheson, Mr. McKeon, Mr. Daniel E. Lungren of California, Mr. Van Hollen, Mrs. Tauscher, Mr. Holden, Mr. Frank of Massachusetts, Mr. Pickering, Mr. Stupak, Mrs. Bono, and Mrs. Capps.

H.R. 22: Mr. Forbes, Mrs. Blackburn, and Mr. Neugebauer.

H.R. 36: Mr. Walberg.

H.R. 37: Mr. Walberg.

H.R. 43: Mr. Wynn, Mr. Hinojosa, Mrs. Gillibrand, and Mr. Sires.

H.R. 44: Mr. Hinojosa and Ms. Jackson-Lee of Texas.

H.R. 45: Mr. Hinojosa.

H.R. 65: Mr. Hall of Texas.

H.R. 81: Mr. Bishop of Utah.

H.R. 82: Mr. Ackerman, Mr. Andrews, Ms. Baldwin, Ms. Bean, Mr. Burgess, Mr. Calvert, Mr. Tom Davis of Virginia, Mr. Garrett of New Jersey, Mr. Gohmert, Ms. Granger, Mr. Hinchey, Mr. Lampson, Mr. Lynch, Mr. McCotter, Mr. Meehan, Mr. Neugebauer, Mr. Renzi, Mr. Rogers of Kentucky, Mr. Shays, Ms. Slaughter, and Mr. Young of Florida.

H.R. 91: Mr. Young of Florida and Mr. Feeney.

H.R. 92: Mr. Souder.

H.R. 111: Ms. Kaptur, Mr. Walsh of New York, Mr. McKeon, Mr. Wilson of South Carolina, Mr. Larson of Connecticut, Ms. Baldwin, Mr. Honda, Mr. Burton of Indiana, Ms. Norton, and Mr. Baca.

H.R. 131: Mr. Gary G. Miller of California.

H.R. 132: Mr. Gary G. Miller of California.

H.R. 133: Mr. Gary G. Miller of California.

H.R. 134: Mr. Gary G. Miller of California.

H.R. 137: Mr. Langevin, Mr. Heller, and Mr. Hastings of Washington.

H.R. 172: Mr. Butterfield and Mr. Grijalva.

H.R. 180: Mr. Holt, Ms. Jackson-Lee of Texas, and Mr. Butterfield.

H.R. 197: Mr. Lipinski, Ms. Matsui, Ms. Hirono, Mr. Baird, Mr. Butterfield, Mr. Goode, Ms. McCollum of Minnesota, Mrs. Gillibrand, Mr. Hinojosa, Mr. Kuhl of New York, Mr. Schiff, Mr. Abercrombie, Ms. Sutton, Mr. Filner, Mr. Holt, Mr. Ross, Mr. Terry, Mr. DeFazio, Mr. Perlmutter, Mr. Miller of North Carolina, Mr. English of Pennsylvania, Mr. Kirk, Mr. Bartlett of Maryland, Mr. McHugh, Mr. Ehlers, Mr. McCotter, Mr. Weller, Mr. Lucas, and Ms. Berkley.

H.R. 207: Mr. Lewis of Georgia and Mrs. McCarthy of New York.

H.R. 211: Mr. McIntyre.

H.R. 269: Mr. Alexander, Mr. Reichert, Mr. Peterson of Pennsylvania, and Mr. King of New York.

H.R. 278: Mr. Van Hollen and Mr. Higgins.

H.R. 279: Mr. Poe.

H.R. 289: Mr. Jones of North Carolina.

H.R. 303: Ms. Ginny Brown-Waite of Florida, Mr. Delahunt, and Mr. LoBiondo.

H.R. 312: Mr. Hare.

H.R. 325: Mr. Fortuño.

H.R. 327: Mr. Cuellar, Mr. Delahunt, Mr. Levin, Mr. Blumenauer, Mr. Manzullo, and Mr. Gordon.

H.R. 346: Mr. Hare.

H.R. 353: Ms. Matsui.

H.R. 359: Mr. Jackson of Illinois.

H.R. 362: Mr. Lipinski, Mr. Baird, Ms. Slaughter, Mr. Honda, Mr. Cleaver, Mr. Van Hollen, Ms. Hirano, and Ms. McCollum of Minnesota.

H.R. 363: Mr. Lipinski, Mr. Baird, Ms. Slaughter, Mr. Honda, Mr. Cleaver, Mr. Van Hollen, Ms. Hirano, and Ms. McCollum of Minnesota.

H.R. 365: Mrs. Myrick, Mr. Chandler, Mr. Walden of Oregon, Mr. Smith of Nebraska, Mr. Rothman, Mr. Carnahan, and Mr. Baird.

H.R. 367: Mr. Mario Diaz-Balart of Florida.

H.R. 369: Mr. McGovern.

H.R. 370: Mrs. Capito and Mr. Shuster.

H.R. 395: Mr. Scott of Georgia, Mr. Marshall, Mr. McIntyre, Mr. Hare, Mr. Bishop of New York, and Mr. Costa.

H.R. 411: Mr. Reichert, Mr. Mica, Mr. Paul, Mr. Conaway, Mr. Miller of Florida, Mr. Wicker, Mr. Wamp, Mrs. McMorris Rodgers, Mr. Norwood, Mrs. Jo Ann Davis of Virginia, and Mr. Sensenbrenner.

H.R. 413: Mr. Grijalva, Mr. Capuano, and Mr. Blumenauer.

H.R. 418: Mr. Rehberg.

H.R. 439: Mr. Lantos.

H.R. 471: Mrs. Myrick, Mr. Hunter, Mrs. Gillibrand, Mr. Fortenberry, Mr. Carnahan, Mr. McHenry, and Mr. Weldon of Florida.

H.R. 473: Mrs. Jo Ann Davis of Virginia.

H.R. 493: Mr. Miller of North Carolina, Ms. Norton, Mr. Pascrell, Ms. Schwartz, Mr. Frank of Massachusetts, Mr. Larson of Connecticut, Ms. Harman, Mr. Lewis of Georgia, Mr. Towns, and Mr. Hinchey.

H.R. 502: Mr. Pastor.

H.R. 504: Mr. Gingrey, Mr. Inglis of South Carolina, Mr. Jones of North Carolina, Mr. Marshall, Mr. Barrett of South Carolina, and Mr. Wilson of South Carolina.

H.R. 507: Mr. Boozman, Mr. Wexler, Mr. Crowley, Mr. McIntyre, Mr. Grijalva, Mr. Hinojosa, Ms. Shea-Porter, and Mr. Mack.

H.R. 508: Mr. McNerney and Mr. Loebsack.

H.R. 521: Mr. Murtha, Mr. Holt, Mr. Michaud, Ms. McCollum of Minnesota, Mrs. Davis of California, Mrs. Maloney of New York, Mr. McDermott, Mrs. Jones of Ohio, Mr. Pascrell, Mr. Moran of Virginia, and Mr. Kennedy.

H.R. 528: Mr. Waxman, Mr. McGovern, Mr. Grijalva, Ms. Norton, and Mrs. Maloney of New York.

H.R. 539: Mr. Dent, Mr. English of Pennsylvania, Mr. Tom Davis of Virginia, Mr. Pascrell, Mr. Fattah, Ms. Clarke, Mr. McNulty, Mr. Kennedy, Mr. Stark, Mr. Mahoney of Florida, Ms. McCollum of Minnesota, Mr. Ellison, Ms. Berkley, Ms. Hirono, Mr. Melancon, Mr. Farr, Ms. Linda T. Sánchez of California, Mr. Holt, Mr. Bishop of New York, Ms. Watson, Mr. Israel, Mr. Crowley, Mrs. Maloney of New York, Mr. Sires, Mr. Schiff, Mr. Van Hollen, Ms. DeGette, Mr. Hastings of Florida, Mr. Spratt, Mr. Doggett, Ms. Woolsey, Ms. Castor, Mr. Lampson, Mr. Inslee, Mr. Rahall, Mr. Welch of Vermont, Mr. Abercrombie, Mr. Cardoza, Mr. Cohen, Mr. Perlmutter, Mr. Carnahan, Mr. Lewis of Georgia, Mr. Grijalva, Mr. Neal of Massachusetts, Mr. Hinchey, Mr. Kuhl of New York, Mr. Doyle, Mrs. McCarthy of New York, Mr. Duncan, Mr. Bartlett of Maryland, Mr. Gilchrest, Mr. Brady of Pennsylvania, Mr. Wolf, Mr. Costa, Ms. Sutton, Mr. Miller of North Carolina, Mr. Platts, Mrs. Emerson, Mr. Olver, Mr. Gerlach, Mr. Cleaver, Ms. Harman, Mr. Ackerman, Mr. Meehan, and Ms. Kaptur.

H.R. 548: Mrs. Jones of Ohio and Mr. Kind.

H.R. 549: Mr. Ehlers, Mr. Norwood, Mr. Wolf, Mr. McHugh, Mr. Shimkus, Mr. Manzullo, Mr. Upton, Mr. Klein of Florida, Mr. Mario Diaz-Balart of Florida, Mr. Braley of Iowa, Mr. Boozman, Mr. Shuler, Mr.

ENGLISH of Pennsylvania, Mrs. JO ANN DAVIS of Virginia, Mr. KUHL of New York, and Mr. CUELLAR.

H.R. 563: Mr. DENT and Mr. CAMPBELL of California.

H.R. 566: Mr. MCDERMOTT.

H.R. 567: Mr. WYNN.

H.R. 570: Mr. UPTON.

H.R. 579: Mr. CALVERT, Mr. MCGOVERN, Ms. SCHWARTZ, Mr. KIND, Mr. LARSON of Connecticut, Mr. BISHOP of Georgia, and Mr. ALLEN.

H.R. 582: Ms. JACKSON-LEE of Texas.

H.R. 588: Mr. HARE.

H.R. 594: Mr. JACKSON of Illinois, Mrs. MCCARTHY of New York, Mr. FRANK of Massachusetts, and Mr. CARNEY.

H.R. 619: Mr. CAPUANO, Ms. MOORE of Wisconsin, Mr. SIRES, Mr. ALLEN, Mr. FILNER, and Ms. ZOE LOFGREN of California.

H.R. 620: Mr. SERRANO, Mr. LANTOS, Mr. MARKEY, Mr. CLAY, Mr. FRANK of Massachusetts, Mr. LATOURETTE, Mr. JONES of North Carolina, Mr. HOLT, Mr. NADLER, Mr. NEAL of Massachusetts, Mr. MCNULTY, and Mr. LARSON of Connecticut.

H.R. 645: Mr. BLUMENAUER.

H.J. Res. 1: Ms. GINNY BROWN-WAITE of Florida, Mr. ADERHOLT, and Mr. SULLIVAN.

H.J. Res. 3: Mrs. MYRICK.

H.J. Res. 14: Mr. FRANK of Massachusetts, Mr. PASCRELL, and Mr. BARTLETT of Maryland.

H.J. Res. 18: Mr. HARE.

H. Con. Res. 19: Ms. WATERS.

H. Con. Res. 20: Mr. WEXLER.

H. Con. Res. 21: Mr. MCCOTTER.

H. Con. Res. 25: Mr. KIRK, Mr. YOUNG of Florida, Mr. HOLDEN, Mr. SCOTT of Georgia, and Ms. CORRINE BROWN of Florida.

H. Con. Res. 33: Mr. FRANK of Massachusetts and Mr. GRIJALVA.

H. Con. Res. 35: Ms. CARSON and Mr. WYNN.

H. Con. Res. 43: Mr. BLUMENAUER.

H. Res. 18: Mr. SIMPSON, Mrs. CAPITO, Mr. MCCAUL of Texas, Mr. BARTLETT of Maryland, and Mr. WELDON of Florida.

H. Res. 41: Mr. BISHOP of New York and Ms. MATSUI.

H. Res. 50: Mr. BOREN.

H. Res. 64: Mr. SAXTON.

H. Res. 76: Mr. COSTA, Mr. BERMAN, Ms. WOOLSEY, and Mr. UDALL of Colorado.

H. Res. 79: Mr. HUNTER, Mr. PATRICK MURPHY of Pennsylvania, Mrs. GILLIBRAND, and Mr. WALBERG.

SENATE—*Wednesday, January 24, 2007*

The Senate met at 9:30 a.m. and was called to order by the Honorable SHELDON WHITEHOUSE, a Senator from the State of Rhode Island.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Move deeply in our hearts today, O Lord, so that we will conform to Your ways. Help us to understand Your purposes and submit to Your providence.

Empower our lawmakers to do Your will. Make them hungry and thirsty for Your spirit and power. Show them Your plan. Teach them Your paths. Instruct them on how to make our world a better place so that the sacrifices of those who die for our freedoms will not be in vain.

Open doors of greater opportunity for service as our Senators seek to be instruments for Your glory. May pleasing You become the primary aim of their labors. We pray in Your righteous Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable SHELDON WHITEHOUSE led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The legislative clerk read the following letter:

> U.S. SENATE,
> PRESIDENT PRO TEMPORE,
> *Washington, DC, January 24, 2007.*
>
> *To the Senate:*
>
> Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable SHELDON WHITEHOUSE, a Senator from the State of Rhode Island, to perform the duties of the Chair.
>
> ROBERT C. BYRD,
> *President pro tempore.*

Mr. WHITEHOUSE thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, morning business this morning will not be the full hour. When the Republican leader and I complete our brief statements to the body, the time will be divided 50–50, with the first half of the time being controlled by the Democrats and the second half of the time being controlled by the Republicans.

At 10:30, we will resume consideration of H.R. 2, the minimum wage bill. The time until 11:30 will be equally divided or controlled between the two leaders or their designees regarding the Gregg amendment. The cloture vote will occur at 11:30.

ORDER OF PROCEDURE

I ask unanimous consent that the majority time prior to the cloture vote with respect to the Gregg amendment be equally divided between Senators CONRAD and KENNEDY, and I also indicate that following the cloture vote, if cloture is not invoked on the Gregg amendment, there will be an immediate vote on the motion to invoke cloture on H.R. 2, the minimum wage bill. Members have until 10:30 this morning to file second-degree amendments.

Progress was made yesterday. The Sessions amendments were disposed of—voted upon, modified, or withdrawn. That was good progress. There are seven amendments pending presently. As I recall, there are three by Senator ENSIGN, most dealing with Social Security; Senator BUNNING has one dealing with Social Security; Senator KYL has one dealing with depreciation; Senator SUNUNU has one dealing with women's business centers. I think those are the only amendments now pending. So we ask that Senators continue to work through this bill. We are going to agree to set aside the pending amendments so Senators can offer other amendments so we can move through this bill as quickly as possible.

I hope Senators realize there must come an end to this process. We will see what happens after the two cloture votes as to what we will do for the rest of the week.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

RECOGNITION OF THE REPUBLICAN LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

FINISHING H.R. 2

Mr. McCONNELL. Mr. President, we encourage all Members who may have amendments on this side to come down. As the majority leader indicated, we will make progress on the bill this morning, and we look forward to finishing this bill some time in the future.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business until 10:30 a.m., with Senators permitted to speak therein for up to 10 minutes each, with the first half of the time under the control of the majority leader or his designee, and the second half of the time under the control of the minority leader or his designee.

The Senator from Illinois is recognized.

ENERGY

Mr. DURBIN. Mr. President, last night in the State of the Union Address, President Bush, for the seventh year running, raised the issue of energy. I am glad he did because I think everybody across America understands we are in a dangerous position. We are entirely dependent upon imports from foreign countries when it comes to our energy needs and our economy.

It is true that we produce our own oil and gas in this country, but we don't produce enough to fuel our economy. So we find ourselves buying oil from countries far and wide across the globe. We find ourselves in positions where we are compromised sometimes by that dependence. Many of us have felt that the President's first goal or task should be to establish the reduction of our dependence upon foreign oil. I think that is a worthy goal and one I wish the President had quantified last night a little more specifically than he did.

The reason, of course, is if we can find a way to reduce dependence upon foreign oil, for example, we might have several positive impacts: first, not entangling ourselves in the foreign policy goals of countries we don't share many values with; second, it is good for our security interests to have sources of fuel that are reliable closer to home;

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

third, of course, we are dealing with an environmental issue here. The more gasoline we burn to move a mile or two miles down the road, the more emissions and the more global warming; the more global warming, the more climate change and a disastrous environmental impact.

So many of us believe that though the President continues to refer to the problem, he has never quite moved us as we would like in the direction of a solution.

Last night, he said two things that were more encouraging. As I said, this is the seventh year the President has brought up the issue. He made a famous statement last year about America's addiction to oil. In the ensuing 12 months, we did little or nothing in Washington to address that addiction.

Assuming the same addiction today, the President said we should move toward alternative fuels, which I heartily support, not just biofuels, such as ethanol and biodiesel, but other alternative fuels that could make a big difference in the way we drive our cars, heat our homes, and fuel our businesses.

The second issue the President talked about, which is long overdue, is addressing the CAFE standards. These, of course, were standards created in 1975 by Congress. At the time, we knew we had a problem. The problem was obvious—that we had too much dependence on foreign oil and prices were going up. By today's standards, they were not going up that high, but by the standards of those days they were.

In addition, the cars and trucks we were driving were inefficient. In fact, the average miles per gallon in 1975 for cars and trucks was about 13, 14 miles per gallon. At that point, Congress worked up the courage, with the cooperation of the President, to set a new goal and said that in 10 years, we will virtually double the fuel efficiency of the cars and trucks in America.

The negotiations got underway, and they decided to exempt trucks—we will go after cars and we will go after the fleet average of cars.

It worked. In a span of 10 years, we went from 13 or 14 miles a gallon average mileage to 27, 28 miles a gallon. So we clearly showed that when given incentives and mandates, the automobile manufacturers could respond with a product that was more fuel efficient.

What happened after 1985, after we hit the 27, 28 miles a gallon average? We did nothing. For 21 straight years, we did nothing. What happened in addition, that little loophole we created for trucks, letting them off the hook, the SUVs drove right through it. They produced these big, heavy vehicles that became extremely popular with Americans. They classified them as trucks, and they had no requirements to be fuel efficient. So the overall use of gasoline continued to increase, and the overall efficiency of the cars and trucks we drive went down as more and more SUVs and trucks were built that were exempt from the CAFE standards. Twenty-one years passed and things got progressively worse as we imported more and more fuel—dramatically more and more fuel—to burn in cars and trucks that were significantly more inefficient than those we had in 1985.

I have tried, on the floor of this Senate, three different times to reimpose CAFE standards on cars and trucks, to close loopholes and to move us back in the direction of more efficient cars and trucks, and I failed every time. Maybe things have changed. I credit a lot of people for this new debate.

What troubled me last night was the President, I felt, acknowledged the energy issue but gave scant attention to the environmental aspect. It is true that most of us understand we are going through a climate change in America. If you have seen Al Gore's documentary "An Inconvenient Truth," he documents and brings the facts forward to make the argument that this climate change is changing the world we live in on a permanent basis.

I recently returned from an official trip with my colleagues to South America, where leaders in that region of the world said, when asked, they saw ample evidence of climate change—glacier melt and changes in things they thought would never change. We have seen it in America. We have seen it in the weather we find in different regions of our country, the extremes which we have witnessed and experienced.

My point is I hope we can take the President's invitation in his speech last night to the next level. I hope we can start talking about an energy policy that does make sense. The starting point ought to be a realistic goal for reducing our dependence on foreign oil. We ought to understand, if we can move forward with more efficient cars and trucks, give consumers in America more choices, that they will, given those choices, make the right choice, time and again.

Sadly, the production of these fuel-efficient cars has been led by foreign manufacturers and not by the United States. That has to come to an end.

I might say, although I support biofuels, ethanol, and biodiesel, although I believe flexible fuel vehicles are sensible for people to own and drive, it is not enough, and we shouldn't delude ourselves into believing it is enough. We need to move toward those hybrid vehicles that truly burn less fuel and move people in America to the places they need to go. We can do that, but we need to move in a sensible way.

Let me give two examples. There are two companies in my State of Illinois. One is Firefly. Firefly is a spinoff of Caterpillar Tractor company. It is an independent company that is trying to design a new battery for cars and trucks. The lead-acid battery, which most use today, is ancient and heavy and inefficient and in extreme temperatures doesn't work well. They are investing in research to find a new battery that is lighter and has a longer life. I don't know if theirs will be the breakthrough technology, but we need to encourage companies such as Firefly to develop the new batteries that can lead to better hybrid cars and more fuel efficiency.

Secondly, one of the biggest problems we have with fuel efficiency is the weight of the vehicle. If we can reduce the weight of the vehicle without compromising safety, we can get more fuel efficiency. I happen to have another company in Illinois—I am certainly proud of my State and what we do; these happen to be two companies relevant to the discussion—this company in Illinois has now a new titanium alloy that can be derived at a much lower cost.

Titanium holds the promise of being stronger than steel and lighter than aluminum. So this could be the answer to a car chassis that is safe and lighter. Combining those two items might offer a prospect for a vehicle in the future which would be much more fuel efficient.

Why aren't we promoting companies such as those companies? If we truly want to reach energy independence and energy inefficiency, we need to move beyond where we are today. We need to move the discussion. We need to say to automobile manufacturers that it isn't good enough to keep producing those SUVs and trucks, fuel-inefficient vehicles, and giving consumers fewer choices. It isn't enough to always come in second to the Japanese, when it comes to production of newer and forward looking technology. It isn't enough to let the airline and airplane industry look for these new alloys and new batteries and ignore their need for our automobile industry as well.

The President has pointed us in the right direction. I hope that now he will join us. We need to cooperate. We need to work together, Republicans and Democrats—give some ground, if necessary, but keep our eye on that goal to clean up this environment for our kids, reduce our dependence on foreign oil, push the kind of technology and innovation that will create great new American companies with great new American jobs that pay a decent income to those who work there.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Colorado.

Mr. SALAZAR. Mr. President, in each State of the Union Address that President Bush has given to our country over the last 6 years, he has talked about the importance of energy independence for our Nation.

In 2001, he said loudly and clearly that we as America "must become more energy independent."

In 2002, he said:

> We need to encourage conservation, promote technology, and build infrastructure.

And again last year, most of us remember the President loudly and clearly telling the people of America, the people of this world, that America is addicted to oil and we need to do something about it.

I was pleased last night that the President revisited an issue he had talked about before—our energy independence. In my view, this is a signature issue for all of us in the 21st century. Encompassed in this issue of energy security for our Nation, we see the national security of America because today the way we approach the energy issue, where we now import 70 percent of our oil from foreign countries, we end up funding both ends of the war on terror. We do it when we put gasoline in our tanks in America and it ends up funding Iran and Iran ends up buying the rockets for Hezbollah that rain over Israel and funds the 10,000 members of the Hezbollah militia. That is crazy. So our national security requires us to move forward with energy independence.

As far as our economic independence at home, we saw what happened when gasoline went up over $3 a gallon, when farmers and ranchers were suffering, having to pay $3.50 a gallon for diesel to fill up their tractors, their combines, and their trucks. We know the economic security of our country depends on having a steady supply of energy.

Finally, the environmental security of our country, knowing what global warming is doing to the North Pole and to the climate changes all around the world, is something we need to get our hands around. We need to deal with the energy issue in an effective way.

So I was pleased that the President of the United States last night came before the Congress and the Nation and said we needed to do some more work on energy. He said we needed to more than double, we need to quintuple the renewable fuel standard, which hopefully will get us to the 35 million gallons per day in 10 years. And he said we need to reduce the gasoline we are currently using in this country in 10 years by 20 percent.

At the end of the day, what we do on energy will depend on how we take those concepts and how we, with the President, walk the talk toward getting us to energy independence.

When we look back on what has happened in the last 6 years in the United States, the opposite has happened. Instead of becoming less dependent on foreign sources of oil, we have become more dependent on foreign sources of oil. So the rhetoric simply has not matched the deeds. We need to make sure the words that were spoken last night are matched by the deeds of the administration in terms of the budget, the leadership of the Department of Energy in investing in technology, in the National Renewable Energy Lab, and moving forward with an aggressive agenda on renewable energy and new technologies.

I wish to illustrate two points that tell the history of what has happened over the last 6 years in Washington. First, with respect to renewable energy investments, if one takes a look at this chart, 2001 to 2006, one would think, as we were on this trajectory of getting ourselves energy independent, that this red line would show us increasing investments in renewable energy in America. And yet the exact opposite has happened.

We started in 2001 investing about $350 million a year into renewable energy. By the time we got to 2006, we were at about $375 million. So we actually dropped about $25 million in what we were investing in renewable energies. This is not walking the talk as we embrace the future of renewable energy.

I would like to illustrate what we have done with efficiency. We talk about energy independence. We know it is a complex issue, but frankly, as my good friend from Tennessee and others know, it is not as complex as some of the other issues we face in America today. It certainly is not as complex, in my mind, as the health care issue which dogs the businesses and families of America every day because we know how we can get to energy independence.

If the country of Brazil, a Third World country, could declare itself to be energy independent, why not the most powerful Nation on Earth, the Nation with the greatest technology? Why couldn't we have done the same thing? The answer to that is that we have not had a sustained commitment to get us to energy independence.

If we look at the low-hanging fruit with respect to energy efficiency, we again see the story of our walking away from embracing a true ethic of energy independence. If we look at the investments that have been made from 2001 to 2006, we see a dramatic decline, again, in terms of what we are doing with energy efficiency. That is not the way to go. It is the wrong way to go because the experts and scientists at the Department of Energy, the National Renewable Energy Lab tell us that we waste about 62 percent of the energy we consume. We waste 62 percent of the energy that we consume. So if we can become much more efficient with respect to how we use energy, we can help deal with this issue of energy dependence, which is essentially strangling our economy and strangling our national security.

As I react to the President's State of the Union Address, I am delighted with the fact that he has given us this challenge. Now we need to work as a Congress and have the administration work with us so we are able to put the resources and the ideas on the table to come up with what is truly a bipartisan package that will help us move forward with the kind of energy independence that is achievable.

In my view, we can be even bolder and go beyond what the President has said. There is a group of Senators in this Chamber—some 25 of us, half Republicans, half Democrats—that last year sponsored legislation called 2025. This year it has another number. We talk about alternative fuels and how we incentivize moving forward with alternative fuels. We have in the Senate as well incentives for higher efficiencies and how we use oil. Our goal in that legislation is to reduce the consumption in the imports of oil in a very dramatic fashion by the year 2016 and then beyond, by the year 2026. It is a bipartisan agenda.

At the end of the day, and in conclusion, we have an opportunity to work together as a Senate, as a Congress, by bringing Republicans and Democrats together to achieve true energy independence and surpass even the President's vision of what we can do. When you think about Senators such as SESSIONS and BROWNBACK and then on the Democratic side BAYH and LIEBERMAN, a whole host of us who are involved in the set America free agenda, it is an important opportunity we have to move forward. But, at the end of the day, the way we will achieve this milestone of energy independence for our country, which is so essential, is by making sure the administration itself, the President of the United States, walks the talk in terms of what we can do to achieve this goal of energy independence.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I ask unanimous consent to be allowed to speak for 10 minutes in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ALEXANDER. Will the Chair please let me know when I have a minute remaining?

The ACTING PRESIDENT pro tempore. The Chair will do so.

STATE OF THE UNION AND WASTEFUL SPENDING

Mr. ALEXANDER. Mr. President, I wish to talk about two things this morning: No. 1, the President's State of the Union Address last night, and No. 2, Senator GREGG's proposal to reduce wasteful spending.

I appreciate the comments of the Senator from Colorado, who has been a leader on renewable energy and energy independence. I want to point this out. The President last night did his job. It was a truly Presidential speech, in my opinion. I used to work in the White House, and a wise man there told me: Lamar, our job here on the White House staff is to consider everything that comes to the White House as important. We need to push those things out and reserve for the President those things which are truly Presidential.

The President talked about truly Presidential issues last night, and he did what Presidents are supposed to do. He did not give us a laundry list. He talked about Iraq, terrorism, energy independence, and health care costs. He said: Pick up immigration and deal with it. He said reduce the budget in 5 years. He gave us a strategy in each case, he tried to persuade us that he is right, and then he handed the ball to us.

We are independent of the President. We have a Democratic Congress, closely divided, and a Republican President, so I don't think we can criticize the President. I think we should applaud the President and say: Mr. President, you did your job. You identified the issues, you gave us a strategy, and you handed the ball to us.

The biggest news last night, it seemed to me, was on energy independence and health care costs. Starting with energy independence, the President said let's set a goal to reduce our use of gasoline 20 percent in 10 years. That is a big, serious proposal. This country uses 25 percent of all the energy in the world. If we reduce our use of gasoline by 20 percent in 10 years, it will help clean the air, it will help reduce dependence on foreign oil, it will create a big market for agricultural products in this country to help create biodiesel alternative fuels, and it will force innovation in such things as electric batteries.

The President's proposals will require a change in the so-called fuel efficiency CAFE standards. It will require these new technologies. It is a big step, and it is the kind of thing that Democrats as well as Republicans can take, improve, and pass. We don't need to be saying to the President: Mr. President, you walk the walk. He talked. Now it is up to us to act.

The same with health care. His proposal on health care is a big, serious proposal. There is probably no subject Tennesseans talk to me about more in their daily lives than: How do I pay for my health care costs? The President had an answer last night. He said: For 80 percent of working Americans, I will give you an average of $3,600 in savings from your taxes which you can spend to buy yourself health care insurance. That means if you are a family of four, making $60,000 a year, you might have $4,000 or $5,000 in tax savings to use to pay for health care costs.

Now, 20 percent of us would pay a little more for health care. Mine would go up. But 80 percent of all of us who work would get significant savings to pay for health care insurance. This would help us afford it. This would help more people who do not have it pay for it. This would help hospitals whose emergency rooms fill up with people who cannot pay for health care. It is a big, serious proposal.

The President has done his job. It is up to us now to have a hearing, improve it, and enact it.

I salute the President for doing his job last night with what I felt was a truly Presidential speech. Much of it was about Iraq. Iraq is being talked about today in many different bodies, but much of it is about what is happening at home. If we take up immigration and don't stop until we are finished, if we balance the budget in 5 years, if we reduce the amount of oil we are using by 20 percent in 10 years, if we give 80 percent of working Americans several thousand dollars to help pay for health care insurance, that will be a great big step forward. So it is up to us, now, to pick up the ball and run with it. He has handed it to us. Let's go. Let's talk about it. Let's do it. If we have a better idea, fine; if not, let's just pass his proposal.

Second, I wish to speak for just a moment about the proposal of Senator GREGG that would give the President a new tool for cutting wasteful spending. I believe it should have been enacted with our reforms last week on lobby reform because it would help rein in wasteful spending and earmark abuse. But I commend Senator MCCONNELL and Senator GREGG, and I thank Senator REID for working it out so we can have a vote on this important amendment.

We need to get our fiscal house in order. Yesterday, 25 of us attended a breakfast. The Chair and I were there. It wasn't a breakfast where we talked about how Democrats could beat Republicans and vice versa; we talked about how we can put our fiscal house in order. The Presiding Officer had some very good ideas to express, but the whole 40 minutes was about the unsustainable growth of Federal spending here, especially in the entitlement area. There are several things we need to do about it, but this amendment by Senator GREGG is one. It is not the same thing as a line-item veto, but it goes in that direction.

I would support amending the Constitution to give the President a line-item veto. I don't think that is in derogation of our authority to appropriate. The Supreme Court thinks it does that, so we have to respect that. But this is a little different way to let the President have a way of letting us take a second look at appropriations we passed which may not have been wise.

Under current law, the President has the power, for example, to propose cuts in spending after appropriations bills have been passed by Congress. Then we can pass those cuts in the same form and send them back or we can ignore them. So the idea would be, under the Gregg amendment, that the President could submit four packages of rescission proposals each year. We couldn't ignore the proposals. We would have to vote on them in a short period of time, if any Member wanted us to. If the majority of the Senate and the House agreed with the President's recommendations for cutting spending, then the spending or targeted tax breaks would get cut and the money would be used to reduce the deficit. But if a simple majority of either House disagreed, then the cuts would not go into effect.

It is pretty much the same amendment Senator Daschle and Senator BYRD offered in 1995, which was supported by 21 of my Democratic colleagues who are still serving in the Senate. It is not the same thing as the traditional line-item veto, but it is an opportunity to put the spotlight on wasteful spending.

Senator GREGG went one step further to make his amendment more closely reflect the Daschle-Byrd proposal. Senator GREGG's amendment allows us in the Congress, if the President makes a rescission proposal, to strike out an individual part of his proposal. There are plenty of forces here in this city for increasing spending. There are not enough forces that push to reduce spending. The Gregg proposal would be one tool the President and the Congress can use to reduce spending.

I know when I was Governor I had this authority and 43 Governors currently have the line-item veto. In Tennessee, it is not much of a line-item veto because the Governor's veto can be overridden by a majority of the legislature. But just because I had the veto and the fact that I might have used it, and occasionally did use it, helped me put the spotlight on wasteful spending and gave the legislature a chance to reconsider or think twice about what they might do.

As a new member of the Senate Appropriations Committee, I can assure my colleagues, I don't take lightly proposals to alter the Congress's power of the purse. For Congress to appropriate is as natural as for Johnny Cash to sing or for the President to nominate Supreme Court Justices. But I don't think this interferes with that because both the Senate and House must vote to adopt the President's proposed cuts; second, we can strike portions of his proposed cuts; and third, the power to do all this would sunset after 4 years, giving us in the Congress a chance to evaluate how well it is working.

There are some other things I think we can do. A biennial budget would help. Passing a 2-year budget, so we can focus all of the first year on the budget and all the next year on oversight over programs to help them work better, avoid duplication, and get rid of some programs—all of that would help control spending. We also ought to have a commission on accountability and review of Federal agencies, which would help reorganize duplicative and unnecessary programs.

I am honored to sponsor the Gregg second look at waste amendment because it gives the President and the Congress one tool to reduce wasteful spending at a time when we urgently need to do that and the country knows that.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I understand we are in morning business at this time? .

The ACTING PRESIDENT pro tempore. The Senator is correct.

SECOND LOOK AT WASTE

Mr. GREGG. Mr. President, I rise to thank the Senator from Tennessee for his support at this second look at waste amendment which I have offered. The Senator's arguments, as always, are extraordinarily cogent and logical. He makes the point—which I think is very valid, as a former Governor who had the line-item veto, which is a much stronger authority than what we have in this amendment—that this is important, managing the fiscal house, to making sure that items which get into legislation as a result of being put in arbitrarily by some individual Member of Congress but which are not subject to the light of day in the traditional way—by being brought across the floor as individual items but, rather, are put into major pieces of legislation, sometimes representing hundreds of billions of dollars in spending—that those items can be reviewed again and get a vote as to their credibility and as to their appropriateness and whether they represent something on which American tax dollars should be spent.

This proposal, this fast-track rescission, which is what it really is, is not a partisan proposal. In fact, as proposed in my amendment, second look at waste, it would actually be primarily under the control of the next President. It has a 4-year window of activity and then it is sunsetted. By the time it would get into law, should it pass the Senate and then pass the House, it is likely that this President will only have, probably, a year and a half to use this authority, and then the next President, whoever that President may be—maybe a Republican, maybe a Democrat—will have the authority to use this rescission ability for 2½ years. So it is not partisan.

Second, it was drafted, as the Senator from Tennessee noted, basically to mirror a proposal that was put forward by Senator Daschle. In fact, I have called this amendment daughter of Daschle. It is essentially the Daschle amendment as offered back in 1995, which was cosponsored by Senator BYRD. There are only two major changes—well, three major changes, and I have already said to those who have asked me that I am willing to adjust those changes to bring it even more in line with Daschle.

One of the changes in this bill from the Daschle bill was that the President would have 300 days to send up his rescission notice. Some people have expressed concern that that gives the President the ability to use that rescission notice as a club over people's heads. The reason we gave the President 300 days in this amendment was we had reduced the number of rescission notices in the Daschle amendment. There were potentially 13 rescission actions available to the President, and in this amendment, there are only 4 available to the President. Therefore, in the Daschle amendment, it was required that the rescission notice be sent up soon after the bill was signed. But, of course, with 13 different opportunities, it could go on all year long. We felt that since we were reducing it to four, we should give the President more leeway as to when he sent up those rescission notices.

But I can understand the argument. In fact, I accept the argument that maybe that is too much authority in the sense it gives the President too much leverage over the Congress. So when, I hope—I am using the term "when"—when this amendment comes forward in an amendable form, I will offer an amendment to reduce the 300 days back to 30 days. So the President would have to send up his rescission notices within 30 days of it being signed, or at least asking us to take a second look at it, and that should adjust that problem and bring it directly in line, pretty much in line with what the Daschle amendment was originally.

The other area which was different from the Daschle amendment is the issue that deals with mandatory spending. Some people have said new mandatory spending—not existing programs, not existing veterans programs or farm programs or Medicare or Medicaid, but if there is a new mandatory program, that can also be subjected to the President asking for a second look at it. It has been argued by some on the other side that this would undermine the ability to reach a comprehensive settlement on entitlement reform. That is really a straw argument. That argument has no legs.

The practical matter is, if a President reaches an agreement with the Congress on something as extraordinarily important as major entitlement reform, part of that agreement is going to be that the President signed off on it. So this argument of, well, but the President might come back and change it later on with a rescission notice really has no legs. It is just being made for the purpose of giving comfort to folks who believe they want to vote against this amendment. If people want to vote against it, that is their right. But don't use that as an excuse.

What this amendment essentially does is it allows the Congress to fulfill its obligation to make sure that money which is sent by our taxpayers is spent effectively, honestly, appropriately, and without waste. And, it gives the executive branch a role in asking the question of Congress: Did you really mean to spend this money?

I have to say, I have been here for a while—14 years in the Senate—and I have seen a lot of bills come across this floor which were fairly large, and when I took a look at them after I maybe had voted for it, I realized there were some things in them that I wished weren't in them. I didn't happen to vote for the highway bill which had the bridge to nowhere—the famous highway bill. But had I voted for it, I think I would have wanted to take a second look at some of the projects in that bill.

The same is true of a lot of our appropriations bills when we get to the end of the year and we haven't gotten our appropriations process completed effectively, so we lump 3 or 4 different appropriations bills, sometimes 5 or 6, occasionally 10, appropriations bills into 1 and we call it an Omnibus appropriations bill. Those bills tend to get items in them which have received no scrutiny, which are simply the result of an earmark for the purpose of accomplishing something which some Member of the Senate or the House feels is appropriate but which one suspects, if the entire House or the Senate were to take a look at, we would say: Well, better to put that money toward reducing the deficit than toward spending the money in this specific area.

So this bill is, as I have said and as the Senator from Tennessee so eloquently said, a second look at waste. The purpose is to give us, the Congress, another tool to manage waste.

Now, I wish it had come up last week because, quite honestly, I thought it was much more appropriate to last week's debate when we were debating earmarks and when about 50 percent of the debate time was spent on earmarks because that is what it is really about. But it has now been put on this bill as a result of an agreement I reached with the Senator from Nevada, the majority leader. I respected his position. I admire his leadership. I didn't want to create a situation where the lobbying bill got tied up forever over this issue, and the Senator from West Virginia said he would do that if I kept this amendment on the lobbying bill. So I agreed to put the amendment off and bring it forward at this time. So, hopefully, no one, when we get to this issue of cloture, is going to vote against cloture on the theory that it is not appropriate to this bill because, as I said earlier, I think people are stopped from making that position. It is a technical legal term that basically says, out of fairness: You can't make that case because, basically, the reason this amendment is on this bill is because I was asked to put it on this bill by the majority leader. Therefore, that is why we are going forward at this time.

So this is going to be the opportunity for Members of the Senate to vote on whether they believe a tool which will significantly improve our capacity to manage earmarks, to manage waste, is going to have a chance to be passed. It is a tool which has been offered by myself but which was actually offered by Senator Daschle and which was actually voted for by 37 members of the Democratic Party at that time, 20 of whom are still serving in the Senate. So it does seem to me that it is not unreasonable to ask that we take it up and pass it at this time and move it forward.

When we get to the cloture debate, I will have more to say on the matter, but I did want to come down and express my appreciation to the Senator from Tennessee for supporting the amendment.

Mr. ALEXANDER. Mr. President, I wonder if the Senator from New Hampshire would allow me to ask him a question or two.

Mr. GREGG. Of course.

Mr. ALEXANDER. Mr. President, the Senator from New Hampshire was Governor, as I was, and my sense of this amendment is that it understands human nature pretty well. Is it not the Senator's experience as Governor, and as a member of the Appropriations Committee for a long time, that sometimes items slip through, and that the idea here would be for the President to be able to just send it back to Congress and say: Don't you want to take a second look at this before you actually spend taxpayers' money? Is that not the general idea that is expressed by this amendment?

Mr. GREGG. I thank the Senator for his question. He is absolutely right. The essence of his question is that the power is retained with the legislative branch. This is not a line-item veto. This is not a veto. This is just the President saying to us, the legislators who have the power of the purse, take another look at this, which is why Senator BYRD supported it the last time it was on the floor of the Senate.

Mr. ALEXANDER. If the President sends a package of proposals back and asks: Do you really want to spend this money, and if a majority of the Senate decides that it did, and a majority of the House decides that it didn't, what happens then?

Mr. GREGG. Well, answering the Senator through the Chair, then the money gets spent. If either House does not agree with the rescission, then the rescission fails. So the power of the legislative branch is retained, which is its constitutional authority, to spend money as it deems appropriate, and the President has no capacity to override that under this bill. All he has is the capacity to say to the legislative branch: Do you think you want to do this? If either House says, yes, we do, then the money is spent.

Mr. ALEXANDER. One final question, Mr. President. Does the Senator from New Hampshire believe that Federal spending is one of the most difficult challenges we have here and is a matter that will need a bipartisan approach? And that we need to employ all the reasonable tools that we can to try to bring Federal spending under control? Otherwise, we are going to create a massive crisis for our children and our grandchildren, and this proposal would be one such reasonable tool.

Mr. GREGG. I thank the Senator from Tennessee for his question, which may have been rhetorical, and certainly I agree with that. To put this in context, we have to remember we are going to spend close to $3 trillion—we probably will spend $3 trillion this year in the appropriating accounts and in our budgets. There is no way we can manage all that efficiently, but certainly every tool that we can get that helps us manage it efficiently we should have. This is just another tool in the tool box to make sure we don't waste the taxpayers' money.

Mr. ALEXANDER. I thank the Senator.

The ACTING PRESIDENT pro tempore. The Senator from Missouri is recognized.

STATE OF THE UNION ADDRESS

Mr. BOND. Mr. President, today I rise to talk about a portion of the President's address last night that I think is extremely important. I have heard from many of my colleagues in this body and on the talk shows that there are serious concerns about the war in Iraq. Primarily, they are saying we need to change our strategy; we shouldn't be involved in a civil war. We should be involving the Iraqis themselves in taking care of the civil war. We ought to be providing more—we ought to ensure the Iraqi Government cuts the Sunnis in on the oil revenues and makes them full economic partners. We need to bring in the friendly neighbors in the region, those countries that want to see a peaceful and stable Iraq, and we ought to be following the Baker-Hamilton report.

As I listened to the President's speech last night, that is precisely what he did. This is a new strategy we have in Iraq. We have heard in our open Intelligence Committee hearings that now, for the first time, we believe Prime Minister al-Maliki and his Sunni and Kurdish fellow elected leaders believe they can take over and restore order in that country, and they are willing to crack down on the Shia death squads, such as Muqtada al-Sadr. We have seen reports of that in the media. They report that the neighboring countries are willing now to come in and help with reconstruction, provide job opportunities for young unemployed men to keep them from becoming insurgents or terrorists, and this, they say, is our best chance.

Frankly, for Prime Minister al-Maliki and his government, this is probably their last chance. This is an opportunity where al-Maliki said: If you will provide some additional support as we go in, get our troops up to speed and clear and hold Baghdad, we will take over the country.

That is what we need to do to bring a successful conclusion to this war and to draw out our military. We are probably going to have our military in the region for a long time because, as the President said, this is a generational war against radical Islam and the terror they bring.

I wanted to just briefly note a comment. Last night we heard that the military is against the war. Well, there may be some in the military who are against the war, but I can tell my colleagues, I have spent a lot of time listening to Missouri soldiers and marines, people who have been on the ground. I have gotten reports from them continually. I have seen newspaper reports about the people who have come back, the soldiers who have come back.

For example, one woman has written a book. She served with the Army's 101st Airborne. She lost her husband in the war. She says:

> It is hard to stay positive about Iraq because of what you see on the news. But I was able to be there and I know what a difference we are making there.

Others, such as 1SG Stephanie Leonard, was moved to tears, saying that they are heroes for helping the Iraqi people. She said:

> It is not a 24-hour war. We want things to be in a hurry. As soon as the Iraqi police are able to secure their own country, that is when the window begins to open.

These are just some of the many comments I have seen in print in Missouri and heard people express. They want to see us win. They know they are doing the job. They believe the liberal national media has painted a very unflattering and untrue picture, and that is why our troops think they are not getting a fair shake.

But in that context, in the context of what the President did, let's talk about the resolutions which are being discussed. If the President is on the track to respond to all of the ideas about how we ought to change our direction in Iraq—and I believe he is—what will the resolutions do?

Well, proponents of the resolutions say they want to support the troops, but the resolutions don't do that. Clearly, I believe there is an agreement now that we are not going to try to use the congressional power of the purse to cut off funding and force an immediate withdrawal from Iraq because that would be madness. The Director of National Intelligence told our committee:

> Precipitous withdrawal could lead to a collapse of the government of that country and a collapse of their security forces because we simply don't think they are ready to take over, to assume full control of their fiscal responsibilities.

To simply withdraw now would have catastrophic effects, and that is a quite widely held view inside of Iraq itself. If we were to cut off funds, the CIA Director said it would lead, No. 1, to increased killing of Iraqi civilians.

No. 2, the establishment by al-Zawahiri and Osama bin Laden of the base of operations for their war to establish a worldwide caliphate beginning in the Middle East, taking over the areas of Iraq which would be out of control and would bring people in from other countries in a possible civil war.

If we remember, that is what happened in Vietnam. When Congress cut off the purse, we saw our allies slaughtered in Vietnam, and some 2 to 2.5 million people in Cambodia, Laos, and Vietnam were killed. A possible slaughter of people in the Middle East who have supported us would ensue.

General Maples, the Director of the Defense Intelligence Agency, told our committee 2 weeks ago:

> . . . A failure in Iraq would empower the jihadist movement. It would give that base of operations from which the jihadist movement would extend. And it's consistent with the goals of Al Qaida in Iraq to establish that Islamic state, and then to expand it into the caliphate. I also think that there, of course, will be very significant regional impacts both in terms of stability to other countries—

I ask unanimous consent to speak an additional 4 minutes.

Mr. GREGG. Mr. President, what is the parliamentary situation?

The PRESIDING OFFICER (Mr. TESTER). The time for morning business has expired.

Mr. GREGG. The Senator from Missouri is asking for 4 additional minutes?

Mr. BOND. I ask for 4 additional minutes.

Mr. GREGG. I have no objection to the Senator proceeding.

The PRESIDING OFFICER. Without objection, it is so ordered. It will be charged against the minority side.

Mr. BOND. General Maples also told the Senate Intelligence Committee that a withdrawal from Iraq could leave Iraq's vast oil reserves in the hands of jihadists. We can imagine what trouble that would lead to.

If we are not using our power to cut off the funds and force a hasty withdrawal, what are we doing? Are we telling the 21,000 brave men and women who are going to Iraq we are uncomfortable with the dangerous mission they are about to undertake but not offering any alternative? I am sure they will find that very encouraging. They will be delighted to know we don't like what they are doing but they will have to do it anyhow.

If the goal of the resolution is to let the American people know we are uncomfortable with the situation in Iraq, I guess that makes for good politics. But, personally, I think it is wrong and irresponsible. It is irresponsible because if we approve this resolution, the whole world will be listening, including the worst actors in Iraq. We will be telling the Sunni terror cells and the Shia militias that America's political will is wavering.

If the members of al-Qaida in Iraq are finding themselves discouraged by the United States military's relentless pursuit, I am sure they will take comfort from these political gestures. If the Iraqis who support and encourage the Shia death squads are feeling the heat of United States-led and supported operations and are contemplating a compromise that might bring sectarian killing to an end, I am sure they will take comfort from the political gesture to hold on a little longer.

One of the keys to a successful counterinsurgency campaign is to wear down the enemy's resolve. This resolution will do the opposite. It will encourage Sunni terrorists and Shia death squads, letting them know if they hang on longer, the United States will not have the political will to outlast them.

One of the ironies of the resolution is that it condemns a recommendation that comes from a group the Senate requested in legislation. The Iraq Study Group's report recommended that the Iraqi government:

> . . . accelerate assuming responsibility for Iraqi security by increasing the number and quality of Iraqi Army brigades. While this process is underway, and to facilitate it, the United States should significantly increase the number of U.S. military personnel, including combat troops, imbedded in and supporting Iraqi Army units. As these actions proceed, U.S. combat forces could begin to move out of Iraq.

So let me make sure I have this right. The Senate demanded the legislation. The Iraq Study Group put together recommendations. The study group came forward and made recommendations and the President had the temerity to accept some of them, and now we are going to vote out a resolution condemning them for accepting those recommendations?

General Petraeus said this week to the Committee on Armed Services that he needs the 21,000 troops to get the job done. Are we telling him we don't think we should have those troops?

I have to confess, even as a Senator, I can't tell you exactly what we are trying to say in these resolutions. Are we expressing concern and discomfort with the situation in Iraq? I can't imagine how that would help. But more importantly, I can imagine lots of ways in which it will not help.

Look at the confusion within our Government in 1993 when the military had concerns about congressional intentions over our involvement in Somalia and how they prevented a request for armor that could have saved the lives of American soldiers. It is not a perfect analogy, of course, but I think it offers an important warning of the danger of mixed message like the one we will send with this resolution.

Our commander on the ground in Somalia in 1993, General Montgomery, requested a small unit of tanks and armored vehicles, as a quick reaction force in case our troops got bogged down or surrounded in the dense urban sprawl of Mogadishu, as they eventually did.

Les Aspin, the Secretary of Defense at the time, denied the commander's request. He told the Senate Armed Services Committee that "Congressional concerns about U.S. military involvement in Somalia were a factor in his decision to deny General Montgomery's request for armor."

General Montgomery also told the Armed Services Committee that he would have used that armor in October 1993 "Blackhawk Down" incident to rescue our troops who were bogged down in urban combat with Somali militia men. General Montgomery said that if he had that armor, "we would have gotten there faster. We would have taken fewer casualties."

My fear is that, in addition to the message this resolution will send to our enemies about our lack of resolve, it will also send a wrong and confusing message to our military commanders.

Just like we did in Somalia in 1993, we are pretty much saying that while the President should not pull our military out of Iraq, they shouldn't bother asking for what they need to get the job done and protect themselves while they are there.

General Petraeus raised this very same issue in his testimony this week in front of the Senate Armed Services Committee. He said that he worried about what message this resolution would send to his soldiers and himself.

If we are going to leave our troops in Iraq, as we should, we should also give them everything they need to protect themselves and get their job done. Just as importantly, we should not leave them with the mistaken impression that they shouldn't bother to ask for what they need.

Congress cannot, and should not micromanage the war in Iraq—the troops in the field like to call that the 8,000 mile screwdriver. If any Senator wants to propose legislation to compel a withdrawal from Iraq, so be it, and let's vote on the matter.

If not, let's stop trying to micromanage by resolution, suggestion and gesture, put away the 8,000 mile screwdriver, and give the President's plan a chance to succeed.

The Deputy Director of National Intelligence, Tom Fingar, told the Senate Intelligence Committee this week that gains in stability in Iraq could open a window for gains in sectarian reconciliation. I agree, and we have to give the President's plan a chance to succeed if we want to open that window.

Mr. President, I ask unanimous consent to have two pertinent articles printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the St. Louis Post-Dispatch, July 12, 2005]

BRONZE STAR WINNER SEES FRUIT OF HER EFFORTS

(By Mary Delach Leonard)

Last January, Sgt. 1st Class Stephanie Leonard was moved to tears as she watched news reports of the national elections in Iraq.

"When I saw people running around with their ink-colored fingers, I cried. I knew it was worth it. And I realized something important: Without soldiers and without people who support their soldiers, that day would have never come," she said.

"People overuse the word hero, but I felt like a hero that day."

Leonard, 43, of Normandy, served in Iraq two years ago, shortly after the start of the war. She was assigned to the 135th Military History Detachment of the Missouri National Guard, and her job was to gather stories of war. Her three-soldier unit crisscrossed the Sunni Triangle from April to August 2003 interviewing and photographing members of the Third Corps Support Command.

The information they gathered will eventually be stored at the Center for Military History in Washington.

"Believe it or not, the military really does like to learn from its successes and failures, and this is one way we can do that," Leonard says.

She performed her duty so well, she was awarded the Bronze Star for meritorious service; she was the first female soldier of the Missouri Guard to earn the honor.

Leonard says people are always curious about the medal and are often surprised to discover that the Bronze Star is awarded not only for valor but, as in her case, for doing an outstanding job.

"It was all about the mission," she said.

WOMEN ARE IN COMBAT

Leonard is manager of information technology at Aramark in St. Louis—she calls herself a computer geek—and says that her life is pretty well back to normal. But she is concerned for her friends in Guard units currently serving in Iraq. She is aware that Americans are growing impatient and that some politicians have called for a timetable to begin withdrawing U.S. troops.

"It's not a 24-hour war, and, as Americans, we want things in a hurry," she said. "We have to be patient. As soon as the Iraqi police are able to secure their own country, then that's when the window begins to open."

On the day Leonard was interviewed for this story, the news was grim: Six American troops had been killed and 13 injured during a suicide attack on a convoy in Fallujah. The headlines focused on the fact that four of the dead were female Marines, and that 11 of the injured were also women. Some political commentators questioned the assignments of women in Iraq.

Although Pentagon policy excludes women from ground combat units, they are allowed to serve in support units, such as transportation, engineers and military police.

"If women are in support roles everywhere in Iraq, then women are in combat," Leonard said.

Some people are bothered by the thought of women kicking in doors or assuming the role of the aggressor, she said.

"But we have female firefighters and women police officers, and they are trained to kick in doors."

Loss of life is tragic, whether male or female, Leonard said.

"Bullets don't differentiate."

Although her unit traveled in unsecured combat zones in Iraq, Leonard said she never felt as though male soldiers treated her differently or tried to protect her.

"I think I was more protective of them," she said. "They knew I could take care of myself."

MAKING CHOICES

Since returning from Iraq, Leonard has been invited to speak about her experiences before various civic groups. Recently, she addressed Junior ROTC students at Beaumont High School. She told them that life is all about options, choices and decisions.

"As you get older, choices don't get easier; they get harder," she said.

Leonard points to her own life as an example. She joined the National Guard 16 years ago after graduating from St. Louis University because she wanted a challenge. She found one in Iraq.

She said she embraced the U.S. mission in Iraq because, as she traveled the countryside, she discovered how bad conditions were for the people.

Leonard said she has thought about returning to Iraq—she thinks she could make a contribution—but she would do so reluctantly because of her family. She is particularly concerned about her mother who took it hard when her youngest child went to war.

Recently, Leonard has been thinking a lot about her time in Iraq because she has been answering a detailed questionnaire from the National Guard about her service.

"It's a real shock to the system," she said. "It can bring up all sorts of memories."

[From the St. Louis Post-Dispatch, Apr. 2, 2006]

THE HEART OF A SOLDIER

MISSOURI VETERAN OF IRAQ WAR REFLECTS ON LIFE, LOVE AND GRIEF IN HER NEW BOOK

(By Mary Delach Leonard)

Kate Blaise is back home in northeastern Missouri, an hour's drive from just about anywhere and a lifetime away from the desert of northern Iraq, where she served for a year with the Army's 101st Airborne Division.

These days, her life is an open book, told in candid detail in her recently published autobiography "The Heart of a Soldier: A True Story of Love, War and Sacrifice." But the residents of Macon, her hometown of 5,500, already knew the basic plot line:

How the former Kate Decker, who grew up wanting to join the Army, completed ROTC training in college and then rose to the rank of captain.

How, as a logistics officer, she convoyed across Iraq during the opening days of the war.

How she married her high school sweetheart, Mike Blaise, who would become a chief warrant officer with the 101st He was a pilot who loved flying Kiowa helicopters and who saw his share of combat.

How they served together in Iraq and how she made it home safely—but he did not.

"Some people tell me that they know how it ends, and yet they hope for a different ending," Blaise says.

An ending where a Kiowa won't crash in the desert on a dark, windy January night in 2004, the eve of her unit's departure for home.

Others have told her that although they didn't know her husband, they feel like they do after reading her story.

"That's why I wrote the book," she says simply.

A STORY TO TELL

Since the book's publication in January, Blaise, who just turned 30, has gracefully accepted her new role as author, along with all of the trimmings—public appearances and media interviews.

On this spring morning, she was in neighboring Atlanta, a town of about 500 people, to speak at Atlanta C-3, a well-used brick complex that houses all of the district's 220 students, from kindergarten through high school.

Mike Blaise attended this school through eighth grade, until his family moved to Macon.

"Your teachers asked me to come today to speak about attitude. I had the attitude that nobody was going to tell me that I couldn't do what I wanted to accomplish," Blaise told the students who lined the wooden bleachers of the gymnasium—third-graders to her left, high schoolers to her right.

"Life takes a lot of turns you don't expect. Bad stuff happens. I've lived the life I've somewhat planned. I did join the Army. I also wrote a book. And I certainly never thought I would write a book."

Dressed in khakis and an olive green Harley-Davidson shirt, Blaise stood before the microphone looking at ease, although she admitted to being nervous about speaking in public. So she made herself more comfortable, perching on a table where she would later sign copies of her book.

The students listened respectfully, their hands waving in the air when she asked if they had questions. The third-graders wanted to know what it was like in Iraq. So she talked about the gritty sand, camel spiders and heat that can reach beyond 120 degrees.

The high schoolers wanted to know whether she still believes in the war. And, on this issue, she stands as solid as a storm cellar during a tornado.

"It's hard to stay positive about Iraq because of what you see on the news, but I was able to be there, and I know what a difference we are making there," she says firmly. "The main thing is that we gave the Iraqi people the power to make their own decisions."

Though much of this was serious talk, she kept the mood light, particularly when the questions had to do with her writing.

"I don't have to worry about my dad finding out about anything I've done—I've written a book," she said with a smile.

Getting published was the result of a series of right-place-at-the-right-time moments, starting when a women's golfing magazine asked her to write about a makeshift course at her Army base in Iraq.

"I am blessed," she says. "I didn't have to work nearly as hard as most authors have to work."

But the material for her story—the living of it—was hard-earned and paid for in full.

A TIME TO HEAL

After leaving the Army, Blaise came home to heal.

She grew up on Crestview Street in a newer section of Macon, the seat of Macon County, about 150 miles from St. Louis. Not far from her old neighborhood, Blaise found her perfect house, though it needed some fixing, too.

Her father, Steve Decker, a former civil engineer for the state, lives nearby on a 250-acre farm that has been in the Decker family for generations.

Blaise has slowly remodeled the house, painting the rooms in deep, rich colors, and the kitchen a cheery 1950s red and white. Walls hold framed photos with military themes—she is an avid student of military history—and photos of Mike Blaise. His Air Cavalry hat is in the living room, resting atop the triangular case that holds his medals and the American flag that draped his casket.

It was in this home that Blaise came to terms with her loss. For the better part of a year, she spent hours in her office, writing chapters and e-mailing them to Dana White, a writer-editor in New York, who co-authored her book.

She says the toughest part wasn't writing about the night in Iraq when she was told of her husband's helicopter accident.

"It's easy to be sad about the sad things," she says. "It was the happy parts that were the hardest. They made me miss him more."

The Mike Blaise she loved was a big guy who took her deer hunting and made her laugh and liked to sing country songs in karaoke bars.

The book is, in fact, full of happy times, a tribute to growing up in small-town America.

She tells tales on her younger brother and three older sisters—in particular her sister Lindsey, who served in Iraq with the Missouri National Guard.

Blaise writes that her mother's injury in a car accident was the day that changed everything for her. Marie Decker survived but now lives in a long-term care facility.

The book is also a tribute to the tenacity of women who have found homes and carved out careers in the predominantly male world of the military. Blaise has little patience with recent political skirmishes that would have limited the roles of servicewomen in Iraq and Afghanistan.

"This genie is out of the bottle, and no amount of coaxing will get her back in," she says in her book.

But mostly, the book is a tribute to the life and love of a devoted couple who struggled to maintain their marriage through long separations and their share of disappointments. She says her late husband would have insisted on such honesty.

"Mike would have been uncomfortable being glorified," she says.

She still has Scout, the dog the Blaises adopted while serving in Korea. He is a prize, with his baby-seal face and Yodalike ears, a black and white softie who warily eyes strangers and barks at the Amish buggies that pass by their house on U.S. Highway 36.

Though writing the book was an emotional ordeal, it also helped her come to grips with her sadness, she says.

"The day I finished writing, I felt an overwhelming sense of peace," she says.

THE NEXT CHAPTER

Blaise jokes that some people in Macon feared she was writing a tell-all. And, in effect, that's what she did—she told it all, as it related to her life.

"I think her experience growing up was all of our experiences. Nothing could shock us," said Sharon Pennington, who teaches business and computer classes at Atlanta and remembers Mike Blaise as a shy youngster, two years younger than she is.

Kathy Baker, the school superintendent's secretary, was first in line to have Blaise autograph her book.

"I haven't read it. I can't," said Baker, her eyes growing moist. "It's too close."

Baker knows many of Blaise's relatives, including Mike's grandfather, Virgil, whom everyone called Grampy. He died while the Blaises were still in Iraq, and Mike Blaise is buried next to him in Shelby Memorial Cemetery.

Blaise says she's not really sure what she will do with the rest of her life. She says she would consider writing another book, perhaps about grief, which she knows a lot about. Though people gave her books on grief, she found them less than helpful with their flowery sentiments. Her book would be more real.

"It's hard to grieve," she says. "It sucks, and it's going to suck for a long time."

In the meantime, Blaise has joined the Missouri National Guard's 175th Military Police, based in Columbia, because being in the military remains important to her.

"It's the one thing that I do that's for the greater good," she says.

When the unit was sent to New Orleans after Hurricane Katrina, she found the deployment satisfying in a new way.

"I had never done anything that helped Americans," Blaise said.

Blaise recently got engaged to a helicopter pilot who knew her late husband in flight school. Ironically, it was Mike Blaise's affection for his Harley-Davidson motorcycle that brought this new love into her life. They met while riding their Harleys to the Sturgis Motorcycle Rally in South Dakota, fulfilling a wish that Mike had made to attend the event after the war.

Blaise says she wasn't looking for romance, and neither was her fianceé. It was an unexpected gift, another of those life's blessings she often talks about.

"Knowing that Mike knew him somehow eases the guilt," she says. "God doesn't always agree with what you set for yourself. "

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

FAIR MINIMUM WAGE ACT OF 2007

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 2, which the clerk will report.

The bill clerk read as follows:

A bill (H.R. 2) to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage.

Pending:

Reid (for Baucus) amendment No. 100, in the nature of a substitute.

McConnell (for Gregg) amendment No. 101 (to amendment No. 100), to provide Congress a second look at wasteful spending by establishing enhanced recission authority under fast-track procedures.

Sununu amendment No. 112 (to amendment No. 100), to prevent the closure and defunding of certain women's business centers.

Kyl amendment No. 115 (to amendment No. 100), to extend through December 31, 2008, the depreciation treatment of leasehold, restaurant, and retail space improvements.

Bunning amendment No. 119 (to amendment No. 100), to amend the Internal Revenue Code of 1986 to repeal the 1993 income tax increase on Social Security benefits.

Enzi (for Ensign/Inhofe) amendment No. 152 (to amendment No. 100), to reduce document fraud, prevent identity theft, and preserve the integrity of the Social Security system.

Enzi (for Ensign) amendment No. 153 (to amendment No. 100), to preserve and protect Social Security benefits of American workers, including those making minimum wage, and to help ensure greater congressional oversight of the Social Security system by requiring that both Houses of Congress approve a totalization agreement before the agreement, giving foreign workers Social Security benefits, can go into effect.

Enzi (for Ensign) amendment No. 154 (to amendment No. 100), to improve access to affordable health care.

The PRESIDING OFFICER. Under the previous order, the hour of 10:37 having arrived, there will be 1 hour of debate in relation to amendment No. 101.

The Senator from New Hampshire.

Mr. GREGG. I ask unanimous consent that during quorum calls in this hour, the time be equally divided on both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. How much time is left and how is it divided?

The PRESIDING OFFICER. The majority controls 26 minutes, half of which belongs to the Senator from Massachusetts. The other half belongs to the Senator from North Dakota.

Mr. GREGG. Mr. President, could you tell us the entire allotted time?

The PRESIDING OFFICER. The Republicans control 21 minutes.

Mr. KENNEDY. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, we are going to be voting on the minimum wage this morning. Hopefully, the Senate will vote for what I consider to be a clean bill—a clean bill being legislation that will increase the minimum wage to $7.25 over a 2-year period.

There will be another measure that will be voted on that Senator GREGG and Senator CONRAD will address, which is a line-item veto. But the fundamental issue we have before the Senate is the issue of an increase in the minimum wage—an increase in the minimum wage which has not taken place over the period of the last 10 years, and which I am very hopeful we will get strong bipartisan support for.

If you look over the history of the minimum wage, the nine different times we have raised the minimum wage, we have had bipartisan support for that increase. It has only been in the very recent years that Republican leadership has led the fight against it. We now have new leadership in the House and the Senate and the Democratic leadership that brought this matter forward. We offer an open hand to our Republican friends to support this program, which is so important to so many working families.

From our earliest days, we have been a nation of strong values—particularly fairness and opportunity and concern for our fellow citizens. While we are a country of individualists, we have always recognized that America is strongest when we all prosper together. One of the earliest governing documents in our history, the Mayflower Compact, talked about laws that would support "the general good." Later, in the preamble to our Constitution, we pledged that our Government would "promote the general welfare."

That is our proud history. Our Nation has thrived because we have made a commitment to shared prosperity. The vote we will cast today is a measure of our commitment to these values.

Minimum wage workers have been waiting for a raise for 10 long and difficult years. They have worked more than one job. They have saved every penny they can for the future of their children. They have decided each day what food they can afford and what bills they can pay.

Americans understand fairness, and they know this is unfair. They have called on us time and again to raise the minimum wage, but time and again—year after year—this Congress has turned its back on working families.

It is wrong that hard-working men and women cannot afford to put food on the table or heat their homes. It is wrong that our productivity soars, but our lowest paid workers fall further and further behind. And it would be wrong to demand a price of more and more tax breaks before these hard-working families get the raise they have earned.

Congress has voted itself a raise eight times over the past 10 years, while minimum wage workers have received nothing. Congress never demanded a price for increasing its wages. So why should we demand a price for giving minimum wage workers a raise? What is good enough for Congress surely is good enough for American workers. I say Congress should do unto others what it has done for itself. And we have not just been doing for ourselves. Over the last 10 years, we have done a whole lot for corporate America. We have given them $276 billion in corporate tax breaks. We have done a lot for the wealthiest Americans, who have seen their incomes skyrocket with generous tax giveaways. Why can't we do one thing for minimum wage workers? No strings attached, no giveaways for the powerful—why can't we do this one simple thing because it is the right thing to do?

Minimum wage workers are men and women of dignity. They do some of the most difficult back-breaking jobs in our society. They clean our offices. They serve our food. They take care of our children in preschools, and care for our elderly in nursing homes. They deserve a fair wage that respects the dignity of their work, and they should not have to live in poverty.

President Kennedy once said:

> If a free society cannot help the many who are poor, it cannot save the few who are rich.

We are a rich nation, but unless we do more to help the poorest Americans, we will not be able to save ourselves.

We have an opportunity today to take one bold step toward solving the problem of poverty in this great Nation. Today—right now—we can pass the House bill and send it to the President. We can raise the minimum wage and give 13 million hard-working people hope for a brighter future.

I hope my colleagues on the other side of the aisle will join me in voting for minimum wage workers today. This should not be a partisan issue. It is about standing behind our values. It is long past time to do the right thing and give minimum wage workers a raise.

Mr. President, I withhold the remainder of my time.

The PRESIDING OFFICER. Who yields time?

The Senator from Texas.

Mr. CORNYN. Mr. President, I see the floor manager from our side, Senator GREGG, on the floor. I talked to him about yielding me 10 minutes from our time. I ask if that is still acceptable.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CORNYN. Thank you, Mr. President.

AMENDMENT NO. 101

Mr. President, I want to talk specifically about the second-look-at-wasteful-spending amendment which is pending and that we will vote on here in a few moments. I hope to come back later today, perhaps, and talk more generally about the minimum wage bill that is pending, the underlying bill, and talk about how I hope our goal would be to train and educate American workers to fill good, high-paying jobs that currently go wanting for lack of a trained workforce. I would hope we would spend at least as much of our efforts on training them, providing them the alternatives to earn those higher, good wages as we spend focusing on the 2.5 percent of the workforce who actually earn the minimum wage—generally people who are starting into the workforce: teenagers, part-time workers, and the like—and how, notwithstanding our best of intentions, some of our actions here, by Government actually setting a minimum wage, may actually put some of them out of work.

But I would focus on the second-look-at-wasteful-spending amendment and challenge our colleagues on the other side of the aisle, in a good way.

Since we have come back after the election, and we have this new 110th Congress, we have heard a lot of very appropriate commentary on both sides of the aisle about the importance of our working together in order to solve some of the Nation's most serious problems. The President talked about that last night. One of the areas the President spoke about last night in his State of the Union Message—and I hear an awful lot about from my constituents—is concern about wasteful spending.

Indeed, a lot of what we did on a bipartisan basis this last week on lobbying and ethics reform was to turn the bright light of public scrutiny on the earmark process—special appropriations stuck in bills that frequently benefit individuals and groups—to turn the bright light on those, offer greater transparency, so the public can know how their tax dollars are being spent and, hopefully, people understanding that whatever they do will be exposed to public scrutiny, they will make sure their conduct in doing so conforms with the highest ethical standards they have a right to expect from us.

But the fact is that Presidents on both sides of the aisle—President Clinton, when he was President; now President Bush—have sought the authority of the line-item veto or, in this instance, what we are talking about is the so-called enhanced rescission. It is a process where the President, once an appropriations bill is sent over to him, highlights a concern he or she has about an appropriations bill, and sends it back over to the Congress to reconsider.

This is a way to provide the kind of laser-like focus we need to have on wasteful spending projects that occasionally—some might say more than occasionally—creep into our Federal appropriations process.

In the spirit of bipartisanism that I think the American people would like to see when confronting some of our biggest challenges, my hope would be that Members of this Congress—Members of this Senate—on a bipartisan basis, would support the very kind of bill this represents, and that they were advocating for when Senator Daschle, the Democratic leader, offered and sponsored with the support of at least 21 Democrats when President Clinton was in office.

I hold up a chart. I showed this yesterday, but I think it is worth looking at again. This chart is a comparison of the Daschle and Gregg expedited rescission amendments. You can see in all respects the Daschle amendment—here, again, Tom Daschle, the Senator from South Dakota, the leader of the Democrats in the Senate, offered an amendment which in all respects, except two—I will talk about that in a minute—is the same as Senator GREGG is proposing, the so-called second-look-at-wasteful-spending amendment.

The only two ways they differ is that the Gregg amendment does permit rescission of new mandatory spending. If you look at the places where money is being spent fastest in the Federal budget, it is in mandatory or entitlement programs, which are going up at the rate of 8 percent or more a year, on autopilot. I applaud Senator GREGG for including a provision that permits rescission of new mandatory spending programs.

But that and permitting four rescission packages annually, those are the two areas where the Gregg amendment differs, albeit in a relatively minor way, from what Senator Daschle proposed in 1995.

You will see on this next chart, here is a list of the current Senate Democrats who supported the Daschle amendment in 1995. My hope would be, with this little refresher for our colleagues who actually supported this good policy back in 1995, that they would see fit to vote to close off debate and to actually have an up-or-down vote on the Gregg amendment.

As I said, if it was good policy in 1995, supported by these good Democratic colleagues, I think they would agree—I would hope they would agree—it is a good policy in 2007 or, if it is not, I would hope they would come to the floor and explain their change of heart because I think it would represent a change in position.

So this amendment goes to the heart of what I hear people express their concerns about most as I travel back in my State and as I read and listen to people's concerns, as expressed through the media, that Federal spending and our failure to be good trustees of the Federal tax dollar is one of their biggest concerns, along, obviously, with national security issues such as the war in Iraq. The other issue I hear a lot about—the President talked about it last night—is immigration reform.

Mr. President, I see the budget chairman on the floor, and I know he and Senator GREGG have committed to work on a bipartisan basis to try to deal with not just these issues, such as earmarks that abuse the public trust, and which somehow slip into our appropriations process, but to look at the larger picture and try to figure out how we can sustain some of the most important programs the American people have come to rely upon, things such as Social Security and Medicare, and that we not continue to spend in a way that imposes a financial burden for those programs on our children and grandchildren. That raises a profound moral issue that I believe we must confront.

So I do appreciate the efforts that are being made to try to deal with some of our hardest problems. I think there is a great opportunity provided here. Some might find this a little surprising for me to say being a Republican, but I think divided Government provides an opportunity for this body to do some very big and important and significant things. I do not think politics has to be a zero-sum game where Democrats win and Republicans lose, or Republicans win and Democrats lose in the public policymaking process. I think we can all win, and in so doing the American people can win, if we will simply come together in a commonsense, result-oriented sort of way and try to solve some of these problems.

I think Senator GREGG's amendment picks up on the wisdom of Senator Daschle's amendment back in 1995. And I frankly would be perplexed if we were unable to get the kind of bipartisan support to close off debate, to have an up-or-down vote on the floor, and demonstrate to the American people that, you know what, we heard the message on November 7, and you know what, we get it. We understand what you were telling us. You wanted us to work together, and we are working together to try to solve some of our Nation's biggest problems.

We reserve the remainder of our time, and I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from North Dakota.

Mr. CONRAD. How much time remains on either side?

The PRESIDING OFFICER. The Senator from North Dakota controls 13 minutes, the Senator from Massachusetts controls 7½ minutes, and the Republicans control 11 minutes.

Mr. CONRAD. I thank the Chair. I ask the Chair to inform me when I have consumed 10 minutes.

Mr. President, I thank my colleague from Texas for his remarks about Senator GREGG and me and our proposal to try to work on the overall major challenges facing us, which are long-term fiscal imbalances that are especially affected by the entitlement programs and the baby boom generation and the existing structural deficit we confront. We are engaged in a good-faith effort to try to address these long-term challenges. We were at breakfast together yesterday discussing those. I appreciate the Senator from Texas mentioning that.

With respect to this specific proposal, I don't think it merits our support. In fact, it is a very serious mistake to go in this direction. This amendment is actually dangerous. I say that with great respect to the former chairman of the Budget Committee who has offered the amendment. I believe it is dangerous because this transfers power in a way the Founding Fathers did not envision and would not have supported. The power of the purse resides in the Congress of the United States because the Founding Fathers recognized that putting too much power in the hands of one person was a dangerous matter.

Here are the things that are wrong with this line-item veto proposal. I will go on to address the big differences between the Daschle proposal and this one, but here is what is wrong with this line-item veto proposal: It represents an abdication of congressional responsibility; it shifts too much power to the executive branch, with very little impact on the deficit; it provides the President up to a year to submit rescission requests; requires Congress to vote within 10 days; provides no opportunity for extended debate; and allows the President to cancel new mandatory spending passed by Congress, such as those dealing with Social Security, Medicare, veterans, and agriculture. That is breathtaking power. In fact, we could have this negotiation that the Senator from Texas was referencing between Democrats and Republicans on what has to be done to the long-term circumstance with Social Security and Medicare, we could reach a bipartisan conclusion, and then the President would have the unilateral power to come back and cherry-pick those provisions he didn't like. No President should be given that power.

Let's talk about the line-item veto. This is what USA Today said in an editorial last year: It is a convenient distraction.

> The vast bulk of the deficit is not the result of self-aggrandizing line items, infuriating as they are. The deficit is primarily caused by unwillingness to make hard choices on benefit programs or to levy the taxes to pay for the true costs of government.

This is an article from the Roanoke Times last year:

> [T]he President already has the only tool he needs: The veto.

He has veto power. He can veto any one of these spending bills.

> He has chosen not to veto a single one. That Bush has declined to challenge Congress in five-plus years is his choice. The White House no doubt sees reviving this debate as a means of distracting people from the missteps, miscalculations, mistruths and mistakes that have dogged Bush and sent his approval rating south.
>
> The current problems are not systemic; they are ideological. A line-item veto will

> not magically grant lawmakers fiscal discipline and economic sense.

On the question of whether this has any effect on the deficit, this is the Acting CBO Director last year before the Congress, his testimony:

> Such tools, however, cannot establish fiscal discipline unless there is political consensus to do so . . . In the absence of that consensus, the proposed changes to the rescission process . . . are unlikely to greatly affect the budget's bottom line.

This is from CQ, Congressional Quarterly, again of last year:

> Passage of [the line item veto] legislation would be "a political victory that would not address long-term problems posed by growing entitlement programs," Gregg said.

Senator GREGG himself said this would be "a political victory that would not address long-term problems posed by growing entitlement programs."

He also said this last year in a separate publication:

> Senator Gregg said it would have "very little impact on the budget deficit."

He is right. The impact it would have is to transfer enormous power to the President. I am not just talking about this President, I am talking about any future President.

This is what George Will, a conservative commentator, said:

> It would aggravate an imbalance in our constitutional system that has been growing for seven decades: The expansion of executive power at the expense of the legislature.

Here is what an American Enterprise Institute scholar said about the line-item veto last year:

> The larger reality is that this proposal gives the President a great additional mischief making capability, to pluck out items to punish lawmakers he doesn't like, or to threaten individual lawmakers to get votes on other things, without having any noticeable impact on budget growth or restraint.

He went on to say:

> More broadly, it simply shows the lack of institutional integrity and patriotism by the majority in Congress. They have lots of ways to put the responsibility on budget restraint where it belongs—on themselves. Instead, they willingly, even eagerly, try to turn their most basic power over to the President. Shameful, just shameful.

On the question of the previous Daschle proposal, the suggestion that they are the same is not true. They are fundamentally different. The context is totally different as well. The Daschle amendment was offered in juxtaposition to another line-item veto proposal that was clearly unconstitutional—in fact, was judged to be so by the U.S. Supreme Court. So the Daschle proposal was an attempt to defeat a proposal which was clearly unconstitutional and which has been subsequently judged unconstitutional.

But the further claim that the Gregg proposal before us now and the Daschle proposal are the same is clearly not correct. Let me ask three questions and give answers with respect to how the two differ.

Can the President propose to rescind new mandatory items such as Social Security and Medicare reforms? Under the Gregg proposal, yes; under the Daschle proposal, no. That is a profound difference. Can you imagine if we were to reach an accommodation and agreement on long-term differences on these mandatory programs—Medicare, Social Security, agriculture, veterans—and then the President has the unilateral ability to go change it? I don't think so. That is not a direction we should take if we are going to have good-faith negotiation.

No. 2, can the President propose rescissions from multiple bills in one rescissions package? Under the Gregg proposal, the answer to that question is yes. Under the Daschle proposal, the answer was no. Why does that matter? The President could take something that was very unpopular—for example, the bridge to nowhere—remember that? We had the debate last year about the bridge to nowhere. A handful of us voted against that bridge to nowhere, by the way. I voted against it. The President could have taken that proposal and combined it with a proposal that was important to an individual Member and that might have great merit, and he could combine the two and kill the one with the other.

Let's be blunt. The President would have the ability to call a Member or have his staff call a Member and say: Look, I have a very controversial judge up there. I need your vote. And by the way, I am considering a project in your State that is critically important to you. I am going to have to line-item veto that. But I might be persuaded not to if I could have your support on this other matter. That is exactly what the Founding Fathers were concerned about—handing that kind of power to a President, that kind of power over an individual Member. That is a dangerous notion. It has been ruled unconstitutional in the past. I believe this would be ruled unconstitutional.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. DEMINT. Mr. President, I, too, would like to speak on the line-item veto amendment. This body has made a lot of progress in being much more transparent in how we spend America's money. We can see, if we look back over the last couple of weeks, that America appreciates what we have tried to do to take these earmarks or these pet projects or designated spending, whatever we call it, and make it available for every American to see. We could tell from our e-mails and letters and the reports in the media that this was something which made Congress look as if we were genuinely trying to be much more open and honest about how we spend America's money. The amendment before us now, what we refer to as the line-item veto or line-item rescission, would actually make this whole process much more accountable.

I was interested in hearing my colleague make his point that the President could take one good item and put it with a really bad item and send it over to us and force us to make a decision. But let's think about what the President's options are now. We can send thousands of earmarks over in a bill to the President, and he only has two choices—to take it or leave it, to take the whole thing or veto the whole thing—and work that has been done here and in the House for months either has to be accepted in total or thrown out in total. That doesn't make any sense.

I will use the exact argument my colleague did. We should not be able to package all this good with all this bad and try to force it down the President's throat without the ability to have the checks and balances, the discussions that are needed so the American people can see we have thoroughly vetted these ideas and we are spending their money wisely.

This line-item rescission package I support because this Congress needs the interaction with the President and the working relationship that would be caused by this particular bill. It allows the President, no more than four times a year, to go through our spending bills and to send those things back which he thinks are not national priorities. This is not real complicated. He does not veto what we send him; he just gets a recommendation in the process. And since his agencies in the executive branch are charged with carrying this out and spending this money, the President needs to be engaged in the process in more than a take-it-or-leave-it type of relationship. So no more than four times a year, the President can put together those things which he thinks are not national priorities and send them to the Congress. And all this bill does is guarantee that they get a vote.

If the President tries to use this against individual Members, I know this body well enough to know that we are not going to pass his request.

Any President that tries to do that for political purposes will find his rescission package, or that his recommendations to Congress will be dispensed with very quickly.

This is important not only for this President but for many Presidents in the future. We know as Senators and Congressmen that over the next several decades this country is going to be faced with incredible fiscal crises. We have no idea how we are going to pay for Medicare and Medicaid in the future or Social Security. It is going to become more important every year that we cut wasteful spending and that we work with the President and with the House to do everything we can to cut those things that are not necessary.

In many bills—and we know it happens—many items, earmarks, are voted on for political reasons, and it is a good idea to allow the President to package those things and send them back to us so that we can vote on them and move them out if they are not national priorities.

This is not dissimilar at all to the BRAC process we created to eliminate unnecessary military bases. We found that Congressmen and Senators were not going to vote on an individual basis to eliminate a base in one State because we knew that then the Congressmen or Senators could vote to eliminate one in our State. It was a political dilemma that caused us for years to leave bases open that should have been closed.

It is the same with Federal programs and spending year after year. One project might be in my State and one in another Senator's State. None of us are willing to step up and eliminate projects one at a time. We cannot vote on them that way. This line-item rescission opportunity is for the President to take those things that we know are not national priorities, put them in a package, and send them back over for us to vote on. We should not lose this opportunity.

We need the President working with the Congress to eliminate wasteful spending—not this year or next year but for decades to come. This may be our only opportunity in a long time to make it happen. We have made tremendous progress on identifying the problems with corruption, wasteful spending, identifying earmarks, and all this does is allow us to take it a step further and make sure we have the checks and balances from Congress and the executive branch to eliminate those things we know should not be in there and the President knows should not be in there.

Mr. FEINGOLD. Mr. President, I will oppose the amendment offered by our colleague, the senior Senator from New Hampshire, Mr. GREGG. I support the concept of what is called a "line item veto," more accurately described as an expedited Presidential rescission. But the proposal offered today has some fundamental flaws that prevent me from voting for it.

There are a number of problems with the amendment before us, but let me call the body's attention to two of these flaws. First, the proposal goes far beyond the supposed target of this newly proposed authority; namely, unauthorized earmarks. When the line item veto is discussed, invariably it is the unauthorized earmark that is held up as the principal rationale justifying this new Presidential authority, and rightly so. The explosion in unauthorized earmarks over the last decade and more is a strong argument in favor of providing the President with additional authority in this area. But the amendment before us goes far beyond targeting earmarks. The Gregg amendment would allow the President to use the proposed expedited rescission authority to eliminate new provisions of programs like Medicare and Social Security, hardly measures that anyone would consider an earmark.

Second, the proposal has too great a potential for political gaming. The amendment allows the President to wait a full year after initial enactment before submitting an expedited rescission. If we are going to craft new Presidential authority in this area, the goal ought to be to eliminate the potential wasteful spending, and to do so in a straightforward manner. There is no good reason for significant delay. Permitting the President to wait a year before submitting a proposed rescission opens the door for inappropriate use of potential rescissions as a political hammer to hold over individual Members.

Mr. President, as I noted earlier, I support granting the President some additional authority in this area, but we need to be especially careful in crafting that authority. The Gregg amendment, however well intended, needs substantial improvement, and until that is done, I will oppose it.

Mrs. MURRAY. Mr. President, I rise today to speak against the line-item veto. This misguided proposal will hurt the communities we are here to represent. It will strip them of the voice they have today in Congress through each of us, and it will hand even more legislative power to the executive branch.

As I saw in my own experiences, both here in the Senate and in the Washington State Legislature, a line-item veto is subject to abuse, pressure and horse-trading, and it violates the delicate balance of power that the Founders so carefully designed.

Now I recognize that the idea sounds attractive. It suggests that we could cut spending and control the deficit without having to make any tough choices. Well, like a lot of ideas that sound good at first, once you look into it, the painful impact becomes clear.

More importantly, I think all of us need to do the hard work of crafting responsible budgets. We need to legislate and govern and take the needs of the country and our States into consideration. We need to make the tough decisions—not pass the buck to the White House.

I oppose the line-item veto today for the same reasons I opposed it in the 1990s. I voted against this gimmick when Congress handed that power to a Democratic President. And today I fight another attempt to hand that same power to a Republican President.

For me, it is not about the party of the Chief Executive; it is about making sure that the constituents I represent have a voice in the budget decisions that affect their lives. The line-item veto is the wrong approach for three reasons.

First, it would cede a tremendous amount of power from Congress to the executive branch. The Constitution is very clear that Congress has the power of the purse. The Framers of our Constitution carefully divided the powers of our Government between the three branches.

When Congress tried this before, it was ruled unconstitutional. This time around, the sponsors have tweaked the bill to try to address those concerns, but the underlying problem still remains. We should not be handing our legislative power over to the executive branch. I made that argument in 1995—and it is even truer today. We have seen the Bush administration aggressively try to expand Presidential power and limit congressional input and oversight. We should stand our ground as the Founders intended—not surrender our constitutional authority to the executive branch.

Second, the line item veto would hurt the constituents we represent. They rely on us to fight for their needs and priorities. Through the budget and appropriations process, we work to meet the needs in our local communities—needs that the administration would ignore. If we give up our ability to fight for our communities, our constituents will lose their voice because I can tell you, the communities we represent will not get fair consideration from a budget official sitting in Washington, DC.

Last week, a group of constituents came to see me about a local road that needs to be improved. The changes they are seeking will improve safety, support economic development, and provide access to critically needed housing. I represent that community, so I know firsthand those improvements are needed. That community has me fighting for them and pushing for their needs. The administration is not going to do that. They are not going to send someone from Washington, DC to check out the road and see that it is unsafe. In fact, these constituents had just come from a meeting with an administration official who basically told them that, in regard to the continuing resolution, "Good luck, we will be making the decisions this year."

That is just wrong. If we hand this power to the administration, we will surrender our voices, and our constituents will lose their voices in advocating for their communities. The families I represent know that if they have a problem, they can come and talk to me. But if you tell them that they have to track down someone at OMB and convince them to care about their local needs, our communities will suffer.

I came to the Senate to represent the people of my home State of Washington. They elected me to be their voice on a wide array of issues affecting everything from their safety to their health, education, and economic well-being. I am not going to transfer my ability to fight for the people of Washington State to this or any other President. That is what this bill proposal would do, and I strongly oppose it.

Third, experience has shown that the line-item veto is subject to abuse and may be applied unfairly by an administration. I have experience with line-item veto authority. I served in my State legislature and saw firsthand the kind of horse-trading that can occur when the Executive has this power.

When President Clinton exercised the line-item veto in 1997, we saw serious problems in the way it was applied. The White House put forward standards for deciding which projects would be targeted. But then it attacked projects that actually met the standards. In 1997, I stood here on the Senate floor and detailed the mistakes the Clinton administration made in unfairly targeting projects for elimination. I don't want to see a repeat of those mistakes.

Mr. President, crafting a responsible budget takes hard work. It requires tough choices. There is no gimmick or trick that will make the hard decisions go away. Handing our power and our constituents' power over to the White House certainly won't do it. So I say, rather than spending our time on a distraction, let's work on a real budget and on the real and difficult choices that are before us.

Let's do the job that voters sent us here to do—without gimmicks and without trampling the Constitution.

Mrs. CLINTON. Mr. President, in crafting our delicate system of checks and balances, our Founding Fathers vested in Congress what is commonly referred to as the "power of the purse"—control over raising revenue and appropriating funds. While the virtue of Congress abdicating some of its budget responsibility to the president is a subject of worthwhile debate, the construct of Senator GREGG's Second Look at Wasteful Spending Act of 2007 does little to return much needed fiscal discipline to our budget process. And while I support efforts to rein in our spending and to solve our Nation's budget woes, Senator GREGG's amendment would create a system far too susceptible to abuse.

The Gregg amendment's weakness is in its construction. Up to four times a year, the President could package his or her proposed rescissions in any manner he or she chooses, selecting and combining provisions from any number of bills. Among the Gregg amendment's most significant flaws are the timetables it imposes. The amendment would give the President up to 1 full year after enactment of a provision to submit a rescission request. Even in the event that Congress rejects the President's request, the legislation still gives the President the power to defy the congressional vote and withhold spending for a program for up to 45 days. This formulation would effectively allow a President to hold hostage spending measures and force congressional votes on new bundles of spending provisions, injecting chaos into our budget process and wreaking havoc in countless other ways.

There is no debate that we need to curb our spending. The Bush administration has run up a record debt and an unprecedented deficit, endangering our Nation's long-term financial health and our children's future. Unfortunately, as noted by the nonpartisan Congressional Budget Office, Senator GREGG's amendment does little to return much needed fiscal discipline to our budget process. I am open to considering a different proposal, keeping in mind that what we need is measured reform coupled with strong leadership that will exercise fiscal responsibility.

Mr. ENZI. Mr. President, I rise today in support of Senator GREGG and Senator MCCONNELL's "Second Look at Wasteful Spending" amendment. While I would prefer that this issue be addressed on a separate bill, I understand the procedural reasons behind why my colleague from New Hampshire is offering this amendment to the minimum wage package. I am treating this amendment as separate from the rest of the minimum wage debate and I hope my colleagues will do the same. I am pleased, however, that the Senate is able to debate this important issue on the floor.

This amendment is a responsible step towards spending accountability. It provides for a greater level of accountability which is critical to enhance the fiscal well-being of the country. Senator GREGG's proposal allows both Congress and the President the opportunity to seriously reconsider both mandatory and discretionary spending. By allowing the President to single out wasteful spending and giving Congress the final say through vote on a rescission package, this amendment will help eliminate waste, rather than perpetuate the current out of control spending habits.

By forcing Congress to take another look at spending, this amendment gives the President the ability to send up to four rescission packages a year. Congress then has up to 8 days to act on the President's proposal through a fast track process. However, a simple majority of both Houses of Congress must approve before any of the rescission package can become law. Finally, any savings from the rescissions must go to deficit reduction.

I believe that "A Second Look at Wasteful Spending" is a simple, clear-cut proposal that stands within the parameters of the U.S. Constitution. This amendment includes the same principles of fiscal responsibility that have received bipartisan support since the passage of a comprehensive veto in 1992, and strongly echo the Daschle-Byrd proposal of 1995. Here is a chance for both Republicans and Democrats to help restrain frivolous spending.

I emphasize the gravity of fiscal responsibility because it sets the standard for the success or failure of our Nation. We need to take action now to avert an even larger economic crisis in the future. "A Second Look at Wasteful Spending" is a step in the right direction, though there is more work to be done. Many of my colleagues in this Chamber have supported this concept in the past, and I urge my colleagues to support the Gregg amendment.

As I stated in my maiden speech in 1997, the American people continue to demand an end to runaway spending. We need to show the American people that we are responsible. I said those words about the balanced budget amendment in 1997, and they also hold true for this amendment today. By adopting the "Second Look at Wasteful Spending," we would show that Congress is willing to take a much needed step toward fiscal restraint.

I stand in full support of this amendment and am proud to be a cosponsor. This outstanding amendment is worthy of your consideration and support.

Mr. MCCAIN. Mr. President, I am pleased to join Senator GREGG and others in supporting this fiscally responsible amendment to provide the President authority to perform rescissions to legislation passed by Congress. Congress would then be required to review the President's recommendation within 8 days and affirm or reject the recommendation. Additionally, this amendment correctly requires the money from rescissions to be put toward deficit reduction.

Congress has grappled with the issue of providing the President with line-item veto or rescission authority since the original law was overturned by the Supreme Court in 1998. In the last Congress, there were at least eight bills introduced, including one I authored, attempting to provide the President with the authority to review and reject objectionable sections of legislation passed by Congress. It is my hope that during the 110th Congress we will provide the President with this important tool to combat porkbarrel spending and to reduce the deficit.

Just last night, President Bush delivered the annual State of the Union Address in which he stressed the need to impose spending discipline here in Washington by cutting the number earmarks. He is not the only President to address the country about the need to curtail wasteful porkbarrel spending.

In 1988, during his final State of the Union Address, President Ronald

Reagan discussed the growth of earmarks and asked for line-item veto authority for future Presidents. On that evening, President Reagan carried with him three pieces of legislation: an appropriations bill that was 1,053 pages long and weighed 14 pounds; a budget reconciliation bill that was 1,186 pages long and weighed 15 pounds; and a continuing resolution that was 1,057 pages long and weighed 14 pounds.

In reference to the continuing resolution, President Reagan chided Congress, stating, "Most of you in this Chamber didn't know what was in this catch-all bill and report." President Reagan then explained that millions of dollars for items such as cranberry research, blueberry research, the study of crawfish, and the commercialization of wild flowers were included in the continuing resolution "tucked away behind a little comma here and there."

In 1987, Ronald Reagan vetoed a highway bill because it had 157 earmarks. In the last Congress, a highway bill with 6,371 special projects costing the taxpayers $24 billion was enacted, despite my strong opposition. Those and other earmarks passed by Congress included $50 million for an indoor rainforest, $500,000 for a teapot museum, $350,000 for an Inner Harmony Foundation and Wellness Center, and $223 million for a "Bridge to Nowhere."

Unfortunately, this earmarking has not been limited to the highway bill. Nothing can compare to the out of control earmarking that has occurred in the annual appropriations measures during recent years. According to data gathered by Congressional Research Service, there were 4,126 earmarks in 1994. In 2005, there were 15,877—an increase of nearly 400 percent. There was a little good news in 2006, solely due to the fact that the Labor-HHS appropriations bill was approved almost entirely free of earmarks—an amazing feat given that there were over 3,000 earmarks the prior year in that bill. Despite this first reduction in 12 years, it doesn't change the fact that 2004, 2005, and 2006 produced the greatest number of earmarks in history.

Now, let's consider the level of funding associated with those earmarks. The amount of earmarked funding increased from $23.2 billion in 1994 to $64 billion in fiscal year 2006. Remarkably, it rose by 34 percent from 2005 to 2006, even though the number of earmarks decreased. Earmarked dollars have doubled just since 2000 and more than tripled in the last 10 years. This is wrong and disgraceful, and we urgently need to curtail this seemingly out of control porkbarreling practice that has become the norm around here.

President Reagan would be deeply disturbed to know that almost 20 years later, the size of spending bills has gotten much, much larger as we put more money toward porkbarrel projects. These earmarks have allowed the national debt to grow from over $5 trillion when President Reagan left office in January 1989 to over $8 trillion today. These statistics demonstrate clearly that the need for rescission authority is much greater than when President Reagan was in office.

President Reagan said to Congress during his 1988 State of the Union Address, "Let's help ensure our future of prosperity by giving the President a tool that, though I will not get to use, is one I know future Presidents of either party must have. Give the President . . . the right to reach into massive appropriation bills, pare away the waste, and enforce budget discipline." This amendment would do just that. It would provide the President authority to identify wasteful items of spending and move to eliminate them from the Federal budget. This would be a significant and, unfortunately, all too rare move in Washington, DC, toward fiscal discipline.

Rescission authority alone is not the solution to the fiscal crisis we face in our Nation's Capitol. We also desperately need to reform our earmarking process and our lobbying practices and the legislation the Senate passed last week makes a number of positive improvements in those areas. But above all, we must remember that it is ultimately Congress's responsibility to control spending. However, granting the President line-item veto authority would go a long way toward restoring credibility to a system ravaged by congressional waste and special interest pork.

I urge my colleagues to support the Gregg amendment.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. GREGG. Mr. President, what is the time status?

The PRESIDING OFFICER. The Senator has 4 minutes 45 seconds.

Mr. GREGG. And the other side?

The PRESIDING OFFICER. They have 9½ minutes.

Who yields time?

Mr. KENNEDY. Mr. President, I understand we have 7½ minutes; is that correct?

The PRESIDING OFFICER. The Senator from Massachusetts has 7½ minutes.

Mr. CONRAD. Mr. President, will the Chair inform me how much time is left on the Republican side?

The PRESIDING OFFICER. Four and three-quarter minutes.

Mr. CONRAD. Would the Senator from Massachusetts like to go first?

Mr. KENNEDY. I would like to wait. I yield to the Senator from North Dakota.

Mr. CONRAD. Mr. President, I urge my colleagues to oppose cloture on this matter. I think this is a well-intentioned amendment, but it does virtually nothing about the deficit. What it does do is transfer power from the Congress of the United States to the White House. What it will set up, I say to my colleagues, with this President perhaps, and with some future President for certain, is a circumstance in which the President will be able to leverage Members of this body on completely unrelated issues because of his unchecked power to line-item veto provisions in appropriations bills.

That is a profound mistake for this body. The Founding Fathers set up this separation of power very carefully. They put the power of the purse in the Congress. They did that because they were concerned about the extraordinary power that the Kings had in Europe. They never wanted to replicate that here.

Mr. President, that is exactly the formula that has helped America be the preeminent power in the world—the strongest economic power and the strongest military power. We should not alter that relationship by granting this increased power to this President or any future President.

I urge my colleagues to oppose cloture.

The PRESIDING OFFICER. Who yields time?

Mr. GREGG. Mr. President, I wonder if the Senator from Massachusetts would give me the courtesy of closing the debate since it is my amendment.

Mr. KENNEDY. Mr. President, I thought it was about our debate on the minimum wage, but that is fine. I have 7½, and the Senator has how much?

The PRESIDING OFFICER. The Senator from Massachusetts has 7 minutes, and the other side has a little over 4½ minutes.

Mr. KENNEDY. Mr. President, I ask the Chair to let me know when I have a minute and a half.

The PRESIDING OFFICER. The Chair will do so.

Mr. KENNEDY. We are at a very important moment for millions of working families in this country. It has been 10 long years since we have seen an increase in the minimum wage. During that period of time, I don't think anybody in this body could really understand the kind of pain and sacrifice these families have experienced and the kind of anxiety they have had every day, wondering if they are going to be able to provide for themselves and their families, and particularly for their children.

I welcome the fact that it was our Democratic leaders who have this now before the Senate. We had a majority in the Senate for an increase, but we had the opposition of Republican leadership in the Senate and also in the White House. But now we have had 80 Republicans in the House of Representatives voting for a stripped-down bill. That is a reflection of the bipartisanship we used to have.

We have seen historically where we had both Republican and Democratic

Presidents who fought for an increase, including Presidents Roosevelt, Truman, Eisenhower, Kennedy, Johnson, Nixon, Carter, the first President Bush, and Bill Clinton. That is the roster of American Presidents in the postwar period. But we have had the strong opposition of this President and the Republicans. Its impact has been devastating on families.

If you look at what has happened to families, you will find out that the purchasing power of the minimum wage over the period of these recent years has just collapsed—almost to the lowest point it has ever been in terms of purchasing power. Look into the sixties, seventies, and the 1980s. With the Democrats in power, with the help of some Republicans, we helped keep it up. It was at the poverty level and it collapsed in recent years and we are trying to get it up to $7.25. That is still not adequate; nonetheless, it will make a big difference to working families, the 41 million Americans—28 percent—who work more than 40 hours a week. Nearly one in six workers work more than 50 hours a week. People are working longer and harder than ever before.

If you look at what is happening in the industrial nations, look at the United States, we have increased more than any other industrial nation in the world. What happened? The wages of the poorest of the poor who are out there working 40 hours a week have collapsed, and what happened? They have been working longer and harder than ever before.

What has been happening? They increased productivity for the American economy. Look at the past, where you had productivity and the minimum wage related year after year. But not now. We have seen the explosion of productivity, but do you think any of that has been passed on to hard-working people? Absolutely not. We are not going to let those who increased the productivity of the American economy share in it. That has not been the case.

We also see the continued loss of workers. What has happened on the other side? Who has gotten the increase in the productivity. Imagine who: corporate profits grew 65 percent more over this period of time. They are the ones who have taken the benefit of the productivity. It used to be shared between the workers and corporations. Not anymore. They have been the ones who have opposed the increase in the minimum wage.

We have seen what happened, as I pointed out, when we had productivity related to the minimum wage. We saw that the minimum wage was at the poverty level, and now we have seen it virtually collapse. What has been the impact on the American families? We have now seen that 4.1 million more American families have gone into poverty since 5 years ago. And, naturally, we have seen an increased number of children who have gone into poverty; 1.2 million more children have gone into poverty over the last 5 years, with no raise in the minimum wage.

Increased numbers of families are struggling and working hard, working longer and harder than in any other industrial nation in the world, and still they cannot get out of poverty. As a result, we find this extraordinary achievement in the United States of America, and we have the highest poverty rate of children of any industrialized nation in the world. The list goes on.

We can see this is reflected in the increased number of individuals who are suffering in terms of hunger in our country. You can go to food banks in my city of Boston—and we have food banks throughout Massachusetts and you hear the same thing. We are having to give more assistance to families who are working, and more and more of those are children living in poverty. It doesn't have to be this way. We are not going to answer all of the problems of poverty with this increase. We are telling hard-working Americans who work hard and take pride and produce that we in the Congress at this time are going to give you a very modest raise. They are entitled to it. It is saying to proud men and women who are doing a decent job that we recognize that and we believe in a society where people move along together.

This is going to make a difference to children in our society because so many children are the children of individuals who work hard and are working at minimum wage. It will make a difference to women because the great majority of people who benefit from the minimum wage are women. So it will benefit women, and it will benefit children, and those people who go into the entry level, men and women of color who are getting a job. This is a family issue, a values issue, an American issue, and it is a fairness issue.

That is why we want to have a strong vote here with the bare bill that sends a very clear message: $7.25 an hour for working families is not too much in the richest country in the world.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I thank the Senator for allowing me to proceed in this manner. I think people listening may get confused. In our discussions, the Senator from Massachusetts is addressing the second cloture vote. I am addressing the first one. The second one addresses the issue of minimum wage. I am talking about the second look at the waste amendment, or enhanced rescission amendment, which is the first cloture vote.

This is not a line-item veto. That pejorative is being thrown at it by people who think the line-item veto is inappropriate and transfers too much power to the President. That was settled in the 1990s when President Clinton was given it, and then it was ruled unconstitutional. This is the daughter of Daschle amendment. It is essentially rescission language that allows us to take a second look at waste and mismanagement that may occur as a result of earmarks being put in omnibus bills.

We talk around here about earmarks and the inappropriateness of some of them. This is another opportunity for us to look at inappropriate earmarks and to eliminate waste as a result of that. It tracks very closely the Daschle language.

The Senator from North Dakota mentioned three areas where it differs from the Daschle language. I don't think any of those three areas are substantive.

The first was on the issue of entitlements. Of course, entitlements have to be on the table. The argument that for some reason a global agreement on entitlements is going to be undermined by this opportunity to take a second look at wasteful spending is a total straw dog. No such global agreement would be reached unless this language was also addressed and the question of the President's power was addressed.

Secondly, the idea that a packaging of rescissions will put undue pressure on Members to vote for a bad rescission in favor of a good rescission because they will be put together is totally specious or inaccurate because of the fact that the motion to strike is retained so that packages can be broken up.

As I said earlier, I am going to take the 300 days, if we get this to the amendment process, and move it back to 30 days, so that is not an issue either.

This is a question of how we better manage the taxpayers' dollars. It is that simple. There is no reason why we should allow inappropriate spending to be buried in omnibus bills, as mentioned by the Senator from South Carolina, and then never have an opportunity to go back and take a look at that inappropriate spending.

It is such a logical idea that it was voted for by 37 Members of the Democratic Party the last time it was on the floor, 20 of whom still serve in the Senate. Individuals who voted for essentially this exact proposal—not exact, but it is so close it is hard to differentiate—are still serving in the Senate.

I hope those individuals will vote for cloture so that we can move on and do this very significant piece of reform.

Is it going to dramatically affect the deficit? I have said it isn't. What it is going to do is give us an opportunity to effectively address waste mismanagement and inappropriate earmarks that will help the deficit because I put the money toward the deficit. I acknowledge it is not going to be dramatic sums, but it is better management of the American taxpayers' money, and that is our goal.

It is not unconstitutional. It does not have a constitutional issue with it. It has been addressed. In fact, it is a proposal that is so reasonable in the area of constitutionality that Senator BYRD, the last time this proposal was put forward, said:

> I have no problem with giving the President another opportunity to select from appropriation bills certain items which he feels, for his reasons, whatever they may be, they may be political or for whatever reasons, I have no problem with his sending them to the two Houses and our giving him a vote.

He is being reasonable. It is a reasonable approach. The idea is simply to allow the President to say to us: Listen, I looked at this bill; it is spending $400 billion or $500 billion. There is some money in here that I don't think should be spent. Why don't you take a another look at this, Congress, and if either House says no, we are going to spend that money, they can spend it, or if either House strikes an item, it gets struck and it is not part of the rescission package.

This is good management. It has been voted out of this Senate before. I hope it will be voted out again.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. Time is up.

Mr. GREGG. Mr. President, I guess I will end my statement and ask people to vote for cloture.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The bill clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the pending Gregg amendment No. 101 to the substitute amendment to H.R. 2, a bill to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage.

Harry Reid, Mitch McConnell, Judd Gregg, Craig Thomas, John E. Sununu, James Inhofe, Jon Kyl, Johnny Isakson, Tom Coburn, Mike Crapo, Wayne Allard, Lamar Alexander, John Cornyn, Jim Bunning, John Ensign, David Vitter, Bob Corker.

The PRESIDING OFFICER (Ms. KLOBUCHAR). By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on amendment No. 101, offered by the Senator from New Hampshire, Mr. GREGG, an amendment to provide Congress a second look at wasteful spending by establishing enhanced rescission authority under fast-track procedures, shall be brought to a close?

The yeas and nays are mandatory under the rule. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. CARPER) and the Senator from South Dakota (Mr. JOHNSON) are necessarily absent.

Mr. LOTT. The following Senator was necessarily absent: the Senator from Kansas (Mr. BROWNBACK).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 49, nays 48, as follows:

[Rollcall Vote No. 22 Leg.]

YEAS—49

Alexander
Allard
Bayh
Bennett
Bond
Bunning
Burr
Chambliss
Coburn
Cochran
Coleman
Collins
Corker
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Ensign
Enzi
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lieberman
Lott
Lugar
Martinez
McCain
McConnell
Murkowski
Roberts
Sessions
Smith
Snowe
Specter
Stevens
Sununu
Thomas
Thune
Vitter
Voinovich
Warner

NAYS—48

Akaka
Baucus
Biden
Bingaman
Boxer
Brown
Byrd
Cantwell
Cardin
Casey
Clinton
Conrad
Dodd
Dorgan
Durbin
Feingold
Feinstein
Harkin
Inouye
Kennedy
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lincoln
McCaskill
Menendez
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sanders
Schumer
Shelby
Stabenow
Tester
Webb
Whitehouse
Wyden

NOT VOTING—3

Brownback
Carper
Johnson

The PRESIDING OFFICER. On this vote, the yeas are 49, the nays are 48. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The majority leader is recognized.

Mr. REID. Madam President, I move to reconsider and table that vote.

The motion to lay on the table was agreed to.

Mr. REID. I ask unanimous consent that prior to this vote there be 2 minutes for debate equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time?

Mr. KENNEDY. Madam President, what is the issue now that is before the Senate?

The PRESIDING OFFICER. There is now 2 minutes of debate before the vote on the cloture motion on H.R. 2, a bill to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage.

Mr. KENNEDY. I yield myself 1 minute.

Madam President, we have the opportunity for the first time in 10 years to pass an increase in the minimum wage that will affect a million of our fellow citizens. The workers who work for the minimum wage are people of dignity. They take pride in their work. They work hard and try to do a job.

This is a women's issue because the great majority of those who work and receive the minimum wage are women. It is a children's issue because so many of those women have children. Therefore, it is a family issue, it is a value issue, and it is a civil rights issue, because so many of those who enter with the minimum wage are men and women of color. Most of all, it is a fairness issue. In the United States of America, we understand fairness. With the strongest economy in the world, for men and women who are going to play by the rules, work 40 hours a week, they should not live in poverty in the United States of America.

Vote yea on this amendment and we will make a downpayment in bringing children, women, and others out of poverty in this Nation.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Madam President, for those who have been listening for the last 2 days, the argument has not been about whether we would raise the minimum wage. There seems to be agreement to raise the minimum wage. The difficulty has been how do we take care of some of the impact to small business that will result.

The Senator from Massachusetts, Mr. KENNEDY, has mentioned that the last time we passed the minimum wage, there was a small business tax package in it. That somewhat set a little different level for doing this kind of action. Incidentally, it was Senator Simpson from Wyoming who headed up that effort at that time.

This bill could have happened earlier if we had some assurance that there was going to be this tax package. I congratulate the Senator from Montana, Mr. BAUCUS, and the Senator from Iowa, Mr. GRASSLEY, for the way they have worked together and the way their committee worked together to put together a tax package that will benefit small business and reduce some of the impacts of the increase in minimum wage. The minority just needs some kind of a sense that will be a part of the bill, and we can move forward with the whole thing. We are trying to make sure we don't put the mom-and-pop businesses and their employees out of work and their services lost to the community.

Madam President, I ask unanimous consent to submit a letter from the Coalition For Job Opportunities supporting it.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

COALITION FOR JOB OPPORTUNITIES,
January 23, 2007.

U.S. Senate,
Washington, DC.

DEAR SENATOR: As members of the Coalition for Job Opportunities (COJO), we are writing in opposition to the cloture motion filed on H.R. 2 which calls for a federal minimum wage increase to $7.25/hour without any offsetting small business tax provisions. We are very concerned that this 41% increase to the starting wage would severely impact small businesses and cost our economy jobs. While no package of small business measures can completely mitigate the negative impact of a wage hike, we are supportive of the small business tax package approved unanimously in committee last week and believe it must be included with the wage proposal before the Senate.

A mandated wage hike of this magnitude will cause many small employers to make difficult staffing decisions, in terms of eliminating current positions and postponing plans to create new ones. Due to the last minimum wage increase, our economy experienced significant job losses across multiple sectors.

Many small businesses operate under a very small profit margin, and a 41% mandated wage hike would have a severe impact on employers at a time they are experiencing other difficult cost challenges. Small employers continue to face steady double-digit health care premium increases, and rising energy costs have also had an impact. Just this month, it was reported that commercial electricity prices have risen nearly 10% during the first 10 months of 2006.

We urge you to strongly consider the vital role that small employers play in our economy as job providers. An increase in the starting wage will stifle job creation, directly affecting employment opportunities for low-skilled, entry level workers. We therefore urge you to oppose this mandated wage increase and to allow market forces to create and sustain more jobs.

Sincerely,

National Restaurant Association, National Federation of Independent Business, National Retail Federation, National Association of Convenience Stores, American Hotel and Lodging Association, American Beverage Licensees, Bowling Proprietors' Association of America, Coalition of Licensed Beverage Associations, Food Marketing Institute, International Association of Amusement Parks and Attractions, International Foodservice Distributors Association, International Franchise Association, International Pizza Hut Franchise Holders Association, Kentucky Fried Chicken Franchisee Association, National Association of Chain Drug Stores, National Association of Theatre Owners, National Club Association, National Council of Agricultural Employers, National Council of Chain Restaurants, National Franchisee Association, National Grocers Association, Printing Industries of America, Small Business & Entrepreneurship Council, Society of American Florists, Tire Industry Association.

U.S. HISPANIC CHAMBER OF COMMERCE,
Washington, DC, January 23, 2007.

DEAR SENATOR: The U.S. Hispanic Chamber of Commerce, as the nation's leading voice for over 2 million Hispanic-owned businesses and over 200 chambers nationwide, urges your support for providing significant small business tax relief as a key component of S. 2, the Minimum Wage Act of 2007.

Small and disadvantaged businesses create 75 percent of new U.S. jobs annually, but they are also responsible for the majority of job losses each year. These important statistics demonstrate why we must provide assistance to these struggling businesses. According to the Small Business Administration, 590,000 new businesses were established in 1998, and 565,000 of them employed fewer than 20 workers. However, 541,000 firms went out of business that year, and more than 94 percent of them had 20 workers or less. Small businesses already encounter a growing number of rising costs for doing business such as double digit health care premium increases and increased energy costs.

As an organization that understands and represents the interests and concerns of Hispanic-owned businesses, we urge you to provide a comprehensive response that includes small business tax relief as an integral part of this legislation. We look forward to working with you to achieve this goal.

Sincerely,

DAVID C. LIZARRAGA,
Chairman, Board of Directors.
MICHAEL L. BARRERA,
President and CEO.

NFIB,
January 22, 2007.

Sen. HARRY REID,
Majority Leader, U.S. Senate,
Capitol Building, Washington, DC.
Sen. MITCH MCCONNELL,
Republican Leader, U.S. Senate,
Capitol Building, Washington, DC.

DEAR MAJORITY LEADER REID AND REPUBLICAN LEADER MCCONNELL: On behalf of the National Federation of Independent Business (NFIB), the nation's leading small-business advocacy group, I am writing to urge you to include critical small-business relief as part of any minimum-wage legislation that passes the U.S. Senate.

During Senate consideration of H.R. 2, a bill that raises the minimum wage by $2.10, please be mindful that small-business owners oppose the wage hike because it would leave them with fewer choices in how they compensate their employees and when they decide to hire new ones. Wage hikes historically have had a negative impact on certain industries that offer the most entry-level jobs—including restaurants, grocery, and retail stores—many of which are run by small-business owners.

We were encouraged that the Senate Finance Committee took an important step in this debate by passing the Small Business and Work Opportunity Act of 2007. This bill contains growth-oriented tax relief that allows small businesses to invest and stay competitive. We hope that you can continue in this direction during debate on the floor.

In addition, should you decide to consider any additional revenue offsets, I hope you will be mindful of the consequences of any tax increases on small businesses. While revenue offsets may serve to restrain fiscal spending, any other possible burdens on small businesses—in addition to the wage hike—will be harmful to the continued growth of this very important industry.

Thank you for your leadership on this issue, and we look forward to working with you as the 110th Congress moves forward.

Sincerely,

DAN DANNER,
Executive Vice President.

NATIONAL RESTAURANT ASSOCIATION,
January 23, 2007.

DEAR SENATOR: On behalf of the National Restaurant Association and the 935,000 restaurant locations nationwide, we are writing in opposition to cloture on H.R. 2 the underlying minimum wage bill which does not include the small business tax package unanimously approved in committee last week. Our association cannot support a wage increase given its impact on jobs in our industry, and we strongly believe that any minimum wage increase must include small business tax relief in order to mitigate the negative impact of a mandated wage hike. The cloture vote on the underlying "clean" minimum wage bill will be considered a "key vote" by the National Restaurant Association.

Restaurants are acutely impacted by an increase to the starting wage, and it is important to protect the jobs our industry provides. Nearly half of all adults have worked in the restaurant industry at some point during their lives, and 32 percent of adults got their first job experience in a restaurant. For many, restaurant jobs lead to management and ownership opportunities: 8 out of 10 salaried employees have started as hourly employees.

The restaurant industry plays a critical role in providing jobs to the U.S. economy. By the year 2017, we are expected to create an additional 2 million positions. If we are to fulfill this expectation, we urge you to include relief targeted to those industries that pay the starting wage.

We urge you to oppose cloture on the underlying base minimum wage bill (H.R. 2). The cloture vote on H.R. 2 will be treated as a key vote by the National Restaurant Association.

Sincerely,

STEVEN C. ANDERSON,
President and Chief Executive Officer.
JOHN GAY,
Senior Vice President, Government Affairs and Public Policy.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. ENZI. I ask my colleagues to vote no on cloture.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order and pursuant to rule XXII, the clerk will report the motion to invoke cloture.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close the debate on Calendar No. 5, H.R. 2, providing for an increase in the Federal minimum wage.

Ted Kennedy, Barbara A. Mikulski, Daniel Inouye, Byron L. Dorgan, Jeff Bingaman, Frank R. Lautenberg, Jack Reed, Barbara Boxer, Daniel K. Akaka, Max Baucus, Patty Murray, Maria Cantwell, Tom Harkin, Debbie Stabenow, Robert Menendez, Tom Carper, Harry Reid, Charles Schumer, Richard Durbin.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on H.R. 2, a bill to amend the Fair Labor Standards Act of 1938, to provide for an increase in the

Federal minimum wage, shall be brought to a close?

The yeas and nays are mandatory under the rule. The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. CARPER) and the Senator from South Dakota (Mr. JOHNSON) are necessarily absent.

Mr. LOTT. The following Senator was necessarily absent: the Senator from Kansas (Mr. BROWNBACK).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 54, nays 43, as follows:

[Rollcall Vote No. 23 Leg.]

YEAS—54

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Brown
Byrd
Cantwell
Cardin
Casey
Clinton
Coleman
Collins
Conrad
Dodd
Dorgan
Durbin
Feingold
Feinstein
Harkin
Inouye
Kennedy
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
McCaskill
Menendez
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sanders
Schumer
Snowe
Specter
Stabenow
Tester
Warner
Webb
Whitehouse
Wyden

NAYS—43

Alexander
Allard
Bennett
Bond
Bunning
Burr
Chambliss
Coburn
Cochran
Corker
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Ensign
Enzi
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lott
Lugar
Martinez
McCain
McConnell
Murkowski
Roberts
Sessions
Shelby
Smith
Stevens
Sununu
Thomas
Thune
Vitter
Voinovich

NOT VOTING—3

Brownback
Carper
Johnson

The PRESIDING OFFICER. On this question, the yeas are 54, the nays are 43. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Mr. REID. I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. REID. Madam President, the time is moving on. If people wish to offer amendments, this is the time to do it. I know there are Members tied up in committees. If someone feels strongly about an amendment, someone managing on the minority side can offer it, someone here can offer amendments for the majority, if there are amendments they wish to offer and simply can't be here. We would like to get this set up so we can start voting on amendments. Vote on a Democrat amendment, a Republican amendment or vice versa. Let's move on.

Some of these votes are not pleasant. They are tough votes. That is why we are here. The sooner we move to start voting, the better off we are going to be. If it comes to a period in the next 24 hours that Members are not going to offer amendments, there is little alternative but I will have to offer another cloture motion.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. McCONNELL. Let me say to my good friend, the majority leader, there are two Senators, Senator ALLARD and Senator SMITH, in the Chamber prepared to offer amendments now.

I concur with him. Those who have amendments should come forward and offer them. We have two Republican Senators ready to do that as we speak.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. WYDEN. Madam President, I ask unanimous consent to be able, after Senator SMITH and Senator ALLARD have offered their amendments, and also Senator REED, who was here earlier than I, to be able to offer a bipartisan amendment on a matter of critical importance to all from timber-producing States that deals with funding for schools and roads. I ask unanimous consent to be able to offer that bipartisan amendment after Senator SMITH has offered his amendment, after Senator ALLARD has offered his amendment and after Senator REED has had an opportunity to speak.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Oregon is recognized.

AMENDMENT NO. 113 TO AMENDMENT NO. 100

Mr. SMITH. Madam President, I call up amendment numbered 113, and I ask for its immediate consideration.

The PRESIDING OFFICER. The pending amendment is set aside.

The clerk will report.

The legislative clerk read as follows:

The Senator from Oregon [Mr. SMITH] proposes an amendment numbered 113.

Mr. SMITH. Madam President, I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

AMENDMENT NO. 113

(Purpose: To make permanent certain education-related tax incentives)

At the appropriate place, insert the following:

SEC. . PERMANENT EXTENSION OF CERTAIN EDUCATION-RELATED TAX INCENTIVES.

(a) REPEAL OF SUNSET ON AFFORDABLE EDUCATION PROVISIONS.—Title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 (relating to sunset of provisions of such Act) shall not apply to title IV of such Act (relating to affordable education provisions).

(b) PERMANENT EXTENSION OF ABOVE-THE-LINE DEDUCTION FOR CERTAIN EXPENSES OF ELEMENTARY AND SECONDARY SCHOOL TEACHERS.—Subparagraph (D) of section 62(a)(2) of the Internal Revenue Code of 1986 is amended by striking "In the case of taxable years beginning during 2002, 2003, 2004, 2005, 2006, or 2007, the deductions" and inserting "The deductions".

Mr. SMITH. Madam President, I rise today to offer an amendment to H.R. 2, the Fair Minimum Wage Act. My amendment would make permanent existing education tax benefits that are set to expire in the near future.

I am a big supporter of the Republican progrowth tax policies that have been implemented over the past few years. These policies have had a tremendous impact on our economy. Since August 2003, more than 7.2 million jobs have been created.

Our unemployment rate remains low at 4.5 percent, which is well below the 5.1 percent average rate for 2005, and below the average of each of the past four decades.

And thanks to our strong economic growth, tax revenues continue to pour in. Tax receipts in December were $18 billion higher than a year earlier.

My amendment focuses on an important component of the Bush tax cuts—education tax benefits. This amendment would make permanent a number of important tax provisions that make it easier for Americans to save for college and pay for their children's education expenses.

Educating our citizens is critical if we want to remain competitive in the global economy. But as tuition costs continue to escalate, it has become more and more difficult for American families to cover these expenses on their own.

The education tax benefits that have been enacted over the past few years will help American families meet these obligations. Therefore, it is important that we don't let these tax benefits expire.

My amendment would make permanent the deduction for qualified tuition and related expenses which is set to expire at the end of 2007. The 2001 tax act created this new deduction which allows middle-income Americans to take a deduction for higher education expenses of up to $4,000.

In 2004, over 4.5 million American families took advantage of this deduction. And in my home state of Oregon, almost 65,000 families used the deduction.

In addition, if certain requirements are satisfied, an employee can exclude from gross income up to $5,250 annually of educational assistance provided by an employer. This exclusion applies to both graduate and undergraduate courses.

Because of this favorable tax treatment, many employers provide their employees with educational assistance. However, the exclusion will not be available after December 31, 2010. My amendment would make this provision permanent.

Coverdell education savings accounts are an important tool for Americans to save for future education expenses. The 2001 tax act made a number of reforms to enhance these accounts. For example, it increased the annual contribution limit to $2,000 from $500 and expanded the definition of qualified expenses to include elementary and secondary school expenses.

However, like the exclusion for employer provided educational assistance, these enhancements expire after 2010. My amendment would make these enhancements permanent.

Finally, the recently enacted tax extenders package extended the deduction for educator expenses through 2007. This provision provides a $250 per year above-the-line deduction for teachers for expenses paid for supplies, such as books and computer equipment.

Teaching is one of the most important professions in our society. And this provision provides teachers with a little help in purchasing the supplies they need to be good teachers.

In Oregon, over 33,000 teachers benefited from this deduction in 2003. And my amendment would make this provision permanent.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

AMENDMENT NO. 116 TO AMENDMENT NO. 100

Mr. ALLARD. Madam President, I ask unanimous consent the pending amendment be set aside and I call up amendment numbered 116 and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The bill clerk read as follows:

The Senator from Colorado [Mr. ALLARD] proposes an amendment numbered 116.

Mr. ALLARD. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

AMENDMENT NO. 116

(Purpose: To afford States the rights and flexibility to determine minimum wage)

At the end of section 2, add the following:

(c) STATE FLEXIBILITY.—Section 6 of the Fair Labor Standards Act of 1938 (29 U.S.C. 206) is amended by adding at the end the following:

"(h) STATE FLEXIBILITY.—Notwithstanding any other provision of this section, an employer shall not be required to pay an employee a wage that is greater than the minimum wage provided for by the law of the State in which the employee is employed and not less than the minimum wage in effect in that State on January 1, 2007.".

Mr. ALLARD. Madam President, I rise today to ask my colleagues to support amendment No. 116, which I will discuss.

This amendment allows States the rights and flexibility to determine a minimum wage that works for them. Every State has its own microeconomy, and the voters and legislatures in those areas have decided what works best.

This is reflected in a map I have for demonstration purposes, reflecting the number of States in green that have higher wage rates than the minimum Federal rate. It reflects in blue the States with wage rates the same as the Federal rate. We have American Samoa, which has a special minimum wage rate, and States with no minimum wage rate, which are very few, by the way. They rely on the Federal, in that case, where they do not have one. And States with a minimum wage rate lower than the Federal, again, the State is preempted.

I rise to point out that the merits of increasing the Federal minimum wage, for better or for worse, for days on end—there is no debate on the cost of living, and wages greatly differ from State to state.

In its current form, the bill attempts to blindly blanket the Nation with a new Federal minimum wage without regard to unique economic conditions of each individual State. Effective on January 1 of this year, my own home State of Colorado increased its wage from $5.15 an hour to $6.85 an hour. But they went further than that. This new wage will adjust annually with inflation as measured by the Consumer Price Index in my own State—in this case, the State of Colorado.

During the course of the 109th Congress, the Senate considered a range of different minimum wage proposes. I evaluated each on a case-by-case basis. As a former small business owner, I recognize the financial challenges many families face, both those who are employed by the small business, as well as those struggling to keep their small business working. I also recognize the importance of small business to our Nation's economy and the chilling effect that increasing operating costs can have on the growth and ability to create jobs.

In my small business, for example, I hired a large percentage of employees whose first job was working for me. I was able to incorporate them into my business because, in some cases, because of their lack of job experience, I was willing to bring them in at a relatively low wage, give them an opportunity to improve themselves, which usually didn't take long—a month, 2 or maybe 3 months—and then begin to increase their wages as they increased their performance. This helped for morale in the business, and they felt like they were treated fairly. And it worked out very well.

We ran into problems when I was forced to raise the minimum wage, and I had to look at those employees in my small business who were full-time employees and expand the responsibilities of what my expectations were during their time of employment, at the expense of part-timers, and I laid off a few part-timers in the process, until I was able to grow the business a little more and I was able to begin to bring on some of the part-time employees again.

That is my personal experience and that reflects my view on increasing the minimum wage and why I think it has an adverse effect, particularly on those trying to move into the workforce. I have long been a supporter of legislation to help small businesses, and I do not wish to overburden our small businesses. Last year, I supported Senator ENZI's small business health plan legislation to give small business and their employees relief from health care costs. I supported this bill as a way to help small business and will continue to support such good ideas in the future.

In my view, in order to stimulate economic growth and create better paying jobs, Congress should implement programs aimed at reducing taxes and Government regulations on small business. Less Government intervention, at all levels, enables the private sector to attract, recruit, and retain the best possible employees and reward increased productivity and responsibility with higher compensation.

Although I believe the market is capable of setting wages, States are better equipped than the Federal Government to determine what is a fair and equitable standard wage for their workforce because of their own economy within that State.

As my chart shows, letting States take the lead on this issue is working. According to the Department of Labor, as of January 1, 2007, the majority of States have opted to increase the minimum wage over the federally mandated $5.15 an hour.

According to the Economic Policy Institute, 28 States plus the District of Columbia have minimum wages above the Federal level in 2007. Washington State has the highest minimum wage at $7.93 an hour. Several States, including Connecticut, Massachusetts, and Oregon, have raised their minimum wage beyond $7.50 an hour.

If we are going to do this and do this right, we should be cautious in Federally mandating a one-size-fits-all minimum wage. We should allow States to take into consideration the needs of their economy. We should give States the rights and flexibility to set their own minimum wage. Costs of living and wages vary dramatically State to State. What is right for Wyoming is not necessarily what is right for Massachusetts. Imposing dramatic increases to the minimum wage on States poses a threat to local economies. States are better positioned than the Federal Government to set a wage that works best for their workforce. Whether the need is above or below the proposed $2.10 increase, State officials should have the right to decide. Local legislators are in touch with the business community and I think better represent the needs of the local labor markets. Allowing the minimum wage to be set by State legislatures is a better alternative to a Federal mandate. My amendment simply affirms the traditional definition of States rights and allows respective State legislatures the flexibility to determine employee pay benefits.

Let's allow the States to have a say and decide what is right for them. They are the closest to the people. Let's give States the right and flexibility to regulate minimum wage. A one-size-fits-all unfunded Federal mandate is not the answer to protecting America's economic security. I urge my colleagues to join me in supporting this amendment which gives States the flexibility to determine what is best for their citizens.

Thank you, Madam President.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

AMENDMENT NO. 104 TO AMENDMENT NO. 100

Mr. WYDEN. Madam President, if the distinguished Senator from Colorado is finished, I ask unanimous consent to set aside his amendment and call up an amendment I offer with Senator SMITH and Senator FEINSTEIN and Senator BOXER and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The bill clerk read as follows:

The Senator from Oregon [Mr. WYDEN], for himself, Mr. SMITH, Mrs. FEINSTEIN, and Mrs. BOXER, proposes an amendment numbered 104 to amendment No. 100.

Mr. WYDEN. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To reauthorize the Secure Rural Schools and Community Self-Determination Act of 2000)

At the appropriate place, insert the following:

SEC. . EXTENSION OF SECURE RURAL SCHOOLS AND COMMUNITY SELF-DETERMINATION ACT.

(a) IN GENERAL.—The Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 500 note; Public Law 106-393) is amended in sections 101(a), 102(b)(2), 103(b)(1), 203(a)(1), 207(a), 208, 303, and 401 by striking "2006" each place it appears and inserting "2007".

(b) TERMINATION OF AUTHORITY.—

(1) SPECIAL PROJECTS ON FEDERAL LANDS.—Section 208 of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 500 note; Public Law 106-393) is amended in the second sentence by striking "2007" and inserting "2008".

(2) COUNTY PROJECTS.—Section 303 of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 500 note; Public Law 106-393) is amended in the second sentence by striking "2007" and inserting "2008".

Mr. WYDEN. Madam President, in much of our country that is dependent on natural resources, there is a world of hurt today. There are tremendous concerns in many of our rural communities about how we are going to finance their schools and roads. In my State, more than 50 percent of the land is owned by the Federal Government. So we are not in a position to pay for schools and roads and essential services the way much of the rest of the country does because there, through transactions that occur on private property, they are able to generate the funds they need to pay for essential services.

When Senator SMITH and I go home, we are faced with a very different situation. Because a law I wrote a number of years ago with Mr. CRAIG, the distinguished Senator from Idaho, expired at the end of the year, we are seeing a number of our local communities face Draconian cuts in essential services.

The layoff announcements are going on right now as local districts and local communities come together and wrestle with how they are going to make the difficult choices with respect to funding essential services. Cuts in excess of 70 percent of discretionary funding are going to cripple one of our counties in rural Oregon, southern Oregon, Douglas County, which currently receives about 43 percent of its annual budget from the law I authored with Senator CRAIG.

Another of our counties, Jackson County, again in southern Oregon, is prepared to shut down all of its libraries. That will be coming up very shortly.

In Curry County, they are looking at the prospect of laying off all nonessential workers, including patrol officers, some of whom would be left to perform only the mandated corrections duties. By June, 20 percent of the county workforce in Curry County will have been cut. So it is not clear with these cuts whether the county will even be able to continue to be a county, as it will not be able to provide a minimum level of services.

Road department levels are going to be reduced in areas such as Josephine County and Linn County.

I am going to be having community meetings this weekend on the Oregon coast.

Tillamook County is looking at layoffs in the sheriff's department and cuts to its road maintenance, jeopardizing roads that are critical to getting sawlogs to the mills and having family-wage jobs for workers in my State.

Senator FEINSTEIN and Senator BOXER join me in this. There are stories like this from across the country. Over 700 counties in 39 States have received critical funding from the county payments program. The fact is, in a State such as ours, where the Federal Government owns more than 50 percent of the land in many of these small communities with tiny populations, they are not going to be able to make it without these funds that are a lifeline in terms of law enforcement and schools and essential road and transportation services.

This is my top priority—my top priority—for my State in this session, to try to make sure these funds are reauthorized. In this particular amendment, Senator SMITH and Senator BOXER and Senator FEINSTEIN and I want to reauthorize the program for 1 year. But I am also introducing legislation for a long-term reauthorization because I think we ought to get these counties off the roller coaster once and for all.

This is based on an approach that was adopted many years ago with States that had widespread Federal ownership getting funds that related to timber receipts. As a result of the environmental laws, those receipts went down, and we needed this law to ensure that those counties would survive.

So the county payments legislation is supported by a diverse coalition, including the National Association of Counties and a number of labor organizations.

If Senators, particularly in rural communities, look now—as I have been in townhall meetings and other kinds of gatherings—at how we are going to support schools and roads and basic local government, I would only say that without this program, this will hit local communities like a wrecking ball. It is something that should not be abided by this Senate.

I see my colleague from Oregon, my partner in this and many other issues, standing, and I would like to yield at this time. After Senator SMITH has completed his remarks, I will wrap up very briefly. I would also note that Senator REED was here earlier, and I was not aware that he was in the queue as well, and I want him to be able to speak soon in a way that is convenient for him.

So I yield the floor.

The PRESIDING OFFICER (Mr. BROWN). The Senator from Oregon.

Mr. SMITH. I thank my colleague, Mr. President.

I join Senator WYDEN in saying this is my No. 1 priority as well. It is an emergency. It is not a natural disaster, but it is related to natural resources. It is a disaster that has been in the making through the course of a decade and more of Congresses, courts, and, obviously, the effort of the Clinton administration to reduce timber harvest on public lands in the Pacific Northwest. That has created a circumstance in the Pacific Northwest that Senator WYDEN and I seek to address. We do so because it is such an emergency. We have to look for every opportunity, every train that is leaving the station, to bring this to the attention of Congress and to get it to President Bush, who has said he will sign an extension.

For the benefit of the record, let me indicate some of the history of this issue. All of this was done with the best of intentions as it relates to natural resources and the management of public lands. It was done to benefit the spotted owl, threatened species under the Endangered Species Act. I should add that after 15 years of negligible harvest on public lands, the owl is still not recovering and its habitat is being incinerated by catastrophic wildfire.

Whether tacit or intentional, those management decisions have caused severe costs that are borne on the backs of those who can least afford it. These people and communities need relief as much as those burdened by other disasters, such as hurricanes or tidal waves.

The timber war has had many casualties. It has been a catastrophe for rural communities. County governments, colleagues, receive a share of timber receipts from Federal lands—25 percent from the Forest Service and 50 percent from BLM. The State Senator WYDEN and I represent is more than 50 percent owned by the Federal Government. What you have, therefore, is timber-locked communities.

For generations, these timber receipts have provided funds to offset the fact that local communities cannot tax the Federal Government. It makes up the vast majority of their funds to operate their counties, their schools, public safety. When timber harvest evaporated, so did county budgets.

In 1999, my colleague from Oregon, Senator CRAIG from Idaho, myself, and others came to this floor to describe what was happening to rural Oregon. Schools went to 4 days a week. They dropped sports and extracurricular activities and curtailed other programs. Communities were forced to make heartbreaking decisions over whether to cut social service programs or school funding or to sharply reduce sheriffs' patrols and close jails.

Fortunately, Congress created a safety net in the Secure Rural Schools and Community Self-Determination Act of 2000. This provided funding to counties based on historic rather than current timber harvest levels, and it kept them afloat until the Federal timber program stabilized—a stabilization for which we are still awaiting.

I realize other States may think Oregon receives too much assistance under this program; however, I would ask, what other Federal disaster assistance is not allocated based on the intensity and location of the disaster? You go where the problem exists. Between 1987 and 2002, Federal timber harvest in Oregon dropped 96 percent. That is an annual shortfall of enough wood to build over 235,000 homes.

Without a county payment safety net, here is an example of what my county commissioners are facing. Curry County, located on the southern Oregon coast, has an annual general fund of $7.7 million. The safety net accounts for over $4 million of that $7 million. The county is not legally able to raise property taxes, but it is constitutionally bound to fund administrative and law enforcement functions. Curry County has 11,000 homes. To replace the safety net funding with new property taxes, it would need over 35,000 new homes valued at $345,000 each. That is not going to happen. With only 22,000 residents and 1.43 percent of its land available for development, this is simply an impossibility.

But the safety net is not just about Oregon counties. In the life of the legislation, California received $308 million; Idaho, $102 million; Montana, $63.4 million.

That program expired on our watch 4 months ago. Now rural counties across the Nation are dangling on an economic tightrope without a safety net to catch them. My colleague from Oregon and I have left no stone unturned to find money for an extension. Those efforts have been unsuccessful. We stand here with our timber-dependent counties at the mercy, once more, of the Federal Government. If we do not extend the safety net, many counties in my State stand to lose nearly 70 percent of their general and road funds.

Preparations are already underway to close public libraries, pink slips to thousands of county employees will soon be in the mail, vital search-and-rescue operations will be curtailed. The Nation has seen these search-and-rescue operations go tragically in several cases recently on national TV.

Oregon has lived with devastating Federal mandates on our forests, but we cannot live with an instant evisceration of our public services. That cannot be the rural legacy of this Congress.

My colleague from Oregon and I have filed this amendment to the minimum wage bill to provide a 1-year extension of the safety net. It is only fitting that as we consider raising wages for workers in the private sector, we address the very future of jobs and services in the public sector.

We are also introducing legislation for a full reauthorization, and we will make every attempt at every opportunity in this Congress to turn back the tide that is quickly approaching rural communities and counties across the Nation. We can prevent this natural disaster, a natural disaster that has a human component. I join with my colleague to express our determination and thank him for his leadership, his authorship of this in the first instance, and of our mutual determination for the sake of our State to right this wrong.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. WYDEN. I thank my colleague for his comments and his thoughtfulness. Before I make my concluding remarks on our amendment, I ask unanimous consent for Senator JACK REED to speak after I have concluded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WYDEN. To wrap up briefly, Senator SMITH has stated it well. I am very honored to represent Oregon in the Senate. I have been able to get into a host of issues that I think are important, particularly as a member of the Finance Committee, to fix health care and fix the out-of-whack American tax system. I serve on the Intelligence Committee. But Senator SMITH and I have said this is our most important issue for our State for this session because, without this funding, there is a real question about whether these local communities can hang on. They simply have no other options. You are not going to be able to go to a small resource-dependent community in eastern Oregon and set up a biotechnology company in the next few weeks. It is not going to happen. I support those kinds of industries and economic development, as does my colleague. It has been a big part of our bipartisan agenda. But we are talking about survival for these rural communities. This will be our top priority for this session.

This has also made a great contribution in terms of bringing together people of differing views on natural resources. As part of the legislation that I authored with Senator CRAIG a number of years ago—as Senator SMITH has noted—we set up resource advisory committees so that you now have folks in the timber industry talking to environmentalists who in the past were, for the most part, spending their days in the courthouses suing each other. Now they are working together to cooperate through the legislation that we have put in place. This has been recognized as a wildly successful natural resources law, bringing about cooperation that, prior to this law going into effect, was seen virtually nowhere.

It is a stable, consistent source of funding for communities that have nowhere else to turn, affecting communities in 39 States, but it is also a program that has brought together a unique kind of cooperation between people in the natural resources area who in the past would spend an awful lot of time running what I call a lawyers full employment program, essentially suing each other in the Federal courthouse.

We are going to be back on the floor for whatever number of times it takes to get this program reauthorized and take these rural communities off this roller coaster. They ought to be able to know that they can survive, and they can survive as they have over many years through a program that was tied to the unique consideration that the Federal Government owns most of our land. That is what this is all about.

This is different than how people may pay for schools and roads and essential services in parts of the eastern United States where there is little Federal ownership.

We ask that the Senate not ignore the plight of rural America, particularly the rural West, as we continue forward with the legislative calendar.

AMENDMENT NO. 104 WITHDRAWN

I ask unanimous consent that this bipartisan amendment be withdrawn. We will be back another day. But I ask unanimous consent that the amendment I have offered be withdrawn.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is withdrawn.

The Senator from Rhode Island is recognized.

Mr. REED. Mr. President, I thank Senator WYDEN for arranging for my time. I rise to address my strong support for the increase in the minimum wage that we are debating today in this Chamber. Minimum wage workers deserve this long overdue raise. The minimum wage, which today stands at $5.15 per hour under Federal law, hasn't increased since 1997. Since then, inflation has entirely eroded that pay raise. In the meantime, the pay of CEOs of large corporations has increased to an average of $10.5 billion per year, about 369 times the average wages of a worker and 821 times the average wage of a minimum wage worker. That discrepancy, that disparity, that growing bifurcation between the very well compensated and struggling families in America cannot be tolerated any longer.

This legislation would raise the minimum wage to $7.25 over the next 2 years. This measure is important because workers have been left out of the economic growth that we have seen so far in this limited recovery that we are experiencing. Strong productivity growth has translated into higher profits for businesses, not more take-home pay for workers. And this is not just the low, entry-level workers. This is very far up the income range for working Americans. The stagnation of earnings in the face of soaring prices for health care, education, and food is squeezing the ability of families to meet their demands, of providing opportunities for the children. In fact, for the first time in my lifetime, I am beginning to sense that so many people are worried whether their children will be able to enjoy the same level of progress of income, of housing that they have, a fact that they took for granted.

No one who works full time should have to live in poverty, but the current minimum wage is not enough to bring even a single parent with one child over the poverty line, even if the parent works full time 52 weeks a year. That should never be the case in this country.

Five million more Americans have fallen into poverty since President Bush took office; 37 million Americans are now living in poverty, including 13 million children. And we know what the effects of poverty on children are. It impedes their ability to succeed in school. It deprives them of some of the experiences that we think are essential for their progress. Ultimately, it impairs their ability to contribute to this country as workers but, more importantly, as citizens, to fully participate, to bear the responsibilities of this great country. An unacceptably low minimum wage is a key factor in the problem of poverty in our country. This measure would go right to that problem in a very efficient way.

People who are working deserve to be rewarded for their work, deserve to be out of poverty. Congress is failing to catch up with reality. Many States have taken it upon themselves to raise their minimum wage. During the election this past November, six States passed ballot initiatives—not just a legislative effort but the voice of the people of those States—to raise the minimum wage. Today 29 States and the District of Columbia have minimum wages above the Federal level, anywhere from $6.15 per hour to $7.93 per hour. In addition, the States of Washington, Oregon, Vermont, and Florida have gone so far as to index the minimum wage to the rate of inflation, allowing workers to share in the benefits of a growing economy.

Raising the minimum wage will make a real difference for working families, putting an additional $4,400 per year in their pockets. Almost two-thirds of those who would benefit are adult workers, more than a third of whom are the sole breadwinners for their families. More than 6 million children would benefit from this raise that their parents would receive.

One of the fundamental principles of our country and our economy is that people should be able to support their families by their efforts, by their labors, by their works. That is when the economy is working well. That is the reality. Here we have a situation where there are people working two jobs sometimes, working 40 and 50 hours a week, who still don't have sufficient income to meet the demands of the family. Here in this country we should at least be able to guarantee to someone that if they are working that hard, they should at least be able to support their family out of poverty. That is at the core of what we are trying to do today.

While the minimum wage has remained stagnant—because it is not just a question of how much a family earns; it is also a question of how much they must pay to support the basic demands of life—we have seen, for example, health insurance premiums increase 87 percent since 2000 alone. How does one afford health care if your wages don't go up? These premiums now average roughly $11,000 per year, and that is more than the annual wages of a full-time minimum wage worker. Clearly, they are not going to be buying health insurance policies. And, by the way, I don't think they are going to be able to take advantage of the President's proposal for a tax deduction because, simply, they are not able to buy the health insurance in the first place, nor are they able to wait a year to get a tax deduction on a tax liability that is probably close to zero, if not, in fact, zero.

Additionally, if you look at college tuition, another aspect of family life which is part of the American dream, the notion, again, that you can go ahead and ensure or help at least your children to do better, to go to college, one of the things that recent economic studies have shown is that because we do not have the full access and affordability of college, the class structure is becoming more rigid. Back in the 1950s and 1960s, if you were predicting the income of a son based on his father's income, the correlation was somewhere at 20, 30, 40 percent. Today it is 60 percent. If you are a wealthy parent, you will probably have wealthy children. But the reverse is also true; if you are a low-income worker, the chances of your son or daughter rising to the top in this economy are much less than they were 40 and 50 years ago. Horatio Alger is not alive and well in America today as he once was.

This economy has to be more representative of giving people a chance to move up. The key to that, or one of the significant keys, is access to higher education. We have to do more. One thing at least we can do, if the prices of higher education are rising so much, is certainly to at least raise wages and raise the minimum wage.

Every day the minimum wage is not increased it continues to leave workers behind because inflation continues unabated at levels that are modest in terms of historical comparisons, but it still is eating away at that existing minimum wage. Today the real value of the minimum wage is more than $4 below what it was in 1968. Think of that. In 1968, we could afford to pay much higher wages to those people engaged in minimum wage work, and it didn't upset our economy. To have the purchasing power that it had in 1968, the minimum wage would have to be more than $9.37 an hour, not $5.15 as it is today, or even $7.25. If we could do it in 1968, why can't we do it today?

History also suggests that raising the minimum wage does not have a negative impact on jobs. You will hear a lot of people say this is going to distort the employment numbers, and it is going to inhibit employment.

In the 4 years after the last minimum wage increase passed in 1997, the economy experienced the strongest growth in over three decades. We have not seen that kind of growth since the late nineties or during this administration. But following the last increase, nearly 12 million new jobs were added, at a pace of about 248,000 a month. In contrast, in the most recent 4-year period, the minimum wage has remained stagnant and only a small fraction of that number of jobs has been created. Because of the increase in productivity, because of the fact that workers are more effective, they should be able to be compensated more. That is not happening as it should.

Working families are struggling to meet their most basic needs, and a fair increase in the wage floor is the right direction to take for this Congress. I am disappointed that our most recent efforts to clearly and simply raise the minimum wage are being linked to other provisions. American families deserve the much needed boost that this raise will provide. They deserve to hear a clear signal from this Senate that we are on their side, they are not an afterthought to be added to other provisions.

Mr. President, this is long overdue. I urge my colleagues to work as quickly as possible to pass the minimum wage increase.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Ms. KLOBUCHAR. Mr. President, I am proud today to rise in support of the working men and women of this country. I am proud to speak for an idea whose time has long since come: Our lowest paid workers—people who drive this economy—deserve a raise. I will be proud to vote for a bill that gives them a raise, a bill that increases the minimum wage from $5.15 an hour to $7.25 an hour.

This raise is years overdue. Right now, the purchasing power of the minimum wage is at its lowest level in more than half a century, since Dwight Eisenhower was President and Bill Haley and the Comets topped the charts. The value of the current wage is 30 percent lower than it was 25 years ago.

I know a little something about earning minimum wage. I have had a number of minimum wage-type jobs—as a carhop, a highway worker, and as a pie cutter. If there are other pie cutters in the Senate, I would like to meet them. Of course, I was also a waitress to help pay for school. My career as a waitress came to an abrupt end when I spilled 12 ice teas on one customer. That is when I decided to go to law school. But I can tell you that job taught me how important it is for our leaders to look out for minimum wage workers.

Today, nearly 15 million American workers—more than 10 percent of the workforce—are counting on us to help them get a fairer wage. Almost 7 million of them would directly benefit because their hourly pay is below $7.25 an hour. Another 8 million with wages slightly above this level would also get a much needed boost.

In my State, Minnesota, more than 200,000 people are waiting for Congress to do its job.

Lifting the minimum wage is the fair thing to do. Working class families are getting left behind, even as corporations see record profits and corporate executives and the superwealthy see record salaries. If the minimum wage had increased at the same rate as the salary increases for CEOs, the rate would now be more than $23 an hour.

This is not just about kids working at fast food places, though they certainly deserve a better deal, too. Eighty percent of workers who would benefit from this bill are age 20 or older. More than half work full time. More than a third are their family's sole earners.

The bill we are debating today provides real relief to these workers and their families. Even as the purchasing power of the minimum wage has gone down, costs for working families have gone up, and they are still rising. Health care costs in our State have gone up 80 percent in the last 6 years. College tuition at the University of Minnesota has gone up 80 percent in the past 7 years. It is getting tougher to afford a house and to go to school. And gas prices are always a concern.

Wherever I go in Minnesota, I see people struggling with the brutal combination of declining real wages and increasing costs. At the lunch counters, gas stations, in the big cities, and at county fairs they talk about the need for help. This is the time for us to give them that help.

Lifting the minimum wage is also the principled thing to do. A raise means more money to these working families, and it sends a signal that we, as a community, value hard work and we insist on a fair deal for all Americans. That is a signal that the old leadership in Washington failed to send. With this bipartisan bill, we can tell our workers that we stand for the hard-working people of America.

Lifting the minimum wage is also the smart thing to do. It will decrease poverty, increase family buying power, and strengthen the consumer base in our communities. Some like to say that a minimum wage increase kills jobs. People have consistently made this argument when the minimum wage is debated. They have consistently been wrong. States that have raised their own minimum wages have not seen job losses, and many have actually outperformed the rest of the country in job creation.

A raise would not only have positive economic effects, it will also have positive social effects. As a prosecutor, I saw firsthand how crime took over communities where people could not make ends meet. When people struggled, even after working hard, they often turned to drugs or violence or both. I learned how good jobs that pay fair wages can be the best crime-fighting tool.

Lifting the minimum wage is the fair, principled, and smart thing to do across the board. But it will also have a particularly powerful effect on women. Women make up less than half of the workforce, but they make up roughly 60 percent of those who will directly gain from this raise. More than 40 percent of these working women have full-time jobs.

Three million working mothers will see a benefit from this legislation, including hundreds of thousands of single moms. Many of these women work in demanding retail and hospitality jobs—waitresses, store clerks, hotel maids—where they are on their feet or running around all day.

Despite their hard work, they have an almost impossible time making ends meet. They struggle to afford health care or college tuition for their kids or even basics such as gas and groceries. I am in awe of these women. I am a working mother and wife, and I have worked at minimum wage, but I have never had to do both at the same time. Today, you can do something for them.

The challenges of working in the hospitality industry raise the final issue I would like to talk about today—the so-called tip credit.

Under current Federal law, tipped employees, including waitresses, bellhops, and maids, are entitled to a Federal minimum wage of only $2.13 an hour. They have to make up the difference between $2.13 and the real minimum wage with their tips.

States have always been allowed to change this rule. My State, Minnesota, similar to several others, has done that. The people of Minnesota decided that tipped workers should receive the same minimum wage as all other workers. That is now the law of Minnesota and six other States. Tipped workers earn the State minimum wage and pay taxes on both their wages and their tips.

Last year, the old Congress tried to take away Minnesota's right to enforce this law. The minimum wage bill proposed back then would have preempted State law and would have caused Minnesota's tipped wage workers' wages to immediately fall by about $4 per hour.

Thankfully, this provision didn't become law. Unfortunately, some people in Congress have talked about trying it again this year. They are seeking to pass a provision that limits Minnesota's future right to fix a fair wage for tipped workers. They think Washington knows better than the people of Minnesota what our State's wage policy should be.

I oppose these efforts. For one thing, the people of Minnesota had good reasons when they eliminated the tip penalty. They saw that tips are uncertain income, given at the discretion of the consumer. They recognize the hard work and long hours that tipped employees put in. They determined that customers give tips to reward service, not to directly pay the wages of the people who serve them. They wanted the State wage law to reflect these facts.

The people of Minnesota know about women such as Marie Hanson of Rochester. I have spoken with Marie, and her story is the best argument I can think of for making sure our tipped workers get fair wages. Marie has been a waitress at the Cahler Grand Grill in Rochester for many years. She has put two kids through school on her waitress salary, and now she is looking to save for her own retirement. If her wages are cut, or if she had been paid lower wages these past few years, her already difficult task of raising kids and making ends meet would have become impossible. For too long, Congress has favored corporations and billionaires who stash money in tax shelters in the Cayman Islands. Now it is time for Congress to pay attention to women such as Marie Hanson.

Against this backdrop, Washington should not undo the will of the people of Minnesota. States have always had the sovereign right to set their own wage policy above a Federal floor and for good reason. We all know that States understand the unique conditions and challenges they face in a way that Washington never can. And many States, including mine, have crafted their own minimum wage laws that are stronger and fairer than the current Federal law.

That is how it should be. If we take away Minnesota's right to determine wages for tipped workers, what is next? Will the people who are pushing this proposal seek to stop States from setting their own higher minimum wages? Will they subvert the will of the people in more than 25 States that have stronger laws than the Federal law?

People who would require Minnesota and like States to impose a tip penalty say they are doing it to help small businesses in these States compete against small businesses in neighboring States. But the exact same argument can be made of a Federal law forbidding all States from setting higher minimum wages. Is that the next step? I don't think so.

As somebody who visited all 87 counties in Minnesota last year, I understand very well the importance of small businesses to our communities. I wish to make sure that small businesses remain a vibrant driver of our economy. I know that the tip penalty concerns of small businesses in Minnesota, especially those in towns bordering other States, are real and they should not be ignored. But they are not best resolved here; they are best resolved much closer to home, in the State capital. Washington cannot possibly understand, let alone balance, all of the competing concerns that arise in this aspect of State wage policy. St Paul, MN, can. That is how it has always worked, and it should continue to work this way.

This is not to say that there are not small business issues common to all States that this Congress can address. I have talked with small business owners in Rochester and Duluth and Wilmer about the challenges they face, including high health care costs. I see the value of giving some relief and some incentives to small businesses trying to thrive. But Congress should not stop States from protecting tipped workers.

With all of this in mind, I urge this Chamber to fight for working families and especially the working women of this country. I urge this Chamber to pass a long-overdue minimum wage increase that doesn't deny or limit States historical right to pursue their own wage policy.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ENZI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. ENZI. Mr. President, I ask unanimous consent that the Senate stand in recess subject to the call of the Chair.

There being no objection, the Senate, at 1:28 p.m., recessed until 1:36 p.m. and reassembled when called to order by the Presiding Officer (Mr. MENENDEZ).

Mr. ENZI. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I ask unanimous consent that I may yield to the distinguished Senator from Maryland for—how much time?

Ms. MIKULSKI. For 5 minutes.

Mr. BYRD. For 5 minutes, or whatever time she desires, without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. I yield to the Senator from Maryland.

Ms. MIKULSKI. Mr. President, I wish to thank the distinguished chairman of the Appropriations Committee for so courteously yielding me these 5 minutes. I know he is eager to bring his own thoughts to the Senate floor, and we, of course, are always mesmerized when Senator BYRD speaks.

I rise as an enthusiastic cosponsor of the fair minimum wage legislation. Right now, it pays $5.15 an hour. If you add that all up, 40 hours a week, 52 weeks a year, that comes out to $10,700 a year. That is $6,000 below the national poverty line. That is a phrase we throw around glibly, easily, and in a very facile way. When we use the term poverty line—I remember when it was invented by a wonderful woman at the Social Security Administration, Molly Orshansky. When we were truly fighting a war against poverty, she said: What is the line between being able to live a decent, sufficient life? She set it at that time, 40 years ago, at $3,000. Now the national poverty line is $16,060 for a family of three. That means bare minimum necessities to live in the United States of America. It doesn't allow for school trips. It doesn't allow for vacations. It is certainly not a latte-drinking, Volvo-driving minimum wage.

On top of asking the people who work at this, we are now saying: It is OK if a full-time job in the United States of America means full-time poverty. Where are our guts? Where is our grit? Where is our reward for saying that hard work is worth it? That is what we are saying now. Hard work should be worth it.

Now we are raising the minimum wage, and I salute the Senator from Massachusetts for his steadfast advocacy on this issue and for speaking up on how this is a woman's issue. There is a lot of hand-wringing over this raise, and I don't know why, because even when we raise it to what the Senate is proposing, to $7.25 an hour over a 2-year period, it still means workers will earn $15,080 a year. We are still going to be below the national poverty line. I would raise it more.

There are those who say: Let the market forces work. You bet, let the market forces work. But at the same time know that this has to be a minimum fair wage.

I am very distressed about the fact of the impact this has on women. If ever there was a woman's issue, wow, it is the minimum wage. Women are especially hurt by Congress's failure to raise the minimum wage. Forget that we don't increase equal pay for equal work, and we still make 75 cents for every dollar men make. Forget that we don't even enforce the wage laws that are on the books. But if we do recall, what my colleagues need to know is two-thirds of all of the minimum wage workers in America are women—two-thirds—meaning a full-time job, full-time poverty. Women account for full-time workers in the lowest paid jobs: maids and housekeepers, food servers and, most of all, childcare workers. What does that mean?

Mr. KENNEDY. Mr. President, would the Senator yield on that point?

Ms. MIKULSKI. Of course, I yield to the Senator from Massachusetts.

Mr. KENNEDY. If I could ask the Senator—I know we are on a short time and perhaps the Senator from West Virginia would yield us 3 more minutes? Would the Senator do that?

Mr. BYRD. Mr. President, I yield as much time as the Senators may desire.

Mr. KENNEDY. I thank, as always, my friend and colleague. But on this point the Senator from Maryland makes about the lowest paying jobs, the lowest paying jobs in America are predominantly filled by women is the point the Senator was making. We find 87 percent of maids are women; food servers, 66 percent; cashiers, 75 percent; and childcare, the point the Senator was making, is 93 percent.

The point the Senator has so eloquently made is that women have an interest in raising the minimum wage because of the enormous impact it has on women generally. I hope the Senator in her time will comment about the impact on the children of these women.

Ms. MIKULSKI. I say to my colleague from Massachusetts, other Senate women will be coming to the Senate today on this issue.

The Senator is absolutely right, raising the minimum wage will impact women. Our data analysis says 7 million women will benefit from the proposed increase in the minimum wage; 7 million women will take one more step out of poverty. We need to remember that many of these women are also single moms and get a double whammy. Not only are they working in a full-time job that guarantees full-time poverty, but often they don't get their child support.

We are asking them to raise their children below the poverty line in the United States of America. Then we diddle and dawdle and ditz around in terms of helping them collect their child support, yet we want them to give full-time energy to being a mom. We ask them for more parental involvement. These mothers want to have more parental involvement, but there has to be more Senate involvement getting these women out of poverty. Getting these women out of poverty will not come only from raising the minimum wage, but it is a very important step forward.

We want to ensure that if you work in the United States of America, it should be worth it. No. 2, when you do work and get paid, again, you were not below the poverty line.

The impact on families is astounding. If a family is poor, they will not have enough to eat. Nutrition plays a big role in child development and learning ability. You are not going to feel warm, you will not feel safe, you are not going to feel secure, and you also are going to wonder about this country regarding rewarding work.

The women of the United States of America deserve better. For those women doing well, we want to do right by those who aren't. A childcare worker right now working in Baltimore, working on the Eastern Shore, in the western Maryland mountains, or in Bethesda is working as hard as those working in the Senate or those downtown at law firms. We want to say to the women of the United States of America, we are on your side.

We want to make sure we pass this minimum wage. And to 7 million women, we hope you will sleep better and be able to live better because of what we are doing.

I yield the floor.

The PRESIDING OFFICER (Mr. CARDIN). The Senator from West Virginia.

Mr. BYRD. How much time do I have, may I ask the Chair?

The PRESIDING OFFICER. There is no limit on the Senator's time.

Mr. BYRD. I thank the Chair.

(The remarks of Mr. BYRD pertaining to the submission of S. Res. 39 are located in today's RECORD under "Submission of Concurrent and Senate Resolutions.")

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Senator from Louisiana be allocated 10 minutes; that following the Senator from Louisiana, I be allocated 10 minutes; and following my comments the Senator from Massachusetts, Mr. KERRY, be allocated 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Louisiana.

Mr. VITTER. Thank you, Mr. President.

AMENDMENT NO. 110 TO AMENDMENT NO. 100

Mr. President, I ask unanimous consent that the pending amendment be set aside and that the Vitter amendment No. 110 be called up.

The PRESIDING OFFICER. Without objection, the pending amendment will be set aside.

The clerk will report.

The bill clerk read as follows:

The Senator from Louisiana [Mr. VITTER], for himself and Mr. VOINOVICH, proposes an amendment numbered 110 to amendment No. 100.

Mr. VITTER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To amend title 44 of the United States Code, to provide for the suspension of fines under certain circumstances for first-time paperwork violations by small business concerns)

At the appropriate place, insert the following:

SEC. ___. SUSPENSION OF FINES FOR FIRST-TIME PAPERWORK VIOLATIONS BY SMALL BUSINESS CONCERNS.

Section 3506 of title 44, United States Code (commonly referred to as the "Paperwork Reduction Act"), is amended by adding at the end the following:

"(j) SMALL BUSINESSES.—

"(1) SMALL BUSINESS CONCERN.—In this subsection, the term 'small business concern' means a business concern that meets the requirements of section 3(a) of the Small Business Act (15 U.S.C. 632(a)) and the regulations promulgated under that section.

"(2) IN GENERAL.—In the case of a first-time violation by a small business concern of a requirement regarding the collection of information by an agency, the head of that agency shall not impose a civil fine on the small business concern unless the head of the agency determines that—

"(A) the violation has the potential to cause serious harm to the public interest;

"(B) failure to impose a civil fine would impede or interfere with the detection of criminal activity;

"(C) the violation is a violation of an internal revenue law or a law concerning the assessment or collection of any tax, debt, revenue, or receipt;

"(D) the violation was not corrected on or before the date that is 6 months after the date of receipt by the small business concern of notification of the violation in writing from the agency; or

"(E) except as provided in paragraph (3), the violation presents a danger to the public health or safety.

"(3) DANGER TO PUBLIC HEALTH OR SAFETY.—

"(A) IN GENERAL.—In any case in which the head of an agency determines under paragraph (2)(E) that a violation presents a danger to the public health or safety, the head of the agency may, notwithstanding paragraph (2)(E), determine not to impose a civil fine on the small business concern if the violation is corrected not later than 24 hours after receipt by the small business owner of notification of the violation in writing.

"(B) CONSIDERATIONS.—In determining whether to provide a small business concern with 24 hours to correct a violation under subparagraph (A), the head of an agency shall take into account all of the facts and circumstances regarding the violation, including—

"(i) the nature and seriousness of the violation, including whether the violation is technical or inadvertent or involves willful or criminal conduct;

"(ii) whether the small business concern has made a good faith effort to comply with applicable laws and to remedy the violation within the shortest practicable period of time; and

"(iii) whether the small business concern has obtained a significant economic benefit from the violation.

"(C) NOTICE TO CONGRESS.—In any case in which the head of an agency imposes a civil fine on a small business concern for a violation that presents a danger to the public health or safety and does not provide the small business concern with 24 hours to correct the violation under subparagraph (A), the head of that agency shall notify Congress regarding that determination not later than the date that is 60 days after the date that the civil fine is imposed by that agency.

"(4) LIMITED TO FIRST-TIME VIOLATIONS.—

"(A) IN GENERAL.—This subsection shall not apply to any violation by a small business concern of a requirement regarding collection of information by an agency if that small business concern previously violated any requirement regarding collection of information by that agency.

"(B) OTHER AGENCIES.—For purposes of making a determination under subparagraph (A), the head of an agency shall not take into account any violation of a requirement regarding collection of information by another agency.".

Mr. VITTER. Mr. President, I rise in support of this amendment No. 110. It is very simple, very straightforward, very basic, but also very important. It is to reduce, in a meaningful way, the excessive paperwork burden facing small businesses.

As I begin, I also want to thank Senator VOINOVICH for cosponsoring this amendment. As have I, he has long been at work on this issue and has offered great leadership. I thank him for joining with me in this effort.

Businesses face enormous hurdles and obstacles and challenges, particularly small business. Unfortunately, one of them has become the enormous paperwork burden created by all levels of government. A small business in Louisiana, depending on the nature and location of the business, has to deal with myriad Federal agencies. Just off the top of my head, these include the EPA, U.S. Army Corps of Engineers, Coast Guard, SBA, Labor, Commerce, IRS, and Customs, to name a few. That doesn't include—and my amendment doesn't pertain to—all of the State agencies with which they similarly have to deal and file paperwork because of regulations from local entities at the governmental level.

The compounded effect of this is enormous. All of those requirements, paperwork and others, can be absolutely suffocating. There has been some quantification of this enormous compliance cost. In September 2005, the SBA Office of Advocacy released a study that gave us a glimpse into this. It said businesses with fewer than 20 employees spend more than $7,600 per employee just to comply with Federal regulations. That is a staggering cost. To a truly small business that doesn't have a vice president in charge of compliance, doesn't have a team of lawyers or a team of paper filers in the back office to take care of it, that is a real burden. It distracts the principals of the business from doing what they set out to do, the main focus and mission of the business.

All too often, the way those regulations and requirements are administered is in the tone of a "gotcha" game, fining small businesses for paperwork violations just to say "gotcha," just for the sake of doing it, of issuing those violations and in some cases of gaining revenue for the department of government. All of that is wrong, and we need to change it.

Nobody here—myself included—is arguing that we don't need a legitimate layer of regulation to protect and promote health and safety, the environment, worker safety, et cetera. Nobody is arguing against that. That is not what we are talking about. What we are talking about today is an amendment I offer on the minimum wage bill which includes provisions I introduced separately as the Small Business Paperwork Relief Act of 2007. I thank Mr. NEUGEBAUER of Texas in the House for introducing identical companion legislation, as we both did in the last Congress. Again, this is basic, straightforward, simple, but very important to small business.

This is exactly how it would work. It would direct Federal agencies not to impose civil fines for a first-time violation of their agency's paperwork requirements by a small business unless the head of the agency determines the following: the violation has the potential to cause serious harm to the public interest; not issuing a fine may impair criminal investigations; the violation is a violation of Internal Revenue law; the violation is not corrected within 6 months; or the violation presents a danger to public health or safety. In addition, the amendment says that fines can be waived in the case of a violation that could potentially present a danger, if the violation is corrected within 24 hours of the small business receiving notification of the violation. It is important that the first list of those possibilities are mandatory. An agency can't issue civil fines for a first-time violation unless one of those things happens. But the second part of it—fines can be waived unless corrected within 24 hours—is discretionary. A fine doesn't have to be waived in that instance by the appropriate Federal regulatory agency.

This is very constrained, very limited, very common sense. Again, the most important part of the provision is, it is first-time violations. It is a small business. It is civil penalties only. We are not talking criminal. We are not talking a big business with a big compliance section. We are not talking a mandatory waiving of fines for health and safety violations where it goes to public health.

This is not only a reasonable thing to do, it is long overdue considering the enormous compliance costs I alluded to before—$7,600 per worker for a small business of 20 employees or less—just to take care of Federal requirements. That doesn't count State or local. We are only dealing with Federal because we are the Federal legislature.

This bill is particularly relevant to my home following the devastation of Hurricanes Rita and Katrina. The small business base in Louisiana was devastated by those horrific events. In many areas, small businesses are starting from scratch, and the whole community of small businesses is starting from scratch as it begins to recover from that destruction. Particularly in that context, they need this sort of reasonable relief—limited, focused civil fines only, first-time violations only, small business only, only mandatory waiver when it doesn't involve a threat to public health and safety, all of the very strenuous and carefully outlined requirements I set out.

I hope everybody in this Chamber can come together to support this commonsense proposal. In a broader vein, I hope this is a part—not the only element but a part—of our coming together to pass a minimum wage increase with small business regulatory and other relief. We should not do one or the other in this context; we should do both. That is the reasonable bipartisan compromise which I hope we are moving to on the Senate floor—yes, a minimum wage increase; yes, real and meaningful regulatory and other relief for small business such as the commonsense paperwork reduction act.

In addition, I hope that small business relief involves relief in an area that is most important to small business and so many millions of Americans; that is, the ability to access and afford health insurance. We will have amendments about that as well.

I urge all Members of the Senate to support this modest commonsense but important measure. I urge all Members of the Senate to come together to support a minimum wage increase with real relief for small business, whether it is dealing with paperwork, whether it is affording or accessing health care insurance—all of those important things small businesses face while continuing to be the engine of job creation, the backbone of our Louisiana and American economy.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mrs. MURRAY. Mr. President, America's workers deserve a raise, and that is why I rise in strong support of S. 2, the Fair Minimum Wage Act of 2007. America's workers have helped our country make tremendous gains in productivity and economic growth, and they deserve to share in the prosperity they have created. I am very proud to represent a State that has a high minimum wage, and I want to share some of the lessons we have learned about providing a living wage in the State of Washington.

We need to do the right thing and pass a clean minimum wage bill now, without any of the antiworker amendments that may be offered on the other side. As we have heard, it has been almost 10 years since this Congress last raised the minimum wage. During that time, the real value of that wage has fallen by more than 21 percent. At the same time, the costs of health care, energy, and housing have all gone up significantly. As a result, many of our middle-class workers have been squeezed. I can only imagine the challenges minimum wage workers face every day while trying to maintain their families and their dignity on $10,000 a year. We can be proud that America's businesses have prospered over the last decade, thanks to a 31-percent increase in worker productivity and a huge 47-percent increase in profits. Now it is time for the least paid of America's workers to share in those gains.

During this debate, we have heard the usual claims that raising the minimum wage hurts businesses. In my State, that has not been the experience. Washington State, in fact, has the highest minimum wage in the country. We are living proof that a livable minimum wage is good for our State economy, good for small businesses, and it is good for our citizens. In 2006, our State's average unemployment rate was 4.9 percent, the lowest since 1999. We created 79,000 new jobs. Our poverty rate is 11.9 percent, which is lower than the national average. And our median household income stands at $49,000, much higher than the national average.

Our State minimum wage, which is indexed to inflation, has helped make for good labor productivity and a healthy economy. We have heard from my esteemed colleague, Senator KENNEDY, chairman of the HELP Committee, that States with higher minimum wages create more small businesses and more jobs. Last year, the Fiscal Policy Institute reported that States with a higher minimum wage created nearly 10 percent more jobs and 5 percent more small businesses. A May 2006 Gallup Poll found that 86 percent of small business owners thought that raising the minimum wage did not affect their businesses. I could cite statistics like that all day, but I think the best evidence is really what continues to happen in my State compared with a neighboring State that has a much lower minimum wage.

Washington State's minimum wage is $7.39 an hour. Right next door to us, Idaho has a minimum wage at the Federal level of $5.15 per hour. Since 1998, when our voters in Washington State passed our minimum wage law, Washington employers have been flooded with job applicants from Idaho. Now Washington companies can pick the best qualified workers from the entire region. On January 11, the New York Times reported that Washington State businesses have seen great benefits, while Idaho businesses have not.

I ask unanimous consent to print this New York Times article by Timothy Egan in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mrs. MURRAY. This article quotes Don Brunell, president of the Association of Washington Business. He says that raising the Federal minimum wage is "almost a no-brainer." Washington's strong economy is proof that even with the highest minimum wage in the United States, as Mr. Brunell put it—and he is president of the Association of Washington Business—"Washington is a great place to do business."

Some people predicted that small businesses would be hurt in my State. But instead, as the article notes, they have prospered beyond their expectations. So we have a lot of opportunity to do good here, not just for our workers but for our businesses and for our economy. But to do the most good, we have to pass a clean bill, one that is free from unrelated tax provisions and one that rejects antiworker amendments.

Historically, Congress has not found it necessary to pair a minimum wage increase with a package of tax giveaways. In fact, since 1936, Congress has raised the minimum wage nine times. But only once has such an increase been paired with a tax rollback. We should pass a clean bill that gives workers the raise they are long overdue.

In addition, we should not let this bill be used to weaken the rights of American workers. As the chairman of the HELP Subcommittee on Employment and Workplace Safety, I am troubled by a number of the amendments being floated now by our Republican colleagues, proposals to attack the 40-hour workweek, to take away workers' overtime, and to force a pay cut on workers who earn their living from tips. There is also a deeply flawed proposal that would change the treatment of professional employer organizations under the Tax Code.

This week, while we try to raise the wages of one group of workers, we have to fend off the Republican attacks on working families and their right to earn overtime. We all know how the demands of work and family pull two-career parents away from their loved ones all too often. For parents getting their kids to and from school and to afterschool activity is not easy, especially when you are forced to work uncertain hours. The uncertainty of having to work, say, 50 to 60 hours this week and then 20 or 30 hours next week will put incredible strains on many of our overburdened families.

Taking away their workplace rights and their ability to collect overtime would be a cruel and unwarranted double hit on America's working families. The Senate should, once again, reject the Republican comp time and 40-hour work week proposals, because they would force a pay cut on millions of middle-class workers. We know, for those workers who are eligible, overtime can amount to as much as 25 percent of their yearly income. We should not undermine the ability of working parents to balance their lives and share in the American dream.

The Republican comp time proposal would force our workers to take comp time instead of pay. On top of that pay cut, workers would be at the mercy of their employer when it came to asking to use that accumulated comp time. We all know that comp time often disappears under employer pressures of deadlines and other productivity needs.

I believe it is important that this Congress protect the rights of these hard-working families from an erosion of their quality of life and their ability to spend time with their families. We have to stop these attacks on working families and start moving in the right direction, like expanding the Family and Medical Leave Act.

I hope we also work to protect our workers who rely on tips. As we have heard from my female colleagues on this floor already, nearly two-thirds of our minimum wage workers in this country are women. Many of them are single parents. Raising the minimum wage can give them a small measure of economic security and the ability to better support their families. Many of these low-wage workers are service workers, people such as hairdressers, maids, and waitresses. Many in Washington State rely on tips as a significant part of their livelihood. We should not support amendments that would undermine the tips our workers rely on. In my State of Washington, that would mean a pay cut of some $12,000 annually for over 120,000 of our tipped workers.

Finally, I want to say I am very concerned about the proposed tax changes for professional employer organizations. I fear that this change could undermine the fiscal stability of our State unemployment insurance and worker compensation fund. It would also put more burdens on our employers who are already playing by the rules.

Further, it would reduce worker health and safety protections by undermining incentives for companies to maintain safe and healthy workplaces. By the way, it could also provide an opening for those seeking to change the well-established rules of the employer-employee relationship under the Fair Labor Standards Act. I believe there should be serious thought and debate in the Congress before we make such fundamental changes in our labor laws.

In conclusion, we can do this right by passing a clean bill that finally gives American workers the raise they have earned. Over the last 8 years, Washington State has proven that a minimum wage increase is good for our State's economy and helps our economic development. It increases small business ownership and, of course, it helps our workers maintain their quality of life.

I join my colleagues to urge a vote in favor of this bill to increase the minimum wage so that we can finally, and importantly, give our low-income workers the raise they so richly deserve.

I yield the floor.

Exhibit 1

[From the New York Times, Jan. 11, 2007]

For $7.93 an Hour, It's Worth a Trip Across a State Line

(By Timothy Egan)

Liberty Lake, Wa. Jan. 9.—Just eight miles separate this town on the Washington side of the state border from Post Falls on the Idaho side. But the towns are nearly $3 an hour apart in the required minimum wage. Washington pays the highest in the nation, just under $8 an hour, and Idaho has among the lowest, matching 21 states that have not raised the hourly wage beyond the federal minimum of $5.15.

Nearly a decade ago, when voters in Washington approved a measure that would give the state's lowest-paid workers a raise nearly every year, many business leaders predicted that small towns on this side of the state line would suffer.

But instead of shriveling up, small-business owners in Washington say they have prospered far beyond their expectations. In fact, as a significant increase in the national minimum wage heads toward law, businesses here at the dividing line between two economies—a real-life laboratory for the debate—have found that raising prices to compensate for higher wages does not necessarily lead to losses in jobs and profits.

Idaho teenagers cross the state line to work in fast-food restaurants in Washington, where the minimum wage is 54 percent higher. That has forced businesses in Idaho to raise their wages to compete.

Business owners say they have had to increase prices somewhat to keep up. But both states are among the nation's leaders in the growth of jobs and personal income, suggesting that an increase in the minimum wage has not hurt the overall economy.

"We're paying the highest wage we've ever had to pay, and our business is still up more than 11 percent over last year," said Tom Singleton, who manages a Papa Murphy's takeout pizza store here, with 13 employees.

His store is flooded with job applicants from Idaho, Mr. Singleton said. Like other business managers in Washington, he said he had less turnover because the jobs paid more.

By contrast, an Idaho restaurant owner, Rob Elder, said he paid more than the minimum wage because he could not find anyone to work for the Idaho minimum at his Post Falls restaurant, the Hot Rod Cafe.

"At $5.15 an hour, I get zero applicants—or maybe a guy with one leg who wouldn't pass a drug test and wouldn't show up on Saturday night because he wants to get drunk with his buddies," Mr. Elder said.

For years, economists have debated the effect that raising the minimum wage would have on business. While the federal minimum wage has not gone up for 10 years, 29 states have raised their wage beyond the federal minimum.

These increases, according to critics like Brendan Flanagan of the National Restaurant Association, are a burden on the small, mostly family-run businesses in fast food and agriculture that employ workers at the lowest end of the pay scale.

"We see the political momentum for this," said Mr. Flanagan, a vice president at the association, "but we cannot ignore what our members are telling us, which is that it will lead to job losses."

But the state's major business lobby, the Association of Washington Business, is no longer fighting the minimum-wage law, which is adjusted every year in line with the consumer price index.

"You don't see us screaming out loud about this," said Don Brunell, president of the trade group, which represents 6,300 members.

"It's almost a no-brainer," Mr. Brunell said, that the federal minimum should go higher. Association officials say they would like to see some flexibility for rural and small-town businesses, however.

Washington's robust economy, which added nearly 90,000 jobs last year, is proof that even with the country's highest minimum wage, "this is a great place to do business," Mr. Brunell said.

During a recession five years ago, the same group had argued that Washington's high minimum wage law would send businesses fleeing to Idaho. The group sent out a news release with a criticism of the law from John Fazzari, who owns a family-run pizza business in Clarkston, Wash., just minutes from the Idaho town of Lewiston.

But now Mr. Fazzari says business has never been better, and he has no desire to move to Idaho.

"To tell you the truth, my business is fantastic," he said in an interview. "I've never done as much business in my life."

Mr. Fazzari employs 42 people at his pizza parlor. New workers make the Washington minimum, $7.93 an hour, but veteran employees make more. To compensate for the required annual increase in the minimum wage, Mr. Fazzari said he raises prices slightly. But he said most customers barely notice.

He sells more pizza, he said, because he has a better product, and because his customers are loyal.

"If you look 10 years down the road, we will probably have no minimum wage jobs on this side of the border, and lots of higher-income jobs," Mr. Fazzari said.

Job figures from both states tend to support his point. While Idaho leads the nation in new job growth, it has a far higher percentage of minimum-wage jobs than Washington. Minimum-wage positions make up just 2.4 percent of the jobs in Washington, while about 13 percent of the jobs in Idaho pay at or less than the proposed federal minimum wage, according to a study done for the state last year.

Part of the difference could be accounted for by a lower cost of living in Idaho and the higher percentage of technology, manufacturing and government jobs in Washington, economists say. Still, it is hard to find a teenager in Idaho who lives anywhere near Washington who is willing to work for $5.15 an hour.

"Are you kidding? There are so many jobs nearby that pay way more than minimum wage," said Jennifer Stadtfeldt, who is 17 and lives in Coeur d'Alene, which is just a few minutes from Washington. She pointed out that Taco Bell, McDonald's and other fast-food outlets in her town were posting signs trying to entice entry-level workers with a starting pay of $7 an hour.

The House today passed a bill increasing the minimum wage, and about 13 million workers would see a pay raise if the Senate and President Bush approve it. Mr. Bush has said he would approve the wage increase so long as concerns of small-business owners were taken into account; the Senate has not yet taken up the bill.

Several studies have concluded that modest changes in the minimum wage have little effect on employment. A study two months ago by an economist at Washington State University seemed to back the experience of Clarkston and other border towns in Washington. The economist, David Holland, said job loss was minimal when higher wages were forced on all businesses. About 97 percent of all minimum-wage workers were better off when wages went up, he wrote.

But other business groups argue that an increase would hurt consumers and workers at the low end.

In a survey released on the eve of the November elections—in which voters in six states considered raising their minimum wages—the National Restaurant Association said restaurants expected to raise their prices and eliminate some jobs if the voters approved the measures. The initiatives all passed.

Here on this border, business owners have found small ways to raise their prices, and customers say they have barely noticed.

"We used to have a coupon, $3 off on any family-size pizza, and we changed that to $2 off," said Mr. Singleton, of Papa Murphy's. "I haven't heard a single complaint."

The PRESIDING OFFICER. The Senator from Massachusetts, Mr. Kerry, is recognized under the unanimous consent agreement.

Mr. KERRY. Mr. President, I thank my colleague Senator Kennedy for his courtesy in helping to make it possible for me to have some time.

Mr. KENNEDY. Mr. President, parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. KENNEDY. Mr. President, I know my colleague has already been recognized. There is no time limitation, is there?

The PRESIDING OFFICER. It was up to 20 minutes.

Mr. KENNEDY. Mr. President, I ask unanimous consent that he may be able to speak for as long as he needs to.

Mr. ENZI. There is no objection. I ask unanimous consent that following the majority's speakers, we give time for Senator DeMint and Senator Sununu.

Mr. REID. Mr. President, I ask unanimous consent that I be recognized for a couple minutes, also. I would appreciate that.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Massachusetts is recognized.

THE STRATEGY IN IRAQ

Mr. KERRY. Mr. President, last November, the American people sent an unmistakable and incredibly important message to their elected leaders. They didn't ask for it, they demanded a change of course in Iraq. The American people understand that the current strategy is not working. They have demanded that we honor the extraordinary effort of our troops by providing a strategy for Iraq that is actually worthy of their sacrifice. They don't consider more of the same—additional troops essentially doing what they have been doing before—they don't consider that anything other than an escalation of our military involvement, linked to the same mistakes and same illusions of the past. They don't consider that an acceptable strategy.

This new Congress comes here with a mandate, as well as a moral obligation, to find not just a new way forward in Iraq but the right way forward. That is what we owe the families; that is what we owe those fighting forces.

It is clear the administration's litany of mistakes has made an incredibly difficult task that much harder and has reduced what we can reasonably expect to accomplish. As the saying goes around here, we are where we are. The mistakes of the past do not change the fact that Congress bears some responsibility for getting us into this war and, therefore, must take responsibility for getting us out.

That responsibility starts by having a real bipartisan dialog on where we go from here. I believe we are finally at the point where that can happen. We all agree about the nobility of the service of our troops. We all agree about the incredible bravery of the men and women of our Armed Forces who put their lives on the line every single day in Iraq. We all want to see a stable Iraq. We all know Iraqis want to see it, too. We all agree on the need to preserve our vital national security interests in the region, and we all agree on the importance of preventing the violence in Iraq from spreading into a broader regional conflict. We all understand the need to prevent Iraq from becoming a safe haven for al-Qaida and like-minded terrorists. We all understand the potential of regional chaos and of failed states spreading one to the other.

In order to understand, however, where we go from here, we have to remind ourselves of the real nature of this conflict. It is not enough to sort of find some safe haven in rhetoric that points out all of the downsides but continues to pursue a policy that, in fact, increases those downsides, invites those downsides, actually makes matters worse.

The civil war we are in the middle of now didn't begin when we went there. It had been tamped down, quashed by a dictatorship and by history. Before I went back to visit the Middle East, I had the chance to read a book by Vali Nasr, called "The Shia Revival," in which he traces the history of Shiaism and what is happening in the Middle East today. What we learned from that is instructive and critical to determining whether troops will make a difference on how we resolve what is happening in Iraq today.

When the Prophet Mohammed died, Ali, who was his cousin and stepson and virtual son, was passed over at that time to be the caliph. In fact, three people were chosen in between him. Ultimately, he did become the caliph, but that was the beginning of the difference of the separation, if you will, within Islam. That became far more pronounced about 1,300 years ago, around 680, when the grandson of Ali was slaughtered in the desert along with 72 of his followers—72, a number that comes back to haunt us today, because that was indeed an event in Karballah in 682 that defined martyrdom, which we see played to by the extreme religious efforts that are taking place today in the Middle East.

Why do I mention this today? Because that is where the great Shia-Sunni divide began. Ali and his followers were beheaded in the desert, their bodies left to rot in the sun. Their heads were posted, first in Najaf, and later in Damascus. That began to instill a depth of both anger and suppression that has gone on all of these centuries.

The fact is that we, through our invasion and our election, have given the Shia at the ballot box what they never could achieve all of those years, and the Sunni, who have continually been the dominant, more secular faction that managed the affairs of state, are suddenly finding themselves in the minority; many believe they were born to the right to rule and are determined to restore it. This is the civil conflict we have put ourselves in the middle of, with American troops who don't speak the language going door to door and house to house, attempting to somehow make sense of an alien environment they have been plunged into—from California, Kansas, Missouri, Massachusetts, and all of our States. We are doing precisely what Secretary Rumsfeld said we would not do—putting our troops in the middle of a civil war.

On my recent trip to the Middle East, I heard grave concerns expressed by Sunni leaders, Mubarak and others, about the Shia resurgence and Iran's growing influence in the region. Indeed, Iran's influence has grown, and we are partly responsible, if not significantly responsible, for that growth. We need to stand up for our allies in the region, our Sunni friends, yes. But we can and must do it in a way that doesn't exacerbate the Sunni-Shia rift in the region. That is why we have to ask more of our Sunni allies when it comes to pressuring the Sunnis in Iraq to accept that, with this turn of events called an election, they will no longer—absent a revolution, which some are planning on—be running the country, and that they must lay down their arms and join the political process.

We must make clear that countries such as Saudi Arabia can and must do more to crack down on support for those Sunni insurgents coming into Iraq from their country. We dare not forget that it is the Sunni insurgents who are killing many of our troops. Most of those troops have died in Anbar Province. We have a right to demand more from the Sunni neighbors to quell that insurgency. We must encourage those Sunni neighbors to step up in terms of providing debt relief and reconstruction assistance, and we must make clear that threatening to intervene in Iraq in a way that is perceived as being on behalf of the Sunni minority only serves to exacerbate the Sunni-Shia complexity, the tension that is causing so much of the violence today.

Now here in Washington, a combination of events on the ground and the November election results are beginning to produce a bipartisan resolve to genuinely change course. Many on both sides of the aisle now agree that the administration's plan to escalate the war in Iraq by sending in some 21,500 additional troops would represent a tragic mistake. It won't end the violence; it won't provide security; it won't turn back the clock and avoid the civil war that is in fact already underway; it won't deter terrorists who have a completely different agenda; it won't rein in the militias who are viewed as the protectors of the general population. It will simply postpone the political solution that is the only solution in Iraq, while further damaging our prestige and credibility in the region. Unfortunately, it will also expose our troops to unnecessary death and injury.

Our generals understand this. General Abizaid said clearly in his testimony before the Armed Services Committee that more U.S. troops will not solve the security problem. In fact, he said they would only slow the process of getting Iraqi security forces to take more responsibility. The Joint Chiefs of Staff unanimously oppose this escalation. In fact, according to recent news reports, the Pentagon warned that any short-term mission may only set up the United States for bigger problems when it ends.

A short-term mission could give an enormous edge to virtually all the armed factions in Iraq, including al-Qaida's foreign fighters, Sunni insurgents and Sunni and Shiite militias, without giving an enduring boost to the U.S. military mission or the Iraqi Army. And it is not just the advice of his military commanders in Iraq the President is ignoring, it is the bipartisan counsel of the Iraq Study Group appointed for the very purpose of defining a new course.

Mr. President, what kind of arrogance so willfully kicks to the curb the work product of two former Secretaries of State, Republicans, a former Attorney General and Chief of Staff, Republican, a former Senator and member of the leadership, Republican, and a group of moderates, a former Secretary of Defense, and others respected for the moderation of their views on foreign policy and security issues? What kind of arrogance avoids almost all of those recommendations and moves in a different direction?

Rather than change course, this administration chose to ignore the generals. In fact, it chose to change the generals. The folly of this escalation is so clear that we have a bipartisan responsibility to do everything in our power to say no.

I ask my colleagues: Is there one colleague here who believes that 21,500 troops is going to pacify Iraq? Is there a colleague here who believes that 100,000 troops will pacify Iraq? It is not enough for Congress simply to go on record opposing the President's reckless plan. That is why I support the resolution submitted by my colleague, Senator KENNEDY, that requires a new congressional authorization, which is appropriate because the prior authorization only applies to the weapons of mass destruction and to the threat that Iraq poses to us based on the presence of Saddam Hussein. This is a new Iraq, and it is an Iraq with a civil war, and the Congress of the United States has a responsibility and a moral obligation to make certain that if our troops from each of our States are going to fight and die, we stand up and be counted as to what the force structure is to be, as to what their mission should be because this administration has proven unwilling to get it right.

Stopping this escalation, however, is not enough. I believe Congress has to provide a responsible exit strategy that preserves our interests in the region, preserves our ability to continue to protect the security of the United States, and honors the sacrifice our troops have made. I believe those are tests we need to pass.

Six months ago in the Senate, we stood against appeals to politics and pride and demanded a date to bring our troops home, to make Iraqis stand up for Iraq and fight a more effective war on terror. But while we lost that rollcall, I still believe it was the right policy to put in place, to demand benchmarks, to demand accountability, and to leverage action.

That is why I will again introduce legislation, slightly different this time, in order to try to offer a comprehensive strategy for achieving a political solution. I believe the strategy I will set forth is the best way forward for America and for Iraq. We have to find a way to end this misguided war and bring our troops home, and the legislation, while protecting all the interests I described, I believe can do that.

I believe the Iraq Study Group's recommendations can form the basis for finding a bipartisan way forward. Many of those proposals, which are consistent with proposals that some in the Senate have long advocated, are incorporated in the legislation I will offer, including launching a major diplomatic initiative, enforcing a series of benchmarks for meeting key political objectives, shifting the military mission to training Iraqi security forces and conducting targeted counterterrorism operations, maintaining an over-the-horizon presence to protect our interests supported by a concerted effort to disarm, demobilize, and reintegrate the militias which must be undertaken by Iraqis.

This legislation includes an additional provision that is a critical component of the strategy. I know a lot of colleagues were nervous about setting a date. Fewer are as nervous today. But I believe there is a way to require the President to set that date, negotiate that exit, a way to do it constitutionally and also within the context of the reauthorization.

I think that is not an arbitrary deadline. In fact, the Iraq Study Group report effectively sets a goal of withdrawing U.S. combat forces from Iraq by the first quarter of 2008, or within approximately 1 year. This date was based on the timeframe for transferring responsibility to Iraqi security forces set forth by General Casey and on the schedule agreed upon with the Iraqi Government itself for achieving key political security objectives.

The President even said that under that new strategy, responsibility for security would be transferred to Iraqis before the end of this year. That is how unarbitrary it is. The President has said it, our generals have said it, the Iraq Study Group has said it.

I wish to repeat this because it is important because it is continually distorted. We all want success, but we have to examine the realities of the road to success. An effort that combines diplomacy with smart deployment of our troops is the only road to success.

I ask my colleagues: Where is the diplomacy? Many of us can remember, under a Republican President, Henry Kissinger shuttling back and forth day and night working to bring an end to the Vietnam war. Many of us can remember Jim Baker, at the beginning of the decade in the nineties, when he took 15 trips to Syria alone, and on the final trip got President Asad to actually agree to support what we were doing. That is diplomacy.

We don't have that kind of diplomacy. We lack even a special envoy there day to day, hour to hour, leveraging the Arab League, leveraging the United Nations, working with the U.N. Perm Five, working with the neighboring countries, doing the kinds of significant, heavy diplomatic lifting our sons and daughters who are dying deserve.

As our combat troop levels wind down, we can have sufficient forces to confront the Sunni insurgency. We can still continue to prosecute al-Qaida, but our core security interests—the security interests of preventing another terrorist attack on our country—those interests lie where our troops can still play a positive role in confronting Sunni insurgents and their al-Qaida allies. That will happen when we focus on Al Anbar Province, not Baghdad.

It is time for Iraqis to assume responsibility for their country, and that is not just a statement. It has been 4 years, 300,000 troops are trained. When I talk with the military people, they don't tell me training is the problem. They tell me motivation is the problem. Those 300,000 troops are not prepared to die for an Iraq yet, and they are mostly local militia and/or local tribe affiliated, which is their true allegiance at this point in time.

We need a timetable which forces Iraqi politicians to confront this reality. Americans should not be dying because Iraqi politicians refuse to compromise and come together. If they are not willing to do it today with thousands of people dying around them, with this kind of sectarian violence, what will make them more willing to do that in a year? They are using the security blanket of American presence in order to avoid making those compromises, and we need to understand that and get about the business of leveraging the compromise that is the only solution to what is happening in Iraq.

I believe a deadline will actually help provide the Iraqis with the motivation and the pressure to step up and take control. General Abizaid made it clear that is essential to our strategy. The key to providing the motivation is making sure they, in fact, begin to take control and begin to define their own future.

As we give the Iraqis more control over their own destiny, we also have to hold them accountable for the fundamentals of leading their country on the construction, as well as the basic resolution, the political differences within the oil revenues, the federalism issue, which are the two great stumbling blocks fundamental to a resolution.

Why the President didn't make the condition of providing additional security and putting additional Americans online, why he didn't make their resolution of those issues a precondition is beyond me. But American forces are now going to be put at greater risk, more kids at harm, without the fundamentals that are essential and that are completely out of the power of any squad or company or battalion to be able to resolve.

When Prime Minister Maliki took power in May, General Casey and Ambassador Khalilzad said the new Government had 6 months to make the political compromises necessary to win public confidence and unify the country—6 months last May. They were right. And yet with no real deadline to force the Government's hand, that period passed without any meaningful action, and we are now seeing the disastrous results.

To ensure history does not repeat itself, we need to put those benchmarks in place, and we need to have those benchmarks agreed upon. That is the least, again, we can ask on behalf of our troops.

I, also, believe a deadline is essential to getting Iraq's neighbors to face up to the realities of the security needs of the region. If we are going to be concerned about Iran, it should not be surreptitiously based on them using us. It should be all of us together defining a new security arrangement for the region. General Zinni has talked about that many times. He is one of the most respected hands in that region.

In addition, our own intelligence agencies tell us that the war in Iraq is fanning the flames of jihad, and we have to stop serving as an al-Qaida recruitment tool. When are we going to take that seriously in the Senate? We spent a lot of time and energy to reorganize the intelligence community. We supposedly have the best intelligence now, and that intelligence in the conglomerate is telling us that this current policy is putting America at greater risk because we are creating more terrorists, fanning the flames of unrest in the region, and creating a recruitment tool for al-Qaida in that region.

We can see the results. Hamas is more powerful now. Hezbollah and Nasrallah are more powerful today. Iran is more powerful today. Syria is more than willing to play with Iran than care about what the concerns might be of the rest of the region.

We have gone backward because of this policy. How can this administration stand up and say to us that we have to fear the security interests of the future, when the security interests of the present are moving in the wrong direction?

Afghanistan, where the diversion of resources to Iraq has already allowed the Taliban to rise again, is increasing as a threat to those long-term security interests. Osama bin Laden roams free while a regenerated al-Qaida continues to plot attacks on American interests, and the flourishing opium trade has turned the country into a virtual narcostate, funding insurgents and warlords and threatening the viability of the Karzai Government.

Now our generals in Afghanistan are warning, in the darkest possible terms, that the Taliban is poised to launch a major new offensive in Afghanistan, and they have issued an urgent appeal for more U.S. troops to fight back. Instead of sending 20,000 troops over to Iraq, we ought to be listening to our military commanders and give them the few thousand more troops they desperately need to deal with the Taliban in Afghanistan.

On the broader regional front, we clearly need to come to grips with the need to engage Iran in a way that not only deters Iran from nuclear and other military adventurism, but does not create another disastrous war that is not in our national security interest. I want to take one moment before closing to speak to that point.

I am hardly the only one in the Senate who is concerned about a terrible byproduct of the administration's escalation plan for Iraq. That byproduct could be movement towards a calculated military conflict with Iran, which would further destabilize the Middle East, fan the flames of intra-Muslim and Muslim-Western violence. In fact, many Americans are increasingly concerned that the administration's rhetoric regarding Iran sounds eerily familiar.

Congress must make it absolutely certain that we do not make the same mistake we made in rushing to war with Iraq, starting by making it clear President Bush does not have the authority to engage Iran militarily, excepting, of course, an immediate attack on our troops or a definable and palpable emergency. He does not have the authority to engage them without express congressional authorization.

Looking at recent developments, it is not hard to see why people are concerned. In the President's speech introducing his new Iraq strategy, he issued a thinly veiled threat that sounded as though the administration was at least contemplating military operations on the Iranian side of the border. In the last few weeks we have arrested Iranian nationals in two separate incidents in Iraq. The initial operations against Shiite militias in Baghdad at a minimum are bound to exacerbate tensions with Iran even further, and we recently sent another aircraft carrier to the region, ratcheting up our aggressive posture.

Taken alone, individually, there is a certain logic to each of those actions. Taken on the whole, however, they have created an impression in the region, and as we all know impressions are what ultimately push leaders to make judgments about threat and to make determinations about their own actions. The impression in the region is that we have taken the side of the Sunnis in the conflict with Iraq. Whether that is true or not, we must never forget that in the Middle East especially, perception is reality. If we are seen to be favoring the Sunnis, we run the risk of alienating the Shiite majority that will ultimately be running Iraq—that is the reality—and inflaming extremism throughout the region. It is essential that we remain evenhanded in our own actions as well as our words in our efforts to bring stability to Iraq.

There is another reason, as the Iraqi Study Group suggested, we should engage Iran and Syria. Leadership means talking to countries who are not our friends. President Kennedy reminded us: Never fear to negotiate but never negotiate out of fear. We need to engage directly when our vital national security interests are at stake. We have done it all through our history. Richard Nixon sent Henry Kissinger to China. President Reagan went to meet with Miguel Gorbachev and came to an agreement on arms after defining the "evil empire." The conversation that I had recently in the Middle East with Senator DODD, when we traveled there together with President Asad of Syria, led us to believe that a dialog could, in fact, be constructed in working toward a goal that we share with Syria: creating a stable, secular, Arab Iraq. That is at least what President Asad said he would like. It seems to me, given the morass we are in, it is worth putting that to the test.

We cannot turn back the clock and reverse the decisions that brought us to this pass in Iraq and the Middle East. We cannot achieve the kind of clear and simple victory the administration promised the American people so often even as the conditions in Iraq grew worse and worse. But we can avoid an outright defeat. We can avoid creating the chaos we say we want to avoid. We can avoid a victory for our adversaries by identifying specifically what we can and cannot accomplish in Iraq.

With a new Congress comes a new responsibility: to get this policy right. That starts with preventing the President from going forward with this senseless escalation. And it has to end with finding an exit strategy that preserves our core interests in Iraq, in the region, and throughout the world.

I look forward to having a real debate. I hope we can find that way.

I might mention, when Senator DODD and I were about to helicopter out of Baghdad, we were at Landing Zone Washington, which is right in the Green Zone. Many Senators are familiar with it. In the darkness of night, as we were leaving, a young man came up to us to talk to us and he identified himself as an officer in the Army. He was going home for leave and was hitching a ride on the helicopter to go home. He went home, visited his 14-month-old daughter and, I think, his 4-year-old son, if I am correct. His name was Brian Freeman and he was intelligent and thoughtful and bright and he talked about his future and talked with us animatedly about what was going on in Iraq and how he disagreed with what he was being asked to do and how others did. He went home, and we just learned that this Friday he was killed. So he went back. He did his duty as so many have.

I know when I returned from war, almost 40 years ago now, I stood up and spoke from my heart and my gut about what I thought was wrong. To this day that has been controversial in some quarters, but I am proud that I told the truth. And that truth has been documented again and again from Army training manuals to books that have been written to the statements of our own Secretary of Defense at that time, Robert McNamara. But, before I finish, I want to make it clear that that is my motivation in talking about this war now and this predicament that so many of these soldiers find themselves in.

I asked the question in 1971: How do you ask a man to be the last man to die for a mistake? Although I knew going into public service I wanted to be in a place where I could have an impact should there be a choice of war in the future, but I never thought that I would be reliving the need to ask that question again.

We are there. Most of our colleagues understand this is a mistake. Most of our colleagues understand that 21,000 troops is not going to pacify Iraq. So all of us have a deep-rooted obligation, a deep moral obligation to ask ourselves what we can do to further the interests of our Nation and honor the sacrifices of those troops themselves. I think it is to get this policy right. I hope the President will truly listen to us in these next days because we want to work in good faith to do that.

Before I finish, I want to add a note, both personal and political. Two years ago I sought the Presidency to lead us on a different course. I am proud of the campaign we ran, proud of the fact that 3 years ago I said that Iraq was the wrong war, in the wrong place, at the wrong time; proud that we defined energy independence and made it, for the first time, part of the Presidential race; proud of a health care plan that we laid out that to this moment remains viable and waiting to be used in order to lower the health care costs for our fellow Americans.

We came close, certainly close enough, to be tempted to try again. There are powerful reasons to want to continue that fight now. But I have concluded this is not the time for me to mount a Presidential campaign. It is time to put my energy to work as part of the majority in the Senate to do all I can to end this war and strengthen our security and our ability to fight the real war on terror.

The people of Massachusetts have given me an incredible privilege to serve, and I intend to work here to change a policy in Iraq that threatens all that I have cared about and fought for since I came home from Vietnam.

The fact is, what happens here in the next 2 years may irrevocably shape or terribly distort the administration of whichever candidate is next elected President. Decisions are being taken and put into effect today and in the days to come that may leave to the next President a wider war, a war even more painful, more difficult, more prolonged than the war we already have.

Iraq, if we Senators force a change of course, may yet bring stability and an exit with American security intact or it may bring our efforts in the region to a failure that we will all recognize as a catastrophe.

I don't want the next President to find that he or she has inherited a nation still divided and a policy destined to end as Vietnam did, in a bitter or sad legacy. I intend to devote all my efforts and energies over the next 2 years, not to the race for the Presidency for myself but for doing whatever I can to ensure that the next President can take the oath with a reasonable prospect of success for him or her—for the United States. And I intend to speak the truth as I find it without regard for political correctness or partisan advantage, to advise my colleagues and my fellow citizens to the best of my ability and judgment, and to support every action the Senate may reasonably and constitutionally take to guide and direct the ship of state.

This mission, this responsibility, is something all of us must accept, and as someone who made the mistake of voting for the resolution that gave the President the authority to go to war, I feel the weight of a personal responsibility to act, to devote time and energy to the national dialog in an effort to limit this war and bring our participation to a conclusion.

The PRESIDING OFFICER (Mr. SANDERS). The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I know how difficult of a decision this is for Senator KERRY to make. And today, I say to the people of the country how proud all of us in Massachusetts are of JOHN KERRY, and his outstanding service in the United States Senate for our State and for our country. Throughout his career, he has been a true hero in every sense of the word.

He has been my colleague since 1984, and I have deeply valued the opportunity to work side-by-side with him, but most of all I'm proud to call him my friend. Over the years, Vicki and I have grown so close to JOHN and his wonderful wife Teresa and his loving daughters Vanessa and Alexandra. They are a special family, and their friendship is one we cherish.

We heard just a few moments ago why he was able to galvanize the country, and earn such tremendous support, in the 2004 Presidential campaign. The eloquence, the passion, the insight, the knowledge of history, and awareness of public events—these qualities we saw on display just moments ago in this Chamber—these are the qualities that characterize and define the career of JOHN KERRY.

Now JOHN has decided to continue to devote his passion, his interest, and his energies toward bringing our troops home from Iraq safely, and how fortunate they are to know that he will devote all of his energies to that cause over the next months—hopefully not years. All of us in Massachusetts look forward to his continued service in the United States Senate for years to come and to his voice and his vote working here for the working people of Massachusetts, for their jobs, for their health care, for the education of their children, for the betterment of their environment, and for their hope for a better quality of life. He's been there for us in the past on so many of these critical concerns, and we take comfort in knowing he'll be there for all of us in the future as well.

I know this has been a difficult time for JOHN. I congratulate him on an outstanding presentation this afternoon, and for his courage and determination. I congratulate him for continuing to want to make a very important difference on the overarching and overriding issue of our time, and that is how we can remedy this catastrophic mistake of Iraq and bring our servicemen home safely.

I'm grateful to be able to call JOHN KERRY my colleague and friend, and look forward to working with him for years to come.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I have had the good fortune in my lifetime, my adult life, to see people for whom I have developed a tremendous respect and admiration, and certainly one of those people is JOHN KERRY. Why? Why would I say that about JOHN KERRY? Why would I say that as I have traveled through life he is one of those people who has meant so much to me in being a role model for the things that I do and the things that I think the American people should focus on?

He has a tremendous educational background—Yale, Boston College. He was a prosecutor. He was a war hero. A war hero—multiple awards, fighting in the jungles of Vietnam, for heroism. We saw someone last night stand in the House Chamber whom the President directed, who received the Silver Star, and that is wonderful. We all looked at him with admiration. JOHN KERRY has had a Silver Star, multiple Purple Hearts—I repeat, multiple awards for bravery. He is a political activist, someone who at great sacrifice decided to do gallant things after his heroic efforts in Vietnam. He came home and continued being a hero politically. The people of Massachusetts elected him to Lieutenant Governor, a job I also had, and I have some understanding about that job. He came to Congress the year I did. In 1982, we both came here. He is a cancer survivor. His wife is one of the most remarkable people I have ever met. Teresa Heinz is a real fighter in her own way. I knew her before the

Presidential election, but I got to know her very well during the Presidential election, and I like her so much.

JOHN KERRY was my nominee for President of the United States. I worked hard for JOHN KERRY. I believed in JOHN KERRY. I believed JOHN KERRY would change the direction of this country and the world. I still believe that. JOHN KERRY came within a few votes of being President of the United States in one of the dirtiest, most negative, unfair campaigns I have ever witnessed. I am not going to go into all the things they did to JOHN KERRY other than to say that to try to take away from this man, his gallantry as a warfighter, was beyond the pale, but they did it.

JOHN KERRY and I have shared heartache together. We have done it recently. I will always have admiration and respect for JOHN KERRY. The mere fact that he announced he is not running for President speaks well of this gallant man, this heroic man, because he could run for President. He has money in the bank, so to speak. He knows people all over America. He has the best e-mail addresses in the country. He has chosen that this is not the time. But I will continue to look to JOHN KERRY for his leadership in foreign affairs. He is a man who knows this world. Listen to the speech he just gave on the conflict in Iraq, a textbook address about the ills of the present status of what we are doing in Iraq. He will approach whatever he does with a sense of morality. He will proceed to be one of the leaders, as he has been for decades, on the environment. He has a book coming out soon with his wife, and I am sure it will lay out things he has believed in for so long, such as health care. He is the chairman of the Small Business Committee.

So I say to JOHN KERRY: I love you, JOHN KERRY. I am so sorry things didn't work out for our country, but that doesn't take away from the fact that I will always care about you greatly and remember the times we have spent together. We have a lot more to do for Massachusetts, Nevada, and the country.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. DEMINT. Mr. President, before I engage in my business, I also would like to say to Senator KERRY that I, too, am honored to serve with you, and I appreciate the remarks that have been made about you today.

AMENDMENTS NOS. 155, 156, 157, 158, 159, 160, 161, AND 162, EN BLOC, TO AMENDMENT NO. 100

Mr. DEMINT. Mr. President, I ask unanimous consent that the pending amendment be temporarily set aside and that I be permitted to offer amendments Nos. 155 through 162, en bloc.

The PRESIDING OFFICER. Is there objection?

Mr. KENNEDY. Mr. President, as I understand, there are two speakers. I would like to ask unanimous consent that following the two speakers, Senator ENZI identify the Senator from Colorado, Mr. SALAZAR, to be recognized.

The PRESIDING OFFICER. The Senator from South Carolina has a unanimous consent request pending. Is there objection to that request? Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, if the Senator would be kind enough to permit me to ask unanimous consent that following the next two speakers, the Senator from Colorado, Mr. SALAZAR, be recognized.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. KENNEDY. I thank the Chair.

The PRESIDING OFFICER. The clerk will report the amendments.

The legislative clerk read as follows:

The Senator from South Carolina [Mr. DEMINT] proposes en bloc amendments numbered 155 through 162.

Mr. DEMINT. Mr. President, I ask unanimous consent that the reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

AMENDMENT NO. 155

(The amendment is printed in the RECORD of Tuesday, January 23, 2007 under "Text of Amendments.")

AMENDMENT NO. 156

(Purpose: To amend the Internal Revenue code of 1986 regarding the disposition of unused health benefits in cafeteria plans and flexible spending arrangements)

At the appropriate place, insert the following:

SEC. ___. DISPOSITION OF UNUSED HEALTH BENEFITS IN CAFETERIA PLANS AND FLEXIBLE SPENDING ARRANGEMENTS.

(a) IN GENERAL.—Section 125 of the Internal Revenue Code of 1986 (relating to cafeteria plans) is amended by redesignating subsections (h) and (i) as subsections (i) and (j), respectively, and by inserting after subsection (g) the following:

"(h) CONTRIBUTIONS OF CERTAIN UNUSED HEALTH BENEFITS.—

"(1) IN GENERAL.—For purposes of this title, a plan or other arrangement shall not fail to be treated as a cafeteria plan solely because qualified benefits under such plan include a health flexible spending arrangement under which not more than $500 of unused health benefits may be—

"(A) carried forward to the succeeding plan year of such health flexible spending arrangement, or

"(B) to the extent permitted by section 106(d), contributed by the employer to a health savings account (as defined in section 223(d)) maintained for the benefit of the employee.

"(2) HEALTH FLEXIBLE SPENDING ARRANGEMENT.—For purposes of this subsection, the term 'health flexible spending arrangement' means a flexible spending arrangement (as defined in section 106(c)) that is a qualified benefit and only permits reimbursement for expenses for medical care (as defined in section 213(d)(1), without regard to subparagraphs (C) and (D) thereof).

"(3) UNUSED HEALTH BENEFITS.—For purposes of this subsection, with respect to an employee, the term 'unused health benefits' means the excess of—

"(A) the maximum amount of reimbursement allowable to the employee for a plan year under a health flexible spending arrangement, over

"(B) the actual amount of reimbursement for such year under such arrangement.".

(b) REPEAL OF FSA TERMINATION PROVISION.—

(1) IN GENERAL.—Subsection (e) of section 106 of the Internal Revenue Code of 1986, as added by the Tax Relief and Health Care Act of 2006, is amended by striking "health flexible spending arrangement or" each place it appears.

(2) CONFORMING AMENDMENTS.—

(A) The heading of section 106(e) of such Code is amended by striking "FSA OR".

(B) Section 223(c)(1)(B)(iii)(II) of such Code, as added by the Tax Relief and Health Care Act of 2006, is amended to read as follows:

"(II) the balance of such arrangement is contributed by the employer to a health savings account of the individual under section 125(h)(1)(B), in accordance with rules prescribed by the Secretary.".

(c) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to taxable years beginning after December 31, 2010.

AMENDMENT NO. 157

(Purpose: To increase The Federal minimum wage by an amount that is based on applicable State minimum wages)

In section 2 of the bill, strike subsection (a) and insert the following:

(a) IN GENERAL.—Section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) is amended to read as follows:

"(1) except as otherwise provided in this section, not less than—

"(A) beginning on the 60th day after the date of enactment of the Fair Minimum Wage Act of 2007, an amount equal to the minimum wage in effect on such date in the State in which such employee is employed (whether as a result of the application of Federal or State law) increased by $0.70;

"(B) beginning 12 months after that 60th day, the amount that would be determined under subparagraph (A) by substituting '$1.40' for '$0.70'; and

"(C) beginning 24 months after that 60th day, the amount that would be determined under subparagraph (A) by substituting '$2.10' for '$0.70';".

AMENDMENT NO. 158

(Purpose: To increase the Federal minimum wage by an amount that is based on applicable State minimum wages)

In section 101 of the amendment, strike subsection (a) and insert the following:

(a) IN GENERAL.—Section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) is amended to read as follows:

"(1) except as otherwise provided in this section, not less than—

"(A) beginning on the 60th day after the date of enactment of the Fair Minimum Wage Act of 2007, an amount equal to the minimum wage in effect on such date in the State in which such employee is employed (whether as a result of the application of Federal or State law) increased by $0.70;

"(B) beginning 12 months after that 60th day, the amount that would be determined under subparagraph (A) by substituting '$1.40' for '$0.70'; and

"(C) beginning 24 months after that 60th day, the amount that would be determined under subparagraph (A) by substituting '$2.10' for '$0.70';".

AMENDMENT NO. 159

(Purpose: To protect individuals from having their money involuntarily collected and used for lobbying by a labor organization)

At the appropriate place, insert the following:

SEC. ___. PROTECTION OF WORKERS' POLITICAL RIGHTS.

Title III of the Labor Management Relations Act, 1947 (29 U.S.C. 185 et seq.) is amended by adding at the end the following:

"SEC. 304. PROTECTION OF WORKER'S POLITICAL RIGHTS.

"(a) PROHIBITION.—Except with the separate, prior, written, voluntary authorization of an individual, it shall be unlawful for any labor organization to collect from or assess its members or nonmembers any dues, initiation fee, or other payment if any part of such dues, fee, or payment will be used to lobby members of Congress or Congressional staff for the purpose of influencing legislation.

"(b) AUTHORIZATION.—An authorization described in subsection (a) shall remain in effect until revoked and may be revoked at any time.".

AMENDMENT NO. 160

(Purpose: To amend the Internal Revenue Code of 1986 to allow certain small businesses to defer payment of tax)

At the appropriate place, insert the following:

SEC. ___. DEFERRED PAYMENT OF TAX BY CERTAIN SMALL BUSINESSES.

(a) IN GENERAL.—Subchapter B of chapter 62 (relating to extensions of time for payment of tax) is amended by adding at the end the following new section:

"SEC. 6168. EXTENSION OF TIME FOR PAYMENT OF TAX FOR CERTAIN SMALL BUSINESSES.

"(a) IN GENERAL.—An eligible small business may elect to pay the tax imposed by chapter 1 in 4 equal installments.

"(b) LIMITATION.—The maximum amount of tax which may be paid in installments under this section for any taxable year shall not exceed whichever of the following is the least:

"(1) The tax imposed by chapter 1 for the taxable year.

"(2) The amount contributed by the taxpayer into a BRIDGE Account during such year.

"(3) The excess of $250,000 over the aggregate amount of tax for which an election under this section was made by the taxpayer (or any predecessor) for all prior taxable years.

"(c) ELIGIBLE SMALL BUSINESS.—For purposes of this section—

"(1) IN GENERAL.—The term 'eligible small business' means, with respect to any taxable year, any person if—

"(A) such person meets the active business requirements of section 1202(e) throughout such taxable year,

"(B) the taxpayer has gross receipts of $10,000,000 or less for the taxable year,

"(C) the gross receipts of the taxpayer for such taxable year are at least 10 percent greater than the average annual gross receipts of the taxpayer (or any predecessor) for the 2 prior taxable years, and

"(D) the taxpayer uses an accrual method of accounting.

"(2) CERTAIN RULES TO APPLY.—Rules similar to the rules of paragraphs (2) and (3) of section 448(c) shall apply for purposes of this subsection.

"(d) DATE FOR PAYMENT OF INSTALLMENTS; TIME FOR PAYMENT OF INTEREST.—

"(1) DATE FOR PAYMENT OF INSTALLMENTS.—

"(A) IN GENERAL.—If an election is made under this section for any taxable year, the first installment shall be paid on or before the due date for such installment and each succeeding installment shall be paid on or before the date which is 1 year after the date prescribed by this paragraph for payment of the preceding installment.

"(B) DUE DATE FOR FIRST INSTALLMENT.—The due date for the first installment for a taxable year shall be whichever of the following is the earliest:

"(i) The date selected by the taxpayer.

"(ii) The date which is 2 years after the date prescribed by section 6151(a) for payment of the tax for such taxable year.

"(2) TIME FOR PAYMENT OF INTEREST.—If the time for payment of any amount of tax has been extended under this section—

"(A) INTEREST FOR PERIOD BEFORE DUE DATE OF FIRST INSTALLMENT.—Interest payable under section 6601 on any unpaid portion of such amount attributable to the period before the due date for the first installment shall be paid annually.

"(B) INTEREST DURING INSTALLMENT PERIOD.—Interest payable under section 6601 on any unpaid portion of such amount attributable to any period after such period shall be paid at the same time as, and as a part of, each installment payment of the tax.

"(C) INTEREST IN THE CASE OF CERTAIN DEFICIENCIES.—In the case of a deficiency to which subsection (e)(3) applies for a taxable year which is assessed after the due date for the first installment for such year, interest attributable to the period before such due date, and interest assigned under subparagraph (B) to any installment the date for payment of which has arrived on or before the date of the assessment of the deficiency, shall be paid upon notice and demand from the Secretary.

"(e) SPECIAL RULES.—

"(1) APPLICATION OF LIMITATION TO PARTNERS AND S CORPORATION SHAREHOLDERS.—

"(A) IN GENERAL.—In applying this section to a partnership which is an eligible small business—

"(i) the election under subsection (a) shall be made by the partnership,

"(ii) the amount referred to in subsection (b)(1) shall be the sum of each partner's tax which is attributable to items of the partnership and assuming the highest marginal rate under section 1, and

"(iii) the partnership shall be treated as the taxpayer referred to in paragraphs (2) and (3) of subsection (b).

"(B) OVERALL LIMITATION ALSO APPLIED AT PARTNER LEVEL.—In the case of a partner in a partnership, the limitation under subsection (b)(3) shall be applied at the partnership and partner levels.

"(C) SIMILAR RULES FOR S CORPORATIONS.—Rules similar to the rules of subparagraphs (A) and (B) shall apply to shareholders in an S corporation.

"(2) ACCELERATION OF PAYMENT IN CERTAIN CASES.—

"(A) IN GENERAL.—If—

"(i) the taxpayer ceases to meet the requirement of subsection (c)(1)(A), or

"(ii) there is an ownership change with respect to the taxpayer,

then the extension of time for payment of tax provided in subsection (a) shall cease to apply, and the unpaid portion of the tax payable in installments shall be paid on or before the due date for filing the return of tax imposed by chapter 1 for the first taxable year following such cessation.

"(B) OWNERSHIP CHANGE.—For purposes of subparagraph, in the case of a corporation, the term 'ownership change' has the meaning given to such term by section 382. Rules similar to the rules applicable under the preceding sentence shall apply to a partnership.

"(3) PRORATION OF DEFICIENCY TO INSTALLMENTS.—Rules similar to the rules of section 6166(e) shall apply for purposes of this section.

"(f) BRIDGE ACCOUNT.—For purposes of this section—

"(1) IN GENERAL.—The term 'BRIDGE Account' means a trust created or organized in the United States for the exclusive benefit of an eligible small business, but only if the written governing instrument creating the trust meets the following requirements:

"(A) No contribution will be accepted for any taxable year in excess of the amount allowed as a deferral under subsection (b) for such year.

"(B) The trustee is a bank (as defined in section 408(n)) or another person who demonstrates to the satisfaction of the Secretary that the manner in which such person will administer the trust will be consistent with the requirements of this section.

"(C) The assets of the trust consist entirely of cash or of obligations which have adequate stated interest (as defined in section 1274(c)(2)) and which pay such interest not less often than annually.

"(D) The assets of the trust will not be commingled with other property except in a common trust fund or common investment fund.

"(E) Amounts in the trust may be used only—

"(i) as security for a loan to the business or for repayment of such loan, or

"(ii) to pay the installments under this section.

"(2) ACCOUNT TAXED AS GRANTOR TRUST.—The grantor of a BRIDGE Account shall be treated for purposes of this title as the owner of such Account and shall be subject to tax thereon in accordance with subpart E of part I of subchapter J of this chapter (relating to grantors and others treated as substantial owners).

"(3) TIME WHEN PAYMENTS DEEMED MADE.—For purposes of this section, a taxpayer shall be deemed to have made a payment to a BRIDGE Account on the last day of a taxable year if such payment is made on account of such taxable year and is made within 3½ months after the close of such taxable year.

"(g) REPORTS.—The Secretary may require such reporting as the Secretary determines to be appropriate to carry out this section.

"(h) APPLICATION OF SECTION.—This section shall apply to taxes imposed for taxable years beginning after December 31, 2010, and before January 1, 2015."

(b) PRIORITY OF LENDER.—Subsection (b) of section 6323 is amended by adding at the end the following new paragraph:

"(11) LOANS SECURED BY BRIDGE ACCOUNTS.—With respect to a BRIDGE account (as defined in section 6168(f)) with any bank (as defined in section 408(n)), to the extent of any loan made by such bank without actual notice or knowledge of the existence of such lien, as against such bank, if such loan is secured by such account."

(c) CLERICAL AMENDMENT.—The table of sections for subchapter B of chapter 62 is amended by adding at the end the following new item:

"Sec. 6168. Extension of time for payment of tax for certain small businesses.".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2010.

(e) STUDY BY GENERAL ACCOUNTING OFFICE.—

(1) STUDY.—In consultation with the Secretary of the Treasury, the Comptroller General of the United States shall undertake a study to evaluate the applicability (including administrative aspects) and impact of the BRIDGE Act of 2007 including how it affects the capital funding needs of businesses under the Act and number of businesses benefitting.

(2) REPORT.—Not later than March 31, 2014, the Comptroller General shall transmit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a written report presenting the results of the study conducted pursuant to this subsection, together with such recommendations for legislative or administrative changes as the Comptroller General determines are appropriate.

AMENDMENT NO. 161

(Purpose: To prohibit the use of flexible schedules by Federal employees unless such flexibl schedule benefits are made available to private sector employees not later than 1 year after the date of enactment of the Fair Minimum Wage Act of 2007)

At the appropriate place, insert the following:

SEC. ___. FLEXIBLE SCHEDULE PROGRAMS.

(a) PROHIBITION OF USE OF FLEXIBLE SCHEDULES FOR FEDERAL EMPLOYEES UNTIL FLEXIBLE SCHEDULES ARE AVAILABLE TO PRIVATE EMPLOYEES.—

(1) PROHIBITION OF USE OF FLEXIBLE SCHEDULES FOR FEDERAL EMPLOYEES.—Notwithstanding any provision of subchapter II of chapter 61 of title 5, United States Code, no agency may establish, administer, or use any flexible schedule program authorized under section 6122 of that title.

(2) EFFECTIVE DATE.—Paragraph (1) shall take effect 1 year after the date of enactment of this Act, unless during such 1 year period, the Secretary of Labor submits certification to the Office of Personnel Management that a statute has been enacted that allows employers covered by the Fair Labor Standards Act of 1938 to provide for the use of a flexible schedule similar to the flexible schedule program authorized under section 6122 of title 5, United States Code, for employees engaged in commerce or in the production of goods for commerce.

(b) TERMINATION OF PROHIBITION.—If the prohibition under subsection (a) takes effect, that subsection shall cease to have any force or effect on the date that the Secretary of Labor submits a certification described in subsection (a)(2) to the Office of Personnel Management.

AMENDMENT NO. 162

(Purpose: To amend the Fair Labor Standards Act of 1938 regarding the minimum wage)

At the appropriate place, insert the following:

SEC. ___. ENTERPRISE ENGAGED IN COMMERCE.

(a) ANNUAL GROSS VOLUME OF SALES.—Section 3(s)(1)(A)(ii) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(s)(1)(A)(ii)) is amended by striking "$500,000" and inserting "$1,080,000".

(b) APPLICABILITY OF MINIMUM WAGE.—Section 6 of the Fair Labor Standards Act of 1938 (20 U.S.C. 206) is amended—

(1) in subsection (a), by striking "is engaged in commerce or in the production of goods for commerce, or"; and

(2) in subsection (b), by striking "is engaged in commerce or in the production of goods for commerce, or".

Mr. DEMINT. Mr. President, I thank my colleagues here on the floor for allowing me to offer these amendments. I know the leadership on the other side is anxious to end debate on this bill and move on to other things, so I will keep any remarks as brief as possible. I would be happy to work with the managers of the bill, the Senators from Massachusetts and Wyoming, to work out additional time for debate if that is necessary.

The minimum wage is a debate about fairness. Many Americans see a minimum wage as a fundamental right and something that should be increased to keep up with rising costs. Many economists see it differently. They understand it is only an entry wage and that with on-the-job training, most people do not stay at the minimum wage for very long. Economists also understand that very few people in America actually earn the minimum wage which is currently at $5.15 per hour. Those who do are mostly teenagers, part-time workers, second earners in a home, or workers with very limited skills.

Nevertheless, this debate has become a measure of how much we care for workers, and that is what this debate should be about. If we are going to be serious about helping Americans earn higher wages and helping them keep more of what they earn, we must consider additional measures to ensure American prosperity.

That is why I am offering these amendments today. They will not only ensure fairness for workers, they will also help protect small businesses that employ them. Americans realize that if we pass laws here in Washington that are aimed at helping workers but end up eliminating their jobs, we have done more harm than good.

My first amendment, No. 158, would raise the effective minimum wage in each State by $2.10 per hour. Now, I know most people listening believe that is what this amendment does, but far from it. Without this amendment, the underlying legislation will partially exempt minimum wage workers in high-cost States that already have State minimum wage rates greater than $5.15 per hour, and it will completely exempt minimum wage workers in the highest cost States that have State minimum wage rates greater than $7.25. Many States—actually, 29 States—have already recognized that their cost of living is much higher than other States, and these States have passed their own minimum wage increases. So the cost of living all around the country is quite different.

If you look at some high-cost cities and States, such as Boston, MA, for instance—35 percent higher cost of living than the national average—and contrast that with Alabama, Mobile, AL—it is minus 11 percent of the national average—you have a large swing in the cost of living. Effectively, what we have is while Massachusetts now has a minimum wage of $7.50 an hour, that does not do a worker as much good in Massachusetts as $5.15 does for a worker in Alabama; the cost of living is significantly different.

As we look around the country, we see the highest cost States are Massachusetts and Connecticut and Vermont and New York. You can go over to Illinois at 17 percent. We get down in the Southern States, and we see minus 10 percent of the national average in Texas or minus 11 in Arkansas or minus 12 in Oklahoma. The States and the cost of living across our country are very different. Thankfully, a number of States—29 of them—have recognized that and raised their minimum wage.

But if we are going to make a promise to American workers that we are going to raise their salary, particularly minimum wage workers, then I believe we should do it for all workers. We should look at how this underlying bill is really going to affect workers. The blue States here are States that get a small increase or less than 10 cents from this $2.10 we are talking about.

A few minutes ago, the Senator from Washington State was giving a passionate plea that minimum wage workers get an increase, but Washington State minimum wage workers will get no increase from this bill. The same for Oregon and California. Our dear colleague from Massachusetts, Senator KENNEDY, is one of the most passionate advocates of increasing the minimum wage. Yet this bill we are going to pass today will not give one minimum wage worker in Massachusetts an increase. They get nothing. All of the blue States, the high-cost States where an increase is the most important—Vermont, Massachusetts, Connecticut, Rhode Island—they get no increase. Illinois gets less than 10 cents from the $2.10 increase. So the blue States where workers really could use an additional increase, particularly minimum wage workers, get little or nothing.

When we look at the white States, these are the States which don't get the whole $2.10 increase. The red States are the only States where the whole $2.10 increase will actually go to minimum wage workers.

So in effect, we are making a lot of false promises here today. A lot of the debate, the most passionate debate, is coming from Senators who represent States which will get little or nothing from this minimum wage increase.

I believe we should do what the States do and recognize that the cost of living is different. My amendment is very simple. It says: Let's make all of the States the same color. Let's make them red or blue. But every minimum wage worker in this country should get a $2.10 increase, and that is what my amendment would do. It would be fair to all workers.

That first amendment was actually my first and second amendment. We have two versions of that, Nos. 158 and 159.

My third amendment, No. 155, would expand access to affordable health care to millions of Americans. It would do three things. And we do need to keep in mind that one of the biggest costs for workers, particularly those working at the minimum wage level, is health care. Very few have health insurance. Many are part-time workers. This amendment would do three things: First, it would allow workers to purchase less expensive coverage anywhere in the country. It would also allow them to use the funds in their health savings accounts to pay for their health insurance policy, and it would allow them to roll over, or keep, $500 in unspent benefits in their flexible spending accounts. Many Federal employees now have flexible spending accounts, and they are starting to realize that even though it is their own money, the way this law is set up, if they don't spend it all, they lose what is left at the end of the year. This amendment would fix that.

If Congress is serious about helping American workers, it must do something to address the rising costs of health care. By allowing Americans to purchase health coverage across State lines, they would gain access to less expensive health plans.

My fourth amendment would pick up on part of the other amendment and focus specifically on flexible spending accounts, allowing workers to keep up the $500 that is unspent in those accounts at the end of the year so they do not have to spend it on something they do not need or actually lose it. Again, it is their money. We should not take it from them.

My fifth amendment is tax deferment for high-growth small business companies. Most of the jobs in this country are actually created by small companies that are growing at a 10-percent rate or higher. We have identified—and this is something we have been working on for years—what is called a capital funding gap that prevents a lot of small businesses from getting the capital they need to continue their growth. Actually, if you go back to the 107th Congress, I worked on this when I was on the House side with Senator KERRY and Senator SNOWE who introduced this same legislation to help small businesses keep some of their cash in order to grow their business. It simply allows them to defer Federal taxes if they are plowing it into the growth of their companies. This is very relevant to low-income workers because many low-income workers, even minimum wage workers, work for small businesses that are growing.

This would help those companies grow by deferring taxes. They have to pay all this money back with interest, but it allows them to continue to grow, using their own cash flow.

My sixth amendment, No. 159, is an important amendment for a lot of hourly workers who are union members. It prevents labor unions from using members' union dues to lobby Congress without prior separate and written consent of that member. Union dues, like taxes, are compulsory for union workers. This is the same amendment I offered to the lobby reform legislation, but since it was not given consideration, I am offering it again. This is not only an ethics and lobbying issue but a fairness issue for millions of union members in America. If they were not forced to pay for things they do not support, they could save a lot of money with lower union dues.

My seventh amendment is updating the small business minimum wage exemption. The last time this exemption was raised, the minimum wage was $3.35. This simply allows small companies not to pay the minimum wage, particularly those offering other benefits—tips or health benefits—and gives an exemption. Right now, it is only $500,000 a year. We raise that to $1 million with this amendment, allowing the small businesses some flexibility in hiring teenagers and other workers at the trainee level.

The last amendment, my eighth amendment, and the final amendment, repeals flextime benefits for Federal employees after 1 year if comparable benefits are not extended to private sector workers. A lot of people who are opposed to this flextime idea don't point out in the Senate that all Federal workers have this flextime benefit. Most will say it is truly a benefit. So it gets back to an issue of fairness. This amendment simply says if we do not apply this same benefit to all American workers in the private sector, we should not grant it to Federal workers. Americans are tired of us giving special benefits to Federal workers that are not offered in the private sector.

In conclusion, I thank the managers of this bill, again, for allowing me to offer these amendments. I am happy to work out other items and debate them individually, if that is necessary.

I thank the Chair. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SESSIONS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. McCASKILL). Without objection, it is so ordered.

The Senator from Alabama.

Mr. SESSIONS. Madam President, I want to share some general thoughts about workers in America, the salaries they get paid, the money they take home, and some of the problems relative to that. I will not be offering any amendments at this point. I think there are some others who will be down in a little bit who are scheduled to be on the floor at this time but have not arrived.

I will note I would like to have a vote on an amendment I have offered, which is an amendment that will say that if an employer hires a person illegally in the country, contrary to the law, the fine will no longer be as little as $250 but will be raised to a fine sufficient to deter that business from carrying on that activity: $5,000 and up.

But I want to take a moment now to share some thoughts of a very serious nature about what we are dealing with. This bill that is on the floor today would raise the minimum wage from $5.15 an hour to $7.25 an hour. I am uneasy with Government dictating a contract between two private persons. But I have supported minimum wage increases on a number of occasions, and I think we will see one pass this time in some fashion. I hope it will be passed in a manner that I will be able to support final passage.

But I share the concern of a lot of people who support this legislation; and that concern is, the incomes and the salaries of lower wage workers have not kept up with the salaries of higher income workers. I know the free marketeers argue that later on wages will increase for low-income workers, but I am not satisfied with that argument. The economy is doing very well. Bonuses and salaries for top-wage people have surged. We have not seen sufficient increases in salaries for lower income workers.

I am going to share some numbers with this body that I believe will put a finger on the real problem. It is not that George Bush does not want people to have salaries. George Bush and Members of this Senate have supported policies that, without their knowledge, perhaps, are having an adverse impact on wages. Maybe there are a lot of reasons we are having an adverse impact on wages, but I am going to talk about one.

We can be certain that illegal immigration is suppressing workers' wages. Significant economic evidence indicates the presence of large amounts of illegal labor in low-skilled job sectors—that is low-income workers—is depressing the wages of American workers. Harvard economists George Borjas and Lawrence Katz—Professor Borjas has written a fabulous book on immigration, "Heaven's Door." I am sure my friend Senator KENNEDY knows of Harvard. He needs to introduce himself to Professor Borjas, I would suggest. Harvard economists George Borjas and Lawrence Katz estimate that the influx of low-skilled, low-wage immigration from 1980 to 2000 has resulted in a 3-percent decrease in wages for the average American worker—not just low-income workers. The average American worker has seen a 3-percent decline in his wages, and it has cut wages for native-born high school dropouts—those are the people most often being paid near minimum wage; the poorest 10 percent of the workforce—by 8 percent.

That is a lot. The 3 percent amounts to, assuming they made $10 an hour, $12 a week or $600 a year. For the poorer worker, the 8 percent amounts to more than $1,200 a year in income. Now, that is $100 a month extra money they could be paid, but they are not being paid because of the large influx of illegal workers or immigrant workers into the country.

According to Alan Tonelson, another expert, a research fellow at the U.S. Business and Industry Council Educational Foundation—this is his quote—

> [T]he most important statistics available show conclusively that, far from easing shortages, illegal immigrants are adding to labor gluts in America. Specifically, wages in sectors highly dependent on illegals, when adjusted for inflation, are either stagnant or have actually fallen.

Wages have gone down, not even gone up a little bit. They have gone down. Think about it.

Tonelson is referring to Labor Department data and information from the Pew Hispanic Center that—Mr. Tonelson says—"provide compelling evidence illegal immigrants have been used deliberately to force down wages."

For example, he cites data from the U.S. Bureau of Labor Statistics for the following information.

Madam President, I see Senator SALAZAR is here. And, as I indicated, I say to Senator SALAZAR, I will yield. I will wrap up briefly and yield to you because I know you were previously approved to speak next.

As I was saying, for example, Tonelson cites data from the U.S. Bureau of Labor Statistics for the following information: Inflation-adjusted wages for the broad food and services and drinking establishments category—that is the Labor Department category—between the years 2000 and 2005 fell 1.65 percent. Pew estimates that illegal immigrants comprise 17 percent of food preparation workers, 20 percent of cooks, and 23 percent of dishwashers.

So they say: Well, you cannot get people to work and be cooks and dishwashers in restaurants. You cannot get them. Well, if they were paid a little better wage, maybe they could get them. Instead of cutting wages from 2000 to 2005, maybe some people would be willing to work.

He goes on to note: Inflation-adjusted wages for the food manufacturing industry—the Pew Hispanic Center estimates that illegal immigrants comprise 14 percent of that workforce—fell 2.24 percent from 2000 to 2005.

He also goes on to note: Inflation-adjusted wages for hotel workers—the Pew Hispanic Center estimates that illegal immigrants make up 10 percent of that workforce—fell 1 percent from 2000 to 2005.

So, Madam President, I will wrap up at this point but will talk about it some more later. We need to create a lawful immigration system that does allow workers to come to our country, but the number and skill sets they bring ought to be such that they do not aversely impact to a significant degree the wages of American citizens. How more basic can it be than that, see? I am afraid we need to confront that.

So my amendment is just one important step I will ask for a vote on that will allow workers to come legally, but if they come illegally, the employers who hire them can be punished to a degree more commensurate with the seriousness of the offense.

Madam President, I thank the Chair. I see my good friend from Colorado, former attorney general. We worked together on a number of issues. I will be proud to yield to him at this time.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. SALAZAR. Madam President, I thank my friend from Alabama. And at the outset, before I make a comment about the matter that is pending before the Senate today, I want to also commend him for his work on energy independence. I think it demonstrates how we are able in this body to bring together Republicans and conservatives, Democrats and progressives, on what is one of the signature issues of our time. I very much look forward to working with him, as well as with my other colleagues on this very important agenda in this 110th Congress.

Madam President, I rise today to speak on behalf of the Reid substitute amendment that is a very important matter that is now before this body. I applaud the leadership of the floor managers, Senator KENNEDY and Senator ENZI. I very much look forward to a successful conclusion of this legislation.

The Fair Minimum Wage Act of 2007 would raise the Federal minimum wage from $5.15 an hour to $7.25 an hour over a period of 2 years. I am proud to be a supporter and a cosponsor of this measure which will help lift millions of Americans into a better way of life.

The Federal minimum wage was first established through the Fair Labor Standards Act of 1938. At that time, the Federal Government set the Federal minimum wage at 25 cents an hour, which would amount to $3.22 an hour in today's dollars. Since then, Congress has used its wisdom and increased the minimum wage eight times under both Democratic and Republican administrations.

Unfortunately, American workers have now had to wait 10 years since the last increase—the longest that workers have gone without an increase in the entire history our Nation has had a minimum wage law.

American workers, in my view, have waited long enough for their raise. The minimum wage is not just about fairness. It is also about economic necessity. While Congress has neglected to raise the minimum wage, the cost of living has continued to skyrocket. Since we last raised the minimum wage, take the following examples on the escalation of the cost of living: Gas prices have increased by 36 percent. Health insurance rates have gone up by 33 percent. College tuition rates have gone up by 35 percent. And housing costs have gone up by 38 percent. There have been all of those increases during all of that time, and the minimum wage for Americans has gone unchanged.

Without any increase in their wages, these rising costs will force many minimum wage workers to make very difficult choices. Sometimes they must ask themselves: Should they pay the rent or buy groceries? Should they pay the heating bill or buy diapers? Some of the very basic, essential questions of life have to be answered by some of these minimum wage workers every day.

Indeed, desperate times often have called for desperate measures. Our inaction here in Washington has spurred a number of different States, including my State of Colorado, to take action on their own. In November, the people of my State voted to increase the State's minimum wage by a very substantial margin. Twenty-eight other States and the District of Columbia have also taken action to raise wages above the Federal minimum of $5.15 an hour.

In my view, unless we act as a Congress, what will end up happening is we will continue to see a hodgepodge of minimum wage increases in the 50 States of our Nation. I think it would be much preferable to business as well as to the people of America to have a Federal minimum wage that applies across the entire country.

The House of Representatives has already acted quickly on this legislation. It is simple and straightforward. It is now time for the Senate to act, and for this long overdue increase to finally become law.

Make no mistake, we all know this legislation will make a significant difference in the lives of working families. The increase will directly impact 13 million Americans and nearly 6 million children.

Do you hear that, Madam President? It will impact 13 million Americans and nearly 6 million children who would see their parents' earnings increase.

In Colorado, raising the Federal minimum wage to $7.25 an hour would directly raise the pay of 87,000 workers and benefit 251,000 workers overall.

This increase will mean an additional $4,400 in annual wages. That money is money that could be used for a number of great essentials: Almost 2 years of childcare, more than full tuition for a community college degree, a year and a half of heat and electricity, more than a year of groceries, and more than 8 months of rent.

I support doing everything we can to help these workers. As we help these workers, I also believe we must do everything we can to help the small businesses of America. That is why I am supporting the Reid substitute amendment that has the targeted tax relief to help small businesses thrive.

Having had a history of working as a small business person for a long time, I know the struggle small businesses engage in every day. I also know that it is small businesses that are the engine of most of the job creation in America today. That is true whether it is in Colorado or in the States of Wyoming or Massachusetts. Small businesses are, in fact, the backbone of job creation. In my State alone, we have 500,000 small businesses. And 98 percent of the businesses that hire workers in Colorado are, in fact, small businesses. These businesses create jobs. They fuel our economy. They provide the livelihood for millions of workers, many of them low-wage earners. We must ensure that these small businesses continue to serve this vital purpose.

In my first hearing as a new member of the Senate Finance Committee, under the leadership of Chairman BAUCUS and Ranking Member GRASSLEY, we heard from small business owners who testified that an increase in the minimum wage would, in some cases, force them to consider whether to eliminate some workers or cut back the hours of others. They also testified that some of the costs of the increase could be defrayed through specific tax incentives to help them meet the expenses associated with improving and expanding their businesses through construction and renovation and tax credits to help them hire more low-wage workers.

Last week I introduced legislation called the Business RAISE Act to help small businesses with business tax relief. My bill contains some of the tax incentives we heard about in the Finance Committee hearing. Specifically, my legislation, now incorporated into the Reid substitute, would allow 15 year depreciation periods for restaurant improvements, new restaurant construction, and improvements to business property that is owned as opposed to leased. That simply makes economic sense. When you buy equipment or build a restaurant, you know that a 39-year depreciation does not reflect economic reality. You know that those changes that have to be made will have to be made in 5 or 10 years. So allowing these items to be expensed over a 15-year period will be a great incentive and of great assistance to small businesses and restaurants to do what they have to do to improve their businesses.

I also have proposed—and it has been included in the Reid substitute amendment—the expansion of the eligibility for the work opportunity tax credit to all disabled veterans. This legislation would expand the eligibility for the work opportunity tax credit to all disabled veterans. In these days of Afghanistan and Iraqi veteran forces returning back to our Nation with the kinds of injuries that many of them have sustained and some of the disabilities they have to suffer through, it is important for us as a nation to do everything we can to provide them with an opportunity. These work opportunity tax credits that would apply to all disabled veterans in America would be part of our Nation's promise to make sure we are taking care of the veterans of America.

I am proud to have worked with Chairman BAUCUS and Senator GRASSLEY, with Republicans and Democratic Senators in the Finance Committee, to have many of these provisions included in the legislation that was reported unanimously out of committee. Those recommendations have now been included in the Reid substitute amendment which is currently pending. But we could have dealt with these issues separately. The political reality is that we will do two good things at the same time. We will raise the minimum wage for Americans, which has been on hold for far too long, and we will provide incentives to allow small businesses to continue to thrive with the tax incentives we are creating in this legislation. Toward that end, I am hopeful that this body of Senators will move quickly and expeditiously in approving the provisions of the Reid substitute amendment.

I yield the floor.

Mr. KENNEDY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. KENNEDY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. For the information of our Members, we will have a consent agreement offered in a short while. It is the intention of Senator ENZI and myself to have two votes, one on the Sununu-Kerry amendment on small business and one on Feingold, which is the "Buy American" amendment. We will have voice votes on those two items and then rollcall votes on an Allard amendment and a rollcall vote on a DeMint amendment in the range of 5 o'clock, for the benefit of our colleagues. We will offer a consent agreement shortly to that effect. But for the information of our colleagues, that is the intention. We are making good progress on other amendments as well.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAUCUS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Madam President, since the Fair Labor Standards Act of 1938, Congress has required employers to pay a minimum wage. Congress enacted the current general minimum wage of $5.15 an hour in 1996. That works out to be about $10,712 a year. Currently, about 2 million workers get paid the Federal minimum wage or less.

A decade has passed since the last increase. That marks the longest period in history without an adjustment to the minimum wage. During that time, a majority of States have enacted minimum wages higher than the current Federal level. This includes my home State of Montana.

Montanans recognized that the minimum wage must be increased. I am proud that in November our State voted to raise that State's minimum wage from $5.15 an hour to $6.15 an hour. It was a step in the right direction.

An increase in the minimum wage would affect millions more than those who earn minimum wage because many workers earn slightly more than minimum wage and may also see an increase.

Some worry that an increase in the minimum wage will burden small businesses. Small businesses create jobs, economic opportunity, and technological innovation.

Smaller businesses employ a disproportionate share of workers earning the minimum wage. Representatives of small businesses have, therefore, argued that any increase should be accompanied by tax incentives targeted for small businesses in order to lower their costs.

There are about 23 million small businesses in our country. Businesses with fewer than 500 employees represent more than 99.9 percent of all American businesses. They pay nearly half the total American private payroll. They have generated 60 to 80 percent of the new jobs annually over the last decade, and they employ 41 percent of high-tech workers.

Small business is particularly important in rural States such as Montana.

Rural communities generally do not have large employers. Rural families rely on small businesses for jobs.

The Finance Committee has jurisdiction over taxes. The committee held a hearing on January 10 of this year entitled "Tax Incentives for Businesses in Response to a Minimum Wage Increase." The committee heard from a variety of witnesses, including labor economists, small business owners, and tax experts.

Following that hearing, the committee held a markup on January 17. The committee considered an original bill called the Small Business and Work Opportunity Act of 2007. That bill is a revenue-neutral bill containing a number of tax incentives for small businesses and businesses that hire minimum wage workers. The committee favorably reported that bill by unanimous voice vote, and the majority leader included that bill in its entirety in his amendment to the bill before us today.

The substitute would help business owners to afford new equipment and property for their businesses by extending section 179 expensing for another year.

In order to carry out day-to-day activities, small business owners are often required to invest significant amounts of money in depreciable property, such as machinery. While these large purchases are necessary to operate a business, they generally require depreciation across a number of years. But depreciation requires additional bookkeeping. Section 179 expensing allows for immediate 100 percent deduction of the cost of most personal property purchased for use in a business. In 2007, small business owners could deduct up to $112,000 of equipment expenses.

When small business owners are able to expense equipment, they no longer have to keep depreciation records on that equipment. So extending section 179 expensing would ease small business bookkeeping burdens.

The substitute would allow small business owners to quickly recover the cost of improvements to their establishments through extension and expansion of the 15-year straight line appreciation period for leaseholds and restaurant improvements.

Allowing retailers and restaurants to use a 15-year straight line depreciation period means that when an entrepreneur opens a business and remodels the property, that investment could be recovered over a period of time more closely reflecting wear and tear. It used to be 39 years.

In 2004, the American Jobs Creation Act shortened the cost recovery of certain leasehold improvements and restaurant property for 39 years to 15 years for the remainder of 2004 and 2005. The Tax Relief and Health Care Act of 2006 extended this provision to the end of 2007.

At the Finance Committee minimum wage hearing held January 10, small business owners testified that a shorter 15-year recovery period for restaurant and building leasehold property reflects the true economic life of the improvements. And they testified that businesses put more money into their operations if they know they can recover their improvement costs over 15 years instead of 39.

The substitute would extend the 15-year recovery period for leasehold and restaurant improvements and would also broaden the provision to allow retail owners and new restaurants to take advantage of this shortened depreciation period.

These are changes that Senator CONRAD, Senator KERRY, Senator SNOWE, and Senator KYL have championed.

The substitute would simplify the way that small businesses keep records for tax purposes. The cash method of accounting is often the easiest method of accounting. Allowing small business to use the cash method reduces the administrative and tax compliance burden of these businesses. The substitute would let more businesses take advantage of this method. Businesses with gross receipts up to $10 million would be able to use the cash method.

The substitute would also help businesses provide jobs for workers who have experienced barriers to entering the workforce by extending and expanding the work opportunity tax credit.

WOTC, otherwise known as the work opportunity tax credit, encourages business to hire workers who might not otherwise find work. These employers teach workers new skills and how to be a good employee. The workers serve our food, sell us goods, paint our houses, and provide care to our sick and elderly.

WOTC, the work opportunity tax credit, has been remarkably successful. By reducing expenditures on public assistance, WOTC is highly cost effective. The business community is highly supportive of these credits. Especially industries such as retail and restaurants that hire many low-skilled workers find it useful.

The substitute would extend WOTC for 5 years, and the substitute would expand the credit to make it available to employers who hire veterans disabled after 9/11, something I think is very important for us to do.

As of July 2006, nearly 20,000 members of our Armed Forces were wounded in action in Operation Iraqi Freedom and Operation Enduring Freedom. Many of these soldiers are now permanently disabled and do not know what they are going to do once they return home. We need to help these young men and women, and a modest tax incentive to get them back in the workforce is a good place to start.

This is an issue the Senator from Colorado, Mr. SALAZAR, championed.

I think we should make WOTC permanent. Senator SNOWE and I introduced a bill to do just that. But to accommodate other Senators' priorities, the committee agreed to a 5-year extension in the bill that is now included in the substitute.

The substitute helps small businesses by modifying S corporation rules. These modifications reduce the effect of what some call the sting tax; that is, these modifications improve the viability of community banks.

These are changes that Senator LINCOLN and Senator HATCH have championed.

These are all important ways to help small businesses succeed. These provisions will spur investment and, thus, create jobs. They will provide greater opportunity for workers looking for a job. They all enjoy strong support.

Senator GRASSLEY, members of the Finance Committee, and I have worked to develop a balanced package, and I believe we have done just that.

The language included in the substitute is a responsible package that will ensure the continued growth and success of small businesses. And we have also paid for it. Most of the offsets are proposals the Senate has supported several times before. The offsets include a proposal to end future tax benefits for abusive sale-in-lease-out tax shelters, known as SILOs. These deals are foreign tax-exempt entities to generate sham tax deductions.

Even after Congress shut these deals down in 2004, some taxpayers continue to take excessive, unwarranted depreciation deductions on German sewer systems and the like. The Internal Revenue Service says it has 1,500 of these deals under audit involving billions—yes, billions—of dollars. At a minimum, it is time to shut these foreign deals down. There are domestic deals, too, but this provision only affects foreign deals.

Another offset doubles fines, penalties, and interest on taxes owed as a result of using certain abusive offshore financial arrangements to avoid paying taxes. Taxpayers will hide their money from the IRS through offshore credit cards and other shady financial arrangements need to get the message that this Congress is serious about ending these abuses.

The substitute closes a corporate loophole used by companies that reinvented themselves as foreign corporations to avoid paying taxes in our country. In March 2002, Senator GRASSLEY and I made it clear to those who put profits ahead of patriotism did so at their own peril. The substitute would treat those who moved offshore after that date like a U.S. company, and the substitute would make those companies pay U.S. taxes.

Further, under the substitute, companies that paid to settle Government investigations or that paid punitive damages ordered by the courts will be prohibited from taking tax deductions for those payments.

Deducting these amounts can reduce the true cost of these settling by as much as a third. Deducting these amounts would effectively shift the tax burden onto the backs of other taxpayers who pay what they rightfully owe. Those deductions should, therefore, be prohibited.

The hard-working American taxpayers we are trying to help in this substitute should not have to pay more taxes because some taxpayers are abusing the tax system through tax shelters. They also should not have to bear the burden of civil settlements and punitive damages paid by companies that engage in questionable behavior.

Another offset would limit the annual amount of nonqualified deferred compensation for corporate executives. Rank-and-file workers generally have to pay taxes on their compensation when they earn it. The exception is deferred compensation provided through qualified retirement plans with statutory limits on contributions and benefits. A 401(k) is the best example.

Management, on the other hand, has no limit on the amount that can be deferred to nonqualified arrangements—no limit. The substitute sets the annual limit at the lesser of 100 percent of taxable compensation or $1 million.

These are sound changes. I urge my colleagues to support the substitute.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

AMENDMENT NO. 116

Mr. ALLARD. Madam President, I want to take a moment to explain my amendment No. 116. This amendment gives the States the rights and the flexibility to determine a minimum wage that works best for them. My provision does not allow States to go any lower than the minimum wage they currently operate within their State.

This is an important amendment for small business, an important amendment as far as the States are concerned because cost of living and wages vary dramatically from State to State. A one-size-fits-all federally imposed minimum wage does not take into account the economic realities that exist in each State.

The States are already fulfilling their responsibilities of regulating wages. Currently, 28 States and DC have minimum wage rates above the Federal level. Because the minimum wage varies by State, this legislation threatens to impose a 41-percent increase on some States and a 0-percent increase on others.

Let's give the States the right and flexibility to regulate minimum wage. State legislatures are closer to the people and are better situated than the Federal Government to set a minimum wage. A one-size-fits-all solution under Federal mandate is not the answer to protecting America's economic security.

I urge my colleagues to join me in supporting this amendment that gives the States the flexibility to determine what is best for its own citizens.

When it is appropriate, Madam President, I will call for the yeas and nays.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Madam President, I ask unanimous consent that at 5:10 p.m. today the Senate proceed to a vote in relation to Allard amendment No. 116, and that the time until 5:10 p.m. be equally divided and controlled in the usual form, with no second-degree amendments in order to the amendment prior to the vote; further, that upon disposition of the Allard amendment, the Senate then resume Sununu amendment No. 112 and that Kerry amendment No. 187 to the Sununu amendment be considered and agreed to, the Sununu amendment, as amended, be agreed to, and the motion to reconsider be laid upon the table; provided, that the Senate then consider Feingold amendment No. 127 and that the amendment be modified with the language at the desk, and that it be agreed to, and the motion to reconsider be laid upon the table, all without intervening action or debate.

The PRESIDING OFFICER (Mr. OBAMA). Without objection, it is so ordered.

AMENDMENT NO. 128 TO AMENDMENT NO. 100

(Purpose: To direct the Administrator of the Small Business Administration to establish a pilot program to provide regulatory compliance assistance to small business concerns, and for other purposes)

Mr. KENNEDY. Mr. President, I ask unanimous consent to call up amendment No. 128 and ask that it be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The bill clerk read as follows:

> The Senator from Massachusetts [Mr. KENNEDY], for Mr. KERRY, proposes an amendment numbered 128 to amendment No. 100.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. KENNEDY. I ask that the amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, just for the information of our colleagues, the Feingold amendment is an amendment that has been accepted by the Senate on a number of different occasions. It provides information-reporting on the buying of American goods. This is an effort to increase and support American workers. It has been accepted. We welcome that amendment.

The other amendment which my friend and colleague will speak to, Senators KERRY, SNOWE, and SUNUNU, I strongly support. This deals with the women's business center amendment. Our friends on the Small Business Committee have worked long and hard on this. It is a very interesting, innovative, and creative program that has created thousands of jobs and millions of dollars in wages, and it deserves favorable consideration. My colleague will speak to that in just a few moments.

On the Allard amendment, Members should understand what the effect of the Allard amendment is, and that is effectively to repeal the minimum wage for any States among the 50 States. That effectively is what the Allard amendment does. It says:

> Notwithstanding, any employer should not be required to pay an employee the wage that is greater than the minimum wage provided by law of the State in which the employee is employed, and not less than the minimum wage in effect in that State.

So effectively it eliminates the minimum wage.

It is true we have had the minimum wage at $5.15 an hour. The underlying bill raises it to $7.25, with a very modest tax offset. Hopefully we will have an opportunity to vote on that.

It is true that the existing minimum wage is $5.15 an hour and a number of States have gone above this, but the concept of the minimum wage was that it was going to be a minimum payment, a minimum standard. What was accepted at the time of the minimum wage is that in this country, we didn't want to accelerate a rush to the bottom so that we would have competition in the various States to pay the lowest possible wages—sweat labor—in order to try to attract industries into those particular States, but to provide a minimum standard. Hopefully it was going to be a living standard for workers who worked 40 hours a week, 52 weeks of the year.

I respect the Senator from Colorado, his view on this issue, but if we accepted the amendment of the Senator, it would effectively eliminate the minimum wage as we know it.

I think the reason for the minimum wage, as we have tried to point out during the course of this debate in discussion, was to establish a basic floor as a standard for payment for individuals who worked long and hard in some of the most difficult jobs in this country. We have eliminated child labor. We have established laws with regard to overtime. We have tried to be not only the strongest economy in the world but one that is going to respect workers and workers' rights and workers' interests and workers' families. The minimum wage does not do so at the present time, but many of us will continue to battle to try to make sure it does. The Allard amendment brings us all in the opposite direction.

If I have any time left, I will reserve it. I know the Senator from Colorado will use his time.

Mr. ALLARD. Mr. President, I reiterate, my amendment gives flexibility to States to set their own minimum wage. What is an appropriate minimum wage level for one State does not apply for another, and has different potential effects on the ability for economic growth in that State. When you vote for my amendment, you are voting for State flexibility. The States are already fulfilling their responsibilities of regulating wages. My amendment does not allow the States to set a minimum wage lower than their current operating minimum wage as of January 1, 2007.

I ask my colleagues to join me in voting for the Allard amendment.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays are ordered.

Who yields time?

The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, if there are no further speakers—

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. I am glad to yield a couple of minutes. I understand we have 3 or 4 minutes.

The PRESIDING OFFICER. The Senator from Massachusetts controls 1 minute.

Mr. DEMINT. I understand we just have a few minutes. A few minutes ago, we thought we would be voting on one of the DeMint amendments, and we are still not sure if that is going to happen.

Mr. KENNEDY. If the Senator will yield, I find that there is strong support. We are just having difficulty getting a final time to be able to slot it in at this particular time. I am very hopeful we will be able to have that sometime in the very near future, and I will keep in close touch with the Senator. I thank him for his cooperation. I hope we will be able to.

AMENDMENT NO. 158

Mr. DEMINT. Mr. President, I will take a couple of moments to reexplain the amendment just in case we get to vote on it tonight or early in the morning.

We just heard Senator ALLARD talk about the need for State flexibility because of the different costs of living, the different economies, the different situations. In the United States today, we have 29 States that have set a minimum wage higher than the Federal minimum wage. That action really reflects the cost of living in different parts of our country.

The PRESIDING OFFICER. The remainder of the time is controlled by the Senator from Colorado.

Mr. DEMINT. Does the Senator yield?

Mr. ALLARD. The Senator from South Carolina seeks time? I yield time to the Senator.

Mr. DEMINT. We will talk until the next vote, how about that? What time is the next vote?

The PRESIDING OFFICER. The next vote is in 3½ minutes.

Mr. ALLARD. If the Senator from South Carolina will yield, Senator ENZI would also like to speak briefly on this amendment, if you will allow him at least a minute.

The PRESIDING OFFICER. The Senator from South Carolina has 2 minutes.

Mr. DEMINT. Two minutes.

Senator ALLARD has made a good case for the need for States to have flexibility to adapt the minimum wage to their particular State's cost of living. That is one option.

The amendment I have is quite different. It recognizes that we do have very different costs of living, such as in Massachusetts, Boston is 35 percent above the national average cost of living. If you go south to Mobile, AL, it is 11 percent less than the average cost of living. So the current $5.15 minimum wage which is in Alabama actually has more buying power than the $7.50 minimum wage which is now in effect in Massachusetts.

We are proposing that we be fair with this Federal minimum wage increase. The Senator from Massachusetts knows that, despite his passion for low-income workers and raising the minimum wage for workers, workers in 29 States will not get the full benefit. In fact, workers in Massachusetts will get no raise at all. Workers in Washington, Oregon, or California will get no raise, as will the minimum wage workers in Vermont or Connecticut or Rhode Island. All the States here in blue, the highest cost of living States in our country, will get either no increase or less than a 10-cent increase from this $2.10. The States in the white get some increase but, again, not the full increase. Really, most of the States that would get the full $2.10 increase are low-cost-of-living States around our country, again where the cost of living is more in tune with the $5.15 minimum wage.

Frankly, I would like every worker to be making a lot more money, and there are a lot of other things we can do to make that happen. But if we are going to have a Federal minimum wage, let it reflect the cost of living in every State. Let's give every minimum wage worker in this country a raise when we pass this bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming has 1 minute under the previous order.

Mr. ENZI. Mr. President, I listened to the Senator from Minnesota earlier today, Ms. KLOBUCHAR, and thought she had some very convincing comments regarding the tip credit. In conjunction with that, she suggested that States ought to be able to do what they want to do. That is what this bill does.

Even if one accepts the idea that the minimum wage should be used as a tool of economic policy, it is quite obviously a tool that should be used with precision, not indiscriminately wielded like a sledge hammer.

State and local economies are vastly different, however, one-size-fits-all Federal legislation totally dismisses those important differences. It also misses the point that states are in a far better position to determine what is best for their local economies. Federal "solutions" often ignore local and regional experience and judgment, or worse still, just arrogantly cast it aside.

There is just no room for debate over the fact that there is a vast difference from State to State in terms of the cost of living, the cost of doing business, and the purchasing power of a dollar. A nationally based minimum wage adjustment simply ignores these important differences. It discriminates against both employees and employers based solely upon where they choose to live and work or to establish their businesses.

Proponents of an across-the-board Federal minimum wage increase might be able to ignore these realities and claim that somehow the Federal Government was "forced" to act because States "refused" to do so. Unfortunately for those who make this argument, nothing could be further from the truth.

State legislatures have been, and continue to be extremely active in considering minimum wage legislation that is appropriately tailored to the economic realities of their respective States. Consider that 6 states this year have passed ballot initiatives raising their State's minimum wage law, and 29 States now have minimum wage rates higher than the current Federal level. I urge my colleagues to consider that States and localities may have a better idea of what their appropriate minimum wage level should be than the Federal Government. When the Federal level does not fit, States and localities act.

I urge my colleagues to support the Allard amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New Hampshire is recognized.

Mr. SUNUNU. Mr. President, I recognize that all or nearly all time under control has expired, but I ask unanimous consent to speak for 1 minute on an amendment on which the chairman and ranking member have come to agreement.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 112

Mr. SUNUNU. Mr. President, Senator KERRY spoke earlier about the importance of women's business centers. I offered an amendment at the beginning of the debate a couple of days ago that would ensure continuation of funding for some of the high-performing women's business centers across the country, one of them being in Portsmouth, NH, a small facility that manages to serve 1,300 women. It covers Maine, covers northeastern Massachusetts, as well as clients across New Hampshire. Senator KERRY and Senator SNOWE offered a modification to the amendment which we have agreed to accept, I think. I hope that is going to be passed on a voice vote and then my amendment with his improvements will be voted on by voice.

I thank Chairman KENNEDY, Senator KERRY, Ranking Member Enzi, and my dear friend from Maine, Senator SNOWE for working with me to ensure that this can get done in a timely way. This continuation of funding will make a difference for, of course, dozens of business centers, but that translates into thousands of women entrepreneurs across the country. Those small firms in New Hampshire and across the country are the ones that really drive economic growth. I appreciate the work they have done, Senator SNOWE and Senator KERRY.

VOTE ON AMENDMENT NO. 116

The PRESIDING OFFICER. All time is consumed. The question is on agreeing to amendment No. 116. The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Hawaii (Mr. INOUYE) and the Senator from South Dakota (Mr. JOHNSON) are necessarily absent.

Mr. LOTT. The following Senator was necessarily absent: the Senator from Alaska (Mr. STEVENS).

The PRESIDING OFFICER (Ms. KLOBUCHAR). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 28, nays 69, as follows:

[Rollcall Vote No. 24 Leg.]

YEAS—28

Alexander
Allard
Bennett
Bond
Brownback
Bunning
Burr
Chambliss
Coburn
Cochran
Cornyn
Craig
Crapo
DeMint
Ensign
Enzi
Graham
Gregg
Hagel
Hatch
Inhofe
Isakson
Kyl
Lott
McCain
McConnell
Sununu
Thomas

NAYS—69

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Brown
Byrd
Cantwell
Cardin
Carper
Casey
Clinton
Coleman
Collins
Conrad
Corker
Dodd
Dole
Domenici
Dorgan
Durbin
Feingold
Feinstein
Grassley
Harkin
Hutchison
Kennedy
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lugar
Martinez
McCaskill
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Sanders
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Tester
Thune
Vitter
Voinovich
Warner
Webb
Whitehouse
Wyden

NOT VOTING—3

Inouye
Johnson
Stevens

The amendment (No. 116) was rejected.

Mr. KENNEDY. I believe under the consent agreement we were going to act now on the Sununu amendment 112 and the Kerry amendment 187; is that correct?

The PRESIDING OFFICER. The amendment has not been sent up yet.

AMENDMENT NO. 187 TO AMENDMENT NO. 112

Mr. KENNEDY. Madam President, I call up amendment No. 187.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Massachusetts [Mr. KENNEDY], for Mr. KERRY, for himself, Ms. SNOWE, and Mr. SUNUNU, proposes an amendment numbered 187 to amendment No. 112.

The amendment is as follows:

AMENDMENT NO. 187

(Purpose: To provide a complete substitute)

In lieu of the matter proposed to be inserted, insert the following:

SEC. . RENEWAL GRANTS FOR WOMEN'S BUSINESS CENTERS.

(a) IN GENERAL.—Section 29 of the Small Business Act (15 U.S.C. 656) is amended by adding at the end the following:

"(m) CONTINUED FUNDING FOR CENTERS.—

"(1) IN GENERAL.—A nonprofit organization described in paragraph (2) shall be eligible to receive, subject to paragraph (3), a 3-year grant under this subsection.

"(2) APPLICABILITY.—A nonprofit organization described in this paragraph is a nonprofit organization that has received funding under subsection (b) or (l).

"(3) APPLICATION AND APPROVAL CRITERIA.—

"(A) CRITERIA.—Subject to subparagraph (B), the Administrator shall develop and publish criteria for the consideration and approval of applications by nonprofit organizations under this subsection.

"(B) CONTENTS.—Except as otherwise provided in this subsection, the conditions for participation in the grant program under this subsection shall be the same as the conditions for participation in the program under subsection (l), as in effect on the date of enactment of this Act.

"(C) NOTIFICATION.—Not later than 60 days after the date of the deadline to submit applications for each fiscal year, the Administrator shall approve or deny any application under this subsection and notify the applicant for each such application.

"(4) AWARD OF GRANTS.—

"(A) IN GENERAL.—Subject to the availability of appropriations, the Administrator shall make a grant for the Federal share of the cost of activities described in the application to each applicant approved under this subsection.

"(B) AMOUNT.—A grant under this subsection shall be for not more than $150,000, for each year of that grant.

"(C) FEDERAL SHARE.—The Federal share under this subsection shall be not more than 50 percent.

"(D) PRIORITY.—In allocating funds made available for grants under this section, the Administrator shall give applications under this subsection or subsection (l) priority over first-time applications under subsection (b).

"(5) RENEWAL.—

"(A) IN GENERAL.—The Administrator may renew a grant under this subsection for additional 3-year periods, if the nonprofit organization submits an application for such renewal at such time, in such manner, and accompanied by such information as the Administrator may establish.

"(B) UNLIMITED RENEWALS.—There shall be no limitation on the number of times a grant may be renewed under subparagraph (A).

"(n) PRIVACY REQUIREMENTS.—

"(1) IN GENERAL.—A women's business center may not disclose the name, address, or telephone number of any individual or small business concern receiving assistance under this section without the consent of such individual or small business concern, unless—

"(A) the Administrator is ordered to make such a disclosure by a court in any civil or criminal enforcement action initiated by a Federal or State agency; or

"(B) the Administrator considers such a disclosure to be necessary for the purpose of conducting a financial audit of a women's business center, but a disclosure under this subparagraph shall be limited to the information necessary for such audit.

"(2) ADMINISTRATION USE OF INFORMATION.—This subsection shall not—

"(A) restrict Administration access to program activity data; or

"(B) prevent the Administration from using client information (other than the information described in subparagraph (A)) to conduct client surveys.

"(3) REGULATIONS.—The Administrator shall issue regulations to establish standards for requiring disclosures during a financial audit under paragraph (1)(B).".

(b) REPEAL.—Section 29(l) of the Small Business Act (15 U.S.C. 656(l)) is repealed effective October 1 of the first full fiscal year after the date of enactment of this Act.

(c) TRANSITIONAL RULE.—Notwithstanding any other provision of law, a grant or cooperative agreement that was awarded under subsection (l) of section 29 of the Small Business Act (15 U.S.C. 656), on or before the day before the date described in subsection (b) of this section, shall remain in full force and effect under the terms, and for the duration, of such grant or agreement.

Mr. KENNEDY. Madam President, I support this amendment offered by Senators KERRY, SNOWE and SUNUNU. This amendment provides essential ongoing support to Women Business Centers and has received bipartisan support in the small business committee and I urge my colleagues to support it.

Women small business entrepreneurs are making gains in today's economy and have grown dramatically over the last few decades. In my State of Massachusetts women-owned small businesses have grown by 13 percent since 1997. But they still account for only one-third of all small businesses in the State. Nationally, they make up only 28 percent of all small businesses.

Women Business Centers provide essential training and support to women of all incomes, and of all races to help them start and grow their small business. These centers even the playing field for women entrepreneurs who still face significant obstacles in the world of business.

The Center for Women and Enterprise in Massachusetts, has served over 12,000 women who created 16,000 new jobs and generated more than $470 million in wages since 1995.

We must make this program permanent and make sure that women can participate in small business that is so vital to our national economic growth.

Women entrepreneurs are precious national assets that employ millions of workers and generate billions in wages. We should not limit their potential.

I urge my colleagues to support this amendment to support our women entrepreneurs.

Mr. KERRY. Madam President, I rise to speak about amendment No. 187. I offer this amendment along with my colleagues Senators SNOWE and SUNUNU to keep open our Nation's most experienced and successful women's business centers. These centers—including those in Boston and Worcester in my home State of Massachusetts, in Portsmouth, NH, and in Wiscasset, ME—provide business counseling and financial literacy training to women who want to start or grow a business. We need to pass this amendment so that the women's business centers have access to the Federal matching money that is necessary to raise private sector capital.

For several years now Senator SNOWE and I have been working on a solution to keep open the most experienced centers. Last summer our committee passed a bill that would keep these centers open, though it did not become law. I want to thank Senator SNOWE and her staff for their collaboration on this important issue, and I also want to thank Senator SUNUNU for working with us to incorporate changes into his original amendment that reflect our committee's work. I thank the very able and resourceful executive directors of the women's business centers for working with us all these years to keep their centers going, providing women with the tools they need to make their businesses succeed. In my home State, that includes our current leader, Ms. Donna Good, and her predecessor, Andrea Silbert, who started the Center for Women & Enterprise.

In my 21 years on the Committee on Small Business and Entrepreneurship, I have consistently promoted women entrepreneurs and fought for adequate funding for the women's business centers. As chairman of the committee in the 110th Congress, I will do the same and urge my colleagues on both sides of the aisle to support this amendment. This important legislation will allow established women's business centers to receive renewability grants after their initial grant cycle of matching funds has expired.

The concept of sustainability grants is something I originally introduced in 1999 with my Women's Business Center Sustainability Pilot Program—a bill that garnered widespread bipartisan support and was instrumental in securing additional funding to allow successful and effective centers keep their doors open for women entrepreneurs in their community. And last Congress Senator SNOWE and I introduced the Women's Small Business Ownership Programs Act, which allowed proven centers with a successful track record to receive additional 3-year renewal grants beyond an initial 4-year grant cycle.

The amendment we introduced today builds upon our previous legislative proposals by giving established women's business centers the ability to apply for 3-year grants on an ongoing basis. It would provide women's business centers with a permanent funding stream in the future.

By adopting this amendment today, we will ensure that successful and experienced centers are able to continue serving entrepreneurs by giving women-owned small businesses the tools they need to grow and flourish.

Madam President, I ask my colleagues to vote in favor of this amendment.

Ms. SNOWE. Madam President, I rise to speak to the second-degree amendment currently pending today that Senator KERRY and I have introduced along with Senator SUNUNU. I would first like to commend my colleague Senator SUNUNU for taking the initiative and offering the original women's business center amendment that includes critical legislation to keep this longstanding program operating.

This second-degree amendment expands upon Senator SUNUNU's amendment by addressing the continuation of the women's business center sustainability program, a 5-year pilot program that expired in October 2003. I am pleased to have worked closely with Senator KERRY, the original author of this program, to find a permanent solution to keep the most experienced centers funded and operating.

We cannot afford to ignore, or minimize, the extraordinary contributions America's businesswomen are making to our economy, our culture, and our future. The achievements of women entrepreneurs are undeniable. Women-owned firms generate almost $2.5 trillion in revenues. They employ more than 19 million workers and are the fastest growing segment of today's economy. In my home State of Maine alone, more an 63,000 women-owned firms generate an astounding $9 billion in sales. That is truly a record we can all be proud of.

There can be no doubt the Small Business Administration's, SBA, women's business center program has been an indispensable party on the path to success. In 2006, the 99 women's business centers nationwide served more than 144,000 clients across the country. Whether focused on expanding access to more affordable employee health coverage—enhancing Federal contract procurement opportunities for women-owned businesses—or improving access to capital, the women's business center program has been an invaluable resource to women-owned businesses in my home State of Maine and across the Nation.

The fact is, since the program was created in 1988, Congress renewed the program seven times, and made it permanent in 1997. The women's business centers' unique training and counseling has helped clients generate more than $235 million in revenue and create or retain over 6,500 jobs in 2003. This program clearly has a record of success, fostering job growth and providing American small businesses with the opportunity to thrive.

Women entrepreneurs continue to face tremendous challenges—access to business assistance, access to capital, and access to Federal Government contracting opportunities. The "glass ceiling" in corporate America that led many women to start a small business has been transformed into another obstacle—a "glass doorway"—between women who want to start and grow businesses and the lending and Federal contract markets these women entrepreneurs seek to enter. Overcoming these obstacles requires that women are provided the business assistance tools they need, which we here in Congress can ensure through the programs and services established within the Small Business Administration.

Over the past 4 years as chair of the Small Business Committee and now as ranking member, I have carefully examined the SBA's programs with a particular focus on the agency's initiatives that are intended to foster women-owned businesses. I introduced numerous bills in the 108th and 109th Congress to improve and revitalize these programs.

In fact, in July 2006, I led the Small Business Committee in unanimously reporting out the Small Business Reauthorization and Improvements Act, S. 3778. This reauthorization package incorporated a bill, the Women's Small Business Ownership Programs Act of 2006, S. 3659, that I, along with Senator KERRY, introduced and which was cosponsored by Senator SUNUNU.

The issue before us today is whether to renew and make permanent the Women's Business Centers Sustainability Grants Program, which unfortunately expired in 2003. This amendment is designed to address these issues and improve the programs and services that the SBA delivers across the Nation for women business owners. The need and the impressive record of the women's business centers only supports the reasons for making the program permanent. The centers have proven to be a great value to the communities they serve, so we must ensure their programs and services continue to be available.

Two years ago, the funding for the women's business center in my home State of Maine expired. This center, Coastal Enterprises, has struggled since then to find funding necessary to continue providing vital assistance to women entrepreneurs across the State of Maine. Coastal Enterprises has helped women entrepreneurs succeed for over 10 years, and we must ensure the center receives this critical assistance to continue its operation.

The duty rests upon us to foster an environment favorable to economic expansion so that each business can travel down their road of success. This amendment achieves that goal—and not by establishing costly new initiatives but by building on successful established programs within the SBA and improving their delivery for the benefit of current and future women entrepreneurs.

My responsibility as ranking member of the committee includes ensuring that every woman who owns a small business—or any woman who dreams of owning one—has the resources, the support, and the opportunities they need to embark on their next great entrepreneurial adventure.

I ask my colleagues to support our bipartisan amendment.

The PRESIDING OFFICER. Under the previous order, that amendment is agreed to.

The amendment (No. 187) was agreed to.

The PRESIDING OFFICER. The Sununu amendment as thus amended is agreed to.

The amendment (No. 112), as amended, was agreed to.

AMENDMENT NO. 127, AS MODIFIED, TO AMENDMENT NO. 100

Mr. KENNEDY. Madam President, I send to the desk the modified Feingold amendment numbered 127.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Massachusetts [Mr. KENNEDY], for Mr. FEINGOLD, proposes an amendment numbered 127, as modified, to amendment No. 100.

The amendment is as follows:

AMENDMENT NO. 127, AS MODIFIED

(Purpose: To amend the Buy American Act to require each Federal agency to submit reports regarding purchases of items made outside of the United States, and for other purposes)

At the end, add the following:

SEC. . REPORTS ON ACQUISITIONS OF ARTICLES, MATERIALS, AND SUPPLIES MANUFACTURED OUTSIDE THE UNITED STATES.

Section 2 of the Buy American Act (41 U.S.C. 10a) is amended—

(1) by striking "Notwithstanding" and inserting the following:

"(a) IN GENERAL.—Notwithstanding"; and

(2) by adding at the end the following:

"(b) REPORTS.—

"(1) IN GENERAL.—Not later than 180 days after the end of each of fiscal years 2007 through 2011, the head of each Federal agency shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives a report on the amount of the acquisitions made by the agency in that fiscal year of articles, materials, or supplies purchased from entities that manufacture the articles, materials, or supplies outside of the United States.

"(2) CONTENTS OF REPORT.—The report required by paragraph (1) shall separately include, for the fiscal year covered by such report—

"(A) the dollar value of any articles, materials, or supplies that were manufactured outside the United States;

"(B) an itemized list of all waivers granted with respect to such articles, materials, or supplies under this Act, and a citation to the treaty, international agreement, or other law under which each waiver was granted;

"(C) if any articles, materials, or supplies were acquired from entities that manufacture articles, materials, or supplies outside the United States, the specific exception under this section that was used to purchase such articles, materials, or supplies; and

"(D) a summary of—

"(i) the total procurement funds expended on articles, materials, and supplies manufactured inside the United States; and

"(ii) the total procurement funds expended on articles, materials, and supplies manufactured outside the United States.

"(3) PUBLIC AVAILABILITY.—The head of each Federal agency submitting a report under paragraph (1) shall make the report publicly available to the maximum extent practicable.

"(4) EXCEPTION FOR INTELLIGENCE COMMUNITY.—This subsection shall not apply to acquisitions made by an agency, or component thereof, that is an element of the intelligence community as specified in, or designated under, section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).".

The PRESIDING OFFICER. Under the previous order, that amendment is agreed to.

The amendment (No. 127), as modified, was agreed to.

Mr. KENNEDY. Madam President, for the benefit of the Members, we have today disposed of six amendments. We have 18 other amendments pending. The staffs will work over the evening. Some look like we can move along early tomorrow. We are planning a full day tomorrow. We have had a total of over 90 amendments that have actually been filed. We thank all of our colleagues for their cooperation. We are expecting a full day, with a number of votes tomorrow. We are looking forward in the near future to getting final action on an increase in the minimum wage.

I yield the floor.

Mr. WARNER. Madam President, I wish to proceed as in morning business.

The PRESIDING OFFICER. The Senate is not in morning business.

Mr. KENNEDY. If the Senator desires to speak as in morning business, I don't think there would be any objection.

Mr. WARNER. I hope there would not be any objection.

Madam President, may I suggest the Senator from Idaho be recognized and I be recognized following his remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Idaho is recognized.

Mr. CRAPO. Madam President, I will take 5 minutes or less to speak on a matter of importance, in terms of the process we are following as we consider the Small Business and Work Opportunity Act.

The concern I raise is regarding compensation-related tax increases that came out of the Senate Committee on Finance as part of this package.

The Small Business and Work Opportunity Act includes $8.3 billion worth of business tax reductions that are paid for with offsetting tax increases. Two of these tax increases relating to the tax treatment of compensation are brandnew proposals that have never been examined by either the Committee on Finance or the full Senate. In fact, the legislative language was not even available when H.R. 2 was brought to the Senate.

The concern I have about the process is this: Almost half of the business tax cuts in the package we are considering are extensions of current tax law provisions that Congress has previously passed with broad bipartisan support without offsetting tax increases.

I understand the desire to offset the cost of new tax policies, but I am concerned about increasing taxes on individuals and employers to offset extensions of current policy. Mandatory spending programs, which are the real source of budgetary pressure, are automatically extended every year. These automatic extensions are not paid for because they represent extensions of current law. The same standard should apply to current tax policy.

We will engage in a debate over the pay-as-you-go budget requirements when a pay-go proposal is submitted to the Senate. Until that time, I urge my colleagues, we should not raise taxes to offset current tax law, particularly if the tax increase proposals have never been vetted. Making major changes to the tax law without full examination of the policy proposals will lead to unintended consequences and create real burdens on many of the employers that this bill seeks to help.

I will point out a few of the concerns these new proposals do raise that, as I said, were not raised in the Committee on Finance as we did not have time to review them carefully.

One of the proposals, the new limits on deferred compensation, limits the amount of compensation an employee can save in a nonqualified deferred compensation plan or an NQDC plan. I know we are getting into acronyms and some of the complications of the code, but these things have real consequences in the business of our country. I have several significant concerns with this proposal which were not addressed during the Committee on Finance consideration of the bill.

First, the proposal does not target executives. NQDC plans benefit a wide range of workers, including nonmanagerial employees. The Committee on Finance proposal affects all employees in the plan, not just executives. As a result, the proposal would limit the amount that mid-level workers can set aside for retirement, attacking one of the objectives that we in America need to be paying strong attention to, the ability of Americans to begin saving assets for retirement.

Second, the proposal does not target multimillion dollar salaries—again, one of the justifications for the proposal. It is said that this is the million-dollar salary provision. Yet the cap on annual deferrals is set at the lesser of $1 million or a 5-year average of past compensation. This could have negative consequences on employees at a much lower salary level.

For example, consider a nonmanagerial employee who worked at a manufacturing plant for 13 years at an average salary of $60,000 over the past 5 years. In the process of downsizing, this employee may be offered a severance package that includes 1 year of health benefits plus 2 years of severance pay for every year on the job. A severance package of this size would add up to $141,000 paid over a number of years. The present value of this package—in other words, the value stream of the payments in today's dollars—is $125,000. Since the employee is bound by a $60,000 cap on deferrals, this severance would be taxed and hit with a 20-percent tax penalty. This is hardly the result we would want.

This proposal does nothing to create parity in compensation between executives and rank-and-file workers and, in fact, does not limit the amount that executives can be paid as, again, is the stated intention behind the inclusion of this proposal in the bill. It simply requires them to pay taxes on their compensation sooner rather than later. Yet it has that unintended consequence that we often speak so much about in the Senate of reaching much more broadly than the payment of high salaries to the high-paid executives and hitting the mid-level managers in the businesses around our country who will pay tax penalties because we did not take the time to pay close attention to the kinds of provisions contained in the bill.

All of us have been contacted by those in the country who are concerned about this, organizations such as the American Bankers Association, the American Benefits Council, the American Council of Life Insurers, the Association for Advanced Life Underwriting, the ERISA Industry Committee, FEI's Committee on Benefit Finance, FEI's Committee on Taxation, the HR Policy Association, the National Association of Manufacturers, the Securities Industry and Financial Markets Association, the Financial Services Roundtable, and, of course, the U.S. Chamber of Commerce. These groups which represent businesses of all sizes around the country, which seek to provide benefits and support for their employees, are asking us to pay attention to the process by which we put proposals of this kind into the Tax Code without the kind of due deliberation they deserve.

Hopefully, during the process of the consideration of this bill, we will have an opportunity to correct these unintended consequences and make sure that the midlevel managers and others who are involved in NQDC plans—nonqualified deferred compensation plans—do not face these tax penalties we never intended them to face.

I thank the Chair.

Mr. SPECTER. Madam President, I seek recognition to speak in support of S.2, the Fair Minimum Wage Act of 2007, of which I am a cosponsor, to increase the Federal minimum wage to $7.25 per hour by 2009. The last time Congress voted to raise the minimum wage was in 1996, raising it from $4.25 to $4.75 to eventually $5.15 in 1997.

History clearly demonstrates that raising the minimum wage has no adverse impact on jobs, employment, or inflation. In the 4 years after the last minimum wage increase passed, the economy experienced its strongest growth in over three decades. More than 11 million new jobs were added, at the pace of 232,000 per month. We need to ensure that hard working Americans that are paid the minimum wage are given an increase because there has been no increase for almost 10 years, while cost-of-living adjustments have been provided to others.

In my home State of Pennsylvania, the State minimum wage was increased from $5.15 per hour to $6.25 per hour on January 1, 2007. On July 1, 2007, the State minimum wage will increase to $7.15 per hour. Many States surrounding the Commonwealth of Pennsylvania, including New York, New Jersey, Maryland, and Ohio, have already increased their State minimum wage above the Federal minimum wage with a State wage rate of $7.93 per hour. With 29 states, including Pennsylvania, passing laws to increase their state minimum wage above the Federal wage, it is crucial for this body and this Congress to pass legislation to increase the Federal wage rate to have consistency across the entire United States.

The official poverty rate in the United States increased from a 26-year low of 11.3 percent in 2000 to 12.6 percent in 2005, including 12.9 million children. The nonprofit, nonpartisan think tank, the Economic Policy Institute, EPI, estimates that 11 percent of the work force, or about 14.9 million workers, would receive an increase in their hourly wages if the Federal minimum wage was increased to $7.25 by 2008. Also, 59 percent of those workers likely to benefit are women and 9 percent are single parents. Further, evidence from an analysis of the 1996–97 minimum wage increase shows that the average minimum wage worker brings home more than half, 54 percent, of his or her family's weekly earnings.

Increasing the Federal wage would enable a working family to afford almost 2 more years of childcare, full tuition for a community college degree, and many other staples for a healthy standard of living. Unfortunately, the current minimum wage fails to meet these standards. Congress needs to act. The longer there is inaction, the more behind minimum wage earners get in paying expenses just to survive.

Since taking office in 1981, I have consistently supported increasing the Federal minimum wage. I understand the importance of ensuring that the minimum wage keeps better pace with inflation. The real value of the minimum wage has declined steadily in recent years and it is long past due for an increase. America's working families work hard every day, sometimes at two or three jobs, just to make ends meet. We need to pass this legislation to give these families leverage to compensate for the increased costs of living over time.

The U.S. Department of Labor's Bureau of Labor Statistics defines inflation as "the overall general upward price movement of goods and services in an economy." The Bureau compiles statistics, called the Consumer Price Index, CPI, to measure the rate of inflation on a yearly December to December basis. CPI is measured by utilizing prices of a "market basket" of goods and services purchased by an urban family, in which a market basket is individual items weighted by how much the urban family spent on those same items in a base year period—currently 1982–1984. By any measure, the current minimum wage does not have the same buying power as it did in 1997, the last time the Federal minimum wage was increased.

According to the Department of Labor, the rate of inflation from 1997 at 1.7 percent has increased at least 2.7 times to 4.7 percent in 2006. While the price of items has increased almost three times what they had cost in 1997, America's working families who depend on the Federal minimum wage have not seen any increase at all in the wages they take home.

The Congressional Research Service of the Library of Congress has done nonpartisan research regarding the Federal minimum wage. They have found that those who earned below $7.25 an hour in 2005 were more than likely to have been women, 7 out of 11 million, of Hispanic origin, young, i.e., age 16–14; over fifty percent, or old, i.e. age 65 and above; 3.6 percent, lacking a high school degree, 38.1 percent, working part-time, i.e. less than 35 hours a week; 35.1 percent, and not represented by a labor union, 16.7 percent. Continuing, the report states that the families of these workers were more than likely than other families in 2005 to have been poor, receiving welfare, and lacking health insurance. As a frame of reference, in the private sector in 2005, the average wage of nonmanagement employees was $16.11 an hour according to the Bureau of Labor Statistics survey of employers.

While I do support increasing the Federal minimum wage, I am very much concerned about the impact on small businesses. In my travels throughout Pennsylvania, I have heard from many small business owners about the unfairness in our tax laws and the burden placed upon them in comparison to large corporations. These complaints have been coupled by minimum wage earners who have struggled to make ends meet on just $5.15 per hour.

After reviewing the available data, I believe that increasing the minimum wage will help those in need and will not adversely affect small businesses. A 1998 EPI study did not find any significant job loss associated with the 1996–1997 Federal minimum wage increase. On the other hand, the low-wage labor market—i.e. lower unemployment rates and increased average hourly wages—had performed better than in previous years. Small business owners in those states with higher minimum wage rates than the Federal minimum wage rate, such as the State of Washington at $7.93 per hour, appeared to have prospered. The New York Times reported on January 11, 2007 that small business owners in Washington's neighboring State of Idaho are hurting because of the State's low minimum wage rate of $5.15 per hour. Many residents living near Washington seek jobs in the Evergreen State, forcing small business owners to offer more than Idaho's minimum wage in order to hire new employees.

Small businesses are recognized as an integral part of a powerful economic engine in America. As a critical job creator, they have helped build the prosperity that our country has shared. Nationwide, small businesses employ 52 percent of the private work force and contribute to 47 percent of all sales, spending over $1.4 trillion in annual payrolls. We need to strike a balance between the needs of these employees and their employers, who will be tasked with paying for any increase in the minimum wage.

To counter balance the increase in the minimum wage, I have supported many significant measures to help small businesses in recent years. In the 109th Congress, I was a cosponsor of S. 406, the Small Business Health Fairness Act and introduced my own bill in the 108th Congress, S. 2767, the Small Business Economic Stimulus Act, which would have enabled small businesses to join together to form associated health plans.

Further, on May 9, 2006, I voted to invoke cloture (to end debate) on S. 1955, the Small Business Health Plans bill. Further, in 2005, I supported S.2020, the Tax Relief Act of 2005, which passed the Senate 64–33. Among other provisions, this bill sought to extend various tax relief provisions for businesses including bonus depreciation and increased expensing for small business property. I have also consistently supported the U.S. Small Business Administration, SBA, and funding for the Small Business Development Center, SBDC, program, which operates in partnership with 16 Pennsylvania colleges and universities and assists entrepreneurs and small businesses through consulting, education and business information. This program received $89 million in fiscal year 2006.

It is my expectation that the small business incentives proposed by the Senate Finance Committee will ultimately become law in legislation which increases the minimum wage.

Mrs. FEINSTEIN. Mr. President, I rise today in support of a minimum wage increase that provides American workers a raise with no strings attached. It has been nearly a decade since the minimum wage was last increased. We can no longer afford to delay action, and millions of hard-working Americans deserve better.

The Federal minimum wage today is only $5.15 per hour. Someone who works at this rate for 40 hours a week, 52 weeks a year takes home less than $11,000 annually far below the poverty line for families.

Increasing the Federal minimum wage to $7.25 per hour would impact nearly 13 million Americans, the majority of whom are women, 59 percent, and people of color, 40 percent. Eighty percent of those impacted would be adult workers, and most are full-time employees.

The consequences of nearly a decade of inaction are clear.

Almost 40 million Americans live in poverty, 13 million of whom are children.

Increasing the Federal minimum wage to $7.25 would add nearly $4,400 to a minimum wage worker's annual income, representing, for many families, the difference between self-sufficiency or living below the poverty line.

For most Americans, the choice is clear. In the last election, voters in six States Arizona, Colorado, Missouri, Montana, Nevada, and Ohio supported initiatives to increase their State minimum wages. In fact, 29 States, nearly 60 percent, have a minimum wage above the Federal level.

I am proud that my own State of California has one of the highest minimum wages in the country, at $7.50 per hour, increasing to $8.00 per hour next year. Many California cities and counties stipulate that workers must be paid a living wage, which in some cases guarantees an additional $3 or $4 per hour.

There are two options before the Senate today. This body can act swiftly and stand behind nearly 13 million workers, Or we can delay action, by modifying the legislation before us to include $8.3 billion in tax breaks for small businesses.

Packaging the minimum wage bill with these tax cuts is disadvantageous to businesses and minimum wage workers. Adding a tax package creates procedural hurdles that could significantly delay implementation of this wage increase.

The U.S. Chamber of Commerce opposes linking these small business tax breaks to this legislation because many of the tax provisions are only temporary extensions. They do not provide the long-term relief that businesses seek.

Considering the package of small business tax cuts separately would facilitate a more robust discussion of how small businesses the primary job creators in this country can receive genuine relief from the rising costs of operations.

Many small business owners would suffer no adverse impact if the minimum wage were increased. A recent Gallup Poll in the Sacramento Business Journal showed that 86 percent of small business owners surveyed do not believe that an increase in the minimum wage would harm their businesses.

Nearly 75 percent of small business owners thought that a 10 percent minimum wage increase would have no impact on their businesses at all. More than half of those polled thought the minimum wage should actually be increased.

The evidence shows that increasing the minimum wage does not adversely affect the economy. In fact, in Los Angeles and San Francisco, raising wages added stability to many businesses and the local economy.

In San Francisco, turnover for home-care workers fell by 57 percent after the city implemented its living wage policies.

The average job tenure of workers in fast food restaurants increased by 3.5 months.

In Los Angeles, businesses affected by a living wage ordinance had one-third less turnover among low wage earners, and absenteeism declined.

Higher wages improve worker loyalty and increase employee retention, while decreasing employee hiring and training costs.

Let me be clear: I support many of the tax cuts for small businesses. I think they should be considered, with the proper offsets, as part of a separate revenue-neutral tax bill. But they should not be included in this must-pass minimum wage bill.

Ensuring that all American workers receive fair pay for a hard day's work should not be a partisan issue. The House overwhelmingly passed this legislation by a vote of 315 to 116, with more than 80 Republicans crossing party lines to support this cause.

Congress has increased the minimum wage nine times since the enactment of the Fair Labor Standards Act, under both Republican and Democratic administrations. Only once, in 1996, was a minimum wage increase paired with tax cuts.

The purchasing power of the minimum wage is at its lowest level since 1955. The cost of living is up 26 percent since the last minimum wage increase in 1997.

It is unfair to punish hard working people and make them wait for an increase. We must not delay. We must not bog down this bill with procedural tactics.

American workers deserve better. I urge my colleagues to do what is fair and just: Pass a clean minimum wage bill. Let's provide immediate relief to those who need it most.

I thank the Chair.

The PRESIDING OFFICER (Mr. OBAMA). The Senator from Virginia is recognized.

MORNING BUSINESS

Mr. WARNER. Mr. President, I ask unanimous consent that we now proceed to a period of morning business, with Senators permitted to speak for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, I desire to address the Senate at this time. It would be my hope that my colleague, the Senator from Nebraska, could follow me and, indeed, following the Senator from Nebraska, the Senator from Maine. I put that in the form of a unanimous consent request at this time.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. WARNER, Mr. NELSON of Nebraska, Ms. COLLINS, and Mr. SALAZAR pertaining to the submission of S. Con. Res. 4 are printed in today's RECORD under "Submitted Resolutions.")

Mr. WARNER. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Ms. CANTWELL). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CASEY). Without objection, it is so ordered.

REQUEST FOR SEQUENTIAL REFERRAL

Mr. REID. Mr. President, I ask unanimous consent to have printed in the RECORD a letter addressed to me dated January 24, 2007, from Senator LEVIN.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON ARMED SERVICES,
Washington, DC, January 24, 2007.

Hon. HARRY REID,
Majority Leader, U.S. Senate,
Washington, DC.

DEAR SENATOR REID: Pursuant to paragraph 3(b) of S. Res. 400 of the 94th Congress, as amended by S. Res. 445 of the 108th Congress, I request that the Intelligence Authorization Act for Fiscal Year 2007, as filed by the Select Committee on Intelligence on January 24, 2007, be sequentially referred to the Committee on Armed Services for a period of 10 days. This request is without prejudice to any request for an additional extension of five days, as provided for under the resolution.

S. Res. 400, as amended by S. Res. 445 of the 108th Congress, makes the running of the period for sequential referrals of proposed legislation contingent upon the receipt of that legislation "in its entirety and including annexes" by the standing committee to which it is referred. Past intelligence authorization bills have included an unclassified portion and one or more classified annexes.

I request that I be consulted with regard to any unanimous consent or time agreements regarding this bill.

Thank you for your assistance.

Sincerely,

CARL LEVIN,
Chairman.

VOTE EXPLANATION

Mr. BROWNBACK. Mr. President, I regret that I was unable to vote the evening of January 18 on a very significant amendment offered by my colleague from Utah. During consideration of S. 1 last week, I was concerned with section 220 of the bill, which would have severely undermined the ability of Americans to be informed about what is happening here in the Capitol and, thereby, to petition the Congress with their thoughts. I applaud Senator BENNETT for offering his amendment to strike these so-called grassroots lobbying provisions from the ethics reform bill, and I thank Senate Republican Leader MCCONNELL and Senator BENNETT for their leadership in ensuring this amendment's success. I ask that the RECORD reflect that, had I been here, I would have voted in favor of Senator BENNETT's amendment No. 20 last Thursday night.

Additionally, I applaud the Senate's careful consideration and passage of S. 1, the Legislative Transparency and Accountability Act. Although I was unable to attend the vote on final passage of S. 1, I support the bill and hope that a conference to resolve differences between the House and Senate passed bills is convened soon. Scandals involving lobbyists and members of Congress from both sides of the aisle have shaken the American public's confidence in Congress's ability to do business objectively and judiciously. Although S. 1 fails to address transparency for so-called 527 organizations and fails to provide the President the authority to veto wasteful pork projects, passage of this bill is an important step toward broadening transparency in the legislative process, and I look forward to sending a balanced bill to the President's desk. I ask that the RECORD reflect that, had I been here, I would have voted for the bill, just as I voted for a similar ethics reform bill on March 29, 2006.

HONORING OUR ARMED FORCES

CAPTAIN BRIAN FREEMAN

Mr. DODD. Mr. President, a month ago, I traveled to Iraq to meet there with our men and women in uniform. One soldier in particular stood out to me, a bright young West Point graduate, CPT Brian Freeman. Our conversation lasted for no more than 5 minutes, and yet I was immediately struck by his outspoken intelligence. "Senator, it is nuts over here. Soldiers are being asked to do work we're not trained to do," he told me. "I'm doing work that State Department people are far more prepared to do in fostering democracy, but they're not allowed to come off the bases because it's too dangerous here. It doesn't make any sense."

Now those words have taken on a tragic resonance. Four days ago, according to media accounts, 30 gunmen disguised as U.S. officials penetrated an Iraqi checkpoint in Karbala. Once inside the Army compound, the reports say, they opened fire and mortally wounded five American soldiers.

On Sunday, Charlotte Freeman was visiting her family in Utah when she found a message on her cell phone. Army chaplains had been to her house in California. The daily e-mails from her husband Brian had stopped. I imagine that few things have more anguish in them than waiting, in suspended fear, for the news of a loved one's death. Late that afternoon, the news came.

So I rise to honor Captain Freeman and to add my voice to his family's prayers. His giving spirit and his self-sacrifice embodied all the best of our

Armed Forces, whether he was working to take the son of a Karbala policeman to America for heart surgery or fighting to secure death benefits for the family of his murdered interpreter or organizing a charity to fund medical care for Iraqi children. In his duty as a liaison between the Army and the Government of Karbala Province, he proved every day his dedication to the Iraqi people; the Governor of Karbala praised him as "a soldier and a statesman."

But the virtues we saw in Brian shone through even clearer to those who loved him: Charlotte, his wife; his 3-year-old son Gunnar and his 14-month-old daughter Ingrid; his father Randy and his stepmother Kathy; his mother and his stepfather, Kathleen and Albert Snyder. "Brian is a beautiful man," his mother-in-law, Ginny Mills, wrote to me shortly after his death.

"He is loving, funny, and intelligent. He had a spirit in him that saw the good in life. A man who put his life on the line to help those less fortunate than himself. A man who was a loving husband and a devoted father. A man whose daughter will never know him first-hand."

In the place of a husband and father who will never see his children grow up, Brian Freeman's young family will have to live on with the warm memories of the man who loved them and who risked his life in the service of his country. Memories and words of comfort are so insufficient, so small, next to the flesh and blood. But there is nothing else to put in their place.

I have nothing else to add—except to note that the scenes of grief and comfort in the home of Charlotte Freeman have played themselves out, in some form or another, 3,000 times, in 3,000 families, for 3,000 lives. "Each story is the same," wrote Ginny Mills. "A wonderful, beautiful soul sacrificed."

"I cannot understand that this war goes on and on," she wrote. "It has to stop. It has to stop now and I need to know how to do that."

May God send comfort to her and to all of Captain Freeman's family and to every family that is bereaved. And may we remember, in every hour of our deliberations, the young lives that bear the burden of the choices we make in this Chamber.

COMMITTEE ON ENERGY AND NATURAL RESOURCES RULES OF PROCEDURE

Mr. BINGAMAN. Mr. President, in accordance with rule XXVI, paragraph 2, of the Standing Rules of the Senate, I submit the rules governing the procedure of the Committee on Energy and Natural Resources, which the committee adopted earlier today, for publication in the CONGRESSIONAL RECORD.

I ask unanimous consent that they be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RULES OF THE SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES

GENERAL RULES

Rule 1. The Standing Rules of the Senate, as supplemented by these rules, are adopted as the rules of the Committee and its Subcommittees.

MEETINGS OF THE COMMITTEE

Rule 2. (a) The Committee shall meet on the third Wednesday of each month while the Congress is in session for the purpose of conducting business, unless, for the convenience of Members, the Chairman shall set some other day for a meeting. Additional meetings may be called by the Chairman as he may deem necessary.

(b) Hearings of any Subcommittee may be called by the Chairman of such Subcommittee, Provided, That no Subcommittee hearing other than a field hearing, shall be scheduled or held concurrently with a full Committee meeting or hearing, unless a majority of the Committee concurs in such concurrent hearing.

OPEN HEARINGS AND MEETINGS

Rule 3. (a) All hearings and business meetings of the Committee and all the hearings of any of its Subcommittees shall be open to the public unless the Committee or Subcommittee involved, by majority vote of all the Members of the Committee or such Subcommittee, orders the hearing or meeting to be closed in accordance with paragraph 5(b) of Rule XXVI of the Standing Rules of the Senate.

(b) A transcript shall be kept of each hearing of the Committee or any Subcommittee.

(c) A transcript shall be kept of each business meeting of the Committee unless a majority of all the Members of the Committee agrees that some other form of permanent record is preferable.

HEARING PROCEDURE

Rule 4. (a) Public notice shall be given of the date, place, and subject matter of any hearing to be held by the Committee or any Subcommittee at least one week in advance of such hearing unless the Chairman of the full Committee or the Subcommittee involved determines that the hearing is noncontroversial or that special circumstances require expedited procedures and a majority of all the Members of the Committee or the Subcommittee involved concurs. In no case shall a hearing be conducted with less than twenty-four hours notice. Any document or report that is the subject of a hearing shall be provided to every Member of the Committee or Subcommittee involved at least 72 hours before the hearing unless the Chairman and Ranking Member determine otherwise.

(b) Each witness who is to appear before the Committee or any Subcommittee shall file with the Committee or Subcommittee, at least 24 hours in advance of the hearing, a written statement of his or her testimony in as many copies as the Chairman of the Committee or Subcommittee prescribes.

(c) Each Member shall be limited to five minutes in the questioning of any witness until such time as all Members who so desire have had an opportunity to question the witness.

(d) The Chairman and Ranking Minority Member of the Committee or Subcommittee or the Ranking Majority and Minority Members present at the hearing may each appoint one Committee staff member to question each witness. Such staff member may question the witness only after all Members present have completed their questioning of the witness or at such other time as the Chairman and the Ranking Majority and Minority Members present may agree. No staff member may question a witness in the absence of a quorum for the taking of testimony.

BUSINESS MEETING AGENDA

Rule 5. (a) A legislative measure, nomination, or other matter shall be included on the agenda of the next following business meeting of the full Committee if a written request for such inclusion has been filed with the Chairman of the Committee at least one week prior to such meeting. Nothing in this rule shall be construed to limit the authority of the Chairman of the Committee to include a legislative measure, nomination, or other matter on the Committee agenda in the absence of such request.

(b) The agenda for any business meeting of the Committee shall be provided to each Member and made available to the public at least three days prior to such meeting, and no new items may be added after the agenda is so published except by the approval of a majority of all the Members of the Committee on matters not included on the public agenda. The Staff Director shall promptly notify absent Members of any action taken by the Committee on matters not included on the published agenda.

QUORUMS

Rule 6. (a) Except as provided in subsections (b) and (c), eight Members shall constitute a quorum for the conduct of business of the Committee.

(b) No measure or matter shall be ordered reported from the Committee unless twelve Members of the Committee are actually present at the time such action is taken.

(c) One Member shall constitute a quorum for the purpose of conducting a hearing or taking testimony on any measure or matter before the Committee or any Subcommittee.

VOTING

Rule 7. (a) A rollcall of the Members shall be taken upon the request of any Member. Any Member who does not vote on any rollcall at the time the roll is called, may vote (in person or by proxy) on that rollcall at any later time during the same business meeting.

(b) Proxy voting shall be permitted on all matters, except that proxies may not be counted for the purpose of determining the presence of a quorum. Unless further limited, a proxy shall be exercised only upon the date for which it is given and upon the items published in the agenda for that date.

(c) Each Committee report shall set forth the vote on the motion to report the measure or matter involved. Unless the Committee directs otherwise, the report will not set out any votes on amendments offered during Committee consideration. Any Member who did not vote on any rollcall shall have the opportunity to have his position recorded in the appropriate Committee record or Committee report.

(d) The Committee vote to report a measure to the Senate shall also authorize the staff of the Committee to make necessary technical and clerical corrections in the measure.

SUBCOMMITTEES

Rule 8. (a) The number of Members assigned to each Subcommittee and the division between Majority and Minority Members shall be fixed by the Chairman in consultation with the Ranking Minority Member.

(b) Assignment of Members to Subcommittees shall, insofar as possible, reflect the preferences of the Members. No Member will receive assignment to a second Subcommittee until, in order of seniority, all Members of the Committee have chosen assignments to one Subcommittee, and no Member shall receive assignment to a third Subcommittee until, in order of seniority, all Members have chosen assignments to two Subcommittees.

(c) Any Member of the Committee may sit with any Subcommittee during its hearings but shall not have the authority to vote on any matters before the Subcommittee unless he is a Member of such Subcommittee.

NOMINATIONS

Rule 9. At any hearing to confirm a Presidential nomination, the testimony of the nominee and, at the request of any Member, any other witness shall be under oath. Every nominee shall submit a statement of his financial interests, including those of his spouse, his minor children, and other members of his immediate household, on a form approved by the Committee, which shall be sworn to by the nominee as to its completeness and accuracy. A statement of every nominee's financial interest shall be made available to the public on a form approved by the Committee unless the Committee in executive session determines that special circumstances require a full or partial exception to this rule.

INVESTIGATIONS

Rule 10. (a) Neither the Committee nor any of its Subcommittees may undertake an investigation or preliminary inquiry unless specifically authorized by a majority of all the Members of the Committee.

(b) A witness called to testify in an investigation or inquiry shall be informed of the matter or matters under investigation, given a copy of these rules, given the opportunity to make a brief and relevant oral statement before or after questioning, and be permitted to have counsel of his or her choosing present during his or her testimony at any public or closed hearing, or at any unsworn interview, to advise the witness of his or her legal rights.

(c) For purposes of this rule, the terms "investigation" and "preliminary inquiry" shall not include a review or study undertaken pursuant to paragraph 8 of Rule XXVI of the Standing Rules of the Senate or an initial review of any allegation of wrongdoing intended to determine whether there is substantial credible evidence that would warrant a preliminary inquiry or an investigation.

SWORN TESTIMONY

Rule 11. Witnesses in Committee or Subcommittee hearings may be required to give testimony under oath whenever the Chairman or Ranking Minority Member of the Committee or Subcommittee deems such to be necessary. If one or more witnesses at a hearing are required to testify under oath, all witnesses at such hearing shall be required to testify under oath.

SUBPOENAS

Rule 12. No subpoena for the attendance of a witness or for the production of any document, memorandum, record, or other material may be issued unless authorized by a majority of all the Members of the Committee, except that a resolution adopted pursuant to Rule 10(a) may authorize the Chairman, with the concurrence of the Ranking Minority Member, to issue subpoenas within the scope of the authorized investigation.

CONFIDENTIAL TESTIMONY

Rule 13. No confidential testimony taken by or any report of the proceedings of a closed Committee or Subcommittee meeting shall be made public, in whole or in part or by way of summary, unless authorized by a majority of all the Members of the Committee at a business meeting called for the purpose of making such a determination.

DEFAMATORY STATEMENTS

Rule 14. Any person whose name is mentioned or who is specifically identified in, or who believes that testimony or other evidence presented at, an open Committee or Subcommittee hearing tends to defame him or otherwise adversely affect his reputation may file with the Committee for its consideration and action a sworn statement of facts relevant to such testimony or evidence.

BROADCASTING OF HEARINGS OR MEETINGS

Rule 15. Any meeting or hearing by the Committee or any Subcommittee which is open to the public may be covered in whole or in part by television broadcast, radio broadcast, or still photography. Photographers and reporters using mechanical recording, filming, or broadcasting devices shall position their equipment so as not to interfere with the seating, vision, and hearing of Members and staff on the dais or with the orderly process of the meeting or hearing.

AMENDING THE RULES

Rule 16. These rules may be amended only by vote of a majority of all the Members of the Committee in a business meeting of the Committee: Provided, That no vote may be taken on any proposed amendment unless such amendment is reproduced in full in the Committee agenda for such meeting at least three days in advance of such meeting.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS RULES OF PROCEDURE

Mr. LIEBERMAN. Mr. President, pursuant to the requirements of rule XXVI, section 2, of the Standing Rules of the Senate, I ask unanimous consent to have printed in the RECORD the rules of the Committee on Homeland Security and Governmental Affairs for the 110th Congress adopted by the committee on January 24, 2007.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RULES OF PROCEDURE OF THE COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS PURSUANT TO RULE XXVI, SEC. 2, STANDING RULES OF THE SENATE

RULE 1. MEETINGS AND MEETING PROCEDURES OTHER THAN HEARINGS

A. Meeting dates. The Committee shall hold its regular meetings on the first Thursday of each month, when the Congress is in session, or at such other times as the Chairman shall determine. Additional meetings may be called by the Chairman as he/she deems necessary to expedite Committee business. (Rule XXVI, Sec. 3, Standing Rules of the Senate.)

B. Calling special Committee meetings. If at least three Members of the Committee desire the Chairman to call a special meeting, they may file in the offices of the Committee a written request therefor, addressed to the Chairman. Immediately thereafter, the clerk of the Committee shall notify the Chairman of such request. If, within 3 calendar days after the filing of such request, the Chairman fails to call the requested special meeting, which is to be held within 7 calendar days after the filing of such request, a majority of the Committee Members may file in the offices of the Committee their written notice that a special Committee meeting will be held, specifying the date and hour thereof, and the Committee shall meet on that date and hour. Immediately upon the filing of such notice, the Committee Clerk shall notify all Committee Members that such special meeting will be held and inform them of its date and hour. (Rule XXVI, Sec. 3, Standing Rules of the Senate.)

C. Meeting notices and agenda. Written notices of Committee meetings, accompanied by an agenda, enumerating the items of business to be considered, shall be sent to all Committee Members at least 3 days in advance of such meetings, excluding Saturdays, Sundays, and legal holidays in which the Senate is not in session. The written notices required by this Rule may be provided by electronic mail. In the event that unforeseen requirements or Committee business prevent a 3-day notice of either the meeting or agenda, the Committee staff shall communicate such notice and agenda, or any revisions to the agenda, as soon as practicable by telephone or otherwise to Members or appropriate staff assistants in their offices.

D. Open business meetings. Meetings for the transaction of Committee or Subcommittee business shall be conducted in open session, except that a meeting or series of meetings on the same subject for a period of no more than 14 calendar days may be closed to the public on a motion made and seconded to go into closed session to discuss only whether the matters enumerated in clauses (1) through (6) below would require the meeting to be closed, followed immediately by a record vote in open session by a majority of the Committee or Subcommittee Members when it is determined that the matters to be discussed or the testimony to be taken at such meeting or meetings—

(1) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of foreign relations of the United States;

(2) will relate solely to matters of Committee or Subcommittee staff personnel or internal staff management or procedure;

(3) will tend to charge an individual with crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise expose an individual to public contempt or obloquy or will represent a clearly unwarranted invasion of the privacy of an individual;

(4) will disclose the identity of an informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement;

(5) will disclose information relating to the trade secrets of financial or commercial information pertaining specifically to a given person if—

(A) an Act of Congress requires the information to be kept confidential by Government officers and employees; or

(B) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person; or

(6) may divulge matters required to be kept confidential under other provisions of

law or Government regulations. (Rule XXVI, Sec. 5(b), Standing Rules of the Senate.)

Notwithstanding the foregoing, whenever disorder arises during a Committee or Subcommittee meeting that is open to the public, or any demonstration of approval or disapproval is indulged in by any person in attendance at any such meeting, it shall be the duty of the Chairman to enforce order on his or her own initiative and without any point of order being made by a Member of the Committee or Subcommittee; provided, further, that when the Chairman finds it necessary to maintain order, he/she shall have the power to clear the room, and the Committee or Subcommittee may act in closed session for so long as there is doubt of the assurance of order. (Rule XXVI, Sec. (d), Standing Rules of the Senate.)

E. Prior notice of first degree amendments. It shall not be in order for the Committee, or a Subcommittee thereof, to consider any amendment in the first degree proposed to any measure under consideration by the Committee or Subcommittee unless a written copy of such amendment has been delivered to each Member of the Committee or Subcommittee, as the case may be, and to the office of the Committee or Subcommittee, at least 24 hours before the meeting of the Committee or Subcommittee at which the amendment is to be proposed. The written copy of amendments in the first degree required by this Rule may be provided by electronic mail. This subsection may be waived by a majority of the Members present. This subsection shall apply only when at least 72 hours written notice of a session to mark-up a measure is provided to the Committee or Subcommittee.

F. Meeting transcript. The Committee or Subcommittee shall prepare and keep a complete transcript or electronic recording adequate to fully record the proceeding of each meeting whether or not such meeting or any part thereof is closed to the public, unless a majority of the Committee or Subcommittee Members vote to forgo such a record. (Rule XXVI, Sec. 5(e), Standing Rules of the Senate.)

RULE 2. QUORUMS

A. Reporting measures and matters. A majority of the Members of the Committee shall constitute a quorum for reporting to the Senate any measures, matters or recommendations. (Rule XXVI, Sec. 7(a)(1), Standing Rules of the Senate.)

B. Transaction of routine business. One-third of the membership of the Committee shall constitute a quorum for the transaction of routine business, provided that one Member of the Minority is present. For the purpose of this paragraph, the term "routine business" includes the convening of a meeting and the consideration of any business of the Committee other than reporting to the Senate any measures, matters or recommendations. (Rule XXVI, Sec. 7(a)(1), Standing Rules of the Senate.)

C. Taking testimony. One Member of the Committee shall constitute a quorum for taking sworn or unsworn testimony. (Rule XXVI, Sec. 7(a)(2) and 7(c)(2), Standing Rules of the Senate.)

D. Subcommittee quorums. Subject to the provisions of sections 7(a)(1) and (2) of Rule XXVI of the Standing Rules of the Senate, the Subcommittees of this Committee are authorized to establish their own quorums for the transaction of business and the taking of sworn testimony.

E. Proxies prohibited in establishment of quorum. Proxies shall not be considered for the establishment of a quorum.

RULE 3. VOTING

A. Quorum required. Subject to the provisions of subsection (E), no vote may be taken by the Committee, or any Subcommittee thereof, on any measure or matter unless a quorum, as prescribed in the preceding section, is actually present.

B. Reporting measures and matters. No measure, matter or recommendation shall be reported from the Committee unless a majority of the Committee Members are actually present, and the vote of the Committee to report a measure or matter shall require the concurrence of a majority of those Members who are actually present at the time the vote is taken. (Rule XXVI, Sec. 7(a)(1) and (3), Standing Rules of the Senate.)

C. Proxy voting. Proxy voting shall be allowed on all measures and matters before the Committee, or any Subcommittee thereof, except that, when the Committee, or any Subcommittee thereof, is voting to report a measure or matter, proxy votes shall be allowed solely for the purposes of recording a Member's position on the pending question. Proxy voting shall be allowed only if the absent Committee or Subcommittee Member has been informed of the matter on which he or she is being recorded and has affirmatively requested that he or she be so recorded. All proxies shall be filed with the chief clerk of the Committee or Subcommittee thereof, as the case may be. All proxies shall be in writing and shall contain sufficient reference to the pending matter as is necessary to identify it and to inform the Committee or Subcommittee as to how the Member establishes his or her vote to be recorded thereon. (Rule XXVI, Sec. 7(a)(3) and 7(c)(1), Standing Rules of the Senate.)

D. Announcement of vote. (1) Whenever the Committee by roll call vote reports any measure or matter, the report of the Committee upon such a measure or matter shall include a tabulation of the votes cast in favor of and the votes cast in opposition to such measure or matter by each Member of the Committee. (Rule XXVI, Sec. 7(c), Standing Rules of the Senate.)

(2) Whenever the Committee by roll call vote acts upon any measure or amendment thereto, other than reporting a measure or matter, the results thereof shall be announced in the Committee report on that measure unless previously announced by the Committee, and such announcement shall include a tabulation of the votes cast in favor of and the votes cast in opposition to each such measure and amendment thereto by each Member of the Committee who was present at the meeting. (Rule XXVI, Sec. 7(b), Standing Rules of the Senate.)

(3) In any case in which a roll call vote is announced, the tabulation of votes shall state separately the proxy vote recorded in favor of and in opposition to that measure, amendment thereto, or matter. (Rule XXVI, Sec. 7(b) and (c), Standing Rules of the Senate.)

E. Polling. (1) The Committee, or any Subcommittee thereof, may poll (a) internal Committee or Subcommittee matters including the Committee's or Subcommittee's staff, records and budget; (b) steps in an investigation, including issuance of subpoenas, applications for immunity orders, and requests for documents from agencies; and (c) other Committee or Subcommittee business other than a vote on reporting to the Senate any measures, matters or recommendations or a vote on closing a meeting or hearing to the public.

(2) Only the Chairman, or a Committee Member or staff officer designated by him/her, may undertake any poll of the Members of the Committee. If any Member requests, any matter to be polled shall be held for meeting rather than being polled. The chief clerk of the Committee shall keep a record of polls; if a majority of the Members of the Committee determine that the polled matter is in one of the areas enumerated in subsection (D) of Rule 1, the record of the poll shall be confidential. Any Committee Member may move at the Committee meeting following the poll for a vote on the polled decision, such motion and vote to be subject to the provisions of subsection (D) of Rule 1, where applicable.

RULE 4. CHAIRMANSHIP OF MEETINGS AND HEARINGS

The Chairman shall preside at all Committee meetings and hearings except that he or she shall designate a temporary Chairman to act in his or her place if he or she is unable to be present at a scheduled meeting or hearing. If the Chairman (or his or her designee) is absent 10 minutes after the scheduled time set for a meeting or hearing, the Ranking Majority Member present shall preside until the Chairman's arrival. If there is no Member of the Majority present, the Ranking Minority Member present, with the prior approval of the Chairman, may open and conduct the meeting or hearing until such time as a Member of the Majority arrives.

RULE 5. HEARINGS AND HEARING PROCEDURES

A. Announcement of hearings. The Committee, or any Subcommittee thereof, shall make public announcement of the date, time, and subject matter of any hearing to be conducted on any measure or matter at least 1 week in advance of such hearing, unless the Committee, or Subcommittee, determines that there is good cause to begin such hearing at an earlier date. (Rule XXVI, Sec. 4(a), Standing Rules of the Senate.)

B. Open hearings. Each hearing conducted by the Committee, or any Subcommittee thereof, shall be open to the public, except that a hearing or series of hearings on the same subject for a period of no more than 14 calendar days may be closed to the public on a motion made and seconded to go into closed session to discuss only whether the matters enumerated in clauses (1) through (6) below would require the hearing to be closed, followed immediately by a record vote in open session by a majority of the Committee or Subcommittee Members when it is determined that the matters to be discussed or the testimony to be taken at such hearing or hearings—

(1) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of foreign relations of the United States;

(2) will relate solely to matters of Committee or Subcommittee staff personnel or internal staff management or procedure;

(3) will tend to charge an individual with crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise expose an individual to public contempt or obloquy or will represent a clearly unwarranted invasion of the privacy of an individual;

(4) will disclose the identity of an informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement;

(5) will disclose information relating to the trade secrets of financial or commercial information pertaining specifically to a given person if—

(A) an Act of Congress requires the information to be kept confidential by Government officers and employees; or

(B) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person; or (6) may divulge matters required to be kept confidential under other provisions of law or Government regulations. (Rule XXVI, Sec. 5(b), Standing Rules of the Senate.)

Notwithstanding the foregoing, whenever disorder arises during a Committee or Subcommittee meeting that is open to the public, or any demonstration of approval or disapproval is indulged in by any person in attendance at any such meeting, it shall be the duty of the Chairman to enforce order on his or her own initiative and without any point of order being made by a Member of the Committee or Subcommittee; provided, further, that when the Chairman finds it necessary to maintain order, he or she shall have the power to clear the room, and the Committee or Subcommittee may act in closed session for so long as there is doubt of the assurance of order. (Rule XXVI, Sec. 5(d), Standing Rules of the Senate.)

C. Full Committee subpoenas. The Chairman, with the approval of the Ranking Minority Member of the Committee, is authorized to subpoena the attendance of witnesses or the production of memoranda, documents, records, or any other materials at a hearing or deposition, provided that the Chairman may subpoena attendance or production without the approval of the Ranking Minority Member where the Chairman or a staff officer designated by him/her has not received notification from the Ranking Minority Member or a staff officer designated by him/her of disapproval of the subpoena within 72 hours, excluding Saturdays and Sundays, of being notified of the subpoena. If a subpoena is disapproved by the Ranking Minority Member as provided in this subsection, the subpoena may be authorized by vote of the Members of the Committee. When the Committee or Chairman authorizes subpoenas, subpoenas may be issued upon the signature of the Chairman or any other Member of the Committee designated by the Chairman.

D. Witness counsel. Counsel retained by any witness and accompanying such witness shall be permitted to be present during the testimony of such witness at any public or executive hearing or deposition to advise such witness while he or she is testifying, of his or her legal rights; provided, however, that in the case of any witness who is an officer or employee of the government, or of a corporation or association, the Committee Chairman may rule that representation by counsel from the government, corporation, or association or by counsel representing other witnesses, creates a conflict of interest, and that the witness may only be represented during interrogation by staff or during testimony before the Committee by personal counsel not from the government, corporation, or association or by personal counsel not representing other witnesses. This subsection shall not be construed to excuse a witness from testifying in the event his or her counsel is ejected for conducting himself or herself in such manner so as to prevent, impede, disrupt, obstruct or interfere with the orderly administration of the hearings; nor shall this subsection be construed as authorizing counsel to coach the witness or answer for the witness. The failure of any witness to secure counsel shall not excuse such witness from complying with a subpoena or deposition notice.

Witness transcripts. An accurate electronic or stenographic record shall be kept of the testimony of all witnesses in executive and public hearings. The record of his or her testimony whether in public or executive session hall be made available for inspection by the witness or his or her counsel under Committee supervision; a copy of any testimony given in public session or that part of the testimony given by the witness in executive session and subsequently quoted or made part of the record in a public session shall be provided to any witness at his or her expense if he or she so requests. Upon inspecting his or her transcript, within a time limit set by the chief clerk of the Committee, a witness may request changes in the transcript to correct errors of transcription and grammatical errors; the Chairman or a staff officer designated by him/her shall rule on such requests.

F. Impugned persons. Any person whose name is mentioned or is specifically identified, and who believes that evidence presented, or comment made by a Member of the Committee or staff officer, at a public hearing or at a closed hearing concerning which there have been public reports, tends to impugn his or her character or adversely affect his or her reputation may:

(a) File a sworn statement of facts relevant to the evidence or comment, which statement shall be considered for placement in the hearing record by the Committee;

(b) Request the opportunity to appear personally before the Committee to testify in his or her own behalf, which request shall be considered by the Committee; and

(c) Submit questions in writing which he or she requests be used for the cross-examination of other witnesses called by the Committee, which questions shall be considered for use by the Committee.

G. Radio, television, and photography. The Committee, or any Subcommittee thereof, may permit the proceedings of hearings which are open to the public to be photographed and broadcast by radio, television or both, subject to such conditions as the Committee, or Subcommittee, may impose. (Rule XXVI, Sec. 5(c), Standing Rules of the Senate.)

H. Advance statements of witnesses. A witness appearing before the Committee, or any Subcommittee thereof, shall provide 100 copies of a written statement and an executive summary or synopsis of his or her proposed testimony at least 48 hours prior to his or her appearance. This requirement may be waived by the Chairman and the Ranking Minority Member following their determination that there is good cause for failure of compliance. (Rule XXVI, Sec. 4(b), Standing Rules of the Senate.)

I. Minority witnesses. In any hearings conducted by the Committee, or any Subcommittee thereof, the Minority Members of the Committee or Subcommittee shall be entitled, upon request to the Chairman by a majority of the Minority Members, to call witnesses of their selection during at least 1 day of such hearings. (Rule XXVI, Sec. 4(d), Standing Rules of the Senate.)

J. Full Committee depositions. Depositions may be taken prior to or after a earing as provided in this subsection.

(1) Notices for the taking of depositions shall be authorized and issued by the Chairman, with the approval of the Ranking Minority Member of the Committee, provided that the Chairman may initiate depositions without the approval of the Ranking Minority Member where the Chairman or a staff officer designated by him/her has not received notification from the Ranking Minority Member or a staff officer designated by him/her of disapproval of the deposition within 72 hours, excluding Saturdays and Sundays, of being notified of the deposition notice. If a deposition notice is disapproved by the Ranking Minority Member as provided in this subsection, the deposition notice may be authorized by a vote of the Members of the Committee. Committee deposition notices shall specify a time and place for examination, and the name of the Committee Member or Members or staff officer or officers who will take the deposition. Unless otherwise specified, the deposition shall be in private. The Committee shall not initiate procedures leading to criminal or civil enforcement proceedings for a witness's failure to appear or produce unless the deposition notice was accompanied by a Committee subpoena.

(2) Witnesses may be accompanied at a deposition by counsel to advise them of their legal rights, subject to the provisions of Rule 5D.

(3) Oaths at depositions may be administered by an individual authorized by local law to administer oaths. Questions shall be propounded orally by Committee Member or Members or staff. If a witness objects to a question and refuses to testify, the objection shall be noted for the record and the Committee Member or Members or staff may proceed with the remainder of the deposition.

(4) The Committee shall see that the testimony is transcribed or electronically recorded (which may include audio or audio/video recordings). If it is transcribed, the transcript shall be made available for inspection by the witness or his or her counsel under Committee supervision. The witness shall sign a copy of the transcript and may request changes to it, which shall be handled in accordance with the procedure set forth in subsection (E). If the witness fails to sign a copy, the staff shall note that fact on the transcript. The individual administering the oath shall certify on the transcript that the witness was duly sworn in his or her presence, the transcriber shall certify that the transcript is a true record of the testimony, and the transcript shall then be filed with the chief clerk of the committee. The Chairman or a staff officer designated by him/her may stipulate with the witness to changes in the procedure; deviations from this procedure which do not substantially impair the reliability of the record shall not relieve the witness from his or her obligation to testify truthfully.

RULE 6. COMMITTEE REPORTING PROCEDURES

A. Timely filing. When the Committee has ordered a measure or matter reported, following final action, the report thereon shall be filed in the Senate at the earliest practicable time. (Rule XXVI, Sec. 10(b), Standing Rules of the Senate.)

B. Supplemental, Minority, and additional views. A Member of the Committee who gives notice of his or her intention to file supplemental, Minority or additional views at the time of final Committee approval of a measure or matter, shall be entitled to not less than 3 calendar days in which to file such views, in writing, with the chief clerk of the Committee. Such views shall then be included in the Committee report and printed in the same volume, as a part thereof, and their inclusion shall be noted on the cover of the report. In the absence of timely notice, the Committee report may be filed and printed immediately without such views. (Rule XXVI, Sec. 10(c), Standing Rules of the Senate.)

C. Notice by Subcommittee Chairmen. The Chairman of each Subcommittee shall notify the Chairman in writing whenever any measure has been ordered reported by such Subcommittee and is ready for consideration by the full Committee.

D. Draft reports of Subcommittees. All draft reports prepared by Subcommittees of this Committee on any measure or matter referred to it by the Chairman, shall be in the form, style, and arrangement required to conform to the applicable provisions of the Standing Rules of the Senate, and shall be in accordance with the established practices followed by the Committee. Upon completion of such draft reports, copies thereof shall be filed with the chief clerk of the Committee at the earliest practicable time.

E. Impact statements in reports. All Committee reports, accompanying a bill or joint resolution of a public character reported by the Committee, shall contain (1) an estimate, made by the Committee, of the costs which would be incurred in carrying out the legislation for the then current fiscal year and for each of the next 5 years thereafter (or for the authorized duration of the proposed legislation, if less than 5 years); and (2) a comparison of such cost estimates with any made by a Federal agency; or (3) in lieu of such estimate or comparison, or both, a statement of the reasons for failure by the Committee to comply with these requirements as impracticable, in the event of inability to comply therewith. (Rule XXVI, Sec. 11(a), Standing Rules of the Senate.)

Each such report shall also contain an evaluation, made by the Committee, of the regulatory impact which would be incurred in carrying out the bill or joint resolution. The evaluation shall include (a) an estimate of the numbers of individuals and businesses who would be regulated and a determination of the groups and classes of such individuals and businesses, (b) a determination of the economic impact of such regulation on the individuals, consumers, and businesses affected, (c) a determination of the impact on the personal privacy of the individuals affected, and (d) a determination of the amount of paperwork that will result from the regulations to be promulgated pursuant to the bill or joint resolution, which determination may include, but need not be limited to, estimates of the amount of time and financial costs required of affected parties, showing whether the effects of the bill or joint resolution could be substantial, as well as reasonable estimates of the recordkeeping requirements that may be associated with the bill or joint resolution. Or, in lieu of the forgoing evaluation, the report shall include a statement of the reasons for failure by the Committee to comply with these requirements as impracticable, in the event of inability to comply therewith. (Rule XXVI, Sec. 11(b), Standing Rules of the Senate.)

RULE 7. SUBCOMMITTEES AND SUBCOMMITTEE PROCEDURES

A. Regularly established Subcommittees. The Committee shall have three regularly established Subcommittees. The Subcommittees are as follows:

Permanent Subcommittee on Investigations;

Oversight of Government Management, the Federal Workforce, and the District of Columbia;

Financial Management, Government Information, Federal Services, and International Security.

B. Ad hoc Subcommittees. Following consultation with the Ranking Minority Member, the Chairman shall, from time to time, establish such ad hoc Subcommittees as he/she deems necessary to expedite Committee business.

C. Subcommittee membership. Following consultation with the Majority Members, and the Ranking Minority Member of the Committee, the Chairman shall announce selections for membership on the Subcommittees referred to in paragraphs A and B, above.

D. Subcommittee meetings and hearings. Each Subcommittee of this Committee is authorized to establish meeting dates and adopt rules not inconsistent with the rules of the Committee except as provided in Rules 2(D) and 7(E).

E. Subcommittee subpoenas. Each Subcommittee is authorized to adopt rules concerning subpoenas which need not be consistent with the rules of the Committee; provided, however, that in the event the Subcommittee authorizes the issuance of a subpoena pursuant to its own rules, a written notice of intent to issue the subpoena shall be provided to the Chairman and Ranking Minority Member of the Committee, or staff officers designated by them, by the Subcommittee Chairman or a staff officer designated by him/her immediately upon such authorization, and no subpoena shall be issued for at least 48 hours, excluding Saturdays and Sundays, from delivery to the appropriate offices, unless the Chairman and Ranking Minority Member waive the 48-hour waiting period or unless the Subcommittee Chairman certifies in writing to the Chairman and Ranking Minority Member that, in his or her opinion, it is necessary to issue a subpoena immediately.

F. Subcommittee budgets. During the first year of a new Congress, each Subcommittee that requires authorization for the expenditure of funds for the conduct of inquiries and investigations, shall file with the chief clerk of the Committee, by a date and time prescribed by the Chairman, its request for funds for the two (2) 12-month periods beginning on March 1 and extending through and including the last day of February of the 2 following years, which years comprise that Congress. Each such request shall be submitted on the budget form prescribed by the Committee on Rules and Administration, and shall be accompanied by a written justification addressed to the Chairman of the Committee, which shall include (1) a statement of the Subcommittee's area of activities, (2) its accomplishments during the preceding Congress detailed year by year, and (3) a table showing a comparison between (a) the funds authorized for expenditure during the preceding Congress detailed year by year, (b) the funds actually expended during that Congress detailed year by year, (c) the amount requested for each year of the Congress, and (d) the number of professional and clerical staff members and consultants employed by the Subcommittee during the preceding Congress detailed year by year and the number of such personnel requested for each year of the Congress. The Chairman may request additional reports from the Subcommittees regarding their activities and budgets at any time during a Congress. (Rule XXVI, Sec. 9, Standing Rules of the Senate.)

RULE 8. CONFIRMATION STANDARDS AND PROCEDURES

A. Standards. In considering a nomination, the Committee shall inquire into the nominee's experience, qualifications, suitability, and integrity to serve in the position to which he or she has been nominated. The Committee shall recommend confirmation, upon finding that the nominee has the necessary integrity and is affirmatively qualified by reason of training, education, or experience to carry out the functions of the office to which he or she was nominated.

B. Information concerning the Nominee. Each nominee shall submit the following information to the Committee:

(1) A detailed biographical resume which contains information relating to education, employment, and achievements;

(2) Financial information, in such specificity as the Committee deems necessary, including a list of assets and liabilities of the nominee and tax returns for the 3 years preceding the time of his or her nomination, and copies of other relevant documents requested by the Committee, such as a proposed blind trust agreement, necessary for the Committee's consideration; and,

(3) Copies of other relevant documents the Committee may request, such as responses to questions concerning the policies and programs the nominee intends to pursue upon taking office. At the request of the Chairman or the Ranking Minority Member, a nominee shall be required to submit a certified financial statement compiled by an independent auditor. Information received pursuant to this subsection shall be made available for public inspection; provided, however, that tax returns shall, after review by persons designated in subsection (C) of this rule, be placed under seal to ensure confidentiality.

C. Procedures for Committee inquiry. The Committee shall conduct an inquiry into the experience, qualifications, suitability, and integrity of nominees, and shall give particular attention to the following matters:

(1) A review of the biographical information provided by the nominee, including, but not limited to, any professional activities related to the duties of the office to which he or she is nominated;

(2) A review of the financial information provided by the nominee, including tax returns for the 3 years preceding the time of his or her nomination;

(3) A review of any actions, taken or proposed by the nominee, to remedy conflicts of interest; and

(4) A review of any personal or legal matter which may bear upon the nominee's qualifications for the office to which he or she is nominated. For the purpose of assisting the Committee in the conduct of this inquiry, a Majority investigator or investigators shall be designated by the Chairman and a Minority investigator or investigators shall be designated by the Ranking Minority Member. The Chairman, Ranking Minority Member, other Members of the Committee, and designated investigators shall have access to all investigative reports on nominees prepared by any Federal agency, except that only the Chairman, the Ranking Minority Member, or other Members of the Committee, upon request, shall have access to the report of the Federal Bureau of Investigation. The Committee may request the assistance of the General Accounting Office and any other such expert opinion as may be necessary in conducting its review of information provided by nominees.

D. Report on the Nominee. After a review of all information pertinent to the nomination, a confidential report on the nominee shall be made in the case of judicial nominees and may be made in the case of non-judicial nominees by the designated investigators to the Chairman and the Ranking Minority Member and, upon request, to any other Member of the Committee. The report shall summarize the steps taken by the Committee during its investigation of the nominee and the results of the Committee inquiry, including any unresolved matters that have been raised during the course of the inquiry.

E. Hearings. The Committee shall conduct a public hearing during which the nominee shall be called to testify under oath on all matters relating to his or her suitability for office, including the policies and programs which he or she will pursue while in that position. No hearing shall be held until at least 72 hours after the following events have occurred: The nominee has responded to prehearing questions submitted by the Committee; and, if applicable, the report described in subsection (D) has been made to the Chairman and Ranking Minority Member, and is available to other Members of the Committee, upon request.

F. Action on confirmation. A mark-up on a nomination shall not occur on the same day that the hearing on the nominee is held. In order to assist the Committee in reaching a recommendation on confirmation, the staff may make an oral presentation to the Committee at the mark-up, factually summarizing the nominee's background and the steps taken during the pre-hearing inquiry.

G. Application. The procedures contained in subsections (C), (D), (E), and (F) of this rule shall apply to persons nominated by the President to positions requiring their full-time service. At the discretion of the Chairman and Ranking Minority Member, those procedures may apply to persons nominated by the President to serve on a part-time basis.

RULE 9. PERSONNEL ACTIONS AFFECTING COMMITTEE STAFF

In accordance with Rule XLII of the Standing Rules of the Senate and the Congressional Accountability Act of 1995 (P.L. 104-1), all personnel actions affecting the staff of the Committee shall be made free from any discrimination based on race, color, religion, sex, national origin, age, state of physical handicap, or disability.

ADDITIONAL STATEMENTS

TRIBUTE TO MADELEINE COOPER TAYLOR

• Mr. BIDEN. Mr. President, today I wish to publicly congratulate Ms. Madeleine Cooper Taylor on her recent appointment as a member of the city council of Memphis, TN. Last Tuesday, she was appointed unanimously by the council to serve the remaining term of council member TaJuan Stout Mitchell.

Ms. Taylor has worked as a program coordinator for the Memphis branch of the NAACP since 1991 and is a lifelong Memphian.

Now, I am not normally in the habit of coming to the Senate floor to congratulate a new city council member, especially one who is not from my home State of Delaware. But this is no normal circumstance. Madeleine Cooper Taylor is the mother of Reagan Taylor, an attorney and presidential management fellow whom I have been fortunate enough to have on my staff for the past 6 months.

During her rotation on my Judiciary Committee staff, Reagan has made an invaluable contribution to legal and drug policy for our country. Thanks to her efforts, we have succeeded in reauthorizing the Office of National Drug Control Policy, and our fight against the scourge of methamphetamine has been bolstered. And even though she is scheduled to rotate out of my office at the end of this month, as we speak she is hard at work improving security for our State and local courts and better utilizing DNA as a powerful tool in solving horrendous crimes.

While Reagan tirelessly works to make our communities safer through her efforts on the Subcommittee on Crime and Drugs, Councilwoman Taylor stated in one of her first public statements after her appointment that she is concerned about crime in her community. As the old saying goes, the apple does not fall far from the tree.

It has been my pleasure to have Reagan Taylor on my staff over these past months, and it is my distinct honor to congratulate Madeleine Cooper Taylor on her new public office. I wish them both the best of luck in their future endeavors.•

LIEUTENANT COLONEL DAVID MEUNIER

• Mr. HAGEL. Mr. President, I rise to honor David Russell Meunier of Bellevue, NE.

David Russell Meunier was born in Peshtigo, WI, on December 13, 1940, and passed away on November 22, 2006, in Rochester, MN. Lieutenant Colonel Meunier served his country as an officer in the Strategic Air Command of the U.S. Air Force. He was a highly decorated officer and veteran of the Vietnam war. At Offutt Air Force Base in Bellevue, Lieutenant Colonel Meunier served as a battle staff intelligence chief. He retired from the Air Force on January 23, 1989.

Lieutenant Colonel Meunier leaves behind his wife Constance Bennet Muenier; sisters Patricia Jeske, Diane Hazlewood, and her husband Thomas; brothers, Gary and his wife Sally, and Paul and his wife Patricia. Our thoughts and prayers are with all of them at this difficult time. America is proud of Lieutenant Colonel Meunier and mourns his loss.

For his service, bravery, and commitment to our country, I ask my colleagues to join me and all Americans in honoring LTC David Russell Meunier.•

RECOGNIZING MURPHY OIL CORPORATION

• Mr. PRYOR. Mr. President, it is with great pleasure that I commend an outstanding Arkansas company for a truly amazing gift. Murphy Oil Corporation, an El Dorado, AR, based company, has always been a national leader in philanthropy by providing substantial donations for many very worthwhile causes, especially education. Murphy Oil's recent announcement to establish the El Dorado Promise may be one of the most significant and groundbreaking gifts of any business to any group of people in recent years.

El Dorado Promise is an extraordinary scholarship program. The Promise will provide the opportunity for every graduate of El Dorado High School to pursue higher education by granting a scholarship to these students to be used at community colleges or public universities around the country. This scholarship will cover tuition and other expenses for many of these students for up to 5 years. The leadership at Murphy Oil has shown that they truly understand that in order to adequately prepare for the future we must make significant investments in the children of today. This gift represents that significant investment.

I would like to congratulate the students, families, teachers, and community of El Dorado, AR. This is a wonderful gift that you truly deserve, and I am excited for the tremendous prospects it will create for you.

I also want to take this opportunity to commend the actions of Claiborne Deming, president and CEO of Murphy Oil. A great business leader known for his strong support of education, Mr. Deming has served on the Arkansas Board of Education, helped found the Arkansans for Education Reform Foundation, is president of the El Dorado Education Foundation, and continues to be a strong catalyst for investment in education. I have no doubt he was instrumental in providing these students and families the ability to fulfill their ambitions.

Finally, I would like to personally thank Murphy Oil Corporation, Mr. Claiborne Deming, and members of the Murphy family for their unwavering support of El Dorado, the State of Arkansas, and the education system. There is no doubt the gift of the El Dorado Promise will better many lives and shape the future of Arkansas and the country in a brighter way.•

MESSAGES FROM THE HOUSE

At 1:45 p.m., a message from the House of Representatives, delivered by Mr. Hayes, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 323. An act to amend section 5313 of title 31, United States Code, to reform certain requirements for reporting cash transactions, and for other purposes.

H.R. 392. An act to provide for a circulating quarter dollar coin program to honor the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands, and for other purposes.

H.R. 476. An act to amend title 5, United States Code, to make noncreditable for Federal retirement purposes any Member service performed by an individual who is convicted of any of certain offenses committed by that individual while serving as a Member of Congress, and for other purposes.

H.R. 599. An act to direct the Secretary of Homeland Security to streamline the SAFETY Act and anti-terrorism technology procurement processes.

The message also announced that pursuant to sections 5580 and 5581 of the revised statutes (20 U.S.C. 42–43), and the order of the House of January 4, 2007, the Speaker appoints the following Members of the House of Representatives to the Board of Regents of the Smithsonian Institution: Mr. BECERRA of California and Ms. MATSUI of California.

The message further announced that pursuant to sections 5580 and 5581 of the revised statutes (20 U.S.C. 42–43), and the order of the House of January 4, 2007, the Speaker appoints the following Member of the House of Representatives to the Board of Regents of the Smithsonian Institution: Mr. SAM JOHNSON of Texas.

ENROLLED BILL SIGNED

At 4:54 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 475. An act to revise the composition of the House of Representatives Page Board to equalize the number of members representing the majority and minority parties and to include a member representing the parents of pages and a member representing former pages, and for other purposes.

The enrolled bill was subsequently signed by the President pro tempore (Mr. BYRD).

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 323. An act to amend section 5313 of title 31, United States Code, to reform certain requirements for reporting cash transactions, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 392. An act to provide for a circulating quarter dollar coin program to honor the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 476. An act to amend title 5, United States Code, to make noncreditable for Federal retirement purposes any Member service performed by an individual who is convicted of any of certain offenses committed by that individual while serving as a Member of Congress, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 599. An act to direct the Secretary of Homeland Security to streamline the SAFETY Act and anti-terrorism technology procurement processes; to the Committee on Homeland Security and Governmental Affairs.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–442. A communication from the Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, a report relative to the Department's task and delivery order contracts during fiscal year 2006; to the Committee on Armed Services.

EC–443. A communication from the Deputy Secretary, Division of Corporation Finance, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Internet Availability of Proxy Materials" (RIN3235–AJ47) received on January 23, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–444. A communication from the General Counsel, Office of Justice Programs, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Grants for Correctional Facilities" (RIN1121–AA41) received on January 23, 2007; to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ROCKEFELLER, from the Select Committee on Intelligence, without amendment:

S. 372. An original bill to authorize appropriations for fiscal year 2007 for the intelligence and intelligence-related activities of the United States Government, the Intelligence Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes (Rept. No. 110–2).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, without amendment:

S. Res. 38. An original resolution authorizing expenditures by the Committee on Energy and Natural Resources.

By Mr. BIDEN, from the Committee on Foreign Relations, with an amendment and with a preamble:

S. Con. Res. 2. A concurrent resolution expressing the bipartisan resolution on Iraq.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. LEVIN for the Committee on Armed Services.

Army nomination of Lt. Gen. David H. Petraeus to be General.

Army nomination of Lt. Gen. H. Steven Blum to be Lieutenant General.

Army nomination of Lt. Gen. Karl W. Eikenberry to be Lieutenant General.

Army nomination of Brig. Gen. George J. Smith to be Major General.

Marine Corps nominations beginning with Brig. Gen. Eugene G. Payne, Jr. and ending with Brig. Gen. Douglas M. Stone, which nominations were received by the Senate and appeared in the Congressional Record on January 11, 2007.

Mr. LEVIN. Mr. President, for the Committee on Armed Services I report favorably the following nomination lists which were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

Air Force nomination of Wally G. Vaughn to be Colonel.

Air Force nomination of James E. Powell to be Colonel.

Air Force nomination of Jean M. Eagleton to be Lieutenant Colonel.

Air Force nomination of Jeffrey R. Colpitts to be Lieutenant Colonel.

Air Force nominations beginning with Gayanne Devry and ending with Neil R. Whittaker, which nominations were received by the Senate and appeared in the Congressional Record on January 10, 2007.

Air Force nomination of Laura S. Barchick to be Major.

Air Force nominations beginning with Paul T. Cory and ending with Rod L. Valentine, which nominations were received by the Senate and appeared in the Congressional Record on January 11, 2007.

Air Force nominations beginning with Beatrice Y. Brewington and ending with Deirdre M. Mccullough, which nominations were received by the Senate and appeared in the Congressional Record on January 11, 2007.

Air Force nomination of Anthony M. Durso to be Major.

Air Force nomination of William L. Tomson to be Lieutenant Colonel.

Air Force nominations beginning with Steven H. Helm and ending with Donald C. Tigchelaar, which nominations were received by the Senate and appeared in the Congressional Record on January 11, 2007.

Air Force nominations beginning with Robert E. Dunn and ending with Walter L. Smith, which nominations were received by the Senate and appeared in the Congressional Record on January 11, 2007.

Air Force nominations beginning with Ricardo E. Alivillar and ending with Mehdy Zarandy, which nominations were received by the Senate and appeared in the Congressional Record on January 11, 2007.

Air Force nominations beginning with Robert R. Baptist and ending with Christopher H. Wilkin, which nominations were received by the Senate and appeared in the Congressional Record on January 11, 2007.

Air Force nominations beginning with Robin Mark Adam and ending with Randall J. Zak, which nominations were received by the Senate and appeared in the Congressional Record on January 11, 2007.

Air Force nominations beginning with Sharon A. Andrews and ending with Donna M. F. Woike, which nominations were received by the Senate and appeared in the Congressional Record on January 11, 2007.

Air Force nominations beginning with Michael P. Adler and ending with Bert A. Silich, which nominations were received by the Senate and appeared in the Congressional Record on January 11, 2007.

Air Force nominations beginning with Mark Hugh Alexander and ending with Margaret D. Weatherman, which nominations were received by the Senate and appeared in the Congressional Record on January 11, 2007.

Air Force nominations beginning with Luisa Yvette Charbonneau and ending with Seferino S. Silva, Jr., which nominations were received by the Senate and appeared in the Congressional Record on January 11, 2007.

Air Force nominations beginning with Maiya D. Anderson and ending with Jeffrey L. Wisneski, which nominations were received by the Senate and appeared in the Congressional Record on January 11, 2007.

Air Force nominations beginning with Christine Lynn Barber and ending with Chung H. Yen, which nominations were received by the Senate and appeared in the Congressional Record on January 11, 2007.

Army nominations beginning with Stephen D. Hogan and ending with Phillip H. Williams, which nominations were received by the Senate and appeared in the Congressional Record on January 10, 2007.

Army nomination of Laurence W. Gebler to be Colonel.

Army nomination of John E. Markham to be Colonel.

Army nominations beginning with Ariel P. Abuel and ending with Scott C. Sheltz, which nominations were received by the Senate and appeared in the Congressional Record on January 10, 2007.

Army nomination of David W. Laflam to be Lieutenant Colonel.

Army nomination of Thomas P. Flynn to be Lieutenant Colonel.

Army nomination of Earl W. Shaffer to be Colonel.

Army nomination of Orsure W. Stokes to be Colonel.

Army nomination of Alvis Dunson to be Lieutenant Colonel.

Army nominations beginning with Jeffrey W. Weiser and ending with Leonard J. Grado, which nominations were received by the Senate and appeared in the Congressional Record on January 10, 2007.

Army nominations beginning with Kurt G. Bullington and ending with Jason M. Cates, which nominations were received by the Senate and appeared in the Congressional Record on January 10, 2007.

Army nominations beginning with Alton J. Luder, Jr. and ending with Douglas J. Mouton, which nominations were received by the Senate and appeared in the Congressional Record on January 10, 2007.

Army nomination of Gary L. Brewer to be Colonel.

Army nominations beginning with Michael J. Finger and ending with Robert T. Ruiz, which nominations were received by the Senate and appeared in the Congressional Record on January 10, 2007.

Army nomination of Philip Sundquist to be Major.

Army nominations beginning with Carrie G. Benton and ending with Carol A. Macgregordebarba, which nominations were received by the Senate and appeared in the Congressional Record on January 10, 2007.

Army nomination of Marivel Velazquezcrespo to be Major.

Army nominations beginning with Grace Northup and ending with Mary L. Sprague, which nominations were received by the Senate and appeared in the Congressional Record on January 10, 2007.

Army nominations beginning with Francis M. Belue and ending with Carl S. Young, Jr., which nominations were received by the Senate and appeared in the Congressional Record on January 10, 2007.

Army nominations beginning with James W. Adams and ending with X0393, which nominations were received by the Senate and appeared in the Congressional Record on January 10, 2007.

Army nominations beginning with Edward E. Agee, Jr. and ending with Cedric T. Wins, which nominations were received by the Senate and appeared in the Congressional Record on January 10, 2007.

Army nominations beginning with Timothy K. Buennemeyer and ending with D060262, which nominations were received by the Senate and appeared in the Congressional Record on January 10, 2007.

Army nominations beginning with Philip K. Abbott and ending with Jeffrey S. Wiltse, which nominations were received by the Senate and appeared in the Congressional Record on January 10, 2007.

Army nominations beginning with Cheryl E. Boone and ending with Francisco A. Vila, which nominations were received by the Senate and appeared in the Congressional Record on January 10, 2007.

Army nomination of Thomas F. King to be Lieutenant Colonel.

Army nomination of Mary P. Whitney to be Major.

Army nominations beginning with James W. Haliday and ending with Dimitry Y. Tsvetov, which nominations were received by the Senate and appeared in the Congressional Record on January 11, 2007.

Marine Corps nominations beginning with James D. Barich and ending with Gordon B. Overy, Jr., which nominations were received by the Senate and appeared in the Congressional Record on January 16, 2007.

Navy nomination of Timothy M. Greene to be Captain.

Navy nominations beginning with David J. Adams and ending with Chimi I. Zacot, which nominations were received by the Senate and appeared in the Congressional Record on January 10, 2007.

Navy nomination of Donald S. Hudson to be Commander.

Navy nomination of Jeffrey N. Saville to be Commander.

Navy nomination of Steven M. Dematteo to be Lieutenant Commander.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. MARTINEZ (for himself and Mr. SESSIONS):

S. 371. A bill to amend the Fair Labor Standards Act of 1938 to clarify the house parent exemption to certain wage and hour requirements; to the Committee on Health, Education, Labor, and Pensions .

By Mr. ROCKEFELLER:

S. 372. An original bill to authorize appropriations for fiscal year 2007 for the intelligence and intelligence-related activities of the United States Government, the Intelligence Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; from the Select Committee on Intelligence; placed on the calendar, to the Committee on Armed Services pursuant to section 3(b) of S. Res. 400, 94th Congress, as amended by S. Res. 445, 108th Congress, for a period not to exceed 10 days of session.

By Mr. BUNNING (for himself and Mr. ROCKEFELLER):

S. 373. A bill to facilitate and expedite direct refunds to coal producers and exporters of the excise tax unconstitutionally imposed on coal exported from the United States; to the Committee on Finance.

By Mr. DOMENICI (for himself, Mr. SCHUMER, Mr. CRAIG, Mrs. CLINTON, Mr. CRAPO, and Mr. ALLARD):

S. 374. A bill to amend the Internal Revenue Code of 1986 to provide the same capital gains treatment for art and collectibles as for other investment property and to provide that a deduction equal to fair market value shall be allowed for charitable contributions of literary, musical, artistic, or scholarly compositions created by the donor; to the Committee on Finance.

By Mr. SMITH (for himself and Mr. WYDEN):

S. 375. A bill to waive application of the Indian Self-Determination and Education Assistance Act to a specific parcel of real property transferred by the United States to 2 Indian tribes in the State of Oregon, and for other purposes; to the Committee on Indian Affairs.

By Mr. LEAHY (for himself, Mr. SPECTER, Mr. KYL, and Mr. CORNYN):

S. 376. A bill to amend title 18, United States Code, to improve the provisions relating to the carrying of concealed weapons by law enforcement officers, and for other purposes; to the Committee on the Judiciary.

By Mr. LUGAR:

S. 377. A bill to establish a United States-Poland parliamentary youth exchange program, and for other purposes; to the Committee on Foreign Relations.

By Mr. LEAHY (for himself, Mr. SPECTER, Mr. REID, Mr. DURBIN, Mr. CORNYN, Mr. KENNEDY, Ms. COLLINS, Mr. HATCH, and Mr. SCHUMER):

S. 378. A bill to amend title 18, United States Code, to protect judges, prosecutors, witnesses, victims, and their family members, and for other purposes; to the Committee on the Judiciary.

By Ms. LANDRIEU:

S. 379. A bill to support the establishment or expansion and operation of programs using a network of public and private community entities to provide mentoring for children in foster care; to the Committee on Finance.

By Mr. WYDEN (for himself, Mr. STEVENS, Mrs. MURRAY, Mr. SMITH, Ms. CANTWELL, Mrs. BOXER, Mrs. FEINSTEIN, and Mr. TESTER):

S. 380. A bill to reauthorize the Secure Rural Schools and Community Self-Determination Act of 2000, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. INOUYE (for himself, Mr. STEVENS, Mr. LEVIN, Mr. LEAHY, Ms. MURKOWSKI, Mr. AKAKA, and Mr. BENNETT):

S. 381. A bill to establish a fact-finding Commission to extend the study of a prior Commission to investigate and determine facts and circumstances surrounding the relocation, internment, and deportation to Axis countries of Latin Americans of Japanese descent from December 1941 through February 1948, and the impact of those actions by the United States, and to recommend appropriate remedies, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Ms. COLLINS (for herself, Mr. HARKIN, Mr. KENNEDY, Mr. PRYOR, Mr. COLEMAN, Ms. CANTWELL, Mr. DURBIN, Ms. MIKULSKI, Mr. BINGAMAN, Mr. LAUTENBERG, and Mr. KERRY):

S. 382. A bill to amend the Public Health Service Act to establish a State family support grant program to end the practice of parents giving legal custody of their seriously emotionally disturbed children to State agencies for the purpose of obtaining mental health services for those children; to the Committee on Health, Education, Labor, and Pensions.

By Mr. AKAKA (for himself and Mr. ROCKEFELLER):

S. 383. A bill to amend title 38, United States Code, to extend the period of eligibility for health care for combat service in the Persian Gulf War or future hostilities from two years to five years after discharge or release; to the Committee on Veterans' Affairs.

By Ms. LANDRIEU (for herself, Mr. DURBIN, Mr. GRAHAM, and Mr. KERRY):

S. 384. A bill to provide pay protection for members of the Reserve and the National Guard, and for other purposes; to the Committee on Finance.

By Mr. INOUYE (for himself, Mr. STEVENS, Mr. KERRY, Mr. SMITH, and Ms. SNOWE):

S. 385. A bill to improve the interoperability of emergency communications equipment; to the Committee on Commerce, Science, and Transportation.

By Mr. CHAMBLISS:

S. 386. A bill to amend the Clean Air Act to require a higher volume of renewable fuel derived from cellulosic biomass, and for other purposes; to the Committee on Environment and Public Works.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BINGAMAN:

S. Res. 38. An original resolution authorizing expenditures by the Committee on Energy and Natural Resources; from the Committee on Energy and Natural Resources; to the Committee on Rules and Administration.

By Mr. BYRD:

S. Res. 39. A resolution expressing the sense of the Senate on the need for approval by the Congress before any offensive military action by the United States against another nation; to the Committee on Foreign Relations.

By Mr. WARNER (for himself, Mr. NELSON of Nebraska, Ms. COLLINS, Mr. COLEMAN, Mr. SALAZAR, Mr. BAYH, Mr. SMITH, Ms. LANDRIEU, Mr. NELSON of Florida, and Mrs. MCCASKILL):

S. Con. Res. 4. A concurrent resolution expressing the sense of Congress on Iraq; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 2

At the request of Mr. KENNEDY, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 2, a bill to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage.

S. 4

At the request of Mr. REID, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 4, a bill to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes.

S. 10

At the request of Mr. NELSON of Florida, his name was added as a cosponsor of S. 10, a bill to reinstate the pay-as-you-go requirement and reduce budget deficits by strengthening budget enforcement and fiscal responsibility.

S. 65

At the request of Mr. INHOFE, the names of the Senator from Idaho (Mr. CRAIG) and the Senator from Arizona (Mr. MCCAIN) were added as cosponsors of S. 65, a bill to modify the age-60 standard for certain pilots and for other purposes.

S. 85

At the request of Mr. MCCAIN, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of S. 85, a bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to clarify that territories and Indian tribes are eligible to receive grants for confronting the use of methamphetamine.

S. 121

At the request of Mr. FEINGOLD, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 121, a bill to provide for the redeployment of United States forces from Iraq.

S. 166

At the request of Mr. MCCAIN, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 166, a bill to restrict any State from imposing a new discriminatory tax on cell phone services.

S. 206

At the request of Mr. LEAHY, his name was added as a cosponsor of S. 206, a bill to amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions.

At the request of Mrs. FEINSTEIN, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 206, supra.

S. 236

At the request of Mr. FEINGOLD, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 236, a bill to require reports to Congress on Federal agency use of data mining.

S. 261

At the request of Ms. CANTWELL, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 261, a bill to amend title 18, United States Code, to strengthen prohibitions against animal fighting, and for other purposes.

S. 267

At the request of Mr. BINGAMAN, the names of the Senator from Utah (Mr. HATCH) and the Senator from Colorado (Mr. SALAZAR) were added as cosponsors of S. 267, a bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to clarify that territories and Indian tribes are eligible to receive grants for confronting the use of methamphetamine.

S. 287

At the request of Mr. KENNEDY, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 287, a bill to prohibit the use of funds for an escalation of United States military forces in Iraq above the numbers existing as of January 9, 2007.

S. 311

At the request of Ms. LANDRIEU, the names of the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Maryland (Ms. MIKULSKI) and the Senator from Arizona (Mr. MCCAIN) were added as cosponsors of S. 311, a bill to amend the Horse Protection Act to prohibit the shipping, transporting, moving, delivering, receiving, possessing, purchasing, selling, or donation of horses and other equines to be slaughtered for human consumption, and for other purposes.

S. 315

At the request of Mr. WARNER, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 315, a bill to establish a digital and wireless network technology program, and for other purposes.

S. 357

At the request of Mrs. FEINSTEIN, the names of the Senator from Rhode Island (Mr. REED) and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of S. 357, a bill to improve passenger automobile fuel economy and safety, reduce greenhouse gas emissions, reduce dependence on foreign oil, and for other purposes.

S. 358

At the request of Mr. LEAHY, his name was added as a cosponsor of S. 358, a bill to prohibit discrimination on the basis of genetic information with respect to health insurance and employment.

S. CON. RES. 2

At the request of Mr. SALAZAR, his name was added as a cosponsor of S. Con. Res. 2, a concurrent resolution expressing the bipartisan resolution on Iraq.

At the request of Mr. BIDEN, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. Con. Res. 2, supra.

AMENDMENT NO. 106

At the request of Mr. SESSIONS, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of amendment No. 106 proposed to H.R. 2, a bill to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage.

AMENDMENT NO. 112

At the request of Mr. SUNUNU, the names of the Senator from Maine (Ms.

SNOWE) and the Senator from Alaska (Mr. STEVENS) were added as cosponsors of amendment No. 112 proposed to H.R. 2, a bill to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage.

AMENDMENT NO. 119

At the request of Mr. BUNNING, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of amendment No. 119 proposed to H.R. 2, a bill to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage.

AMENDMENT NO. 121

At the request of Ms. SNOWE, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of amendment No. 121 intended to be proposed to H.R. 2, a bill to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MARTINEZ (for himself and Mr. SESSIONS):

S. 371. A bill to amend the Fair Labor Standards Act of 1938 to clarify the house parent exemption to certain wage and hour requirements; to the Committee on Health, Education, Labor, and Pensions.

Mr. MARTINEZ. Mr. President, today I rise to discuss an issue that is near and dear to my heart, because it involves children and youth in our foster care system. Inconsistencies in our Federal wage laws, coupled with increases in the minimum wage, are financially crippling the private, non-profit organizations and institutions that make up a necessary part of our communities' support systems for the most vulnerable in our society, the children.

More than 500,000 children are in America's foster care system at any given time, because their own families are in crisis or unable to provide for their essential well-being—most because they have been subject to abuse and neglect. Thankfully, most of these children are able to be placed with individual caring families. But for those children without a suitable or available foster family, they are placed in one of the many group homes associated with our foster care system.

Many of these group homes are specially tailored to the specific needs of foster care children by offering unique programs and on-site education to help heal the emotional scarring they have experienced.

These homes—often run by private, non-profit organizations—are dedicated to providing residential care and treatment for the "orphans of the living," and they have long been a vital part of the social service networks in America's communities.

An essential component of the foster care network is the presence of caring parents in a family-like situation. And as in traditional parenting, the houseparents of group foster homes seek to provide the same love, care, and supervision of a traditional family for the five to eight children that reside with them.

Houseparents volunteer to permanently reside at the group home in order to create a family- like environment for those without a true sense of home—one that offers a structured atmosphere where these most vulnerable youth can heal, grow, and become productive members of society.

Foster care alumni studies show us that it is the consistent and life-long connection of caring foster parents that plays the biggest role in helping foster children transition into society.

However, our current laws are working against this cause, forcing group homes to move away from what they know is best for the children and preventing them from providing the most appropriate and consistent care. These youth so desperately need the stability that a family- like situation can provide. And this is what my amendment seeks to address.

Traditionally, in addition to a modest, fixed salary, houseparents have received food, lodging, insurance, and transportation free of charge.

In 1974, Congress recognized and confirmed the unique role houseparents serve when it passed the Hershey Exemption. This amended the Fair Labor Standards Act to preserve the appropriate method of compensation for houseparents—and allowed the lodging and food provided them to be considered when determining an appropriate salary for married houseparents serving with their spouse at nonprofit educational institutions.

Through this exemption, Congress supplied a way for these vital social services to continue to be provided by non-profit organizations in a way that is cost-effective, and at the same time appropriate and meaningful to both the children and the houseparents.

However, since the addition of this exemption, the demographics of America and of America's foster children have changed. Research now shows that due to the negative experiences some youth have faced, they may find a better environment for growth and healing in having a single houseparent of the same sex.

Our labor standards for these group homes have not kept pace with the ever-changing needs of these children.

Because the Hershey Exemption was only extended to married couples, group homes are now forced to choose between what is cheaper and what is best for the children. Unfortunately, the financial realities of the situation place these facilities in a compromising situation.

You see, when a group home employs a single houseparent for a home, they are required to pay them as an hourly employee, whereas married houseparents serving together are allowed to be paid as salaried employees.

As a result, it costs a facility in Florida more than $74,000 annually at the current minimum wage rate to provide a full-time, single houseparent using the traditional live-in model.

In response, most facilities have resorted to teams of houseparents that work in 8 or 12 hour shifts—just to avoid the additional costs of overtime pay. Yet even this team model is pricey and means tough coordination and inconsistencies in care for these children. It also destroys the family-like arrangement of the home.

If the minimum wage bill—to which I am offering this bill as an amendment—passes, it will cost facilities across the U.S. in excess of $84,000 annually to house and employ a single, full-time houseparent in a foster care or educational group home. However, if it were a married couple serving in the same environment it would only require minimum wage guidelines being met.

Can you see how this inconsistency in our labor laws is, and will continue to be, crippling for the private, non-profit facilities?

In order to enable group homes to provide the most appropriate and consistent care for foster and emotionally scarred youth, my amendment will extend the Hershey Exemption to single houseparents, allowing them to be treated as salaried employees when free lodging and board are provided.

Voting in favor of my amendment will enable private, non-profit group homes to continue providing these vital services for our communities, with a stronger atmosphere of love and growth for the children.

Voting against this amendment will—that is, allowing it not to pass—will mean that the already heavy financial burden for these facilities will continue to grow. Homes will be forced to close or have to scale back on the number of children they can help.

To vote against this amendment is to turn children out on the street at a time when they need us most.

As a loving parent and grandparent, I want what is best for my children and for my grandchildren—I want to make sure they have whatever they need to overcome the obstacles of life and succeed. This is also what we should seek for foster children and the hurting youth in our communities—to provide the loving homes and facilities for them that provide what they need most and in the most appropriate and consistent way possible.

I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be reprinted in the RECORD, as follows:

S. 371

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Appropriate and Consistent Care for Youth Act of 2007".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Private, nonprofit organizations dedicated to providing residential care and treatment for children have long been a vital part of the social service networks America's communities.

(2) No longer just serving orphans, these institutions tend to the needs of the "orphans of the living", children and youth who are unable to remain in their natural homes due to emotional conflicts, life adjustment problems, relationship disturbances, and spiritual and psychological scaring associated with sexual, physical, and emotional abuse.

(3) The effectiveness of these institutions in caring for these troubled and abused children has long been due to the love, care, and supervision provided by residential houseparents.

(4) These houseparents volunteer to permanently reside at the group home in which they work in order to create a family environment for those without a true sense of home, one that offers a structured atmosphere where these vulnerable youth can heal, grow, and become productive members of society.

(5) Traditionally, these houseparents have received food, lodging, insurance, and transportation free of charge, in addition to a fixed salary.

(6) Congress recognized the unique role houseparents serve, and passed the Hershey Exemption (section 13(b)(24) of the Fair Labor Standards Act of 1938 (29 U.S.C. 212(b)(24))) in 1974 to assist with the provision of houseparents for orphaned and disadvantaged youth by allowing for lodging and food provided free of cost to be considered when determining an appropriate salary for married houseparents serving with their spouse at nonprofit educational institutions.

(7) Since the addition of the Hershey Exemption, research shows that due to the negative experiences some troubled youth have faced, they find a better environment for growth in having a single houseparent of the same sex.

(8) Because the wage provision under the Hershey Exemption was extended only to married houseparents serving with their spouse, the Department of Labor has enforced a rule that single houseparents need to be reimbursed on a 24-hour-a-day basis, even for time they are sleeping or otherwise not directly caring for residents of the home, and regardless of the provision of free lodging, food, and other services.

(9) This has placed an undue financial burden on these nonprofit institutions who wish to provide the best possible care for their residents, forcing some homes to close and others to adopt an employment model where "teams" of houseparents work 8-hour sifts to care for residents. This "team" model drives up the cost and destroys the family-like arrangement of the home.

(10) In order to provide for a more appropriate and consistent care for these foster children and troubled youth, this Act seeks to extend the Hershey Exemption to single houseparents residing in educational institutions where they receive lodging and board free of charge.

SEC. 3. AMENDMENT TO THE FAIR LABOR STANDARDS ACT OF 1938.

Section 13(b)(24) of the Fair Labor Standards Act of 1938 (29 U.S.C. 212(b)(24)) is amended—

(1) in the matter preceding subparagraph (A), by striking "and his spouse"; and

(2) in the matter following subparagraph (B)—

(A) by striking "and his spouse reside" and inserting "resides";

(B) by striking "receive" and inserting "receives"; and

(C) by striking "are together" and inserting "is".

By Mr. DOMENICI (for himself, Mr. SCHUMER, Mr. CRAIG, Mrs. CLINTON, Mr. CRAPO, and Mr. ALLARD):

S. 374. A bill to amend the Internal Revenue Code of 1986 to provide the same capital gains treatment for art and collectibles as for other investment property and to provide that a deduction equal to fair market value shall be allowed for charitable contributions of literary, musical, artistic, or scholarly compositions created by the donor; to the Committee on Finance.

Mr. DOMENICI. Mr. President, I rise today to introduce again legislation to eliminate one of the great inconsistencies in the Internal Revenue Code. I would like to thank my colleague, the senior Senator from New York, Senator SCHUMER, for again working with me on this important piece of legislation.

The bill we are introducing today is designed to restore some internal consistency to the tax code as it applies to art and artists. No one has ever said that the tax code is fair even though it has always been a theoretical objective of the code to treat similar taxpayers similarly.

Our bill would address two areas where similarly situated taxpayers are not treated the same. These two areas are internal inconsistencies contained within the tax code. Internal inconsistency number one deals with the long-term capital gains tax treatment of investments in art and collectibles. The second internal inconsistency involves how charitable contributions of art by the artist are treated under the law.

Long-term capital gains tax treatment of art is inherently unfair. If a person invests in stocks or bonds and sells at a gain, the tax treatment is long term capital gains. The top capital gains tax rate is 15 percent. However, if the same person invests in art or collectibles the top rate is hiked up to 28 percent. Art for art's sake should not incur a higher tax rate simply for revenue's sake. That is a big impact on the pocketbook of the investor.

Art and collectibles are alternatives to financial instruments as an investment choice. To create a tax disadvantage with respect to one investment compared to another creates an artificial market and may lead to poor investment allocations. It also adversely impacts those who make their livelihood in the cultural sectors of the economy.

Santa Fe, NM, is the third largest art market in the country. We have a diverse colony of artists, collectors and gallery owners. We have fabulous Native American rug weavers, potters and carvers. Creative giants like Georgia O'Keeffe, Maria Martinez, E. L. Blumenshein, Allan Houser, R.C. Gorman, and Glenna Goodacre have all chosen New Mexico as their home and as their artistic subject. John Nieto, Wilson Hurley, Clark Hulings, Veryl Goodnight, Bill Acheff, Susan Rothenberg, Bruce Nauman, Agnes Martin, Doug Hyde, Margaret Nez, and Dan Ostermiller are additional examples of living artists creating art in New Mexico.

Art, antiques, and collectibles are a $12 to $20 billion annual industry nationwide. In New Mexico, it has been estimated that art and collectible sales range between $500 million and one billion a year.

Economists have always been interested in the economics of the arts. Adam Smith is a well-known economist. He was also a serious, but little-known essayist on painting, dancing, and poetry. Similarly, Keynes was both a famous economist and a passionate devotee of painting. However, even artistically inclined economists have found it difficult to define art within the context of economic theory.

When asked to define jazz, Louis Armstrong replied: "If you gotta ask, you ain't never going to know." A similar conundrum has challenged Galbraith and other economists who have grappled with the definitional issues associated with bringing art within the economic calculus. Original art objects are, as a commodity group, characterized by a set of attributes: every unit of output is differentiated from every other unit of output; art works can be copied but not reproduced; and the cultural capital of the nation has significant elements of public good.

Because art works can be resold, and their prices may rise over time, they have the characteristics of financial assets, and as such may be sought as a hedge against inflation, as a store of wealth, or as a source of speculative capital gain. A study by Keishiro Matsumoto, Samuel Andoh and James P. Hoban, Jr. assessed the risk-adjusted rates of return on art sold at Sotheby's during the 14-year period ending September 30, 1989. They concluded that art was a good investment in terms of average real rates of return. Several studies found that rates of return from the price appreciation on paintings, comic books, collectibles and modern prints usually made them very attractive long-term investments. Also, when William Goetzmann was at the Columbia Business School, he constructed an art index and concluded that painting price movements and stock market fluctuations are correlated.

I conclude that with art, as well as stocks, past performance is no guarantee of future returns, but the gains should be taxed the same.

In 1990, the editor of Art and Auction asked the question: "Is there an 'efficient' art market?" A well-known art dealer answered "Definitely not. That's one of the things that makes the market so interesting." For everyone who has been watching world financial markets lately, the art market may be a welcome distraction.

Why do people invest in art and collectibles? Art and collectibles are something you can appreciate even if the investment doesn't appreciate. Art is less volatile. If buoyant and not so buoyant bond prices drive you berserk and spiraling stock prices scare you, art may be the appropriate investment for you. Because art and collectibles are investments, the long-term capital gains tax treatment should be the same as for stocks and bonds. This bill would accomplish that.

Artists will benefit. Gallery owners will benefit. Collectors will benefit. And museums benefit from collectors. About 90 percent of what winds up in museums like New York's Metropolitan Museum of Art comes from collectors.

Collecting isn't just for the hoyty toity. It seems that everyone collects something. Some collections are better investments than others. Some collections are just bizarre. The internet makes collecting big business, and flea market fanatics are avid collectors. In fact, people collect the darndest things. Books, duck decoys, chia pets, snowglobes, thimbles, handcuffs, spectacles, baseball cards, teddy bears, and guns are a few such "collectibles".

For most of these collections, capital gains isn't really an issue, but you never know. You may find that your collecting passion has created a tax predicament—to phrase it politely. Art and collectibles are tangible assets. When you sell them, capital gains tax is due on any appreciation over your purchase price.

The bill provides capital gains tax parity because it lowers the top capital gains rate from 28 percent to 15 percent.

As I stated earlier, the second internal inconsistency deals with the charitable deduction for artists donating their work to a museum or other charitable cause. When someone is asked to make a charitable contribution to a museum or to a fund raising auction, it shouldn't matter whether that person is an artist or not. Under current law, however, it makes a big difference. As the law stands now, an artist/creator can only take a deduction equal to the cost of the art supplies. Our bill will allow a fair market deduction for the artist.

It's important to note that our bill includes certain safeguards to keep the artist from "painting himself a tax deduction." This bill applies to literary, musical, artistic, and scholarly compositions if the work was created at least 18 months before the donation was made, has been appraised, and is related to the purpose or function of the charitable organization receiving the donation. As with other charitable contributions, it is limited to 50 percent of adjusted gross income (AGI). If it is also a capital gain, there is a 30 percent of AGI limit. Mr. President, I believe these safeguards bring fairness back into the code and protect the Treasury against any potential abuse.

I hope my colleagues will help us put this internal consistency into the Internal Revenue Code.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 374

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Art and Collectibles Capital Gains Tax Treatment Parity Act".

SEC. 2. CAPITAL GAINS TREATMENT FOR ART AND COLLECTIBLES.

(a) IN GENERAL.—Section 1(h) of the Internal Revenue Code of 1986 (relating to maximum capital gains rate) is amended by striking paragraphs (4) and (5) and inserting the following new paragraphs:

"(4) 28-PERCENT RATE GAIN.—For purposes of this subsection, the term '28-percent rate gain' means the excess (if any) of—

"(A) section 1202 gain, over

"(B) the sum of—

"(i) the net short-term capital loss, and

"(ii) the amount of long-term capital loss carried under section 1212(b)(1)(B) to the taxable year.

"(5) RESERVED.—.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2006.

SEC. 3. CHARITABLE CONTRIBUTIONS OF CERTAIN ITEMS CREATED BY THE TAXPAYER.

(a) IN GENERAL.—Subsection (e) of section 170 of the Internal Revenue Code of 1986 (relating to certain contributions of ordinary income and capital gain property) is amended by adding at the end the following new paragraph:

"(7) SPECIAL RULE FOR CERTAIN CONTRIBUTIONS OF LITERARY, MUSICAL, ARTISTIC, OR SCHOLARLY COMPOSITIONS.—

"(A) IN GENERAL.—In the case of a qualified artistic charitable contribution—

"(i) the amount of such contribution taken into account under this section shall be the fair market value of the property contributed (determined at the time of such contribution), and

"(ii) no reduction in the amount of such contribution shall be made under paragraph (1).

"(B) QUALIFIED ARTISTIC CHARITABLE CONTRIBUTION.—For purposes of this paragraph, the term 'qualified artistic charitable contribution' means a charitable contribution of any literary, musical, artistic, or scholarly composition, or similar property, or the copyright thereon (or both), but only if—

"(i) such property was created by the personal efforts of the taxpayer making such contribution no less than 18 months prior to such contribution,

"(ii) the taxpayer—

"(I) has received a qualified appraisal of the fair market value of such property in accordance with the regulations under this section, and

"(II) attaches to the taxpayer's income tax return for the taxable year in which such contribution was made a copy of such appraisal,

"(iii) the donee is an organization described in subsection (b)(1)(A),

"(iv) the use of such property by the donee is related to the purpose or function constituting the basis for the donee's exemption under section 501 (or, in the case of a governmental unit, to any purpose or function described under section 501(c)),

"(v) the taxpayer receives from the donee a written statement representing that the donee's use of the property will be in accordance with the provisions of clause (iv), and

"(vi) the written appraisal referred to in clause (ii) includes evidence of the extent (if any) to which property created by the personal efforts of the taxpayer and of the same type as the donated property is or has been—

"(I) owned, maintained, and displayed by organizations described in subsection (b)(1)(A), and

"(II) sold to or exchanged by persons other than the taxpayer, donee, or any related person (as defined in section 465(b)(3)(C)).

"(C) MAXIMUM DOLLAR LIMITATION; NO CARRYOVER OF INCREASED DEDUCTION.—The increase in the deduction under this section by reason of this paragraph for any taxable year—

"(i) shall not exceed the artistic adjusted gross income of the taxpayer for such taxable year, and

"(ii) shall not be taken into account in determining the amount which may be carried from such taxable year under subsection (d).

"(D) ARTISTIC ADJUSTED GROSS INCOME.—For purposes of this paragraph, the term 'artistic adjusted gross income' means that portion of the adjusted gross income of the taxpayer for the taxable year attributable to—

"(i) income from the sale or use of property created by the personal efforts of the taxpayer which is of the same type as the donated property, and

"(ii) income from teaching, lecturing, performing, or similar activity with respect to property described in clause (i).

"(E) PARAGRAPH NOT TO APPLY TO CERTAIN CONTRIBUTIONS.—Subparagraph (A) shall not apply to any charitable contribution of any letter, memorandum, or similar property which was written, prepared, or produced by or for an individual while the individual is an officer or employee of any person (including any government agency or instrumentality) unless such letter, memorandum, or similar property is entirely personal.

"(F) COPYRIGHT TREATED AS SEPARATE PROPERTY FOR PARTIAL INTEREST RULE.—In the case of a qualified artistic charitable contribution, the tangible literary, musical, artistic, or scholarly composition, or similar property and the copyright on such work shall be treated as separate properties for purposes of this paragraph and subsection (f)(3).".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions made after the date of the enactment of this Act in taxable years ending after such date.

By Mr. LEAHY (for himself, Mr. SPECTER, Mr. KYL, and Mr. CORNYN):

S. 376. A bill to amend title 18, United States Code, to improve the provisions relating to the carrying of concealed weapons by law enforcement officers, and for other purposes; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, in 2003, Senator Campbell and I, joined by 68 other Senators, introduced a bill that allowed a qualified retired or current law enforcement officer to carry a concealed firearm across State lines. The Senate passed our bill by unanimous consent, which was signed into law in July 2004. Passage of the Law Enforcement Safety Officers Act was a resounding vote of confidence in the men and women who serve their communities as protectors of the peace, and their Nation as the first line of defense in any emergency.

But since enactment of the Law Enforcement Officers Safety Act, it has become clear that qualified retired officers have been subject to varying and complex certification procedures from State to State. In many cases, differing interpretations have complicated the implementation of the law, and retired officers have experienced significant frustration in getting certified to lawfully carry a firearm.

With the input of the law enforcement community, this bill proposes modest amendments to streamline the current law, which will give retired officers more flexibility in obtaining certification, and provides room for the variability in certification standards among the several States. For example, where a State has not set active duty standards, the retired officer can be certified pursuant to the standards set by any law enforcement agency in the State.

In addition to these adjustments, the bill also makes clear that Amtrak officers, along with officers of the Executive branch of the Federal Government, are covered by the law. The bill also reduces from 15 to 10 the years of service required for a retired officer to qualify under the law. Though these changes broaden the reach of the law, the requirements for eligibility still involve a significant term of service for a retired officer to qualify, and a demonstrated commitment to law enforcement.

This bill makes sensible improvements to existing law by providing the flexibility needed to permit qualified retired law enforcement officers to carry concealed firearms in a legal and responsible manner.

With the enactment of the Law Enforcement Officers Safety Act, Congress and the President also recognized that law enforcement officers are never "off-duty." The dedicated public servants who are trained to uphold the law and keep the peace deserve our support not just in their professional lives, but also when they go off-duty or into retirement. Convicted criminals often have long and exacting memories, and to the extent we can, we must aid these public servants with the tools they need to keep themselves and their families safe. Because one thing we know for sure is that a law enforcement officer is a target, whether in uniform or out, and whether active or retired. We also act in our own interest when we help law enforcement officers with the ability to answer the call of duty wherever they may be. Society's trust in the men and women who serve should include the faith that the responsibilities we entrust to them do not disappear once State lines are crossed.

In 2004, Congress listened carefully to the concerns of the law enforcement community and responded appropriately. Let us do so again with these sensible improvements.

I ask for unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 376

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Law Enforcement Officers Safety Act of 2007".

SEC. 2. AMENDMENTS TO LAW ENFORCEMENT OFFICER SAFETY PROVISIONS OF TITLE 18.

(a) IN GENERAL.—Section 926B of title 18, United States Code, is amended by adding at the end the following:

"(f) For purposes of this section, a law enforcement officer of the Amtrak Police Department or a law enforcement or police officer of the executive branch of the Federal Government qualifies as an employee of a governmental agency who is authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law, and has statutory powers of arrest.".

(b) RETIRED LAW ENFORCEMENT OFFICERS.—Section 926C of title 18, United States Code, is amended—

(1) in subsection (c)—

(A) in paragraph (3)(A), by striking "was regularly employed as a law enforcement officer for an aggregate of 15 years or more" and inserting "served as a law enforcement officer for an aggregate of 10 years or more";

(B) by striking paragraphs (4) and (5) and inserting the following:

"(4) during the most recent 12-month period, has met, at the expense of the individual, the standards for qualification in firearms training for active law enforcement officers as set by the officer's former agency, the State in which the officer resides or a law enforcement agency within the State in which the officer resides;"; and

(C) by redesignating paragraphs (6) and (7) as paragraphs (5) and (6), respectively;

(2) in subsection (d)—

(A) in paragraph (1), by striking "to meet the standards established by the agency for training and qualification for active law enforcement officers to carry a firearm of the same type as the concealed firearm; or" and inserting "to meet the active duty standards for qualification in firearms training as established by the agency to carry a firearm of the same type as the concealed firearm or"; and

(B) in paragraph (2)(B), by striking "otherwise found by the State to meet the standards established by the State for training and qualification for active law enforcement officers to carry a firearm of the same type as the concealed firearm." and inserting "otherwise found by the State or a certified firearms instructor that is qualified to conduct a firearms qualification test for active duty officers within that State to have met—

"(i) the active duty standards for qualification in firearms training as established by the State to carry a firearm of the same type as the concealed firearm; or

"(ii) if the State has not established such standards, standards set by any law enforcement agency within that State to carry a firearm of the same type as the concealed firearm."; and

(3) by adding at the end the following:

"(f) In this section, the term 'service with a public agency as a law enforcement officer' includes service as a law enforcement officer of the Amtrak Police Department or as a law enforcement or police officer of the executive branch of the Federal Government.".

By Mr. LUGAR:

S. 377. A bill to establish a United States-Poland parliamentary youth exchange program, and for other purposes; to the Committee on Foreign Relations.

Mr. LUGAR. Mr. President, I rise today to offer legislation urging the Administration to develop a United States-Poland Parliamentary Youth Exchange Program. I am pleased that my colleague from Indiana, Congressman PETE VISCLOSKY, has agreed to again introduce this important legislation in the House of Representatives. I appreciate his strong leadership in our continued joint efforts in this and many other areas.

The purpose of this exchange program is to demonstrate to the youth of the United States and Poland the benefits of friendly cooperation between the U.S. and Poland based on common political and cultural values. I have long been an active supporter of the Congress-Bundestag Exchange program and am hopeful that this new endeavor will make similarly important lasting contributions to the U.S.-Polish relationship.

As a Rhodes Scholar, I had the opportunity to discover international education at Pembroke College—my first trip outside of the United States. The parameters of my imagination expanded enormously during this time, as I gained a sense of how large the world was, how many talented people there were, and how many opportunities one could embrace. Student exchange programs do more than benefit individual scholars and advance human knowledge. Such programs expand ties between nations, improve international commerce, encourage cooperative solutions to global problems, prevent war, and give participants a chance to develop a sense of global service and responsibility.

Funding a great foreign exchange program is a sign of both national pride and national humility. Implicit in such a program is the view that people from other nations view one's country and educational system as a beacon of knowledge—as a place where international scholars would want to study and live. But it is also an admission that a nation does not have all the answers—that our national understanding of the world is incomplete. It is an admission that we are just a part of a much larger world that has intellectual, scientific, and moral wisdom that we need to learn.

The United States and Poland have enjoyed close bilateral relations since the end of the Cold War. Most recently, Poland has been a strong supporter of efforts led by the United States to combat global terrorism, and has contributed troops to and led coalitions in both Afghanistan and Iraq. Poland also cooperates closely with the United States on such issues as democratization, human rights, regional cooperation in Eastern Europe, and reform of the United Nations. As a member of the North Atlantic Treaty Organization (NATO) and the European Union (EU), Poland has demonstrated its commitment to democratic values and is a role model in its region.

I believe that it is important to invest in the youth of the United States and Poland in order to strengthen long-lasting ties between both societies. After receiving for many years international and U.S. financial assistance, Poland is now determined to invest its own resources toward funding a U.S.-Poland exchange program. To this end the Polish Foreign Minister unambiguously stated that Poland welcomed the opportunity to be an equal partner in funding important efforts.

Last year the Senate approved a similar version of this legislation by unanimous consent. I ask my colleagues to again support this resolution.

By Mr. LEAHY (for himself, Mr. SPECTER, Mr. REID, Mr. DURBIN, Mr. CORNYN, Mr. KENNEDY, Ms. COLLINS, Mr. HATCH, and Mr. SCHUMER):

S. 378. A bill to amend title 18, United States Code, to protect judges, prosecutors, witnesses, victims, and their family members, and for other purposes; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, I was disappointed at the end of last Congress that, like so much other urgent business of the American people left unattended, we did not pass a measure to improve court security. We made some progress on this important issue when the Senate passed a consensus bipartisan court security bill. Unfortunately we were unable to cross the finish line because the House Republican leadership did not take up this bill. And so that still eaves our Nation's judges and their families without the vital protections that bill would have provided.

Today, I join with other Senators on both sides of the aisle to try again. Along with the Majority Leader Senator REID; the Judiciary Committee's Ranking Member, Senator SPECTER; the Majority Whip, Senator DURBIN; and Senators KENNEDY, SCHUMER, CORNYN, HATCH and COLLINS, I introduce the Court Security Improvement Act of 2007, a consensus measure with bipartisan support nearly identical to the bill we passed in the Senate last December. House Judiciary Chairman CONYERS is introducing an identical measure in the House with bipartisan support. This bi-cameral, bi-partisan introduction sends a strong message that we intend finally to finish this difficult struggle and enact this bill that should have been enacted months ago to increase protections for the dedicated women and men throughout the Judiciary in this country.

This is an important issue, and one I plan to make a priority this Congress. I hope that we can have quick action on this bill to bring to fruition our efforts to provide increased security, an effort that gained new urgency after the tragedy that befell Judge Joan Lefkow of Chicago. She is the Federal judge whose mother and husband were murdered in their home. As we heard in her courageous testimony in May 2005 before the Judiciary Committee, this tragedy provided a terrible reminder not only of the vulnerable position of our judges and their families, but of the critical importance of protecting judges both where they work and where they and their families live. The shooting last summer of a State judge in Nevada provided another terrible reminder of the vulnerable position of our Nation's State and Federal judges. We cannot tolerate or excuse or justify violence or the threat of violence against judges.

In a speech last year, Justice Sandra Day O'Connor criticized the uncivil tone of attacks on the courts, noting that they pose a danger to the very independence of the Federal judiciary. It is most unfortunate that some in this country have chosen to use dangerous and irresponsible rhetoric when talking about judges, comparing judges to terrorists and threatening judges with punishment for decisions they do not like. This rhetoric can only foster unacceptable violence against judges and it must stop, for the sake of our judges and the independence of the judiciary. Judicial fairness and independence are essential if we are to maintain our freedoms. Our independent judiciary is the envy of the rest of the world and a great source of our national strength and resilience. Let no one say things that might bring about further threats against our judges. We ought to be protecting them physically and institutionally.

When I last chaired the Judiciary Committee, one of my first efforts was pushing for passage of the Judicial Protection Act, which toughened criminal penalties for assaults against judges and their families. In order to meet the continuing challenges of keeping the Federal judiciary safe, in the last Congress Chairman SPECTER and I introduced S. 1968, the Court Security Improvement Act of 2005.

The bill we are introducing today in the Senate and House is a consensus bipartisan bill. I hope that quick action and passage of this bill can serve as a model for what we can achieve with bipartisan cooperation in the 110th Congress. Its core provisions, which previously passed the Senate not only last December, but also in June as part of the managers' package of the "John Warner National Defense Authorization Act for Fiscal Year 2007," S. 2766, come the Court Security Improvement Act of 2005.

The bill responds to the needs expressed by the Federal judiciary for a greater voice in working with the United States Marshals Service to determine their security needs. It enacts new criminal penalties for the misuse of restricted personal information to harm or threaten to harm Federal judges, their families or other individuals performing official duties. It enacts criminal penalties for threatening Federal judges and Federal law enforcement officials by the malicious filing of false liens, and provides increased protections for witnesses. The bill also contains provisions making available to States new resources to improve security for State and local court systems as well as providing additional protections for law enforcement officers. I am pleased that the bill includes an extension of life insurance benefits to bankruptcy, magistrate and territorial judges.

Finally, the bill contains provisions that have passed the Senate several times extending and expanding to family members the authority of the Judicial Conference to redact certain information from a Federal judge's mandatory financial disclosure. This expired redaction authority was used in circumstances in which the release of the information could endanger the filer or the filer's family. I hope that we can reinstate and expand this much needed redaction authority.

These protections are crucial to the preservation of the independence of our Federal judiciary so that it can continue to serve as a bulwark protecting individual rights and liberty. Our Nation's Founders knew that without an independent judiciary to protect individual rights from the political branches of government, those rights and privileges would amount to nothing. It is the ultimate check and balance in our system of government in times of heated political rhetoric.

We owe it to our judges to better protect them and their families from violence and to ensure that they have the peace of mind necessary to do their vital and difficult jobs.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 378

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Court Security Improvement Act of 2007".

TITLE I—JUDICIAL SECURITY IMPROVEMENTS AND FUNDING

SEC. 101. JUDICIAL BRANCH SECURITY REQUIREMENTS.

(a) ENSURING CONSULTATION WITH THE JUDICIARY.—Section 566 of title 28, United States Code, is amended by adding at the end the following:

"(i) The Director of the United States Marshals Service shall consult with the Judicial Conference of the United States on a continuing basis regarding the security requirements for the judicial branch of the United States Government, to ensure that the views of the Judicial Conference regarding the security requirements for the judicial branch of the Federal Government are taken into account when determining staffing levels, setting priorities for programs regarding judicial security, and allocating judicial security resources. In this paragraph, the term 'judicial security' includes the security of buildings housing the judiciary, the personal security of judicial officers, the assessment of threats made to judicial officers, and the protection of all other judicial personnel. The United States Marshals Service retains final authority regarding security requirements for the judicial branch of the Federal Government.".

(b) CONFORMING AMENDMENT.—Section 331 of title 28, United States Code, is amended by adding at the end the following:

"The Judicial Conference shall consult with the Director of United States Marshals Service on a continuing basis regarding the security requirements for the judicial branch of the United States Government, to ensure that the views of the Judicial Conference regarding the security requirements for the judicial branch of the Federal Government are taken into account when determining staffing levels, setting priorities for programs regarding judicial security, and allocating judicial security resources. In this paragraph, the term 'judicial security' includes the security of buildings housing the judiciary, the personal security of judicial officers, the assessment of threats made to judicial officers, and the protection of all other judicial personnel. The United States Marshals Service retains final authority regarding security requirements for the judicial branch of the Federal Government.".

SEC. 102. PROTECTION OF FAMILY MEMBERS.

Section 105(b)(3) of the Ethics in Government Act of 1978 (5 U.S.C. App.) is amended—

(1) in subparagraph (A), by inserting "or a family member of that individual" after "that individual"; and

(2) in subparagraph (B)(i), by inserting "or a family member of that individual" after "the report".

SEC. 103. FINANCIAL DISCLOSURE REPORTS.

(a) EXTENSION OF AUTHORITY.—Section 105(b)(3) of the Ethics in Government Act of 1978 (5 U.S.C. App) is amended by striking "2005" each place that term appears and inserting "2009".

(b) REPORT CONTENTS.—Section 105(b)(3)(C) of the Ethics in Government Act of 1978 (5 U.S.C. App) is amended—

(1) in clause (ii), by striking "and" at the end;

(2) in clause (iii), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

"(iv) the nature or type of information redacted;

"(v) what steps or procedures are in place to ensure that sufficient information is available to litigants to determine if there is a conflict of interest;

"(vi) principles used to guide implementation of redaction authority; and

"(vii) any public complaints received in regards to redaction.".

SEC. 104. PROTECTION OF UNITED STATES TAX COURT.

(a) IN GENERAL.—Section 566(a) of title 28, United States Code, is amended by striking "and the Court of International Trade" and inserting ", the Court of International Trade, and any other court, as provided by law".

(b) INTERNAL REVENUE CODE.—Section 7456(c) of the Internal Revenue Code of 1986 (relating to incidental powers of the Tax Court) is amended in the matter following paragraph (3), by striking the period at the end, and inserting "and may otherwise provide for the security of the Tax Court, including the personal protection of Tax Court judges, court officers, witnesses, and other threatened person in the interests of justice, where criminal intimidation impedes on the functioning of the judicial process or any other official proceeding.".

SEC. 105. ADDITIONAL AMOUNTS FOR UNITED STATES MARSHALS SERVICE TO PROTECT THE JUDICIARY.

In addition to any other amounts authorized to be appropriated for the United States Marshals Service, there are authorized to be appropriated for the United States Marshals Service to protect the judiciary, $20,000,000 for each of fiscal years 2007 through 2011 for—

(1) hiring entry-level deputy marshals for providing judicial security;

(2) hiring senior-level deputy marshals for investigating threats to the judiciary and providing protective details to members of the judiciary and assistant United States attorneys; and

(3) for the Office of Protective Intelligence, for hiring senior-level deputy marshals, hiring program analysts, and providing secure computer systems.

TITLE II—CRIMINAL LAW ENHANCEMENTS TO PROTECT JUDGES, FAMILY MEMBERS, AND WITNESSES

SEC. 201. PROTECTIONS AGAINST MALICIOUS RECORDING OF FICTITIOUS LIENS AGAINST FEDERAL JUDGES AND FEDERAL LAW ENFORCEMENT OFFICERS.

(a) OFFENSE.—Chapter 73 of title 18, United States Code, is amended by adding at the end the following:

"SEC. 1521. RETALIATING AGAINST A FEDERAL JUDGE OR FEDERAL LAW ENFORCEMENT OFFICER BY FALSE CLAIM OR SLANDER OF TITLE.

"Whoever files, attempts to file, or conspires to file, in any public record or in any private record which is generally available to the public, any false lien or encumbrance against the real or personal property of an individual described in section 1114, on account of the performance of official duties by that individual, knowing or having reason to know that such lien or encumbrance is false or contains any materially false, fictitious, or fraudulent statement or representation, shall be fined under this title or imprisoned for not more than 10 years, or both.".

(b) CLERICAL AMENDMENT.—The chapter analysis for chapter 73 of title 18, United States Code, is amended by adding at the end the following new item:

"1521. Retaliating against a Federal judge or Federal law enforcement officer by false claim or slander of title.".

SEC. 202. PROTECTION OF INDIVIDUALS PERFORMING CERTAIN OFFICIAL DUTIES.

(a) OFFENSE.—Chapter 7 of title 18, United States Code, is amended by adding at the end the following:

"§ 118. Protection of individuals performing certain official duties

"(a) IN GENERAL.—Whoever knowingly makes restricted personal information about a covered official, or a member of the immediate family of that covered official, publicly available—

"(1) with the intent to threaten, intimidate, or incite the commission of a crime of violence against that covered official, or a member of the immediate family of that covered official; or

"(2) with the intent and knowledge that the restricted personal information will be used to threaten, intimidate, or facilitate the commission of a crime of violence against that covered official, or a member of the immediate family of that covered official,

shall be fined under this title, imprisoned not more than 5 years, or both.

"(b) DEFINITIONS.—In this section—

"(1) the term 'restricted personal information' means, with respect to an individual, the Social Security number, the home address, home phone number, mobile phone number, personal email, or home fax number of, and identifiable to, that individual;

"(2) the term 'covered official' means—

"(A) an individual designated in section 1114; or

"(B) a grand or petit juror, witness, or other officer in or of, any court of the United States, or an officer who may be serving at any examination or other proceeding before any United States magistrate judge or other committing magistrate;

"(3) the term 'crime of violence' has the meaning given the term in section 16; and

"(4) the term 'immediate family' has the meaning given the term in section 115(c)(2).".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 7 of title 18, United States Code, is amended by adding at the end the following new item:

"118. Protection of individuals performing certain official duties.".

SEC. 203. PROHIBITION OF POSSESSION OF DANGEROUS WEAPONS IN FEDERAL COURT FACILITIES.

Section 930(e)(1) of title 18, United States Code, is amended by inserting "or other dangerous weapon" after "firearm".

SEC. 204. CLARIFICATION OF VENUE FOR RETALIATION AGAINST A WITNESS.

Section 1513 of title 18, United States Code, is amended by adding at the end the following:

"(g) A prosecution under this section may be brought in the district in which the official proceeding (whether pending, about to be instituted, or completed) was intended to be affected, or in which the conduct constituting the alleged offense occurred.".

SEC. 205. MODIFICATION OF TAMPERING WITH A WITNESS, VICTIM, OR AN INFORMANT OFFENSE.

(a) Changes in Penalties.—Section 1512 of title 18, United States Code, is amended—

(1) so that subparagraph (A) of subsection (a)(3) reads as follows:

"(A) in the case of a killing, the punishment provided in sections 1111 and 1112;";

(2) in subsection (a)(3)—

(A) in the matter following clause (ii) of subparagraph (B) by striking "20 years" and inserting "30 years"; and

(B) in subparagraph (C), by striking "10 years" and inserting "20 years";

(3) in subsection (b), by striking "ten years" and inserting "20 years"; and

(4) in subsection (d), by striking "one year" and inserting "3 years".

SEC. 206. MODIFICATION OF RETALIATION OFFENSE.

Section 1513 of title 18, United States Code, is amended—

(1) in subsection (a)(1)(B)—

(A) by inserting a comma after "probation"; and

(B) by striking the comma which immediately follows another comma;

(2) in subsection (a)(2)(B), by striking "20 years" and inserting "30 years";

(3) in subsection (b)—

(A) in paragraph (2)—

(i) by inserting a comma after "probation"; and

(ii) by striking the comma which immediately follows another comma; and

(B) in the matter following paragraph (2), by striking "ten years" and inserting "20 years"; and

(4) by redesignating the second subsection (e) as subsection (f).

SEC. 207. GENERAL MODIFICATIONS OF FEDERAL MURDER CRIME AND RELATED CRIMES.

Section 1112(b) of title 18, United States Code, is amended—

(1) by striking "ten years" and inserting "20 years"; and

(2) by striking "six years" and inserting "10 years".

TITLE III—PROTECTING STATE AND LOCAL JUDGES AND RELATED GRANT PROGRAMS

SEC. 301. GRANTS TO STATES TO PROTECT WITNESSES AND VICTIMS OF CRIMES.

(a) In General.—Section 31702 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13862) is amended—

(1) in paragraph (3), by striking "and" at the end;

(2) in paragraph (4), by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(5) by a State, unit of local government, or Indian tribe to create and expand witness and victim protection programs to prevent threats, intimidation, and retaliation against victims of, and witnesses to, violent crimes.".

(b) Authorization of Appropriations.—Section 31707 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13867) is amended to read as follows:

"SEC. 31707. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated $20,000,000 for each of the fiscal years 2007 through 2011 to carry out this subtitle.".

SEC. 302. ELIGIBILITY OF STATE COURTS FOR CERTAIN FEDERAL GRANTS.

(a) Correctional Options Grants.—Section 515 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3762a) is amended—

(1) in subsection (a)—

(A) in paragraph (2), by striking "and" at the end;

(B) in paragraph (3), by striking the period and inserting "; and"; and

(C) by adding at the end the following:

"(4) grants to State courts to improve security for State and local court systems."; and

(2) in subsection (b), by inserting after the period the following:

"Priority shall be given to State court applicants under subsection (a)(4) that have the greatest demonstrated need to provide security in order to administer justice.".

(b) Allocations.—Section 516(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3762b) is amended by—

(1) striking "80" and inserting "70";

(2) striking "and 10" and inserting "10"; and

(3) inserting before the period the following: ", and 10 percent for section 515(a)(4)".

(c) State and Local Governments to Consider Courts.—The Attorney General may require, as appropriate, that whenever a State or unit of local government or Indian tribe applies for a grant from the Department of Justice, the State, unit, or tribe demonstrate that, in developing the application and distributing funds, the State, unit, or tribe—

(1) considered the needs of the judicial branch of the State, unit, or tribe, as the case may be;

(2) consulted with the chief judicial officer of the highest court of the State, unit, or tribe, as the case may be; and

(3) consulted with the chief law enforcement officer of the law enforcement agency responsible for the security needs of the judicial branch of the State, unit, or tribe, as the case may be.

(d) Armor Vests.—Section 2501 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796ll) is amended—

(1) in subsection (a), by inserting "and State and local court officers" after "tribal law enforcement officers"; and

(2) in subsection (b), by inserting "State or local court," after "government,".

TITLE IV—LAW ENFORCEMENT OFFICERS

SEC. 401. REPORT ON SECURITY OF FEDERAL PROSECUTORS.

(a) In General.—Not later than 90 days after the date of enactment of this Act, the Attorney General shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report on the security of assistant United States attorneys and other Federal attorneys arising from the prosecution of terrorists, violent criminal gangs, drug traffickers, gun traffickers, white supremacists, those who commit fraud and other white-collar offenses, and other criminal cases.

(b) Contents.—The report submitted under subsection (a) shall describe each of the following:

(1) The number and nature of threats and assaults against attorneys handling prosecutions described in subsection (a) and the reporting requirements and methods.

(2) The security measures that are in place to protect the attorneys who are handling prosecutions described in subsection (a), including threat assessments, response procedures, availability of security systems and other devices, firearms licensing (deputations), and other measures designed to protect the attorneys and their families.

(3) The firearms deputation policies of the Department of Justice, including the number of attorneys deputized and the time between receipt of threat and completion of the deputation and training process.

(4) For each requirement, measure, or policy described in paragraphs (1) through (3), when the requirement, measure, or policy was developed and who was responsible for developing and implementing the requirement, measure, or policy .

(5) The programs that are made available to the attorneys for personal security training, including training relating to limitations on public information disclosure, basic home security, firearms handling and safety, family safety, mail handling, counter-surveillance, and self-defense tactics.

(6) The measures that are taken to provide attorneys handling prosecutions described in subsection (a) with secure parking facilities, and how priorities for such facilities are established—

(A) among Federal employees within the facility;

(B) among Department of Justice employees within the facility; and

(C) among attorneys within the facility.

(7) The frequency attorneys handling prosecutions described in subsection (a) are called upon to work beyond standard work hours and the security measures provided to protect attorneys at such times during travel between office and available parking facilities.

(8) With respect to attorneys who are licensed under State laws to carry firearms, the policy of the Department of Justice as to—

(A) carrying the firearm between available parking and office buildings;

(B) securing the weapon at the office buildings; and

(C) equipment and training provided to facilitate safe storage at Department of Justice facilities.

(9) The offices in the Department of Justice that are responsible for ensuring the security of attorneys handling prosecutions described in subsection (a), the organization and staffing of the offices, and the manner in which the offices coordinate with offices in specific districts.

(10) The role, if any, that the United States Marshals Service or any other Department of Justice component plays in protecting, or providing security services or training for, attorneys handling prosecutions described in subsection (a).

TITLE V—MISCELLANEOUS PROVISIONS

SEC. 501. EXPANDED PROCUREMENT AUTHORITY FOR THE UNITED STATES SENTENCING COMMISSION.

(a) In General.—Section 995 of title 28, United States Code, is amended by adding at the end the following:

"(f) The Commission may—

"(1) use available funds to enter into contracts for the acquisition of severable services for a period that begins in 1 fiscal year and ends in the next fiscal year, to the same extent as executive agencies may enter into such contracts under the authority of section 303L of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253l);

"(2) enter into multi-year contracts for the acquisition of property or services to the same extent as executive agencies may enter into such contracts under the authority of section 304B of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 254c); and

"(3) make advance, partial, progress, or other payments under contracts for property or services to the same extent as executive agencies may make such payments under the authority of section 305 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 255).".

(b) Sunset.—The amendment made by subsection (a) shall cease to have force and effect on September 30, 2010.

SEC. 502. BANKRUPTCY, MAGISTRATE, AND TERRITORIAL JUDGES LIFE INSURANCE.

(a) In General.—Section 604(a)(5) of title 28, United States Code, is amended by inserting after "hold office during good behavior," the following: "bankruptcy judges appointed under section 152 of this title, magistrate judges appointed under section 631 of this title, and territorial district court judges appointed under section 24 of the Organic Act of Guam (48 U.S.C. 1424b), section 1(b) of the Act of November 8, 1877 (48 U.S.C. 1821), or section 24(a) of the Revised Organic Act of the Virgin Islands (48 U.S.C. 1614(a)),".

(b) Effective Date.—The amendment made by subsection (a) shall apply with respect to any payment made on or after the first day of the first applicable pay period beginning on or after the date of enactment of this Act.

SEC. 503. ASSIGNMENT OF JUDGES.

Section 296 of title 28, United States Code, is amended by inserting at the end of the second undesignated paragraph the following new sentence: "However, a judge who has retired from regular active service under section 371(b) of this title, when designated and assigned to the court to which such judge was appointed, shall have all the powers of a judge of that court, including participation in appointment of court officers and magistrates, rulemaking, governance, and administrative matters.".

SEC. 504. SENIOR JUDGE PARTICIPATION IN THE SELECTION OF MAGISTRATES.

Section 631(a) of title 28, United States Code, is amended by striking "Northern Mariana Islands" the first place it appears and inserting "Northern Mariana Islands (including any judge in regular active service and any judge who has retired from regular active service under section 371(b) of this title, when designated and assigned to the court to which such judge was appointed)".

SEC. 505. REAUTHORIZATION OF THE ETHICS IN GOVERNMENT ACT.

Section 405 of the Ethics in Government Act of 1978 (5 U.S.C. App.) is amended by striking "2006" and inserting "2011".

Mr. KENNEDY. An independent judiciary is essential to the proper administration of justice. In order to maintain an independent judiciary, it is imperative that judges be protected from the threat of reprisal, so that fear does not influence their decisionmaking. This bill, which I am proud to cosponsor, is an opportunity to protect our judges and help guarantee their independence, and also protect the many other dedicated men and women who serve our judiciary and their families.

In recent years, the need for increased judicial security has been highlighted by a number of attacks. After an unfavorable trademark ruling in Chicago, a disgruntled litigant murdered a Federal judge's husband and mother in the judge's home. Two weeks later a State judge, a court reporter, and a sheriff's deputy were killed in an Atlanta courthouse. A year after that, death threats were made against U.S. Supreme Court Justices.

These attacks are not isolated incidents. On average, Federal judges receive 700 threats a year; threats that are becoming increasingly serious. As these threats and attacks indicate, judges are not currently safe within the walls of our courts, nor are they safe in their homes. We cannot tolerate violence or the threat of violence against judges, court personnel, or their families. Violence against our judiciary represents an assault on our system of government.

By statute, the U.S. Marshals Service in the Department of Justice has the primary responsibility for the security of the Federal judiciary. Currently, the Marshals Service is underfunded and understaffed. There is a lack of coordination and communication between the Service and the Judicial Conference of the United States, the Administrative Office of the United States Courts, and the Federal Protective Service in the Department of Homeland Security. As a result, the Marshals Service struggles to keep up with the security needs of the judiciary in this new high-risk age. There is no reason the system should continue to be so vulnerable.

The legislation we are introducing will enhance judicial security in several respects. First, it would require the Marshals Service to cooperate and coordinate with the Judicial Conference on judicial security on a continuing basis. This provision will give the judiciary a needed voice in assessing their security needs. The Marshals Service will receive additional funds to meet its responsibilities. It will have the ability to accurately assess threats in a timely manner, collect and share intelligence on threats among districts and representatives of the FBI, and achieve appropriate staffing levels.

In addition, the legislation punishes those who intrude into the personal lives of the judiciary and their families. It punishes those attempting to humiliate the judiciary or their families by recording a false lien or encumbrance against real or personal property and those who post personal information about public officials or their families with the intent to harm.

Equally important, the bill authorizes Federal grants to improve security for State and local court systems. The problem of judicial security is shared by all courts, State and Federal alike, and all courts deserve the best possible security protections.

To maintain our freedoms as a democratic society, judicial fairness and independence are essential. Threats and acts of violence against the judiciary are unacceptable. Its members must be fully protected. This bipartisan and bicameral bill aids in that protection, and I am honored to join my colleagues in urging that it be passed quickly by Congress and signed by the President.

By Mr. INOUYE (for himself, Mr. Stevens, Mr. Levin, Mr. Leahy, Ms. Murkowski, Mr. Akaka, and Mr. Bennett):

S. 381. A bill to establish a fact-finding Commission to extend the study of a prior Commission to investigate and determine facts and circumstances surrounding the relocation, internment, and deportation to Axis countries of Latin Americans of Japanese descent from December 1941 through February 1948, and the impact of those actions by the United States, and to recommend appropriate remedies, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Mr. INOUYE. Mr. President, I rise to speak in support of the Commission on Wartime Relocation and Internment of Latin Americans of Japanese Descent Act.

The story of U.S. citizens taken from their homes on the west coast and confined in camps is a story that was made known after a fact-finding study by a Commission that Congress authorized in 1980. That study was followed by a formal apology by President Reagan and a bill for reparations. Far less known, and indeed, I myself did not initially know, is the story of Latin Americans of Japanese descent taken from their homes in Latin America, stripped of their passports, brought to the U.S., and interned in American camps.

This is a story about the U.S. government's act of reaching its arm across international borders, into a community that did not pose an immediate threat to our Nation, in order to use them, devoid of passports or any other proof of citizenship, for hostage exchange with Japan. Between the years 1941 and 1945, our government, with the help of Latin American officials, arbitrarily arrested persons of Japanese descent from streets, homes, and workplaces. Approximately 2,300 undocumented persons were brought to camp sites in the U.S., where they were held under armed watch, and then held in reserve for prisoner exchange. Those used in an exchange were sent to Japan, a foreign country that many had never set foot on since their ancestors' immigration to Latin America.

Despite their involuntary arrival, Latin American internees of Japanese descent were considered by the Immigration and Naturalization Service as illegal entrants. By the end of the war, some Japanese Latin Americans had been sent to Japan. Those who were not used in a prisoner exchange were cast out into a new and English-speaking country, and subject to deportation proceedings. Some returned to Latin America. Others remained in the U.S., where their Latin American country of origin refused their re-entry because they were unable to present a passport.

When I first learned of the wartime experiences of Japanese Latin Americans, it seemed unbelievable, but indeed, it happened. It is a part of our national history, and it is a part of the living histories of the many families whose lives are forever tied to internment camps in our country.

The outline of this story was sketched out in a book published by the Commission on Wartime Relocation and Internment of Civilians formed in 1980. This Commission had set out to learn about Japanese Americans. Towards the close of their investigations, the Commissioners stumbled upon this extraordinary effort by the U.S. government to relocate, intern, and deport Japanese persons formerly living in Latin America. Because this finding surfaced late in its study, the Commission was unable to fully uncover the facts, but found them significant enough to include in its published study, urging a deeper investigation.

I rise today to introduce the Commission on Wartime Relocation and Internment of Latin Americans of Japanese Descent Act, which would establish a fact-finding Commission to extend the study of the 1980 Commission. This Commission's task would be to determine facts surrounding the U.S. government's actions in regards to Japanese Latin Americans subject to a program of relocation, interment, and deportation. I believe that examining this extraordinary program would give finality to, and complete the account of Federal actions to detain and intern civilians of Japanese ancestry.

Mr. President, I ask unanimous consent that the text of my bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 381

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Commission on Wartime Relocation and Internment of Latin Americans of Japanese Descent Act".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Based on a preliminary study published in December 1982 by the Commission on Wartime Relocation and Internment of Civilians, Congress finds the following:

(1) During World War II, the United States—

(A) expanded its internment program and national security investigations to conduct the program and investigations in Latin America; and

(B) financed relocation to the United States, and internment, of approximately 2,300 Latin Americans of Japanese descent, for the purpose of exchanging the Latin Americans of Japanese descent for United States citizens held by Axis countries.

(2) Approximately 2,300 men, women, and children of Japanese descent from 13 Latin American countries were held in the custody of the Department of State in internment camps operated by the Immigration and Naturalization Service from 1941 through 1948.

(3) Those men, women, and children either—

(A) were arrested without a warrant, hearing, or indictment by local police, and sent to the United States for internment; or

(B) in some cases involving women and children, voluntarily entered internment camps to remain with their arrested husbands, fathers, and other male relatives.

(4) Passports held by individuals who were Latin Americans of Japanese descent were routinely confiscated before the individuals arrived in the United States, and the Department of State ordered United States consuls in Latin American countries to refuse to issue visas to the individuals prior to departure.

(5) Despite their involuntary arrival, Latin American internees of Japanese descent were considered to be and treated as illegal entrants by the Immigration and Naturalization Service. Thus, the internees became illegal aliens in United States custody who were subject to deportation proceedings for immediate removal from the United States. In some cases, Latin American internees of Japanese descent were deported to Axis countries to enable the United States to conduct prisoner exchanges.

(6) Approximately 2,300 men, women, and children of Japanese descent were relocated from their homes in Latin America, detained in internment camps in the United States, and in some cases, deported to Axis countries to enable the United States to conduct prisoner exchanges.

(7) The Commission on Wartime Relocation and Internment of Civilians studied Federal actions conducted pursuant to Executive Order 9066 (relating to authorizing the Secretary of War to prescribe military areas). Although the United States program of interning Latin Americans of Japanese descent was not conducted pursuant to Executive Order 9066, an examination of that extraordinary program is necessary to establish a complete account of Federal actions to detain and intern civilians of enemy or foreign nationality, particularly of Japanese descent. Although historical documents relating to the program exist in distant archives, the Commission on Wartime Relocation and Internment of Civilians did not research those documents.

(8) Latin American internees of Japanese descent were a group not covered by the Civil Liberties Act of 1988 (50 U.S.C. App. 1989b et seq.), which formally apologized and provided compensation payments to former Japanese Americans interned pursuant to Executive Order 9066.

(b) PURPOSE.—The purpose of this Act is to establish a fact-finding Commission to extend the study of the Commission on Wartime Relocation and Internment of Civilians to investigate and determine facts and circumstances surrounding the relocation, internment, and deportation to Axis countries of Latin Americans of Japanese descent from December 1941 through February 1948, and the impact of those actions by the United States, and to recommend appropriate remedies, if any, based on preliminary findings by the original Commission and new discoveries.

SEC. 3. ESTABLISHMENT OF THE COMMISSION.

(a) IN GENERAL.—There is established the Commission on Wartime Relocation and Internment of Latin Americans of Japanese descent (referred to in this Act as the "Commission").

(b) COMPOSITION.—The Commission shall be composed of 9 members, who shall be appointed not later than 60 days after the date of enactment of this Act, of whom—

(1) 3 members shall be appointed by the President;

(2) 3 members shall be appointed by the Speaker of the House of Representatives, on the joint recommendation of the majority leader of the House of Representatives and the minority leader of the House of Representatives; and

(3) 3 members shall be appointed by the President pro tempore of the Senate, on the joint recommendation of the majority leader of the Senate and the minority leader of the Senate.

(c) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the Commission. A vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment was made.

(d) MEETINGS.—

(1) FIRST MEETING.—The President shall call the first meeting of the Commission not later than the later of—

(A) 60 days after the date of enactment of this Act; or

(B) 30 days after the date of enactment of legislation making appropriations to carry out this Act.

(2) SUBSEQUENT MEETINGS.—Except as provided in paragraph (1), the Commission shall meet at the call of the Chairperson.

(e) QUORUM.—Five members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(f) CHAIRPERSON AND VICE CHAIRPERSON.—The Commission shall elect a Chairperson and Vice Chairperson from among its members. The Chairperson and Vice Chairperson shall serve for the life of the Commission.

SEC. 4. DUTIES OF THE COMMISSION.

(a) IN GENERAL.—The Commission shall—

(1) extend the study of the Commission on Wartime Relocation and Internment of Civilians, established by the Commission on Wartime Relocation and Internment of Civilians Act—

(A) to investigate and determine facts and circumstances surrounding the United States' relocation, internment, and deportation to Axis countries of Latin Americans of Japanese descent from December 1941 through February 1948, and the impact of those actions by the United States; and

(B) in investigating those facts and circumstances, to review directives of the United States armed forces and the Department of State requiring the relocation, detention in internment camps, and deportation to Axis countries of Latin Americans of Japanese descent; and

(2) recommend appropriate remedies, if any, based on preliminary findings by the original Commission and new discoveries.

(b) REPORT.—Not later than 1 year after the date of the first meeting of the Commission pursuant to section 3(d)(1), the Commission shall submit a written report to Congress, which shall contain findings resulting from the investigation conducted under subsection (a)(1) and recommendations described in subsection (a)(2).

SEC. 5. POWERS OF THE COMMISSION.

(a) HEARINGS.—The Commission or, at its direction, any subcommittee or member of the Commission, may, for the purpose of carrying out this Act—

(1) hold such public hearings in such cities and countries, sit and act at such times and places, take such testimony, receive such evidence, and administer such oaths as the Commission or such subcommittee or member considers advisable; and

(2) require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, documents, tapes, and materials as the Commission or such subcommittee or member considers advisable.

(b) ISSUANCE AND ENFORCEMENT OF SUBPOENAS.—

(1) ISSUANCE.—Subpoenas issued under subsection (a) shall bear the signature of the Chairperson of the Commission and shall be served by any person or class of persons designated by the Chairperson for that purpose.

(2) ENFORCEMENT.—In the case of contumacy or failure to obey a subpoena issued under subsection (a), the United States district court for the judicial district in which the subpoenaed person resides, is served, or may be found may issue an order requiring such person to appear at any designated place to testify or to produce documentary or other evidence. Any failure to obey the order of the court may be punished by the court as a contempt of that court.

(c) WITNESS ALLOWANCES AND FEES.—Section 1821 of title 28, United States Code, shall apply to witnesses requested or subpoenaed to appear at any hearing of the Commission. The per diem and mileage allowances for witnesses shall be paid from funds available to pay the expenses of the Commission.

(d) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to perform its duties. Upon request of the Chairperson of the Commission, the head of such department or agency shall furnish such information to the Commission.

(e) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

SEC. 6. PERSONNEL AND ADMINISTRATIVE PROVISIONS.

(a) COMPENSATION OF MEMBERS.—Each member of the Commission who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission. All members of the Commission who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(b) TRAVEL EXPENSES.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(c) STAFF.—

(1) IN GENERAL.—The Chairperson of the Commission may, without regard to the civil service laws and regulations, appoint and terminate the employment of such personnel as may be necessary to enable the Commission to perform its duties.

(2) COMPENSATION.—The Chairperson of the Commission may fix the compensation of the personnel without regard to chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(d) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(e) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairperson of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

(f) OTHER ADMINISTRATIVE MATTERS.—The Commission may—

(1) enter into agreements with the Administrator of General Services to procure necessary financial and administrative services;

(2) enter into contracts to procure supplies, services, and property; and

(3) enter into contracts with Federal, State, or local agencies, or private institutions or organizations, for the conduct of research or surveys, the preparation of reports, and other activities necessary to enable the Commission to perform its duties.

SEC. 7. TERMINATION.

The Commission shall terminate 90 days after the date on which the Commission submits its report to Congress under section 4(b).

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated such sums as may be necessary to carry out this Act.

(b) AVAILABILITY.—Any sums appropriated under the authorization contained in this section shall remain available, without fiscal year limitation, until expended.

By Ms. COLLINS (for herself, Mr. HARKIN, Mr. KENNEDY, Mr. PRYOR, Mr. COLEMAN, Ms. CANTWELL, Mr. DURBIN, Ms. MIKULSKI, Mr. BINGAMAN, Mr. LAUTENBERG, and Mr. KERRY):

S. 382. A bill to amend the Public Health Service Act to establish a State family support grant program to end the practice of parents giving legal custody of their seriously emotionally disturbed children to State agencies for the purpose of obtaining mental health services for those children; to the Committee on Health, Education, Labor, and Pensions.

Ms. COLLINS. Mr. President, I am pleased to join my colleagues, Senators HARKIN, KENNEDY, COLEMAN, PRYOR, CANTWELL, DURBIN, MIKULSKI, BINGAMAN, LAUTENBERG and KERRY, in introducing the "Keeping Families Together Act." This legislation is intended to reduce the barriers to care for children with serious mental illness so that their parents are no longer forced to give up custody solely for the purpose of securing mental health treatment.

Serious mental illness afflicts millions of our Nation's children and adolescents. It is estimated that as many as 20 percent of American children under the age of 17 suffer from a mental, emotional or behavioral illness. What I find most disturbing, however, is the fact that two-thirds of all young people who need mental health treatment are not getting it.

Behind each of these statistics is a family that is struggling to do the best it can to help a son or daughter with serious mental health needs to be just like every other kid—to develop friendships, to do well in school, and to get along with their siblings and other family members. These children are almost always involved with more than one social service agency, including the mental health, special education, child welfare, and juvenile justice systems. Yet no one agency, at either the State or the Federal level, is clearly responsible or accountable for helping these children and their families.

My interest in this issue was triggered by a compelling series of stories by Barbara Walsh in the Portland Press Herald which detailed the obstacles that many Maine families have faced in getting desperately needed mental health services for their children. Too many families in Maine and elsewhere have been forced to make wrenching decisions when they have been advised that the only way to get the care that their children so desperately need is to relinquish custody and place them in either the child welfare or juvenile justice system.

When a child has a serious physical health problem like diabetes or a heart condition, the family turns to their doctor. When the family includes a child with a serious mental illness, it is often forced to go to the child welfare or juvenile justice system to secure treatment.

Yet neither system is intended to serve children with serious mental illness. Child welfare systems are designed to protect children who have been abused or neglected. Juvenile justice systems are designed to rehabilitate children who have committed criminal or delinquent acts. While neither of these systems is equipped to care for a child with a serious mental illness, in far too many cases, there is nowhere else for the family to turn.

In some extreme cases, families feel forced to file charges against their child or to declare that they have abused or neglected them in order to get the care that they need. As one family advocate observed, "Beat 'em up, lock 'em up, or give 'em up,'' characterizes the choices that some families face in their efforts to get help for their children's mental illness.

In 2003, the Government Accountability Office (GAO) issued a report that I requested with Representatives Pete Stark and Patrick Kennedy that found that, in 2001, parents placed more than 12,700 children into the child welfare or juvenile justice systems so that these children could receive mental health services. This likely is just the tip of the iceberg, since 32 States—including five States with the largest populations of children—did not provide the GAO with any data.

Other studies indicate that the problem is even more pervasive. A 1999 survey by the National Alliance on Mental Illness found that 23 percent—or one in four of the parents surveyed—had been told by public officials that they needed to relinquish custody of their children to get care, and that one in five of these families had done so.

Some States have passed laws to limit custody or prohibit custody relinquishment. Simply banning the practice is not a solution, however, since it can leave children with mental illness and their families without services and care. Custody relinquishment is merely a symptom of the much larger problem, which is the lack of available, affordable and appropriate mental health services and support systems for these children and their families.

In 2003 and 2004, I chaired a series of hearings in the Homeland Security and Governmental Affairs Committee to examine this issue further. We heard compelling testimony from mothers who told us that they were advised that the only way to get the intensive care and services that their children needed was to relinquish custody and place them in the child welfare or juvenile justice system. This is a wrenching decision that no family should be forced to make. No parent should have to give up custody of his or her child just to get the services that the child needs.

The mothers also described the barriers they faced in getting care for their children. They told us about the limitations in both public and private insurance coverage. They also talked about the lack of coordination and communication among the various agencies and programs that service children with mental health needs. One parent, desperate for help for her twin boys, searched for two years until she finally located a program—which she characterized as "the best kept secret in Illinois"—that was able to help.

Parents should not be bounced from agency to agency, knocking on every door they come to, in the hope that they will happen upon someone who has an answer. It simply should not be such a struggle for parents to get services and treatment for their children.

We also need to question what happens to these children when they are turned over to the child welfare or juvenile justice authorities. I released a report in 2004 with Congressman Henry Waxman that found that all too often they are simply left to languish in juvenile detention centers, which are ill-equipped to meet their needs, while they wait for scarce mental health services,

Our report, which was based on a national survey of juvenile detention centers, found that the use of juvenile detention facilities to "warehouse" children with mental disorders is a serious national problem. It found that, over a six month period, nearly 15,000 young people—roughly seven percent of all of the children in the centers surveyed—were detained solely because they were waiting for mental health services outside the juvenile justice system. Many were held without any charges pending against them, and the young people incarcerated unnecessarily while waiting for treatment were as young as seven years old. Finally, the report estimated that juvenile detention facilities are spending an estimated $100 million of the taxpayers' money each year simply to warehouse children and teenagers while they are waiting for mental health services.

The Keeping Families Together Act, which we are introducing today, will help to improve access to mental health services and assist states in eliminating the practice of parents relinquishing custody of their children solely for the purpose of securing treatment.

The legislation authorizes $100 million over six years for competitive grants to states to create an infrastructure to support and sustain statewide systems of care to serve children who are in custody or at risk of entering custody of the State for the purpose of receiving mental health services. States already dedicate significant dollars to serve children in state custody. These Family Support Grants would help states to serve children more effectively and efficiently, while keeping them at home with their families.

In addition, the legislation calls for the creation of a federal interagency task force to examine mental health issues in the child welfare and juvenile justice systems and the role of those agencies in promoting access by children and youth to needed mental health services. The task force would also be charged with monitoring the Family Support grants, making recommendations to Congress on how to improve mental health services, and fostering interagency cooperation and removing interagency barriers that contribute to the problem of custody relinquishment.

The Keeping Families Together Act takes a critical step forward to meeting the needs of children with serious mental or emotional disorders. Our legislation has been endorsed by a broad coalition of mental health and children's groups, including the National Alliance on Mental Illness, the Bazelon Center for Mental Health Law, Mental Health America, the American Psychological Association, and the American Psychiatric Association. I ask unanimous consent that letters from these organizations endorsing the bill be printed in the RECORD.

The Keeping Families Together Act will help to reduce the barriers to care for children with serious mental illness, and I urge our colleagues to join us as cosponsors.

There being no objection, the materials were ordered to be printed in the RECORD, as follows:

BAZELON CENTER,
Washington, DC, January 17, 2007.
Hon. SUSAN COLLINS
U.S. Senate,
Washington, DC.

DEAR SENATOR COLLINS: The Judge David L. Bazelon Center for Mental Health Law—the leading national legal-advocacy organization representing children and adults with mental disabilities who primarily rely on the public mental health system for treatment—is pleased to support the Keeping Families Together Act and commends your leadership on this important legislation.

A lack of access to appropriate mental health services and supports for children in both the private and public sectors is a significant barrier families across the country face when they are confronted with the horrific problem of custody relinquishment of a child solely to access necessary mental health treatment. Custody relinquishment for these purposes should not and does not need to happen. It is a symptom of a flawed children's mental health system that is in crisis.

The Keeping Families Together Act serves to address this fragmented system by assisting states in developing and expanding capacity to serve children with severe mental and emotional disorders so families have options when their child is in need of mental health care. With studies showing approximately two-thirds of children and adolescents are not receiving the mental health services they need, we welcome this vital legislation. Promoting early intervention, ensuring access to wide range of services and supports and helping to maintain family integrity are achievable goals supported by your legislation—goals we are confident will help reduce these appalling statistics.

The Bazelon Center looks forward to working closely with you and your staff throughout the legislative process to enact the Keeping Families Together Act. Thank you for your commitment to the health and mental health needs of our most vulnerable children.

Sincerely,
ROBERT BERNSTEIN, PH.D.,
Executive Director.

AMERICAN PSYCHOLOGICAL ASSOCIATION,
Washington, DC, January 19, 2007.
Hon. SUSAN M. COLLINS,
U.S. Senate,
Washington, DC.

DEAR SENATOR COLLINS: On behalf of the 145,000 members and affiliates of the American Psychological Association (APA), I am writing in support of the Keeping Families Together Act. This vital legislation would establish a state family support grant program to end the practice of parents needing to relinquish legal custody of their children to state agencies for the sole purpose of obtaining mental health services for their children.

As you know, the custody relinquishment problem stems from a paradox that exists in many states. Private healthcare plans frequently do not cover many services needed by children with physical, mental, or developmental disabilities. As a result, many parents turn to the child welfare or juvenile justice system for assistance. Neither of these systems is intended nor equipped to care for a child with a serious mental health problem. Yet, as the law currently exists in many states, parents must relinquish custody to receive otherwise unaffordable specialized care for their children. Ironically, these children are frequently placed with foster families that receive full funding for the children's care, while competent parents lose contact with, influence over and decision making authority for their children. Custody relinquishment of a child solely so he or she may access necessary mental health services is a national tragedy.

The Keeping Families Together Act lays a strong foundation for needed reforms by promoting access to needed services and reducing fragmentation in service delivery. Some of the legislation's main provisions include providing grants to states to establish interagency systems of care for children and adolescents with serious mental health and emotional problems. Additionally, this legislation will establish a federal interagency task force to examine mental health issues in the child welfare and juvenile justice systems.

APA members are actively engaged in research and practice initiatives related to helping children and their families receive the mental health services they need. Please view APA as a resource to you for empirically-based research on child mental health matters when considering the enactment of the Keeping Families Together Act.

In closing, we would like to thank you once again for your efforts in developing the Keeping Families Together Act and to offer our association's assistance in furthering passage of this vital legislation. Please contact Annie Toro of our Public Policy Office if you would like any additional information.

Sincerely,

GWENDOLYN PURYEAR KEITA,
Executive Director,
Public Interest Directorate.

MENTAL HEALTH AMERICA,
Alexandria, VA., January 22, 2007.

Hon. SUSAN COLLINS,
U.S. Senate, Washington, DC.
Hon. PETE STARK,
House of Representatives, Washington, DC.
Hon. TOM HARKIN,
U.S. Senate, Washington, DC.
Hon. JIM RAMSTAD,
House of Representatives, Washington, DC.

DEAR SENATORS COLLINS AND HARKIN AND REPRESENTATIVES RAMSTAD AND STARK: On behalf of Mental Health America (formerly the National Mental Health Association), I am writing to commend you for reintroducing the Keeping Families Together Act in the 110th Congress.

As you know, thousands of families every year are forced to give up custody of their children to the state in order to secure vitally necessary mental health services. This custody relinquishment tears families apart, is devastating for parents and caregivers, and leaves children feeling abandoned in their hour of greatest need. Parents are often forced to take this tragic step because their private health care coverage imposes discriminatory and restrictive caps on mental health care or their insurers simply refuse to cover the required treatment. The majority of these families are not eligible for Medicaid coverage because of their income. Furthermore, there is a widespread lack of appropriate mental health services for children and adolescents in most states and communities which forces families to make desperate choices.

Your legislation promises to improve access to the services these families need to stay together by providing grants to states to establish interagency systems of care for children and adolescents with serious mental disorders. These grants will allow states to build more efficient and effective mental health systems for children and families. Your bill also calls for the creation of a federal interagency task force to examine mental health issues in the child welfare and juvenile justice systems. This analysis is greatly needed because, as you know, children who become wards of the state in order to receive mental health services are generally placed in the child welfare or juvenile justice systems even though neither system is designed or intended to serve as a mental health provider.

No family in our nation should ever be asked to make the heart-wrenching decision to give up parental rights of their seriously ill child in exchange for mental health treatment. We welcome this legislation as a critical step toward ending custody relinquishment and toward delivering more cost effective and appropriate services for children and families.

Once again, we thank you for your leadership and commitment to ending this practice and for continuing to stand up for children and families.

Sincerely,

DAVID L. SHERN, PH.D.,
President and CEO, Mental Health America.

NATIONAL ALLIANCE ON
MENTAL ILLNESS,
Arlington, VA, January 18, 2007.

Hon. SUSAN COLLINS,
U.S. Senate,
Washington, DC.
Hon. TOM HARKIN,
U.S. Senate,
Washington, DC.

DEAR SENATORS COLLINS AND HARKIN: On behalf of the 210,000 members and 1,200 affiliates of the National Alliance on Mental Illness, NAMI, I am writing to offer our strong support for the Keeping Families Together Act, KFTA. As the nation's largest organization representing families of children and adolescents living with mental illness, NAMI is proud to offer our support for this important legislation.

The KFTA represents a major step forward in helping to end a national scandal that has lingered too long in states throughout our nation. As you know, thousands of families every year are forced to give up custody of a child to the state in order to secure vitally necessary mental illness treatment and support services. This unthinkable practice tears families apart, devastates parents and caregivers and leaves children feeling abandoned in their hour of greatest need.

This practice occurs because most families have discriminatory and restrictive caps on their private mental health coverage or insurers fail to cover the required treatment. The majority of these families are not eligible for Medicaid coverage because of their income and assets. This truly unfortunate practice also exists because of the lack of appropriate mental health services in many states and communities for children and adolescents with mental disorders. This was well documented in President Bush's 2003 New Freedom Initiative Mental Health Commission report.

Your legislation would help end this growing crisis by providing grants to states to establish interagency systems of care for children and adolescents with serious mental disorders. These grants would allow states to build more efficient and effective mental health systems for children and families. It would also. eliminate barriers to home and community-based care for children by enabling a greater number of children to receive mental health services under the Section 1915(c) Medicaid home- and community-based waiver. The waiver promises to make appropriate services available to children in their homes and communities and close to their loved ones at a considerable cost savings over providing those services in an institutional setting.

The KFTA also creates a federal interagency task force to examine how the child welfare and juvenile justice systems serve children and adolescents with mental illness. A GAO report released in April 2003 showed that when parents give up custody of their child to secure mental health services, those children are placed in one of these two systems—neither of which is designed to be a mental health service agency.

NAMI feels strongly that no family should ever be asked to make the heart-wrenching decision to give up parental rights of their seriously ill child in exchange for mental health treatment and services. Thank you for your leadership and commitment to ending this practice and for continuing to stand up for children, families and common sense.

Sincerely,

MICHAEL J. FITZPATRICK, M.S.W.,
Executive Director.

Mr. HARKIN. Mr. President, I am honored to join with the distinguished junior Senator from Maine, Ms. COLLINS, in introducing the Keeping Families Together Act. As a long-time advocate for people with disabilities, I believe that this legislation represents an important step forward in ensuring the health and wellbeing of our children, in particular those with mental illness.

One in five children has a diagnosable mental disorder, and one in ten children has a mental disorder serious enough to hinder their functioning at school, at the home, and in their communities. Regrettably, two-thirds of children in this latter group do not receive the treatment they need. Without treatment, mental illness negatively affects all areas of children's lives, and it can have dire consequences for their future, including their ability to become productive members of society. Children with mental health problems are at higher risk of chronic illness, academic difficulties and school discipline problems, delinquency, incarceration, and suicide.

The good news is that 90 percent of all mental health disorders are treatable by therapy and medication. Yet parents face a multitude of obstacles and challenges in finding appropriate services for a child with serious mental illness. Often, they find that their private insurance will not pay for necessary mental health services, or that they do not qualify for Medicaid. In their efforts to secure effective treatment, many parents exhaust their own financial resources and find that they have nowhere else to turn. Tragically, many dedicated, loving parents reach the point where they believe that they have no other option but to relinquish custody of their child to the State in order to access appropriate services. These out-of-home placements can be traumatic for children, and profoundly disruptive and heart-breaking for families that are already in crisis.

Making matters worse, state systems are often poorly equipped to serve the needs of these children. Many children end up being placed in expensive residential institutions, rather than less costly home- and community-based services. Our juvenile justice system is overwhelmed by young people in need of mental health services. A congressional report authored by Senator COLLINS and Representative HENRY WAXMAN of California suggests that, every night, nearly 2,000 youths are placed in juvenile detention facilities not because they are criminals but because they do not have access to necessary mental health services. This results in a $100 million bill to the taxpayers. Not only is this a serious misuse of public funds, it is a tragic injustice to the children and families involved. We simply cannot allow children to languish in detention facilities when they are really in need of mental health treatment.

The Keeping Families Together Act lays a foundation for securing better access to mental health services for children. Consistent with recommendations by the President's New Freedom Commission on Mental Health, this legislation encourages interagency coordination in the provision of mental health services for children. The bill gives States incentives to remedy the fragmentation that now exists among child welfare, education, juvenile justice, and mental health agencies responsible for helping children. It ensures that States will improve access to mental health services and eliminate the practice of parents' relinquishing custody of their children solely for the purpose of securing mental health treatment. Our bill also promotes sustainable financing by requiring States to provide graduated matching funds.

In sum, by providing a sustainable, coordinated system of mental health care, children will be able to receive needed services within a stable, loving home environment. Families will be able to stay together.

In a decent, humane society, every family should have access to appropriate mental health services for their children. Parents should not have to surrender a child to the State as the price for obtaining access to mental health treatment. The Keeping Families Together Act offers a better way. It allows children with mental disorders to stay where they belong—in the custody and care of their loving family. I join with Senator COLLINS in urging our colleagues to support this urgent and important legislation.

By Mr. AKAKA (for himself and
Mr. ROCKEFELLER):

S. 383. A bill to amend title 38, United States Code, to extend the period of eligibility for health care for combat service in the Persian Gulf War or future hostilities from 2 years to 5 years after discharge or release; to the Committee on Veterans' Affairs.

Mr. AKAKA. Mr. President, I today introduce legislation that, if enacted, will help ensure that returning servicemembers receive the care they need from VA in the 5 years immediately following detachment or deactivation, without having to meet strict eligibility rules. The changes this legislation would make will contribute to the "seamless" transition of military personnel from active duty to veteran status. This legislation is identical to the bill I introduced last Congress.

Today, any active duty servicemember who is discharged or separated from active duty following deployment to a theater of combat—including Reservists or Guard who stand down but remain on reserve duty—is eligible for VA health care for a 2-year period. In my view, it is vital that this period be extended to 5 years to provide a more appropriate window of time for servicemembers to access VA care. Since the start of OEF and OIF, an average of 157,800 servicemembers have been discharged or deactivated per year. This legislation will help the existing 315,600 veterans who have been inactive for more than 2 years but fewer than 5, and thousands more in the future.

Following the first Persian Gulf War, and partially in response to the unexplained illnesses among those who served, Congress enacted the Veterans Programs Enhancement Act of 1998. This law gave 2 years of priority eligibility for health care to any veteran who served in a theater of combat following discharge or deactivation from active duty. The original intent was to ensure health care for servicemembers after their active duty health care benefits ended. It is now clear this the 2 year window of eligibility is insufficient.

There are two primary reasons to amend the law to allow a greater period of eligibility: protection from budget cuts and access to care for conditions, including mental health conditions, that may not be readily apparent when a servicemember first leaves active duty. In recent years, funding for VA health care has been delayed or cut by the legislative and appropriations processes, leading to delayed or denied care to those veterans with lower priority for VA care. Those veterans who have served in a theater of combat operations deserve to have their health care guaranteed for at least the first 5 years immediately following their discharge or detachment.

With regard to mental health, 2 years is often insufficient time for symptoms related to PTSD and other mental illnesses to manifest. In many cases, it takes years for such symptoms to present themselves, and many servicemembers do not immediately seek care. Experts predict that up to 30 percent of OEF/OIF servicemembers will need some type of readjustment services. Five years would provide a bigger window to address these risks. We face a growing group of recently discharged veterans, and this legislation will help smooth their transition to civilian life.

One final reason, that I believe this legislation is necessary, is that extending the window of eligibility for VA health care services may also serve to prevent homelessness among veterans. We all know that veterans represent a disproportionate segment of the homeless population, and that is a national tragedy. While we continue to battle homelessness among older veterans from Vietnam and other conflicts, we must do all we can to ensure that none of the new veterans returning from Iraq and Afghanistan fall through the cracks. Providing more time for them to access VA's services is a key part of that effort.

I urge my colleagues to support this legislation, as I believe it is truly a way to honor the service of our men and women in uniform.

By Ms. LANDRIEU (for herself,
Mr. DURBIN, Mr. GRAHAM, and
Mr. KERRY):

S. 384. A bill to provide pay protection for members of the Reserve and the National Guard, and for other purposes; to the Committee on Finance.

Ms. LANDRIEU. Mr. President, today there are 91,555 members of the National Guard and our Reserve armed forces serving bravely in Iraq, Afghanistan, and any other part of the world our country calls them to serve. The President is sending an additional 21,500 troops to Iraq in one final push to bring stability to that country. Regardless of what we think about this plan, Americans stand by our troops. They have the best equipment and training for their mission and we would never deny them the support they need. But back at home, there is still a great deal that we can do to support our guard and reserves families.

When guardsmen and reservists are deployed they leave their families, their jobs, and their communities behind, causing tremendous stress on the home front and in the workplace. Families often lose the main bread winner when a citizen soldier gets deployed. They may have trouble paying bills, the rent, the mortgage, or buying medicine for their children.

The reason these families cannot make ends meet is because for Guardsmen and Reservists military pay is often less than civilian pay. We call that the "pay gap." According to the most recent Status Forces Survey of Reserve Components, 51 percent of our citizen soldiers take a pay cut when they get deployed and 11 percent of them lose more than $2,500 per month.

To help provide relief from the pay gap for our Guard and Reserve, I am pleased to introduce, along with Senators DURBIN, GRAHAM and KERRY, the Helping Our Patriotic Employers at Helping our Military Employees Act of 2007. I call the bill by its nickname: HOPE at HOME. Our guard and reserve families have enough to worry about when a loved one gets called away, the least we can do is relieve some of their financial worry by encouraging employers to make up the pay gap. Let me describe for my colleagues how this legislation works.

HOPE at HOME will give a 50 percent tax credit to the thousands of employers around the country who have taken the patriotic step of continuing to pay the salary of their guard and reservists employees who have been called to active duty. There are literally thousands of employers out there who already take this noble step—they do it voluntarily, selflessly and at great sacrifice. The HOPE at HOME Act honors that sacrifice.

HOPE at HOME will also give companies that cannot afford to make up the pay-gap an incentive to do so. One survey found that only 173 of the Fortune 500 companies make up the pay gap. If the wealthiest companies cannot afford to help their active duty employees, imagine how difficult this is for smaller companies. HOPE at HOME will allow companies large and small to do the patriotic thing and reward those employees who are serving to keep us all free.

HOPE at HOME will also give small patriotic employers additional tax relief if they need to hire a worker to temporarily replace the active duty Guardsmen or Reservist. In addition, the bill clarifies the tax treatment of any pay-gap payments to make income tax filing easier for our Guard and Reservists.

I mentioned that thousands of employers make up the pay-gap for their employees. There is one employer, however, and it happens to be the Nation's largest, that does not make up the pay gap: Uncle Sam. The Federal Government, which should set the bar for patriotism in our country, does not do its part to help our citizen soldiers. We cannot ask the private sector to do more than they are doing if the Federal government is not willing to step up and do its part for our military men and women.

Today our Nation relies on the Guard and Reserve to meet our armed forces needs more than at any other time in our history. At times in the war on terror, 40 percent of our troops in Iraq and Afghanistan were citizen soldiers, if not more. Many of them performed multiple tours of duty or found their duties extended.

All of the experts tell us that our need for our Guard and Reserve troops will only get greater. During the Cold War, end strength of the U.S. military force never dropped below 2.0 million personnel and peaked at over 3.5 million during the Korean and Vietnam Wars. From 1989 to 1999, end strength dropped steadily from 2.1 million to 1.4 million, where it has remained. Our ground forces are stretched thin and the number of deployments has increased by over 300 percent. The Guard and Reserve have made it possible to meet these challenges. We still find ourselves stretched thin, but without the Guard and Reserve we would never be able to meet our obligation as guardians of freedom in the World.

But this over-reliance on the Guard and Reserve is starting to have a toll on our ability to recruit and retain these men and women. The top reasons for leaving the Guard and Reserve, according to the Status of Forces Survey of Reserve Components, are family stress, the number and lengths of deployments, income loss, and conflict with civilian employment.

HOPE at HOME recognizes that a soldier who is worrying about how his or her family is paying the bills is not focusing on the mission at hand. A soldier who is worrying about whether the family is paying the rent, is not going to reenlist. And every time one of our soldiers leaves, our nation loses the experience and service of a highly trained, capable professional. We need to make every effort to keep our citizen soldiers in service to their country. HOPE at HOME is a first step to addressing our military's larger recruitment and retention issues.

During the Cold War we built our strength on having the biggest, best equipped standing army in the World. Now our military gathers its strength from a large reserve of qualified men and women in the Guard and Reserve who are ready to fight at a moment's call. We will lose that strength if we do not give our guardsmen and Reservists and their families HOPE at HOME.

I hope my colleagues will join me in giving our Guard and Reserve HOPE at HOME Act.

By Mr. INOUYE (for himself, Mr. STEVENS, Mr. KERRY, Mr. SMITH, and Ms. SNOWE):

S. 385. A bill to improve the interoperability of emergency communications equipment; to the Committee on Commerce, Science, and Transportation.

Mr. INOUYE. Mr. President, I rise today to call attention to an important issue that the Congress has not adequately addressed since the painful events of September 11, 2001.

That issue is the inability of our first responders to speak to each other, a problem especially troubling during an emergency, when the ability to quickly and effectively communicate saves lives.

This is why I, with the cosponsorship of my colleagues, Senators STEVENS, KERRY, SMITH AND SNOWE, are introducing the Interoperable Emergency Communications Act.

After September 11, 2001, we heard heartbreaking stories of firefighters and police officers who went into harm's way because they lacked adequate information. These brave men and women were unable to reach victims because their systems could not communicate with one another.

At that time, the Congress began devoting greater attention to why many of our first responders lacked this ability to communicate with each other in the field. We asked what it would take to ensure communications equipment and facilities could withstand a natural disaster. We asked which equipment would be worthy of our investment.

Then Hurricane Katrina struck in August, 2006, and we found that our first responders faced the same communications failures. This is an unnecessary frustration that prevents our first responders from effectively doing their jobs.

Our bill provides needed direction to the National Telecommunications and Information Administration (NTIA) regarding its administration of the $1 billion grant program for interoperable communications systems for first responders, which was created by the Senate Commerce Committee early last year. It will be funded by money from the Digital Transition and Public Safety Fund and administered by the NTIA.

The bill designates grants for regional or statewide communications systems that will allow first responders to talk to one another during an emergency. It also sets aside funding for a technology reserve for immediate deployment of communications equipment in the event of an emergency or disaster.

To ensure a fair distribution of funds, the money will be distributed in accordance with guidelines outlined in the Patriot Act to ensure a fair distribution of funds, and grant allocations will be prioritized based on an "all hazards" approach that will take into account threat and risk factors associated with natural disasters—such as hurricanes, tsunamis, earthquakes, and tornadoes—as well as risks associated with terrorist attacks.

Every day we hear about potential threats against our Nation and it will not be long until we are again in the midst of hurricane season. I hope that history will not repeat itself and that the Congress can act quickly in directing the NTIA to give our first responders the tools they need to effectively do their jobs. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 385

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Interoperable Emergency Communications Act".

SEC. 2. INTEROPERABLE EMERGENCY COMMUNICATIONS.

(a) IN GENERAL.—Section 3006 of Public Law 109–171 (47 U.S.C. 309 note) is amended—

(1) by striking paragraphs (1) and (2) of subsection (a) and inserting the following:

"(1) may take such administrative action as is necessary to establish and implement a grant program to assist public safety agencies—

"(A) in conducting statewide or regional planning and coordination to improve the interoperability of emergency communications;

"(B) in supporting the design and engineering of interoperable emergency communications systems;

"(C) in supporting the acquisition or deployment of interoperable communications equipment or systems that improve or advance the interoperability with public safety communications systems;

"(D) in obtaining technical assistance and conducting training exercises related to the use of interoperable emergency communications equipment and systems; and

"(E) in establishing and implementing a strategic technology reserve to pre-position or secure interoperable communications in advance for immediate deployment in an emergency or major disaster (as defined in section 102(2) of Public Law 93–288 (42 U.S.C. 5122); and

"(2) shall make payments of not to exceed $1,000,000,000, in the aggregate, through fiscal year 2010 from the Digital Television Transition and Public Safety Fund established under section 309(j)(8)(E) of the Communications Act of 1934 (47 U.S.C. 309(j)(8)(E)) to carry out the grant program established under paragraph (1), of which not more than $100,000,000, in the aggregate, may be allocated for grants under paragraph (1)(E).";

(2) by redesignating subsections (b) and (c) as subsections (k) and (l), respectively, and inserting after subsection (a) the following:

"(b) EXPEDITED IMPLEMENTATION.—Pursuant to section 4 of the Call Home Act of 2006, no less than $1,000,000,000 shall be awarded for grants under subsection (a) no later than September 30, 2007, subject to the receipt of qualified applications as determined by the Assistant Secretary.

"(c) ALLOCATION OF FUNDS.—In awarding grants under subparagraphs (A) through (D) of subsection (a)(1), the Assistant Secretary shall ensure that grant awards—

"(1) result in distributions to public safety entities among the several States that are consistent with section 1014(c)(3) of the USA PATRIOT ACT (42 U.S.C. 3714(c)(3)); and

"(2) are prioritized based upon threat and risk factors that reflect an all-hazards approach to communications preparedness.

"(d) ELIGIBILITY.—To be eligible for assistance under the grant program established under subsection (a), an applicant shall submit an application, at such time, in such form, and containing such information as the Assistant Secretary may require, including—

"(1) a detailed explanation of how assistance received under the program would be used to improve regional, State, or local communications interoperability and ensure interoperability with other appropriate public safety agencies in an emergency or a major disaster; and

"(2) assurance that the equipment and system would—

"(A) be compatible with the communications architecture developed under section 7303(a)(1)(E) of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 194(a)(1)(E));

"(B) meet any voluntary consensus standards developed under section 7303(a)(1)(D) of that Act (6 U.S.C. 194(a)(1)(D); and

"(C) be consistent with the common grant guidance established under section 7303(a)(1)(H) of that Act (6 U.S.C. 194(a)(1)(H)).

"(e) CRITERIA FOR CERTAIN GRANTS.—In awarding grants under subparagraphs (A) through (D) of subsection (a)(1), the Assistant Secretary shall ensure that all grants funded are consistent with Federal grant guidance established by the SAFECOM Program within the Department of Homeland Security.

"(f) CRITERIA FOR STRATEGIC TECHNOLOGY RESERVE GRANTS.—

"(1) IN GENERAL.—In awarding grants under subsection (a)(1)(E), the Assistant Secretary shall consider the continuing technological evolution of communications technologies and devices, with its implicit risk of obsolescence, and shall ensure, to the maximum extent feasible, that a substantial part of the reserve involves prenegotiated contracts and other arrangements for rapid deployment of equipment, supplies, and systems rather than the warehousing or storage of equipment and supplies currently available at the time the reserve is established.

"(2) REQUIREMENTS AND CHARACTERISTICS.—A reserve established under paragraph (1) shall—

"(A) be capable of re-establishing communications when existing infrastructure is damaged or destroyed in an emergency or a major disaster;

"(B) include appropriate current, widely-used equipment, such as Land Mobile Radio Systems, cellular telephones and satellite equipment, Cells-On-Wheels, Cells-On-Light-Trucks, or other self-contained mobile cell sites that can be towed, backup batteries, generators, fuel, and computers;

"(C) include equipment on hand for the Governor of each State, key emergency response officials, and appropriate State or local personnel;

"(D) include contracts (including prenegotiated contracts) for rapid delivery of the most current technology available from commercial sources; and

"(E) include arrangements for training to ensure that personnel are familiar with the operation of the equipment and devices to be delivered pursuant to such contracts.

"(3) ADDITIONAL CHARACTERISTICS.—Portions of the reserve may be virtual and may include items donated on an in-kind contribution basis.

"(4) CONSULTATION.—In developing the reserve, the Assistant Secretary shall seek advice from the Secretary of Defense and the Secretary of Homeland Security, as well as national public safety organizations, emergency managers, State, local, and tribal governments, and commercial providers of such systems and equipment.

"(5) ALLOCATION AND USE OF FUNDS.—The Assistant Secretary shall allocate—

"(A) a portion of the reserve's funds for block grants to States to enable each State to establish a strategic technology reserve within its borders in a secure location to allow immediate deployment; and

"(B) a portion of the reserve's funds for regional Federal strategic technology reserves to facilitate any Federal response when necessary, to be held in each of the Federal Emergency Management Agency's regional offices, including Boston, Massachusetts (Region 1), New York, New York (Region 2), Philadelphia, Pennsylvania (Region 3), Atlanta, Georgia (Region 4), Chicago, Illinois (Region 5), Denton, Texas (Region 6), Kansas City, Missouri (Region 7), Denver, Colorado (Region 8), Oakland, California (Region 9), Bothell, Washington (Region 10), and each of the noncontiguous States for immediate deployment.

"(g) CONSENSUS STANDARDS.—In carrying out this section, the Assistant Secretary, in cooperation with the Secretary of Homeland Security shall identify and, if necessary, encourage the development and implementation of, consensus standards for interoperable communications systems to the greatest extent practicable.

"(h) USE OF ECONOMY ACT.—In implementing the grant program established under subsection (a)(1), the Assistant Secretary may seek assistance from other Federal agencies in accordance with section 1535 of title 31, United States Code.

"(i) INSPECTOR GENERAL REPORT.—Beginning with the first fiscal year beginning after the date of enactment of the Interoperable Emergency Communications Act, the Inspector General of the Department of Commerce shall conduct an annual assessment of the management of the grant program implemented under subsection (a)(1) and transmit a report containing the findings of that assessment and any recommendations related thereto to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Energy and Commerce.

"(j) DEADLINE FOR IMPLEMENTATION PROGRAM RULES.—Within 90 days after the date of enactment of the Interoperable Emergency Communications Act, the Assistant Secretary, in consultation with the Secretary of Homeland Security and the Federal Communications Commission, shall promulgate program rules for the implementation of this section."; and

(3) by striking paragraph (3) of subsection (l), as redesignated.

(b) FCC REPORT ON EMERGENCY COMMUNICATIONS BACK-UP SYSTEM.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Federal Communications Commission, in coordination with the Secretary of Homeland Security, shall evaluate the technical feasibility of creating a back-up emergency communications system that complements existing communications resources and takes into account next generation and advanced telecommunications technologies. The overriding objective for the evaluation shall be providing a framework for the development of a resilient interoperable communications

system for emergency responders in an emergency. The Commission shall evaluate all reasonable options, including satellites, wireless, and terrestrial-based communications systems and other alternative transport mechanisms that can be used in tandem with existing technologies.

(2) FACTORS TO BE EVALUATED.—The evaluation under paragraph (1) shall include—

(A) a survey of all Federal agencies that use terrestrial or satellite technology for communications security and an evaluation of the feasibility of using existing systems for the purpose of creating such an emergency back-up public safety communications system;

(B) the feasibility of using private satellite, wireless, or terrestrial networks for emergency communications;

(C) the technical options, cost, and deployment methods of software, equipment, handsets or desktop communications devices for public safety entities in major urban areas, and nationwide; and

(D) the feasibility and cost of necessary changes to the network operations center of terrestrial-based or satellite systems to enable the centers to serve as emergency back-up communications systems.

(3) REPORT.—Upon the completion of the evaluation under subsection (a), the Commission shall submit a report to Congress that details the findings of the evaluation, including a full inventory of existing public and private resources most efficiently capable of providing emergency communications.

SEC. 3. RULE OF CONSTRUCTION.

(a) IN GENERAL.—Title VI of the Post-Katrina emergency Management Reform Act of 2006 (Public Law 109–295) is amended by adding at the end thereof the following:

"SEC. 699A. RULE OF CONSTRUCTION.

"Nothing in this title, including the amendments made by this title, may be construed to reduce or otherwise limit the authority of the Department of Commerce or the Federal Communications Commission.".

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as though enacted as part of the Department of Homeland Security Appropriations Act, 2007.

Mr. CHAMBLISS:

S. 386. A bill to amend the Clean Air Act to require a higher volume of renewable fuel derived from cellulosic biomass, and for other purposes; to the Committee on Environment and Public Works.

Mr. CHAMBLISS. Mr. President, I rise today to discuss the connection between energy production and agriculture. Agriculture and energy policy are converging and unlike anytime in the past, farmers and ranchers are producing food, fiber, and fuel. As the country recognizes the danger of relying on imported oil, we need to develop an energy policy that is aggressive while at the same time thoughtful. Renewable fuels like ethanol and biodiesel are not the total solution to our problems, but they can help reduce our dependence on imported oil from unstable regions of the world.

In 2005, the Congress passed, and President Bush signed, the Energy Policy Act that established the Renewable Fuel Standard, RFS. The RFS requires minimum volumes of renewable fuels be used in America's motor fuels market annually, from 4 billion gallons in 2006 to 7.5 billion in 2012. On January 1, 2006, the Renewable Fuel Standard went into effect and since then, the United States has used more than 5 billion gallons of ethanol, outpacing RFS requirements by more than 25 percent. According to the Renewable Fuels Association, in the next 18 months the industry will add nearly 6 billion gallons of new production capacity. In short, in 2008, new capacity will exceed the minimum level as called for in the RFS.

This progress is astounding. However, the expansion has not come without some cost to the rest of the agriculture sector. For the first time in memory corn prices increased during the 2006 harvest season and exceeded a critical threshold of $4 per bushel on the Chicago Board of Trade and continue to do so.

If corn prices continue to set new highs over the next year, the broiler industry in my home State of Georgia and across the Southeast will come under increasing pressure. I fear continued price spikes will force some producers out of business. This is not unique to the poultry industry, but will also impact swine and cattle operations across the country as ethanol outbids livestock for corn.

We find ourselves in the position of encouraging an industry that directly competes with another that is important in all our States, and I hope the end result is not policy that encourages livestock operators to further integrate and consolidate. We need to continue to support the biofuels sector, but also do it in a way that has the least disruption on existing markets as possible.

For this reason, I am introducing the Cellulosic Ethanol Incentive Act of 2007. This act builds upon the success of the RFS and increases the target from 7.5 billion gallons in 2012 to 30 billion gallons in 2030. Central to the bill is a set-aside that will help commercialize cellulosic ethanol much faster than under current law. This is important in order to ensure Federal policy does not erode the profitability of the U.S. livestock sector by encouraging additional competition for available corn. The bill meets the challenge set forth by President Bush last night and mirrors the renewable fuel targets in his proposal.

Furthermore, the legislation promotes regional diversity in the production of biofuels. This is important in order to spread the benefits of renewable energy policy more evenly across all regions of the country. By recommending a minimum level of consumption within a particular region, we will provide a needed economic boost to rural areas, a new income stream for farmers and ranchers and a further acceleration in the production of cellulosic ethanol from a diverse resource base ranging from wood chips in the Southeast to wheat straw on the Great Plains.

Ever since the founding of our great country, farmers and ranchers have been an integral part in growing the safest, most affordable food supply in the world. Now we can build upon their success and we ask them to help grow an abundant source of energy. I am confident they are up to the task and the Cellulosic Ethanol Incentive Act is an important step to help promote this goal.

I urge my colleagues to join me in supporting the bill and I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 386

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Cellulosic Ethanol Incentive Act of 2007".

SEC. 2. RENEWABLE FUEL PROGRAM.

Section 211(o) of the Clean Air Act (42 U.S.C. 7545(o)) is amended—

(1) in paragraph (2)(B)—

(A) in clause (i)—

(i) in the clause heading, by striking "2012" and inserting "2030"; and

(ii) in the table, by striking the item relating to 2012 and inserting the following:

"2012	10
2013	11
2014	12.10
2015	13.31
2016	14.64
2017	16.11
2018	17.72
2019	19.49
2020	20.46
2021	21.48
2022	22.56
2023	23.69
2024	24.87
2025	26.11
2026	27.42
2027	28.79
2028	30.23
2029	31.74
2030	33.33.";

(B) in clause (ii)—

(i) in the clause heading, by striking "2013" and inserting "2031";

(ii) by striking "2013" and inserting "2031"; and

(iii) by striking "2012" and inserting "2030";

(C) by striking clause (iii) and inserting the following:

"(iii) MINIMUM QUANTITY DERIVED FROM CELLULOSIC BIOMASS.—

"(I) RATIO.—For calendar year 2010 and each calendar year thereafter, the 2.5-to-1 ratio referred to in paragraph (4) shall apply only to the quantity of cellulosic biomass ethanol sold or introduced into commerce during a calendar year that is in excess of the minimum quantity of renewable fuel derived from cellulosic biomass required for that calendar year.

"(II) MINIMUM QUANTITY.—For calendar year 2010 and each calendar year thereafter, the applicable volume referred to in clause (i) shall contain a minimum volume of renewable fuel derived from cellulosic biomass, as determined in accordance with the following table:

“Calendar year:	Minimum volume derived from cellulosic biomass (in billions of gallons):
2010	0.25
2011	0.25
2012	0.5
2013	0.65
2014	0.85
2015	1.10
2016	1.64
2017	3.11
2018	4.72
2019	6.49
2020	7.46
2021	8.48
2022	9.56
2023	10.69
2024	11.87
2025	13.11
2026	14.42
2027	15.79
2028	17.23
2029	18.74
2030	20.33.”;

(D) in clause (iv)—

(i) by striking “2013” and inserting “2031”; and

(ii) in subclause (II)—

(I) in item (aa), by striking “7,500,000,000” and inserting “33,330,000,000”; and

(II) in item (bb), by striking “2012” and inserting “2030”; and

(E) by adding at the end the following:

“(v) REGIONAL REQUIREMENT.—

“(I) IN GENERAL.—Except as provided in subclause (II), not less than 30 percent of the total volume of renewable fuel required in a State under this subsection shall be derived from the region of the Environmental Protection Agency in which the State is located.

“(II) EXCEPTION.—The Administrator may reduce or waive the requirement in subclause (I) for a region if the Administrator determines that it would be impracticable for the region to produce the required volume of renewable fuel.”; and

(2) in paragraph (3)—

(A) in subparagraph (A), by striking “2011” and inserting “2029”; and

(B) in subparagraph (B), by striking “2012” and inserting “2029”.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 38—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN submitted the following resolution; from the Committee on Energy and Natural Resources; which was referred to the Committee on Rules and Administration;

S. RES. 38

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Energy and Natural Resources is authorized from March 1, 2007, through September 30, 2007; October 1, 2007, through September 30, 2008; and October 1, 2008, through February 28, 2009, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or nonreimbursable basis the services of personnel of any such department or agency.

SEC. 2(a). The expenses of the committee for the period March 1, 2007, through September 30, 2007, under this resolution shall not exceed $3,083,641.

(b) For the period October 1, 2007, through September 30, 2008, expenses of the committee under this resolution shall not exceed $5,404,061.

(c) For the period October 1, 2008, through February 28, 2009, expenses of the committee under this resolution shall not exceed $2,295,042.

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2007, respectively.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required (1) for the disbursement of salaries of employees paid at an annual rate, or (2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (6) for the payment of Senate Recording and Photographic Services, or (7) for payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

SENATE RESOLUTION 39—EXPRESSING THE SENSE OF THE SENATE ON THE NEED FOR APPROVAL BY THE CONGRESS BEFORE ANY OFFENSIVE MILITARY ACTION BY THE UNITED STATES AGAINST ANOTHER NATION

Mr. BYRD submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 39

Whereas the United States has the best trained, most effective military in the world;

Whereas the United States military is made up of dedicated, patriotic men and women;

Whereas the men and women in the United States military reflect the highest values and the spirit of our Nation;

Whereas the United States Government has the responsibility to ensure that the men and women of the United States military are provided for to the fullest extent;

Whereas the United States Government has the responsibility to make certain that the lives of the men and women of the United States military are never put at risk without the utmost consideration;

Whereas military action by the United States must not be undertaken without the most careful preparation;

Whereas the Constitution of the United States is designed to meet the needs of the Nation in peace and in war and to meet any common danger to the Nation;

Whereas in time of war and periods of emergency, in particular, the constitutional principles of separation of powers and checks and balances are most critical; and

Whereas offensive military action by the United States must not be undertaken without full and thorough debate in the Congress: Now, therefore, be it

Resolved, That it is the sense of the Senate—

(1) that, under the Constitution of the United States, it is the Congress that has the power to take the country from a state of peace to a state of war against another nation;

(2) that the framers of the Constitution understood that the President, in an emergency, may act to defend the country and repel sudden attack, but reserved the matter of offensive war to the Congress as the representatives of the people;

(3) that the Senate affirms the requirement under the Constitution that the President seek approval of the Congress before the United States undertakes offensive military action against another nation;

(4) that consultation by the President with the Congress on any United States undertaking of offensive military action against another nation must allow sufficient time for the Congress to fully debate the matter and shape national policy; and

(5) that any offensive military action by the United States against another country shall occur only after the Congress has authorized such action.

Mr. BYRD. Mr. President, to many Americans, the word “Vietnam” has become a painful remainder of a bloody quagmire of a never-ending war without an exit strategy. Certainly, Vietnam is a reminder of failed leadership and two destroyed Presidencies. Like the Johnson and Nixon administrations during the Vietnam era, when their war policies were attacked, the Bush administration wraps itself in the American flag and often engages in tactics of impugning not only the integrity but the patriotism of its critics. President Bush has even said those who compared Iraq to Vietnam send the wrong message to our troops. Such a comparison, he suggests, harms our troops.

I continue to be alarmed that the war in Iraq shows all the signs of degenerating into an equally calamitous debacle as Vietnam. And that is the point. The war in Vietnam lasted more than 10 years. It took more than 58,000 American lives. That long, painful war could have been avoided. Thousands of American lives could have been saved. The blood of thousands of American sons and daughters could have been saved. It need not have been spilled. That is why references to Vietnam are being made when talking about the war in Iraq. I make the comparison because I am furious, absolutely furious, that this Government, after the bitter and bloody experience of Vietnam, has failed to heed the lessons of Vietnam.

How could we have failed to consider the lessons of Vietnam before stumbling into Iraq? I didn't vote to go into Iraq. I said, hell, no, I won't go. We are doing the wrong thing if we go into Iraq. Did they listen? Did they hear? The American people have a right, the public has a right, to ask this question.

As a Senator, I have an obligation both morally and politically to ask that question. How could we not think about the error this country made with respect to Vietnam before we invaded Iraq? The similarities were obvious. In opposing the Iraq war resolution, which I did, I and others expressed concern that the Iraq resolution was another Gulf of Tonkin resolution and could well lead to another Vietnam. As to the Tonkin Gulf resolution, S.J. Res. 46, I explained in this way:

> . . . have several things in common. Congress is again being asked to vote on the use of force without hard evidence that the country poses an immediate threat to the national security of the United States. We are being asked to vote on a resolution authorizing the use of force in a hyped up, politically charged atmosphere in an election year. Congress is again being rushed into a judgment.

And I quoted Senator Wayne Morse, one of the two Senators who opposed the Tonkin Gulf resolution, as he proclaimed:

> The resolution will pass, and Senators who voted for it will live to regret it.

How right he was.

Tragically, tragically, as the war in Iraq has progressed, the parallels with the Vietnam war continue to mount. We have learned that, once again, the American people were led down the primrose path in rallying support for a costly war. Congress and the American people were told about weapons of mass destruction in Iraq. Yes. They were told about Saddam Hussein's connections to al-Qaida. They were told about Iraq trying to purchase uranium from Africa.

The cost of the war was once estimated to be less then $100 billion. But the bill is now rising ever closer to half a trillion dollars. As a result, the National Journal pointed out, "as with Vietnam, political support for [the war in] Iraq has proved to be fragile in part because it was secured by justification that has been discredited."

In each of the two wars, American soldiers were placed in the treacherously difficult situation of having to fight an uncertain, indistinguishable enemy, never knowing friend, never knowing foe, until they started shooting. As in Vietnam, our soldiers are once again confronted with the deadly situation of trying to ferret out insurgents in a population that is willing—listen—a population that is willing to hide them.

In each war, we went in thinking of ourselves as liberators. We came to be seen by the people we were supposed to be liberating as the invaders. In each war, where it was so necessary for us to win the hearts and minds of the people of the country, our presence there, instead, alienated the people of the country and turned them against us. In each war, both the White House, yes, and the Pentagon, yes, grossly and tragically underestimated the determination and the ferocity of our opponents.

Bring them on, bring them on, President Bush chided the Iraqis and terrorists on July 2, 2003. Do you remember that? I do. He said "bring 'em on."

In the time since he made that statement "bring 'em on," we, the American people, have lost more than 2,800 troops in that war.

Yes, "bring 'em on." "Bring 'em on." And so they brought them on. We have lost more than 2,800 troops in that war. As of today, 3,062—get that—3,062 Americans in total have been killed in Iraq. And for what? And for what, I ask? As of today, 3,062 Americans in total have been killed in that war.

Yes, "bring 'em on," President Bush chided the Iraqis and terrorists on July 2, 2003. So I will say it once more. We have lost more than 2,800 troops in that war since President Bush said: "bring 'em on."

Former Senator Max Cleland—do you remember him? I remember him. He used to sit right back there. Max Cleland, bless his heart, recently pointed out that American forces have now "become sitting ducks in a shooting gallery for every terrorist in the Middle East."

Although Congress should have learned important lessons from the Vietnam war, there are now ominous indications that a path to a new military confrontation is being created right before our eyes. Just this month, the President announced his intention to "interrupt the flow of support from Iran and Syria" into Iraq.

What does this saber-rattling comment really mean? Hear me. Does the President seek to expand the ongoing war beyond Iraq's borders? Does he? Does this comment really mean that? Or are we already on a course to another war in the Middle East? Are we? Will Syria or Iran be the Cambodia of a 21st century Vietnam? Will Syria or Iran be the Cambodia of a 21st century Vietnam?

In the State of the Union Address last night, the President called out Iran no less than seven times. Was the speech the first step in an effort to blame all that has gone wrong in the Middle East on Iran? Was the focus on Iran during the President's address an attempt to link Iran to the war on terrorism, and, by extension, start building a case that our response to the 9/11 attacks must include dealing with Iran?

I fear—and I hope I am wrong—that the machinery may have already been set in motion which may ultimately lead to a military attack inside Iran or perhaps Syria, despite the opposition of the American people, many in Congress, and even some within the President's administration.

Wise counsel from congressional leaders to step back from the precipice of all-out war in the Middle East is too easily disregarded. To forestall a looming disaster, Congress must act to save the checks and balances established by the Constitution.

Today I am introducing a resolution that clearly states that it is Congress—the Congress, the Congress, not the President—that is vested with the ultimate decision on whether to take this country to war against another country.

This resolution, which I hold in my hand—here it is—this resolution is a rejection—hear me—a rejection of the bankrupt, dangerous, and unconstitutional doctrine of preemption. Let me say that again. This resolution, which I hold in my hand, is a rejection of the bankrupt, dangerous, and unconstitutional doctrine of preemption, which proposes that the President—any President—may strike another country before that country threatens us, before that country threatens us. That is the doctrine of preemption: We may strike, we may attack, we may invade another country before it threatens us.

Now, this resolution, which I am going to introduce, returns our Government to the inspired intent of the Framers, God bless them, of the Constitution who so wisely placed the power to declare war in the hands of the elected representatives of the American people.

If there exists a reckless determination for a new war in the Middle East, I fear that the attorneys of the executive branch are already seeking ways to tie this war to the use of force resolution for Iraq, or the resolution passed in response to 9/11. But the American people need only be reminded about the untruths of Iraq's supposed ties to the 9/11 attacks to see how far the truth can be stretched in order to achieve the desired outcome.

If the executive branch were to try to prod, stretch, or rewrite the 9/11 or the Iraq use of force resolutions in an outrageous attempt to apply them to an attack on Iran, on Syria, or anywhere else, this resolution of mine is clear—clear as the noonday Sun in a cloudless sky—this resolution is clear: The Constitution says that Congress—we here and those over there on the other side of the Capitol—the Constitution says that Congress, not the President, must make the decision for war or peace. The power to declare war resides in Congress—resides here—and it is we—we, the elected representatives of the people—who are the "deciders."

Congress has an obligation to the people of the United States. With so many of our sons and daughters spilling their blood in one costly war, Senators and Representatives have a moral duty to question whether we are headed for an even more tragic conflict in the Middle East. But in order to question this administration—in order to fulfill the duties entrusted to us by the Constitution, to which we have sworn to support and defend—Congress must first insist that the powers given to this body—the Congress, the Senate and the House—are held sacrosanct. We must insist that these powers, including the power to declare war, are not usurped by this President or any other President who will follow.

The resolution, Mr. President, which I am submitting today, is an effort to protect the Constitution—an effort to protect the Constitution—from the zeal of the executive branch, whose very nature is to strive for more and more power during a time of war.

It is time now for Congress to put its foot down and stand up for the Constitution. Our Nation did not ask to be put into another Vietnam. Let us not deceive ourselves that we are somehow immune to another Cambodia. Let us stop a reckless, costly war in Iran or Syria before it begins by restoring the checks and balances that our Founders so carefully—so carefully—designed.

I send, Mr. President, the resolution to the desk.

The PRESIDING OFFICER. The resolution will be received and appropriately referred.

Mr. BYRD. I thank the Chair.

Mr. President, let the title be read, please.

The PRESIDING OFFICER. Without objection, the title will be read.

The bill clerk read as follows:

A resolution (S. Res. 39) expressing the sense of the Senate on the need for approval by the Congress before any offensive military action by the United States against another nation.

Mr. BYRD. I thank the Chair, and I thank the clerk.

I yield the floor.

SENATE CONCURRENT RESOLUTION 4—EXPRESSING THE SENSE OF CONGRESS ON IRAQ

Mr. WARNER (for himself, Mr. NELSON of Nebraska, Ms. COLLINS, Mr. COLEMAN, Mr. SALAZAR, Mr. BAYH, Ms. LANDRIEU, Mr. NELSON of Florida, and Mrs. MCCASKILL) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 4

Whereas, we respect the Constitutional authorities given a President in Article II, Section 2, which states that "The President shall be commander in chief of the Army and Navy of the United States;" it is not the intent of this resolution to question or contravene such authority, but to accept the offer to Congress made by the President on January 10, 2007 that, "if members have improvements that can be made, we will make them. If circumstances change, we will adjust;"

Whereas, the United States' strategy and operations in Iraq can only be sustained and achieved with support from the American people and with a level of bipartisanship;

Whereas, over 137,000 American military personnel are currently serving in Iraq, like thousands of others since March 2003, with the bravery and professionalism consistent with the finest traditions of the United States armed forces, and are deserving of the support of all Americans, which they have strongly;

Whereas, many American service personnel have lost their lives, and many more have been wounded, in Iraq, and the American people will always honor their sacrifices and honor their families;

Whereas, the U.S. Army and Marine Corps, including their Reserve and National Guard organizations, together with components of the other branches of the military, are under enormous strain from multiple, extended deployments to Iraq and Afghanistan;

Whereas, these deployments, and those that will follow, will have lasting impacts on the future recruiting, retention and readiness of our nation's all volunteer force;

Whereas in the National Defense Authorization Act for Fiscal Year 2006, the Congress stated that "calendar year 2006 should be a period of significant transition to full sovereignty, with Iraqi security forces taking the lead for the security of a free and sovereign Iraq;"

Whereas, United Nations Security Council Resolution 1723, approved November 28, 2006, "determin[ed] that the situation in Iraq continues to constitute a threat to international peace and security;"

Whereas, a failed state in Iraq would present a threat to regional and world peace, and the long-term security interests of the United States are best served by an Iraq that can sustain, govern, and defend itself, and serve as an ally in the war against extremists;

Whereas, Iraq is experiencing a deteriorating and ever-widening problem of sectarian and intra-sectarian violence based upon political distrust and cultural differences between some Sunni and Shia Muslims;

Whereas, Iraqis must reach political settlements in order to achieve reconciliation, and the failure of the Iraqis to reach such settlements to support a truly unified government greatly contributes to the increasing violence in Iraq;

Whereas, the responsibility for Iraq's internal security and halting sectarian violence must rest primarily with the Government of Iraq and Iraqi Security Forces;

Whereas, U.S. Central Command Commander General John Abizaid testified to Congress on November 15, 2006, "I met with every divisional commander, General Casey, the Corps Commander, [and] General Dempsey. We all talked together. And I said, in your professional opinion, if we were to bring in more American troops now, does it add considerably to our ability to achieve success in Iraq? And they all said no. And the reason is, because we want the Iraqis to do more. It's easy for the Iraqis to rely upon us to do this work. I believe that more American forces prevent the Iraqis from doing more, from taking more responsibility for their own future;"

Whereas, Iraqi Prime Minister Nouri al-Maliki stated on November 27, 2006 that "The crisis is political, and the ones who can stop the cycle of aggravation and bloodletting of innocents are the politicians;"

Whereas, there is growing evidence that Iraqi public sentiment opposes the continued U.S. troop presence in Iraq, much less increasing the troop level;

Whereas, in the fall of 2006, leaders in the Administration and Congress, as well as recognized experts in the private sector, began to express concern that the situation in Iraq was deteriorating and required a change in strategy; and, as a consequence, the Administration began an intensive, comprehensive review of the Iraq strategy, by all components of the Executive branch;

Whereas, in December 2006, the bipartisan Iraq Study Group issued a valuable report, suggesting a comprehensive strategy that includes "new and enhanced diplomatic and political efforts in Iraq and the region, and a change in the primary mission of U.S. forces in Iraq that will enable the United States to begin to move its combat forces out of Iraq responsibly;"

Whereas, on January 10, 2007, following consultations with the Iraqi Prime Minister, the President announced a new strategy (hereinafter referred to as the "plan,") the central element of which is an augmentation of the present U.S. military force structure through additional deployments of approximately 21,500 U.S. military troops to Iraq;

Whereas, this proposed level of troop augmentation far exceeds the expectations of many of us as to the reinforcements that would be necessary to implement the various options for a new strategy, and led many members to express outright opposition to augmenting our troops by 21,500;

Whereas, the Government of Iraq has promised repeatedly to assume a greater share of security responsibilities, disband militias, consider Constitutional amendments and enact laws to reconcile sectarian differences, and improve the quality of essential services for the Iraqi people; yet, despite those promises, little has been achieved;

Whereas, the President said on January 10, 2007 that "I've made it clear to the Prime Minister and Iraq's other leaders that America's commitment is not open-ended" so as to dispel the contrary impression that exists;

Whereas, the recommendations in this resolution should not be interpreted as precipitating any immediate reduction in, or withdrawal of, the present level of forces: Now therefore be it—

Resolved, by the Senate (the House of Representatives concurring), That it is the sense of Congress that—

(1) the Senate disagrees with the "plan" to augment our forces by 21,500, and urges the President instead to consider all options and alternatives for achieving the strategic goals set forth below with reduced force levels than proposed;

(2) The primary objective of the overall U.S. strategy in Iraq should be to encourage Iraqi leaders to make political compromises that will foster reconciliation and strengthen the unity government, ultimately leading to improvements in the security situation;

(3) The military part of this strategy should focus on maintaining the territorial integrity of Iraq, denying international terrorists a safe haven, conducting counterterrorism operations, promoting regional stability, and training and equipping Iraqi forces to take full responsibility for their own security;

(4) United States military operations should, as much as possible, be confined to these goals, and should charge the Iraqi military with the primary mission of combating sectarian violence;

(5) The military Rules of Engagement for this plan should reflect this delineation of responsibilities;

(6) The United States Government should transfer to the Iraqi military, in an expeditious manner, such equipment as is necessary;

(7) The Senate believes the United States should continue vigorous operations in Anbar province, specifically for the purpose of combating an insurgency, including elements associated with the Al Qaeda movement, and denying terrorists a safe haven;

(8) The United States Government should engage selected nations in the Middle East to develop a regional, internationally sponsored peace-and-reconciliation process for Iraq;

(9) The Administration should provide regular updates to the Congress, produced by the Commander of United States Central Command and his subordinate commanders, about the progress or lack of progress the Iraqis are making toward this end.

(10) our overall military, diplomatic and economic strategy should not be regarded as an "open-ended" or unconditional commitment, but rather as a new strategy that hereafter should be conditioned upon the Iraqi government's meeting benchmarks that must be specified by the Administration.

Mr. WARNER. Mr. President, Senator NELSON of Nebraska and Senator COLLINS and I have worked for some time to put forward a resolution embracing the very serious, heartfelt sentiments of Senators with regard to the President's plan that he enunciated on January 10.

That plan—and I credit the President for the in-depth study and preparation that went into it, the consultations; I was privileged to be a part of three consultations with the President in that period—it is that plan about which a number of us here in the Senate have some thoughts.

The President, in his statement on January 10, laid down the invitation for Members of Congress to come forward and provide their thoughts. And that is the vein in which the three of us, together with a series of cosponsors, have adopted this first draft, which is identical to the draft we put into the RECORD some nights ago. We purposely have not changed a comma or a period or any other word in it because a number of colleagues, in a very thoughtful and proper way, have come to us with suggestions and ideas. But at this time, we believe we should lay this down, such that other Senators who might wish to be cosponsors may do so. The Senate works its will each day, and we are always here to consider ideas from other colleagues, but at the present time this is the format. We purposely waited until after the Foreign Relations Committee worked on its resolution, which I understand will soon be working its way to the calendar.

So for that purpose, we put in ours. We find some differences—very significant, in my judgment—between ours and the resolution offered by the distinguished Senator, Mr. BIDEN, and others—Senator LEVIN, indeed, Senator HAGEL.

We believe we have put a greater emphasis on urging the President to consider other options, given that we have a general disagreement with the very significant level of troops that are specifically set forth in the President's plan.

We also feel very strongly about the issue of sectarian violence and how that must be the primary mission of the Iraqi forces. The American GI simply should not be, in my judgment—whenever possible, the rules of engagement should provide that the Iraqi forces should deal with the sectarian violence issue. They understand the language. They understand the cultural differences, which precipitate the animosity between the Sunni and the Shia and, indeed, the most distressing aspects of it: the Shia upon Shia and Sunni upon Sunni. We recognize that sectarian violence is undermining, in many ways—the level of it—the efforts of this Government under Prime Minister Maliki to go forward and exercise the full reins of sovereignty and that it is in those interests that sectarian violence has to be dealt with. It is an important mission, but I believe strongly it is a mission that should be given primarily to the Iraqi forces.

We concur with the President, who said many times, including in his statement on January 10, that to allow this Government to fail and to allow the accomplishments toward sovereignty through free elections by the Iraqi people to be lost and this country to simply be plunged into chaotic situations is not in the interests of peace in that region and, indeed, peace in the world.

Our resolution does not provide for a reduction in any way or suggest the level of U.S. forces there now. It does not provide a timetable. It simply urges the President to consider all options and sets forth in there the primary missions as we interpret them to be in the interests of our country. Those primary missions track in large measure the Baker-Hamilton report.

We also stress the need for benchmarks to be spelled out with clarity. And should the operations in Baghdad go forward under the Commander in Chief—and we recognize fully and in no way try to contravene the authority of the President to act under the Constitution as Commander in Chief—should that go forward, it will be done in an incremental fashion, as we have been told by the Chairman of the Joint Chiefs and others.

So when the first operation takes place, we should carefully set forth the benchmarks and see if the Iraqi Government and the Iraqi armed forces fulfill those benchmarks; namely, do they all come in the numbers that they were supposed to under that plan? They failed to do that when a similar augmentation for the Baghdad operation was initiated this summer. Will the political structure in Iraq resist, refrain, and in every other way allow the military commanders, both U.S. and Iraqi, to carry out the missions as they see fit and employ such tactics as they deem necessary to achieve those missions without being called by the Government and told: Stop this, withdraw here, or do not take that prisoner, but if you have him, then release him. We cannot go in under that guise.

Thirdly and most importantly, we have to see how the Iraqis perform. Will they take the point? Will they take the lead? And in such tactics, will they then be the primary—the primary—if not the essential force that deals with sectarian violence, such that the rules of engagement spell out: Whenever necessary, the coalition forces and namely the United States shall not be utilized.

At this time, I would invite my colleagues to express their views, and I will ask each to name those cosponsors whom we have gotten from each side of the aisle.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Nebraska is recognized.

Mr. NELSON of Nebraska. Mr. President, first of all, I thank the senior Senator from Virginia for his considerable work in drafting this resolution and working over the weekend with us and our staffs, who worked very closely together to prepare this Iraq resolution.

I think it is important to say as well that I respect the work done by the Senate Foreign Relations Committee today in considering the resolution submitted by, supported by their chairman, the distinguished Senator from Delaware, Mr. BIDEN. I have a great deal of respect for Senator BIDEN's work.

This is an area where there can be more than one idea about how to approach something, but at the end of the day, it is going to be important to have a resolution that has broad bipartisan support.

I also appreciate the work of Senator COLLINS, who, as our colleague, has worked very closely on this resolution together with her staff to be able to submit it today in this fashion by putting it not only into the RECORD but on the floor so it can become part of the business of the Senate.

There will be some who would say: Why is there a need for a second resolution? Well, this resolution offers a new set of ideas, more broadly worded, and in some cases, clearly, more likely to be bipartisan for Senators to consider. Given the fact that the Senate Foreign Relations Committee resolution came out on largely a partisan vote, we think this resolution, because it is picking up bipartisan support, will be, in terms of content and support, consistent with an effort to bring about a bipartisan resolution with broad support.

The recommendations of the Iraq Study Group have not been followed to any significant extent to date. In some respects, they have been almost on a skyhook for future consideration. It was our feeling that many of these recommendations of the Baker-Hamilton study group should be included in a resolution, and we included many of those recommendations in the body of our resolution.

We also worked very carefully to avoid political rhetoric or any kind of rhetoric that threatens the real objective. The real objective of this resolution is to stress to the White House that we disagree with the approach this plan takes by putting more men and women in our uniform in harm's way to fight, to do battle, to overcome the sectarian violence and the possible civil war of the Sunnis and the Shias and various subgroups within those religious and political elements. We also believed it was important to stress benchmarks and to empower the Prime Minister and the Iraqi Government to be able to meet certain objectives, certain goals, and to be able to deliver.

At the end of the day, we think it is important to send a strong but unified message to the White House and Iraq. The more support the resolution receives in the Senate, the stronger our message will be. So tonight I am very pleased and am certainly proud to be here with my colleagues to say that at the end of the day, we think the strength of this resolution to uphold our responsibility will be in the best interests of our country and our military and that our colleagues should join together with us in opposition to the surge of U.S. troops to be placed in Baghdad. It is the responsibility of the Iraqi Government and the Iraqi military to overcome the battles between sectarian groups within their own country and to seek less of a military resolution and certainly more of a political resolution to the problems that exist at the present time.

With that, let me say that I would like to see our unanimous consent be modified to include up to 10 minutes for Senator SALAZAR from Colorado to speak on the resolution afterward, if there is no objection.

The PRESIDING OFFICER. Is there objection?

Mr. WARNER. Mr. President, I certainly will not object. I wonder if I might have 2 minutes following Senator COLLINS to summarize before we receive the distinguished Senator from Colorado for his remarks. I ask unanimous consent that the unanimous consent agreement be modified so I can have about 2 minutes.

Mr. NELSON of Nebraska. Sure.

The PRESIDING OFFICER. Is there objection?

If not, without objection, the unanimous consent agreement is so modified.

Mr. NELSON of Nebraska. Mr. President, it is my pleasure to now turn to Senator COLLINS, who has worked very closely with us. Before I do, I should indicate the cosponsors from the Democratic side are Senator SALAZAR, Senator BILL NELSON, Senator LANDRIEU, Senator BAYH, and Senator MCCASKILL.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I am pleased to join my two colleagues on the Senate floor this evening in submitting a very important resolution on what is perhaps the greatest challenge facing our country.

Let me first say it has been an honor and a privilege to work with the distinguished Senator from Virginia, the former chairman of the Senate Armed Services Committee, as well as my friend and colleague from Nebraska, Senator BEN NELSON. We have worked very hard on this resolution, spending many hours wordsmithing the language of it, trying to get exactly the kind of serious policy statement we could bring before our colleagues in the Senate.

I am very pleased that on the Republican side, we are joined by two leaders on this issue, Senator COLEMAN and Senator SMITH. They, too, have had input to the resolution. That brings the number of us who are joining tonight as original sponsors of our resolution to 10 Members of the Senate. I would also note that based on conversations I have had with our colleagues on both sides of the aisle, there are several more Senators who are very interested in our resolution and may well join in cosponsoring it at a later date or certainly in voting for it.

Yesterday the Senate Armed Services Committee held a very useful hearing on the nomination of an outstanding military officer, General Petraeus, whom the President has tapped to lead our forces in Iraq. Earlier today the Senate Armed Services Committee, I believe by unanimous vote, voted to report this vital nomination to the full Senate. General Petraeus is the ideal person to be taking over as commander of our troops in Iraq. If anyone can make what I believe to be a flawed strategy a success, it is he. But I had a very interesting exchange with General Petraeus. I talked to him about my concern that inserting more American troops into Iraq may well lessen the pressure on Iraqi leaders to take the long overdue steps that are needed to quell the sectarian violence.

I know the President believes the answer is more American troops, that that will provide the Prime Minister and other leaders with the space they need to take the reforms forward. I fear it is just the opposite. I believe it lessens the pressure on the Iraqi leaders.

Mr. WARNER. Would the Senator yield?

Ms. COLLINS. I am happy to yield.

Mr. WARNER. Did not the CENTCOM commander, who is still the CENTCOM commander, General Abizaid, testify before our committee and, in the precise words, said he felt that at this time added troops were not necessary, more troops would lessen the incentive of the Iraqis to pick up the burdens which we are trying to have them assume under sovereignty?

Ms. COLLINS. The distinguished Senator from Virginia is exactly correct. That is indeed the testimony that was brought before our committee a month ago. This was not ancient history. It was very reasoned testimony and it could not have been clearer testimony. Indeed, similar testimony was given by General Casey.

I asked General Petraeus if he felt we would be facing the widespread and deteriorating sectarian violence that threatens the entire country, but particularly the Baghdad region, if Iraqi leaders had amended their Constitution, had passed an oil revenue law that more equitably distributed oil proceeds among the groups in Iraq, if they had held provincial elections, if they had more fully integrated the Sunni minority into the Government power structures; would we be in the same place today? And he told me he did not believe we would be. I think that is significant, because I believe if Iraqi leaders had taken those steps, we would not be facing the widespread sectarian violence that has engulfed the Baghdad region.

I also talked to General Petraeus about a fascinating article he wrote a year ago in which he outlined 14 observations that he had, based on his previous tours in Iraq. The first and most important observation in this article in "Military Review" that General Petraeus had was to quote Lawrence of Arabia back in 1917, to say that it was a mistake for us to do too much, whoever the foreign force is, and that you had to let the Iraqis take the lead on these issues. Well, those words, true in 1917, are just as true today, as General Petraeus himself observed in this article.

The second observation in the same article, General Petraeus said an army like ours in a land like Iraq has a half life as liberators, that they are quickly seen as an army of occupiers. I believe that is what has happened in Iraq and that confirms what my own observations were during a trip a month ago to that land. Our delegation met with a British commander in Basra who described to us a declining consent line. He said at first when the British arrived in Basra, they were greeted as liberators. But as time has gone by, their presence is more and more resented and less and less tolerated.

The observations General Petraeus had in this article offer us good guidance and, indeed, reflect in many ways the concepts we have worked hard to include in this resolution.

There is one final point I want to make this evening. Some have said if we pass this resolution, we show that America is somehow divided and not supportive of our troops. Nothing could be further from the truth. The fact is every Member of this body is united in support of our troops. Every Member of this body wishes General Petraeus all the best and hopes he will succeed in this very difficult mission. But the fact is, Americans are deeply divided over the strategy we should pursue in Iraq. It is part of the health of our American democracy that we debate these issues, and we do so because we care about the brave men and women in uniform who are representing us in Iraq, who are on the front lines, who are sacrificing so much. That is exactly the motivation for the resolution that the 10 of us are introducing tonight.

Let me close my remarks by again saying it has been a wonderful experience to work so closely with the senior Senator from Virginia and the Senator from Nebraska, Mr. BEN NELSON. Both of them have worked so hard. They care so much about this issue. It has been a great pleasure to join with them.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. I thank my colleagues, the Senator from Nebraska and Senator COLLINS. It is important that we have taken this initiative because a number of colleagues—10 now—wish to be recognized. But believe me, there are 10 more and 10 more who will soon come forward, hopefully, and support this resolution. I also want to stress, as both of my colleagues did, I hope as this debate progresses, it will not be a question of who is the most patriotic, who is the strongest supporter of the American troops. I pride myself with having had a relationship with the Armed Forces of the United States, modest though it may be, since late 1944–1945. I had the privilege of working and learning. I often feel the Armed Forces did far more for me than I have done for them. In my years, now 29 years, here in the Senate on the Armed Services Committee, I have done everything I could to repay the Armed Forces for what they did for this humble person, to provide for them in a way that meets the sincerity of their commitments and that of their families.

So it is not a question of who is the most patriotic or a question of who is trying to be confrontational with the President. These are heartfelt, closely held views we have about one of the most serious episodes in contemporary American history. I think the President has shown a measure of courage in this matter. But as has been acknowledged, we have made mistakes. And what we have tried to do is conscientiously say how we feel about the immediate future.

I asked for a change in strategy, I guess it was October, when I came back and said the situation, as I saw it, in Iraq was going sideways. That has been done. This is a change in strategy. I acknowledge that. We were invited by the President to make suggestions. We have done that in a courteous, respectful manner. I thank my colleagues.

I stress also the need for bipartisanship. I am not certain anyone can predict how this debate will go and what the outcome will be or how many resolutions come forward. I think it should be a healthy, strong debate and one in which the American public, which is very much attuned to this situation and has strong views of its own—and we should respect those views—I hope that what debate and actions follow, whatever they may be by this Chamber on such final resolutions that may be voted on, earn the respect and the trust and the confidence not only of the Armed Forces but of the American public. Because we can only be successful in this operation to save the Government of Iraq, whether it is this one or a successor one, to save the people of Iraq so they can exercise sovereignty if there is strong public support and a strong and accurate bipartisan level of participation by the Congress of the United States. To have a vote all on one side and a vote all on the other side will not help this very situation at this time.

So one of the main goals—and we have achieved it—is bipartisanship, truly.

I thank my colleagues. I yield the floor. And I wish to, in so yielding, thank the distinguished Senator from Colorado for joining us in this matter.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. SALAZAR. Mr. President, let me first say I am pleased and honored to be here with Senator WARNER and Senator COLLINS and Senator NELSON. It was about a year or so ago that Senator LEVIN and Senator WARNER led a CODEL of Senators into Iraq and Afghanistan. I had the great fortune of traveling with both Senator WARNER and Senator LEVIN on that CODEL. I learned a tremendous amount from them in terms of what it is they had seen in Iraq and Afghanistan, the observations they made about where we were on the levels of violence in Iraq. I came away from that CODEL with them feeling as if they truly had the best interests of America at heart. As they have sponsored these resolutions today, what they are acting out here is in the best fashion of what a Senator should do, and that is trying to do the best for our country.

Let me say, first of all, with respect to the resolution that was heard earlier today in the Foreign Relations Committee, sponsored by Senator LEVIN and Senator BIDEN and Senator HAGEL, I very much appreciate their leadership and thinking and the passion they brought to the debate and to this issue.

When I sat down and compared the resolution considered in the Foreign Relations Committee to the resolution that is now being introduced by Senator WARNER and other colleagues, I thought there were a great number of similarities between the two resolutions.

Let me just comment about my own involvement and give part of my rationale for becoming an original sponsor of this resolution. First and foremost, I think what this country needs today more than anything else is a sense of unity. I think we have had a great deal of divisiveness in this country over the last 6 years. I think in the long run, when one looks 10, 20, 30, 40 years down the road at these very difficult times that are very challenging to our country—very challenging to our men and women in uniform and the other men and women of America—we will be judged as to whether we in this Congress were able to unify a direction in Iraq that ultimately was a successful direction in Iraq.

I have called for a new direction in Iraq because I believe we need that to get us to success there. I don't believe we can get to success in Iraq if we have a divided country in terms of how we move forward.

With respect to the resolution that is before us, in my own conversations with the President and with members of his administration in the past, I have told them that, in my view, with all due respect to our Commander in Chief, we need to move forward in a new direction.

When I returned from Iraq and Afghanistan with the Levin-Warner codel, one of the things I told the President we needed to do was to enhance our diplomatic efforts in the region; that the countries in the area have as much, if not more, at stake than the United States. I saw them doing very little.

Today, I see Saudi Arabia, with all its wealth, doing very little to help in the reconstruction of Iraq. The same thing could be said about Kuwait and many of the neighboring countries. That effort has to be enhanced because they simply, in my judgment, are not doing their part to contribute to a successful outcome in that region.

I have also spoken to the President and members of his administration about the importance of the effort of reconstruction and making sure that there are other countries besides the

United States putting their shoulder to the wheel on the reconstruction efforts that are underway in Iraq.

The way I see this debate unfolding is that we essentially have the plan of the President, which I call plan A. His plan is that we do a lot of what we have been doing but, in addition, that we move forward and add an additional 21,500 troops to the war effort in Iraq. That would be what I call plan A. There is another plan out there, plan B, from some Members of Congress and others that say we ought to bring our troops home and bring our troops home right away; that we ought to engage in an immediate withdrawal from Iraq and from that region. My own view of that plan, plan B, is that is not a good plan either. At the end of the day, no matter what criticisms we make about the original decision to invade Iraq, about the way the war has been mishandled, the fact is we are in Iraq today; there is a mess in Iraq and in the Middle East. So the question for me becomes: How do we as the United States of America, working in the Senate, working in the House of Representatives, working with the President, how do we put Humpty-Dumpty together again? It seems to me that Humpty-Dumpty has fallen off the wall, and it is up to us to try to figure out, in some united way, under difficult circumstances, how to move forward together to create the unity that will allow us to succeed in Iraq.

When I look at the possibility of plan B, which is a precipitous withdrawal from Iraq, it seems to me that will create tremendous dangers not only to the Middle East but to the long-term interests of the United States. I, for one, want us very much to succeed in Iraq and, because I want to succeed, I want to see whether we can create a kind of unity on how we move forward.

I think this resolution introduced by the senior Senator from Virginia, the Senator from Nebraska, and the Senator from Maine is a good direction for us to go in. I want to point out what I consider to be four central points of this resolution which, in my view, are also reflected in the Biden-Levin-Hagel resolution. The first of those points is that there is a disagreement with the President's decision to move forward with a surge of 21,500 more troops. I think both resolutions say that equally and clearly. Why, in this resolution, is that conclusion reached? Why was it reached in the other resolution heard in the Foreign Relations Committee?

In my view, it is because of what our military commanders have said. General Abizaid said it a few weeks ago, in November. He said an increase in troops was not the way to go because it sends the wrong signal about the ultimate responsibility to quell the sectarian violence in Iraq. It is not the right way to go because when you look at what happened with the surges we have had over the last 6, 7 months in Iraq, they themselves did not work. When operations going forward started in June, there was a sense that it might quell some of the sectarian violence going on. It didn't work. We came back in August and did another operation going forward. It did not work.

The Iraq bipartisan study commission, chaired by former Secretary Baker and Lee Hamilton, found, in fact, that those surges created an escalation of violence by 43 percent during that time period. In a matter of 6 months we saw a 43-percent escalation of violence there. Regarding putting more troops in, it seems we have the laboratory of experience where it hasn't worked in the past, and there is nothing I have seen that indicates that moving forward in that direction will work at this time. I agree with the resolution and making a statement that we disagree with the President's decision moving forward in that regard.

As to the second part of this resolution, also reflected in the alternative resolution in the Foreign Relations Committee, I think there is unanimity of opinion. I bet you that we can get 100 Senators to vote for the position that the Iraqi Government needs to assume responsibility for a functioning government that will provide security to the Iraqi nation and to the people of Iraq.

When Senator WARNER and I visited Iraq with Senator LEVIN, I still remember meeting with the Iraqi Ministers and with our own forces responsible for helping with the training of the Iraqi police. Mr. President, 2006 was supposed to be the year of the police in Iraq. This is the year where the Iraqi security was supposed to be taken to the point where they could move forward and assume the responsibility for their own security. Yet that handoff hasn't occurred and the sectarian violence has continued to increase.

I very much agree with the spirit of both resolutions that says if we are going to move forward and be successful on this issue, it is the Iraqi Government and people who need to move forward and assume responsibility for their security.

The third thing in this resolution that I think is important is that we contemplate that there is going to be some continuing involvement of the United States in Iraq, without limitation. Nobody knows for how long. But our efforts to engage in counterterrorism in that area will be a continuing and important role of the United States of America. Our efforts to attempt to restore the territorial integrity of Iraq and to stop the weapons flowing into Iraq from Iran and Syria are important measures that I believe the U.S. military can address. I agree with those aspects of the resolution as well.

Finally, as I said earlier in my comments, at the end of the day, this is not a United States of America problem alone. When one looks at the Gulf States and other countries in that area, such as Egypt, there is a huge problem that belongs to them as well. We have our hands on the tar baby as the United States of America. They, too, as countries have a huge stake in the success of Iraq and also have to get their hands on the tar baby. I believe the resolution put forward by Senator LEVIN and my other colleagues is a step in the right direction in that it creates a framework for how we ought to be moving forward in Iraq.

In conclusion, again, I say how much I respect the senior Senator from Virginia. I remember well the work that we did just a year or so ago in the so-called Gang of 14. I see that Senator NELSON and Senator COLLINS and Senator WARNER are back again trying to pull the Members of this body together on what is a very contentious issue. I wish them well, and I am delighted to be part of the effort.

I yield the floor.

Mr. WARNER. Mr. President, I wish to thank our colleague from Colorado and pick up on the theme that he closed and talked on earlier—unity.

Yes, there is great unity among the American people and a depth of concern about the loss of our forces and the wounding and suffering of the families. We have not lost our resolve. Our President has been firm. But this institution, the great Congress of the United States, a coequal branch of the Government, now must rise and show our commitment to fulfill the wishes and hopes and prayers of the American people, and do so in a bipartisan manner. That is the very heart of the effort of our 10 colleagues who thus far have come forward and put their names into the public domain as supporting the provisions of this resolution.

They do resemble, in many respects, the provisions in the Biden-Levin-Hagel resolution. When that first came out, so much of the rhetoric surrounding that resolution was disturbing to many people. That gave rise to the efforts that we have put forth, culminating in placing this document into the RECORD tonight.

I hope others will consider joining us because it is important to show unity and bipartisanship in the Congress in saying that we, in fact, understand the hopes, wishes, and prayers of the American people and the Armed Forces of the United States.

I thank my colleague and yield the floor.

AMENDMENTS SUBMITTED AND PROPOSED

SA 176. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 152 submitted by Mr. ENSIGN (for himself and Mr. INHOFE) to the amendment SA 100 proposed by Mr. REID (for Mr. BAUCUS) to the bill H.R. 2, to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage; which was ordered to lie on the table.

SA 177. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 153 submitted by Mr. ENSIGN (for himself, Mr. SESSIONS, Mr. CRAIG, Mrs. DOLE, Mr. THOMAS, Mr. CORNYN, Mr. INHOFE, Mr. ISAKSON, and Mr. COLEMAN) to the amendment SA 100 proposed by Mr. REID (for Mr. BAUCUS) to the bill H.R. 2, supra; which was ordered to lie on the table.

SA 178. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 154 submitted by Mr. ENSIGN (for himself, Mr. DEMINT, Mr. GRAHAM, and Mr. COBURN) to the amendment SA 100 proposed by Mr. REID (for Mr. BAUCUS) to the bill H.R. 2, supra; which was ordered to lie on the table.

SA 179. Mr. THUNE submitted an amendment intended to be proposed to amendment SA 100 proposed by Mr. REID (for Mr. BAUCUS) to the bill H.R. 2, supra; which was ordered to lie on the table.

SA 180. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 143 submitted by Mr. SESSIONS and intended to be proposed to the bill H.R. 2, supra; which was ordered to lie on the table.

SA 181. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 144 submitted by Mr. SESSIONS and intended to be proposed to the amendment SA 100 proposed by Mr. REID (for Mr. BAUCUS) to the bill H.R. 2, supra; which was ordered to lie on the table.

SA 182. Mrs. HUTCHISON (for herself, Mr. CORNYN, and Mr. VOINOVICH) submitted an amendment intended to be proposed to amendment SA 100 proposed by Mr. REID (for Mr. BAUCUS) to the bill H.R. 2, supra; which was ordered to lie on the table.

SA 183. Mrs. HUTCHISON (for herself, Mr. CORNYN, and Mr. VOINOVICH) submitted an amendment intended to be proposed to amendment SA 100 proposed by Mr. REID (for Mr. BAUCUS) to the bill H.R. 2, supra; which was ordered to lie on the table.

SA 184. Mrs. HUTCHISON (for herself, Mr. CORNYN, Mr. VOINOVICH, and Mr. BROWN) submitted an amendment intended to be proposed to amendment SA 100 proposed by Mr. REID (for Mr. BAUCUS) to the bill H.R. 2, supra; which was ordered to lie on the table.

SA 185. Mr. CHAMBLISS submitted an amendment intended to be proposed to amendment SA 118 submitted by Mr. CHAMBLISS (for himself, Mr. ISAKSON, and Mr. BURR) and intended to be proposed to the bill H.R. 2, supra; which was ordered to lie on the table.

SA 186. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill H.R. 2, supra; which was ordered to lie on the table.

SA 187. Mr. KERRY (for himself, Ms. SNOWE, Mr. SUNUNU, Ms. LANDRIEU, and Mr. LIEBERMAN) submitted an amendment intended to be proposed to amendment SA 112 submitted by Mr. SUNUNU to the amendment SA 100 proposed by Mr. REID (for Mr. BAUCUS) to the bill H.R. 2, supra.

SA 188. Mr. OBAMA submitted an amendment intended to be proposed to amendment SA 100 proposed by Mr. REID (for Mr. BAUCUS) to the bill H.R. 2, supra; which was ordered to lie on the table.

SA 189. Mr. SESSIONS submitted an amendment intended to be proposed to amendment SA 141 submitted by Mr. SESSIONS and intended to be proposed to the bill H.R. 2, supra; which was ordered to lie on the table.

SA 190. Mr. SESSIONS submitted an amendment intended to be proposed to amendment SA 142 submitted by Mr. SESSIONS and intended to be proposed to the amendment SA 100 proposed by Mr. REID (for Mr. BAUCUS) to the bill H.R. 2, supra; which was ordered to lie on the table.

SA 191. Ms. COLLINS (for herself and Mr. WARNER) submitted an amendment intended to be proposed by her to the bill H.R. 2, supra; which was ordered to lie on the table.

SA 192. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 100 proposed by Mr. REID (for Mr. BAUCUS) to the bill H.R. 2, supra; which was ordered to lie on the table.

SA 193. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 100 proposed by Mr. REID (for Mr. BAUCUS) to the bill H.R. 2, supra; which was ordered to lie on the table.

SA 194. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 100 proposed by Mr. REID (for Mr. BAUCUS) to the bill H.R. 2, supra; which was ordered to lie on the table.

SA 195. Mr. BURR (for himself, Mr. DEMINT, and Mr. COBURN) submitted an amendment intended to be proposed to amendment SA 100 proposed by Mr. REID (for Mr. BAUCUS) to the bill H.R. 2, supra; which was ordered to lie on the table.

SA 196. Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 100 proposed by Mr. REID (for Mr. BAUCUS) to the bill H.R. 2, supra; which was ordered to lie on the table.

SA 197. Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 100 proposed by Mr. REID (for Mr. BAUCUS) to the bill H.R. 2, supra; which was ordered to lie on the table.

SA 198. Mr. COLEMAN submitted an amendment intended to be proposed to amendment SA 100 proposed by Mr. REID (for Mr. BAUCUS) to the bill H.R. 2, supra; which was ordered to lie on the table.

SA 199. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 2, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 176. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 152 submitted by Mr. ENSIGN (for himself and Mr. INHOFE) to the amendment SA 100 proposed by Mr. REID (for Mr. BAUCUS) to the bill H.R. 2, to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage; which was ordered to lie on the table; as follows:

Strike after the first word, and insert the following:

SEC.   . PRECLUSION OF SOCIAL SECURITY CREDITS PRIOR TO ENUMERATION.

(a) INSURED STATUS.—Section 214 of the Social Security Act (42 U.S.C. 414) is amended by adding at the end, the following new subsection:

"(d)(1) Except as provided in paragraph (2), no quarter of coverage shall be credited for purposes of this section if, with respect to any individual who is assigned a social security account number on or after the date of enactment of the Fair Minimum Wage Act of 2007, such quarter of coverage is earned prior to the year in which such social security account number is assigned.

"(2) Paragraph (1) shall not apply with respect to any quarter of coverage earned by an individual who, at such time such quarter of coverage is earned, satisfies the criterion specified in subsection (c)(2).".

(b) BENEFIT COMPUTATION.—Section 215(e) of such Act (42 U.S.C. 415(e)) is amended—.

(1) by striking "and" at the end of paragraph (1);

(2) by striking the period at the end of paragraph (2) and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(3) in computing the average indexed monthly earnings of an individual who is assigned a social security account number on or after the date that is one day after the date of enactment of the Fair Minimum Wage Act of 2007, there shall not be counted any wages or self-employment income for which no quarter of coverage may be credited to such individual as a result of the application of section 214(d).".

SA 177. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 153 submitted by Mr. ENSIGN (for himself, Mr. SESSIONS, Mr. CRAIG, Mrs. DOLE, Mr. THOMAS Mr. CORNYN, Mr. INHOFE, Mr. ISAKSON, and Mr. COLEMAN) to the amendment SA 100 proposed by Mr. REID (for Mr. BAUCUS) to the bill H.R. 2, to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage; which was ordered to lie on the table; as follows:

Strike after the first word and insert the following:

SEC. ___. TRANSMITTAL AND APPROVAL OF TOTALIZATION AGREEMENTS.

(a) IN GENERAL.—Section 233(e) of the Social Security Act (42 U.S.C. 433(e)) is amended to read as follows:

"(e)(1) Any agreement to establish a totalization arrangement which is entered into with another country under this section shall enter into force with respect to the United States if (and only if)—

"(A) the President, at least 90 calendar days before the date on which the President enters into the agreement, notifies each House of Congress of the President's intention to enter into the agreement, and promptly thereafter publishes notice of such intention in the Federal Register,

"(B) the President transmits the text of such agreement to each House of Congress as provided in paragraph (2), and

"(C) an approval resolution regarding such agreement has passed both Houses of Congress and has been enacted into law.

"(2)(A) Whenever an agreement referred to in paragraph (1) is entered into, the President shall transmit to each House of Congress a document setting forth the final legal text of such agreement and including a report by the President in support of such agreement. The President's report shall include the following:

"(i) An estimate by the Chief Actuary of the Social Security Administration of the effect of the agreement, in the short term and in the long term, on the receipts and disbursements under the social security system established by this title.

"(ii) A statement of any administrative action proposed to implement the agreement and how such action will change or affect existing law.

"(iii) A statement describing whether and how the agreement changes provisions of an agreement previously negotiated.

"(iv) A statement describing how and to what extent the agreement makes progress in achieving the purposes, policies, and objectives of this title.

"(v) An estimate by the Chief Actuary of the Social Security Administration, working in consultation with the Comptroller General of the United States, of the number of individuals who may become eligible for any benefits under this title or who may otherwise be affected by the agreement.

"(vi) An assessment of the integrity of the retirement data and records (including birth, death, and marriage records) of the other country that is the subject of the agreement.

"(vii) An assessment of the ability of such country to track and monitor recipients of benefits under such agreement.

"(B) If any separate agreement or other understanding with another country (whether oral or in writing) relating to an agreement to establish a totalization arrangement under this section is not disclosed to Congress in the transmittal to Congress under this paragraph of the agreement to establish a totalization arrangement, then such separate agreement or understanding shall not be considered to be part of the agreement approved by Congress under this section and shall have no force and effect under United States law.

"(3) For purposes of this subsection, the term 'approval resolution' means a joint resolution, the matter after the resolving clause of which is as follows: 'That the proposed agreement entered into pursuant to section 233 of the Social Security Act between the United States and establishing totalization arrangements between the social security system established by title II of such Act and the social security system of ____________, transmitted to Congress by the President on , is hereby approved.', the first two blanks therein being filled with the name of the country with which the United States entered into the agreement, and the third blank therein being filled with the date of the transmittal of the agreement to Congress.

"(4) Whenever a document setting forth an agreement entered into under this section and the President's report in support of the agreement is transmitted to Congress pursuant to paragraph (2), copies of such document shall be delivered to both Houses of Congress on the same day and shall be delivered to the Clerk of the House of Representatives if the House is not in session and to the Secretary of the Senate if the Senate is not in session.

"(5) On the day on which a document setting forth the agreement is transmitted to the House of Representatives and the Senate pursuant to paragraph (1), an approval resolution with respect to such agreement shall be introduced (by request) in the House by the majority leader of the House, for himself or herself and the minority leader of the House, or by Members of the House designated by the majority leader and minority leader of the House; and shall be introduced (by request) in the Senate by the majority leader of the Senate, for himself or herself and the minority leader of the Senate, or by Members of the Senate designated by the majority leader and minority leader of the Senate. If either House is not in session on the day on which such an agreement is transmitted, the approval resolution with respect to such agreement shall be introduced in that House, as provided in the preceding sentence, on the first day thereafter on which that House is in session. The resolution introduced in the House of Representatives shall be referred to the Committee on Ways and Means and the resolution introduced in the Senate shall be referred to the Committee on Finance.".

(b) ADDITIONAL REPORTS AND EVALUATIONS.—Section 233 of the Social Security Act (42 U.S.C. 433) is amended by adding at the end the following new subsections:

"(f) BIENNIAL SSA REPORT ON IMPACT OF TOTALIZATION AGREEMENTS.—

"(1) REPORT.—For any totalization agreement transmitted to Congress on or after January 1, 2007, the Commissioner of Social Security shall submit a report to Congress and the Comptroller General that—

"(A) compares the estimates contained in the report submitted to Congress under clauses (i) and (v) of subsection (e)(2)(A) with respect to that agreement with the actual number of individuals affected by the agreement and the actual effect of the agreement on social security system receipts and disbursements; and

"(B) contains recommendations for adjusting the methods used to make the estimates.

"(2) DATES FOR SUBMISSION.—The report required under this subsection shall be provided not later than 2 years after the effective date of the totalization agreement that is the subject of the report and biennially thereafter.

"(g) GAO EVALUATION AND REPORT.—

"(1) EVALUATION OF INITIAL REPORT ON IMPACT OF TOTALIZATION AGREEMENTS.—With respect to each initial report regarding a totalization agreement submitted under subsection (f), the Comptroller General of the United States shall conduct an evaluation of the report that includes—

"(A) an evaluation of the procedures used for making the estimates required by subsection (e)(2)(A);

"(B) an evaluation of the procedures used for determining the actual number of individuals affected by the agreement and the effects of the totalization agreement on receipts and disbursements under the social security system; and

"(C) such recommendations as the Comptroller General determines appropriate.

"(2) REPORT.—Not later than 1 year after the date of submission of an initial report regarding a totalization agreement under subsection (f), the Comptroller General shall submit to Congress a report setting forth the results of the evaluation conducted under paragraph (1).

"(3) DATA COLLECTION.—The Commissioner of Social Security shall collect and maintain the data necessary for the Comptroller General of the United States to conduct the evaluation required by paragraph (1).".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to agreements establishing totalization arrangements entered into under section 233 of the Social Security Act which are transmitted to Congress on or after December 31, 2006.

SA 178. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 154 submitted by Mr. ENSIGN (for himself, Mr. DEMINT, Mr. GRAHAM, and Mr. COBURN) to the amendment SA 100 proposed by Mr. REID (for Mr. BAUCUS) to the bill H.R. 2, to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage; which was ordered to lie on the table; as follows:

Strike after the first word and insert the following:

SEC. ___. NON-GROUP HIGH DEDUCTIBLE HEALTH PLAN PREMIUMS OPTIONS.

(a) IN GENERAL.—Section 223(d)(2)(C) of the Internal Revenue Code of 1986 (relating to exceptions) is amended by striking "or" at the end of clause (iii), by striking the period at the end of clause (iv) and inserting ", or", and by adding at the end the following new clause:

"(v) a high deductible health plan, other than a group health plan (as defined in section 5000(b)(1)).".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning on January 1, 2008.

SA 179. Mr. THUNE submitted an amendment intended to be proposed to amendment SA 100 proposed by Mr. REID (for Mr. BAUCUS) to the bill H.R. 2, to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE III—SMALL BUSINESS HEALTH COVERAGE

SEC. 301. SHORT TITLE.

This title may be cited as the "Small Business Health Improvement Act of 2007".

SEC. 302. RULES GOVERNING ASSOCIATION HEALTH PLANS.

(a) IN GENERAL.—Subtitle B of title I of the Employee Retirement Income Security Act of 1974 is amended by adding after part 7 the following new part:

"PART 8—RULES GOVERNING ASSOCIATION HEALTH PLANS

"SEC. 801. ASSOCIATION HEALTH PLANS.

"(a) IN GENERAL.—For purposes of this part, the term 'association health plan' means a group health plan whose sponsor is (or is deemed under this part to be) described in subsection (b).

"(b) SPONSORSHIP.—The sponsor of a group health plan is described in this subsection if such sponsor—

"(1) is organized and maintained in good faith, with a constitution and bylaws specifically stating its purpose and providing for periodic meetings on at least an annual basis, as a bona fide trade association, a bona fide industry association (including a rural electric cooperative association or a rural telephone cooperative association), a bona fide professional association, or a bona fide chamber of commerce (or similar bona fide business association, including a corporation or similar organization that operates on a cooperative basis (within the meaning of section 1381 of the Internal Revenue Code of 1986)), for substantial purposes other than that of obtaining or providing medical care;

"(2) is established as a permanent entity which receives the active support of its members and requires for membership payment on a periodic basis of dues or payments necessary to maintain eligibility for membership in the sponsor; and

"(3) does not condition membership, such dues or payments, or coverage under the plan on the basis of health status-related factors with respect to the employees of its members (or affiliated members), or the dependents of such employees, and does not condition such dues or payments on the basis of group health plan participation.

Any sponsor consisting of an association of entities which meet the requirements of paragraphs (1), (2), and (3) shall be deemed to be a sponsor described in this subsection.

"SEC. 802. CERTIFICATION OF ASSOCIATION HEALTH PLANS.

"(a) IN GENERAL.—The applicable authority shall prescribe by regulation a procedure under which, subject to subsection (b), the applicable authority shall certify association health plans which apply for certification as meeting the requirements of this part.

"(b) STANDARDS.—Under the procedure prescribed pursuant to subsection (a), in the case of an association health plan that provides at least one benefit option which does not consist of health insurance coverage, the applicable authority shall certify such plan as meeting the requirements of this part only if the applicable authority is satisfied that the applicable requirements of this part are met (or, upon the date on which the plan is to commence operations, will be met) with respect to the plan.

"(c) REQUIREMENTS APPLICABLE TO CERTIFIED PLANS.—An association health plan with respect to which certification under this part is in effect shall meet the applicable requirements of this part, effective on the date of certification (or, if later, on the date on which the plan is to commence operations).

"(d) REQUIREMENTS FOR CONTINUED CERTIFICATION.—The applicable authority may provide by regulation for continued certification of association health plans under this part.

"(e) CLASS CERTIFICATION FOR FULLY INSURED PLANS.—The applicable authority shall establish a class certification procedure for association health plans under which all benefits consist of health insurance coverage. Under such procedure, the applicable authority shall provide for the granting of certification under this part to the plans in each class of such association health plans upon appropriate filing under such procedure in connection with plans in such class and payment of the prescribed fee under section 807(a).

"(f) CERTIFICATION OF SELF-INSURED ASSOCIATION HEALTH PLANS.—An association health plan which offers one or more benefit options which do not consist of health insurance coverage may be certified under this part only if such plan consists of any of the following:

"(1) a plan which offered such coverage on the date of the enactment of the Small Business Health Improvement Act of 2007,

"(2) a plan under which the sponsor does not restrict membership to one or more trades and businesses or industries and whose eligible participating employers represent a broad cross-section of trades and businesses or industries, or

"(3) a plan whose eligible participating employers represent one or more trades or businesses, or one or more industries, consisting of any of the following: agriculture; equipment and automobile dealerships; barbering and cosmetology; certified public accounting practices; child care; construction; dance, theatrical and orchestra productions; disinfecting and pest control; financial services; fishing; foodservice establishments; hospitals; labor organizations; logging; manufacturing (metals); mining; medical and dental practices; medical laboratories; professional consulting services; sanitary services; transportation (local and freight); warehousing; wholesaling/distributing; or any other trade or business or industry which has been indicated as having average or above-average risk or health claims experience by reason of State rate filings, denials of coverage, proposed premium rate levels, or other means demonstrated by such plan in accordance with regulations.

"SEC. 803. REQUIREMENTS RELATING TO SPONSORS AND BOARDS OF TRUSTEES.

"(a) SPONSOR.—The requirements of this subsection are met with respect to an association health plan if the sponsor has met (or is deemed under this part to have met) the requirements of section 801(b) for a continuous period of not less than 3 years ending with the date of the application for certification under this part.

"(b) BOARD OF TRUSTEES.—The requirements of this subsection are met with respect to an association health plan if the following requirements are met:

"(1) FISCAL CONTROL.—The plan is operated, pursuant to a trust agreement, by a board of trustees which has complete fiscal control over the plan and which is responsible for all operations of the plan.

"(2) RULES OF OPERATION AND FINANCIAL CONTROLS.—The board of trustees has in effect rules of operation and financial controls, based on a 3-year plan of operation, adequate to carry out the terms of the plan and to meet all requirements of this title applicable to the plan.

"(3) RULES GOVERNING RELATIONSHIP TO PARTICIPATING EMPLOYERS AND TO CONTRACTORS.—

"(A) BOARD MEMBERSHIP.—

"(i) IN GENERAL.—Except as provided in clauses (ii) and (iii), the members of the board of trustees are individuals selected from individuals who are the owners, officers, directors, or employees of the participating employers or who are partners in the participating employers and actively participate in the business.

"(ii) LIMITATION.—

"(I) GENERAL RULE.—Except as provided in subclauses (II) and (III), no such member is an owner, officer, director, or employee of, or partner in, a contract administrator or other service provider to the plan.

"(II) LIMITED EXCEPTION FOR PROVIDERS OF SERVICES SOLELY ON BEHALF OF THE SPONSOR.—Officers or employees of a sponsor which is a service provider (other than a contract administrator) to the plan may be members of the board if they constitute not more than 25 percent of the membership of the board and they do not provide services to the plan other than on behalf of the sponsor.

"(III) TREATMENT OF PROVIDERS OF MEDICAL CARE.—In the case of a sponsor which is an association whose membership consists primarily of providers of medical care, subclause (I) shall not apply in the case of any service provider described in subclause (I) who is a provider of medical care under the plan.

"(iii) CERTAIN PLANS EXCLUDED.—Clause (i) shall not apply to an association health plan which is in existence on the date of the enactment of the Small Business Health Improvement Act of 2007.

"(B) SOLE AUTHORITY.—The board has sole authority under the plan to approve applications for participation in the plan and to contract with a service provider to administer the day-to-day affairs of the plan.

"(c) TREATMENT OF FRANCHISE NETWORKS.—In the case of a group health plan which is established and maintained by a franchiser for a franchise network consisting of its franchisees—

"(1) the requirements of subsection (a) and section 801(a) shall be deemed met if such requirements would otherwise be met if the franchiser were deemed to be the sponsor referred to in section 801(b), such network were deemed to be an association described in section 801(b), and each franchisee were deemed to be a member (of the association and the sponsor) referred to in section 801(b); and

"(2) the requirements of section 804(a)(1) shall be deemed met.

The Secretary may by regulation define for purposes of this subsection the terms 'franchiser', 'franchise network', and 'franchisee'.

"SEC. 804. PARTICIPATION AND COVERAGE REQUIREMENTS.

"(a) COVERED EMPLOYERS AND INDIVIDUALS.—The requirements of this subsection are met with respect to an association health plan if, under the terms of the plan—

"(1) each participating employer must be—

"(A) a member of the sponsor,

"(B) the sponsor, or

"(C) an affiliated member of the sponsor with respect to which the requirements of subsection (b) are met,

except that, in the case of a sponsor which is a professional association or other individual-based association, if at least one of the officers, directors, or employees of an employer, or at least one of the individuals who are partners in an employer and who actively participates in the business, is a member or such an affiliated member of the sponsor, participating employers may also include such employer; and

"(2) all individuals commencing coverage under the plan after certification under this part must be—

"(A) active or retired owners (including self-employed individuals), officers, directors, or employees of, or partners in, participating employers; or

"(B) the beneficiaries of individuals described in subparagraph (A).

"(b) COVERAGE OF PREVIOUSLY UNINSURED EMPLOYEES.—In the case of an association health plan in existence on the date of the enactment of the Small Business Health Improvement Act of 2007, an affiliated member of the sponsor of the plan may be offered coverage under the plan as a participating employer only if—

"(1) the affiliated member was an affiliated member on the date of certification under this part; or

"(2) during the 12-month period preceding the date of the offering of such coverage, the affiliated member has not maintained or contributed to a group health plan with respect to any of its employees who would otherwise be eligible to participate in such association health plan.

"(c) INDIVIDUAL MARKET UNAFFECTED.—The requirements of this subsection are met with respect to an association health plan if, under the terms of the plan, no participating employer may provide health insurance coverage in the individual market for any employee not covered under the plan which is similar to the coverage contemporaneously provided to employees of the employer under the plan, if such exclusion of the employee from coverage under the plan is based on a health status-related factor with respect to the employee and such employee would, but for such exclusion on such basis, be eligible for coverage under the plan.

"(d) PROHIBITION OF DISCRIMINATION AGAINST EMPLOYERS AND EMPLOYEES ELIGIBLE TO PARTICIPATE.—The requirements of this subsection are met with respect to an association health plan if—

"(1) under the terms of the plan, all employers meeting the preceding requirements of this section are eligible to qualify as participating employers for all geographically available coverage options, unless, in the case of any such employer, participation or contribution requirements of the type referred to in section 2711 of the Public Health Service Act are not met;

"(2) upon request, any employer eligible to participate is furnished information regarding all coverage options available under the plan; and

"(3) the applicable requirements of sections 701, 702, and 703 are met with respect to the plan.

"SEC. 805. OTHER REQUIREMENTS RELATING TO PLAN DOCUMENTS, CONTRIBUTION RATES, AND BENEFIT OPTIONS.

"(a) In General.—The requirements of this section are met with respect to an association health plan if the following requirements are met:

"(1) Contents of governing instruments.—The instruments governing the plan include a written instrument, meeting the requirements of an instrument required under section 402(a)(1), which—

"(A) provides that the board of trustees serves as the named fiduciary required for plans under section 402(a)(1) and serves in the capacity of a plan administrator (referred to in section 3(16)(A));

"(B) provides that the sponsor of the plan is to serve as plan sponsor (referred to in section 3(16)(B)); and

"(C) incorporates the requirements of section 806.

"(2) Contribution rates must be nondiscriminatory.—

"(A) The contribution rates for any participating small employer do not vary on the basis of any health status-related factor in relation to employees of such employer or their beneficiaries and do not vary on the basis of the type of business or industry in which such employer is engaged.

"(B) Nothing in this title or any other provision of law shall be construed to preclude an association health plan, or a health insurance issuer offering health insurance coverage in connection with an association health plan, from—

"(i) setting contribution rates based on the claims experience of the plan; or

"(ii) varying contribution rates for small employers in a State to the extent that such rates could vary using the same methodology employed in such State for regulating premium rates in the small group market with respect to health insurance coverage offered in connection with bona fide associations (within the meaning of section 2791(d)(3) of the Public Health Service Act),

subject to the requirements of section 702(b) relating to contribution rates.

"(3) Floor for number of covered individuals with respect to certain plans.—If any benefit option under the plan does not consist of health insurance coverage, the plan has as of the beginning of the plan year not fewer than 1,000 participants and beneficiaries.

"(4) Marketing requirements.—

"(A) In general.—If a benefit option which consists of health insurance coverage is offered under the plan, State-licensed insurance agents shall be used to distribute to small employers coverage which does not consist of health insurance coverage in a manner comparable to the manner in which such agents are used to distribute health insurance coverage.

"(B) State-licensed insurance agents.—For purposes of subparagraph (A), the term 'State-licensed insurance agents' means one or more agents who are licensed in a State and are subject to the laws of such State relating to licensure, qualification, testing, examination, and continuing education of persons authorized to offer, sell, or solicit health insurance coverage in such State.

"(5) Regulatory requirements.—Such other requirements as the applicable authority determines are necessary to carry out the purposes of this part, which shall be prescribed by the applicable authority by regulation.

"(b) Ability of Association Health Plans to Design Benefit Options.—Subject to section 514(d), nothing in this part or any provision of State law (as defined in section 514(c)(1)) shall be construed to preclude an association health plan, or a health insurance issuer offering health insurance coverage in connection with an association health plan, from exercising its sole discretion in selecting the specific items and services consisting of medical care to be included as benefits under such plan or coverage, except (subject to section 514) in the case of (1) any law to the extent that it is not preempted under section 731(a)(1) with respect to matters governed by section 711, 712, or 713, or (2) any law of the State with which filing and approval of a policy type offered by the plan was initially obtained to the extent that such law prohibits an exclusion of a specific disease from such coverage.

"SEC. 806. MAINTENANCE OF RESERVES AND PROVISIONS FOR SOLVENCY FOR PLANS PROVIDING HEALTH BENEFITS IN ADDITION TO HEALTH INSURANCE COVERAGE.

"(a) In General.—The requirements of this section are met with respect to an association health plan if—

"(1) the benefits under the plan consist solely of health insurance coverage; or

"(2) if the plan provides any additional benefit options which do not consist of health insurance coverage, the plan—

"(A) establishes and maintains reserves with respect to such additional benefit options, in amounts recommended by the qualified actuary, consisting of—

"(i) a reserve sufficient for unearned contributions;

"(ii) a reserve sufficient for benefit liabilities which have been incurred, which have not been satisfied, and for which risk of loss has not yet been transferred, and for expected administrative costs with respect to such benefit liabilities;

"(iii) a reserve sufficient for any other obligations of the plan; and

"(iv) a reserve sufficient for a margin of error and other fluctuations, taking into account the specific circumstances of the plan; and

"(B) establishes and maintains aggregate and specific excess/stop loss insurance and solvency indemnification, with respect to such additional benefit options for which risk of loss has not yet been transferred, as follows:

"(i) The plan shall secure aggregate excess/stop loss insurance for the plan with an attachment point which is not greater than 125 percent of expected gross annual claims. The applicable authority may by regulation provide for upward adjustments in the amount of such percentage in specified circumstances in which the plan specifically provides for and maintains reserves in excess of the amounts required under subparagraph (A).

"(ii) The plan shall secure specific excess/stop loss insurance for the plan with an attachment point which is at least equal to an amount recommended by the plan's qualified actuary. The applicable authority may by regulation provide for adjustments in the amount of such insurance in specified circumstances in which the plan specifically provides for and maintains reserves in excess of the amounts required under subparagraph (A).

"(iii) The plan shall secure indemnification insurance for any claims which the plan is unable to satisfy by reason of a plan termination.

Any person issuing to a plan insurance described in clause (i), (ii), or (iii) of subparagraph (B) shall notify the Secretary of any failure of premium payment meriting cancellation of the policy prior to undertaking such a cancellation. Any regulations prescribed by the applicable authority pursuant to clause (i) or (ii) of subparagraph (B) may allow for such adjustments in the required levels of excess/stop loss insurance as the qualified actuary may recommend, taking into account the specific circumstances of the plan.

"(b) Minimum Surplus in Addition to Claims Reserves.—In the case of any association health plan described in subsection (a)(2), the requirements of this subsection are met if the plan establishes and maintains surplus in an amount at least equal to—

"(1) $500,000, or

"(2) such greater amount (but not greater than $2,000,000) as may be set forth in regulations prescribed by the applicable authority, considering the level of aggregate and specific excess/stop loss insurance provided with respect to such plan and other factors related to solvency risk, such as the plan's projected levels of participation or claims, the nature of the plan's liabilities, and the types of assets available to assure that such liabilities are met.

"(c) Additional Requirements.—In the case of any association health plan described in subsection (a)(2), the applicable authority may provide such additional requirements relating to reserves, excess/stop loss insurance, and indemnification insurance as the applicable authority considers appropriate. Such requirements may be provided by regulation with respect to any such plan or any class of such plans.

"(d) Adjustments for Excess/Stop Loss Insurance.—The applicable authority may provide for adjustments to the levels of reserves otherwise required under subsections (a) and (b) with respect to any plan or class of plans to take into account excess/stop loss insurance provided with respect to such plan or plans.

"(e) Alternative Means of Compliance.—The applicable authority may permit an association health plan described in subsection (a)(2) to substitute, for all or part of the requirements of this section (except subsection (a)(2)(B)(iii)), such security, guarantee, hold-harmless arrangement, or other financial arrangement as the applicable authority determines to be adequate to enable the plan to fully meet all its financial obligations on a timely basis and is otherwise no less protective of the interests of participants and beneficiaries than the requirements for which it is substituted. The applicable authority may take into account, for purposes of this subsection, evidence provided by the plan or sponsor which demonstrates an assumption of liability with respect to the plan. Such evidence may be in the form of a contract of indemnification, lien, bonding, insurance, letter of credit, recourse under applicable terms of the plan in the form of assessments of participating employers, security, or other financial arrangement.

"(f) Measures to Ensure Continued Payment of Benefits by Certain Plans in Distress.—

"(1) Payments by certain plans to association health plan fund.—

"(A) In general.—In the case of an association health plan described in subsection (a)(2), the requirements of this subsection are met if the plan makes payments into the Association Health Plan Fund under this subparagraph when they are due. Such payments shall consist of annual payments in the amount of $5,000, and, in addition to such annual payments, such supplemental payments as the Secretary may determine to be necessary under paragraph (2). Payments under this paragraph are payable to the Fund at the time determined by the Secretary. Initial payments are due in advance of certification under this part. Payments shall continue to accrue until a plan's assets are distributed pursuant to a termination procedure.

"(B) PENALTIES FOR FAILURE TO MAKE PAYMENTS.—If any payment is not made by a plan when it is due, a late payment charge of not more than 100 percent of the payment which was not timely paid shall be payable by the plan to the Fund.

"(C) CONTINUED DUTY OF THE SECRETARY.—The Secretary shall not cease to carry out the provisions of paragraph (2) on account of the failure of a plan to pay any payment when due.

"(2) PAYMENTS BY SECRETARY TO CONTINUE EXCESS/STOP LOSS INSURANCE COVERAGE AND INDEMNIFICATION INSURANCE COVERAGE FOR CERTAIN PLANS.—In any case in which the applicable authority determines that there is, or that there is reason to believe that there will be: (A) a failure to take necessary corrective actions under section 809(a) with respect to an association health plan described in subsection (a)(2); or (B) a termination of such a plan under section 809(b) or 810(b)(8) (and, if the applicable authority is not the Secretary, certifies such determination to the Secretary), the Secretary shall determine the amounts necessary to make payments to an insurer (designated by the Secretary) to maintain in force excess/stop loss insurance coverage or indemnification insurance coverage for such plan, if the Secretary determines that there is a reasonable expectation that, without such payments, claims would not be satisfied by reason of termination of such coverage. The Secretary shall, to the extent provided in advance in appropriation Acts, pay such amounts so determined to the insurer designated by the Secretary.

"(3) ASSOCIATION HEALTH PLAN FUND.—

"(A) IN GENERAL.—There is established on the books of the Treasury a fund to be known as the 'Association Health Plan Fund'. The Fund shall be available for making payments pursuant to paragraph (2). The Fund shall be credited with payments received pursuant to paragraph (1)(A), penalties received pursuant to paragraph (1)(B); and earnings on investments of amounts of the Fund under subparagraph (B).

"(B) INVESTMENT.—Whenever the Secretary determines that the moneys of the fund are in excess of current needs, the Secretary may request the investment of such amounts as the Secretary determines advisable by the Secretary of the Treasury in obligations issued or guaranteed by the United States.

"(g) EXCESS/STOP LOSS INSURANCE.—For purposes of this section—

"(1) AGGREGATE EXCESS/STOP LOSS INSURANCE.—The term 'aggregate excess/stop loss insurance' means, in connection with an association health plan, a contract—

"(A) under which an insurer (meeting such minimum standards as the applicable authority may prescribe by regulation) provides for payment to the plan with respect to aggregate claims under the plan in excess of an amount or amounts specified in such contract;

"(B) which is guaranteed renewable; and

"(C) which allows for payment of premiums by any third party on behalf of the insured plan.

"(2) SPECIFIC EXCESS/STOP LOSS INSURANCE.—The term 'specific excess/stop loss insurance' means, in connection with an association health plan, a contract—

"(A) under which an insurer (meeting such minimum standards as the applicable authority may prescribe by regulation) provides for payment to the plan with respect to claims under the plan in connection with a covered individual in excess of an amount or amounts specified in such contract in connection with such covered individual;

"(B) which is guaranteed renewable; and

"(C) which allows for payment of premiums by any third party on behalf of the insured plan.

"(h) INDEMNIFICATION INSURANCE.—For purposes of this section, the term 'indemnification insurance' means, in connection with an association health plan, a contract—

"(1) under which an insurer (meeting such minimum standards as the applicable authority may prescribe by regulation) provides for payment to the plan with respect to claims under the plan which the plan is unable to satisfy by reason of a termination pursuant to section 809(b) (relating to mandatory termination);

"(2) which is guaranteed renewable and noncancellable for any reason (except as the applicable authority may prescribe by regulation); and

"(3) which allows for payment of premiums by any third party on behalf of the insured plan.

"(i) RESERVES.—For purposes of this section, the term 'reserves' means, in connection with an association health plan, plan assets which meet the fiduciary standards under part 4 and such additional requirements regarding liquidity as the applicable authority may prescribe by regulation.

"(j) SOLVENCY STANDARDS WORKING GROUP.—

"(1) IN GENERAL.—Within 90 days after the date of the enactment of the Small Business Health Improvement Act of 2007, the applicable authority shall establish a Solvency Standards Working Group. In prescribing the initial regulations under this section, the applicable authority shall take into account the recommendations of such Working Group.

"(2) MEMBERSHIP.—The Working Group shall consist of not more than 15 members appointed by the applicable authority. The applicable authority shall include among persons invited to membership on the Working Group at least one of each of the following:

"(A) a representative of the National Association of Insurance Commissioners;

"(B) a representative of the American Academy of Actuaries;

"(C) a representative of the State governments, or their interests;

"(D) a representative of existing self-insured arrangements, or their interests;

"(E) a representative of associations of the type referred to in section 801(b)(1), or their interests; and

"(F) a representative of multiemployer plans that are group health plans, or their interests.

"SEC. 807. REQUIREMENTS FOR APPLICATION AND RELATED REQUIREMENTS.

"(a) FILING FEE.—Under the procedure prescribed pursuant to section 802(a), an association health plan shall pay to the applicable authority at the time of filing an application for certification under this part a filing fee in the amount of $5,000, which shall be available in the case of the Secretary, to the extent provided in appropriation Acts, for the sole purpose of administering the certification procedures applicable with respect to association health plans.

"(b) INFORMATION TO BE INCLUDED IN APPLICATION FOR CERTIFICATION.—An application for certification under this part meets the requirements of this section only if it includes, in a manner and form which shall be prescribed by the applicable authority by regulation, at least the following information:

"(1) IDENTIFYING INFORMATION.—The names and addresses of—

"(A) the sponsor; and

"(B) the members of the board of trustees of the plan.

"(2) STATES IN WHICH PLAN INTENDS TO DO BUSINESS.—The States in which participants and beneficiaries under the plan are to be located and the number of them expected to be located in each such State.

"(3) BONDING REQUIREMENTS.—Evidence provided by the board of trustees that the bonding requirements of section 412 will be met as of the date of the application or (if later) commencement of operations.

"(4) PLAN DOCUMENTS.—A copy of the documents governing the plan (including any bylaws and trust agreements), the summary plan description, and other material describing the benefits that will be provided to participants and beneficiaries under the plan.

"(5) AGREEMENTS WITH SERVICE PROVIDERS.—A copy of any agreements between the plan and contract administrators and other service providers.

"(6) FUNDING REPORT.—In the case of association health plans providing benefits options in addition to health insurance coverage, a report setting forth information with respect to such additional benefit options determined as of a date within the 120-day period ending with the date of the application, including the following:

"(A) RESERVES.—A statement, certified by the board of trustees of the plan, and a statement of actuarial opinion, signed by a qualified actuary, that all applicable requirements of section 806 are or will be met in accordance with regulations which the applicable authority shall prescribe.

"(B) ADEQUACY OF CONTRIBUTION RATES.—A statement of actuarial opinion, signed by a qualified actuary, which sets forth a description of the extent to which contribution rates are adequate to provide for the payment of all obligations and the maintenance of required reserves under the plan for the 12-month period beginning with such date within such 120-day period, taking into account the expected coverage and experience of the plan. If the contribution rates are not fully adequate, the statement of actuarial opinion shall indicate the extent to which the rates are inadequate and the changes needed to ensure adequacy.

"(C) CURRENT AND PROJECTED VALUE OF ASSETS AND LIABILITIES.—A statement of actuarial opinion signed by a qualified actuary, which sets forth the current value of the assets and liabilities accumulated under the plan and a projection of the assets, liabilities, income, and expenses of the plan for the 12-month period referred to in subparagraph (B). The income statement shall identify separately the plan's administrative expenses and claims.

"(D) COSTS OF COVERAGE TO BE CHARGED AND OTHER EXPENSES.—A statement of the costs of coverage to be charged, including an itemization of amounts for administration, reserves, and other expenses associated with the operation of the plan.

“(E) OTHER INFORMATION.—Any other information as may be determined by the applicable authority, by regulation, as necessary to carry out the purposes of this part.

“(c) FILING NOTICE OF CERTIFICATION WITH STATES.—A certification granted under this part to an association health plan shall not be effective unless written notice of such certification is filed with the applicable State authority of each State in which at least 25 percent of the participants and beneficiaries under the plan are located. For purposes of this subsection, an individual shall be considered to be located in the State in which a known address of such individual is located or in which such individual is employed.

“(d) NOTICE OF MATERIAL CHANGES.—In the case of any association health plan certified under this part, descriptions of material changes in any information which was required to be submitted with the application for the certification under this part shall be filed in such form and manner as shall be prescribed by the applicable authority by regulation. The applicable authority may require by regulation prior notice of material changes with respect to specified matters which might serve as the basis for suspension or revocation of the certification.

“(e) REPORTING REQUIREMENTS FOR CERTAIN ASSOCIATION HEALTH PLANS.—An association health plan certified under this part which provides benefit options in addition to health insurance coverage for such plan year shall meet the requirements of section 103 by filing an annual report under such section which shall include information described in subsection (b)(6) with respect to the plan year and, notwithstanding section 104(a)(1)(A), shall be filed with the applicable authority not later than 90 days after the close of the plan year (or on such later date as may be prescribed by the applicable authority). The applicable authority may require by regulation such interim reports as it considers appropriate.

“(f) ENGAGEMENT OF QUALIFIED ACTUARY.—The board of trustees of each association health plan which provides benefits options in addition to health insurance coverage and which is applying for certification under this part or is certified under this part shall engage, on behalf of all participants and beneficiaries, a qualified actuary who shall be responsible for the preparation of the materials comprising information necessary to be submitted by a qualified actuary under this part. The qualified actuary shall utilize such assumptions and techniques as are necessary to enable such actuary to form an opinion as to whether the contents of the matters reported under this part—

“(1) are in the aggregate reasonably related to the experience of the plan and to reasonable expectations; and

“(2) represent such actuary's best estimate of anticipated experience under the plan.

The opinion by the qualified actuary shall be made with respect to, and shall be made a part of, the annual report.

“SEC. 808. NOTICE REQUIREMENTS FOR VOLUNTARY TERMINATION.

“Except as provided in section 809(b), an association health plan which is or has been certified under this part may terminate (upon or at any time after cessation of accruals in benefit liabilities) only if the board of trustees, not less than 60 days before the proposed termination date—

“(1) provides to the participants and beneficiaries a written notice of intent to terminate stating that such termination is intended and the proposed termination date;

“(2) develops a plan for winding up the affairs of the plan in connection with such termination in a manner which will result in timely payment of all benefits for which the plan is obligated; and

“(3) submits such plan in writing to the applicable authority.

Actions required under this section shall be taken in such form and manner as may be prescribed by the applicable authority by regulation.

“SEC. 809. CORRECTIVE ACTIONS AND MANDATORY TERMINATION.

“(a) ACTIONS TO AVOID DEPLETION OF RESERVES.—An association health plan which is certified under this part and which provides benefits other than health insurance coverage shall continue to meet the requirements of section 806, irrespective of whether such certification continues in effect. The board of trustees of such plan shall determine quarterly whether the requirements of section 806 are met. In any case in which the board determines that there is reason to believe that there is or will be a failure to meet such requirements, or the applicable authority makes such a determination and so notifies the board, the board shall immediately notify the qualified actuary engaged by the plan, and such actuary shall, not later than the end of the next following month, make such recommendations to the board for corrective action as the actuary determines necessary to ensure compliance with section 806. Not later than 30 days after receiving from the actuary recommendations for corrective actions, the board shall notify the applicable authority (in such form and manner as the applicable authority may prescribe by regulation) of such recommendations of the actuary for corrective action, together with a description of the actions (if any) that the board has taken or plans to take in response to such recommendations. The board shall thereafter report to the applicable authority, in such form and frequency as the applicable authority may specify to the board, regarding corrective action taken by the board until the requirements of section 806 are met.

“(b) MANDATORY TERMINATION.—In any case in which—

“(1) the applicable authority has been notified under subsection (a) (or by an issuer of excess/stop loss insurance or indemnity insurance pursuant to section 806(a)) of a failure of an association health plan which is or has been certified under this part and is described in section 806(a)(2) to meet the requirements of section 806 and has not been notified by the board of trustees of the plan that corrective action has restored compliance with such requirements; and

“(2) the applicable authority determines that there is a reasonable expectation that the plan will continue to fail to meet the requirements of section 806,

the board of trustees of the plan shall, at the direction of the applicable authority, terminate the plan and, in the course of the termination, take such actions as the applicable authority may require, including satisfying any claims referred to in section 806(a)(2)(B)(iii) and recovering for the plan any liability under subsection (a)(2)(B)(iii) or (e) of section 806, as necessary to ensure that the affairs of the plan will be, to the maximum extent possible, wound up in a manner which will result in timely provision of all benefits for which the plan is obligated.

“SEC. 810. TRUSTEESHIP BY THE SECRETARY OF INSOLVENT ASSOCIATION HEALTH PLANS PROVIDING HEALTH BENEFITS IN ADDITION TO HEALTH INSURANCE COVERAGE.

“(a) APPOINTMENT OF SECRETARY AS TRUSTEE FOR INSOLVENT PLANS.—Whenever the Secretary determines that an association health plan which is or has been certified under this part and which is described in section 806(a)(2) will be unable to provide benefits when due or is otherwise in a financially hazardous condition, as shall be defined by the Secretary by regulation, the Secretary shall, upon notice to the plan, apply to the appropriate United States district court for appointment of the Secretary as trustee to administer the plan for the duration of the insolvency. The plan may appear as a party and other interested persons may intervene in the proceedings at the discretion of the court. The court shall appoint such Secretary trustee if the court determines that the trusteeship is necessary to protect the interests of the participants and beneficiaries or providers of medical care or to avoid any unreasonable deterioration of the financial condition of the plan. The trusteeship of such Secretary shall continue until the conditions described in the first sentence of this subsection are remedied or the plan is terminated.

“(b) POWERS AS TRUSTEE.—The Secretary, upon appointment as trustee under subsection (a), shall have the power—

“(1) to do any act authorized by the plan, this title, or other applicable provisions of law to be done by the plan administrator or any trustee of the plan;

“(2) to require the transfer of all (or any part) of the assets and records of the plan to the Secretary as trustee;

“(3) to invest any assets of the plan which the Secretary holds in accordance with the provisions of the plan, regulations prescribed by the Secretary, and applicable provisions of law;

“(4) to require the sponsor, the plan administrator, any participating employer, and any employee organization representing plan participants to furnish any information with respect to the plan which the Secretary as trustee may reasonably need in order to administer the plan;

“(5) to collect for the plan any amounts due the plan and to recover reasonable expenses of the trusteeship;

“(6) to commence, prosecute, or defend on behalf of the plan any suit or proceeding involving the plan;

“(7) to issue, publish, or file such notices, statements, and reports as may be required by the Secretary by regulation or required by any order of the court;

“(8) to terminate the plan (or provide for its termination in accordance with section 809(b)) and liquidate the plan assets, to restore the plan to the responsibility of the sponsor, or to continue the trusteeship;

“(9) to provide for the enrollment of plan participants and beneficiaries under appropriate coverage options; and

“(10) to do such other acts as may be necessary to comply with this title or any order of the court and to protect the interests of plan participants and beneficiaries and providers of medical care.

“(c) NOTICE OF APPOINTMENT.—As soon as practicable after the Secretary's appointment as trustee, the Secretary shall give notice of such appointment to—

“(1) the sponsor and plan administrator;

“(2) each participant;

“(3) each participating employer; and

"(4) if applicable, each employee organization which, for purposes of collective bargaining, represents plan participants.

"(d) ADDITIONAL DUTIES.—Except to the extent inconsistent with the provisions of this title, or as may be otherwise ordered by the court, the Secretary, upon appointment as trustee under this section, shall be subject to the same duties as those of a trustee under section 704 of title 11, United States Code, and shall have the duties of a fiduciary for purposes of this title.

"(e) OTHER PROCEEDINGS.—An application by the Secretary under this subsection may be filed notwithstanding the pendency in the same or any other court of any bankruptcy, mortgage foreclosure, or equity receivership proceeding, or any proceeding to reorganize, conserve, or liquidate such plan or its property, or any proceeding to enforce a lien against property of the plan.

"(f) JURISDICTION OF COURT.—

"(1) IN GENERAL.—Upon the filing of an application for the appointment as trustee or the issuance of a decree under this section, the court to which the application is made shall have exclusive jurisdiction of the plan involved and its property wherever located with the powers, to the extent consistent with the purposes of this section, of a court of the United States having jurisdiction over cases under chapter 11 of title 11, United States Code. Pending an adjudication under this section such court shall stay, and upon appointment by it of the Secretary as trustee, such court shall continue the stay of, any pending mortgage foreclosure, equity receivership, or other proceeding to reorganize, conserve, or liquidate the plan, the sponsor, or property of such plan or sponsor, and any other suit against any receiver, conservator, or trustee of the plan, the sponsor, or property of the plan or sponsor. Pending such adjudication and upon the appointment by it of the Secretary as trustee, the court may stay any proceeding to enforce a lien against property of the plan or the sponsor or any other suit against the plan or the sponsor.

"(2) VENUE.—An action under this section may be brought in the judicial district where the sponsor or the plan administrator resides or does business or where any asset of the plan is situated. A district court in which such action is brought may issue process with respect to such action in any other judicial district.

"(g) PERSONNEL.—In accordance with regulations which shall be prescribed by the Secretary, the Secretary shall appoint, retain, and compensate accountants, actuaries, and other professional service personnel as may be necessary in connection with the Secretary's service as trustee under this section.

"SEC. 811. STATE ASSESSMENT AUTHORITY.

"(a) IN GENERAL.—Notwithstanding section 514, a State may impose by law a contribution tax on an association health plan described in section 806(a)(2), if the plan commenced operations in such State after the date of the enactment of the Small Business Health Improvement Act of 2007.

"(b) CONTRIBUTION TAX.—For purposes of this section, the term 'contribution tax' imposed by a State on an association health plan means any tax imposed by such State if—

"(1) such tax is computed by applying a rate to the amount of premiums or contributions, with respect to individuals covered under the plan who are residents of such State, which are received by the plan from participating employers located in such State or from such individuals;

"(2) the rate of such tax does not exceed the rate of any tax imposed by such State on premiums or contributions received by insurers or health maintenance organizations for health insurance coverage offered in such State in connection with a group health plan;

"(3) such tax is otherwise nondiscriminatory; and

"(4) the amount of any such tax assessed on the plan is reduced by the amount of any tax or assessment otherwise imposed by the State on premiums, contributions, or both received by insurers or health maintenance organizations for health insurance coverage, aggregate excess/stop loss insurance (as defined in section 806(g)(1)), specific excess/stop loss insurance (as defined in section 806(g)(2)), other insurance related to the provision of medical care under the plan, or any combination thereof provided by such insurers or health maintenance organizations in such State in connection with such plan.

"SEC. 812. DEFINITIONS AND RULES OF CONSTRUCTION.

"(a) DEFINITIONS.—For purposes of this part—

"(1) GROUP HEALTH PLAN.—The term 'group health plan' has the meaning provided in section 733(a)(1) (after applying subsection (b) of this section).

"(2) MEDICAL CARE.—The term 'medical care' has the meaning provided in section 733(a)(2).

"(3) HEALTH INSURANCE COVERAGE.—The term 'health insurance coverage' has the meaning provided in section 733(b)(1).

"(4) HEALTH INSURANCE ISSUER.—The term 'health insurance issuer' has the meaning provided in section 733(b)(2).

"(5) APPLICABLE AUTHORITY.—The term 'applicable authority' means the Secretary, except that, in connection with any exercise of the Secretary's authority regarding which the Secretary is required under section 506(d) to consult with a State, such term means the Secretary, in consultation with such State.

"(6) HEALTH STATUS-RELATED FACTOR.—The term 'health status-related factor' has the meaning provided in section 733(d)(2).

"(7) INDIVIDUAL MARKET.—

"(A) IN GENERAL.—The term 'individual market' means the market for health insurance coverage offered to individuals other than in connection with a group health plan.

"(B) TREATMENT OF VERY SMALL GROUPS.—

"(i) IN GENERAL.—Subject to clause (ii), such term includes coverage offered in connection with a group health plan that has fewer than 2 participants as current employees or participants described in section 732(d)(3) on the first day of the plan year.

"(ii) STATE EXCEPTION.—Clause (i) shall not apply in the case of health insurance coverage offered in a State if such State regulates the coverage described in such clause in the same manner and to the same extent as coverage in the small group market (as defined in section 2791(e)(5) of the Public Health Service Act) is regulated by such State.

"(8) PARTICIPATING EMPLOYER.—The term 'participating employer' means, in connection with an association health plan, any employer, if any individual who is an employee of such employer, a partner in such employer, or a self-employed individual who is such employer (or any dependent, as defined under the terms of the plan, of such individual) is or was covered under such plan in connection with the status of such individual as such an employee, partner, or self-employed individual in relation to the plan.

"(9) APPLICABLE STATE AUTHORITY.—The term 'applicable State authority' means, with respect to a health insurance issuer in a State, the State insurance commissioner or official or officials designated by the State to enforce the requirements of title XXVII of the Public Health Service Act for the State involved with respect to such issuer.

"(10) QUALIFIED ACTUARY.—The term 'qualified actuary' means an individual who is a member of the American Academy of Actuaries.

"(11) AFFILIATED MEMBER.—The term 'affiliated member' means, in connection with a sponsor—

"(A) a person who is otherwise eligible to be a member of the sponsor but who elects an affiliated status with the sponsor,

"(B) in the case of a sponsor with members which consist of associations, a person who is a member of any such association and elects an affiliated status with the sponsor, or

"(C) in the case of an association health plan in existence on the date of the enactment of the Small Business Health Improvement Act of 2007, a person eligible to be a member of the sponsor or one of its member associations.

"(12) LARGE EMPLOYER.—The term 'large employer' means, in connection with a group health plan with respect to a plan year, an employer who employed an average of at least 51 employees on business days during the preceding calendar year and who employs at least 2 employees on the first day of the plan year.

"(13) SMALL EMPLOYER.—The term 'small employer' means, in connection with a group health plan with respect to a plan year, an employer who is not a large employer.

"(b) RULES OF CONSTRUCTION.—

"(1) EMPLOYERS AND EMPLOYEES.—For purposes of determining whether a plan, fund, or program is an employee welfare benefit plan which is an association health plan, and for purposes of applying this title in connection with such plan, fund, or program so determined to be such an employee welfare benefit plan—

"(A) in the case of a partnership, the term 'employer' (as defined in section 3(5)) includes the partnership in relation to the partners, and the term 'employee' (as defined in section 3(6)) includes any partner in relation to the partnership; and

"(B) in the case of a self-employed individual, the term 'employer' (as defined in section 3(5)) and the term 'employee' (as defined in section 3(6)) shall include such individual.

"(2) PLANS, FUNDS, AND PROGRAMS TREATED AS EMPLOYEE WELFARE BENEFIT PLANS.—In the case of any plan, fund, or program which was established or is maintained for the purpose of providing medical care (through the purchase of insurance or otherwise) for employees (or their dependents) covered thereunder and which demonstrates to the Secretary that all requirements for certification under this part would be met with respect to such plan, fund, or program if such plan, fund, or program were a group health plan, such plan, fund, or program shall be treated for purposes of this title as an employee welfare benefit plan on and after the date of such demonstration.".

(b) CONFORMING AMENDMENTS TO PREEMPTION RULES.—

(1) Section 514(b)(6) of such Act (29 U.S.C. 1144(b)(6)) is amended by adding at the end the following new subparagraph:

"(E) The preceding subparagraphs of this paragraph do not apply with respect to any State law in the case of an association health plan which is certified under part 8.".

(2) Section 514 of such Act (29 U.S.C. 1144) is amended—

(A) in subsection (b)(4), by striking "Subsection (a)" and inserting "Subsections (a) and (d)";

(B) in subsection (b)(5), by striking "subsection (a)" in subparagraph (A) and inserting "subsection (a) of this section and subsections (a)(2)(B) and (b) of section 805", and by striking "subsection (a)" in subparagraph (B) and inserting "subsection (a) of this section or subsection (a)(2)(B) or (b) of section 805";

(C) by redesignating subsection (d) as subsection (e); and

(D) by inserting after subsection (c) the following new subsection:

"(d)(1) Except as provided in subsection (b)(4), the provisions of this title shall supersede any and all State laws insofar as they may now or hereafter preclude, or have the effect of precluding, a health insurance issuer from offering health insurance coverage in connection with an association health plan which is certified under part 8.

"(2) Except as provided in paragraphs (4) and (5) of subsection (b) of this section—

"(A) In any case in which health insurance coverage of any policy type is offered under an association health plan certified under part 8 to a participating employer operating in such State, the provisions of this title shall supersede any and all laws of such State insofar as they may preclude a health insurance issuer from offering health insurance coverage of the same policy type to other employers operating in the State which are eligible for coverage under such association health plan, whether or not such other employers are participating employers in such plan.

"(B) In any case in which health insurance coverage of any policy type is offered in a State under an association health plan certified under part 8 and the filing, with the applicable State authority (as defined in section 812(a)(9)), of the policy form in connection with such policy type is approved by such State authority, the provisions of this title shall supersede any and all laws of any other State in which health insurance coverage of such type is offered, insofar as they may preclude, upon the filing in the same form and manner of such policy form with the applicable State authority in such other State, the approval of the filing in such other State.

"(3) Nothing in subsection (b)(6)(E) or the preceding provisions of this subsection shall be construed, with respect to health insurance issuers or health insurance coverage, to supersede or impair the law of any State—

"(A) providing solvency standards or similar standards regarding the adequacy of insurer capital, surplus, reserves, or contributions, or

"(B) relating to prompt payment of claims.

"(4) For additional provisions relating to association health plans, see subsections (a)(2)(B) and (b) of section 805.

"(5) For purposes of this subsection, the term 'association health plan' has the meaning provided in section 801(a), and the terms 'health insurance coverage', 'participating employer', and 'health insurance issuer' have the meanings provided such terms in section 812, respectively.".

(3) Section 514(b)(6)(A) of such Act (29 U.S.C. 1144(b)(6)(A)) is amended—

(A) in clause (i)(II), by striking "and" at the end;

(B) in clause (ii), by inserting "and which does not provide medical care (within the meaning of section 733(a)(2))," after "arrangement,", and by striking "title." and inserting "title, and"; and

(C) by adding at the end the following new clause:

"(iii) subject to subparagraph (E), in the case of any other employee welfare benefit plan which is a multiple employer welfare arrangement and which provides medical care (within the meaning of section 733(a)(2)), any law of any State which regulates insurance may apply.".

(4) Section 514(e) of such Act (as redesignated by paragraph (2)(C)) is amended—

(A) by striking "Nothing" and inserting "(1) Except as provided in paragraph (2), nothing"; and

(B) by adding at the end the following new paragraph:

"(2) Nothing in any other provision of law enacted on or after the date of the enactment of the Small Business Health Improvement Act of 2007 shall be construed to alter, amend, modify, invalidate, impair, or supersede any provision of this title, except by specific cross-reference to the affected section.".

(c) Plan Sponsor.—Section 3(16)(B) of such Act (29 U.S.C. 102(16)(B)) is amended by adding at the end the following new sentence: "Such term also includes a person serving as the sponsor of an association health plan under part 8.".

(d) Disclosure of Solvency Protections Related to Self-Insured and Fully Insured Options Under Association Health Plans.—Section 102(b) of such Act (29 U.S.C. 102(b)) is amended by adding at the end the following: "An association health plan shall include in its summary plan description, in connection with each benefit option, a description of the form of solvency or guarantee fund protection secured pursuant to this Act or applicable State law, if any.".

(e) Savings Clause.—Section 731(c) of such Act is amended by inserting "or part 8" after "this part".

(f) Report to the Congress Regarding Certification of Self-Insured Association Health Plans.—Not later than January 1, 2010, the Secretary of Labor shall report to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate the effect association health plans have had, if any, on reducing the number of uninsured individuals.

(g) Clerical Amendment.—The table of contents in section 1 of the Employee Retirement Income Security Act of 1974 is amended by inserting after the item relating to section 734 the following new items:

"Part 8—Rules Governing Association Health Plans

"Sec. 801. Association health plans
"Sec. 802. Certification of association health plans
"Sec. 803. Requirements relating to sponsors and boards of trustees
"Sec. 804. Participation and coverage requirements
"Sec. 805. Other requirements relating to plan documents, contribution rates, and benefit options
"Sec. 806. Maintenance of reserves and provisions for solvency for plans providing health benefits in addition to health insurance coverage
"Sec. 807. Requirements for application and related requirements
"Sec. 808. Notice requirements for voluntary termination
"Sec. 809. Corrective actions and mandatory termination
"Sec. 810. Trusteeship by the Secretary of insolvent association health plans providing health benefits in addition to health insurance coverage
"Sec. 811. State assessment authority
"Sec. 812. Definitions and rules of construction".

SEC. 303. CLARIFICATION OF TREATMENT OF SINGLE EMPLOYER ARRANGEMENTS.

Section 3(40)(B) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(40)(B)) is amended—

(1) in clause (i), by inserting after "control group," the following: "except that, in any case in which the benefit referred to in subparagraph (A) consists of medical care (as defined in section 812(a)(2)), two or more trades or businesses, whether or not incorporated, shall be deemed a single employer for any plan year of such plan, or any fiscal year of such other arrangement, if such trades or businesses are within the same control group during such year or at any time during the preceding 1-year period,";

(2) in clause (iii), by striking "(iii) the determination" and inserting the following:

"(iii)(I) in any case in which the benefit referred to in subparagraph (A) consists of medical care (as defined in section 812(a)(2)), the determination of whether a trade or business is under 'common control' with another trade or business shall be determined under regulations of the Secretary applying principles consistent and coextensive with the principles applied in determining whether employees of two or more trades or businesses are treated as employed by a single employer under section 4001(b), except that, for purposes of this paragraph, an interest of greater than 25 percent may not be required as the minimum interest necessary for common control, or

"(II) in any other case, the determination";

(3) by redesignating clauses (iv) and (v) as clauses (v) and (vi), respectively; and

(4) by inserting after clause (iii) the following new clause:

"(iv) in any case in which the benefit referred to in subparagraph (A) consists of medical care (as defined in section 812(a)(2)), in determining, after the application of clause (i), whether benefits are provided to employees of two or more employers, the arrangement shall be treated as having only one participating employer if, after the application of clause (i), the number of individuals who are employees and former employees of any one participating employer and who are covered under the arrangement is greater than 75 percent of the aggregate number of all individuals who are employees or former employees of participating employers and who are covered under the arrangement,".

SEC. 304. ENFORCEMENT PROVISIONS RELATING TO ASSOCIATION HEALTH PLANS.

(a) Criminal Penalties for Certain Willful Misrepresentations.—Section 501 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1131) is amended—

(1) by inserting "(a)" after "Sec. 501."; and

(2) by adding at the end the following new subsection:

"(b) Any person who willfully falsely represents, to any employee, any employee's beneficiary, any employer, the Secretary, or any State, a plan or other arrangement established or maintained for the purpose of offering or providing any benefit described in section 3(1) to employees or their beneficiaries as—

"(1) being an association health plan which has been certified under part 8;

"(2) having been established or maintained under or pursuant to one or more collective bargaining agreements which are reached pursuant to collective bargaining described in section 8(d) of the National Labor Relations Act (29 U.S.C. 158(d)) or paragraph Fourth of section 2 of the Railway Labor Act (45 U.S.C. 152, paragraph Fourth) or which are reached pursuant to labor-management negotiations under similar provisions of State public employee relations laws; or

"(3) being a plan or arrangement described in section 3(40)(A)(i),

shall, upon conviction, be imprisoned not more than 5 years, be fined under title 18, United States Code, or both.".

(b) CEASE ACTIVITIES ORDERS.—Section 502 of such Act (29 U.S.C. 1132) is amended by adding at the end the following new subsection:

"(n) ASSOCIATION HEALTH PLAN CEASE AND DESIST ORDERS.—

"(1) IN GENERAL.—Subject to paragraph (2), upon application by the Secretary showing the operation, promotion, or marketing of an association health plan (or similar arrangement providing benefits consisting of medical care (as defined in section 733(a)(2))) that—

"(A) is not certified under part 8, is subject under section 514(b)(6) to the insurance laws of any State in which the plan or arrangement offers or provides benefits, and is not licensed, registered, or otherwise approved under the insurance laws of such State; or

"(B) is an association health plan certified under part 8 and is not operating in accordance with the requirements under part 8 for such certification,

a district court of the United States shall enter an order requiring that the plan or arrangement cease activities.

"(2) EXCEPTION.—Paragraph (1) shall not apply in the case of an association health plan or other arrangement if the plan or arrangement shows that—

"(A) all benefits under it referred to in paragraph (1) consist of health insurance coverage; and

"(B) with respect to each State in which the plan or arrangement offers or provides benefits, the plan or arrangement is operating in accordance with applicable State laws that are not superseded under section 514.

"(3) ADDITIONAL EQUITABLE RELIEF.—The court may grant such additional equitable relief, including any relief available under this title, as it deems necessary to protect the interests of the public and of persons having claims for benefits against the plan.".

(c) RESPONSIBILITY FOR CLAIMS PROCEDURE.—Section 503 of such Act (29 U.S.C. 1133) is amended by inserting "(a) IN GENERAL.—" before "In accordance", and by adding at the end the following new subsection:

"(b) ASSOCIATION HEALTH PLANS.—The terms of each association health plan which is or has been certified under part 8 shall require the board of trustees or the named fiduciary (as applicable) to ensure that the requirements of this section are met in connection with claims filed under the plan.".

SEC. 305. COOPERATION BETWEEN FEDERAL AND STATE AUTHORITIES.

Section 506 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1136) is amended by adding at the end the following new subsection:

"(d) CONSULTATION WITH STATES WITH RESPECT TO ASSOCIATION HEALTH PLANS.—

"(1) AGREEMENTS WITH STATES.—The Secretary shall consult with the State recognized under paragraph (2) with respect to an association health plan regarding the exercise of—

"(A) the Secretary's authority under sections 502 and 504 to enforce the requirements for certification under part 8; and

"(B) the Secretary's authority to certify association health plans under part 8 in accordance with regulations of the Secretary applicable to certification under part 8.

"(2) RECOGNITION OF PRIMARY DOMICILE STATE.—In carrying out paragraph (1), the Secretary shall ensure that only one State will be recognized, with respect to any particular association health plan, as the State with which consultation is required. In carrying out this paragraph—

"(A) in the case of a plan which provides health insurance coverage (as defined in section 812(a)(3)), such State shall be the State with which filing and approval of a policy type offered by the plan was initially obtained, and

"(B) in any other case, the Secretary shall take into account the places of residence of the participants and beneficiaries under the plan and the State in which the trust is maintained.".

SEC. 306. EFFECTIVE DATE AND TRANSITIONAL AND OTHER RULES.

(a) EFFECTIVE DATE.—The amendments made by this title shall take effect one year after the date of the enactment of this Act. The Secretary of Labor shall first issue all regulations necessary to carry out the amendments made by this title within one year after the date of the enactment of this Act.

(b) TREATMENT OF CERTAIN EXISTING HEALTH BENEFITS PROGRAMS.—

(1) IN GENERAL.—In any case in which, as of the date of the enactment of this Act, an arrangement is maintained in a State for the purpose of providing benefits consisting of medical care for the employees and beneficiaries of its participating employers, at least 200 participating employers make contributions to such arrangement, such arrangement has been in existence for at least 10 years, and such arrangement is licensed under the laws of one or more States to provide such benefits to its participating employers, upon the filing with the applicable authority (as defined in section 812(a)(5) of the Employee Retirement Income Security Act of 1974 (as amended by this subtitle)) by the arrangement of an application for certification of the arrangement under part 8 of subtitle B of title I of such Act—

(A) such arrangement shall be deemed to be a group health plan for purposes of title I of such Act;

(B) the requirements of sections 801(a) and 803(a) of the Employee Retirement Income Security Act of 1974 shall be deemed met with respect to such arrangement;

(C) the requirements of section 803(b) of such Act shall be deemed met, if the arrangement is operated by a board of directors which—

(i) is elected by the participating employers, with each employer having one vote; and

(ii) has complete fiscal control over the arrangement and which is responsible for all operations of the arrangement;

(D) the requirements of section 804(a) of such Act shall be deemed met with respect to such arrangement; and

(E) the arrangement may be certified by any applicable authority with respect to its operations in any State only if it operates in such State on the date of certification.

The provisions of this subsection shall cease to apply with respect to any such arrangement at such time after the date of the enactment of this Act as the applicable requirements of this subsection are not met with respect to such arrangement.

(2) DEFINITIONS.—For purposes of this subsection, the terms "group health plan", "medical care", and "participating employer" shall have the meanings provided in section 812 of the Employee Retirement Income Security Act of 1974, except that the reference in paragraph (7) of such section to an "association health plan" shall be deemed a reference to an arrangement referred to in this subsection.

SA 180. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 143 submitted by Mr. SESSIONS and intended to be proposed to the bill H.R. 2, to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage; which was ordered to lie on the table; as follows:

In lieu of the matter to be inserted, insert the following:

DIVISION B—IMMIGRATION REFORM

SECTION 1001. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This division may be cited as the "Secure America and Orderly Immigration Act".

(b) TABLE OF CONTENTS.—The table of contents for this division is as follows:

DIVISION B—IMMIGRATION REFORM

Sec. 1001. Short title; table of contents.
Sec. 1002. Findings.

TITLE I—BORDER SECURITY

Sec. 1101. Definitions.

Subtitle A—Border Security Strategic Planning

Sec. 1111. National Strategy for Border Security.
Sec. 1112. Reports to Congress.
Sec. 1113. Authorization of appropriations.

Subtitle B—Border Infrastructure, Technology Integration, and Security Enhancement

Sec. 1121. Border security coordination plan.
Sec. 1122. Border security advisory committee.
Sec. 1123. Programs on the use of technologies for border security.
Sec. 1124. Combating human smuggling.
Sec. 1125. Savings clause.

Subtitle C—International Border Enforcement

Sec. 1131. North American Security Initiative.
Sec. 1132. Information sharing agreements.
Sec. 1133. Improving the security of Mexico's southern border.

TITLE II—STATE CRIMINAL ALIEN ASSISTANCE

Sec. 1201. State criminal alien assistance program authorization of appropriations.
Sec. 1202. Reimbursement of States for indirect costs relating to the incarceration of illegal aliens.
Sec. 1203. Reimbursement of States for preconviction costs relating to the incarceration of illegal aliens.

TITLE III—ESSENTIAL WORKER VISA PROGRAM

Sec. 1301. Essential workers.
Sec. 1302. Admission of essential workers.
Sec. 1303. Employer obligations.
Sec. 1304. Protection for workers.
Sec. 1305. Market-based numerical limitations.

Sec. 1306. Adjustment to lawful permanent resident status.
Sec. 1307. Essential Worker Visa Program Task Force.
Sec. 1308. Willing worker-willing employer electronic job registry.
Sec. 1309. Authorization of appropriations.

TITLE IV—ENFORCEMENT

Sec. 1401. Document and visa requirements.
Sec. 1402. Employment Eligibility Confirmation System.
Sec. 1403. Improved entry and exit data system.
Sec. 1404. Department of labor investigative authorities.
Sec. 1405. Protection of employment rights.
Sec. 1406. Increased fines for prohibited behavior.

TITLE V—PROMOTING CIRCULAR MIGRATION PATTERNS

Sec. 1501. Labor migration facilitation programs.
Sec. 1502. Bilateral efforts with Mexico to reduce migration pressures and costs.

TITLE VI—FAMILY UNITY AND BACKLOG REDUCTION

Sec. 1601. Elimination of existing backlogs.
Sec. 1602. Country limits.
Sec. 1603. Allocation of immigrant visas.
Sec. 1604. Relief for children and widows.
Sec. 1605. Amending the affidavit of support requirements.
Sec. 1606. Discretionary authority.
Sec. 1607. Family unity.

TITLE VII—H-5B NONIMMIGRANTS

Sec. 1701. H-5B nonimmigrants.
Sec. 1702. Adjustment of status for H-5B nonimmigrants.
Sec. 1703. Aliens not subject to direct numerical limitations.
Sec. 1704. Employer protections.
Sec. 1705. Authorization of appropriations.

TITLE VIII—PROTECTION AGAINST IMMIGRATION FRAUD

Sec. 1801. Right to qualified representation.
Sec. 1802. Protection of witness testimony.

TITLE IX—CIVICS INTEGRATION

Sec. 1901. Funding for the Office of Citizenship.
Sec. 1902. Civics integration grant program.

TITLE X—PROMOTING ACCESS TO HEALTH CARE

Sec. 2001. Federal reimbursement of emergency health services furnished to undocumented aliens.
Sec. 2002. Prohibition against offset of certain medicare and medicaid payments.
Sec. 2003. Prohibition against discrimination against aliens on the basis of employment in hospital-based versus nonhospital-based sites.
Sec. 2004. Binational public health infrastructure and health insurance.

TITLE XI—MISCELLANEOUS

Sec. 2101. Submission to congress of information regarding H-5A nonimmigrants.
Sec. 2102. H-5 nonimmigrant petitioner account.
Sec. 2103. Anti-discrimination protections.
Sec. 2104. Women and children at risk of harm.
Sec. 2105. Expansion of S visa.
Sec. 2106. Volunteers.

SEC. 1002. FINDINGS.

Congress makes the following findings:

(1) The Government of the United States has an obligation to its citizens to secure its borders and ensure the rule of law in its communities.

(2) The Government of the United States must strengthen international border security efforts by dedicating adequate and significant resources for technology, personnel, and training for border region enforcement.

(3) Federal immigration policies must adhere to the United States tradition as a nation of immigrants and reaffirm this Nation's commitment to family unity, economic opportunity, and humane treatment.

(4) Immigrants have contributed significantly to the strength and economic prosperity of the United States and action must be taken to ensure their fair treatment by employers and protection against fraud and abuse.

(5) Current immigration laws and the enforcement of such laws are ineffective and do not serve the people of the United States, the national security interests of the United States, or the economic prosperity of the United States.

(6) The United States cannot effectively carry out its national security policies unless the United States identifies undocumented immigrants and encourages them to come forward and participate legally in the economy of the United States.

(7) Illegal immigration fosters other illegal activity, including human smuggling, trafficking, and document fraud, all of which undermine the national security interests of the United States.

(8) Illegal immigration burdens States and local communities with hundreds of millions of dollars in uncompensated expenses for law enforcement, health care, and other essential services.

(9) Illegal immigration creates an underclass of workers who are vulnerable to fraud and exploitation.

(10) Fixing the broken immigration system requires a comprehensive approach that provides for adequate legal channels for immigration and strong enforcement of immigration laws which will serve the economic, social, and security interests of the United States.

(11) Foreign governments, particularly those that share an international border with the United States, must play a critical role in securing international borders and deterring illegal entry of foreign nationals into the United States.

(12) Federal immigration policy should foster economic growth by allowing willing workers to be matched with willing employers when no United States worker is available to take a job.

(13) Immigration reform is a key component to achieving effective enforcement and will allow for the best use of security and enforcement resources to be focused on the greatest risks.

(14) Comprehensive immigration reform and strong enforcement of immigration laws will encourage legal immigration, deter illegal immigration, and promote the economic and national security interests of the United States.

TITLE I—BORDER SECURITY

SEC. 1101. DEFINITIONS.

In this title:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means—

(A) the Committee on Homeland Security and Governmental Affairs of the Senate;

(B) the Committee on the Judiciary of the Senate;

(C) the Committee on Homeland Security of the House of Representatives; and

(D) the Committee on the Judiciary of the House of Representatives.

(2) INTERNATIONAL BORDER OF THE UNITED STATES.—The term "international border of the United States" means the international border between the United States and Canada and the international border between the United States and Mexico, including points of entry along such international borders.

(3) SECRETARY.—Except as otherwise provided, the term "Secretary" means the Secretary of Homeland Security.

(4) SECURITY PLAN.—The term "security plan" means a security plan developed as part of the National Strategy for Border Security set forth under section 111(a) for the Border Patrol and the field offices of the Bureau of Customs and Border Protection of the Department of Homeland Security that has responsibility for the security of any portion of the international border of the United States.

Subtitle A—Border Security Strategic Planning

SEC. 1111. NATIONAL STRATEGY FOR BORDER SECURITY.

(a) IN GENERAL.—In conjunction with strategic homeland security planning efforts, the Secretary shall develop, implement, and update, as needed, a National Strategy for Border Security that includes a security plan for the Border Patrol and the field offices of the Bureau of Customs and Border Protection of the Department of Homeland Security that has responsibility for the security of any portion of the international border of the United States.

(b) CONTENTS.—The National Strategy for Border Security shall include—

(1) the identification and evaluation of the points of entry and all portions of the international border of the United States that, in the interests of national security and enforcement, must be protected from illegal transit;

(2) a description of the most appropriate, practical, and cost-effective means of defending the international border of the United States against threats to security and illegal transit, including intelligence capacities, technology, equipment, personnel, and training needed to address security vulnerabilities within the United States for the Border Patrol and the field offices of the Bureau of Customs and Border Protection that have responsibility for any portion of the international border of the United States;

(3) risk-based priorities for assuring border security and realistic deadlines for addressing security and enforcement needs identified in paragraphs (1) and (2);

(4) a strategic plan that sets out agreed upon roles and missions of Federal, State, regional, local, and tribal authorities, including appropriate coordination among such authorities, to enable security enforcement and border lands management to be carried out in an efficient and effective manner;

(5) a prioritization of research and development objectives to enhance the security of the international border of the United States and enforcement needs to promote such security consistent with the provisions of subtitle B;

(6) an update of the 2001 Port of Entry Infrastructure Assessment Study conducted by the United States Customs Service, in consultation with the General Services Administration;

(7) strategic interior enforcement coordination plans with personnel of Immigration and Customs Enforcement;

(8) strategic enforcement coordination plans with overseas personnel of the Department of Homeland Security and the Department of State to end human smuggling and trafficking activities;

(9) any other infrastructure or security plan or report that the Secretary determines appropriate for inclusion;

(10) the identification of low-risk travelers and how such identification would facilitate cross-border travel; and

(11) ways to ensure that the trade and commerce of the United States is not diminished by efforts, activities, and programs aimed at securing the homeland.

(c) PRIORITY OF NATIONAL STRATEGY.—The National Strategy for Border Security shall be the governing document for Federal security and enforcement efforts related to securing the international border of the United States.

SEC. 1112. REPORTS TO CONGRESS.

(a) NATIONAL STRATEGY.—

(1) INITIAL SUBMISSION.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit the National Strategy for Border Security, including each security plan, to the appropriate congressional committees. Such plans shall include estimated costs of implementation and training from a fiscal and personnel perspective and a cost-benefit analysis of any technological security implementations.

(2) SUBSEQUENT SUBMISSIONS.—After the submission required under paragraph (1), the Secretary shall submit to the appropriate congressional committees any revisions to the National Strategy for Border Security, including any revisions to a security plan, not less frequently than April 1 of each odd-numbered year. The plan shall include estimated costs for implementation and training and a cost-benefit analysis of technological security implementations that take place during the time frame under evaluation.

(b) PERIODIC PROGRESS REPORTS.—

(1) REQUIREMENT FOR REPORT.—Each year, in conjunction with the submission of the budget to Congress under section 1105(a) of title 31, United States Code, the Secretary shall submit to the appropriate congressional committees an assessment of the progress made on implementing the National Strategy for Border Security, including each security plan.

(2) CONTENT.—Each progress report submitted under this subsection shall include any recommendations for improving and implementing the National Strategy for Border Security, including any recommendations for improving and implementing a security plan.

(c) CLASSIFIED MATERIAL.—

(1) IN GENERAL.—Any material included in the National Strategy for Border Security, including each security plan, that includes information that is properly classified under criteria established by Executive order shall be submitted to the appropriate congressional committees in a classified form.

(2) UNCLASSIFIED VERSION.—As appropriate, an unclassified version of the material described in paragraph (1) shall be provided to the appropriate congressional committees.

SEC. 1113. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary such sums as may be necessary to carry out this subtitle for each of the 5 fiscal years beginning with the fiscal year after the fiscal year in which this Act was enacted.

Subtitle B—Border Infrastructure, Technology Integration, and Security Enhancement

SEC. 1121. BORDER SECURITY COORDINATION PLAN.

(a) IN GENERAL.—The Secretary shall coordinate with Federal, State, local, and tribal authorities on law enforcement, emergency response, and security-related responsibilities with regard to the international border of the United States to develop and implement a plan to ensure that the security of such international border is not compromised—

(1) when the jurisdiction for providing such security changes from one such authority to another such authority;

(2) in areas where such jurisdiction is shared by more than one such authority; or

(3) by one such authority relinquishing such jurisdiction to another such authority pursuant to a memorandum of understanding.

(b) ELEMENTS OF PLAN.—In developing the plan, the Secretary shall consider methods to—

(1) coordinate emergency responses;

(2) improve data-sharing, communications, and technology among the appropriate agencies;

(3) promote research and development relating to the activities described in paragraphs (1) and (2); and

(4) combine personnel and resource assets when practicable.

(c) REPORT.—Not later than 1 year after implementing the plan developed under subsection (a), the Secretary shall transmit a report to the appropriate congressional committees on the development and implementation of such plan.

SEC. 1122. BORDER SECURITY ADVISORY COMMITTEE.

(a) ESTABLISHMENT.—The Secretary is authorized to establish a Border Security Advisory Committee (referred to in this section as the "Advisory Committee") to provide advice and recommendations to the Secretary on border security and enforcement issues.

(b) COMPOSITION.—

(1) IN GENERAL.—The members of the Advisory Committee shall be appointed by the Secretary and shall include representatives of—

(A) States that are adjacent to the international border of the United States;

(B) local law enforcement agencies; community officials, and tribal authorities of such States; and

(C) other interested parties.

(2) MEMBERSHIP.—The Advisory Committee shall be comprised of members who represent a broad cross section of perspectives.

SEC. 1123. PROGRAMS ON THE USE OF TECHNOLOGIES FOR BORDER SECURITY.

(a) AERIAL SURVEILLANCE TECHNOLOGIES PROGRAM.—

(1) IN GENERAL.—In conjunction with the border surveillance plan developed under section 5201 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458), the Secretary, not later than 60 days after the date of enactment of this Act, shall develop and implement a program to fully integrate aerial surveillance technologies to enhance the border security of the United States.

(2) ASSESSMENT AND CONSULTATION REQUIREMENTS.—In developing the program under this subsection, the Secretary shall—

(A) consider current and proposed aerial surveillance technologies;

(B) assess the feasibility and advisability of utilizing such technologies to address border threats, including an assessment of the technologies considered best suited to address respective threats;

(C) consult with the Secretary of Defense regarding any technologies or equipment, which the Secretary may deploy along the international border of the United States; and

(D) consult with the Administrator of the Federal Aviation Administration regarding safety, airspace coordination and regulation, and any other issues necessary for implementation of the program.

(3) ADDITIONAL REQUIREMENTS.—

(A) IN GENERAL.—The program developed under this subsection shall include the utilization of a variety of aerial surveillance technologies in a variety of topographies and areas, including populated and unpopulated areas located on or near the international border of the United States, in order to evaluate, for a range of circumstances—

(i) the significance of previous experiences with such technologies in border security or critical infrastructure protection;

(ii) the cost and effectiveness of various technologies for border security, including varying levels of technical complexity; and

(iii) liability, safety, and privacy concerns relating to the utilization of such technologies for border security.

(B) USE OF UNMANNED AERIAL VEHICLES.—The aerial surveillance technologies utilized in the program shall include unmanned aerial vehicles.

(4) CONTINUED USE OF AERIAL SURVEILLANCE TECHNOLOGIES.—The Secretary may continue the operation of aerial surveillance technologies while assessing the effectiveness of their utilization and until such time the Secretary determines appropriate.

(5) REPORT.—

(A) REQUIREMENT.—Not later than 1 year after implementing the program under this subsection, the Secretary shall submit a report on such program to the appropriate congressional committees.

(B) CONTENT.—The Secretary shall include in the report required by subparagraph (A) a description of the program together with such recommendations as the Secretary finds appropriate for enhancing the program.

(b) DEMONSTRATION PROGRAMS.—The Secretary is authorized, as part of the development and implementation of the National Strategy for Border Security, to establish and carry out demonstration programs to strengthen communication, information sharing, technology, security, intelligence benefits, and enforcement activities that will protect the international border of the United States without diminishing international trade and commerce.

SEC. 1124. COMBATING HUMAN SMUGGLING.

(a) REQUIREMENT FOR PLAN.—The Secretary shall develop and implement a plan to improve coordination between the Bureau of Immigration and Customs Enforcement and the Bureau of Customs and Border Protection of the Department of Homeland Security and any other Federal, State, local, or tribal authorities, as determined appropriate by the Secretary, to improve coordination efforts to combat human smuggling.

(b) CONTENT.—In developing the plan required by subsection (a), the Secretary shall consider—

(1) the interoperability of databases utilized to prevent human smuggling;

(2) adequate and effective personnel training;

(3) methods and programs to effectively target networks that engage in such smuggling;

(4) effective utilization of—

(A) visas for victims of trafficking and other crimes; and

(B) investigatory techniques, equipment, and procedures that prevent, detect, and prosecute international money laundering and other operations that are utilized in smuggling;

(5) joint measures, with the Secretary of State, to enhance intelligence sharing and cooperation with foreign governments whose citizens are preyed on by human smugglers; and

(6) other measures that the Secretary considers appropriate to combating human smuggling.

(c) REPORT.—Not later than 1 year after implementing the plan described in subsection (a), the Secretary shall submit to Congress a report on such plan, including any recommendations for legislative action to improve efforts to combating human smuggling.

SEC. 1125. SAVINGS CLAUSE.

Nothing in this subtitle or subtitle A may be construed to provide to any State or local entity any additional authority to enforce Federal immigration laws.

Subtitle C—International Border Enforcement

SEC. 1131. NORTH AMERICAN SECURITY INITIATIVE.

(a) IN GENERAL.—The Secretary of State shall enhance the mutual security and safety of the United States, Canada, and Mexico by providing a framework for better management, communication, and coordination between the Governments of North America.

(b) RESPONSIBILITIES.—In implementing the provisions of this subtitle, the Secretary of State shall carry out all of the activities described in this subtitle.

SEC. 1132. INFORMATION SHARING AGREEMENTS.

The Secretary of State, in coordination with the Secretary of Homeland Security and the Government of Mexico, is authorized to negotiate an agreement with Mexico to—

(1) cooperate in the screening of third-country nationals using Mexico as a transit corridor for entry into the United States; and

(2) provide technical assistance to support stronger immigration control at the border with Mexico.

SEC. 1133. IMPROVING THE SECURITY OF MEXICO'S SOUTHERN BORDER.

(a) TECHNICAL ASSISTANCE.—The Secretary of State, in coordination with the Secretary of Homeland Security, the Canadian Department of Foreign Affairs, and the Government of Mexico, shall establish a program to—

(1) assess the specific needs of the governments of Central American countries in maintaining the security of the borders of such countries;

(2) use the assessment made under paragraph (1) to determine the financial and technical support needed by the governments of Central American countries from Canada, Mexico, and the United States to meet such needs;

(3) provide technical assistance to the governments of Central American countries to secure issuance of passports and travel documents by such countries; and

(4) encourage the governments of Central American countries to—

(A) control alien smuggling and trafficking;

(B) prevent the use and manufacture of fraudulent travel documents; and

(C) share relevant information with Mexico, Canada, and the United States.

(b) IMMIGRATION.—The Secretary of Homeland Security, in consultation with the Secretary of State and appropriate officials of the governments of Central American countries shall provide robust law enforcement assistance to such governments that specifically addresses migratory issues to increase the ability of such governments to dismantle human smuggling organizations and gain tighter control over the border.

(c) BORDER SECURITY BETWEEN MEXICO AND GUATEMALA OR BELIZE.—The Secretary of State, in consultation with the Secretary of Homeland Security, the Government of Mexico, and appropriate officials of the Governments of Guatemala, Belize, and neighboring contiguous countries, shall establish a program to provide needed equipment, technical assistance, and vehicles to manage, regulate, and patrol the international border between Mexico and Guatemala and between Mexico and Belize.

(d) TRACKING CENTRAL AMERICAN GANGS.—The Secretary of State, in coordination with the Secretary of Homeland Security, the Director of the Federal Bureau of Investigation, the Government of Mexico, and appropriate officials of the governments of Central American countries, shall—

(1) assess the direct and indirect impact on the United States and Central America on deporting violent criminal aliens;

(2) establish a program and database to track Central American gang activities, focusing on the identification of returning criminal deportees;

(3) devise an agreed-upon mechanism for notification applied prior to deportation and for support for reintegration of these deportees; and

(4) devise an agreement to share all relevant information with the appropriate agencies of Mexico and other Central American countries.

TITLE II—STATE CRIMINAL ALIEN ASSISTANCE

SEC. 1201. STATE CRIMINAL ALIEN ASSISTANCE PROGRAM AUTHORIZATION OF APPROPRIATIONS.

Section 241(i) of the Immigration and Nationality Act (8 U.S.C. 1231(i)) is amended by striking paragraphs (5) and (6) and inserting the following:

"(5) AUTHORIZATION OF APPROPRIATIONS.—

"(A) IN GENERAL.—There are authorized to be appropriated to carry out this subsection—

"(i) such sums as may be necessary for fiscal year 2005;

"(ii) $750,000,000 for fiscal year 2006;

"(iii) $850,000,000 for fiscal year 2007; and

"(iv) $950,000,000 for each of the fiscal years 2008 through 2011.

"(B) LIMITATION ON USE OF FUNDS.—Amounts appropriated pursuant to subparagraph (A) that are distributed to a State or political subdivision of a State, including a municipality, may be used only for correctional purposes.".

SEC. 1202. REIMBURSEMENT OF STATES FOR INDIRECT COSTS RELATING TO THE INCARCERATION OF ILLEGAL ALIENS.

Section 501 of the Immigration Reform and Control Act of 1986 (8 U.S.C. 1365) is amended—

(1) in subsection (a)—

(A) by striking "for the costs" and inserting the following: "for—

"(1) the costs"; and

(B) by striking "such State." and inserting the following: "such State; and

"(2) the indirect costs related to the imprisonment described in paragraph (1)."; and

(2) by striking subsections (c) through (e) and inserting the following:

"(c) MANNER OF ALLOTMENT OF REIMBURSEMENTS.—Reimbursements under this section shall be allotted in a manner that gives special consideration for any State that—

"(1) shares a border with Mexico or Canada; or

"(2) includes within the State an area in which a large number of undocumented aliens reside relative to the general population of that area.

"(d) DEFINITIONS.—As used in this section:

"(1) INDIRECT COSTS.—The term 'indirect costs' includes—

"(A) court costs, county attorney costs, detention costs, and criminal proceedings expenditures that do not involve going to trial;

"(B) indigent defense costs; and

"(C) unsupervised probation costs.

"(2) STATE.—The term 'State' has the meaning given such term in section 101(a)(36) of the Immigration and Nationality Act.

"(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $200,000,000 for each of the fiscal years 2005 through 2011 to carry out subsection (a)(2).".

SEC. 1203. REIMBURSEMENT OF STATES FOR PRE-CONVICTION COSTS RELATING TO THE INCARCERATION OF ILLEGAL ALIENS.

Section 241(i)(3)(A) of the Immigration and Nationality Act (8 U.S.C. 1231(i)(3)(a) is amended by inserting "charged with or" before "convicted."

TITLE III—ESSENTIAL WORKER VISA PROGRAM

SEC. 1301. ESSENTIAL WORKERS.

Section 101(a)(15)(H) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)) is amended—

(1) by striking "(H) an alien (i)(b)" and inserting the following:

"(H) an alien—

"(i)(b)";

(2) by striking "or (ii)(a)" and inserting the following:

"(ii)(a)";

(3) by striking "or (iii)" and inserting the following:

"(iii)"; and

(4) by adding at the end the following:

"(v)(a) subject to section 218A, having residence in a foreign country, which the alien has no intention of abandoning, who is coming temporarily to the United States to initially perform labor or services (other than those occupation classifications covered under the provisions of clause (i)(b) or (ii)(a) or subparagraph (L), (O), (P), or (R)); or.".

SEC. 1302. ADMISSION OF ESSENTIAL WORKERS.

(a) IN GENERAL.—Chapter 2 of title II of the Immigration and Nationality Act (8 U.S.C. 1181 et seq.) is amended by inserting after section 218 the following:

"ADMISSION OF TEMPORARY H–5A WORKERS

"SEC. 218A. (a) The Secretary of State may grant a temporary visa to a nonimmigrant described in section 101(a)(15)(H)(v)(a) who demonstrates an intent to perform labor or services in the United States (other than those occupational classifications covered under the provisions of clause (i)(b) or (ii)(a) of section 101(a)(15)(H) or subparagraph (L), (O), (P), or (R)) of section 101(a)(15).

"(b) REQUIREMENTS FOR ADMISSION.—In order to be eligible for nonimmigrant status under section 101(a)(15)(H)(v)(a), an alien shall meet the following requirements:

"(1) ELIGIBILITY TO WORK.—The alien shall establish that the alien is capable of performing the labor or services required for an occupation under section 101(a)(15)(H)(v).

"(2) EVIDENCE OF EMPLOYMENT.—The alien's evidence of employment shall be provided through the Employment Eligibility Confirmation System established under section 274E or in accordance with requirements issued by the Secretary of State, in consultation with the Secretary of Homeland Security. In carrying out this paragraph, the Secretary may consider evidence from employers, employer associations, and labor representatives.

"(3) FEE.—The alien shall pay a $500 application fee to apply for the visa in addition to the cost of processing and adjudicating such application. Nothing in this paragraph shall be construed to affect consular procedures for charging reciprocal fees.

"(4) MEDICAL EXAMINATION.—The alien shall undergo a medical examination (including a determination of immunization status) at the alien's expense, that conforms to generally accepted standards of medical practice.

"(c) GROUNDS OF INADMISSIBILITY.—

"(1) IN GENERAL.—In determining an alien's admissibility as a nonimmigrant under section 101(a)(15)(H)(v)(a)—

"(A) paragraphs (5), (6) (except for subparagraph (E)), (7), (9), and (10)(B) of section 212(a) may be waived for conduct that occurred before the date on which the Secure America and Orderly Immigration Act was introduced;

"(B) the Secretary of Homeland Security may not waive—

"(i) subparagraph (A), (B), (C), (E), (G), (H), or (I) of section 212(a)(2) (relating to criminals);

"(ii) section 212(a)(3) (relating to security and related grounds); or

"(iii) subparagraph (A) or (C) of section 212(a)(10) (relating to polygamists and child abductors);

"(C) for conduct that occurred before the date on which the Secure America and Orderly Immigration Act was introduced, the Secretary of Homeland Security may waive the application of any provision of section 212(a) not listed in subparagraph (B) on behalf of an individual alien for humanitarian purposes, to ensure family unity, or when such waiver is otherwise in the public interest; and

"(D) nothing in this paragraph shall be construed as affecting the authority of the Secretary of Homeland Security to waive the provisions of section 212(a).

"(2) WAIVER FINE.—An alien who is granted a waiver under subparagraph (1) shall pay a $1,500 fine upon approval of the alien's visa application.

"(3) APPLICABILITY OF OTHER PROVISIONS.—Sections 240B(d) and 241(a)(5) shall not apply to an alien who initially seeks admission as a nonimmigrant under section 101(a)(15)(H)(v)(a).

"(4) RENEWAL OF AUTHORIZED ADMISSION AND SUBSEQUENT ADMISSIONS.—An alien seeking renewal of authorized admission or subsequent admission as a nonimmigrant under section 101(a)(15)(H)(v)(a) shall establish that the alien is not inadmissible under section 212(a).

"(d) PERIOD OF AUTHORIZED ADMISSION.—

"(1) INITIAL PERIOD.—The initial period of authorized admission as a nonimmigrant described in section 101(a)(15)(H)(v)(a) shall be 3 years.

"(2) RENEWALS.—The alien may seek an extension of the period described in paragraph (1) for 1 additional 3-year period.

"(3) LOSS OF EMPLOYMENT.—

"(A) IN GENERAL.—Subject to subsection (c), the period of authorized admission of a nonimmigrant alien under section 101(a)(15)(H)(v)(a) shall terminate if the nonimmigrant is unemployed for 45 or more consecutive days.

"(B) RETURN TO FOREIGN RESIDENCE.—Any alien whose period of authorized admission terminates under subparagraph (A) shall be required to return to the country of the alien's nationality or last residence.

"(C) PERIOD OF VISA VALIDITY.—Any alien, whose period of authorized admission terminates under subparagraph (A), who returns to the country of the alien's nationality or last residence under subparagraph (B), may reenter the United States on the basis of the same visa to work for an employer, if the alien has complied with the requirements of subsection (b)(1).

"(4) VISITS OUTSIDE UNITED STATES.—

"(A) IN GENERAL.—Under regulations established by the Secretary of Homeland Security, a nonimmigrant alien under section 101(a)(15)(H)(v)(a)—

"(i) may travel outside of the United States; and

"(ii) may be readmitted without having to obtain a new visa if the period of authorized admission has not expired.

"(B) EFFECT ON PERIOD OF AUTHORIZED ADMISSION.—Time spent outside the United States under subparagraph (A) shall not extend the period of authorized admission in the United States.

"(e) PORTABILITY.—A nonimmigrant alien described in this section, who was previously issued a visa or otherwise provided nonimmigrant status under section 101(a)(15)(H)(v)(a), may accept new employment with a subsequent employer.

"(f) WAIVER OF RIGHTS PROHIBITED.—A nonimmigrant alien described in section 101(a)(15)(H)(v)(a) may not be required to waive any rights or protections under the Secure America and Orderly Immigration Act.

"(g) CHANGE OF ADDRESS.—An alien having nonimmigrant status described in section 101(a)(15)(H)(v)(a) shall comply by either electronic or paper notification with the change of address reporting requirements under section 265.

"(h) BAR TO FUTURE VISAS FOR VIOLATIONS.—

"(1) IN GENERAL.—Any alien having the nonimmigrant status described in section 101(a)(15)(H)(v)(a) shall not be eligible to renew such nonimmigrant status if the alien willfully violates any material term or condition of such status.

"(2) WAIVER.—The alien may apply for a waiver of the application of subparagraph (A) for technical violations, inadvertent errors, or violations for which the alien was not at fault.

"(i) COLLECTION OF FEES.—All fees collected under this section shall be deposited in the Treasury in accordance with section 286(w).".

(b) CONFORMING AMENDMENT REGARDING PRESUMPTION OF NONIMMIGRANT STATUS.—Section 214(b) of the Immigration and Nationality Act (8 U.S.C. 1184(b)) is amended by inserting "(H)(v)(a)," after "(H)(i),".

(c) CLERICAL AMENDMENT.—The table of contents for the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended by inserting after the item relating to section 218 the following:

"Sec. 218A. Admission of temporary H–5A workers.".

SEC. 1303. EMPLOYER OBLIGATIONS.

Employers employing a nonimmigrant described in section 101(a)(15)(H)(v)(a) of the Immigration and Nationality Act, as added by section 1301, shall comply with all applicable Federal, State, and local laws, including—

(1) laws affecting migrant and seasonal agricultural workers; and

(2) the requirements under section 274E of such Act, as added by section 1402.

SEC. 1304. PROTECTION FOR WORKERS.

Section 218A of the Immigration and Nationality Act, as added by section 1302, is amended by adding at the end the following:

"(h) APPLICATION OF LABOR AND OTHER LAWS.—

"(1) DEFINITIONS.—As used in this subsection and in subsections (i) through (k):

"(A) EMPLOY; EMPLOYEE; EMPLOYER.—The terms 'employ', 'employee', and 'employer' have the meanings given such terms in section 3 of the Fair Labor Standards Act of 1938 (29 U.S.C. 203).

"(B) FOREIGN LABOR CONTRACTOR.—The term 'foreign labor contractor' means any person who for any compensation or other valuable consideration paid or promised to be paid, performs any foreign labor contracting activity.

"(C) FOREIGN LABOR CONTRACTING ACTIVITY.—The term 'foreign labor contracting activity' means recruiting, soliciting, hiring, employing, or furnishing, an individual who resides outside of the United States for employment in the United States as a nonimmigrant alien described in section 101(a)(15)(H)(v)(a).

"(2) COVERAGE.—Notwithstanding any other provision of law—

"(A) a nonimmigrant alien described in section 101(a)(15)(H)(v)(a) is prohibited from being treated as an independent contractor; and

"(B) no person may treat a nonimmigrant alien described in section 101(a)(15)(H)(v)(a) as an independent contractor.

"(3) APPLICABILITY OF LAWS.—A nonimmigrant alien described in section 101(a)(15)(H)(v)(a) shall not be denied any right or any remedy under Federal, State, or local labor or employment law that would be applicable to a United States worker employed in a similar position with the employer because of the alien's status as a nonimmigrant worker.

"(4) TAX RESPONSIBILITIES.—With respect to each employed nonimmigrant alien described in section 101(a)(15)(H)(v)(a), an employer shall comply with all applicable Federal, State, and local tax and revenue laws.

"(5) NONDISCRIMINATION IN EMPLOYMENT.—An employer shall provide nonimmigrants issued a visa under this section with the same wages, benefits, and working conditions that are provided by the employer to United States workers similarly employed in the same occupation and the same place of employment.

"(6) NO REPLACEMENT OF STRIKING EMPLOYEES.—An employer may not hire a nonimmigrant alien described in section 101(a)(15)(H)(v)(a) as a replacement worker if there is a strike or lockout in the course of a labor dispute in the occupational classification at the place of employment.

"(7) WAIVER OF RIGHTS PROHIBITED.—A nonimmigrant alien described in section 101(a)(15)(H)(v)(a) may not be required to waive any rights or protections under the Secure America and Orderly Immigration Act. Nothing under this provision shall be construed to affect the interpretation of other laws.

"(8) NO THREATENING OF EMPLOYEES.—It shall be a violation of this section for an employer who has filed a petition under section 203(b) to threaten the alien beneficiary of such a petition with withdrawal of the application, or to withdraw such a petition in retaliation for the beneficiary's exercise of a right protected by the Secure America and Orderly Immigration Act.

"(9) WHISTLEBLOWER PROTECTION.—It shall be unlawful for an employer or a labor contractor of a nonimmigrant alien described in section 101(a)(15)(H)(v)(a) to intimidate, threaten, restrain, coerce, retaliate, discharge, or in any other manner, discriminate against an employee or former employee because the employee or former employee—

"(A) discloses information to the employer or any other person that the employee or former employee reasonably believes demonstrates a violation of Secure America and Orderly Immigration Act.

"(B) cooperates or seeks to cooperate in an investigation or other proceeding concerning compliance with the requirements of the Secure America and Orderly Immigration Act.

"(i) LABOR RECRUITERS.—

"(1) IN GENERAL.—Each employer that engages in foreign labor contracting activity and each foreign labor contractor shall ascertain and disclose to each such worker who is recruited for employment the following information at the time of the worker's recruitment:

"(A) The place of employment.

"(B) The compensation for the employment.

"(C) A description of employment activities.

"(D) The period of employment.

"(E) Any other employee benefit to be provided and any costs to be charged for each benefit.

"(F) Any travel or transportation expenses to be assessed.

"(G) The existence of any labor organizing effort, strike, lockout, or other labor dispute at the place of employment.

"(H) The existence of any arrangement with any owner, employer, foreign contractor, or its agent where such person receives a commission from the provision of items or services to workers.

"(I) The extent to which workers will be compensated through workers' compensation, private insurance, or otherwise for injuries or death, including work related injuries and death, during the period of employment and, if so, the name of the State workers' compensation insurance carrier or the name of the policyholder of the private insurance, the name and the telephone number of each person who must be notified of an injury or death, and the time period within which such notice must be given.

"(J) Any education or training to be provided or required, including the nature and cost of such training, who will pay such costs, and whether the training is a condition of employment, continued employment, or future employment.

"(K) A statement, in a form specified by the Secretary of Labor, describing the protections of this Act for workers recruited abroad.

"(2) FALSE OR MISLEADING INFORMATION.—No foreign labor contractor or employer who engages in foreign labor contracting activity shall knowingly provide material false or misleading information to any worker concerning any matter required to be disclosed in paragraph (1).

"(3) LANGUAGES.—The information required to be disclosed under paragraph (1) shall be provided in writing in English or, as necessary and reasonable, in the language of the worker being recruited. The Department of Labor shall make forms available in English, Spanish, and other languages, as necessary, which may be used in providing workers with information required under this section.

"(4) FEES.—A person conducting a foreign labor contracting activity shall not assess any fee to a worker for such foreign labor contracting activity.

"(5) TERMS.—No employer or foreign labor contractor shall, without justification, violate the terms of any agreement made by that contractor or employer regarding employment under this program.

"(6) TRAVEL COSTS.—If the foreign labor contractor or employer charges the employee for transportation such transportation costs shall be reasonable.

"(7) OTHER WORKER PROTECTIONS.—

"(A) NOTIFICATION.—Every 2 years, each employer shall notify the Secretary of Labor of the identity of any foreign labor contractor engaged by the employer in any foreign labor contractor activity for or on behalf of the employer.

"(B) REGISTRATION OF FOREIGN LABOR CONTRACTORS.—

"(i) IN GENERAL.—No person shall engage in foreign labor recruiting activity unless such person has a certificate of registration from the Secretary of Labor specifying the activities that such person is authorized to perform. An employer who retains the services of a foreign labor contractor shall only use those foreign labor contractors who are registered under this subparagraph.

"(ii) ISSUANCE.—The Secretary shall promulgate regulations to establish an efficient electronic process for the investigation and approval of an application for a certificate of registration of foreign labor contractors not later than 14 days after such application is filed. Such process shall include requirements under paragraphs (1), (4), and (5) of section 1812 of title 29, United States Code, an expeditious means to update registrations and renew certificates and any other requirements the Secretary may prescribe.

"(iii) TERM.—Unless suspended or revoked, a certificate under this subparagraph shall be valid for 2 years.

"(iv) REFUSAL TO ISSUE; REVOCATION; SUSPENSION.—In accordance with regulations promulgated by the Secretary of Labor, the Secretary may refuse to issue or renew, or may suspend or revoke, a certificate of registration under this subparagraph. The justification for such refusal, suspension, or revocation may include the following:

"(I) The application or holder of the certification has knowingly made a material misrepresentation in the application for such certificate.

"(II) The applicant for or holder of the certification is not the real party in interest in the application or certificate of registration and the real party in interest is a person who has been refused issuance or renewal of a certificate, has had a certificate suspended or revoked, or does not qualify for a certificate under this paragraph.

"(III) The applicant for or holder of the certification has failed to comply with the Secure America and Orderly Immigration Act.

"(C) REMEDY FOR VIOLATIONS.—An employer engaging in foreign labor contracting activity and a foreign labor contractor that violates the provisions of this subsection shall be subject to remedies for foreign labor contractor violations under subsections (j) and (k). If a foreign labor contractor acting as an agent of an employer violates any provision of this subsection, the employer shall also be subject to remedies under subsections (j) and (k). An employer that violates a provision of this subsection relating to employer obligations shall be subject to remedies under this subsections (j) and (k).

"(D) EMPLOYER NOTIFICATION.—An employer shall notify the Secretary of Labor any time the employer becomes aware of a violation of this subsection by a foreign labor recruiter.

"(E) WRITTEN AGREEMENTS.—No foreign labor contractor shall violate the terms of any written agreements made with an employer relating to any contracting activity or worker protection under this subsection.

"(F) BONDING REQUIREMENT.—The Secretary of Labor may require a foreign labor contractor under this subsection to post a bond in an amount sufficient to ensure the protection of individuals recruited by the foreign labor contractor. The Secretary may consider the extent to which the foreign labor contractor has sufficient ties to the United States to adequately enforce this subsection.

"(j) ENFORCEMENT.—

"(1) IN GENERAL.—The Secretary of Labor shall prescribe regulations for the receipt, investigation, and disposition of complaints by an aggrieved person respecting a violation of this section.

"(2) DEFINITION.—As used in this subsection, an 'aggrieved person' is a person adversely affected by the alleged violation, including—

"(A) a worker whose job, wages, or working conditions are adversely affected by the violation; and

"(B) a representative for workers whose jobs, wages, or working conditions are adversely affected by the violation who brings a complaint on behalf of such worker.

"(3) FILING DEADLINE.—No investigation or hearing shall be conducted on a complaint concerning a violation under this section unless the complaint was filed not later than 12 months after the date of such violation.

"(4) REASONABLE CAUSE.—The Secretary of Labor shall conduct an investigation under this subsection if there is reasonable cause to believe that a violation of this section has occurred. The process established under this subsection shall provide that, not later than 30 days after a complaint is filed, the Secretary shall determine if there is reasonable cause to find such a violation.

"(5) NOTICE AND HEARING.—

"(A) IN GENERAL.—Not later than 60 days after the Secretary of Labor makes a determination of reasonable cause under paragraph (4), the Secretary shall issue a notice to the interested parties and offer an opportunity for a hearing on the complaint, in accordance with section 556 of title 5, United States Code.

"(B) COMPLAINT.—If the Secretary of Labor, after receiving a complaint under this subsection, does not offer the aggrieved party or organization an opportunity for a hearing under subparagraph (A), the Secretary shall notify the aggrieved party or organization of such determination and the aggrieved party or organization may seek a hearing on the complaint in accordance with such section 556.

"(C) HEARING DEADLINE.—Not later than 60 days after the date of a hearing under this paragraph, the Secretary of Labor shall make a finding on the matter in accordance with paragraph (6).

"(6) ATTORNEYS' FEES.—A complainant who prevails with respect to a claim under this subsection shall be entitled to an award of reasonable attorneys' fees and costs.

"(7) POWER OF THE SECRETARY.—The Secretary may bring an action in any court of competent jurisdiction—

"(A) to seek remedial action, including injunctive relief;

"(B) to recover the damages described in subsection (k); or

"(C) to ensure compliance with terms and conditions described in subsection (i).

"(8) SOLICITOR OF LABOR.—Except as provided in section 518(a) of title 28, United States Code, the Solicitor of Labor may appear for and represent the Secretary of Labor in any civil litigation brought under this subsection. All such litigation shall be subject to the direction and control of the Attorney General.

"(9) PROCEDURES IN ADDITION TO OTHER RIGHTS OF EMPLOYEES.—The rights and remedies provided to workers under this section are in addition to, and not in lieu of, any other contractual or statutory rights and remedies of the workers, and are not intended to alter or affect such rights and remedies.

"(k) PENALTIES.—

"(1) IN GENERAL.—If, after notice and an opportunity for a hearing, the Secretary of Labor finds a violation of subsection (h) or (i), the Secretary may impose administrative remedies and penalties, including—

"(A) back wages;

"(B) fringe benefits; and

"(C) civil monetary penalties.

"(2) CIVIL PENALTIES.—The Secretary of Labor may impose, as a civil penalty—

"(A) for a violation of subsection (h)—

"(i) a fine in an amount not to exceed $2,000 per violation per affected worker;

"(ii) if the violation was willful violation, a fine in an amount not to exceed $5,000 per violation per affected worker;

"(iii) if the violation was willful and if in the course of such violation a United States worker was harmed, a fine in an amount not to exceed $25,000 per violation per affected worker; and

"(B) for a violation of subsection (i)—

"(i) a fine in an amount not less than $500 and not more than $4,000 per violation per affected worker;

"(ii) if the violation was willful, a fine in an amount not less than $2,000 and not more than $5,000 per violation per affected worker; and

"(iii) if the violation was willful and if in the course of such violation a United States worker was harmed, a fine in an amount not less than $6,000 and not more than $35,000 per violation per affected worker.

"(3) USE OF CIVIL PENALTIES.—All penalties collected under this subsection shall be deposited in the Treasury in accordance with section 286(w).

"(4) CRIMINAL PENALTIES.—If a willful and knowing violation of subsection (i) causes extreme physical or financial harm to an individual, the person in violation of such subsection may be imprisoned for not more than 6 months, fined not more than $35,000 fine, or both.".

SEC. 1305. MARKET-BASED NUMERICAL LIMITATIONS.

Section 214(g) of the Immigration and Nationality Act (8 U.S.C. 1184(g)) is amended—

(1) in paragraph (1)—

(A) by striking "(beginning with fiscal year 1992)";

(B) in subparagraph (B), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(C) under section 101(a)(15)(H)(v)(a), may not exceed—

"(i) 400,000 for the first fiscal year in which the program is implemented;

"(ii) in any subsequent fiscal year—

"(I) if the total number of visas allocated for that fiscal year are allotted within the first quarter of that fiscal year, then an additional 20 percent of the allocated number shall be made available immediately and the allocated amount for the following fiscal year shall increase by 20 percent of the original allocated amount in the prior fiscal year;

"(II) if the total number of visas allocated for that fiscal year are allotted within the second quarter of that fiscal year, then an additional 15 percent of the allocated number shall be made available immediately and the allocated amount for the following fiscal year shall increase by 15 percent of the original allocated amount in the prior fiscal year;

"(III) if the total number of visas allocated for that fiscal year are allotted within the third quarter of that fiscal year, then an additional 10 percent of the allocated number shall be made available immediately and the allocated amount for the following fiscal year shall increase by 10 percent of the original allocated amount in the prior fiscal year;

"(IV) if the total number of visas allocated for that fiscal year are allotted within the last quarter of that fiscal year, then the allocated amount for the following fiscal year shall increase by 10 percent of the original allocated amount in the prior fiscal year; and

"(V) with the exception of the first subsequent fiscal year to the fiscal year in which the program is implemented, if fewer visas were allotted the previous fiscal year than the number of visas allocated for that year and the reason was not due to processing delays or delays in promulgating regulations, then the allocated amount for the following fiscal year shall decrease by 10 percent of the allocated amount in the prior fiscal year."; and

(2) by adding at the end the following:

"(9)(A) Of the total number of visas allocated for each fiscal year under paragraph (1)(C)—

"(i) 50,000 visas shall be allocated to qualifying counties; and

"(ii) any of the visas allocated under clause (i) that are not issued by June 30 of such fiscal year, may be made available to any qualified applicant.

"(B) In this paragraph, the term 'qualifying county' means any county that—

"(i) that is outside a metropolitan statistical area; and

"(ii) during the 20-year-period ending on the last day of the calendar year preceding the date of enactment of the Secure America and Orderly Immigration Act, experienced a net out-migration of inhabitants from the county of at least 10 percent of the population of the county at the beginning of such period.

"(10) In allocating visas under this subsection, the Secretary of State may take any additional measures necessary to deter illegal immigration.".

SEC. 1306. ADJUSTMENT TO LAWFUL PERMANENT RESIDENT STATUS.

Section 245 of the Immigration and Nationality Act (8 U.S.C. 1255) is amended by adding at the end the following:

"(n)(1) For purposes of adjustment of status under subsection (a), employment-based immigrant visas shall be made available to an alien having nonimmigrant status described in section 101(a)(15)(H)(v)(a) upon the filing of a petition for such a visa—

"(A) by the alien's employer; or

"(B) by the alien, if the alien has maintained such nonimmigrant status in the United States for a cumulative total of 4 years.

"(2) An alien having nonimmigrant status described in section 101(a)(15)(H)(v)(a) may not apply for adjustment of status under this section unless the alien—

"(A) is physically present in the United States; and

"(B) the alien establishes that the alien—

"(i) meets the requirements of section 312; or

"(ii) is satisfactorily pursuing a course of study to achieve such an understanding of English and knowledge and understanding of the history and government of the United States.

"(3) An alien who demonstrates that the alien meets the requirements of section 312 may be considered to have satisfied the requirements of that section for purposes of becoming naturalized as a citizen of the United States under title III.

"(4) Filing a petition under paragraph (1) on behalf of an alien or otherwise seeking permanent residence in the United States for such alien shall not constitute evidence of the alien's ineligibility for nonimmigrant status under section 101(a)(15)(H)(v)(a).

"(5) The limitation under section 302(d) regarding the period of authorized stay shall not apply to any alien having nonimmigrant status under section 101(a)(15)(H)(v)(a) if—

"(A) a labor certification petition filed under section 203(b) on behalf of such alien is pending; or

"(B) an immigrant visa petition filed under section 204(b) on behalf of such alien is pending.

"(6) The Secretary of Homeland Security shall extend the stay of an alien who qualifies for an exemption under paragraph (5) in 1-year increments until a final decision is made on the alien's lawful permanent residence.

"(7) Nothing in this subsection shall be construed to prevent an alien having nonimmigrant status described in section 101(a)(15)(H)(v)(a) from filing an application for adjustment of status under this section in accordance with any other provision of law.".

SEC. 1307. ESSENTIAL WORKER VISA PROGRAM TASK FORCE.

(a) ESTABLISHMENT OF TASK FORCE.—

(1) IN GENERAL.—There is established a task force to be known as the Essential Worker Visa Program Task Force (referred to in this section as the "Task Force").

(2) PURPOSES.—The purposes of the Task Force are—

(A) to study the Essential Worker Visa Program (referred to in this section as the "Program") established under this title; and

(B) to make recommendations to Congress with respect to such program.

(3) MEMBERSHIP.—The Task Force shall be composed of 10 members, of whom—

(A) 1 shall be appointed by the President and shall serve as chairman of the Task Force;

(B) 1 shall be appointed by the leader of the Democratic Party in the Senate, in consultation with the leader of the Democratic Party in the House of Representatives, and shall serve as vice chairman of the Task Force;

(C) 2 shall be appointed by the majority leader of the Senate;

(D) 2 shall be appointed by the minority leader of the Senate;

(E) 2 shall be appointed by the Speaker of the House of Representatives; and

(F) 2 shall be appointed by the minority leader of the House of Representatives.

(4) QUALIFICATIONS.—

(A) IN GENERAL.—Members of the Task Force shall be—

(i) individuals with expertise in economics, demography, labor, business, or immigration or other pertinent qualifications or experience; and

(ii) representative of a broad cross-section of perspectives within the United States, including the public and private sectors and academia;

(B) POLITICAL AFFILIATION.—Not more than 5 members of the Task Force may be members of the same political party.

(C) NONGOVERNMENTAL APPOINTEES.—An individual appointed to the Task Force may not be an officer or employee of the Federal Government or of any State or local government.

(5) DEADLINE FOR APPOINTMENT.—All members of the Task Force shall be appointed not later than 6 months after the Program has been implemented.

(6) VACANCIES.—Any vacancy in the Task Force shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

(7) MEETINGS.—

(A) INITIAL MEETING.—The Task Force shall meet and begin the operations of the Task Force as soon as practicable.

(B) SUBSEQUENT MEETINGS.—After its initial meeting, the Task Force shall meet upon the call of the chairman or a majority of its members.

(8) QUORUM.—Six members of the Task Force shall constitute a quorum.

(b) DUTIES.—The Task Force shall examine and make recommendations regarding the Program, including recommendations regarding—

(1) the development and implementation of the Program;

(2) the criteria for the admission of temporary workers under the Program;

(3) the formula for determining the yearly numerical limitations of the Program;

(4) the impact of the Program on immigration;

(5) the impact of the Program on the United States workforce and United States businesses; and

(6) any other matters regarding the Program that the Task Force considers appropriate.

(c) INFORMATION AND ASSISTANCE FROM FEDERAL AGENCIES.—

(1) INFORMATION FROM FEDERAL AGENCIES.—The Task Force may seek directly from any Federal department or agency such information, including suggestions, estimates, and statistics, as the Task Force considers necessary to carry out the provisions of this section. Upon request of the Task Force, the head of such department or agency shall furnish such information to the Task Force.

(2) ASSISTANCE FROM FEDERAL AGENCIES.—The Administrator of General Services shall, on a reimbursable base, provide the Task Force with administrative support and other services for the performance of the Task Force's functions. The departments and agencies of the United States may provide the Task Force with such services, funds, facilities, staff, and other support services as they determine advisable and as authorized by law.

(d) REPORTS.—

(1) INITIAL REPORT.—Not later than 2 years after the Program has been implemented, the Task Force shall submit a report to Congress, the Secretary of State, the Secretary of Labor, and the Secretary of Homeland Security that contains—

(A) findings with respect to the duties of the Task Force;

(B) recommendations for improving the Program; and

(C) suggestions for legislative or administrative action to implement the Task Force recommendations.

(2) FINAL REPORT.—Not later than 4 years after the submission of the initial report under paragraph (1), the Task Force shall submit a final report to Congress, the Secretary of State, the Secretary of Labor, and the Secretary of Homeland Security that contains additional findings, recommendations, and suggestions, as described in paragraph (1).

SEC. 1308. WILLING WORKER-WILLING EMPLOYER ELECTRONIC JOB REGISTRY.

(a) ESTABLISHMENT.—The Secretary of Labor shall direct the coordination and modification of the national system of public labor exchange services (commonly known as "America's Job Bank") in existence on the date of enactment of this Act to provide information on essential worker employment opportunities available to United States workers and nonimmigrant workers under section 101(a)(15)(H)(v)(a) of the Immigration and Nationality Act, as added by this Act.

(b) RECRUITMENT OF UNITED STATES WORKERS.—Before the completion of evidence of employment for a potential nonimmigrant worker under section 101(a)(15)(H)(v)(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(v)(a), an employer shall attest that the employer has posted in the Job Registry for not less than 30 days in order to recruit United States workers. An employer shall maintain records for not less than 1 year demonstrating why United States workers who applied were not hired.

(c) OVERSIGHT AND MAINTENANCE OF RECORDS.—The Secretary of Labor shall maintain electronic job registry records, as established by regulation, for the purpose of audit or investigation.

(d) ACCESS TO JOB REGISTRY.—

(1) CIRCULATION IN INTERSTATE EMPLOYMENT SERVICE SYSTEM.—The Secretary of Labor shall ensure that job opportunities advertised on the electronic job registry established under this section are accessible by the State workforce agencies, which may further disseminate job opportunity information to other interested parties.

(2) INTERNET.—The Secretary of Labor shall ensure that the Internet-based electronic job registry established or approved under this section may be accessed by workers, employers, labor organizations, and other interested parties.

SEC. 1309. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary of State such sums as may be necessary to carry out this title and the amendments made by this title for the period beginning on the date of enactment of this Act and ending on the last day of the sixth fiscal year beginning after the effective date of the regulations promulgated by the Secretary to implement this title.

TITLE IV—ENFORCEMENT

SEC. 1401. DOCUMENT AND VISA REQUIREMENTS.

(a) IN GENERAL.—Section 221(a) of the Immigration and Nationality Act (8 U.S.C. 1201(a)) is amended by adding at the end the following:

"(3) VISAS AND IMMIGRATION RELATED DOCUMENT REQUIREMENTS.—

"(A) Visas issued by the Secretary of State and immigration related documents issued by the Secretary of State or the Secretary of Homeland Security shall comply with authentication and biometric standards recognized by domestic and international standards organizations.

"(B) Such visas and documents shall—

"(i) be machine-readable and tamper-resistant;

"(ii) use biometric identifiers that are consistent with the requirements of section 303 of the Enhanced Border Security and Visa Entry Reform Act of 2002 (8 U.S.C. 1732), and represent the benefits and status set forth in such section;

"(iii) comply with the biometric and document identifying standards established by the International Civil Aviation Organization; and

"(iv) be compatible with the United States Visitor and Immigrant Status Indicator Technology and the employment verification system established under section 274E.

"(C) The information contained on the visas or immigration related documents described in subparagraph (B) shall include—

"(i) the alien's name, date and place of birth, alien registration or visa number, and, if applicable, social security number;

"(ii) the alien's citizenship and immigration status in the United States; and

"(iii) the date that such alien's authorization to work in the United States expires, if appropriate.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date that is 6 months after the date of enactment of this Act.

SEC. 1402. EMPLOYMENT ELIGIBILITY CONFIRMATION SYSTEM.

(a) IN GENERAL.—Chapter 8 of title II of the Immigration and Nationality Act (8 U.S.C. 1321 et seq.) is amended by inserting after section 274D the following:

"EMPLOYMENT ELIGIBILITY

"SEC. 274E. (a) EMPLOYMENT ELIGIBILITY CONFIRMATION SYSTEM.—

"(1) IN GENERAL.—The Commissioner of Social Security, in consultation and coordination with the Secretary of Homeland Security, shall establish an Employment Eligibility Confirmation System (referred to in this section as the 'System') through which the Commissioner responds to inquiries made by employers who have hired individuals concerning each individual's identity and employment authorization.

"(2) MAINTENANCE OF RECORDS.—The Commissioner shall electronically maintain records by which compliance under the System may be verified.

"(3) OBJECTIVES OF THE SYSTEM.—The System shall—

"(A) facilitate the eventual transition for all businesses from the employer verification system established in section 274A with the System;

"(B) utilize, as a central feature of the System, machine-readable documents that contain encrypted electronic information to verify employment eligibility; and

"(C) provide for the evidence of employment required under section 218A.

"(4) INITIAL RESPONSE.—The System shall provide—

"(A) confirmation or a tentative nonconfirmation of an individual's identity and employment eligibility not later than 1 working day after the initial inquiry; and

"(B) an appropriate code indicating such confirmation or tentative nonconfirmation.

"(5) SECONDARY VERIFICATION PROCESS IN CASE OF TENTATIVE NONCONFIRMATION.—

"(A) ESTABLISHMENT.—For cases of tentative nonconfirmation, the Commissioner of Social Security, in consultation and coordination with the Secretary of Homeland Security, shall establish a secondary verification process. The employer shall make the secondary verification inquiry not later than 10 days after receiving a tentative nonconfirmation.

"(B) DISCREPANCIES.—If an employee chooses to contest a secondary nonconfirmation, the employer shall provide the employee with a referral letter and instruct the employee to visit an office of the Department of Homeland Security or the Social Security Administration to resolve the discrepancy not later than 10 working days after the receipt of such referral letter in order to obtain confirmation.

"(C) FAILURE TO CONTEST.—An individual's failure to contest a confirmation shall not constitute knowledge (as defined in section 274a.1(l) of title 8, Code of Federal Regulations.

"(6) DESIGN AND OPERATION OF SYSTEM.—The System shall be designed, implemented, and operated—

"(A) to maximize its reliability and ease of use consistent with protecting the privacy and security of the underlying information through technical and physical safeguards;

"(B) to allow employers to verify that a newly hired individual is authorized to be employed;

"(C) to permit individuals to—

"(i) view their own records in order to ensure the accuracy of such records; and

"(ii) contact the appropriate agency to correct any errors through an expedited process established by the Commissioner of Social Security, in consultation and coordination with the Secretary of Homeland Security; and

"(D) to prevent discrimination based on national origin or citizenship status under section 274B.

"(7) UNLAWFUL USES OF SYSTEM.—It shall be an unlawful immigration-related employment practice—

"(A) for employers or other third parties to use the System selectively or without authorization;

"(B) to use the System prior to an offer of employment;

"(C) to use the System to exclude certain individuals from consideration for employment as a result of a perceived likelihood that additional verification will be required, beyond what is required for most job applicants;

"(D) to use the System to deny certain employment benefits, otherwise interfere with the labor rights of employees, or any other unlawful employment practice; or

"(E) to take adverse action against any person, including terminating or suspending an employee who has received a tentative nonconfirmation.

"(b) EMPLOYMENT ELIGIBILITY DATABASE.—

"(1) REQUIREMENT.—The Commissioner of Social Security, in consultation and coordination with the Secretary of Homeland Security and other appropriate agencies, shall design, implement, and maintain an Employment Eligibility Database (referred to in this section as the 'Database') as described in this subsection.

"(2) DATA.—The Database shall include, for each individual who is not a citizen or national of the United States, but is authorized or seeking authorization to be employed in the United States, the individual's—

"(A) country of origin;

"(B) immigration status;

"(C) employment eligibility;

"(D) occupation;

"(E) metropolitan statistical area of employment;

"(F) annual compensation paid;

"(G) period of employment eligibility;

"(H) employment commencement date; and

"(I) employment termination date.

"(3) REVERIFICATION OF EMPLOYMENT ELIGIBILITY.—The Commissioner of Social Security shall prescribe, by regulation, a system to annually reverify the employment eligibility of each individual described in this section—

"(A) by utilizing the machine-readable documents described in section 221(a)(3); or

"(B) if machine-readable documents are not available, by telephonic or electronic communication.

"(4) CONFIDENTIALITY.—

"(A) ACCESS TO DATABASE.—No officer or employee of any agency or department of the United States, other than individuals responsible for the verification of employment eligibility or for the evaluation of the employment verification program at the Social Security Administration, the Department of Homeland Security, and the Department of Labor, may have access to any information contained in the Database.

"(B) PROTECTION FROM UNAUTHORIZED DISCLOSURE.—Information in the Database shall be adequately protected against unauthorized disclosure for other purposes, as provided in regulations established by the Commissioner of Social Security, in consultation with the Secretary of Homeland Security and the Secretary of Labor.

"(5) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to design, implement, and maintain the Database.

"(c) GRADUAL IMPLEMENTATION.—The Commissioner of Social Security, in coordination with the Secretary of Homeland Security and the Secretary of Labor shall develop a plan to phase all workers into the Database and phase out the employer verification system established in section 274A over a period of time that the Commissioner determines to be appropriate.

"(d) EMPLOYER RESPONSIBILITIES.—Each employer shall—

"(1) notify employees and prospective employees of the use of the System and that the System may be used for immigration enforcement purposes;

"(2) verify the identification and employment authorization status for newly hired individuals described in section 101(a)(15)(H)(v)(a) not later than 3 days after the date of hire;

"(3) use—

"(A) a machine-readable document described in subsection (a)(3)(B); or

"(B) the telephonic or electronic system to access the Database;

"(4) provide, for each employer hired, the occupation, metropolitan statistical area of employment, and annual compensation paid;

"(5) retain the code received indicating confirmation or nonconfirmation, for use in investigations described in section 212(n)(2); and

"(6) provide a copy of the employment verification receipt to such employees.

"(e) GOOD-FAITH COMPLIANCE.—

"(1) AFFIRMATIVE DEFENSE.—A person or entity that establishes good faith compliance with the requirements of this section with respect to the employment of an individual in the United States has established an affirmative defense that the person or entity has not violated this section.

"(2) LIMITATION.—Paragraph (1) shall not apply if a person or entity engages in an unlawful immigration-related employment practice described in subsection (a)(7).".

(b) INTERIM DIRECTIVE.—Before the implementation of the Employment Eligibility Confirmation System (referred to in this section as the "System") established under section 274E of the Immigration and Nationality Act, as added by subsection (a), the Commissioner of Social Security, in coordination with the Secretary of Homeland Security, shall, to the maximum extent practicable, implement an interim system to confirm employment eligibility that is consistent with the provisions of such section.

(c) REPORTS.—

(1) IN GENERAL.—Not later than 3 months after the last day of the second year and of the third year that the System is in effect, the Comptroller General of the United States shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report on the System.

(2) CONTENTS.—Each report submitted under paragraph (1) shall include—

(A) an assessment of the impact of the System on the employment of unauthorized workers;

(B) an assessment of the accuracy of the Employment Eligibility Database maintained by the Department of Homeland Security and Social Security Administration databases, and timeliness and accuracy of responses from the Department of Homeland Security and the Social Security Administration to employers;

(C) an assessment of the privacy, confidentiality, and system security of the System;

(D) assess whether the System is being implemented in a nondiscriminatory manner; and

(E) include recommendations on whether or not the System should be modified.

SEC. 1403. IMPROVED ENTRY AND EXIT DATA SYSTEM.

Section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1365a) is amended—

(1) by striking "Attorney General" each place it appears and inserting "Secretary of Homeland Security";

(2) in subsection (b)—

(A) in paragraph (1)(C), by striking "Justice" and inserting "Homeland Security";

(B) in paragraph (4), by striking "and" at the end;

(C) in paragraph (5), by striking the period at the end and inserting "; and"; and

(D) by adding at the end the following:

"(6) collects the biometric machine-readable information from an alien's visa or immigration-related document described in section 221(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1201(a)(3) at the time an alien arrives in the United States and at the time an alien departs from the United States to determine if such alien is entering, or is present in, the United States unlawfully."; and

(3) in subsection (f)(1), by striking "Departments of Justice and State" and inserting "Department of Homeland Security and the Department of State".

SEC. 1404. DEPARTMENT OF LABOR INVESTIGATIVE AUTHORITIES.

Section 212(n)(2) of the Immigration and Nationality Act (8 U.S.C. 1182(n)(2)) is amended—

(1) by redesignating subparagraph (H) as subparagraph (J); and

(2) by inserting after subparagraph (G) the following:

"(H)(i) The Secretary of Labor may initiate an investigation of any employer that employs nonimmigrants described in section 101(a)(15)(H)(v)(a) if the Secretary, or the Secretary's designee—

"(I) certifies that reasonable cause exists to believe that the employer is out of compliance with the Secure America and Orderly Immigration Act or section 274E; and

"(II) approves the commencement of the investigation.

"(ii) In determining whether reasonable cause exists to initiate an investigation under this section, the Secretary shall—

"(I) monitor the Willing Worker-Willing Employer Electronic Job Registry;

"(II) monitor the Employment Eligibility Confirmation System, taking into consideration whether—

"(aa) an employer's submissions to the System generate a high volume of tentative nonconfirmation responses relative to other comparable employers;

"(bb) an employer rarely or never screens hired individuals;

"(cc) individuals employed by an employer rarely or never pursue a secondary verification process as established in section 274E; or

"(dd) any other indicators of illicit, inappropriate or discriminatory use of the System, especially those described in section 274E(a)(6)(D), exist; and

"(III) consider any additional evidence that the Secretary determines appropriate.

"(iii) Absent other evidence of noncompliance, an investigation under this subparagraph should not be initiated for lack of completeness or obvious inaccuracies by the employer in complying with section 101(a)(15)(H)(v)(a).".

SEC. 1405. PROTECTION OF EMPLOYMENT RIGHTS.

The Secretary and the Secretary of Homeland Security shall establish a process under which a nonimmigrant worker described in clause (ii)(b) or (v)(a) of section 101(a)(15)(H) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)) who files a nonfrivolous complaint regarding a violation of this section and is otherwise eligible to remain and work in the United States may be allowed to seek other appropriate employment in the United States with an employer for a period not to exceed the maximum period of stay authorized for that nonimmigrant classification.

SEC. 1406. INCREASED FINES FOR PROHIBITED BEHAVIOR.

Section 274B(g)(2)(B)(iv) of the Immigration and Nationality Act (8 U.S.C. 1324b(g)(2)(B)(iv)) is amended—

(1) in subclause (I), by striking "not less than $250 and not more than $2,000" and inserting "not less than $500 and not more than $4,000";

(2) in subclause (II), by striking "not less than $2,000 and not more than $5,000" and inserting "not less than $4,000 and not more than $10,000"; and

(3) in subclause (III), by striking "not less than $3,000 and not more than $10,000" and inserting "not less than $6,000 and not more than $20,000".

TITLE V—PROMOTING CIRCULAR MIGRATION PATTERNS

SEC. 1501. LABOR MIGRATION FACILITATION PROGRAMS.

(a) AUTHORITY FOR PROGRAM.—

(1) IN GENERAL.—The Secretary of State is authorized to enter into an agreement to establish and administer a labor migration facilitation program jointly with the appropriate official of a foreign government whose citizens participate in the temporary worker program authorized under section 101(a)(15)(H)(v)(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(v)(a)).

(2) PRIORITY.—In establishing programs under subsection (a), the Secretary of State shall place a priority on establishing such programs with foreign governments that have a large number of nationals working as temporary workers in the United States under such section 101(a)(15)(H)(v)(a). The Secretary shall enter into such agreements not later than 3 months after the date of enactment of this Act or as soon thereafter as is practicable.

(3) ELEMENTS OF PROGRAM.—A program established under paragraph (1) may provide for—

(A) the Secretary of State, in conjunction with the Secretary of Homeland Security and the Secretary of Labor, to confer with a foreign government—

(i) to establish and implement a program to assist temporary workers from such a country to obtain nonimmigrant status under such section 101(a)(15)(H)(v)(a);

(ii) to establish programs to create economic incentives for aliens to return to their home country;

(B) the foreign government to monitor the participation of its nationals in such a temporary worker program, including departure from and return to a foreign country;

(C) the foreign government to develop and promote a reintegration program available to such individuals upon their return from the United States;

(D) the foreign government to promote or facilitate travel of such individuals between the country of origin and the United States; and

(E) any other matters that the foreign government and United States find appropriate to enable such individuals to maintain strong ties to their country of origin.

SEC. 1502. BILATERAL EFFORTS WITH MEXICO TO REDUCE MIGRATION PRESSURES AND COSTS.

(a) FINDINGS.—Congress makes the following findings:

(1) Migration from Mexico to the United States is directly linked to the degree of economic opportunity and the standard of living in Mexico.

(2) Mexico comprises a prime source of migration to the United States.

(3) Remittances from Mexican citizens working in the United States reached a record high of nearly $17,000,000,000 in 2004.

(4) Migration patterns may be reduced from Mexico to the United States by addressing the degree of economic opportunity available to Mexican citizens.

(5) Many Mexican assets are held extra-legally and cannot be readily used as collateral for loans.

(6) A majority of Mexican businesses are small or medium size with limited access to financial capital.

(7) These factors constitute a major impediment to broad-based economic growth in Mexico.

(8) Approximately 20 percent of Mexico's population works in agriculture, with the majority of this population working on small farms and few on large commercial enterprises.

(9) The Partnership for Prosperity is a bilateral initiative launched jointly by the President of the United States and the President of Mexico in 2001, which aims to boost the social and economic standards of Mexican citizens, particularly in regions where economic growth has lagged and emigration has increased.

(10) The Presidents of Mexico and the United States and the Prime Minister of Canada, at their trilateral summit on March 23, 2005, agreed to promote economic growth, competitiveness, and quality of life in the agreement on Security and Prosperity Partnership of North America.

(b) SENSE OF CONGRESS REGARDING PARTNERSHIP FOR PROSPERITY.—It is the sense of Congress that the United States and Mexico should accelerate the implementation of the Partnership for Prosperity to help generate economic growth and improve the standard of living in Mexico, which will lead to reduced migration, by—

(1) increasing access for poor and under served populations in Mexico to the financial services sector, including credit unions;

(2) assisting Mexican efforts to formalize its extra-legal sector, including the issuance of formal land titles, to enable Mexican citizens to use their assets to procure capital;

(3) facilitating Mexican efforts to establish an effective rural lending system for small- and medium-sized farmers that will—

(A) provide long term credit to borrowers;

(B) develop a viable network of regional and local intermediary lending institutions; and

(C) extend financing for alternative rural economic activities beyond direct agricultural production;

(4) expanding efforts to reduce the transaction costs of remittance flows in order to increase the pool of savings available to help finance domestic investment in Mexico;

(5) encouraging Mexican corporations to adopt internationally recognized corporate governance practices, including anti-corruption and transparency principles;

(6) enhancing Mexican efforts to strengthen governance at all levels, including efforts to improve transparency and accountability, and to eliminate corruption, which is the single biggest obstacle to development;

(7) assisting the Government of Mexico in implementing all provisions of the Inter-American Convention Against Corruption (ratified by Mexico on May 27, 1997) and urging the Government of Mexico to participate fully in the Convention's formal implementation monitoring mechanism;

(8) helping the Government of Mexico to strengthen education and training opportunities throughout the country, with a particular emphasis on improving rural education; and

(9) encouraging the Government of Mexico to create incentives for persons who have migrated to the United States to return to Mexico.

(c) SENSE OF CONGRESS REGARDING BILATERAL PARTNERSHIP ON HEALTH CARE.—It is the sense of Congress that the Government of the United States and the Government of Mexico should enter into a partnership to examine uncompensated and burdensome health care costs incurred by the United States due to legal and illegal immigration, including—

(1) increasing health care access for poor and under served populations in Mexico;

(2) assisting Mexico in increasing its emergency and trauma health care facilities along the border, with emphasis on expanding prenatal care in the United States-Mexico border region;

(3) facilitating the return of stable, incapacitated workers temporarily employed in the United States to Mexico in order to receive extended, long-term care in their home country; and

(4) helping the Government of Mexico to establish a program with the private sector to cover the health care needs of Mexican nationals temporarily employed in the United States.

TITLE VI—FAMILY UNITY AND BACKLOG REDUCTION

SEC. 1601. ELIMINATION OF EXISTING BACKLOGS.

(a) Family-Sponsored Immigrants.—Section 201(c) of the Immigration and Nationality Act (8 U.S.C. 1151(c)) is amended to read as follows:

"(c) Worldwide Level of Family-Sponsored Immigrants.—The worldwide level of family-sponsored immigrants under this subsection for a fiscal year is equal to the sum of—

"(1) 480,000;

"(2) the difference between the maximum number of visas authorized to be issued under this subsection during the previous fiscal year and the number of visas issued during the previous fiscal year; and

"(3) the difference between—

"(A) the maximum number of visas authorized to be issued under this subsection during fiscal years 2001 through 2005 minus the number of visas issued under this subsection during those years; and

"(B) the number of visas described in subparagraph (A) that were issued after fiscal year 2005.".

(b) Employment-Based Immigrants.—Section 201(d) of the Immigration and Nationality Act (8 U.S.C. 1151(d)) is amended to read as follows:

"(d) Worldwide Level of Employment-Based Immigrants.—The worldwide level of employment-based immigrants under this subsection for a fiscal year is equal to the sum of—

"(1) 290,000;

"(2) the difference between the maximum number of visas authorized to be issued under this subsection during the previous fiscal year and the number of visas issued during the previous fiscal year; and

"(3) the difference between—

"(A) the maximum number of visas authorized to be issued under this subsection during fiscal years 2001 through 2005 and the number of visa numbers issued under this subsection during those years; and

"(B) the number of visas described in subparagraph (A) that were issued after fiscal year 2005.".

SEC. 1602. COUNTRY LIMITS.

Section 202(a) of the Immigration and Nationality Act (8 U.S.C. 1152(a)) is amended—

(1) in paragraph (2)—

(A) by striking ", (4), and (5)" and inserting "and (4)"; and

(B) by striking "7 percent (in the case of a single foreign state) or 2 percent" and inserting "10 percent (in the case of a single foreign state) or 5 percent"; and

(2) by striking paragraph (5).

SEC. 1603. ALLOCATION OF IMMIGRANT VISAS.

(a) Preference Allocation for Family-Sponsored Immigrants.—Section 203(a) of the Immigration and Nationality Act (8 U.S.C. 1153(a)) is amended to read as follows:

"(a) Preference Allocations for Family-Sponsored Immigrants.—Aliens subject to the worldwide level specified in section 201(c) for family-sponsored immigrants shall be allocated visas as follows:

"(1) Unmarried sons and daughters of citizens.—Qualified immigrants who are the unmarried sons or daughters of citizens of the United States shall be allocated visas in a quantity not to exceed 10 percent of such worldwide level plus any visas not required for the class specified in paragraph (4).

"(2) Spouses and unmarried sons and daughters of permanent resident aliens.—Visas in a quantity not to exceed 50 percent of such worldwide level plus any visas not required for the class specified in paragraph (1) shall be allocated to qualified immigrants—

"(A) who are the spouses or children of an alien lawfully admitted for permanent residence, which visas shall constitute not less than 77 percent of the visas allocated under this paragraph; or

"(B) who are the unmarried sons or daughters of an alien lawfully admitted for permanent residence.

"(3) Married sons and daughters of citizens.—Qualified immigrants who are the married sons and daughters of citizens of the United States shall be allocated visas in a quantity not to exceed 10 percent of such worldwide level plus any visas not required for the classes specified in paragraphs (1) and (2).

"(4) Brothers and sisters of citizens.—Qualified immigrants who are the brothers or sisters of citizens of the United States who are at least 21 years of age shall be allocated visas in a quantity not to exceed 30 percent of the worldwide level plus any visas not required for the classes specified in paragraphs (1) through (3).".

(b) Preference Allocation for Employment-Based Immigrants.—Section 203(b) of the Immigration and Nationality Act (8 U.S.C. 1153(b)) is amended—

(1) in paragraph (1), by striking "28.6 percent" and inserting "20 percent";

(2) in paragraph (2)(A), by striking "28.6 percent" and inserting "20 percent";

(3) in paragraph (3)(A)—

(A) by striking "28.6 percent" and inserting "35 percent"; and

(B) by striking clause (iii);

(4) by striking paragraph (4);

(5) by redesignating paragraph (5) as paragraph (4);

(6) in paragraph (4)(A), as redesignated, by striking "7.1 percent" and inserting "5 percent";

(7) by inserting after paragraph (4), as redesignated, the following:

"(5) Other workers.—Visas shall be made available, in a number not to exceed 30 percent of such worldwide level, plus any visa numbers not required for the classes specified in paragraphs (1) through (4), to qualified immigrants who are capable, at the time of petitioning for classification under this paragraph, of performing unskilled labor that is not of a temporary or seasonal nature, for which qualified workers are determined to be unavailable in the United States, or to nonimmigrants under section 101(a)(15)(H)(v)(a)."; and

(8) by striking paragraph (6).

(c) Conforming Amendments.—

(1) Definition of special immigrant.—Section 101(a)(27)(M) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)(M)) is amended by striking "subject to the numerical limitations of section 203(b)(4),".

(2) Repeal of temporary reduction in workers' visas.—Section 203(e) of the Nicaraguan Adjustment and Central American Relief Act (8 U.S.C. 1153 note) is repealed.

SEC. 1604. RELIEF FOR CHILDREN AND WIDOWS.

(a) In General.—Section 201(b)(2)(A)(i) of the Immigration and Nationality Act (8 U.S.C. 1151(b)(2)(A)(i)) is amended by striking "spouses, and parents of a citizen of the United States" and inserting "(and their children who are accompanying or following to join them), the spouses (and their children who are accompanying or following to join them), and the parents of a citizen of the United States (and their children who are accompanying or following to join them)".

(b) Petition.—Section 204(a)(1)(A)(ii) of the Immigration and Nationality Act (8 U.S.C. 1154 (a)(1)(A)(ii) is amended by inserting "or an alien child or alien parent described in the third sentence of section 201(b)(2)(A)(i)" after "section 201(b)(2)(A)(i)".

(c) Adjustment of Status.—Section 245 of the, Immigration and Nationality Act (8 U.S.C. 1255) is amended by adding at the end the following:

"(n) Applications for Adjustment of Status by Surviving Spouses, Children, and Parents.—

"(1) In general.—Notwithstanding subsections (a) and (c) (except subsection (c)(6)), any alien described in paragraph (2) who applied for adjustment of status prior to the death of the qualifying relative, may have such application adjudicated as if such death had not occurred.

"(2) Alien described.—An alien described in this paragraph is an alien who—

"(A) is an immediate relative (as defined in section 201(b)(2)(A)(i));

"(B) is a family-sponsored immigrant (as described in subsection (a) or (d) of section 203);

"(C) is a derivative beneficiary of an employment-based immigrant under section 203(b), as described in section 203(d); or

"(D) is a derivative beneficiary of a diversity immigrant (as described in section 203(c)).".

(d) Transition Period.—Notwithstanding a denial of an application for adjustment of status not more than 2 years before the date of enactment of this Act, in the case of an alien whose qualifying relative died before the date of enactment of this Act, such application may be renewed by the alien through a motion to reopen, without fee, filed not later than 1 year after the date of enactment of this Act.

SEC. 1605. AMENDING THE AFFIDAVIT OF SUPPORT REQUIREMENTS.

Section 213A of the Immigration and Nationality Act (8 U.S.C. 1183a) is amended—

(1) in subsection (a)(1)(A), by striking "125" and inserting "100"; and

(2) in subsection (f), by striking "125" each place it appears and inserting "100".

SEC. 1606. DISCRETIONARY AUTHORITY.

Section 212(i) of the Immigration and Nationality Act (8 U.S.C. 1182(i)) is amended—

(1) by redesignating paragraph (2) as paragraph (3); and

(2) by inserting after paragraph (1) the following:

"(2)(A) The Secretary of Homeland Security may waive the application of subsection (a)(6)(C)—

"(i) in the case of an immigrant who is the spouse, parent, son, or daughter of a United States citizen or of an alien lawfully admitted for permanent residence, if the Secretary of Homeland Security determines that the refusal of admission to the United States of such immigrant alien would result in extreme hardship to the citizen or lawfully resident spouse, child, son, daughter, or parent of such an alien; or

"(ii) in the case of an alien granted classification under clause (iii) or (iv) of section 204(a)(1)(A) or clause (ii) or (iii) of section 204(a)(1)(B), the alien demonstrates extreme hardship to the alien or the alien's parent or child if, such parent or child is a United States citizen, a lawful permanent resident, or a qualified alien.

"(B) An alien who is granted a waiver under subparagraph (A) shall pay a $2,000 fine.".

SEC. 1607. FAMILY UNITY.

Section 212(a)(9) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(9)) is amended—

(1) in subparagraph (B)(iii)(I), by striking "18" and inserting "21"; and

(2) in subparagraph (C)(ii)—

(A) by redesignating subclauses (1) and (2) as subclauses (I) and (II); and

(B) in subclause (II), as redesignated, by redesignating items (A), (B), (C), and (D) as items (aa), (bb), (cc), and (dd); and

(3) by adding at the end the following:

"(D) Waiver.—

"(i) In general.—The Secretary may waive the application of subparagraphs (B) and (C) for an alien who is a beneficiary of a petition filed under sections 201 and 203 if such petition was filed on or before the date of introduction of Secure America and Orderly Immigration Act.

"(ii) Fine.—An alien who is granted a waiver under clause (i) shall pay a $2,000 fine.".

TITLE VII—H–5B NONIMMIGRANTS

SEC. 1701. H–5B NONIMMIGRANTS.

(a) In General.—Chapter 5 of title II of the Immigration and Nationality Act (8 U.S.C. 1255 et seq.) is amended by adding after section 250 the following:

"H–5B NONIMMIGRANTS

"Sec. 250A. (a) In General.—The Secretary of Homeland Security shall adjust the status of an alien to that of a nonimmigrant under section 101(a)(15)(H)(v)(b) if the alien—

"(1) submits an application for such adjustment; and

"(2) meets the requirements of this section.

"(b) Presence in the United States.—The alien shall establish that the alien—

"(1) was present in the United States before the date on which the Secure America and Orderly Immigration Act was introduced, and has been continuously in the United States since such date; and

"(2) was not legally present in the United States on the date on which the Secure America and Orderly Immigration Act was introduced under any classification set forth in section 101(a)(15).

"(c) Spouses and Children.—Notwithstanding any other provision of law, the Secretary of Homeland Security shall, if the person is otherwise eligible under subsection (b)—

"(1) adjust the status to that of a nonimmigrant under section 101(a)(15)(H)(v)(b) for, or provide a nonimmigrant visa to, the spouse or child of an alien who is provided nonimmigrant status under section 101(a)(15)(H)(v)(b); or

"(2) adjust the status to that of a nonimmigrant under section 101(a)(15)(H)(v)(b) for an alien who, before the date on which the Secure America and Orderly Immigration Act was introduced in Congress, was the spouse or child of an alien who is provided nonimmigrant status under section 101(a)(15)(H)(v)(b), or is eligible for such status, if—

"(A) the termination of the qualifying relationship was connected to domestic violence; and

"(B) the spouse or child has been battered or subjected to extreme cruelty by the spouse or parent alien who is provided nonimmigrant status under section 101(a)(15)(H)(v)(b).

"(d) Other Criteria.—

"(1) In general.—An alien may be granted nonimmigrant status under section 101(a)(15)(H)(v)(b), or granted status as the spouse or child of an alien eligible for such status under subsection (c), if the alien establishes that the alien—

"(A) is not inadmissible to the United States under section 212(a), except as provided in paragraph (2); or

"(B) has not ordered, incited, assisted, or otherwise participated in the persecution of any person on account of race, religion, nationality, membership in a particular social group, or political opinion.

"(2) Grounds of inadmissibility.—In determining an alien's admissibility under paragraph (1)(A)—

"(A) paragraphs (5), (6)(A), (6)(B), (6)(C), (6)(F), (6)(G), (7), (9), and (10)(B) of section 212(a) shall not apply for conduct that occurred before the date on which the Secure America and Orderly Immigration Act was introduced;

"(B) the Secretary of Homeland Security may not waive—

"(i) subparagraph (A), (B), (C), (E), (G), (H), or (I) of section 212(a)(2) (relating to criminals);

"(ii) section 212(a)(3) (relating to security and related grounds); or

"(iii) subparagraph (A) or (C) of section 212(a)(10) (relating to polygamists and child abductors);

"(C) for conduct that occurred before the date on which the Secure America and Orderly Immigration Act was introduced, the Secretary of Homeland Security may waive the application of any provision of section 212(a) not listed in subparagraph (B) on behalf of an individual alien for humanitarian purposes, to ensure family unity, or when such waiver is otherwise in the public interest; and

"(D) nothing in this paragraph shall be construed as affecting the authority of the Secretary of Homeland Security other than under this paragraph to waive the provisions of section 212(a).

"(3) Applicability of other provisions.—Sections 240B(d) and 241(a)(5) shall not apply to an alien who is applying for adjustment of status in accordance with this title for conduct that occurred before the date on which the Secure America and Orderly Immigration Act was introduced.

"(e) Employment.—

"(1) In general.—The Secretary of Homeland Security may not adjust the status of an alien to that of a nonimmigrant under section 101(a)(15)(H)(v)(b) unless the alien establishes that the alien—

"(A) was employed in the United States, whether full time, part time, seasonally, or self-employed, before the date on which the Secure America and Orderly Immigration Act was introduced; and

"(B) has been employed in the United States since that date.

"(2) Evidence of employment.—

"(A) Conclusive documents.—An alien may conclusively establish employment status in compliance with paragraph (1) by submitting to the Secretary of Homeland Security records demonstrating such employment maintained by—

"(i) the Social Security Administration, Internal Revenue Service, or by any other Federal, State, or local government agency;

"(ii) an employer; or

"(iii) a labor union, day labor center, or an organization that assists workers in matters related to employment.

"(B) Other documents.—An alien who is unable to submit a document described in clauses (i) through (iii) of subparagraph (A) may satisfy the requirement in paragraph (1) by submitting to the Secretary at least 2 other types of reliable documents that provide evidence of employment, including—

"(i) bank records;

"(ii) business records;

"(iii) sworn affidavits from nonrelatives who have direct knowledge of the alien's work; or

"(iv) remittance records.

"(3) Intent of congress.—It is the intent of Congress that the requirement in this subsection be interpreted and implemented in a manner that recognizes and takes into account the difficulties encountered by aliens in obtaining evidence of employment due to the undocumented status of the alien.

"(4) Burden of proof.—An alien described in paragraph (1) who is applying for adjustment of status under this section has the burden of proving by a preponderance of the evidence that the alien has satisfied the requirements of this subsection. An alien may meet such burden of proof by producing sufficient evidence to demonstrate such employment as a matter of reasonable inference.

"(f) Special Rules for Minors and Individuals Who Entered as Minors.—The employment requirements under this section shall not apply to any alien under 21 years of age.

"(g) Education Permitted.—An alien may satisfy the employment requirements under this section, in whole or in part, by full-time attendance at—

"(1) an institution of higher education (as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)); or

"(2) a secondary school (as defined in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)).

"(h) Security and Law Enforcement Background Checks.—

"(1) Submission of fingerprints.—An alien may not be granted nonimmigrant status under section 101(a)(15)(H)(v)(b), or granted status as the spouse or child of an alien eligible for such status under subsection (c), unless the alien submits fingerprints in accordance with procedures established by the Secretary of Homeland Security.

"(2) Background checks.—The Secretary of Homeland Security shall utilize fingerprints and other data provided by the alien to conduct a background check of such alien relating to criminal, national security, or other law enforcement actions that would render the alien ineligible for adjustment of status as described in this section.

"(3) Expeditious processing.—The background checks required under paragraph (2) shall be conducted as expeditiously as possible.

"(i) Period of Authorized Stay and Application Fee and Fine.—

"(1) Period of authorized stay.—

"(A) In general.—The period of authorized stay for a nonimmigrant described in section 101(a)(15)(H)(v)(b) shall be 6 years.

"(B) Limitation.—The Secretary of Homeland Security may not authorize a change from such nonimmigrant classification to any other immigrant or nonimmigrant classification until the termination of the 6-year period described in subparagraph (A). The Secretary may only extend such period to accommodate the processing of an application for adjustment of status under section 245B.

"(2) Application fee.—The Secretary of Homeland Security shall impose a fee for filing an application for adjustment of status under this section. Such fee shall be sufficient to cover the administrative and other expenses incurred in connection with the review of such applications.

"(3) Fines.—

"(A) In general.—In addition to the fee required under paragraph (2), the Secretary of Homeland Security may accept an application for adjustment of status under this section only if the alien pays a $1,000 fine.

"(B) EXCEPTION.—Fines paid under this paragraph shall not be required from an alien under the age of 21.

"(4) COLLECTION OF FEES AND FINES.—All fees and fines collected under this section shall be deposited in the Treasury in accordance with section 286(w).

"(j) TREATMENT OF APPLICANTS.—

"(1) IN GENERAL.—An alien who files an application under this section, including the alien's spouse or child—

"(A) shall be granted employment authorization pending final adjudication of the alien's application for adjustment of status;

"(B) shall be granted permission to travel abroad;

"(C) may not be detained, determined inadmissible or deportable, or removed pending final adjudication of the alien's application for adjustment of status, unless the alien, through conduct or criminal conviction, becomes ineligible for such adjustment of status; and

"(D) may not be considered an unauthorized alien (as defined in section 274A(h)(3)) until employment authorization under subparagraph (A) is denied.

"(2) BEFORE APPLICATION PERIOD.—If an alien is apprehended after the date of enactment of this section, but before the promulgation of regulations pursuant to this section, and the alien can establish prima facie eligibility as a nonimmigrant under section 101(a)(15)(H)(v)(b), the Secretary of Homeland Security shall provide the alien with a reasonable opportunity, after promulgation of regulations, to file an application for adjustment.

"(3) DURING CERTAIN PROCEEDINGS.—Notwithstanding any provision of this Act, an alien who is in removal proceedings shall have an opportunity to apply for adjustment of status under this title unless a final administrative determination has been made.

"(4) RELATIONSHIPS OF APPLICATION TO CERTAIN ORDERS.—An alien who is present in the United States and has been ordered excluded, deported, removed, or ordered to depart voluntarily from the United States under any provision of this Act may, notwithstanding such order, apply for adjustment of status in accordance with this section. Such an alien shall not be required to file a separate motion to reopen, reconsider, or vacate the exclusion, deportation, removal, or voluntary departure order. If the Secretary of Homeland Security grants the application, the Secretary shall cancel such order. If the Secretary of Homeland Security renders a final administrative decision to deny the application, such order shall be effective and enforceable to the same extent as if the application had not been made.

"(k) ADMINISTRATIVE AND JUDICIAL REVIEW.—

"(1) ADMINISTRATIVE REVIEW.—

"(A) SINGLE LEVEL OF ADMINISTRATIVE APPELLATE REVIEW.—The Secretary of Homeland Security shall establish an appellate authority within the United States Citizenship and Immigration Services to provide for a single level of administrative appellate review of a determination respecting an application for adjustment of status under this section.

"(B) STANDARD FOR REVIEW.—Administrative appellate review referred to in subparagraph (A) shall be based solely upon the administrative record established at the time of the determination on the application and upon the presentation of additional or newly discovered evidence during the time of the pending appeal.

"(2) JUDICIAL REVIEW.—

"(A) IN GENERAL.—There shall be judicial review in the Federal courts of appeal of the denial of an application for adjustment of status under this section. Notwithstanding any other provision of law, the standard for review of such a denial shall be governed by subparagraph (B).

"(B) STANDARD FOR JUDICIAL REVIEW.—Judicial review of a denial of an application under this section shall be based solely upon the administrative record established at the time of the review. The findings of fact and other determinations contained in the record shall be conclusive unless the applicant can establish abuse of discretion or that the findings are directly contrary to clear and convincing facts contained in the record, considered as a whole.

"(C) JURISDICTION OF COURTS.—

"(i) IN GENERAL.—Notwithstanding any other provision of law, the district courts of the United States shall have jurisdiction over any cause or claim arising from a pattern or practice of the Secretary of Homeland Security in the operation or implementation of this section that is arbitrary, capricious, or otherwise contrary to law, and may order any appropriate relief.

"(ii) REMEDIES.—A district court may order any appropriate relief under clause (i) if the court determines that resolution of such cause or claim will serve judicial and administrative efficiency or that a remedy would otherwise not be reasonably available or practicable.

"(3) STAY OF REMOVAL.—Aliens seeking administrative or judicial review under this subsection shall not be removed from the United States until a final decision is rendered establishing ineligibility under this section.

"(l) CONFIDENTIALITY OF INFORMATION.—

"(1) IN GENERAL.—Except as otherwise provided in this subsection, no Federal agency or bureau, nor any officer, employee, or agent of such agency or bureau, may—

"(A) use the information furnished by the applicant pursuant to an application filed under this section for any purpose other than to make a determination on the application;

"(B) make any publication through which the information furnished by any particular applicant can be identified; or

"(C) permit anyone other than the sworn officers and employees of such agency or bureau to examine individual applications.

"(2) REQUIRED DISCLOSURES.—The Secretary of Homeland Security shall provide the information furnished pursuant to an application filed under this section, and any other information derived from such furnished information, to a duly recognized law enforcement entity in connection with a criminal investigation or prosecution or a national security investigation or prosecution, in each instance about an individual suspect or group of suspects, when such information is requested in writing by such entity.

"(3) CRIMINAL PENALTY.—Any person who knowingly uses, publishes, or permits information to be examined in violation of this subsection shall be fined not more than $10,000.

"(m) PENALTIES FOR FALSE STATEMENTS IN APPLICATIONS.—

"(1) CRIMINAL PENALTY.—

"(A) VIOLATION.—It shall be unlawful for any person—

"(i) to file or assist in filing an application for adjustment of status under this section and knowingly and willfully falsify, misrepresent, conceal, or cover up a material fact or make any false, fictitious, or fraudulent statements or representations, or make or use any false writing or document knowing the same to contain any false, fictitious, or fraudulent statement or entry; or

"(ii) to create or supply a false writing or document for use in making such an application.

"(B) PENALTY.—Any person who violates subparagraph (A) shall be fined in accordance with title 18, United States Code, imprisoned not more than 5 years, or both.

"(2) INADMISSIBILITY.—An alien who is convicted of a crime under paragraph (1) shall be considered to be inadmissible to the United States on the ground described in section 212(a)(6)(C)(i).

"(3) EXCEPTION.—Notwithstanding paragraphs (1) and (2), any alien or other entity (including an employer or union) that submits an employment record that contains incorrect data that the alien used in order to obtain such employment before the date on which the Secure America and Orderly Immigration Act is introduced, shall not, on that ground, be determined to have violated this section.".

(b) CLERICAL AMENDMENT.—The table of contents for the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended by inserting after the item relating to section 250 the following:

"Sec. 250A. H-5B nonimmigrants.".

SEC. 1702. ADJUSTMENT OF STATUS FOR H-5B NONIMMIGRANTS.

(a) IN GENERAL.—Chapter 5 of title II of the Immigration and Nationality Act (8 U.S.C. 1255 et seq.) is amended by inserting after section 245A the following:

"ADJUSTMENT OF STATUS OF FORMER H-5B NONIMMIGRANT TO THAT OF PERSON ADMITTED FOR LAWFUL PERMANENT RESIDENCE

"SEC. 245B. (a) REQUIREMENTS.—The Secretary shall adjust the status of an alien from nonimmigrant status under section 101(a)(15)(H)(v)(b) to that of an alien lawfully admitted for permanent residence under this section if the alien satisfies the following requirements:

"(1) COMPLETION OF EMPLOYMENT OR EDUCATION REQUIREMENT.—The alien establishes that the alien has been employed in the United States, either full time, part time, seasonally, or self-employed, or has met the education requirements of subsection (f) or (g) of section 250A during the period required by section 250A(e).

"(2) RULEMAKING.—The Secretary shall establish regulations for the timely filing and processing of applications for adjustment of status for nonimmigrants under section 101(a)(15)(H)(v)(b).

"(3) APPLICATION AND FEE.—The alien who applies for adjustment of status under this section shall pay the following:

"(A) APPLICATION FEE.—An alien who files an application under section 245B of the Immigration and Nationality Act, shall pay an application fee, set by the Secretary.

"(B) ADDITIONAL FINE.—Before the adjudication of an application for adjustment of status filed under this section, an alien who is at least 21 years of age shall pay a fine of $1,000.

"(4) ADMISSIBLE UNDER IMMIGRATION LAWS.—The alien establishes that the alien is not inadmissible under section 212(a), except for any provision of that section that is not applicable or waived under section 250A(d)(2).

"(5) MEDICAL EXAMINATION.—The alien shall undergo, at the alien's expense, an appropriate medical examination (including a determination of immunization status) that conforms to generally accepted professional standards of medical practice.

"(6) Payment of income taxes.—

"(A) In general.—Not later than the date on which status is adjusted under this section, the alien shall establish the payment of all Federal income taxes owed for employment during the period of employment required by section 250A(e) by establishing that—

"(i) no such tax liability exists;

"(ii) all outstanding liabilities have been met; or

"(iii) the alien has entered into an agreement for payment of all outstanding liabilities with the Internal Revenue Service.

"(B) IRS cooperation.—The Commissioner of Internal Revenue shall provide documentation to an alien upon request to establish the payment of all income taxes required by this paragraph.

"(7) Basic citizenship skills.—

"(A) In general.—Except as provided in subparagraph (B), the alien shall establish that the alien—

"(i) meets the requirements of section 312; or

"(ii) is satisfactorily pursuing a course of study to achieve such an understanding of English and knowledge and understanding of the history and government of the United States.

"(B) Relation to naturalization examination.—An alien who demonstrates that the alien meets the requirements of section 312 may be considered to have satisfied the requirements of that section for purposes of becoming naturalized as a citizen of the United States under title III.

"(8) Security and law enforcement background checks.—The Secretary shall conduct a security and law enforcement background check in accordance with procedures described in section 250A(h).

"(9) Military selective service.—The alien shall establish that if the alien is within the age period required under the Military Selective Service Act (50 U.S.C. App. 451 et seq.), that such alien has registered under that Act.

"(b) Treatment of Spouses and Children.—

"(1) Adjustment of status.—Notwithstanding any other provision of law, the Secretary of Homeland Security shall—

"(A) adjust the status to that of a lawful permanent resident under this section, or provide an immigrant visa to the spouse or child of an alien who adjusts status to that of a permanent resident under this section; or

"(B) adjust the status to that of a lawful permanent resident under this section for an alien who was the spouse or child of an alien who adjusts status or is eligible to adjust status to that of a permanent resident under section 245B in accordance with subsection (a), if—

"(i) the termination of the qualifying relationship was connected to domestic violence; and

"(ii) the spouse or child has been battered or subjected to extreme cruelty by the spouse or parent who adjusts status to that of a permanent resident under this section.

"(2) Application of other law.—In acting on applications filed under this subsection with respect to aliens who have been battered or subjected to extreme cruelty, the Secretary of Homeland Security shall apply the provisions of section 204(a)(1)(J) and the protections, prohibitions, and penalties under section 384 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1367).

"(c) Judicial Review; Confidentiality; Penalties.—Subsections (n), (o), and (p) of section 250A shall apply to this section.".

(b) Clerical Amendment.—The table of contents for the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended by inserting after the item relating to section 245A the following:

"Sec. 245B. Adjustment of status of former H-5B nonimmigrant to that of person admitted for lawful permanent residence.".

SEC. 1703. ALIENS NOT SUBJECT TO DIRECT NUMERICAL LIMITATIONS.

Section 201(b)(1) of the Immigration and Nationality Act (8 U.S.C. 1151(b)(1)) is amended—

(1) in subparagraph (A), by striking "subparagraph (A) or (B) of"; and

(2) by adding at the end the following:

"(F) Aliens whose status is adjusted from the status described in section 101(a)(15)(H)(v)(b).".

SEC. 1704. EMPLOYER PROTECTIONS.

(a) Immigration Status of Alien.—Employers of aliens applying for adjustment of status under section 245B or 250A of the Immigration and Nationality Act, as added by this title, shall not be subject to civil and criminal tax liability relating directly to the employment of such alien prior to such alien receiving employment authorization under this title.

(b) Provision of Employment Records.—Employers that provide unauthorized aliens with copies of employment records or other evidence of employment pursuant to an application for adjustment of status under section 245B or 250A of the Immigration and Nationality Act or any other application or petition pursuant to any other immigration law, shall not be subject to civil and criminal liability under section 274A of such Act for employing such unauthorized aliens.

(c) Applicability of Other Law.—Nothing in this section may be used to shield an employer from liability under section 274B of the Immigration and Nationality Act (8 U.S.C. 1324b) or any other labor or employment law.

SEC. 1705. AUTHORIZATION OF APPROPRIATIONS.

(a) In General.—There are authorized to be appropriated to the Secretary of Homeland Security such sums as may be necessary to carry out this title and the amendments made by this title.

(b) Availability of Funds.—Funds appropriated pursuant subsection (a) shall remain available until expended.

(c) Sense of Congress.—It is the sense of Congress that funds authorized to be appropriated under subsection (a) should be directly appropriated so as to facilitate the orderly and timely commencement of the processing of applications filed under sections 245B and 250A of the Immigration and Nationality Act, as added by this Act.

TITLE VIII—PROTECTION AGAINST IMMIGRATION FRAUD

SEC. 1801. RIGHT TO QUALIFIED REPRESENTATION.

Section 292 of the Immigration and Nationality Act (8 U.S.C. 1362) is amended to read as follows:

"RIGHT TO QUALIFIED REPRESENTATION IN IMMIGRATION MATTERS

"Sec. 292. (a) Authorized Representatives in Immigration Matters.—Only the following individuals are authorized to represent an individual in an immigration matter before any Federal agency or entity:

"(1) An attorney.

"(2) A law student who is enrolled in an accredited law school, or a graduate of an accredited law school who is not admitted to the bar, if—

"(A) the law student or graduate is appearing at the request of the individual to be represented;

"(B) in the case of a law student, the law student has filed a statement that the law student is participating, under the direct supervision of a faculty member, attorney, or accredited representative, in a legal aid program or clinic conducted by a law school or nonprofit organization, and that the law student is appearing without direct or indirect remuneration from the individual the law student represents;

"(C) in the case of a graduate, the graduate has filed a statement that the graduate is appearing under the supervision of an attorney or accredited representative and that the graduate is appearing without direct or indirect remuneration from the individual the graduate represents; and

"(D) the law student's or graduate's appearance is—

"(i) permitted by the official before whom the law student or graduate wishes to appear; and

"(ii) accompanied by the supervising faculty member, attorney, or accredited representative, to the extent required by such official.

"(3) Any reputable individual, if—

"(A) the individual is appearing on an individual case basis, at the request of the individual to be represented;

"(B) the individual is appearing without direct or indirect remuneration and the individual files a written declaration to that effect, except as described in subparagraph (D);

"(C) the individual has a pre-existing relationship or connection with the individual entitled to representation, such as a relative, neighbor, clergyman, business associate, or personal friend, except that this requirement may be waived, as a matter of administrative discretion, in cases where adequate representation would not otherwise be available; and

"(D) if making a personal appearance on behalf of another individual, the appearance is permitted by the official before whom the individual wishes to appear, except that such permission shall not be granted with respect to any individual who regularly engages in immigration and naturalization practice or preparation, or holds himself or herself out to the public as qualified to do so.

"(4) An individual representing a recognized organization (as described in subsection (f)) who has been approved to serve as an accredited representative by the Board of Immigration Appeals under subsection (f)(2).

"(5) An accredited official, in the United States, of the government to which an alien owes allegiance, if the official appears solely in his or her official capacity and with the consent of the person to be represented.

"(6) An individual who is licensed to practice law and is in good standing in a court of general jurisdiction of the country in which the individual resides and who is engaged in such practice, if the person represents persons only in matters outside the United States and that the official before whom such person wishes to appear allows such representation, as a matter of discretion.

"(7) An attorney, or an organization represented by an attorney, may appear, on a case-by-case basis, as amicus curiae, if the Board of Immigration Appeals grants such permission and the public interest will be served by such appearance.

"(b) Former Employees.—No individual previously employed by the Department of

Justice, Department of State, Department of Labor, or Department of Homeland Security may be permitted to act as an authorized representative under this section, if such authorization would violate any other applicable provision of Federal law or regulation. In addition, any application for such authorization must disclose any prior employment by or contract with such agencies for services of any nature.

"(c) ADVERTISING.—Only an attorney or an individual approved under subsection (f)(2) as an accredited representative may advertise or otherwise hold themselves out as being able to provide representation in an immigration matter. This provision shall in no way be deemed to diminish any Federal or State law to regulate, control, or enforce laws regarding such advertisement, solicitation, or offer of representation.

"(d) REMOVAL PROCEEDINGS.—In any proceeding for the removal of an individual from the United States and in any appeal proceedings from such proceeding, the individual shall have the privilege, as the individual shall choose, of being represented (at no expense to the Government) by an individual described in subsection (a). Representation by an individual other than a person described in subsection (a) may cause the representative to be subject to civil penalties or such other penalties as may be applicable.

"(e) BENEFITS FILINGS.—In any filing or submission for an immigration related benefit or a determination related to the immigration status of an individual made to the Department of Homeland Security, the Department of Labor, or the Department of State, the individual shall have the privilege, as the individual shall choose, of being represented (at no expense to the Government) by an individual described in subsection (a). Representation by an individual other than an individual described in subsection (a) is cause for the representative to be subject to civil or criminal penalties, as may be applicable.

"(f) RECOGNIZED ORGANIZATIONS AND ACCREDITED REPRESENTATIVES.—

"(1) RECOGNIZED ORGANIZATIONS.—

"(A) IN GENERAL.—The Board of Immigration Appeals may determine that a person is a recognized organization if such person—

"(i) is a nonprofit religious, charitable, social service, or similar organization established in the United States that—

"(I) is recognized by the Board of Immigration Appeals; and

"(II) is authorized to designate a representative to appear in an immigration matter before the Department of Homeland Security or the Executive Office for Immigration Review of the Department of Justice; and

"(ii) demonstrates to the Board that such person—

"(I) makes only nominal charges and assesses no excessive membership dues for individuals given assistance; and

"(II) has at its disposal adequate knowledge, information, and experience.

"(B) BONDING.—The Board, in its discretion, may impose a bond requirement on new organizations seeking recognition.

"(C) REPORTING OBLIGATIONS.—Recognized organizations shall promptly notify the Board when the organization no longer meets the requirements for recognition or when an accredited representative employed by the recognized organization ceases to be employed by the recognized organization.

"(2) ACCREDITED REPRESENTATIVES.—The Board of Immigration Appeals shall approve any qualified individual designated by a recognized organization to serve as an accredited representative. Such individual must be employed by the recognized organization and must meet all requirements set forth in this section and in the accompanying regulations to be authorized to represent individuals in an immigration matter. Accredited representatives, through their recognized organizations, must certify their continuing eligibility for accreditation every 3 years with the Board of Immigration Appeals. Accredited representatives who fail to comply with these requirements shall not have authority to represent persons in an immigration matter for the recognized organization.

"(g) PROHIBITED ACTS.—An individual, other than an individual authorized to represent an individual under this section, may not—

"(1) directly or indirectly provide or offer representation regarding an immigration matter for compensation or contribution;

"(2) advertise or solicit representation in an immigration matter;

"(3) retain any compensation provided for a prohibited act described in paragraph (1) or (2), regardless of whether any petition, application, or other document was filed with any government agency or entity and regardless of whether a petition, application, or other document was prepared or represented to have been prepared by such individual;

"(4) represent directly or indirectly that the individual is an attorney or supervised by or affiliated with an attorney, when such representation is false; or

"(5) violate any applicable civil or criminal statute or regulation of a State regarding the provision of representation by providing or offering to provide immigration or immigration-related assistance referenced in this subsection.

"(h) CIVIL ENFORCEMENT.—

"(1) IN GENERAL.—Any person, or any entity acting for the interests of itself, its members, or the general public (including a Federal law enforcement official or agency or law enforcement official or agency of any State or political subdivision of a State), that has reason to believe that any person is being or has been injured by reason of a violation of subsection (g) may commence a civil action in any court of competent jurisdiction.

"(2) REMEDIES.—

"(A) DAMAGES.—In any civil action brought under this subsection, if the court finds that the defendant has violated subsection (g), it shall award actual damages, plus the greater of—

"(i) an amount treble the amount of actual damages; or

"(ii) $1,000 per violation.

"(B) INJUNCTIVE RELIEF.—The court may award appropriate injunctive relief, including temporary, preliminary, or permanent injunctive relief, and restitution. Injunctive relief may include, where appropriate, an order temporarily or permanently enjoining the defendant from providing any service to any person in any immigration matter. The court may make such orders or judgments, including the appointment of a receiver, as may be necessary to prevent the commission of any act described in subsection (g).

"(C) ATTORNEY'S FEES.—The court shall also grant a prevailing plaintiff reasonable attorney's fees and costs, including expert witness fees.

"(D) CIVIL PENALTIES.—The court may also assess a civil penalty not exceeding $50,000 for a first violation, and not exceeding $100,000 for subsequent violations.

"(E) CUMULATIVE REMEDIES.—Unless otherwise expressly provided, the remedies or penalties provided under this paragraph are cumulative to each other and to the 'remedies or penalties available under all other Federal laws or laws of the jurisdiction where the violation occurred.

"(3) NONPREEMPTION.—Nothing in this subsection shall be construed to preempt any other private right of action or any right of action pursuant to the laws of any jurisdiction.

"(4) DISCOVERY.—Information obtained through discovery in a civil action under this subsection shall not be used in any criminal action. Upon the request of any party to a civil action under this subsection, any part of the court file that makes reference to information discovered in a civil action under this subsection may be sealed.

"(i) NONPREEMPTION OF MORE PROTECTIVE STATE AND LOCAL LAWS.—The provisions of this section supersede laws, regulations, and municipal ordinances of any State only to the extent such laws, regulations, and municipal ordinances impede the application of any provision of this section. Any State or political subdivision of a State may impose requirements supplementing those imposed by this section.

"(j) DEFINITIONS.—As used in this section—

"(1) the term 'attorney' means a person who—

"(A) is a member in good standing of the bar of the highest court of a State; and

"(B) is not under any order of any court suspending, enjoining, restraining, disbarring, or otherwise restricting such person in the practice of law;

"(2) the term 'compensation' means money, property, labor, promise of payment, or any other consideration provided directly or indirectly to an individual

"(3) the term 'immigration matter' means any proceeding, filing, or action affecting the immigration or citizenship status of any person, which arises under any immigration or nationality law, Executive order, Presidential proclamation, or action of any Federal agency;

"(4) the term 'representation', when used with respect to the representation of a person, includes—

"(A) the appearance, either in person or through the preparation or filing of any brief or other document, paper, application, or petition on behalf of another person or client, before any Federal agency or officer; and

"(B) the study of the facts of a case and the applicable laws, coupled with the giving of advice and auxiliary activities, including the incidental preparation of papers; and

"(5) the term 'State' includes a State or an outlying possession of the United States.".

SEC. 1802. PROTECTION OF WITNESS TESTIMONY.

(a) DEFINITION.—Section 101(a)(15)(U)(i) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(i)) is amended—

(1) by inserting in subclause (I) after the phrase "clause (iii)" the following: "or has suffered substantial financial, physical, or mental harm as the result of a prohibited act described in section 292;"

(2) by inserting in subclause (II) after the phrase "clause (iii)" the following: "or section 292";

(3) by inserting in subclause (III) after the phrase "clause (iii)" the following: "or section 292"; and

(4) by inserting in subclause (IV) after the phrase "clause (iii)" the following: "or section 292".

(b) ADMISSION OF NONIMMIGRANTS.—Section 214(p) of the Immigration and Nationality Act of (8 U.S.C. 1184(p)) is amended—

(1) in paragraph (1), by inserting "or section 274E" after "section 101(a)(15)(U)(iii)" each place it appears; and

(2) in paragraph (2)(A), by striking "10,000" and inserting "15,000".

TITLE IX—CIVICS INTEGRATION

SEC. 1901. FUNDING FOR THE OFFICE OF CITIZENSHIP.

(a) AUTHORIZATION.—The Secretary of Homeland Security, acting through the Director of the Bureau of Citizenship and Immigration Services, is authorized to establish the United States Citizenship Foundation (referred to in this section as the "Foundation"), an organization duly incorporated in the District of Columbia, exclusively for charitable and educational purposes to support the functions of the Office of Citizenship (as described in section 451(f)(2) of the Homeland Security Act of 2002 (6 U.S.C. 271(f)(2)).

(b) GIFTS.—

(1) TO FOUNDATION.—The Foundation may solicit, accept, and make gifts of money and other property in accordance with section 501(c)(3) of the Internal Revenue Code of 1986.

(2) FROM FOUNDATION.—The Office of Citizenship may accept gifts from the Foundation to support the functions of the Office.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out the mission of the Office of Citizenship.

SEC. 1902. CIVICS INTEGRATION GRANT PROGRAM.

(a) IN GENERAL.—The Secretary of Homeland Security shall establish a competitive grant program to fund—

(1) efforts by entities certified by the Office of Citizenship to provide civics and English as a second language courses; or

(2) other activities approved by the Secretary to promote civics and English as a second language.

(b) ACCEPTANCE OF GIFTS.—The Secretary may accept and use gifts from the United States Citizenship Foundation for grants under this section.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

TITLE X—PROMOTING ACCESS TO HEALTH CARE

SEC. 2001. FEDERAL REIMBURSEMENT OF EMERGENCY HEALTH SERVICES FURNISHED TO UNDOCUMENTED ALIENS.

Section 1011 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (42 U.S.C. 1395dd note) is amended—

(1) by striking "2008" and inserting "2011"; and

(2) in subsection (c)(5), by adding at the end the following:

"(D) Nonimmigrants described in section 101(a)(15)(H)(v) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(v)".

SEC. 2002. PROHIBITION AGAINST OFFSET OF CERTAIN MEDICARE AND MEDICAID PAYMENTS.

Payments made under section 1011 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (42 U.S.C. 1395dd note)—

(1) shall not be considered "third party coverage" for the purposes of section 1923 of the Social Security Act (42 U.S.C. 1396r-4); and

(2) shall not impact payments made under such section of the Social Security Act.

SEC. 2003. PROHIBITION AGAINST DISCRIMINATION AGAINST ALIENS ON THE BASIS OF EMPLOYMENT IN HOSPITAL-BASED VERSUS NONHOSPITAL-BASED SITES.

Section 214(l)(1)(C) of the Immigrant and Nationality Act (8 U.S.C. 1184(l)(1)(C) is amended—

(1) in clause (i), by striking "and" at the end; and

(2) by adding at the end the following:

"(iii) such interested Federal agency or interested State agency, in determining which aliens will be eligible for such waivers, does not utilize selection criteria, other than as described in this subsection, that discriminate on the basis of the alien's employment in a hospital-based versus nonhospital-based facility or organization; and".

SEC. 2004. BINATIONAL PUBLIC HEALTH INFRASTRUCTURE AND HEALTH INSURANCE.

(a) STUDY.—

(1) IN GENERAL.—The Secretary of Health and Human Services shall contract with the Institute of Medicine of the National Academies (referred to in this section as the "Institute") to study binational public health infrastructure and health insurance efforts.

(2) INPUT.—In conducting the study under paragraph (1), the Institute shall solicit input from border health experts and health insurance companies.

(b) REPORT.—

(1) IN GENERAL.—Not later than 1 year after the date on which the Secretary of Health and Human Services enters into a contract under subsection (a), the Institute shall submit a report concerning the study conducted under subsection (a) to the Secretary of Health and Human Services and the appropriate committees of Congress.

(2) CONTENTS.—The report submitted under paragraph (1) shall include the recommendations of the Institute on ways to expand or improve binational public health infrastructure and health insurance efforts.

TITLE XI—MISCELLANEOUS

SEC. 2101. SUBMISSION TO CONGRESS OF INFORMATION REGARDING H-5A NONIMMIGRANTS.

(a) ENSURING ACCURATE COUNT.—The Secretary of State and the Secretary of Homeland Security shall maintain an accurate count of the number of aliens subject to the numerical limitations under section 214(g)(1)(C) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(1)(C)) who are issued visas or otherwise provided nonimmigrant status.

(b) PROVISION OF INFORMATION.—

(1) QUARTERLY NOTIFICATION.—Beginning with the first fiscal year after regulations are promulgated to implement this Act, the Secretary of State and the Secretary of Homeland Security shall submit quarterly reports to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives containing the numbers of aliens who were issued visas or otherwise provided nonimmigrant status under section 101(a)(15)(H)(v)(a) of the Immigrant and Nationality Act (8 U.S.C. 1101(a)(15)(H)(v)(a)) during the preceding 3-month period.

(2) ANNUAL SUBMISSION.—Beginning with the first fiscal year after regulations are promulgated to implement this Act, the Secretary of Homeland Security shall submit annual reports to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives, containing information on the countries of origin and occupations of, geographic area of employment in the United States, and compensation paid to, aliens who were issued visas or otherwise provided nonimmigrant status under such section 101(a)(15)(H)(v)(a). The Secretary shall compile such reports based on the data reported by employers to the Employment Eligibility Confirmation System established in section 402.

SEC. 2102. H-5 NONIMMIGRANT PETITIONER ACCOUNT.

Section 286 of the Immigration and Nationality Act (8 U.S.C. 1356) is amended by adding at the end the following:

"(w)(1) There is established in the general fund of the Treasury of the United States an account, which shall be known as the 'H-5 Nonimmigrant Petitioner Account'.

"(2) There shall be deposited as offsetting receipts into the H-5 Nonimmigrant Petitioners Account—

"(A) all fees collected under section 218A; and

"(B) all fines collected under section 212(n)(2)(I).

"(3) Of the fees and fines deposited into the H-5 Nonimmigrant Petitioner Account—

"(A) 53 percent shall remain available to the Secretary of Homeland Security for efforts related to the adjudication and implementation of the H-5 visa programs described in sections 221(a) and 250A and any other efforts necessary to carry out the provisions of the Secure America and Orderly Immigration Act and the amendments made by such Act, of which the Secretary shall allocate—

"(i) 10 percent shall remain available to the Secretary of Homeland Security for the border security efforts described in title I of the Secure America and Orderly Immigration Act.

"(ii) not more than 1 percent to promote public awareness of the H-5 visa program, to protect migrants from fraud, and to combat the unauthorized practice of law described in title III of the Secure America and Orderly Immigration Act;

"(iii) not more than 1 percent to the Office of Citizenship to promote civics integration activities described in section 901 of the Secure America and Orderly Immigration Act; and

"(iv) 2 percent for the Civics Integration Grant Program under section 902 of the Secure America and Orderly Immigration Act.

"(B) 15 percent shall remain available to the Secretary of Labor for the enforcement of labor standards in those geographic and occupational areas in which H-5A visa holders are likely to be employed and for other enforcement efforts under the Secure America and Orderly Immigration Act;

"(C) 15 percent shall remain available to the Commissioner of Social Security for the creation and maintenance of the Employment Eligibility Confirmation System described in section 402 of the Secure America and Orderly Immigration Act;

"(D) 15 percent shall remain available to the Secretary of State to carry out any necessary provisions of the Secure America and Orderly Immigration Act; and

"(E) 2 percent shall remain available to the Secretary of Health and Human Services for the reimbursement of hospitals serving individuals working under programs established in this Act.".

SEC. 2103. ANTI-DISCRIMINATION PROTECTIONS.

Section 274B(a)(3)(B) of the Immigration and Nationality Act (8 U.S.C. 1324b(a)(3)(B)) is amended to read as follows:

"(B) is an alien who is—

"(i) lawfully admitted for permanent residence;

"(ii) granted the status of an alien lawfully admitted for temporary residence under section 210(a) or 245(a)(1);

"(iii) admitted as a refugee under section 207;

"(iv) granted asylum under section 208; or

"(v) granted the status of nonimmigrant under section 101(a)(15)(H)(v).".

SEC. 2104. WOMEN AND CHILDREN AT RISK OF HARM.

(a) Certain Children and Women at Risk of Harm.—Section 101(a)(27) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)) is amended—

(1) in subparagraph (L), by inserting a semicolon at the end;

(2) in subparagraph (M), by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following:

"(N) subject to subsection (j), an immigrant who is not present in the United States—

"(i) who is—

"(I) referred to a consular, immigration, or other designated official by a United States Government agency, an international organization, or recognized nongovernmental entity designated by the Secretary of State for purposes of such referrals; and

"(II) determined by such official to be a minor under 18 years of age (as determined under subsection (j)(5))—

"(aa) for whom no parent or legal guardian is able to provide adequate care;

"(bb) who faces a credible fear of harm related to his or her age;

"(cc) who lacks adequate protection from such harm; and

"(dd) for whom it has been determined to be in his or her best interests to be admitted to the United States; or

"(ii) who is—

"(I) referred to a consular or immigration official by a United States Government agency, an international organization or recognized nongovernmental entity designated by the Secretary of State for purposes of such referrals; and

"(II) determined by such official to be a female who has—

"(aa) a credible fear of harm related to her sex; and

"(bb) a lack of adequate protection from such harm.".

(b) Statutory Construction.—Section 101 of the Immigration and Nationality Act (8 U.S.C. 1101) is amended by adding at the end the following:

"(j)(1) No natural parent or prior adoptive parent of any alien provided special immigrant status under subsection (a)(27)(N)(i) shall thereafter, by virtue of such parentage, be accorded any right, privilege, or status under this Act.

"(2)(A) No alien who qualifies for a special immigrant visa under subsection (a)(27)(N)(ii) may apply for derivative status or petition for any spouse who is represented by the alien as missing, deceased, or the source of harm at the time of the alien's application and admission. The Secretary of Homeland Security may waive this requirement for an alien who demonstrates that the alien's representations regarding the spouse were bona fide.

"(B) An alien who qualifies for a special immigrant visa under subsection (a)(27)(N) may apply for derivative status or petition for any sibling under the age of 18 years or children under the age of 18 years of any such alien, if accompanying or following to join the alien. For purposes of this subparagraph, a determination of age shall be made using the age of the alien on the date the petition is filed with the Department of Homeland Security.

"(3) An alien who qualifies for a special immigrant visa under subsection (a)(27)(N) shall be treated in the same manner as a refugee solely for purposes of section 412.

"(4) The provisions of paragraphs (4), (5), and (7)(A) of section 212(a) shall not be applicable to any alien seeking admission to the United States under subsection (a)(27)(N), and the Secretary of Homeland Security may waive any other provision of such section (other than paragraph (2)(C) or subparagraph (A), (B), (C), or (E) of paragraph (3)) with respect to such an alien for humanitarian purposes, to assure family unity, or when it is otherwise in the public interest. Any such waiver by the Secretary of Homeland Security shall be in writing and shall be granted only on an individual basis following an investigation. The Secretary of Homeland Security shall provide for the annual reporting to Congress of the number of waivers granted under this paragraph in the previous fiscal year and a summary of the reasons for granting such waivers.

"(5) For purposes of subsection (a)(27)(N)(i)(II), a determination of age shall be made using the age of the alien on the date on which the alien was referred to the consular, immigration, or other designated official.

"(6) The Secretary of Homeland Security shall waive any application fee for a special immigrant visa for an alien described in section 101(a)(27)(N).".

(c) Allocation of Special Immigrant Visas.—Section 203(b)(4) of the Immigration Nationality Act (8 U.S.C. 1153(b)(4)) is amended by striking "(A) or (B) thereof" and inserting "(A), (B), or (N) of such section".

(d) Expedited Process.—Not later than 45 days after the date of referral to a consular, immigration, or other designated official as described in section 101(a)(27)(N) of the Immigration and Nationality Act, as added by subsection (a), special immigrant status shall be adjudicated and, if granted, the alien shall be—

(1) paroled to the United States pursuant to section 212(d)(5) of that Act (8 U.S.C. 1182(d)(5)); and

(2) allowed to apply for adjustment of status to permanent residence under section 245 of that Act (8 U.S.C. 1255) not later than 1 year after the alien's arrival in the United States.

(e) Requirement Prior to Entry Into the Untied States.—

(1) Database search.—An alien may not be admitted to the United States under this section or an amendment made by this section until the Secretary of Homeland Security has ensured that a search of each database maintained by an agency or department of the United States has been conducted to determine whether such alien is ineligible to be admitted to the Untied States on criminal, security, or related grounds.

(2) Cooperation and schedule.—The Secretary of Homeland Security and the head of each appropriate agency or department of the United States shall work cooperatively to ensure that each database search required by paragraph (1) is completed not later than 45 days after the date on which an alien files a petition seeking a special immigration visa under section 101(a)(27)(N) of the Immigration and Nationality Act, as added by subsection (a).

(f) Requirement After Entry Into the United States.—

(1) Requirement to submit fingerprints.—

(A) In general.—Not later than 30 days after the date that an alien enters the United States under this section or an amendment made by this section, the alien shall be fingerprinted and submit to the Secretary of Homeland Security such fingerprints and any other personal biometric data required by the Secretary.

(B) Other requirements.—The Secretary of Homeland Security may prescribe regulations that permit fingerprints submitted by an alien under section 262 of the Immigration and Nationality Act (8 U.S.C. 1302) or any other provision of law to satisfy the requirement to submit fingerprints under subparagraph (A).

(2) Database search.—The Secretary of Homeland Security shall ensure that a search of each database that contains fingerprints that is maintained by an agency or department of the United States be conducted to determine whether such alien is ineligible for an adjustment of status under any provision of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) on criminal, security, or related grounds.

(3) Cooperation and schedule.—The Secretary of Homeland Security and the head of each appropriate agency or department of the United States shall work cooperatively to ensure that each database search required under paragraph (2) is completed not later than 180 days after the date on which the alien enters the United States.

(4) Administrative and judicial review.—

(A) Administrative review.—An alien who is admitted to the United States under this section or an amendment made by this section who is determined to be ineligible for an adjustment of status pursuant to section 212 of the Immigration and Nationality Act (8 U.S.C. 1182) may appeal such a determination through the Administrative Appeals Office of the Bureau of Citizenship and Immigration Services of the Department of Homeland Security. The Secretary of Homeland Security shall ensure that a determination on such appeal is made not later than 60 days after the date on which the appeal is filed.

(B) Judicial review.—Nothing in this section, or in an amendment made by this section, may preclude application of section 242(a)(2)(B) of the Immigration and Nationality Act (8 U.S.C. 1252(a)(2)(B)).

(g) Report to Congress.—Not later than 1 year after the date of enactment of this Act, the Secretary of Homeland Security shall report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives on the progress of the implementation of this section and the amendments made by this section, including—

(1) data related to the implementation of this section and the amendments made by this section;

(2) data regarding the number of placements of females and children who faces a credible fear of harm as referred to in section 101(a)(27)(N) of the Immigration and Nationality Act, as added by subsection (a); and

(3) any other information that the Secretary of Homeland Security determines to be appropriate.

(h) Authorization of Appropriations.—There are authorized to be appropriated such sums as may be necessary to carry out this section and the amendments made by this section.

SEC. 2105. EXPANSION OF S VISA.

(a) Expansion of S Visa Classification.—Section 101(a)(15)(S) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(S)) is amended—

(1) in clause (i)—

(A) by striking "Attorney General" each place that term appears and inserting "Secretary of Homeland Security"; and

(B) by striking "or" at the end; and

(2) in clause (ii)—

(A) by striking "Attorney General" and inserting "Secretary of Homeland Security"; and

(B) by striking "1956," and all that follows through "the alien;" and inserting the following: "1956; or

"(iii) who the Secretary of Homeland Security and the Secretary of State, in consultation with the Director of Central Intelligence, jointly determine—

"(I) is in possession of critical reliable information concerning the activities of governments or organizations, or their agents, representatives, or officials, with respect to weapons of mass destruction and related delivery systems, if such governments or organizations are at risk of developing, selling, or transferring such weapons or related delivery systems; and

"(II) is willing to supply or has supplied, fully and in good faith, information described in subclause (I) to appropriate persons within the United States Government;

and, if the Secretary of Homeland Security (or with respect to clause (ii), the Secretary of State and the Secretary of Homeland Security jointly) considers it to be appropriate, the spouse, married and unmarried sons and daughters, and parents of an alien described in clause (i), (ii), or (iii) if accompanying, or following to join, the alien;".

(b) NUMERICAL LIMITATION.—Section 214(k)(1) of the Immigration and Nationality Act (8 U.S.C. 1184(k)(1)) is amended to read as follows:

"(1) The number of aliens who may be provided a visa as nonimmigrants under section 101(a)(15)(S) in any fiscal year may not exceed 3,500.".

SEC. 2106. VOLUNTEERS.

It is not a violation of clauses (ii), (iii), or (iv) of subparagraph (A) for a religious denomination described in section 101(a)(27)(C)(i) or an affiliated religious organization described in section 101(a)(27)(C)(ii)(III), or their agents or officers, to encourage, invite, call, allow, or enable an alien, who is already present in the United States in violation of law to carry on the violation described in section 101(a)(27)(C)(ii)(I), as a volunteer who is not compensated as an employee, notwithstanding the provision of room, board, travel, and other basic living expenses.

SA 181. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 144 submitted by Mr. SESSIONS and intended to be proposed to the amendment SA 100 proposed by Mr. REID (for Mr. BAUCUS) to the bill H.R. 2, to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage; which was ordered to lie on the table; as follows:

In lieu of the matter to be inserted, insert the following:

DIVISION B—IMMIGRATION REFORM

SECTION 1001. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This division may be cited as the "Secure America and Orderly Immigration Act".

(b) TABLE OF CONTENTS.—The table of contents for this division is as follows:

DIVISION B—IMMIGRATION REFORM
Sec. 1001. Short title; table of contents.
Sec. 1002. Findings.
TITLE I—BORDER SECURITY
Sec. 1101. Definitions.
Subtitle A—Border Security Strategic Planning
Sec. 1111. National Strategy for Border Security.
Sec. 1112. Reports to Congress.
Sec. 1113. Authorization of appropriations.
Subtitle B—Border Infrastructure, Technology Integration, and Security Enhancement
Sec. 1121. Border security coordination plan.
Sec. 1122. Border security advisory committee.
Sec. 1123. Programs on the use of technologies for border security.
Sec. 1124. Combating human smuggling.
Sec. 1125. Savings clause.
Subtitle C—International Border Enforcement
Sec. 1131. North American Security Initiative.
Sec. 1132. Information sharing agreements.
Sec. 1133. Improving the security of Mexico's southern border.
TITLE II—STATE CRIMINAL ALIEN ASSISTANCE
Sec. 1201. State criminal alien assistance program authorization of appropriations.
Sec. 1202. Reimbursement of States for indirect costs relating to the incarceration of illegal aliens.
Sec. 1203. Reimbursement of States for preconviction costs relating to the incarceration of illegal aliens.
TITLE III—ESSENTIAL WORKER VISA PROGRAM
Sec. 1301. Essential workers.
Sec. 1302. Admission of essential workers.
Sec. 1303. Employer obligations.
Sec. 1304. Protection for workers.
Sec. 1305. Market-based numerical limitations.
Sec. 1306. Adjustment to lawful permanent resident status.
Sec. 1307. Essential Worker Visa Program Task Force.
Sec. 1308. Willing worker-willing employer electronic job registry.
Sec. 1309. Authorization of appropriations.
TITLE IV—ENFORCEMENT
Sec. 1401. Document and visa requirements.
Sec. 1402. Employment Eligibility Confirmation System.
Sec. 1403. Improved entry and exit data system.
Sec. 1404. Department of labor investigative authorities.
Sec. 1405. Protection of employment rights.
Sec. 1406. Increased fines for prohibited behavior.
TITLE V—PROMOTING CIRCULAR MIGRATION PATTERNS
Sec. 1501. Labor migration facilitation programs.
Sec. 1502. Bilateral efforts with Mexico to reduce migration pressures and costs.
TITLE VI—FAMILY UNITY AND BACKLOG REDUCTION
Sec. 1601. Elimination of existing backlogs.
Sec. 1602. Country limits.
Sec. 1603. Allocation of immigrant visas.
Sec. 1604. Relief for children and widows.
Sec. 1605. Amending the affidavit of support requirements.
Sec. 1606. Discretionary authority.
Sec. 1607. Family unity.
TITLE VII—H-5B NONIMMIGRANTS
Sec. 1701. H–5B nonimmigrants.
Sec. 1702. Adjustment of status for H–5B nonimmigrants.
Sec. 1703. Aliens not subject to direct numerical limitations.
Sec. 1704. Employer protections.
Sec. 1705. Authorization of appropriations.
TITLE VIII—PROTECTION AGAINST IMMIGRATION FRAUD
Sec. 1801. Right to qualified representation.
Sec. 1802. Protection of witness testimony.
TITLE IX—CIVICS INTEGRATION
Sec. 1901. Funding for the Office of Citizenship.
Sec. 1902. Civics integration grant program.
TITLE X—PROMOTING ACCESS TO HEALTH CARE
Sec. 2001. Federal reimbursement of emergency health services furnished to undocumented aliens.
Sec. 2002. Prohibition against offset of certain medicare and medicaid payments.
Sec. 2003. Prohibition against discrimination against aliens on the basis of employment in hospital-based versus nonhospital-based sites.
Sec. 2004. Binational public health infrastructure and health insurance.
TITLE XI—MISCELLANEOUS
Sec. 2101. Submission to congress of information regarding H–5A nonimmigrants.
Sec. 2102. H–5 nonimmigrant petitioner account.
Sec. 2103. Anti-discrimination protections.
Sec. 2104. Women and children at risk of harm.
Sec. 2105. Expansion of S visa.
Sec. 2106. Volunteers.

SEC. 1002. FINDINGS.

Congress makes the following findings:

(1) The Government of the United States has an obligation to its citizens to secure its borders and ensure the rule of law in its communities.

(2) The Government of the United States must strengthen international border security efforts by dedicating adequate and significant resources for technology, personnel, and training for border region enforcement.

(3) Federal immigration policies must adhere to the United States tradition as a nation of immigrants and reaffirm this Nation's commitment to family unity, economic opportunity, and humane treatment.

(4) Immigrants have contributed significantly to the strength and economic prosperity of the United States and action must be taken to ensure their fair treatment by employers and protection against fraud and abuse.

(5) Current immigration laws and the enforcement of such laws are ineffective and do not serve the people of the United States, the national security interests of the United States, or the economic prosperity of the United States.

(6) The United States cannot effectively carry out its national security policies unless the United States identifies undocumented immigrants and encourages them to come forward and participate legally in the economy of the United States.

(7) Illegal immigration fosters other illegal activity, including human smuggling, trafficking, and document fraud, all of which undermine the national security interests of the United States.

(8) Illegal immigration burdens States and local communities with hundreds of millions of dollars in uncompensated expenses for law enforcement, health care, and other essential services.

(9) Illegal immigration creates an underclass of workers who are vulnerable to fraud and exploitation.

(10) Fixing the broken immigration system requires a comprehensive approach that provides for adequate legal channels for immigration and strong enforcement of immigration laws which will serve the economic, social, and security interests of the United States.

(11) Foreign governments, particularly those that share an international border with the United States, must play a critical role in securing international borders and deterring illegal entry of foreign nationals into the United States.

(12) Federal immigration policy should foster economic growth by allowing willing workers to be matched with willing employers when no United States worker is available to take a job.

(13) Immigration reform is a key component to achieving effective enforcement and will allow for the best use of security and enforcement resources to be focused on the greatest risks.

(14) Comprehensive immigration reform and strong enforcement of immigration laws will encourage legal immigration, deter illegal immigration, and promote the economic and national security interests of the United States.

TITLE I—BORDER SECURITY

SEC. 1101. DEFINITIONS.

In this title:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means—

(A) the Committee on Homeland Security and Governmental Affairs of the Senate;

(B) the Committee on the Judiciary of the Senate;

(C) the Committee on Homeland Security of the House of Representatives; and

(D) the Committee on the Judiciary of the House of Representatives.

(2) INTERNATIONAL BORDER OF THE UNITED STATES.—The term "international border of the United States" means the international border between the United States and Canada and the international border between the United States and Mexico, including points of entry along such international borders.

(3) SECRETARY.—Except as otherwise provided, the term "Secretary" means the Secretary of Homeland Security.

(4) SECURITY PLAN.—The term "security plan" means a security plan developed as part of the National Strategy for Border Security set forth under section 111(a) for the Border Patrol and the field offices of the Bureau of Customs and Border Protection of the Department of Homeland Security that has responsibility for the security of any portion of the international border of the United States.

Subtitle A—Border Security Strategic Planning

SEC. 1111. NATIONAL STRATEGY FOR BORDER SECURITY.

(a) IN GENERAL.—In conjunction with strategic homeland security planning efforts, the Secretary shall develop, implement, and update, as needed, a National Strategy for Border Security that includes a security plan for the Border Patrol and the field offices of the Bureau of Customs and Border Protection of the Department of Homeland Security that has responsibility for the security of any portion of the international border of the United States.

(b) CONTENTS.—The National Strategy for Border Security shall include—

(1) the identification and evaluation of the points of entry and all portions of the international border of the United States that, in the interests of national security and enforcement, must be protected from illegal transit;

(2) a description of the most appropriate, practical, and cost-effective means of defending the international border of the United States against threats to security and illegal transit, including intelligence capacities, technology, equipment, personnel, and training needed to address security vulnerabilities within the United States for the Border Patrol and the field offices of the Bureau of Customs and Border Protection that have responsibility for any portion of the international border of the United States;

(3) risk-based priorities for assuring border security and realistic deadlines for addressing security and enforcement needs identified in paragraphs (1) and (2);

(4) a strategic plan that sets out agreed upon roles and missions of Federal, State, regional, local, and tribal authorities, including appropriate coordination among such authorities, to enable security enforcement and border lands management to be carried out in an efficient and effective manner;

(5) a prioritization of research and development objectives to enhance the security of the international border of the United States and enforcement needs to promote such security consistent with the provisions of subtitle B;

(6) an update of the 2001 Port of Entry Infrastructure Assessment Study conducted by the United States Customs Service, in consultation with the General Services Administration;

(7) strategic interior enforcement coordination plans with personnel of Immigration and Customs Enforcement;

(8) strategic enforcement coordination plans with overseas personnel of the Department of Homeland Security and the Department of State to end human smuggling and trafficking activities;

(9) any other infrastructure or security plan or report that the Secretary determines appropriate for inclusion;

(10) the identification of low-risk travelers and how such identification would facilitate cross-border travel; and

(11) ways to ensure that the trade and commerce of the United States is not diminished by efforts, activities, and programs aimed at securing the homeland.

(c) PRIORITY OF NATIONAL STRATEGY.—The National Strategy for Border Security shall be the governing document for Federal security and enforcement efforts related to securing the international border of the United States.

SEC. 1112. REPORTS TO CONGRESS.

(a) NATIONAL STRATEGY.—

(1) INITIAL SUBMISSION.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit the National Strategy for Border Security, including each security plan, to the appropriate congressional committees. Such plans shall include estimated costs of implementation and training from a fiscal and personnel perspective and a cost-benefit analysis of any technological security implementations.

(2) SUBSEQUENT SUBMISSIONS.—After the submission required under paragraph (1), the Secretary shall submit to the appropriate congressional committees any revisions to the National Strategy for Border Security, including any revisions to a security plan, not less frequently than April 1 of each odd-numbered year. The plan shall include estimated costs for implementation and training and a cost-benefit analysis of technological security implementations that take place during the time frame under evaluation.

(b) PERIODIC PROGRESS REPORTS.—

(1) REQUIREMENT FOR REPORT.—Each year, in conjunction with the submission of the budget to Congress under section 1105(a) of title 31, United States Code, the Secretary shall submit to the appropriate congressional committees an assessment of the progress made on implementing the National Strategy for Border Security, including each security plan.

(2) CONTENT.—Each progress report submitted under this subsection shall include any recommendations for improving and implementing the National Strategy for Border Security, including any recommendations for improving and implementing a security plan.

(c) CLASSIFIED MATERIAL.—

(1) IN GENERAL.—Any material included in the National Strategy for Border Security, including each security plan, that includes information that is properly classified under criteria established by Executive order shall be submitted to the appropriate congressional committees in a classified form.

(2) UNCLASSIFIED VERSION.—As appropriate, an unclassified version of the material described in paragraph (1) shall be provided to the appropriate congressional committees.

SEC. 1113. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary such sums as may be necessary to carry out this subtitle for each of the 5 fiscal years beginning with the fiscal year after the fiscal year in which this Act was enacted.

Subtitle B—Border Infrastructure, Technology Integration, and Security Enhancement

SEC. 1121. BORDER SECURITY COORDINATION PLAN.

(a) IN GENERAL.—The Secretary shall coordinate with Federal, State, local, and tribal authorities on law enforcement, emergency response, and security-related responsibilities with regard to the international border of the United States to develop and implement a plan to ensure that the security of such international border is not compromised—

(1) when the jurisdiction for providing such security changes from one such authority to another such authority;

(2) in areas where such jurisdiction is shared by more than one such authority; or

(3) by one such authority relinquishing such jurisdiction to another such authority pursuant to a memorandum of understanding.

(b) ELEMENTS OF PLAN.—In developing the plan, the Secretary shall consider methods to—

(1) coordinate emergency responses;

(2) improve data-sharing, communications, and technology among the appropriate agencies;

(3) promote research and development relating to the activities described in paragraphs (1) and (2); and

(4) combine personnel and resource assets when practicable.

(c) REPORT.—Not later than 1 year after implementing the plan developed under subsection (a), the Secretary shall transmit a report to the appropriate congressional committees on the development and implementation of such plan.

SEC. 1122. BORDER SECURITY ADVISORY COMMITTEE.

(a) ESTABLISHMENT.—The Secretary is authorized to establish a Border Security Advisory Committee (referred to in this section as the "Advisory Committee") to provide advice and recommendations to the Secretary on border security and enforcement issues.

(b) COMPOSITION.—

(1) IN GENERAL.—The members of the Advisory Committee shall be appointed by the Secretary and shall include representatives of—

(A) States that are adjacent to the international border of the United States;

(B) local law enforcement agencies; community officials, and tribal authorities of such States; and

(C) other interested parties.

(2) MEMBERSHIP.—The Advisory Committee shall be comprised of members who represent a broad cross section of perspectives.

SEC. 1123. PROGRAMS ON THE USE OF TECHNOLOGIES FOR BORDER SECURITY.

(a) AERIAL SURVEILLANCE TECHNOLOGIES PROGRAM.—

(1) IN GENERAL.—In conjunction with the border surveillance plan developed under section 5201 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458), the Secretary, not later than 60 days after the date of enactment of this Act, shall develop and implement a program to fully integrate aerial surveillance technologies to enhance the border security of the United States.

(2) ASSESSMENT AND CONSULTATION REQUIREMENTS.—In developing the program under this subsection, the Secretary shall—

(A) consider current and proposed aerial surveillance technologies;

(B) assess the feasibility and advisability of utilizing such technologies to address border threats, including an assessment of the technologies considered best suited to address respective threats;

(C) consult with the Secretary of Defense regarding any technologies or equipment, which the Secretary may deploy along the international border of the United States; and

(D) consult with the Administrator of the Federal Aviation Administration regarding safety, airspace coordination and regulation, and any other issues necessary for implementation of the program.

(3) ADDITIONAL REQUIREMENTS.—

(A) IN GENERAL.—The program developed under this subsection shall include the utilization of a variety of aerial surveillance technologies in a variety of topographies and areas, including populated and unpopulated areas located on or near the international border of the United States, in order to evaluate, for a range of circumstances—

(i) the significance of previous experiences with such technologies in border security or critical infrastructure protection;

(ii) the cost and effectiveness of various technologies for border security, including varying levels of technical complexity; and

(iii) liability, safety, and privacy concerns relating to the utilization of such technologies for border security.

(B) USE OF UNMANNED AERIAL VEHICLES.—The aerial surveillance technologies utilized in the program shall include unmanned aerial vehicles.

(4) CONTINUED USE OF AERIAL SURVEILLANCE TECHNOLOGIES.—The Secretary may continue the operation of aerial surveillance technologies while assessing the effectiveness of their utilization and until such time the Secretary determines appropriate.

(5) REPORT.—

(A) REQUIREMENT.—Not later than 1 year after implementing the program under this subsection, the Secretary shall submit a report on such program to the appropriate congressional committees.

(B) CONTENT.—The Secretary shall include in the report required by subparagraph (A) a description of the program together with such recommendations as the Secretary finds appropriate for enhancing the program.

(b) DEMONSTRATION PROGRAMS.—The Secretary is authorized, as part of the development and implementation of the National Strategy for Border Security, to establish and carry out demonstration programs to strengthen communication, information sharing, technology, security, intelligence benefits, and enforcement activities that will protect the international border of the United States without diminishing international trade and commerce.

SEC. 1124. COMBATING HUMAN SMUGGLING.

(a) REQUIREMENT FOR PLAN.—The Secretary shall develop and implement a plan to improve coordination between the Bureau of Immigration and Customs Enforcement and the Bureau of Customs and Border Protection of the Department of Homeland Security and any other Federal, State, local, or tribal authorities, as determined appropriate by the Secretary, to improve coordination efforts to combat human smuggling.

(b) CONTENT.—In developing the plan required by subsection (a), the Secretary shall consider—

(1) the interoperability of databases utilized to prevent human smuggling;

(2) adequate and effective personnel training;

(3) methods and programs to effectively target networks that engage in such smuggling;

(4) effective utilization of—

(A) visas for victims of trafficking and other crimes; and

(B) investigatory techniques, equipment, and procedures that prevent, detect, and prosecute international money laundering and other operations that are utilized in smuggling;

(5) joint measures, with the Secretary of State, to enhance intelligence sharing and cooperation with foreign governments whose citizens are preyed on by human smugglers; and

(6) other measures that the Secretary considers appropriate to combating human smuggling.

(c) REPORT.—Not later than 1 year after implementing the plan described in subsection (a), the Secretary shall submit to Congress a report on such plan, including any recommendations for legislative action to improve efforts to combating human smuggling.

SEC. 1125. SAVINGS CLAUSE.

Nothing in this subtitle or subtitle A may be construed to provide to any State or local entity any additional authority to enforce Federal immigration laws.

Subtitle C—International Border Enforcement

SEC. 1131. NORTH AMERICAN SECURITY INITIATIVE.

(a) IN GENERAL.—The Secretary of State shall enhance the mutual security and safety of the United States, Canada, and Mexico by providing a framework for better management, communication, and coordination between the Governments of North America.

(b) RESPONSIBILITIES.—In implementing the provisions of this subtitle, the Secretary of State shall carry out all of the activities described in this subtitle.

SEC. 1132. INFORMATION SHARING AGREEMENTS.

The Secretary of State, in coordination with the Secretary of Homeland Security and the Government of Mexico, is authorized to negotiate an agreement with Mexico to—

(1) cooperate in the screening of third-country nationals using Mexico as a transit corridor for entry into the United States; and

(2) provide technical assistance to support stronger immigration control at the border with Mexico.

SEC. 1133. IMPROVING THE SECURITY OF MEXICO'S SOUTHERN BORDER.

(a) TECHNICAL ASSISTANCE.—The Secretary of State, in coordination with the Secretary of Homeland Security, the Canadian Department of Foreign Affairs, and the Government of Mexico, shall establish a program to—

(1) assess the specific needs of the governments of Central American countries in maintaining the security of the borders of such countries;

(2) use the assessment made under paragraph (1) to determine the financial and technical support needed by the governments of Central American countries from Canada, Mexico, and the United States to meet such needs;

(3) provide technical assistance to the governments of Central American countries to secure issuance of passports and travel documents by such countries; and

(4) encourage the governments of Central American countries to—

(A) control alien smuggling and trafficking;

(B) prevent the use and manufacture of fraudulent travel documents; and

(C) share relevant information with Mexico, Canada, and the United States.

(b) IMMIGRATION.—The Secretary of Homeland Security, in consultation with the Secretary of State and appropriate officials of the governments of Central American countries shall provide robust law enforcement assistance to such governments that specifically addresses migratory issues to increase the ability of such governments to dismantle human smuggling organizations and gain tighter control over the border.

(c) BORDER SECURITY BETWEEN MEXICO AND GUATEMALA OR BELIZE.—The Secretary of State, in consultation with the Secretary of Homeland Security, the Government of Mexico, and appropriate officials of the Governments of Guatemala, Belize, and neighboring contiguous countries, shall establish a program to provide needed equipment, technical assistance, and vehicles to manage, regulate, and patrol the international border between Mexico and Guatemala and between Mexico and Belize.

(d) TRACKING CENTRAL AMERICAN GANGS.—The Secretary of State, in coordination with the Secretary of Homeland Security, the Director of the Federal Bureau of Investigation, the Government of Mexico, and appropriate officials of the governments of Central American countries, shall—

(1) assess the direct and indirect impact on the United States and Central America on deporting violent criminal aliens;

(2) establish a program and database to track Central American gang activities, focusing on the identification of returning criminal deportees;

(3) devise an agreed-upon mechanism for notification applied prior to deportation and for support for reintegration of these deportees; and

(4) devise an agreement to share all relevant information with the appropriate agencies of Mexico and other Central American countries.

TITLE II—STATE CRIMINAL ALIEN ASSISTANCE

SEC. 1201. STATE CRIMINAL ALIEN ASSISTANCE PROGRAM AUTHORIZATION OF APPROPRIATIONS.

Section 241(i) of the Immigration and Nationality Act (8 U.S.C. 1231(i)) is amended by striking paragraphs (5) and (6) and inserting the following:

"(5) Authorization of appropriations.—

"(A) In general.—There are authorized to be appropriated to carry out this subsection—

"(i) such sums as may be necessary for fiscal year 2005;

"(ii) $750,000,000 for fiscal year 2006;

"(iii) $850,000,000 for fiscal year 2007; and

"(iv) $950,000,000 for each of the fiscal years 2008 through 2011.

"(B) Limitation on use of funds.—Amounts appropriated pursuant to subparagraph (A) that are distributed to a State or political subdivision of a State, including a municipality, may be used only for correctional purposes.".

SEC. 1202. REIMBURSEMENT OF STATES FOR INDIRECT COSTS RELATING TO THE INCARCERATION OF ILLEGAL ALIENS.

Section 501 of the Immigration Reform and Control Act of 1986 (8 U.S.C. 1365) is amended—

(1) in subsection (a)—

(A) by striking "for the costs" and inserting the following: "for—

"(1) the costs"; and

(B) by striking "such State." and inserting the following: "such State; and

"(2) the indirect costs related to the imprisonment described in paragraph (1)."; and

(2) by striking subsections (c) through (e) and inserting the following:

"(c) Manner of Allotment of Reimbursements.—Reimbursements under this section shall be allotted in a manner that gives special consideration for any State that—

"(1) shares a border with Mexico or Canada; or

"(2) includes within the State an area in which a large number of undocumented aliens reside relative to the general population of that area.

"(d) Definitions.—As used in this section:

"(1) Indirect costs.—The term 'indirect costs' includes—

"(A) court costs, county attorney costs, detention costs, and criminal proceedings expenditures that do not involve going to trial;

"(B) indigent defense costs; and

"(C) unsupervised probation costs.

"(2) State.—The term 'State' has the meaning given such term in section 101(a)(36) of the Immigration and Nationality Act.

"(e) Authorization of Appropriations.—There are authorized to be appropriated $200,000,000 for each of the fiscal years 2005 through 2011 to carry out subsection (a)(2).".

SEC. 1203. REIMBURSEMENT OF STATES FOR PRE-CONVICTION COSTS RELATING TO THE INCARCERATION OF ILLEGAL ALIENS.

Section 241(i)(3)(A) of the Immigration and Nationality Act (8 U.S.C. 1231(i)(3)(a) is amended by inserting "charged with or" before "convicted."

TITLE III—ESSENTIAL WORKER VISA PROGRAM

SEC. 1301. ESSENTIAL WORKERS.

Section 101(a)(15)(H) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)) is amended—

(1) by striking "(H) an alien (i)(b)" and inserting the following:

"(H) an alien—

"(i)(b)";

(2) by striking "or (ii)(a)" and inserting the following:

"(ii)(a)";

(3) by striking "or (iii)" and inserting the following:

"(iii)"; and

(4) by adding at the end the following:

"(v)(a) subject to section 218A, having residence in a foreign country, which the alien has no intention of abandoning, who is coming temporarily to the United States to initially perform labor or services (other than those occupation classifications covered under the provisions of clause (i)(b) or (ii)(a) or subparagraph (L), (O), (P), or (R)); or.".

SEC. 1302. ADMISSION OF ESSENTIAL WORKERS.

(a) In General.—Chapter 2 of title II of the Immigration and Nationality Act (8 U.S.C. 1181 et seq.) is amended by inserting after section 218 the following:

"ADMISSION OF TEMPORARY H–5A WORKERS

"Sec. 218A. (a) The Secretary of State may grant a temporary visa to a nonimmigrant described in section 101(a)(15)(H)(v)(a) who demonstrates an intent to perform labor or services in the United States (other than those occupational classifications covered under the provisions of clause (i)(b) or (ii)(a) of section 101(a)(15)(H) or subparagraph (L), (O), (P), or (R)) of section 101(a)(15).

"(b) Requirements for Admission.—In order to be eligible for nonimmigrant status under section 101(a)(15)(H)(v)(a), an alien shall meet the following requirements:

"(1) Eligibility to work.—The alien shall establish that the alien is capable of performing the labor or services required for an occupation under section 101(a)(15)(H)(v).

"(2) Evidence of employment.—The alien's evidence of employment shall be provided through the Employment Eligibility Confirmation System established under section 274E or in accordance with requirements issued by the Secretary of State, in consultation with the Secretary of Homeland Security. In carrying out this paragraph, the Secretary may consider evidence from employers, employer associations, and labor representatives.

"(3) Fee.—The alien shall pay a $500 application fee to apply for the visa in addition to the cost of processing and adjudicating such application. Nothing in this paragraph shall be construed to affect consular procedures for charging reciprocal fees.

"(4) Medical examination.—The alien shall undergo a medical examination (including a determination of immunization status) at the alien's expense, that conforms to generally accepted standards of medical practice.

"(c) Grounds of Inadmissibility.—

"(1) In general.—In determining an alien's admissibility as a nonimmigrant under section 101(a)(15)(H)(v)(a)—

"(A) paragraphs (5), (6) (except for subparagraph (E)), (7), (9), and (10)(B) of section 212(a) may be waived for conduct that occurred before the date on which the Secure America and Orderly Immigration Act was introduced;

"(B) the Secretary of Homeland Security may not waive—

"(i) subparagraph (A), (B), (C), (E), (G), (H), or (I) of section 212(a)(2) (relating to criminals);

"(ii) section 212(a)(3) (relating to security and related grounds); or

"(iii) subparagraph (A) or (C) of section 212(a)(10) (relating to polygamists and child abductors);

"(C) for conduct that occurred before the date on which the Secure America and Orderly Immigration Act was introduced, the Secretary of Homeland Security may waive the application of any provision of section 212(a) not listed in subparagraph (B) on behalf of an individual alien for humanitarian purposes, to ensure family unity, or when such waiver is otherwise in the public interest; and

"(D) nothing in this paragraph shall be construed as affecting the authority of the Secretary of Homeland Security to waive the provisions of section 212(a).

"(2) Waiver fine.—An alien who is granted a waiver under subparagraph (1) shall pay a $1,500 fine upon approval of the alien's visa application.

"(3) Applicability of other provisions.—Sections 240B(d) and 241(a)(5) shall not apply to an alien who initially seeks admission as a nonimmigrant under section 101(a)(15)(H)(v)(a).

"(4) Renewal of authorized admission and subsequent admissions.—An alien seeking renewal of authorized admission or subsequent admission as a nonimmigrant under section 101(a)(15)(H)(v)(a) shall establish that the alien is not inadmissible under section 212(a).

"(d) Period of Authorized Admission.—

"(1) Initial period.—The initial period of authorized admission as a nonimmigrant described in section 101(a)(15)(H)(v)(a) shall be 3 years.

"(2) Renewals.—The alien may seek an extension of the period described in paragraph (1) for 1 additional 3-year period.

"(3) Loss of employment.—

"(A) In general.—Subject to subsection (c), the period of authorized admission of a nonimmigrant alien under section 101(a)(15)(H)(v)(a) shall terminate if the nonimmigrant is unemployed for 45 or more consecutive days.

"(B) Return to foreign residence.—Any alien whose period of authorized admission terminates under subparagraph (A) shall be required to return to the country of the alien's nationality or last residence.

"(C) Period of visa validity.—Any alien, whose period of authorized admission terminates under subparagraph (A), who returns to the country of the alien's nationality or last residence under subparagraph (B), may reenter the United States on the basis of the same visa to work for an employer, if the alien has complied with the requirements of subsection (b)(1).

"(4) Visits outside United States.—

"(A) In general.—Under regulations established by the Secretary of Homeland Security, a nonimmigrant alien under section 101(a)(15)(H)(v)(a)—

"(i) may travel outside of the United States; and

"(ii) may be readmitted without having to obtain a new visa if the period of authorized admission has not expired.

"(B) Effect on period of authorized admission.—Time spent outside the United States under subparagraph (A) shall not extend the period of authorized admission in the United States.

"(e) Portability.—A nonimmigrant alien described in this section, who was previously issued a visa or otherwise provided nonimmigrant status under section 101(a)(15)(H)(v)(a), may accept new employment with a subsequent employer.

"(f) Waiver of Rights Prohibited.—A nonimmigrant alien described in section 101(a)(15)(H)(v)(a) may not be required to waive any rights or protections under the

Secure America and Orderly Immigration Act.

"(g) Change of Address.—An alien having nonimmigrant status described in section 101(a)(15)(H)(v)(a) shall comply by either electronic or paper notification with the change of address reporting requirements under section 265.

"(h) Bar to Future Visas for Violations.—

"(1) In general.—Any alien having the nonimmigrant status described in section 101(a)(15)(H)(v)(a) shall not be eligible to renew such nonimmigrant status if the alien willfully violates any material term or condition of such status.

"(2) Waiver.—The alien may apply for a waiver of the application of subparagraph (A) for technical violations, inadvertent errors, or violations for which the alien was not at fault.

"(i) Collection of Fees.—All fees collected under this section shall be deposited in the Treasury in accordance with section 286(w).".

(b) Conforming Amendment Regarding Presumption of Nonimmigrant Status.—Section 214(b) of the Immigration and Nationality Act (8 U.S.C. 1184(b)) is amended by inserting "(H)(v)(a)," after "(H)(i),".

(c) Clerical Amendment.—The table of contents for the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended by inserting after the item relating to section 218 the following:

"Sec. 218A. Admission of temporary H–5A workers.".

SEC. 1303. EMPLOYER OBLIGATIONS.

Employers employing a nonimmigrant described in section 101(a)(15)(H)(v)(a) of the Immigration and Nationality Act, as added by section 1301, shall comply with all applicable Federal, State, and local laws, including—

(1) laws affecting migrant and seasonal agricultural workers; and

(2) the requirements under section 274E of such Act, as added by section 1402.

SEC. 1304. PROTECTION FOR WORKERS.

Section 218A of the Immigration and Nationality Act, as added by section 1302, is amended by adding at the end the following:

"(h) Application of Labor and Other Laws.—

"(1) Definitions.—As used in this subsection and in subsections (i) through (k):

"(A) Employ; employee; employer.—The terms 'employ', 'employee', and 'employer' have the meanings given such terms in section 3 of the Fair Labor Standards Act of 1938 (29 U.S.C. 203).

"(B) Foreign labor contractor.—The term 'foreign labor contractor' means any person who for any compensation or other valuable consideration paid or promised to be paid, performs any foreign labor contracting activity.

"(C) Foreign labor contracting activity.—The term 'foreign labor contracting activity' means recruiting, soliciting, hiring, employing, or furnishing, an individual who resides outside of the United States for employment in the United States as a nonimmigrant alien described in section 101(a)(15)(H)(v)(a).

"(2) Coverage.—Notwithstanding any other provision of law—

"(A) a nonimmigrant alien described in section 101(a)(15)(H)(v)(a) is prohibited from being treated as an independent contractor; and

"(B) no person may treat a nonimmigrant alien described in section 101(a)(15)(H)(v)(a) as an independent contractor.

"(3) Applicability of laws.—A nonimmigrant alien described in section 101(a)(15)(H)(v)(a) shall not be denied any right or any remedy under Federal, State, or local labor or employment law that would be applicable to a United States worker employed in a similar position with the employer because of the alien's status as a nonimmigrant worker.

"(4) Tax responsibilities.—With respect to each employed nonimmigrant alien described in section 101(a)(15)(H)(v)(a), an employer shall comply with all applicable Federal, State, and local tax and revenue laws.

"(5) Nondiscrimination in employment.—An employer shall provide nonimmigrants issued a visa under this section with the same wages, benefits, and working conditions that are provided by the employer to United States workers similarly employed in the same occupation and the same place of employment.

"(6) No replacement of striking employees.—An employer may not hire a nonimmigrant alien described in section 101(a)(15)(H)(v)(a) as a replacement worker if there is a strike or lockout in the course of a labor dispute in the occupational classification at the place of employment.

"(7) Waiver of rights prohibited.—A nonimmigrant alien described in section 101(a)(15)(H)(v)(a) may not be required to waive any rights or protections under the Secure America and Orderly Immigration Act. Nothing under this provision shall be construed to affect the interpretation of other laws.

"(8) No threatening of employees.—It shall be a violation of this section for an employer who has filed a petition under section 203(b) to threaten the alien beneficiary of such a petition with withdrawal of the application, or to withdraw such a petition in retaliation for the beneficiary's exercise of a right protected by the Secure America and Orderly Immigration Act.

"(9) Whistleblower protection.—It shall be unlawful for an employer or a labor contractor of a nonimmigrant alien described in section 101(a)(15)(H)(v)(a) to intimidate, threaten, restrain, coerce, retaliate, discharge, or in any other manner, discriminate against an employee or former employee because the employee or former employee—

"(A) discloses information to the employer or any other person that the employee or former employee reasonably believes demonstrates a violation of Secure America and Orderly Immigration Act.

"(B) cooperates or seeks to cooperate in an investigation or other proceeding concerning compliance with the requirements of the Secure America and Orderly Immigration Act.

"(i) Labor Recruiters.—

"(1) In general.—Each employer that engages in foreign labor contracting activity and each foreign labor contractor shall ascertain and disclose to each such worker who is recruited for employment the following information at the time of the worker's recruitment:

"(A) The place of employment.

"(B) The compensation for the employment.

"(C) A description of employment activities.

"(D) The period of employment.

"(E) Any other employee benefit to be provided and any costs to be charged for each benefit.

"(F) Any travel or transportation expenses to be assessed.

"(G) The existence of any labor organizing effort, strike, lockout, or other labor dispute at the place of employment.

"(H) The existence of any arrangement with any owner, employer, foreign contractor, or its agent where such person receives a commission from the provision of items or services to workers.

"(I) The extent to which workers will be compensated through workers' compensation, private insurance, or otherwise for injuries or death, including work related injuries and death, during the period of employment and, if so, the name of the State workers' compensation insurance carrier or the name of the policyholder of the private insurance, the name and the telephone number of each person who must be notified of an injury or death, and the time period within which such notice must be given.

"(J) Any education or training to be provided or required, including the nature and cost of such training, who will pay such costs, and whether the training is a condition of employment, continued employment, or future employment.

"(K) A statement, in a form specified by the Secretary of Labor, describing the protections of this Act for workers recruited abroad.

"(2) False or misleading information.—No foreign labor contractor or employer who engages in foreign labor contracting activity shall knowingly provide material false or misleading information to any worker concerning any matter required to be disclosed in paragraph (1).

"(3) Languages.—The information required to be disclosed under paragraph (1) shall be provided in writing in English or, as necessary and reasonable, in the language of the worker being recruited. The Department of Labor shall make forms available in English, Spanish, and other languages, as necessary, which may be used in providing workers with information required under this section.

"(4) Fees.—A person conducting a foreign labor contracting activity shall not assess any fee to a worker for such foreign labor contracting activity.

"(5) Terms.—No employer or foreign labor contractor shall, without justification, violate the terms of any agreement made by that contractor or employer regarding employment under this program.

"(6) Travel costs.—If the foreign labor contractor or employer charges the employee for transportation such transportation costs shall be reasonable.

"(7) Other worker protections.—

"(A) Notification.—Every 2 years, each employer shall notify the Secretary of Labor of the identity of any foreign labor contractor engaged by the employer in any foreign labor contractor activity for or on behalf of the employer.

"(B) Registration of foreign labor contractors.—

"(i) In general.—No person shall engage in foreign labor recruiting activity unless such person has a certificate of registration from the Secretary of Labor specifying the activities that such person is authorized to perform. An employer who retains the services of a foreign labor contractor shall only use those foreign labor contractors who are registered under this subparagraph.

"(ii) Issuance.—The Secretary shall promulgate regulations to establish an efficient electronic process for the investigation and approval of an application for a certificate of registration of foreign labor contractors not later than 14 days after such application is filed. Such process shall include requirements under paragraphs (1), (4), and (5) of section 1812 of title 29, United States Code, an expeditious means to update registrations and renew certificates and any other requirements the Secretary may prescribe.

"(iii) TERM.—Unless suspended or revoked, a certificate under this subparagraph shall be valid for 2 years.

"(iv) REFUSAL TO ISSUE; REVOCATION; SUSPENSION.—In accordance with regulations promulgated by the Secretary of Labor, the Secretary may refuse to issue or renew, or may suspend or revoke, a certificate of registration under this subparagraph. The justification for such refusal, suspension, or revocation may include the following:

"(I) The application or holder of the certification has knowingly made a material misrepresentation in the application for such certificate.

"(II) The applicant for or holder of the certification is not the real party in interest in the application or certificate of registration and the real party in interest is a person who has been refused issuance or renewal of a certificate, has had a certificate suspended or revoked, or does not qualify for a certificate under this paragraph.

"(III) The applicant for or holder of the certification has failed to comply with the Secure America and Orderly Immigration Act.

"(C) REMEDY FOR VIOLATIONS.—An employer engaging in foreign labor contracting activity and a foreign labor contractor that violates the provisions of this subsection shall be subject to remedies for foreign labor contractor violations under subsections (j) and (k). If a foreign labor contractor acting as an agent of an employer violates any provision of this subsection, the employer shall also be subject to remedies under subsections (j) and (k). An employer that violates a provision of this subsection relating to employer obligations shall be subject to remedies under this subsections (j) and (k).

"(D) EMPLOYER NOTIFICATION.—An employer shall notify the Secretary of Labor any time the employer becomes aware of a violation of this subsection by a foreign labor recruiter.

"(E) WRITTEN AGREEMENTS.—No foreign labor contractor shall violate the terms of any written agreements made with an employer relating to any contracting activity or worker protection under this subsection.

"(F) BONDING REQUIREMENT.—The Secretary of Labor may require a foreign labor contractor under this subsection to post a bond in an amount sufficient to ensure the protection of individuals recruited by the foreign labor contractor. The Secretary may consider the extent to which the foreign labor contractor has sufficient ties to the United States to adequately enforce this subsection.

"(j) ENFORCEMENT.—

"(1) IN GENERAL.—The Secretary of Labor shall prescribe regulations for the receipt, investigation, and disposition of complaints by an aggrieved person respecting a violation of this section.

"(2) DEFINITION.—As used in this subsection, an 'aggrieved person' is a person adversely affected by the alleged violation, including—

"(A) a worker whose job, wages, or working conditions are adversely affected by the violation; and

"(B) a representative for workers whose jobs, wages, or working conditions are adversely affected by the violation who brings a complaint on behalf of such worker.

"(3) FILING DEADLINE.—No investigation or hearing shall be conducted on a complaint concerning a violation under this section unless the complaint was filed not later than 12 months after the date of such violation.

"(4) REASONABLE CAUSE.—The Secretary of Labor shall conduct an investigation under this subsection if there is reasonable cause to believe that a violation of this section has occurred. The process established under this subsection shall provide that, not later than 30 days after a complaint is filed, the Secretary shall determine if there is reasonable cause to find such a violation.

"(5) NOTICE AND HEARING.—

"(A) IN GENERAL.—Not later than 60 days after the Secretary of Labor makes a determination of reasonable cause under paragraph (4), the Secretary shall issue a notice to the interested parties and offer an opportunity for a hearing on the complaint, in accordance with section 556 of title 5, United States Code.

"(B) COMPLAINT.—If the Secretary of Labor, after receiving a complaint under this subsection, does not offer the aggrieved party or organization an opportunity for a hearing under subparagraph (A), the Secretary shall notify the aggrieved party or organization of such determination and the aggrieved party or organization may seek a hearing on the complaint in accordance with such section 556.

"(C) HEARING DEADLINE.—Not later than 60 days after the date of a hearing under this paragraph, the Secretary of Labor shall make a finding on the matter in accordance with paragraph (6).

"(6) ATTORNEYS' FEES.—A complainant who prevails with respect to a claim under this subsection shall be entitled to an award of reasonable attorneys' fees and costs.

"(7) POWER OF THE SECRETARY.—The Secretary may bring an action in any court of competent jurisdiction—

"(A) to seek remedial action, including injunctive relief;

"(B) to recover the damages described in subsection (k); or

"(C) to ensure compliance with terms and conditions described in subsection (i).

"(8) SOLICITOR OF LABOR.—Except as provided in section 518(a) of title 28, United States Code, the Solicitor of Labor may appear for and represent the Secretary of Labor in any civil litigation brought under this subsection. All such litigation shall be subject to the direction and control of the Attorney General.

"(9) PROCEDURES IN ADDITION TO OTHER RIGHTS OF EMPLOYEES.—The rights and remedies provided to workers under this section are in addition to, and not in lieu of, any other contractual or statutory rights and remedies of the workers, and are not intended to alter or affect such rights and remedies.

"(k) PENALTIES.—

"(1) IN GENERAL.—If, after notice and an opportunity for a hearing, the Secretary of Labor finds a violation of subsection (h) or (i), the Secretary may impose administrative remedies and penalties, including—

"(A) back wages;

"(B) fringe benefits; and

"(C) civil monetary penalties.

"(2) CIVIL PENALTIES.—The Secretary of Labor may impose, as a civil penalty—

"(A) for a violation of subsection (h)—

"(i) a fine in an amount not to exceed $2,000 per violation per affected worker;

"(ii) if the violation was willful violation, a fine in an amount not to exceed $5,000 per violation per affected worker;

"(iii) if the violation was willful and if in the course of such violation a United States worker was harmed, a fine in an amount not to exceed $25,000 per violation per affected worker; and

"(B) for a violation of subsection (i)—

"(i) a fine in an amount not less than $500 and not more than $4,000 per violation per affected worker;

"(ii) if the violation was willful, a fine in an amount not less than $2,000 and not more than $5,000 per violation per affected worker; and

"(iii) if the violation was willful and if in the course of such violation a United States worker was harmed, a fine in an amount not less than $6,000 and not more than $35,000 per violation per affected worker.

"(3) USE OF CIVIL PENALTIES.—All penalties collected under this subsection shall be deposited in the Treasury in accordance with section 286(w).

"(4) CRIMINAL PENALTIES.—If a willful and knowing violation of subsection (i) causes extreme physical or financial harm to an individual, the person in violation of such subsection may be imprisoned for not more than 6 months, fined not more than $35,000 fine, or both.".

SEC. 1305. MARKET-BASED NUMERICAL LIMITATIONS.

Section 214(g) of the Immigration and Nationality Act (8 U.S.C. 1184(g)) is amended—

(1) in paragraph (1)—

(A) by striking "(beginning with fiscal year 1992)";

(B) in subparagraph (B), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(C) under section 101(a)(15)(H)(v)(a), may not exceed—

"(i) 400,000 for the first fiscal year in which the program is implemented;

"(ii) in any subsequent fiscal year—

"(I) if the total number of visas allocated for that fiscal year are allotted within the first quarter of that fiscal year, then an additional 20 percent of the allocated number shall be made available immediately and the allocated amount for the following fiscal year shall increase by 20 percent of the original allocated amount in the prior fiscal year;

"(II) if the total number of visas allocated for that fiscal year are allotted within the second quarter of that fiscal year, then an additional 15 percent of the allocated number shall be made available immediately and the allocated amount for the following fiscal year shall increase by 15 percent of the original allocated amount in the prior fiscal year;

"(III) if the total number of visas allocated for that fiscal year are allotted within the third quarter of that fiscal year, then an additional 10 percent of the allocated number shall be made available immediately and the allocated amount for the following fiscal year shall increase by 10 percent of the original allocated amount in the prior fiscal year;

"(IV) if the total number of visas allocated for that fiscal year are allotted within the last quarter of that fiscal year, then the allocated amount for the following fiscal year shall increase by 10 percent of the original allocated amount in the prior fiscal year; and

"(V) with the exception of the first subsequent fiscal year to the fiscal year in which the program is implemented, if fewer visas were allotted the previous fiscal year than the number of visas allocated for that year and the reason was not due to processing delays or delays in promulgating regulations, then the allocated amount for the following fiscal year shall decrease by 10 percent of the allocated amount in the prior fiscal year."; and

(2) by adding at the end the following:

"(9)(A) Of the total number of visas allocated for each fiscal year under paragraph (1)(C)—

"(i) 50,000 visas shall be allocated to qualifying counties; and

"(ii) any of the visas allocated under clause (i) that are not issued by June 30 of such fiscal year, may be made available to any qualified applicant.

"(B) In this paragraph, the term 'qualifying county' means any county that—

"(i) that is outside a metropolitan statistical area; and

"(ii) during the 20-year-period ending on the last day of the calendar year preceding the date of enactment of the Secure America and Orderly Immigration Act, experienced a net out-migration of inhabitants from the county of at least 10 percent of the population of the county at the beginning of such period.

"(10) In allocating visas under this subsection, the Secretary of State may take any additional measures necessary to deter illegal immigration.".

SEC. 1306. ADJUSTMENT TO LAWFUL PERMANENT RESIDENT STATUS.

Section 245 of the Immigration and Nationality Act (8 U.S.C. 1255) is amended by adding at the end the following:

"(n)(1) For purposes of adjustment of status under subsection (a), employment-based immigrant visas shall be made available to an alien having nonimmigrant status described in section 101(a)(15)(H)(v)(a) upon the filing of a petition for such a visa—

"(A) by the alien's employer; or

"(B) by the alien, if the alien has maintained such nonimmigrant status in the United States for a cumulative total of 4 years.

"(2) An alien having nonimmigrant status described in section 101(a)(15)(H)(v)(a) may not apply for adjustment of status under this section unless the alien—

"(A) is physically present in the United States; and

"(B) the alien establishes that the alien—

"(i) meets the requirements of section 312; or

"(ii) is satisfactorily pursuing a course of study to achieve such an understanding of English and knowledge and understanding of the history and government of the United States.

"(3) An alien who demonstrates that the alien meets the requirements of section 312 may be considered to have satisfied the requirements of that section for purposes of becoming naturalized as a citizen of the United States under title III.

"(4) Filing a petition under paragraph (1) on behalf of an alien or otherwise seeking permanent residence in the United States for such alien shall not constitute evidence of the alien's ineligibility for nonimmigrant status under section 101(a)(15)(H)(v)(a).

"(5) The limitation under section 302(d) regarding the period of authorized stay shall not apply to any alien having nonimmigrant status under section 101(a)(15)(H)(v)(a) if—

"(A) a labor certification petition filed under section 203(b) on behalf of such alien is pending; or

"(B) an immigrant visa petition filed under section 204(b) on behalf of such alien is pending.

"(6) The Secretary of Homeland Security shall extend the stay of an alien who qualifies for an exemption under paragraph (5) in 1-year increments until a final decision is made on the alien's lawful permanent residence.

"(7) Nothing in this subsection shall be construed to prevent an alien having nonimmigrant status described in section 101(a)(15)(H)(v)(a) from filing an application for adjustment of status under this section in accordance with any other provision of law.".

SEC. 1307. ESSENTIAL WORKER VISA PROGRAM TASK FORCE.

(a) ESTABLISHMENT OF TASK FORCE.—

(1) IN GENERAL.—There is established a task force to be known as the Essential Worker Visa Program Task Force (referred to in this section as the "Task Force").

(2) PURPOSES.—The purposes of the Task Force are—

(A) to study the Essential Worker Visa Program (referred to in this section as the "Program") established under this title; and

(B) to make recommendations to Congress with respect to such program.

(3) MEMBERSHIP.—The Task Force shall be composed of 10 members, of whom—

(A) 1 shall be appointed by the President and shall serve as chairman of the Task Force;

(B) 1 shall be appointed by the leader of the Democratic Party in the Senate, in consultation with the leader of the Democratic Party in the House of Representatives, and shall serve as vice chairman of the Task Force;

(C) 2 shall be appointed by the majority leader of the Senate;

(D) 2 shall be appointed by the minority leader of the Senate;

(E) 2 shall be appointed by the Speaker of the House of Representatives; and

(F) 2 shall be appointed by the minority leader of the House of Representatives.

(4) QUALIFICATIONS.—

(A) IN GENERAL.—Members of the Task Force shall be—

(i) individuals with expertise in economics, demography, labor, business, or immigration or other pertinent qualifications or experience; and

(ii) representative of a broad cross-section of perspectives within the United States, including the public and private sectors and academia;

(B) POLITICAL AFFILIATION.—Not more than 5 members of the Task Force may be members of the same political party.

(C) NONGOVERNMENTAL APPOINTEES.—An individual appointed to the Task Force may not be an officer or employee of the Federal Government or of any State or local government.

(5) DEADLINE FOR APPOINTMENT.—All members of the Task Force shall be appointed not later than 6 months after the Program has been implemented.

(6) VACANCIES.—Any vacancy in the Task Force shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

(7) MEETINGS.—

(A) INITIAL MEETING.—The Task Force shall meet and begin the operations of the Task Force as soon as practicable.

(B) SUBSEQUENT MEETINGS.—After its initial meeting, the Task Force shall meet upon the call of the chairman or a majority of its members.

(8) QUORUM.—Six members of the Task Force shall constitute a quorum.

(b) DUTIES.—The Task Force shall examine and make recommendations regarding the Program, including recommendations regarding—

(1) the development and implementation of the Program;

(2) the criteria for the admission of temporary workers under the Program;

(3) the formula for determining the yearly numerical limitations of the Program;

(4) the impact of the Program on immigration;

(5) the impact of the Program on the United States workforce and United States businesses; and

(6) any other matters regarding the Program that the Task Force considers appropriate.

(c) INFORMATION AND ASSISTANCE FROM FEDERAL AGENCIES.—

(1) INFORMATION FROM FEDERAL AGENCIES.—The Task Force may seek directly from any Federal department or agency such information, including suggestions, estimates, and statistics, as the Task Force considers necessary to carry out the provisions of this section. Upon request of the Task Force, the head of such department or agency shall furnish such information to the Task Force.

(2) ASSISTANCE FROM FEDERAL AGENCIES.—The Administrator of General Services shall, on a reimbursable base, provide the Task Force with administrative support and other services for the performance of the Task Force's functions. The departments and agencies of the United States may provide the Task Force with such services, funds, facilities, staff, and other support services as they determine advisable and as authorized by law.

(d) REPORTS.—

(1) INITIAL REPORT.—Not later than 2 years after the Program has been implemented, the Task Force shall submit a report to Congress, the Secretary of State, the Secretary of Labor, and the Secretary of Homeland Security that contains—

(A) findings with respect to the duties of the Task Force;

(B) recommendations for improving the Program; and

(C) suggestions for legislative or administrative action to implement the Task Force recommendations.

(2) FINAL REPORT.—Not later than 4 years after the submission of the initial report under paragraph (1), the Task Force shall submit a final report to Congress, the Secretary of State, the Secretary of Labor, and the Secretary of Homeland Security that contains additional findings, recommendations, and suggestions, as described in paragraph (1).

SEC. 1308. WILLING WORKER-WILLING EMPLOYER ELECTRONIC JOB REGISTRY.

(a) ESTABLISHMENT.—The Secretary of Labor shall direct the coordination and modification of the national system of public labor exchange services (commonly known as "America's Job Bank") in existence on the date of enactment of this Act to provide information on essential worker employment opportunities available to United States workers and nonimmigrant workers under section 101(a)(15)(H)(v)(a) of the Immigration and Nationality Act, as added by this Act.

(b) RECRUITMENT OF UNITED STATES WORKERS.—Before the completion of evidence of employment for a potential nonimmigrant worker under section 101(a)(15)(H)(v)(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(v)(a), an employer shall attest that the employer has posted in the Job Registry for not less than 30 days in order to recruit United States workers. An employer shall maintain records for not less than 1 year demonstrating why United States workers who applied were not hired.

(c) OVERSIGHT AND MAINTENANCE OF RECORDS.—The Secretary of Labor shall maintain electronic job registry records, as established by regulation, for the purpose of audit or investigation.

(d) ACCESS TO JOB REGISTRY.—

(1) CIRCULATION IN INTERSTATE EMPLOYMENT SERVICE SYSTEM.—The Secretary of Labor shall ensure that job opportunities advertised on the electronic job registry established under this section are accessible by the State workforce agencies, which may further disseminate job opportunity information to other interested parties.

(2) INTERNET.—The Secretary of Labor shall ensure that the Internet-based electronic job registry established or approved under this section may be accessed by workers, employers, labor organizations, and other interested parties.

SEC. 1309. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary of State such sums as may be necessary to carry out this title and the amendments made by this title for the period beginning on the date of enactment of this Act and ending on the last day of the sixth fiscal year beginning after the effective date of the regulations promulgated by the Secretary to implement this title.

TITLE IV—ENFORCEMENT

SEC. 1401. DOCUMENT AND VISA REQUIREMENTS.

(a) IN GENERAL.—Section 221(a) of the Immigration and Nationality Act (8 U.S.C. 1201(a)) is amended by adding at the end the following:

"(3) VISAS AND IMMIGRATION RELATED DOCUMENT REQUIREMENTS.—

"(A) Visas issued by the Secretary of State and immigration related documents issued by the Secretary of State or the Secretary of Homeland Security shall comply with authentication and biometric standards recognized by domestic and international standards organizations.

"(B) Such visas and documents shall—

"(i) be machine-readable and tamper-resistant;

"(ii) use biometric identifiers that are consistent with the requirements of section 303 of the Enhanced Border Security and Visa Entry Reform Act of 2002 (8 U.S.C. 1732), and represent the benefits and status set forth in such section;

"(iii) comply with the biometric and document identifying standards established by the International Civil Aviation Organization; and

"(iv) be compatible with the United States Visitor and Immigrant Status Indicator Technology and the employment verification system established under section 274E.

"(C) The information contained on the visas or immigration related documents described in subparagraph (B) shall include—

"(i) the alien's name, date and place of birth, alien registration or visa number, and, if applicable, social security number;

"(ii) the alien's citizenship and immigration status in the United States; and

"(iii) the date that such alien's authorization to work in the United States expires, if appropriate.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date that is 6 months after the date of enactment of this Act.

SEC. 1402. EMPLOYMENT ELIGIBILITY CONFIRMATION SYSTEM.

(a) IN GENERAL.—Chapter 8 of title II of the Immigration and Nationality Act (8 U.S.C. 1321 et seq.) is amended by inserting after section 274D the following:

"EMPLOYMENT ELIGIBILITY

"SEC. 274E. (a) EMPLOYMENT ELIGIBILITY CONFIRMATION SYSTEM.—

"(1) IN GENERAL.—The Commissioner of Social Security, in consultation and coordination with the Secretary of Homeland Security, shall establish an Employment Eligibility Confirmation System (referred to in this section as the 'System') through which the Commissioner responds to inquiries made by employers who have hired individuals concerning each individual's identity and employment authorization.

"(2) MAINTENANCE OF RECORDS.—The Commissioner shall electronically maintain records by which compliance under the System may be verified.

"(3) OBJECTIVES OF THE SYSTEM.—The System shall—

"(A) facilitate the eventual transition for all businesses from the employer verification system established in section 274A with the System;

"(B) utilize, as a central feature of the System, machine-readable documents that contain encrypted electronic information to verify employment eligibility; and

"(C) provide for the evidence of employment required under section 218A.

"(4) INITIAL RESPONSE.—The System shall provide—

"(A) confirmation or a tentative nonconfirmation of an individual's identity and employment eligibility not later than 1 working day after the initial inquiry; and

"(B) an appropriate code indicating such confirmation or tentative nonconfirmation.

"(5) SECONDARY VERIFICATION PROCESS IN CASE OF TENTATIVE NONCONFIRMATION.—

"(A) ESTABLISHMENT.—For cases of tentative nonconfirmation, the Commissioner of Social Security, in consultation and coordination with the Secretary of Homeland Security, shall establish a secondary verification process. The employer shall make the secondary verification inquiry not later than 10 days after receiving a tentative nonconfirmation.

"(B) DISCREPANCIES.—If an employee chooses to contest a secondary nonconfirmation, the employer shall provide the employee with a referral letter and instruct the employee to visit an office of the Department of Homeland Security or the Social Security Administration to resolve the discrepancy not later than 10 working days after the receipt of such referral letter in order to obtain confirmation.

"(C) FAILURE TO CONTEST.—An individual's failure to contest a confirmation shall not constitute knowledge (as defined in section 274a.1(l) of title 8, Code of Federal Regulations.

"(6) DESIGN AND OPERATION OF SYSTEM.—The System shall be designed, implemented, and operated—

"(A) to maximize its reliability and ease of use consistent with protecting the privacy and security of the underlying information through technical and physical safeguards;

"(B) to allow employers to verify that a newly hired individual is authorized to be employed;

"(C) to permit individuals to—

"(i) view their own records in order to ensure the accuracy of such records; and

"(ii) contact the appropriate agency to correct any errors through an expedited process established by the Commissioner of Social Security, in consultation and coordination with the Secretary of Homeland Security; and

"(D) to prevent discrimination based on national origin or citizenship status under section 274B.

"(7) UNLAWFUL USES OF SYSTEM.—It shall be an unlawful immigration-related employment practice—

"(A) for employers or other third parties to use the System selectively or without authorization;

"(B) to use the System prior to an offer of employment;

"(C) to use the System to exclude certain individuals from consideration for employment as a result of a perceived likelihood that additional verification will be required, beyond what is required for most job applicants;

"(D) to use the System to deny certain employment benefits, otherwise interfere with the labor rights of employees, or any other unlawful employment practice; or

"(E) to take adverse action against any person, including terminating or suspending an employee who has received a tentative nonconfirmation.

"(b) EMPLOYMENT ELIGIBILITY DATABASE.—

"(1) REQUIREMENT.—The Commissioner of Social Security, in consultation and coordination with the Secretary of Homeland Security and other appropriate agencies, shall design, implement, and maintain an Employment Eligibility Database (referred to in this section as the 'Database') as described in this subsection.

"(2) DATA.—The Database shall include, for each individual who is not a citizen or national of the United States, but is authorized or seeking authorization to be employed in the United States, the individual's—

"(A) country of origin;

"(B) immigration status;

"(C) employment eligibility;

"(D) occupation;

"(E) metropolitan statistical area of employment;

"(F) annual compensation paid;

"(G) period of employment eligibility;

"(H) employment commencement date; and

"(I) employment termination date.

"(3) REVERIFICATION OF EMPLOYMENT ELIGIBILITY.—The Commissioner of Social Security shall prescribe, by regulation, a system to annually reverify the employment eligibility of each individual described in this section—

"(A) by utilizing the machine-readable documents described in section 221(a)(3); or

"(B) if machine-readable documents are not available, by telephonic or electronic communication.

"(4) CONFIDENTIALITY.—

"(A) ACCESS TO DATABASE.—No officer or employee of any agency or department of the United States, other than individuals responsible for the verification of employment eligibility or for the evaluation of the employment verification program at the Social Security Administration, the Department of Homeland Security, and the Department of Labor, may have access to any information contained in the Database.

"(B) PROTECTION FROM UNAUTHORIZED DISCLOSURE.—Information in the Database shall be adequately protected against unauthorized disclosure for other purposes, as provided in regulations established by the Commissioner of Social Security, in consultation with the Secretary of Homeland Security and the Secretary of Labor.

"(5) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to design, implement, and maintain the Database.

"(c) GRADUAL IMPLEMENTATION.—The Commissioner of Social Security, in coordination with the Secretary of Homeland Security and the Secretary of Labor shall develop a plan to phase all workers into the Database and phase out the employer verification system established in section 274A over a period of time that the Commissioner determines to be appropriate.

"(d) Employer Responsibilities.—Each employer shall—

"(1) notify employees and prospective employees of the use of the System and that the System may be used for immigration enforcement purposes;

"(2) verify the identification and employment authorization status for newly hired individuals described in section 101(a)(15)(H)(v)(a) not later than 3 days after the date of hire;

"(3) use—

"(A) a machine-readable document described in subsection (a)(3)(B); or

"(B) the telephonic or electronic system to access the Database;

"(4) provide, for each employer hired, the occupation, metropolitan statistical area of employment, and annual compensation paid;

"(5) retain the code received indicating confirmation or nonconfirmation, for use in investigations described in section 212(n)(2); and

"(6) provide a copy of the employment verification receipt to such employees.

"(e) Good-Faith Compliance.—

"(1) Affirmative defense.—A person or entity that establishes good faith compliance with the requirements of this section with respect to the employment of an individual in the United States has established an affirmative defense that the person or entity has not violated this section.

"(2) Limitation.—Paragraph (1) shall not apply if a person or entity engages in an unlawful immigration-related employment practice described in subsection (a)(7).".

(b) Interim Directive.—Before the implementation of the Employment Eligibility Confirmation System (referred to in this section as the "System") established under section 274E of the Immigration and Nationality Act, as added by subsection (a), the Commissioner of Social Security, in coordination with the Secretary of Homeland Security, shall, to the maximum extent practicable, implement an interim system to confirm employment eligibility that is consistent with the provisions of such section.

(c) Reports.—

(1) In general.—Not later than 3 months after the last day of the second year and of the third year that the System is in effect, the Comptroller General of the United States shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report on the System.

(2) Contents.—Each report submitted under paragraph (1) shall include—

(A) an assessment of the impact of the System on the employment of unauthorized workers;

(B) an assessment of the accuracy of the Employment Eligibility Database maintained by the Department of Homeland Security and Social Security Administration databases, and timeliness and accuracy of responses from the Department of Homeland Security and the Social Security Administration to employers;

(C) an assessment of the privacy, confidentiality, and system security of the System;

(D) assess whether the System is being implemented in a nondiscriminatory manner; and

(E) include recommendations on whether or not the System should be modified.

SEC. 1403. IMPROVED ENTRY AND EXIT DATA SYSTEM.

Section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1365a) is amended—

(1) by striking "Attorney General" each place it appears and inserting "Secretary of Homeland Security";

(2) in subsection (b)—

(A) in paragraph (1)(C), by striking "Justice" and inserting "Homeland Security";

(B) in paragraph (4), by striking "and" at the end;

(C) in paragraph (5), by striking the period at the end and inserting "; and"; and

(D) by adding at the end the following:

"(6) collects the biometric machine-readable information from an alien's visa or immigration-related document described in section 221(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1201(a)(3) at the time an alien arrives in the United States and at the time an alien departs from the United States to determine if such alien is entering, or is present in, the United States unlawfully."; and

(3) in subsection (f)(1), by striking "Departments of Justice and State" and inserting "Department of Homeland Security and the Department of State".

SEC. 1404. DEPARTMENT OF LABOR INVESTIGATIVE AUTHORITIES.

Section 212(n)(2) of the Immigration and Nationality Act (8 U.S.C. 1182(n)(2)) is amended—

(1) by redesignating subparagraph (H) as subparagraph (J); and

(2) by inserting after subparagraph (G) the following:

"(H)(i) The Secretary of Labor may initiate an investigation of any employer that employs nonimmigrants described in section 101(a)(15)(H)(v)(a) if the Secretary, or the Secretary's designee—

"(I) certifies that reasonable cause exists to believe that the employer is out of compliance with the Secure America and Orderly Immigration Act or section 274E; and

"(II) approves the commencement of the investigation.

"(ii) In determining whether reasonable cause exists to initiate an investigation under this section, the Secretary shall—

"(I) monitor the Willing Worker-Willing Employer Electronic Job Registry;

"(II) monitor the Employment Eligibility Confirmation System, taking into consideration whether—

"(aa) an employer's submissions to the System generate a high volume of tentative nonconfirmation responses relative to other comparable employers;

"(bb) an employer rarely or never screens hired individuals;

"(cc) individuals employed by an employer rarely or never pursue a secondary verification process as established in section 274E; or

"(dd) any other indicators of illicit, inappropriate or discriminatory use of the System, especially those described in section 274E(a)(6)(D), exist; and

"(III) consider any additional evidence that the Secretary determines appropriate.

"(iii) Absent other evidence of noncompliance, an investigation under this subparagraph should not be initiated for lack of completeness or obvious inaccuracies by the employer in complying with section 101(a)(15)(H)(v)(a).".

SEC. 1405. PROTECTION OF EMPLOYMENT RIGHTS.

The Secretary and the Secretary of Homeland Security shall establish a process under which a nonimmigrant worker described in clause (ii)(b) or (v)(a) of section 101(a)(15)(H) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)) who files a nonfrivolous complaint regarding a violation of this section and is otherwise eligible to remain and work in the United States may be allowed to seek other appropriate employment in the United States with an employer for a period not to exceed the maximum period of stay authorized for that nonimmigrant classification.

SEC. 1406. INCREASED FINES FOR PROHIBITED BEHAVIOR.

Section 274B(g)(2)(B)(iv) of the Immigration and Nationality Act (8 U.S.C. 1324b(g)(2)(B)(iv)) is amended—

(1) in subclause (I), by striking "not less than $250 and not more than $2,000" and inserting "not less than $500 and not more than $4,000";

(2) in subclause (II), by striking "not less than $2,000 and not more than $5,000" and inserting "not less than $4,000 and not more than $10,000"; and

(3) in subclause (III), by striking "not less than $3,000 and not more than $10,000" and inserting "not less than $6,000 and not more than $20,000".

TITLE V—PROMOTING CIRCULAR MIGRATION PATTERNS

SEC. 1501. LABOR MIGRATION FACILITATION PROGRAMS.

(a) Authority for Program.—

(1) In general.—The Secretary of State is authorized to enter into an agreement to establish and administer a labor migration facilitation program jointly with the appropriate official of a foreign government whose citizens participate in the temporary worker program authorized under section 101(a)(15)(H)(v)(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(v)(a)).

(2) Priority.—In establishing programs under subsection (a), the Secretary of State shall place a priority on establishing such programs with foreign governments that have a large number of nationals working as temporary workers in the United States under such section 101(a)(15)(H)(v)(a). The Secretary shall enter into such agreements not later than 3 months after the date of enactment of this Act or as soon thereafter as is practicable.

(3) Elements of program.—A program established under paragraph (1) may provide for—

(A) the Secretary of State, in conjunction with the Secretary of Homeland Security and the Secretary of Labor, to confer with a foreign government—

(i) to establish and implement a program to assist temporary workers from such a country to obtain nonimmigrant status under such section 101(a)(15)(H)(v)(a);

(ii) to establish programs to create economic incentives for aliens to return to their home country;

(B) the foreign government to monitor the participation of its nationals in such a temporary worker program, including departure from and return to a foreign country;

(C) the foreign government to develop and promote a reintegration program available to such individuals upon their return from the United States;

(D) the foreign government to promote or facilitate travel of such individuals between the country of origin and the United States; and

(E) any other matters that the foreign government and United States find appropriate to enable such individuals to maintain strong ties to their country of origin.

SEC. 1502. BILATERAL EFFORTS WITH MEXICO TO REDUCE MIGRATION PRESSURES AND COSTS.

(a) Findings.—Congress makes the following findings:

(1) Migration from Mexico to the United States is directly linked to the degree of economic opportunity and the standard of living in Mexico.

(2) Mexico comprises a prime source of migration to the United States.

(3) Remittances from Mexican citizens working in the United States reached a record high of nearly $17,000,000,000 in 2004.

(4) Migration patterns may be reduced from Mexico to the United States by addressing the degree of economic opportunity available to Mexican citizens.

(5) Many Mexican assets are held extra-legally and cannot be readily used as collateral for loans.

(6) A majority of Mexican businesses are small or medium size with limited access to financial capital.

(7) These factors constitute a major impediment to broad-based economic growth in Mexico.

(8) Approximately 20 percent of Mexico's population works in agriculture, with the majority of this population working on small farms and few on large commercial enterprises.

(9) The Partnership for Prosperity is a bilateral initiative launched jointly by the President of the United States and the President of Mexico in 2001, which aims to boost the social and economic standards of Mexican citizens, particularly in regions where economic growth has lagged and emigration has increased.

(10) The Presidents of Mexico and the United States and the Prime Minister of Canada, at their trilateral summit on March 23, 2005, agreed to promote economic growth, competitiveness, and quality of life in the agreement on Security and Prosperity Partnership of North America.

(b) SENSE OF CONGRESS REGARDING PARTNERSHIP FOR PROSPERITY.—It is the sense of Congress that the United States and Mexico should accelerate the implementation of the Partnership for Prosperity to help generate economic growth and improve the standard of living in Mexico, which will lead to reduced migration, by—

(1) increasing access for poor and under served populations in Mexico to the financial services sector, including credit unions;

(2) assisting Mexican efforts to formalize its extra-legal sector, including the issuance of formal land titles, to enable Mexican citizens to use their assets to procure capital;

(3) facilitating Mexican efforts to establish an effective rural lending system for small- and medium-sized farmers that will—

(A) provide long term credit to borrowers;

(B) develop a viable network of regional and local intermediary lending institutions; and

(C) extend financing for alternative rural economic activities beyond direct agricultural production;

(4) expanding efforts to reduce the transaction costs of remittance flows in order to increase the pool of savings available to help finance domestic investment in Mexico;

(5) encouraging Mexican corporations to adopt internationally recognized corporate governance practices, including anti-corruption and transparency principles;

(6) enhancing Mexican efforts to strengthen governance at all levels, including efforts to improve transparency and accountability, and to eliminate corruption, which is the single biggest obstacle to development;

(7) assisting the Government of Mexico in implementing all provisions of the Inter-American Convention Against Corruption (ratified by Mexico on May 27, 1997) and urging the Government of Mexico to participate fully in the Convention's formal implementation monitoring mechanism;

(8) helping the Government of Mexico to strengthen education and training opportunities throughout the country, with a particular emphasis on improving rural education; and

(9) encouraging the Government of Mexico to create incentives for persons who have migrated to the United States to return to Mexico.

(c) SENSE OF CONGRESS REGARDING BILATERAL PARTNERSHIP ON HEALTH CARE.—It is the sense of Congress that the Government of the United States and the Government of Mexico should enter into a partnership to examine uncompensated and burdensome health care costs incurred by the United States due to legal and illegal immigration, including—

(1) increasing health care access for poor and under served populations in Mexico;

(2) assisting Mexico in increasing its emergency and trauma health care facilities along the border, with emphasis on expanding prenatal care in the United States-Mexico border region;

(3) facilitating the return of stable, incapacitated workers temporarily employed in the United States to Mexico in order to receive extended, long-term care in their home country; and

(4) helping the Government of Mexico to establish a program with the private sector to cover the health care needs of Mexican nationals temporarily employed in the United States.

TITLE VI—FAMILY UNITY AND BACKLOG REDUCTION

SEC. 1601. ELIMINATION OF EXISTING BACKLOGS.

(a) FAMILY-SPONSORED IMMIGRANTS.—Section 201(c) of the Immigration and Nationality Act (8 U.S.C. 1151(c)) is amended to read as follows:

"(c) WORLDWIDE LEVEL OF FAMILY-SPONSORED IMMIGRANTS.—The worldwide level of family-sponsored immigrants under this subsection for a fiscal year is equal to the sum of—

"(1) 480,000;

"(2) the difference between the maximum number of visas authorized to be issued under this subsection during the previous fiscal year and the number of visas issued during the previous fiscal year; and

"(3) the difference between—

"(A) the maximum number of visas authorized to be issued under this subsection during fiscal years 2001 through 2005 minus the number of visas issued under this subsection during those years; and

"(B) the number of visas described in subparagraph (A) that were issued after fiscal year 2005.".

(b) EMPLOYMENT-BASED IMMIGRANTS.—Section 201(d) of the Immigration and Nationality Act (8 U.S.C. 1151(d)) is amended to read as follows:

"(d) WORLDWIDE LEVEL OF EMPLOYMENT-BASED IMMIGRANTS.—The worldwide level of employment-based immigrants under this subsection for a fiscal year is equal to the sum of—

"(1) 290,000;

"(2) the difference between the maximum number of visas authorized to be issued under this subsection during the previous fiscal year and the number of visas issued during the previous fiscal year; and

"(3) the difference between—

"(A) the maximum number of visas authorized to be issued under this subsection during fiscal years 2001 through 2005 and the number of visa numbers issued under this subsection during those years; and

"(B) the number of visas described in subparagraph (A) that were issued after fiscal year 2005.".

SEC. 1602. COUNTRY LIMITS.

Section 202(a) of the Immigration and Nationality Act (8 U.S.C. 1152(a)) is amended—

(1) in paragraph (2)—

(A) by striking ", (4), and (5)" and inserting "and (4)"; and

(B) by striking "7 percent (in the case of a single foreign state) or 2 percent" and inserting "10 percent (in the case of a single foreign state) or 5 percent"; and

(2) by striking paragraph (5).

SEC. 1603. ALLOCATION OF IMMIGRANT VISAS.

(a) PREFERENCE ALLOCATION FOR FAMILY-SPONSORED IMMIGRANTS.—Section 203(a) of the Immigration and Nationality Act (8 U.S.C. 1153(a)) is amended to read as follows:

"(a) PREFERENCE ALLOCATIONS FOR FAMILY-SPONSORED IMMIGRANTS.—Aliens subject to the worldwide level specified in section 201(c) for family-sponsored immigrants shall be allocated visas as follows:

"(1) UNMARRIED SONS AND DAUGHTERS OF CITIZENS.—Qualified immigrants who are the unmarried sons or daughters of citizens of the United States shall be allocated visas in a quantity not to exceed 10 percent of such worldwide level plus any visas not required for the class specified in paragraph (4).

"(2) SPOUSES AND UNMARRIED SONS AND DAUGHTERS OF PERMANENT RESIDENT ALIENS.—Visas in a quantity not to exceed 50 percent of such worldwide level plus any visas not required for the class specified in paragraph (1) shall be allocated to qualified immigrants—

"(A) who are the spouses or children of an alien lawfully admitted for permanent residence, which visas shall constitute not less than 77 percent of the visas allocated under this paragraph; or

"(B) who are the unmarried sons or daughters of an alien lawfully admitted for permanent residence.

"(3) MARRIED SONS AND DAUGHTERS OF CITIZENS.—Qualified immigrants who are the married sons and daughters of citizens of the United States shall be allocated visas in a quantity not to exceed 10 percent of such worldwide level plus any visas not required for the classes specified in paragraphs (1) and (2).

"(4) BROTHERS AND SISTERS OF CITIZENS.—Qualified immigrants who are the brothers or sisters of citizens of the United States who are at least 21 years of age shall be allocated visas in a quantity not to exceed 30 percent of the worldwide level plus any visas not required for the classes specified in paragraphs (1) through (3).".

(b) PREFERENCE ALLOCATION FOR EMPLOYMENT-BASED IMMIGRANTS.—Section 203(b) of the Immigration and Nationality Act (8 U.S.C. 1153(b)) is amended—

(1) in paragraph (1), by striking "28.6 percent" and inserting "20 percent";

(2) in paragraph (2)(A), by striking "28.6 percent" and inserting "20 percent";

(3) in paragraph (3)(A)—

(A) by striking "28.6 percent" and inserting "35 percent"; and

(B) by striking clause (iii);

(4) by striking paragraph (4);

(5) by redesignating paragraph (5) as paragraph (4);

(6) in paragraph (4)(A), as redesignated, by striking "7.1 percent" and inserting "5 percent";

(7) by inserting after paragraph (4), as redesignated, the following:

"(5) OTHER WORKERS.—Visas shall be made available, in a number not to exceed 30 percent of such worldwide level, plus any visa numbers not required for the classes specified in paragraphs (1) through (4), to qualified immigrants who are capable, at the time of petitioning for classification under this paragraph, of performing unskilled labor that is not of a temporary or seasonal nature, for which qualified workers are determined to be unavailable in the United States, or to nonimmigrants under section 101(a)(15)(H)(v)(a)."; and

(8) by striking paragraph (6).

(c) CONFORMING AMENDMENTS.—

(1) DEFINITION OF SPECIAL IMMIGRANT.—Section 101(a)(27)(M) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)(M)) is amended by striking "subject to the numerical limitations of section 203(b)(4),".

(2) REPEAL OF TEMPORARY REDUCTION IN WORKERS' VISAS.—Section 203(e) of the Nicaraguan Adjustment and Central American Relief Act (8 U.S.C. 1153 note) is repealed.

SEC. 1604. RELIEF FOR CHILDREN AND WIDOWS.

(a) IN GENERAL.—Section 201(b)(2)(A)(i) of the Immigration and Nationality Act (8 U.S.C. 1151(b)(2)(A)(i)) is amended by striking "spouses, and parents of a citizen of the United States" and inserting "(and their children who are accompanying or following to join them), the spouses (and their children who are accompanying or following to join them), and the parents of a citizen of the United States (and their children who are accompanying or following to join them)".

(b) PETITION.—Section 204(a)(1)(A)(ii) of the Immigration and Nationality Act (8 U.S.C. 1154 (a)(1)(A)(ii) is amended by inserting "or an alien child or alien parent described in the third sentence of section 201(b)(2)(A)(i)" after "section 201(b)(2)(A)(i)".

(c) ADJUSTMENT OF STATUS.—Section 245 of the Immigration and Nationality Act (8 U.S.C. 1255) is amended by adding at the end the following:

"(n) APPLICATIONS FOR ADJUSTMENT OF STATUS BY SURVIVING SPOUSES, CHILDREN, AND PARENTS.—

"(1) IN GENERAL.—Notwithstanding subsections (a) and (c) (except subsection (c)(6)), any alien described in paragraph (2) who applied for adjustment of status prior to the death of the qualifying relative, may have such application adjudicated as if such death had not occurred.

"(2) ALIEN DESCRIBED.—An alien described in this paragraph is an alien who—

"(A) is an immediate relative (as defined in section 201(b)(2)(A)(i));

"(B) is a family-sponsored immigrant (as described in subsection (a) or (d) of section 203);

"(C) is a derivative beneficiary of an employment-based immigrant under section 203(b), as described in section 203(d); or

"(D) is a derivative beneficiary of a diversity immigrant (as described in section 203(c)).".

(d) TRANSITION PERIOD.—Notwithstanding a denial of an application for adjustment of status not more than 2 years before the date of enactment of this Act, in the case of an alien whose qualifying relative died before the date of enactment of this Act, such application may be renewed by the alien through a motion to reopen, without fee, filed not later than 1 year after the date of enactment of this Act.

SEC. 1605. AMENDING THE AFFIDAVIT OF SUPPORT REQUIREMENTS.

Section 213A of the Immigration and Nationality Act (8 U.S.C. 1183a) is amended—

(1) in subsection (a)(1)(A), by striking "125" and inserting "100"; and

(2) in subsection (f), by striking "125" each place it appears and inserting "100".

SEC. 1606. DISCRETIONARY AUTHORITY.

Section 212(i) of the Immigration and Nationality Act (8 U.S.C. 1182(i)) is amended—

(1) by redesignating paragraph (2) as paragraph (3); and

(2) by inserting after paragraph (1) the following:

"(2)(A) The Secretary of Homeland Security may waive the application of subsection (a)(6)(C)—

"(i) in the case of an immigrant who is the spouse, parent, son, or daughter of a United States citizen or of an alien lawfully admitted for permanent residence, if the Secretary of Homeland Security determines that the refusal of admission to the United States of such immigrant alien would result in extreme hardship to the citizen or lawfully resident spouse, child, son, daughter, or parent of such an alien; or

"(ii) in the case of an alien granted classification under clause (iii) or (iv) of section 204(a)(1)(A) or clause (ii) or (iii) of section 204(a)(1)(B), the alien demonstrates extreme hardship to the alien or the alien's parent or child if, such parent or child is a United States citizen, a lawful permanent resident, or a qualified alien.

"(B) An alien who is granted a waiver under subparagraph (A) shall pay a $2,000 fine.".

SEC. 1607. FAMILY UNITY.

Section 212(a)(9) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(9)) is amended—

(1) in subparagraph (B)(iii)(I), by striking "18" and inserting "21"; and

(2) in subparagraph (C)(ii)—

(A) by redesignating subclauses (1) and (2) as subclauses (I) and (II); and

(B) in subclause (II), as redesignated, by redesignating items (A), (B), (C), and (D) as items (aa), (bb), (cc), and (dd); and

(3) by adding at the end the following:

"(D) WAIVER.—

"(i) IN GENERAL.—The Secretary may waive the application of subparagraphs (B) and (C) for an alien who is a beneficiary of a petition filed under sections 201 and 203 if such petition was filed on or before the date of introduction of Secure America and Orderly Immigration Act.

"(ii) FINE.—An alien who is granted a waiver under clause (i) shall pay a $2,000 fine.".

TITLE VII—H–5B NONIMMIGRANTS

SEC. 1701. H–5B NONIMMIGRANTS.

(a) IN GENERAL.—Chapter 5 of title II of the Immigration and Nationality Act (8 U.S.C. 1255 et seq.) is amended by adding after section 250 the following:

"H–5B NONIMMIGRANTS

"SEC. 250A. (a) IN GENERAL.—The Secretary of Homeland Security shall adjust the status of an alien to that of a nonimmigrant under section 101(a)(15)(H)(v)(b) if the alien—

"(1) submits an application for such adjustment; and

"(2) meets the requirements of this section.

"(b) PRESENCE IN THE UNITED STATES.—The alien shall establish that the alien—

"(1) was present in the United States before the date on which the Secure America and Orderly Immigration Act was introduced, and has been continuously in the United States since such date; and

"(2) was not legally present in the United States on the date on which the Secure America and Orderly Immigration Act was introduced under any classification set forth in section 101(a)(15).

"(c) SPOUSES AND CHILDREN.—Notwithstanding any other provision of law, the Secretary of Homeland Security shall, if the person is otherwise eligible under subsection (b)—

"(1) adjust the status to that of a nonimmigrant under section 101(a)(15)(H)(v)(b) for, or provide a nonimmigrant visa to, the spouse or child of an alien who is provided nonimmigrant status under section 101(a)(15)(H)(v)(b); or

"(2) adjust the status to that of a nonimmigrant under section 101(a)(15)(H)(v)(b) for an alien who, before the date on which the Secure America and Orderly Immigration Act was introduced in Congress, was the spouse or child of an alien who is provided nonimmigrant status under section 101(a)(15)(H)(v)(b), or is eligible for such status, if—

"(A) the termination of the qualifying relationship was connected to domestic violence; and

"(B) the spouse or child has been battered or subjected to extreme cruelty by the spouse or parent alien who is provided nonimmigrant status under section 101(a)(15)(H)(v)(b).

"(d) OTHER CRITERIA.—

"(1) IN GENERAL.—An alien may be granted nonimmigrant status under section 101(a)(15)(H)(v)(b), or granted status as the spouse or child of an alien eligible for such status under subsection (c), if the alien establishes that the alien—

"(A) is not inadmissible to the United States under section 212(a), except as provided in paragraph (2); or

"(B) has not ordered, incited, assisted, or otherwise participated in the persecution of any person on account of race, religion, nationality, membership in a particular social group, or political opinion.

"(2) GROUNDS OF INADMISSIBILITY.—In determining an alien's admissibility under paragraph (1)(A)—

"(A) paragraphs (5), (6)(A), (6)(B), (6)(C), (6)(F), (6)(G), (7), (9), and (10)(B) of section 212(a) shall not apply for conduct that occurred before the date on which the Secure America and Orderly Immigration Act was introduced;

"(B) the Secretary of Homeland Security may not waive—

"(i) subparagraph (A), (B), (C), (E), (G), (H), or (I) of section 212(a)(2) (relating to criminals);

"(ii) section 212(a)(3) (relating to security and related grounds); or

"(iii) subparagraph (A) or (C) of section 212(a)(10) (relating to polygamists and child abductors);

"(C) for conduct that occurred before the date on which the Secure America and Orderly Immigration Act was introduced, the Secretary of Homeland Security may waive the application of any provision of section 212(a) not listed in subparagraph (B) on behalf of an individual alien for humanitarian purposes, to ensure family unity, or when such waiver is otherwise in the public interest; and

"(D) nothing in this paragraph shall be construed as affecting the authority of the Secretary of Homeland Security other than under this paragraph to waive the provisions of section 212(a).

"(3) APPLICABILITY OF OTHER PROVISIONS.—Sections 240B(d) and 241(a)(5) shall not apply to an alien who is applying for adjustment of status in accordance with this title for conduct that occurred before the date on which the Secure America and Orderly Immigration Act was introduced.

"(e) EMPLOYMENT.—

"(1) IN GENERAL.—The Secretary of Homeland Security may not adjust the status of an alien to that of a nonimmigrant under section 101(a)(15)(H)(v)(b) unless the alien establishes that the alien—

"(A) was employed in the United States, whether full time, part time, seasonally, or self-employed, before the date on which the Secure America and Orderly Immigration Act was introduced; and

"(B) has been employed in the United States since that date.

"(2) EVIDENCE OF EMPLOYMENT.—

"(A) CONCLUSIVE DOCUMENTS.—An alien may conclusively establish employment status in compliance with paragraph (1) by submitting to the Secretary of Homeland Security records demonstrating such employment maintained by—

"(i) the Social Security Administration, Internal Revenue Service, or by any other Federal, State, or local government agency;

"(ii) an employer; or

"(iii) a labor union, day labor center, or an organization that assists workers in matters related to employment.

"(B) OTHER DOCUMENTS.—An alien who is unable to submit a document described in clauses (i) through (iii) of subparagraph (A) may satisfy the requirement in paragraph (1) by submitting to the Secretary at least 2 other types of reliable documents that provide evidence of employment, including—

"(i) bank records;

"(ii) business records;

"(iii) sworn affidavits from nonrelatives who have direct knowledge of the alien's work; or

"(iv) remittance records.

"(3) INTENT OF CONGRESS.—It is the intent of Congress that the requirement in this subsection be interpreted and implemented in a manner that recognizes and takes into account the difficulties encountered by aliens in obtaining evidence of employment due to the undocumented status of the alien.

"(4) BURDEN OF PROOF.—An alien described in paragraph (1) who is applying for adjustment of status under this section has the burden of proving by a preponderance of the evidence that the alien has satisfied the requirements of this subsection. An alien may meet such burden of proof by producing sufficient evidence to demonstrate such employment as a matter of reasonable inference.

"(f) SPECIAL RULES FOR MINORS AND INDIVIDUALS WHO ENTERED AS MINORS.—The employment requirements under this section shall not apply to any alien under 21 years of age.

"(g) EDUCATION PERMITTED.—An alien may satisfy the employment requirements under this section, in whole or in part, by full-time attendance at—

"(1) an institution of higher education (as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)); or

"(2) a secondary school (as defined in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)).

"(h) SECURITY AND LAW ENFORCEMENT BACKGROUND CHECKS.—

"(1) SUBMISSION OF FINGERPRINTS.—An alien may not be granted nonimmigrant status under section 101(a)(15)(H)(v)(b), or granted status as the spouse or child of an alien eligible for such status under subsection (c), unless the alien submits fingerprints in accordance with procedures established by the Secretary of Homeland Security.

"(2) BACKGROUND CHECKS.—The Secretary of Homeland Security shall utilize fingerprints and other data provided by the alien to conduct a background check of such alien relating to criminal, national security, or other law enforcement actions that would render the alien ineligible for adjustment of status as described in this section.

"(3) EXPEDITIOUS PROCESSING.—The background checks required under paragraph (2) shall be conducted as expeditiously as possible.

"(i) PERIOD OF AUTHORIZED STAY AND APPLICATION FEE AND FINE.—

"(1) PERIOD OF AUTHORIZED STAY.—

"(A) IN GENERAL.—The period of authorized stay for a nonimmigrant described in section 101(a)(15)(H)(v)(b) shall be 6 years.

"(B) LIMITATION.—The Secretary of Homeland Security may not authorize a change from such nonimmigrant classification to any other immigrant or nonimmigrant classification until the termination of the 6-year period described in subparagraph (A). The Secretary may only extend such period to accommodate the processing of an application for adjustment of status under section 245B.

"(2) APPLICATION FEE.—The Secretary of Homeland Security shall impose a fee for filing an application for adjustment of status under this section. Such fee shall be sufficient to cover the administrative and other expenses incurred in connection with the review of such applications.

"(3) FINES.—

"(A) IN GENERAL.—In addition to the fee required under paragraph (2), the Secretary of Homeland Security may accept an application for adjustment of status under this section only if the alien pays a $1,000 fine.

"(B) EXCEPTION.—Fines paid under this paragraph shall not be required from an alien under the age of 21.

"(4) COLLECTION OF FEES AND FINES.—All fees and fines collected under this section shall be deposited in the Treasury in accordance with section 286(w).

"(j) TREATMENT OF APPLICANTS.—

"(1) IN GENERAL.—An alien who files an application under this section, including the alien's spouse or child—

"(A) shall be granted employment authorization pending final adjudication of the alien's application for adjustment of status;

"(B) shall be granted permission to travel abroad;

"(C) may not be detained, determined inadmissible or deportable, or removed pending final adjudication of the alien's application for adjustment of status, unless the alien, through conduct or criminal conviction, becomes ineligible for such adjustment of status; and

"(D) may not be considered an unauthorized alien (as defined in section 274A(h)(3)) until employment authorization under subparagraph (A) is denied.

"(2) BEFORE APPLICATION PERIOD.—If an alien is apprehended after the date of enactment of this section, but before the promulgation of regulations pursuant to this section, and the alien can establish prima facie eligibility as a nonimmigrant under section 101(a)(15)(H)(v)(b), the Secretary of Homeland Security shall provide the alien with a reasonable opportunity, after promulgation of regulations, to file an application for adjustment.

"(3) DURING CERTAIN PROCEEDINGS.—Notwithstanding any provision of this Act, an alien who is in removal proceedings shall have an opportunity to apply for adjustment of status under this title unless a final administrative determination has been made.

"(4) RELATIONSHIPS OF APPLICATION TO CERTAIN ORDERS.—An alien who is present in the United States and has been ordered excluded, deported, removed, or ordered to depart voluntarily from the United States under any provision of this Act may, notwithstanding such order, apply for adjustment of status in accordance with this section. Such an alien shall not be required to file a separate motion to reopen, reconsider, or vacate the exclusion, deportation, removal, or voluntary departure order. If the Secretary of Homeland Security grants the application, the Secretary shall cancel such order. If the Secretary of Homeland Security renders a final administrative decision to deny the application, such order shall be effective and enforceable to the same extent as if the application had not been made.

"(k) ADMINISTRATIVE AND JUDICIAL REVIEW.—

"(1) ADMINISTRATIVE REVIEW.—

"(A) SINGLE LEVEL OF ADMINISTRATIVE APPELLATE REVIEW.—The Secretary of Homeland Security shall establish an appellate authority within the United States Citizenship and Immigration Services to provide for a single level of administrative appellate review of a determination respecting an application for adjustment of status under this section.

"(B) STANDARD FOR REVIEW.—Administrative appellate review referred to in subparagraph (A) shall be based solely upon the administrative record established at the time of the determination on the application and upon the presentation of additional or newly discovered evidence during the time of the pending appeal.

"(2) JUDICIAL REVIEW.—

"(A) IN GENERAL.—There shall be judicial review in the Federal courts of appeal of the denial of an application for adjustment of status under this section. Notwithstanding any other provision of law, the standard for review of such a denial shall be governed by subparagraph (B).

"(B) STANDARD FOR JUDICIAL REVIEW.—Judicial review of a denial of an application under this section shall be based solely upon the administrative record established at the time of the review. The findings of fact and other determinations contained in the record shall be conclusive unless the applicant can establish abuse of discretion or that the findings are directly contrary to clear and convincing facts contained in the record, considered as a whole.

"(C) JURISDICTION OF COURTS.—

"(i) IN GENERAL.—Notwithstanding any other provision of law, the district courts of the United States shall have jurisdiction over any cause or claim arising from a pattern or practice of the Secretary of Homeland Security in the operation or implementation of this section that is arbitrary, capricious, or otherwise contrary to law, and may order any appropriate relief.

"(ii) REMEDIES.—A district court may order any appropriate relief under clause (i) if the court determines that resolution of such cause or claim will serve judicial and administrative efficiency or that a remedy would otherwise not be reasonably available or practicable.

"(3) STAY OF REMOVAL.—Aliens seeking administrative or judicial review under this subsection shall not be removed from the United States until a final decision is rendered establishing ineligibility under this section.

"(l) CONFIDENTIALITY OF INFORMATION.—

"(1) IN GENERAL.—Except as otherwise provided in this subsection, no Federal agency or bureau, nor any officer, employee, or agent of such agency or bureau, may—

"(A) use the information furnished by the applicant pursuant to an application filed under this section for any purpose other than to make a determination on the application;

"(B) make any publication through which the information furnished by any particular applicant can be identified; or

"(C) permit anyone other than the sworn officers and employees of such agency or bureau to examine individual applications.

"(2) REQUIRED DISCLOSURES.—The Secretary of Homeland Security shall provide the information furnished pursuant to an application filed under this section, and any other information derived from such furnished information, to a duly recognized law enforcement entity in connection with a criminal investigation or prosecution or a national security investigation or prosecution, in each instance about an individual suspect or group of suspects, when such information is requested in writing by such entity.

"(3) CRIMINAL PENALTY.—Any person who knowingly uses, publishes, or permits information to be examined in violation of this subsection shall be fined not more than $10,000.

"(m) PENALTIES FOR FALSE STATEMENTS IN APPLICATIONS.—

"(1) CRIMINAL PENALTY.—

"(A) VIOLATION.—It shall be unlawful for any person—

"(i) to file or assist in filing an application for adjustment of status under this section and knowingly and willfully falsify, misrepresent, conceal, or cover up a material fact or make any false, fictitious, or fraudulent statements or representations, or make or use any false writing or document knowing the same to contain any false, fictitious, or fraudulent statement or entry; or

"(ii) to create or supply a false writing or document for use in making such an application.

"(B) PENALTY.—Any person who violates subparagraph (A) shall be fined in accordance with title 18, United States Code, imprisoned not more than 5 years, or both.

"(2) INADMISSIBILITY.—An alien who is convicted of a crime under paragraph (1) shall be considered to be inadmissible to the United States on the ground described in section 212(a)(6)(C)(i).

"(3) EXCEPTION.—Notwithstanding paragraphs (1) and (2), any alien or other entity (including an employer or union) that submits an employment record that contains incorrect data that the alien used in order to obtain such employment before the date on which the Secure America and Orderly Immigration Act is introduced, shall not, on that ground, be determined to have violated this section.".

(b) CLERICAL AMENDMENT.—The table of contents for the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended by inserting after the item relating to section 250 the following:

"Sec. 250A. H-5B nonimmigrants.".

SEC. 1702. ADJUSTMENT OF STATUS FOR H-5B NONIMMIGRANTS.

(a) IN GENERAL.—Chapter 5 of title II of the Immigration and Nationality Act (8 U.S.C. 1255 et seq.) is amended by inserting after section 245A the following:

"ADJUSTMENT OF STATUS OF FORMER H-5B NONIMMIGRANT TO THAT OF PERSON ADMITTED FOR LAWFUL PERMANENT RESIDENCE

"SEC. 245B. (a) REQUIREMENTS.—The Secretary shall adjust the status of an alien from nonimmigrant status under section 101(a)(15)(H)(v)(b) to that of an alien lawfully admitted for permanent residence under this section if the alien satisfies the following requirements:

"(1) COMPLETION OF EMPLOYMENT OR EDUCATION REQUIREMENT.—The alien establishes that the alien has been employed in the United States, either full time, part time, seasonally, or self-employed, or has met the education requirements of subsection (f) or (g) of section 250A during the period required by section 250A(e).

"(2) RULEMAKING.—The Secretary shall establish regulations for the timely filing and processing of applications for adjustment of status for nonimmigrants under section 101(a)(15)(H)(v)(b).

"(3) APPLICATION AND FEE.—The alien who applies for adjustment of status under this section shall pay the following:

"(A) APPLICATION FEE.—An alien who files an application under section 245B of the Immigration and Nationality Act, shall pay an application fee, set by the Secretary.

"(B) ADDITIONAL FINE.—Before the adjudication of an application for adjustment of status filed under this section, an alien who is at least 21 years of age shall pay a fine of $1,000.

"(4) ADMISSIBLE UNDER IMMIGRATION LAWS.—The alien establishes that the alien is not inadmissible under section 212(a), except for any provision of that section that is not applicable or waived under section 250A(d)(2).

"(5) MEDICAL EXAMINATION.—The alien shall undergo, at the alien's expense, an appropriate medical examination (including a determination of immunization status) that conforms to generally accepted professional standards of medical practice.

"(6) PAYMENT OF INCOME TAXES.—

"(A) IN GENERAL.—Not later than the date on which status is adjusted under this section, the alien shall establish the payment of all Federal income taxes owed for employment during the period of employment required by section 250A(e) by establishing that—

"(i) no such tax liability exists;

"(ii) all outstanding liabilities have been met; or

"(iii) the alien has entered into an agreement for payment of all outstanding liabilities with the Internal Revenue Service.

"(B) IRS COOPERATION.—The Commissioner of Internal Revenue shall provide documentation to an alien upon request to establish the payment of all income taxes required by this paragraph.

"(7) BASIC CITIZENSHIP SKILLS.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the alien shall establish that the alien—

"(i) meets the requirements of section 312; or

"(ii) is satisfactorily pursuing a course of study to achieve such an understanding of English and knowledge and understanding of the history and government of the United States.

"(B) RELATION TO NATURALIZATION EXAMINATION.—An alien who demonstrates that the alien meets the requirements of section 312 may be considered to have satisfied the requirements of that section for purposes of becoming naturalized as a citizen of the United States under title III.

"(8) SECURITY AND LAW ENFORCEMENT BACKGROUND CHECKS.—The Secretary shall conduct a security and law enforcement background check in accordance with procedures described in section 250A(h).

"(9) MILITARY SELECTIVE SERVICE.—The alien shall establish that if the alien is within the age period required under the Military Selective Service Act (50 U.S.C. App. 451 et seq.), that such alien has registered under that Act.

"(b) TREATMENT OF SPOUSES AND CHILDREN.—

"(1) ADJUSTMENT OF STATUS.—Notwithstanding any other provision of law, the Secretary of Homeland Security shall—

"(A) adjust the status to that of a lawful permanent resident under this section, or provide an immigrant visa to the spouse or child of an alien who adjusts status to that of a permanent resident under this section; or

"(B) adjust the status to that of a lawful permanent resident under this section for an alien who was the spouse or child of an alien who adjusts status or is eligible to adjust status to that of a permanent resident under section 245B in accordance with subsection (a), if—

"(i) the termination of the qualifying relationship was connected to domestic violence; and

"(ii) the spouse or child has been battered or subjected to extreme cruelty by the spouse or parent who adjusts status to that of a permanent resident under this section.

"(2) APPLICATION OF OTHER LAW.—In acting on applications filed under this subsection with respect to aliens who have been battered or subjected to extreme cruelty, the Secretary of Homeland Security shall apply the provisions of section 204(a)(1)(J) and the protections, prohibitions, and penalties under section 384 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1367).

"(c) JUDICIAL REVIEW; CONFIDENTIALITY; PENALTIES.—Subsections (n), (o), and (p) of section 250A shall apply to this section.".

(b) CLERICAL AMENDMENT.—The table of contents for the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended by inserting after the item relating to section 245A the following:

"Sec. 245B. Adjustment of status of former H-5B nonimmigrant to that of person admitted for lawful permanent residence.".

SEC. 1703. ALIENS NOT SUBJECT TO DIRECT NUMERICAL LIMITATIONS.

Section 201(b)(1) of the Immigration and Nationality Act (8 U.S.C. 1151(b)(1)) is amended—

(1) in subparagraph (A), by striking "subparagraph (A) or (B) of"; and

(2) by adding at the end the following:

"(F) Aliens whose status is adjusted from the status described in section 101(a)(15)(H)(v)(b).".

SEC. 1704. EMPLOYER PROTECTIONS.

(a) IMMIGRATION STATUS OF ALIEN.—Employers of aliens applying for adjustment of status under section 245B or 250A of the Immigration and Nationality Act, as added by this title, shall not be subject to civil and criminal tax liability relating directly to the employment of such alien prior to such alien receiving employment authorization under this title.

(b) PROVISION OF EMPLOYMENT RECORDS.—Employers that provide unauthorized aliens with copies of employment records or other evidence of employment pursuant to an application for adjustment of status under section 245B or 250A of the Immigration and Nationality Act or any other application or petition pursuant to any other immigration law, shall not be subject to civil and criminal liability under section 274A of such Act for employing such unauthorized aliens.

(c) APPLICABILITY OF OTHER LAW.—Nothing in this section may be used to shield an employer from liability under section 274B of the Immigration and Nationality Act (8 U.S.C. 1324b) or any other labor or employment law.

SEC. 1705. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to the Secretary of Homeland Security such sums as may be necessary to carry out this title and the amendments made by this title.

(b) AVAILABILITY OF FUNDS.—Funds appropriated pursuant subsection (a) shall remain available until expended.

(c) SENSE OF CONGRESS.—It is the sense of Congress that funds authorized to be appropriated under subsection (a) should be directly appropriated so as to facilitate the orderly and timely commencement of the processing of applications filed under sections 245B and 250A of the Immigration and Nationality Act, as added by this Act.

TITLE VIII—PROTECTION AGAINST IMMIGRATION FRAUD

SEC. 1801. RIGHT TO QUALIFIED REPRESENTATION.

Section 292 of the Immigration and Nationality Act (8 U.S.C. 1362) is amended to read as follows:

"RIGHT TO QUALIFIED REPRESENTATION IN IMMIGRATION MATTERS

"SEC. 292. (a) AUTHORIZED REPRESENTATIVES IN IMMIGRATION MATTERS.—Only the following individuals are authorized to represent an individual in an immigration matter before any Federal agency or entity:

"(1) An attorney.

"(2) A law student who is enrolled in an accredited law school, or a graduate of an accredited law school who is not admitted to the bar, if—

"(A) the law student or graduate is appearing at the request of the individual to be represented;

"(B) in the case of a law student, the law student has filed a statement that the law student is participating, under the direct supervision of a faculty member, attorney, or accredited representative, in a legal aid program or clinic conducted by a law school or nonprofit organization, and that the law student is appearing without direct or indirect remuneration from the individual the law student represents;

"(C) in the case of a graduate, the graduate has filed a statement that the graduate is appearing under the supervision of an attorney or accredited representative and that the graduate is appearing without direct or indirect remuneration from the individual the graduate represents; and

"(D) the law student's or graduate's appearance is—

"(i) permitted by the official before whom the law student or graduate wishes to appear; and

"(ii) accompanied by the supervising faculty member, attorney, or accredited representative, to the extent required by such official.

"(3) Any reputable individual, if—

"(A) the individual is appearing on an individual case basis, at the request of the individual to be represented;

"(B) the individual is appearing without direct or indirect remuneration and the individual files a written declaration to that effect, except as described in subparagraph (D);

"(C) the individual has a pre-existing relationship or connection with the individual entitled to representation, such as a relative, neighbor, clergyman, business associate, or personal friend, except that this requirement may be waived, as a matter of administrative discretion, in cases where adequate representation would not otherwise be available; and

"(D) if making a personal appearance on behalf of another individual, the appearance is permitted by the official before whom the individual wishes to appear, except that such permission shall not be granted with respect to any individual who regularly engages in immigration and naturalization practice or preparation, or holds himself or herself out to the public as qualified to do so.

"(4) An individual representing a recognized organization (as described in subsection (f)) who has been approved to serve as an accredited representative by the Board of Immigration Appeals under subsection (f)(2).

"(5) An accredited official, in the United States, of the government to which an alien owes allegiance, if the official appears solely in his or her official capacity and with the consent of the person to be represented.

"(6) An individual who is licensed to practice law and is in good standing in a court of general jurisdiction of the country in which the individual resides and who is engaged in such practice, if the person represents persons only in matters outside the United States and that the official before whom such person wishes to appear allows such representation, as a matter of discretion.

"(7) An attorney, or an organization represented by an attorney, may appear, on a case-by-case basis, as amicus curiae, if the Board of Immigration Appeals grants such permission and the public interest will be served by such appearance.

"(b) FORMER EMPLOYEES.—No individual previously employed by the Department of Justice, Department of State, Department of Labor, or Department of Homeland Security may be permitted to act as an authorized representative under this section, if such authorization would violate any other applicable provision of Federal law or regulation. In addition, any application for such authorization must disclose any prior employment by or contract with such agencies for services of any nature.

"(c) ADVERTISING.—Only an attorney or an individual approved under subsection (f)(2) as an accredited representative may advertise or otherwise hold themselves out as being able to provide representation in an immigration matter. This provision shall in no way be deemed to diminish any Federal or State law to regulate, control, or enforce laws regarding such advertisement, solicitation, or offer of representation.

"(d) REMOVAL PROCEEDINGS.—In any proceeding for the removal of an individual from the United States and in any appeal proceedings from such proceeding, the individual shall have the privilege, as the individual shall choose, of being represented (at no expense to the Government) by an individual described in subsection (a). Representation by an individual other than a person described in subsection (a) may cause the representative to be subject to civil penalties or such other penalties as may be applicable.

"(e) BENEFITS FILINGS.—In any filing or submission for an immigration related benefit or a determination related to the immigration status of an individual made to the Department of Homeland Security, the Department of Labor, or the Department of State, the individual shall have the privilege, as the individual shall choose, of being represented (at no expense to the Government) by an individual described in subsection (a). Representation by an individual other than an individual described in subsection (a) is cause for the representative to be subject to civil or criminal penalties, as may be applicable.

"(f) RECOGNIZED ORGANIZATIONS AND ACCREDITED REPRESENTATIVES.—

"(1) RECOGNIZED ORGANIZATIONS.—

"(A) IN GENERAL.—The Board of Immigration Appeals may determine that a person is a recognized organization if such person—

"(i) is a nonprofit religious, charitable, social service, or similar organization established in the United States that—

"(I) is recognized by the Board of Immigration Appeals; and

"(II) is authorized to designate a representative to appear in an immigration matter before the Department of Homeland Security or the Executive Office for Immigration Review of the Department of Justice; and

"(ii) demonstrates to the Board that such person—

"(I) makes only nominal charges and assesses no excessive membership dues for individuals given assistance; and

"(II) has at its disposal adequate knowledge, information, and experience.

"(B) BONDING.—The Board, in its discretion, may impose a bond requirement on new organizations seeking recognition.

"(C) REPORTING OBLIGATIONS.—Recognized organizations shall promptly notify the Board when the organization no longer meets the requirements for recognition or when an accredited representative employed by the recognized organization ceases to be employed by the recognized organization.

"(2) ACCREDITED REPRESENTATIVES.—The Board of Immigration Appeals shall approve any qualified individual designated by a recognized organization to serve as an accredited representative. Such individual must be employed by the recognized organization and must meet all requirements set forth in this section and in the accompanying regulations to be authorized to represent individuals in an immigration matter. Accredited representatives, through their recognized organizations, must certify their continuing eligibility for accreditation every 3 years with the Board of Immigration Appeals. Accredited representatives who fail to comply with these requirements shall not have authority to represent persons in an immigration matter for the recognized organization.

"(g) PROHIBITED ACTS.—An individual, other than an individual authorized to represent an individual under this section, may not—

"(1) directly or indirectly provide or offer representation regarding an immigration matter for compensation or contribution;

"(2) advertise or solicit representation in an immigration matter;

"(3) retain any compensation provided for a prohibited act described in paragraph (1) or (2), regardless of whether any petition, application, or other document was filed with any government agency or entity and regardless of whether a petition, application, or other document was prepared or represented to have been prepared by such individual;

"(4) represent directly or indirectly that the individual is an attorney or supervised by or affiliated with an attorney, when such representation is false; or

"(5) violate any applicable civil or criminal statute or regulation of a State regarding the provision of representation by providing or offering to provide immigration or immigration-related assistance referenced in this subsection.

"(h) CIVIL ENFORCEMENT.—

"(1) IN GENERAL.—Any person, or any entity acting for the interests of itself, its members, or the general public (including a Federal law enforcement official or agency or law enforcement official or agency of any State or political subdivision of a State), that has reason to believe that any person is being or has been injured by reason of a violation of subsection (g) may commence a civil action in any court of competent jurisdiction.

"(2) REMEDIES.—

"(A) DAMAGES.—In any civil action brought under this subsection, if the court finds that the defendant has violated subsection (g), it shall award actual damages, plus the greater of—

"(i) an amount treble the amount of actual damages; or

"(ii) $1,000 per violation.

"(B) INJUNCTIVE RELIEF.—The court may award appropriate injunctive relief, including temporary, preliminary, or permanent injunctive relief, and restitution. Injunctive relief may include, where appropriate, an order temporarily or permanently enjoining the defendant from providing any service to any person in any immigration matter. The court may make such orders or judgments, including the appointment of a receiver, as may be necessary to prevent the commission of any act described in subsection (g).

"(C) ATTORNEY'S FEES.—The court shall also grant a prevailing plaintiff reasonable attorney's fees and costs, including expert witness fees.

"(D) CIVIL PENALTIES.—The court may also assess a civil penalty not exceeding $50,000 for a first violation, and not exceeding $100,000 for subsequent violations.

"(E) CUMULATIVE REMEDIES.—Unless otherwise expressly provided, the remedies or penalties provided under this paragraph are cumulative to each other and to the remedies or penalties available under all other Federal laws or laws of the jurisdiction where the violation occurred.

"(3) NONPREEMPTION.—Nothing in this subsection shall be construed to preempt any other private right of action or any right of action pursuant to the laws of any jurisdiction.

"(4) DISCOVERY.—Information obtained through discovery in a civil action under this subsection shall not be used in any criminal action. Upon the request of any party to a civil action under this subsection, any part of the court file that makes reference to information discovered in a civil action under this subsection may be sealed.

"(i) NONPREEMPTION OF MORE PROTECTIVE STATE AND LOCAL LAWS.—The provisions of this section supersede laws, regulations, and municipal ordinances of any State only to the extent such laws, regulations, and municipal ordinances impede the application of any provision of this section. Any State or political subdivision of a State may impose requirements supplementing those imposed by this section.

"(j) DEFINITIONS.—As used in this section—

"(1) the term 'attorney' means a person who—

"(A) is a member in good standing of the bar of the highest court of a State; and

"(B) is not under any order of any court suspending, enjoining, restraining, disbarring, or otherwise restricting such person in the practice of law;

"(2) the term 'compensation' means money, property, labor, promise of payment, or any other consideration provided directly or indirectly to an individual

"(3) the term 'immigration matter' means any proceeding, filing, or action affecting the immigration or citizenship status of any person, which arises under any immigration or nationality law, Executive order, Presidential proclamation, or action of any Federal agency;

"(4) the term 'representation', when used with respect to the representation of a person, includes—

"(A) the appearance, either in person or through the preparation or filing of any brief or other document, paper, application, or petition on behalf of another person or client, before any Federal agency or officer; and

"(B) the study of the facts of a case and the applicable laws, coupled with the giving of advice and auxiliary activities, including the incidental preparation of papers; and

"(5) the term 'State' includes a State or an outlying possession of the United States.".

SEC. 1802. PROTECTION OF WITNESS TESTIMONY.

(a) DEFINITION.—Section 101(a)(15)(U)(i) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(i)) is amended—

(1) by inserting in subclause (I) after the phrase "clause (iii)" the following: "or has suffered substantial financial, physical, or mental harm as the result of a prohibited act described in section 292;"

(2) by inserting in subclause (II) after the phrase "clause (iii)" the following: "or section 292";

(3) by inserting in subclause (III) after the phrase "clause (iii)" the following: "or section 292"; and

(4) by inserting in subclause (IV) after the phrase "clause (iii)" the following: "or section 292".

(b) ADMISSION OF NONIMMIGRANTS.—Section 214(p) of the Immigration and Nationality Act of (8 U.S.C. 1184(p)) is amended—

(1) in paragraph (1), by inserting "or section 274E" after "section 101(a)(15)(U)(iii)" each place it appears; and

(2) in paragraph (2)(A), by striking "10,000" and inserting "15,000".

TITLE IX—CIVICS INTEGRATION

SEC. 1901. FUNDING FOR THE OFFICE OF CITIZENSHIP.

(a) AUTHORIZATION.—The Secretary of Homeland Security, acting through the Director of the Bureau of Citizenship and Immigration Services, is authorized to establish the United States Citizenship Foundation (referred to in this section as the "Foundation"), an organization duly incorporated in the District of Columbia, exclusively for charitable and educational purposes to support the functions of the Office of Citizenship (as described in section 451(f)(2) of the Homeland Security Act of 2002 (6 U.S.C. 271(f)(2)).

(b) GIFTS.—

(1) TO FOUNDATION.—The Foundation may solicit, accept, and make gifts of money and other property in accordance with section 501(c)(3) of the Internal Revenue Code of 1986.

(2) FROM FOUNDATION.—The Office of Citizenship may accept gifts from the Foundation to support the functions of the Office.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out the mission of the Office of Citizenship.

SEC. 1902. CIVICS INTEGRATION GRANT PROGRAM.

(a) IN GENERAL.—The Secretary of Homeland Security shall establish a competitive grant program to fund—

(1) efforts by entities certified by the Office of Citizenship to provide civics and English as a second language courses; or

(2) other activities approved by the Secretary to promote civics and English as a second language.

(b) ACCEPTANCE OF GIFTS.—The Secretary may accept and use gifts from the United States Citizenship Foundation for grants under this section.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

TITLE X—PROMOTING ACCESS TO HEALTH CARE

SEC. 2001. FEDERAL REIMBURSEMENT OF EMERGENCY HEALTH SERVICES FURNISHED TO UNDOCUMENTED ALIENS.

Section 1011 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (42 U.S.C. 1395dd note) is amended—

(1) by striking "2008" and inserting "2011"; and

(2) in subsection (c)(5), by adding at the end the following:

"(D) Nonimmigrants described in section 101(a)(15)(H)(v) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(v)".

SEC. 2002. PROHIBITION AGAINST OFFSET OF CERTAIN MEDICARE AND MEDICAID PAYMENTS.

Payments made under section 1011 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (42 U.S.C. 1395dd note)—

(1) shall not be considered "third party coverage" for the purposes of section 1923 of the Social Security Act (42 U.S.C. 1396r-4); and

(2) shall not impact payments made under such section of the Social Security Act.

SEC. 2003. PROHIBITION AGAINST DISCRIMINATION AGAINST ALIENS ON THE BASIS OF EMPLOYMENT IN HOSPITAL-BASED VERSUS NONHOSPITAL-BASED SITES.

Section 214(l)(1)(C) of the Immigrant and Nationality Act (8 U.S.C. 1184(l)(1)(C) is amended—

(1) in clause (i), by striking "and" at the end; and

(2) by adding at the end the following:

"(iii) such interested Federal agency or interested State agency, in determining which aliens will be eligible for such waivers, does not utilize selection criteria, other than as described in this subsection, that discriminate on the basis of the alien's employment in a hospital-based versus nonhospital-based facility or organization; and".

SEC. 2004. BINATIONAL PUBLIC HEALTH INFRASTRUCTURE AND HEALTH INSURANCE.

(a) STUDY.—

(1) IN GENERAL.—The Secretary of Health and Human Services shall contract with the Institute of Medicine of the National Academies (referred to in this section as the "Institute") to study binational public health infrastructure and health insurance efforts.

(2) INPUT.—In conducting the study under paragraph (1), the Institute shall solicit input from border health experts and health insurance companies.

(b) REPORT.—

(1) IN GENERAL.—Not later than 1 year after the date on which the Secretary of Health and Human Services enters into a contract under subsection (a), the Institute shall submit a report concerning the study conducted under subsection (a) to the Secretary of Health and Human Services and the appropriate committees of Congress.

(2) CONTENTS.—The report submitted under paragraph (1) shall include the recommendations of the Institute on ways to expand or improve binational public health infrastructure and health insurance efforts.

TITLE XI—MISCELLANEOUS

SEC. 2101. SUBMISSION TO CONGRESS OF INFORMATION REGARDING H-5A NONIMMIGRANTS.

(a) Ensuring Accurate Count.—The Secretary of State and the Secretary of Homeland Security shall maintain an accurate count of the number of aliens subject to the numerical limitations under section 214(g)(1)(C) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(1)(C)) who are issued visas or otherwise provided nonimmigrant status.

(b) Provision of Information.—

(1) Quarterly notification.—Beginning with the first fiscal year after regulations are promulgated to implement this Act, the Secretary of State and the Secretary of Homeland Security shall submit quarterly reports to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives containing the numbers of aliens who were issued visas or otherwise provided nonimmigrant status under section 101(a)(15)(H)(v)(a) of the Immigrant and Nationality Act (8 U.S.C. 1101(a)(15)(H)(v)(a)) during the preceding 3-month period.

(2) Annual submission.—Beginning with the first fiscal year after regulations are promulgated to implement this Act, the Secretary of Homeland Security shall submit annual reports to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives, containing information on the countries of origin and occupations of, geographic area of employment in the United States, and compensation paid to, aliens who were issued visas or otherwise provided nonimmigrant status under such section 101(a)(15)(H)(v)(a). The Secretary shall compile such reports based on the data reported by employers to the Employment Eligibility Confirmation System established in section 402.

SEC. 2102. H-5 NONIMMIGRANT PETITIONER ACCOUNT.

Section 286 of the Immigration and Nationality Act (8 U.S.C. 1356) is amended by adding at the end the following:

"(w)(1) There is established in the general fund of the Treasury of the United States an account, which shall be known as the 'H-5 Nonimmigrant Petitioner Account'.

"(2) There shall be deposited as offsetting receipts into the H-5 Nonimmigrant Petitioners Account—

"(A) all fees collected under section 218A; and

"(B) all fines collected under section 212(n)(2)(I).

"(3) Of the fees and fines deposited into the H-5 Nonimmigrant Petitioner Account—

"(A) 53 percent shall remain available to the Secretary of Homeland Security for efforts related to the adjudication and implementation of the H-5 visa programs described in sections 221(a) and 250A and any other efforts necessary to carry out the provisions of the Secure America and Orderly Immigration Act and the amendments made by such Act, of which the Secretary shall allocate—

"(i) 10 percent shall remain available to the Secretary of Homeland Security for the border security efforts described in title I of the Secure America and Orderly Immigration Act.

"(ii) not more than 1 percent to promote public awareness of the H-5 visa program, to protect migrants from fraud, and to combat the unauthorized practice of law described in title III of the Secure America and Orderly Immigration Act;

"(iii) not more than 1 percent to the Office of Citizenship to promote civics integration activities described in section 901 of the Secure America and Orderly Immigration Act; and

"(iv) 2 percent for the Civics Integration Grant Program under section 902 of the Secure America and Orderly Immigration Act.

"(B) 15 percent shall remain available to the Secretary of Labor for the enforcement of labor standards in those geographic and occupational areas in which H-5A visa holders are likely to be employed and for other enforcement efforts under the Secure America and Orderly Immigration Act;

"(C) 15 percent shall remain available to the Commissioner of Social Security for the creation and maintenance of the Employment Eligibility Confirmation System described in section 402 of the Secure America and Orderly Immigration Act;

"(D) 15 percent shall remain available to the Secretary of State to carry out any necessary provisions of the Secure America and Orderly Immigration Act; and

"(E) 2 percent shall remain available to the Secretary of Health and Human Services for the reimbursement of hospitals serving individuals working under programs established in this Act.".

SEC. 2103. ANTI-DISCRIMINATION PROTECTIONS.

Section 274B(a)(3)(B) of the Immigration and Nationality Act (8 U.S.C. 1324b(a)(3)(B)) is amended to read as follows:

"(B) is an alien who is—

"(i) lawfully admitted for permanent residence;

"(ii) granted the status of an alien lawfully admitted for temporary residence under section 210(a) or 245(a)(1);

"(iii) admitted as a refugee under section 207;

"(iv) granted asylum under section 208; or

"(v) granted the status of nonimmigrant under section 101(a)(15)(H)(v).".

SEC. 2104. WOMEN AND CHILDREN AT RISK OF HARM.

(a) Certain Children and Women at Risk of Harm.—Section 101(a)(27) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)) is amended—

(1) in subparagraph (L), by inserting a semicolon at the end;

(2) in subparagraph (M), by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following:

"(N) subject to subsection (j), an immigrant who is not present in the United States—

"(i) who is—

"(I) referred to a consular, immigration, or other designated official by a United States Government agency, an international organization, or recognized nongovernmental entity designated by the Secretary of State for purposes of such referrals; and

"(II) determined by such official to be a minor under 18 years of age (as determined under subsection (j)(5))—

"(aa) for whom no parent or legal guardian is able to provide adequate care;

"(bb) who faces a credible fear of harm related to his or her age;

"(cc) who lacks adequate protection from such harm; and

"(dd) for whom it has been determined to be in his or her best interests to be admitted to the United States; or

"(ii) who is—

"(I) referred to a consular or immigration official by a United States Government agency, an international organization or recognized nongovernmental entity designated by the Secretary of State for purposes of such referrals; and

"(II) determined by such official to be a female who has—

"(aa) a credible fear of harm related to her sex; and

"(bb) a lack of adequate protection from such harm.".

(b) Statutory Construction.—Section 101 of the Immigration and Nationality Act (8 U.S.C. 1101) is amended by adding at the end the following:

"(j)(1) No natural parent or prior adoptive parent of any alien provided special immigrant status under subsection (a)(27)(N)(i) shall thereafter, by virtue of such parentage, be accorded any right, privilege, or status under this Act.

"(2)(A) No alien who qualifies for a special immigrant visa under subsection (a)(27)(N)(ii) may apply for derivative status or petition for any spouse who is represented by the alien as missing, deceased, or the source of harm at the time of the alien's application and admission. The Secretary of Homeland Security may waive this requirement for an alien who demonstrates that the alien's representations regarding the spouse were bona fide.

"(B) An alien who qualifies for a special immigrant visa under subsection (a)(27)(N) may apply for derivative status or petition for any sibling under the age of 18 years or children under the age of 18 years of any such alien, if accompanying or following to join the alien. For purposes of this subparagraph, a determination of age shall be made using the age of the alien on the date the petition is filed with the Department of Homeland Security.

"(3) An alien who qualifies for a special immigrant visa under subsection (a)(27)(N) shall be treated in the same manner as a refugee solely for purposes of section 412.

"(4) The provisions of paragraphs (4), (5), and (7)(A) of section 212(a) shall not be applicable to any alien seeking admission to the United States under subsection (a)(27)(N), and the Secretary of Homeland Security may waive any other provision of such section (other than paragraph (2)(C) or subparagraph (A), (B), (C), or (E) of paragraph (3)) with respect to such an alien for humanitarian purposes, to assure family unity, or when it is otherwise in the public interest. Any such waiver by the Secretary of Homeland Security shall be in writing and shall be granted only on an individual basis following an investigation. The Secretary of Homeland Security shall provide for the annual reporting to Congress of the number of waivers granted under this paragraph in the previous fiscal year and a summary of the reasons for granting such waivers.

"(5) For purposes of subsection (a)(27)(N)(i)(II), a determination of age shall be made using the age of the alien on the date on which the alien was referred to the consular, immigration, or other designated official.

"(6) The Secretary of Homeland Security shall waive any application fee for a special immigrant visa for an alien described in section 101(a)(27)(N).".

(c) Allocation of Special Immigrant Visas.—Section 203(b)(4) of the Immigration Nationality Act (8 U.S.C. 1153(b)(4)) is amended by striking "(A) or (B) thereof" and inserting "(A), (B), or (N) of such section".

(d) Expedited Process.—Not later than 45 days after the date of referral to a consular, immigration, or other designated official as described in section 101(a)(27)(N) of the Immigration and Nationality Act, as added by subsection (a), special immigrant status shall be adjudicated and, if granted, the alien shall be—

(1) paroled to the United States pursuant to section 212(d)(5) of that Act (8 U.S.C. 1182(d)(5)); and

(2) allowed to apply for adjustment of status to permanent residence under section 245 of that Act (8 U.S.C. 1255) not later than 1 year after the alien's arrival in the United States.

(e) REQUIREMENT PRIOR TO ENTRY INTO THE UNTIED STATES.—

(1) DATABASE SEARCH.—An alien may not be admitted to the United States under this section or an amendment made by this section until the Secretary of Homeland Security has ensured that a search of each database maintained by an agency or department of the United States has been conducted to determine whether such alien is ineligible to be admitted to the Untied States on criminal, security, or related grounds.

(2) COOPERATION AND SCHEDULE.—The Secretary of Homeland Security and the head of each appropriate agency or department of the United States shall work cooperatively to ensure that each database search required by paragraph (1) is completed not later than 45 days after the date on which an alien files a petition seeking a special immigration visa under section 101(a)(27)(N) of the Immigration and Nationality Act, as added by subsection (a).

(f) REQUIREMENT AFTER ENTRY INTO THE UNITED STATES.—

(1) REQUIREMENT TO SUBMIT FINGERPRINTS.—

(A) IN GENERAL.—Not later than 30 days after the date that an alien enters the United States under this section or an amendment made by this section, the alien shall be fingerprinted and submit to the Secretary of Homeland Security such fingerprints and any other personal biometric data required by the Secretary.

(B) OTHER REQUIREMENTS.—The Secretary of Homeland Security may prescribe regulations that permit fingerprints submitted by an alien under section 262 of the Immigration and Nationality Act (8 U.S.C. 1302) or any other provision of law to satisfy the requirement to submit fingerprints under subparagraph (A).

(2) DATABASE SEARCH.—The Secretary of Homeland Security shall ensure that a search of each database that contains fingerprints that is maintained by an agency or department of the United States be conducted to determine whether such alien is ineligible for an adjustment of status under any provision of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) on criminal, security, or related grounds.

(3) COOPERATION AND SCHEDULE.—The Secretary of Homeland Security and the head of each appropriate agency or department of the United States shall work cooperatively to ensure that each database search required under paragraph (2) is completed not later than 180 days after the date on which the alien enters the United States.

(4) ADMINISTRATIVE AND JUDICIAL REVIEW.—

(A) ADMINISTRATIVE REVIEW.—An alien who is admitted to the United States under this section or an amendment made by this section who is determined to be ineligible for an adjustment of status pursuant to section 212 of the Immigration and Nationality Act (8 U.S.C. 1182) may appeal such a determination through the Administrative Appeals Office of the Bureau of Citizenship and Immigration Services of the Department of Homeland Security. The Secretary of Homeland Security shall ensure that a determination on such appeal is made not later than 60 days after the date on which the appeal is filed.

(B) JUDICIAL REVIEW.—Nothing in this section, or in an amendment made by this section, may preclude application of section 242(a)(2)(B) of the Immigration and Nationality Act (8 U.S.C. 1252(a)(2)(B)).

(g) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, the Secretary of Homeland Security shall report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives on the progress of the implementation of this section and the amendments made by this section, including—

(1) data related to the implementation of this section and the amendments made by this section;

(2) data regarding the number of placements of females and children who faces a credible fear of harm as referred to in section 101(a)(27)(N) of the Immigration and Nationality Act, as added by subsection (a); and

(3) any other information that the Secretary of Homeland Security determines to be appropriate.

(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section and the amendments made by this section.

SEC. 2105. EXPANSION OF S VISA.

(a) EXPANSION OF S VISA CLASSIFICATION.—Section 101(a)(15)(S) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(S)) is amended—

(1) in clause (i)—

(A) by striking "Attorney General" each place that term appears and inserting "Secretary of Homeland Security"; and

(B) by striking "or" at the end; and

(2) in clause (ii)—

(A) by striking "Attorney General" and inserting "Secretary of Homeland Security"; and

(B) by striking "1956," and all that follows through "the alien;" and inserting the following: "1956; or

"(iii) who the Secretary of Homeland Security and the Secretary of State, in consultation with the Director of Central Intelligence, jointly determine—

"(I) is in possession of critical reliable information concerning the activities of governments or organizations, or their agents, representatives, or officials, with respect to weapons of mass destruction and related delivery systems, if such governments or organizations are at risk of developing, selling, or transferring such weapons or related delivery systems; and

"(II) is willing to supply or has supplied, fully and in good faith, information described in subclause (I) to appropriate persons within the United States Government;

and, if the Secretary of Homeland Security (or with respect to clause (ii), the Secretary of State and the Secretary of Homeland Security jointly) considers it to be appropriate, the spouse, married and unmarried sons and daughters, and parents of an alien described in clause (i), (ii), or (iii) if accompanying, or following to join, the alien;".

(b) NUMERICAL LIMITATION.—Section 214(k)(1) of the Immigration and Nationality Act (8 U.S.C. 1184(k)(1)) is amended to read as follows:

"(1) The number of aliens who may be provided a visa as nonimmigrants under section 101(a)(15)(S) in any fiscal year may not exceed 3,500.".

SEC. 2106. VOLUNTEERS.

It is not a violation of clauses (ii), (iii), or (iv) of subparagraph (A) for a religious denomination described in section 101(a)(27)(C)(i) or an affiliated religious organization described in section 101(a)(27)(C)(ii)(III), or their agents or officers, to encourage, invite, call, allow, or enable an alien, who is already present in the United States in violation of law to carry on the violation described in section 101(a)(27)(C)(ii)(I), as a volunteer who is not compensated as an employee, notwithstanding the provision of room, board, travel, and other basic living expenses.

SA 182. Mrs. HUTCHISON (for herself, Mr. CORNYN, and Mr. VOINOVICH) submitted an amendment intended to be proposed to amendment SA 100 proposed by Mr. REID (for Mr. BAUCUS) to the bill H.R. 2, to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . MODIFICATIONS TO THE SPECIAL FUNDING RULES OF THE PENSION PROTECTION ACT OF 2006.

(a) MODIFICATION OF THE INTEREST RATE FOR THE SPECIAL FUNDING RULES OF THE PENSION PROTECTION ACT OF 2006.—

(1) INTEREST RATE.—Section 402 (a)(2) of the Pension Protection Act of 2006 is amended by inserting "and by using, in determining the funding target for each of the 10 plan years during such period, an interest rate of 8.25 percent (rather than the segment rates calculated on the basis of the corporate bond yield curve)" after "such plan year".

(2) EFFECTIVE DATE.—The amendment made by this subsection shall take effect as if included in the provisions of the Pension Protection Act of 2006 to which such amendment relates.

(b) TECHNICAL AMENDMENTS.—

(1) IN GENERAL.—Section 402 of the Pension Protection Act of 2006 is amended—

(A) in subsection (d)(1), by adding at the end the following new subparagraph:

"(D) SPECIAL RULE FOR PLANS YEARS NOT BEGINNING ON 1ST DAY OF MONTH.—For purposes of applying subparagraph (A), a plan year beginning during the 4-day period immediately preceding 2006 or 2007 shall be treated as beginning in 2006 or 2007, as the case may be.", and

(B) in subsection (i)(1), by striking "December 28, 2007" and inserting "January 1, 2008".

(2) EFFECTIVE DATE.—The amendments made by this subsection shall take effect as if included in the provisions of the Pension Protection Act of 2006 to which such amendments relate. If an employer filed an election under section 402 of the Pension Protection Act of 2006 before January 1, 2007, the employer may, during the 60-day beginning on the date of the enactment of this Act, modify the election to reflect the amendments made by this subsection.

SA 183. Mrs. HUTCHISON (for herself, Mr. CORNYN, and Mr. VOINOVICH) submitted an amendment intended to be proposed to amendment SA 100 proposed by Mr. REID (for Mr. BAUCUS) to the bill H.R. 2, to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. MODIFICATION OF THE INTEREST RATE FOR THE SPECIAL FUNDING RULES OF THE PENSION PROTECTION ACT OF 2006.

(a) INTEREST RATE.—Section 402 (a)(2) of the Pension Protection Act of 2006 is amended by inserting "and by using, in determining the funding target for each of the 10 plan years during such period, an interest rate of 8.25 percent (rather than the segment rates calculated on the basis of the corporate bond yield curve)" after "such plan year".

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in the provisions of the Pension Protection Act of 2006 to which such amendment relates.

SA 184. Mrs. HUTCHISON (for herself, Mr. CORNYN, Mr. VOINOVICH, and Mr. BROWN) submitted an amendment intended to be proposed to amendment SA 100 proposed by Mr. REID (for Mr. BAUCUS) to the bill H.R. 2, to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . TECHNICAL AMENDMENTS TO THE SPECIAL FUNDING RULES OF THE PENSION PROTECTION ACT OF 2006.

(a) TECHNICAL AMENDMENTS.—Section 402 of the Pension Protection Act of 2006 is amended—

(1) in subsection (d)(1), by adding at the end the following new subparagraph:

"(D) SPECIAL RULE FOR PLANS YEARS NOT BEGINNING ON 1ST DAY OF MONTH.—For purposes of applying subparagraph (A), a plan year beginning during the 4-day period immediately preceding 2006 or 2007 shall be treated as beginning in 2006 or 2007, as the case may be.", and

(2) in subsection (i)(1), by striking "December 28, 2007" and inserting "January 1, 2008".

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the provisions of the Pension Protection Act of 2006 to which such amendments relate. If an employer filed an election under section 402 of the Pension Protection Act of 2006 before January 1, 2007, the employer may, during the 60-day beginning on the date of the enactment of this Act, modify the election to reflect the amendments made by this section.

SA 185. Mr. CHAMBLISS submitted an amendment intended to be proposed to amendment SA 118 submitted by Mr. CHAMBLISS (for himself, Mr. ISAKSON, and Mr. BURR) and intended to be proposed to the bill H.R. 2, to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. ___. WAGES FOR AGRICULTURAL WORKERS.

Section (6)(a)(5) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(5)) is amended to read as follows:

"(5) if such employee is employed in agriculture, not less than the greater of—

"(A) the minimum wage rate in effect under paragraph (1) after December 31, 1977; or

"(B) the prevailing wage established by the Occupational Employment Statistics program, or other wage survey, conducted by the Bureau of Labor Statistics in the county of intended employment, for entry level workers who are employed in agriculture in the area of work to be performed.".

SA 186. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill H.R. 2, to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage; which was ordered to lie on the table; as follows:

At the appropriate place, add the following new section:

SEC. . WAGES FOR AGRICULTURAL WORKERS.

Section (6)(a)(5) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(5)) is amended to read as follows:

"(5) if such employee is employed to provide agriculture labor or services—

"(A) not less than the minimum wage rate in effect under paragraph (1) after December 31, 1977; or

"(B) pursuant to the provisions of section 218 of the Immigration and Nationality Act (8 U.S.C. 1188), not less than the greater of—

"(i) the minimum wage rate in effect under paragraph (1) after December 31, 1977; or

"(ii) the prevailing wage established by the Occupational Employment Statistics program, or other wage survey, conducted by the Bureau of Labor Statistics in the county of intended employment, for entry level workers who are employed in agriculture in the area of the work to be performed.".

SA 187. Mr. KERRY (for himself, Ms. SNOWE, Mr. SUNUNU, Ms. LANDRIEU, and Mr. LIEBERMAN) submitted an amendment intended to be proposed to amendment SA 112 submitted by Mr. SUNUNU to the amendment SA 100 proposed by Mr. REID (for Mr. BAUCUS) to the bill H.R. 2, to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. . RENEWAL GRANTS FOR WOMEN'S BUSINESS CENTERS.

(a) IN GENERAL.—Section 29 of the Small Business Act (15 U.S.C. 656) is amended by adding at the end the following:

"(m) CONTINUED FUNDING FOR CENTERS.—

"(1) IN GENERAL.—A nonprofit organization described in paragraph (2) shall be eligible to receive, subject to paragraph (3), a 3-year grant under this subsection.

"(2) APPLICABILITY.—A nonprofit organization described in this paragraph is a nonprofit organization that has received funding under subsection (b) or (l).

"(3) APPLICATION AND APPROVAL CRITERIA.—

"(A) CRITERIA.—Subject to subparagraph (B), the Administrator shall develop and publish criteria for the consideration and approval of applications by nonprofit organizations under this subsection.

"(B) CONTENTS.—Except as otherwise provided in this subsection, the conditions for participation in the grant program under this subsection shall be the same as the conditions for participation in the program under subsection (l), as in effect on the date of enactment of this Act.

"(C) NOTIFICATION.—Not later than 60 days after the date of the deadline to submit applications for each fiscal year, the Administrator shall approve or deny any application under this subsection and notify the applicant for each such application.

"(4) AWARD OF GRANTS.—

"(A) IN GENERAL.—Subject to the availability of appropriations, the Administrator shall make a grant for the Federal share of the cost of activities described in the application to each applicant approved under this subsection.

"(B) AMOUNT.—A grant under this subsection shall be for not more than $150,000, for each year of that grant.

"(C) FEDERAL SHARE.—The Federal share under this subsection shall be not more than 50 percent.

"(D) PRIORITY.—In allocating funds made available for grants under this section, the Administrator shall give applications under this subsection or subsection (l) priority over first-time applications under subsection (b).

"(5) RENEWAL.—

"(A) IN GENERAL.—The Administrator may renew a grant under this subsection for additional 3-year periods, if the nonprofit organization submits an application for such renewal at such time, in such manner, and accompanied by such information as the Administrator may establish.

"(B) UNLIMITED RENEWALS.—There shall be no limitation on the number of times a grant may be renewed under subparagraph (A).

"(n) PRIVACY REQUIREMENTS.—

"(1) IN GENERAL.—A women's business center may not disclose the name, address, or telephone number of any individual or small business concern receiving assistance under this section without the consent of such individual or small business concern, unless—

"(A) the Administrator is ordered to make such a disclosure by a court in any civil or criminal enforcement action initiated by a Federal or State agency; or

"(B) the Administrator considers such a disclosure to be necessary for the purpose of conducting a financial audit of a women's business center, but a disclosure under this subparagraph shall be limited to the information necessary for such audit.

"(2) ADMINISTRATION USE OF INFORMATION.—This subsection shall not—

"(A) restrict Administration access to program activity data; or

"(B) prevent the Administration from using client information (other than the information described in subparagraph (A)) to conduct client surveys.

"(3) REGULATIONS.—The Administrator shall issue regulations to establish standards for requiring disclosures during a financial audit under paragraph (1)(B).".

(b) REPEAL.—Section 29(l) of the Small Business Act (15 U.S.C. 656(l)) is repealed effective October 1 of the first full fiscal year after the date of enactment of this Act.

(c) TRANSITIONAL RULE.—Notwithstanding any other provision of law, a grant or cooperative agreement that was awarded under subsection (l) of section 29 of the Small Business Act (15 U.S.C. 656), on or before the day before the date described in subsection (b) of this section, shall remain in full force and effect under the terms, and for the duration, of such grant or agreement.

SA 188. Mr. OBAMA submitted an amendment intended to be proposed to amendment SA 100 proposed by Mr. REID (for Mr. BAUCUS) to the bill H.R. 2, to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage; which was ordered to lie on the table; as follows:

On page 15, line 3, strike "2001."." and insert "2001, or "(iii) receiving services for the homeless (as defined in section 103(a) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11302(a)) through the Department of Veterans Affairs, the Department of Housing and Urban Development, or grant recipients of either at anytime during the 12-month period ending on the hiring date.".

SA 189. Mr. SESSIONS submitted an amendment intended to be proposed to amendment SA 141 submitted by Mr. SESSIONS and intended to be proposed to the bill H.R. 2, to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage; which was ordered to lie on the table; as follows:

On page 3, line 21, insert "not" after "and".

SA 190. Mr. SESSIONS submitted an amendment intended to be proposed to amendment SA 142 submitted by Mr. SESSIONS and intended to be proposed to the amendment SA 100 proposed by Mr. REID (for Mr. BAUCUS) to the bill H.R. 2, to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage; which was ordered to lie on the table; as follows:

On page 3, line 21, insert "not" after "and".

SA 191. Ms. COLLINS (for herself and Mr. WARNER) submitted an amendment intended to be proposed by her to the bill H.R. 2, to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

SEC. ____. EXPANSION OF ABOVE-THE-LINE DEDUCTION FOR CERTAIN EXPENSES OF ELEMENTARY AND SECONDARY SCHOOL TEACHERS.

(a) IN GENERAL.—Subparagraph (D) of section 62(a)(2) (relating to certain trade and business deductions of employees) is amended to read as follows:

"(D) CERTAIN EXPENSES OF ELEMENTARY AND SECONDARY SCHOOL TEACHERS.—The deductions allowed by section 162 which consist of expenses, not in excess of $400, paid or incurred by an eligible educator—

"(i) by reason of the participation of the educator in professional development courses related to the curriculum and academic subjects in which the educator provides instruction or to the students for which the educator provides instruction, and

"(ii) in connection with books, supplies (other than nonathletic supplies for courses of instruction in health or physical education), computer equipment (including related software and services) and other equipment, and supplementary materials used by the eligible educator in the classroom.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2006.

SA 192. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 100 proposed by Mr. REID (for Mr. BAUCUS) to the bill H.R. 2, to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage; which was ordered to lie on the table; as follows:

On page 15, after line 24, insert the following:

SEC. 205. EXTENSION OF WORK OPPORTUNITY TAX CREDIT FOR HURRICANE KATRINA EMPLOYEES HIRED BY SMALL BUSINESSES.

(a) IN GENERAL.—Section 201(b)(1) of the Katrina Emergency Tax Relief Act of 2005 (Public Law 109-73) is amended by striking "who is hired during the 2-year period" and all that follows and inserting "who—

"(A) is hired during the 2-year period beginning on such date for a position the principal place of employment which is located in the core disaster area, or

"(B) is hired—

"(i) during the 3-year period beginning on such date for a position the principal place of employment which is located in the core disaster area, and

"(ii) by an employer who has no more than 100 employees on the date such individual is hired, and".

(b) EFFECTIVE DATE.—The amendment made by this section take effect as if included in section 201 of the Katrina Emergency Tax Relief Act of 2005.

SA 193. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 100 proposed by Mr. REID (for Mr. BAUCUS) to the bill H.R. 2, to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage; which was ordered to lie on the table; as follows:

On page 4, between lines 8 and 9, insert the following:

SEC. 202. EXTENSION OF INCREASED EXPENSING FOR QUALIFIED SECTION 179 GULF OPPORTUNITY ZONE PROPERTY.

Paragraph (2) of section 1400N(e) (relating to qualified section 179 Gulf Opportunity Zone property) is amended—

(1) by striking "this subsection, the term" and inserting "this subsection—

"(A) IN GENERAL.—The term", and

(2) by adding at the end the following new subparagraph:

"(B) EXTENSION FOR CERTAIN PROPERTY.—In the case of property substantially all of the use of which is in one or more specified portions of the GO Zone (as defined by subsection (d)(6)), such term shall include section 179 property (as so defined) which is described in subsection (d)(2), determined—

"(i) without regard to subsection (d)(6), and

"(ii) by substituting '2008' for '2007' in subparagraph (A)(v) thereof.".

SA 194. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 100 proposed by Mr. REID (for Mr. BAUCUS) to the bill H.R. 2, to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

SEC. ___. REDUCTION IN INCOME TAX WITHHOLDING DEPOSITS TO REFLECT FICA PAYROLL TAX CREDIT FOR CERTAIN EMPLOYERS LOCATED IN SPECIFIED PORTIONS OF THE GO ZONE DURING 2007.

(a) GENERAL RULE.—In the case of any applicable calendar quarter—

(1) the aggregate amount of required income tax deposits of an eligible employer for the calendar quarter following the applicable calendar quarter shall be reduced by the payroll tax credit equivalent amount for the applicable calendar quarter, and

(2) the amount of any deduction allowable to the eligible employer under chapter 1 of the Internal Revenue Code of 1986 for taxes paid under section 3111 of such Code with respect to employment during the applicable calendar quarter shall be reduced by such payroll tax credit equivalent amount.

For purposes of the Internal Revenue Code of 1986, an eligible employer shall be treated as having paid, and an eligible employee shall be treated as having received, any wages or compensation deducted and withheld but not deposited by reason of paragraph (1).

(b) CARRYOVERS OF UNUSED AMOUNTS.—If the payroll tax credit equivalent amount for any applicable calendar quarter exceeds the required income tax deposits for the following calendar quarter—

(1) such excess shall be added to the payroll tax credit equivalent amount for the next applicable calendar quarter, and

(2) in the case of the last applicable calendar quarter, such excess shall be used to reduce required income tax deposits for any succeeding calendar quarter until such excess is used.

(c) PAYROLL TAX CREDIT EQUIVALENT AMOUNT.—For purposes of this section—

(1) IN GENERAL.—The term "payroll tax credit equivalent amount" means, with respect to any applicable calendar quarter, an amount equal to 7.65 percent of the aggregate amount of wages or compensation—

(A) paid or incurred by the eligible employer with respect to employment of eligible employees during the applicable calendar quarter, and

(B) subject to the tax imposed by section 3111 of the Internal Revenue Code of 1986.

(2) TRADE OR BUSINESS REQUIREMENT.—A rule similar to the rule of section 51(f) of such Code shall apply for purposes of this section.

(3) LIMITATION ON WAGES SUBJECT TO CREDIT.—For purposes of this subsection, only wages and compensation of an eligible employee in an applicable calendar quarter, when added to such wages and compensation for any preceding applicable calendar quarter, not exceeding $15,000 shall be taken into account with respect to such employee.

(d) ELIGIBLE EMPLOYER; ELIGIBLE EMPLOYEE.—For purposes of this section—

(1) ELIGIBLE EMPLOYER.—

(A) IN GENERAL.—The term "eligible employer" means any employer which conducts an active trade or business in any specified portion of the GO Zone and employs not more than 100 full-time employees on the date of the enactment of this Act.

(B) SPECIFIED PORTION OF THE GO ZONE.—The term "specified portion of the GO Zone" means any portion of the GO Zone (as defined in section 1400M(1) of the Internal Revenue Code of 1986) which is in any county or parish which is identified by the Secretary of the Treasury as being a county or parish in which hurricanes occurring during 2005 damaged (in the aggregate) more than 60 percent of the housing units in such county or parish which were occupied (determined according to the 2000 Census).

(2) ELIGIBLE EMPLOYEE.—The term "eligible employee" means with respect to an eligible employer an employee whose principal place of employment with such eligible employer is in a specified portion of the GO Zone. Such term shall not include an employee described in section 401(c)(1)(A).

(e) APPLICABLE CALENDAR QUARTER.—For purposes of this section, the term "applicable calendar quarter" means any of the 4 calendar quarters beginning in 2007.

(f) SPECIAL RULES.—For purposes of this section—

(1) REQUIRED INCOME TAX DEPOSITS.—The term "required income tax deposits" means deposits an eligible employer is required to make under section 6302 of the Internal Revenue Code of 1986 of taxes such employer is required to deduct and withhold under section 3402 of such Code.

(2) AGGREGATION RULES.—Rules similar to the rules of subsections (a) and (b) of section 52 of the Internal Revenue Code of 1986 shall apply.

(3) EMPLOYERS NOT ON QUARTERLY SYSTEM.—The Secretary of the Treasury shall prescribe rules for the application of this section in the case of an eligible employer whose required income tax deposits are not made on a quarterly basis.

(4) ADJUSTMENTS FOR CERTAIN ACQUISITIONS, ETC.—Under regulations prescribed by the Secretary— .

(A) ACQUISITIONS.—If, after December 31, 2006, an employer acquires the major portion of a trade or business of another person (hereafter in this paragraph referred to as the "predecessor") or the major portion of a separate unit of a trade or business of a predecessor, then, for purposes of applying this section for any calendar quarter ending after such acquisition, the amount of wages or compensation deemed paid by the employer during periods before such acquisition shall be increased by so much of such wages or compensation paid by the predecessor with respect to the acquired trade or business as is attributable to the portion of such trade or business acquired by the employer.

(B) DISPOSITIONS.—If, after December 31, 2006—

(i) an employer disposes of the major portion of any trade or business of the employer or the major portion of a separate unit of a trade or business of the employer in a transaction to which paragraph (1) applies, and

(ii) the employer furnishes the acquiring person such information as is necessary for the application of subparagraph (A),

then, for purposes of applying this section for any calendar quarter ending after such disposition, the amount of wages or compensation deemed paid by the employer during periods before such disposition shall be decreased by so much of such wages as is attributable to such trade or business or separate unit.

(5) OTHER RULES.—

(A) GOVERNMENT EMPLOYERS.—This section shall not apply if the employer is the Government of the United States, the government of any State or political subdivision of the State, or any agency or instrumentality of any such government.

(B) TREATMENT OF OTHER ENTITIES.—Rules similar to the rules of subsections (d) and (e) of section 52 of such Code shall apply for purposes of this section.

SA 195. Mr. BURR (for himself, Mr. DEMINT, and Mr. COBURN) submitted an amendment intended to be proposed to amendment SA 100 proposed by Mr. REID (for Mr. BAUCUS) to the bill H.R. 2, to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage; which was ordered to lie on the table; as follows:

At the end of section 102, add the following:

(c) EXCEPTION IN THE CASE OF PROVISION OF HEALTH BENEFITS.—Notwithstanding the amendment made by subsection (a), an employer to which such amendment applies shall have the option to—

(1) increase the minimum wage paid to employees as required under such amendment; or

(2) provide such employees with health care benefits that are equal (in terms of the monetary amount expended by the employer for such benefits) to the monetary amount by which the minimum wage is to be increased pursuant to such amendment.

SA 196. Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 100 proposed by Mr. REID (for Mr. BAUCUS) to the bill H.R. 2, to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage; which was ordered to lie on the table; as follows:

Strike section 102 of the amendment and insert the following:

SEC. 102. MINIMUM WAGE FOR TERRITORIES AND POSSESSIONS.

(a) MINIMUM WAGE FOR TERRITORIES AND POSSESSIONS.—The Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.) is amended—

(1) in section 6, by adding at the end the following:

"(h) TERRITORIES AND POSSESSIONS.—

"(1) IN GENERAL.—Subject to subsection (a)(2), each employer of an employee employed in any territory or possession of the United States shall pay to such employee, in lieu of the rate or rates provided by subsection (a)(1) or (b), not less than the rate calculated under subsection (b) as of the day after the date that an increase in the minimum wage rate under subsection (a)(1) takes effect.

"(2) MINIMUM WAGE RATE.—The applicable rate described in paragraph (1) shall be the greater of—

"(A) the minimum wage rate in effect in the territory or possession in which the employee is employed on the date of enactment of the Fair Minimum Wage Act of 2007; or

"(B) the product of—

"(i) the rate in effect under subsection (a)(1); multiplied by

"(ii) the quotient of—

"(I) the average annual wage in the territory or possession, as determined by the Social Security Administration based on the W-2 forms furnished under section 6051 of the Internal Revenue Code of 1986 to individuals employed in the territory or possession for the third prior calendar year; divided by

"(II) the average annual wage in the United States (not including the territories or possessions of the United States, but including the District of Columbia), as determined by the Social Security Administration based on the W-2 forms furnished under section 6051 of the Internal Revenue Code of 1986 to individuals employed in the United States (as so defined) for the third prior calendar year.

"(3) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to prohibit any territory or possession of the United States from establishing a minimum wage higher than the minimum wage required under this subsection."; and

(2) in section 13(f), by inserting "the Northern Mariana Islands," after "Guam,".

(b) ABOLISHING THE SPECIAL WAGE BOARD FOR AMERICAN SAMOA.—The Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.) is amended—

(1) by repealing sections 5, 8, and 10;

(2) in section 6(a)—

(A) by striking paragraph (3); and

(B) by redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively; and

(3) in section 13—

(A) by striking subsection (e); and

(B) by redesignating subsections (f) (as amended in subsection (a)(2)) and (g) as subsections (e) and (f), respectively.

(c) CONFORMING AMENDMENTS.—The Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.) is amended—

(1) in section 6—

(A) in subsection (b), by striking "(a)(5)" and inserting "(a)(4)"; and

(B) in paragraphs (1) and (2) of subsection (e), by striking "and (f)" each place the term occurs and inserting "and (e)";

(2) in section 13(c)(1)(a), by striking "6(a)(5)" and inserting "6(a)(4)";

(3) in section 14(b)(2), by striking "6(a)(5)" and inserting "6(a)(4)";

(4) in section 16(d), by striking "13(f)" and inserting "13(e)"; and

(5) in section 18(b), by striking "13(f)" and inserting "13(e)".

SA 197. Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 100 proposed by Mr. REID (for Mr. BAUCUS) to the bill H.R. 2, to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage; which was ordered to lie on the table; as follows:

Strike section 102 of the amendment and insert the following:

SEC. 102. MINIMUM WAGE FOR TERRITORIES AND POSSESSIONS.

(a) IN GENERAL.—Notwithstanding any provision of the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.), section 6 of such Act shall apply to employees employed in each territory or possession of the United States in the same manner as such section applies to employees employed in the several States of the United States, except that in lieu of the rate or rates provided by subsection (a)(1) or (b) of section 6 of such Act, the applicable rate for such employees shall be the rate calculated under subsection (b) as of the day after the date that an increase in the minimum wage rate under such section 6(a)(1) takes effect.

(b) MINIMUM WAGE RATE.—The applicable rate for employees employed in each territory or possession of the United States shall be the greater of—

(1) the minimum wage rate in effect in the territory or possession on the date of enactment of this Act; or

(2) the product of—

(A) the rate in effect under section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)); multiplied by

(B) the quotient of—

(i) the average annual wage in the territory or possession, as determined by the Social Security Administration based on the W-2 forms furnished under section 6051 of the Internal Revenue Code of 1986 to individuals employed in the territory or possession for the third prior calendar year; and

(ii) the average annual wage in the United States (not including the territories or possessions of the United States, but including the District of Columbia), as determined by the Social Security Administration based on the W-2 forms furnished under section 6051 of the Internal Revenue Code of 1986 to individuals employed in the United States (as so defined) for the third prior calendar year.

(c) Rule of Construction.—Nothing in this section shall be construed to prohibit any territory or possession of the United States from establishing a minimum wage higher than the minimum wage required under this section.

SA 198. Mr. COLEMAN submitted an amendment intended to be proposed to amendment SA 100 proposed by Mr. Reid (for Mr. Baucus) to the bill H.R. 2, to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

SEC. _____. DESIGNATION OF OVERPAYMENTS TO SUPPORT RESERVISTS AND NATIONAL GUARD MEMBERS.

(a) Designation.—Subchapter A of chapter 61 is amended by adding at the end the following new part:

"PART IX—DESIGNATION OF OVERPAYMENTS TO RESERVE INCOME REPLACEMENT PROGRAM

"Sec. 6097. Designation.

"SEC. 6097. DESIGNATION.

"(a) In General.—In the case of an individual, with respect to each taxpayer's return for the taxable year of the tax imposed by chapter 1, such taxpayer may designate that a specified portion (not less than $1) of any overpayment of tax for such taxable year be paid over to the Reserve Income Replacement Program (RIRP) under section 910 of title 37, United States Code.

"(b) Manner and Time of Designation.—A designation under subsection (a) may be made with respect to any taxable year only at the time of filing the return of the tax imposed by chapter 1 for such taxable year. Such designation shall be made in such manner as the Secretary prescribes by regulations except that such designation shall be made either on the first page of the return or on the page bearing the taxpayer's signature.

"(c) Overpayments Treated as Refunded.—For purposes of this title, any portion of an overpayment of tax designated under subsection (a) shall be treated as—

"(1) being refunded to the taxpayer as of the last date prescribed for filing the return of tax imposed by chapter 1 (determined without regard to extensions) or, if later, the date the return is filed, and

"(2) a contribution made by such taxpayer on such date to the United States.".

(b) Transfers to Reserve Income Replacement Program.—The Secretary of the Treasury shall, from time to time, transfer to the Reserve Income Replacement Program (RIRP) under section 910 of title 37, United States Code, the amounts designated under section 6097 of the Internal Revenue Code of 1986, under regulations jointly prescribed by the Secretary of the Treasury and the Secretary of Defense.

(c) Clerical Amendment.—The table of parts for subchapter A of chapter 61 is amended by adding at the end the following new item:

"Part IX. Designation of Overpayments to Reserve Income Replacement Program.".

(d) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006.

SA 199. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 2, to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE —SMALL BUSINESS HEALTH COVERAGE

SEC. 01. SHORT TITLE; PURPOSES.

(a) Short Title.—This title may be cited as the "Health Insurance Marketplace Modernization and Affordability Act of 2007".

(b) Purposes.—It is the purpose of this Act to—

(1) make more affordable health insurance options available to small businesses, working families, and all Americans;

(2) assure effective State regulatory protection of the interests of health insurance consumers; and

(3) create a more efficient and affordable health insurance marketplace through collaborative development of uniform regulatory standards.

Subtitle A—Small Business Health Plans

SEC. 11. RULES GOVERNING SMALL BUSINESS HEALTH PLANS.

(a) In General.—Subtitle B of title I of the Employee Retirement Income Security Act of 1974 is amended by adding after part 7 the following new part:

"PART 8—RULES GOVERNING SMALL BUSINESS HEALTH PLANS

"SEC. 801. SMALL BUSINESS HEALTH PLANS.

"(a) In General.—For purposes of this part, the term 'small business health plan' means a fully insured group health plan whose sponsor is (or is deemed under this part to be) described in subsection (b).

"(b) Sponsorship.—The sponsor of a group health plan is described in this subsection if such sponsor—

"(1) is organized and maintained in good faith, with a constitution and bylaws specifically stating its purpose and providing for periodic meetings on at least an annual basis, as a bona fide trade association, a bona fide industry association (including a rural electric cooperative association or a rural telephone cooperative association), a bona fide professional association, or a bona fide chamber of commerce (or similar bona fide business association, including a corporation or similar organization that operates on a cooperative basis (within the meaning of section 1381 of the Internal Revenue Code of 1986)), for substantial purposes other than that of obtaining medical care;

"(2) is established as a permanent entity which receives the active support of its members and requires for membership payment on a periodic basis of dues or payments necessary to maintain eligibility for membership;

"(3) does not condition membership, such dues or payments, or coverage under the plan on the basis of health status-related factors with respect to the employees of its members (or affiliated members), or the dependents of such employees, and does not condition such dues or payments on the basis of group health plan participation; and

"(4) does not condition membership on the basis of a minimum group size.

Any sponsor consisting of an association of entities which meet the requirements of paragraphs (1), (2), (3), and (4) shall be deemed to be a sponsor described in this subsection.

"SEC. 802. CERTIFICATION OF SMALL BUSINESS HEALTH PLANS.

"(a) In General.—Not later than 6 months after the date of enactment of this part, the applicable authority shall prescribe by interim final rule a procedure under which the applicable authority shall certify small business health plans which apply for certification as meeting the requirements of this part.

"(b) Requirements Applicable to Certified Plans.—A small business health plan with respect to which certification under this part is in effect shall meet the applicable requirements of this part, effective on the date of certification (or, if later, on the date on which the plan is to commence operations).

"(c) Requirements for Continued Certification.—The applicable authority may provide by regulation for continued certification of small business health plans under this part. Such regulation shall provide for the revocation of a certification if the applicable authority finds that the small business health plan involved is failing to comply with the requirements of this part.

"(d) Expedited and Deemed Certification.—

"(1) In general.—If the Secretary fails to act on an application for certification under this section within 90 days of receipt of such application, the applying small business health plan shall be deemed certified until such time as the Secretary may deny for cause the application for certification.

"(2) Civil penalty.—The Secretary may assess a civil penalty against the board of trustees and plan sponsor (jointly and severally) of a small business health plan that is deemed certified under paragraph (1) of up to $500,000 in the event the Secretary determines that the application for certification of such small business health plan was willfully or with gross negligence incomplete or inaccurate.

"SEC. 803. REQUIREMENTS RELATING TO SPONSORS AND BOARDS OF TRUSTEES.

"(a) Sponsor.—The requirements of this subsection are met with respect to a small business health plan if the sponsor has met (or is deemed under this part to have met) the requirements of section 801(b) for a continuous period of not less than 3 years ending with the date of the application for certification under this part.

"(b) Board of Trustees.—The requirements of this subsection are met with respect to a small business health plan if the following requirements are met:

"(1) Fiscal control.—The plan is operated, pursuant to a plan document, by a board of trustees which pursuant to a trust agreement has complete fiscal control over the plan and which is responsible for all operations of the plan.

"(2) Rules of operation and financial controls.—The board of trustees has in effect rules of operation and financial controls, based on a 3-year plan of operation, adequate to carry out the terms of the plan and to meet all requirements of this title applicable to the plan.

"(3) Rules governing relationship to participating employers and to contractors.—

"(A) Board membership.—

"(i) In general.—Except as provided in clauses (ii) and (iii), the members of the board of trustees are individuals selected from individuals who are the owners, officers, directors, or employees of the participating employers or who are partners in the participating employers and actively participate in the business.

"(ii) Limitation.—

"(I) General rule.—Except as provided in subclauses (II) and (III), no such member is an owner, officer, director, or employee of, or partner in, a contract administrator or other service provider to the plan.

"(II) LIMITED EXCEPTION FOR PROVIDERS OF SERVICES SOLELY ON BEHALF OF THE SPONSOR.—Officers or employees of a sponsor which is a service provider (other than a contract administrator) to the plan may be members of the board if they constitute not more than 25 percent of the membership of the board and they do not provide services to the plan other than on behalf of the sponsor.

"(III) TREATMENT OF PROVIDERS OF MEDICAL CARE.—In the case of a sponsor which is an association whose membership consists primarily of providers of medical care, subclause (I) shall not apply in the case of any service provider described in subclause (I) who is a provider of medical care under the plan.

"(iii) CERTAIN PLANS EXCLUDED.—Clause (i) shall not apply to a small business health plan which is in existence on the date of the enactment of the Health Insurance Marketplace Modernization and Affordability Act of 2006.

"(B) SOLE AUTHORITY.—The board has sole authority under the plan to approve applications for participation in the plan and to contract with insurers.

"(c) TREATMENT OF FRANCHISE NETWORKS.—In the case of a group health plan which is established and maintained by a franchiser for a franchise network consisting of its franchisees—

"(1) the requirements of subsection (a) and section 801(a) shall be deemed met if such requirements would otherwise be met if the franchiser were deemed to be the sponsor referred to in section 801(b), such network were deemed to be an association described in section 801(b), and each franchisee were deemed to be a member (of the association and the sponsor) referred to in section 801(b); and

"(2) the requirements of section 804(a)(1) shall be deemed met.

The Secretary may by regulation define for purposes of this subsection the terms 'franchiser', 'franchise network', and 'franchisee'.

"SEC. 804. PARTICIPATION AND COVERAGE REQUIREMENTS.

"(a) COVERED EMPLOYERS AND INDIVIDUALS.—The requirements of this subsection are met with respect to a small business health plan if, under the terms of the plan—

"(1) each participating employer must be—

"(A) a member of the sponsor;

"(B) the sponsor; or

"(C) an affiliated member of the sponsor, except that, in the case of a sponsor which is a professional association or other individual-based association, if at least one of the officers, directors, or employees of an employer, or at least one of the individuals who are partners in an employer and who actively participates in the business, is a member or such an affiliated member of the sponsor, participating employers may also include such employer; and

"(2) all individuals commencing coverage under the plan after certification under this part must be—

"(A) active or retired owners (including self-employed individuals), officers, directors, or employees of, or partners in, participating employers; or

"(B) the dependents of individuals described in subparagraph (A).

"(b) INDIVIDUAL MARKET UNAFFECTED.—The requirements of this subsection are met with respect to a small business health plan if, under the terms of the plan, no participating employer may provide health insurance coverage in the individual market for any employee not covered under the plan which is similar to the coverage contemporaneously provided to employees of the employer under the plan, if such exclusion of the employee from coverage under the plan is based on a health status-related factor with respect to the employee and such employee would, but for such exclusion on such basis, be eligible for coverage under the plan.

"(c) PROHIBITION OF DISCRIMINATION AGAINST EMPLOYERS AND EMPLOYEES ELIGIBLE TO PARTICIPATE.—The requirements of this subsection are met with respect to a small business health plan if—

"(1) under the terms of the plan, all employers meeting the preceding requirements of this section are eligible to qualify as participating employers for all geographically available coverage options, unless, in the case of any such employer, participation or contribution requirements of the type referred to in section 2711 of the Public Health Service Act are not met;

"(2) information regarding all coverage options available under the plan is made readily available to any employer eligible to participate; and

"(3) the applicable requirements of sections 701, 702, and 703 are met with respect to the plan.

"SEC. 805. OTHER REQUIREMENTS RELATING TO PLAN DOCUMENTS, CONTRIBUTION RATES, AND BENEFIT OPTIONS.

"(a) IN GENERAL.—The requirements of this section are met with respect to a small business health plan if the following requirements are met:

"(1) CONTENTS OF GOVERNING INSTRUMENTS.—

"(A) IN GENERAL.—The instruments governing the plan include a written instrument, meeting the requirements of an instrument required under section 402(a)(1), which—

"(i) provides that the board of trustees serves as the named fiduciary required for plans under section 402(a)(1) and serves in the capacity of a plan administrator (referred to in section 3(16)(A)); and

"(ii) provides that the sponsor of the plan is to serve as plan sponsor (referred to in section 3(16)(B)).

"(B) DESCRIPTION OF MATERIAL PROVISIONS.—The terms of the health insurance coverage (including the terms of any individual certificates that may be offered to individuals in connection with such coverage) describe the material benefit and rating, and other provisions set forth in this section and such material provisions are included in the summary plan description.

"(2) CONTRIBUTION RATES MUST BE NONDISCRIMINATORY.—

"(A) IN GENERAL.—The contribution rates for any participating small employer shall not vary on the basis of any health status-related factor in relation to employees of such employer or their beneficiaries and shall not vary on the basis of the type of business or industry in which such employer is engaged.

"(B) EFFECT OF TITLE.—Nothing in this title or any other provision of law shall be construed to preclude a health insurance issuer offering health insurance coverage in connection with a small business health plan, and at the request of such small business health plan, from—

"(i) setting contribution rates for the small business health plan based on the claims experience of the plan so long as any variation in such rates complies with the requirements of clause (ii), except that small business health plans shall not be subject to paragraphs (1)(A) and (3) of section 2911(b) of the Public Health Service Act; or

"(ii) varying contribution rates for participating employers in a small business health plan in a State to the extent that such rates could vary using the same methodology employed in such State for regulating small group premium rates, subject to the terms of part I of subtitle A of title XXIX of the Public Health Service Act (relating to rating requirements), as added by title II of the Health Insurance Marketplace Modernization and Affordability Act of 2006.

"(3) EXCEPTIONS REGARDING SELF-EMPLOYED AND LARGE EMPLOYERS.—

"(A) SELF EMPLOYED.—

"(i) IN GENERAL.—Small business health plans with participating employers who are self-employed individuals (and their dependents) shall enroll such self-employed participating employers in accordance with rating rules that do not violate the rating rules for self-employed individuals in the State in which such self-employed participating employers are located.

"(ii) GUARANTEE ISSUE.—Small business health plans with participating employers who are self-employed individuals (and their dependents) may decline to guarantee issue to such participating employers in States in which guarantee issue is not otherwise required for the self-employed in that State.

"(B) LARGE EMPLOYERS.—Small business health plans with participating employers that are larger than small employers (as defined in section 808(a)(10)) shall enroll such large participating employers in accordance with rating rules that do not violate the rating rules for large employers in the State in which such large participating employers are located.

"(4) REGULATORY REQUIREMENTS.—Such other requirements as the applicable authority determines are necessary to carry out the purposes of this part, which shall be prescribed by the applicable authority by regulation.

"(b) ABILITY OF SMALL BUSINESS HEALTH PLANS TO DESIGN BENEFIT OPTIONS.—Nothing in this part or any provision of State law (as defined in section 514(c)(1)) shall be construed to preclude a small business health plan or a health insurance issuer offering health insurance coverage in connection with a small business health plan from exercising its sole discretion in selecting the specific benefits and services consisting of medical care to be included as benefits under such plan or coverage, except that such benefits and services must meet the terms and specifications of part II of subtitle A of title XXIX of the Public Health Service Act (relating to lower cost plans), as added by title II of the Health Insurance Marketplace Modernization and Affordability Act of 2006.

"(c) DOMICILE AND NON-DOMICILE STATES.—

"(1) DOMICILE STATE.—Coverage shall be issued to a small business health plan in the State in which the sponsor's principal place of business is located.

"(2) NON-DOMICILE STATES.—With respect to a State (other than the domicile State) in which participating employers of a small business health plan are located but in which the insurer of the small business health plan in the domicile State is not yet licensed, the following shall apply:

"(A) TEMPORARY PREEMPTION.—If, upon the expiration of the 90-day period following the submission of a licensure application by such insurer (that includes a certified copy of an approved licensure application as submitted by such insurer in the domicile State) to such State, such State has not approved or denied such application, such State's health insurance licensure laws shall be temporarily preempted and the insurer shall be permitted to operate in such State, subject to the following terms:

"(i) APPLICATION OF NON-DOMICILE STATE LAW.—Except with respect to licensure and with respect to the terms of subtitle A of title XXIX of the Public Health Service Act (relating to rating and benefits as added by the Health Insurance Marketplace Modernization and Affordability Act of 2006), the laws and authority of the non-domicile State shall remain in full force and effect.

"(ii) REVOCATION OF PREEMPTION.—The preemption of a non-domicile State's health insurance licensure laws pursuant to this subparagraph, shall be terminated upon the occurrence of either of the following:

"(I) APPROVAL OR DENIAL OF APPLICATION.—The approval of denial of an insurer's licensure application, following the laws and regulations of the non-domicile State with respect to licensure.

"(II) DETERMINATION OF MATERIAL VIOLATION.—A determination by a non-domicile State that an insurer operating in a non-domicile State pursuant to the preemption provided for in this subparagraph is in material violation of the insurance laws (other than licensure and with respect to the terms of subtitle A of title XXIX of the Public Health Service Act (relating to rating and benefits added by the Health Insurance Marketplace Modernization and Affordability Act of 2006)) of such State.

"(B) NO PROHIBITION ON PROMOTION.—Nothing in this paragraph shall be construed to prohibit a small business health plan or an insurer from promoting coverage prior to the expiration of the 90-day period provided for in subparagraph (A), except that no enrollment or collection of contributions shall occur before the expiration of such 90-day period.

"(C) LICENSURE.—Except with respect to the application of the temporary preemption provision of this paragraph, nothing in this part shall be construed to limit the requirement that insurers issuing coverage to small business health plans shall be licensed in each State in which the small business health plans operate.

"(D) SERVICING BY LICENSED INSURERS.—Notwithstanding subparagraph (C), the requirements of this subsection may also be satisfied if the participating employers of a small business health plan are serviced by a licensed insurer in that State, even where such insurer is not the insurer of such small business health plan in the State in which such small business health plan is domiciled.

"SEC. 806. REQUIREMENTS FOR APPLICATION AND RELATED REQUIREMENTS.

"(a) FILING FEE.—Under the procedure prescribed pursuant to section 802(a), a small business health plan shall pay to the applicable authority at the time of filing an application for certification under this part a filing fee in the amount of $5,000, which shall be available in the case of the Secretary, to the extent provided in appropriation Acts, for the sole purpose of administering the certification procedures applicable with respect to small business health plans.

"(b) INFORMATION TO BE INCLUDED IN APPLICATION FOR CERTIFICATION.—An application for certification under this part meets the requirements of this section only if it includes, in a manner and form which shall be prescribed by the applicable authority by regulation, at least the following information:

"(1) IDENTIFYING INFORMATION.—The names and addresses of—

"(A) the sponsor; and

"(B) the members of the board of trustees of the plan.

"(2) STATES IN WHICH PLAN INTENDS TO DO BUSINESS.—The States in which participants and beneficiaries under the plan are to be located and the number of them expected to be located in each such State.

"(3) BONDING REQUIREMENTS.—Evidence provided by the board of trustees that the bonding requirements of section 412 will be met as of the date of the application or (if later) commencement of operations.

"(4) PLAN DOCUMENTS.—A copy of the documents governing the plan (including any bylaws and trust agreements), the summary plan description, and other material describing the benefits that will be provided to participants and beneficiaries under the plan.

"(5) AGREEMENTS WITH SERVICE PROVIDERS.—A copy of any agreements between the plan, health insurance issuer, and contract administrators and other service providers.

"(c) FILING NOTICE OF CERTIFICATION WITH STATES.—A certification granted under this part to a small business health plan shall not be effective unless written notice of such certification is filed with the applicable State authority of each State in which the small business health plans operate.

"(d) NOTICE OF MATERIAL CHANGES.—In the case of any small business health plan certified under this part, descriptions of material changes in any information which was required to be submitted with the application for the certification under this part shall be filed in such form and manner as shall be prescribed by the applicable authority by regulation. The applicable authority may require by regulation prior notice of material changes with respect to specified matters which might serve as the basis for suspension or revocation of the certification.

"SEC. 807. NOTICE REQUIREMENTS FOR VOLUNTARY TERMINATION.

"A small business health plan which is or has been certified under this part may terminate (upon or at any time after cessation of accruals in benefit liabilities) only if the board of trustees, not less than 60 days before the proposed termination date—

"(1) provides to the participants and beneficiaries a written notice of intent to terminate stating that such termination is intended and the proposed termination date;

"(2) develops a plan for winding up the affairs of the plan in connection with such termination in a manner which will result in timely payment of all benefits for which the plan is obligated; and

"(3) submits such plan in writing to the applicable authority.

Actions required under this section shall be taken in such form and manner as may be prescribed by the applicable authority by regulation.

"SEC. 808. DEFINITIONS AND RULES OF CONSTRUCTION.

"(a) DEFINITIONS.—For purposes of this part—

"(1) AFFILIATED MEMBER.—The term 'affiliated member' means, in connection with a sponsor—

"(A) a person who is otherwise eligible to be a member of the sponsor but who elects an affiliated status with the sponsor, or

"(B) in the case of a sponsor with members which consist of associations, a person who is a member or employee of any such association and elects an affiliated status with the sponsor.

"(2) APPLICABLE AUTHORITY.—The term 'applicable authority' means the Secretary of Labor, except that, in connection with any exercise of the Secretary's authority with respect to which the Secretary is required under section 506(d) to consult with a State, such term means the Secretary, in consultation with such State.

"(3) APPLICABLE STATE AUTHORITY.—The term 'applicable State authority' means, with respect to a health insurance issuer in a State, the State insurance commissioner or official or officials designated by the State to enforce the requirements of title XXVII of the Public Health Service Act for the State involved with respect to such issuer.

"(4) GROUP HEALTH PLAN.—The term 'group health plan' has the meaning provided in section 733(a)(1) (after applying subsection (b) of this section).

"(5) HEALTH INSURANCE COVERAGE.—The term 'health insurance coverage' has the meaning provided in section 733(b)(1), except that such term shall not include excepted benefits (as defined in section 733(c)).

"(6) HEALTH INSURANCE ISSUER.—The term 'health insurance issuer' has the meaning provided in section 733(b)(2).

"(7) INDIVIDUAL MARKET.—

"(A) IN GENERAL.—The term 'individual market' means the market for health insurance coverage offered to individuals other than in connection with a group health plan.

"(B) TREATMENT OF VERY SMALL GROUPS.—

"(i) IN GENERAL.—Subject to clause (ii), such term includes coverage offered in connection with a group health plan that has fewer than 2 participants as current employees or participants described in section 732(d)(3) on the first day of the plan year.

"(ii) STATE EXCEPTION.—Clause (i) shall not apply in the case of health insurance coverage offered in a State if such State regulates the coverage described in such clause in the same manner and to the same extent as coverage in the small group market (as defined in section 2791(e)(5) of the Public Health Service Act) is regulated by such State.

"(8) MEDICAL CARE.—The term 'medical care' has the meaning provided in section 733(a)(2).

"(9) PARTICIPATING EMPLOYER.—The term 'participating employer' means, in connection with a small business health plan, any employer, if any individual who is an employee of such employer, a partner in such employer, or a self-employed individual who is such employer (or any dependent, as defined under the terms of the plan, of such individual) is or was covered under such plan in connection with the status of such individual as such an employee, partner, or self-employed individual in relation to the plan.

"(10) SMALL EMPLOYER.—The term 'small employer' means, in connection with a group health plan with respect to a plan year, a small employer as defined in section 2791(e)(4).

"(11) TRADE ASSOCIATION AND PROFESSIONAL ASSOCIATION.—The terms 'trade association' and 'professional association' mean an entity that meets the requirements of section 1.501(c)(6)-1 of title 26, Code of Federal Regulations (as in effect on the date of enactment of this Act).

"(b) RULE OF CONSTRUCTION.—For purposes of determining whether a plan, fund, or program is an employee welfare benefit plan which is a small business health plan, and for purposes of applying this title in connection with such plan, fund, or program so determined to be such an employee welfare benefit plan—

"(1) in the case of a partnership, the term 'employer' (as defined in section 3(5)) includes the partnership in relation to the partners, and the term 'employee' (as defined in section 3(6)) includes any partner in relation to the partnership; and

"(2) in the case of a self-employed individual, the term 'employer' (as defined in section 3(5)) and the term 'employee' (as defined in section 3(6)) shall include such individual.

"(c) RENEWAL.—Notwithstanding any provision of law to the contrary, a participating employer in a small business health plan shall not be deemed to be a plan sponsor in applying requirements relating to coverage renewal.

"(d) HEALTH SAVINGS ACCOUNTS.—Nothing in this part shall be construed to inhibit the development of health savings accounts pursuant to section 223 of the Internal Revenue Code of 1986.".

(b) CONFORMING AMENDMENTS TO PREEMPTION RULES.—

(1) Section 514(b)(6) of such Act (29 U.S.C. 1144(b)(6)) is amended by adding at the end the following new subparagraph:

"(E) The preceding subparagraphs of this paragraph do not apply with respect to any State law in the case of a small business health plan which is certified under part 8.".

(2) Section 514 of such Act (29 U.S.C. 1144) is amended—

(A) in subsection (b)(4), by striking "Subsection (a)" and inserting "Subsections (a) and (d)";

(B) in subsection (b)(5), by striking "subsection (a)" in subparagraph (A) and inserting "subsection (a) of this section and subsections (a)(2)(B) and (b) of section 805", and by striking "subsection (a)" in subparagraph (B) and inserting "subsection (a) of this section or subsection (a)(2)(B) or (b) of section 805";

(C) by redesignating subsection (d) as subsection (e); and

(D) by inserting after subsection (c) the following new subsection:

"(d)(1) Except as provided in subsection (b)(4), the provisions of this title shall supersede any and all State laws insofar as they may now or hereafter preclude a health insurance issuer from offering health insurance coverage in connection with a small business health plan which is certified under part 8.

"(2) In any case in which health insurance coverage of any policy type is offered under a small business health plan certified under part 8 to a participating employer operating in such State, the provisions of this title shall supersede any and all laws of such State insofar as they may establish rating and benefit requirements that would otherwise apply to such coverage, provided the requirements of subtitle A of title XXIX of the Public Health Service Act (as added by title II of the Health Insurance Marketplace Modernization and Affordability Act of 2006) (concerning health plan rating and benefits) are met.".

(c) PLAN SPONSOR.—Section 3(16)(B) of such Act (29 U.S.C. 102(16)(B)) is amended by adding at the end the following new sentence: "Such term also includes a person serving as the sponsor of a small business health plan under part 8.".

(d) SAVINGS CLAUSE.—Section 731(c) of such Act is amended by inserting "or part 8" after "this part".

(e) CLERICAL AMENDMENT.—The table of contents in section 1 of the Employee Retirement Income Security Act of 1974 is amended by inserting after the item relating to section 734 the following new items:

"PART 8—RULES GOVERNING SMALL BUSINESS HEALTH PLANS

"801. Small business health plans.
"802. Certification of small business health plans.
"803. Requirements relating to sponsors and boards of trustees.
"804. Participation and coverage requirements.
"805. Other requirements relating to plan documents, contribution rates, and benefit options.
"806. Requirements for application and related requirements.
"807. Notice requirements for voluntary termination.
"808. Definitions and rules of construction.".

SEC. _12. COOPERATION BETWEEN FEDERAL AND STATE AUTHORITIES.

Section 506 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1136) is amended by adding at the end the following new subsection:

"(d) CONSULTATION WITH STATES WITH RESPECT TO SMALL BUSINESS HEALTH PLANS.—

"(1) AGREEMENTS WITH STATES.—The Secretary shall consult with the State recognized under paragraph (2) with respect to a small business health plan regarding the exercise of—

"(A) the Secretary's authority under sections 502 and 504 to enforce the requirements for certification under part 8; and

"(B) the Secretary's authority to certify small business health plans under part 8 in accordance with regulations of the Secretary applicable to certification under part 8.

"(2) RECOGNITION OF DOMICILE STATE.—In carrying out paragraph (1), the Secretary shall ensure that only one State will be recognized, with respect to any particular small business health plan, as the State with which consultation is required. In carrying out this paragraph such State shall be the domicile State, as defined in section 805(c).".

SEC. 13. EFFECTIVE DATE AND TRANSITIONAL AND OTHER RULES.

(a) EFFECTIVE DATE.—The amendments made by this subtitle shall take effect 12 months after the date of the enactment of this Act. The Secretary of Labor shall first issue all regulations necessary to carry out the amendments made by this subtitle within 6 months after the date of the enactment of this Act.

(b) TREATMENT OF CERTAIN EXISTING HEALTH BENEFITS PROGRAMS.—

(1) IN GENERAL.—In any case in which, as of the date of the enactment of this Act, an arrangement is maintained in a State for the purpose of providing benefits consisting of medical care for the employees and beneficiaries of its participating employers, at least 200 participating employers make contributions to such arrangement, such arrangement has been in existence for at least 10 years, and such arrangement is licensed under the laws of one or more States to provide such benefits to its participating employers, upon the filing with the applicable authority (as defined in section 808(a)(2) of the Employee Retirement Income Security Act of 1974 (as amended by this subtitle)) by the arrangement of an application for certification of the arrangement under part 8 of subtitle B of title I of such Act—

(A) such arrangement shall be deemed to be a group health plan for purposes of title I of such Act;

(B) the requirements of sections 801(a) and 803(a) of the Employee Retirement Income Security Act of 1974 shall be deemed met with respect to such arrangement;

(C) the requirements of section 803(b) of such Act shall be deemed met, if the arrangement is operated by a board of trustees which—

(i) is elected by the participating employers, with each employer having one vote; and

(ii) has complete fiscal control over the arrangement and which is responsible for all operations of the arrangement;

(D) the requirements of section 804(a) of such Act shall be deemed met with respect to such arrangement; and

(E) the arrangement may be certified by any applicable authority with respect to its operations in any State only if it operates in such State on the date of certification.

The provisions of this subsection shall cease to apply with respect to any such arrangement at such time after the date of the enactment of this Act as the applicable requirements of this subsection are not met with respect to such arrangement or at such time that the arrangement provides coverage to participants and beneficiaries in any State other than the States in which coverage is provided on such date of enactment.

(2) DEFINITIONS.—For purposes of this subsection, the terms "group health plan", "medical care", and "participating employer" shall have the meanings provided in section 808 of the Employee Retirement Income Security Act of 1974, except that the reference in paragraph (7) of such section to an "small business health plan" shall be deemed a reference to an arrangement referred to in this subsection.

Subtitle B—Market Relief

SEC. _021. MARKET RELIEF.

The Public Health Service Act (42 U.S.C. 201 et seq.) is amended by adding at the end the following:

"TITLE XXIX—HEALTH CARE INSURANCE MARKETPLACE MODERNIZATION

"SEC. 2901. GENERAL INSURANCE DEFINITIONS.

"In this title, the terms 'health insurance coverage', 'health insurance issuer', 'group health plan', and 'individual health insurance' shall have the meanings given such terms in section 2791.

"Subtitle A—Market Relief

"PART I—RATING REQUIREMENTS

"SEC. 2911. DEFINITIONS.

"(a) GENERAL DEFINITIONS.—In this part:

"(1) ADOPTING STATE.—The term 'adopting State' means a State that, with respect to the small group market, has enacted either the Model Small Group Rating Rules or, if applicable to such State, the Transitional Model Small Group Rating Rules, each in their entirety and as the exclusive laws of the State that relate to rating in the small group insurance market.

"(2) APPLICABLE STATE AUTHORITY.—The term 'applicable State authority' means, with respect to a health insurance issuer in a State, the State insurance commissioner or official or officials designated by the State to enforce the insurance laws of such State.

"(3) BASE PREMIUM RATE.—The term 'base premium rate' means, for each class of business with respect to a rating period, the lowest premium rate charged or that could have been charged under a rating system for that class of business by the small employer carrier to small employers with similar case characteristics for health benefit plans with the same or similar coverage

"(4) ELIGIBLE INSURER.—The term 'eligible insurer' means a health insurance issuer that is licensed in a State and that—

"(A) notifies the Secretary, not later than 30 days prior to the offering of coverage described in this subparagraph, that the issuer intends to offer health insurance coverage consistent with the Model Small Group Rating Rules or, as applicable, transitional small group rating rules in a State;

"(B) notifies the insurance department of a nonadopting State (or other State agency), not later than 30 days prior to the offering of coverage described in this subparagraph, that the issuer intends to offer small group health insurance coverage in that State consistent with the Model Small Group Rating Rules, and provides with such notice a copy of any insurance policy that it intends to offer in the State, its most recent annual and quarterly financial reports, and any other information required to be filed with the insurance department of the State (or other State agency); and

"(C) includes in the terms of the health insurance coverage offered in nonadopting States (including in the terms of any individual certificates that may be offered to individuals in connection with such group health coverage) and filed with the State pursuant to subparagraph (B), a description in the insurer's contract of the Model Small Group Rating Rules and an affirmation that such Rules are included in the terms of such contract.

"(5) HEALTH INSURANCE COVERAGE.—The term 'health insurance coverage' means any coverage issued in the small group health insurance market, except that such term shall not include excepted benefits (as defined in section 2791(c)).

"(6) INDEX RATE.—The term 'index rate' means for each class of business with respect to the rating period for small employers with similar case characteristics, the arithmetic average of the applicable base premium rate and the corresponding highest premium rate.

"(7) MODEL SMALL GROUP RATING RULES.—The term ' Model Small Group Rating Rules' means the rules set forth in subsection (b).

"(8) NONADOPTING STATE.—The term 'nonadopting State' means a State that is not an adopting State.

"(9) SMALL GROUP INSURANCE MARKET.—The term 'small group insurance market' shall have the meaning given the term 'small group market' in section 2791(e)(5).

"(10) STATE LAW.—The term 'State law' means all laws, decisions, rules, regulations, or other State actions (including actions by a State agency) having the effect of law, of any State.

"(b) DEFINITION RELATING TO MODEL SMALL GROUP RATING RULES.—The term 'Model Small Group Rating Rules' means adapted rating rules drawn from the Adopted Small Employer Health Insurance Availability Model Act of 1993 of the National Association of Insurance Commissioners consisting of the following:

"(1) PREMIUM RATES.—Premium rates for health benefit plans to which this title applies shall be subject to the following provisions relating to premiums:

"(A) INDEX RATE.—The index rate for a rating period for any class of business shall not exceed the index rate for any other class of business by more than 20 percent.

"(B) CLASS OF BUSINESSES.—With respect to a class of business, the premium rates charged during a rating period to small employers with similar case characteristics for the same or similar coverage or the rates that could be charged to such employers under the rating system for that class of business, shall not vary from the index rate by more than 25 percent of the index rate under subparagraph (A).

"(C) INCREASES FOR NEW RATING PERIODS.—The percentage increase in the premium rate charged to a small employer for a new rating period may not exceed the sum of the following:

"(i) The percentage change in the new business premium rate measured from the first day of the prior rating period to the first day of the new rating period. In the case of a health benefit plan into which the small employer carrier is no longer enrolling new small employers, the small employer carrier shall use the percentage change in the base premium rate, except that such change shall not exceed, on a percentage basis, the change in the new business premium rate for the most similar health benefit plan into which the small employer carrier is actively enrolling new small employers.

"(ii) Any adjustment, not to exceed 15 percent annually and adjusted pro rata for rating periods of less then 1 year, due to the claim experience, health status or duration of coverage of the employees or dependents of the small employer as determined from the small employer carrier's rate manual for the class of business involved.

"(iii) Any adjustment due to change in coverage or change in the case characteristics of the small employer as determined from the small employer carrier's rate manual for the class of business.

"(D) UNIFORM APPLICATION OF ADJUSTMENTS.—Adjustments in premium rates for claim experience, health status, or duration of coverage shall not be charged to individual employees or dependents. Any such adjustment shall be applied uniformly to the rates charged for all employees and dependents of the small employer.

"(E) USE OF INDUSTRY AS A CASE CHARACTERISTIC.—A small employer carrier may utilize industry as a case characteristic in establishing premium rates, so long as the highest rate factor associated with any industry classification does not exceed the lowest rate factor associated with any industry classification by more than 15 percent.

"(F) CONSISTENT APPLICATION OF FACTORS.—Small employer carriers shall apply rating factors, including case characteristics, consistently with respect to all small employers in a class of business. Rating factors shall produce premiums for identical groups which differ only by the amounts attributable to plan design and do not reflect differences due to the nature of the groups assumed to select particular health benefit plans.

"(G) TREATMENT OF PLANS AS HAVING SAME RATING PERIOD.—A small employer carrier shall treat all health benefit plans issued or renewed in the same calendar month as having the same rating period.

"(H) RESTRICTED NETWORK PROVISIONS.—For purposes of this subsection, a health benefit plan that contains a restricted network provision shall not be considered similar coverage to a health benefit plan that does not contain a similar provision if the restriction of benefits to network providers results in substantial differences in claims costs.

"(I) PROHIBITION ON USE OF CERTAIN CASE CHARACTERISTICS.—The small employer carrier shall not use case characteristics other than age, gender, industry, geographic area, family composition, group size, and participation in wellness programs without prior approval of the applicable State authority.

"(J) REQUIRE COMPLIANCE.—Premium rates for small business health benefit plans shall comply with the requirements of this subsection notwithstanding any assessments paid or payable by a small employer carrier as required by a State's small employer carrier reinsurance program.

"(2) ESTABLISHMENT OF SEPARATE CLASS OF BUSINESS.—Subject to paragraph (3), a small employer carrier may establish a separate class of business only to reflect substantial differences in expected claims experience or administrative costs related to the following:

"(A) The small employer carrier uses more than one type of system for the marketing and sale of health benefit plans to small employers.

"(B) The small employer carrier has acquired a class of business from another small employer carrier.

"(C) The small employer carrier provides coverage to one or more association groups that meet the requirements of this title.

"(3) LIMITATION.—A small employer carrier may establish up to 9 separate classes of business under paragraph (2), excluding those classes of business related to association groups under this title.

"(4) ADDITIONAL GROUPINGS.—The applicable State authority may approve the establishment of additional distinct groupings by small employer carriers upon the submission of an application to the applicable State authority and a finding by the applicable State authority that such action would enhance the efficiency and fairness of the small employer insurance marketplace.

"(5) LIMITATION ON TRANSFERS.—A small employer carrier shall not transfer a small employer involuntarily into or out of a class of business. A small employer carrier shall not offer to transfer a small employer into or out of a class of business unless such offer is made to transfer all small employers in the class of business without regard to case characteristics, claim experience, health status or duration of coverage since issue.

"(6) SUSPENSION OF THE RULES.—The applicable State authority may suspend, for a specified period, the application of paragraph (1) to the premium rates applicable to one or more small employers included within a class of business of a small employer carrier for one or more rating periods upon a filing by the small employer carrier and a finding by the applicable State authority either that the suspension is reasonable when considering the financial condition of the small employer carrier or that the suspension would enhance the efficiency and fairness of the marketplace for small employer health insurance.

"SEC. 2912. RATING RULES.

"(a) IMPLEMENTATION OF MODEL SMALL GROUP RATING RULES.—Not later than 6 months after the enactment of this title, the Secretary shall promulgate regulations implementing the Model Small Group Rating Rules pursuant to section 2911(b).

"(b) TRANSITIONAL MODEL SMALL GROUP RATING RULES.—

"(1) IN GENERAL.—Not later than 6 months after the date of enactment of this title and to the extent necessary to provide for a graduated transition to the Model Small Group Rating Rules, the Secretary, in consultation with the NAIC, shall promulgate Transitional Model Small Group Rating Rules in accordance with this subsection, which shall be applicable with respect to certain nonadopting States for a period of not to exceed 5 years from the date of the promulgation of the Model Small Group Rating Rules pursuant to subsection (a). After the expiration of such 5-year period, the transitional model small group rating rules shall expire, and the Model Small Group Rating Rules shall then apply with respect to all non-adopting States pursuant to the provisions of this part.

"(2) PREMIUM VARIATION DURING TRANSITION.—

"(A) TRANSITION STATES.—During the transition period described in paragraph (1), small group health insurance coverage offered in a non-adopting State that had in place premium rating band requirements or premium limits that varied by less than 12.5 percent from the index rate within a class of business on the date of enactment of this title, shall not be subject to the premium variation provision of section 2911(b)(1) of the Model Small Group Rating Rules and shall instead be subject to the Transitional Model Small Group Rating Rules as promulgated by the Secretary pursuant to paragraph (1).

"(B) NON-TRANSITION STATES.—During the transition period described in paragraph (1), and thereafter, small group health insurance coverage offered in a non-adopting State that had in place premium rating band requirements or premium limits that varied by more than 12.5 percent from the index rate within a class of business on the date of enactment of this title, shall not be subject to the Transitional Model Small Group Rating Rules as promulgated by the Secretary pursuant to paragraph (1), and instead shall be subject to the Model Small Group Rating Rules effective beginning with the first plan year or calendar year following the promulgation of such Rules, at the election of the eligible insurer.

"(3) TRANSITIONING OF OLD BUSINESS.—In developing the transitional model small group rating rules under paragraph (1), the Secretary shall, after consultation with the National Association of Insurance Commissioners and representatives of insurers operating in the small group health insurance market, promulgate special transition standards and timelines with respect to independent rating classes for old and new business, to the extent reasonably necessary to protect health insurance consumers and to ensure a stable and fair transition for old and new market entrants.

"(4) OTHER TRANSITIONAL AUTHORITY.—In developing the Transitional Model Small Group Rating Rules under paragraph (1), the Secretary shall provide for the application of the Transitional Model Small Group Rating Rules in transition States as the Secretary may determine necessary for a an effective transition.

"(c) MARKET RE-ENTRY.—

"(1) IN GENERAL.—Notwithstanding any other provision of law, a health insurance issuer that has voluntarily withdrawn from providing coverage in the small group market prior to the date of enactment of the Health Insurance Marketplace Modernization and Affordability Act of 2006 shall not be excluded from re-entering such market on a date that is more than 180 days after such date of enactment.

"(2) TERMINATION.—The provision of this subsection shall terminate on the date that is 24 months after the date of enactment of the Health Insurance Marketplace Modernization and Affordability Act of 2006.

"SEC. 2913. APPLICATION AND PREEMPTION.

"(a) SUPERSEDING OF STATE LAW.—

"(1) IN GENERAL.—This part shall supersede any and all State laws of a non-adopting State insofar as such State laws (whether enacted prior to or after the date of enactment of this subtitle) relate to rating in the small group insurance market as applied to an eligible insurer, or small group health insurance coverage issued by an eligible insurer, including with respect to coverage issued to a small employer through a small business health plan, in a State.

"(2) NONADOPTING STATES.—This part shall supersede any and all State laws of a non-adopting State insofar as such State laws (whether enacted prior to or after the date of enactment of this subtitle)—

"(A) prohibit an eligible insurer from offering, marketing, or implementing small group health insurance coverage consistent with the Model Small Group Rating Rules or transitional model small group rating rules; or

"(B) have the effect of retaliating against or otherwise punishing in any respect an eligible insurer for offering, marketing, or implementing small group health insurance coverage consistent with the Model Small Group Rating Rules or transitional model small group rating rules.

"(b) SAVINGS CLAUSE AND CONSTRUCTION.—

"(1) NONAPPLICATION TO ADOPTING STATES.—Subsection (a) shall not apply with respect to adopting states.

"(2) NONAPPLICATION TO CERTAIN INSURERS.—Subsection (a) shall not apply with respect to insurers that do not qualify as eligible insurers that offer small group health insurance coverage in a nonadopting State.

"(3) NONAPPLICATION WHERE OBTAINING RELIEF UNDER STATE LAW.—Subsection (a)(1) shall not supercede any State law in a nonadopting State to the extent necessary to permit individuals or the insurance department of the State (or other State agency) to obtain relief under State law to require an eligible insurer to comply with the Model Small Group Rating Rules or transitional model small group rating rules.

"(4) NO EFFECT ON PREEMPTION.—In no case shall this part be construed to limit or affect in any manner the preemptive scope of sections 502 and 514 of the Employee Retirement Income Security Act of 1974. In no case shall this part be construed to create any cause of action under Federal or State law or enlarge or affect any remedy available under the Employee Retirement Income Security Act of 1974

"(c) EFFECTIVE DATE.—This section shall apply, at the election of the eligible insurer, beginning in the first plan year or the first calendar year following the issuance of the final rules by the Secretary under the Model Small Group Rating Rules or, as applicable, the Transitional Model Small Group Rating Rules, but in no event earlier than the date that is 12 months after the date of enactment of this title.

"SEC. 2914. CIVIL ACTIONS AND JURISDICTION.

"(a) IN GENERAL.—The courts of the United States shall have exclusive jurisdiction over civil actions involving the interpretation of this part.

"(b) ACTIONS.—An eligible insurer may bring an action in the district courts of the United States for injunctive or other equitable relief against any officials or agents of a nonadopting State in connection with any conduct or action, or proposed conduct or action, by such officials or agents which violates, or which would if undertaken violate, section 2913.

"(c) DIRECT FILING IN COURT OF APPEALS.—At the election of the eligible insurer, an action may be brought under subsection (b) directly in the United States Court of Appeals for the circuit in which the nonadopting State is located by the filing of a petition for review in such Court.

"(d) EXPEDITED REVIEW.—

"(1) DISTRICT COURT.—In the case of an action brought in a district court of the United States under subsection (b), such court shall complete such action, including the issuance of a judgment, prior to the end of the 120-day period beginning on the date on which such action is filed, unless all parties to such proceeding agree to an extension of such period.

"(2) COURT OF APPEALS.—In the case of an action brought directly in a United States Court of Appeal under subsection (c), or in the case of an appeal of an action brought in a district court under subsection (b), such Court shall complete all action on the petition, including the issuance of a judgment, prior to the end of the 60-day period beginning on the date on which such petition is filed with the Court, unless all parties to such proceeding agree to an extension of such period.

"(e) STANDARD OF REVIEW.—A court in an action filed under this section, shall render a judgment based on a review of the merits of all questions presented in such action and shall not defer to any conduct or action, or proposed conduct or action, of a nonadopting State.

"SEC. 2915. ONGOING REVIEW.

"Not later than 5 years after the date on which the Model Small Group Rating Rules are issued under this part, and every 5 years thereafter, the Secretary, in consultation with the National Association of Insurance Commissioners, shall prepare and submit to the appropriate committees of Congress a report that assesses the effect of the Model Small Group Rating Rules on access, cost, and market functioning in the small group market. Such report may, if the Secretary, in consultation with the National Association of Insurance Commissioners, determines such is appropriate for improving access, costs, and market functioning, contain legislative proposals for recommended modification to such Model Small Group Rating Rules.

"PART II—AFFORDABLE PLANS

"SEC. 2921. DEFINITIONS.

"In this part:

"(1) ADOPTING STATE.—The term 'adopting State' means a State that has enacted a law providing that small group and large group health insurers in such State may offer and sell products in accordance with the List of Required Benefits and the Terms of Application as provided for in section 2922(b).

"(2) ELIGIBLE INSURER.—The term 'eligible insurer' means a health insurance issuer that is licensed in a nonadopting State and that—

"(A) notifies the Secretary, not later than 30 days prior to the offering of coverage described in this subparagraph, that the issuer intends to offer health insurance coverage consistent with the List of Required Benefits and Terms of Application in a nonadopting State;

"(B) notifies the insurance department of a nonadopting State (or other applicable State agency), not later than 30 days prior to the offering of coverage described in this subparagraph, that the issuer intends to offer health insurance coverage in that State consistent with the List of Required Benefits and Terms of Application, and provides with such notice a copy of any insurance policy that it intends to offer in the State, its most recent annual and quarterly financial reports, and any other information required to be filed with the insurance department of the State (or other State agency) by the Secretary in regulations; and

"(C) includes in the terms of the health insurance coverage offered in nonadopting States (including in the terms of any individual certificates that may be offered to individuals in connection with such group health coverage) and filed with the State pursuant to subparagraph (B), a description in the insurer's contract of the List of Required Benefits and a description of the

Terms of Application, including a description of the benefits to be provided, and that adherence to such standards is included as a term of such contract.

"(3) Health insurance coverage.—The term 'health insurance coverage' means any coverage issued in the small group or large group health insurance markets, including with respect to small business health plans, except that such term shall not include excepted benefits (as defined in section 2791(c)).

"(4) List of required benefits.—The term 'List of Required Benefits' means the List issued under section 2922(a).

"(5) Nonadopting state.—The term 'nonadopting State' means a State that is not an adopting State.

"(6) State law.—The term 'State law' means all laws, decisions, rules, regulations, or other State actions (including actions by a State agency) having the effect of law, of any State.

"(7) State provider freedom of choice law.—The term 'State provider freedom of choice law' means a State law requiring that a health insurance issuer, with respect to health insurance coverage, not discriminate with respect to participation, reimbursement, or indemnification as to any provider who is acting within the scope of the provider's license or certification under applicable State law.

"(8) Terms of application.—The term 'Terms of Application' means terms provided under section 2922(a).

"SEC. 2922. OFFERING AFFORDABLE PLANS.

"(a) List of Required Benefits.—Not later than 3 months after the date of enactment of this title, the Secretary, in consultation with the National Association of Insurance Commissioners, shall issue by interim final rule a list (to be known as the 'List of Required Benefits') of covered benefits, services, or categories of providers that are required to be provided by health insurance issuers, in each of the small group and large group markets, in at least 26 States as a result of the application of State covered benefit, service, and category of provider mandate laws. With respect to plans sold to or through small business health plans, the List of Required Benefits applicable to the small group market shall apply.

"(b) Terms of Application.—

"(1) State with mandates.—With respect to a State that has a covered benefit, service, or category of provider mandate in effect that is covered under the List of Required Benefits under subsection (a), such State mandate shall, subject to paragraph (3) (concerning uniform application), apply to a coverage plan or plan in, as applicable, the small group or large group market or through a small business health plan in such State.

"(2) States without mandates.—With respect to a State that does not have a covered benefit, service, or category of provider mandate in effect that is covered under the List of Required Benefits under subsection (a), such mandate shall not apply, as applicable, to a coverage plan or plan in the small group or large group market or through a small business health plan in such State.

"(3) Uniform application of laws.—

"(A) In general.—With respect to a State described in paragraph (1), in applying a covered benefit, service, or category of provider mandate that is on the List of Required Benefits under subsection (a) the State shall permit a coverage plan or plan offered in the small group or large group market or through a small business health plan in such State to apply such benefit, service, or category of provider coverage in a manner consistent with the manner in which such coverage is applied under one of the three most heavily subscribed national health plans offered under the Federal Employee Health Benefits Program under chapter 89 of title 5, United States Code (as determined by the Secretary in consultation with the Director of the Office of Personnel Management), and consistent with the Publication of Benefit Applications under subsection (c). In the event a covered benefit, service, or category of provider appearing in the List of Required Benefits is not offered in one of the three most heavily subscribed national health plans offered under the Federal Employees Health Benefits Program, such covered benefit, service, or category of provider requirement shall be applied in a manner consistent with the manner in which such coverage is offered in the remaining most heavily subscribed plan of the remaining Federal Employees Health Benefits Program plans, as determined by the Secretary, in consultation with the Director of the Office of Personnel Management.

"(B) Exception regarding state provider freedom of choice laws.—Notwithstanding subparagraph (A), in the event a category of provider mandate is included in the List of Covered Benefits, any State Provider Freedom of Choice Law (as defined in section 2921(7)) that is in effect in any State in which such category of provider mandate is in effect shall not be preempted, with respect to that category of provider, by this part.

"(c) Publication of Benefits Applications.—Not later than 3 months after the date of enactment of this title, and on the first day of every calendar year thereafter, the Secretary, in consultation with the Director of the Office of Personnel Management, shall publish in the Federal Register a description of such covered benefits, services, and categories of providers covered in that calendar year by each of the three most heavily subscribed nationally available Federal Employee Health Benefits Plan options which are also included on the List of Required Benefits.

"(d) Effective Dates.—

"(1) Small business health plans.—With respect to health insurance provided to participating employers of small business health plans, the requirements of this part (concerning lower cost plans) shall apply beginning on the date that is 12 months after the date of enactment of this title.

"(2) Non-association coverage.—With respect to health insurance provided to groups or individuals other than participating employers of small business health plans, the requirements of this part shall apply beginning on the date that is 15 months after the date of enactment of this title.

"(e) Updating of List of Required Benefits.—Not later than 2 years after the date on which the list of required benefits is issued under subsection (a), and every 2 years thereafter, the Secretary, in consultation with the National Association of Insurance Commissioners, shall update the list based on changes in the laws and regulations of the States. The Secretary shall issue the updated list by regulation, and such updated list shall be effective upon the first plan year following the issuance of such regulation.

"SEC. 2923. APPLICATION AND PREEMPTION.

"(a) Superceding of State Law.—

"(1) In general.—This part shall supersede any and all State laws insofar as such laws relate to mandates relating to covered benefits, services, or categories of provider in the health insurance market as applied to an eligible insurer, or health insurance coverage issued by an eligible insurer, including with respect to coverage issued to a small business health plan, in a nonadopting State.

"(2) Nonadopting states.—This part shall supersede any and all State laws of a nonadopting State (whether enacted prior to or after the date of enactment of this title) insofar as such laws—

"(A) prohibit an eligible insurer from offering, marketing, or implementing health insurance coverage consistent with the Benefit Choice Standards, as provided for in section 2922(a); or

"(B) have the effect of retaliating against or otherwise punishing in any respect an eligible insurer for offering, marketing, or implementing health insurance coverage consistent with the Benefit Choice Standards.

"(b) Savings Clause and Construction.—

"(1) Nonapplication to adopting states.—Subsection (a) shall not apply with respect to adopting States.

"(2) Nonapplication to certain insurers.—Subsection (a) shall not apply with respect to insurers that do not qualify as eligible insurers who offer health insurance coverage in a nonadopting State.

"(3) Nonapplication where obtaining relief under state law.—Subsection (a)(1) shall not supercede any State law of a nonadopting State to the extent necessary to permit individuals or the insurance department of the State (or other State agency) to obtain relief under State law to require an eligible insurer to comply with the Benefit Choice Standards.

"(4) No effect on preemption.—In no case shall this part be construed to limit or affect in any manner the preemptive scope of sections 502 and 514 of the Employee Retirement Income Security Act of 1974. In no case shall this part be construed to create any cause of action under Federal or State law or enlarge or affect any remedy available under the Employee Retirement Income Security Act of 1974

"SEC. 2924. CIVIL ACTIONS AND JURISDICTION.

"(a) In General.—The courts of the United States shall have exclusive jurisdiction over civil actions involving the interpretation of this part.

"(b) Actions.—An eligible insurer may bring an action in the district courts of the United States for injunctive or other equitable relief against any officials or agents of a nonadopting State in connection with any conduct or action, or proposed conduct or action, by such officials or agents which violates, or which would if undertaken violate, section 2923.

"(c) Direct Filing in Court of Appeals.—At the election of the eligible insurer, an action may be brought under subsection (b) directly in the United States Court of Appeals for the circuit in which the nonadopting State is located by the filing of a petition for review in such Court.

"(d) Expedited Review.—

"(1) District court.—In the case of an action brought in a district court of the United States under subsection (b), such court shall complete such action, including the issuance of a judgment, prior to the end of the 120-day period beginning on the date on which such action is filed, unless all parties to such proceeding agree to an extension of such period.

"(2) Court of appeals.—In the case of an action brought directly in a United States Court of Appeal under subsection (c), or in the case of an appeal of an action brought in a district court under subsection (b), such Court shall complete all action on the petition, including the issuance of a judgment, prior to the end of the 60-day period beginning on the date on which such petition is filed with the Court, unless all parties to such proceeding agree to an extension of such period.

"(e) STANDARD OF REVIEW.—A court in an action filed under this section, shall render a judgment based on a review of the merits of all questions presented in such action and shall not defer to any conduct or action, or proposed conduct or action, of a nonadopting State.

"SEC. 2925. RULES OF CONSTRUCTION.

"(a) IN GENERAL.—Notwithstanding any other provision of Federal or State law, a health insurance issuer in an adopting State or an eligible insurer in a non-adopting State may amend its existing policies to be consistent with the terms of this subtitle (concerning rating and benefits).

"(b) HEALTH SAVINGS ACCOUNTS.—Nothing in this subtitle shall be construed to inhibit the development of health savings accounts pursuant to section 223 of the Internal Revenue Code of 1986.".

Subtitle C—Harmonization of Health Insurance Standards

SEC. _31. HEALTH INSURANCE STANDARDS HARMONIZATION.

Title XXIX of the Public Health Service Act (as added by section 21) is amended by adding at the end the following:

"Subtitle B—Standards Harmonization

"SEC. 2931. DEFINITIONS.

"In this subtitle:

"(1) ADOPTING STATE.—The term 'adopting State' means a State that has enacted the harmonized standards adopted under this subtitle in their entirety and as the exclusive laws of the State that relate to the harmonized standards.

"(2) ELIGIBLE INSURER.—The term 'eligible insurer' means a health insurance issuer that is licensed in a nonadopting State and that—

"(A) notifies the Secretary, not later than 30 days prior to the offering of coverage described in this subparagraph, that the issuer intends to offer health insurance coverage consistent with the harmonized standards in a nonadopting State;

"(B) notifies the insurance department of a nonadopting State (or other State agency), not later than 30 days prior to the offering of coverage described in this subparagraph, that the issuer intends to offer health insurance coverage in that State consistent with the harmonized standards published pursuant to section 2932(d), and provides with such notice a copy of any insurance policy that it intends to offer in the State, its most recent annual and quarterly financial reports, and any other information required to be filed with the insurance department of the State (or other State agency) by the Secretary in regulations; and

"(C) includes in the terms of the health insurance coverage offered in nonadopting States (including in the terms of any individual certificates that may be offered to individuals in connection with such health coverage) and filed with the State pursuant to subparagraph (B), a description of the harmonized standards published pursuant to section 2932(g)(2) and an affirmation that such standards are a term of the contract.

"(3) HARMONIZED STANDARDS.—The term 'harmonized standards' means the standards certified by the Secretary under section 2932(d).

"(4) HEALTH INSURANCE COVERAGE.—The term 'health insurance coverage' means any coverage issued in the health insurance market, except that such term shall not include excepted benefits (as defined in section 2791(c).

"(5) NONADOPTING STATE.—The term 'nonadopting State' means a State that fails to enact, within 18 months of the date on which the Secretary certifies the harmonized standards under this subtitle, the harmonized standards in their entirety and as the exclusive laws of the State that relate to the harmonized standards.

"(6) STATE LAW.—The term 'State law' means all laws, decisions, rules, regulations, or other State actions (including actions by a State agency) having the effect of law, of any State.

"SEC. 2932. HARMONIZED STANDARDS.

"(a) BOARD.—

"(1) ESTABLISHMENT.—Not later than 3 months after the date of enactment of this title, the Secretary, in consultation with the NAIC, shall establish the Health Insurance Consensus Standards Board (referred to in this subtitle as the 'Board') to develop recommendations that harmonize inconsistent State health insurance laws in accordance with the procedures described in subsection (b).

"(2) COMPOSITION.—

"(A) IN GENERAL.—The Board shall be composed of the following voting members to be appointed by the Secretary after considering the recommendations of professional organizations representing the entities and constituencies described in this paragraph:

"(i) Four State insurance commissioners as recommended by the National Association of Insurance Commissioners, of which 2 shall be Democrats and 2 shall be Republicans, and of which one shall be designated as the chairperson and one shall be designated as the vice chairperson.

"(ii) Four representatives of State government, two of which shall be governors of States and two of which shall be State legislators, and two of which shall be Democrats and two of which shall be Republicans.

"(iii) Four representatives of health insurers, of which one shall represent insurers that offer coverage in the small group market, one shall represent insurers that offer coverage in the large group market, one shall represent insurers that offer coverage in the individual market, and one shall represent carriers operating in a regional market.

"(iv) Two representatives of insurance agents and brokers.

"(v) Two independent representatives of the American Academy of Actuaries who have familiarity with the actuarial methods applicable to health insurance.

"(B) EX OFFICIO MEMBER.—A representative of the Secretary shall serve as an ex officio member of the Board.

"(3) ADVISORY PANEL.—The Secretary shall establish an advisory panel to provide advice to the Board, and shall appoint its members after considering the recommendations of professional organizations representing the entities and constituencies identified in this paragraph:

"(A) Two representatives of small business health plans.

"(B) Two representatives of employers, of which one shall represent small employers and one shall represent large employers.

"(C) Two representatives of consumer organizations.

"(D) Two representatives of health care providers.

"(4) QUALIFICATIONS.—The membership of the Board shall include individuals with national recognition for their expertise in health finance and economics, actuarial science, health plans, providers of health services, and other related fields, who provide a mix of different professionals, broad geographic representation, and a balance between urban and rural representatives.

"(5) ETHICAL DISCLOSURE.—The Secretary shall establish a system for public disclosure by members of the Board of financial and other potential conflicts of interest relating to such members. Members of the Board shall be treated as employees of Congress for purposes of applying title I of the Ethics in Government Act of 1978 (Public Law 95-521).

"(6) DIRECTOR AND STAFF.—Subject to such review as the Secretary deems necessary to assure the efficient administration of the Board, the chair and vice-chair of the Board may—

"(A) employ and fix the compensation of an Executive Director (subject to the approval of the Comptroller General) and such other personnel as may be necessary to carry out its duties (without regard to the provisions of title 5, United States Code, governing appointments in the competitive service);

"(B) seek such assistance and support as may be required in the performance of its duties from appropriate Federal departments and agencies;

"(C) enter into contracts or make other arrangements, as may be necessary for the conduct of the work of the Board (without regard to section 3709 of the Revised Statutes (41 U.S.C. 5));

"(D) make advance, progress, and other payments which relate to the work of the Board;

"(E) provide transportation and subsistence for persons serving without compensation; and

"(F) prescribe such rules as it deems necessary with respect to the internal organization and operation of the Board.

"(7) TERMS.—The members of the Board shall serve for the duration of the Board. Vacancies in the Board shall be filled as needed in a manner consistent with the composition described in paragraph (2).

"(b) DEVELOPMENT OF HARMONIZED STANDARDS.—

"(1) IN GENERAL.—In accordance with the process described in subsection (c), the Board shall identify and recommend nationally harmonized standards for each of the following process categories:

"(A) FORM FILING AND RATE FILING.—Form and rate filing standards shall be established which promote speed to market and include the following defined areas for States that require such filings:

"(i) Procedures for form and rate filing pursuant to a streamlined administrative filing process.

"(ii) Timeframes for filings to be reviewed by a State if review is required before they are deemed approved.

"(iii) Timeframes for an eligible insurer to respond to State requests following its review.

"(iv) A process for an eligible insurer to self-certify.

"(v) State development of form and rate filing templates that include only non-preempted State law and Federal law requirements for eligible insurers with timely updates.

"(vi) Procedures for the resubmission of forms and rates.

"(vii) Disapproval rationale of a form or rate filing based on material omissions or violations of non-preempted State law or Federal law with violations cited and explained.

"(viii) For States that may require a hearing, a rationale for hearings based on violations of non-preempted State law or insurer requests.

"(B) MARKET CONDUCT REVIEW.—Market conduct review standards shall be developed which provide for the following:

"(i) Mandatory participation in national databases.

"(ii) The confidentiality of examination materials.

"(iii) The identification of the State agency with primary responsibility for examinations.

"(iv) Consultation and verification of complaint data with the eligible insurer prior to State actions.

"(v) Consistency of reporting requirements with the recordkeeping and administrative practices of the eligible insurer.

"(vi) Examinations that seek to correct material errors and harmful business practices rather than infrequent errors.

"(vii) Transparency and publishing of the State's examination standards.

"(viii) Coordination of market conduct analysis.

"(ix) Coordination and nonduplication between State examinations of the same eligible insurer.

"(x) Rationale and protocols to be met before a full examination is conducted.

"(xi) Requirements on examiners prior to beginning examinations such as budget planning and work plans.

"(xii) Consideration of methods to limit examiners' fees such as caps, competitive bidding, or other alternatives.

"(xiii) Reasonable fines and penalties for material errors and harmful business practices.

"(C) PROMPT PAYMENT OF CLAIMS.—The Board shall establish prompt payment standards for eligible insurers based on standards similar to those applicable to the Social Security Act as set forth in section 1842(c)(2) of such Act (42 U.S.C. 1395u(c)(2)). Such prompt payment standards shall be consistent with the timing and notice requirements of the claims procedure rules to be specified under subparagraph (D), and shall include appropriate exceptions such as for fraud, nonpayment of premiums, or late submission of claims.

"(D) INTERNAL REVIEW.—The Board shall establish standards for claims procedures for eligible insurers that are consistent with the requirements relating to initial claims for benefits and appeals of claims for benefits under the Employee Retirement Income Security Act of 1974 as set forth in section 503 of such Act (29 U.S.C. 1133) and the regulations thereunder.

"(2) RECOMMENDATIONS.—The Board shall recommend harmonized standards for each element of the categories described in subparagraph (A) through (D) of paragraph (1) within each such market. Notwithstanding the previous sentence, the Board shall not recommend any harmonized standards that disrupt, expand, or duplicate the benefit, service, or provider mandate standards provided in the Benefit Choice Standards pursuant to section 2922(a).

"(c) PROCESS FOR IDENTIFYING HARMONIZED STANDARDS.—

"(1) IN GENERAL.—The Board shall develop recommendations to harmonize inconsistent State insurance laws with respect to each of the process categories described in subparagraphs (A) through (D) of subsection (b)(1).

"(2) REQUIREMENTS.—In adopting standards under this section, the Board shall consider the following:

"(A) Any model acts or regulations of the National Association of Insurance Commissioners in each of the process categories described in subparagraphs (A) through (D) of subsection (b)(1).

"(B) Substantially similar standards followed by a plurality of States, as reflected in existing State laws, relating to the specific process categories described in subparagraphs (A) through (D) of subsection (b)(1).

"(C) Any Federal law requirement related to specific process categories described in subparagraphs (A) through (D) of subsection (b)(1).

"(D) In the case of the adoption of any standard that differs substantially from those referred to in subparagraphs (A), (B), or (C), the Board shall provide evidence to the Secretary that such standard is necessary to protect health insurance consumers or promote speed to market or administrative efficiency.

"(E) The criteria specified in clauses (i) through (iii) of subsection (d)(2)(B).

"(d) RECOMMENDATIONS AND CERTIFICATION BY SECRETARY.—

"(1) RECOMMENDATIONS.—Not later than 18 months after the date on which all members of the Board are selected under subsection (a), the Board shall recommend to the Secretary the certification of the harmonized standards identified pursuant to subsection (c).

"(2) CERTIFICATION.—

"(A) IN GENERAL.—Not later than 120 days after receipt of the Board's recommendations under paragraph (1), the Secretary shall certify the recommended harmonized standards as provided for in subparagraph (B), and issue such standards in the form of an interim final regulation.

"(B) CERTIFICATION PROCESS.—The Secretary shall establish a process for certifying the recommended harmonized standard, by category, as recommended by the Board under this section. Such process shall—

"(i) ensure that the certified standards for a particular process area achieve regulatory harmonization with respect to health plans on a national basis;

"(ii) ensure that the approved standards are the minimum necessary, with regard to substance and quantity of requirements, to protect health insurance consumers and maintain a competitive regulatory environment; and

"(iii) ensure that the approved standards will not limit the range of group health plan designs and insurance products, such as catastrophic coverage only plans, health savings accounts, and health maintenance organizations, that might otherwise be available to consumers.

"(3) EFFECTIVE DATE.—The standards certified by the Secretary under paragraph (2) shall be effective on the date that is 18 months after the date on which the Secretary certifies the harmonized standards.

"(e) TERMINATION.—The Board shall terminate and be dissolved after making the recommendations to the Secretary pursuant to subsection (d)(1).

"(f) ONGOING REVIEW.—Not earlier than 3 years after the termination of the Board under subsection (e), and not earlier than every 3 years thereafter, the Secretary, in consultation with the National Association of Insurance Commissioners and the entities and constituencies represented on the Board and the Advisory Panel, shall prepare and submit to the appropriate committees of Congress a report that assesses the effect of the harmonized standards on access, cost, and health insurance market functioning. The Secretary may, based on such report and applying the process established for certification under subsection (d)(2)(B), in consultation with the National Association of Insurance Commissioners and the entities and constituencies represented on the Board and the Advisory Panel, update the harmonized standards through notice and comment rulemaking.

"(g) PUBLICATION.—

"(1) LISTING.—The Secretary shall maintain an up to date listing of all harmonized standards certified under this section on the Internet website of the Department of Health and Human Services.

"(2) SAMPLE CONTRACT LANGUAGE.—The Secretary shall publish on the Internet website of the Department of Health and Human Services sample contract language that incorporates the harmonized standards certified under this section, which may be used by insurers seeking to qualify as an eligible insurer. The types of harmonized standards that shall be included in sample contract language are the standards that are relevant to the contractual bargain between the insurer and insured.

"(h) STATE ADOPTION AND ENFORCEMENT.—Not later than 18 months after the certification by the Secretary of harmonized standards under this section, the States may adopt such harmonized standards (and become an adopting State) and, in which case, shall enforce the harmonized standards pursuant to State law.

"SEC. 2933. APPLICATION AND PREEMPTION.

"(a) SUPERCEDING OF STATE LAW.—

"(1) IN GENERAL.—The harmonized standards certified under this subtitle shall supersede any and all State laws of a non-adopting State insofar as such State laws relate to the areas of harmonized standards as applied to an eligible insurer, or health insurance coverage issued by a eligible insurer, including with respect to coverage issued to a small business health plan, in a nonadopting State.

"(2) NONADOPTING STATES.—This subtitle shall supersede any and all State laws of a nonadopting State (whether enacted prior to or after the date of enactment of this title) insofar as they may—

"(A) prohibit an eligible insurer from offering, marketing, or implementing health insurance coverage consistent with the harmonized standards; or

"(B) have the effect of retaliating against or otherwise punishing in any respect an eligible insurer for offering, marketing, or implementing health insurance coverage consistent with the harmonized standards under this subtitle.

"(b) SAVINGS CLAUSE AND CONSTRUCTION.—

"(1) NONAPPLICATION TO ADOPTING STATES.—Subsection (a) shall not apply with respect to adopting States.

"(2) NONAPPLICATION TO CERTAIN INSURERS.—Subsection (a) shall not apply with respect to insurers that do not qualify as eligible insurers who offer health insurance coverage in a nonadopting State.

"(3) NONAPPLICATION WHERE OBTAINING RELIEF UNDER STATE LAW.—Subsection (a)(1) shall not supercede any State law of a nonadopting State to the extent necessary to permit individuals or the insurance department of the State (or other State agency) to obtain relief under State law to require an eligible insurer to comply with the harmonized standards under this subtitle.

"(4) NO EFFECT ON PREEMPTION.—In no case shall this subtitle be construed to limit or affect in any manner the preemptive scope of sections 502 and 514 of the Employee Retirement Income Security Act of 1974. In no case shall this subtitle be construed to create any cause of action under Federal or State law or enlarge or affect any remedy available under the Employee Retirement Income Security Act of 1974.

"(c) Effective Date.—This section shall apply beginning on the date that is 18 months after the date on harmonized standards are certified by the Secretary under this subtitle.

"SEC. 2934. CIVIL ACTIONS AND JURISDICTION.

"(a) In General.—The district courts of the United States shall have exclusive jurisdiction over civil actions involving the interpretation of this subtitle.

"(b) Actions.—An eligible insurer may bring an action in the district courts of the United States for injunctive or other equitable relief against any officials or agents of a nonadopting State in connection with any conduct or action, or proposed conduct or action, by such officials or agents which violates, or which would if undertaken violate, section 2933.

"(c) Direct Filing in Court of Appeals.—At the election of the eligible insurer, an action may be brought under subsection (b) directly in the United States Court of Appeals for the circuit in which the nonadopting State is located by the filing of a petition for review in such Court.

"(d) Expedited Review.—

"(1) District court.—In the case of an action brought in a district court of the United States under subsection (b), such court shall complete such action, including the issuance of a judgment, prior to the end of the 120-day period beginning on the date on which such action is filed, unless all parties to such proceeding agree to an extension of such period.

"(2) Court of appeals.—In the case of an action brought directly in a United States Court of Appeal under subsection (c), or in the case of an appeal of an action brought in a district court under subsection (b), such Court shall complete all action on the petition, including the issuance of a judgment, prior to the end of the 60-day period beginning on the date on which such petition is filed with the Court, unless all parties to such proceeding agree to an extension of such period.

"(e) Standard of Review.—A court in an action filed under this section, shall render a judgment based on a review of the merits of all questions presented in such action and shall not defer to any conduct or action, or proposed conduct or action, of a nonadopting State.

"SEC. 2935. AUTHORIZATION OF APPROPRIATIONS; RULE OF CONSTRUCTION.

"(a) Authorization of Appropriations.—There are authorized to be appropriated such sums as may be necessary to carry out this subtitle.

"(b) Health Savings Accounts.—Nothing in this subtitle shall be construed to inhibit the development of health savings accounts pursuant to section 223 of the Internal Revenue Code of 1986.".

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to hold a hearing during the session of the Senate on Wednesday, January 24, 2007, at 10 a.m. in room SR-253 of the Russell Senate Office Building.

The purpose of the hearing is to evaluate the state of the airline industry, and the potential impacts of airline mergers and industry consolidation.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to hold a hearing during the session of the Senate on Wednesday, January 24, 2007, at 9:45 a.m. in room SD-366 of the Dirksen Senate Office Building

The purpose of the hearing is to receive testimony on analysis recently completed by the Energy Information Administration, Energy Market and Economic Impacts of a Proposal to Reduce Greenhouse Gas Intensity with a Cap and Trade System.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session on Wednesday, January 24, 2007, at 10 a.m., in 215 Dirksen Senate Office Building, to consider the nomination of Michael J. Astrue, to be Commissioner of Social Security.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, January 24, 2007, at 9 a.m. to hold a business meeting in 216 of the Hart Senate Office Building to consider Senate Concurrent Resolution 2, a concurrent resolution expressing the bipartisan resolution on Iraq.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions meet in executive session during the session of the Senate on Wednesday, January 24, 2007 at 10 a.m. in SD-430.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet on Wednesday, January 24, 2007, at 10 a.m. for a business meeting to consider pending committee business.

Agenda

(1) Funding resolution.

(2) Rules of procedure of the Committee on Homeland Security and Governmental Affairs.

(3) Appointment of subcommittee chairmen and ranking members.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mrs. MURRAY. I ask unanimous consent that Janice Camp be granted the privileges of the floor for the duration of this session of Congress.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. REID. Mr. President, I ask unanimous consent that tomorrow, following the prayer and the pledge, the Senate resume consideration of H.R. 2; that the Senate then resume consideration of the DeMint amendment No. 158; that there be a time limitation prior to a vote in relation to the amendment of 1 hour, equally divided between Senators Kennedy and DeMint; that no amendments to the amendment be in order prior to a vote in relation to the amendment; and that at the conclusion or yielding back of the time, the Senate vote in relation to the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. Mr. President, we are working with the Republican leader's staff to arrange for votes throughout tomorrow's session in relation to several amendments. So Members should be on notice there will be a vote at approximately 10:30 tomorrow morning, and there will be other votes throughout the day.

I would say that we have five or six amendments all teed up to vote on. We have a few more things—we have one we thought we could vote on in the morning, but we could not get the person offering the amendment on the minority side to allow us to go forward. We hope we can work that out either later tonight or in the morning.

We would like to move through this bill, but we cannot do that unless people are willing to let us vote on their amendments. So after the vote tomorrow at 10:30, hopefully we will have more to tell the body as to what votes have been able to be lined up for later in the day.

Everyone should know that it is unlikely there will be any votes from about 1 to 2 o'clock tomorrow. Other than that, everything is fair game.

ORDERS FOR THURSDAY, JANUARY 25, 2007

Mr. REID. I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 9:30 a.m., Thursday, January 25; that on Thursday, following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then resume consideration of H.R. 2, as provided under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. REID. If there is no further business to come before the Senate, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 7:44 p.m., adjourned until Thursday, January 25, 2007, at 9:30 a.m.

EXTENSIONS OF REMARKS

DEPARTING 2006 PAGES

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 24, 2007

Mr. KILDEE. Madam Speaker, today is a day of mixed emotion for all of us who work with the Page Program. It is time to say good-bye to 26 young aspiring individuals who have served the U.S. Congress for the last 5 months.

On behalf of the U.S. House of Representatives, I would like to thank you all for your hard work, commitment and dedication to the Page Program.

I know you have made your families, friends and communities back home proud, and I am certain that they will be glad to get you back. As difficult as it is to say good-bye, I trust that you will take with you memories, experiences and friends that will last a lifetime. Take with you also our sincere thanks for a job well done. Your hard work and dedication have proven that you are young people with strength, courage and character. We look forward to hearing about all of your many future successes. Best wishes for safe travels home, luck in the rest of your Junior year, and much happiness always. There is no question that you are all destined for bright futures.

May God bless you all.

DEPARTING PAGES FOR 2006

1. Nicole Alexander—TX
2. Alexandra Beletic—UT
3. Chelsea L. Bryan—FL
4. Rebecca Dawson—AL
5. Christopher Day—FL
6. Austen Edwards—GA
7. Alex Finch—MI
8. Emily Hall—IA
9. Brittany Hatley—CA
10. Virginia Heppner—VA
11. Samuel Hocking—NJ
12. Xavier Jackson—FL
13. Chelsea Kerkstra—MI
14. Erica Kuhlman—PA
15. Chelsea Loehr—KS
16. Patrick McConlogue—CA
17. Jaime Mendal—FL
18. Jamie Morrisey—PA
19. Mariah Mumford—MI
20. Zachary Owens—IL
21. Erik Rison—VA
22. Arriel Rubinstein—NJ
23. Blaise Selby—CO
24. Kayla Smith—IA
25. Alex Vincent—PA
26. Adam Zeldin—AZ

INTRODUCTION OF THE KEEPING FAMILIES TOGETHER ACT

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 24, 2007

Mr. STARK. Madam Speaker, I rise today to join Congressmen RAMSTAD and KENNEDY in introducing the bipartisan and bicameral "Keeping Families Together Act." This bill is a first step in ending the practice of custody relinquishment, which the President's New Freedom Commission on Mental Health called "appalling." Every year, families are forced to give up legal custody of their severely mentally ill children to State child welfare agencies in order get these children the health care they need. Senators SUSAN COLLINS (ME) and TOM HARKIN (IA) are introducing companion legislation in the Senate.

Imagine being the parent of a sick child desperately in need of assistance. Your private insurance does not cover mental health care, yet you earn too much to qualify for Medicaid. If you want your child to get treatment you must turn over custody to the child welfare or juvenile justice agency. Now, imagine what affect this awful situation has on the child. The child is already battling mental illness and is now "abandoned" by their family and stigmatized as a "foster child."

These are horrible decisions that a family should never be forced to make. Yet, a 2003 GAO report, surveying 19 States, found that over 12,700 mentally ill children were placed with child welfare or juvenile justice agencies for the sole purpose of obtaining needed mental health care. The actual number of families torn apart is certainly much higher when all 50 States are taken into account.

The Bazelon Center for Mental Health Law has further elaborated on the situations that cause parents and guardians to have to give up their mentally ill children to State agencies. These situations include the following:

The family has either exhausted private health benefits, or the benefits did not cover the required services, such as residential treatment programs.

The family lives in a jurisdiction in which children are deprived of mental health services through the Individuals with Disabilities Act (IDEA) as a result of a restrictive definition of serious mental illness. For example, the school simply labels these children as "discipline problems" and do not properly identify their mental illness.

The family resides in a jurisdiction that falsely interprets federal child welfare law (Title IV–E of the Foster Care and Adoption Assistance Program) as requiring custody relinquishment even for temporary out-of-home placements.

Whatever the cause may be for the families' desperate situation, their nightmare is certainly real. The "Keeping Families Together Act" is a first step toward ending this nightmare and ensuring children get the care they need without being torn from their families.

This bill does two primary things:

It creates $100 million in competitive State grants over 6 years to improve access to State mental health and family support services for families in danger of losing their children because they cannot afford mental health care. States are eligible if they are willing to end the practice of child custody relinquishment and create alternate avenues to getting children needed care while keeping them with their families.

It establishes a federal interagency task force, as recommended by the April 2003 GAO report, to monitor and evaluate the family support grants. The task force will make recommendations to Congress for improving mental health services and removing barriers that have caused child custody relinquishment. This will give Congress the information we need to take further action in the future to end custody relinquishment across the country.

This bill is a great start, however, the bill is only large enough to provide a handful of States with grants. Therefore, it is critical that we work with the aforementioned task force to examine what is working in the grantee States. We can then begin to implement those solutions in all States.

We have known about this problem for many years. Along with my colleagues, Senator COLLINS and HARKIN and Representatives RAMSTAD and KENNEDY, I have worked hard to educate the public and the Congress about this issue. Unfortunately, education and awareness are no longer enough. We first introduced legislation on this issue in 1995. Now is the time to act.

The "Keeping Families Together Act" is a crucial first step toward ending the barbaric practice of custody relinquishment. I hope my colleagues and I can work together to quickly implement this legislation. This bill will allow many, but not all, States to develop innovative new programs that address the mental health needs of children while keeping families intact. Once we have learned what succeeds at the State level, we must then return to this issue and enact legislation that will end the practice of custody relinquishment in all States.

HONORING CAPTAIN ROBERT L. CURBEAM

HON. C.A. DUTCH RUPPERSBERGER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 24, 2007

Mr. RUPPERSBERGER. Madam Speaker, I rise before you today to honor Robert L. Curbeam, Captain, United States Navy and National Aeronautics and Space Administration Astronaut. Over the years, Captain Curbeam has served his country to the best of his ability and deserves recognition for his leadership and accomplishments.

Captain Curbeam was raised in Turner's Station, and graduated from Woodlawn High School in Baltimore County, Maryland, in 1980. He received his bachelor of science degree in aerospace engineering from the United States Naval Academy in 1984. He received

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

his master of science degree in aeronautical engineering from the Naval Postgraduate School in 1990 and a degree of aeronautical and astronautical engineering from the Naval Postgraduate School in 1991. He is currently a member of the U.S. Naval Academy Alumni Association and the Association of Old Crows. Captain Curbeam's numerous awards include Fighter Wing One Radar Intercept Officer of the Year for 1989 and the U.S. Naval Test Pilot School Best Developmental Thesis Award.

Upon graduation from the U.S. Naval Academy, Captain Curbeam commenced Naval Flight Officer training in 1984. In 1986 he reported to Fighter Squadron 11 and made overseas deployments to the Mediterranean and Caribbean Seas, and the Arctic and Indian Oceans on board the USS *Forrestal*. During his tour with Fighter Squadron 11, he also attended Navy Fighter Weapons School. Upon completion of Test Pilot School in December 1991, he reported to the Strike Aircraft Test Directorate where he was the project officer for the F–14A/B Air-to-Ground Weapons Separation Program. In August 1994, he returned to the U.S. Naval Academy as an instructor in the Weapons and Systems Engineering Department.

Selected to be an astronaut by NASA in December 1994, Curbeam reported to the Johnson Space Center in March 1995. After completing a year of training and evaluation, he was assigned to the Computer Support Branch in the Astronaut Office. A veteran of two space flights, STS–85 in 1997 and STS–98 in 2001, Curbeam logged over 593 hours in space, including over 19 EVA hours during three spacewalks. Curbeam served as a spacecraft communicator (CAPCOM) responsible for relaying all voice communication between Mission Control and crews aboard the Space Shuttle and International Space Station. During the spring of 2002, he served as Deputy Associate Administrator for Safety and Mission Assurance, at NASA Headquarters, Washington, DC. Currently, Curbeam serves as the Safety Branch Chief for the Astronaut Office.

Captain Curbeam was named to NASA's most recent mission STS–116 in 2003. The mission launched on December 9, 2006. During Space Shuttle *Discovery's* 13-day mission to the International Space Station, the STS–116 crew continued construction of the station during the first of four spacewalks. The next two spacewalks rewired the station's power system, preparing it to support the station's final configuration and the arrival of additional science modules. A fourth spacewalk was added to allow the crew to retract solar arrays that had folded improperly.

As the only STS–116 crew member to participate in all four spacewalks, Captain Curbeam set a Space Shuttle Program record for the most spacewalks performed by one astronaut during a single mission.

Madam Speaker, I ask that you join with me today to honor CAPT Robert L. Curbeam. He is a remarkable leader and has served the citizens of Maryland and the United States exceptionally throughout his career.

TRIBUTE TO SAINTS PETER AND PAUL CATHOLIC PARISH

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 24, 2007

Mr. SHIMKUS. Madam Speaker, I rise today to honor Saints Peter and Paul Catholic Parish in my hometown of Collinsville, Illinois, on their 150th anniversary. The parish is a part of the Diocese of Springfield, Illinois.

The first church was built in 1856 on the land that is still owned by the parish. The first pastor of the church, Father W. Repis, came in November 1857. The parish is currently ministered by Rev. John Beveridge, pastor since 1999, and Rev. Aloysius O. Ndeanaefo, parochial vicar.

In 1863, grounds for the cemetery were purchased. In 1879, the Parish school was opened, and it remains committed to a Christian education today.

On December 31, 2005, the parish began celebrating their sesquicentennial. After a full year of special events, a concluding mass will be celebrated by Bishop George Lucas on January 14, 2007.

I am pleased to congratulate Saints Peter and Paul Catholic Parish on this accomplishment. May God bless Saints Peter and Paul Catholic Parish.

TRIBUTE TO RODGER REEVES MEIER

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 24, 2007

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I rise today to pay tribute to an admirable leader and beloved friend, Rodger Reeves Meier. As a dedicated hard worker, Mr. Meier was committed to his family, career, and community. His life exemplifies an attainable American dream. Mr. Meier was dedicated to balancing a life of family and career as he grew within the Dallas community and for this I commend his legacy.

As a young perseverant man, Mr. Meier completed high school in 1941. He then attended Texas Christian University where he met his partner for life. In 1946, Mr. Meier married Ms. Joyce Fowler. Shortly thereafter they both moved to Dallas, TX, to start the well-respected Meier family.

In 1952, Mr. Meier was appointed the first Dallas representative of the Cuban Tourist Institute. This accomplishment is one of many, as this allowed for him to continue to grow within the community. He was later named district agency and interline sales manager for the Cuban Tourist Institute. Continuing a path to a great career, Mr. Meier became a senior executive at the E.F. McDonald Company.

In 1969, a diligent Rodger Meier opened his Cadillac franchise on LBJ Freeway. Both he and his son worked together to expand the family owned business. In 1990, they added an Infiniti franchise and in 1994 an Oldsmobile brand. After years of dedication to his business, Mr. Meier sold his business and retired so that he could dedicate his time to charity work.

During his retirement, Mr. Meier became an outstanding community leader. He was chairman of the Dallas/Fort Worth International Airport board, the Dallas Chamber of Commerce, the National Conference of Christians and Jews, and the American Cancer Society. His work with the American Red Cross, Greenhill School, and Dallas Community College made an immeasurable impact to the Dallas community.

On behalf of the Dallas, TX, community, I am honored to commend the life of an astounding man and my dear friend, Rodger Meier.

CANINE DETECTION TEAM IMPROVEMENT ACT OF 2007

HON. CHRISTOPHER P. CARNEY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 24, 2007

Mr. CARNEY. Madam Speaker, some of the nation's most dedicated citizens stand at the ready each and every day, working to detect and prevent the next terrorist attack on our soil. They are vital to our security and are to be commended. Often, they fulfill this critical homeland security work with significant help from what we have come to call "man's best friend." Canines trained to detect explosives and other dangerous materials regularly roam our nation's airports, subways, and ports, anywhere else that they are needed to deter, prevent, detect and respond to terrorist threats. U.S. Customs and Border Protection, the United States Secret Service, the Coast Guard, and the Federal Protective Service regularly use canine detection teams to secure National Special Security Events and to protect Federal buildings and their occupants.

As a consequence of September 11, demand for trained explosive detection dogs has increased dramatically. Today, there simply are not enough trained dogs to meet the demand. There also are no national standards to certify a dog as a capable bomb-sniffing dog or drug-sniffing dog. In the absence of national training and certification standards, there have been a number of cases of fraudulent operations and the use of inadequatelytrained canines and canine handlers. In one documented case, a Virginia man, Russell Lee Ebersole, was hired to protect several government buildings, including the Federal Reserve Board. In multiple tests his dogs failed to detect 50 pounds of dynamite, 50 pounds of TNT, or 15 pounds of C–4 in the agency's parking facilities.

The "Canine Detection Team Improvement Act of 2007," which Rep. MIKE ROGERS of Alabama is introducing today and on which I am the Democratic original cosponsor, will make the United States more secure by addressing the shortage of trained canine detection teams and establishing standards for canine detection teams and an accreditation process to assure Federal, State, local and tribal authorities that the dog they look rely on to help defend the homeland can get the job done.

Specifically, the bill directs the Secretary of Homeland Security to coordinate all training programs within the Department, including research and development of new canine training methods. The bill also directs the Secretary to consult on the use of canines with other Federal agencies, nonprofit organizations, universities, and private training facilities in order to increase the number oftrained canines available to Federal, State, and local law enforcement. By coordinating all programs within the Department and working with outside resources, section 2001 empowers the Secretary to build upon the synergy of multiple resources to enhance dog training programs.

Section 2002 of the bill addresses canine procurement. It directs the Secretary to make it a priority to increase domestically bred canines used by the Department, and includes a provision encouraging the use of universities and private and non-profit organizations to accomplish this effort. This bill's section also directs the Secretary to consult with other public and private entities to not only encourage the use of domestic bred canines, but also to work with them to consolidate canine procurement wherever possible in the hopes to reduce the cost of purchasing canines across the Federal Government. Section 2003 of the bill is a "Domestic Canine Breeding Grant Program" for further encouragement of the development and growth of canine breeds best suited for detection training purposes.

However, perhaps the most significant accomplishment of this law is the establishment of an accreditation board, which will ensure proper certification standards. The board will consist of experts in the field of canine training and explosives detection from Federal and State agencies, universities, other research institutions, and the private sector. It is modeled after the executive board of the Scientific Working Group on Dog and Orthogonal Detectors, or SWGDOG as it is popularly known. This group has already done a tremendous job in bringing together the major stakeholders in canine detection and I applaud them for their work on this issue. This law will build upon the success of SWGDOG in order to ensure the proper standards for voluntary certification are applied and maintained. The board will maintain a public list of accredited entities upon which other agencies, Federal, State, and local can rely for qualified canines. The aim of this board is to reduce misrepresentative, fraudulent or otherwise improper certification of dogs and their training organizations, but ultimately the board will ensure public safety and the safety of law enforcement.

Before closing, I want to personally thank MIKE ROGERS from Alabama. Under his leadership in the previous Congressional session, the Committee on Homeland Security began to address this issue. He held a hearing in the previous Congress entitled "Sniffing Out Terrorism: The Use of Dogs in Homeland Security." Many of the findings from that hearing were a source of guidance in writing this legislation and I thank him for his stewardship on this issue. I urge my colleagues in the House of Representatives to join me in passing this very critical legislation.

INTRODUCTION OF THE COMMISSION ON WARTIME RELOCATION AND INTERNMENT OF LATIN AMERICANS OF JAPANESE DESCENT ACT

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 24, 2007

Mr. BECERRA. Madam Speaker, I rise today to introduce the Commission on Wartime Relocation and Internment of Latin Americans of Japanese Descent Act. This bill would create a commission to review and determine facts and circumstances surrounding the relocation, internment, and deportation of Japanese Latin Americans, and subsequently recommend appropriate remedies.

This year marks the 65th anniversary of the day that then President D. Roosevelt signed Executive Order 9066 that led to the internment of 120,000 persons of Japanese ancestry. With the stroke of a pen, innocent men, women, and children became prisoners and were branded disloyal to the nation they called home. Lives were disrupted and homes were broken as these Americans were uprooted from their communities and locked behind barbed wire fences. Over the past years, the anniversary of this date has been nationally observed with educational events to increase public awareness about the World War II experience, recognize the unjust action, and to provide an opportunity for all people to reflect on the importance of justice and civil liberties during times of crisis and war.

The 1981 Commission on Wartime Relocation and Internment of Civilians concluded that the internment was the result of racism and wartime hysteria. Five years after publishing its findings, then President Ronald Reagan signed the Civil Liberties Act of 1988 that provided an official apology and financial redress to most of the Japanese Americans who were subjected to wrongdoing and confined in U.S. internment camps during World War II. Those loyal Americans were vindicated by the fact that not a single documented case of sabotage or espionage was committed by a Japanese American during that time. The Civil Liberties Act was the culmination of a half century of struggle to bring justice to those for whom it was denied. I am proud that our nation did the right thing. But 19 years after the passage of this act, there still remains unfinished work to completely rectify and close this regrettable chapter in our nation's history.

Between December 1941 and February 1945, approximately 2,300 men, women, and children of Japanese ancestry became the victims of mass abduction and forcible deportation from 13 Latin American countries to the United States. The U.S. government orchestrated and financed the deportation of Japanese Latin Americans to be used as hostages in exchange for Americans held by Japan. Over 800 individuals were included in two prisoner of war exchanges between the U.S. and Japan, where many were deported to a foreign country that they had never set foot on since their ancestors' immigration to Latin America. The remaining Japanese Latin Americans were imprisoned in internment camps without the benefit of due process rights until after the end of the war.

Further study of the events surrounding the deportation and incarceration of Japanese Latin Americans is both merited and necessary. The 1981 Commission on Wartime Relocation and Internment of Civilians acknowledged the federal actions in detaining and interning civilians of enemy or foreign nationality, particularly of Japanese ancestry, but the commission had not thoroughly researched the historical documents that exist in distant archives pertaining to Japanese Latin Americans.

It is for all these reasons, Madam Speaker, that I rise today to introduce the Commission on Wartime Relocation and Internment of Latin Americans of Japanese Descent Act. We must review directives of the United States military forces and the State Department requiring the relocation, detention in internment camps, and deportation of Japanese Latin Americans to Axis countries and recommend appropriate remedies based upon preliminary findings by the original commission and new discoveries. It is the right thing to do to affirm our commitment to democracy and the rule of law.

I am proud that there are many Members of Congress and community activists who have come together in this continuous fight for justice. I especially thank Representatives DAN LUNGREN, MIKE HONDA, and CHRIS CANNON for their commitment to this issue and joining me in this effort. The Campaign for Justice and the Japanese American Citizens League have been the vanguard organizations driving this effort.

Madam Speaker, let us renew our resolve to build a better future for our community by dedicating ourselves to remembering how we compromised liberty in the past by passing the Commission on Wartime Relocation and Internment of Latin Americans of Japanese Descent Act. Doing so will help us guard it more closely in the future and help us commit ourselves to justice.

INTRODUCTION OF THE KEEPING FAMILIES TOGETHER ACT

HON. PATRICK J. KENNEDY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 24, 2007

Mr. KENNEDY. Madam Speaker, imagine having a child with a potentially fatal disease. Imagine the pain of watching your child suffer, even while effective treatments are out there, only not available to your family. Now imagine that you had to choose between watching your child in agony, maybe even slowly dying, or getting her the care she needs but only by relinquishing your parental rights.

This kind of choice is barbaric, senseless, and common.

I rise in support of the Keeping Families Together Act, a collective effort initiated by myself, Representative RAMSTAD, Representative STARK, and Senator COLLINS dedicated to improving the lives of children and adolescents living with mental disorders. The time is now to close systemic shortfalls in our social service and health care systems that revictimize children who suffer from chronic mental health disorders.

Every year in this country, thousands of families are forced to relinquish custody of their children to the state in order to secure vitally necessary—even life or death—health care for their seriously ill children. These needed services are extremely expensive and private insurance often runs out prior to children being adequately treated. The financial burden of caring for a child with a chronic mental illness often exceeds what a family can bear. Many of these children remain Medicaid-ineligible because their parents' income and assets prevent them for qualifying for this assistance. These are not families who want to turn their children over to state authorities. These are reluctant families. Families who have suffered, and have arrived at the all too painful reality that they have exhausted all resources available short of turning their child over to the State.

The choice between custody and care is one that no parent should be forced to make. Clinical child experts tell us that the best place for a child to receive care is in the context of a supportive family relationship. Intuitively, we know this to be true. The family is the primary institution of care and nurturing for children, and families should be empowered to provide the needed care for their children through access and support.

The cornerstone of the Keeping Families Together Act is the provision of competitive grants to states, conditioned on the existence of state laws and policies to ensure that children receive appropriate mental health services and that their parents do not have to relinquish custody of their children. These Family Support Grants will in part: (1) establish interagency systems of care as an alternative to custody relinquishment, (2) facilitate the design of a statewide system of care which would involve collaboration between state child-serving agencies, parents, providers, and other stakeholders, (3) only fund activities which demonstrate benefit to children who are already in or are at risk for entering state custody solely for the purpose of receiving mental health services.

This bill would establish a federal interagency task force to examine mental health issues in the child welfare and juvenile justice systems, make recommendations to Congress, and guide the implementation of the grant program. States will be required to report annually on the success of the programs and activities implemented by the State under the grant.

The Keeping Families Together Act seeks to redress the inexcusable emotional disruption that is inflicted upon thousands of children and their parents by maintaining a system of care that forces good families to relinquish custody of their children to the bureaucrats and institutions of the state. Nobody can think that kind of system is good for anyone, and it's no wonder this bill has broad bipartisan support. It is counterproductive, and clinically counter-indicated, to separate emotionally vulnerable children from their core system of nurturing and support. The Keeping Families Together Act provides the safety net that families need and deserve, because parental rights should never be a trade off for children's health care.

I look forward to working with my colleagues on both sides of the aisle to pass this law this year and keep these families together.

SOCIAL SECURITY AND MEDICARE IMPROVED BURN INJURY TREATMENT ACCESS ACT OF 2007

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 24, 2007

Mr. NEAL. Madam Speaker, I rise today to introduce the Social Security and Medicare Improved Burn Injury Treatment Access Act of 2007. This legislation provides a waiver of the 24-month waiting period now required before an uninsured individual becomes eligible for Medicare coverage for disabling burn injuries, as well as the five-month waiting period for Social Security disability benefits.

Each year an estimated 500,000 people are treated for burn injuries. Of these 500,000 injuries, about 40,000 require hospitalization. Fire and burn deaths average about 4,000 per year.

Burn care is highly specialized. While there are thousands of trauma centers in the United States, there are only 125 burn centers with a total burn-bed capacity of just over 1,800. These specialized burn centers treat about 25,000 or 200 admissions per year, out of the total 40,000 admissions, while the other 5,000 U.S. hospitals without burn centers average less than three burn admissions per year.

Medical care for serious burn injuries is very expensive, which places a great financial strain on burn centers, about 40 percent of whose patients are uninsured. Because of these financial challenges, burn centers in Pennsylvania, Mississippi, Iowa and South Carolina have closed in just the past two years.

This is occurring at a time when the federal government is asking burn centers to expand their capacity to deal with mass casualty scenarios. The Departments of Health and Human Services and Homeland Security have included burn centers in the Critical Benchmark Surge Capacity Criteria in the funding continuation requirements for state plans administered through the Health Resources and Services Administration (HRSA). HSS, in conjunction with the American Burn Association, has created a real-time, web-based burn-bed capacity system in the national emergency preparedness center and funded Advanced Burn Life Support (ABLS) and clinical, on-site burn nurse training for 200 public health service nurses as a reserve capacity for potential mass burn casualty incidents, as well as supporting more than 20 ABLS courses with over 600 first-responders in ten key areas of the country.

The 9/11 terrorist attacks on New York City and Washington, D.C., and major accidents like the Rhode Island nightclub fire and North Carolina chemical plant explosions demonstrate the substantial number of burn injuries that can result from such events. Over one-third of those hospitalized in New York on 9/11 had severe burn injuries. The Department of Homeland Security has recognized that there would be mass burn casualties in terrorist acts, and there is a need for appropriate preparedness activities. For example, if the United States should suffer further terrorist attacks using explosions, incendiary devices or chemical weapons, most victims would suffer severe burn injuries.

Even a relatively modest number of burn injuries can consume large segments of the nation's burn bed capacity. For example, the victims of the Rhode Island nightclub fire absorbed the burn bed capacity of most of the northern East Coast of the United States. Mass burn casualties that reach into the hundreds or thousands would strain the system to the breaking point.

It is clear that burn centers are a national resource and a critical link to public health emergency preparedness. Medicare coverage for serious, disabling burn injuries would enable these burn centers to remain financially viable and preserve an essential component of our public health emergency infrastructure.

This legislation follows an approach already taken with respect to End Stage Renal Disease (ESRD) and amyotrophic lateral sclerosis (ALS or Lou Gehrig's disease), both of which result in waivers of the 24-month waiting period for Medicare eligibility. While these two diseases tend to be progressive in nature, the very initial phase of a serious burn injury is when things are most acute.

Providing immediate Medicare coverage for uninsured patients suffering serious, disabling burn injuries is a fully justified and necessary step. Although not all hospitalized burn injuries would qualify as "disabling" and thus result in immediate Medicare coverage, this legislation is about providing coverage for the many uninsured patients suffering from serious burn injuries and ensuring the survival of a vital national resource that already is in jeopardy, a situation we cannot accept as we seek to prepare the nation to deal with potential mass casualty terrorist events.

PARAMOUNT 50TH ANNIVERSARY

HON. LINDA T. SÁNCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 24, 2007

Ms. LINDA T. SÁNCHEZ of California. Madam Speaker, 50 years ago, on January 30, 1957, the village residents of Clearwater and Hynes, who shared a five-square mile area of Southeast Los Angeles, came together to preserve a way of life by merging their communities into the City of Paramount.

Clearwater, first settled in 1886, and Hynes, settled in 1898, were two villages mutually bonded through their shared dairy and hay industries. The new city was named after the main boulevard that ran through the business district. At the time of Paramount's incorporation, the area was one of the Nation's largest dairy producers and the world's biggest receiving point for hay. Paramount began as home to more cows than people, with an estimated 25,000 cows in its city limits. During this time Paramount did $1 million worth of business a month—$150,000 from cream alone. As the dairies thrived, so did the banks, grocery stores, businesses, and restaurants downtown.

During the 1960s and 70s, Paramount transitioned into a more urban landscape with many of the dairies moving out to more rural areas, taking a large portion of the local workforce with them. Neighboring and nearby cities built suburban shopping malls and housing developments, which strained the small merchants of Paramount and aided in the City's loss of business revenue.

By the late 1970s, the major agricultural centers of Paramount, known for its dairies and hay market, fields and feedlots, were overtaken by concrete and asphalt. Unfortunately, county planners thought Paramount was better suited for auto repair shops and salvage yards. The following years brought uncontrolled growth and ultimately lead to an overbuilt environment that eventually deteriorated in many areas of town. Despite such challenges, Paramount's fate was not sealed.

Paramount became the exception to the rule. The City took heed of its "disaster area" status in the early 1980s and, rather than sink under the weight of its problems, chose a proactive plan to turn itself around. This eventually turned Paramount's "Rust Belt" status into "The Revitalization of Paramount."

The City launched a concerted effort to make physical improvements everywhere in town. By using municipal tools like zoning ordinances, planning regulations, design guidelines, redevelopment, and economic incentives, the City took it upon itself to inspire its residents and business owners to think big and reach for something more. Thus began Paramount's turnaround.

By confronting urban blight and providing exceptional city services, Paramount thrived economically and culturally. Paramount, California is now known for its successful transformation and its attractive business climate and quality of life. The City has received numerous awards for its forward thinking.

Today, Paramount is a growing community of landscaped boulevards, enhanced police service, parks, recreation programs, affordable housing, public art, and tree-lined neighborhoods with white picket fences.

I want to share Paramount's success with the rest of our Nation as a model of one city's can-do attitude and ability to overcome the destruction that urban blight can wreak on our most precious assets—our communities and the people that live in them.

TRIBUTE TO CARLOS LEZAMA, FATHER OF THE LABOR DAY CARNIVAL IN BROOKLYN

HON. YVETTE D. CLARKE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 24, 2007

Ms. CLARK. Madam Speaker, I rise today to pay homage to a great American, a role model, leader, innovator and certainly one of the finest gentlemen in the history of my home state of New York.

I extend my deepest condolences to the family and friends of Carlos Lezama, the Father of Brooklyn's world-famous West Indian-American Labor Day Carnival.

Carlos Lezama was born of humble beginnings in the Caribbean nation of Trinidad & Tobago.

What is now the largest outdoor summer festival in the United States began over 40 years ago as a small celebration of Caribbean immigrants in Harlem. It was initially held each February to coincide with Carnival celebrations in Trinidad & Tobago. As the wintry weather typical of New York in February began to impact the nascent celebration, Mr. Lezama moved Carnival to Labor Day Weekend and relocated the festivities to Brooklyn, in the heart of the eleventh Congressional District. Under Carlos' guidance and innovation, Brooklyn's Labor Day Carnival has grown to attract more than four million participants every year from all walks of life across the city and across the Nation.

Carlos molded a nostalgic longing for "the old country" into an integral part of the fabric of New York City. For immigrant families like my own, Labor Day Carnival has always been a source of pride. Its very existence says there is a place for me in this great Nation; my parents are Caribbean-Americans who emigrated from Jamaica to this country in search of the American dream. The success of Labor Day Carnival and Mr. Lezama himself is a testament to the promise of America.

Carlos Lezama passed away on Tuesday, January 22, 2007. As he joins the ancestors, it is my honor to salute him. A great son of Trinidad and Tobago and a great American; Carlos Lezama will be sorely missed.

TRAVIS McCORMICK KLEENWOOD DAY

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 24, 2007

Mr. POE. Madam Speaker, Saturday, January 27, 2007, is not an ordinary day for the community of Kingwood, Texas. Before many people get out of bed, residents will be up armed with trash bags waging a war against litter.

The "Travis McCormick Kleenwood Day" is an annual event where people of all ages volunteer to clean up their neighborhoods. They don't do it because they have to; they do it because they have pride in their community.

This year will mark the fourth annual Kleenwood Day. This effort is spearheaded by Kingwood Chamber of Commerce President Sparky Nolan. Because of Sparky's determination and enthusiasm, the number of volunteers continues to grow exponentially.

This year, beginning at their neighborhood pools, residents will pick up thousands of pounds of litter near sidewalks, greenbelt trails and curbs.

These volunteer efforts are commendable and an inspiration for others to show pride in their communities.

I am proud to have Kingwood, Texas, in my district.

That's just the way it is.

RECOGNIZING MS. SANDRA J. ELLIS FOR HER SERVICE AND DEDICATION ON THE OCCASION OF HER RETIREMENT

HON. J. RANDY FORBES

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 24, 2007

Mr. FORBES. Madam Speaker, I rise today in recognition of Ms. Sandra J. Ellis for her loyal service to the United States of America.

Sandy's commitment to the armed services of our country and the Fort Lee community is to be highly commended.

Sandra J. Ellis was born in Petersburg, Virginia on June 16, 1948, which is Flag Day. The daughter of an Air Force officer, Sandy grew up in a military family that lived in Illinois, South Dakota, and years later returned to Virginia.

While Sandy's first roles at Fort Lee were as a stage performer with Special Services and as an entertainer at the hospital ward there, it was after high school that Sandy entered Petersburg General Hospital School of Nursing/Richard Bland College. In 1967 she decided to take a semester off and took a part-time position at Fort Lee. In a short while, she was offered a permanent position which she accepted. At a time when many young men and women were joining the Army during the build-up in Vietnam, Sandy chose to serve her country at Fort Lee; and so she did for 40 years.

Sandy began her dedicated service to the Army as a Military Personnel Clerk. During her career, she consistently earned more responsibility and took on positions as a Port Call Clerk, Secretary, Congressional Inquiry Specialist, Administrative Specialist, and Protocol Officer. Most recently, she has served as the Public Affairs Officer, where she has been the officer responsible for media and community relations at Fort Lee, an Army community of more than 12,000 and home of the Quartermaster Center and School. As the chief liaison to the surrounding community, Sandy played a central role in steering the installation and the community through the 2005 Base Realignment and Closure process.

Sandy Ellis has shown a demonstrated commitment to the Army, the Commonwealth of Virginia, and the nation that is rarely equaled. She has served during eight different Presidential administrations, and her loyalty to the servicemen and women at Fort Lee deserves particular attention and admiration. Today, we salute her for her unwavering dedication to her profession and the American people. Furthermore, we salute her husband John Ellis, and her son, Jay, without whom Sandy's work would not have been possible nor as meaningful as it has been.

Madam Speaker, please join me in honoring Sandy Ellis on her retirement from Federal service in the United States Army.

A PROCLAMATION HONORING HELEN BASS SMITH ON HER 90TH BIRTHDAY

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 24, 2007

Mr. SPACE. Madam Speaker,

Whereas, Mrs. Smith has shown an extraordinary commitment to her community by volunteering at the Salvation Army in Cadiz, Ohio, and at the Harrison Community Hospital, where she has been president of the Hospital Auxiliary for 4 years; and

Whereas, Mrs. Smith has demonstrated values of hard work and service throughout her life, always maintaining a positive outlook; and

Whereas, Mrs. Smith has worked for the United States Department of Agriculture, the Scio Pottery Company, Lib Gray's Dressmaker Shop, and as a farmer for many years and still continues her active lifestyle by walking 2 miles every day; and

Whereas, Mrs. Smith's character has been praised by her hospital volunteer coordinator, who describes her as "nothing short of magnificent" and that her spirit is "not a day over 14"; Now, therefore, be it

Resolved, that along with her friends, family, and the residents of the 18th Congressional District, I wish Helen Bass-Smith a happy and healthy 90th birthday. We recognize the tremendous impact she has had in her community and in the lives of all those people she has touched.

NEW DIRECTION FOR IRAQ ACT OF 2007

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 24, 2007

Mr. BLUMENAUER. Madam Speaker, today I am introducing, along with Congresswoman TAMMY BALDWIN and Congressman SAM FARR, the New Direction for Iraq Act, the first legislation introduced in Congress to deal comprehensively with the military, diplomatic, political, economic and humanitarian strategies needed to move forward in Iraq.

On November 7th, the American people sent a strong and clear message that it's time to change the course in Iraq. Unfortunately, President Bush is proposing more of the same. Instead of listening to the majority of Americans, Iraqis, and military experts, the President's stubborn adherence to a clearly failed strategy is undermining our security and putting more of our troops and Iraqis at risk. Our troops have performed valiantly, but progress in Iraq now depends on a political solution.

It's time for a new direction in Iraq and a comprehensive shift in our Iraq policy. My legislation will: Bring our troops home within approximately one year; Refocus our assistance on creating jobs for Iraqis, supporting grassroots multi-ethnic civil society, and disarming militias; Authorize more aggressive efforts to punish war profiteering and reconstruction fraud; Require a new comprehensive diplomatic effort—internal, regional, and international—to provide support in stabilizing Iraq and promoting ethnic reconciliation; Strengthen efforts to address the Iraqi refugee crisis.

This is now about making the best of a bad situation; our military is breaking and our presence in Iraq is doing nothing to ease sectarian tensions or promote a democratic future. We must leave Iraq and we are going to do so before it's fixed. It will be painful for everybody: the innocent Iraqi victims who will get caught up in the maelstrom, as well as Americans who will be less safe for years, if not generations, to come.

The final costs of this war are not yet fixed, but we have a chance to influence just how high and how horrible through our actions. At this point, we can only try to make this terrible situation no worse and hope that, at some point, it might become marginally better for both Americans and Iraqis. I urge my colleagues to support this bill and look forward to working with them to advance a comprehensive plan to change the course in Iraq.

IN RECOGNITION OF THE RETIREMENT OF JUDGE SAM MONK

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 24, 2007

Mr. ROGERS of Alabama. Madam Speaker, I respectfully ask the attention of the House today to pay recognition to Judge Sam Monk who is retiring after 28 years of service. Judge Monk currently presides as Circuit Judge of the Seventh Judicial Circuit in Anniston, Alabama.

Judge Sam Monk graduated from the University of Alabama School of Law in 1975. Prior to law school, Judge Monk served in the United States Army. Judge Monk has worked in both private practice and has served as Presiding Judge for the 7th Judicial Circuit, Circuit Judge for the 7th Judicial Circuit, and as District Judge for Calhoun and Cleburne Counties.

Judge Monk will officially retire on January 15, 2007, but a reception in his honor will be held on January 12, 2007 at the Calhoun County Courthouse.

I salute Judge Monk and congratulate him on his service to the legal field over the past 28 years. I wish him all the best on this important occasion.

ACADEMY NOMINEES FOR 2007

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 24, 2007

Mr. FRELINGHUYSEN. Madam Speaker, every year, more high school seniors from the 11th Congressional District trade in varsity jackets for Navy pea coats, Air Force flight suits, and Army brass buckles than most other districts in the country. But this is nothing new—our area has repeatedly sent an above average portion of its sons and daughters to the nation's military academies for decades.

This fact should not come as a surprise. The educational excellence of area schools is well known and has long been a magnet for families looking for the best environment in which to raise their children. Our graduates are skilled not only in mathematics, science, and social studies, but also have solid backgrounds in sports, debate teams, and other extracurricular activities. This diverse upbringing makes military academy recruiters sit up and take note—indeed, many recruiters know our towns and schools by name.

Since the 1830's, Members of Congress have enjoyed meeting, talking with, and nominating these superb young people to our military academies. But how did this process evolve? In 1843, when West Point was the sole academy, Congress ratified the nominating process and became directly involved in the makeup of our military's leadership. This was not an act of an imperial Congress bent on controlling every aspect of Government. Rather, the procedure still used today was, and is, a further check and balance in our democracy. It was originally designed to weaken and divide political coloration in the officer corps, provide geographical balance to our armed services, and to make the officer corps more resilient to unfettered nepotism and handicapped European armies.

In 1854, Representative Gerritt Smith of New York added a new component to the academy nomination process—the academy review board. This was the first time a Member of Congress appointed prominent citizens from his district to screen applicants and assist with the serious duty of nominating candidates for academy admission. Today, I am honored to continue this wise tradition in my service to the 11th Congressional District.

The Academy Review Board is composed of six local citizens, several of whom are distinguished veterans, who have shown exemplary service to New Jersey, to their communities, and to the continued excellence of education in our area. Though from diverse backgrounds and professions, they all share a common dedication that the best qualified and motivated graduates attend our academies. And, as true for most volunteer groups, their service goes largely unnoticed.

I would like to take a moment to recognize these men and women and thank them publicly for participating in this important panel. Being on the Board requires hard work and an objective mind. Members have the responsibility of interviewing upwards of 50 outstanding high school seniors every year in the academy review process.

The nomination process follows a general timetable. High school seniors mail personal information directly to the Military Academy, the Naval Academy, the Air Force Academy, and the Merchant Marine Academy once they become interested in attending. Information includes academic achievement, college entry test scores, and other activities. At this time, they also inform my office of their desire to be nominated.

The academies then assess the applicants, rank them based on the data supplied, and return the files to my office with their notations. In late November, our Academy Review Board interviews all of the applicants over the course of two days. They assess a student's qualifications and analyze character, desire to serve, and other talents that may be hidden on paper.

This year the board interviewed 38 applicants. Nominations included 19 to the Naval Academy, 9 to the Military Academy and 5 to the Air Force Academy—the Coast Guard Academy does not use the Congressional nomination process. The recommendations are then forwarded to the academies by January 31, where admissions staff reviewed files and notified applicants and my office of their final decision on admittance.

As these highly motivated and talented young men and women go through the nominating process, never let us forget the sacrifice they are preparing to make: to defend our country and protect our citizens. This holds especially true at a time when our Nation is fighting the war against terrorism. Whether it is in Afghanistan, Iraq, or other hot spots around the world, no doubt we are constantly reminded that wars are fought by the young. And, while our military missions are both important and sometimes dangerous, it is reassuring to know that we continue to put America's best and brightest in command.

Academy Nominees for 2007—11th Congressional District, New Jersey

Air Force Academy: Greg W. Bukata, Chatham, H.S. of the Chathams; David Lam, Lake Hopatcong, Jefferson H.S.; Melissa L. Marcial, Parsippany, Parsippany H.S.; Scott Pierson, Parsippany, Parsippany Hills H.S.; and Samantha J. Stibick, Somerville, Somerville H.S.

Military Academy: Brian C. Asman, Livingston, Livingston H.S.; Alexander Boroff, Chatham, H.S. of the Chathams; Hadley A. Johnson, Randolph, Pingry School; Vincent J. Lally, Sparta, Sparta H.S.; Dario Marcelli, III, East Hanover, Hanover Park H.S.; Alexander Z. Pytlar, Califon, West Morris Central H.S.; Jason S. Rothamel, Basking Ridge, Ridge H.S.; Quentin Sica, Stanhope, Lenape Valley H.S.; and Marianne R. Slotten, Mendham, West Morris Mendham H.S.

Naval Academy: Kelsey L. Bergh, Morristown, Academy of St. Elizabeth; Jeffrey R. Bland, Basking Ridge, Immaculata H.S.; David P. Bobo, Florham Park, Seton Hall Preparatory School; Jacob O. Bridge, Stirling, Watchung Hills H.S.; Jesse S. Cohen, Mountain Lakes, Mountain Lakes H.S.; Kevin A. Gaines, Wharton, Morris Hills H.S.; Peter S. Garber, Short Hills, Millburn H.S.; Matthew R. Gregory, Long Valley, Davidson College; Ralph N. Grossmann, IV, Green Pond, Morris Knolls H.S.; Andrew P. Hanko, Montville, Trinity Christian School; Steven R. Kline, Chatham, H.S. of the Chathams; Andrew M. Kramer, Oak Ridge, Jefferson H.S.; William J. Ludlow, Basking Ridge, Ridge H.S.; Jason Mariscal, Fairfield, West Essex H.S.; Nicholas A. Mikula, North Caldwell, Seton Hall Preparatory School; Steven B. Monin, North Caldwell, West Essex H.S.; Joseph P. Palamara, Denville, Morris Knolls H.S.; Christopher K. Schneider, Mendham, Seton Hall Preparatory School; and David R. Weller, Bridgewater, Bridgewater-Raritan H.S.

TRIBUTE TO MR. JAMES (JIM) HODGE

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 24, 2007

Mr. STUPAK. Madam Speaker, I rise today to honor an educator who spent nineteen years working in public schools, including those in my hometown, Menominee, Michigan. This weekend, Mr. James (Jim) Hodge will celebrate his retirement from a career of community commitment. I would like to commend him for his years of service to Menominee public schools and his long standing involvement in the Menominee community.

Jim is a native son of the Upper Peninsula or a "Yooper" as we refer to them in our part of the country. Like many Yoopers before him, he worked for some time for the U.S. Forest Service in Ottawa National Forest outside of Ironwood, Michigan. Also like many Yoopers before him, he spent time as a laborer at the Cleveland Cliffs Iron Mine. Jim attended one of the U.P.'s great educational institutions, Northern Michigan University in Marquette, before moving on to the University of Michigan.

Jim's appreciation for the importance of education in a community was fostered early when, through the Mott Foundation, he worked as an Administrative Intern in Flint Public Community Schools. One might say that program was his introduction to the field of education.

Jim returned to the U.P. in 1968 where he began a nineteen year stint in Menominee public schools. His first job in Menominee public schools was Community School Director and, for the next six years, Jim would hold a range of responsibilities in the school system, such as Athletic Director, Department Head of the Physical Education Department and City Recreation Director. During this six year period, Jim was also Principal of the Menominee Area Public Schools.

In 1976, Jim was promoted to Administrative Assistant to the Menominee Area Public Schools Superintendent. In this role, Jim performed a range of duties, supervising a variety of operational aspects of the Menominee school system. In 1985, Jim became Superintendent of Menominee Area Public Schools, a crowning achievement on a lengthy career with the Menominee educational system.

During his tenure in the Menominee public school system, Jim was honored with several awards, including the Jaycee Young Educator of the Year award; the U.P. Community Education Association's Outstanding Educator Award and Lifetime Member Award; and the Menominee Chamber of Commerce Educator of the Year Award.

In 1987, Jim left the Menominee school system, but he did not leave behind his involvement in the community. In 1988, Jim joined State Farm Insurance, establishing his own local business and providing insurance to many of the same people he had served for so many years as a school administrator. Working for State Farm, Jim earned numerous awards with the help of two faithful employees, Jane Yager and Mary Tickler.

Throughout his career, in both the private sector and public education, Jim has remained an active member of his community on many other levels. He served as President of the Emmanuel Lutheran Church Council and spent two terms as President of Big Brothers/Big Sister of Menominee. Jim was also a Trustee of the Greater Menominee & Marinette YMCA Board of Directors.

While Jim has enjoyed an active and successful career, he has always set aside time for family. He married Greta Theuerkauf in Menominee in 1970. Together, Jim and Greta raised three children, Wade, Tiffany, and Tarra.

Now that Jim has entered a well-deserved retirement, he will undoubtedly have more time to spend with Greta and his children. Hopefully, he will also be able to further indulge in his life long hobbies of skiing, camping and other outdoor activities, perhaps with his loyal dog and best friend, Reggie, at his side.

Madam Speaker, my father was a public school administrator. Therefore, I am well acquainted with the dedication, commitment and time required for an individual to succeed in that field. Those who choose to pursue a career in public education do so less for personal gain and more to playa constructive role in their community. Jim Hodge clearly fits that description, having dedicated nearly two decades to Menominee's public school system.

As Mr. Hodge and the Menominee community celebrate his career and honor his retirement, I ask that the entire U.S. House of Representatives join me in thanking him for his service and in wishing him, Greta, their children, and their newest grand child all the best for many years to come.

HONORING THE DALE CITY BENGALS

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 24, 2007

Mr. TOM DAVIS of Virginia. Madam Speaker, I rise today to honor the Dale City Bengals, who on December 9, 2006, won the American Youth Football Pee Wee "AA" Division National Championship.

After a stellar regular season the Bengals advanced through local and regional qualifiers to gain a berth in the national tournament in Tampa, FL. Over a period of 5 days, the Bengals played against the best football teams in the Nation and emerged victorious with the "Taft" National Championship Trophy.

The tournament started with a seeding game, where the Bengals drew a match up against the Brooklyn Chiefs. The Bengals got off to a rocky start as they were routed 27–6. Their four coaches, Jim Spellman, Joviaire Yarbo, Joel Avent, and Moses Webb, knew it was time to refocus. Through an extra practice and a new attitude they were able to do just that.

In their next game against the Westchester Raiders the Bengals came out with a chip on their shoulder, and they were forced to invoke the mercy rule on the way to a 48–13 victory. In the meantime, Brooklyn had won their semifinal game as well, setting the stage for an epic rematch.

Prior to the final game, Assistant Coach Yarbo brought the team together and during an inspired speech told the players, "it doesn't matter how you get there—it matters what you do when you get there." Drawing on these words and a power ground game, the Dale City Bengals persevered to create a 13–6 lead late in the game. With the Chiefs driving on what would prove to be their final possession, middle line backer Jacob Spellman intercepted an errant pass that sealed the outcome of the game, earning him MVP honors.

In a truly inspirational story, the Dale City Bengals represent all that is great about youth sports. Drawing on the support of their parents, coaches and community, the Bengals' team performance shows that anything is possible when people come together to achieve a common goal. I honor the efforts of every player: Daniel Amendolaro, Jaylen Avent, Juan Bennett, Shakeem Copeland, GeJuane Dalrymple, Xavier Dashiell II, Typer Donnelly, Easton Hawk, Khalil Jackson, Jamil Jackson, Kinte Johnson, T.J. Middleton, Kamel Montgomery, Tariq Qawiyy, Darnell Rife, Michaiah Smith, Jacob Spellman, Joseph Walker II, Moses Webb, Jr., and Ji Wright.

Madam Speaker, it is my pleasure to honor the Bengals on their championship and to wish them all the best in their future endeavors.

FREEDOM FOR VICTOR ROLANDO ARROYO CARMONA

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 24, 2007

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, I rise today to speak about Victor Rolando Arroyo Carmona, a political prisoner in totalitarian Cuba.

Mr. Arroyo Carmona is an independent journalist in a country oppressed by a regime that mandates official propaganda and prohibits news of the truth. He believes in writing and speaking the truth about the monstrous regime and that Cuba should and will be free from the totalitarian nightmare that is the Castro dictatorship. Because he believes in freedom for the Cuban people and because he actively and peacefully advocates for change, Mr. Arroyo Carmona has been repeatedly harassed and incarcerated by the tyrant's machinery.

According to Human Rights Watch, Mr. Arroyo Carmona has been detained numerous times for his pro-democracy activism. In January 1995, he was beaten and jailed for 9 days after organizing a ceremony commemorating the birth of Jose Marti. In January 2000, he was charged with "hoarding" and "sentenced" to 18 months in the hellish totalitarian gulag for organizing a toy drive and distributing toys to needy Cuban children. He served 6 months of his sentence before being released only to be severely beaten on three separate occasions in October of that same year.

Subsequently, on March 18, 2003, as part of the dictator's condemnable crackdown on peaceful pro-democracy advocates, Mr. Arroyo Carmona was arrested because of his belief in liberty over repression. In a sham trial, he was "sentenced" on trumped-up charges that he "undermined national independence and territorial integrity" to 26 years in the condemnable totalitarian gulag.

Mr. Arroyo Carmona has bravely participated in hunger strikes to protest the abhorrent conditions in the gulag and the depraved treatment of fellow political prisoners. Tragically, his daily struggle and suffering in an infernal roach infested gulag with hardly any contact with the outside world is not enough for the Cuban dictatorship, a regime of gangsters, by gangsters, and for gangsters, run by a gangster in chief. According to Reporters Without Borders, Mr. Arroyo is subjected to constant humiliation, physical torture and threats that he will never leave prison alive.

Mr. Arroyo Carmona is just one of the many heroes of the peaceful pro-democracy opposition on that oppressed island. Despite incessant harassment, incarceration and abuse, he remains committed to the conviction that freedom and democracy are inalienable rights of the Cuban people.

Madam Speaker, it remains categorically offensive that men and women who demand freedom from tyranny are locked in the dungeons of monsters. Here, under the dome that represents representative democracy, we must demand the liberation of all who suffer in the darkness of totalitarianism. My colleagues we must demand the immediate release of Victor Rolando Arroyo Carmona and every prisoner of conscience in totalitarian Cuba.

TRIBUTE TO THE UNION MEMORIAL AFRICAN METHODIST EPISCOPAL CHURCH

HON. FRED UPTON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 24, 2007

Mr. UPTON. Madam Speaker, I rise today to pay tribute to the Union Memorial African Methodist Episcopal Church in Benton Harbor, Michigan. On Sunday, January 28, the Union Memorial A.M.E. will be celebrating her 139th Anniversary.

Since the church's original dedication in 1868, the first African Methodist Episcopal Church in the Twin Cities of Benton Harbor and St. Joseph has stood as a symbol of faith, hope, and compassion for the citizens of Berrien County and the surrounding area. Its 139 years of commitment have had a tremendous impact on its congregation as well as the greater community.

The African Methodist Episcopal Church has had a proud history since starting in the home of Steven Busby in 1868. This small Christian assembly back then was known as the "House of Praise." The area was home to two A.M.E. churches in the 1890s, and in 1901 the church in Benton Harbor was destroyed by a fire. The church was rebuilt and in 1929 the Benton Harbor and St. Joseph churches united under the name Union Memorial African Methodist Episcopal Church. In 1969 the church moved to its current location at Empire and Crystal A venues.

In its 139 year history, the church has never wavered from the ministry of saving lost souls, preaching the gospel, feeding the hungry, helping the homeless, and reaching out and renewing the spirit of folks in need. I want to commend the members of Union Memorial African Methodist Episcopal on their anniversary and on their commitment in the future to serving the greater community.

TRIBUTE TO THE HONORABLE MICHAEL ANDEREGG

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 24, 2007

Mr. STUPAK. Madam Speaker, I rise to pay tribute to one of my constituents who has dedicated more than thirty years of his life to serving our justice system, Marquette County and the entire Upper Peninsula of Michigan.

The Honorable Michael Anderegg began his service to the Upper Peninsula in 1972 as a Staff Attorney for Upper Peninsula Legal Services. After a two-year stint with Upper Peninsula Legal Services, Judge Anderegg went on to become Assistant Prosecutor and Chief Assistant Prosecutor of Marquette County. In seeking his first elected office, Michael Anderegg was chosen as Marquette County Probate Judge in 1977.

Twenty years later, Michigan eliminated the Probate Court and Judge Anderegg became the Presiding Judge of the Family Division of the Marquette County Circuit Court. Judge Anderegg has become a national leader in developing new approaches to the closely linked problems of substance abuse, juvenile delinquency and repeat offenders.

In Marquette, Judge Anderegg has been one of the driving forces behind Reclaiming Futures Project WEAVE. WEAVE stands for Willingness to Explore Approaches that Validate and Embrace youth. Reclaiming Futures Project WEAVE is a unique program that is working in Marquette to improve the quality of alcohol and drug treatment services available to youth who are in the justice system. Reclaiming Futures Project WEAVE's cross-disciplinary approach pulls together varied partners from recovery and treatment centers, the Marquette Area Public Schools, law enforcement, the juvenile justice system and other cornerstones of the Marquette community to assist youthful offenders to become a contributing adult in our society. Together, through Project WEAVE, these institutions identify, assist, encourage and reclaim children struggling at home, in schools and in our communities.

Reclaiming Futures Project WEAVE's successes have become a model for other juvenile delinquency systems around the country. As Judge Anderegg and the Project WEAVE staff joke: "What happens in Alaska stays in Alaska and what happens in San Antonio stays in San Antonio, but what happens in Marquette is disseminated across the nation!"

The Michigan legal community, indeed legal professionals across the country, have benefited immensely from Judge Anderegg's sharp intellect, vast knowledge and wealth of experience. A graduate of Harvard College and the University of Michigan Law School, Judge Anderegg has served on Michigan Supreme

Court Committees on: Juvenile Court Rules; Family Division Rules; and the Probate Court Academic Advisory Benchbook. He has lectured extensively, addressing the Michigan Supreme Court's Michigan Judicial Institute; the Federal Bar Association's Indian Law Section; and the Colorado Juvenile and Delinquency Prevention Council, to name only a few of the prominent organizations that have benefited from his insights. In 2001, he received the President's Award for meritorious service as a trustee of the National Council of Juvenile and Family Court Judges.

Judge Anderegg spends a great deal of personal time traveling across the country in order to share his insights. The Project WEAVE staff estimate that he has easily traveled 150,000 miles in his quest to learn more, share more and improve America's juvenile justice system.

In many pursuits and professions it is often easy to accept the status quo and to resist new thinking. It is rare to find individuals who constantly challenge pre-conceived notions and basic assumptions in order to perfect more effective solutions to long standing problems. An outspoken advocate for bold, new approaches to solving juvenile delinquency, Judge Michael Anderegg is one of those rare individuals who embraces change.

Madam Speaker, Judge Anderegg has accomplished much in his thirty years of service. His parents, Robert and Anita were proud that he was elected a judge at the relatively young age of thirty. During his early years on the bench, his parents were known to refer to him as "boy judge." Clearly, Madam Speaker, Robert and Anita's "boy judge" has come a long way and his parents have given Marquette County, the Upper Peninsula of Michigan and, indeed, the nation, a judge who is a national leader in reclaiming young lives.

As Judge Anderegg himself has noted, "The money we spend now on locating and providing the best possible treatment is money we will not need to spend later on prosecuting and incarcerating adult criminals. The financial and social costs of substance abuse are enormous, but they are avoidable." No truer words have ever been spoken.

This weekend, the people of Marquette come together to honor Judge Michael Anderegg. During this momentous occasion, I would ask the entire U.S. House of Representatives to join me in saluting Judge Michael Anderegg and in wishing him, his wife, Cheryl, and their children all the best for many years to come.

PERSONAL EXPLANATION

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 24, 2007

Mr. GALLEGLY. Madam Speaker, I was unable to make the following rollcall vote on January 19, 2007:

H.R. 475, The House Page Board Revision Act (Rollcall vote 42). On the motion to pass the bill, had I been present, I would have voted, "yea."

RECOGNIZING THE OUTSTANDING CONTRIBUTIONS OF CAL RIPKEN, JR.

HON. C.A. DUTCH RUPPERSBERGER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 24, 2007

Mr. RUPPERSBERGER. Madam Speaker, I rise before you today to recognize a man who led by example not only on the field but continues to lead off the field as well. Cal Ripken Jr., a son of Maryland who is known to many as Baseball's "Iron Man", was inducted into the Major League Baseball Hall of Fame on January 9, 2007. He garnered 98.53% of the votes—the third highest total in Major League Baseball history.

Calvin Edwin Ripken, Jr. was born in Havre de Grace, Maryland on August 24, 1960. He has dedicated his entire baseball career playing for the Baltimore Orioles organization and contributing to life in Maryland.

Cal made his debut for the Orioles in August of 1981. He quickly impressed baseball fans and professionals alike with his play at the shortstop position, and was honored for his play by being named the American League's Rookie of the Year in 1982. His continuing excellence on the field led to many additional awards throughout his career. Cal was named the American League's Most Valuable Player in 1983 and 1991. He was a 19-time American League All-Star, winning Most Valuable Player awards in the 1991 and 2001 All-Star games. However, none of his career accomplishments matches his consecutive games played record, previously held by Lou Gehrig at 2,130 games. Cal broke the long-standing record on September 6, 1995, eventually playing 2,632 consecutive games, a record for which he was nicknamed "Baseball's Iron Man".

Cal Ripken, Jr. retired from professional baseball on October 6, 2001, but that was not the end of the Iron Man's service to baseball or Maryland. He has been an active member of the local community throughout his career and beyond. In 2001, Cal and other members of the Ripken family began the Cal Ripken, Sr. Foundation, which is dedicated to providing access to baseball and softball camps for underprivileged youth. He continued to support baseball in the community when he built a stadium in Aberdeen, MD, for the Aberdeen IronBirds, the Single-A affiliate of the Orioles, of which he is a part owner.

He is known as the "Iron Man" because of his dedication to the Baltimore Orioles and to baseball due to his consecutive games streak record. However, his efforts on and off the field for the Baltimore area, the state of Maryland, and fans of baseball everywhere are what really make him the "Iron Man" to all. Just as he could be counted on to show up every day on the field to play for the Orioles, he is counted on by the people of the Baltimore area and Maryland to show up off the field, and I am proud to say that the "Iron Man" has always come through.

TRIBUTE TO DENNIS PETRY

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 24, 2007

Mr. SHIMKUS. Madam Speaker, I rise today to honor Dennis Petry for 30 years of service on the Triad School Board. He has served on the school board since 1977.

Mr. Petry served as secretary of the Triad School Board from 1981–1983 and served as president from 1983–1991. He was also named the recipient of the Those Who Excel Award by the Illinois State Board of Education.

A 1962 graduate of Triad High School, Mr. Petry earned a bachelor of science in business from Southern Illinois University at Edwardsville. He is married to his wife, Linda, and has three children, Jeff, Joel and Gina, and four grandchildren. Dennis is a mail carrier for the United States Postal Service. Aside from his duties with the Triad School Board, he volunteers his time with Knights of Columbus Council 9266 and the Saint Jerome Pastoral Council and Literacy Committee.

It is my honor to thank Dennis for his many years of service to the students of the Triad School District. May God bless him for his work.

IN HONOR OF STAFF SERGEANT JAMES WOSIKA

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 24, 2007

Ms. McCOLLUM of Minnesota. Madam Speaker, I rise to honor the life of SSG James Wosika. Sergeant Wosika was killed on January 9, 2007 while on foot patrol in Fallujah, when an improvised explosive device detonated near him. Due to his bravery and self-sacrifice, the nine other soldiers in proximity to Sergeant Wosika were not injured.

Sergeant Wosika was serving his 10th month in Iraq with the Minnesota National Guard. He graduated from Highland Park High School in St. Paul in 2000. In school, he was a State champion wrestler and football player and he is remembered by his loved ones as a wonderful young man who would do anything for his friends and family.

Sergeant Wosika was warm, brave, and dependable. He loved his country and honored his family, many whom served in the military before him, when he enlisted in the National Guard after high school graduation. To his fellow soldiers, his friends, family and all Americans, Sergeant Wosika was a hero.

Madam Speaker, Minnesota has lost 49 soldiers since the beginning of this war. The Minnesota National Guard has also just been informed that their tour in Iraq has been extended by 4 months.

It should be the top priority of Congress to keep our families safe—in our communities, while serving our government, and while serving our country overseas. I will continue working with my colleagues on both sides of the aisle to ensure this remains our focus throughout the 110th Congress.

Madam Speaker, please join me in honoring the life of this brave and honorable young man. Along with all Americans, I extend my prayers and deepest condolences to the friends and family of SSG James Wosika.

IN RECOGNITION OF ALAMEDA COUNTY'S TOP COP, SHERIFF CHARLES PLUMMER

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 24, 2007

Mr. STARK. Madam Speaker, I rise today to pay tribute to Alameda County Sheriff Charles Plummer who spent his last day on the job as Alameda County's top cop on January 8, 2007. His retirement ceremony included helicopter flyovers, bagpipes and literally hundreds of handshakes. It was a fitting ceremony to a stellar 50-plus years in law enforcement.

A native of Fort Bragg, on the Mendocino coast, Charley Plummer worked as a teen in a shingle mill and as a lumberjack. One evening, hitchhiking back to Fort Bragg, a California Highway Patrol officer picked him up. The officer told him he had the right build and a good personality and should become a cop. Soon thereafter he left Santa Rosa Junior College and took an exam to become a Berkeley police officer and joined the force in 1952.

In 1973, Charley was named acting chief in Berkeley, a post he held for 9 months. He left Berkeley to become police chief in Hayward. He held this position for 10 years before friends convinced him to run for sheriff. He won the race for sheriff and the rest is history.

He changed the Alameda County Sheriff Department's culture by bringing a high level of discipline to the department. Under his leadership, the department has become the only law enforcement agency west of the Mississippi to gain accreditations in five different functions: bomb squad, health care, law enforcement, corrections and crime lab. He also entered the department into lucrative law enforcement contracts with AC Transit and BART.

Although Charley Plummer will no longer hold the title of Alameda County Sheriff, he will be known as Sheriff Emeritus and will devote his time to charity. He serves as a director or trustee on numerous boards and will continue his exemplary commitment and devotion to making a difference in the community.

Charley has never minced words nor failed to step up to the plate to take responsibility for activities or implementation of programs for the safety and welfare of residents in Alameda County. He leaves a legacy of commitment, straight-talk and no-nonsense service. He has cut to the chase and his accomplishments are beyond measure. I join his friends, colleagues and admirers in thanking Sheriff Emeritus Plummer for his exemplary track record and marathon of service.

SUPPORT A DISABLED VETERANS MEMORIAL

HON. MARK STEVEN KIRK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 24, 2007

Mr. KIRK. Madam Speaker, today Representative DENNIS MOORE and I introduced the American Veterans Disabled for Life Commemorative Coin Act, H.R. 634. This legislation seeks to recognize the sacrifices made by America's more than three million disabled veterans by building a memorial for them here in Washington, DC.

In 2000, Congress authorized the construction of the American Veterans Disabled for Life Memorial just south of the Rayburn Building. Last December President Bush signed into law a bill transferring control of the land for the memorial from the District of Columbia to the National Park Service. Now the American Veterans Disabled for Life Memorial Foundation needs to raise approximately $65 million to cover the cost of construction.

This legislation will authorize the Secretary of the Treasury to mint commemorative silver dollars that will be sold with a surcharge that will help the American Veterans Disabled for Life Memorial Foundation raise the money needed to construct the memorial. Not only will these coins be collector's items, they will benefit a worthy cause.

With more than 3 million disabled veterans in the United States today, it is fitting that a memorial to their sacrifice be erected in Washington, DC. It is my hope that all my colleagues will join Congressman MOORE and me in supporting this legislation to help make the American Veterans Disabled for Life Memorial a reality.

RETIREMENT OF SUPERVISOR ILLA COLLIN

HON. DORIS O. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 24, 2007

Ms. MATSUI. Madam Speaker, I rise in tribute to Sacramento County Supervisor Illa Collin and her esteemed career. Supervisor Collin built a lasting legacy in Sacramento County and her presence on the board of supervisors will be deeply missed. As her friends, family and coworkers all gather to celebrate her career, I ask my colleagues to join me in honoring the dedicated service of one of Sacramento's finest leaders.

Illa Collin was first elected to the Sacramento County Board of Supervisors in 1978. She immediately made her presence known by tirelessly working to strengthen neighborhoods and revitalize urban corridors. Through her 28 years on the board of supervisors, she has preserved much of Sacramento County's natural beauty and open space.

Supervisor Collin has consistently been praised for her environmental record and leadership. She helped create the Sacramento Tree Foundation and the American River Parkway Foundation. She has received the Outstanding Service Award from the California Parks and Recreation Society as well as the Outstanding Public Official Award from the National Association of County Parks and Recreation Officials. In 2005, Supervisor Collin received the Environmentalist of the Year Award from the Sacramento Chapter of the Sierra Club.

Supervisor Collin performed an instrumental role in the women's movement From 1973 to 1975, Illa helped lead the League of Women voters in Sacramento and in 1977 she became the first woman to serve as the President of the State Reclamation Board. She has also received the Hannah G. Solomon Award from the National Council of Jewish Women for improving the lives of women, children, and families.

Prior to her service on the board of supervisors, Illa worked to improve Sacramento on a number of fronts, including social services and community planning. Now, after seven terms, Illa will be departing from the board of supervisors. The people of Sacramento will miss her leadership, experience and dedication. Our community has been fortunate to be graced by the presence of such an extraordinary woman.

Madam Speaker, I am proud to honor one of Sacramento's most distinguished citizens, Illa Collin. Her success and steady voice has been an inspiration to Sacramento residents throughout the years. I ask all my colleagues to join me in thanking Illa Collin and wishing her continued success and happiness in her future endeavors.

INTRODUCTION OF THE DRIVE ACT

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 24, 2007

Mr. ENGEL. Madam Speaker, last night the President made some bold statements about energy security. He pledged to reduce U.S. gas consumption 20 percent from projected 2017 levels. That amounts to 2 million barrels of oil saved a day. Well if he is serious about his words and he wants to reduce oil consumption just a little more he should take a look at the DRIVE Act Representative KINGSTON and I are introducing today.

The challenge we face is clear. In order to protect our Nation and our environment it is essential we use oil more efficiently and develop a domestic economy revolving around clean alternative fuels.

Madam Speaker, our country has become increasingly dependent on oil imports from countries who deny their citizens basic democratic freedoms and, in some cases, sponsor terrorism. In the 1970s, the U.S. imported one-third of its oil and we now import 56 percent. If the trend continues, we will be importing nearly 70 percent of our oil by 2025. It is simply unacceptable for us to sit idly by while OPEC gains a stranglehold over our economy and our security. In addition, there is now an irrefutable scientific consensus that global warming is real, it is dangerous and it is caused by greenhouse gas emissions.

For these reasons, Madam Speaker, we must act now to provide funding, incentives and leadership to wean our economy off oil and transform it into one empowered by the use of domestic energy.

In the last Congress, Representative KINGSTON and I introduced legislation to do just that the bipartisan Fuel Choices for American Security Act. Members of Congress from both sides of the aisle and in both chambers sponsored the bill and it emerged as the consensus plan to develop a broad array of reliable and clean domestic fuels. The bill has now been improved and will be reintroduced today as the DRIVE Act, the Dependence Reduction through Innovation in Vehicles and Energy Act with over 60 cosponsors from both parties.

The bill has four main parts:

First, the bill will require the U.S. to use less oil—starting with oil savings of 2.5 million barrels of oil per day by 2015 and 5 million barrels per day by 2025. The Office of Management and Budget (OMB) will design and monitor the plan and other Federal agencies will have the power to issue regulations to make the plan a reality.

Second, the legislation will renew Detroit by helping U.S. auto makers manufacture more efficient vehicles that provide the same performance consumers expect. It will do this by providing funds for automakers to retool factories and help them commercialize new efficiency technologies such as plug-in hybrids and light-weight materials. In addition, the bill will help bring fuel-efficient tires into the marketplace and give authority to set efficiency standards for new heavytrucks.

Third, the bill will help develop a domestic alternative fuel economy by mandating incentives for cellulosic biofuels, creating an alternative fueling infrastructure fund for installation of alternative fuel pumps, and providing further incentives to purchase fuel efficient vehicles.

Finally, the bill provides for a nationwide oil security public education campaign to be administered by the Secretary of Energy.

If we implement these policies today we can make America a safer, healthier, and cleaner place. But Madam Speaker, we cannot delay action any longer. The longer we wait, the longer we are at risk for an energy security crisis or irreversible global warming.

Madam Speaker, I urge you to pass the DRIVE Act as soon as possible.

TRIBUTE TO ALPHA & OMEGA CHRISTIAN FELLOWSHIP

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 24, 2007

Mr. SHIMKUS. Madam Speaker, I rise today to honor Alpha & Omega Christian Fellowship in Collinsville, Illinois. The church will celebrate their 25th anniversary with a special service on January 28, 2007.

The church was founded in January 1982 and Gary Anderson served as pastor. The first services were held in the State Park Community House. Later, that same year, the church purchased the former State Park School and has transformed it into a beautiful house of worship. In 1984 Ron Habermehl became the pastor of the congregation with his wife, Debi, as co-pastor and they still minister to the congregation today.

The congregation of Alpha & Omega Christian Fellowship lives out the words of Isaiah 58:12, "Those from among you Shall build the old waste places; You shall raise up the foundations of many generations; And you shall be called the Repairer of the Breach, The Restorer of Streets to Dwell In." (NKJV) Their food pantry which serves their community, as well as their focus on bringing up the next generation, fulfills the mission of these words.

I am pleased to congratulate Alpha & Omega Christian Fellowship on 25 years of service to the Lord. My prayers will be with them during this special time. May God bless Alpha & Omega Christian Fellowship.

LEGISLATION TO ADDRESS OUR NATION'S ENERGY NEEDS

HON. RON LEWIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 24, 2007

Mr. LEWIS of Kentucky. Madam Speaker, I rise to inform my colleagues of legislation I have introduced today to address our Nation's energy needs through investment incentives for coal-to-liquid, CTL, technology.

The legislation that I have proposed will expand the Alternative Fuels Excise Tax Credit to include CTL technology, allow for the expensing of equipment used in the CTL process, and allow for enhanced oil, natural gas, and coalbed methane recovery credits.

My bill, identical to H.R. 5653 in the 109th Congress, has been supported by the Southern States Energy Board, a bipartisan, multistate consortium dedicated to enhancing economic development through innovations in energy and environmental policies.

Our economic future and our national security now depend on unstable sources of foreign oil. Few realize the numerous possibilities for alternative oil and liquid transportation fuel production that lie right here within our borders. In fact, America has the world's largest alternative liquid fuels resource base of coal, biomass, and oil shale. Exciting technologies are now available to harness these resources in an environmentally responsible and economically rewarding way to substitute conventional oil use.

I believe the incentives offered by an expanded Alternative Fuels Excise Tax Credit will foster an environment where this important technology can become a viable production option. I ask my colleagues to consider their support for this bill in an effort to ensure that all necessary tools are in place to achieve energy independence in the years ahead.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, January 25, 2007 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JANUARY 26

9 a.m.
Armed Services
Strategic Forces Subcommittee
To receive a closed briefing regarding recent Chinese anti-satellite testing.
S-407, Capitol

JANUARY 30

9 a.m.
Environment and Public Works
To hold hearings to examine Senators' perspectives on global warming, focusing on Senators' views on global warming and what each Senator believes the nation's response should be to the issue.
SD-406

9:30 a.m.
Armed Services
To hold hearings to examine the nomination of Admiral William J. Fallon, USN, for reappointment to the grade of admiral and to be Commander, United States Central Command.
SD-106

10 a.m.
Budget
To hold hearings to examine long-term fiscal challenges.
SD-608

Energy and Natural Resources
To hold hearings to examine the status of Federal land management agencies' efforts to contain the costs of their wildlife suppression activities and to consider recent independent reviews of and recommendations for those efforts.
SD-366

Judiciary
To hold hearings to examine exercising Congress' constitutional power to end a war.
SD-226

2 p.m.
Foreign Relations
To hold hearings to examine the remaining options, alternative plans and the Iraq Study Group relating to securing America's interests in Iraq.
SH-216

2:30 p.m.
Energy and Natural Resources
To hold hearings to examine transportation sector fuel efficiency, including challenges to and incentives for increased oil savings through technological innovation including plug-in hybrids.
SD-366

JANUARY 31

9:30 a.m.
Rules and Administration
Organizational business meeting to consider an original resolution authorizing expenditures for committee operations, committee's rules of procedure for the 110th Congress, and subcommittee assignments.
SR-301

Joint Economic Committee
To hold hearings to examine ensuring the economic future by promoting middle-class prosperity.
SD-106

9:45 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings to examine the roles of Federal food assistance programs in family economic security and nutrition.
SR-328A

10 a.m.
Banking, Housing, and Urban Affairs
To hold hearings to examine the Department of the Treasury's report to Congress on International Economic and Exchange Rate Policy (IEERP) and the U.S.-China strategic economic dialogue.
SD-538

Budget
To hold hearings to examine solutions to long-term fiscal challenges.
SD-608

Health, Education, Labor, and Pensions
Organizational business meeting to consider an original resolution authorizing expenditures for committee operations, committee's rules of procedure for the 110th Congress, and subcommittee assignments; committee will also consider the Genetic Information Nondiscrimination Act.
SD-430

Judiciary
To hold hearings to examine the Iraq Study Group, focusing on recommendations for improvements to Iraq's police and criminal justice system.
SD-226

Small Business and Entrepreneurship
To hold hearings to examine Federal small business assistance programs for veterans and reservists.
SR-428A

10:30 a.m.
Aging
To hold hearings to examine if Medicare Part D is working for low-income seniors.
SD-562

2:30 p.m.
Commerce, Science, and Transportation
To hold hearings to examine economic and security concerns relating to promoting travel to America.
SR-253

Judiciary
To hold hearings to examine challenges and strategies for securing the U.S. border.
SD-226

Armed Services
Readiness and Management Support Subcommittee
To resume hearings to examine abusive practices in Department of Defense contracting for services and inter-agency contracting.
SR-222

FEBRUARY 1

9:30 a.m.
Energy and Natural Resources
To hold hearings to examine accelerated biofuels diversity, focusing on how home-grown, biologically derived fuels can blend into the nation's transportation fuel mix.
SDG-50

10 a.m.
Commerce, Science, and Transportation
To hold hearings to examine the communications marketplace relating to the Federal Communications Commission.
SR-253

FEBRUARY 6

10 a.m.
Judiciary
To hold hearings to examine judicial nominations.
SD-226

FEBRUARY 7

9:30 a.m.
Energy and Natural Resources
To hold hearings to examine the President's proposed budget request for fiscal year 2008 for the Department of Energy.
SD-366

FEBRUARY 8

9:30 a.m.
Energy and Natural Resources
To hold hearings to examine issues relating to labor, immigration, law enforcement, and economic conditions in the Commonwealth of the Northern Mariana Islands.
SD-366

FEBRUARY 13

10 a.m.
Energy and Natural Resources
To hold hearings to examine the "Stern Review of the Economics of Climate Change" examining the economic impacts of climate change and stabilizing greenhouse gases in the atmosphere.
SD-106

FEBRUARY 15

9:30 a.m.
Energy and Natural Resources
To hold hearings to examine the President's proposed budget request for fiscal year 2008 for the Department of the Interior.
SD-366

SENATE—*Thursday, January 25, 2007*

The Senate met at 9:30 a.m. and was called to order by the Honorable BOB CASEY, Jr., a Senator from the State of Pennsylvania.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal Lord God, in whose life we find our life, today hold our Senators within Your providential hand. Guide them when they feel perplexed and strengthen them to meet every challenge. Infuse them with courage and keep them close to You.

As they seek to represent You, fill them with Your peace. Do for them what they cannot accomplish in their own strength. Give them a new delight for matters of drudgery, a new patience with difficult people, and a new zest for unfinished details. Let Your spirit rule in their lives.

We pray in Your sacred Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable BOB CASEY, Jr., led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

> U.S. SENATE,
> PRESIDENT PRO TEMPORE,
> *Washington, DC, January 25, 2007.*
>
> *To the Senate:*
>
> Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BOB CASEY, Jr., a Senator from the State of Pennsylvania, to perform the duties of the Chair.
>
> ROBERT C. BYRD,
> *President pro tempore.*

Mr. CASEY thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, we will return to the consideration of H.R. 2 this morning. Last night, we entered into an agreement that there be a vote in relation to amendment No. 158, and that vote will occur around 10:30 this morning. Last night, we worked on a number of amendments. We are anxious to meet with the Republican staff this morning. We are ready to vote on the DeMint amendment dealing with minimum wage, the Sessions amendment dealing with immigration, the Ensign amendment dealing with health savings accounts, the Smith amendment dealing with education, the Bunning amendment dealing with Social Security, and the Kyl amendment dealing with expensing. We hope to get votes on these and other amendments as the day progresses. If we can get other votes keyed up, it could be a late night.

We are going to vote tomorrow on the confirmation of General Petraeus, who will be the new commander in Iraq. The Foreign Relations Committee reported that out yesterday. It may have been the Armed Services Committee. I think it was. One of the committees reported it out. There is a lot of activity. It is in the Senate, and we will take care of that tomorrow. We are trying to line up a judge vote in the morning, also. Then I am going to be discussing with the distinguished Republican leader as to what we will do at the end of the week and get keyed up for next week.

RECOGNITION OF THE REPUBLICAN LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

PROGRESS ON H.R. 2

Mr. MCCONNELL. Mr. President, let me echo the remarks of my friend, the majority leader. We will vote on the DeMint amendment 1 hour from now. I am pleased to hear that we will be moving forward on a number of amendments to be offered on this side of the aisle.

There are 17 pending amendments to the substitute and more than 80 additional amendments filed at the desk. We need to start disposing of them in an expedited fashion if we are to move on to passage of the bill next week. I look forward to working with the majority leader toward that end.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

FAIR MINIMUM WAGE ACT OF 2007

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 2, which the clerk will report.

The legislative clerk read as follows:

> A bill (H.R. 2) to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage.

Pending:

Reid (for Baucus) amendment No. 100, in the nature of a substitute.

McConnell (for Gregg) amendment No. 101 (to amendment No. 100), to provide Congress a second look at wasteful spending by establishing enhanced rescission authority under fast-track procedures.

Kyl amendment No. 115 (to amendment No. 100), to extend through December 31, 2008, the depreciation treatment of leasehold, restaurant, and retail space improvements.

Bunning amendment No. 119 (to amendment No. 100), to amend the Internal Revenue Code of 1986 to repeal the 1993 income tax increase on Social Security benefits.

Enzi (for Ensign/Inhofe) amendment No. 152 (to amendment No. 100), to reduce document fraud, prevent identity theft, and preserve the integrity of the Social Security system.

Enzi (for Ensign) amendment No. 153 (to amendment No. 100), to preserve and protect Social Security benefits of American workers, including those making minimum wage, and to help ensure greater Congressional oversight of the Social Security system by requiring that both Houses of Congress approve a totalization agreement before the agreement, giving foreign workers Social Security benefits, can go into effect.

Enzi (for Ensign) amendment No. 154 (to amendment No. 100), to improve access to affordable health care.

Smith amendment No. 113 (to amendment No. 100), to make permanent certain education-related tax incentives.

Vitter/Voinovich amendment No. 110 (to amendment No. 100), to amend title 44 of the United States Code, to provide for the suspension of fines under certain circumstances for first-time paperwork violations by small business concerns.

DeMint amendment No. 155 (to amendment No. 100), to amend the Public Health Service Act to provide for cooperative governing of individual health insurance coverage offered in interstate commerce, and to amend the Internal Revenue Code of 1986 regarding the disposition of unused health benefits in cafeteria plans and flexible spending arrangements and the use of health savings accounts for the payment of health insurance premiums for high deductible health plans purchased in the individual market.

DeMint amendment No. 156 (to amendment No. 100), to amend the Internal Revenue Code of 1986 regarding the disposition of unused health benefits in cafeteria plans and flexible spending arrangements.

DeMint amendment No. 157 (to amendment No. 100), to increase the Federal minimum wage by an amount that is based on applicable State minimum wages.

DeMint amendment No. 158 (to the language proposed to be stricken by amendment

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

No. 100), to increase the Federal minimum wage by an amount that is based on applicable State minimum wages.

DeMint amendment No. 159 (to amendment No. 100), to protect individuals from having their money involuntarily collected and used for lobbying by a labor organization.

DeMint amendment No. 160 (to amendment No. 100), to amend the Internal Revenue Code of 1986 to allow certain small businesses to defer payment of tax.

DeMint amendment No. 161 (to amendment No. 100), to prohibit the use of flexible schedules by Federal employees unless such flexible schedule benefits are made available to private sector employees not later than 1 year after the date of enactment of the Fair Minimum Wage Act of 2007.

DeMint amendment No. 162 (to amendment No. 100), to amend the Fair Labor Standards Act of 1938 regarding the minimum wage.

Kennedy (for Kerry) amendment No. 128 (to amendment No. 100), to direct the Administrator of the Small Business Administration to establish a pilot program to provide regulatory compliance assistance to small business concerns.

AMENDMENT NO. 158

The ACTING PRESIDENT pro tempore. Under the previous order, there will be a 1-hour time limit for debate prior to a vote in relation to amendment No. 158, with the time equally divided between the Senator from Massachusetts, Mr. KENNEDY, and the Senator from South Carolina, Mr. DEMINT.

Who yields time?

Mr. KENNEDY. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time be charged equally to both sides.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DEMINT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ENZI. Mr. President, I yield to the Senator from South Carolina such time as he might consume.

The ACTING PRESIDENT pro tempore. The Senator from South Carolina controls the time.

Mr. DEMINT. I thank the Chair.

Well, here we are again. A couple of weeks ago, we were here in the Senate Chamber talking about the need to have full disclosure of earmarks—pet projects that are added into bills, only to find that the underlying bill only disclosed about 5 percent of all the earmarks. After a lot of procedural maneuvering and give-and-take, fortunately, Republicans and Democrats came together and realized that if we are going to do this—tell the American people we are going to disclose earmarks—then we should do it, and we should do it for all earmarks, and we should be open and honest about what we do. Fortunately, we fixed that problem. But here we are again today.

Now we are talking about raising the minimum wage for American workers. We have had passionate pleas, which are warranted. There are too many people in this country who don't make a livable wage. We, as Senators, Congressmen, and as Americans, should do everything we can to help people earn a livable wage and better.

There have been a lot of passionate speeches on the floor about, What do we do with a single mom with two kids working at the minimum wage? How can they possibly get by? It is true. It is very true. But as we look at this minimum wage bill and as we look out on America and promise to give every minimum wage worker a raise, we find that, if you really look at the bill, less than half of the workers who are working at the minimum wage will receive a $2.10 increase. Many will receive nothing at all. So the amendment I have introduced is one that would give 100 percent of Americans working at the minimum wage a raise because that is, in effect, what we are promising as we debate on the floor. This amendment is called minimum fairness for workers. That is what it is all about. The idea is that every American working at minimum wage will receive a $2.10 increase as we have promised.

It is important to realize that America is very diverse and different. States have very different costs of living. As we look across the country, there are many States that have a much higher than average cost of living, and some have a much lower cost of living. Actually, more than half of the States in this country—29—have passed a minimum wage that is higher than the $5.15 national Federal minimum wage.

We see, if you look at Massachusetts, for instance—the State of Senator KENNEDY, who has been a great defender of the minimum wage and the average worker, which I commend him on—it is one of the higher cost of living States in this country. They have raised their minimum wage to $7.50. I think we would all agree that a single mom with two children living in Boston, MA, making $7.50 an hour is not making a livable wage. The fact is, that same family living in South Carolina and making $5.15 an hour is doing better than those who are making $7.50 in Massachusetts because of the cost of living. Many of the Southern States have a lower average cost of living—cost of an apartment, cost of food, and cost of transportation and taxes; it is much lower. So many States across the country have looked at their cost of living and have raised their minimum wage higher than the national average because of that cost of living.

As we look at raising the national minimum wage again—and we know it has been years since we have done that—we need to realize that the cost of living across this country is different. I commend States such as Massachusetts that have recognized that and passed a minimum wage that is higher than the national average. But it is not fair and it is not honest for us to have a national minimum wage debate and leave more than half of the minimum wage workers out of this whole promise of a wage increase. It is important for us to look across the country and see what this minimum wage bill will do if we don't adopt the amendment I am talking about. All of the States here on the chart in blue are States where the minimum wage workers will receive less than a one-dime—10 cents—increase if we pass this bill. Most of them will receive nothing at all—after all of the promises. These are some of the highest cost of living States in the country.

My distinguished colleague from Massachusetts talked about the importance of raising the minimum wage. I know he would agree that someone making $7.50 an hour in Boston, MA, is not making a livable wage. If we are going to promise to help these people, the people working in Massachusetts deserve a raise as much as the people working in South Carolina. But under this bill, the minimum wage worker in Massachusetts will receive no increase; Vermont will receive no increase; Connecticut, Rhode Island, Washington State, Oregon, and California will receive no increase at all. Illinois will receive a dime. Yet with all this big national debate and hoopla, which has become symbolic of trying to help low-income Americans make more money, we know as a body that only a fraction of 1 percent of Americans working at the minimum wage will get it.

Yet we are trying to tell them this bill is going to raise their standard of living, and we know that less than half of the minimum wage workers in this country are going to receive a $2.10 increase. This amendment is about 100 percent, just as we did 100 percent of earmarks. We got together, we realized the underlying bill didn't work, and we did the right thing.

I think there are much better ways to help people earn a livable wage than mandating that they get an increase. But if we are going to do it, let's do it right and let's be fair to all Americans. If we promise an increase for minimum wage workers, let's give every American working at the minimum wage a $2.10 increase so that a person working in Massachusetts with a higher cost of living would get a raise, just as in Louisiana or Alabama or South Carolina. Every minimum wage worker across this land would have a $2.10 increase.

I don't think that is too much to ask. If the Senate is going to spend 2 weeks talking about it, if we are going to have these impassioned pleas to help minimum wage workers, how can we leave half of minimum wage workers out of this whole process and pretend to be helping everyone? It doesn't make sense. This is about 100 percent. It is about fairness. It is about looking at these cameras in this Chamber and telling people the truth.

If we are going to pass a minimum wage, if we think we are doing the right thing by mandating that we raise the minimum wage above where it is across this land, then let's have it apply to 50 States, 100 percent of our workers. That is the only fair and honest way.

Again, I commend the States that have had the good judgment and the wisdom to recognize that their cost of living is higher, but if we don't include them here, then we have done an injustice to their workers.

I encourage all of my colleagues to look at this amendment. This is not a trick. It is clear and simple. Every minimum wage worker in America will get a $2.10 increase if we adopt this amendment and then pass this final bill.

I will make a commitment to the Senator from Massachusetts and to others here that while I have not supported this idea of mandating a minimum wage as the best way to improve and increase salaries, if we are fair, if we adopt this amendment, I will vote for the final bill for raising the minimum wage because it will be fair to all Americans, and I will encourage my colleagues who have not supported it in the past to be together as a Senate.

Let's not come out and make an impassioned plea to raise the minimum wage in one State but not another. That doesn't make sense, and it is not fair and it is not open. It is about 100 percent, and I encourage 100 percent of my colleagues to look at this amendment, do the right thing, and include every minimum wage worker.

I yield back my time to the Senator from Wyoming.

The ACTING PRESIDENT pro tempore. Who yields time?

The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I yield myself such time as I might use.

This is the fourth day that the Senate is addressing an issue of enormous importance to those on the lower end of the economic ladder—an increase in the minimum wage from $5.15 to $7.25. It is not a complicated issue. Everybody in this body knows what the issues are. Usually, we have great debates about complicated issues in the United States of America. Soon we will be debating varied policies with regard to Iraq, as we should. But this issue is a simple issue. It is an issue of simple justice. It is as old as many of us in this body. Minimum wage was advanced more than 70 years ago. We have increased it now nine times over recent years, and yet Republicans want to continue to delay, delay, delay, delay, delay, delay, delay; oppose, oppose, oppose.

There was opposition yesterday in insisting that we get cloture in the Senate on an increase in the minimum wage, requiring that we get 60 votes before we can vote up or down on a simple, easy issue and question of fundamental fairness to workers in this country.

We are glad to have debates, but the message ought to go out to the American people exactly what is going on here on day 5 in the Senate on the issue of minimum wage. And we continue to have, as the minority leader said, scores—40, 50, more amendments, 90 amendments—on the issue of the increase in the minimum wage—90 amendments. Make no mistake about it, America, who is holding up the increase in the minimum wage.

Eight times the Senate has increased its own salary, increased the salary of the good Senator from South Carolina $32,000 in the last 10 years—$32,000. And if we have had 1 hour of debate on that issue—1 hour of debate on that issue, 1 hour of debate on that issue—I would be surprised. This is the fifth day our Republican friends who, as Members on the Democratic side, have enjoyed a $32,000 increase in their pay have 90 amendments to try and scuttle an increase in the minimum wage for low-income workers—trying to scuttle, to sink the increase.

These workers understand it. Workers across this country understand it. Working families understand it. Middle-income people understand it. All Americans understand it. This is one of those basic and fundamental issues people understand because it is an issue of fairness.

I don't impugn the motives of my friend from South Carolina, but he has opposed the minimum wage on every single occasion he has addressed it—every single occasion. We have the record here as to how the good Senator has voted every time on the issue of an increase in the minimum wage: going back to the House of Representatives in 2002, 2005, and over here on seven different occasions he has voted against the increase in the minimum wage. So the idea that he wants to provide $2.10 more to every worker in States that have raised—under the age-old law of the minimum wage—their minimum wage because of the failure of the Senate to do it has a sort of hollow ring to it. It has sort of a hollow ring to it since he has opposed an increase in the minimum wage on each and every occasion we have considered it. We have to take a look at exactly what is being done.

I assure my friend from South Carolina that the workers in my State understand the battle they have had to increase the minimum wage. And I daresay, in the various States across the country that have increased their minimum wage, they have understood that, too. The legislators have gone out and worked, and workers understand what they have done. They have understood what they have done. They have understood that the minimum wage is a basic standard which is supposed to be the lowest living wage. It is supposed to be the lowest living wage. Historically, it is supposed to be half of what the average wage is in the country. That goes back to the time beginning of the minimum wage and the record shows that all the way up to probably the 1980s, and then it has dropped precipitously, half of what it was.

Going back to the 1930s, the minimum wage was designed to be a floor. If States want to add something to it, they can, but it ought to be a floor for all workers in this country. One of the principal reasons it was passed at that time is because the Members of this body, the House of Representatives, and the President of the United States saw what was happening in different parts of the country where States were lowering their wages to try and attract industries and companies in a rush to the bottom, with the exploitation of worker after worker, family after family, in a rush to the bottom. So the national decision was taken, in terms of fairness and as a moral issue, that workers who were going to work hard were going to receive a minimum wage.

One of the age-old values in our country, in society, is that work ought to pay. We hear that stated around here with great ease and frequency, and that is what we are trying to do with a minimum wage increase. We are trying to make work pay, pay people who are doing some of the most difficult work in America, and demonstrate a respect for that work, give them pay because they are doing hard, difficult work, but we respect our fellow Americans and respect their efforts.

This is not the law of the jungle. The economy of the United States of America isn't survival of the fittest. Some would like to have it that way. Some who oppose the minimum wage would like to have it that way, but it isn't that way, thank God, in the United States of America. It is in the jungle, but not with regard to a democracy and a free economy.

Let me state specifically what this proposal does. The good Senator yesterday voted to permit any State to effectively opt out of any kind of minimum wage. So that would have fundamentally destroyed any kind of uniformity across the country.

His proposal is, in the wake of the Senate and Congress over 10 years under Republican leadership refusing to increase the minimum wage, the States in their own good judgments have done so, and now he says let's add on $2.10 to do that. It does seem to me appealing in a certain respect, because I believe the minimum wage is not a livable wage in many parts of the country. We have seen these livable wage campaigns that are taking place in

Baltimore, Los Angeles—many cities around the country—my own city of Boston, and they have raised it in a particular region, and it has had great success.

But that isn't the issue. This particular amendment of the Senator would basically do what was attempted yesterday, but do it in a different way. Yesterday was to effectively end the minimum wage by letting any State opt out. Today the swing of the pendulum has gone the other way. The amendment says we are going to add additional funds on to any State. Every State over these past years has noted the failure of the Senate as a result of Republican leadership because we have had a majority read back the records of the votes in the Senate. We had a majority in the Senate with good Republican support to raise the minimum wage, but we couldn't get to the 60 votes, and our Republican leadership wouldn't let us. So the States moved ahead. Now that the States have moved ahead, the Senator wants to say: Oh, you have moved ahead because you made a judgment about the respect for your own workers, and we are going to add on to it to try to disrupt the minimum wage.

I hope this amendment will not be accepted, and I hope we will be able to move along and make further progress on this issue.

I reserve the remainder of my time.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. ENZI. Mr. President, could I ask what the time situation is?

The ACTING PRESIDENT pro tempore. The Senator from South Carolina has 18 minutes 40 seconds. The Senator from Massachusetts has 17 minutes 35 seconds.

Mr. ENZI. Mr. President, I ask to have the Senator from South Carolina yield me 8 minutes.

Mr. DEMINT. Yes.

The ACTING PRESIDENT pro tempore. The Senator from Wyoming is recognized.

Mr. ENZI. I need to address a few of the things that were said. "We are on the fifth day of this debate." Yes, we are. "It's a simple bill." No, it is not a simple bill. It is simple in the one proposal that is out there, but it has a lot of interlocking implications. We had some debate yesterday, separate from an amendment on tip credits. We talked about work opportunity tax credits. We talked about earned-income tax credits. All of those tie in with the minimum wage, so it has a lot of implications.

It has a lot of implications for small businesses, too. I showed some quotes from a lady who would lose hours, another from someone who would lose their job. They were all in situations where they can't afford to do that. There have been charts showing that on the aggregate it helps the whole economy to raise the minimum wage. But on an individual basis it affects people individually. Small business employees understand. They are really connected to their business. They know how much the employer is making. They know what the markup is on things. And they know whether their job is in danger or not, so there is that concern.

But I want to clear up something. There has not been an argument against raising the minimum wage. The argument has been for doing something to help counter the impact on small business. We have been acting in a bipartisan way on some things; we can act in a bipartisan way on this. I contend that as soon as there is some assurance to the minority that there will be some tax offsets for the small businesses, this process will speed up dramatically. But until there is that assurance we will be using our opportunities, the process, to make sure we can take care of small business at the same time and not put them out of business.

There has been some cooperation, at least through the press. I would mention that Senator REID said:

> If it takes adding small-business tax cuts to have a minimum wage tax increase, we're going to do that. Maybe we can get 60 votes to invoke cloture on a straight minimum wage. I'm not sure we want to do that. . . . A one-party town doesn't work. We have a majority of 51–49. We're going to accomplish the possible; that's what we're going to do.

That was on January 5 at a press conference. I have some other quotes from him, too, but Senator BAUCUS said:

> Small business is the engine that drives our economy and creates jobs on Main Street. That's why I'm proud we are getting them some tax relief from Uncle Sam. . . . It's high time our workers get a raise. At the same time we are going to give a boost to small business.

That was a January 17 press release. Senator KERRY:

> I support the majority of the provisions of the Small Business and Work Opportunity Act of 2007. I would have preferred that this package moved separately rather than in tandem with a minimum wage bill. However, the reality is we need a tax package in order to advance minimum wage legislation.

That is from a January 2007 committee report, Small Business and Work Opportunity Act of 2007.

I have a whole lot of quotes from the other side of the aisle that have encouraged me that we can do both things—raise the minimum wage and have some offsets for small business.

I have talked to the Senator from Massachusetts about this before. I understand his desire to have just the minimum wage increase and his concern that any other discussion takes away from that. I suggested that it wouldn't take away from it if it were a whole package to begin with; that it would be a minimum wage increase and our concerns about having some tax breaks for the small businesses would overcome that. But we have not gone that route yet.

The debate we had yesterday, the cloture vote we had yesterday, would have excluded the possibility of doing the tax breaks. I have to tell you, to get those tax breaks to offset the impact on small business has a long road to go because the House didn't pass any of those. In fact, the House has made some very detrimental comments about it. There is a process over here that enforces the rights of the minority and can provide some protection for the small businesses, the mom-and-pops out there trying to make enough living for their own families and provide for some workers that we can take care of at the same time. But it is going to take some showing that there is some dual concern, both for the employee and for the mom-and-pop businesses, before we move along much faster.

That is what the debate is about. It is not about whether to raise the minimum wage. The minimum wage will be raised. I hope there are a whole lot of other things that will be done in the process, too, because we need to move these people to more skilled jobs, and we need to get a Workforce Investment Act through, too, and I would have liked to see this be part of this same bill, too, so we could increase the skills of the employees and get them into better jobs. We don't want to just remove the bottom rung of the ladder and have them have to make a bigger step to get a job to begin with. We want them to have better jobs. Better jobs do not hit the inflationary core quite as much.

I want to be sure people understand we are not talking about whether to do a minimum wage, we are talking about whether to do a minimum wage increase and offset some of the impact for small businesses.

I yield the floor and reserve the remainder of the time.

The PRESIDING OFFICER (Ms. KLOBUCHAR). The Senator from South Carolina is recognized.

Mr. DEMINT. Madam President, this is a good debate and I think it is an important debate. I appreciate the points of Senator KENNEDY. Many of them I agree with, but it is my hope that those same points will apply to the many States, such as Massachusetts and Washington State and California and many other States so that those people working at the minimum wage in those States will receive a minimum wage, too.

I appreciate the fact that he has recognized that States such as Massachusetts did respond to the higher cost of living that their workers face by passing their own minimum wage. I think if we look across the country we will see that, again, 29 States have taken that action because it does cost more to live there. He points out that in the past I have not supported the increase in the minimum wage. It is not completely true, but many times I have not supported it because it has not been fair. It does not apply to all American workers.

As the Senator from Wyoming just pointed out, if these bills that mandate wage increases do not include some provisions that help small businesses stay profitable, then they cannot hire these minimum wage workers: Many times they are teenagers. Many times they are trainees. We want to encourage every small business in this country to bring in as many workers as it can to train them and develop them because all the statistics tell us that folks who start at the minimum wage are generally only making it a few months before they prove that they can do the work and move on. It is a way to get a lot of people into the workforce.

I think it is important to point out, as the Senator said I never supported a minimum wage, that I did, in fact, last year. The Family Prosperity Act was a package, a compromise package that raised the minimum wage just as we are talking about now, although it did not do it for every American. It eliminated the death tax, which adversely affects so many small businesses in the event of the death of an owner, whether it is a farm or small business. Many low-wage workers lose their jobs in the process of those businesses or farms closing. We packaged those together so we could do both: we could help the worker, but we could also make sure these small businesses continue to survive so they can hire those workers. There were other tax provisions in the Family Prosperity Act, but it was a good bill.

This bill was not blocked by Republicans. It was proposed by Republicans and blocked by Democrats. It was a sad time when we saw in order to score political points that we turned our backs on workers in order to avoid giving small businesses the provision on the death tax that would allow families to continue to operate businesses.

I would like to summarize my amendment so it is not misrepresented. It is not a trick. We are talking on the floor of the Senate about giving minimum wage workers a raise of $2.10. States have already passed minimum wage laws, and some of them are different. In most cases it is because of the higher cost of living.

If we come in and raise the minimum wage from $5.15 to $7.25 in a number of States, South Carolina and Massachusetts will have essentially the same minimum wage—maybe a quarter difference. But a minimum wage worker living in Boston, MA, faces tremendously higher costs than a minimum wage worker who lives and works in Greenville, SC. If we are going to be fair, and if we are going to make all these speeches on the floor of the Senate that we are going to help minimum wage workers, it does not make sense to leave out over half of the minimum wage workers in this country and go home and pretend that we have done something good.

I have told the Senator that while I have opposed the strategies of wage mandates in the past, that if we are fair, if this bill includes 100 percent of minimum wage workers, I will not only support it, the final bill, I will encourage my colleagues to support it because it is the right thing to do. I believe if we were all speaking openly and honestly, we could say that even $7.50 an hour in Boston, MA, is not a liveable wage. If you took that up to $9.60, hopefully, we are getting at the point where people can survive. But $9.60 in Boston, MA, is no more money than $7.25 in South Carolina.

Let's be fair to workers. Let's use what has already been started by the States, and that is recognizing cost of living to help every American worker.

Again, this is just about simple fairness, as the Senator from Massachusetts has said. If we are going to promise an increase of $2.10 to minimum wage workers, let's do it for 100 percent of the workers in every State of our Union. Let's give them that increase today.

I encourage my colleagues to not look at the past. If we can support fairness together, let's all vote together to give every American minimum wage worker a $2.10 increase. That is my amendment. I encourage my colleagues to support it.

I yield and reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Madam President, I thank the good Senator for his concern about the workers in Massachusetts. In Boston we have a living wage of $11.95. We made that judgment in Boston, and it is working very well.

I take note, in this American Chamber of Commerce Researchers Association publication, that South Carolina ranks 18th in terms of the cost of living. There are 17 other States that have a lower cost of living. But South Carolina is 18th in this list. It is not at the lowest; it is 18th.

The fact is, it is not greatly out of sync. It is close to the average across the country. But let's get back to the effect of the Senator's amendment.

In Arizona, in this last election, there were 756,144 people who voted for an increase in the minimum wage to $6.75. That vote would be overturned, effectively, by the Senator from South Carolina. In Colorado, 725,700 turned out for a $6.85 minimum wage. The citizens of Colorado—their votes would be overturned. In Missouri, 1,583,340 million voted for $6.50. That vote would be overturned. Montana, $6.15, 283,258 turned out. Nevada, 394,058 turned out, $6.15 an hour. Ohio, $6.85, 2,080,648 turned out. Those are 5,823,148 in six different States. That is in regard to the initial referendum. All of that would be overturned by the Senator from South Carolina.

So I come back to the basic concept, and that is that we have established some minimum standards. There are a lot of objections to those minimum health standards, so workers are not going to be—since we passed OSHA in 1970, we have cut in half the number of workers who have been killed in the workplace. We have cut that in half. About 60 percent less workers have been killed. There are other kinds of illnesses that have come up with changes in our economy, but a decision in judgment was made that we are not going to have the exploitation of workers. We are going to have safe workplaces. We don't permit the exploitation of children in our factories. We think they ought to be in schools. Some economists think: Oh, let's have children in there. Let's work those children and see what the market does. Let's let those workers go in and work in those dangerous places. If the market, if it is going to be that disruptive in terms of the employer, let's go ahead and do that.

Well, we had decided at another time that we were not going to permit the exploitation of children or women in the workplace, and we were also going to insist on health and safety regulations and we were going to establish a basic floor, a basic floor, a minimum. It is not high enough even at $7.25, I don't believe myself, but that is the judgment that has been basically made by the Congress, by our side, the Democrats, and by a handful of Republicans, and we wish to see that raised. We wish to see that raised.

I suppose you could take the good Senator's argument and logic and say: Well, we have increased our salaries $32,000, and they have a different cost of living, so maybe South Carolina ought to get less, if we want to follow that logic. We say: No, we are one country with one history and one destiny, and we are going—obviously, Members of Congress and Members of the Senate are going to be treated as they should be, and that is fairly, for the work they do.

We say workers ought to be treated fairly for the work they do. Minimum standard. This amendment does injustice to that.

I would mention there is obviously a disparity in the cost of living. I have mentioned what the Energy Information Administration says a worker across the country pays, on average, for gasoline, and that is $2.17 a gallon. In South Carolina, it is $2.13 a gallon. It is 3 cents more in my State of Massachusetts. I was going to get the basic indicators. Health care, the average cost for a family is going to be $11,000. Try and do that on $5.15 an hour—$11,000. It is probably a little more, closer to $12,000 in Massachusetts—but $11,000 for a family of four. Try and do that on $5.15. We have the housing charts up here. I would think that even $5.15 or $7.25 an hour for people who work hard in South Carolina, they are going to have a tight belt strap in providing for their children, providing for their food, and providing for their general well-being.

But this does a major alteration and change to a very fundamental concept to what the minimum wage is all about, and I hope the Senator's amendment will not be successful and that our colleagues will vote no.

Madam President, how much time remains?

The PRESIDING OFFICER. There is 11 minutes 10 seconds for the Senator from Massachusetts.

Mr. KENNEDY. We have 11 minutes 10 seconds. Well, I suggest the absence of a quorum.

The PRESIDING OFFICER. Does the Senator withhold the quorum call?

Mr. KENNEDY. Yes, I withhold.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. DEMINT. How much time do I have?

The PRESIDING OFFICER. There is 7 minutes 6 seconds.

Mr. DEMINT. Thank you.

Again, I thank the Senator for his good debate. I appreciate this opportunity. I think if we listen to what each other is saying—I appreciate the Senator's concern for South Carolina workers and I hope he appreciates my concern for Massachusetts. As Senator KENNEDY has said, you set the livable wage in Massachusetts at over $11, so $7.50 an hour for the minimum wage is certainly not acceptable. I do not think anyone would argue that that is enough, and we need to do better. I would hope no Member of the Senate would be concerned that a worker mandating over $7.50 is a problem, and particularly in high cost of living States.

There are a number of things that have been said we need to think about because we put up that my amendment would cause States which have already passed their minimum wage to have to pay more. In fact, this underlying bill is going to do that to many States. There are many States in this country which have passed their own minimum wage that is over $5.15 but is under the current mandate in this bill. So when we pass it, we are going to override the legislatures and the people in many States. That is part of this whole argument.

Now, in this day and time, with the varying costs of living across this country and 29 States already passing their own minimum wage, does it continue to make sense for us to establish a one-size-fits-all minimum wage for this whole country? I think not. But I do think if we are going to stand on the floor of the Senate and argue on behalf of the American worker, the minimum wage worker in this country, and promise to raise that minimum wage, then we should do it fairly and equitably across this country.

Again, I encourage my colleagues to realize what this bill does is override States. That is the whole idea of the Federal minimum wage, to say we do not believe States will do the right thing, so we are going to. But if we are going to do the right thing, let's make it 100 percent. Let's not make another false promise to the American people. If we are going to raise the minimum wage $2.10, let's do it across the entire country.

So again, I appeal to my colleagues. If we are going to do it, let's do it right, let's do it fairly, and let's meet this promise to every American minimum wage worker.

Madam President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. KENNEDY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Madam President, how much time do I have left?

The PRESIDING OFFICER. The Senator has 11 minutes 3 seconds.

Mr. KENNEDY. Madam President, I think we had notified Members we would try and vote at half past, and I will certainly follow that guidance. I would say, as we wind up this debate on this particular amendment, the underlying legislation provides for an increase in the minimum wage from $5.15 to $7.25. It is well understood by all of the Members. We are taking a good deal of time for those who differ with that as a concept. We have had those who have opposed it, who tried to circumvent it, to come up with ways to avoid it, and we are glad to deal with those issues. But nonetheless, this is an amendment now by my friend from South Carolina that would effectively undermine a very important concept that has been the basis of the minimum wage for over 70 years and that is to establish a basic floor across this country, a basic floor for minimum wage, permitting States to raise—if they want to increase their wages, they can do that. If cities want to increase their wages, they can do that, such as my city of Boston, such as the District of Columbia, such as Baltimore, and such as other cities have done, and they have had very remarkable success in terms of the reduction of absenteeism, the continuation of workers remaining in employment, increasing productivity, and the rest. But that is a different issue for a different time.

The Senator from South Carolina's amendment, in effect, says we will take this $2.10, which will be the value of the increase in the minimum wage, and add that to every State across the country. That is an entirely different concept. I, myself, find that certain parts of this are attractive to think that we do need to raise the minimum wage beyond the $7.25, but that is not the debate today. That is not the debate. That is not the issue. The basic issue is whether we are going to violate the very fundamental understanding we have, with regard to this issue at this time in this body now, and that is that we are going to pass a floor in this country applicable to all the States and raise it from $5.15 an hour to $7.25. That is the issue. The amendment of the Senator from South Carolina, however well-intentioned, does serious injury, disruption, and violence to that very basic and fundamental concept. I hope it will not be accepted in the Senate.

We are approaching the time of 10:30, and we are very hopeful we will have a vote in relation to the amendment of the Senator from South Carolina in the next couple of moments.

Madam President, I am prepared to yield back my time.

Mr. DEMINT. I yield back my time.

The PRESIDING OFFICER. All time is yielded back.

Mr. KENNEDY. I raise a point of order that the pending amendment violates section 425 of the Congressional Budget Act of 1974.

Mr. DEMINT. Madam President, I move to waive the applicable section of the Budget Act.

Mr. KENNEDY. I ask the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Washington (Ms. CANTWELL), the Senator from Hawaii (Mr. INOUYE), and the Senator from South Dakota (Mr. JOHNSON) are necessarily absent.

Mr. LOTT. The following Senators were necessarily absent: the Senator from Missouri (Mr. BOND), the Senator from Alaska (Mr. STEVENS), and the Senator from Wyoming (Mr. THOMAS).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 18, nays 76, as follows:

[Rollcall Vote No. 25 Leg.]

YEAS—18

Allard
Bennett
Coburn
Cochran
Cornyn
Craig
Crapo
DeMint
Domenici
Ensign
Enzi
Graham
Hatch
Inhofe
Lott
McConnell
Roberts
Sessions

NAYS—76

Akaka
Alexander
Baucus
Bayh
Biden
Bingaman
Boxer
Brown
Brownback
Bunning
Burr
Byrd
Cardin
Carper
Casey
Chambliss
Clinton
Coleman
Collins
Conrad
Corker
Dodd
Dole
Dorgan
Durbin
Feingold
Feinstein
Grassley
Gregg
Hagel
Harkin
Hutchison
Isakson
Kennedy
Kerry
Klobuchar
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lugar
Martinez
McCain
McCaskill
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sanders
Schumer
Shelby
Smith
Snowe
Specter
Stabenow
Sununu
Tester
Thune
Vitter
Voinovich
Warner
Webb
Whitehouse
Wyden

NOT VOTING—6

Bond
Cantwell
Inouye
Johnson
Stevens
Thomas

The PRESIDING OFFICER. On this vote, the yeas are 18, the nays are 76. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained, and the amendment falls.

The Senator from Massachusetts.

Mr. KENNEDY. Madam President, we have a good deal of business to do. Since some of these issues relate to the Finance Committee, we are working out with Senator BAUCUS and Senator GRASSLEY their proposal and schedule. There are several important amendments they are addressing and working out. We expect to have action on those, if not in the very late morning, in the early afternoon.

We had an amendment by Senator SESSIONS that we were looking forward hopefully to at this time.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Madam President, I wish to compliment both sides on working on amendments. We have not had any shortage of amendments being offered. In fact, we have a whole bunch of people who would like to offer amendments that have already been filed. So it is not the usual problem of trying to get people to come down and offer amendments; it is a problem of being able to get some agreements so we can have votes on those amendments.

Both sides are working diligently to try to get it set up so we can have a whole series of votes yet today and move along substantially on this legislation. Of course, what we are kind of waiting for is to get some assurance that there will be a small business tax package to offset the impact of this before we get some progress.

But I yield the floor and suggest the absence of a quorum.

Mr. MARTINEZ addressed the Chair.

The PRESIDING OFFICER. Does the Senator withhold his suggestion of an absence of a quorum?

Mr. ENZI. Yes.

The PRESIDING OFFICER. The Senator from Florida is recognized.

AMENDMENT NO. 105 TO AMENDMENT NO. 100

Mr. MARTINEZ. Madam President, I ask unanimous consent that the pending amendment be set aside and I call up amendment No. 105 and ask for its immediate consideration. I ask that if it does not run afoul of what the bill managers were attempting to do at this time.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Florida [Mr. MARTINEZ] proposes an amendment numbered 105 to amendment No. 100.

Mr. MARTINEZ. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To clarify the house parent exemption to certain wage and hour requirements)

At the appropriate place, insert the following:

SEC. ___. HOUSE PARENT EXCEPTION.

Section 13(b)(24) of the Fair Labor Standards Act of 1938 (29 U.S.C. 212(b)(24)) is amended—

(1) in the matter preceding subparagraph (A), by striking "and his spouse"; and

(2) in the matter following subparagraph (B)—

(A) by striking "and his spouse reside" and inserting "resides";

(B) by striking "receive" and inserting "receives"; and

(C) by striking "are together" and inserting "is".

Mr. MARTINEZ. Madam President, I simply wished to call up this amendment. I think it is a rather important amendment and is of great interest to me personally. It is offered in order to assist charitable organizations that look after children who are in need of foster care. It is an attempt to not allow a raise in the minimum wage to work against the opportunity for single individuals to continue to work with these young children in ways that are helpful to them.

I have been urged to move this amendment by a number of not-for-profit groups in Florida that care for children, groups such as the Children's Home Society. I think it is a rather important amendment, and I look forward to its consideration as we go forward.

Madam President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CORNYN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BROWN). Without objection, it is so ordered.

Mr. CORNYN. Mr. President, I rise to express my appreciation for my colleagues' efforts to do what, in their view, would help promote a better quality of life for the people of this great country. We are here to debate specifically a proposal to increase the minimum wage, but, in my view, we should aspire to more than a minimum wage for the workers across this country. Instead, we should work to provide the training and educational opportunities that will allow individuals across this great Nation to enter the workforce at perhaps minimum wage but, more importantly, to then move up the economic ladder.

When we put ourselves in the position of Government rather than the market dictating wages, we will most certainly see some unintended effects of less opportunity for some of the very American workers whom we are attempting to help.

Let's put this proposal in perspective. Research reveals that the negative effects of raising the minimum wage would, in fact, fall most heavily on the shoulders of the most vulnerable workers. Let me say that again. Research shows that the effects of raising the minimum wage—that is, of the Federal Government rather than the market dictating the wages at which employers must pay workers—that the burden would actually fall most heavily on the most vulnerable workers.

When employers are forced to raise their costs in order to comply with a government mandate, they are most likely going to reduce the hours their workers can work or perhaps even lay people off in order to meet their bottom line. Of course, they will also choose, if costs go up because government has increased the wages which an employer must pay, to retain their most skilled and experienced and productive employees, not the less skilled or lower wage earners. That is important because teenagers and those who are working on a part-time basis or who are just entering the workforce are the ones who predominantly receive the minimum wage under the status quo.

So why in the world would government decide to put people out of work, presumably the very people whom this amendment is designed to help? We need to ask ourselves that question and come up with a better answer than I have heard so far.

I saw a cartoon, which was really not funny, distributed a couple of days ago where an employer is talking to an employee. He says: I have good news and bad news. The good news is that the minimum wage has been increased, so you are going to get a pay raise. The bad news is you are fired.

The point of the cartoon is—as I said, it is really not funny—that if fixed costs of employers go up, something has to give. And where that give actually impacts the workers is going to be, I am afraid, on the most vulnerable workers, the less educated, the less trained, and unfortunately, more often, on minorities and women, the very groups the advocates of this bill have said they want to help.

Consider this statistic: Of the 75.6 million Americans who are paid by the hour, 1.9 million workers earn wages at or below the minimum wage. In other words, that is 2.5 percent of all hourly paid workers. So the debate we are having this week—and, presumably, will carry over to next week—will affect 2.5 percent of all hourly paid workers. The largest share of minimum wage earners include teenagers and young adults who have only entered the workforce. Based on the most recent data available, approximately one-fourth of minimum wage earners are teenagers between the ages of 16 and 19, and about one-half are between the ages of 16 and 24.

Over the past few weeks, in anticipation of this debate, there have been a number of articles in national and State publications addressing this topic. Many of them have been very thoughtful and informative. One article that demonstrates the complexity of this issue, that there is actually more than meets the eye on this topic, was published by the Valley Morning Star in Brownsville, TX, a story about Belinda Campirano. Ms. Campirano, along with her sister, is an owner of Media Luna, a small restaurant in Brownsville, TX. Ms. Campirano has only one employee, whom she pays $6 an hour. And while she understands, from the standpoint of simple human compassion, the difficulty of getting by on $5.15 an hour, she also realizes that a government-mandated wage increase would put a significant dent into her operating budget, literally in her ability to keep the doors open and keep this individual, her single employee, on the payroll.

There was also another great series of articles in the Washington Post, one on January 10 entitled "Life at $7.25 an Hour, As House Prepares to Vote on Minimum Wage Increase, Issue is Complex for Those Who Earn or Pay That Amount." That article does an excellent job of cutting through the rhetoric and exposing the reality of what it is we are debating.

I ask unanimous consent that both articles be printed in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibits 1 and 2.)

Mr. CORNYN. I appreciate the numerous ways in which many of our colleagues have worked to improve this bill; significantly, the bipartisan work of the Finance Committee, Senators GRASSLEY and BAUCUS, certainly the good work of the minority manager of the bill, Senator ENZI, and numerous others to try to improve it, to try to ameliorate some of the unintended consequences of government-mandated wages. I support the small business package which is part of what we are attempting to do to provide a better bill, one that rounds out the provisions of the bill and one that actually produces intended effects, which are not to hurt small businesses, the primary engine of our economy.

The fact is, small businesses employ about 70 percent of the workers in America today. Why would this body do anything that would actually put more people out of work? Well, the provisions of the legislation that came out of the Finance Committee, as modest as they are, represent a real attempt to try to round out and improve the bill in order to reduce the unintended impact, which would be to put people out of work, and to provide some regulatory and tax relief for small businesses, the employers that employ 70 percent of the people in the American workforce.

Small business expensing allows mom-and-pop shops and entrepreneurs to reinvest in their businesses and grow and, in so growing, hire more people and create jobs, not just in my State of Texas but across the country. It will help locally owned businesses and other small enterprises make much needed improvements in their infrastructure, which will help them compete and improve their productivity. I have concerns, however, that while the minimum wage increase in this legislation is permanent, the regulatory and tax relief that is part of the package is only temporary and not permanent as well. Nevertheless, these fixes are necessary.

But don't take it from me. Take it from people like Jonathan Meller who e-mailed me recently. Mr. Meller is the owner of Papa Murphy's pizza restaurant in Burleson, TX. He talked about the economics of a wage increase and what it would mean for his small business. Like a majority of employees slated to earn the minimum wage, Mr. Meller's employees are, true to the statistic I mentioned a moment ago, under 20 years of age. Like many business owners, Mr. Meller operates in a free market. He believes in free enterprise. He believes in competition. Frankly, he doesn't appreciate the fact that government sticks its big finger right in the middle of his business and mandates that he pay wages that are above the market. Any government-mandated wage hike will have a dramatic impact on how he is able to do business and on the number of employees he is able to hire.

Then there is William Goodman, the owner of Scooters in El Paso. Mr. Goodman has only one employee. If the minimum wage is raised, where does that leave him? Mr. Goodman says he will have no employees, if the government, rather than the market, forces him to increase the wages he pays his one employee. He says—and I take him as his word—he will not be able to absorb the additional cost that would go along with this legislation.

My point is this: Raising the minimum wage and the taxes that come with it will similarly leave many employees without jobs. We need to think long and hard before we choose to impose this sort of regulation on small businesses. In the end, my hope is that we can come together with a sensible package that will enjoy bipartisan support; that will, according to the intentions of the authors, increase the minimum wage but also soften the blow on small business and thus protect the jobs of many workers who might otherwise be laid off.

The important point, though, that this legislation misses is that the best way to increase the quality of life for workers in America is not just to raise the minimum wage. That puts a patch or a Band-Aid on what is a much more serious and larger problem. Education and workforce training are the best ways to increase the quality of life for America's workers instead of a wage increase that could hurt small businesses and consumers and, indeed, some of the very employees we are trying to help.

We all understand—it is a given—that every American should receive a good-quality education. We must continue to pursue policies to ensure that this is not merely a dream but a reality. No one, though, should end their education just when they receive a diploma or degree. Indeed, the world has become so complex, competition has become so globalized, that we need to think of education as a lifelong learning experience. In that vein, I emphasize the importance of providing workers with the kinds of skills and talent and training they need, not only to earn the minimum wage but to earn good living wages much higher than the minimum wage and the important role our universities, community colleges, trade schools, and workforce development centers play in providing the training and education necessary for thousands and thousands of people across this great country to improve their standard of living and to achieve their dreams.

I strongly believe that joint workforce-education projects are critical to our efforts as our economy continues its upswing and as competition increases on a global scale. It is imperative that we focus our efforts not only on setting a wage that may be out of sync with market forces but literally on liberating people to achieve their dreams by giving them the skills necessary to earn higher wages which will allow them to enjoy the American dream. It is imperative that we do everything we can to provide this training through our colleges and universities, working with the private sector to try to develop programs relevant to the local economy and, hence, jobs that are available in the local economy, and thus increase our competitiveness.

This is not just a temporary or passing interest of mine. I have traveled across my State, as have many of my colleagues, to community colleges and have seen some of the effective partnerships that community colleges have entered into with local employers. Frankly, employers are wanting for lack of trained employees to fill job vacancies at much higher than the minimum wage. One stands out in my mind—a young woman I met at the Bell Helicopter plant in Amarillo, TX, by the name of Jeanette Hudson Gibbs. The reason I remember Ms. Gibbs is because she works on the assembly line for the V–22 tilt rotor at Bell Helicopter at their Amarillo plant. This is a young Hispanic woman, a single mother with a special needs child, who, before she went to work at Bell Helicopter on the assembly line for the V–22 tilt rotor, was a prison guard, a single mom. You can imagine the concerns her family had, not just about the fact that she was earning much lower wages but, in fact, the dangers associated with that job. Thanks to the great partnership Bell Helicopter had entered into with Amarillo Community College, Ms. Gibbs is now earning $16 an hour, and that was the last time I heard from her. It could be she is even doing better now because of the job skills she acquired through this partnership between Bell Helicopter and Amarillo Community College. This is a great success story of which I am proud. I know she must be proud of her accomplishments. And it is exactly the sort of emphasis we ought to be placing through legislation we pass on the floor.

I worry that by looking at mandating minimum wages rather than focusing on workforce development and the kind of job training that is going to be able to produce more people like her, somehow we have not set our sights high enough.

Last April, I hosted an event back in my home of Austin, TX. It is something we call the Texas Workforce Summit. This was a gathering of community college leaders from all across the State. The purpose of that was to learn more about Federal grant opportunities and to learn more about the successes of partnerships such as the one I just mentioned between Amarillo Community College and Bell Helicopter. Because of this initiative, Del Mar College in Corpus Christi applied for and received a grant of nearly $2 million to improve employment opportunities for technical employees in the aerospace industry. This is an even better story because Del Mar College has the same kind of workforce training partnership that I described a moment ago in Amarillo but this time in Corpus Christi. This is a workforce development program which Del Mar has entered into at the Corpus Christi Depot. The Corpus Christi Depot, for those who don't know, is the place where the military refurbishes and refits the military helicopters that are damaged through use in the conflicts in Afghanistan and Iraq. We have a wonderful training program there through the same kind of partnership I mentioned a moment ago, which is creating a better way of life and a better opportunity for many workers there—and also, in a patriotic fashion, supporting our effort in the global war on terror.

As you can tell, I have been a long advocate of these initiatives. I have taken the opportunity to visit these community colleges all across my State, in cities such as Austin, Houston, Pasadena, Laredo, Beaumont, Sherman, El Paso, Lubbock, and Victoria, to highlight the very thing I am talking about here on the floor of the Senate today. So I hope that as we move forward, we will not forget about the great promises community colleges hold in terms of workforce training and look to maybe setting our sights a little bit higher than we have been last week and this week in talking about minimum wage, when we ought to talk about how we can prepare people to earn much higher wages and, frankly, wages and jobs that go wanting for lack of a trained workforce.

Just this last week, the National Journal highlighted community colleges as a true American success story. They have offered occupational skills training for decades and will continue to lead the effort to stimulate industry and job growth. This article says:

> Bridging the gaps between high schools and four-year institutions and between employers and workers, two-year community colleges will help determine how America fares in the global economic competition.

So I say it again, Mr. President: We should aspire to much more for the workforce in America, for the American worker, than just the minimum wage. Education and workforce training are the way forward to both increase the quality of life for more workers and provide a way for them to achieve their dreams.

Mr. President, I yield the floor.

EXHIBIT 1

RAISING QUESTIONS

MANY EMPLOYERS UNSURE ABOUT POSSIBLE RISE IN MINIMUM WAGE

(By Matt Whittaker)

BROWNSVILLE.—Restaurant owner Belinda Campirano is torn when asked to weigh in on what Congress should do about raising the minimum wage to $7.25 an hour from $5.15, where it has been for a decade.

She has only one $6-an-hour employee at Media Luna, the Brownsville eatery I she and her sister own. Still, a mandated wage increase would put a dent in her budget, she said.

But she empathizes with those supporting their families on service industry wages. Her employee, who has a child and is married to a waitress, sometimes works an extra job at another restaurant to help make ends meet.

"I'm kind of sitting on the fence on it," Campirano said of the minimum wage. "I do believe we need to up it, but it is going to impact small businesses. As an employer, it would be tough for me if I had more employees."

Of 5.5 million hourly workers in Texas, 176,000 earned at or below $5.15 an hour in 2005, according to Labor Department data. The liberal Economic Policy Institute, a Washington, D.C., think tank in favor of increasing the nation's base pay, estimates 863,000 Texas workers would be directly affected by a federal minimum wage increase to $7.25 an hour.

More workers would be affected in the Rio Grande Valley than in other parts of the country because the area has lower wages, said José A. Pagán, a labor economist at the University of Texas-Pan American in Edinburg. In the second quarter of 2006, Cameron County had the lowest average weekly wages in the nation, at $484. Hidalgo County followed at $494 a week.

On Jan. 10, the U.S. House passed a measure that would increase the minimum wage to $7.25 in three stages over more than two years. Passage of a companion bill introduced in the Senate could hinge on tax breaks for businesses.

The bill is expected to be brought up in the Senate this week, and U.S. Sens. Kay Bailey Hutchison and John Cornyn, both Texas Republicans, support an increase if it is coupled with tax help for small businesses.

Proponents of the increase say it is a long overdue raise for U.S. workers. A memorandum from the Economic Policy Institute said business owners have received tax cuts since 1997 (when the last minimum wage increase took effect), "while minimum wage workers have been kept waiting at the back of the line."

Opponents of a minimum wage increase say it would hurt small businesses and the working poor alike and increase unemployment.

"It's a bad thing for any area," said Jill Jenkins, chief economist at the conservative Employment Policies Institute, a Washington, D.C., think tank that opposes a minimum wage increase.

EVERY LITTLE BIT HELPS

Jenkins says only a fraction of the benefits of such a boost would go to the working poor. And if they earned more, some could lose benefits like the earned income tax credit, food stamps and housing.

In extreme cases, some people could be worse off earning $7.25 an hour than earning $5.15 an hour and getting the tax credit, she said.

"It does cause job losses," Jenkins said. "The unemployment rates will go up."

That's because some firms will not hire as many workers as labor costs go up, said Pagán, the UTPA labor economist. Higher wages will attract more people to look for jobs, also contributing to higher unemployment rates.

Raising the minimum wage could, in theory, make undocumented workers more attractive hires for employers looking to save on labor costs, Pagán said. But many illegal workers already are in formal sectors, getting paid the same as everyone else.

Some politicians and business owners are not strenuously opposing a minimum wage increase, he said; salaries for most workers already are higher than $5.15 an hour because it has been so long since the last national raise.

"The impact of all of this is fairly minimal," Pagán said. "It's mostly symbolic or political more than anything else."

Past increases in the minimum wage affected more workers, he said.

The last time the minimum wage went up, some businesses feared it would hurt, said Dalia Rodriguez, director for corporate communications at Edinburg-based WorkFORCE Solutions, which is funded by the state's employer and labor agency.

"There was some effect but not what we thought it was going to be," she said.

Nationally, there are some concerns about labor costs from the small business community, said Sofia Hernandez, chief executive of the Southwest Community Investment Corp., which oversees the Small Business Administration-funded Women's Business Center in McAllen. But she hasn't heard of any such fears locally.

"It's important to the economy to have people earning more, but I know on the business side it's a cost," she said. "So you have to balance those two issues."

As far as students at the University of Texas-Brownsville/Texas Southmost College who are paying for an education with minimum wage work-study jobs are concerned, Congress should raise the Nation's base pay.

One, Ilianna Garza, a 19-year-old freshman biology student, has been working 20 hours a week at the university's news and information department since October. She earns $5.15 an hour and says a raise would help her pay for books, gas and clothes and save for the next semester.

"Every little bit helps, especially when you have to put yourself through school," she said.

At Media Luna restaurant in Brownsville, Campirano contemplates how a higher Federal minimum wage would affect her business and sole employee. Depending on whether tax breaks are included in the proposed wage increase bill, paying her worker more might mean taking money from her advertising budget or upping the cost of a sandwich 20 cents.

"You don't want to raise prices because that's going to deter people from coming to your establishment, but it's got to come from somewhere," she said.

On the other hand, "There's no way anyone can live on $5.15."

EXHIBIT 2

[From the Washington Post, Jan. 10, 2007]

LIFE AT $7.25 AN HOUR

AS HOUSE PREPARES TO VOTE ON MINIMUM-WAGE INCREASE, ISSUE IS COMPLEX FOR THOSE WHO EARN, OR PAY, THAT AMOUNT

(By David Finkel)

ATCHISON, KAN.—It was payday. Money, at last. Twenty-two-year-old Robert Iles wanted to celebrate. "Tonight, chimichangas!" he announced.

He was on his way out of the store where his full-time job pays him $7.25 an hour—the rate that is likely to become the nation's new minimum wage. Life at $7.25: This is the life of Robert Iles, and with $70 in a wallet that had been empty that morning, he headed to a grocery store where for $4.98 he bought not only 10 chimichangas but two burritos as well.

From there he stopped at a convenience store, where for $16.70 he filled the gas tank of the car he purchased when he got his raise to $7.25; then he went to another grocery store, where he got a $21.78 money order to pay down some bills, including $8,000 in medical bills from the day he accidentally sliced open several fingers with a knife while trying to cut a tomato; and then he headed toward the family trailer 19 miles away, where his parents were waiting for dinner.

Today in Washington, the House is scheduled to vote on whether to increase the federal minimum wage from $5.15 to $7.25. Passage is expected, with Senate approval soon to follow, and if President Bush signs the resulting bill into law, as he indicated he would, the U.S. minimum wage would rise for the first time since 1997, ending a debate about whether such a raise would be good or bad for the economy.

But even if the matter is settled in Congress, it isn't settled at all in Atchison, and Robert Iles's drive home is proof. Every stop he made on his ride home revealed a different facet of how complicated the minimum wage can be in the parts of America where, instead of a debatable issue, it is a way of life.

At the store where Iles works, for instance, the owner thinks the minimum wage should be increased as a moral issue but worries about which employees' hours he will have to cut to compensate.

At the store where he bought the chimichangas, the cashier who makes $6.25 worries that a raise will force her out of her subsidized apartment and onto the street.

At the convenience store where he bought gas, the owner worries that he will have to either raise prices, angering his customers, or make less money, "and why would I want to make less money?"

At the store where he got the money order, the worries are about Wal-Mart, which not only supports an increase but also built a Supercenter on the edge of town that has been sucking up customers since it opened three years ago.

As for Iles—who keeps $70 out of every paycheck to cover two weeks' worth of food and gas and in a matter of minutes was already down to $26.54—his worry was as basic as how fast to drive home.

Drive too fast and he'd be wasting gas. But his family was waiting. And his chimichangas, best cooked frozen, were starting to thaw.

THE MEANING OF A DOLLAR

The debate about the minimum wage usually comes down to jobs. If Congress approves the increase, it will result in raises for an estimated 13 million Americans, or about 9 percent of the total workforce. That's a percentage that most economists agree would cause a modest increase in national unemployment. In Kansas, however, "it would have a fairly significant impact," said Beth Martino, a spokeswoman for the state Department of Labor. According to one independent analysis, 16 percent of the workforce, or 237,000 workers, would be affected—and that doesn't include the 20,000 whose wages aren't governed by the federal Fair Labor Standards Act and earn the state minimum wage of $2.65. That rate, the lowest in the nation and unchanged since 1988, hints at the prevailing wisdom in Kansas about the minimum wage, which is that the only way low-wage earners will make more is through congressional action.

This holds true from Topeka, where the powerful Kansas Chamber of Commerce has long opposed any raise, to rural Mulvane, home of Republican state legislator Ted Powers, who says his futile effort three years ago to raise the state minimum wage resulted in his being branded a "dirty dog," to Atchison, a working-class city of 11,000 where the stores that depend on low-wage workers include one called "Wow Only $1.00!" This is the store where Robert Iles has worked for five years.

"Robert, would you help me a second?" Jack Bower, the owner, called to Iles soon after opening, as the line at the cash register grew. A onetime Wal-Mart vice president, Bower moved back to Atchison several years ago to teach and ended up buying the old J.C. Penney store, and now runs a business where the meaning of a dollar is displayed on shelf after shelf. The jar of Peter Piper's Hot Dog Relish? That's what a dollar is worth. The Wolfgang Puck Odor Eliminator that a customer was looking at as she said to a friend, "I just don't know how I'm ever going to make it. My ex-husband's not paying his child support"? That's a dollar, too, as is the home pregnancy test, the most shoplifted item in the store.

"This is not a wealthy community," Bower explained. "The thing is, a lot of people depend on this store."

Robert Iles has his own version of a dollar's meaning, learned last February when Bower took him aside and said he would be getting a pay raise to $7.25. "Okay," Iles remembers replying, wanting to seem businesslike. "But inside I was doing the cha-cha-cha," he said. "It was like going from lower class to lower middle class."

Soon after, he bought his car, a used 2005 Dodge Neon, and just about every workday since then he has spent his lunch break in the driver's seat, eating a bologna sandwich with the engine off to save gas, even in winter. An hour later, he was back behind the cash register, telling customers "Thank you and have a nice day" again and again.

And meanwhile, Jack Bower wondered whose hours he will cut if he has to give his employees a raise.

It's not that he's against raising the minimum wage—"I don't think $5.15 is adequate," he said, adding that $7.25 seems fair—but his profit margin is thin, and wages are his biggest controllable expense. So if wages go up, he said, hours will have to come down, and the question will become: Whose?

Will it be Neil Simpson, 66, who works six hours a day as a stockman, and then five more hours somewhere else cleaning floors, and takes care of a wife who is blind and arthritic?

Will it be Susan Irons, 57, who was infected with hepatitis C from a blood transfusion, is on a waiting list for a liver transplant and needs more hours rather than fewer?

Will it be Christina Lux, who is 22 years old and 13 weeks pregnant?

Will it be Iles?

"Attention, all shoppers," he said into the microphone. "We will be closing in 10 minutes. Please begin making your final selections." Ten minutes later, he was clocked out and back in his Neon. "My brand-new car," he called it proudly, and he explained how he was able to afford it on $7.25 an hour: a no-money-down loan for which he will pay $313.13 a month until 2012.

SMALL BUSINESS "AT BOTTOM"

Seven dollars and twenty-five cents an hour equals $15,080 per year, and out of that comes $313 for the car loan and $100 for car insurance, Iles said, going over his monthly bills. An additional $90 for the 1995 car with 135,000 miles on it that he is buying from a friend for his mother, $150 for the family phone bills, $35 on his credit card, $100 for gas, $100 toward the mortgage on the trailer. "That's about it. Oh yeah, $20 in doctors" bills," he said, and totaled it up on fingers scarred by surgical stitches. Nine hundred and eight dollars. "I bring home 900 a month," he said. "So I very rarely have any money for myself."

He parked in front of a store called Always Low Prices, which has the cheapest chimichangas in town.

Once it was a full-service grocery store with 28 employees. Then came word that Wal-Mart was looking for land for a Supercenter, and now it has become a bare-bones operation where the starting pay for its few employees is $5.50, and the manager wonders how the store will survive if wages increase.

"We're at the bottom. If the minimum wage went up, I don't know how we would make the cuts to cover it," Michelle Henry said. The lone salaried employee, she works 80 hours a week to make up for the lack of workers. "I have mixed feelings," she continued. "I know that people can't afford to live on $5.15 an hour. But on the business side, small businesses can't afford to pay it."

At the register, meanwhile, Shannon Wilk, 33, who makes $6.25 an hour, said that of course she would like to earn more money. It would help her. It would help her 18-month-old daughter. "It would be good," she said, "but also, for me, I live in income-based housing, and if I get a raise, my rent would go up, and I would lose my assistance." Even the tiniest raise would affect her, she said, and with nowhere to go, the last thing she can afford is a raise to $7.25.

In such an equation, the fact that she was working in Kansas was to her benefit. Atchison sits on the Kansas-Missouri border, and if Wilk worked a few hundred yards to the east, she would already be in jeopardy: In November, Missouri voters supported a ballot initiative increasing the state's minimum wage to $6.50, with an annual adjustment for inflation. Five other states had similar votes, with similar results, bringing to 29 the number that now require an hourly wage above the federal minimum. In the District the minimum is $7, in Maryland it's $6.15, and in Virginia it's $5.15.

Such is the arbitrariness of state-by-state minimum wage laws that Wilk feels lucky to be in Kansas making $6.25 an hour while inside at the first grocery store across the Missouri state line, the cashier was ecstatic that she was in a place where her pay was going from $6.20 to $6.50, explaining, "That's 30 cents more I ain't got."

Iles handed over a $10 bill for his 10 chimichangas and two burritos. He stuffed the change deep in his pocket, and headed next to a convenience store owned by a man named Bill Murphy, who said that if he had the chance to talk to new House Speaker Nancy Pelosi, he would ask one question. "Where does she think the money will come from? And that is the question," he said. "My wages are going to go up 10 percent."

Unlike Jack Bower, who would compensate by cutting hours, Murphy said that in his two convenience stores there are no hours to cut. "I'm going to have to raise my prices," he said—not only because his workers who make less than the new minimum wage would get raises but also because those who earn more would insist on raises as well. Employees at $7.25 will want $8.25. Those at $8.25 will want $9.25.

Economists classify such workers as the ones who would be indirectly affected by a minimum-wage increase. Of the estimated 13 million workers expected to get raises, 7.4 million are in that category. "You've created this entitlement," Murphy said he would tell Pelosi.

And yet he will pay it, he said, and compensate with price increases, which he worries will be inflationary, even though most economists say that won't happen. He will raise prices, he continued, because the only other option would be to earn less money, which he doesn't want to do because he owes $1.5 million on his businesses and wouldn't want to default

"Now that might be a stretch in some people's minds, from giving a guy a raise to not being able to pay the bank, but that's the path I'm talking about," he said. Against such a dire backdrop, Iles put $17 worth of gas in his car.

"That'll be $16.70," the clerk said to him, and instead of correcting this, Iles gladly took the change.

Thirty cents, suddenly got.

THE WAL-MART FACTOR

Iles drove past the Atchison Inn, where starting pay is $5.15, past Movie Gallery, where it's also $5.15, and stopped in front of Country Mart, the fanciest grocery store in town, where high school students start at $5.15 and, according to owner Dennis Garrett, "some of them aren't worth that."

A few days earlier, Garrett had gotten a letter from a lobbying consortium called the Coalition for Job Opportunities, urging him to write Congress to protest the minimum-wage increase. It came in the form of a letter already written, to which he merely had to add his congressman's name and send it off to Washington.

"We are very concerned," the letter began, and it was signed by 25 organizations.

The most conspicuous signature, though, was the one that wasn't there, that of Wal-Mart, the nation's largest private employer, with 1.3 million workers. Wal-Mart won't say how many of those workers earn less than what the new minimum wage would be, but if the Atchison store is an example, starting pay is $6 an hour.

Nonetheless, in October 2005, Wal-Mart chief executive H. Lee Scott Jr. said in a speech that the "U.S. minimum wage of $5.15 an hour has not been raised in nearly a decade, and we believe it is out of date with the times." He went on to say, "Our customers simply don't have the money to buy basic necessities between paychecks."

When it comes to Wal-Mart, however, just about any announcement that affects public policy is greeted with suspicion, and that has been the case with the minimum wage. Some have said that Wal-Mart, in need of good publicity, is supporting an increase for public relations reasons; others have declared it an attempt to drive small, independently owned stores out of business.

These suspicions exist in Atchison as well. As in many small communities, Wal-Mart defines local retail, and just as Always Low Prices had to retool itself, Country Mart was significantly affected by Wal-Mart's new food-stocked Supercenter several miles away.

What is Wal-Mart up to? What are its true motives? Like many others, Dennis Garrett wonders. He imagines public relations is part of it, but he didn't want to speculate on whether this was an attempt to put him out of business, except to say that raising some wages wouldn't do that. He'd reduce some hours, he said. He'd manage.

Yes, Atchison businesses would be hurt initially, but in the long run, if unemployment increases, those hurt the most would be the very ones Wal-Mart insists would be helped—the customers, especially the younger ones, "the people who don't advance their education and need a job between the ages of 16 and 21, 22, 23."

In other words, many of the workers in Atchison, one of whom was now at Garrett's service counter buying a money order so he could pay bills. Even though Iles has a checking account, this is the method he prefers because if he were to pay by check, and the check were to bounce because of insufficient funds, the penalty would be devastating. A $25 fee would require more than three hours of work.

And where would those hours come from?

"It's Tough for Me"

So go the calculations of a $7.25 worker, now headed home.

"It's an old trailer," he explained earlier in the day.

The heat doesn't work, he said, and the water heater works sporadically.

One of the bedroom ceilings is caving in. He sleeps in the other bedroom, and his parents sleep in the living room because his father, who has diabetes and had to have several inches of one of his feet amputated, can't really get around.

Also, his father has leukemia. And is legally blind. And his mother, who once made $6.50 an hour as an aide at a nursing home, quit to take care of her husband.

"We're pretty much living off my money," Iles said, and in he went to cook them dinner, bring payday to an end and, the next morning, start the cycle again.

Life at $7.25. Should that be the minimum wage?

"Yes," Iles said.

Even if it hurts job opportunities for people like him, as Dennis Garrett had suggested?

"Yes."

Or causes price increases, as Bill Murphy had suggested?

"Yes."

Or damages businesses such as Always Low Prices?

"I mean, it's tough for me, and I'm already making $7.25 an hour."

Or causes Jack Bower to reduce hours for one of his employees? Perhaps for Iles himself?

"It's just so hard for people. I mean, it's hard," Iles said, and then he went to work.

"I think it'll be bad today," one of the workers suggested as the line at the Wow Only $1.00! cash register began to form.

"Well, it depends on your perspective," Iles said.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Ms. STABENOW. Mr. President, I ask unanimous consent that Senator DORGAN be recognized to speak for up to 15 minutes, to be followed by Senator MARTINEZ for up to 5 minutes, and then the Senate resume consideration of the Ensign amendment No. 154; that the time for those statements last until 12:20, to be equally divided and controlled by Senators ENSIGN and STABENOW; that at 12:20, the Senate proceed to vote in relation to the Ensign amendment; provided further that no second-degree amendment be in order prior to the vote.

The PRESIDING OFFICER. Is there objection?

Without objection, it is ordered.

The Senator from North Dakota is recognized.

Mr. DORGAN. Mr. President, I have been listening to my colleagues on this issue of the minimum wage and thinking about a time 70-some years ago that I read about when there was an initiative on the floor of the Congress dealing with the Fair Labor Standards Act.

The Fair Labor Standards Act, which President Franklin Delano Roosevelt wanted, was considered radical. They said it was going to injure business and there would be trouble in this country. That provision said, on behalf of America's workers, that employers ought to keep time records, ought to pay overtime for over a certain number of hours—the kinds of things you would expect. But once again, the sky was going to fall if this sort of thing was embraced. We have heard this every time we have had something on the floor of the Senate.

My colleagues have talked about initiatives that are important. I think many of these initiatives are important. What about the initiative to help the people at the bottom rung of the economic ladder? It has been almost 10 years since the minimum wage has been increased. Yet it is unbelievable how difficult it is to pull it through this Chamber. The price for pulling it through the Chamber is to add additional tax breaks.

There was a time when in this Chamber we considered tax breaks, saying to the biggest corporations in America that moved many of their jobs overseas: We want to give you the right—the only people in the country—to pay an income tax of 5¼ percent. It will cost us $104 billion in lost revenue to our Treasury, in my calculation. That went through like greased lightning. Did you hear anybody say: If we are going to give a $104 billion tax break to the biggest companies, maybe we ought to help the people at the bottom of the economic ladder. Oh, no, nobody wanted to leverage that because nobody cared about that.

As I have described before, it is like the lyrics of the Bob Willis and the Texas Playboys song; it is the same thing that plays out in every situation. The lyrics are, "The little bee sucks the blossom and the big bee gets the honey." In this case, the big guy gets the money. It is always the case in these debates.

What about a maximum wage? We hear about a minimum wage, and the people at the bottom who have not had a raise for 10 years.

This notion that I have heard all week, which is that this is impacts just a bunch of teenagers, is just not true. This is not a bunch of teenagers. Well over 70 percent of the workers who will benefit from the minimum wage are adults; 60 percent are women; 6.4 million children will benefit because their parents are working for the minimum wage. For a third of them, that is their sole family income. So it is just not true to come to the floor and banter around and say it is just a bunch of teenagers working.

But if we are so concerned about the people at the bottom getting too much, let me make this point to you: Wages and salaries, which is the compensation given to workers in this country, are at their lowest levels as a percentage of GDP since they started keeping score in 1947. They are the lowest since they started keeping score. Now, why is that the case? There is plenty of income in this country, but it is going to others.

I mentioned the maximum wage. Is there a maximum wage? Did anybody rush to the Senate floor to express concern when we read in the paper one morning that the head of Exxon got a $400 million buyout, or $400 million in benefits, as he left his job? That is $150,000 a day in income. What is the minimum wage these days? It is about $40 a day. There is a lot of concern about that on the floor of the Senate. Maybe it will go to $50 a day for the folks at the bottom of the ladder in this economy of ours. Does anybody come over here and say: You know what, when I read that somebody gets $150,000 a day, I am concerned. No, it is just quiet; you can hear a pin drop in the Chamber about the issue of the maximum wages. It is unbelievable.

The other day, $180 million was given to a person who was leaving a company because the company was displeased with his performance. I could spend a couple of hours here talking about those kinds of payouts. Nobody is talking about a maximum wage. I am not here talking about a maximum wage. Why so much concern about a minimum wage for the folks who work at the bottom in this country?

I support expensing for small business investments in equipment and machinery, but why is this bill being held hostage for that sort of thing? I voted for that in other circumstances and will again. Why is it so hard to pull a minimum wage through this Chamber? It is really pretty bizarre.

You know, I have watched people work in circumstances that are very difficult. We have a lot of people who work two and three jobs and work very hard. One day, I talked to a woman who was an unbelievable success story. She was working for very little money at the bottom of the ladder, cleaning toilets and the hallways of a very small college—a single mother with four kids, working right at the bottom. She thought: You know, somehow, some day, I want to graduate from this college. I was there when she did. I was a speaker at the commencement. She was 42 years old and had four kids. She was wearing a cap and a gown and a smile, and she did it because we cared enough for Pell grants and the kinds of things that can give someone hope.

The fact is that people who work at the bottom of the economic ladder for minimum wage have been lost and forgotten, particularly here. They are the people who make the beds in the hotels in which we sleep. They are the people who serve the food at the fast food places we frequent. They are people who work hard. They want an opportunity and a chance. After 10 years, this bill isn't a major policy change; this is an obligation this Congress has had for years, which it has ignored. Now we bring it to the floor of the Senate, and we are told that the price for this is additional tax breaks. The only way you will help somebody at the bottom after 10 years is to give additional tax breaks.

Go back and look at the tax breaks that have been given. I just mentioned one, by the way—a 5¼ percent income tax rate. There is no one listening to this debate who is paying 5¼ percent. Everyone is paying more than that. But the biggest corporations in America got to pay 5¼ percent on income they earned overseas in plants where often they sent American jobs. They get to pay 5¼ percent on income they earn there. That is the break they get. Nobody else gets that. That went through here very easily. Nobody is going to hold that hostage; my gosh, that benefits the folks at the top.

Let me make one other point that I think is important. The very people who are opposed to a minimum wage—George Will says the minimum wage ought to be zero, by the way. That is all right for him because he is not earning the minimum wage. But the very people in this Chamber who are opposed to a minimum wage, if you go back and check the votes, are the ones who have voted for a tax incentive or tax break for the companies that ship their jobs overseas.

That is easy to track, by the way, because we have had four votes on that—to shut down that pernicious, unbelievable tax break. We say to a company: Shut your manufacturing plant down, fire your workers, move your production to China, and we will give you a big fat tax break. We have tried to get rid of that four times, and four times we have failed.

The same colleagues who are so concerned about helping people at the bottom with a very reasonable adjustment in the minimum wage after 10 years are the very same people who said: We want to continue a tax break to ship American jobs overseas.

I am just telling you that everybody has a right to their opinion, and I will respect it. But I certainly have a right to say I believe it is wrong. I believe it is bad policy for this country. This economic engine works best when everybody works. There is no social program in this country as important as a good job that pays well. We all understand that. We also understand there are a lot of jobs in this country with substantial downward pressure on income because of this so-called globalization by which the largest enterprises can go find the lowest paid workers anywhere in the world and move their jobs, putting downward pressure on American workers' income. We know what is happening in the workplace.

Let me end as I started, by saying that salaries and wages, which is the income workers in this country get, are at their lowest percentage of our economy since they started keeping score in 1947. It doesn't take a rocket scientist to interpret that. If the interpretation of that doesn't persuade one that we have an obligation to do something for the people working at the bottom of the economic ladder for the minimum wage, then I don't know what would persuade them.

Finally, this is not about teenagers. No matter how often you say it, that does not make it true.

This is not about teenagers. Over 70 percent of the people on the minimum wage are adults, many of them with children, 60 percent of them women, a third of them working as their only job and their only income for their family. Those are the facts.

There is one other fact that is certain. There is no one in this Chamber—no one in this Chamber—who puts on a dark suit in the morning and goes to work for a minimum wage. No one in this Chamber understands the requirement to work for a minimum wage at two or three jobs to try to keep your family going. But there are a lot of people in this country who do understand, and they wake up every morning hoping and praying that somehow they will get a fair break and get a fair wage.

Productivity is going up in this country, and we are blessed by that. But the income for workers who have become more productive has lagged way behind. And I wonder why. I guess we know the answer. This country is a better country if we understand that the share of wealth and the share of income in this country ought to go to those who deserve it. And if American workers are much, much, much more productive—and they have been—then they also deserve a fair share of this country's income. That has always been the case.

In the last century, the kinds of things we have done to make this a better place in which to work—safe workplace, child labor, minimum wage, the right to organize, and a range of issues—have strengthened this country and made this a better country.

This legislation that we are considering today is also legislation that will strengthen this country and do the right thing.

Mr. President, I yield the floor.

The **PRESIDING OFFICER**. The Senator from Florida is recognized for 5 minutes.

AMENDMENT NO. 105

Mr. **MARTINEZ**. Mr. President, the amendment that I called up earlier, amendment No. 105, is one that touches on a little different issue. I had hoped there would be a bipartisan consensus base. It involves children and youth in our foster care system. Inconsistencies in our Federal wage laws, coupled with increases in the minimum wage, are financially crippling nonprofit organizations and institutions that make up a necessary part of our communities' support systems for the most vulnerable in our society—the children.

More than 500,000 children are in America's foster care system at any given time because their own families are in crisis or unable to provide for their essential well-being—most because they have been subject to abuse and neglect. Thankfully, most are able to be placed with individual caring families. But for children without a suitable or available foster family, they are placed in one of the many group homes associated with our foster care system.

Many of these group homes are specially tailored with the specific needs of foster care children, offering unique programs and onsite education to help heal the emotional scarring they have experienced.

These homes—often run by private, nonprofit organizations—are dedicated to providing residential care and treatment for the so-called orphans of the living, and they have long been a vital part of the social service networks in America's communities.

An essential component of the foster care network is the presence of caring parents in a family-like situation. And as in traditional parenting, the house parents of group foster homes seek to provide the same love, care, and supervision of a traditional family for the five to eight children who reside with them.

House parents volunteer to permanently reside at a group home in order to create a family-like environment for those without a true sense of home, one that offers a structured atmosphere where these most vulnerable youth can heal, grow, and become productive members of society.

Foster care alumni studies show us that it is the consistent and lifelong connection of caring foster parents that plays the biggest role in helping foster children transition into society.

However, our current laws are working against this cause, forcing group homes to move away from what they know is best for the children and preventing them from providing the most consistent care. These youth so desperately need the stability that a family-like situation can provide, and that is what my amendment seeks to address.

Traditionally, in addition to a modest, fixed salary, house parents have received food, lodging, insurance, and transportation free of charge. In 1974, Congress recognized and confirmed the unique role house parents serve when it passed the Hershey exemption. This amended the Fair Labor Standards Act to preserve the appropriate method of compensation for house parents and allowed the lodging and food provided them to be considered when determining an appropriate salary for married house parents serving with their spouse at nonprofit educational institutions.

Through this exemption, Congress supplied a way for these vital social services to continue to be provided by nonprofit organizations in a way that is cost-effective and at the same time appropriate and meaningful to both the children and the house parents.

However, since the addition of this exemption, the demographics of America and of America's foster children have changed. Research now shows that due to the negative experiences some youth have faced, they may find a better environment for growth and healing in having a single house parent of the same sex. Our labor standards for these group homes have not kept pace with the ever-changing needs of these children.

Because the Hershey exemption was only extended to married couples, group homes are now forced to choose between what is cheaper and what is best for the children. Unfortunately, the financial realities of the situation place these facilities in a compromising situation.

You see, when a group home employs a single house parent for a home, they are required to pay them as an hourly employee, whereas married house parents serving together are allowed to be paid as salaried employees.

As a result, it costs a facility in Florida more than $74,000 annually at the current minimum wage rate to provide a full-time single house parent using the traditional live-in model.

In response, most facilities have resorted to teams of house parents who work in 8-to-12-hour shifts just to avoid the additional cost of overtime pay. Yet even this team model is pricey and means tough coordination and inconsistencies in care for these children. It also destroys the family-like arrangement of the home.

If the minimum wage bill, to which I am offering this amendment, passes, it would cost facilities across the United States in excess of $84,000 annually to house and employ a single, full-time house parent in a foster care or educational group home. However, if it were a married couple serving in the same environment, it would only require minimum wage guidelines be met.

Can you see, Mr. President, how this inconsistency in our labor laws is, and will continue to be, crippling for the private, nonprofit facilities?

In order to enable group homes to provide the most appropriate and consistent care for foster and emotionally scarred youth, my amendment will extend the Hershey exemption to single house parents, allowing them to be treated as salaried employees when free lodge and board are provided.

Voting in favor of my amendment will enable private, nonprofit group homes to continue providing these vital services for our communities with a stronger atmosphere of love and growth for the children.

Voting against this amendment—that is, allowing it not to be adopted—will mean that the already heavy financial burden for these facilities will continue to grow. Homes will be forced to close or have to scale back on the number of children they can help.

To vote against this amendment—or to not allow it to be adopted—is to turn children out on the street at a time when they need us most.

As a loving parent and grandparent, I want what is best for my children. I want to make sure they have whatever they need to overcome all the obstacles life may throw at them. And I also know what it means to be a foster child.

Mr. President, I ask unanimous consent for 1 additional minute in which to conclude my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MARTINEZ. Mr. President, I conclude with this. I had the experience in life of being a child in foster care for 4 years. I was fortunate to have had two different loving families that cared for me. During that time, I also had the benefit of two parents working to help me. I have maintained, until their deaths, relationships with three of these four loving foster parents, and one of them today struggles for life in a hospital in Tampa, FL, Eileen Young. I pray for her speedy recovery.

However, these people made a difference in my life at a time when it mattered. I hope we are not going to deny today those children who need that care of a foster environment to have their lives complicated by what the unintended effect of the minimum wage will be.

I urge the adoption of amendment No. 105 so we can continue this type of loving foster care relationship for the children of Florida and throughout the United States who so desperately need it.

I yield the floor.

The PRESIDING OFFICER. The Senator's time has expired. The Senator from Michigan.

AMENDMENT NO. 154

Ms. STABENOW. Mr. President, not seeing the sponsor of the Ensign amendment in the Chamber, I will proceed to speak on his amendment. I am sure he will be coming to the floor at some point, but I wish to proceed at this point to speak about this amendment because I have great concern about the approach put forward in the Ensign amendment.

My colleague from North Dakota spoke a few moments ago about the challenge we face as it relates to a global economy and whether in America we are going to have an American strategy for everyone to do well, to keep our middle class, to keep opportunity for people who want to work hard to move into the middle class.

This amendment, I believe, falls into that broad category of where are we going to create opportunity; how are we going to make sure everybody has the opportunity to have health care as part of that great American dream.

What I see happening overall is a strategy that has been put in place right now that certainly I do not support and I believe the majority of people in the majority in the Senate do not support. This basically creates a race to the bottom saying to workers: If you only work for less, pay more in health care, and lose your pension, we can be successful. We all know that is a losing strategy because there is always going to be somebody in another country who can work for less, who will work for less.

What we want to do is trade in a global economy, create an opportunity for other countries to move up to our standard of living—fair trade, addressing health care in a way that moves it off business but creates health care for everyone, investing in education, innovation, and opportunity and that great American engine.

I say that as a backdrop because, unfortunately, this amendment on HSAs, health savings accounts, moves us in the opposite direction. Senator ENSIGN's proposal would spend an additional $8 billion on health savings accounts. There is no good evidence that HSAs are successful at expanding coverage or controlling costs. In fact, many believe that HSAs may do the opposite. They make health care coverage less affordable for those who really need it, encouraging healthy people to leave comprehensive health care and go to these kinds of high-deductible plans.

This amendment would permit individually purchased high-deductible policies to be financed with HSA funds, encouraging more healthy people to move to high-deductible policies in the individual market. What does that mean?

We know that HSAs have deductibles of at least $1,000 for an individual and $2,000 for a family. We also know that someone who has a sick child, a disabled child, someone who has high health indicators, health risks, somebody who is a baby boomer or older may not be able choose to have a high-risk policy because they know they are going to need their health insurance, they are going to need comprehensive health care.

So who chooses an HSA? Someone younger, healthy, or wealthier where they can get a better deductible and the $1,000 out of pocket doesn't matter to them. I find it ironic that we would be putting such a proposal on a minimum wage bill.

We certainly know that minimum wage workers are not those who can take the risk of a health savings account and have the confidence that they will have up to $1,000 to put into their health care before their coverage kicks in.

In fact, we know from GAO that for those earning under $30,000 a year, about 16 percent of tax filers have a health savings account contribution, but for those earning $75,000 or above, that is 51 percent of the filings.

Even in that category, though, we also know, according to the Commonwealth Fund, that over 40 percent of people with a $1,000 deductible reported that even though they had a medical problem, they didn't see a doctor. They didn't fill a needed prescription or they skipped a recommended test or followup visit because they didn't want to have to pay directly the full amount for that under this deductible. What happens in that circumstance we all know. Someone waits until they get really sick, so health care costs go up because people didn't get the care they need—the prevention, the tests, and so on.

Mr. President, I ask when I am within 5 minutes of the time for the majority side that the Chair indicate that to me.

The PRESIDING OFFICER. The Chair will so notify the Senator from Michigan.

Ms. STABENOW. We are in a situation now where we have to decide, are we going to continue health insurance for what it should be, which is pooling the risk? The whole idea of insurance is to pool the risk. We want healthy, younger individuals, we want my son and daughter who are healthier and younger, to buy into the same plan that I am buying into, that the Presiding Officer is buying into, that others who are older are buying into, so that we pool that risk. We may not need that health care as frequently as our mom and dad or aunt and uncle or your neighbor or colleague who has a health problem, but their ability to get health coverage is kept at a reasonable cost because the risk is pooled. That is what health insurance is all about.

That is what auto insurance is all about. We don't have auto insurance where we have a pool only for people we know are going to have an accident and those over here whom we know are not. We pool the risk. This particular amendment expands a concept, a proposal that breaks that apart. It basically encourages people who can afford it, or who are going to gamble because they are very healthy, that they are not going to need any kind of health care this coming year. They get a tax benefit. They get to write off a premium for a high-deductible plan as long as it is in the individual market. But someone, in fact, who is likely to be sick or does have children or does have more risk factors or more need to see the doctor doesn't get the same benefit.

That makes absolutely no sense to me. Certainly, when we look at how we, as America, move forward on health care, that moves in the opposite direction from where we need to go, of pooling the risk. We need to be pooling it even further. We need to be creating large pools so we are pooling the risk and lowering the cost, not doing what this talks about.

I appreciate the great pressure we all feel right now to address health care, as we should, as we must. I believe it is the single driving factor for our businesses. I know in the State of Michigan, with many people working in manufacturing, and those people very concerned about the global economy and how we are going to compete, the question of health care and how we fund health insurance becomes a competitiveness issue. It is costing us jobs, the way we structure the funding of health care. We also know we pay more because of the way we fund it.

Every single time somebody with a high-deductible policy, somebody who knows they have a $1,000 deductible, decides they are getting a little bit sick, if they don't believe they have the money or want to spend the money to go through their insurance plan they are going to go to the emergency room when they are sick. Who pays when that happens? We all pay. The hospital treats them and then they turn around and raise the rates on everybody with insurance. That is how we get a $20 aspirin. That is how we get all these costs that are shifted onto everyone else.

When the Commonwealth Fund says over 40 percent of the people with these kinds of policies don't get their medical problems addressed or skip a doctor or a prescription or recommended test, that means we are talking about individuals who are more likely to be very ill, more likely to walk into that emergency room, more likely to have their costs shifted onto everyone else.

I urge my colleagues not to proceed with this kind of proposal. I thank the chairman of the Finance Committee for his willingness to seriously address the issues of health care. We intend, in the Finance Committee, to have a series of hearings. Our chairman, who is a very thoughtful, thorough individual, I know will be looking at a wide variety of proposals. We need the opportunity to do that. My opposition to this proposal does not mean that I don't believe health care is at the top of the list on priorities. I do. But we need the opportunity to look at all of the ramifications because what we have seen to date is that this kind of proposal moves us in exactly the opposite direction.

We know a number of things that we can do that would take $8 billion and add health insurance for people. We have colleagues—Senator DURBIN and Senator LINCOLN—who have offered a proposal for national pooling of small businesses to be able to buy into systems nationally to be able to lower costs. Other colleagues have proposals as well. We know we are going to have proposals to extend children's health care before us very shortly. Again, I commend our chairman for his commitment to the issue of expanding children's health care to all children. That is an important way for us to be able to spend $8 billion and be able to provide health care to more children, more families, and to lower costs—not raise costs.

Senator SNOWE and I are working on a proposal, with our distinguished friend from Wyoming as well, on health IT. We know we can dramatically save costs and put money back into the provision of health insurance paying for health care by using health information technology. I think a more productive way to spend $8 billion at this point would be to provide tax incentives for our physicians and other private sector providers to be able to help them purchase hardware and software, to be able to do "e-prescribing," to be able to use technology and have all the benefits both from a quality standpoint and saving lives as well as saving dollars.

At this point I would simply say that I believe very strongly that HSAs are the wrong direction in which to go fundamentally. They do not expand who receives health insurance, they do not lower costs, and I believe very strongly that there are other ways to use $8 billion. The Finance Committee, I have every confidence, is going to look at a wide variety of opportunities, including expanding health insurance for children.

Mr. DURBIN. Will the Senator yield for a question?

Ms. STABENOW. I am happy to.

Mr. DURBIN. Most of the analyses of health benefit accounts say they primarily benefit people who are healthy and wealthy, and it seems to me the challenge for health insurance in America is for those in the lower income categories, and particularly those who may be vulnerable from a health situation. It seems putting more money into a plan that helps people who are doing fairly well in comparison to others is not the right investment at this moment.

I wonder if the Senator from Michigan agrees with that.

Ms. STABENOW. I absolutely agree with our distinguished assistant majority leader. Let me say I indicated a moment ago that he has a better proposal himself, and Senator LINCOLN. We know for the majority of people who are not insured, 80 percent of those who are uninsured work for small businesses. I am very excited about the approach that the Senator has proposed in terms of a national pool and a tax credit to help fund it. I think we all are very committed to expanding health care coverage and to doing it the right way.

Mr. DURBIN. If the Senator from Michigan will yield on that point, Senator LINCOLN and I and many others have introduced a bill to help small businesses buy the same kind of health insurance that is available to Members of Congress. If it is good enough for us, it is good enough for America. Some 250 private insurance companies across America sell insurance to Federal employees and to Members of Congress. What we want to do is make that insurance available to small businesses. The $8 billion in this bill could be used to help small businesses pay for the health insurance premiums of lower income employees. Instead of focusing on the healthy and wealthy, we would be focusing on businesses that want to do the right thing and need a helping hand from the Tax Code.

I ask the Senator from Michigan, if we are going to invest money to try to deal with 48 million uninsured and underinsured Americans, wouldn't it be better to expand opportunities for small business than to focus on those among us who are already pretty well off?

Ms. STABENOW. I thank my friend. I couldn't agree more. I think he very eloquently stated what is in front of us. We have 8 billion precious dollars in the middle of a deficit, and we have to be very strategic about where we put our dollars. The proposal for small business pooling is similar to what we receive. I think that is the least we can do for small business, particularly when we know that 80 percent of the people who do not have health insurance are in small businesses.

I thank my colleague. I know colleagues on both sides of the aisle want very much to address this issue of health care. It is a question of how we do it.

The PRESIDING OFFICER. The Senator from Michigan has 5 minutes remaining.

Ms. STABENOW. I ask in closing at the moment that we, at a minimum, withhold on this amendment; that we not proceed on this particular proposal to allow us on the Finance Committee to look at all of the options, to look at the facts, to look at what actually expands coverage, what actually lowers costs, and do this together. This is something we need to do on a bipartisan basis, and I hope we will do this in a very positive way so that when we are spending $8 billion, we know we are getting every single penny of value out of that for people who desperately need health care today.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. ENZI. Can I inquire as to the time remaining? I was under a little different impression on the time to vote, I guess.

The PRESIDING OFFICER. The Senator from Wyoming has 21 minutes. The Senator from Michigan has 4 minutes 20 seconds. The Senator from Wyoming is recognized.

Mr. ENZI. I had hoped that the discussions that are happening on health care would continue to happen and that they would not be a focus of this particular bill. But, again, until we get some assurance that there is going to be a tax package that provides for some of the impact for small business, we will be discussing a variety of topics. I can tell by the amendments that have been put in.

I need to do some clarification on this particular amendment. While I encourage people to keep working across the aisle on a whole variety of proposals, this particular amendment deals with helping to pay premiums for high-deductible plans in the individual market, not in the group market. This is in the individual market. I think everybody who works with health care pretty much agrees that one of the difficulties we have with health care is that primarily the premiums are paid for by companies that get a huge tax deduction for doing that. When the premiums are paid for that way, the insurance is paid for that way, there isn't nearly as much responsibility on the part of the individual to see that they are getting the best care at the lowest cost. It has allowed the system to blossom and grow.

But this particular amendment deals with the individual nongroup market. At the present time, while we allow companies to deduct anything they put in for premiums, we don't allow individuals to do that. We do allow individuals to buy health savings accounts. That means they pay a premium for a high deductible, which helps to bring down that premium and puts people in a market that they could not have been in before. But the part that they get the deduction on is the part that covers the deductible, the high deductible. They can put that in a savings account, and they can actually roll that over from year to year if they don't have to use the deductible on it. But nobody helps them with the tax on their premium.

For most people it is the premium that is the biggest cost. For individuals it is the premium that is the biggest cost. If they work for a company that provides insurance, they don't have that cost. But if they are an individual, they get taxed on the money they pay to pay their premium.

What this amendment is suggesting is that we need to level the field a little bit, and while they are paying a smaller premium on a high deductible and allowed to deduct the portion that would be the deductible, if they put that in a savings account, allowing them to take part of that savings account and pay it for the premium so that their premium would also be deductible.

I don't know where the $8 billion comes from. There is not a formal score on this, but there is a 2006 informal opinion from the Treasury staff. It indicates that the cost is probably going to be about $50 million over 5 years, which is pretty modest compared even to the cost of other proposals for HSA expansion. The intent and effect would be to make this HSA high-deductible option more easily available and affordable outside of the employment context.

We have to admit, if it is an individual buying the policy, it is the most portable there is in the United States. We also talked about the need for portability. When someone loses their job there are some ways they can still get insurance, but that runs out. But if you have a health savings account, that is completely portable. It goes with you. The whole works goes with you.

There are some small businesses that have been taking advantage of this and paying the premium for their employees and then paying a portion of the deductible that goes into a savings account. They found that this is the only mechanism by which they could afford insurance for their employees. So we are not even talking about those folks because this is about ones in the individual market, which limits it considerably.

Everyone recognizes the difficulties with health care costs and obtaining health care coverage in the United States, and real solutions to this growing problem has to allow individuals and families to make decisions based on their unique health care needs too. We can't just limit health care to those who work for particularly big corporations who, also, are having problems being able to fund the insurance they are buying for their people. The cost is dramatically escalating in the health care area. I think it is the No. 1 concern of people across the United States.

We have a lot of proposals that will help to bring down or at least stabilize those costs. I appreciate the help we have had from people on both sides of the aisle in coming up with those proposals. A lot of times we have agreed on principle and now we are trying to get down to details and the detail is always the tough part, but I think we can make some progress.

I am for choices. I am for individuals and families having more options for obtaining health care insurance. I think more options help to bring down the cost; it is a competition factor. For that reason, I support Senator ENSIGN's amendment to provide more choices to allow individuals and families who work—not the ones working for companies where the company is getting a tax deduction to buy their insurance. This is for the individuals and families so they will have additional options for obtaining health care coverage, especially when the employer does not provide adequate options for health insurance. Senator ENSIGN's amendment does that. It provides more choices by allowing individuals without employer-based health coverage to use funds from their health savings to pay for their high-deductible health plan premiums. Right now they only get to use the money they have in savings to take care of deductibles. We would like for them to be able to take care of some of the premiums, too, which takes some of the pressure off that end, and since most people in the country already get that benefit through their company, which gets the tax deduction, we thought it would be nice if individuals had that too.

I think this is a modest proposal, with an estimated score of $50 million over 5 years. There will not be a lot of people who will take advantage of it, but there will be some people who will take advantage of it, and it will provide additional options for individuals and families without employer-based health coverage.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. OBAMA). The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I am wondering whether my friend from Michigan would yield me the last 4 minutes.

Ms. STABENOW. I am happy to yield the balance of the time to the Senator from Massachusetts, the chairman of the committee.

Mr. KENNEDY. Mr. President, this amendment does nothing to help working families, especially those earning the minimum wage. It is a travesty that we are debating more tax breaks for the wealthy who use health savings accounts as another way to shelter their income when we should be talking about a long overdue pay increase for working families.

The real-world impact of this amendment is one more tax break that makes health savings accounts, already the most tax-preferred accounts in history, even more alluring to those who are healthy and wealthy. It seems my colleagues on the other side of the aisle have yet to run out of more sweeteners for wealthy health savings account holders.

We shouldn't spend another dime on health savings accounts. At the same time, there is no money—no money—

for health care for children of those who are poor or frail, there is no limit to the money they want to spend for new tax breaks for the wealthy.

Health savings accounts don't work for working families. A minimum wage worker who works 40 hours a week, 52 weeks of the year, makes $10,712. The deductible for a high-deductible family plan can be as much as $11,000—more than the worker makes in a year. And that is just the deductible, that doesn't even include the premiums.

These accounts are no solution for working families who are uninsured or underinsured. A recent survey by the Commonwealth Fund found that compared with those with traditional comprehensive insurance, families using high-deductible health plans with health savings accounts were less than half as likely to have been uninsured before being covered by their current plan. Instead, those opening health savings accounts are more likely to be healthy and wealthy and switching to a health savings account to take advantage of tax breaks. Do we understand? Do we understand the growth in the health savings are for people who are already insured? This doesn't do anything for workers, let alone minimum wage workers. Why does the increase in the minimum wage have to be—have to carry the burden of providing a tax break for the wealthiest individuals in this country? Why don't we put this on some other program? Why is it the hardest working Americans at the lowest end of the economic ladder have to be out there and to have a sweetener for the wealthiest individuals? Why is it, Mr. President? That is what this amendment is all about.

The GAO found the average income of those using health savings accounts was $133,000—three times that of all tax filers. That is the average income of use. We are trying to get an increase in the minimum wage from $5.15 to $7.25, and our friends on the other side want to have a tax break for those whose average income is $133,000. We know our Republican friends are opposed to an increase in the minimum wage. Isn't a vote against it enough? Do you have such disdain for hard-working Americans who are earning the minimum wage that you have to file these kinds of amendments? Put it on your tax extenders. That is what the health savings accounts were on before. Put it on that. Why take it out on hard-working Americans who are at the lower end of the economic ladder?

These plans don't work for working families because the high out-of-pocket costs associated with the high-deductible plan leaves these families at great financial risk. It's no wonder that over half of all bankruptcies in America are caused by patients unable to pay their medical bills.

Of those who go bankrupt due to medical expenses, 75 percent had health insurance but found it didn't cover the care they needed when they got sick. Health savings accounts contribute to this, with those who are in high-deductible health plans with the accounts twice as likely to spend 5 percent or more of their income on medical costs and twice as likely to delay or avoid needed health care as those with traditional health plans.

The large majority of low- and moderate-income working families who are given no choice but a high-deductible plan can't afford to fund a health savings account. And many employers don't contribute to their employee's accounts, and if they do, the contributions are well below the funds needed to meet the high deductible.

While more than half of those with incomes above $50,000 contribute $1,000 or more annually to their accounts, more than two-thirds of those with lower incomes contribute less than $1,000, and more than one-quarter are unable to contribute any money to their account.

Even if they manage to come up with money to put into their account, those with lower incomes are disadvantaged because of the regressiveness of the tax code. A family of four earning $20,000 who manages to scrape together $1,000 gets no tax advantage for their contribution, while a family earning $120,000 gets a $310 tax reduction.

The inequity only increases with higher contributions. In the unlikely event that a family earning $20,000 was able to contribute $5,450, last year's maximum contribution, would still get no tax advantage for their contribution, while a family earning $120,000 would receive a tax break of $1,667.

It's no surprise that a study late last year by the Government Accountability Office found that health savings accounts were being disproportionately used by those with high incomes. The GAO found that the average income of those using health savings accounts was $133,000, almost three times that of all tax filers. And account holders in a health savings account focus group acknowledged that many were using their health savings accounts to shelter income.

Finally, the GAO noted that:

> When individuals are given a choice between HSA-eligible and traditional plans . . . HSA-eligible plans may attract healthier individuals who use less health care or, as we found, higher-income individuals with the means to pay higher deductibles and the desire to accrue tax-free savings.

The adverse selection that would result will raise premiums for working families in traditional plans, increasing the likelihood they will join the ranks of the uninsured.

I urge my colleagues to vote against this amendment. Promoting health savings accounts is bad health policy, it is bad tax policy, and it does nothing to help low- and moderate-income working families.

Mr. President, I yield the floor.

Mr. ENZI. Mr. President, I yield the remainder of the time to the Senator from Nevada.

Mr. ENSIGN. Mr. President, we are debating about whether to raise the Federal minimum wage in our country. I think that people on both sides of the aisle have agreed that it is time to raise the minimum wage in this country. But health care is an important issue, and ensuring that health care is more affordable, available, and accessible affects a lot more people in the United States than does the minimum wage. So at the same time we are helping some in our society, shouldn't we be looking at ways to help many more Americans obtain health care that is accessible, affordable, and available?

Our health care system does not work to keep costs down and quality up because the people who actually receive health care services are not responsible for paying for the services. The vast majority of people receive health care through their employer and have low-deductible policies. This provides no incentive to shop for better prices or high quality of care. If there was such an incentive, most people would shop for better prices and better quality. However, many people are covered by a health insurance plan where they are told where to go and which doctor to see. These individuals do not shop for quality or for price. Market forces can improve both the quality of medicine and the cost of medicine in the United States. Health savings accounts are an example of one instrument that can bring the idea of market forces into the health care field.

I can use several examples to illustrate how insurance can provide the wrong incentives for people, ultimately driving up costs and utilization. Try to imagine if your homeowners policy was similar to what our health care policies are today. In other words, try to imagine if your homeowners insurance covered items beyond the structure of your home if it was damaged and destroyed. For example, what if your homeowners policy covered painting the trim on your house or doing the yard maintenance. If that were the case, what would happen? Well, all of us would paint the trim on our houses a lot more often. And, all of us would probably have landscapers instead of doing the yard work ourselves. As a result, the cost of all of our homeowners insurance would skyrocket.

We have seen the cost of health insurance skyrocket for the last several decades. As the cost of health care increases every year, faster than inflation, more and more Americans are becoming uninsured. So, in order to try to drive down the cost of health insurance, health savings accounts were created. These accounts allow individuals with a high deductible health insurance plan to set aside money, tax-free, up to a set limit, to use for routine medical expenses. Health savings accounts allow individuals to shop for quality and for price.

With the health care system we have today, employers, who pay most of the costs, indicated that something had to be done about the high cost of health care. As a result, health maintenance organizations were created. HMOs were supposed to help manage care, but became more about managing costs. HMOs are not viewed positively by most of the American people. Individuals who are enrolled in HMOs often don't have a lot of choice when it comes to picking a doctor. These individuals also do not get to spend a lot of time with their doctor because their doctors are paid on what is called a capitated rate. This means that doctors are paid a certain amount of dollars per patient.

The more patients these doctors can move through their offices, the better off they do. As a result, the doctor-patient relationship has been hurt.

Health savings accounts allow you to walk into the doctor's office with your own money, so you will want your doctor to spend appropriate time with you. Health savings accounts do something else fairly wonderful. Since 30 to 35 percent of our health care costs today are spent in the bureaucracy of paying the bills, every single doctor's office has to hire people to collect the bills. With a health savings account, you are paying for your care at the time of your visit. As a result, you are not spending all of your money in an HMO, where there are layers of administration when it comes to billing. Health savings accounts go a long way toward eliminating a lot of the bill collecting that is conducted, and the money that is saved can go into providing better quality of health care in the United States.

My amendment is simple. It would make health savings accounts more attractive. It would make it easier for people to get health care coverage by allowing people to use their pre-tax Health Savings Account dollars to pay for health premiums. I believe my amendment will encourage more people to adopt health savings accounts.

Now that Federal employees are eligible for health savings accounts, my family and I signed up for our own health savings accounts. We actually had some health care issues with our children this last month. So my wife has been spending a lot of time talking with doctors. I told her to negotiate for prices and talk about quality and all of the various things that shoppers do in the marketplace. When market forces are brought in—whether it is with regard to cars, airplanes, or computers—costs not only go down, but quality goes up.

I have introduced this amendment today to urge more health savings accounts, so there are more market forces brought into our current health care system. My amendment will make health care more affordable and more accessible. It may also reduce the number of uninsured.

If we can bring the cost of health care down, more people will be able to afford health insurance. A lot of healthy young people say: Health insurance is expensive. I can use that money to do other things. I am probably not going to get sick.

If we can bring down the cost of health care, a lot of the young people who are currently choosing not to enroll in a health plan can be brought into the health insurance market. What does this mean for the rest of us? It means that risk will be spread out among healthier people, which brings the cost of health insurance down for everyone else in the system. Health insurance is all about spreading out risk. What does that do? It makes health insurance even more affordable. It brings in more people who are healthier and younger into the health insurance market.

Of those 40-plus million people who are identified as not having health insurance coverage today, a lot of them are young, healthy people. The more of these people we can get into the health care system, the more affordable health care is going to be for everyone else. It can have a magical spiraling effect that can make health care more accessible, more affordable, and more available to the citizens of the United States.

Mr. President, this amendment is the right thing to do for America. If Members care about getting better quality health care to more people in the United States, vote for my amendment to expand health savings accounts today.

How much time remains on both sides?

The PRESIDING OFFICER. Four minutes remain.

Mr. ENSIGN. Just on my side?

The PRESIDING OFFICER. On the Senator's side.

Mr. ENSIGN. I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Michigan has 13 seconds.

Ms. STABENOW. Mr. President, I will take 13 seconds to say, unfortunately, evidence shows exactly the opposite of what my friend is saying. Any person who chooses on their own to buy insurance not through an HSA will not get the same benefit.

If you have a child who is sick, if you are older, if you have health issues, this issue does not address, unfortunately, the issues my colleague has been talking about.

Mr. President, I raise a point of order the pending amendment violates section 505(a) of House Concurrent Resolution 95, the concurrent resolution on the budget for fiscal year 2004.

Mr. ENSIGN. I move to waive all points of order that lie against the amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Hawaii (Mr. INOUYE) and the Senator from South Dakota (Mr. JOHNSON) are necessarily absent.

Mr. LOTT. The following Senators were necessarily absent: the Senator from Missouri (Mr. BOND), the Senator from Alaska (Mr. STEVENS), and the Senator from Wyoming (Mr. THOMAS).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 47, nays 48, as follows:

[Rollcall Vote No. 26 Leg.]

YEAS—47

Alexander
Allard
Bennett
Brownback
Bunning
Burr
Chambliss
Coburn
Cochran
Coleman
Collins
Corker
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Ensign
Enzi
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lott
Lugar
Martinez
McCain
McConnell
Murkowski
Nelson (NE)
Roberts
Sessions
Shelby
Smith
Snowe
Specter
Sununu
Thune
Vitter
Voinovich
Warner

NAYS—48

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Brown
Byrd
Cantwell
Cardin
Carper
Casey
Clinton
Conrad
Dodd
Dorgan
Durbin
Feingold
Feinstein
Harkin
Kennedy
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
McCaskill
Menendez
Mikulski
Murray
Nelson (FL)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sanders
Schumer
Stabenow
Tester
Webb
Whitehouse
Wyden

NOT VOTING—5

Bond
Inouye
Johnson
Stevens
Thomas

The PRESIDING OFFICER. On this vote, the yeas are 47, the nays are 48. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained, and the amendment falls.

The Senator from Montana.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the pending amendments be temporarily laid aside and that Senator KYL be recognized to offer an amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Arizona.

Mr. KYL. Mr. President, I thank the chairman of the committee.

I say to the Senator, do I understand there is a Member on his side who would like to give some brief remarks?

Mr. BAUCUS. Mr. President, I say to my good friend from Arizona, there is always a Member on our side who would like to give some brief remarks. I ask, when might the Senator be ready to offer his amendment?

Mr. KYL. We are ready to offer the amendment. I thought what I could do is get it pending, and then if someone wants to make some remarks.

Mr. BAUCUS. Mr. President, I asked unanimous consent that the pending amendments be laid aside so Senator KYL can offer his amendment.

Mr. KYL. Mr. President, as soon as the staff brings it to me, I will send it to the desk.

There is an amendment I sent to the desk earlier, and I will briefly describe it. It simply extends the provisions in the Finance Committee bill that provide tax assistance to small business in terms of expensing, depreciation, leasehold improvements, and so on, from the period of March 31 of next year through the end of next year. So it extends those provisions an additional 9 months. That legislation is pending at the desk.

AMENDMENT NO. 205 TO AMENDMENT NO. 100

Mr. President, at this time, I send to the desk the legislation which adds to that the element that provides for the pay-for or the tax provisions that will ensure this is revenue neutral. So I send this amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Arizona [Mr. KYL] proposes an amendment numbered 205 to amendment No. 100.

Mr. KYL. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To extend through December 31, 2008, the depreciation treatment of leasehold, restaurant, and retail space improvements, and for other purposes)

On page 4, line 21, strike "April 1, 2008" and insert "January 1, 2009".

On page 6, lines 5 and 6, strike "April 1, 2008" and insert "January 1, 2009".

On page 99, after line 19, add the following:

SEC. ____. TERMINATION OF EXCLUSION FOR QUALIFIED TUITION REDUCTION.

(a) IN GENERAL.—Section 117(d) is amended by redesignating the last paragraph as paragraph (4) and by adding after paragraph (4) the following new paragraph:

"(5) TERMINATION.—This subsection shall not apply to taxable years beginning after December 31, 2006.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006.

Mr. KYL. Mr. President, I can further describe the amendment, and we can discuss it, debate it, when the chairman is ready to do that or there is no one who intends to speak. I hope we can get this amendment voted on as soon as possible today.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, for the interest of moving this along the rest of the day, there are two Senators who wish to speak, and it is my hope after they speak we can get some other amendments up and start voting.

Mr. President, I ask unanimous consent that the Senator from Ohio, Mr. BROWN, be allowed to speak for 10 minutes, and following Senator BROWN, that the Senator from Vermont, Mr. SANDERS, be allowed to speak for 10 minutes.

The PRESIDING OFFICER. Is there objection?

The Chair hears none, and it is so ordered.

The Senator from Ohio.

Mr. BROWN. Mr. President, I grew up in Mansfield, OH, a small, blue-collar city in the middle of America, a town of famous names—junior highs named after U.S. Secretary of State John Sherman and the legendary Johnny Appleseed; factories called Westinghouse and Tappan Stove and Fisher Body. Like many of our country's greatest cities and our Nation's most comfortable small towns, Mansfield has a Park Avenue and a Main Street, a Central Park and a town square, a Carnegie Library and a corner drugstore.

In those days, people who worked hard, who paid their taxes, who played by the rules just about always had something to show for it. Almost everyone—virtually almost everyone—in my hometown believed that their children would enjoy a better life than they did. The more productive they were—insurance salesmen and factory worker, clerk and farmer—the better off they would be. The harder they worked, the more opportunity for their children. The middle class and all that it meant was much closer to them and for them than a distant aspiration.

One-third of this body, 32 of my colleagues, came off the campaign trail victorious last November. Ten of us joined the Senate earlier this month. We are here for a reason. We are here because for too long Government betrayed the middle class.

In recent years, Ohioans have watched the drug companies write the Medicare law, the oil industry dictate our Nation's energy policy, the insurance companies shape our health care. And perhaps worst of all, many of our largest corporations, untethered to any community, have forced through a willing and compliant Congress job-killing trade agreements which outsource our jobs, divide our families, and hurt our communities.

We are here because Ohioans and people across our land understand the words of Pope John Paul II:

> We judge any economic system by what it does for and to ordinary people and by how it permits all to participate in it. The economy should serve the people, not the other way around.

We are here because we have heard from people who have worked hard and played by the rules all their lives, yet have so little to show for it. I met a man at the free clinic in Youngstown who had all but given up because of his diabetes. He came to the free clinic, his blue eyes tearing up, because his daughter insisted, he told me, that she simply wanted him to live. The number of free clinics in Ohio—a rich State in a rich country, a State known for some of the best medical facilities in the world—has doubled in the last decade. In rural Appalachia, the small community of Lottridge in Athens County is suffering from such staggering job loss that the local food bank now serves more than 200 local families. And to maintain their sense of community pride and togetherness, the food bank workers put up curtains and decorations to resemble a general store, not a place of charity.

A worker in Jackson, locked out of his factory because the company refused to negotiate with the union and now without health care, told me his doctor advised him he needed heart surgery. "I take aspirin every day instead," he said, hoping his heart lasts longer than the lockout.

A woman in Cincinnati suffering from hypertension, high blood pressure, and diabetes told me, with fear in her voice, that she was about to fall in the doughnut hole in the new Medicare prescription drug law. She needs help, but she was hiding it from her family. "I'm so ashamed," she sobbed, as if it were her fault.

Last fall, my wife Connie was waiting in line at the local drugstore in the affluent community of Shaker Heights. The woman in front of her was, for all intents and purposes, negotiating prices with the pharmacist to save money. "What if I cut my pill in half and then take it twice a day," she asked. The very understanding pharmacist told her the doctor wants her to take her full medication twice a day. "But isn't it better, since I can't afford this, to take half a pill twice a day than the whole pill just once?" she asked. My wife asked the pharmacist: How often does this happen? "Every day," the pharmacist shrugged, "Every day, all day long."

At one time, our Government looked out for its people. I wear on my lapel a pin depicting a canary in a birdcage. A mine worker, 100 years ago, used to take a canary down in the mines. The mine worker had no government that cared enough to help him and no union strong enough to help him. He was on his own. In those days, a child born in this country had a life expectancy of about 46 or 47 years. Today we live three decades longer because of what this Government has done. People of faith, people in their union halls, advocates for children and for women and for the poor have pushed this Government to pass clean air and safe drinking water laws, to pass Medicare and Medicaid and workers' compensation and mine safety laws to protect the elderly and the disabled and women and children. Today it seems to be a different story.

Will and Ariel Durant, who probably have documented a wider sweep of history than any writers of the 20th century, warned us:

> No society has survived without a middle class.

Something is profoundly wrong with our economy. The CEO of a major retail company recently was awarded a $210 million severance package after the company's stock value dropped. Yet our Nation's working families, Ohio's middle-class families, often cannot afford to send their sons and daughters to school. The Nation's wealthiest 1 percent control as much wealth as 90 percent of the rest of us combined, yet 47 million of us do not have health insurance. That class difference is a threat to our democratic system. A minimum wage worker earns less than $11,000 a year, yet some CEOs in our country make more than $11,000 an hour.

Today we consider legislation to raise the minimum wage from $5.15 to $7.25 an hour. In the last decade, our Government has failed to raise the minimum wage but given ourselves six pay increases. Those who plan to vote against the minimum wage in this Chamber, those who for 10 years have blocked a minimum wage increase in the House of Representatives and in this body, are saying to the single mother working as a chambermaid in a Cleveland hotel, to a farm worker outside Toledo, to a janitor in Zanesville, those who plan to vote against the minimum wage are telling those minimum wage workers that they don't deserve a fraction of what we get, not even a fraction.

There have been failures, to be sure, in this institution. And there have been great moments.

Today, I am joined on the floor of the Senate by Senator BYRD of West Virginia. Three weeks ago, I stood next to him as I was sworn in for my first term and he was sworn in for his ninth term. More than 4 years ago, in October of 2002, Senator BYRD stood in this Chamber and spoke with prophetic wisdom about the pending war with Iraq. He instructed and taught millions of Americans, and he, with Senator KENNEDY, inspired and emboldened many of us in the House of Representatives. I was a House Member then. More than 130 of us voted against that war. He warned us then that authorizing war in Iraq was "both blind and improvident."

"We are rushing into war," he said, "without fully discussing why, without thoroughly considering the consequences, or without making any attempt to explore what steps we might take to avert conflict."

I thank the senior Senator from my neighboring State of West Virginia.

The 110th Congress brings with it the breath of bipartisanship too long absent from our discourse. Democrats and Republicans alike are already working toward rebuilding our Nation's middle class. Earlier this week, I stood with Senator DORGAN of North Dakota and Senator GRAHAM of South Carolina as we called for a new direction in our trade policy. I look forward to more of the same. Our Government needs to stand up for the middle class. We know why our constituents sent us here. We need to get to work. Raising the minimum wage is a very important first step.

We must also work to create an alternative energy industry that not only fosters development of renewable fuels but also creates solid middle-class jobs and new businesses. We must invest in education at all levels. We must provide for our veterans. We must lower the cost of prescription drugs and make health care more affordable. And we must finally bring our troops home from Iraq.

There is much work to do in this Congress. The people of this Nation have placed great trust in our ability to transcend partisanship. We cannot, we must not violate that trust.

I thank the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, we cannot, we must not violate that trust.

This is my 49th year in the U.S. Senate. When I came here 49 years ago, there was no sound system in the Senate—none. And so when a Senator spoke, especially if he was giving his maiden speech, the word got around that a Senator was going to make his maiden speech. Senators came to the floor. The speeches, as I say, were not televised. There was no audio. A Senator spoke from his desk, and he spoke out. He spoke out. He spoke without an audio system. But other Senators would come up. They would come closer to the Senator who was speaking. They would gather around. I can remember when I made my maiden speech in the Senate. It was a long time ago.

It has been my privilege today to sit at my desk here and listen to the distinguished Senator who comes from my neighboring State just across the great Ohio River. It has been my privilege to listen to him. He spoke well. Senators are at their offices, most of them. A lot of them heard this speech. They were not here to hear it, but I was here. I wish to commend the Senator on his maiden speech. It was a good speech. I like the way he spoke. I like the way he spoke from his heart. That speech will be in the Record for 1,000 years. I compliment the Senator. I am proud to be here in his audience today. I want him to continue to take the floor and speak his mind, speak for his people and to the people all across this country. I thank him for his speech. It was well done. The content was splendid. It meant much to him, and it meant much to me as I sat here. I thank him. May God continue to bless him in his work here.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I join my friend from West Virginia in commending Mr. BROWN, the Senator from Ohio, for his speech today.

When I first arrived here—the Senator from West Virginia probably remembers—freshman Senators were rarely expected to speak. If you spoke within the first 2 years, people thought you were coming along a little more rapidly than others might expect. That tradition has long passed. We can understand why.

Today in the Senate, working families and the middle class have a new champion. His name is SHERROD BROWN, and he comes from Ohio. He has spoken eloquently and movingly and compellingly about the challenges facing citizens in the small towns and big cities of his State. He could be speaking for the middle class and working families in New Bedford, Fall River, Lowell, Lawrence, Springfield or Worcester or other places around the State of Massachusetts.

Mr. BYRD. Yes.

Mr. KENNEDY. When he summons us to the great challenge in foreign policy, the war in Iraq, he speaks what is in the hearts, the souls, and the minds of all Americans.

Mr. BYRD. Yes. And the quicker we begin that debate and the quicker we begin to bring the change and alteration in policy, as he has spoken to on other occasions, the better it is going to be not only for those extraordinary, brave service men and women who have been fighting bravely and gallantly for over 4 years in Iraq, but we will begin to restore the prestige and influence of this country and the State he represents and loves. I thank the Senator for an excellent statement.

The PRESIDING OFFICER (Mr. BROWN). The Senator from New Hampshire is recognized.

Mr. GREGG. Mr. President, it is my understanding that the Senator from Vermont will be recognized for 10 minutes. Is the Senator from Missouri seeking time?

Mrs. MCCASKILL. I am.

Mr. GREGG. I would also like to be recognized, as would the Senator from Arizona. I believe the Senator from West Virginia still has time. I wonder if we can organize an order so we know when we are going to speak. The Senator from Vermont is going to speak——

The PRESIDING OFFICER. Under the previous order, the Senator from Vermont will speak for 10 minutes.

Mr. GREGG. Mr. President, I ask unanimous consent that at the completion of the statement of the Senator from Vermont, I be recognized for 10 minutes, the Senator from Missouri for 10 minutes, and the Senator from Arizona be recognized for 10 minutes.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, I ask what the Senators are going to speak on.

Mr. SANDERS. I have an amendment dealing with poverty in America.

Mr. GREGG. I have an amendment dealing with employee option time.

Mr. BAUCUS. The Senator from Arizona wants to speak on the amendment?

Mr. KYL. Yes.

Mr. BAUCUS. And the Senator from Missouri?

Mrs. McCASKILL. I have been asked to speak on the President's health care plan today.

Mr. BAUCUS. For how long?

Mrs. McCASKILL. Less than 10 minutes.

Mr. BAUCUS. So the understanding is that the Senator from Vermont will speak for 10 minutes, the Senator from New Hampshire for 10, the Senator from Missouri for less than 10, and then Mr. KYL for 10 minutes.

I ask unanimous consent that the order of speakers be as just stated.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Reserving the right to object, and I will not object, we have a rule which provides that a Senator who wishes to speak should address the Presiding Officer and that the Senator first seeking to speak shall be recognized. We have rules around here.

I don't much like this idea of having people stand in line to speak, and when some Senator comes to the floor and seeks recognition, he or she finds that somebody else already has consent to speak, and then someone else, and then someone else.

I will not object at this moment to this batting order, this lineup of speakers. I think the rules provide that if a Senator wants to speak, he or she shall stand and ask for recognition. That is the way to do it. So I will not object to this lineup of speakers which puts at a disadvantage a Senator who has not been here to listen to this lineup and who wants to come to the floor and speak—comes to the floor and seeks recognition and finds that somebody else has already gotten unanimous consent to speak. Let's do it right. I will not object today, but let's not have this lining up of speakers. Let Senators come to the floor and seek recognition and get recognition. That is what the rules say. I will not object.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, I will speak for just a minute. I very much appreciate the remarks of our very good friend from West Virginia. He is right. He is always right, especially on matters of procedure. It is my thought that we will have no more than four. In honor of the Senator's points, I deeply appreciate that sentiment. We won't go beyond the four. In an attempt to try to move the bill forward, we are trying to get floor speakers and, hopefully, get the amendments up so that there is enough opportunity to offer their amendments and we can vote on the amendments. But the Senator's basic point is absolutely correct.

Mr. BYRD. Will the Senator yield?

Mr. BAUCUS. Yes.

Mr. BYRD. Mr. President, I thank the Senator. Senator BAUCUS, who is the chairman and who is managing this bill—am I correct?

Mr. BAUCUS. At this point.

Mr. BYRD. He is a fine Senator. I take off my hat to him and thank him for what he has said.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

AMENDMENT NO. 201 TO AMENDMENT NO. 100

Mr. SANDERS. Mr. President, I ask unanimous consent that the pending amendment be set aside and that it be in order for me to call up amendment No. 201, and once the amendment is reported by number, I be recognized under the order and, at the conclusion of my statement, the amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The bill clerk read as follows:

The Senator from Vermont [Mr. SANDERS] proposes an amendment numbered 201.

Mr. SANDERS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To express the sense of the Senate concerning poverty)

At the appropriate place insert the following:

SEC. . SENSE OF THE SENATE CONCERNING POVERTY.

(a) FINDINGS.—The Senate finds that—

(1) the United States has the highest rate of poverty and the highest rate of childhood poverty among 17 major countries in the Organization for Economic Cooperation and Development including Germany, France, Italy, the United Kingdom, Canada, Australia, Austria, Belgium, Denmark, Finland, Ireland, the Netherlands, Norway, Spain, Sweden, and Switzerland;

(2) 36,950,000 Americans are living in poverty, an increase of 5,400,000 since 2000;

(3) 12,896,000 children in the United States under the age of 18 lived in poverty in 2005, and the number of children living in extreme poverty rose by 87,000 from 2004 through 2005;

(4) in 2005, an estimated 33 percent of the homeless population were children and an estimated 1,350,000 children will experience homelessness in a year;

(5) the number of uninsured Americans rose to 46,577,000 in 2005, 1,272,000 more than in the previous year, and the number of Americans without health insurance has risen for 4 consecutive years;

(6) the Department of Agriculture has found that, in 2005, 35,100,000 people lived in households experiencing food insecurity, meaning that they did not have adequate access to enough food to meet basic dietary needs to all times due to a lack of financial resources;

(7) households with children experience food insecurity at more than double the rate for households without children;

(8) The United States has the largest gap between the rich and the poor of any major industrialized country;

(9) the wealthiest 400 Americans saw their combined net worth increase by $120,000,000,000 from 2004 to 2005;

(10) the richest 400 Americans have a combined net worth of $1,250,000,000,000 equaling the annual income of over 45 percent of the entire world's population or 2,500,000,000 people;

(11) of the world's 793 billionaires, over 400 are Americans;

(12) in 1989, we only had 66 billionaires in this country; and

(13) on January 20, 2001, President Bush stated "In the quiet of American conscience, we know that deep, persistent poverty is unworthy of our nation's promise. Where there is suffering, there is duty. Americans in need are not strangers, they are citizens, not problems, but priorities. And all of us are diminished when any are hopeless. And I can pledge our nation to a goal: When we see that wounded traveler on the road to Jericho, we will not pass to the other side.".

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the United States has a moral obligation to improve the lives of the 36,950,000 Americans living in poverty and the 15,928,000 of those who live in extreme poverty;

(2) the United States has a moral obligation to reduce the enormous gap between the rich and the poor; and

(3) the President should immediately present to Congress a comprehensive plan to eradicate child poverty and reduce the gap between the rich and the poor by 2017.

Mr. SANDERS. Mr. President, let me begin by congratulating Senator KENNEDY for his strong leadership on the need to raise the minimum wage—a minimum wage that has not been raised for 10 years.

Let me also congratulate my colleague from Ohio, the current Presiding Officer, for his fine remarks, which I certainly concur with.

The United States of America is the richest country in the history of the world. Unfortunately, despite our great wealth, nearly 13 percent of our citizens are living in poverty, and we have today the highest rate of childhood poverty of any major country in the industrialized world. In my opinion, we have a moral responsibility to end childhood poverty in America.

Therefore, the amendment I am offering today simply expresses the sense of the Senate that, No. 1, we have a moral obligation to improve the lives of nearly 37 million Americans living in poverty, including nearly 13 million children; No. 2, we have to address the reality that in the United States today we have, by far, the most unfair distribution of wealth and income of any major industrialized country, and that we have a moral obligation to reduce that growing gap between the rich and the poor; No. 3, and most important, this amendment calls upon the President to submit a plan to Congress which eradicates childhood poverty over the next decade and reduces the growing gap between the rich and the poor.

As a nation, we are often very proud of our accomplishments. How often do we hear people say, "U.S.A., No. 1"? I share that sentiment. Certainly, in so many areas our country is leading and has led the rest of the world, and we are all very proud of that.

Unfortunately, in terms of childhood poverty, within the industrialized world, we are also No. 1. We are No. 1 in having the highest rate of childhood poverty among any major country in the world, and that is not a No. 1 of which we should be proud.

According to the U.S. Census Bureau, the childhood poverty rate in the United States today is nearly 18 percent. According to data from the Luxembourg Income Study Group, the childhood poverty rate in the United States is even higher, almost 22 percent.

Well, let's take a look at what childhood poverty rates are in other major countries, in many of the countries that we compete against economically. In Germany, the childhood poverty rate is 9 percent. In France, it is 7.9 percent. In Austria, it is 6.7 percent. In Sweden, it is 4.2 percent. In Norway, it is 3.4 percent. In Finland, the childhood poverty rate is only 2.8 percent—2.8 percent in Finland, over 18 percent in the United States of America. There is something wrong with that equation.

Have other countries succeeded when they put their minds to reducing childhood poverty rates? The answer is yes.

In 1999, the British Government—our good friends in the United Kingdom—made a commitment to address childhood poverty. Six years later, child poverty in the United Kingdom had been cut by 20 percent. Similar progress, as I understand it, has been made in Ireland.

Unfortunately, at the same time that Britain was taking important steps to reduce childhood poverty, in the United States childhood poverty increased by about 12 percent. The situation is bad, and we are moving in the wrong direction.

When we hear our fellow Senators come to the floor and say the United States is the greatest country on Earth, I share that sentiment. But I do not share the sentiment that the greatest country on Earth should have, by far, the highest rate of childhood poverty in the industrialized world, and that rate is growing higher and higher. We have to address that issue. We cannot sweep it under the carpet.

While we continue to have the highest rate of childhood poverty, and while over 5 million more Americans have slipped into poverty since George W. Bush has been President, there is another issue that this Senate has to address, and that is the growing oligarchic nature of our society. It is not talked about too much, but I think we should place it on the table.

Today, the wealthiest 1 percent of Americans own more wealth than the bottom 90 percent, and the CEOs of our largest corporations now earn over 800 times what a minimum wage worker earns. Today in America the wealthiest 13,000 families who constitute one one-hundredth of 1 percent of the population receive almost as much income as the bottom 20 million American families in the United States; one one-hundredth of 1 percent receive almost as much income as the bottom 20 million American families. That, in my view, is not what America is supposed to be.

Mr. BYRD. Here here.

Mr. SANDERS. Mr. President, working with the President of the United States, working in a bipartisan manner, we have to come up with ideas, place them on the table, and end the disgrace of having the highest rate of childhood poverty in the industrialized world. Other countries are making progress; we can do the same.

Mr. BYRD. Yes, Mr. President.

Mr. SANDERS. Mr. President, at the same time, we have to reverse this trend by which fewer and fewer people own more and more wealth, while more and more people have less; while poverty increases and while the middle class shrinks.

The true greatness of a country does not lie in the number of millionaires and billionaires that it has; rather, a great nation is one in which justice, equality, and dignity prevail.

I close with a quote that none other than President George W. Bush made on January 20, 2001. I quote from President Bush:

> In the quiet of American conscience, we know that deep, persistent poverty is unworthy of our Nation's promise. Where there is suffering, there is duty. Americans in need are not strangers, they are citizens, not problems, but priorities. And all of us are diminished when any are hopeless. And I can pledge our Nation to a goal: When we see that wounded traveler on the road to Jericho, we will not pass to the other side.

George W. Bush.

The President was right to make that pledge, but since he made that statement, we all know that over 5 million more Americans have slipped into poverty, including over 1 million children.

Let us turn that pledge to reality. We can begin to do that by raising the minimum wage, and we can begin to do that by coming up with a plan, with a program, with legislation which eliminates childhood poverty in America and lowers the gap between the rich and the poor.

I thank the Chair.

Mr. BYRD. Amen. Yes.

The PRESIDING OFFICER. Under the previous order, the Senator from New Hampshire is recognized for 10 minutes.

AMENDMENT NO. 203 TO AMENDMENT NO. 100

(Purpose: To enable employees to use employee option time)

Mr. GREGG. Mr. President, I rise to offer an amendment to this legislation which is extraordinarily relevant to the legislation. It is called the employee option time amendment. It basically gives people who work, especially working mothers, the opportunity to adjust their work schedule so they can do things they need to do for their family by allowing them to move the work schedule around so that if they have an issue where one of their children may have to go in the hospital or needs attention or a child has a soccer tournament or maybe there is a recital or maybe there is a family event they want to go to, a wedding, or they want to take a 3-day weekend to enjoy some event, such as a NASCAR race or something they need to get to, this amendment allows that working mother and that working family, or any worker for that matter, the opportunity to have that chance.

In the past, it has been called flextime. We changed the title of it primarily because we changed the language to make it absolutely clear that this opportunity to move your work hours around is totally at the discretion of the employee, that the employer cannot force the employee to do this, the employer cannot require the employee to do this but, rather, the employee has the option of choosing to do this in a manner which they think is appropriate to their lifestyle.

This is not a radical idea. It is not some conservative idea. It is just a basic idea of giving fairness and options to working people but people who are working a 40-hour week, especially to working single parents or parents generally.

It is so unradical and so reasonable that Federal employees—Federal employees—have actually had this right to move their schedule around since 1978. But every time we have tried to give it to the rest of the folks who work in this country, it has been blocked. It has been blocked because some people felt it was inappropriate from a collective bargaining standpoint or they felt it would affect overtime or they felt the employee would be at a disadvantage relative to the employer.

What we have done in this amendment is make it clear that none of those things could happen. This doesn't affect collective bargaining agreements. Overtime cannot be affected. If a person works more hours in a period, if a person exceeds the hours they are allowed to work without getting overtime, overtime must be paid.

As I said earlier, the decision as to whether an employee pursues this course of action, of choosing to move their hours around, is left with the employee.

The way it works technically is like this. This is the way it works at the Federal level with Federal employees, and this is the way it would work in this amendment when it is applied to the general population, especially people working 40-hour weeks.

If you as a working mother, for example, know you have an event coming up for which you are going to need to take time off, for example, as I said earlier, such as your child has to go into the hospital for an operation—hopefully not, but if that is the case—or there is a big event in your family life, such as a recital or major athletic event, you want to know there are going to be 3 days you need for a wedding or for something that is significant, you can adjust your schedule so that one week you work up to 50 hours and in the next week you only have to work 30 hours or anything in between. You can work 45 hours in one week and 35 hours in the following week, whatever works relative to your schedule and your time.

One can see the advantage of this, especially for people who have families and so much going on in their life that they do need to have more flexibility in their capacity to structure their hours.

Today they can't do that. Today an employee simply can't do that unless they are a Federal employee. If they are a Federal employee, they can do that.

This amendment, which we have taken up before in a different form, accomplishes the goal of giving parents especially, but all working people who work a 40-hour week, more capacity to make that schedule fit their lifestyle rather than having an arbitrary 40-hour work week schedule.

The changes, as I have mentioned, which we made in this amendment so that it addresses the concerns which have been expressed on this floor before when we brought forth this idea—and this idea received a majority at least once—are, as I mentioned, to make it very clear, voluntary.

On page 2 of the amendment, it states no employee may be required to participate in such a plan.

On page 3 (2)(ii) states that the program may be carried out only if the agreement was entered into knowingly and voluntarily by such employee and was not a condition of employment.

On page 4, it states in subsection (b) that if such an employee has affirmed in writing, in a written statement that is made, kept, and preserved, that the employee has voluntarily chosen to participate in the program.

There are significant penalties in this bill for an employer who violates that voluntary aspect of an employee making a choice to go forward. So we have addressed that concern.

As I mentioned earlier, we make it very clear that in no way does this abrogate the obligation to pay overtime if somebody exceeds the 80 hours in that 2-week period. So if you work 81 hours, you get overtime, just as you would if you were under the usual agreement of 40 hours a week.

In addition, it makes it very clear this in no way abrogates any collective bargaining agreements. Most of the resistance of this amendment has come from the leadership of organized labor which, for some reason I don't understand, quite honestly, views this as some sort of a threat or potential threat to the collective bargaining process. It is not. We make it clear it is not.

This is simply an attempt to put all Americans on the same footing as all Federal employees by giving them flextime. We call it employee option time to make it absolutely clear it is the employee who has the choice.

The amendment in the past was linked also—and this is another reason it was resisted—to something called comptime. Comptime is something more controversial, I admit to that. Comptime is not in this amendment. Comptime isn't going to be offered as an amendment, I don't believe.

Rather, we are sticking purely with what has traditionally been known as flextime and what has been given to Federal employees for over 20 years, almost 30 years.

It is a very reasoned approach. When one thinks about it, yes, the minimum wage is going to help some people, but as a practical matter, this idea of giving people more capacity to manage their schedule is going to have a much greater impact on the quality of life of people than raising the minimum wage. Literally millions of people are going to have this authority and find it will increase their quality of life.

Most of the people who will receive this new opportunity to adjust their schedule to fit what their family needs are not making minimum wage. They may be wage earners and they may be hourly paid, but they are certainly not making minimum wage. So this is going to benefit literally millions of people beyond the minimum wage earners, and it is especially, as I mentioned, going to benefit those people who have families, and especially benefit those people who are single parents trying to raise families and being in the workplace at the same time, which is one of the most difficult things anybody does in our country. This gives them more flexibility to manage their schedule so they can do things that are important to their families.

It is a reasonable amendment. It is so reasonable, as I have mentioned, that the Federal employees have accepted it. It has been accepted by the Federal employees.

I ask that the amendment be called up.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside.

The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from New Hampshire [Mr. GREGG], for himself, Mr. ENZI, Mr. SUNUNU, and Mr. ISAKSON, proposes an amendment numbered 203 to amendment No. 100.

Mr. GREGG. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. GREGG. Mr. President, I ask unanimous consent that Senator ALEXANDER be added as cosponsor to the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ENZI. Mr. President, the flexible time proposals we are debating today could have a monumental impact on the lives of thousands of working men, women and families in America. There are some fortunate Americans, including most State and Federal workers, who already have the right to flexible time scheduling. In fact, according to a national study, some 43 percent of all U.S. workers have this right, and they love to use it. Seventy-nine percent of the women who have to use it, and 68 percent of the men who have to use it, Study on the Changing Workforce, Families and Work Institute)

But the majority of Americans do not have access to flexible time scheduling, and they deserve it, too. It could help the 67 percent of Americans who say they don't have enough time with their children and the 63 percent of Americans who say they don't have enough time with their spouses. At the very least, it would remove one of the barriers for achieving a work-life balance.

So who are the people who are prohibited access to this type of benefit? Well, it isn't any Member of this Senate. Salaried employees are not penalized for flexible work arrangements. Employers don't have to increase pay for these employees if they work more in one week and less in another. It isn't government employees, either. Flexible work arrangements have been available in the Federal Government for almost three decades.

In fact, this program has been so successful with government employees that in 1994 President Clinton issued an Executive order extending it to parts of the Federal Government that had not yet had the benefits of the program. President Clinton then stated, the "Broad use of flexible arrangements to enable Federal employees to better balance their work and family responsibilities can increase employee effectiveness and job satisfaction while decreasing turnover rates and absenteeism.

I couldn't agree more, but now we need to go further and extend this privilege to private sector workers. It is long past time to give employees the choice—the same choice as Federal workers. There is no reason that government employees need greater flexibility in meeting and balancing the demands of work and family than private sector employees.

There are two proposals under consideration today. Senator GREGG has offered an employee option time amendment. This would give employees the option of "flexing" their schedules over a 2-week period. Basically, hourly employees who wish to could voluntarily have their work hours calculated on a biweekly rather than a weekly basis. This way a working mother could work 50 hours in one week and 30 hours in the next week, while her husband worked an opposite schedule and their children enjoyed an extra 10 hours a week with a parent. If such an arrangement were made and agreed to by both the employee and the employer, the employee would still be entitled to overtime for any hours beyond that agreement. For example, if an employee was asked to work 32 hours in a week that was scheduled to be a 30-hour week, the employee would be paid overtime for the additional 2 hours.

I have to emphasize again, because I know my friends on the other side of the aisle don't always understand this, that the flexible time arrangement is entirely voluntary. In fact, the Gregg amendment requires written consent from the employee, and only employees with at least a year's tenure would be eligible. No employee could be pressured to enter into one of these agreements. Such coercion is specifically prohibited and punishable with monetary penalties.

The second amendment which has been offered to this bill is a little different approach. Senator DEMINT's amendment addresses the disparity between government and private employees that has existed since 1978. It essentially says government employees cannot exercise this benefit until private employees have the same right. I hope we will pass the Gregg amendment today and the DeMint will not be necessary. There is no reason this shouldn't be the case.

There is a long history of support for flextime on both sides of the aisle. I hope my friends won't mind if I remind them of a little of this history. Although Democrats may now be attacking flextime proposals and calling it a "wage cut", some seem to be forgetting that flextime is not a new issue but one with a long, bipartisan history.

In the early 1980s Senator STEVENS led the effort to secure Federal worker access to compensatory time off and flextime. In 1985 former Senator Nickles shepherded a bill through the Senate that extended these positive benefits to State and local employees.

These Senators did not foist an unpopular program onto unsuspecting workers over the objections of Democrats. Both of those laws passed the Senate with overwhelming, bipartisan support. Senator KENNEDY voted to ensure that Federal employees would have access to flextime to have the scheduling options necessary to balance work and family life.

Senator KENNEDY, along with 11 other Democrats, cosponsored the Nickles bill to extend flextime and comp time to State and local employees. Flextime was not a pay cut for State and local workers when Senator KENNEDY and other Democrats endorsed it in 1982 and 1985. And it is not a pay cut for private sector employees now.

We are coming together—Republicans and Democrats—to raise the minimum wage in this bill, and to do it with fairness for the employers who will be subject to this mandate. Let us also come together to give fairness to the employees who have been left out in the cold for 28 years. Let's give private employees the same right to arrange flexible work schedules as government employees. I urge my colleagues to support the Gregg amendment and, if it becomes necessary, the DeMint amendment.

Mr. GREGG. I yield back my time.

The PRESIDING OFFICER. Under the previous order, the Senator from Missouri is recognized for 10 minutes.

HEALTH CARE

Mrs. McCASKILL. Mr. President, I rise today to address a national crisis—health care. Over the past 6 years, the number of uninsured in this country has increased by 6 million people. Premiums have increased by 87 percent, compared to a 20-percent increase in wages. Our most vulnerable are being cut from the health care rolls. More and more are in fear that their existing coverage is inadequate and it would probably leave them bankrupt if, God forbid, someone in their family fell seriously ill or was injured. In other words, we are in pretty bad shape when it comes to health care in this country.

Needless to say, I was pleased President Bush finally acknowledged our worsening health care crisis during his State of the Union Address on Tuesday. While I was pleased with the acknowledgment, I was sorely disappointed with the plan he laid out.

In a nutshell, the President's plan would essentially further the tax burden on the middle class, hurt employees and the businesses of those who offer benefits, siphon funding from community-based health centers, and still leave 44 million Americans out in the cold when it comes to health care coverage.

On Tuesday, he presented this plan to the country. Today he is visiting my State, the great State of Missouri, to peddle his program, attempting to sell it to the heartland.

Although we will be a polite audience, the show-me State got its name for a reason. In Missouri, our Medicaid rolls were slashed as a result of budget decisions made on the State level, leaving nearly 100,000 additional Missourians without any health care coverage. Also in Missouri, over 25,000 children have lost their health care because of cuts to our children's insurance program. In Missouri, we now have over 600,000 citizens who have no health care coverage at all.

Initially I had high hopes that the President might offer a plan that would help the millions of Americans just like these Missourians who do not have any health care. I was certainly looking for the President to show me something a little different on Tuesday. I had hoped he might look to the successful reforms occurring in other States, such as those in Massachusetts and Vermont that expand access to care through risk pooling or the optimistic proposals that have been presented in California and Pennsylvania, to enhance State programs by creating similar pooling mechanisms. These plans focus on ways to make health care more affordable for every participant and increase accessibility for those who are uninsured or underinsured, which is often just as risky. These plans utilize options such as insurance risk pooling so that large groups of people can use their numbers as leverage to bring down the rates for everyone and protect those with existing conditions. As many of us who have family members suffering from high blood pressure, asthma, or even migraines know, these individuals may make their health care plan more susceptible to higher premiums or denials for coverage altogether.

Under the President's plan, folks can't work together for better rates or protect higher risk patients from denial. They are left to fend for themselves. Providers will take the low-risk participants, like skimming the cream off the top, and the rest are on their own as individuals in a very difficult insurance market.

To make matters worse, if an individual currently has a high premium because of a family member's health condition, because they are older or because they have simply just opted for the most comprehensive coverage, the

President's plan would only allow for a certain deduction, leaving them to foot the bill for a new tax increase. Let me say that again—a new tax increase that is not covered.

Let me make this very simple and very clear. The President's plan for health care embraces a tax increase for 30 million Americans. He will raise taxes on 30 million Americans while only adding 3 million Americans to the health care rolls. This is not a good bargain for the American people. It does nothing for the working poor. This plan is based on the idea of income tax deductibility. Obviously, if you are working poor, your income tax deductions are not meaningful to you. You don't have mortgage deductions. You don't have other deductions. You don't have the kind of income for which those deductions are even helpful. So this plan will increase taxes on 30 million Americans and will do nothing for the working poor who are uninsured in such large numbers.

We may know that the President wants to tax our health care for the first time, but he is masking that by telling the American people, like those in Missouri today, that he is offering a tax deduction. This tax deduction, of course, will end up favoring the most wealthy, while those at the bottom or the middle will not benefit as much. For example, a tax deduction of $15,000 as proposed in the President's plan would be worth over $5,000 for a family taxed at the higher bracket of 35 percent, the high-income earners of America, but for those in the 10-percent tax bracket, the poorer Americans, that deduction would only be worth $1,500.

Furthermore, employers who offer comprehensive health care would be encouraged to shift the responsibility to their employees. Even for employers who offer an increase in wages to compensate for the change, the individual market plans are more likely to cost more, be less comprehensive, and provide a greater risk of high premiums or denial of coverage for those who have existing conditions.

What may seem like a bargain today would not be a bargain in 10 years. In fact, all you have to do is look at the numbers in the President's plan. It will cost our Treasury money in the beginning, but it is estimated that 10 years from now there will be no cost. All you have to do is look at that to realize that this is not a plan which over the long run will bring stability to our health care system, accessibility to our health care system, or bring down health care costs.

As you can tell, I do not agree with forcing the middle class to shoulder another tax hike. With a minimum wage that has not increased in over a decade, these are the same people who are trying to afford to send their kids to college with ever-spiraling tuition costs, to fill their cars with gas and put food on the table. Wall Street might be seeing a boost in the economy, but these folks on Main Street have not seen it, and they need a break.

That is where I come down on this plan. Instead of asking the middle class to bear another cost to their pocketbooks, we ought to look at those big tax breaks to America's most wealthy. Let's look at these different options. Let's use the President's plan as an opportunity to have a discussion about the severity of the problems in the system and what we need to do to make it better. Let's ask the tough questions and examine what is out there. Let's look at why is it that the United States spends 16 percent of our income on health care but other wealthy countries do not spend more than 11 percent; why is it that we spend 34 percent of our health care dollars on administrative costs while other countries are only spending 19 percent; and why is it that American health insurance companies are insuring 4 percent fewer people in America between 2001 and 2005, yet they have added 32 percent more people to their payroll. Think about that for a minute. The health insurance companies are insuring 4 percent fewer people in their health insurance plans between 2001 and 2005, but in that same time they added 32 percent more people to their payroll. What are these additional people doing if they are insuring fewer people? Could it be that they are hiring more people to help them figure out ways to avoid paying health insurance claims? Let's find out why an American automotive giant passes on $1,500 in health care costs per car, while the Japanese automaker Toyota only passes on $110.

Bottom line: Families are hurt by health care costs. The vulnerable are at risk due to high health care costs, and businesses are struggling. Health care in this country has turned into a giant game of pass the buck. I, for one, can say that I thank President Bush for bringing our worst domestic nightmare out of the dark. But as my predecessor liked to say, the buck needs to stop right here.

I look forward to the many hours of debate we will need to have take place in order to get this right, and we cannot stop until we get there. The American people deserve this. In the meantime, I say to President Bush in Missouri, you need to show us more than this.

I yield the remainder of my time.

The PRESIDING OFFICER (Mr. SALAZAR.) The Senator from Arizona.

Mr. KYL. Mr. President, I direct a question to the chairman of the Finance Committee. Did he need to do some intervening business before I speak?

Mr. BAUCUS. Yes. I thank the Senator from Arizona.

The PRESIDING OFFICER. The Senator Montana.

AMENDMENT NO. 206 TO AMENDMENT NO. 100

Mr. BAUCUS. I ask unanimous consent that the pending amendment be temporarily set aside and I be allowed to call up my amendment, No. 206.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from Montana [Mr. BAUCUS] proposes an amendment numbered 206.

Mr. BAUCUS. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To express the sense of the Senate that Congress should make permanent the tax incentives to make education more affordable and more accessible for American families and eliminate wasteful spending, such as spending on unnecessary tax loopholes, in order to fully offset the cost of such incentives and avoid forcing taxpayers to pay substantially more interest to foreign creditors)

At the appropriate place insert the following:

SEC. ___. SENSE OF THE SENATE REGARDING PERMANENT TAX INCENTIVES TO MAKE EDUCATION MORE AFFORDABLE AND MORE ACCESSIBLE FOR AMERICAN FAMILIES.

It is the sense of the Senate that Congress should make permanent the tax incentives to make education more affordable and more accessible for American families and eliminate wasteful spending, such as spending on unnecessary tax loopholes, in order to fully offset the cost of such incentives and avoid forcing taxpayers to pay substantially more interest to foreign creditors.

AMENDMENT NO. 205

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. It is my understanding that under a previous order, I have 10 minutes to speak. I will speak on the amendment that until just a moment ago was pending, amendment No. 205, which is my amendment to this minimum wage bill to extend provisions of the Finance Committee bill from March 31 of next year through the end of next year.

The committee decided in its wisdom—and I note that it was a unanimous vote out of the committee, a bipartisan vote—that there were certain small business tax provisions that should be extended to help small business pay for the minimum wage increase we would be mandating by this bill. Most of the jobs are small business jobs that would be affected by the minimum wage. In fact, about 60 percent of those jobs are in the restaurant industry.

As a result, the Finance Committee took several provisions of existing law and created a couple of new provisions that enable these small businesses to write off their leasehold improvements or their owner improvements either in a shorter period of time than they had been previously allowed under the code or, in the case of new improvements, a 15-year period which would be consistent for all these entities, whether they be restaurants or leasehold improvements or other new construction. This makes sense under the Tax Code since one needs to conform a new building that is built with leasehold improvements. If you are talking about a restaurant, for example, what you build in terms of new counters or new kitchen facilities is going to be the same for both. The writeoff period should be the same, a consistent 15-year period in this case. Certainly the Presiding Officer can appreciate the need to be able to make improvements to a restaurant kind of facility and be able to write those improvements off in a meaningful time under the Tax Code.

This was not a matter of debate. The members of the Finance Committee agreed unanimously that this was good policy. But the policy was only extended through the end of March of next year. The reason was that the committee was committed to offsetting the cost—that is to say the loss of revenue to the Treasury—with some other way of raising revenue to equal that revenue which was lost. The so-called pay-for requirement, requiring members of the committee to find a way to pay for the tax loss, inhibited my amendment which would have extended these provisions for an additional 9 months through the end of the year.

We now have found ways to pay for this additional extension and to simplify it. What my amendment does is to take these same provisions that are in the Finance Committee bill and extend them, not just through the end of March of next year but through the end of December next year. That obviously allows businesses to be able to plan better, and if they can plan better, they can help to add to their facilities, create new facilities, create new jobs. And, of course, what we ought to be doing to enable small businesses to pay a minimum wage increase is to be creating more business, more jobs earning more income so they can afford to pay this minimum wage.

Another reason I offered the amendment was that there is an imbalance in the Finance Committee product. One provision out of the Finance Committee actually was extended for a period of 5 years. This is the work opportunity tax credit. This is mostly—in fact, one witness said about 95 percent of the value of this work opportunity tax credit is enjoyed by big businesses because they can afford to hire the lawyers and accountants to figure out how to comply with the provision. So this work opportunity tax credit—the value of that is mostly something that is enjoyed by the bigger businesses. That provision was extended 5 years.

All of these provisions to help the small businesses were only extended through March of next year. We believed that was very much out of balance. My amendment doesn't impact this 5-year extension of the work opportunity tax credit, but what it does do is at least it brings these other tax benefits up to the end of next year rather than just the end of March of next year. So we make it slightly more beneficial for small businesses and therefore somewhat improve their ability to pay for the minimum wage increase.

I would argue that something like we have done here, that is, a temporary extension of a tax benefit, should not have to be "paid for" with a permanent change in tax policy. That makes no sense. But the chairman of the committee ruled my amendment would have been out of order without such a so-called pay-for, so I withdrew the amendment in committee and now have reoffered it with a pay-for. It is change in permanent tax policy.

At this moment, my staff is meeting with the staff of the committee chairman and ranking member on the committee to see if there is some way we can agree to pay for this modest extension with tax policy on which we can all agree and not have to have a debate about. If we can do that, obviously that would be my preference, and perhaps we can have a vote that can be accommodated here very quickly. If staff is not able to agree on what that pay-for is and we have to go forward with the one I offered, we certainly want to do that. We want to have that vote as soon as possible this afternoon. I will briefly describe what it is. There may be some slight error in the way I describe it because I will, instead of reading it, explain it the way I understand it.

Currently, the Tax Code would allow a discrimination between certain kinds of—different people receiving free tuition at a university, for example. If you work for a company and that company says: We will send your child to school free, we will pick up the tuition, you have to pay the tax on that benefit, it is a taxable benefit to you. Let's say the tuition cost is $10,000, and your company gives you the $10,000 to pay for your child, though you have to pay the taxes on that. But if you are a university professor and your child wants to go to school, in many cases, the school waives the tuition for your child. Right now, you don't have to pay the tax on that. That is clearly discriminatory. The Joint Tax Committee has recommended in a report that deals with the so-called tax gap several provisions or loopholes that need to be closed. This is one of those so that the Tax Code would treat everybody the same. If you have tuition waived at a school, for example, it doesn't matter whether you are the principal of the school, a teacher, or you are an employee of another corporation that is paying for it; in any event, the tax treatment is the same: You would be taxed on that particular benefit. That is a fairer treatment than the current code. As I say, it was recommended by the Joint Tax Committee as part of this tax gap series of recommendations to enable the Internal Revenue Service to collect taxes fairly and try to ensure that when the code is administered, it treats all taxpayers the same.

As I said, if there is a concern about that and the majority would like to work with us to try to find a different way to offset the cost of our modest provision, we would be delighted to work with them. I appreciate the willingness of the chairman of the committee to do exactly that.

So if I could summarize, in my own words, all my amendment does is to take the provisions of the Finance Committee bill that passed out of the committee unanimously, that extends for small businesses certain tax benefits through the end of March of next year and extend those through the end of next year, December 31 of next year. That is the sole effect of the amendment. I think it is something we can all agree is good policy and would help to pay for the minimum wage increase we are imposing on the small businesses of our country.

The Congressional Budget Office estimated that the minimum wage increase would impose $4 billion in new costs on the private sector in 2009 and $5.7 billion in 2010, with the increased costs extending at roughly $5 billion each year. Small businesses would incur the bulk of these costs, with restaurants subject to 60 percent of those costs.

Therefore, it is responsible to combine the minimum wage increase with tax provisions that will help these small businesses weather the financial blow of the increase. That's why I am introducing my amendment to extend three tax incentives that are designed to encourage business investment and job creation in areas where the impact of the minimum wage increase will be felt most.

There are three provisions. The first amends current law and is a 15-year recovery period for leasehold improvements and restaurant renovations. The second, new provision, is a 15-year recovery period for new restaurant construction. The third, also new, is a 15-year recovery period for retail improvements

The base bill extends current law by 3 months, through the first quarter of 2008. My amendment extends the timeperiod during which renovations to leaseholds or restaurants must be completed through the end of 2008 will enable more businesses to plan renovations that will help them improve and expand their business operations.

Regarding my provision on restaurant construction, there is no policy justification for providing a 39-year depreciation recovery period for new construction, but giving renovations the 15-year treatment. The floor, walls, or restrooms installed in a new building are the same quality as full-scale renovations and will suffer the same wear and tear. Further, convenience stores—a direct competitor of quick service restaurants—are allowed to use a 15-year depreciation schedule for all construction this treatment is permanent law for convenience stores. Ideally, all of the accelerated depreciation provisions we are considering should be permanent too. By allowing restaurateurs to deduct the cost of renovations and new construction on a shorter schedule, many more restaurant owners will be in a position to grow their businesses and continue to create more jobs. By definition, encouraging more new restaurants to be built means more new restaurant jobs. This is important, because the restaurant industry is uniquely impacted by a minimum wage increase. Of the nearly 2 million workers earning the minimum wage, 60 percent work in the food service industry. Further, the last time Congress increased the minimum wage, 146,000 jobs were cut from restaurant industry payrolls, according to the industry.

Regarding the provision on retail improvements, The Small Business and work Opportunity Act of 2007 provides 15-year recovery period for improvements made to owner-occupied retail spaces, thus putting these establishments on the same footing as the leasehold improvements through the first quarter of 2008. The Kyl amendment would extend it through the end of 2008. Again, extending this treatment through 2008 makes it more likely businesses can take advantage of the incentive.

Some have asked questions about the offset for these provisions. Although I don't believe we need an offset, this one does the following: It eliminates the present—law exclusion from gross income and wages—meaning income and payroll taxes for qualified tuition reductions under section 117(d) of the Tax Code. The proposal would be effective for taxable years beginning after December 31, 2006.

I don't question whether a university or prep school wants to provide free tuition as an employment perk for a professor or chancellor. But it makes little sense that the rest of the taxpayers in this country have to subsidize that free tuition. Senators must clearly understand, if a small business wanted to give its employees' children free tuition at the local college, amounts over $5,000 would be a taxable benefit. And that is the right tax policy. To allow a college to provide the same benefit and have it competely tax-free is unfair. And again, this amendment does not eliminate the free tuition benefit.

Finally, let me reiterate that if we are going to increase the minimum wage, it must be combined with responsible tax relief to ensure that we maintain our strong and growing economy. Mr. President, the scale of this tax relief does not represent what we should be passing today. This is a modest proposal, and I urge my colleagues to approve it.

AMENDMENT NO. 207 TO AMENDMENT NO. 100

Mr. BAUCUS. Mr. President, I ask unanimous consent that the pending amendment be temporarily set aside and that I be allowed to call up my amendment No. 207.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Montana [Mr. BAUCUS] proposes an amendment numbered 207 to amendment No. 100.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

AMENDMENT NO. 207

(Purpose: To express the sense of the Senate that Congress should repeal the 1993 tax increase on Social Security benefits and eliminate wasteful spending, such as spending on unnecessary tax loopholes, in order to fully offset the cost of such repeal and avoid forcing taxpayers to pay substantially more interest to foreign creditors)

At the appropriate place insert the following:

SEC. . SENSE OF THE SENATE REGARDING REPEAL OF 1993 INCOME TAX INCREASE ON SOCIAL SECURITY BENEFITS.

It is the sense of the Senate that Congress should repeal the 1993 tax increase on Social Security benefits and eliminate wasteful spending, such as spending on unnecessary tax loopholes, in order to fully offset the cost of such repeal and avoid forcing taxpayers to pay substantially more interest to foreign creditors.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the time until 2:05 p.m. today be for the debate on the Baucus amendment No. 207 and the Bunning amendment No. 119 and that the time run concurrently on both amendments, with the time equally divided and controlled between Senators BAUCUS and BUNNING; that at 2:05 p.m., the Senate proceed to vote in relation to the Baucus amendment, to be followed by a vote in relation to the Bunning amendment; with 2 minutes of debate equally divided between the votes; with no second-degree amendment in order to either amendment prior to the vote.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, I urge my colleagues to support my amendment No. 207 which was just reported. This is essentially a substitute amendment to the Bunning amendment No. 119.

My amendment is quite simple. It says that Congress should repeal the 1993 tax on Social Security benefits and eliminate wasteful spending such as spending on unnecessary tax loopholes—and I might say there are many of those—in order to fully offset the cost of such repeal. My alternative also explains that if we do not fully offset the cost of repeal, we will be paying substantially, among other things, more interest to foreign creditors because we will be not paying for it, essentially—and so increasing the deficit, essentially.

This amendment of mine, the alternative, I think is the better amendment. Why? Because we have to be concerned about fiscal discipline. Unlike the underlying small business tax package reported out by the Finance Committee, the Bunning amendment is not paid for. Indeed, to repeal this provision now, as Senator BUNNING proposes, would drain over $200 billion from the Treasury over the next 10 years.

Furthermore, the Bunning amendment would eliminate a dedicated source of revenue for Medicare. As my colleagues on the other side of the aisle know, we recently set up a trigger to warn us when 45 percent of Medicare funding comes from general revenues and, of course, the Bunning amendment would move us closer to that trigger point.

The dedicated funding source that would be eliminated by the Bunning amendment helps pay for hospitals, nursing care, home care services for the elderly, all paid for by Medicare. I think a drastic reduction in that funding source, that is $200 billion worth, would impair the Federal Government's ability to pay for hospital and nursing home care under Medicare.

Furthermore, a loss of revenue such as that in the Bunning amendment will make it even more difficult for us because it fails to address long-term solvency and, in fact, makes long-term solvency of Social Security more in peril, not less. Such a change as Senator BUNNING proposes is not paid for and would do great harm to both Social Security and to Medicare.

I strongly urge my colleagues to think carefully. There is an option to vote for the Baucus amendment and an option to vote on the Bunning amendment. The first vote would be on the Baucus amendment. The Baucus amendment is more in the nature of a sense of the Senate, and I think it is the better course because, clearly, if we are to reduce the taxes Senator BUNNING proposes in his amendment, we have to do it thoughtfully and not in a way that is not paid for, in a way that threatens and imperils not only the deficit but also Medicare and Social Security.

Mr. President, I see my colleague on the floor now, and I yield the floor so my colleague can speak.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

AMENDMENT NO. 119

Mr. BUNNING. Mr. President, we will be voting on two amendments shortly, both dealing with the 1993 tax placed on Social Security benefits. First, let me point out I am pleased the other side apparently agrees with me that these taxes need to be repealed. However, only one amendment which we will be voting on today actually does that, and that is my amendment.

My amendment, the Bunning amendment, would actually repeal the unfair tax on senior citizens and provide relief. The amendment proposed by my good friend, Senator BAUCUS, would not actually do anything. It is simply a sense of the Senate.

This issue is fairly simple. When the Social Security program was created, benefits were not taxed at all. However, since then, Congress twice has added taxes on these benefits for supposedly wealthy seniors. In 1993, a tax was placed on 85 percent of seniors' Social Security benefits if their income was above $34,000, if they were single, or $44,000 for a couple. Those are wealthy seniors. These numbers aren't indexed to inflation. So what has happened is more and more senior citizens are affected by them each year.

My amendment is fairly simple. It repeals the tax starting in 2008. Seniors would not have to pay this additional tax. The amendment for the other side is the type of thing known in the real world as a cover-your-backside amendment. It does not give America's senior citizens a tax cut. All it does is provide political cover. It is a sense of the Senate which says that Congress should repeal the 1993 tax. We all know that a sense of the Senate amendment doesn't really mean anything. It cannot be enacted into law. Congress never has to consider the issue again. But our seniors will still be paying this tax.

My amendment actually repeals the 35-percent increase that was put on seniors in 1993. I think this issue is important enough to act on immediately. My amendment would do that. If my amendment were to become law, the seniors would see the tax decrease on January 1, 2008. It will happen instead of playing political games. The sense of the Senate amendment basically thumbs its nose at American seniors. If it passes, we are saying that although we agree the 1993 tax should be repealed, we aren't going to do anything about it. A vote for the Bunning amendment is a vote for a tax decrease on America's working seniors, on January 1, 2008; that is the date, no ifs, ands or buts about it.

As for paying for the amendment, the amendment is paid for. It is paid for exactly like a lot of other things we pay for in this body: out of general fund dollars. We fund the Medicare Part A system generally out of general fund dollars. Our good friend from Montana has suggested there is a trigger mechanism, when we get close to a certain figure, on paying for Medicare Part A out of general fund dollars, and that is true. But the fact is, over a 10-year period, at about $20 billion a year, our senior citizens will have relief from this unbelievable 35 percent increase on seniors that we put on them in 1993. I think it is about time we stop fooling with it and actually do the job and repeal the tax of 1993. I would like to see that done today.

Mr. BAUCUS. Mr. President, how much time remains on my side?

The PRESIDING OFFICER. There is 5½ minutes.

Mr. BAUCUS. I yield the remainder of our time to the Senator from Maryland, Mr. CARDIN.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Mr. CARDIN. Mr. President, let me take us back to 1993 because I had the opportunity, in 1993, to serve with Senator BUNNING in the other body, and we were both on the Ways and Means Committee in which this legislation originally was considered.

The tax on Social Security was increased for two reasons. It was done because we wanted to be fiscally responsible and have adequate revenues to pay our bills. But it was done for a second reason, and that is to shore up the Social Security and Medicare trust funds so there would be adequate money in the funds to pay for benefits. We wanted to be responsible. But there was another reason as well. There was another rationale as to why the tax was increased to that rate, and that is to make it more comparable to the tax treatment of private pensions, as to the amount of money the individual has already paid taxes on and that which the individual has not paid taxes on. So there was rationale for what was done in 1993. I wish to make sure that is clear in the record.

But the reason I oppose my friend's amendment, Senator BUNNING's amendment, is for three basic reasons. First, this amendment will add $200 billion more to our national debt if it were passed. It would increase our deficit by that amount of money, and all of us are interested in balancing the Federal budget and moving toward balancing it, not making the gap wider. We talk about fiscal responsibility, we talk about pay-go, we talk about other rules. Well, let's start with the amendments we are considering.

The second reason is I think we have to be concerned about taking our general funds and putting them into the Medicare trust fund. I think that is an issue we should be very concerned about. For the sake of our Medicare system, Medicare Part A is financed through our payroll tax and through the tax on the extra 35 percent. That is dedicated funding sources our seniors can depend upon to be there for their Medicare system. The Bunning amendment takes some of that money out and says: We will use our general funds to pay for it. I say to my colleagues, seniors are going to be a lot safer by knowing we have a dedicated revenue source that goes into Medicare rather than relying on the transfer of funds into the Medicare system.

So for the sake of our seniors and the Medicare system and for fiscal responsibility, we should defeat the Bunning amendment. All of us want to provide sensible tax policies for our constituents, but let's do it in an orderly way.

This is interesting: I didn't think I would ever say this, but in the Constitution, tax bills are supposed to originate in the other body, and we are not following that order today by considering a tax issue on the minimum wage bill. We would have been better off to keep this bill limited to the minimum wage and consider tax issues when we legitimately have that issue before this body.

I urge my colleagues to reject the Bunning amendment.

Mr. President, I yield the floor.

Mr. BUNNING. How much time do I have?

The PRESIDING OFFICER. The Senator has 3 minutes 40 seconds.

Mr. BUNNING. First of all, as my good colleague with whom I spent 12 years, 8 of which were spent on the Ways and Means Committee—as my colleague knows, the House always has the opportunity to blue-slip the bill if they do not like it because it has tax provisions added that originated in the Senate. They have a chance to blue-slip if they don't like the provisions. So we will send it to the House and see what they do with it. So that argument is not sound basically.

If we want to balance the Federal budget, I suggest we not do it on the backs of our senior citizens. That is what my good colleague from Maryland is asking Members to do. I am asking that our seniors, our most vulnerable people in society, those who are so wealthy at $33,000 worth of income, who have to pay and get their Medicare furnished to them by the Federal Government, I ask that they not be asked to burden another 35 percent increase, which they have been asked to do since 1993. I don't think it is fair to ask our senior citizens to carry that burden when the younger Americans, who pay the bulk of our taxes, are those who should be asked to pay the burden.

One thing I want to make sure Members understand when they vote on this amendment is, never in the history of this tax has one penny of it ever gone into the Social Security system—not one penny—since 1993. It has all been dedicated to Medicare Part A. It has only been dedicated to Medicare Part A because it was sinking. Then we raised the cap to allow uncapped provisions to fund Medicare Part A since 1993. So where we capped Social Security benefits at a certain level, Medicare Part A and Medicare taxes have been uncapped. If you make $5 million a year, you pay a portion of that in a tax to the Medicare system.

Let's be honest. My amendment is the only real amendment that repeals the 1993 tax on the Social Security benefits that senior citizens receive each month, at the end of the month or the first of the month. This is the only time we will get a chance to vote on this issue. Maybe we will get another tax bill before the Senate this year. I guarantee if this goes down, we will revisit this again in a later bill; it is that important.

Our seniors are struggling to pay their bills, as is everyone else in America. A tax reduction for them, 35 percent on their Social Security benefits—if they saved any money, we are going to penalize them if they have saved a little bit for retirement. That makes no sense at all when we encourage savings every day. Now we are going to penalize them with their Social Security benefits because they have an income of $34,000 or $44,000?

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

VOTE ON AMENDMENT NO. 207

Mr. ENZI. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Connecticut (Mr. DODD), the Senator from Hawaii (Mr. INOUYE), and the Senator from South Dakota (Mr. JOHNSON) are necessarily absent.

Mr. LOTT. The following Senators were necessarily absent: the Senator from Missouri (Mr. BOND), the Senator from Oklahoma (Mr. COBURN), the Senator from Alaska (Mr. STEVENS), and the Senator from Wyoming (Mr. THOMAS).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 93, nays 0, as follows:

[Rollcall Vote No. 27 Leg.]

YEAS—93

Akaka
Alexander
Allard
Baucus
Bayh
Bennett
Biden
Bingaman
Boxer
Brown
Brownback
Bunning
Burr
Byrd
Cantwell
Cardin
Carper
Casey
Chambliss
Clinton
Cochran
Coleman
Collins
Conrad
Corker
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Dorgan
Durbin
Ensign
Enzi
Feingold
Feinstein
Graham
Grassley
Gregg
Hagel
Harkin
Hatch
Hutchison
Inhofe
Isakson
Kennedy
Kerry
Klobuchar
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Martinez
McCain
McCaskill
McConnell
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Sanders
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Sununu
Tester
Thune
Vitter
Voinovich
Warner
Webb
Whitehouse
Wyden

NOT VOTING—7

Bond
Coburn
Dodd
Inouye
Johnson
Stevens
Thomas

Mr. LEAHY. I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Montana.

AMENDMENT NO. 119

Mr. BAUCUS. Mr. President, might I inquire, what is the regular order?

The PRESIDING OFFICER. Two minutes of debate equally divided on the Bunning amendment.

The Senator from Kentucky is recognized.

Mr. BUNNING. Well, Mr. President, we just passed a sense-of-the-Senate amendment that does nothing to reduce the tax on our senior citizens. Our good friends always say they want to only tax millionaires, but it always ends up the same way, with higher taxes on millions—millions of workers, millions of families, millions of small businesspeople, and now, here again, millions of our senior citizens.

If you actually want to reduce the tax, you must vote for the Bunning amendment because that is the only amendment that actually removes the 35-percent increase we put on our senior citizens in 1993. So I urge a "yes" vote on the Bunning amendment.

The PRESIDING OFFICER (Mr. NELSON of Nebraska). The Senator from Montana.

Mr. BAUCUS. Mr. President, I oppose the Bunning amendment. It is a perfect example of why we do things in committee; namely, here we are on the Senate floor. This is an amendment that raises the budget deficit by $200 billion. It has never been discussed. We haven't taken it up in the Finance Committee. That is not a good way to legislate.

Second, it has the adverse consequence of increasing the deficit by $200 billion. That is not a good thing to do, with all the ramifications that an increase of $200 billion in the deficit will have. I strongly oppose the amendment.

Remember, the way to work legislation, generally, is through committees, as much as we possibly can. That way we will get a better product. My goal in the Finance Committee is to work as a committee. If we work as a committee, we are more likely to get better legislation rather than ad hoc legislation out here on the floor of the Senate.

I urge opposition to the amendment.

Mr. President, I raise a point of order that the pending amendment violates section 505(a) of H. Con. Res. 95, the concurrent resolution on the budget for fiscal year 2004.

Mr. BUNNING. Mr. President, I move to waive the applicable provisions of the Budget Act and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Connecticut (Mr. DODD), the Senator from Hawaii (Mr. INOUYE), and the Senator from South Dakota (Mr. JOHNSON) are necessarily absent.

Mr. LOTT. The following Senators were necessarily absent: the Senator from Missouri (Mr. BOND), the Senator from Oklahoma (Mr. COBURN), the Senator from Alaska (Mr. STEVENS), and the Senator from Wyoming (Mr. THOMAS).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 42, nays 51, as follows:

[Rollcall Vote No. 28 Leg.]

YEAS—42

Allard
Bennett
Brownback
Bunning
Burr
Chambliss
Cochran
Coleman
Collins
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Ensign
Enzi
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lott
Lugar
Martinez
McCain
McConnell
Murkowski
Nelson (NE)
Roberts
Sessions
Shelby
Smith
Specter
Sununu
Thune
Vitter
Warner

NAYS—51

Akaka
Alexander
Baucus
Bayh
Biden
Bingaman
Boxer
Brown
Byrd
Cantwell
Cardin
Carper
Casey
Clinton
Conrad
Corker
Dorgan
Durbin
Feingold
Feinstein
Harkin
Kennedy
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
McCaskill
Menendez
Mikulski
Murray
Nelson (FL)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sanders
Schumer
Snowe
Stabenow
Tester
Voinovich
Webb
Whitehouse
Wyden

NOT VOTING—7

Bond
Coburn
Dodd
Inouye
Johnson
Stevens
Thomas

The PRESIDING OFFICER. On this vote, the yeas are 42, the nays are 51.

Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained and the amendment falls.

Mr. ENZI. Mr. President, quickly, for the benefit of my fellow Senators, we are trying to get as much done as possible. I appreciate the cooperation we have had. Usually the problem managers have is getting people to offer amendments. We have many amendments that have been offered. We need to get votes on them. Some are: Senator SMITH's on education tax incentives, which I think we will have in a moment; VITTER's on paperwork violations; KYL's on extended depreciation provisions; SESSIONS' on Federal contract torts; BURR's on more flextime; DEMINT's on involuntary donation collections, and an amendment regarding American Samoa. A lot of them are ready to go. If we lock in limited debate time and get votes, it will be helpful. I hope we move forward on that.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. DORGAN. Mr. President, I have been listening to this debate. I am curious and somewhat disappointed that we have not been able to move to a conclusion. This is, after all, a vote on the minimum wage. It has been nearly 10 long years since the minimum wage has been increased, and my hope is that we have a number of amendments, debate, and be able to move this legislation forward. It now seems obvious to me this is not a priority for some.

In 1916, a man named James Fyler died of lead poisoning. That is a different way of saying he was shot 54 times. He was shot 54 times because he believed people who went underground in this country to mine for coal should be paid a fair wage and work in a safe workplace. He lost his life for that. We fought for a century for the rights of workers in this country—for the right to organize, to work in a safe workplace, for child labor laws—a whole series of things that have made life better for workers. Some are at the bottom rung of the economic ladder.

Some in this Chamber have said those are just teenagers. That is not true. Some teenagers certainly do work at the minimum wage. But well over 70 percent of those working at minimum wage are adults; 60 percent of them are women, and for one-third of them, it is the sole income for their families. Many are working two and three jobs trying to make ends meet. They make the beds in the hotels and motels. They work at the counter of the convenience store when you stop to get gas, or get some candy or something at the convenience store. They are the people we see every day. They are working at the minimum wage that has been the same for 10 long years.

I said this morning that it is puzzling to me how quickly and easily legislation moves through this Chamber when it supports the big interests. If it is a $104 billion benefit to allow big companies to repatriate income they have made abroad by, in many cases, moving their jobs abroad and being able to bring their income back and pay a 5¼ percent income rate—yes, this Congress did that. We said bring that income back and you get to pay a 5¼ percent income tax rate. How many Americans would like to pay 5¼ percent on their income taxes? Nobody gets to do that. Some of the biggest enterprises in this country—names everybody would recognize—were told by this Congress a couple years ago that you can bring all that money back and pay 5¼ percent income taxes. Yes, you moved your jobs overseas and decided to get rid of your American workers, close your American plants, and hire foreign workers; but when you bring your income back, we will tax you at just 5¼ percent.

What a deal, bargain basement tax rates. That went through the Congress like greased lightning. Do you think anybody was blocking that? Well, Fritz Hollings, who used to sit back here, was trying to, and I was. The fact is it moved through here as quick as anything you have ever seen because it represented the big interests. Now all of a sudden people who work at the minimum wage have their issue on the floor of the Senate. Is the hallway clogged with people demanding a vote on the minimum wage out there? Is anybody in the hallway in the front of this building representing people who work on the minimum wage? No, I am afraid not. Is this Congress moving as quickly on behalf of the little guy as it is for the big guy? I am afraid that is not the case.

I mentioned this morning the lyrics in Bob Wills' and the Texas Playboys' song some 70 years ago. It plays out all the time, yes, here in the Chamber of the Senate: "The little guy picks the cotton and the big guy gets the money; the little bee sucks the blossom and the big bee gets the honey."

One wonders whether on this issue, as simple as it is, if maybe we can get to a vote, for Members of the Senate to stand up and answer the question: Whose side are you on? Maybe we can get enough to stand up to say I am on the side of the people who are working for a living, working hard, working two and three jobs at minimum wage, without an adjustment to that minimum wage in nearly 10 years, during which time the value of the purchasing power of that minimum wage has dramatically eroded. One wonders whether we can get a majority of the Senate, or 60 Senators, to stand up and say let's do this. It could not be done that way, so it was brought to the floor with tax breaks for business.

Look, I am a big supporter of big business. They represent an engine of opportunity for this country and create jobs. I support businesses. Almost all of the things in this bill, such as expensing—I have been involved, as have other colleagues, in trying to provide more expensing opportunities for businesses. I have voted for that many times, and will again. But it doesn't belong on this bill. As a price, apparently, for bringing this bill to the floor, it has to have tax breaks for businesses. Even with that, we cannot get it passed; even with that, we are sitting here day after day waiting to see whether the Senate will decide to increase the minimum wage for those folks working at the bottom of the economic ladder.

Well, Mr. President, it is an interesting thing to watch—this process of legislating. Everybody talks about watching sausage being made and watching legislative processes in work, and I understand it is difficult, not easy. I understand these issues are, in many cases, controversial. But this ought to be the first baby step in the direction of fairness for these workers. We, after all, live in a time now of what is called the "global economy," where there is downward pressure on income for American workers.

Former Vice Chairman of the Federal Reserve Board Alan Blinder said, with respect to the pressure on American workers, that there are 42 million to 56 million American jobs that are tradeable and, therefore, outsourceable. We have lost 3 million jobs to overseas factories, where you can hire somebody for 33 cents an hour, and he said there are 42 million to 56 million more. This is not somebody who is radical. This is a former vice chairman of the Federal Reserve Board. He said not all of those jobs will leave our country, but those that remain will have downward pressure on income because they are competing with people in China, Sri Lanka, and Bangladesh, who work for 30 cents or 40 cents an hour.

There are 250 million workers who are kids age 5 to 14. Our workers are told to compete with that. You cannot. There is downward pressure on income of people in this country.

This bill deals with one part of that—the workers at the bottom of the economic ladder, those who get up in the morning and are trying to get their kids ready for school, and trying to figure out how to put gas in the tank of the car to drive to work; and they work 8 hours and they earn a little over $40. I said this morning, what about a maximum wage? We have trouble getting a minimum wage through the Congress. George Will, that columnist who writes in the Washington Post, says the minimum wage ought to be zero. Of course, it never would affect him, so it is easy for him to write that it ought to be zero. He would like to take us back, I assume, just as we had great debate when the Fair Labor Standards Act was created and people said that is socialism, but it was standing up for workers, requiring employers to keep track of hours of work, overtime, and provide basic protections for workers. So some people think the minimum wage ought to be zero.

Well, what about a maximum wage? I am not suggesting there ought to be a maximum wage, but has anybody come to the floor to express outrage when you read that the CEO leaving Exxon Corporation was making $150,000 a day? Yes, that is right—a wage or income of a CEO of a corporation was $150,000 a day. Think of that. Did anybody come and complain about that? No, we just have columnists and colleagues complaining about somebody who might earn a few bucks an hour. Sixty percent of them are women, as I said, with children; 6 million children live in families supported by the minimum wage. So the question, I guess, that I ask at the moment is not whether we support small business—I certainly do, and I will in the rest of this Congress support the kinds of things that will be helpful to small businesses, which are engines of growth and opportunity. That is not the question. The question is, are we going to increase the minimum wage at this point? It appears there is this unbelievable snail's pace in the Senate. Glaciers move faster than this Chamber sometimes. Nobody ever accused the Senate of speeding, but this is something quite different. I am hoping that very soon—I know the folks who have been managing this bill join this hope—we can decide we have had enough amendments about things that have nothing to do with anything about the workers at the bottom of the ladder. And maybe we can get a vote to say as a Chamber, as the House has done without extraneous matters attached to it, that we stand for workers who have been working at the bottom of the economic ladder and have not had an adjustment in 10 years; that we stand for them and believe it is important to have this adjustment. We believe it will be good for our country. I hope that happens sooner rather than later.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

AMENDMENT NO. 113

Ms. COLLINS. Mr. President, I ask for the regular order with respect to amendment No. 113.

The PRESIDING OFFICER. That amendment is pending.

AMENDMENT NO. 204 TO AMENDMENT NO. 113

Ms. COLLINS. Mr. President, on behalf of Senator WARNER, Senator SMITH, and myself, I call up a second-degree amendment, amendment No. 204, which is at the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Maine [Ms. COLLINS], for herself and Mr. WARNER, proposes an amendment numbered 204 to amendment No. 113.

Ms. COLLINS. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To amend the Internal Revenue Code of 1986 to permanently extend and increase the above-the-line deduction for teacher classroom supplies and to expand such deduction to include qualified professional development expenses)

On page 2 of the amendment, strike lines 1 through 7, and insert the following:

(b) EXPANSION OF ABOVE-THE-LINE DEDUCTION FOR CERTAIN EXPENSES OF ELEMENTARY AND SECONDARY SCHOOL TEACHERS.—

(1) IN GENERAL.—Subparagraph (D) of section 62(a)(2) (relating to certain trade and business deductions of employees) is amended to read as follows:

"(D) CERTAIN EXPENSES OF ELEMENTARY AND SECONDARY SCHOOL TEACHERS.—The deductions allowed by section 162 which consist of expenses, not in excess of $400, paid or incurred by an eligible educator—

"(i) by reason of the participation of the educator in professional development courses related to the curriculum and academic subjects in which the educator provides instruction or to the students for which the educator provides instruction, and

"(ii) in connection with books, supplies (other than nonathletic supplies for courses of instruction in health or physical education), computer equipment (including related software and services) and other equipment, and supplementary materials used by the eligible educator in the classroom.".

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to taxable years beginning after December 31, 2006.

Ms. COLLINS. Mr. President, the second-degree amendment that Senators Warner, Smith, and I are offering increases a deduction for schoolteachers and other educators that is in current law. Our amendment would increase this deduction to $400 and make it permanent. This tax deduction is available to schoolteachers and other educators who incur out-of-pocket expenses in order to purchase classroom supplies for their students. It would also allow this above-the-line tax deduction for expenses related to professional development.

This amendment builds on a $250 tax deduction in current law that Senator WARNER and I authored in 2001. It became law that year as part of the tax relief package. The tax relief provided by that act to schoolteachers and other educators was later extended through the end of this year, but we need to act to extend it further, and I suggest there is no reason we shouldn't just go ahead and make it permanent. Teachers who buy classroom supplies in order to improve the educational experience for their students deserve more than just our gratitude. They deserve this modest tax incentive to thank them for their hard work.

So often, teachers in my State and throughout the country spend their own money to improve the classroom experience of their students. Many of us are familiar with the survey of the National Education Association that found that teachers spend on average $443 a year on classroom supplies. Other surveys show they are spending even more than that. In fact, the National School Supply and Equipment Association has found that educators spend an average of $826 to supplement classroom supplies, plus $926 for instructional materials on top of that—in other words, a total of $1,700 out of their own pockets.

In most States, including mine, teachers are very modestly paid for their jobs, and I think it is so impressive that despite challenging jobs and modest salaries, teachers are willing to dig deep into their own pockets to enrich the classroom experience because they care so deeply for their students. Indeed, I have spoken with dozens of teachers in Maine who tell me they routinely spend far in excess of the $250 deduction limit that is in current law. I have made a practice of visiting schools all over Maine. In fact, I have visited more than 160 schools in my State. At virtually every school I visit, I find teachers who are spending their own money to benefit their students. Year after year, these teachers spend hundreds of dollars on books, bulletin boards, computer software, construction paper, stamps, ink pads—everything one can think of. Let me just give a couple of examples. For example, Anita Hopkins and Kathi Toothaker, who are elementary school teachers in Augusta, ME, purchased books for their students to have a classroom library, as well as workbooks and sight cards. They also purchased special prizes for positive reinforcement for their students. Mrs. Hopkins estimates that she spends between $800 and $1,000 of her own money on extra materials to make learning more fun and to create a stimulating classroom environment.

I have proposed that we also expand the uses for this tax deduction. We should make it available for teachers who incur expenses for professional development. We hear a lot of discussion when the provisions of No Child Left Behind are debated about the need for highly qualified teachers. One of the best ways for teachers to improve their qualifications is through professional development. Yet in towns in my State—and I suspect throughout the country—school budgets are often very tight and money for professional development is either very small or nonexistent. So what I think we should do is to allow this tax deduction to also apply when a teacher takes a course or attends a workshop and has to pay for it out of his or her own pocket.

In my view, it is the students who are the ultimate beneficiaries when teachers receive professional development to sharpen their skills or to teach them a new approach to presenting material to their students. Studies consistently have shown that other than involved parents, the single greatest determinant of classroom success is the presence of a well-qualified teacher, and educators themselves understand just how important professional development is to their ability to make a positive impact in the classroom.

The teacher tax relief we have made available since 2001 is certainly a positive step, and I was very proud, along with Senator WARNER, to have authored that law. This amendment would increase that deduction from $250 to $400, reflecting more accurately what teachers really do spend, and it would also make it permanent.

The National Education Association, the NEA, has endorsed this amendment. I ask unanimous consent that a copy of the NEA's letter be printed in the RECORD at the conclusion of my statement.

The PRESIDING OFFICER (Ms. KLOBUCHAR). Without objection, it is so ordered.

(See exhibit 1.)

Ms. COLLINS. Madam President, this amendment is a small but appropriate means of recognizing the many sacrifices our teachers make every day to benefit the children of America.

I thank the Senator from Oregon for working with me on this amendment. It is my understanding that it is acceptable to him. It builds on the many positive provisions he has in his amendment. He is a cosponsor of the amendment. He has been a real leader on educational issues.

Shortly, I am going to ask that the amendment be adopted.

EXHIBIT 1

NATIONAL EDUCATION ASSOCIATION,
Washington, DC, January 24, 2007.

Senator SUSAN COLLINS,
Senator JOHN WARNER,
U.S. Senate,
Washington, DC.

DEAR SENATORS COLLINS AND WARNER: On behalf of the National Education Association's (NEA) 3.2 million members, we would like to express our strong support for your legislation that would increase, expand, and make permanent the tax deduction for educators' out-of-pocket classroom supply expenses. We thank you for your continued leadership and advocacy on this important issue.

As you know, the educator tax deduction helps recognize the financial sacrifices made by teachers and paraprofessionals, who often reach into their own pockets to purchase classroom supplies such as books, pencils, paper, and art supplies. Studies show that teachers are spending more of their own funds each year to supply their classrooms, including purchasing essential items such as pencils, glue, scissors, and facial tissues. For example, NEA's 2003 report Status of the American Public School Teacher, 2000–2001 found that teachers spent an average of $443 a year on classroom supplies. More recently, the National School Supply and Equipment Association found that in 2005–2006, educators spent out of their own pockets an average of $826.00 for supplies and an additional $926 for instructional materials, for a total of $1,752.

By increasing the current deduction and making it permanent, your legislation will make a real difference for many educators, who often must sacrifice other personal needs in order to pay for classroom supplies.

NEA also strongly supports your proposal to extend the tax deduction to cover out-of-pocket professional development expenses. Teacher quality is the single most critical factor in maximizing student achievement. Ongoing professional development is essential to ensure that educators stay up-to-date on the skills and knowledge necessary to prepare students for the challenges of the 21st century. Your bill will make a critical difference in helping educators access quality training.

We thank you again for your work on this important legislation and look forward to continuing to work with you to support our nation's educators.

Sincerely,

DIANE SHUST,
Director of Government Relations.
RANDALL MOODY,
Manager of Federal Policy and Politics.

Mr. WARNER. Mr. President, I rise today in support, once again, of America's teachers by joining with Senator COLLINS in introducing an amendment regarding the Teacher Tax Relief Act.

Senator COLLINS and I have worked closely for some time now in support of legislation to provide our teachers with tax relief in recognition of the many out-of-pocket expenses they incur as part of their profession. In the 107th Congress, we were successful in providing much needed tax relief for our Nations teachers with passage of H.R. 3090, the Job Creation and Worker Assistance Act of 2002.

This legislation, which was signed into law by President Bush, included the Collins/Warner Teacher Tax Relief Act of 2001 provisions that provided a $250 above the line deduction for educators who incur out-of-pocket expenses for supplies they bring into the classroom to better the education of their students. These important provisions provided almost half a billion dollars worth of tax relief to teachers all across America in 2002 and 2003.

In the 108th Congress, we were able to successfully extend the provisions of the Teacher Tax Relief Act for 2004 and 2005. In the 109th Congress we were able to successfully extend the provisions for 2006 and 2007.

While these provisions will provide substantial relief to America's teachers, our work is not yet complete.

It is now estimated that the average teacher spends $826 out of their own pocket each year on classroom materials—materials such as pens, pencils and books. First-year teachers spend even more.

Why do they do this? Simply because school budgets are not adequate to meet the costs of education. Our teachers dip into their own pocket to better the education of America's youth.

Moreover, in addition to spending substantial money on classroom supplies, many teachers spend even more money out of their own pocket on professional development. Such expenses include tuition, fees, books, and supplies associated with courses that help our teachers become even better instructors.

The fact is that these out-of-pocket costs place lasting financial burdens on our teachers. This is one reason our teachers are leaving the profession. Little wonder that our country is in the midst of a teacher shortage.

Without a doubt the Teacher Tax Relief Act of 2001 took a step forward in helping to alleviate the Nation's teaching shortage by providing a $250 above the line deduction for classroom expenses.

However, it is clear that our teachers are spending much more than $250 a year out of their own pocket to better the education of our children. Accordingly, Senator COLLINS and I have joined together to take another step forward by introducing this amendment.

This amendment will build upon current law in three ways. The amendment will:

(1) Increase the above-the-line deduction, as President Bush has called for, from $250 allowed under current law to $400;

(2) Allow educators to include professional development costs within that $400 deduction. Under current law, up to $250 is deductible but only for classroom expenses; and

(3) Make the teacher tax relief provisions in the law permanent. Current law sunsets the Collins/Warner provisions after 2007.

I will ask to have printed in the RECORD at the end of my statement a letter from the National Education Association endorsing the Collins-Warner amendment, and also a letter from the Virginia Education Association endorsing the Collins-Warner amendment.

Mr. President, our teachers have made a personal commitment to educate the next generation and to strengthen America. And, in my view, the Federal Government should recognize the many sacrifices our teachers make in their career.

This teacher tax relief amendment is another step forward in providing our educators with the recognition they deserve.

Mr. President, I ask unanimous consent that the aforementioned materials be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL EDUCATION ASSOCIATION,
Washington, DC, January 24, 2007.

U.S. SENATE,
Washington, DC.

DEAR SENATOR: On behalf of the National Education Association's (NEA) 3.2 million members, we urge your support for an amendment to be offered by Senators Collins (R-ME) and Warner (R-VA) to the minimum wage bill that would make permanent the tax deduction for educators' out-of-pocket classroom supply expenses. Votes associated with this issue may be included in the NEA Legislative Report Card for the 110th Congress.

The educator tax deduction helps recognize the financial sacrifices made by teachers and paraprofessionals, who often reach into their own pockets to purchase classroom supplies. Studies show that teachers are spending more of their own funds each year to supply their classrooms, including purchasing essential items such as pencils, glue, scissors, and facial tissues. For example, the National School Supply and Equipment Association found that in 2005–2006, educators spent out of their own pockets an average of $826.00 for supplies and an additional $926 for instructional materials, for a total of $1,752.

The current deduction was extended at the end of 2006, but will expire again at the end of this year absent additional congressional action. Making the deduction permanent will acknowledge the sacrifices made by those who have dedicated their lives to educating our children and will alleviate the uncertainty they face as they wait each year to see if the deduction will be extended.

We urge your support for this important amendment.

Sincerely,

DIANE SHUST,
Director of Government Relations;
RANDALL MOODY,
Manager of Federal Policy and Politics.

VIRGINIA EDUCATION ASSOCIATION,
Richmond, Virginia, January 25, 2007.

Hon. JOHN WILLIAM WARNER,
U.S. Senate,
Washington, DC.

DEAR SENATOR WARNER: On behalf of the Virginia Education Association's (VEA) 62,000 members. I thank you for offering an amendment to the minimum wage bill that would make permanent the tax deduction for educators' out-of-pocket classroom supply expenses.

In Virginia we are fighting to improve the salaries of teachers and other education support professionals to bring them to the national average, so it iswonderful that you recognize the financial sacrifices they make when purchasing classroom supplies such as pencils, glue, scissors, and facial tissues. The National School Supply and Equipment Association found that in 2005–2006, educators spent out of their own pockets an average of $826.00 for supplies and an additional $926 for instructional materials, for a total of $1,752.

Your amendment acknowledges these sacrifices made by those who have dedicated their lives to educating our children.

Sincerely,

PRINCESS MOSS,
President,
Virginia Education Association.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. SMITH. Madam President, I thank Senator COLLINS. Her amendment is important. She has been working on this issue since 2001. It does have a very real impact. I certainly support her adding it to my amendment. It is an important contribution to education, specifically to those who are educators.

I will make a few remarks, but I do wish to point out that my friend from North Dakota was talking about the repatriation bill that he said was not for little folks, I suppose, or however he termed it. That bill that was passed, by my last count, has resulted in repatriations of $290 billion. These dollars have benefitted our economy and created new jobs.

One of the reasons we have such low unemployment in this country today is because of that bill. It affects regular folks, working folks, and, yes, it does involve multinational companies, but these are American companies which do business all over the world. Some of them are in my State, like Nike. Some may even be from North Dakota.

What we do relative to the Tax Code has real consequences. People respond to incentives. What that bill represents is truly $290 billion can either come back into our economy or it is $290 billion that will never come back into this economy. I am proud of that legislation because it has helped working people.

If the Senator wanted something that will help those—let's term it "those of average income"—those working Americans who would like a break under the Tax Code, we did that in the Bush tax cuts, and I am trying today, with this amendment, with Senator COLLINS' help, to extend these tax cuts as they relate to education. It is hard to see how anybody could be against it, and I don't suppose there are many in this Chamber who truly are. Some will question the timing of bringing it up now but, frankly, I have learned in 10 years around this place that if you want something to move, you better hook it on to any train that is moving.

Yes, I want to vote to raise the minimum wage, but I also want to put on provisions to help the folks we are trying to help, without hurting small employers, but people who are on minimum wage, particularly moms and dads who are trying to save for education.

There are three provisions, in addition to the fourth Senator COLLINS added to this bill, that I want to highlight. First is the deduction for qualified tuition and related expenses.

Americans can currently deduct up to $4,000 for higher education expenses, depending on their income level. In 2004, over 4.5 million American students and families benefited from this deduction, including almost 65,000 Oregonians, of which I am proud. I am glad we cut this tax. I am glad this deduction is in there. But it is about to expire. So the sooner we extend it, make it permanent, as this amendment proposes to do, the better off American families will be for planning. We are not talking about the rich here; we are talking about folks who are trying to make education more affordable, more accessible, and these are the tools of the Tax Code that enable us to do it.

The second provision addresses the exclusion for employer-provided educational assistance. This tax benefit allows employees to exclude from their gross income up to $5,250 a year of educational assistance provided by their employers. We are not talking about employers; we are talking about the employees who get to exclude it from their gross income. This helps the very people we are also trying to help with an increase in the minimum wage. It is a very popular employee benefit.

Third, this amendment proposes to extend certain enhancements to the Coverdell education savings account. This is an important tool for Americans who want to save for future education expenses. Paul Coverdell was a beloved colleague of ours. I miss him. He was passionate on education. I am proud his name is attached to these savings accounts.

The 2001 Tax Act made a number of reforms to enhance these Coverdell accounts. For example, it increased the annual contribution limit to $2,000 from $500 and expanded the definition of "qualified expenses" to include elementary and secondary schools. However, like the exclusion for employer-provided educational assistance, these enhancements expire soon. This amendment would make these improvements permanent.

Education tax breaks are extremely important to all Americans but particularly working Americans. In fact, I think we would be hard pressed to find a student, parent, or teacher who does not support these provisions.

I urge my colleagues to strengthen the education system of America and make these provisions permanent. That is the whole point of this amendment. If we do not succeed, I look forward to working with my chairman on the Finance Committee on another vehicle to make this happen. I know of his good will. I appreciate him and look forward to working with him on the committee on which we both sit to make sure, if this does not happen now, that it will happen soon. We are talking about real people and, with this amendment, real dollars that will make a real difference.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maine is recognized.

AMENDMENT NO. 204

Ms. COLLINS. Madam President, I ask unanimous consent that the second-degree amendment, No. 204, be agreed to.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 204) was agreed to.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Madam President, I ask unanimous consent there be 40 minutes of debate to run concurrently on the Baucus amendment No. 206 and the Smith amendment No. 113, the time controlled as follows: 30 minutes under the control of Senator BAUCUS or his designee, 10 minutes under the control of Senator SMITH; that no further second-degree amendment be in order to either amendment; that there be 2 minutes of debate equally divided between the votes; that upon the use or yielding back of the time, the Senate vote in relation to the Baucus amendment to be followed by a vote in relation to the Smith amendment, as amended.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Madam President, I will speak for a few minutes. Clearly education is one of our country's highest priorities. I don't think there is anybody in this body or in the other body on the other side of this Capitol who will disagree with that statement. It is certainly one of the most important, if not the most important. The pending Smith amendment, however, is not the right way to address this issue.

First, the Senator did not offer his amendment in the committee of jurisdiction. There have not been hearings on this amendment. The committee has not had a chance to work on the amendment, and it shows. First, the amendment is not paid for. It would increase the deficit by $35 billion over 10 years. No. 2, it leaves in place overly complex tax provisions. It needs simplification. We clearly need to consolidate the myriad different education credits and deductions with which the people in the country are faced and have an almost impossible time trying to figure out. This amendment does not do the job.

It also includes controversial provisions such as the Coverdell tax cuts for K–12 education, provisions I personally favor but I know many Members of this body have deep public policy concerns with. We need to focus on education. As chairman of the Committee on Finance, I pledge that this committee will work aggressively to develop a comprehensive education package that includes simplification of all the myriad current tax provisions and hopefully will be much more effective—do what it is supposed to do—and will also address the various needs of various people in our society, especially low-income people who have a hard time getting to college or getting into a voc-ed school, a community college, a tribal community college, or whatnot.

We in America are in sixth place in a competitive index in the world and most of that is due to a lower standing in higher education, clearly behind Nordic countries and Singapore. To compete in a global economy, we need to focus to improve our educational system. It is my goal, if I have anything to do with it, in 3 or 4 or 5 years it will be known in the world that it is in America where the action is, it is in America where they are starting to get it right, they are starting to address and to figure out ways to make sure their kids—and a little older kids—are very well educated; where we Americans are so proud of what we are doing and other countries will recognize what we are doing.

It will take work to get there, but that should be the goal, and I am doing what I can to help us get there. We know about the increase in college tuition and all the problems that is causing. My State of Montana has an especially difficult time. More than two-thirds of the students in my State receive grant aid. Frankly, that is a nationwide figure. In my State it is even higher; it is 80 percent. We need education assistance. Mr. President, 14,000 individuals from my State claim more than $35 million in tuition fee deductions; nationwide, more than 4.5 million people together claimed about $10 billion in tuition fee deductions. Again, simplify, target them, make it work so we are doing what we should be doing.

Let me talk for a few minutes about how complicated these education provisions are. First, we have the HOPE scholarships and the Lifetime Learning credits.

I might say to my colleagues, there are nine other types of tax benefits for education. Here they all are. I am sure everybody knows all about these and I am sure everybody understands them completely. First, the student loan interest deduction; next, tax-free treatment of canceled student loans; tax-free student loan repayment assistance; Coverdell education savings accounts featuring tax-free earnings; qualified tuition programs which also feature tax-free earnings; penalty-free early distributions from any type of retirement account arrangement for education costs; allowing families to cash in savings bonds for education costs without having to pay tax on the interest on those; tax-free educational benefits for employers; business deductions for work-related education. We have over 11 that I can count, and I don't think anybody knows them, not one person—maybe one person. Not very many people. If we have a hard time in this body understanding those, think of the poor students. Think of the families. Think of the people trying to make some sense out of all this.

To some degree, voters in November were saying to us in Washington and around the country: People in Washington aren't listening to us. We have problems. They are not listening to us. Congress is a bit dysfunctional. What are they doing about education? We all know the need. What are they doing?

My goal in the committee, working very closely with Senator KENNEDY of the HELP Committee, is, together with their authorizing legislation and our tax legislation, to get the ball rolling so we are focusing on education. It is so important to me.

We also, I might say, need to focus on the neediest. Current tax credits and deductions don't help the neediest. They don't have any income to pay income tax on. It is not targeted, all these lifetime scholarships and HOPE scholarships, and so forth. We had a great hearing in the Committee on Finance. Maybe while we consolidate and simplify—a very strong recommendation, I might say, by all those who appeared before us, is combined Pell grants. So many students get their aid through Pell grants. That is certainly true in community colleges, it is true in tribal colleges. Those are lower income students. It is Pell grants that they need and we need to boost Pell grant levels even higher.

Also, working with Pell grants, make a simplified tax credit—maybe refundable. Lower income people need the money upfront. It doesn't make any difference to have it later on, a year later when they are figuring out tax returns. It has to be upfront. That is another recommendation given by a very impressive, persuasive witness before our committee a short time ago.

We also need to think about covering not only tuition but also other education expenses. What about books, room and board, and so forth? The current major provisions cover tuition, tuition only. I think it is true that some of this has to be increased. Which ones, that is the question.

Frankly, as we are talking about helping teachers with greater deductions, my view is: Find a way to give teachers greater pay. That is the real solution here, rather than saying you have to get a deduction so you can help pay for your students' expenses. We need to get teachers better pay. Even though we don't have primary jurisdiction, we are certainly creative around here. We can figure out a way here in the Congress to help States pay better salaries to teachers so we get even better people teaching school than we have now. We have good teachers, but we need to also make sure they have the pay they need.

The underlying minimum wage bill is paid for. This amendment is not paid for. The underlying total small business package is $8.3 billion and we pay for it. This is a $35 billion package, four or five times that, but it is not paid for. It was not discussed in committee. Slapdash here on the floor. That is not the way to do legislation. As I said many times, and I keep saying it because I believe it, in the Committee on Finance we are going to work as a committee because that is the best way to legislate. That means working with Democrats and with Republicans in a give and take to get a committee product. I pledge to my colleagues we are going to work mightily to get a very good education product from our committee in conjunction with the Senator from Massachusetts, Mr. KENNEDY, so the right hand knows what the left hand is doing.

I do believe the whole is greater than the sum of the parts. With the two of us working together in cooperation from both sides of the aisle—and Senator ENZI, I am quite certain, has the same views—we are going to do something about education here. I fully believe that will happen.

Now I yield 10 minutes to the senior Senator from Arkansas.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mrs. LINCOLN. Madam President, I thank my colleague from Montana and certainly my colleagues from Maine and from Oregon for their very intense interest on this very important issue. I come to the floor today to discuss and visit about what I also think is an enormously important priority for us here in the Senate, and that is education. I want to voice my support for action during the 110th Congress. I come to the floor not only as a Senator from the great State of Arkansas, but also as a mother. I come to the floor with twin boys in the fifth grade, having completed a fifth grade chemistry test this week along with a chemistry experiment, a unit test on ancient Egypt, and all the while talking with our students and teachers, and realizing all of the many challenges they face in making sure our children get the kind of education they need to be an active and productive part of the 21st century.

I see what not just our teachers are up against but our families as well, and noticing as my husband left, not only on top of the question of what's for dinner and did you pick up my cleaning, but also he asked: Did you take part of that Christmas bonus and put it into the children's college account? I know that working families all across this country, much like mine and yours and others here, are realizing the critical role that education plays, not just in our families but in the success of this great country, and what it means to all of the different issues we face.

Promoting education is an essential element of many of the efforts to prepare our workforce to meet the demands of today's increasingly competitive global marketplace. But it is also the key that will unlock the doors to solving so many of our challenges. Making sure our children are equipped with the knowledge and the skill and the tools is going to make the difference between whether we do reduce our dependence on foreign oil and move to renewable fuels. It is the key to whether we are able to move forward in so many different scientific arenas and, looking at health care, are able to provide the kind of health care we need in this country, the expertise and the research that is necessary there—all of these challenges we face hinge on the job we do on education.

I have no doubt in my mind that Chairman BAUCUS, along with Senator GRASSLEY, working together in the Finance Committee, have every intention of making sure we do our level best in this session of Congress to address these issues through the incentives the Tax Code can provide us to encourage and reinforce our education system—both for our families as well as our educators—to do the right thing on behalf of our children and our country.

I look forward to working with them.

I have enjoyed the opportunity to work with my colleagues, with Chairman BAUCUS and Senator GRASSLEY and my friend from Oregon, Senator SMITH, and Senator COLLINS, who have long histories of passion on this issue. We look for ways to use the Tax Code as a tool to help more of our children have that opportunity to receive quality education. Last Congress, we together introduced the Educational Opportunity Act of 2006 so that existing education tax incentives are a more viable tool for our students and their families and educators, particularly in our rural communities. Already this year, as Chairman BAUCUS mentioned, the Finance Committee has had some very productive hearings, good conversations about what is important, what works, what doesn't; how do we get it out there to the people who need it the most in order to make sure the people of this country have the opportunity to give back to this great land. So I commend Senator SMITH and Senator COLLINS on their efforts, and I wish to continue the dedication on this issue in working with them.

Unfortunately, I agree with Senator BAUCUS: This is not the place to do this. We have many things to achieve in this 110th Congress, and the only way we will achieve them is if we take our time and make sure we, step-by-step, make the necessary moves that need to be made to accomplish all we have to do. I ran in the other day with a grocery sack that I had overfilled in an attempt to hurry and get to where I needed to be to do one more thing and it broke and everything went everywhere. It was awful, an awful experience because I knew it was my own fault. I had rushed and tried to put too much into one sack so that everything else fell apart.

Under the wise leadership of Chairman BAUCUS, we have worked hard to make sure we craft a proposal on small business tax relief that will be productive, that will be the one step in this direction we need to take in a way that will be productive, but it won't overload, so that we don't get anything accomplished.

So I plead with my colleagues. Looking at what Chairman BAUCUS and Ranking Member GRASSLEY have done, with significant input and consideration by the entire Finance Committee, they have put together a very good package of small business tax relief to supplement the minimum wage, which we all agree is extremely overdue. The comments of my colleague from North Dakota couldn't have been more appropriate; the fact that we are trying now, having not been able to move a simple minimum wage, to do what we can do and to do it in a practical and moderate way.

The package is a balanced one. It includes provisions that are supported on both sides of the aisle, such as small business expensing, the Work Opportunity Tax Credit, and the S corporation reforms.

The package is a responsible one. Compared to tax packages we have considered in the recent past, this one is much smaller, with a price tag of $8 billion, and not to mention it is completely paid for. When we take things one step at a time, we can act responsibly in paying for them. There is one thing we hear from our constituents, and that is: Please, please recognize the debt you are creating in this country has as much of an impact on our children as educating them does because they are going to be the ones left holding the bag.

Finally, the package is targeted. When we began putting it together, there were a lot of us on the committee who had priorities we wanted to address. Senator SNOWE and I care deeply about doing something on small business health care, as does Senator STABENOW, who has mentioned it many times as well. Senator BINGAMAN filed an amendment to expand the HOPE scholarship credit. Of course, there were many others. We all have our priorities, and we are all eager to address them. But if we take our time, if we move step-by-step and do it correctly, we will get to all of those issues. Under the leadership of Senator BAUCUS, he has pledged to us to work diligently in the Finance Committee to be able to address these issues.

In response, we were asked, having come to the chairman about all of these issues, not to jump the gun but to focus on the bill at hand and to provide the committee and the larger body the opportunity to take a more thorough look in regular order, so that we can reach consensus and make progress on those important issues, as we have with the small business tax relief.

In the coming year, I know the HELP Committee will be extremely busy as they focus on the reauthorizing of No Child Left Behind. As they work on improving and extending our education policy from their end, I know that we on the Finance Committee will be doing the same with our tax policy. Chairman BAUCUS, through the Chair, I would like to have his reassurance—

which I don't need, but I want the rest of the body to know—if he could clarify for us that, yes, the Finance Committee will, indeed, be taking up all of these many issues, but certainly these education issues that rest heavily on many of our minds, and that it is his intention to move on an education tax package, along with such other reauthorizations. I know the chairman has given me his word, and I know he wants to encourage others as well.

Mr. BAUCUS. Madam President, I ask unanimous consent that the Senator from Arkansas and I be allowed to have a dialog without Senators losing the right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. I would say to my good friend from Arkansas that I very much want to reassure her. She is such a tremendous member of our committee and such an able Senator from her State, and I know her State is very proud of her. But the answer is definitely totally 100 percent yes. Education is one of my passions. It is so important. It means so much to me, and I know it does for all of us. I love going to schools and seeing the teaching in schools. It is one of the best parts of this job.

I also wish to make sure that our kids and grandkids have the same quality of life, the same standard of living that we have been able to enjoy, and that means, given the global competition we face from other countries such as China and India, and so forth, we need the best, and we are going to have the best.

So I say to my good friend, in the Committee on Finance, Senator GRASSLEY and I are a very close team on the committee and we are going to move aggressively on ways to boost the availability and to help people get the very best education, in conjunction with Senator KENNEDY and Senator ENZI, when No Child Left Behind is brought up, and other authorizing legislation on education comes up, so that we can do something that makes us all on both sides of the aisle proud to address education.

Mrs. LINCOLN. Madam President, reclaiming my time, I thank the chairman for that because I do think it is important. I have every confidence the chairman will do that. I know he will. He has told me that and he has told many others. I wanted the rest of the Senators to know he truly has a commitment, in terms of recognizing that we on the Finance Committee have a unique opportunity to help provide America's working families with the incentives they need and the tools they need to invest in their children. I know he believes in that passionately, and I am so pleased he will be working with us on that, and I know he will. It is obviously an extremely important issue to our friend, the Senator from Oregon, and to the Senator from Maine. It is important to me as a parent, as an Arkansan, and I think it is important to every one of our constituents that we are desperately trying to ensure that their children are given the tools to succeed in life.

My mother used to always say that if you want to do something nice for me, do something wonderful for my children. That is what we are here to say today. So after all, there should be no higher priority than providing our children the opportunity to succeed, and I look forward to working with the Finance Committee to do that.

I thank the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. BAUCUS. Madam President, could I ask the time allotment on both sides?

The PRESIDING OFFICER. The Senator has 8 minutes 30 seconds, and the Senator from Wyoming has 10 minutes.

Mr. BAUCUS. I don't see the Senator from Oregon on the floor. I don't know if other Senators wish to speak on the pending amendment. I don't see other Senators on the floor. I would ask my good friend for a little bit of assistance in this matter.

Mr. ENZI. It is my understanding they do not wish to speak. I would like to reserve the time until I hear some of the other comments. I have nothing to say at the moment.

Mr. BAUCUS. Madam President, we have two votes coming up shortly, and I would like to speak to a couple of points on my amendment. Essentially, my amendment is a sense of the Senate that we will, and must, work under the provisions we have been discussing in the last few minutes. It says we believe the taxpayers play such an important role making education more affordable, and it also says we should pay for it. That is something I must say, and I will say, as my good friend from Minnesota as well as other Senators have said, that there are a lot of ways to find the so-called pay-fors we should find, the so-called pay-fors, in closing tax loopholes. There is a lot of constructive talk—in fact, I initiated a lot of it—about the tax gap, about $350 billion of income taxes owed to the Government—owed but not collected—$350 billion every year owed but not collected—without raising any taxes, without passing any legislation that increases taxes. That is $350 billion that should be collected, and we are not collecting it. I am not saying we could get it all, but I am saying we should get a lot of it. Part of that is payroll taxes that is not collected. The estimates are $50 billion, $60 billion in payroll taxes that are not being collected. Well, adding $30 billion, $40 billion a year to the Social Security trust fund wouldn't hurt. Adding a few billion dollars to the hospital insurance Part A trust fund wouldn't hurt. We have to work hard to find that.

My point is we can find the so-called pay-fors when we do the things we need to do. So this is not some big pipe dream: Sure, we are going to talk about this stuff. I am saying we are going to enact the kinds of provisions we are talking about. It could be up to $35 billion, which is the amount contained in this amendment but which is not paid for. As I mentioned, it is under the alternative amendment, that is the amendment offered by the Senator from Oregon, which doesn't address the complexity, it doesn't address a lot of real problems.

I said, perhaps a bit unfairly, it is a slapdash amendment on the floor, but it is true it is an amendment of first impression. This is the first we have seen it. It never came up in the committee. I am trying, in a small way in this Congress, to try to anticipate subjects that are going to come up on the floor, anticipate major amendments that are going to come up on the floor, in the committee of jurisdiction, the Committee on Finance, and have hearings on them. Let's get experts to come and tell us about them so we can modify them and make them work, rather than seeing them for the first time on the floor and wondering what in the heck this is and what it is all about.

So I would urge my colleagues to support the sense of the Senate amendment which I am offering. I think it is the right way to get at the problem. As I have said many times, I pledge to my colleagues that we on the Finance Committee are going to dig into this. We are going to find ways to make sure we have the best education tax provisions we can possibly get. Therefore, I urge a positive vote on my amendment. After that, I encourage Senators to vote against the Smith amendment. He means well, he is a good guy, but there is a time and place for everything. This is not the time and place for the Smith amendment. There will be a time and place later on this year for those subjects and the able Senator from Oregon is a member of the committee and I know we are going to hear from him on his amendments and he will be right. These provisions we can address and will address.

So I am prepared to yield back my time. I know the Senator from Massachusetts was seeking time to speak, but apparently he no longer is.

Mr. ENZI. Madam President, before the Senator yields back his time, I need to say that Senator SMITH is on his way to the floor to make a couple more comments.

Mr. BAUCUS. Madam President, I suggest the absence of a quorum, to be charged equally to both sides.

The PRESIDING OFFICER. Without objection, the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SMITH. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SMITH. Madam President, I think everything that could be said and should be said has been said. I ask for the yeas and nays if they have not already been asked for.

The PRESIDING OFFICER. The yeas and nays have not been requested.

Mr. SMITH. I request the yeas and nays on the Smith amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 206

Mr. BAUCUS. Madam President, I ask for the yeas and nays on the Baucus amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. BAUCUS. I am prepared to yield back the remainder of my time.

Mr. SMITH. Madam President, we yield back the remainder of our time.

Mr. BAUCUS. I yield back the remainder of our time.

The PRESIDING OFFICER. All time is yielded back. The question is on agreeing to amendment No. 206.

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from Connecticut (Mr. DODD), the Senator from Hawaii (Mr. INOUYE), the Senator from South Dakota (Mr. JOHNSON), the Senator from New Jersey (Mr. MENENDEZ), and the Senator from New York (Mr. SCHUMER) are necessarily absent.

I further announce that, if present and voting, the Senator from Delaware (Mr. BIDEN), the Senator from Connecticut (Mr. DODD), and the Senator from New Jersey (Mr. MENENDEZ) would each vote "yea."

Mr. LOTT. The following Senators were necessarily absent: The Senator from Missouri (Mr. BOND), the Senator from Oklahoma (Mr. COBURN), the Senator from Alaska (Mr. STEVENS), and the Senator from Wyoming (Mr. THOMAS).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 90, nays 0, as follows:

[Rollcall Vote No. 29 Leg.]

YEAS—90

Akaka
Alexander
Allard
Baucus
Bayh
Bennett
Bingaman
Boxer
Brown
Brownback
Bunning
Burr
Byrd
Cantwell
Cardin
Carper
Casey
Chambliss
Clinton
Cochran
Coleman
Collins
Conrad
Corker
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Dorgan
Durbin
Ensign
Enzi
Feingold
Feinstein
Graham
Grassley
Gregg
Hagel
Harkin
Hatch
Hutchison
Inhofe
Isakson
Kennedy
Kerry
Klobuchar
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Martinez
McCain
McCaskill
McConnell
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Sanders
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Sununu
Tester
Thune
Vitter
Voinovich
Warner
Webb
Whitehouse
Wyden

NOT VOTING—10

Biden
Bond
Coburn
Dodd
Inouye
Johnson
Menendez
Schumer
Stevens
Thomas

The amendment (No. 206) was agreed to.

AMENDMENT NO. 113, AS AMENDED

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided on the amendment of the Senator from Oregon, No. 113, as amended.

Who yields time?

The Senator from Oregon is recognized.

Mr. SMITH. Madam President and colleagues, we have just voted for a sense of the Senate unanimously to do what the next amendment says we should do. And we should do it today. My mother used to always say: Son, never put off until tomorrow what you can do today.

I say we should do today the following things with this next vote: make permanent the deduction for qualified tuition expenses; make permanent the employee exclusion from gross income of employer-provided education assistance; make permanent the enhancements to the Coverdell education savings accounts.

Do it today. That helps working folks and families struggling to pay for education. Let's not put off until later what we can do right now. I urge an "aye" vote.

I yield back the remainder of my time.

Mr. KENNEDY. Madam President, while I appreciate my colleague from Oregon and his commitment to education, this is not an omnibus tax bill; it is long overdue legislation to increase the minimum wage. It is not an opportunity for Members to present their tax cut wish list. It is Congress's opportunity to finally right the wrong of denying millions of hard working minimum wage workers a raise for 10 years.

Unfortunately, our Republican colleagues filed more than 25 amendments proposing new or expanded tax cuts. Many of them would cost billions of dollars. None of them are paid for.

This amendment would extend several tax benefits for education that I strongly support, but it should be paid for. It would cost $35 billion over the next decade. That cost should be offset by the elimination of unjustified corporate tax loopholes that are currently draining the Treasury.

I also can not support his amendment because it seeks to make permanent tax benefits that I believe represent misplaced priorities. The amendment would extend the Coverdell education savings account provision, which provides benefits to families with children in private elementary and secondary schools, while doing nothing to improve our Nation's public school system.

And this amendment does nothing for working families who do not have enough assets and savings to participate in the Coverdell scheme.

As the nonpartisan Congressional Research Service notes:

> the main outcome of extending the [Coverdell accounts] to pay for K-12 education expenses may be to slightly subsidize higher income families who might have sent their children to private school anyway.

While Coverdell accounts might help richer families send their children to private school, it does nothing to address what parents are calling for to improve public schools.

The Coverdell bill does not: put qualified teachers in the classroom; reduce class sizes; modernize or repair school buildings; provide additional afterschool opportunities; or hold schools accountable for improved student achievement.

At a time when we are asking our schools to do more under the No Child Left Behind, while failing to live up to our funding commitments, we should not divert billions of tax dollars to support private schools. This year over half of the school districts in America will see their title I funding cut. Funding for the No Child Left Behind Act has fallen over $55 billion short of the amount promised 5 years ago.

We are over $8 billion under the amount promised to ensure equal education opportunities to disabled students just 2 years ago when we reauthorized the Individuals with Disabilities Education Act.

Reversing these shortfalls should be our priority in this Congress, not making permanent a tax benefit that promotes private schools over public schools.

I do strongly support the extension of the deduction for qualified tuition and related expenses for higher education, which is set to expire at the end of 2007. This deduction allows middle-income Americans to take a deduction for higher education expenses of up to $4,000. The IRS estimates that nearly 4.7 million students and families in the U.S. took advantage of the deduction in 2004.

I look forward to working on this proposal as we move forward with the debate on college affordability and higher education in the coming weeks.

We must prioritize making college more affordable.

The cost of college has more than tripled in the last 20 years. Each year, 400,000 students who are qualified to attend a 4-year college find themselves shut out because of cost factors.

As a result, students and families are pinching pennies more than ever to pay for higher education and more students and families are taking out loans to finance higher education.

We must provide them relief with a comprehensive strategy that starts with a substantial increase in the Pell grant. As the cost of even public college tuition and fees has climbed by an unacceptable 46 percent since 2001, the maximum Pell grant has not increased even a penny. This Congress should quickly act to remedy this.

We also should reform the student loan programs and use the savings to increase student aid. Senator SMITH has joined me in introducing the STAR Act, which provides incentives for schools to participate in the cheaper federal student loan program and uses savings to increase need-based aid generating over $13 billion over 10 years in need-based aid at no additional cost.

Finally, Congress should make college loan payments more affordable by reducing interest rates and capping monthly loan payments.

I plan to address these issues in our committee very soon and I would welcome Senator SMITH's contributions to that legislation and that debate.

I also look forward to working with him, Senator BAUCUS and other members of the Finance Committee as they develop a responsible tax package that helps middle class and low-income families afford to send their children to college.

The PRESIDING OFFICER (Mr. TESTER). The Senator from Montana.

Mr. BAUCUS. Mr. President, I appreciate the admonition and good counsel of my good friend from Oregon. My mother used to say: If you can do it, do it now. My mother used to also say: If you are going to do it now, do it right the first time. This is not doing it right the first time.

We rejected, about an hour ago, a similar amendment; that is, an amendment that was not offered in committee. I do not mean to be pejorative, but it is sort of a slapdash amendment, thought up, not considered in committee.

This amendment is just too complex. It causes a big increase in the budget deficit. It is not paid for. I have a whole list of reasons why we should not adopt this amendment. Essentially, we will get to these issues in committee, and that will be the right time and place to deal with these issues.

Mr. President, I raise a point of order that the pending amendment violates section 505(a) of H. Con. Res. 95, the concurrent resolution on the budget for fiscal year 2004.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. SMITH. Mr. President, I move to waive the applicable portion of the Budget Act and urge an "aye" vote.

Mr. BAUCUS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Hawaii (Mr. INOUYE), the Senator from South Dakota (Mr. JOHNSON), and the Senator from New York (Mr. SCHUMER) are necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Missouri (Mr. BOND), the Senator from Oklahoma (Mr. COBURN), the Senator from Alaska (Mr. STEVENS), and the Senator from Wyoming (Mr. THOMAS).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 43, nays 50, as follows:

[Rollcall Vote No. 30 Leg.]

YEAS—43

Alexander
Allard
Bennett
Brownback
Bunning
Burr
Chambliss
Cochran
Coleman
Collins
Corker
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Ensign
Enzi
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lott
Lugar
Martinez
McCain
McConnell
Murkowski
Nelson (NE)
Roberts
Sessions
Shelby
Smith
Sununu
Thune
Vitter
Warner

NAYS—50

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Brown
Byrd
Cantwell
Cardin
Carper
Casey
Clinton
Conrad
Dodd
Dorgan
Durbin
Feingold
Feinstein
Harkin
Kennedy
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
McCaskill
Menendez
Mikulski
Murray
Nelson (FL)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sanders
Snowe
Specter
Stabenow
Tester
Voinovich
Webb
Whitehouse
Wyden

NOT VOTING—7

Bond
Coburn
Inouye
Johnson
Schumer
Stevens
Thomas

The PRESIDING OFFICER. On this vote, the yeas are 43, the nays are 50. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained, and the amendment falls.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, I think we had an agreement to speak. I ask unanimous consent, if the floor managers agree, to commence my time at 4:45. A number of Senators have amendments they want to offer during that period of time between now and 4:45.

The PRESIDING OFFICER. Is there objection?

Mr. KENNEDY. Mr. President, reserving the right to object, I understand we are working out a time agreement. I would like to try to see what the time is. I have heard we then want to vote—some have said we are going to vote at 5:15. I don't understand what the time agreement is. I want to cooperate, and will, with the Senator. If we can withhold for a minute or two so that we can get the time agreement, if others want to speak, I certainly won't object to it. I understand we had an agreement, but I am not sure of the particulars yet and what it all means.

Mr. SESSIONS. I understood that an agreement had been reached to vote at 5:15. We had agreed to 30 minutes equally divided. I left a few minutes for some others who want to speak. That was my suggestion.

Mr. KENNEDY. Mr. President, I see other Senators. If they want to introduce amendments for a minute or two until we get this straightened out, if that is their purpose, that is fine. I have no objection to that while we are trying to work this through.

The PRESIDING OFFICER. Does the Senator from Alabama withdraw his request?

Mr. SESSIONS. I will.

Mr. ENZI. Mr. President, I ask the chairman that the 10 minutes be divided between Senators BURR, CHAMBLISS, and ALLARD.

Mr. ALLARD. If the Senator from Wyoming will yield, I need more than a few minutes. I need probably about 7 minutes. Maybe if I can get 7 minutes after the vote, that would be all right.

Mr. ENZI. So the unanimous consent request is to divide the 10 minutes, or the time until 4:45, between Senators BURR and CHAMBLISS, and after the vote, 7 minutes for Senator ALLARD.

Mr. SESSIONS. If the Senator will yield for a question, can we add that I be allowed up to 15 minutes before the vote at 5:15, or thereabouts?

Mr. KENNEDY. Mr. President, I have tried to be accommodating, and I have heard that people want to vote at 5:15 and 5:30. I want to make sure that we are going to get a fair share of the time. I will have to object until we have an agreement. I think we are going to get the agreement. What has been outlined on the floor is not what the agreement is going to say. If we have an agreement in terms of time, I think we ought to follow that. If there is going to be objection, that is fine. I will be around here. They told me there were Members who wanted to vote by 5:30 because of traveling. I want to accommodate that, and I want to make sure we divide the time between now and 5:30.

Mr. SESSIONS. Mr. President, I understand Senator KENNEDY's concern. All I am asking for is 10, 15 minutes before we vote.

Mr. KENNEDY. Mr. President, whenever we are going to vote, I ask unanimous consent that the Senator from Alabama have 15 minutes prior to that time. We will try to work out the time before that with the floor staff. But we have that locked in.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from North Carolina is recognized.

Mr. BURR. Mr. President, I ask unanimous consent to set the pending amendment aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 195 TO AMENDMENT NO. 100

Mr. BURR. Mr. President, I call up amendment No. 195.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from North Carolina [Mr. BURR], for himself, Mr. DEMINT and Mr. COBURN, proposes an amendment numbered 195.

Mr. BURR. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide for an exemption to a minimum wage increase for certain employers who contribute to their employees health benefit expenses)

At the end of section 102, add the following:

(c) EXCEPTION IN THE CASE OF PROVISION OF HEALTH BENEFITS.—Notwithstanding the amendment made by subsection (a), an employer to which such amendment applies shall have the option to—

(1) increase the minimum wage paid to employees as required under such amendment; or

(2) provide such employees with health care benefits that are equal (in terms of the monetary amount expended by the employer for such benefits) to the monetary amount by which the minimum wage is to be increased pursuant to such amendment.

Mr. BURR. Mr. President, let me take this opportunity to commend my colleagues, Senator KENNEDY and Senator ENZI. There is no question that we need to do something on minimum wage. What I am trying to do is realize that, as we do this, we do it in the wisest way we possibly can.

My simple amendment is very brief. It allows employers, with the increase we are making in minimum wage, to supply that equal dollar amount in health care benefits. Think about that. It would be the option of the employer to invest the $2.10 in the health care benefits of his or her employee. Some will probably suggest that is not enough.

If you look at the national average today for 100 percent of an individual's premium, the national average, based on the Kaiser Foundation, is $4,248. Well, based upon the amount we are proposing to raise the minimum wage, that leaves $120 to spare after we have paid 100 percent of that individual's health care. Stretch it a little bit further and apply it to a family, and that $4,368 that we are going to increase their wages by would provide almost 50 percent of the premium of a family plan.

You know, we talk about extending health care to all Americans, about the need to provide the resources for people to have affordable and accessible health care. Well, here is a way to do it. Let's allow those employers to have a benefit package that they extend to minimum wage workers for the first time so those who are most at risk might have the opportunity to be supplied health care by their employer, negotiated at the group rate.

Some might think that all Americans don't have a dog in this fight. I say they do. For every American we can put under the umbrella of coverage, we have reduced the cost shift in health care to where insurance premiums for the average person today will not continue to go up at the rate it is today. My hope is that even if it is incremental, we can bring more Americans under the umbrella of coverage.

It is my hope that my colleagues will see the great benefit we are talking about now, money designated to increase the wages of individuals, and we will at least allow employers the option to give them that benefit in health care. I think it is a very reasonable amendment. I urge my colleagues to support it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. CHAMBLISS. Mr. President, I ask unanimous consent that the pending amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 118 TO AMENDMENT NO. 100

Mr. CHAMBLISS. Mr. President, I call up amendment No. 118.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Georgia [Mr. CHAMBLISS] for himself, Mr. ISAKSON, Mr. BURR and Mrs. DOLE, proposes an amendment numbered 118.

Mr. CHAMBLISS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide minimum wage rates for agricultural workers)

At the appropriate place, insert the following new section:

SEC. ___. WAGES FOR AGRICULTURAL WORKERS.

Section (6)(a)(5) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(5)) is amended to read as follows:

"(5) if such employee is employed in agriculture, or is employed to provide agriculture labor or services pursuant to section 218 of the Immigration and Nationality Act (8 U.S.C. 1188), not less than the greater of—

"(A) the minimum wage rate in effect under paragraph (1) after December 31, 1977; or

"(B) the prevailing wage established by the Occupational Employment Statistics program, or other wage survey, conducted by the Bureau of Labor Statistics in the county of intended employment, for entry level workers who are employed in agriculture in the area of work to be performed.".

Mr. CHAMBLISS. Mr. President, I am pleased to have the support of Senator BURR and Senator ISAKSON on this amendment.

I ask unanimous consent that Senator DOLE be added as a cosponsor of my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHAMBLISS. Mr. President, this amendment is an attempt to remedy a wage issue that is a tremendous burden for some of our Nation's agricultural employers. There are about 1 million agricultural workers in the country today, and roughly half of them are illegal workers.

As we expand the Border Patrol's presence on the border and the efforts of our men and women on the Border Patrol become more successful, farmers and ranchers who have historically relied on an illegal workforce have started to feel the squeeze, and they should. A labor shortage has resulted in a number of areas. This labor shortage occurs because agriculture is a traditional gateway of illegal immigration into the United States.

Many illegal immigrants come to the United States, work for a while on a farm, and, as they integrate into our society, they find different jobs, such as those in hospitality or construction. Therefore, the illegal agricultural workforce has continuously relied upon new workers crossing the border illegally and starting out on the farm.

As a result of these events, a number of Senators and advocacy groups have argued for a greater urgency in immigration reform in the agricultural sector.

I have spoken with farmers and ranchers all across America advocating immigration reform, and I always ask them: Do you use the H–2A program? This is the legal temporary worker program in law today that allows for an unlimited number of temporary agricultural workers to come to the United States and work and then return to their home country and return again and again as needed.

The primary response to my question is, they don't use the existing program, that it is too costly, and it is too bureaucratic. There are several other issues they have with the H–2A program that I attempted to remedy in the context of the immigration debate last year, and I will continue to work on those efforts when the Senate takes up the issue of immigration reform this Congress.

However, the largest prohibitive cost of using the H–2A program is its mandated artificially inflated wages. If we are truly looking for ways to make sure our agricultural workforce is legal, then addressing this and obtaining legal agricultural workers is something that should be fixed on this legislation.

If the Senate passes this amendment, we will see an immediate increase in the number of legal workers on our Nation's farms and fewer crop losses resulting from the lack of labor. The high cost of the H–2A program increases every year, and it will increase even more with the passage of the minimum wage legislation we are considering today.

Agricultural employers who utilize the legal program are mandated to pay the adverse effect wage rate to all their workers, in addition to providing free housing, paying all visa and consular fees, and paying for the transportation and meal costs of those workers traveling to their farms.

Historically, approval for an employer to use nonimmigrant temporary workers was predicated on the following conditions being met: First, no U.S. workers were available to fill the specific job, and, second, that wages for that occupation would not be depressed by the hiring of foreign workers.

The imposition of a prevailing wage requirement as determined by the U.S. Department of Labor approved surveys in each State for specific occupations generally filled by temporary nonimmigrant workers would ensure three things:

First, that available U.S. workers would not be discouraged from applying for a job because it paid lower than usual local wages; second, all workers, both foreign and domestic, would be paid a wage that was competitive in the local area, thus avoiding depressing wages for that occupation; and third, that the use of foreign workers would not be more financially attractive to employers than employing U.S. workers.

Prevailing wages are determined by the U.S. Department of Labor through its State partners, using a methodology that is designed to capture a fair wage that reflects the local standards peculiar to a particular occupation.

At the present time, prevailing wages are required for H–1B, H–2B, and permanent work-related visas. However, employers of H–2A workers, temporary nonimmigrant agricultural workers, are required to pay a different wage rate called the adverse effect wage rate. Unlike prevailing wages which are established for a local area for specific jobs and determined by the level of experience, skill, and education which those jobs require, the adverse effect wage rate is an average of all wages, including incentive pay, bonuses, and seniority, for all farm jobs in a multi-State region.

Additionally, the adverse effect wage rate is not determined by the U.S. Department of Labor, the agency charged with determining wages for all other industries and occupations. Rather, the U.S. Department of Labor has chosen to use a survey conducted by the U.S. Department of Agriculture. Officials in the U.S. Department of Agriculture's National Agricultural Statistics Service readily admit that the wage survey used for the adverse effect wage rate was never designed to set specific wages, only to describe them in general. Therefore, the National Agricultural Statistics Service's survey creates an artificial, multi-State wage floor, one that significantly increases annually, regardless of the economy, the agricultural market and competitive factors within a product line or local area.

For instance, while the minimum wage remained constant for entry-level jobs for the 10-year period starting in 1997 until today, the average adverse effect wage rate has increased 40 percent over that same period. As the National Council of Agricultural Employers noted in an alert to their membership:

> The increase in the Federal minimum wage is likely to result in a larger than normal increase in the adverse effect wage rate for several years after the new minimum wage becomes effective as the upward adjustment in the wage rates works its way through the agricultural industry.

This is because the adverse effect wage rate is set at the average field and livestock worker hourly earnings, and upward adjustment in wages at the lower end of the agricultural wage distribution resulting in the increase from the minimum wage will, of course, raise the average hourly earnings for agricultural workers, generally.

Furthermore, the lower wage jobs that disappear as a result of the increase in the minimum wage will no longer be part of the average, forcing the adverse effect wage rate up even higher. Increased wages in agriculture will only hasten the movement of agricultural production to foreign soils.

Maybe the reason we have upward of 500,000 illegal foreign workers in agriculture today is because of the prohibitively high cost of using the legal H–2A program or maybe it is because we don't pay Americans who work on our farms and ranches enough.

While we guarantee a minimum of the adverse effect wage rate to temporary foreign workers, U.S. workers in agriculture are guaranteed only a minimum wage. So in my home State of Georgia, a temporary H–2A worker today is guaranteed $8.37 an hour, while an American worker is guaranteed only $5.15 an hour.

My amendment is very simple, and it attempts to remedy the two possible causes of the lack of legal workers on our Nation's farms and ranches. This amendment changes the Fair Labor Standards Act to ensure that all farm workers, regardless of whether they are temporary foreign workers or U.S. citizens, be paid a prevailing wage. Adoption of this amendment will attract more legal workers to agricultural employment by allowing more farmers to access the Legal Temporary Worker Program and by guaranteeing U.S. workers higher wages on our Nation's farms.

Prevailing wages reflect geographic location, occupation, and skill level. The use of prevailing wages will improve competition within the United States without negatively affecting workers and will keep agricultural jobs at home.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

AMENDMENT NO. 167 TO AMENDMENT NO. 118

(Purpose: To improve agricultural job opportunities, benefits, and security for aliens in the United States)

Mr. KENNEDY. Mr. President, on behalf of Senator FEINSTEIN, I call up amendment No. 167, a second-degree amendment to amendment No. 118.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

> The Senator from Massachusetts [Mr. KENNEDY], for Mrs. FEINSTEIN, for herself and Mr. CRAIG, proposes an amendment numbered 167 to amendment No. 118.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. KENNEDY. Mr. President, I ask unanimous consent that the time between 4:50 p.m. and 5:40 p.m. be equally divided and controlled by Senators KENNEDY and SESSIONS for debate with respect to the Sessions amendment No. 148, with no second-degree amendment in order prior to the vote at 5:40 p.m., and that the Senate proceed to vote in relation to the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, the time is divided. Does the Senator from Alabama want to make a brief opening comment; otherwise, I will speak.

Mr. SESSIONS. Mr. President, I would be pleased to make opening comments. I guess the time of 5:40 p.m. was selected by the leadership or something.

Mr. KENNEDY. Or something.

Mr. SESSIONS. One of my goals was to hurry up so we could vote at 5:15 p.m. Now they decided they wanted to vote at 5:40. It is not my fault, I say to my colleagues. I did reduce the time.

The PRESIDING OFFICER. Will the Senator call up his amendment.

AMENDMENT NO. 148 TO AMENDMENT NO. 100

Mr. SESSIONS. Mr. President, I ask unanimous consent that the pending amendment be set aside and that amendment No. 148 be called up.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Alabama [Mr. SESSIONS], for himself, Mr. INHOFE, and Mr. GRASSLEY, proposes an amendment numbered 148 to amendment No. 100.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To prohibit employers who unlawfully employ aliens from receiving government contracts)

At the appropriate place, insert the following:

SEC. . RESPONSIBLE GOVERNMENT CONTRACTOR REQUIREMENTS.

Section 274A(e) of the Immigration and Nationality Act (8 U.S.C. 1324a(e)) is amended by adding at the end the following new paragraph:

"(10) PROHIBITION ON AWARD OF GOVERNMENT CONTRACTS, GRANTS, AND AGREEMENTS.—

"(A) EMPLOYERS WITH NO CONTRACTS, GRANTS, OR AGREEMENTS.—

"(i) IN GENERAL.—Subject to clause (iii) and subparagraph (C), if an employer who does not hold a Federal contract, grant, or cooperative agreement is determined to have violated this section, the employer shall be debarred from the receipt of a Federal contract, grant, or cooperative agreement for a period of 7 years.

"(ii) PLACEMENT ON EXCLUDED LIST.—The Secretary of Homeland Security or the Attorney General shall advise the Administrator of General Services of the debarment of an employer under clause (i) and the Administrator of General Services shall list the employer on the List of Parties Excluded from Federal Procurement and Nonprocurement Programs for a period of 7 years.

"(iii) WAIVER.—

"(I) AUTHORITY.—The Administrator of General Services, in consultation with the Secretary of Homeland Security and the Attorney General, may waive operation of clause (i) or may limit the duration or scope of a debarment under clause (i) if such waiver or limitation is necessary to national defense or in the interest of national security.

"(II) NOTIFICATION TO CONGRESS.—If the Administrator grants a waiver or limitation described in subclause (I), the Administrator shall submit to each member of the Committee on the Judiciary of the Senate and of the Committee on the Judiciary of the House of Representatives immediate notice of such waiver or limitation.

"(III) PROHIBITION ON JUDICIAL REVIEW.—The decision of whether to debar or take alternative action under this clause shall not be judicially reviewed.

"(B) EMPLOYERS WITH CONTRACTS, GRANTS, OR AGREEMENTS.—

"(i) IN GENERAL.—Subject to clause (iii) and subclause (C), an employer who holds a Federal contract, grant, or cooperative agreement and is determined to have violated this section shall be debarred from the receipt of new Federal contracts, grants, or cooperative agreements for a period of 10 years.

"(ii) NOTICE TO AGENCIES.—Prior to debarring the employer under clause (i), the Secretary of Homeland Security, in cooperation with the Administrator of General Services, shall advise any agency or department holding a contract, grant, or cooperative agreement with the employer of the Government's intention to debar the employer from the receipt of new Federal contracts, grants, or cooperative agreements for a period of 10 years.

"(iii) WAIVER.—

"(I) AUTHORITY.—After consideration of the views of any agency or department that holds a contract, grant, or cooperative agreement with the employer, the Administrator of General Services, in consultation with the Secretary of Homeland Security and the Attorney General, may waive operation of clause (i) or may limit the duration or scope of the debarment under clause (i) if such waiver or limitation is necessary to the national defense or in the interest of national security.

"(II) NOTIFICATION TO CONGRESS.—If the Administrator grants a waiver or limitation described in subclause (I), the Administrator shall submit to each member of the Committee on the Judiciary of the Senate and of the Committee on the Judiciary of the House of Representatives immediate notice of such waiver or limitation.

"(III) PROHIBITION ON JUDICIAL REVIEW.—The decision of whether to debar or take alternate action under this clause shall not be judicially reviewed.

"(C) EXEMPTION FROM PENALTY FOR EMPLOYERS PARTICIPATING IN THE BASIC PILOT PROGRAM.—In the case of imposition on an employer of a debarment from the receipt of a Federal contract, grant, or cooperative agreement under subparagraph (A) or (B), that penalty shall be waived if the employer establishes that the employer was voluntarily participating in the basic pilot program under section 403(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note) at the time of the violations of this section that resulted in the debarment.".

Mr. SESSIONS. Mr. President, the whole purpose of the Minimum Wage Act is to increase the wages of working Americans, particularly low-skilled workers who are paid minimum wage-level salaries and who are having a difficult time. That is a noble goal because I don't think their salaries have gone up as much as we would like.

One of the reasons, as I discussed earlier and will discuss again before this debate concludes, that those salaries have lagged behind is because of a large influx of illegal immigrant labor. That is indisputable, and it has not been discussed much. People apparently don't want to talk about it. We are going to talk about it.

We, also, have with regard to Government employees and Government contractors, a significant loophole we ought to fix that involves national security, as well as competition for American workers, and that is the purpose of this amendment No. 148, which I note has been cosponsored by Senator GRASSLEY and Senator COBURN.

This amendment would focus only on contractors who do work for the Federal Government. Unfortunately, I have not been able to get an agreement to have a vote on raising the penalties for other businesses in America from $250 as a fine for hiring illegals as I would have on amendment No. 142. That has been objected to by the Democratic leadership. I think we ought to vote on that amendment. It is a bigger issue, but at this point, we will be able to proceed to a vote on amendment No. 148.

Employment verification is the responsibility of an employer when someone is hired. It exists in paper form and was mandated in 1986 as part of that 1986 amnesty, in which 3 million people were legalized. We promised not to allow this kind of problem to happen again, and we set up a system that was supposed to work to verify the citizenship of people or their legality when they came to work.

Employers under the 1986 act must identify work authorization documents from each new person they hire, fill out form I–9 with an attestation and retain the I–9s in case the Department of Homeland Security wishes to look at them. That is what they are required to do.

Unfortunately, anything that looks good they often accept and some of them argue they have to accept. They don't look behind these documents, and there is no real verification. Many are totally bogus and fraudulent. Thousands and tens of thousands of documents are submitted with Social Security numbers that are all zeros. I think it was 50,000 Social Security numbers in this country that were all zeros. How bogus is that?

So an alternative to the paper I–9 system that has not been working, an Electronic Employment Verification System, was created in a pilot. It is used voluntarily by about 13,000 employers throughout this country to verify work authorization when hiring new employees.

The amendment before us today would prohibit contractors for the Government that get caught hiring illegal aliens from obtaining a new Government contract for up to 7 years or 10 years, depending on whether they currently have a contract with the Government.

We voted for this concept in the immigration bill previously, but a waiver from this debarment from contract work—and that is a substantial penalty for some of these companies—would be available for national defense and national security purposes.

Contractors, in addition, would be protected from this debarment, this ban, if they are using the EEVS system, or the Basic Pilot Program to verify the legality of the employers. It is used by the Senate, it is used by the House, it is used by every Government agency, and it is used by 13,000 businesses throughout this country.

All one has to do, basically, is your administrative officer or appropriate staff person goes online and checks the Social Security number or documents of the employee to verify their legality, and if they come up legal, they are able to hire them. The same would be true for these contractors who do contract work for the Federal Government. If they don't do that and they hire people who are illegal, then they could suffer the consequences. It would require them to do that. I think it only makes good sense.

Most economists do not dispute the contention that illegal work by illegal workers lowers the overall wage rate for particular industries, especially unskilled workers. Since the minimum wage is intended to raise the wage levels of these mostly unskilled workers, it is appropriate for us to consider the wages of Americans if contractors can easily obtain illegal labor from illegal immigrants and there would be fewer Americans hired to these jobs, and it would depress the wages, I submit, in reality and in theory.

Mr. President, I ask that I be notified when 9 minutes is up.

Many scholars and policymakers, including the U.S. Chamber of Commerce, Department of Homeland Security, the Heritage Foundation, on either side of the debate have advocated for some form of advanced mandatory employment verification system as one of the main tools necessary to prevent another surge of illegal immigration and to protect employers from liability, or being held accountable, for inadvertently hiring illegal workers. There have been a lot of problems with that, I will admit it. It is time for us to give clear direction to the employers and a clear system that will work. This amendment takes the first step. We encourage but not require the contractors to use an EEVS system, by providing them with protection from any liability if they use it.

If anyone should be following the system, any businesses should be, it ought to be businesses doing work for the U.S. taxpayers, spending money that belongs to the U.S. taxpayers.

Large numbers of illegal workers are being hired in America today. We know that. The vast majority of businesses carefully follow the law, but many of them, unfortunately, do not. Some are even contractors who are working on sensitive Government contracts.

Let me tell you, we have a problem. I will share some information about it. It impacts jobs, the economy, and our national security.

The Associated Press reported last Friday, January 19, that nearly 40 illegal immigrants hired by contractors working on 3 military bases in Georgia, Virginia, and Nevada, were arrested last week by the ICE Agency, the immigration enforcement group. Twenty-four of the illegal immigrant workers were arrested while trying to enter Fort Benning, GA, to do construction at the military base. According to the ICE, the illegal immigrants worked for different subcontractors.

My 9 minutes is up. I will try to finish in a couple of minutes, a very few minutes.

The PRESIDING OFFICER. The Senator has 14 minutes remaining.

Mr. SESSIONS. According to ICE, the illegal immigrants work for different subcontractors who are not facing any charges from the Government. Unfortunately, that is not a new problem. In October of 2005, seven illegal aliens were arrested for working at the U.S. Air Force base in Idaho. They were employed by a subcontractor.

Also, last October, 2006, three illegal workers were working at Fort Bragg and they were arrested.

In 2005 alone, ICE arrested 6 illegal aliens working at Homestead Air Reserve Base in Florida, 48 illegal aliens working at the Seymour Johnson Air Force Base in North Carolina, 9 illegal aliens performing contract work at a facility that refits Navy aircraft in North Carolina, 18 working for a San Diego company that performed maintenance on U.S. Navy vessels.

According to an Empire Journal article, a huge problem is that employers can participate in a voluntary program to verify employee work eligibility, but they suffer no penalty for failing to check the validity of the Social Security numbers.

The article concluded:

> A weak law allows the employer to see the document and if the document looks genuine to the employer, the employer cannot be held responsible for hiring the illegal immigrant.

It is astounding how widespread this problem is. In a report by ICE in 2005, a company contracted by the Navy to paint ships was found to employ 86 illegals who had security passes giving them access to the entire Navy base in San Diego.

In 2004, 41 suspected illegal aliens were apprehended while working for a Department of Defense contractor that was providing Boeing with anti-missile systems and radar—top security type equipment.

Also, in 2004, seven foreign nationals were arrested for working illegally at the Fort Polk Joint Readiness Training Center in Louisiana. They were "role players" in combat exercises to prepare soldiers for combat in Iraq.

In one alarming incident, the Nuclear Regulatory Commission was caught allowing illegal aliens to obtain bogus documentation by using fake Social Security numbers to work as contract painters in nuclear facilities.

Representative EDWARD MARKEY, a Democrat from Massachusetts, stated:

> Commission regulations are supposed to ensure that individuals who are able to access nuclear facilities are subject to appropriate background and security checks but they clearly did not work in this case.

This amendment would fix key weaknesses in the employer verification system, provide a defense to companies that follow the rules and act in good faith, and debar companies that violate the rule.

We will not tolerate that, with taxpayers' money on taxpayers' contracts.

We want to help people in this country get higher wages. I have talked about that for some time. We need to consider and take the advice, I believe, of Dr. Barry Chiswick, head of the Department of Economics at the University of Illinois in Chicago, when he testified before the Senate committee last spring. He said:

> The large increase in low-skilled immigration . . . has had the effect of decreasing the wages and employment opportunities of low-skilled workers who are currently residing in the United States.
>
> Over the past two decades . . . [t]he real earnings of low-skilled workers has either stagnated or decreased somewhat.

This is Dr. Chiswick. He goes on to say:

> We . . . need to . . . provide greater assistance to low-skilled Americans in their quest for better jobs and higher wages. [O]ne of the ways we can help them in this regard is by reducing the very substantial competition they are facing from this very large and uncontrolled low-skilled immigration that is the result of both our legal immigration system and the absence of enforcement of immigration law.

Professor Harry Holzer, Associate Dean and Professor of Public Policy at Georgetown, said this before the Judiciary Committee last spring. He believes American workers do want jobs currently held by illegal laborers and he believes that absent illegal immigrant competition, employers would raise wages and improve working conditions to attract American workers.

Absolutely that will happen. This is what the Associate Dean and Professor of Public Policy in Georgetown said:

> I believe that when immigrants are illegal, they do more to undercut the wages of native born workers because the playing field isn't level and the employers don't have to pay them market wages . . . [T]here are jobs in industries like construction I think are more appealing to native-born workers and many native-born low-income men might be interested in more of those jobs. . . . Absent the immigrants, the employer might need to raise those wages and improve those conditions of work to entice native-born workers into those jobs.

As we consider this, let's also consider the relevance of unfair competition to low-skilled workers. Let's let their wages go up in this time of unprecedented prosperity and GDP growth and profits. Let's let the workers' salaries go up. One way to do that is eliminate this competition from large numbers of illegal workers.

I yield the floor and reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator has 24 minutes.

Mr. KENNEDY. Mr. President, I ask the Chair to let me know when there is 5 minutes remaining.

The PRESIDING OFFICER. The Chair will do so.

Mr. KENNEDY. Mr. President, it is now 10 after 5 on the fifth day that the Senate has been considering raising the minimum wage from $5.15 to $7.25 over a 2-year period. We have not, as we have heard in the course of this debate, raised it in the last 10 years. This is just going to restore the purchasing power of those on the lower rungs of the economic ladder to what it was 10 years ago. It won't even give them an increase, simply restore the purchasing power.

Five days we have been debating a rather simple concept that everyone in this institution knows and has voted on a number of times—whether it is over here in the Senate or in the House of Representatives. For 10 years, Republican leadership has refused to let us get a vote on increasing the minimum wage. Let's have no mistake about it—10 years, the Republican leadership has basically refused to let us get it, even though a majority of the Members in this body, a handful of those Republican Members, have favored an increase in the minimum wage. But we have been unable to get to the numbers sufficient to break the effective filibuster and deny us the opportunity to vote.

These individuals, individuals who have been receiving the minimum wage, and their families and their allies and their supporters and the workers of this country, the trade union movement, the AFL/CIO, the church groups, those who represent the great faiths of this country and others, particularly Democrats and some conscientious Republicans, have said this is wrong and we will try to do something about it. They have, over the period of time, raised the initiatives in some States. In six different States where this issue was on the ballot, they indicated they wanted the increase in the minimum wage. States have raised the minimum wage. But we have still not had this institution, the Senate, go on record and say to working families in this country that they ought to get a raise.

Mr. President, $276 billion in tax breaks for corporations, $36 billion in tax breaks for small businesses, increase in productivity of 29 percent over the last 10 years, but do you think there is any increase in the minimum wage? No. Five days on the floor of the Senate we have considered immigration issues, as we have now. We have considered Social Security issues. We have considered health issues. We are considering education issues. We are considering additional kinds of tax breaks for wealthy corporations. But do we hear from the other side a willingness, as this side is willing at this moment, at 12 after 5 today, on Thursday? I speak for all of our Democratic Members and say we are prepared to vote now, now, in 10 minutes, 15 minutes on this issue.

But no, as we have been for the last five days—no, no, we have other amendments, Senator. We have other amendments to offer.

We have now had amendments that have been worth over $200 billion. We have had amendments on education of $35 billion. We have had health savings amendments that will benefit those of average income of $133,000 costing $8 billion. We have had those kinds of amendments and we are looking at the Kyl amendment at $3 billion, but we still cannot get $2.10 over 2 years.

What is the price, we ask the other side? What is the price you want from these working men and women? What cost? How much more do we have to give to the private sector and to business? How many billion dollars more are you asking, are you requiring? When does the greed stop, we ask the other side. That is the question and that is the issue, make no mistake about it. They have on the Republican side 70 more amendments—70 more amendments. We have none. We are prepared to vote now. Seventy more amendments. Oh, yes. We want an increase in the minimum wage, we want this, we want that, but silence over there, or let's have some other kinds of amendments that have virtually nothing to do with this. Do you have such disdain for hard-working Americans that you want to pile all your amendments on this? Why don't you just hold your amendments for other pieces of legislation? Why this volume of amendments on just the issue to try to raise the minimum wage? What is it about it that drives you Republicans crazy? What is it? Something. Something. Are you going to require us to have a cloture vote next week? I can see it already: Amendments that have already been filed that are going to be related in case we do get cloture to delay this even further.

What is the price workers have to pay to get an increase? What is it about working men and women that you find so offensive that you won't permit even a vote, denying the Senate of the United States the opportunity to express ourselves? We don't want to hear any more from that side for the rest of this session about permitting or not permitting votes in here when you are denying on the most simple concept: an increase in the minimum wage. We don't want to hear any more about that. This is filibuster by delay and amendments. I have been around here long enough to know it when I see it and smell it. That is what it looks like, that is what it is, make no mistake about it. Make no mistake about it. And it just puzzles me. It really does.

I don't know why it is so offensive to the other side. It certainly isn't the economic issues. We haven't heard those debated. We brought up the various charts about what has happened in States which have raised the minimum wage and how they have done better economically than States that have not raised it. We have shown where small businesses have done better in States where they have raised the minimum wage. We have also shown what has happened when we have an increase in the minimum wage.

We show the increased poverty. There is a long story in the New York Times today:

> Childhood Poverty Is Found To Portend High Adult Costs. Children who grow up poor cost the economy $500 billion a year because they are less productive, earn less money, commit more crimes, have more health-related expenses, according to a study released on Wednesday.

The study goes on. Here it is in the newspaper today, just what we have been talking about—the United States with the highest poverty rate for children of any industrial nation in the world.

What has happened? The British raise their minimum wage, and they get two million children out of poverty. The Irish go to $10.80 an hour and reduce the poverty for children by 40 percent. You raise the minimum wage, and you get children out of poverty. Oh, no, no. "Child Poverty Is Found To Portend High Adult Costs." What more information do we have to provide to the other side? What more do we have to do? What more do we have to do?

Well, hopefully the American people are going to understand about who is delaying, who is opposing, who is using every kind of parliamentary tactic known to every possible Parliamentarian to delay action on the increase in the minimum wage. It lies right at the feet of the Republican leadership—right at the feet of the Republican leadership. Make no mistake about it. Make no mistake about it. An amendment here, an amendment there, an amendment on Social Security, an amendment on immigration, and the chortling and the laughing as they go on about their business. Well, for those millions of Americans who are headed home tonight, after having worked long and hard, to face their children and hoping that at least, after the House of Representatives voted, with 80 Republicans who voted for an increase in the minimum wage, certainly the Senate of the United States isn't going to fail us, what do we tell them after 5 days? And $200 billion dollars more in tax cuts here, $35 billion more in tax cuts there, $8 billion more in tax cuts for HSAs. How many more billions of dollars do we have to give you, Mr. Republican? How many more dollars do we have to give you to get an increase in the minimum wage? It is shocking. It is disgraceful. But hopefully working families across this country are going to see it for what it is.

We have an amendment that I will just say a word about at this time, but before I do, how much time do I have remaining?

The PRESIDING OFFICER (Mr. WHITEHOUSE). The Senator has 12 minutes 40 seconds remaining.

Mr. KENNEDY. I would ask that the Chair tell me when I have 3 minutes.

IRAQ WAR

I want to take the time—since I have been listening patiently here, our colleagues are going to listen to me read a rather dramatic article in the New York Times today, page A-10:

> In the battle for Baghdad, Haifa Street has changed hands so often that it has taken on the feel of a no man's land, the deadly space between opposing trenches. On Wednesday, as American and Iraqi troops poured in, the street showed why it is such a sensitive gauge of an urban conflict marked by front lines that melt into confusion, enemies with no clear identity and allies who disappear or do not show up at all.
>
> In a miniature version of the troop increase that the United States hopes will secure the city, American soldiers and armored vehicles raced onto Haifa Street before dawn to dislodge Sunni insurgents and Shiite militias who have been battling for a stretch of ragged slums and mostly abandoned high rises. But as the sun rose, many of the Iraqi Army units who were supposed to do the actual searches of the buildings did not arrive on time, forcing the Americans to start the job on their own.
>
> When the Iraqi units finally did show up, it was with the air of a class outing, cheering and laughing as the Americans blew locks off doors with shotguns. As the morning wore on and the troops came under fire from all directions, another apparent flaw in this strategy became clear as empty apartments became lairs for gunmen who flitted from window to window and killed at least one American soldier, with a shot to the head.
>
> Whether the gunfire was coming from Sunni or Shiite insurgents or militia fighters or some of the Iraqi soldiers who had disappeared into the Gotham-like cityscape, no one could say.
>
> "Who the hell is shooting at us?" shouted Sgt. First Class Marc Biletski, whose platoon was jammed into a small room off an alley that was being swept by a sniper's bullets. "Who's shooting at us? Do we know who they are?"
>
> Just before the platoon tossed smoke bombs and sprinted through the alley to a more secure position, Sergeant Biletski had a moment to reflect on this spot, which the United States has now fought to regain from a mysterious enemy at least three times in the past two years.
>
> "This place is a failure," Sergeant Biletski said. "Every time we come here, we have to come back."
>
> He paused, then said, "Well, maybe not a total failure," since American troops have smashed opposition on Haifa Street each time they have come in.
>
> With that, Sergeant Biletski ran through the billowing yellow smoke and took up a new position.
>
> The Haifa Street operation, involving Bradley Fighting Vehicles as well as the highly mobile Stryker vehicles, is likely to cause plenty of reflection by the commanders in charge of the Baghdad buildup of more than 20,000 troops. Just how those extra troops will be used is not yet known, but it is likely to mirror at least broadly the Haifa Street strategy of working with Iraqi forces to take on unruly groups from both sides of the Sunni-Shiite sectarian divide.
>
> The commander of the operation, Lt. Col. Avanulas Smiley of the Third Stryker Brigade Combat Team, Second Infantry Division, said his forces were not interested in whether opposition came from bullets fired by Sunnis or by Shiites. He conceded that the cost of letting the Iraqi forces learn on the job was to add to the risk involved in the operation.
>
> "This was an Iraqi-led effort and with that come challenges and risks," Colonel Smiley said. "It can be organized chaos."
>
> The American units in the operation began moving up Haifa Street from the south by 2 a.m. on Wednesday. A platoon of B Company in the Stryker Brigade secured the roof of a high rise, where an Eminen poster was stuck on the wall of what appeared to be an Iraqi teenager's room on the top floor. But in a pattern that would be repeated again and again in a series of buildings, there was no one in the apartment.
>
> Many of the Iraqi units that showed up late never seemed to take the task seriously, searching haphazardly, breaking dishes and rifling through personal CD collections in the apartments. Eventually the Americans realized that the Iraqis were searching no more than half of the apartments; at one point the Iraqis completely disappeared, leaving the American unit working with them flabbergasted.
>
> "Where did they go?" yelled Sgt. Jeri A. Gillett. Another soldier suggested, "I say we just let them go and we do this ourselves."
>
> Then the gunfire began. It would come from high rises across the street, from behind trash piles and sandbags in alleys and from so many other directions that the soldiers began to worry that the Iraqi soldiers were firing at them. Mortars started dropping from across the Tigris River, to the east, in the direction of a Shiite slum.
>
> The only thing that was clear was that no one knew who the enemy was. "The thing is, we wear uniforms—they don't," said Specialist Terry Wilson.
>
> At one point the Americans were forced to jog alongside the Strykers on Haifa Street, sheltering themselves as best they could from the gunfire. The Americans finally found the Iraqis and ended up accompanying them into an extremely dangerous and exposed warren of low-slung hovels behind the high rises as gunfire rained down.
>
> American officers tried to persuade the Iraqi soldiers to leave the slum area for better cover, but the Iraqis refused to risk crossing a lane that was being raked by machine-gun fire. "It's their show," said Lt. David Stroud, adding that the Americans have orders to defer to the Iraqis in cases like this.
>
> In this surreal setting, about 20 American soldiers were forced at one point to pull themselves one by one up a canted tin roof by a dangling rubber hose and then shimmy along a ledge to another hut. The soldiers were stunned when a small child suddenly walked out of a darkened doorway and an old man started wheezing and crying somewhere inside.
>
> Ultimately the group made it back to the high rises and escaped the sniper in the alley by throwing out the smoke bombs and sprinting to safety. Even though two Iraqis were struck by gunfire, many of the rest could not stop shouting and guffawing with amusement as they ran through the smoke.
>
> One Iraqi soldier in the alley pointed his rifle at an American reporter and pulled the trigger. There was only a click: the weapon had no ammunition. The soldier laughed at his joke.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Massachusetts has 5 minutes 50 seconds remaining.

Mr. KENNEDY. Mr. President, this report in the New York Times is the reason our people are becoming angrier by the day as the war rages on. They expect Congress to be an effective restraint on the President and his misuse of the war power. Opposition to the escalation of the Iraq war is becoming louder. How much clearer does the opposition have to be before the President finally listens and responds to the voices of the American people, the generals, and a bipartisan majority of Congress?

General Abizaid doesn't support this escalation. He told the Senate Armed Services Committee:

> More American forces prevent the Iraqis from doing more, from taking more responsibility for their own future.

GEN James Conway, Commandant of the Marine Corps, doesn't support it. He said:

> We do not believe just adding numbers for the sake of adding numbers—just thickening the mix—is necessarily the way to go.

Secretary Powell said that he is not "persuaded that another surge of troops in Baghdad for the purpose of suppressing this communitarian violence, this civil war, will work."

GEN Barry McCaffrey, former Vice Chief of Staff of the U.S. Army, thinks it won't work. He said:

> Putting another 20,000 to 30,000 troops, particularly in urban combat in a city of 7 million Arabs of Baghdad, is a fool's errand. It is sticking your finger in the water. When you pull your finger out, its presence will not have made a difference.

General Hoar, former head of CENTCOM, told the Senate Foreign Relations Committee last week:

> The addition of 21,000 troops is too little and too late. This is still not enough to quell the violence, and without major changes in the command and control of forces within Baghdad, the current set-up for shared control is unsatisfactory.

Passage of the bipartisan resolution approved yesterday by the Foreign Relations Committee is an important statement about the need for a different course in Iraq, and I will support it. But we cannot stop there, especially if the President continues to unilaterally impose his failing policy on an America that has already rejected it.

Congress has a constitutional duty to stop the President from sending more of our sons and daughters into this civil war. That is why I have introduced legislation that would require the President to get the authority he needs from Congress before moving forward with a further escalation in Iraq, and I intend to seek a vote on it.

This is a debate about what is best for our troops and our national security. Our forces have served with great valor. They have done everything they have been asked to do. They have served in Iraq for longer than 4 years, longer than World War II. They have done everything they have been asked to do. They have won every battle they have been in, and they have served with great courage and great valor. We owe them. We owe their bravery, their courage, their dedication, and their commitment to the United States of America a better and fairer policy that will bring them safely home.

The PRESIDING OFFICER. The Senator has 3 minutes remaining.

Mr. KENNEDY. Mr. President, on the matter directly before the Senate, the Sessions amendment, the amendment bars employers from receiving Government contracts if they have violated the immigration laws that prohibit the hiring of illegal workers. There is no judicial review, but the Attorney General can waive the prohibition or limit the scope if it is necessary to the national defense or in the interests of national security. An exemption from the penalty is provided to employers participating in the basic pilot program, the current employer verification system.

This amendment bars employers from receiving Government contracts if they violate the immigration laws that prohibit the hiring of illegal workers. I am surprised that is not already the law. We certainly should bar them from receiving lucrative Government contracts and, therefore, I will support this amendment.

I do have concerns, however, about continuing to pass piecemeal enforcement-only measures without enacting a comprehensive reform program, and I would express reservations about others.

We will have the opportunity in the Senate Judiciary Committee, of which I happen to be the chairman of the immigration subcommittee at this time, to consider the immigration bill. We welcome the full opportunity to debate and discuss those issues in the subcommittee, the full committee, and in the Senate. I will support this amendment and withhold the remainder of my time.

The PRESIDING OFFICER. Who yields time?

The Senator from Alabama.

Mr. SESSIONS. How much time remains on this side?

The PRESIDING OFFICER. The Senator has 7 minutes 15 seconds.

Mr. SESSIONS. Mr. President, we want higher wages for American workers. This is important. I would like to see them receive $15, $20, $30 an hour, not $7 an hour. I would like to create economic forces to work so the average worker can benefit from that without some sort of Government wage control. I have voted for minimum wage increases.

We are going to move this bill forward, as I understand it, with a package of relief provisions for small businesses, and it will be passed. But we are not through yet with some relevant, important amendments. Is that what my colleagues object to? They certainly did not object to it when the Republicans were moving bills through the Senate last year or the year before. Senator KENNEDY can file a stack of amendments 2 feet thick if he desires. There is nothing wrong with offering some amendments, and we will move forward.

I will say a couple of things about it. We had amendments in the Senate almost every year in recent years—3, 4, 5 years—that would have raised the minimum wage and would have provided relief for small business. But the Democratic leadership, to make a political point, preferred not to have that and blocked that provision, voting only for their pure increase of the minimum wage.

So we are at this standoff that I think is particularly silly in light of the fact now that the bill we are about to pass, and I suggest will pass, is going to have the same small business relief provisions in it that could have been passed last time, last year, or before.

I don't appreciate the suggestion that we are here to protect corrupt, greedy, business people. My amendment targets greedy contractors, contractors who go out with Federal taxpayer money, hire people here illegally instead of hiring Americans to do work for the U.S. taxpayers. Let's crack down on them. I am glad the Senator supports that. However, I am disappointed that his leadership opposed a far more significant amendment that would have raised the minuscule $250 fine on big, greedy businesses that hire illegal workers. Why would they object to that when, in hiring those numbers by the tens or hundreds of thousands, we pull down the wages of American citizens? Why would we do that? Who is greedy now? What is wrong with creating a lawful system? Why don't we take care of our American workers?

Just in the last week there was an article on the front page of the Wall Street Journal about a chicken plant in Georgia. They raided that plant and nearly three-fourths of the workers disappeared. Some were arrested for being there illegally. The company went out and ran ads in the paper to say they were having new wage increases at the chicken plant. They were paying more than $1 an hour more. They sent buses to nearby towns to see if people wanted free rides to work. They provided dormitories for those who wanted to stay in the dormitory. They went through unemployment agencies in Georgia. They have already hired 200 workers, mostly African-American citizens, for those jobs. Another 200 applications were pending. Don't tell me that if we have a lawful system of immigration it won't improve significantly the wages of American workers.

I suggest my colleague from Massachusetts introduce himself to Professor Borjas at Harvard who has written a book on it. He says it has brought down the wages of low-income workers by as much as 8 percent, which is $100 per month, or $1,200 per year.

I submit these amendments are not irrelevant to our discussion. I note that small businesses do not all get rich. I met the nicest young man who opened a restaurant in Mobile, AL. He was working 90-hour weeks for months. He didn't know whether he was going to make it. He was not making a minimum wage, not in the weeks he started his business. He turned it around. Now he works 70-hour weeks and his business seems to be doing well. I hope he makes a lot of money. But he has some legitimate concerns for those small businesses to help him be successful. If he failed, a lot of people would not have had jobs.

We are coming to the conclusion of the time in which we will vote. This is a good amendment. We ought not have corporations or businesses getting Government contracts and going out and hiring people who are illegal to make an extra buck. It is not right. We have a system in place that should be in place for every business in America. It is a system that we in the Senate follow, the House of Representatives follows, and every Government agency in America follows. But you can hire somebody; you go online and you verify their employment legality. It works very well. If the employer does that, they will not be subject to penalty under this act.

We need to take some real steps in that regard. I believe we can do so. We will need to do more of it if we want to protect our workers. One way not to protect the salaries of workers would be to pass the bill that was before the Senate that came out of the Senate Judiciary Committee last year, the Kennedy-McCain bill, that would have added as many as five times the number of people into this country legally as currently are allowed. As it finally left the Senate, it would have increased by three times the number of people legally in this country. That would have a devastating impact on low-income workers in America. We cannot assimilate that many people that rapidly.

When we talk about comprehensive reform, let's talk about that. Let's see if we can't do it. Let's do it in a way that protects the livelihoods of the least in our Government.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I ask unanimous consent following the vote with respect to Sessions amendment No. 148, the Senate resume consideration of Kyl amendment No. 205; there be 10 minutes equally divided between Senator KYL and Senator BAUCUS prior to a vote in relation to the amendment, with no second-degree amendment in order prior to the vote.

Mr. ALLARD. Mr. President, reserving the right to object, I have an amendment I have been waiting for some time to try and bring up. I have a commitment from 6 o'clock to about 6:45.

My inquiry is, do the managers of this amendment plan on being around here later this evening so I can have an opportunity to offer that amendment or can I have an opportunity Friday when we come in to bring up my amendment?

Mr. KENNEDY. It is my understanding we are going to be on this bill as far as the eye can see. That is part of my problem on it.

Is the Senator's amendment at the desk?

Mr. ALLARD. It is at the desk. I am willing to do it tomorrow morning if I could just get some time set aside.

Mr. KENNEDY. I have this request at this particular time. We would be glad to look at the amendment. I am not familiar with the amendment right now. There are a number of others who have asked to be heard. I have been here all day, as well. We are trying to process these amendments. We have other amendments, but we will do the best we can. I plan on being around tomorrow. I don't know if we will be on this bill. We are having the debate on General Patraeus tomorrow. I plan to be here Monday. I plan to be here Tuesday.

Mr. ALLARD. As long as I have an opportunity to bring up my amendment, I would like that opportunity at some point.

Mr. KENNEDY. The Senator can call it up after the vote. There is no problem. Whether we will dispose of it is a different issue.

Mr. ALLARD. With the hope that we could at least get it in the queue?

Mr. KENNEDY. Certainly.

Mr. ALLARD. That would be fine.

The PRESIDING OFFICER. Is there objection to the unanimous consent request of the Senator from Massachusetts?

Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, the hour has arrived and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Hawaii (Mr. INOUYE), the Senator from South Dakota (Mr. JOHNSON), and the Senator from New York (Mr. SCHUMER) are necessarily absent.

Mr. LOTT. The following Senators were necessarily absent: the Senator from Oklahoma (Mr. COBURN), the Senator from Alaska (Mr. STEVENS), and the Senator from Wyoming (Mr. THOMAS).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 94, nays 0, as follows:

[Rollcall Vote No. 31 Leg.]

YEAS—94

Akaka
Alexander
Allard
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Brown
Brownback
Bunning
Burr
Byrd
Cantwell
Cardin
Carper
Casey
Chambliss
Clinton
Cochran
Coleman
Collins
Conrad
Corker
Cornyn
Craig
Crapo
DeMint
Dodd
Dole
Domenici
Dorgan
Durbin
Ensign
Enzi
Feingold
Feinstein
Graham
Grassley
Gregg
Hagel
Harkin
Hatch
Hutchison
Inhofe
Isakson
Kennedy
Kerry
Klobuchar
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Martinez
McCain
McCaskill
McConnell
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Sanders
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Sununu
Tester
Thune
Vitter
Voinovich
Warner
Webb
Whitehouse
Wyden

NOT VOTING—6

Coburn
Inouye
Johnson
Schumer
Stevens
Thomas

The amendment (No. 148) was agreed to.

AMENDMENT NO. 205

The PRESIDING OFFICER. There are now 10 minutes equally divided prior to a vote in relation to the Kyl amendment No. 205. Who yields time?

The Senator from Arizona.

Mr. KYL. Mr. President, in 10 minutes we will have a vote on an amendment which I offered earlier that merely extends the small business Tax Code provisions that came out of the Finance Committee, which were adopted unanimously, from March 31 of next year through December 31. Everybody recognized that if we could afford to do it, we wanted to extend them as long as we could, but the funds were there simply to extend it through March 31. No small business can plan on that short of a timeframe. So I think everybody would agree it is good policy.

In the committee, we agreed it was important to extend these benefits. These are primarily the writeoff periods for small business leasehold improvements, restaurants, and so on. Restaurants are about 60 percent of the people who will be receiving the benefits of the minimum wage increase and, therefore, these tax benefits clearly are important to them.

It is totally paid for. I hope my colleagues will be willing to extend these provisions from March 31 of next year through December 31 of next year.

I reserve the remainder of my time and yield to Senator GRASSLEY.

The PRESIDING OFFICER (Mr. NELSON of Florida). The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I am committed to the core package that we have a bipartisan agreement for, but within the committee we have had an understanding that if there is an add-on and if it is revenue neutral, they would be considered. So we are improving this package, the small business portions of it that nobody has any dispute ought to be done. There is some dispute over the offset. I wish to concentrate on that offset. It is fully offset. It comes from a proposal that comes from the Joint Committee on Taxation, not from the Republican side or the Democratic side but a nonpartisan side, that there is an inequity in provisions for payment. For instance, if you work for Principal Financial in Des Moines and they pay for your college, it is going to be taxed, but if you work for a university and you send your kids to college, it is tax free. So Joint Tax sees that as an inequity. We use that as a good offset. It is a good offset. I believe Senator KYL has worked hard to develop an amendment that will make the small business depreciation much better and more meaningful. I hope Members will support Senator KYL.

The PRESIDING OFFICER. Who yields time?

The Senator from Montana.

Mr. BAUCUS. Mr. President, I have the highest regard for the Senator from Arizona, as well as my very good friend from Iowa, Senator GRASSLEY. They neglected to tell you about the pay-for. First of all, this amendment is moving in the right direction to extend the leasehold improvement. However, in the committee, we tried to get a balanced package that also extends provisions for WOTC and other provisions to get it balanced. This amendment addresses one side of the equation. It is not balanced because it doesn't extend for the other side of the equation, which is the work opportunity tax credit. The primary problem I have with this amendment is the pay-for.

Essentially this amendment, offered by the Senator from Arizona, prevents, to a large degree, parents trying to get a good education for their kids. These are parents who work for various educational institutions. It could be kindergarten, high school. It could be a college. Under current law, a lot of people—janitors, cafeteria workers—take a cut in pay to work for institutions, knowing they will get a break in their tuition. This amendment takes that away. This amendment takes away a tax break for that person who has been working 8, 10, 15 years at an institution, knowing that his or her child, who may be a junior or sophomore in college, is there to get a good education. This amendment takes that incentive away. It cuts people off midstream. Again, these are not the children of professors. They tend to be the children of people who work, the plumbers who work at college, universities, and so forth.

This applies to all private education. It could be parochial, nonparochial. We all know examples of parents who sacrifice to get their kids through school. This amendment takes away that break that those parents are now getting.

It is not a good thing. Earlier today, we were talking about ways to expand tax credits and incentives for people so they can get an education. This amendment takes away incentives for people to get a good education. It is the wrong amendment. The pay-for is not correct. We should, therefore, not agree to the amendment. At the appropriate time, I will move to table.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, please understand that one of the things my friend from Montana said is not correct. We are not taking away the $5,000 benefit that exists for everybody who provides for tuition to be tax free. That remains. We are not touching that. All we are saying is that it ought to be the same for the son or daughter of a college professor as the son or daughter of the manager of the pizza shop. The only one who gets the tuition tax break that is tax free is the son or daughter of the college professor. But if you work for a small business and your boss decides to send your child to school, pay the tuition for that child, you could still get that tuition, but you have to pay the tax consequences of that; that is a taxable benefit. There should be no differentiation between working for a small business or a big business, for that matter, or being the son or daughter of a college professor.

That is what the bipartisan Joint Tax Committee said. This is totally unfair. It is part of the closing of the tax gap because of the unfairness between one small group of our society and everybody else. All this does is equalize the tax treatment of the employer providing the tuition free for the student. That pays for what everyone recognizes is a very important extension of the small business provisions of the Finance Committee from March 31 of next year through December 31 of next year.

I urge Members to vote against the motion to table the amendment.

Mr. KENNEDY. Mr. President, this is not an omnibus tax bill, it is long overdue legislation to increase the minimum wage. It is not an opportunity for Members to present their tax cut wish list. It is Congress' opportunity to finally right the wrong of denying millions of hard working minimum wage workers a raise for 10 years.

Since the minimum wage was last increased 10 years ago, Congress has passed $276 billion dollars in corporate tax breaks. In addition, Congress has cut taxes for individuals by more than a trillion dollars, with most of the benefits going to the wealthiest taxpayers.

Unfortunately, for some of our Republican colleagues, there never are enough tax breaks for the wealthy. They have filed more than twenty five amendments proposing new or expanded tax cuts. Many of them would cost billions of dollars.

The Republicans are attempting to hold the minimum wage increase hostage to their insatiable desire for more and larger tax cuts. It is a shameless strategy.

The Kyl amendment seeks to extend the period of time when businesses can receive accelerated depreciation for leasehold restaurant and retail space improvements. The original amendment contained no offset. It would have cost $3 billion dollars.

After being told by Democratic leaders that we would oppose any tax breaks that weren't paid for, Senator KYL changed his amendment to include an offset.

The problem is that the tax benefit he proposes to eliminate is much more worthy than the tax break he is seeking to create. He is proposing to eliminate a long-standing tax provision that allows employees of educational institutions to receive free tuition for their children. He wants to tax that free tuition. This would be a huge tax increase for hundreds of thousands of families with very modest incomes. They are teachers, food service workers, and maintenance personnel at colleges and schools across America. Many of them have worked for years in jobs with lower wages than they could have earned elsewhere in order to receive these educational opportunities for their children. Right now more than 150,000 students are attending college because of these benefits.

More than one-fifth of all graduate students in our country receive employer benefits from the schools they attend, including tuition reduction. Senator KYL's amendment would make it more difficult for these students to remain in school as well.

To change existing law and suddenly make that free tuition taxable will mean that many of these people can not afford to take advantage of the free tuition. That would be grossly unfair. It would be eliminating a very legitimate pro-education tax benefit to fund yet another business tax break for the same wealthy interests that have already received so much.

At a time when our Nation's competitiveness and the global economy depends on our ability to continue producing high skilled workers, making it more difficult for students to obtain an education just doesn't make sense.

Senator KYL's amendment would have an ironic result. It would mean that thousands of men and women, who toil at the most difficult jobs at our nation's colleges, will have no hope of seeing their children walk through those college gates themselves.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Montana has 1 minute 49 seconds. The Senator from Arizona has 4 seconds.

Mr. KYL. I yield back the remainder of my time.

Mr. BAUCUS. I will be brief.

The argument by the Senator from Arizona is not apt. It is a false analogy. Why? Because we are talking in the main about parents who currently are working, who are currently relying upon the current tax provisions. We are not talking about those who may or may not be considering going to that institution. We are talking about those currently working there. This will be taken away from them. Some of these people are working hard. They are taking a big cut in pay to work at an educational institution so their kids get educated. We are saying: take it away. You have been working there.

We are leaving that family high and dry. I think it is the wrong thing to do.

There is a proper time to deal with these provisions. This is not the time. It is a bad amendment anyway. Let's figure out ways to give benefits for kids to go to school, not to take them away.

I yield back my time, move to table the amendment, and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The bill clerk called the roll.

Mr. LOTT. The following Senators were necessarily absent: the Senator from Colorado (Mr. ALLARD), the Senator from Oklahoma (Mr. COBURN), the Senator from Alaska (Mr. STEVENS), and the Senator from Wyoming (Mr. THOMAS).

Mr. DURBIN. I announce that the Senator from California (Mrs. BOXER), The Senator from Hawaii (Mr. INOUYE), the Senator from South Dakota (Mr. JOHNSON), and the Senator from New York (Mr. SCHUMER) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 50, nays 42, as follows:

[Rollcall Vote No. 32 Leg.]

YEAS—50

Akaka
Alexander
Baucus
Bayh
Biden
Bingaman
Brown
Byrd
Cantwell
Cardin
Carper
Casey
Clinton
Collins
Conrad
Dodd
Dorgan
Durbin
Feingold
Feinstein
Harkin
Kennedy
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
McCaskill
Menendez
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sanders
Snowe
Stabenow
Tester
Webb
Whitehouse
Wyden

NAYS—42

Bennett
Bond
Brownback
Bunning
Burr
Chambliss
Cochran
Coleman
Corker
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Ensign
Enzi
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lott
Lugar
Martinez
McCain
McConnell
Murkowski
Roberts
Sessions
Shelby
Smith
Specter
Sununu
Thune
Vitter
Voinovich
Warner

NOT VOTING—8

Allard
Boxer
Coburn
Inouye
Johnson
Schumer
Stevens
Thomas

The motion was agreed to.

Mr. BAUCUS. I move to reconsider the vote.

Mr. GRASSLEY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Wyoming.

AMENDMENT NO. 169 TO AMENDMENT NO. 100

Mr. ENZI. Mr. President, I ask unanimous consent that the pending amendment be set aside, and I call up amendment No. 169.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Wyoming [Mr. ENZI], for Mr. ALLARD, proposes an amendment numbered 169 to amendment No. 100.

Mr. ENZI. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To prevent identity theft by allowing the sharing of social security data among government agencies for immigration enforcement purposes)

At the end, add the following new section:

SEC. ___. SHARING OF SOCIAL SECURITY DATA FOR IMMIGRATION ENFORCEMENT PURPOSES.

(a) SOCIAL SECURITY ACCOUNT NUMBERS.—Section 264(f) of the Immigration and Nationality Act (8 U.S.C. 1304(f)) is amended to read as follows:

"(f) Notwithstanding any other provision of law (including section 6103 of the Internal Revenue Code of 1986), the Secretary of Homeland Security, the Secretary of Labor, and the Attorney General are authorized to require any individual to provide his or her own social security account number for purposes of inclusion in any record of the individual maintained by either such Secretary or the Attorney General, or of inclusion in any application, document, or form provided under or required by the immigration laws.".

(b) EXCHANGE OF INFORMATION.—Section 290(c) of the Immigration and Nationality Act (8 U.S.C. 1360(c)) is amended by striking paragraph (2) and inserting the following new paragraphs:

"(2)(A) Notwithstanding any other provision of law (including section 6103 of the Internal Revenue Code of 1986) if earnings are reported on or after January 1, 1997, to the Social Security Administration on a social security account number issued to an alien not authorized to work in the United States, the Commissioner of Social Security shall provide the Secretary of Homeland Security with information regarding the name, date of birth, and address of the alien, the name and address of the person reporting the earnings, and the amount of the earnings.

"(B) The information described in subparagraph (A) shall be provided in an electronic form agreed upon by the Commissioner and the Secretary.

"(3)(A) Notwithstanding any other provision of law (including section 6103 of the Internal Revenue Code of 1986), if a social security account number was used with multiple names, the Commissioner of Social Security shall provide the Secretary of Homeland Security with information regarding the name, date of birth, and address of each individual who used that social security account number, and the name and address of the person reporting the earnings for an individual who used that social security account number.

"(B) The information described in subparagraph (A) shall be provided in an electronic form agreed upon by the Commissioner and the Secretary for the sole purpose of enforcing the immigration laws.

"(C) The Secretary, in consultation with the Commissioner, may limit or modify the requirements of this paragraph, as appropriate, to identify the cases posing the highest possibility of fraudulent use of social security account numbers related to violation of the immigration laws.

"(4)(A) Notwithstanding any other provision of law (including section 6103 of the Internal Revenue Code of 1986), if more than one person reports earnings for an individual during a single tax year, the Commissioner of Social Security shall provide the Secretary of Homeland Security information regarding the name, date of birth, and address of the individual, and the name and address of the each person reporting earnings for that individual.

"(B) The information described in subparagraph (A) shall be provided in an electronic form agreed upon by the Commissioner and the Secretary for the sole purpose of enforcing the immigration laws.

"(C) The Secretary, in consultation with the Commissioner, may limit or modify the requirements of this paragraph, as appropriate, to identify the cases posing the highest possibility of fraudulent use of social security account numbers related to violation of the immigration laws.

"(5)(A) The Commissioner of Social Security shall perform, at the request to the Secretary of Homeland Security, any search or manipulation of records held by the Commissioner if the Secretary certifies that the purpose of the search or manipulation is to obtain information that is likely to assist in identifying individuals (and their employers) who are using false names or social security numbers, who are sharing a single valid name and social security number among multiple individuals, who are using the social security number of a person who is deceased, too young to work, or not authorized to work, or who are otherwise engaged in a violation of the immigration laws. The Commissioner shall provide the results of such search or manipulation to the Secretary, notwithstanding any other provision law (including section 6103 of the Internal Revenue Code of 1986).

"(B) The Secretary shall transfer to the Commissioner the funds necessary to cover the costs directly incurred by the Commissioner in carrying out each search or manipulation requested by the Secretary under subparagraph (A).".

(c) FALSE CLAIMS OF CITIZENSHIP BY NATIONALS OF THE UNITED STATES.—Section 212(a)(6)(C)(ii)(I) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(6)(C)(ii)(I)) is amended by inserting "or national" after "citizen".

Mr. ALLARD. Mr. President, I have introduced a couple of amendments. The reason I have done so is because I think we need to take this opportunity to address more than just minimum wage.

My good friend from Massachusetts talked a lot about the working men and women of this country, but minimum wage does not address all the working men and women in this country. We need to broaden this legislation so we talk about those who are in business for themselves, the small businesspeople. Many times the working men and women of this country, when they start their business, which I have had a wonderful opportunity to do, have to save their money because they have to count on not making much money their first 2 or 3 years, if they make any at all. Then, after 3 years, maybe, if you do a good job and hit the market right, your business will survive. However, a lot of small businesspeople fail. So we need to understand, when we talk about the working American men and women of this country, we need to make sure we have legislation that is all inclusive. We need to keep all of them in mind when we work on this particular legislation. That is why so many of us believe this legislation needs to deal with more than just minimum wage. It needs to deal with some regulatory and tax relief for small businesspeople because they are working men and women in this country, also.

I also rise today to ask the Members of the Senate to support my amendment, No. 169 to the pending minimum wage bill. It cuts at the heart of a rampant problem in this country; that is, identity theft. A resolution of this problem has the potential to help small business. On Monday, a bipartisan group of Senators and I met with Secretary Chertoff on this issue. Secretary Chertoff explained that, under current law, Government agencies are prevented from sharing information with one another that, if shared, could expose cases of identity theft.

My amendment tears down the wall that prevents the sharing of existing information among Government agencies. It permits the Commissioner of Social Security to share information with the Secretary of Homeland Security, where such information is likely to assist in discovering identity theft, Social Security number misuse or violations of immigration law. This is going to help small businesses such as construction businesses, farmers, ranchers, drywall businesses, horticulture and landscape companies and many more.

Specifically, this amendment requires the Commissioner to inform the Secretary of Homeland Security, upon discovery of a Social Security account number being used with multiple names, or where an individual has more than one person reporting earnings for him or her during a single tax year. It seems logical that we would already be doing this, but we are not.

In the meantime, identity theft is plaguing innocent victims all across the country. We were reminded of the pervasiveness of this problem by the recent raids by Immigration and Customs Enforcement of six Swift and Company meat-packing plants across the country on December 12, 2006. In total, agents apprehended 1,282 illegal alien workers on administrative immigration violations. Of these, 65 have also been charged with criminal violations related to identity theft or other violations.

Unfortunately, for the victims—that is the victims of identity theft—by the time the identity theft is discovered, the damage has already been done. Colorado is ranked fifth in the Nation for identity theft, and the citizens of my State of Colorado are no stranger to identity theft.

For instance, an 84-year-old Grand Junction woman was deemed ineligible for Federal housing assistance because her Social Security number was being used at a variety of jobs in Denver, making her income too high to qualify because all these individuals had been using her I.D. number and it was coming in to Social Security, and when they checked on her income, it was recorded much higher than what she was receiving. If this had been discovered earlier, before she had applied for her housing grants, there would have been fewer victims.

Another example is a 10-year-old child in Douglas County who had his identity stolen. His Social Security number was being used at 17 different jobs. Now, if this had been discovered earlier, again, we would have had fewer victims.

Others get stuck with big tax bills for wages they never earned. Clearly, theft is an issue that affects people of all ages and walks of life, particularly those working for minimum wage who may struggle to pay the cost of getting their identity back after it has been stolen. Again, if these cases could have been discovered earlier, then there would have been fewer victims.

Yet when the Social Security Administration has reason to believe that a Social Security number is being used fraudulently, they are prevented from sharing it with the Department of Homeland Security. Withholding this information effectively enables thieves to continue to perpetrate the crime of identity theft against innocent victims.

Pilot programs such as what was being used at Swift and Company are managed through the Department of Homeland Security. What they say to the employer is: We will help you verify that the employee's social security number is legitimate and it matches the name provided. However, Secretary Chertoff explained the limitations of the program. He said, if two people are using the same Social Security number at the same time, he can't get the information to recognize it. So when a number comes in to his agency when he is working with these pilot programs, all he can assure is that the name goes with the Social Security number. But he can't get the information out of the Social Security Administration as to whether two people are using the same number.

In some cases, as in the child I mentioned, the same social security number is being used in as many as 17 different jobs at once. We have had thousands of cases in Colorado where this has happened, where the victim didn't realize that somebody else was using their Social Security number until they were contacted by the Internal Revenue Service and told that they weren't reporting all their income, and they discovered that somebody else was using it at their place of employment.

So by simply sharing this information, cases of identity theft could be discovered much sooner. Victims of identity theft deserve to have this information acted on, and my amendment enables this.

We have a choice. We can side with the victims or side with the thieves. I urge my colleagues to take the side of the victims and enact this commonsense reform.

Mr. President, I ask unanimous consent to insert for the RECORD an article in the Rocky Mountain News entitled "Owens Wants Action on ID Theft."

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Rocky Mountain News, July 6, 2006]

OWENS WANTS ACTION ON ID THEFT

(By David Montero)

Gov. Bill Owens called upon the legislature Wednesday to require employers to be more diligent when verifying the validity of Social Security numbers of those they hire.

On the eve of the legislature's special session to address illegal immigration, Owens rattled off a list of identity-theft transgressions in Colorado and said the current $50 fine levied against businesses who submit false Social Security numbers isn't enough of a deterrent.

"We're going to seek additional penalty from the legislature so that we can actually make this more than a cost of doing business," he said.

It costs the state more than $50 to levy the fine and prosecute the businesses submitting invalid Social Security numbers, he said.

Standing next to Rick Grice, executive director of the Colorado Department of Labor and Employment, Owens said that the numbers related to identity theft in the state are startling.

According to Grice's statistics, one Social Security number alone was reported by 57 different employers. Another Social Security number was found to be on the rolls of 50 different businesses.

During the first quarter of 2006, 368 Social Security numbers were filed more than six times by 2,828 employers, according to data combed over by Grice's department. Some numbers were obviously phony.

"The false numbers jumped off the pages of the reports by showing such numbers as 333-33-3333 and 444-4—well, you get the picture," Grice said.

Grice said he didn't know what kind of fine would be useful as a deterrent to employers submitting false Social Security numbers to the Labor Department, but that he suspects any new penalty would begin with a warning to the employer to check all workers' identification.

According to data provided by the governor's office, Colorado ranked fifth in the nation in identity-theft cases per 100,000 people.

Owens provided examples of identity theft victims—including an 84-year-old woman in Grand Junction who was deemed ineligible for federal housing assistance because her Social Security number was being used in Denver at a variety of jobs, making her income too high to qualify for the housing.

He also said a 10-year-old boy in Douglas County had his Social Security number used at 17 different jobs.

Owens, who recently signed legislation criminalizing identity theft and authorizing the formation of the Identity Theft Commission, suggested that employers use a federal basic pilot program run by the Social Security Administration and the Immigration and Naturalization Service, saying it is a "good first step," despite some flaws in the system.

Donnah Moody, vice president of government affairs at the Colorado Association of Commerce and Industry, said that the pilot program—designed for employers to verify the legality of Social Security numbers—isn't ready yet.

Mr. ENZI. I yield the floor.

VOTE EXPLANATION

Ms. CANTWELL. Mr. President, I was unfortunately delayed from voting on the DeMint amendment No. 158—rollcall vote No. 25. For the record, I would have voted no on the motion to waive the Budget Act.

The PRESIDING OFFICER. The Senator from Illinois.

MORNING BUSINESS

Mr. DURBIN. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

REMARKS OF THE VICE PRESIDENT

Mr. DURBIN. Mr. President, there was an interview between Wolf Blitzer and the President of the United States that was aired this morning on the news. Some of the statements that were made by the Vice President are very difficult to understand. When he was asked about Iraq, Vice President CHENEY said:

> Bottom line is that we've had enormous successes and we will continue to have enormous successes.

It is interesting that the Vice President would make this statement barely a week after the President of the United States announced that we are facing a slow failure in Iraq. The President sees a slow failure; the Vice President sees enormous successes.

This is not the first time the Vice President has made statements which defy reality. We can all recall the statements made by him and many others in the administration suggesting the presence of weapons of mass destruction, nuclear weapons, suggesting a connection somehow between Saddam Hussein and the tragedy of 9/11. It turns out that in each and every instance the Vice President was wrong.

We can also remember that in June of 2005 when we were facing one of the bloodiest, deadliest periods in Iraq, Vice President CHENEY said:

> The level of activity that we see today from a military standpoint, I think, will clearly decline. I think they're in their last throes, if you will, of the insurgency.

Another quote from the Vice President which was not in touch with the reality of the war in Iraq.

We have had that from the beginning. Whether it was the Vice President's suggestion—this comes from March 16, 2003:

> Now, I think things have gotten so bad inside Iraq, from the standpoint of the Iraqi people, my belief is we will, in fact, be greeted as liberators.

I will concede the Vice President later admitted he was wrong in making that statement.

The point I am making is this: If the current Secretary of Defense concedes to our Armed Services Committee that we are not winning this war, if the Baker-Hamilton bipartisan study group comes forward and says the situation is grave and deteriorating, if the President says our continued course of action is a slow failure, one has to wonder where the Vice President is receiving his information.

Earlier this morning, I said that he was delusional when it came to this issue. To be delusional is to be out of touch with reality. And I believe the Vice President has been out of touch with reality when he makes comments such as that.

At the least, the American people expect an honest answer about the situation in Iraq. I think what the President has said about a slow failure is an honest appraisal. I think what the Secretary of Defense, Mr. Gates, said about not winning this war is an honest appraisal. I think the findings of the Baker-Hamilton bipartisan study group that the situation is grave and deteriorating is an honest appraisal of reality.

This much I will say: The real success in Iraq, if we can point to it, is the fact that our brave men and women in uniform have done such a remarkable job. They have faced extraordinary responsibilities and assignments. They came to Iraq, invaded it, deposed that dictator, found him in a hole in the ground and brought him to trial, and gave the Iraqi people a chance for free elections and a chance to write their own Constitution. Those successes which did occur were the result of great determination by our troops in uniform and many brave Iraqis who stepped forward and risked their lives to move their nation forward.

But we all know the situation today. As of this morning, we have lost 3,057 American soldiers. We know that over 23,000 have returned from Iraq with injuries, almost 7,000 with serious injuries—amputations, blindness, serious burns, traumatic brain injury. Those are the realities of what we face.

We also know that the situation on the ground in Iraq is very difficult for most people to understand. When the Prime Minister of Iraq, Mr. Maliki, says to the President: We don't need additional troops, and the President says we are sending them anyway, when the generals in the field say that if America continues to send troops, the Iraqis won't accept the responsibility of defending their country and the administration says we are going to send troops anyway, I think that is evidence that this administration's policy is not connected to the reality of what is on the ground in Iraq. And certainly for the Vice President to characterize that sad and tragic situation in Iraq today as an enormous success is not in touch with the reality of what our soldiers face and our country faces.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. NELSON of Florida. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. LINCOLN). Without objection, it is so ordered.

TRIBUTE TO SENATOR GEORGE A. SMATHERS

Mr. NELSON of Florida. Madam President, on Monday I have the great privilege of delivering the eulogy at the funeral for Senator George Smathers in whose office I had the privilege, as a college student, of interning. As I greet each of our interns in our Senate offices as they rotate, I always tell them the story of being an intern, how it had a profound influence on my life because that summer, interning for Senator Smathers, I met his son Bruce. Bruce and I then became college roommates. After law school and the military, Bruce introduced me to my wife, and I returned the favor and introduced Bruce to his wife. And his son, little Bruce, is my godson. So over the years, I have had the privilege of having my life intersecting with the Smathers family, so much so that when I came to the Senate, I requested that I have the desk of George Smathers.

It is with that background that, indeed, it is a great honor for me that the family has asked me to deliver the eulogy. It will be a great privilege for me, next Monday, to recall the great life and times of this great American and great Floridian. I will just mention a couple of things in his career. I will elaborate at greater length and will introduce that eulogy into the RECORD of the Senate after I have given it.

I wish to mention that was a Senate which had giants with whom all of us in my generation grew up—Symington of Missouri and Johnson of Texas and Dirksen of Illinois and Mansfield of Montana and, from my State, Smathers and Holland.

Johnson really relied on Smathers—so much so that when there was a vacancy as the assistant majority leader, he asked Smathers to fill in temporarily. And when Senator Johnson, the majority leader, ended up having his heart attack and was out of work for 7 months, George Smathers stood in as the acting majority leader. Upon Senator Johnson's return, he asked Senator Smathers to be his permanent assistant majority leader. LBJ was not someone who was accustomed to having someone tell him no, but his friend from Florida told him that he should not do it.

I will just mention one other fact. George Smathers, as a young Congressman, met Fidel Castro in 1948. Fidel Castro told him that he was going to take over Cuba. That was 11 years before Castro ousted the hated dictator Batista. Smathers was always leery of Fidel Castro, and he often warned people, before Castro took over and, in fact, after Castro was in. When so many in the world thought he got rid of the hated dictator Batista, Smathers said: Watch out, he is going to consolidate power and he is going to become a problem. He was prophetic. That is exactly what happened.

That was the kind of leadership we had. It is the passing of an era. America has lost one of her great leaders, and Florida has lost one of its great sons. It is my privilege to bring these remarks to the Senate.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SANDERS). Without objection, it is so ordered.

IRAQ WAR RESOLUTIONS

Mr. NELSON of Florida. Mr. President, for a week now we have had this speculation, the rumors, and then finally the deliberations in front of the Senate Foreign Relations Committee of a resolution disapproving the President's increase of the forces by 21,000 in Iraq. A resolution was passed out on a vote of something like 12 to 9 yesterday. It was bipartisan in the passing, but it was basically a partisan vote. Save for one member of the minority on the Senate Foreign Relations Committee, all of the minority voted against the resolution. But almost to a person, all of the members of the Senate Foreign Relations Committee, both sides of the aisle, had expressed their dissatisfaction, individually in their statements in front of the committee, with the President's intention to increase the number of troops, which is already underway, as we know, as we have been reading the commentary in the press.

So we have that resolution. Then we have a resolution introduced by Senator WARNER. This Senator from Florida looks at these two resolutions, and they are almost identical. So this Senator is one of several Senators who has cosponsored both resolutions. This Senator is one of several Senators who has been trying to bring the two together to be folded into one, since it basically, in substance, is the same thing in both of them. Yet for one reason or another, that has not been accomplished.

Therefore, next week, we expect both of those resolutions to come in front of the Senate. At this moment, it looks as if it will be the Senate Foreign Relations Committee product that will then be amendable and I suppose with a substitute amendment. Then we go through all the amendatory process. Now, that may be the way the Senate will work its will, but it is not necessarily the way it could be done the easiest, if we could have great minds come together in a bipartisan way on two resolutions that virtually say the same thing.

I bring this up simply to say we get so wound around the axle and so worked up over the particular number of troops when, in fact, looking at the underlying conditions in the Middle East and in Iraq, where there is so much at stake for our country: The oil and gas in that region, the east-west trade routes that go through the area, all of the international capital investment that is in that region of the world, and all of the capital that is produced that flows out of that part of the world—all of that instability in the region, brought about as a result of instability in Iraq, is going to have a major global impact.

The former commander, the former combatant commander of the U.S. Central Command, General Tony Zinni, a now retired 4-star Marine general who served as the head of Central Command back under the Clinton administration, has written extensively on this, and he points out that there is a complexity we have unleashed by going into Iraq that is not only the Sunni-Shiite conflict but also the Arab-Persian conflict. General Zinni, in his upfront, blunt-talking way says:

> There are three options in Iraq: Fix it, contain it, or leave it.

And he doesn't feel, and this Senator doesn't feel, that we can take the third option of picking up and leaving it because of the enormous consequences. And if we can't fix it, we have to contain it, but then you are going to have to own that containment and have a containment strategy executed by the United States because the region can't do it for itself. And containment, according to General Zinni, is very messy and is probably much tougher in the long run.

So perhaps as we discuss next week these two resolutions over the issue of 21,000 troops, let's remember that in the long run, for us to be successful in stabilizing Iraq, we have to look to additional issues that have to be solved, such as the economics there, the diplomacy, the security—a lot of what the Iraq Study Commission has come forward with in their plan. And let's also understand that as we talk about what we want to do to stabilize Iraq in getting the Iraqi security forces able to provide their own security, that getting them provided with guns and other equipment isn't going to provide the security that you need because, the Iraqi security forces need civil affairs and psychological operations and counterintelligence and intelligence forces. They are going to have to have civil affairs moving in behind their military operations in order to paint buildings and create infrastructure so there will be something positive left behind.

Remember, the doctrine under Secretary Rumsfeld was "clear, hold, and build." The problem was, they cleared an area, but they never held it. They never got around to the point of building. General Petraeus said yesterday in our committee we were going to go in and clear, hold, and then we have to be able to build. Whether we talk about 21,000 troops or not, you cannot build in the midst of sectarian violence of Shia, Sunnis, and the overall Arab-Persian conflict. Until we address these issues, at the end of the day, Iraq is not going to be stabilized. In a destabilized society, a priority has to be in rebuilding institutions in social, economic, and political areas.

One of the things the United States may consider increasing its emphasis on, since we have so many agencies of government there all doing their own thing, is an interagency coordinating mechanism to help bring everything together so, indeed, "clear, hold, and build" has an opportunity to be executed and then, hopefully, an opportunity to succeed.

I wanted to offer some additional ideas, a lot of which have been inspired by General Zinni, someone who understands how to operate in that part of the world as we debate next week the resolutions over whether we would indicate our approval of the President's plan. Maybe when we debate that, we can debate the deficiencies of not only what has been done in the past but what we have to do in the future in order to give that country an opportunity to stabilize.

I hope it is not too late. I must say, this Senator feels at times it is too late, particularly with these almost 1,500 years of sectarian violence that occurred after the death of Mohammed in the 600s A.D., that it was the rebellion started by his son-in-law that ultimately led to the Shiite sect which was born out of rebellion and wanting to get revenge. We have seen that play out over centuries and centuries. Again, we are seeing it play out now in Iraq. But we must be optimists and we must try, for the stakes are exceptionally high.

COMMITTEE ON THE JUDICIARY RULES OF PROCEDURE

Mr. LEAHY. Mr. President, today the Judiciary Committee held its first business meeting of the year. I can now report to the Senate that we have organized our subcommittees, including our creation of a new subcommittee on Human Rights, named our subcommittee chairs and ranking members, adopted our committee rules and adopted our funding resolution. I thank our ranking member, Senator SPECTER, and all members of the committee for their cooperation.

We were delayed a few weeks by the failure of the Senate to pass organizing resolutions on January 4, when this session first began. The Republican caucus had meetings over several days after we were in session before finally agreeing on January 12 to S. Res. 27 and S. Res. 28, the resolutions assigning Members to Senate committees.

The Judiciary Committee has traditionally met on Thursday. Regrettably, the delay in Senate organization meant that I could not notice or convene a meeting of the committee the morning of January 11, as I had hoped. We devoted the intervening Thursday to our oversight hearing with the Attorney General. January 18 was the date the Attorney General selected as most convenient for him, and we accommodated him in that scheduling.

Today, I can report to the Senate, in accordance with Senate Rule 26.3, that the Judiciary Committee has, again, designated Thursday mornings as our regular meeting days for the transaction of business. The Judiciary Committee has also reported the authorization resolution required by Senate Rule 26.9. In addition, the Judiciary Committee adopted its rules. In accordance with Senate Rule 26.2, I ask that a copy of the rules of the Senate Judiciary Committee be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RULES OF PROCEDURE

UNITED STATES SENATE COMMITTEE ON THE JUDICIARY

I. MEETINGS OF THE COMMITTEE

1. Meetings of the Committee may be called by the Chairman as he may deem necessary on three days' notice of the date, time, place and subject matter of the meeting, or in the alternative with the consent of the Ranking Minority Member, or pursuant to the provision of the Standing Rules of the Senate, as amended.

2. Unless a different date and time are set by the Chairman pursuant to (1) of this section, Committee meetings shall be held beginning at 9:30 a.m. on Thursdays the Senate is in session, which shall be the regular meeting day for the transaction of business.

3. At the request of any Member, or by action of the Chairman, a bill, matter, or nomination on the agenda of the Committee may be held over until the next meeting of the Committee or for one week, whichever occurs later.

II. HEARINGS OF THE COMMITTEE

1. The Committee shall provide a public announcement of the date, time, place and subject matter of any hearing to be conducted by the Committee or any Subcommittee at least seven calendar days prior to the commencement of that hearing, unless the Chairman with the consent of the Ranking Minority Member determines that good cause exists to begin such hearing at an earlier date. Witnesses shall provide a written statement of their testimony and curriculum vitae to the Committee at least 24 hours preceding the hearing in as many copies as the Chairman of the Committee or Subcommittee prescribes.

2. In the event 14 calendar days' notice of a hearing has been made, witnesses appearing before the Committee, including any witness representing a Government agency, must file with the Committee at least 48 hours preceding appearance written statements of their testimony and curriculum vitae in as many copies as the Chairman of the Committee or Subcommittee prescribes.

3. In the event a witness fails timely to file the written statement in accordance with this rule, the Chairman may permit the witness to testify, or deny the witness the privilege of testifying before the Committee, or permit the witness to testify in response to questions from Senators without the benefit of giving an opening statement.

III. QUORUMS

1. Six Members of the Committee, actually present, shall constitute a quorum for the purpose of discussing business. Eight Members of the Committee, including at least two Members of the minority, shall constitute a quorum for the purpose of transacting business. No bill, matter, or nomination shall be ordered reported from the Committee, however, unless a majority of the Committee is actually present at the time such action is taken and a majority of those present support the action taken.

2. For the purpose of taking sworn testimony, a quorum of the Committee and each Subcommittee thereof, now or hereafter appointed, shall consist of one Senator.

IV. BRINGING A MATTER TO A VOTE

The Chairman shall entertain a non-debatable motion to bring a matter before the Committee to a vote. If there is objection to bringing the matter to a vote without further debate, a roll call vote of the Committee shall be taken, and debate shall be terminated if the motion to bring the matter to a vote without further debate passes with ten votes in the affirmative, one of which must be cast by the minority.

V. AMENDMENTS

1. Provided at least seven calendar days' notice of the agenda is given, and the text of the proposed bill or resolution has been made available at least seven calendar days in advance, it shall not be in order for the Committee to consider any amendment in the first degree proposed to any measure under consideration by the Committee unless such amendment has been delivered to the office of the Committee and circulated via e-mail to each of the offices by at least 5:00 PM the day prior to the scheduled start of the meeting.

2. It shall be in order, without prior notice, for a Member to offer a motion to strike a single section of any bill, resolution, or amendment under consideration.

3. The time limit imposed on the filing of amendments shall apply to no more than three bills identified by the Chairman and included on the Committee's legislative agenda.

4. This section of the rule may be waived by agreement of the Chairman and the Ranking Minority Member.

VI. PROXY VOTING

When a recorded vote is taken in the Committee on any bill, resolution, amendment, or any other question, a quorum being present, Members who are unable to attend the meeting may submit their votes by proxy, in writing or by telephone, or through personal instructions. A proxy must be specific with respect to the matters it addresses.

VII. SUBCOMMITTEES

1. Any Member of the Committee may sit with any Subcommittee during its hearings or any other meeting, but shall not have the authority to vote on any matter before the Subcommittee unless a Member of such Subcommittee.

2. Subcommittees shall be considered de novo whenever there is a change in the Subcommittee chairmanship and seniority on the particular Subcommittee shall not necessarily apply.

3. Except for matters retained at the full Committee, matters shall be referred to the appropriate Subcommittee or Subcommittees by the Chairman, except as agreed by a majority vote of the Committee or by the agreement of the Chairman and the Ranking Minority Member.

4. Provided all Members of the Subcommittee consent, a bill or other matter may be polled out of the Subcommittee. In order to be polled out of a Subcommittee, a majority of the Members of the Subcommittee who vote must vote in favor of reporting the bill or matter to the Committee.

VIII. ATTENDANCE RULES

1. Official attendance at all Committee business meetings of the Committee shall be kept by the Committee Clerk. Official attendance at all Subcommittee business meetings shall be kept by the Subcommittee Clerk.

2. Official attendance at all hearings shall be kept, provided that Senators are notified by the Committee Chairman and Ranking Minority Member, in the case of Committee hearings, and by the Subcommittee Chairman and Ranking Minority Member, in the case of Subcommittee hearings, 48 hours in advance of the hearing that attendance will be taken; otherwise, no attendance will be taken. Attendance at all hearings is encouraged.

HONORING OUR ARMED FORCES

FIRST LIEUTENANT JACOB N. FRITZ

Mr. HAGEL. Mr. President, I rise to express my sympathy over the loss of U.S. Army 1LT Jacob N. Fritz of Nebraska. Lieutenant Fritz died from wounds sustained in an ambush in Karbala, Iraq, on January 20. He was 25 years old.

Lieutenant Fritz was raised on his family's farm near Verdon, NE. From a young age, Lieutenant Fritz knew he wanted to be a leader. After graduating from Dawson-Verdon High School in 2000, he followed through on this goal. I had the honor of nominating Lieutenant Fritz to the U.S. Military Academy at West Point and he graduated from the Academy in 2005. His brother, Daniel Fritz, 22, followed in his footsteps and is currently in his third year at West Point.

Lieutenant Fritz was leading a unit of more than 30 soldiers in Iraq since October. Lieutenant Fritz described his mission as a liaison between Iraqi police and the U.S. Army. He said the work was challenging but rewarding. Thousands of brave Americans like Lieutenant Fritz are currently serving in Iraq. We are proud of Lieutenant Fritz's service to our country.

In addition to his brother, Lieutenant Fritz is survived by his parents Lyle and Noala and his younger brother Ethan.

I ask my colleagues to join me and all Americans in honoring 1LT Jacob Fritz.

ETHICS REFORM

Mr. LEVIN. Mr. President, I rise today to speak on the lobbying and ethics reform bill that the Senate has passed.

In the early 1990s, I along with several colleagues, including Senator William Cohen, embarked on a journey to enact meaningful lobbying and ethics reform. While we had been assured by colleagues that this was a monumental and perhaps impossible undertaking, we nonetheless forged ahead. Decade after decade, Congress had tried to close loopholes that had existed for almost 50 years, which kept lobbying activities in the dark.

In 1995, we finally succeeded in passing the Lobbying Disclosure Act. Our bill, for the first time, opened up the world of lobbying, and the billions spent in it, to the light of day. That act required paid professional lobbyists to register and disclose whom they represent, how much they are paid, and the issues on which they are lobbying.

As much as we knew that the Lobbying Disclosure Act was a real step forward, we knew that like all procedural reforms, it too would eventually need updating. Inevitably, lawyers and lobbyists would find loopholes and create new methods to dance around the law's intent.

We have seen this dance prominently over the past few years. From super-lobbyist Jack Abramoff's attempts to peddle influence, to Congressman Duke Cunningham's abuse of the appropriations process, it is obvious that the time to close these loopholes has come.

The bill that the Senate just passed brings much needed reforms, many of which I sought in the original Lobbying Disclosure Act over a decade ago. It goes after not only the real problems that have arisen over the past few years, but as the perception of corruption that is sometimes the effect of too little disclosure and rules which are too weak.

One of the most important reforms in S. 1 is a strict curb on gifts by lobbyists to Members of Congress. These are perks that have no place in Government. The new rules in this bill will eliminate these gifts.

I am also pleased at the final outcome of the strong earmark reform provisions in this bill. Too many earmarks are added in the dead of night or buried in conference reports so dense that the average American has no idea where their tax dollars are going. The language can also be ambiguous to the point where we don't even know who is the intended beneficiary. This bill will require full and open disclosure of earmarks, which I hope will help to ensure the quality of the projects which are funded.

Strong travel restrictions are also an essential component of this bill. The new rules will ensure that Members traveling on corporate jets would have to reimburse at the charter rate, not as is now the case merely at the level of a first class commercial ticket.

While I applaud passage of these strong reforms, I believe we needed to go even further. One of the most important provisions in this bill is one that I worked on with Senator LIEBERMAN, which would have finally closed the major loophole that exists under current law that allows lobbyists to conceal millions of dollars worth of expenditures spent in stimulating "grassroots" lobbying efforts, or what has been described as "astroturf" lobbying.

Ten years ago, when we enacted the Lobbying Disclosure Act, it required paid lobbyists to disclose the amounts that they spend to try to influence Congress and the executive branch. However, under the LDA, lobbyists are not required to disclose how much they spend in efforts to persuade others to help them make their case. In the mid-1990s, the Wall Street Journal estimated that major lobbying firms spent almost half a billion dollars every year for this purpose. The amounts have undoubtedly grown substantially since then. Yet these amounts still go undisclosed on the lobbying disclosure forms filed by those firms. The disclosure provision in S. 1 was intended to close this loophole and require paid lobbyists to disclose all of their expenditures, instead of just some of them.

This provision would have had no impact at all on citizens who contact their Government, regardless whether they decide to make those contacts on their own initiative or at the suggestion of others. It would have had no impact on religious organizations, unions, universities or other employers who suggest that their own members or employees contact the Government. It was aimed at paid lobbyists who spend large sums of money to persuade others to contact the Government in support of a lobbying campaign that they are conducting on behalf of a client. These paid lobbyists would have been required to disclose how much they are spending on such efforts. This disclosure, like lobbying disclosure in general, would have helped inform the public of pressures being brought to bear on their representatives by paid interests.

Even though identical language was passed by Congress last year when we considered a lobbying reform bill, it was stripped from the final version of this legislation. I nonetheless look forward to examining this issue in the future and hope to work with Chairman LIEBERMAN in the Homeland Security and Government Affairs Committee this year to look for solutions to this loophole.

I was pleased, however, that a provision I authored last year to require reporting by foreign lobbyists was included in the final passed bill. Foreign lobbyists file their disclosures under the Foreign Agents Registry Act. The forms are difficult to find and almost as hard to understand. My provision will require a publicly accessible, electronic database containing FARA disclosures in the same format that will be in place for registrants under the Lobbying Disclosure Act.

A number of scandals over the past few years have shown us that ethics and lobbying reform are vital. While this bill was not perfect, I believe it will go a long way to clean up corruption in Washington. This bipartisan effort in the Senate proves that we are up to the task of addressing corruption and perceived corruption in Congress. I am hopeful that the House will soon consider its own lobbying reform legislation and that we will have strong provisions signed into law.

But signing this legislation into law cannot be the end of our efforts. The 12 years since the passage of the Lobbying Disclosure Act have shown the lengths to which some will go to find loopholes in the law to circumvent the reforms and undermine the safeguards that we have enacted. We must remain vigilant to protect the integrity of the legislative process in the coming years and be prepared, if necessary, to revisit the issue with future legislation.

COMBATING GUN VIOLENCE

Mr. LEVIN. Mr. President, one effort that must not be overlooked in our fight to combat gun violence, is the work of local law enforcement agencies. Detroit's Joshua Project is but one example of the successful work law enforcement agencies are doing all across the country. The Joshua Project began in 2004 as a collaborative effort between multiple law enforcement agencies, to curb gun violence in Detroit's Southwestern 3rd Precinct.

The Joshua Project, modeled after programs in several other cities including Boston, Minneapolis, and Indianapolis, institutes a zero tolerance policy when a gang member commits any type of gun violence. Any gang member's use of a gun results in strict and sustained law enforcement attention for everyone in the gang. The project also seeks to deter gun violence by increased monitoring of probationers and parolees through the use of unscheduled home visits and mandatory call-in meetings. So far over 2,000 former offenders have been called in and nearly 3,000 home checks have been conducted. These measures give law enforcement officials the opportunity to proactively intervene in a high-risk offender's life before another crime is committed.

The implementation of the program relies on an innovative partnership between the Detroit Police Department, the Attorney General's Office and Michigan Department of Corrections, along with the assistance of the State courts. Community involvement also plays a critical role in offering both ideas and solutions within the Joshua Project. Community organizations provide assistance, support and counseling to offenders.

Within the first 17 months after the Joshua Project was implemented, shootings in Detroit's 3rd precinct decreased almost 33 percent and gun related homicides dropped nearly 40 percent. As a result of this success, Detroit Mayor Kwame Kilpatrick, Attorney General Mike Cox, and Governor Jennifer Granholm announced this past summer that the Joshua Project would be expanded to Detroit's 2nd precinct.

Mayor Kilpatrick said of this expansion:

> We are most successful in our fight against crime when we maximize the strengths of our law enforcement partners throughout the country and state. Our partnership with the Attorney General has reduced gun violence and has saved lives in southwest Detroit. By expanding this program, we hope to build upon our current successes and make the neighborhoods of the second precinct as safe, if not safer, than we have in the third precinct.

I would like to take this opportunity to thank all State and local law enforcement officials for their continued service and vital contributions in ensuring the safety of our communities. I am hopeful the 110th Congress will support their efforts by taking up and passing sensible gun safety legislation.

TRIBUTE TO WILLIAM "BILL" WOOLF

Ms. MURKOWSKI. Mr. President, I rise today to bid farewell to one of the longest tenured members of my Senate staff, Mr. William "Bill" Woolf. Bill will retire from U.S. Senate employment at the end of January, after 20 years of exceptional service to the citizens of this country and to the residents of the State of Alaska.

Bill was born in Washington State and studied at Washington State University and the University of Alaska in Juneau. Growing up in the country, he developed an early and lasting love of the outdoors—boating, fishing, and hunting—even before moving to the Last Frontier in 1974.

He has served as my legislative assistant for fisheries, science, and transportation issues since I entered the Senate in 2002. Prior to that, he worked for the "other Senator Murkowski" for 15 years. While I love to catch and eat Alaska salmon, halibut, crab, and pollock, Bill truly knows not only the biology but also the economic intricacies of both sport and commercial fishing and game management issues. Over the years, he has become an expert in wildlife and fishery biology and management, dedicating himself to protecting and expanding fish and game stocks not just in Alaska but nationwide.

Bill moves easily among scientists, government officials, fishermen, and business. He has gained a reputation as a dedicated and knowledgeable advocate for sound, scientific fishery and wildlife management and quality resource development.

He has worked tirelessly to help perfect and protect the regional fishery management process, encompassed in the Magnuson-Stevens Fisheries Conservation and Management Act. Despite never serving with a member of the Commerce Committee, Bill has been influential in many of the fisheries laws passed by this body, dealing with subjects as diverse as reflagging of foreign processing ships, banning the use of large-scale driftnets on the high seas, improving safety and quality inspection techniques for fish products, allowing fishermen greater control over secondary market pricing, providing for country of origin seafood labeling, and encouraging action to allow "organic" labeling.

He also worked with the State Department and others to implement international agreements on fisheries in the central Bering Sea and the Sea of Okhotsk, protection of salmon in the North Pacific, successful negotiations with Canada of the Pacific Salmon Treaty, and many others. He is particularly proud of having drafted, presented, and worked with the staff of U.N. Ambassador Madeleine Albright to achieve U.N. General Assembly approval for the very first international resolution to control bycatch and waste in fisheries worldwide.

Bill, however, has not focused solely on fisheries. Over the years, his range of issues has cut across many lines, involved many disciplines, and a wide range of science, transportation, and other issues for the Alaska congressional delegation. Among his accomplishments were writing the first comprehensive law to control wastewater discharges from cruise ships in Alaska, advising the U.S. Arctic Research Commission, representing Alaska's interests in staff negotiations on the Water Resources Development Act, and working long hours and weekends to ensure that the Highway Reauthorization passed by the 109th Congress would help bring Alaska's road system into the 21st century. He also helped organize and staffed a Senate Coast Guard Caucus for several years.

After the 2005 hurricanes devastated the gulf coast, he was the key influence behind the successful formation of the Alaska Fishing Industry Relief Mission. This nonprofit corporation moved important equipment all the way from Alaska to Louisiana and Mississippi—including both a 60-ton capacity boat lift and a 30-ton per day ice making machine, both were critically needed to get the gulf coast fishing industry back in play. The formation of the caucus and mission are a lasting testament to Bill's good judgment, hard work, and dedication to intelligently build this Nation's ports and harbors infrastructure and to care for those who depend on them.

I also want to mention that Bill started his career as a broadcaster, general manager, news director, correspondent and producer for radio and television stations in Alaska, Washington, and Oregon. He also served a stint as a Senate press secretary and communications' director for the chairman of the Intelligence Committee during the first Persian Gulf war. He understands how important it is for Congress to communicate its policies to the citizens of America and fully explain why we take the actions that we do.

While I am sorry to lose one of my staff leaders, I am happy that he will be able to more fully enjoy some of his other interests: woodworking, motorcycling, fishing, hunting, his collection of Alaskan and Asian art, and his beloved German shepherd dogs.

I will miss Bill's hard work, vast knowledge, good humor, and sound judgment. It has been a pleasure to have him on my staff. I wish him and his wife Karen the very best and know that Alaskans will benefit for decades to come from his efforts to protect and enhance this Nation natural and biological resources and the environment.

ADDITIONAL STATEMENTS

ACCOMPLISHMENTS OF TADD FUJIKAWA

• Mr. AKAKA. Mr. President, I wish to give praise and congratulations to Tadd Fujikawa, a 16-year-old sophomore from Moanalua High School, who on Friday, January 12, made golf history for the State of Hawaii. By shooting a 4-under-par 66 during the second round of the Sony Open at the Waialae Country Club, Tadd became the youngest player in 50 years to make the cut at a PGA tour event.

Tadd demonstrated amazing skill and focus on the course. Despite standing just five feet, one inch tall, his 285-yard drives and accurate iron play propelled him up the tournament leaderboard. In the end, he tied for 20th place, besting some of the world's premier golfers.

Tadd's drive and competitive spirit may be a result of his early struggles as a premature baby. At birth, Tadd weighed less than two pounds and was given a 50 percent chance of survival. He didn't just survive, he flourished. Last year, at age 15, he became one of the youngest players ever to compete in golf's national championship, the U.S. Open. Also impressive are Tadd's exploits in the sport of judo, where he has won four junior national titles.

I offer my most sincere congratulations, to Tadd Fujikawa, for his exceptional performance in the Sony Open. May he take away from this experience the confidence to do great things, as he has already shown the potential to achieve them. I wish Tadd the best in all that he chooses to undertake in the future.●

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–445. A communication from the Executive Director, Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled "Limitations on Withdrawals of Equity Capital" (RIN3038–AC27) received on January 24, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC–446. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to Cote d'Ivoire that was declared in Executive Order 13396 of February 7, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC–447. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to Liberia that was declared in Executive Order 13348 of July 22, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–448. A communication from the Under Secretary and Director, United States Patent and Trademark Office, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Changes to Facilitate Electronic Filing of Patent Correspondence" (RIN0651–AB92) received on January 24, 2007; to the Committee on Commerce, Science, and Transportation.

EC–449. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Application of Section 357(c)(1) to Reorganizations" (Rev. Rul. 2007–8) received on January 23, 2007; to the Committee on Finance.

EC–450. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Section 1397E—Allocation of National Limitation for Qualified Zone Academy Bonds for Years 2006 and 2007" (Rev. Proc. 2007–18) received on January 23, 2007; to the Committee on Finance.

EC–451. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Applicable Federal Rates—February 2007" (Rev. Rul. 2007–9) received on January 23, 2007; to the Committee on Finance.

EC–452. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "CPI Adjustment for Section 1274A for 2007" (Rev. Rul. 2007–4) received on January 23, 2007; to the Committee on Finance.

EC–453. A communication from the Regulations Coordinator, Health Resources and Services Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Healthy Tomorrows Partnership for Children Program" (RIN0906–AA70) received on January 24, 2007; to the Committee on Health, Education, Labor, and Pensions.

EC–454. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–629 , "Protection from Discriminatory Eviction for Victims of Domestic Violence Amendment Act of 2006" received on January 24, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–455. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–628, "Jury Trial Improvements Act of 2006" received on January 24, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–456. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–627, "Commercial Exception Clarification Act of 2006" received on January 24, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–457. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–630, "Mandatory Juvenile Public Safety Notification Act of 2006" received on January 24, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–458. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–631, "Criminal Record Sealing Act of 2006" received on January 24, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–459. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–632, "Inclusionary Zoning Implementation Amendment Act of 2006" received on January 24, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–460. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–634, "Closing of Public Alleys in Squares 798, 799, and 824 (S.O. 04–12081) and Dedication and Designation of 2nd Place, S.E., 3rd Place, S.E., L Street, S.E., (S.O. 04–12080), Act of 2006" received on January 24, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–461. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–626, "Property Interest Amendment Act of 2006" received on January 24, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–462. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–622, "Longtime Resident Business Definition Amendment Act of 2006" received on January 24, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–463. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–625, "Placement of Students with Disabilities in Nonpublic Schools Amendment Act of 2006" received on January 24, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–464. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–633, "Interest on Rental Security Deposits Amendment Act of 2006" received on January 24, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–465. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–624, "Public Charter School Assets and Facilities Preservation Amendment Act of 2006" received on January 24, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–466. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–623, "Rate of Pay for the Position of Inspector General for the Office of the Inspector General Amendment Act of 2006" received on January 24, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–467. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–620, "Developmental Disabilities Services Management Reform Amendment Act of 2006" received on January 24, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–468. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–618, "Homeland Security, Risk Reduction, and Preparedness Amendment Act of 2006" received on January 24, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–469. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–619, "Medical Malpractice Amendment Act of 2006" received on January 24, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–470. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–638, "Closing of Portions of a Public Alley System on the West Side of Square 701, S.O. 06–3392, Act of 2006" received on January 24, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–471. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–635, "Workforce Housing Production Program Approval Act of 2006" received on January 24, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–472. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–621, "Childhood Lead Screening Amendment Act of 2006" received on January 24, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–473. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16-641, "Walter E. Washington Convention Center Designation Act of 2006" received on January 24, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-474. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16-644, "Special Purpose Financial Captive Authorization Amendment Act of 2006" received on January 24, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-475. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16-640, "Closing of a Public Alley in Square 739, the Closure of Streets, the Opening and Widening of Streets, and the Dedication of Land for Street Purposes (S.O. 06-221), Act of 2006" received on January 24, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-476. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16-639, "Closing of Portions of a Public Alley System in Square 700, S.O. 06-3582, Act of 2006" received on January 24, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-477. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16-636, "Department of Motor Vehicles Service and Safety Amendment Act of 2006" received on January 24, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-478. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16-649, "Film DC Economic Incentive Act of 2006" received on January 24, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-479. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16-645, "Captive Insurance Company Amendment Act of 2006" received on January 24, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-480. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16-652, "Anti-Deficiency Act Revision Act of 2006" received on January 24, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-481. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16-651, "Domestic Partnerships Joint Filing Act of 2006" received on January 24, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-482. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16-653, "Second Technical Amendments Act of 2006" received on January 24, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-483. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16-655, "Shelter Monitoring and Emergency Assistance Amendment Act of 2006" received on January 24, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-484. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16-654, "Mayor and Council Compensation Adjustment and Compensation Advisory Commission Establishment Amendment Act of 2006" received on January 24, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-485. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16-646, "National Capital Revitalization Corporation Asset Transfer Clarification Amendment Act of 2006" received on January 24, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-486. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16-643, "Rebuttable Presumption to Detain Robbery and Handgun Violation Suspects Act of 2006" received on January 24, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-487. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16-642, "Use of Closed Circuit Television to Combat Crime Amendment Act of 2006" received on January 24, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-488. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16-650, "Closing of a Public Alley in Square 375, S.O. 06-656, Act of 2006" received on January 24, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-489. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16-648, "Closing of a Portion of a Public Alley in Square 85, S.O. 06-8859, Act of 2006" received on January 24, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-490. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16-647, "Community Access to Health Care Amendment Act of 2006" received on January 24, 2007; to the Committee on Homeland Security and Governmental Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LEAHY, from the Committee on the Judiciary, without amendment and with a preamble:

S. Res. 21. A resolution recognizing the uncommon valor of Wesley Autrey of New York, New York.

S. Res. 24. A resolution designating January 2007 as "National Stalking Awareness Month".

S. Res. 29. A resolution expressing the sense of the Senate regarding Martin Luther King, Jr. Day and the many lessons still to be learned from Dr. King's example of nonviolence, courage, compassion, dignity, and public service.

By Mr. DORGAN, from the Committee on Indian Affairs, without amendment:

S. Res. 40. An original resolution authorizing expenditures by the Senate Committee on Indian Affairs.

By Mr. LEAHY, from the Committee on the Judiciary, without amendment:

S. Res. 42. An original resolution authorizing expenditures by the Committee on the Judiciary.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. WYDEN:

S. 387. A bill to prohibit the sale by the Department of Defense of parts for F-14 fighter aircraft; to the Committee on Armed Services.

By Mr. THUNE (for himself, Mr. NELSON of Nebraska, Mr. SUNUNU, Mr. INHOFE, Mr. COBURN, Mr. BURR, Mr. MARTINEZ, Mr. CRAPO, Mr. BAUCUS, Mr. CORNYN, Mrs. DOLE, Mr. CRAIG, and Mr. LOTT):

S. 388. A bill to amend title 18, United States Code, to provide a national standard in accordance with which nonresidents of a State may carry concealed firearms in the State; to the Committee on the Judiciary .

By Mr. DOMENICI (for himself, Mr. KYL, Mrs. HUTCHISON, and Mr. CORNYN):

S. 389. A bill to increase the number of Federal judgeships, in accordance with recommendations by the Judicial Conference, in districts that have an extraordinarily high immigration caseload; to the Committee on the Judiciary.

By Mr. BENNETT (for himself and Mr. HATCH):

S. 390. A bill to direct the exchange of certain land in Grand, San Juan, and Uintah Counties, Utah, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. MENENDEZ (for himself and Mr. LAUTENBERG):

S. 391. A bill to amend the Outer Continental Shelf Lands Act to permanently prohibit the conduct of offshore drilling on the outer Continental Shelf in the Mid-Atlantic and North Atlantic planning areas; to the Committee on Energy and Natural Resources.

By Mr. BIDEN:

S. 392. A bill to ensure payment of United States assessments for United Nations peacekeeping operations for the 2005 through 2008 time period; to the Committee on Foreign Relations.

By Mr. HARKIN:

S. 393. A bill to transfer unspent funds for grants by the Office of Community Oriented Policing Services, the Office of Justice Programs, and the Office on Violence Against Women to the Edward Byrne Memorial Justice Assistance Grant Program; to the Committee on the Judiciary.

By Mr. AKAKA (for himself, Mr. STEVENS, Mr. LEVIN, Ms. COLLINS, Mr. LAUTENBERG, Mr. KERRY, Mrs. BOXER, Mrs. FEINSTEIN, and Mr. MENENDEZ):

S. 394. A bill to amend the Humane Methods of Livestock Slaughter Act of 1958 to ensure the humane slaughter of nonambulatory livestock, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. SCHUMER:

S. 395. A bill to require States and Indian tribes to designate specific highway routes over which hazardous materials may be transported; to the Committee on Commerce, Science, and Transportation.

By Mr. DORGAN (for himself, Mr. LEVIN, and Mr. FEINGOLD):

S. 396. A bill to amend the Internal Revenue Code of 1986 to treat controlled foreign corporations in tax havens as domestic corporations; to the Committee on Finance.

By Mr. MARTINEZ (for himself, Mr. COBURN, Mr. COLEMAN, Mr. CORNYN, Mr. INHOFE, and Mr. SESSIONS):

S. 397. A bill to amend the Internal Revenue Code of 1986 to allow individuals a refundable credit against income tax for the purchase of private health insurance, and for other purposes; to the Committee on Finance.

By Mr. DORGAN (for himself, Mr. MCCAIN, Mr. INOUYE, Mr. THOMAS, and Mr. DOMENICI):

S. 398. A bill to amend the Indian Child Protection and Family Violence Prevention Act to identify and remove barriers to reducing child abuse, to provide for examinations of certain children, and for other purposes; to the Committee on Indian Affairs.

By Mr. BUNNING (for himself and Ms. MIKULSKI):

S. 399. A bill to amend title XIX of the Social Security Act to include podiatrists as physicians for purposes of covering physicians services under the Medicaid program; to the Committee on Finance.

By Mr. SUNUNU (for himself, Mr. GREGG, and Mrs. CLINTON):

S. 400. A bill to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to ensure that dependent students who take a medically necessary leave of absence do not lose health insurance coverage, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. ROCKEFELLER (for himself, Ms. SNOWE, Mr. KENNEDY, Ms. COLLINS, Mr. MENENDEZ, Mr. REED, Ms. MIKULSKI, Mr. DURBIN, Mr. OBAMA, Mr. FEINGOLD, Mr. KERRY, Mr. LAUTENBERG, Mr. WHITEHOUSE, Mr. HARKIN, Mr. CARDIN, Ms. KLOBUCHAR, Mrs. MCCASKILL, and Mr. KOHL):

S. 401. A bill to amend title XXI of the Social Security Act to eliminate funding shortfalls for the State Children's Health Insurance Program (SCHIP) for fiscal year 2007; to the Committee on Finance.

By Mrs. LINCOLN (for herself, Mr. SMITH, Mr. LOTT, Mr. CORNYN, Mr. PRYOR, Mrs. HUTCHISON, Mrs. MURRAY, Mrs. DOLE, Ms. CANTWELL, Mr. BURR, Mr. SHELBY, Mr. COCHRAN, Mr. VITTER, and Ms. LANDRIEU):

S. 402. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for qualified timber gains; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DORGAN:

S. Res. 40. An original resolution authorizing expenditures by the Senate Committee on Indian Affairs; from the Committee on Indian Affairs; to the Committee on Rules and Administration.

By Mr. BROWN (for himself and Mr. VOINOVICH):

S. Res. 41. A resolution honoring the life and recognizing the accomplishments of Tom Mooney, president of the Ohio Federation of Teachers; to the Committee on the Judiciary.

By Mr. LEAHY:

S. Res. 42. An original resolution authorizing expenditures by the Committee on the Judiciary; from the Committee on the Judiciary; to the Committee on Rules and Administration.

By Mr. SPECTER (for himself and Mr. CASEY):

S. Res. 43. A resolution honoring the important contribution to the Nation of the Academy of Music in Philadelphia, Pennsylvania, on its 150th Anniversary; considered and agreed to.

By Mr. HAGEL (for himself and Mr. NELSON of Nebraska):

S. Res. 44. A resolution commending the University of Nebraska-Lincoln women's volleyball team for winning the National Collegiate Athletic Association Division I Women's Volleyball Championship; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 122

At the request of Mr. BAUCUS, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 122, a bill to amend the Trade Act of 1974 to extend benefits to service sector workers and firms, enhance certain trade adjustment assistance authorities, and for other purposes.

S. 214

At the request of Mrs. FEINSTEIN, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 214, a bill to amend chapter 35 of title 28, United States Code, to preserve the independence of United States attorneys.

S. 259

At the request of Mr. AKAKA, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 259, a bill to authorize the establishment of the Henry Kuualoha Giugni Kupuna Memorial Archives at the University of Hawaii.

S. 343

At the request of Mr. VOINOVICH, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 343, a bill to extend the District of Columbia College Access Act of 1999.

S. 358

At the request of Ms. SNOWE, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 358, a bill to prohibit discrimination on the basis of genetic information with respect to health insurance and employment.

S. 360

At the request of Mr. BINGAMAN, the names of the Senator from Vermont (Mr. SANDERS) and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of S. 360, a bill to amend the Internal Revenue Code of 1986 to expand expenses which qualify for the Hope Scholarship Credit and to make the Hope Scholarship Credit and the Lifetime Learning Credit refundable.

S. 380

At the request of Mr. WYDEN, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 380, a bill to reauthorize the Secure Rural Schools and Community Self-Determination Act of 2000, and for other purposes.

S. CON. RES. 2

At the request of Mr. BIDEN, the names of the Senator from Washington (Ms. CANTWELL) and the Senator from Missouri (Mrs. MCCASKILL) were added as cosponsors of S. Con. Res. 2, a concurrent resolution expressing the bipartisan resolution on Iraq.

S. RES. 29

At the request of Mr. KYL, his name was added as a cosponsor of S. Res. 29, a resolution expressing the sense of the Senate regarding Martin Luther King, Jr. Day and the many lessons still to be learned from Dr. King's example of nonviolence, courage, compassion, dignity, and public service.

At the request of Ms. STABENOW, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. Res. 29, supra.

AMENDMENT NO. 117

At the request of Mr. CHAMBLISS, the name of the Senator from North Carolina (Mrs. DOLE) was added as a cosponsor of amendment No. 117 intended to be proposed to H.R. 2, a bill to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage.

AMENDMENT NO. 118

At the request of Mr. CHAMBLISS, the name of the Senator from North Carolina (Mrs. DOLE) was added as a cosponsor of amendment No. 118 proposed to H.R. 2, a bill to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. WYDEN:

S. 387. A bill to prohibit the sale by the Department of Defense of parts for F–14 fighter aircraft; to the Committee on Armed Services.

Mr. WYDEN. Mr. President, I rise today to bring to light an important issue which threatens our national security and begs the attention of Congress. The legislation I propose today seeks to end the Iranian government's acquisition of sensitive military equipment by blocking the Pentagon's sale of F–14 fighter jet parts.

It is the sensitive job of the Department of Defense to demilitarize and auction off surplus military equipment. However, recent investigations and reports have uncovered a frightening trend regarding the sale of F–14 "Tomcat" aircraft parts. U.S. customs agents have discovered F–14 parts being illegally shipped to Iran by brokers who bought F–14 surplus equipment from Department of Defense auctions.

Other than the United States, Iran is the only Nation to fly the F–14. The U.S. allowed Iran to buy 79 F–14s before its revolution in 1979. Fortunately, most of Iran's F–14s are currently grounded for lack of parts.

We know that Iran is pursuing a nuclear weapons capability. We know that the Department of State has identified Iran as the most active state sponsor of terrorism. We know that the sale of spare parts for F–14s could make it more difficult to confront the nuclear weapons capability of Iran. And yet F–14 parts are still being sold by the DoD.

Iran's F–14s, especially with the parts to get more of them airborne, greatly strengthen its ground war potential, harming our national and global security. Our country should be doing everything possible to deny the brutal regime in Tehran access to spare parts for their F–14 fleet.

The Department of Defense will tell you that it is already taking action to control the sale of F–14 parts. A few times a year they change the restriction on the sale of F–14 parts. But history has shown us that these rules are not enough. The Department has been caught still selling F–14 parts, even when its rules forbid it. It has sold F-14 parts to companies that have turned out to be fronts for the Iranians. More recently, the DoD sold sensitive technology, including classified F–14 parts to undercover GAO investigators.

My intention with this bill is to make it crystal clear to the Department of Defense that it may not sell any F–14 parts to anyone for any reason. There should be no chance for the parts to make their way to the Iranians.

Additionally, my bill would prohibit the export of any F–14 parts that have already been sold. This prevents the parts from ending up in Iran through even the most roundabout route.

I am not trying to reform the entire military surplus sales process. I am confident that the Armed Services Committee will continue its investigations and propose some much needed changes. My bill would simply fix a very specific, but very important, problem: the sale of F–14 components that end up in the hands of Iran.

I urge the members of the Senate to support this bill.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 387

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Stop Arming Iran Act".

SEC. 2. PROHIBITION ON SALE BY DEPARTMENT OF DEFENSE OF PARTS FOR F–14 FIGHTER AIRCRAFT.

(a) FINDINGS.—Congress makes the following findings:

(1) The Department of Defense is responsible for demilitarizing and auctioning off sensitive surplus United States military equipment.

(2) F–14 "Tomcat" fighter aircraft have recently been retired, and their parts are being made available by auction in large quantities.

(3) Iran is the only country, besides the United States, flying F–14 fighter aircraft and is purchasing surplus parts for such aircraft from brokers.

(4) The Government Accountability Office has, as a result of undercover investigative work, declared the acquisition of the surplus United States military equipment, including parts for F–14 fighter aircraft, to be disturbingly effortless.

(5) Upon the seizure of such sensitive surplus military equipment being sold to Iran, United States customs agents have discovered these same items, having been resold by the Department of Defense, being brokered illegally to Iran again.

(6) Iran is pursuing a nuclear weapons capability, and the Department of State has identified Iran as the most active state sponsor of terrorism.

(7) Iran continues to provide funding, safe haven, training, and weapons to known terrorist groups, including Hizballah, HAMAS, the Palestine Islamic Jihad, and the Popular Front for the Liberation of Palestine.

(8) The sale of spare parts for F–14 fighter aircraft could make it more difficult to confront the nuclear weapons capability of Iran and would strengthen the ground war capability of Iran. To prevent these threats to regional and global security, the sale of spare parts for F–14 fighter aircraft should be prohibited.

(b) PROHIBITION ON SALE BY DEPARTMENT OF DEFENSE.—

(1) IN GENERAL.—Notwithstanding any other provision of law and except as provided in paragraph (2), the Department of Defense may not sell (whether directly or indirectly) any parts for F–14 fighter aircraft, whether through the Defense Reutilization and Marketing Service or through another agency or element of the Department.

(2) EXCEPTION.—Paragraph (1) shall not apply with respect to the sale of parts for F–14 fighter aircraft to a museum or similar organization located in the United States that is involved in the preservation of F–14 fighter aircraft for historical purposes.

(c) PROHIBITION ON EXPORT LICENSE.—No license for the export of parts for F–14 fighter aircraft to a non-United States person or entity may be issued by the United States Government.

By Mr. DOMENICI (for himself, Mr. KYL, Mrs. HUTCHISON, and Mr. CORNYN):

S. 389. A bill to increase the number of Federal judgeships, in accordance with recommendations by the Judicial Conference, in districts that have an extraordinarily high immigration caseload; to the Committee on the Judiciary.

Mr. DOMENICIl. Mr. President, I rise today to introduce legislation that authorizes the Federal judgeships recommended by the 2005 Judicial Conference for our U.S. District Courts that are overloaded with immigration cases.

It is imperative to equip our Federal agencies with the assets they need to secure our borders and enforce our immigration laws, including courts which must adjudicate criminal immigration cases that appear on their dockets. This includes our U.S. District Courts, which must try repeat immigration law violators who are charged with a felony in U.S. District Court.

The legislation I am introducing today creates eleven new Federal judgeships recommended by the Judicial Conference for the four U.S. Districts in which more than 50 percent of their criminal cases are immigration cases. Each of these Districts shares a border Mexico.

In fiscal year 2004, the Western District of Texas had 5,599 criminal case filings, 3,688 of those cases, or 65 percent, dealt with immigration. The District Court of Arizona had 4,007 criminal filings, of which 2,404 cases, that's 59 percent, were immigration filings. The Southern District of California had 2,206 immigration filings, 64 percent of the 3,400 total criminal filings. Lastly, the District of New Mexico had 2,497 criminal filings, 60 percent, or 1,502 cases, were immigration cases.

Based on these caseloads, we should already be giving these Districts new judgeships. But to increase border security and immigration enforcement efforts, as we have over the past few years, without equipping these courts to handle the even larger immigration caseloads that they are expected to face would amount to willful negligence.

The New Mexico District Chief Judge, Martha Vazquez, wrote me a letter in May of 2006 about the situation her District faces. Judge Vazquez wrote: "As it is, the burden on Article III Judges in this District is considerable. This District ranks first among all districts in criminal filings per judgeship: 405 criminal filings compared to the national average of 87. As in all federal districts along the southwest border, the majority of cases filed in this District relate to immigration offenses under United States Code, Title 8 and drug offenses arising under Title 21. Immigration and drug cases account for eighty-five percent of the caseload in the District of New Mexico. . . . In fiscal year 1997, there were 240 immigration felony filings in the District of New Mexico. By fiscal year 2005, the number of immigration felony filings increased to 1,826, which is an increase of 661 percent."

The Albuquerque Tribune has also documented the burden on our Southwest border District Courts. An April 17, 2006 article entitled "Judges See Ripple Effect of Policy on Immigration," stated: "U.S. District Chief Judge Martha Vazquez of Santa Fe oversees a court that faces a rising caseload from illegal border crossings and related crime. And help from Washington is by no means certain. . . . From Sept. 30, 1999 to Sept. 30, 2004 (the end of the fiscal year), the caseload in the New Mexico federal district court increased 57.5 percent, from 2,804 to 4,416. In the 2004 fiscal year alone, 2,126 felony cases were heard, almost half of all cases in the entire 10th Circuit, which includes Colorado, Kansas, Oklahoma, Utah and Wyoming. Most typical immigration cases go before an immigration judge, and the subjects are deported. But people deported once and caught crossing illegally again can be charged with a felony. And that brings the defendant into federal district court. Those are the cases driving up New Mexico's caseload . . . Some days as many as 90 defendants crowd the courtroom in Las Cruces. . . . The same problems are afflicting federal border courts in Arizona, California, and Texas."

Similar problems were documented in the May 23, 2006 Reuters article "Bush Border Patrol Plan to Pressure Courts" which said: "President George W. Bush's plan to send thousands of National Guard troops to the U.S.-Mexico border could spark a surge in immigration cases and U.S. courts are ill prepared to handle them. . . . Even without the stepped-up security at the border, federal courts in southern California, Arizona, New Mexico and Texas have been overburdened. Carelli [a spokesman for U.S. federal courts] said those five judicial districts, out of 94 nationwide, account for 34 percent of all criminal cases moving through U.S. courts. . . . Most immigrants caught crossing illegally are ordered out of the country without prosecution. But that still leaves a growing pile of cases involving illegals who are being prosecuted after being caught multiple times or those accused of other crimes. Nationwide, each U.S. judge handles an average of 87 cases a year. But along the southern border, even before Bush's plan moves forward, the average is around 300 per judge, Carelli said."

Lastly, I recently heard first-hand about this problem from a Federal judge in New Mexico. He told me that he travels almost 200 miles to hear cases in Southern New Mexico. Many of the situations he sees involve mass arraignments because there are so many defendants in the system. He is not alone in this arrangement; other Federal judges drive almost 300 miles to hear cases in the Southern part of my home State. This is a dire situation that must be addressed.

The United States Congress must address the overwhelming immigration caseload our southwestern border U.S. District Courts face. The bill I am introducing today does that by authorizing the nine permanent and two temporary judgeships recommended by the 2005 Judicial Conference for the four U.S. Districts in which the immigration caseloads total more than 50 percent of those Districts' total criminal caseload.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 389

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ADDITIONAL DISTRICT COURT JUDGESHIPS.

The President shall appoint, by and with the advice and consent of the Senate, such additional district court judges as are necessary to carry out the 2005 recommendations of the Judicial Conference for district courts in which the criminal immigration filings represented more than 50 percent of all criminal filings for the 12-month period ending September 30, 2004.

By Mr. BENNETT (for himself and Mr. HATCH):

S. 390. A bill to direct the exchange of certain land in Grand, San Juan, and Uintah Counties, Utah, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. BENNETT. Mr. President, I am pleased to be able to reintroduce the Utah Recreational Land Exchange Act of 2007, together with my colleague Senator HATCH. This legislation will ensure the protection of critical lands along the Colorado River corridor in southeastern Utah and will help provide important funding for Utah's school children.

In Utah, we treasure our children's education. A key component of our education system is the 3.5 million acres of school trust lands scattered throughout the State. Upon Utah's admission to the Union in 1896, these lands were dedicated to support public education. Revenue from the trust lands, whether from grazing, forestry, surface leasing, or mineral development, is placed in the State School Fund. This fund is a permanent, income-producing endowment created by Congress to fund Utah's public education. Unfortunately, the majority of these lands are surrounded by public lands, making responsible management very difficult. It is critical to both the State of Utah and the Bureau of Land Management that we consolidate their respective lands to ensure that both public agencies are permitted to fulfill their mandates.

The legislation we are introducing today is yet another chapter in our State's long history of consolidating these State lands for the financial well-being of our education system. These efforts allow the Federal land management agencies to consolidate public lands in environmentally-sensitive areas that can then be reasonably managed. We see this exchange as a win-win solution for the State of Utah and its school children, as well as the Department of the Interior, the caretaker of our public lands.

In 1998, Congress passed the first major Utah school trust land exchange which consolidated hundreds of thousands of acres. Again in 2000, Congress enacted an exchange consolidating another 100,000 acres. I was proud to play a role in those efforts, and the bill we are introducing today is yet another step in the long journey toward fulfilling the promise Congress made to Utah's school children in 1896.

Utah's School and Institutional Trust Lands Administration manages some of the most spectacular lands in America, located along the Colorado River in southeastern Utah. This legislation will ensure that places like Westwater Canyon of the Colorado River, the world famous Kokopelli and Slickrock biking trails, some of the largest natural rock arches in the United States, wilderness study areas, and viewsheds for Arches National Park will be traded into Federal ownership and for the benefit of future generations. At the same time, the school children of Utah will receive mineral and development lands that are not environmentally-sensitive, and where responsible development makes sense. This will be an equal value exchange, with approximately 40,000 acres exchanged on both sides, giving taxpayers and the school children of Utah a fair deal. Moreover, the legislation establishes a common-sense valuation process for resources that are often either overlooked or overvalued because of their highly-speculative nature.

This legislation represents a truly collaborative process that has included local governments, the State, the recreation and environmental communities, and other interested parties. We also worked closely with the Department of the Interior on proper valuation in the appraisal of the lands. In a hearing held before the Senate Energy and Natural Resources Committee on May 24, 2006, the Department of the Interior expressed their support for the bill and said that this land exchange will resolve management issues, improve public access, and facilitate greater resource protection. We look forward to working with the appropriate committees toward a successful resolution of this proposed exchange during this Congress.

I ask my colleagues to support our effort to fund the education of our children in Utah and to protect some of this nation's truly great land. I urge support of the Utah Recreational Land Exchange Act of 2007.

By Mr. BIDEN:

S. 392. A bill to ensure payment of United States assessments for United Nations peacekeeping operations for the 2005 through 2008 time period; to the Committee on Foreign Relations.

Mr. BIDEN. Mr. President, today I introduce legislation to ensure that the United States does not fall further into debt at the United Nations, and to pay the debt that we have accrued since January 1, 2006.

For over a year, we have not been paying our full contribution to the U.N. for its peacekeeping operations—for missions in places like Lebanon, Haiti, the Democratic Republic of Congo, and Kosovo—that advance our national interests and spread the burden of keeping the peace among other nations. We are approximately $80 million in debt, and the number grows every month as new bills come in for peacekeeping operations.

Here is why.

In 1994, Congress passed a law limiting U.S. payments for U.N. peacekeeping at 25 percent after fiscal year 1995. The United Nations continued to bill the United States at 31 percent. As a result, a debt accrued—that is, the gap between the 25 percent allowed under U.S. law, and the 31 percent we were charged by the U.N.

In 1999, when Congress approved the "Helms-Biden" law, it authorized the repayment of U.S. arrears to the U.N. conditioned on certain reforms in the U.N. system. One of those reforms was a negotiated reduction of the U.S. peacekeeping rate down to 25 percent. Through negotiations in 2000, U.S. Ambassador Holbrooke succeeded in reducing the U.S. assessments for peacekeeping to just over 27 percent.

In 2001, Congress amended the Helms-Biden law to allow the arrears payments to be provided to the U.N., even though Ambassador Holbrooke had not reached the target of 25 percent. But the original 1994 law limiting our payments to 25 percent was never repealed.

In the past few years, Congress has amended the 1994 law on a temporary basis by raising the 25 percent limitation to conform it to the rate negotiated by Ambassador Holbrooke, but the most recent temporary change in law expired on December 31, 2005.

Therefore, the law today is this: the United States may not pay more than 25 percent for peacekeeping, even though the United Nations assesses the United States at a higher rate.

Mr. President this is a problem. At a time when our government continues to seek important reforms at the United Nations, it is a mistake for us to continue to fall short on our dues. Rather than encourage reform, it may give other countries an excuse to avoid it. How can we, in good faith, fail to pay our bills while at the same time push the U.N. to get its financial house in order?

More important, U.N. peacekeeping operations advance America's national security. If the U.N. didn't do them, we might have to do so. The U.N. 'blue helmets' are literally on the front lines in conflicts that are the worst of the worst: protecting civilians, monitoring cease-fires, clearing mine fields, and disarming combatants. Right now, the United States continues to seek support at the U.N. for a robust mission in Darfur. We have voted time and again in the Security Council, and rightfully so, to support these critical missions.

Through U.N. peacekeeping, the U.S. contributes to international peace and stability where we have critical foreign policy interests, while sharing the human, political and financial costs with other nations. We should not shortchange these operations.

By Mr. HARKIN:

S. 393. A bill to transfer unspent funds for grants by the Office of Community Oriented Policing Services, the Office of Justice Programs, and the Office on Violence Against Women to the Edward Byrne Memorial Justice Assistance Grant Program; to the Committee on the Judiciary.

Mr. HARKIN. Mr. President, I rise today to introduce legislation to restore critical funding to one of our Nation's most effective drug enforcement tools, the Edward Byrne Memorial Justice Assistance Grant Program. My bill, the Emergency Local Law Enforcement Byrne Assistance Act of 2007, will bring a desperately needed infusion of cash into this critical local law enforcement assistance program.

The Byrne grant program provides funding for local drug task forces all over the country. These local drug task forces are critical to creating regional cooperation and to fighting the manufacture, distribution, and use of methamphetamine.

A survey by the Iowa Office of Drug Control Policy found that in fiscal year 2004 Byrne JAG dollars funded 4,316 police officers and prosecutors working on 764 drug enforcement task forces. The study also found that Byrne JAG funding led to 221,000 arrests in 45 states, the seizure of 5.5 million grams of methamphetamine, and the breakup of almost 9,000 methamphetamine labs.

Yet the program has suffered draconian cuts over the past 4 years. Between 2003 and 2006 the President and the Attorney General have refused to provide a single dollar for Byrne local law enforcement funding. As a result, funding for the Byrne program has been slashed by almost 60 percent from $1 billion dollars in 2003 to just $416 million in 2006.

I hear on a weekly basis from Sheriffs and other law enforcement officials in Iowa how hard these cuts are hitting them. Over the past year, Iowa has had to absorb a 42 percent cut in Byrne funding. That translates to less law enforcement officers and less regional cooperation in finding and stopping that meth that continues to flood the State of Iowa. I recently heard from Story County Sheriff Paul Fitzgerald that his agency alone will lose two drug task force agents this year, a statistic that is being repeated in almost every county across my State.

The anecdotal evidence from Iowa law enforcement is clearly reflected at the national level. The Federal Bureau of Investigation Uniform Crime Reports recently found that violent crime in the United States increased 2.5 percent in 2005, and an additional 3.7 percent in the first half of 2006, the largest increase in 15 years! The increase was much more severe in the meth plagued Midwest with violent crime up 5.7 percent in 2005.

You don't need a side by side chart to understand the connection between drastic reductions in federal funding for local law enforcement and rising crime rates!

At the same time, a recent report by the Department of Justice Inspector General found that the Department of Justice has not been doing a particularly effective job of administering the grants within its jurisdiction. The Inspector General found that just over $170 million expired grant funding is sitting at DOJ. Some of this funding is for grants that expired as long as five years ago!

My bill simply takes this unused money and puts it into the Byrne grant program. Specifically, the legislation transfers all balances on COPS and Office of Justice Program grants that have been expired for more than 90 days and all Office of Violence Against Women grants that have been expired for more than 2 years, to the Byrne JAG program for fiscal year 2007. These expired grant funds are currently sitting in DOJ coffers and cannot legally be used by the grantee, and the funds would ultimately revert to the treasury. My bill instead puts the money to good use in offsetting some of the most drastic consequences of cuts to the Byrne program.

While reallocating these amounts to Byrne JAG will make only a dent in the massive budget cuts of recent years, the Emergency Local Law Enforcement Byrne Assistance Act of 2007 is an important first step and sends an immediate message to line officers overwhelmed by the unstoppable flow of meth into our States that we are going to help.

I am hopeful that in this new Congress the President and the Congress will more adequately fund crucial law enforcement programs like Byrne JAG. In the meantime, I urge my colleagues to join me in demonstrating a commitment to local law enforcement and to our continuing fight against methamphetamine by coming together to quickly pass the Emergency Local Law Enforcement Byrne Assistance Act of 2007.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 393

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Emergency Local Law Enforcement Byrne Assistance Act of 2007".

SEC. 2. FINDINGS.

Congress finds the following:

(1) A report by the Inspector General of the Department of Justice documents that the Office of Justice Programs, the Office of Community Oriented Policing Services, and the Office on Violence Against Women of the Department of Justice have failed to close out and deobligate over $160,000,000 in expired grant funds and that these funds have not been redirected to other programs or returned to the Treasury.

(2) Between fiscal year 2003 and fiscal year 2006, funding for the formula grant program of the Edward Byrne Memorial Justice Assistance Grant Program under subpart 1 of part E of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3750 et seq.) has been reduced by over 50 percent, from $900,000,000 to $416,000,000.

(3) According to the Federal Bureau of Investigation Uniform Crime Reports, violent crime in the United States increased 2.5 percent in 2005, and an additional 3.7 percent in the first half of 2006. In the Midwest, which continues to struggle with a methamphetamine epidemic, violent crime increased 5.7 percent between 2004 and 2005.

SEC. 3. UNSPENT GRANTS.

(a) IN GENERAL.—All amounts described in subsection (b) shall be transferred for use for grants under the formula grant program of the Edward Byrne Memorial Justice Assistance Grant Program under subpart 1 of part E of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3750 et seq.), to remain available until expended.

(b) AMOUNTS COVERED.—The amounts described in this subsection are any unexpended amounts for—

(1) any covered grant administered by the Office of Community Oriented Policing Services;

(2) any covered grant administered by the Office of Justice Programs; and

(3) any covered grant administered by the Office on Violence Against Women for which the grant expired not less than 2 years before the date of enactment of this Act.

(c) DEFINITION.—In this section, the term "covered grant" means a grant—

(1) that has expired but has not been closed out; or

(2)(A) that has expired and been closed out; and

(B) the remaining funds of which have not been deobligated.

By Mr. AKAKA (for himself, Mr. STEVENS, Mr. LEVIN, Ms. COLLINS, Mr. LAUTENBERG, Mr. KERRY, Mrs. BOXER, Mrs. FEINSTEIN, and Mr. MENENDEZ):

S. 394. A bill to amend the Humane Methods of Livestock Slaughter Act of 1958 to ensure the humane slaughter of nonambulatory livestock, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. AKAKA. Mr. President, I rise today, along with my colleagues, Senators TED STEVENS, R–AK, CARL LEVIN, D–MI, SUSAN COLLINS, R–ME, FRANK LAUTENBERG, D–NJ, JOHN KERRY, D–MA, BARBARA BOXER, D–CA, DIANNE FEINSTEIN, D–CA, and ROBERT MENENDEZ, D–NJ to introduce the Downed Animal and Food Safety Protection Act of 2007, legislation intended to protect people from the unnecessary spread of disease. This bill, which has bipartisan support, would prohibit the use of nonambulatory animals for human consumption.

Nonambulatory animals, also known as downed animals, are livestock such as cattle, sheep, swine, goats, horses, mules, or other equines that are too sick to stand or walk unassisted. Many of these animals are dying from infectious diseases and present a significant pathway for the spread of disease.

The safety of our Nation's food supply is of the utmost importance. With the presence of bovine spongiform encephalopathy, BSE, also known as mad-cow disease, and other strains of transmissible spongiform encephalopathies, TSE, which are related animal diseases found not only in nearby countries but also in the United States, it is important that we take all measures necessary to ensure that our food is safe.

Currently, before slaughter, the United States Department of Agriculture's, USDA, Food Safety Inspection Service, FSIS, diverts downer livestock only if they exhibit clinical signs associated with BSE. Routinely, BSE is not correctly distinguished from many other diseases and conditions that show similar symptoms. The ante-mortem inspection that is currently used in the United States is very similar to the inspection process in Europe, which has proved to be inadequate for detecting BSE. Consequently, if BSE were present in a U.S. downed animal, it could currently be offered for slaughter. If the animal showed no clinical signs of the disease, the animal would then pass an ante-mortem inspection, making the diseased animal available for human consumption. The BSE agent could then cross-contaminate the normally safe muscle tissue during slaughter and processing. The disposal of downer livestock would ensure that the BSE agent would not be recycled to contaminate otherwise safe meat.

There are other TSE diseases already known to us such as scrapie that affects sheep and goats, chronic wasting disease in deer and elk, and classic Creutzfeldt-Jakob Disease in humans, all of which are present in the United States. Because our knowledge of such diseases is limited, the inclusion of horses, mules, swine, and other equine in this act are a necessary precaution. This precautionary measure is needed in order to ensure that the human population is not affected by diseased livestock. The Food and Drug Administration, FDA, has already created regulations that prevent imports of all live cattle and other ruminants and certain ruminant products from countries where BSE is known to exist. In 1997, the FDA placed a prohibition on the use of all mammalian protein, with a few exceptions, in animal feed given to cattle and other ruminants. These regulations are a good start in protecting us from the possible spread of BSE, however, they do not go far enough, because they still allow the processing of downer cattle.

According to a study performed by the Harvard School of the Public Health in conjunction with the USDA and surveillance data from European countries, downer cattle are at high risk for BSE. According to the Harvard Study, the removal of nonambulatory cattle from the population intended for slaughter would reduce the probability of spreading BSE by 82 percent. The USDA and the FDA have acknowledged that downed animals serve as a potential pathway for the spread of BSE. While both have entertained the idea of prohibiting the rendering of downed cattle, they have taken no formal action. It is imperative that we, Congress, ensure that downer livestock does not enter our food chain, and the best way to accomplish this task is to codify the prohibition of downer livestock from entering our food supply.

The Downed Animal Protection Act fills a gap in the current USDA and FDA regulations. The bill calls for the humane euthanization of nonambulatory livestock, both for interstate and foreign commerce. The euthanization of nonambulatory livestock would remove this high risk population from the portion of livestock reserved for our consumption. Due to the presence of other TSE diseases found throughout other species of livestock, all animals that fit under the definition of livestock will be included in this bill.

The benefits of my bill are numerous, for both the public and the industry. On the face of it, the bill will prevent needless suffering by humanely euthanizing nonambulatory animals. The removal of downed animals from our products will insure that they are safer and of better quality. The reduction in the likelihood of disease would result in safer working conditions for persons handling livestock. This added protection against disease would help the flow of livestock and livestock products in interstate and foreign commerce, making commerce in livestock more easily attainable.

Some individuals fear that this bill would place an excessive financial burden on the livestock industry. I want to remind my colleagues that one single downed cow in Canada diagnosed with BSE in 2003 shut down the world's third largest beef exporter. It is estimated that the Canadian beef industry lost more than $1 billion when more than 30 countries banned Canadian cattle and beef upon the discovery of BSE. As the Canadian cattle industry continues to recover from its economic loss, it is prudent for the United States to be proactive in preventing BSE and other animal diseases from entering our food chain.

Today, the USDA has increased its efforts to test approximately ten percent of downed cattle per year for BSE. However, it is my understanding that the USDA is looking to revisit this issue. I do not believe that now is the time to lower our defenses. We must protect our livestock industry and human health from diseases such as BSE. This bill reduces the threat of passing diseases from downed livestock to our food supply. It ensures downed animals will not be used for human consumption. It also requires higher standards for food safety and protects the human population from diseases and the livestock industry from economic distress.

American consumers should be able to rely on the Federal Government to ensure that meat and meat by-products are safe for human consumption. I urge my colleagues to support this important bill. I ask unanimous consent that the text of the measure be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 394

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Downed Animal and Food Safety Protection Act of 2007".

SEC. 2. FINDING AND DECLARATION OF POLICY.

(a) FINDING.—Congress finds that the humane euthanization of nonambulatory livestock in interstate and foreign commerce—

(1) prevents needless suffering;

(2) results in safer and better working conditions for persons handling livestock;

(3) brings about improvement of products and reduces the likelihood of the spread of diseases that have a great and deleterious impact on interstate and foreign commerce in livestock; and

(4) produces other benefits for producers, processors, and consumers that tend to expedite an orderly flow of livestock and livestock products in interstate foreign commerce.

(b) DECLARATION OF POLICY.—It is the policy of the United States that all nonambulatory livestock in interstate and foreign commerce shall be immediately and humanely euthanized when such livestock become nonambulatory.

SEC. 3. UNLAWFUL SLAUGHTER PRACTICES INVOLVING NONAMBULATORY LIVESTOCK.

(a) IN GENERAL.—Public Law 85–765 (commonly known as the "Humane Methods of Slaughter Act of 1958") (7 U.S.C. 1901 et seq.) is amended by inserting after section 2 (7 U.S.C. 1902) the following:

"SEC. 3. NONAMBULATORY LIVESTOCK.

"(a) DEFINITIONS.—In this section:

"(1) COVERED ENTITY.—The term 'covered entity' means—

"(A) a stockyard;

"(B) a market agency;

"(C) a dealer;

"(D) a packer;

"(E) a slaughter facility; or

"(F) an establishment.

"(2) ESTABLISHMENT.—The term 'establishment' means an establishment that is covered by the Federal Meat Inspection Act (21 U.S.C. 601 et seq.).

"(3) HUMANELY EUTHANIZE.—The term 'humanely euthanize' means to immediately render an animal unconscious by mechanical, chemical, or other means, with this state remaining until the death of the animal.

"(4) NONAMBULATORY LIVESTOCK.—The term 'nonambulatory livestock' means any cattle, sheep, swine, goats, or horses, mules, or other equines, that will not stand and walk unassisted.

"(5) SECRETARY.—The term 'Secretary' means the Secretary of Agriculture.

"(b) HUMANE TREATMENT, HANDLING, AND DISPOSITION.—The Secretary shall promulgate regulations to provide for the humane treatment, handling, and disposition of all nonambulatory livestock by covered entities, including a requirement that nonambulatory livestock be humanely euthanized.

"(c) HUMANE EUTHANASIA.—

"(1) IN GENERAL.—Subject to paragraph (2), when an animal becomes nonambulatory, a covered entity shall immediately humanely euthanize the nonambulatory livestock.

"(2) DISEASE TESTING.—Paragraph (1) shall not limit the ability of the Secretary to test nonambulatory livestock for a disease, such as Bovine Spongiform Encephalopathy.

"(d) MOVEMENT.—

"(1) IN GENERAL.—A covered entity shall not move nonambulatory livestock while the nonambulatory livestock are conscious.

"(2) UNCONSCIOUSNESS.—In the case of any nonambulatory livestock that are moved, the covered entity shall ensure that the nonambulatory livestock remain unconscious until death.

"(e) INSPECTIONS.—

"(1) IN GENERAL.—It shall be unlawful for an inspector at an establishment to pass through inspection any nonambulatory livestock or carcass (including parts of a carcass) of nonambulatory livestock.

"(2) LABELING.—An inspector or other employee of an establishment shall label, mark, stamp, or tag as 'inspected and condemned' any material described in paragraph (1).".

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendment made by subsection (a) takes effect on the date that is 1 year after the date of enactment of this Act.

(2) REGULATIONS.—Not later than 1 year after the date of enactment of this Act, the Secretary of Agriculture shall promulgate final regulations to implement the amendment made by subsection (a).

By Mr. DORGAN (for himself, Mr. LEVIN, and Mr. FEINGOLD):

S. 396. A bill to amend the Internal Revenue Code of 1986 to treat controlled foreign corporations in tax havens as domestic corporations; to the Committee on Finance.

Mr. DORGAN. Mr. President, today I'm joined by Senators CARL LEVIN of Michigan and RUSSELL FEINGOLD of Wisconsin in re-introducing legislation that we believe will help the Internal Revenue Service (IRS) combat offshore tax haven abuses and ensure that U.S. multinational companies pay the U.S. taxes that they rightfully owe.

Every year, tens of millions of taxpayers work through piles of complicated IRS instructions and complex forms to prepare and file their tax returns to fulfill their taxpaying responsibility. Some tax experts have estimated that taxpayers spend over $100 billion and more than 6 billion hours trying to comply with their Federal tax obligation.

That's why every American has a right to be angry when they hear repeated press accounts of corporate taxpayers that are shirking their tax obligations by actively shifting their profits to foreign tax havens or using other inappropriate tax avoidance techniques. The bill that we are re-introducing today is a simple and straightforward way to try to tackle the offshore tax haven problem. It is virtually identical to our bill in the 109th Congress, S. 779, but we have granted potentially impacted companies an extra year to comply with its provisions.

We have known for many years that some very profitable U.S. multinational businesses are using offshore tax havens to avoid paying their fair share of U.S. taxes. But in the face of these reports, the Congress and the administration have shown little interest in stopping this hemorrhaging of tax revenues. In fact, a growing body of evidence suggests that the tax haven problem is getting much worse and may be costing the U.S. Treasury tens of billions of dollars every year.

Although the Congress did pass legislation a few years ago, which I supported, that addresses a narrow problem of a couple dozen corporate expatriates that reincorporated overseas, that legislation did nothing to deal with the problem of U.S. companies that are setting up tax haven subsidiaries offshore to avoid their taxpaying responsibilities in this country.

Around the time of the debate on corporate inversions, a New York Times article got it right when it suggested that "instead of moving headquarters offshore, many companies are simply placing patents on drugs, ownership of corporate logos, techniques for manufacturing processes and other intangible assets in tax havens . . . The companies then charge their subsidiaries in higher-tax locales, including the U.S., for the use of these intellectual properties. This allows the companies to take profits in these havens and pay far less in taxes."

How pervasive is the tax haven subsidiary problem? A couple of years ago, the Government Accountability Office (GAO), the investigative arm of Congress, issued a report that Senator LEVIN and I requested that gives some insight to the potential magnitude of this tax avoidance activity.

The GAO found that 59 out of the 100 largest publicly-traded Federal contractors in 2001—with tens of billions of dollars of Federal contracts in 2001—had established hundreds of subsidiaries located in offshore tax havens. According to the GAO, Exxon-Mobil Corporation, the 21st largest publicly traded Federal contractor in 2001, has some 11 tax-haven subsidiaries in the

Bahamas. The same report revealed that the Halliburton Company has 17 tax-haven subsidiaries, including 13 in the Cayman Islands, a country that has never imposed a corporate income tax, as well as 2 in Liechtenstein and 2 in Panama. And the now infamous Enron Corporation had 1,300 different foreign entities, including some 441 located in the Cayman Islands.

But the poster child for offshore tax haven abuses, in my opinion, is a five-story building located in the Cayman Islands that thousands of companies call home. According to a very good investigative report published by David Evans with Bloomberg News in the summer of 2004, there is a building named the Ugland House in Grand Cayman that is used as the address of 12,748 companies.

In fact, nearly half of the money U.S. companies earned overseas is accounted for in tax havens like the Cayman Islands. A former Joint Committee on Taxation economist released a study that looked at the amount of profits that U.S. companies are shifting to offshore tax havens. He found that U.S. multinational companies had moved hundreds of billions of dollars in profits to tax havens for years 1999-2002, the latest years for which IRS data was available.

The legislation we are re-introducing today would help put a stop to these tax avoidance schemes. Specifically, our legislation denies tax benefits, namely tax deferral, to U.S. multinational companies that set up controlled foreign corporations in tax haven countries. This tracks the same general approach in legislation passed by the Congress and enacted into law that was designed to curb the problem of corporate inversions. Our bill builds upon the good work of Senators BAUCUS and GRASSLEY and other members of the Senate Finance Committee by extending similar tax policy changes to cover the case of U.S. companies and their tax haven subsidiaries.

Specifically, our legislation would treat U.S. controlled foreign subsidiaries that are set up in tax haven countries—but are not engaged in a real and active business—as domestic companies for U.S. tax purposes. In other words, we would simply treat these companies as if they never left the United States, which is essentially the case in these tax avoidance motivated transactions. The bill's list of specific tax haven countries subjected to the new rule is based upon the previous work by the Organization for Economic Cooperation and Development. However, our legislation does give the Secretary of the Treasury the ability to add or remove a foreign country from this list in appropriate cases. We also give businesses plenty of time, two additional years through December 31, 2008, to restructure their tax haven operations if they so choose.

As mentioned, our legislation effectively ends the deferral tax benefit for U.S. companies that shift income to offshore inactive tax haven subsidiaries. This means, for example, that any efforts by a U.S. company to move profits to the subsidiary through transfer pricing schemes will not work because the income earned by the subsidiary would still be immediately taxable by the United States. Likewise, any efforts to move otherwise active income earned by a U.S. company in a high-tax foreign country to a tax haven would cause the income to be immediately taxable by the United States. Under this bill, companies that try to move intangible assets—and the income they produce—to tax havens would be unsuccessful because that income would still be immediately taxable by the United States. The Joint Tax Committee says our legislation that will help close this tax shelter game will prevent these companies from draining some $15 billion in revenues from the U.S. Treasury over the next decade.

Let me be very clear about one thing. This legislation will not adversely impact U.S. companies with controlled foreign subsidiaries that are located in tax havens and doing legitimate and substantial business. The legislation expressly exempts a U.S.-controlled foreign subsidiary from its tax rule changes when all of its income is derived from the active conduct of a trade or business within a listed tax haven country.

In 2002, then-IRS Commissioner Charles Rossotti told Congress that "nothing undermines confidence in the tax system more than the impression that the average honest taxpayer has to pay his or her taxes while more wealthy or unscrupulous taxpayers are allowed to get away with not paying." He is absolutely right. It's grossly unfair to ask our Main Street businesses to operate at a competitive disadvantage to large multinational businesses simply because our tax authorities are unable to grapple with the growing offshore tax avoidance problem. It is also outrageous that tens of millions of working families who pay their taxes on time every year are shouldering the tax burden of large profitable U.S. multinational companies that use tax haven subsidiaries.

In conclusion, it is my hope that the White House and Congress in a new spirit of bipartisanship will help in our effort to get this needed tax law change enacted into law. I urge my colleagues to support this effort by cosponsoring this legislation.

By Mr. DORGAN (for himself, Mr. MCCAIN, Mr. INOUYE, Mr. THOMAS, and Mr. DOMENICI):

S. 398. A bill to amend the Indian Child Protection and Family Violence Prevention Act to identify and remove barriers to reducing child abuse, to provide for examinations of certain children, and for other purposes; to the Committee on Indian Affairs.

Mr. DORGAN. Mr. President, today I am pleased to introduce with Senator MCCAIN and other senators the Indian Child Protection and Family, Violence Prevention Act Amendments of 2007. The bill we introduce today is virtually identical to legislation which the Senate adopted last year to amend and reauthorize the Indian Child Protection and Family Violence Prevention Act of 1990. The primary goals of that Act were to reduce the incidence of child abuse, and mandate the reporting and tracking of child abuse in Indian Country.

The Indian Child Protection and Family Violence Prevention Act Amendments would authorize a study to identify impediments to the reduction of child abuse in Indian Country, as well as require data collection and annual reporting to Congress concerning child abuse in Indian Country; provide additional safeguards for the privacy of information about a child by local law enforcement and child protective services; provide for more involvement by the FBI and the Attorney General in documenting incidents of child abuse on Indian reservations; and authorize the Indian Health Service to use telemedicine in connection with examinations of abused Indian children. The bill would also authorize background investigations for employees and volunteers who work with Indian children, amend the Major Crimes Act to criminalize acts of child abuse and neglect in Indian Country, and authorize several treatment programs for Indian children who have been victimized.

I particularly appreciate that this reauthorization legislation addresses a related issue about which I have deep concern—the epidemic of youth suicide in many reservation communities. Indian Country has higher rates of youth suicide, as well as of child abuse, than other American population groups. Often, children who attempt suicide have been abused by a family or community member. This bill would authorize professionals trained in behavioral health, including suicide prevention and treatment, to be included on the staff of regional Indian Child Resource and Family Services Centers authorized under the Act.

I am hopeful that the Senate will act quickly this session to authorize the additional protections for Native American children that would be provided by the Indian Child Protection and Family Violence Prevention Act Amendments of 2007. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 398

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Indian Child Protection and Family Violence Prevention Act Amendments of 2007".

SEC. 2. FINDINGS AND PURPOSE.

Section 402 of the Indian Child Protection and Family Violence Prevention Act (25 U.S.C. 3201) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by redesignating subparagraphs (E) and (F) as subparagraphs (F) and (G), respectively; and

(ii) by inserting after subparagraph (D) the following:

"(E) the Federal Government and certain State governments are responsible for investigating and prosecuting certain felony crimes, including child abuse, in Indian country, pursuant to chapter 53 of title 18, United States Code;"; and

(B) in paragraph (2)—

(i) in the matter preceding subparagraph (A), by striking "two" and inserting "the";

(ii) in subparagraph (A), by striking "and" at the end;

(iii) in subparagraph (B), by striking the period at the end and inserting "; and"; and

(iv) by adding at the end the following:

"(C) identify and remove any impediment to the immediate investigation of incidents of child abuse in Indian country."; and

(2) in subsection (b)—

(A) by striking paragraph (3) and inserting the following:

"(3) provide for a background investigation for any employee or volunteer who has access to children;"; and

(B) in paragraph (6), by striking "Area Office" and inserting "Regional Office".

SEC. 3. DEFINITIONS.

Section 403 of the Indian Child Protection and Family Violence Prevention Act (25 U.S.C. 3202) is amended—

(1) by redesignating paragraphs (6) through (18) as paragraphs (7) through (19), respectively;

(2) by inserting after paragraph (5) the following:

"(6) 'final conviction' means the final judgment on a verdict or finding of guilty, a plea of guilty, or a plea of nolo contendere, but does not include a final judgment that has been expunged by pardon, reversed, set aside, or otherwise rendered void;";

(3) in paragraph (13) (as redesignated by paragraph (1)), by striking "that agency" and all that follows through "Indian tribe" and inserting "the Federal, State, or tribal agency";

(4) in paragraph (14) (as redesignated by paragraph (1)), by inserting "(including a tribal law enforcement agency operating pursuant to a grant, contract, or compact under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.))" after "State law enforcement agency";

(5) in paragraph (18) (as redesignated by paragraph (1)), by striking "and" at the end;

(6) in paragraph (19) (as redesignated by paragraph (1)), by striking the period at the end and inserting "; and"; and

(7) by adding at the end the following:

"(20) 'telemedicine' means a telecommunications link to an end user through the use of eligible equipment that electronically links health professionals or patients and health professionals at separate sites in order to exchange health care information in audio, video, graphic, or other format for the purpose of providing improved health care diagnosis and treatment.".

SEC. 4. REPORTING PROCEDURES.

Section 404 of the Indian Child Protection and Family Violence Prevention Act (25 U.S.C. 3203) is amended—

(1) in subsection (c)—

(A) in paragraph (1), by striking "(1) Within" and inserting the following:

"(1) IN GENERAL.—Not later than"; and

(B) in paragraph (2)—

(i) by striking "(2)(A) Any" and inserting the following:

"(2) INVESTIGATION OF REPORTS.—

"(A) IN GENERAL.—Any";

(ii) in subparagraph (B)—

(I) by striking "(B) Upon" and inserting the following:

"(B) FINAL WRITTEN REPORT.—On"; and

(II) by inserting "including any Federal, State, or tribal final conviction, and provide to the Federal Bureau of Investigation a copy of the report" before the period at the end; and

(iii) by adding at the end the following:

"(C) MAINTENANCE OF FINAL REPORTS.—The Federal Bureau of Investigation shall maintain a record of each written report submitted under this subsection or subsection (b) in a manner in which the report is accessible to—

"(i) a local law enforcement agency that requires the information to carry out an official duty; and

"(ii) any agency requesting the information under section 408.

"(D) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this subsection, and annually thereafter, the Director of the Federal Bureau of Investigation, in coordination with the Secretary and the Attorney General, shall submit to the Committees on Indian Affairs and the Judiciary of the Senate and the Committees on Natural Resources and the Judiciary of the House of Representatives a report on child abuse in Indian country during the preceding year.

"(E) COLLECTION OF DATA.—Not less frequently than once each year, the Secretary, in consultation with the Secretary of Health and Human Services, the Attorney General, the Director of the Federal Bureau of Investigation, and any Indian tribe, shall—

"(i) collect any information concerning child abuse in Indian country (including reports under subsection (b)), including information relating to, during the preceding calendar year—

"(I) the number of criminal and civil child abuse allegations and investigations in Indian country;

"(II) the number of child abuse prosecutions referred, declined, or deferred in Indian country;

"(III) the number of child victims who are the subject of reports of child abuse in Indian country;

"(IV) sentencing patterns of individuals convicted of child abuse in Indian country; and

"(V) rates of recidivism with respect to child abuse in Indian country; and

"(ii) to the maximum extent practicable, reduce the duplication of information collection under clause (i)."; and

(2) by adding at the end the following:

"(e) CONFIDENTIALITY OF CHILDREN.—No local law enforcement agency or local child protective services agency shall disclose the name of, or information concerning, the child to anyone other than—

"(1) a person who, by reason of the participation of the person in the treatment of the child or the investigation or adjudication of the allegation, needs to know the information in the performance of the duties of the individual; or

"(2) an officer of any other Federal, State, or tribal agency that requires the information to carry out the duties of the officer under section 406.

"(f) REPORT.—Not later than 1 year after the date of enactment of this subsection, and annually thereafter, the Secretary shall submit to the Committees on Indian Affairs and the Judiciary of the Senate and the Committees on Natural Resources and the Judiciary of the House of Representatives a report on child abuse in Indian country during the preceding year.

"(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 2008 through 2012.".

SEC. 5. REMOVAL OF IMPEDIMENTS TO REDUCING CHILD ABUSE.

Section 405 of the Indian Child Protection and Family Violence Prevention Act (25 U.S.C. 3204) is amended to read as follows:

"SEC. 405. REMOVAL OF IMPEDIMENTS TO REDUCING CHILD ABUSE.

"(a) STUDY.—The Secretary, in consultation with the Attorney General and the Service, shall conduct a study under which the Secretary shall identify any impediment to the reduction of child abuse in Indian country and on Indian reservations.

"(b) INCLUSIONS.—The study under subsection (a) shall include a description of—

"(1) any impediment, or recent progress made with respect to removing impediments, to reporting child abuse in Indian country;

"(2) any impediment, or recent progress made with respect to removing impediments, to Federal, State, and tribal investigations and prosecutions of allegations of child abuse in Indian country; and

"(3) any impediment, or recent progress made with respect to removing impediments, to the treatment of child abuse in Indian country.

"(c) REPORT.—Not later than 18 months after the date of enactment of the Indian Child Protection and Family Violence Prevention Act Amendments of 2007, the Secretary shall submit to the Committees on Indian Affairs and the Judiciary of the Senate, and the Committees on Natural Resources and the Judiciary of the House of Representatives, a report describing—

"(1) the findings of the study under this section; and

"(2) recommendations for legislative actions, if any, to reduce instances of child abuse in Indian country.".

SEC. 6. CONFIDENTIALITY.

Section 406 of the Indian Child Protection and Family Violence Prevention Act (25 U.S.C. 3205) is amended to read as follows:

"SEC. 406. CONFIDENTIALITY.

"(a) IN GENERAL.—Notwithstanding any other provision of law, any Federal, State, or tribal government agency that treats or investigates incidents of child abuse may provide information and records to an officer of any other Federal, State, or tribal government agency that requires the information to carry out the duties of the officer, in accordance with section 552a of title 5, United States Code, section 361 of the Public Health Service Act (42 U.S.C. 264), the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. 1232g), part C of title XI of the Social Security Act (42 U.S.C. 1320d et seq.), and other applicable Federal law.

"(b) TREATMENT OF INDIAN TRIBES.—For purposes of this section, an Indian tribal government shall be considered to be an entity of the Federal Government.".

SEC. 7. WAIVER OF PARENTAL CONSENT.

Section 407 of the Indian Child Protection and Family Violence Prevention Act (25 U.S.C. 3206) is amended—

(1) in subsection (a), by inserting "and forensic" after "psychological"; and

(2) by striking subsection (c) and inserting the following:

"(c) PROTECTION OF CHILD.—Any examination or interview of a child who may have been the subject of child abuse shall—

"(1) be conducted under such circumstances and using such safeguards as are necessary to minimize additional trauma to the child;

"(2) avoid, to the maximum extent practicable, subjecting the child to multiple interviewers during the examination and interview processes; and

"(3) as time permits, be conducted using advice from, or under the guidance of—

"(A) a local multidisciplinary team established under section 411; or

"(B) if a local multidisciplinary team is not established under section 411, a multidisciplinary team established under section 410.".

SEC. 8. CHARACTER INVESTIGATIONS.

Section 408 of the Indian Child Protection and Family Violence Prevention Act (25 U.S.C. 3207) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by inserting ", including any voluntary positions," after "authorized positions"; and

(ii) by striking the comma at the end and inserting a semicolon; and

(B) in paragraph (2)—

(i) by inserting "(including in a volunteer capacity)" after "considered for employment"; and

(ii) by striking ", and" and inserting "; and";

(2) in subsection (b), by striking "guilty to" and all that follows and inserting the following: "guilty to, any felony offense under Federal, State, or tribal law, or 2 or more misdemeanor offenses under Federal, State, or tribal law, involving—

"(1) a crime of violence;

"(2) sexual assault;

"(3) child abuse;

"(4) molestation;

"(5) child sexual exploitation;

"(6) sexual contact;

"(7) child neglect;

"(8) prostitution; or

"(9) another offense against a child."; and

(3) by adding at the end the following:

"(d) EFFECT ON CHILD PLACEMENT.—An Indian tribe that submits a written statement to the applicable State official documenting that the Indian tribe has conducted a background investigation under this section for the placement of an Indian child in a tribally-licensed or tribally-approved foster care or adoptive home, or for another out-of-home placement, shall be considered to have satisfied the background investigation requirements of any Federal or State law requiring such an investigation.".

SEC. 9. INDIAN CHILD ABUSE TREATMENT GRANT PROGRAM.

Section 409 of the Indian Child Protection and Family Violence Prevention Act (25 U.S.C. 3208) is amended by striking subsection (e) and inserting the following:

"(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 2008 through 2012.".

SEC. 10. INDIAN CHILD RESOURCE AND FAMILY SERVICES CENTERS.

Section 410 of the Indian Child Protection and Family Violence Prevention Act (25 U.S.C. 3209) is amended—

(1) in subsection (a), by striking "area office" and inserting "Regional Office";

(2) in subsection (b), by striking "The Secretary" and all that follows through "Human Services" and inserting "The Secretary, the Secretary of Health and Human Services, and the Attorney General";

(3) in subsection (d)—

(A) in paragraph (4), by inserting ", State," after "Federal"; and

(B) in paragraph (5), by striking "agency office" and inserting "Regional Office";

(4) in subsection (e)—

(A) in paragraph (2), by striking the comma at the end and inserting a semicolon;

(B) by striking paragraph (3) and inserting the following:

"(3) adolescent mental and behavioral health (including suicide prevention and treatment);";

(C) in paragraph (4), by striking the period at the end and inserting "and sexual assault;"; and

(D) by adding at the end the following:

"(5) criminal prosecution; and

"(6) medicine.";

(5) in subsection (f)—

(A) in the first sentence, by striking "The Secretary" and all that follows through "Human Services" and inserting the following:

"(1) ESTABLISHMENT.—The Secretary, in consultation with the Service and the Attorney General";

(B) in the second sentence—

(i) by striking "Each" and inserting the following

"(2) MEMBERSHIP.—Each"; and

(ii) by striking "shall consist of 7 members" and inserting "shall be";

(C) in the third sentence, by striking "Members" and inserting the following:

"(3) COMPENSATION.—Members"; and

(D) in the fourth sentence, by striking "The advisory" and inserting the following:

"(4) DUTIES.—Each advisory";

(6) in subsection (g)—

(A) by striking "(g)" and all that follows through "Indian Child Resource" and inserting the following:

"(g) APPLICATION OF INDIAN SELF-DETERMINATION AND EDUCATION ASSISTANCE ACT TO CENTERS.—

"(1) IN GENERAL.—Indian Child Resource";

(B) in the first sentence, by striking "Act" and inserting "and Education Assistance Act (25 U.S.C. 450 et seq.)";

(C) by striking the second sentence and inserting the following:

"(2) CERTAIN REGIONAL OFFICES.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), if a Center is located in a Regional Office of the Bureau that serves more than 1 Indian tribe, an application to enter into a grant, contract, or compact under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) to operate the Center shall contain a consent form signed by an official of each Indian tribe to be served under the grant, contract, or compact.

"(B) ALASKA REGION.—Notwithstanding subparagraph (A), for Centers located in the Alaska Region, an application to enter into a grant, contract, or compact described in that subparagraph shall contain a consent form signed by an official of each Indian tribe or tribal consortium that is a member of a grant, contract, or compact relating to an Indian child protection and family violence prevention program under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.)."; and

(D) in the third sentence, by striking "This section" and inserting the following:

"(3) EFFECT OF SECTION.—This section"; and

(7) by striking subsection (h) and inserting the following:

"(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 2008 through 2012.".

SEC. 11. USE OF TELEMEDICINE.

The Indian Child Protection and Family Violence Prevention Act (25 U.S.C. 3201 et seq.) is amended by adding at the end the following:

"SEC. 412. USE OF TELEMEDICINE.

"(a) DEFINITION OF MEDICAL OR BEHAVIORAL HEALTH PROFESSIONAL.—In this section, the term 'medical or behavioral health professional' means an employee or volunteer of an organization that provides a service as part of a comprehensive service program that combines—

"(1) substance abuse (including abuse of alcohol, drugs, inhalants, and tobacco) prevention and treatment; and

"(2) mental health treatment.

"(b) CONTRACTS AND AGREEMENTS.—The Service is authorized to enter into any contract or agreement for the use of telemedicine with a public or private university or facility, including a medical university or facility, or any private medical or behavioral health professional, with experience relating to pediatrics, including the diagnosis and treatment of child abuse, to assist the Service with respect to—

"(1) the diagnosis and treatment of child abuse; or

"(2) methods of training Service personnel in diagnosing and treating child abuse.

"(c) ADMINISTRATION.—In carrying out subsection (b), the Service shall, to the maximum extent practicable—

"(1) use existing telemedicine infrastructure; and

"(2) give priority to Service units and medical facilities operated pursuant to grants, contracts, or compacts under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) that are located in, or providing service to, remote areas of Indian country.

"(d) INFORMATION AND CONSULTATION.—On receipt of a request, for purposes of this section, the Service may provide to public and private universities and facilities, including medical universities and facilities, and medical or behavioral health professionals described in subsection (b) any information or consultation on the treatment of Indian children who have, or may have, been subject to abuse or neglect.

"(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 2008 through 2012.".

SEC. 12. CONFORMING AMENDMENTS.

(a) OFFENSES COMMITTED WITHIN INDIAN COUNTRY.—Section 1153(a) of title 18, United States Code, is amended by inserting "felony child abuse, felony child neglect," after "robbery,".

(b) REPORTING OF CHILD ABUSE.—Section 1169 of title 18, United States Code, is amended—

(1) in subsection (a)(1)—

(A) in subparagraph (B), by inserting "or volunteering for" after "employed by";

(B) in subparagraph (D)—

(i) by inserting "or volunteer" after "child day care worker"; and

(ii) by striking "worker in a group home" and inserting "worker or volunteer in a group home";

(C) in subparagraph (E), by striking "or psychological assistant," and inserting "psychological or psychiatric assistant, or person employed in the mental or behavioral health profession;";

(D) in subparagraph (F), by striking "child" and inserting "individual";

(E) by striking subparagraph (G), and inserting the following:

"(G) foster parent; or"; and

(F) in subparagraph (H), by striking "law enforcement officer, probation officer" and inserting "law enforcement personnel, probation officer, criminal prosecutor"; and

(2) in subsection (c), by striking paragraphs (3) and (4) and inserting the following:

"(3) 'local child protective services agency' has the meaning given the term in section 403 of the Indian Child Protection and Family Violence Prevention Act (25 U.S.C. 3202); and

"(4) 'local law enforcement agency' has the meaning given the term in section 403 of that Act.".

By Mr. BUNNING (for himself and Ms. MIKULSKI):

S. 399. A bill to amend title XIX of the Social Security Act to include podiatrists as physicians for purposes of covering physicians services under the Medicaid program; to the Committee on Finance.

Mr. BUNNING. Mr. President, I rise today to reintroduce an important bill that will ensure that Medicaid beneficiaries in all states have access to the services of top-quality podiatric physicians. Senator MIKULSKI from Maryland is joining me in the effort again this year, and I appreciate her dedication to this issue.

Having healthy feet and ankles are critical to keeping individuals mobile, productive and in good long-term health. This is particularly true for individuals with diabetes.

According to the Centers for Disease Control and Prevention, CDC, almost 21 million Americans have diabetes, which amounts to about 7 percent of the total population. Diabetes is the sixth leading cause of death in this country. In 2005, 1.5 million Americans were diagnosed with diabetes.

If not managed properly, diabetes can cause several severe health problems, including eye disease or blindness, kidney disease and heart disease. Too often, diabetes can lead to foot complications, including foot ulcers and even amputations. In fact, the CDC estimates that 82,000 people undergo an amputation of a leg, foot or toe each year because of complications with diabetes.

Proper care of the feet could prevent many of these amputations.

The bill we are introducing today recognizes the important role podiatrists can play identifying and correcting foot problems among diabetics. The bill amends Medicaid's definition of "physicians" to include podiatric physicians. This will ensure that Medicaid beneficiaries have access to foot care from those most qualified to provide it.

Under Medicaid, podiatry is considered an optional benefit. However, just because it is optional, doesn't mean that podiatric services are not needed, or that beneficiaries will not seek out other providers to perform these services. Instead, Medicaid beneficiaries will have to receive foot care from other providers who may not be as well trained as a podiatrist in treating lower extremities.

Also, it is important to note that podiatrists are considered physicians under the Medicare program, which allows seniors and disabled individuals to receive appropriate care.

I urge my colleagues to give careful consideration to this important bill. It will help many Medicaid beneficiaries across the country have access to podiatrists that they need.

Finally, I thank the Senator from Maryland for helping me reintroduce this legislation today. I hope that by working together we can see this important change made.

Ms. MIKULSKI. Mr. President, I rise to join Senator BUNNING to introduce this important bill to make sure that Medicaid patients have access to care provided by podiatrists.

This bill ensures that Medicaid patients across the country can get services provided by podiatrists. This is a simple, common sense bill. This legislation includes podiatric physicians in Medicaid's definition of physician. This means that the services of podiatrists will be covered by Medicaid, just like they are in Medicare. Podiatrists are considered physicians under Medicare. They should be under Medicaid. Medicaid covers necessary foot and ankle care services. Medicaid should allow podiatrists who are trained specifically in foot and ankle care to provide these services and be reimbursed for them.

The services of podiatrists are considered optional under Medicaid. Currently, most State Medicaid programs, including Maryland, recognize and reimburse podiatrists for providing foot and ankle care to their beneficiaries. However, during times of tight budget States may choose to cut back on these optional services. There are now 7 States where access to a podiatrist is limited or nearly impossible for someone who receives Medicaid. Even though podiatrist services are considered optional, Medicaid patients need foot and ankle care. If podiatrists do not provide the care, patients will see providers who may not be as well trained in the care of the lower extremities as podiatrists. I want to make sure the over 750,000 Medicaid patients in Maryland continue to have access to the services provided by over 400 podiatrists in Maryland.

Podiatrists receive special training on the foot, ankle, and lower leg. They play an important role in the recognition of systemic diseases like diabetes, and in the recognition and treatment of peripheral neuropathy, a frequent cause of diabetic foot wounds that can often lead to preventable lower extremity amputations. Nearly 21 million Americans are now living with diabetes, a 14 percent increase from the 18 million in 2003. Another 41 million have pre-diabetes, the condition that indicates an increased risk for developing both type 2 diabetes and cardiovascular disease. Both the CDC and the American Diabetes Association recommend that podiatric physicians be part of the care term for people with diabetes.

Ensuring Medicaid patient access to podiatrists will save Medicaid funds in the long term. According to the American Podiatric Medical Association, 75 percent of Americans will experience some type of foot health problem during their lives. Foot disease is the most common complication of diabetes leading to hospitalization. About 82,000 people have diabetes-related leg, foot, or toe amputations each year. Foot care programs with regular examinations and patient education could prevent up to 85 percent of these amputations. This alone could have saved $1.3 billion in savings for Medicare and $386 million in savings for Medicaid. Podiatrists are important providers of this care.

This bill will make sure that Medicaid patients across the country have access to care provided by podiatrists. It has the support of the American Podiatric Medical Association and gained broad bi-partisan support in both the House and Senate last Congress. 29 Senators co-sponsored S. 440, including nearly half the members of the Finance Committee. The House companion bill, HR 699 had 210 co-cosponsors, including 68 percent of the committee with primary jurisdiction, Energy and Commerce. I urge my colleagues to cosponsor this important legislation.

By Mr. SUNUNU (for himself, Mr. GREGG, and Mrs. CLINTON):

S. 400. A bill to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to ensure that dependent students who take a medically necessary leave of absence do not lose health insurance coverage, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. SUNUNU. Mr. President, I rise today on behalf of Senator GREGG and Senator CLINTON to introduce Michelle's Law. This bill mirrors the law the State of New Hampshire passed in June 2006. Michelle Morse was a 20-

year-old resident of Manchester, NH, and a full-time student at Plymouth State University when diagnosed with colon cancer in December 2003. Michelle's doctors wanted her to take a medical leave of absence to undergo surgery and chemotherapy, but if she dropped out of school she would no longer be covered as a dependent under her mother's plan because she would no longer be enrolled as a full-time student. The family had the option to obtain COBRA coverage but the Morses estimated the increase in monthly premiums would have been too costly. Michelle's family decided she would remain in school full time, maintain coverage, and maintain her lifestyle as much as she could. So along with her homework and books, Michelle would attend class carrying a portable chemotherapy pump attached to her hip. She refused to let cancer and the aggressive chemotherapy treatment slow her down during the next 2 years, even while student teaching at Bakersville Elementary School in Manchester, and graduated from Plymouth State in May 2005. However, Michelle bravely lost her battle with cancer in November 2005.

Michelle's predicament prompted her mother AnnMarie to take this woeful Catch-22 they experienced to the New Hampshire State Legislature. New Hampshire responded by passing Michelle's Law in June 2006, allowing full-time students covered under State-regulated health plans a 1-year medical leave of absence while maintaining their dependency status. The bill we introduce today affords the same medical leave of absence to full-time students covered under health plans governed by the Employee Retirement Income Security Act of 1974—ERISA. Michelle's Law would allow full-time students and their families to focus solely on treating an illness as opposed to concurrently being a full-time patient and full-time student. While this bill creates an additional mandate for ERISA plans, this provision would apply to less than 1 percent of all college-aged students. Yet without this modest change, the costs and hardships may be enormous. Also, this bill does not trespass on any state's right to govern and regulate its own health insurance business.

I thank AnnMarie Morse for her tireless efforts in making sure another student does not get caught between a medical leave of absence rock and a hard place of insurance regulations. I also thank Senators GREGG and CLINTON for joining me today and I hope my colleagues in the Senate join us with their support and pass Michelle's Law.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 40—AUTHORIZING EXPENDITURES BY THE SENATE COMMITTEE ON INDIAN AFFAIRS

Mr. DORGAN submitted the following resolution; from the Committee on Indian Affairs; which was referred to the Committee on Rules and Administration:

S. RES. 40

Resolved, That, in carrying out its powers, duties and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Indian Affairs is authorized from March 1, 2007, through September 30, 2007; October 1, 2007, through September 30, 2008; and October 1, 2008, through February 28, 2009, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or non-reimbursable basis the services of personnel of any such department or agency.

SEC. 2. (a) The expenses of the committee for the period March 1, 2007, through September 30, 2007, under this resolution shall not exceed $ 1,183,262.00, of which amount (1) not to exceed $20,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $20,000 may be expended for the training of professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(b) For the period October 1, 2007, through September 30, 2008, expenses of the committee under this resolution shall not exceed $ 2,071,712.00, of which amount (1) not to exceed $20,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $20,000 may be expended for the training of professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(c) For the period October 1, 2008, through February 28, 2009, expenses of the committee under this resolution shall not exceed $879,131.00, of which amount (1) not to exceed $20,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $20,000 may be expended for the training of professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2009.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the Chairman of the committee, except that vouchers shall not be required (1) for the disbursement of the salaries of employees paid at an annual rate, or (2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (6) for the payment of Senate Recording and Photographic Services, or (7) for payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 2007, through September 30, 2007; October 1, 2007, through September 30, 2008; and October 1, 2008, through February 28, 2009, to be paid from the Appropriations account for "Expenses of Inquiries and Investigations".

SENATE RESOLUTION 41—HONORING THE LIFE AND RECOGNIZING THE ACCOMPLISHMENTS OF TOM MOONEY, PRESIDENT OF THE OHIO FEDERATION OF TEACHERS

Mr. BROWN submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 41

Whereas Tom Mooney graduated from Antioch College in Yellow Springs, Ohio, before becoming a high school government teacher in Cincinnati in 1974;

Whereas Mr. Mooney became a passionate advocate for teachers and public education;

Whereas Mr. Mooney served as the president of the Cincinnati Federation of Teachers, as the vice president of the American Federation of Teachers, and on the American Federation of Teachers's executive council;

Whereas during his 21 years as president of the Cincinnati Federation of Teachers, Mr. Mooney worked to establish a teacher evaluation system;

Whereas, in 2000, Mr. Mooney was elected to lead the Ohio Federation of Teachers;

Whereas Mr. Mooney led the Ohio Federation of Teachers, which represents more than 20,000 members, including public education employees, higher education faculty and support staff, and other public employees, for 6 years;

Whereas during his tenure as president of the Ohio Federation of Teachers, Mr. Mooney endeavored to strengthen the teaching profession and to improve the working environment for all school employees, while also encouraging parental involvement to ensure a high-quality public education for all children;

Whereas Mr. Mooney was a tireless advocate for Ohio's public education system and opposed efforts to privatize educational services for limited numbers of children because these attempts at privatization came at the expense of the vast majority of students who attend public schools in the State;

Whereas, on December 3, 2006, Ohio and the Nation felt a great loss with the sudden death of Mr. Mooney; and

Whereas Mr. Mooney will be remembered as a fearless union leader and for his true dedication to improving the quality of public education: Now, therefore, be it

Resolved, That the Senate honors the life and recognizes the achievements of Tom Mooney, who exemplified dedication to, and true advocacy for, children and public education, while also gaining a deserved reputation as an articulate and forceful labor union activist.

Mr. BROWN. Mr. President, I am honored to recognize the life and accomplishments of Tom Mooney, the former president of the Ohio Federation of Teachers. Tom graduated from Antioch College in Yellow Springs, OH, then devoted himself to ensuring a quality education for the children of Ohio.

In his distinguished tenure as an educator and administrator, Tom served in a number of capacities. He started in 1974 as a high school government teacher. Later Tom would serve as president of the Cincinnati Federation of Teachers, as vice president of the American Federation of Teachers and finally as the president of the Ohio Federation of Teachers, a post he held for six years until his passing.

Tom Mooney was a passionate advocate for teachers and public education. He worked tirelessly. He encouraged parental involvement in the education of their children and vehemently opposed efforts to privatize educational services, as he believed it would be detrimental to the vast majority of Ohio's public school students.

Tom exemplified dedication to—and true advocacy for—children and public education. I am honored to offer this resolution and pay tribute to a great Ohioan and a great American.

SENATE RESOLUTION 42—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON THE JUDICIARY

Mr. LEAHY submitted the following resolution; from the Committee on the Judiciary; which was referred to the Committee on Rules and Administration:

S. RES. 42

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on the Judiciary is authorized from March 1, 2007, through September 30, 2007; October 1, 2007, through September 30, 2008; and October 1, 2008, through February 28, 2009, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or non-reimbursable basis the services of personnel of any such department or agency.

SEC. 2. (a) The expenses of the committee for the period of March 1, 2007, through September 30, 2007, under this resolution shall not exceed $5,220,177, of which amount (1) not to exceed $200,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $20,000 may be expended for the training of the professional staff of such committee (Under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(b) for the period October 1, 2007, through September 30, 2008, expenses of the committee under this resolution shall not exceed $9,150,340, of which amount (1) not to exceed $200,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $20,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 2020) of the Legislative Reorganization Act of 1946).

(c) For the period October 1, 2008, through February 28, 2009, expenses of the committee under this resolution shall not exceed $3,886,766, of which amount (1) not to exceed $200,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $20,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC. 3. The Committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2007, respectively.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee except that vouchers shall not be required (1) for the disbursement of salaries of employees paid at an annual rate, or (2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (6) for the payment of Senate Recording and Photographic Services, or (7) for payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 2007, through September 30, 2007, October 1, 2007 through September 30, 2008; and October 1, 2008 through February 28, 2009, to be paid from the Appropriations account for "Expenses of Inquiries and Investigations."

SENATE RESOLUTION 43—HONORING THE IMPORTANT CONTRIBUTION TO THE NATION OF THE ACADEMY OF MUSIC IN PHILADELPHIA, PENNSYLVANIA, ON ITS 150TH ANNIVERSARY

Mr. SPECTER (for himself and Mr. CASEY) submitted the following resolution; which was considered and agreed to:

S. RES. 43

Whereas the Academy of Music opened in 1857 in Philadelphia, Pennsylvania and quickly became the most prestigious opera house in the United States;

Whereas the Academy of Music is the oldest grand opera house in the United States that is still used for its original purpose;

Whereas, in 1963, the Academy of Music was designated a National Historic Landmark;

Whereas, over the years, the Academy of Music served not only as a venue for the performing arts community, but has also hosted many graduation ceremonies, along with several Presidential conventions and other important public events;

Whereas the Academy of Music served as the Philadelphia Orchestra's main concert hall for more than a century, and the Orchestra purchased the Academy in 1957 and performs each year for the Academy's anniversary;

Whereas the Academy of Music has had a host of legendary artists grace its stage, from the disciplines of classical to popular music, dance, and drama, including Maria Callas, Joan Sutherland, Marian Anderson, Frank Sinatra, George Gershwin, Duke Ellington, Anna Pavlova, Ruth St. Denis, Ted Shawn, and Margot Fonteyn;

Whereas the Academy of Music has also hosted several sporting events, was turned into an indoor skating rink in 1866, had a wooden floor installed over the parquet level in 1889 to create space for an indoor football game between the University of Pennsylvania and the Riverton Club of Princeton, and had a wooden floor installed again in 1892 for the University of Pennsylvania for a track meet; and

Whereas the Academy of Music has also been a part of other historical and cultural events, such as a demonstration of the telephone by Alexander Graham Bell in 1877, the first ever concert in stereophonic sound in 1933 performed by Leopold Stokowski and the Philadelphia Orchestra, the filming of "One Hundred Gentlemen and a Girl" in 1937, and the recording of the soundtrack of the Disney classic "Fantasia" by the Philadelphia Orchestra in 1939: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the Academy of Music in Philadelphia, Pennsylvania, on its 150th anniversary;

(2) honors the important contributions of the Academy of Music to the Nation; and

(3) directs the Secretary of the Senate to transmit a copy of this resolution to the Academy of Music.

SENATE RESOLUTION 44—COMMENDING THE UNIVERSITY OF NEBRASKA-LINCOLN WOMEN'S VOLLEYBALL TEAM FOR WINNING THE NATIONAL COLLEGIATE ATHLETIC ASSOCIATION DIVISION I WOMEN'S VOLLEYBALL CHAMPIONSHIP

Mr. HAGEL (for himself and Mr. NELSON of Nebraska) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 44

Whereas the University of Nebraska-Lincoln women's volleyball team (referred to in this preamble as the "Huskers") won the 2006 National Collegiate Athletic Association (NCAA) Division I Women's Volleyball National Championship at the Qwest Center in Omaha, Nebraska, on December 16, 2006;

Whereas Husker junior Sarah Pavan was chosen as the Nation's top collegiate female volleyball player, winning the 2006-07 Honda Sports Award for volleyball;

Whereas Sarah Pavan was named the ESPN Magazine Academic All-American of the Year, becoming the University of Nebraska's 234th Academic All-American and the university's 29th Academic All-American in volleyball;

Whereas the University of Nebraska leads the Nation in the number of players named Academic All-Americans;

Whereas the Huskers completed the 2006 season with a record of 33–1;

Whereas Husker head coach John Cook has led the team to 3 national championships;

Whereas the Huskers made their sixth appearance in the NCAA finals;

Whereas the 2006 Huskers are only the third team in the history of the NCAA to lead the American Volleyball Coaches Association poll for an entire season;

Whereas the entire Husker volleyball team should be commended for its determination, work ethic, attitude, and heart;

Whereas the University of Nebraska is building an impressive legacy of excellence in its volleyball program; and

Whereas the University of Nebraska volleyball players have brought great honor to themselves, their families, their university, and the State of Nebraska: Now, therefore, be it

Resolved, That the Senate—

(1) commends the University of Nebraska-Lincoln women's volleyball team for winning the 2006 National Collegiate Athletic Association Division I Women's Volleyball National Championship; and

(2) recognizes the achievements of the players, coaches, students, and staff whose hard work and dedication made winning the Championship possible.

AMENDMENTS SUBMITTED AND PROPOSED

SA 200. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 100 proposed by Mr. REID (for Mr. BAUCUS) to the bill H.R. 2, to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage; which was ordered to lie on the table.

SA 201. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 100 proposed by Mr. REID (for Mr. BAUCUS) to the bill H.R. 2, supra.

SA 202. Ms. COLLINS (for herself and Mr. WARNER) submitted an amendment intended to be proposed by her to the bill H.R. 2, supra; which was ordered to lie on the table.

SA 203. Mr. GREGG (for himself, Mr. ENZI, Mr. SUNUNU, Mr. ISAKSON, and Mr. ALEXANDER) submitted an amendment intended to be proposed to amendment SA 100 proposed by Mr. REID (for Mr. BAUCUS) to the bill H.R. 2, supra.

SA 204. Ms. COLLINS (for herself and Mr. WARNER) submitted an amendment intended to be proposed to amendment SA 113 proposed by Mr. SMITH to the amendment SA 100 proposed by Mr. REID (for Mr. BAUCUS) to the bill H.R. 2, supra.

SA 205. Mr. KYL proposed an amendment to amendment SA 100 proposed by Mr. REID (for Mr. BAUCUS) to the bill H.R. 2, supra.

SA 206. Mr. BAUCUS submitted an amendment intended to be proposed to amendment SA 100 proposed by Mr. REID (for Mr. BAUCUS) to the bill H.R. 2, supra.

SA 207. Mr. BAUCUS proposed an amendment to amendment SA 100 proposed by Mr. REID (for Mr. BAUCUS) to the bill H.R. 2, supra.

SA 208. Mr. NELSON, of Nebraska submitted an amendment intended to be proposed to amendment SA 100 proposed by Mr. REID (for Mr. BAUCUS) to the bill H.R. 2, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 200. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 100 proposed by Mr. REID (for Mr. BAUCUS) to the bill H.R. 2, to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

SEC. . SENSE OF THE SENATE CONCERNING EXPANDING THE MIDDLE CLASS.

(a) FINDINGS.—The Senate finds that—

(1) the United States has the most unequal distribution of wealth and income of any major country in the industrialized world;

(2) over the next 4 calendar years, the cost of the 2001 and 2003 Federal tax cuts for the top 1 percent of households will total nearly $350,000,000,000;

(3) if the Federal tax cuts enacted in 2001 and 2003 are made permanent, households with annual incomes of more than $1,000,000 comprising the top 3/10ths of 1 percent of the population would receive approximately $648,000,000,000 in tax cuts over the next decade;

(4) the wealthiest 400 Americans saw their combined net worth increase by $120,000,000,000 from 2004 to 2005 and do not need a tax break;

(5) households with incomes exceeding $1,000,000 received an average tax break of $118,000 in 2006, households in the middle-fifth of the income spectrum received tax cuts averaging $740, and the bottom fifth of households received tax cuts averaging $20;

(6) the increased costs of a college education, child care, health care, and housing are creating enormous burdens on the middle class and working families; and

(7) no veteran in this country should be forced onto a waiting list to receive health care from the Department of Veterans Affairs.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) Congress and the President should work together to roll-back all of the Federal tax breaks enacted since 2001 that go to households with annual incomes 'exceeding $1,000,000; and

(2) Congress and the President should work together to use the revenue gained from this action to increase investments for the needs of our veterans, affordable housing, health care, Pell Grants, child care, and Head Start.

SA 201. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 100 proposed by Mr. REID (for Mr. BAUCUS) to the bill H.R. 2, to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage; as follows:

At the appropriate place insert the following:

SEC. ___. SENSE OF THE SENATE CONCERNING POVERTY.

(a) FINDINGS.—The Senate finds that—

(1) the United States has the highest rate of poverty and the highest rate of childhood poverty among 17 major countries in the Organization for Economic Cooperation and Development including Germany, France, Italy, the United Kingdom, Canada, Australia, Austria, Belgium, Denmark, Finland, Ireland, the Netherlands, Norway, Spain, Sweden, and Switzerland;

(2) 36,950,000 Americans are living in poverty, an increase of 5,400,000 since 2000;

(3) 12,896,000 children in the United States under the age of 18 lived in poverty in 2005, and the number of children living in extreme poverty rose by 87,000 from 2004 through 2005;

(4) in 2005, an estimated 33 percent of the homeless population were children and an estimated 1,350,000 children will experience homelessness in a year;

(5) the number of uninsured Americans rose to 46,577,000 in 2005, 1,272,000 more than in the previous year, and the number of Americans without health insurance has risen for 4 consecutive years;

(6) the Department of Agriculture has found that, in 2005, 35,100,000 people lived in households experiencing food insecurity, meaning that they did not have adequate access to enough food to meet basic dietary needs to all times due to a lack of financial resources;

(7) households with children experience food insecurity at more than double the rate for households without children;

(8) The United States has the largest gap between the rich and the poor of any major industrialized country;

(9) the wealthiest 400 Americans saw their combined net worth increase by $120,000,000,000 from 2004 to 2005;

(10) the richest 400 Americans have a combined net worth of $1,250,000,000,000 equaling the annual income of over 45 percent of the entire world's population or 2,500,000,000 people;

(11) of the world's 793 billionaires, over 400 are Americans;

(12) in 1989, we only had 66 billionaires in this country; and

(13) on January 20, 2001, President Bush stated 'In the quiet of American conscience, we know that deep, persistent poverty is unworthy of our nation''s promise. Where there is suffering, there is duty. Americans in need are not strangers, they are citizens, not problems, but priorities. And all of us are diminished when any are hopeless. And I can pledge our nation to a goal: When we see that wounded traveler on the road to Jericho, we will not pass to the other side.".

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the United States has a moral obligation to improve the lives of the 36,950,000 Americans living in poverty and the 15,928,000 of those who live in extreme poverty;

(2) the United States has a moral obligation to reduce the enormous gap between the rich and the poor; and

(3) the President should immediately present to Congress a comprehensive plan to eradicate child poverty and reduce the gap between the rich and the poor by 2017.

SA 202. Ms. COLLINS (for herself and Mr. WARNER) submitted an amendment intended to be proposed by her to the bill H.R. 2, to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

SEC. . PERMANENT EXTENSION OF ABOVE-THE-LINE DEDUCTION FOR CERTAIN EXPENSES OF ELEMENTARY AND SECONDARY SCHOOL TEACHERS.

Subparagraph (D) of section 62(a)(2) of the Internal Revenue Code of 1986 is amended by striking "In the case of taxable years beginning during 2002, 2003, 2004, 2005, 2006, or 2007, the deductions" and inserting "The deductions".

SA 203. Mr. GREGG (for himself, Mr. ENZI, Mr. SUNUNU, Mr. ISAKSON, and Mr. ALEXANDER) submitted an amendment intended to be proposed to amendment SA 100 proposed by Mr. REID (for Mr. BAUCUS) to the bill H.R. 2, to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage; as follows:

At the appropriate place, insert the following:

SEC. . EMPLOYEE OPTION TIME.

(a) BIWEEKLY WORK PROGRAMS.—

(1) IN GENERAL.—The Fair Labor Standards Act of 1938 is amended by inserting after section 13 (29 U.S.C. 213) the following:

"SEC. 13A. BIWEEKLY WORK PROGRAMS.

"(a) VOLUNTARY PARTICIPATION.—

"(1) OPTION OF EMPLOYEE.—Except as provided in paragraph (2), no employee may be required to participate in a program described in this section. Participation in a program described in this section may not be a condition of employment.

"(2) COLLECTIVE BARGAINING AGREEMENT.—In a case in which a valid collective bargaining agreement exists between an employer and the labor organization that has been certified or recognized as the representative of the employees of the employer under applicable law, an employee may only be required to participate in such a program in accordance with the agreement.

"(b) BIWEEKLY WORK PROGRAMS.—

"(1) IN GENERAL.—Notwithstanding section 7, an employer may establish biweekly work programs that—

"(A) allow the use of a biweekly work schedule—

"(i) that consists of a basic work requirement of not more than 80 hours, over a 2-week period; and

"(ii) in which more than 40 hours of the work requirement may occur in a week of the period, except that no more than 10 hours may be shifted between the 2 weeks involved; and

"(B) provides that an employee participating in the program is compensated for overtime hours in accordance with paragraph (4).

"(2) CONDITIONS.—An employer may carry out a biweekly work program described in paragraph (1) for employees only pursuant to the following:

"(A) AGREEMENT.—The program may be carried out only in accordance with—

"(i) applicable provisions of a collective bargaining agreement between the employer and the labor organization that has been certified or recognized as the representative of the employees under applicable law; or

"(ii) in the case of an employee who is not represented by a labor organization described in clause (i), a written agreement arrived at between the employer and employee before the performance of the work involved if the agreement was entered into knowingly and voluntarily by such employee and was not a condition of employment.

"(B) STATEMENT OF VOLUNTARY PARTICIPATION.—The program shall apply to an employee described in subparagraph (A)(ii) if such employee has affirmed, in a written statement that is made, kept, and preserved in accordance with section 11(c), that the employee has voluntarily chosen to participate in the program.

"(C) MINIMUM SERVICE.—No employee may participate, or agree to participate, in the program unless the employee has been employed for at least 12 months by the employer, and for at least 1,250 hours of service with the employer during the previous 12-month period.

"(3) COMPENSATION FOR HOURS IN SCHEDULE.—Notwithstanding section 7, in the case of an employee participating in such a biweekly work program, the employee shall be compensated for each hour in such a biweekly work schedule at a rate not less than the regular rate at which the employee is employed.

"(4) OVERTIME COMPENSATION PROVISION.—An employee participating in such a biweekly work program shall be compensated for each overtime hour at a rate not less than one and one-half times the regular rate at which the employee is employed, in accordance with section 7(a)(1).

"(5) DISCONTINUANCE OF PROGRAM OR WITHDRAWAL.—

"(A) DISCONTINUANCE OF PROGRAM.—An employer that has established a biweekly work program under paragraph (1) may discontinue the program for employees described in paragraph (2)(A)(ii) after providing 30 days' written notice to the employees who are subject to an agreement described in paragraph (2)(A)(ii).

"(B) WITHDRAWAL.—An employee may withdraw an agreement described in paragraph (2)(A)(ii) at the end of any 2-week period described in paragraph (1)(A)(i), by submitting a written notice of withdrawal to the employer of the employee.

"(c) PROHIBITION OF COERCION.—

"(1) IN GENERAL.—An employer shall not directly or indirectly intimidate, threaten, or coerce, or attempt to intimidate, threaten, or coerce, any employee for the purpose of interfering with the rights of the employee under this section to elect or not to elect to work a biweekly work schedule.

"(2) DEFINITION.—In paragraph (1), the term 'intimidate, threaten, or coerce' includes promising to confer or conferring any benefit (such as appointment, promotion, or compensation) or effecting or threatening to effect any reprisal (such as deprivation of appointment, promotion, or compensation).

"(d) DEFINITIONS.—In this section:

"(1) BASIC WORK REQUIREMENT.—The term 'basic work requirement' means the number of hours, excluding overtime hours, that an employee is required to work or is required to account for by leave or otherwise.

"(2) COLLECTIVE BARGAINING.—The term 'collective bargaining' means the performance of the mutual obligation of the representative of an employer and the labor organization that has been certified or recognized as the representative of the employees of the employer under applicable law to meet at reasonable times and to consult and bargain in a good-faith effort to reach agreement with respect to the conditions of employment affecting such employees and to execute, if requested by either party, a written document incorporating any collective bargaining agreement reached, but the obligation referred to in this paragraph shall not compel either party to agree to a proposal or to make a concession.

"(3) COLLECTIVE BARGAINING AGREEMENT.—The term 'collective bargaining agreement' means an agreement entered into as a result of collective bargaining.

"(4) EMPLOYEE.—The term 'employee' means an individual—

"(A) who is an employee (as defined in section 3);

"(B) who is not an employee of a public agency; and

"(C) to whom section 7(a) applies.

"(5) EMPLOYER.—The term 'employer' does not include a public agency.

"(6) OVERTIME HOURS.—The term 'overtime hours' when used with respect to biweekly work programs under subsection (b), means all hours worked in excess of the biweekly work schedule involved, in excess of the allotted 50 hours a week, or in excess of the allotted 80 hours in the 2-week period involved, that are requested in advance by an employer.

"(7) REGULAR RATE.—The term 'regular rate' has the meaning given the term in section 7(e).".

(2) REMEDIES.—

(A) PROHIBITIONS.—Section 15(a)(3) of the Fair Labor Standards Act of 1938 (29 U.S.C. 215(a)(3)) is amended—

(i) by inserting "(A)" after "(3)";

(ii) by adding "or" after the semicolon; and

(iii) by adding at the end the following:

"(B) to violate any of the provisions of section 13A;".

(B) REMEDIES AND SANCTIONS.—Section 16 of the Fair Labor Standards Act of 1938 (29 U.S.C. 216) is amended—

(i) in subsection (c)—

(I) in the first sentence—

(aa) by inserting after "7 of this Act" the following: ", or of the appropriate legal or monetary equitable relief owing to any employee or employees under section 13A"; and

(bb) by striking "wages or unpaid overtime compensation and" and inserting "wages, unpaid overtime compensation, or legal or monetary equitable relief, as appropriate, and";

(II) in the second sentence, by striking "wages or overtime compensation and" and inserting "wages, unpaid overtime compensation, or legal or monetary equitable relief, as appropriate, and"; and

(III) in the third sentence—

(aa) by inserting after "first sentence of such subsection" the following: ", or the second sentence of such subsection in the event of a violation of section 13A,"; and

(bb) by striking "wages or unpaid overtime compensation under sections 6 and 7 or" and inserting "wages, unpaid overtime compensation, or legal or monetary equitable relief, as appropriate, or"; and

(ii) in subsection (e)—

(I) in the second sentence, by striking "section 6 or 7" and inserting "section 6, 7, or 13A"; and

(II) in the fourth sentence, in paragraph (3), by striking "15(a)(4) or" and inserting "15(a)(4), a violation of section 15(a)(3)(B), or".

(3) NOTICE TO EMPLOYEES.—Not later than 30 days after the date of enactment of this section, the Secretary of Labor shall revise the materials the Secretary provides, under regulations contained in section 516.4 of title 29, Code of Federal Regulations, to employers for purposes of a notice explaining the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.) to employees so that the notice reflects the amendments made to the Act by this section.

(b) CONGRESSIONAL COVERAGE.—Section 203 of the Congressional Accountability Act of 1995 (2 U.S.C. 1313) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking "and section 12(c)" and inserting "section 12(c), and section 13A"; and

(B) by striking paragraph (3);

(2) in subsection (b)—

(A) by striking "The remedy" and inserting the following:

"(1) IN GENERAL.—Except as provided in paragraph (2), the remedy"; and

(B) by adding at the end the following:

"(2) BIWEEKLY WORK PROGRAMS AND FLEXIBLE CREDIT HOURS PROGRAMS.—The remedy for a violation of subsection (a) relating to the requirements of section 13A of the Fair Labor Standards Act of 1938 shall be such remedy as would be appropriate if awarded under sections 16 and 17 of such Act (29 U.S.C. 216, 217) for such a violation."; and

(3) in subsection (c), by striking paragraph (4).

(c) TERMINATION.—The authority provided by this section and the amendments made by this section terminates 5 years after the date of enactment of this section.

SA 204. Ms. COLLINS (for herself and Mr. WARNER) submitted an amendment intended to be proposed to amendment SA 113 proposed by Mr. SMITH to the amendment SA 100 proposed by Mr. REID (for Mr. BAUCUS) to the bill H.R. 2, to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage; as follows:

On page 2 of the amendment, strike lines 1 through 7, and insert the following:

(b) EXPANSION OF ABOVE-THE-LINE DEDUCTION FOR CERTAIN EXPENSES OF ELEMENTARY AND SECONDARY SCHOOL TEACHERS.—

(1) IN GENERAL.—Subparagraph (D) of section 62(a)(2) (relating to certain trade and business deductions of employees) is amended to read as follows:

"(D) CERTAIN EXPENSES OF ELEMENTARY AND SECONDARY SCHOOL TEACHERS.—The deductions allowed by section 162 which consist of expenses, not in excess of $400, paid or incurred by an eligible educator—

"(i) by reason of the participation of the educator in professional development courses related to the curriculum and academic subjects in which the educator provides instruction or to the students for which the educator provides instruction, and

"(ii) in connection with books, supplies (other than nonathletic supplies for courses of instruction in health or physical education), computer equipment (including related software and services) and other equipment, and supplementary materials used by the eligible educator in the classroom.".

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to taxable years beginning after December 31, 2006.

SA 205. Mr. KYL proposed an amendment to amendment SA 100 proposed by Mr. REID (for Mr. BAUCUS) to the bill H.R. 2, to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage; as follows:

On page 4, line 21, strike "April 1, 2008" and insert "January 1, 2009".

On page 6, lines 5 and 6, strike "April 1, 2008" and insert "January 1, 2009".

On page 99, after line 19, add the following:

SEC. . TERMINATION OF EXCLUSION FOR QUALIFIED TUITION REDUCTION.

(a) IN GENERAL.—Section 117(d) is amended by redesignating the last paragraph as paragraph (4) and by adding after paragraph (4) the following new paragraph:

"(5) TERMINATION.—This subsection shall not apply to taxable years beginning after December 31, 2006.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006.

SA 206. Mr. BAUCUS submitted an amendment intended to be proposed to amendment SA 100 proposed by Mr. REID (for Mr. BAUCUS) to the bill H.R. 2, to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage; as follows:

At the appropriate place insert the following:

SEC. ___. SENSE OF THE SENATE REGARDING PERMANENT TAX INCENTIVES TO MAKE EDUCATION MORE AFFORDABLE AND MORE ACCESSIBLE FOR AMERICAN FAMILIES.

It is the sense of the Senate that Congress should make permanent the tax incentives to make education more affordable and more accessible for American families and eliminate wasteful spending, such as spending on unnecessary tax loopholes, in order to fully offset the cost of such incentives and avoid forcing taxpayers to pay substantially more interest to foreign creditors.

SA 207. Mr. BAUCUS proposed an amendment to amendment SA 100 proposed by Mr. REID (for Mr. BAUCUS) to the bill H.R. 2, to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage; as follows:

At the appropriate place insert the following:

SEC. . SENSE OF THE SENATE REGARDING REPEAL OF 1993 INCOME TAX INCREASE ON SOCIAL SECURITY BENEFITS.

It is the sense of the Senate that Congress should repeal the 1993 tax increase on Social Security benefits and eliminate wasteful spending, such as spending on unnecessary tax loopholes, in order to fully offset the cost of such repeal and avoid forcing taxpayers to pay substantially more interest to foreign creditors.

SA 208. Mr. NELSON of Nebraska submitted an amendment intended to be proposed to amendment SA 100 proposed by Mr. REID (for Mr. BAUCUS) to the bill H.R. 2, to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

SEC. . DISABILITY PREFERENCE PROGRAM FOR TAX COLLECTION CONTRACTS.

(a) IN GENERAL.—Section 6306 (relating to qualified tax collection contracts) is amended—

(1) by striking "Nothing" in subsection (a) and inserting "Except as provided in subsection (c), nothing",

(2) by redesignating subsections (c), (d), (e), and (f) as subsections (d), (e), (f), and (g), respectively, and

(3) by inserting after subsection (b) the following new subsection:

"(c) DISABILITY PREFERENCE PROGRAM FOR TAX COLLECTION CONTRACTS.—

"(1) IN GENERAL.—The Secretary shall provide a qualifying disability preference to any program under which any qualified tax collection contract is awarded on or after the effective date of this subsection and shall ensure compliance with the requirements of paragraph (3).

"(2) QUALIFYING DISABILITY PREFERENCE.—

"(A) IN GENERAL.—For purposes of this subsection, the term 'qualifying disability preference' means a preference pursuant to which at least 10 percent (in both number and aggregate dollar amount) of the accounts covered by qualified tax collection contracts are awarded to persons satisfying the following criteria:

"(i) Such person employs within the United States at least 50 severely disabled individuals.

"(ii) Such person shall agree as an enforceable condition of its bid for a qualified tax collection contract that within 90 days after the date such contract is awarded, not less than 35 percent of the employees of such person employed in connection with providing services under such contract shall—

"(I) be hired after the date such contract is awarded, and

"(II) be severely disabled individuals.

"(B) DETERMINATION OF SATISFACTION OF CRITERIA.—Within 60 days after the end of the period specified in subparagraph (A)(ii), the Secretary shall determine whether such person has met the 35 percent requirement specified in such subparagraph, and if such requirement has not been met, shall terminate the contract for nonperformance. For purposes of determining whether such 35 percent requirement has been satisfied, severely disabled individuals providing services under such contract shall not include any severely disabled individuals who were counted toward satisfaction of the 50-employee requirement specified in subparagraph (A)(i), unless such person replaced such individuals by hiring additional severely disabled individuals who do not perform services under such contract.

"(3) PROGRAM-WIDE EMPLOYMENT OF SEVERELY DISABLED INDIVIDUALS.—Not less than 15 percent of all individuals hired by all persons to whom tax collection contracts are issued by the Secretary under this section, to perform work under such tax collection contracts, shall qualify as severely disabled individuals.

"(4) SEVERELY DISABLED INDIVIDUAL.—For purposes of this subsection, the term 'severely disabled individual' means any one of the following:

"(A) Any veteran of the United States Armed Forces with—

"(i) a disability determined by the Secretary of Veterans Affairs to be service-connected, or

"(ii) a disability deemed by statute to be service-connected.

"(B) Any individual who is a disabled beneficiary (as defined in section 1148(k)(2) of the Social Security Act (42 U.S.C. 1320b-19(k)(2)) or who would be considered to be such a disabled beneficiary but for having income or assets in excess of the income or asset eligibility limits established under title II or XVI of the Social Security Act, respectively.".

(b) REPORT BY GOVERNMENT ACCOUNTABILITY OFFICE.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct a study of the effectiveness and efficiency of the use of private contractors for Internal Revenue Service debt collection. The study required by this paragraph shall be completed in time to be taken into account by Congress before any new contracting is carried out under section 6306 of the Internal Revenue Code of 1986 in years following 2008.

(2) STUDY OF COMPARABLE EFFORTS.—As part of the study required under paragraph (1), the Comptroller General shall—

(A) make every effort to determine the relative effectiveness and efficiency of debt collection contracting by Federal staff compared to private contractors, using a cost calculation for both Federal staff and private contractors which includes all benefits and overhead costs,

(B) compare the cost effectiveness of the contracting approach of the Department of the Treasury to that of the Department of Education's Office of Student Financial Assistance, and

(C) survey State tax debt collection experiences for lessons that may be applicable to the Internal Revenue Service collection efforts.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to any tax collection contract awarded on or after the date of the enactment of ths Act.

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that an oversight hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will be held on Thursday, February 1, 2007, at 9:30 a.m. in room SD-G50 of the Dirksen Senate Office Building.

The purpose of this hearing is to examine accelerated biofuels diversity, focusing on how home-grown, biologically derived fuels can blend into the Nation's transportation fuel mix.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150.

For further information, please contact Tara Billingsley at (202) 224-4756 or David Marks at (202) 224-8046.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Ms. STABENOW. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, January 25, 2007, at 9:30 a.m., in open session to receive testimony on the current situation in Iraq on the Administration's recently announced strategy for continued United States assistance to the Iraqi Government and for an increased United States mlitary presence in Iraq.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Ms. STABENOW. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on January 25, 2007, at 9:30 a.m., to vote on committee organizational matters for the 110th Congress; immediately following the executive session the committee will meet to conduct a hearing on "Examining the Billing, Marketing, and Disclosure Practices of the Credit Card Industry, and Their Impact on Consumers."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Ms. STABENOW. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to hold a hearing during the session of the Senate on Thursday, January 25, 2007, at 9:30 a.m. in room SD-366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on oil and gas resources on the Outer Continental Shelf and areas available for leasing in the Gulf of Mexico.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Ms. STABENOW. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, January 25, 2007, at 9:15 a.m. to hold a hearing on Iraq.

The PRESIDING OFFICER. Without objection. it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Ms. STABENOW. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, January 25, 2007, at 2:30 p.m. to hold a hearing on Iraq.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Ms. STABENOW. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Thursday, January 25, 2007, at 9:30 a.m. in room 485 of the Russell Senate Office Building to conduct a business meeting to consider changes to the committee rules and a funding resolution for the committee budget for the 110th Congress.

Those wishing additional information may contact the Indian Affairs Committee at 224-2251.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Ms. STABENOW. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Thursday, January 25, 2007, at 10 a.m. in Dirksen room 226.

Agenda

I. Committee Organization

Committee Rules for the 110th Congress; Subcommittees for the 110th Congress; Funding Resolution for the 110th Congress.

II. Nominations

Lisa Godbey Wood to be U.S. District Judge for the Southern District of Georgia; Philip S. Gutierrez to be U.S. District Judge for the Central District of California; Valerie L. Baker to be U.S. District Judge for the Central District of California; Lawrence Joseph O'Neill to be U.S. District Judge for the Eastern District of California; and Gregory Kent Frizzell to be U.S. District Judge for the Northern District of Oklahoma.

III. Bills

S. 188, To Revise the Short Title of the Voting Rights Act Reauthorization and Amendments Act of 2006, Salazar.

S. 214, To Amend Chapter 35 of Title 28, To Preserve the Independence of U.S. Attorneys, Feinstein.

IV. Resolutions

S. Res. 21, Recognizing the Uncommon Valor of Wesley Autry, Clinton, Schumer.

S. Res. 24, Designating January as "National Stalking Awareness Month", Biden.

S. Res. 29, Expressing the Sense of the Senate Regarding Martin Luther King, Jr. Day, Stabenow, Leahy, Kennedy, Biden, Kohl, Feinstein, Feingold, Schumer, Durbin, Cardin, Whitehouse, Specter.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Ms. STABENOW. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on January 25, 2007, at 2:30 p.m. to hold a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, THE FEDERAL WORKFORCE, AND THE DISTRICT OF COLUMBIA

Ms. STABENOW. Mr. President, I ask unanimous consent that the Subcommittee on Oversight of Government Management, the Federal Workforce and the District of Columbia be authorized to meet on Thursday, January 25, 2007, at 2:30 p.m. for a hearing entitled, "Lost in Translation: A Review of the Federal Government's Efforts to Develop a Foreign Language Strategy."

The PRESIDING OFFICER. Without objection, it is so ordered.

HONORING THE 150TH ANNIVERSARY OF THE PHILADELPHIA ACADEMY OF MUSIC

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 43 which was submitted earlier today.

The PRESIDING OFFICER (Mr. SANDERS). The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 43) honoring the important contributions to the Nation of the Academy of Music in Philadelphia, Pennsylvania, on its 150th anniversary.

There being no objection, the Senate proceeded to consider the resolution.

Mr. SPECTER. Mr. President, I have sought recognition to support legislation with my distinguished colleague, Senator CASEY, that will honor the 150th Anniversary of the Academy of Music of Philadelphia, PA.

The Academy of Music has served as a venue for the performing arts, ceremonial events, Presidential conventions and historical occasions since its opening in 1857. The Academy is the oldest grand opera house in the United States still used for its original purpose, and was designated as a National Historic Landmark in 1963.

The Academy served as the main concert hall for the Philadelphia Orchestra for more than a century. The Orchestra purchased the Academy in 1957, and continues to perform there each year for the Academy's anniversary. Additionally, a host of legendary artists including Maria Callas, Joan Sutherland, George Gershwin, Anna Pavlova, Igor Stravinsky and Luciano Pavarotti have performed at this important venue.

The Academy of Music has also been the site of several significant and historic cultural events. Alexander Graham Bell conducted a demonstration of the telephone in 1877, Leopold Stokowski and the Philadelphia Orchestra performed the first ever concert in stereophonic sound there in 1933, and in 1939, the Philadelphia Orchestra recorded the soundtrack to Walt Disney's classic film, Fantasia, at the Academy.

The Academy's history extends further than the opulent interior of the main hall and the magnificent performances that have graced its stage. An elegant restaurant was constructed in the basement in 1857 for opera-goers and arts patrons. During World War II, the restaurant was converted into a canteen that hosted 2.5 million service men and women between the years of 1942 and 1945 who enjoyed performances by Abbott and Costello, Duke Ellington, Lynn Fontanne and Frank Sinatra.

The Academy of Music continues to be the Philadelphia area's primary venue for the performing arts, hosting major Broadway productions, operatic performances and traveling dance and theater companies. It is with great pleasure that Senator CASEY and I present this resolution honoring the Academy of Music's 150th Anniversary, and pay homage to an institution that has played a significant role in Philadelphia's vibrant arts community. I ask my colleagues to join me in recognizing the Academy of Music.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 43) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 43

Whereas the Academy of Music opened in 1857 in Philadelphia, Pennsylvania and quickly became the most prestigious opera house in the United States;

Whereas the Academy of Music is the oldest grand opera house in the United States that is still used for its original purpose;

Whereas, in 1963, the Academy of Music was designated a National Historic Landmark;

Whereas, over the years, the Academy of Music served not only as a venue for the performing arts community, but has also hosted many graduation ceremonies, along with several Presidential conventions and other important public events;

Whereas the Academy of Music served as the Philadelphia Orchestra's main concert hall for more than a century, and the Orchestra purchased the Academy in 1957 and performs each year for the Academy's anniversary;

Whereas the Academy of Music has had a host of legendary artists grace its stage, from the disciplines of classical to popular music, dance, and drama, including Maria Callas, Joan Sutherland, Marian Anderson, Frank Sinatra, George Gershwin, Duke Ellington, Anna Pavlova, Ruth St. Denis, Ted Shawn, and Margot Fonteyn;

Whereas the Academy of Music has also hosted several sporting events, was turned into an indoor skating rink in 1866, had a wooden floor installed over the parquet level in 1889 to create space for an indoor football game between the University of Pennsylvania and the Riverton Club of Princeton, and had a wooden floor installed again in 1892 for the University of Pennsylvania for a track meet; and

Whereas the Academy of Music has also been a part of other historical and cultural events, such as a demonstration of the telephone by Alexander Graham Bell in 1877, the first ever concert in stereophonic sound in 1933 performed by Leopold Stokowski and the Philadelphia Orchestra, the filming of "One Hundred Gentlemen and a Girl" in 1937, and the recording of the soundtrack of the Disney classic "Fantasia" by the Philadelphia Orchestra in 1939: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the Academy of Music in Philadelphia, Pennsylvania, on its 150th anniversary;

(2) honors the important contributions of the Academy of Music to the Nation; and

(3) directs the Secretary of the Senate to transmit a copy of this resolution to the Academy of Music.

EXTENDING PROVISIONS OF THOMAS EDISON COMMEMORATIVE COIN ACT

Mr. NELSON of Florida. Mr. President, I ask unanimous consent the Banking Committee be discharged from further consideration of H.R. 188, and that the Senate then proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 188) to provide a new effective date for the applicability of certain provisions of law to Public Law 105-331.

There being no objection, the Senate proceeded to consider the bill.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent the bill be read the third time, passed, and the motion to reconsider be laid upon the table, without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 188) was ordered to a third reading, was read the third time, and passed.

ORDERS FOR FRIDAY, JANUARY 26, 2007

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 9 a.m., Friday, January 26; that on Friday, following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then proceed to executive session to consider Executive Calendar No. 1, the nomination of LTG David H. Petraeus; that there be 45 minutes for debate on the nomination, with the time equally divided and controlled between Senator LEVIN and the Republican leader or his designee; that upon the use or yielding back of time, without further intervening action, the Senate proceed to vote on the confirmation of the nomination; that upon the conclusion of the vote, the motion to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session and resume consideration of H.R. 2, the minimum wage legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 9 A.M. TOMORROW

Mr. NELSON of Florida. Mr. President, if there is no further business to come before the Senate today, I now ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 7:22 p.m., adjourned until Friday, January 26, 2007, at 9 a.m.

SENATE—*Friday, January 26, 2007*

The Senate met at 9 a.m. and was called to order by the Honorable SHERROD BROWN, a Senator from the State of Ohio.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray:

Eternal Lord God, Creator, Preserver, Redeemer, and Judge, strengthen our Senators for their work today. Provide them with the resiliency needed to handle challenges and pressures.

As You illuminate their path with the light of Your wisdom, infuse them with patience to persevere in their efforts to solve complex problems. In the storms and strains of leadership, may they not deplete their faith by majoring in minors, but instead trust You in the face of perplexities. Empower them to practice the golden rule of treating others the way they themselves desire to be treated. Radiate Your hope through their lives so they can face an uncertain future unafraid.

We pray in Your sacred Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable SHERROD BROWN led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

> U.S. SENATE,
> PRESIDENT PRO TEMPORE,
> *Washington, DC, January 26, 2007.*
>
> *To the Senate:*
>
> Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable SHERROD BROWN, a Senator from the State of Ohio, to perform the duties of the Chair.
>
> ROBERT C. BYRD,
> *President pro tempore.*

Mr. BROWN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, under an order entered last night, this morning we will immediately proceed to executive session to consider the Petraeus nomination. We will have 45 minutes of debate on that nomination. Senator LEVIN will control half of the time, and the other half of the time is under the control of the Republican leader or his designee. A vote on the confirmation will occur around 9:45 this morning. The vote on the nomination will be the only vote today.

As previously announced, there will be no rollcall votes Monday, January 29. There will be no votes the following Friday, a week from today, because the Republicans are having a retreat. We had ours earlier this year.

After we dispose of the nomination, we will return to H.R. 2. A lot of work was done yesterday. We voted on eight amendments.

HONORING THE SENATE PAGES

Mr. REID. Mr. President, before we get to the nomination, I want to say a couple things. Today is the graduation of the pages. There will be a ceremony at 10 o'clock honoring them in remembrance of their stay in the Capitol. The pages do invaluable work, and they have for many years. I depend upon them personally all the time. They do a lot of things that are unnoticed. In fact, almost everything they do goes almost unnoticed, but they are vitally important. They do many things, and over the decades we have come to rely upon them. I will speak later this morning at the graduation.

I want them to know, as well as the people watching today, how the pages are an integral part of this great institution.

Mr. President, I ask unanimous consent that a list reflecting the names of the Senate pages be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

UNITED STATES SENATE PAGES—FALL 2006

Samuel Aronowitz, Garrett Bauman, Ashton Braun, Sari Carter, Abigail Chandler, Emily Davis, Katharine Gallogly, Lily George, Albert Gilbert IV, Ian Gray, Errick Gulley, Wilson Hansen, Courtney Hoffses, Jeremy Jacobson, Jessica Leuthold, Brooke Littlewood, Hannah McMeekin, Tori Miyagi, Cally Musland, Evelyn Poole, Emily Scarborough, Megan Schipp, Andrew Sennett, Grant Sui, Matthew Sutton, Kathryn Tull, Thomas Turner, Aunna Wilson.

LIFE-SAVING SURGERY

Mr. REID. Mr. President, prior to the nomination being taken up, let me say that I met General Petraeus in Iraq. At that time, the Republican leader was Senator Frist, who is a doctor, as we all know. General Petraeus said, "I want you to take this back to Dr. Frist and remind him that he saved my life." There was a training exercise going on with live ammunition, and somebody tripped and fell with live ammunition and General Petraeus was shot in the heart. Dr. Frist saved his life. The surgery was complicated and important.

So I wish Senator/Dr. Frist were here today to be able to express his appreciation for General Petraeus. I brought that medal back from Iraq to give to Leader Frist and he remembered the surgery. He saved the life of a great man.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

EXECUTIVE SESSION

NOMINATION OF LIEUTENANT GENERAL DAVID H. PETRAEUS TO BE GENERAL, UNITED STATES ARMY

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to executive session to consider the following nomination, which the clerk will report.

The legislative clerk read the nomination of David H. Petraeus to be General, United States Army.

The ACTING PRESIDENT pro tempore. Under the previous order, there will be 45 minutes of debate, with the time to be equally divided between the Senator from Michigan and the Republican leader or his designee.

The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, I come to the floor this morning to express my support for the nomination of LTG David H. Petraeus, U.S. Army, for appointment to the grade of General and assignment as Commander, Multi-national Force—Iraq.

General Petraeus is presently serving as Commanding General, U.S. Army Combined Arms Center, Fort Leavenworth, Kansas, the Army's leader development, professional military education, doctrine development, and lessons learned center. This is the place where the Army focuses its attention and its greatest professional capabilities on developing leaders, on military education, on developing doctrine, and on learning the lessons from previous conflicts and challenges. As a matter of fact, the Army and Marine Corps' newly issued counterinsurgency manual was written under the command and guidance of General Petraeus at Leavenworth.

General Petraeus had two previous tours of duty in Iraq. The first was in 2003 when he was Commanding General of the 101st Airborne Division, which was headquartered in Mosul, Iraq. General Petraeus' second tour in Iraq was from May 2004 to September 2005, when he was Commander, Multinational Security Transition Command—Iraq/Commander, NATO Training Mission—Iraq. In that capacity, he was responsible for the organizing, training, and equipping of Iraqi security forces.

General Petraeus' nomination to become the Commander of Multinational Forces—Iraq may be the single most important command in the Nation's defense establishment. The Nation will entrust him with the operational command and the welfare of over 130,000 American service members who are presently in Iraq, and of those who may be deployed to Baghdad as part of the President's planned increase in the middle of a protracted and bloody sectarian battle over the future of Iraq.

General Petraeus is professionally qualified for this command. He is widely recognized for the depth and breadth of his education, training, and operational experience. Noteworthy is his recent leadership of the new Army/Marine Corps manual. He testified that he believes the new military strategy for Iraq will work, and that the U.S. military forces under his command will be able to successfully accomplish their mission. We would not want a commander who did not believe in his mission and in the troops under his command. I pray he is correct.

I am obviously very concerned over a strategy that relies on the Iraqis meeting their commitments when they have repeatedly failed to do so in the past. I am obviously concerned about a strategy which is based on an increased military presence, when expert after expert, including military commander after military commander, has told us there is no military solution in Iraq; that the only way to end the violence in Iraq is for the Iraqis to reach a political settlement.

I am deeply concerned that this new strategy, I believe, is based on the wrong assumption—that there is a military solution to a sectarian war—when in fact the only solution to a sectarian conflict is for those groups to finally share power, share resources, including resolving the differences over autonomy that can end the violence. That is not just me saying that; that is also what the Iraqi President has said repeatedly—that it is the Iraqi political leaders' failure to reach a political settlement that is the cause of the continuing violence.

That being the case, I don't believe—and I don't think a majority of this body believes—that an increase in troops going into the middle of the neighborhoods of Baghdad and staying there—"holding," as we say—is going to contribute to a successful conclusion of our presence in Iraq. It is not going to help the Iraqis succeed, to put our troops in their neighborhoods in the middle of the sectarian strife. We are going to add targets without adding to the essential need of the Iraqis to face a reality—to stare at their options, to look into an abyss—civil war or one nation? That has to be their choice. We cannot make it for them. We can make it easier or harder for them to do it.

The question is whether adding troops into that sectarian cauldron is going to contribute to their reaching a political solution or indeed will delay the day, as some of our commanders have said, when they will reach a political settlement. As a matter of fact, General Casey, the current commander, emphasized this point on January 2:

> The longer we in the U.S. continue to bear the main burden of Iraq's security, it lengthens the time that the government of Iraq has to make the hard decisions about reconciliation and dealing with the militias.

General Abizaid said the following:

> It's easy for the Iraqis to rely upon us to do the work.

Then he said this:

> I believe that more American forces prevents the Iraqis from doing more, from taking responsibility for their own future.

That is what General Abizaid said in November.

So those are the expressions of our top military commanders who are there now. I believe they are right. But we need a commander in Iraq. General Casey is retiring. The question is not whether we agree with a particular strategy—and we will have an opportunity, hopefully next week, to vote on whether we agree with the increase of the American military presence as a way of pressuring the Iraqis or taking the heat off of their political leaders to reach a political solution. We will debate that issue.

But we need a commander. We have a qualified commander who has been nominated. There are other issues General Petraeus is going to have to face. General Keane, yesterday, pointed this out. We had a hearing in front of the Armed Services Committee yesterday. General Keane was there, along with former Secretary of Defense Perry and Ambassador Ross. General Keane pointed out yesterday that we have a significant problem which is going to face General Petraeus in Baghdad other than the violence, other than inserting American forces into neighborhoods and trying to hold them with American forces, with an American face, with an American uniform. That is a big enough problem. But the command arrangements are such that U.S. and Iraqi forces are going to be operating side by side in those neighborhoods under two separate chains of command, violating the unity of command principle that is so ingrained in U.S. military doctrine and, indeed, is one of the key principles in that counterinsurgency manual which General Petraeus helped to create. He must have unity at the command. They must agree down there on those streets: Yes or no, are we going into that house or not?

Now, who goes into that house is a critically important issue. Many of us don't believe it ought to be an American tip of the spear; that the Iraqi forces have been trained, 150,000 or more, to protect their country, and they should be the tip of the spear. That is one issue. There is a great dispute over that issue.

That goes to the heart of the matter as to whether more American troops are going to help solve this problem. But it complicates the problem, it exacerbates the problem when you have two commanders on the ground side by side who have two different chains of command who may have two different opinions as to who ought to go into that house or whether that house ought to be entered. That has not been resolved. That is what General Petraeus is also going to have to face.

General Keane, who is former Vice Chief of Staff for the Army, just yesterday expressed his strong concern about the command arrangements but said he was confident that General Petraeus had the ability to revise the arrangements so that there could be a unity of command. I hope he is right.

It may be a superhuman task. It may be an impossible task. It is not a task which ought to face a commander. These issues ought to be worked out in advance of forces entering into combat situations. But they are not worked out. So General Petraeus has to figure that out as well as the major issues that he is going to face.

Mr. President, did I yield myself a particular amount of time?

The ACTING PRESIDENT pro tempore. The Senator from Michigan did not. The Senator from Michigan has 8 minutes 5 seconds remaining.

Mr. LEVIN. I thank the Presiding Officer.

Mr. President, during his testimony at his confirmation hearing, General Petraeus volunteered to provide honest, straightforward reports to the Congress on a regular basis in recognition of Congress's oversight responsibilities. We are counting on him doing so. He may even report to us over a TV network, but he made a commitment. He volunteered a commitment. This was not something we had to press him to do.

He said: I am going to regularly report to Congress on whether this new strategy is working and whether these so-called benchmarks which the Iraqis have allegedly agreed to, representing their commitments—when will they produce troops; will those troops, in fact, be subject to political pressure; will the Iraqis come through with the commitments relative to the financing of reconstruction? He is going to report to us on all the commitments which the Iraqis have made, all the benchmarks which are supposed to be met. I take him at his word. He is an honorable man, and that is an important representation, again, made at his initiative.

I believe General Petraeus is highly qualified for his promotion to the grade of general and his assignment as our senior officer in Iraq at a very critical and dangerous time. That position needs to be filled. General Casey is retiring. I will vote for his nomination, and I urge our colleagues to do the same.

I yield the floor and reserve the remainder of my time.

The ACTING PRESIDENT pro tempore. The Senator from Alabama.

Mr. LEVIN. Mr. President, I wonder if the Senator from Alabama will yield for one moment.

Mr. SESSIONS. Yes.

Mr. LEVIN. Mr. President, I want to correct the record when I said General Casey was retiring. General Casey is being transferred to a different position and not retiring. I correct the record on that point. We still need General Petraeus to fill that position because of the shift in and the transfer of General Casey, but it is not a retirement.

I thank my friend from Alabama for yielding so I could correct the record.

Mr. SESSIONS. Mr. President, I thank Senator LEVIN, our chairman of the Armed Services Committee and our extraordinarily capable leader.

Mr. President, I would like to be notified in 4 minutes.

The ACTING PRESIDENT pro tempore. When 4 minutes remain?

Mr. SESSIONS. No, after I have spoken for 4 minutes.

The ACTING PRESIDENT pro tempore. The Senator will be so notified.

Mr. SESSIONS. Mr. President, I want to make a couple of points about General Petraeus. My colleague, Senator BUNNING, who knows him personally from when he served in Kentucky—and has been with him in Iraq, as I have, will speak longer about him.

I will just say this: General Petraeus was in Iraq in 2003 during the initial invasion. I met him there when I went on a codel. He impressed me, and all of us, as an extraordinary leader. He was commander of the 101st Airborne. He is a Ranger and a combat officer. He finished at West Point at the top of his class. He has a Ph.D. from Princeton. He was No. 1 in his class at the Command and Staff General Officer School. By all accounts, he is a man of the most extraordinary ability.

He came back to Iraq when we realized the training of the Iraqi military was not progressing effectively. So after he had hardly been home a year, the President asked him to go back to train the Iraqi military and police; for 15 months, he went back to Iraq, leaving his family again. Fortunately, his wife is a daughter of a military officer and understands our national interest and the lives of American soldiers are at stake.

He went back to train those officers, and he did that, by all accounts, to an extraordinarily fine degree, given the difficulties that entailed. He got to know virtually all the leaders in Iraq. He doesn't know Prime Minister Maliki, but he knows all the leaders in Iraq. Then he came back, and his duties for the last year have been to prepare this manual, the military manual on counterinsurgency. That is exactly what we are in today, a counterinsurgency operation in Iraq.

I believe we have the finest person this country has to offer to take a fresh look at the situation. I am an admirer of General Casey and General Abizaid. I think they worked their hearts out and did a lot of great things. I never believed they have done anything but a superb job, but sometimes, we need change and new people. I believe this is the best person we can send.

General Petraeus promised, as Senator LEVIN said, which is critically important, in response to a question I asked, but he had volunteered it to me in a private conversation: Senator, if you want the truth, I will tell you. If you send me over there, I am going to tell you what I think.

I said to him at the hearing: Will you tell the American people how this thing is going? And if it is not going effectively and we shouldn't continue, will you tell us?

He said: Yes, sir, I will.

I believed him when he said that. We cannot have a situation in which we end up 20 years from now with someone writing an autobiography and saying: I thought the war was lost. Yet I didn't say it at the time. We need somebody to tell us the truth. I believe he will do that.

We need to support him. The whole infrastructure and bureaucracy of this Government needs to be responsible to the commander on the ground. We have a good Ambassador, but in Iraq where we have this much disorder and military threats, the commander is a leading factor. The people there respect him. We in the United States look to him to do much of the work, when much of it is actually being done by the Ambassador and other agencies of Government. But they need to respond to him because he understands the situation. We need to have adequate prisons and an adequate court system. If the soldiers go out and apprehend these people, where are they going to put them?

The ACTING PRESIDENT pro tempore. The Senator's 4 minutes has expired.

Mr. SESSIONS. Mr. President, we need infrastructure, and we need trainers. General Keane was very positive about General Petraeus and said some important things about these needs. This manual deals in great depth with almost every issue raised by Senator LEVIN. So I believe in General Petraeus; we have the person best able to work through all the joint command and political issues, as well as the military.

I thank the Presiding Officer, and I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, I do not in any way want to interrupt the proceeding, but I wonder if I might be recognized, following the distinguished Senator from Kentucky, to address the nomination.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Kentucky is recognized.

Mr. BUNNING. Mr. President, it is my distinct honor to rise today and speak in support of the nomination of David Petraeus to become the commander of the multinational forces in Iraq. I am confident that with General Petraeus's experience, leadership skills, and judgment, he will prove to be an outstanding commander.

I can speak from experience because General Petraeus is a personal friend of mine. Not only is he a friend of mine but also of the Commonwealth of Kentucky.

I met General Petraeus initially at Fort Campbell in Kentucky, but even more importantly, when I made a codel to Iraq in 2004 with former Senator Zell Miller, we spent some time with General Petraeus and the 101st in Mosul. At that time, he was the commander of the 101st Airborne Division in Mosul. As many of my colleagues might know, the 101st Air Force is based out of Fort Campbell, KY.

While in Mosul, I had an opportunity to spend some time with General Petraeus and see his troops in action. What I saw was one of the most impressive military leaders I have ever met, and I have met a lot of them.

In his 27 months in Iraq—27 months in Iraq—General Petraeus was asked to lead a division into battle, to oversee the reconstruction and governance of

Iraq's third largest city, and to build up from virtually nothing Iraq's army and police force.

General Petraeus not only met all of these challenges, but he succeeded in showing them a unique type of flexibility and adaptability in his leadership. I believe this to be a very important skill that will serve him well in his new mission in Iraq.

While in Iraq, I was able to see firsthand how this skill of adaptability transcends General Petraeus and was passed on to his troops serving under his command. It was soon after the fall of Saddam Hussein when the 101st Airborne Division got the orders to go to Mosul. They were charged with restarting the city's economy, getting civil institutions on their feet, and creating a working democracy.

Under the command of General Petraeus, some officers supervised cement factories, others electricity generation. Soldiers who had studied military aviation tactics found themselves figuring out how to run a university, and an artillery officer was responsible for figuring out how to get the region's oil flowing again.

General Petraeus himself even supervised the city's first elections, elections of Iraqis of very diverse backgrounds.

How did he do all this? He did it through a partnership between the U.S. forces and the Iraqis, the exact type of partnership the President is calling for in his new way forward in Iraq. It is this type of forward thinking which will help our mission in Iraq to succeed.

General Petraeus has also managed to earn the respect of the Iraqis, the Kurds, Sunnis, and Shias. This type of working relationship of mutual respect is desperately needed at this time in Iraq. I recognize it, General Petraeus recognizes it, and so does the President of the United States.

One of the key components in the President's new strategy in Iraq is creating a real partnership between U.S. forces and Iraqi forces where we would effectively train the Iraqis to secure their own neighborhoods and then act, the U.S. troops, as reserve reinforcements. Through this training and security, Iraq neighborhoods could once again begin to rebuild themselves, restoring vital services such as water and electricity to the Iraqi people. Eventually we can begin to restore peace to embattled neighborhoods in Baghdad.

This is no easy task, and no one knows that better than General Petraeus. He has even admitted to it being a daunting task. But I am confident in his ability to lead. His service in Iraq has equipped him with expertise in irregular warfare and operations and a true understanding of the enemy we face.

Like many of my colleagues here on the floor of the Senate, I, too, was initially skeptical of sending additional reinforcement troops to Iraq. But I am convinced that we have to allow General Petraeus the opportunity to succeed in this mission. In this effort, he has offered to provide Congress with regular reports on the status of his mission, on the performance and commitment particularly of the Iraqis to their promises. I, for one, would like to take General Petraeus up on his offer, and I am sure everyone in the Senate feels the same way.

I believe it is vital that we keep up to date daily on the situation in Iraq as it changes so we can best help our new commander address the situation he faces. Judging how the Senate's Armed Services Committee unanimously voted him out of committee on Wednesday, I know I am not alone in my confidence in him.

I urge my colleagues today to support General Petraeus's nomination. I wish him Godspeed in his mission and look forward to seeing the progress we can make in Iraq under his leadership as we continue to defeat the terrorists and to win this war against them.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, I compliment my distinguished colleague for his remarks. I am proud to follow and likewise indicate my unqualified support for General Petraeus, to wish him well, and I hope he succeeds. We had a thorough hearing in the Armed Services Committee. I wish to compliment our new chairman, Senator LEVIN, and the ranking member, Senator MCCAIN, for the speed and efficiency with which they managed to get this nomination before the Senate for confirmation.

We have also pending resolutions to address the situation in Iraq, most specifically our new strategy. I simply say to our leadership, I hope we can address those resolutions at the earliest possible date because our forces are engaged in combat as we speak here this morning, and we certainly do not wish to have debate any way construed as less than full support for what they are endeavoring to achieve. We wish them well, and their beloved families here at home, in these perilous days.

I have concurred steadily, steadfastly in the President's decision—and it is an absolutely correct position. We cannot let Iraq fail, fail in the sense to lose the sovereignty they have gained through hard-earned elections and the opportunity for this Nation to emerge as a constructive partner toward world peace. Therefore, we must press on. But I think it is incumbent upon the Congress to provide its views. The President specifically asked, if there were suggestions, forward them, speak them, and I and others, in a matter of clear conscience, have done just that. We shall see what evolves from the resolutions now pending and possibly other suggestions that could be brought forth by colleagues in the days to come in the Senate. I do once again urge that we address it as expeditiously as the joint leadership can determine.

Yesterday, the Armed Services Committee had a hearing. We had the distinguished former Secretary of Defense, Mr. Perry; Ambassador Ross, who is a renowned expert on that region of the world, the Middle East; and the former Vice Chief of the U.S. Army, now retired, General Keane. It was excellent testimony. I wish to pick up on one thing General Keane addressed.

I go back to the President's remarks when he spoke to the Nation on January 10. He said:

> Now let me explain the main elements of this effort: The Iraq government will appoint a military commander and two deputy commanders for their capital. The Iraqi government will deploy Iraqi Army and National Police brigades across Baghdad's nine districts. When these forces are fully deployed, there will be 18 Iraqi Army and National Police brigades committed to the effort, along with local police. These Iraqi forces will operate from local police stations—conducting patrols and setting up checkpoints and going door-to-door to gain the trust of the Baghdad residents.
>
> This is a strong commitment. But for it to succeed, our commanders say the Iraqis will need our help. So America will change our strategy to help the Iraqis carry out their campaign to put down sectarian violence and bring security to the people of Baghdad. This will require increasing American force levels. So I've committed more than 20,000 additional American troops to Iraq. The vast majority—five brigades—will be deployed to Baghdad. These troops will work alongside Iraqi units and be embedded in their formations. Our troops will have a well-defined mission: to help Iraqis clear and secure neighborhoods, to help them protect the local population, and to help ensure that the Iraqi forces left behind are capable of providing the security that Baghdad needs.

I say most respectfully, this poses a command structure, a dual one, of Iraqi commanders and U.S. commanders, which is unique. Traditionally, American forces operating in military campaigns have a unified command. There is the commander, and it goes right on down to the lieutenant, the head of the patrols, and the platoons. I think this will require further definition, further study.

I bring to the attention of our distinguished nominee, General Petraeus, the testimony of General Keane yesterday where, in the course of a colloquy with me and I think Senator LEVIN and Senator MCCAIN—and, indeed, I remember the Senator from Rhode Island—we were quite concerned about how this unique command and control would work. General Keane concluded his testimony, in response to a question I posed, by urging General Petraeus early on to devote some attention to this question of how this sort of joint command and control is going to operate.

On the battlefield, decisions must be made in a matter of seconds, from the platoon level often right up the chain of command. We cannot have finger-pointing. We cannot have a mission where the Iraqi lieutenant says we should go left, the American embedded officer or whatever command America has in that situation says go right, and the mission not achieve its goal and then the finger-pointing as to which officer was correct and who was right and who was wrong. We cannot have that in this situation. It is going to be an extremely complex mission.

Yes, I have put forward, along with other colleagues, recommendations of how possibly this operation could be conducted with few American forces, and specifically our resolution says the rules of engagement of the forces—that is standard military technology—should have some specificity, hopefully saying: Wherever possible, the Iraqis will bear the brunt of the sectarian violence. I am very concerned about the American GI being thrust in the middle of the violence that really has root causes that go back 1,000 years to the divisions of thought between Iraqis as to whether they are Sunnis or Shias. It seems to me that Iraqi forces who have the language capability, who understand the cultural differences, are far better qualified than the American GI to do this.

Also, we have another document which was put out which explains the operations. It lists the President's priorities. It clearly says Iraqis will be in the lead and on the point. This is a White House document issued here in the last few days:

> The President's New Strategy is Rooted in Six Fundamental Elements: Let the Iraqis take the lead.

That has to be well defined and well understood. I commend the President for putting the emphasis on having the Iraqis do that.

So I hope we can go about our debate in an orderly way at the earliest possible time. I urge Members to be cautious as we proceed. The feelings on this are quite intense, as they should be, because this is one of the most pivotal, one of the most important decisions I have seen come before this body in my now 29th year in the Senate. I hope we conduct it with sincerity and dignity and huge respect among colleagues with regard to our differences. I speak for myself and I think those other nine individuals who worked with me—Senator BILL NELSON, Senator SUSAN COLLINS—this is a truly bipartisan effort.

Whatever we conclude here in the Senate, it is my fervent hope that it reflects a feeling of bipartisanship because therein is how best we can help the American public understand this complex situation, to give their public support. They are strongly behind the troops now. We want to get them to have a better understanding and a greater confidence in this new revised strategy going forward. This can best be achieved at the highest level of bipartisanship we can obtain here on these serious issues.

I see the distinguished chairman here. I yield the floor.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. DOMENICI. Mr. President, I rise in support of the nomination of GEN David Petraeus to be commander of American and allied forces in Iraq.

General Petraeus has had a long and distinguished career in the U.S. Army. From the moment he graduated from the U.S. Military Academy in 1974, General Petraeus has shown himself to be a dedicated officer and leader. He has held numerous leadership positions in the Army and has served throughout the world. Most recently, General Petraeus was the commander of the NATO training mission to Iraq and before that commanded the 101st Airborne Division during the first year of Operation Iraqi Freedom. Additionally, General Petraeus has earned MPA and Ph.D. degrees in international relations from Princeton University's Woodrow Wilson School of Public and International Affairs and has received many awards and decorations including the Distinguished Service Medal and the Bronze Star for valor. Furthermore, he is widely regarded for having written the book on how to conduct counterinsurgency operations.

I recently met with General Petraeus to discuss the current situation in Iraq and our need to achieve a stable and secure, self-governing Iraq. He is clearly aware of the difficult challenges that he will face. In our meeting and in his testimony to the Senate Armed Services Committee, General Petraeus clearly outlined what is at stake in Iraq and has convinced me that he is the best man to command Multi-national Force-Iraq at a most challenging time for the United States and the Iraqi Government.

I have confidence in his pledge to me that he will openly and honestly tell Congress the situation on the ground as it unfolds and provide forthright advice regarding the new strategy in Iraq, and I am heartened by his commitment to the Armed Services Committee to provide periodic updates on the situation in Iraq.

I have made clear to General Petraeus that I will support him, his efforts, and our troops in every way, but my support for the President's new strategy for Iraq is conditioned on seeing measurable progress by Iraqis in securing and reconstructing their country.

Clearly, based upon his intellect and experience in Iraq and elsewhere, General Petraeus is an excellent choice to command American and allied forces in Iraq, and I support his nomination.

Mr. NELSON of Nebraska. Mr. President, I rise today to support the nomination of LTG David H. Petraeus for promotion to General and Commander, Multi-National Forces-Iraq. I was pleased to join with my colleagues on the Armed Services Committee to favorably report his nomination to the full Senate.

General Petraeus has been commended by his superiors and policymakers alike for his ability to listen, to spend money wisely and use force intelligently in Iraq. He will bring to this new assignment his experience from back-to-back tours in Iraq. Most recently, General Petraeus authored the Army's new counterinsurgency manual. He is truly one of our most impressive Army leaders today.

On January 10, the President articulated the strategy which General Petraeus will implement if confirmed to this important post. His mission will be to clear, hold and build. It will require the use of force, and negotiations alone won't complete this mission. I have serious doubts about this plan, especially the President's desire to send even more troops to Iraq.

Because I feel so strongly that the situation in Iraq is deteriorating, I have joined with colleagues to draft a non-binding sense-of-Congress resolution, S. Con. Res. 4, to oppose the surge of troops into Baghdad. Senator WARNER, Senator COLLINS and I believe this resolution avoids partisan rhetoric and provides the Senate a voice to express their disagreement with the President on his Iraq policy.

Importantly, this resolution holds the Iraqis accountable and lets them know that the U.S. commitment is not open-ended. Our resolution emphasizes the Iraq Study Group's valuable recommendations and specifically says that our strategy in Iraq "should be conditioned upon the Iraqi government's meeting benchmarks that must be specified by the Administration."

Along those lines, I hope General Petraeus will be vigorous in keeping Congress informed of progress he is making in Iraq. We need to know what the benchmarks are on the military side of the ledger. We also need to know what is expected of the Iraqis. I hope it's much more than just showing up; the bar can't be that low. I don't want to bombard General Petraeus with paperwork—we want and need him in Baghdad neighborhoods restoring order—but it is vital that we know if the Iraqis are capable of sharing security responsibilities.

During his office call last week, I told General Petraeus the expectations from Congress for his success are high, but the hopes of the American people are even higher. I feel that General

Petraeus wants nothing less than success in Iraq and I look forward to working with him in the coming months to meet the needs of the troops so they have the tools they need to complete this mission.

Mr. LEVIN. Mr. President, unless there is someone else who wants to speak, I have already spoken. I would ask, is the vote scheduled?

The ACTING PRESIDENT pro tempore. Yes. At the expiration of time, 6 minutes 30 seconds, the vote will occur.

Mr. LEVIN. I note the absence of a quorum.

The ACTING PRESIDENT pro tempore. Without objection, the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mrs. MURRAY. Mr. President, I yield back the remaining time on this side, and I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second? There appears to be a sufficient second.

The question is, Will the Senate advise and consent to the nomination of LTG. David H. Petraeus to be General, United States Army? On this question, the yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from California (Mrs. BOXER), the Senator from North Dakota (Mr. DORGAN), the Senator from Hawaii (Mr. INOUYE), and the Senator from South Dakota (Mr. JOHNSON) are necessarily absent.

I further announce that the Senator from Washington (Ms. CANTWELL), the Senator from Massachusetts (Mr. KERRY), and the Senator from Vermont (Mr. LEAHY) are absent on official business.

I further announce that, if present and voting, the Senator from California (Mrs. BOXER), the Senator from Washington (Ms. CANTWELL), the Senator from North Dakota (Mr. DORGAN), the Senator from Massachusetts (Mr. KERRY), and the Senator from Vermont (Mr. LEAHY) would each vote "yea."

Mr. McCONNELL. The following Senators were necessarily absent: the Senator from Arizona (Mr. MCCAIN), the Senator from Kansas (Mr. ROBERTS), the Senator from Oregon (Mr. SMITH), the Senator from Alaska (Mr. STEVENS), and the Senator from Wyoming (Mr. THOMAS).

Further, if present and voting, the Senator from Georgia (Mr. CHAMBLISS), the Senator from Oklahoma (Mr. COBURN), the Senator from Idaho (Mr. CRAIG), the Senator from South Carolina (Mr. GRAHAM), the Senator from Arizona (Mr. KYL), the Senator from Mississippi (Mr. LOTT), and the Senator from Florida (Mr. MARTINEZ) would have voted "yea."

The result was announced—yeas 81, nays 0, as follows:

[Rollcall Vote No. 33 Ex.]

YEAS—81

Akaka
Alexander
Allard
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Brown
Brownback
Bunning
Burr
Byrd
Cardin
Carper
Casey
Clinton
Cochran
Coleman
Collins
Conrad
Corker
Cornyn
Crapo
DeMint
Dodd
Dole
Domenici
Durbin
Ensign
Enzi
Feingold
Feinstein
Grassley
Gregg
Hagel
Harkin
Hatch
Hutchison
Inhofe
Isakson
Kennedy
Klobuchar
Kohl
Landrieu
Lautenberg
Levin
Lieberman
Lincoln
Lugar
McCaskill
McConnell
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sanders
Schumer
Sessions
Shelby
Snowe
Specter
Stabenow
Sununu
Tester
Thune
Vitter
Voinovich
Warner
Webb
Whitehouse
Wyden

NOT VOTING—19

Boxer
Cantwell
Chambliss
Coburn
Craig
Dorgan
Graham
Inouye
Johnson
Kerry
Kyl
Leahy
Lott
Martinez
McCain
Roberts
Smith
Stevens
Thomas

The nomination was confirmed.

The ACTING PRESIDENT pro tempore. Under the previous order, the President will be immediately notified of the Senate's action.

Mr. FEINGOLD. Mr. President, I voted for LTG David H. Petraeus of the U.S. Army to be general and commander, Multi-National Forces—Iraq. He is a highly experienced individual with a long history of excellent and selfless service to this country. I believe he represents the high caliber and professionalism of our Nation's military, and I wish him well with an extremely difficult assignment.

But while I am supporting his nomination, I in no way support the President's policies in Iraq. The President has made the wrong judgment about Iraq time and again, first by taking us into war on a fraudulent basis, then by keeping our brave troops in Iraq, and now by pushing to put 21,500 more American troops into harm's way.

The indefinite presence of U.S. military personnel in Iraq will not fix that country's political problems. And as we have seen over the last few years, sending more troops will not provide the stability in Iraq that can only come from a political agreement. Congress must develop the courage to confront this President on what has become one of the greatest foreign policy mistakes in our history.

LEGISLATIVE SESSION

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will return to legislative session.

FAIR MINIMUM WAGE ACT OF 2007

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 2, which the clerk will report.

The bill clerk read as follows:

A bill (H.R. 2) to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage.

Pending:

Reid (for Baucus) Amendment No. 100, in the nature of a substitute.

McConnell (for Gregg) Amendment No. 101 (to Amendment No. 100), to provide Congress a second look at wasteful spending by establishing enhanced rescission authority under fast-track procedures.

Kyl Amendment No. 115 (to Amendment No. 100), to extend through December 31, 2008, the depreciation treatment of leasehold, restaurant, and retail space improvements.

Enzi (for Ensign/Inhofe) Amendment No. 152 (to Amendment No. 100), to reduce document fraud, prevent identity theft, and preserve the integrity of the Social Security system.

Enzi (for Ensign) Amendment No. 153 (to Amendment No. 100), to preserve and protect Social Security benefits of American workers, including those making minimum wage, and to help ensure greater Congressional oversight of the Social Security system by requiring that both Houses of Congress approve a totalization agreement before the agreement, giving foreign workers Social Security benefits, can go into effect.

Vitter/Voinovich Amendment No. 110 (to Amendment No. 100), to amend title 44 of the United States Code, to provide for the suspension of fines under certain circumstances for first-time paperwork violations by small business concerns.

DeMint Amendment No. 155 (to Amendment No. 100), to amend the Public Health Service Act to provide for cooperative governing of individual health insurance coverage offered in interstate commerce, and to amend the Internal Revenue Code of 1986 regarding the disposition of unused health benefits in cafeteria plans and flexible spending arrangements and the use of health savings accounts for the payment of health insurance premiums for high deductible health plans purchased in the individual market.

DeMint Amendment No. 156 (to Amendment No. 100), to amend the Internal Revenue Code of 1986 regarding the disposition of unused health benefits in cafeteria plans and flexible spending arrangements.

DeMint Amendment No. 157 (to the language proposed to be stricken by Amendment No. 100), to increase the Federal minimum wage by an amount that is based on applicable State minimum wages.

DeMint Amendment No. 159 (to Amendment No. 100), to protect individuals from having their money involuntarily collected and used for lobbying by a labor organization.

DeMint Amendment No. 160 (to Amendment No. 100), to amend the Internal Revenue Code of 1986 to allow certain small businesses to defer payment of tax.

DeMint Amendment No. 161 (to Amendment No. 100), to prohibit the use of flexible schedules by Federal employees unless such flexible schedule benefits are made available to private sector employees not later than 1 year after the date of enactment of the Fair Minimum Wage Act of 2007.

DeMint Amendment No. 162 (to Amendment No. 100), to amend the Fair Labor Standards Act of 1938 regarding the minimum wage.

Kennedy (for Kerry) Amendment No. 128 (to Amendment No. 100), to direct the Administrator of the Small Business Administration to establish a pilot program to provide regulatory compliance assistance to small business concerns.

Martinez Amendment No. 105 (to Amendment No. 100), to clarify the house parent exemption to certain wage and hour requirements.

Sanders Amendment No. 201 (to Amendment No. 100), to express the sense of the Senate concerning poverty.

Gregg Amendment No. 203 (to Amendment No. 100), to enable employees to use employee option time.

Burr Amendment No. 195 (to Amendment No. 100), to provide for an exemption to a minimum wage increase for certain employers who contribute to their employees' health benefit expenses.

Chambliss Amendment No. 118 (to Amendment No. 100), to provide minimum wage rates for agricultural workers.

Kennedy (for Feinstein) Amendment No. 167 (to Amendment No. 118), to improve agricultural job opportunities, benefits, and security for aliens in the United States.

Enzi (for Allard) Amendment No. 169 (to Amendment No. 100), to prevent identity theft by allowing the sharing of social security data among government agencies for immigration enforcement purposes.

The ACTING PRESIDENT pro tempore. The Senator from Georgia is recognized.

Mr. ISAKSON. I ask unanimous consent that I be recognized for 3 minutes as in morning business prior to the continued deliberation.

Mr. DURBIN. Reserving the right to object, and I will not object, I know the Senator from Connecticut will seek time, and I will seek time after him. Unless there is another speaker on the Republican side we can share with—the Senator from Wyoming?

Mr. ENZI. I was hoping to be able to speak on the bill at some point sometime, too.

Mr. DURBIN. This is all morning business we are talking about. Since the bill is on the floor, I think we should defer. You go first.

Mr. ENZI. I would allow the others to go first. I was trying to keep a longer queue from happening.

Mr. DURBIN. I am asking to be part of the queue, and if you show me compassion and mercy, I promise to be brief.

The Senator from Georgia has asked for 3 minutes; the Senator from Connecticut, 12 minutes; and I ask for 5 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Georgia is recognized.

HONORING RUBEN ALEXANDER CRUMBLEY

Mr. ISAKSON. Mr. President, as one ages, there are many things they appreciate in life. There is nothing greater or more appreciated than friendship. It is an old saying that when you get toward the end of life and you go back to count friends, you can sometimes count them and only need one hand. When I look at my one hand in counting my friends, I look and see the face of Ruben Alexander Crumbley, who, on today, will celebrate his 65th birthday in McDonough, GA.

So I wish to, for a moment on the floor of the Senate, memorialize that occasion but also to remind myself and all of us, as we deal with the daily workings of the Senate and the importance of our job, to never forget the importance of our friends.

Sixty-five years ago, when Rubin Alexander Crumbley was born, he had a serious heart ailment, at a time when medical science was not nearly as advanced as it is today. Through the surgeries and the care of his doctor, the ailment was cured, and he has lived a long and successful life, making significant contributions to the great State of Georgia.

He served in the State senate in the State of Georgia. He served as a superior court judge in Henry County in that judicial circuit. And he sought election, although falling short, to the Georgia supreme court.

He is a tireless worker and advocate on behalf of individuals, and he and his wife Claire have worked tirelessly to improve the county of Henry and the city of McDonough. But most important of all, as his friends gather tonight at the Eagles Landing Country Club in McDonough, GA, to celebrate his life and his birthday, I today wish to acknowledge, as a friend, my great appreciation for all the contributions he has made to me, to my life, and to my family.

In closing, I wish to also remember the third person of our group. We were such close friends at the University of Georgia. Rarely a night went by that after studying or partying, we did not gather together for a cup of coffee to talk over the day and ahead to the next day. It was Ruben Alexander Crumbley, JOHNNY ISAKSON, and Jack Cox.

So in remembering my friendship with Alex and celebrating his birthday, I also wish to acknowledge Jack Cox because he sacrificed his life in Vietnam and died fighting on behalf of the United States of America. That was many years ago, but he and Alex and I have shared together a great friendship and many great memories, which Alex tonight will review.

I regret I will not be with him in person, but I wanted to take this moment to acknowledge a great occasion and a great friendship.

Mr. President, I yield back.

The ACTING PRESIDENT pro tempore. The Senator from Connecticut is recognized.

IRAQ

Mr. DODD. Mr. President, about a month ago, Senator JOHN KERRY of Massachusetts and I were in the Middle East, and at sundown on an evening in Baghdad, as we landed in our helicopter in the Green Zone, a young man walked up to Senator KERRY and me. I could hardly see him. He was about 6 feet 2 inches, 6 feet 3 inches, a captain, and a West Point graduate. He talked to us about his concerns and what was going on in Iraq. This was back in the mid part of December before the Christmas holidays. His name was Brian Freeman.

The conversation did not last very long. It was not one of those long conversations. It may have lasted 15, 20 minutes, at best. I do not even have a clear picture in my mind of what he looked like because it was dark, as the conversation went on for 15 or 20 minutes. But it is one of those meetings all of us have had in our lives, where you do not forget a person, an individual. For whatever reason, he was compelling, he was sincere. He sought us out. He wanted us to know how he felt about what was happening in Iraq.

I mentioned him on "Meet the Press" a few weeks later in talking about Iraq. I did not mention his name. I did not wish to put him in that position. But I talked about this young Army captain, a West Point graduate, whom I met. He apparently saw the program in Baghdad and e-mailed me, and we began this conversation between my office and himself over the last month or so, in which we talked about the surge, and he talked about the problems associated with it, the jobs he was being asked to do.

He said to me—I am quoting him now—

> Senator, it's nuts over here. Soldiers are being asked to do work we're not trained to do. I'm doing work that the State Department people are far more prepared to do in fostering democracy, but they're not allowed to come off the bases because it's too dangerous here. It doesn't make any sense.

CPT Brian Freeman, a West Point graduate, was killed in Iraq last Saturday.

I have spoken to his family over the last number of days, his wife Charlotte, his two young children, his parents and his in-laws, trying to express on behalf, I am sure, of all us the sense of grief we feel about this young man's loss of life and his contribution to our country.

I cannot tell you how exciting it was for me to meet him. This young man had nothing but potential and a great interest in seeing his country do better and grow stronger. And he wanted to be a part of it and make a contribution to our land.

Today, I am here to say enough is enough. I think all of us feel this way. We are coming to a point next week when we will have a debate about this. We are going to discuss various resolutions before us. I firmly believe we have to do everything we possibly can to ensure that the tragedy of Brian Freeman does not continue to be replicated over and over again. That is why we must say no, in my view, to the decision by the President of the United States to send thousands more of our brave young men and women in uniform to the streets of Baghdad to risk their lives for a plan which just "doesn't make any sense," to quote Brian Freeman.

I, as one Senator, intend to speak loudly, as I have already, against this ill-conceived policy. But more than just speak out, I intend, at every available opportunity, to ask this body and the other body to go on record in a meaningful way against the President's specific decision to send more than 20,000 additional troops to Iraq and against the continuation of our failed military strategy in Iraq.

This administration's Iraq policy has been a total failure. And this "escalation" or "surge"—call it whatever you will—of 21,500 more Americans is not going to work. I think all of us in this Chamber know it. General Powell, General Abizaid, and General Casey know it. The British and the rest of our allies know it. Nearly every expert who has come before the Senate Foreign Relations Committee, regardless of their political persuasion or ideology, over the last several weeks of hearings Senator BIDEN has held, knows it as well.

That was their testimony. But most importantly, two-thirds of the American people flatout oppose it, according to a recent survey done in our country—not that surveys ought to determine policy. But you cannot sustain a policy when the American people no longer feel you are on the right track. And they are right about it.

As my good friend from Nebraska, Senator HAGEL, so eloquently and passionately said:

> [W]e owe the military and their families a policy worthy of their sacrifices . . . and I don't believe we have that policy today.

I could not agree with him more.

As we all know, we have lost more than 3,000 young men and women. More than 20,000 American troops have been grievously injured. According to many estimates, several hundred thousand Iraqi civilians have been killed or maimed over the last 4 years. And now estimates suggest this war will end up costing the American people over $1.2 trillion.

We have stretched our military to the breaking point. As Congressman MURTHA testified before the Foreign Relations Committee last week:

> At the beginning of the Iraq war, 80 percent of all Army units and almost 100 percent of active combat units were rated at the highest state of readiness. Today, virtually all of our active-duty combat units at home and all of our guard units are at the lowest state of readiness—

"the lowest state of readiness"—

> primarily due to equipment shortages resulting from repeated and extended deployments to Iraq.

I strongly believe we must demonstrate to the American public that we share their deep concerns and doubts about the President's proposed plans to escalate our involvement in Iraq. I think we need to demonstrate we are prepared to lead on this issue—not simply sit back, fearful of taking positions most of us believe are in the interests of our country.

Earlier this week in committee, I offered an amendment to the Foreign Relations Committee proposal that was offered by my friend, the chairman of the committee, Senator BIDEN, and Senator HAGEL and the chairman of the Armed Services Committee, Senator LEVIN. My amendment called for capping the number of troops in Iraq and required the President to seek a new authorization—after 5 years, a new authorization; it has been 5 years since we voted on the justification to go into Iraq—but to get that new authorization from Congress immediately prior to any future troop increases in Iraq—an authorization, I would quickly add, I would vigorously oppose, but it would be an opportunity to debate on the floor of the Senate.

My amendment was not about setting a floor, as some have suggested. It was about exactly the opposite. It was about the first step in fundamentally altering the status quo in Iraq and forcing the President to listen to the recommendations of the Baker-Hamilton Study Group to fundamentally change our mission in Iraq and begin the phased redeployment of U.S. combat troops.

It was also about preventing more troops from being put in harm's way for a flawed tactic to a failed strategy.

Although my amendment failed, I voted in support of the Biden resolution. But I believe it is absolutely essential that the final resolution the Senate adopts next week be one with more clarity than is currently to be found in the words of this resolution or the competing Warner-Collins resolution, which was introduced by our good friend, the Senator from Virginia, Mr. JOHN WARNER.

Regardless of how effective I and others are in bringing more clarity to the resolution through the amendment process, we need to also take, at some point in the very near future, concrete legislative action such as was attempted last week in the committee on Wednesday but which is not possible in the context of the concurrent resolution we will consider next week.

We need to face the hard facts. The President of the United States has already said he will ignore Congress when it comes to his recent proposals on Iraq. He has said loudly he will ignore what we do. So it is all the more important we do something that is meaningful.

Sense-of-the-Senate resolutions are the easiest things to ignore. They require absolutely no Presidential recognition whatsoever. They are merely opportunities for us to express our views on various important matters. I recognize it has a value, to some degree. But there are people out there wondering whether we are actually going to take advantage of this time to do something more than send a message, which all of us have sent, either privately or publicly, that this policy must change. We are beyond the message-sending time. We all know what the message is.

Now the question is whether this body, this historic body, that has an obligation beyond the roles and the opportunities or the obligations of the other body, will take a clear and strong position when it comes to this most recent decision.

The Vice President has recently said that the nonbinding resolution passed by this coequal branch of Government "won't stop us," to quote him. Mr. CHENEY went on to say: "I think it would be detrimental from the standpoint of the troops" to pass this.

"Detrimental from the standpoint of the troops"?

Refereeing a civil war is detrimental from the standpoint of the troops. Surging into the streets of Baghdad with no clear mission is not detrimental to our troops? Sending Americans into combat with insufficient body armor is not detrimental to our troops? But stopping the President from sending more young men and women into Baghdad is most certainly not detrimental to our troops.

Two-thirds of the American public and two-thirds of our troops oppose a surge, according to a recent survey done by the Military Times—two-thirds of the American public and two-thirds of our troops.

But it is not public opinion polls that shape my conclusions that our policies in Iraq are terribly flawed. It is the facts on the ground, which I have learned, as I know others have as well in our recent visits to Iraq, as well as the judgments of former and current military and foreign policy experts.

What is it going to take to make this administration change course?

It is going to take a Congress, in my view, that does not allow the blank checks over the last 5 years to continue. It is going to take a Congress—and I am confident this one will be one—that has the courage to stand up and clearly say we will not support more troops nor the current failed policy. And if the President refuses to listen, it is going to take a Congress that is prepared to legislatively force the President to change this disastrous course.

So next week we will begin the process of attempting to make it crystal clear in the language of whatever concurrent resolution we adopt that this

Congress is opposed to more troops, opposed to a policy that makes our troops remain referees in a civil war, and in favor of a changed policy which begins the process of the phased redeployment of our troops, which last year the Congress had anticipated would begin in 2006.

There are those who say we should not try to tinker with the wording of carefully crafted Iraq resolutions because they are delicate compromises and to propose anything more forceful would be politically divisive and that Congress ought to speak with one voice.

Well, I wish we could speak with one voice. But to them I would say, I believe in consensus. I believe in bipartisanship. My 25-year record in this body has amply demonstrated the value of that. But when the quest for consensus paralyzes our ability and prevents us from taking real action to stop the senseless death of young Americans, then I do not think consensus ought to be the goal.

Stopping this insanity ought to be the goal. If you can do it 51 to 49, then do it. If you can do it 100 to nothing, obviously, that is preferable. But waiting around for consensus on this issue worries me deeply, that we are going to miss an opportunity to fulfill our obligations to stand up and say: Enough of this stuff. Stop it now.

There are those who say that opposing the surge betrays our troops. Quite the contrary is true. I say to them, what truly betrays our troops is sending them into a civil war they cannot and should not have to stop. More than 60 percent of the Iraqi people do not want us in their country. How do you send people into harm's way when the people you are trying to help do not want you to stay?

Of course, stopping the escalation of U.S. forces is only the first step as part of a broader policy to stabilize Iraq and bring our troops home.

There must also be meaningful deescalation of U.S. combat activities in Iraq. We must begin the redeployment of U.S. forces away from the urban areas where the sectarian conflict is greatest, to enclaves within Iraq and to elsewhere within the region—Afghanistan, of course, being the principal place where our troops could be used.

This will enable U.S. forces to concentrate on training Iraqi forces, securing Iraq's borders, and conducting counterterrorism operations to protect U.S. vital security interests in the region.

In the coming days, every American should be able to know whether his or her Senator is prepared to go further and attempt to legally bind the President from continuing this policy of folly. That is why I will not be satisfied if the resolution we adopt next week is the last step this Congress takes to right the wrong that the President is perpetrating on our brave young men and women in uniform and on the American people as a whole. That is why I will find opportunities, if I can, to bring binding legislation to a vote in this body so that every American can know where we stand on this issue.

The American people want this Congress to live up to its responsibilities. I am confident we can and will under our leadership. The time has come for us to weigh in and change the course of U.S. involvement in Iraq, something we all know in our hearts needs to be done. If we were able to authorize the President to go to war in 2002—a vote that I deeply regret having cast in favor of—5 years ago on grounds of weapons of mass destruction and the behavior of Saddam Hussein—one of which was not true, and the other doesn't exist anymore—it is time for us to debate this new argument for our involvement in Iraq and decide, up or down, whether we believe it is the right course of action.

This Nation of ours is at a critical crossroads. The President wants to deepen our involvement in the war. I think most of us here want to responsibly end our involvement after 4 painful years that have taken a tragic toll on our country.

I have met with countless families, in my own State and in others, who have been through the tragedy of losing loved ones in Iraq. Talking to Brian Freeman's family in Utah the other night was painful. His 14-month-old and his 3-year-old don't have a father any longer. Our country lost a wonderful young man whom Senator KERRY and I had the privilege of meeting for such a brief time. But both of us were profoundly affected by his courage and commitment. I say to them and others that in this body we will stand up in the coming days and bring an end to this insanity.

I yield the floor.

The ACTING PRESIDENT pro tempore. The assistant majority leader is recognized for 5 minutes.

DARFUR

Mr. DURBIN. Mr. President, I rise to address the crisis in Darfur. I wish I could do more than speak out, but at the very least, I will continue to speak out. Today I want to specifically speak to an urgent humanitarian crisis.

On January 17, 14 United Nations organizations, including UNICEF, the World Food Programme, and the High Commissioner for Refugees, issued a joint statement on Darfur. These statements are usually just ignored. They are somewhat repetitious by nature, usually dry as dust, and they languish unnoticed on a bookshelf. This statement is different. This statement is a plea. It is a plea for help, a desperate plea for help. This statement outlines the efforts of humanitarian agencies in Darfur over the last 2 years. It outlines the heroic efforts that have been made to save hundreds of thousands of lives from a brooding genocide.

The statement reads:

> In the face of growing insecurity and danger to communities and workers, the [United Nations] and its humanitarian partners have effectively been holding the line for survival and protection of millions. That line cannot be held much longer.

Humanitarian access to those in need has become highly limited. Attacks on both civilians and those trying to help increase by the day. There are an estimated 14,000 aid workers in Darfur, most of them Sudanese, who risk their lives every moment of every day to save innocent people. In recent months, these relief workers have been murdered, raped, and attacked repeatedly. Humanitarian and U.N. compounds have been attacked, their vehicles hijacked, their supplies looted. Sudanese police who should be protecting them have arrested and beaten the aid workers. Sudanese nationals who work for these organizations have been the most viciously attacked targets of violence and harassment.

These atrocities represent a concentrated, deliberate assault on efforts to provide basic services to the poor, innocent people in Darfur—food, water, shelter, and medicine. Actions by the Sudanese Government are compounded by the actions of rebel groups, some of which have also preyed upon civilians and are responsible for these attacks and hijackings. In every case, it is the people of Darfur who are the victims of this violence. A third of the population of Darfur has been driven from their homes. They urgently need humanitarian assistance. But humanitarian organizations are under attack, just as they are. The Sudanese Government has indicated its willingness to accept the first stages of a peacekeeping plan, ever so slowly. But so far there are only a little over 100 U.N. military officers and 33 U.N. policy advisers on the ground in Darfur, an area as large as the State of Texas. Thousands more are needed, and they are needed immediately.

I recently joined Senators FEINGOLD, BROWNBACK, and others in a bipartisan letter to the President raising the issue of these attacks on humanitarian workers. We have asked the President what the U.S. response will be, what our strategy should be in the face of Sudanese assurances, promises that have not been kept. We recognize the State Department and the President want to build on preliminary progress that has been made in at least getting some U.N. peacekeepers on the ground. But that progress has been tragically, deliberately slowed. As we wait and as we debate, people die every day. We must do more.

I believe the United States should be prepared to support additional funding for peacekeeping operations in Darfur. Congress has the opportunity to do that with a funding resolution for the rest of the year that it will vote on in just a few days. The President should also increase funding for peacekeeping operations in the budget request that he will soon send to Congress. Darfur clearly remains an emergency and must remain a priority.

A little over a year ago, I went to Kigali, Rwanda, with Senator BROWNBACK. We stayed in the Hotel Rwanda, made famous by the film as a refuge for people trying to escape death in the throes of another genocide. I walked down the hill from that hotel to a Catholic Church that I was later told was a sanctuary for only a brief time before the rebels overtook it and killed 1,000 people on the stone floor of the church. That was a genocide about which we should have spoken out more and we should have done something about.

My predecessor, Senator Paul Simon of Illinois, pleaded with the Clinton administration to do more, and President Clinton acknowledges today he should have done more. I salute the Bush administration for calling the situation in Darfur the genocide that it is. But now that we have acknowledged this horror is happening in our time on our watch, we have a responsibility to do something.

We said "never again" after Rwanda, but the genocide continues. The United States and the world must take meaningful action to show the Sudanese Government that a few hundred peacekeepers from the U.N. are not enough, and we must act now before the thin line of relief workers is severed and the suffering in Darfur grows even worse.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Wyoming.

Mr. ENZI. Mr. President, I am glad to have an opportunity to speak on the minimum wage bill that is before the Senate. I have spoken a little bit during the last week, but I have held in reserve a lot of time because we had amendments offered that other Senators wanted to explain. Normally when a bill is on the floor we have to stand down here and say: Please, if you have amendments, bring them to the floor so we can debate them. However, in about the first hour that this bill was on the floor, we had a dozen amendments that were suggested, and people were clamoring for time to debate them. We had amendments from both sides of the aisle. I think there were over 115 amendments that were suggested to this bill. Everybody realizes that 115 amendments are never going to be voted on with any bill. I don't think we have even come close to that on any of the bills that I have seen in the 10 years I have been here.

Later today, the majority leader is going to file cloture. He has given notice that he will do that. That is asking the Senate to garner 60 votes in favor of bringing the debate to a close on the Baucus substitute which contains the minimum wage increase and the small business tax incentive package. I congratulate Senators GRASSLEY and BAUCUS for the tremendous effort they put into coming up with a package for small business that would help offset the impact of the minimum wage increase. It is something that was considered the last time there was a minimum wage increase, and I suspect that in the future it will always be a part of a package in some way to make sure that we don't harm these small businesspeople who provide a training ground for those with minimum skills so that they can get better skills and get better jobs.

The small businesses of this country are hiring people with no skills, teaching them how to operate a cash register, how to interact with customers, and often how to dress, how to cook—all kinds of services. I am reminded that in Cheyenne, WY, we have a McDonald's. They are always used as the example in minimum wage debates. They take a lot of grief, and they really don't deserve all that grief. They do a tremendous job of training young people in some very basic customer service skills.

The reason I am reminded of the Cheyenne McDonald's is that we like to point out that three former employees there who started at minimum wage now own 21 McDonald's. So it is an entry way to greater things. It is not for everybody, but for those with a desire to learn and succeed, there are possibilities. Any time we can hold out hope, we are helping people.

Yesterday there was a speech on the floor of the Senate and it was said that we had already spent 5 days on this bill and it was time to move on. Yesterday was actually the fourth day on the bill. Today is the fifth day. We will not be able to have any votes today. I don't know whether you count that or not because we were talking about how the Senate is supposed to work 40 hours a week just like other people do. I know a lot of my colleagues and I have our 40 hours in by about Wednesday, but at any rate, we have been talking about working a 5-day week. We are here, and we are talking, but we will not vote today. I don't know whether you can really count that as a day on the bill.

We talked on the bill on Monday, but we didn't have any votes Monday. So I don't know if you can count that as a day on the bill either. Next Monday we have the right to talk on it again, and then Tuesday morning there will be the cloture vote. That would be the next vote allowed on the bill. We really had 3 days on the bill.

How productive were we during those 3 days? We voted on 11 amendments. We have over 100 amendments. Many of the amendments deal with labor issues. There are some that don't deal directly with the minimum wage. But the minority side, as I have watched over the last several years, always has some unrelated amendments that they want to showcase and get passed.

Another thing I have noticed as I have been here is the unfortunate thing that we do to amendments that are suggested on a key bill. Once that amendment has been suggested, if the majority is the Democrats and the Republicans suggest the amendment, that is considered a poison pill, something just designed to take the bill down. I can say that because in the past on some Republican bills, when the Democrats would submit an amendment, it would be labeled a poison pill.

Unfortunately, the people of America don't get to see the debate that occurs off the Senate floor. They are not often invited into the committee meetings. They are not invited into the bipartisan task force groups that work across the aisle on solving problems before they even get to committee. There is a good reason for that. If the media were invited, they would take some of the dumb ideas that are thrown out—and I have to admit when I am throwing out ideas, I throw out a lot of ideas; some of them stick and some you really recognize as being dumb—and concentrate on those few dumb ideas because people get enjoyment out of that.

Some of these meetings where there is brainstorming and trying to find common ground have to be held separately. These are often very productive talks. There are a number of them going on right now on key issues. I think that this is the best way to handle a bill. But what America gets to watch is us debating on this floor, the attitudes we project, and the arguments that we project. I know most of the people out there watching are always rooting for one side or the other. I don't think it is the vast majority of independents who are spending their time addicted to the television. So our constituents kind of expect us to ram home the arguments from our side, and we do.

I contend that what we get to talk about on the floor of the Senate is the 20 percent of the issues we are never going to agree on.

We have to get past that point and get to the point where we look at all proposals in a very serious way and figure out a way that we can accept it or modify it in some way that makes it acceptable. What I usually do is try to find a third way. We have to do a bit more of that around here, and if we do I think we will find that the Senate will be a lot more successful.

Senator KENNEDY and I have been practicing that for the last couple of years. We have been working prior to committee meetings, in committee meetings, and after committee meetings. We have been very successful at not having much floor debate on things that came through committee. We got 35 bills through committee, and the longest debate we had on the floor was over the pension bill. That bill was very important, one of the most important bills in the last 2 years. It was 980 pages long in the Senate, which is not a small bill. We already had agreement before we came to the floor that there would be one hour of debate equally divided, with two amendments and a final vote. Check back through the years and see how often that has happened. That was an extremely difficult bill, and we had 1 hour of debate, two amendments, and a final vote. It can be done around here. In fact, we wound up with 27 bills signed by the President. We are checking to see how many committees have had that kind of production. Most of those didn't get debated here at all because there wasn't that 20 percent of disagreement. We had the 80-percent agreement and we went with it. That is not possible on all bills, and I understand that.

I am certainly encouraging my colleagues to get together, work on bills prior to them becoming what might be considered a poison pill, and see if something cannot be worked out. Hopefully, we can go back through some of these amendments that have been offered before and look at them with clear eyes and see if there isn't a way that what is being talked about in principle cannot be achieved somehow.

I want to let the people watching this debate that they are not seeing the real story on bills. There is a different and better way we could do it. I hope that is how we will do it more often.

Now, I will speak a little more on the bill before us. I am going to be disappointed if we don't have a few more votes on the bill prior to having the cloture vote. Again, it is a request from the minority to have an opportunity to vote on some of their amendments. So I urge my Democratic colleagues to allow a vote on a few very important amendments that my Republican colleagues have offered to the bill. I know the Democrats don't want to vote on the amendments because each of them is reasonable enough that it could pass. I know that may sound silly, but that is how things often work here. I have offered amendments—and the Democrats have sounded the trumpet that they will allow an open process on amendments offered, but they have chosen to filibuster by delay. When we only get 11 votes and only 3 days on which we are allowed to offer amendments, it is hard to claim it was a full week. Often bills that are very important here take 3 weeks. In fact, I think that is probably the normal range for a bill around here.

So they have the opportunity right now to let the clock run out. But we could have already voted on the minimum wage and small business incentive package if we could have received some votes on the important amendments that have been offered. We said we were going to cull down the number of amendments, and we obviously did.

I call for a vote on four amendments we still have outstanding—although there are many others outstanding. I want to reiterate my conviction that as we move to raise the minimum wage, we must also provide a measure of relief to small businesses which will bear the cost of the increased wages.

Let me first turn to the four amendments I have noted. Over the course of this debate, we have heard many times that the minimum wage is an issue of fairness, an issue that affects working parents and working families. The minimum wage is not the only relevant matter before us that implicates issues of both fairness and family life. One of the most significant dilemmas that face working men and women is the struggle to maintain a balance between their work and family life.

Senator GREGG offered an amendment that reaches to the core of this issue by providing the opportunity for private sector employees to enter voluntary—I stress the word "voluntary"—flexible work arrangements with their employers. Senator GREGG requested and deserves a vote on his employee option time amendment. However, more importantly, working families in this country deserve a vote on this amendment.

Twenty-eight years ago, this body gave Federal employees this highly valued benefit. Now the other side of the aisle wants to deny private employees the same right. Where this can be a big problem is where you have a private employee who is married to a public employee. The public employee can rework his or her schedule to be able to do what the family needs to have done, and the spouse cannot do that because it is illegal. They say, why can my husband or wife do it? Well, because it is legal in the public sector. Even unions recognize this benefit is coveted by employees. In a union-sponsored health care worker survey, scheduling options was the second most important factor in accepting a job.

Working families are striving to find the right balance of work and time with their children, spouses, and other loved ones. The Gregg amendment will remove a major obstacle to finding this balance. Nobody should properly invoke the importance of providing relief or help for working families, while simultaneously denying a vote on this amendment. This is not only fair, but this is giving the employee the right to choose, in cooperation with their employer, the best work schedule for their family in the workplace.

Senator KENNEDY has talked about the children of low-wage workers in this country. Allowing employees more flexible work schedules will cut down on unscheduled leave, sick days, child care costs, and the loss of productivity that occurs when an employee is on the job but their heart is somewhere else tending to the needs of family.

Public sector employees have enjoyed flextime benefits for nearly three decades. We have not heard a lot of problems about it. At the same time, it has been denied workers in the private sector. Where is the fairness in that result? The amendment offered by Senator DEMINT goes to the heart of this discriminatory result. It says if we are going to allow flextime benefits to some and not others, we ought to correct the system the other way; if it is not good in the public sector, maybe we ought to eliminate it under the Federal sector. Senator DEMINT deserves a vote, provided the other one fails. Fundamental fairness demands it. By eliminating flexible work schedules for Government employees until private employees have the same rights, we hope to force our friends on the other side of the aisle to acknowledge and address this disparity. If flextime is such a terrible proposal and so dangerous to private employers and employees, one would think they would support this amendment to protect Government employees. But there is a reason they will not support this amendment. Employees who have flextime like it: 79 percent of the women who have it use it; 68 percent of the men who have it use it.

There are many Senators in this Chamber who offer their employees flexible schedules. Why is it good enough policy for Senators and Government employees and not for the private sector? It is long past time for the Senate to give this popular benefit full and open consideration. Once again, if we are truly concerned about our working families and about being fair, we should not deny a vote on this amendment.

Another amendment I hope we will vote on is Senator BURR's health flex proposal. All of us know health insurance costs are a major issue for both working families and small employers. This amendment would give employers the option to provide a $2.10 increase in wages or spend the increase on health care benefits. We have to recognize the tough choices employees face every day and how the underlying bill will make those choices even tougher.

Most Americans get their health care through employment, but it is becoming more and more difficult for small employers to keep up with escalating health care costs. Everybody in the country recognizes the difficulty of keeping up with health care costs. The small businessman, like everybody else, wants to have insurance for his family and his employees. As most of us know, 46.6 million people in the United States, or one in seven Americans, lacked insurance during 2005. There is no pretending that a minimum wage increase is going to make that number any smaller. Senator BURR's amendment addresses this negative side effect.

The availability of affordable health insurance is clearly an issue for all families, and any time this body has an opportunity to address or examine ideas designed to achieve that end, I don't think we should refuse to do so. Senator BURR has asked for a vote and he, too, deserves a vote on this important issue.

Finally, Senator VITTER also offered an amendment that directly relates to the group of people I feel will be most harmed by this mandated increase in the minimum wage. His amendment is one of fundamental fairness, also, to the small employers who create the jobs and try their best to play by the rules. Senator VITTER's amendment recognizes that small businesses often do not have the in-house resources or the outside experts they need to assist them in complying with the ever-growing amounts of paperwork they are required to provide to the federal government. They cannot afford to hire expensive consultants to do this for them. Paperwork in the Federal Government is voluminous, and learning how to do it correctly often takes very thick manuals. The information they are required to give to the Federal Government is very extensive. I used to file some of those forms and reports, and I was amazed at the textbooks you had to go through to be able to fill out the forms properly. Part of that is a problem we have with the Paperwork Reduction Act. We ought to take a look at the Paperwork Reduction Act again.

Our income tax forms could be much easier to fill out. I went to the IRS when I first got here, as the only accountant in the Senate, and told them that I have done a few of those forms. I could not understand them; I could not understand the logic behind them. There are a couple of places where a line could be added and you would not have to go to another form. I found out there is a huge penalty to Government agencies who add a line to a form. But there is no penalty for adding another chapter to the book that explains the form. Therefore, it is easier to add another whole chapter than to add a simple line. The Paperwork Reduction Act is creating some problems for small business that keep the paperwork from being plain and simple.

As a result, small businesses sometimes make inadvertent errors in complying with these obligations. His amendment would relieve small businesses from monetary fines for certain first-time violations that pose no threat to health or safety. This is a very important criteria. The Federal Government should not be playing a game of "gotcha" in these circumstances, particularly with small businesses. What they should be doing is playing fair. If we, too, are being fair, we would allow a vote on this important amendment.

Apart from these amendments, I believe we need to focus on the central question before this body. Everybody in this Chamber knows we will approve an increase in the minimum wage and that we will do it very soon. The debate, as I keep reminding people, has not been over whether to do the increase, it has been whether we can keep people in business at the same time we do the increase and the ways to do that. We have made some progress on that issue, I believe.

There is a long road ahead to do the tax package Senator BAUCUS and Senator GRASSLEY so capably worked out in a very bipartisan way because those bills are supposed to start in the House and that will be part of the argument, too. There will be some argument. Some of the offsets are opposed by some people—and I think, if you look at the list of those who oppose them, it is big businesses, not small businesses. I believe they think they are being left out of this process. However, this is a small business issue, and I am trying to solve some of those small business problems. The approval of an increase to $7.25 is simply not an issue; and, further rhetoric on this point adds nothing to the important public debate that remains.

The debate is simple: How do we go about mandating this increase without harming the small businesses that have to pay for it? These small businesses have been the engine of our economy and employ the bulk of the minimum wage workers. We do great harm not only to these small businesses but to all those workers who rely on them for their livelihood if we don't provide the practical means for businesses to afford such mandated increases. We have failed in our responsibilities if we do not balance an increase in the minimum wage with the appropriate relief for small businesses. For a worker without a job, a higher minimum wage is meaningless.

As a former small business owner—my wife and I had three shoe stores—I know how difficult it can be to meet payroll every week and meet all the other obligations a small businessman has to face. Here are the realities: Raising the minimum wage to $7.25 imposes a 41-percent increase in labor costs for a small employer with minimum wage workers. Many of them will see this as a tax. That is why some on our side have problems voting for an increase in taxes. It goes to a very important segment of our population, but it is a 41-percent increase in labor costs. Every employer has to face the very real issue of how he or she will deal with this increased cost and still make the payroll week after week.

This cartoon appeared in one of the papers. It says:

> The good news is the U.S. House voted to increase the minimum wage. The bad news is I can't afford to pay any more.

Although this cartoon may, at first, appear humorous, these are very real and very difficult questions that impact our small business employers dramatically. It is not a laughing matter. These payroll increases have to be paid for by employers, and money doesn't grow on trees. A lot of the things we look at as options often are not available to them. The fact is that competition regulates prices—unless we have price controls—and employers must make hard decisions as how to meet these increased payroll obligations.

When costs go up, businesses must first look to cut expenses. The choices they have can be very difficult. To meet higher mandated payroll costs, the smaller employer may be forced to consider cutting back on benefits, such as health insurance, retirement, and leave plans. It is simply too easy to forget that fringe benefits have a significant cost, and if a small employer must reduce expenses to meet payroll, these costs are often the first to go.

Beyond cutting fringe benefits, small businesses may need to consider cutting back work hours or eliminating overtime or eliminating some duplication on a shift. I mentioned a video store that has always had two people to close up because they think two is the minimum for safety. They are now talking about having to go to one person to close up. Cutting hours, eliminating overtime, laying off workers or not hiring more are traditional and often necessary responses to meeting increased costs. Unfortunately, these actions ultimately hurt the very workers the minimum wage increase is designed to help.

Another thing we need to do—and I have avoided putting it into the bill as an amendment—is to reauthorize the Workforce Investment Act. The HELP Committee has passed it unanimously twice. The Senate has passed it unanimously twice. But we have not been able to get a conference committee. Part of the reason for not getting a conference committee is worrying about where the conference committee will go. There ought to be a lot more confidence in the conference committee on the side of the Democrats right now because they will control the conference committee.

I am hoping that the Workforce Investment Act can be a way that we can help get more job training. Small businesses also provide some job training for which they do not get paid. That does not come under that bill. As I mentioned, small businesses often hire people with minimum skills and teach them the skills they need to move up the wage ladder.

Incidentally, of the businesses I checked on, the average time that a person stayed at minimum wage was 3 weeks. If they had the capability to learn, they moved up quickly.

We must also remember that when confronted by higher labor costs, employers will naturally gravitate toward filling positions with the most highly skilled, experienced, and productive workers available.

Once again, this phenomenon of replacing low-skilled workers with high-skilled workers in the face of rising labor costs winds up harming the very workers the minimum wage seeks to help. Minimum wage positions are often the entryway into the world of work for those who lack skills and experience. Mandated increases in the minimum wage run the risk of closing that entryway to many.

Beyond these cost-cutting measures of eliminating benefits, reducing hours, downsizing, laying off employees, and reducing low-skill and entry-level employment, employers might have to face the prospect of increasing the price for goods and services. Such increases drive inflation and cause all consumers to ultimately pay the price of these mandates. The irony is that as the cost of these labor increases is passed through to consumers, it affects everyone, including the minimum wage workers whose recently increased wages are suddenly devalued by the increased price of goods and services that impact them as well.

My colleagues and I feel strongly about the working families of this country and the businesses they work in and the businesses they run. I wish to emphasize that point. I consider the working families of this country to also include small businesses. A lot of us don't realize the "wake up in the middle of the night wondering what is going to happen with the business" concern and the real risks these people take. A lot of them are just mom-and-pop businesses that hire 3, 5, 15 people.

There is support for raising the minimum wage, but we recognize that by doing so, we put people out of business or make them cut their workforce. If we end up putting someone out of work, we are not doing them any favors. That is the reason we have offered a number of amendments to H.R. 2. This bill never went through the committee process, either in this body or in the other body. I think the committee process helps the chances of moving a bill along and takes care of a lot of the amendments we maybe ought not debate on the floor.

We have not had a chance to offer any amendments at all to this legislation until this week. When a bill goes directly to the floor and circumvents the committee process, Members have no choice but to go through the committee amendments process on the floor of the Senate. We only got to vote on 11 amendments, and have only gotten 3 days to vote on amendments.

Once again, I urge the Democratic leaders to allow us to vote on the amendments we have offered, and I strongly urge them not to forget the working families of this country who employ low-skilled workers. They will need real relief in order to keep their businesses growing and their employees working under this mandate. This body must commit in a bipartisan way now to the real issue at hand; that is, providing a responsible increase in the minimum wage that allows small businesses to continue employing and providing job opportunities to the very people the minimum wage is designed to help. The simple answer is before us.

AMENDMENTS NOS. 135 AND 138, EN BLOC, TO AMENDMENT NO. 100

Mr. ENZI. Mr. President, on behalf of Senator CORNYN, I ask unanimous consent to set the pending amendment aside and I call up amendments Nos. 135 and 138.

The PRESIDING OFFICER (Mr. WHITEHOUSE.) Without objection, it is so ordered. The clerk will report.

The bill clerk read as follows:

The Senator from Wyoming [Mr. ENZI], for Mr. CORNYN, proposes amendments numbered 135 and 138, en bloc, to amendment No. 100.

The amendments are as follows:

AMENDMENT NO. 135

(Purpose: To amend the Internal Revenue Code of 1986 to repeal the Federal unemployment surtax)

At the appropriate place, insert the following:

SEC. . REPEAL OF FEDERAL UNEMPLOYMENT SURTAX.

(a) IN GENERAL.—Section 3301 (relating to rate of Federal unemployment tax) is amended by striking "or" at the end of paragraph (1), by redesignating paragraph (2) as paragraph (3), and by inserting after paragraph (1) the following new paragraph:

"(2) in the case of wages paid in calendar year 2007—

"(A) 6.2 percent in the case of wages for any portion of the year ending before April 1, and

"(B) 6.0 percent in the case of wages for any portion of the year beginning after March 31; or".

(b) CONFORMING AMENDMENT.—Section 3301(1) of such Code is amended by striking "2007" and inserting "2006".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to wages paid after December 31, 2006.

AMENDMENT NO. 138

(Purpose: To amend the Internal Revenue Code of 1986 to expand workplace health incentives by equalizing the tax consequences of employee athletic facility use)

At the appropriate place, insert the following:

SEC. . EMPLOYER-PROVIDED OFF-PREMISES HEALTH CLUB SERVICES.

(a) TREATMENT AS FRINGE BENEFIT.—Subparagraph (A) of section 132(j)(4) of the Internal Revenue Code of 1986 (relating to on-premises gyms and other athletic facilities) is amended to read as follows:

"(A) IN GENERAL.—Gross income shall not include—

"(i) the value of any on-premises athletic facility provided by an employer to its employees, and

"(ii) in the case of any taxable year beginning in 2007, so much of the fees, dues, or membership expenses paid by an employer to an athletic or fitness facility described in subparagraph (C) on behalf of its employees as does not exceed $900 per employee per year.".

(b) ATHLETIC FACILITIES DESCRIBED.—Paragraph (4) of section 132(j) of the Internal Revenue Code of 1986 (relating to special rules) is amended by adding at the end the following new subparagraph:

"(C) CERTAIN ATHLETIC OR FITNESS FACILITIES DESCRIBED.—For purposes of subparagraph (A)(ii), an athletic or fitness facility described in this subparagraph is a facility—

"(i) which provides instruction in a program of physical exercise, offers facilities for the preservation, maintenance, encouragement, or development of physical fitness, or is the site of such a program of a State or local government,

"(ii) which is not a private club owned and operated by its members,

"(iii) which does not offer golf, hunting, sailing, or riding facilities,

"(iv) whose health or fitness facility is not incidental to its overall function and purpose, and

"(v) which is fully compliant with the State of jurisdiction and Federal anti-discrimination laws.".

(c) EXCLUSION APPLIES TO HIGHLY COMPENSATED EMPLOYEES ONLY IF NO DISCRIMINATION.—Section 132(j)(1) of the Internal Revenue Code of 1986 is amended—

(1) by striking "Paragraphs (1) and (2) of subsection (a)" and inserting "Subsections (a)(1), (a)(2), and (j)(4)", and

(2) by striking the heading thereof through "(2) APPLY" and inserting "CERTAIN EXCLUSIONS APPLY".

(d) EMPLOYER DEDUCTION FOR DUES TO CERTAIN ATHLETIC FACILITIES.—

(1) IN GENERAL.—Paragraph (3) of section 274(a) of the Internal Revenue Code of 1986 (relating to denial of deduction for club dues) is amended by adding at the end the following new sentence: "The preceding sentence shall not apply to so much of the fees, dues, or membership expenses paid in any taxable year beginning in 2007 to athletic or fitness facilities (within the meaning of section 132(j)(4)(C)) as does not exceed $900 per employee per year.".

(2) CONFORMING AMENDMENT.—The last sentence of section 274(e)(4) of such Code is amended by inserting "the first sentence of" before "subsection (a)(3)".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006.

Mr. ENZI. I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, as we have reached Friday in the consideration of the increase in the minimum wage, let me restate both by affection and respect for my friend and colleague from Wyoming. We have a strong personal relationship and a very good professional relationship. There are a few occasions when we differ, and this happens to be one of them, but it doesn't take away from the fact that I have enormous respect for his legislative abilities. We have worked in a number of areas, and we have every commitment to working together in so many of those areas of our HELP Committee. I know we don't have to repeat it, but it is true. Since we have a moment on a Friday, I wanted to express it because of my deep concerns about the direction of this underlying legislation.

Let me state, with regard to these family issues, our committee is enormously interested in these family issues. The fact is, we have not addressed them in these recent Congresses. That happens to be the fact. We have not marked up those measures when Republicans were in charge of our committee. We didn't get them out on the floor of the Senate, so we have not considered them. But we are strongly committed to them. We are strongly committed.

My friend and colleague from Connecticut, Senator DODD—who is the author of the Family and Medical Leave Act—struggled 10 years before we ever could get that legislation passed because of the opposition within the Republican Party. He wants to extend that. It only applies to companies of 50 or more and leaves out half of all the workers. He wants to address that issue.

The Senator from Washington, Mrs. MURRAY, has had longstanding legislation providing up to 24 hours for individuals to go and work with teachers, engage in teacher conferences.

I have engaged in legislation for sick leave for workers, which is enormously important to people here.

Family-related issues are something in which we are enormously interested and concerned with. But I want to indicate we are also interested in flextime. But we also recognize that in this past Congress, this President eliminated overtime for 6 million Americans—overtime—this administration.

I am not going to take the time now, but I will certainly put the material in the RECORD about the proposal the Senator has just referenced—my friend, and he is my friend, the Senator from New Hampshire—talking about his flextime legislation. Here on page 2 in the legislation it says, "notwithstanding section 7, an employer may establish biweekly work programs that—section (A) title I—that consist of a basic work requirement of not more than 80 hours over a 2-week period and in which more than 40 hours of the work period may occur in a week of that period."

I believe this is the end of the 40-hour workweek, when your employer can make you work 50 hours in a week with no overtime. You say: No overtime? Where is that?

If we go to page 7 of the legislation, under the definition of "overtime," the term "overtime": "when used with respect to biweekly programs means all work worked in excess of the biweekly work schedule involved in excess of the allocated 50 hours a week."

So here we are basically saying if the employer makes the judgment and decision that you are going to work 50 hours, you are going to work more than 40 hours. Under the existing law you get overtime pay for over 40 hours. Under this, you work 50 hours and you don't get the overtime. Here it is in the legislation.

Why do we have that on the minimum wage bill, I ask? It seems so accommodating. Can't we just accommodate family-related issues on it? Here we are trying to undermine it.

The issue, of course, that is key in all these matters—you say: What about public employees? Public employees do. They have unions to protect them, and they have longstanding agreements about how and who makes the judgment and decisions in working out those flextime issues. It is an entirely different situation. I am glad to try to work that out, as we have with Members on family-related issues. But why should we have to do it on a simple item like the terms of increasing the minimum wage? Why is it? As I said yesterday, we are considering zero amendments on our side. We are prepared to vote. I bet I could even get the leader to say—well, probably not—to say we would go with a voice vote and approve it today. But, no, at the current time we have, to my knowledge, 109 amendments. They increase every day from the other side—109 amendments. Zero over here, 109 amendments.

Another issue comes up, the issue of agencies violating different regulations, and if it is a first offense and exclusion of health and safety—look carefully how they define health and safety. This is an issue without a problem. Agencies have that flexibility today and use it today. What are we really trying to get at?

Under the original proposal that was offered with regard to first offenses, it would have exempted 97 percent of all mine safety companies. You say let's redraft that now in terms of health and safety and see if you won't take it. Why are we doing that out here on this question? We have just done mine safety.

If we want to deal with regulatory reform we are glad to do that. With regard to small business I thought that would be in the Small Business Committee's jurisdiction. Why should we be dealing with that when all we are trying to do is get an increase in the minimum wage?

Then I hear: What is going to happen in terms of employment when we pass this increase in the minimum wage? One chart I didn't use the other day but I remember from the past is this one. The last minimum wage increase did not increase unemployment. These are the figures, going from 1997, September, all the way through the year 2000. It shows the last time when we went to $5.15 the gradual decrease in unemployment.

If you look at it this way, we have the increase and the wage was $4.75 in the summer of 1996. Look at the increased job growth. Then we increased it in 1997 to $5.15, and it continued job growth.

There are 3.7 million Americans who work in these small mom-and-pop stores who will never be affected because of the small business exemptions. It is $500,000. They are excluded. It is only those. These are the figures on it.

We have gone through those in some measure. I still am distressed that we are spending this amount of time on this issue, and I wonder why it is the Republicans have all of these issues. If we had accepted all the amendments that have been offered by the Republicans, we would have added $241 billion in spending; $241 billion would have been added that would not have been offset.

We are on the fifth day today. We will be on the sixth day on Monday, the seventh on Tuesday. When we had the increase in 1977, we spent 2 days on it. When we had the increase in the minimum wage in 1989, we had 2 days. In 1996, we had 2 days—4 hours in the House of Representatives. Since we have been debating this issue, the good State of Iowa, Monday night, had a debate in the legislature for the increase in the minimum wage. They passed it. They considered it in the Senate, debated it, and passed it, and the new Governor of Iowa is signing the increase in the minimum wage today. This is what is happening out there.

This is part of what the American people are wondering about regarding this institution: Why in a State it takes 3 days to get it and other times it has taken a couple of days to consider this. It is a very simple matter: just raise the minimum wage to $7.25 from $5.15. We are in day 5, Monday it will be day 6, vote on cloture on day 7. With the 30 hours it will continue on into the better part of next week. Why does it take so long for this institution when all the amendments are over on this side, from the Republicans?

That happens to be the fact. We debated education. It is interesting. Our committee deals with education as the appropriations committee for education. Finance has some provisions in there with regard to the tax provisions. We have important education legislation coming up. We have worked out higher education legislation in our committee. There are still a few areas in terms of the loan programs we still have to work out. We are working with the administration on the K–12 program. But now we have dropped in here $35 billion in terms of education credits. There is nothing on the IDEA Program—nothing. No help and assistance on IDEA. No help and assistance in increasing Pell programs. They selected $35 billion for whatever they wanted on education to challenge us to vote against that particular proposal.

Is that it? The underlying bill is to try to get an increase in the minimum wage. I am glad to debate education. I was so interested in this because last year we increased the scholarship programs by $12 billion for students, and it went to conference and the Republican leadership took all $12 billion and put it for taxes. I can't scarcely remember any of those people who were arguing yesterday for increasing help and assistance for the students raising their voice let alone their vote in opposition. Or, when we added the funding, or tried to add the funding to the budget last year, I don't remember any of those speaking out. Twelve billion dollars it would have added. I don't remember any of those voices out there. But they suddenly want to have a long debate on that program.

Now we want to have a long debate on health savings accounts. The average user of health savings accounts earns $133,000 a year, and three-quarters of those who had the health savings accounts had insurance before they had them. I thought the question today was to get to the uninsured, not the wealthy who already had insurance. That is coming from the other side. Why on the minimum wage bill? I am glad to debate that issue, but why on the minimum wage? Why hold up another day for workers? That is what is happening.

Every day we are denying these workers, every single day, every hour we are denying these workers an increase in the minimum wage. Make no mistake who is doing that—109 amendments from that side and zero from this side. You can say: We want to just have a little fair opportunity to discuss these. Come on. We weren't born yesterday. We know what is happening. This is a whole process to delay, and I believe they hope to defeat us on this issue.

It has been 10 years since we have had the increase. We have had 15 votes. We had a couple of other amendments which were accepted. We are prepared. The issue, on these family-related issues—we are the committee, we will work closely with our brothers and sisters on other committees to get these jobs done. But don't, on Friday afternoon, say: Oh, we just need to have a few more amendments on this. Then what will happen?

We are basically holding the increase in the minimum wage hostage now for additional tax expenditures for businesses. No clean bill. The House of Representatives, with 80 Republicans, went ahead and passed a clean bill but not here in the Senate. No, roadblocks were put in our way by Republicans. Make no mistake about it. Let's just call it what it is. Roadblocks, parliamentary tactics are used to block a bare increase in the minimum wage, to basically prohibit that increase.

We have the additional billions of dollars in tax expenditures added to it and now we still have opposition by filibuster by amendment. All of us have been around here. It is filibuster by amendment. Thankfully, we have a leader who is going to file cloture so at least we will have the vote on Tuesday next. But there should be no doubt in the minds of people, as we come into this weekend, who bears the burden in terms of the basic reluctance and opposition to the increase in the minimum wage. As I said yesterday—I won't repeat it—but it amazes me to try and understand why this blind opposition, and why the vehemence of this opposition of increasing the minimum wage to $7.25. What is it that bothers our Republican friends? What is it about it? It isn't the question about we want an opportunity to talk about education or health care or Social Security or immigration. No, no. There is opposition to going to $7.25 for those who are on the lowest part of the economic ladder. We have seen the most extraordinary explosion of wealth in this country in the history of this Nation, and we have held those workers for 10 years—they have lost 20 percent of their purchasing power. We are just restoring the purchasing power for those individuals. It has the strong continuing opposition of the Republicans.

It is difficult for me to understand the reasons for that. Certainly it can't be economic. We haven't had a debate—we have been ready to have that debate on what it does in terms of communities, what it does in terms of the economy. We have demonstrated that with figures, the best we have had. States that have increased the minimum wage do better economically. Countries that increase the minimum wage reduce poverty, have the strongest economies in Europe. We are glad to debate the various case studies that have been done with Krueger and Card over at Princeton analyzing different kinds of communities. We are glad to debate if you want to debate economics. No, no. It is all filibuster by amendment on these other topics.

So, Mr. President, I thank our leader, Senator REID, for being willing to file the cloture petition. We will vote on it next week, and hopefully we will be able to get a positive vote on that and we will be able to move ahead.

We want to leave on this Friday and let those who are out there who have been working hard and who are appreciative of the Congress—4 hours the House took to debate an increase in the minimum wage, 80 Republicans who supported that, and here we are at the end of the week, looking forward to another week on this issue with over 109 different amendments waiting, waiting, waiting, all offered by Republicans, on the widest variety of different subject matters one can imagine. We all know what is going on, and so do those minimum wage workers, their families, workers across this country, middle-income people and others in the faith community, in the trade union movement, who believe in a fair America and believe that those on the lowest rung of the economic ladder are entitled to participate in the promise of America, like everyone else.

Mr. President, I ask unanimous consent that following Senator ALEXANDER's statement, Senator LAUTENBERG be recognized for up to 15 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ENZI. Mr. President, I would make a brief comment, if the Senator will allow that, prior to his speech.

Mr. ALEXANDER. Of course.

Mr. ENZI. Mr. President, I thank the Senator from Massachusetts for his comments. He makes some very persuasive arguments in a very short period of time on the four amendments I talked about, and I am sure we could reach an agreement and have a very short debate, probably 10 minutes equally divided, on those four and then a vote, and that would simplify things a lot. I understand his comments about how we have over—I don't remember how many amendments—but I need to mention, there are amendments on the Democratic side. It is a little easier for them to forgo their amendments, because they are in control. The other side doesn't have a way to bring up issues. What I am saying right now is what the Democrats said for the last 2 years and what Senator KENNEDY said a minute ago is what our leadership had to say on issues as we filed cloture. This is a very common procedure, and we all know how it works. So we will be dusting off arguments from the other side, they will be dusting off arguments from us, but hopefully we can progress through these issues in a very substantial way and get them done.

I appreciate those comments, and I will learn from them. I did notice the dates we talked about for quick resolution on the minimum wage happened before this Chamber had television. I suspect a lot of the debates we have here have more to do with television than they do with the substance of the amendment we are working on. I hope Senators can forgo that possibility, although I am not sure in this culture we can. I would hope the pundits out there, radio talk shows and television talk shows, could forgo on some of the issues trying to foment each of their sides so they argue and fight.

It would be a lot easier if we had some civility that went with it. I appreciate the other side's civility through these debates and I would ask that they allow these four more amendments.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. ALEXANDER. Mr. President, sometimes we like to say something so often and so vigorously that we believe it actually does what we say it will do, and I am afraid that is the case of the minimum wage arguments that have gone on since 1939. Perhaps it did in 1939, but I would suggest today that it doesn't do what we say it will do. I expect to vote for the minimum wage proposal the Senate produces if it includes the tax incentives and other measures that will help small business men and women pay the bill so they don't have to cut jobs as they compete with companies around the world, in China and in India and other places.

I will talk for a few minutes this morning about whether the raising minimum wage does what we say it does. We are doing a fairly extraordinary thing here. The Government is intervening in the marketplace. We don't ordinarily do that. We are fixing prices. We are fixing the cost of labor. Let's say we were in a class at the University of Massachusetts, University of Wyoming, or University of Tennessee in economics 101, and the professor walked in and said, Good morning, students. We have an interesting problem here. Let's pose this: The Government wants to intervene in the marketplace to fix the price of labor—something it doesn't ordinarily do. So the problem for the students to solve would be this: The reason for the intervention is to help, as the Senator from Massachusetts said, those who are on the lowest rungs of poverty. Working people on the lowest rungs of poverty will be our target. We want to help them have more money in their pockets.

Second, obviously we would like to do this in a way that most efficiently gets whatever money we have for this to them and doesn't miss the mark. Next, we want to do it at the lowest possible cost. We have lots of needs in the Government and in this country. Finally, we want to find the fairest way to pay the bill. If we are going to come up with this grand social objective that is presumably an objective for the whole country, then who pays the bill? All of us? Some of us? A few of us? The richest of us? Who pays the bill?

So the challenge to the students is this: The Government is going to intervene. We are going to help, according to the Senator from Massachusetts, the lowest on the rungs of the economic ladder—people who are poor—people who are working. We want to do it in an efficient way. We want to make sure the money gets to the people we want to help, and we want to send the bill for all of this—hopefully as low as possible—to the fairest group of people who ought to pay for it.

I think if the answer came back to that question that what we ought to do was raise the minimum wage, the professor would give it a D or an F, or he might even send it back to the students who sent him that answer and say, Maybe you didn't hear my question. My question was: How do we intervene in the marketplace to help the people who are on the lowest rungs of the economic ladder? How do we do that in the least expensive, most efficient way, and with the fairest way to pay the bill?

Let's begin to critique the answer I posed that a student might have given to the professor in economics class 101. First, I think the professor might say, If you come back with a minimum wage idea, it is a very expensive way to go about it. A new study released by the Congressional Budget Office, which I ask unanimous consent to be included in the RECORD following my remarks—

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. ALEXANDER. A new study by CBO estimated that raising the minimum wage to $7.25, which is the proposal here, would cost $11 billion. A study done by the Employment Policies Institute put the cost at $18 billion. I ask unanimous consent that this study by Professors Burkhauser of Cornell and Sabia of the University of Georgia be included in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. ALEXANDER. So the student who suggested the minimum wage came up with a pretty expensive idea, an $11 billion price tag, or $18 billion, according to another study. But those estimates are about raising the cost of everyone's wages to $7.25 an hour. That is not how it works, because many workers are already paid a certain amount above the minimum wage and they will continue to earn more than the new minimum wage. So in effect, we are also legislating that a number of workers will receive a wage higher than $7.25, which means the cost is much higher than $11 billion or $18 billion. That is a lot of money. That is the first critique of the student's answer.

The second one: How well does this money hit the mark? We heard Senator KENNEDY say repeatedly: Those on the lowest rung of the economic ladder. We have visions of women and children who are poor, particularly single mothers. Senator KENNEDY has great passion for this issue. I have heard him many times over the last 4 years talking about how this is a women's issue; this is a children's issue; this is an issue for Americans on the lowest rung of the ladder who are in poverty. Well, let's see if that is true.

The studies show it is not true. Raising the minimum wage doesn't efficiently target the poor. Only one in five minimum wage workers live in households at or below the poverty line. So most of that $11 billion or $18 billion won't be going to the people who need it the most. It is more likely to be going, for example, to raise the salary of a teenager from a well-off family who has a part-time job at the mall. The Employment Policies Institute, the study I mentioned a little earlier by the professors from Cornell and the University of Georgia, said in their calculations that even less of the money would go to the workers in poor families—13 percent. Even if you look at households earning twice the rate of poverty, which was just under $40,000 in 2005, the Employment Policy Institute study found that less than half—43 percent of the minimum wage increase—would go to those families.

Let me go directly to the professors' study of the minimum wage. They say:

> While the minimum wage is often promoted as a policy designed to help the poor, minorities, and single mothers, this analysis reveals that only 3.7 percent of the benefits from a $7.25 hour Federal minimum wage would go to poor African-American families.

So 3.7 percent of the benefit of this $18 billion-plus cost will go to poor African-American families. Only 3.8 percent would go to poor single mother families. What we are about to do, if we do it, is spend $11 billion, $18 billion—more than that, probably—with the stated objective of helping the poor, especially single women, especially mothers with children, especially minorities, and what the professors' study shows is that only 3.8 percent goes to poor single mother households.

Even more troubling, they go on:

> The majority of working poor families, families who are working but remain in poverty, receive no benefit from an increase to $7.25 an hour.

The majority of families who are working but in poverty get no benefit from what we are about to do. These families don't benefit because they already earn more than the new Federal minimum wage and remain in poverty either because of a low number of hours worked or a large family size. Many of these individuals would benefit far more from an increase from the generous Federal and State earned-income tax programs.

A couple more statements from the professor from Cornell and the professor from Georgia:

> Only 3.8 percent of the benefits from an increase to $7.25 an hour accrue to poor single mothers. One of the factors causing this low percentage of benefits is the fact that the majority of poor single mothers have hourly wages above this level. In addition, only 18.5 percent of the benefits going to single mothers will go to those in poverty, the majority of benefits going to single mothers will go to those earning more than twice the poverty line.

So the authors conclude that only 12.7 percent, or 2.3 billion of their estimated $18 billion cost of this increase will go to poor families, and only 3.7 percent goes to poor African-American families.

The authors say that the ability of the minimum wage to target poor families is weaker and decreasing over time. Contrary to the statements of its advocates, fewer and fewer low-wage employees are supporting a family on minimum wage, with only 9 percent of low-wage employees actually supporting a poor family.

I think the professor so far, in grading the paper of the student who suggested an increase in the minimum wage, would say, well, you came up with something that is hugely expensive, $18 billion-plus. And second, you came up with something that almost entirely that misses its target, only 3 or 4 percent to poor African-American families out of this huge amount of money? So far that paper is not doing very well at the University of Massachusetts, Wyoming, or Tennessee.

Then there would be another question that ought to be answered. Who pays the bill? The people who are to pay the bill under the proposal of the Senator from Massachusetts are the small businesspeople of America. They were described by the Senator from Wyoming because he used to own a shoe store. We stand in the Senate almost every day and talk about small business men and women and how they have health care costs, how they have taxes to pay, they have OSHA requirements to meet, they have Federal regulations added every year, and we say if we do not do something about this, more of these jobs are going to India and China, and we have a big outsourcing of jobs around the world.

Even if we, as a Senate, were to decide that we wanted to take the most expensive and perhaps the most inefficient way to help the people lowest on the economic ladder, why would we send the bill to the small businesspeople of America? Why wouldn't we send it to Wall Street? Why wouldn't we send it to the big corporations? Why wouldn't we send it to the taxpayers at large? Why couldn't all of us pay the bill?

We are very good in Washington, DC—I used to notice this as Governor of a State—some Senator or Congressman would come up with a good-sounding idea, pass it, hold a press conference, take credit for it, and come back down and make a statement at the Lincoln Day or Jefferson Day dinner about local control. What we do here all the time is come up with good ideas, take credit for them, and send the bill to someone else. That is what we are doing here: we are not paying for this. We are not saying: That is going to cost $18 billion so let's raise taxes on Americans to pay for it. We are saying it will cost $18 billion-plus, but, no worries, we will just send that on to the small businesspeople of America, not the big businesspeople.

According to the National Federation of Independent Businesses, small businesses employ 61 percent of all minimum wage workers. That is a lot of mom-and-pop shops, family-owned businesses. Why should they pay the bill for this idea? One reason it might have been better to take this legislation through the committee that the Senator from Massachusetts and the Senator from Wyoming so ably lead is, we could have discussed this and there might have been a better way to reach this goal of taking whatever money we have—maybe a generous amount, maybe $18 billion—and sending it directly to people on the lowest rung of the economic ladder.

We might have talked about the earned-income tax credit. The earned-income tax credit isn't always popular on this side of the aisle because it has had some fraud in it, but the idea is a good idea. I first heard about it when Pat Moynihan was in the Nixon White House in the early 1970s. He suggested instead of welfare programs we ought to have a negative income tax. He said rather than set up a lot of Government programs that tend to break down the family and spend money in bureaucracies, if people are working in America, and they are not making much money, let's give them some money. We are a rich country. We have 25 percent of all the money in the world every year for just 5 percent of the people in the world. And some people are really well off. They have more than one house. They have big incomes. We all know that. And so it tugs at us to think we are so wealthy and we still have people who are not just sitting on a bench, but we have people who are working every day, sometimes two jobs, and they are not making enough to help their families. That is what this debate is about. Pat Moynihan said in the early 1970s, and this Congress has said before: Let's try the earned-income tax credit. In other words, if you are working, and you are poor and you qualify, we will send you a check. The check comes from all of us. It doesn't come from this segment of society or that segment or just the small businesspeople. We all step up to the plate. The taxpayer pays the bill for earned-income tax credit.

Why didn't we have a hearing to talk about that? The tax credit is targeted to help low-income workers. It is only available for families making up to between 175 to 200 percent of poverty. For example, in 2006, a single parent with two or more children could not receive the earned-income tax credit if he or she earned more than $36,000. That is not a lot of money when you are trying to raise two children.

In comparison, according to the Congressional Budget Office, nearly 60 percent of a minimum wage increase would go to individuals living in families earning more than $36,000. So 60 percent of what we propose to do here goes to families earning more than $36,000, but an earned-income tax credit recipient could not receive money if they made more than $36,000.

The CBO study released this month also looked at the potential impact of increasing the minimum wage to $7.25 as well as possible increases to the earned-income tax credit. I put that in the RECORD a few minutes ago.

If we increase the minimum wage as has been proposed, CBO says it would cost $11 billion, the smaller number, but only $1.6 billion of that $11 billion would go to working families living below the poverty line. CBO is bipartisan, and works for all of us. They went on to say that to send nearly the same amount of money to working poor families, $1.4 billion in assistance, we would only need to increase the earned-income tax credit by $2.4 billion. So instead of a $11 billion or $18 billion pricetag for the minimum wage, we could have done the same thing through the earned-income tax credit by spending $2.4 billion.

Increasing the earned-income tax credit would target the same amount of money to poor families as raising the minimum wage at one-fifth the cost.

I have used my example of asking a professor at the University of Massachusetts or Wyoming or Tennessee, saying to his class: We have a large goal. We want to help people who are working and who are at the lowest rung of the economic ladder, as Senator KENNEDY describes. What would be the best way to do it? Tell me, the professor would say, tell me how to get the largest amount of money to that group of people, how to do it at a reasonable cost, and tell me who should pay the bill.

I think if the answer came back that we should spend $18 billion or more, and it costs five times as much to do it through the minimum wage as it would through the earned-income tax credit, and in addition to that, doing it through the minimum wage sends the bill to a struggling group of people disproportionately, the small businesspeople of America, and lets off all the rest of us, I think that person would get an F. And I think we ought to, as well.

I am sure what is going to happen in this Congress is we are going to pass a minimum wage bill because we are a wealthy country and we want people who are working and who do not have as much to have more. That is our impulse. And I don't believe that bill will get out of this Senate without substantial assistance for the small businesspeople who are paying the bill, or disproportionately the bill.

My hope is that Senator KENNEDY and Senator ENZI, some time before we bring up this minimum wage idea again, will say: Let's give ourselves the same kind of examination that I just suggested for those college students. Let's ask ourselves how to do this in an efficient, fair way that gets the money to the right people, instead of going around the country saying "minimum wage, minimum wage, minimum wage," only to find out some time later that we have a lot of disappointed, poor, working families around America who aren't helped by what we convinced ourselves was the right thing to do.

EXHIBIT 1

CONGRESSIONAL BUDGET OFFICE,
U.S.CONGRESS,
Washington, DC, January 9, 2007.

Hon. CHARLES E. GRASSLEY,
Chairman, Committee on Finance,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: In response to your request, the Congressional Budget Office (CBO) analyzed some of the potential consequences of a hypothetical increase in the federal minimum wage rate from $5.15 per hour to $7.25 per hour and of several hypothetical expansions in the earned income tax credit (EITC). To provide the information, as requested, about the potential impacts on workers whose family income was below the federal poverty threshold, the analysis used data from the March 2005 Current Population Survey (CPS).

The analysis is subject to a number of limitations and should not be interpreted as a cost estimate of the effects of implementing changes in the federal minimum wage or the EITC in future years. CBO simulated the impacts of those policy options as if they were in effect in 2004 and did not incorporate any effect on employment levels or the number of hours worked. Since that time, the number of workers with wage rates in the $5.15 to $7.25 range has fallen by almost 30 percent and is expected to continue to decline as increases in state minimum wage rates and other changes in the labor market occur. For simplicity, CBO assumed that an increase in the minimum wage rate would have affected only the wage rates of workers earning between the old and the new minimum rates. Some workers with wage rates outside that range might also be affected by an increase in the minimum wage. For example, employers are permitted to pay certain tipped workers as little as $2.13 per hour if their tips bring their total hourly earnings up to the federal minimum wage; thus, an increase in the federal minimum wage could cause some of those employers to raise their wage rates. Also, some employers of workers already paid at or just above the new minimum wage rate might increase those workers' wage rates as well.

In addition, the CPS does not contain all of the information needed to compute the EITC, limiting the accuracy of those estimates. Based on the CPS, the estimated amount of EITC payments in 2004 was about 25 percent below the actual amount that year. CBO does not have a basis to infer whether that discrepancy would lead to an underestimate or an overestimate of the share of additional payments resulting from the hypothetical expansions of the EITC that would go to poor families. Moreover, the Joint Committee on Taxation produces the official estimates for any change in the EITC; its estimates may be different.

As discussed more fully in the attachment to this letter, the major findings of the analysis are these:

On the basis of data from the March 2005 CPS, about 18 percent of the 12 million workers who were paid an hourly wage rate between the federal minimum wage of $5.15 and $7.24 were in families that had a total cash income below the federal poverty threshold in 2004. Had all of the workers in that wage range, instead, received $7.25 per hour, they would have gotten about $11 billion in additional wages in that year. About 15 percent of those additional wages ($1.6 billion) would have been received by workers in poor families.

As requested, CBO examined the potential effects of hypothetical expansions in the EITC that would have provided additional payments to workers in poor families similar to the amount of additional earnings poor workers would have received by increasing the minimum wage rate to $7.25 per hour. One option was to increase the subsidy rate for childless workers by 50 percent. Another option was to increase the subsidy rate for workers with three or more children by 25 percent. On the basis of data from the CPS, combining those options would have increased total EITC payments by roughly $2.4 billion in 2004, with workers in poor families receiving $1.4 billion of that total.

The analysis was prepared by Molly Dahl, Tom DeLeire, and Ralph Smith of CBO's Health and Human Resources Division and Ed Harris of CBO's Tax Analysis Division. If you or your staff have any questions or would like further details, please feel free to call me at (202) 226-2700 or Ralph Smith at (202) 226-2659.

Sincerely,

DONALD B. MARRON,
Acting Director.

Attachment.

RESPONSE TO A REQUEST BY SENATOR GRASSLEY ABOUT THE EFFECTS OF INCREASING THE FEDERAL MINIMUM WAGE VERSUS EXPANDING THE EARNED INCOME TAX CREDIT

In response to a request from Senator Grassley, the Congressional Budget Office (CBO) used data from the Current Population Survey (CPS) to analyze the distributional effects of a hypothetical increase in the federal minimum wage rate and of several hypothetical expansions in the earned income tax credit (EITC). Although use of the CPS allows the production of results consistent with official poverty measures, the CPS is known to be inaccurate for measuring the EITC. CBO's estimates for a particular policy change could either understate or overstate the true cost of an expansion of the EITC, depending on how information available in the CPS differs from what taxpayers reported on their tax forms. CBO simulated the impacts of the hypothetical policy options as if they were in effect in 2004 and did not incorporate any effect on employment levels or the number of hours worked. The results are not estimates of the effects of implementing those options in future years.

Furthermore, this analysis is not a cost estimate. For proposals that would amend the Internal Revenue Code, including changes in the EITC, official cost estimates are provided by the Joint Committee on Taxation; its estimates may differ from those presented here.

METHODOLOGY

CBO identified workers who would have been affected by a hypothetical increase in the federal minimum wage rate from $5.15 per hour to $7.25 per hour in 2004 as those who reported in the March 2005 CPS that they were paid on an hourly basis and whose wage rate was between $5.15 and $7.24 at the time of the survey. Also included were workers who reported that they were paid $5.00 per hour, under the assumption that most of them were actually paid $5.15 but had rounded their survey response.

To estimate the impact of the hypothetical wage rate increase on the family income of workers, CBO assumed that all hourly workers whose wage rate was between $5.15 and $7.24 per hour would have been paid exactly $7.25 per hour had the hypothetical minimum wage rate been in effect. CBO further assumed that workers whose wage rate was $7.25 or higher would have been unaffected by the hypothetical increase in the minimum wage. For this tabulation, CBO assumed that no changes in employment or hours would have resulted from the higher minimum wage rate. The earnings gain attributed to the hypothetical increase in the minimum wage was calculated simply by multiplying the increase in the wage rate by the total number of hours that CBO estimated the affected people worked in 2004.

A limitation of this analysis is that the estimates are based on wage rates reported for March 2005 and income reported for 2004 and, therefore, do not reflect changes that have occurred since then or that will occur before future changes in the federal minimum wage, if enacted, would be implemented. For example, increases in state minimum wage rates and other changes in the labor market have already lessened the potential impact of raising the federal minimum wage rate.

CBO used information on family size and both before-tax cash family income and after-tax income, including certain noncash sources of income, in 2004 to place the affected workers into income categories relative to the poverty thresholds.

As requested, CBO also examined different ways of expanding the EITC to achieve similar income gains for workers in otherwise-poor families. Note that the CPS does not contain all of the information necessary to compute the EITC, limiting the accuracy of CBO's estimates. For example, using the CPS, CBO estimates that taxpayers received about $29 billion in EITC in 2004, when they actually received about $40 billion.

ESTIMATES OF THE EFFECTS OF A HYPOTHETICAL INCREASE IN THE MINIMUM WAGE IN 2004

Table 1 provides CBO's estimates of the number of workers paid on an hourly basis in March 2005 who received a wage rate below $5.00, between that rate and $7.24, and at or above $7.25. It shows that 11.6 million workers reported that they received a wage rate in the affected range. Table 1 also provides a cross-tabulation by income-to-poverty ratio, based on the family cash income of those workers in 2004, as reported by the Census Bureau. It shows that 18.5 percent (2.1 million) of the workers who received a wage rate in the relevant range in March 2005 were living in families that were poor in 2004.

Table 2 repeats the information from Table 1 but uses an after-tax measure of income that also includes the value of certain noncash sources of income. In the placement of people into income-to-poverty categories, the poverty thresholds themselves remain unchanged. On the basis of this alternative measure of income, a smaller portion of the workers in the relevant wage range were counted as poor (14.4 percent, rather than 18.5 percent).

Tables 3 provides CBO's estimates of the income gains that would have resulted from raising the wage rates of everyone who reported that they were paid between $5.00 and $7.24 per hour up to an hourly rate of $7.25. For those figures, CBO simply added its estimates of the gains in earnings from the wage rate increase to estimates of families' cash income. CBO estimates that $1.6 billion (15 percent) of the $11 billion in increased earnings that resulted from the higher wage rate would have been received by workers who were in families with money income below the official poverty threshold in 2004.

ESTIMATES OF THE EFFECTS OF HYPOTHETICAL INCREASES IN THE EITC IN 2004

Table 4 provides CBO's estimates of the distributional income effects of the changes in the EITC specified in the request. Again, the estimates are based on the CPS, not tax statistics, and do not take into account the many intricacies of actual tax provisions or the ways that people might alter their behavior in response to changes in the EITC. The Joint Committee on Taxation provides the official estimates of the potential effects of changes in the EITC.

In 2004, eligible taxpayers with one qualifying child could claim a credit of 34 percent of their earnings up to $7,660, resulting in a maximum credit of $2,604; the credit phased down at a rate of 15.98 percent of earnings above $14,040 for nonjoint filers and $15,040 for joint filers. For eligible taxpayers with two or more qualifying children, the credit was 40 percent of their earnings up to $10,750, with a maximum credit of $4,300; the phase-out rate was 21.06 percent, beginning at earnings above $14,040 for nonjoint filers and $15,040 for joint filers. Taxpayers between the ages of 25 and 64 with no qualifying children could claim a credit of 7.65 percent of their earnings up to $5,100, resulting in a maximum credit of $390; beginning at earnings above $6,390 for nonjoint filers and $7,390 for joint filers, the credit phased out at a rate of 7.65 percent. All thresholds are higher now. Not only are they indexed for inflation, but the plateau for joint filers was increased by $1,000 in 2005 and is scheduled to increase again in 2008.

The first column of Table 4 shows that, of the estimated $29 billion in EITC received in 2004, about 40 percent ($11 billion) was received by workers in poor families. (As explained, that CPS-based estimate of the total amount of EITC received is much lower than the actual amount that year, $40 billion.)

The second column reports CBO's estimates of the effects of a hypothetical expansion in the EITC in which workers in families with three or more children would be eligible for an additional credit. The subsidy rate for that group was increased from 40 percent to 50 percent, the maximum credit available was increased from $4,300 to $5,375, and the phase-out rate was increased from 21.06 to 26.325 percent, representing a 25 percent increase over the credit available in 2004 to those in families with two or more children. (The difference between the maximum credit available to those in families with three children and those in families with two children is $1,075, as compared with the $1,696 difference in the maximum credit available to those in families with two children and those in families with one child.) Using CPS data, CBO estimates that this expansion would have increased EITC payments to poor families by $1.1 billion.

The third column examines what the results of a hypothetical expansion of the EITC to childless individuals might have been. As requested, the subsidy rate, the maximum credit, and the phase-out rate to workers without children were increased by 50 percent. Under the hypothetical expansion, the maximum credit available to those workers would have been $585, and the subsidy and phase-out rates would have been 11.475 percent. This expansion would have increased EITC payments to poor families by an estimated $0.3 billion.

The fourth column examines the effects of a hypothetical expansion of the EITC in which both the expansion for those in families with three or more children and the expansion for childless individuals discussed above were implemented. Using CPS data, CBO estimates that the combination of the two would have resulted in increasing EITC payments to the poor by $1.4 billion, about 60 percent of the overall increase of $2.4 billion that CBO estimates would have occurred in 2004 if those expansions had been in place at the time.

TABLE 1.—DISTRIBUTION OF HOURLY WORKERS IN MARCH 2005, BY WAGE IN 2005 AND FAMILY CASH INCOME IN 2004

Income-to-Poverty Ratio	Hourly Workers, by Wage Rate							
	Less Than $5		$5 to Less Than $7.25		$7.25 and Higher		Total	
	Number (Millions)	Percent	Number (Millions)	Percent	Number (Millions)	Percent	Number (Millions)	Percent
Less Than 1.0	0.2	20.2	2.1	18.5	3.3	5.2	5.7	7.5
1.0 to Less Than 1.5	0.1	11.6	1.5	12.7	4.3	6.7	5.9	7.7
1.5 to Less Than 2.0	0.1	11.2	1.3	11.1	5.7	8.9	7.1	9.3
2.0 to Less Than 3.0	0.3	21.4	2.1	18.3	12.9	20.3	15.2	20.0
3.0 or More	0.4	35.6	4.6	39.4	37.5	58.9	42.4	55.6
Total	1.1	100.0	11.6	100.0	63.6	100.0	76.3	100.0

Source: Congressional Budget Office based on data from the Current Population Survey (March 2005).

Notes: Wage is the reported hourly wage in March 2005.

Income is before-tax family cash income in 2004, corresponding to the Census Bureau's definition of money income. Poverty thresholds are based on family size and composition. The definitions of both income and poverty thresholds are those used to determine the official poverty rate and are as defined in Bureau of the Census, Income, Poverty, and Health Insurance Coverage in the United States: 2004, Current Population Reports, P60–229 (August 2005).

TABLE 2.—DISTRIBUTION OF HOURLY WORKERS IN MARCH 2005, BY WAGE IN 2005 AND AFTER-TAX (POST-TRANSFER) FAMILY INCOME IN 2004

Income-to-Poverty Ratio	Hourly Workers, by Wage Rate							
	Less Than $5		$5 to Less Than $7.25		$7.25 and Higher		Total	
	Number (Millions)	Percent	Number (Millions)	Percent	Number (Millions)	Percent	Number (Millions)	Percent
Less Than 1.0	0.2	18.7	1.7	14.4	2.2	3.5	4.1	5.4
1.0 to Less Than 1.5	0.2	13.0	1.4	12.4	3.3	5.1	4.8	6.3
1.5 to Less Than 2.0	0.1	9.7	1.0	8.3	4.7	7.4	5.8	7.6
2.0 to Less Than 3.0	0.2	14.7	2.1	18.0	11.0	17.3	13.3	17.4
3.0 or More	0.5	44.0	5.4	46.9	42.4	66.6	48.3	63.3
Total	1.2	100.0	11.6	100.0	63.6	100.0	76.3	100.0

Source: Congressional Budget Office based on data from the Current Population Survey (March 2005).

Notes: Wage is the reported hourly wage in March 2005.

Income is after-tax family income, including certain noncash sources of income, in 2004, corresponding to the Census Bureau's definition of money income, minus taxes, plus noncash transfers (MI=Tx+NC)—an alternative measure of income that the bureau has examined. See Bureau of the Census, Alternative Income Estimates in the United States: 2003, Current Population Reports, P60–228 (June 2005). Poverty thresholds are based on family size and composition and are as defined in Bureau of the Census, Income, Poverty, and Health Insurance Coverage in the United States: 2004, Current Population Reports, P60–229 (August 2005).

TABLE 3.—DISTRIBUTIONAL EFFECTS OF A HYPOTHETICAL $7.25 MINIMUM WAGE IN 2004

Income-to-Poverty Ratio	Increased Earnings (Billions of 2004 dollars)	Percent
Less Than 1.0	1.6	15
1.0 to Less Than 1.5	1.6	14
1.5 to Less Than 2.0	1.6	14
2.0 to Less Than 3.0	2.2	20
3.0 or More	4.0	36
Total	10.9	100

Source: Congressional Budget Office based on data from the Current Population Survey (March 2005).

Note: Income is before-tax family cash income in 2004, corresponding to the Census Bureau's definition of money income. Poverty thresholds are based on family size and composition. The definitions of both income and poverty thresholds are those used to determine the official poverty rate and are as defined in Bureau of the Census, Income, Poverty, and Health Insurance Coverage in the United States: 2004, Current Population Reports, P60–229 (August 2005).

TABLE 4.—THE DISTRIBUTION OF THE EITC IN 2004 UNDER ALTERNATIVE HYPOTHETICAL POLICIES, BASED ON THE CURRENT POPULATION SURVEY

[Billions of 2004 dollars]

Income-to-Poverty Ratio	Base[a]	Increases in EITC Payments		
		Option 1[b]	Option 2[c]	Option 3[d]
Less Than 1.0	11.4	1.1	0.3	1.4
1.0 to Less Than 1.5	8.4	0.5	0.1	0.6
1.5 to Less Than 2.0	4.8	0.2	*	0.2
2.0 to Less Than 3.0	3.0	0.1	0.1	0.1
3.0 or More	1.7	*	0.1	0.1
Total	29.3	1.9	0.5	2.4

Source: Congressional Budget Office based on data from the Current Population Survey (March 2005).

Notes: EITC = earned income tax credit.; * = less than 0.1 billion.

Income is before-tax family cash income in 2004, corresponding to the Census Bureau's definition of money income. Poverty thresholds are based on family size and composition. The definitions of both income and poverty thresholds are those used to determine the official poverty rate and are as defined in Bureau of the Census, Income, Poverty, and Health Insurance Coverage in the United States: 2004. Current Population Reports, P60–229 (August 2005).

a. CBO's estimates of the EITC received based on information available in the Current Population Survey. The actual EITC (including both the credit used to offset taxes and the refundable portion of the credit) in 2004 was about $40 billion.

b. For this option, the subsidy rate, phase-out rate, and maximum credit for EITC recipients with three or more children were increased by 25 percent.

c. For this option, the subsidy rate, phase-out rate, and maximum credit for EITC recipients with no children were increased by 50 percent.

d. For this option, the subsidy rate, phase out-rate, and maximum credit for EITC recipients with three or more children were increased by 25 percent, and the subsidy rate, phase-out rate, and maximum credit for EITC recipients with no children were increased by 50 percent. This option combines those in columns 2 and 3.

EXHIBIT 2

RAISING THE FEDERAL MINIMUM WAGE: ANOTHER EMPTY PROMISE TO THE WORKING POOR

(By Craig Garthwaite)

OVERVIEW

This paper provides a historical view of the effect of increases in the federal minimum wage on the working poor with a particular focus on the past 15 years. Since its inception in 1938, increases in the federal minimum wage have become an increasingly weak mechanism for addressing the problem of poverty in America. This continuing deterioration stems from the fact that fewer low-wage employees are supporting a family on a minimum wage income. As poverty becomes more a problem of hours worked and not an individual's wage level, anti-poverty policies that focus on wages will be less efficient than polices that focus on income, such as the Earned Income Tax Credit (EITC).

WAGES VS. INCOME

While wages and income are certainly related, the connection between the two has always been tenuous. In 1946, Nobel prize-winning economist George Stigler commented, "the connection between hourly wages and the standard of living of a family is remote and fuzzy." As this study shows, the fuzzy connection in 1946 has become blurrier over time.

Examining Census Bureau data since 1939, the authors found that fewer low-wage employees live in poor households today than in years past. Specifically, in 1939, 85 percent of low-wage employees were living in poor households. By 2003, only 17 percent of low-wage employees were living in poor households. Consequently, attempting to target poor families by manipulating wages is an inefficient means of addressing the problem.

Even more important than the number of low-wage employees living in poor households is the number of low-wage employees who are the heads of poor households. This stereotypical beneficiary of an increase in the wage floor is the one supporters of minimum wage increases claim represents the typical minimum wage employee. In reality, a small fraction of low-wage employees are the head of a poor household, and this number has decreased significantly over time. In 1939, nearly one-third (31%) of all low-wage employees were the heads of a poor household. By 2003, only 9 percent of low-wage employees were heading a poor household.

These statistics all reveal an underlying point—modern families have multiple workers whose collective earnings make up the family income. Federal anti-poverty policy should adjust accordingly. As more women and teenagers have entered the workforce as second and third earners, the ranks of low-wage employees contain fewer individuals singlehandedly supporting a family.

FEDERAL MINIMUM WAGE INCREASES AND POVERTY

A byproduct of the aforementioned changes in the composition of family incomes is that the poor make up a small percentage of beneficiaries from a wage hike. Contrary to popular perception, the average minimum wage employee is not in poverty or raising a family on a minimum wage income. Analyzing Census data, the authors found that a beneficiary from a proposed federal minimum wage hike to $7.25 an hour is far more likely to be in a family earning more than three times the poverty line than in a poor family. In total, only 12.7 percent of the benefits from a federal minimum wage increase to $7.25 an hour would go to poor families. In contrast, 63 percent of benefits would go to families earning more than twice the poverty line and 42 percent would go to families earning more than three times the poverty line. The average benefit per household is approximately the same, with poor families receiving a benefit of $1,110 and families earning three times the poverty line earning $1,090—nearly the same benefit, despite a vast difference in family incomes.

While there is strong empirical evidence to suggest that increasing the minimum wage will have adverse employment effects—particularly among young African Americans, young non-high school graduates, and teenagers—the authors assume no disemployment effects associated with the minimum wage hike so as to allow the policy its best chance to achieve the poverty-reducing goals promised by its proponents. While the minimum wage is often promoted as a policy designed to help the poor, minorities, and single mothers, this analysis reveals that only 3.7 percent of the benefits from a $7.25 an hour federal minimum wage would go to poor African-American families. Only 3.8 percent would go to poor single mother households. Even more troubling, the majority of "working poor" families—families who are working but remain in poverty—receive no benefit from an increase to $7.25 an hour. These families don't benefit because they already earn more than the new federal minimum wage and remain in poverty either because of a low number of hours worked or a large family size. Many of these individuals would benefit far more from an increase in the generosity of federal and state EITC programs.

WORK EFFORT AND POVERTY

Examining the hours worked by poor employees reveals that increases in work effort could have a significant effect on income. The authors found that the median wage of the highest earner in a poor household was much higher than the proposed federal minimum wage—$9.25 for poor households and $9.60 for poor and near-poor households (up to 150 percent of the poverty line). While this wage should be sufficient to put a family of four out of poverty (even without a second or even third earner), the data reveal that the majority of these individuals are not working full-time.

The median hours worked for the highest earner in a poor family in 2003 was 1,720—significantly less than full time (2,080 hours a year). While including near-poor families in the calculation brings this number up to 1,872 hours, the majority of these individuals are still working less than full time at their current wage. These individuals would receive significantly more benefit from programs that promote increased work effort than they ever would from a minimum wage increase.

SINGLE MOTHERS AND THE MINIMUM WAGE

Advocates of increasing the federal minimum wage often insinuate that primary beneficiaries will be single mothers raising a family on a minimum wage income. As was mentioned above, only 3.8 percent of the benefits from an increase to $7.25 an hour accrue to poor single mothers. One of the factors causing this low percentage of benefits is the fact that the majority of poor single mothers (58%) have hourly wages above this level. In addition, only 18.5 percent of the benefits going to single mothers will go to those in poverty. The majority of benefits going to single mothers will go to those earning more than twice the poverty line.

Senator Edward Kennedy (D–MA), the primary sponsor of a federal minimum wage increase to $7.25 an hour, recently stated in support of an increase that "the jobs available to women leaving welfare are often minimum wage jobs." Census data, however, shows this is not the case. From 1995–2000, the time period following welfare reform, the employment rate of single mothers increased by 10.8 percentage points. Many of these single mothers were undoubtedly leaving the welfare rolls and joining the workforce. If Sen. Kennedy's claim is correct, one would expect a significant increase in the number of single mothers holding low-wage or federal minimum wage jobs. In reality, 77 percent of the increase in employment was accounted for by single mothers holding jobs paying more than low wages (50 percent of the average private sector hourly wage rate).

Examining the period over the 1990's business cycle produces similar results. The employment rate of single mothers increased by

14 percentage points, with 64 percent of this increase accounted for by single mothers earning more than low wages. Only 24 percent of the increase can be accounted for by those who held jobs at the prevailing federal minimum wage rate.

CONCLUSION

The authors calculate that, absent any employment loss, the cost to employers of the proposed increase in the federal minimum wage to $7.25 an hour will be $18.26 billion. Only 12.7 percent ($2.3 billion) of this cost will actually go to poor families, with only 3.7 percent going to poor African-American families. The ability of the minimum wage to target poor families is weaker and decreasing over time. Contrary to the statements of its advocates, fewer and fewer low-wage employees are supporting a family on the minimum wage, with only 9 percent of low-wage employees actually supporting a poor family.

Therefore, effective anti-poverty programs must concentrate on family income and not wages. While most working poor families will not receive any benefit from an increase in the federal minimum wage to $7.25 an hour, the vast majority would receive a benefit from increases in the generosity of federal and state EITC programs. These programs provide targeted assistance to the low-income working families so often cited in support of minimum wage increases—the same families that receive a minority of the benefits from a wage increase.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I understand Senator LAUTENBERG will be recognized next. I don't see him in the Senate. I will yield to him when he comes.

I say to my colleague from Tennessee, Senator ALEXANDER, how much I appreciate his fabulous remarks and analysis.

AMENDMENTS NOS. 209 AND 210 EN BLOC

Mr. SESSIONS. Mr. President, I ask unanimous consent that the pending amendment be temporarily set aside and I call up amendments Nos. 209 and 210 en bloc on behalf of Senator KYL.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Alabama [Mr. SESSIONS], for Mr. KYL, proposes amendments numbered 209 and 210 en bloc.

The amendments are as follows:

Mr. SESSIONS. Senator ALEXANDER, I was going to talk about the earned-income tax credit in some detail, about how we work it in America today. An amendment I filed has been accepted, and I do think the earned-income tax credit, as the Senator most cogently stated, has greater potential to help the working poor in America than the minimum wage increase. I knew that was so. But after the Senator's speech I know it is much more so than I thought. It is important we hear about this. I thank the Senator.

The amendment that I offered that was accepted will ask the Treasury Department within 6 months to report to us what can be done to allow working Americans to get their earned-income tax credit as part of their paycheck. I have been talking about this for several years. It is time to get serious about it. I found most people get their earned-income tax credit when they file their tax return the next year.

They work all year. As a result of that income history and the number of children they have, they qualify for the earned-income tax credit, and they get a big refund. On average it is $1,700 to $2,400, depending on the size of the family. That is a lot of money. It is almost $1 per hour worked.

Now, one of the key purposes of the earned-income tax credit was to help the working poor. The working poor are trying to make decisions about jobs, how to take care of their families, and we wanted to incentivize them to work and to not take welfare or other benefits, but over the years, the way it has worked out, the tax credit comes in one lump sum—not when a person is making a decision about whether to go to work. And they don't get it then, so they still are paid whatever the minimum wage is.

I feel strongly about this. It is contrary to the policy that Milton Friedman and others thought about when they were talking about earning tax credits by working because, in the mind of the employee, the worker, there is no connection between that big tax return and their work. The tax credit needs to be tied to the work. It can be done now. A small number of businesses provide that tax credit today on the paycheck. It would, in fact, amount to almost $1 an hour for lower income workers as an increase in their pay if we can make this happen.

Remember, we do not have withholdings from this tax credit. There are no deductions from it. It is $1 they can take home, keep, and use for their family—to fix the tires on the car, the brakes, buy something their children need at school.

It is bad public policy to have the earned income tax credit to be distributed as it is. It is contrary to, I think, the impetus behind it. I believe we can fix it.

I know a lot of people, as the Senator said, think the earned income tax credit is rife with fraud. There is some evidence to suggest there is a substantial amount of fraud in this program. I do not think it would increase if it were paid on the paycheck.

I think more people, perhaps, would find themselves eligible if it were brought up at the workplace with them when they started to work and they made claim to it, who otherwise would not know they are eligible for it and might not even file a tax return, or if they do, they may not even claim the earned income tax credit. So I think we might have some more people claim the benefit, but it would have the public policy benefit of encouraging work and helping people while they work.

I think it is the right thing to do. I have talked with the Treasury Department about it several times. They fiddle around, and they talk to you, and they give an excuse, and they say: There is this problem and that problem. But from the beginning, this has been talked about. When they got right down to it, they could not obtain a consensus on how to do it, and they did not require it to be made part of the paycheck. They allowed it to be done differently. And most people are taking it otherwise than in their paycheck.

So, Mr. President, I am excited that this has been accepted. I hope the Treasury Department will respond in good faith to help us analyze this problem. And if they do, I think we can do a lot for working Americans.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I compliment the Senator from Alabama and ask unanimous consent to be added as a cosponsor to his legislation.

Mr. SESSIONS. Thank you, Mr. President. We would be pleased to have that happen.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BOND. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. KLOBUCHAR). Without objection, it is so ordered.

HEALTH CARE

Mr. BOND. Madam President, yesterday, I had the pleasure of traveling to Lee's Summit, MO, to talk about the problem of health care. Right now, we know about 47 million Americans do not have health insurance. That is a huge burden for those families. It is a big problem for all of us as policymakers who need to be addressing this issue.

I went with the President and HHS Secretary Mike Leavitt. We toured the Saint Luke's Health System Hospital in Lee's Summit, which represents a very important next step in information technology for health care.

The information on patients coming in—from the diagnosis to the x rays—is all included on a basic computer format, which makes it available to any physician or nurse or other health care provider working with that patient. Even the radiologist does a description of what the x ray means, which is included by voice transcription directly into the program that is on the computer. It is linked through each room, so at a distance, for smaller rural hospitals, experts can do as thorough a diagnosis as they could in the room, with the exception they cannot physically put their hands on the patient.

But this has brought this hospital into a state where more and more hospitals want to go. We have the best technology. We have the best health care providers. We have the finest new medications, prescription drugs, that have dealt with many of the illnesses. But we have a much more expensive system because we have such quality care. The President has outlined a proposal on how we can incentivize Americans to buy insurance, keep health care costs under control, and maintain private control of health care decisions, leaving it in the hands of the patients and the providers.

Well, I believe the President has said the best way to do that is through private health insurance. He says that is a debate we ought to have in Washington. We believe the private sector is the best delivery vehicle of health care. We know there is a role for the Federal Government, but it is not to dictate, it is not to be the decisionmaker.

As he suggested, I think it makes sense to look at the Tax Code as part of the solution to the problem. Right now, if you pay your own health insurance, you pay taxes on the entire cost. If you are an individual, you get no benefit from paying your health insurance. But if you have an employer who pays for your health insurance, either all or part of it, you get that tax free.

I think that creates a very unlevel playing field. The President's proposal would establish a more equitable system, one I hope this body will carefully consider through the HELP Committee—to look at it, look at the details, criticize it, change it, but at least give it a full hearing.

I was rather disappointed, yesterday, before we even went out, to see some leaders of the majority party saying, oh, it is dead on arrival. Well, we are in such need of having real solutions to health care, I suggest this is a serious proposal that warrants serious discussion. I do not know all the details of it. But I had an opportunity to ask questions of staffers. I listened intently as the program was presented to a number of small business owners and small business employees who were very excited about the prospect of getting a tax break at a minimum of maybe some $2,200 a year if they bought health care—whatever minimum program their States would provide—if they were a single person, they would get $7,500 off of their tax bill; if they are a married couple, filing jointly, they would get $15,000.

Now, you may ask the question: Well, if they are low income and do not have to pay any income tax, where would the benefit come from? Well, by lowering their AGI, or the adjusted gross income, they would not be subject to Social Security and Medicare costs. So at the $15,000 level, that would exempt $15,000 from payroll taxes for FICA and Medicare.

So they were very encouraged that they would, for the first time, be able to afford health care. The small business owners were anxious to provide it for their employees or see their employees have access to it.

There are lots of questions about how it works. But from what I understood, you have to determine what is it you have to buy to qualify. I think at this point the thinking is that the States would determine what that base program is. It would obviously have to have some kind of catastrophic care.

It is my hope that it would also include preventive care to make sure people stay healthy. It is particularly important for children. We are going to be renewing the SCHIP program to make sure children in poor families have that kind of coverage. The best investment we can make in the future is assuring that our youngest citizens get off to a good start with good health care, identifying potential problems and treating them early and getting them off to a start in their education, giving them the opportunity to begin life with good health. And a good education is No. 1. SCHIP would be available for the children of families who are at the bottom of the income ladder. But for all children, I hope they will be buying a health plan that focuses on preventive care, making sure people know what they have to do to stay healthy, and identifying problems before they become serious.

The States would be given flexibility to use additional funds which the Federal Government makes available to the States to implement their programs. Some States already have ways of assisting their lower income people, not the poorest but the lower income workers, providing the assistance for payments of premiums, if that is what the State wishes to do. So there is a lot of room for innovative programs at the State level.

The night before, the Governor of Missouri, Matt Blunt, offered another program, for example, and that is to say to all businesses: If you offer a health care plan to your employees that meets basic minimum State standards, you will be exempted from the franchise tax—a great boon to encourage Missouri businesses to offer all of their employees at least a basic health care plan. Proposals like that would be encouraged, and the great laboratories of the States could move forward to determine what kinds of things work best.

There was some question—I don't know where it came from—that this might cut back on our support of FQACs, federally qualified health centers, what we call community health centers. There is no truth to that. The President is a big supporter—as is, of course, his Secretary of Health and Human Services Mike Leavitt—of making sure there are health care clinics available in every area of the country. They have been on a vigorous expansion program and intend to continue that. I have visited health care clinics, over 50 of them, in different parts of our State, from the center cities to the suburban areas to the larger communities in rural areas to the most economically challenged, lowest population areas of the State. Those are absolutely the most critical safety net we have. I believe strongly in them. I have worked with my colleagues on a bipartisan basis to support them. They must continue to be there.

We are talking in this plan about using the Tax Code to make health insurance more available, but community health centers have the important challenge of making sure it is accessible. In many places, the only place you can find a doctor who will deliver babies is in a community health center or through a community health center, or find a dentist who will take care of dental problems. A shocking statistic we heard: 80 percent of 17-year-olds have serious dental problems in the United States. We have made dental care part of it. But these people who work in the community health centers are a vital part of our health care network.

The President's plan envisions strengthening that safety net. In addition, he remains committed to allowing small businesses to go together in pools to purchase health insurance and avoid the high premiums often charged to individual small businesses and the cost of administering those plans, which becomes extremely burdensome for many small businesses. I hope this year we can also pass association health plans.

Finally, the President spoke very forcefully about the need to continue the effort for medical malpractice reform. We saw the need for it in Missouri. Missouri passed a bill, and we started getting much better health care. In the western part of the State, until Missouri passed its medical malpractice reform, there were no doctors, outside of government hospitals, who could afford to be in the business of delivering babies. This is a problem which translates into higher costs of medicine because with unrestrained medical malpractice lawsuits being filed, there is a real danger that a great deal of time and effort will be wasted on unnecessary procedures for fear of the impact of a malpractice lawsuit. Many times, even the best doctors have maloutcomes. People don't live forever. We are all going to die from something. If there is a lawsuit filed against a doctor every time there is a bad outcome, they are going to be faced with insurance costs that go through the roof or health care that is not available.

I go back to the point that this is a concept, the outlines of which I think I know but which I think deserve a fair hearing. I hope that as we take a look at the many challenges facing us, our HELP Committee and our Finance Committee will look at the President's program to determine whether it may be one way of assuring we get health care insurance to many of the 47 million Americans who don't have it. I urge that they do so. I am sure there will be changes all of us would like to make, but I believe the concept merits a hearing. I urge my colleagues to give it that chance.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Madam President, to follow up briefly on the last item my colleague from Missouri was discussing, health care, the President in his State of the Union addressed it and laid out one approach which was certainly different from anything I had heard before, a tax approach that would call for some people to have to pay some taxes on Cadillac plans that they enjoy today and to use the money generated to help folks who don't enjoy that kind of health coverage. Some people immediately rejected it out of hand. I have not done that. I think we need to study it more closely and understand the ramifications. In the end, whether we agree that is a good idea or not, most of us will agree that it is a good idea to figure out how to harness information technology in the delivery of health care in our own States and in the country, much as the VA has done for veterans who go there for service at their facilities.

Delaware is endeavoring to become the first State to put in place a statewide Delaware Health Information Network which links our hospitals to our doctors' offices to our labs in a free-flowing electronic exchange of information. It will allow the exchange of electronic health records and lead the way, as a little State, to show what we can do for our country to save money and to save lives and improve outcomes and, frankly, to improve the quality of life for the providers as well and the satisfaction they derive from their work.

CLIMATE CHANGE

The second thing I wish to mention is this document which was released earlier this week. It is called "A Call For Action." It was released on Monday by an interesting coalition of business leaders, manufacturers, utility companies, and environmental leaders. The folks who released it are called the United States Climate Action Partnership. I wish to briefly mention the charter members of the group who were here in the Capitol, just down the hall in the LBJ Room, on Monday morning. They include DuPont, a 200-year-old company headquartered in Delaware; Alcoa; BP—used to be called British Petroleum, now they are "beyond petroleum"; Caterpillar; Duke Energy; the Environmental Defense folks; Florida Power & Light: GE; the NRDC, National Resources Defense Council; Pew Institute; PG&E Corporation, a big utility on the west coast; PNM, which is New Mexico power: and the World Resources Institute. What they have done is said: Climate change is real. Our Earth is becoming warmer. We have something to do with it. They call on us to do something about it—not just us in the Senate but as a nation to do something about it. They have laid out here a series of findings, of principles, and of recommendations.

One of the things I am doing is sharing with each of my colleagues a copy of this document. If we can get the utilities, manufacturers, and a number of our leading environmental groups to agree on a path forward on the principles and the recommendations, that is an important step for our country.

I shared this with the President on Wednesday. He was in Delaware to look at the work going on at the DuPont Company with respect to biofuels, biobutanol, making ethanol out of cellulosic ethanol, out of cornstalks, looking at work being done on fuel cells. I shared with him a copy of this document.

The President had in his speech the other night about one sentence where he talked about global warming and acknowledged that it was real. Then he moved on. But I said to the President during a chance I had to chat with him that there is a parade that is beginning to form, a realization that something is happening to our planet, that we have something to do with creating this warming, and that we have an obligation to do something about it. I applaud the leaders from the environmental and business communities who have joined forces to say: This is an approach which makes sense. They take what we call a market approach and use in their approach the idea that while we are putting in place a cap-and-trade system to reduce CO_2 emissions, why don't we do so in a way that incentivizes clean coal technology with carbon recapture, that incentivizes things such as wind power, maybe incentivizes the next generation of nuclear energy as well.

I commend them. I understand from folks who are involved in this original partnership, they are getting a lot of calls from around the country, from other business leaders, and some from the environmental community who want to know more about it and, frankly, want to join. My message to the President on Wednesday was, a parade is forming. We can watch the parade. We can be a part of that parade or we can lead that parade. We need to lead the parade. President Bush is our President, and he needs to be leading that parade as well.

I wanted to share that.

The third thing I wish to do is comment on the legislation before us and to applaud the efforts of several of our colleagues, including Senator BAUCUS and Senator GRASSLEY, as we have brought this minimum wage bill to the floor and coupled it with small business tax cuts. The President signalled early on that he would be willing to sign the minimum wage bill, after having not supported it for a number of years. It has been a long time. We have heard plenty of speeches in the last week about this issue. It has been a long time since we raised the minimum wage.

As Governor of my State, we raised the minimum wage a time or two. I always contended that if we wanted people to get off welfare, to go to work and to be successful, work has to pay more than welfare. If you take a minimum wage job and you enhance that with an income tax credit and add to that Medicaid benefits, add to that food stamps and food supplement benefits, people aren't going to get rich—help them with assisted housing—but if we do it right, people can actually be better off working than they would be receiving the welfare. An increase in the minimum wage is part and parcel of that.

I am pleased to support this increase, even if it is coupled with increases or changes and modifications to small business tax credits.

We all know—in fact, everybody in the Senate has given speeches, I am sure, saying this—that small businesses are the engine of job creation in this country. I have, and I suspect the Presiding Officer has, as have the Senator from New Jersey and the Senator from North Carolina, we have all given speeches saying how important the small business community is. Small business generates new jobs. One of our important jobs in government—Federal, State, and local—is to create a nurturing environment for job creation and preservation. Some of the ways to do that are a well-trained workforce, reasonable tax burdens, reasonable regulations, safer communities, transportation, good infrastructure, and affordable health care. But taxes are important.

What I commend Senator BAUCUS and Senator GRASSLEY in doing is crafting a series of tax credits for small business that incentivizes them to hire people, some of whom are coming off of welfare and disability, and veterans coming back from Afghanistan and Iraq. They have done good work, and I look forward to supporting adoption of the legislation and working out a compromise with the House that includes both the increase in the minimum wage and the tax cuts and, in some cases, credits for small businesses, and then get the President to sign that compromise.

HONORING OUR ARMED FORCES

SENIOR AIRMAN ELIZABETH A. LONCKI

Mr. CARPER. Madam President, I want to mention today the death of a Delawarean—our 15th Delawarean—whose life has been lost in Iraq. She was the first female whose life has been lost in Iraq and whose funeral I attended a week or two ago. I want to reflect on the life and service of Air Force SrA Elizabeth Loncki.

She was the first female Delawarean to be killed in the line of duty in Iraq. As a bomb disposal technician, Elizabeth performed one of the most dangerous tasks assigned to Armed Forces personnel. She routinely put herself in harm's way with the hope and knowledge that her actions would save the lives of others. I daresay they have saved the lives of hundreds of other people. The steel nerve and extreme bravery required to locate and disarm explosive devices are not traits too many people possess, including us. Only the bravest of our soldiers and military personnel carry out this responsibility, and her ability to perform and carry out this difficult work speaks volumes about her character and sense of duty to her colleagues, comrades, our country, and to the Iraqi people.

Elizabeth epitomized the best of our country's brave men and women who fought to free Iraq and to secure a new democracy in the Middle East. She exhibited unwavering courage, dutiful service to her country, and above all else, honor. In the way she lived her life—and how we remember her—Elizabeth reminds each of us just how good we can be.

Elizabeth was only 23 years old but her competitive spirit and kind-hearted ways touched the lives of all that knew her. She was blessed with a wonderful family—younger sister, Olivia, loving parents, stepparents, grandparents, great-grandparents and many aunts, uncles, and cousins—and countless numbers of friends and comrades.

She was also loved by SGT Jayson Johnson, who was stationed with Elizabeth at Hill Air Force Base in Utah. They had recently purchased a house together and Jayson had made plans to visit Elizabeth's father to seek his permission to ask for Elizabeth's hand in marriage. The sadness of his loss cannot be overstated.

Elizabeth was a 2001 graduate of Padua Academy in Wilmington. She was a natural athlete with a competitive spirit and she excelled at volleyball, basketball and softball. She briefly attended the University of Arizona before enlisting in the Air Force in March of 2003. On February 24, 2004, she graduated from Eglin AFB-Naval Tech Explosive Ordinance Disposal School. She was proud of her training and gladly told inquiring strangers that the "Bomb Squad" sweatshirt she often wore was indeed the real thing.

Elizabeth volunteered to go to Iraq before she was officially called and was deployed on September 27, 2006. Her grandfather recalled her saying, "If I saved one life, it was worth it." An Air Force official told the Loncki family that each day her team went out, they probably saved scores of lives. She will always be remembered as a hero who put the safety of others before herself.

On January 7, 2007, Elizabeth made the ultimate sacrifice near Al Mahmudiyah, Iraq, when a car bomb her team was working on exploded while they were trying to disarm it. TSgt Timothy Weiner of Tamarac, FL, and SrA Daniel B. Miller, Jr., of Galesburg, IL also gave their lives while trying to save others on that fateful day. All three were members of the 775th Civil Engineer Squadron at Hill Air Force Base.

Elizabeth was one of the few women who dared to serve as a bomb disposal technician. Her family recently shared a story from a sergeant major who had helped train Elizabeth. I think this goes to the heart of the person she was and what she believed in. I'd like to share a bit of that. He said, "Elizabeth was an ultimate troop. I am an old Special Forces guy and have been through a lot of action. I have served in three wars. I had the privilege of being in Elizabeth's company. She was involved in extreme combat training and the highest danger. She saved a lot—I repeat—a lot of lives. . . Bar none, she was one of the finest people I have ever trained. I have two boys in the military and have lost troops under my command in the Special Forces and I have never worked with a finer person."

On January 13, 2007, I attended Senior Airman Loncki's funeral at St. Peter the Apostle Church in New Castle where Elizabeth had been an active member.

Following the service, Elizabeth was laid to rest with full military honors in the Delaware Veterans Memorial Cemetery. The outpouring of love and support from the many people who gathered for her burial serve as a testament to the positive impact that Elizabeth had on all of those who were blessed to know her.

For her service, Airman Loncki received numerous recognitions during her Air Force career: Air Force Training Ribbon, Global War on Terrorism Service Medal, Iraq Campaign Medal, National Defense Service Medal, Air Force Good Conduct Medal, and the Air Force Outstanding Unit Award. The Purple Heart and the Bronze Star with Valor Device were awarded posthumously on January 9, 2007.

As I listened to Elizabeth's friends and family speak about the type of person she was, I couldn't help but think about the heavy toll that this conflict has taken on our country. Elizabeth had originally planned for a career in the Air Force but she had begun to express doubts about our role in Iraq. She told her grandmother that the people of Iraq "don't want us over there" and had asked her father, "if people don't want us to help, what do we do?"

If I could talk to Elizabeth, I would tell her that she epitomized what is best in this world. I would tell her that if the day ever comes when the Iraqi people decide to put aside their hatred and come together as a nation—and that day cannot come soon enough—it will be the heroic actions of people like her that made this possible.

Next week in this Chamber I believe we are going to debate a resolution, and the resolution is about what course we should take in Iraq. I think the President and those who don't share his proposal for a surge of our troops share the same goal. The goal is this: How do we convince the Iraqi people to take charge of their lives? How do we convince them to assume responsibility for their country? How do we and others help to convince them to find a way to share power, share the wealth of their country, and to stop killing each other?

The President believes the best way to do it is to send more troops to Baghdad and to other parts of the country. Those of us who disagree, including some of the President's own military leaders with whom I met in Iraq last year, think that maybe the best way to convince them to make the tough choices in Iraq is to make it clear that we are not there forever, that this is not an engagement without an end in sight, and that we have expectations for them to stand and deliver for their own country.

I close simply by saying that sometimes we think these debates are just debates that we have in our Nation's Capitol, and there is a country on the other side of the world, with people we don't know, who are doing things we, frankly, don't understand. But it is also important for us to remember people such as Elizabeth Loncki who are willing to risk it all to try to help them, and our obligation is to do our dead level best to make sure they and we get to the right place.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

IRAQ

Mr. LAUTENBERG. Madam President, these have been some terrible days for our country. Last Saturday, we lost 27 American men and women in Iraq, making it the third deadliest day for our country and our forces since this war began. A Blackhawk went down northeast of Baghdad; all 12 of the troops aboard were killed. Men with grenades, mortars, and assault rifles attacked a building guarded by American and Iraqi forces in Karbala. Five American troops were killed that day. Coalition forces made a push against insurgents. Five more troops were killed and 59 Iraqis along with them. In Anbar Province, four soldiers and a marine were killed.

Despite the President's handpicked Iraqi Study Group's bipartisan call for a new course, he has not listened. Despite the advice of GEN John Abizaid, a distinguished military leader and former Chief of Staff to Colin Powell, who called for a new course, despite the bipartisan calls of my colleagues who have called for a new course, despite the American people who last November called for a new course, and despite the rising death toll, the President has decided to escalate this conflict. He wants to send 21,500 more troops into the crossfire of a civil war.

Even more disturbing is the behavior and the rhetoric of the Vice President. I don't know how many of my colleagues had a chance to watch the Vice President's interview with Wolf Blitzer this week on CNN's "The Situation Room." But I encourage my colleagues who have not seen it to watch it. It is up on Youtube. You have to see it to believe it. In that interview, Vice President CHENEY boasted of "enormous successes in Iraq." He also rejected the idea that Iraq is in a "terrible situation." Imagine him dismissing that.

The interview was so incredible that the Washington Post discussed it on its front page on Thursday. The Vice President blamed everybody but himself for any troubles in Iraq.

As far as the Vice President was concerned, it was all the media's fault. What did he say of us, the Congress? He said we were helping the terrorists. Vice President CHENEY's boasting of the Iraq successes was on the front page of the Washington Post that day. The story is incredible. It says on the front page of Thursday's paper: "Defending Iraq war, defiant Cheney cites enormous successes." He says that the media is so eager to write off this effort or to declare it a failure. It goes on to say that there are problems in Iraq, but he said it's not a terrible situation.

Not a terrible situation. Describe that to the families who lost someone in the last few weeks in Iraq.

He said—this is the Vice President of the United States—he has a responsibility to help the President and to help communicate with the Congress. He doesn't. He sits here often, but he doesn't. He said that despite that, the congressional opposition won't stop us from sending 20,500 more troops; it will only validate the course we are on.

Imagine. The story inside the paper was a very different one. The story told in these two pages in Thursday's Washington Post is 99 faces, 99 more families who are going to mourn, 99 more children who will not see their father or their mother again, 99 parents who lost a child. And he says it is not a terrible situation? It is a disgrace.

This doesn't look like the face of enormous success. No, it doesn't. On those two pages alone is a total of 99 men and women who will never see their friends and family on American soil again. Madam President, 3,063 American troops have died in Iraq; 74 of them had ties to my State of New Jersey. And we have seen over 23,000 with injuries, many severe, over 700 have lost limbs and many suffering from traumatic brain injury.

Of the almost 600,000 people—584,000 to be precise—who have served in Iraq and Afghanistan, over 30,000 of them have PTSD, post-traumatic stress syndrome; 30,000 countless brain injuries besides that.

The administration's troop increase is not simply a surge. What they did is they searched the word files, probably went to the computer and to the dictionaries to try to find a word that would evade the truth of what this is about. Surge is a euphemism for escalation of our involvement in this war.

When we hear the Vice President talking about enormous successes, it makes one wonder if the President and Vice President have been shielded from reality by their handlers. We see it in the continuation of the policy that says don't take any pictures of the flag-draped coffins when the remains of our soldiers are returned to the United States of America; don't do that. It is against the rules. Can you imagine that? That sign of honor to the deceased shielded from the view of the public because underneath that flag lies the remains of some young person.

That is the way they see things, and now we are told to expect another $100 billion request from the administration to fund this war. When does it end?

I am a proud cosponsor of legislation that is authored by my colleague Senator BIDEN. Senator HAGEL served valiantly in Vietnam. He knows what war is like. Senator LEVIN and Senator SNOWE—all denounce this dangerous increase. This resolution, which easily passed the Foreign Relations Committee, is clear in stating that the Bush surge is not in the national interests. It is certainly not in the interests of the families who have sons or daughters serving there. It puts the Senate on record as being against a growing military conflict that will hurt our long-term goals abroad and our security at home.

Similar to the young men and women serving today, I was proud to wear the uniform of my country in World War II in Europe. Those who are serving are obeying the orders of their Commander in Chief, and they do it fully and bravely.

In that war, World War II, the mission was clear: Defeat the enemies who attacked us. While the battles and the casualties were in far-off places, the brunt of the war's burden was borne by the families at home.

We started this fight because we were told things that proved not to be true. We believed in our leaders, and we thought they were telling us the truth. What else would we think? The President, the Vice President, then the chief of the military, Colin Powell, and others—we had faith in their belief. We had faith in the mission. Many of us doubted. I was out of the Senate for a 2-year period, and that is when that decision was made, but I would have believed it, coming from those illustrious positions with people who were known for substance because of the fact that they had achieved those positions. We had faith, but the mission in Iraq was surrounded in a fog.

It is time to redefine this mission in Iraq, a mission that includes bringing our troops home. The Iraqis say they want us to leave. Members of Congress and military leaders want us to leave, and the American people, in a broad consensus, want us to leave. Bring home those troops, they say.

Outside my office, I continue to pay my respects to these soldiers. I have a display called The Faces of the Fallen, all who have perished in this war up to a date that we can get the latest pictures, such as those we see displayed in the Washington Post. The display gives us a face to the names of the soldiers who have lost their lives in Iraq and Afghanistan. Visitors come by. Some of them are families and friends. Visitors search the photos daily for people they know, love and miss and they write notes in a book we have provided. Everyone who signs that book "God bless these people," honors them for their service, even though there is a question about whether they ought to be serving there now.

Until President Bush listens, until Vice President CHENEY realizes this is more than a bunch of victories, that successes are there, until that language is wiped out of their daily statements, we are going to have to keep adding faces to that display of fallen heroes memorial. And I am going to have to say to people who come into my office in New Jersey, particularly, who have sons and daughters serving there—one woman tells me about her son who was wounded, got the Purple Heart, and they are sending him back to combat or the woman who comes in crying so bitterly that you can barely hear her talk. She screamed at me at first when I called her when the notice of her son's death was given. She asked the question: My son was a second lieutenant. He loved being in the military. He was a trained artillery officer. What in the world were they asking him to do when they asked him to defuse roadside bombs? He lost his life defusing a bomb.

No, Madam President, if the message can't get through to the White House and the leadership, what faith can we have in the decisions made in this country today? It is discouraging. The world doesn't believe us. The people in our country don't believe us, in huge numbers. Yes, there are those who serve bravely and constantly. They do what they are told. That is what one does in the military. But while we think of sending people there who have already had, some of them, two tours of duty and they are being sent for a third tour of duty, it is impossible to imagine that their consciences don't keep them awake at night, but apparently they don't.

I yield the floor.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Madam President, today is the fifth day of the debate on the minimum wage. Some of the days have been days that people have not talked a lot or offered a lot of amendments, but that is not the fault of the majority. It is not the fault of the minority. For whatever reason, they didn't offer them.

The question always arises as to when enough is enough. Have there been opportunities in this legislation before the Senate dealing with minimum wage, raising the minimum wage for the first time in 10 years? I know the Senate is not accustomed to the open process we have had on this legislation and on the legislation dealing with ethics in lobbying, but this is something we are going to get used to. My Members would rather not have had the votes we had this past week. They were tough votes. None of them related to minimum wage. That is the Senate, an open process. But someone has to make a decision at some time that enough is enough, and I think I have made that decision. I am going to file a motion to stop debate on this issue and move forward on this much needed legislation.

Ten years was a long time ago. During that period of time, the cost of food has gone up about 25 percent, the cost of health care about 45 percent, housing about 30 percent, gasoline about 135 percent, congressional pay during that same period of time has increased by $30,000. Ten years ago, Newt Gingrich was Speaker of the House, not NANCY PELOSI; Bill Clinton was starting his second term as President of the United States; the old movie "Titanic" was being released; a stamp to mail a letter was 32 cents.

Today, different than 10 years ago, the pay of the average chief executive is 821 times that of a minimum wage worker. The chief executive officer for one of these companies could go to work on Monday and by noon have made as much money as minimum wage workers, working their hearts out for a year, would get.

Yesterday and the day before, we voted on all kinds of amendments, amendments that totaled—I roughed them out—calling for tax cuts of about $350 billion. Madam President, how much more is it going to take in the way of tax cuts to get the minority to vote for a minimum wage bill? None of the tax cuts are paid for—$350 billion. That is a lot of money. If you took one-dollar bills and laid them end to end from my home in Searchlight, NV, to Washington, DC, it would take 14,000 lines of dollar bills to amount to $350 billion—14,000.

We have voted on health savings accounts, tax breaks for teachers, and Social Security tax breaks. My favorite was a $2.10 suggestion in legislation offered by one of the Republican Senators. You don't use the $2.10 to increase the wages of a minimum wage worker, but they could do other things with it—buy health care, for example. But it is so interesting; every one of these amendments that were offered were offered by someone who has no desire of voting for a minimum wage. It is an effort to divert attention from the real issue before this body, which is raising the minimum wage.

Every one of these amendments we voted on is important. I am not, in any way, indicating that people do not have the right to offer amendments. They can offer them on any subject they wish. That is what this Senate is all about. But I think it is about time a decision is made whether we are going to give the poorest of the poor who are working, not on welfare, the opportunity to keep working and not have to go to welfare.

Sixty percent of the people who draw minimum wage are women, and for over half of those women, that is the only money they get for themselves and their families. People think that minimum wage is for a bunch of kids flipping hamburgers at McDonald's, but that is not the way it is. About 3 weeks ago, Business Week had a very good piece on the minimum wage. What this piece said is that raising the minimum wage raises the boat for everybody.

I hope my friends on the other side of the aisle will allow this legislation to go forward, to stop talking about it and vote on it. It is important that we do that. Ten years is too long.

We have had a lot of amendments. Is this enough? When is enough? Could we have worked longer hours? Perhaps so. All I know is Wednesday we worked very hard to try to get some of the people in the minority to agree to votes—and we couldn't get that done—on their amendments, not our amendments their amendments.

We have a lot of important things to do and I understand that. I sure hope we can move beyond minimum wage to other issues.

CLOTURE MOTION

Mr. REID. Madam President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the Reid (for Baucus) substitute amendment No. 100 to Calendar No. 5, H.R. 2, providing for an increase in the Federal minimum wage.

Ted Kennedy, Barbara A. Mikulski, Daniel K. Inouye, Byron L. Dorgan, Jeff Bingaman, Frank R. Lautenberg, Jack Reed, Barbara Boxer, Daniel K. Akaka, Max Baucus, Patty Murray, Maria Cantwell, Tom Harkin, Robert Menendez, Tom Carper, Harry Reid, Charles E. Schumer, Richard Durbin.

CLOTURE MOTION

Mr. REID. Madam President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close the debate on Calendar No. 5, H.R. 2, as amended, providing for an increase in the Federal minimum wage.

Ted Kennedy, Barbara A. Mikulski, Daniel K. Inouye, Byron L. Dorgan, Jeff Bingaman, Frank R. Lautenberg, Jack Reed, Barbara Boxer, Daniel K. Akaka, Max Baucus, Patty Murray, Maria Cantwell, Tom Harkin, Robert Menendez, Tom Carper, Harry Reid, Charles E. Schumer, Richard Durbin.

Mr. REID. Madam President, I have other business to conduct on another matter. It is my understanding the distinguished Republican leader wishes to speak at this time.

The PRESIDING OFFICER. The minority leader is recognized.

AMENDMENT NO. 210

Mr. McCONNELL. I call for the regular order with respect to the Kyl amendment No. 210.

The PRESIDING OFFICER. That amendment is pending.

Mr. McCONNELL. I ask the amendment be divided as indicated by the copy at the desk.

The PRESIDING OFFICER. The amendment will be divided.

Mr. McCONNELL. Madam President, the Republican majority in the previous Congress was prepared to raise the minimum wage. In fact, the House of Representatives passed an increase in the minimum wage and the Senate tried to pass an increase in the minimum wage. The difficulty was that Democrats ended up blocking passage because they did not like the fact that the minimum wage was attached to other provisions last year. The minimum wage was attached to some very significant provisions—tax extenders, modification of the death tax—and our good friends on the other side didn't like the way it was packaged and therefore prevented its passage.

The last time the minimum wage passed, back in 1996, and President Clinton signed it, he praised the minimum wage, particularly because it was packaged with tax relief and regulatory relief for small businesses. So it has been the practice of the Congress, under both Republicans and Democrats, for a minimum wage to be passed in conjunction with other matters. In fact, my good friend, the majority leader, has advocated that and supported the package that came out of the Finance Committee, even though every Member on the other side of the aisle voted, in effect—by voting to invoke cloture—voted in effect for a clean minimum wage yesterday.

With regard to how much time we have taken on this bill, we didn't have any votes last Monday, and we are not having any votes today on minimum wage, even though we did vote to confirm General Petraeus, which we certainly should have done. We have not had that much time on the bill.

I think my good friends on the other side of the aisle are having a hard time adjusting to being in the majority in the Senate. The price you pay for being in the majority in the Senate is, in order to complete bills, the minority gets votes. I remember my good friend and colleague, the Democratic whip, saying the Senate is not the House. Our new occupant of the chair, in his first couple of weeks in the Senate, is learning already that the Senate is not the House.

In the Senate, virtually every bill has numerous amendments. The majorities are always frustrated because minorities get their votes before moving to final passage. I have said to my friend the majority leader on several occasions over the last few hours that I was hoping that we could have some more amendments on this minimum wage bill before moving to its inevitable conclusion. It will end up similar to the ethics bill last year, passing with an overwhelming bipartisan majority. But there are still some other important amendments that our side would like to offer, and we will be discussing those amendments and how our Members feel about that in the next few days.

At some point in the not too distant future, an increase in the minimum wage, in conjunction with tax relief for small business, will pass the Senate on a very large bipartisan basis.

I yield the floor.

The PRESIDING OFFICER. (Mr. CARDIN). The majority leader is recognized.

Mr. REID. Mr. President, we all have memories. My memory is that during the time that Senator LOTT was the majority leader we had very few opportunities to amend bills because he, in the vernacular in the Senate, filled the tree and there weren't opportunities to do that. Senator Frist did not do that nearly as much as Senator LOTT when he was the leader, but certainly it was done a lot of times. We have chosen not to do that. We have chosen the amendment process. That is why I said earlier today: When is enough enough?

I have sent the cloture motions to the desk, and we will make that decision at noon on Tuesday.

While the distinguished Republican leader is on the floor, I will say a few more words on another subject.

The Republican leader and I have talked on several occasions about this Iraq situation. Anyone who reads the newspaper, listens to the radio or watches TV—we all know there are a number of resolutions around the Senate dealing with the escalation of the war in Iraq. The leader and I have talked about them.

We have pending in the Senate now, S. Con. Res. 2, which is a bipartisan resolution. Upon disposition of the minimum wage bill—and I have spoken to the leader, Senator MCCONNELL—he is unable to clear consent to move S. Con. Res. 2 now. Members may not be available to clear it at the moment, and I understand that, so I am not going to put any unanimous consent request before the Senate because the distinguished Republican Senate leader has told me he is not able to do that. But in an effort to save time, I intend to move to proceed to the concurrent resolution today and file cloture on that motion. If on Monday the Republican leader is still not able to grant consent to proceed to it, we will be in a position, then, to look forward to the Tuesday vote. If he is able to give me consent to move forward to that, then we can vitiate the cloture motion.

Mr. President, I will be filing that motion on cloture today to proceed to a bipartisan resolution reported out by the Foreign Relations Committee earlier this week. We are moving forward to demand a new direction in Iraq, as we have spoken about a number times. Senator LAUTENBERG finished a speech on that today. We hope Republican leadership will join with us to fully debate this issue, permit votes on amendments, and ensure an up-or-down vote on the President's plan. Our troops and the American people deserve no less.

BIPARTISAN CONCURRENT RESOLUTION ON IRAQ—MOTION TO PROCEED

CLOTURE MOTION

Mr. REID. Mr. President, at this time, I move to proceed to consideration of S. Con. Res. 2. I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII of the Standing Rules of the Senate, the Chair directs the clerk to read the motion.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close the debate on the motion to proceed to Calendar No. 12, S. Con. Res. 2, a bipartisan concurrent resolution on Iraq.

Harry Reid, Patty Murray, Herb Kohl, Jeff Bingaman, Benjamin L. Cardin, Frank R. Lautenberg, Chuck Schumer, Dick Durbin, Christopher Dodd, Bernard Sanders, Jack Reed, Joe Biden, Chuck Hagel, Robert Menendez, Olympia J. Snowe, Ron Wyden, Debbie Stabenow.

Mr. REID. Mr. President, I have filed this bipartisan cloture motion. Because of that, I withdraw the motion to proceed.

The PRESIDING OFFICER. The motion is withdrawn.

The minority leader is recognized.

Mr. MCCONNELL. Mr. President, in terms of the process by which we go forward next week to discuss the Iraq situation, as the majority leader indicated, we have been in discussions over the last couple of days about how that might go forward. We are still in the process of consulting with our Members. I have indicated to the majority leader that there is likely to be one or more additional resolutions offered by this side, and as we begin the week, I will have a clearer picture of just how many that might be, and then we can begin to sit down and structure the process by which those will be considered in the Senate. I look forward to working with the majority leader next week in that regard.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that there be a period for morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

HONORING OUR ARMED FORCES

FIRST LIEUTENANT JACOB N. FRITZ

Mr. NELSON of Nebraska. Mr. President, I rise today to honor Army 1LT Jacob N. Fritz of Verdon, NE.

Lieutenant Fritz graduated from Dawson-Verdon High School in 2000. His peers and teachers recognized him as a natural leader. He was active in every extracurricular activity his school offered: speech, drama, basketball, football, track, and band. He organized drug-free parties and dances.

After high school, Lieutenant Fritz followed his dream of serving in the Armed Forces by enrolling in the Military Academy at West Point, graduating in 2005. His younger brother, Daniel, followed in his footsteps and is currently a third-year cadet at West Point.

Lieutenant Fritz had been serving in support of Operation Iraqi Freedom, assigned to A Battery, 2nd Battalion, 377th Parachute Field Artillery Regiment, 25th Infantry Division, based in Fort Richardson, AK. On Saturday, January 20, 2007, Lieutenant Fritz passed away when his dismounted patrol received indirect fire followed by small arms fire in Karbala, Iraq. He was 25 years old.

1LT Jacob Fritz is survived by his parents, Lyle and Noala Fritz of Verdon, NE, and his two younger brothers, Daniel and Ethan. I offer my sincere condolences to the family and friends of Lieutenant Fritz. He made the ultimate and most courageous sacrifice for our Nation. I join all Americans in grieving the loss of this remarkable young man and know that Lieutenant Fritz's passion for serving, his leadership, and his selflessness will remain a source of inspiration for us all.

SERGEANT MAJOR MARILYN GABBARD

Mr. GRASSLEY. Mr. President, I rise today to honor SMA Marilyn Gabbard of the Iowa Army National Guard. The first woman ever promoted to the rank of Command Sargent Major in the Iowa Army National Guard, Sergeant Major Gabbard was deployed to Iraq on December 16, 2006, and died in a UH-60 Blackhawk helicopter crash on January 20, 2007, at 2:45 pm local Iraq time. Her colleagues said of her that she was a role model for other women in the Iowa National Guard, and her rise through the enlisted ranks was inspirational. She is remembered as a respected soldier and caring leader who always put her soldiers first. Her military decorations include three awards of the Meritorious Service Medal. My prayers go out to Marilyn's husband Edward and her seven children and stepchildren, her mother Mary Van Cannon, as well as her grandchildren and all her family and friends. SMA Marilyn Gabbard will be greatly missed. She leaves behind her a legacy of military achievement, immense compassion, and patriotic service. I hope that those who have been touched by her loss will find some comfort in the knowledge that her memory will live on like those countless other heroes throughout American history who have given their lives for our country.

SERGEANT TOMMY RIEMAN

Mr. BUNNING. Mr. President, today I rise to pay tribute to Army SGT Tommy Rieman, a native of Independence, KY, who received the military Silver Star for exceptional courage. He exhibited this courage when insurgents attacked his reconnaissance squad near the Abu Ghraib prison in Iraq on December 3, 2003. His selfless act of bravery and unwillingness to fail exemplify the true definition of a soldier.

Sergeant Rieman grew up in Independence, a small town in northern Kentucky. While at Simon Kenton High School, he was captain of the football team and was a member of the wrestling team, before he graduated in 1999. Sergeant Rieman was a teenager, pumping gas at a local gas station when he decided to enlist in the Army. This monumental decision he made to begin his exceptional military career would go on to shape his destiny.

While serving in Iraq, Sergeant Rieman showcased immense calm under pressure, when his squad came under attack by insurgents. With the convoy under heavy fire from rocket-propelled grenades and explosive devices, he used his own body as a shield to protect his squad gunman and returned fire to the enemy. The humvees that the squad was traveling in did not have any doors, so as a result Sergeant Rieman suffered two bullet wounds and multiple shrapnel injuries. Despite these injuries, he was still able to direct the convoy off the road and away from the live fire combat, only to be attacked by another smaller group of insurgents. Sergeant Rieman commanded and led his squad to return fire, and the enemy's weapons were silenced. At this point, the situation was calm and he was able to call a medical helicopter to treat the injuries of these brave soldiers.

After returning from Iraq, in August 2004 Sergeant Rieman was awarded a Silver Star for his brave actions that day in Fort Bragg, NC. He is now employed as an administrative assistant for the Army personnel office in the Pentagon. In May 2006, he was selected to be a participant in the "America's Army: Real Heroes" video game program, which recounts the lives of military soldiers who have shown heroism and bravery in the war on terror. Sergeant Rieman will have his military history and motivational story told through this game, with the hope of inspiring others to greatness.

On January 23, 2007, Sergeant Rieman was a guest of the First Lady and was formally recognized by President Bush, who discussed his bravery in the annual State of the Union Address to Congress. He stated that Sergeant Rieman, like so many other Americans who have volunteered to defend us, had earned the respect of the Nation. I cannot agree with this statement more. It brings me great pride to see a soldier of the caliber of Sergeant Rieman represent Kentucky in such a courageous and selfless way. He is an inspirational example to me and to the entire Commonwealth.

TRIBUTE TO DR. RONALD S. BOWEN

Mr. HATCH. Mr. President, I rise today to pay tribute to Dr. Ronald S. Bowen, who has diligently served as the president of the Utah Dental Association, UDA. As president, Dr. Bowen has devoted his professional and leadership skills to serving Utah's 1,530 member dental organization.

The UDA is committed to the public's oral health, ethics, science, and professional development. I am proud of our dental health professionals who skillfully provide quality health care to thousands of Utahns. I am also proud of Dr. Ron Bowen, who as the president of the UDA has provided outstanding leadership among his colleagues as he represented the association on a national, state, and local level. He has extensively traveled the State meeting with members to address their concerns and listen to their suggestions. In addition, he has a keen sense of the legislative process and has been able to use this knowledge to accomplish great things for the association.

Throughout his career, Dr. Bowen has garnered deep respect among his colleagues. He has an ability to listen to others, determine a course of action, and implement his ideas in an effective way.

Dr. Bowen is a practicing dentist and has had an established practice in the Salt Lake Valley for the past 22 years. He graduated with honors from the University of the Pacific, UOP, Dental School in San Francisco, CA. While at UOP, Ron served as student body and junior class presidents—demonstrating strong leadership skills at a young age.

During his longtime service to the dental community, Dr. Bowen has served on the UDA board of directors, where he has chaired the Government and Political Action Committees. Dr. Bowen has also served as the president of the Salt Lake District Dental Society and the Great Basin Academy. He was inducted into the International College of Dentists in 2003 and is a member of the Pierre Fuchard Society.

In addition, he is married to Melanie Hamilton Bowen and is the caring father of two daughters, Elysa and Lindsey.

Mr. President, the UDA has been greatly served this past year with Dr. Ron Bowen at the helm. His enthusiasm for the practice of dentistry and good dental health has been felt by many, and his colleagues have appreciated his efforts. I wish him many more happy, successful years of dentistry in Utah and join with many satisfied patients in thanking him for his tremendous service.

TRIBUTE TO JO ANNE BARNHART

Mr. BAUCUS. Mr. President, I want to commend someone who represents the very best of citizens in public service. I am speaking of Jo Anne Barnhart, the Commissioner of Social Security. Unfortunately, her term ended last Friday. I say "unfortunately" because she has done a superb job.

Jo Anne Barnhart did not need to take this job. She was doing very well running her own consulting firm. But she took the job for one reason: She wanted to improve the way that the

Social Security Administration performs its duties. And SSA is a significantly better agency when Jo Anne left than when she first came on board.

That is not all. Many long-term career employees at SSA have said that she is the best Social Security Commissioner for whom they have worked. And a number of veteran Social Security observers and advocates have said the same thing. She has made a remarkable contribution to that agency.

What has Jo Anne accomplished? Everyone knows that the Social Security Program provides benefits to workers who have retired. And the Social Security Program also provides benefits to the families of workers who have died. What is less well known is that Social Security provides benefits to workers who become disabled and to the families of those workers. This is one of Social Security's major functions.

Determining the benefits that retirees and survivors get is a relatively straightforward process, even where the eligibility rules are very detailed. But the same is not true for benefits for disabled workers.

There, SSA has to determine whether the applicant is permanently and totally disabled. This determination requires a lot of difficult work. For many applicants, the answer is not readily apparent. And the applicant can use several layers of appeals, if denied benefits. These additional layers add to the time that an applicant may have to wait before receiving benefits.

When Jo Anne took over the agency, it could take as much as 4 years for an applicant to be approved for benefits, if the applicant succeeded at the last layer of appeal. A disabled worker waiting for a decision is not earning any money. This can put enormous pressures on the worker and the worker's family.

My case workers in Montana have heard from some of the applicants who have been waiting incredibly long times for a decision. And their stories are harrowing. And the same was true for one Montana applicant who had to wait 4 years to get his disability benefits and who was kind enough to testify before the Finance Committee last year.

Jo Anne was fully aware of this problem when she took over the agency. And she was determined to do something about it.

The first step was to determine why it took so long for applicants to be approved. At her confirmation hearing, Jo Anne indicated that she would study this issue immediately. And she and I agreed that she would report back to me in 6 months.

Jo Anne completed that study and briefed me 6 months later, just as she had promised. Amazingly, this was the first comprehensive study SSA had ever done to determine why it took so long for disability applicants to be approved for benefits.

Jo Anne and her staff put every step involved in the disability application process on one chart. When she completed it, that chart was 25 feet long. Jo Anne deserves great credit for initiating and executing this pioneering study.

The study found that there were two causes of the long waiting times for approval of disability benefits, and Jo Anne set out to tackle each of them. About half of the delays occurred because of huge backlogs of cases. The principal cause of these backlogs is inadequate staffing, and the principal cause of inadequate staffing is lack of budgetary resources. The other half of the waiting times was due to huge inefficiencies in the processing of disability claims.

Jo Anne responded to these challenges. First, she set out to reduce as much of the inefficiency in the disability adjudication process as possible.

She initiated the conversion of the application process from a paper-driven process to a completely electronic process. And she aggressively accelerated this conversion, completing the transformation in record time.

As a result, SSA now has the largest repository of medical evidence in the world. And the new system works. Previously, all evidence and records used during the adjudication process had to be mailed from one SSA office to another and from doctors' offices to SSA offices. This was inefficient, time-consuming, and expensive. Now all of this is accomplished electronically. Jo Anne deserves great credit for these changes.

And Jo Anne initiated a Disability Service initiative. This was a major overhaul of the multiple steps in the disability adjudication process. This initiative brought many improvements.

First, quick decisions are made in cases where the disability is obvious. Second, redundant appeal processes were eliminated. Third, huge amounts of time were saved for some appeals that would normally go to a hearing before an administrative law judge. That is a process that can take well over a year to occur. A new type of legal official was created in the system. This lawyer is given authority to award benefits before the case ever proceeds to a hearing. This dramatically reduces the time for the applicant to get benefits. Many other changes were made as well.

All of these changes are being piloted. It is hoped that these new processes will greatly increase the efficiency by which disability claims are adjudicated. If they do, Jo Anne will have accomplished something truly great.

Jo Anne also initiated action to deal with scarce budgetary resources, the second cause of long delays. She provided detailed and cogent briefings to the Directors of the Office of Management and Budget.

As a result, the President's budgets have requested a significant increase for SSA's administrative costs each year. This occurred at a time when the President's budgets contained little or no increases or even decreases in funding for most appropriated programs.

Unfortunately, through no lack of effort on Jo Anne's part, the amount of money ultimately appropriated for SSA's administrative costs has been substantially below the amount requested by the President each year. This is a problem that needs to be rectified in the future.

One of Jo Anne's finest moments came after the terrible hurricanes, Katrina, Rita, and Wilma, decimated whole areas of the gulf coast and Florida. GAO reported: "The Social Security Administration had enhanced planning and pre-established procedures in place to provide immediate emergency payments to the significant number of beneficiaries who evacuated and did not receive their monthly checks. With these procedures in place, the Social Security Administration had the capability to deploy staff and equipment from its 1,300 offices across the Nation to address the increased workload."

Under Jo Anne's guidance, SSA also successfully implemented some brand new permanent responsibilities without a hitch. For example, SSA was asked to take applications for the low-income subsidy portion of the Medicare prescription drug program. This subsidy allows low-income Medicare beneficiaries to participate in the prescription drug program at no or reduced cost. SSA was also asked to do massive amounts of outreach to find the people who qualified for the subsidies, and it did so.

Jo Anne also guided the implementation of some brand new systems projects. For example, she oversaw the digital recording of hearings. SSA used to record all hearings before its administrative law judges with regular cassette tapes. These tapes were difficult to ship and were often lost during transit. Jo Anne and her team spearheaded the effort to have hearings recorded digitally.

It is clear that Commissioner Barnhart accomplished an extraordinary number of achievements for SSA. She has reason to be proud, and the country owes her a huge debt of gratitude.

I wish her the very best in whatever endeavors she takes on after she leaves SSA. But we will sorely miss her.

ADDITIONAL STATEMENTS

HONORING SHARON RICHIE

• Mr. THUNE. Mr. President, today I honor Sharon Richie of Watertown, SD.

This month Sharon retired from the U.S. Department of Agriculture after 17 years of dedicated Federal service.

Sharon has worked in the multifamily housing program in Watertown for the past 15 years and is well-known and appreciated by the managers of the housing projects. She has been a dedicated employee and is well-respected for her knowledge of the program and her willingness to go the extra mile to assist her clients. Sharon has played an integral role in providing housing for low-income tenants in South Dakota throughout her career.

Sharon has also been an active member of the Watertown community. Prior to working for the Department of Agriculture, Sharon was a hairdresser for 25 years, as well as being a teacher's aid and substitute teacher for the Deuel School System. She also managed a supper club in Clear Lake and Altamont.

In addition, Sharon has been a valuable asset to South Dakota's agricultural community. Over the past years, she has worked facilitating several rodeos throughout the region. She has organized and judged several rodeo queen contests for groups including the PRCA, local high school and 4-H rodeos. Sharon also enjoys helping out her husband Cork with their livestock handling equipment business. She is also a mother of 9 children, a grandmother to 23 grandchildren, and a great-grandmother to 2 great-grandchildren.

It is with great honor that I rise today to remember and recognize the service provided by Sharon Richie. On behalf of the citizens of South Dakota, I wish Sharon Richie all the best in her retirement.•

RECOGNIZING FLOWERS FOODS

• Mr. CHAMBLISS. Mr. President, today I wish to honor the recent accomplishments of a successful business that is headquartered and was founded in my home State of Georgia, Flowers Foods. Flowers Foods is a leader in the baking industry with fresh products distributed throughout the Southeast, Southwest, and Mid-Atlantic States. Flowers Foods frozen products can be found nationwide.

Forbes magazine recently named Flowers Foods to its prestigious list of the 400 Best Big Companies in America. In addition Flowers Foods was also named the best-managed food company among the list of 400 Best Big Companies. It should also be noted that this is the third time that Flowers Foods has been named to Forbes' prestigious list.

In creating the most recent list, Forbes reviewed the financial metrics, Wall Street forecast, corporate governance ratings and other public information of over 1,000 of the largest publicly traded companies in America. Once Forbes narrows this list down to 400 then they select a best-managed company from each of the 26 industry areas that are represented in the Best Big Companies list. The selection of the best-managed company for each represented industry is based on financial performance, leadership, innovation and execution.

Flowers Foods has continued to be on the cutting edge of bakery products and technology since William Howard and Joseph Hampton Flowers opened Flowers Baking Company in Fitzgerald, Georgia in 1933. When the company first opened in 1933 they had the capacity to produce 30,000 loaves of bread each day. In 1999, Flowers Foods became the first wholesale baker to offer a sugar-free bread and they later became the first commercial baker to introduce a low-carb bread selection.

Through the years Flowers Foods has produced and marketed a variety of fresh and frozen bakery foods under name brands such as Nature's Own, Cobblestone Mill, Sunbeam Bread, ButterKrust, Whitewheat, Bunny Bread, BlueBird, Mrs. Freshley's, European Bakers, Mi Casa and Tesoritos. It is no wonder that they are a market leader with this varied mix of brands and products that ensures that there is something tasty for everyone.

Not only has Flowers Foods product line grown since its founding in 1933 but their expansive operation has also grown. Their operations now include thirty-six bakeries that stretch from the Southwest to the Mid-Atlantic regions. These efficient and technologically advanced bakeries allow Flowers Foods to supply retailers throughout a large portion of the United States with a constant supply of fresh products.

I am extremely proud of the recognition that Flowers Foods has received from Forbes magazine. I thank my colleagues for giving me the opportunity to recognize Flowers Foods.•

RECOGNIZING LESTER KARAS

• Mr. THUNE. Mr. President, today I recognize Lester Karas who was honored by the community of Deadwood for his dedicated service to the community's young people. The Deadwood mayor declared December 5, 2006, Les Karas Day in honor of his outstanding commitment and dedication to the safety of the community's elementary school students.

Mr. Karas serves as a volunteer crossing-guard for the students of Lead-Deadwood Elementary school. He plays an important role in keeping these students safe as they travel back and forth from school. In addition, Mr. Karas teaches the children good safety habits that they will use throughout their lives.

South Dakota's communities are held together by volunteers like Mr. Karas who dedicate their time and energy to helping those around them. It gives me great pleasure to commemorate Lester Karas on this special occasion and to wish him continued success in the years to come.•

MEASURES DISCHARGED

The following measure was discharged from the Committee on Banking, Housing, and Urban Affairs by unanimous consent, and referred as indicated:

S. 172. A bill to prohibit Federal funding for the Organisation for Economic Co-operation and Development; to the Committee on Foreign Relations.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. FEINGOLD:

S. 403. A bill to amend the Internal Revenue Code of 1986 to provide that reimbursements for costs of using passenger automobiles for charitable and other organizations are excluded from gross income, and for other purposes; to the Committee on Finance.

By Mr. THOMAS (for himself, Mr. BAUCUS, Mr. THUNE, Mr. GRASSLEY, Mr. TESTER, Mr. BINGAMAN, Mr. DORGAN, Mr. ENZI, and Mr. CONRAD):

S. 404. A bill to amend the Agricultural Marketing Act of 1946 to require the implementation of country of origin labeling requirements by September 30, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

By Mrs. FEINSTEIN (for herself and Mr. ENSIGN):

S. 405. A bill to amend the Elementary and Secondary Education Act of 1965 to specify the purposes for which funds provided under part A of title I may be used; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. HUTCHISON (for herself, Mr. SPECTER, Mrs. BOXER, Mrs. FEINSTEIN, Mr. BOND, Mr. BURR, Mr. KERRY, Mr. LEVIN, Mrs. DOLE, Mr. GRAHAM, Mr. CORNYN, Mr. PRYOR, and Mrs. LINCOLN):

S. 406. A bill to ensure local governments have the flexibility needed to enhance decision-making regarding certain mass transit projects; to the Committee on Banking, Housing, and Urban Affairs.

By Mrs. HUTCHISON (for herself and Mr. CORNYN):

S. 407. A bill to amend the Intermodal Surface Transportation Efficiency Act of 1991 to designate a portion of Interstate Route 14 as a high priority corridor, and for other purposes; to the Committee on Environment and Public Works.

By Mr. CHAMBLISS (for himself, Mr. BURR, Mr. STEVENS, Mr. INHOFE, Mr. SUNUNU, and Mr. BUNNING):

S. 408. A bill to recognize the heritage of hunting and provide opportunities for continued hunting on Federal public land; to the Committee on Energy and Natural Resources.

By Mr. CONRAD (for himself and Mr. DORGAN):

S. 409. A bill to provide environmental assistance to non-Federal interests in the State of North Dakota; to the Committee on Environment and Public Works.

By Mr. CONRAD (for himself and Mr. DORGAN):

S. 410. A bill to amend the Water Resources Development Act of 1999 to direct the Secretary of the Army to provide assistance to design and construct a project to provide a continued safe and reliable municipal water supply system for Devils Lake, North Dakota; to the Committee on Environment and Public Works.

By Mr. SMITH:

S. 411. A bill to amend the Internal Revenue Code of 1986 to provide credit rate parity for all renewable resources under the electricity production credit; to the Committee on Finance.

By Mr. DURBIN (for himself and Mr. OBAMA):

S. 412. A bill to designate the facility of the United States Postal Service located at 2633 11th Street in Rock Island, Illinois, as the "Lane Evans Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

By Mrs. CLINTON (for herself, Mr. ALLARD, Mr. BINGAMAN, Mr. FEINGOLD, Ms. CANTWELL, Mr. BROWN, Mr. SANDERS, Mr. ENSIGN, Mr. HARKIN, Mr. LIEBERMAN, Mr. SHELBY, Mr. BURR, and Ms. SNOWE):

S. 413. A bill to amend the Bank Holding Company Act of 1956 and the Revised Statutes of the United States to prohibit financial holding companies and national banks from engaging, directly or indirectly, in real estate brokerage or real estate management activities, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Ms. MIKULSKI:

S. 414. A bill to amend the Federal Food, Drug, and Cosmetic Act and the Federal Meat Inspection Act to require that food that contains product from a cloned animal be labeled accordingly, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

ADDITIONAL COSPONSORS

S. 233

At the request of Mr. KENNEDY, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 233, a bill to prohibit the use of funds for an escalation of United States military forces in Iraq above the numbers existing as of January 9, 2007.

S. 280

At the request of Mrs. CLINTON, her name was added as a cosponsor of S. 280, a bill to provide for a program to accelerate the reduction of greenhouse gas emissions in the United States by establishing a market-driven system of greenhouse gas tradeable allowances, to support the deployment of new climate change-related technologies, and to ensure benefits to consumers from the trading in such allowances, and for other purposes.

S. 294

At the request of Mr. LAUTENBERG, the names of the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. 294, a bill to reauthorize Amtrak, and for other purposes.

S. 335

At the request of Mr. DORGAN, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 335, a bill to prohibit the Internal Revenue Service from using private debt collection companies, and for other purposes.

S. 354

At the request of Mr. LAUTENBERG, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 354, a bill to provide for disclosure of fire safety standards and measures with respect to campus buildings, and for other purposes.

S. 357

At the request of Mrs. FEINSTEIN, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 357, a bill to improve passenger automobile fuel economy and safety, reduce greenhouse gas emissions, reduce dependence on foreign oil, and for other purposes.

S. 368

At the request of Mr. BIDEN, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. 368, a bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to enhance the COPS ON THE BEAT grant program, and for other purposes.

S. 374

At the request of Mr. DOMENICI, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 374, a bill to amend the Internal Revenue Code of 1986 to provide the same capital gains treatment for art and collectibles as for other investment property and to provide that a deduction equal to fair market value shall be allowed for charitable contributions of literary, musical, artistic, or scholarly compositions created by the donor.

S. 387

At the request of Mr. WYDEN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 387, a bill to prohibit the sale by the Department of Defense of parts for F–14 fighter aircraft.

S. 388

At the request of Mr. THUNE, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 388, a bill to amend title 18, United States Code, to provide a national standard in accordance with which nonresidents of a State may carry concealed firearms in the State.

S. RES. 24

At the request of Mr. BIDEN, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. Res. 24, a resolution designating January 2007 as "National Stalking Awareness Month".

S. RES. 29

At the request of Mr. MCCONNELL, his name was added as a cosponsor of S. Res. 29, a resolution expressing the sense of the Senate regarding Martin Luther King, Jr. Day and the many lessons still to be learned from Dr. King's example of nonviolence, courage, compassion, dignity, and public service.

AMENDMENT NO. 108

At the request of Mr. ALEXANDER, his name was added as a cosponsor of amendment No. 108 proposed to H.R. 2, a bill to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage.

AMENDMENT NO. 184

At the request of Mrs. HUTCHISON, the names of the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from New Jersey (Mr. MENENDEZ) were added as cosponsors of amendment No. 184 intended to be proposed to H.R. 2, a bill to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage.

AMENDMENT NO. 198

At the request of Mr. COLEMAN, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of amendment No. 198 intended to be proposed to H.R. 2, a bill to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. FEINGOLD:

S. 403. A bill to amend the Internal Revenue Code of 1986 to provide that reimbursements for costs of using passenger automobiles for charitable and other organizations are excluded from gross income, and for other purposes; to the Committee on Finance.

Mr. FEINGOLD. Mr. President, I am pleased to reintroduce legislation today that would increase the mileage reimbursement rate for volunteers.

Under current law, when volunteers use their cars for charitable purposes, the volunteers may be reimbursed up to 14 cents per mile for their donated services without triggering a tax consequence for either the organization or the volunteers. If the charitable organization reimburses any more than that, they are required to file an information return indicating the amount, and the volunteers must include the amount over 14 cents per mile in their taxable income. By contrast, for 2007, the mileage reimbursement level permitted for businesses is 48.5 cents per mile, nearly three and a half times the volunteer rate.

While we are asking volunteers and volunteer organizations to bear a greater burden of delivering essential services, the 14 cents per mile limit is imposing a very real hardship for charitable organizations and other nonprofit groups.

I have heard from a number of people in Wisconsin on the need to increase this reimbursement limit. One of the first organizations that brought this issue to my attention was the Portage County Department on Aging. Volunteer drivers are critical to their ability to provide services to seniors in Portage County, and the Department on Aging depends on dozens of volunteer drivers to deliver meals to homes and transport people to their medical appointments, meal sites, and other essential services.

Many of my colleagues know the senior meals program is one of the most vital services provided under the Older Americans Act, and ensuring that meals can be delivered to seniors or that seniors can be taken to meal sites is an essential part of that program. In fact, it is often the case that the senior meals program is the point at which many frail elderly first come into contact with the network of services that can help them. For that reason, these programs are important not only for the essential nutrition services they provide, but also for the many other critical services that the frail elderly may need.

Unfortunately, Federal support for the senior nutrition programs has stagnated in recent years, increasing pressure on local programs to leverage more volunteer services to make up for that lagging Federal support. Regrettably, the 14 cents per mile reimbursement limit has made it far more difficult to obtain those volunteer services. Portage County reported that many of their volunteers cannot afford to offer their services under such a restriction. And if volunteers cannot be found, their services will have to be replaced by contracting with a provider, greatly increasing costs to the Department, costs that come directly out of the pot of funds available to pay for meals and other services.

The same is true for thousands of other non-profit and charitable organizations that provide essential services to communities across our Nation.

By contrast, businesses do not face this restrictive mileage reimbursement limit. As I noted earlier, for 2007 the comparable mileage rate for someone who works for a business is 48.5 cents per mile. This disparity means that a business hired to deliver the same meals delivered by volunteers for Portage County may reimburse their employees nearly three and a half times the amount permitted the volunteer without a tax consequence.

This doesn't make sense. The 14 cents per mile volunteer reimbursement limit is badly outdated. According to the Congressional Research Service, Congress first set a reimbursement rate of 12 cents per mile as part of the Deficit Reduction Act of 1984, and did not increase it until 1997, when the level was raised slightly, to 14 cents per mile, as part of the Taxpayer Relief Act of 1997.

The bill I am introducing today is identical to a measure I introduced in the 109th Congress, and largely the same as the version I introduced in the 107th and 108th Congresses. It raises the limit on volunteer mileage reimbursement to the level permitted to businesses, and provides an offset to ensure that the measure does not aggravate the budget deficit. The most recent estimate of the cost to increase the reimbursement for volunteer drivers is about $1 million over 5 years. Though the revenue loss is small, it is vital that we do everything we can to move toward a balanced budget, and to that end I have included a provision to fully offset the cost of the measure and make it deficit neutral. That provision increases the criminal monetary penalties for individuals and corporations convicted of tax fraud. The provision passed the Senate in the 108th Congress as part of the JOBS bill, but was later dropped in conference and was not included in the final version of that bill.

I urge my colleagues to support this measure. It will help ensure charitable organizations can continue to attract the volunteers that play such a critical role in helping to deliver services and it will simplify the Tax Code both for nonprofit groups and the volunteers themselves.

I ask unanimous consent that the text of the legislation be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 403

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MILEAGE REIMBURSEMENTS TO CHARITABLE VOLUNTEERS EXCLUDED FROM GROSS INCOME.

(a) IN GENERAL.—Part III of subchapter B of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after section 139A the following new section:

"SEC. 139B. MILEAGE REIMBURSEMENTS TO CHARITABLE VOLUNTEERS.

"(a) IN GENERAL.—Gross income of an individual does not include amounts received, from an organization described in section 170(c), as reimbursement of operating expenses with respect to use of a passenger automobile for the benefit of such organization. The preceding sentence shall apply only to the extent that such reimbursement would be deductible under this chapter if section 274(d) were applied—

"(1) by using the standard business mileage rate established under such section, and

"(2) as if the individual were an employee of an organization not described in section 170(c).

"(b) NO DOUBLE BENEFIT.—Subsection (a) shall not apply with respect to any expenses if the individual claims a deduction or credit for such expenses under any other provision of this title.

"(c) EXEMPTION FROM REPORTING REQUIREMENTS.—Section 6041 shall not apply with respect to reimbursements excluded from income under subsection (a).".

(b) CLERICAL AMENDMENT.—The table of sections for part III of subchapter B of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after the item relating to section 139A and inserting the following new item:

"Sec. 139B. Reimbursement for use of passenger automobile for charity.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 2. INCREASE IN CRIMINAL MONETARY PENALTY LIMITATION FOR THE UNDERPAYMENT OR OVERPAYMENT OF TAX DUE TO FRAUD.

(a) IN GENERAL.—Section 7206 of the Internal Revenue Code of 1986 (relating to fraud and false statements) is amended—

(1) by striking "Any person who—" and inserting "(a) IN GENERAL.—Any person who—", and

(2) by adding at the end the following new subsection:

"(b) INCREASE IN MONETARY LIMITATION FOR UNDERPAYMENT OR OVERPAYMENT OF TAX DUE TO FRAUD.—If any portion of any underpayment (as defined in section 6664(a)) or overpayment (as defined in section 6401(a)) of tax required to be shown on a return is attributable to fraudulent action described in subsection (a), the applicable dollar amount under subsection (a) shall in no event be less than an amount equal to such portion. A rule similar to the rule under section 6663(b) shall apply for purposes of determining the portion so attributable.".

(b) INCREASE IN PENALTIES.—

(1) ATTEMPT TO EVADE OR DEFEAT TAX.—Section 7201 of the Internal Revenue Code of 1986 is amended—

(A) by striking "$100,000" and inserting "$250,000",

(B) by striking "$500,000" and inserting "$1,000,000", and

(C) by striking "5 years" and inserting "10 years".

(2) WILLFUL FAILURE TO FILE RETURN, SUPPLY INFORMATION, OR PAY TAX.—Section 7203 of such Code is amended—

(A) in the first sentence—

(i) by striking "misdemeanor" and inserting "felony", and

(ii) by striking "1 year" and inserting "10 years", and

(B) by striking the third sentence.

(3) FRAUD AND FALSE STATEMENTS.—Section 7206(a) of such Code (as redesignated by subsection (a)) is amended—

(A) by striking "$100,000" and inserting "$250,000",

(B) by striking "$500,000" and inserting "$1,000,000", and

(C) by striking "3 years" and inserting "5 years".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to underpayments and overpayments attributable to actions occurring after the date of the enactment of this Act.

By Mr. THOMAS (for himself, Mr. BAUCUS, Mr. THUNE. Mr. GRASSLEY, Mr. TESTER, Mr. BINGAMAN, Mr. DORGAN, Mr. ENZI, and Mr. CONRAD):

S. 404. A bill to amend the Agricultural Marketing Act of 1946 to require the implementation of country of origin labeling requirements by September 30, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. THOMAS. Mr. President, I rise to introduce a bill that is of great importance to livestock producers and consumers in my home State of Wyoming, and to people across the Nation. My bill would expedite the implementation of mandatory country of origin labeling, or COOL, for beef and other agricultural products, and set that date at September 30, 2007. I am pleased that Senator BAUCUS joins me in this effort, as does Senator THUNE, Senator GRASSLEY, Senator TESTER, Senator BINGAMAN, Senator DORGAN, Senator ENZI, and Senator CONRAD.

Consumers drive our economy, and it is important that we provide them relevant information about the products they are purchasing. U.S. consumers overwhelmingly support mandatory COOL. They have a right to know where their food comes from. Labeling provides more product information, increased consumer choice, and the chance to support American agriculture. Labeling also allows our producers to distinguish their superior products. Trade is not going away. With increased trade comes an increase in the importance of country of origin labeling. Many nations already label food and other products—including the United States. If it is good enough for T-shirts, it ought to be good enough for T-bones.

Mandatory COOL was signed into law with the 2002 Farm Bill. I was an original supporter of COOL during the Farm Bill debate, and I have become increasingly frustrated with efforts to delay its implementation. The latest delay was inserted into the Fiscal Year 2006 Agriculture Appropriations bill, and I voted against the bill for that reason.

Producers and consumers have waited long enough for country of origin labeling. It is high time we make it happen.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no ojection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 404

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Country of Origin Labeling Act of 2007".

SEC. 2. APPLICABILITY OF COUNTRY OF ORIGIN LABELING REQUIREMENTS.

Section 285 of the Agricultural Marketing Act of 1946 (7 U.S.C. 1638d) is amended by striking "September 30, 2008" and inserting "September 30, 2007".

Mr. TESTER. Mr. Chairman, I rise today to join my colleagues in cosponsoring the implementation of country of origin labeling requirements for food sold in the United States. Congress originally passed country of origin labeling in the 2002 farm bill, but has twice voted to delay its implementation. Country-of-origin labeling is good for American consumers; it is good for our farmers and ranchers, and the time to implement it is now.

American farmers and ranchers raise the highest quality agricultural goods in the world. Country of origin labeling benefits farmers and ranchers by allowing them to market their world-famous products and consumers who deserve to know where their food comes from.

Any American consumer can look at the tag on their shirt or under the hood of their car and know where it was made. But when meats and produce move into the market place, their origin often becomes a mystery. Considering the importance of food to our health and safety, the growth of our children, and the livelihood of our farmers and ranchers, we should have as much information about the origin of our food as possible.

When I was president of the Montana Senate in 2005, I helped lead the fight to pass and implement country of origin labeling because Congress had failed to act. In Montana we are particularly proud of the quality of our agricultural products, and of the people who raise them. Our clean air and water, well preserved natural environment, and modern agricultural practices make consumers want to buy Montana meats, fruits and vegetables. Our State government has given consumers the information and the choice to purchase American raised products through country of origin labeling.

As a dry land farmer from Big Sandy, Montana I know how challenging it is to be successful in agriculture. American farmers and ranchers need all the tools they can get. We no longer compete only with our local neighbors. We compete internationally with South America, Asia, Australia and New Zealand. Country of origin labeling adds value in the market place that was already added by being grown on American farms and ranches.

American consumers will make choices to support our domestic industry and sometimes pay a premium to know that their food comes from the United States. They support American agriculture with its high-quality standards, where money made stays in our rural communities and in the hands of American farmers and ranchers instead of going overseas. The benefits of country of origin labeling are great, the costs are little and consumers have demanded it. Congress needs to take the next step and implement the program.

By Mrs. FEINSTEIN (for herself and Mr. ENSIGN)

S. 405. A bill to amend the Elementary and Secondary Education Act of 1965 to specify the purposes for which funds provided under part A of title I may be used; to the Committee on Health, Education, Labor, and Pensions.

Mrs. FEINSTEIN. Mr. President. I rise today with Senator ENSIGN to introduce legislation to ensure that Title I funds are directed towards instructional services to teach our Nation's neediest students.

Title I provides assistance to almost every school district in the country to serve children attending schools with high numbers of low-income students, from preschool to high school.

Although it has always been the intent of Congress for Title I funds to be used for instruction and instructional services, the Federal Government has never provided a clear definition of what instructional services should entail.

This lack of Federal guidance has become especially clear now, as States are struggling to comply with the Title I accountability standards established under "No Child Left Behind."

While State Administrators of Title I are directed by law to meet these specific requirements, they have been given little guidance as to how to ensure that they are in compliance with the law.

I believe that the Federal Government is responsible for making this process as clear to States as possible.

During consideration of "No Child Left Behind," I worked hard to get my bill defining appropriate Title I uses included in the Senate version of the bill.

Unfortunately, during conference consideration, that language was stripped out and in its place language was inserted directing the General Accounting Office (GAO) to report on how states use their Title I funds.

In April 2003, GAO released the report that Congress directed them to submit on Title I Administrative Expenditures.

What GAO found is that while districts spent no more than 13 percent of Title I funds on administrative services, these findings were based on their own definition "because there is no common definition on what constitutes administrative expenditures."

Therefore, the accounting office could not precisely measure how much of schools' Title I funds were used for administration.

Because uses of Title I funds are not defined consistently throughout the states, the accounting office created their own definition by compiling aspects of state priorities to complete the report.

The very reason I worked to define how Title I funds should be used—to create consistency and distribution priority nationwide—became the definitive aspect preventing GAO from effectively drawing conclusions to their report.

The report highlights two concerns that I have with the lack of universal definitions in the Title I program: The lack of Federal guidance on effective uses of Title I funds and the government's inability to accurately measure whether the academic needs of low-income students are being met.

This bill takes some strong steps by balancing the needs for states to retain Title I flexibility and providing them with the guidance needed to administer the program uniformly throughout the country.

Current law on Title I is much too vague.

It says, "a State or local educational agency shall use funds received under this part only to supplement the amount of funds that would, in the absence of such Federal funds, be made available from non-Federal sources for the education of pupils participating in programs assisted under this part, and not to supplant such funds."

Basically, it says that Title I funds are to be used for the "education of pupils." This is too ambiguous.

The U.S. Department of Education has given states a guidance document that explains how Title I funds can be used.

Under this guidance document, only two uses are specifically prohibited: 1. construction or acquisition of real property; and 2. payment to parents to attend a meeting or training session or to reimburse a parent for a salary lost due to attendance at a "parental involvement" meeting.

I believe we should give the Department, States and districts a clearer guidance in law.

This legislation would: Define Title I direct and indirect instructional services. Set a standard for the amount of Title I funds that can be used to achieve the academic and administrative objectives of this program. Ensure that the majority of Title I funds are used to improve academic achievement by stipulating that "a local educational agency may use not more than 10 percent of [Title I] funds received . . . for indirect instructional services."

By limiting the amount of funds that schools can spend on administrative or indirect services, school districts are restricted from shuffling the majority of Title I to pay for non-academic services, but it also gives the districts flexibility to use the remaining funds for the indirect costs administering Title I distribution.

Furthermore, by defining direct and indirect services, all States can apply the same standards for how Title I funds are used nationwide.

Examples of permissible Direct Services are: Employing teachers and other instructional personnel, including employee benefits. Intervening and taking corrective actions to improve student achievement. Purchasing instructional resources such as books, materials, computers, and other instructional equipment. Developing and administering curriculum, educational materials and assessments.

Examples of Indirect Services limited to no more than 10 percent of Title I expenditures are: Business services relating to administering the program. Purchasing or providing facilities maintenance, janitorial, gardening, or landscaping services or the payment of utility costs. Buying food and paying for travel to and attendance at conferences or meetings, except if necessary for professional development.

My reasons for introducing this bill are two-fold: first, I believe that states must use their limited Federal dollars for the fundamental purpose of providing academic instruction to help students learn. Secondly, I believe that it is nearly impossible to do so without providing a clear definition of what is considered an instructional service.

I am not suggesting that it is the fault of the school districts for not focusing their Title I funds on academic instruction. They are simply exercising the flexibility that Congress has given them.

If Congress also intended for those funds to educate our neediest children, federal guidance must be given to ensure that it happens.

It is my view that Title I cannot do everything. Federal funding is only about 9 percent of the total funding for elementary and secondary education and Title I is even a smaller percentage of total support for public schools.

That is why it is imperative to better focus Title I funds on academic instruction, teaching the fundamentals and helping disadvantaged children achieve.

Schools must focus their general administrative budget to pay for expenses that fall outside of the realm of direct educational services and retain the majority of federal funds to improve academic achievement.

It is time to better direct Title I funds to the true goal of education: to help students learn. This is one step towards that important goal.

I urge my colleagues to support this legislation. I ask for unanimous consent that the text of the legislation directly follow this statement in the record.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 405

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Title I Integrity Act of 2007".

SEC. 2. DIRECT AND INDIRECT INSTRUCTIONAL SERVICES.

Subpart 1 of part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) is amended by adding at the end the following:

"SEC. 1120C. DIRECT AND INDIRECT INSTRUCTIONAL SERVICES.

"(a) IN GENERAL.—

"(1) USE OF FUNDS.—Notwithstanding any other provision of this Act, a local educational agency shall use funds received under this part only for direct instructional services and indirect instructional services.

"(2) LIMITATION ON INDIRECT INSTRUCTIONAL SERVICES.—A local educational agency may use not more than 10 percent of funds received under this part for indirect instructional services.

"(b) INSTRUCTIONAL SERVICES.—

"(1) DIRECT INSTRUCTIONAL SERVICES.—In this section, the term direct instructional services' means—

"(A) the implementation of instructional interventions and corrective actions to improve student achievement;

"(B) the extension of academic instruction beyond the normal school day and year, including during summer school;

"(C) the employment of teachers and other instructional personnel, including providing teachers and instructional personnel with employee benefits;

"(D) the provision of instructional services to prekindergarten children to prepare such children for the transition to kindergarten;

"(E) the purchase of instructional resources, such as books, materials, computers, other instructional equipment, and wiring to support instructional equipment;

"(F) the development and administration of curricula, educational materials, and assessments;

"(G) the transportation of students to assist the students in improving academic achievement;

"(H) the employment of title I coordinators, including providing title I coordinators with employee benefits; and

"(I) the provision of professional development for teachers and other instructional personnel.

"(2) INDIRECT INSTRUCTIONAL SERVICES.—In this section, the term indirect instructional services' includes—

"(A) the purchase or provision of facilities maintenance, gardening, landscaping, or janitorial services, or the payment of utility costs;

"(B) the payment of travel and attendance costs at conferences or other meetings;

"(C) the payment of legal services;

"(D) the payment of business services, including payroll, purchasing, accounting, and data processing costs; and

"(E) any other services determined appropriate by the Secretary that indirectly improve student achievement.".

By Mr. CHAMBLISS (for himself, Mr. BURR, Mr. STEVENS, Mr. INHOFE, Mr. SUNUNU, and Mr. BUNNING):

S. 408. A bill to recognize the heritage of hunting and provide opportunities for continued hunting on Federal public land; to the Committee on Energy and Natural Resources.

Mr. CHAMBLISS. Mr. President, I rise today to introduce the Hunting Heritage Protection Act of 2007. I cannot stress how important this piece of legislation is to ensure that our Nation's rich hunting heritage is passed on to future generations. This legislation preserves and protects the rights and access to Federal public lands that are vitally important to the sportsmen and women of America.

I have been an avid outdoor sportsman for the better part of my adult life and I must say that the times I have spent hunting with my son or with friends have been some of the best times of my life. Recreational hunting provides numerous opportunities to spend time and share valuable experiences of some of life's lessons with children, family and friends.

It is hard to put a price tag on seeing the joy and excitement in a child's eyes during their first hunting experience. It is one of the reasons that I decided to introduce this legislation. I believe that recreational hunting should be an activity that everyone has the opportunity to experience.

One thing that all sportsmen and women have in common is that they are also conservationists. I, like my fellow hunters, understand that without wildlife conservation our Nation's rich hunting heritage will end with this generation. Sportsmen and women have continued to support sound wildlife management and conservation practices since the time of President Theodore Roosevelt who many consider to be the father of the conservation movement. Each year millions of hunters purchase licenses, permits, and stamps that contribute a significant amount of money to wildlife conservation. These hunters also contribute billions of dollars to the U.S. economy from other hunting related activities.

Hunting is a rural development activity. It is quite understandable how hunting provides an important supplement to the income of many farmers and ranchers, and even though this legislation pertains to Federal public lands many people overlook the related rural job opportunities that are created by hunting. These include guiding and increased hotel and restaurant activity to name just a few. As our rural population decreases and our urban/suburban increases, hunting is an activity that allows many families to stay connected to the land and in so doing; it creates economic activity for our rural areas.

Recognizing hunters for their role in conservation efforts throughout the U.S. is very important. The Hunting Heritage Protection Act not only recognizes hunters for their conservation efforts but it also requires that Federal public land and water are open to access and use for recreational hunting when and where hunting is appropriate. It is important to note that this bill does not open all Federal public land to hunting.

Another crucial piece of this legislation is that it creates a policy that requires Federal government agencies to manage Federal public land under their jurisdiction in a manner that supports, promotes, and enhances recreational hunting opportunities.

As I mentioned before, sportsmen and women have contributed greatly to wildlife conservation over the years and it is important that Congress acknowledge this contribution by ensuring that the amount of Federal public land open to recreational hunting does not decrease. That is why this legislation requires that actions related to the management of Federal public lands should result in a "no net loss" of land area available for recreational hunting.

It is vitally important that we, as Members of the Senate, do all we can to protect and preserve the tradition of hunting so that future generations will be able to experience this great outdoor recreational activity. I believe that the "Hunting Heritage Protection Act of 2007" meets these goals.

I want to encourage my colleagues on both sides of the aisle to join me in supporting and preserving our Nation's rich heritage of hunting by supporting this legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 408

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Hunting Heritage Protection Act".

SEC. 2. FINDINGS.

Congress finds that—

(1) recreational hunting is an important and traditional recreational activity in which 13,000,000 people in the United States 16 years of age and older participate;

(2) hunters have been and continue to be among the foremost supporters of sound wildlife management and conservation practices in the United States;

(3) persons who hunt and organizations relating to hunting provide direct assistance to wildlife managers and enforcement officers of the Federal Government and State and local governments;

(4) purchases of hunting licenses, permits, and stamps and excise taxes on goods used by hunters have generated billions of dollars for wildlife conservation, research, and management;

(5) recreational hunting is an essential component of effective wildlife management by—

(A) reducing conflicts between people and wildlife; and

(B) providing incentives for the conservation of—

(i) wildlife; and

(ii) habitats and ecosystems on which wildlife depend;

(6) each State has established at least 1 agency staffed by professionally trained wildlife management personnel that has legal authority to manage the wildlife in the State; and

(7) recreational hunting is an environmentally acceptable activity that occurs, and can be provided for, on Federal public land without adverse effects on other uses of the land.

SEC. 3. DEFINITIONS.

In this Act:

(1) AGENCY HEAD.—The term "agency head" means the head of any Federal agency that has authority to manage a natural resource or Federal public land on which a natural resource depends.

(2) FEDERAL PUBLIC LAND.—

(A) IN GENERAL.—The term "Federal public land" means any land or water that is—

(i) publicly accessible;

(ii) owned by the United States; and

(iii) managed by an executive agency for purposes that include the conservation of natural resources.

(B) EXCLUSION.—The term "Federal public land" does not include any land held in trust for the benefit of an Indian tribe or member of an Indian tribe.

(3) HUNTING.—The term "hunting" means the lawful—

(A) pursuit, trapping, shooting, capture, collection, or killing of wildlife; or

(B) attempt to pursue, trap, shoot, capture, collect, or kill wildlife.

SEC. 4. RECREATIONAL HUNTING.

(a) IN GENERAL.—Subject to valid existing rights, Federal public land shall be open to access and use for recreational hunting except as limited by—

(1) the agency head with jurisdiction over the Federal public land—

(A) for reasons of national security;

(B) for reasons of public safety; or

(C) for any other reasons for closure authorized by applicable Federal law; and

(2) any law (including regulations) of the State in which the Federal public land is located that is applicable to recreational hunting.

(b) MANAGEMENT.—Consistent with subsection (a), to the extent authorized under State law (including regulations), and in accordance with applicable Federal law (including regulations), each agency head shall manage Federal public land under the jurisdiction of the agency head in a manner that supports, promotes, and enhances recreational hunting opportunities.

(c) NO NET LOSS.—

(1) IN GENERAL.—Federal public land management decisions and actions should, to the maximum extent practicable, result in no net loss of land area available for hunting opportunities on Federal public land.

(2) ANNUAL REPORT.—Not later than October 1 of each year, each agency head with authority to manage Federal public land on which recreational hunting occurs shall submit to the Committee on Agriculture, Nutrition, and Forestry and the Committee on Energy and Natural Resources of the Senate and the Committee on Agriculture and the Committee on Natural Resources of the House of Representatives a report that describes—

(A)(i) any Federal public land administered by the agency head that was closed to recreational hunting at any time during the preceding year; and

(ii) the reason for the closure; and

(B) areas administered by the agency head that were opened to recreational hunting to compensate for the closure of the areas described in subparagraph (A)(i).

(3) CLOSURES OF 5,000 OR MORE ACRES.—The withdrawal, change of classification, or change of management status that effectively closes 5,000 or more acres of Federal public land to access or use for recreational hunting shall take effect only if, before the date of withdrawal or change, the agency head that has jurisdiction over the Federal public land submits to the Committee on Agriculture, Nutrition, and Forestry and the Committee on Energy and Natural Resources of the Senate and the Committee on Agriculture and the Committee on Natural Resources of the House of Representatives written notice of the withdrawal or change.

(d) AREAS NOT AFFECTED.—Nothing in this Act compels the opening to recreational hunting of national parks or national monuments under the jurisdiction of the Secretary of the Interior.

(e) NO PRIORITY.—Nothing in this Act requires a Federal agency to give preference to hunting over other uses of Federal public land or over land or water management priorities established by Federal law.

(f) AUTHORITY OF THE STATES.—

(1) SAVINGS.—Nothing in this Act affects the authority, jurisdiction, or responsibility of a State to manage, control, or regulate fish and wildlife under State law (including regulations) on land or water in the State, including Federal public land.

(2) FEDERAL LICENSES.—Nothing in this Act authorizes an agency head to require a license or permit to hunt, fish, or trap on land or water in a State, including on Federal public land in the State.

(3) STATE RIGHT OF ACTION.—

(A) IN GENERAL.—Any State aggrieved by the failure of an agency head or employee to comply with this Act may bring a civil action in the United States District Court for the district in which the failure occurs for a permanent injunction.

(B) PRELIMINARY INJUNCTION.—If the district court determines, based on the facts, that a preliminary injunction is appropriate, the district court may grant a preliminary injunction.

(C) COURT COSTS.—If the district court issues an injunction under this paragraph or otherwise finds in favor of the State, the district court shall award to the State any reasonable costs of bringing the civil action (including an attorney's fee).

By Mr. CONRAD (for himself and Mr. DORGAN):

S. 409. A bill to provide environmental assistance to non-Federal interests in the State of North Dakota; to the Committee on Environment and Public Works.

Mr. CONRAD. Mr. President, today I am introducing the Water Infrastructure Revitalization Act, which authorizes $60 million through the U.S. Army Corps of Engineers to assist communities in North Dakota with water supply and treatment projects.

Imagine if you went to turn on your kitchen faucet one day and no water came out. This scenario became true for thousands in the communities of Fort Yates, Cannonball, and Porcupine just days before Thanksgiving in 2003. The loss of drinking water forced the closure of schools, the hospital and tribal offices for days. About 170 miles upstream, the community of Parshall faces similar water supply challenges as the water level on Lake Sakakawea continues to drop, leaving its intake high and dry. These and other communities in the State have faced significant expenditures in extending their intakes to ensure a continued supply of water. In addition, the city of Mandan faces the prospect of constructing a new horizontal well intake because changes in sediment load and flow as a result of the backwater effects of the Oahe Reservoir have caused significant siltation problems that restrict flow into the intake. These examples barely scratch the surface of the problems faced by many North Dakota communities in maintaining a safe, reliable water supply.

Since 1999, the Corps of Engineers has been authorized to design and construct water-related infrastructure projects in several different States including Wisconsin, Minnesota and Montana. The State of North Dakota confronts water infrastructure challenges that are just as difficult as those in these other States. In fact, many of these challenges are caused directly by the Corps of Engineers's operations of the Missouri River dams. As a result, it is only appropriate that the Corps be part of the solution to North Dakota's water needs.

The Water Infrastructure Revitalization Act would provide important supplemental funding to assist North Dakota communities with water-related infrastructure repairs. Under the act, communities could use the funding for wastewater treatment, water supply facilities, environmental restoration and surface water resource protection. Projects would be cost shared, with 75 percent Federal funding and 25 percent non-Federal in most instances. However, the bill reduces the financial burden on local communities if necessary to ensure that water rates do not exceed the national affordability criteria developed by the Environmental Protection Agency.

This bill is not intended to compete with or take away funds for the construction of rural water projects under the Dakota Water Resources Act. Instead, it is meant to provide important supplemental funding for communities that are not able to receive funding from the Dakota Water Resources Act. It is my hope that this authorization will be included as part of the Water Resources Development Act.

I ask my colleagues to support this legislation to address an important issue in North Dakota.

By Mr. CONRAD (for himself and Mr. DORGAN):

S. 410. A bill to amend the Water Resources Development Act of 1999 to direct the Secretary of the Army to provide assistance to design and construct a project to provide a continued safe and reliable municipal water supply system for Devils Lake, North Dakota; to the Committee on Environment and Public Works.

Mr. CONRAD. Mr. President, today I am introducing legislation to authorize the U.S. Army Corps of Engineers to construct a new municipal water supply system for the city of Devils Lake, ND. This project is very important to the reliability of the water supply for the residents of Devils Lake and is needed to mitigate long-term consequences from the rising flood waters of Devils Lake.

As many of my colleagues know, the Devils Lake region has been plagued by a flooding disaster since 1993. During that time, Devils Lake, a closed basin lake, has risen more than 25 feet, consuming land, destroying homes, and impacting vital infrastructure. As a result of this disaster, the city of Devils Lake faces a significant risk of losing its water supply. Currently, 6 miles or approximately one-third of the city's 40-year-old water transmission line is covered by the rising waters of Devils Lake. The submerged section of the water line includes numerous gate valves, air relief valves, and blow-off discharges.

All of the water for the city's residents and businesses must flow through this single transmission line. It is also the only link between the water source and the city's water distribution system. Since the transmission line is operated under relatively low pressures and is under considerable depths of water, a minor leak could cause significant problems. If a failure in the line were to occur, it would be almost impossible to identify the leak and make necessary repairs, and the city would be left without a water supply.

The city is in the process of accessing a new water source due both to the threat of a transmission line failure and the fact that its current water source exceeds the new arsenic standard. The city has worked closely with the North Dakota State Water Commission in identifying a new water source that will not be affected by the rising flood waters and will provide the city with adequate water to meet its current and future needs.

The bill will authorize the Corps to construct a new water supply system for the city. Mr. President, I believe the Federal Government has a responsibility to address the unintended consequences of this flood and mitigate its long-term consequences. This bill will help the Federal Government live up to its responsibility and ensure that the residents of Devils Lake have a safe and reliable water supply. It is my hope that this authorization will be included as part of the Water Resources Development Act.

I ask my colleagues to support this legislation to address an important issue for the city of Devils Lake.

By Mr. SMITH:

S. 411. A bill to amend the Internal Revenue Code of 1986 to provide credit rate parity for all renewable resources under the electricity production credit; to the Committee on Finance.

Mr. SMITH. Mr. President, today I am introducing legislation that will bring parity to all renewable energy facilities that qualify for the production tax credit under section 45 of the Internal Revenue Code.

I have been a long-time supporter of the production tax credit. There are significant wind facilities in Oregon, where we have over 335 megawatts of installed wind capacity. These facilities provide clean energy as well as important revenues to farmers and rural counties in Eastern Oregon.

Currently, however, some eligible renewable facilities get only half the per-kilowatt credit that other types of facilities receive. My goal here is to level the playing field for all eligible renewables without reducing the credit any facility currently receives. Therefore, my bill provides that all eligible facilities would receive the higher credit amount for each kilowatt of electricity produced.

I believe that this bill will help to provide the necessary incentives to diversify our renewable energy resources. It will also eliminate the competitive disadvantage that certain types of renewables currently face. Utilities have little incentive to select renewables that qualify for the lower credit rate when buying green power. The eligible facilities that receive the lower rate include open-loop biomass, incremental hydropower, and small irrigation systems, all of which are important energy sources that could help meet the growing demand for electricity in my State of Oregon and in many other parts of the country.

I urge my colleagues to join me in increasing the credit rate for eligible renewables, and fostering the development and deployment of these important facilities.

By Mr. DURBIN (for himself and Mr. OBAMA):

S. 412. A bill to designate the facility of the United States Postal Service located at 2633 11th Street in Rock Island, Illinois, as the "Lane Evans Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

Mr. DURBIN. Mr. President, today I am pleased to introduce legislation to designate the U.S. Post Office at 2633 11th Street in Rock Island, IL, as the "Lane Evans Post Office Building."

For over 20 years, Lane Evans has been my closest friend in the Illinois congressional delegation. We came to the House of Representatives together and he proved to be an indomitable force. Time and again, Lane Evans showed extraordinary political courage fighting for the values that brought him to public service. But his greatest show of courage has been over the last 10 years as he battled Parkinson's disease and those who tried to exploit his physical weakness. His dignity and perseverance in the face of this relentless and cruel disease is an inspiration to everyone who knows Lane Evans.

I am pleased to offer this legislation to permanently and publicly recognize Lane Evans and his service to his congressional district, our State of Illinois, and the entire United States by naming the Rock Island Post Office in his honor. It would be a most appropriate way for us to express our appreciation to Congressman Evans and to commemorate his public life and work.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 412

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. LANE EVANS POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 2633 11th Street in Rock Island, Illinois, shall be known and designated as the "Lane Evans Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Lane Evans Post Office Building".

By Ms. MIKULSKI:

S. 414. A bill to amend the Federal Food, Drug, and Cosmetic Act and the Federal Meat Inspection Act to require that food that contains product from a cloned animal be labeled accordingly, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Ms. MIKULSKI. Mr. President, I rise today to introduce a bill to require the Government to label any food that comes from a cloned animal.

I am strongly opposed to the FDA approving meat and milk products from cloned animals. No one needs cloned milk and meat. Most Americans actively oppose it.

But the Food and Drug Administration has decided that food from cloned animals is safe to eat. And, since they have decided this is "safe," they will not require that it be labeled as coming from a cloned animal.

The American people don't want this. Gallup Polls report over 65 percent of Americans think it is immoral to clone animals and the Pew Initiative on Food and Biotechnology found that a similar percentage say that, despite FDA approval, they won't buy cloned milk.

The National Academies of Science reported that so far, studies show no problems with food from cloned animals but they also admit that this is brand new science. What about the possibility of unintended consequences a few years from now? They cautioned the Federal Government to monitor for potential health effects and urged diligent post-market surveillance.

So even if we agreed the science appears safe, we need to follow it closely. But, once the FDA determines this is safe they said they will allow the food to enter the market unidentified, unlabeled, unbeknownst to all of us and completely indistinguishable from all other food. We won't be able to tell which foods were made the good old fashioned way and which came from a cloned animal

Must we be compelled to eat anything a scientist can produce in the laboratory? Just because they can make it, should Americans be required to eat it? Of course not. The public deserves to know if their food comes from a cloned animal.

To help the American public make an informed decision on this, today I will introduce a bill to require all food that comes from a cloned animal to be labeled. This legislation will require the Food and Drug Administration and the Department of Agriculture to label all food that comes from a cloned animal or their offspring. We need to know and we must be able to decide for ourselves. And I mean all food—not just the packages we buy in the supermarket but the meals we choose from a menu.

The FDA has a responsibility to guarantee the safety of our food. Though many aspects of food safety are beyond their control—this is not. We do not know enough about the long term effects of introducing cloned animals, or their offspring, into our food supply to guarantee this is safe. Is this decision to allow cloned animals into our food supply influenced by factors other than keeping the public safe? Are they allowing an eager industry to force a questionably scientific process on an unknowing public?

We simply don't have the same trust in the FDA as we once had. Recently the Wall Street Journal found that over half of Americans feel the FDA does not do a good job keeping our drug supply safe. We want to trust them with the safety of our food supply but what if they are wrong?

What if the FDA has made a mistake and finds out a few years from now that there was a problem with this. If we do not keep track of it from the very beginning—by clear and dependable labeling—we could contaminate our entire food supply. If the food is not properly labeled we can't remove it from the shelves like we did with problematic drugs such as Vioxx and Celebrex. We must be proactive. We must label these foods.

I reject the notion that the FDA or anyone else should force Americans to accept and consume any product that can be manufactured in a lab—no matter how offensive the product is. We need to insist that the FDA treat the public fairly. If cloned food is safe, let it onto the market, but give consumers the information they need to avoid these products. We need to let Americans speak with their dollars and choose the food they have confidence is safe.

AMENDMENTS SUBMITTED AND PROPOSED

SA 209. Mr. KYL submitted an amendment intended to be proposed to amendment SA

100 proposed by Mr. REID (for Mr. BAUCUS) to the bill H.R. 2, to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage.

SA 210. Mr. KYL submitted an amendment intended to be proposed to amendment SA 100 proposed by Mr. REID (for Mr. BAUCUS) to the bill H.R. 2, supra.

SA 211. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 100 proposed by Mr. REID (for Mr. BAUCUS) to the bill H.R. 2, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 209. Mr. KYL submitted an amendment intended to be proposed to amendment SA 100 proposed by Mr. REID (for Mr. BAUCUS) to the bill H.R. 2, to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage; as follows:

On page 4, line 8, strike "2011" and insert "2013".

SA 210. Mr. KYL submitted an amendment intended to be proposed to amendment SA 100 proposed by Mr. REID (for Mr. BAUCUS) to the bill H.R. 2, to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage; as follows:

On page 4, strike lines 4 through 8 and insert the following:

SEC. 201. PERMANENT EXTENSION OF INCREASED EXPENSING FOR SMALL BUSINESSES.

Section 179 (relating to election to expense certain depreciable business assets) is amended by striking "and before 2010" each place it appears.

On page 4, strike lines 18 through 24 and insert the following:

(1) PERMANENT EXTENSION OF LEASEHOLD IMPROVEMENTS.—

(A) IN GENERAL.—Section 168(e)(3)(E)(iv) is amended by striking "placed in service before January 1, 2008".

(B) EFFECTIVE DATE.—The amendment made by this paragraph shall apply to property placed in service after December 31, 2007.

On page 4, after line 24 add insert the following:

(2) PERMANENT EXTENSION OF RESTAURANT IMPROVEMENTS.—

(A) IN GENERAL.—Section 168(e)(3)(E)(v) is amended by striking "placed in service before January 1, 2008".

(B) EFFECTIVE DATE.—The amendment made by this paragraph shall apply to property placed in service after December 31, 2007.

On page 6, strike lines 4 through 6 and insert the following:

"(ix) any qualified retail improvement property.".

On page 12, strike lines 19 through 21 and insert the following:

(a) PERMANENT EXTENSION OF COMBINED WORK OPPORTUNITY CREDIT AND WELFARE-TO-WORK CREDIT.—Section 51(c) is amended by striking paragraph (4).

SA 211. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 100 proposed by Mr. REID (for Mr. BAUCUS) to the bill H.R. 2, to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage; as follows:

At the end of section 102 of the amendment, add the following:

(c) APPLICABILITY TO AMERICAN SAMOA.—Notwithstanding sections 5, 6(a)(3), 8, 10, and 13(e) of the Fair Labor Standards Act of 1938 (29 U.S.C. 205, 206(a)(3), 208, 210, 213(e)), subsections (a) and (b) of this section shall apply to American Samoa in the same manner as such subsections apply to the Commonwealth of the Northern Mariana Islands.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON STRATEGIC FORCES

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Subcommittee on Strategic Forces be authorized to meet during the session of the Senate on Friday, January 26, 2007, at 9 a.m., in closed session to receive a briefing on recent Chinese anti-satellite testing.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. HARKIN. Mr. President, I ask unanimous consent that Erin Bergman of my staff be granted the privilege of the floor for the duration of today's session.

The PRESIDING OFFICER. Without objection, it is so ordered.

DISCHARGE AND REFERRAL—S. 172

Mr. REID. Mr. President, I ask unanimous consent that the Banking Committee be discharged from further consideration of S. 172 and that the bill be referred to the Committee on Foreign Relations.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL STALKING AWARENESS MONTH

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to Calendar No. 14, S. Res. 24.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 24) designating January 2007 as National Stalking Awareness Month.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD, without further intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 24) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 24

Whereas an estimated 1,006,970 women and 370,990 men are stalked annually in the United States and, in the majority of such cases, the person is stalked by someone who is not a stranger;

Whereas 81 percent of women who are stalked by an intimate partner are also physically assaulted by that partner, and 76 percent of women who are killed by an intimate partner were also stalked by that intimate partner;

Whereas 26 percent of stalking victims lose time from work as a result of their victimization, and 7 percent never return to work;

Whereas stalking victims are forced to take drastic measures to protect themselves, such as relocating, changing their addresses, changing their identities, changing jobs, and obtaining protection orders;

Whereas stalking is a crime that cuts across race, culture, gender, age, sexual orientation, physical and mental ability, and economic status;

Whereas stalking is a crime under Federal law and under the laws of all 50 States and the District of Columbia;

Whereas rapid advancements in technology have made cyber-surveillance the new frontier in stalking;

Whereas there are national organizations, local victim service organizations, prosecutors' offices, and police departments that stand ready to assist stalking victims and who are working diligently to craft competent, thorough, and innovative responses to stalking; and

Whereas there is a need to enhance the criminal justice system's response to stalking, including through aggressive investigation and prosecution: Now, therefore, be it

Resolved, That—

(1) the Senate designates January 2007 as "National Stalking Awareness Month";

(2) it is the sense of the Senate that—

(A) National Stalking Awareness Month provides an opportunity to educate the people of the United States about stalking;

(B) the people of the United States should applaud the efforts of the many victim service providers, such as police, prosecutors, national and community organizations, and private sector supporters, for their efforts in promoting awareness about stalking; and

(C) policymakers, criminal justice officials, victim service and human service agencies, nonprofit organizations, and others should recognize the need to increase awareness of stalking and availability of services for stalking victims; and

(3) the Senate urges national and community organizations, businesses, and the media to promote, through observation of National Stalking Awareness Month, awareness of the crime of stalking.

RECOGNIZING THE UNCOMMON VALOR OF WESLEY AUTREY OF NEW YORK, NEW YORK

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to Calendar No. 13, S. Res. 21.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 21) recognizing the uncommon valor of Wesley Autrey of New York, New York.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 21) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 21

Whereas Wesley Autrey is a citizen of New York, New York;

Whereas Wesley Autrey is a veteran of the United States Navy;

Whereas Wesley Autrey has been a member in good standing of the Construction and General Building Laborers' Local 79 since 1996;

Whereas Wesley Autrey witnessed a fellow subway passenger suffer from a seizure and fall onto the train tracks;

Whereas Wesley Autrey was compelled by his belief that he should "do the right thing" and serve as an example to his 2 young daughters;

Whereas Wesley Autrey demonstrated uncommon valor and tremendous bravery in diving onto the train tracks to save the life of his fellow subway passenger only moments before an incoming train passed over them;

Whereas the beneficiary of Wesley Autrey's courageous actions is now recovering at St. Luke's Roosevelt Hospital Center, New York;

Whereas Wesley Autrey has conducted himself with the utmost humility in the midst of his newfound fame; and

Whereas Wesley Autrey stands out as an example of selflessness to members of his community, his State, and the Nation: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes that Wesley Autrey acted heroically by putting his own life at risk to save that of his fellow citizen; and

(2) expresses its deep appreciation for Wesley Autrey's example and the values that his actions represent.

MARTIN LUTHER KING, JR. DAY LESSONS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 15, S. Res. 29.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 29) expressing the sense of the Senate regarding Martin Luther King, Jr. Day and the many lessons still to be learned from Dr. King's example of nonviolence, courage, compassion, dignity, and public service.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD, without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 29) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 29

Whereas Reverend Doctor Martin Luther King, Jr. dedicated his life to securing the Nation's fundamental principles of liberty and justice for all citizens;

Whereas Dr. King was the leading civil rights advocate of his time, spearheading the civil rights movement in the United States during the 1950s and 1960s, and earned worldwide recognition as an eloquent and articulate spokesperson for equality;

Whereas in the face of hatred and violence, Dr. King preached a doctrine of nonviolence and civil disobedience to combat segregation, discrimination, and racial injustice, and believed that each person has the moral capacity to care for other people;

Whereas Dr. King awakened the conscience and consciousness of the Nation and used his message of hope to bring people together to build the Beloved Community—a community of justice, at peace with itself;

Whereas Dr. King was born on January 15, 1929, and attended segregated public schools in Georgia;

Whereas Dr. King began attending Morehouse College in Atlanta, Georgia at the age of 15, and received a B.A. degree in 1948 from Morehouse College, following in the footsteps of both his father and grandfather;

Whereas Dr. King received his B.D. in 1951 from Crozer Theological Seminary in Pennsylvania and his Ph.D. in theology in 1955 from Boston University;

Whereas in Boston Dr. King met Coretta Scott, his life partner and fellow civil rights activist, and they married on June 18, 1953, and had 2 sons and 2 daughters;

Whereas Dr. King was ordained in the Christian ministry in February 1948 at the age of 19 at Ebenezer Baptist Church, in Atlanta, Georgia, and became Assistant Pastor of Ebenezer Baptist Church;

Whereas, in 1954, Dr. King accepted the call of Dexter Avenue Baptist Church in Montgomery, Alabama, and was pastor there until November 1959, when he resigned to move back to Atlanta to lead the Southern Christian Leadership Conference;

Whereas from 1960 until his death in 1968, Dr. King was again a pastor at Ebenezer Baptist Church, along with his father;

Whereas between 1957 and 1968, Dr. King traveled over 6,000,000 miles, spoke over 2,500 times, and wrote 5 books and numerous articles, supporting efforts around the Nation to end injustice and bring about social change and desegregation;

Whereas Dr. King led the Montgomery bus boycott for 381 days to protest the arrest of Mrs. Rosa Parks and the segregation of the bus system of Montgomery, Alabama, in the first great nonviolent civil rights demonstration of contemporary times in the United States;

Whereas during the boycott, Dr. King was arrested and his home was bombed, yet he responded with nonviolence and courage in the face of hatred;

Whereas, on November 13, 1956, the Supreme Court of the United States declared the laws requiring segregation in Montgomery's bus system to be unconstitutional, leading to the end of the bus boycott on December 21, 1956;

Whereas Dr. King led the March on Washington, D.C. on August 28, 1963, the largest rally of the civil rights movement;

Whereas during that march, Dr. King delivered his famous "I Have A Dream" speech from the steps of the Lincoln Memorial and before a crowd of over 200,000 people;

Whereas Dr. King's "I Have A Dream" speech is one of the classic orations in United States history;

Whereas Dr. King was a champion of nonviolence, fervently advocating nonviolent resistance as the strategy to end segregation and racial discrimination in the United States;

Whereas Dr. King was awarded the 1964 Nobel Peace Prize in recognition for his efforts, and, at the age of 35, was the youngest man to receive the Nobel Peace Prize;

Whereas through his work and reliance on nonviolent protest, Dr. King was instrumental in the passage of the Civil Rights Act of 1964 and the Voting Rights Act of 1965;

Whereas the work of Dr. King created a basis of understanding and respect and helped communities, and the Nation as a whole, to act cooperatively and courageously to achieve tolerance, justice, and equality between people;

Whereas, on the evening of April 4, 1968, Dr. King was assassinated while standing on the balcony of his motel room in Memphis, Tennessee, where he was to lead sanitation workers in protest against low wages and intolerable working conditions;

Whereas in 1968 Representative John Conyers first introduced legislation to establish a national holiday honoring Dr. King;

Whereas Coretta Scott King led a massive campaign to establish Dr. King's birthday as a national holiday;

Whereas in 1983 Congress passed and President Ronald Reagan signed legislation establishing Martin Luther King, Jr. Day;

Whereas in 2007 Martin Luther King, Jr. Day is celebrated in more than 100 countries;

Whereas in remembering Dr. King we also honor his wife and indispensable partner, Coretta Scott King, a woman of quiet courage and great dignity who marched alongside her husband and became an international advocate for peace and human rights;

Whereas Mrs. King, who had been actively engaged in the civil rights movement as a politically and socially conscious young woman, continued after her husband's death to lead the Nation toward greater justice and equality for all, traveling the world advocating for racial and economic justice, peace and nonviolence, women's and children's rights, gay rights, religious freedom, full employment, health care, and education until her death on January 30, 2006;

Whereas the values of faith, compassion, courage, truth, justice, and nonviolence that guided Dr. and Mrs. King's dream for the United States will be celebrated and preserved by the Martin Luther King, Jr. National Memorial on the National Mall near the Jefferson Memorial and in the new National Museum of African American History and Culture that will be located near the Lincoln Memorial;

Whereas Dr. King's actions and leadership made the United States a better place and the people of the United States a better people;

Whereas the people of the United States should commemorate the legacy of Dr. King, so "that one day this nation will rise up and live out the true meaning of its creed: 'We hold these truths to be self-evident: that all men are created equal' "; and

Whereas Dr. King's voice is silenced today, but on the national holiday honoring Dr. King and throughout the year, the people of the United States should remember his message, recommit to his goal of a free and just nation, and consider each person's responsibility to other people: Now, therefore, be it

Resolved, That the Senate—

(1) observes and celebrates the national holiday honoring Reverend Doctor Martin Luther King, Jr.;

(2) honors Dr. King's example of nonviolence, courage, compassion, dignity, and public service;

(3) pledges to advance the legacy of the Dr. King; and

(4) encourages the people of the United States to celebrate—

(A) the national holiday honoring Dr. King; and

(B) the life and legacy of Dr. King.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations: Calendar Nos. 2 through 5 and all nominations placed on the Secretary's desk; that the nominations be confirmed, the motions to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

IN THE ARMY

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. H. Steven Blum, 9926

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. Karl W. Eikenberry, 5197

The following named officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C. section 12203:

To be major general

Brig. Gen. George J. Smith, 7542

IN THE MARINE CORPS

The following named officers for appointment in the United States Marine Corps Reserve to the grade indicated under title 10, U.S.C. section 12203:

To be major general

Brig. Gen. Eugene G. Payne, Jr., 7528

Brig. Gen. Douglas M. Stone, 0227

NOMINATIONS PLACED ON THE SECRETARY'S DESK

AIR FORCE nomination of Wally G. Vaughn, which was received by the Senate and appeared in the Congressional Record of January 10, 2007.

PN117 AIR FORCE nomination of James E. Powell, which was received by the Senate and appeared in the Congressional Record of January 10, 2007.

PN118 AIR FORCE nomination of Jean M. Eagleton, which was received by the Senate and appeared in the Congressional Record of January 10, 2007.

PN119 AIR FORCE nomination of Jeffrey R. Colpitts, which was received by the Senate and appeared in the Congressional Record of January 10, 2007.

PN127 AIR FORCE nominations (8) beginning GAYANNE DEVRY, and ending NEIL R. WHITTAKER, which nominations were received by the Senate appeared in the Congressional Record of January 10, 2007.

PN152 AIR FORCE nomination of Laura S. Barchick, which was received by the Senate and appeared in the Congressional Record of January 11, 2007.

PN153 AIR FORCE nominations (2) beginning PAUL T. CORY, and ending ROD L. VALENTINE, which nominations were received by the Senate and appeared in the Congressional Record of January 11, 2007.

PN154 AIR FORCE nominations (2) beginning BEATRICE Y. BREWINGTON, and ending DEIRDRE M. MCCULLOUGH, which nominations were received by the Senate and appeared in the Congressional Record of January 11, 2007.

PN155 AIR FORCE nomination of Anthony M. Durso, which was received by the Senate and appeared in the Congressional Record of January 11, 2007.

PN156 AIR FORCE nomination of William L. Tomson, which was received by the Senate and appeared in the Congressional Record of January 11, 2007.

PN157 AIR FORCE nominations (6) beginning STEVEN H. HELM, and ending DONALD C. TIGCHELAAR, which nominations were received by the Senate and appeared in the Congressional Record of January 11, 2007.

PN158 AIR FORCE nominations (4) beginning ROBERT E. DUNN, and ending WALTER L. SMITH, which nominations were received by the Senate and appeared in the Congressional Record of January 11, 2007.

PN159 AIR FORCE nominations (6) beginning RICARDO E. ALIVILLAR, and ending MEHDY ZARANDY, which nominations were received by the Senate and appeared in the Congressional Record of January 11, 2007.

PN160 AIR FORCE nominations (7) beginning ROBERT R. BAPTIST, and ending CHRISTOPHER H. WILKIN, which nominations were received by the Senate and appeared in the Congressional Record of January 11, 2007.

PN161 AIR FORCE nominations (246) beginning ROBIN MARK ADAM, and ending RANDALL J. ZAK, which nominations were received by the Senate and appeared in the Congressional Record of January 11, 2007.

PN162 AIR FORCE nominations (32) beginning SHARON A. ANDREWS, and ending DONNA M. F. WOIKE, which nominations were received by the Senate and appeared in the Congressional Record of January 11, 2007.

PN163 AIR FORCE nominations (19) beginning MICHAEL P. ADLER, and ending BERT A SILICH, which nominations were received by the Senate and appeared in the Congressional Record of January 11, 2007.

PN164 AIR FORCE nominations (12) beginning MARK HUGH ALEXANDER, and ending MARGARET D. WEATHERMAN, which nominations were received by the Senate and appeared in the Congressional Record of January 11, 2007.

PN165 AIR FORCE nominations (10) beginning LUISA YVETTE CHARBONNEAU, and ending SEFERINO S. SILVA JR., which nominations were received by the Senate and appeared in the Congressional Record of January 11, 2007.

PN168 AIR FORCE nominations (108) beginning MAIYA D. ANDERSON, and ending JEFFREY L. WISNESKI, which nominations were received by the Senate and appeared in the Congressional Record of January 11, 2007.

PN173 AIR FORCE nominations (14) beginning CHRISTINE LYNN BARBER, and ending CHUNG R. YEN, which nominations were received by the Senate and appeared in the Congressional Record of January 11, 2007.

IN THE ARMY

PN120 ARMY nominations (3) beginning STEPHEN D. HOGAN, and ending PHILLIP H. WILLIAMS, which nominations were received by the Senate and appeared in the Congressional Record of January 10, 2007.

PN121 ARMY nomination of Laurence W. Gebler, which was received by the Senate and appeared in the Congressional Record of January 10, 2007.

PN122 ARMY nomination of John E. Markham, which was received by the Senate and appeared in the Congressional Record of January 10, 2007.

PN123 ARMY nominations (3) beginning ARIEL P. ABUEL, and ending SCOTT C. SHELTZ, which nominations were received by the Senate and appeared in the Congressional Record of January 10, 2007.

PN124 ARMY nomination of David W. Laflam, which was received by the Senate and appeared in the Congressional Record of January 10, 2007.

PN125 ARMY nomination of Thomas P. Flynn, which was received by the Senate and appeared in the Congressional Record of January 10, 2007.

PN126 ARMY nomination of Earl W. Shaffer, which was received by the Senate and appeared in the Congressional Record of January 10, 2007.

PN128 ARMY nomination of Orsure W. Stokes, which was received by the Senate and appeared in the Congressional Record of January 10, 2007.

PN129 ARMY nomination of Alvis Dunson, which was received by the Senate and appeared in the Congressional Record of January 10, 2007.

PN130 ARMY nominations (4) beginning JEFFREY W. WEISER, and ending LEONARD J. GRADO, which nominations were received by the Senate and appeared in the Congressional Record of January 10, 2007.

PN131 ARMY nominations (3) beginning KURT G. BULLINGTON, and ending JASON M. CATES, which nominations were received by the Senate and appeared in the Congressional Record of January 10, 2007.

PN132 ARMY nominations (2) beginning ALTON J. LUDER JR., and ending DOUGLAS J. MOUTON, which nominations were received by the Senate and appeared in the Congressional Record of January 10, 2007.

PN133 ARMY nomination of Gary L. Brewer, which was received by the Senate and appeared in the Congressional Record of January 10, 2007.

PN134 ARMY nominations (2) beginning MICHAEL J. FINGER, and ending ROBERT T. RUIZ, which nominations were received by the Senate and appeared in the Congressional Record of January 10, 2007.

PN135 ARMY nomination of Philip Sundquist, which was received by the Senate and appeared in the Congressional Record of January 10, 2007.

PN136 ARMY nominations (2) beginning CARRIE G. BENTON, and ending CAROL A. MACGREGORDEBARBA, which nominations were received by the Senate and appeared in the Congressional Record of January 10, 2007.

PN137 ARMY nomination of Marivel Velazquezcrespo, which was received by the Senate and appeared in the Congressional Record of January 10, 2007.

PN138 ARMY nominations (4) beginning GRACE NORTHUP, and ending MARY L. SPRAGUE, which nominations were received by the Senate and appeared in the Congressional Record of January 10, 2007.

PN139 ARMY nominations (15) beginning FRANCIS M. BELUE, and ending CARL S. YOUNG JR., which nominations were received by the Senate and appeared in the Congressional Record of January 10, 2007.

PN140 ARMY nominations (398) beginning JAMES W. ADAMS, and ending X0393, which nominations were received by the Senate and appeared in the Congressional Record of January 10, 2007.

PN141 ARMY nominations (30) beginning EDWARD E. AGEE JR., and ending CEDRIC T. WINS, which nominations were received by the Senate and appeared in the Congressional Record of January 10, 2007.

PN142 ARMY nominations (30) beginning TIMOTHY K. BUENNEMEYER, and ending D060262, which nominations were received by the Senate and appeared in the Congressional Record of January 10, 2007.

PN143 ARMY nominations (62) beginning PHILIP K. ABBOTT, and ending JEFFREY S. WILTSE, which nominations were received by the Senate and appeared in the Congressional Record of January 10, 2007.

PN144 ARMY nominations (31) beginning CHERYL E. BOONE, and ending FRANCISCO A. VILA, which nominations were received by the Senate and appeared in the Congressional Record of January 10, 2007.

PN170 ARMY nomination of Thomas F. King, which was received by the Senate and appeared in the Congressional Record of January 11, 2007.

PN171 ARMY nomination of Mary P. Whitney, which was received by the Senate and appeared in the Congressional Record of January 11, 2007.

PN172 ARMY nominations (5) beginning JAMES W. HALIDAY, and ending DIMITRY Y. TSVETOV, which nominations were received by the Senate and appeared in the Congressional Record of January 11, 2007.

IN THE MARINE CORPS

PN190 MARINE CORPS nominations (8) beginning JAMES D. BARICH, and ending GORDON B. OVERY JR., which nominations were received by the Senate and appeared in the Congressional Record of January 16, 2007.

IN THE NAVY

PN145 NAVY nomination of Timothy M. Greene, which was received by the Senate and appeared in the Congressional Record of January 10, 2007.

PN146 NAVY nominations (19) beginning DAVID J. ADAMS, and ending CHIMI I. ZACOT, which nominations were received by the Senate and appeared in the Congressional Record of January 10, 2007.

PN174 NAVY nomination of Donald S. Hudson, which was received by the Senate and appeared in the Congressional Record of January 11, 2007.

PN175 NAVY nomination of Jeffrey N. Saville, which was received by the Senate and appeared in the Congressional Record of January 11, 2007.

PN176 NAVY nomination of Steven M. Dematteo, which was received by the Senate and appeared in the Congressional Record of January 11, 2007.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now resume legislative session.

ORDERS FOR MONDAY, JANUARY 29, 2007

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 2 p.m. January 29; that on Monday, following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that there then be a period of morning business until 3:30 p.m., with Senators permitted to speak for up to 10 minutes each, except that Senator DORGAN be recognized for up to 45 minutes and Senator SPECTER be recognized for up to 30 minutes; that at 3:30 p.m., the Senate resume H.R. 2 for debate only until 5 p.m.; at 4 p.m., Senator SESSIONS be recognized for up to 1 hour; that Members have until 3 p.m. today to file any first-degree amendments. Provided further that the live quorum under rule XXII with respect to cloture motions be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT

Mr. REID. I ask unanimous consent that following the remarks of Senators Burr and Harkin, the Senate stand adjourned under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from North Carolina.

MINIMUM WAGE AMENDMENT

Mr. BURR. Mr. President, on this brisk day in Washington, weatherwise, we have had a refreshing debate about minimum wage. I have listened to the majority leader say that those who have minimum wage amendments and would like to have votes are, in fact, against raising the minimum wage. I introduced my amendment yesterday. I highlighted the wonderful work of Senator KENNEDY and Senator ENZI, the managers of the bill, the fact that we were long overdue for a minimum wage increase, and that, as a Member of the Senate, I thought it was important we explore, as we do this, if we can make some changes that allow us to address other areas.

Now, I happen to be the Senator who offered the amendment—and I thank my colleagues Senator COBURN and Senator DEMINT who are cosponsors—who suggested this—that with the $2.10 increase we make in minimum wage, we allow an employer to determine if they want to provide that increase in wages or in health care benefits.

We have had a debate in this country for years, over the 13 years I have been here, about the uninsured population and what we need to do. Here is an opportunity to do something. Here is a real opportunity to give employers the incentive to provide to the most at-risk minimum wage workers a health care benefit that can be covered under the umbrella of health coverage that we, as Members of the Senate and those of us who work for the Federal Government, actually have that protects us.

All Americans should have access to quality and affordable health care. Under our current system, many get health care from their employer. Let's increase the number of Americans under that umbrella of coverage and take the opportunity, as we increase the minimum wage rate, to allow employers to be the ones to do it.

The majority leader has filed a cloture motion on S. 2. Let me explain exactly what that means. We are going to cut off the ability to offer amendments on anything non-germane. Anyone listening to the description of my amendment would have to say, clearly, that is germane. You will use the $2.10 increase in the minimum wage to allow employers to offer health care with that $2.10. Now, this is not a shot at the Parliamentarian of the Senate, but this amendment is not germane. In filing cloture without an agreement, we won't be allowed in the Senate to have a vote on my amendment. I can come here and sell the merits of my amendment to those across the country who listen to this and they will say—that makes a tremendous amount of sense. We want to extend health care to the uninsured. An excellent way to do that is to use the power of the employer. As an employer negotiated for the rest of his employees who may not be at the lower end of his pay scale, he can use the minimum wage workers in the group rate and access health insurance cheaper than they could as individuals.

But no, filing cloture means without an agreement the Senate is never going to have a vote on this. We will be denied the vote because this is non-germane.

I am not sure where this fits in that open process I heard described. As a matter of fact, we have actually filed cloture for a bill we have not even called up, a resolution on Iraq. I guess that means we will limit our debate on the war, too. Gee, that is a strange one to limit debate on.

Let me take the time I have today to talk about my amendment. Mr. President, $2.10; what is that on an annual basis for an individual at the lowest end of the income scale in America? It is $4,368. Some people will be opposed to the amendment even though they will not get an opportunity to vote on it because they will say that is not enough money. Let me show what it can buy.

Mr. President, $4,300 a year can buy health insurance, 100 percent for an individual. It can buy almost 50 percent of family coverage. This is the average as followed by the Kaiser Family Foundation of fee-for-service insurance:

$3,782. I might say that regionally, where you live in the United States dictates the cost of health insurance, but this is an average for the United States, fee-for-service, traditional health care coverage, $3,782; a preferred provider plan, $4,150; a POS plan, $3,914; and a health maintenance organization, $3,767.

The argument that you cannot provide health care with the $4,368 increase we are giving to a minimum wage worker clearly has been demonstrated by the Kaiser Foundation to be wrong. You cannot only provide it as an employer, you can pay 100 percent of it. A minimum wage worker would not have to put a dime out of their pocket to have health care coverage that is equal to what a Member of the Senate has. But when you file cloture, when you limit debate, when you deny a vote, you have now denied every minimum wage worker in the country of having an opportunity for their employer to work on behalf of their group to extend the health care benefit to minimum wage workers: a 100-percent benefit.

The President and myself—I think we pay 25 percent of our insurance premium for health care, and that percentage certainly changes, depending on who you work for. But an employer assumes some percentage. Some employers pay 100 percent, but it is rare today. Here is an opportunity to give employers an incentive to provide 100 percent of the premium cost and still have money left over to provide to their employees.

I am sure there are people listening to this debate who are saying this is crazy. If we have 47 million uninsured in this country, how many of those might fall into this category? The reality is, it is almost 15 million Americans whose income is $25,000 or less.

The average minimum wage worker today makes a little over $10,000. The actual national poverty level is a little over $9,000. They are very close to it for a full 40 hours worth of work.

When we look at 47 million Americans, I am beginning to think we like that number more for the purposes of debate than as a target or a goal to solve.

I said at the beginning, I believe all Americans should have access to quality, affordable health care. My opposition only wants that access if the Government provides it instead of the private sector. That was the debate in Part D Medicare when we created the first ever drug benefit for seniors in this country. And there were two sides, those who said only the Federal Government can provide this and those who believed that the private sector could, in fact, negotiate prices—not just for the price of the drugs but through that, the premiums—where seniors could be afforded choices.

Today, the majority of Medicare-eligible individuals are signed up with the Part D prescription drug plan. Much to my amazement, for those who are incredibly pleased with their plan, the percentage is close to 100 percent because of their choices and those who want to assume more financial risk out of their pocket and pay a smaller premium can do it. Those who do not want to pay out of their pocket but want to pay a higher premium can do that. For every milestone we have seen in Part D, drug prices have reduced because we have injected competition, premium prices have reduced because we are now providing drugs to seniors who are actually taking them.

What does that do to our overall health care system? It means the more they are taking their medications, the less likely they are to visit the hospitals. Gee, I wonder if that is applicable to what we are talking about here? Why are health care costs going so high? Yes, we have a lot of new technology. That technology allows us to do things in a noninvasive way. Instead of cracking a chest open and doing a bypass on somebody's heart because maybe they ate the wrong things for 60 years, now we can go in through their leg, we can go up through their vein structure, we can put in a stent and we can open and eliminate the risk of a heart attack. The quality of life is better for them because the recovery is shorter. In some cases it can be done as an outpatient procedure. That $70,000 average cost of a heart bypass is reduced significantly and, consequently, with that, the overall health care system sees savings.

Imagine if we had not been doing that what the rise in health care costs would be. Part of health care inflation today—and I suggest it is a large part—is the cost shift that goes on. What is cost shift? The Presiding Officer and I have health insurance.

When we go in and access health care, the hospital, the doctor, the lab, and the pharmacist know they are going to get paid because we give them an insurance card. There is no question in their mind. They know exactly what their reimbursement is going to be. If a Medicare beneficiary at any point accesses health care, that doctor, that hospital, that lab knows exactly what the reimbursement is they are going to get from Medicare for the procedure they offer.

But when somebody goes into an emergency room who is uninsured and they do not pay: What happens to the cost of the procedure they got? It is real simple. It gets shifted to us. It gets shifted to everybody who has insurance. And to recover that, everybody's premium in the country goes up.

So as I stand here and talk about a very specific group, minimum wage workers in America, what everybody has to understand is what we do on this issue affects everybody's health care in America. It affects everybody's premium amount in America. It affects 25 percent of all Federal employees costs. If you want to drive some costs down in the Federal Government, it is easy: Let's do this because we will eliminate a significant part of the cost shifting that is going on in our health care system in this country.

Studies have shown in order to get individuals to purchase their own health insurance, tax incentives to individuals need to cover half or more of their health insurance premium. We are covering 100 percent of it. Many tax-based health care proposals to help the uninsured are criticized because they do not meet the threshold of covering half or more of an individual's health insurance premium. This is the first time I have ever been criticized because we offered 100 percent of the premium.

Now, why might other people object to this? Well, quite honestly, they might say the employees should get wages, not health care. Well, let me restate what I said at the beginning, so it is clear.

All Americans should have health coverage. Mr. President, 14.6 million Americans make less than $25,000 a year and are uninsured. So if we are wondering in that pot of 47 million what makes up some of them, here is 14.6 million of them right here. They make less than $25,000 a year, and we know for a fact they are uninsured.

Mr. President, $2.10 a day can buy basic health insurance for a minimum wage worker. On this chart is a breakdown of millions of uninsured by household income. You notice that close to the largest group is shown right here: $25,000 and below.

This amendment is like a laser beam on exactly where we can make a difference. You see, we are at a real crossroads in America. We have gotten used to the best health care delivery the world has ever seen. As a matter of fact, if we tried to import from another country—and I will not name one because I do not want to offend them—their health care system into our country, the American people would rebel. They would not wait. They would not accept half a loaf when they thought they deserved a whole loaf. That is how our system is.

So if we want to get a handle on this incredible cost of health care, we have to do two things. We have to provide coverage and we have to promote prevention and wellness.

You see, if we can teach people how to control disease, then the number of times they access health care is going to be less. That is pretty much common sense. The problem is if we cannot create a relationship between an individual and a health care professional, how in the world are we ever going to complete the educational process of what disease management is? How can we teach a diabetic that it is just as important to get exercise and to have a diet as it is to take their medication and check their blood sugar?

As a matter of fact, in Asheville, NC, we are in the 10th year of a project called the Asheville Project, where it has focused specifically on diabetes. This idea was clearly out of the box because the community decided, with a grant, they were going to reimburse pharmacists to counsel diabetes patients.

Think about that: A diabetes patient goes in. They are getting their medications filled. Now in Asheville, NC, and 10 other locations in the United States, that diabetes patient will sit down with the pharmacist, and the pharmacist will look through their drug regimen and make sure it is correct. They will make sure there is no interaction of different medications that they are currently taking. They will talk to them about exercise. They will give them suggestions if they are not getting exercise. They will check their progress if they are. They will talk to them about diet. They will actually weigh them. Maybe that is what we are scared of: If we do this, they will start weighing all of us.

The reality is in Asheville, NC, and these 10 other cities across the country, there is now data. It is not me. It is the data that proves they save $2,000 a year per diabetic because we now provide for every diabetic this intense relationship with a health care professional.

Now, what you have to understand is that in Asheville's case, and these other areas around the country, this is not the traditional entry point where we would choose to educate. This is quite creative. As a matter of fact, we have talked about it, and it has been rejected in this institution before, that we actually pay pharmacists to do part of the health care education. I hope it is something we will reexamine because I think there is tremendous merit to it. It has proven to be successful.

But what does it prove? It proves that if prevention and wellness are promoted, there are savings that are derived across the system, and those savings will drive down premium costs for every American.

Well, how do you get there? You get there by making sure every American is covered. Mr. President, 14.6 million—that is a real chunk of people whom we have an opportunity to affect whether they actually have health care coverage, whether they will actually have the education they need with a health care professional on disease management. It could be diabetes; it could be HIV/AIDS. There are a number of things that fall into the category.

But the reality is, if we miss this opportunity, we will continue to have 14 million people who will access health care in the emergency room on an as-needed basis, and the likelihood is, there will be an in-hospital patient with an average stay of over 3 days. And at the end of that stay, they probably will not have the money to pay for it, and, in fact, that will get cost shifted to everybody's insurance across the country. They do not want to do that; they just do not have the money to pay for it.

Well, here is an opportunity for them not to be put in a difficult situation. Here is an opportunity for an individual to have 100 percent of their insurance—let me go back to that. For an individual, $4,386, under a traditional PPO, POS, or HMO, pays 100 percent of their premium costs—better than we get as Senators—and for a family, $9,900, $11,000, $10,000—$10,000 is the average across the country, based upon the type of plan you choose. We could pay 50 percent of a family's health care premium if we allowed employers to use the $2.10 and to apply it to health care benefits versus wages.

One in five adults age 18 to 64 were uninsured in 2004—one in five adults. More than 54 percent of the uninsured are in families making 200 percent or less of the Federal poverty guideline. Again, that is $9,800 a year. Americans living in households with annual incomes below $25,000 have a higher incidence of no insurance. Mr. President, 24 percent were uninsured in 2004, compared to 15.7 percent of the total population. You see, this is not just the norm percentage who do not have insurance; this is almost double the national norm.

Now, why this bill? Why the way we chose to do it? Well, employers are the centerpiece of health care delivery in the United States today. They may not be in the future. I am anxious to have that debate. Personally, I believe a health policy should be like a 401(k) plan. You should be able to take that health policy with you regardless of where you go, that when you change employers, you should not have to lose insurance coverage with a given company and the structure of your plan. You should have the option to take that with you. So I am sure at some point this year we will have that debate.

Mr. President, 174 million workers and their dependents received health coverage through the workplace in 2004. So if you ask yourself, why am I offering this on the minimum wage bill? it is because 174 million Americans receive their health care coverage via their employer. We have this excellent opportunity right now, as we talk about increasing minimum wage, where we can provide the incentive.

I might add, I said the "option," that an employer have the option. I am not mandating that an employer has to offer health care. There is a lot of work that goes into a company providing health care for their employees. They have to meet with plans. They have to negotiate rates. They have to keep records. There are going to be some employers who do not provide health care as a benefit, and they may not provide it for their employees afterwards. But you also have a segment of America that is minimum wage workers where companies would like to find a way for those folks to stay with them versus to leave for a nickel-an-hour or a dime-an-hour increase by somebody else.

I can tell you, if you offer them 100 percent of their health care, then somebody is going to have to bid very high if, in fact, they are not providing health care, too.

Workers, and especially low-income workers, feel more comfortable with their employers negotiating health care benefits than going into the individual market and purchasing it themselves. Why? It is real simple. It is because an employer negotiates volume. When I walk in, they see one individual, and they know I must be uninsured, if I am in there to buy health care, and the likelihood is they are never going to pull that sheet out of the middle drawer that says "discounts." I will never receive a discount as an individual.

And oddly enough, in this country, I have to say—and this is wrong—the lower your income, the more the actuaries look at you and determine you are going to cost more. It is 100-percent wrong. And part of it is the structure of our model in this country: that we seldom promote wellness and prevention. I do not care where your income level is, if you provide those individuals with the tools they need, they are as healthy as the person next to them. What these folks do not have, because they do not have coverage, is they have no relationship with a health care professional. And that health care professional could be a primary care doctor; it could be a nurse; it could be a hospital; it could be a community health center; it could be a rural health clinic. And in the case of Asheville, NC, it could be a pharmacist in a very targeted program.

More than 8 out of 10 of the uninsured are in working families. I am not talking about isolated individuals. I am picking these folks and not suggesting that we are doing something that just affects individuals. These are families. That is why when I talk about the family piece, think about a family that has never had health insurance for their children. Think about when they go in and their employer says: You know, we have this new requirement that we have to raise the minimum wage $2.10. But I will offer you 50 percent of your health care premium for your entire family, your wife and your children. It is going to be in place until your children get out of college. Maybe that will give them an incentive to encourage those kids to graduate from high school and to consider higher education as part of their future.

Six out of ten uninsured individuals have at least one family member working full time year-round. This is a huge population we are talking about affecting with this amendment. In 2002, 42 percent of wage and salary workers, age 18 to 64, were not offered health coverage through their employers. Here is a tremendous opportunity, as we do something that I have said I will support, and I doubt it will receive very many votes in opposition—here is an opportunity for the Congress to significantly affect the uninsured. But I remind everybody, we are not going to have an opportunity to vote on this amendment. It is so timely that I would come to the floor, I would wait my turn to talk about an amendment that I couldn't talk about the other day because the leadership was in a hurry. So I called up my amendment so it would be pending—pending means that it should get a vote before cloture would be filed—only to find out from the majority leader when he stood, I think he referred to my amendment as "silly."

I don't think it is silly. It may be non-germane, but the health insurance of minimum wage workers is not silly. As a matter of fact, it is crucial to the health care change that we have to accomplish in this country if, in fact, we are going to keep health care affordable for all Americans, not just some Americans.

Let me talk about employers and employees. I believe my amendment is a win-win. I challenge any Member of the Senate to tell me who loses. Think about it. An employer is able to negotiate for minimum wage workers at the group rate which means he might be able to negotiate, because he is putting more people in the pool, an even lower cost for his overall workforce than he had before. He is able to offer his employees health care which his competitor might not. His employees have a tendency, then, to stay with him longer because we all know that there is a cost that is incurred by an employer, an investment to train them, an investment to have them in the business. And the last thing they want to do is see minimum wage workers that work a month or 2 or 6 months and keep moving from employer to employer. And by the way, the one thing they don't have control over as an employer is the days that employees call in because they are sick. Those are days that the employer is planning on getting something done. That minimum wage worker, because they are now sick, picks up the phone and says: I can't be there.

Maybe if we get them covered by insurance, maybe if they actually go for prevention and wellness education, maybe if they learn through that health relationship the things they should do and should not do, maybe they are not going to be picking up the phone and calling in and saying: I will not be there.

The employers lose on those days, but the employees lose on those days, too, because this is a minimum wage worker. They are paid by the hour. They are only paid when they are there. Provide them health care, enable them not to make that phone call, the employer doesn't have a disruption in his business, and the employee doesn't have a subtraction in his paycheck. This is truly a win-win for employees and employers.

Employers will spend less time and less money overall by providing the $2.10 increase in health benefits. Let me restate that. Employers will spend less money overall by providing it in health benefits. Why? Because they buy in bulk. What does that mean? It is more bang for the buck. They are able to get more benefit for a smaller amount of dollars. That means that when they go and negotiate the structure of a plan, they could negotiate something that had an even richer benefit, maybe no out-of-pocket cost, maybe no copayment for drugs because they have another $500 there with which they can negotiate. Employers get the same deduction in calculating taxable income, if they provide compensation in the form of health benefits or compensation in the form of wages and salaries.

We all know because we have gone through part of the debate that when employers and employees are covered by health insurance, that is done with pretax wages.

My point is, the tax implication on the minimum wage worker does not go up. They get the same advantage that we have, that their health benefits are not only deductible for the employer, but they can access some pretax dollars to do it.

To deny a vote on this amendment is to not give minimum wage workers the same thing we have. Sure, there is a discrepancy in the difference that you make and I make and they make, but now we are talking about fairness from the standpoint of benefits. We have an opportunity to change that. And because we are in such a hurry in the Senate and because the majority leader is tired of people offering amendments—I think all of them have merit. I haven't seen any that I thought were for the purposes of delay. As a matter of fact, I would be for moving to wrap up this bill tomorrow if the majority leader would say I could have a vote on this amendment. He is not going to give me a vote. You can use the Senate rules to make sure that votes don't happen. And maybe I could have designed this in a way that it was germane. But sometimes the best things are simple. Sometimes when you lay it out in a way that people across the country, especially minimum wage workers, understand, it is better for them. We could hide it and make it confusing and make it to where employers possibly couldn't provide everything that they could. But we decided to leave it simple.

What might be another objection to this bill? Well, can employers truly implement this process. Let me go to another chart. I think you have heard me say most of this except for the last one: Some coverage is better than no coverage. Will every employer get it right? Probably not. Will every employer get as much bang for the buck as they possibly can? Maybe not. Some coverage is better than no coverage. You have heard the percentages about the population that are at the income levels that minimum wage workers are. If you only believed that this amendment would provide some coverage, then you have to agree with me that is better than no coverage.

Under our current health care system, employees will be better off with health care coverage through their employers because employers get better pricing. If they don't or they can't, then I know what is going to happen. They are going to offer it in wages. But should we deny them the opportunity to try to help us solve part of the health care problem that we have in America, and that is the uninsured that are here?

I said earlier that I thought all Americans had a stake in this amendment because it is their health care premium that is affected by every health care policy we take up. When we add additional mandates for coverage, we drive up premium costs. When the American people exercise, watch what they eat, they help us to moderate health care costs and premium costs. Health insurance, even the most basic health insurance, gives people access to a system of health care, that relationship with a health care professional, that primary care doctor, the prevention and wellness programs, routine testing for chronic diseases that keep them out of a hospital.

I want to relate a story. I won't mention the company. Well, I will mention the company: Dell computers. I think it is important that you understand that they are in one of the most competitive industries in the world. I daresay I don't think anybody is going to wake up tomorrow and say: I think I will get into computer manufacturing because there is so much money to be made. Everybody globally is in computer assembly and manufacturing. Dell does it the best. I don't say that just because they have a plant in North Carolina. I say it because the experts say that.

I might also say, since Lenovo has a plant in North Carolina, they do a pretty good job, too. But Dell recognized one day that if they wanted to be competitive in this highly competitive industry of computers, they had to do something about health care. They were self-insured. They had already taken the first step. They assumed a lot of the risk as a company to drive down the cost of their health care for employees and, consequently, for the company. What did Dell find out?

Dell tried to make available prevention tools for their employees. If they were overweight, they would give them a dietician to work with them. If they had diabetes, they would give them somebody who could counsel them about diabetes. If they smoked, they paid for a cessation program. What happened? Less than 10 percent of the Dell employees who were affected by these things took advantage of the program. Less than 10 percent of them signed up to receive the help.

Any other corporation in America might have said: I will just accept the fact that we are going to have this high health insurance. But Dell realized: We are still making computers. And if we can't fix this, we are not going to be competitive.

What did they do? Dell offered employees up to $250 cash if they would sign up for the program. I will tell my colleagues, the American people respond to money. They do respond to money. All of a sudden, the enrollment in these plans went sky high. Today, some 5 or 6 years later Dell computers can prove that they save about $1,700 for every employee who goes into that program. Those numbers may have changed since the last time I met with them.

My point is this: Everywhere we looked—private sector, public, individual, group—where we have been brave enough to go out and do it differently, where we have been brave enough to force prevention and wellness into the system, it works. It works for the employee and for the employer. It is job security because they are more competitive. And every American receives the benefit of it because there is less cost shift in the system.

Let me bring it back to where we are. All Americans should have health coverage. We have this unique opportunity, as we debate the opportunity for minimum wage workers to receive a $2.10 raise over a period of time, to give the option to every employer to provide that $2.10 increase in health care benefits versus in wages. And the Kaiser Foundation's health research proves that, for an individual, regardless of whether it is traditional fee-for-service insurance, point-of-service, or health maintenance organization, that $4,368 a year pays 100 percent of the premium cost for that minimum wage worker, which is a higher percentage than a Member of the Senate is paid for by the Federal Government. That means a minimum wage worker is not required, such as I am, to pay 25 percent of their health care cost, but they would get 100 percent. If, in fact, their family is uninsured, which the majority of them are, the Kaiser Family Foundation says the average for family coverage—wife, kids, unlimited—that an employer for a minimum wage worker can provide is almost 50 percent of the premium cost.

This is a tremendous opportunity, from a standpoint of health care policy, that I so hope we are not going to miss the opportunity to do. But if my colleagues on both sides of the aisle allow debate to be shut down without an agreement from the majority leader that he is going to allow a vote—the only reason I can see not to have a vote is because nobody has figured out how to put a second-degree amendment on it. It is too simple. Procedurally, if they can kill it, they would.

In North Carolina, Mr. President, there are 1.3 million uninsured individuals; 17 percent of my State's population is uninsured, compared to the national average of 16 percent. So, listen, I feel bad. I wish to see North Carolina do better. As a matter of fact, we have probably more waivers in health care than any State in the country right now, from Medicaid to the soon-to-be dual eligibles under Medicare because we are trying to lower the costs for everybody by being creative as to how we do it. I will tell you this: In North Carolina, the centerpiece of our success is two words: Prevention and wellness. When we are able to establish a relationship with a health care professional, we now have an opportunity to bring prevention and wellness into every person's health care regimen. I am convinced this is absolutely crucial to the future of health care in this country and to the affordability of health care for the future.

Eight hundred and ninety eight thousand uninsured individuals and families are on their own with one full-time worker in North Carolina. So when I said 1.3 million uninsured, understand that almost 900,000 of them are in families—families who could get 50 percent of their premium paid for by their employer, if we gave the employer the option of providing health care versus being forced only to provide wages.

In North Carolina, we have 204,360 uninsured part-time workers. That means they are not going to work 40 hours. So maybe they are only going to work 20 hours, and instead of getting $4,368, they are going to get a little over $2,000. Well, even those part-time workers—uninsured part-time workers—if they are earning minimum wage under this program, as much as 50 or 60 percent of the premium of their health care could be paid for. So it is not limited to full-time workers.

It is too simple. It is way too simple. Everybody in the country gets it. Why doesn't the Senate get it? How can anybody look at this and say we should not do it? It is easy. The Senate rules allow you to not have a vote. I am not trying to delay; I am trying to make the bill better. I am trying to learn from what we are learning all across the country—that there are smart people outside Washington who are in companies, in States, who are involved in the health care system, and we have a real opportunity to take what they have been telling us and apply it to the most at-risk group of Americans, which are the minimum wage workers.

I have always shrugged it off when somebody came up to me and said: Gee, do you guys ever listen in Washington? Do you pay attention to what is going on? Because I thought we did. I do. But, you know, what I am learning today is that "we" don't. You cannot come on the floor of the Senate day after day and talk about the uninsured population and how we have an obligation to take care of it, and here is a real opportunity to do it—and what is the majority's answer? We are not going to let you vote because we think you are trying to delay.

I am not trying to delay, I say to the majority leader; I am trying to provide health care for minimum wage workers—for maybe 14.6 million people in this country. You know, the sad part is, even if I get this done, there are still 30 million Americans who are uninsured. Maybe the fear is that it will work. Maybe they will find out that when these guys get insurance, they are no longer going to be sick. Maybe they are worried we are going to find out that if they are not sick, our insurance will go down and every American's insurance will go down.

Health care continuously ranks as one of the top issues in this country. I have devoted 13 years now to understanding health care to the degree that I feel like I can walk into an operating room and do a procedure, even without staying at a Holiday Inn Express. But, you know, we are not listening to them. We are not listening to doctors, nurses, community health centers or rural health clinics. And I can tell you this: We are not listening to the American people. We are not doing what we can to provide the opportunity for health care coverage to be extended to them. Do you know what? People with high health care costs, in the absence of having to spend that on health care, are not going to spend it in other areas. It is those other areas that create jobs. It is the groceries, it is the gas, those things they pick up on the way home to eat that fuels our restaurants.

If you want to have good balance and growth in the economy, if you want Americans to be at work, if you want this country to prosper, this is a piece of it. This is a piece to make sure Americans have health care coverage. I am confident this is not the last time we are going to have this debate this year. We will have a debate, and it will actually be considered germane. I have wondered for the time I sat and listened to the majority leader, what will be the excuse then? Maybe it is because it wasn't their idea. Maybe it is because they would like to wrap it into something bigger.

Well, as I said, 13 years after I have worked on health care—and I see my colleague from Iowa and I know he wants to speak, and I will wrap up, and I don't know anybody who has devoted much more to health care than he has. This is a real opportunity, Mr. President. It is an opportunity for the Senate to actually do something on health care versus sitting on the floor and talking about it. As it stands right now, this opportunity for minimum wage workers in America will not happen because the Senate will be denied the opportunity to vote as to whether they would like this to be part of the plan. Again, I am sure it is difficult for America to believe that this is not germane to the minimum wage bill, as it was to me. But I am not here to battle the interpretation of the Parliamentarian; I am here to suggest to you that one of the reasons we are here is we are supposed to do what is right. We are supposed to pay attention to what is going on across the country, and we are supposed to do what is right to fix it.

I ask you to think that I am doing something right today. I could walk away having a vote where I didn't win. But not getting the opportunity to have a vote cheats America out of the opportunity to begin to turn around our health care system. I hope that between now and Tuesday with the cloture vote, Members on both sides of the aisle will have an opportunity to look at this vote and to encourage the majority leader to allow us to have a vote and, if not, to encourage him to vitiate the cloture vote and allow us to talk some more.

This is important. We ought to spend time talking about major policy shifts. For the 10 years I spent in the House of Representatives, I dreamed of the fact that I could come to this floor, with the tremendous thought and debate that goes into the work here—I am not going to tell you I am disillusioned, but I can tell you this: To take something of this importance and to suggest we are not going to vote on it, or to suggest that when we are talking about ways we can improve a bill, we haven't got time to sit and debate this, that is not the Senate I envisioned before I got here.

That is not the deliberative process, the open and balanced and thoughtful Senate I used to see from the other end of the Capitol. It is my hope that, as we move forward, we will be allowed the opportunity to debate this more. Hopefully, we will be allowed to vote up or down on it. As I said, if I lose, I will save the debate for another day and another bill. We are going to have an opportunity to debate health care, I know. We are going to find more things to agree on than we disagree on. I never envisioned the Senate saying that because this is a tough vote we are not going to take it.

This vote is not near as tough as the fact that 14 million Americans, who are, in all likelihood, minimum wage workers, could have the option of health care if we did this and are not going to have health care if we don't vote. That is not silly, and it is not a delaying tactic; it is policy.

I yield the floor.

The PRESIDING OFFICER (Mr. WEBB). The Senator from Iowa.

Mr. HARKIN. Mr. President, I thank my friend from North Carolina for his timely speech. He knows what I mean by that. I didn't hear all of his remarks, but I did catch the tail end of them, and I think I get the import of his remarks, which is basically that we need to do something about health care in America. We need to debate it, discuss it, vote on it. But to the extent somehow some kind of blame is being laid at the step of those of us on this side of the aisle—after all, we just took over the Senate about 3 weeks ago—I remind my friend from North Carolina that his party has been in charge for the last several years, and they have had the White House. We haven't seen anything come from the White House, nor have we seen anything come out of the Congress to deal with this over the last several years.

Be that as it may, I say to my friend from North Carolina, the President put forward a proposal in his State of the Union Message. We will see what the budget looks like when it comes down next week. I join with him. I hope we will have a good debate and discussion. It is the most important issue we have confronting our society today. But it is not just, I say to my friend from North Carolina, the issue of how we pay the bills and how we pay for people who get sick. The issue is preventive medicine. How do we make prevention pay? How do we make prevention the incentive? How do we incentivize prevention?

I noticed a full-page ad in the Washington Post this week and also in the New York Times talking about prevention is the answer. If we really want to get a handle on cutting down the cost of health care in America, just jiggling how you pay the bills is not going to be the answer. We have to get in front of this issue and make an incentive for people to live a healthier lifestyle, for businesses to provide workplace settings that are healthy, helping to make sure people get their physicals, annual checkups, mammogram screenings, cutting down on smoking, making sure that our schools also teach kids at the earliest age what it means to stay healthy. We are building elementary schools in America now without playgrounds. What kind of nonsense is that?

So our whole thrust on this health care issue, I say to my friend from North Carolina, we always just keep focusing on how we are going to pay the bills. That is a problem, obviously, but if we want to get out ahead of it, we have to start focusing on preventive medicine. I look forward to that debate hopefully soon.

INCREASING THE MINIMUM WAGE

Mr. HARKIN. Mr. President, I came to the floor today to talk about the issue that has been in front of us all week—I assume it is going to be coming to a close early next week—and that is the debate and vote on whether we are going to increase the Federal minimum wage.

I regret that previous Congresses have blocked any increase in the minimum wage. The Senate has rejected 11 attempts to raise the minimum wage since 1998—11 times. Last year, we had 52 Senators vote in favor of it, but we didn't have the 60 Senators to invoke cloture and get to a final vote.

Scores of religious and antipoverty groups have called on Congress time and again to recognize the basic principle that Americans who work full time and play by the rules should not be consigned to poverty.

In 1966, Martin Luther King, Jr., said:

> We know of no more crucial civil rights issue facing Congress today than the need to increase the Federal minimum wage and extend its coverage. . . . A living wage should be the right of all working Americans.

I join with Rev. Martin Luther King, Jr., and say it ought to be a right. According to the Congressional Research Service, the real value of the minimum wage today, if it had the same purchasing power as it did in 1968, the year Dr. King was so tragically assassinated, if the minimum wage had the same purchasing power today, the minimum wage would be $9.19 an hour. What are we talking about increasing it to? We are talking about increasing it to $7.25 an hour. But at least with the earned-income tax credit, which is new since that time, food stamps—we had food stamps then also, perhaps a little more generous now—that $7.25 an hour would at least get a family of four above the poverty line, and that would be a historic achievement for our Nation.

It is simply immoral to tell working Americans that they ought to try to provide for their family's needs on $5.15 an hour. My colleagues and I who offered this bill respect work, we value work, including the most humble type of work. That is why we fought for years to try to ensure the minimum wage kept pace with inflation and updated periodically. But for 10 years, the leadership has blocked us from increasing it.

Again, I remind my colleagues that the Fair Labor Standards Act, which instituted the minimum wage in 1938, one of the primary aims as enuciated by Franklin Roosevelt was alleviating poverty. Yet now the minimum wage condemns workers to a life of poverty for themselves and their children no matter how hard they work.

Minimum wage employees working 40 hours a week, 52 weeks a year, earn about $10,712. That is $5,000 below the poverty line for a family of three. The current minimum wage would not even keep a single person and one child above the poverty line.

The inflation-adjusted value of the minimum wage has declined by 20 percent since the last increase in 1997. I point out that since that time, Congress has raised its pay eight times, $31,600.

Several of our colleagues have suggested all we have to do is increase the earned-income tax credit and that would address it. I am a supporter of the EITC, the earned-income tax credit. It makes a major difference for millions of Americans in poverty, but I don't see it as either/or. You make the earned-income tax credit and the minimum wage go hand in hand, and that really does alleviate poverty. There are a lot of people working in minimum wage jobs who don't understand the earned-income tax credit. Their employers may not inform them of it. They may or may not get a mailing. Maybe they can read it, maybe they can't. Possibly no one may inform them of it and they pass it by. That is why we have to raise their pay.

There is another aspect. It is saying to someone: We value your work. Your work is valuable, whether you are cleaning a hotel room, sweeping up, waiting tables. No matter what it is, your work is valuable.

When we erode people's pride in their work, we also erode their sense that they are a valuable, contributing member of our society.

Those who suggest we just expand the EITC seem to be the same ones who say how great the economy was last year. The economy was pretty good last year for those in the top brackets. It is said that a strong economy is a rising tide that lifts all boats. What if you don't own a boat? Shouldn't those at the very bottom also get a raise? Shouldn't a college kid working part time, who is technically not counted as living in poverty, get a raise to help pay for textbooks? Why is their hard work valued at less than one-third of the median wage?

We have heard the outrageous suggestion that a rise in the minimum wage is somehow a threat to the economy. That is nonsense. Just before signing the Fair Labor Standards Act, here is what President Franklin Roosevelt said. You can almost hear the echoes of his voice:

> Do not let any calamity-howling executive with an income of $1,000 a day tell you that a wage of $11 a week is going to have a disastrous effect on all American industry.

Today, the average CEO makes a whopping 821 times more than a worker on minimum wage. That is what this chart shows. Back in 1965, 1968, it was about 51, 54—the average CEO made about 50 times more than a minimum wage worker. Today it is 821 times more. That means that the average CEO makes more on one day before lunch than a minimum wage worker makes all year.

I remind my colleagues that corporate profits increased more than 21 percent in 2000 and reached a 40-year high. Yet the minimum wage is at a 50-year low. As a result, people who work for profitable companies making the minimum wage, what happens? They are forced to use public health care. They are forced to get food stamps, another taxpayer-funded assistance, to make ends meet. So are we subsidizing the huge profits that these companies are making, which then turn around and pay their CEOs 821 times more than the minimum wage worker because we are taking tax dollars from the middle class and helping to pay for their food stamps, health care, and other needs?

Some business groups argue that raising the minimum wage would mean that some jobs would be eliminated. In the absence of Federal leadership on the minimum wage, many States have taken it upon themselves to raise the minimum wage. Currently, 30 States, the Virgin Islands, the District of Columbia, and, I might add, my own State of Iowa have a minimum wage higher than the Federal minimum of $5.15 an hour. Do you know what. It didn't hurt any of those States.

The Fiscal Policy Institute has studied what happens to small businesses and job growth right after the minimum wage is increased. That is what this chart shows. It shows States that have higher minimum wages and those that don't. Then we see the growth rates. There is not much difference. Both are about the same. So it doesn't hurt growth, business growth, or anything else.

People say: How can that be if they pay a higher minimum wage? How can their growth be the same or sometimes greater than a State that pays less in minimum wage? It is very simple. People who make a decent wage work harder when they get a good night's sleep. If they are working two jobs or have a sick kid at home, they may not get a good night's sleep, and they can't be as attentive to their job. If they sleep in a well-heated apartment instead of a cold flat, when they are able to eat decently and have a good nutritious meal a couple of times a day, they can be more productive. When they can get health care for an abscessed tooth that is driving them nuts rather than going to work and not being attentive to their job, they can be more productive. So when workers earn more money, they contribute more to society; and everybody wins.

Our failure to raise the minimum wage is more than an economic failure. It is a failure of democracy. Again, we live in a society where we can afford to raise the minimum wage. We can afford to have a basic standard of living for anyone willing to work for it. Yet we fail to insist, as Martin Luther King, Jr., said, on this basic right.

Unfortunately, it is hard to get people who earn the minimum wage to come here and lobby for it. They can't afford the time off, much less the airfare or even the gas to get here. Think about this: A worker making minimum wage can buy 2 gallons of gasoline for an hour of labor—an hour of her labor. I say "her" because 59 percent of workers who earn the minimum wage are women.

But even people who won't directly benefit from this legislation overwhelmingly support it. A recent AP poll found that 80 percent of Americans of all income levels favor raising the minimum wage.

This country desperately needs this increase. With declining employer-sponsored health care, the demise of other benefits, including pension benefits, with dramatic costs and other costs of living—housing, for example—workers have to pay for more with less.

The National Low Income Housing Coalition has calculated that the national housing wage—that is the hourly wage needed to pay fair market rent for a two-bedroom apartment—was $15.78 an hour in 2005. In other words, the average for a two-bedroom apartment, $15.78 an hour, was the minimum one needed to actually pay for rent and to provide food and other needs for a family. That is about triple the current minimum wage.

Economists are all saying that we have to raise it, we should raise it. They know it will improve the lives of working Americans without increasing inflation or unemployment. But the average American doesn't need to hear from Nobel Prize-winning economists to understand the basic principle that people who work hard and play by the rules ought to be able to feed their kids, house them, and give them a good education. It is really basic fairness, and it is fundamental economic morality.

America should not be a nation that favors the powerful and well-connected at the expense of low-income workers and their families. It is time to do right by the least fortunate among us. It is time to value and honor the work of those at the bottom of the income scale. After 10 long years, it is time to raise the minimum wage.

ADJOURNMENT UNTIL MONDAY, JANUARY 29, 2007, AT 2 P.M.

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 2 p.m. on Monday, January 29.

Thereupon, the Senate, at 2:30 p.m., adjourned until Monday, January 29, 2007, at 2 p.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate Friday, January 26, 2007:

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

LT. GEN. DAVID H. PETRAEUS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. H. STEVEN BLUM

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. KARL W. EIKENBERRY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. GEORGE J. SMITH

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. EUGENE G. PAYNE, JR.
BRIG. GEN. DOUGLAS M. STONE

IN THE AIR FORCE

AIR FORCE NOMINATION OF WALLY G. VAUGHN TO BE COLONEL.

AIR FORCE NOMINATION OF JAMES E. POWELL TO BE COLONEL.

AIR FORCE NOMINATION OF JEAN M. EAGLETON TO BE LIEUTENANT COLONEL.

AIR FORCE NOMINATION OF JEFFREY R. COLPITTS TO BE LIEUTENANT COLONEL.

AIR FORCE NOMINATIONS BEGINNING WITH GAYANNE DEVRY AND ENDING WITH NEIL R. WHITTAKER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 10, 2007.

AIR FORCE NOMINATION OF LAURA S. BARCHICK TO BE MAJOR.

AIR FORCE NOMINATIONS BEGINNING WITH PAUL T. CORY AND ENDING WITH ROD L. VALENTINE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 11, 2007.

AIR FORCE NOMINATIONS BEGINNING WITH BEATRICE Y. BREWINGTON AND ENDING WITH DEIRDRE M. MCCULLOUGH, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 11, 2007.

AIR FORCE NOMINATION OF ANTHONY M. DURSO TO BE MAJOR.

AIR FORCE NOMINATION OF WILLIAM L. TOMSON TO BE LIEUTENANT COLONEL.

AIR FORCE NOMINATIONS BEGINNING WITH STEVEN H. HELM AND ENDING WITH DONALD C. TIGCHELAAR, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 11, 2007.

AIR FORCE NOMINATIONS BEGINNING WITH ROBERT E. DUNN AND ENDING WITH WALTER L. SMITH, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 11, 2007.

AIR FORCE NOMINATIONS BEGINNING WITH RICARDO E. ALIVILLAR AND ENDING WITH MEHDY ZARANDY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 11, 2007.

AIR FORCE NOMINATIONS BEGINNING WITH ROBERT R. BAPTIST AND ENDING WITH CHRISTOPHER H. WILKIN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 11, 2007.

AIR FORCE NOMINATIONS BEGINNING WITH ROBIN MARK ADAM AND ENDING WITH RANDALL J. ZAK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 11, 2007.

AIR FORCE NOMINATIONS BEGINNING WITH SHARON A. ANDREWS AND ENDING WITH DONNA M. F. WOIKE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 11, 2007.

AIR FORCE NOMINATIONS BEGINNING WITH MICHAEL P. ADLER AND ENDING WITH BERT A. SILICH, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 11, 2007.

AIR FORCE NOMINATIONS BEGINNING WITH MARK HUGH ALEXANDER AND ENDING WITH MARGARET D. WEATHERMAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 11, 2007.

AIR FORCE NOMINATIONS BEGINNING WITH LUISA YVETTE CHARBONNEAU AND ENDING WITH SEFERINO S. SILVA, JR., WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 11, 2007.

AIR FORCE NOMINATIONS BEGINNING WITH MAIYA D. ANDERSON AND ENDING WITH JEFFREY L. WISNESKI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 11, 2007.

AIR FORCE NOMINATIONS BEGINNING WITH CHRISTINE LYNN BARBER AND ENDING WITH CHUNG H. YEN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 11, 2007.

IN THE ARMY

ARMY NOMINATIONS BEGINNING WITH STEPHEN D. HOGAN AND ENDING WITH PHILLIP H. WILLIAMS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 10, 2007.

ARMY NOMINATION OF LAURENCE W. GEBLER TO BE COLONEL.

ARMY NOMINATION OF JOHN E. MARKHAM TO BE COLONEL.

ARMY NOMINATIONS BEGINNING WITH ARIEL P. ABUEL AND ENDING WITH SCOTT C. SHELTZ, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 10, 2007.

ARMY NOMINATION OF DAVID W. LAFLAM TO BE LIEUTENANT COLONEL.

ARMY NOMINATION OF THOMAS P. FLYNN TO BE LIEUTENANT COLONEL.

ARMY NOMINATION OF EARL W. SHAFFER TO BE COLONEL.

ARMY NOMINATION OF ORSURE W. STOKES TO BE COLONEL.

ARMY NOMINATION OF ALVIS DUNSON TO BE LIEUTENANT COLONEL.

ARMY NOMINATIONS BEGINNING WITH JEFFREY W. WEISER AND ENDING WITH LEONARD J. GRADO, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 10, 2007.

ARMY NOMINATIONS BEGINNING WITH KURT G. BULLINGTON AND ENDING WITH JASON M. CATES, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 10, 2007.

ARMY NOMINATIONS BEGINNING WITH ALTON J. LUDER, JR. AND ENDING WITH DOUGLAS J. MOUTON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 10, 2007.

ARMY NOMINATION OF GARY L. BREWER TO BE COLONEL.

ARMY NOMINATIONS BEGINNING WITH MICHAEL J. FINGER AND ENDING WITH ROBERT T. RUIZ, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 10, 2007.

ARMY NOMINATION OF PHILIP SUNDQUIST TO BE MAJOR.

ARMY NOMINATIONS BEGINNING WITH CARRIE G. BENTON AND ENDING WITH CAROL A. MACGREGORDEBARBA, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 10, 2007.

ARMY NOMINATION OF MARIVEL VELAZQUEZCRESPO TO BE MAJOR.

ARMY NOMINATIONS BEGINNING WITH GRACE NORTHUP AND ENDING WITH MARY L. SPRAGUE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 10, 2007.

ARMY NOMINATIONS BEGINNING WITH FRANCIS M. BELUE AND ENDING WITH CARL S. YOUNG, JR., WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 10, 2007.

ARMY NOMINATIONS BEGINNING WITH JAMES W. ADAMS AND ENDING WITH X0393, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 10, 2007.

ARMY NOMINATIONS BEGINNING WITH EDWARD E. AGEE, JR. AND ENDING WITH CEDRIC T. WINS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 10, 2007.

ARMY NOMINATIONS BEGINNING WITH TIMOTHY K. BUENNEMEYER AND ENDING WITH D060262, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 10, 2007.

ARMY NOMINATIONS BEGINNING WITH PHILIP K. ABBOTT AND ENDING WITH JEFFREY S. WILTSE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 10, 2007.

ARMY NOMINATIONS BEGINNING WITH CHERYL E. BOONE AND ENDING WITH FRANCISCO A. VILA, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 10, 2007.

ARMY NOMINATION OF THOMAS F. KING TO BE LIEUTENANT COLONEL.

ARMY NOMINATION OF MARY P. WHITNEY TO BE MAJOR.

ARMY NOMINATIONS BEGINNING WITH JAMES W. HALIDAY AND ENDING WITH DIMITRY Y. TSVETOV, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 11, 2007.

IN THE MARINE CORPS

MARINE CORPS NOMINATIONS BEGINNING WITH JAMES D. BARICH AND ENDING WITH GORDON B. OVERY, JR., WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 16, 2007.

IN THE NAVY

NAVY NOMINATION OF TIMOTHY M. GREENE TO BE CAPTAIN.

NAVY NOMINATIONS BEGINNING WITH DAVID J. ADAMS AND ENDING WITH CHIMI I. ZACOT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 10, 2007.

NAVY NOMINATION OF DONALD S. HUDSON TO BE COMMANDER.

NAVY NOMINATION OF JEFFREY N. SAVILLE TO BE COMMANDER.

NAVY NOMINATION OF STEVEN M. DEMATTEO TO BE LIEUTENANT COMMANDER.

SENATE—*Monday, January 29, 2007*

The Senate met at 2 p.m. and was called to order by the Honorable HARRY REID, a Senator from the State of Nevada.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Almighty God, eternal and unchangeable, before whom the generations rise and pass away, guide the Members of this body so that all they say and decide will be according to Your will.

Take command of their thoughts today. Provide them with words to speak that will bring unity. Give them clarity for the hard choices they face and strength for the stresses of leadership. Help them hear the cries of those in our world who struggle with pain, loss, fear, confusion, limitations, and loneliness.

Give our Senators the vision and willingness to see and do Your will. We pray in Your loving Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable MARK PRYOR, a Senator from the State of Arkansas, led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER (Mr. PRYOR). The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

> U.S. SENATE,
> PRESIDENT PRO TEMPORE,
> *Washington, DC, January 29, 2007.*
>
> *To the Senate:*
>
> Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MARK PRYOR, a Senator from the State of Arkansas, to perform the duties of the Chair.
>
> ROBERT C. BYRD,
> *President pro tempore.*

Mr. PRYOR thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, the Senate will be in a period for the transaction of morning business until 3:30 p.m. today. Senator DORGAN will be recognized for up to 45 minutes and Senator SPECTER for up to 30 minutes. We will resume H.R. 2 at 3:30 p.m. for debate only until 5:30 p.m. During this time, Senator SESSIONS will be recognized for an hour at 4 p.m. As a reminder to Members, cloture has been filed on the substitute amendment to H.R. 2. and the bill itself. Therefore, Members have until 3 p.m. today to file any additional first-degree amendments.

Currently, there are 23 amendments pending. I am told that the vast majority of these amendments, after initial review by the Parliamentarians, will be ruled not germane or arguably not germane. The cloture vote on the substitute amendment will occur prior to the conference luncheons tomorrow at 12 noon.

Mr. President, if I may say a few words in addition, today we are going to, hopefully, have a debate that will be meaningful to the American people on minimum wage. This debate will be completed tomorrow in many respects, with a cloture vote on the substitute occurring tomorrow. The other debate we may get to this week is that dealing with Iraq. Both are issues past Congresses have neglected and both are areas where Democrats and Republicans must work together to move America forward.

MINIMUM WAGE

It has been 10 years since the minimum wage was last raised. During that period of time, the cost of food has risen 23 percent, the cost of health care almost 45 percent, the cost of housing about 30 percent, the cost of gas 135 percent, and that is as of today. Of course, as we know, in the past, it has been much more than that. Congressional pay has risen during that period of time by $30,000 per year per Member of Congress. But the minimum wage has stayed the same, $5.15.

Today, a full-time minimum wage worker earns $10,700 a year, working 40 hours a week. That is $6,000 below the Federal poverty line for a family of three. This is wrong. It doesn't speak well of our country. At its heart, this debate is about fairness.

In America, we believe—I think we should believe—a person working full time should be able to live a life that is not in poverty. A mother, a father who works hard and plays by the rules should be able to feed, clothe, and raise their children. Isn't it better that we have people who are engaged in work rather than welfare? The answer is yes.

Mr. President, $7.25 might not seem like a lot of money in Washington, but it would mean almost $4,500 more a year for the Nation's working poor. That is enough money for a family of 3 to buy 15 months of groceries, 19 months for their utility bills, 8 months of rent, 2 years of health care, 20 months of childcare, and even 30 months of college tuition at some schools.

Tomorrow we will have a cloture vote on the minimum wage, and I sure hope this will be a good bipartisan vote on cloture, so we can complete this legislation quickly.

Senators have had time to offer amendments. As I said Friday, when is enough enough? After 10 years, it is time to stop talking about this issue and finally give working Americans an overdue raise.

IRAQ

When the Senate completes its work on the minimum wage—whether it is tomorrow, the next day, next day, the next day or next week—we are going to move to Iraq, and that is a debate regarding the proposed plan by the President to escalate the conflict. We owe it to our troops who serve bravely to have a real debate about the way forward in that war.

We are approaching 3,100 dead American soldiers. I was watching the Lehrer "NewsHour." They show, in silence, pictures of the soldiers who have died in Iraq. They do it every few days. I watched this Friday and was struck by the number of women in this most recent reporting of deaths who are pictured there, who have been killed. They were not combat troops. They were doing activities important to the cause, such as driving vehicles. It is hard to determine what is combat and what is not combat. A helicopter went down and women were in that helicopter. A helicopter went down yesterday. I don't know who was in it, but we know two Americans were killed. So we have to have a debate about the way forward in the war in Iraq.

In Washington, we hear a lot of rhetoric about how the upcoming congressional debate emboldens our enemies. To quote a headline that appeared in a lot of newspapers, this particular one was the Las Vegas Sun newspaper, it said: Those who peddle such deceitful, political talking points "need a lesson in civics."

As Mr. WARNER, the gentleman Senator from Virginia, has said in this debate, Senators are "trying to exercise the fundamental responsibilities of our democracy."

Critics of the war also need a lesson in history. If history has taught us anything, it is that our country is

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

strongest when all three branches of Government function. Our country is strongest when this legislative branch is more than a rubberstamp. And, finally, our country is strongest when we have real, meaningful debate on issues of consequence on behalf of the American people.

There is no issue greater in consequence than what is going on in Iraq. To suggest that the former chairman of the Armed Services Committee, a former Secretary of the Navy, a former marine, Senator JOHN WARNER, or highly decorated Vietnam veteran CHUCK HAGEL, who on the battlefields of Vietnam saved his own brother's life, would take any action to undermine our troops and embolden the enemy—of course not—to suggest such is beneath any administration official or Member of Congress, even though they both tried it. I think they should reexamine what they have said. It is dangerous rhetoric, motivated more by politics than events in Iraq.

These two men are examples of this not emboldening the enemy but our doing, as the legislative branch of Government, what we are obligated to do: to talk about this conflict in Iraq.

We are in a hole in Iraq. Escalating the war is deepening that hole. We need to find a way out of that hole. Our troops, most of all, need our help. They need a policy that is worthy of their heroic sacrifices. They don't need hollow speeches or inflammatory rhetoric. They don't need a rubberstamp. They need someone to ask the tough questions. They need a legislative branch that will finally exercise its constitutional responsibilities.

I, for one, am glad we have finally arrived at this point where Congress is exercising its power. We arrived here because the American people demanded we exercise our power.

In his State of the Union Address, the President asked Members of Congress to give escalation a chance. But the truth is, escalation is the same failed President Bush policy that has already run out of chances. The President has escalated the war before, only to see the same results: increasing chaos, innumerable costs, and a civil war that is spinning out of control.

Is there a war in Iraq that is civil in nature? Of course. A marketplace where people came to buy pets, to sell pets was blown to smithereens, snakes crawling away from their cages. Children taking tests were hit with a mortar round over the weekend. And 600 insurgents were gathered in an orchard where a battle that took 15 hours ensued over the weekend. Is there a civil war? Of course, there is a civil war. Is there chaos in Iraq? Of course, there is chaos in Iraq.

The President knows how the American people feel. Generals Abizaid and Casey, when asked whether this escalation would be a good idea, told the President "no." They were relieved of duty. Prime Minister Maliki, speaking face to face with the President, said: Mr. President, get American troops out of Baghdad. That is what the democratically elected Prime Minister of Iraq told the President of the United States. The Iraq Study Group has so told the President. And now we are going to have a bipartisan vote that will tell the President the same.

There is no military solution in Iraq; there are only political solutions in Iraq. With the vote, which will eventually come, we will give the President another chance to listen, listen to the generals, listen to the Iraq Study Group, listen to the American people, and listen to a bipartisan Congress.

The stunning part of this is the people of Iraq don't want us there. Polls show that 70 percent of the Iraqis believe Iraq would be better off if we were out of there. So it is another chance to listen and change course. That is what we hope will be the outcome of our debate. That will be the right result for the Nation, for our strategic interests, and for the troops.

We will work with my distinguished friend, the Republican leader, to try to have something that is more understandable. The way things now stand, if cloture is invoked tomorrow, this matter can be played out, as I understand the procedures here, until about 1 o'clock Friday morning and, if necessary, we will do that. But hopefully we can agree on a way to proceed through this without those many votes and arrive at a point where we can come to some agreement as to how we should proceed in a reasonable, logical way, so everyone has their opportunity to express views on Iraq. We have a number of competing legislative matters we can vote on. It would seem to me very likely it will take 60 votes to pass anything, but at least if we set up a responsible way to go forward, I think it would be more meaningful to the body and to the American people.

I know my friend, the Republican leader, will work with me. We will try to do the best we can for the body itself; otherwise, we will work through the rules of the Senate, which will get us there but maybe not as quickly and as conveniently.

RECOGNITION OF THE REPUBLICAN LEADER

The ACTING PRESIDENT pro tempore. The Republican leader.

REPUBLICAN COOPERATION

Mr. McCONNELL. Let me say to my good friend, the majority leader, I think we should be able to work our way through some negotiations on the Iraq matter that will allow us to consider a variety of proposals that may be forthcoming. With regard to the advisability of doing any resolution at all, I think the Washington Post basically had it right last week when they said they found it curious that we would confirm General Petraeus overwhelmingly, which we did Friday, 81 to nothing, and then turn around and pass a resolution saying his mission, in our judgment, has no chance of succeeding.

I hope at the end of the day such a resolution will not be approved. Having said that, I do think this is the last opportunity for the Iraqis to get it right. They need to understand that even those of us who are strong supporters of the President believe this is it. This is their chance to demonstrate that they can function in this effort to quiet the capital city of Baghdad so it can become a place in which political compromise can in fact occur. It is very difficult for that to happen when there are daily car bombings.

With regard to the minimum wage, let me indicate, Republicans made a pledge at the start of this session to cooperate and that is exactly what we have done. We passed one strong bill and we are about to pass another by keeping that pledge. Two weeks ago some of our colleagues on the other side started to dispute our commitment to cooperation over the ethics and lobbying bill. One of my good friends on the other side said Republicans hated the bill and decided to kill it. Another said our effort to make the bill better through the amendment process was "one of the worst stunts he had seen in 25 years as a legislator." What made those observations particularly absurd is that on that same day, the very same day those quotes were made, the bill passed 96 to 2.

Last week, many of our colleagues on the other side were reviving their charges of noncooperation after we took up the minimum wage bill. One said Republicans don't tend to vote for a minimum wage increase. Another said we were putting up obstacles to the bill so we wouldn't have to act on it.

We passed a good ethics and lobby reform bill and we are going to pass a good minimum wage increase bill because of Republican support and because Republicans insisted on a bipartisan package for both ethics and lobbying. That is the reason we saw an overwhelming vote at the end, support on both sides of the aisle. It is only because Republicans insisted on a bipartisan package for the minimum wage bill that I expect at some point in the near future we will see a similar vote on that. We pledged cooperation, and cooperation is exactly what we are offering in these early days of this Congress.

I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now proceed to a period for the transaction for morning business until 3:30 p.m. with Senators permitted to speak therein for up to 10 minutes each, and the Senator from North Dakota, Mr. DORGAN, in control of 45 minutes and the Senator from Pennsylvania, Mr. SPECTER, in control of 30 minutes.

The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, Senator DORGAN and I have arranged to switch times. He graciously consented to that. I ask unanimous consent that I may proceed for the 30-minute special order that was already announced and that Senator DORGAN be recognized for 45 minutes when my time is concluded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

TELEVISING OF SUPREME COURT PROCEEDINGS

Mr. SPECTER. Mr. President, I have sought recognition to comment about S. 344, which provides for the televising of Supreme Court proceedings. This bill is cosponsored by Senator GRASSLEY, Senator DURBIN, Senator SCHUMER, Senator FEINGOLD, and, with unanimous consent Senator CORNYN—a bipartisan representation. It is identical with legislation introduced in the last Congress after having been voted out of committee, and was voted out of committee on a 12-to-6 vote. It was previously introduced in 2005. It had a hearing on November 9 of 2005 and was reported out of committee on March 30 of 2006.

The essential provision is to require televising proceedings at the Supreme Court of the United States unless the Court determines on an individual basis that there would be an inappropriate occasion and a violation of the due process rights of the parties.

The thrust of this legislation is to bring public attention and understanding of how the Supreme Court of the United States functions, because it is the ultimate decisionmaker on so many—virtually all of the cutting edge questions of our day. The Supreme Court of the United States made the decision in Bush v. Gore, essentially deciding who would be President of the United States. The Supreme Court decides cases on the death penalty, as to who will die.

It decides by 5-to-4 decisions so many vital cases, including partial-birth or late-term abortion, deciding who will live. It decides the question of who will be elected, controlling the constitutional decision on campaign contributions. It decides the constitutionality—again, and all of the cases I mentioned are 5 to 4—on school prayer, on school vouchers, on whether the Ten Commandments may be publicly displayed, on whether affirmative action will be permitted, on whether eminent domain will be allowed—the taking of private property for governmental purposes. The Supreme Court of the United States decides the power of the President as illustrated by Hamdan v. Rumsfeld—that the President does not have a blank check and that the President is not a monarch.

The Supreme Court of the United States, again in a series of 5-to-4 decisions, has decided what is the power of Congress, declaring in U.S. v. Morrison the legislation to protect women against violence unconstitutional because the Court questioned our "method of reasoning," raising a fundamental question as to where is the superiority of the Court's method of reasoning over that of the Congress. But that kind of decision, simply stated, is not understood.

Or the Supreme Court of the United States dealing with the Americans With Disabilities Act, making two decisions which are indistinguishable, upholding the statute on a paraplegic crawling into the courthouse in Tennessee and striking down the constitutionality of the statute when dealing with employment discrimination. They did so on a manufactured test of congruence and proportionality, which is literally picked out of thin air.

Under our Constitution, I respect the standing of the Supreme Court of the United States to be the final arbiter and to make the final decisions. But it is, I think, fundamental that the Court's work, the Court's operation ought to be more broadly understood. That can be achieved by television. Just as these proceedings are televised on C–SPAN, just as the House of Representatives is televised on C–SPAN, so, too, could the Supreme Court be televised on an offer made by C–SPAN to have a separate channel for Supreme Court oral arguments. There are many opportunities for the Court to receive this kind of coverage, to inform the American people about what is going on so that the American people can participate in a meaningful way as to whether the Court is functioning as a super-legislature—which it ought not to do, that being entrusted to the Congress and State legislatures, with the Court's responsibility being to interpret the law.

It should be noted that the individual Justices of the Supreme Court have already been extensively televised. Chief Justice Roberts and Justice Stevens were on "Prime Time" on ABC TV. Justice Ruth Bader Ginsburg was on CBS with Mike Wallace. Justice Breyer was on "FOX News" Sunday. Justice Scalia and Justice Breyer had an extensive debate last December, which is available for viewing on the Web—and in television archives. So there has been very extensive participation by Court members, which totally undercuts one of the arguments, that the notoriety would imperil the security of Supreme Court Justices.

It is also worth noting that a number of the Justices have stated support for televising the Supreme Court. For example, Justice Stevens, in an article by Henry Weinstein on July 14, 1989, said he supported cameras in the Supreme Court and told the annual Ninth Circuit Judicial Conference at about the same time that, "In my view, it is worth a try."

Justice Stevens has been quoted recently stating his favorable disposition to televising the Supreme Court.

Justice Breyer, during his confirmation hearings in 1994, indicated support for televising Supreme Court proceedings. He has since equivocated, but has also noted that it would be a wonderful teaching device.

In a December 13, 2006 article by David Pereira, Justice Scalia said he favored cameras in the Supreme Court to show the public that a majority of the caseload involves dull stuff.

In December of 2000, an article by Marjorie Cohn noted Justice Ruth Bader Ginsburg's support of camera coverage, so long as it is gavel to gavel—which can be arranged.

Justice Alito, in his Senate confirmation hearings last year, said that as a member of the Third Circuit Court of Appeals he voted to admit cameras. He added that it would be presumptuous of him to state a final position until he had consulted with his colleagues, if confirmed. But at a minimum, he promised to keep an open mind, noting that he had favored television in the Third Circuit Court of Appeals.

Justice Kennedy, according to a September 10, 1990, article by James Rubin, told a group of visiting high school students that cameras in the Court were "inevitable," as he put it. He has since equivocated, stating that if any of his colleagues raise serious objections, he would be reluctant to see the Supreme Court televised. Chief Justice Roberts said in his confirmation hearings that he would keep an open mind. Justice Thomas has opposed cameras. Justice David Souter has opposed televising the Supreme Court. Justice Souter has been the most outspoken opponent of televising the Supreme Court, saying if cameras rolled into the Supreme Court, they would roll over his—as he put it—over his dead body—a rather colorful statement. But there has been, as noted, considerable sentiment by quite a number of the Justices as to their personal views expressing favorable disposition toward televising the Supreme Court.

The question inevitably arises as to whether Congress has the authority to require televising Supreme Court proceedings, and I submit there is ample authority on Congress's generalized control over administrative matters in the Court. For example, it is the Congress which decides how many Justices there will be on the Court. It is remembered that President Roosevelt, in the mid to late 1930s, proposed a so-called "packing of the Court" plan to raise the number to 15. But that is a congressional judgment. The Congress decides when the Supreme Court will begin its term: on the first Monday of every October. The Congress decides what number will constitute a quorum of the Supreme Court: six. The Congress of the United States has instituted timelines that are required to be observed by the Supreme Court when determining timeliness in habeas corpus cases. So there is ample authority for the proposition that televising the Supreme Court would be constitutional.

There is an article which is due for publication in May 2007 by Associate Professor Bruce Peabody of the political science department of Fairleigh Dickinson University, and in that article, Professor Peabody makes a strong analysis that congressional action to televise the Supreme Court would be constitutional. Also, in that article Professor Peabody refers at length to the legislation which I introduced in 2005 and says that it would be constitutional and observes that:

> A case could be made for reform giving rise to more wide-ranging and creative thinking of the role and status of the judiciary if the Supreme Court was, in fact, televised.

He further notes that:

> Televising the Supreme Court could stimulate a more general discussion about whether other reforms of the court might be in order.

He notes that:

> The so-called Specter bill would be meaningful in giving wider play to a set of conversations that have long been coursing through the academy about the relationship between the court and the Congress.

The Supreme Court itself, in the 1980 decision in Richmond Newspapers v. Virginia, implicitly recognized, perhaps even sanctioned, televising the Court because in that case, the Supreme Court noted that a public trial belongs not only to the accused but to the public and the press as well; and that people acquire information on Court proceedings chiefly through the print and electronic media. But we know as a factual matter that the electronic media, television, is the basic way of best informing the public about what the Supreme Court does.

There was enormous public interest in the case of Bush v. Gore argued in the Supreme Court in December of 2000 after the challenge had been made to the calculation of the electoral votes from the State of Florida and whether the so-called chads suggested or showed that Vice President Gore was the rightful claimant for those electoral votes or whether then-Governor Bush was the rightful claimant.

The streets in front of the Supreme Court chambers across the green from the Senate Chamber were filled with television trucks. At that time, Senator BIDEN and I wrote to Chief Justice Rehnquist urging that the proceedings be televised and got back a prompt reply in the negative.

But at least on that day the Supreme Court did release an audiotape when the proceedings were over, and the Supreme Court has made available virtually contemporaneous audio tapes since. But I suggest the audio tapes do not fill the bill. They do not have the audience. They do not have the impact. They do not convey the forcefulness that televising the Supreme Court would.

There has been considerable commentary lately about the Court's workload and the Court's caseload. Chief Justice Roberts, for example, noted that the Justices:

> Hear about half the number of cases they did 25 years ago.

And, he remarked that from his vantage point, outside the Court:

> They could contribute more to the clarity and uniformity of the law by taking more cases.

They have a very light backlog. In the 2005 term, only 87 cases were argued and 69 signed opinions were issued, which is a decrease from prior years. They have left many of the splits in the circuits undecided. Former Senator DeWine, when serving on the Judiciary Committee, asked Justice Alito about the unresolved authority at the circuit level. Now Justice Alito characterized that as "undesirable." But that happens because of the limited number of cases which the Supreme Court takes.

There has also been concern, as noted in an article by Stuart Taylor and Ben Wittes captioned, "Of Clerks And Perks," that the four clerks per Justice constitute an undesirable allocation of resources, and the Taylor-Wittes article cites the Justice's extensive extracurricular traveling, speaking, and writing, in addition to their summer recesses and the vastly reduced docket as evidence that something needs to be done to spur the Court into taking more cases.

If the Court were to be televised, there would be more focus on what the Court is doing. That focus can be given without television, but once the Supreme Court becomes the center of attraction, the center of attention, articles such as that written by Taylor and Wittes would have much more currency.

The commentators have also raised a question about the pooling of the applications for certiorari. There were, in the 2005 term, some 8,521 filers. Most of those are petitions for certiorari. That is the fancy Latin word for whether the Court will grant process to hear the case from the lower courts. As we see, the Court acts on a very small number of those cases. Only 87 cases were argued that year in a term when more than 8,500 filings were recorded, most of those constituting cases which could have been heard. And, the Supreme Court has adopted a practice of the so-called "cert pool," a process used by eight of the nine Justices. Only Justice Stevens maintains a practice of reviewing the cert petitions himself on an individual basis, of course, assisted by his clerks. But when the Court is charged with the responsibility of deciding which cases to hear, it is my view that it is very problematic and, in my judgment, inappropriate for the Justices not to be giving individualized attention, at least through their clerks, and not having a cert pool where eight of the Justices have delegated the job of deciding which cases are sufficiently important to hear to a pool.

We do not know the inner workings of the pool, but I believe it is fair and safe to infer that the judgments are made by clerks. Precisely what the level of reference and what the level of consultation with the Justices is we do not know, but when an application is made to the Supreme Court of the United States to hear a case, it is my view that there ought to be individualized consideration.

That also appeared to be the view of now Chief Justice John Roberts, who said in a 1997 speech, according to a September 20, 2000, article in the Legal Times by reporter Tony Mauro where then-private practitioner John Roberts said he "found the pool disquieting, in that it made clerks a bit too significant in determining the Court's docket."

I would suggest that is an understatement, to give that kind of power to the clerks and, beyond that, to give that kind of power to the clerks in a pool, where the individual Justices do not even make the delegation to their own clerks with whatever review they would then utilize but make that a delegation to a cert pool.

There have been many scholarly statements about the desirability of having greater oversight on what happens in the Supreme Court. Chief Justice William Howard Taft, who was the 10th Supreme Court Chief Justice and the 27th President of the United States, said that review and public scrutiny was the best way to keep the judges on their toes. And Justice Felix Frankfurter said that he longed for the day when the Supreme Court would receive as much attention as the World Series because the status of the Supreme Court depended upon its reputation with the people.

These are the exact words of Chief Justice William Howard Taft:

> Nothing tends more to render judges careful in their decision and anxiously solicitous to do exact justice than the consciousness that every act of theirs is subject to the intelligent scrutiny of their fellow men and to candid criticism.

Justice Felix Frankfurter's exact words were:

> If the news media would cover the Supreme Court as thoroughly as it did the World Series, it would be very important since "public confidence in the judiciary hinges on the public perception of it."

We have a continuing dialogue and a continuing discussion as to the role of the Supreme Court in our society. We have the cutting edge questions consistently coming to the Court. We have them deciding the issues of who will live, who will die, what will be the status of prayer in the schools, what will be the status of our election laws, and through the vagaries of due process of law and equal protection, there are many standards which the Court can adopt.

I was candidly surprised, in reviewing the recent Supreme Court decisions for the confirmation hearings on Chief Justice Roberts and Justice Alito, to find how far the Court had gone in striking down the power of Congress. It was 11 years between the confirmation proceeding on Justice Breyer and the confirmation proceeding on Chief Justice Roberts. With our workload here, it is not possible, even with responsibilities on the Judiciary Committee, even with responsibilities as chairman of the Judiciary Committee, to keep up with the Supreme Court opinions.

When I read United States v. Morrison, where the Supreme Court struck down the legislation protecting women against violence on a 5-to-4 decision because Chief Justice Rehnquist questioned our "method of reasoning," I wondered what kind of a transformation there was when you leave the Senate Chamber, where our columns are aligned exactly with the Supreme Court columns across the green, what kind of a transformation there was with method of reasoning that there is such superior status when going to the Court. Certainly I have noted no complaint about Senators' method of reasoning when we confirm Supreme Court Justices.

Then we picked up the Americans with Disabilities Act. We had two cases—one involving Alabama which involved employment discrimination and one involving Tennessee which involved access by a paraplegic to the courtroom—dealing with exactly the same records. In the Alabama case, the Supreme Court declared 5 to 4 that the act of Congress was unconstitutional. In the Tennessee case, exactly on the same record, they decided the act was constitutional. What standard did they use? They adopted a standard on a 1997 Supreme Court decision in a case called Boerne. In that case, the Supreme Court decided they would render a constitutional judgment in a context where Congress had legislated under article V of the 14th amendment to preserve due process of law where the challenge was made by the State that the States were immune under the 11th amendment. The Supreme Court decided it would impose a test of whether the statute was "congruent and proportional." This standard had never been heard in jurisprudence before that time, "congruent and proportional." I defy anyone to say what those words mean in a standard which can be applied in a way which can be predicted by lawyers and understood by State legislators and understood by clients.

In a dissenting opinion, Justice Scalia chastised the Court for being, in effect, the taskmaster of the Congress, to see if the Congress had done its homework, whereas in prior cases the adequacy of the record was determined by a substantial record and the Court would defer to the judgment of Congress, which established, through lengthy hearings and proceedings, a very extensive record. In talking to my colleagues, those decisions by the Supreme Court undercutting congressional power were not known.

Then we have the Supreme Court being the final arbiter on what happens on Executive power, what happens at Guantanamo, what is the responsibility of the President of the United States on military commissions, what is the responsibility under the Geneva Conventions. Here again, I respect the Supreme Court's decisions, respect their role as the final arbiter, but say that there ought to be an understanding by the public. It may be that there will never be a case which has more impact on the working of Government than the decision as to whether the Florida electoral votes would be counted for George Bush or for Albert Gore in the famous case of Bush v. Gore.

A prior version of this legislation came out of committee last year on a bipartisan 12-to-6 vote. It has very substantial cosponsorship. I urge my colleagues to consider it carefully. I urge the distinguished majority leader to look for a spot to bring such legislation to the Senate.

There is companion legislation which Senator GRASSLEY is offering which gives the courts—the Supreme Court, courts of appeals, trial courts—the discretion to have television. My legislation, S. 344, is more targeted. It has a requirement as to the Supreme Court televising its proceedings unless there is some due-process violation which is considered on a case-by-case basis.

When the article comes out by Professor Bruce Peabody in the University of Notre Dame Law Journal, I commend it to everyone's attention. I have advance text, have cited some of Professor Peabody's conclusions on his decision that the legislation has very important public policy benefits and, as he analyzes it, is constitutional.

I ask unanimous consent that the full text of the written statement be printed in the CONGRESSIONAL RECORD as if recited, and I ask that prior to the introduction of that prepared statement, my statement appear, that the comments I have made up until now have been a summary of that more extensive statement, an extemporaneous summary, and the full statement follows. Sometimes people reading the CONGRESSIONAL RECORD wonder why there is so much repetition, and I think a word of explanation that the initial statement is a summary and the formal statement is added would explain why the repetition exists.

I ask all of this explanation be printed in the RECORD. Finally, I ask that Senator CORNYN be included as a cosponsor.

The PRESIDING OFFICER (Mr. WEBB). Without objection, it is so ordered.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SENATOR SPECTER'S TALKING POINTS UPON INTRODUCTION OF S. 344, A BILL TO PERMIT THE TELEVISING OF SUPREME COURT PROCEEDINGS

Mr. SPECTER. Mr. President, once again I seek recognition to introduce legislation that will give the public greater access to our Supreme Court. This bill requires the high Court to permit television coverage of its open sessions unless it decides by a majority vote of the Justices that allowing such coverage in a particular case would violate the due process rights of one or more of the parties involved in the matter.

The purpose of this legislation is to open the Supreme Court doors so that more Americans can see the process by which the Court reaches critical decisions that affect this country and all Americans. The Supreme Court makes pronouncements on Constitutional and Federal law that have a direct impact on the rights and lives of all of us. Televising the Court's oral arguments will enhance the public's understanding of the issues and the impact of, and reasons for, the Court's decisions.

I believe that now is the right time for this legislation. In his 2006 Year-End Report on the Federal Judiciary, Chief Justice Roberts noted that "The total number of cases filed in the Supreme Court increased from 7,496 filings in the 2004 Term to 8,521 filings in the 2005 Term—an increase of 13.7 percent." Despite this increase in petitions, during the 2005 Term, only 87 cases were argued, and 69 signed opinions were issued. These 69 signed opinions compares to 74 opinions in the 2004 Term.

A recent article by law professor Jeffrey Rosen in The Atlantic Monthly points out that "Fifty-four percent of the decisions in the first year of the Roberts Court were unanimous" and "the Court issued more consecutive unanimous opinions than at any other time in recent history." I commend the Supreme Court and Chief Justice Roberts for what appears to be an increase in consensus, as reflected in the unanimity in these cases.

But I am concerned about the steady decline each year in the number of Supreme

Court full opinions; the number of cases decided by the slimmest majority of five justices; and the number of opinions that have multiple dissents and concurrences that lead to more confusion than clarity in the law. I believe that permitting cameras into oral arguments is one way to shed light on the nature of the work of the Supreme Court and to improve public awareness of the Court's workload, the Court's institutional prerogatives, and even judicial personalities. The public wants to know: Who are these judges and how do they do what they do?

A January 7, 2007 article by Robert Barnes in the Washington Post observes that "After decades of decline in its caseload, the [Supreme] Court is once again on track to take its fewest number of cases in modern history." The article notes that during his confirmation proceedings, Chief Justice Roberts observed that the justices "hear about half the number of cases they did 25 years ago" and he remarked that from his vantage point outside the court, "they could contribute more to the clarity and uniformity of the law by taking more cases." Similarly, during his confirmation hearings and in response to questions from Senator DeWine, Justice Alito described unresolved splits of authority at the circuit court level as "undesirable."

The Barnes article posits six possible reasons for the Court's waning docket: (1) 1988 legislation passed at the Court's request that limits the Court's mandatory review docket (2) the change in justices over the past couple of decades, (3) a decrease in splits among the circuits due to an increasingly homogenous appellate judiciary appointed by Republican administrations, (4) a decrease in appeals by the Federal government as a result of more government wins in the lower courts, (5) the "cert pool" process used by eight of the nine Justices, which relies upon law clerks to recommend which cases are "cert-worthy;" and (6) the possibility that justices on a closely divided court are hesitant to grant certiorari if they think their view will not prevail in the ultimate outcome of a case. I have no particular view on the merits of these possible explanations but they do make me increasingly curious about the Court and its workload.

In a September 2005 article in The Atlantic Monthly, Stuart Taylor, Jr. suggests, "As our Supreme Court justices have become remote from the real world, they've also become more reluctant to do real work—especially the sort of quotidian chores done by prior justices to ensure the smooth functioning of the judicial system. The Court's overall productivity—as measured by the number of full, signed decisions—has fallen by almost half since 1985. Clerks draft almost all the opinions and perform almost all the screening that leads to the dismissal without comment of 99 percent of all petitions for review. Many of the cases dismissed are the sort that could be used to wring clear perversities and inefficiencies out of our litigation system—especially out of commercial and personal-injury litigation." Mr. Taylor concludes the article by exclaiming, "Quietly our Supreme Court has become a sort of aristocracy—unable or unwilling to clearly see the workings, glitches, and peculiarities of the justice system over which it presides from such great altitude."

Mr. Taylor's frustration with the Supreme Court may have reached its zenith when, in July of 2006, he coauthored an article with Benn Wittes entitled, "Of Clerks and Perks." In this piece the authors suggest that "an exasperated Congress" should "fire" the Court's clerks by reducing the budget for clerks from four (4) per justice to one (1). Mr. Taylor and Mr. Wittes cite the justices' extracurricular traveling, speaking and writing, in addition to their summer recesses and vastly reduced docket as evidence that something needs to be done to spur the Court into taking up more cases. According to the authors, terminating ¾ of the clerks would end the justices' "debilitating reliance on twentysomething law-school graduates" and "shorten their tenure by forcing them to do their own work, making their jobs harder and inducing them to retire before power corrupts absolutely or decrepitude sets in."

I do not necessarily agree with Mr. Taylor or Mr. Wittes about what ails the Supreme Court. I do, however, strongly agree with their observation that "Any competent justice should be able to handle more than the current average of about nine majority opinions a year. And those who don't want to work hard ought to resign in favor of people who do."

Shortly after Taylor and Wittes issued their acerbic diatribe against the Court for its failure to grant certiorari in more cases, a September 20, 2006 article by Legal Times reporter Tony Mauro observed that eight of the nine sitting justices, including the recently confirmed Chief Justice Roberts and Justice Alito, would continue to participate in the Supreme Court's law clerk cert-pool. Mauro describes the cert-pool as an "arrangement, devised in 1972, [that] radically changed what happens when a petition for review or certiorari comes in to the court. Instead of being reviewed separately by nine clerks and/or nine justices, it is scrutinized for the pool, presumably in greater depth, by one clerk, who then writes a memo for all the justices in the pool." Mr. Mauro goes on to remind us that in a 1997 speech John Roberts gave while in private practice, "he found the pool 'disquieting' in that it made clerks 'a bit too significant' in determining the court's docket."

A December 7, 2006 article by Linda Greenhouse observed that "The Court has taken about 40 percent fewer cases so far this term than last. It now faces noticeable gaps in its calendar for late winter and early spring. The December shortfall is the result of a pipeline empty of cases granted last term and carried over to this one." Looking back at last term, Ms. Greenhouse observed, "The number of cases the court decided with signed opinions last term, 69, was the lowest since 1953 and fewer than half the number the court was deciding as recently as the mid-1980s." Ms. Greenhouse goes on to note that 16 of the 69 cases—about 23 percent—were decisions with a split of five to four.

On January 11, 2007, in an article by Brooke Masters and Patti Waldmeir, the Financial Times tells how "For years, the court declined to hear many cases that most profoundly affected corporate America." Ms. Masters and Ms. Waldmeir note that 44 percent of the Supreme Court's docket this term includes cases involving business, up from 30 percent in the previous two terms. Nonetheless, they note, "Far too often . . . Supreme Court rulings cast as much ambiguity as they resolve." The authors go on to quote Steve Bokat, general counsel of the U.S. Chamber of Commerce as saying he'd "rather have a bad decision that's clear than an OK decision that's not." According to Bokat, "Ninety percent of the time, if you get clarity in a decision with a definitive holding, you at least know what your obligations are, and even if you don't like the opinion you are much less likely to get in trouble with litigation." Bokat said Chief Justice Roberts "gets this" and "understands the importance of clarity" yet Bokat notes that "in order to get that unanimity the decisions tend to be more narrow [and] it doesn't give you much advice on what to do going forward."

I should also note that recent news articles point out the high Court has become more media friendly—even though the same articles deem the prospect of televised proceedings "remote." A December 25, 2006 article by Mark Sherman observes "Lately . . . some members of the court have been popping up in unusual places—including network television news programs—and talking about more than just the law." Mr. Sherman notes with some irony that then-Chief Justice "Rehnquist could stroll around the court, unrecognized by tourists. Justice Anthony Kennedy snapped a photograph for visitors who had no idea who he was and Justice John Paul Stevens was once asked to move out of the way by a picture-taking tourist." The article suggests that despite the Supreme Court's reticence about cameras in oral arguments, Chief Justice "Roberts believes its credibility will be enhanced if the justices appear less remote."

Frankly, I agree with the view that making the justices less remote adds to the credibility of the Supreme Court. I also believe that public understanding may help heal some of the deep division and even cynicism we have in some segments of our society. This is why I'm introducing legislation to permit cameras into oral arguments. As our 27th President and 10th Chief Justice William Howard Taft teaches, "Nothing tends more to render judges careful in their decision and anxiously solicitous to do exact justice than the consciousness that every act of theirs is to be subject to the intelligent scrutiny of their fellow men, and to their candid criticism . . . . In the case of judges having a life tenure, indeed, their very independence makes the right freely to comment on their decisions of greater importance, because it is the only practical and available instrument in the hands of a free people to keep judges alive to the reasonable demands of those they serve.

For their part, some of the justices have expressed an openness to the idea of allowing a broader audience to see oral arguments.

Chief Justice Roberts, in addition to comments about the court needing to appear less remote, stated at his 2005 confirmation hearing upon being nominated as Chief Justice, "Well, you know my new best friend, [former] Sen. Thompson assures me that television cameras are nothing to be afraid of. But, I don't have a set view on that."

Justice Alito, at his Senate Confirmation hearings in 2006, said that as a member of the 3rd Circuit Court of Appeals, he voted to admit cameras, but a majority of his colleagues rejected the idea. In response to a question I posed, Justice Alito said, "I argued we should do it" but he went on to qualify his personal belief by saying, "it would be presumptuous for me to talk about it right now" with respect to the Supreme Court. Justice Alito pledged he would "keep an open mind despite the position I took on the circuit court."

Justice Breyer, during his confirmation hearings in 1994, indicated support for televised Supreme Court proceedings. He has more recently stated, at an event in late 2005, that cameras in the Supreme Court "would be a wonderful teaching device" but might become a symbol for lower federal courts and state courts on the advisability of cameras in courtrooms. Justice Breyer noted that "not one of us wants to take a step that could undermine the court as an institution" and expressed the hope that "eventually the answer will become clear . . . ."

Justice Stevens, according to a July 14, 1989 article by Henry Weinstein in the Times Mirror, appears to support cameras and he told the annual 9th Circuit Judicial Conference attendees, "In my view, it's worth a try."

Justice Kennedy, according to a September 10, 1990 article by James H. Rubin, told a group of visiting high school students that cameras in the Court were "inevitable." But Justice Kennedy later stated that "a number of people would want to make us part of the national entertainment network." In testimony before the Commerce, Justice, State and Judiciary Subcommittee of the House Appropriations Committee in March of 1996, Justice Kennedy pledged, "as long as any of my colleagues very seriously objects, I shall join with them."

Justice Thomas, in an October 27, 2006 article by R. Robin McDonald, is quoted as saying, "I'm not all that enthralled with that idea. I don't see how it helps us do our job. I think it may distract from us doing our job." Justice Thomas added that if 80 percent of the appellate process is wrapped up in the briefs, "How many of the people watching will know what the case is about if they haven't read the briefs?" Justice Thomas went on to suggest the viewing public would have a "very shallow" level of understanding about the case.

On October 10, 2005, Justice Scalia, opposed an earlier version of my bill, stating, "We don't want to become entertainment . . . . I think there's something sick about making entertainment out of real people's problems. I don't like it in the lower courts, and I don't particularly like it in the Supreme Court." Yet a recent December 13, 2006, article by David Perara reports that Justice Scalia favors cameras in the Supreme Court to show the public that a majority of the caseload involves, "Internal Revenue code, the [Employee Retirement Income Security Act], the bankruptcy code—really dull stuff."

Justice Ginsburg made a similar observation: "The problem is the dullness of most [Supreme] Court proceedings." This comment was in a December 2000 article by Marjorie Cohen who noted Justice Ginsburg's support of camera coverage so long as it is gavel-to-gavel.

Justice Scalia's, Justice Thomas' and Justice Ginsberg's points are well taken. The public should see that the issues decided by the Court are not simple and not always exciting, but they are, nonetheless, very important.

So I have to disagree with Justice Souter, who appears to be the staunchest opponent of cameras in the Supreme Court and who famously said in 1996, "I can tell you the day you see a camera come into our courtroom, it is going to roll over my dead body."

Many years ago, Justice Felix Frankfurter may have anticipated the day when Supreme Court arguments would be televised when he said that he longed for a day when: "The news media would cover the Supreme Court as thoroughly as it did the World Series, since the public confidence in the judiciary hinges on the public's perception of it, and that perception necessarily hinges on the media's portrayal of the legal system." It is hard to justify continuing to exclude cameras from the courtroom of the Nation's highest court. As one legal commentator observes: "An effective and legitimate way to satisfy America's curiosity about the Supreme Court's holdings, Justices, and modus operandi is to permit broadcast coverage of oral arguments and decision announcements from the courtroom itself."

In recent years watershed Supreme Court precedents, have been joined by important cases like Hamdi, Rasul and Roper—all cases that affect fundamental individual rights. In Hamdi v. Rumsfeld, 2004, the Court concluded that although Congress authorized the detention of combatants, due process demands that a citizen held in the United States as an enemy combatant be given a meaningful opportunity to contest the factual basis for that detention before a neutral decisionmaker. The Court reaffirmed the Nation's commitment to constitutional principles even during times of war and uncertainty.

Similarly, in Rasul v. Bush, 2004, the Court held that the Federal habeas statute gave district courts jurisdiction to hear challenges of aliens held at Guantanamo Bay, Cuba in the U.S. War on Terrorism. In Roper v. Simmons, a 2005 case, the Court held that executions of individuals who were under 18 years of age at the time of their capital crimes is prohibited by Eighth and Fourteenth Amendments.

Then on June 27, 2005, the high Court issued two rulings regarding the public display of the Ten Commandments. Each opinion was backed by a different coalition of four, with Justice Breyer as the swing vote. The only discernible rule seems to be that the Ten Commandments may be displayed outside a public courthouse (Van Orden v. Perry), but not inside (McCreary County v. American Civil Liberties Union) and may be displayed with other documents, but not alone. In Van Orden v. Perry, the Supreme Court permitted a display of the Ten Commandments to remain on the grounds outside the Texas State Capitol. However, in McCreary County v. ACLU, a bare majority of Supreme Court Justices ruled that two Kentucky counties violated the Establishment Clause by erecting displays of the Ten Commandments indoors for the purpose of advancing religion. While the multiple concurring and dissenting opinions in these cases serve to explain some of the confounding differences in outcomes, it would have been extraordinarily fruitful for the American public to watch the Justices as they grappled with these issues during oral arguments that, presumably, reveal much more of their deliberative processes than mere text.

These are important cases, but does the public understand how the Court grappled with the issues? When so many Americans get their news and information from television, how can we keep them in the dark about how the Court works?

When deciding issues of such great national import, the Supreme Court is rarely unanimous. In fact, a large number of seminal Supreme Court decisions have been reached through a vote of 5–4. Such a close margin reveals that these decisions are far from foregone conclusions distilled from the meaning of the Constitution, reason and the application of legal precedents. On the contrary, these major Supreme Court opinions embody critical decisions reached on the basis of the preferences and views of each individual justice. In a case that is decided by a vote of 5–4, an individual justice has the power by his or her vote to change the law of the land.

5–4 Split Decisions Since the Beginning of the October 2005 Term

Since the beginning of its October 2005 Term when Chief Justice Roberts first began hearing cases, the Supreme Court has issued twelve (12) decisions with a 5–4 split out of a total of 96 decisions—the most recent of which, Osborn v. Haley, was issued few days ago (January 22, 2007). The Court has also issued four (4) decisions with votes of 5–3, with one justice recused. Finally, it has issued a rare 5–2 decision in which Chief Justice Roberts and Justice Alito took no part. In sum, since the beginning of its October 2005 Term, the Supreme Court has issued seventeen (17) decisions establishing the law of the land in which only five (5) justices explicitly concurred. Many these narrow majorities occur in decisions involving the Court's interpretation of our Constitution—a sometimes divisive endeavor on the Court. I will not discuss all 17 of these narrow majority cases, but will describe a few to illustrate my point about the importance of the Court and its decisions in the lives of Americans.

Eighth Amendment, Death Penalty & Aggravating Factors or Mitigating Evidence

The first 5–4 split decision, decided on January 11, 2006, was Brown v. Sanders, which involves the death penalty. In that case the Court held that in death penalty cases, an invalidated sentencing factor will render the sentence unconstitutional by reason of its adding an improper element to the aggravation scale unless one of the other sentencing factors enables the sentencer to give aggravating weight to the same facts and circumstances. The majority opinion was authored by Justice Scalia and joined by Chief Justice Roberts and Justices O'Connor, Kennedy and Thomas. Justice Stevens filed a dissenting opinion in which Justice Souter joined. Similarly, Justice Breyer filed a dissenting opinion in which Justice Ginsburg joined.

Last November the Supreme Court decided Ayers v. Belmontes, a capital murder case in which the Belmontes contended that California law and the trial court's instructions precluded the jury from considering his forward looking mitigation evidence suggesting he could lead a constructive life while incarcerated. In Ayers the Supreme Court found the Ninth Circuit erred in holding that the jury was precluded by jury instructions from considering mitigation evidence. Justice Kennedy authored the majority opinion while Justice Stevens wrote a dissent joined by three other justices.

Other 5–4 split decisions since October 2005 include United States v. Gonzalez-Lopez, concerning whether a defendant's Sixth Amendment right to counsel was violated when a district court refused to grant his paid lawyer permission to represent him based upon some past ethical violation by the lawyer (June 26, 2006); LULAC v. Perry, deciding whether the 2004 Texas redistricting violated provisions of the Voting Rights Act (June 28, 2006); Kansas v. Marsh, concerning the Eighth and Fourteenth Amendments in a capital murder case in which the defense argued that a Kansas statute established an unconstitutional presumption in favor of the death sentence when aggravating and mitigating factors were in equipoise (April 25, 2006); Clark v. Arizona, a capital murder case involving the constitutionality of an Arizona Supreme Court precedent governing the admissibility of evidence to support an insanity defense (June 29, 2006); and Garcetti v. Ceballos, a case holding that when public employees make statements pursuant to their official duties they are not speaking as citizens for First Amendment purposes, and the Constitution does not insulate their communications from employer discipline (May 30, 2006).

The Justices Have Split 5–3 Four (4) Times Since October 2005

Fourth Amendment Warrant Requirement

In Georgia v. Randolph, (March 22, 2006), a 5–3 majority of the Supreme Court held that a physically present co-occupant's stated refusal to permit a warrantless entry and search rendered the search unreasonable and invalid as to that occupant. Justice Souter authored the majority opinion. Justice Stevens filed a concurring opinion as did Justice Breyer. The Chief Justice authored a dissent joined by Justice Scalia. Moreover, Justice Scalia issued his own dissent as did Justice Thomas. In Randolph, there were six opinions in all from a Court that only has nine justices. One can only imagine the spirited debate and interplay of ideas, facial expressions and gestures that occurred in oral arguments. Audio recordings are simply inadequate to capture all the nuance that only cameras could capture and convey.

Actual Innocence and Habeas Corpus

In House v. Bell, a 5–3 opinion authored by Justice Kennedy (June 12, 2006), the Supreme Court held that because House had made the stringent showing required by the actual innocence exception to judicially-established procedural default rules, he could challenge his conviction even after exhausting his regular appeals. Justice Alito took no part in considering or deciding the House case. It bears noting, however, that if one Justice had been on the other side of this decision it would have resulted in a 4–4 tie and, ultimately, led to affirming the lower court's denial of House's post-conviction habeas petitions due to a procedural default.

Military Commissions, Geneva Conventions and Habeas Corpus

In Hamdan v. Rumsfeld, a 5–3 decision in which Chief Justice Roberts did not participate, the Supreme Court held that Hamdan could challenge his detention and the jurisdiction of the President's military commissions to try him despite the 2005 enactment of the Detainee Treatment Act. A thin majority of the justices held that, although the DTA states that "no court . . . shall have jurisdiction to hear or consider . . . an application for . . . habeas corpus filed by . . . an alien detained . . . at Guantanamo Bay," the President could not establish a military commission to try Hamdan unless Congress granted him the authority through legislation. This case was of great interest and great importance, and was one of a handful of recent cases in which the Supreme Court released audiotapes or oral arguments almost immediately after they occurred. The prompt release of the audiotapes was good, but it would have been far better to allow the public to watch the parties' advocates and the Justices grapple with the jurisdictional, constitutional and merits-related questions that were addressed in that case. With due respect to Justices Scalia and Ginsberg, watching the advocates respond as the Justices pepper them with questions is something that should be seen and heard.

14th Amendment Due Process and Notice Concerning Tax Liens on Homes

In another 5–3 case, Jones v. Flowers, (April 26, 2006), the Supreme Court considered whether the government must take additional reasonable steps to provide notice before taking the owner's property when notice of a tax sale is mailed to the owner and returned undelivered. The public can readily understand this issue. In an opinion by Chief Justice Roberts, the Court held that where the Arkansas Commissioner of State Lands had mailed Jones a certified letter and it had been returned unclaimed, the Commissioner had to take additional reasonable steps to provide Jones notice. Justices Thomas, Scalia and Kennedy dissented and Justice Alito took no part in the decision.

Not only lawyers who might listen to the audio tapes and read the full opinions, but all citizens could benefit from knowing how the Court grapples with legal issues related to their rights—in one case something as straightforward as the right to own one's home as it may be affected by unclaimed mail—and in another the right of someone who is in prison to be heard by a court. My legislation creates the opportunity for all interested Americans to watch the Court in action in cases like these.

Regardless of one's views concerning the merits of these decisions, the interplay between the government, on the one hand, and the individual on the other is something many Americans want to understand more fully. So, it is with these watershed decisions in mind that I introduce legislation designed to make the Supreme Court less remote. Millions of Americans recently watched the televised confirmation hearings for our two newest Justices. Americans want information, knowledge, and understanding; in short, they want access.

In a democracy, the workings of the government at all levels should be open to public view. With respect to oral arguments, the more openness and the broader opportunity for public observation—the greater will be the public's understanding and trust. As the Supreme Court observed in Press-Enterprise Co. v. Superior Court (1986), "People in an open society do not demand infallibility from their institutions, but it is difficult for them to accept what they are prohibited from observing." It was in this spirit that the House of Representatives opened its deliberations to meaningful public observation by allowing C–SPAN to begin televising debates in the House chamber in 1979. The Senate followed the House's lead in 1986 by voting to allow television coverage of the Senate floor.

Judiciary Committee Hearings and Action on Cameras in the Federal Courts

On November 9, 2005, the Judiciary Committee held a hearing to address whether Federal court proceedings should be televised generally and to consider S. 1768, my earlier version of this bill, and S. 829, Senator Grassley's "Sunshine in the Courtroom Act of 2005." During the November 9 hearing, most witnesses spoke favorably of cameras in the courts, particularly at the appellate level. Among the witnesses favorably disposed toward the cameras were Peter Irons, author of May It Please the Court, Seth Berlin, a First Amendment expert at a local firm, Brian Lamb, founder of C–SPAN, Henry Schleif of Court TV Networks, and Barbara Cochran of the Radio-Television News Directors Association and Foundation.

A different view was expressed by Judge Jan DuBois of the Eastern District of Pennsylvania, who testified on behalf of the Judicial Conference. Judge DuBois warned of concerns, particularly at the trial level, where witnesses may appear uncomfortable because of cameras, and thus might seem less credible to jurors. I note, however, that these would not be issues in appellate courts, where there are no witnesses or jurors.

The Judiciary Committee considered and passed both bills on March 30, 2006. The Committee vote to report S. 1768 was 12–6, and the bill was placed on the Senate Legislative Calendar. Unfortunately, due to the press of other business neither bill was allotted time on the Senate Floor.

Congressional Authority to Legislate Cameras in the Court

In my judgment, Congress, with the concurrence of the President, or overriding his veto, has the authority to require the Supreme Court to televise its proceedings. Such a conclusion is not free from doubt and may be tested in the Supreme Court, which will have the final word. As I see it, there is no constitutional prohibition against this legislation.

Article 3 of the Constitution states that the judicial power of the United States shall be vested "in one Supreme Court and such inferior Courts as the Congress may from time to time ordain and establish." While the Constitution specifically creates the Supreme Court, it left it to Congress to determine how the Court would operate. For example, it was Congress that fixed the number of justices on the Supreme Court at nine. Likewise, it was Congress that decided that any six of these justices are sufficient to constitute a quorum of the Court. It was Congress that decided that the term of the Court shall commence on the first Monday in October of each year, and it was Congress that determined the procedures to be followed whenever the Chief Justice is unable to perform the duties of his office. Congress also controls more substantive aspects of the Supreme Court. Most importantly, it is Congress that in effect determines the appellate jurisdiction of the Supreme Court. Although the Constitution itself sets out the appellate jurisdiction of the Court, it provides that such jurisdiction exists "with such exceptions and under such regulations as the Congress shall make."

The Supreme Court could permit television through its own rule but has decided not to do so. Congress should be circumspect and even hesitant to impose a rule mandating television coverage of oral arguments and should do so only in the face of compelling public policy reasons. The Supreme Court has such a dominant role in key decision-making functions that its proceedings ought to be better known to the public; and, in the absence of a Court rule, public policy would be best served by enacting legislation requiring the televising of Supreme Court proceedings.

My legislation embodies sound policy and will prove valuable to the public. I urge my colleagues to support this bill. Finally, I ask unanimous consent that the text of the bill be printed in the Record and I yield the Floor.

Mr. SPECTER. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, by previous order, I am to be recognized; is that correct?

The PRESIDING OFFICER. That is correct, for 45 minutes.

VA HEALTH CARE

Mr. DORGAN. Mr. President, on Saturday of this past weekend, I was in

Minneapolis, MN, for some meetings. In the Minneapolis Star Tribune newspaper, there was on the front page a story that I read with substantial disappointment and concern. I will relate it to my colleagues.

Kevin Giles for the Minneapolis Star Tribune wrote a story:

> This Marine's death came after he served in Iraq.

The subhead is:

> When Jonathan Schulze came home from Iraq, he tried to live a normal life, but the war kept that from happening.

The story is a lengthy one about a man who served in Iraq, was a marine, very proud of being a marine, a combat marine. His name was Jonathan Schulze. In Iraq, he carried a heavy machine gun as part of his combat experience. He apparently indicated he had watched about 16 of his unit members and close friends die in some very aggressive fighting in Iraq, described the battles. He was twice wounded, earned two Purple Hearts, came back to this country, was discharged, and had very serious post-traumatic stress disorder, severe psychological problems. He couldn't sleep, reliving the combat during his sleep and then having flashbacks when awake.

On December 14, he went to the VA center in Minneapolis, met with a psychiatrist, according to this news account, and was told that he could be admitted for some treatment in March. This was December. On January 12, a couple of weeks ago, he went to the VA hospital in St. Cloud, according to this account. He told the people at the VA hospital in St. Cloud that he was thinking of committing suicide, thinking of killing himself. His parents were with him at that point. They verify that is what he told the VA hospital in St. Cloud. He was thinking of committing suicide, and he wanted to be admitted as a patient. They told him they could not admit him as a patient.

The next day, he called the VA, called them back, and they told him that he was No. 26 on the waiting list. Four days later, he hung himself. This young man who served his country honorably as a U.S. marine reached out for help. According to his parents, who were there at the time, he went to a VA hospital and said: I need help, I want to be admitted, I am having thoughts of suicide, and he was refused. The next day, he was told he is 26th on the list.

I don't know all of the facts about this. I only know the facts I have read in a newspaper. But the story is nearly unbelievable to me. The newspaper description of the flag-draped coffin of this young marine who earned two Purple Hearts fighting for his country in Iraq contains a sad, sad story of a young marine who should have gotten medical help for serious psychological problems that were the result of his wartime experience.

I am going to ask the inspector general to investigate what happened in this case. What happened that a young man who was a marine veteran with two Purple Hearts turns up at a VA center and says: I am thinking of committing suicide, can you help me, can you admit me, and he is told: No, the list is 26 long in front of you? Something dreadfully wrong happened. The result is a young man is dead. What happened here? Does it happen other places?

We know the heavy toll war imposes on these young men and women who wear America's uniform and who answer this country's call. My colleagues and I have all been to Bethesda and Walter Reed, and have visited the veterans who have lost arms and legs, who have had head injuries, especially, because the body armor these days means that the injuries more often sustained are the loss of an arm or a leg or a brain injury due to the improvised explosive devices. We know about the VA health care system. The VA health care system has been excellent in some respects. It has gotten good reviews. But what has happened here? Are there others who show up at a VA center and say: I need help, only to be told no help is available? I hope that is not the case.

But I am going to ask the Inspector General to investigate this case and find out what happened. Is it happening other places? And what can we do to prevent this from happening again? It is the unbelievable cost of war.

ISSUES OF PRIORITY

IRAQ

Mr. DORGAN. This week or next week we will discuss once again the war in Iraq—a war that has now lasted longer than World War II. President Bush has indicated to the Congress and to the American people he has a new strategy. The new strategy he is proposing is to move an additional 20,000 American troops into Iraq. This morning, the more recent polls suggest the President's approval is at 30 percent. Polls also suggest the American people do not support deepening our country's involvement in Iraq. It is quite clear that the Congress does not support it either.

The decision by the President comes on the heels of the Baker-Hamilton commission that had some of the best minds in this country—Republicans and Democrats, old hands and younger people—who took a look at this, who understand foreign policy, understand military policy, and evaluated what are the potential choices, and decided that the deepening of our country's involvement in Iraq would be the wrong choice.

The blue ribbon commission told the President it would be the wrong choice to deepen our involvement in Iraq. Yet, the President decided that is exactly what he is going to do.

It is important, I think, as we discuss it this week and next week, to understand this Congress will always support the men and women whom we have asked to go to battle for our country. I would not support any effort by anyone to withdraw funds for our troops. If our troops are there, they must have everything they need to complete their mission and finish their jobs. But the fact is, in all of these discussions, I regret to say the President and Vice President do not have all that much credibility. Four years ago they presented to this Congress—much of it in top-secret briefings in this Capitol—intelligence that supposedly buttressed the Administration's request that Congress pass a resolution that would give them the authority to use force against Iraq. It turns out now that much of that intelligence was wrong. Much of it was just fundamentally wrong. Now we know that those who offered the intelligence assessment to Congress knew there were serious doubts about it even as they were offering it to Congress as fact. They are some of the highest officials in our Government. I wish I did not have to say that, but it is the truth.

It was not good intelligence. For example, take the mobile chemical weapons labs that we were told existed for sure. We now understand that was the product of a single source of intelligence, a person named "Curveball," a person who was likely a drunk and a fabricator. On the basis of a single source, whom the Germans, who turned Curveball's information over to our country, thought not to be reliable or likely not to be reliable, we were told by this administration in briefings that this was a case that would justify going to war.

The aluminum tubes. We now understand the aluminum tubes were not for the purpose of reconstituting a nuclear threat. We also understand there are those in the line of—well, I was going to say the chain of command—those at high positions in our Government today who knew there was substantial evidence and disagreement from other parts of our Government who did not believe the aluminum tubes were for the purpose of reconstituting a nuclear effort or nuclear capability in Iraq. Yet, that information was withheld from the Congress, probably and apparently deliberately withheld from the Congress.

Yellowcake from Niger: Again, another case of almost exactly the same thing.

It is the case that the Congress was misled by bad intelligence, and the American people were misled by that same intelligence. That is not me saying that. It is Colonel Wilkerson, who worked 17 years as a top assistant to Colin Powell, the Secretary of State, who made the case at the United Nations. Colonel Wilkerson, who was involved in all that activity, spoke out publicly, and he said it was the "perpetration of a hoax on the American people." That is not me. Those are the words of a top official who was involved, who was there. Yet, no one has had to answer for it, no one.

Hearings. No oversight hearings by the majority party in the last Congress. No one has answered for it.

Now we have a new Iraqi policy, new warnings about more danger in Iraq. But it comes at a time when there is precious little credibility. We now find ourselves in Iraq, longer than we were in the Second World War, in the middle of a civil war. Most of the violence in Iraq is sectarian violence: Sunnis and Shias killing each other; American soldiers placed in the middle of a civil war.

The fact is, the leader of Iraq is now gone, dead. He was executed. Saddam Hussein does not exist. The Iraqi people were able to elect their own Government. They were able to vote for their own constitution. That is done. That is progress. But now Iraq is in the middle of a civil war. And to deepen America's involvement in the middle of a civil war in Iraq makes little sense to me.

What does make sense to me is to say to the Iraqis: This is your Government, not ours. This belongs to you, not us. And you have a responsibility now to provide for your own security.

Here is what General Abizaid, the head of Central Command, said 2 months ago. He said:

> I met every divisional commander, General Casey, the corps commander, General Dempsey, we all talked together. And I said, "in your professional opinion, if we were to bring in more American troops now, does it add considerably to our ability to achieve success in Iraq?" And they all said no.

"I met with every divisional commander." "They said no."

Now, General Abizaid, also in testimony 2 months ago, said:

> And the reason [his commanders said no to additional troops] is because we want the Iraqis to do more. It is easy for the Iraqis to rely upon us to do this work. I believe that more American forces prevent the Iraqis from doing more, from taking more responsibility for their own future.

In other words, the Iraqi attitude is: if American troops can do the job, that is fine. Let the American troops do the job. Our responsibility, it seems to me, is to say to the Iraqi people: This is your country, not ours. Security is your responsibility. And if you cannot provide for security, the American soldiers cannot do that for any great length of time. You have to decide whether you want to take your country back.

Now, as the President says, his change in strategy is to move more American troops to Iraq. I want to describe what John Negroponte, the head of our intelligence service, said in open testimony to the Congress 2 weeks ago:

> Al-Qaeda is the terrorist organization that poses the greatest threat to U.S. interests, including to the homeland.

That is testimony from the top intelligence chief in our country: Al-Qaida is the greatest terrorist threat to U.S. interests, including to the homeland. Then let me show you what he says beyond that. He says: al-Qaida "continues to plot attacks against our homeland and other targets with the objective of inflicting mass casualties. And they continue to maintain active connections and relationships that radiate outward from their leaders' secure hideout in Pakistan. . . ."

Understand this is who attacked America: al-Qaida. They described it. They boasted about it. They murdered thousands of Americans. They attacked America on 9/11. Their leadership is now, according to our top intelligence chief, in testimony before this Congress 2 weeks ago, in a "secure hideout in Pakistan."

It seems to me if there are 20,000 additional soldiers available, job one for this country is to eliminate the greatest terrorist threat—the greatest terrorist threat—described by the intelligence chief the week before last as al-Qaida. It "poses the greatest threat to U.S. interests, including to the homeland." He also says they are in secure hideaways in Pakistan.

I do not understand for a moment why the greatest priority for us is not to eliminate the most significant terrorist threat to our country and to eliminate the leadership of the organization that boasts about murdering Americans on 9/11. If that were part of the new strategy, I would be here saying: I am for it. But it is not.

There is not, regrettably, an easy answer or a good answer with respect to Iraq. The President described, last fall, prior to the election, false choices. He said the choice is between stay the course and cut and run. That was always a false choice.

We have to find a way to resolve this and be able to bring American troops home. It is just that simple. We have to say to the Iraqi people: This country belongs to you, and you have responsibilities. Meet those responsibilities.

We have responsibilities here at home—plenty of them—and we need to turn inward to meet those responsibilities. That does not mean we should pay no attention to what is going on around the world. But we also need to begin taking care of things here at home.

I was at a meeting in Minneapolis, a listening session with American tribes this weekend. Let me tell you what one fellow stood up and said. He was a tribal chair, a chairman of the tribe. He said: My two daughters are living in rehabilitated trailers that were brought to our reservation from Michigan. They heat those trailers with wooden stoves. The trailers have no plumbing. There is no running water and no indoor toilets. This is in South Dakota. Sound like something in a Third World country? He said: One of my daughters has eight children. The other has three. They live in donated trailers that came from Michigan, with no water and no toilet. And they heat it with a wood stove. Sound like the United States? No, it doesn't to me. It sounds like a Third World country. We have lots of people in this country living on Indian reservations in Third World conditions. We are told there is not enough money to respond to their housing, education, and health care needs. That is wrong.

We are going to have presented to us in a couple weeks another proposal for as much as $120 billion in emergency spending to deal with Iraq and Afghanistan. That will bring to roughly $600 billion what we have provided for the war. But when we have needs here at home, it does not matter whether it is health care needs or housing or perhaps energy needs, the Administration tells us we cannot afford to spend for that.

Well, we have afforded now what is going to be about $600 billion that the President has requested, all on an emergency basis, most of it for the war in Iraq. So we will debate and have great controversy, I assume, in the next couple weeks on the issue of a resolution dealing with Iraq. But controversy is not a stranger to the floor of the Senate.

MINIMUM WAGE INCREASE

Mr. President, we have a provision on the floor of the Senate today that should have been completed long ago dealing with the minimum wage. I mentioned the other day when I was talking about issues that come to the floor of the Senate that butter the bread of big interests, man, they float through here like greased lightning. We do not get it through fast enough, at least in the last Congress. Do you want to give a big tax break to the biggest interests in the country? Be my guest. We get it through here in 1, 2, 3 days.

Do you want to help the people at the bottom of the economic ladder, the people who make the beds in hotel rooms for the minimum wage, the people across the country in convenience stores getting the minimum wage—often working two, three jobs a day, 60 percent of whom are women, one-third of whom are working at the minimum wage for the only income for their family—well, then, you have some trouble because then it is going to get stalled. That does not get through here quickly because that hallway is not clogged with people representing the folks who are making the minimum wage and working two jobs a day.

It is just a fact, and it is a shame. We need to take care of some things here at home, and we need to do so soon.

This minimum wage bill is not rocket science, nor should it be heavy lifting for any of us here. It has been 10 years since those who worked at the bottom of the economic ladder have had any adjustment in the minimum wage—10 years.

I mentioned the other day, what about a "maximum wage"? I am not proposing one. But I can tell you that the head of one of the largest oil companies in our country, when he left his company, was making $150,000 a day in total income. Can you imagine that, $150,000 a day?

Then when he left, the papers reported, in addition to having made $150,000 a day, he got a $400 million parachute on the way out. Anybody standing around here squawking about that? No, no complaints about that. It is the little guy, the person at the bottom. After 10 years, there is great complaint about trying to move a bill through the Senate that would give them some help, lift that minimum wage a bit. We are told: You can't do that without giving corporations a break. I guess I don't understand the priorities. Some of the suggestions that have been described, expensing for small business, I support that, but it has nothing to do with this bill. We will almost certainly do it in other circumstances. We have done it before. But why should we hold hostage a bill that deals with a whole lot of folks who work hard all day long and for very little money, not $150,000 a day but maybe $44 a day, because of those who have an appetite for additional tax breaks? I don't understand that.

SWEATSHOP ABUSES

My point is, there is so much to do. I wish to talk for a moment about a couple of other items that relate to this. I introduced a bill last week with some of my colleagues to try to stop sweatshop abuses overseas, products made overseas in sweatshop conditions and sent into this country to compete unfairly against American workers.

The fact is, American workers are losing their jobs because there is so much outsourcing to foreign countries. American jobs are being shipped to foreign countries. The very people in this Chamber who are reluctant to increase the minimum wage and are holding us up are the same people who have voted when I have offered four times a simple amendment that says: Let's stop giving large tax breaks to U.S. companies that ship American jobs overseas.

Can you think of anything more pernicious than deciding, let's figure out what we have to do in America; let's give a big, fat tax break to a company that would fire their workers, lock their manufacturing plant, shut the lights off and move the jobs overseas? They move the jobs overseas, manufacture a product in Sri Lanka or Bangladesh and ship it back here and they get a big, fat tax break out of this Congress. That is unbelievable to me. We can't get that repealed. And we can't, on the other edge of the sword, get the minimum wage increased. Boy, that slices the wrong direction. There is something fundamentally wrong with that system.

I introduced legislation called the Decent Working Conditions and Fair Competition Act that sets up a circumstance so that at least if companies are going overseas to find sweatshop conditions, hire a bunch of people who will work for 20 or 30 cents an hour and then produce a product and ship it back here, at least we could try to stop them. There is a lot of dispute about trade and the conditions of employment. I think we could all agree that American workers should not have to compete against the product of prison labor in China. I think we could all agree that if somebody is making socks in a Chinese prison, that is not fair competition for an American worker. So we don't have Chinese prison labor products come into this country. What about the product of sweatshop labor, where people are brought into sweatshops?

I will cite an example: A sweatshop in northern Jordan, airplanes flying in the Chinese and Bangladeshis, with Chinese textiles, being put in sweatshops in northern Jordan to produce products to ship into this country. Some were working 40-hour shifts, not a 40-hour week, 40 hours at a time. Some weren't paid for months. And then when they were paid, they were paid a pittance. Some were beaten.

Do we want that kind of product coming into this country? Is that whom we want American workers to compete with? I don't think so. This legislation is a first baby step toward some sanity in trying to make sure that what we are purchasing on the store shelves in our country is not the product of sweatshop labor overseas. We define what sweatshop labor is, what sweatshop conditions are. We establish a provision by the Federal Trade Commission to enforce, and we also allow American companies who are forced to compete against this unfairness to take action in American courts to seek recompense for the damages.

My hope is Congress will pass this. It is bipartisan. It relates to exactly the same thing we are talking about for people in this country who work on the minimum wage.

Last week, I also introduced a piece of legislation that deals with this building. This is a picture of a little white building on Church Street in the Cayman Islands. It is called the Ugland House. It is five stories. According to some enterprising investigative reporting done by David Evans of Bloomberg, this building is actually home to 12,748 corporations. It doesn't look like it could house 12,748 corporations. It is a five-story stucco building in the Cayman Islands, and it is what lawyers have allowed to become legal fiction so that companies could create a legal address in this little white building. It is their tax haven Cayman Island address so they can avoid paying taxes. Isn't that something? Twelve thousand seven hundred forty-eight companies call this place home. We ought to stop it.

I have introduced legislation to stop it, to say this: When U.S. companies want to set up a subsidiary in a tax-haven country, if they are not doing substantial business activity in that country, then they have created a legal fiction, and it will not be considered legal for us.

They will be taxed as if they never left our country. We can shut this down like that. If this Congress has the will, we can shut down these tax havens in a moment. And we should. Everybody else is paying taxes. It will be April 15th in a couple months. The American people work. They pay taxes and support the Government for the cost of roads and bridges and health care, all the things we do together, the National Institutes of Health, and our national defense. So they pay taxes. It is just that there are some in this country who decide they don't want to participate. They don't want to pay taxes.

Here is a report from the Government Accountability Office. It was done at my request and, I believe, that of Senator LEVIN as well. The report showed the number of large Federal contractors who do business with the Federal Government—that is, they want to benefit from having contracts with the Federal Government—who set up offshore subsidiaries in tax-haven countries to avoid paying U.S. taxes. The very companies that benefit from doing business with the Federal Government in getting contracts are setting up offshore tax haven companies to avoid paying U.S. taxes. That is unbelievable. It ought to stop.

I have introduced legislation—I should call it the Ugland House Act, now that I think about it—that shuts down that opportunity. This bill can shut down in a moment the opportunity for companies to decide they want all the benefits America has to offer them, but they don't want the responsibility of paying taxes. My hope is that this bill, which is cosponsored by Senators LEVIN and FEINGOLD, will be dealt with by the Senate Finance Committee and the full Senate in the days and weeks ahead.

FAST TRACK AUTHORITY

One final point, if I might. We are told this week that the President Bush will be asking the Congress for something called fast-track authority. Although the Constitution provides Congress the right to regulate foreign commerce—it is a constitutional responsibility of the Congress—the Congress has, in the past, given the President something called fast track, which says: Mr. President, you go out and negotiate trade agreements in secret and then you bring them back and we will have an expedited procedure. And we will require that no Senator be allowed to offer any amendments, no matter what you have negotiated.

I don't support fast-track authorization. I didn't support it for President Clinton. I don't support it for this President. This President has had it for 6 years over my objection. He is attempting to now get an extension of it by the end of June 30. I intend—and I am sure a number of my colleagues with whom I have spoken intend—to aggressively resist it. I am for trade and plenty of it. But I am for fair trade. I demand fair trade. This notion of a trade policy that has an $800 billion trade deficit is an unbelievable failure. No one can describe it as a success for this country.

It is time to have a fair debate about trade, what strengthens America and what weakens it, what are the conditions under which we participate in the global economy? We have a right to participate the way we choose. We have been told in recent years that the way to participate in the global economy is to engage in a race to the bottom. If American workers can't compete with somebody making 36 cents an hour, that is tough luck.

I have often told stories about the companies and the stories of struggle of the last 100 years. But James Fyler died of lead poisoning. He was shot 54 times. I suppose that is lead poisoning. Why was he shot 54 times? Because it was 1914, and James Fyler was radical enough to believe that people who went underground to dig coal should be paid a fair wage and ought to be able to work in a safe workplace. For that, he was shot 54 times. Over a century, going back to the early 1900s, we have created the standards of work. We lifted America. We expanded the middle class. We said: We will put in place fair labor standards, child labor provisions, safe workplace rules. We are going to lift America up. We are going to expand the opportunity for health care. We will have good jobs that pay well. We will give people the right to organize. We did all of that. We created the broadest middle class in the world and an economic engine that is unparalleled.

Now we are told it is a new day. We should compete. If there is a woman named "Saditia" in Indonesia making shoes and she makes 21 cents an hour and we can't compete with that, that is tough luck. If we have people in China making 33 cents an hour producing Huffy bicycles that used to be produced here and we can't compete with that, tough luck. If the Radio Flyer little red wagon that used to be produced in Chicago went to China, it was because we can't compete with Chinese workers. If Pennsylvania House furniture left Pennsylvania and they now ship the wood to China and then ship the furniture back, those workers in Pennsylvania should not complain because they couldn't compete with Chinese workers. It doesn't matter to me whether it is Chinese workers or Sri Lanka or Bangladeshi. The fact is, we are seeing a diminished standard in which we are racing to the bottom.

I read in the paper this weekend an op-ed piece. Somebody was asking: What is everybody complaining about? Things are great.

Wages and salaries are the way most people get their income. They are the lowest percentage of gross domestic product since they started keeping score in 1947. We added 5 million people to the poverty rolls in the last 6 years. Everything is great. Probably for some. Maybe the guy who is making $100,000 a day running an oil company but not for the person working three jobs at a minimum wage who hasn't been boosted for 10 years, not to Natasha Humphrey. She did everything. She went to Stanford, an African-American woman, got her degree, went to work for a technology company. Her last job was to train her replacement, an engineer from India who would work for one-fifth the cost of an engineer in the United States. So things aren't so great for everybody. When you have a $700 billion-a-year trade deficit, over $250 billion a year with China alone, I say you better pay attention. You better get it straight.

ENERGY POLICY

There is a lot to say and a lot to do. I was going to talk about energy policy briefly, but I will only say that one of the major challenges in our country is the challenge of energy. We are so unbelievably dependent on foreign sources of oil. The bulk of our oil comes from outside of our country, well over 60 percent. We are dependent on the Saudis and the Kuwaitis, the Iraqis, the Venezuelans, and others for oil. It is unhealthy.

We need to make a major commitment to renewable energy. What we have done in energy is pretty much what we have done in too many areas. We put in place, in 1916, permanent robust tax incentives to incentivize the production of oil It has been in place for 90 years. In 1992, we said: You know what, let's boost the production of renewable energy, so we put in place a production tax credit—temporary and rather narrow. It has been extended short term five times and allowed to expire three times. There has been virtually no consistent commitment to renewable energy. It has been on again/off again, like a switch. That is not a commitment.

If you are going to commit as a country to move in a direction on energy, whether it is renewable, biofuels, or hydrogen fuel cells, you should make a commitment and say: Here is where the country is headed, where we intend to be in 10 years, and we are going to give a tax incentive for 10 years for the production of these renewable fuels. You should have targets and timetables. That hasn't been the case. It has been a rather limited, tepid, miniature kind of provision that is turned off again and on again, a stutter-stop approach that tells investors: Don't rely on this because this Government isn't committed to it. We need to do better. I hope this year we can decide, as the President asked for in his State of the Union Address, on a much more robust commitment to renewable energy.

Having said that, let me point out, under this President and previous Presidents, the amount of money we have committed to the renewable energy area. We have laboratories, renewable energy laboratories, whose funding dropped consistently. Again, it is one thing to say something and have a goal; it is another thing to decide you are going to take steps to meet the goal. We have not done that.

So, Mr. President, I have said a lot about a lot of things because we are facing a lot of things that, in many ways, are related, including the war in Iraq, the international challenges. All of us want the same thing for our country. We all want this country to succeed and do well. I don't think there is a difference in goals. We will have sharp debate in the next 2 weeks, but I don't believe there is a difference in the goals we have. I suspect everybody in this Chamber wants very much for the Iraq war to be over, for our troops to be home, and for stability to exist in Iraq and in that region. I expect we share the goal on energy. Does anybody think that we as a country aspire to be 60, 65 percent dependent upon oil from Saudi Arabia, Kuwait, Iraq, and elsewhere? I don't think so. It seems to me that it would make some sense for us to find a way to get the best of what both sides have to offer in these discussions rather than the worst of each. I hope in the coming days we can at least clear away the bill on the floor so we can move to other issues.

Last week, Senator KENNEDY gave a pretty animated presentation about his frustration with the day after day after day digging in the heels of this Chamber to stop or delay the passage of a minimum wage. Again, I just walked through the halls coming over here. They are not filled with people representing the workers at the bottom. We should represent those workers. We have that responsibility. We have the responsibility to do the right thing, and after 10 long years, it is the right thing to pass this minimum wage bill and not hold it hostage for other issues and other agendas. We will have plenty of opportunity with amendments that have nothing to do with this bill; we will have the opportunity to offer them. But not now. Don't hold a bill hostage that would help those working two and three jobs a day trying to take care of their families.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I understand the Senator from Arizona wanted to address the Senate. We also have, as I understand it, a request from the Senator from Alabama to speak from 4 to 5. So I would like to, if I could, speak and I will yield before 4 and request that the Senator from Alabama be delayed by a little. I think we were scheduled to come back to the minimum wage now. I don't mind starting 5 minutes after that. I would be glad to go 5 minutes early and make a request that we delay Senator SESSIONS' 5 minutes, and then the Senator from Arizona would have 10 minutes. I see my other friend here. It is going to get complicated after this. Senator SESSIONS, I think, is to be recognized.

Mr. KYL. Mr. President, if I may respond to the Senator, I would like to get in, and I will ask unanimous consent to speak as in morning business for 10 minutes. I don't know where Senator SESSIONS is. I gather it would be fine if he is delayed for 5 minutes. I don't know what Senator CORNYN's intentions are.

Mr. CORNYN. Mr. President, I ask unanimous consent to be recognized following Senator KENNEDY and Senator KYL for no more than 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I personally don't have any objection. As I understood it, as part of the general agreement on the minimum wage, Senator SESSIONS would be recognized at 4. I don't have any personal objection, and I will not object, and I will let those two Senators handle Senator SESSIONS.

Mr. KYL. Mr. President, I ask unanimous consent to speak as in morning business.

Mr. KENNEDY. Well, Mr. President, I intend to talk now.

Mr. KYL. I am sorry. I thought I would be recognized now. Excuse me.

Mr. KENNEDY. I intend to talk for about 15 to 18 minutes, and then we will be on the minimum wage bill. I plan to speak on that minimum wage bill. I said I would end 5 minutes early to try to accommodate the Senator. We are scheduled to deal with the bill at 3:30. So I have recognition.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

FAIR MINIMUM WAGE ACT OF 2007

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 2, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2) to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage.

Pending:

Reid (for Baucus) amendment No. 100, in the nature of a substitute.

McConnell (for Gregg) amendment No. 101 (to amendment No. 100), to provide Congress a second look at wasteful spending by establishing enhanced rescission authority under fast-track procedures.

Kyl amendment No. 115 (to amendment No. 100), to extend through December 31, 2008, the depreciation treatment of leasehold, restaurant, and retail space improvements.

Enzi (for Ensign/Inhofe) amendment No. 152 (to amendment No. 100), to reduce document fraud, prevent identity theft, and preserve the integrity of the Social Security system.

Enzi (for Ensign) amendment No. 153 (to amendment No. 100), to preserve and protect Social Security benefits of American workers, including those making minimum wage, and to help ensure greater Congressional oversight of the Social Security system by requiring that both Houses of Congress approve a totalization agreement before the agreement, giving foreign workers Social Security benefits, can go into effect.

Vitter/Voinovich amendment No. 110 (to amendment No. 100), to amend title 44 of the United States Code, to provide for the suspension of fines under certain circumstances for first-time paperwork violations by small business concerns.

DeMint amendment No. 155 (to amendment No. 100), to amend the Public Health Service Act to provide for cooperative governing of individual health insurance coverage offered in interstate commerce, and to amend the Internal Revenue Code of 1986 regarding the disposition of unused health benefits in cafeteria plans and flexible spending arrangements and the use of health savings accounts for the payment of health insurance premiums for high deductible health plans purchased in the individual market.

DeMint amendment No. 156 (to amendment No. 100), to amend the Internal Revenue Code of 1986 regarding the disposition of unused health benefits in cafeteria plans and flexible spending arrangements.

DeMint amendment No. 157 (to the language proposed to be stricken by amendment No. 100), to increase the Federal minimum wage by an amount that is based on applicable State minimum wages.

DeMint amendment No. 159 (to amendment No. 100), to protect individuals from having their money involuntarily collected and used for lobbying by a labor organization.

DeMint amendment No. 160 (to amendment No. 100), to amend the Internal Revenue Code of 1986 to allow certain small businesses to defer payment of tax.

DeMint amendment No. 161 (to amendment No. 100), to prohibit the use of flexible schedules by Federal employees unless such flexible schedule benefits are made available to private sector employees not later than 1 year after the date of enactment of the Fair Minimum Wage Act of 2007.

DeMint amendment No. 162 (to amendment No. 100), to amend the Fair Labor Standards Act of 1938 regarding the minimum wage.

Kennedy (for Kerry) amendment No. 128 (to amendment No. 100), to direct the Administrator of the Small Business Administration to establish a pilot program to provide regulatory compliance assistance to small business concerns.

Martinez amendment No. 105 (to amendment No. 100), to clarify the house parent exemption to certain wage and hour requirements.

Sanders amendment No. 201 (to amendment No. 100), to express the sense of the Senate concerning poverty.

Gregg amendment No. 203 (to amendment No. 100), to enable employees to use employee option time.

Burr amendment No. 195 (to amendment No. 100), to provide for an exemption to a minimum wage increase for certain employers who contribute to their employees health benefit expenses.

Chambliss amendment No. 118 (to amendment No. 100), to provide minimum wage rates for agricultural workers.

Kennedy (for Feinstein) amendment No. 167 (to amendment No. 118), to improve agricultural job opportunities, benefits, and security for aliens in the United States.

Enzi (for Allard) amendment No. 169 (to amendment No. 100), to prevent identity theft by allowing the sharing of Social Security data among government agencies for immigration enforcement purposes.

Enzi (for Cornyn) amendment No. 135 (to amendment No. 100), to amend the Internal Revenue Code of 1986 to repeal the Federal unemployment surtax.

Enzi (for Cornyn) amendment No. 138 (to amendment No. 100), to amend the Internal Revenue Code of 1986 to expand workplace health incentives by equalizing the tax consequences of employee athletic facility use.

Sessions (for Kyl) amendment No. 209 (to amendment No. 100), to extend through December 31, 2012, the increased expensing for small businesses.

Division I of Sessions (for Kyl) amendment No. 210 (to amendment No. 100), to provided for the permanent extension of increasing expensing for small businesses, the depreciation treatment of leasehold, restaurant, and retail space improvements, and the work opportunity tax credit.

Division II of Sessions (for Kyl) amendment No. 210 (to amendment No. 100), to provided for the permanent extension of increasing expensing for small businesses, the depreciation treatment of leasehold, restaurant, and retail space improvements, and the work opportunity tax credit.

Division III of Sessions (for Kyl) amendment No. 210 (to amendment No. 100), to provided for the permanent extension of increasing expensing for small businesses, the depreciation treatment of leasehold, restaurant, and retail space improvements, and the work opportunity tax credit.

Division IV of Sessions (for Kyl) amendment No. 210 (to amendment No. 100), to provided for the permanent extension of increasing expensing for small businesses, the depreciation treatment of leasehold, restaurant, and retail space improvements, and the work opportunity tax credit.

Division V of Sessions (for Kyl) amendment No. 210 (to amendment No. 100), to provided for the permanent extension of increasing expensing for small businesses, the depreciation treatment of leasehold, restaurant, and retail space improvements, and the work opportunity tax credit.

Mr. KENNEDY. Mr. President, it has been a week now that the Senate has had on its agenda and before the Senate legislation to increase the minimum wage from $5.15 to $7.25. In that week, every Member of Congress has effectively earned $3,200, but we have not acted on an increase in the minimum wage for hard-working American people who are earning $5.15, to raise their minimum wage to $7.25. We have had 1 week of talking here on the floor of the Senate without action.

It looks to me as if we are going to have, thankfully, as a result of the action of the majority leader, a vote at least on cloture to try to terminate the debate. But there will be additional procedural issues that will mean that those who are opposed to an increase in the minimum wage will be able to delay the increase in the minimum wage for another week.

As the parliamentary situation is playing its way out, there will be the possibility of 60 hours after the vote on cloture, which will take us effectively through the end of this week. So that will be 2 weeks where the Members of the Senate have then earned $6,400, but we have been unwilling to either vote up or down on the increase of the minimum wage from $5.15 an hour to $7.25 an hour.

For the millions of people at the lower end of the economic ladder—men and women of dignity who work hard, those who are assistants to our teachers and work in the schools of this country, those who work in some of the nursing homes and look after the elderly, many of those of the great generation that fought in World War II and brought the country out of the time of the Depression—they are still earning $5.15 an hour. They work in many of the hotels and motels that dot the countryside and the great buildings of American commerce—these people are working at $5.15. They will work for that tomorrow, and they worked for that the day before. And now, because our Republican friends refuse to permit us a vote, they are going to continue to work at $5.15 an hour. It has been 10 years.

I went back and looked at the number of days we have tried to get an increase in the minimum wage since our last increase, and that was 16 days. So we have effectively been debating an increase in the minimum wage for 23 days since the last increase in the minimum wage, and there has been opposition from our Republican friends.

It is true that we have disposed of some 21 amendments, but there are almost 100 left from that side. We don't have any. We will have some if they insist on some amendments. But our side is prepared to vote now. I daresay the majority leader would come out here, if the minority leader would agree, and set a time—I bet even for this afternoon, in an hour, 2 hours, perhaps even less. Perhaps some colleagues have been notified that we would not have votes today, so in fairness to them we could start the vote at the start of business tomorrow morning. There would not be any objection here. There are no amendments on our side. Still, there are 90 amendments on the other side, and they are exercising parliamentary procedures in order to get to delay the consideration of the minimum wage, including $200 billion in changes in Social Security—that was an amendment offered from that side—$35 billion in tax reductions and areas of education, some of which I support, but certainly with no offsets. They were never considered. They didn't include offsets, for example, with IDEA, the legislation that looks after the disabled children, or didn't increase the Pell grants. We didn't even have a chance to look at it. But no, no, let's do that, use this vehicle for that measure. Let's get those Members on your side and the Democratic side lined up to vote against providing additional assistance on education. Maybe we can use that in the next campaign.

What about health savings accounts—that wonderful idea that benefits the medium income; the people it benefits are those making $133,000 a year. That is the medium income of the people who benefit from the health savings accounts. We are talking about raising the minimum wage to $7.25. They are talking about giving additional tax benefits to individuals in the health savings accounts of hundreds of thousands of dollars.

The list goes on, Mr. President. These are matters which have absolutely nothing to do with the minimum wage. It is a delay, and it is to politicize these issues. We all know what is going on. The Republican leadership is opposed to the increase in the minimum wage. When they had the majority of the Senate, they constantly opposed any effort. Even though a majority of the Members of this body and the House of Representatives favored an increase, they refused to permit us to get a vote on it, and the President indicated he would veto it if we had.

So that is where we are as we start off this week on the issue of the minimum wage. We find out our side—the Democratic side—follows the leadership that took place in the House of Representatives with NANCY PELOSI. They had 4 hours of debate, and 80 members of the Republican Party voted for an increase in the minimum wage. But here it is a different story. For the millions of Americans who say: My goodness, here is the House of Representatives; look, in 4 hours, it looks as if hope is on the way—and they didn't understand the strength of the Republican opposition to an increase in the minimum wage. I have seen it at other times. We have seen it at other times.

It is always baffling to me, what the Republicans have against hard-working Americans. What do they have against minimum wage workers? We don't hear about it. They don't debate it. They will debate other matters, but what do they have against them? What possibly do they have against these hard-working Americans? They are trying to provide for families, play by the rules, and work 40 hours a week, and in so many instances they are trying to bring up children. What is so outrageous?

Some say that if we raise the minimum wage, we are going to have the problem of increasing unemployment. We have heard that argument out here on the floor. Let me, first of all, show what has happened historically with the minimum wage.

Until recent times, we have had Republicans and Democrats who supported an increase in the minimum wage, starting with Franklin D. Roosevelt, Harry Truman, then Dwight Eisenhower. They raised it $1 in 1955. Then President Kennedy increased it, Lyndon Johnson, Richard Nixon supported an increase, Jimmy Carter, George Bush I, and William Clinton. That was the last increase. We voted on it in 1996, and it became effective in the fall of 1997. There were two different phases to it.

First, people say: When you raise the minimum wage, look what is going to happen in terms of unemployment. Unemployment will rise.

If we look at what has happened with unemployment at the time we passed the last increase in the minimum wage to $5.15 an hour in 1997, we can see there have been small increases, but the whole trend has been down. So much for the argument of unemployment.

They say: That chart really doesn't show it because it doesn't reflect what is happening in the economy in terms of job growth. Look at what happened when we raised the minimum wage from $4.25 an hour to $4.75 an hour, and then we raised it again to $5.15 an hour. Look at that red line showing steady and constant job growth after an increase in the minimum wage.

Look at what percent the minimum wage is. Increasing the minimum wage to $7.25 is vital to workers, but it is a drop in the bucket to the national payroll. All Americans combined earn $5.4 trillion a year. A minimum wage increase to $7.25 is less than one-fifth of 1 percent of this national payroll. It is less than one-fifth of 1 percent of this national payroll. And we have heard from those who oppose the minimum wage about all of these economic calamities. These are the facts in terms of the national payroll. It isn't even a drop in the bucket. It isn't even a piece of sand on the beach it is so little. Yet they say the economic indicators say this.

Look what has happened to States that have a higher minimum wage than the national minimum wage, and see what has happened in terms of job growth. This chart shows 11 States plus the District of Columbia with wages higher than $5.15 an hour. Overall employment growth has been 9.7 percent;

39 States with a minimum wage at $5.15, 7.5 percent. Those States that have had an increase in the minimum wage have had more job growth, and it is understandable. The economic reports and studies show that if workers are treated fairly, there will be increased productivity. They are going to stay around longer and work. There will be less absenteeism, less turnover, more productivity, and you are going to increase your output. And this is all reflected in various studies.

Look at small business. They say that is good for the Nation, but it doesn't really reflect what is happening to small businesses.

This chart states that higher minimum wages create more small businesses. The overall growth in number of small businesses from 1998 to 2003 is 5.4 percent and 4.2 percent. These are the small businesses about which we heard a great deal. We have the small business exemption that exempts 3.6 million workers who are working for the real mom-and-pop stores, where their gross income is less than $500,000.

This gives us some idea of the nature of the economic arguments. They don't hold water. They didn't hold water previously. We have seen a decline in the purchasing power of the minimum wage over this period of time. This chart is in real dollars. We can see where it was in 1960, 1965, 1970, 1975, going to 1980 and then a gradual decline. Starting in 1980, under President Reagan, it is going down. And we see the increases that came in the nineties under President Clinton. The purchasing power of $5.15, as this chart shows, was probably the lowest it had ever been. Its purchasing power has lost 20 percent. All we are asking is to get it back to $7.25 and to get the purchasing power back to where it was when we went to $5.15. Isn't that outrageous?

What have we done in taxes for all the others? We are trying to restore the purchasing power. Let's look in the meantime at what we have done for companies and corporations. Let me go to this, Mr. President. Look at what has happened. Productivity and profits skyrocket while minimum wage plummets. Look at the profits. From 1997 to 2006 profits were up 45 percent, productivity was up 29 percent, and the minimum wage was down 20 percent.

Historically, in the sixties, seventies, all the way up to 1980, when we saw an increase in productivity, that was shared with the workers. Companies, corporations shared the increase in productivity with the workers. No longer. That doesn't exist any longer. They take all of that productivity, and it is now an increase in profits.

This chart indicates what has happened to the real minimum wage and what has happened to productivity. See, going back to the sixties, 1960 to 1965, even into the seventies, closer productivity, workers working harder, increasing productivity. They shared in the increasing productivity with wages. Not anymore. All of that productivity has been turned into profits.

I want to spend my last few minutes—now that we have had the economic argument—reviewing quickly the most powerful argument, and that is what has happened in terms of these figures, how they translate into real people's lives. The charts reflect the growth of poverty in America. We are the strongest economic country in the world, and we find that between 2000 and 2005, we see that the number of people who are living in poverty in the United States of America has increased by over 5 million—5 million in the United States of America—during this period of the economy.

I listened to the President talk the other night about how the economy is just going like gangbusters. Talk about the number of bankruptcies, talk about the growth of poverty—5 million. Let's look at what happened with regard to the number of children who are living in poverty. There were 11 million in 2000 and 1.3 million more at the present time.

This country, of all the industrial nations in the world, has the highest child poverty in the world. Look at the chart and look at the end. Look at the red line. It is not even close. The United States of America has the highest child poverty in the world. That means the loss of hopes and dreams for these children, increasing pressures in terms of children dropping out of school because they are living in poverty and are not being fed in the morning. They are not getting good quality health care or any kind of health care. Their parents have two or three jobs and they are not getting the attention they need. The basic abandonment of so many children in our society.

We read last week into the RECORD the New York Times article about the burden that is going to be on the American economy. That may get the attention of some of our friends on the other side. They expect that increased child poverty in this Nation is going to cost another $500 billion just because of what is happening to children in our society.

Let me show what happens to child poverty in States which have a higher minimum wage. This isn't an accident. If the minimum wage is raised, it has an impact on child poverty. Alaska, Connecticut—all the way, the States that are listed here—New Jersey, Oregon, Rhode Island, Vermont, the State of Washington—are above the national average poverty rate. They have higher economic growth, higher small business growth, less child poverty. That is what we have seen. National average child poverty, again, the high minimum wage States, again, have lower child poverty rates.

Very quickly, we have seen two nations of the world that have made child poverty a particular issue—Great Britain and Ireland. Now the minimum wage is $9.58 an hour in Great Britain. They brought 2,000,000 children out of poverty. They are a very strong economy in Europe.

In Ireland, they have reduced child poverty by 40 percent. They are also a very strong economy.

What we know is that the economic arguments don't hold water, and the adverse impact is particularly harsh on children.

All during this time, we have seen this extraordinary explosion of tax breaks that have been given to large companies and small companies. They say these can't do it unless they get help. Over the last 10 years, there have been $276 billion in tax breaks for corporations and $36 billion in tax breaks for small businesses, and our Republican friends are insisting that we add more tax breaks if we want any hope of getting an increase in the minimum wage.

Americans understand fairness, and this is not fair. Trying to hold up an increase in the minimum wage for hard-working Americans, who are working and playing by the rules, is not fair. Americans understand fairness. There are no economic arguments. We have been out here now for 7 days. I haven't heard them. I have been willing to debate any of those arguments. No, no, we don't get into the economic arguments. We used to years ago. Now we don't get into them. We just have to use this vehicle for all these other add-ons in order to basically frustrate this body from getting an increase in the minimum wage.

As I said before, I don't understand what it is that our Republican friends find so obnoxious about hard-working men and women who are working at the minimum wage, but evidently there is something because they will not let the Senate of the United States act on this legislation.

This is about fairness. This is about the hopes and dreams of children. It is about decency and fairness to women because women are the primary recipients of the minimum wage. So many of them have children. Eighty percent of those who receive the minimum wage are adults; 40 percent of those who receive the minimum wage have been receiving it for 3 years.

This is an issue that women are concerned about, that has an enormous impact on children, that is basically a civil rights issue because minimum wage jobs so often are the entry jobs for men and women of color. But it comes back to fairness. It is basically the issue of fairness, whether we are going to be fair to hard-working Americans. Our Republican friends refuse—absolutely refuse—they refuse to let us get a vote on this minimum wage, and they have basically filibustered by amendment.

As I said, we have over 90 amendments remaining. Democrats on this side are prepared, ready, and willing to vote. We thank our leader for bringing up this legislation. We are going to continue to battle on.

We give assurance to those who are looking to us to represent them, to speak for them in the Senate, that we will speak for them. We will stand for them. They should know that we are on their side, and we don't intend to fail.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

IRAQ

Mr. KYL. Mr. President, I, too, am anxious to get on to the debate about the resolutions that deal with Iraq. I will speak to that for 10 minutes.

My position is clear. I think we ought to give the President's strategy a chance to work. We asked him to come up with a new strategy. He has done so, and it seems to me that it is our responsibility as a Senate to give that a chance to work or to provide an alternative—not an alternative to leave but an alternative to win. There are plenty of ways to leave. We can begin leaving now and have it done in a year. We can leave in 6 months. We can leave to the border but not beyond. There are a lot of different ideas about how to leave, but an alternative is not how to leave but how to win.

The President has presented such a strategy and I believe we ought to give it a chance to work.

Resolutions that are nonbinding nevertheless have consequences. They can't change the policy that is already being effected, the strategy in Iraq, but what they can do is send very powerful messages. First, they can send a message to our enemies. It seems to me the last message we want to send to the enemy is that the Congress does not support the mission in Iraq. Obviously that emboldens the enemy. That is what GEN David Petraeus said in his testimony before the Armed Services Committee last week. It sends a message to our allies that we are not in it to the end, and they begin to wonder whether they should start hedging their bets.

By the way, it sends a message to a country such as Iran, which is already beginning to offer, now, to in effect take our place in Iraq: They will do the training of troops, they will do the reconstruction if the Iraqis will simply invite them in. That obviously would not be in our best interests, not to mention the Iraqis' best interests.

Most importantly, a resolution such as this sends a message to our troops. It is a very powerful message and a very negative one. It is a message that in effect says we support you, but we don't support your mission. We are sending you into a place where you could well die, but we don't support the cause for which you are dying. We don't think you can win. As a matter of fact, I have more respect for those who advocate voting on whether we should continue to support the effort monetarily—the legitimate function of the Congress, to cut off the funds if we don't like the war—than I do for those who simply want to "send a message." At least the others would be willing to have the courage of their convictions, that if this is not a winnable war, we better stop it now as opposed to simply trying to send a message.

Let me tell you what this message does. Last Friday night I was watching the NBC "Nightly News." Brian Williams was the broadcaster, and he called on Richard Engel, reporting from Iraq, to talk about what was going on there. Richard Engel talked about the Stryker Brigade, Apache Company, setting out on a mission to find bases for U.S. troops. I will quote what he said in the report.

He said:

> It's not just the new mission the soldiers are adjusting to. They have something else on their minds: The growing debate at home about the war. Troops here say they are increasingly frustrated by American criticism of the war. Many take it personally, believing it is also criticism of what they've been fighting for.

He goes on to say:

> Twenty-one-year-old Specialist Tyler Johnson is on his first tour in Iraq. He thinks skeptics should come over and see what it's like firsthand before criticizing.

And here is what Specialist Tyler Johnson said:

> Those people are dying. You know what I'm saying? You may support—"oh we support the troops," but you're not supporting what they do, what they share and sweat for, what they believe for, what we die for. It just don't make sense to me.

Back to Richard Engel:

> Staff Sergeant Manuel Sahagun has served in Afghanistan and is now on his second tour in Iraq. He says people back home can't have it both ways.

And then Staff Sergeant Manuel Sahagun says the following:

> One thing I don't like is when people back home say they support the troops but they don't support the war. If they're going to support us, support us all the way.

Engel then says:

> Specialist Peter Manna thinks people have forgotten the toll the war has taken.

And Specialist Peter Manna says:

> If they don't think we are doing a good job, everything we have done here is all in vain.

Engel concludes the report by saying:

> Apache Company has lost two soldiers and now worries their country may be abandoning the mission they died for.

Richard Engel, ABC News, Baghdad.

That report struck me. I immediately talked to my wife about it, and I said those three soldiers have said more eloquently than I and my colleagues have, than we have, in making the point that you can't have it both ways. You can't both support the troops and oppose the mission we are sending them on, putting them in harm's way. And can we say that their colleagues who died did not die in vain if the Senate goes on record saying we don't support your mission?

This is the conflict that has to be in the minds of the families of those who are putting their lives on the line and the very soldiers and marines who are doing the same.

Last Friday, this Senate confirmed GEN David Petraeus to take command of that theater, and there were all kinds of expressions of support for him. He is, indeed, one of the finest military officers ever to come before the Senate for confirmation. No one said otherwise. Yet at the same time we are talking about passing a resolution that would say to him: We don't believe in the mission we have just sent you on.

He testified he needed more troops in order to carry out the mission and that he supported the President's new strategy, one component of which is to add some troops so that he has the capability, in conjunction with the new Iraqi troops, to stabilize and pacify the city of Baghdad as well as the Al Anbar Province, which is currently being threatened by al-Qaida terrorists. He said he needs those new troops. Yet Congress would go on record as saying we do not believe you should have those new troops.

Again, at least some number of my colleagues, maybe half or thereabouts on the other side of the aisle, would cut off the funding for the troops in order not just to send a message but to end the involvement. At least that is a position that has action attached to it. I disagree with it, but simply sending the message by sending David Petraeus on the way, patting him on the back, saying, "Go do a good job but, by the way, we don't believe in the mission," it seems to me is starting off on the wrong foot.

He said something else in his testimony that I thought was telling. He said: Wars are all about your will, your will and your enemy's will.

When asked a question by Senator LIEBERMAN, he said passage of these resolutions would not be helpful, among other things, because you need to break the enemy's will in a conflict, in a war. This kind of resolution would inhibit his ability, General Petraeus's ability, with our great military, to break the enemy's will to fight. How can you break the enemy's will to fight when the people who are allegedly running the war back home have already signaled that they think it is lost and it is simply a matter of bringing the troops home, and that the mission is not supported by a majority of the Senate?

Resolutions, even if they are nonbinding, have consequences. In this case the consequences are detrimental, to our enemy, to our allies, and to our soldiers and their families.

We have some solemn responsibility here, but none is more serious than putting our young men and women in harm's way. All of us want to bring them home safe and sound. We all understand when we vote for that, people are going to die. Everyone who does that does so with a solemn responsibility. We are all looking for a way also to end the conflict so no more have to die. But the reason we authorized this in the first place was because we understood there was a mission to perform. Even those who disagree with the reasons to begin with appreciate the fact that we cannot leave Iraq a failed state. I think virtually everybody in this body would agree with that proposition. We cannot leave Iraq a failed state. The consequences, not just to the Iraqis and to the other people in the region but to United States security, would be devastating.

Something else on which most people agree is that the Iraqis are not currently in a position to pacify Baghdad and Al Anbar Province all by themselves. They need our help. That is what the testimony before the committees was last week.

If they need our help, if we all agree we can't leave Iraq a failed state, if General Petraeus is saying we need some time and some troops to get this job done in conjunction with a significant change in the way the Iraqis are approaching the war—finally backing us up now when we say we want to go into these areas and not just clear them but hold them, keep the bad guys in jail, the ones who have not been killed, for example—if we agree with all those things, then it seems to me the last thing the Senate should be doing is considering a resolution which would say we disagree with the mission, we disagree with the President's strategy, we don't think we should be sending any more troops, and we want to begin a process of withdrawing from Iraq.

When the debate time comes, I am anxious to have it. The American people deserve a debate. I heard a message yesterday that the American people had spoken. Indeed they did. I had an opponent who said we should withdraw from Iraq. Yet I won the last election, saying we needed to stay there until the mission was completed, and I even supported the addition of more troops if that were necessary. In the case of Arizona, I think people have spoken.

The reality is, however, I think it is a mixed message. They would all like to get out as quickly as possible, but if you ask them, Do you think we should leave before the mission is accomplished, do you think we should leave even though there is the strong probability of a failed Iraqi state, do you think we can say we support the American troops but we don't support the mission, I think we would disagree with that proposition.

It is up to us as leaders to lead. That means to let them know we support not just them but their mission, that we want to see it accomplished, and we will not undercut that mission or their support by passing a resolution that disapproves of the new strategy.

I hope my colleagues will agree we have to give this strategy a chance to work.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. I ask unanimous consent to speak for up to 8 minutes, and following that, the Senator from Alabama to speak for up to an hour.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CORNYN. Mr. President, I have two amendments before the body I would like to explain briefly. Then I am impelled to respond to some of the argument we have heard from the distinguished Senator from Massachusetts. I guess the question he put was what do Republicans have against hard-working Americans? I will respond to that in a moment.

AMENDMENT NO. 135

My first amendment has to do with the Federal unemployment surtax. In the 1970s, the Unemployment Trust Fund faced financial strains, so Congress imposed a surtax to bring money into the unemployment system, the unemployment compensation system, in order to meet its obligations. That debt was paid off in the 1980s. Congress has continued, however, to collect the unemployment surtax, proving the maxim once stated by Ronald Reagan that the closest thing to eternal life here on Earth is a temporary government program. I think this proves that.

The Federal unemployment surtax should have expired 20 years ago. Since 1987, the surtax has taken approximately $28 billion out of the pockets of U.S. businesses. Is that $28 billion over 20 years worth the broken promise to eliminate it? I think not. Elimination of the surtax, which this amendment will do, will save businesses across the country—and in my particular State, $135 million—but it will save businesses across the country proportionate amounts.

This is an easy and logical way to trim payroll taxes. The FUTA tax without the surtax is sufficient to fund State and Federal unemployment administrations. Without the surtax, the Federal unemployment tax generates nearly $6 billion a year, and all accounts associated with the Federal Unemployment Trust Fund have ample balances.

It is simply a matter of keeping the faith with the American people, when we tell them we have a temporary program and that program runs its course and serves its purpose, to eliminate it. That is what this amendment would do, and I ask the support of my colleagues for that amendment.

AMENDMENT NO. 138

My second amendment addresses the issue of preventive health care. You might ask what does that have to do with regulatory and tax relief to small businesses and the minimum wage? Well, this amendment, which asks for the adoption of a stand-alone bill called the Workforce Health Improvement Program Act, would put small businesses on a level playing field with big businesses to provide health benefits to their employees that they can deduct but for which small businesses cannot deduct the same benefits they might want to give by outsourcing those to health clubs, for example.

Let me explain where I am coming from. Public health experts unanimously agree that people who maintain active and healthy lifestyles dramatically reduce the risk of contracting chronic diseases. A physically fit population helps decrease health care costs, 50 percent of which, by the way, are borne by the Federal taxpayer. A physically fit population reduces Federal Government spending, reduces illnesses, and improves worker productivity.

The costs, though, are not just measured in dollars. According to the Surgeon General's "Call to Action to Prevent and Decrease Overweight and Obesity" published in 2001, 300,000 deaths per year in America are associated with being overweight or obese. Regular physical activity reduces the risk of developing or dying from some of the leading causes of illness and death in the United States.

Additionally, Medicare and Medicaid programs currently spend $84 billion annually on five major chronic diseases: diabetes, heart disease, depression, cancer, and arthritis. It is important we not only treat these diseases once they are manifested but that we also explore ways to prevent them in the first place. Consider this statistic—the numbers are staggering. This is from the American Diabetes Association:

> The total annual economic cost of diabetes in 2002 in the United States of America was $132 billion. Direct medical expenditures totaled $92 billion and $23.2 billion of that was for diabetes care, $24.6 billion was for chronic diabetes-related complications, and $44.1 billion was for excess prevalence of general medical conditions related to diabetes. Indirect costs resulting to lost work days, restricted activity days, mortality, and permanent disability due to diabetes totaled $40.8 billion.

One NIH study reported in the New England Journal of Medicine showed that modest changes in exercise and diet can prevent diabetes in 58 percent of the people at high risk for the disease. What is more, the trial showed that participants over 60 years of age benefited the most, preventing the onset of diabetes by 71 percent. Even assuming that intervention with modest changes in exercise and diet is only half effective, they estimated the possible 10-year savings to the health care system would be $344 billion.

I think it makes enormous sense, as we look to try and level the playing field for small businesses as part of this comprehensive package, that we seriously consider leveling the playing field by providing an ability to prevent the occurrence—the incidence, I should say—of obesity-related diseases, namely diabetes, which causes so much human misery and so much unnecessary expense that could be avoided if we could encourage more Americans to a more active lifestyle and a better diet.

So I ask my colleagues for their consideration of this amendment as well.

Mr. President, could I ask how much time I have remaining?

The PRESIDING OFFICER (Mr. DURBIN). The Senator from Texas has 1 minute remaining.

Mr. CORNYN. Mr. President, if I may ask unanimous consent for an additional 2 minutes, for a total of 3 minutes, I would appreciate it.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CORNYN. Mr. President, the Senator from Massachusetts a moment ago asked—because Republicans have asked for additional tax and regulatory relief for small businesses that employ 70 percent of the American people—what it is that Republicans have against hard-working Americans because of our desire to pass not just a minimum wage of $7.25 an hour, up from the $5.15 an hour. He said that this was an effort to politicize the issue.

So I would have to ask the Senator, when the minimum wage affects 2.5 percent of the workforce in America, mainly teenagers and part-time workers, people entering the workforce, is this the way to address the needs of hard-working Americans? Why is it we are so focused on a minimum wage, when what we ought to be focused on is maximizing the wages of American workers primarily, I believe, through increased training, workforce initiatives, working through community colleges with the private sector to train people for good wages, much higher than minimum wage, that exist in this country but go wanting for lack of trained workers. These programs exist in our communities in my State and throughout the country, and I think we would do better to focus our efforts to try to improve the standard of living for people across America.

I simply disagree with the Senator from Massachusetts, if he says by focusing on 2.5 percent of the workforce and by trying to ameliorate some of the harm to small businesses that generate 70 percent of the jobs, we are doing anything that would harm hard-working Americans. To the contrary, what we are trying to do is make sure those hard-working Americans have jobs, not that they are put out of work by well-intentioned but unsuccessful attempts for Government to mandate wages without taking into account the impact on small businesses, the primary employers in our country.

Mr. President, I appreciate the courtesy of the Senator from Alabama, who was supposed to start speaking at 4 o'clock, allowing a couple of us to speak, and I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

IRAQ

Mr. SESSIONS. Mr. President, I thank the Chair and I thank Senator CORNYN and Senator KYL for their remarks. I share with Senator KYL his concern over the resolution that we will be apparently addressing later this week or next week. He quoted an NBC News report in which soldiers in Iraq in harm's way said that, in their view, you can't support the soldiers without supporting the policy we sent them on, and that is a troubling thing.

Today I talked to a businessman from Alabama—quite a fine, upstanding leader in the community. His son is in Iraq right now. They already heard about the Senate Foreign Relations Committee resolution. It was very troubling to them. They didn't know how to read it, according to him, or what it meant to them. I talked to a lady not long ago, within the last week, and she told me her son was in his second tour there, and he believed in what he was doing. He was proud to serve, but he didn't know what we were doing here. He said he: "Didn't want to be the last soldier to die if we weren't going to follow through on a policy that we have set here."

So we are in a difficult time, and we need to remember those things as we set about our policy. I don't know all of the answers. I don't disrespect people who would disagree with me on this. I know there are a lot of people with a lot of different ideas about what to do in Iraq. But my observation is and my thought is that we, as a Congress, ought to affirm the policies we are asking our soldiers to execute. They say we are not asking them, but the President is, and the President speaks for us, until Congress withdraws that power by reducing his funding. The President executes the policies as Commander in Chief. So it is a big deal and we need to be careful about what we do and I am disappointed we will be dealing with those resolutions.

Mr. President, I remember during the immigration debate last fall, last summer and spring, Senator KENNEDY and I were on the floor one night, and I talked about how I believe the large amount of immigration we are seeing today, much of it illegal, was adversely affecting the wages of American workers. Senator KENNEDY didn't object to that, but he stood up and in response basically said: Well, we are going to offer a minimum wage bill, and that is going to take care of it. If anyone heard Senator LAMAR ALEXANDER's speech on Friday—and not many people did; it was after the vote had been cast—but he went into some detail and with great care explained how the minimum wage is not reaching poor working people in this country in the ways most people think it is but that most people making minimum wage are part of a household whose income exceeds $40,000 a year, I believe was the figure he cited, and there are a number of studies on that. The point being that usually it is a transition period for young people or others—maybe they are part time and that kind of thing.

I am not saying people would not like an increase in the minimum wage, but the working poor, the people who are every day out giving their best to try to raise their families and who need to have a higher income, people who have been out there for years and working, they are already above $7 an hour, for the most part. If they show up on time and are reliable and give an honest day's work, as almost all of them do, then they are going to be above $7 an hour now. Do you follow me? So this is not the panacea we are concerned about. What we want and what we care about, fellow citizens and Members of the Senate, is having better wages for working Americans, having all the people be able to go out and get a better wage they can take home and take care of their families with. That includes how much taxes are taken out, how much insurance is taken out.

President Bush has a great proposal that is going to help a lot of people. I assure my colleagues a lot of people will feel a substantial benefit from this health care tax credit plan he has proposed. That is a way to help working people, a real significant way.

Senator ALEXANDER mentioned the earned-income tax credit, and he went into some detail about it. Economists and experts are quite clear: The earned-income tax credit more appropriately benefits working Americans than a minimum wage at much less cost. We spend $40 billion a year on the earned-income tax credit. That is what the credit amounts to in terms of benefits to working Americans. Their wages are lower, and, at certain levels, they don't qualify for other benefits. And as a result, they do qualify for the earned-income tax credit. So I would like to talk about that.

I offered an amendment that would have required the earned-income tax credit to be paid on individual's paychecks, when they get their paycheck each payday. That is correct, in my view, as a matter of policy. It is a complex thing. Some are concerned about the mechanics of it. So I offered another amendment that was accepted by the Democratic leadership and the Republican leadership that required the Department of the Treasury to review what would happen and how it could be done if we allowed people to get their earned-income tax credit on their weekly or biweekly paycheck. It can be done now. In fact, a little less than 2 percent of the people get their earned-income tax credit, or at least a portion of it, on their check each week.

So we would like to talk about that because as we debate the minimum wage, the real debate is how to help working Americans, middle-class Americans, lower income Americans get more legitimate pay for the work they do.

Now, that is what we are all about; not some fetish with having an increase in the minimum wage, particularly when it is not going to be as effective in meeting the needs of the working poor, as is being sold to this Congress and the American people.

In 2004, more than 22 million Americans—get this—more than 22 million Americans claimed the earned-income tax credit, putting $40.7 billion into the pockets of the working poor. This is a very large program. It is a very large shift of resources to the working poor. The amount of the credit for each recipient depends on several factors, such as the worker's income and the number of dependent children they claim.

Nonetheless, a low-income worker with one child will be eligible to claim up to $2,853 for tax year 2007, while a worker with two or more children could receive $4,718 on a 2,200-hour work year. The average earned-income tax credit for a beneficiary with a qualifying child was $1,728 in 2004. That is almost $1 an hour on average.

Many have criticized the earned-income tax credit over the years, saying it is another welfare handout and it has far too much fraud in it. Some numbers have shown fraud as high as over 30 percent, but the tax credit is here to stay. I don't see any real movement to eliminate it. Why don't we see if we can make it work better?

The idea is to reward work. It is a benefit of the Government, an earned tax credit, earned by working. That was the purpose of the earned-income tax credit from the beginning, to encourage welfare recipients and others who were not in the workforce to decide that it was beneficial for them to work. Some of this came from Milton Friedman, the great free market economist who recently died, calling for a negative income tax. That is sort of what inspired this.

All is not perfect. The earned-income tax credit has provided real money for low-income Americans working hard to pull their family out of poverty. As Senator ALEXANDER demonstrated in some detail, remarkably and ably, it gets to the working poor far better than an increase in the minimum wage.

An important feature added to the earned-income tax credit occurred in 1978, a few years after the law was passed. That allows the credit recipients to receive the benefit on their paychecks rather than as a one-time lump sum tax refund. Now, you work all year. Most people have no idea if they are earning any earned-income tax credit. They are not receiving extra money for their work. And next year, they file for a tax refund and get a big check, disconnecting, in their minds, the receipt of that check with the work they did the year before. Therefore, it ceases to be the kind of incentive to work we want it to be.

Receiving an advanced payment under the law is simple. Workers believing they will be eligible can fill out a form or W-5 with their employer, and once completed workers will receive part of their EITC benefit on their paycheck based on the amount they are expected to receive over the year based on their income. So despite a number of campaigns by the IRS to increase the number that sign up for this advance payment, only a few do, less than 2 percent. The majority, unaware they can receive the credit in advance, receive it in the form of a tax refund in the spring of the next year.

Recipients earn the tax credit by working throughout the year. Yet they do not receive the benefit until months after when they file their tax returns. For most workers who receive the EITC as a lump sum at the end of the year, they never make that connection between the increased work and the increased paycheck, as they simply receive a fat check.

How can it encourage work if there is no correlation for most recipients between the work they do and the money they receive?

An amendment, which the Senate has already accepted, challenges the Secretary of the Treasury, the Department of the Treasury, to get us a report on how we can do this effectively. It is important. It will ensure the taxpayers who are giving this benefit to working Americans get the second part of the benefit that the taxpayers intended them to receive.

The first part, of course, is helping the working poor have more money for their families. We want to help them. The second benefit we want to occur is for the overall economy and health of America to encourage people to work, to make work more rewarding. If you are making $7 an hour and you get $1 an hour pay raise as a result of the earned-income tax credit, you have received a substantial increase, well over 10 percent increase in your take home pay, especially since there are no taxes taken out of that part that has accrued as a result of the earned-income tax credit.

That encourages work. That makes work more attractive. That helps meet the needs of America today. That is what this is about. A worker who is making $6 an hour would be making closer to $7. Workers making $8 would be making closer to $9. It adds up to real money as the years go by.

We can do a much better job of utilizing the existing program without any cost beyond what we are already expending, but in a way that gets money to people when they need it, right then on their paycheck. They may have a tire blow out and they need a new tire. The transmission may have broken in their car. A child may need to go on a trip at school. They need the money as they earn it so they can apply it in a sound way to their family's budgetary needs instead of one big fat check sometime in the spring of the next year. That is a suggestion I have for improving the quality of life for American workers.

Another sense-of-the-Senate amendment I offered, that was accepted, we voted on 98 to 0, was to call on Congress to state that it is a sense of the Senate that we should do a better job in Congress of establishing a uniform savings plan for Americans. We in the Government have a wonderful plan called the thrift plan. It allows every Federal worker, in any department or agency, to put money in the thrift plan and the Federal Government would match up to 5 percent of their contributions.

Many young people starting to work for the Government today, if they contribute 5 percent each paycheck, with the Government matching it, will retire with $1 million in the bank—trust me on that—with the power of compound interest. It is an exciting program.

Many private companies have similar programs, 401(k)-type programs, but many don't. Half of the workers in America today work for a company that does not have such a retirement plan. A chunk of those, even if they do, don't take advantage of it. This is particularly concerning to me because I have learned from Secretary of Labor Elaine Chao that the average American has nine jobs by the time they are 35. What does that say to the practical men and women of the Senate? It says they are bouncing around a lot. They may go to a company that has a plan and they may invest in it a little bit, then they go to a company that doesn't. Or they go to a company that says they have to work for 6 months or a year before they can participate in their plan, or they decide not to put into that plan. Or, if they put in some money and they change jobs and the account is $500, $2,000, $1,500—we have statistics that show that over 40 percent of them cash in those accounts paying the penalties—they think it is not enough money to worry about.

Whereas, if they set aside a small amount of money from the day they start working at age 18, or out of college, every day, every paycheck, a small amount of money set aside as is done by most of the thrift account savers, they could retire with hundreds of thousands in the bank, which would allow for an annuity, if they purchased it at age 65, to pay someone $2,000 a month for the rest of their life, easy. Those things are realistically possible.

It is a great tragedy, it is a tremendous national tragedy, that in a time where we have relatively low unemployment—in my State it is not much over 3 percent, maybe 3.6 percent in Alabama—and most people are working, the wages have gone up, although not as much as we would like, but our wages are beginning to edge back up, that most Americans are not saving. They could be setting aside even a small amount that would transform their retirement years from retirement years that depend solely on Social Security, the retirement years can be supplemented by a substantial flow of money.

Finally, I talk about another subject, our general concern that wages have not kept up in America. I share that concern. I have heard the economists make the argument—many in the business community are people I respect—make the argument that wages tend to lag behind. Gross domestic production growth goes up for a while and wages do not go up, but they catch up, and there is some truth to that. I don't deny that.

But if you look at the numbers and how middle-class and lower income workers are getting along today, you cannot be pleased with what is occurring, particularly in certain areas and certain fields. It is from that perspective I say, as part of this debate over minimum wage which we are told is designed to help people have more money to take home, to take care of their families, and if you think this is not the right way to do it, you don't love families and you don't want to help poor people; that is not correct.

I hope to be able to vote for this minimum wage bill. I voted for several to increase the minimum wage. I am just saying the minimum wage has been demonstrated by analysis, by top-flight econometric firms, that it does not reach the poor people in a way that most people think it does. It oftentimes helps young people who are children of some corporate executive who may be working.

Our motivation, and I think it is universal in the Senate, through the legislation moving through the Senate now, is designed to improve the take-home pay of Americans so they can more ably benefit from the great American dream and take care of their families effectively.

Significant economic evidence indicates the presence of large amounts of illegal labor in low-skilled job sectors is depressing the wages of American workers. That is an important statement if it is true, right? If that is true, isn't that important? First of all, we are a nation of laws. We think the laws ought to be enforced.

Overwhelmingly the American people agree with that. But if it also is depressing the wages of working Americans, that is a double concern, particularly as we are asking ourselves in this debate: How can we help low-wage workers do better? I will talk about that. We have to talk about this.

Harvard economist George Borjas, who testified before the Senate Health, Education, Labor and Pensions Committee, and Lawrence Katz, also of Harvard, estimate that the influx of low-skilled, low-wage immigration into our country from 1980 to 2000 has resulted in a 3-percent decrease in wages for the average American worker—that is all workers—and has cut wages to native-born high school dropouts—those who have not obtained a high school degree; unfortunately, we have quite a number of those in our country—who make up the poorest 10 percent of our workforce, by some 8 percent. Eight percent, if you figure that out on a yearly basis, amounts to $1,200 a year. That is $100 a month.

Now, for some people in America today, $100 a month is not a lot. But if you are making near the minimum wage, $100 a month is a lot of money.

Alan Tonelson, a research fellow at the U.S. Business and Industry Council Educational Foundation, says:

> [T]he most important statistics available show conclusively that, far from easing shortages—

Shortages of labor—

> illegal immigrants are adding to labor gluts in America. Specifically, wages in sectors highly dependent on illegals, when adjusted for inflation, are either stagnant or have actually fallen.

Now, he is referring to Labor Department data and information from the Pew Hispanic Center. For example, he cites data from the U.S. Bureau of Labor Statistics that indicates the following: inflation-adjusted wages for the broad Food and Services and Drinking Establishments category—they have a category for that: the broad Food and Services and Drinking Establishments category; and they monitor the wages for it—between the years 2000 to 2005 fell 1.65 percent.

The Pew Hispanic Center estimates that illegal immigrants comprise 17 percent of food preparation workers, 20 percent of cooks, and 23 percent of dishwashers, about a fifth of those workers; three-fifths, four-fifths being legal native citizens. But contrary to what we have been told, that you cannot get workers at the wages they are paying, and paying fair wages, it looks as though the wages have fallen, which is a matter of interest.

Inflation-adjusted wages for the food manufacturing industry—the Pew Hispanic Center estimates that illegal immigrants comprise 14 percent of that workforce—fell 2.4 percent between 2000 and 2005.

Inflation-adjusted wages for hotel workers—the Pew Hispanic Center estimates illegal immigrants make up 10 percent of that workforce—fell 1 percent from 2000 to 2005.

Inflation-adjusted wages in the construction industry—Pew estimates that illegal immigrants make up 12 percent of the workforce there—fell 1.59 percent between 2000 and 2005.

Inflation-adjusted wages in the animal processing and slaughtering subcategory—and Pew estimates that illegal immigrants comprise 27 percent of that workforce, the highest percentage—fell 1.41 percent between 2000 and 2005.

So if these numbers are correct—and they come from the objective BLS and are supposed to be accurate, and we rely on them for our business around here—something is amiss if people say they cannot get workers, yet they are getting the work done, and they are paying less in 2005 than they were in 2000.

Now, you tell me.

Others studying the same issue have found similar trends. According to a recent City Journal article by Steven Malanga, a senior fellow at the Manhattan Institute:

> . . . low-wage immigration has produced such a labor surplus that many of these workers are willing to take jobs without benefits and with salaries far below industry norms. . . .

Well, let me go on. Day laborers—these are people who gather at certain known locations within areas, and they hang out until somebody comes out and hires them—who work in construction in urban areas "like New York and Los Angeles . . . sell their labor by the hour or the day, for $7 to $11 an hour . . . far below what full time construction workers earn."

You see, we want Americans to be able to have a job that has some permanency to it, that pays a decent wage, that has retirement benefits. and has health care benefits. But our workers who might be interested in construction—and more are than most people think—are having to compete against people who will work by the day for $7 and $11 an hour and do not demand any benefits.

Robert Samuelson, a contributing editor of Newsweek, has written a column for the Washington Post since 1977. In his column last spring he summed up the impact of illegal immigration on the unskilled American worker this way:

> Poor immigrant workers hurt the wages of unskilled Americans. The only question is

> how much. Studies suggest a range "from negligible to an earnings reduction of almost 10 percent," according to the [Congressional Budget Office].

That is a lot: 10 percent. Five percent is a lot.

To put this impact into a larger perspective, one might ask how much native workers have lost as a whole due to competition with low-skilled immigrant laborers. Although only a few studies have ever looked at this issue, a 2002 National Bureau of Economic Research paper written by Columbia University economics professors Donald R. Davis and David E. Weinstein is on point.

Using complex methodology, they aggregated the total loss to the U.S. native workers and found that the magnitude of losses for U.S. native workers equates roughly to $72 billion a year, or .8 percent of GDP. Now, I don't know if that figure is correct, but the earned income tax credit is just $40 billion a year, and they say it amounts to $72 billion a year. The economics professors at Columbia University also said immigration is as costly to the United States as all trade protections.

When wages are suppressed, people drop out of the workforce. In addition to the evidence that low-skilled American workers—and particularly African-American workers—are suffering wage suppression due to the competition they face from illegal alien labor, we also know competition is causing some Americans to drop out of the labor force.

Steven Camorota, last spring, of the Center for Immigration Studies, analyzed the steady decline in the share of less-educated adult natives in the workforce between March 2000 and March 2005.

Prior to Hurricane Katrina, there were 4 million unemployed natives—those looking for jobs who were unable to find them—with high school degrees or less in the workforce. An additional 19 million natives with high school degrees or less existed but were not actively looking for jobs.

Between 2000 and 2005, the number of adult immigrants—legal land illegal—with only a high school degree or less in the labor force increased by 1.6 million.

During the same time period, unemployment among high school graduates and less educated native Americans increased by nearly 1 million—so unemployment among our high school graduates or high school dropouts increased by nearly 1 million—and an additional 1.5 million left the workforce altogether.

Although jobs grew in the United States from 2000 to 2005, natives only benefited from 9 percent of the total net job increase. That is an important factor. Although jobs grew in the U.S. from 2000 to 2005, natives only benefited from 9 percent of that total. The number of adult natives holding a job grew by only 303,000, while the number of adult immigrants holding a job increased by 2.9 million. So it is 303,000 compared to 2.9 million among high school graduates or high school dropouts.

Steven Malanga, a senior fellow at the Manhattan Institute, recently explained:

> [M]any of the unskilled, uneducated workers now journeying here labor . . . in shrinking industries, where they force out native workers, and many others work in industries where the availability of cheap workers has led businesses to suspend investment in new technologies that would make them less labor-intensive. . . . [T]he unemployment rate among native-born "unskilled workers is high—about 30 percent."

The unemployment rate among native-born, unskilled workers is about 30 percent, I repeat.

To me, those numbers do indicate a significant problem. It is a problem we need to talk about as we talk about how to help working Americans get a better wage.

Mr. President, I will note a few more points before I wrap up.

Professor Richard Freeman—the Herbert S. Ascherman Professor of Economics at Harvard—testified before the Senate Judiciary Committee. I participated in that hearing last spring. He said:

> If you're a poor Mexican, your income in the U.S. will be six to eight times what it is in Mexico.

Robert Samuelson explained in a March 2006 column in the Washington Post:

> They're drawn here by wage differences, not labor "shortages."

American workers, I think it is fair to say, cannot compete with the wage gap between their country and other countries. I was in South America last May with Senator SPECTER. We visited Peru, and we saw a poll that had just been published in Nicaragua while we were there that said 60 percent of the people in Nicaragua would come to the United States if they could. I mentioned that to the State Department team there in Peru, and they told me that a poll in Peru had recently shown, just about this time last year, that 70 percent of the people in Peru would come to the United States if they could.

So I guess what I am saying to my colleagues is, we need an immigration policy that allows immigration and that is consistent with our historic values as a nation that welcomes immigrants, but the numbers and the skill sets that they bring ought to be such that they do not depress wages of our lower income people because we cannot accept everybody in the world who would like to come here. It is not physically possible to any degree that we could accept that.

We have a lottery section that does not have any requirements of skills in it. You apply to it if you want to come to America. It allows for 50,000 to be drawn out of a hat each year. And those who are drawn get to come to America on a random basis. We had 5 million people, according to Professor Borjas at Harvard, who applied for those 50,000 slots. I do not blame people who want to come here. I am not demeaning them. Most of them are good and decent people who want to get ahead. But we have such a higher wage base that we could attract people from all over the world in virtually unlimited numbers, and it does have the impact, if allowed to be too great and too concentrated in certain industries, to pull down American wages.

While we are thinking about how to increase the wages of American workers, we need to think about that. That is all I am saying. And we are going to talk about that if we talk about immigration this year, as I expect we will. We can have immigration, but it needs to be done right.

How do we level the playing field? Let's consider the advice given by Dr. Barry Chiswick. He is the head of the Department of Economics at the University of Illinois in Chicago. He testified before the Senate Judiciary Committee last spring, stating:

> [T]he large increase in low-skilled immigration . . . has had the effect of decreasing the wages and employment opportunities of low-skilled workers who are currently residing in the United States.

He goes on to say:

> Over the past two decades . . . The real earnings of low skilled workers have either stagnated or decreased somewhat.
>
> [W]e . . . need to . . . provide greater assistance to low-skilled Americans in their quest for better jobs and higher wages. [O]ne of the best ways we can help them in this regard is by reducing the very substantial competition that they are facing from this very large and uncontrolled low-skilled immigration that is the result of both our legal immigration system and the absence of enforcement of immigration law.

That is pretty much indisputable. I haven't heard a professor who would dispute that yet, or anybody who can seriously object to those numbers.

Professor Harry Holzer, associate dean and professor of public policy at Georgetown University, a great university here, also testified at that same hearing. He believes American workers do want jobs currently being held by illegal laborers.

I don't agree with this idea that these are jobs Americans want to take. Americans are not interested in a job that is only going to last for 3 months, that pays the minimum wage and has no health care and no retirement benefits. I will say that. And neither do we want them to take those jobs.

Professor Holzer believes that absent illegal immigrant competition, employers would raise wages and improve working conditions to attract the American worker:

> I believe that when immigrants are illegal, they do more to undercut the wages of native-born workers, because the playing field isn't level and employers don't have to pay them market wages.
>
> . . . [T]here are jobs in industries like construction that I think are more appealing to native-born workers, and many native-born low-income men might be interested in more of those jobs. . . . Absent the immigrants, the employer might need to raise those wages and improve those conditions of work to entice native-born workers into those jobs.

That is true. That is all I am saying. As we discuss the minimum wage—and I am confident somehow we will work our way through this, but there are some amendments and votes that need to be taken—it should be done only as part of a serious evaluation of what is happening to the wages of low-skilled workers and middle-class workers. If we do that and think it through, we will see we ought to reform the earned income tax credit so people can receive that benefit while they work. We will conclude we ought to create a savings program every American worker can put money into throughout their working career, from the first paycheck they get until the day of their retirement. It would transform the retirement years of those people. We have that in our capability.

As we craft an immigration policy, we cannot craft that policy in such a way that it only benefits corporate profits. It must be done in a way that considers the impact that is occurring on our own low-skilled workers. If we do a good lawful system of immigration that is in harmony with our history of immigration in America but at the same time provides protection to the least of our American workers, we will have done something worthwhile.

Unfortunately, I have to say the bill that passed the Senate last year would have been a disaster. It would have increased legal immigration in this country, skewed mostly to low-skilled workers, by almost three times the current rate. How can that have done anything other than hurt our workers?

Those are some thoughts. I appreciate the opportunity of sharing them.

I ask unanimous consent that the pending amendment be set aside and that amendment No. 147, which I have offered, which deals with increased fines for employers who hire illegal immigrants, be called up. That fine currently is $250. I think that is too low. I ask that that be called up.

The PRESIDING OFFICER (Ms. KLOBUCHAR). Is there objection?

Mr. DURBIN. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. SESSIONS. I thank the Chair.

I think that is relevant to the issue we are talking about: How to help people get more take-home pay for their labor. One of the reasons that is not happening to the degree we would like is the large flow of illegal labor. One of the problems we have is that enforcement in the workplace is not adequate. Most employers want to do the right thing, but a $250 fine is too low. We will be dealing with that again later on.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

AMENDMENT NO. 221 TO AMENDMENT NO. 157

Mr. DURBIN. Madam President, I call for the regular order with respect to amendment No. 157 and send a second-degree amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from Illinois [Mr. DURBIN] proposes an amendment numbered 221 to amendment No. 157.

Mr. DURBIN. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

> At the end of the amendment add the following:
>
> Section 2 of the bill shall take effect one day after date of enactment.

Mr. DURBIN. I thank the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Madam President, I want to speak a few minutes about what we are doing. I also have several things I would like the American people to see. I have spent a lot of time thinking about the minimum wage and kind of the farce of what we are doing here. If we tell people we want them to have a real minimum wage, the debate ought to be about $13 an hour. If we, as the Government, are going to tell the States and the employers what they ought to be paying, giving them a real minimum wage, then surely they deserve to earn $28,000 a year. That is a livable wage. You can make it on that. The fact that nobody wants to do that and it will be voted down proves they know how onerous that would be on the economy. Nobody wants to do that. Nobody wants to so disrupt wages. But it is OK to do it in a small amount. That is what we are talking about.

The first poster I have shows that 29 States and the District of Columbia have a minimum wage that is higher than the Federal minimum wage.

Mr. SESSIONS. Mr. President, will the Senator yield for a question?

Mr. COBURN. I am happy to yield.

Mr. SESSIONS. Dr. COBURN is such a thoughtful commentator on many issues, but he is an expert and has done a lot of work on the health care issue. I know he has some of his own ideas. But one of the ways you could help low-income workers would be to reduce the health care burden they pay in terms of health insurance. For example, the President's proposal of tax deductibility that he made in his State of the Union Address would be a rather sizable benefit to a lot of low-income workers, if it were passed, would it not?

Mr. COBURN. It will be a benefit but not to the extent a direct tax credit to them would be. Right now the average American, if you are in the upper income scale, gets $2,700 worth of tax benefit from our income tax code. And if you are on the lower scale, you get $103 worth of tax benefit.

Mr. SESSIONS. This is for health insurance deductibility.

Mr. COBURN. Under the President's proposal, that would be narrowed. I believe it ought to be the same for every American. Every American ought to get the same tax benefit. I also believe every American ought to be covered. There ought to be access for anybody with disease. There are ways to do that, and I will be introducing a global health care bill within the next month that attacks every aspect of health care and what we need to do about it.

Mr. SESSIONS. Madam President, I wanted to say I am interested in the earned income tax credit, immigration, and in savings. The Senator has mentioned health care. All of those are ways, apart from mandating a salary or minimum wage increase, to help workers. The bill the President proposed would not go as far as Senator COBURN would like to see—and I am impressed with his analysis—but it would, in fact, provide a good benefit for working Americans.

Mr. COBURN. The Senator from Alabama is correct.

You can see from this chart that 29 States currently have a minimum wage higher than the Federal minimum wage, and you can also see from the next chart that 14 other States are in their legislature right now considering increasing their own minimum wage. One of the things our Founders thought and planned and hoped we would stick with is having the States be laboratories of experimentation with respect to our democracy. So if you have 14 plus 29, you have 43 States out of 50 and the District of Columbia that have already answered this question. We are going to go through and answer it for them again.

There are a lot of problems associated with this. I want to put up another slide that shows what has happened since 1998 as far as the number of people on the minimum wage. It is a precipitous decline from over 4 million to less than 1.9 million workers presently. You need to break that down. When you break that down, when we say we want to help single moms with kids or four-person families, those working at the minimum wage, what happens is, when you run the numbers, in many instances we are going to hurt people who are making the minimum wage. Let me prove my point.

In Oklahoma today, if you are earning the minimum wage, you have access to the following benefits: A State tax credit—I am talking about families with children on the minimum wage, and there are 40,000 of those in Oklahoma—a school lunch program, which is federally sponsored; temporary assistance to needy families; childcare subsidies; Medicaid, which is called SoonerCare in our State; the earned income tax credit, which is over $4,400 per year; food stamps; housing vouchers; plus what they earn on the minimum wage.

What happens is, if you are a family of four in Oklahoma today earning the minimum wage, your aftertax net benefits, taking advantage of what we are supplying supporting people making the minimum wage, is $36,438 per year. The median household income is only $38,000 and that is pretax. So the average person receiving the benefits we have offered for people who have less means in Oklahoma today actually has more benefit than the average Oklahoma family. What is going to happen when we pass this minimum wage for that person in Oklahoma? What is going to happen is, on the childcare, they are going to go from $22 a month copay to $95 a month. That is what is going to happen to families in Oklahoma. TANF, they are going to go from $3,500 a year to $2,600 a year, based on this minimum wage bill. On food stamps, they are going to go from $3,588 a year to $2,808 a year. Under this very bill, that is what is going to happen to families earning the minimum wage in Oklahoma. Their housing subsidy is going to go from $4,140 a year to $3,096, a 25-percent reduction. Their Medicaid, if they are a family of four, they are not going to qualify for the whole family anymore; only their children will be qualified. So, in essence, what they are going to lose is $4,600 a year in aftertax benefits.

Net net, when you think about the median household income in Oklahoma being $38,000 and they are paying a State income tax of less than 6 percent, and an average Federal income tax of about 18 percent, what you are going to see is they are going to lose.

In the name of helping them, they are going to lose. The vast majority of the people we want to help, which is not the vast majority of the people on minimum wage anywhere in this country—the people who we really want to help the most, not the teenagers or the kids living in a family who have a minimum wage job as a first job, but those in Oklahoma and in 19 other States—you are going to actually decrease their income with this bill. It is not going to have any effect.

Put Massachusetts up there on the chart. The Senator from Massachusetts wants Oklahoma to have his minimum wage bill. The median household income in Massachusetts is $52,354 a year. The total income for somebody making the Massachusetts minimum wage, they are making $45,416 if they take advantage of the benefits available to them in Massachusetts. So his State won't be impacted because he is already above the minimum wage which is being proposed in the minimum wage bill.

How smart is it for us to decide that we want to take away from the families of 19 States—those people who we say we really want to help but, in essence, we are going to cut their aftertax income by about $1,000, a net/net loss for them? Is that what we intend to do? That is the unexpected consequence of what we are going to do. Nobody is considering the fact that the 19 States that have lower minimum wages which will be impacted by this bill—their needy families, single moms with kids, are going to lose under this bill in the name of them winning. It is because we didn't think it out.

The reason we didn't think it out is because this isn't about minimum wage; this is about wage compression. This is about raising the wages of those people above minimum wage. It is not about minimum wage. We come down here and say it is, but it is not. It is designed to raise the wages of anybody under $15 an hour. That is what it is going to do. We know wage compression. If you have 100 people working and the highest is making $12 and the lowest is now making $6, and you say they are going to have to make $7.25 or $7.50, what is going to happen to the other wages? They are going to have to be bumped up. The minimum wage is no longer designed to protect people as far as their income.

You can see it from this chart and you can see it in California—and I have it for every State—where the vast majority of the benefits don't come from what we earn in terms of a salaried job; they come from the other benefits the country put in as a social safety net. So in the States in which we would raise the minimum wage that have not done it, in 19 States what is going to happen is we are going to hurt the very people we say we want to help.

How is it we can do that? Why is it we will do that? We will do it because there is a very powerful interest group that is behind this called the labor unions in this country. For every dollar increase in labor rates paid through the labor unions, what happens to the union's fees? More money. So is it about helping those people who need our help or is there another agenda here?

I have great respect for Senator KENNEDY. He is very eloquent on the floor. But when you see his charts, there are false questions asked. He showed the increase in the level of income in this country since we raised the minimum wage. It doesn't consider all of the other things that have happened over the last 20 years that, through productivity increases, have raised wages. Mandating a minimum wage in any market by any economist will not increase the market. That is not the reason. It looks good on a chart. But you don't consider all of the other benefits and factors that might have considered that. You just say this must have been it because it looks like it. I can show that on anything that we do in the Senate.

Here is a chart for New York. The State of New York is another example. The wage per-job average is $51,165. A single mom earning minimum wage under New York's level, which is at $7.15 right now, and taking advantage of all of the benefits there, aftertax income is $49,000 a year in benefits. I am not saying cut the benefits; I am saying don't do something that will cut the benefits to those people you say you are going to help.

It is interesting when you look at this number, knowing that taxes—if you look at New York City's tax, you pay a city income tax, a State income tax, and a Federal income tax. Those people making minimum wage have more aftertax income in terms of benefits and salary than the average household in New York City. We have to ask the question, do we want to help people?

The Senator from Alabama talked about making sure that the earned income tax credit comes as a part of your wage every month instead of at the end of the year. It is a great idea and ought to be something we want to do. I want to show again what is going to happen to families earning the minimum wage in Oklahoma. There is a net loss of $232, but that doesn't include the taxes. So the net loss for Oklahoma families who are on minimum wage under the new minimum wage, in essence, will be about $1,200. Is that what we want to do to Oklahoma and 18 other States? I don't think so. We have to take the lid off of this pressure cooker. For us to pass a minimum wage that undermines the very people we are saying we want to help does not, in the long run, do anything except help organized labor, 1; No. 2, it makes certain jobs go away; we know it will, No. 3, send more jobs out of this country.

I believe and I hope the Senator from Massachusetts will look at our data. I hope he will try to amend his bill in such a way so that we have either a safe harbor or some other mechanism so the people in these 19 States don't lose the very benefits we say we want to give to them. In fact, that is what will happen if this bill passes.

With that, I yield the floor.

Mr. ISAKSON. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. REID. Madam President, I ask unanimous consent that there now be a period for the transaction of morning business, with Senators allowed to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS RULES OF PROCEDURE

Mr. DORGAN. Madam President, I ask unanimous consent to have printed in the RECORD The Committee on Indian Affairs Rules of Procedure.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

COMMITTEE ON INDIAN AFFAIRS

Rule 1. The Standing Rules of the Senate, Senate Resolution 4, and the provisions of the Legislative Reorganization Act of 1946, as amended by the Legislative Reorganization Act of 1970, to the extent the provisions of such Act are applicable to the Committee on Indian Affairs and supplemented by these rules, are adopted as the rules of the Committee.

MEETINGS OF THE COMMITTEE

Rule 2. The Committee shall meet on Thursdays while the Congress is in session for the purpose of conducting business, unless for the convenience of the Members, the Chairman shall set some other day for a meeting. Additional meetings may be called by the Chairman as he may deem necessary.

OPEN HEARINGS AND MEETINGS

Rule 3. Hearings and business meetings of the Committee shall be open to the public except when the Chairman by a majority vote orders a closed hearing or meeting.

HEARING PROCEDURE

Rule 4(a). Public notice, including notice to Members of the Committee, shall be given of the date, place and subject matter of any hearing to be held by the Committee at least one week in advance of such hearing unless the Chairman of the Committee, with the concurrence of the Vice Chairman, determines that the hearing is non-controversial or that special circumstances require expedited procedures and a majority of the Committee Members attending concurs. In no case shall a hearing be conducted with less than 24 hours' notice.

(b) At least 72 hours in advance of a hearing, each witness who is to appear before the Committee shall submit his or her testimony by way of electronic mail, in a format determined by the Committee and sent to an electronic mail address specified by the Committee, or shall submit an original, printed version of his or her written testimony. In addition, each witness, on the day of the hearing, shall provide an electronic copy of the testimony on a computer disk formatted and suitable for use by the Committee.

(c) Each Member shall be limited to five (5) minutes of questioning of any witness until such time as all Members attending who so desire have had an opportunity to question the witness unless the Committee shall decide otherwise.

(d) The Chairman and Vice Chairman or the ranking Majority and Minority Members present at the hearing may each appoint one Committee staff member to question each witness. Such staff member may question the witness only after all Members present have completed their questioning of the witness or at such time as the Chairman and Vice Chairman or the Ranking Majority and Minority Members present may agree.

BUSINESS MEETING AGENDA

Rule 5(a). A legislative measure or subject shall be included in the agenda of the next following business meeting of the Committee if a written request by a Member for consideration of such measure or subject has been filed with the Chairman of the Committee at least one week prior to such meeting. Nothing in this rule shall be construed to limit the authority of the Chairman of the Committee to include legislative measures or subjects on the Committee agenda in the absence of such request.

(b) Notice of, and the agenda for, any business meeting of the Committee shall be provided to each Member and made available to the public at least two days prior to such meeting, and no new items may be added after the agenda published except by the approval of a majority of the Members of the Committee. The notice and agenda of any business meeting may be provided to the Members by electronic mail, provided that a paper copy will be provided to any Member upon request. The Clerk shall promptly notify absent members of any action taken by the Committee on matters not included in the published agenda.

(c) Any bill or resolution to be considered by the Committee shall be filed with the Clerk of the Committee not less than 48 hours in advance of the Committee meeting. Any amendment(s) to legislation to be considered shall be filed with the Clerk not less than 24 hours in advance. This rule may be waived by the Chairman with the concurrence of the Vice Chairman.

QUORUM

Rule 6(a). Except as provided in subsection (b), a majority of the Members shall constitute a quorum for the transaction of business of the Committee. Consistent with Senate rules, a quorum is presumed to be present unless the absence of a quorum is noted by a Member.

(b) One Member shall constitute a quorum for the purpose of conducting a hearing or taking testimony on any measure before the Committee.

VOTING

Rule 7(a). A recorded vote of the Members shall be taken upon the request of any Member.

(b) A measure may be reported from the Committee unless an objection is made by a member, in which case a recorded vote by the Members shall be required.

(c) Proxy voting shall be permitted on all matters, except that proxies may not be counted for the purpose of determining the presence of a quorum. Unless further limited, a proxy shall be exercised only for the date for which it is given and upon the terms published in the agenda for that date.

SWORN TESTIMONY AND FINANCIAL STATEMENTS

Rule 8. Witnesses in Committee hearings may be required to give testimony under oath whenever the Chairman or Vice Chairman of the Committee deems it to be necessary. At any hearing to confirm a Presidential nomination, the testimony of the nominee, and at the request of any Member, any other witness shall be under oath. Every nominee shall submit a financial statement, on forms to be perfected by the Committee, which shall be sworn to by the nominee as to its completeness and accuracy. All such statements shall be made public by the Committee unless the Committee, in executive session, determines that special circumstances require a full or partial exception to this rule. Members of the Committee are urged to make public a complete disclosure of their financial interests on forms to be perfected by the Committee in the manner required in the case of Presidential nominees.

CONFIDENTIAL TESTIMONY

Rule 9. No confidential testimony taken by, or confidential material presented to the Committee or any report of the proceedings of a closed Committee hearing or business meeting shall be made public in whole or in part, or by way of summary, unless authorized by a majority of the Members of the Committee at a business meeting called for the purpose of making such a determination.

DEFAMATORY STATEMENTS

Rule 10. Any person whose name is mentioned or who is specifically identified in, or who believes that testimony or other evidence presented at, an open Committee hearing tends to defame him or her or otherwise adversely affect his or her reputation may file with the Committee for its consideration and action a sworn statement of facts relevant to such testimony of evidence.

BROADCASTING OR HEARINGS OR MEETINGS

Rule 11. Any meeting or hearing by the Committee which is open to the public may be covered in whole or in part by television, radio broadcast, or still photography. Photographers and reporters using mechanical recording, filming, or broadcasting devices shall position their equipment so as not to interfere with the sight, vision, and hearing of Members and staff on the dais or with the orderly process of the meeting or hearing.

AUTHORIZING SUBPOENAS

Rule 12. The Chairman may, with the agreement of the Vice Chairman, or the Committee may, by majority vote, authorize the issuance of subpoenas.

AMENDING THE RULES

Rule 13. These rules may be amended only by a vote of a majority of all the Members of the Committee in a business meeting of the Committee: *Provided*, that no vote may be taken on any proposed amendment unless such amendment is reproduced in full in the Committee agenda for such meeting at least seven (7) days in advance of such meeting.

SPECIAL COMMITTEE ON AGING RULES OF PROCEDURE

Mr. KOHL. Madam President, in accordance with rule XXVI, paragraph 2, of the Standing Rules of the Senate, I hereby submit for publication in the CONGRESSIONAL RECORD the Rules of the Special Committee on Aging.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SPECIAL COMMITTEE ON AGING—JURISDICTION AND AUTHORITY

S. RES. 4, § 104, 95TH CONGRESS, 1ST SESSION (1977)

(a)(1) There is established a Special Committee on Aging (hereafter in this section referred to as the "special committee") which shall consist of nineteen Members. The Members and chairman of the special committee shall be appointed in the same manner and at the same time as the Members and chairman of a standing committee of the Senate. After the date on which the majority and minority Members of the special committee are initially appointed on or affect the effective date of title I of the Committee System Reorganization Amendments of 1977, each time a vacancy occurs in the Membership of the special committee, the number of Members of the special committee shall be reduced by one until the number of Members of the special committee consists of nine Senators.

(2) For the purposes of paragraph 1 of rule XXV; paragraphs 1, 7(a)(1)–(2), 9, and 10(a) of rule XXVI; and paragraphs 1(a)–(d), and 2(a) and (d) of rule XXVII of the Standing Rules of the Senate; and the purposes of section 202(I) and (j) of the Legislative Reorganization Act of 1946, the special committee shall be treated as a standing committee of the Senate.

(b)(1) It shall be the duty of the special committee to conduct a continuing study of any and all matters pertaining to problems and opportunities of older people, including, but not limited to, problems and opportunities of maintaining health, of assuring adequate income, of finding employment, of engaging in productive and rewarding activity, of securing proper housing, and when necessary, of obtaining care or assistance. No proposed legislation shall be referred to such committee, and such committee shall not have power to report by bill, or otherwise have legislative jurisdiction.

(2) The special committee shall, from time to time (but not less than once year), report to the Senate the results of the study conducted pursuant to paragraph (1), together with such recommendation as it considers appropriate.

(c)(1) For the purposes of this section, the special committee is authorized, in its discretion, (A) to make investigations into any matter within its jurisdiction, (B) to make expenditures from the contingent fund of the Senate, (C) to employ personnel, (D) to hold hearings, (E) to sit and act at any time or place during the sessions, recesses, and adjourned periods of the Senate, (F) to require, by subpoena or otherwise, the attendance of witnesses and the production of correspondence books, papers, and documents, (G) to take depositions and other testimony, (H) to procure the service of individual consultants or organizations thereof (as authorized by section 202(I) of the Legislative Reorganization Act of 1946, as amended) and (I) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(2) The chairman of the special committee or any Member thereof may administer oaths to witnesses.

(3) Subpoenas authorized by the special committee may be issued over the signature of the chairman, or any Member of the special committee designated by the chairman, and may be served by any person designated by the chairman or the Member signing the subpoena.

(d) All records and papers of the temporary Special Committee on Aging established by Senate Resolution 33, 87th Congress, are transferred to the special committee.

RULES OF PROCEDURE

I. CONVENING OF MEETINGS AND HEARINGS

1. Meetings. The committee shall meet to conduct committee business at the call of the chairman.

2. Special Meetings. The Members of the committee may call additional meetings as provided in Senate Rule XXVI (3).

3. Notice and Agenda:

(a) Hearings. The committee shall make public announcement of the date, place, and subject matter of any hearing at least one week before its commencement.

(b) Meetings. The chairman shall give the Members written notice of any committee meeting, accompanied by an agenda enumerating the items of business to be considered, at least 5 days in advance of such meeting.

(c) Shortened Notice. A hearing or meeting may be called on not less than 24 hours notice if the chairman, with the concurrence of the ranking minority Member, determines that there is good cause to begin the hearing or meeting on shortened notice. An agenda will be furnished prior to such a meeting.

4. Presiding Officer. The chairman shall preside when present. If the chairman is not present at any meeting or hearing, the ranking majority Member present shall preside. Any Member of the committee may preside over the conduct of a hearing.

II. CLOSED SESSIONS AND CONFIDENTIAL MATERIALS

1. Procedure. All meetings and hearings shall be open to the public unless closed. To close a meeting or hearing or portion thereof, a motion shall be made and seconded to go into closed discussion of whether the meeting or hearing will concern the matters enumerated in Rule II.3. Immediately after such discussion, the meeting or hearing may be closed by a vote in open session of a majority of the Members of the committee present.

2. Witness Request. Any witness called for a hearing may submit a written request to the chairman no later than 24 hours in advance for his examination to be in closed or open session. The chairman shall inform the committee of any such request.

3. Closed Session Subjects. A meeting or hearing or portion thereof may be closed if the matters to be discussed concern: (1) national security; (2) committee staff personnel or internal staff management or procedure; (3) matters tending to reflect adversely on the character or reputation or to invade the privacy of the individuals; (4) committee investigations; (5) other matters enumerated in Senate Rule XXVI (5)(b).

4. Confidential Matter. No record made of a closed session, or material declared confidential by a majority of the committee, or report of the proceedings of a closed session, shall be made public, in whole or in part or by way of summary, unless specifically authorized by the chairman and ranking minority Member.

5. Broadcasting:

(a) Control. Any meeting or hearing open to the public may be covered by television, radio, or still photography. Such coverage must be conducted in an orderly and unobtrusive manner, and the chairman may for good cause terminate such coverage in whole or in part, or take such other action to control it as the circumstances may warrant.

(b) Request. A witness may request of the chairman, on grounds of distraction, harassment, personal safety, or physical discomfort, that during his testimony cameras, media microphones, and lights shall not be directed at him.

III. QUORUMS AND VOTING

1. Reporting. A majority shall constitute a quorum for reporting a resolution, recommendation or report to the Senate.

2. Committee Business. A third shall constitute a quorum for the conduct of committee business, other than a final vote on reporting, providing a minority Member is present. One Member shall constitute a quorum for the receipt of evidence, the swearing of witnesses, and the taking of testimony at hearings.

3. Polling:

(a) Subjects. The committee may poll (1) internal committee matters including those concerning the committee's staff, records, and budget; (2) other committee business which has been designated for polling at a meeting.

(b) Procedure. The chairman shall circulate polling sheets to each Member specifying the matter being polled and the time limit for completion of the poll. If any Member so requests in advance of the meeting, the matter shall be held for meeting rather than being polled. The clerk shall keep a record of polls, if the chairman determines that the polled matter is one of the areas enumerated in Rule II.3, the record of the poll shall be confidential. Any Member may move at the committee meeting following a poll for a vote on the polled decision.

IV. INVESTIGATIONS

1. Authorization for Investigations. All investigations shall be conducted on a bipartisan basis by committee staff. Investigations may be initiated by the committee staff upon the approval of the chairman and the ranking minority Member. Staff shall keep the committee fully informed of the progress of continuing investigations, except where the chairman and the ranking minority Member agree that there exists temporary cause for more limited knowledge.

2. Subpoenas. Subpoenas for the attendance of witnesses or the production of memoranda, documents, records, or any other materials shall be issued by the chairman, or by any other Member of the committee designated by him. Prior to the issuance of each subpoena, the ranking minority Member, and any other Member so requesting, shall be notified regarding the identity of the person to whom the subpoena will be issued and the nature of the information sought, and its relationship to the investigation.

3. Investigative Reports. All reports containing findings or recommendations stemming from committee investigations shall be printed only with the approval of a majority of the Members of the committee.

V. HEARINGS

1. Notice. Witnesses called before the committee shall be given, absent extraordinary circumstances, at least 48 hours notice, and all witnesses called shall be furnished with a copy of these rules upon request.

2. Oath. All witnesses who testify to matters of fact shall be sworn unless the committee waives the oath. The chairman, or any member, may request and administer the oath.

3. Statement. Witnesses are required to make an introductory statement and shall file 150 copies of such statement with the chairman or clerk of the committee at least 72 hours in advance of their appearance, unless the chairman and ranking minority Member determine that there is good cause for a witness's failure to do so. A witness shall be allowed no more than ten minutes to orally summarize their prepared statement.

4. Counsel:

(a) A witness's counsel shall be permitted to be present during his testimony at any public or closed hearing or depositions or staff interview to advise such witness of his rights, provided, however, that in the case of any witness who is an officer or employee of the government, or of a corporation or association, the chairman may rule that representation by counsel from the government, corporation, or association creates a conflict of interest, and that the witness shall be represented by personal counsel not from the government, corporation, or association.

(b) A witness is unable for economic reasons to obtain counsel may inform the committee at least 48 hours prior to the witness's appearance, and it will endeavor to obtain volunteer counsel for the witness. Such counsel shall be subject solely to the control of the witness and not the committee. Failure to obtain counsel will not excuse the witness from appearing and testifying.

5. Transcript. An accurate electronic or stenographic record shall be kept of the testimony of all witnesses in executive and public hearings. Any witness shall be afforded, upon request, the right to review that portion of such record, and for this purpose, a copy of a witness's testimony in public or closed session shall be provided to the witness. Upon inspecting his transcript, within a time limit set by the committee clerk, a witness may request changes in testimony to correct errors of transcription, grammatical errors, and obvious errors of fact, the chairman or a staff officer designated by him shall rule on such request.

6. Impugned Persons. Any person who believes that evidence presented, or comment made by a Member or staff, at a public hearing or at a closed hearing concerning which there have been public reports, tends to impugn his character or adversely affect his reputation may:

(a) file a sworn statement of facts relevant to the evidence or comment, which shall be placed in the hearing record;

(b) request the opportunity to appear personally before the committee to testify in his own behalf; and

(c) submit questions in writing which he requests be used for the cross-examination of other witnesses called by the committee. The chairman shall inform the committee of such requests for appearance or cross-examination. If the committee so decides; the requested questions, or paraphrased versions or portions of them, shall be put to the other witness by a Member or by staff.

7. Minority Witnesses. Whenever any hearing is conducted by the committee, the minority on the committee shall be entitled, upon request made by a majority of the minority Members to the chairman, to call witnesses selected by the minority to testify or produce documents with respect to the measure or matter under consideration during at least one day of the hearing. Such request must be made before the completion of the hearing or, if subpoenas are required to call the minority witnesses, no later than three days before the completion of the hearing.

8. Conduct of Witnesses, Counsel and Members of the Audience. If, during public or executive sessions, a witness, his counsel, or any spectator conducts himself in such a manner as to prevent, impede, disrupt, obstruct, or interfere with the orderly administration of such hearing the chairman or presiding Member of the committee present during such hearing may request the Sergeant at Arms of the Senate, his representative or any law enforcement official to eject said person from the hearing room.

VI. DEPOSITIONS AND COMMISSIONS

1. Notice. Notices for the taking of depositions in an investigation authorized by the committee shall be authorized and issued by the chairman or by a staff officer designated by him. Such notices shall specify a time and place for examination, and the name of the staff officer or officers who will take the deposition. Unless otherwise specified, the deposition shall be in private. The committee shall not initiate procedures leading to criminal or civil enforcement proceedings for a witness's failure to appear unless the deposition notice was accompanied by a committee subpoena.

2. Counsel. Witnesses may be accompanied at a deposition by counsel to advise them of their rights, subject to the provisions of Rule V.4.

3. Procedure. Witnesses shall be examined upon oath administered by an individual authorized by local law to administer oaths. Questions shall be propounded orally by committee staff. Objections by the witnesses as to the form of questions shall be noted by the record. If a witness objects to a question and refuses to testify on the basis of relevance or privilege, the committee staff may proceed with the deposition, or may at that time or at a subsequent time, seek a ruling by telephone or otherwise on the objection from a Member of the committee. If the Member overrules the objection, he may refer the matter to the committee or he may order and direct the witness to answer the question, but the committee shall not initiate the procedures leading to civil or criminal enforcement unless the witness refuses to testify after he has been ordered and directed to answer by a Member of the committee.

4. Filing. The committee staff shall see that the testimony is transcribed or electronically recorded. If it is transcribed, the witness shall be furnished with a copy for review. No later than five days thereafter, the witness shall return a signed copy, and the staff shall enter the changes, if any, requested by the witness in accordance with Rule V.6. If the witness fails to return a signed copy, the staff shall note on the transcript the date a copy was provided and the failure to return it. The individual administering the oath shall certify on the transcript that the witness was duly sworn in his presence, the transcriber shall certify that the transcript is a true record to the testimony, and the transcript shall then be filed with the committee clerk. Committee staff may stipulate with the witness to changes in this procedure; deviations from the procedure which do not substantially impair the reliability of the record shall not relieve the witness from his obligation to testify truthfully.

5. Commissions. The committee may authorize the staff, by issuance of commissions, to fill in prepared subpoenas, conduct field hearings, inspect locations, facilities, or systems of records, or otherwise act on behalf of the committee. Commissions shall be accompanied by instructions from the committee regulating their use.

VII. SUBCOMMITTEES

1. Establishment. The committee will operate as a Committee of the Whole, reserving to itself the right to establish temporary subcommittees at any time by majority vote. The chairman of the full committee and the ranking minority Member shall be ex officio Members of all subcommittees.

2. Jurisdiction. Within its jurisdiction as described in the Standing Rules of the Senate, each subcommittee is authorized to conduct investigations, including use of subpoenas, depositions, and commissions.

3. Rules. A subcommittee shall be governed by the committee rules, except that its quorum for all business shall be one-third of the subcommittee Membership, and for hearings shall be one Member.

VIII. REPORTS

Committee reports incorporating committee findings and recommendations shall be printed only with the prior approval of the committee, after an adequate period for review and comment. The printing, as committee documents, of materials prepared by staff for informational purposes, or the printing of materials not originating with the committee or staff, shall require prior consultation with the minority staff; these publications shall have the following language printed on the cover of the document: "Note: This document has been printed for informational purposes. It does not represent either findings or recommendations formally adopted by the committee."

IX. AMENDMENT OF RULES

The rules of the committee may be amended or revised at any time, provided that not less than a majority of the committee present so determine at a committee meeting preceded by at least 3 days notice of the amendments or revisions proposed.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION RULES OF PROCEDURE

Mr. INOUYE. Madam President, the Committee on Commerce, Science, and Transportation adopted rules governing its procedures for the 110th Congress on January 24. Pursuant to rule XXVI, paragraph 2, of the Standing Rules of the Senate, on behalf of myself and Senator STEVENS, I ask unanimous consent that the accompanying Rules from the Senate Committee on Commerce, Science, and Transportation be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RULES OF THE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

I. MEETINGS OF THE COMMITTEE

1. The regular meeting dates of the Committee shall be the first and third Tuesdays of each month. Additional meetings may be called by the Chairman as the Chairman may deem necessary, or pursuant to the provisions of paragraph 3 of rule XXVI of the Standing Rules of the Senate.

2. Meetings of the Committee, or any subcommittee, including meetings to conduct hearings, shall be open to the public, except that a meeting or series of meetings by the Committee, or any subcommittee, on the same subject for a period of no more than 14 calendar days may be closed to the public on a motion made and seconded to go into closed session to discuss only whether the matters enumerated in subparagraphs (A) through (F) would require the meeting to be closed, followed immediately by a record vote in open session by a majority of the members of the Committee, or any subcommittee, when it is determined that the matter to be discussed or the testimony to be taken at such meeting or meetings—

(A) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(B) will relate solely to matters of Committee staff personnel or internal staff management or procedure;

(C) will tend to charge an individual with crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise to expose an individual to public contempt or obloquy, or will represent a clearly unwarranted invasion of the privacy of an individual;

(D) will disclose the identity of any informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interest of effective law enforcement;

(E) will disclose information relating to the trade secrets of, or financial or commercial information pertaining specifically to, a given person if—

(1) an Act of Congress requires the information to be kept confidential by Government officers and employees; or

(2) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person; or

(F) may divulge matters required to be kept confidential under other provisions of law or Government regulations.

3. Each witness who is to appear before the Committee or any subcommittee shall file with the Committee, at least 24 hours in advance of the hearing, a written statement of the witness's testimony in as many copies as the Chairman of the Committee or subcommittee prescribes.

4. Field hearings of the full Committee, and any subcommittee thereof, shall be scheduled only when authorized by the Chairman and ranking minority member of the full Committee.

II. QUORUMS

1. A majority of the members, which includes at least 1 minority member, shall constitute a quorum for official action of the Committee when reporting a bill, resolution, or nomination. Proxies may not be counted in making a quorum for purposes of this paragraph.

2. Eight members shall constitute a quorum for the transaction of all business as may be considered by the Committee, except for the reporting of a bill, resolution, or nomination. Proxies may not be counted in making a quorum for purposes of this paragraph.

3. For the purpose of taking sworn testimony a quorum of the Committee and each subcommittee thereof, now or hereafter appointed, shall consist of 1 Senator.

III. PROXIES

When a record vote is taken in the Committee on any bill, resolution, amendment, or any other question, the required quorum being present, a member who is unable to attend the meeting may submit his or her vote by proxy, in writing or by telephone, or through personal instructions.

IV. BROADCASTING OF HEARINGS

Public hearings of the full Committee, or any subcommittee thereof, shall be televised or broadcast only when authorized by the Chairman and the ranking minority member of the full Committee.

V. SUBCOMMITTEES

1. Any member of the Committee may sit with any subcommittee during its hearings.

2. Subcommittees shall be considered *de novo* whenever there is a change in the chairmanship, and seniority on the particular subcommittee shall not necessarily apply.

VI. CONSIDERATION OF BILLS AND RESOLUTIONS

It shall not be in order during a meeting of the Committee to move to proceed to the consideration of any bill or resolution unless the bill or resolution has been filed with the Clerk of the Committee not less than 48 hours in advance of the Committee meeting, in as many copies as the Chairman of the Committee prescribes. This rule may be waived with the concurrence of the Chairman and the ranking minority member of the full Committee.

NOMINATION OF GENERAL DAVID PETRAEUS

Mr. DORGAN. Madam President, I regret that commitments in North Dakota prevented me from voting on the nomination of David H. Petraeus to be promoted to the rank of General in the U.S. Army and to be commander of Multinational Forces Iraq.

If present, I would have voted in favor of General Petraeus's nomination.

I believe General Petraeus is well-qualified to command in Iraq. He was unanimously approved by the Senate Armed Services Committee because of his leadership skills and his operational experience. And he is widely recognized as one of the military's top experts on counterinsurgency operations.

He is an excellent choice to be entrusted with the operational command and welfare of over 130,000 American servicemembers who are in the middle of a bloody sectarian battle over the future of Iraq. He is familiar with the situation in that country from his experiences as an infantry division commander during and immediately after the invasion of Iraq, and from his tenure as the commander of U.S. efforts to train and equip Iraqi security forces. Altogether, he has served 27 months in Iraq since the war began.

I was impressed by the fact that General Petraeus promised to regularly update Congress on whether the President's new plan in Iraq is working and on how much progress the Iraqi Government is making toward assuming responsibility for security.

But my support for General Petraeus's nomination should not be taken as support for the President's decision to send additional soldiers and marines to Iraq and to escalate our military involvement there.

I am very skeptical that the President's plan to send 21,500 additional troops to Iraq is going to work.

I have listened to what President Bush and his advisers have said about the subject, and I listened to what General Petraeus said during his confirmation hearing. But I do not think they have adequately explained away the Senate testimony given less than 2 months ago by General Abizaid, the top commander of American troops in Iraq. In November General Abizaid said:

> I met with every divisional commander, General Casey, the corps commander, General Dempsey. We all talked together. And I said, "In your professional opinion, if we were to bring in more American troops now, does that add considerably to our ability to achieve success in Iraq?" And they all said no. The reason is because we want the Iraqis to do more. It is easy for the Iraqis to rely upon us to do this work. I believe that more American forces prevent the Iraqis from doing more, from taking more responsibility for their own future.

Has that changed? Has something changed in 2 months? The question for us now is: Should American troops be in the middle of that civil war? Should we send additional troops to that circumstance? If so, for what purpose? And why the change only two months after General Abizaid said the commanders do not believe additional troops will be effective?

That issue is going to be debated here in Congress in the coming weeks. All of us in that debate want to find the right solution for this country to support our soldiers, make the right choices for them, and make the right judgments for our country's long-term interests. I believe that sending General Petraeus to Iraq will help accomplish that. I wish him well and Godspeed.

ADDITIONAL STATEMENTS

TRIBUTE TO HELEN FENSKE

• Mr. MENENDEZ. Madam President, today I wish to honor Helen Fenske, the grandmother of environmentalism in my great home State of New Jersey. I join with New Jerseyeans and environmentalists everywhere in mourning her passing on January 19, 2007.

Helen was truly a pioneer in understanding the importance of preserving our environmental resources for future generations. Her activism began in the late 1950s and early 1960s, when the Port Authority of New York and New Jersey had plans to build a jetport on swampy land in Chatham Township, in Morris County, NJ. But not on Helen Fenske's watch. Self-described as "the little old lady in sneakers," she understood that the swamp was a treasure—an environmentally sensitive area—and that a jetport would be an ecological disaster to the region. With dogged determination, Helen Fenske mobilized a group of likeminded residents in the Green Village vicinity. In a grassroots effort that included raising money, creating awareness, and lobbying to retain this environmental resource, Helen Fenske managed to procure substantial acreage to be donated to the federal government. This acreage became the nucleus of the 7500 acre Great Swamp National Wildlife Refuge—established by Congress in November 1960.

The Great Swamp National Wildlife Refuge is, indeed, a treasure and was the first refuge to receive national wilderness recognition—signed into law by

President Johnson in 1968. This was the culmination of Helen Fenske's efforts to save the Great Swamp. Thanks to Helen's perseverance and vision, today, one can walk on a boardwalk through vast portions of the swamp to enjoy the natural wildlife that inhabits it, including 244 species of birds, mammals such as red fox, coyote, beaver, raccoons, fish, reptiles, and amphibians, and many large oak and beech trees, and plants such as mountain laurel, mosses, and ferns.

But Helen Fenske's legend did not stop with the Great Swamp. She went on to become an environmental advocate assuming key leadership positions in State government, as special assistant to the first commissioner of the New Jersey Department of Environmental Protection, Richard Sullivan, and Assistant Commissioner for Natural and Historic Resources. Her leadership became the inspiration for a myriad of conservation efforts, including the battle to save Sunfish Pond along the Appalachian Trail at the Delaware Water Gap. She was additionally the inspiration for the formation of the New Jersey Conservation Foundation and was involved with the Association of New Jersey Environmental Commissions, Patriot's Path, the Hudson River Walkway, the Morris Parks and Land Conservancy, and the preservation of the Highlands along with many other efforts.

For her groundbreaking efforts as a champion of the environment, Helen Fenske was the deserving honoree of numerous awards, including the Marcellus Hartley Dodge Award from the Great Swamp Watershed Association; a Congressional Citation for her work in saving the Great Swamp and the creation of the American Revolution Heritage Corridor; the Achievement Award of the Washington Association; and honorary degrees from Ramapo College and Drew University.

Even after she moved to New Hampshire, she remained in touch with her New Jersey roots, always connected to her fight to preserve the Great Swamp and its environs. She died in New Hampshire, but left a living legacy in New Jersey. She will be greatly missed, but the legacy of the "old lady in sneakers" has been passed on to a new generation of environmentalists who have taken on her very important mission.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–491. A communication from the Administrator, Dairy Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Milk in the Northeast and Other Marketing Areas—Interim Final Order" (Docket No. DA–06–01) received on January 25, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC–492. A communication from the Chairman and Chief Executive Officer, Office of Secondary Market Oversight, Farm Credit Administration, transmitting, pursuant to law, the report of a rule entitled "Federal Agricultural Mortgage Corporation Funding and Fiscal Affairs; Federal Agricultural Mortgage Corporation Disclosure and Reporting Requirements; Risk-Based Capital Requirements" (RIN3052–AC17) received on January 25, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC–493. A communication from the Secretary of Labor, transmitting, pursuant to law, the report of two violations of the Antideficiency Act; to the Committee on Appropriations.

EC–494. A communication from the Assistant Director, Executive and Political Personnel, transmitting, pursuant to law, (14) reports relative to vacancy announcements within the Department, received on January 25, 2007; to the Committee on Armed Services.

EC–495. A communication from the Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, a report relative to the Department's purchases from foreign entities for fiscal year 2006; to the Committee on Armed Services.

EC–496. A communication from the Liaison Officer, Office of the Secretary, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Department of Defense Policy on Organizations that Seek to Represent or Organize Members of the Armed Forces in Negotiation or Collective Bargaining" (RIN0790–AH99) received on January 25, 2007; to the Committee on Armed Services.

EC–497. A communication from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Restriction on Carbon, Alloy, and Armor Steel Plate" (DFARS Case 2005–D002) received on January 25, 2007; to the Committee on Armed Services.

EC–498. A communication from the Liaison Officer, Office of the Secretary, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Service by Members of the Armed Forces on State and Local Juries" (RIN0790–AH99) received on January 25, 2007; to the Committee on Armed Services.

EC–499. A communication from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Material Inspection and Receiving Report" (DFARS Case 2003–D085) received on January 25, 2007; to the Committee on Armed Services.

EC–500. A communication from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Inflation Adjustment of Acquisition-Related Thresholds" (DFARS Case 2004–D022) received on January 25, 2007; to the Committee on Armed Services.

EC–501. A communication from the Deputy Chief, Programs and Legislation Division, Department of the Air Force, transmitting, pursuant to law, a report relative to a competition that was performed to reduce the cost of the Base Operating Support function at Homestead Air Reserve Base; to the Committee on Armed Services.

EC–502. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations" (72 FR 269) received on January 25, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–503. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations" (72 FR 272) received on January 25, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–504. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Flood Elevation Determinations" (72 FR 287) received on January 25, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–505. A communication from the Chairman, Securities and Exchange Commission, transmitting, pursuant to law, a report relative to the Commission's competitions in fiscal year 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC–506. A communication from the Director, Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting, pursuant to law, the report of a rule entitled "Reports and Public Disclosure of Indebtedness of Executive Officers and Principal Shareholders to a State Nonmember Bank and its Correspondent Banks" (RIN3064–AD14) received on January 25, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–507. A communication from the Director, Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting, pursuant to law, the report of a rule entitled "Community Reinvestment" (RIN3064–AD11) received on January 25, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–508. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations" (71 FR 75885) received on January 25, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–509. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations" (71 FR 76206) received on January

25, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–510. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to the Western Balkans that was declared in Executive Order 13219 of June 26, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC–511. A communication from the Director, Office of Federal Housing Enterprise Oversight, transmitting, pursuant to law, the report on the Office's competitive sourcing efforts for fiscal year 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC–512. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the nuclear device detonated by North Korea on October 9, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC–513. A communication from the Acting Under Secretary for Industry and Security, Department of Commerce, transmitting, pursuant to law, a report relative to the Department's intent to impose new foreign policy-based export controls; to the Committee on Banking, Housing, and Urban Affairs.

EC–514. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Temporary Rule; Closure (Closure of Quota Period 2 Fishery for Spiny Dogfish)" (RIN0648–AT59) received on January 25, 2007; to the Committee on Commerce, Science, and Transportation.

EC–515. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Temporary Rule; Inseason Bluefish Quota Transfers from MA to RI" (I.D. No. 122806A) received on January 25, 2007; to the Committee on Commerce, Science, and Transportation.

EC–516. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Temporary Rule; Closure (New Jersey Summer Flounder Commercial Fishery)" (I.D. No. 111406C) received on January 25, 2007; to the Committee on Commerce, Science, and Transportation.

EC–517. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Temporary Rule; Inseason Bluefish Quota Transfer from Maryland to Rhode Island and Delaware to Rhode Island" (I.D. No. 121806B) received on January 25, 2007; to the Committee on Commerce, Science, and Transportation.

EC–518. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Arrowtooth Flounder and Flathead Sole in the Bering Sea and Aleutian Islands Management Area" (I.D. No. 122006D) received on January 25, 2007; to the Committee on Commerce, Science, and Transportation.

EC–519. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Temporary Rule; Inseason Summer Flounder Quota Transfers from Maryland to New York" (I.D. No. 121906A–X) received on January 25, 2007; to the Committee on Commerce, Science, and Transportation.

EC–520. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Closure of Tilefish Permit Category C to Directed Tilefish Fishing—Temporary Rule" received on January 25, 2007; to the Committee on Commerce, Science, and Transportation.

EC–521. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Temporary Rule; Closure" received on January 25, 2007; to the Committee on Commerce, Science, and Transportation.

EC–522. A communication from the Chairman, Federal Trade Commission, transmitting, pursuant to law, a report on the Commission's competitive sourcing activities for fiscal year 2006; to the Committee on Commerce, Science, and Transportation.

EC–523. A communication from the Assistant Secretary, Federal Maritime Commission, transmitting, pursuant to law, a report relative to the Commission's competitive sourcing activities of fiscal year 2006; to the Committee on Commerce, Science, and Transportation.

EC–524. A communication from the Assistant Administrator for Legislative Affairs, National Aeronautics and Space Administration, transmitting, pursuant to law, a report relative to the Administration's competitive sourcing efforts during fiscal year 2006; to the Committee on Commerce, Science, and Transportation.

EC–525. A communication from the Secretary of Energy, transmitting, pursuant to law, a report relative to the Department's competitive sourcing efforts during fiscal year 2006; to the Committee on Energy and Natural Resources.

EC–526. A communication from the Secretary of Energy, transmitting, pursuant to law, the "Hydrogen Posture Plan"; to the Committee on Energy and Natural Resources.

EC–527. A communication from the Attorney, Office of Assistant General Counsel for Legislation and Regulatory Law, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Energy Conservation Standards for Certain Ceiling Fan Light Kits" (RIN1904–AB54) received on January 25, 2007; to the Committee on Energy and Natural Resources.

EC–528. A communication from the Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report entitled "Annual Report to Congress on Implementation of Public Law 106–107"; to the Committee on Environment and Public Works.

EC–529. A communication from the Acting Assistant Secretary for Fish, Wildlife and Parks, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for Alabama Beach Mouse" (RIN1018–AU46) received on January 25, 2007; to the Committee on Environment and Public Works.

EC–530. A communication from the Secretary of the Interior, transmitting, pursuant to law, the Department's Strategic Plan for fiscal years 2007–2012; to the Committee on Environment and Public Works.

EC–531. A communication from the Acting Regulations Officer, Office of Disability and Income Security Programs, Social Security Administration, transmitting, pursuant to law, the report of a rule entitled "Title II Cost-of-Living Adjustments in Primary Insurance Amounts" (RIN0960–AG42) received on January 25, 2007; to the Committee on Finance.

EC–532. A communication from the Chief of the Trade and Commercial Regulations Branch, Customs and Border Protection, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Fees for Certain Services" (RIN1505–AB62) received on January 25, 2007; to the Committee on Finance.

EC–533. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the President's intent to transfer $1.8 million in funds to the International Narcotics Control and Law Enforcement account; to the Committee on Foreign Relations.

EC–534. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2006–304–2006–313); to the Committee on Foreign Relations.

EC–535. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a semi-annual report relative to the continued compliance of certain nations with the freedom of emigration provisions; to the Committee on Foreign Relations.

EC–536. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the certification of the effectiveness of the Australia Group; to the Committee on Foreign Relations.

EC–537. A communication from the White House Liaison, Office of Elementary and Secondary Education, Department of Education, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Secretary for Elementary and Secondary Education, received on January 25, 2007; to the Committee on Health, Education, Labor, and Pensions.

EC–538. A communication from the White House Liaison, Office of the Under Secretary, Department of Education, transmitting, pursuant to law, the report of action on a nomination for the position of Under Secretary, received on January 25, 2007; to the Committee on Health, Education, Labor, and Pensions.

EC–539. A communication from the White House Liaison, Office of the Under Secretary, Department of Education, transmitting, pursuant to law, the report of discontinuation of service in an acting role for the position of Under Secretary, received on January 25, 2007; to the Committee on Health, Education, Labor, and Pensions.

EC–540. A communication from the Director, National Science Foundation, transmitting, pursuant to law, a report relative to the Foundation's competitive sourcing efforts during fiscal year 2006; to the Committee on Health, Education, Labor, and Pensions.

EC–541. A communication from the Secretary of Education, transmitting, pursuant to law, the Department's annual report on Grants Streamlining; to the Committee on Health, Education, Labor, and Pensions.

EC–542. A communication from the Chief, Human Capital Officer, Corporation for National and Community Service, transmitting, pursuant to law, the report of a change in previously submitted reported information and action on a nomination for the position of Inspector General, received on January 25, 2007; to the Committee on Health, Education, Labor, and Pensions.

EC–543. A communication from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Supplements and Other Changes Approved New Animal Drug Applications" ((RIN0910–AF59)(Docket No. 1999N–1415)) received on January 25, 2007; to the Committee on Health, Education, Labor, and Pensions.

EC–544. A communication from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medical Devices; Patient Examination and Surgeons' Gloves; Test Procedures and Acceptance Criteria" (Docket No. 2003N–0056) received on January 25, 2007; to the Committee on Health, Education, Labor, and Pensions.

EC–545. A communication from the Assistant Secretary for Administration and Management, Department of Health and Human Services, transmitting, pursuant to law, a report relative to the Department's competitive sourcing efforts of fiscal year 2006; to the Committee on Health, Education, Labor, and Pensions.

EC–546. A communication from the Chairman, National Endowment for the Humanities, transmitting, pursuant to law, a report relative to the organization's competitive sourcing activities of fiscal year 2006; to the Committee on Health, Education, Labor, and Pensions.

EC–547. A communication from the Assistant Administrator, Bureau for Legislative and Public Affairs, U.S. Agency for International Development, transmitting, pursuant to law, the Bureau's Performance and Accountability Report for fiscal year 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–548. A communication from the Director, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report entitled "2006 Report to Congress on the Costs and Benefits of Federal Regulations and Unfunded Mandates on State, Local, and Tribal Entities"; to the Committee on Homeland Security and Governmental Affairs.

EC–549. A communication from the Secretary of Agriculture, transmitting, pursuant to law, the Department's six-month periodic report for the period that ended September 30, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–550. A communication from the Federal Co-Chair, Appalachian Regional Commission, transmitting, pursuant to law, the Semiannual Report for the period from April 1, 2006 through September 30, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–551. A communication from the Corps of Engineers Secretary, Mississippi River Commission, Department of the Army, transmitting, pursuant to law, the Commission's Annual Report for calendar year 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–552. A communication from the Acting Chief of Staff, Federal Mediation and Conciliation Service, transmitting, pursuant to law, the Service's Annual Report for fiscal year 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–553. A communication from the Director, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the unvouchered expenditures report; to the Committee on Homeland Security and Governmental Affairs.

EC–554. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report entitled "Actions Taken on Office of Inspector General Recommendations"; to the Committee on Homeland Security and Governmental Affairs.

EC–555. A communication from the Administrator, General Services Administration, transmitting, pursuant to law, a report relative to the building project survey for Burlington, Vermont; to the Committee on Homeland Security and Governmental Affairs.

EC–556. A communication from the Deputy Director for Administration and Information Management, Office of Government Ethics, transmitting, pursuant to law, a report relative to the competitions performed by the Office in fiscal year 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–557. A communication from the Inspector General, General Services Administration, transmitting, pursuant to law, the Administration's Audit Report Register for the six-month periods ending March 31, 2006 and September 30, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–558. A communication from the Director, Office of Personnel Management, the President's Pay Agent, transmitting, pursuant to law, a report relative to the extension of locality-based comparability payments; to the Committee on Homeland Security and Governmental Affairs.

EC–559. A communication from the Deputy General Counsel and Designated Reporting Official, Office of National Drug Control Policy, Executive Office of the President, transmitting, pursuant to law, (2) reports relative to vacancy announcements within the Office, received on January 25, 2007; to the Committee on the Judiciary.

EC–560. A communication from the Assistant Attorney General for Administration, Department of Justice, transmitting, pursuant to law, a report relative to the Department's competitive sourcing efforts during fiscal year 2006; to the Committee on the Judiciary.

EC–561. A communication from the Chief of Regulations Management, Office of Regulation Policy and Management, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Accrued Benefits" (RIN2900–AM28) received on January 25, 2007; to the Committee on Veterans' Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. KOHL, from the Special Committee on Aging, without amendment:

S. Res. 45. An original resolution authorizing expenditures by the Special Committee on Aging.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. LEAHY for the Committee on the Judiciary.

Lisa Godbey Wood, of Georgia, to be United States District Judge for the Southern District of Georgia.

Philip S. Gutierrez, of California, to be United States District Judge for the Central District of California.

Lawrence Joseph O'Neill, of California, to be United States District Judge for the Eastern District of California.

Valerie L. Baker, of California, to be United States District Judge for the Central District of California.

Gregory Kent Frizzell, of Oklahoma, to be United States District Judge for the Northern District of Oklahoma.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BROWNBACK (for himself, Mr. INHOFE, Mr. BURR, Mr. SESSIONS, Mr. DEMINT, Mr. ROBERTS, Mr. GRASSLEY, Mr. CHAMBLISS, Mr. THUNE, Mr. BUNNING, Mr. KYL, and Mr. ALLARD):

S. 415. A bill to amend the Revised Statutes of the United States to prevent the use of the legal system in a manner that extorts money from State and local governments, and the Federal Government, and inhibits such governments' constitutional actions under the first, tenth, and fourteenth amendments; to the Committee on the Judiciary.

By Mrs. FEINSTEIN:

S. 416. A bill for the relief of Denes Fulop and Gyorgyi Fulop; to the Committee on the Judiciary.

By Mrs. FEINSTEIN:

S. 417. A bill for the relief of Claudia Marquez Rico; to the Committee on the Judiciary.

By Mrs. FEINSTEIN:

S. 418. A bill for the relief of Shigeru Yamada; to the Committee on the Judiciary.

By Mrs. FEINSTEIN:

S. 419. A bill for the relief of Esidronio Arreola-Saucedo, Maria Elna Cobian Arreola, Nayely Bibiana Arreola, and Cindy Jael Arreola; to the Committee on the Judiciary.

By Mrs. FEINSTEIN:

S. 420. A bill for the relief of Jacqueline W. Coats; to the Committee on the Judiciary.

By Mrs. FEINSTEIN:

S. 421. A bill for the relief of Robert Liang and Alice Liang; to the Committee on the Judiciary.

By Mr. CORNYN (for himself and Mrs. HUTCHISON):

S. 422. A bill to authorize any alien who has been issued a valid machine-readable biometric border crossing identification card to be temporarily admitted into the United States upon successfully completing a background check; to the Committee on the Judiciary.

By Mr. AKAKA (for himself, Mr. CRAIG, Mr. ROCKEFELLER, Mrs. MURRAY, Mr. ENSIGN, Mr. WEBB, Mr. SANDERS, and Mr. BROWN):

S. 423. A bill to increase, effective as of December 1, 2007, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans; to the Committee on Veterans' Affairs.

By Ms. COLLINS (for herself and Ms. SNOWE):

S. 424. A bill to require the Secretary of the Army to carry out the Penobscot River Restoration Project; to the Committee on Environment and Public Works.

By Mr. SMITH (for himself and Mr. WYDEN):

S. 425. A bill to amend the Internal Revenue Code of 1986 to expand the resources eligible for the renewable energy credit to kinetic hydropower, and for other purposes; to the Committee on Finance.

By Mr. NELSON of Nebraska:

S. 426. A bill to provide that all funds collected from the tariff on imports of ethanol be invested in the research, development, and deployment of biofuels, especially cellulosic ethanol produced from biomass feedstocks; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. KOHL:

S. Res. 45. An original resolution authorizing expenditures by the Special Committee on Aging; from the Special Committee on Aging; to the Committee on Rules and Administration.

ADDITIONAL COSPONSORS

S. 10

At the request of Mr. REID, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 10, a bill to reinstate the pay-as-you-go requirement and reduce budget deficits by strengthening budget enforcement and fiscal responsibility.

S. 43

At the request of Mr. ENSIGN, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 43, a bill to amend title II of the Social Security Act to preserve and protect Social Security benefits of American workers and to help ensure greater congressional oversight of the Social Security system by requiring that both Houses of Congress approve a totalization agreement before the agreement, giving foreign workers Social Security benefits, can go into effect.

S. 85

At the request of Mr. MCCAIN, the name of the Senator from Wyoming (Mr. THOMAS) was added as a cosponsor of S. 85, a bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to clarify that territories and Indian tribes are eligible to receive grants for confronting the use of methamphetamine.

S. 206

At the request of Mrs. FEINSTEIN, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 206, a bill to amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions.

S. 207

At the request of Mr. COLEMAN, the names of the Senator from Georgia (Mr. ISAKSON) and the Senator from Arkansas (Mr. PRYOR) were added as cosponsors of S. 207, a bill to amend the Internal Revenue Code of 1986 to allow taxpayers to designate part or all of any income tax refund to support reservists and National Guard members.

S. 211

At the request of Mrs. CLINTON, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of S. 211, a bill to facilitate nationwide availability of 2–1–1 telephone service for information and referral on human services, volunteer services, and for other purposes.

S. 214

At the request of Mrs. FEINSTEIN, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 214, a bill to amend chapter 35 of title 28, United States Code, to preserve the independence of United States attorneys.

S. 223

At the request of Mr. COCHRAN, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 223, a bill to require Senate candidates to file designations, statements, and reports in electronic form.

S. 261

At the request of Ms. CANTWELL, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 261, a bill to amend title 18, United States Code, to strengthen prohibitions against animal fighting, and for other purposes.

S. 280

At the request of Mr. CARPER, his name was added as a cosponsor of S. 280, a bill to provide for a program to accelerate the reduction of greenhouse gas emissions in the United States by establishing a market-driven system of greenhouse gas tradeable allowances, to support the deployment of new climate change-related technologies, and to ensure benefits to consumers from the trading in such allowances, and for other purposes.

S. 291

At the request of Mr. SMITH, the names of the Senator from South Dakota (Mr. THUNE) and the Senator from New Mexico (Mr. DOMENICI) were added as cosponsors of S. 291, a bill to establish a digital and wireless network technology program, and for other purposes.

S. 315

At the request of Mr. WARNER, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of S. 315, a bill to establish a digital and wireless network technology program, and for other purposes.

S. 326

At the request of Mrs. LINCOLN, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 326, a bill to amend the Internal Revenue Code of 1986 to provide a special period of limitation when uniformed services retirement pay is reduced as a result of award of disability compensation.

S. 340

At the request of Mrs. FEINSTEIN, the names of the Senator from Connecticut (Mr. DODD), the Senator from New Mexico (Mr. BINGAMAN) and the Senator from Florida (Mr. NELSON) were added as cosponsors of S. 340, a bill to improve agricultural job opportunities, benefits, and security for aliens in the United States and for other purposes.

S. 358

At the request of Ms. SNOWE, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 358, a bill to prohibit discrimination on the basis of genetic information with respect to health insurance and employment.

S. 368

At the request of Mr. BIDEN, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 368, a bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to enhance the COPS ON THE BEAT grant program, and for other purposes.

S. 376

At the request of Mr. LEAHY, the names of the Senator from Iowa (Mr. GRASSLEY), the Senator from Alabama (Mr. SESSIONS) and the Senator from North Dakota (Mr. CONRAD) were added as cosponsors of S. 376, a bill to amend title 18, United States Code, to improve the provisions relating to the carrying of concealed weapons by law enforcement officers, and for other purposes.

S. 381

At the request of Mr. INOUYE, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 381, a bill to establish a fact-finding Commission to extend the study of a prior Commission to investigate and determine facts and circumstances surrounding the relocation, internment, and deportation to Axis countries of Latin Americans of Japanese descent from December 1941 through February 1948, and the impact of those actions by the United States, and to recommend appropriate remedies, and for other purposes.

S. 382

At the request of Ms. COLLINS, the names of the Senator from South Carolina (Mr. GRAHAM) and the Senator from Alabama (Mr. SESSIONS) were added as cosponsors of S. 382, a bill to amend the Public Health Service Act to establish a State family support grant program to end the practice of parents giving legal custody of their seriously emotionally disturbed children to State agencies for the purpose of obtaining mental health services for those children.

S. 388

At the request of Mr. THUNE, the name of the Senator from Iowa (Mr.

GRASSLEY) was added as a cosponsor of S. 388, a bill to amend title 18, United States Code, to provide a national standard in accordance with which nonresidents of a State may carry concealed firearms in the State.

S. 413

At the request of Mrs. CLINTON, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 413, a bill to amend the Bank Holding Company Act of 1956 and the Revised Statutes of the United States to prohibit financial holding companies and national banks from engaging, directly or indirectly, in real estate brokerage or real estate management activities, and for other purposes.

S. RES. 36

At the request of Mrs. CLINTON, the names of the Senator from Nevada (Mr. REID), the Senator from New Mexico (Mr. BINGAMAN), the Senator from Washington (Ms. CANTWELL) and the Senator from California (Mrs. BOXER) were added as cosponsors of S. Res. 36, a resolution honoring women's health advocate Cynthia Boles Dailard.

AMENDMENT NO. 105

At the request of Mr. MARTINEZ, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of amendment No. 105 proposed to H.R. 2, a bill to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage.

AMENDMENT NO. 169

At the request of Mr. ALLARD, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of amendment No. 169 proposed to H.R. 2, a bill to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. FEINSTEIN:

S. 416. A bill for the relief of Denes Fulop and Gyorgyi Fulop; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, I offer today a private immigration relief bill to provide lawful permanent residence status to Denes and Gyorgyi Fulop, Hungarian nationals who have lived in California for more than 20 years. The Fulops are the parents of six U.S. citizen children. Today, they face deportation having exhausted all administrative remedies under our immigration system.

The Fulop's story is a compelling one and one which I believe merits Congress' consideration for humanitarian relief.

The most poignant tragedy to affect this family occurred in May of 2000, when the Fulops eldest child, Robert "Bobby" Fulop, an accomplished 15 year-old teenager, died suddenly of a heart aneurism. Bobby was considered the shining star of his family.

That same year their six-year-old daughter, Elizabeth, was diagnosed with moderate pulmonary stenosis, a potentially life-threatening heart condition and a frightening situation similar to Bobby's. Not long ago, she successfully underwent heart surgery, but. requires medical supervision to ensure her good health.

The Fulop's youngest child, Matthew, was born seven weeks premature. He subsequently underwent several kidney surgeries and is still being closely monitored by physicians.

Compounding these tragedies is the fact that today the Fulops face deportation. They face deportation, in part, because in 1995 the family traveled to Hungary and remained there for more than 90 days.

Under the pre-1996 immigration law, prior to the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, their stay in Hungary would not have been a factor in their immigration case and they would have been eligible for adjustment of status to lawful permanent residents.

Indeed, in 1996, Mr. and Mrs. Fulop applied to the Immigration and Naturalization Service (INS) for permanent resident status. Due to large backlogs, the INS did not interview them until 1998. By the time their applications were considered, the new 1996 immigration law had taken effect. Given their one-time 90 day trip outside the United States, they were statutorily ineligible for relief pursuant to the cancellation of removal provisions of the Immigration and Nationality Act.

One cannot help but conclude that had the INS acted on the Fulop's application for relief from deportation in a timelier manner, they would have qualified for suspension of deportation under the pre-1996 law, given that they were long-term residents of the United States with U.S. citizen children and many positive factors in their favor.

The irony of this situation is that the Fulops were gone from the United States for nearly five months in 1995 because they traveled to Hungary to help Mr. Fulop's brother build his home. Mr. Fulop's brother is handicapped and they went to help remodel his home.

The Fulops are good and decent people. Mr. Fulop is a masonry contractor and the owner and president of his own construction company—Sumeg International. He has owned this business for 12 years and currently has three full-time employees.

The couple is active in their church and community. As Pastor Peter Petrovic of the Apostolic Christian Church of San Diego says in his letter of support, "[t]he family is an exceptional asset to their community." Mrs. Fulop has served as a Sunday school teacher and volunteers regularly at Heritage K–8 Charter School in Escondido. Mrs. Morris, a Heritage K–8 Charter School faculty member says in her letter of support that Mrs. Fulop is ". . . a valuable asset to our school and community."

This is a tragic situation. Essentially, as happened to many families under the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, the rules of the game were changed in the middle. When the Fulops applied for relief from deportation they were eligible for suspension of deportation. By the time the INS got around to their application, nearly three years later, they were no longer eligible and in fact suspension of deportation as a form of relief ceased to exist.

The Fulops today have been in the United States since the early 1980s. Most harmful is the effect that their deportation will have on the children, all of whom were born here and who range from three years old to 19 years of age. Their eldest, Dennis, is a 4.0 honor student at Palomar Community College. His sister, Linda, has a 3.8 grade point average, is an honor student in high school, and is also taking one class at Palomar Community College.

It is my hope that Congress sees fit to provide an opportunity for this family to remain together in the United States given their many years here, the profound sadness they have already experienced and the harm that would come from their deportation to their six U.S. citizen children.

I ask unanimous consent that the three letters of community support be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

APOSTOLIC CHRISTIAN CHURCH
OF SAN DIEGO,
Escondido, CA, December 28, 2006.

Re The Denes Fulop Family.

TO WHOM IT MAY CONCERN: My family and I have known Denes and Joy Fulop for many year. They have been members in good standing in our church for approximately 20 years. Denes has served the congregation faithfully in many capacities. He was a building committee member during the construction of our church 10 years ago. He also served as church treasurer for four years and Sunday School Superintendent for many years. Presently he is a member on the board of trustees.

Joy Fulop was a building sub-committee member during the construction of the church and also served for a few years as a Sunday school teacher. Joy is a devoted and committed homemaker, and a wonderful example of a loving mother and wife. Their three younger children, Elizabeth, Sarah and Abigail are actively involved in Sunday school and in various youth group activities. The two oldest, Denny and Linda, are also active in the church. Linda is currently a Sunday school teacher for 2nd to 5th grade children. Linda and Denny are very diligent and excellent students in High School and College and are outstanding citizens.

The family is an exceptional asset to their community. Denes has been self-employed for many years and is a knowledgeable and successful contractor. Their family has never depended on any government aid, but rather contributes and shares their blessings with others. Denes, Joy, and their six children are truly an asset to our church and community.

Should you have any further questions, please don't hesitate to contact me.

Respectfully submitted,

PETER PETROVIC,
Pastor.

DECEMBER 29, 2006.

TO WHOM IT MAY CONCERN: The purpose of this letter is to describe our relationship with the Fulop family over the five years when they became our neighbors.

Dennis Fulop, a contractor, appears to be a very hard working man, carrying out the responsibilities of owning his business plus carrying out responsibilities at home for his wife and six children. I've come to know that Joy, Mrs. Fulop, spends every free minute taking care of the family, home, and involving herself in church and school activities. We have found them to be excellent neighbors, kind, thoughtful, and ready to carry out any favor we may have.

The six children have been wonderful to see grow up over the last several years. They excel in school, are well-mannered, church going, involved in church ministry, and very polite on every occasion.

Our family finds itself fortunate to have a congenial and honest family living next door. It is rare to find such a quality family.

Sincerely yours,

ELIZABETH BRANDSTATER SHAW.

R. RIMMER CONSTRUCTION INC.,
Cardiff, CA, January 3, 2007.

TO WHOM IT MAY CONCERN:

The purpose of this letter is to describe my relationship with Dennis Fulop whom I have known for approximately twenty-four years.

As a building contractor in the San Diego area I have been fortunate to have worked with Dennis for most of those years. He has constructed nearly all of the foundations for the room additions and new houses that I have built. Dennis has also constructed most of the driveways, sidewalks, retaining walls, fireplaces and masonry on my projects. He has also attended to much of my finish grading, drainage and backhoe construction needs.

Dennis has long been an invaluable member of my construction "team". He is very knowledgeable in nearly all construction matters. He has always been very reliable and responsible in meeting deadlines and upholding high standards of construction quality.

Dennis is also a very successful small business owner. He has his own credit accounts with all of the necessary construction suppliers and to my knowledge has always paid his bills in a timely manner. In fact, I have never been contacted or liened by any of his suppliers to date. Dennis is also very proficient at managing and providing work for his employees.

Dennis' wife Joy is a dedicated wife and mother to their six children. She is also actively involved in their church, the Apostolic Christian Church of Escendido.

I am thankful to know the Fulops on a personal level as well. They have graciously invited me and my family to several family and holiday festivities over the years. We always look forward to getting together with the Fulops and other members of their church.

Sincerely,

RON RIMMER,
President, R. Rimmer Construction Inc.

By Mrs. FEINSTEIN:

S. 417. A bill for the relief of Claudia Marquez Rico; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, I am offering today private relief legislation to provide lawful permanent residence status to Claudia Marquez Rico, a Mexican national living in Redwood City, CA.

Born in Jalisco, Mexico, Claudia was brought to the United States by her parents 16 years ago. Claudia was just 6 years old at the time. She has two younger brothers, Jose and Omar, who came to America with her, and a sister, Maribel, who was born in California and is a U.S. Citizen. America is the only home they know.

Six years ago that home was visited by tragedy. As Mr. and Mrs. Marquez were driving to work early on the morning of October 4, 2000, they were both killed in a horrible traffic accident when their car collided with a truck on an isolated rural road.

The children went to live with their aunt and uncle, Hortencia and Patricio Alcala. The Alcalas are a generous and loving couple. They are U.S. citizens with two children of their own. They took the Marquez children in and did all they could to comfort them in their grief. They supervised their schooling, and made sure they received the counseling they needed, too. The family is active in their parish at Buen Pastor Catholic Church, and Patricio Alcala serves as a youth soccer coach. In 2001, the Alcalas were appointed the legal guardians of the Marquez children.

Sadly, the Marquez family received bad legal representation. At the time of their parents' death, Claudia and Jose were minors, and qualified for special immigrant juvenile status. This category was enacted by Congress to protect children like them from the hardship that would result from deportation under such extraordinary circumstances, when a State court deems them to be dependents due to abuse, abandonment or neglect. Today, their younger brother Omar is on track to lawful permanent residence status as a special immigrant juvenile. Unfortunately, the family's previous lawyer failed to secure this relief for Claudia, and she has now reached the age of majority without having resolved her immigration status.

I should note that their former lawyer, Walter Pineda, is currently answering charges on 29 counts of professional incompetence and 5 counts of moral turpitude for mishandling immigration cases and appears on his way to being disbarred.

I am offering legislation on Claudia's behalf because I believe that, without it, this family would endure an immense and unfair hardship. Indeed, without this legislation, this family will not remain a family for much longer.

Despite the adversity they encountered, Claudia and Jose finished school and now work together in a pet grooming store in Redwood City, where Claudia is the store manager. They support themselves, and they are dedicated to their community and devoted to their family. In fact, last year Claudia became the legal guardian of her 14-year-old sister Maribel, who lives with her and Jose at their home in Redwood City. Omar, now 17 years old, continues to live with the Alcalas so as not to interrupt his studies at Aragon High School in San Mateo. Again, Maribel is a U.S. citizen, and Omar is eligible for a green card.

Claudia has no close relatives in Mexico. She has never visited Mexico, and she was so young when she was brought to America that she has no memories of it. How can we expect her to start a new life there now?

It would be a grave injustice to add to this family's misfortune by tearing these siblings apart. This is a close family, and they have come to rely on each other heavily in the absence of their deceased parents. This bill will prevent the added tragedy of another wrenching separation.

Given these extraordinary and unique facts, I ask my colleagues to support this private relief bill on behalf of Claudia Rico.

By Mrs. FEINSTEIN:

S. 418, A bill for the relief of Shigeru Yamada; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, I offer today private relief legislation to provide lawful permanent residence status to Shigeru Yamada, a 24-year-old Japanese national who lives in Chula Vista, CA.

I have decided to re-introduce a private bill on his behalf because I believe that Mr. Yamada represents a model American citizen, for whom removal from this country would represent an unfair hardship. Without this legislation, Mr. Yamada will be forced to return to a country in which he lacks any linguistic, cultural or family ties.

Mr. Yamada legally entered the United States with his mother and two sisters in 1992 at the young age of 10. The family was fleeing from Mr. Yamada's alcoholic father, who had been physically abusive to his mother, the children and even his own parents. Since then, he has had no contact with his father and is unsure if he is even alive. Tragically, Mr. Yamada experienced further hardship when his mother was killed in a car crash in 1995. Orphaned at the age of 13, Mr. Yamada spent time living with his aunt before moving to Chula Vista to live with a close friend of his late mother.

The death of his mother marked more than a personal tragedy for Mr. Yamada; it also served to impede the process for him to legalize his status.

At the time of her death, Mr. Yamada's family was living legally in the United States. His mother had acquired a student visa for herself and her children qualified as her dependants. Her death revoked his legal status in the United States. In addition, Mr. Yamada's mother was engaged to an American citizen at the time of her death. Had she survived, her son would likely have become an American citizen through this marriage.

Mr. Yamada has exhausted all administrative options under our current immigration system. Throughout high school, he contacted attorneys in the hopes of legalizing his status, but his attempts were unsuccessful. Unfortunately, time has run out and, for Mr. Yamada, the only option available to him today is private relief legislation.

For several reasons, it would be tragic for Mr. Yamada to be deported from the United States and forced to return to Japan.

First, since arriving in the United States, Mr. Yamada has lived as a model American. He graduated with honors from Eastlake High School in 2000, where he excelled in both academics and athletics. Academically, he earned a number of awards including being named an Outstanding English Student his freshman year, an All-American Scholar, and earning the United States National Minority Leadership Award. His teacher and coach, Mr. John describes him as being responsible, hard working, organized, honest, caring and very dependable. His role as the Vice-President of the Associated Student Body his senior year is an indication of Mr. Yamada's high level of leadership, as well as, his popularity and trustworthiness among his peers. As an athlete, Mr. Yamada was named the Most Inspirational Player of the Year in Junior Varsity baseball and football, as well as, Varsity football. His football coach, Mr. Jose Mendoza, expressed his admiration by saying that he has seen in Shigeru Yamada the responsibility, dedication and loyalty that the average American holds to be virtuous.

Second, Mr. Yamada has distinguished himself as a local volunteer. As a member of the Eastlake High School Link Crew, he helped freshman find their way around campus, offered tutoring and mentoring services, and set an example of how to be a successful member of the student body. After graduating from high school, he volunteered his time for four years as the coach of the Eastlake High School Girl's softball team. The former head coach, who has since retired, Dr. Charles Sorge, describes him as an individual full of integrity who understands that as a coach it is important to work as a team player. His level of commitment to the team was further illustrated to Dr. Sorge when he discovered, halfway through the season, that Mr. Yamada's commute to and from practice was two hours long each way. It takes an individual with character to volunteer his time to coach and never bring up the issue of how long his commute takes him each day. Dr. Sorge hopes that, once Mr. Yamada legalizes his immigration status, he will be formally hired to continue coaching the team.

Third, sending Mr. Yamada back to Japan would be an immense hardship for him and his family here. Mr. Yamada does not speak Japanese. He is unaware of the nation's current cultural trends. And, he has no immediate family members that he knows of in Japan. Currently, both of his sisters are in the process of legalizing their immigration status in the United States. His older sister is married to a United States citizen and his younger sister is being adopted by a maternal aunt, who is a United States citizen. Since as all of his family lives in California, sending Mr. Yamada back to Japan would serve to split his family apart and separate him from everyone and everything that he knows. His sister contends that her younger brother would be lost if he had to return to live in Japan on his own. It is unlikely that he would be able to find any gainful employment in Japan due to his inability to speak or read the language.

As a member of the Chula Vista community, Mr. Yamada has distinguished himself as an honorable individual. His teacher, Mr. Robert Hughes, describes him as being an upstanding All-American young man. Until being picked up during a routine check of riders' immigration status on a city bus, he had never been arrested or convicted of any crime. Mr. Yamada is not, and has never been, a burden on the State. He has never received any Federal or State assistance.

Currently, Mr. Yamada holds sophomore status at Southwestern Community College. However, he is taking this semester off in order to alleviate his financial burdens by working full time. He had hoped to pursue a career in law enforcement, but his plans have recently changed due to his current immigration status dilemma. Until he obtains citizenship, Mr. Yamada will be prohibited from pursuing a career in law enforcement. Due to the circumstances, Mr. Yamada has changed his career goal to that of becoming a high school teacher. Mr. Yamada's commitment to his education is admirable. He could have easily taken a different path but, through his own individual fortitude, he has dedicated himself to his studies so that he can live a better life.

With his hard work and giving attitude, Shigeru Yamada represents the ideal American citizen. Although born in Japan, he is truly American in every other sense. I ask you to help right a wrong and grant Mr. Yamada lawful permanent resident status so that he can continue towards his bright future.

Given these extraordinary and unique facts, I ask my colleagues to support this private relief bill on behalf of Mr. Yamada.

I also ask unanimous consent that the three letters of community support be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

EASTLAKE HIGH SCHOOL,
Chula Vista, California, January 9, 2007.

Senator DIANNE FEINSTEIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR FEINSTEIN: I am more than happy to write this letter on behalf of Shigeru Yamada as he pursues his efforts to stay in the United States. I was Shigeru's counselor while he attended Eastlake High School. During that time he always displayed exemplary behavior, academic focus, and personal determination.

Academically Shigeru was a model student. He earned a 3.84 grade point average; he made the National Honor Roll and was nominated to Who's Who Among High School Students for three straight years. Shigeru plans to attend a university to study sports medicine and physical therapy so he has set high goals for himself. He has the ability to not only handle college-level work, but to thrive on the challenge the university will bring. His quiet determination has been an example to his peers and was a joy to his instructors.

Shigeru Yamada not only took the most from his high school experience, but he has consistently "given back" his talents, time, and effort to serve the school community. He was elected ASB vice-president during his senior year. He demonstrated leadership skills as president of the Inter-Club Council on campus; he mentored incoming ninth-grade students and worked on numerous service projects. In addition to his involvement in student government, Shigeru participated in football, baseball, and wrestling. He was named '"Most Inspirational Player of the Year" for both his junior varsity baseball and football teams. He was also awarded the J.T. Franks Memorial Award (most inspirational) from the varsity football team. (This award carries a great deal of respect amongst the players as it is named after a teammate who died of cancer.) Shigeru was a role model for our students when he attended our school: He earned good grades; he was an athlete; and he was involved in a variety of additional activities. He is the kind of student that Eastlake High School has been proud to have.

A further testimony to Shigeru's character is what he has been doing since graduating. This young man has come back to serve as an assistant football and wrestling coach for our students. He has given his time and energy to working with individual students during the week and on weekends; he has not only advised them on how to improve their athletic skills, but he has also been a wonderful role model and mentor. He is someone to whom the young men can relate, a person whose opinions are valued. I have personally seen Shigeru interact with these boys; the respect he gives them and the respect they give Shigeru is an absolute indication of the positive influence he has in their lives.

* * *

WORD & BROWN,
San Diego, CA, January 17, 2007.

TO WHOM IT MAY CONCERN:

For over 11 years now Shigeru Yamada has been my best friend. His presence in my life has been a blessing. From the very first moment I met him I knew that he was a special person destined to impact positively everyone's lives around him. His ability to see the silver lining even around the darkest rain cloud is amazing to me. As a student Shigeru was amongst the best and brightest. He was a California Scholarship Federation Scholar every semester, he was Spanish student of the year two years in a row, and he served as Associated Student Body Vice-President his senior year. As an athlete, Shigeru was a varsity letterman in Football, Wrestling, and Track and Field. He also served as a team captain on the Football team. As a member of the community, Shigeru has donated of his time freely coaching the Eastlake High Softball team and Eastlake High football team. His ability to give so much and ask for so little in return is an inspiration to all around him. For the last few years Shigeru has been able to legally work in this country. In those few years Shigeru has risen to the top sales levels at Nordstrom's department store and was even promoted to assistant manager. In every aspect and in every arena in which Shigeru has been in he has always excelled. He exemplifies that which makes this country great; bravery, honesty, hard work. In this time of change and uncertainty people like Shigeru Yamada remind me what it is that makes this country of ours work. His pursuit of life, liberty, and happiness has been a difficult one but he has never stopped believing and working towards that goal. I respectfully request that you once again push for Shigeru Yamada to be granted full legal status in this great country of ours.

PEDRO MIGUEL REYES.

JANUARY 11, 2007.

DEAR SENATOR FEINSTEIN: I am writing to you from San Diego, CA on behalf of my friend Shigera Yamada's life long quest for American citizenship.

I have known Shiggy as a fellow associate, as his manager, as a confidante, and most importantly as a friend. Shiggy is kind, honest, funny, giving, and intelligent. He is the type of person who will pick you up no matter how out of his way it is, bring you breakfast when you are sick, or just listen to you when you need to talk.

One of the qualities I admire most about Shiggy is his never-ending positive attitude. For the past two years that I have known him, I have never heard him complain about his situation. While going to school, working overtime, and standing in as a father figure for his baby sister, he was always there for me whenever I needed him. He has overcome so many obstacles in his life that have only made him stronger.

Shiggy is a model citizen who has worked extremely hard to get to where he is today. I am grateful for the chance to have befriended Shiggy. He is one of the most respectful and professional people I have ever met and had the chance to work with. I know that he does not take a single thing in his life for granted, and will continue to realize his goals through hard work.

Our country would be lucky to acquire his high caliber of determination, positive attitude, and perseverance as a citizen. I admire his ability to use the curveballs life throws his way as nothing less than learning experiences, and highly recommend him for United States citizenship.

Thank You,

SARA CHAFFEE-STANDISH.

By Mrs. FEINSTEIN:

S. 419. A bill for the relief of Esidronio Arreola-Saucedo, Maria Elna Cobian Arreola, Nayely Bibiana Arreola, and Cindy Jael Arreola; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, I offer today private immigration relief legislation to provide lawful permanent residence status to Esidronio Arreola-Saucedo, Maria Elena Cobian Arreola, Nayely Bibiana Arreola and Cindy Jael Arreola, Mexican nationals living in the Fresno area of California.

Mr. and Mrs. Arreola have lived in the United States for over 20 years. Two of their five children, Nayely, age 20, and Cindy, age 18, also stand to benefit from this legislation. Their other three children, Roberto, age 15, Daniel, age 11, and Saray, age 9, are United States citizens. Today, Mr. and Mrs. Arreola and their two eldest children face deportation.

The story of the Arreola family is compelling and I believe they merit Congress' special consideration for such an extraordinary form of relief as a private bill.

The Arreolas are in this uncertain situation in part because of grievous errors committed by their previous counsel, who has since been disbarred. In fact, the attorney's conduct was so egregious that it compelled an immigration judge to write the Executive Office of Immigration Review seeking his disbarment for the disservice he caused his immigration clients.

Mr. Arreola has lived in the United States since 1986. He was an agricultural migrant worker in the fields of California for several years, and as such would have been eligible for permanent residence through the Seasonal Agricultural Workers (SAW) program, had he known about it.

Mrs. Arreola was living in the United States at the time she became pregnant with her daughter Cindy, but returned to Mexico to give birth so as to avoid any problems with the Immigration and Naturalization Service.

Given the length of time that the Arreolas had, and have been, in the United States it is quite likely that they would have qualified for relief from deportation pursuant to the cancellation of removal provisions of the Immigration and Nationality Act, but for the conduct of their previous attorney.

Perhaps one of the most compelling reasons for permitting the family to remain in the United States is the devastating impact their deportation would have on their children—three of whom are U.S. citizens—and the other two who have lived in the United States since they were toddlers. For these children, this country is the only country they really know.

Nayely, the oldest, is a junior at Fresno Pacific University. She was the first in her family to graduate from high school and the first to attend college. She attends Fresno Pacific University, a regionally ranked university, on a full tuition scholarship package and works part-time in the admissions office. She is majoring in international business.

At her young age, Nayely has demonstrated a strong commitment to the ideals of citizenship in her adopted country. She has worked hard to achieve her full potential both in her academic endeavors and through the service she provides her community. As the Associate Dean of Enrollment Services, Cary Templeton, at Fresno Pacific University states in a letter of support, "[t]he leaders of Fresno Pacific University saw in Nayely, a young person who will become exemplary of all that is good in the American dream."

In high school, Nayely was a member of Advancement Via Individual Determination (AVID), a college preparatory program in which students commit to determining their own futures through achieving a college degree. Nayely was also president of the Key Club, a community service organization. She helped mentor freshmen and participates in several other student organizations in her school. Perhaps the greatest hardship to this family, if forced to return to Mexico, will be her lost opportunity to realize her dreams and further contribute to her community and to this country.

It is clear to me that Nayely feels a strong sense of responsibility for her community and country. By all indication, this is the case as well for all of the members of her family.

The Arreolas also have other family who are lawful permanent residents of this country or United States citizens. Mrs. Arreola has three brothers who are U.S. citizens and Mr. Arreola has a sister who is a U.S. citizen. It is also my understanding that they have no immediate family in Mexico.

According to immigration authorities, this family has never had any problems with law enforcement. I am told that they have filed their taxes for every year from 1990 to the present. They have always worked hard to support themselves. As I previously mentioned, Mr. Arreola was previously employed as a farm worker, but now has his own business repairing electronics. His business has been successful enough to enable him to purchase a home for his family.

It seems so clear to me that this family has embraced the American dream and their continued presence in our country would do so much to enhance the values we hold dear. Enactment of the legislation I have introduced today will enable the Arreolas to continue to make significant contributions to their community as well as the United States.

Mr. President, I ask my colleagues to support this private bill. I ask unanimous consent that eight letters of community support be printed in the Record.

There being no objection, the letters were ordered to be printed in the Record, as follows:

January 2, 2007.

Dear Senator Dianne Feinstein. I Maria Esthela Garay would like to let you know that Nayely Arreola was my student at the beginnings of January 1989. It was my pleasure to meet and have her as my student. She was very obedient and nice. Nayely was always a very organized girl, and respected the rules of the class. She also always finished the class work since she was in preschool. I am glad I met Nayely since she was and will always be an educated girl.

Nayely is a young girl who will continue her education with the help of her parents whom I appreciate very much. She is the pride and joy of those around her and her family in Porterville California. If you would like to know more feel free to call me at (559) 920-1852.

Sincerely,

Maria Esthela Garay.

Jesse and Angie Aldaco,
Terra Bella, CA, January 2, 2007.

Re Arreola Family.

Dear Dianne Feinstein. We have known the Arreola family for three years now and are delighted to have ever met them. Mr. Isidro Arreola is a very good father, husband, businessman and member of his church. He portrays everything a good citizen should be.

His wife Maria Elena is a very hard working woman as well as a great caretaker of her family. She motivates her children to further their education.

Their oldest daughter is attending the University and taking courses on International Affairs. She comes during the weekends to be with her family.

The Arreolas are a great example to other members of the community of how a good Christian family should be.

Sincerely,

Jesse and Angie Aldaco.

Raquel Garza,
Porterville, CA, January 3, 2007.

Re Arreola Family.

Dear Dianne Feinstein. The Arreola Family are very good friends of mine. They participate in the church that I also attend. Isidro Arreola is a very hard workingman and has his own business from home. Mr. and Mrs. Arreola bring up their children a in a good Christian environment. They are a great example in their church and the community. They are elders in their church and are considered leaders. They always go an extra mile than what is asked of them. Their children try very hard in accomplishing their dreams and goals. It is a privilege to know this family and would not hesitate to speak up for them in any situation. This family is very honest and loving.

Sincerely,

Roquel Garza.

Maria Gonzalez,
Porterville, CA, January 2, 2007.

Re Arreola Family.

Dear Dianne Feinstein: I have known the Arreola family for 5-6 years. I used to work with Maria Elena Arreola and are delighted to have ever met her and her family.

This family is a great example to fellow community members. They are a good Christian family that set good examples to others. Isidro Arreola is a very hard working man repairing appliances. We attend the same church and they are leaders in the church. They demonstrate many Godly traditions and beliefs. They are a great family to know and have nearby. Their children are very studious in school and are always eager to become better. We are all very proud of their oldest daughter that attends the University and accomplishes her dreams.

Sincerely,

Maria Gonzalez.

January 1, 2007.

Re Arreola Family

Dear Dianne Feinstein: The Arreola Family are very active in their church and Mr. Isidro Arreola is a very hard working man. They do what they can to bring up their children in a positive environment. I can seriously say that they are a very good family wanting the best for their children. They are good friends of ours and visit socially my family. If you require any more information do not hesitate to call me in the evenings.

Sincerely,

Perla Garza Martinez.

December 31, 2006.

Dear Dianne Feinstein, (Senator): I am writing this recommendation on behalf of the Arreola family. It has been my profound comfort and pleasure to have known this family for many years. I have found them to be bright, well organized, self sufficient people.

Seldom have I met a family with more social integrity. Their togetherness, respect and appreciation for one another can not go unnoted.

Their degree of civility is not only noticed in their church but in their community and in their institutions of learning. They are gracious, honest people who have, by their own initiative, earned the right to human freedom and dignity.

The above statement is based on humanitarian observances and has little to do with the political movements dealing with immigration.

I am interested in the wellbeing of the Arreola family in its entirety.

I do not believe that it would be prudent for the State of California to make any disruptive moves effecting the life style of the Arreola family.

Senator Feinstein, I am asking you to consider the unique role in which this family plays in the wellbeing of the State of California.

The family consists of: Mother, MariaElaina, Father, Esidronio, Children, Nayely and Cindy, Children, (already citizens), Roberto, Daniel, Saray.

Thank You,

Mr. Lynn Morgan McLean,
Retired Educator.

Porterville, CA.

Ms. Diane Feinstein
Regards: Areola Family

Dear Ms. Feinstein: Pursuant to the case of the Areola family, I would like to take this opportunity to give my highest and best recommendation on behalf of my family and myself. We had the pleasure of meeting this wonderful family through Christian Services. They have proved to be a very respectful family with strong principles and that of accomplishing many goals that will prepare them for their future.

I am a business owner, therefore I am very careful about making any types of recommendations or references on behalf of my family, myself and our family owned business. This family, however, is very special to many, including our congregation and community.

Thank you in advance for taking the time to read my letter. If you have any questions, please feel free to call me.

Respectfully,

Patricia Esquivel.

January 2, 2007.

Senator Diane Feinstein Greetings: The present letter I am writing to you is to recommend Nayely Arreola. I know Nayely since she was 8 years old. At that age she was my best student in Sunday school class, always eager to learn God's Word. She was a very smart child and demonstrated good behavior among her fellow students treating them with kindness and respect.

As a young lady Nayely developed very fine manners. I always remember her coming out from one of the classrooms at Granite Hills High School were I used to work as custodian, She always greets me with a broad smile and a big hug; not caring if I was sweaty and dirty.

Moreover, my husband and I, know her parents very well. We attend the same Christian church regularly, where I am pleased to see Nayely when she is in town. We all have had a good friendship through all these years.

Sincerely,

Maria Ochoa.

By Mrs. FEINSTEIN:

S. 420. A bill for the relief of Jacqueline W. Coats; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, I offer today private relief legislation to provide lawful permanent residence status to Jacqueline Coats, a 26-year old widow currently living in San Francisco.

Mrs. Coats came to the U.S. in 2001 from Kenya on a student visa to study Mass Communications at San Jose State University. Her visa status lapsed in 2003, and the Department of Homeland Security began deportation proceedings against her.

Mrs. Coats married Marlin Coats on April 17, 2006, after dating for several years. The couple was happily married and planning to start a family when, on May 13, Mr. Coats tragically died in a heroic attempt to save two young boys from drowning.

The couple had been on a Mother's Day outing at Ocean Beach with some of Mr. Coats' nephews when they heard cries for help. Having worked as a lifeguard in the past, Mr. Coats instinctively dove into the water. The two children were saved with the help of a rescue crew, but Mr. Coats, caught in a riptide, died. Mrs. Coats received a medal honoring her husband.

Four days before Mr. Coats' death, the couple prepared and signed an application for a green card at their attorney's office. Unfortunately the petition was not filed until after his death, rendering it invalid. Mrs. Coats currently has a hearing before an immigration judge in San Francisco on August 24, but her attorney has informed my staff that she has no relief available to her and will be ordered deported.

Mrs. Coats, devastated by the loss of her husband, is now caught in a battle for her right to stay in America. At a recent news conference with her lawyer, Thip Ark, she explained of her situation, "I feel like I have nothing to live for. I have nothing to go home to . . . I've been here four years . . . It would be like starting a new life."

Ms. Ark explains that Mrs. Coats is extremely close with her late husband's family, with whom she lives in San Leandro, CA. Mrs. Coats has said that her husband's large family has become her own. Ramona Burton of San Francisco, one of Marlin Coats' seven brothers and sisters explains, "She spent her first American Christmas with us, her first American Thanksgiving . . : I can't imagine looking around and not seeing her there. She needs to be there."

The San Francisco and Bay Area community is rallying strong support for Mrs. Coats. The San Francisco chapters of the NAACP, the San Francisco Board of Supervisors, and the San Francisco Police Department, have all passed resolutions in support of Mrs. Coats' right to remain in the country.

Unfortunately, if this private relief bill is not approved, this young woman, and the Coats family, will face yet another disorienting and heartbreaking tragedy. Mrs. Coats will be deported to Kenya, a country she has not lived in since she was 21. In her time of grieving, she will be forced to leave her home, her job with AC Transit, her new family, and everything she has known for the past 5 years.

I cannot think of a compelling reason why the United States should not allow this young widow to continue the green card process. Had her husband lived, Mrs. Coats would have filed the papers without difficulty. It was because of her husband's selfless and heroic act that Mrs. Coats must now struggle to remain in the country. As one concerned California constituent wrote to me, "If ever there was a case where common fairness, morality and decency should reign over legal technicalities, this is it. We, as a country, need to reward heroism and good."

I believe that we can reward the late Mr. Coats for his noble actions by granting his wife citizenship. It is what he intended for her. It can even be argued that a green card for his wife was one of his dying wishes, as the papers were signed just 4 days prior to his death.

For these reasons, I offer this private relief immigration bill and ask my colleagues to support it on behalf of Mrs. Coats.

I also ask unanimous consent that two letters of support be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

Dear Judge,

This woman's husband sacrificed his life to save mine! They didn't get any type of award, or gift instead they got more of a punishment. Marlon Coates died and the wife is now a widow, when they just got married, she deserves some mercy, and a little consideration for her. She should stay in the country, she just got here she has bonded with Marlon's family, she gotten to know everyone. Please let her stay she really deserves it please!!

My Name is Chance Goss I'm 11 Love to design and go on roller coasters, paint, do art. I think it means compassion I think its heroic and wonderful. The incident made me think before doing don't!!!

Life is a very precious thing. When lost, it is very nostalgic to everyone. Not only is it a tragic thing, but it also affects the people around that are still living. I'm greatly traumatized by this whole quandary.

There happens to be a fine line between deaths by a bullet through the head of various thugs than deaths of heroes.

They don't hurt the same. People are saved everyday and you must wonder why Marlon? He transpired to be loved by everyone. He was a former lifeguard, and he saw my brother out in the water.

A real hero will do what Marlon did. He ran to the bone-chilling river, knowing that he might breathe his last breath. He knew that he might not be able to save him. He knew that might be the last time he saw his wife again.

He took this into account and dove into the water.

His wife is now crying, because she may face deportation after losing the only love in her life other than God. You must ask yourselves, is this fair? Marlon was her ticket in this country and he has deceased.

There should be no question of whether she should stay or not! She will never see him again. But emotionally they are still together, because in my mind, marriage is not until death do us part! His soul is still with her, in her heart, Let me conclude with me saying let her stay!!!

With God and Jesus giving you hope,
Nate Ewing—Adria's son

By Mrs. FEINSTEIN:

S. 421. A bill for the relief of Robert Liang and Alice Liang; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, I offer today private relief legislation to provide lawful permanent residence status to Robert Kuan Liang and his wife, Chun-Mei "Alice" Hsu-Liang, foreign nationals who live in San Bruno, CA.

I have decided to offer private relief immigration bills on their behalf because I believe that, without it, this hardworking couple and their three United States citizen children would endure an immense and unfair hardship. Indeed, without this legislation, this family may not remain a family for much longer.

The Liangs are foreign nationals facing deportation on account of their overstay of visitors visas and the failure of their previous attorney to timely file a suspension of deportation application before the immigration laws changed in 1996.

Mr. Liang is a foreign national and refugee from Laos. His wife is a citizen of Taiwan. They entered the United States 24 years ago as tourists and established residency in the San Bruno, CA. Because they overstayed the terms of their temporary visas, they now face deportation from the United States.

After living here for so many years, removal from the United States would not come easily or perhaps without tearing this family apart. The Liangs have three children born in this country: Wesley, 15 years old, Bruce, 12 years old, and Eva, 9 years old. Young Wesley suffers from asthma and has a history of social and emotional anxiety.

The immigration judge who presided over the Liang's case in 1997 concluded that there was no question that the Liang children would be adversely impacted if they were required to leave their relatives and friends behind in California to follow their parents to Taiwan, a country whose language and culture is unfamiliar to them.

I can only imagine how much more they would be adversely impacted now given the passage of 9 more years.

The Liangs have filed annual income tax returns; established a successful business, Fong Yong Restaurant, in the United States; are homeowners, and are financially successful. Since they arrived in the United States, they have pursued and, to a degree, achieved the American Dream.

Mr. and Mrs. Liang's quest to legalize their immigration status began in 1993 when they filed for relief from deportation before an immigration judge.

The Immigration and Naturalization Service, INS, however, did not act on their application until nearly 5 years later, in 1997, after which time the immigration laws had significantly changed.

According to the immigration judge, had the INS acted on their application for relief from deportation in a timely manner, they would have qualified for suspension of deportation, given that they were long-term residents of this country with U.S. citizen children and other positive factors. By the time INS processed their application, however, Congress passed the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, which changed the requirements for relief from removal to the Liangs' disadvantage.

I supported the changes of the 1996 law, but I believe sometimes there are exceptions which merit special consideration. The Liangs are such a couple and family. Perhaps what distinguishes this family from many others is that through hard work and perseverance, Mr. Liang has achieved a significant degree of success in the United States while battling a severe form of post traumatic stress disorder.

According to his psychologist, this disorder stems from the persecution he, his family and community experienced in his native country of Laos during the Vietnam war.

Throughout his childhood and adolescence, Mr. Liang was exposed to numerous traumatic experiences, including the murder of his mother by the North Vietnamese and frequent episodes of wartime violence. He also routinely witnessed the brutal persecution and deaths of others in his village. In 1975, he was granted refugee status in Taiwan.

The emotional impact of Mr. Liang's experiences in his war-torn native country has been profound and continues to haunt him. His psychologist has also indicated that he suffers from severe clinical depression, which has been exacerbated by the prospect of being deported to Taiwan, where on account of his nationality, he believes he and his family would be treated as second-class citizens.

Moreover, Mr. Liang believes that the pursuit of further mental health treatment in Taiwan would only exacerbate the stigma of being an outsider in a country whose language he does not speak. Given those prospects, he also fears the impact such a stigma would have on the well-being and future of his children.

Given these extraordinary and unique facts, I ask my colleagues to support this private relief bill on behalf of the Liangs.

I also ask unanimous consent that two letters of community support be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

JANUARY 2, 2007.

DEAR SENATOR FEINSTEIN: I am writing to ask you to once again introduce a private bill to aid my friends Alice and Robert Liang, who are seeking permanent lawful resident status in the United States.

Without your assistance, the Liangs face deportation for overstaying their temporary visas by 24 years. Being forced to leave the United States would devastate their family. Their three minor children, Eva, Bruce and Wesley, are U.S. citizens and know no other home. Robert, a refugee from Laos, suffers from post-traumatic stress disorder that would be exacerbated if he were forced to relocate to Taiwan after building a life here.

The Liangs own and run a successful vegetarian Chinese restaurant, Garden Fresh, in Mountain View. They work hard, pay taxes and own their own home in San Bruno. Though they are by no means wealthy, they are generous donors to a variety of charities and are quick to provide food or assistance to anyone who needs help. They are also loving parents and wonderful people who have nearly magically turned hundreds of their customers into a community of friends vitally concerned about their welfare. The fact that so many of their customers are committed to ensuring their future in the U.S. is a testament to the Liangs high character.

Two years ago, you told Congress that the extraordinary and unique facts surrounding the Liangs situation merited the introduction of a private bill on their behalf. I hope that you will be similarly supportive once again, and I urge you to continue your efforts to aid this very worthy family.

Thank you.

Sincerely,

JUNE D. BELL.

DECEMBER 27, 2006.

Hon. DIANNE FEINSTEIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR FEINSTEIN: We are honored to write to you in support of the Liang family of San Bruno, California. We have known Robert and Alice for twelve years, and are repeatedly awed by their support of their children and their communities. They are the kind of people that we all wish could surround us: honest, hard-working and extraordinarily generous.

Anyone who has enjoyed their restaurants has unknowingly become a part of Alice's family, as a first-timer noted. But it is their service to the community, schools, and anyone in need, that is so extraordinary. For example, on two recent occasions, after the Katrina and Rita hurricanes, and again after the Asian tsunami, Robert and Alice gave every penny received on a full day to the relief efforts. Then on several occasions, they have taken food and solace to hospitalized customers (including me), giving up their free day. And for years, Robert and Alice have provided food for a local public school, at cost.

This kindness comes from a man who still suffers the effects of his childhood during the war years in southeast Asia, and a woman who grew up on a small farm in rural Taiwan. They are therefore driven to provide a better life for their American-born children.

We ask that you submit and guide to passage a Private Bill that would permit this wonderful family to stay together in our country, thereby enhancing not just the five of them, but all of us who are touched by them. All five members of the Liang family should be allowed to stay together in this country and call themselves American.

Sincerely,

W. CAMERON CASWELL, Jr.,
BARBARA ANNE MAAS.

By Mr. CORNYN (for himself and Mrs. HUTCHISON):

S. 422. A bill to authorize any alien who has been issued a valid machine-readable biometric border crossing identification card to be temporarily admitted into the United States upon successfully completing a background check; to the Committee on the Judiciary.

Mr. CORNYN. Mr. President. I rise today to introduce the Secure Border Crossing Card Entry Act of 2007. This bill allows certain travelers who seek to enter the U.S. temporarily and have already undergone rigorous security screening prior to entry and at the border, to enter our country and remain for up to 6 months.

We all agree that comprehensive immigration reform is a top priority this year—not only for the administration but also for Congress. I have stated that no effort on immigration reform can succeed without enhanced border security and worksite enforcement. We have been working hard to ramp up our border and interior enforcement efforts. Just last year, Congress dedicated approximately $1.3 billion in last years Homeland Security Appropriations bill targeted at enhanced border security. I am pleased that the President and Secretary Chertoff have made border security a top priority this year as well.

Strong border security, however, must be balanced against policies that facilitate legitimate trade and travel to the U.S. The security of our Nation is always paramount. But we also must ensure that the U.S. remains an economic leader and a welcoming nation for visitors who seek to enjoy the many business and recreational benefits that the U.S. has to offer.

We have in place now a program that allows visitors who possess a machine-readable border crossing card, also known as the "laser visa," to enter this country for up to 30 days. The laser visa is issued by the State Department to Mexican nationals, but only after they have been screened and determined not to be a security risk or inadmissible to the U.S. Laser visa holders are screened again when they come to our borders and are inspected by an immigration inspector.

Canadian visitors, on the other hand, are not required to get a laser visa from the State Department prior to seeking to enter the U.S. Canadian visitors also can remain in the U.S. for up to 6 months initially. I see no reason that we should treat citizens and nationals of our northern neighbor differently from our southern neighbor.

The goal of this bill is to treat all citizens and nationals of our northern and southern neighbors seeking to temporarily visit the U.S. the same—allowing them to temporarily visit or conduct business in the U.S. for up to 6 months. And, because laser visa holders must undergo background checks before they are issued their secure travel documents, this policy change would not conflict with our country's goal of improving border security.

I urge my colleagues to support this legislation.

By Mr. AKAKA (for himself, Mr. CRAIG, Mr. ROCKEFELLER, Mrs. MURRAY, Mr. ENSIGN, Mr. WEBB, Mr. SANDERS, and Mr. BROWN):

S. 423. A bill to increase, effective as of December 1, 2007, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans; to the Committee on Veterans' Affairs.

Mr. AKAKA. Mr. President, today, as chairman of the Senate Committee on Veterans' Affairs, I introduce the Veterans Compensation Cost-of-Living Adjustment Act of 2007. This measure would direct the Secretary of Veterans' Affairs to increase, effective December

1, 2007, the rates of veterans' compensation to keep pace with the rising cost-of-living in this country. The rate adjustment is equal to that provided on an annual basis to Social Security recipients and is based on the Bureau of Labor Statistics' Consumer Price Index. Several of my colleagues on the Committee on Veterans' Affairs, including Ranking Member, LARRY CRAIG, and Senators ROCKEFELLER, MURRAY, SANDERS, BROWN, WEBB, and ENSIGN join me in introducing this important legislation.

Congress regularly enacts an annual cost-of-living adjustment, COLA, for veterans' compensation in order to ensure that inflation does not erode the purchasing power of the veterans and their families who depend upon this income to meet their daily needs. This past year Congress passed, and the President signed into law, Public Law 109-361, which resulted in a COLA increase of 3.3 percent for 2007.

It is important that we view veterans compensation, including the annual COLA, and indeed all benefits earned by veterans, as a continuing cost of war. It is clear that the ongoing conflicts in Iraq and Afghanistan will continue to result in injuries and disabilities that will yield an increase in claims for compensation. Studies by VA indicate that the most significant predictor of new claims activity is the size of the active force. More than 1 million servicemembers have deployed in support of Operations Enduring and Iraqi Freedom. And, according to the Department of Defense, as of today there have been 24,216 reported casualties during these operations. This number, however, does not take into account conditions that develop over the course of a war, including musculoskeletal disorders. Therefore VA can expect a significant increase in the number of new claims for compensation as a result of these ongoing conflicts.

The COLA affects, among other benefits, veterans' disability compensation and dependency and indemnity compensation for surviving spouses and children. Many of these more than 3 million recipients of those benefits depend upon these tax-free payments not only to provide for their own basic needs, but those of their spouses, children and parents as well. Without an annual COLA increase, these veterans and their families would see the value of their hard-earned benefits slowly diminish, and we, as a Congress, would be in dereliction of our duty to ensure that those who sacrificed so much for this country receive the benefits and services to which they are entitled.

Disbursement of disability compensation to our Nation's veterans constitutes one of the core missions of the Department of Veterans Affairs. It is a necessary measure of gratitude afforded to those veterans whose lives were irrevocably altered by their service to this country.

I urge our colleagues to support passage of this COLA increase. I also ask our colleagues for their continued support for our Nation's veterans.

By Mr. SMITH (for himself and Mr. WYDEN):

S. 425. A bill to amend the Internal Revenue Code of 1986 to expand the resources eligible for the renewable energy credit to kinetic hydropower, and for other purposes; to the Committee on Finance.

Mr. SMITH. Mr. President, I rise to introduce a bill that will further our Nation's energy independence, and provide for sustainable electricity generation. This bill, which is cosponsored by my colleague from Oregon Senator WYDEN, will make facilities that generate electricity using kinetic hydropower eligible for the production tax credit under Section 45 of the Internal Revenue Code.

As with many emerging renewable technologies, wave and tidal energy are more costly than traditional generation using fossil fuels. Yet, for our environment and our energy security, we must provide incentives that will encourage the development and commercialization of these resources.

Under this bill, kinetic hydropower is defined as: ocean free flowing water derived from flows from tidal currents, ocean currents, waves, or estuary currents; ocean thermal energy; or free flowing water in rivers, lakes, manmade channels, or streams.

These innovative technologies are renewable, non-polluting resources that can help meet our Nation's growing demand for electricity. In Oregon, it would be possible to produce and transmit over two hundred megawatts of wave energy without any upgrades to the existing transmission system. Already numerous preliminary permits have been filed at the Federal Energy Regulatory Commission for wave energy facilities off the Oregon coast. Due to the increasing interest in this form of energy, the Federal Energy Regulatory Commission even held a conference in December 2006 to assess the types of wave and tidal technologies that developers are pursuing.

These facilities would be virtually invisible from shore, and could provide predictable generation that could be easily integrated with other electricity resources. In addition, according to a January 2005 report issued by the Electric Power Research Institute, "with proper siting, converting ocean wave energy to electricity is believed to be one of the most environmentally benign ways to generate electricity."

I urge my colleagues to support this important legislation, and to provide this production tax credit.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 425

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXPANSION OF RESOURCES ELIGIBLE FOR RENEWABLE ENERGY CREDIT TO KINETIC HYDROPOWER.

(a) IN GENERAL.—Section 45(c)(1) of the Internal Revenue Code of 1986 (defining qualified energy resources) is amended by striking "and" at the end of subparagraph (G), by striking the period at the end of subparagraph (H) and inserting ", and", and by adding at the end the following new subparagraph:

"(I) kinetic hydropower.".

(b) DEFINITION OF RESOURCES.—Section 45(c) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

"(10) KINETIC HYDROPOWER.—The term 'kinetic hydropower' means any of the following:

"(A) Ocean free flowing water derived from flows from tidal currents, ocean currents, waves, or estuary currents.

"(B) Ocean thermal energy.

"(C) Free flowing water in rivers, lakes, man made channels, or streams.".

(c) FACILITIES.—Section 45(d) of the Internal Revenue Code of 1986 (relating to qualified facilities) is amended by adding at the end the following new paragraph:

"(11) KINETIC HYDROPOWER FACILITY.—In the case of a facility using kinetic hydropower to produce electricity, the term 'qualified facility' means any facility owned by the taxpayer which is originally placed in service after the date of the enactment of this paragraph and before January 1, 2011. Such term shall not include a facility which includes impoundment structures.".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after the date of the enactment of this Act.

By Mr. NELSON of Nebraska:

S. 426. A bill to provide that all funds collected from the tariff on imports of ethanol be invested in the research, development, and deployment of biofuels, especially cellulosic ethanol produced from biomass feedstocks; to the Committee on Energy and Natural Resources.

Mr. NELSON of Nebraska. Mr. President, today I rise to introduce the "Biofuels Investment Trust Fund Act" because I believe it is legislation that can help America progress towards a more secure energy future; I believe it is a small piece to the puzzle that is our energy policy. The Biofuels Investment Trust Fund Act seeks to take a simple, common sense step down the path we in this country need to take to improve our energy security. The Act would direct that all money collected by the Federal Government pursuant to the tariff on imported ethanol be invested in the research, development and deployment of biofuels—especially biofuels like cellulosic ethanol that can be produced from biomass feedstocks.

There are some who advocate removing the ethanol tariff but I believe that it is currently unwise to do so. We are in the early stages of trying to build a renewable fuels industry that will eventually allow ethanol and other biofuels to be a real alternative to the fuels we currently derive from oil. The tariff is an important part of that because it helps the nascent ethanol industry and it ensures that we are not providing subsidies to ethanol produced in other nations.

It seems to me, however, that the money collected from this tariff can be put to better, more productive uses than merely deposited in the general fund. And, it would seem, that using these funds to help build our domestic ethanol production would be the wisest use of the money. Therefore, I propose that the tariff funds be collected in a specific trust fund and only be used for investment in biofuels research, development and deployment. Moreover, I propose that those funds be more specifically invested in the next generation of ethanol production—cellulosic ethanol produced from biomass feedstocks. These funds can be used in any of a number of ways to help offset the substantial costs inherent in starting an entire industry—like one for cellulosic ethanol—from scratch and in the face of volatile commodities and energy markets.

Our Nation faces a serious crisis brought on by our energy consumption and, most importantly, by our reliance on foreign sources of oil. As a Nebraskan, my focus has been on the role agriculture can play in the development of alternative sources of energy and I am convinced that American agriculture is positioned to supply the nation with an abundant source of clean, high-quality energy that will reduce our destructive reliance on foreign oil.

I also believe that biofuels production can be the catalyst for a new wave of American innovation as a part of the continuing search for better energy solutions. The virtue in producing cleaner, more sustainable fuels derived from our own fields rather than extracted from distant lands could help spur new technologies, new jobs and new growth in our national economy.

We in Nebraska know the value of ethanol. We know the benefits it holds for the environment and our farmers and we know that it is critical in lessening our dependence on foreign oil. We also know that the ethanol industry creates jobs—nearly 1 in 4 jobs in Nebraska are agriculture related and new ethanol plants are opening across the State.

I believe that a national emphasis on biofuels production represents an important investment in the proud tradition of the American farmer, American ingenuity and American productivity. It's a win-win-win situation—a win for farmers, a win for agriculture and win for national security.

There is not an area of the country that does not have some agriculture product that can be used as an alternative energy source whether it's corn in Nebraska, forestry wastes in the Northeast and Northwest, or sugar cane in Hawaii, Louisiana and Florida; or whether it is biomass energy crops that can be grown throughout the country.

In conclusion, I am proud to introduce the Biofuels Investment Trust Fund Act with the hope that it will be part of the solution to our energy problems. The money we deposit in this Biofuels Trust Fund will help grow our biofuels industry and through that investment we will improve our national energy security, as well as boosting the economies in agriculture and our rural communities.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 426

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Biofuels Investment Trust Fund Act".

SEC. 2. BIOFUELS INVESTMENT TRUST FUND.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There is established in the Treasury of the United States a trust fund, to be known as the "Biofuels Investment Trust Fund" (referred to in this Act as the "Trust Fund"), consisting of such amounts as may be transferred to the Trust Fund under paragraph (2).

(2) TRANSFER.—As soon as practicable after the date of enactment of this Act, the Secretary of the Treasury shall transfer to the Trust Fund, from amounts in the general fund of the Treasury, such amounts as the Secretary of the Treasury determines to be equivalent to the amounts received in the general fund as of January 1, 2007, that are attributable to duties received on articles entered under heading 9901.00.50 of the Harmonized Tariff Schedule of the United States.

(b) EXPENDITURES FROM TRUST FUND.—

(1) IN GENERAL.—The Secretary of Energy, in consultation with the Secretary of Agriculture and the Secretary of the Treasury, shall use amounts in the Trust Fund to provide financial assistance for research, development, and deployment programs for biofuels to increase the amount and diversity of biofuels produced in the United States and made available to consumers, especially for cellulosic ethanol production from biomass feedstocks.

(2) REQUIREMENTS.—The Secretary of Energy shall ensure that amounts made available under paragraph (1) shall be used only—

(A) to provide financial assistance to farmers, producers, biorefiners, researchers, universities, and other persons or entities involved in the research, development, deployment, or production of biofuels, especially the production of biomass feedstock for cellulosic ethanol production; or

(B) as otherwise directed by Congress to advance research, development, and deployment of biofuels, especially cellulosic ethanol produced from biomass feedstocks.

(c) INVESTMENT OF AMOUNTS.—

(1) IN GENERAL.—The Secretary of the Treasury shall invest such portion of the Trust Fund as is not, in the judgment of the Secretary of the Treasury, required to meet current withdrawals.

(2) INTEREST-BEARING OBLIGATIONS.—Investments may be made only in interest-bearing obligations of the United States.

(3) ACQUISITION OF OBLIGATIONS.—For the purpose of investments under paragraph (1), obligations may be acquired—

(A) on original issue at the issue price; or

(B) by purchase of outstanding obligations at the market price.

(4) SALE OF OBLIGATIONS.—Any obligation acquired by the Trust Fund may be sold by the Secretary of the Treasury at the market price.

(5) CREDITS TO TRUST FUND.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Trust Fund shall be credited to and form a part of the Trust Fund.

(d) TRANSFERS OF AMOUNTS.—

(1) IN GENERAL.—The amounts required to be transferred to the Trust Fund under subsection (a)(1) shall be transferred at least quarterly from the general fund of the Treasury to the Trust Fund on the basis of estimates made by the Secretary of the Treasury.

(2) ADJUSTMENTS.—Proper adjustment shall be made in amounts subsequently transferred to the extent prior estimates were in excess of or less than the amounts required to be transferred.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 45—AUTHORIZING EXPENDITURES BY THE SPECIAL COMMITTEE ON AGING

Mr. KOHL submitted the following resolution; from the Special Committee on Aging; which was referred to the Committee on Rules and Administration.

S. RES. 45

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Special Committee on Aging is authorized from March 1, 2007, through September 30, 2007; October 1, 2007, through September 30, 2008; and October 1, 2008, through February 28, 2009, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or nonreimbursable basis the services of personnel of any such department or agency.

SEC. 2. (a) The expenses of the committee for the period March 1, 2007, through September 30, 2007, under this resolution shall not exceed $1,524,019, of which amount (1) not to exceed $117,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946), and (2) not to exceed $5,000 may be expended for the training of the professional staff of such committee (under procedures specified by section

202(j) of the Legislative Reorganization Act of 1946).

(b) For the period October 1, 2007, through September 30, 2008, expenses of the committee under this resolution shall not exceed $2,670,342, of which amount (1) not to exceed $200,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946), and (2) not to exceed $5,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(c) For the period October 1, 2008, through February 28, 2009, expenses of the committee under this resolution shall not exceed $1,133,885, of which amount (1) not to exceed $85,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946), and (2) not to exceed $5,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2008, respectively.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required (1) for the disbursement of salaries of employees paid at an annual rate, or (2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (6) for the payment of Senate Recording and Photographic Services, or (7) for payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

AMENDMENTS SUBMITTED AND PROPOSED

SA 212. Mr. PRYOR (for himself, Mr. WARNER, and Mrs. LINCOLN) submitted an amendment intended to be proposed by him to the bill H.R. 2, to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage; which was ordered to lie on the table.

SA 213. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 100 proposed by Mr. REID (for Mr. BAUCUS) to the bill H.R. 2, supra; which was ordered to lie on the table.

SA 214. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 100 proposed by Mr. REID (for Mr. BAUCUS) to the bill H.R. 2, supra; which was ordered to lie on the table.

SA 215. Mr. HARKIN (for himself and Mrs. MURRAY) submitted an amendment intended to be proposed to amendment SA 100 proposed by Mr. REID (for Mr. BAUCUS) to the bill H.R. 2, supra; which was ordered to lie on the table.

SA 216. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill H.R. 2, supra; which was ordered to lie on the table .

SA 217. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2, supra; which was ordered to lie on the table .

SA 218. Mr. THUNE (for himself and Mr. VITTER) submitted an amendment intended to be proposed to amendment SA 100 proposed by Mr. REID (for Mr. BAUCUS) to the bill H.R. 2, supra; which was ordered to lie on the table.

SA 219. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 100 proposed by Mr. REID (for Mr. BAUCUS) to the bill H.R. 2, supra; which was ordered to lie on the table.

SA 220. Mr. COLEMAN (for himself and Mr. SMITH) submitted an amendment intended to be proposed to amendment SA 100 proposed by Mr. REID (for Mr. BAUCUS) to the bill H.R. 2, supra; which was ordered to lie on the table.

SA 221. Mr. DURBIN proposed an amendment to amendment SA 157 proposed by Mr. DEMINT to the bill H.R. 2, supra.

TEXT OF AMENDMENTS

SA 212. Mr. PRYOR (for himself, Mr. WARNER, and Mrs. LINCOLN) submitted an amendment intended to be proposed by him to the bill H.R. 2, to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

SEC. . EARNED INCOME INCLUDES COMBAT PAY.

(A) EARNED INCOME CREDIT.—Clause (vi) of section 32(c)(2)(B) is amended to read as follows:

"(vi) a taxpayer may elect to treat amounts excluded from gross income by reason of section 112 as earned income.".

(b) REPEAL OF EGTRRA SUNSET APPLICABILITY.—Section 105 of the Working Families Tax Relief Act of 2004 shall not apply to the amendments made by section 104(b) of such Act.

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years ending after December 31, 2006.

SA 213. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 100 proposed by Mr. REID (for Mr. BAUCUS) to the bill H.R. 2, to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage; which was ordered to lie on the table; as follows:

On page 4, line 21, strike "April 1, 2008" and insert "April 1, 2008 (January 1, 2009, if placed in service in the Gulf Opportunity Zone (as defined in section 1400M(1))".

SA 214. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 100 proposed by Mr. REID (for Mr. BAUCUS) to the bill H.R. 2, to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage; which was ordered to lie on the table; as follows:

On page 6, lines 5 and 6, strike "April 1, 2008" and insert "April 1, 2008 (January 1, 2009, if placed in service in the Gulf Opportunity Zone (as defined in section 1400M(1))".

SA 215. Mr. HARKIN (for himself and Mrs. MURRAY) submitted an amendment intended to be proposed to amendment SA 100 proposed by Mr. REID (for Mr. BAUCUS) to the bill H.R. 2, to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage; which was ordered to lie on the table; as follows:

Beginning on page 16, line 1, strike all through page 31, line 8.

SA 216. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill H.R. 2, to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. ALLOWANCE OF DEDUCTION FOR CHARITABLE CONTRIBUTIONS FOR ELECTING SMALL BUSINESS TRUSTS.

(a) IN GENERAL.—Section 641(c)(2)(C) of the Internal Revenue Code of 1986 (relating to modifications) is amended by adding at the end the following new sentence: "The deduction for charitable contributions allowed under clause (i) shall be determined without regard to section 642(c), and the limitations imposed by section 170(b)(1) on the amount of the deduction shall be applied to the electing small business trust as if it were an individual.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SA 217. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2, to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage; which was ordered to lie on the table; as follows:

At the end of section 3, add the following:

(c) APPLICABILITY TO AMERICAN SAMOA.—Notwithstanding sections 5, 6(a)(3), 8, 10, and 13(e) of the Fair Labor Standards Act of 1938 (29 U.S.C. 205, 206(a)(3), 208, 210, 213(e)), subsections (a) and (b) of this section shall apply to American Samoa in the same manner as such subsections apply to the Commonwealth of the Northern Mariana Islands.

SA 218. Mr. THUNE (for himself and Mr. VITTER) submitted an amendment intended to be proposed to amendment SA 100 proposed by Mr. REID (for Mr. BAUCUS) to the bill H.R. 2, to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. SENSE OF THE SENATE CONCERNING HEALTH INSURANCE FOR SMALL BUSINESSES.

(a) FINDINGS.—The Senate finds that—

(1) raising the minimum wage may have an impact on small businesses and the number of employees and dependents who are covered by employee based health insurance; and

(2) the cost of health care is rising at an alarming rate and that almost half of the estimated 45,000,000 uninsured Americans are employees of, or are family members of, employees who work for small businesses.

(b) SENSE OF THE SENATE.—It is the Senate of the Senate that, in order to address the issues described in subsection (a), Congress should vote during the first session of the 110th Congress to provide health insurance reforms that allow small businesses to purchase health insurance for their employees.

SA 219. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 100 proposed by Mr. REID (for Mr. BAUCUS) to the bill H.R. 2, to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

SEC. . REDUCTION IN INCOME TAX WITHHOLDING DEPOSITS TO REFLECT FICA PAYROLL TAX CREDIT FOR CERTAIN EMPLOYERS LOCATED IN SPECIFIED PORTIONS OF THE GO ZONE DURING 2007.

(a) GENERAL RULE.—In the case of any applicable calendar quarter—

(1) the aggregate amount of required income tax deposits of an eligible employer for the calendar quarter following the applicable calendar quarter shall be reduced by the payroll tax credit equivalent amount for the applicable calendar quarter, and

(2) the amount of any deduction allowable to the eligible employer under chapter 1 of the Internal Revenue Code of 1986 for taxes paid under section 3111 of such Code with respect to employment during the applicable calendar quarter shall be reduced by such payroll tax credit equivalent amount.

For purposes of the Internal Revenue Code of 1986, an eligible employer shall be treated as having paid, and an eligible employee shall be treated as having received, any wages or compensation deducted and withheld but not deposited by reason of paragraph (1).

(b) CARRYOVERS OF UNUSED AMOUNTS.—If the payroll tax credit equivalent amount for any applicable calendar quarter exceeds the required income tax deposits for the following calendar quarter—

(1) such excess shall be added to the payroll tax credit equivalent amount for the next applicable calendar quarter, and

(2) in the case of the last applicable calendar quarter, such excess shall be used to reduce required income tax deposits for any succeeding calendar quarter until such excess is used.

(c) PAYROLL TAX CREDIT EQUIVALENT AMOUNT.—For purposes of this section—

(1) IN GENERAL.—The term "payroll tax credit equivalent amount" means, with respect to any applicable calendar quarter, an amount equal to 7.65 percent of the aggregate amount of wages or compensation—

(A) paid or incurred by the eligible employer with respect to employment of eligible employees during the applicable calendar quarter, and

(B) subject to the tax imposed by section 3111 of the Internal Revenue Code of 1986.

(2) TRADE OR BUSINESS REQUIREMENT.—A rule similar to the rule of section 51(f) of such Code shall apply for purposes of this section.

(3) LIMITATION ON WAGES SUBJECT TO CREDIT.—For purposes of this subsection, only wages and compensation of an eligible employee in an applicable calendar quarter, when added to such wages and compensation for any preceding applicable calendar quarter, not exceeding $10,000 shall be taken into account with respect to such employee.

(d) ELIGIBLE EMPLOYER; ELIGIBLE EMPLOYEE.—For purposes of this section—

(1) ELIGIBLE EMPLOYER.—

(A) IN GENERAL.—The term "eligible employer" means any employer which conducts an active trade or business in any specified portion of the GO Zone and employs not more than 75 full-time employees on the date of the enactment of this Act.

(B) SPECIFIED PORTION OF THE GO ZONE.—The term "specified portion of the GO Zone" means any portion of the GO Zone (as defined in section 1400M(1) of the Internal Revenue Code of 1986) which is in any county or parish which is identified by the Secretary of the Treasury as being a county or parish in which hurricanes occurring during 2005 damaged (in the aggregate) more than 60 percent of the housing units in such county or parish which were occupied (determined according to the 2000 Census).

(2) ELIGIBLE EMPLOYEE.—The term "eligible employee" means with respect to an eligible employer an employee whose principal place of employment with such eligible employer is in a specified portion of the GO Zone. Such term shall not include an employee described in section 401(c)(1)(A).

(e) APPLICABLE CALENDAR QUARTER.—For purposes of this section, the term "applicable calendar quarter" means any of the 4 calendar quarters beginning after date of enactment.

(f) SPECIAL RULES.—For purposes of this section—

(1) REQUIRED INCOME TAX DEPOSITS.—The term "required income tax deposits" means deposits an eligible employer is required to make under section 6302 of the Internal Revenue Code of 1986 of taxes such employer is required to deduct and withhold under section 3402 of such Code.

(2) AGGREGATION RULES.—Rules similar to the rules of subsections (a) and (b) of section 52 of the Internal Revenue Code of 1986 shall apply.

(3) EMPLOYERS NOT ON QUARTERLY SYSTEM.—The Secretary of the Treasury shall prescribe rules for the application of this section in the case of an eligible employer whose required income tax deposits are not made on a quarterly basis.

(4) ADJUSTMENTS FOR CERTAIN ACQUISITIONS, ETC.—Under regulations prescribed by the Secretary—

(A) ACQUISITIONS.—If, after December 31, 2006, an employer acquires the major portion of a trade or business of another person (hereafter in this paragraph referred to as the "predecessor") or the major portion of a separate unit of a trade or business of a predecessor, then, for purposes of applying this section for any calendar quarter ending after such acquisition, the amount of wages or compensation deemed paid by the employer during periods before such acquisition shall be increased by so much of such wages or compensation paid by the predecessor with respect to the acquired trade or business as is attributable to the portion of such trade or business acquired by the employer.

(B) DISPOSITIONS.—If, after December 31, 2006—

(i) an employer disposes of the major portion of any trade or business of the employer or the major portion of a separate unit of a trade or business of the employer in a transaction to which paragraph (1) applies, and

(ii) the employer furnishes the acquiring person such information as is necessary for the application of subparagraph (A),

then, for purposes of applying this section for any calendar quarter ending after such disposition, the amount of wages or compensation deemed paid by the employer during periods before such disposition shall be decreased by so much of such wages as is attributable to such trade or business or separate unit.

(5) OTHER RULES.—

(A) GOVERNMENT EMPLOYERS.—This section shall not apply if the employer is the Government of the United States, the government of any State or political subdivision of the State, or any agency or instrumentality of any such government.

(B) TREATMENT OF OTHER ENTITIES.—Rules similar to the rules of subsections (d) and (e) of section 52 of such Code shall apply for purposes of this section.

SA 220. Mr. COLEMAN (for himself and Mr. SMITH) submitted an amendment intended to be proposed to amendment SA 100 proposed by Mr. REID (for Mr. BAUCUS) to the bill H.R. 2, to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage; which was ordered to lie on the table; as follows:

Beginning on page 31, line 9, strike all through page 39, line 10, and insert the following:

PART II—SUBCHAPTER S PROVISIONS

SEC. 211. CAPITAL GAIN OF S CORPORATION NOT TREATED AS PASSIVE INVESTMENT INCOME.

(a) IN GENERAL.—Section 1362(d)(3) is amended by striking subparagraphs (B), (C), (D), (E), and (F) and inserting the following new subparagraph:

"(B) PASSIVE INVESTMENT INCOME DEFINED.—

"(i) IN GENERAL.—Except as otherwise provided in this subparagraph, the term 'passive investment income' means gross receipts derived from royalties, rents, dividends, interest, and annuities.

"(ii) EXCEPTION FOR INTEREST ON NOTES FROM SALES OF INVENTORY.—The term 'passive investment income' shall not include interest on any obligation acquired in the ordinary course of the corporation's trade or business from its sale of property described in section 1221(a)(1).

"(iii) TREATMENT OF CERTAIN LENDING OR FINANCE COMPANIES.—If the S corporation meets the requirements of section 542(c)(6) for the taxable year, the term 'passive investment income' shall not include gross receipts for the taxable year which are derived directly from the active and regular conduct of a lending or finance business (as defined in section 542(d)(1)).

"(iv) TREATMENT OF CERTAIN DIVIDENDS.—If an S corporation holds stock in a C corporation meeting the requirements of section 1504(a)(2), the term 'passive investment income' shall not include dividends from such C corporation to the extent such dividends are attributable to the earnings and profits of such C corporation derived from the active conduct of a trade or business.

"(v) EXCEPTION FOR BANKS, ETC.—In the case of a bank (as defined in section 581) or a depository institution holding company (as defined in section 3(w)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1813(w)(1)), the term 'passive investment income' shall not include—

"(I) interest income earned by such bank or company, or

"(II) dividends on assets required to be held by such bank or company, including stock in the Federal Reserve Bank, the Federal Home Loan Bank, or the Federal Agricultural Mortgage Bank or participation certificates issued by a Federal Intermediate Credit Bank.".

(b) CONFORMING AMENDMENT.—Clause (i) of section 1042(c)(4)(A) is amended by striking "section 1362(d)(3)(C)" and inserting "section 1362(d)(3)(B)".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006.

SEC. 212. TREATMENT OF BANK DIRECTOR SHARES.

(a) IN GENERAL.—Section 1361 (defining S corporation) is amended by adding at the end the following new subsection:

"(f) RESTRICTED BANK DIRECTOR STOCK.—

"(1) IN GENERAL.—Restricted bank director stock shall not be taken into account as outstanding stock of the S corporation in applying this subchapter (other than section 1368(f)).

"(2) RESTRICTED BANK DIRECTOR STOCK.—For purposes of this subsection, the term 'restricted bank director stock' means stock in a bank (as defined in section 581) or a depository institution holding company (as defined in section 3(w)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1813(w)(1)), if such stock—

"(A) is required to be held by an individual under applicable Federal or State law in order to permit such individual to serve as a director, and

"(B) is subject to an agreement with such bank or company (or a corporation which controls (within the meaning of section 368(c)) such bank or company) pursuant to which the holder is required to sell back such stock (at the same price as the individual acquired such stock) upon ceasing to hold the office of director.

"(3) CROSS REFERENCE.—

"For treatment of certain distributions with respect to restricted bank director stock, see section 1368(f)".

(b) DISTRIBUTIONS.—Section 1368 (relating to distributions) is amended by adding at the end the following new subsection:

"(f) RESTRICTED BANK DIRECTOR STOCK.—If a director receives a distribution (not in part or full payment in exchange for stock) from an S corporation with respect to any restricted bank director stock (as defined in section 1361(f)), the amount of such distribution—

"(1) shall be includible in gross income of the director, and

"(2) shall be deductible by the corporation for the taxable year of such corporation in which or with which ends the taxable year in which such amount in included in the gross income of the director.".

(c) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006.

(2) SPECIAL RULE FOR TREATMENT AS SECOND CLASS OF STOCK.—In the case of any taxable year beginning after December 31, 1996, restricted bank director stock (as defined in section 1361(f) of the Internal Revenue Code of 1986, as added by this section) shall not be taken into account in determining whether an S corporation has more than 1 class of stock.

SEC. 213. SPECIAL RULE FOR BANK REQUIRED TO CHANGE FROM THE RESERVE METHOD OF ACCOUNTING ON BECOMING S CORPORATION.

(a) IN GENERAL.—Section 1361, as amended by this Act, is amended by adding at the end the following new subsection:

"(g) SPECIAL RULE FOR BANK REQUIRED TO CHANGE FROM THE RESERVE METHOD OF ACCOUNTING ON BECOMING S CORPORATION.—In the case of a bank which changes from the reserve method of accounting for bad debts described in section 585 or 593 for its first taxable year for which an election under section 1362(a) is in effect, the bank may elect to take into account any adjustments under section 481 by reason of such change for the taxable year immediately preceding such first taxable year.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006.

SEC. 214. TREATMENT OF THE SALE OF INTEREST IN A QUALIFIED SUBCHAPTER S SUBSIDIARY.

(a) IN GENERAL.—Subparagraph (C) of section 1361(b)(3) (relating to treatment of terminations of qualified subchapter S subsidiary status) is amended—

(1) by striking "For purposes of this title," and inserting the following:

"(i) IN GENERAL.—For purposes of this title,", and

(2) by inserting at the end the following new clause:

"(ii) TERMINATION BY REASON OF SALE OF STOCK.—If the failure to meet the requirements of subparagraph (B) is by reason of the sale of stock of a corporation which is a qualified subchapter S subsidiary, the sale of such stock shall be treated as if—

"(I) the sale were a sale of an undivided interest in the assets of such corporation (based on the percentage of the corporation's stock sold), and

"(II) the sale were followed by an acquisition by such corporation of all of its assets (and the assumption by such corporation of all of its liabilities) in a transaction to which section 351 applies.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006.

SEC. 215. ELIMINATION OF ALL EARNINGS AND PROFITS ATTRIBUTABLE TO PRE-1983 YEARS FOR CERTAIN CORPORATIONS.

In the case of a corporation which is—

(1) described in section 1311(a)(1) of the Small Business Job Protection Act of 1996, and

(2) not described in section 1311(a)(2) of such Act,

the amount of such corporation's accumulated earnings and profits (for the first taxable year beginning after December 31, 2006) shall be reduced by an amount equal to the portion (if any) of such accumulated earnings and profits which were accumulated in any taxable year beginning before January 1, 1983, for which such corporation was an electing small business corporation under subchapter S of the Internal Revenue Code of 1986.

SEC. 216. EXPANSION OF QUALIFYING BENEFICIARIES OF AN ELECTING SMALL BUSINESS TRUST.

(a) NO LOOK THROUGH FOR ELIGIBILITY PURPOSES.—Clause (v) of section 1361(c)(2)(B) is amended by adding at the end the following new sentence: "This clause shall not apply for purposes of subsection (b)(1)(C).".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2006.

SA 221. Mr. DURBIN proposed an amendment to amendment SA 157 proposed by Mr. DEMINT to the bill H.R. 2, to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage; as follows:

At the end of the amendment add the following:

Section 2 of the bill shall take effect one day after date of enactment.

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON INDIAN AFFAIRS

Mr. DORGAN. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Thursday, February 1, 2007, at 9:30 a.m. in Room 485 of the Russell Senate Office Building to conduct a confirmation hearing on the President's nomination of Mr. Carl Joseph Artman, to be Assistant Secretary-Indian Affairs, U.S. Department of the Interior, to be followed immediately by a business meeting to approve the nomination of Mr. Carl Joseph Artman, to be Assistant Secretary-Indian Affairs, U.S. Department of the Interior.

Those wishing additional information may contact the Indian Affairs Committee at 224–2251.

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Mr. KERRY. Mr. President, the chairman would like to inform the members of the committee that the committee will hold a hearing entitled "Assessing Federal Small Business Assistance Programs for Veterans and Reservists," on Wednesday, January 31, 2007, at 10 a.m. in Russell 428A.

PRIVILEGES OF THE FLOOR

Mr. CORNYN. Mr. President, I first ask unanimous consent that two members of my staff, Reed O'Connor and Ramona McGee, be granted the privilege of the floor for the duration of the 110th Congress.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to 22 U.S.C. 276h–276k, as amended, appoints the following Senator as Chairman of the Senate Delegation to the Mexico-U.S. Interparliamentary Group during the 110th Congress: The Senator from Connecticut (Mr. DODD).

COMMENDING THE UNIVERSITY OF NEBRASKA—LINCOLN WOMEN'S VOLLEYBALL TEAM

Mr. REID. Madam President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration and the Senate now proceed to S. Res. 44.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 44) commending the University of Nebraska-Lincoln women's volleyball team for winning the National Collegiate Athletic Association Division I Women's Volleyball Championship.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Madam President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and I ask that a statement by Senator NELSON of Nebraska be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

• Mr. NELSON of Nebraska. Madam President, today I wish to congratulate the No. 1 volleyball team in America: the University of Nebraska Cornhuskers Women's Volleyball Team.

The Cornhuskers won their third national title with a 3–1 victory over Stanford University on December 16, 2006. Previously, Nebraska captured National Collegiate Athletic Association's Women's Division I Volleyball Championships in 1995 and 2000.

The win moved Nebraska into a tie for second place on the list of all-time NCAA Volleyball Championships among all schools. The title was also the second for the Huskers under Coach John Cook, who led Nebraska to the 2000 title in his first season as Nebraska's head coach.

Nebraska ended its 2006 season with a 33–1 record. The team's .971 winning percentage led the Nation and was the second-best mark in school history. The Huskers also became just the third team in NCAA history to be ranked No. 1 for the entire season.

In addition, the Cornhuskers are the first team outside of the Pacific Ten Conference to win a national title in women's volleyball since Nebraska's last title in 2000. After finishing runner-up last year, Nebraska became just the third volleyball team to ever win the National Championship season after losing in the NCAA's final match. Pennsylvania State University, Penn State, and the University of California at Los Angeles, UCLA, are the only other schools to accomplish such a feat.

Attendance at the championship match, played at the Qwest Center in Omaha, NE, totaled 17,209, an all-time collegiate volleyball record. The total attendance for the entire championship session of 34,222 also set an NCAA record. The previous record was 23,978 set during the 1998 Championships in Madison, WI.

On their way to winning the national title, several Huskers collected prestigious individual honors as well. Nebraska's 6-foot, 5-inch junior right-side hitter, Sarah Pavan, led the way, winning the American Volleyball Coaches Association's, AVCA, Division I National Player of the Year award and the 2006–2007 Honda Sports Award for volleyball. Pavan became the fourth Husker to win each award. Along with Pavan, sophomore outside hitter Jordan Larson was named an AVCA First Team All-American, while junior middle blocker Tracy Stalls was a second-team selection and redshirt freshman setter Rachel Holloway was a third-team honoree.

It is a tremendous accomplishment to win a National Championship, and the University of Nebraska's Women's Volleyball Team is to be commended for its excellence and for the pride it has instilled in all Nebraskans.•

The resolution (S. Res. 44) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 44

Whereas the University of Nebraska-Lincoln women's volleyball team (referred to in this preamble as the "Huskers") won the 2006 National Collegiate Athletic Association (NCAA) Division I Women's Volleyball National Championship at the Qwest Center in Omaha, Nebraska, on December 16, 2006;

Whereas Husker junior Sarah Pavan was chosen as the Nation's top collegiate female volleyball player, winning the 2006–07 Honda Sports Award for volleyball;

Whereas Sarah Pavan was named the ESPN Magazine Academic All-American of the Year, becoming the University of Nebraska's 234th Academic All-American and the university's 29th Academic All-American in volleyball;

Whereas the University of Nebraska leads the Nation in the number of players named Academic All-Americans;

Whereas the Huskers completed the 2006 season with a record of 33–1;

Whereas Husker head coach John Cook has led the team to 3 national championships;

Whereas the Huskers made their sixth appearance in the NCAA finals;

Whereas the 2006 Huskers are only the third team in the history of the NCAA to lead the American Volleyball Coaches Association poll for an entire season;

Whereas the entire Husker volleyball team should be commended for its determination, work ethic, attitude, and heart;

Whereas the University of Nebraska is building an impressive legacy of excellence in its volleyball program; and

Whereas the University of Nebraska volleyball players have brought great honor to themselves, their families, their university, and the State of Nebraska: Now, therefore, be it

Resolved, That the Senate—

(1) commends the University of Nebraska-Lincoln women's volleyball team for winning the 2006 National Collegiate Athletic Association Division I Women's Volleyball National Championship; and

(2) recognizes the achievements of the players, coaches, students, and staff whose hard work and dedication made winning the Championship possible.

ORDERS FOR TUESDAY, JANUARY 30, 2007

Mr. REID. Madam President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 10 a.m., Tuesday, January 30; that on Tuesday, following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that there then be a period for the transaction of morning business for 60 minutes, with Senators permitted to speak for up to 10 minutes each, with the first 30 minutes under the control of the majority and the final 30 minutes under the control of the minority; that following morning business, the Senate resume consideration of H.R. 2, the minimum wage bill, and that the time until 12:15 p.m. be equally divided and controlled between the two leaders or their designees with the time from 11:55 a.m. to 12:05 p.m. under the control of the Republican leader and the time from 12:05 p.m. to 12:15 p.m. under the control of the majority leader; that at 12:15 p.m., without further intervening action or debate, the Senate proceed to vote on the motion to invoke cloture on the Baucus-Reid substitute amendment No. 100; that following the vote, regardless of the outcome, the Senate stand in recess until 2:15 p.m. in order to accommodate the respective party conferences; provided further, that Members have until 11 a.m. to file any second-degree amendments.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Madam President, does the distinguished Republican leader have anything this evening?

Mr. McCONNELL. I would say to my friend, the majority leader, I have no additional observations to make at the moment.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. REID. Madam President, if there is no further business today, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 5:35 p.m., adjourned until Tuesday, January 30, 2007, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate January 29, 2007:

DEPARTMENT OF DEFENSE

JAMES R. CLAPPER, JR., OF VIRGINIA, TO BE UNDER SECRETARY OF DEFENSE FOR INTELLIGENCE, VICE STEPHEN A. CAMBONE.

SECURITIES INVESTOR PROTECTION CORPORATION

WILLIAM HERBERT HEYMAN, OF NEW YORK, TO BE A DIRECTOR OF THE SECURITIES INVESTOR PROTECTION

CORPORATION FOR A TERM EXPIRING DECEMBER 31, 2008, VICE THOMAS WATERS GRANT, TERM EXPIRED.

IN THE AIR FORCE

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIGADIER GENERAL SHELBY G. BRYANT, 2753
BRIGADIER GENERAL MICHAEL D. DUBIE, 9845
BRIGADIER GENERAL HOWARD M. EDWARDS, 5648
BRIGADIER GENERAL NORMAN L. ELLIOTT, 0048
BRIGADIER GENERAL STEVEN E. FOSTER, 1516
BRIGADIER GENERAL ROBERT D. IRETON, 8365
BRIGADIER GENERAL EMIL III LASSEN, 1505
BRIGADIER GENERAL GEORGE T. LYNN, 5342
BRIGADIER GENERAL ROBERT B. NEWMAN, JR., 1651
BRIGADIER GENERAL TIMOTHY R. RUSH, 5351
BRIGADIER GENERAL STEPHEN M. SISCHO, 9908

To be brigadier general

COLONEL TRAVIS D. BALCH, 3742
COLONEL CRAIG W. BLANKENSTEIN, 6674
COLONEL WILLIAM J. CRISLER, JR., 6622
COLONEL JOHNNY O. HAIKEY, 4822
COLONEL RODNEY K. HUNTER, 0736
COLONEL JEFFREY R. JOHNSON, 4151
COLONEL VERLE L. JOHNSTON, JR., 9950
COLONEL JEFFREY S. LAWSON, 5332
COLONEL BRUCE R. MACOMBER, 4919
COLONEL GREGORY L. MARSTON, 2616
COLONEL JAMES M. MCCORMACK, 3599
COLONEL DEBORAH C. MCMANUS, 9936
COLONEL JOHN E. MOONEY, JR., 9460
COLONEL DANIEL L. PEABODY, 2171
COLONEL KENNY RICKET, 7110
COLONEL SCOTT B. SCHOFIELD, 3538
COLONEL JOHN G. SHEEDY, 2774
COLONEL JOHN B. SOILEAU, JR., 9074
COLONEL FRANCIS A. TURLEY, 4084
COLONEL JAMES R. WILSON, 3656
COLONEL PAUL G. WORCESTER, 1048

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. STEPHEN L. JONES, 5583

HOUSE OF REPRESENTATIVES—*Monday, January 29, 2007*

The House met at 2 p.m. and was called to order by the Speaker pro tempore (Mr. BAIRD).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

HOUSE OF REPRESENTATIVES,
Washington, DC, January 29, 2007.

I hereby appoint the Honorable BRIAN BAIRD to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

"Stern as death is love, relentless as the nether world is devotion; its flames are a blazing fire. Dry waters cannot quench love, nor floods sweep it away."

Lord God, Your word strikes to the heart. One is not deceived by love and devotion, for true love expands one's vision and moves one to be focused beyond self-interest.

Measure our faith and commitment to truth by the intensity and sincerity of our love and devotion. May our love of country and devotion to the work of government lead us to a deeper respect for people and for other nations and cultures as well.

Help this Nation create systems of communication, reconciliation and collaboration that will confirm love and build trust now and forever.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Texas (Mr. POE) come forward and lead the House in the Pledge of Allegiance.

Mr. POE led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

HONORING THE AMERICAN UNIVERSITY IN BULGARIA

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, this weekend I participated in the American University in Bulgaria's Board of Trustees meetings. I am honored to serve on the board which promotes world-class education for students throughout Eastern Europe.

This September marks the university's 16th year. The first American-style undergraduate liberal arts educational institution in Eastern Europe, AUBG has more than quadrupled in size since its opening. University President Michael Easton, Provost Ann Ferren, and Chairman of the Board David Glanagan are to be commended for their dedication to AUBG and their vision for its future.

As the people of Bulgaria continue their democratic transformation, AUBG's mission statement best exemplifies the institution's commitment to Bulgaria's prosperity. The mission of the American University in Bulgaria is to educate future leaders committed to serving the needs of the region by promoting the values of an open, democratic society.

In conclusion, God bless our troops, and we will never forget September 11.

FATHER ROBERT DRINAN

(Ms. NORTON asked and was given permission to address the House for 1 minute.)

Ms. NORTON. Mr. Speaker, I rise in honor of Robert Drinan, or Father Robert Drinan as he was always known, the only priest to serve in the House of Representatives. He was the colleague of many who are still in the House. He was my own colleague at Georgetown Law School where he served on the faculty after he left the Congress.

Father Drinan, while he was in Congress, wore his priestly garb because he always considered himself a priest, but when asked why he did not put on civilian clothes, he said, "It's the only clothes I have." And they were.

He bowed to the discipline of his church when the ruling came down that priests should not serve in a legislative body. He took many of the concerns he had brought to this floor with him into books and studies, particularly in the field of international human rights.

I am beginning work on a resolution in honor of Father Drinan. He has already been honored by this House with the Congressional Distinguished Service Award.

We are going to be on a retreat on Thursday. I hope that we can make some arrangements so that many of us who would want to attend the funeral on Thursday may do that and then go to the retreat.

I will save further remarks for such time as a resolution or other fitting period of memorial for Father Drinan is offered here on the House floor.

SEND ME HOME SO I WON'T GO TO JAIL

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Mr. Speaker, crimes by illegals continue to plague American cities.

Jose Vallejo is another illegal charged with a vicious crime, this time rape of a 4-year-old in Illinois. The judge in that case set a $150,000 bond, and the defendant actually made the bond; but ICE arrested the individual and took him to an immigration judge for deportation. Vallejo begged the immigration judge to deport him so he wouldn't have to be tried in Illinois for the State charge. The judge, unaware of the rape charges, agreed and ordered Vallejo immediately deported back to Mexico. But before Vallejo could pull off this legalized jail break from Illinois, he was rearrested to stand charges on the rape case.

Federal authorities should not order illegals like Vallejo deported until they have been tried and served prison time for their crimes in State criminal courts; then they should be deported, otherwise more illegals will agree to be deported before their criminal trials and try to fraudulently avoid U.S. justice and the consequences of their crimes by hiding in their own homeland.

And that's just the way it is.

HOUSE RESOLUTION 92

(Mr. ISSA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ISSA. Mr. Speaker, this weekend over 300 Members of the House violated the House rules. They did so not with malice or any intent to violate the rules, but they did so because of the hubris of the leadership of the House.

Today, Mr. Speaker, the rules of the House prohibit Members from taking

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☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

nongovernmental aircraft by any organization, any corporation that has a lobbyist. Mr. Speaker, I might point out that there are lobbyists for United Airlines, Delta, U.S. Air and a litany of other airlines. These rules are unfair, unreasonable and unenforceable, but they have not yet been changed; and under a closed rule, it was a take-it-or-leave-it on the entire package.

Mr. Speaker, I submitted for the House H. Res. 92 in order to clarify and reform these foolish, foolish rules that were instituted without any debate, without any hearings, and even without much notice. I would ask the House to seriously consider, Is it time to begin being honest and reputable? Isn't there a time to not break the rules and say, "But everyone's doing it"?

DEMOCRATS' BROKEN PROMISES

(Ms. FOXX asked and was given permission to address the House for 1 minute.)

Ms. FOXX. Mr. Speaker, last year, Democrats promised the most bipartisan Congress ever in the history of our Congress. What we have seen so far is about as far from that as I could imagine. Not only have the rules been broken in terms of bills being rammed through, not going through regular order so that there can be debate and discussions, but even when there are bills that all Members can support, albeit that they are not as strong as we would like, they are mischaracterized.

Over the weekend, I read most of the debate that went on last week about H.R. 476 dealing with ethics reform in the CONGRESSIONAL RECORD: "Please take note. The Democratic leadership of this institution plans to clean up the criminal and ethical morass it inherited. This bill is a down payment on the new ethical climate control system we are building.

"The American people deserve to know that criminal unethical behavior by any of our colleagues will be punished and that the penalties for violating the sacred trust which has been bestowed upon us by our voters and the States we represent will be substantive, serious and not window dressing."

Well, ladies and gentlemen, we passed a bill tougher than the bill that was passed last week in the last Congress, and we don't need to keep making these kinds of comments if we want a bipartisan relationship.

SPRAY PAINTING THE CAPITOL

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, this Saturday tens of thousands of protesters protested on the National Mall the war on Iraq, and in particular, the 21,500 troop surge. These Americans exercised their first amendment right, and indeed, I am grateful to live in a Nation where we can protest government policies. However, my colleagues, I read in The Hill newspaper one troubling incident that arose. It says, 300 self-described anarchists spray-painted symbols and slogans on the west front steps of the United States Capitol building.

More puzzling, the article says that helpless Capitol Police officers watched, reporting that they were ordered to avoid confronting the group. It seems U.S. Capitol Police Chief Phillip Morse defends that the graffiti was "easily removed" and, most significantly, the building was secure from the artists' entry.

I am not sure I agree with such dismissiveness. Protected free speech does not include vandalism. I ask the Speaker to investigate. Peacefully assembling to protest is permissible, defacing public property is unacceptable and it should not happen again.

PROTESTERS LOSE CIVILITY

(Mrs. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BLACKBURN. Mr. Speaker, you know, the subject of Iraq and the war in Iraq, the global war on terror, is indeed a subject that is a tense subject, it is a difficult subject. In districts like mine, with Fort Campbell, with our National Guard men and women, it is one that we talk about a lot.

Mr. Speaker, one of the things that I do fear is that in this debate, as we talk about it, we have lost civility in this debate. It has been of great concern to me that I have heard of some of the actions of the protesters who came to our Nation's capital this weekend. I am deeply disturbed by the report of a veteran who was counterprotesting the protesters that were here, and he was spat upon by those protesters, spat upon, a man who fought for our freedom, to protect the freedom that allows them to have a protest. That is shameful, and they should be ashamed; they should be dealt with.

You know, one of the things that we continue to hear from the Iraqis is, do not leave us until we are stable. That, Mr. Speaker, is something that we need to remember. It is imperative that we make certain that they move to stability and productivity.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, January 26, 2007.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on January 26, 2007, at 11:30 am:

That the Senate passed without amendment H.R. 188.

With best wishes, I am,
Sincerely,

KAREN L. HAAS,
Clerk of the House.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken after 6:30 p.m. today.

☐ 1415

LANE EVANS POST OFFICE BUILDING

Ms. NORTON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 521) to designate the facility of the United States Postal Service located at 2633 11th Street in Rock Island, Illinois, as the "Lane Evans Post Office Building".

The Clerk read as follows:

H.R. 521

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. LANE EVANS POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 2633 11th Street in Rock Island, Illinois, shall be known and designated as the "Lane Evans Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Lane Evans Post Office Building".

The SPEAKER pro tempore (Mr. BAIRD). Pursuant to the rule, the gentlewoman from the District of Columbia (Ms. NORTON) and the gentleman from California (Mr. ISSA) each will control 20 minutes.

The Chair recognizes the gentlewoman from the District of Columbia.

Ms. NORTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to join my colleagues and particularly the original cosponsor of this resolution, Mr. HARE of Illinois, in the consideration of H.R. 521, legislation naming a postal facility in Rock Island, Illinois, after former Member of Congress Lane Evans. This measure, sponsored by Mr. HARE, was unanimously supported by our committee and has the support and co-sponsorship of the entire Illinois delegation.

Mr. Evans proudly served our country as a Marine during the Vietnam War and was an outspoken voice for all veterans in the House of Representatives. During his 24-year political career, he sought aid for homeless vets, championed benefits for soldiers exposed to Agent Orange, and was an early critic of the Iraq War. He chaired the Vietnam-Era Veterans Caucus and was the ranking member of the Veterans Affairs Committee, where his service is fondly remembered.

Mr. Evans' ability to keep in close contact with his constituents made him an effective and compassionate legislator. He fought hard for working families and was a strong, progressive leader in the Congress. He continued his dedicated service while fighting Parkinson's disease for the past decade, and his presence is already very much missed in this Congress.

Mr. Speaker, I urge the swift passage of this bill.

Mr. Speaker, I am pleased to yield 4 minutes to the gentleman from Illinois (Mr. HARE), cosponsor of the bill.

Mr. HARE. Mr. Speaker, I thank the gentlewoman from the District of Columbia (Ms. NORTON) for bringing this measure to the floor; and I thank the gentleman from the great State of Illinois and coauthor of H.R. 521, my friend, Mr. RAY LAHOOD, for his leadership and the Illinois delegation for their support.

Thanks also to the distinguished chairman of the Oversight and Government Reform Committee, Mr. WAXMAN; and Mr. DANNY DAVIS, chairman of the Subcommittee on Federal Workforce, Postal Service, and the District of Columbia; and to the leadership for their consideration of this tribute to a great Congressman, Lane Evans.

Mr. Speaker, it is with great admiration and respect that I rise today in support of H.R. 521, a bill to designate the United States Postal Service facility located at 2633 11th Street in Rock Island, Illinois, as the Lane Evans Post Office Building.

Mr. Speaker, there is no one more deserving of this recognition than Congressman Lane Evans. On January 17, Mr. LAHOOD and I introduced this bill, and within days we received overwhelming support in favor of this legislation. To date, 82 of my colleagues from both sides of the aisle have signed on as cosponsors of H.R. 521. Not only have Members of Congress expressed support for the bill, but it has also been well-received by staff members; one staff member saying "Anything for Lane" and another stating, "He's a great man who I have tremendous respect and admiration for."

We all know what kind of man Lane is, but for those who have yet to make his acquaintance, I am honored to have the opportunity to share with you the story of a very rare politician.

I met Lane on the campaign trail back in 1976. We were two young dreamers with the mutual goal of making a difference in this world. Soon after the election, we became a team. I traveled with Lane from one end of the district to another as he provided his legal services to working families, children and the poor. I can recall many times when Lane offered his services free of charge to elderly men and women in need of a will. It was not too long before the people of the 17th District of Illinois rewarded Lane for his sacrifices, his commitment to hard work and hardworking families.

In 1982, Lane ran for the congressional seat of the 17th District of Illinois. At the time, the manufacturing industry of western Illinois was suffering from an economic recession which left many looking for a new direction in representation. Lane's populist message, coupled with his plain-spoken personal integrity resonated with the people, and at only 31 years of age, this young legal services attorney was able to win the majority of the votes, which had been reserved for a Republican candidate for more than a century.

Mr. Speaker, Lane has succeeded in politics by following the Marine motto, Semper Fi, always faithful to his principles, to his constituents and to himself. For 12 elections the people of the 17th District sent Lane back to Washington with confidence that he would represent their interests.

The secret to Lane's success was the value he placed in their trust. He never took the people who elected him for granted, and it showed. To anyone that walked through his door, Lane and his staff were always ready, willing and able to go the extra mile in assisting them.

Although Lane was a man who delivered on his promises to bring jobs, he also had three outpatient clinics built, and what mattered most to the people was the manner in which he represented them. What always struck me most about Lane was the humility he showed.

I thank the gentlewoman for allowing me to speak this morning on behalf of the wonderful Congressman, and I urge all my colleagues to support H.R. 521.

Mr. Speaker, I thank the gentlelady from the District of Columbia, Ms. HOLMES NORTON for bringing this measure to the floor of the House. I thank the gentleman from the great State of Illinois and co-author of H.R. 521, Mr. LAHOOD, for his leadership and the Illinois Delegation for their support. Thanks to the distinguished Chairman of the Oversight and Government Reform Committee, Mr. WAXMAN and Mr. DANNY DAVIS, Chairman of the Subcommittee on Federal Workforce, Postal Service, and the District of Columbia. And to the Leadership for their consideration of this tribute to Congressman Lane Evans.

Mr. Speaker, it is with great admiration and respect that I rise today in support of H.R. 521, a bill to designate the United States Postal Service facility located at 2633 11th Street in Rock Island, Illinois, as the "Lane Evans Post Office Building".

Mr. Speaker, there is no one more deserving of this recognition than Congressman Lane Evans. On January 17, Mr. LAHOOD and I introduced this bill and within days we received overwhelming support in favor of the legislation. To date, 82 of my colleagues from both sides of the aisle have signed on as cosponsors of H.R. 521. Not only have Members of Congress expressed support for the bill, but it has also been well-received by staff members, one staff member saying "Anything for Lane" and another stating "He's a great man who I have tremendous respect and admiration for".

We all know what kind of man Lane is, but for those who have yet to make his acquaintance, I am honored that I have the opportunity to share with you the story of this rare politician.

I met Lane on the campaign trail back in 1976. We were two young dreamers with the mutual goal of making a difference in the world. Soon after the election, we became a team. I traveled with Lane from one end of the district to another as he provided his legal services to working families, children and the poor. I can recall many times when Lane offered his services free of charge to elderly men and women in need of a will. It was not too long before the people of the 17th district of Illinois rewarded him for his sacrifices and commitment to hard working families.

In 1982, Lane ran for the congressional seat of the 17th district of Illinois. At the time, the manufacturing industry of western Illinois was suffering from an economic recession, which left many looking for a new direction in representation. Lane's populist message coupled with his plain-spoken personal integrity resonated with the people, and at only 31 years of age, this young legal services attorney was able to win the majority of the votes, which had been reserved for a Republican candidate for more than a century.

Following the election, Lane asked me to represent him as his District Director. I was flattered that Lane thought so highly of me and entrusted me with the care of his constituency. I accepted because Lane promised me that I would never have to lie, and I can proudly say that in 24 years he kept his promise. It was not too difficult because even those who disagreed with Lane respected him and his commitment to serving on behalf of the middle class family.

Mr. Speaker, Lane has succeeded in politics by following the Marine motto, "Semper Fi". Throughout his career, he has been "always faithful" to his principles, to his constituents and to himself. For 12 elections the people of the 17th sent Lane back to Washington with confidence that he would represent their interests. The secret to Lane's success was the value he placed in their trust. He never took the people who elected him for granted, and it showed. He prided himself on maintaining a first-rate constituent service program. To anyone that walked through his door, Lane and his staff were always ready, willing, and able to go the extra mile in assisting them.

Although Lane was a man who delivered on his promises to bring jobs to the Rock Island Arsenal and build veteran outpatient clinics, what mattered most to the people was the manner in which he represented them. What has always struck me most about Lane was the humility he showed towards everyone he knew. To everyone he was just Lane. He was more than a Congressman to the people of the 17th district, he was a friend.

Mr. Speaker, Lane's sincere rapport with people was not limited to the 17th district. As a Vietnam era veteran of the Marine Corps himself, Lane had the remarkable ability to relate to our service men and women. His career in Congress is marked with legislative victories on behalf of the Nation's 24 million veterans.

Always a man of great conviction, Lane challenged those who ignored the harmful effects of Agent Orange exposure. Eventually, Lane was successful in his effort to pass legislation awarding compensation to vets exposed to Agent Orange. In the 108th Congress, he built on that legislative milestone by winning passage of a law that delivers health and compensation benefits to children of veterans exposed to Agent Orange who were born with spina bifida, representing the first time children of veterans will receive government benefits.

Mr. Speaker, Lane's crusade for veterans did not stop there. He was one of the first Congressional voices to speak out about problems experienced by Persian Gulf veterans, what is now known as the Gulf War syndrome. He also pushed Congress to increase funding for veterans programs, which were so important to him because they delivered needed government services to working class families.

At the end of the 109th Congress, Lane retired after serving 24 years as a distinguished Member of Congress. It was a sad day for veterans and the people of the 17th district of Illinois when Lane announced he would not run for reelection, but no one was more disappointed than Lane. In spite of all his legislative accomplishments, Lane still felt there was so much more that he could have done.

Mr. Speaker, I am proud that my first legislative action will be to honor my good friend and mentor, Congressman Lane Evans. My only hope is that when I leave this body I can do half the things that Lane has done for the 17th district, the State of Illinois, and the Nation.

Mr. Speaker, I urge all of my colleagues to join me in support of H.R. 521.

Lane, thank you for your support throughout the years. It means more to me than you will ever know.

Mr. ISSA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 521 to rename the post office in Rock Island, Illinois, for Congressman Lane Evans.

The Congressman was born in 1951 in Rock Island, Illinois. Mr. Evans grew up the son of a firefighter and joined the Marines out of high school and fought in the Vietnam War. After that, he earned an undergraduate degree from Augustana College and a law degree from Georgetown.

Just 4 years later, he found himself in the House of Representatives, a Democrat representing a largely Republican 17th District of Illinois, where he quickly developed a reputation as an advocate for regular Americans.

Known in his district, which covers Moline, Rock Island, Quincy, Decatur, Galesburg, and parts of Springfield and the Quad Cities, for excellent constituent services, he also fought hard for working families and especially for veterans. He became chairman of the Vietnam-Era Veterans Caucus here in the Congress, where he pushed for legislation particularly to improve health care for vets and those with disabilities such as post-traumatic stress syndrome. That disorder today still affects many Americans of that era. He also supported legislation to eliminate land mines and assist land mine victims, and later he helped those affected with Gulf War syndrome.

After Hurricane Katrina, long into a debilitating disease, he fought hard to make things right for those people affected so desperately by the hurricanes.

Even after being diagnosed in 1995 with Parkinson's, he continued to serve for another six terms in the House and served with great distinction, never giving up the fight.

In his final term, the Congressman and I had the pleasure of flying for over 14 hours across the United States and all the way to Iwo Jima to commemorate the 60th commemoration of that great battle. He did so at a time in which he needed a physician's assistant, in which he was uncomfortable at all times, and in which most men afflicted with Parkinson's would never have considered such a trip. He did so because, first of all, he was a Marine. He did so, secondly, because he cared so much about this country and about the battles that men and women had fought for this country.

I will remember Congressman Lane Evans for that trip. For someone who went above and beyond what the public saw to do what was right and what was important, even while putting himself in tremendous potential physical harm for those long hours in an aircraft is something that most Members with less afflictions would not have done.

I will remember him, and I ask that all Members vote positively on this bill.

Mr. Speaker, I reserve the balance of my time.

Ms. NORTON. Mr. Speaker, I just want to not only thank the gentleman from California but to just for the record state that in calling Mr. HARE I was calling him out of order. I was yielding him part of my time, because you, of course, by rights were entitled to the next speaker, and I appreciate your statement.

Mr. Speaker, I am pleased to yield 1½ minutes to the gentleman from Maine (Mr. MICHAUD).

Mr. MICHAUD. Mr. Speaker, I thank the gentlewoman for yielding; and I also want to thank Congressman HARE for bringing this issue forward. Having worked with Congressman HARE over the last month or so, I know he is going to fill the shoes of Congressman Evans and fight for veterans issues. I really appreciate that.

I rise in strong support of H.R. 521, designating the post office in Rock Island, Illinois, as the Lane Evans Post Office Building. It is right that we should honor Congressman Lane Evans.

Lane Evans will be known for the years he spent fighting for veterans and their families and for attacking issues like mental health, toxic exposure and homelessness. These issues were once brushed aside. Now, because of Lane Evans, we face them and we deal with them. Because of Lane Evans, many Americans will lead healthier and better lives.

He never sacrificed what he felt was important. He always remembered why he came to Washington and who sent him here.

Even though he is no longer in Congress, I know that he will continue to fight for what he believes in. His influence will be felt in all the work that we do for the rest of our times here in Congress.

Congressman Evans has been a mentor to me and many others in this body. It is an honor for me to speak in support of this legislation, and I urge my colleagues to pass H.R. 521 honoring our dear friend and colleague and fighter for our veterans.

Mr. ISSA. Mr. Speaker, it is my great pleasure that I yield such time as he may consume to the gentleman from Illinois (Mr. LAHOOD), one of the Members who knew Lane Evans both as a staff member here on the Hill and then as a fellow colleague.

Mr. LAHOOD. Mr. Speaker, I want to thank Congressman HARE for reintroducing this bill.

Last year, when Congressman Evans announced that he was leaving the House because of his very debilitating illness, Parkinson's disease, I introduced a bill, along with the rest of my colleagues from Illinois, to name the post office in Rock Island in honor of Lane. I did that because I met Lane Evans when he was a young, energetic, enthusiastic young man in 1982 running for Congress.

At the time, I happened to be working for the sitting Congressman from that district, a fellow by the name of Congressman Tom Railsback. It was Lane's good fortune that Mr. Railsback lost his primary to a very conservative Republican, and that opened the opportunity, as Phil knows, for Lane to win that seat that had been held for a long, long time by Republicans.

Since the time that Lane Evans was elected to Congress, he has distinguished himself with really three particular groups of people in the 17th District. He has been a voice for those people, particularly, in the 17th District who might not have had a voice here in Washington; and I speak of senior citizens who he is beloved by. I speak of veterans who he is equally beloved by, and I speak of the hardworking men and women, the blue-collar workers of the 17th District. Those are the people that Lane Evans truly represented in Washington, D.C., in a way that distinguished his career for 24 years here in the House, but, more importantly, back in the western part of Illinois in a way that I think will not be replicated.

Lane was probably one of the hardest-working congressmen, but he is someone who never forgot where he came from. He grew up in Rock Island. He was educated, at least his undergraduate degree, in Rock Island; and he continued to travel back and forth to his district every weekend. That is what made him so popular.

When people would come to me and talk to me about the idea of running against Lane as a Republican, I have told people the story that I think there are some people in politics that are impossible to beat, and Lane Evans was one of those people.

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The only way that Lane would ever leave this place would be voluntarily, which he did at the end of the last term. But it was because of his hard work and his dedication to senior citizens, to veterans and to hardworking blue-collar people in the western part of Illinois that made him a politician and a public servant that set the highest standard possible, a standard that all of us can look to in doing our work.

So the least we can do today is name the post office in Rock Island in his honor. I am sure there will be many other honors bestowed upon him. I don't know if Lane is watching this from a television in his home in Moline; but if he is, I want him to know this is one Republican in the House that has great admiration and great respect for him because of the work that he did, and because of the way he represented people from western Illinois.

We wish him Godspeed. We wish him good health. We want him to know that he is in our thoughts and prayers today as we vote on the bill to honor him, but we will long remember his distinguished service and long continue to pray that he will have the healing hand of God placed on his shoulder.

Ms. NORTON. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Massachusetts (Mr. MCGOVERN).

Mr. MCGOVERN. I thank the gentlewoman for yielding.

Mr. Speaker, I am pleased to rise in support this bill. I want to commend Representative HARE and Representative LAHOOD for their support on this bill, and I appreciate their eloquence in support of a truly great man and a great friend.

I was on the staff of Congressman Joe Moakley of Massachusetts when Lane Evans first came to Washington. Immediately, Joe knew that he had a new ally in the fight to protect human rights in El Salvador. Lane regularly met with people from Central America here in Washington and in his district. He traveled to the region, did his homework, and became an active Member in the effort to change U.S. policy and bring peace to that troubled region.

As a marine who served in Vietnam, Lane chaired the Vietnam Era Veterans Caucus in the House. Having seen war up close and personal, he worked with David Bonior, Jack Quinn, Senator LEAHY and Senator HAGEL and the Vietnam Veterans of America to push for a U.S. and international ban on the production and use of anti-personnel landmines. When I was privileged to be elected to Congress in 1996, one of the first things I did was go to Lane Evans and pledge my support for his work on landmines.

Lane's personal experience made him the champion of two other important causes. As the son of a union member, Lane consistently spoke out against the abuses facing so many workers around the world as they struggled to achieve their most basic rights. As a veteran himself, he made sure that we don't treat with suspicion the questions raised by those returning from war, whether on the effects of agent orange, gulf war syndrome or post-traumatic stress; and we must never reward their service with neglect, homelessness, underfunded health care, or reduced benefits.

When I think of Lane Evans, I think of an easy-going, likeable Midwesterner. I also think of courage and conviction in how he lives his own life and how he continues to confront the challenges facing America.

Mr. Speaker, I miss his voice and his presence in this House, and I urge all my colleagues to support this bill.

Mr. ISSA. Mr. Speaker, it is my pleasure to yield such time as he may consume to the gentleman from Arkansas (Mr. BOOZMAN).

Mr. BOOZMAN. Mr. Speaker, I rise today to extend my thanks to the honorable Lane Evans and urge passage of this bill to name a U.S. post office in his hometown of Rock Island, Illinois, in his honor.

Lane's service to America and its veterans began with his enlistment in the Marine Corps in the Vietnam War. Lane began his congressional career by winning election for the 17th District in Illinois in 1982 and promptly became a staunch advocate for veterans. He kept this commitment through the 109th Congress.

This bill will provide a small but important recognition of Lane's service and commitment. He championed issues such as agent orange, women's health care, spina bifida benefits and many others.

We hear a lot about bipartisanship in this body, and truly I had the opportunity to win a special election, came up, and one of the first people that I met as a member of the Veterans' Affairs Committee was Lane Evans.

As soon as he realized that I was certainly willing and wanted to help veterans, then nobody could have been any nicer. Nobody could have extended any more help than Lane Evans.

It is sad, sad and not sad, I have mixed emotions, certainly, about Democrats taking control of the House, but it is sad that with his retirement his picture will not be on the wall. Because of his hard work, he certainly very much deserves that sort of honor.

On the other hand, like I say, nobody, nobody has worked any harder and done a better job for our Nation's veterans. I certainly urge passage of this bill.

Ms. NORTON. Mr. Speaker, I am particularly pleased to grant the gentleman from American Samoa (Mr. FALEOMAVAEGA) 2 minutes, noting that in the Iraq war he has lost more than any other Member, more members from his district than any other district in the United States.

Therefore, I know he feels strongly about Lane, who devoted his entire time in the Congress to focusing on veterans and their needs.

Mr. FALEOMAVAEGA. I thank the gentlelady from the District of Columbia for allowing me to say a few words to express my deepest appreciation to the gentleman that I have known for years now, since becoming a Member of this great institution.

I also would like to thank the gentleman from Illinois, my good friend Mr. HARE, for sponsoring this legislation, and the spirit of bipartisanship, knowing that our Republican Members also have said nothing but praise for the legacy of this great American and as a Member of Congress.

Mr. Speaker, I had some long discussions with this gentleman, Mr. Evans. In the years past, he came to Vietnam in 1969, and I was just there the year before, from 1967 to 1968, in that terrible conflict.

If there is anything that I would like to say, point out not only his leadership, but the service of this great American to our Nation, as the senior member of the House Veterans' Affairs Committee, I want to say that Mr. Evans, in my humble opinion, is certainly one of the great leaders and advocates of the needs of our veterans throughout the country.

It was one experience, as our good friend from California mentioned, that they went with Mr. Evans to Iwo Jima. He came to my district. If anybody wants to share that sense of experience, well, you have to fly 15 hours to get to my district. Mr. Evans was willing to make that kind of a sacrifice just to see that, as small as my district may be, we have about 3,000 to 4,000 veterans living in my district, and he felt it was important enough for him to come and see and hear some of the concerns that our veterans have in my district.

I want to say to my colleagues and the Members of this House how fitting it is. I wish we could do more than just naming this post office after this great American Congressman, Lane Evans. I hope if there is a chance he might be listening to this proceeding, I just want to express and let him know how much I love him, not only as a friend but a truly great American.

Mr. ISSA. Mr. Speaker, in response to the gentleman from American Samoa, I too agree with you that a post office is just a good first down payment for somebody who did so much for veterans; and I, for one, look forward to finding a veterans facility somewhere in the United States or a hospital for veterans that would be fitting and appropriate for the man who would be the chairman of the Veterans' Committee were he still in the Congress.

Mr. HONDA. Mr. Speaker, I rise today to honor the service and achievements of my dear friend, Lane Evans.

For the past quarter of a century, Congressman Evans led efforts on behalf of veterans, including the fight to give Filipino veterans the benefits that they had been promised. He also became legendary in his advocacy for our nation's middle class. As a champion of these causes he earned the respect of America's veterans and their families.

He also stood as a tireless champion in the fight to provide justice for over 200,000 "comfort women" who were forced into sex slavery by the Japanese Imperial Army during World War II. He has been a voice for these voiceless women who are still holding out hope that they will receive a formal apology from the Japanese government for the indignity they suffered. I have assured him that I will do my best to continue his work and legacy on this issue after his retirement this year.

Today I am pleased to vote in favor of naming a Post Office after a man who deserves our greatest respect. Mr. Speaker, for his leadership, mentorship and companionship, for his work on behalf of those who would have otherwise been forgotten, and for his unparalleled work these past 24 years, I emphatically raise my voice in support of naming a Post Office after my friend, Congressman Lane Evans.

Mr. GUTIERREZ. Mr. Speaker, I rise today in support of H.R. 521, a bill designating the post office located at 2633 11th Street in Rock Island, Illinois, as the "Lane Evans Post Office Building". I want to thank Congressman PHIL HARE, the former District Director to Lane Evans and the new Representative from Illinois' 17th Congressional District. The post office is located in Lane Evans' hometown of Rock Island and will serve as a testament to his long, distinguished career as a Marine, a champion for social justice and a fine Member of this body.

Today's debate gives us the opportunity to take a moment to recognize and thank Lane Evans for his service to this country, to this Congress and to our nation's men and women who have worn the uniform. I have had the honor and the privilege of serving with Lane on the Veterans Affairs Committee since I came to Congress in 1993. He is a good friend, an important ally and an unwavering advocate for Veterans in Illinois and across the nation. Although he never was able to chair the House Veterans Committee, he stands as one of this body's finest and most committed legislators for veterans. He made the issues of veterans health care and veterans benefits the cornerstone of his legislative career, and I could think of no better way to honor Lane than for this Congress to continue that fight.

While Lane may have been diagnosed with Parkinson's disease, it did not affect his razor sharp intellect or lessen his commitment to the issues he cares about. He has approached his disease with dignity, class and courage, and he has served as an inspiration to others with Parkinson's disease. This Congress, I am going to miss having my friend and my colleague in the Illinois delegation, but you can bet when I need guidance about the best way to protect Illinois veterans, my first call will be to Lane.

Mr. Speaker, the least we can do today is pass this bill honoring Lane Evans and his career, and I urge swift passage of this bill.

Mr. COSTELLO. Mr. Speaker, I rise today in support of H.R. 521, legislation to name a Post Office in Rock Island, Illinois after recently retired Congressman Lane Evans. I am a proud cosponsor of this legislation, as Lane has been my great friend and colleague over the last 18 years. I would like to thank Congressman HARE for introducing this bill, and as glad as we are to have him join us in the House, this institution misses Lane Evans. We miss his leadership, we miss his quiet dignity, and we miss his advocacy for veterans and working people. This is a small gesture, but it is a way to honor his dedicated service to our country.

Lane devoted most of his entire professional life to service to the United States of America. He grew up in Rock Island and entered the Marine Corps out of high school, serving in Vietnam. When he returned, he went to college and earned his law degree at Georgetown, and worked as a legal aid attorney before he was elected to Congress in 1982.

During his tenure in Congress, Lane put his head down and worked hard, not seeking attention for the many legislative victories he achieved, particularly in the realm of veterans' issues. Because of Lane, affected veterans are compensated for their exposure to Agent Orange, and he led efforts to learn more about Gulf War Illness and ban land mines. Lane was awarded the Vietnam Veterans of America's first annual President's Award for Outstanding Achievement in 1990 and he received the AMVET's Silver Helmet Award in 1994, known as the "Oscar" of veterans' honors.

Lane was also a tireless protector of the rights of working people, fighting for fair trade, a fair minimum wage and the right to collectively bargain. He worked for a cleaner environment and the protection of the family farm.

Over the last 8 years, Lane has faced another battle, this one against Parkinson's disease. The dignity with which he has faced this disease has inspired many, and helped educate the public, and the Congress, about the disease. You would never know how difficult a disease Parkinson's is by watching Lane. He does not complain, he just keeps going forward, helping people at every opportunity.

Mr. Speaker, Lane Evans has given a tremendous amount to the United States of America, and we owe him our gratitude. Naming this post office after him assures that his contributions will live on for succeeding generations to appreciate. I urge my colleagues to support this bill and I thank Lane for his continuing friendship.

Mr. FILNER. Mr. Speaker, I rise in strong support of H.R. 521, a measure to designate the facility of the United States Postal Service located at 2633 11th Street in Rock Island, Illinois, as the "Lane Evans Post Office Building." Indeed, I wholeheartedly support Congressman PHIL HARE in his efforts to bring this measure to the floor today and I appreciate his quick actions on this matter. As many know, Mr. HARE was the District Director of Congressman Evans for many years and now represents the 17th district of Illinois himself, the district that Lane Evans represented for 24 years.

Mr. Speaker, Lane Evans served with distinction in the U.S. House of Representatives since 1982; he was elected 12 times in a row by the good people of the 17th district of Illinois. Indeed, they proudly sent their best from the heartland America to serve America.

Lane has always been a champion for working families, students, servicemembers, veterans and military families. He went to college and law school on the GI Bill and returned to Illinois to be a legal aid lawyer, representing the less fortunate among us.

A Marine Corps veteran of the Vietnam era and a senior member of both the House Armed Services and Veterans' Affairs Committees, Lane Evans's advocacy and record in the Congress on behalf of the military and veterans is admirable and unquestioned.

There is no federal program for veterans which does not bear his mark of oversight and improvement. Simply put, veterans enjoy increased education benefits, improved health care access and services, a strengthened home loan program, judicial review of their benefits claims, additional opportunities for veteran-owned small businesses and a host of other improved and expanded benefits. No doubt such improvements are in no small measure due to Lane Evans's insistence that veterans be given the fair shake they earned in service to their country.

Lane Evans made his mark on Congress and in the House Veterans' Affairs Committee right from the start by elevating concern for and promoting action on the issues affecting

Vietnam veterans; specifically working to highlight post-traumatic stress disorder, the effects of Agent Orange and other herbicide exposure. He was also an outspoken advocate to address the problem of homelessness and substance abuse among veterans from the Vietnam era.

Congressman Evans led the effort in Congress to increase education benefits in order to keep pace with the rising costs of higher education and restore purchasing power to the Montgomery GI Bill. He also worked to revise, update and improve veterans' employment counseling and job-search assistance systems, and has helped ensure adequate resources to provide dignified final resting places for the Nation's veterans.

Perhaps what best sums up Lane Evans's character, drive and his service here in Congress, are his own words: Speaking on the Floor of the House of Representatives, he said: "Our veterans—those returning from Iraq, those who scaled the cliffs above the beaches of Normandy, those who walked point in the jungles of Vietnam, those who survived the brutality of Korea and other battlefields, all who honorably served or who are now serving, have earned the assurance that VA—their system—will be there when they need it . . . just as we practice on the battlefield that we leave no one behind, we should not slam the door on any veteran who needs the VA system."

Mr. Speaker, I could not agree more. The House of Representatives, the VA Committee and the veterans community will surely miss Lane Evans. We should honor Lane Evans by continuing his work here in Congress to ensure that servicemembers, veterans and military families are treated with respect and receive the benefits they have earned.

I urge all members to support H.R. 521.

Mr. LANGEVIN. Mr. Speaker, I raise today in support of H.R. 521, which would designate the facility of the United States Postal Service located in Rock Island, Illinois, as the "Lane Evans Post Office Building." I am proud to be a cosponsor of this bill that honors my good friend and former colleague.

Lane has always served his country with honor. From 1969 to 1971, he served in Vietnam in the U.S. Marine Corps, and as they say, "once a marine, always a marine." When he was elected to Congress in 1982, he immediately worked to make sure veterans were given the benefits that they deserve, and he lent his voice to issues that might otherwise have been ignored. For almost a quarter of a century in Congress, Lane was a champion of America's veterans, and his passion for this cause is truly missed.

Lane and I were able to develop a friendship that transcended politics. We worked together on many issues as members of the House Armed Services Committee. Serving others, especially his constituents, was something Lane did exceedingly well. I was able to see this firsthand when I traveled to his district in 2004. I was impressed, but not surprised, by the enormous number of people who showed up at an event he hosted, which certainly speaks to how well-liked and respected he was, and is, in the 17th district of Illinois. Serving with Lane was truly an amazing and educational experience, and his constituents were fortunate to have such a dedicated public servant as their representative in Washington.

Unfortunately, Lane has had to battle Parkinson's Disease since 1995. In his fight against this debilitating disease, he has shown his characteristic courage and perseverance that proved to everyone that he was not going to easily give up. Lane has also been a great partner in the effort to advance stem cell research, which is a matter of tremendous importance to me. While we miss having him fighting with us in Congress, he can be assured that our efforts will continue so that patients with spinal cord injuries, Parkinson's Disease and other conditions will benefit from this research in the future.

Mr. Speaker, it was a privilege to work with Lane Evans in the House of Representatives, and I am proud that today we honor his hard work and inspirational life with this bill.

Mr. JACKSON of Illinois. Mr. Speaker, I rise today in support of H.R. 521, naming a post office building in Rock Island, IL, as the Lane Evans Post Office Building.

For the past 11 years, I have had the great pleasure and high privilege to serve in the Illinois Congressional delegation with a true American hero, Lane Evans. At a young age, he heroically served our country by joining the Marine Corps after high school to fight in the Vietnam War. He has never forgotten his friends and has fought diligently for the rights of veterans. Lane Evans led the charge to compensate Vietnam veterans for diseases linked to Agent Orange exposure, fought to ensure that children of veterans received government benefits and that women veterans had access to the same services as their male counterparts.

A son of a firefighter and a nurse, Lane Evans understood the needs of working families and has been a tireless fighter of protecting American jobs, providing affordable health care for all Americans and increasing the minimum wage. He is a soldier, activist and defender of the underdog and has given a voice to millions of veterans and especially to the good people of the 17th Congressional district of Illinois.

I pay tribute to a man that has well served his constituents and has become a trusted colleague and friend. His work on the House Committee on Veterans Affairs will serve as a blueprint for future legislators. He has shown tremendous political courage over the past 24 years in office and will show even more courage as he continues his battle with Parkinson's Disease.

At this time our Nation demands fearless leaders that stand up for American families and dedicate their lives for the improvement of others. Lane Evans has committed his life to others as a courageous public servant, a man that deserves the title, "The Honorable." I too was drawn to public service, believing that I can help the people of my district and those outside my district. I have not lost that feeling, and I know Lane Evans has not either. We need more leaders in this institution that constantly remember why we are here—to serve the public shoulder to shoulder.

Lane Evans has worked for his district, country and for the freedom of all. His subtle style and modest voice will always reverberate loud in my ears. Congressman Evans, I would like to thank you for your leadership, determination and willingness to fight! Your work in Congress will forever be remembered and your legacy will live on.

Mr. BRALEY. Mr. Speaker, I rise this afternoon to express my strong support for H.R. 521, a much-deserved honor for a great American, Congressman Lane Evans.

Although Rock Island, Illinois is not in my district, it is part of the Quad Cities that includes Davenport and Bettendorf, Iowa, which I am privileged to represent.

The entire Quad Cities region has benefited from Congressman Evans' many years of leadership in this body. His passionate advocacy for veterans and working men and women earned him a special place in the hearts of his constituents, and his voice will be sorely missed.

I am proud to serve with his successor, another great champion for veterans and working families, my distinguished colleague from Illinois, Congressman HARE.

Mr. Speaker, I'm honored to call on my colleagues on both sides of the aisle to support H.R. 521 as a living testimonial to the many years of public service rendered by Congressman Evans in the United States Marine Corps and in the House of Representatives. Please join me in renaming the United States Post Office in Rock Island, Illinois as the "Lane Evans Post Office Building."

Mr. ORTIZ. Mr. Speaker, it is enormously fitting that we honor our much-loved colleague by naming a post office after him. Lane Evans epitomizes all that Members of Congress should be: smart, dedicated to the founding principles of our Constitution, a tough-as-nails fighter, a veteran, and a deeply kind man.

He represented Illinois' 17th District with excellence and vigor. Lane took care of his constituents as though they were family . . . and he commanded great respect among those for whom he toiled in Congress.

A former Marine, Lane served with distinction; then served his country in Congress with that same dedication, integrity, and humility. His service experience largely shaped his career and legacy in Congress.

His tireless efforts on behalf of our Nation's veterans led to a successful fight for compensation of veterans exposed to Agent Orange early in his Congressional career. As Ranking Member of the Veterans Affairs Committee, Lane expanded benefits for women veterans, pushed for additional medical care for veterans suffering from PTSD, supported veterans' outpatient clinics, and crafted legislation to attend to homeless veterans.

Lane knew the bottom line for his neighbors in Illinois was an economy that rewarded their effort, so he worked hard to promote economic growth and equal access in rural communities. He was a giant on the House Armed Services Committee and brought new jobs to the Rock Island Arsenal.

Understanding both the national security implications and the resource for Illinois farmers, Lane advocated ethanol-producing resources in his district and championed increased development and use of ethanol and biofuels in Illinois.

Not only does Lane inspire all of us who are familiar with his service, but his courageous and brave battle with Parkinson's disease have inspired all of us, plus the millions of Parkinson's sufferers around the nation. Lane is precisely the type of public servant that we all strive to be.

In his work in Congress, in his love and work for the people of the 17th district, and for our nations' veterans, Lane embodied the Marine motto, Semper Fidelis ("Always Faithful").

Mr. Speaker, I love Lane like a brother, and I'm proud to support this bill to designate the facility of the United States Postal Service located in Rock Island, Illinois, as the "Lane Evans Post Office Building."

Mr. BOSWELL. Mr. Speaker, I rise today to honor a former colleague, a great American patriot, and a great friend, of Honorable Lane Evans from the State of Illinois, and to voice my support for H.R. 521, designating the Post Office in Rock Island, Illinois, as the "Lane Evans Post Office Building."

Lane served his constituents with great distinction in the House for 24 years. During his tenure in this great and honorable body, Lane was a champion of our Nation's veterans. As a veteran myself, having served 20 years in the United States Army, including two tours-of-duty in Vietnam, I feel fortunate that veterans across the Nation had such a strong and stalwart advocate in the United States House of Representatives. His fight to secure assured funding for veterans' health care and better services for our Nation's veterans will always be remembered fondly.

Lane also serves as an inspiration for many in our Nation struggling with a debilitating illness. When Lane was diagnosed with Parkinson's disease, he did not shy away from it. He continued his service to his constituents in this great House. Many can look at Lane as an example that life does not have to end when confronted with great uncertainty. One can persevere, and can continue fighting for what one believes in.

I, along with other veterans across our great Nation will never forget the tireless efforts of Lane Evans—a great American patriot, and a tireless advocate for the beliefs he held so dear.

I, along with many in this House, wish Lane nothing but the best for the future.

Mr. LIPINSKI. Mr. Speaker, I rise today in support of H.R. 521, the Lane Evans Post Office Bill. By naming this Post Office after our distinguished former colleague, we pay tribute to Lane Evans and recognize his long, distinguished career of public service.

Prior to being elected to the House of Representatives in 1983, Lane Evans served in the Marine Corps at the time of the Vietnam War. His experience in the military and his firsthand knowledge of veterans' issues led Lane to become a leading advocate for veterans during his time in Congress. On issues such as Post-Traumatic Stress Disorder, homelessness among veterans, and the aftereffects of exposure to Agent Orange, Lane Evans consistently took the lead in crafting real policy solutions. Lane's leadership on veterans' issues was formally recognized in 1995, when he was named Ranking Member of the House Committee on Veterans Affairs.

In addition, Lane always dutifully served his constituents and the state of Illinois. He was a strong advocate for working Americans and was one of the first to see the need for renewable forms of energy such as ethanol.

With Lane Evans' decision to not seek reelection last year, Congress, Illinois, and the nation lost a great public servant. Now, by naming a Post Office after our former colleague, we can say thanks to Lane, and lift up his impressive legacy of service as an example for others to follow.

Mr. SKELTON. Mr. Speaker, let me take this opportunity to show my support for H.R. 521, a bill that would name a post office in Rock Island, Illinois for former Congressman Lane Evans. This is a fitting honor for a man with such a long and distinguished career.

It was my pleasure to serve with Lane Evans on the House Armed Services Committee. He showed unwavering support for our troops and their families both in his service to that committee and the House Veterans' Affairs Committee, where he was the Ranking Member. As a Marine and veteran of the Vietnam War, Lane understands the sacrifices made by those in uniform and their families and worked tirelessly in Congress to ensure that those sacrifices would be honored.

I want to thank Lane Evans for his many years of service. We will miss him sorely.

Mrs. MALONEY of New York. Mr. Speaker, I rise today in strong support of H.R. 521, which will designate a "Lane Evans Post Office Building" in Rock Island, Illinois.

For more than 20 years, Lane was a champion of veterans and Parkinson's issues on Capitol Hill and a great friend to both communities. We worked together as co-chairs of the Congressional Working Group on Parkinson's Disease, and I came to truly admire his dedication, kindness, and courage.

Last year Lane helped to pass into law a program that he conceived and created, Parkinson's Disease Research, Education and Clinical Centers, PADRECCs. These centers will provide valuable assistance to American veterans battling Parkinson's disease.

As a former Marine, Ranking Member on the House Veterans' Affairs Committee, and person battling Parkinson's Disease, Lane Evans knows better than most the challenges facing both constituencies. While his presence in this chamber is sorely missed, I hope to continue his legacy while working with the newly renamed Bicameral Congressional Caucus on Parkinson's Disease to find a cure for this terrible disease.

I am truly proud to have served with my dear friend Lane and to support this fitting tribute to him.

Mr. BUYER. Mr. Speaker, I rise in strong support of H.R. 521, a bill to designate the facility of the United States Postal Service located at 2633 11th Street in Rock Island, Illinois, as the "Lane Evans Post Office Building."

Lane Evans completed 24 years of remarkable service to his nation as a member of the House of Representatives and the Committee on Veterans' Affairs. His work here reflected the principles that guided him throughout his life. Lane's concern for our military men and women, the environment, and those less fortunate speaks to his character and commitment to make life better. But it was his unwavering support for the Nation's veterans that best defined his time in Congress. Agent Orange, Post Traumatic Stress Disorder, Spina Bifida, and expanded services for women veterans are just some of the causes for which Lane will be fondly remembered by his colleagues and our veterans.

I served on both the Armed Services and the Veterans' Affairs Committees with Lane, and have always respected his counsel, especially in his role as my Ranking Member when I chaired the House Committee on Veterans' Affairs. Even when we disagreed on policy matters, I never doubted that his positions on veterans issues were rooted in his service as a United States Marine during the Vietnam Era. Lane is a man of integrity, compassion, and honor.

Mr. Speaker, I strongly urge my colleagues to support H.R. 521. Naming this post office is a small, but lasting and appropriate way to honor Lane, and I hope those who visit this facility will recognize the contributions of the man for whom it is to be named.

Mr. EMANUEL. Mr. Speaker, I rise today in support of H.R. 521 as a tribute to Congressman Lane Evans, my friend and former colleague. Congressman Evans faithfully and dutifully represented the people of the 17th District of Illinois. Today, we honor former Congressman Evans by naming the Post Office located at 2633 11th Street in Rock Island, Illinois, after him. I thank my fellow Illinoisan and Mr. Evans' successor, Congressman PHIL HARE, for introducing this legislation to honor our friend and former member of this body.

Lane Evans grew up in Rock Island, Illinois. The son of a firefighter, he joined the Marine Corps right out of high school and served our country in Vietnam from 1969 to 1971. After his tour of duty, Congressman Evans went to college and then to Georgetown University Law Center to earn his J.D.

Lane Evans was first elected to Congress in 1982 and served for eleven terms. Throughout his tenure in Congress, Evans was a tireless champion for veterans across the nation. He served on the House Veterans' Affairs Committee from 1983 through till his final term and was the ranking member of that committee for the last 10 years.

During his time in Washington, Lane Evans worked tirelessly to secure many benefits for America's servicemen and women. He campaigned to increase assistance to homeless veterans, to fund research on complex combat-related injuries, to expand VA home loans, to increase G.I. worker training benefits, and was a staunch advocate of increasing veterans' health benefits. Specifically, he led efforts to help combat veterans cope with post-traumatic stress disorder.

Although Lane Evans worked diligently for our men and women in uniform, he was also a leading advocate for many other causes. Mr. Evans fought hard to ban landmines, which kill and maim thousands every year, to protect American workers from cheaper foreign competition, to have fair trade policies with other nations, to protect America's farmers and our environment.

Mr. Speaker, last year, Congressman Evans chose not to run for reelection to the 110th Congress. For 24 years, Congressman Evans was a dedicated public servant to the 17th District of Illinois and to the country as a whole. I ask my colleagues to join me in this small gesture to honor our former colleague by naming a Rock Island Post Office after him. I wish my friend and former colleague the best of luck in all his future endeavors.

Ms. SCHAKOWSKY. Mr. Speaker, I rise in strong support of H.R. 521 which would designate the United States Postal Service building located at 2633 11th Street in Rock Island, IL, as the Lane Evans Post Office Building. I thank Representative HARE for introducing this legislation.

Lane Evans has been a close and dear friend to me and my husband, Bob Creamer, since Lane's very first campaign in 1982. That friendship, through thick and thin, has been and will always be so precious to us. We are grateful to Lane for being such an important part of our lives. We love him very much.

I had the privilege of working for Lane Evans's first campaign. At the time Lane declared his candidacy, he was considered a sacrificial lamb running against a well-entrenched Republican incumbent. His winning seemed like a pipe dream. However, there was something special in this young, legal assistance attorney, and he quietly fought to win his seat in the House, giving the many labor union workers, consumer and civil rights activists, and ordinary residents of this western Illinois district the representation they deserved.

During that first campaign, Lane was modest, unassuming, friendly, and also inspiring. He showed a humble respect for each and every voter, addressing them in the soft-spoken, sincere manner that he never lost. The quiet strength that came from being a United States Marine during the Vietnam era always shone through.

From the first day and throughout his career in the House, Lane Evans remained true to his core progressive beliefs. The working and retired men and women of his district and the veterans throughout the Nation could always count on Lane Evans being there for them—no excuses, no exceptions.

As the Ranking Democrat of the House Veterans' Affairs Committee, Lane Evans was recognized as the leading advocate of veterans in Congress, responsible for legislation to compensate veterans and their families for the effects of Agent Orange, help Persian Gulf and women veterans, and those now returning from Iraq and Afghanistan. The veterans' service organizations have honored Lane with their highest awards.

Lane Evans has always been a leader in the fight for universal health care. Although Parkinson's disease has forced him to end his productive service in the House, he always acknowledges how fortunate he is to be able to afford the best care, while so many Americans are not. He has become an advocate for expanding funding for research into the cure for Parkinson's and many other diseases that might benefit from government-funded embryonic stem cell research.

When Lane Evans retired from the House of Representatives last year, Senator DURBIN said the following: "There are two kinds of courage in this world. There is physical courage, which is rare. Then there is even a rarer commodity, moral courage. Once in a great while you find someone who has both. Lane Evans is that person." I could not agree with Senator DURBIN more.

I miss Lane Evans' presence in the Halls of Congress on a day-to-day basis. However, my sadness is easily deflected by Lane's legacy that will ever be reflected in the improved lives of the veterans of the United States and all the working families who will continue to benefit from his outstanding service.

I urge all of my colleagues to support H.R. 521.

Mr. ISSA. Mr. Speaker, I yield back the balance of my time.

Ms. NORTON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from the District of Columbia (Ms. NORTON) that the House suspend the rules and pass the bill, H.R. 521.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those voting have responded in the affirmative.

Mr. ISSA. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

GERALD R. FORD, JR. POST OFFICE BUILDING

Ms. NORTON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 49) to designate the facility of the United States Postal Service located at 1300 North Frontage Road West in Vail, Colorado, as the "Gerald R. Ford, Jr. Post Office Building".

The Clerk read as follows

H.R. 49

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. GERALD R. FORD, JR. POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 1300 North Frontage Road West in Vail, Colorado, shall be known and designated as the "Gerald R. Ford, Jr. Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Gerald R. Ford, Jr. Post Office Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from the District of Columbia (Ms. NORTON) and the gentleman from California (Mr. ISSA) each will control 20 minutes.

The Chair recognizes the gentlewoman from the District of Columbia.

GENERAL LEAVE

Ms. NORTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from the District of Columbia?

There was no objection

Ms. NORTON. Mr. Speaker, I am pleased to join my colleagues in consideration of H.R. 49, legislation naming a postal facility in Vail, Colorado, after the late Gerald R. Ford, Jr.

President Ford helped ease a Nation during tense times. But even before he was President, he was widely known in this Chamber as a man of great integrity and openness. Although never elected to the office of President or Vice President, President Ford was appointed to mend a bruised American psyche and maneuver our country through the only Presidential resignation ever, to help end the Vietnam War, and to help ease rising inflation.

He succeeded, and for that extraordinary service to his country his legacy should be remembered by all in our country and throughout the world.

Mr. Speaker, I urge the swift passage of this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. ISSA. Mr. Speaker, I rise today in support of another down payment on thanking President Gerald Ford for his legacy, a legacy that really began, flourished and was all about this body. We are recognizing Gerald Ford as the 38th President of the United States because he did spend 2½ years as our President. But, uniquely, the man born in 1913 in Grand Rapids, Michigan, was, in fact, a man of the House.

During his entire tenure in the House, he did not enjoy time in the majority. Yet his goal was to be Speaker of the House. He had no higher calling, never sought one, but accepted the one that was cast upon him.

At the time that he was selected to be Vice President of the United States, we were already mired in the Vietnam War and disgrace had been brought upon the Vice Presidency. It was Gerald Ford who came in impeccably honest, undeniably a man of the people and a man who was only for the people.

That is how he was selected, that is why he was selected, it is why the Senate and the House thought he was the only man for the job. Who would have known that just a short time, 10 months later in fact, he would find himself cast into an even larger role, another role that he did not ask for.

Yet that was who Gerald Ford was, a man who came out of athletics and out of university to serve in the United States Navy in 1942 because it was the right thing to do. He had represented a district that would have returned him to the House to this very day if, in fact, he were still alive.

Instead, he answered a call, a call that each of us in the House has answered by coming to this body. That was the call of service to the United States.

As I support this naming of this post office in the place he loved, in the place he skied, in the place that he called home for his immediate period after leaving the White House, I do so as the second man of the House that we are recognizing here today, first Congressman Lane Evans and then Congressman/President Gerald Ford.

Mr. UDALL of Colorado. Mr. Speaker, I rise in strong support of H.R. 49, legislation to name the postal facility in Vail, CO, after our Nation's 39th President, Gerald R. Ford, Jr.

I believe this bill is fitting as another means of honoring the legacy of President Ford, in large part because of his special connection to Colorado and the Vail Valley. I am pleased by the support it has received; all members of the Colorado delegation have co-sponsored the legislation.

In 1968 then-Congressman Ford and wife, Betty, first came to Colorado with their children to celebrate Christmas and to ski in the mountains at Vail. Like many other visitors, President Ford was inspired by the beauty of the area and found a connection to the land and to the surrounding community.

The Fords later owned a home and continued to vacation in Vail. When he became President, his vacations in Colorado helped introduce the world to the Town of Vail, and in fact, the family home was dubbed "the Western White House."

Vail residents knew President Ford and his family as neighbors and friends and are proud of their long association with them. President Ford served on the board of directors of the Vail Valley Foundation. Vail also serves as the home of the Betty Ford Alpine Gardens and the Gerald R. Ford Amphitheater. President Ford was beloved in Vail, where he was known to be a good neighbor, an avid golfer and a lover of the outdoors.

President Ford will rightly be remembered for his personal warmth, his decency, his interest in bridging the many divisions in America during the 1970s. My father, Mo Udall, served in the Congress with Gerald Ford, and while they were often on different sides in political matters—so much so that my father hoped to run against President Ford in the famous election of 1976—they were united by a common view that politics should unite people. They both were firm believers that in public life one could disagree without being disagreeable.

This is a credo I continue to believe in, and I commend the memory of both good men to this House, an institution they loved.

Coloradans, especially those in the Vail Valley, have come to think of him as the first President from Colorado because he was a great ambassador for the State, who established long ties to the people of Colorado.

As a dedicated public servant, President Ford served honorably in his years in Congress and in the White House. Most important, when America needed someone to reassure their trust in government after Watergate, he filled that leadership role with authenticity.

I believe President Ford's special relationship and legacy in Colorado should be appropriately recognized by naming the postal facilities in Vail, CO, in his honor.

I urge all members support the legislation today.

Mr. ISSA. Mr. Speaker, I yield back the balance of my time.

Ms. NORTON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from the District of Columbia (Ms. NORTON) that the House suspend the rules and pass the bill, H.R. 49.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those voting have responded in the affirmative.

Mr. ISSA. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

☐ 1445

GALE W. McGEE POST OFFICE

Ms. NORTON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 335) to designate the facility of the United States Postal Service located at 152 North 5th Street in Laramie, Wyoming, as the "Gale W. McGee Post Office".

The Clerk read as follows:

H.R. 335

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. GALE W. MCGEE POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 152 North 5th Street in Laramie, Wyoming, shall be known and designated as the "Gale W. McGee Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Gale W. McGee Post Office".

The SPEAKER pro tempore (Mr. BAIRD). Pursuant to the rule, the gentlewoman from the District of Columbia (Ms. NORTON) and the gentleman from California (Mr. ISSA) each will control 20 minutes.

The Chair recognizes the gentlewoman from the District of Columbia.

Ms. NORTON. Mr. Speaker, I yield myself such time as I may consume.

I am pleased to join my colleagues in the consideration of H.R. 335, a bill naming a postal facility in Laramie, Wyoming, after former Senator Gale W. McGee.

As a three-term Democrat from Wyoming, Senator McGee played an important role in improving the Post Office and securing deserved benefits for Federal workers. He was an expert on foreign policy and helped push our country into its current role as a world power. During his senatorial tenure that stretched from 1958 to 1976, Senator McGee served on the Interstate and Foreign Commerce, Appropriations, Foreign Relations, and Post Office and Civil Service Committees. He went on to be appointed by President Carter as U.S. Ambassador for the Organization of American States, where he was a strong advocate for the 1978 Panama Canal Treaty. He later started a consulting firm that helped Caribbean and Latin American countries facilitate economic growth.

Prior to his political career, Senator McGee taught high school history and eventually became a professor at the University of Notre Dame. His dedication to service should be remembered by the Congress of the United States.

I urge swift passage of this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. ISSA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I, too, would like to echo the praise of Senator Gale McGee. The gentlewoman from Wyoming has unfortunately been detained and will not be able to speak on the floor, but she authored this bill because, in fact, he did have a long career of service to this body in the sense of the Congress, and it is appropriate to name this post office after the Senator.

Certainly it is clear that the Congress often names post offices and other bodies after their own Members. But I think today on all three of these bills we picked appropriate candidates, candidates who, in fact, exemplify what this body on both sides of the Dome are about, a body of dedication and service by people who come here to work in a bipartisan way, who come here to make America better, who bring the values of their home State here but who recognize the value of the entire country is what we seek when we come here to meet together to debate and to vote.

Mrs. CUBIN. Mr. Speaker, today we are considering H.R. 335, a bill I authored to designate a facility of the United States Postal Service located in Laramie, Wyoming, as the "Gale W. McGee Post Office." Gale W. McGee first came to my home State of Wyoming in 1946, to serve as an American History professor at the University of Wyoming. Gale and his wife Lorraine had three of their four children during his time in Laramie. His classes were said to be so popular that the students would "hang from the rafters" to be able to attend. He was a respected member of the community.

That respect was never more evident than 12 years later, in 1958. It was then that Gale McGee began a new chapter in his service to Wyoming, by being elected to the U.S. Senate in his first-ever attempt at public office. His accomplishments didn't stop there. During his entire 18-year tenure in the Senate, McGee served on the Appropriations Committee. In fact, he was the first Freshman in Senate history to be granted this coveted assignment. He also served as Chairman of the Senate Post Office and Civil Service Committee—a fitting position considering the designation I am asking you to support today. As Committee Chairman, he was widely credited with preventing a nationwide rail strike in 1973, and for spearheading the Postal Reorganization Act of 1970. After his Senate career was over, McGee later served as U.S. Ambassador to the Organization of American States from 1977 to 1981.

As a professor and Senator, Gale McGee dedicated 30 years of his life serving the people of Wyoming. In August of 2006, the Laramie City Council recognized that service by passing a resolution supporting the naming of their local post office after Senator McGee. Due to that local support, I was proud to introduce H.R. 335, and I am even prouder that the entire House will recognize this fine man's service to Wyoming and our Nation when it passes the bill today.

Gale McGee died on April 9th 1992, and his wife Lorraine passed just last March. Through the passage of this bill, we grant not only his family, but the State of Wyoming an official remembrance of our thanks.

I ask for your support of H.R. 335.

Mr. ISSA. Mr. Speaker, I yield back the balance of my time.

Ms. NORTON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from the District of Columbia (Ms. NORTON) that the House suspend the rules and pass the bill, H.R. 335.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

CONGRATULATING THE UNIVERSITY OF CALIFORNIA AT SANTA BARBARA MEN'S SOCCER TEAM, 2006 NCAA CHAMPIONS

Mr. YARMUTH. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 70) congratulating the University of California at Santa Barbara men's soccer team, the 2006 National Collegiate Athletic Association Champions, as amended.

The Clerk read as follows:

H. RES. 70

Whereas the University of California at Santa Barbara (UCSB) Gauchos claimed the 2006 NCAA Championship, 2–1, over the University of California at Los Angeles Bruins at Robert R. Hermann Stadium at Saint Louis University in St. Louis, Missouri, on December 3, 2006;

Whereas the UCSB Gauchos, in their 2006 season, had an overall record of 17–7–1, and a perfect 6–0 mark in the National Collegiate Athletic Association (NCAA) tournament; Whereas the UCSB Gauchos won a Division 1 title for the second time ever in school history and first time ever in men's soccer;

Whereas the UCSB Gauchos have reached the NCAA finals twice in the past three years;

Whereas Nick Perera was named the tournament's offensive Most Outstanding Player and Andy Iro was named the defensive Most Outstanding Player; and

Whereas the 2006 NCAA championship soccer team members are Kyle Reynish; Jeff Murphy; David Walker; Andy Iro; Jon Curry; Greg Curry; Bryan Byrne; Paul Kierstead; Tino Nunez; Tyler Rosenlund; Alfonso Motagalvan; Eric Frimpong; Chris Pontius; Nick Perera; Eric Avila; Evan Patterson; Brennan Tennelle; Kyle Kaveny; Andrew Proctor; Bongomin Otii; Bryant Rueckner; Tony Chinakwe; Jason Badger; Jordan Kaplan; Drew Gleason; C.J. Cintas; and Guillermo Jalomo: Now, therefore, be it

Resolved, That the House of Representatives congratulates the University of California at Santa Barbara men's soccer team, the Gauchos, and Coaches Tim Vom Steeg, Greg Wilson, Erick Foss, and Neil Jones on an out- standing championship season, a season that set the Gauchos among the elite in collegiate soccer.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Kentucky (Mr. YARMUTH) and the gentleman from Louisiana (Mr. BOUSTANY) each will control 20 minutes.

The Chair recognizes the gentleman from Kentucky.

GENERAL LEAVE

Mr. YARMUTH. Mr. Speaker, I request 5 legislative days during which Members may insert material relevant to H. Res. 70 in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. YARMUTH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today to congratulate the University of California at Santa Barbara men's soccer team on their 2006 National Collegiate Athletic Association championship.

After a tough, hard-fought game, the Gauchos of UC Santa Barbara claimed the 2006 NCAA championship by a score of 2–1.

I would also like to congratulate the UCLA Bruins, the opposing team in the final game, on a well-played season. The Bruins had a season record of 14–6–4 and had three players named to the NCAA All-Tournament team.

Although the UC Santa Barbara men's soccer program appeared in the championship match twice in the last 3 years, this is the school's first men's soccer title and the university's second Division I title in athletics.

They accomplished many successes this year beyond the NCAA championship. The men's soccer team also won the 2006 Big West regular season championship and had a record of 17–7–1. The team was led to victory by head coach Tim Vom Steeg, assistant coach Greg Wilson, assistant coach Neil Jones, and goalkeeper coach Erick Foss. Also assisting the team was the UC Santa Barbara director of athletics, Gary Cunningham.

Mr. Speaker, I again congratulate the student athletes, coaches, and the University of California at Santa Barbara on their 2006 men's soccer team's achievement.

I urge my colleagues to support this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. BOUSTANY. Mr. Speaker, I yield myself such times as I may consume.

Mr. Speaker, I rise today in support of House Resolution 70. This resolution recognizes the outstanding 2006 record of the University of California at Santa Barbara men's soccer team as well as their triumph in winning the university's first-ever national title in soccer and only the second in any other sport.

With a 2–1 victory over the University of California at Los Angeles at the 2006 NCAA men's College Cup, the UC Santa Barbara Gauchos ended the season with a 17–7–1 record.

The two rivals, whose schools are separated by less than 100 miles, played hard despite game time temperatures of 24 degrees and a windchill of 11. Still, in a testament to their strength and senior leadership, the Gauchos overcame the weather, as well as a 7–6 mid-season record, to become only the second unseeded team since 2000 to win the national title.

Shortly after the season ended and for the second time in 3 years, UC Santa Barbara head coach Tim Vom Steeg earned the most prestigious honor a Division I coach can receive when he was named national Coach of the Year by the National Soccer Coaches Association of America. According to College Sports Television, "in his eight seasons at the helm of UCSB, Vom Steeg has transformed a program that went 2–17–2 overall in the year prior to his arrival to a Division I power and reigning national champions."

In the first 33 years of the program's existence, Santa Barbara had never reached the NCAA tournament but has now made five straight post-season appearances under Vom Steeg's guidance, including two trips to the College Cup.

I extend my congratulations to head coach Tim Vom Steeg and all the hard-working players, the fans, and to the University of California at Santa Barbara. I am happy to join my good friends and colleagues, Representatives CAPPS and GALLEGLY, in honoring this exceptional team and all of its accomplishments and wish all involved continued success.

I urge my colleagues to support this resolution.

Mrs. CAPPS. Mr. Speaker, today I am honored to support this Revolution congratulating the University of California, Santa Barbara men's soccer team for winning the NCAA Division I National Championship.

Along with my colleague ELTON GALLEGLY, I am thrilled to have this opportunity to congratulate every player, coach, alumnus, faculty member and supporter of UCSB.

On December 3, 2006, the UCSB Gauchos captured the National Championship by scoring two goals against the University of California, Los Angeles. This is UCSB's second national title in school history.

While all the gauchos played their hearts out, I'd like to acknowledge two stand-out performances.

Sophomore Nick Perera scored a goal and assisted on Eric Avila's game-winner on his way to earning All-College Cup Most Outstanding Offensive Player of the Tournament honors.

Junior Andy Iro, despite playing through an injury, helped keep UCLA at bay and was named the All-College Cup Most Outstanding Defensive Player.

While the beginning UCSB's season was plagued by inconsistent play, the Gauchos fought to recover, winning 10 of their last 11 games, including 6 straight in the tournament.

Coach Tim Vom Steeg, a UCSB alum, and his staff, Greg Wilson, Neil Jones, and Erick Foss, deserve tremendous praise not only for their impressive leadership in the 2006 season but also for leading the dominating Gauchos to their second NCAA National Championship game in 3 years.

Coach Vom Steeg's colleagues were so impressed with his coaching abilities that they named him the National Soccer Coaches Association of America National Coach of the Year, the most prestigious award that a Division I soccer coach can receive, for the second time.

Mr. Speaker, while the men's soccer team is a great example of the excellence the University produces, there is much more to celebrate.

As many of you know, my husband Walter was a professor of Religious Studies for more than 30 years at UCSB.

Through his experiences as a professor, and my own as a graduate, I have watched the university rightfully gain national attention.

The university currently has five Nobel Laureates on faculty and was recently ranked in the top 15 best public schools in the Nation by U.S. News & World Report.

And with a breathtakingly beautiful campus, it's no wonder that the men's soccer team and the university can attract such notable talent from all over the world.

If any of my colleagues ever find themselves on California's Central Coast, I encourage you to stop by this beautiful campus and see for yourself all that it has to offer.

And of course, don't forget to catch a soccer game at Harder Stadium.

I hope all of my colleagues will join me in supporting this resolution.

Go Gauchos.

Mr. BOUSTANY. Mr. Speaker, I yield back the balance of my time.

Mr. YARMUTH. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kentucky (Mr. YARMUTH) that the House suspend the rules and agree to the resolution, H. Res. 70, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. YARMUTH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 521 and H.R. 335.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

COMMENDING THE UNIVERSITY OF LOUISVILLE CARDINALS FOOTBALL TEAM FOR THEIR 2007 ORANGE BOWL VICTORY

Mr. YARMUTH. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 82) commending the University of Louisville Cardinals football team for their victory in the 2007 Orange Bowl, as amended.

The Clerk read as follows:

H. RES. 82

Whereas on January 2, 2007, the University of Louisville Cardinals football team defeated the Wake Forest Demon Deacons 24–13 at Dolphin Stadium in Miami, Florida, to win the Orange Bowl;

Whereas the Cardinals victory marked the climax of a 12–1 season, which yielded the most wins in the program's history, a Big East Championship, and the school's first Bowl Championship Series victory;

Whereas junior quarterback Brian Brohm was named the most valuable player of the game after completing 24 of 34 passes for 311 yards, and junior wide receiver Harry Douglas tied an Orange Bowl record with 10 catches totaling 165 receiving yards and finished the season with a school record 1,265 receiving yards;

Whereas the Cardinals offensive line provided protection and momentum throughout the season and was a major factor in the team's 457 yards of offense in the Orange Bowl;

Whereas the relentless defense of the Cardinals played a vital role in the Orange Bowl victory;

Whereas the Cardinals defense was led by senior cornerback William Gay, who broke up 2 passes late in the game and extinguished the final hope of the Demon Deacons with an interception;

Whereas the success of the Cardinals is due in no small part to the dedication of Coach Bobby Petrino and his staff, as well as the Cardinals coaches of the last 2 decades, who led a magnificent ascent begun by Coach Howard Schnellenberger;

Whereas Cardinals fans, who stuck with the program through darker times, now have the team they deserve;

Whereas the University of Louisville has achieved a formidable football program, which is consistently among the strongest in college football; and

Whereas the exceptional group of young men who comprised the 2006 Cardinals should be publicly recognized as the greatest football team in the history of the University of Louisville: Now, therefore, be it

Resolved, That the House of Representatives—

(1) commends the University of Louisville Cardinals football team for their victory in the 2007 Orange Bowl;

(2) recognizes the achievements of the players, Coach Bobby Petrino and his staff, Director of Athletics Tom Jurich, and President James Ramsey at the University of Louisville for the hard work and dedication that led to the Cardinals Orange Bowl victory; and

(3) directs the Clerk of the House of Representatives to transmit a copy of this resolution to the director of athletics at the University of Louisville for appropriate display.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Kentucky (Mr. YARMUTH) and the gentleman from Louisiana (Mr. BOUSTANY) each will control 20 minutes.

The Chair recognizes the gentleman from Kentucky.

GENERAL LEAVE

Mr. YARMUTH. Mr. Speaker, I request 5 legislative days during which Members may insert material relevant to H. Res. 82 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. YARMUTH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I stand before you today to commemorate the University of Louisiana Cardinals' first BCS victory, and I can hardly believe the words coming out of my mouth.

To say that this moment was unthinkable to the football world 25 years ago is an understatement. After decades of lost games and revenue, the Cardinal football team was on the verge of packing it in for good. Denny Crum had won a national championship and had just taken the basketball team to its third Final Four in 4 years, and for a town and school that had grown accustomed to winning, faith that next year's football team would be different became harder and harder to come by.

But then athletic director Bill Olsen found a believer in the most unlikely of places. Fresh off a national championship and Orange Bowl win of his own, Howard Schnellenberger returned to his old hometown to resurrect the Cardinal football program from the burial ground of college never-had-beens. And he did just that.

In only 10 years at the helm of the University of Louisville, Coach Schnellenberger tripled the number of bowl wins in the school's history and laid the foundation for the program that John L. Smith and Bobby Petrino built into a perennial winner, which this year earned a trip to its ninth straight bowl game.

The ascent of the Cardinal football program emblemizes a ubiquitous spirit at the University of Louisville, not just in athletics but in all programs, in all walks of life.

When the FDA approved the first completely effective cervical cancer vaccine last year, it was two scientists from the University of Louisville, Ben Jenson and Shin-je Ghim, who were credited with the discovery.

At Louisville's Jewish Hospital, U of L faculty performed the first three successful hand transplants in the United States and implanted the world's first successful artificial heart.

And 3-year-old Chase Ford became the first child to regain the ability to walk after a spine injury, thanks to the work of U of L researcher Susan Harkema.

U of L also ranks first among major research universities in National Institutes of Health funding growth and just became the only higher learning institution in Kentucky to promise a debt-free education to students from low-income families through their landmark Cardinal Covenant program.

This spirit of success was exemplified by Orange Bowl MVP Brian Brohm, who never failed to live up to the tremendous hype that followed him to the school. His dedication to his team and his hometown grew all the more evident when he chose to bypass an NFL draft in which many predicted he would be the first player chosen so that he could continue his dream of playing in a Cardinal uniform.

Receiving 10 of Brohm's passes in the final game and tying the Orange Bowl record, Harry Douglas also captured the spirit of Louisville all season long and set the single season record for receiving yards at U of L with 1,265.

These two, along with a committee of skilled runners and receivers and an unmovable offensive line, created an offense that seemed to score at will. Coupled with an impenetrable defense led by Nate Harris, William Gay, Amobi Okoye, and special teams anchored by Art Carmody, the Nation's best kicker, they formed the greatest football team in the history of the University of Louisville.

While the Orange Bowl victory is unprecedented in our community, it epitomizes the dedication, work ethic, and success that we in Louisville have come to expect from our flagship university.

I stand here today to commemorate one win that served as a exclamation of a stellar season, but the victory is far from fleeting. This Orange Bowl and this 12-win season serve as a benchmark of long-term success; and as athletic director Tom Jurich hands the reins to new coach Steve Kragthorpe, there is no one left in the football world who is not confident that he has handed him a winner.

□ 1500

For the players who personified greatness on the field and the coaches who led them, for the program that defied the odds, producing the greatest team in its history, and for the university that consistently acts an example of excellence, I urge my colleagues to join me in support of H. Res. 82, commemorating the 2007 Orange Bowl champion, U of L Fighting Cardinals.

Mr. Speaker, I reserve the balance of my time.

Mr. BOUSTANY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of House Resolution 82. This resolution recognizes the 12-1 season of the University of Louisville Cardinals, as well as the come-from-behind 24-13 win over the Wake Forest Demon Deacons at the 2007 Bowl Championship Series in the Orange Bowl.

The Cardinals averaged 39 points a game and ranked second in the Nation in total offense this season, but fell behind 13-10 in the final quarter before their offense went into high gear. Touchdown drives of 81 and 71 yards on consecutive possessions sealed their first win in a major bowl since the 1991 Fiesta Bowl.

The final victory capped a storied season for the Cardinals that included a Big East championship and the school's first-ever win in a Bowl Championship Series game. I extend my congratulations to head coach Bobby Petrino and all of the hardworking players and fans and to the University of Louisville.

Mr. Speaker, I am happy to join my good friend and colleague, Representative YARMUTH, in honoring this exceptional team and all of its accomplishments, and wish all involved continued success. I ask my colleagues to support this resolution.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. YARMUTH. Mr. Speaker, I urge my colleagues to approve this resolution and join me in honoring the "Ville on the Hill," and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kentucky (Mr. YARMUTH) that the House suspend the rules and agree to the resolution, H. Res 82, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those voting have responded in the affirmative.

Mr. YARMUTH. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m. today.

Accordingly (at 3 o'clock and 3 minutes p.m.), the House stood in recess until approximately 6:30 p.m.

□ 1830

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. COURTNEY) at 6 o'clock and 30 minutes p.m.

APPOINTMENT OF MEMBERS TO UNITED STATES GROUP OF THE NATO PARLIAMENTARY ASSEMBLY

The SPEAKER pro tempore. Pursuant to 22 U.S.C. 1928a, and the order of the House of January 4, 2007, the Chair announces the Speaker's appointment of the following Members of the House to the United States Group of the NATO Parliamentary Assembly, in addition to Mr. TANNER of Tennessee, Chairman, appointed on January 11, 2007:

Mrs. TAUSCHER, California, Vice Chairman
Mr. ROSS, Arkansas
Mr. CHANDLER, Kentucky
Mr. LARSON, Connecticut
Mr. MEEK, Florida
Mr. SCOTT, Georgia
Ms. BEAN, Illinois

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H.R. 521, by the yeas and nays;
H.R. 49, by the yeas and nays;
H. Res. 82, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

LANE EVANS POST OFFICE BUILDING

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 521.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from the District of Columbia (Ms. NORTON) that the House suspend the rules and pass the bill, H.R. 521, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 405, nays 3, not voting 27, as follows:

[Roll No. 58]

YEAS—405

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman

Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Braley (IA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Green, Al
Green, Gene
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCollum (MN)
McCotter
McCrery
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)

NAYS—3

Garrett (NJ)
King (IA)
Shadegg

NOT VOTING—27

Bachus
Brady (PA)
Brady (TX)
Brown, Corrine
Culberson
Davis, Jo Ann
Diaz-Balart, L.
Edwards
English (PA)
Graves
Grijalva
Gutierrez
Hastert
Latham
McCaul (TX)
McDermott
Neal (MA)
Norwood
Ros-Lehtinen
Shays
Simpson
Souder
Tanner
Terry
Towns
Wamp
Young (FL)

☐ 1856

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. ENGLISH of Pennsylvania. Mr. Speaker, on rollcall No. 58 I was unable to vote due to weather and traffic delays. Had I been present, I would have voted "yea."

MOMENT OF SILENCE IN MEMORY OF FATHER ROBERT DRINAN

(Mr. MARKEY asked and was given permission to address the House for 1 minute.)

Mr. MARKEY. Mr. Speaker, I rise for the purpose of announcing to the House that one of our most beloved former Members, Father Robert Drinan, has passed away. He served five terms in the House of Representatives, from 1971 to 1981. Those of us who served with him and those who came to know him subsequently through his work as an educator and a moral leader admired his lifelong commitment to public service, loved him for his friendship and will miss his remarkable spirit. He was truly a great man.

Mr. Speaker, I ask that the House be made in order so that we may observe a moment of silence in memory of Father Robert Drinan.

The SPEAKER pro tempore. Members will rise and observe a moment of silence.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Without objection, 5-minute voting will continue.

There was no objection.

GERALD R. FORD, JR. POST OFFICE BUILDING

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 49.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from the District of Columbia (Ms. NORTON) that the House suspend the rules and pass the bill, H.R. 49, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 409, nays 0, not voting 26, as follows

[Roll No. 59]

YEAS—409

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (TX)
Braley (IA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Green, Al
Green, Gene
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller (NV)
Hensarling
Herger
Herseth
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer

Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller (FL)
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCollum (MN)
McCotter
McCrery
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)

NOT VOTING—26

Bachus
Brady (PA)
Brown, Corrine
Culberson
Davis, Jo Ann
Diaz-Balart, L.
Edwards
English (PA)
Graves
Grijalva
Gutierrez
Hastert
Latham
McCaul (TX)
McDermott
Neal (MA)
Norwood
Ros-Lehtinen
Shays
Simpson
Souder
Tanner
Terry
Towns
Wamp
Young (FL)

☐ 1907

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. ENGLISH of Pennsylvania. Mr. Speaker, on rollcall No. 59 I was unable to vote due to weather and traffic delays. Had I been present, I would have voted "yea."

COMMENDING THE UNIVERSITY OF LOUISVILLE CARDINALS FOOTBALL TEAM FOR THEIR 2007 ORANGE BOWL VICTORY

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the resolution, H. Res. 82, as amended.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kentucky (Mr. YARMUTH) that the House suspend the rules and agree to the resolution, H. Res. 82, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 408, nays 1, not voting 26, as follows:

[Roll No. 60]

YEAS—408

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (TX)
Braley (IA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Green, Al
Green, Gene
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCollum (MN)
McCotter
McCrery
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)

NAYS—1

Barton (TX)

NOT VOTING—26

Bachus
Brady (PA)
Brown, Corrine
Culberson
Davis, Jo Ann
Diaz-Balart, L.
Edwards
English (PA)
Graves
Grijalva
Gutierrez
Hastert
Latham
McCaul (TX)
McDermott
Neal (MA)
Norwood
Ros-Lehtinen
Shays
Simpson
Souder
Tanner
Terry
Towns
Wamp
Young (FL)

□ 1916

So (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. ENGLISH of Pennsylvania. Mr. Speaker, on rollcall No. 60, I was unable to vote due to weather and traffic delays. Had I been present, I would have voted "yea."

PERSONAL EXPLANATION

Mr. SHAYS. Mr. Speaker, on January 29, 2007, I was returning from the World Economic Forum in Davos, Switzerland and, therefore, missed three recorded votes.

I take my voting responsibility very seriously and would like the CONGRESSIONAL RECORD to reflect that, had I been present, I would have voted "yea" on recorded vote number 58, "yea" on recorded vote 59 and "yea" on recorded vote 60.

PERSONAL EXPLANATION

Mr. GUTIERREZ. Mr. Speaker, I was unavoidably absent from this Chamber today. I would like the RECORD to show that, had I been present, I would have voted "yea" on rollcall votes 58, 59, and 60.

REAUTHORIZE SECURE RURAL SCHOOLS AND COMMUNITY SELF-DETERMINATION ACT

(Mr. WALDEN of Oregon asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WALDEN of Oregon. Mr. Speaker, the failure of Congress to reauthorize the Secure Rural Schools and Community Self-Determination Act is a breach of faith to more than 600 forested counties and 4,400 school districts across America.

Mr. Speaker, 78 percent of the land in Deschutes County, Oregon, is controlled by the Federal Government. It is a recreational and outdoor paradise. Funds from this program have supported public safety, emergency medical, search and rescue operations, and much more to protect the more than 2 million people who come to central Oregon to recreate every year.

County Sheriff Les Stiles says, "Search and rescue is a matter of life and death in central Oregon, and supporting these programs is essential given the surge in outdoor recreation."

Our school kids are hurt, too, because this program has not been reauthorized yet. At the Bend-LaPine School District, administrators face the task of bigger class sizes or fewer teachers as they struggle to meet State and Federal mandates. School Superintendent Doug Nelson says, "These funds help us ensure programs which don't leave kids behind."

Mr. Speaker, Congress must keep the Federal Government's word to timber communities. Pass H.R. 17. Time is running out.

REAUTHORIZE SECURE RURAL SCHOOLS AND COMMUNITY SELF-DETERMINATION ACT

(Mr. DEFAZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DEFAZIO. Mr. Speaker, I too rise on the issue of the Secure Rural Schools and Community Self-Determination Act. As my colleague from Oregon just stated, this is a crisis. This is an economic, social and public safety crisis if these funds are not reauthorized. They are now preparing layoff notices for teachers in rural school districts, for deputy sheriffs in search and rescue, for people who maintain our critical road and highway infrastructure in the western and other States across the country.

This Congress must act, and soon, to keep faith with the counties and the school districts where the Federal Government owns a preponderance of the land and has changed forest policies and has dropped their revenues dramatically.

MEMBERS NOT ABOVE THE LAW

(Ms. GINNY BROWN-WAITE of Florida asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, Americans are fed up with elected officials acting like they are better than everyone else. We have seen scandal after scandal on a bipartisan basis, and people are sick of it.

Just last year, in the face of several inappropriate acts from Members of this Congress, some of our leaders decided that we were above the law. I cannot disagree more. When a local business fails to file its taxes, we investigate. When a parent abuses a child, we investigate. If a Member of Congress abuses his or her position, law enforcement officers must have the authority to follow the evidence regardless of where it may lead.

Listen up America. Last week I introduced H. Res. 88 that declares to our constituents that we agree with them: Members of Congress should not be above the law. I urge my colleagues to cosponsor this important legislation.

CHANGE POLICY IN IRAQ

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I think it is important that all of us want what is best for the men and women on the front lines in Iraq. Certainly it is disturbing when we find that there is a confusion in the reporting of the incident that saw the loss of life of approximately four or five of our soldiers. First, it was represented that they died in a battle fighting against the insurgents and others; later to be determined that they had been kidnapped and shot in the head execution-style.

This, of course, speaks to the failed policy of this administration that our soldiers can declare victory and be returned home, but more importantly it certainly is a shame when we cannot tell parents and loved ones and others how their loved ones fell in battle.

Certainly it is a shame that we find that our young men and women on the front lines may be subject to capture and execution, like being shot in the streets in a most disgraceful manner.

We must fix the broken policies of Iraq. Redeploy our troops, engage our allies in the region, begin a political diplomatic solution, and stop falsifying reports to the American people, not knowing how their loved ones are being executed in the streets of Iraq. I ask for a new policy in Iraq.

PROTESTING IS ACT OF PATRIOTISM

(Mr. COHEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COHEN. Mr. Speaker, this weekend tens or hundreds of thousands of Americans came to Washington to protest the war. It was reminiscent of Vietnam, as so much of this war is reminiscent of Vietnam.

What these people did was an act of patriotism and courage, exercising their first amendment rights and expressing their opinion that the policy of this administration and this country is wrong. As they protested, and throughout the weekend, American soldiers lost their lives. It is unfortunate that it seems that the calls of the people are not being heeded.

It is particularly distressing, Mr. Speaker, to hear one of the Cabinet members suggest that people who disagree with the administration are lending aid and solace to the enemy. That is wrong. The first amendment is about free speech. The demonstrations, the protests that happened this week were correct. Samuel Johnson said: "The last refuge to which a scoundrel clings is patriotism." I think we saw people try to find patriotism to be the refuge rather than response to protests and analytical discussions of the policies in Iraq.

FATHER ROBERT DRINAN

(Mr. McGOVERN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.

Mr. McGOVERN. Mr. Speaker, Father Robert Drinan, a former Member of this House and a champion for the cause of peace and justice, died yesterday.

Father Drinan was a hero and a friend. He recognized early the folly of the Vietnam War, and he fought to end it. He was a critic of the current and senseless war in Iraq. He was outspoken and not faint on issues of human rights here at home and around the world. He was a friend to the poor, a courageous advocate for civil rights and civil liberties, and a well-respected legal scholar. He was also a Jesuit priest who was proud of his vocation and dedicated to the teachings of the Church.

We developed a strong friendship over the years. I certainly sought his advice and counsel on many, many issues; and he never hesitated to provide it. He called regularly, sent me articles and speeches, and always urged me to stand strong for what is right.

Mr. Speaker, our country, and indeed the world, is better off because of Bob Drinan. My condolences go out to his family and friends. He was a remarkable man and a true inspiration and he will be missed.

Mr. Speaker, I ask to insert in the Record a copy of an article which appeared in today's Boston Globe honoring Father Drinan.

[From boston.com, Jan. 29, 2007]

Congressman-Priest Drinan Dies

(By Mark Feeney)

The Rev. Robert F. Drinan, who left Boston College's administration to become the first Roman Catholic priest elected to Congress and who in 1973 filed the initial impeachment resolution against President Richard M. Nixon, died yesterday at Sibley Memorial Hospital in Washington, D.C. He was 86.

The cause of death was pneumonia and congestive heart failure, said a spokeswoman for Georgetown University, where Father Drinan taught legal ethics and other subjects to more than 6,000 students during the past 26 years.

"Father Drinan was a forever gentle, resilient, tenacious advocate for social justice and fundamental decency," said Senator John F. Kerry, who was Father Drinan's campaign manager in 1970. "He lived out in public life the whole cloth of Catholic teachings. In the most divisive days of Vietnam when things were coming apart, this incredible man and most unlikely of candidates showed America how a man of faith could be a man of peace ."

A five-term member of the House of Representatives, Father Drinan was one of its most liberal members. His strong anti-administration stands earned him a place on the Nixon "enemies list." His upset victory over U.S. Representative Philip J. Philbin, a 14-term incumbent who was vice chairman of the House Armed Services Committee, in the 1970 Democratic primary in Massachusetts Third Congressional District was a high-water mark in the New Politics, which brought the antiwar movement to the ballot box.

Father Drinan's election was also a landmark in U.S. church-state relations.

A Catholic priest, the Rev. Gabriel Richard, had served in Congress in 1822 as a nonvoting delegate from Michigan Territory, but he had been appointed. And many Protestant clerics had served as U.S. representatives. Yet the sight of Father Drinan in the halls of Congress in his Roman collar was startling. Some even questioned the propriety of his wearing a cleric's collar and black suit on the floor of the House. Father Drinan had a standard response. "It's the only suit I own," he'd quip.

Before entering politics, the Jesuit priest had long served as dean at Boston College Law School.

Supporters saw his entering Congress as a logical union of his legal and spiritual vocations. "Our father, who art in Congress" became a popular, if unofficial, campaign slogan.

Yet many of Father Drinan's most vehement detractors were Catholics who opposed him politically because they saw his electoral career as detracting from his priestly calling. He further angered some Catholics with his show of independence from the church, supporting federal funding of abortions and opposing constitutional amendments that would have banned abortion and allowed prayer in public schools.

In 1980, Pope John Paul II ordered Father Drinan to either forgo reelection or leave the priesthood. With "regret and pain," Father Drinan announced he would not seek reelection.

"It is just unthinkable," he said of the idea of renouncing the priesthood to stay in office. "I am proud and honored to be a priest and a Jesuit. As a person of faith, I must believe that there is work for me to do which somehow will be more important than the work I am required to leave."

Father Drinan's unexpected announcement set off a scramble among prospective successors. The winner was U.S. Representative Barney Frank, then a state representative from Beacon Hill.

In announcing that he would not run again, Father Drinan described himself as "a moral architect." It was an apt description of his political career. His election in 1970 was as much crusade as campaign, charged with a moral fervor that would characterize his entire political career. Father Drinan's critics called him 'the mad monk." In the context of those highly charged times, it could as easily be considered praise.

"He envisions political power as a moral power," Ralph Nader, the consumer advocate, once said. More advocate than legislator, Father Drinan was an outsider on Capitol Hill. ("You have collegiality much more in the church than you do in Congress," he said in a 1974 Globe interview.) A wag likened his membership on the House Internal Security Committee, the successor to the House Committee on Un-American Activities, "which Father Drinan wanted to dissolve, to "an atheist belonging to the World Council of Churches."

As a member of the House Judiciary Committee, Father Drinan gained a national profile in the summer of 1974 when the committee's hearings considering Nixon's impeachment were televised. The hearings would have taken place a year earlier, had Father Drinan had his way. On July 31, 1973, he introduced the first resolution to impeach the president—though not for any high crimes and misdemeanors relating to the Watergate scandal, but rather over the administration's secret bombing campaign in Cambodia.

Father Drinan prided himself on having filed that resolution. But its timing dismayed the House Democratic leadership, which thought it premature and counterproductive.

"Morally, Drinan had a good case," then-House Speaker Thomas P. O'Neill Jr. noted in his memoirs. "But politically, he damn near blew it. For if Drinan's resolution had come up for a vote at the time he filed it, it would have been overwhelmingly defeated—by something like 400 to 20. After that, with most of the members already on record as having voted once against impeachment, it would have been extremely difficult to get them to change their minds later on."

In 1975, Father Drinan filed an impeachment resolution against U.S. ambassador to Iran Richard Helms for his activities as director of the Central Intelligence Agency. That same year, Father Drinan was chief plaintiff in a suit filed by 21 Democratic congressmen to block U.S. military involvement in Cambodia. It was later dismissed.

Robert Frederick Drinan was born in Boston, the son of James John Drinan and Ann Mary (Flanagan) Drinan. Father Drinan grew up in Hyde Park. He played clarinet with the Boston Civic Symphony and participated on the debating team at Boston College. He entered the Society of Jesus in 1942, after earning his bachelor's degree at Boston College.

Father Drinan did his seminary work at Weston College in Cambridge. (Daniel Berrigan, who would later become a noted peace activist, was a classmate.) He received a master's from Boston College in 1947 and two law degrees from Georgetown University Law Center, the first in 1949 and a master's in law in 1951. Ordained in 1953, he received a doctorate in theology at Rome's Gregorian University.

In 1955, he returned to Boston College as associate dean and professor at its law school. He became dean a year later, a position he held until 1969. Father Drinan served as Boston College's vice president and provost from 1969 to 1970. During his deanship, the law school went from being "a moribund institution," as a federal judge once described it, to ranking among the nation's more highly regarded law schools.

Father Drinan found himself increasingly involved in public issues. He served as chairman of the advisory committee for Massachusetts of the U.S. Commission on Civil Rights. As part of an ecumenical group, he went to South Vietnam in 1969 to assess the state of religious and political freedom there.

Asked in a 1970 Globe interview why he was running for Congress, Father Drinan answered with a series of questions. "Why? Why not? Jesuit priests always have been avant-garde. Right?"

His candidacy drew nationwide attention. The conservative columnist William F. Buckley Jr. called Father Drinan "the greatest threat to orderly thought since Eleanor Roosevelt left this vale of tears." He won a three-way race in November by 3,000 votes.

Also elected to Congress in 1970 were such vehemently anti war Democrats as Ron Dellums of California and Bella Abzug of New York. Yet Father Drinan drew particular attention. In January 1974, George H.W. Bush, who was then Republican Party chairman, said there wasn't another congressman whose defeat he more strongly hoped for than Father Drinan's. He promised a major GOP drive to unseat him. None materialized.

Last night, several of Father Drinan's colleagues said his character and conscience made him a strong voice on Capitol Hill. In a statement, Senator Edward Kennedy cited Father Drinan's principled commitment to, among other causes, ending the war in Vietnam. "He was a profile in courage in every sense of the word, and the nation has lost one of the finest persons ever to serve in Congress," Kennedy said.

"When I arrived in Congress, Father Drinan was already serving as the conscience of the House of Representatives with every vote he cast," U.S. Representative Edward Markey of Malden said. " He was a man of faith who never stopped searching for truth, and he was a committed educator who stayed true to his faith."

After leaving Congress, Father Drinan returned to academe, teaching international human rights, legal ethics, and constitutional law at Georgetown University Law Center. He published "Can God and Caesar Coexist? Balancing Religious Freedom and International Law" (2005).

In addition to keeping a heavy schedule of speeches and writing, Father Drinan served on the board of Common Cause, the citizens lobbying group, and spent two terms as president of the liberal organization Americans for Democratic Action. While in Congress, he had been a founder of the National Interreligious Task Force for Soviet Jewry. (Father Drinan was a strong supporter of Soviet Jews seeking emigration.) He also served on the board of Bread for the World, an organization dedicated to feeding the hungry. In a 1992 Globe interview, Father Drinan called ending world hunger his "number one passion."

In that interview, Father Drinan was asked what he felt about the Vatican's forcing him to choose between the clergy and Congress. "History will have to judge whether or not that was a wise decision," he said.

He leaves a sister-in-law, Helen, of Newton Highlands, and three nieces.

Funeral arrangements had not been made last night.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

DON'T HURT THE FEELINGS OF CHINA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE. Mr. Speaker, I want to talk about immigration chaos that is occurring in this country.

There has been a lot of talk about immigration, border security and all of the problems that are occurring. But let's talk about one that has maybe slipped through the cracks and we don't hear too much about.

We have people in this country that have come from foreign nations that are illegally in the United States. Some of those people are criminals. They have gone to penitentiaries throughout this country. Our Federal Government then captures those individuals, takes them to an immigration judge. They are ordered deported back to their nations, and here is what happens: eight of those nations refuse to take back lawfully deported aliens. They won't take back their own citizens. Remember, all of these people are illegally in the United States, many are criminals.

How many people are we talking about? Well, we are talking about 136,000 individuals. The cost to the taxpayers to incarcerate those individuals while they are waiting deportation hearings is $83 million. Who are those nations? Well, seven of the eight, Vietnam, China, India, Ethiopia, Iran, Laos, and Jamaica. They get a permanent get-out-of-jail-free card in the United States because we cannot permanently detain these people in jail after they have been ordered deported and their country of origin refuses to take them.

So what do we do about it? Well, I think that these countries, any nation that refuses to take back lawfully deported individuals, should not receive foreign aid from the United States. But many of these seven or eight that I have mentioned do not receive foreign aid. So why don't we make sure that these people take back their aliens? Well, we already have a law on the books that says under section 243(d) of the Immigration and Nationality Act, upon notification by Homeland Security that a country is not accepting or unreasonably delays repatriation of their citizens, the Secretary of State must discontinue granting immigrant or nonimmigrant visas to those citizens of that country until Homeland Security informs the Secretary of State the alien has been repatriated.

That sounds good, but the problem is Homeland Security doesn't enforce the rule of law; and the reason they don't enforce the rule of law, according to a letter we have received from Homeland Security, is that there are other sanctions that they must use because we have foreign policy issues specifically with the Chinese. So apparently Homeland Security is not even notifying our own Secretary of State to deport these individuals.

Mr. Speaker, this ought not to be. If a person is supposed to be lawfully deported back to their native country, even China, Homeland Security has the obligation to follow the law and tell the Secretary of State so these people can be shipped back to where they belong.

It is simple, if you come to America illegally, you go home after you are lawfully deported. If your own nation doesn't want you, then you don't get foreign aid, or you don't get any visas for any purpose.

These people that these countries will not take, 136,000, have become our problem because their nations don't even want their own citizens. Our government needs to be more concerned about the rule of law, the cost to the American taxpayer than it is about hurting the feelings of the Chinese on some foreign policy issue.

So, Mr. Speaker, we urge that Homeland Security follow the law and if you are ordered deported and these nations won't take them, then they shouldn't receive any visas to come to this country for any purpose.

And that's just the way it is.

TALIBAN RESURGENCE IN AFGHANISTAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, I come to the floor this evening to once again discuss the mounting problems and increasing violence by Taliban fighters in Afghanistan and Pakistan. My concern is that the President continues to escalate the wrong war in Iraq while the war in Afghanistan is forgotten. I fear, as do many others, if the United States and NATO do not prioritize Afghanistan, the Taliban will reach a level of strength it has not had since prior to the inception of the United States mission in Afghanistan. This could lead to an impending offensive by the Taliban in Afghanistan which would drastically undermine the United States mission in this war-torn nation.

Over the weekend, the Speaker of the House, NANCY PELOSI, and other Members of the House leadership visited Afghanistan and Pakistan on a fact-finding mission in order to witness first hand the escalating problems facing those countries.

I was glad to see that the Speaker coupled her trip to Iraq with a visit to Afghanistan and Pakistan. Speaker PELOSI's trip to Afghanistan and Pakistan comes as President Bush announces his plan to ask Congress for $10.6 billion in aid for Afghanistan.

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$8.6 billion of this aid money will go towards training and equipping Afghan security forces, as well as increasing the size of Afghanistan's national army. The remaining $2 billion will be provided for investment in Afghani infrastructure.

Mr. Speaker, the President has stated that he will make a formal request for these funds next month, and I am pleased to see that he is finally realizing that the threat of the Taliban and al Qaeda remains in Afghanistan and that we need to do more.

The ongoing war on terror should focus on Afghanistan and Pakistan, not on Iraq. The United States must be committed to fighting terrorism in those areas in order to protect our country because that is where the war on terrorism and the attacks on our country began.

Earlier this month, Democrats took a significant step toward this goal by passing H.R. 1 which implemented the recommendations of the bipartisan 9/11 Commission. Included in this bill was language that would end U.S. military assistance and arms sales licensing to Pakistan in the 2008 fiscal year unless Pakistani President Musharraf certifies that the Islamabad government is making all possible efforts to end Taliban activities on Pakistani soil.

It seems that President Musharraf is paying the United States lip service by claiming to be supportive of the global war on terror, yet failing to take action against Taliban fighters that have set up training camps in the western region of his country. It is my hope that, coupled with international pressure, the language in H.R. 1 will convince President Musharraf to take immediate action against the Taliban militants in his country.

Mr. Speaker, while the Taliban continues to gain strength in Afghanistan and western Pakistan, it has also been leading an effort to win support of the people of Afghanistan by opening its own schools or madrasas in southern Afghanistan. The intentions of the Taliban are obviously to distract from their regime of terror, not to provide educational opportunities for the children of Afghanistan. Last year alone, the Taliban destroyed 200 schools and killed 20 teachers. It is more likely that the Taliban will use these madrasas not only to trick the people of Afghanistan into believing that they are advocating the expansion of education but also to recruit new Taliban fighters.

This is all part of the al Qaeda's growing propaganda operation. As Sahab, the TV production arm of al Qaeda, last year produced 58 videos, more than tripling its number from 2005, it is clear that the Taliban and al Qaeda are regrouping and working hard to win over the people of Afghanistan.

Mr. Speaker, it is very important for the United States to continue to funnel resources into Afghanistan. We must also ensure that none of our troops in Afghanistan are redeployed to bolster the President's plan to escalate the war in Iraq. We cannot let ourselves forget where the real war on terror started and continues to this day.

TWO U.S. BORDER PATROL AGENTS IN FEDERAL PRISON

The SPEAKER pro tempore (Mr. COURTNEY). Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES of North Carolina. Mr. Speaker, the pages are helping me put up the portrait of an injustice. The picture shows two U.S. Border Agents on January 17, 2007, turning themselves in to United States marshals to begin serving 11 and 12 years respectively in Federal prison.

U.S. Border Agents Ramos, who is at the bottom of this portrait, and Compean, at the top, were convicted last spring for wounding a Mexican drug smuggler who brought 743 pounds of marijuana across our southern border into Texas. These men never should have been prosecuted, yet they are now handcuffed in Federal prison.

Mr. Speaker, after months of silence, the President said in a television interview last week that he would take a sober look at the case and a tough look at the facts to see whether the agents should be pardoned. For the agents' sake, I am hopeful that the President will look into this case as soon as possible. The facts will tell the President what countless citizens and Members of Congress already know, that the U.S. Attorney's Office was on the wrong side in this case.

The agents fired shots during a foot chase with the smuggler who had fled in a van they were pursuing. The van contained approximately $1 million worth of marijuana.

Compelling physical evidence, the angle of the bullet that struck the drug smuggler, makes it clear that the smuggler was pointing something at the agents as he ran away, and the agents fired in self-defense. Yet the U.S. Attorney's Office prosecuted the agents almost exclusively on the testimony of an admitted drug smuggler who claimed he was unarmed.

The U.S. Attorney's Office prosecuted the agents and granted immunity to the drug smuggler for his testimony against our Border Agents. This drug smuggler received full medical care in El Paso, Texas; was permitted to return Mexico; and is now suing the border patrol for $5 million for violating his civil rights. He is not an American citizen. He is a criminal.

Since the agents were convicted, three of the 12 jurors have submitted sworn statements that they were misled into believing that there could be no dissent in the jury's decision and therefore believe that they had to give in to the majority opinion of guilt. Still, the judge refused to overturn the verdict.

Mr. Speaker, the extraordinary details surrounding the prosecution of this case assure that justice has not been served. The Department of Homeland Security Inspector General in this case has outrageously claimed that Agents Ramos and Compean admitted they were out to shoot Mexicans and confessed to knowingly shooting an unarmed suspect. But the Inspector General has failed to make good on his promise to deliver documents to Members of Congress to support these claims.

Nearly 2 years after the conclusion of the agents' trial, the U.S. District Court for the Western District of Texas has answered repeated requests for transcripts of the trial with nothing but excuses.

Mr. Speaker, real justice does not fear the truth. For the sake of the agents and their families and for the sake of the American people who they were working to protect, I encourage the President of the United States to review the facts on this case as soon as possible. The President alone can immediately reverse this injustice by pardoning these two innocent men.

With that, Mr. Speaker, before I yield back, I want to say to the families of Border Patrol Agents Ramos and Compean that there are Members on both sides of the political aisle in this House of Representatives that will not sit still until the President pardons these two men. They deserve the best of America, not the worst, and God bless America.

PEACE MARCH ON THE MALL

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, this weekend there was an extraordinary event right outside these windows. I come to the floor this evening to celebrate the hundreds of thousands of people who gathered on the Mall this Saturday because they have had enough of this immoral occupation in Iraq.

Groups like Code Pink, United for Peace and Justice, Win Without War, and Peace Action did an exceptional job of organizing the march and rallying their members. We were fortunate to have many celebrity activists in attendance, as well as several Members of the Congress.

But what made the event successful was the energy and the passion in the crowd. It was a testament to the power of the grassroots.

Hundreds of thousands, from the stage as far as the eye could see, packed on the mall, standing together to send a powerful message that Americans want to bring our troops home from Iraq.

Hundreds of thousands standing together to say that 4 years of bloodshed is enough, that over 3,050 lost American lives is over 3,050 too many for a war we never should have started in the first place.

Hundreds of thousands standing together to register the disgust with the President's Iraq policy, the staggering civilian casualties, the billions upon billions of dollars wasted, human rights abused, our global credibility shattered, terrorists emboldened rather than defeated.

Every objective measure we could possibly use leads to the conclusion that what we are doing in Iraq has been a tragic failure.

And everyone can see that, Mr. Speaker, except the President, the President of the United States, who is asking us to sacrifice more of our tax dollars and more lives and limbs so he can win in Iraq.

You know what they say: The definition of insanity is doing the same thing and expecting different results. Fortunately, we have an antidote to this insanity. It is not another Iraq study group. It is not another bipartisan committee to debate and deliberate while more people die. It is not a nonbinding resolution.

It is comprehensive legislation that would have all of our troops home safely, out of Iraq, and contractors out of Iraq within 6 months.

It is H.R. 508, the Bring Our Troops Home and Iraq Sovereignty Restoration Act, which I introduced with my colleagues, Congresswomen BARBARA LEE and MAXINE WATERS, earlier this month.

But the real authors of this bill, Mr. Speaker, were the hundreds of thousands of people marching on the Mall this Saturday and the millions more Americans who they represent. By offering H.R. 508, we are giving voice to their will.

Many of the marchers came back to Congress today to share their views in person. They want their elected representatives to know how strongly they oppose the continuing occupation and how strongly they support H.R. 508, which would fully fund a safe military withdrawal.

The President has challenged us to issue a plan. We have, and people gathered on the Mall this weekend showed their support. Enough is enough.

In the name of national security, fiscal sanity and common decency, I ask my colleagues, sign on to H.R. 508 and bring our troops home.

GLOBALIZATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. DREIER) is recognized for 5 minutes.

Mr. DREIER. Mr. Speaker, if we take a look at the last half century, it is clear that there has been no greater force for positive economic and political change than globalization. Yes, Mr. Speaker, I said globalization.

Greater integration of the world's economies has lifted hundreds of millions of people out of poverty in the developing world, nearly doubled the middle class population in Mexico and expanded our economy into a $13 trillion global leader for greater economic and political freedom.

The benefits of globalization can be seen every single time that a Chinese blogger gets past government censors or a U.S. company trains factory owners in Thailand in worker rights and protections.

So how did the greatest engine of global prosperity become so maligned? How did this poverty fighting, democracy enhancing force get blamed for all of the world's evils, from job losses in Michigan to poor water quality in Guatemala?

In part, Mr. Speaker, this can be explained by the fact that globalization has improved so many aspects of our lives, but it has done so in very subtle ways. As a result, we do not always recognize its benefits.

When you go to the grocery store and find fresh grapes in the dead of winter, you might not know that the fact that they are there and fresh and reasonably priced is that they come from Chile. You just know that you get to enjoy those winter grapes.

When you buy educational software for your second grader, you might not know that it was developed by a small business in Pennsylvania, assembled in Malaysia and serviced by a technical support firm in India. You just know that your daughter is starting to do a better job at reading.

When you buy a new TV because Wal-Mart finally had it at a price you could afford, you might not know that they cut costs by developing and implementing a revolutionary operational structure. You may not know that they source, ship and track goods to and from every corner of the globe by using such innovative practices that they have transformed the entire retail industry. You just know that you get to watch this Sunday in the Super Bowl the Colts and the Bears play away on an amazing screen.

Globalization has impacted us in countless ways, with improvements that range from a better MP3 player to a better job, and together they contribute to a better life.

But, Mr. Speaker, while the improvements to our standard of living often go unnoticed, the challenges that come with change are painfully clear. When a factory closes down, the hardship is very real and very visible. For the individuals who face those tough times, winter grapes and flat-screen TVs seem absolutely meaningless.

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When confronted with the difficult challenges change can bring, it is very natural to condemn change itself. But like all hard things in life, it is just not that simple. While one company suffers from competition from China, several others thrive by utilizing low cost, high-quality Chinese goods. A tech company contracts with a call center in India; and as a result of the cost savings, they can afford to hire new programmers here in the United States.

In fact, the numbers overwhelmingly show that globalization has been an enormous net positive for job creation right here at home: over 20 million new jobs since the implementation of the North American Free Trade Agreement, including more than 7 million new jobs in the last 3½ years. Unemployment, as we all know, is at a near historic low of 4½ percent.

But, Mr. Speaker, while the benefits have been dispersed to all Americans, there is no denying that there are those who have faced great challenges. So do we try to halt the march of globalization? Let us set aside the question of whether we should deny the tremendous benefits for all in order to try to protect the few.

Let us ask the question, Can we do that? Can we protect an industry from losing jobs? If so, do we protect textile workers or the workers who design, market, and sell apparel? Do we protect manufacturers that make steel products or the manufacturers that use steel products? Maybe we should all buy American. Does that mean that we buy Fords that are made in Canada and assembled with Mexican parts? Or do we buy Toyotas made in Kentucky with American and Japanese parts? Do we buy iPods designed in California, but assembled in China? The fact is, globalization has made old ideas about protectionism absolutely obsolete.

Mr. Speaker, it is essential that we recognize the leading role that we as a country are facing. I urge my colleagues in a bipartisan way to join in support of this effort.

But like all hard things in life, it's just not that simple. While one company suffers from competition with China, several others thrive by utilizing low-cost, high-quality Chinese goods. A tech company contracts with a call center in India, and as a result of the cost savings, they can afford to hire new programmers. In fact, the numbers overwhelmingly show that globalization has been an enormous net positive for job creation: Over 20 million new jobs since the implementation of NAFTA, including 7 million jobs in the last 3½ years. Unemployment has dropped to 4.5 percent, a near-historic low.

But while the benefits have been dispersed to all Americans, there's no denying that there are those who have faced great challenges. So do we try to halt the march of globalization? Let's set aside the question of whether we should deny the tremendous benefits for all in order to try to protect the few. Let's ask the question of can we?

Can we protect an industry from losing jobs? If so, do we protect textile workers, or the workers who design, market and sell apparel? Do we protect manufacturers that make steel products, or the manufacturers that use

steel products? Maybe we should all "Buy American." Does that mean we buy Fords, made in Canada and assembled with Mexican parts? Or do we buy Toyotas, made in Kentucky with American and Japanese parts? Do we buy iPods, designed in California, but assembled in China? The fact is, globalization has made old ideas about protectionism obsolete. Its impact is wide, pervasive and irreversible. We simply do not have the option anymore of withdrawing from the world and denying ourselves the benefits of a global marketplace.

Our only option is to use the prosperity it has brought to help those who are struggling. It doesn't matter why a job is lost. Whether globalization played a part or not, what matters is that workers have the skills they need to find even better jobs than the ones that were lost. If we make a commitment to American competitiveness, including worker competitiveness, we can both enjoy the benefits and address the challenges of a global economy.

What we can't afford to do is demonize the source of our unparalleled prosperity. There's no question individuals will face hardship at times, and that naturally breeds anxiety. But anti-globalization rhetoric that exploits and preys upon the anxieties of working families is cheap, dirty politics. And it is dangerous. It risks the growing standard of living that the world's economic liberalizers are enjoying. I call on my colleagues on both sides of the aisle to reject the politics of isolationism and continue to pursue the path of greater economic integration in the worldwide marketplace.

FIREARM TRACING DATA

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Mrs. MCCARTHY) is recognized for 5 minutes.

Mrs. MCCARTHY of New York. Mr. Speaker, for the last several weeks you have heard me talk about gun violence in this country, and I happen to think there are solutions where we can reduce gun violence.

I would like to talk about firearm tracing data. Firearm tracing data gives law enforcement agencies the ability to retrieve useful data on guns used in crimes. Tracing data will let our police departments locate the gun dealers who sell guns used in crimes. Without this tracing data, local law enforcement will not be able to pursue civil action on suppliers that have been implicated in crimes without asking the ATF's permission first.

It is important that we use tracing data to single out the bad gun owners. One percent of gun owners sell 50 percent of the guns used in crime in this country. That is a staggering number. We can crack down on that 1 percent. We can make our streets and cities safer. The collection of tracing data does not prevent anyone from purchasing a gun. It simply gives law enforcement the tools that they need to solve crimes.

As you can see by this chart, 91 percent of Americans believe that tracing data should be used in some form to help crimes, 91 percent. Why aren't we doing a better job on helping our police officers do their job?

Last week, New York Mayor Bloomberg teamed up with Boston Mayor Menino on this very issue. Together they have formed a bipartisan coalition of more than 120 mayors from across the country. The group has many mayors from the urban as well as the rural areas. These mayors understand the need for tracing data. They understand that Congress has done little to help gun violence and stop gun violence in this country.

They are tired of sitting back as their cities lose more and more citizens to gun violence. By the way, they are also tired of seeing the health care costs on those victims that do survive. This is something that we should be dealing with. It is a health care crisis in this country.

Last week, they held their annual conference here in Washington. They spoke with Members from both sides of the aisle. This is not a Democrat or a Republican issue. It is not a pro-gun or anti-gun issue. It is a pro-law enforcement issue with common sense, and it is supported by an overwhelming majority of Americans.

We must do everything in our power to keep guns out of the hands of those that don't deserve to have a gun. That is why I introduced the NICS Improvement Act. This bill will simply strengthen the States. Right now when the NICS system doesn't have the information in it, how can it basically report out who should not be able to buy a gun?

My NICS bill will be giving the States the money to bring their computers up to speed, so that way when someone is adjudicated in court, whether it is on a felony or on domestic violence, someone who should not be able to get a gun shouldn't be able to get approved through the approved NICS system. This is common sense.

Again, this is a pro-safety issue. It doesn't affect anyone who wants to buy a gun, but it makes this country safer from gun violence.

I know it is a very political issue. Everyone is always saying that you are trying to take away my gun. I have never done that. What I am trying to do is save lives; and I am trying to save, certainly, people from being harmed. Our mayors across this great country understand that.

We can do a better job. Congress needs to start listening to the American people. These statistics show that gun owners, by the way, approve overwhelmingly of being able to trace these guns. We should be able to do it. We can do a better job. Americans should have a safer country.

PERSEVERE AND TRIUMPH OVER OUR FOE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. ROHRABACHER) is recognized for 5 minutes.

Mr. ROHRABACHER. Mr. Speaker, 271 years ago, American patriot and champion of human liberty, Thomas Paine, was born. His pamphlet "Common Sense" is credited with convincing the people of what was then the 13 colonies to declare themselves independent and committed to representative government and human liberty.

Paine was thus instrumental in bringing about the American Revolution. During that historic life and death struggle with Great Britain, which then was the world's mightiest empire, Paine was called upon by George Washington. At a moment when the tide seemed to be against us, General Washington implored Paine to write something that would bolster the spirits of those Americans supporting the patriots' cause.

Yes, there were naysayers and defeatists in those days too, as well as people who were demoralized by the ongoing conflict that was going badly. Yet, had those before us lost faith and given up, the cause of liberty and independence would have been lost. Thomas Paine, at this dark moment of despair, wrote "The American Crisis." It was read aloud to every soldier in Washington's Continental Army, some listening while standing in the snow, freezing, ill equipped and hungry. Yet, they did not give up. They did not give into pessimism. It made all the difference for them and for us.

Every generation of Americans has to bear the weight of responsibility that comes with a commitment made to human liberty by our forefathers and -mothers 200 years ago. When freedom was in the balance and darkness of defeat loomed, Americans persevered and carried the day in the battle against tyranny and injustice, sometimes at horrendous cost, as in our Civil War when we rid America of the sin of slavery. Yes, at times, it looked as if the Union was lost.

Lincoln had the thankless job of leading this country and keeping it unified, he, and the Union soldiers, steadfast and strong. How our world would be different, our country would be different today had they quit and gone home.

In the 20th century, Americans stepped forward to save the world from the evil onslaught of Japanese militarism and Nazism and then communism. There were always low points when pessimism could have taken hold; and had America retreated, it would be a far more sinister world.

So, too, with the current preeminent threat to our security and freedom and the world's, radical Islam has declared war on our way of life. It is an enemy to the liberty those Americans before us so cherished and sacrificed to protect. We are now at a moment when the people of our country are weary of this conflict, especially as it plays itself out in far-off Iraq, where deadly explosions take the lives of Americans, young Americans, as well as Iraqis.

Let us not fool ourselves. The future of freedom and America's role in the world is in the balance. The future will be determined by what we do. Yes, there is reason for despair. The casualty lists include names of young people from Orange County, my Orange County, heroes such as young Marine Lance Corporal Marcus Glimpse of Huntington Beach, whose funeral I attended last April. Also, there is Corporal Angel Jose Garibay of Costa Mesa, and just this past weekend, the funeral of a 23-year-old second lieutenant from Irvine, Mark J. Daily. They now have joined a very selected band of brothers in heaven who gave their lives for America and for the cause of human freedom. Yes, we are proud, but also we feel a profound sadness at their loss.

Perhaps as we decide now, in this moment, when the bloodshed seems so futile, we should remember an earlier time of crisis, when the future seemed bleak, but our own resolve carried the day and the cause with it of human liberty.

I will read the following excerpt from Thomas Paine's "The American Crisis," when he said: "These are the times that try men's souls. The summer soldier and the sunshine patriot will, in this crisis, shrink from the service of their country; but he who stands by it now, deserves the love and thanks of man and woman. Tyranny, like hell, is not easily conquered; yet we have this consolation with us, that the harder the conflict, the more glorious the triumph. What we obtain too cheap, we esteem too lightly: it is dearness only that gives everything its value. Heaven knows how to put a proper price upon its goods; and it would be strange indeed if so celestial an article as freedom should not be highly rated."

I ask my colleagues and the American people to think about these words and to stand firm for the cause of liberty for which our Founding Fathers have sacrificed so much

We Americans, made up of every race, religion, and ethnic group have a special role to play in this world. We are the hope and light of all those who would live in freedom and long for justice. So as we face the crisis of our generation, perhaps we should again visit the words of Thomas Paine who inspired those who came before us to persevere and triumph over a formative foe.

HONORING COACH TONY NAPOLET

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. RYAN) is recognized for 5 minutes.

Mr. RYAN of Ohio. Mr. Speaker, I have given many speeches on the floor of the House, but none do I feel so good about as the one I am about to give about my friend and a great man in Warren, Ohio, Coach Tony Napolet.

Mr. Speaker, I rise today to honor the recently completed season and the still ongoing career of someone who is an institution in Ohio high school football in the community of Warren and the family of Warren John F. Kennedy High School. It is Coach Tony Napolet.

Overall, Coach Napolet has garnered three top 10 AP rankings, five State semifinal appearances, a winning percentage of 71.6 percent during his time at Warren John F. Kennedy High School and an overall coaching record of 191 wins, 84 losses and three ties. All of the records, all of the statistics and all of the awards, Mr. Speaker, cannot speak to the influential and inspirational man that is Tony Napolet.

Mr. Speaker, in short, he is a legend. He is funny, he is passionate, he is loyal, he cares about his kids, and he is the best. Tony Napolet is every part of what a high school football coach should be. He realizes and has always realized that the role he plays is not just that of a football coach, but as someone who is preparing young men for the next step in their lives, whether that involves football or not.

I had an opportunity as a young man to coach for a season with Coach Napolet at Kennedy, and you think about how you try to define, Mr. Speaker, or pick a couple of points that really describe Coach Napolet, and there are a couple that I think of. One is his faith in God, something that he is not afraid to share with his players, the students at Kennedy, and it is not just the prayer before the game, and it is not just the mass that we go to before the game.

It is when you go to a mass during the week or in the morning and you see Coach Napolet at one of the many churches, Catholic churches, in the City of Warren, where he is actually practicing what he is preaching. I remember him telling the kids to have a relationship with God, to make God your best friend. It is that kind of an example that he sets for his kids.

But there is another one, the St. Henry's Division V State championship game several months ago, that I think really sticks with these kids. And it is the situations that Coach Napolet is in and how he responds to them, because life many times is about how you respond to situations in your life.

The Kennedy team was, unfortunately, down 21–7. Then they got the ball, and then they were down 28–7 towards the end of the game and only a few minutes left, and the Kennedy offense got the ball back, and they ran a flee-flicker. They tried to score.

Regardless of how much time was left in the game, Coach Napolet was teaching these kids that you never give up. You persevere, regardless of what the circumstances are. And those are the lessons that he has taught those young men who have graduated from Kennedy and have played football for the Warren John F. Kennedy Eagles.

So, today, Mr. Speaker, I am not honoring a coach and his distinct record but rather a great man who also happens to be a coach.

Coach Napolet, we love you and you really are the best.

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A TRIBUTE TO JOHN LAVELLE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. FOSSELLA) is recognized for 5 minutes.

Mr. FOSSELLA. Mr. Speaker, I rise today to honor and pay tribute to someone that lost their life several days ago.

Today, on Staten Island, at St. Peter's Church in St. George, many gathered, family and friends of John Lavelle. He was a State assemblyman from Staten Island and also the Democratic Party leader from Staten Island. His mother, his children and not to mention his colleagues in the State legislature, the Governor, the Attorney General and many members of the City Council, Councilmen Oddo and McMahon; State Senator Andrew Lanza; State Assemblyman Vincent Ignizio; the borough president; and so many others who flocked to the church to honor a good, decent guy.

As I mentioned, he was a leader of the other party; and perhaps, if he had had his way, I wouldn't be here today. But in a way it is a reminder, and John Lavelle to me lived it, that you can disagree and you can feel very passionately about certain things, and, in fact, most often, John and I, we shared the same goals: how to help those who are poor, how to help those who are oppressed.

He was the son of immigrants. The notion that new immigrants to this country make it the great country that it is and they need our help. The fact that he was such a community oriented guy.

Some of the eulogies today emphasized not just his passion, but his son talked about John's grandson and will the community be okay now that his grandfather passed away? He had a beautiful family. Three boys and grandchildren that kept him going and kept him strong.

He was someone who came into office not just for the sake of running. In fact, he spent many years in the private sector and, while in the private sector, paid his dues. He paid his dues at the soup kitchens. He paid his dues at helping those who were poor and oppressed. Politics was his life and his passion, but it wasn't just about politics. In my opinion, John was truly someone who wanted to help others.

And I will bet you right now there are folks gathered back in Jody's Club Forest on Forest Avenue in Staten Island who are raising a beer to John and his life and his memory, as well they should, because as much as he brought to life a passion for politics, he also brought a passion to be around others and to fight hard during the day. Almost like two lawyers in a courtroom, they are fighting it out on behalf of their clients, but when the courtroom door closed, you could get together for a beer and share and swap a story or tell a joke.

The world needs more folks like him. He was someone who wasn't so caught up on style. He was focused more on substance. Indeed, a straight shooter and someone who, although you may disagree with his policies or his point of view, he knew exactly what he meant and where he was coming from.

So we pay tribute because I know sometimes in life, especially in political life, we have a tendency to get caught up in the toxic environment which is created, but I can tell you in Staten Island folks were able to rise above it. And last week alone, while John laid in the ICU, Democratic- and Republican-elected officials as well as so many family members and friends held vigil in the hospital to hope for a recovery that tragically and sadly did not come.

Staten Island was a better place because of John Lavelle. This country was well served by his service. So tonight I pay heed not as a political official here but as a friend of John Lavelle.

BRING OUR TROOPS HOME NOW

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WATERS) is recognized for 5 minutes.

Ms. WATERS. Mr. Speaker, this past Saturday I participated in a rally and march here in Washington, DC, on the Mall, organized by United for Peace and Justice. United for Peace and Justice is a coalition of over 1,300 groups from all over this country.

Citizens came from near and far. They came by car and bus and train and plane to urge this President and this Congress to end the war in Iraq. They were young. They were old. They were rich. They were poor. They were every age, every ethnic group, all religions, all with one message: Bring our troops home now.

There were six Members of Congress who were present there, and we thanked all of the people who attended for caring enough to come to Washington, DC, to spend their money to urge their government to end this war.

Mr. Speaker and Members, this was democracy at work. It was a beautiful day. People were in high spirits. We walked. We sang. We chanted. And we literally said we love this country, we love our soldiers, and we want the best for our people.

We were joined by many veterans. There were several veterans groups there. But the most moving and touching part of this march was the mothers who marched with us, and they had signs. Some of them had signs of their sons who had been killed in Iraq. Some of them brought the message that they had paid a huge sacrifice and they did not wish Americans to continue paying this high price for a war that we should not be in.

This is a war that it is easy to be against, because we were led into this war under false pretenses. There are no weapons of mass destruction. We have been told that we would be greeted with open arms. We were told that we would be seen as the liberators. None of that was true. We are occupiers, and they want us out of Iraq. It is not simply that the Sunnis want us out of Iraq. It is not simply that the Shiites want us out or the Kurds want us out. They all want us out of Iraq.

This was a wonderful weekend because not only did we march and we rallied, but the marchers came to Capitol Hill and they lobbied their legislators. They knocked on their doors. They came from all these towns and hamlets and cities all over America to talk with their legislators. This truly was democracy at work.

And today we filled 1100 Longworth, the Ways and Means room, where we had a forum with 11 book authors who have written about the war in Iraq, what is wrong with it and why we should get out, and did we have a discussion. It was one of the most beautiful discussions with highly intelligent authors who have done research, who have put a lot of work into producing these books. And they shared with us in a very profound way what they knew and why they had decided to take a part of their lives to stop and write about what is wrong with our being in Iraq.

So this was a wonderful weekend. This has been a wonderful time. I keep saying this is democracy at work because this is what the Constitution is all about. It is about participation of the citizens.

The citizens of this country are sick and tired of this war. I don't know why the Members of Congress are allowing the citizens to get way ahead of them. They elect us to come and represent them. They think that we have the resources to know what is going on. We give a lot of money to our intelligence agencies. We should be able to tell the people what is wrong and what is going on in Iraq. But, instead, they are ahead of us; and they are urging us to stop this war.

But, in the final analysis, they know everything about what we are doing. It is not enough to talk the talk. You have got to walk the walk. They know the difference between nuancing and posturing, and they want action.

And they know that we are about to have a resolution over in this House that will disagree with the surge, the escalation that is being advocated by this President. But they also understand that we can't stop that, that the President has already started to resend soldiers. These are not new boots on the ground. These are soldiers that have done their tours, that have been sent back a second and third time, and they say that is not enough.

They will know whether or not we mean business if we are prepared to stop funding this war.

THE DEMOCRATIC MAJORITY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Texas (Mr. CONAWAY) is recognized for 60 minutes as the designee of the minority leader.

Mr. CONAWAY. Mr. Speaker, we come to the House tonight to talk about a variety of things, most of which we will deal with taxes and the impact those taxes have on good, hardworking men and women across this country.

But I did want to respond just a little bit to what the previous speaker bragged about. She went through a long litany of good things that happened this weekend, which I certainly agree with everyone's right to do what they did and to express themselves and to come to this Capitol and make those statements.

She did leave out one minor issue, though, and that is that some of the antiwar protestors brought spray paint with them. And they came to this Capitol, this hallowed ground, the center of liberty for the world, which looks to this Capitol building for that; and those folks brought spray paint, and they painted the walls. They spray painted anarchy signs and anarchy slogans on the walls of this Capitol, which I think defacing public property under any circumstance ought to be wrong. That is wrong.

What else is wrong is the fact that the Capitol Hill Police were told to allow that conduct to go on. And there were reports in one of the scandal rags today that the police's reaction to that was that they were disgusted. They were livid about the fact that they were forced to allow these anarchists to deface this public property, this building, which all of us serve in. Most of us serve very proudly here.

So not all of the folks who came this weekend conducted themselves the way that they should have, and there was a problem with that. And, hopefully, we will learn what the responsibility of the Democratic leadership was, what their role was in overriding what the Capitol Hill Police's natural and normal reaction would have been. Where did that come from and who told them not to stop that? We hope that we get some answers to those questions over the next coming days, because it is a serious issue when people are allowed to deface this building.

But let us talk about taxes. As our sign shows here, we are 1,433 days away from a staggeringly large tax increase. The first year I think it will be $250 billion of taxes. In 2011, we will get an immediate bump. The Democrats simply have to do nothing.

In the 109th Congress, Lou Dobbs and others accused us of being a "do-nothing Congress." Well, you can put that label on the coming tax increase, because the Democrats simply have to do nothing over the next 4 years, and that is exactly what is going to happen.

Built into the current law, the current Tax Code has a drop-dead date of December 31, 2010, in which the changes made to the estate tax will expire and the other provisions of the 2001/2003 tax reductions will also expire. So if the Democrats do nothing, then we are 1,433 days away from that major increase. We are only 11 days since the last tax increase by the Democrats. And that was on Thursday a week or so ago where they increased taxes on the oil and gas business in this country, and we have talked about that some as well.

☐ 2015

We are going to have several speakers tonight, and the first one that we are going to yield time to is my good colleague, JOHN SULLIVAN from Oklahoma.

Mr. SULLIVAN. Mr. Speaker, I would like to thank my friend from Texas for doing this tonight, and also my friend, Congressman SHUSTER from Pennsylvania. This is a very important topic, talking about tax relief for America's working families, for America's small business people.

You know, we have seen a great economy recently. It is roaring along. Unemployment benefits are at an all-time low. You know, gross domestic product is up. We are seeing record numbers in our economy right now. That is due in small part, or in large part, because of the tax relief measures instituted by President Bush.

I do not think, you know, tax relief is the only answer to a robust economy like we have right now, but it is certainly a piece of that puzzle. You know, other countries have used tax relief as an economic tool to get out of economic slow times. And America has done the same. It has been very important that we have done it.

You mentioned too, Congressman CONAWAY, about the oil and gas tax. You know, oil and gas keeps this economy going. People do not realize, especially people from producing States how vital that is to our economy.

There are so many byproducts from oil and gas. Taxing them is ridiculous. We need to spur domestic production here in the United States and become less reliant on foreign oil, not more reliant upon foreign oil.

Taxing the people that produce that, which is really not only the large oil, Big Oil like the Democrats like to say, but small producers out there, independent producers, small mom and pop independent producers that produce 90 percent of the domestic oil and gas in this country. It is absolutely wrong.

You know, people pay a lot in taxes. We pay too much in taxes. You know, government needs taxes for vital government services like the war, vital infrastructure needs. It is very have important that we have taxes for that. But I think that government has gotten too big, and we have taxed too much.

If you think about it, if you look at your Federal tax, State tax, city tax, Congressman, we are taxed a lot. You get up in the morning, you take a shower, the alarm clock wakes you up, if it is an electric alarm clock, you pay taxes on electricity to get you up.

If you take a shower, you pay taxes on the water, soap and shampoo. If you eat breakfast, you pay tax on the cereal you eat. You go to work, if you drive there, you pay the motor fuel tax, tire disposal fee, tag tax.

You go to work, you have income tax or self-employment tax. You go home have dinner, taxed on that. And we are talking, Congressman CONAWAY, you can go home, kiss your wife, you are taxed on that too, that is not free either, you have got a marriage penalty tax too.

So we pay a lot in taxes in this country. And, you know, the people that are counting on these things, if we allow the Democrats to raise taxes like they want to do, and in essence that is what they are doing if they do not continue these vital tax decreases, is they are hurting the American people, they are hurting small business.

Now, 85 percent of the people that work in this economy right now are employed or work or own a small to medium-sized business. And those people, one of the things they talk about is providing health insurance to their employees, and they have been able to do it because of the tax relief, the money that they have saved because of that.

And if their taxes go up, they are not only going to have to probably lay some people off, but they are not going to be able to provide the kind of health insurance that they want to provide for their employees. They have to make tough decisions right now, and it is wrong.

I remember Congressman SHUSTER and I, we were in the back of the Chamber when we were first elected, and the Democrats were talking about tax cuts. And they said, Bill and I heard them say that some of them were in a group and they said, if we allow people to keep that money, they might not spend it the right way.

Who are they to say that? It is their money. I mean, it is your money; it is not their money. The money that we take from, that we confiscate from taxpayers is not the politicians' money, it is not the Washington, DC people's money. It is the people's money, and they know best what to do with their own money.

And what they are going to do, if you allow a family to keep more of what they earn, they are not going to go bury it in the yard; they can if they want. But they are probably going to go out and buy other things that are taxed. It is going to stimulate the economy. That is what taxes really do. There is a dynamic economic effect of tax relief.

If you allow that money to bounce around the economy several times, it is going to find its way back to Washington anyway. But several people get to touch that dollar before it gets here. It spins around the economy. There is a dynamic economic effect to that. When you take money out of Washington, DC, it helps people, it helps the economy, it bounces around. It is going to find its way back anyway. And tax relief does work.

Mr. CONAWAY. Mr. Speaker, the gentleman mentioned a couple of things that I would like to flush out. You mentioned the phrase "Big Oil." It is used as a pejorative, of course. But under the Democrats' H.R. 6 they passed 11 days ago, Big Oil is defined as any C corporation exploring for oil and gas, any C corp. That includes ExxonMobil, all the way down to the smallest C corp, and that is tax phrase, for those out there that might be listening. But it is any C corp that has now got a tax rate that went from 32 to 35 percent, if this H.R. 6 sees the light of day from the Senate, and with the President signing it. So Big Oil includes a lot of folks, hardworking men and women who try to make a living in the oil business.

When I ran for Congress 3 years ago, I ran under the idea that being a CPA, being a business man, that that viewpoint was underrepresented in Congress. I did not have any empirical data to substantiate that, but it seemed to be the case. And once I got here, though, I had discovered that there are an awful lot of our colleagues who really do not understand how hard it is to make money, that finding a product that you can sell to somebody else, and having bought or built that product for less than what you sell it for, and all of those kinds of things that go into making money is hard to do.

There are an awful lot of our colleagues who simply do not appreciate how hard that really is. So when they talk about tax increases or taking money away from hardworking folks, they do not understand the impact that that has.

One of the other things you mentioned, and you and I share districts where oil and gas are a major piece of the business, is how rugged and resilient and self-reliant these oil and gas guys are. We hit them with a tax increase 11 days ago. One of the things we talked about in the lead up to the debate to try to convince our colleagues on our side of the aisle and the other side of the aisle that this was not really a good idea is this idea that if you reduce the amount of money that is going into increases in domestic production, then you will lower domestic production.

I think everybody agrees on that we ought to be less dependent on foreign oil and foreign natural gas. That phrase rolls off every tongue in this Chamber. The truth of the matter is from where we are today to that point is a decade-long journey. And that decade-long journey is going to be driven with cars and trains and airplanes using fossil fuels.

So to the extent that we can increase domestic production, it seems to me logical that that would reduce the amount of foreign crude that we would have to import. And while it is difficult to exactly understand what the impact will be on those oil and gas C corporations with this tax increase they got 11 days ago, logic will tell you, if you spend less money in the exploration for crude oil and natural gas domestically, you will get less of it. That is just the mechanics. I think that is a pretty easy thing to say.

I appreciate my colleague coming here tonight from Oklahoma, sharing with us his thoughts on tax increases. I would now like to recognize my colleague from Pennsylvania who is actually the moving force behind these weekly hours. It is my pleasure this week to replacing him here in the well, but BILL SHUSTER from Pennsylvania has got some thoughts.

Mr. SHUSTER. Mr. Speaker, I appreciate my colleague from Texas for taking control of the time. I have got a bad wheel, but I did not want to miss this. I think it is so important.

I want to start off by just echoing your sentiments about what happened here in the capital this week. I mean, a bunch of anarchists, they pushed forward on the Capitol Police, as you said, and the Capitol Hill Police let them come through and deface the United States Capitol.

And I heard that they were saying, that they were chanting it was their right to. But they have no right to deface the United States Capitol. This belongs to all of the Americans. And nobody has a right to do what they had to. I really want to know, and I hope there is an investigation, there should be an investigation to find out why the Capitol Hill Police did not resist them, and you know the party that is in the majority needs to answer, needs to stand up and be held accountable, because they are in charge, they are the ones that are giving the instructions to the Capitol Hill Police.

I want to know if the majority party said, we do not want you to confront them; let them do whatever they want to do. Because it is outrageous. And all Americans that are watching tonight, I do not know how widely it has been reported. I have heard a few reports. But, you know, it should have made top news that a group of anarchists spray painted their symbols on the Capitol. I heard the report was that there was no incident. Well, there should have been an incident. There should have been an extreme incident of resistance by the Capitol Hill Police to not allow someone to deface what I consider, this is the crown of America, this is the people's House and nobody should ever be allowed to do that. So I am outraged by it.

Mr. CONAWAY. Mr. Speaker, my sense from being around for a little better than 2 years now is that the reaction that was forced upon the Capitol Hill Police went against their nature. Their nature is to protect, not only to protect you and I and any other law-abiding citizen on these grounds, which is their job, but to protect these grounds as well. So it is inconceivable to me that our Capitol Hill Police, whose natural, normal reaction would be to stand back and let those spray-painters have at it, at the walls of this Capitol building. They had to have gotten some instructions from somewhere. And given the comments reflected in the paper today, that is clearly the case. They were told to stand down and not protect this building as is their nature and their love.

These folks love their job and do a great job at it. And so I agree with my colleague.

Mr. SHUSTER. Mr. Speaker, some of them have given their lives up to protect this building and Members of Congress. I agree with you, I cannot imagine that they did not get orders to stand down from the highest level.

Once again, the party in the majority runs this place. They need to be held accountable. They need to stand up and say what they did do, what they did not do. But in the future, if there are going to be, I am certain there will be, as there has been throughout our history, protests throughout the capital, and people have a right, absolutely have a right to protest, but they do not have a right to do it violently; they do not have a right to deface property that belongs to all of the taxpayers. So the questions need to be asked and we need to have answers from the majority party.

Back again to why, the main reason we are here tonight, is to talk about the 1,433 days from now, if the majority, the Democrats in Congress, do not act over the next 4 years, or 1,433 days, we are going to see an over-$200 billion tax increase on Americans, on the American family, on small businesses.

And that is going to significantly hurt this economy. And you just have to look at the facts. Over the last 4 years, 7.2 million jobs were created in this country because of those tax cuts. Just in December, 167,000 jobs were created. The unemployment rate at 4.5 percent, the lowest average it has been in five decades.

If we do not extend them, if we do not do what is responsible, then money, real dollars are going to come out of the American people's pocket. A family of four, making in the $40,000 range, they are going to see a tax increase of about $2,000.

Now, to some in this body, $2,000 may not seem like a lot of money, but it is to a hardworking American family. $2,000 is a nice down payment on a new car, $2,000 will buy you a new washer and a dryer. $2,000 helps you put your son or daughter or yourself through college or to get educated or trained on something.

So I hope that the American people that are watching tonight, whether you are Republican, you are a Democrat, there are lessons for us all through history, recent history, on why tax cuts work, why they are a good thing for the economy, why Americans should be allowed to keep their hard-earned dollars. You have to go back to the 1960s.

President Kennedy, he cut taxes. What did he see? The economy came on strong. Revenues to the Federal Government increased dramatically. We saw that in 1980. And today we are seeing it at record levels. As the gentleman from Oklahoma pointed out, there are a lot of things in this economy that are happening because of those tax cuts, and we need to make sure that they continue.

It is startling to me. Although, I watched and was obviously very keenly aware of what the Democrats were saying during the last campaign. And the first thing that they basically said, when you listen to the incoming chairman of the Ways and Means Committee, he basically told the American people that he did not see one of those tax cuts that really had merit and that everything was on the table. So the American people should not be surprised when they see these tax cuts.

And just 11 days ago was the first Democratic tax increase. They changed the rules of the House to make it a simple majority. When we put it in place as the majority party, it had to be three-fifths of votes to increase taxes. They made it a simple majority, because they knew how difficult it is going to be to get a majority in this

House to raise taxes on the American people.

□ 2030

So, once again, if we don't stand up and fight, and I hope my Democratic colleagues who aren't here tonight, the Blue Dogs who come down and talk about fiscal responsibilities, if they don't join with us to fight these tax cuts, they are going to take part in this huge tax increase that is going to occur on the American people. So I appreciate the gentleman tonight hosting this hour.

Mr. CONAWAY. Let me make a comment if I could on something that you had said. You talked about what hardworking Americans do with the money that they earn and keep; and you went through a litany of things that they buy, washers and dryers, cars and all these kinds of stuff. If you think about it, though, everything that they bought is made by somebody; and that person made a living making whatever it is they made.

Then there is also a good string of, for lack of a better phrase, middlemen in between that product being made and it being sold to the American consumer, which is the ultimate driver of this economy. You have got truck drivers and warehousemen and storage handlers and retailers and a long list of people who take that finished product from wherever it is made, even if it is made overseas, from wherever it is made, and they get it all the way to that retailer's shelf, where an American consumer takes that money that he or she earned themselves and they go buy that product.

That starts the cycle all over again that has built a growing economy that is now in its fourth year of growth; and if you look at the CBO estimates that the Budget Committee will talk about tomorrow, that growth is expected to continue over the next 10 years.

Now, 10 years is about as far as we project anything. And like I said, I am a CPA, and I have been dealing with projections for a long time. Quite frankly, years 5 on through 10 are just mathematical exercises. I mean, who knows whether or not those are going to be correct or not? The 2007 estimate is pretty good. The 2008 estimate is pretty good. But, beyond that, it gets a little fuzzy as to the accuracy of those projections. But, nonetheless, those projections show an improving economy.

Not only that, but the Federal Reserve as well shows an improving economy; and that is because people are out buying things, furnishing homes, buying cars, all the kinds of things the American consumer does to continue to drive this economy.

The Federal Government, the best thing we can do is get out of the way. And one of the best things we can get out of the way of are tax increases, and there is a big one coming.

You know there is a phrase out there, if a violent jihadist threatens your life, you probably ought to take him serious. Well, I think the same thing applies to tax increases. If somebody threatens you with a tax increase, then I think you ought to take them serious. And we are 1,433 days away from a significant tax increase.

I now want to go to my good colleague from Kentucky. GEOFF and I are in the same class. The 109th Congress was our first time here. And Geoff has got a big family, which in and of itself contributes to the economy, we appreciate that, of your part of Kentucky as well the rest of the United States. So, GEOFF, share with us tonight what your thoughts are on taxes and the American people working.

Mr. DAVIS of Kentucky. Just as a former small business owner, one of the things that I would like to point out, that 88 percent of new job opportunities are created by small business owners. They are created by land developers, by construction companies, by small machining and tooling companies, small fabrication businesses, distribution businesses, professional services businesses, financial services. The glue that holds the institutions in our communities together, the framework of members of the National Federation of Independent Businesses, of our local Chambers of Commerce that serve that valuable function of communicating an agenda that focuses on growth, that strengthens our Nation for the long run.

And I think that one of the things that I would like to highlight tonight, again, is this theme that when people voted in November, much perception nationally was focused on a view that national security situation was driven by emotion. But the reality is that in that election, short of making significant strategic changes in the leadership of this Congress, America voted to increase taxes on every working family in America by at least $2,000 a year.

One of the things that I have told folks for many, many years is we don't need to raise taxes. We need to create taxpayers. Government does not create jobs, and government itself does not create wealth or a nest egg for families of America to build for the future. What government can do, however, is set a framework for achievement, a framework where people can pursue opportunity.

The Constitution tells that the government is to provide for the common defense and to promote the general welfare. What are some of the ways that we can promote that general welfare? One of the key ways to promote the general welfare is to allow people to keep more of what they earn because they will invest it in a way that focuses on the needs of their family. They will invest it in immediate needs, in consumer goods that have a ripple effect of creating jobs. They will invest in future and retirement plans for themselves and set aside money to grow for college. All of this is fueling the economy, and keeping this in the private sector is very critical.

Some of the things that the tax cuts did were allow people to keep more of what they earn. We eliminated the marriage penalty. We increased the child tax credit from $500 to $1,000. That meant, in the case of my family, nearly $3,000 that was left to reinvest in the lives of our children and their education to save for their future. It makes a very, very big difference. When we look at the marriage penalty, it put a significant impact on working families. And, again, I come back to the fact that the average family in America is facing a $2,000 per year income tax increase.

But there is another side of this from a small business standpoint of job creation. I would like to highlight one man whose small business benefited in the manufacturing world, creating jobs in his community, impacted the local economy because of pro-growth policies that were continued in the last Congress, allowing not only individuals and families but also small business owners to keep more of what they earn, to be able to invest that, to write down debt and to prepare to compete in the future.

We are a global economy. It is critical for us to be able to allow people to invest for the future. Remember, we don't need to raise taxes. We need to create taxpayers.

Robert Prybutok of Newark, Delaware, owns a company called Polymer Technologies. Because of the tax cuts that were enacted, he was able to hire 10 new employees in 2003 and 2004. He had approximately 72 employees in January of 2003 and now has about 90 employees.

His business continues to grow and with it the need to buy new equipment. By utilizing the expensing provisions of the tax cuts, he was able to purchase two new pieces of equipment, increase his productivity, thus increasing the security of those jobs of his company; and it saved him about $125,000 that would have been lost in cost. This is money that can be invested in the future.

Without the ability to expense his equipment, he would have been hard pressed to purchase that equipment in the first place. He needed to grow his business and pay the taxes that he owed.

And I think the one thing that I keep in mind from my experience walking the shop floors of many, many businesses during the era of the Clinton administration where these breaks were not in place for America's manufacturing companies. People made decisions based on the structured Tax Code. They withheld making needed investment in competitive productivity improvements, needed investments in the professional education of their employees because they were uncertain of what the future held. Had the tax expensing provisions been in place, they could have made those investments more easily.

And I think it is important to keep in mind that it allows a business to invest in the future to create more taxpayers. I think that this ability to expense equipment, this ability to make investments that are going to be job-creating investments, maybe a short-term deferral of tax payments to the Federal Government, actually will increase revenues.

How have we seen that? We have seen it over and over again. As taxes are cut, more money goes into the investment economy, more jobs are created, more taxpayers are created, and tax revenues are an all-time high right now in the Federal Government.

I think there are countless stories that we can share of successes on a small scale in small business which is really the opportunity to live the American dream. The vast majority of jobs in this country, nearly 90 percent, 88 percent are created by small business owners. They are not created by large corporations.

There is so much of a focus on the class warfare rhetoric that goes on in the Chamber that misses the point where the majority of the Americans work. And the majority of Americans work in small business. That is why we need to reduce the burden on those small businesses, create incentives so they can create jobs and create taxpayers to promote the future for their employees.

With that, I would like to yield back to the gentleman from Texas to share more of his perspective on this matter.

Mr. CONAWAY. I appreciate my colleague from Kentucky joining us tonight to have this conversation among the several of us.

I served on the Chamber of Commerce board in Midland for a number of years, and one of the things that the chamber looks at is the impact that payroll has on a community. There is a difference of opinion among folks on the chambers as to what this number ought to be, but there is a guess as to how many times that payroll turns over in a community. In other words, when the payroll is made, it is spent on local goods and services, and that person then turns around and spends it on local goods and services, and the range is, for most economic development guys, is between four times to seven times. Depending on the number you want to brag on, it will be somewhere in that range.

So the payroll that gets created that my colleague from Kentucky was talking about a while ago where these small businesses add employees turns over several times within the community and creates additional jobs, additional opportunities and additional prosperity for those folks.

It is interesting, I had a conversation this afternoon with my staff, and we are all anxiously awaiting the continuing resolution from our colleagues on the other side of the aisle. Chairman OBEY of the Appropriations Committee posted on his Web site this afternoon that they did in fact file the continuing resolution. And my staff called, and we went to the Web site. They said it was filed. And me and my staff did. Of course, nothing is there.

So my staff called over there and asked and they got kind of a runaround. So I said, well, I will just call. So I called, and I said, hi, this is Congressman MIKE CONAWAY, and I would like to see a copy of the continuing resolution that has been filed.

And the lady said, well, it has not been filed.

I said, well, I am looking at a Web site for the Appropriations Committee, and it says they have filed.

She said, well, I know. I am not sure why that is up there, but.

I said, well, am I getting the runaround here? Is it really up there or not?

She said, no, that is a mistake. It hasn't been filed.

So, anyway, we are all awaiting the continuing resolution.

In the meantime, we are all trying to guess at what might happen. And over at the Social Security Administration they are concerned about furloughing employees because the continuing resolution that they thought might be in place will fund them at lower levels than they have been expecting and so that they are going to have to lay off employees.

Mr. DAVIS of Kentucky. Will the gentleman yield on that point for a moment?

Not only does it affect employees in the Social Security Administration who process checks for our senior citizens, it also affects our ability to fight against Islamic radicalism, fight against terrorist groups.

I flew in today with members of the FBI Southern Ohio office out of Cincinnati coming in for some business here in Washington, and they shared their concern over the lack of a continuing resolution. Was the money going to be there to fund their operations? And, right now, one of the things that our national security apparatus, because of this Democratic Congress, is having to cut positions, not just a few positions but nearly 3,000 positions because of the lack of funds to do their job which we had provided for them.

When we talk about the issues related to bringing this continuing resolution, there was a clear statement that was made about the desire to work harder. Well, last week, 2 days, we were done by 2 p.m. This week, I am reading the schedule, and it says, tomorrow, Tuesday, we will be out around 2 p.m. Wednesday, no rule yet on the continuing resolution, but likely we will be out at 2 p.m.

I don't know how many nights we worked long, long hours in this Chamber, long, long hours in committee to get the people's work done. And now we have Federal law enforcement.

I got a call today from an aviation unit in the Army that is now very concerned about its receipt of dollars. And we are inside the 48-hour window, have no language on what this bill is. They are limiting debate to 2 hours, which I think is a very powerful statement of the direction in which they choose to take legislation, that not only did we have a tax increase 11 days ago but spending is going to be without accountability.

I intend to vote against this resolution if this resolution will not disclose the information that is necessary for us to do our job. Because, ultimately, they are going to create some real problems leading up to the foundation for this tax increase in 1,433 days.

Mr. CONAWAY. And my good colleague has added to the list of folks that are going to be impacted by this reduced cash flow to these agencies. Think about that for a second. That is what we are talking about, over at the Social Security Administration, at the FBI and other places that GEOFF has talked about. It simply reduced cash flow to those agencies; and, because there is a reduction in cash flow, they are reducing mission, they are laying people off, they are doing less service. The Social Security folks won't have as many people to service all those callers out there.

That is exactly what happens in small businesses when we reduce their cash flow by tax increases. Because money that would otherwise go into making payrolls and paying benefits and adding folks to the payrolls is now coming into these Federal Government's coffers being spent in ways that, for the most part, I suspect they are good, but there is an awful lot of waste in there. And, clearly, our taxpayers out there can spend their own dollars better than we can on their behalf.

□ 2045

Now, subsequent to my conversation with my staffer, we have gotten a rumor. And again in the minority we get to whine all the time. It is just going to be our job over the next 2 years, just to be very good whiners. It is not in our nature, it is very unlike us to do it, so we will probably do it very poorly. But we don't know what is going on over there. It has been days and days and days. These folks knew they had the reins of this thing starting January 4; they knew that on November 8. And we have had now over 2 months that they knew that this was going to be the circumstance, that they were going to be dealing with the continuing resolution, and we have no resolution to the continuing resolution. And I am sure there are good reasons on their side of the aisle for why they have not been able to make these decisions, but surely these decisions are not going to involve some of the draconian nonsense that many of our agencies are worried about, and they are worried about it because they don't have the facts. Most folks deal real well with facts. What we don't deal well with is uncertainty, innuendoes, and rumors.

So I would encourage our folks on the other side of the aisle to get that CR done if you are going to do it. If not, then let's start bringing appropriations bills to the floor. There is nothing wrong with that. That is a nice way to do it. We should be legitimately criticized because we didn't get it done under our watch, but that same criticism now applies to the folks in charge. It doesn't matter, just get on or off the pot, as they say. Bring a CR to the floor, show us what it is; if you are hiding stuff, give us a second to try to find that out. Or let's go at it from the appropriations standpoint and bring those to the floor one at a time, as we should have.

Mr. SHUSTER. Would the gentleman yield for a second?

Mr. CONAWAY. Sure.

Mr. SHUSTER. I don't know if this is accurate or not, but I have heard people talking that the CR is going to come to the floor and it is going to look like an omnibus bill. And you know, an omnibus is like a Christmas tree; they hang everything on it that they want to get through. But that is the rumors that are swirling around here, that it is not just going to be just a CR, it is going to be an omnibus. And that is going to be bad for spending, and they are not living up to their word.

Mr. CONAWAY. I have also heard they are going to wipe out all the earmarks. It will be their definition of an earmark, and it will be interesting to see which earmarks really get zeroed out and which ones don't and how they parse that definition between the two in order to keep the ones they want and peel out the ones that they think are wasteful spending, and it will be interesting where those earmarks impact and which districts are the ones that really get peeled out.

Mr. SHUSTER. Kind of like their definition of openness.

Mr. CONAWAY. Exactly. And transparency.

Mr. SHUSTER. Openness and participatory, and transparency. And here we have passed several bills, and having gone through the committee nobody has seen them until they show up on the floor.

Mr. CONAWAY. It is not likely that this continuing resolution will go through committee either. It is just going to get dropped on us like a laser-guided bomb, rushed straight to the floor, not going to go through committee, not going to have the openness and the transparency and the 48 hours and all the kinds of things that our good colleagues on the other side of the aisle promised in October.

Promises in October are hard to keep in January, and we are seeing it, and we will continue to try to point that out without seeming as whiny as it sounds, I suspect, to my colleagues and my constituents in west Texas. But that is going to be part of our role over the next 2 years, is to be the loyal opposition, to try to do so in a respectful manner as we point out promises made and promises broken by folks on the other side of the aisle.

Does my colleague from Kentucky have some other thoughts?

Mr. DAVIS of Kentucky. One of the things that I would like to share as we come back to this issue of tax policy, again, I come back to my time walking the shop floor, and for me the one thing, you hear a lot of stories and a lot of perspectives, but for me it always came back to show me the numbers. Let's take a look at the truth, what reality is, and be able to make our decisions from there. Here is the truth about the impact on creating jobs for working families, good jobs, jobs where there would be opportunities for health care, to fund their children's education, looking to the future.

In less than 3 years, because of this policy of allowing people and allowing and incentivizing small businesses to keep more of what they have earned, the U.S. economy has grown by $2.2 trillion. Let's put that in perspective for a moment. That is larger than the entire Chinese economy. That is the growth of the United States.

There is a lot of concern about international trade in this global economy. Just in 3 years, our increase in economic growth is bigger than the size of the entire economy of our largest international competitor. It is much larger than the total economic size of India, Mexico, Ireland, and Belgium. And I think the issue here at the end of the day is being able to allow people to keep more of what they earned, to create taxpayers, not raise taxes, because the proof is in the numbers. The proof is in changing opportunities. Yes, we are going through a time of economic adjustment, but at the same time record job creation as our economy adapts to the 21st century to compete effectively, and that is the future that our kids are going to have.

Mr. CONAWAY. I thank you.

Let's go to another colleague of ours from Georgia. Dr. PHIL GINGREY is an OB/GYN doctor, a provider of professional services for most of his career. And while all of us have great respect for physicians, at their core they run small businesses and maybe big businesses. But at its core the practice of medicine has to be a business, because he and his colleagues have to make money, they have to be able to pay their payrolls, they have to be able to buy the supplies for their offices, and all of those employees and provide benefits and all the things that they do. So in addition to providing I suspect outstanding professional care over a long, long period of time, and maybe he will share with us the number of babies he helped deliver, he is also a businessman. And in my book, that is a good two hats that he has worn over these years. So let's hear tonight from Dr. GINGREY.

Mr. GINGREY. I thank my colleague from Texas for yielding, and I am proud to be here tonight with the Countdown Crew to talk about an issue which typically you would think or you hear said many times that our physician colleagues across this country are not real good business men and women. But as my colleague, the CPA from Texas, just pointed out, they better darn well become good business men and women.

Mr. CONAWAY. If the gentleman would yield for a second. I suspect that comment is made about their other business decisions. Running their practices, they are great business persons; but maybe in the oil business, they may not be as good.

Mr. GINGREY. I appreciate the carve-out, but it probably specifically applies to the gentleman, the peach from Georgia.

But in any regard, the main point that I would like to make, and maybe my colleagues, the gentleman from Kentucky and my good friend from the Keystone State Mr. SHUSTER from Pennsylvania, have already mentioned this, but if Congress takes no action, and that is what the Countdown Crew is talking about in these 1,433 days leading up to January 1, I think, 2011. But in 2007, in fact I think this has already occurred, but we can do something about it because tax day, April 15, is, thank goodness, 3 months away. But taxpayers in States with no income tax will not be allowed to deduct their sales taxes from Federal income tax if we don't make a change. And we are talking about Representative CONAWAY's great State of Texas, a highly populated State. We are talking about the great State of Florida. We are talking about Tennessee and other States. And this is significant, because citizens in those States pay no income tax, no State income tax, but pay huge sales tax to fund their State government, and that will go away if we don't do something about it.

In 2007, I think the gentleman from Kentucky mentioned this, the exemption for the alternative minimum tax will decrease from the current $42,500 to $33,750 for a single filer, and from $62,500 to $45,000 for a married couple.

In 2009, Mr. Speaker, my colleagues, the standard deduction for couples as a percentage of the standard deduction for a single individual decreases from 200 percent to 174 percent, further discouraging couples from entering into the great sacrament of matrimony.

And in 2010, the section 179, Small Business Expensing Cap, will decrease from $100,000 to $25,000.

I heard my colleague from Kentucky, Representative Davis, talk about this just a minute ago; and he made the comment that most of the jobs in this country, and that would include those 7 million new jobs that have occurred since 2003, in fact more new jobs than the European Union and Japan combined, most of those 7 million new jobs are created by small business men and women. And this section 179 which allows them to write off $100,000 in the first year for capital improvement, buying a new piece of equipment, indeed, expanding the size of their operation so they can hire new people, if it goes down t $25,000, you are going to see, just like a stand-alone increase in the minimum wage, you are going to see jobs lost, and all of a sudden that 7 million number is going to start trickling down.

It has been mentioned that the child tax credit will decrease from $1,000 to $500.

And listen to this, my colleagues: on marginal rates, if this has not already been mentioned, and even if it has, it probably deserves repeating, the 35 percent bracket will increase to 39.6 percent; the 33 percent bracket, 36 percent; 28 percent bracket, 31 percent; 25 percent, up to 28 percent; and, worst of all is the 10 percent bracket will increase to 15 percent. And not to mention capital gains going back up to 20 percent. Dividends, again, double taxation on dividend. All of these things are going to really hurt this economy.

And while maybe under our majority leadership there are a lot of areas in which we could have done better, I truly believe, and I think my colleagues here tonight would agree, we could hardly have done better than the 2001 and 2003 tax cut package, many of which I just enumerated, including finally trying to get rid of the double taxation of the death tax, the estate tax. This is what Republicans have done. This is what this President has done. And this has resulted in 7 million new jobs.

Instead of an estimated cost to the revenue of $1.3 trillion over 10 years because you made these cuts, guess what: within 2 years we have run the revenue, I think, and my colleague from Texas knows these numbers better than I do, but something like $275 billion more revenue because of the tax cuts.

I have said this a number of times on this floor, and maybe the folks at home watching on C-SPAN know this, but in 1960 Democratic President Kennedy cut taxes, revenue went up drastically; in 1980, President Reagan, Republican President, did the same thing and the revenue went up. And of course that is the case that we have here today.

Unemployment rate across the country, 4.6 percent. In my State, where we have actually, Mr. Speaker and my colleagues, we have actually lost a lot of jobs here recently because both General Motors and Ford have shut down plants that have been in Georgia for a long time, but our unemployment rate is just barely above 5.1 percent, and we are growing jobs in other areas, small businesses primarily as I said earlier.

So to be here tonight to talk about this, talk with the Countdown Crew why this is so critical, because we know the Democratic majority has already said it. But this issue of PAYGO that they have put in the rules package, it is an absolute farce. It doesn't even look like the PAYGO provision that the then-ranking member on the Budget Committee, Mr. Spratt from South Carolina, that what he proposed was that there would be no point of order waiver allowed; and yet in this new rules package that they proffered in the first week of the 110th, they allow that. So that at any point if PAYGO is violated, then they can simply in their Rules Committee waive that point of order. Or if they don't want to appear hypocritical and they don't waive the point of order, then whatever is done on the Senate side and comes back as a conference committee, they waive all points of order. So to have a really meaningful PAYGO provision, then it needs to have the force of law.

And I will conclude by pointing out the double standard here. What the Democrats would consider a tax cut and the expiration of these tax cuts as something that has to be offset, but they would not consider the extension of a program that expires, that has a sunset. Let's say as an example, and I think this is a great program and I hope we continue it and maybe even make it better, but as an example of the hypocrisy of PAYGO, take something like the SCHIP program which was authorized 10 years ago and we spend about $5 billion a year on that program. It is scheduled to sunset in June, I think, of 2007, this year. And I am sure it will be reauthorized, but that additional spending will be outside of PAYGO rules.

But yet when we have these tax cuts that expire, if we, the Republican minority now, want to continue those great tax cuts for the reasons that the Countdown Crew has enumerated here tonight, then that would be considered a new tax cut and would have to be offset. It is so hypocritical, Mr. Speaker, my colleagues. I think it needs to be said over and over again, and I want to come become and join my colleagues as often as we can to talk about this, because American people need to understand.

With that, I yield back to my colleague.

Mr. CONAWAY. I thank my colleague.

Let me make three points really quick and then we will go to closing comments because we have about 12 minutes left. But you mentioned the sales tax deduction. Just to help our many colleagues that have joined us tonight to listen to this great debate in the Chamber with us, let me explain to them what the impact is.

It is a matter of equity, because States that have income taxes, those income taxes that you pay in the State reduce your for Federal tax purposes. So you get to deduct those State income taxes.

□ 2100

So you get to deduct those State income taxes. States without an income tax, unless we put this provision back in, those taxpayers in effect subsidize the rest of the United States' taxpayers because there are inequitable circumstances. So being able to deduct sales taxes means that the taxpayers in Texas are on a more equal footing with taxpayers in States that have an income tax.

You mentioned the marriage penalty being a detriment to getting married. I don't know if that is the case. I do know there is a calculable tax toll for making the decision to get married. That may not dissuade couples from getting married, but it might. There is a tax toll, and all of us agree that strong families are the core of the institution that is America. And to the extent we discourage strong families, shame on us.

Finally on the 179, by dropping that deduction from $100,000 to $25,000, what happens there is the only businesses that pay money are businesses making money. You have to have taxable income in order to make money. If we have reduced the deduction by $75,000, the company has to pay tax, and let's assume a 35 percent tax rate, on that $75,000. So you take the $75,000 in profit, less the $26.500 that you pay in taxes and that net, $48,000, is all they have got left to pay dividends or reinvest in their business as opposed to the $26,250 that they could have reinvested in the equipment. So these are meaningful hits and meaningful tax policy that we ought to continue.

I yield to Mr. Davis.

Mr. DAVIS of Kentucky. When you talk about creating strong families, I comment on our good friends and neighbors back in Kentucky, Mike and Vonna Drake. They typify Americans living that dream of being able to pursue their own opportunity. Mike works as a pilot; Vonna is a nurse. Their children are friends with my family. I have watched their kids grow up through the years.

These policies that seem so arcane, reading about them in the news or some of the shrill rhetoric that we hear during political campaigns, have a real impact on their flexibility and ability to invest in their children's future, let alone decisions that they might make regarding their futures and careers.

In 1,443 days, my neighbors are going to have a $2,000 tax increase. They have two children. The $500 per child tax credit that was increased to $1,000, recognizing the cost of raising a family, the cost of investment in all of the needs of our children, and not simply food and clothing, but education and activities to grow them and develop character and to strengthen them for the future. That will revert by $500 per child.

Now they will have an additional $1,000 just on that alone. Because they are married, they attend church, they are committed to their faith, they are a great example of a family in our neighborhood and community, just based on the fact that they chose the course to get married, their taxes are going to be increased or they are going to have a tax penalty of 12 percent.

To your point, we need to encourage policies that will empower and strengthen families and will create taxpayers, and that will pass on that work ethnic to the next generation that made the Drakes a successful, value-adding American family. Not only do they serve their community now in their church, Vonna serves as a nurse, Mike is an aviator in the Army. He went in out of high school, got himself educated and pursued a professional career in aviation. He is a valuable member of our community.

And we need thousands and thousands of families across our districts because they are the ones who bear the burden. They are the ones who make the investment, as President Clinton likes to say. And I think of all of the dollars lost by investing in areas where it was going to create no future and create no value.

At the end of the day, unless we bring about fundamental changes in accountability, in 1,443 days this economy is going to be hurt. My friends and neighbors are going to be hurt. Small business job creation opportunities are going to be hurt because of keeping people from having that opportunity to invest and to build a future for themselves.

Mr. CONAWAY. I thank the gentleman from Kentucky, and I turn to the gentleman from Pennsylvania for some closing words.

Mr. SHUSTER. Mr. Speaker, I would like to relate two stories that I came across concerning these tax cuts.

Jim Tracy from Shelbyville, Tennessee, who is the owner of a small insurance agency, he said because of the tax cuts, he was able to use the $7,200 that he would have otherwise spent on taxes, and he bought seven new computers for his business and he hired a fourth employee. That is just one of many.

There is another story here. Kenneth Leupp of Archbold Refuse Service in Archbold, Ohio, he says, "The tax cuts, changes in depreciation schedules and increases in dollar amount we can expense off are very welcome changes. We have made purchases we wouldn't have made under the old laws. We've saved money on taxes, increased efficiency, lowered maintenance costs, and helped stimulate the economy."

Those are just two of thousands and thousands of experiences out there because of these tax cuts. Our purpose here tonight, although I may be repeating myself, I know that people watching C–SPAN tune in and out, but I just want to remind them that in 1,443 days, it is the countdown to the Democratic tax increase. All they have to do is run the clock out. They don't even have to act on them.

So on January 1, 2011, there will be a $200 billion tax increase to the American people. The death tax will expire, capitol gains tax, tax on dividends will expire in January of 2009. A record number of Americans are invested in the stock market with mutual funds and retirement funds. The child tax credit will be cut in half over the next couple of years. The marriage penalty will be back in place, and low-income taxpayers will go from a 10 percent tax bracket to a 15 percent tax bracket if we don't act.

The American people need to be aware of this. And in less than 4 years, if they don't communicate to their Members of Congress that they want to see these tax cuts extended, their voices need to be heard.

Mr. CONAWAY. I thank the gentleman from Pennsylvania who is the chairman of the Countdown Crew where we come in weekly and talk about tax policy.

There is nothing magical about tax policy. There is nothing sacred about it. There are various terms and provisions. We ought to be about trying to find an efficient tax collection scheme that allows for voluntary compliance, a scheme that is easy to comply with and costs the least amount of money possible to comply with, but raises the minimum amount of money needed to fund the Federal Government.

The policy we have in place is incredibly complicated. I am a CPA, and I have spent 32-plus years in business, both complying with the tax law and trying to help other folks comply with the tax law. It is unnecessarily complicated, but it is the one we have got. The provisions we have, as has been mentioned tonight, the current rate on capital gains tax, the current rate on interest, the 179 deduction, the various marginal tax rates, all of those, while there is nothing cast in concrete or stone about that, nevertheless if you look at the results we have had since they were implemented in 2001 and 2003, this economy has grown with those tax policies in place.

Could the economy have grown with other tax policies in place? Certainly, but that would be a guess as to whether or not that happened. The truth is we know these were in place and we know what happened with respect to the economy since they have been in place, since they brought us out of the recession of 2000–2001.

GEOFF mentioned his taxpayer that he talks about. The guy I think about when we talk about raising taxes is a fellow working morning tour for a drilling rig company, probably the derrick man. He probably has the most exciting job on a drilling rig. Most drilling rigs of any substance have 15 to 30-foot substructure from the ground to the floor of the rig, and then they have a mast on top of that of something in excess of 100 feet. And the derrick man's job is to stand at about 90-plus feet above the substructure, so he is 120 feet in the air, and works. It is hard work. It is physically demanding and dangerous work. He is making good money. He works 8 hours and if he is lucky some weeks he gets overtime.

That is how he feeds his, and I say "he," most of them are men, that is how he feeds his family. When we talk about raising taxes on individuals, I don't think about Bill Gates or Warren Buffett. I think about that guy working morning tour, for example, for Parker Drilling, or Patterson Drilling which is based in Snyder, Texas, who comes to work at 11 at night and works until 7 in the morning, and gets in a car with the other four guys on the crew and they drive home and he sleeps during the day. That is how he feeds his family. That work is 7 days a week for the most part. It is a hard job.

That is who I think about when we talk about raising taxes.

So we will be coming back here again next week on the first night back to highlight again. We will have peeled off another 7 days that we have before the automatic tax increase. We have a good colleague who gets all over us about mandatory spending. Well, this is a mandatory tax increase headed our direction, as our colleague from Pennsylvania said, if we simply run out the clock.

It will have been 18 days at that point in time since the last tax increase. We are not aware of any tax increases on the floor this week. But hang onto your wallet. Given the way so far our colleagues have run the shop, you don't get a lot of heads up on this stuff. It just comes to the floor. They could have something up their sleeve as part of the CR that would raise taxes and do all kinds of things. And I don't want to taunt them, but again not going through committee and doing regular order leads to the kind of blindsided unexpectedness where that can happen.

It has been 11 days since the first tax increase, and others are on the way.

I want to thank my colleagues from Pennsylvania, Georgia and Kentucky, and also from Oklahoma, for helping us out tonight.

REVOLUTIONIZING AMERICA'S ENERGY POLICY

The SPEAKER pro tempore (Mr. JOHNSON of Georgia). Under the Speaker's announced policy of January 18, 2007, the gentleman from Washington (Mr. INSLEE) is recognized for 60 minutes as the designee of the majority leader.

Mr. INSLEE. Mr. Speaker, I come to the floor this evening to continue the effort to revolutionize American energy. We had the first breakthrough here just about a week and a half ago where the U.S. House of Representatives took the first step in the clean energy revolution.

I think it was long overdue, and I think it is going to be much enjoyed by Americans, because what we did about a week and a half ago was take the first step toward freeing ourselves from the shackles of oil and gas and in fact starting down the road toward clean energy with a high-tech clean energy future.

The way we did that, we reeled back in $14 billion of giveaways to the oil and gas industry, the most profitable industry in the history of the solar system, that had been given under the previous Congress; and we put that money for Americans to use to develop a clean energy future that can depend upon Midwestern farmers rather than Middle Eastern sheiks.

This really was a first step on a long road toward a clean energy future for America. It was a very, very important first step.

This evening I wanted to share with my colleagues some folks I have met whose lives are intertwined with that clean energy future.

We call the clean energy future the new Apollo Project because we believe we need a new high-tech energy future for this country every bit as bold and revolutionary and visionary as John Kennedy's original Apollo Project when he stood behind me in 1961 and said America was going to place a man on the Moon and bring him back safely in 10 years, and that happened.

We believe that we need that same spirit, that same idea that our genius, our innovation and inventiveness in America can create new technologies to provide us new energy.

The people I wanted to talk about tonight are all people I have met in the last month and are people who I believe exhibit why we need the new Apollo energy project and why it was a good idea for Congress to have created this clean energy fund, take money out of oil and gas and put it into clean energy. I would like to talk about some of those folks.

The first two people I want to talk about are exhibits A and B as to why we need a new clean energy future.

One is President Note of the Marshall Islands who is a gracious fellow. I met him on Bainbridge Island awhile back.

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When I talked to him, he told me about the plight of his Nation, the Marshall Islands in the southern Pacific, very, very low atolls. They are essentially coral reefs, and they are just a few feet above sea level. What the President of the Marshall Islands told me is that his Nation is now threatened by sea level rises associated with global warming, together with the coral reefs that can be occasioned by acidification in the ocean and increasing water temperature, again because of global warming and carbon dioxide in the atmosphere.

What President Note told me is that, for the last year or so, they have had to take emergency provisions to keep the sea from encroaching where they live, essentially. They are now starting to have active consideration of where folks will have to go after they leave the Marshall Islands when the seas swallow the Marshall Islands or make them uninhabitable.

Another problem they are having is the storms are increasing in severity as well.

So here we have the President of a nation state who was in Seattle this weekend pleading for us to take measures to stop global warming to try to preserve his nation. I thought this could be the first nation really destroyed by environmental catastrophe associated with an energy policy that is polluting the atmosphere with so much carbon dioxide.

President Note was pretty convincing that as an act of humanity we should not allow his nation to drown, and to me it was sort of a common-sense, human thing to do, to ask me to talk to my colleagues about what we could do about that, and so I am here tonight.

The second person I want to talk about is the director of relocation for a town called Shishmareff, which is a town on the northern coast of Alaska. This is a town that has been there for 4,000 years in some village system or otherwise. For 4,000 years, people have enjoyed living there, but now they are being swallowed by the sea. The Arctic Ocean is essentially intruding into the town.

If you go and google Shishmareff, Alaska, you will see pictures of the houses simply falling down into the ocean. For a combination of reasons, the tundra is melting underneath their houses, and the ocean is intruding because an ice barrier that formerly protected their village has melted. So they are both having the tundra melt underneath them and the storm waves coming in and washing away the town.

About 3 weeks ago, the town voted to move 13 miles, move the whole town, kit and caboodle, to the mainland. They are now on a coastal barrier island, and this will be the first town, Shishmareff, Alaska, the first town that falls victim to global warming in the United States, the first American town.

I cannot be thinking that that is something to be proud of, that we have an energy policy that allows the oil and gas industry and others to put untold amount of carbon dioxide in the atmosphere. It is actually destroying an American town.

I think we ought to rally to the idea that we do not allow American towns to be swallowed by a problem. We have got to solve the problem.

So there are two people, the President of the Marshall Islands and the leader of Shishmareff, Alaska, both of whom are having their communities literally being swallowed up and having to move at some point because we have an energy policy that is fit for the 19th century, not the 21st century.

That is the bad news, but now I want to shift to some people I have met who have given me a huge amount of confidence that we can deal with this problem. Because I think if you spend time talking to the scientists and the inventors and innovators, as I have during the last year, you would be convinced that Americans, the country that had people who invented the light bulb, the jet airplane, went to the moon, perfected the Internet and mapped the human genome, are capable of creating a new energy future that will not allow the destruction of other American towns. The reason I believe that is because I know these people. I just want to share some of the people I have met in the last month.

Last Friday, I met people from a company called General Compression, and these are scientists who have invented a way to make a compressor about 80 percent more efficient which does not sound too thrilling, I suppose, until you think what it can do. Because what they can do with this compressor is put it on the top of a wind turbine and use the wind turbine that blows in the wind to compress air and then take that air and can pump it down into subterranean caverns and keep stored air under high pressure that then can be vented and used like a big battery. When you vent this compressed air, it can drive a turbine and generate electricity.

Now, the upshot of all this technology is it means that we can take wind turbines and essentially connect them to a giant battery in the form of compressed air to store that energy. This is very, very important in the effort to have clean energy because now we can make wind turbines part of the grid. We can have energy that wind turbines create. We can have access to it even when the wind does not blow. Wind does not always blow, except here in the House of Representatives, of course.

So this, for the first time, when this technology is perfected, and it is not perfect yet, will be able to perhaps double the revenues that can be generated from wind turbines, a clean energy source that does not emit one pound of carbon dioxide when we generate that electricity.

So here is a tremendous breakthrough that could make radical changes in our energy policy by perhaps doubling the efficacy, at least the revenue generation of wind turbine farms. We have had a bunch of them go up in the State of Washington. We have the largest wind turbine farm in North America in the State of Washington, which is already as cheap as any other type of energy that we have. So there is one company.

The second company, the day before I had in my office a company called A123 Battery. It is a company in Massachusetts, scientists who have spun off of MIT, largely; and A123 Battery company is a company that has developed a lithium ion battery which has tremendous capacity essentially for storing electricity. They have now signed an agreement with General Motors in an effort to provide the battery for the Volt, the first plug-in hybrid that GM has announced they would like to build in several years.

A123 Battery company, it is exciting because their technology, once it becomes commercialized, once it becomes packaged in a reliable source that we can make sure we can put in our car, will allow us to have plug-in hybrids, a car that we can take home at night, plug into a garage outlet, next day drive it up to 40 miles on electricity. And over 60 percent of our trips are under 40 miles a day, but if you want to go over 40 miles a day, then you have an auxiliary internal combustion engine that will burn either gasoline or ethanol that can take you the rest of the mileage as far as you want to drive.

So it is a plug-in, flex-fuel hybrid vehicle. Plug-in meaning you plug in at night, flex-fuel meaning runs on a gasoline or ethanol, and hybrid means it has electric and internal combustion engine.

So this company now has sort of answered the $64,000 question of how we are going to have enough battery capacity; and all they need to do, as they explained to me, is to mount some engineering. The science is there. Now they need the engineering.

This is very exciting to think that in 5, maybe 6, 7 years, we will be able to have an electrical driven car, by and large, that we can distribute energy over the electrical system.

Think about when you put those two companies I just talked about, put those two companies together. General Compression, which can perhaps double the efficacy of the wind turbine, that can generate electricity that goes out over the wires to your garage, that you plug in your car at night and drive off and get 40 miles on electricity and unlimited mileage on your gas or ethanol, a clean system, with zero carbon dioxide emissions. There is some pretty good news, and they are not the only one.

Now maybe we will not have wind turbine-driven electricity. Maybe we will have clean coal. You know, most of the energy is from coal, from electricity right now in the United States, and it is very dirty, huge gigatons of carbon dioxide which are responsible for global warming, but there may be a way we can burn it cleanly.

We can put it through a combined cycle process that can take the carbon dioxide out of the stream. We turn the coal into hydrogen. We burn the hydrogen in a gas turbine, and that generates electricity. But we have got to have some place to put the carbon dioxide so it does not get in the atmosphere. We basically sequester it, and we pump it under high pressure into the ground, and it stays there for hundreds of years, but it takes a lot of energy to compress that CO_2. For every two coal-fired plants, you have to have one just for the energy to suppress this CO_2.

But a company I talked to yesterday called RAMGEN in Tacoma, Washington, RAMGEN has a nascent technology using a very sophisticated technology to increase the efficiency of compressors by very significant amounts, which would allow us to compress this carbon dioxide and use much less electricity to do it.

So here we have a situation where we have these three companies I just talked about that may mean we would be able to have affordable, clean coal electricity to go into our electrical grid to power our plug-ins; and, if not that, then we have wind turbine technology to power our plug-ins with a battery that works.

That is a beautifully elegant system that can keep the Shishmareff towns and the Marshall Islands that are being swallowed by the sea and keep us having cars that do not have to drive on oil from the Middle East. That is a pretty nice system. So there is a lot of great news out there, because there is a lot of great innovation out there.

But the question is, what can we here in Congress do to accelerate that rate and that pace of innovation, and this is the third thing I would like to address tonight. We have talked about the problem. We have talked about the people who are solving it, innovation, but we have a role here, too, to help accelerate that rate of innovation.

I would like tonight to talk about some of the things, not all of the things, but some of the things we can do here in Congress.

First, what we can do is try to accelerate the rate of the commercialization of this plug-in hybrid battery. It is still going to take some engineering to make sure the battery is put in sequence in a crash-worthy system.

We can pass a bill I introduced last week with some colleagues called the grid plug-in hybrid vehicle bill that will use some of this $14 billion that we have set aside for research that will help this industrial application get off the ground. It would also provide incentives for consumers to buy these products so we can help increase the demand for them; and, of course, we know once we increase demand, the cost of these goes down, the more we have on the road.

The bill would also create a Federal testing ground. We have several of these now that help prove the concept of these—that prove these concepts work, and we would build on that by providing another test facility to certify the safety and reliability of these systems.

So here is one bill that can help speed this transition to an electrical driven car, and we are very close to doing it. It may happen without Federal action, later rather than sooner, but we cannot wait. We cannot wait because of our dependence on foreign oil, and we cannot wait as the scientific panel will come out with its report this Friday again noting the danger we face as a country as a result of global warming.

So that is one thing we can do, pass this plug-in, flex-fuel hybrid vehicle bill.

Secondly, what we can do is make it easier for people to generate their own electricity. You know, photovoltaic energy where you put solar cells on your roof is becoming close to being market-driven. There are some very, very exciting things going on in photovoltaic energy right now.

A company in California called NanoSolar is producing 450 megawatts of thin cell solar cells which they hope will decrease the cost of photovoltaic cells dramatically, another company called MiaSole. But we want to make it easier for you. If you want to put it on your roof, when you generate more electricity, you are feeding it back into the grid, to basically—to sell electricity you grow at your home, homegrown electricity back to the utility company.

□ 2130

We want to make sure that you can get paid for that. So we have another bill called the net metering bill. Net metering basically means that you net on your meter what you used from the utility against what you produce and sell back to the utility.

This bill would create a right for you as a consumer, under certain rules that were set up, to sell your electricity back to your utility, make sure you can hook up, have a Federal standard to do that. That is the key to being able to get to what we call a distributed generation system, where we can have generators all around the country, including on our rooftops and our businesses and our homes, not just in large coal plants and large hydroelectric dams.

This is a pretty simple thing to do. It has been blocked now for 4 years in Congress. We are hoping that it can get through this year, a simple thing to do.

Third, we have got to increase our research and development in all of these high-tech energy fields. I just mentioned several of them. There are many others, wave power. We now have the first wave power plant that has been proposed off the coast of Oregon, 50 megawatts, with buoys that bob up and down underneath the surface that can generate very considerable electricity. There is enough electricity that could be generated off a 10-by-10 square mile area off the coast of California that, if the buoys can be shown to survive ocean conditions, can have all the electricity California could use. It is pretty amazing.

Now, there are hurdles to show that these buoys can survive in the wave power, but we need to do more in the wave conditions. We need to do more R&D on this. We need more R on the clean coal. We need more R&D on the solar thermal, which we are having great success with lately.

The reason we know this is because when we compare this to other major challenges, we are really pathetic. We are pathetic when it comes to doing R&D and energy right now.

You know, this challenge we have is at least as visionary as going to the Moon, but it affects our planet rather than the Moon. Yet we are spending one-seventh of what was spent and invested in the new Apollo Project, one-seventh per year what we spent on getting to the Moon.

That is a sad commentary on our failure to act with dispatch when it comes to energy. We would not have gotten to the Moon, probably ever, had we had such a skimpy, weak, pathetic amount of research into this basic science. We have all this explosion of information going on between nanotechnology and biofuels, which we haven't even yet talked about tonight. We have got to ramp up that Federal R&D. That is the third thing we need to do.

Fourth, we need to have major steps forward to advance our biofuels potential in this country. We have enormous potential in this country for biofuels. I have read the last few days some articles and newspapers by pundits who get to say anything they want. They don't ever have to run for election, so it doesn't matter what it is, really, I suppose.

But these pundits have suggested that biofuels could not play an important part of our role, and those people are not talking to the scientists who recognize the breakthrough technology that we are on the cusp of enjoying in this country to dramatically increase the productivity of biofuels. Now, we know we are already producing very significant sums of ethanol and some biodiesel in this country. We know that that can increase.

But what folks don't understand is that these biofuels, we are ready to take giant leaps forward to leapfrog the corn ethanol that we now use, and corn ethanol right now is what we might think of as the first-generation biofuel. It is kind of like the Wright brothers' flier. It works, you can fly, but it is just a start. We are going to enjoy succeeding generations of biofuels.

The first one that we will have will be cellulosic ethanol. Cellulosic ethanol is a fancy term that basically means instead of just using the seed of a plant to distill ethanol, you use the whole plant. You don't just use a kernel of the corn. You use everything, what they call the corn stover that grows above the ground. You mash it up, and you put an enzyme in it to break down the carbohydrates in the cell, then you distill the carbohydrates and you make ethanol.

When we do this, we will increase the productivity of the Midwestern farmer by a factor of two or three, not 5 or 10 percent, but by a factor of two or three. We will generate two or three times as much energy and money per acre as we are generating right now. This technology is ready for the first commercial plant, which should be in Idaho, a company called Iogen, that is ready as soon as they get a loan guarantee from Uncle Sam so they can build the first commercial plant to do this.

When we do this, we will be able to have a very significant amount of our transportation fueled by domestically produced biofuel. This is not me just saying this. This is the Department of Energy that has done extensive analyses of this, Department of Agriculture, a whole suite of agronomists who have looked at it, who have basically concluded that in 25 years we can have 25 to 30 percent of our transportation fuels fueled by this, by this stream of domestically produced ethanol.

That is just a beginning. That is a second generation. A third generation could include algae. Algae has the capability of producing 50 times as much at least per acre as even the second generation of biofuels.

There is at least one company that has at least one commercial application of that technology now, basically to make diesel fuel out of algae. That is the kind of thing we need to invest in, and that is what we need to start doing.

Last, I want to mention something that is pivotal to driving these technologies, and that is the technologies that I have talked about tonight all operate under an enormous competitive disadvantage. They have to compete with other industries that have a huge subsidy that they don't get, and that's the subsidy that the fossil fuel industry has because they get to put their carbon dioxide, their pollution, in the atmosphere for free.

Now, you think about that. If a coal-fired utility right now can put its garbage, its pollution, its carbon dioxide, its pollutant that is damaging the Earth's atmosphere, that is damaging the atmosphere by the megaton and not pay a dime for it, in unlimited amounts, now, compared to what you do and what we do when we go to our county garbage dump with a pickup full of stuff out of our garden, goodness knows what we have got in the back of our basements, we have to pay money to dump our stuff in a limited space, because there is only a limited space in a garbage dump.

But utilities that put all this pollution in our atmosphere, which has limited carrying capacity for carbon dioxide, get to do it for free for as much as they want. That is a huge subsidy of those industries.

If you are a small company in California building solar cells or ocean-powered technology or wind turbines, or if you are a farmer in Ohio that is going to build cellulosic ethanol and sell it, you don't get that subsidy. It is an unfair subsidy, and it needs to stop.

The U.S. Congress needs to stand up on our hind legs and pass a cap and trade system to cap, to limit, to put a ceiling on the amount of carbon dioxide that can go in our atmosphere from these polluting industries. When we have that cap, when we limit the amount of carbon dioxide that can be put in, two things are going to happen.

We are going to protect our atmosphere for our grandchildren; and, second, we are going to give a boost to these new businesses that are really ready to start producing these products to become commercially available for the clean energy future of this country. That is a big two-fer, a clean, healthy environment and an energetic economy.

All of the things I have talked about tonight will help produce both things. This is a situation where we are going to have the cleanest policy in congressional history and the most robust economy in American history once we develop these new technologies, because we need to be the country that fulfills our destiny as being the inventors of the world.

You know, China is going to need this technology. They are building one dirty coal-fired plant a week, and they are going to need clean energy technology. We should be the one selling it to them.

Here is a great way to restore the imbalance of trade between us and China. One of these companies, the director of Ramgen, this company that may be able to do this clean coal technology, was going to China today, and here is a perfect example of how we can start to fix this terrible trade imbalance we have when we can be the sellers to the world to this clean energy technology.

So, in summary, there is some good news and bad news here tonight. The bad news is we have some fellow Americans whose talent is being destroyed by global warming in Shishmareff, Alaska.

We have a fellow citizen in the world, the Marshall Islands, whose country is being devoured by global warming. That is the bad news.

But the good news is we have a great combination of innovators, inventors, business people that are ready to tackle this problem and create these new technological solutions to this problem. One day we will be driving clean cars. We will have cleaner homes with better efficiency. We are going to lick this problem of global warming at the same time we are going to grow the U.S. economy.

That is a message that this Congress, I am proud to say, is now sending for the first time. We have broken the chains of the oil and gas industry. We have broken the chains of the 19th century, and we have entered a new century of clean energy technology.

I will look forward to more successes so we can help Americans continue to invent. It really is the American destiny to pass the new Apollo energy project and do just what John F. Kennedy did, take this country to a new vision.

30-SOMETHING WORKING GROUP

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Florida (Mr. MEEK) is recognized for 60 minutes.

Mr. MEEK of Florida. Mr. Speaker, it is an honor to address the House once again. I just have come to the floor on behalf of the 30-something Working Group. As you know, and as the Members know, we work daily and weekly on issues that are facing the American people and also to not only inform Members of Congress but also allow the American people to get a closer glimpse of what is happening here in the Capitol dome and what is not happening here under the dome.

I am proud to report that there were a couple of days, we only worked 3 days last week, or 4, to allow the minority party to have their retreat. During that time, Speaker PELOSI and a number of other chairmen traveled to Iraq and Afghanistan to visit our troops and also our commanders in the field.

I can share with you that the trip will be talked about a little further by the Speaker tomorrow, but it is very, very important because it is the number one thing that is facing the Nation right now, and that is war in Iraq and also in Afghanistan.

Last week we spoke or talked here on the floor about the importance of the President's State of the Union, what was said and what was not said. There was some level of focus on the fact that Katrina was not mentioned not one time during the President's State of the Union, with me being from a hurricane State and representing a district that is constantly hit by hurricanes and natural disasters, just being one season away. Katrina, noted as one of the worst natural disasters of our time and one of the worst responses by this Federal Government, did not receive even a mention from the President of the United States.

I can say that there are several Members here in Congress that continue to be concerned about Katrina and the area of housing and follow-through and preparedness on behalf of our first emergency responders, or that they have the tools to respond, but making sure that FEMA has the proper oversight to be able to carry out the tasks needed in the event of a natural disaster or terrorist attack.

One other thing I think is important to be able to identify is veterans were not pointed out in this State of the Union. Looking at Katrina and the State of the Union, we must come to grips with there are two hard realities. One, if we have a natural disaster or a planned terrorist attack that takes place in this country, is the Federal Government ready to respond, especially on behalf of the executive branch? That question is still left unanswered.

At the same time, when we start looking at issues of veterans, looking at our troops, our men and women coming home, what will be the state of affairs on behalf of those veterans?

I am saying all of this to line up the debate that is going to take place after this week when we pass the continuing resolution that will be on the floor on Wednesday of this week, of what is going to happen the following week after that when the President sends his budget to Congress.

It is important within that budget to embrace some of the values of the American people and even legislation that we have filed in the 110th Congress and also that was filed in the 109th Congress.

□ 2145

I think it is important, also, to outline the fact that Americans continue to disapprove of the direction that the President is heading in dealing with the troop escalation in Iraq. I will be looking forward to hearing more about the Speaker's trip not only tomorrow in her press conference but also when she shares not only with the Democratic Caucus but with this House of Representatives.

And to see after the State of the Union, the President's polling numbers drop even to another low. What I understand from some reports, as low as 30, 28 percent. I know the President is not going to win a popularity contest, but I think it is important to be able to follow the will and desire of the American people and on behalf of the Congress.

Also, I took the opportunity today, Mr. Speaker, before coming to the floor, to take a look at what congressional leaders are saying, not just on the Democratic side of the aisle but even on the Republican side of the aisle, and there is a great debate that is going on. I pull here the Congressional Daily AM, which pretty much any staffer or Member of Congress involved in the process here in Washington, D.C., can pick it up and find out what is going on throughout the whole week; and on a number of the issues that are going to face the President, some of his strongest supporters here in Congress are disagreeing with him at this point. I think this could only boil down to Members of Congress using common sense and standing up on behalf of their constituents, either it be an entire State, if you are a Senator, or Member of Congress that represents a district. I think it is important that we exercise those values.

There will be an up-or-down vote on how the Senate feels about the troop escalation in Iraq; and I believe, reading here, that the Democratic leader, Mr. REID, has said that that vote will be taken and that there will be a number of Republicans that are going to have to take that vote because there are going to be 21 seats to defend in the Senate in the 2008 elections.

Now, saying that, Mr. Speaker and Members, this is not about politics. This is about standing up on behalf of the American people. I think Senator WEBB said it best, Mr. Speaker and Members, that if the President doesn't want to lead us in the right direction, then we need to show him the way, something along those lines. And I think it is important on behalf of the men and women that are in harm's way now and the fact that we have oversight as the legislative body in this three-branch government that we exercise our rights in this.

I want to read just a little bit here, continue from page 1 over to page 2: "Warner's opposition to sending more troops was a heavy blow to the White House and administrative officials that hoped that the former Senate Armed Services chairman, one-time Navy Secretary would help convince colleagues to support the plan." I think it is important that the Senator and past chairman of that committee stand up on behalf of the American people in what is right, and I commend that on a bipartisan basis.

I think the American people and Members here in the House know exactly where Democrats stand on this issue of making sure that we bring about the kind of oversight but at the same time not just standing by and saying, well, the President is Commander in Chief; and he is making all the decisions.

I see my good friend, Congressman MURPHY, is here.

If this was left up to politics, then we would just stand back and allow the President to continue to do what he is doing, and then we could have Ground Hog Day all over again, as we had in November, Democrats continuing to gain power because of the lack of leadership on behalf of the Republican leadership to stand up to the President of the United States.

But this is not about politics. This is about protecting the American people. This is about making sure that their will and desires are represented here in the people's House, in the U.S. House of Representatives, and I am pretty sure in the Senate.

And I am hoping that Democrats and Republicans will come together. As you know, Mr. Speaker and Members, here in the 30-Something Working Group, we embrace bipartisanship. We encourage bipartisanship. And the good thing about serving in an elected body is when you are right and you are on the side of the people, then you will return back to this body. If you are wrong, I used to play football down at Florida A&M, and we used to say the blind leading the blind and the two shall fall in the ditch.

So I think it is important that if we know that the American people are looking for a new direction versus the same direction that the President was taking in the 109th and 108th Congress, the wrong direction as it relates to Iraq, then that is a decision that every Member of Congress has to make.

Mr. MURPHY, I am so happy that you are able to join us right now. I was just talking a little bit about what we finished off on last week. I talked about the fact that the Speaker was in theater, two theaters, in Iraq and also in Afghanistan. She just returned. She will be having a press conference tomorrow to talk about that a little more. The fact that on Wednesday we will be debating the continuing resolution and will be here on the floor. We will have a follow-up.

The President's budget will be handed down, I think, February 5, and some of the things which were not mentioned in the State of the Union, Hurricane Katrina and the victims of Hurricane Katrina and those Gulf States and also veterans that were left out of the State of the Union speech, which is going to be the next major wave that this country is going to be facing. How we are going to deal with the influx of new veterans coming into the system? And you pretty much heard the rest when you joined us.

But, welcome, and I yield to you.

Mr. MURPHY of Connecticut. Thank you for yielding, Mr. MEEK.

You talked about our commitment, failed commitment, over the past several years of Republican rule in this House to our veterans, and I think of what message we send, Mr. Speaker and Members, to the young men and women who are coming back to this country who have fought for us in a war that they are beginning to understand, I think, has been so badly mismanaged and a war in which this Congress has so miserably overseen for the past 3, 4 years. But I also think about what message it sends to prospective young men and women who may want to join our Armed Forces, because we are so lucky in this country to have an all-volunteer military, and it is a blessing for each and every one of us who lives under this blanket of freedom that our volunteer military provides.

The message that we are sending them today, Mr. MEEK and Mr. Speaker, is that, one, when we send them into battle, we are not going to do it in a way that protects them with the armor and equipment that they need, that we are not prepared to send them into a conflict that we have planned for in advance for success.

But, even given all that, that when they come back to this country, unconscionably, we are not going to make sure that they have the health care that they need, that they won't wait in lines for procedures that they need, that they won't have to pay exorbitant amounts of money out of pocket for the drugs that they need to treat the injuries that they suffered on behalf of this Nation.

So for me, Mr. Speaker and Members, the issue of veterans really ties it all together for us because it talks about the values that we have as a Nation to those who have served. It talks about the misguided policies of this administration and the peril that we have put these young men and women in.

As 30-Somethings that get to stand here and as a very new member of this group, we all have friends and cousins and brothers and sisters who are fighting there, and we hear the stories firsthand from our generation or those just a few years younger than us as they come back, and the stories only get worse. We give credit to those who served, and we should give them the benefit of their service when they return here.

And I think you are very right, Mr. MEEK, to point out that that was a very noticeable absence from the President's speech, to give credit to them not just in words, not just in Veterans Day and Memorial Day ceremonies, but in the acts and in the funding that this body is charged to provide for those men and women both when they are abroad serving for this country and here at home. And having watched the 30-Somethings do work on this floor, I know what great advocates you have been for those men and women who have served for us, Mr. MEEK.

Mr. MEEK of Florida. Mr. MURPHY, I can tell you right now that a number of those issues that we have been talking about over the last couple of 30-Something hours that we have had here on the floor, and we thank the Democratic leadership for allowing us to have this, this is a very pivotal time. And I always share with the Members, even though we come to the capital, Mr. Speaker, from our districts on a weekly basis, work together here on this highly secured complex, the sun rises and sets every day in this beautiful capital city as we look over the capital Mall, and sometimes we take the very freedom that others have provided for granted and the opportunity, Mr. Speaker, to lead.

I think when historians start to look at this time when there are two wars going on, when you have millions of Americans without health care, when you have Gulf States that are there that feel that they have been forgotten, when you have veterans in the heartland of America and urban America still sharing some of the same wounds of a lack of leadership on behalf of the Congress, when you have veterans that are waiting 3 months to see the ophthalmologist, and when you have veterans clinics, VA hospitals and clinics, some clinics that are only open twice a month with a staff that rotates between that region that serves those veterans, people will look back and say, what happened in the 109th Congress or what happened in 110th Congress? Who stood up? Who stood up on behalf of the American people?

I have a great deal of respect for the President and the Commander in Chief, because he is the President and Commander in Chief, period. That is where it is. I am an American. I am not an enlisted man, but I am a Member of Congress, and I feel that the office deserves the respect.

I also believe that the American people deserve, Mr. MURPHY, the same level of respect or greater. And the great thing about our democracy, like I said, we celebrate the very freedom that others have provided us. Some of those paid the ultimate sacrifice for that to happen. Some are sitting in wheelchairs right now. Some are forever mentally wounded or injured by the whole experience in providing the kind of freedom that they provided for us. Some of us take for granted that we have veterans, some that are going into VA hospitals that are sitting there practically all day for mental health counseling. Some are not eligible. Some are still fighting for full benefits. And over the years, I know of some of my constituents all the way from the Korean War who are still fighting for full benefits to be granted by the Veterans Administration, seeing these individuals in the state that they are in now, under years of a Congress that has not paid attention.

And just a little history lesson here, I will just share with you, the chairman, I believe, in the 109th, the 108th Congress, the Republican chairman of the Veterans' Affairs Committee went against the Republican leadership saying, I believe this is what we should do on behalf of the veterans. I believe that they deserve it. And he was removed as chairman of that committee.

Those days are gone now. We are in control. We are going to stand up on their behalf.

I am just saying I don't want to point out the fact that the President did not mention anything about veterans, just that it is a bad thing. It is a bad thing. I think he should have mentioned it, especially at a time of war. But I want to make sure those veterans know, Mr. Speaker, that we are not going to leave them behind, that we are not going to let their memory kind of fade off, their contributions fade off into the sunset because the President did not prioritize enough to even put two words together to thank our veterans, or just "veterans," period, just one word. Because he left that out of his speech doesn't necessarily mean that this House of Representatives is going to leave those veterans behind. So that is the reason why we mentioned it. That is the reason why we raise up the Katrina victims and those families that are still living through the nightmare.

And, Mr. MURPHY, we are not even focusing on the whole family experience. I mean, think of those families of veterans that are out there. And the reason why I am mentioning the whole mental piece is because, when I traveled to Iraq, I can tell you I used to be a State trooper. I have seen some things in my 5 years being with the Florida Highway Patrol. I am pretty sure in one tour in Iraq, a young man or young woman or a middle-aged gentleman or what have you, when you see that kind of activity, it is going to affect you. You are going to need the kind of the assistance that this country should provide because you volunteered, taking your words, to fight on behalf of this country. So it is very, very important.

And those families that are having to live with those family members that are trying to wrestle with those issues, some of those issues don't make the local news, but they live it. Children are subjected to it, and many of our veterans need counseling when they come back.

□ 2200

And that is one of the hidden issues that is in this whole issue as we start talking about not leaving our veterans behind. We have plans to do that. We started this discussion just talking about the President's budget, about making sure that this is reflected in the President's budget.

Before I yield back to you in like 30 seconds, the President is going to go to Illinois tomorrow, and he is going to be in New York after that, visiting, pushing his economic plan. I can tell you right now, I wish I had an envelope, but I remember Johnnie Carson used to hold an envelope to his head and say a word, and I would say make tax breaks permanent for the superwealthy.

You know, I am pretty sure that is somewhere in that envelope. Even though we are going to go around, we are going to go to Caterpillar in Illinois and talk about trade and how the economy works, and then he is going to go over to New York and talk a little bit about the economy and how strong, this, that and the other. But in the end game, it is going to be about protecting the very individuals that have been rewarded and protected at a time of war, to make it permanent, so that the middle class will not have the benefits that they need.

So we highlight these things as a forecast of saying that there is some room for the American people, everyday Joe and Sue, and those individuals that are punching in and punching out every day, for those individuals that are trying to make it to the next level that there is something there to assist them.

Mr. MURPHY of Connecticut. Mr. Speaker, Mr. MEEK was right on. The new class that was sent here to Washington was sent here to make sure that this place is returned to that hardworking family that you are talking about.

You know, we know the statistics, the terrible statistics of the number of military families that are on food stamps, the number of military families, ex-military families that have to come to the government for some assistance just to get by every day. I mean, these are amongst the legions of families across this country that are scraping to get by every day.

We have a growing economy. You know the story, Mr. MEEK. We have a growing economy. Production is up. GDP is up. And wages are flat. Wages for regular, ordinary Americans are going nowhere while wages for CEOs and the folks at the very top of that economic scale are doing very well.

And none of us begrudge folks that have done well in business making a dollar. I mean, that is the genius of our American economy. But what it does is it leaves all of those people behind while a very few at the top are well off.

Here is where we come in, I think. I think we come in in that our job, not necessarily to completely level that playing field, but our job certainly is not to exacerbate the differences that already exist. And when President Bush goes to Illinois, if he spends a little time moving away from the motorcade and the Secret Service lines, he will find a society there in which there are deep divisions between those folks in the middle that are just trying to cling on to that middle class, and the folks that are doing very well.

Our job, you know frankly, is to not make that situation worse. And the tax breaks that this previous Congress gave away to a lot of those oil companies, to the deals that they cut with the drug companies to give them record profits off this health care system, have left a lot of people behind, have left millions of hardworking Americans struggling, producing more, working harder than ever, and not seeing a return for their dollar.

You know the costs of this war. I have heard you talk about it on this floor. But we are spending $8 billion a month in Iraq right now. And we need to start having a conversation about how we spend that money here in the United States of America, and how we use that money to retrain workers that have been laid off due to the globalization of our economy.

We need to talk about how to spend that money to get kids an education that they deserve, to get them out of school in 4 years, rather than what is all too often happening, that it takes 6, 8, 10 years for some students to get degrees. That is where we need to be investing.

That is the right thing for our economy. That is the right thing for our kids. And ultimately it is the right thing for our men and women that are fighting overseas. So I appreciate the focus that we are going to hopefully be able to add to the President's visit, to make sure that when he goes out there into the world that he sees all of America, that he does not just see the folks that have been the beneficiaries of the largesse of government in this Congress for all too long, the oil companies, the drug companies, the Fortune 500s, that he sees the rest of the folks that are struggling.

Now, he is going to get an opportunity, as you know, Mr. Speaker and Members, to do right by those folks, because hopefully we are going to get to his desk an increase in the minimum wage, we are going to get to his desk a decrease in the student loan rate. We are going to put on his desk for his signature a repeal of those massive tax breaks to the oil companies.

He is going to have a choice then, and I hope he listens to what happened on election day. I hope he listens to the legions of folks who sent us here, some of us for the first time and others back for another tour of duty in this Chamber. I hope that he listens to the folks that are asking this government to start sticking up for people that have had very little voice, very little voice except for some people standing here late at night trying to shed light on what has been really happening in this country, Mr. MEEK.

Mr. MEEK of Florida. Mr. MURPHY, that is an outstanding segue to even talk about what has passed this floor already. You mentioned many of those measures. Eighty percent of the American people, overwhelmingly, Mr. Speaker, feel that the first 100 hours here in the U.S. House of Representatives have been very fruitful and have put forth a great surge of support and hope on behalf of everyday working Americans.

Speaking of the minimum wage, I understand that it is up for consideration in the Senate next week, hopefully next Tuesday. I know there are some discussions an $8 billion possible cost for tax breaks for businesses within that. I know that there will be some sort of discussion between the finance Chair in the Senate and Mr. RANGEL over here in the House, Mr. Speaker, from Ways and Means.

We are going to continue to have hearings on the economy. We are going to talk about globalization tomorrow in the committee, I believe at 10 a.m., over in the Longworth Building. We are going to the effects of it, how does it deal with the American worker, how do we benefit here. And that is going to be a great discussion for us to continue to have, especially with the President moving around and speaking to different groups about trade.

I think it is also important as we start to look at this issue of the minimum wage that we keep at the forefront. So I want to make sure that the Members stay engaged; I want to make sure that the American people stay engaged and informed on what is happening.

I think another issue that is coming up and I mentioned it a little earlier, on Wednesday, we are going to be dealing with the continuing resolution. I can tell you, Mr. Speaker, some of the things that were mentioned in the State of the Union, it is interesting what we have already incorporated into the House.

Democrats led the way in making sure that we adopt pay-as-we-go rules. Democrats led the way by saying that there will be no earmarks in this continuing resolution that will come to the floor on Wednesday. And we talk about earmarks. And we are bringing about earmark reform.

But earmarks in some areas, especially when you look at the bad situation that the country is in right now, this does not go away. I mean, we are continuing to hold this chart up. I just want to make sure that the American people and Members understand that we had very little to do with the situation of the $1.05 trillion that has been borrowed from foreign nations, and more than has been borrowed over 224 years with 42 Presidents and a number of Congresses in between, of $1.01 trillion.

We did not just get there. We got there by giving unaffordable tax breaks that we could not afford to the superwealthy, giving away tax breaks to individuals who did not ask for it. So that just does not go away.

There is a lot of work between making sure that we are able to do what this Democratic Congress has done in balancing the budget and taking us into surpluses versus what the Republican Congress has done in taking us backwards.

Mr. Speaker and Mr. MURPHY, we are joined by my good friend from Ohio (Mr. RYAN). Mr. RYAN, we have been talking about a number of issues surrounding not only the Speaker's visit to Iraq and Afghanistan with some other Democratic leaders and also chairmen, but also talking about the issue of the veterans not being mentioned in the State of the Union, nor the Gulf States. But we said we are not going to leave them behind. So we gave an update on the minimum wage. We are happy to hear from you, sir.

Mr. RYAN of Ohio. Mr. Speaker, I had an interesting weekend, and I am glad to be with you and our new friend from Connecticut. I had a very interesting weekend because everyone in Niles, Ohio, in the Mahoney Valley, was talking about the first 100 hours. So I found it very interesting that so many people were actually paying attention to what was going on here.

I think a lot of it had to do with Speaker PELOSI and the first woman Speaker being here. But there was a genuine excitement that things had changed in Washington, D.C. and I am sure you felt it in Miami. I know you were there. I talked to you last night. You were there. And I am sure they felt it up in New England.

Mr. MEEK of Florida. You gave a couple of speeches over the weekend.

Mr. RYAN of Ohio. I did, yeah. I actually spoke at the Akron Press Club, which I felt was very important. And then I spoke at Our Lady of Mt. Carmel grade school, my old Catholic grade school. And we had a little alumni affair there.

It was interesting, because there were so many people talking about what had happened down here, the historic nature of the changes. And when you look and you think about all of the political promises that we have probably all heard in our careers at one point or another about, we are going to do this, we are going to do that, and you hear people say that.

But for Speaker PELOSI and the majority here to lead and run campaigns all over the country and make those assertions and make these promises and then to come within the first 100 legislative hours and actually deliver on these issues is impressive. And I think it tries to restore some of that credibility that has been lost, I think, over the past couple of years.

So we immediately stabilized a lot of families. I mean, it is not implemented yet, but our goal: minimum wage, cut student loan interest rates in half and help negotiate down the cost of prescription drugs. And then open up two new sectors of the economy by repealing the corporate welfare and investing that in alternative energy sources, which will lead to more research from the private sector, investment by the private sector, and try to open up this new alternative energy sector of our economy, and then the stem cell research bill, which will allow us in the health care industry to open up and do further research to move the economy forward.

So we are trying to do some compassionate stuff, some progressive stuff, but at the same time stabilize. It has been interesting. It has been fun to go back home. Mr. MEEK, as you remember the last couple of years, you would have to go back home, and you are talking to your constituents, and there is not a whole lot to say.

You know, we were often talking about what we were trying to prevent from happening, or motions to recommit or amendments we offered for PAYGO in all of those committees and Charlie Stenholm and Dennis Moore who offered all of those provisions to try to balance the budget by implementing PAYGO. Well, we implemented PAYGO from the House side.

I think it is very important that we were able to actually go out and do that. So I am excited about what is happening here.

Mr. MURPHY of Connecticut. Mr. Speaker, I would just say, it is funny because there was kind of a low bar set. And I at some levels am pleased that I was not in the same shoes that Mr. RYAN and Mr. MEEK were, that I did not have to go back to my constituency for the last several years and answer for what has happened here, because the answer is, not much.

You know, folks out there were struggling with these energy prices just going through the roof. Health care was becoming harder and harder to find, good health care at least. People were crying out for work on immigration. People were trying to get help bringing up their wages to a liveable wage, and they were not hearing anything. I mean, it was deafening silence from down here.

So I do not have as much comparative experience as you, Mr. RYAN and Mr. MEEK, do. But walking around the district in Connecticut for the past several weekends it has been euphoric. And I used that word the last time I was down here with you.

It is really this sort of sense that, oh, my gosh, our government is working again. Our government is back to work again; and it used to be that that is what happened. It used to be that there would be a problem, you would go to your legislator, they would come down here and they would do something about it.

And people have come to expect inertia. That is what sort of was just the run of the mill down here in Washington, that you have a problem and then you have to wait about 5, 10 years, in order to get something to happen.

I felt the same thing, Mr. RYAN, that people you know, it is too bad frankly that people have come to be surprised by the fact that there could be immediate action. Because that is what they should get from their government, and they are getting it now.

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Mr. RYAN of Ohio. And it is exciting because it is just starting, Mr. MURPHY. It is just starting.

And when you meet with the Speaker and you see the intensity in her eyes and the focus about this was really just the beginning and we are not here to say, well, we did our first hundred hours and we are done. We are going to chalk it up and we are done. This is about continuing to move forward. We have got to reauthorize No Child Left Behind.

And when you talk to Chairman MILLER, who is the Chair of that committee, you see the look in his eyes about an opportunity to change the face of education in this country, to finally put some resources back behind No Child Left Behind to where it actually will work.

And when you look and you see, and I know, you know, Senator KENNEDY is talking about putting money in there to help school districts figure out how they can possibly extend the school day and extend the school year so that we can make sure that our kids are on par with kids from Korea and some of these other countries where they go an extra couple, 3 weeks a year more than us, which equals another year or two over the course of a 12-year education cycle. These are the kind of things that we want to implement here.

And if it wasn't for the, and we got into this, too, a lot back home. You know, a lot of people had an almost unrealistic expectation that we came in, we can come in now, Mr. MURPHY, and Ms. WASSERMAN SCHULTZ and wave a magic wand and all of a sudden there is a lot of money here. Well, we have got a lot of making up to do because of the irresponsible fiscal inadequacies and inability of the Republicans to actually balance the budget. So we have got to go up and clean that mess up. We have got to figure out how to extract ourselves from this morass we are in in Iraq and then finally make the investments that we want to make.

So we have got a lot going on here, Mr. MEEK, and we are very excited about the proposition that we have in the future. When you look at the opportunities that we really have in this country, I think they are great. But it is about focusing on the human capital in the United States of America, Mr. MURPHY, and making sure that we make the kind of investments into the health care, education in the United states and the stem cells and the alternative energy are going to put us on a strong path to move forward.

And I would be happy to yield to my friend from Connecticut.

Mr. MURPHY of Connecticut. I will just key off of an important word there and that is investments. You know, how you balance the budget into the future is to make sure that you are doing the right things now to make sure that our economy is humming 10 years and 20 years from now. So when you talk about this investing in renewable and alternative energy sources, I mean, that is going to be our export. That is going to be what America can renew its economy around, is our ability to be the producer of all these new energy technologies.

When you talk about investing in education, making sure that kids are educated so that America, which right now grows as an economy because we have the best-trained, best-educated work force in the country, continues to be that beacon of economic development due to our work force. Those are the type of investments that have been long cast aside but now we are going to start making again so that we make sure that you know when we are long gone from here that we have left an economy and we have left a budget that makes sense.

Mr. RYAN of Ohio. Will the gentleman yield?

It was interesting, because one of our friends from the other side gave a 5-minute speech about the values of free trade. I think pretty much everything he said I agree with, and I voted against almost probably every trade agreement that has come before this Congress since I have been here. And I agreed with everything he said. We are trading. It creates value. It invests in our countries. We all understand all that.

The problem is that we are not making the investments into the United States that will help us grow new sectors of the economy that will replenish the jobs that we may be losing.

Now, people in Youngstown, Ohio, obviously, don't like to lose their jobs. But if there was a job there that they could get trained and go into and make the same kind of living and have the same stability for their family and provide for education and health care for their own family, they would be fine with it. So you can't have free trade and then not invest in the stem cell research. You can't have free trade and then not invest in the alternative energy research to help stimulate the economy and create new sectors that will ultimately yield employment for our folks in our communities.

Be happy to yield to Madam Chair of the Legislative Appropriations Subcommittee.

Ms. WASSERMAN SCHULTZ. Thank you to my good friend from Youngstown, Ohio.

You know, your comments sort of bring to mind that our good friends on the other side of the aisle want to have their cake and eat it, too. They were the ones responsible for putting us in this situation where we have to adopt a continuing resolution that is essentially continuation funding that in order to put a finger in the dike and make sure that things don't get any worse and that we can begin the process for the 2008 budget and getting our fiscal house in order. It was them that only were able to pass two out of all of the spending bills that were in their hopper. It was them that left us this mess.

And now, you know, you will see over the next couple of days, Mr. MURPHY, our good friends on the other side of the aisle actually stand up and criticize their own budget, which is what the CR is. They will try to put our colleagues on our side of the aisle who were just elected, who, you know, campaigned against fiscal irresponsibility in a box and make it seem like somehow this continuing resolution is what we crafted when we are in a situation where it is shut down the government or pass the simplest, most effective way of getting us across the finish line so that we can move on and really address the concerns that we talked about during our 30-Something hours in the 109th Congress, which was that we are in the worst financial shape that we have been in in decades, that we have a foreign debt that is more combined than any of the 42 previous presidents combined.

And yet they will try to have their cake and eat it, too, criticize us on their budget that we are going to have to continue but, at the same time, not claim responsibility for it. It is really going to be shocking.

So it is something that I think it is important that we talk about and that we lay out there. Because, you know, this process, the appropriations process is one of the most inside baseball, nitty-gritty, intricate things that we do, and there are Members that have been here for years, and I am just, as a new member of the Appropriations Committee, you know, even though I am chairing a subcommittee, I still have a significant learning curve. So explaining it to the people that we represent, while they are watching it all unfold on TV, is really somewhat difficult. So it is critical that people understand that.

I actually talked to some of our colleagues on the floor tonight when we were talking about the CR and, you know, all lamenting that we are not able to craft a bill that we would all love to support with the increases that the veterans deserve and the increases that are deserving in education, that are critical in terms of education and health care and health and human services and housing. I mean, those are all programs that Democrats have campaigned on and fought for. But because we have colleagues that spent like drunken sailors, that had no regard for the fiscal house that we are now charged with putting back in order, we find ourselves having to cinch the belt as tight as possible just so that we can get through and start making things right.

I think each of our colleagues, particularly the freshmen like you, Mr. MURPHY, are going to have an important task of going back to your constituents and explaining that we have got to be responsible here first. Give us an opportunity to get through the mess that we were left and then we can really show you what we can do.

Be happy to yield.

Mr. MURPHY. Just for brief comments, Ms. WASSERMAN SCHULTZ, I think you are right. I think the American people, this process may be mystifying to them at some level, but they didn't send us here to just bring back the world. They understood that things needed to be put in order. They understood that there were going to have to be some difficult decisions made here; and, quite frankly, I think they realized that a lot of the decisions that were being made here over the past 12 years, in particular over the last few years, unfortunately, when this government decided to give, they were giving to the wrong people. And, in fact, they found the means to give out some favors, to give out some money. They just happened to be giving it to the people that didn't need anything more.

So we can start making those different decisions. But, before we do that, it is going to take a little while to sweep up the shop room floor. And that is what we are doing now.

Mr. RYAN of Ohio. Will the gentleman yield?

What I think is an important point here is that we could have come in and not passed the pay as you go. We could have done the irresponsible thing. And everyone says, well, the Democrats are controlled by all these interest groups. Well, we could have been irresponsible and said this interest group is going to get this and this one is going to get that, and we will borrow the money from China, as Mr. MEEK had the chart up, and we would pay everybody back.

I am telling you, Madam Speaker, she is great. We are doing the right thing. We could have done the easy thing, and we could have paid everybody back and made increases that were irresponsible because we would have continued down the charts where we are borrowing the money from China, paying the interest. They are taking that money, investing it back in their economy, buying submarines and everything else. But we did the right thing. So we have got to take the hit now, but the long-term economic interest of the country is going to be much better off.

Ms. WASSERMAN SCHULTZ. What we talked about night after night here and what our colleagues and our leadership have all talked about, we have all been singing off the same song sheet, that we have to make sure that we handle the Federal budget just like folks struggle in America to handle their household budget every single day, not to spend more than you take in.

There are families all across America, Mr. MURPHY, Mr. MEEK, Mr. RYAN, that have to make really difficult decisions. Would they like to go and buy a new wardrobe for their children? Would they like to get the car completely overhauled? Definitely important and certainly would improve their quality of life, but they can't make those decisions if the money is not coming in in order to cover those expenses.

So at a certain point, if you don't stop the bleeding, if you don't make those fiscally difficult decisions, then it just gets worse.

We could have been, you know, we could have played right into their hands, which is, I am sure, what they expected us to do, which was what they always accused us of being tax-and-spend liberals and that we were going to just give away the store and that we were going to satisfy every interest group that is in the column of supporters that we have.

But, instead, what we did is we stuck to our principles. We stuck to what we talked about was important to the American people, not spending more than you take in and particularly not caving to what would be politically expedient, which was the tax cuts, as you referred to, Mr. MURPHY, for people who don't need them.

Because what they like to conveniently leave out is that they only count, you know, there are only certain things that they count in the ledger. They only count the things in the ledger that are actually things you can put down as I spent this much money on this particular program. But they fail to actually account for the tax cuts that pull money out off the ledger, which makes it so that there is not that revenue available to fund the needs, and that adds to the deficit itself.

They also don't include Social Security and Medicare when it comes to the whole appropriation process. All of that is off budget. They don't like to count the supplemental bills that they pass. All of that is off budget.

So it is just, you know, we are going to get back to being up front and honest with the American people in our budgeting process, and we are going to get our fiscal house in order.

Mr. RYAN of Ohio. And if we get an opportunity as we go through the oversight of the war, oversight of FEMA contracts, there are millions and millions and millions, if not billions, of dollars that have been wasted through the war, the contracting, the Halliburtons. You know, story after story we hear off the record, that is all going to come out through the hearings. You know, if Halliburton has a truck and the tire goes out, they just get rid of the truck and they buy a whole new one. Well, that is at the taxpayers' expense. And there are stories after stories after stories of these kinds of things happening.

So part of what we are doing is we are making the tough decisions today, the responsible decisions today, get into the oversight, find out where the waste is; and I really hope that we continue to push Mr. TANNER and Mr. CARDOZA's bill that says we audit the whole government, because this government is clearly incapable of functioning in the 21st century economy.

If we are going to have the resources that we need, Mr. MEEK, to invest in education, to invest in the health care, to invest into those things that are important, that are going to yield benefits, business incubators and research and development and stem cells like we did with the corporate welfare to repeal some of that, that was easier to do than getting to the nuts and bolts execution of government, but it is going to be a lot of hard work over the next few years to figure out where we are wasting money, what programs aren't working.

Now we may have and be in agreement that the principle of a program is what we all agree on, end poverty, provide health care for kids, whatever the case may be. But the actual execution of that program may not be yielding the kind of results that we want or at the level we want.

There is still too much poverty. There are still too many kids out there that don't have health care. There are still too many kids that qualify for S-CHIP that aren't signed up for it. So, you know, over the course of the next year or two, as we go through the oversight hearings, we are going to be able to determine what programs work, which don't and which ones we need to fix. That is difficult to do.

Ms. WASSERMAN SCHULTZ. We are going to be the Congress.

Mr. RYAN of Ohio. We are going to be the Congress. That is right. We are going to be the Congress.

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And, you know, it is not government is the problem, government is wrong, government is your enemy; it is going to be, wait a minute. This is something that is supposed to work and we are going to make it work.

Ms. WASSERMAN SCHULTZ. I see Mr. MEEK is ready to jump in here. But we are going to be the Congress and exercise our role, our accountability, our oversight, and be the legislative branch instead of the administration lap dog. Because that is what this body was for the last 6 years certainly. When President Clinton was in office, it was the opposite. It was, let's see what we can do to torture the administration and make it impossible for them to get what they wanted done and wanted to accomplish.

Then, of course, President Bush comes into office and it is like they all lost their hands. They lost their hands, they checked their brains at the Chamber door, and it was whatever this administration wanted.

And there is a new leadership in this institution and 32 new Members, all of whom came here to step up to the plate and ask the difficult questions and exercise this body's constitutional role, constitutional authority granted to us by the Founding Fathers, which hopefully at some point our colleagues on the other side of the aisle will remember as well.

I would be happy to yield to the gentleman.

Mr. MEEK of Florida. Ms. WASSERMAN SCHULTZ, I think it is important, and Mr. MURPHY and Mr. RYAN, that everybody understand the reason we are here. We are going to play the legislative role. We talked about the lights being turned on in some of these committee rooms. And I was sitting here kind of looking through a few things, and I grabbed this February 5 edition of Time magazine, and it talked about, Madam Speaker, this upcoming Time I just received it in the mail, only 648 days until the election, why so many candidates are jumping in so early. And it talks about this being the most open Presidential race since 1928.

There is some interesting comments in here and obviously editorials, but I think that you see so many people getting involved because they see a vacuum here, a vacuum of the fact that things are not happening the way that it should happen. And Ms. WASSERMAN SCHULTZ alluded to the fact that, being lap dogs, we sometimes say here on the 30-something Working Group rubber-stamp Congress, what have you, of the 109th Congress. We don't want to be that.

I ran into one of my Republican colleagues in the tunnel walking from the Cannon building over to the House today for a vote and I asked how is a certain piece of legislation. And she responded, well, you know, I have a post office bill. I am not going to belittle, I have done a post office bill before; it is good to identify outstanding Americans. But I just want to make sure that people understand, even here we have what we call suspension bills. Those are bills that we all agree on but it has to be passed by the Congress, Madam Speaker.

But what is happening now that has not been happening, I go back to, I alluded to this earlier, reading is fundamental. We know that some people here in Washington, D.C. don't bother to read newspapers, things of that nature; but we will leave that for another day. Congress Daily A.M., National Journal. And I just want to read what is going to happen tomorrow; today is Monday, what is going to happen on Tuesday. I can tell you, usually this would not be printed in this Congressional Daily Weekly because committees didn't meet. The Foreign Affairs Committee only had one hearing on Iraq in the 109th Congress; thus far, Mr. LANTOS has had five hearings, and we are not even past the first month of the new Congress. This is still January.

Let's see what is happening tomorrow. Armed Services Committee is going to have a hearing on Afghanistan security and stability. Armed Services is going to also have a subcommittee hearing on military personnel. The Budget Committee will meet on the economic outlook of the country in full committee hearing. Education and Labor on generic discrimination of workers. That is happening. That is a subcommittee hearing that is taking place. Energy and Commerce will also have a hearing on the National Laboratory Security, Oversight and Investigation Subcommittee. Oversight Government Affairs and Reform Committee is going to have a climate change politics hearing; that is a full committee hearing. Science and Technology, Fuels, Infrastructures, Research and Development. That is a subcommittee on Energy. Transportation and Infrastructure, Coast Guard deepwater system, going to have a subcommittee. That is the Coast Guard and Maritime Subcommittee hearing that will take place. Transportation Infrastructure, Railroads, Pipelines, Hazardous Materials, that is a subcommittee hearing that is going to take place. Ways and Means, trade and globalization at 10:00 tomorrow, full committee hearing. Ways and Means once again, subcommittee will be meeting.

I just wanted to point that out, Madam Speaker. If we were in the 109th Congress and the 108th Congress, we wouldn't even be here right now, Monday. We wouldn't even be here on a Monday. People are paying our salary to legislate and to bring about the kind of oversight.

I just want to point that out, because Mr. RYAN spoke a little earlier of the fact that we are actually doing, Ms. WASSERMAN SCHULTZ, what we told the American people we would do, Mr. MURPHY, and that is lead. Six in 2006. Oh, it is a big dog and pony. It is not. We are giving the American people exactly what we told them we would do, which is accountability. And that is a paradigm shift for politicians here in Washington, D.C. I yield to Ms. WASSERMAN SCHULTZ.

Ms. WASSERMAN SCHULTZ. Thank you, and it is. The other day I walked into the Chamber, Mr. MURPHY, from that end of the room, and I noticed that there is a really huge, huge dictionary on the Republican's side of the Chamber which, quite honestly, it doesn't appear has gotten that much use on their side of the aisle, because words like accountability and oversight and checks and balances, and the things that have been with us through American history, maybe they tore the pages out that had those definitions or maybe they just chose to ignore them or just skipped over those pages when they were using it because, obviously we have a dictionary on the floor for a reason, but now, Mr. MEEK, just in great detail went over the number of different hearings that we will be engaging in to exercise the oversight and the accountability that the American people badly are seeking that has just been nonexistent.

And, Mr. MEEK, I want to touch just quickly on one particular bit of oversight that we are going to be engaging in on Wednesday. I have the privilege of sitting on the House Judiciary Committee, and we will be holding our first hearing of the 110th Congress on Presidential signing statements. Now, that is something that we really haven't had a chance to talk about too much on the floor during 30-something, but I would like to explore it down the road a little bit, especially after we hold this hearing.

Most of the American people, I think, don't realize that what this President has done, and other Presidents, many Presidents have exercised this option, the constitutionality of which I think is somewhat troubling. But this President has used Presidential signing statements more than any other Presidents combined. He has added more than 700 signing statements to legislation that we have adopted in both Houses of Congress. And what he does is he adds a note essentially to the bottom of the bill or to the margin of the bill next to a section that he doesn't agree with and he says: "I either reserve the right to not enforce this section or to interpret this section in this way." I mean, literally taking authority for the executive branch that I believe the Founding Fathers didn't envision. I mean, he did that with the PATRIOT Act, he did that with a number of significant pieces of legislation, Mr. MEEK, and it is really, really troubling.

The executive branch in the Constitution does not have the right to interpret legislation. That is not their job. It is the Judiciary's responsibility to interpret legislation; it is the administration's job to execute what is laid before them by the Congress. Now, he certainly has the right to veto legislation that he doesn't agree with, but he doesn't have a line item veto; he doesn't have a line item veto in the budget, and he can't X out a portion of a bill that he doesn't like. And we are going to be holding a hearing on Wednesday, and we will have the Department of Justice representatives there to question very carefully where they think they get this legislative authority, and reassert Congress's role in oversight in this one area and in many others, as you detailed.

I guess we are in the wrapping-it-up stage, because that is when the Web site chart comes out. I will be happy to yield to our good friend and freshman colleague, the gentleman from Connecticut.

Mr. MURPHY of Connecticut. Thank you, Ms. WASSERMAN SCHULTZ. And the guilt is deep inside me that I am stealing Mr. RYAN's thunder for twice in a row here.

Mr. RYAN of Ohio. If the gentleman would yield, life is about letting go.

Mr. MURPHY of Connecticut. Moving on.

Mr. RYAN of Ohio. You have got to move on. And you are the guy.

Mr. MURPHY of Connecticut. I am glad I can help you with that cathartic experience.

WWW.speaker.gov/30something is where you can find information on a lot of things we have talked about here. I am here to work, Ms. WASSERMAN SCHULTZ and I know there are about 40 other first termers who are here to do the same thing.

Ms. WASSERMAN SCHULTZ. Actually, not to be the teacher exercising oversight over the freshman, but probably give out our e-mail address, too, so people know where they can contact us.

Mr. MURPHY of Connecticut. The e-mail address is 30SomethingDems@mail.house.gov. So I like nothing more than to be the student in this relationship, Ms. WASSERMAN SCHULTZ.

Mr. MEEK of Florida. I am with you and the 40-something new Members of Congress.

Madam Speaker, it was an honor to come before the House once again. I want to thank the Democratic leadership for allowing us to have the hour, and we yield back the balance of our time.

RECESS

The SPEAKER pro tempore (Mrs. CAPPS). Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 10 o'clock and 41 minutes p.m.), the House stood in recess subject to the call of the Chair.

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AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mrs. CAPPS) at 11 o'clock and 2 minutes p.m.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. EDWARDS (at the request of Mr. HOYER) for today on account of medical reasons.

Mr. GUTIERREZ (at the request of Mr. HOYER) for today on account of district business.

Mr. MCDERMOTT (at the request of Mr. HOYER) for today and the balance of the week on account of a death in the family.

Mr. CULBERSON (at the request of Mr. BOEHNER) for today on account of official business.

Mr. BACHUS (at the request of Mr. BOEHNER) for today on account of illness in the family.

Mr. HASTERT (at the request of Mr. BOEHNER) for today and the balance of the week.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. CUMMINGS, for 5 minutes, today.

Mrs. MCCARTHY of New York, for 5 minutes, today.

Mr. GEORGE MILLER of California, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mr. RYAN of Ohio, for 5 minutes, today.

Ms. WATERS, for 5 minutes, today.

(The following Members (at the request of Mr. POE) to revise and extend their remarks and include extraneous material:)

Mr. DREIER, for 5 minutes, today, January 30 and 31.

Mr. POE, for 5 minutes, January 30 and 31.

Ms. FOXX, for 5 minutes, today, January 30 and 31.

Mr. ROHRABACHER, for 5 minutes, today.

Mr. FOSSELLA, for 5 minutes, today.

ENROLLED BILL SIGNED

Mrs. Haas, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 188. An act to provide a new effective date for the applicability of certain provisions of law to Public Law 105–331.

BILL PRESENTED TO THE PRESIDENT

Karen L. Haas, Clerk of the House reports that on January 25, 2007, she presented to the President of the United States, for his approval, the following bill.

H.R. 475. To revise the composition of the House of Representatives Page Board to equalize the number of members representing the majority and minority parties and to include a member representing the parents of pages and a member representing former pages, and for other purposes.

ADJOURNMENT

Mr. MURPHY of Connecticut. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 3 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, January 30, 2007, at 10:30 a.m., for morning hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

464. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Designation of Areas for Air Quality Planning Purposes; Arizona; Miami Sulfur Dioxide State Implementation Plan and Request for Redesignation to Attainment; Correction of Boundry of Miami Sulfur Dioxide Nonattainment Area [EPA-R09-OAR-2006-0580; FRL-8270-3] received January 19, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

465. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Texas; El Paso County Carbon Monoxide Redesignation to Attainment, and Approval of Maintenance Plan [EPA-R06-OAR-2006-0396; FRL-8272-5] received January 19, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

466. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Standards of Performance for New Stationary Sources and Emission Guidelines for Existing Sources: Other Solid

Waste Incineration Units: Reconsideration [EPA-HQ-OAR-2003-0156; FRL-8272-2] (RIN: 2060-AN91) received January 19, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

467. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Anchorage Regulations; Camden, Maine, Penobscot Bay [CGD01-06-084] (RIN: 1625-AA01) received January 16, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

468. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Anchorage Regulations; Sabine Pass Channel, Sabine Pass, TX [CGD08-06-026] (RIN: 1625-AA00) received Janaury 16, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

469. A communication from the President of the United States, transmitting a report on the state of the Union; (H. Doc. No.110-1); to the Committee on the Whole House on the State of the Union and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. GORDON of Tennessee: Committee on Science and Technology. House Concurrent Resolution 34. Resolution honoring the life of Percy Lavon Julian, a pioneer in the field of organic chemistry research and development and the first and only African American chemist to be inducted into the National Academy of Sciences (Rept. 110–4). Referred to the House Calendar.

Mr. GORDON of Tennessee: Committee on Science and Technology. House Resolution 59. Resolution supporting the goals and ideals of National Engineers Week, and for other purposes (Rept. 110–5). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. GILLMOR (for himself, Mr. FRANK of Massachusetts, Mrs. MALONEY of New York, Mr. SCHIFF, Mrs. JONES of Ohio, Mr. DOYLE, Mr. GUTIERREZ, Ms. WATSON, Mr. SMITH of New Jersey, Mrs. MUSGRAVE, Mr. GEORGE MILLER of California, Mr. GOODE, Mr. ALEXANDER, Mr. FARR, Mr. GRIJALVA, Mr. HOLDEN, Mr. FORTENBERRY, Mr. LAHOOD, Mr. SALAZAR, Mr. MCGOVERN, Mr. AL GREEN of Texas, Mr. PRICE of North Carolina, Mr. PETERSON of Minnesota, Ms. FALLIN, Ms. CASTOR, Mr. UDALL of Colorado, Mr. CHANDLER, Mr. LAMBORN, Ms. CARSON, Mr. HODES, and Ms. SCHAKOWSKY):

H.R. 698. A bill to amend the Federal Deposit Insurance Act to establish industrial bank holding company regulation, and for other purposes; to the Committee on Financial Services.

By Mr. AKIN (for himself, Mr. FRANKS of Arizona, Mr. GINGREY, Mr. RAMSTAD, Mr. COLE of Oklahoma, Mrs. JO ANN DAVIS of Virginia, Mr. BURTON of Indiana, Mr. MILLER of Florida, Mr. MCKEON, Mr. NORWOOD, Mr. MCCOTTER, Mr. SENSENBRENNER, Mr. FOSSELLA, Mr. TOM DAVIS of Virginia, Mr. GOODE, Mr. HENSARLING, Mrs. MYRICK, Ms. GINNY BROWN-WAITE of Florida, Mr. MCHUGH, Mr. TIAHRT, Mr. RADANOVICH, Mr. PITTS, Mr. JORDAN, Mr. PENCE, Mr. BURGESS, Mr. REYNOLDS, Mr. DAVID DAVIS of Tennessee, Mr. MARIO DIAZ-BALART of Florida, Mr. HERGER, Mr. GARY G. MILLER of California, Mr. GERLACH, Mr. LAMBORN, Mr. GARRETT of New Jersey, Mr. CHABOT, Mr. BOOZMAN, Mr. SALI, Mr. BAKER, Mr. WILSON of South Carolina, Mrs. BLACKBURN, Mr. BACHUS, Mr. STEARNS, Mrs. CAPITO, Mr. BARTON of Texas, Mr. SAXTON, Mr. WELDON of Florida, Mr. RENZI, Mr. HUNTER, Mr. ROGERS of Michigan, Mrs. DRAKE, Mr. PEARCE, Mr. LATHAM, Mr. DAVIS of Kentucky, Mr. JONES of North Carolina, Mr. KINGSTON, Mr. FORTUÑO, Mr. WAMP, Mrs. EMERSON, and Mr. BISHOP of Georgia):

H.R. 699. A bill to amend title 28, United States Code, with respect to the jurisdiction of Federal courts over certain cases and controversies involving the Pledge of Allegiance; to the Committee on the Judiciary.

By Mr. MCNERNEY (for himself and Mrs. TAUSCHER):

H.R. 700. A bill to amend the Federal Water Pollution Control Act to extend the pilot program for alternative water source projects; to the Committee on Transportation and Infrastructure.

By Mr. KIRK (for himself, Mr. LARSEN of Washington, Mrs. DAVIS of California, Mr. WHITFIELD, Mr. ORTIZ, Mr. ABERCROMBIE, Mr. GUTIERREZ, Mr. COSTELLO, Mr. INSLEE, Mr. MCHUGH, Mr. GONZALEZ, Mr. ISSA, Ms. NORTON, Ms. HIRONO, Mrs. TAUSCHER, Mr. REHBERG, Mr. SAXTON, Mr. REYES, Mr. MCINTYRE, Mr. TAYLOR, Mr. LOBIONDO, Mr. FILNER, and Mr. GRIJALVA):

H.R. 701. A bill to amend the impact aid program under the Elementary and Secondary Education Act of 1965 to improve the delivery of payments under the program to local educational agencies; to the Committee on Education and Labor.

By Mr. CUELLAR:

H.R. 702. A bill to authorize any alien who has been issued a valid machine-readable biometric border crossing identification card to be temporarily admitted into the United States upon successfully completing a background check; to the Committee on the Judiciary.

By Mr. BARTON of Texas (for himself, Mr. DINGELL, Mr. HASTERT, Mr. STUPAK, and Mr. WHITFIELD):

H.R. 703. A bill to authorize the Department of Energy to oversee certain safety, security, and health functions of the National Nuclear Security Administration, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BILIRAKIS:

H.R. 704. A bill to amend title 38, United States Code, to reduce from age 57 to age 55 the age after which the remarriage of the surviving spouse of a deceased veteran shall not result in termination of dependency and indemnity compensation otherwise payable to that surviving spouse; to the Committee on Veterans' Affairs.

By Mr. BUTTERFIELD:

H.R. 705. A bill to provide for the issuance of a commemorative postage stamp in honor of George Henry White; to the Committee on Oversight and Government Reform.

By Mrs. DAVIS of California (for herself, Ms. WATSON, Mr. SERRANO, Ms. MATSUI, Ms. LEE, Mr. SCHIFF, Mr. FARR, Mr. STARK, Ms. ZOE LOFGREN of California, Mr. BACA, Ms. SCHAKOWSKY, Mr. KUCINICH, Mrs. TAUSCHER, Mr. BECERRA, Ms. SOLIS, Mrs. NAPOLITANO, Mr. GEORGE MILLER of California, Ms. WOOLSEY, Mr. FILNER, Mr. WAXMAN, and Mrs. CAPPS):

H.R. 706. A bill to redesignate the facility of the United States Postal Service located at 2777 Logan Avenue in San Diego, California, as the "Cesar E. Chavez Post Office"; to the Committee on Oversight and Government Reform.

By Mr. DEAL of Georgia:

H.R. 707. A bill to establish the Mountaintown National Scenic Area in the Chattahoochee National Forest, Georgia, and to designate additional National Forest System land in the State of Georgia as components of the National Wilderness Preservation System; to the Committee on Natural Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ENGLISH of Pennsylvania:

H.R. 708. A bill to amend United States trade laws to address more effectively import crises, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GALLEGLY:

H.R. 709. A bill to amend title II of the Social Security Act to restrict totalization agreements between the United States and other countries to providing for appropriate exchange of Social Security taxes or contributions between the parties to such agreements, and to prohibit crediting of individuals under such title with earnings from employment or self-employment in the United States performed while such individuals are not citizens, nationals, or lawful permanent residents of the United States and are not authorized by law to be employed in the United States; to the Committee on Ways and Means.

By Mr. NORWOOD (for himself and Mr. INSLEE):

H.R. 710. A bill to amend the National Organ Transplant Act to clarify that kidney paired donation does not involve the transfer of a human organ for valuable consideration; to the Committee on Energy and Commerce.

By Mr. PETRI (for himself and Ms. MATSUI):

H.R. 711. A bill to amend the Elementary and Secondary Education Act of 1965 to ensure that participants in the Troops to Teachers program may teach at a range of eligible schools; to the Committee on Education and Labor, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SKELTON (for himself and Mr. Hunter):

H.R. 712. A bill to amend the Military Construction Authorization Act for Fiscal Year 2007 to correct an error in the enrollment of the law that resulted in the omission of two Army construction and land acquisition projects authorized in the conference report (House Report 109-702), and for other purposes; to the Committee on Armed Services.

By Ms. SLAUGHTER (for herself and Mr. Reynolds):

H.R. 713. A bill to establish the Niagara Falls National Heritage Area in the State of New York, and for other purposes; to the Committee on Natural Resources.

By Mr. THOMPSON of California (for himself, Mr. Boswell, Mr. Lincoln Davis of Tennessee, Ms. Harman, Mr. Moore of Kansas, Mr. Patrick Murphy of Pennsylvania, Ms. Bean, Mr. Boyd of Florida, Mr. Cardoza, Mr. Chandler, Mr. Costa, Ms. Herseth, Mr. Hill, Mr. Melancon, Mr. Michaud, Mr. Pomeroy, Mr. Salazar, Mr. Shuler, Mr. Tanner, Mr. Taylor, and Mr. Ross):

H.R. 714. A bill to establish reporting requirements relating to funds made available for military operations in Iraq or the reconstruction of Iraq, and for other purposes; to the Committee on Armed Services, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. WOOLSEY (for herself, Mr. Ortiz, Mr. Burton of Indiana, Mr. McNulty, Mr. Watt, Ms. Bordallo, Ms. Lee, Mr. Grijalva, Mr. Boswell, Mrs. Capps, Mr. Reyes, Mr. McCotter, Mr. Boucher, Mrs. Davis of California, Ms. Ros-Lehtinen, Mr. Hastings of Florida, Mrs. Capito, Mr. Schiff, Mr. Tierney, Mr. McIntyre, Mr. Kildee, Ms. Kaptur, Mr. Cooper, Ms. Harman, Mr. Scott of Georgia, Mr. Gutierrez, Ms. Hooley, Mr. Meeks of New York, Ms. Zoe Lofgren of California, Mr. Berman, and Mr. Cummings):

H.R. 715. A bill to provide funding for programs at the National Institute of Environmental Health Sciences regarding breast cancer in younger women, and for other purposes; to the Committee on Energy and Commerce.

By Ms. WOOLSEY:

H.R. 716. A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Santa Rosa Urban Water Reuse Plan; to the Committee on Natural Resources.

By Mr. WU:

H.R. 717. A bill to encourage partnerships between community colleges and four-year colleges and universities; to the Committee on Education and Labor.

By Mr. OBEY:

H.J. Res. 20. A joint resolution making further continuing appropriations for the fiscal year 2007, and for other purposes; to the Committee on Appropriations.

By Ms. LEE (for herself, Mr. Allen, Mr. Berman, Mr. Bishop of New York, Mr. Blumenauer, Mr. Brady of Pennsylvania, Mr. Capuano, Ms. Carson, Mr. Conyers, Mr. Crowley, Mr. DeFazio, Mr. Farr, Mr. Fattah, Mr. Frank of Massachusetts, Mr. Grijalva, Mr. Hare, Mr. Honda, Ms. Hooley, Ms. Jackson-Lee of Texas, Mr. Kucinich, Mrs. Maloney of New York, Ms. Matsui, Mr. McGovern, Mr. Meehan, Mr. Michaud, Ms. Moore of Wisconsin, Mr. Nadler, Mr. Price of North Carolina, Mr. Rothman, Ms. Schakowsky, Mr. Schiff, Ms. Schwartz, Mr. Stark, Mr. Waxman, and Ms. Woolsey):

H. Con. Res. 46. Concurrent resolution declaring that it is the policy of the United States not to establish any military installation or base for the purpose of providing for the permanent stationing of United States Armed Forces in Iraq and not to exercise United States control of the oil resources of Iraq; to the Committee on Foreign Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CROWLEY (for himself, Mr. Knollenberg, Mr. Pallone, Mr. Schiff, Mr. Radanovich, Mrs. Maloney of New York, Ms. McCollum of Minnesota, Mr. Costa, Mr. Conyers, Mr. Grijalva, Ms. Berkley, Mr. Neal of Massachusetts, Mr. Lipinski, Mr. Capuano, Ms. Watson, Mr. Kirk, Mr. Weiner, Mr. Stark, Mr. McGovern, Mrs. Capps, Mr. Rothman, Mr. LoBiondo, Mr. McNulty, and Mr. Porter):

H. Res. 102. A resolution condemning the assassination of human rights advocate and outspoken defender of freedom of the press, Turkish-Armenian journalist Hrant Dink on January 19, 2007; to the Committee on Foreign Affairs.

By Mr. REGULA:

H. Res. 103. A resolution congratulating the Mount Union College Purple Raiders for winning the 2006 NCAA Division III Football National Championship; to the Committee on Education and Labor.

By Mr. RYAN of Ohio (for himself, Ms. Sutton, Mr. Kucinich, Mr. Wilson of Ohio, Ms. Kaptur, Mr. Space, Mr. Hobson, Mrs. Jones of Ohio, Mrs. Schmidt, and Ms. Pryce of Ohio):

H. Res. 104. A resolution honoring and recognizing the life and accomplishments of the late Tom Mooney, president of the Ohio Federation of Teachers; to the Committee on Education and Labor.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

1. The SPEAKER presented a memorial of the House of Representatives of the State of Louisiana, relative to House Resolution No. 6 memorializing the Congress of the United States to take such actions as are necessary to create a federal catastrophe fund; to the Committee on Financial Services.

2. Also, a memorial of the Legislature of the State of Louisiana, relative to Senate Concurrent Resolution No. 16 commending and memorializing the Congress of the United States for passing the Domenici-Landrieu Gulf of Mexico Energy Security Act of 2006 providing for sharing of federal offshore oil and gas revenue with Louisiana for coastal protection and restoration, and congratulating the members of the Louisiana congressional delegation upon their successful efforts in the passage of this legislations; to the Committee on Natural Resources.

3. Also, a memorial of the Legislature of the State of Louisiana, relative to Senate Concurrent Resolution No. 23 memorializing the Congress of the United States to adopt the Constitution Restoration Act, to limit the jurisdiction of the federal courts and preserve the right to the states and to the people to acknowledge God and resolve the issue of improper judicial intervention in matters relating to the acknowledgment of God, all as authorized by Article III, Section 2, of the United States Constitution; to the Committee on the Judiciary.

4. Also, a memorial of the Legislature of the State of Louisiana, relative to Senate Concurrent Resolution No. 13 memorializing the Congress of the United States to authorize Louisiana to lease closed interstate rest areas to private entities in order to provide services and products helpful or desira ble to interstate travelers; to the Committee on Transportation and Infrastructure.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 11: Ms. Giffords.

H.R. 23: Ms. Linda T. Sánchez of California, Mr. Wexler, Mr. Moore of Kansas, Mr. Michaud, Mr. Wamp, Mrs. Davis of California, and Mr. Tim Murphy of Pennsylvania.

H.R. 42: Ms. Kilpatrick and Mr. Cuellar.

H.R. 43: Mr. Hastings of Florida, Mr. Lewis of Georgia, Mr. Cohen, Mr. Towns, Mr. McGovern, Mr. Conyers, Ms. Schakowsky, and Mr. Grijalva.

H.R. 44: Mr. Johnson of Georgia, Mr. Bishop of New York, Ms. Carson, Ms. Schakowsky, and Mr. Payne.

H.R. 45: Mr. Hastings of Florida, Mr. Rush, Mr. Stark, Ms. Woolsey, Mr. Payne, and Mr. Kucinich.

H.R. 65: Ms. DeGette, Mr. Holden, and Mr. Jefferson.

H.R. 100: Mr. Hare, Ms. Woolsey, Mr. Markey, and Mr. Lewis of Georgia.

H.R. 137: Mr. Johnson of Georgia, Mr. Altmire, Ms. Kilpatrick, Mr. Thompson of Mississippi, Mr. Garrett of New Jersey, Mr. Gonzalez, Mr. Buchanan, and Mr. Spratt.

H.R. 156: Mr. English of Pennsylvania.

H.R. 169: Mr. Norwood.

H.R. 172: Mr. Clay.

H.R. 180: Mr. McDermott, Mr. Gonzalez, Mr. Doggett, and Mr. Schiff.

H.R. 191: Mr. Norwood.

H.R. 237: Mr. Stupak.

H.R. 241: Mr. Petri.

H.R. 251: Mrs. Cubin and Mr. Gordon.

H.R. 269: Mr. Kline of Minnesota, Mr. Gordon, and Mr. Hall of Texas.

H.R. 271: Mr. Poe.

H.R. 312: Mr. English of Pennsylvania.

H.R. 321: Mr. Brown of South Carolina, Mr. Rogers of Alabama, Mr. Ehlers, Mr. Norwood, and Mr. Upton.

H.R. 328: Ms. Jackson-Lee of Texas, Ms. Watson, Mr. Van Hollen, Mr. Berman, Mr. Fattah, Mr. Kennedy, and Mr. Hare.

H.R. 333: Mr. Goode, Mr. Cuellar, Mr. Moore of Kansas, Ms. Hooley, Mr. George Miller of California, Mr. Frank of Massachusetts, and Mr. Gordon.

H.R. 346: Mr. Kline of Minnesota.

H.R. 352: Mr. Kucinich.

H.R. 358: Mr. Abercrombie, Mr. Hobson, Mr. Fossella, Mr. English of Pennsylvania, Mr. Mahoney of Florida, and Mr. Holt.

H.R. 362: Mr. Davis of Alabama, Ms. Jackson-Lee of Texas, and Mr. Wexler.

H.R. 363: Mr. Davis of Alabama, Ms. Jackson-Lee of Texas, and Mr. Wexler.

H.R. 365: Mr. Hill, Mr. Loebsack, Mr. Hare, Mr. Arcuri, Mr. Space, Mr. Cohen, Mr. TIAHRT, Ms. MATSUI, Mr. ENGLISH of Pennsylvania, Mr. ABERCROMBIE, and Mr. ELLSWORTH.

H.R. 402: Mr. ENGLISH of Pennsylvania and Mr. MCCOTTER.

H.R. 403: Mr. HALL of New York and Ms. SCHAKOWSKY.

H.R. 406: Ms. MATSUI and Mr. BLUMENAUER.

H.R. 413: Mr. SERRANO.

H.R. 418: Mr. PAYNE.

H.R. 419: Mr. MORAN of Kansas and Mr. WICKER.

H.R. 423: Mrs. MCCARTHY of New York, Mr. KING of New York, Mr. SMITH of New Jersey, Ms. WOOLSEY, Mr. ISSA, and Mr. POE.

H.R. 446: Ms. SHEA-PORTER and Mr. MCNULTY.

H.R. 455: Mrs. MALONEY of New York, Mr. CAPUANO, and Ms. JACKSON-LEE of Texas.

H.R. 457: Mr. BURGESS.

H.R. 460: Mr. GRIJALVA, Ms. JACKSON-LEE of Texas, Mr. GEORGE MILLER of California, and Mr. COHEN.

H.R. 464: Mr. CLEAVER.

H.R. 493: Mr. WU, Mr. LANGEVIN, Mrs. MCCARTHY of New York, Mr. BERRY, Mr. CLAY, Mr. HIGGINS, Mrs. LOWEY, Mr. HARE, Mr. SPRATT, Mr. MCDERMOTT, Ms. LINDA T. SÁNCHEZ of California, Ms. DELAURO, Mr. MOORE of Kansas, Mr. PAYNE, Mr. BERMAN, and Mr. LEVIN.

H.R. 502: Ms. JACKSON-LEE of Texas and Mr. JEFFERSON.

H.R. 509: Mrs. EMERSON and Mr. GERLACH.

H.R. 511: Mr. BILIRAKIS, Mr. RENZI, Mrs. CUBIN, Mr. LAMBORN, and Mr. RADANOVICH.

H.R. 518: Mrs. JO ANN DAVIS of Virginia.

H.R. 521: Mr. GEORGE MILLER of California, Mr. ENGEL, Mr. CONYERS, Ms. KAPTUR, Mr. HINCHEY, Mr. JONES of North Carolina, Ms. WOOLSEY, Mrs. DRAKE, Mr. INSLEE, Mr. HINOJOSA, Mr. HONDA, Mr. KANJORSKI, Mr. MILLER of Florida, Mr. ORTIZ, Mr. FILNER, Mr. VAN HOLLEN, Mr. PAYNE, Mr. TOWNS, Mr. CUMMINGS, Mr. CLYBURN, Mr. DINGELL, Mr. SNYDER, Mrs. CHRISTENSEN, Mr. SKELTON, Ms. KILPATRICK, Ms. BERKLEY, Ms. SUTTON, Ms. CORRINE BROWN of Florida, Mr. KILDEE, Ms. SOLIS, Mr. LINCOLN DAVIS of Tennessee, Mrs. CAPPS, Mr. SMITH of New Jersey, Ms. BORDALLO, Mr. SERRANO, Mrs. LOWEY, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. MCGOVERN, Mr. BRALEY of Iowa, Mr. KUCINICH, Mr. AL GREEN of Texas, Mr. UDALL of Colorado, Mr. STUPAK, Mr. TAYLOR, Mr. SMITH of Washington, Mr. LYNCH, Ms. ESHOO, Mr. COHEN, Ms. CARSON, Mr. BUYER, Mr. MARKEY, Mr. FATTAH, Ms. LORETTA SÁNCHEZ of California, Mr. LEWIS of Georgia, and Mr. WAXMAN.

H.R. 526: Ms. ZOE LOFGREN of California.

H.R. 545: Ms. HOOLEY, Mr. MCINTYRE, Mr. MATHESON, Ms. WATSON, Mr. CAMP of Michigan, Mr. BACA, Mr. BLUMENAUER, Mr. UDALL of Colorado, Mr. RENZI, Mr. THOMPSON of California, Mr. KENNEDY, Mr. BOREN, Mr. OBERSTAR, Mr. WU, Mr. GEORGE MILLER of California, Mr. GRIJALVA, Mrs. MCMORRIS RODGERS, Mr. CALVERT, Mrs. BONO, Ms. HERSETH, Ms. MCCOLLUM of Minnesota, and Mr. MORAN of Virginia.

H.R. 547: Mr. HALL of Texas, Mr. LAMPSON, Mr. INGLIS of South Carolina, Mr. COHEN, Ms. MATSUI, Ms. HOOLEY, Ms. GIFFORDS, Ms. JACKSON-LEE of Texas, and Mr. CHANDLER.

H.R. 551: Mr. CULBERSON.

H.R. 556: Mrs. MCCARTHY of New York, Mr. MATHESON, and Mr. THOMPSON of Mississippi.

H.R. 566: Ms. SCHAKOWSKY, Ms. WATSON, Mrs. JONES of Ohio, Mr. MEEKS of New York, and Mr. DAVIS of Illinois.

H.R. 569: Mr. EHLERS and Mr. MCCOTTER.

H.R. 582: Mr. KUCINICH.

H.R. 590: Mr. SOUDER and Mr. UPTON.

H.R. 592: Mr. PALLONE, Mr. KUCINICH, and Ms. SUTTON.

H.R. 608: Mr. FERGUSON and Mr. FOSSELLA.

H.R. 620: Mr. SCHIFF, Mr. MORAN of Virginia, Ms. ZOE LOFGREN of California, Mr. CLEAVER, Mr. PAYNE, Mr. BUTTERFIELD, Mr. MEEHAN, Ms. WOOLSEY, Mr. FARR, and Mrs. MALONEY of New York.

H.R. 627: Mr. JOHNSON of Georgia and Mr. ABERCROMBIE.

H.R. 632: Mr. CALVERT, Mr. JOHNSON of Georgia, Ms. JACKSON-LEE of Texas, Mr. LINCOLN DIAZ-BALART of Florida, and Mr. JEFFERSON.

H.R. 633: Mr. BISHOP of New York.

H.R. 636: Mr. HENSARLING, Mr. SOUDER, Mr. MANZULLO, and Mr. LINCOLN DIAZ-BALART of Florida.

H.R. 649: Mr. SMITH of New Jersey, Mr. PAYNE, Mr. BRADY of Pennsylvania and Mr. ACKERMAN.

H.R. 650: Mr. ENGLISH of Pennsylvania.

H.R. 651: Mr. ENGLISH of Pennsylvania and Mr. HAYES.

H.R. 652: Mr. ENGLISH of Pennsylvania, Mr. SOUDER, Mr. JONES of North Carolina, and Mr. BILIRAKIS.

H.R. 661: Mr. SPRATT, Mr. LANGEVIN, Mr. ENGEL, Mr. ENGLISH of Pennsylvania, Mr. KUCINICH, Ms. HIRONO, Ms. SCHAKOWSKY, Mr. MOORE of Kansas, Ms. LINDA T. SÁNCHEZ of California, and Mr. COHEN.

H.R. 676: Mr. HASTINGS of Florida, Mr. NADLER, Ms. WATERS, and Mrs. MALONEY of New York.

H.R. 677: Mr. STARK, Ms. HIRONO, Mr. KANJORSKI, Ms. LINDA T. SÁNCHEZ of California, Mr. KUCINICH, and Mr. PAYNE.

H.R. 684: Mr. LANGEVIN and Mr. WEXLER.

H.R. 692: Mr. ROGERS of Michigan, Ms. SCHAKOWSKY, and Mr. POE.

H.R. 695: Mr. GERLACH, Mr. GUTIERREZ, Mr. CROWLEY, Mr. HODES, Mr. NADLER, Mr. SARBANES, Mr. TAYLOR, Mr. CONYERS, and Ms. SUTTON.

H.J. Res. 14: Mr. VISCLOSKY and Mr. OLVER.

H.J. Res. 15: Mr. WU and Mr. WALDEN of Oregon.

H. Con. Res. 5: Mrs. MCCARTHY of New York, Mr. KUCINICH, Mrs. CHRISTENSEN, Mr. SCOTT of Virginia, Mr. MAHONEY of Florida, Mrs. DAVIS of California, Mr. TIM MURPHY of Pennsylvania, Mr. ORTIZ, Mr. BOOZMAN, Ms. CORRINE BROWN of Florida, Mr. HARE, Mr. WALZ of Minnesota, Ms. HERSETH, and Mr. BACA.

H. Con. Res. 7: Mrs. DAVIS of California and Mr. DOGGETT.

H. Con. Res. 9: Ms. SHEA-PORTER, Mr. SCHIFF, and Mr. RUSH.

H. Con. Res. 20: Ms. JACKSON-LEE of Texas and Mr. TIM MURPHY of Pennsylvania.

H. Con. Res. 24: Ms. JACKSON-LEE of Texas and Mr. MCDERMOTT.

H. Con. Res. 26: Ms. JACKSON-LEE of Texas, Mr. MCDERMOTT, Mr. LEWIS of Georgia, Mr. HINCHEY, Mr. BUTTERFIELD, Mr. BRADY of Pennsylvania, and Ms. SCHAKOWSKY.

H. Con. Res. 27: Mr. MCDERMOTT, Mr. BUTTERFIELD, Mr. JOHNSON of Georgia, Mr. NORWOOD, Mr. WESTMORELAND, Ms. DELAURO, Ms. JACKSON-LEE of Texas, and Mr. GRIJALVA.

H. Con. Res. 30: Mr. ELLISON.

H. Con. Res. 34: Mr. FATTAH.

H. Con. Res. 35: Mr. AL GREEN of Texas, Mr. HASTINGS of Florida, Mr. PAYNE, Ms. MOORE of Wisconsin, Mr. DAVIS of Alabama, and Mr. RUSH.

H. Res. 41: Mr. MICHAUD, Mr. COHEN, and Mr. THOMPSON of Mississippi.

H. Res. 59: Ms. HIRONO, Ms. SUTTON, and Mr. ROHRABACHER.

H. Res. 64: Mr. HONDA.

H. Res. 67: Mr. MCNULTY and Mr. HINCHEY.

H. Res. 69: Mr. DUNCAN, Mr. KINGSTON, Mr. PORTER, Mr. COLE of Oklahoma, Mr. JOHNSON of Illinois, Mr. PENCE, Mr. HENSARLING, Mr. WELDON of Florida, Mrs. BIGGERT, Mr. BRADY of Texas, Mr. WAMP, Mr. DAVID DAVIS of Tennessee, Mr. JONES of North Carolina, Mr. BOYD of Florida, Mr. DAVIS of Kentucky, Mr. POE, Mr. BOOZMAN, Mr. FORBES, Mr. REHBERG, Mr. HALL of Texas, Mr. CRENSHAW, Mr. CARTER, Mr. BARRETT of South Carolina, Mr. HUNTER, Mr. GRAVES, Mr. WILSON of South Carolina, Ms. FOXX, Mr. PRICE of Georgia, Mr. BOUSTANY, Mr. KUHL of New York, Mr. PETRI, Mr. BONNER, Mr. MCHENRY, Mr. WESTMORELAND, Mr. LEWIS of Kentucky, Mr. BROWN of South Carolina, Mr. KLINE of Minnesota, Mr. HASTERT, Mr. WALDEN of Oregon, Mr. NORWOOD, Mr. GOODE, Mr. HASTINGS of Washington, Mr. ENGLISH of Pennsylvania, Mr. MURTHA, Mr. BOUCHER, Mr. WATT, Ms. KILPATRICK, Mr. MCINTYRE, Mr. COBLE, Mrs. MYRICK, and Mr. MCCOTTER.

H. Res. 79: Mr. KUHL of New York and Mr. ORTIZ.

H. Res. 87: Mr. WICKER, Mr. FORTUÑO, Mr. ROGERS of Michigan, and Mr. UPTON.

H. Res. 90: Mr. THOMPSON of Mississippi, Ms. SCHAKOWSKY, Mrs. CHRISTENSEN, Mr. UPTON, Mr. CUMMINGS, Ms. LEE, Mr. HILL, Mr. GONZALEZ, Mr. ELLISON, Ms. MILLENDER-MCDONALD, Mr. MEEKS of New York, Mr. TOWNS, Mr. RUSH, Mr. ENGLISH of Pennsylvania, Mrs. JONES of Ohio, Mr. CONYERS, Ms. WOOLSEY, Mr. HOLT, Ms. JACKSON-LEE of Texas, Mr. RANGEL, Mr. FATTAH, Mr. AL GREEN of Texas, Mr. DINGELL, Mr. GUTIERREZ, Ms. CLARKE, Mr. JACKSON of Illinois, Mr. MOORE of Kansas, Mr. VISCLOSKY, Mr. WYNN, Mr. MITCHELL, Mr. HASTINGS of Florida, Mr. KILDEE, Ms. NORTON, Mr. VAN HOLLEN, Mr. MEEK of Florida, Ms. CORRINE BROWN of Florida, Mr. PENCE, Ms. WASSERMAN SCHULTZ, and Mr. BURTON of Indiana.

H. Res. 94: Mr. FRANK of Massachusetts.

H. Res. 101: Mrs. MCCARTHY of New York, Mr. ELLISON, Mr. PALLONE, Mrs. JONES of Ohio, Mrs. TAUSCHER, Mr. MCDERMOTT, Mr. HINCHEY, Ms. WATSON, Mr. ROTHMAN, and Mr. ISRAEL.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

OFFERED BY MR. DAVID R. OBEY

H.J. Res. 20, making further continuing appropriations for fiscal year 2007, and for other purposes, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of rule XXI.

EXTENSIONS OF REMARKS

HONORING DR. MICHAEL H. MOSKOW

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, January 29, 2007

Mr. EMANUEL. Madam Speaker, I rise today to recognize the long and distinguished career of Dr. Michael H. Moskow. On August 31, Dr. Moskow will retire from his position as President and Chief Executive Officer of the Federal Reserve Bank of Chicago after 13 years of dedicated service.

Born in Paterson, New Jersey, Dr. Moskow received his B.A. in economics from Lafayette College in Easton, Pennsylvania, in 1959 and a doctorate in business and applied economics from the University of Pennsylvania's Wharton School in 1965.

Throughout his career, Dr. Moskow has succeeded in a wide realm of venues. His experiences range from serving on the faculty of Northwestern University's J.L. Kellogg School of Management to 14 years in senior management positions for three Chicago companies and appointment for public duty by the Senate on five different occasions.

During his tenure as a public servant, Mr. Moskow would assume a series of important and influential roles. He served as a U.S. Trade Representative to Southeast Asia, Under Secretary of Labor at the U.S. Department of Labor, senior staff economist at the Council of Economic Advisors, Assistant Secretary for Policy Development and Research at the Department of Housing and Urban Development, Director of the Council on Wage and Price Stability, and finally, President and Chief Executive Officer of the Federal Reserve Bank of Chicago.

Dr. Moskow also serves on a number of civic, professional, and educational organizations. Currently, Dr. Moskow is chairman of the National Bureau of Economic Research, as well as the director of the Chicago Council on Foreign Relations, the Council on Foreign Relations in New York City, the Northwestern Memorial Foundation, the Chicagoland Chamber of Commerce, and World Business Chicago. The list of organizations he has guided and served goes on and on.

Madam Speaker, I congratulate Michael Moskow on his lengthy and influential career, and thank him for his many outstanding contributions to Chicago and the country as a whole. I wish him the best of luck and continued happiness in his retirement and all his future endeavors.

A TRIBUTE TO MR. WILFRED G. GOODEN—REAL ESTATE DEVELOPER, PHILANTHROPIST, CIVIC AND POLITICAL ACTIVIST

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, January 29, 2007

Mr. RANGEL. Madam Speaker, I rise today to pay tribute to the life and legacy of Wilfred G. Gooden, civic and political activist who left this world at the age of 84 years and to enter into the RECORD an article in the New York Carib News entitled "Wilfred G. Gooden, 84, a Real Estate Developer, Philanthropist, Civic and Political Activist."

Wilfred G. Gooden was born in Jamaica and spent 60 years residing in New York City. His life is one of those rags to riches stories, including a social, charitable, and political side. Mr. Gooden began in 1977 rehabilitating city-owned abandoned apartment houses, under the Federal Government's section 8 housing subsidy program, along the area of 145th Street from Broadway east to Amsterdam, then south along Amsterdam toward 144th Street.

Gooden never forgot his Jamaican roots. He founded the American Friends of Jamaica in 1982 and remained as a director on its board until his death and founded the Concerned Committee For Christian Education, CCCE, which supported two schools, one in New York and the other in Jamaica. He has received several accolades including the Order of Distinction, O.D., for his contribution to Jamaican charities from the Government of Jamaica and an honorary degree of human letters from the Faith Grant College of Alabama.

Even though Wilfred G. Gooden passed away on January 6, 2007, his contributions to Harlem, my congressional district, are ever present in the buildings he rehabilitated in the area. Please join me in extending heartfelt sympathies to his beloved wife, Sybil, and brother, Vibert.

WILFRED G. GOODEN, 84, A REAL ESTATE DEVELOPER, PHILANTHROPIST, CIVIC AND POLITICAL ACTIVIST

Dr. Wilfred G. Gooden, O.D., of Riverdale, New York, a Jamaican American who arrived in New York almost penniless from Jamaica in 1945, worked hard, saved his money and become one of Harlem's most successful real estate developers. He died in Kingston, Jamaica W.I., at Andrews Memorial Hospital on January 6th, 2007 just weeks away from his 85th birthday.

Mr. Gooden's life embodied not only a rags to riches story, but he entered the social, business, charity and political life of the city, and never forgot his Jamaican roots.

He was a founder of The American Friends of Jamaica in 1982 and remained as a director on its board until his death. The Government of Jamaica honored him with the "Order of Distinction (O.D.) for his contribution to Jamaican charities and the Faith*Grant College of Alabama presented Mr. Gooden with an Honorary Degree of Human Letters, He also founded The Concerned Committee For Christian Education (CCCE) which supported two schools, one in New York and the other in Jamaica.

It was not unusual to walk into his home and find Congressman Charles R. Rangel and former Mayor David Dinkins in good active conversation. In Jamaica he counted at least three former Prime Ministers as good friends, The Most Hon. Michael Manley, Edward Seaga and P.J. Patterson.

His Christmas season trips were legendary on behalf of The Concerned Committee For Christian Education (Seventh Day Adventists) when he distributed clothing, books, toys and blankets to the children of families in need.

Mr. Gooden is survived by his beloved wife Sybil and a brother, Vibert who is 93 years young of Atlanta, Georgia.

In Lieu of flowers, please make contributions to Concerned Committee For Christian Education (CCCE) Box 683, New York, NY 10039.

Viewing will take place on Sunday 21, 2007 from 3:00 p.m. to 4:30 p.m. followed by the memorial service at 5:00 p.m. at The Ephesus Seventh Day Adventists Church at West 123rd Street and Lenox Avenue (Adam Clayton Powell Blvd.) The burial will be Monday at 10:00 a.m.

IN HONOR OF THE HONORABLE TERRY R. SPENCE

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Monday, January 29, 2007

Mr. CASTLE. Madam Speaker, it is with great pleasure that I rise today to recognize the accomplishments and career of the Honorable Terry R. Spence. Mr. Spence is the longest serving Speaker of the House of Representatives in the history of the State of Delaware. Speaker Spence also has held the position longer than any speaker in any state legislature in the United States of America.

Mr. Spence was born and raised in Wilmington, Delaware. He received an associate's degree in business from Goldey-Beacom College and he later received his bachelor's degree from Wilmington College. Speaker Spence is truly a born and bred Delawarean and he has served our state honorably for over 26 years.

First elected in 1980, Terry quickly rose through the ranks to become the Majority Whip of the General Assembly. He served in this position for 3 years and was consistently reelected as a Republican, even though he served in a Democratic district.

As a State Representative for the 18th District, Terry has worked tirelessly to defend the middle class. As a member of Labor and Veteran Affairs committees, Representative

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Spence has fought to protect the constituents of the 18th.

Having worked with Terry during my years as lieutenant governor, governor, and now U.S. Representative, I can attest to his strong leadership and his dedication to not only his constituents, but to all Delawareans. Serving as Speaker of the House is a formidable task, and Terry has managed to successfully carry out his duties over an extraordinary period of time.

Speaker Spence continues to serve as a dignified leader in the General Assembly and I wish him luck as he begins his work with the 144th session of Delaware's legislative body. I commend him for a life of service and thank him for his tireless dedication to Delaware.

PERSONAL EXPLANATION

HON. JULIA CARSON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 29, 2007

Ms. CARSON. Madam Speaker, I was unable to record Rollcall votes nos. 56 and 57 due to prior commitments in my District. Had I been present, I would have voted "yes" on Rollcall votes nos. 56 and 57.

HONORING MS. YVETTE CLARKE—NEWLY-ELECTED REPRESENTATIVE OF THE 11TH CONGRESSIONAL DISTRICT OF BROOKLYN, NEW YORK

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, January 29, 2007

Mr. RANGEL. Madam Speaker, I rise today to honor YVETTE CLARKE, newly-elected Representative of the 11th Congressional District in Brooklyn, New York and to enter into the RECORD an article in the New York Carib News by Tony Best entitled "Brooklyn Celebrates Yvette Clarke's Assumption of Duties as Representative for 11th Congressional District, Hundreds Attend Community Event at Brooklyn College."

YVETTE CLARKE was born and raised in Brooklyn, New York. She is the daughter of Leslie Clarke, father, and former Brooklyn councilwoman Una Clarke. The Clarkes migrated to the United States before Congresswoman CLARKE was born. CLARKE attended New York City public schools and received a scholarship to Oberlin College in Ohio.

YVETTE CLARKE was elected to the New York City council in November 2001 as the representative for the 40th District in Brooklyn. CLARKE was overwhelmingly re-elected to office in November 2003 and November 2005. She succeeded her pioneering mother, the former city councilmember, Dr. Una Clarke, making them the first mother-daughter succession in the history of the council.

In November 2006, CLARKE was elected to represent the 11th Congressional District in Brooklyn, New York. CLARKE, a life-long Flatbush resident, will continue to ably represent her mostly working-class constituents in her district the same way she did while sitting on the council, particularly as Congress takes up immigration reform and long-deferred issues of economic fairness.

YVETTE CLARKE has the reputation of being a good listener and a true leader. She distinguished herself as a strong negotiator and has a record of getting things done to meet the needs of the residents of her district. I look forward to working closely with YVETTE on the issues facing the American people and I ask you to join me in welcoming Congresswoman CLARKE into the 110th Congress of the United States of America.

[From the New York CaribNews]

BROOKLYN CELEBRATES YVETTE CLARKE'S ASSUMPTION OF DUTIES AS REPRESENTATIVE FOR 11TH CONGRESSIONAL DISTRICT; HUNDREDS ATTEND COMMUNITY EVENT AT BROOKLYN COLLEGE

(By Tony Best)

After one of New York City's big political flash points: a brutal election campaign to fill a Congressional seat once held by the iconic figure Shirley Chisholm, it was time for a community celebration.

And the emotional atmosphere that encased the ceremonial swearing in of Congresswoman Yvette Clarke was punctuated with music, dance, prayers, poetry, glowing tributes by prominent elected officials, tears of joy and the obvious satisfaction of the Clarke family that one of their own had made it to the halls of the U.S. House of Representatives.

"She got there the old fashioned way, she earned it," asserted U.S. Senator Chuck Schumer, a Democrat of New York and one of his party's major architects of the successful mid-term election which resulted in the ousting of the Republicans from control of Capitol Hill.

"We are proud of Yvette," he told a cheering crowd. "She worked hard to get elected. She didn't rest on her laurels. It's a great day for Brooklyn, a great day for the Clarke family, and a great day for the United States."

Actually, the ceremonial taking of the oath of office followed the official swearing-in which had taken place in Washington a week earlier, and when Brooklyn Civil Court Judge Sylvia Ash asked the freshman member of the House to pledge to carry out her duties in accordance with the country's constitution, members of the audience joined in responding in the affirmative as if they too were going to the nation's capital.

Clarke won the 11th Congressional District election last September when she defeated three other candidates in the Democratic Primary. Among the competitors was the well-financed Jewish City Council member David Yassky who had moved into the District just before launching his campaign with the clear and opportunistic goal of capturing the white votes while leaving the Blacks to split their support from the Hispanic, Asian and Black majority. Yassky had raised almost $2 million for his campaign war chest, more than the combined funds raised by the other three candidates. But it didn't work.

The seat had become vacant when Major Owens who had occupied it for at least two decades after succeeding Chisholm in the 1980's decided to retire. He had hoped that his son, Chris Owens, a community activist would succeed him. But like Yassky's plans, that goal failed.

Clarke went on to win the November election with about 90 percent of the vote.

"She worked hard," said U.S. Representative Anthony Weiner, who shocked the political establishment when he endorsed Clarke in the Primary campaign and campaigned with her, instead of backing Yassky. "She shares the values of the community and understands its needs," he told the audience.

The Congressman was on a list of speakers, mainly members of the state legislature in Albany and the City Council in Manhattan, who joined Marty Markowitz, Brooklyn Borough President and others in extolling the qualities which catapulted Clarke from City Hall to Congress, a feat which eluded her mother, Una Clarke, several years ago when she sought to replace Major Owens in a hard fought race.

New York State Assemblyman Nick Perry alluded to that election battle when he told the crowd that while he had political differences with the Congresswoman's mother it didn't stop him from vigorously backing "Yvette" and helping to raise money for her.

"I feel like I won too," said Perry who dropped out of the Congressional race early last year and then threw his support behind Clarke. "She will do great things for America. She is young and bright."

State Senator John Sampson was another of the elected office holders, who at the urging of both "Yvette" and her mother, not only backed her drive for the House but contributed campaign funds and material support. He became philosophical when he invoked the presence and role of the Almighty God in people's lives and reminded the Congressperson that prosperity and success breed many friends but "adversity proves them."

State Senator Kevin Parker, who had declined to back Clarke during the Primary, supporting Karl Andrews, at the time a State Senator from Brooklyn instead, said that he too was confident "Yvette" would succeed in Washington. In his brief remarks, the Borough President, who sat out the Congressional race by opting not to endorse any of the four candidates, said the new House member was "committed to public service."

Dr. Kendal Stewart, a City Councilman, joined in the chorus of praise, saying her victory was a reminder to immigrants and their children, "those who came by plane or by boat" that they too could succeed and perhaps follow in "Yvette's" footsteps.

Dr. Edison Jackson, President of the highly successful Medgar Evers College, put it differently, describing the lawmaker as a worthy "advocate" of the community that sent her to Capitol Hill.

When the time came for Clarke to respond after wiping away tears, she spoke out against the Iraq war and the Bush Administration's misplaced priorities which had resulted in $130 billion needed to fix schools in the 11th Congressional District and elsewhere in the City, State and country being diverted to the Persian Gulf to finance a conflict "we don't want."

She said that as a member of the House's Committee that monitors the work of the Department of Homeland Security, she had already backed a measure, which would bring more funds into the City for the Police and Fire Departments as well as the Emergency Medical services.

Congresswoman Clarke insisted that the City urgently needed funds, federal dollars, for its schools, drug treatment programs and other social services. She took time out to thank the community, the hard-working campaign volunteers, staff and others who "came together" and worked to place her in Congress.

"I am thankful," she said.

She spoke about her parents, Leslie Clarke, father, and Una Clarke, mother, for the way they raised her, and the rest of the family from Jamaica who instilled core values in her.

With the Rev. Barbara Lucas as "the officiating minister, the celebration featured a mix of ecumenical blessings offered by a variety of religious ministers, including a Jewish Rabbi; dances by young performers of different cultural backgrounds; inspirational songs by a plethora of artistes, among them was Brooklyn Temple Seventh Day Adventist mass choir; steelband music by members CASYM, a youth orchestra; and a celebratory procession by the Panamanian Marching Band. Dr. Harold Robinson, Trinidad and Tobago' Consul-General, summed up the situation when he said that the Caribbean, the source of Congresswoman Clarke's early strength, might consist of countries with different languages but "we are all one."

Cynthia Brown-Franklin, Panama's Vice Consul-General, said afterwards "great things are expected of the Congresswoman and she will deliver on those dreams."

IN HONOR OF THE HONORABLE STANLEY W. TAYLOR, JR.

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Monday, January 29, 2007

Mr. CASTLE. Madam Speaker, it is with great pleasure that I rise today to recognize the career of Stanley W. Taylor. Stan has served in Delaware's Department of Correction for 30 years. He has proven to be a tough and formidable leader in an organization that requires exceptional skill, knowledge, and dedication. I commend Mr. Taylor for his years of service.

Stanley W. Taylor has been a Delaware resident since the age of 5. He was educated at Indian River High School and the University of Delaware. He began his career with the Department of Correction in 1976 when he served as a correctional officer at the Sussex Correctional Institution. He quickly moved through the ranks at Sussex Correctional, being promoted to the positions of correctional counselor, training academy director, security superintendent, and warden.

Stan's hard work and skill was recognized when he was promoted to chief of the Bureau of Prisons, a position in which he was responsible for all prison operations. When Department of Correction Commissioner Robert Watson retired in 1995, my colleague Senator TOM CARPER, who at the time was serving as Governor of Delaware, appointed Stan Taylor to serve as commissioner of the Department of Correction.

For more than 10 years, Stan Taylor has overseen an organization that is responsible for over 6,500 incarcerated offenders, over 18,000 probationers, and more than 10 correctional facilities. He is the first person in the history of the First State to begin his career as a correctional officer and rise through the ranks to eventually lead the Department of Correction as its commissioner.

I join with the people of Delaware to thank Stan for his continued dedication to the correctional system. He has served in a role that can be difficult at times, but is a necessity to the security of our State. I commend him for a life of service and thank him for his tireless dedication to Delaware.

PERSONAL EXPLANATION

HON. JULIA CARSON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 29, 2007

Ms. CARSON. Madam Speaker, on Monday, January 22, I was unavoidably detained in my home district and unable to record my roll call votes. Had I been present, I would have voted "yes" on Rollcall vote #46.

HONORING BOBBY L. MAXWELL

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, January 29, 2007

Mr. EMANUEL. Madam Speaker, I rise today to honor Bobby L. Maxwell. Mr. Maxwell may not be familiar to you or to most of America, but on January 23rd, he accomplished something that the Bush Administration has failed to do for the last six years: hold oil companies accountable.

During recent consideration of H.R. 6, the Creating Long-term Energy Alternatives for the Nation or CLEAN Act, our Democratic majority called attention to the fact that the Minerals Management Service (MMS) at the Department of the Interior has failed to collect millions of dollars of royalties from oil and gas companies drilling in public waters. The Administration has largely ignored this problem and possible negligence by top officials at Interior, but last week's federal court decision that the Kerr-McGee Corporation has underpaid the government by approximately $7.5 million should serve as a wake up call on both ends of Pennsylvania Avenue.

Unlike the Director of the Minerals Management Service and others at Interior, Bobby Maxwell did not turn a blind eye to the problem of oil companies underpaying or refusing to pay royalties for the use of public lands. Mr. Maxwell used to serve as a top auditor at MMS, but while he was doing his job investigating royalty underpayment by Kerr-McGee and others, senior Interior Department officials ordered him to drop his case. Additionally, Mr. Maxwell lost his job due to a "reorganization" shortly thereafter.

Bobby Maxwell did not give up, though. He knew that Kerr-McGee and others were cheating the Federal government and the American taxpayers out of millions of dollars, so he became a whistleblower. Despite having lost his job, Mr. Maxwell continued to stand up to the oil companies by bringing suit under the False Claims Act.

The jury found what Mr. Maxwell and many of us already knew: Kerr-McGee had indeed failed to pay the Federal government approximately $7.5 million they owed for oil production from publicly owned coastal waters. I regret that Mr. Maxwell had to lose his job to expose the greed of this company and the failures at MMS, but his story is a positive one. Both he and the Federal government will benefit from his diligence and service. Kerr-McGee will have to pay significant penalties as a result of underpayment and false statements in their royalty reports. Additionally, Mr. Maxwell is not alone—three other auditors from MMS have filed whistleblowing cases against companies that the Interior Department blocked them from investigating.

Madam Speaker, Mr. Maxwell and these other dedicated public servants deserve our recognition and gratitude. They have stood up and declared that the public's trust and money both deserve our attention, respect, and protection. I ask my colleagues to join me in thanking Mr. Maxwell and congratulating him on a job well done. Let us follow his example by continuing to put accountability ahead of corporate profits.

TRIBUTE TO PRIVATE FIRST CLASS RYAN HILL

HON. DARLENE HOOLEY

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Monday, January 29, 2007

Ms. HOOLEY. Madam Speaker, I am here today in this hallowed hall with a heavy heart and troubled spirit.

Here, but a few hours ago, we assembled in keeping with an annual ritual that proclaimed our Union to be strong, our nation to be sound.

Sadly, I must contest that notion.

We are not as strong as we could be, as we should be, we are not what we would be without Private First Class Ryan Hill.

For this past week, Private Hill was killed in Baghdad, Iraq. As a member of the 1st Infantry Division, he and his unit were performing duties in keeping with our efforts to foster peace and stability.

America lost someone special when we lost Ryan. He represented the better angels of our nature, he was the kind of young American we need more, not less.

Immediately following high school, Private First Class Hill joined the military to fight for his country, his community—to fight for his family and friends.

Far too often we find ourselves standing here, recognizing the loss of heroes.

Private Hill died while on patrol. Using an improvised explosive device—a weapon without honor, without conscience—our enemies stole from us the America that would have been.

Right now, the community of Keizer, Oregon is seeking comfort in the life and noble sacrifice of Ryan Hill.

This we must do; he answered the call of service voluntarily and fulfilled his duty without hesitation, without complaint.

Private First Class Hill was a model soldier, he was the kind of young man that made everyone around him better.

In correspondence home, he recognized the dangers—he knew well the price of freedom—and yet he soldiered on despite his situation.

His enthusiasm and compassion made Ryan a beacon of hope for his comrades in arms in the shadow of the loss of several friends just a short time ago.

That shadow is now a little denser, a little darker—it reaches farther than before. And this shadow makes the future, our future, less than what it would have been.

I am here today asking us all to consider well the choices before us. We have an opportunity to ensure the life and death of Private Ryan Hill are not forgotten, that his sacrifice endures within our memory.

Let us recommit ourselves to making this Nation a place worthy of the gift Ryan Hill has given us; let us commit ourselves anew.

RECOGNIZING REVEREND DOCTOR HERMAN M. WILLIAMSON

HON. C.A. DUTCH RUPPERSBERGER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, January 29, 2007

Mr. RUPPERSBERGER. Madam Speaker, I rise before you today to acknowledge the outstanding lifelong accomplishments of Reverend Doctor Herman M. Williamson. A resident of Havre de Grace, Maryland, Reverend Dr. Williamson is a native of Evergeen, North Carolina, where he attended public schools and graduated with honors. After moving to Baltimore, Maryland, he completed studies at the Cortez Peters Business College. Reverend Dr. Williamson continued his education in engineering and administrative procedures in the Officers School while serving for five years in the United States Army. After his military service, Reverend Dr. Williamson attended Morgan State College.

After moving to Havre de Grace, Maryland, he joined and attended St. James A.M.E. Church before being called to the ministry. Reverend Dr. Williamson decided to return to his roots in the Baptist Church and joined Mt. Zion Missionary Baptist Church. He was licensed to preach and served as Assistant Pastor to the late Reverend Milton C. Phillips. During this time, he completed his course of study at the Maryland Bible Institute. He was called to the pastorate of Mt. Zion Missionary Baptist Church on October 25, 1974 and two days later accepted the pulpit of the Havre de Grace church.

Over the years, Reverend Dr. Williamson has been an advocate of faithful service and positive change to assist the members of his church and the residents of Harford County. His outreach to the communities in and surrounding Havre de Grace has been unsurpassed. He supported and was instrumental in the establishment of the Harford County Fuel Fund, the Harford County Food and Nutrition Program and the St. James Cemetery Preservation Council. He is President Emeritus of the Deacon and Deaconess Union of Baltimore, Harford and Cecil Counties and President Emeritus of the Ministerial Alliance of Baltimore, Harford and Cecil Counties. He has also served as auditor of the United Baptist Missionary Convention and Auxiliaries for the State of Maryland, Inc.

Reverend Dr. Williamson was the first black chaplain appointed to serve the Harford County Detention Center. He s served on the Executive Board of the Harford Interfaith Community Service, Inc., the Neighbor to Neighbor Summit Advisory Committee for Harford County and the Hicks Advisory Board of Harford County. He was granted an Honorary Doctoral Degree from the Bread of Life Ministries in Whiteville, North Carolina, in February 2002. In early 2007, Reverend Dr. Williamson was the recipient of the Joseph Bond Dr. Martin Luther King, Jr. Humanitarian Award from Harford County.

Madam Speaker, I ask that you join with me today in congratulating Reverend Dr. Herman Williamson for his lifelong and caring devotion to the people of Havre de Grace, Harford County, and the State of Maryland.

HONORING THE MEMORY OF NYS ASSEMBLYMAN JOHN LAVELLE

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, January 29, 2007

Mr. HIGGINS. Madam Speaker, I rise today to bring to the House's attention the tremendously sad news of the passing of a dear friend and fellow public servant. I rise today also to honor the memory, and take note of the tireless public service of, my good friend, the late New York State Assemblyman Jack Lavelle.

Jack and I were colleagues in the New York State Assembly from 2000, when he arrived as a freshman, until the end of 2004, when I left Albany after my initial election to Congress.

Madam Speaker, I do not exaggerate when I recount that it was a tremendous honor to serve with Jack, for I greatly valued his counsel, leadership, and friendship. More than that, what I will miss most about Jack is his tremendously warm and kindhearted spirit.

We always knew where Jack was from—his beloved borough of Staten Island. More importantly, Jack never forgot where he was from. Despite being from opposite ends of the state and being of different generations, Jack and I shared a commitment to our respective communities that I am proud to believe was very similar. Both of us were fortunate to learn early on that when you remember where you come from, when you follow the rules, love your family, and give back to your community anything is possible. Jack Lavelle was living proof of that.

Jack's public career was well known, and the respect Jack enjoyed from leaders throughout the state was impressive. Jack's history of community involvement is far too long to list in its entirety, but his work with countless educational committees, community boards and medical advisory councils were well known and well respected.

In November 2000, Jack's succession of revered Assemblywoman Betty Connelly allowed him to continue her legacy of commitment to Staten Island. So many of Jack's successes in Albany involved education, where he made great strides toward the improvement of New York City's public schools.

Jack always spoke with tremendous pride about his family, including his three sons, John, Christopher, and Danny and his grandchildren Jacob, Zachary and Julia. I am certain that all members of the House join with me to offer our most sincere condolences to Jack's family, lost so suddenly as he was.

When I think back about Jack, I think of how tremendously kind he was to me. Although ten years my senior in age, Jack often called me "Governor," because he always said, "Kid, you're going somewhere." When I announced my run for an open Congressional seat in 2004, Jack was among the first to call and offer encouragement. His friendship and support were as genuine as can be.

We all join with Jack's family in mourning his loss, and remain confident that the good work that he did, both in Staten Island and in Albany, has left a powerful legacy for many years to come. Rest in peace, Jack Lavelle; your work here is done, but your legacy will live on for years to come.

INTRODUCTION OF THE CÉSAR E. CHÁVEZ POST OFFICE ACT

HON. SUSAN A. DAVIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 29, 2007

Mrs. DAVIS of California. Madam Speaker, I rise today to honor a great man who stood up for justice and fair treatment for all Americans.

During his life, César E. Chávez was committed to providing fair wages, better working conditions, decent housing, and quality education for all.

Mr. Chávez also served the United States proudly in the Navy during World War II.

His spirit and his vision are still alive today and I am determined to celebrate what he stood for and his great accomplishments.

Madam Speaker, today, I introduce legislation to rename the post office located at 2777 Logan Avenue in the Barrio Logan section of San Diego as the "César E. Chávez Post Office." This is the least we can do to honor such a great but humble man dedicated to justice. Please join me in giving Mr. Chávez his rightful place in American history.

INTRODUCTION OF THE TAXPAYER ABUSE AND HARASSMENT PREVENTION ACT: CONGRESS SHOULD NOT ALLOW BOUNTY HUNTERS TO ABUSE TAXPAYERS

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, January 29, 2007

Mr. VAN HOLLEN. Madam Speaker, last week I introduced H.R. 695, the Taxpayer Abuse and Harassment Prevention Act of 2007, along with Representatives STEVE ROTHMAN, RUSS CARNAHAN and 42 other original cosponsors. If enacted into law, this legislation would repeal the provision tacked onto the 2004 corporate tax bill (H.R. 4520, the so-called American Jobs Creation Act in the

108th Congress) that hands over the tax returns of millions of American taxpayers to private contractors to collect delinquent taxes, and allows them to keep 25 percent of their take as a commission for services rendered.

Three weeks ago, on January 9th, in her annual report to Congress the National Taxpayer Advocate identified the IRS' private debt collection initiative as one of the most serious problems facing taxpayers and called on Congress to repeal the IRS's authority to use private collection agencies to collect federal taxes. The Advocate's report illustrated why the IRS private tax collection program is a waste of taxpayer dollars, invites overly aggressive collection techniques and jeopardizes the financial privacy of American taxpayers:

The IRS's Private Debt Collection initiative is not cost efficient, adds unnecessary costs and burdens to taxpayers, diminishes the improved image of the IRS, and surrenders too many valuable components of our tax administration system. Therefore, Congress should repeal IRC § 6306 and thereby terminate the Private Debt Collection initiative.

We must repeal this provision because it opens the door to taxpayer intimidation and abuse, practices that have been outlawed by Congress. This practice amounts to bounty-hunting—at taxpayer expense—by allowing collection agencies to harass those same American taxpayers, many of whom are guilty of nothing, with the incentive of collecting their commission as their primary motivation. Giving unaccountable outside bounty hunters unfettered access to Americans' personal financial data poses a risk that we just cannot afford.

What's more worrisome is the IRS' inability to oversee the work of these private debt collectors. A 1996 pilot program for private collection was so unsuccessful that a similar pilot program planned for 1997 was cancelled outright. The contractors used in the pilot programs regularly broke the Fair Debt Collection Practices Act, did not protect the security of personal taxpayer information, and even then failed to bring in a net increase in revenue. An audit report of the pilot program found that, "contractors blatantly circumvented IRS policies and procedures even when security personnel identified inappropriate practices." In fact, the report found that contractors made hundreds of calls to taxpayers during times prohibited by the FDCPA, and that calls were even placed as early as 4:19 a.m.

While IRS employees are explicitly forbidden from being evaluated on the basis of revenue collected, the private collection scheme would actually link contractor pay to the amount of revenue collection. This policy encourages contractors to use aggressive collection techniques to boost their remuneration. Furthermore, the IRS is currently liable for damages to a taxpayer resulting from the misuse of confidential information by an IRS employee, but taxpayers will not be able to recover damages from the federal government where contractors are guilty of malfeasance.

The House had already expressed its will that this provision not become law when it approved by voice vote an amendment to the FY2005 Treasury Appropriations bill that prevented the expenditure of any federal funds for private collection of federal taxes. Unfortunately, the Treasury Appropriations bill never became law, and the House language was stripped out of the FY 2005 omnibus spending bill by the Republican leadership in the conference—behind closed doors, in the dead of night.

We must repeal this onerous provision. We must protect American taxpayers from intimidation and abuse. We must ensure that personal financial records are protected and remain private. Two decades ago this Congress passed the Fair Debt Collection Practices Act specifically to protect Americans from intimidation and abuse, but last year this Congress perpetrated an injustice by allowing these very abuses to go forward.

I urge my colleagues to join me in working with the IRS to find a more effective means of collecting delinquent tax debt collection and avoid this risky scheme altogether. Let's pass the Taxpayer Abuse and Harassment Prevention Act.

TRIBUTE TO HIS EXCELLENCY LAZAR ELENOVSKI

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, January 29, 2007

Mr. PASCRELL. Madam Speaker, I would like to call to your attention to a man I am proud to recognize, His Excellency Lazar Elenovski, Minister of Defense of the Republic of Macedonia, on the occasion of his visit to the United States.

It is only fitting that he be honored in this, the permanent record of the greatest freely elected body on earth, for he has a long history of dedication and commitment to international relations.

Minister Elenovski was born in 1971 in Skopje, Macedonia, and went on to graduate from the Faculty of Economy at Ss. Cyril and Methodius University. A member of the New Social Democratic Party of Macedonia, a part of the coalition government, he was appointed Minister of Defense in August 2006.

Minister Elenovski has long been a great advocate for Atlanticism in Macedonia. He worked to promote and implement the Euro-Atlantic idea and values in Macedonian society in the early 1990s. This effort culminated in his founding of Young Europeans for Security (YES) in 1995.

He was also one of the founders of the Social Democratic Youth of Macedonia (SDYM), and served as its Secretary General from 1996–1999, and then as its president until 2001. He was a member of the Presidency of the Social Democratic Union of Macedonia from 1997 until 2003. He is a signer of the Protocol for Cooperation between the SDYM and PASOK Youth in Athens in 2001.

Between 2001 and 2005, Minister Elenovski served as Secretary General of the Euro-Atlantic Club of Macedonia, and in late 2005, was elected President of the Euro-Atlantic Council of Macedonia, a member of the Atlantic Treaty Association. During this time he was also Deputy LEO of Public Transport in Skopje.

He has implemented many initiatives for the support of NATO and EU integration projects in his nation, for the civilization values of Atlanticism, and notably for the democratic development of Macedonia. In May of 2004, he initiated and served as a signatory of the Declaration for Euro-Atlantic Partnership and Cooperation between the Atlantic Associations of Albania, Croatia, and Macedonia. He is also a founder of the Central and South Eastern European Security Forum-Balkan Mosaic.

Minister Elenovski is known as an advocate for regional cooperation and integration. Along with civil and local authorities, he has worked on many regional and international projects which strengthened regional cooperation, and improved the security and stability of the nation and region.

Madam Speaker, I ask that you join our colleagues, Minister Elenovski's friends, and me in recognizing the outstanding achievements of a true leader, the Minister of Defense of the Republic of Macedonia, Lazar Elenovski.

INTRODUCTION OF THE NIAGARA FALLS NATIONAL HERITAGE AREA ACT

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, January 29, 2007

Ms. SLAUGHTER. Madam Speaker, I am pleased to introduce the Niagara Falls National Heritage Area Act, which will provide Federal resources to preserve and promote one of America's greatest natural wonders.

Every time I make the long drive across my congressional district, I am reminded of how fortunate I am to represent a region with such a diverse geographic make-up. From the Ontario shoreline, to vast vineyards and apple orchards, to the waterfront on Lake Erie, Mother Nature has bestowed some of her finest treasures upon western New York. But none are as recognized world-wide as Niagara Falls, which attracts more than 7 million visitors annually. The Niagara River Gorge is an exceptionally scenic corridor, carved by the movement of the falls beginning over 10,000 years ago. Federal recognition of this geological wonder and the Niagara frontier is long overdue.

The Niagara Falls National Heritage Area Act will provide Federal resources to help heighten national appreciation for the falls' natural splendor and the region's contributions to our Nation's history. The bill is critically important to the district I represent. With the steady decline in manufacturing, the western New York economy has become increasingly dependent on tourism. In addition to recognizing the falls in our Nation's development, the Niagara Falls National Heritage Area Act will help revitalize and strengthen the local economy by creating a comprehensive strategy to attract tourists to the region.

Niagara Falls is a geological wonder that has been a world-renowned tourist destination for more than 200 years. Rich in natural and cultural resources, the Niagara falls area has significant historical associations with Native Americans, early European exploration, the French and Indian War, the American Revolution, the War of 1812, and the Underground Railroad. In addition, the falls have long been an important site for hydroelectric power and ancillary industries. Together, these elements have greatly contributed to the development of the United States and deserve Federal recognition as a national landmark.

A National Heritage Area designation will heighten appreciation for the region, better preserve its natural and historic resources, improve coordination among existing programs at the site, enhance the quality of life, and expand the economy of the Niagara region. The Niagara Falls National Heritage Area will be comprised of the area stretching from the western boundary of the town of Wheatfield to the mouth of the Niagara River, and from the river to Lake Ontario. It will also include the city of Niagara Falls, the villages of Youngstown and Lewiston, and all land and water lying within these boundaries. The Niagara Falls National Heritage Area will be managed by a Federal Commission for its first 5 years in existence before being turned over to a local management entity. This bill has widespread public support, and a Niagara Falls National Heritage Area has been endorsed by the National Park Service.

Madam Speaker, Niagara Falls has always been a source of pride for western New York. But the Niagara Falls National Heritage Area Act will help to solidify its standing as something more: an engine for the revitalization and promotion of our region's natural, historic, and scenic resources to residents and visitors alike. I look forward to working toward passage of this important legislation.

A TRIBUTE TO ROBERT C. DAVIDSON, JR.

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 29, 2007

Mr. SCHIFF. Madam Speaker, I rise today to pay special recognition to Robert C. Davidson, Jr. upon being named recipient of Morehouse College's Bennie Leadership Award for the year 2007.

Robert Davidson's long and distinguished career began in the late 1960s, when he began as a Management Consultant with the New York-based Cresap, McCormick and Paget. Robert later moved to Boston, where he cofounded and served as Vice President of the Urban National Corporation, a private venture capital company established with a commitment to increase industry's investment in minority-controlled businesses.

Mr. Davidson's entrepreneurial spirit continued as he served as Chief Executive Officer of Avant Garde Enterprises, and it later led him to develop and head his own management and consulting firm. In 1978, Robert formed Surface Protection Industries, Inc. (SPI) and served as its Chairman and Chief Executive Officer. Under his leadership, SPI developed into one of California's leading African-American-owned manufacturing companies.

Robert Davidson has a strong commitment to community involvement and voluntary service. He currently sits on the Board of Directors for the following organizations: Morehouse College in Atlanta, Georgia; Jacobs Engineering Group, Inc. (NYSE); Broadway Federal Bank (NASDAQ); Fulcrum Venture Capital Corporation; Cedars-Sinai Medical Center; the University of Chicago Graduate School of Business Advisory Council; Art Center College of Design in Pasadena; the South Coast Air Quality Management District Brain Tumor and Air Pollution Foundation; and the Los Angeles Urban League.

Prior board affiliations include Children's Hospital of Los Angeles; Los Angeles Area Chamber of Commerce; Rebuild LA; Museum of Contemporary Art; Charles Drew University School of Medicine; Armory Center for the Arts in Pasadena; Shaare Zedek Medical Center Jerusalem; Los Angeles Chamber Orchestra; Falcon Cable Community Ventures; the African/American Museum of Art; the Black-Jewish Economic Development Committee of Los Angeles; Big Brothers of Greater Los Angeles; the Weingart Center for the Homeless; and the Planning Commission for the City of Pasadena.

Mr. Davidson lives in Pasadena with his wife Faye and their three sons, Robert III, John Roderick, and Julian.

I ask all Members of Congress to join me today in honoring an outstanding individual of California's 29th Congressional District, Robert C. Davidson, Jr. The entire community joins me in thanking Robert for his success and continued efforts toward making the 29th Congressional District a better place in which to live and work.

TRIBUTE TO THE 75TH ANNIVERSARY OF THE PENNSYLVANIA FEDERATION OF SPORTSMEN'S CLUBS

HON. CHRISTOPHER P. CARNEY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 29, 2007

Mr. CARNEY. Madam Speaker, I rise today to recognize the 75th anniversary of the PA Federation of Sportsmen's Clubs. The Federation is one of the oldest and largest conservation organizations in Pennsylvania. Since 1932, the Pennsylvania Federation of Sportsmen's Clubs has been the leading advocate of our outdoor heritage, wildlife habitat and environmental protection in the Commonwealth.

For three-quarters of a century this great organization has worked diligently to defend the rights of individuals under the Second Amendment of the United States Constitution, as well as ensure the rights of all citizens to a healthy environment. The Federation was the driving force behind the passage of the Nation's first environmental laws, including PA's Clean Streams Law in 1937.

Throughout its proud history, the Federation has been a strong partner in conservation with our State and Federal natural resource and wildlife management agencies, such as the PA Game Commission, the PA Fish and Boat Commission, and the PA Department of Conservation and Natural Resources. In cooperation with these public agencies, the Federation has helped to conserve precious wildlife habitat, protect clean water, and provide countless recreational opportunities for millions of American citizens.

In closing, Madam Speaker, I ask my colleagues to join me in recognizing the members of the PA Federation of Sportsmen's Clubs, past and present, for their 75 years of distinguished service to the United States of America.

A WISE CHOICE FOR SPEAKER

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 29, 2007

Mr. GEORGE MILLER of California. Madam Speaker, no one who knew them both could ever deny the power of the relationship and marriage between Phil and Sala Burton. It brought together two people who cared deeply about America and believed strongly in progressive values and actions. As the enclosed article notes, Sala Burton saw these same values and talent in our new Speaker, NANCY PELOSI, many years ago. When Sala, seriously ill, asked NANCY PELOSI to run for her congressional seat, she was acting on the same values and trust that she and Phil brought to public life. Sala made a decision that changed the history of the House of Representatives and our country forever.

I would like to share the article with our colleagues:

[From the Washington Post, Jan. 3, 2007]

SALA'S CHOICE

NANCY PELOSI CARRIES ON A POWERFUL LEGACY

(By Harold Meyerson)

Sala Galant Lipschultz Burton made two critical decisions during her lifetime, the full meaning of which could not have been apparent to her at the time she made them. The first, in the early 1950s, was to marry a young lawyer and Democratic activist named Phil Burton, who was to become the single most important member of the House of Representatives in the '60s and '70s.

As a leader of the California Young Democrats and a rising force in San Francisco politics, the young Phil Burton had already won a reputation for his political brilliance—and for his explosive temper. Nobody worked harder for liberal causes. Nobody demanded more of his associates and staffers: If they didn't match his crazy hours, his ability to count votes or his understanding of the art of the deal, they'd be subjected to eruptions from the Burton volcano.

Throughout his career, in fact, the biggest obstacle to Burton's success was his rage. That he accomplished as much as he did was due in part to Sala. The late John Jacobs, whose 1995 biography of Burton, "A Rage for Justice," is one of the great political biographies of the past quarter-century, reported that Sala was Phil's confidante, co-strategist and champion, but that was only the beginning. "She cleaned up his messes," Jacobs wrote, "soothing and placating those he insulted or abused. She alone could intervene in a conversation to shut him up."

Phil Burton was first elected to the House in 1964. In his 19 years as a congressman—he died of a ruptured aorta in 1983—he was responsible for the legislation that established Supplemental Security Income (SSI) for the aged, blind and disabled; created black-lung compensation for coal miners; increased the minimum wage; made strikers eligible for food stamps; greatly expanded the size and number of national parks; and abolished the House Un-American Activities Committee. More broadly, he broke the power of the old Dixiecrat barons in the House by subjecting committee chairmanships to secret ballot elections within the Democratic caucus. He engineered reapportionments of California that were greatly to his party's benefit, and he steered contributions to the Democratic candidates who needed them most.

When he died, Sala succeeded him in a special election. Just four years later, in January 1987, Sala herself lay dying of cancer. She asked Phil's brother, John Burton, who had represented an adjoining congressional district in San Francisco, to come to the hospital and told him that she wanted "Nancy" to succeed her. For a moment, John Burton was unsure which Nancy she was referring to, but as she explained to family and friends at her bedside, the woman in question was the former California Democratic Party chair Nancy Pelosi.

Pelosi had been associated with the Burtons since shortly after she and her husband had moved to San Francisco in the years when Phil's star was rising. The Pelosis had a large, attractive house, and the first thing she recalls Phil saying to her was, "We'll use this for fundraisers." But Phil's appreciation of Pelosi wasn't confined to her abilities as a hostess. He saw in her a commitment to progressive values and a clear political sense of how to turn those values into laws. When John stepped down from Congress in 1982, Phil asked Pelosi to stand for election to replace him, but she declined, saying her children were too young. Five years later, Sala, on her deathbed, evidently saw in Pelosi the same qualities that Phil had seen.

This time, her children older, Pelosi said yes, and in April she won a squeaker of a special election.

In the House, Pelosi has continually sought the counsel of another Burton protege, George Miller, whose district is right across the Bay from hers. Appointed early on to a seat on the Appropriations Committee, she demonstrated, says the committee's new chairman, Wisconsin's David Obey, that she was "operational"—a Burton word meaning able to steer difficult measures to enactment.

When the Newt Gingrich Republicans swept to power in 1994, political almanac authors Michael Barone and Grant Ujifusa termed it "the collapse of the House that Phil Burton built" Nancy Pelosi, as smooth as Phil Burton was rough, is far more open to openness in the legislative process than her sometimes secretive mentor was. Politically, she understands the limits of the possible and that she can expand them only as far as the American people are willing to go. But she also knows that the American people want Congress to do any number of things that were stubbornly, and, in the end, suicidally resisted by the now-collapsed house that Newt Gingrich built.

The Burtonistas—with different causes and methods for a new era, to be sure—are back. Score two for you, Sala.

IN RECOGNITION OF JUDGE JACK HUGHES

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 29, 2007

Mr. ROGERS of Alabama. Madam Speaker, I respectfully ask for the attention of the House today to pay recognition to Judge Jack Hughes, a highly respected public servant who is retiring from 19 years of service. Currently, Judge Hughes presides as Circuit Judge of the Seventh Judicial Circuit in Anniston, Alabama.

Judge Hughes has served our nation in a number of important capacities. Prior to graduating from the Birmingham School of Law in 1983, Judge Hughes served our Nation in the United States Army, as well as in a law enforcement capacity at the Anniston Police Department. After earning his law degree, he has worked in both private practice and has served as the Presiding Judge for the Seventh Judicial Circuit, and Presiding Family Court Judge.

Our great Nation is made stronger by those who serve the common good. Jack Hughes has served his community and his Nation well, and for that we all extend to him our most hearty thanks. I salute Judge Hughes on this important occasion, and congratulate him on his service to the legal field and to our community.

RECOGNIZES ROBERT CLEMENT ON THE OCCASION OF HIS RETIREMENT

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 29, 2007

Ms. GINNY BROWN-WAITE of Florida. Madam Speaker, I rise today to honor Robert "Bob" Clement on the occasion of his retirement. A dedicated public servant for more than 40 years, Bob worked for many years in law enforcement and customs inspection, eventually finishing his career leading a youth mentoring program in New York City.

Bob began his career in government service when he entered the Army in December, 1963. Serving 6 years in the U.S. Army, including 2 years in Vietnam, Bob was awarded the Bronze Star Medal for ground action. Honorably discharged from the Army in April, 1970, Bob left with the rank of Staff Sergeant.

Entering civilian government service in November 1970 as an original member of the Air Marshal Program, Bob served there throughout the 3 year pilot program commission. He then became a U.S. Customs Inspector, where in addition to the normal duties of a Customs Officer he volunteered in 1991 for the colateral duty of serving as the advisor for a youth program sponsored by U.S. Customs and Border Protection. The program is known as Law Enforcement Exploring and may be sponsored by any Federal, State or local law enforcement agency. The program is open to young men and women, ages 14 to 21. Throughout the U.S. there are over 20,000 youth involved with this program. in the Greater New York Area there are over 4,000 explorers.

As the leader in youth law enforcement mentoring, Bob has been recognized by various governmental agencies for his dedication and hard work. Bob has twice been awarded the coveted Commissioner of Customs Award, twice named the Advisor of the Year in the Greater New York area, and awarded the title of Partner in Education for his contributions of leadership, expertise, service, and support to the youth in the New York City public school system. Finally, Bob was named the first ever recipient of the National Advisor of the Year Award in 2004.

Madam Speaker, Bob Clement has worked a lifetime helping others. His commitment to protecting our borders and to mentoring our children is to be commended. This Congress should take this moment to honor Bob on the occasion of his retirement and thank him for his service to our children and to our Nation.

A TRIBUTE TO THE LIFE OF GEORGE H. CARDINET, JR.

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 29, 2007

Mr. GEORGE MILLER of California. Madam Speaker, it was with great sadness that I learned of the passing of George Cardinet on January 19, 2007. California has lost a tireless leader whose many contributions as an outspoken advocate for trails and open space will be remembered and revered by the citizens of Contra Costa County and all who knew him.

George Cardinet was born on April 8, 1909, in San Francisco, California, to George H. Cardinet, co-founder of the Cardinet Candy Company, and Mary de Sales Cardinet. George succeeded his father as President of the company, and retired as a candy maker but his passion has long been for horses and trails and open space.

In 1940 George bought a ranch in Concord, California, which backed up to Mt. Diablo and began forging trails in what is now Mt. Diablo State Park. Each of the single-track trails on the eastern slope of the mountain was hand-built by George and his fellow horsemen. George was an avid equestrian and for 65 years worked tirelessly as an advocate for the preservation of public parks and the development of riding and hiking trails.

There are more than 200 miles of trails throughout the East Bay that Cardinet helped build. George was one of the leaders of the California State Trails Plan and his trail development in Contra Costa County served as a model for the California State Riding and Hiking Trails Act of 1945, and the California Recreational Trails Act of 1974. In 1968 he was instrumental in drafting the National Trails Act, and was invited to the bill signing by President Lyndon Johnson. George insisted on the inclusion of the Pacific Crest National Scenic Trail into the National Trails Act as a sister trail to the Appalachian Trail in the east.

George Cardinet initiated the establishment of the Juan Bautista De Anza National Historic Trail which was secured by law in 1990. He worked on the management plan and was Chairman of the Board of Amigos De Anza support group for the trail. He was honored at the American Trails Conference in November, 1998, by John Horsly, Deputy Director of the Department of Transportation, for his initiative in organizing an international relay on horseback to highlight the De Anza Trail. Later under George's leadership, the De Anza Trail was designated a Millennium Trail and he was again invited to the White House. In appreciation of his efforts, First Lady Hillary Clinton presented him with a certificate that stated, in part, "Cardinet's leadership will play an important role in achieving the goal of a nationwide network of trails that preserve open spaces, interpret history and culture, and promote alternative transportation routes as well as recreation and tourism."

George Cardinet worked with the East Bay Regional Park District to annex portions of Contra Costa County with the park district to establish trail links between East Bay Regional Parks and Mt. Diablo State Park. For his long-standing and sustained advocacy of trails, George has become known as the Father of California Trails by the California State Horsemen's Association, and the Grandfather of the Juan Bautista de Anza Historic Trail as well as the Grandfather of National Trails by the National Park Service.

Mr. Cardinet is survived by a brother, Walter M. Cardinet of Auburn, a son, Dr. George H. Cardinet III and daughter-in-law, Claudia Cardinet of Winters; and daughters Maureen Casteel and Michele Tomasulo and sons-in-law, Gary Casteel and Anthony Tomasulo, all of Concord.

Madam Speaker, because of George Cardinet's countless contributions as an open space and trail advocate, it is appropriate for us to honor him today.

IN RECOGNITION OF THE LIFE OF JALEESA CLEMENTS

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 29, 2007

Mr. ROGERS of Alabama. Madam Speaker, Ms. Jaleesa Clements, a 16-year-old constituent of mine from Tuskegee, Alabama, tragically passed away recently.

According to those who knew her, Jaleesa was a highly intelligent young woman with a bright future. At school, she was recognized for her accomplishments as Miss Tuskegee Institute Middle School. Jaleesa had many talents, and also dedicated her time to serving in the Booker T. Washington High School Marching Aristocrats, where she served as the Majorette Captain. She was also a young woman with a strong faith, and contributed to her community by being an active member of St. James AME Church in Tuskegee, Alabama.

It is a tragedy indeed that a young person filled with such promise was taken from us at such an early age. She will be missed dearly. On this mournful occasion, I ask that we all remember Jaleesa, and pray for her loved ones, her family, and her community as they grieve for her passing.

RECOGNIZING HJALMA E. JOHNSON OF PASCO COUNTY, FLORIDA

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 29, 2007

Ms. GINNY BROWN-WAITE of Florida. Madam Speaker, I rise today to honor Hjalma E. Johnson, the recipient of the 4TH Annual Lincoln Heritage Award presented by the East Pasco Political Club. This prestigious award was established to recognize an outstanding community member for his or her commitment to the principles practiced and espoused by Abraham Lincoln, as well as for their humanitarian services to the community and to Pasco County.

An unassuming country boy whose reputation precedes him in the global marketplace, Mr. Johnson is President of Investment Advisors, Inc., and Triple J. Ranch, Inc. He currently serves on the Board of Directors of Hyde Park Capital's Advisory Board, Moore, Clayton LLC, a London based merchant bank and Crews Banking Corp., Wauchula, Fl. He is also a past President of the Florida Bankers Association and the American Bankers Association.

Mr. Johnson graduated from the University of Florida with a Bachelor's in Industrial Engineering with High Honors in 1958. A U.S. Army veteran, Mr. Johnson served as a Counter-Intelligence Officer at the U.S. Army's European Headquarters in Heidelberg, Germany. He received a Juris Doctorate from Birmingham School of Law in 1965, is a member of the Alabama Bar, and is admitted to practice before the United States Supreme Court. He is a 1968 graduate of the Stonier Graduate School of Banking, Rutgers University. In addition, he served on the University of Florida's Warrington College of Business Advisory Council and is the immediate past President of the University of Florida Gator Boosters.

A former Chairman of the Trustees of Saint Leo University, St. Leo, FL, Mr. Johnson served on the Salvation Army Service Committee, was inducted into the Tampa Bay Business Hall of Fame, and was a board member of the Fannie Mae National Advisory Council.

Mr. Johnson recently celebrated his fiftieth wedding anniversary with his high school sweetheart, Laura. Their son, Len, is a practicing attorney in Dade City, FL, where he resides with his wife, Nancy. Mr. Johnson's grandson, Brock, is a senior at the University of Florida, and his granddaughter, Paige, is a freshman at the University of Alabama.

Madam Speaker, Hjalma Johnson is well known for his compassion for others and for his commitment and passion to his community and profession. I am proud to honor him as an exemplary executive, husband, father and grandfather in Florida's 5th Congressional District, and as the 2007 recipient of the Lincoln Heritage Award from the East Pasco Political Club.

HONORING ROGER CARTER, NATIONAL DIRECTOR OF THE RURITAN CLUB

HON. DAVID DAVIS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, January 29, 2007

Mr. DAVID DAVIS of Tennessee. Madam Speaker, I rise today to pay tribute to Roger Carter, a resident of the First Congressional District of Tennessee, who has recently been elected one of 7 National Directors for the Ruritan Club.

Roger Carter led the ticket in votes by garnering 503 of 666 ballots issued at the 76th Annual Ruritan National Convention held in Louisville, Kentucky.

Roger Carter is a member of the Ottway Ruritan Club where he has served as President, Vice President, Board of Directors and all Service Committees. The awards he has received: Club Ruritan of the Year, Outstanding President's Award, National President's Golden Key Award, and National President's VIP Award. He also has received the Tom Downing Fellow the highest award that a member can receive.

Roger Carter has served as President and Vice President of the Greene County Council of Ruritans.

Roger Carter is a resident of Afton, Tennessee, where he and Kimberly, his wife reside.

Roger Carter is a Transportation Technician 1 Roadway Inspector for the Tennessee Department of Transportation.

Roger also is a member of: Greeneville Optimist Club, United Volunteer Fire Department, Greeneville Moose Lodge #692, Greene County Agriculture Advisory Committee and Union Freewill Baptist Church.

Madam Speaker, I ask you and my fellow members to join me in honoring Roger Carter, a true servant of community, whose commitment and unwavering determination continue to make a lasting impact all throughout East Tennessee.

RETIREMENT OF MR. RICHARD J. CONNELLY OF THE DEFENSE LOGISTICS AGENCY

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 29, 2007

Mr. MORAN of Virginia. Madam Speaker, I rise today to honor the career of Mr. Richard J. Connelly. Having served his country for more than 38 years, he retired from the Federal Government on January 3, 2007. His record of achievement during this period reflects great credit upon himself and upon the organizations with which he has served.

Mr. Connelly is a member of the Senior Executive Service and has received numerous awards over his career including a 2003 Presidential Rank Award of Meritorious Executive. Beginning his Federal career as an Army Signal Officer in 1968, Mr. Connelly joined the Defense Logistics Agency (DLA) in 1972 as a management intern in the budget office. In 1986, he was appointed to the Senior Executive Service and was named the chief of the budget division. He later served as DLA Comptroller, as Administrator of the Defense National Stockpile Center, and as the Director, DLA Support Services.

Mr. Connelly grew up in Boston and graduated from Boston College in 1968. He attended Officer Candidate School at Fort Sill, Oklahoma where he was commissioned as a second lieutenant in the Signal Corps, and served one year in Vietnam. Mr. Connelly attended Stanford University Graduate School of Business as a Sloan Fellow and received a Master of Science degree in management in 1978.

Mr. Connelly became Director of Defense Energy Support Center (DESC) on November 3, 2003, directing the Department of Defense organization that is responsible for purchasing and managing all petroleum resources used by the United States military. In addition, Mr. Connelly has guided the growing mission of total energy support by developing strategies to buy and sell deregulated electricity and natural gas to federal agency customers.

Madam Speaker, I am honored to ask my colleagues to join me in congratulating Mr. Richard J. Connelly on his retirement from Federal Civil Service. He epitomizes the dedication and professionalism that make our Federal government a model all over the world.

INTRODUCTION OF THE TROOPS TO TEACHERS IMPROVEMENT ACT OF 2007

HON. THOMAS E. PETRI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, January 29, 2007

Mr. PETRI. Madam Speaker, today, I am reintroducing the Troops to Teachers Improvement Act to improve opportunities for veterans to transition into second careers in teaching. I am pleased to once again be joined in this effort by Congresswoman DORIS MATSUI. I have been a supporter of the Troops to Teachers program since its authorization, and I am proud of its success over the last decade. Since 1994, this program has placed nearly 10,000 veterans in our nation's classrooms.

Troops to Teachers is a unique program that provides retiring military with a $5,000 stipend to help cover the costs of teaching certification in exchange for three years service in a high-need school, which until recently was defined as receiving grants under part A of Title I. To further encourage participants to teach in schools with the greatest need, a $10,000 bonus is offered to those who agree to teach for three years in a school with 50% of students below the poverty level.

This structure has proven very effective in transitioning qualified retiring military personnel into second careers in teaching. Indeed, Troops participants fill several critical needs among educators: eighty-two percent are male, over one-third ethnic minorities, and a majority bring an expertise in science and math to the classroom. In an increasingly globalized economy, these valuable characteristics provide a vital resource for schools across the country.

However, this success is now in jeopardy due to a drafting error in the 2001 No Child Left Behind Act which has inadvertently restricted the number of schools at which participants may fulfill their service. The applicable definition for "high-need local education agencies" for Troops to Teachers was inadvertently changed as it was included in the section of the legislation regarding other alternative programs that had a different definition. This stricter definition requires a higher threshold for "high-need," requiring the school to have either 10,000 students or 20% of students from families below the poverty level. However, the original Title I definition of high-need was also retained in the law in the section specifically detailing the Troops program. Essentially, Congress inadvertently created two conflicting definitions of "high-need" with regard to this program.

Early on, the Department of Education and the Troops to Teachers program recognized this unintended change in law and worked together to address it. From 2003–2005, while discussions were being held on how to reconcile this discrepancy, the program continued to operate under the original and intended definition. However, after the completion of a negotiated rulemaking process in September 2005, the Department issued a regulation stating that the new, stricter definition was not an error but congressional intent. As one of the leading supporters of this program during the drafting of No Child Left Behind, I can assure my colleagues that this was clearly not the intent of the supporters of the program.

Madam Speaker, the unfortunate result of this, aside from limiting the number of schools at which veterans may teach and honor their obligation of three-years service, is that it has disproportionately impacted western and rural states. In my home state of Wisconsin, the number of eligible school districts has been reduced from approximately 400 to 11. Not surprisingly, participation in the program has fallen significantly since the implementation of the new definition last year. This decision, although understandable given the conflicting definitions contained in the law, is a disservice both to veterans wishing to continue their service to our nation as educators as well as children who stand to benefit from their unique expertise.

The bottom line is that we are losing out on great teachers because they cannot accept the certification stipend due to a lack of schools meeting the higher needs threshold in their community. The more we restrict opportunities for participation, the fewer teachers we will be able to bring into public education, and the fewer teachers we will eventually be able to attract to the schools with the greatest need. Further, given the President's recent focus on the need for more math and science teachers, as well as his support for adjunct and alternative routes to teaching programs, we should be removing, not creating, restrictions that prevent qualified teachers in these areas from teaching in our Nation's classrooms.

Madam Speaker, with Troops to Teachers, the Department already has an established program that is well-funded and successful. Rather than restricting it, we should be maximizing this program's potential. This bill would still require participants to teach in high-need schools, as defined by the Department, but if no such school exists within a 50-mile radius of the participant, that participant will be eligible to fulfill the obligation in a school that serves low-income students under the original definition. This ensures that Troops participants teach in high-need schools first and foremost, but are not locked out of the program based on the demographic make-up of their communities.

This is a pragmatic solution that is perfectly consistent with the spirit of No Child Left Behind while also supporting our veterans and students by maximizing opportunities for participation. I urge my colleagues to join me in supporting this successful program and restoring the opportunity to "serve again" to our Nation's veterans.

TRIBUTE TO FIRST GRADE CLASS AT RACCOON ELEMENTARY SCHOOL

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, January 29, 2007

Mr. SHIMKUS. Madam Speaker, I rise today to honor the first-grade students at Raccoon Elementary School in Centralia, Illinois. In just 2 weeks, these young boys and girls raised $111 to buy care packages for local soldiers serving in the Middle East.

With the guidance of their teachers, Wendy Bookhout and Amy Verble, the first-graders were the first participants in the Raccoon PRIDE program. This character building education plan challenges students to praise, encourage, and respect others as well as to get involved in their community, help others, and to do the right thing.

The students donated the money they raised to Steve Smith's Second Soldier Christmas Drive. Mr. Smith then sent the care packages containing quilts, phone cards, bibles, cookies, and socks, as well as many other items for the holidays.

I am pleased to congratulate the following Raccoon first-grade class for their hard work and dedication to helping others. God bless them for their service.

Jimmy Dale Allison, Dillion Michael Adams, Abraham August Applegate, Jonathan Altom, Jeremy Joseph Cameron, Mara Kalyn Bookhout, McKenzie Christine Card, Timothy Tyler Donoho, Paige Danielle Gooden, Anna Draper, Abbie Elaine Harris, Alyssa Finley, Skylar Elizabeth Keele, Autumn Dawn George.

Devon Michael Dwain Milburn, Cameron Tyler Hoard, Anastasia Marie Moistner, Kelsey Marie Littleton, Caleb Emmerson Michael Page, Valarie Marie Meadows, Shianne Alexis Smith, Shawn M. Morton, Molly Ann Thompson, Barbara Shiann Pauley, Justin Kyle Tindall, Rex Nicholas Rexilius, Katlyn Paige Whipple, Ryan Lloyd Tate, and Carter John Wilson.

TRIBUTE TO BARBARO

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Monday, January 29, 2007

Mr. CASTLE. Madam Speaker, it is with great sadness that I rise today to remember the brave and heroic life of Barbaro. This magnificent racehorse connected with so many Americans because of his drive and determination.

A Rocky Balboa figure, Barbaro continued to fight even when the odds were strongly stacked against him. While many veterinarians said that a horse could not survive with the type of injuries Barbaro sustained at the Preakness, he fought for over 8 months, greatly exceeding expectations. What followed the injury was an outpouring of support not frequently seen in our world today. Letters, donations and .gifts came in from all over the world, all because of what this wonderful horse embodied.

Barbaro had a strong connection to my home State of Delaware as he raced at Delaware Park and was trained by local trainer Michael Matz. The Barbaro story is an inspirational tale that will be remembered for generations. While a racing champion many times over, Barbaro's greatest talent was bringing people together and inspiring them.

IN HONOR OF MICHAEL L. PHILLIPS

HON. BRAD ELLSWORTH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 29, 2007

Mr. ELLSWORTH. Madam Speaker, I rise today to honor the memory of Michael Leo Phillips, a man who spent the past 37 years serving the students of Indiana State University, ISU, in Terre Haute. Mr. Phillips passed away on January 18, 2007 at the age of 60.

After graduating from ISU in 1969, Mr. Phillips remained in Terre Haute to work in the university's financial aid office, of which he would later become director. In 1995 Phillips became the student ombudsman at his alma mater, a role which allowed him to personally interact with and assist students.

Beyond all of his hard work at ISU, Mr. Phillips was actively involved in the Terre Haute community. He served as trustee and treasurer for the Spruce Street AME Church. His community involvement included serving as president of the Young Men's Civic Club; membership in the NAACP, I-Club, and 100 Concerned African American Men; and volunteering with the Vigo County Youth Football League, and Bambino youth baseball. He served on the board of directors of the Boys and Girls Clubs of America and as a trustee of the Stewart Lawn Cemetery Association. He was an adviser to many student organizations at ISU and a mentor to students at Sarah Scott Middle School.

In college Phillips played both basketball and baseball. He was on the 1967–68 Sycamores basketball team, which reached the NCAA Tournament championship game and was inducted into the ISU Athletics Hall of Fame in 2005.

Michael Phillips will be greatly missed by his wife Rita, four children, and his many friends and family in Terre Haute and beyond. Mr. Phillips will be remembered as a dedicated advocate for students, a community leader, an accomplished student-athlete, and a loving family man.

IN HONOR OF CHIEF ERNEST MENDOZA

HON. NICK LAMPSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, January 29, 2007

Mr. LAMPSON. Madam Speaker, I stand here today to pay tribute to the life of Chief Ernest Mendoza. Chief Mendoza was a dedicated public servant, whose spirit and drive impacted the lives of all of those he encountered. On January 19th Chief Mendoza was on his way home from work when he was killed by a drunk driver. His sudden and tragic death has brought sadness and sorrow not only to his family but also to the students and staff of the Needville Independent School District and the communities of Fort Bend and Wharton Counties.

This 54-year-old father of seven was a Christian and military veteran who led an honorable life. As a part of the Needville Independent School District Police for the past 10 years, and a law enforcement officer for 25, Chief Mendoza's drive and passion for public safety touched many of his fellow officers on the police force. Students and teachers in Fort Bend County will always remember his welcoming smile and that he protected them with care.

His family has established The Ernest Mendoza Law Enforcement Scholarship Fund in his honor. This fund is representative of the commitment and sacrifice which characterized Chief Mendoza's years of service, his character, and integrity. In death, as in life, he and his family continue to be dedicated to educating our Nation's youth in safe and adequate public schools.

My sincerest condolences go to the family, friends, and colleagues of Chief Ernest Mendoza. May God provide peace and comfort to his loved ones, and to those he protected.

I ask you, Madam Speaker, to join me in honoring Chief Mendoza and his family by entering his name and legacy into the CONGRESSIONAL RECORD.

FULLY FUNDING IMPACT AID

HON. MARK STEVEN KIRK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, January 29, 2007

Mr. KIRK. Madam Speaker, I rise today to introduce The Government Reservation Accelerated Development for Education Aid Act, GRADE–A, H.R. 701, a bill to ensure the Federal government fully funds the Impact Aid program.

In 1950, President Harry Truman established the Impact Aid program to meet the revenue shortfalls in school districts and communities that occur in districts with federally owned land, which are exempt from State and local property taxes. Public schools are required by law to accept all children from military families, Native American reservations or other Federal establishments. This puts a severe financial burden on school districts that educate a significant number of federally connected children, diminishing the overall quality of education, and increasing the funding burden on local taxpayers.

For years Impact Aid was fully funded and offered some of the strongest direct assistance to military families across the Nation. Unfortunately, over the last decade we have fallen behind on this commitment. GRADE–A has garnered bipartisan support and offers the opportunity to reverse this negative trend.

Earlier this Congress I introduced H.R. 12, in order to ensure that students in my district continue to receive the resources needed to succeed. I introduced this bill to help North Chicago continue to qualify as "heavily impacted" and therefore, receive maximum funding, and to ensure that Glenview and Highland Park receive fair compensation.

I believe that it is crucial for schools outside of my district that are affected by the presence of the Federal government to receive support from the Impact Aid program as well. This funding is necessary to maintain school quality, protect surrounding communities from financial burden and to fulfill an obligation to our men and women serving overseas, by caring for their families at home.

TRIBUTE TO JIM HAMILTON

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 29, 2007

Mr. CLYBURN. Madam Speaker, I rise today to pay tribute to a legend in South Carolina aviation, community activist, and real humanitarian, Jimmie L. "Jim" Hamilton. Jim is a true friend to me and to many other South Carolinians whose lives he has touched through his work and his service.

Although Jim Hamilton has been recognized as South Carolina Aviator of the Year, been awarded the Order of the Palmetto, the highest civilian honor in South Carolina; and received the Shrine Bowl of the Carolinas Walt Disney Award, he remains a humble man whose big heart and bigger personality mask the adversities he has faced.

The son of a commercial fisherman and ship maintenance father, Jim grew up in Florida's Lower Matecumbe Key, where he was the only school-aged child. He took a boat to school, until his family relocated to Miami, where he attended high school. After graduation, he enlisted in the U.S. Army.

Jim's career in the military would change the course of his life. He became a paratrooper in the 82nd Airborne Division, but he always wanted to be a pilot. Since the Army required officers to fly, Jim applied to officer training school and was sent to Fort Sill, Oklahoma. From 1949–1958, he flew spotter planes for the Army. Jim maintains that learning to fly shaped his character and taught him honor and determination.

When Jim left the Army in 1958, he became a flight instructor and Jack-of-all-trades with Aircraft Sales and Service at the Metropolitan Airport in Columbia, South Carolina, but he always wanted to own his own business.

In 1961, Jim's life changed completely when his wife, Geraldine, died in a car accident. He was left to care for 3 young boys. His mother moved to Columbia from Florida to manage the household, and just a few months later, Jim was managing Owens Field airport.

The next year, he opened Midlands Aviation in a 1-room office in the Five Points area of Columbia. He got a contract selling Cessna airplanes, and when he sold the 50,000th plane Cessna manufactured, his fledgling company got a lot of attention in the trade publications. This launched his business to new heights.

From the early days of his business, Jim realized there was a need for support of private airplane owners in Columbia. He had to pay to keep his stock of Cessnas at Owens Field, and he had to transport them to Aiken to be serviced. So in 1964, Jim moved Midlands Aviation onsite at Owens Field. He used a trailer as his office and installed fuel tanks nearby. Later he was able to purchase the building that once housed the South Carolina Aeronautics Commission.

For 44 years, Jim provided fuel, parts and service at Owens Field, a contract that he sold in October 2006. He has also managed the county-owned airport since 1961, and continues to do so earning a salary of $1 per month. One could say that Owens Field is Jim Hamilton's life. However, there is so much more to Jim Hamilton.

In 1974, he started the Jamil Flying Fezzes, which provides free flights for handicapped or burned children to specialty hospitals. He mentors fourth graders through the Rotary Club, helps the Salvation Army recruit bell ringers at Christmas, and for the last 10 years he has driven ladies in a local retirement home on weekly shopping trips. He has also been a member of the South Carolina Board for Mental Retardation and the Babcock Center Board.

Jim has served 3 4-year terms on the South Carolina Aeronautics Commission, and served as its Chairman twice. He has served 2 terms as President of the South Carolina Aviation Trades Association. He was elected Governor and Key man of the Columbia Hangar "Quiet Birdmen." And he has dedicated much of his spare time to educating young people about the adventures of flying.

Jim has been married to his second wife, Patricia, since 1966, and between them they have 5 children. Jimmie Jr., his oldest son and a talented airplane mechanic, tragically drowned in 2000. Despite the difficulties and tragedies in his personal life, Jim has always put others needs ahead of his own.

Madam Speaker, I ask you to join me today in recognizing the extraordinary contributions of Jim Hamilton. He is an outstanding businessman and community leader, who has overcome many challenges in his life and still put others first. He says that flying taught him honor and dedication, and there are many people today who thank Jim Hamilton for passing those qualities along to them.

TRIBUTE TO THE MEMBERS OF PREUSS SCHOOL UCSD ROBOTICS TEAM

HON. SUSAN A. DAVIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 29, 2007

Mrs. DAVIS of California, Madam Speaker, I rise today to honor the members of the Preuss School UCSD robotics team. Team 812, known as the Midnight Mechanics, have competed in the FIRST Robotics Competition—an annual robot design and construction contest that draws over 20,000 participants from all over the world—for the past 5 years.

For 2 years in a row, Team 812 has won the Regional Chairman's Awards for the Southern California Region. During the 2003–2004 competition, the Midnight Mechanics won the National Engineering Inspiration Award.

But Team 812's accomplishments do not end outside the engineering lab or the construction shop. The team has initiated the FIRST BUDDY program to mentor disadvantaged students in math and science and established the FIRST STEPS program to reach out to inner-city high school students and share with them their zeal for science.

Team 812 has also brought their passion into the classrooms and corridors of 10 other high schools in the San Diego area and has helped them field robotics teams of their own. Together the Midnight Mechanics and these 10 newer teams have formed the Team San Diego FIRST Robotics Coalition, a coordinating organization to build new partnerships in the community and recruit more high schools to field robotics teams.

I am proud to report that through the hard work of the Midnight Mechanics and the Team San Diego FIRST Robotics Coalition, the City of San Diego will be hosting its inaugural FIRST Regional Competition this coming March.

At a time when our country's young people are falling farther and farther behind those of other industrialized nations in math and science, I want to commend the members of Team 812, for their dedication to their craft, for their excellence in their efforts, and for their ability to instill a love of science in fellow young people. Not only are the Midnight Mechanics firstrate competitors, they are also true servants of the community. We need more role models like these to inspire our younger children.

Finally, I want to recognize Paul Tran, the dedicated young man who first brought Team 812 to my attention. Paul wrote the following to me in a letter:

> We need your help to assist us in instituting FIRST Robotics in every high school in San Diego, in California, and essentially, the United States . . . We need your help to bring FIRST to the attention of the U.S. House of Representatives and Senate.

Madam Speaker, dear colleagues, I hope you will help me fulfill Paul's request and spread the word about this wonderful program to all corners of our country.

MOROCCO: A MODEL OF MUSLIM-JEWISH TIES

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, January 29, 2007

Mr. ACKERMAN. Madam Speaker, I respectfully request that Serge Berdugo's recent op-ed, "Morocco: A Model of Muslim-Jewish Ties", as published in the January 9 issue of The Christian Science Monitor, be entered into the CONGRESSIONAL RECORD. Mr. Berdugo, the president of Morocco's Jewish Community Council, outlines the history of Muslim-Jewish relations in Morocco, where Jews and Muslims have peacefully lived as neighbors for hundreds of years. I commend this work to all who want a lasting peace between Jews and Muslims across the world, and everyone who wishes to see the State of Israel and its neighbors coexisting harmoniously.

CASABLANCA, MOROCCO.—As the flames of anti-Semitism continue to be fanned across much of the Islamic world, there is a risk that today's youth will grow up believing that Arabs and Jews were simply not meant to coexist, let alone thrive together.

That idea conflicts with history—and is a falsehood today. My country, Morocco, illustrates the viability and vitality of a Jewish community—my community—in an Arab country. It's a model of harmony other Muslim nations should follow.

The Jewish people have been a presence in Africa's Maghreb region for more than 2,000 years. North African Jews and Muslims traveled north and thrived together in southern Europe for more than 700 years. In 1492, when we refused to convert to Christianity, we were expelled—together—from Spain. And together we successfully sought refuge in Morocco, which accepted us into its society and institutions.

Morocco's leaders have always made the well-being of the Jewish people a top priority. During World War II, when the Vichy government of occupied France announced that it had prepared 200,000 yellow stars for the Jews of Morocco, King Mohammed V replied that he would need 50 more for him and his family. He refused to make any distinction between his citizens.

The importance of a nation's leader setting the tone for recognition, respect, and treatment of minority faiths cannot be overstated. Today, King Mohammed VI has declared his religious, historical, and constitutional obligation to protect the rights, liberties, and sacred values of the Jews in Morocco.

This commitment dramatically affected Morocco's reaction at moments of great challenge. After May 16, 2003—the Moroccan 9/11, when five terrorist bombs exploded, three directed at Jewish targets—King Mohammed VI expressed condolences at a Jewish Center, condemning the criminal acts and reaffirming his determination to protect Jews and all Moroccan citizens.

In doing so, he defined the attack as one upon all Moroccan society, awakening the national conscience and strengthening the bonds between us. Moroccans of all faiths responded with candlelight vigils at bombing sites and demonstrations attended by nearly 1 million participants.

Many Moroccan Jews have emigrated to Israel and elsewhere, but the attachments to our homeland are unique. "Morocco never loses a Jewish citizen—we gain an ambassador," Mohammed VI's predecessor, King Hassan II, once said. Today, there are 1 million such "ambassadors" all over the world and 600,000 in Israel alone.

We Jews who call Morocco home have a vibrant community that includes 30 functioning synagogues and three school networks, which many influential Muslim families choose for their own children. Moroccan Jews serve as counselors to the king, ministers, colonels, members of parliament, judges, and ambassadors. On Jewish holy days, Muslim authorities, out of respect, attend our services.

With help from the Moroccan government, we started a foundation to preserve Jewish historical sites. And we support research on our community—including 30 doctoral dissertations presently under way by Muslim candidates.

Are we an isolated society? Hardly: Moroccans young and old have access to as wide an array of media and ideological diversity as anywhere in the Islamic world. Yes, the extremists' call is heard here, too, but make no mistake—it's the response that differs. The tones of tolerance, trumpeted by a government that believes that Moroccan Judaism is an intrinsic and permanent part of the national culture, overwhelm the extremists' siren song.

Are we a historical accident or the path forward? Perhaps the answer is that our historical good fortune now has to be transformed into a model for others. We are more relevant outside our border than ever before.

Other world leaders must realize that the path forward lies not in fanning the fires of the moment, but in setting a tone of authentic coexistence that will endure.

TRIBUTE TO PHILLIP ANDREW STOUT

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 29, 2007

Mr. CLYBURN. Madam Speaker, I rise today to pay tribute to a South Carolina businessman, who has been honored by his peers for his extraordinary work. Phillip Andrew "Andy" Stout owns and operates the Shoney's restaurant just minutes from my Santee, South Carolina office, and he has been recognized as the Shoney's 2006 Franchisee of the Year.

Andy Stout operates five Shoney's in South Carolina, and owns three of them. In addition to his recognition as Franchisee of the Year, two of Mr. Stout's restaurants were honored for their outstanding sales. This recognition did not come easily. Mr. Stout learned to excel in his profession by starting at the ground level and working his way up.

As a teenager, he began working as a busboy in his stepfather's Shoney's restaurant in Sumter, South Carolina. Two years later, he moved up to become Kitchen Manager. Mr. Stout then took a short break from Shoney's to serve as General Manager of a Captain D's restaurant. However, he took that experience and used it to become General Manager of Shoney's in Sumter.

His years of hard work and training paid off in 1994, when he formed P.A.S. Enterprises and purchased his first Shoney's in Manning, South Carolina. He added to his holdings in 2003 and 2005 by purchasing Shoney's in Santee and Dillon respectively. Mr. Stout continues to oversee the daily operations of the Sumter Shoney's and is a partner in the Shoney's in Walterboro.

Mr. Stout has received numerous awards for the performance of his Shoney's restaurants in addition to his 2006 Franchisee of the Year award. He also takes time to serve on the Board of Shoney's Franchise Advisor Council, and he serves his community on the Board of Trustees at Thomas Sumter Academy.

He is married to Donna L. Stout and together they have six children, Nicole, Rina, Austin, Elizabeth, Olin and Rebekah Ann.

I speak often of the need to improve the plight of counties along the I-95 corridor, and I commend Mr. Stout for the example he sets in running these successful businesses along I-95. His story shows that hard work and initiative can create opportunities for oneself and for one's community.

Madam Speaker, I ask you and my colleagues to join me in applauding Andy Stout for his entrepreneurial spirit and his leadership in the Shoney's organization and the community. I have been a customer in several of his restaurants and can attest to the quality of service they provide. I wish him continued success and Godspeed.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, January 30, 2007 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JANUARY 31

9:15 a.m.
Foreign Relations
To continue hearings to examine securing America's interests in Iraq, focusing on the remaining options in Iraq in the strategic context.
SH-216

9:30 a.m.
Rules and Administration
Organizational business meeting to consider an original resolution authorizing expenditures for committee operations, committee's rules of procedure for the 110th Congress, and subcommittee assignments.
SR-301

Joint Economic Committee
To hold hearings to examine ensuring the economic future by promoting middle-class prosperity.
SD-106

9:45 a.m.
Agriculture, Nutrition, and Forestry
Organizational business meeting to consider an original resolution authorizing expenditures for committee operation; to be followed by a hearing to examine the roles of Federal food assistance programs in family economic security and nutrition.
SR-328A

10 a.m.
Armed Services
To receive a closed briefing regarding the Iraq "surge" plan.
SR-222

Banking, Housing, and Urban Affairs
Organizational business meeting to consider an original resolution authorizing expenditures for committee operations, committee's rules of procedure for the 110th Congress, and subcommittee assignments; to be followed by a hearing to examine the Department of the Treasury's report to Congress on International Economic and Exchange Rate Policy (IEERP) and the U.S.-China strategic economic dialogue.
SD-G50

Budget
To hold hearings to examine solutions to long-term fiscal challenges.
SD-608

Finance
Organizational business meeting to consider an original resolution authorizing expenditures for committee operations, subcommittee assignments, and the nominations of Michael J. Astrue, of Massachusetts, to be Commissioner of Social Security, and Dean A. Pinkert, of Virginia, and Irving A. Williamson, of New York, each to be a Member of the United States International Trade Commission.
SD-215

Health, Education, Labor, and Pensions
Organizational business meeting to consider an original resolution authorizing expenditures for committee operations, committee's rules of procedure for the 110th Congress, and subcommittee assignments; committee will also consider the Genetic Information Nondiscrimination Act.
SD-430

Judiciary
To hold hearings to examine the Iraq Study Group, focusing on recommendations for improvements to Iraq's police and criminal justice system.
SD-226

Small Business and Entrepreneurship
To hold hearings to examine Federal small business assistance programs for veterans and reservists.
SR-428A

10:30 a.m.
Aging
To hold hearings to examine if Medicare Part D is working for low-income seniors.
SD-562

11:30 a.m.
Energy and Natural Resources
Business meeting to consider S. 202, to provide for the conveyance of certain

Forest Service land to the city of Coffman Cove, Alaska, S. 216, to provide for the exchange of certain Federal land in the Santa Fe National Forest and certain non-Federal land in the Pecos National Historical Park in the State of New Mexico, S. 220, to authorize early repayment of obligations to the Bureau of Reclamation within the A&B Irrigation District in the State of Idaho, S. 232, to make permanent the authorization for watershed restoration and enhancement agreements, S. 235, to authorize the Secretary of the Interior to convey certain buildings and lands of the Yakima Project, Washington, to the Yakima-Tieton Irrigation District, S. 240, to reauthorize and amend the National Geologic Mapping Act of 1992, S. 241, to authorize the Secretary of the Interior to enter into cooperative agreements to protect natural resources of units of the National Park System through collaborative efforts on land inside and outside of units of the National Park System, S. 245, to authorize the Secretary of the Interior to designate the President William Jefferson Clinton Birthplace Home in Hope, Arkansas, as a National Historic Site and unit of the National Park System, S. 255, to provide assistance to the State of New Mexico for the development of comprehensive State water plans, S. 260, to establish the Fort Stanton-Snowy River Cave National Conservation Area, S. 262, to rename the Snake River Birds of Prey National Conservation Area in the State of Idaho as the Morley Nelson Snake River Birds of Prey National Conservation Area in honor of the late Morley Nelson, an international authority on birds of prey, who was instrumental in the establishment of this National Conservation Area, S. 263, to amend the Oregon Resource Conservation Act of 1996 to reauthorize the participation of the Bureau of Reclamation in the Deschutes River Conservancy, S. 264, to authorize the Bureau of Reclamation to participate in the rehabilitation of the Wallowa Lake Dam in Oregon, S. 265, to authorize the Secretary of the Interior, acting through the Bureau of Reclamation, to conduct a water resource feasibility study for the Little Butte/Bear Creek Subbasins in Oregon, S. 266, to provide for the modification of an amendatory repayment contract between the Secretary of the Interior and the North Unit Irrigation District, S. 268, to designate the Ice Age Floods National Geologic Trail, S. 275, to establish the Prehistoric Trackways National Monument in the State of New Mexico, S. 277, to modify the boundaries of Grand Teton National Park to include certain land within the GT Park Subdivision, S. 278, to establish a program and criteria for National Heritage Areas in the United States, S. 283, to amend the Compact of Free Association Amendments Act of 2003, S. 320, to provide for the protection of paleontological resources on Federal lands, H.R. 57, to repeal certain sections of the Act of May 26, 1936, pertaining to the Virgin Islands, and S. 200, to require the Secretary of the Interior, acting through the Bureau of Reclamation and the United States Geological Survey, to conduct a study on groundwater resources in the State of Alaska.

SD–366

2:30 p.m.

Commerce, Science, and Transportation

Business meeting to consider pending calendar business; to be followed by a hearing to examine economic and security concerns relating to promoting travel to America.

SR–253

Armed Services

Readiness and Management Support Subcommittee

To resume hearings to examine abusive practices in Department of Defense contracting for services and inter-agency contracting.

SR–222

Judiciary

Terrorism, Technology and Homeland Security Subcommittee

To hold hearings to examine challenges and strategies for securing the U.S. border.

SD–226

FEBRUARY 1

9:15 a.m.

Foreign Relations

To continue hearings to examine securing America's interests in Iraq, focusing on the remaining options in Iraq in the strategic context.

SH–216

9:30 a.m.

Armed Services

To hold hearings to examine the nomination of Gen. George W. Casey Jr., USA, for reappointment to the grade of general and to be Chief of Staff, United States Army.

SR–325

Energy and Natural Resources

To hold hearings to examine accelerated biofuels diversity, focusing on how home-grown, biologically derived fuels can blend into the nation's transportation fuel mix.

SDG–50

Indian Affairs

To hold hearings to examine the nomination of Carl Joseph Artman, of Colorado, to be an Assistant Secretary of the Interior for Indian Affairs; to be followed by a business meeting to consider the nomination.

SR–485

10 a.m.

Budget

To hold hearings to examine the current account deficit and the foreign debt of the United States.

SD–608

Commerce, Science, and Transportation

To hold hearings to examine a view from the Federal Communications Commission relating to assessing the communications marketplace.

SR–253

Finance

To hold hearings to examine improving the health of America's children relating to the future of Children's Health Insurance Program (CHIP).

SD–215

2:30 p.m.

Homeland Security and Governmental Affairs

Oversight of Government Management, the Federal Workforce, and the District of Columbia Subcommittee

To hold hearings to examine privacy implications of the Federal government's health information technology initiative relating to private health records, focusing on the efforts of Department of Health and Human Services to integrate privacy into the Health Information Technology national infrastructure and Office of Personnel Management's efforts to expand the use of Health Information Technology through the Federal Employees Health Benefits Program and the impact such actions have on Federal employees' health information privacy.

SD–342

Intelligence

To hold hearings to examine the nomination of J. Michael McConnell, of Virginia, to be Director of National Intelligence.

SD–106

Intelligence

To hold closed hearings to examine certain intelligence matters.

SH–219

FEBRUARY 5

2 p.m.

Judiciary

Human Rights and the Law Subcommittee

To hold hearings to examine genocide and the rule of law.

SD–226

FEBRUARY 6

9:30 a.m.

Armed Services

To hold hearings to examine the President's budget request for fiscal year 2008 and the fiscal years 2007 and 2008 war supplemental requests in review of the Defense Authorization Request for Fiscal Year 2008 and the Future Years Defense Program.

SH–216

10 a.m.

Judiciary

To hold hearings to examine judicial nominations.

SD–226

FEBRUARY 7

9:30 a.m.

Energy and Natural Resources

To hold hearings to examine the President's proposed budget request for fiscal year 2008 for the Department of Energy.

SD–366

Judiciary

To hold hearings to examine if the Department of Justice is politicizing the hiring and firing of U.S. attorneys relating to preserving prosecutorial independence.

SD–226

10 a.m.

Commerce, Science, and Transportation

To hold hearings to examine climate change research and scientific integrity.

SR–253

FEBRUARY 8

9 a.m.

Foreign Relations

To hold hearings to examine the President's foreign affairs budget.

SD–106

9:30 a.m.

Energy and Natural Resources

To hold hearings to examine issues relating to labor, immigration, law enforcement, and economic conditions in the Commonwealth of the Northern Mariana Islands.

SD–366

10 a.m.
Commerce, Science, and Transportation
To hold hearings to examine the present and future of public safety communications.
SR–253

Judiciary
Business meeting to consider pending calendar business.
SD–226

FEBRUARY 13

10 a.m.
Energy and Natural Resources
To hold hearings to examine the "Stern Review of the Economics of Climate Change" examining the economic impacts of climate change and stabilizing greenhouse gases in the atmosphere.
SD–106

FEBRUARY 15

9:30 a.m.
Energy and Natural Resources
To hold hearings to examine the President's proposed budget request for fiscal year 2008 for the Department of the Interior.
SD–366

SENATE—*Tuesday, January 30, 2007*

The Senate met at 10 a.m. and was called to order by the Honorable SHERROD BROWN, a Senator from the State of Ohio.

The PRESIDING OFFICER. Today's prayer will be offered by the Chief of Staff to the Senate Chaplain, Alan N. Keiran.

The guest Chaplain offered the following prayer:

PRAYER

Let us pray.

Spirit of the living God, discover us today. Remove the obstacles that keep us from You and reach into the barren places of our hearts. Permit us to hear Your whisper as we are guided by our conscience. Chasten us as You guide our feet to the right path.

Today, O Lord, speak to our Senators. Let some ennobling word of justice and beauty inspire them in this challenging hour. Strengthen them to mend broken relationships, to maintain their integrity, and to strive always to please You. Protect them with Your power. We pray this in Your strong Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable SHERROD BROWN led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

> U.S. SENATE,
> PRESIDENT PRO TEMPORE,
> *Washington, DC, January 30, 2007.*
>
> *To the Senate:*
>
> Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable SHERROD BROWN, a Senator from the State of Ohio, to perform the duties of the Chair.
>
> ROBERT C. BYRD,
> *President pro tempore.*

Mr. BROWN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. This morning, the Senate will be in a period for the transaction of morning business for 60 minutes, the first half controlled by the majority and the remaining half controlled by the Republicans. Following morning business; we will resume H.R. 2, the minimum wage bill, and debate on the motion to invoke cloture on the substitute amendment to H.R. 2 will extend until 12:15 p.m. today, and that time is equally divided. However, at 11:55 a.m., the Republican leader will be recognized for 10 minutes for whatever time he or his designee wishes to speak, and then the final 10 minutes prior to 12:15 p.m. will be controlled by the majority. The first 5 minutes of that time will be for Senator KENNEDY and the second 5 minutes will be for me.

Regardless of the outcome of the cloture vote, the Senate will recess for the party conferences and then reconvene at 2:15 p.m. For the information of the Senate, each Senator will have until 11 a.m. to file any additional second-degree amendments.

I will have more to say later today regarding the schedule, according to how the votes turn out.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business for up to 60 minutes, with each Senator permitted to speak for up to 10 minutes each, with the first half of the time under the control of the majority and the second half of the time under the control of the minority.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MINIMUM WAGE

Mr. DURBIN. Mr. President, at long last, I believe we are on the verge of passing legislation that is long overdue. Soon we are going to vote on a procedural motion, known as a cloture motion, for the Fair Minimum Wage Act, which takes us one step closer to raising the minimum wage to $7.25 per hour over the next 2 years.

It has been 10 years since Congress has raised the minimum wage for the lowest paid workers in America. Since we last raised the minimum wage, its value has eroded because of inflation, the rising cost of living. Unlike our congressional pay raises, it has not kept pace with the actual cost of living in America.

The Democrats have been trying for almost 10 years to convince the majority party, then Republicans, that there are millions of Americans who go to work every single day and still can't make enough money to provide decent daycare for their kids, pay their medical and utility bills, and provide food and other essentials that are part of every family's life.

Many of those people working for a minimum wage in Illinois make about $6.50 an hour because we raised it on a State basis in my home State. Yet they understand the need to raise the minimum wage. One woman wrote to me and said:

> I can't support my daughter on the wages I have, and I have to rely on my family. I won't get a significant increase in my wages until you bump up the wages. I make about $14,000 a year. I'm sure that's nothing to you but I have to live off that.

This woman, by the way, is a college graduate trying to raise her child, trying to do the right thing.

What help has she received from this Congress over the last 10 years? Almost none. Keep in mind, she lives in a State where our minimum wage is higher than $5.15. I can't imagine, in the 21 States that are stuck at $5.15 an hour, how these folks get along.

I heard a lot of my colleagues stand up on the floor and make good speeches about family values. Let's all agree on one thing: The most important family value is helping a parent raise a child and provide the necessities of life, and $5.15 an hour will not do that.

So 6 million Americans are watching this debate. Those are the people living on the minimum wage. I urge my colleagues to keep them in mind when we get a chance to vote this afternoon.

THE ECONOMY

Mr. President, I am honored that the President of the United States is in my home State of Illinois today. He is visiting Peoria, a great city. It has a great major company, Caterpillar, which has had terrific success. Caterpillar has shown increases in revenues

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

and profits. It is a great corporate citizen and neighbor in the Peoria area. We are proud it is doing well.

But I would like to talk for a minute about areas in Illinois that the President will not be visiting. He will not be visiting Herod, IL, which lost 1,000 jobs recently when its Maytag manufacturing plant closed; or DuQuoin, IL, where 356 manufacturing jobs were lost at Archway; and then Mount Vernon, where Joy Manufacturing lost 175 manufacturing jobs; and Pinckneyville, where Technicolor Media Services will be closing its plant on March 31, causing 444 people to lose their jobs. I could go on.

Today President Bush comes to Peoria to talk about the state of the America's economy. The reality of America's economy is that on his watch, we have lost 3 million manufacturing jobs. Some have been replaced with jobs in convenience stores, but we all know the harsh reality. A person working for a minimum wage in a convenience store is not going to be able to take care of their family similar to someone working in a manufacturing job.

We have to understand that America can do better. How can we do better? First, acknowledge that trade is part of our future; globalization is as real as gravity. But make sure the trade agreements we enter into are trade agreements that are sensible—sensible in terms of labor standards, environmental standards, and enforceable.

The one thing that troubles me the most is this Bush administration has refused to enforce the trade agreements on the books. We all know what is going on in China—currency manipulation, dumping, unfair subsidies. Under the Bush administration, in 6 years, they have only filed two complaints against China for unfair trade practices.

As we lose good-paying jobs in America to China and other countries, we need to stand up and enforce the trade agreements that this administration and others have entered. The Bush administration needs to stand up for working families and fight off unfair trade practices that steal good jobs from America.

We also have to understand another harsh reality. Most Americans today, when asked, don't believe their children will have as good a life as they have had. That is such a sad commentary in America. It reflects the fact that 47 million Americans have no health insurance. It reflects the fact that fewer and fewer Americans have a retirement plan on which they can count, and it shows us that the wages that are being paid to working families, middle-income families in America, are not keeping up with the cost of housing, the cost of utility bills, the cost of gasoline for their cars, and the cost of putting their children through college.

If you want to know the real state of the economy, don't sit down and talk to the economists. Talk to the real working families in Illinois and across America who are struggling each day to make ends meet, going deeper in debt on their credit card bills and wondering if their kids will have as good a chance in the America to come.

That is the reality of our economy. Oh, the stock market may be strong. The heads of major corporations may be making tens of millions, hundreds of millions of dollars. The Tax Code may be crafted by this administration to favor those who are doing so well. But the reality on Main Street in America is that people are struggling. We are losing manufacturing jobs. We are not enforcing our trade agreements, and we are not giving the kind of hope which they need to working families across America.

This Congress is going to start to turn that around. It will take some time. First, we are going to raise the Federal minimum wage. Then we are going to address the needs of the families who have kids in college, reduce the cost of those college student loans so kids don't end up with a mountain of debt when they finally graduate; find a way to make health care more affordable and bring down the cost of the prescription part of Medicare, Part D, so the seniors are not stuck with the highest drug bills in America.

That I hope is the real state of the economy. I hope the President will today acknowledge that reality.

IRAQ

One last point I would like to make—the major issue on the minds of most Americans is the situation in Iraq. The President now wants to send 21,000 more troops to Iraq. Many of us feel this is a serious mistake; this is a strategy which has not been thought out.

This morning's Washington Post tells a story which is ominous. It is entitled "Equipment for Added Troops is Lacking." It goes on to say:

> New Iraq forces must make do, officials say.

And here is the grim reality. The 21,000 soldiers this President wants to send into Iraq to join the 144,000 there will go without the equipment and protection they need and deserve. This report, which comes from the Pentagon, tells us that whether we are talking about vehicles, armor kits or basic equipment, our troops will not have what they need. In fact, the statement in here is from LTG Stephen Speakes and suggests:

> We don't have the [armor] kits, and we don't have the trucks. . . . He said it will take the Army months, probably until summer, to supply and outfit the additional trucks. As a result, he said, combat units flowing into Iraq would have to share the trucks assigned to units now there, leading to increased use and maintenance.

I have to ask, before we put any more soldiers in harm's way, don't we owe them the very best equipment they need so they can fight and come home safely? Don't we owe that to them and their families?

Some argue that when we come to the floor and take exception to the policies of this administration, it undermines the morale of the troops. I couldn't disagree more. What undermines the morale of the Nation's soldiers is the notion that they have to go into combat with less than the best equipment, that they have to go into combat without the armor plate they need to come home safe and sound. That undermines morale a lot more than any debate on the floor of the Senate, and it is time for the White House and the Bush administration to answer honestly how can we escalate this war in Iraq if we don't at least improve the equipment for the troops who are going into battle? That is the reality of what our soldiers face today and have faced throughout this war in Iraq, and that is why we definitely need a new direction.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, we are in morning business at this time?

The ACTING PRESIDENT pro tempore. The Senator is correct. We are in morning business.

INCREASING THE MINIMUM WAGE

Mr. KENNEDY. Mr. President, I wish to, again, thank my friend from Illinois and also our leader for their strong support on the increase in the minimum wage. We will have more as we go on through the morning. We expect to vote at noontime today on the increase on the minimum wage. This is day seven. We had five courageous Republicans who voted with us to pass what we call a clean minimum wage law that would increase the minimum wage from $5.15 an hour to $7.25 without additional kinds of tax provisions in there. The nine times we have increased the minimum wage we have only added tax provisions on one time. It is not necessary to add additional tax provisions, since we are restoring the purchasing power of the minimum wage to what it was some 10 years ago.

But I raise another broader issue for a few moments and that is, What is it about these working families that so outrages our Republican friends? What is it about providing a decent wage—some would say it is not decent because it is still so low at $7.25 an hour—but what is it about our Republican friends that they refuse to give us a vote in the Senate? It is true that 80 Republicans voted for an increase over in the House of Representatives. But Republican leadership has been strongly opposed to this over the last 10 years that I tried to bring up an increase in the minimum wage. It goes back a long period of time. We are seeing it once again, here, as the President is against an increase in the minimum wage.

I remind those who are watching the Senate deliberations this morning that we do not have any amendments over here on our side. The Democrats do not have any. They have more than 90 amendments over on the other side. I reminded the Senate, they have had amendments for over $200 billion. Some are dealing with Social Security. There are $35 billion in tax cuts on education, but they didn't include any help or assistance for children on the IDEA, those with disabilities or, for the neediest children, the Pell grants. We haven't had any consideration on that. They dropped that amendment in on the minimum wage program, completely unrelated to the minimum wage program. They had health savings accounts to benefit people with incomes of $133,000. We have had all those kinds of amendments, and they continue, if you read through that list. I have gone through those amendments and they continue.

My question comes back to this. What is it that the Republican leadership has against working families? I have raised that over the period of the last few days and I raise it today. I was looking back at the record of our Republican friends over the last year or so. They eliminated 6 million workers from overtime. Do we understand that? In the last 2 years, 6 million workers have had their overtime effectively canceled.

Since the 1930s, under President Roosevelt, there was a recognition that if people work more than 40 hours a week, they were going to be able to get overtime. The number of those individuals who work more than 40 hours a week is significant. It is over 28 percent in our country today. But this administration eliminated that extra time and a half for 6 million workers.

We say: What is it about those 6 million workers? Then we think about the opposition to the increase in the minimum wage. We take away their overtime when we are seeing this extraordinary increase in executive salaries, salaries which are exploding through the ceiling. Take away that overtime for 6 million workers. All right.

Then we see the great tragedy we had with Katrina, and we saw the attempts to rebuild after Katrina. What was the first thing the administration said? Eliminate any coverage or protection for workers in terms of their wages down there, what they call the Davis-Bacon program. It means they are not going to get paid what they get paid in the various regions, eliminate that so you can drive wages down even further in New Orleans. What is the reason for that? It is a good way to drive wages down for workers.

What is it about people in the construction industry? They average, I think it is $29,000 a year. That is too much for our Republican friends? Or $10,712 for a working American, a man or woman at the minimum wage, and they refuse to give some increase in that to $7.25 an hour? Here you have the average construction worker at $29,000 a year, and you are saying that is too high. What is it about this Republican Party, against the working families?

What was in their minds when they eliminated safety positions and reduced the budget for mine safety, prior to the Sago and Alma mine disasters? What was in their minds at that time, to reduce the kind of safety provisions? Is the power of the mine companies so great they can increase the risks for workers? Oh, yes, there are workers down there. They are the ones we want to cut back on, in terms of their overtime. They are the ones we are going to cut back on, in terms of safety.

I remember when this President Bush—after the first hearings we had, I think, in our committee—acted to eliminate the protections that had been recommended by President Clinton in the area of ergonomics, particularly affecting women who spend a great deal of time on computers. It affects others—those in the meat-packing industry and poultry industry, workers who perform repetitive kinds of procedures. We had extensive hearings. The Clinton recommendations were very modest. He encouraged companies to get into this and work with industry. Some people thought they were too weak, but they were protecting workers, hard-working people doing some of the most difficult work in America, protecting them so they are not going to get the kinds of complicated health challenges that will disable so many of those.

We know what the science is. We have had study after study by the National Academy of Sciences that said do something in Congress. We did something. But oh, no, the Republican leadership said: No, we are not going to do that. We are not going to provide protection for those workers. We are going to cut back on safety for those who work in the mines. We are going to cut back on overtime for 6 million. We are going to refuse to cover the workers down there in New Orleans who are working, trying to rebuild, when this administration basically ignored the problems there. Workers who were out there working, we are going to cut back and skimp on their salaries on this.

What is it about working people that this administration—the list goes on. Look at the amendments that are lined up to weaken OSHA. We see the number of lives that have been saved—tens of thousands of lives were saved. We have cut the death rate by more than 77 percent since OSHA has been in effect. There are new problems, new challenges, in terms of toxic substances, we have to look at. What is the voice over there? We hear great speeches about what is happening to the middle class. Let's take a step that can make some difference—certainly to 6 million children who will benefit if we increase the minimum wage from $5.15 to $7.25—6 million children's parents will benefit. We will have that opportunity.

I don't know what has changed in productivity. We worked closely together, for years and years, for a decent wage. It shows back in the 1960s, 1965 into the 1970s, we saw where our great American economy was moving along, increasing productivity. That increase in productivity was shared between the corporate world, the business world, and the workers. That is what was happening. We will get the charts later on.

Evidently our friends on the other side want to prolong this debate. We will get the charts to show that all America moved along in the 1940s and the 1950s, all the way through the 1960s—each quintile moved along virtually together. If you saw growth in the economy, it benefited all the groups together.

What has come over this country, and particularly the Republican Party, to say that no longer works in the United States? We don't want an economy that is going to work for everyone. We want an economy that is going to work for some—a few. What is it about it? I termed it "greed." It is greed.

We have seen now what has happened in the change, in the increase in productivity. Still, the minimum wage goes down.

Mr. President, my excellent staff found that chart I was referring to—"Growing Together, 1947 to 1973." The lowest quintile, the second, third, right up to the very top—if you look at the different colors, you will see that all America moved along together. Now look what has happened. Corporations get a $276 billion tax break, small business a $36 billion tax break, and no increase in the minimum wage.

I hope somewhere during the course of this debate, our Republican friends will come out and make at least some argument about either the economics—it is an impossible one to make. You can't say it is the loss of jobs. We have dealt with that issue.

They will say you can't increase the minimum wage because it is inflationary in our economy. We show it is less than one-fifth of 1 percent of total wages paid over the course of the year. That argument doesn't work.

They will try to say it is not what our country is about, we can't afford that in the richest country in the world, where people are working. We demonstrate that the States which have an increase in minimum wage have grown faster and grown stronger and have a better economic record. And most important, child poverty has gone down.

I imagine, over the period of this year, we will hear 100 speeches in the different parts of our country about our children being our future. We have an opportunity today at noontime to do something about that. You don't have to make a speech, you have to vote right. You can vote today and, with that vote, hopefully, expedited process, that we can wind this legislation up and work out the differences with the House of Representatives and get it to the President to sign. Six million children will benefit.

So if you are talking about your concerns about middle class, if you are talking about working families, if you are talking about fairness and decency, if you are talking about children's issues, women's issues, civil rights issues, today at noon you have a chance to do something about it.

So I hope we will have more of an opportunity as we get closer to the time to add some additional comments. But I would hope that finally this basic, fundamental, and I think irrational, irresponsible, unacceptable, postured position our Republican friends have in terms of opposition—continued opposition, opposition, opposition—to the minimum wage would end. Today we are on the seventh day, but we debated this 16 other days to try to get an increase in the minimum wage without the Republicans letting us have it. How many days? What is the price? We don't even know what the price is. What are we supposed to do—keep bidding it out and sweetening the pot until the Republicans come along? Is that what the Americans want us to do? That is not what we are prepared to do.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Missouri is recognized.

Mr. BOND. Mr. President, I assume we are proceeding as in morning business.

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. BOND. I thank the Chair. I would just say that like many Members on my side of the aisle, we pushed for a minimum wage bill last fall. Regrettably, it was filibustered, so we couldn't bring it to a vote. We are looking for and I intend to support a minimum wage bill if it has some reasonable tax incentives for small businesses that would be seriously harmed in some instances by the cost of a very drastic rise in the minimum wage. But I am hoping we will be allowed and not be prevented from adding those tax breaks that I think everybody needs.

IRAQ AND RELATED ISSUES

Mr. BOND. Mr. President, I rise today to talk about Iraq and Iraq-related issues. I had the opportunity this past weekend and the previous weekend to spend a good deal of time with the Missouri National Guard men and women in Missouri who do a great job in providing civil response to tremendous problems, whether it is floods or tornadoes or, in some instances, an ice storm that was devastating. Many of them have been to Iraq and Afghanistan and are going back, and they are proud of what they do. They know they are doing the job the military was assigned to do, and they are proud of it and we should support them.

Mr. President, it is noteworthy that I mention again my colleague and National Guard Caucus Cochair Senator PAT LEAHY and I will reintroduce the National Defense Enhancement and National Guard Empowerment Act later today.

This comprehensive legislation recognizes the paramount contributions that our citizen soldiers and airmen have made not only in Iraq and Afghanistan, but all over the globe and particularly here at home.

The bill provides four central planks: the elevation of the Guard chief to the rank of general, a seat for the chief of the Guard Bureau on the Joint Chiefs of Staff; mandates that the Deputy NorthCom position be for an eligible National Guard officer; and it allows for the National Guard Bureau to identify and validate equipment requirements, particularly those unique to the Guard's homeland missions.

When we went after the terrorists in Afghanistan, the Guard was there. When we needed to establish order and stability in Iraq, the Guard was there. When Hurricanes Katrina and Rita devastated the Gulf Coast, the Guard was there. When a natural or man-made disaster strikes, the Governors call on the Guard, and the Guard is there. The next time America needs military forces overseas, the Guard will be there.

Unfortunately, when the Pentagon makes key decisions that impact the Guard, the Guard is still not there.

The need to empower the National Guard is not only still there but grows each day. We need to give the Guard more bureaucratic muscle, so that the force will not be continually pushed around in policy and budget debates within the Pentagon.

Time and time again, the National Guard has had to rely on the Congress, not its total force partners in the active duty, to provide and equip fully the resources it needs to fulfill its missions.

Our legislation will end this nonsense. We will put the National Guard on an equal footing with other decision makers responsible for national security and the transformation of the military forces.

As GEN Steve Blum, chief of the National Guard Bureau put it, they need to be "in the huddle" at the Pentagon if they are to be in the game. This will ensure that the next time the 430,000 National Guard citizen-soldiers and airmen of the Guard are discussed at the senior levels of the Pentagon, the Guard will be there.

Additionally, I remind my colleagues that the Fiscal Year 2007 Military Construction and Quality of Life Appropriations bill was not passed into law. As a result, approximately $17 billion in new construction and BRAC projects authorized by the Congress in 2007 cannot proceed.

The military service chiefs have urged the Congress to pass this legislation

The projects funded by the Fiscal Year 2007 MILCON bill are necessary to sustain readiness and quality of life for U.S. service personnel. I also ask that letter from the Navy and Army Secretaries and Service Chiefs that raise concern about the risk by operating under a continuing resolution be printed in the RECORD.

I ask unanimous consent that letters in support of this legislation be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SECRETARY OF THE NAVY, CHIEF OF
NAVAL OPERATIONS, COMMANDANT
OF THE MARINE CORPS,
Washington, DC, December 22, 2006.

Hon. TRENT LOTT,
U.S. Senate,
Washington, DC.

DEAR SENATOR LOTT: We are seeking your assistance in lessening the severe burden placed on the Department of the Navy in the absence of a Military Construction, Quality of Life, and Veterans Affairs FY 2007 Appropriations bill, and to offer our continued support for expeditious passage of this important legislation.

Although the Continuing Resolution (CR) has provided some initial relief, a CR in its current form of all of FY 2007 could severely impact Basic Allowance for Housing (BAH) and Base Realignment and Closure (BRAC) 05 accounts because funding has thus far been limited to the smaller programs requested and enacted in FY 2006 as compared to the larger programs requested in FY 2007. It poses particularly acute problems in the Family Housing Construction, Navy; Military Construction, Navy; and Military Construction Naval Reserve accounts because of the restriction on the award of "new starts."

BAH provides Sailors and Marines monthly cash payments for their housing costs. Facilities, Sustainment, Restoration and Modernization funds provide an immediate and visible improvement to quality of life in the workplace. Both of these accounts were moved from the Defense Bill to the Military Construction, Quality of Life, and Veterans Affairs for FY–07. It is important that the appropriations be made in the traditional accounts with normal flexibilities. If we are to manage under provisional levels for the full year, the Department must be able to address execution issues that inevitably will arise in these programs.

The CR is precluding our ability to provide modern, government owned or privatized quality housing to our Sailors, Marines and their families at a time when the Global War on Terror is placing enormous stress on our military and military families. The Department would be unable to complete a long standing Department of Defense goal to obligate funds needed to eliminate all inadequate housing by 2007. Specifically, we would have to postpone construction of 250 new homes at Naval Base Guam, and Marine Corps Logistics Base Barstow CA. We would also have to postpone housing privatization projects on over 8,000 homes at Navy and Marine Corps installations in California, Florida, Georgia, Hawaii, Massachusetts, Mississippi, North Carolina, South Carolina, and Texas.

If we are providing funding for "new starts," we can also improve operational readiness with modernized facilities, reduce national security threats at our nuclear weapons facilities, and provide new training capabilities for our men and women in uniform. Without funding, the Department would be unable to award 44 "new start" military construction projects in 11 states and four overseas locations totaling $857 million. One example is the award of two $13 million military construction projects for Mobile User Objective System (MUOS) ground control and tracking stations—one in Hawaii and another in Sigonella, Italy. MUOS is a $6.5 billion narrowband UHF satellite communications capability vital to our joint war fighters. There are operational concerns as existing satellite communication systems are failing as they reach the end of their service life. Without these ground stations, planned launches of the MUOS satellites already funded will be delayed, and the Department faces additional costs for spacecraft and ground equipment storage, contractual and additional fees, and other related costs far greater than the cost of the construction.

With respect to BRAC 05, the CR can stymie our efforts to construct facilities and move equipment and people to receiver locations, and impede our ability to harvest savings and organizational efficiencies already accounted for in the budget. Delaying installation closures jeopardizes our ability to proceed with the many joint recommendations that require complex, sequential moves, all of which by statute must be accomplished by September 2011. The Department of the Navy's share of the Department of Defense BRAC account in FY 2007 is $690 million, compared to the FY 2006 enacted amount of $247 million. While the Office of Management and Budget has ruled that "new starts," including BRAC construction, is not a concern in the BRAC 05 account, the current CR is limiting FY 2007 expenditures to the FY 2006 level. We will have to delay an estimated $382 million of BRAC construction and $61 million in civilian personnel moves, reductions, and hiring actions, primarily for BRAC actions in New Orleans, LA and southern California, until funding becomes available.

Prompt passage of an FY 2007 Military Construction, Quality of Life, and Veterans Affairs appropriations bill would resolve these difficulties. The appropriations bills endorsed by the full House and Senate differed little from the President's budget request for the Department of the Navy. Should an FY 2007 bill prove unattainable, we would ask that you expand the authority in the CR to allow funding to the lower of the FY 2007 House and Senate appropriation bills, and allow for "new starts" in military construction and family housing accounts, subject as always to requirements of the Authorization Act.

We appreciate your continued support for our country's Sailors, Marines and their families. We stand ready to respond to any questions or concerns that you may have.

Sincerely,

JAMES T. CONWAY,
General, U.S. Marine Corps.
MICHAEL G. MULLEN,
Admiral, U.S. Navy.
DONALD C. WINTER,
Secretary of the Navy.

DEPARTMENT OF THE ARMY,
Washington, DC, December 18, 2006.

Hon. MITCH MCCONNELL,
U.S. Senate,
Washington, DC.

DEAR SENATOR MCCONNELL: Over the past several years, the Army has executed an aggressive and carefully integrated plan in support of our national security mission. Our plan provides for simultaneous organizing, manning, training, equipping, deploying and redeploying of units and Soldiers, as well as the required materiel. It also lays the foundation for retaining our position as the world's dominant land force, to include base consolidation, restationing of troops, and improvements essential to providing our Soldiers and their families the standard of living they deserve.

Miltariy construction and quality of life initiatives constitute large, crucial portions of this carefully synchronized plan. Yet, the limitations imposed by the Continuing Resolution (CR) are already causing our plan to fray, and it is likely to unravel completely should we go through the entire fiscal year under a CR. The potential negative effects on operational readiness cannot be overemphasized; the Army's ability to prosecute the Global War On Terrorism and to prepare for future conflicts would be severely hampered.

As an example, the Army's FY 2007 Military Construction Plan includes almost $400 million to support the Army Modular Force through construction of a battle command training center, vehicle maintenance facility, several brigade complex facilities, barracks and numerous child development centers. Our force rotation plan to Iraq and Afghanistan, as well as our overall readiness posture, relies on completing these conversions to the Army Modular Force on time. We have recruited and retained the Soldiers, purchased individual force protection equipment, repaired and replaced weapons, and established a training plan, but now we are faced with the real possibility of not having facilities ready for training, maintenance, communications and command activities. We will have Soldiers at Fort Campbell, Fort Drum, and Fort Stewart who are ready to fight, ready to lead and ready to defend this country, but won't have adequate places to train, work or sleep.

We will see similar situations in the Reserve Component. The Army National Guard will be without aviation support facilities, field maintenance shops and supply points. The Army Reserve will lack several reserve centers, training facilities and storage facilities. We will put at risk funding or land provided by the states for many of these projects. Citizens eager to serve this country will find a lack of updated facilities.

Base Realignment and Closure (BRAC) initiatives are quickly coming apart at the seams, as the Army will be limited to spending less than one-fourth of the amount needed to keep approved BRAC moves on schedule. Imbedded in BRAC is the movement of units from overseas back to the United States. Delaying BRAC means we won't meet our the 1st Armored Division from Germany to Fort Bliss and may hinder the establishment of two critically needed modular brigade combat teams. For every brigade combat team affected by these delays, thousands of Soldiers will lack facilities to train and work or, at best, will have only inadequate and outdated facilities.

In summary, the Army will experience unacceptable delays in constructing much needed facilities unless the Congress can pass a full Military Construction/Quality of Life Bill for FY 2007 by February or expand and enhance the next Continuing Resolution to permit the execution of all programs and projects requested in the FY 2007 President's Budget.

The Army's leadership is prepared to answer any questions you may have. We deeply appreciate your support of our men and women in uniform.

Sincerely,

PETER J. SCHOOMAKER,
General, United States Army, Chief of Staff.
FRANCIS J. HARVEY,
Secretary of the Army.

Mr. BOND. Mr. President, one of the big questions that is being discussed today is what the President's plans are in Iraq and whether we should submit a resolution condemning the troop increases. I find it passing strange that many of the people pushing for a resolution to say we shouldn't send troops just adopted by a unanimous vote the confirmation of General Petraeus, who has said he believes he can do the job if he has the additional troops. He says the number is 21,000. Who are we to second-guess an experienced general who knows what the needs of his men and women in service are?

I have listened to many of the persuasive arguments on the other side about their concerns about the Iraq war. There are some who want to cut off completely our involvement—cut and run. They have an argument; they make a legitimate point. I hope we have a chance to vote on it because the intelligence community leaders from DNI to the military intelligence head to the CIA said cutting and running now would be a disaster resulting in chaos, in additional killing of Iraqi citizens, and giving the entire area over to al-Qaida and probably bringing in a region-wide conflict. So that is at least a position that I understand how they take it, but I will fight very hard against it.

What I don't understand is the people who say they want to do several things: They want to see a change in policy in Iraq. They want to see more Iraqi responsibility. They want to change the rules of engagement so we can go after Shia death squads and there won't be any political restrictions on it. And they want to adopt the strategy of the Baker-Hamilton report. Many of these same people who are now urging the adoption of a resolution said we need to send more troops. Well, when you look at it, the President is sending some more troops for a new strategy which involves the Iraqi leadership, Prime Minister al-Maliki, the Shia, as well as the Sunni and Kurdish leaders. They are now fighting without limitations on the rules of engagement. Our additional forces will be there at the request of al-Maliki to help him stabilize the country. This is the last best chance. This is the chance to leave a stable Iraq which will not become a terrorist ground for al-Qaida.

Sunday, I had the opportunity to talk to Jim Baker, the lead name on the Baker-Hamilton report. I said: Jim, is the President's surge what you recommend militarily? He said yes. That is precisely what the Baker-Hamilton commission recommended. He also recommended additional diplomatic efforts. But in terms of the military effort, he said: This is what we recommended.

Now, how do we send troops over and then think maybe we can get some political cover back home by saying we don't really agree with it? I don't think that does anything of real significance. There are some things a resolution passed by this Congress expressing disapproval of the President's plan would do, and I think they are significant and serious.

No. 1, it would send a message to those we fight against—al-Qaida, the Baathists, Sunni insurgents—that we are not serious; we don't intend to support our men who are supporting the Iraqi military. It gives them cause to fight harder and stay longer.

No. 2, it sends a message to our friends whom Secretary Rice is trying to bring in to help rebuild the economy of Iraq and provide jobs for unemployed young Iraqis—essential if we want to win 80 percent of the battle against radical Islam, which is ideological. It would tell them: you probably better not put too much money on the Iraqis because the U.S. Congress is going to pull the plug and then it will descend into chaos and any dollars we invest will be gone.

Third, I would ask my colleagues to think about the message it sends to the troops who are there, to the troops who will be going there. They are over there fighting. They are risking their lives every day. They are willing to take on the fight because they believe it is an important fight. They believe it is a fight we can and we must win militarily. What message does it send to the families back home? I think you can guess what that answer is.

I saw a very interesting article in the Washington Post on Sunday. Robert Kagan at the Carnegie Endowment for International Peace, and a Transatlantic Fellow at the German Marshall Fund, has written a book. He said:

> Grand Delusion: Politicians in Both Parties Act as if They Can Make the War Go Away Soon. It Won't.

He warns about all we are doing when we have laid out a plan and reinforcements for the Iraqi troops. He said:

> Back in Washington, however, Democratic and Republican Members of Congress are looking for a different kind of political solution: The solution to their problems in presidential primaries and elections almost two years off. Resolutions disapproving the troop increase have proliferated on both sides of the aisle. Many of their proponents frankly, even proudly, admit they are responding to current public mood. Those who think they were elected sometimes to lead rather than to follow seem to be in the minority.

And he goes on to say that those who call for an end to the war don't want to talk about the fact that the war in Iraq and in the region will not end but will only grow more dangerous if and when we walk away.

As I said, our intelligence community leaders, in open testimony a couple of weeks ago before the Senate Intelligence Committee, said if we walk away, leaving Iraq without an army and a security force adequate to sustain general order, peace and order in that country, not only will innocent Iraqis be slaughtered, there will be an open invitation for others to come in. How long can the Shias oppress the Sunnis without having the Jordanians and the Saudis and maybe the Egyptians come in to support them? We have already heard they would do that, to protect the Sunnis. And if the Sunni supporters came in, it would take about a New York minute for Iran to come in on behalf of the Shia. What kind of conflagration would ensue? It would take a lot more American troops to protect our ally Israel and to try to stop the killing.

In addition, we know that al-Qaida would have a safe haven. And al-Qaida is not mad because we are in Iraq; they just want to win in Iraq. Muqtada al-Sadr, the No. 2 man, has been very eloquent, and he has been backed up by his boss, Osama bin Laden, who says: We have to win. Al-Qaida needs to restore chaos to Iraq so they will have a safe haven in which to operate, train their suicide bombers, their jihadists, develop means of command and control once again, perhaps get weapons of mass destruction. Well, that is what happens if we walk away and leave Iraq in chaos.

Back to Robert Kagan's piece:

> Some people assume that if we can get the troops withdrawn, then it won't be a problem for all of our Senators running for President in 2008. Should any one of them win, they think by getting out of Iraq now, it won't be a problem.

Bob Kagan says that:

> That is a delusion. Not only a democratic delusion, but some conservatives and Republicans have thrown up their hands. And they think that if we walk away, somehow the whole mess will simply solve itself and fade away.

He said:

> Talk about a fantasy. The fact is the United States cannot escape the Iraq crisis or the Middle East crisis of which it is a part and will not be able to escape it for years. And if Iraq does collapse, it will not be the end of our problems, but the beginning of a new and much bigger set of problems.

Well, Mr. President, I think that sets it up very well. I hope our colleagues will think about that. I hope they will consider that when they are talking about passing a resolution. It sends the wrong message to the enemies, to our allies, and to our troops and their families at home.

This war radical Islam has declared on us is a generational war, as the President said. We best be laying plans to do our best to protect our country from repeated attacks such as September 11 by al-Qaida. That is at stake. By being in Iraq, by having good intelligence at home, we have been fortunate to avoid another September 11 attack. If al-Qaida had planned and regrouped, we would be much more likely to have another.

I ask unanimous consent a copy of the article by Mr. Kagan be printed in the Record after my remarks on Iraq.

There being no objection, the material was ordered to be printed in the Record, as follows:

[From the Washington Post, Jan. 28, 2007]

Grand Delusion: Politicians in Both Parties Act as if They Can Make the War Go Away Soon. It Won't.

(By Robert Kagan)

It's quite a juxtaposition. In Iraq, American soldiers are finally beginning the hard job of establishing a measure of peace, security and order in critical sections of Baghdad—the essential prerequisite for the lasting political solution everyone claims to want They've launched attacks on Sunni insurgent strongholds and begun reining in Moqtada al-Sadr's militia. And they've embarked on these operations with the expectation that reinforcements will soon be on the way: the more than 20,000 troops President Bush has ordered to Iraq and the new commander he has appointed to fight the insurgency as it has not been fought since the war began.

Back in Washington, however, Democratic and Republican members of Congress are looking for a different kind of political solution: the solution to their problems in presidential primaries and elections almost two years off. Resolutions disapproving the troop increase have proliferated on both sides of the aisle. Many of their proponents frankly, even proudly, admit they are responding to the current public mood, as if that is what they were put in office to do. Those who think they were elected sometimes to lead rather than follow seem to be in a minority.

The most popular resolutions simply oppose the troop increase without offering much useful guidance on what to do instead, other than perhaps go back to the Baker-Hamilton commission's vague plan for a gradual withdrawal. Sen. Hillary Clinton wants to cap the number of troops in Iraq at 137,500. No one explains why this is the right number, why it shouldn't be 20,000 troops lower or higher. But that's not really the point, is it?

Other critics claim that these are political cop-outs, which they are. These supposedly braver critics demand a cutoff of funds for the war and the start of a withdrawal within months. But they're not honest either, since they refuse to answer the most obvious and necessary questions: What do they propose the United States do when, as a result of withdrawal, Iraq explodes and ethnic cleansing on a truly horrific scale begins? What do they propose our response should be when the entire region becomes a war zone, when al-Qaeda and other terrorist organizations establish bases in Iraq from which to attack neighboring states as well as the United States? Even the Iraq Study Group acknowledged that these are likely consequences of precipitate withdrawal.

Those who call for an "end to the war" don't want to talk about the fact that the war in Iraq and in the region will not end but will only grow more dangerous. Do they recommend that we then do nothing, regardless of the consequences? Or are they willing to say publicly, right now, that they would favor sending U.S. troops back into Iraq to confront those new dangers? Answering those questions really would be honest and brave.

Of course, most of the discussion of Iraq isn't about Iraq at all. The war has become a political abstraction, a means of positioning oneself at home.

To the extent that people think about Iraq, many seem to believe it is a problem that can be made to go away. Once American forces depart, Iraq will no longer be our problem. Joseph Biden, one of the smartest foreign policy hands in the Senate, recently accused President Bush of sending more troops so that he could pass the Iraq war on to his successor. Biden must assume that if the president took his advice and canceled the troop increase, then somehow Iraq would no longer be a serious crisis when President Biden entered the White House in 2009.

This is a delusion, but it is by no means only a Democratic delusion. Many conservatives and Republicans, including erstwhile supporters of the war, have thrown up their hands in anger at the Iraqi people or the Iraqi government. They, too, seem to believe that if American troops leave, because Iraqis don't "deserve" our help, then somehow the whole mess will solve itself or simply fade away. Talk about a fantasy. The fact is, the United States cannot escape the Iraq crisis, or the Middle East crisis of which it is a part, and will not be able to escape it for years. And if Iraq does collapse, it will not be the end of our problems but the beginning of a new and much bigger set of problems.

I would think that anyone wanting to be president in January 2009 would be hoping and praying that the troop increase works. The United States will be dealing with Iraq one way or another in 2009, no matter what anyone says or does today. The only question is whether it is an Iraq that is salvageable or an Iraq sinking further into chaos and destruction and dragging America along with it.

A big part of the answer will come soon in the battle for Baghdad. Politicians in both parties should realize that success in this mission is in their interest, as well as the nation's. Here's a wild idea: Forget the political posturing, be responsible, and provide the moral and material support our forces need and expect. The next president will thank you.

Mr. BOND. I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Texas is recognized.

Mr. CORNYN. Mr. President, I start by telling the Senator from Missouri how much I appreciate his leadership on this issue. As the ranking member of the Senate Select Committee on Intelligence, he knows as well as anyone what is at stake in Iraq and in the global war on terror. I know his son, Sam, is a member of the Marine Corps and has served in Iraq. I believe he is either back or headed back here very soon, so this is a matter in which the Senator from Missouri has a personal investment, in addition to the larger investment all Americans have in making sure our security is protected to the extent possible. That is what it boils down to.

Some say we have to do this for the Iraqis. I suggest, as laudable as that is, we need to do this for us. What do I mean by "this"? I mean what the Iraq Study Group—the bipartisan group created to look into the challenge of the conflict in Iraq—recommended. They pointed out quite clearly that it is in America's vital security interests to leave Iraq when we do. Of course, that is the goal we all share. We want to leave Iraq, but we must leave Iraq based on conditions where Iraq can sustain itself, defend itself, and govern itself.

It is bewildering to see a vote like we saw last Friday in the Senate where GEN David Petraeus, the new commander in Iraq, was confirmed unanimously by this Senate, yet there are those who say: Yes, we are going to confirm you, General, unanimously. We are going do say nice things about you and your talents and dedication and patriotism that you have demonstrated by your service, but the plan that you are the architect of, we are not going to support it. We are going to pass a sense-of-the-Senate resolution which, in his own words, undermines his ability to be successful in America's ability to protect its national security interests by leaving Iraq in a condition that it can sustain, govern, and defend itself, and which sends a wrong message to our enemies.

The consequences of failure in Iraq are best summed up by the Iraq Study Group on page 34. They said that a chaotic Iraq would provide a still stronger base of operations for terrorists who seek to act regionally or even globally. Al-Qaida will portray any failure by the United States in Iraq as a significant victory that will be featured prominently as they recruit for their cause in the region around the world.

It will surely be a failed state if we leave Iraq before conditions on the ground permit the Iraqis to govern, sustain, and defend themselves. It will likely lead to a failed state much as Afghanistan was after the Soviet Union was run out of Afghanistan in 1979.

What was that condition? We know all too well on September 11, 2001, when America was hit by al-Qaida on our own shores, that what happened in the interim between the time the Soviet Union left Afghanistan was a rise of the Taliban and al-Qaida, including Osama bin Laden, who was plotting and planning and training and then exporting terror attacks against the United States and against our allies.

It is entirely probable, in my opinion, that if we leave Iraq prematurely, before it can sustain, govern, and defend itself, Iraq will become another failed state like Afghanistan, another place where terrorists can train, recruit, and then export terrorist attacks against the United States and our allies.

It is also likely that if we leave Iraq prematurely, it would lead to a broader regional conflict, probably involving Syria, Iran, Saudi Arabia, and Turkey, and we may have to later return at a greater cost to our Nation.

This is another matter to which I don't think the people have paid enough attention: to leave Iraq prematurely would lead to massive human suffering. The other day, the Judiciary Committee had a hearing on Iraqi refugees. Of course, there are brave Iraqis who have worked alongside America and our allies to try to restore democracy to that country after Saddam's bloodthirsty reign. They are worried, as they should be, that if America pulls out, along with our coalition partners, before Iraq is able to sustain, govern, and defend itself, they will be slaughtered. It will be ethnic cleansing where Shia will kill Sunni. It will draw in, likely, the Sunni majority nations such as Saudi Arabia to defend the Sunnis against ethnic cleansing.

We are at a crossroads. The choices are not necessarily good ones, but they are the choices with which our Nation is confronted. We can either stay with the status quo which, frankly, I don't know anyone who believes the status quo is working or, No. 2, we can, as some have suggested, cut off funding for our troops and result in a precipitous withdrawal from Iraq or, No. 3, we can devise a new strategy in an effort to succeed where the current strategy has not in Iraq.

I believe the obvious choice is No. 3. If we are going to confirm a new Secretary of Defense, Robert Gates, as we have done; if we are going to confirm a new general leading coalition forces in Iraq, like David Petraeus, as we have done; if we are going to confirm a new commander of Central Command, Admiral Fallon, as I am confident we will do; we need to ask for their advice, get their advice, and, frankly, take their advice. I am afraid this has become far too political and not focused, as it should be, on a bipartisan basis, on what is in America's strategic and security self-interest.

The Washington Post summed it up in an editorial this way. They said legislators need a better way to act on their opposition to the current policy than passing a nonbinding resolution that may cover them politically but have no practical impact other than perhaps the negative one suggested by the general—and they are talking about General Petreaus. What are the negative impacts? General Petreaus made that clear in the nomination hearings before the Senate Committee on Armed Services.

Senator MCCAIN asked:

> Suppose we send you additional troops and we tell the troops, while we support you, we are convinced you cannot accomplish your mission, and we do not support the mission that we are sending you on. What effect does that have on the morale of the troops?

General Petraeus:

> Well, it would not be a beneficial effect, sir.

Senator LIEBERMAN:

> A Senate-passed resolution of disapproval for this new strategy in Iraq would give the enemy some encouragement, some feeling that well, some clear expression that the American people are divided?

General Petraeus:

> That's correct, sir.

I understand as well as anybody the reservations that Members of the Senate have about the new plan. The question we all have is, Will it work? Obviously, there are no guarantees. However, I know there is one sure plan for failure that will embolden our enemies, undermine our allies, and demoralize our troops, and that is to pass a resolution of no confidence in the only plan that has now been proposed for a new way forward in Iraq: working with the Iraqi Government, Prime Minister Maliki, making it clear there are benchmarks they need to meet; that it is their country, and they need to take the lead. We will support them. We will help stiffen their spine, particularly when it comes to preventing sectarian violence and taking on the militias which have ruled the streets in so much of Iraq. But this is the only chance and the only alternative that has been offered by anyone, so far, as to the way forward.

I make an appeal to our colleagues on the Democratic side of the aisle. On November 7, we had an election. As a result of that election, Democrats no longer were a minority party but became the majority in the Congress, both in the House and in the Senate. While I understand that as a minority party frequently we do not have the opportunity to set the agenda or to provide the leadership and are left with criticizing what the majority party does, my hope would be that the new majority would rise to the occasion, would set partisanship aside as much as possible, particularly with regard to our national security interests, would not focus on the 2008 election or worry about individual political outcomes. My hope is the new majority would use this as an opportunity to work with the new minority to send a vote of confidence and to provide a plan, support for the plan that has been drafted by General Petraeus and supported by all our military leadership for the possibility of a successful way forward in Iraq.

Frankly, for our friends on the other side of the aisle to merely criticize and offer resolutions of no confidence that are not binding is not an act of encouragement. It is not an act of patriotism but, unfortunately, as General Petraeus said, it will undermine our troops' morale and embolden our enemies. We all owe it to the troops who have risked their lives, to the families who have paid the ultimate sacrifice in defense of freedom and to protect our security, to do our very best to work together to try to support a way forward in Iraq which has the best chance of success.

My hope is, in the coming days, through this debate, we will agree to do that, and we will avoid making political statements that have no binding effect and which serve only to embolden our enemies and undermine our friends.

I see the distinguished Senator from Arizona on the floor of the Senate, and I yield to him.

The ACTING PRESIDENT pro tempore. The Senator from Arizona is recognized.

Mr. KYL. Mr. President, I join my colleague, the Senator from Texas, in urging the Senate to think very carefully about passing what appears to be a nonbinding resolution, but what, in fact, has dramatic consequences.

It is true that a nonbinding resolution would not change the policy of the President; he is the Commander in Chief. He has decided on a new strategy after consultation with a lot of people, and that new strategy is now being implemented in Iraq as we speak.

The Senate, last Friday, confirmed GEN David Petraeus to carry out that policy. By the way, it seems quite incongruous we would, on the one hand, confirm General Petraeus, pat him on the back, and say: Go do the mission in Iraq—by the way, we disagree with the mission. That is one of the bad messages that is sent.

I would like to talk a little bit more about the sending of messages with the nonbinding resolutions. That is obviously what the proponents of the resolutions would like to do. They have talked about sending a message. Mostly they are trying to send a message to the President. Of course, any Senator who wants to talk to the President has that capability. We do not need to send messages to the President publicly in areas that cause harm. We should think about the consequences of such a message to our enemies, to our allies, and most especially to the troops that we send in harm's way.

Think for a moment about the consequences of a message that says that we disagree with the President's strategy, we disagree with the mission, and we don't believe that any more troops should be involved or that the United States should remain in Iraq beyond a very limited period of time. The message that sends to our enemies is a devastating one.

As General Petraeus testified before the Senate Committee on Armed Services, war is about breaking the will of your opponent. He feared the consequences of such a resolution which he said would not be helpful because it would send a signal to our enemies that we don't have the support in the United States Government necessary to break the will of the opponent.

These terrorists well understand this is a contest of wills. Can they outlast us? Osama bin Laden thinks we are the "weak horse," as he puts it, and he is the "strong horse"; that we left Vietnam, that we left Lebanon, that we left Somalia, and we will leave Iraq before the job is done as well. And he believes that. So there is a test of wills going on. And if the enemies come to believe they can outlast us, that their will is stronger than ours, then it is very difficult to defeat them in this war against terrorism.

The message it sends to our allies is we are not necessarily a reliable ally. Certainly, to people in the neighborhood—the people in Afghanistan, in Pakistan, and elsewhere—you can imagine they would quickly begin to hedge their bets because of the neighborhood in which they live. If we are going to leave, and they have to continue to live with these bad actors, then, as before September 11, you will see them begin to hedge their bets and provide support for, in one way or another, terrorists who live in that neighborhood. That is against the national security interest of the United States.

The message that is sent to our troops is perhaps the most devastating because it says: We have sent you on a mission, and yet we do not believe in the mission. We are putting you in harm's way. You may, in fact, die trying to complete your mission, but it is not a mission that we believe in.

Think about the message that sends to the troops and to the families.

Very interestingly, last Friday, "NBC Nightly News" had an interview with three soldiers from Iraq talking about this very point. It was in the Brian Williams newscast. He called on Richard Engel, reporting from Baghdad, who had interviewed these three soldiers. I think what they had to say should instruct us. He talked about the new mission they were on, and he said:

> It's not just the new mission the soldiers are adjusting to. They have something else on their minds:

This is David Engel, the reporter, speaking—

> the growing debate at home about the war. Troops here say they are increasingly frustrated by American criticism of the war. Many take it personally, believing it is also

> criticism of what they've been fighting for. Twenty-one-year-old Specialist Tyler Johnson is on his first tour in Iraq. He thinks skeptics should come over and see what it's like firsthand before criticizing.

Then, this is what SPC Tyler Johnson said:

> Those people are dying. You know what I'm saying? You may support—"Oh, we support the troops," but you're not supporting what they do, what they share and sweat for, what they believe for, what we die for. It just don't make sense to me.

Engel then said:

> Staff Sergeant Manuel Sahagun has served in Afghanistan and is now in his second tour in Iraq. He says people back home can't have it both ways.

Then SSG Manuel Sahagun said:

> One thing I don't like is when people back home say they support the troops but they don't support the war. If they're going to support us, support us all the way.

Finally, Engel said:

> Specialist Peter Manna thinks people have forgotten the toll the war has taken.

SPC Peter Manna said:

> If they don't think we're doing a good job, everything that we've done here is all in vain.

Engel closed his report saying:

> Apache Company has lost two soldiers and now worries their country may be abandoning the mission they died for.

That is the message we send to our troops: that they may be dying in vain, that they may be putting their life on the line in vain because we do not support the mission we put them in harm's way to accomplish. That is a devastating blow to morale.

Just imagine what you would do if you were the parent or the spouse of one of those soldiers who got killed and came to believe the mission we had sent them on was no longer a mission that we supported, and yet we continue to keep them in harm's way.

My view is, if you think this war is lost or that we cannot win it, that you have the courage of your convictions and vote to cut off the funds and bring the folks home right now before any more die. But if you believe, as the President does, that we must not leave Iraq a failed state, that there is still an opportunity there to succeed, and that his plan deserves a chance to succeed, then we should not support resolutions that send a different message.

That is why I want to urge my colleagues to think very carefully before supporting any of these resolutions which may be nonbinding on the President but, nevertheless, have severe consequences to our enemies, to our allies, and to the troops we put into harm's way. This is serious business we are about. We need to consider it seriously and not undercut the troops we put in harm's way.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Mr. TESTER). The time for morning business has expired.

FAIR MINIMUM WAGE ACT OF 2007

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 2, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 2) to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage.

Pending:

Reid (for Baucus) amendment No. 100, in the nature of a substitute.

McConnell (for Gregg) amendment No. 101 (to amendment No. 100), to provide Congress a second look at wasteful spending by establishing enhanced rescission authority under fast-track procedures.

Kyl amendment No. 115 (to amendment No. 100), to extend through December 31, 2008, the depreciation treatment of leasehold, restaurant, and retail space improvements.

Enzi (for Ensign/Inhofe) amendment No. 152 (to amendment No. 100), to reduce document fraud, prevent identity theft, and preserve the integrity of the Social Security system.

Enzi (for Ensign) amendment No. 153 (to amendment No. 100), to preserve and protect Social Security benefits of American workers, including those making minimum wage, and to help ensure greater Congressional oversight of the Social Security system by requiring that both Houses of Congress approve a totalization agreement before the agreement, giving foreign workers Social Security benefits, can go into effect.

Vitter/Voinovich amendment No. 110 (to amendment No. 100), to amend title 44 of the United States Code, to provide for the suspension of fines under certain circumstances for first-time paperwork violations by small business concerns.

DeMint amendment No. 155 (to amendment No. 100), to amend the Public Health Service Act to provide for cooperative governing of individual health insurance coverage offered in interstate commerce, and to amend the Internal Revenue Code of 1986 regarding the disposition of unused health benefits in cafeteria plans and flexible spending arrangements and the use of health savings accounts for the payment of health insurance premiums for high deductible health plans purchased in the individual market.

DeMint amendment No. 156 (to amendment No. 100), to amend the Internal Revenue Code of 1986 regarding the disposition of unused health benefits in cafeteria plans and flexible spending arrangements.

DeMint amendment No. 157 (to the language proposed to be stricken by amendment No. 100), to increase the Federal minimum wage by an amount that is based on applicable State minimum wages.

DeMint amendment No. 159 (to amendment No. 100), to protect individuals from having their money involuntarily collected and used for lobbying by a labor organization.

DeMint amendment No. 160 (to amendment No. 100), to amend the Internal Revenue Code of 1986 to allow certain small businesses to defer payment of tax.

DeMint amendment No. 161 (to amendment No. 100), to prohibit the use of flexible schedules by Federal employees unless such flexible schedule benefits are made available to private sector employees not later than 1 year after the date of enactment of the Fair Minimum Wage Act of 2007.

DeMint amendment No. 162 (to amendment No. 100), to amend the Fair Labor Standards Act of 1938 regarding the minimum wage.

Kennedy (for Kerry) amendment No. 128 (to amendment No. 100), to direct the Administrator of the Small Business Administration to establish a pilot program to provide regulatory compliance assistance to small business concerns.

Martinez amendment No. 105 (to amendment No. 100), to clarify the house parent exemption to certain wage and hour requirements.

Sanders amendment No. 201 (to amendment No. 100), to express the sense of the Senate concerning poverty.

Gregg amendment No. 203 (to amendment No. 100), to enable employees to use employee option time.

Burr amendment No. 195 (to amendment No. 100), to provide for an exemption to a minimum wage increase for certain employers who contribute to their employees' health benefit expenses.

Chambliss amendment No. 118 (to amendment No. 100), to provide minimum wage rates for agricultural workers.

Kennedy (for Feinstein) amendment No. 167 (to amendment No. 118), to improve agricultural job opportunities, benefits, and security for aliens in the United States.

Enzi (for Allard) amendment No. 169 (to amendment No. 100), to prevent identity theft by allowing the sharing of social security data among government agencies for immigration enforcement purposes.

Enzi (for Cornyn) amendment No. 135 (to amendment No. 100), to amend the Internal Revenue Code of 1986 to repeal the Federal unemployment surtax.

Enzi (for Cornyn) amendment No. 138 (to amendment No. 100), to amend the Internal Revenue Code of 1986 to expand workplace health incentives by equalizing the tax consequences of employee athletic facility use.

Sessions (for Kyl) amendment No. 209 (to amendment No. 100), to extend through December 31, 2012, the increased expensing for small businesses.

Division I of Sessions (for Kyl) amendment No. 210 (to amendment No. 100), to provide for the permanent extension of increasing expensing for small businesses, the depreciation treatment of leasehold, restaurant, and retail space improvements, and the work opportunity tax credit.

Division II of Sessions (for Kyl) amendment No. 210 (to amendment No. 100), to provide for the permanent extension of increasing expensing for small businesses, the depreciation treatment of leasehold, restaurant, and retail space improvements, and the work opportunity tax credit.

Division III of Sessions (for Kyl) amendment No. 210 (to amendment No. 100), to provide for the permanent extension of increasing expensing for small businesses, the depreciation treatment of leasehold, restaurant, and retail space improvements, and the work opportunity tax credit.

Division IV of Sessions (for Kyl) amendment No. 210 (to amendment No. 100), to provide for the permanent extension of increasing expensing for small businesses, the depreciation treatment of leasehold, restaurant, and retail space improvements, and the work opportunity tax credit.

Division V of Sessions (for Kyl) amendment No. 210 (to amendment No. 100), to provide for the permanent extension of increasing expensing for small businesses, the depreciation treatment of leasehold, restaurant, and retail space improvements, and the work opportunity tax credit.

Durbin amendment No. 221 (to amendment No. 157), to change the enactment date.

The PRESIDING OFFICER. Under the previous order, the time until 12:15 p.m. shall be equally divided between the two leaders or their designees, with the time from 11:55 to 12:05 under the control of the minority leader, and the time from 12:05 to 12:15 under the control of the majority leader.

The Senator from Ohio.

Mr. BROWN. Mr. President, I yield myself 5 minutes to speak on the minimum wage.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWN. Mr. President, a little more than 2 years ago, Rev. Jim Wallis and Rev. Bob Griswold—who was then-head of the Episcopal Church—presented to Congress a document that proved to be both prophetic and practical.

The basic tenets were that budgets are moral documents—these are coming from two people of faith, religious leaders in our country—and our values are represented by how we craft those documents.

The same can be said for legislation, and the same values represented in the fight, for example, to raise the minimum wage.

As wages have stagnated in States such as Ohio, CEO salaries have skyrocketed. And while Congress voted time and again to raise its own pay—six times in the 10 years since the minimum wage has been raised—it left behind millions of Americans who work hard, who play by the rules, and who too often have so little to show for their hard work.

In my home State of Ohio, voters in November echoed the national cry for social and economic justice by voting in favor of a ballot initiative to raise our State's minimum wage.

In 1963, Dr. Martin Luther King said:

> Equality means dignity. And dignity means a job and a paycheck that lasts through the week.

It is unacceptable that someone can work full time—and work hard—and not be able to lift her family out of poverty or even pay her bills. For too long Government priorities rewarded a system that allowed a minimum wage worker to earn less than $11,000 a year. Yet some CEOs in our great country make more than $11,000 an hour.

Those who vote against the minimum wage this week—those who have blocked a minimum wage increase in the House of Representatives and in this Senate for a decade—are saying to minimum wage workers such as the single mother working as a chambermaid in Cleveland and a farm worker outside Toledo and a janitor in Zanesville that they do not deserve a fraction—not a fraction—of what we get.

While the cost of living has gone up, the investment in workers has slowly declined. Family budgets are strained because of stagnant wages but pushed to the breaking point when you factor in soaring tuition costs, health care costs, and energy costs.

Yet while wages have stayed stagnant or gone down, worker productivity in this country, as Senator KENNEDY showed a moment ago, continues to go up. Those workers are not sharing in the wealth they are creating for their employers. It is time Congress stood on the side of the working men and women in this country.

This issue is not just about workers. Raising the minimum wage affects entire families and communities. In my State, the minimum wage increase will mean an increase for 500,000 wage earners, with 200,000 children living in those homes.

When workers earn a livable wage—and especially if we can expand the earned-income tax credit, a tax break for those workers—those families, who are working hard and playing by the rules, will spend that money locally, which supports small business and helps strengthen the community.

When workers earn a livable wage, stress and burdens that often cripple families struggling to survive are eased.

When workers earn a livable wage, they are more productive at work, which means thriving companies that can compete in the global economy.

Raising the minimum wage means so much more than a few extra dollars on Friday. It means a path out of poverty.

Raising the minimum wage is an affirmation that this Congress—finally—values American workers. It is about the right family values, and it is about time.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, I rise today to speak in support of the motion to invoke cloture on the Baucus substitute to H.R. 2. At about the noon hour today, we will be voting to end the debate on the minimum wage bill. Regardless of how that vote turns out, I believe the direction this body has decided upon with regard to minimum wage is clear. And I appreciate it. The direction the Senate has taken is that raising the minimum wage without providing relief for small businesses would be wrong. And now we have a cloture vote on a bill that includes relief for small businesses, which will soften the impact that the minimum wage increase will have on small businesses.

We are trying to keep working families working. The people who run these small businesses are working families, too. They are taking a lot of risk and providing a lot of jobs. In fact, they are the engine that drives the United States. The big companies would like us to think they are. But small businesses create a lot of jobs.

Now, primarily, the jobs we are talking about are for people just entering the labor market, the ones often who dropped out of school, who have very low employment skills. Those small businesses teach them some skills and move them on up to the path of employment. They are a huge part of the job training system in this country and they rarely get any credit for job training.

We have had debate over the last week—and it has just been one week. I would like to point out that on Monday we did not have any votes. On Tuesday we were only allowed two votes. Through the whole week we only had 11 votes. We were not allowed any votes after Thursday, which included all of Friday and all of yesterday. That is really not an open process. That is only three days of voting on amendments.

When we began this session, we talked about having an open process, a very bipartisan process of doing things. I am not sure we got the message from the last election, which was that the American people want us to do these things, but they want us to do them in a bipartisan way. I am hearing some rhetoric on the Senate floor about the Republicans want to do this; and the Democrats want to do that.

What we need to talk about is what we need to do for America. We need to work together on these things. Right now we have a proposal for cloture that includes what both sides have been talking about, that takes care of the minimum wage worker and takes care of the businesses that employ them and gives them the training.

We in the Senate recognize that small businesses have been the steady engine for growing the economy and that they have been the source of new job creation. America's working families rely on small businesses, and small businesses rely on working families.

So I am proud this body has chosen a path that attempts to preserve this segment of the economy which employs so many working men and women. The Senate has recognized that our economy is interdependent. One simply cannot claim credit to be helping workers at the same time they are hurting the businesses that employ them. Recognition of this simple fact is the reason the bill before this body couples a raise in the minimum wage with relief to those businesses and working families that will face the most difficulty in meeting that mandate.

This body has also recognized the even simpler fact that raising the minimum wage is of no benefit to a worker without a job or a job seeker without a prospect.

I take this occasion to urge that these simple, real world truths be recognized by our colleagues in the other Chamber. I have gone through this process before on a number of bills and tried to figure out how it happens. A lot of time there is more animosity between the two Houses than there is between the two parties that serve in those Houses.

I know making any change to the minimum wage bill they sent over will upset them on that end, just as any change they make to a bill on their end upsets us. We send them perfect bills and they have to fiddle with it, and they send us perfect bills and we fiddle with it. There is some animosity between the two Chambers. And then we have to get into the rules as well. All tax measures have to start in the House. That is fine as long as they start them. But there has to be a way to get the process moving.

This bill has a way to get that process moving. It is more cumbersome than it probably ought to be, but I think with cooperation it will work, and I think the House will join us in this effort. It isn't as easy as just taking a small piece of something that affects the economy and doing it in isolation. When we start going to the broader economy, it gets more complicated.

That is why our forefathers designed this great system of cumbersome Government. We have 100 people with 100 views—I don't know, maybe we have 100 people with 200 views, and the House has 435 people with at least an equal number of views. The beauty of our system is that it has to get through this maze of all of these people with different backgrounds and different ideas and different ways of seeing the world, which results in amendments which result usually in things getting better.

It is often complicated, and that slows the process down. That is something we have to work through, but I think any mechanism we have that speeds things up usually results in us winding up with legislation we have to go back and correct. It is a tough system, a long system, but it works.

Unquestionably, as this Congress moves forward, we will need to confront a range of issues facing working families. We have to face the rising cost of health insurance and the availability of that insurance, the necessity and costs of education and job training, and the desire to achieve an appropriate balance between work and family life.

These are important issues, and the way this body has determined to address the minimum wage should give us an outline as to the way such other issues could be approached as well. We need to listen to each other and include those issues that make a difference without upsetting the whole world. It can be done. It has been done.

Senator GRASSLEY and Senator BAUCUS work together on legislation. They are the ones who put together this tax package. They said: No, this isn't exactly what I like or you like, but it is something we can like together, and it has a chance of passing this body.

I have been pleased that there hasn't been a rage against the tax package they put together, just as there hasn't been a rage against raising the minimum wage. We appear to have two points on which there is agreement. I think that will be reflected later in today's vote, too.

There are other issues. Those other issues have been reflected in amendments from our side. There have been a few, contrary to what has been said on the floor, amendments from the other side as well. When we were in the majority, we didn't put in nearly as many amendments on bills as the Democrats did, and I recognize why offering amendments is important. It is important because we have issues we think are important, and the only chance you have to have them passed on the floor is to put them in a bill as an amendment, if you are in the minority.

So on our side, we will likely offer more amendments to the bills that come up this year than those who got to draft the bill to begin with. They are ideas we want to have considered. We hope they will be considered in a reasonable way and in a reasonable amount of time.

I will be emphasizing to our side the need to keep those reasonable and to keep them within a reasonable timeframe. If we do that, we can progress through a lot of issues, such as the ones I mentioned.

The rising cost and availability of health insurance in this country is at a crisis and we have to do something about it. There are a number of plans that are floating out there, and all of them—all of them—have some good points to them. None of them is perfect. That bill will have to go through the Health, Education, Labor and Pensions Committee. It probably will. There are ways it can be written, I suppose, where it can be sent through the Judiciary Committee or sent through the Finance Committee. But usually that bill goes through the Health, Education, Labor and Pensions Committee.

The chairman of the committee and I as ranking member of that committee—and it doesn't matter what session of Congress we are talking about or what decade of Congress you are talking about—the chairman and the ranking member in that committee often have a huge disparity of views on how to solve the health, education, labor, and pensions issues.

We adopted 2 years ago a little rule that I found to be very useful when I was in the Wyoming legislature, and that is the 80–20 rule. That is, people agree on 80 percent of the issues and 80 percent of any issue. This isn't just a philosophy for Congress, this is a philosophy for one's daily life. If you are working with other people, you will probably find you will agree on 80 percent of whatever you are talking about. On any particular issue, you usually agree on 80 percent of that issue. If you concentrate on the 80 percent of agreement, there are a lot of possibilities for getting things done. If you concentrate on the 20 percent on which you don't agree, there is very little likelihood that you are going to progress on whatever it is you are talking about.

That is something we have instituted in this committee, and I think that rule has moved it from the most contentious committee to the most productive committee. I don't know if people noticed during the last session of Congress, there were 35 bills brought out of that committee. We got 25 of them considered in the Senate and even helped the House to get 2 of theirs through. So we helped to get 27 bills signed by the President. That is at least 20 more than usual for any committee and probably about 24 more than usual for any committee.

There are disadvantages to that. The press likes a good fight, and the press is more than willing to report on a good fight. We didn't have fights on those 27 bills that were signed. The most contentious one was the pension bill. The pension bill was 980 pages. It covers how to save people's pensions, how to make sure when they retire they will get what they have been promised, what they deserve, what they want, something that will give them quality of life in retirement. We made the most significant change in pension law in 30 years.

I remember that we had an agreement before we ever brought it to the floor that there would be 1 hour of debate, two amendments, and the final vote. I went to the Parliamentarian at that time and explained what we were doing and made sure it was getting written up properly so we could do that the moment we began the debate.

I asked: When is the last time that complicated of a bill had that kind of an agreement?

The words I heard back were: Not in my lifetime.

So it is possible to take difficult bills and arrive at agreement that will move the people's business forward.

The unfortunate thing for the people of America is that when they are watching us on this floor, what they usually get to see is the 20 percent with which we disagree, the 20 percent we are not going to give in on, the 20 percent that defines us.

I will be urging my side, and I have said it several times, there are issues that define us, but every issue is not an issue that defines us. We will probably be trying to figure out a way on every bill to make it a defining bill. With the amendments we have done on this bill, there has been some defining. But we have an opportunity today—I think it is going to happen at 12:15 p.m.—to invoke cloture on the package that includes what was asked for by this side and delivered by the other side.

That is pretty landmark. That is pretty good. We do have the other business that needs to get done. It doesn't have to be done on this bill. Maybe in the meantime there are some issues we can work on—the issues we talked about in some of these amendments—where we can reach that 80 percent agreement and we can move on with those issues.

In addressing the minimum wage, we have rejected the notion that it will be a clean bill. Ultimately, we did so because it is not a clean issue. By that, I mean neither the real world nor questions of national economics nor social policy are as simple as we would like them to be. Quite the contrary. They are complex and they are interrelated. While pretending that economic or social issues are simple, it often makes for great rhetoric here, and it makes for great politics, but it seldom makes responsible policy. Around here, clean more often than not simply means "do it my way" and does not respect the democratic process and allow the Senate to work its will.

I am pleased we rejected such false simplicity and chose the course of coupling an increased wage with provisions that will assist these small business employers who will be facing the greatest difficulties in paying these increased costs.

I hope we do not forget the wisdom of this approach as we address other workplace, economic, and social issues. None of these are simple and none, no matter how laudable the end, are without costs or free from the danger of unintended consequences where, in an effort to do some good, we wind up causing great harm.

I am also heartened that in the course of this debate, this body has begun to recognize what I know from my life to be true. Working families are not only those who are employed by businesses, they are also those who own the businesses.

I have noted many times that I was a small business owner, that my wife and I operated mom-and-pop shoe stores in Wyoming and Montana. My story is not unique, particularly in today's economy. I know all small business owners have two families: their own and the families of those who work for them. I also know that business owners feel the pressure of rising costs, the dilemma of difficult options, and the uncomfortable squeeze of modern life in both of their families as much as many workers do on their own.

One will find that small business people are more connected to their workers. They work with them shoulder to shoulder on a daily basis. They know what is happening in their lives. I believe we have begun to realize this reality in the way we approach the minimum wage legislation. I do not think we should lose sight of it as it moves through this Congress.

I also note that while I am pleased with the overall approach this body adopted, I am somewhat disappointed that it was not as complete as it could have been. In the event cloture is invoked, we would not have addressed a range of issues that were offered as early amendments and should have been considered and voted on. In this respect, I mention again those I mentioned late last week: Senator GREGG's amendment on employee option time, something we allow Federal sector employees to do; Senator DEMINT's amendment dealing with the same matter, as well as Senator BURR's amendment on health insurance costs; and Senator VITTER's amendment that would have provided measured monetary relief for small businesses that make inadvertent paperwork errors in providing Government-required information—first-time basis, corrected, no impact to the employee.

All of these were well reasoned, would have provided benefits in addition to or in counterbalance to a minimum wage hike, and all were entitled to due consideration and a vote in this Chamber. We were not allowed to have a vote. Many have charged the majority denied us a vote on these amendments because they would have been adopted and that would have somehow represented a win for Republicans. Therefore, goes the theory, voting on these amendments was prevented.

Whether true or not, the lack of a vote on these amendments does nothing to lend credence to the view that Congress's partisanship too often trumps positive progress. The reality is good ideas do not simply fade away, and that if not here and now, then at some point in this Congress these and other good ideas must be given consideration and must be voted on. Fairness demands it, and our responsibility to working families and small businesses requires it.

A vote for cloture is a vote for small business and working families. It is a vote for a well-balanced and bipartisan solution. I am pleased that we are at this point. I will ask my colleagues to vote for cloture.

Mr. President, what is the time situation?

The PRESIDING OFFICER. The Senator has 5½ minutes.

Mr. ENZI. I yield the remainder of the time to the Senator from South Carolina.

Mr. DEMINT. There is 5 minutes left?

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. BROWN. Mr. President, how much time is left on the majority side?

The PRESIDING OFFICER. There is 20 minutes 48 seconds remaining.

Mr. DEMINT. Mr. President, I intend to vote against the bill before us today because it really does not do anything to help low wage workers in this country in supporting families, buying health care, or giving them the flexibility they need to deal with family issues as well as hold a full-time job. I have consistently opposed a Federal wage mandate because I believe it is bad policy that hurts the very people we are trying to help with this bill. Despite that, I have sought to engage in constructive debate on this bill and offer amendments that would make it better. Unfortunately, over the course of this discussion, I have been forced to conclude that this whole debate is—let's just say less than honest. What we are talking about here in the Senate is not really about helping low-income workers; this is about mandating a starting wage, not a minimum wage, in a select group of States. This is a mandated starting wage because the facts show that two-thirds of minimum wage workers earn a raise within a year. We also know that most of these are working for restaurants and small businesses, and most of them are teenagers or young folks working part time.

The Democratic proposal before us targets certain States disproportionately while leaving many other States completely or relatively unaffected. If passed, my home State of South Carolina would be subjected to a 41-percent increase in the Federal mandate and the inevitable job loss that will come with this. However, States such as California, Vermont, Massachusetts, Oregon, and others would not be required to raise their minimum wage at all. This is because 28 States plus the District of Columbia have passed laws raising their minimum wage above the federally mandated $5.15 per hour. Some of those States, such as the ones I just mentioned, have gone well beyond the $7.25 which this Federal mandate will implement.

If we are to have a minimum wage at all, it is better to have a Federalist system of government and individual States could continue to set their own minimum wage levels, rather than the Federal Government. After all, different States have very different economies as well as very different costs of living. We know that a dollar will go a lot further in San Antonio than in San Francisco, and we need to recognize that. Mr. President, $7.25 in San Francisco is not a bit of help, but in another State that is a lot more money.

To that effect, I have offered an amendment to the current proposal that would have raised the minimum wage $2.10 in every State across this land. Had my amendment been adopted, this bill would have at least been more fair in the way it imposed its unfunded mandate. Ironically, the motion to strike my amendment was based on the fact that it was an unfunded Federal mandate, which is precisely what the underlying bill is at this point.

We have tried to add some other provisions. There is some tax relief for small businesses that mostly hire minimum wage workers, but we have not gone nearly far enough.

I heard my dear colleague from Massachusetts oppose very vocally any tax relief for small businesses that will bear the brunt of an increased minimum wage. I think it is just important to point out what we are trying to do. This is a chart which compares the amount of, what some of us would call porkbarrel spending for what we call the Boston Big Dig. The Federal Government's part of bailing this out is $8.5 billion. What we are asking for, for thousands of businesses and millions of low wage workers across this country, is tax relief of less than that, that would help people keep more workers and be more profitable.

I understand I am running out of time. I hope this whole debate about helping low wage workers would include those areas which will really help people who are working full time at $8, $10, $12 an hour and having a difficult time getting by: If we could make that health care more accessible and more affordable; if we could do for them what we do for Federal Government workers and give them flexibility so if they need an afternoon off to drive on a field trip one day on one week, they can work an extra 4 or 5 hours the next week to make it up, then they call it even—there is no overtime, there is no penalty. Government workers get it, but we will not give that same benefit to workers all across this country.

I am going to vote against cloture on this bill because cloture is designed to cut off debate. Many of the amendments that would help low wage workers are being eliminated. What it comes down to is just an unfunded mandate on several States, leaving out others.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, how much time do we have?

The PRESIDING OFFICER. The Senator has 20 minutes 40 seconds.

Mr. KENNEDY. Then I believe the leader's time has been reserved?

The PRESIDING OFFICER. That is correct.

Mr. KENNEDY. I thank the Chair.

Mr. President, just to put this whole issue in some perspective, I thought I would just take a minute or two to refresh both this body and those who are interested in this issue about increasing the minimum wage from $5.15 to $7.25 an hour, about what has happened to workers and what has happened, basically, to the middle class over the period of the last years.

Looking at this chart here, from 1947 to 1973, this is when the country was moving along together. This shows the different incomes. It divides the incomes of Americans into five different—effectively buckets: the lowest 20 percent, the second 20 percent, the middle 20 percent, the fourth 20 percent, and the top.

If you look at this for a period of 26 years, you will see that all America grew together. The economy worked for all Americans. As a matter of fact, it worked a little bit better for those with the lowest income, but the economy worked for all America. During that period of time, we had Republicans and Democrats alike who voted for the increase in the minimum wage as we increased in productivity. America went along together.

What has happened in the last several years, from 2001 to 2004? Here we have the lowest 20 percent. This represents the low-income groups, the minimum wage workers, then the second, third, middle, fourth, and the highest 20 percent is the gray area, and the top 1 percent is demonstrated by the red area. See what has happened to the country, how we have grown further and further apart—the explosion in wealth for the very top and the collapse of the American promise at the very lowest; the cutting out of millions of Americans from the hopes and the dreams and the idea of a fair and just America.

Those are the statistics. Those are the facts. We had a minimum wage which reflected that progress for 26 years when America grew together. We have now had 10 years of no growth in the minimum wage, and we see America growing further apart. We have a chance to do something about it this noontime. I am hopeful that we will.

As I mentioned earlier, I don't know why it is our friends on the other side have really such a contemptuous attitude about low-income working people. They eliminated the overtime program for 6 million Americans last year—6 million Americans who otherwise would have gotten an increase in the minimum wage. They eliminated that. When we had the crisis down in New Orleans, one of the first things the administration did was eliminate what they call the Davis-Bacon program, which is to provide wages that will be pegged to what the average wage is in that particular region, where construction workers average $29,000 a year. What in the world is wrong with someone making $29,000 a year so that you want to reduce their pay while they are working for the recovery from Katrina? But oh, no, they eliminated that kind of protection. Just as they cut back on the unemployment compensation for workers who were coming out of Katrina, and after the National Academy of Sciences said that with what is happening in the poultry business and the meat-cutting business, with computers, we need to do something primarily about women in the workplace on the issues of ergonomics—no way. No way we are going to look out after workers.

It is difficult for me to understand. What is it about it? What really gets our Republican friends that they just can't stand hard-working people? We will hear a lot of comments and lectures about, let's make work pay, that work paying is a real value. I hope we don't hear that lecture anymore around here from that side. I hope we are not going to hear anymore talk of values about it. The leaders of the great religions are in strong support. I have put those comments into the RECORD. They are in strong support of this. They believe it is a moral issue, to follow the admonition of Saint Matthew: What you do to the least of these, you do unto me. Talk about poverty. Talk about the poor.

This is just about a wage, the minimum wage. But it is about a just wage. What is it about that?

I see my friend from Ohio on the Senate floor. I know he has been interested in and has spoken about the issues of minimum wage and also about what has been happening in the middle class. I am glad to entertain any questions he might have or yield for any comment that he might wish to make.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN. Mr. President, I thank the Senator from Massachusetts. I appreciate especially his discussion about honoring work in this country. We hear talk of family values. We hear talk of honoring people who work hard and play by the rules. Yet, as the Senator recounted, the minimum wage hasn't been increased for 10 years. There has been almost a hostility to workers in this body and down the hall in the House of Representatives, where 6 million workers, as Senator KENNEDY pointed out, have lost their overtime or have had their overtime limited. There were attempts to cut the prevailing wage in Louisiana when the average wage of workers in Louisiana in the building trades was only $29,000.

When you look at the charts Senator KENNEDY pointed out, you see there is an absolute stagnation or decline in wages in the last 5 years for most Americans—for the 80 percent lowest paid Americans, if you will. But the top 20 percent have seen their wages, their salaries, just skyrocket. That is coupled with the fact that 1 percent, the wealthiest 1 percent of the people in this country possess more of the wealth of this country than the 90 percent lowest of the rest of us.

Mr. KENNEDY. Will the Senator yield on that issue?

Mr. BROWN. I will be happy to yield.

Mr. KENNEDY. The Senator understands. I have listened to him speak very eloquently in his maiden speech about what has happened in the middle class of America. The Senator understands that when we saw productivity increase in the 1960s and 1970s, all during this period when there was economic growth, we all went up together. The rising tide raised all the boats across the country. Then look at what happened. Productivity went up, and the real minimum wage went down.

Does the Senator not share the belief with me that if workers are going to work hard and produce—we have the labor force that is the hardest working labor force in the industrial world. It works longer, harder, and has had the greatest increase in productivity. Does the Senator not agree with me that at least some of that increase in productivity should have been passed on to working families?

Mr. BROWN. Absolutely. The real strength of our middle-class economy over the years, the opportunity through education, through hard work that has built a very prosperous country, really has operated under the assumption that if you are more productive, you share in the wealth you create—whether you are a minimum wage worker, whether you are an engineer, whether you are a schoolteacher—whoever you are. You are adding to the wealth of your employer, the wealth of our country, making our country better off. Clearly, when you talk about a higher minimum wage, when the minimum wage has declined and wages have declined overall, these workers are creating wealth for their employer, but simply are not sharing in that wealth. That is why one of the best selling books out there now is a book called "War Against The Middle Class."

As Senator KENNEDY has said, it is clear that as productivity has gone up, as workers are working harder than ever before, only a relatively small number of people are sharing in the wealth they create or sharing in the productivity gains that have always marked the success of our country and of our economy.

Mr. KENNEDY. Mr. President, can I ask the Senator another question. This good Senator was in the House of Representatives last year when the administration limited overtime pay for six million workers, and tens of thousands in my State of Massachusetts—tens of thousands. Close to 60,000 or 70,000 workers lost overtime pay. Overtime pay—if you are going to work more than 40 hours a week, you should be paid overtime. The administration eliminated that overtime pay for workers. They cut back on the protections of Davis-Bacon in the gulf and the recovery of the gulf. The workers down there who were unemployed, they ended the unemployment compensation for those workers who were otherwise eligible for it. This is unemployment compensation.

We want to remind everyone that the workers contribute to the unemployment compensation fund. They contribute as workers. If you don't contribute, you don't get unemployment compensation. So these are workers who have contributed to the fund. The fund was in surplus at that time. These are workers who have worked hard and couldn't find the jobs down there, and the administration cut back on those protections, cut back on the ergonomic protections. Even before the Sago mines, we find out they cut back in the mine safety and on safety officials. What is it? What is it, if the Senator from Ohio can help me.

I know about the great loss of jobs because of the support for tax incentives that sent jobs overseas and the failure to try and turn off that spigot. That means something for the middle-class workers. So if you add all of those together—we will find a chance now at 12 o'clock—if you add all of these together, we find the hostility—I call it hostility, not indifference—but hostility to workers, and I have difficulty understanding that.

Maybe the Senator could help me understand what has happened in his State that has been so adversely impacted, closing some of those provisions that affected impacted workers in the trade program.

Mr. BROWN. Absolutely. One of our friends from the other side of the aisle said this whole idea of raising the minimum wage is a less than honest effort to help working families. I am nonplussed by that.

Senator KENNEDY uses the term "hostility" toward workers. We are seeing more productivity and lower wages, except higher salaries for a relatively small number of people. That is not the American way. It is not the way we were taught in this country to honor work. It is not the way we were taught—to work hard and play by the rules.

Then, on top of that, we are now building more and more tax systems that give the greatest tax benefits to the wealthiest, that 20 percent squeezed out of that 1 percent who are absolutely doing the best, and we do no significant tax relief for working families, no significant tax relief for minimum wage workers. We are not willing to address the earned income tax credit, we are not willing to address helping those middle-class workers who are playing by the rules.

Mr. KENNEDY. Mr. President, if the Senator would yield for one more question, I appreciate him mentioning the earned income tax credit, because that can make a difference for families of three or more. They benefit with the earned income tax credit more than the minimum wage. If it is only an individual worker, an individual with a single child, they will benefit more with the increase. But the Senator is right, we ought to be trying to look at these issues in some harmony. But we don't hear any voices on that side to say: OK, Senator, if you want an increase in the minimum wage, we will give an increase in the earned income tax benefit. We will sit down and work something out. We don't hear any of that.

I want to draw to the attention of the Senator the fact that it has been 10 years since we have had an increase in the minimum wage, and over that period of time we have provided $276 billion in tax breaks for corporations, $36 billion in tax breaks for small businesses. We hear around here on the floor: Well, we haven't given the businesses enough and we have to put some more tax breaks on here in order to get an increase in the minimum wage.

Does the Senator buy that argument?

Mr. BROWN. No, I don't buy that argument. I came from the House of Representatives where I was for 14 years. I saw the minimum wage increase basically in 1 day in the House of Representatives a couple of weeks ago. We are now on the eighth day of delaying this minimum wage vote. The people who oppose this minimum wage don't think minimum wage workers should get a fraction of what we get in this body—the salary and benefits; they shouldn't even get a fraction of what we get. They are still unwilling to raise the minimum wage, just standing pure and simple.

The elections last year showed how many voters feel this Government has betrayed the middle class—betrayed them. They wanted to increase the minimum wage straightforwardly. We should have been able to pass on an up-or-down vote quickly the minimum wage. We can deal with tax issues later as this body always does. This should have been done more quickly. But there is, as Senator KENNEDY said, that hostility toward workers, whether it is overtime, whether it is Katrina workers, whether it is the refusal to raise the earned income tax credit, or whether it is their reluctance over 10 years, their digging-in reluctance against raising the minimum wage.

Mr. KENNEDY. Mr. President, if the Senator will yield, we are here on day seven now of this discussion. We had 16 days where we talked about the minimum wage another time. And this past week, since we started this debate, every Member of Congress has made $3,840 in the last week. Mr. President, $3,840 is what a minimum wage worker would make in 4 months—4 months. Three thousand eight hundred dollars, every Member of this Senate.

Does the Senator find it somewhat troublesome that we are getting paid $3,800 in this past week and we are standing here against an increase in the minimum wage, from $5.15 to $7.25, over a 2-year period? Does the Senator not share with me this extraordinary inequality that is so evident here in this body? Does he find it, as do I, highly depressing in terms of the actions of this body—not in terms of our will to continue fighting, but I was thinking of appropriate words and I kept rejecting the ones I was thinking about.

Mr. BROWN. Mr. President, let's look at the kind of work the minimum wage workers are doing. They are hotel workers in Cincinnati. They are farm workers in western Ohio. They are people who are working every bit as hard, and many would argue much harder, at much more difficult jobs in many ways while, as Senator KENNEDY said, we have made more in a week than they have made in 2 or 3 months. That is what makes for this Chamber's inability or unwillingness to pass this minimum wage increase more quickly—rather than continued delay, continued delay, continued delay, rather than having to do these tax breaks for some of their contributors, rather than do a straight up-or-down vote on whether we should increase the minimum wage for these workers who have worked hard and played by the rules. Don't they deserve a straight up-or-down vote?

Let's pass the minimum wage. Let's give them a chance, to bring up the minimum wage, to make up for the decline in the real value of the minimum wage over the last 10 years.

Again, as Senator KENNEDY has said, 6 times in the last 10 years while the House and Senate have refused to increase the minimum wage, 6 different times, these 2 bodies increased our own pay. That is shameful. That is reprehensible, when I hear my friends in this body or in Government talk about family values. Let's talk about real family values. Let's talk about making it possible for families to take care of their children, give their children a chance, an opportunity for education, an opportunity to find a decent job in the greatest country in the world.

Mr. KENNEDY. Mr. President, how much time do we have remaining?

The PRESIDING OFFICER. One minute.

Mr. KENNEDY. Just in that time, Ohio addressed the minimum wage, an increase in the minimum wage. Could the Senator in the last minute or so tell us what you found in traveling around, what was on people's minds and why they wanted to vote for it?

Mr. BROWN. I found overwhelming support for the minimum wage. In Ohio, 500,000 people got a raise because of what the voters in Ohio did in November, with overwhelming support of the minimum wage. Two hundred thousand children live in those 500,000 homes. Those are still families who often don't have health insurance, who often have great problems finding daycare for their children when they are holding their minimum wage jobs. Those are families who are struggling to provide the opportunity for their children to go to school. We know all that. At least one thing we can do here is increase the minimum wage to give those families—not just in Youngstown and in Ravenna, and not just in Springfield and in Xenia—a real chance to raise their children.

Mr. KENNEDY. I thank the Senator. I believe our time has expired.

The PRESIDING OFFICER. Under the previous order, there is 10 minutes reserved for the Republican leader at this time.

Mr. ENZI. Mr. President, the Republican leader has given me his time unless he should appear on the floor, and so I will do that.

I am a little disturbed about what I have heard here in the last several speeches this morning. The vote we are about to have is on whether the minimum wage will increase and there will be tax breaks for small businesses.

When we returned for this session of Congress, we had a number of bipartisan meetings, and I was pleased we had bipartisan meetings and talked about how we could work together and why we needed to work together for America. We talked about minimum wage a little bit, and I even saw newspaper articles where the majority leader and others on the Democratic side talked about the importance of having tax breaks for small business to take care of the impact from the increase in the minimum wage. I was encouraged by that. I thought: We are having some bipartisanship here. We are having some working together. I am encouraged.

Now, of course, the minimum wage came to the floor and I felt for a while it was a bait and switch. After Senator BAUCUS, the Senator from Montana, and Senator GRASSLEY, the Senator from Iowa, worked together to come up with this tax package and the tax package was introduced as a substitute to the bill, I said: I think we are making progress. I think this is going to work. I think it can happen. I think we can work together. I think we can get it done.

Then, of course, we had the cloture vote on the straight minimum wage and I thought: What is going on here? Was that to get our attention and make us feel good and then rip it away? Rip away the comments that were made about the need to help small business? We don't need class warfare in this country.

I keep hearing about a book that was mentioned here, "The War Against The Middle Class." Well, I am trying to figure out how the minimum wage worker made it into the middle class. I think we are talking about the small businessmen, who are being scrunched in from all angles, who are in the middle class, who are employing the people, sometimes at minimum wage, usually at a minimum skills position, and they train them to get better skills, and when they get better skills and can do more, they get paid more.

I always mention the McDonald's in Cheyenne, WY. A guy there starts people at minimum wage. Now, if they have to be at minimum wage more than about 3 weeks, they are probably not learning the job, probably not showing up on time. But the main point is he has had 3 people who started at minimum wage who now own 21 McDonald's. So there are opportunities out there, but you have to learn and improve to get more wages. We can raise the minimum wage and we are going to raise the minimum wage. And that will take the bottom step out of the ladder and people will be able to step up one more. Then, as we increase prices to help pay for that, unless we have the tax breaks, all we did was raise prices.

I hope we do not get into a class warfare. We do not need hostility to workers and between parties. It is 2 years until we have an election again. We do not need to start campaigns right now. We need to solve problems right now.

We have said one of the problems is the minimum wage, and we are going to solve it. They said we debated this six times in the last 10 years. We have. And every time it was brought up, we needed to do some decreases in taxes for the small businesses to take care of the impact this will have. That part got ignored every time. Consequently, raising of the minimum wage got ignored each time. Hopefully, we will not ignore either message and we will do both. The vote we will have this morning will be in regard to that.

Now, I will have to take some time after the vote and talk about some of the things that were raised because we cannot discuss them in a short period of time. There was talk about overtime taken away. We need to have debate on that. There was talk about unemployment. We need to have a little debate on it. When we are talking about safety officials at mines being cut back, we need to have a talk about that.

Senator KENNEDY, I, Senator ROCKEFELLER, and Senator ISAKSON went to West Virginia and looked at the Sago mine and talked to the people there. We talked to the mine officials. We talked to union officials. We talked to the families. We did a bill in 3 months that changed mine safety for the first time in 28 years because we worked together. We did not try to find divisions. We tried to find places we could come together.

Now, safety officials were cut back. They were cut back all over the Nation. The production of coal went down decidedly. Mines were closed. There were less mines. Of course, then the price of coal came back up and the mines opened again, and everything lags with the Federal Government.

There are problems we need to solve, but we do not need to make them into a war. We need to solve the problems that are involved in these instances and keep moving on for America. That is the vote we will take later today: a chance to move on for America. We will raise the minimum wage, and we are going to help out the small businesses, those people with all the risk out there who are employing people and training people so that they can continue to hire those people and pay those people so we can have the jobs and the training that the small business provides.

I hope that is the track we will go down. I know it will not be unanimous on either side, but we can get there if we work together.

I yield the floor and I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I believe I have 5 minutes.

The PRESIDING OFFICER (Mr. CASEY). The leader has 10 minutes.

Mr. REID. Mr. President, when we opened the Senate today, we asked that 10 minutes be divided between Senator KENNEDY and Senator REID. I yield 5 minutes.

Mr. KENNEDY. And would the Chair let me know when there is 1 minute remaining?

The PRESIDING OFFICER. The Senator will be notified.

Mr. KENNEDY. In the last few minutes, let me discuss what this issue is about. This issue is about John Hosier from Oklahoma who works at the Salvation Army for $6 an hour. He provides the family's sole paycheck. John and his wife Tina and their two children live on barely $200 a week. The family receives Government aid in the form of Medicare and food stamps but is still living on the verge of poverty. He said:

> It's hard on a small income . . . if it wasn't for the Salvation Army, I don't know where I'd be.

This is a vote on John Hosier.

This is a vote for Elizabeth Lipp of Missouri, a 21-year-old single mom. Elizabeth works two jobs, which, prior to a Missouri ballot initiative, paid $5.15. On weekdays Elizabeth worked as a housekeeper, and on the weekends she worked as a nurse's aide at a convalescent and retirement home. She lives with her mother and says:

> Getting by on $5.15 was a struggle. I pay out $75 a week alone for child care.

Extra money would help her mother with the bills, help pay off the car, and help her put aside some savings.

This is about Peggy Fraley from Wichita, KS, a 60-year-old grandmother. Her daughter, Karla, has five children, ages 6 to 17. Peggy works as a receptionist. Karla is a food service worker. Both women are working $5.15-an-hour jobs. The family is struggling to get by. Peggy explains:

> We can barely make it . . . but we've got each other. That's richer sometimes.

There it is. Those are the people we are fighting for and standing with. Those are the people we believe ought to get an increase from $5.15 to $7.25. You can call that a paycheck. It is just a paycheck. What Democrats are fighting for is a just paycheck.

Finally, we have to understand at the end of this debate, these are our fellow citizens, our brothers and sisters, citizens in the United States of America. These are men and women of dignity, who take pride in the job they do. It is a difficult job, but they still do it. They care about their children, they have hopeful dreams for their children.

We are a Nation of many faiths, but all of the faiths talk about, and the Bible teaches the evilness of exploitation of the poor to profit the rich. All faiths say that is wrong. They all say that is wrong.

St. Matthew's Gospel says: Whatever you have done unto the least of my brethren, you have done unto me.

It is time we reach out to these men and women of dignity, these men and women—primarily women—who have children. This is a women's issue, it is a children's issue, it is a fairness issue. It is an issue of basic moral fairness. It is a civil rights issue because so many of those men and women are men and women of color. And, most of all, it is a fairness issue. In the United States of America, the richest country in the world, we are saying to those people who work 40 hours a week, 52 weeks of the year: You shouldn't have to live in poverty. The other side says no. The other side says no.

We stand for those individuals. It is the right thing to do. It is a defining issue of fairness and decency, and it is an indication of what we as Americans feel about our fellow citizens. I hope we will get a strong vote in favor.

Just remember, if there is any question in your mind, in the last week, the last 7 days, Senators have made $3,800. Every Member of this Senate has earned that, and Members are going to vote no? Members are going to vote no to increase the minimum wage from $5.15 to $7.25 over 2 years? And we have just earned $3,800 in 1 week?

Opposing the increase in the minimum wage is wrong. It is wrong. Six months after an election and 2 years before an election, it is wrong. It is wrong every single day of the year.

I yield back the remainder of my time.

The PRESIDING OFFICER. The Democratic leader.

Mr. REID. Mr. President, the distinguished minority manager of this bill is easy to get along with. I want the record spread with the fact that he is a gentleman. I wish every Member in this Senate was as easy to work with as the Senator from Wyoming.

However, I do have some regard for how we have conducted ourselves on this bill in the majority. I have a memory. I know how things have happened in the past. No amendments, few amendments, or, if cloture was invoked on a bill, those amendments that were germane postcloture did not get a vote.

That is not how we are doing things. They may not have gotten all the votes they wanted, but it is interesting to note that the Members offering the amendments are not going to vote for the bill anyway.

We have a procedure. There are amendments germane postcloture, and we will vote on as many of those as we can. I prefer a straight minimum wage bill. The people of America deserve this raise after 10 years. However, the Republicans have said they want these $8 billion in tax cuts for business. If that is the only way we can get this bill out of here, I am willing to do that for the 13 million Americans who depend on minimum wage.

How could someone in the minority vote against what they asked for? We gave them what they asked for. They got all the business tax deductions, tax cuts, and then they are going to vote against cloture? I don't understand.

Raise the minimum wage to $7.25 for 13 million Americans—why can't we do that—and 5.5 million will have wages raised directly, and the other 7.5 million who make near the minimum wage will benefit when the lowest wages are lifted.

As Business Week magazine said a month ago, raising the minimum wage lifts the boat for everybody. I don't think Business Week magazine is seen as a bastion of liberality.

Of the 13 million Americans who stand to get a raise, more than 60 percent are women. For the majority of those women, that is the only money they get for them and their families. Almost 40 percent of the people who draw minimum wage are people of color. Eighty percent of the people who draw minimum wage are adults, many of them senior citizens. They are not all kids at McDonald's flipping hamburgers.

Mr. President, $7.25 may not seem like a lot of money in Washington, but it would mean almost $4,500 a year for the Nation's poorest people, the poorest working people in America. Do we want to drive those poor working people into welfare? The answer is, no.

Mr. President, $4,500 is a lot of money: 15 months of groceries for a family of three; 19 months of utilities; 8 months of rent. It helps with childcare and additional things they simply do not have the money to splurge on now.

After 10 years, it is time to stop talking about this issue and give the working poor of this country a raise after 10 years. I also advise my friends the majority believes this raise in the minimum wage is way overdue.

Everyone should understand, if cloture is not invoked, we are through with minimum wage. We are going to go to other matters. The first thing we go to is Iraq. We have to start debating Iraq this afternoon. Everyone should understand we are not going to come back in a day or two or 2 or 3 weeks. We have a lot of things to do. We have to allow Medicare to negotiate for lower priced drugs for the people who are Medicare recipients. We want to do something about stem cell. We want to implement the 9/11 Commission recommendations. We want to pass appropriations bills. And we want to pass immigration reform this year. Minimum wage is dead this year because of the minority. If they do not vote for cloture, it is over with.

I yield the floor.

The PRESIDING OFFICER. The Senator's time is expired. There is still 2 minutes remaining under the minority's control.

Mr. ENZI. I yield back the remainder of my time.

The PRESIDING OFFICER. The time is yielded back.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order and pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the Reid (for Baucus) substitute amendment No. 100 to Calendar No. 5, H.R. 2, providing for an increase in the Federal minimum wage.

Ted Kennedy, Barbara A. Mikulski, Daniel K. Inouye, Byron L. Dorgan, Jeff Bingaman, Frank R. Lautenberg, Jack Reed, Barbara Boxer, Daniel K. Akaka, Max Baucus, Patty Murray, Maria Cantwell, Tom Harkin, Robert Menendez, Tom Carper, Harry Reid, Charles E. Schumer, Richard Durbin.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on amendment No. 100, offered by the Senator from Montana, Mr. BAUCUS, an amendment in the nature of a substitute, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON) and the Senator from New York (Mr. SCHUMER) are necessarily absent.

Mr. LOTT. The following Senator was necessarily absent: the Senator from Kansas (Mr. BROWNBACK).

The PRESIDING OFFICER. Are they are any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 87, nays 10, as follows:

[Rollcall Vote No. 34 Leg.]

YEAS—87

Akaka
Alexander
Allard
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Brown
Bunning
Byrd
Cantwell
Cardin
Carper
Casey
Clinton
Cochran
Coleman
Collins
Conrad
Corker
Cornyn
Craig
Crapo
Dodd
Dole
Domenici
Dorgan
Durbin
Enzi
Feingold
Feinstein
Graham
Grassley
Hagel
Harkin
Hatch
Hutchison
Inouye
Kennedy
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Martinez
McCain
McCaskill
McConnell
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Sanders
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Tester
Thomas
Thune
Voinovich
Warner
Webb
Whitehouse
Wyden

NAYS—10

Burr
Chambliss
Coburn
DeMint
Ensign
Gregg
Inhofe
Isakson
Kyl
Vitter

NOT VOTING—3

Brownback
Johnson
Schumer

The PRESIDING OFFICER. On this vote, the yeas are 87, the nays are 10. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mr. DURBIN. I move to reconsider the vote.

Mr. KENNEDY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I thank the Senate. That was an extraordinarily strong vote. It certainly indicates that important progress is going to be made on this issue. I hope the sooner the better. We do have eight pending amendments that are germane. We are hopeful we can consider the DeMint amendment or a vote in relation to that. I understand there is a budget point of order on that that might be made. We look forward to trying to dispose of other amendments through the course of the afternoon.

For the benefit of the Members, we have 30 hours now on this particular proposal. We will have, unless the leaders are able to work something out tomorrow, another cloture vote on the underlying legislation.

We are prepared to move ahead on these amendments. I will talk to my friend and colleague, Senator ENZI, about them. Of the eight pending amendments, I believe six are under the jurisdiction of the Finance Committee. We will work that out with the members of the Finance Committee and inform the Senate as soon as possible thereon.

Mr. DORGAN. Will the Senator yield for a question?

Mr. KENNEDY. I am glad to yield.

Mr. DORGAN. I ask the manager, how many days have we been on the bill? I know this is legislation to increase the minimum wage. It has been on the floor for some long while. I understand there is a 30-hour postcloture period. I am curious: How long we have been on this bill and might we expect, for example, tomorrow to be able to complete legislation that would increase the minimum wage after 10 long years?

Mr. KENNEDY. To answer the Senator, this is the seventh day we have been on the minimum wage legislation. During this debate we have had 16 days where the Senate has addressed an increase in the minimum wage where we were unable to get a successful outcome. This is a subject that Members can understand quite readily. In one week since we started this, we have all received over $3,800 in pay ourselves, but we haven't increased the minimum wage from $5.15 to $7.25 over a 2-year period. I share the Senator's frustration about progress, the time it has taken us to get to this point. I hope our leaders can find a pathway that can expedite the process. Of the remaining issues, one is a DeMint amendment, which we have already addressed, that is adding the minimum wage on to all of the States rather than following the minimum wage standard. The other is a Chambliss amendment that ought to be on an immigration bill that deals with the AgJOBS payment. That is suitable for that rather than being on the minimum wage bill. But we are going to deal with these issues and do it in an expeditious way and continue to move forward.

Minimum wage workers ought to understand, though, that this was an important vote we have taken. I don't wish to be overly hopeful or optimistic, but I think help is on its way.

Mr. DORGAN. Mr. President, if the Senator will yield for one more question, this vote was encouraging. It gives us an opportunity to take another step. It has been a long and tortured trail because this subject has been discussed not just this year but in the last session and the session before that. This has been a long and tortured trail to get an increase in the minimum wage after 10 long years. My hope is that this cloture vote will give us an understanding that there is good will on all sides and a desire to move forward and get this completed. My hope is that we can complete this tomorrow. We have a lot of other issues Senator REID and others have suggested we ought to be moving to.

I thank my colleague for yielding.

Mr. KENNEDY. I thank the Senator.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, over the lunch hour, or shortly after that, the

Senator from Massachusetts and I will work together to see what we can do on the amendments, to see if they can be voted on as expeditiously as possible. I, too, feel compelled to address the question of the Senator from North Dakota about the number of days we counted on this. The minority will always count the days on a bill as those days we are allowed to vote. We only voted three out of seven, until today when we got the second cloture vote. We will insist we get votes on amendments as we proceed through this bill and other bills.

I am pleased the Senator from Massachusetts is willing to work with us to see what we can do on the outstanding amendments.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The Senator should be advised that there is an order to recess. Further debate would require unanimous consent.

Mr. LOTT. Mr. President, I ask unanimous consent that the order to recess be extended by 2 minutes so I may respond to some of the questions that have been raised.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Mr. President, let me point out that was an important vote we had. It was overwhelming. The Senate voted for cloture 87 to 10. So there is not going to be any prolonged, dilatory action here. Republicans and Democrats want to get this bill to conclusion. People on both sides of the aisle want to make sure that we don't act on this legislation in such a way that we wind up costing people jobs or costing small business men and women the opportunity to provide jobs.

We are making progress. The Finance Committee came out with a unanimous, bipartisan package which is now going to be a part of what we do here. We are going to get through this process in a reasonable period of time.

Our leaders, I am sure, are talking about how exactly we can get to conclusion and what we will go to next. But we have only had about 3 days, as was pointed out, on which we were actually dealing with amendments and making progress.

There have been 76 amendments filed. There are still 26 pending. We have disposed of 17 amendments. So we are making progress. But the vote that just took place did block some Members who had legitimate amendments which are relevant, although they are not germane postcloture, and there are a few amendments that are germane postcloture. So I assume we will get to a conclusion after some of those amendments are considered, and we will complete this legislation before this week is out and then we can move on to the next issue which is of concern to everybody, and that is the Iraq resolution.

I wanted the RECORD to reflect we are making progress and that there is not an action out of the ordinary to delay this bill. We have been through this before, and actually we are going to complete action in what is probably about a normal period of time for this type of legislation.

I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate will stand in recess until 2:15 p.m.

Thereupon, the Senate, at 12:47 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. CARPER).

Mr. HARKIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KENNEDY. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. MCCASKILL). Without objection, it is so ordered.

FAIR MINIMUM WAGE ACT OF 2007—Continued

Mr. KENNEDY. Madam President, we are prepared to move ahead on the amendments. We have some that are in the Finance Committee, some in our HELP Committee. We are prepared to move ahead on the Chambliss amendment. We would hope that the Senator might come to the floor to debate it. We are prepared to proceed. Senator FEINSTEIN is prepared to speak on it. I am prepared to debate it. The Finance Committee is in the process of working with Senator KYL on some of the other matters. It is 3:15 in the afternoon, and we are prepared to move ahead.

As I understand it, Senator DEMINT chose not to offer his amendment. So the Chambliss amendment would be the one amendment that is germane postcloture. We are prepared to deal with that at this time. We invite the Senator to come and debate the amendment.

We heard a great deal about how we want to move ahead, how we want to deal with the amendments. We are prepared to do so. I hope the good Senator will choose to come to the floor so we could continue to proceed with this legislation.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. TESTER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TESTER. Madam President, I rise today to talk about a subject that involves common decency and economic fairness—raising the minimum wage. In my State of Montana, thousands of workers struggle just to make ends meet with less than the State's current minimum standard. Twelve counties in Montana have 9 percent of their workforce making less than the State's current minimum wage standard. That makes it virtually impossible for those folks to try to obtain the middle class.

Raising the minimum wage is the first step to empowering the middle class, to making the middle class all it can be. We have talked about and for the last 6, 7 days we have heard about how important it is to raise the minimum wage. Let me tell my colleagues, if we are going to make this country all it can be, we need to show some attention to the middle class. This raising of the minimum wage, make no mistake about it, is the first step to empowering the middle class to make it vibrant once again. There are many things that can be done and I hope will be done when this 110th Congress goes forward. We are doing the right thing.

The fact is, people deserve a fair wage for the work they do. The current minimum wage at $5.15 an hour translates into less than $11,000 per year. One can't pay the bills with that kind of income.

I can tell my colleagues that as I drove around the State of Montana over the last year and a half, one of the fellows who made one of the biggest impressions on me was at a truck stop, when he asked me what I was going to do for average workers in the State of Montana. I said: What do you have in mind? He said: Currently, I work three jobs, and I still have difficulty making ends meet. What kind of quality of life can a person have working three jobs, struggling every day just to pay basic bills like heating, lights, and insurance?

The fact is that around this country, many States have passed minimum wage laws that have increased the minimum wage. Unfortunately, the leadership has not come from Washington, DC, on this issue; it has come from the States. And I think it is high time that this Congress—and it is unfortunate it hasn't happened before, but it is high time and it is welcomed that this Congress would step to the plate to increase the minimum wage from $5.15 to $7.25 an hour. It is the right thing to do, and it is a good first step. I will applaud the Senators if we, in fact, get this job done, which I think is entirely appropriate, to increase the minimum wage.

My State of Montana is one of six States that passed initiatives last November raising the minimum wage to a wage higher than the Federal standard. It passed with 73 percent of Montana's voters favoring this minimum wage increase. It is now at $6.50 an hour, indexed for inflation with no tip credit, meal credit, or training wage. This means employers may not count tips or benefits as part of the employee's wage for minimum wage purposes. This is a significant step forward for our workforce, and I hope the Federal Government will follow suit with passing this bill to make the economic struggles of almost 15 million Americans, including 7.3 million children, a little easier.

Raising the minimum wage is long overdue. It is about time, and it is about time we showed an appreciation for America's workforce.

I thank the Chair.

Mr. KENNEDY. Madam President, if the Senator will yield, I thank the Senator from Montana for his statement in support of the minimum wage. He comes from a very special part of this Nation, the northern part of the Rockies. It has great agriculture and farmlands. It has a number of communities—Butte, MT—where there is mining and a number of smaller communities where people have worked in manufacturing.

I thank the Senator for his statement and for his support. He has been on the floor a good deal of the time during the course of this debate, and having been just elected he brings to the Senate that fresh perspective of what people are thinking about in the heartland of the Nation. His comments bring additional strength to the argument in support of the increase. I express my appreciation to him for his good comments and statement in support of an increase. I thank the Senator.

Mr. TESTER. Madam President, I say to the Senator from Massachusetts, Montana is no different from any other State in this Union. We have a lot of hard-working folks who work for every penny they get. Quite frankly, sometimes they feel pretty unappreciated. It wasn't many years ago that we talked about American-made products and how proud we were of them and how proud we were of the workers who made those American-made products. We need to get back on that road once again.

I will say, as I said a few minutes earlier, this is long overdue and is something on which I wish the Federal Government would have taken the lead. But better late than never.

The PRESIDING OFFICER. The Senator from Georgia.

AMENDMENT NO. 118 WITHDRAWN

Mr. CHAMBLISS. Madam President, I have amendment No. 118 which is under consideration. After consultation with the Senator from Massachusetts, I am going to withdraw that amendment, but as I withdraw it, I want to say, as we move into the immigration debate, which we will do on the floor of the Senate hopefully sooner rather than later, this amendment will come up again. The importance of this amendment cannot be overstated. There are farmers and ranchers all across America who use a legal workforce versus an illegal workforce.

Between now and the time this debate comes up on immigration, I am afraid that by not moving ahead with the adoption of this amendment, we are going to encourage farmers and ranchers in the use of illegal immigrants. But the fact is, we have been debating this minimum wage bill now for 2 weeks or more. It is time to conclude it. This amendment has stirred up some controversy—for the right reasons, because we do need to talk about the amount of money we pay to our workforce in the agricultural sector. But I do appreciate the Senator from Massachusetts, in his conversations and his commitment to me, that as we move into the immigration debate we will talk about this once again, as we did last year.

Madam President, at this time I withdraw that amendment. I ask unanimous consent to do so.

The PRESIDING OFFICER. The amendment is withdrawn.

The Senator from Massachusetts.

Mr. KENNEDY. Madam President, I thank the Senator from Georgia.

This is not a new issue. I know my friend and colleague from California is going to speak to the substance of it. The Senator from Georgia raised this during the last debate on the immigration bill. He has spoken about it a number of times earlier in the debate. These are complicated questions and issues that have enormous impact, these wage rate issues, in terms of agriculture across this country. He speaks for his State on this issue.

I am grateful he is going to withdraw this amendment at this time. I am very hopeful we are going to get to the immigration issue in a timely way. We have it as a high priority on our side to address it. We are very hopeful we are going to get to it in March, this year, and we will have an opportunity both in the committee and on the floor to come to grips with the substance of this issue.

I say, finally, the adverse wage goes back some 43 or 44 years. It goes back to a time when it was implemented and we had what they call the bracero program, which was a dark side of exploitation of workers from Mexico. It has been in effect, but the Senator is asking now that we get another look at this issue.

I know the Senator from California will speak on the substance of it. This wage rate has been frozen at a level for the last few years as part of another bill, the AgJOBS bill. But this is an immigration-related issue because we are talking about workers who are going to come from overseas. The Senator has spoken about it. I know he feels strongly about it. We know we are going to consider it in the course of that discussion and debate. But I appreciate the fact that he is not pressing it on this minimum wage bill. I thank him for it, and we look forward to trying to find a solution to it in the future.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Madam President, I listened carefully to the Senator from Massachusetts, and I very much agree with his remarks. I also thank the Senator from Georgia for withdrawing this amendment.

This amendment muddies churning waters even more. I think it would be very difficult if put in at this time. The way to go about this is through something called the AgJOBS bill. I have seen the Senator from Idaho on the floor. The Senator from Idaho, the Senator from Massachusetts, and myself have all played a role in the AgJOBS bill.

If I understand what the Senator from Georgia was trying to do, it was to substantially change the H–2A program, which is the temporary agricultural worker program. That is a visa program, codified under section 218 of the Immigration and Naturalization Act. Under current law, employers of H–2A guest workers must pay the State minimum wage, the Federal minimum wage, the State's adverse effect wage rate—which is the market rate or the local prevailing wage, whichever is highest.

The Chambliss amendment would have required that H–2A employers pay the greater of either the Federal minimum wage or a newly defined prevailing wage.

My staff called both departments mentioned on line 6 at page 2 of his amendment—that is the Occupational Employment Statistics Program and the Bureau of Labor Statistics—neither of which had a prevailing rate they could certify.

This amendment, if promulgated, would have presented serious problems for our agricultural workers. For example, in my home State, the adverse effect wage rate is $9. This rate is higher than the Federal minimum wage. Because we do not know what the prevailing wage would mean in the Chambliss amendment, it would most likely result in a major cut of wages for agricultural workers.

Now, in AgJOBS, we have negotiated a 3 year freeze of the adverse wage rate so that a study could take place. It would give us a period of time to work this issue out. I think to do this as an amendment, without negotiation, without a real hearing, is a tremendous mistake. So I am very pleased the Senator chose to withdraw his amendment. I would have spoken as strongly as I possibly could against it had he not withdrawn it. I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Madam President, let me join with my colleagues on this issue in thanking the Senator from Georgia for withdrawing the amendment. It is possible to say that the concept of adverse wage is an anomaly unto itself, specific to the H–2A program. That is not to suggest it is right. It is to suggest that it was there and it ratcheted up on an automatic basis to establish the wage base for H–2A workers in the guest worker program.

The Senator from California is right. As we began to negotiate and create what is now known as AgJOBS, which she and I reintroduced earlier this year, in that was a back-off from the adverse wage and a holding of the line for a period of time to level out. What the Senator from Georgia is attempting to do is establish a new wage rate. I think the Senator from California is right; we are not sure where it would go or what it would mean.

I am going to stand here and say that is not to suggest a new wage rate is not the right way to go, to establish equity between H–2A and non-H–2A workers who are doing the same job in the field, or somewhere else in agriculture. But there ought to be a consistency. If we are going to bring large groups of guest workers in—and we will, we always have; there are certain types of work only they will do—then I think we have to be sensitive to the uniqueness of that situation.

But at the same time, it is important that we are sensitive to all of the other requirements we put upon the employer as a part of the total employment package. Is it housing? Certain other conditions along with the wage that they necessarily would not have to pay to a domestic worker who was doing comparable wage but was outside the H–2A program?

There is a disparity today. That is why we backed it off in the negotiations. H–2A workers, by their definition, were becoming noncompetitive. Of course, in the environment in which we were working, they were becoming noncompetitive to the illegal who was in the market. So you have disparity across the board. I don't dispute what the Senator from Georgia is attempting to do. I visited with some labor attorneys who found it very problematic. If you are going to do this, we ought to work collectively, review it appropriately, apply it against a variety of workforces to see that it is uniform and just for all employees and employers who may, because of their uniqueness, provide certain conditions for the worker that otherwise would not be necessary to provide.

I used to be in agriculture. We paid a certain wage. We provided a house and we provided fuel for the rig. We also provided certain grocery and food supplies. That was all viewed as a factor of employment with the employee. There are a variety of things we have to get correct. The Senator from California said it would have muddied the water a great deal. I think it would have frustrated it. I think it would have taken out part of the force that it is valuable that we keep together as we try to reform the H–2A program, deal with the problem we currently have to secure and stabilize a legal, transparent workforce for American agriculture, treat foreign nationals right who come here legally for the purpose of that kind of employment.

I don't know that this would have accomplished it. Withdrawing it, coming together with us, trying to resolve this problem I think offers us an opportunity to get our work done on this portion of immigration reform this year. I hope and I know the Senator from California agrees with me. I hope we can accomplish that by the end of the year.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. If I may, Madam President, I would make a statement and then ask the Senator from Idaho a question. This morning I was visited by a delegation from Tulare County, which is an agricultural county in the central valley of California. These were city and county officials who pointed out the enormous loss from the frost and the fact that it looks as though the citrus loss is going to be at least $800 million and the total loss will be over $1 billion. Nobody knows the tree loss yet, let alone the avocado or nursery plant loss or the row crop loss of strawberries and lettuce and other crops. But this will also have an impact on the ability to find agricultural labor, and I think the Senator agrees, I know I agree, that we must pass the AgJOBS bill.

Madam President, an estimated 90 percent of agricultural labor in this country—the picker part of it, not necessarily the processing and canning part of it, but the picking part, the field work—an estimated 90 percent is by undocumented people. What we have tried to do is develop a plan, which actually passed the Senate once before as part of the comprehensive immigration bill, called AgJOBS. This also reformed the H–2A program.

We have been trying to get that bill up before this body for a vote. This next year is going to be a singularly difficult year for agriculture, and with the inability to get a consistent workforce, farmers don't know if they can plant, they don't know if they can prune, they don't know if they can pick, because they don't know if they will have enough labor.

My question to the Senator from Idaho through the Chair is, Do you agree with the statement I made?

Mr. CRAIG. I agree totally and I agree for all the reasons the Senator from California put forward—and a couple more. One of the things the Congress is committed to—both the Senators on the floor at this moment have voted for it—is to secure our Southwest border. We are investing heavily on that at this moment, and we should be. There is no question about that. We may argue about how many miles of fence, but we all recognize an unsecured border is a very problematic thing. It is closing. It is becoming secure and we are going to continue to invest in it. As we are doing that, all of these other problems are beginning to happen because that workforce is moving around and they are not staying with agriculture. The Senator lost a tremendous amount this year in the San Joaquin, in the greater agricultural area of California.

I spoke with young farmers and ranchers of the Idaho Farm Bureau this weekend. We have lost hundreds of millions—nowhere near what the Senator from California has lost, but we have a different kind of agriculture. The intensity of ours, the hand labor of ours is simply not as great as the Senator's. But there is a real problem and that problem is quite simple. If we don't get this corrected, we may well be looking at $5 billion worth of agricultural loss this year, and half of that or more will come from California alone, let alone all the other areas, and I may even be conservative in my guesstimate.

So the Senator is absolutely right. Now we are coupled with the natural weather disasters that have hit California and could hit my State at some time in the future. That is typical of agriculture. But, if we provide a stable and secure workforce that is legal, then we have helped our agriculture a great deal in knowing that when they do produce a crop, they have the people there to help them get it out of the field, get it to the processor and ultimately to the retail shelves of America.

Mrs. FEINSTEIN. Madam President, I thank the Senator from Idaho. My plea, and I know the Senator joins with me, is that the people of America will weigh in and say: Get this bill passed; that agricultural labor will weigh in, corn and citrus, potatoes, apples, wherever it is in the United States, wherever they need a consistent, legal workforce, will please weigh in and say to this body: Get that bill up and get it passed, and will say to the other body: Get that bill up and get it passed. Senator CRAIG and I have been coming to the floor from time to time to plead to give us time. I believe the majority leader will give us time—I am uncertain as to when, but I believe it is going to happen. My hope is that it happens sooner rather than later because the predictability is so important. Here we are, we are at the end of January, we are going into February. People are getting their loans to plant and that kind of thing, and they need to know they can deliver a crop. They need to know they can get the workforce to deliver that crop. So this is a huge issue economically for America and for the agricultural industry.

So I wish to say to the Senator from Idaho and to the Senator from Massachusetts, I thank them so much for their work on this issue. I wish that the Senator from Georgia would be with us on AgJOBS, because I believe it is the right way to go, and I believe his State—Georgia—will also be benefited by the H-2A reforms in the bill. For California, the H-2A reforms mean that this program, which hasn't been used by agriculture because it was so cumbersome, will now be used by agriculture. It, in effect, is the guest worker program. So passing AgJOBS secures a legal guest worker program for agriculture and also a path to legalization for those who have engaged in agricultural labor who will pay a fine, who will pay their taxes, who will commit to work in agricultural labor for another 3 years, thereby providing that consistent workforce.

So I very much hope that the day will not be far distant when the Senator from Idaho and I will be on the floor and will, hopefully, be able to mount a substantial vote for this important bill.

I thank the Chair.

Mr. OBAMA. Madam President, I come to the floor today to support a long overdue raise for America's lowest paid workers from $5.15 an hour to $7.25 an hour.

As you know, more than 6 million hourly workers currently earn less than $7.25 an hour. They work hard, they pay taxes, they try to raise strong families. For a few them, it is a first job, they are young, and they do not have to support anyone else. But 80 percent of them are adults, and about half of them are their household's primary breadwinner. Forty-seven percent of them are poor, and many have to work two or three jobs just to make ends meet.

Work should keep Americans out of poverty. It should make it possible for you to live with dignity and respect, to have a comfortable place to live in a safe neighborhood, to see a doctor, to have a shot at education, to save a little money, to enjoy the opportunities of this great country. But that's out of reach for most people at $5.15 and hour. It is time that we do better by those in our workforce who make the least.

The Federal minimum wage is at its lowest inflation-adjusted level since 1955, and it has been stagnant for almost a decade. That does not reflect well on our country and Americans are overwhelmingly supportive of an increase. In fact 29 States and countless cities have taken action and set higher minimums of their own. It is time for the Federal Government to do the same. And I know we can achieve that in a bipartisan way.

We have had a vigorous debate about the impact of the minimum wage on employment levels and on small businesses. And I agree that all policy decisions must be made with full consideration of possible unintended consequences. But the evidence clearly indicates that raising the minimum wage is good for workers and that the effects on small businesses are negligible.

Following the most recent increase in the Federal minimum wage in 1997, the low-wage labor market actually performed better than it had in decades, with lower unemployment rates, higher average hourly wages, higher family income and lower rates of poverty. And most studies of State minimum wage increases have found no measurable negative impact on employment.

A group of 650 economists, including several Nobel laureates, recently issued a statement, saying: "We believe that a modest increase in the minimum wage would improve the well-being of low-wage workers and would not have the adverse effects that critics have claimed."

They further note:

> While controversy about the precise employment effects of the minimum wage continues, research has shown that most of the beneficiaries are adults, most are female, and the vast majority are members of low-income working families.

But raising the minimum wage is not just good economics, it is also a statement of our commitment to each other as Americans. I am convinced that most Americans agree that the person who serves your food or handles your checkout at the grocery store deserves to be paid a decent wage. Most people agree that parents working full time—no matter what their job or occupation—should not have to raise their children in poverty.

In fact, I think that most Americans worry, as I do, that even $7.25 an hour is not enough in many parts of the country where a living wage that would cover housing, schooling and healthcare needs might have to be twice as high or more.

But the increase to $7.25 would restore the value of the minimum wage that inflation has eroded since the last increase nearly a decade ago. It would mean an additional $4,200 in annual earnings for a full-time, minimum wage worker. It would trigger additional increases in the earned-income tax credit for low-income parents.

Today, a family of four with one minimum-wage earner lives in poverty. With the increase in the minimum wage, that family would be lifted 5 percent above the poverty line instead of being 11 percent below the poverty line in 2009, as it would be under current law.

The minimum wage cannot be the end of our commitment to help working families. But it is an important place to start.

Mr. DORGAN. Madam President, I voted in opposition to the Gregg amendment, No. 101, which he said would establish a legislative line-item veto.

However, the Gregg amendment is not a line-item veto at all. It is an enhanced rescission proposal that would give the President unprecedented powers to wait for up to 1 full year before unilaterally deciding to rescind areas of spending that Congress has previously determined are in the public interest.

That is not what I call a line-item veto.

A line-item veto would give the President short term authority when he is signing legislation to extract certain portions of that legislation. But to suggest the President should have the power to decide, up to 1 year after the appropriations process has been completed, that he wishes to withhold certain areas of expenditures is one of the most unusual transfers of power from the legislative branch to the President that I have ever seen proposed.

The power of the purse belongs to the legislative branch, and I am willing to work with the legislative branch and the White House to try to find a way to reduce inappropriate Federal spending. But I am not willing to give the President the authority that would allow him to use a fast track process or enhanced recission authority to undermine Social Security or take any number of other actions that would give a President virtually unlimited powers of the purse.

That is not the way the Constitution intended the separation of powers to work and I could not support the overreaching amendment offered by Senator GREGG.

ORDER OF PROCEDURE

Mrs. FEINSTEIN. Madam President, if I may, I ask unanimous consent that at 4:10 p.m., the Senate proceed to executive session to consider en bloc Executive Calendar nominations 6 and 7; that there be 10 minutes for debate equally divided between Senators LEAHY and SPECTER or their designees; and that upon the use or yielding back of the time, the Senate proceed to vote on the nomination of Lisa Godbey Wood to be United States District Judge, to be followed immediately by a vote on the nomination of Philip S. Gutierrez to be a United States District Judge; that motions to reconsider be laid on the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative business; that all time consumed in executive session count postcloture; and that there be 2 minutes between each vote.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

NOMINATION OF LISA GODBEY WOOD

Mrs. FEINSTEIN. Madam President, one of these judges, Philip Gutierrez, is for the central district of California.

Vice Judge Terry Hatter, who at one point was the chief judge, a very good chief judge, has retired. Mr. GUTIERREZ is one of two judicial emergencies we need to fill. His nomination went through the special commission that we have, which is Republicans and Democrats who screen these judicial nominations. He has served on the Los Angeles County Superior Court. He also served on the municipal court. He is a Los Angeles native. He graduated from Notre Dame and UCLA Law School. I strongly support his nomination.

Madam President, I yield the floor.

Mr. CRAIG. Madam President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ISAKSON. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOMINATION OF PHILIP S. GUTIERREZ

Mr. ISAKSON. Madam President, in a few moments the Senate will be considering the vote on the confirmation of Lisa Godbey Wood as a judge in the State of Georgia. First of all, I wish to thank the chairman of the Judiciary Committee, Senator LEAHY, for all the commitments he made last year as ranking member and that he has followed through on this year as chairman to bring this judge's confirmation to the full Senate for a vote. Senator LEAHY has been a gentleman. He has been diligent. He has lived up to every responsibility he accepted. I, personally, along with Senator CHAMBLISS, am very grateful for the opportunity to confirm this outstanding jurist.

I also wish to say that Lisa Godbey Wood brings to the bench for the Federal courts of the United States of America the integrity, the intellect, the sense, and the judgment that all of us seek in a fine judge. I am pleased to stand before the Senate today to commend her to each and every Member of the Senate, and my sincerest hope is that her confirmation will be a unanimous vote.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. FEINSTEIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

LISA GODBEY WOOD TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF GEORGIA

PHILIP S. GUTIERREZ TO BE UNITED STATES DISTRICT JUDGE FOR THE CENTRAL DISTRICT OF CALIFORNIA

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nominations en bloc, which the clerk will report.

The legislative clerk read the nomination of Lisa Godbey Wood, of Georgia, to be United States District Judge for the Southern District of Georgia, and Philip S. Gutierrez, of California, to be United States District Judge for the Central District of California.

Mrs. FEINSTEIN. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. LEAHY. Madam President, today the Senate is considering the first judicial nominations of the year. If these nominees are confirmed, it will be the 101st and 102nd while I have served as Judiciary Committee Chairman under this President. If confirmed, these nominees will bring the total number of President Bush's nominees confirmed during his tenure to 260.

Last Thursday, the Judiciary Committee held its first business meeting of the year. We were delayed a few weeks by the failure of the Senate to pass organizing resolutions on January 4, when this session first began. The Republican caucus had meetings over several days after we were in session before finally agreeing on January 12 to S. Res. 27 and S. Res. 28, the resolutions assigning Members to Senate committees.

The Judiciary Committee has traditionally met on Thursday. Regrettably, the delay in Senate organization meant that I could not notice or convene a meeting of the Committee the morning of January 11, as I had hoped. We devoted the intervening Thursday to our oversight hearing with the Attorney General. January 18 was the date the Attorney General selected as most convenient for him, and we accommodated him in that.

Accordingly, it was last Thursday that we were first able to meet. At our first meeting, I included on our agenda the nominations of five men and women to lifetime appointments as federal judges. Three were for vacancies that have been designated judicial emergencies by the Administrative Office of the Courts. Before proceeding, I inquired of each Member of the Committee whether a hearing was requested on these nominations this year. They were each nominees we had considered in the Committee last year. They were returned to the President without Senate action when Republican Senators objected to proceeding with certain nominees in September and December last year. Last week I thanked the Members of the Judiciary Committee for working with me to expedite consideration of these nominations this year. In particular, I extend thanks to our new Members, the Senators from Maryland and Rhode Island.

All five nominations were not sent to the Senate until January 9. We have moved promptly to vote to report them on January 25 and now begin the process of final Senate consideration. I know from last year that Senators CHAMBLISS and ISAKSON are strong supporters of Ms. Wood's nomination to fill the emergency vacancy in Georgia. I appreciate that they have both worked with me and am delighted that hers is the first nomination to be considered by the Senate this year.

The second nomination we will consider is that of Philip S. Gutierrez, another nominee to a seat deemed to be a judicial emergency. He has been nominated to the U.S. District Court for the Central District of California after a distinguished career in private practice and as a Los Angeles County Superior and Municipal Court judge. While on the Superior Court, Judge Gutierrez served as a founding member of the Judicial Ethics Committee, which developed a curriculum for ethics training for every California judicial officer, and devoted significant time to improving the court system statewide. Judge Gutierrez, a Los Angeles native, is a graduate of the University of Notre Dame and UCLA Law School.

This new Congress presents an opportunity for a fresh start on judicial nominations, one that emphasizes qualifications and bipartisan consensus over political game-playing by the other side. President Bush made the right decision in not resubmitting this year several controversial and troublesome nominees who failed to win confirmation from a Republican-controlled Senate. Of course it is unfortunate that we lost many months of valuable time on those failed nominations. We spent far too much time engaged in political fights over a handful of nominees in the last Congress, time the Senate could have spent making progress on filling vacancies with qualified consensus nominees.

I do wish the President had gone further and renominated three nominees for vacancies in the Western District of Michigan who were reported out of Committee, but left pending on the Senate's Executive Calendar when some on the other side of aisle blocked the nomination of Judge Janet Neff for one of those seats. All three nominations were for vacancies that are judicial emergency vacancies—three in one federal district. The Senators from Michigan had worked with the White House on the President's nomination of three nominees to fill those emergency vacancies. The Judiciary Committee proceeded unanimously on all three. Working with then-Chairman SPECTER, the Democratic Members of the Committee cooperated to expedite their consideration. On September 16, we held a confirmation hearing for those three nominees on an expedited basis and reported them out of Committee on September 29.

Regrettably, rather than meet to work out a process to conclude the consideration of judicial nominations last session, the Republican leadership apparently made the unilateral decision to stall certain of these nominations, including those for the judicial emergencies in the Western District of Michigan and, in particular, the President's nomination of Judge Janet Neff. After the last working session in October, I learned that several Republicans were objecting to Senate votes on some of President Bush's judicial nominees. According to press accounts, Senator BROWNBACK had placed a hold on Judge Neff's nomination, even though he raised no objection to her nomination when she was unanimously reported out of Judiciary Committee. Later, without going through the Committee, Senator BROWNBACK sent questions to Judge Neff about her attendance at a commitment ceremony held by some family friends several years ago in Massachusetts. Senator BROWNBACK spoke of these matters and his concerns on one of the Sunday morning talk shows.

I wondered at the end of the last Congress whether it could really be that Judge Neff's attendance at a commitment ceremony of a family friend failed some Republican litmus test of ideological purity, that her lifetime of achievement and qualifications were to be ignored, and that her nomination was to be pocket filibustered by Republicans.

I do not know why the President has not chosen to renominate Judge Neff or the other two Western District nominees. But the approach to nominations we saw in the last Congress, of using nominations to score political points rather than filling vacancies and administering justice, has led to a dire situation in the Western District of Michigan. Judge Robert Holmes Bell, Chief Judge of the Western District, wrote to me and to others about the situation in that district, where several judges on senior status—one over 90 years old—continue to carry heavy caseloads to ensure that justice is administered in that district. Judge Bell is the only active judge. If not for Republican objections, these nominations would be filled by now.

I urge the President to fill these and other outstanding vacancies with consensus nominees. The Administrative Office of the U.S. Courts list 59 judicial vacancies, 28 of which have been deemed to be judicial emergencies. So far in this Congress, the President has sent us 30 judicial nominations. There remain 17 judicial emergency vacancies—17—now without any nominee at all.

We continue to make progress today towards filling longstanding judicial vacancies. If the President consults with us and works with us to send consensus selections instead of controversial nominations for important lifetime appointments, we can make good progress filling vacancies.

The American people expect the federal courts to be fair forums where justice is dispensed without favor to the right or the left. I intend to do all that I can to ensure that the federal judiciary remains independent and able to provide justice to all Americans. These are the only lifetime appointments in our entire government, and they matter. I will also continue in the 110th Congress to work with Senators from both sides of the aisle, as I have with Senators CHAMBLISS and ISAKSON as well as Senators FEINSTEIN and BOXER. I congratulate Ms. Woods and Judge Gutierrez on their confirmations today.

Mrs. FEINSTEIN. Madam President, I yield back the time.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Lisa Godbey Wood, of Georgia, to be U.S. District Judge for the Southern District of Georgia? The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN) and the Senator from South Dakota (Mr. JOHNSON) are necessarily absent.

Mr. LOTT. The following Senator is necessarily absent: the Senator from Kansas (Mr. BROWNBACK).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 97, nays 0 as follows:

[Rollcall Vote No. 35 Ex.]

YEAS—97

Akaka
Alexander
Allard
Baucus
Bayh
Bennett
Bingaman
Bond
Boxer
Brown
Bunning
Burr
Byrd
Cantwell
Cardin
Carper
Casey
Chambliss
Clinton
Coburn
Cochran
Coleman
Collins
Conrad
Corker
Cornyn
Craig
Crapo
DeMint
Dodd
Dole
Domenici
Dorgan
Durbin
Ensign
Enzi
Feingold
Feinstein
Graham
Grassley
Gregg
Hagel
Harkin
Hatch
Hutchison
Inhofe
Inouye
Isakson
Kennedy
Kerry
Klobuchar
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Martinez
McCain
McCaskill
McConnell
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Sanders
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Tester
Thomas
Thune
Vitter
Voinovich
Warner
Webb
Whitehouse
Wyden

NOT VOTING—3

Biden
Brownback
Johnson

The nomination was confirmed.

NOMINATION OF PHILIP S. GUTIERREZ

The PRESIDING OFFICER. There will now be 2 minutes of debate equally divided on the Gutierrez nomination.

Mr. LEAHY. Madam President, Philip S. Gutierrez is the second nomination we consider today to a seat deemed to be a judicial emergency. We considered his nomination in the Judiciary Committee late last week and the two Senators from California have urged we move this nomination without further delay. I am pleased that we are able to do so today. As I said earlier before the vote to confirm Lisa Godbey Wood to fill an emergency vacancy in Georgia, Judge Gutierrez's nomination will be the 102nd to be confirmed while I have served as Judiciary Committee chairman and the 260th nominee of President Bush to be confirmed.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Madam President, I thank the majority leader and Chairman LEAHY for bringing up the nomination of Philip Gutierrez. He has an outstanding academic record. His bachelor's degree is from the University of Notre Dame. He has a law degree from UCLA. He has been rated "well qualified" by the American Bar Association.

Judge Gutierrez was nominated during the last Congress and his nomination reported out of the Judiciary Committee with a favorable recommendation on September 21, 2006. The Senate, however, did not act on his nomination prior to adjournment of the 109th Congress.

President Bush renominated Judge Gutierrez in the 110th Congress and his nomination reported out of the Judiciary Committee on January 25, 2006.

Judge Gutierrez received his BA degree from the University of Notre Dame in 1981 and a JD from the UCLA School of Law in 1984.

Judge Gutierrez's substantial experience both in private practice and on the California Superior Court have prepared him to serve on the Federal bench.

He began his legal career as an associate with the Los Angeles firm Wolf, Pocrass & Reyes from 1984 to 1986 and then worked as an associate with Kern

& Wooley from 1986 to 1988. At both firms, Judge Gutierrez worked on civil tort liability litigation.

In 1988, Judge Gutierrez joined the law firm of Cotkin & Collins in Santa Ana as managing partner. At Cotkin, he focused his practice on business litigation with an emphasis in professional liability and insurance coverage.

In 1997, Judge Gutierrez was appointed to serve on the Whittier Municipal Court where he presided over misdemeanors, felony arraignments, and civil matters.

In 2000, he was elevated to the Los Angeles County Superior Court where he currently sits in the Pomona division. He presides over a range of significant civil and criminal matters, including felony cases.

Active in judicial governance and education, Judge Gutierrez currently serves on the Los Angeles County Superior Court Executive Committee and the California Judges Association's Committee on Judicial Ethics, of which he is a former chair.

He serves on several committees of the California Center for Judicial Education and Research.

The American Bar Association has rated Judge Gutierrez unanimously "well qualified."

Madam President, I know the Members on the Senate floor would like to have a detailed description of his résumé, but they will have to read it in the CONGRESSIONAL RECORD. I ask unanimous consent it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

PHILIP STEVEN GUTIERREZ

UNITED STATES DISTRICT JUDGE FOR THE CENTRAL DISTRICT OF CALIFORNIA

Birth: October 13, 1959, Los Angeles, CA

Legal Residence: California.

Education: B.A., 1981, University of Notre Dame; J.D., 1984, U.C.L.A. School of Law.

Employment: Associate, Wolf, Pocrass & Reyes, 1984–1986; Associate, LaFollette, Johnson, DeHaas, Fesler & Ames, 07/86–09/86; Associate, Kern & Wooley, October 1986–1988; Managing Partner, Cotkin & Collins, 1988–1997; Judge, Whittier Municipal Court, 1997–2000; Judge, Los Angeles Superior Court, 2000–Present.

Selected Activities: Chair, California Judges Association, Committee on Judicial Ethics, 2003–2004; Vice Chair, 2002–2003; Member, Los Angeles Superior Court Executive Committee, 2005–Present; Member, California Center for Judicial Education and Research, 2000–Present; Seminar Leader and Faculty Member, B.E. Witkin California Judicial College, 2004–2005; Member, State Bar Committee on Professional Liability Insurance, 1991–1997; Member, American Bar Association, Tort and Insurance Practice Insurance Coverage Litigation Committee, 1992–1997; Member, Orange County Bar Association, 1988–1997; Board Member, Hispanic Bar Association of Orange County, 1993–1995; Board Member, Westside Legal Services, 1986–1998.

Mr. SPECTER. Madam President, I yield the floor.

Mr. CRAIG. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is, Will the Senate advise and consent to the nomination of Philip S. Gutierrez, of California, to be United States District Judge for the Central District of California. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN) and the Senator from South Dakota (Mr. JOHNSON) are necessarily absent.

Mr. LOTT. The following Senator was necessarily absent: the Senator from Kansas (Mr. BROWNBACK).

The PRESIDING OFFICER (Mr. SALAZAR). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 97, nays 0, as follows:

[Rollcall Vote No. 36 Ex.]

YEAS—97

Akaka
Alexander
Allard
Baucus
Bayh
Bennett
Bingaman
Bond
Boxer
Brown
Bunning
Burr
Byrd
Cantwell
Cardin
Carper
Casey
Chambliss
Clinton
Coburn
Cochran
Coleman
Collins
Conrad
Corker
Cornyn
Craig
Crapo
DeMint
Dodd
Dole
Domenici
Dorgan
Durbin
Ensign
Enzi
Feingold
Feinstein
Graham
Grassley
Gregg
Hagel
Harkin
Hatch
Hutchison
Inhofe
Inouye
Isakson
Kennedy
Kerry
Klobuchar
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Martinez
McCain
McCaskill
McConnell
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Sanders
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Tester
Thomas
Thune
Vitter
Voinovich
Warner
Webb
Whitehouse
Wyden

NOT VOTING—3

Biden
Brownback
Johnson

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the President will be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

Mr. BAUCUS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. OBAMA. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. OBAMA. Mr. President, I ask unanimous consent to speak for 10 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

IRAQ

Mr. OBAMA. Mr. President, today in Iraq we sadly find ourselves at the very point I feared when I opposed giving the President the open-ended authority to wage this war in 2002, an occupation of undetermined length and undetermined cost, with undetermined consequences in the midst of a country torn by civil war.

The American people have waited. The American people have been patient. We have given chance after chance for a resolution that has not come and, more importantly, watched with horror and grief at the tragic loss of thousands of brave young American soldiers.

The time for waiting in Iraq is over. The days of our open-ended commitment must come to a close. The need to bring this war to an end is here.

That is why today I am introducing the Iraq War De-escalation Act of 2007. This plan would not only place a cap on the number of troops in Iraq and stop the escalation; more importantly, it would begin a phased redeployment of United States forces with the goal of removing all United States combat forces from Iraq by March 31, 2008, consistent with the expectations of the bipartisan Iraq Study Group that the President has so assiduously ignored.

The redeployment of troops to the United States, Afghanistan, and elsewhere in the region would begin no later than May 1 of this year, toward the end of the timeframe I first proposed in a speech more than 2 months ago.

In a civil war where no military solution exists, this redeployment remains our best leverage to pressure the Iraqi Government to achieve the political settlement between its warring factions, that can slow the bloodshed and promote stability. My plan allows for a limited number of United States troops to remain as basic force protection, to engage in counterterrorism, and to continue the training of Iraqi security forces.

If the Iraqis are successful in meeting the 13 benchmarks for progress laid out by the Bush administration itself, this plan also allows for the temporary suspension of the redeployment, provided Congress agrees that the benchmarks have actually been met and that the suspension is in the national security interest of the United States.

The United States military has performed valiantly and brilliantly in Iraq. Our troops have done all we have asked them to do and more, but no amount of American soldiers can solve the political differences at the heart of somebody else's civil war, nor settle the grievances in the hearts of the combatants.

It is my firm belief that the responsible course of action for the United States, for Iraq and for our troops, is to oppose this reckless escalation and to pursue a new policy. This policy I have laid out is consistent with what I have advocated for well over a year, with many of the recommendations of the bipartisan Iraq Study Group, and with what the American people demanded in the November election.

When it comes to the war in Iraq, the time for promises and assurances, for waiting and for patience, is over. Too many lives have been lost and too many billions of dollars have been spent for us to trust the President on another tired and failed policy that is opposed by generals and experts, Democrats and Republicans, Americans, and many of the Iraqis themselves.

It is time for us to fundamentally change our policy. It is time to give the Iraqis back their country. And it is time to refocus America's efforts on the challenges we face at home and the wider struggle against terror yet to be won.

Thank you very much, Mr. President.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MENENDEZ). Without objection, it is so ordered.

TRADE RELATIONS WITH LATIN AMERICA

Mr. GRASSLEY. Mr. President, I rise to speak on the U.S. trade agenda. There are a number of important items on this year's trade agenda, including reauthorization of Trade Promotion Authority for the President and reauthorizing our trade adjustment assistance programs for workers who are displaced by trade. I will speak on those priorities another day.

Today I want to focus on our trade relations with our neighbors in Central and South America. During my chairmanship of the Finance Committee, Congress passed implementing bills for trade agreements covering 12 countries. Out of these 12 countries, over half—7—are located in Latin America. I am pleased that Congress acted to strengthen our economic relations with Chile, the Dominican Republic, Guatemala, Honduras, El Salvador, Nicaragua, and Costa Rica, by implementing our trade agreements with these neighbors to the south. And I think we should all be pleased that these seven countries made it a priority to develop closer economic ties with us and to further commit themselves to transparency and the rule of law.

I hope that the current Congress will continue working to strengthen economic relations between the United States and Latin America. Fortunately, we already have a roadmap for doing so. We have concluded free trade agreements with Peru and Colombia, and we are about to sign an agreement with Panama. It is up to this Congress to pass implementing legislation for these agreements. Failure to do so would only damage our relations with these important allies and embolden other southern neighbors who are increasingly hostile to the United States.

Moreover, by implementing our trade agreements with Peru, Colombia, and Panama, we would provide an important boost for U.S. exporters. During my time in the Senate, I have heard many of my colleagues complain that the global trade situation reflects an uneven playing field. To some extent, I agree. In too many cases, the duties imposed on U.S. exports by our trading partners are much higher than our duties. That is certainly the situation with Peru, Colombia, and Panama. Right now, almost all imports from those three countries enter the United States duty free. Ninety percent of the value of our imports from Colombia enter duty-free. With respect to Panama, it is over 95 percent, and with respect to Peru it is 97 percent.

On the other hand, our exports to these countries face significant duties. Colombia's tariffs generally range from 10 to 20 percent, while those of Peru range from 12 to 25 percent. After Panama acceded to the World Trade Organization in 1997 its tariffs averaged 8 percent, but since then Panama has raised tariffs on certain agricultural products. For example, Panama's tariff on pork—a major Iowa product—is currently 74 percent, while its tariff on chicken imports is 273 percent. Now that is what I call a one-way street.

This imbalance is largely the result of unilateral trade benefits that we extend to these nations. Panama gets duty-free access to our markets under the Caribbean Basin Initiative, while Peru and Colombia are eligible under the Andean Trade Preference Act. And all three are eligible under our Generalized System of Preferences.

The nonpartisan U.S. International Trade Commission, ITC, analyzed our trade agreements with Peru and Colombia. The ITC concluded that these agreements will help to level the playing field that is currently tilted against U.S. exporters.

Here is what the ITC has to say about our trade promotion agreement with Peru:

> Given the substantially larger tariffs faced by U.S. exporters to Peru than Peruvian exporters to the United States, the TPA is likely to result in a much larger increase in U.S. exports than in U.S. imports.

The ITC goes on to state that the agreement will likely increase U.S. exports to Peru by 25 percent, while Peruvian exports to the United States will grow by 8 percent.

The ITC's analysis of our trade promotion agreement with Colombia draws similar conclusions. The ITC report states that:

> Colombian exporters generally face substantially lower tariffs in the U.S. market than do U.S. exporters in the Colombian market. . . . The TPA is likely to result in a much larger increase in U.S. exports to Colombia than in U.S. imports from Colombia.

The ITC predicts that after implementing the agreement, U.S. exports to Colombia will be $1.1 billion higher than today, and U.S. imports from Colombia will be $487 million higher.

The ITC has not yet completed its analysis of our trade agreement with Panama. But given the disparity in tariff levels between the United States and Panama, I think it is safe to assume that the ITC will reach similar conclusions regarding the likely economic impact of that agreement as well. And the benefits of these three trade agreements will be spread across all major sectors of our economy. U.S. agricultural producers, manufacturers, and service providers all stand to gain.

According to the American Farm Bureau Federation, our trade agreement with Peru could increase U.S. agricultural exports by over $705 million annually. With respect to Colombia, the Farm Bureau predicts that full implementation of our trade agreement will have an annual net benefit of over $660 million for the U.S. agricultural sector. The Farm Bureau hasn't finished its analysis of the impact of our trade agreement with Panama, but I am confident that it will find major benefits for U.S. farmers.

Our manufacturers stand to gain as well. According to the International Trade Commission, U.S. producers of machinery, chemicals, rubber, and plastic products will be among the biggest beneficiaries of these agreements. And Panama will eliminate tariffs on manufactured products within 10 years of implementing our trade agreement.

U.S. service providers will also gain from increased trade with Peru, Colombia, and Panama. Under their respective agreements, each of those countries agree to exceed the commitments they made on services in the World Trade Organization.

In addition, Panama is scheduled to initiate a $5.25 billion expansion project for the Panama Canal in 2008. Our trade agreement with Panama will help ensure market access for U.S. service providers for this major project.

So to those of my colleagues who complain that the current world trading situation is unfair, here is a chance to help fix the problem. By implementing trade agreements with Peru, Colombia, and Panama, Congress will level the playing field for U.S. farmers, manufacturers, and service providers in these important markets. These agreements will boost U.S. exports and help create jobs. I think it is ironic that some of my colleagues oppose these free trade agreements and yet at the same time complain the loudest about the trade deficit and how the deck is stacked against U.S. exporters.

These agreements level the playing field. It is beyond me as to how someone could oppose that. Now, I understand that there is rising protectionism in Congress. But let's look at the facts. Take as an example the Dominican Republic-Central America Free Trade Agreement, otherwise known as CAFTA.

According to the U.S. Department of Commerce, our exports to the CAFTA countries were up 17 percent in the period January through November 2006, while our imports from the CAFTA countries were up 3 percent. As a result, our trade balance swung from a $1.2 billion deficit 2 years ago to an annualized surplus of $1 billion last year. That is what happens when you level the playing field.

And we are not the only ones who stand to benefit. Peru, Colombia, and Panama will also benefit from implementing our trade agreements. The leaders of these countries are to be commended. By pursuing trade agreements with the United States, they have demonstrated a commitment to locking in economic reforms, increasing economic freedoms, and enhancing transparency and respect for the rule of law.

That leadership and foresight will be rewarded once our trade agreements are implemented. I read recently in the Wall Street Journal of a joint study conducted by the Journal and the Heritage Foundation. According to the article, their study found that "economically free countries enjoy significantly greater prosperity than those burdened by heavy government intervention."

We certainly see examples of heavy-handed government intervention in some other Latin American countries. Instead of fostering individual and economic liberty, these governments are embracing the failed policy of statism. Chief among them is the Government of Venezuela.

President Chavez has announced plans to turn Venezuela into a "socialist republic." To that end, he announced this month that he plans to nationalize Venezuela's telecommunications and electricity industries. That decision will directly impact U.S. companies with investments in those sectors of the Venezuelan economy.

President Chavez also might nationalize Venezuela's mining sector, and he intends to increase state control over the oil industry as well. Significantly, President Chavez is demonstrating that those who withdraw economic rights often seek to withdraw political rights, and that those who centralize economic power tend to centralize political power. For example, he has stated that he plans to pull the broadcasting license of one of Venezuela's oldest television broadcasters, which also happens to be one of his major critics. President Chavez is also proposing changes in Venezuelan laws that will enable him to rule by decree for 18 months, permit his indefinite reelection as President, and reduce the power of state governors and mayors.

Unfortunately, President Chavez is not alone. Two other countries in the region are moving toward increased state control of their economies. Bolivia and Ecuador each currently enjoy duty-free access to the U.S. market under the Andean Trade Preference Act. Yet last year Bolivia undertook a de facto nationalization of its natural gas industries, forcing companies to renegotiate their contracts with the state. Bolivian President Morales is also considering nationalizing the country's mining, electricity, and telecommunications sectors. In the case of Ecuador, last year the government revoked the operating license of a U.S. oil company and seized $1 billion of the company's assets.

So Latin America is clearly divided. Some countries, led by Venezuela, are consolidating economic power in the state. President Chavez is also clearly seeking to centralize political power, and has demonstrated an active hostility to the United States.

That stands in stark contrast to our allies and trading partners, Peru, Colombia, and Panama. The governments of these three countries have gone out on a limb. They have demonstrated they want closer economic ties with the United States. They appreciate that, by working with us, by building more links between businesses in their countries and ours, they can better improve the lives of their citizens. We need to reward that leadership. We should do so by implementing our respective trade agreements as soon as possible. If we don't, we will be turning our backs on allies in the region. We will be sending a signal to Latin America that we don't really care about opening markets and enhancing the rule of law. Instead, we'd help build the clout of Chavez and other leaders in the region who see the failed policy of statism as Latin America's future. And we would be shooting ourselves in the foot by giving up a chance to level the playing field. Why would we want to do that?

Before concluding, I would like to address two other sets of issues that have arisen with respect to our trade agreements with Peru, Colombia, and Panama. First are the labor and environment chapters of the agreements, and second is the Andean Trade Preference Act.

I understand that some in Congress would like to see the labor and environment chapters of these agreements renegotiated. I disagree. I believe that the provisions on labor and the environment are strong. And I note that renegotiation would effectively preclude implementation of these agreements under the current Trade Promotion Authority, which is set to expire on July 1.

I question whether those who would insist on renegotiation aren't really trying to kill the agreements outright. In my view, the best thing we can do to advance labor rights and environmental protections in these countries is to implement our trade agreements with them. Implementation will increase the rate of economic growth and prosperity in these countries. It will increase business activity and awareness of labor rights. It will create new bodies for more active oversight of labor and the environment.

As important as labor and the environment are to some of my colleagues, I don't see how they can justify holding back these trade agreements that are so good for the United States. They should be embarrassed for holding them up. The sooner we implement these agreements, the sooner our farmers, manufacturers, and service providers will benefit from them. That being said, I understand that U.S. Trade Representative Susan Schwab is in discussions with some of my colleagues to explore ways to address their concerns regarding labor and the environment. I am willing to listen to any constructive proposals that are put forward.

Separately, I note that the Andean Trade Preference Act has been extended until June 30. That leaves Congress sufficient time to implement our trade agreements with Peru and Colombia, so that their preferential access to the U.S. market does not terminate.

But with respect to Bolivia and Ecuador, their preferential access to the U.S. market will terminate after June 30 because we don't have comprehensive trade agreements lined up with those two countries.

Some of my colleagues are already talking about extending the Andean Trade Preference Act beyond June 30. I see no reason to do so. If Congress acts responsibly and implements our trade agreements with Peru and Colombia by June 30, neither of those countries will need unilateral preferential trade benefits.

As far as Bolivia and Ecuador go, I see no reason to extend preferential trade benefits to them. Not only are they withholding market access from U.S. exporters, they are actively engaged in nationalizing industries and expropriating foreign assets.

It wouldn't be right to treat imports from Bolivia and Ecuador the same as products from Peru and Colombia. Why should Congress be in the business of rewarding bad behavior? So I disagree with my colleagues who favor extending the Andean Trade Preference Act past June 30.

In sum, Mr. President, I hope that the administration will soon be in a position to send implementing legislation for the U.S-Peru Trade Promotion Agreement to Congress. And I urge my colleagues to work with me to implement not only that agreement, but also our agreements with Colombia and Peru as soon as possible. Our agricultural producers, manufacturers, and service providers are counting on us. Our allies are counting on us. It is in our economic interest, and it is in our national interest. Now it is up to Congress. We have to execute our responsibilities without delay. We cannot let the opportunities embodied in these trade agreements slip us by.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business, with Senators allowed to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES RULES OF PROCEDURE

Mr. LEVIN. Mr. President, I ask unanimous consent, in accordance with rule XXVI, paragraph 2, of the Standing Rules of the Senate, to have printed in the RECORD the Rules of the Committee on Armed Services.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

COMMITTEE ON ARMED SERVICES RULES OF PROCEDURE

1. Regular Meeting Day. The Committee shall meet at least once a month when Congress is in session. The regular meeting days of the Committee shall be Tuesday and Thursday, unless the Chairman, after consultation with the Ranking Minority Member, directs otherwise.

2. Additional Meetings. The Chairman, after consultation with the Ranking Minority Member, may call such additional meetings as he deems necessary.

3. Special Meetings. Special meetings of the Committee may be called by a majority of the members of the Committee in accordance with paragraph 3 of Rule XXVI of the Standing Rules of the Senate.

4. Open Meetings. Each meeting of the Committee, or any subcommittee thereof, including meetings to conduct hearings, shall be open to the public, except that a meeting or series of meetings by the Committee or a subcommittee thereof on the same subject for a period of no more than fourteen (14) calendar days may be closed to the public on a motion made and seconded to go into closed session to discuss only whether the matters enumerated below in clauses (a) through (f) would require the meeting to be closed, followed immediately by a record vote in open session by a majority of the members of the Committee or subcommittee when it is determined that the matters to be discussed or the testimony to be taken at such meeting or meetings—

(a) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(b) will relate solely to matters of Committee staff personnel or internal staff management or procedure;

(c) will tend to charge an individual with a crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise to expose an individual to public contempt or obloquy or will represent a clearly unwarranted invasion of the privacy of an individual;

(d) will disclose the identity of any informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement;

(e) will disclose information relating to the trade secrets or financial or commercial information pertaining specifically to a given person if—

(1) an Act of Congress requires the information to be kept confidential by Government officers and employees; or

(2) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person; or

(f) may divulge matters required to be kept confidential under other provisions of law or Government regulations.

5. Presiding Officer. The Chairman shall preside at all meetings and hearings of the Committee except that in his absence the Ranking Majority Member present at the meeting or hearing shall preside unless by majority vote the Committee provides otherwise.

6. Quorum. (a) A majority of the members of the Committee are required to be actually present to report a matter or measure from the Committee. (See Standing Rules of the Senate 26.7(a)(1)).

(b) Except as provided in subsections (a) and (c), and other than for the conduct of hearings, nine members of the Committee, including one member of the minority party; or a majority of the members of the Committee, shall constitute a quorum for the transaction of such business as may be considered by the Committee.

(c) Three members of the Committee, one of whom shall be a member of the minority party, shall constitute a quorum for the purpose of taking sworn testimony, unless otherwise ordered by a majority of the full Committee.

(d) Proxy votes may not be considered for the purpose of establishing a quorum.

7. Proxy Voting. Proxy voting shall be allowed on all measures and matters before the Committee. The vote by proxy of any member of the Committee may be counted for the purpose of reporting any measure or matter to the Senate if the absent member casting such vote has been informed of the matter on which the member is being recorded and has affirmatively requested that he or she be so recorded. Proxy must be given in writing.

8. Announcement of Votes. The results of all roll call votes taken in any meeting of the Committee on any measure, or amendment thereto, shall be announced in the Committee report, unless previously announced by the Committee. The announcement shall include a tabulation of the votes cast in favor and votes cast in opposition to each such measure and amendment by each member of the Committee who was present at such meeting. The Chairman, after consultation with the Ranking Minority Member, may hold open a roll call vote on any measure or matter which is before the Committee until no later than midnight of the day on which the Committee votes on such measure or matter.

9. Subpoenas. Subpoenas for attendance of witnesses and for the production of memoranda, documents, records, and the like may be issued, after consultation with the Ranking Minority Member, by the Chairman or any other member designated by the Chairman, but only when authorized by a majority of the members of the Committee. The subpoena shall briefly state the matter to which the witness is expected to testify or the documents to be produced.

10. Hearings. (a) Public notice shall be given of the date, place and subject matter of any hearing to be held by the Committee, or any subcommittee thereof, at least 1 week in advance of such hearing, unless the Committee or subcommittee determines that good cause exists for beginning such hearings at an earlier time.

(b) Hearings may be initiated only by the specified authorization of the Committee or subcommittee.

(c) Hearings shall be held only in the District of Columbia unless specifically authorized to be held elsewhere by a majority vote of the Committee or subcommittee conducting such hearings.

(d) The Chairman of the Committee or subcommittee shall consult with the Ranking Minority Member thereof before naming witnesses for a hearing.

(e) Witnesses appearing before the Committee shall file with the clerk of the Committee a written statement of their proposed testimony prior to the hearing at which they are to appear unless the Chairman and the Ranking Minority Member determine that there is good cause not to file such a statement. Witnesses testifying on behalf of the Administration shall furnish an additional 50 copies of their statement to the Committee. All statements must be received by the Committee at least 48 hours (not including weekends or holidays) before the hearing.

(f) Confidential testimony taken or confidential material presented in a closed hearing of the Committee or subcommittee or any report of the proceedings of such hearing shall not be made public in whole or in part or by way of summary unless authorized by a majority vote of the Committee or subcommittee.

(g) Any witness summoned to give testimony or evidence at a public or closed hearing of the Committee or subcommittee may be accompanied by counsel of his own choosing who shall be permitted at all times during such hearing to advise such witness of his legal rights.

(h) Witnesses providing unsworn testimony to the Committee may be given a transcript of such testimony for the purpose of making minor grammatical corrections. Such witnesses will not, however, be permitted to alter the substance of their testimony. Any question involving such corrections shall be decided by the Chairman.

11. Nominations. Unless otherwise ordered by the Committee, nominations referred to the Committee shall be held for at least seven (7) days before being voted on by the Committee. Each member of the Committee shall be furnished a copy of all nominations referred to the Committee.

12. Real Property Transactions. Each member of the Committee shall be furnished with a copy of the proposals of the Secretaries of the Army, Navy, and Air Force, submitted pursuant to 10 U.S.C. 2662 and with a copy of the proposals of the Director of the Federal Emergency Management Agency, submitted pursuant to 50 U.S.C. App. 2285, regarding the proposed acquisition or disposition of property of an estimated price or rental of more than $50,000. Any member of the Committee objecting to or requesting information on a proposed acquisition or disposal shall communicate his objection or request to the Chairman of the Committee within thirty (30) days from the date of submission.

13. Legislative Calendar. (a) The clerk of the Committee shall keep a printed calendar for the information of each Committee member showing the bills introduced and referred to the Committee and the status of such bills. Such calendar shall be revised from time to time to show pertinent changes in such bills, the current status thereof, and new bills introduced and referred to the Committee. A copy of each new revision shall be furnished to each member of the Committee.

(b) Unless otherwise ordered, measures referred to the Committee shall be referred by the clerk of the Committee to the appropriate department or agency of the Government for reports thereon.

14. Except as otherwise specified herein, the Standing Rules of the Senate shall govern the actions of the Committee. Each subcommittee of the Committee is part of the Committee, and is therefore subject to the Committee's rules so far as applicable.

15. Powers and Duties of Subcommittees. Each subcommittee is authorized to meet, hold hearings, receive evidence, and report to the full Committee on all matters referred to it. Subcommittee chairmen, after consultation with Ranking Minority Members of the subcommittees, shall set dates for hearings and meetings of their respective subcommittees after consultation with the Chairman and other subcommittee chairmen with a view toward avoiding simultaneous scheduling of full Committee and subcommittee meetings or hearings whenever possible.

FRANKLIN DELANO ROOSEVELT

Mr. SCHUMER. Mr. President, it is with great honor that I rise to recognize our 32nd President, Franklin Delano Roosevelt. One hundred and twenty-five years ago today, FDR was born at Hyde Park, NY. During his childhood, Franklin developed a lifelong love for the natural beauty and history of the Hudson River Valley.

Like his famous cousin, President Theodore Roosevelt, FDR enjoyed a rapid rise in politics. A graduate of Harvard College and Columbia Law School, FDR was first elected to the New York State Senate in 1910. Following service as Assistant Secretary of the Navy during the Woodrow Wilson administration, he was the Democratic Party's unsuccessful nominee for Vice President of the United States in 1920.

Just months later, his personal and political world was upended when polio left him paralyzed below the waist. Most assumed his public life was over. Yet Roosevelt turned aside all thought of retreat. With the help of his wife Eleanor, he maintained his political contacts and was determined to continue serving his State and country.

Roosevelt's resolve was rewarded in 1928 when he triumphantly reentered political office, winning election as Governor of New York. Two years later, with America now in the grip of the Great Depression, he was reelected in a landslide. He set out to make New York a laboratory for aggressive efforts to use government to provide economic relief and put people back to work.

In 1932, the darkest year of the Depression, the Democratic Party turned to FDR as its nominee for President. His resounding victory gave him a mandate for fundamental change. When he took the oath of office on March 4, 1933, our Nation was on the brink of economic collapse, with 13 million Americans unemployed. FDR quickly sprang into action to meet this challenge. Declaring that the only thing the Nation had to fear was "fear itself," he created Federal programs that put millions of people back to work and provided aid for others so that they could feed their families. He reformed banking, aided organized labor, invested in the Nation's infrastructure, and established social programs, including Social Security, that changed the way in which Americans and their government interact. Most important, he restored people's hope and self-respect.

On December 7, 1941—a date that Roosevelt said would live "in infamy"—America entered the war. During the daunting years that followed, FDR led the Nation as Commander in Chief. He directed a massive effort to convert America's economy to wartime production, encouraged his fellow citizens to sacrifice for the common good, and helped lead an international coalition in a global war to defeat the Axis Powers. Roosevelt envisioned a postwar world shaped by four fundamental human freedoms: freedom of speech, freedom of religion, freedom from want, and freedom from fear. To help achieve this vision, he was a forceful advocate for a postwar United Nations Organization.

In 1944, with the war still underway, FDR faced a decision on whether to run for an unprecedented fourth term as President. "All that is within me," he declared, "cries out to go back to my home on the Hudson River, to avoid public responsibilities, and to avoid also the publicity which in our democracy follows every step of the Nation's Chief Executive." Yet despite his yearning to retire to the quiet of Hyde Park, FDR answered the call of duty to finish the job of winning the war. In November 1944 he was elected President once again.

In March 1945, with the war nearly won, an exhausted Roosevelt made what would be his final visit to Hyde Park. Worn down by heart disease and the stresses of wartime leadership, he then departed for a brief stay in Washington, DC, before heading to his retreat at Warm Springs, GA for a short vacation. Two weeks later, on April 12, 1945, he died there of a cerebral hemorrhage. On April 15, 1945, he came home to his beloved Hyde Park for the last time and was buried in a large rose garden just steps from his home and library.

Today, as we mark the 125th birthday of a great 20th century President, we also remember his special connection to New York State. In the Roosevelt Library, among millions of documents preserved for historians, is the draft of a speech FDR was working on the day before his death. The speech outlined his hopes for the postwar world. The final lines of that speech, handwritten in pencil by the President, speak eloquently of Franklin Roosevelt's unconquerable optimism and idealism: "The only limit to our realization of tomorrow will be our doubts of today. Let us move forward with strong and active faith."

So today let us remember our 32nd President, and let us also honor his memory by dedicating ourselves to overcome our own doubts of today in order to realize our visions of tomorrow.

ADDITIONAL STATEMENTS

AWARDS FOR OUTSTANDING ACHIEVEMENT

• Mr. THUNE. Mr. President, today I recognize Rodney Kraft, Eric Anderson, Nick Hodgin, and Cecilia Cedeno, all of whom received the Founder's Award for Outstanding Achievement from the Black Hills Workshop in Rapid City, SD. This is a prestigious award that reflects the recipients' hard work and dedication to achieving independent living. It also reflects the valuable role they have played in giving back to their local community.

Rodney Kraft has worked as a clerk at Ellsworth Air Force Base's supply store for the past 10 years. He is a dependable worker who is well liked by his fellow staff members and customers. Rodney also has a vast knowledge of computers which makes him an excellent resource for his coworkers.

Eric Anderson is a food service attendant at Ellsworth Air Force Base's Bandit Inn. He has been an excellent addition to their staff and has been rewarded for his hard work by receiving the Employee of the Month and Employee of the Quarter awards. He has recently completed his first degree brown belt in jujitsu and hopes to someday earn his black belt.

Nick Hodgin is an enthusiastic member of the janitorial team at Ellsworth AFB. In the past year, Nick has been promoted from a being a member of a supervised crew to working independently. Nick also loves working on diesel engines and is currently preparing to take the entrance exam for Western Dakota Technical Institute. In his spare time, he volunteers with the Black Hills Humane Society.

Cecelia Cedeno has recently retired from her work as a dishwasher at the Corn Exchange Restaurant in Rapid City, SD. As a dishwasher, Cecelia was praised by her employer for her strong work ethic and her kindness to the other staff members. Since her retirement, she has been spending part of the year visiting family in Arizona and the rest of her time enjoying her time in Rapid City.

It gives me great pleasure to rise with Rodney Kraft, Eric Anderson, Nick Hodgin, and Cecilia Cedeno to congratulate them on receiving these well-earned awards and wish them continued success in the years to come.•

COMMANDER LEDA MEI LI CHONG

• Mr. INOUYE. Mr. President, I am pleased to congratulate Commander Leda Mei Li Chong upon the completion of her career of service in the U.S. Navy. Throughout her 20-year military career, Commander Chong served with distinction and dedication.

As the first member in her family to serve in the military, Commander Chong received her commission from the United States Navy in 1987. She went on to teach math, chemistry, materials, and radiological controls at the Naval Nuclear Power School in Orlando, FL. From there, Commander Chong served in various technical positions always providing vital operational and training support to the naval fleet. Highlights include having been the Department of Defense military satellite communications liaison to the U.S. Coast Guard where she provided expert technical and policy guidance on ultra high frequency satellite capabilities. She was also deputy J6 to the commander, Iceland Defense Force where she provided critical command, control, and communications in support of NATO defense. Commander Chong volunteered as a White House social aide where she provided support to the President of the United States during important State events. Her most recent assignments were as a Navy congressional liaison to the Senate and House Armed Services Committees as well as to the Senate and House Defense Appropriations subcommittees. As a congressional liaison, her straightforward approach and complete grasp of all facets concerning C4ISR, information technology, and space programs have been of great benefit to my staff, the U.S. Congress and our national security. Commander Chong ensured that the U.S. congress had the information necessary to determine how to best equip, maintain and support the U.S. Navy.

Her family and her fellow shipmates can be proud of her distinguished service. Her parents Paul and Su and her husband Kevin have given her strong support during her naval career. As she departs the Pentagon to start her second career, I call upon my colleagues to wish Commander Chong and her family every success, and the traditional Navy "fair winds and following seas."•

MESSAGE FROM THE HOUSE

ENROLLED BILL SIGNED

At 10:02 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 188. An act to provide a new effective date for the applicability of certain provisions of law to Public Law 105–331.

The enrolled bill was subsequently signed by the President pro tempore (Mr. BYRD).

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ROCKEFELLER, from the Select Committee on Intelligence, without amendment:

S. Res. 50. An original resolution amending Senate Resolution 400 (94th Congress) to make amendments arising from the enactment of the Intelligence Reform and Terrorism Prevention Act of 2004 and to make other amendments (Rept. No. 110–3).

By Mrs. BOXER, from the Committee on Environment and Public Works, without amendment:

S. Res. 46. An original resolution authorizing expenditures by the Committee on Environment and Public Works.

By Mr. LEVIN, from the Committee on Armed Services, without amendment:

S. Res. 48. An original resolution authorizing expenditures by the Committee on Armed Services.

By Mr. ROCKEFELLER, from the Select Committee on Intelligence, without amendment:

S. Res. 51. An original resolution authorizing expenditures by the Select Committee on Intelligence.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. FEINGOLD:

S. 427. A bill to provide for additional section 8 vouchers, to reauthorize the Public and Assisted Housing Drug Elimination Program, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. NELSON of Florida (for himself, Ms. SNOWE, and Mrs. CLINTON):

S. 428. A bill to amend the Wireless Communications and Public Safety Act of 1999, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. INOUYE (for himself and Mr. AKAKA):

S. 429. A bill to amend the Native Hawaiian Health Care Improvement Act to revise and extend that Act; to the Committee on Indian Affairs.

By Mr. BOND (for himself, Mr. LEAHY, Mr. NELSON of Nebraska, and Ms. SNOWE):

S. 430. A bill to amend title 10, United States Code, to enhance the national defense through empowerment of the Chief of the National Guard Bureau and the enhancement of the functions of the National Guard Bureau, and for other purposes; to the Committee on Armed Services.

By Mr. SCHUMER (for himself and Mr. MCCAIN):

S. 431. A bill to require convicted sex offenders to register online identifiers, and for other purposes; to the Committee on the Judiciary.

By Mrs. LINCOLN (for herself, Ms. COLLINS, Mr. COLEMAN, Mr. DURBIN, and Mr. PRYOR):

S. 432. A bill to amend title XVIII of the Social Security Act to provide coverage for kidney disease education services under the Medicare program, and for other purposes; to the Committee on Finance.

By Mr. OBAMA:

S. 433. A bill to state United States policy for Iraq, and for other purposes; to the Committee on Foreign Relations.

By Mr. BINGAMAN (for himself, Mr. DOMENICI, Mr. REED, Ms. CANTWELL, Mr. LIEBERMAN, Mr. LEAHY, Mr. COLEMAN, and Mr. INOUYE):

S. 434. A bill to amend title XXI of the Social Security Act to permit qualifying States to use a portion of their allotments under the State children's health insurance program for any fiscal year for certain medicaid expenditures; to the Committee on Finance.

By Mr. BINGAMAN (for himself, Ms. SNOWE, Mr. DORGAN, Mr. ENZI, Ms. COLLINS, Mr. HAGEL, Mr. HARKIN, Mr. SCHUMER, Mr. LEAHY, Mr. LEVIN, Mr. SPECTER, Mr. NELSON of Nebraska, and Mr. SANDERS):

S. 435. A bill to amend title 49, United States Code, to preserve the essential air service program; to the Committee on Commerce, Science, and Transportation.

By Mr. FEINGOLD:

S. 436. A bill to amend the Internal Revenue Code of 1986 to reform the system of public financing for Presidential elections, and for other purposes; to the Committee on Finance.

By Mr. COLEMAN (for himself and Ms. KLOBUCHAR):

S. 437. A bill to provide for the conveyance of an A–12 Blackbird aircraft to the Minnesota Air National Guard Historical Foundation; to the Committee on Armed Services.

By Mr. ROCKEFELLER (for himself, Mr. SCHUMER, Mr. KOHL, and Mr. LEAHY):

S. 438. A bill to amend the Federal Food, Drug, and Cosmetic Act to prohibit the marketing of authorized generic drugs; to the Committee on Health, Education, Labor, and Pensions.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mrs. BOXER:

S. Res. 46. An original resolution authorizing expenditures by the Committee on Environment and Public Works; from the Committee on Environment and Public Works; to the Committee on Rules and Administration.

By Mr. DODD:

S. Res. 47. A resolution honoring the life and achievements of George C. Springer, Sr., the Northeast regional director and a former vice president of the American Federation of Teachers; to the Committee on the Judiciary.

By Mr. LEVIN:

S. Res. 48. An original resolution authorizing expenditures by the Committee on Armed Services; from the Committee on Armed Services; to the Committee on Rules and Administration.

By Mr. STEVENS (for himself and Ms. MURKOWSKI):

S. Res. 49. A resolution recognizing and celebrating the 50th anniversary of the entry of Alaska into the Union as the 49th State; to the Committee on the Judiciary.

By Mr. ROCKEFELLER:

S. Res. 50. An original resolution amending Senate Resolution 400 (94th Congress) to make amendments arising from the enactment of the Intelligence Reform and Terrorism Prevention Act of 2004 and to make other amendments; from the Select Committee on Intelligence; placed on the calendar.

By Mr. ROCKEFELLER:

S. Res. 51. An original resolution authorizing expenditures by the Select Committee on Intelligence; from the Select Committee on Intelligence; to the Committee on Rules and Administration.

ADDITIONAL COSPONSORS

S. 43

At the request of Mr. ENSIGN, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 43, a bill to amend title II of the Social Security Act to preserve and protect Social Security benefits of American workers and to help ensure greater congressional oversight of the Social Security system by requiring that both Houses of Congress approve a totalization agreement before the agreement, giving foreign workers Social Security benefits, can go into effect.

S. 46

At the request of Mr. ENSIGN, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 46, a bill to amend the Internal Revenue Code of 1986 to expand the permissible use of health savings accounts to include premiums for non-group high deductible health plan coverage.

S. 65

At the request of Mr. INHOFE, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 65, a bill to modify the age-60 standard for certain pilots and for other purposes.

S. 91

At the request of Mr. ENSIGN, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 91, a bill to require the Congressional Budget Office and the Joint Committee on Taxation to use dynamic economic modeling in addition to static economic modeling in the preparation of budgetary estimates of proposed changes in Federal revenue law.

S. 121

At the request of Mr. FEINGOLD, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 121, a bill to provide for the redeployment of United States forces from Iraq.

S. 156

At the request of Mr. MCCAIN, the names of the Senator from Oklahoma (Mr. COBURN) and the Senator from Maine (Ms. SNOWE) were added as cosponsors of S. 156, a bill to make the moratorium on Internet access taxes and multiple and discriminatory taxes on electronic commerce permanent.

S. 166

At the request of Mr. MCCAIN, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of S. 166, a bill to restrict any State from imposing a new discriminatory tax on cell phone services.

S. 184

At the request of Mr. INOUYE, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 184, a bill to provide improved rail and surface transportation security.

S. 231

At the request of Mrs. FEINSTEIN, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 231, a bill to authorize the Edward Byrne Memorial Justice Assistance Grant Program at fiscal year 2006 levels through 2012.

S. 240

At the request of Mr. CRAIG, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 240, a bill to reauthorize and amend the National Geologic Mapping Act of 1992.

S. 254

At the request of Mr. ENZI, the names of the Senator from Vermont (Mr. LEAHY), the Senator from Colorado (Mr. SALAZAR) and the Senator from Ohio (Mr. BROWN) were added as cosponsors of S. 254, a bill to award posthumously a Congressional gold medal to Constantino Brumidi.

S. 261

At the request of Ms. CANTWELL, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 261, a bill to amend title 18, United States Code, to strengthen prohibitions against animal fighting, and for other purposes.

S. 280

At the request of Mr. NELSON of Florida, his name was added as a cosponsor of S. 280, a bill to provide for a program to accelerate the reduction of greenhouse gas emissions in the United States by establishing a market-driven system of greenhouse gas tradeable allowances, to support the deployment of new climate change-related technologies, and to ensure benefits to consumers from the trading in such allowances, and for other purposes.

S. 309

At the request of Mr. SANDERS, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 309, a bill to amend the Clean Air Act to reduce emissions of carbon dioxide, and for other purposes.

S. 340

At the request of Mrs. FEINSTEIN, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 340, a bill to improve agricultural job opportunities, benefits, and security for aliens in the United States and for other purposes.

S. 344

At the request of Mr. SPECTER, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 344, a bill to permit the televising of Supreme Court proceedings.

S. 357

At the request of Mrs. FEINSTEIN, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 357, a bill to improve passenger automobile fuel economy and safety, reduce greenhouse gas emissions, reduce dependence on foreign oil, and for other purposes.

S. 368

At the request of Mr. BIDEN, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 368, a bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to enhance the COPS ON THE BEAT grant program, and for other purposes.

S. 382

At the request of Ms. COLLINS, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 382, a bill to amend the Public Health Service Act to establish a State family support grant program to end the practice of parents giving legal custody of their seriously emotionally disturbed children to State agencies for the purpose of obtaining mental health services for those children.

S. 415

At the request of Mr. BROWNBACK, the name of the Senator from North Carolina (Mrs. DOLE) was added as a cosponsor of S. 415, a bill to amend the Revised Statutes of the United States to prevent the use of the legal system in a manner that extorts money from State and local governments, and the Federal Government, and inhibits such governments' constitutional actions under the first, tenth, and fourteenth amendments.

S. CON. RES. 2

At the request of Mr. BIDEN, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. Con. Res. 2, a concurrent resolution expressing the bipartisan resolution on Iraq.

S. RES. 34

At the request of Mr. KERRY, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. Res. 34, a resolution calling for the strengthening of the efforts of the United States to defeat the Taliban and terrorist networks in Afghanistan.

S. RES. 39

At the request of Mr. BYRD, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. Res. 39, a resolution expressing the sense of the Senate on the need for approval by the Congress before any offensive military action by the United States against another nation.

AMENDMENT NO. 154

At the request of Mr. ENSIGN, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of amendment No. 154 proposed to H.R. 2, a bill to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. FEINGOLD:

S. 427. A bill to provide for additional section 8 vouchers, to reauthorize the Public and Assisted Housing Drug Elimination Program, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. FEINGOLD. Mr. President, today I am reintroducing the Affordable Housing Expansion and Public Safety Act to address some of the housing affordability issues faced by my constituents and by Americans around the country, including unaffordable rental burdens, lack of safe and affordable housing stock, and public safety concerns in public and federally assisted housing. My legislation is fully offset, while also providing $2.69 billion in deficit reduction over the next 10 years.

Increasing numbers of Americans are facing housing affordability challenges, whether they are renters or homeowners. But the housing affordability burden falls most heavily on low-income renters throughout our country. Ensuring that all Americans have safe and secure housing is about more than just providing families with somewhere to live, however. Safe and decent housing provides children with stable environments, and research has shown that students achieve at higher rates if they have secure housing. Affordable housing allows families to spend more of their income on life's other necessities including groceries, health care, and education costs as well as save money for their futures. I have heard from a number of Wisconsinites around my State about their concerns about the lack of affordable housing, homelessness, and the increasingly severe cost burdens that families have to undertake in order to afford housing.

This bill is especially needed now, given the breakdown in the fiscal year 2007 appropriations process. This week, the House is scheduled to pass a joint funding resolution to fund federal agencies through the rest of fiscal year 2007. I have heard from Wisconsinites concerned that the funding levels in the resolution could affect the ability of various local housing authorities to serve the same number of individuals as were assisted last year, never mind trying to serve the increasing numbers of individuals around the State who need housing assistance. Yesterday, the House Appropriations Committee filed the joint funding resolution and I am pleased to see the Committee included a boost in funding for Section 8 tenant-based and project-based vouchers, allowing HUD to renew the vouchers that are currently in use by families. In addition to maintaining the current level of vouchers, I hope that we in Congress can work together this year to fund new Section 8 vouchers to help address the critical rental assistance needs throughout the country.

My bill does not address every housing need out there, but I believe it is a good, necessary first step. My legislation does address a number of different issues that local communities in my State and around the country are facing, including the need for more rental assistance, the creation and preservation of more affordable housing units, and the ability to more adequately address public safety concerns of residents of federally assisted housing.

Congress needs to act on other vital housing needs this year including addressing the large shortfall in the public housing operating fund. I have heard from housing authorities ranging in size from Menomonie Housing Authority to Milwaukee Housing Authority about the shortfall in operating funds and the negative impact it is having on the communities these housing agencies are serving. This shortfall in operating subsidies impacts public housing authorities and the people they serve by reducing funding for maintenance costs associated with running buildings and limiting the services that housing authorities can provide, such as covering utility cost increases. The joint funding resolution filed yesterday also included an increase of $300 million for public housing authorities to pay for these important operating costs, including the increases in utility costs. This is a good start and we must continue working this year to provide much-needed assistance to these housing authorities and the individuals and families they serve.

Unfortunately, affordable housing is becoming less, not more, available in the United States. Research shows that the number of families facing severe housing cost burdens grew by almost two million households between 2001 and 2004. Additionally, one in three families spends more than 30 percent of their earnings on housing costs. The National Alliance to End Homelessness reports that at least 500,000 Americans are homeless every day and two million to three million Americans are homeless for various lengths of time each year. Cities, towns, and rural communities across the country are confronting a lack of affordable housing for their citizens. This is not an issue that confronts just one region of the Nation or one group of Americans. Decent and affordable housing is so essential to the well-being of Americans that the Federal Government must provide adequate assistance to our citizens to ensure that all Americans can afford to live in safe and affordable housing.

Congress has created effective affordable housing and community development programs, but as is the case with many of the Federal social programs, these housing programs are inadequately funded and do not meet the need in our communities. We in Congress must do what we can to ensure these programs are properly funded, while taking into account the tight fiscal constraints we are facing.

The Section 8 Housing Choice Voucher Program, originally created in 1974, is now the largest Federal housing program in terms of HUD's budget with approximately two million vouchers currently authorized. Yet the current number of vouchers does not come close to meeting the demand that exists in communities around our country. In my State of Wisconsin, the city of Milwaukee opened up their Section 8 waiting list for the first time since 1999 earlier this year for twenty four hours and received more than 17,000 applications. The city of Madison has not accepted new applications for Section 8 in over three years and reports that hundreds of families are on the waiting list.

Unfortunately, situations like this exist around the country. According to the 2005 U.S. Conference of Mayors Hunger and Homelessness Survey, close to 5,000 people are on the Section 8 waiting list in Boston. Detroit has not taken applications for the past two years and currently has a waiting list of over 9,000 people. Phoenix closed its waiting list in 2005 and reported that 30,000 families were on its waiting list. In certain cities, waiting lists are years long and according to the Center on Budget and Policy Priorities, the typical waiting period for a voucher was two and a half years in 2003. Given these statistics, it is clear there is the need for more Section 8 vouchers than currently exist.

While there are certainly areas of the Section 8 program that need to be examined and perhaps reformed, a number of different government agencies and advocacy organizations all cite the effectiveness of Section 8 in assisting low-income families in meeting some of their housing needs. In 2002, the Government Accountability Office determined that the total cost of a one-bedroom housing unit through the Section 8 program costs less than it would through other federal housing programs. The same year, the Bipartisan Millennial Housing Commission reported to Congress that the Section 8 program is "flexible, cost-effective, and successful in its mission."

The Commission further stated that the vouchers "should continue to be the linchpin of a national policy providing very low-income renters access to the privately owned housing stock." The Commission also called for funding for substantial annual increments of vouchers for families who need housing assistance. This recommendation echoes the calls by advocates around the country, many of whom have called for 100,000 new, or incremental, Section 8 vouchers to be funded annually by Congress.

My bill takes this first step, calling for the funding of 100,000 incremental vouchers in fiscal year 2008. I have identified enough funds in my offsets to provide money for the renewal of these 100,000 vouchers for the next decade. While this increase does not meet the total demand that exists out there for Section 8 vouchers, I believe it is a strong first step. My legislation is fully offset and if it were passed in its current form, would provide for the immediate funding of these vouchers. I believe Congress should take the time to examine where other spending could be cut in order to continue to provide sizeable annual increases in new vouchers for the Section 8 program. According to the Congressional Research Service, incremental vouchers have not been funded since fiscal year 2002. During the past three to four years, the need for Federal housing assistance has grown and it will continue to grow in future years. We need to make a commitment to find the resources in our budget to ensure continued and increased funding for Section 8 vouchers.

We should examine doing more than just providing more money for Section 8. There have been numerous stories in my home State of Wisconsin about various concerns with the Section 8 program, ranging from potential discrimination on the part of landlords in declining to rent to Section 8 voucher holders to the administrative burdens landlords face when participating in the Section 8 program. Additionally, there are substantial concerns with the funding formula the Bush Administration is currently using for the Section 8 program. I look forward to working with my colleagues in this Congress to address these and other issues and make the Section 8 program more effective, more secure, and more accessible to citizens throughout the country.

But providing rental assistance is not the only answer to solving the housing affordability problem in our country. We must also work to increase the availability of affordable housing stock in our communities through facilitating production of housing units affordable to extremely low and very low income Americans. The HOME Investments Partnership Program, more commonly known as HOME, was created in 1990 to assist states and local communities in producing affordable housing for low income families. HOME is a grant program that allows participating jurisdictions the flexibility to use funds for new production, preservation, and rehabilitation of existing housing stock. HOME is an effective federal program that is used in concert with other existing housing programs to provide affordable housing units for low income Americans throughout the country.

According to recent data from HUD, since fiscal year 1992, over $23 billion has been allocated through the HOME program to participating jurisdictions around the country. There have been over 800,000 units committed, including over 200,000 new construction units. HUD reports that over 700,000 units have been completed or funded. Communities in my State of Wisconsin have received over $370 million since 1992 and have seen over 20,000 housing units completed since 1992. Cities and States around the country are able to report numerous success stories in part due to the HOME funding that has been allocated to participating jurisdictions since 1992. The Bipartisan Millennial Housing Commission found that the HOME program is highly successful and recommended a substantial increase in funding for HOME in 2002.

Unfortunately, for the past two fiscal years, the HOME program has seen a decline in funding. In fiscal year 2005, HOME was funded at $1.9 billion and in fiscal year 2006, HOME was funded at a little more than $1.7 billion. As a result of this decline in funding, all participating jurisdictions in Wisconsin saw a decline in HOME dollars, with some jurisdictions seeing a decline of more than six percent. We need to ensure these funding cuts to HOME do not continue in the future and we must provide more targeted resources within HOME for the people most in need.

But, as successful as the HOME program is, more needs to be done to assist extremely low income families. My legislation seeks to target additional resources to the Americans most in need by using the HOME structure to distribute new funding to participating jurisdictions with the requirement that these participating jurisdictions use these set-aside dollars to produce, rehab, or preserve affordable housing for extremely low income families, or people at 30 percent of area median income or below.

As we all know, extremely low income households face the most severe affordable housing cost burdens of any Americans. According to data from HUD and the American Housing Survey, 56 percent of extremely low income renter households deal with severe affordability housing issues while only 25 percent of these renters are not burdened with affordability concerns. HUD also found that half of all extremely low income owner households are severely burdened by affordability concerns. Data shows more than 75 percent of renter households with severe housing affordability burdens are extremely low income families and more than half of extremely low income households pay at least half of their income on housing. The Bipartisan Millennial Housing Commission has stated that "the most serious housing problem in America is the mismatch between the number of extremely low income renter households and the number of units available to them with acceptable quality and affordable rents." The Commission also noted that there is no federal program solely for the preservation or production of housing for extremely low or moderate income families.

Because of these severe burdens and the high cost of providing safe and affordable housing to families at 30 percent or below of area median income, my bill would provide $400 million annually on top of the money that Congress already appropriates through HOME. I have heard from a number of housing advocates in Wisconsin that we have effective housing programs but the programs are not funded adequately. This is why I decided to administer this funding through the HOME program; local communities are familiar with the requirements and regulations of the HOME program and I think it is important not to place unnecessary and new administrative hurdles on local cities and communities.

Participating jurisdictions will be able to use this new funding under the eligible uses currently allowed by

HOME to best meet the needs of the extremely low income families in their respective communities. But participating jurisdictions must certify that this funding is going to extremely low income households and must report on how the funds are being utilized in their communities. Funds are intended to be distributed on a pro-rata basis to ensure participating jurisdictions around the country receive funding. I also require that the Secretary notify participating jurisdictions that this new funding for extremely low income households in no way excuses such jurisdictions from continuing to use existing HOME dollars to serve extremely low income families. It is my hope that this extra funding will provide an increased incentive to local cities and communities to dedicate more resources to producing and preserving affordable housing for the most vulnerable Americans.

My bill would also reauthorize a critical crime-fighting grant program: the Public and Assisted Housing Crime and Drug Elimination Program, formerly known as "PHDEP." Unfortunately, the PHDEP program has not been funded since 2001, and its statutory authorization expired in 2003. It is time to bring back this important grant program, which provided much-needed public safety resources to public housing authorities and their tenants. My legislation would authorize $200 million per year for five years for this program.

After more than a decade of declining crime rates, new FBI statistics indicate that 2005 brought an overall increase in violent crime across the country, and particularly in the Midwest. Nationwide, violent crime increased 2.3 percent between 2004 and 2005, and in the Midwest, violent crime increased 5.6 percent between 2004 and 2005. Housing authorities and others providing assisted housing are feeling the effects of this shift, but just as the crime rate is rising, their resources to fight back are dwindling. We need to provide them with funding targeted at preventing and reducing violent and drug-related crime, so that they can provide a safe living environment for their tenants.

Reauthorizing the Public and Assisted Housing Crime and Drug Elimination Program should not be controversial. The program has long enjoyed bipartisan support. It was first sponsored by Senator LAUTENBERG in 1988, and first implemented in 1989 under then-Housing and Urban Development Secretary Jack Kemp. When in effect, it funded numerous crime-fighting measures in housing authorities all over the country.

In Milwaukee, grants under this program funded a variety of important programs. It provided funding to the Housing Authority of the City of Milwaukee to hire public safety officers who are on site 24 hours a day to respond to calls and intervene when problems arise, and who work collaboratively with local law enforcement agencies. According to the Housing Authority, by the time the PHDEP program was defunded, public safety officers were responding to more than 8,000 calls per year, dealing quickly and effectively with thefts, drug use and sales, and other problems. Grants under the program also allowed the Housing Authority in Milwaukee to conduct crime prevention programs through the Boys and Girls Club of Greater Milwaukee and other on-site agencies, providing youths and others living in public housing with a variety of educational, job training and life skill programs.

When the PHDEP program was defunded during the fiscal year 2002 budget cycle, the Administration argued that crime-fighting measures should be funded through the Public Housing Operating Fund and promised an increase in that Fund to account for part of the loss of PHDEP funds. That allowed some programs previously funded under PHDEP to continue for a few years. But now there is a significant shortfall in the Operating Fund and HUD is proposing limits on how capital funds can be used, and housing authorities nationwide—including in Milwaukee—have been faced with tough decisions, including cutting some or all of their crime reduction programs.

It is time for Congress to step in and reauthorize these grants. Everyone deserves a safe place to live, and we should help provide housing authorities and other federally assisted low-income housing entities with the resources they need to provide that to their tenants.

But we can do more than just provide public housing authorities with grant money. The Federal Government also needs to provide more resources to help housing authorities spend those funds in the most effective way possible. That is why my legislation also contains several provisions to enhance the effectiveness of this grant program. It would: Require HUD's Office of Policy Development & Research (PD&R) to conduct a review of existing research on crime fighting measures and issue a report within six months identifying effective programs, providing an important resource to public housing authorities; require PD&R to work with housing authorities, social scientists and others to develop and implement a plan to conduct rigorous scientific evaluation of crime reduction and prevention strategies funded by the grant program that have not previously been subject to that type of evaluation, giving housing authorities yet another source of information about effective strategies for combating crime; and require HUD to report to Congress within four years, based on what it learns from existing research and evaluations of grantee programs, on the most effective ways to prevent and reduce crime in public and assisted housing environments, the ways in which it has provided related guidance to help grant applicants, and any suggestions for improving the effectiveness of the program going forward.

As with any grant program, it is essential that HUD monitor the use of the grants and that grantees be required to report regularly on their activities, as was required by HUD regulations when the program was defunded. The bill also clarifies the types of activities that can be funded through the grant program to ensure that funds are not used inappropriately.

My bill also includes a sense of the Senate provision calling on Congress to create a National Affordable Housing Trust Fund. At the outset, I want to commend my colleagues in the Senate, Senator KERRY, Senator REED, Senator SANDERS and others for all their work on advancing the cause of a National Affordable Housing Trust fund. I look forward to working with them and others in the 110th Congress to push for the creation of such a trust fund.

I agree with my colleagues that such a trust fund should have the goal of supplying 1,500,000 new affordable housing units over the next 10 years. It should also contain sufficient income targeting to reflect the housing affordability burdens faced by extremely low income and very low income families and contain enough flexibility to allow local communities to produce, preserve, and rehabilitate affordable housing units while ensuring that such affordable housing development fosters the creation of healthy and sustainable communities.

Hundreds of local housing trust funds have been created in cities and states throughout the country, including recently in the city of Milwaukee. I want to commend the community members in Milwaukee for working to address the housing affordability issues that the city faces and it is my hope that we in Congress can do our part to help Wisconsin's communities and communities around the country provide safe and affordable housing to all Americans.

This Nation faces a severe shortage of affordable housing for our most vulnerable citizens. Shelter is one of our most basic needs, and, unfortunately, too many Wisconsinites and people around the country are struggling to afford a place to live for themselves and their families. This legislation does not solve all the affordable housing issues that communities are facing, but I believe it is a good first step. This issue is about more than providing a roof over a family's head, however. Good housing and healthy communities lead to better jobs, better educational outcomes, and better futures for all Americans. Local communities, States, and the Federal Government must work together to dedicate more effective resources toward ensuring that all Americans have a safe and decent place to live. I look forward to working with my colleagues in this new Congress to advance my bill and other housing initiatives and work towards meeting the goal of affordable housing and healthy communities for all Americans.

I ask unanimous consent that the text of my bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 427

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Affordable Housing Expansion and Public Safety Act".

SEC. 2. INCREASE IN INCREMENTAL SECTION 8 VOUCHERS.

(a) IN GENERAL.—In fiscal year 2008 and subject to renewal, the Secretary of Housing and Urban Development shall provide an additional 100,000 incremental vouchers for tenant-based rental housing assistance under section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)).

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated $8,650,000,000 for the provision and renewal of the vouchers described in subsection (a).

(2) AVAILABILITY.—Any amount appropriated under paragraph (1) shall remain available until expended.

(3) CARRYOVER.—To the extent that any amounts appropriated for any fiscal are not expended by the Secretary of Housing and Urban Development in such fiscal year for purposes of subsection (a), any remaining amounts shall be carried forward for use by the Secretary to renew the vouchers described in subsection (a) in subsequent years.

(c) DISTRIBUTION OF AMOUNTS.—

(1) ADMINISTRATIVE COSTS.—The Secretary may not use more than $800,000,000 of the amounts authorized under paragraph (1) to cover the administrative costs associated with the provision and renewal of the vouchers described in subsection (a).

(2) VOUCHER COSTS.—The Secretary shall use all remaining amounts authorized under paragraph (1) to cover the costs of providing and renewing the vouchers described in subsection (a).

SEC. 3. TARGETED EXPANSION OF HOME INVESTMENT PARTNERSHIP (HOME) PROGRAM.

(a) PURPOSE.—The purposes of this section are as follows:

(1) To authorize additional funding under subtitle A of title II of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12741 et. seq), commonly referred to as the Home Investments Partnership ("HOME") program, to provide dedicated funding for the expansion and preservation of housing for extremely low-income individuals and families through eligible uses of investment as defined in paragraphs (1) and (3) of section 212(a) of the Cranston-Gonzalez National Affordable Housing Act.

(2) Such additional funding is intended to supplement the HOME funds already allocated to a participating jurisdiction to provide additional assistance in targeting resources to extremely low-income individuals and families.

(3) Such additional funding is not intended to be the only source of assistance for extremely low-income individuals and families under the HOME program, and participating jurisdictions shall continue to use non-set aside HOME funds to provide assistance to such extremely low-income individuals and families.

(b) SET ASIDE FOR EXTREMELY LOW-INCOME INDIVIDUALS AND FAMILIES.—

(1) ELIGIBLE USE.—Section 212(a) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12742(a)) is amended by adding at the end the following:

"(6) EXTREMELY LOW-INCOME INDIVIDUALS AND FAMILIES.—

"(A) IN GENERAL.—Each participating jurisdiction shall—

"(i) use funds provided under this subtitle to provide affordable housing to individuals and families whose incomes do not exceed 30 percent of median family income for that jurisdiction; and

"(ii) ensure the use of such funds does not result in the concentration of individuals and families assisted under this section into high-poverty areas.

"(B) EXCEPTION.—If a participating jurisdiction can certify to the Secretary that such participating jurisdiction has met in its jurisdiction the housing needs of extremely low-income individuals and families described in subparagraph (A), such participating jurisdiction may use any remaining funds provided under this subtitle for purposes of subparagraph (A) to provide affordable housing to individuals and families whose incomes do not exceed 50 percent of median family income for that jurisdiction.

"(C) RULE OF CONSTRUCTION.—The Secretary shall notify each participating jurisdiction receiving funds for purposes of this paragraph that use of such funds, as required under subparagraph (A), does not exempt or prevent that participating jurisdiction from using any other funds awarded under this subtitle to provide affordable housing to extremely low-income individuals and families.

"(D) RENTAL HOUSING.—Notwithstanding section 215(a), housing that is for rental shall qualify as affordable housing under this paragraph only if such housing is occupied by extremely low-income individuals or families who pay as a contribution toward rent (excluding any Federal or State rental subsidy provided on behalf of the individual or family) not more than 30 percent of the monthly adjusted income of such individual or family, as determined by the Secretary.".

(2) PRO RATA DISTRIBUTION.—Section 217 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12747) is amended by adding at the end the following:

"(e) PRO RATA DISTRIBUTION FOR EXTREMELY LOW-INCOME INDIVIDUALS AND FAMILIES.—Notwithstanding any other provision of this Act, in any fiscal year the Secretary shall allocate any funds specifically approved in an appropriations Act to provide affordable housing to extremely low-income individuals or families under section 212(a)(6), such funds shall be allocated to each participating jurisdiction in an amount which bears the same ratio to such amount as the amount such participating jurisdiction receives for such fiscal year under this subtitle, not including any amounts allocated for any additional set-asides specified in such appropriations Act for that fiscal year.".

(3) CERTIFICATION.—Section 226 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12756) is amended by adding at the end the following:

"(d) CERTIFICATION.—

"(1) IN GENERAL.—Each participating jurisdiction shall certify on annual basis to the Secretary that any funds used to provide affordable housing to extremely low-income individuals or families under section 212(a)(6) were actually used to assist such families.

"(2) CONTENT OF CERTIFICATION.—Each certification required under paragraph (1) shall—

"(A) state the number of extremely low-income individuals and families assisted in the previous 12 months;

"(B) separate such extremely low-income individuals and families into those individuals and families who were assisted by—

"(i) funds set aside specifically for such individuals and families under section 212(a)(6); and

"(ii) any other funds awarded under this subtitle; and

"(C) describe the type of activities, including new construction, preservation, and rehabilitation of housing, provided to such extremely low-income individuals and families that were supported by—

"(i) funds set aside specifically for such individuals and families under section 212(a)(6); and

"(ii) any other funds awarded under this subtitle.

"(3) INCLUSION WITH PERFORMANCE REPORT.—The certification required under paragraph (1) shall be included in the jurisdiction's annual performance report submitted to the Secretary under section 108(a) and made available to the public.".

(c) AUTHORIZATION OF APPROPRIATIONS.—In addition to any other amounts authorized to be appropriated under any other law or appropriations Act to carry out the provisions of title II of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12701 et seq.), there are authorized to be appropriated to carry out the provisions of this section $400,000,000 for each of fiscal years 2008 through 2012.

SEC. 4. PUBLIC AND ASSISTED HOUSING CRIME AND DRUG ELIMINATION PROGRAM.

(a) TITLE CHANGE.—The chapter heading of chapter 2 of subtitle C of title V of the Anti-Drug Abuse Act of 1988 (42 U.S.C. 11901 et seq.) is amended to read as follows:

"CHAPTER 2—PUBLIC AND ASSISTED HOUSING CRIME AND DRUG ELIMINATION PROGRAM".

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) AMOUNTS AUTHORIZED.—Section 5129(a) of the Anti-Drug Abuse Act of 1988 (42 U.S.C. 11908(a)) is amended to read as follows:

"(a) IN GENERAL.—There are authorized to be appropriated to carry out this chapter $200,000,000 for each of fiscal years 2008, 2009, 2010, 2011, and 2012.".

(2) SET ASIDE FOR THE OFFICE OF POLICY DEVELOPMENT AND RESEARCH.—Section 5129 of the Anti-Drug Abuse Act of 1988 (42 U.S.C. 11908) is amended by adding at the end the following:

"(d) SET ASIDE FOR THE OFFICE OF POLICY DEVELOPMENT AND RESEARCH.—Of any amounts made available in any fiscal year to carry out this chapter not less than 2 percent shall be available to the Office of Policy Development and Research to carry out the functions required under section 5130.".

(c) ELIGIBLE ACTIVITIES.—Section 5124(a)(6) of the Anti-Drug Abuse Act of 1988 (42 U.S.C. 11903(a)(6)) is amended by striking the semicolon and inserting the following: ", except that the activities conducted under any such program and paid for, in whole or in part, with grant funds awarded under this chapter may only include—

"(A) providing access to treatment for drug abuse through rehabilitation or relapse prevention;

"(B) providing education about the dangers and adverse consequences of drug use or violent crime;

"(C) assisting drug users in discontinuing their drug use through an education program, and, if appropriate, referring such users to a drug treatment program;

"(D) providing after school activities for youths for the purpose of discouraging, reducing, or eliminating drug use or violent crime by youths;

"(E) providing capital improvements for the purpose of discouraging, reducing, or eliminating drug use or violent crime; and

"(F) providing security services for the purpose of discouraging, reducing, or eliminating drug use or violent crime.".

(d) Effectiveness.—

(1) Application plan.—Section 5125(a) of the Anti-Drug Abuse Act of 1988 (42 U.S.C. 11904(a)) is amended by adding at the end the following: "To the maximum extent feasible, each plan submitted under this section shall be developed in coordination with relevant local law enforcement agencies and other local entities involved in crime prevention and reduction. Such plan also shall include an agreement to work cooperatively with the Office of Policy Development and Research in its efforts to carry out the functions required under section 5130."

(2) HUD report.—Section 5127 of the Anti-Drug Abuse Act of 1988 (42 U.S.C. 11906) is amended by adding at the end the following:

"(d) Effectiveness Report.—The Secretary shall submit a report to the Congress not later than 4 years after the date of the enactment of the Affordable Housing Expansion and Public Safety Act that includes—

"(1) aggregate data regarding the categories of program activities that have been funded by grants under this chapter;

"(2) promising strategies related to preventing and reducing violent and drug-related crime in public and federally assisted low-income housing derived from—

"(A) a review of existing research; and

"(B) evaluations of programs funded by grants under this chapter that were conducted by the Office of Policy Development and Review or by the grantees themselves;

"(3) how the information gathered in paragraph (2) has been incorporated into—

"(A) the guidance provided to applicants under this chapter; and

"(B) the implementing regulations under this chapter; and

"(4) any statutory changes that the Secretary would recommend to help make grants awarded under this chapter more effective.".

(3) Office of policy development and research review and plan.—Chapter 2 of subtitle C of title V of the Anti-Drug Abuse Act of 1988 (42 U.S.C. 11901 et seq.) is amended by adding at the end the following:

"SEC. 5130. OFFICE OF POLICY DEVELOPMENT AND RESEARCH REVIEW AND PLAN.

"(a) Review.—

"(1) In general.—The Office of Policy Development and Research established pursuant to section 501 of the Housing and Urban Development Act of 1970 (12 U.S.C. 1701z-1) shall conduct a review of existing research relating to preventing and reducing violent and drug-related crime to assess, using scientifically rigorous and acceptable methods, which strategies—

"(A) have been found to be effective in preventing and reducing violent and drug-related crimes; and

"(B) would be likely to be effective in preventing and reducing violent and drug-related crimes in public and federally assisted low-income housing environments.

"(2) Report.—Not later than 180 days after the date of enactment of the Affordable Housing Expansion and Public Safety Act, the Secretary shall issue a written report with the results of the review required under paragraph (1).

"(b) Evaluation Plan.—

"(1) In general.—Upon completion of the review required under subsection (a)(1), the Office of Policy Development and Research, in consultation with housing authorities, social scientists, and other interested parties, shall develop and implement a plan for evaluating the effectiveness of strategies funded under this chapter, including new and innovative strategies and existing strategies, that have not previously been subject to rigorous evaluation methodologies.

"(2) Methodology.—The plan described in paragraph (1) shall require such evaluations to use rigorous methodologies, particularly random assignment (where practicable), that are capable of producing scientifically valid knowledge regarding which program activities are effective in preventing and reducing violent and drug-related crime in public and other federally assisted low-income housing.".

SEC. 5. SENSE OF THE SENATE REGARDING THE CREATION OF A NATIONAL AFFORDABLE HOUSING TRUST FUND.

(a) Findings.—Congress finds the following:

(1) Only 1 in 4 eligible households receives Federal rental assistance.

(2) The number of families facing severe housing cost burdens grew by almost 2,000,0000 households between 2001 and 2004.

(3) 1 in 3 families spend more than 30 percent of their earnings on housing costs.

(4) More than 75 percent of renter households with severe housing affordability burdens are extremely low-income families.

(5) More than half of extremely low-income households pay at least half of their income on housing.

(6) At least 500,000 Americans are homeless every day.

(7) 2,000,000 to 3,000,0000 Americans are homeless for various lengths of time each year.

(8) It is estimated that the development of an average housing unit creates on average more than 3 jobs and the development of an average multifamily unit creates on average more than 1 job.

(9) It is estimated that over $80,000 is produced in government revenue for an average single family unit built and over $30,000 is produced in government revenue for an average multifamily unit built.

(10) The Bipartisan Millennial Housing Commission stated that "the most serious housing problem in America is the mismatch between the number of extremely low income renter households and the number of units available to them with acceptable quality and affordable rents.".

(b) Sense of the Senate.—It is the sense of the Senate that—

(1) Congress shall create a national affordable housing trust fund with the purpose of supplying 1,500,000 additional affordable housing units over the next 10 years;

(2) such a trust fund shall contain sufficient income targeting to reflect the housing affordability burdens faced by extremely low-income and very low-income families; and

(3) such a trust fund shall contain enough flexibility to allow local communities to produce, preserve, and rehabilitate affordable housing units while ensuring that such affordable housing development fosters the creation of healthy and sustainable communities.

SEC. 6. OFFSETS.

(a) Repeal of Multiyear Procurement Authority for F–22A Raptor Fighter Aircraft.—Effective as of October 17, 2006, section 134 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364), relating to multiyear procurement authority for F–22A Raptor fighter aircraft, is repealed.

(b) Advanced Research for Fossil Fuels.—Notwithstanding any other provision of law, the Secretary of Energy shall not carry out any program that conducts, or provides assistance for, applied research for fossil fuels.

By Mr. INOUYE (for himself and Mr. Akaka):

S. 429. A bill to amend the Native Hawaiian Health Care Improvement Act to revise and extend that Act; to the Committee on Indian Affairs.

Mr. INOUYE. Mr. President, I rise today to introduce a bill to reauthorize the Native Hawaiian Health Care Improvement Act. Senator Akaka joins me in sponsoring this measure.

The Native Hawaiian Health Care Improvement Act was enacted into law in 1988, and has been reauthorized several times throughout the years.

The Act provides authority for a range of programs and services designed to improve the health care status of the native people of Hawaii.

With the enactment of the Native Hawaiian Health Care Improvement Act and the establishment of Native Hawaiian health care systems on most of the islands that make up the State of Hawaii, we have witnessed significant improvements in the health status of Native Hawaiians, but as the findings of unmet needs and health disparities set forth in this bill make clear, we still have a long way to go.

For instance, Native Hawaiians have the highest cancer mortality rates in the State of Hawaii—rates that are 22 percent higher than the rate for the total State male population and 64 percent higher than the rate for the total State female population. Nationally, Native Hawaiians have the third highest mortality rate as a result of breast cancer.

With respect to diabetes, in 2004 Native Hawaiians had the highest mortality rate associated with diabetes in the State—a rate which is 119 percent higher than the statewide rate for all racial groups.

When it comes to heart disease, the mortality rate of Native Hawaiians associated with heart disease is 86 percent higher than the rate for the entire State, and the mortality rate for hypertension is 46 percent higher than that for the entire State.

These statistics on the health status of Native Hawaiians are but a small part of the long list of data that makes clear that our objective of assuring that the Native people of Hawaii attain some parity of good health comparable to that of the larger U.S. population has not yet been achieved.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 429

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Native Hawaiian Health Care Improvement Reauthorization Act of 2007".

SEC. 2. AMENDMENT TO THE NATIVE HAWAIIAN HEALTH CARE IMPROVEMENT ACT.

The Native Hawaiian Health Care Improvement Act (42 U.S.C. 11701 et seq.) is amended to read as follows:

"SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

"(a) SHORT TITLE.—This Act may be cited as the 'Native Hawaiian Health Care Improvement Act'.

"(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

"Sec. 1. Short title; table of contents.
"Sec. 2. Findings.
"Sec. 3. Definitions.
"Sec. 4. Declaration of national Native Hawaiian health policy.
"Sec. 5. Comprehensive health care master plan for Native Hawaiians.
"Sec. 6. Functions of Papa Ola Lokahi.
"Sec. 7. Native Hawaiian health care.
"Sec. 8. Administrative grant for Papa Ola Lokahi.
"Sec. 9. Administration of grants and contracts.
"Sec. 10. Assignment of personnel.
"Sec. 11. Native Hawaiian health scholarships and fellowships.
"Sec. 12. Report.
"Sec. 13. Use of Federal Government facilities and sources of supply.
"Sec. 14. Demonstration projects of national significance.
"Sec. 15. Rule of construction.
"Sec. 16. Compliance with Budget Act.
"Sec. 17. Severability.

"SEC. 2. FINDINGS.

"(a) IN GENERAL.—Congress finds that—

"(1) Native Hawaiians begin their story with the Kumulipo, which details the creation and interrelationship of all things, including the evolvement of Native Hawaiians as healthy and well people;

"(2) Native Hawaiians—

"(A) are a distinct and unique indigenous people with a historical continuity to the original inhabitants of the Hawaiian archipelago within Ke Moananui, the Pacific Ocean; and

"(B) have a distinct society that was first organized almost 2,000 years ago;

"(3) the health and well-being of Native Hawaiians are intrinsically tied to the deep feelings and attachment of Native Hawaiians to their lands and seas;

"(4) the long-range economic and social changes in Hawai‘i over the 19th and early 20th centuries have been devastating to the health and well-being of Native Hawaiians;

"(5) Native Hawaiians have never directly relinquished to the United States their claims to their inherent sovereignty as a people or over their national territory, either through their monarchy or through a plebiscite or referendum;

"(6) the Native Hawaiian people are determined to preserve, develop, and transmit to future generations, in accordance with their own spiritual and traditional beliefs, their customs, practices, language, social institutions, ancestral territory, and cultural identity;

"(7) in referring to themselves, Native Hawaiians use the term 'Kanaka Maoli', a term frequently used in the 19th century to describe the native people of Hawai‘i;

"(8) the constitution and statutes of the State of Hawai‘i—

"(A) acknowledge the distinct land rights of Native Hawaiian people as beneficiaries of the public lands trust; and

"(B) reaffirm and protect the unique right of the Native Hawaiian people to practice and perpetuate their cultural and religious customs, beliefs, practices, and language;

"(9) at the time of the arrival of the first nonindigenous people in Hawai‘i in 1778, the Native Hawaiian people lived in a highly organized, self-sufficient, subsistence social system based on communal land tenure with a sophisticated language, culture, and religion;

"(10) a unified monarchical government of the Hawaiian Islands was established in 1810 under Kamehameha I, the first King of Hawai‘i;

"(11) throughout the 19th century until 1893, the United States—

"(A) recognized the independence of the Hawaiian Nation;

"(B) extended full and complete diplomatic recognition to the Hawaiian Government; and

"(C) entered into treaties and conventions with the Hawaiian monarchs to govern commerce and navigation in 1826, 1842, 1849, 1875, and 1887;

"(12) in 1893, John L. Stevens, the United States Minister assigned to the sovereign and independent Kingdom of Hawai‘i, conspired with a small group of non-Hawaiian residents of the Kingdom, including citizens of the United States, to overthrow the indigenous and lawful government of Hawai‘i;

"(13) in pursuance of that conspiracy—

"(A) the United States Minister and the naval representative of the United States caused armed forces of the United States Navy to invade the sovereign Hawaiian Nation in support of the overthrow of the indigenous and lawful Government of Hawai‘i; and

"(B) after that overthrow, the United States Minister extended diplomatic recognition of a provisional government formed by the conspirators without the consent of the native people of Hawai‘i or the lawful Government of Hawai‘i, in violation of—

"(i) treaties between the Government of Hawai‘i and the United States; and

"(ii) international law;

"(14) in a message to Congress on December 18, 1893, President Grover Cleveland—

"(A) reported fully and accurately on those illegal actions;

"(B) acknowledged that by those acts, described by the President as acts of war, the government of a peaceful and friendly people was overthrown; and

"(C) concluded that a 'substantial wrong has thus been done which a due regard for our national character as well as the rights of the injured people required that we should endeavor to repair';

"(15) Queen Lili‘uokalani, the lawful monarch of Hawai‘i, and the Hawaiian Patriotic League, representing the aboriginal citizens of Hawai‘i, promptly petitioned the United States for redress of those wrongs and restoration of the indigenous government of the Hawaiian nation, but no action was taken on that petition;

"(16) in 1993, Congress enacted Public Law 103–150 (107 Stat. 1510), in which Congress—

"(A) acknowledged the significance of those events; and

"(B) apologized to Native Hawaiians on behalf of the people of the United States for the overthrow of the Kingdom of Hawai‘i with the participation of agents and citizens of the United States, and the resulting deprivation of the rights of Native Hawaiians to self-determination;

"(17) between 1897 and 1898, when the total Native Hawaiian population in Hawai‘i was less than 40,000, more than 38,000 Native Hawaiians signed petitions (commonly known as 'Ku‘e Petitions') protesting annexation by the United States and requesting restoration of the monarchy;

"(18) despite Native Hawaiian protests, in 1898, the United States—

"(A) annexed Hawai‘i through Resolution No. 55 (commonly known as the 'Newlands Resolution') (30 Stat. 750), without the consent of, or compensation to, the indigenous people of Hawai‘i or the sovereign government of those people; and

"(B) denied those people the mechanism for expression of their inherent sovereignty through self-government and self-determination of their lands and ocean resources;

"(19) through the Newlands Resolution and the Act of April 30, 1900 (commonly known as the '1900 Organic Act') (31 Stat. 141, chapter 339), the United States—

"(A) received 1,750,000 acres of land formerly owned by the Crown and Government of the Hawaiian Kingdom; and

"(B) exempted the land from then-existing public land laws of the United States by mandating that the revenue and proceeds from that land be 'used solely for the benefit of the inhabitants of the Hawaiian Islands for education and other public purposes', thereby establishing a special trust relationship between the United States and the inhabitants of Hawai‘i;

"(20) in 1921, Congress enacted the Hawaiian Homes Commission Act, 1920 (42 Stat. 108, chapter 42), which—

"(A) designated 200,000 acres of the ceded public land for exclusive homesteading by Native Hawaiians; and

"(B) affirmed the trust relationship between the United States and Native Hawaiians, as expressed by Secretary of the Interior Franklin K. Lane, who was cited in the Committee Report of the Committee on Territories of the House of Representatives as stating, 'One thing that impressed me . . . was the fact that the natives of the islands . . . for whom in a sense we are trustees, are falling off rapidly in numbers and many of them are in poverty.';

"(21) in 1938, Congress again acknowledged the unique status of the Native Hawaiian people by including in the Act of June 20, 1938 (52 Stat. 781), a provision—

"(A) to lease land within the extension to Native Hawaiians; and

"(B) to permit fishing in the area 'only by native Hawaiian residents of said area or of adjacent villages and by visitors under their guidance';

"(22) under the Act of March 18, 1959 (48 U.S.C. prec. 491 note; 73 Stat. 4), the United States—

"(A) transferred responsibility for the administration of the Hawaiian home lands to the State; but

"(B) reaffirmed the trust relationship that existed between the United States and the Native Hawaiian people by retaining the exclusive power to enforce the trust, including the power to approve land exchanges and legislative amendments affecting the rights of beneficiaries under that Act;

"(23) under the Act referred to in paragraph (22), the United States—

"(A) transferred responsibility for administration over portions of the ceded public lands trust not retained by the United States to the State; but

"(B) reaffirmed the trust relationship that existed between the United States and the Native Hawaiian people by retaining the legal responsibility of the State for the betterment of the conditions of Native Hawaiians under section 5(f) of that Act (73 Stat. 6);

"(24) in 1978, the people of Hawai‘i—

"(A) amended the constitution of Hawai‘i to establish the Office of Hawaiian Affairs; and

"(B) assigned to that Office the authority—

"(i) to accept and hold in trust for the Native Hawaiian people real and personal property transferred from any source;

"(ii) to receive payments from the State owed to the Native Hawaiian people in satisfaction of the pro rata share of the proceeds of the public land trust established by section 5(f) of the Act of March 18, 1959 (48 U.S.C. prec. 491 note; 73 Stat. 6);

"(iii) to act as the lead State agency for matters affecting the Native Hawaiian people; and

"(iv) to formulate policy on affairs relating to the Native Hawaiian people;

"(25) the authority of Congress under the Constitution to legislate in matters affecting the aboriginal or indigenous people of the United States includes the authority to legislate in matters affecting the native people of Alaska and Hawai‘i;

"(26) the United States has recognized the authority of the Native Hawaiian people to continue to work toward an appropriate form of sovereignty, as defined by the Native Hawaiian people in provisions set forth in legislation returning the Hawaiian Island of Kaho‘olawe to custodial management by the State in 1994;

"(27) in furtherance of the trust responsibility for the betterment of the conditions of Native Hawaiians, the United States has established a program for the provision of comprehensive health promotion and disease prevention services to maintain and improve the health status of the Hawaiian people;

"(28) that program is conducted by the Native Hawaiian Health Care Systems and Papa Ola Lokahi;

"(29) health initiatives implemented by those and other health institutions and agencies using Federal assistance have been responsible for reducing the century-old morbidity and mortality rates of Native Hawaiian people by—

"(A) providing comprehensive disease prevention;

"(B) providing health promotion activities; and

"(C) increasing the number of Native Hawaiians in the health and allied health professions;

"(30) those accomplishments have been achieved through implementation of—

"(A) the Native Hawaiian Health Care Act of 1988 (Public Law 100–579); and

"(B) the reauthorization of that Act under section 9168 of the Department of Defense Appropriations Act, 1993 (Public Law 102–396; 106 Stat. 1948);

"(31) the historical and unique legal relationship between the United States and Native Hawaiians has been consistently recognized and affirmed by Congress through the enactment of more than 160 Federal laws that extend to the Native Hawaiian people the same rights and privileges accorded to American Indian, Alaska Native, Eskimo, and Aleut communities, including—

"(A) the Native American Programs Act of 1974 (42 U.S.C. 2991 et seq.);

"(B) the American Indian Religious Freedom Act (42 U.S.C. 1996);

"(C) the National Museum of the American Indian Act (20 U.S.C. 80q et seq.); and

"(D) the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.);

"(32) the United States has recognized and reaffirmed the trust relationship to the Native Hawaiian people through legislation that authorizes the provision of services to Native Hawaiians, specifically—

"(A) the Older Americans Act of 1965 (42 U.S.C. 3001 et seq.);

"(B) the Developmental Disabilities Assistance and Bill of Rights Act Amendments of 1987 (42 U.S.C. 6000 et seq.);

"(C) the Veterans' Benefits and Services Act of 1988 (Public Law 100–322);

"(D) the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.);

"(E) the Native Hawaiian Health Care Act of 1988 (42 U.S.C. 11701 et seq.);

"(F) the Health Professions Reauthorization Act of 1988 (Public Law 100–607; 102 Stat. 3122);

"(G) the Nursing Shortage Reduction and Education Extension Act of 1988 (Public Law 100–607; 102 Stat. 3153);

"(H) the Handicapped Programs Technical Amendments Act of 1988 (Public Law 100–630);

"(I) the Indian Health Care Amendments of 1988 (Public Law 100–713); and

"(J) the Disadvantaged Minority Health Improvement Act of 1990 (Public Law 101–527);

"(33) the United States has affirmed that historical and unique legal relationship to the Hawaiian people by authorizing the provision of services to Native Hawaiians to address problems of alcohol and drug abuse under the Anti-Drug Abuse Act of 1986 (21 U.S.C. 801 note; Public Law 99–570);

"(34) in addition, the United States—

"(A) has recognized that Native Hawaiians, as aboriginal, indigenous, native people of Hawai‘i, are a unique population group in Hawai‘i and in the continental United States; and

"(B) has so declared in—

"(i) the documents of the Office of Management and Budget entitled—

"(I) 'Standards for Maintaining, Collecting, and Presenting Federal Data on Race and Ethnicity' and dated October 30, 1997; and

"(II) 'Provisional Guidance on the Implementation of the 1997 Standards for Federal Data on Race and Ethnicity' and dated December 15, 2000;

"(ii) the document entitled 'Guidance on Aggregation and Allocation of Data on Race for Use in Civil Rights Monitoring and Enforcement' (Bulletin 00-02 to the Heads of Executive Departments and Establishments) and dated March 9, 2000;

"(iii) the document entitled 'Questions and Answers when Designing Surveys for Information Collections' (Memorandum for the President's Management Council) and dated January 20, 2006;

"(iv) Executive order number 13125 (64 Fed. Reg. 31105; relating to increasing participation of Asian Americans and Pacific Islanders in Federal programs) (June 7, 1999);

"(v) the document entitled 'HHS Tribal Consultation Policy' and dated January 2005; and

"(vi) the Department of Health and Human Services Intradepartment Council on Native American Affairs, Revised Charter, dated March 7, 2005; and

"(35) despite the United States having expressed in Public Law 103–150 (107 Stat. 1510) its commitment to a policy of reconciliation with the Native Hawaiian people for past grievances—

"(A) the unmet health needs of the Native Hawaiian people remain severe; and

"(B) the health status of the Native Hawaiian people continues to be far below that of the general population of the United States.

"(b) FINDING OF UNMET NEEDS AND HEALTH DISPARITIES.—Congress finds that the unmet needs and serious health disparities that adversely affect the Native Hawaiian people include the following:

"(1) CHRONIC DISEASE AND ILLNESS.—

"(A) CANCER.—

"(i) IN GENERAL.—With respect to all cancer—

"(I) as an underlying cause of death in the State, the cancer mortality rate of Native Hawaiians of 218.3 per 100,000 residents is 50 percent higher than the rate for the total population of the State of 145.4 per 100,000 residents;

"(II) Native Hawaiian males have the highest cancer mortality rates in the State for cancers of the lung, colon, and rectum, and for all cancers combined;

"(III) Native Hawaiian females have the highest cancer mortality rates in the State for cancers of the lung, breast, colon, rectum, pancreas, stomach, ovary, liver, cervix, kidney, and uterus, and for all cancers combined; and

"(IV) for the period of 1995 through 2000—

"(aa) the cancer mortality rate for all cancers for Native Hawaiian males of 217 per 100,000 residents was 22 percent higher than the rate for all males in the State of 179 per 100,000 residents; and

"(bb) the cancer mortality rate for all cancers for Native Hawaiian females of 192 per 100,000 residents was 64 percent higher than the rate for all females in the State of 117 per 100,000 residents.

"(ii) BREAST CANCER.—With respect to breast cancer—

"(I) Native Hawaiians have the highest mortality rate in the State from breast cancer (30.79 per 100,000 residents), which is 33 percent higher than the rate for Caucasian Americans (23.07 per 100,000 residents) and 106 percent higher than the rate for Chinese Americans (14.96 per 100,000 residents); and

"(II) nationally, Native Hawaiians have the third-highest mortality rate as a result of breast cancer (25.0 per 100,000 residents), behind African Americans (31.4 per 100,000 residents) and Caucasian Americans (27.0 per 100,000 residents).

"(iii) CANCER OF THE CERVIX.—Native Hawaiians have the highest mortality rate as a result of cancer of the cervix in the State (3.65 per 100,000 residents), followed by Filipino Americans (2.69 per 100,000 residents) and Caucasian Americans (2.61 per 100,000 residents).

"(iv) LUNG CANCER.—Native Hawaiian males and females have the highest mortality rates as a result of lung cancer in the State, at 74.79 per 100,000 for males and 47.84 per 100,000 females, which are higher than the rates for the total population of the State by 48 percent for males and 93 percent for females.

"(v) PROSTATE CANCER.—Native Hawaiian males have the third-highest mortality rate as a result of prostate cancer in the State (21.48 per 100,000 residents), with Caucasian Americans having the highest mortality rate as a result of prostate cancer (23.96 per 100,000 residents).

"(B) DIABETES.—With respect to diabetes, in 2004—

"(i) Native Hawaiians had the highest mortality rate as a result of diabetes mellitis (28.9 per 100,000 residents) in the State, which is 119 percent higher than the rate for all racial groups in the State (13.2 per 100,000 residents);

"(ii) the prevalence of diabetes for Native Hawaiians was 12.7 percent, which is 87 percent higher than the total prevalence for all residents of the State of 6.8 percent; and

"(iii) a higher percentage of Native Hawaiians with diabetes experienced diabetic retinopathy, as compared to other population groups in the State.

"(C) ASTHMA.—With respect to asthma and lower respiratory disease—

"(i) in 2004, mortality rates for Native Hawaiians (31.6 per 100,000 residents) from chronic lower respiratory disease were 52 percent higher than rates for the total population of the State (20.8 per 100,000 residents); and

"(ii) in 2005, the prevalence of current asthma in Native Hawaiian adults was 12.8 percent, which is 71 percent higher than the prevalence of the total population of the State of 7.5 percent.

"(D) CIRCULATORY DISEASES.—

"(i) HEART DISEASE.—With respect to heart disease—

"(I) in 2004, the mortality rate for Native Hawaiians as a result of heart disease (305.5 per 100,000 residents) was 86 percent higher than the rate for the total population of the State (164.3 per 100,000 residents); and

"(II) in 2005, the prevalence for heart attack was 4.4 percent for Native Hawaiians, which is 22 percent higher than the prevalence for the total population of 3.6 percent.

"(ii) CEREBROVASCULAR DISEASES.—With respect to cerebrovascular diseases—

"(I) the mortality rate from cerebrovascular diseases for Native Hawaiians (75.6 percent) was 64 percent higher than the rate for the total population of the State (46 percent); and

"(II) in 2005, the prevalence for stroke was 4.9 percent for Native Hawaiians, which is 69 percent higher than the prevalence for the total population of the State (2.9 percent).

"(iii) OTHER CIRCULATORY DISEASES.—With respect to other circulatory diseases (including high blood pressure and atherosclerosis)—

"(I) in 2004, the mortality rate for Native Hawaiians of 20.6 per 100,000 residents was 46 percent higher than the rate for the total population of the State of 14.1 per 100,000 residents; and

"(II) in 2005, the prevalence of high blood pressure for Native Hawaiians was 26.7 percent, which is 10 percent higher than the prevalence for the total population of the State of 24.2 percent.

"(2) INFECTIOUS DISEASE AND ILLNESS.—With respect to infectious disease and illness—

"(A) in 1998, Native Hawaiians comprised 20 percent of all deaths resulting from infectious diseases in the State for all ages; and

"(B) the incidence of acquired immune deficiency syndrome for Native Hawaiians is at least twice as high per 100,000 residents (10.5 percent) than the incidence for any other non-Caucasian group in the State.

"(3) INJURIES.—With respect to injuries—

"(A) the mortality rate for Native Hawaiians as a result of injuries (32 per 100,000 residents) is 16 percent higher than the rate for the total population of the State (27.5 per 100,000 residents);

"(B) 32 percent of all deaths of individuals between the ages of 18 and 24 years resulting from injuries were Native Hawaiian; and

"(C) the 2 primary causes of Native Hawaiian deaths in that age group were motor vehicle accidents (30 percent) and intentional self-harm (39 percent).

"(4) DENTAL HEALTH.—With respect to dental health—

"(A) Native Hawaiian children experience significantly higher rates of dental caries and unmet treatment needs as compared to other children in the continental United States and other ethnic groups in the State;

"(B) the prevalence rate of dental caries in the primary (baby) teeth of Native Hawaiian children aged 5 to 9 years of 4.2 per child is more than twice the national average rate of 1.9 per child in that age range;

"(C) 81.9 percent of Native Hawaiian children aged 6 to 8 have 1 or more decayed teeth, as compared to—

"(i) 53 percent for children in that age range in the continental United States; and

"(ii) 72.7 percent of other children in that age range in the State; and

"(D) 21 percent of Native Hawaiian children aged 5 demonstrate signs of baby bottle tooth decay, which is generally characterized as severe, progressive dental disease in early childhood and associated with high rates of dental disorders, as compared to 5 percent for children of that age in the continental United States.

"(5) LIFE EXPECTANCY.—With respect to life expectancy—

"(A) Native Hawaiians have the lowest life expectancy of all population groups in the State;

"(B) between 1910 and 1980, the life expectancy of Native Hawaiians from birth has ranged from 5 to 10 years less than that of the overall State population average;

"(C) the most recent tables for 1990 show Native Hawaiian life expectancy at birth (74.27 years) to be approximately 5 years less than that of the total State population (78.85 years); and

"(D) except as provided in the life expectancy calculation for 1920, Native Hawaiians have had the shortest life expectancy of all major ethnic groups in the United States since 1910.

"(6) MATERNAL AND CHILD HEALTH.—

"(A) IN GENERAL.—With respect to maternal and child health, in 2000—

"(i) 39 percent of all deaths of children under the age of 18 years in the State were Native Hawaiian;

"(ii) perinatal conditions accounted for 38 percent of all Native Hawaiian deaths in that age group;

"(iii) Native Hawaiian infant mortality rates (9.8 per 1,000 live births) are—

"(I) the highest in the State; and

"(II) 151 percent higher than the rate for Caucasian infants (3.9 per 1,000 live births); and

"(iv) Native Hawaiians have 1 of the highest infant mortality rates in the United States, second only to the rate for African Americans of 13.6 per 1,000 live births.

"(B) PRENATAL CARE.—With respect to prenatal care—

"(i) as of 2005, Native Hawaiian women have the highest prevalence (20.9 percent) of having had no prenatal care during the first trimester of pregnancy, as compared to the 5 largest ethnic groups in the State;

"(ii) of the mothers in the State who received no prenatal care in the first trimester, 33 percent were Native Hawaiian;

"(iii) in 2005, 41 percent of mothers with live births who had not completed high school were Native Hawaiian; and

"(iv) in every region of the State, many Native Hawaiian newborns begin life in a potentially hazardous circumstance, far higher than any other racial group.

"(C) BIRTHS.—With respect to births, in 2005—

"(i) 45.2 percent of live births to Native Hawaiian mothers were nonmarital, putting the affected infants at higher risk of low birth weight and infant mortality;

"(ii) of the 2,934 live births to Native Hawaiian single mothers, 9 percent were low birth weight (defined as a weight of less than 2,500 grams); and

"(iii) 43.7 percent of all low birth-weight infants born to single mothers in the State were Native Hawaiian.

"(D) TEEN PREGNANCIES.—With respect to births, in 2005—

"(i) Native Hawaiians had the highest rate of births to mothers under the age of 18 years (5.8 percent), as compared to the rate of 2.7 percent for the total population of the State; and

"(ii) nearly 62 percent of all mothers in the State under the age of 19 years were Native Hawaiian.

"(E) FETAL MORTALITY.—With respect to fetal mortality, in 2005—

"(i) Native Hawaiians had the highest number of fetal deaths in the State, as compared to Caucasian, Japanese, and Filipino residents; and

"(ii)(I) 17.2 percent of all fetal deaths in the State were associated with expectant Native Hawaiian mothers; and

"(II) 43.5 percent of those Native Hawaiian mothers were under the age of 25 years.

"(7) BEHAVIORAL HEALTH.—

"(A) ALCOHOL AND DRUG ABUSE.—With respect to alcohol and drug abuse—

"(i)(I) in 2005, Native Hawaiians had the highest prevalence of smoking of 27.9 percent, which is 64 percent higher than the rate for the total population of the State (17 percent); and

"(II) 53 percent of Native Hawaiians reported having smoked at least 100 cigarettes in their lifetime, as compared to 43.3 percent for the total population of the State;

"(ii) 33 percent of Native Hawaiians in grade 8 have smoked cigarettes at least once in their lifetime, as compared to—

"(I) 22.5 percent for all youth in the State; and

"(II) 28.4 percent of residents of the United States in grade 8;

"(iii) Native Hawaiians have the highest prevalence of binge drinking of 19.9 percent, which is 21 percent higher than the prevalence for the total population of the State (16.5 percent);

"(iv) the prevalence of heavy drinking among Native Hawaiians (10.1 percent) is 36 percent higher than the prevalence for the total population of the State (7.4 percent);

"(v)(I) in 2003, 17.2 percent of Native Hawaiians in grade 6, 45.1 percent of Naive Hawaiians in grade 8, 68.9 percent of Native Hawaiians in grade 10, and 78.1 percent of Native Hawaiians in grade 12 reported using alcohol at least once in their lifetime, as compared to 13.2, 36.8, 59.1, and 72.5 percent, respectively, of all adolescents in the State; and

"(II) 62.1 percent Native Hawaiians in grade 12 reported being drunk at least once, which is 20 percent higher than the percentage for all adolescents in the State (51.6 percent);

"(vi) on entering grade 12, 60 percent of Native Hawaiian adolescents reported having used illicit drugs, including inhalants, at least once in their lifetime, as compared to—

"(I) 46.9 percent of all adolescents in the State; and

"(II) 52.8 of adolescents in the United States;

"(vii) on entering grade 12, 58.2 percent of Native Hawaiian adolescents reported having used marijuana at least once, which is 31 percent higher than the rate of other adolescents in the State (44.4 percent);

"(viii) in 2006, Native Hawaiians represented 40 percent of the total admissions to substance abuse treatment programs funded by the State Department of Health; and

"(ix) in 2003, Native Hawaiian adolescents reported the highest prevalence for methamphetamine use in the State, followed by Caucasian and Filipino adolescents.

"(B) CRIME.—With respect to crime—

"(i) during the period of 1992 to 2002, Native Hawaiian arrests for violent crimes decreased, but the rate of arrest remained 38.3 percent higher than the rate of the total population of the State;

"(ii) the robbery arrest rate in 2002 among Native Hawaiian juveniles and adults was 59 percent higher (6.2 arrests per 100,000 residents) than the rate for the total population of the State (3.9 arrests per 100,000 residents);

"(iii) in 2002—

"(I) Native Hawaiian men comprised between 35 percent and 43 percent of each security class in the State prison system;

"(II) Native Hawaiian women comprised between 38.1 percent to 50.3 percent of each class of female prison inmates in the State;

"(III) Native Hawaiians comprised 39.5 percent of the total incarcerated population of the State; and

"(IV) Native Hawaiians comprised 40 percent of the total sentenced felon population in the State, as compared to 25 percent for Caucasians, 12 percent for Filipinos, and 5 percent for Samoans;

"(iv) Native Hawaiians are overrepresented in the State prison population;

"(v) of the 2,260 incarcerated Native Hawaiians, 70 percent are between 20 and 40 years of age; and

"(vi) based on anecdotal information, Native Hawaiians are estimated to comprise between 60 percent and 70 percent of all jail and prison inmates in the State.

"(C) DEPRESSION AND SUICIDE.—With respect to depression and suicide—

"(i)(I) in 1999, the prevalence of depression among Native Hawaiians was 15 percent, as compared to the national average of approximately 10 percent; and

"(II) Native Hawaiian females had a higher prevalence of depression (16.9 percent) than Native Hawaiian males (11.9 percent);

"(ii) in 2000—

"(I) Native Hawaiian adolescents had a significantly higher suicide attempt rate (12.9 percent) than the rate for other adolescents in the State (9.6 percent); and

"(II) 39 percent of all Native Hawaiian adult deaths were due to suicide; and

"(iii) in 2006, the prevalence of obsessive compulsive disorder among Native Hawaiian adolescent girls was 17.7 percent, as compared to a rate of—

"(I) 9.2 percent for Native Hawaiian boys and non-Hawaiian girls; and

"(II) a national rate of 2 percent.

"(8) OVERWEIGHTNESS AND OBESITY.—With respect to overweightness and obesity—

"(A) during the period of 2000 through 2003, Native Hawaiian males and females had the highest age-adjusted prevalence rates for obesity (40.5 and 32.5 percent, respectively), which was—

"(i) with respect to individuals of full Native Hawaiian ancestry, 145 percent higher than the rate for the total population of the State (16.5 per 100,000); and

"(ii) with respect to individuals with less than 100 percent Native Hawaiian ancestry, 97 percent higher than the total population of the State; and

"(B) for 2005, the prevalence of obesity among Native Hawaiians was 43.1 percent, which was 119 percent higher than the prevalence for the total population of the State (19.7 percent).

"(9) FAMILY AND CHILD HEALTH.—With respect to family and child health—

"(A) in 2000, the prevalence of single-parent families with minor children was highest among Native Hawaiian households, as compared to all households in the State (15.8 percent and 8.1 percent, respectively);

"(B) in 2002, nonmarital births accounted for 56.8 percent of all live births among Native Hawaiians, as compared to 34 percent of all live births in the State;

"(C) the rate of confirmed child abuse and neglect among Native Hawaiians has consistently been 3 to 4 times the rates of other major ethnic groups, with a 3-year average of 63.9 cases in 2002, as compared to 12.8 cases for the total population of the State;

"(D) spousal abuse or abuse of an intimate partner was highest for Native Hawaiians, as compared to all cases of abuse in the State (4.5 percent and 2.2 percent, respectively); and

"(E)(i) ½ of uninsured adults in the State have family incomes below 200 percent of the Federal poverty level; and

"(ii) Native Hawaiians residing in the State and the continental United States have a higher rate of uninsurance than other ethnic groups in the State and continental United States (14.5 percent and 9.5 percent, respectively).

"(10) HEALTH PROFESSIONS EDUCATION AND TRAINING.—With respect to health professions education and training—

"(A) in 2003, adult Native Hawaiians had a higher rate of high school completion, as compared to the total adult population of the State (49.4 percent and 34.4 percent, respectively);

"(B) Native Hawaiian physicians make up 4 percent of the total physician workforce in the State; and

"(C) in 2004, Native Hawaiians comprised—

"(i) 11.25 percent of individuals who earned bachelor's degrees;

"(ii) 6 percent of individuals who earned master's degrees;

"(iii) 3 percent of individuals who earned doctorate degrees;

"(iv) 7.9 percent of the credited student body at the University of Hawai'i;

"(v) 0.4 percent of the instructional faculty at the University of Hawai'i at Manoa; and

"(vi) 8.4 percent of the instructional faculty at the University of Hawai'i Community Colleges.

"SEC. 3. DEFINITIONS.

"In this Act:

"(1) DEPARTMENT.—The term 'Department' means the Department of Health and Human Services.

"(2) DISEASE PREVENTION.—The term 'disease prevention' includes—

"(A) immunizations;

"(B) control of high blood pressure;

"(C) control of sexually transmittable diseases;

"(D) prevention and control of chronic diseases;

"(E) control of toxic agents;

"(F) occupational safety and health;

"(G) injury prevention;

"(H) fluoridation of water;

"(I) control of infectious agents; and

"(J) provision of mental health care.

"(3) HEALTH PROMOTION.—The term 'health promotion' includes—

"(A) pregnancy and infant care, including prevention of fetal alcohol syndrome;

"(B) cessation of tobacco smoking;

"(C) reduction in the misuse of alcohol and harmful illicit drugs;

"(D) improvement of nutrition;

"(E) improvement in physical fitness;

"(F) family planning;

"(G) control of stress;

"(H) reduction of major behavioral risk factors and promotion of healthy lifestyle practices; and

"(I) integration of cultural approaches to health and well-being (including traditional practices relating to the atmosphere (lewa lani), land ('aina), water (wai), and ocean (kai)).

"(4) HEALTH SERVICE.—The term 'health service' means—

"(A) service provided by a physician, physician's assistant, nurse practitioner, nurse, dentist, or other health professional;

"(B) a diagnostic laboratory or radiologic service;

"(C) a preventive health service (including a perinatal service, well child service, family planning service, nutrition service, home health service, sports medicine and athletic training service, and, generally, any service associated with enhanced health and wellness);

"(D) emergency medical service, including a service provided by a first responder, emergency medical technician, or mobile intensive care technician;

"(E) a transportation service required for adequate patient care;

"(F) a preventive dental service;

"(G) a pharmaceutical and medicament service;

"(H) a mental health service, including a service provided by a psychologist or social worker;

"(I) a genetic counseling service;

"(J) a health administration service, including a service provided by a health program administrator;

"(K) a health research service, including a service provided by an individual with an advanced degree in medicine, nursing, psychology, social work, or any other related health program;

"(L) an environmental health service, including a service provided by an epidemiologist, public health official, medical geographer, or medical anthropologist, or an individual specializing in biological, chemical, or environmental health determinants;

"(M) a primary care service that may lead to specialty or tertiary care; and

"(N) a complementary healing practice, including a practice performed by a traditional Native Hawaiian healer.

"(5) NATIVE HAWAIIAN.—The term 'Native Hawaiian' means any individual who is Kanaka Maoli (a descendant of the aboriginal people who, prior to 1778, occupied and exercised sovereignty in the area that now constitutes the State), as evidenced by—

"(A) genealogical records;

"(B) kama'aina witness verification from Native Hawaiian Kupuna (elders); or

"(C) birth records of the State or any other State or territory of the United States.

"(6) NATIVE HAWAIIAN HEALTH CARE SYSTEM.—The term 'Native Hawaiian health care system' means any of up to 8 entities in the State that—

"(A) is organized under the laws of the State;

"(B) provides or arranges for the provision of health services for Native Hawaiians in the State;

"(C) is a public or nonprofit private entity;

"(D) has Native Hawaiians significantly participating in the planning, management, provision, monitoring, and evaluation of health services;

"(E) addresses the health care needs of an island's Native Hawaiian population; and

"(F) is recognized by Papa Ola Lokahi—

"(i) for the purpose of planning, conducting, or administering programs, or portions of programs, authorized by this Act for the benefit of Native Hawaiians; and

"(ii) as having the qualifications and the capacity to provide the services and meet the requirements under—

"(I) the contract that each Native Hawaiian health care system enters into with the Secretary under this Act; or

"(II) the grant each Native Hawaiian health care system receives from the Secretary under this Act.

"(7) NATIVE HAWAIIAN HEALTH CENTER.—The term 'Native Hawaiian Health Center' means any organization that is a primary health care provider that—

"(A) has a governing board composed of individuals, at least 50 percent of whom are Native Hawaiians;

"(B) has demonstrated cultural competency in a predominantly Native Hawaiian community;

"(C) serves a patient population that—

"(i) is made up of individuals at least 50 percent of whom are Native Hawaiian; or

"(ii) has not less than 2,500 Native Hawaiians as annual users of services; and

"(D) is recognized by Papa Ola Lokahi as having met each of the criteria described in subparagraphs (A) through (C).

"(8) NATIVE HAWAIIAN HEALTH TASK FORCE.—The term 'Native Hawaiian Health Task Force' means a task force established by the State Council of Hawaiian Homestead Associations to implement health and wellness strategies in Native Hawaiian communities.

"(9) NATIVE HAWAIIAN ORGANIZATION.—The term 'Native Hawaiian organization' means any organization that—

"(A) serves the interests of Native Hawaiians; and

"(B)(i) is recognized by Papa Ola Lokahi for planning, conducting, or administering programs authorized under this Act for the benefit of Native Hawaiians; and

"(ii) is a public or nonprofit private entity.

"(10) OFFICE OF HAWAIIAN AFFAIRS.—The term 'Office of Hawaiian Affairs' means the governmental entity that—

"(A) is established under article XII, sections 5 and 6, of the Hawai‘i State Constitution; and

"(B) charged with the responsibility to formulate policy relating to the affairs of Native Hawaiians.

"(11) PAPA OLA LOKAHI.—

"(A) IN GENERAL.—The term 'Papa Ola Lokahi' means an organization that—

"(i) is composed of public agencies and private organizations focusing on improving the health status of Native Hawaiians; and

"(ii) governed by a board the members of which may include representation from—

"(I) E Ola Mau;

"(II) the Office of Hawaiian Affairs;

"(III) Alu Like, Inc.;

"(IV) the University of Hawaii;

"(V) the Hawai‘i State Department of Health;

"(VI) the Native Hawaiian Health Task Force;

"(VII) the Hawai‘i State Primary Care Association;

"(VIII) Ahahui O Na Kauka, the Native Hawaiian Physicians Association;

"(IX) Ho‘ola Lahui Hawaii, or a health care system serving the islands of Kaua‘i or Ni‘ihau (which may be composed of as many health care centers as are necessary to meet the health care needs of the Native Hawaiians of those islands);

"(X) Ke Ola Mamo, or a health care system serving the island of O‘ahu (which may be composed of as many health care centers as are necessary to meet the health care needs of the Native Hawaiians of that island);

"(XI) Na Pu‘uwai or a health care system serving the islands of Moloka‘i or Lana‘i (which may be composed of as many health care centers as are necessary to meet the health care needs of the Native Hawaiians of those islands);

"(XII) Hui No Ke Ola Pono, or a health care system serving the island of Maui (which may be composed of as many health care centers as are necessary to meet the health care needs of the Native Hawaiians of that island);

"(XIII) Hui Malama Ola Na ‘Oiwi, or a health care system serving the island of Hawai‘i (which may be composed of as many health care centers as are necessary to meet the health care needs of the Native Hawaiians of that island);

"(XIV) such other Native Hawaiian health care systems as are certified and recognized by Papa Ola Lokahi in accordance with this Act; and

"(XV) such other member organizations as the Board of Papa Ola Lokahi shall admit from time to time, based on satisfactory demonstration of a record of contribution to the health and well-being of Native Hawaiians.

"(B) EXCLUSION.—The term 'Papa Ola Lokahi' does not include any organization described in subparagraph (A) for which the Secretary has made a determination that the organization has not developed a mission statement that includes—

"(i) clearly-defined goals and objectives for the contributions the organization will make to—

"(I) Native Hawaiian health care systems; and

"(II) the national policy described in section 4; and

"(ii) an action plan for carrying out those goals and objectives.

"(12) SECRETARY.—The term 'Secretary' means the Secretary of Health and Human Services.

"(13) STATE.—The term 'State' means the State of Hawaii.

"(14) TRADITIONAL NATIVE HAWAIIAN HEALER.—The term 'traditional Native Hawaiian healer' means a practitioner—

"(A) who—

"(i) is of Native Hawaiian ancestry; and

"(ii) has the knowledge, skills, and experience in direct personal health care of individuals; and

"(B) the knowledge, skills, and experience of whom are based on demonstrated learning of Native Hawaiian healing practices acquired by—

"(i) direct practical association with Native Hawaiian elders; and

"(ii) oral traditions transmitted from generation to generation.

"SEC. 4. DECLARATION OF NATIONAL NATIVE HAWAIIAN HEALTH POLICY.

"(a) DECLARATION.—Congress declares that it is the policy of the United States, in fulfillment of special responsibilities and legal obligations of the United States to the indigenous people of Hawai‘i resulting from the unique and historical relationship between the United States and the indigenous people of Hawaii—

"(1) to raise the health status of Native Hawaiians to the highest practicable health level; and

"(2) to provide Native Hawaiian health care programs with all resources necessary to effectuate that policy.

"(b) INTENT OF CONGRESS.—It is the intent of Congress that—

"(1) health care programs having a demonstrated effect of substantially reducing or eliminating the overrepresentation of Native Hawaiians among those suffering from chronic and acute disease and illness, and addressing the health needs of Native Hawaiians (including perinatal, early child development, and family-based health education needs), shall be established and implemented; and

"(2) the United States—

"(A) raise the health status of Native Hawaiians by the year 2010 to at least the levels described in the goals contained within Healthy People 2010 (or successor standards); and

"(B) incorporate within health programs in the United States activities defined and identified by Kanaka Maoli, such as—

"(i) incorporating and supporting the integration of cultural approaches to health and well-being, including programs using traditional practices relating to the atmosphere (lewa lani), land (‘aina), water (wai), or ocean (kai);

"(ii) increasing the number of Native Hawaiian health and allied-health providers who provide care to or have an impact on the health status of Native Hawaiians;

"(iii) increasing the use of traditional Native Hawaiian foods in—

"(I) the diets and dietary preferences of people, including those of students; and

"(II) school feeding programs;

"(iv) identifying and instituting Native Hawaiian cultural values and practices within the corporate cultures of organizations and agencies providing health services to Native Hawaiians;

"(v) facilitating the provision of Native Hawaiian healing practices by Native Hawaiian healers for individuals desiring that assistance;

"(vi) supporting training and education activities and programs in traditional Native Hawaiian healing practices by Native Hawaiian healers; and

"(vii) demonstrating the integration of health services for Native Hawaiians, particularly those that integrate mental, physical, and dental services in health care.

"(c) REPORT.—The Secretary shall submit to the President, for inclusion in each report required to be submitted to Congress under section 12, a report on the progress made toward meeting the national policy described in this section.

"SEC. 5. COMPREHENSIVE HEALTH CARE MASTER PLAN FOR NATIVE HAWAIIANS.

"(a) DEVELOPMENT.—

"(1) IN GENERAL.—The Secretary may make a grant to, or enter into a contract with, Papa Ola Lokahi for the purpose of coordinating, implementing, and updating a Native

Hawaiian comprehensive health care master plan that is designed—

"(A) to promote comprehensive health promotion and disease prevention services;

"(B) to maintain and improve the health status of Native Hawaiians; and

"(C) to support community-based initiatives that are reflective of holistic approaches to health.

"(2) CONSULTATION.—

"(A) IN GENERAL.—In carrying out this section, Papa Ola Lokahi and the Office of Hawaiian Affairs shall consult with representatives of—

"(i) the Native Hawaiian health care systems;

"(ii) the Native Hawaiian health centers; and

"(iii) the Native Hawaiian community.

"(B) MEMORANDA OF UNDERSTANDING.—Papa Ola Lokahi and the Office of Hawaiian Affairs may enter into memoranda of understanding or agreement for the purpose of acquiring joint funding, or for such other purposes as are necessary, to accomplish the objectives of this section.

"(3) HEALTH CARE FINANCING STUDY REPORT.—

"(A) IN GENERAL.—Not later than 18 months after the date of enactment of the Native Hawaiian Health Care Improvement Reauthorization Act of 2007, Papa Ola Lokahi, in cooperation with the Office of Hawaiian Affairs and other appropriate agencies and organizations in the State (including the Department of Health and the Department of Human Services of the State) and appropriate Federal agencies (including the Centers for Medicare and Medicaid Services), shall submit to Congress a report that describes the impact of Federal and State health care financing mechanisms and policies on the health and well-being of Native Hawaiians.

"(B) COMPONENTS.—The report shall include—

"(i) information concerning the impact on Native Hawaiian health and well-being of—

"(I) cultural competency;

"(II) risk assessment data;

"(III) eligibility requirements and exemptions; and

"(IV) reimbursement policies and capitation rates in effect as of the date of the report for service providers;

"(ii) such other similar information as may be important to improving the health status of Native Hawaiians, as that information relates to health care financing (including barriers to health care); and

"(iii) recommendations for submission to the Secretary, for review and consultation with the Native Hawaiian community.

"(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out subsection (a).

"SEC. 6. FUNCTIONS OF PAPA OLA LOKAHI.

"(a) IN GENERAL.—Papa Ola Lokahi—

"(1) shall be responsible for—

"(A) the coordination, implementation, and updating, as appropriate, of the comprehensive health care master plan under section 5;

"(B) the training and education of individuals providing health services;

"(C) the identification of and research (including behavioral, biomedical, epidemiological, and health service research) into the diseases that are most prevalent among Native Hawaiians; and

"(D) the development and maintenance of an institutional review board for all research projects involving all aspects of Native Hawaiian health, including behavioral, biomedical, epidemiological, and health service research;

"(2) may receive special project funds (including research endowments under section 736 of the Public Health Service Act (42 U.S.C. 293)) made available for the purpose of—

"(A) research on the health status of Native Hawaiians; or

"(B) addressing the health care needs of Native Hawaiians; and

"(3) shall serve as a clearinghouse for—

"(A) the collection and maintenance of data associated with the health status of Native Hawaiians;

"(B) the identification and research into diseases affecting Native Hawaiians;

"(C) the availability of Native Hawaiian project funds, research projects, and publications;

"(D) the collaboration of research in the area of Native Hawaiian health; and

"(E) the timely dissemination of information pertinent to the Native Hawaiian health care systems.

"(b) CONSULTATION.—

"(1) IN GENERAL.—The Secretary and the Secretary of each other Federal agency shall—

"(A) consult with Papa Ola Lokahi; and

"(B) provide Papa Ola Lokahi and the Office of Hawaiian Affairs, at least once annually, an accounting of funds and services provided by the Secretary to assist in accomplishing the purposes described in section 4.

"(2) COMPONENTS OF ACCOUNTING.—The accounting under paragraph (1)(B) shall include an identification of—

"(A) the amount of funds expended explicitly for and benefitting Native Hawaiians;

"(B) the number of Native Hawaiians affected by those funds;

"(C) the collaborations between the applicable Federal agency and Native Hawaiian groups and organizations in the expenditure of those funds; and

"(D) the amount of funds used for—

"(i) Federal administrative purposes; and

"(ii) the provision of direct services to Native Hawaiians.

"(c) FISCAL ALLOCATION AND COORDINATION OF PROGRAMS AND SERVICES.—

"(1) RECOMMENDATIONS.—Papa Ola Lokahi shall provide annual recommendations to the Secretary with respect to the allocation of all amounts made available under this Act.

"(2) COORDINATION.—Papa Ola Lokahi shall, to the maximum extent practicable, coordinate and assist the health care programs and services provided to Native Hawaiians under this Act and other Federal laws.

"(3) REPRESENTATION ON COMMISSION.—The Secretary, in consultation with Papa Ola Lokahi, shall make recommendations for Native Hawaiian representation on the President's Advisory Commission on Asian Americans and Pacific Islanders.

"(d) TECHNICAL SUPPORT.—Papa Ola Lokahi shall provide statewide infrastructure to provide technical support and coordination of training and technical assistance to—

"(1) the Native Hawaiian health care systems; and

"(2) the Native Hawaiian health centers.

"(e) RELATIONSHIPS WITH OTHER AGENCIES.—

"(1) AUTHORITY.—Papa Ola Lokahi may enter into agreements or memoranda of understanding with relevant institutions, agencies, or organizations that are capable of providing—

"(A) health-related resources or services to Native Hawaiians and the Native Hawaiian health care systems; or

"(B) resources or services for the implementation of the national policy described in section 4.

"(2) HEALTH CARE FINANCING.—

"(A) FEDERAL CONSULTATION.—

"(i) IN GENERAL.—Before adopting any policy, rule, or regulation that may affect the provision of services or health insurance coverage for Native Hawaiians, a Federal agency that provides health care financing and carries out health care programs (including the Centers for Medicare and Medicaid Services) shall consult with representatives of—

"(I) the Native Hawaiian community;

"(II) Papa Ola Lokahi; and

"(III) organizations providing health care services to Native Hawaiians in the State.

"(ii) IDENTIFICATION OF EFFECTS.—Any consultation by a Federal agency under clause (i) shall include an identification of the effect of any policy, rule, or regulation proposed by the Federal agency.

"(B) STATE CONSULTATION.—Before making any change in an existing program or implementing any new program relating to Native Hawaiian health, the State shall engage in meaningful consultation with representatives of—

"(i) the Native Hawaiian community;

"(ii) Papa Ola Lokahi; and

"(iii) organizations providing health care services to Native Hawaiians in the State.

"(C) CONSULTATION ON FEDERAL HEALTH INSURANCE PROGRAMS.—

"(i) IN GENERAL.—The Office of Hawaiian Affairs, in collaboration with Papa Ola Lokahi, may develop consultative, contractual, or other arrangements, including memoranda of understanding or agreement, with—

"(I) the Centers for Medicare and Medicaid Services;

"(II) the agency of the State that administers or supervises the administration of the State plan or waiver approved under title XVIII, XIX, or XXI of the Social Security Act (42 U.S.C. 1395 et seq.) for the payment of all or a part of the health care services provided to Native Hawaiians who are eligible for medical assistance under the State plan or waiver; or

"(III) any other Federal agency providing full or partial health insurance to Native Hawaiians.

"(ii) CONTENTS OF ARRANGEMENTS.—An arrangement under clause (i) may address—

"(I) appropriate reimbursement for health care services, including capitation rates and fee-for-service rates for Native Hawaiians who are entitled to or eligible for insurance;

"(II) the scope of services; or

"(III) other matters that would enable Native Hawaiians to maximize health insurance benefits provided by Federal and State health insurance programs.

"(3) TRADITIONAL HEALERS.—

"(A) IN GENERAL.—The provision of health services under any program operated by the Department or another Federal agency (including the Department of Veterans Affairs) may include the services of—

"(i) traditional Native Hawaiian healers; or

"(ii) traditional healers providing traditional health care practices (as those terms are defined in section 4 of the Indian Health Care Improvement Act (25 U.S.C. 1603).

"(B) EXEMPTION.—Services described in subparagraph (A) shall be exempt from national accreditation reviews, including reviews conducted by—

“(i) the Joint Commission on Accreditation of Healthcare Organizations; and

“(ii) the Commission on Accreditation of Rehabilitation Facilities.

“SEC. 7. NATIVE HAWAIIAN HEALTH CARE.

“(a) COMPREHENSIVE HEALTH PROMOTION, DISEASE PREVENTION, AND OTHER HEALTH SERVICES.—

“(1) GRANTS AND CONTRACTS.—The Secretary, in consultation with Papa Ola Lokahi, may make grants to, or enter into contracts with 1 or more Native Hawaiian health care systems for the purpose of providing comprehensive health promotion and disease prevention services, as well as other health services, to Native Hawaiians who desire and are committed to bettering their own health.

“(2) LIMITATION ON NUMBER OF ENTITIES.—The Secretary may make a grant to, or enter into a contract with, not more than 8 Native Hawaiian health care systems under this subsection for any fiscal year.

“(b) PLANNING GRANT OR CONTRACT.—In addition to grants and contracts under subsection (a), the Secretary may make a grant to, or enter into a contract with, Papa Ola Lokahi for the purpose of planning Native Hawaiian health care systems to serve the health needs of Native Hawaiian communities on each of the islands of O‘ahu, Moloka‘i, Maui, Hawai‘i, Lana‘i, Kaua‘i, Kaho‘lawe, and Ni‘ihau in the State.

“(c) HEALTH SERVICES TO BE PROVIDED.—

“(1) IN GENERAL.—Each recipient of funds under subsection (a) may provide or arrange for—

“(A) outreach services to inform and assist Native Hawaiians in accessing health services;

“(B) education in health promotion and disease prevention for Native Hawaiians that, wherever practicable, is provided by—

“(i) Native Hawaiian health care practitioners;

“(ii) community outreach workers;

“(iii) counselors;

“(iv) cultural educators; and

“(v) other disease prevention providers;

“(C) services of individuals providing health services;

“(D) collection of data relating to the prevention of diseases and illnesses among Native Hawaiians; and

“(E) support of culturally appropriate activities that enhance health and wellness, including land-based, water-based, ocean-based, and spiritually-based projects and programs.

“(2) TRADITIONAL HEALERS.—The health care services referred to in paragraph (1) that are provided under grants or contracts under subsection (a) may be provided by traditional Native Hawaiian healers, as appropriate.

“(d) FEDERAL TORT CLAIMS ACT.—An individual who provides a medical, dental, or other service referred to in subsection (a)(1) for a Native Hawaiian health care system, including a provider of a traditional Native Hawaiian healing service, shall be—

“(1) treated as if the individual were a member of the Public Health Service; and

“(2) subject to section 224 of the Public Health Service Act (42 U.S.C. 233).

“(e) SITE FOR OTHER FEDERAL PAYMENTS.—

“(1) IN GENERAL.—A Native Hawaiian health care system that receives funds under subsection (a) may serve as a Federal loan repayment facility.

“(2) REMISSION OF PAYMENTS.—A facility described in paragraph (1) shall be designed to enable health and allied-health professionals to remit payments with respect to loans provided to the professionals under any Federal loan program.

“(f) RESTRICTION ON USE OF GRANT AND CONTRACT FUNDS.—The Secretary shall not make a grant to, or enter into a contract with, an entity under subsection (a) unless the entity agrees that amounts received under the grant or contract will not, directly or through contract, be expended—

“(1) for any service other than a service described in subsection (c)(1);

“(2) to purchase or improve real property (other than minor remodeling of existing improvements to real property); or

“(3) to purchase major medical equipment.

“(g) LIMITATION ON CHARGES FOR SERVICES.—The Secretary shall not make a grant to, or enter into a contract with, an entity under subsection (a) unless the entity agrees that, whether health services are provided directly or under a contract—

“(1) any health service under the grant or contract will be provided without regard to the ability of an individual receiving the health service to pay for the health service; and

“(2) the entity will impose for the delivery of such a health service a charge that is—

“(A) made according to a schedule of charges that is made available to the public; and

“(B) adjusted to reflect the income of the individual involved.

“(h) AUTHORIZATION OF APPROPRIATIONS.—

“(1) GENERAL GRANTS.—There are authorized to be appropriated such sums as are necessary to carry out subsection (a) for each of fiscal years 2007 through 2012.

“(2) PLANNING GRANTS.—There are authorized to be appropriated such sums as are necessary to carry out subsection (b) for each of fiscal years 2007 through 2012.

“(3) HEALTH SERVICES.—There are authorized to be appropriated such sums as are necessary to carry out subsection (c) for each of fiscal years 2007 through 2012.

“SEC. 8. ADMINISTRATIVE GRANT FOR PAPA OLA LOKAHI.

“(a) IN GENERAL.—In addition to any other grant or contract under this Act, the Secretary may make grants to, or enter into contracts with, Papa Ola Lokahi for—

“(1) coordination, implementation, and updating (as appropriate) of the comprehensive health care master plan developed under section 5;

“(2) training and education for providers of health services;

“(3) identification of and research (including behavioral, biomedical, epidemiologic, and health service research) into the diseases that are most prevalent among Native Hawaiians;

“(4) a clearinghouse function for—

“(A) the collection and maintenance of data associated with the health status of Native Hawaiians;

“(B) the identification and research into diseases affecting Native Hawaiians; and

“(C) the availability of Native Hawaiian project funds, research projects, and publications;

“(5) the establishment and maintenance of an institutional review board for all health-related research involving Native Hawaiians;

“(6) the coordination of the health care programs and services provided to Native Hawaiians; and

“(7) the administration of special project funds.

“(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out subsection (a) for each of fiscal years 2007 through 2012.

“SEC. 9. ADMINISTRATION OF GRANTS AND CONTRACTS.

“(a) TERMS AND CONDITIONS.—The Secretary shall include in any grant made or contract entered into under this Act such terms and conditions as the Secretary considers necessary or appropriate to ensure that the objectives of the grant or contract are achieved.

“(b) PERIODIC REVIEW.—The Secretary shall periodically evaluate the performance of, and compliance with, grants and contracts under this Act.

“(c) ADMINISTRATIVE REQUIREMENTS.—The Secretary shall not make a grant or enter into a contract under this Act with an entity unless the entity—

“(1) agrees to establish such procedures for fiscal control and fund accounting as the Secretary determines are necessary to ensure proper disbursement and accounting with respect to the grant or contract;

“(2) agrees to ensure the confidentiality of records maintained on individuals receiving health services under the grant or contract;

“(3) with respect to providing health services to any population of Native Hawaiians, a substantial portion of which has a limited ability to speak the English language—

“(A) has developed and has the ability to carry out a reasonable plan to provide health services under the grant or contract through individuals who are able to communicate with the population involved in the language and cultural context that is most appropriate; and

“(B) has designated at least 1 individual who is fluent in English and the appropriate language to assist in carrying out the plan;

“(4) with respect to health services that are covered under a program under title XVIII, XIX, or XXI of the Social Security Act (42 U.S.C. 1395 et seq.) (including any State plan), or under any other Federal health insurance plan—

“(A) if the entity will provide under the grant or contract any of those health services directly—

“(i) has entered into a participation agreement under each such plan; and

“(ii) is qualified to receive payments under the plan; and

“(B) if the entity will provide under the grant or contract any of those health services through a contract with an organization—

“(i) ensures that the organization has entered into a participation agreement under each such plan; and

“(ii) ensures that the organization is qualified to receive payments under the plan; and

“(5) agrees to submit to the Secretary and Papa Ola Lokahi an annual report that—

“(A) describes the use and costs of health services provided under the grant or contract (including the average cost of health services per user); and

“(B) provides such other information as the Secretary determines to be appropriate.

“(d) CONTRACT EVALUATION.—

“(1) DETERMINATION OF NONCOMPLIANCE.—If, as a result of evaluations conducted by the Secretary, the Secretary determines that an entity has not complied with or satisfactorily performed a contract entered into under section 7, the Secretary shall, before renewing the contract—

“(A) attempt to resolve the areas of noncompliance or unsatisfactory performance; and

“(B) modify the contract to prevent future occurrences of the noncompliance or unsatisfactory performance.

"(2) Nonrenewal.—If the Secretary determines that the noncompliance or unsatisfactory performance described in paragraph (1) with respect to an entity cannot be resolved and prevented in the future, the Secretary—

"(A) shall not renew the contract with the entity; and

"(B) may enter into a contract under section 7 with another entity referred to in section 7(a)(3) that provides services to the same population of Native Hawaiians served by the entity the contract with which was not renewed by reason of this paragraph.

"(3) Consideration of results.—In determining whether to renew a contract entered into with an entity under this Act, the Secretary shall consider the results of the evaluations conducted under this section.

"(4) Application of federal laws.—Each contract entered into by the Secretary under this Act shall be in accordance with all Federal contracting laws (including regulations), except that, in the discretion of the Secretary, such a contract may—

"(A) be negotiated without advertising; and

"(B) be exempted from subchapter III of chapter 31, United States Code.

"(5) Payments.—A payment made under any contract entered into under this Act—

"(A) may be made—

"(i) in advance;

"(ii) by means of reimbursement; or

"(iii) in installments; and

"(B) shall be made on such conditions as the Secretary determines to be necessary to carry out this Act.

"(e) Report.—

"(1) In general.—For each fiscal year during which an entity receives or expends funds under a grant or contract under this Act, the entity shall submit to the Secretary and to Papa Ola Lokahi an annual report that describes—

"(A) the activities conducted by the entity under the grant or contract;

"(B) the amounts and purposes for which Federal funds were expended; and

"(C) such other information as the Secretary may request.

"(2) Audits.—The reports and records of any entity concerning any grant or contract under this Act shall be subject to audit by—

"(A) the Secretary;

"(B) the Inspector General of the Department of Health and Human Services; and

"(C) the Comptroller General of the United States.

"(f) Annual Private Audit.—The Secretary shall allow as a cost of any grant made or contract entered into under this Act the cost of an annual private audit conducted by a certified public accountant to carry out this section.

"SEC. 10. ASSIGNMENT OF PERSONNEL.

"(a) In General.—The Secretary may enter into an agreement with Papa Ola Lokahi or any of the Native Hawaiian health care systems for the assignment of personnel of the Department of Health and Human Services with relevant expertise for the purpose of—

"(1) conducting research; or

"(2) providing comprehensive health promotion and disease prevention services and health services to Native Hawaiians.

"(b) Applicable Federal Personnel Provisions.—Any assignment of personnel made by the Secretary under any agreement entered into under subsection (a) shall be treated as an assignment of Federal personnel to a local government that is made in accordance with subchapter VI of chapter 33 of title 5, United States Code.

"SEC. 11. NATIVE HAWAIIAN HEALTH SCHOLARSHIPS AND FELLOWSHIPS.

"(a) Eligibility.—Subject to the availability of amounts appropriated under subsection (c), the Secretary shall provide to Papa Ola Lokahi, through a direct grant or a cooperative agreement, funds for the purpose of providing scholarship and fellowship assistance, counseling, and placement service assistance to students who are Native Hawaiians.

"(b) Priority.—A priority for scholarships under subsection (a) may be provided to employees of—

"(1) the Native Hawaiian Health Care Systems; and

"(2) the Native Hawaiian Health Centers.

"(c) Terms and Conditions.—

"(1) Scholarship assistance.—

"(A) In general.—The scholarship assistance under subsection (a) shall be provided in accordance with subparagraphs (B) through (G).

"(B) Need.—The provision of scholarships in each type of health profession training shall correspond to the need for each type of health professional to serve the Native Hawaiian community in providing health services, as identified by Papa Ola Lokahi.

"(C) Eligible applicants.—To the maximum extent practicable, the Secretary shall select scholarship recipients from a list of eligible applicants submitted by Papa Ola Lokahi.

"(D) Obligated service requirement.—

"(i) In general.—An obligated service requirement for each scholarship recipient (except for a recipient receiving assistance under paragraph (2)) shall be fulfilled through service, in order of priority, in—

"(I) any of the Native Hawaiian health care systems;

"(II) any of the Native Hawaiian health centers;

"(III) 1 or more health professions shortage areas, medically underserved areas, or geographic areas or facilities similarly designated by the Public Health Service in the State;

"(IV) a Native Hawaiian organization that serves a geographical area, facility, or organization that serves a significant Native Hawaiian population;

"(V) any public agency or nonprofit organization providing services to Native Hawaiians; or

"(VI) any of the uniformed services of the United States.

"(ii) Assignment.—The placement service for a scholarship shall assign each Native Hawaiian scholarship recipient to 1 or more appropriate sites for service in accordance with clause (i).

"(E) Counseling, retention, and support services.—The provision of academic and personal counseling, retention and other support services—

"(i) shall not be limited to scholarship recipients under this section; and

"(ii) shall be made available to recipients of other scholarship and financial aid programs enrolled in appropriate health professions training programs.

"(F) Financial assistance.—After consultation with Papa Ola Lokahi, financial assistance may be provided to a scholarship recipient during the period that the recipient is fulfilling the service requirement of the recipient in any of—

"(i) the Native Hawaiian health care systems; or

"(ii) the Native Hawaiians health centers.

"(G) Distance learning recipients.—A scholarship may be provided to a Native Hawaiian who is enrolled in an appropriate distance learning program offered by an accredited educational institution.

"(2) Fellowships.—

"(A) In general.—Papa Ola Lokahi may provide financial assistance in the form of a fellowship to a Native Hawaiian health professional who is—

"(i) a Native Hawaiian community health representative, outreach worker, or health program administrator in a professional training program;

"(ii) a Native Hawaiian providing health services; or

"(iii) a Native Hawaiian enrolled in a certificated program provided by traditional Native Hawaiian healers in any of the traditional Native Hawaiian healing practices (including lomi-lomi, la'au lapa'au, and ho'oponopono).

"(B) Types of assistance.—Assistance under subparagraph (A) may include a stipend for, or reimbursement for costs associated with, participation in a program described in that paragraph.

"(3) Rights and benefits.—An individual who is a health professional designated in section 338A of the Public Health Service Act (42 U.S.C. 254*l*) who receives a scholarship under this subsection while fulfilling a service requirement under that Act shall retain the same rights and benefits as members of the National Health Service Corps during the period of service.

"(4) No inclusion of assistance in gross income.—Financial assistance provided under this section shall be considered to be qualified scholarships for the purpose of section 117 of the Internal Revenue Code of 1986.

"(d) Authorization of Appropriations.—There are authorized to be appropriated such sums as are necessary to carry out subsections (a) and (c)(2) for each of fiscal years 2007 through 2012.

"SEC. 12. REPORT.

"For each fiscal year, the President shall, at the time at which the budget of the United States is submitted under section 1105 of title 31, United States Code, submit to Congress a report on the progress made in meeting the purposes of this Act, including—

"(1) a review of programs established or assisted in accordance with this Act; and

"(2) an assessment of and recommendations for additional programs or additional assistance necessary to provide, at a minimum, health services to Native Hawaiians, and ensure a health status for Native Hawaiians, that are at a parity with the health services available to, and the health status of, the general population.

"SEC. 13. USE OF FEDERAL GOVERNMENT FACILITIES AND SOURCES OF SUPPLY.

"(a) In General.—The Secretary shall permit an organization that enters into a contract or receives grant under this Act to use in carrying out projects or activities under the contract or grant all existing facilities under the jurisdiction of the Secretary (including all equipment of the facilities), in accordance with such terms and conditions as may be agreed on for the use and maintenance of the facilities or equipment.

"(b) Donation of Property.—The Secretary may donate to an organization that enters into a contract or receives grant under this Act, for use in carrying out a project or activity under the contract or grant, any personal or real property determined to be in excess of the needs of the Department or the General Services Administration.

"(c) Acquisition of Surplus Property.—The Secretary may acquire excess or surplus Federal Government personal or real property for donation to an organization under subsection (b) if the Secretary determines that the property is appropriate for use by the organization for the purpose for which a contract entered into or grant received by the organization is authorized under this Act.

"SEC. 14. DEMONSTRATION PROJECTS OF NATIONAL SIGNIFICANCE.

"(a) AUTHORITY AND AREAS OF INTEREST.—

"(1) IN GENERAL.—The Secretary, in consultation with Papa Ola Lokahi, may allocate amounts made available under this Act, or any other Act, to carry out Native Hawaiian demonstration projects of national significance.

"(2) AREAS OF INTEREST.—A demonstration project described in paragraph (1) may relate to such areas of interest as—

"(A) the development of a centralized database and information system relating to the health care status, health care needs, and wellness of Native Hawaiians;

"(B) the education of health professionals, and other individuals in institutions of higher learning, in health and allied health programs in healing practices, including Native Hawaiian healing practices;

"(C) the integration of Western medicine with complementary healing practices, including traditional Native Hawaiian healing practices;

"(D) the use of telehealth and telecommunications in—

"(i) chronic and infectious disease management; and

"(ii) health promotion and disease prevention;

"(E) the development of appropriate models of health care for Native Hawaiians and other indigenous people, including—

"(i) the provision of culturally competent health services;

"(ii) related activities focusing on wellness concepts;

"(iii) the development of appropriate kupuna care programs; and

"(iv) the development of financial mechanisms and collaborative relationships leading to universal access to health care; and

"(F) the establishment of—

"(i) a Native Hawaiian Center of Excellence for Nursing at the University of Hawai‘i at Hilo;

"(ii) a Native Hawaiian Center of Excellence for Mental Health at the University of Hawai‘i at Manoa;

"(iii) a Native Hawaiian Center of Excellence for Maternal Health and Nutrition at the Waimanalo Health Center;

"(iv) a Native Hawaiian Center of Excellence for Research, Training, Integrated Medicine at Molokai General Hospital; and

"(v) a Native Hawaiian Center of Excellence for Complementary Health and Health Education and Training at the Waianae Coast Comprehensive Health Center.

"(3) CENTERS OF EXCELLENCE.—Papa Ola Lokahi, and any centers established under paragraph (2)(F), shall be considered to be qualified as Centers of Excellence under sections 485F and 903(b)(2)(A) of the Public Health Service Act (42 U.S.C. 287c–32, 299a–1).

"(b) NONREDUCTION IN OTHER FUNDING.—The allocation of funds for demonstration projects under subsection (a) shall not result in any reduction in funds required by the Native Hawaiian health care systems, the Native Hawaiian Health Centers, the Native Hawaiian Health Scholarship Program, or Papa Ola Lokahi to carry out the respective responsibilities of those entities under this Act.

"SEC. 15. RULE OF CONSTRUCTION.

"Nothing in this Act restricts the authority of the State to require licensing of, and issue licenses to, health practitioners.

"SEC. 16. COMPLIANCE WITH BUDGET ACT.

"Any new spending authority described in subparagraph (A) or (B) of section 401(c)(2) of the Congressional Budget Act of 1974 (2 U.S.C. 651(c)(2)) that is provided under this Act shall be effective for any fiscal year only to such extent or in such amounts as are provided for in Acts of appropriation.

"SEC. 17. SEVERABILITY.

"If any provision of this Act, or the application of any such provision to any person or circumstance, is determined by a court of competent jurisdiction to be invalid, the remainder of this Act, and the application of the provision to a person or circumstance other than that to which the provision is held invalid, shall not be affected by that holding.".

By Mr. BOND (for himself, Mr. LEAHY, Mr. NELSON of Nebraska, and Ms. SNOWE):

S. 430. A bill to amend title 10, United States Code, to enhance the national defense through empowerment of the Chief of the National Guard Bureau and the enhancement of the functions of the National Guard Bureau, and for other purposes; to the Committee on Armed Services.

Mr. LEAHY. Mr. President, today I introduce legislation about the National Guard with Senator KIT BOND, my fellow co-chair of the Senate's National Guard Caucus, and Senator BEN NELSON, a longtime caucus member and a subcommittee chair of the Senate Armed Services Committee. The National Guard Empowerment Act of 2007 would improve the management of the National Guard, and it will give the Guard more responsibility in improving our defense arrangements at home, where the Guard works in tandem with the Nation's governors to help keep our communities safe. This legislation will strengthen the National Guard, the military, and our Nation, and I believe it is something that deserves our attention and approval.

As Senators, we know all too well the many ways in which our communities rely on the National Guard. The soldiers of the National Guard, like their active duty counterparts, have expended an extraordinary amount of will and sacrifice in the wars in Afghanistan and Iraq. The National Guard comprised almost 50 percent of the forces on the ground in Iraq less than 2 years ago, and now, as the Pentagon plans to implement the President's plans for a troop escalation, the percentage of Guard troops on the ground is set to rise once again.

At the same time, we are constantly witness to the equally heralded work that the National Guard has done to increase security at home. Along with efforts to increase security along both the northern and southern borders, the Guard has bolstered security at special events across the country, including the Olympics, the national political party conventions, and events here in our Nation's capital. Most importantly, the National Guard provided the best—the very best—response of any agency, Federal, State or local, in the disastrous aftermath of Hurricane Katrina, sending tens of thousands of troops to the hardest-hit communities in relatively short order.

When you look at these examples, it is indisputable that the National Guard is only limited in what it can do for us by the authorities, policies, available equipment, responsibilities, and support that we give them.

It is time to give the Guard more tools and support to effectively carry out these responsibilities.

With the knowledge that the use of the National Guard is sure to increase in the future, the President, the Secretary of Defense, and the Chairman of the Joint Chiefs need unfettered and unmediated advice about how to utilize the force, whether balancing both the domestic and overseas missions of the National Guard or using the Guard to support the Nation's governors in domestic emergencies. Given this need for greater input on Guard matters, it is only logical that the leadership within the National Guard should be the ones doing the advising. And, as the Guard becomes more active within the military's total force, it only makes sense to increase the number of Guard generals at the highest reaches of the military command, where key force management decisions are made.

At the same time, the National Guard is in a position to deal with some of the basic missions at home that are simply not being address by the Department of Defense. We have some real heroes at the recently established Northern Command, which is working with various civilian agencies to prevent another attack at home. Yet, the processes to deal with the mission of having military support of civilian authorities in domestic emergencies are as yet undefined.

Northern command, meanwhile, is taking only perfunctory input from the nation's governors who, along with local officials, will bear much of the responsibility in disaster situations. Five years after September 11, we cannot wait to give more definition to how the military will support civil authorities in an emergency, and we cannot wait until an actual emergency to inform State governors about what resources are available to them. With some new authorities, we can give the Guard the mission of leading the effort to support civilian authorities at home and in working with the States and governors to plan for such disasters.

Elevating the National Guard bureaucratically, increasing the quality advice on the Guard to the senior command, and improving response to domestic emergencies are exactly what the provisions of the National Guard Empowerment Act will accomplish.

First, the National Guard Empowerment Act elevates the Chief of the National Guard Bureau from the rank of lieutenant general to general with four-stars, with a seat on the Joint Chiefs of Staff. This move will give the Nation's governors and adjutants general a straight line of communication to the Joint Chiefs Chairman, the Secretary of Defense, and the President. Having personnel with more knowledge and experience with the Guard involved in key budget and policy deliberations, the branches of the active duty services will be less willing to try to balance budgets on the back of the reserve forces like the Guard, which only goes against our overall ability to respond.

Second, the act gives the National Guard the responsibility of working with the States to identify gaps in their response capabilities, of setting equipment requirements, and procuring these much needed items. The act will ensure that a National Guard commander is the deputy commander of Northern Command and that the Guard—and thus, in turn, the governors—work in tandem with the command to set out specific plans to support our elected and civilian leaders in an emergency.

Let me be clear about what this legislation does not do. The Guard Empowerment Act does not make the National Guard a separate armed service. The Guard will remain an integral partner of the Army and the Air Force. Nor is the act some kind of wanton power grab. Instead, the act would bring the National Guard's bureaucratic position in line with what it is already doing and what we will expect of it in the future. Passage of the act will, utmost, not disturb or undermine our defense arrangements. Rather, it will empower the entire military to deal with critically important problems that it is simply not addressing.

This legislation has been carefully crafted over the past year and a half, and it incorporates the input we received from the adjutants general, the National Guard leadership, the governors, and key officers across the defense establishment. I would like to submit for the RECORD letters of support from the National Guard Association of the United States, the Enlisted Association of the National Guard of the United States, and the Adjutants General Association of the United States.

This drive to empower the Guard is also gaining momentum in Congress. Since 9/11 we have been asking the Guard to do more and more, and they have superbly handled their dual role at home and abroad. But strains are showing in the system. The Guard is a 21st century military organization that has to operate under a 20th century bureaucracy. The Guard's ability to help the Nation is limited only by the resources, authorities, and responsibility we give it. Let us put the trust in the men and women of the Guard that they have deserved and earned, by giving them the seat at the table that they need.

Mr. President, I ask unanimous consent that letters of support be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

NATIONAL GUARD ASSOCIATION
OF THE UNITED STATES, INC.,
Washington, DC, January 25, 2007.

Hon. PATRICK LEAHY,
U.S. Senate,
Washington, DC.

DEAR SENATOR LEAHY: The National Guard Association of the United States continues to support the critical changes that were included in the National Defense Enhancement and National Guard Empowerment Act of 2006. We appreciate your efforts, along with Senator Bond, in introducing a new bill in the Senate that incorporates these same areas of concern.

S. 2658 was a bold step in the last session to provide the National Guard with an adequate voice in the deliberations of the Department of Defense as together we meet the future threats to the nation, both here at home and overseas.

As you know, NGAUS worked vigorously in 2006 to secure passage of S. 2658 and we have continued that aggressive support in hearings before the Commission on the National Guard and Reserve. While we regret that their deliberations have created some delay in implementing these key solutions to National Guard issues we remain hopeful that they too will recognize the wisdom contained in the National Guard Empowerment Act of 2007.

Thank you for your assistance on behalf of the National Guard. Please let us know how we may be of further assistance in this endeavor.

Sincerely,

STEPHEN M. KOPER,
Brigadier General (Ret),
President.

JANUARY 30, 2007.

Hon. BEN NELSON,
U.S. Senate,
Washington, DC.
Hon. PATRICK LEAHY,
U.S. Senate,
Washington, DC.
Hon. KIT BOND,
U.S. Senate,
Washington, DC.
Hon. OLYMPIA SNOWE,
U.S. Senate,
Washington, DC.

As you are most certainly aware the Adjutants General of the 54 states, territories, and District of Columbia have provided trained and ready National Guard forces to protect the nation inside and outside of its borders in unprecedented numbers since 9/11. Since then we have sought reform within the Department of Defense for the National Guard to fully transform from a strategic reserve to an operational reserve.

We are united in support of the National Guard Empowerment Act of 2007. The legislation contains key elements that will enhance the ability of the National Guard to equip and train for its dual role missions. Elevating the Chief, National Guard Bureau to four-star rank is needed to ensure representation at the highest levels when addressing homeland security and National Guard usage. Making the National Guard Bureau a joint activity in DoD responds directly to White House recommendations contained in its report on Hurricane Katrina. A greater National Guard presence is needed at USNORTHCOM. Your legislation does this by requiring the deputy commander to be a National Guard general. Other provisions deal with expanding opportunities for National Guard leaders to compete for top level assignments. Finally, the legislation focuses on identifying and correcting critical gaps in resources needed to protect U.S. citizens.

Recent events have demonstrated again what we all already know that the National Guard will continue to be needed at unprecedented levels for missions impossible to contemplate. The National Guard will be part of the build up in Iraq to finally defeat terrorist and sectarian elements which will require extraordinary sacrifices by families and employers. The National Guard continues to assist in securing the nation's southwest border.

The National Guard Empowerment Act of 2007 is comprehensive and visionary. It acknowledges how the nature of warfare and national security has changed and offers bold changes to reshape military leadership to meet new threats. Testimony from DoD's highest leaders to the Commission on National Guard and Reserve in December indicates that no other plan is in work to strengthen the voice of the National Guard in the halls of the Pentagon.

You can count on support from the Adjutants General Association of the United States in seeking critical changes that will assure a strong National Guard ready to serve this great nation domestically and fighting terrorism.

Sincerely,

ROGER P. LEMPKE,
Major General, President.

EANGUS,
Alexandria, VA, January 25, 2007.

Hon. PATRICK LEAHY,
U.S. Senate,
Washington, DC.
Hon. CHRISTOPHER BOND,
U.S. Senate,
Washington, DC.

The Enlisted Association of the National Guard of the United States (EANGUS) is the only military service association that represents the interests of every enlisted soldier and airmen in the Army and Air National Guard. With a constituency base of over 414,000 soldiers and airmen, their families, and a large retiree membership, EANGUS engages Capitol Hill on behalf of courageous Guard persons across this nation.

On behalf of EANGUS, and the soldiers and airmen it represents, I'd like to communicate our support for legislation to elevate the position of Chief National Guard Bureau to General, to place the Chief on the Joint Chiefs of Staff, and to enhance the responsibilities of the Chief of the National Guard Bureau and the functions of the National Guard Bureau. For years, the Chief of the National Guard Bureau, and the National Guard as a whole, has deliberately been in the shallow end of the resource pool, bearing the brunt of budget cuts to the Army and Air Force, and having to "take it out of hide" to accomplish federal and state missions that were required by statute but not fully funded by the services or Department of Defense.

Our association stands firm in support of Congressional action to remedy this long-endured and untenable situation. The lack of trust and respect of the National Guard by DOD political and military leaders, as well as the service secretaries, the consistent under-funding of National Guard appropriations accounts, and the intentional lack of communication and coordination all have the probability of being rectified by this legislation by making the National Guard a full player in the decision-making and appropriations process.

Thank you for taking legislative action that is not only timely, but unfortunately necessary, and long overdue. We look forward to working with your staff as this legislation works its way into law.

Working for America's Best!

MSG MICHAEL P. CLINE, USA (RET),
Executive Director.

By Mr. SCHUMER (for himself and Mr. MCCAIN):

S. 431. A bill to require convicted sex offenders to register online identifiers, and for other purposes; to the Committee on the Judiciary.

Mr. MCCAIN. Mr. President, I am pleased to join my colleague, Senator SCHUMER, in sponsoring the "Keeping the Internet Devoid of Sexual-Predators Act of 2007," otherwise known as the KIDS Act. This bill would require a convicted sex offender to register any e-mail address, instant message address or other similar Internet identifying information the sex offender uses or may use with the Department of Justice's National Sex Offender Registry. This information would then be made available to commercial social networking websites for the purpose of screening the website's user database to ensure convicted sex offenders are not using the website to prey on innocent children.

The Internet is likely the greatest invention of the 21st century; however, it has also brought ready access to millions of children by would be pedophiles. There are thousands of social networking websites and chat rooms where children post personal information about themselves hoping to connect with other children. Many children who access the Internet in a safe environment, such as their home or school, combined with the natural trust of a child, forget that they are sharing personal information with complete strangers. This allows strangers that a child would likely never speak with in the "real world" to prey on children more easily.

In a Pew Internet and American Life survey released earlier this month, 55 percent of adolescents polled said they have posted a profile on a social networking website, and 48 percent of adolescents polled say they visit a social networking website every day. These statistics prove that the fight to protect our children from sexual predators has moved from the playground to the Internet.

For this reason, Senator SCHUMER and I are introducing legislation that would enable social networking websites to protect their young users from convicted sex offenders. By requiring sex offenders to register e-mail addresses and other Internet identifying information with the Department of Justice, and allowing the Department to offer this information to commercial social networking websites, Congress is providing websites with the tools to come forth with innovative solutions to protect children. A similar proposal was included in S. 4089, the Stop the Exploitation of Our Children Act of 2006, which I introduced on December 6, 2006.

According to the same Pew Internet and American life survey, fully 85 percent of adolescents who have created an online profile say the profile they use or update most often is on MySpace, while 7 percent update a profile on Facebook. Consequently, I am pleased to report that both MySpace and Facebook endorse the KIDS Act. I look forward to other commercial social networking websites endorsing the bill and using the registry information after the bill is signed into law. Additionally, the bill is endorsed by the American Family Association. We all know that engaged parents are the best deterrent against sexual predators looking to prey on our children on the Internet. Parents that monitor their children's access to the Internet or are present when the child or adolescent is on-line are able to better ensure their children are not drawn into inappropriate online conversations with sexual predators.

Last week I received an e-mail from a police detective who investigates Internet sex crimes in Ohio. The detective gave his full endorsement for this legislation stating, "What a great idea . . . [Congress] continues to arm us with great legislation to help protect our nation's children." I agree and hope my colleagues will join with Senator SCHUMER and me in supporting this bill to give websites and law enforcement this important tool in their fight to protect our children.

By Mr. OBAMA:

S. 433. A bill to state United States policy for Iraq, and for other purposes; to the Committee on Foreign Relations.

Mr. OBAMA. Mr. President, there are countless reasons that the American people have lost confidence in the President's Iraq policy, but chief among them has been the Administration's insistence on making promises and assurances about progress and victory that have no basis whatsoever in the reality of the facts on the ground.

We have been told that we would be greeted as liberators. We have been promised that the insurgency was in its last throes. We have been assured again and again that we were making progress, that the Iraqis would soon stand up, that our brave sons and daughters could soon stand down. We have been asked to wait, and asked to be patient, and asked to give the President and the new Iraqi government six more months, and then six more months after that, and then six more months after that.

Despite all of this, a change of course still seemed possible. Back in November, the American people had voted for a new direction in Iraq. Secretary Rumsfeld was on his way out at the Pentagon. The Iraq Study Group was poised to offer a bipartisan consensus. The President was conducting his own review. After years of missteps and mistakes, it was time for a responsible policy grounded in reality, not ideology.

Instead, the President ignored the counsel of expert civilians and experienced soldiers, the hard-won consensus of prominent Republicans and Democrats, and the clear will of the American people.

The President's decision to move forward with this escalation anyway, despite all evidence and military advice to the contrary, is the terrible consequence of the decision to give him the broad, open-ended authority to wage this war in 2002. Over four years later, we cannot revisit that decision or reverse its outcome, but we can do what we didn't back then and refuse to give this President more open-ended authority for this war.

The U.S. military has performed valiantly and brilliantly in Iraq. Our troops have done all we have asked them to do and more. But no quantity of American soldiers can solve the political differences at the heart of somebody else's civil war, nor settle the grievances in the hearts of the combatants.

I cannot in good conscience support this escalation. As the President's own military commanders have said, escalation only prevents the Iraqis from taking more responsibility for their own future. It's even eroding our efforts in the wider war on terror, as some of the extra soldiers could come directly from Afghanistan, where the Taliban has become resurgent.

The course the President is pursuing fails to recognize the fundamental reality that the solution to the violence in Iraq is political, not military. He has offered no evidence that more U.S. troops will be able to pressure Shiites, Sunnis, and Kurds towards the necessary political settlement, and he's attached no conditions or consequences to his plan should the Iraqis fail to make progress.

In fact, just a few weeks ago, when I repeatedly asked Secretary Rice what would happen if the Iraqi government failed to meet the benchmarks that the Administration has called for, she could not give me an answer. When I asked her if there were any circumstances whatsoever in which we would tell the Iraqis that their failure to make progress would mean the end of our military commitment, she still could not give me an answer.

This is not good enough. When you ask how many more months and how many more lives it will take to end a policy that everyone knows has failed, "I don't know" isn't good enough.

Over the past four years, we have given this Administration chance after chance to get this right, and they have disappointed us so many times. That is why Congress now has the duty to prevent even more mistakes. Today, I am introducing legislation that rejects this policy of escalation, and implements a comprehensive approach that will promote stability in Iraq, protect our interests in the region, and bring this war to a responsible end.

My legislation essentially puts into law the speech I gave in November, 2006, and is, I believe, the best strategy for going forward.

The bill implements—with the force of law—a responsible redeployment of our forces out of Iraq, not a precipitous withdrawal. It implements key recommendations of the bipartisan Iraq Study Group. It applies real leverage on the Iraqis to reach the political solution necessary to end the sectarian violence that is tearing Iraq apart. It holds the Iraqi government accountable, making continued U.S. support conditional on concrete Iraqi progress. It respects the role of military commanders, while fulfilling Congress's responsibility to uphold the Constitution and heed the will of the American people.

First, this legislation caps the number of U.S. troops in Iraq at the number in Iraq on January 10, 2007—the day the President gave his "surge speech" to the nation. This cap could not be lifted without explicit authorization by the Congress.

Yet our responsibilities to the American people and to our servicemen and women go beyond opposing this ill-conceived escalation. We must fashion a comprehensive strategy to accomplish what the President's surge fails to do: pressure the Iraqi government to reach a political settlement, protect our interests in the region, and bring this war to a responsible end.

That is why my legislation commences a phased redeployment of U.S. troops to begin on May 1, 2007 with a goal of having all combat brigades out of Iraq by March 31, 2008, a date that is consistent with the expectation of the Iraq Study Group. The legislation provides exceptions for force protection, counterterrorism, and training of Iraqi security forces.

To press the Iraqi government to act, this drawdown can be suspended for 90-day periods if the President certifies and the Congress agrees that the Iraqi government is meeting specific benchmarks and the suspension is in the national security interests of the United States. These benchmarks include: Meeting security responsibilities. The Iraqi government must deploy brigades it promised to Baghdad, lift restrictions on the operations of the U.S. military, and make significant progress toward assuming full responsibility for the security of Iraq's provinces. Cracking down on sectarian violence. The Iraqi government must make significant progress toward reducing the size and influence of sectarian militias, and the presence of militia elements within the Iraqi Security Forces. Advancing national reconciliation. The Iraqi government must pass legislation to share oil revenues equitably; revise de-Baathification to enable more Iraqis to return to government service; hold provisional elections by the end of the year; and amend the Constitution in a manner that sustains reconciliation. Making economic progress. The Iraqi government must make available at least $10,000,000,000 for reconstruction, job creation, and economic development as it has promised to do. The allocation of these resources, the provision of services, and the administration of Iraqi Ministries must not proceed on a sectarian basis.

These benchmarks reflect actions proposed by the President and promised by the Iraqi government. It is time to hold them accountable.

Recognizing that the President has not been straightforward with the American people about the war in Iraq, my legislation allows the Congress—under expedited procedures—to overrule a Presidential certification and continue the redeployment.

Time and again, we have seen deadlines for Iraqi actions come and go—with no consequences. Time and again we have heard pledges of progress from the administration—followed by a descent into chaos. The commitment of U.S. troops to Iraq represents our best leverage to press the Iraqis to act. And the further commitment of U.S. economic assistance to the Government of Iraq must be conditional on Iraqi action.

As the U.S. drawdown proceeds, my legislation outlines how U.S. troops should be redeployed back to the United States and to other points in the region. In the region, we need to maintain a substantial over-the-horizon force to prevent the conflict in Iraq from becoming a wider war, to reassure our allies, and to protect our interests. And we should redeploy forces to Afghanistan, so we not just echo—but answer—NATO's call for more troops in this critical fight against terrorism.

Within Iraq, we may need to maintain a residual troop presence to protect U.S. personnel and facilities, go after international terrorists, and continue training efforts. My legislation allows for these critical but narrow exceptions as the redeployment proceeds and is ultimately completed.

My legislation makes it U.S. policy to undertake a comprehensive diplomatic strategy to promote a political solution within Iraq, and to prevent wider regional strife. This diplomatic effort must include our friends in the region, but it should also include Syria and Iran, who need to be part of the conversation about stabilizing Iraq. Not talking is getting us nowhere. Not talking is not making us more secure, nor is it weakening our adversaries.

The President should appoint a special envoy with responsibility to implement this regional engagement. And as we go forward, we must make it clear that redeployment does not mean disengagement from the region. On the contrary, it is time for a more comprehensive engagement that skillfully uses all tools of American power.

Finally, my legislation compels the President to formulate a strategy to prevent the war in Iraq from becoming a wider conflagration.

Let me conclude by saying that there are no good options in Iraq. We cannot undo the mistake of that congressional authorization, or the tragedies of the last four years.

Just as I have been constant in my strong opposition to this war, I have consistently believed that opposition must be responsible. As reckless as we were in getting into Iraq, we have to be as careful getting out. We have significant strategic interests in Iraq and the region. We have a humanitarian responsibility to help the Iraqi people. Above all, we have an obligation to support our courageous men and women in uniform—and their families back home—who have sacrificed beyond measure.

It is my firm belief that the responsible course of action—for the United States, for Iraq, and for our troops—is to oppose this reckless escalation and to pursue a new policy. This policy is consistent with what I have advocated for well over a year, with many of the recommendations of the bipartisan Iraq Study Group, and with what the American people demanded in November.

When it comes to the war in Iraq, the time for promises and assurances, for waiting and patience, is over. Too many lives have been lost and too many billions have been spent for us to trust the President on another tried and failed policy opposed by generals and experts, Democrats and Republicans, Americans and even the Iraqis themselves. It is time to change our policy. It is time to give Iraqis their country back. And it is time to refocus America's efforts on the wider struggle against terror yet to be won.

By Mr. BINGAMAN (for himself, Mr. DOMENICI, Mr. REED, Ms. CANTWELL, Mr. LIEBERMAN, Mr. LEAHY, Mr. COLEMAN, and Mr. INOUYE):

S. 434. A bill to amend title XXI of the Social Security Act to permit qualifying States to use a portion of their allotments under the State children's health insurance program for any fiscal year for certain Medicaid expenditures; to the Committee on Finance.

Mr. BINGAMAN. Mr. President, since the passage of the Children's Health Insurance Program, or CHIP, in 1997, a group of States that expanded coverage to children in Medicaid prior to the enactment of CHIP has been unfairly penalized for that expansion. States are not allowed to use the enhanced matching rate available to other States for children at similar levels of poverty under the act. As a result, a child in the States of New York, Florida, and Pennsylvania, because they were grandfathered in the original act or in Iowa, Montana, or a number of other States at 134 percent of poverty is eligible for an enhanced matching rate in CHIP but that has not been the case for States such as New Mexico, Vermont, Washington, Rhode Island, Hawaii, and a number of others, including Connecticut, Tennessee, Minnesota, New Hampshire, Wisconsin, and Maryland.

As the health policy statement by the National Governors' Association reads, "The Governors believe that it is critical that innovative states not be penalized for having expanded coverage to children before the enactment of S–CHIP, which provides enhanced funding to meet these goals. To this end, the Governors support providing additional funding flexibility to states that had already significantly expanded coverage of the majority of uninsured children in their states."

For 6 years, our group of States have sought to have this inequity addressed. Early in 2003, I introduced the "Children's Health Equity of 2003" with Senators JEFFORDS, MURRAY, LEAHY, and Ms. CANTWELL and we worked successfully to get a compromise worked out for inclusion in S. 312 by Senators ROCKEFELLER, and CHAFEE. This compromise extended expiring CHIP allotments only for fiscal years 1998 through 2001 in order to meet budgetary caps.

The compromise allowed States to be able to use up to 20 percent of our State's CHIP allotments to pay for Medicaid eligible children about 150 percent of poverty that were part of our State's expansions prior,to the enactment of CHIP. That language was maintained in conference and included in H.R. 2854 that was signed by the President as Public Law 108–74. Unfortunately, a slight change was made in the conference language that excluded New Mexico and Hawaii, Maryland, and Rhode Island needed specific changes so an additional bill was passed, H.R. 3288, and signed into law as Public Law 108–107, on November 17, 2003. This second bill included language from legislation that I introduced with Senator DOMENICI, S. 1547, to address the problem caused to New Mexico by the conference committee's change. Unfortunately, one major problem with the compromise was that it must be periodically reauthorized. Most recently, this authority was renewed through Fiscal Year 2007 in Section 201(b) of the National Institutes of Health Reform Act of 2006, Pub. L. No 109–482. Without future authority, the inequity would continue with CHIP allotments.

This legislation would address that problem and ensure that all future allotments give these 11 States the flexibility to use up to 20 percent of our CHIP allotments to pay for health care services of children. In order to bring these requirements in-line with those of other states, it also would lower the threshold at which New Mexico and other effected states could utilize the funds from 150 percent of the Federal poverty level to 125 percent.

This rather technical issue has real and negative consequences in States such as New Mexico. In fact, due to the CHIP inequity, New Mexico has been allocated $266 million from CHIP between fiscal years 1998 and 2002, and yet, has only been able to spend slightly over $26 million as of the end of last fiscal year. In other words, New Mexico has been allowed to spend less than 10 percent of its federal CHIP allocations.

This legislation would correct this problem.

The bill does not take money from other States's CHIP allotments. It simply allows our States to spend our States' specific CHIP allotments from the Federal Government on our uninsured children—just as other States across the country are doing.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 434

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Children's Health Equity Technical Amendments Act of 2007".

SEC. 2. AUTHORITY FOR QUALIFYING STATES TO USE PORTION OF SCHIP ALLOTMENT FOR ANY FISCAL YEAR FOR CERTAIN MEDICAID EXPENDITURES.

(a) IN GENERAL.—Section 2105(g)(1)(A) of the Social Security Act (42 U.S.C. 1397ee(g)(1)(A)), as amended by section 201(b) of the National Institutes of Health Reform Act of 2006 (Public Law 109–482) is amended by striking "fiscal year 1998, 1999, 2000, 2001, 2004, 2005, 2006, or 2007" and inserting "a fiscal year".

(b) MODIFICATION OF ALLOWABLE EXPENDITURES.—Section 2105(g)(1)(B)(ii) of such Act (42 U.S.C. 1397ee(g)(1)(B)(ii)) is amended by striking "150" and inserting "125".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2007, and shall apply to expenditures made on or after that date.

By Mr. BINGAMAN (for himself, Ms. SNOWE, Mr. DORGAN, Mr. ENZI, Ms. COLLINS, Mr. HAGEL, Mr. HARKIN, Mr. SCHUMER, Mr. LEAHY, Mr. LEVIN, Mr. SPECTER, Mr. NELSON of Nebraska, and Mr. SANDERS):

S. 435. A bill to amend title 49, United States Code, to preserve the essential air service program; to the Committee on Commerce, Science, and Transportation.

Mr. BINGAMAN. Mr. President, I rise today with 12 other senators to introduce the bipartisan Essential Air Service Preservation Act of 2007. I am pleased again to have my colleague Senator SNOWE as the principal cosponsor of the bill. Senator SNOWE has been a long-time champion of commercial air service in rural areas, and I appreciate her continued leadership on this important legislation. Senators DORGAN, ENZI, COLLINS, HAGEL, HARKIN, SCHUMER, LEAHY, LEVIN, SPECTER, BEN NELSON, and SANDERS are also cosponsors of the bill.

Congress established the Essential Air Service Program in 1978 to ensure that communities that had commercial air service before airline deregulation would continue to receive scheduled service. Without EAS, many rural communities would have no commercial air service at all.

Our bill is very simple. It preserves Congress' intent in the Essential Air Service program by repealing a provision in the 2003 FAA reauthorization bill that would for the first time require communities to pay for their commercial air service. The legislation that imposed mandatory cost sharing on communities to retain their commercial air service had been stricken from both the House and Senate versions of the FAA reauthorization bill, but was reinserted by conferees. I believe that any program that forces communities to pay to continue to receive their commercial air service could well be the first step in the total elimination of scheduled air service for many rural communities.

In response, every year since mandatory cost sharing was enacted Congress has blocked it from being implemented. Since 2003, a bipartisan group of senators have included language in each of the Department of Transportation's appropriations acts that bars the use of funds to implement the mandatory cost sharing program. Our bill would simply make Congress' ongoing ban permanent.

All across America, small communities face ever-increasing hurdles to promoting their economic growth and development. Today, many rural areas lack access to interstate or even four-lane highways, railroads or broadband telecommunications. Business development in rural areas frequently hinges on the availability of scheduled air service. For small communities, commercial air service provides a critical link to the national and international transportation system.

The Essential Air Service Program currently ensures commercial air service to over 100 communities in thirty-five States. EAS supports an additional 39 communities in Alaska. Because of increasing costs and the continuing financial turndown in the aviation industry, particularly among commuter airlines, about 40 additional communities have been forced into the EAS program since the terrorist attacks in 2001.

In my State of New Mexico, five cities currently rely on EAS for their commercial air service. The communities are Clovis, Hobbs, Carlsbad, Alamogordo and my hometown of Silver City. In each case commercial service is provided to Albuquerque, the State's business center and largest city.

I believe this ill-conceived proposal requiring cities to pay to continue to have commercial air service could not come at a worse time for small communities already facing depressed economies and declining tax revenues.

As I understand it, the mandatory cost-sharing requirements could affect communities in as many as 22 states. These communities could be forced to pay as much s $130,000 per year to maintain their current air service. Based on an analysis by my staff, the individual cities that could be affected are as follows:

Alabama, Muscle Shoals; Arizona, Prescott, Kingman; Arkansas, Hot Springs, Harrison, Jonesboro; California, Merced, Visalia; Colorado, Pueblo; Georgia, Athens; Iowa, Fort Dodge, Burlington; Kansas, Salina; Kentucky, Owensboro; Maine, Augusta, Rockland; Maryland, Hagerstown; Michigan, Iron Mt.; Mississippi, Laurel; Missouri, Joplin, Ft. Leonard Wood; New Hampshire, Lebanon; New Mexico, Hobbs, Alamogordo, Clovis; New York, Watertown, Jamestown, Plattsburgh; Pennsylvania, Johnstown, Oil City, Bradford, Altoona, Lancaster; South Dakota, Brookings, Watertown; Tennessee, Jackson; Vermont, Rutland; West Virginia, Clarksburg/Fairmont, Morgantown.

This year the Senate Commerce Committee and its Aviation Subcommittee will be taking up the reauthorization of aviation programs. I look forward to working with my colleagues Chairmen INOUYE and ROCKEFELLER and Ranking Members STEVENS and LOTT to improve commercial air service programs for rural areas. I do believe our bill is one important step in that process.

As I see it, the choice here is clear: If we do not preserve the Essential Air Service Program today, we could soon see the end of all commercial air service in rural areas. The EAS program provides vital resources that help link rural communities to the national and global aviation system. Our bill will preserve the essential air service program and help ensure that affordable, reliable, and safe air service remains available in rural America. Congress is already on record opposing any mandatory cost sharing. I hope all senators will once again join us in opposing this attack on rural America.

I ask unanimous consent that the text of the bill be printed in the RECORD..

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 435

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Essential Air Service Preservation Act of 2007".

SEC. 2. REPEAL OF EAS LOCAL PARTICIPATION PROGRAM.

(a) IN GENERAL.—Subchapter II of chapter 417 of title 49, United States Code, is amended by striking section 41747, and such title shall be applied as if such section 41747 had not been enacted.

(b) CLERICAL AMENDMENT.—The chapter analysis at the beginning of such chapter is amended by striking the item relating to section 41747.

Ms. SNOWE. Mr. President, I rise today to join my colleague, Senator BINGAMAN, to introduce the bipartisan Essential Air Service Preservation Act. I am proud to join with Senator BINGAMAN, who has been a steadfast and resolute guardian of commercial aviation service to all communities, particularly rural areas that would otherwise be deprived of any air service.

I have always believed that reliable air service in our Nation's rural areas is not simply a luxury or a convenience. It is an imperative. It is a critical element of economic development, vital to move people and goods to and from areas that may otherwise have dramatically limited transportation options. Quite frankly, I have long held serious concerns about the impact deregulation of the airline industry has had on small- and medium-size cities in rural areas, like Maine. That fact is, since deregulation, many small- and medium-size communities, in Maine and elsewhere, have experienced a decrease in flights and size of aircraft while seeing an increase in fares. More than 300 have lost air service altogether.

This legislation will strike a detrimental provision in the 2003 Federal Aviation Reauthorization. This provision, which would require communities to actually pay to continue to participate in a program that already acknowledges their economic hardship, is patently unfair. Ignoring the promise of the EAS, to protect these communities after deregulating the airlines in 1978, is not an option. Our colleagues have clearly greed with our position, as this provision has been struck down in every appropriations bill since the passage of the 2003 reauthorization. Our bill would make this prohibition permanent.

EAS-eligible communities typically have financial problems of their own and rely heavily on the program for economic development purposes. It is obvious to me, Senator BINGAMAN, and many of my colleagues, that if the 2003 proposal were enacted, it would mean the end of EAS service in dozens of cities and towns across the country. In Maine, which has four participants in the integral EAS program, we would suffer the possible loss of half of our EAS airports. In a small, rural State like Maine, such a reduction would be disastrous to our economy. That is why I feel compelled to reintroduce this legislation.

In closing, the truth is, everyone benefits when our Nation is at its strongest economically. Most importantly in this case, greater prosperity everywhere, including in rural America, will, in the long run, mean more passengers for the airlines. Therefore, it is very much in our national interests to ensure that every region has reasonable access to air service. And that's why I strongly believe the Federal Government has an obligation to fulfill the commitment it made to these communities in 1978 to safeguard their ability to continue commercial air service.

By Mr. FEINGOLD:

S. 436. A bill to amend the Internal Revenue Code of 1986 to reform the system of public financing for Presidential elections, and for other purposes; to the Committee on Finance.

Mr. FEINGOLD. Mr. President, today I will introduce a bill to repair and strengthen the presidential public financing system. The Presidential Funding Act of 2007 will ensure that this system will continue to fulfill its promise in the 21st century. The bill will take effect in January 2009, so it will first apply in the 2012 presidential election.

The presidential public financing system was put into place in the wake of the Watergate scandals as part of the Federal Election Campaign Act of 1974. It was held to be constitutional by the Supreme Court in Buckley v. Valeo. The system, of course, is voluntary, as the Supreme Court required in Buckley. Every major party nominee for President since 1976 has participated in the system for the general election and, prior to 2000, every major party nominee had participated in the system for the primary election, too. In the last election, President Bush and two Democratic candidates, Howard Dean and the eventual nominee JOHN KERRY, opted out of the system for the presidential primaries. President Bush and Senator KERRY elected to take the taxpayer-funded grant in the general election. President Bush also opted out of the system for the Republican primaries in 2000 but took the general election grant.

It is unfortunate that the matching funds system for the primaries has become less practicable. The system protects the integrity of the electoral process by allowing candidates to run viable campaigns without becoming overly dependent on private donors. The system has worked well in the past, and it is worth repairing so that it can work in the future. If we don't repair it, the pressures on candidates to opt out will increase until the system collapses from disuse.

This bill makes changes to both the primary and general election public financing system to address the weaknesses and problems that have been identified by participants in the system, experts on the presidential election financing process, and an electorate that is increasingly dismayed by the influence of money in politics. First and most important, it eliminates the State-by-State spending limits in the current law and substantially increases the overall spending limit from the current limit of approximately $45 million to $150 million, of which up to $100 million can be spent before April 1 of the election year. This should make the system much more viable for serious candidates facing opponents who are capable of raising significant sums outside the system. The bill also makes available substantially more public money for participating candidates by increasing the match of small contributions from 1:1 to 4:1.

One very important provision of this bill ties the primary and general election systems together and requires candidates to make a single decision on whether to participate. Candidates who opt out of the primary system and decide to rely solely on private money cannot return to the system for the general election. And candidates must commit to participate in the system in the general election if they want to receive Federal matching funds in the primaries. The bill also increases the spending limits for participating candidates in the primaries who face a nonparticipating opponent if that opponent raises more than 20 percent more than the spending limit. This provides some protection against being far outspent by a nonparticipating opponent. Additional grants of public money are also available to participating candidates who face a nonparticipating candidate spending substantially more than the spending limit.

The bill also sets the general election spending limit at $100 million, indexed for inflation. And if a general election candidate does not participate in the system and spends more than 20 percent more than the combined primary and general election spending limits, a participating candidate will receive a grant equal to twice the general election spending limit.

This bill also addresses what some have called the "gap" between the primary and general election seasons. Presumptive presidential nominees have emerged earlier in the election year over the life of the public financing system. This has led to some nominees being essentially out of money between the time that they nail down the nomination and the convention where they are formally nominated and become eligible for the general election grant. For a few cycles, soft money raised by the parties filled in that gap, but the Bipartisan Campaign Reform Act of 2002 fortunately has now closed that loophole. This bill allows candidates who are still in the primary race as of April 1 to spend an additional $50 million. In addition, the bill allows the political parties to spend up to $25 million between April 1 and the date that a candidate is nominated and an additional $25 million after the nomination. The total amount of $50 million is over three times the amount allowed under current law. This should allow any gap to be more than adequately filled.

Obviously, these changes make this a more generous system. So the bill also makes the requirement for qualifying more difficult. To be eligible for matching funds, a candidate must raise $25,000 in matchable contributions—up to $200 for each donor—in at least 20 States. That is five times the threshold under current law.

The bill also makes a number of changes in the system to reflect the changes in our presidential races over the past several decades. For one thing, it makes matching funds available starting six months before the date of the first primary or caucus, that's approximately 6 months earlier than is currently the case. For another, it sets a single date for release of the public grants for the general election—the Friday before Labor Day. This addresses an inequity in the current system, under which the general election grants are released after each nominating convention, which can be several weeks apart.

The bill also prohibits federal elected officials and candidates from soliciting soft money for use in funding the party and requires presidential candidates to disclose bundled contributions. Additional provisions, and those I have discussed in summary form here, are explained in a section-by-section analysis of the bill that I ask unanimous consent to be printed in the RECORD, following my statement. I will also ask unanimous consent that the text of the bill itself be printed in the RECORD.

The purpose of this bill is to improve the campaign finance system, not to advance one party's interests. In fact, this is an excellent time to make changes in the Presidential public funding system. The 2008 presidential campaign, which is already underway, will undoubtedly be the most expensive in history. It is likely that a number of candidates from both parties will once again opt out of the primary matching funds system, and some experts predict that one or both major party nominees will even refuse public grants for the general election period. It is too late to make the changes needed to repair the system for the 2008 election. But if we act now, we can make sure that an updated and revised system is in place for the 2012 election. If we act now, I am certain that the 2008 campaign cycle will confirm our foresight. If we do nothing, 2008 will continue and accelerate the slide of the current system into irrelevancy.

Fixing the presidential public financing system will cost money, but our best calculations at the present time indicate that the changes to the system in this bill can be paid for by raising the income tax check-off on an individual return from $3 to just $10. The total cost of the changes to the system, based on data from the 2004 elections, is projected to be around $360 million over the 4-year election cycle. To offset that increased cost, this bill caps taxpayer subsidies for promotion of agricultural products, including some brand-name goods, by limiting the Market Access Program to $100 million per year.

Though the numbers are large, this is actually a very small investment to make to protect our democracy and preserve the integrity of our presidential elections. The American people do not want to see a return to the pre-Watergate days of unlimited spending on presidential elections and candidates entirely beholden to private donors. We must act now to ensure the fairness of our elections and the confidence of our citizens in the process by repairing the cornerstone of the Watergate reforms.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

PRESIDENTIAL FUNDING ACT OF 2006—SECTION BY SECTION ANALYSIS

SECTION 1: SHORT TITLE

SECTION 2: REVISIONS TO SYSTEM OF PRESIDENTIAL PRIMARY MATCHING PAYMENTS

(a) Matching Funds: Current law provides for a 1-to-1 match, where up to $250 of each individual's contributions for the primaries is matched with $250 in public funds. Under the new matching system, individual contributions of up to $200 from each individual will be matched at a 4-to-1 ratio, so $200 in individual contributions can be matched with $800 from public funds.

Candidates who remain in the primary race can also receive an additional 1-to-1 match of up to $200 of contributions received after March 31 of a presidential election year. This additional match applies both to an initial contribution made after March 31 and to contributions from individuals who already gave $200 or more prior to April 1.

The bill defines "contribution" as "a gift of money made by a written instrument which identifies the person making the contribution by full name and mailing address."

(b) Eligibility for matching funds: Current law requires candidates to raise $5,000 in matchable contributions (currently $250 or less) in 20 states. To be eligible for matching funds under this bill, a candidate must raise $25,000 of matchable contributions (up to $200 per individual donor) in at least 20 states.

In addition, to receive matching funds in the primary, candidates must pledge to apply for public money in the general election if nominated and to not exceed the general election spending limits.

(c) Timing of payments: Current law makes matching funds available on January 1 of a presidential election year. The bill makes such funds available six months prior to the first state caucus or primary.

SECTION 3: REQUIRING PARTICIPATION IN PRIMARY PAYMENT SYSTEM AS CONDITION OF ELIGIBILITY FOR GENERAL ELECTIONS PAYMENTS

Currently, candidates can participate in either the primary or the general election public financing system, or both. Under the bill, a candidate must participate in the primary matching system in order to be eligible to receive public funds in the general election.

SECTION 4: REVISIONS TO EXPENDITURE LIMITS

(a) Spending limits for candidates: In 2004, under current law, candidates participating in the public funding system had to abide by a primary election spending limit of about $45 million and a general election spending limit of about $75 million (all of which was public money). The bill sets a total primary spending ceiling for participating candidates in 2008 of $150 million, of which only $100 million can be spent before April 1. State by state spending limits are eliminated. The general election limit, which the major party candidates will receive in public funds, will be $100 million.

(b) Spending limit for parties: Current law provides a single coordinated spending limit for national party committees based on population. In 2004 that limit was about $15 million. The bill provides two limits of $25 million. The first applies after April 1 until a candidate is nominated. The second limit kicks in after the nomination. Any part of the limit not spent before the nomination can be spent after. In addition, the party coordinated spending limit is eliminated entirely until the general election public funds are released if there is an active candidate from the opposing party who has exceeded the primary spending limits by more than 20 percent.

This will allow the party to support the presumptive nominee during the so-called "gap" between the end of the primaries and the conventions. The entire cost of a coordinated party communication is subject to the limit if any portion of that communication has to do with the presidential election.

(c) Inflation adjustment: Party and candidate spending limits will be indexed for inflation, with 2008 as the base year.

(d) Fundraising expenses: Under the bill, all the costs of fundraising by candidates are subject to their spending limits.

SECTION 5: ADDITIONAL PAYMENTS AND INCREASED EXPENDITURES LIMITS FOR CANDIDATES PARTICIPATING IN PUBLIC FINANCING WHO FACE CERTAIN NONPARTICIPATING OPPONENTS

(a) Primary candidates: When a participating candidate is opposed in a primary by a nonparticipating candidate who spends more than 120 percent of the primary spending limit ($100 million prior to April 1 and $150 million after April 1), the participating candidate will receive a 5-to-1 match, instead of a 4-to-1 match for contributions of less than $200 per donor. That additional match applies to all contributions received by the participating candidate both before and after the nonparticipating candidate crosses the 120 percent threshold. In addition, the participating candidate's primary spending limit is raised by $50 million when a nonparticipating candidate raise spends more than the 120 percent of either the $100 million (before April 1) or $150 million (after April 1) limit. The limit is raised by another $50 million if the nonparticipating candidate spends more than 120 percent of the increased limit. Thus, the maximum spending limit in the primary would be $250 million if an opposing candidate has spent more than $240 million.

(b) General election candidates: When a participating candidate is opposed in a general election by a nonparticipating candidate who spends more than 120 percent of the combined primary and general election spending limits, the participating candidate shall receive an additional grant of public money equal to the amount provided for that election—$100 million in 2008. Minor party candidates are also eligible for an additional grant equal to the amount they otherwise receive (which is based on the performance of that party in the previous presidential election).

(c) Reporting and Certification: In order to provide for timely determination of a participating candidate's eligibility for increased spending limits, matching funds, and/or general election grants, non-participating candidates must notify the FEC within 24 hours after receiving contributions or making expenditures of greater than the applicable 120 percent threshold. Within 24 hours of receiving such a notice, the FEC will inform candidates participating in the system of their increased expenditure limits and will certify to the Secretary of the Treasury that participating candidates are eligible to receive additional payments.

SECTION 6: ESTABLISHMENT OF UNIFORM DATE FOR RELEASE OF PAYMENTS FROM PRESIDENTIAL ELECTIONS CAMPAIGN FUNDS TO ELIGIBLE CANDIDATES

Under current law, candidates participating in the system for the general election receive their grants of public money immediately after receiving the nomination of their party, meaning that the two major parties receive their grants on different dates. Under the bill, all candidates eligible to receive public money in the general election would receive that money on the Friday before Labor Day, unless a candidate's formal nomination occurs later.

SECTION 7: REVISIONS TO DESIGNATION OF INCOME TAX PAYMENTS BY INDIVIDUAL TAXPAYERS

The tax check-off is increased from $3 (individual) and $6 (couple) to $10 and $20. The amount will be adjusted for inflation, and rounded to the nearest dollar, beginning in 2009.

The IRS shall require by regulation that electronic tax preparation software does not automatically accept or decline the tax checkoff. The FEC is required to inform and educate the public about the purpose of the Presidential Election Campaign Fund ("PECF") and how to make a contribution. Funding for this program of up to $10 million in a four year presidential election cycle, will come from the PECF.

SECTION 8: AMOUNTS IN PRESIDENTIAL ELECTION CAMPAIGN FUND

Under current law, in January of an election year if the Treasury Department determines that there are insufficient funds in the PECF to make the required payments to participating primary candidates, the party conventions, and the general election candidates, it must reduce the payments available to participating primary candidates and it cannot make up the shortfall from any other source until those funds come in. Under the bill, in making that determination the Department can include an estimate of the amount that will be received by the PECF during that election year, but the estimate cannot exceed the past three years' average contribution to the fund. This will allow primary candidates to receive their full payments as long as a reasonable estimate of the funds that will come into the PECF that year will cover the general election candidate payments. The bill allows the Secretary of the Treasury to borrow the funds necessary to carry out the purposes of the fund during the first campaign cycle in which the bill is in effect.

SECTION 9: REPEAL OF PRIORITY IN USE OF FUNDS FOR POLITICAL CONVENTIONS

Current law gives the political parties priority on receiving the funds they are entitled to from the PECF. This means that parties get money for their conventions even if adequate funds are not available for participating candidates. This section would make funds available for the conventions only if all participating candidates have received the funds to which they are entitled.

SECTION 10: REGULATION OF CONVENTION FINANCING

Federal candidates and officeholders are prohibited from raising or spending soft money in connection with a nominating convention of any political party, including funds for a host committee, civic committee, or municipality.

SECTION 11: DISCLOSURE OF BUNDLED CONTRIBUTIONS

(a) Disclosure requirement: The authorized committees of presidential candidate committee must report the name, address, and occupation of each person making a bundled contribution and the aggregate amount of bundled contributions made by that person.

(b) Definition of bundled contribution. A bundled contribution is a series of contributions totaling $10,000 or more that are (1) collected by one person and transferred to the candidate; or (2) delivered directly to the candidate from the donor but include a written or oral communication that the funds were "solicited, arranged, or directed" by someone other than the donor. This covers the two most common bundling arrangements where fundraisers get "credit" for collecting contributions for a candidate.

SECTION 12: OFFSET

This section provides an offset for the increased cost of the presidential public funding system. It caps taxpayer subsidies for promotion of agricultural products, including some brand-named goods, by limiting the Market Access Program to $100 million per year.

SECTION 13: EFFECTIVE DATE

Provides that the amendments will apply to presidential elections occurring after January 1, 2009.

S. 436

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Presidential Funding Act of 2007".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Revisions to system of Presidential primary matching payments.
Sec. 3. Requiring participation in primary payment system as condition of eligibility for general election payments.
Sec. 4. Revisions to expenditure limits.
Sec. 5. Additional payments and increased expenditure limits for candidates participating in public financing who face certain nonparticipating opponents.
Sec. 6. Establishment of uniform date for release of payments from Presidential Election Campaign Fund to eligible candidates.
Sec. 7. Revisions to designation of income tax payments by individual taxpayers.
Sec. 8. Amounts in Presidential Election Campaign Fund.
Sec. 9. Repeal of priority in use of funds for political conventions.
Sec. 10. Regulation of convention financing.
Sec. 11. Disclosure of bundled contributions.
Sec. 12. Offset.
Sec. 13. Effective date.

SEC. 2. REVISIONS TO SYSTEM OF PRESIDENTIAL PRIMARY MATCHING PAYMENTS.

(a) INCREASE IN MATCHING PAYMENTS.—

(1) IN GENERAL.—Section 9034(a) of the Internal Revenue Code of 1986 is amended—

(A) by striking "an amount equal to the amount" and inserting "an amount equal to 400 percent of the amount"; and

(B) by striking "$250" and inserting "$200".

(2) ADDITIONAL MATCHING PAYMENTS FOR CANDIDATES AFTER MARCH 31 OF THE ELECTION YEAR.—Section 9034(b) of such Code is amended to read as follows:

"(b) ADDITIONAL PAYMENTS FOR CANDIDATES AFTER MARCH 31 OF THE ELECTION YEAR.—In addition to any payment under subsection (a), an individual who is a candidate after March 31 of the calendar year in which the presidential election is held and who is eligible to receive payments under section 9033 shall be entitled to payments under section 9037 in an amount equal to the amount of each contribution received by such individual after March 31 of the calendar year in which such presidential election is held, disregarding any amount of contributions from any person to the extent that the total of the amounts contributed by such person after such date exceeds $200.".

(3) CONFORMING AMENDMENTS.—Section 9034 of such Code, as amended by paragraph (2), is amended—

(A) by striking the last sentence of subsection (a); and

(B) by inserting after subsection (b) the following new subsection:

"(c) CONTRIBUTION DEFINED.—For purposes of this section and section 9033(b), the term 'contribution' means a gift of money made by a written instrument which identifies the person making the contribution by full name and mailing address, but does not include a subscription, loan, advance, or deposit of money, or anything of value or anything described in subparagraph (B), (C), or (D) of section 9032(4).".

(b) ELIGIBILITY REQUIREMENTS.—

(1) AMOUNT OF AGGREGATE CONTRIBUTIONS PER STATE.—Section 9033(b)(3) of such Code is amended by striking "$5,000" and inserting "$25,000".

(2) AMOUNT OF INDIVIDUAL CONTRIBUTIONS.—Section 9033(b)(4) of such Code is amended by striking "$250" and inserting "$200".

(3) PARTICIPATION IN SYSTEM FOR PAYMENTS FOR GENERAL ELECTION.—Section 9033(b) of such Code is amended—

(A) by striking "and" at the end of paragraph (3);

(B) by striking the period at the end of paragraph (4) and inserting ", and"; and

(C) by adding at the end the following new paragraph:

"(5) if the candidate is nominated by a political party for election to the office of President, the candidate will apply for and accept payments with respect to the general election for such office in accordance with chapter 95, including the requirement that the candidate and the candidate's authorized committees will not incur qualified campaign expenses in excess of the aggregate payments to which they will be entitled under section 9004.".

(c) PERIOD OF AVAILABILITY OF PAYMENTS.—Section 9032(6) of such Code is amended by striking "the beginning of the calendar year in which a general election for the office of President of the United States will be held" and inserting "the date that is 6 months prior to the date of the earliest State primary election".

SEC. 3. REQUIRING PARTICIPATION IN PRIMARY PAYMENT SYSTEM AS CONDITION OF ELIGIBILITY FOR GENERAL ELECTION PAYMENTS.

(a) MAJOR PARTY CANDIDATES.—Section 9003(b) of the Internal Revenue Code of 1986 is amended—

(1) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3); and

(2) by inserting before paragraph (2) (as so redesignated) the following new paragraph:

"(1) the candidate received payments under chapter 96 for the campaign for nomination;".

(b) MINOR PARTY CANDIDATES.—Section 9003(c) of such Code is amended—

(1) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3); and

(2) by inserting before paragraph (2) (as so redesignated) the following new paragraph:

"(1) the candidate received payments under chapter 96 for the campaign for nomination;".

SEC. 4. REVISIONS TO EXPENDITURE LIMITS.

(a) INCREASE IN EXPENDITURE LIMITS FOR PARTICIPATING CANDIDATES; ELIMINATION OF STATE-SPECIFIC LIMITS.—

(1) IN GENERAL.—Section 315(b)(1) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(b)(1)) is amended by striking "may make expenditures in excess of" and all that follows and inserting "may make expenditures—

"(A) with respect to a campaign for nomination for election to such office—

"(i) in excess of $100,000,000 before April 1 of the calendar year in which the presidential election is held; and

"(ii) in excess of $150,000,000 before the date described in section 9006(b) of the Internal Revenue Code of 1986; and

"(B) with respect to a campaign for election to such office, in excess of $100,000,000.".

(2) CLERICAL CORRECTION.—Section 9004(a)(1) of the Internal Revenue Code of 1986 is amended by striking "section 320(b)(1)(B) of the Federal Election Campaign Act of 1971" and inserting "section 315(b)(1)(B) of the Federal Election Campaign Act of 1971".

(b) INCREASE IN LIMIT ON COORDINATED PARTY EXPENDITURES.—Section 315(d)(2) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(d)(2)) is amended to read as follows:

"(2)(A) The national committee of a political party may not make any expenditure in connection with the general election campaign of any candidate for President of the United States who is affiliated with such party which exceeds $25,000,000.

"(B) Notwithstanding the limitation under subparagraph (A), during the period beginning on April 1 of the year in which a presidential election is held and ending on the date described in section 9006(b) of the Internal Revenue Code of 1986, the national committee of a political party may make additional expenditures in connection with the general election campaign of a candidate for President of the United States who is affiliated with such party in an amount not to exceed $25,000,000.

"(C)(i) Notwithstanding subparagraph (B) or the limitation under subparagraph (A), if any nonparticipating primary candidate (within the meaning of subsection (b)(3)) affiliated with the national committee of a political party receives contributions or makes expenditures with respect to such candidate's campaign in an aggregate amount greater than 120 percent of the expenditure limitation in effect under subsection (b)(1)(A)(ii), then, during the period described in clause (ii), the national committee of any other political party may make expenditures in connection with the general election campaign of a candidate for President of the United States who is affiliated with such other party without limitation.

"(ii) The period described in this clause is the period—

"(I) beginning on the later of April 1 of the year in which a presidential election is held or the date on which such nonparticipating primary candidate first receives contributions or makes expenditures in the aggregate amount described in clause (i); and

"(II) ending on the earlier of the date such nonparticipating primary candidate ceases to be a candidate for nomination to the office of President of the United States and is not a candidate for such office or the date described in section 9006(b) of the Internal Revenue Code of 1986.

"(iii) If the nonparticipating primary candidate described in clause (i) ceases to be a candidate for nomination to the office of President of the United States and is not a candidate for such office, clause (i) shall not apply and the limitations under subparagraphs (A) and (B) shall apply. It shall not be considered to be a violation of this Act if the application of the preceding sentence results in the national committee of a political party violating the limitations under subparagraphs (A) and (B) solely by reason of expenditures made by such national committee during the period in which clause (i) applied.

"(D) For purposes of this paragraph—

"(i) any expenditure made by or on behalf of a national committee of a political party and in connection with a presidential election shall be considered to be made in connection with the general election campaign of a candidate for President of the United States who is affiliated with such party; and

"(ii) any communication made by or on behalf of such party shall be considered to be made in connection with the general election campaign of a candidate for President of the United States who is affiliated with such party if any portion of the communication is in connection with such election.

"(E) Any expenditure under this paragraph shall be in addition to any expenditure by a national committee of a political party serving as the principal campaign committee of a candidate for the office of President of the United States.".

(c) Conforming Amendments Relating to Timing of Cost-of-Living Adjustment.—

(1) In general.—Section 315(c)(1) of such Act (2 U.S.C. 441a(c)(1)) is amended—

(A) in subparagraph (B), by striking "(b), (d)," and inserting "(d)(3)"; and

(B) by inserting at the end the following new subparagraph:

"(D) In any calendar year after 2008—

"(i) a limitation established by subsection (b) or (d)(2) shall be increased by the percent difference determined under subparagraph (A);

"(ii) each amount so increased shall remain in effect for the calendar year; and

"(iii) if any amount after adjustment under clause (i) is not a multiple of $100, such amount shall be rounded to the nearest multiple of $100.".

(2) Base year.—Section 315(c)(2)(B) of such Act (2 U.S.C. 441a(c)(2)(B)) is amended—

(A) in clause (i)—

(i) by striking "subsections (b) and (d)" and inserting "subsection (d)(3)"; and

(ii) by striking "and" at the end;

(B) in clause (ii), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following new clause:

"(iii) for purposes of subsection (b) and (d)(2), calendar year 2007.".

(d) Repeal of Exclusion of Fundraising Costs From Treatment as Expenditures.—Section 301(9)(B)(vi) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(9)(B)(vi)) is amended by striking "in excess of an amount equal to 20 percent of the expenditure limitation applicable to such candidate under section 315(b)" and inserting the following: "who is seeking nomination for election or election to the office of President or Vice President of the United States".

SEC. 5. ADDITIONAL PAYMENTS AND INCREASED EXPENDITURE LIMITS FOR CANDIDATES PARTICIPATING IN PUBLIC FINANCING WHO FACE CERTAIN NONPARTICIPATING OPPONENTS.

(a) Candidates in Primary Elections.—

(1) Additional payments.—

(A) In general.—Section 9034 of the Internal Revenue Code of 1986, as amended by section 2, is amended by redesignating subsection (c) as subsection (d) and by inserting after subsection (b) the following new subsection:

"(c) Additional Payments for Candidates Facing Nonparticipating Opponents.—

"(1) In general.—In addition to any payments provided under subsections (a) and (b), each candidate described in paragraph (2) shall be entitled to—

"(A) a payment under section 9037 in an amount equal to the amount of each contribution received by such candidate on or after the beginning of the calendar year preceding the calendar year of the presidential election with respect to which such candidate is seeking nomination and before the qualifying date, disregarding any amount of contributions from any person to the extent that the total of the amounts contributed by such person exceeds $200, and

"(B) payments under section 9037 in an amount equal to the amount of each contribution received by such candidate on or after the qualifying date, disregarding any amount of contributions from any person to the extent that the total of the amounts contributed by such person exceeds $200.

"(2) Candidates to whom this subsection applies.—A candidate is described in this paragraph if such candidate—

"(A) is eligible to receive payments under section 9033, and

"(B) is opposed by a nonparticipating primary candidate of the same political party who receives contributions or makes expenditures with respect to the campaign—

"(i) before April 1 of the year in which the presidential election is held, in an aggregate amount greater than 120 percent of the expenditure limitation under section 315(b)(1)(A)(i) of the Federal Election Campaign Act of 1971, or

"(ii) before the date described in section 9006(b), in an aggregate amount greater than 120 percent of the expenditure limitation under section 315(b)(1)(A)(ii) of such Act.

"(3) Nonparticipating primary candidate.—In this subsection, the term 'nonparticipating primary candidate' means a candidate for nomination for election for the office of President who is not eligible under section 9033 to receive payments from the Secretary under this chapter.

"(4) Qualifying date.—In this subsection, the term 'qualifying date' means the first date on which the contributions received or expenditures made by the nonparticipating primary candidate described in paragraph (2)(B) exceed the amount described under either clause (i) or clause (ii) of such paragraph.".

(B) Conforming amendment.—Section 9034(b) of such Code, as amended by section 2, is amended by striking "subsection (a)" and inserting "subsections (a) and (c)".

(2) Increase in expenditure limit.—Section 315(b) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(b)) is amended by adding at the end the following new paragraph:

"(3)(A) In the case of an eligible candidate, each of the limitations under clause (i) and (ii) of paragraph (1)(A) shall be increased—

"(i) by $50,000,000, if any nonparticipating primary candidate of the same political party as such candidate receives contributions or makes expenditures with respect to the campaign in an aggregate amount greater than 120 percent of the expenditure limitation applicable to eligible candidates under clause (i) or (ii) of paragraph (1)(A) (before the application of this clause), and

"(ii) by $100,000,000, if such nonparticipating primary candidate receives contributions or makes expenditures with respect to the campaign in an aggregate amount greater than 120 percent of the expenditure limitation applicable to eligible candidates under clause (i) or (ii) of paragraph (1)(A) after the application of clause (i).

"(B) Each dollar amount under subparagraph (A) shall be considered a limitation under this subsection for purposes of subsection (c).

"(C) In this paragraph, the term 'eligible candidate' means, with respect to any period, a candidate—

"(i) who is eligible to receive payments under section 9033 of the Internal Revenue Code of 1986;

"(ii) who is opposed by a nonparticipating primary candidate; and

"(iii) with respect to whom the Commission has given notice under section 304(i)(1)(B)(i).

"(D) In this paragraph, the term 'nonparticipating primary candidate' means, with respect to any eligible candidate, a candidate for nomination for election for the office of President who is not eligible under section 9033 of the Internal Revenue Code of 1986 to receive payments from the Secretary of the Treasury under chapter 96 of such Code.".

(b) Candidates in General Elections.—

(1) Additional payments.—

(A) In general.—Section 9004(a)(1) of the Internal Revenue Code of 1986 is amended—

(i) by striking "(1) The eligible candidates" and inserting "(1)(A) Except as provided in subparagraph (B), the eligible candidates"; and

(ii) by adding at the end the following new subparagraph:

"(B) In addition to the payments described in subparagraph (A), each eligible candidate of a major party in a presidential election with an opponent in the election who is not eligible to receive payments under section 9006 and who receives contributions or makes expenditures with respect to the primary and general elections in an aggregate amount greater than 120 percent of the combined expenditure limitations applicable to eligible candidates under section 315(b)(1) of the Federal Election Campaign Act of 1971 shall be entitled to an equal payment under section 9006 in an amount equal to 100 percent of the expenditure limitation applicable under such section with respect to a campaign for election to the office of President.".

(B) Special rule for minor party candidates.—Section 9004(a)(2)(A) of such Code is amended—

(i) by striking "(A) The eligible candidates" and inserting "(A)(i) Except as provided in clause (ii), the eligible candidates"; and

(ii) by adding at the end the following new clause:

"(ii) In addition to the payments described in clause (i), each eligible candidate of a minor party in a presidential election with an opponent in the election who is not eligible to receive payments under section 9006 and who receives contributions or makes expenditures with respect to the primary and general elections in an aggregate amount greater than 120 percent of the combined expenditure limitations applicable to eligible candidates under section 315(b)(1) of the Federal Election Campaign Act of 1971 shall be entitled to an equal payment under section 9006 in an amount equal to 100 percent of the payment to which such candidate is entitled under clause (i).".

(2) Exclusion of additional payment from determination of expenditure limits.—Section 315(b) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(b)), as amended by subsection (a), is amended by adding at the end the following new paragraph:

"(4) In the case of a candidate who is eligible to receive payments under section 9004(a)(1)(B) or 9004(a)(2)(A)(ii) of the Internal Revenue Code of 1986, the limitation under paragraph (1)(B) shall be increased by the amount of such payments received by the candidate.".

(c) Process for Determination of Eligibility for Additional Payment and Increased Expenditure Limits.—Section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434) is amended by adding at the end the following new subsection:

"(i) Reporting and Certification for Additional Public Financing Payments for Candidates.—

"(1) Primary candidates.—

"(A) Notification of expenditures by ineligible candidates.—

"(i) Expenditures in excess of 120 percent of limit.—If a candidate for a nomination for election for the office of President who is not eligible to receive payments under section 9033 of the Internal Revenue Code of 1986 receives contributions or makes expenditures with respect to the primary election in an aggregate amount greater than 120 percent of the expenditure limitation applicable to eligible candidates under clause (i) or (ii) of section 315(b)(1)(A), the candidate shall notify the Commission in writing that the candidate has received aggregate contributions or made aggregate expenditures in such an amount not later than 24 hours after first receiving aggregate contributions or making aggregate expenditures in such an amount.

"(ii) Expenditures in excess of 120 percent of increased limit.—If a candidate for a nomination for election for the office of President who is not eligible to receive payments under section 9033 of the Internal Revenue Code of 1986 receives contributions or makes expenditures with respect to the primary election in an aggregate amount greater than 120 percent of the expenditure limitation applicable to eligible candidates under section 315(b) after the application of paragraph (3)(A)(i) thereof, the candidate shall notify the Commission in writing that the candidate has received aggregate contributions or made aggregate expenditures in such an amount not later than 24 hours after first receiving aggregate contributions or making aggregate expenditures in such an amount.

"(B) Certification.—Not later than 24 hours after receiving any written notice under subparagraph (A) from a candidate, the Commission shall—

"(i) certify to the Secretary of the Treasury that opponents of the candidate are eligible for additional payments under section 9034(c) of the Internal Revenue Code of 1986;

"(ii) notify each opponent of the candidate who is eligible to receive payments under section 9033 of the Internal Revenue Code of 1986 of the amount of the increased limitation on expenditures which applies pursuant to section 315(b)(3); and

"(iii) in the case of a notice under subparagraph (A)(i), notify the national committee of each political party (other than the political party with which the candidate is affiliated) of the inapplicability of expenditure limits under section 315(d)(2) pursuant to subparagraph (C) thereof.

"(2) General election candidates.—

"(A) Notification of expenditures by ineligible candidates.—If a candidate in a presidential election who is not eligible to receive payments under section 9006 of the Internal Revenue Code of 1986 receives contributions or makes expenditures with respect to the primary and general elections in an aggregate amount greater than 120 percent of the combined expenditure limitations applicable to eligible candidates under section 315(b)(1), the candidate shall notify the Commission in writing that the candidate has received aggregate contributions or made aggregate expenditures in such an amount not later than 24 hours after first receiving aggregate contributions or making aggregate expenditures in such an amount.

"(B) Certification.—Not later than 24 hours after receiving a written notice under subparagraph (A), the Commission shall certify to the Secretary of the Treasury for payment to any eligible candidate who is entitled to an additional payment under paragraph (1)(B) or (2)(A)(ii) of section 9004(a) of the Internal Revenue Code of 1986 that the candidate is entitled to payment in full of the additional payment under such section.".

SEC. 6. ESTABLISHMENT OF UNIFORM DATE FOR RELEASE OF PAYMENTS FROM PRESIDENTIAL ELECTION CAMPAIGN FUND TO ELIGIBLE CANDIDATES.

(a) In General.—The first sentence of section 9006(b) of the Internal Revenue Code of 1986 is amended to read as follows: "If the Secretary of the Treasury receives a certification from the Commission under section 9005 for payment to the eligible candidates of a political party, the Secretary shall, on the last Friday occurring before the first Monday in September, pay to such candidates of the fund the amount certified by the Commission.".

(b) Conforming Amendment.—The first sentence of section 9006(c) of such Code is amended by striking "the time of a certification by the Comptroller General under section 9005 for payment" and inserting "the time of making a payment under subsection (b)".

SEC. 7. REVISIONS TO DESIGNATION OF INCOME TAX PAYMENTS BY INDIVIDUAL TAXPAYERS.

(a) Increase in Amount Designated.—Section 6096(a) of the Internal Revenue Code of 1986 is amended—

(1) in the first sentence, by striking "$3" each place it appears and inserting "$10"; and

(2) in the second sentence—

(A) by striking "$6" and inserting "$20"; and

(B) by striking "$3" and inserting "$10".

(b) Indexing.—Section 6096 of such Code is amended by adding at the end the following new subsection:

"(d) Indexing of Amount Designated.—

"(1) In general.—With respect to each taxable year after 2008, each amount referred to in subsection (a) shall be increased by the percent difference described in paragraph (2), except that if any such amount after such an increase is not a multiple of $1, such amount shall be rounded to the nearest multiple of $1.

"(2) Percent difference described.—The percent difference described in this paragraph with respect to a taxable year is the percent difference determined under section 315(c)(1)(A) of the Federal Election Campaign Act of 1971 with respect to the calendar year during which the taxable year begins, except that the base year involved shall be 2008.".

(c) Ensuring Tax Preparation Software Does Not Provide Automatic Response to Designation Question.—Section 6096 of such Code, as amended by subsection (b), is amended by adding at the end the following new subsection:

"(e) Ensuring Tax Preparation Software Does Not Provide Automatic Response to Designation Question.—The Secretary shall promulgate regulations to ensure that electronic software used in the preparation or filing of individual income tax returns does not automatically accept or decline a designation of a payment under this section.".

(d) Public Information Program on Designation.—Section 6096 of such Code, as amended by subsections (b) and (c), is amended by adding at the end the following new subsection:

"(f) Public Information Program.—

"(1) In general.—The Federal Election Commission shall conduct a program to inform and educate the public regarding the purposes of the Presidential Election Campaign Fund, the procedures for the designation of payments under this section, and the effect of such a designation on the income tax liability of taxpayers.

"(2) Use of funds for program.—Amounts in the Presidential Election Campaign Fund shall be made available to the Federal Election Commission to carry out the program under this subsection, except that the amount made available for this purpose may not exceed $10,000,000 with respect to any Presidential election cycle. In this paragraph, a 'Presidential election cycle' is the 4-year period beginning with January of the year following a Presidential election.".

(e) Effective Date.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 8. AMOUNTS IN PRESIDENTIAL ELECTION CAMPAIGN FUND.

(a) Determination of Amounts in Fund.—Section 9006(c) of the Internal Revenue Code of 1986 is amended by adding at the end the following new sentence: "In making a determination of whether there are insufficient moneys in the fund for purposes of the previous sentence, the Secretary shall take into account in determining the balance of the fund for a Presidential election year the Secretary's best estimate of the amount of moneys which will be deposited into the fund during the year, except that the amount of the estimate may not exceed the average of the annual amounts deposited in the fund during the previous 3 years.".

(b) Special Rule for First Campaign Cycle Under This Act.—

(1) In general.—Section 9006 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

"(d) Special Authority to Borrow.—

"(1) In general.—Notwithstanding subsection (c), there are authorized to be appropriated to the fund, as repayable advances, such sums as are necessary to carry out the purposes of the fund during the period ending on the first presidential election occurring after the date of the enactment of this subsection.

"(2) Repayment of advances.—

"(A) In general.—Advances made to the fund shall be repaid, and interest on such advances shall be paid, to the general fund of the Treasury when the Secretary determines that moneys are available for such purposes in the fund.

"(B) Rate of interest.—Interest on advances made to the fund shall be at a rate determined by the Secretary of the Treasury (as of the close of the calendar month preceding the month in which the advance is made) to be equal to the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the anticipated period during which the advance will be outstanding and shall be compounded annually.".

(2) Effective date.—The amendment made by this subsection shall take effect on the date of the enactment of this Act.

SEC. 9. REPEAL OF PRIORITY IN USE OF FUNDS FOR POLITICAL CONVENTIONS.

(a) In General.—Section 9008(a) of the Internal Revenue Code of 1986 is amended by striking the period at the end of the second sentence and all that follows and inserting the following: ", except that the amount deposited may not exceed the amount available after the Secretary determines that amounts for payments under section 9006 and section 9037 are available for such payments.".

(b) Conforming Amendment.—The second sentence of section 9037(a) of such Code is amended by striking "section 9006(c) and for payments under section 9008(b)(3)" and inserting "section 9006".

SEC. 10. REGULATION OF CONVENTION FINANCING.

Section 323 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441i) is amended by adding at the end the following new subsection:

"(g) NATIONAL CONVENTIONS.—Any person described in subsection (e) shall not solicit, receive, direct, transfer, or spend any funds in connection with a presidential nominating convention of any political party, including funds for a host committee, civic committee, municipality, or any other person or entity spending funds in connection with such a convention, unless such funds—

"(1) are not in excess of the amounts permitted with respect to contributions to the political committee established and maintained by a national political party committee under section 315; and

"(2) are not from sources prohibited by this Act from making contributions in connection with an election for Federal office.".

SEC. 11. DISCLOSURE OF BUNDLED CONTRIBUTIONS.

(a) IN GENERAL.—Section 304(b) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)) is amended—

(1) by striking "and" at the end of paragraph (7);

(2) by striking the period at the end of paragraph (8) and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(9) in the case of an authorized committee of a candidate for President, the name, address, occupation, and employer of each person who makes a bundled contribution, and the aggregate amount of the bundled contributions made by such person during the reporting period.".

(b) BUNDLED CONTRIBUTION.—Section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431) is amended by adding at the end the following new paragraph:

"(27) BUNDLED CONTRIBUTION.—The term 'bundled contribution' means a series of contributions that are, in the aggregate, $10,000 or more and—

"(A) are transferred to the candidate or the authorized committee of the candidate by one person; or

"(B) include a written or oral notification that the contribution was solicited, arranged, or directed by a person other than the donor.".

SEC. 12. OFFSET.

(a) IN GENERAL.—Section 211(c)(1)(A) of the Agricultural Trade Act of 1978 (7 U.S.C. 5641(c)(1)(A)) is amended by striking "and $200,000,000 for each of fiscal years 2006 and 2007" and inserting "$200,000,000 for fiscal year 2006, and $100,000,000 for fiscal year 2007".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of enactment of this Act.

SEC. 13. EFFECTIVE DATE.

Except as otherwise provided in this Act, the amendments made by this Act shall apply with respect to elections occurring after January 1, 2009.

By Mr. COLEMAN (for himself and Ms. KLOBUCHAR):

S. 437. A bill to provide for the conveyance of an A-12 Blackbird aircraft to the Minnesota Air National Guard Historical Foundation; to the Committee on Armed Services.

Mr. COLEMAN. Mr. President, today I am introducing a bill to transfer ownership of a 1960s A-12 Blackbird spy plane to the Minnesota Air National Guard Historical Foundation.

The legislation will allow the A-12 to stay in the Minnesota Air National Guard Museum and to be displayed for educational and other appropriate public purposes.

The A-12 Blackbird planes were in many ways the apex of jet design. No known jet is believed to have flown faster—three times the speed of sound, or higher—above 90,000 feet. It is a landmark in the history of aviation that will never be repeated again.

The Minnesota A-12, retired in 1968 and rescued by Minnesota volunteers from a California scrap heap more than a decade ago, is housed at the 133rd Airlift Wing of the Minneapolis-St. Paul International Airport. Almost fifteen thousand Minnesotans contributed to the restoration of the A-12 and the creation of the Blackbird program. Ever since, it has been the centerpiece of the Minnesota Air National Guard Museum. The aircraft is the only A-12 currently used as a hands-on educational resource with a group of highly trained instructors who provide meaningful insight for the general public into the aircraft's history and meaning.

This aircraft is of great significance not only to the volunteers who sacrificed time and resources to restore a great remnant of American history, but also to the citizens of Minnesota and around the country who have benefited greatly from this knowledge of our military history.

Unfortunately, the A-12 is considered to be "on loan" from the U.S. Air Force, which recently has decided to transfer the plane to the CIA Headquarters as part of the agency's 60th anniversary celebration. If this plan goes ahead, the plane will no longer be available for public viewing.

Over the years, volunteers throughout Minnesota have generously devoted their time and resources to maintaining this plane. To transfer the plane away from the very people whose hard work has made the aircraft what it is today is simply unfair. It is necessary that we retain this piece of Minnesota history, and keep the Blackbird in a place where it will always be accessible to the public. I hope the Senate will be able to act on this legislation and help to save a significant piece of history.

I ask unanimous consent that the bill I introduce today, to provide for the conveyance of an A-12 Blackbird aircraft to the Minnesota Air National Guard Historical Foundation, be printed in the record.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 437

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONVEYANCE OF A-12 BLACKBIRD AIRCRAFT TO THE MINNESOTA AIR NATIONAL GUARD HISTORICAL FOUNDATION.

(a) CONVEYANCE REQUIRED.—The Secretary of the Air Force shall convey, without consideration, to the Minnesota Air National Guard Historical Foundation, Inc. (in this section referred to as the "Foundation"), a non-profit entity located in the State of Minnesota, A-12 Blackbird aircraft with tail number 60-6931 that is under the jurisdiction of the National Museum of the United States Air Force and, as of January 1, 2007, was on loan to the Foundation and display with the 133rd Airlift Wing at Minneapolis-St. Paul International Airport, Minnesota.

(b) CONDITION.—The conveyance required by subsection (a) shall be subject to the requirement that Foundation utilize and display the aircraft described in that subsection for educational and other appropriate public purposes as jointly agreed upon by the Secretary and the Foundation before the conveyance.

(c) RELOCATION OF AIRCRAFT.—As part of the conveyance required by subsection (a), the Secretary shall relocate the aircraft described in that subsection to Minneapolis-St. Paul International Airport and undertake any reassembly of the aircraft required as part of the conveyance and relocation. Any costs of the Secretary under this subsection shall be borne by the Secretary.

(d) MAINTENANCE SUPPORT.—The Secretary may authorize the 133rd Airlift Wing to provide support to the Foundation for the maintenance of the aircraft relocated under subsection (a) after its relocation under that subsection.

(e) REVERSION OF AIRCRAFT.—

(1) REVERSION.—In the event the Foundation ceases to exist, all right, title, and interest in and to the aircraft conveyed under subsection (a) shall revert to the United States, and the United States shall have immediate right of possession of the aircraft.

(2) ASSUMPTION OF POSSESSION.—Possession under paragraph (1) of the aircraft conveyed under subsection (a) shall be assumed by the 133rd Airlift Wing.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance required by subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

By Mr. ROCKEFELLER (for himself, Mr. SCHUMER, Mr. KOHL, and Mr. LEAHY):

S. 438. A bill to amend the Federal Food, Drug, and Cosmetic Act to prohibit the marketing of authorized generic drugs; to the Committee on Health, Education, Labor, and Pensions.

Mr. ROCKEFELLER. Mr. President, I rise today with Senators SCHUMER, KOHL and LEAHY to reintroduce an important bill for all Americans. The bill that we are reintroducing today would reduce barriers to affordable prescription drugs by eliminating one of the prominent loopholes brand name drug companies use to limit access to generic drugs.

Our bill, the Fair Prescription Drug Competition Act of 2007, would end the marketing of so-called "authorized generics" during the 180-day period Congress created exclusively for true generics to enter the market. I have spoken with my colleagues many times about this important issue.

In an effort to balance the need for returns on research facilitated by brand name prescription drug companies with the need for more affordable prescription drug options for consumers, Congress passed the Hatch-Waxman law in 1984. This law provided brand name companies with a number of incentives for investing in the research and development of new medications. These included a 20-year patent on drugs, 5 years of data exclusivity, 3 years of exclusivity for clinical trials, up to 5 years of patent extension, 6 months exclusivity for conducting pediatric testing, and a 30-month automatic stay against generic competition if the generic challenges the brand patent. Generic prescription drug manufacturers, on the other hand, received a 180-day exclusivity period, awarded to the first company to successfully challenge a brand name patent and enter the market.

This 6-month exclusivity period has been crucial to encouraging generic drug companies to make existing drugs more affordable. Challenging a brand name drug's patent takes time, money, and involves absorbing a great deal of risk. Generic drug companies rely on the added revenue provided by the 180-day exclusivity period to recoup their costs, fund new patent challenges where appropriate, and ultimately pass savings onto consumers.

Since 1984, there have been many attempts to exploit loopholes in the law in order to delay generic entry to the market and extend brand monopolies. The 2003 Medicare law addressed many of these loopholes. However, brand name manufacturers have found another loophole in current law, so-called "authorized generics."

An authorized generic drug is a brand name prescription drug produced by the same brand manufacturer on the same manufacturing lines, yet repackaged as a generic in order to confuse consumers and shut true generics out of the market. Because it is not a true generic and does not require an additional FDA approval, an authorized generic can be marketed during the federally mandated 6-month exclusivity period for generics. This discourages true generic companies from entering the market and offering lower-priced prescription drugs.

As I have said many times, authorized generics are a sham. This practice of re-labeling a brand product and placing it on the market to undermine the 180-day exclusivity period will only serve to reduce generic competition and lead to longer brand monopolies and higher healthcare costs over the long-term.

Brand name drug companies are expected to lose as much as $75 billion over the next 5 years as some of their best sellers go off-patent and generic competition increases. So, not surprisingly, these big pharmaceutical companies are desperately trying to protect their market share and prevent consumers from cashing in on savings from generic drugs,

Today, generic medications comprise more than 56 percent of all prescriptions in this country, and yet they account for only 13 percent of our nation's drug costs. In fact, generic drugs provide 50 to 80 percent cost-savings over brand name drugs. These savings make a big difference in the lives of working families. That is why we must protect the true intent of Hatch-Waxman.

The bill we are introducing today eliminates the authorized generic loophole, protects the integrity of the 180 days, and improves consumer access to lower-cost generic drugs. I urge my colleagues to support this timely and important piece of legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 438

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Fair Prescription Drug Competition Act".

SEC. 2. PROHIBITION OF AUTHORIZED GENERICS.

Section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) is amended by adding at the end the following:

"(o) PROHIBITION OF AUTHORIZED GENERIC DRUGS.—

"(1) IN GENERAL.—Notwithstanding any other provision of this Act, no holder of a new drug application approved under subsection (c) shall manufacture, market, sell, or distribute an authorized generic drug, direct or indirectly, or authorize any other person to manufacture, market, sell, or distribute an authorized generic drug.

"(2) AUTHORIZED GENERIC DRUG.—For purposes of this subsection, the term 'authorized generic drug'—

"(A) means any version of a listed drug (as such term is used in subsection (j)) that the holder of the new drug application approved under subsection (c) for that listed drug seeks to commence marketing, selling, or distributing, directly or indirectly, after receipt of a notice sent pursuant to subsection (j)(2)(B) with respect to that listed drug; and

"(B) does not include any drug to be marketed, sold, or distributed—

"(i) by an entity eligible for exclusivity with respect to such drug under subsection (j)(5)(B)(iv); or

"(ii) after expiration or forfeiture of any exclusivity with respect to such drug under such subsection (j)(5)(B)(iv).".

Mr. LEAHY. Mr. President, I am pleased today to join Senators ROCKEFELLER, KOHL and SCHUMER in introducing legislation to end the use of so-called "authorized generics" during the 180-day period that Congress intended for true generic market exclusivity. Authorized generics are nothing more than repackaged brand name drugs purporting to be a generic, but without the benefit of a true generic's lower cost. This practice is anticompetitive and anti-consumer.

Amendments to the Hatch-Waxman Act of 1984, enacted as part of the Medicare Modernization Act (Title XI, PL 108–173) in 2003, generally grant a generic company that successfully challenges the patent of a name brand pharmaceutical company 180 days of marketing exclusivity on that generic drug. Having co-sponsored those amendments, I know that they were designed to give greater incentives for generic manufacturers to bring generic drugs quickly to the market, thus promoting competition and lowering prices for consumers.

In 2005, Senators GRASSLEY and ROCKEFELLER and I raised concerns about the practice of manufacturing authorized generics. We feared that practice could have a negative impact on competition for both blockbuster and smaller drugs, because the generic industry would be less inclined to invest in their production. According to a recent Generic Pharmaceutical Association study, our fears were well founded: Authorized generics diminish Hatch-Waxman incentives for generic firms to challenge brand name patents, resulting in higher consumer prices.

The legislation we introduce today bars brand name drug firms from producing "authorized generics." Slapping a different name on a patented drug and calling it generic is not real competition, and it saps incentives from real generic drug makers to compete by making lower-cost generic drugs. Consumers deserve the lower costs and real choices of truly generic medicines.

I look forward to working with my colleagues on both sides of the aisle to make this good bill into a good law.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 46—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mrs. BOXER submitted the following resolution; from the Committee on Environment and Public Works; which was referred to the Committee on Rules and Administration:

S. RES. 46

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Environment and Public Works is authorized from March 1, 2007, through September 30, 2007; October 1, 2007, through September 30, 2008; and October 1, 2008, through February 28, 2009, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or non reimbursable basis the services of personnel of any such department or agency.

SEC. 2(a). The expenses of the committee for the period March 1, 2007, through September 30, 2007, under this resolution shall not exceed $2,841,799, of which amount (1) not to exceed $4,667 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))), and (2) not to exceed $1,167 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(b) For the period October 1, 2007, through September 30, 2008, expenses of the committee under this resolution shall not exceed $4,978,284, of which amount (1) not to exceed $8,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))), and (2) not to exceed $2,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) For the period October 1, 2008, through February 28, 2009, expenses of the committee under this resolution shall not exceed $2,113,516, of which amount (1) not to exceed $3,333 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))), and (2) not to exceed $833 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2009.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required (1) for the disbursement of salaries of employees paid at an annual rate, or (2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (6) for the payment of Senate Recording and Photographic Services, or (7) for payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 2007, through September 30, 2007; October 1, 2007 through September 30, 2008; and October 1, 2008, through February 28, 2009, to be paid from the Appropriations account for "Expenses of Inquiries and Investigations".

SENATE RESOLUTION 47—HONORING THE LIFE AND ACHIEVEMENTS OF GEORGE C. SPRINGER, SR., THE NORTHEAST REGIONAL DIRECTOR AND A FORMER VICE PRESIDENT OF THE AMERICAN FEDERATION OF TEACHERS

Mr. DODD submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 47

Whereas George C. Springer, Sr., formerly Northeast regional director of the American Federation of Teachers (AFT), president of AFT Connecticut, and AFT vice president, was an accomplished union leader, a pillar of the civil rights community, a high school teacher and athletics coach, and a dedicated family man and devoted friend;

Whereas George Springer was known by those who worked with him as a generous mentor, a conciliator, and a skilled problem-solver;

Whereas George Springer, as president of AFT Connecticut, helped strengthen and expand the statewide organization to include not only teachers but also paraprofessionals and other school-related personnel, higher education faculty, healthcare professionals, and public employees, and united them around his vision of a shared destiny and a common commitment to quality services and professional integrity;

Whereas George Springer was an AFT vice president for 13 years and served for 4 years as the chair of the AFT's human rights and community relations committee;

Whereas George Springer cared deeply about the cause of civil rights, was a leader in the National Commission for African American Education, a board member of Amistad America, Inc., vice president of the John E. Rogers African American Cultural Center, and president of the New Britain, Connecticut chapter of the National Association for the Advancement of Colored People;

Whereas George Springer was born in the Panama Canal Zone in 1932, attended Central Connecticut State University, formerly Teachers College of Connecticut, and received a graduate degree from the University of Hartford;

Whereas George Springer was a union activist throughout his 20-year teaching career in New Britain;

Whereas George Springer succumbed on December 19, 2006, at the age of 74, after a long battle with cancer; and

Whereas George Springer is survived by his wife, Gerri Brown-Springer, 4 children, 10 grandchildren, and 4 great-grandchildren: Now, therefore, be it

Resolved, That the Senate honors George C. Springer, Sr. as a dedicated and pioneering leader, and a man of generous spirit who took on tough challenges with courage and compassion.

SENATE RESOLUTION 48—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON ARMED SERVICES

Mr. LEVIN submitted the following resolution; from the Committee on Armed Services; which was referred to the Committee on Rules and Administration:

S. RES. 48

Resolved, That in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Armed Services is authorized from March 1, 2007, through September 30, 2007; October 1, 2007, through September 30, 2008; and October 1, 2008, through February 28, 2009, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or nonreimbursable basis the services of personnel of any such department or agency.

SEC. 2. (a) The expenses of the Committee on Armed Services for the period March 1, 2007, through September 30, 2007, under this Resolution shall not exceed $4,073,254, of which amount—

(1) not to exceed $75,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended); and

(2) not to exceed $30,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(b) For the period October 1, 2007, through September 30, 2008, expenses of the Committee on Armed Services under this Resolution shall not exceed $7,139,800, of which amount—

(1) not to exceed $80,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended); and

(2) not to exceed $30,000 may be expended for the training of the professional staff of such committee (under the procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(c) For the period October 1, 2008, through February 28, 2009, expenses of the Committee on Armed Services under this Resolution shall not exceed $3,032,712, of which amount—

(1) not to exceed $50,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended); and

(2) not to exceed $30,000 may be expended for the training of the professional staff of such committee (under the procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC. 3. Expenses of the Committee on Armed Services under this Resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required—

(1) for the disbursement of salaries of employees paid at an annual rate;

(2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate;

(3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate;

(4) for payments to the Postmaster, United States Senate;

(5) for the payment of metered charges on copying equipment provided by the Office of

the Sergeant at Arms and Doorkeeper, United States Senate;

(6) for the payment of Senate Recording and Photographic Services; or

(7) for payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

SEC. 4. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the Committee on Armed Services from March 1, 2007, through September 30, 2007; October 1, 2007, through September 30, 2008; and October 1, 2008, through February 28, 2009, to be paid from the Appropriations account for "EXPENSES OF INQUIRIES AND INVESTIGATIONS".

SENATE RESOLUTION 49—RECOGNIZING AND CELEBRATING THE 50TH ANNIVERSARY OF THE ENTRY OF ALASKA INTO THE UNION AS THE 49TH STATE

Mr. STEVENS (for himself and Ms. MURKOWSKI) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 49

Whereas July 7, 2008 marks the 50th anniversary of the enactment of the Alaska Statehood Act as approved by the United States Congress and signed by President Dwight D. Eisenhower;

Whereas the Alaska Statehood Act authorized the entry of Alaska into the Union on January 3, 1959;

Whereas the land once known as "Seward's Folly" is now regarded as critical to the strategic defense of the United States and important to our national and economic security;

Whereas the people of Alaska remain committed to the preservation and protection of the Union, with among the highest rates of veterans and residents in active military service of any State in the Nation;

Whereas Alaska is the northernmost, westernmost, and easternmost State of the Union, encompassing an area one-fifth the size of the United States;

Whereas the State of Alaska has an abundance of natural resources vital to the Nation;

Whereas Alaska currently provides over 16 percent of the daily crude oil production in the United States and has 44 percent of the undiscovered oil resources and 36 percent of undiscovered conventional gas in the United States;

Whereas Alaska's 34,000 miles of shoreline form a gateway to one of the world's greatest fisheries, providing over 60 percent of the country's commercial seafood harvest;

Whereas over 230 million acres of Alaska are set aside in national parks, wildlife refuges, national forests, and other conservation units for the benefit of the entire country;

Whereas over 58 million acres are designated wilderness in Alaska, representing 55 percent of the wilderness areas in the United States;

Whereas Alaska Natives, the State's first people, are an integral part of Alaska's history, and preserving the culture and heritage of Alaska's Native people is of primary importance;

Whereas the passage of the Alaska Native Claims Settlement Act in 1971 signaled a new era of economic opportunity for Alaska Natives;

Whereas Alaska's Native people have made major contributions to the vitality and success of Alaska as a State;

Whereas the people of Alaska represent the pioneering spirit that built this great Nation and contribute to our cultural and ethnic diversity; and

Whereas the golden anniversary, on January 3, 2009, provides an occasion to honor Alaska's entry into the Union: Now, therefore, be it

Resolved, That Congress recognizes and celebrates the 50th anniversary of the entry of Alaska into the Union as the 49th State.

SENATE RESOLUTION 50—AMENDING SENATE RESOLUTION 400 (94TH CONGRESS) TO MAKE AMENDMENTS ARISING FROM THE ENACTMENT OF THE INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004 AND TO MAKE OTHER AMENDMENTS)

Mr. ROCKEFELLER submitted the following resolution; from the Select Committee on Intelligence; which was placed on the calendar:

S. RES. 50

Resolved,

SECTION 1. AMENDMENTS TO SENATE RESOLUTION 400 (94TH CONGRESS) ARISING FROM ENACTMENT OF INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004.

Senate Resolution 400, agreed to May 19, 1976 (94th Congress), is amended—

(1) in section 3—

(A) in subsection (a)—

(i) by redesignating paragraphs (2), (3), and (4), as paragraphs (3), (4), and (5), respectively;

(ii) by striking paragraph (1) and inserting the following new paragraphs:

"(1) The Office of the Director of National Intelligence and the Director of National Intelligence.

"(2) The Central Intelligence Agency and the Director of the Central Intelligence Agency."; and

(iii) in paragraph (5), as so redesignated—

(I) by redesignating subparagraphs (B) through (G) as subparagraphs (C) through (H), respectively;

(II) by striking subparagraph (A) and inserting the following new subparagraphs:

"(A) The Office of the Director of National Intelligence and the Director of National Intelligence.

"(B) The Central Intelligence Agency and the Director of the Central Intelligence Agency."; and

(III) in subparagraph (H), as so redesignated—

(aa) by striking "clause (A), (B), or (C)" and inserting "clause (A), (B), (C), or (D)"; and

(bb) by striking "clause (D), (E), or (F)" both places it appears and inserting "clause (E), (F), or (G)"; and

(B) in subsection (b)(1), by striking "clause (1) or (4)(A)" and inserting "clause (1), (2), (5)(A), or (5)(B)";

(2) in section 4(b), by inserting "the Director of National Intelligence," before "the Director of the Central Intelligence Agency";

(3) in section 6, by striking "the Director of Central Intelligence" both places it appears and inserting "the Director of National Intelligence"; and

(4) in section 12—

(A) by redesignating paragraphs (2) through (6) as paragraphs (3) through (7), respectively; and

(B) by striking paragraph (1) and inserting the following new paragraphs:

"(1) The activities of the Office of the Director of National Intelligence and the Director of National Intelligence.

"(2) The activities of the Central Intelligence Agency and the Director of the Central Intelligence Agency.".

SEC. 2. TECHNICAL AMENDMENTS TO SENATE RESOLUTION 400 (94TH CONGRESS) RELATING TO REDESIGNATION OF SELECT COMMITTEE ON STANDARDS AND CONDUCT AS SELECT COMMITTEE ON ETHICS.

Senate Resolution 400, agreed to May 19, 1976 (94th Congress), is amended—

(1) in section 6, by striking "the Select Committee on Standards and Conduct" and inserting "the Select Committee on Ethics"; and

(2) in section 8—

(A) in subsection (d), by striking "the Select Committee on Standards and Conduct" and inserting "the Select Committee on Ethics"; and

(B) in subsection (e), by striking "the Select Committee on Standards and Conduct" both places it appears and inserting "the Select Committee on Ethics".

SEC. 3. TECHNICAL AMENDMENTS TO SENATE RESOLUTION 400 (94TH CONGRESS) RELATING TO REMOVING REFERENCE TO THE INTELLIGENCE DIVISION OF THE FEDERAL BUREAU OF INVESTIGATION.

Senate Resolution 400, agreed to May 19, 1976 (94th Congress), is amended by striking ", including all activities of the Intelligence Division" in—

(1) paragraph (5)(F) of section 3(a), as redesignated by section 1(1)(A)(i); and

(2) paragraph (7) of section 12, as redesignated by section 1(4)(A).

SEC. 4. TECHNICAL AMENDMENTS TO SENATE RESOLUTION 400 (94TH CONGRESS) RELATING TO REFERENCES TO SENATE RULES.

Senate Resolution 400, agreed to May 19, 1976 (94th Congress), is amended—

(1) in section 2(b), by striking "paragraph 6(f)" and inserting "paragraph 4(e)(1)"; and

(2) in section 8(b)(5)—

(A) in the matter preceding subparagraph (A), by striking "section 133(f) of the Legislative Reorganization Act of 1946" and inserting "paragraph 5 of rule XVII of the Standing Rules of the Senate"; and

(B) in the flush text after subparagraph (C), by striking "section 133(f) of the Legislative Reorganization Act of 1946" and inserting "paragraph 5 of rule XVII of the Standing Rules of the Senate".

SEC. 5. OTHER TECHNICAL AMENDMENTS TO SENATE RESOLUTION 400 (94TH CONGRESS).

Section 3(b)(3) of Senate Resolution 400, agreed to May 19, 1976 (94th Congress), is amended by striking "the session" and inserting "in session".

SENATE RESOLUTION 51—AUTHORIZING EXPENDITURES BY THE SELECT COMMITTEE ON INTELLIGENCE

Mr. ROCKEFELLER submitted the following resolution; from the Select Committee on Intelligence; which was referred to the Committee on Rules and Administration:

S. RES. 51

Resolved,

SECTION 1. AUTHORITY TO MAKE EXPENDITURES.

In carrying out its powers, duties, and functions under Senate Resolution 400, agreed to May 19, 1976 (94th Congress), as amended by Senate Resolution 445, agreed to October 9, 2004 (108th Congress), in accordance with its jurisdiction under section 3 and section 17 of such Senate Resolution 400, including holding hearings, reporting such hearings, and making investigations as authorized by section 5 of such Senate Resolution 400, the Select Committee on Intelligence is authorized during the periods from March 1, 2007 through September 30, 2007, from October 1, 2007 through September 30, 2008, and from October 1, 2008 through February 28, 2009, in the Committee's discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the department or agency of the United States concerned and the Committee on Rules and Administration, to use on a reimbursable or nonreimbursable basis, the services of personnel of any such department or agency.

SEC. 2. AMOUNT OF EXPENDITURES.

(a) MARCH 1, 2007 THROUGH SEPTEMBER 30, 2007.—The expenses of the Select Committee on Intelligence for the period March 1, 2007 through September 30, 2007, under this resolution shall not exceed $3,334,682.15, of which amount—

(1) not to exceed $32,083.00 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i)); and

(2) not to exceed $5,834.00 may be expended for the training of the professional staff of such Committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(j)).

(b) OCTOBER 1, 2007 THROUGH SEPTEMBER 30, 2008.—For the period October 1, 2007 through September 30, 2008, expenses of the Select Committee on Intelligence under this resolution shall not exceed $5,848,084.42, of which amount—

(1) not to exceed $55,000.00 may be expended for the procurement of the services of individual consultants or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i)); and

(2) not to exceed $10,000.00 may be expended for the training of the professional staff of such Committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(j)).

(c) OCTOBER 1, 2008 THROUGH FEBRUARY 28, 2009.—For the period October 1, 2008 through February 28, 2009, expenses of the Select Committee on Intelligence under this resolution shall not exceed $2,483,179.75, of which amount—

(1) not to exceed $22,917.00 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 194 (2 U.S.C. 72a(i)); and

(2) not to exceed $4,166.00 may be expended for the training of the professional staff of such Committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(j)).

SEC. 3. REPORT.

The Select Committee on Intelligence shall report the Committee's findings, together with such recommendations for legislation as the Committee deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2009.

SEC. 4. EXPENSES PAID FROM THE CONTINGENT FUND.

Expenses of the Select Committee on Intelligence authorized to be paid under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the Committee, except that vouchers shall not be required—

(1) for the disbursement of salaries of employees paid at an annual rate;

(2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate;

(3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate;

(4) for payments to the Postmaster, United States Senate;

(5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate;

(6) for the payment of Senate Recording and Photographic Services; or

(7) for payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

SEC. 5. AUTHORITY FOR AGENCY CONTRIBUTIONS.

There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the Select Committee on Intelligence, from March 1, 2007 through September 30, 2007, from October 1, 2007 through September 30, 2008, and from October 1, 2008 through February 28, 2009, to be paid from the Appropriations account for "Expenses of Inquiries and Investigations".

AMENDMENTS SUBMITTED AND PROPOSED

SA 222. Mr. REID submitted an amendment intended to be proposed by him to the bill H.R. 2, to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage; which was ordered to lie on the table.

SA 223. Mr. REID submitted an amendment intended to be proposed by him to the bill H.R. 2, supra; which was ordered to lie on the table.

SA 224. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 219 submitted by Ms. LANDRIEU and intended to be proposed to the amendment SA 100 proposed by Mr. REID (for Mr. BAUCUS) to the bill H.R. 2, supra; which was ordered to lie on the table.

SA 225. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 118 proposed by Mr. CHAMBLISS (for himself, Mr. ISAKSON, and Mr. BURR) to the amendment SA 100 proposed by Mr. REID (for Mr. BAUCUS) to the bill H.R. 2, supra; which was ordered to lie on the table.

SA 226. Mr. HATCH submitted an amendment intended to be proposed by him to the bill H.R. 2, supra; which was ordered to lie on the table .

SA 227. Mr. REID submitted an amendment intended to be proposed to amendment SA 118 proposed by Mr. CHAMBLISS (for himself, Mr. ISAKSON, and Mr. BURR) to the amendment SA 100 proposed by Mr. REID (for Mr. BAUCUS) to the bill H.R. 2, supra; which was ordered to lie on the table.

SA 228. Mr. SMITH submitted an amendment intended to be proposed to amendment SA 166 submitted by Mr. SMITH and intended to be proposed to the bill H.R. 2, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 222. Mr. REID submitted an amendment intended to be proposed by him to the bill H.R. 2, to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage; which was ordered to lie on the table; as follows:

At the end of the amendment add the following:

This section shall take effect one day after date of enactment.

SA 223. Mr. REID submitted an amendment intended to be proposed by him to the bill H.R. 2, to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage; which was ordered to lie on the table; as follows:

At the end of the amendment add the following:

This section shall take effect one day after date of enactment.

SA 224. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 219 submitted by Ms. LANDRIEU and intended to be proposed to the amendment SA 100 proposed by Mr. REID (for Mr. BAUCUS) to the bill H.R. 2, to amend the Fair Labor Standards Act of 1938 to provide an increase in the Federal minimum wage; which was ordered to lie on the table; as follows:

On page 5 of the amendment, strike lines 3 through 6, and insert the following:

(e) APPLICABLE CALENDAR QUARTER.—For purposes of this section, the term "applicable calendar quarter" means any calendar quarter beginning after the date of the enactment of this Act and before January 1, 2008.

SA 225. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 118 proposed by Mr. CHAMBLISS (for himself, Mr. ISAKSON, and Mr. BURR) to the amendment SA 100 proposed by Mr. REID (for Mr. BAUCUS) to the bill H.R. 2, to amend the Fair Labor Standards Act of 1938 to provide an increase in the Federal minimum wage; which was ordered to lie on the table; as follows:

Strike all after the first word of the matter to be inserted and insert the following:

. WAGES FOR AGRICULTURAL WORKERS.

Section (6)(a)(5) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(5)) is amended to read as follows:

"(5) if such employee is employed in agriculture, not less than the greater of—

"(A) the minimum wage rate in effect under paragraph (1) after December 31, 1977; or

"(B) the prevailing wage established by the Occupational Employment Statistics program, or other wage survey, conducted by the Bureau of Labor Statistics in the county of intended employment, for workers who are employed in agriculture in the area of work to be performed.".

SA 226. Mr. HATCH submitted an amendment intended to be proposed by him to the bill H.R. 2, to amend the Fair Labor Standards Act of 1938 to provide an increase in the Federal minimum wage; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. PROVISIONS TO IMPROVE AND EXPAND THE AVAILABILITY OF HEALTH SAVINGS ACCOUNTS.

(a) PROVISIONS RELATING TO ELIGIBILITY TO CONTRIBUTE TO HSAS.—

(1) INDIVIDUALS ELIGIBLE FOR REIMBURSEMENT UNDER SPOUSE'S FLEXIBLE SPENDING ARRANGEMENT.—Section 223(c)(1) (defining eligible individual) is amended by adding at the end the following new subparagraph;

"(C) SPECIAL RULE FOR CERTAIN FLEXIBLE SPENDING ARRANGEMENTS.—For purposes of subparagraph (A)(ii), an individual shall not be treated as covered under a health plan described in such subparagraph merely because the individual is covered under a flexible spending arrangement (within the meaning of section 106(c)(2)) which is maintained by an employer of the spouse of the individual, but only if—

"(i) the employer is not also the employer of the individual, and

"(ii) the individual certifies to the employer and to the Secretary (in such form and manner as the Secretary may prescribe) that the individual and the individual's spouse will not accept reimbursement under the arrangement for any expenses for medical care provided to the individual.".

(2) INDIVIDUALS OVER AGE 65 AUTOMATICALLY ENROLLED IN MEDICARE PART A.—Section 223(b)(7) (relating to contribution limitation on medicare eligible individuals) is amended by adding at the end the following new sentence: "This paragraph shall not apply to any individual during any period the individual's only entitlement to such benefits is an entitlement to hospital insurance benefits under part A of title XVIII of such Act pursuant to an automatic enrollment for such hospital insurance benefits under the regulations under section 226(a)(1) of such Act."

(3) INDIVIDUALS ELIGIBLE FOR CERTAIN VETERANS BENEFITS.—Section 223(c)(1) (defining eligible individual), as amended by subsection (a), is amended by adding at the end the following new subparagraph:

"(D) SPECIAL RULE FOR INDIVIDUALS ELIGIBLE FOR CERTAIN VETERANS BENEFITS.—For purposes of subparagraph (A)(ii), an individual shall not be treated as covered under a health plan described in such subparagraph merely because the individual receives periodic hospital care or medical services for a service-connected disability under any law administered by the Secretary of Veterans Affairs but only if the individual is not eligible to receive such care or services for any condition other than a service-connected disability.".

(b) FAMILY PLAN MAY HAVE INDIVIDUAL ANNUAL DEDUCTIBLE LIMIT.—Section 223(c)(2) (defining high deductible health plan) is amended by adding at the end the following new subparagraph:

"(E) SPECIAL RULE FOR FAMILY COVERAGE.—A health plan providing family coverage shall not fail to meet the requirements of subparagraph (A)(i)(II) merely because the plan elects to provide both—

"(i) an aggregate annual deductible limit for all individuals covered by the plan which is not less than the amount in effect under subparagraph (A)(i)(II), and

"(ii) an annual deductible limit for each individual covered by the plan which is not less than the amount in effect under subparagraph (A)(i)(I).".

(c) DEFINITION OF QUALIFIED MEDICAL EXPENSES.—

(1) PREMIUMS FOR LOW PREMIUM HEALTH PLANS TREATED AS QUALIFIED MEDICAL EXPENSES.—Subparagraph (C) of section 223(d)(2) is amended by striking "or" at the end of clause (iii), by striking the period at the end of clause (iv) and inserting ", or", and by adding at the end the following new clause:

"(v) a high deductible health plan, but only if the expenses are for coverage for a month with respect to which the account beneficiary is an eligible individual by reason of the coverage under the plan.".

(2) SPECIAL RULE FOR CERTAIN MEDICAL EXPENSES INCURRED BEFORE ESTABLISHMENT OF ACCOUNT.—Paragraph (2) of section 223(d) is amended by adding at the end the following new subparagraph:

"(D) CERTAIN MEDICAL EXPENSES INCURRED BEFORE ESTABLISHMENT OF ACCOUNT TREATED AS QUALIFIED.—An expense shall not fail to be treated as a qualified medical expense solely because such expense was incurred before the establishment of the health savings account if such expense was incurred—

"(i) during either—

"(I) the taxable year in which the health savings account was established, or

"(II) the preceding taxable year in the case of a health savings account established after the taxable year in which such expense was incurred but before the time prescribed by law for filing the return for such taxable year (not including extensions thereof), and

"(ii) for medical care of an individual during a period that such individual was an eligible individual.

For purposes of clause (ii), an individual shall be treated as an eligible individual for any portion of a month the individual is described in subsection (c)(1), determined without regard to whether the individual is covered under a high deductible health plan on the 1st day of such month.".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

SA 227. Mr. REID submitted an amendment intended to be proposed to amendment SA 118 proposed by Mr. CHAMBLISS (for himself, Mr. ISAKSON, and Mr. BURR) to the amendment SA 100 proposed by Mr. REID (for Mr. BAUCUS) to the bill H.R. 2, to amend the Fair Labor Standards Act of 1938 to provide an increase in the Federal minimum wage; which was ordered to lie on the table; as follows:

Strike all after the first word of the matter to be inserted and insert the following:

. MINIMUM WAGE.

(a) IN GENERAL.—Section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) is amended to read as follows:

"(1) except as otherwise provided in this section, not less than—

"(A) $5.85 an hour, beginning on the 60th day after the date of enactment of the Fair Minimum Wage Act of 2007;

"(B) $6.55 an hour, beginning 12 months after that 60th day; and

"(C) $7.25 an hour, beginning 24 months after that 60th day;".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect 60 days after the date of enactment of this Act.

SA 228. Mr. SMITH submitted an amendment intended to be proposed to amendment SA 166 submitted by Mr. SMITH and intended to be proposed to the bill H.R. 2, to amend the Fair Labor Standards Act of 1938 to provide an increase in the Federal minimum wage; which was ordered to lie on the table; as follows:

Beginning on page 1, strike line 2 and all that follows through page 4, line 2, and insert the following:

SEC. ___. EXPANSION OF DEDUCTION FOR HEALTH INSURANCE COSTS OF SELF-EMPLOYED INDIVIDUALS.

(a) IN GENERAL.—Paragraph (1) of section 162(l) of the Internal Revenue Code of 1986 (relating to special rules for health insurance costs of self-employed individuals) is amended to read as follows:

"(1) ALLOWANCE OF DEDUCTION.—In the case of a taxpayer who is an employee within the meaning of section 401(c)(1), there shall be allowed as a deduction under this section an amount equal to the sum of—

"(A) the amount paid during the taxable year for insurance which constitutes medical care for the taxpayer, the taxpayer's spouse, and dependents, and

"(B) in the case of any taxable year beginning in 2008, the amount paid during the taxable year for insurance which constitutes medical care for—

"(i) any individual—

"(I) who was not the spouse, determined without regard to section 7703, of the taxpayer at any time during the taxable year of the taxpayer,

"(II) who has not attained the age of 19 as of the close of the calendar year in which the taxable year of the taxpayer begins or who is a student who has not attained the age of 24 as of the close of such calendar year,

"(III) who, for the taxable year of the taxpayer, has the same principal place of abode as the taxpayer and is a member of the taxpayer's household, and

"(IV) with respect to whom the taxpayer provides over one-half of the individual's support for the calendar year in which the taxpayer's taxable year begins, and

"(ii) an individual—

"(I) who is designated by the taxpayer for purposes of this paragraph,

"(II) who is not the spouse of the taxpayer and does not bear any relationship to the taxpayer described in subparagraphs (A) through (G) of section 152(d)(2), and

"(III) who, for the taxable year of the taxpayer, has the same principal place of abode as the taxpayer and is a member of the taxpayer's household.

For purposes of subparagraph (B)(ii), not more than 1 person may be designated by the taxpayer for any taxable year.".

(b) TECHNICAL AMENDMENT.—Subparagraph (B) of section 162(l)(2) of the Internal Revenue Code of 1986 is amended to read as follows:

"(B) OTHER COVERAGE.—

"(i) IN GENERAL.—Paragraph (1) shall not apply to any taxpayer for any calendar month for which the taxpayer is eligible to participate in any eligible subsidized health plan.

"(ii) APPLICATION OF SUBPARAGRAPH.—Clause (i) shall be applied separately with respect to—

"(I) plans which include coverage for qualified long-term care services (as defined in section 7702B(c)) or are qualified long-term care insurance contracts (as defined in section 7702B(b)), and

"(II) plans which do not include such coverage and are not such contracts.

"(iii) ELIGIBLE SUBSIDIZED HEALTH PLAN.—For purposes of this subparagraph, the term 'eligible subsidized health plan' means a subsidized health plan maintained by any employer of—

"(I) the taxpayer or the taxpayer's spouse, or

"(II) in the case of any taxable year beginning in 2008, any individual described in paragraph (1)(B).".

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON RULES AND ADMINISTRATION

Mrs. FEINSTEIN. Mr. President, I wish to announce that the Committee on Rules and Administration will meet on Wednesday, January 31, 2007, at 9:30 a.m., to conduct its organization meeting for the 110th Congress.

For further information regarding this meeting, please contact Howard Gantman at the Rules and Administration Committee at 224-6352.

COMMITTEE ON RULES AND ADMINISTRATION

Mrs. FEINSTEIN. Mr. President, I wish to announce that the Committee on Rules and Administration will meet on Wednesday, February 7, 2007, at 10 a.m., to conduct a hearing on the Hazards of Electronic Voting—Focus on the Machinery of Democracy.

For further information regarding this hearing, please contact Howard Gantman at the Rules and Administration Committee at 224-6352.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, January 30, 2007, at 9:30 a.m., in open session to consider the nomination of Admiral William J. Fallon, USN, to be reappointed in the grade of Admiral and to be Commander, United States Central Command.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to hold a hearing during the session of the Senate on Tuesday, January 30, 2007, at 10 a.m. in room SD-366 of the Dirksen Senate Office Building.

The purpose of the hearing is to consider the status of Federal land management agencies' efforts to contain the costs of their wildfire suppression activities and to consider recent independent reviews of and recommendations for those efforts.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to hold a hearing during the session of the Senate on Tuesday, January 30, 2007, at 2:30 p.m. in room SD-366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on transportation sector fuel efficience, including challenges to and incentives for increased oil savings through technological innovation including plug-in hybrids.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet in Executive Session during the session of the Senate on Tuesday, January 30, 2007, at 9 a.m. in room SD-406.

The Environment and Public Works Committee will hold a Business Meeting to consider the following agenda:

COMMITTEE FUNDING RESOLUTION

The full Committee on Environment and Public Works will conduct a hearing entitled, "Senators' Perspectives on Global Warming." The purpose of the hearing is to hear from each Senator about his or her views on global warming, and what the Senator believes the Nation's response should be to the issue.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, January 30, 2007, at 9:15 a.m. to hold a nomination hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, January 30, 2007, at 1 p.m. to hold a hearing on Iraq.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. REID. Mr. President, I ask unanimous consent that the committee on the Judiciary be authorized to meet to conduct a hearing on "Exercising Congress's Constitutional Power to End a War" for Tuesday, January 30, 2007 at 10 a.m. in Dirksen Senate Office Building Room 226.

Witness List

Panel I: David J. Barron, Professor of Law, Harvard Law School, Cambridge, MA; Bradford Berenson, Partner, Sidley Austin LLP, Washington, DC.; Walter Dellinger, Douglas B. Maggs Professor of Law, Duke University School of Law, Former Acting Solicitor General of the United States, Durham, NC; Louis Fisher, Specialist in Constitutional Law, Law Library, Library of Congress, Washington, DC; Robert F. Turner, Center for National Security Law, University of Virginia School of Law, Charlottesville, VA.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. REID. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on January 30, 2007 at 2:30 p.m. to hold a closed hearing and business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR STAR PRINT—S. 149

Mr. REID. Mr. President, I ask unanimous consent that S. 149 be star printed with the changes at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. REID. Mr. President, I said at a meeting with the press earlier today how much I appreciate the Republicans supporting cloture on this minimum wage bill. I hope we are going to have a good bipartisan vote on this bill. There is no question in my mind we will. We have done ethics reform. We are going to do the minimum wage and then move on to something else. I hope we can work on a bipartisan basis.

Mr. President, as you know, we have debate on Iraq coming up when we finish this bill. We are trying to figure out exactly what we are going to be debating because it is a moving target on both sides. We hope to get that done.

I want the record to reflect that I think we are making good progress, and we are doing some legislating. That is very important to the Senate and the country.

ORDERS FOR WEDNESDAY, JANUARY 31, 2007

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until Wednesday, January 31, at 9:30 a.m.; that on Wednesday following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that there then be a period for the transaction of morning business for 60 minutes, with Senators permitted to speak therein for up to 10 minutes each, with the first 30 minutes under the control of the Republicans and the final 30 minutes under the control of Senator WYDEN; that following morning business, the Senate resume consideration of H.R. 2, the minimum wage bill; that all time during the recess on Tuesday and during the adjournment count against the 30-hour postcloture rule.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. Mr. President, for the information of the Senate, we are now close to completing action on all germane amendments that are pending to H.R. 2. It is my understanding that Senator KYL will be here in the morning, and we will resume the bill to debate his amendments. Therefore, Members should be advised to expect rollcall votes tomorrow, and the votes could occur prior to noon.

Does the distinguished Republican leader have anything to say?

Mr. McCONNELL. No. Let me say to my friend, the majority leader, I think we have gotten off to a good start this year. We are close to accomplishing two important pieces of legislation with overwhelming bipartisan support. We look forward to moving ahead with a rather contentious debate next week but a debate we obviously ought to have. It is the most important issue in the country with a lot of passionate feelings on both sides of the issue, and we will have a grand debate in the tradition of the United States Senate next week.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. REID. If there is no further business to come before the Senate, I ask unanimous consent the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 6:49 p.m., adjourned until Wednesday, January 31, 2007, at 9:30 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate Tuesday, January 30, 2007:

THE JUDICIARY

LISA GODBEY WOOD, OF GEORGIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF GEORGIA.

PHILIP S. GUTIERREZ, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE CENTRAL DISTRICT OF CALIFORNIA.

HOUSE OF REPRESENTATIVES—*Tuesday, January 30, 2007*

The House met at 10:30 a.m. and was called to order by the Speaker pro tempore (Mr. MEEKS of New York).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
January 30, 2007.

I hereby appoint the Honorable GREGORY W. MEEKS to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2007, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Florida (Mr. STEARNS) for 5 minutes.

MEDICARE PART D—WASHINGTON POST'S TAKE

Mr. STEARNS. Mr. Speaker, two weeks ago the House passed a bill to require the Secretary of Health and Human Services to negotiate with drug companies on the prices of pharmaceuticals for the part D drug program, H.R. 4 was the bill.

In my district, I have heard overwhelmingly good news about the existing part D program. For a striking example, there was a letter to the editor from one of my constituents on September 21, 2006 in the Gainesville Sun. Mrs. Vernell James wrote this letter. She and her husband, both in their seventies, married for 58 years, wrote, quote, "Medicare part D has been a great experience for our family. Health insurance is important because it helps us stay well and live a quality life. My husband is on three different medications, so good health insurance is something we need.

"The Medicare Web site made it simple enough to choose a plan and sign up. Now that the November 15th deadline is approaching, seniors need to be thinking about which plan is best for them. We save nearly $250 a month because of Medicare part D on our medications, and we are looking forward to continuing savings next year."

I have met this lady, and she impressed upon me how this benefit has given them healthy coverage, and more importantly, peace of mind. But don't take my word for it or the word of this lady; I found no more convincing arguments than what was recently in the two editorials in the Washington Post. One appeared November 2, 2006, and one the day after the bill, H.R. 4, passed, January 13, 2007.

Because of the prominence of this newspaper to policymakers around this town, I would like to share these editorials with my colleagues.

On what grounds does the Post disagree with the Democrat bill, H.R. 4, which involves price fixing? First, the same point that many of us may have heard on the House floor during the debate, but unfortunately not in committee because the bill failed to go through regular Democratic order. On comparing Medicare to VA, Veterans Affairs, the VA "can do this because it is free to deny coverage for drugs whose makers refuse to provide discounts. Fully 3,000 of the 4,300 medicines covered by Medicare are unavailable under the veterans' program. Restricting the list of coverage drugs saves money, but it also reduces the quality of the benefit; 1.5 million veterans are sufficiently unhappy with the result that they opt to buy the more inclusive Medicare coverage."

Well, they are not the same creatures at all, these two programs. I have the background to know, I have been a member of the Veterans Committee for 15 years; I served on the Health Subcommittee on this Veterans Committee. In fact, I chaired the VA Health Subcommittee in the past.

Next: Why do this at all when the private insurance market is keeping premiums costs low for beneficiaries? As the Post went on to write, quote, "the Congressional Budget Office estimated this week that savings from direct negotiations would be negligible, the average monthly premium has fallen since the program began a year ago. Private insurers can do this precisely because they are free to establish formularies, but market discipline ensures that these lists are not unappealing narrow. *The insurers need to keep customers.*" Emphasis added.

Further, the Post wrote, quote, "The Democrats' stance is troubling because it suggests an excessively governmentled view of health care reform. The better approach is to let each insurer offer its own version of the right balance to see whether it attracts customers, and then adapt flexibly."

I have been extolling the Federal Employee Health Benefit Program as a model for over a decade. FEHBP works well precisely because the Office of Personnel Management administering it does not micromanage the program, does not set prices. It simply sets the terms of allowable plans, and then offers Federal and Legislative branch employees, including Members of Congress and the Executive Branch, the cafeteria of options, and they go forth and they choose what is best for them.

On November 2, the Post echoed this endorsement of consumer freedom writing, "Retirees have a choice of insurance plans with widely varying costs, and some are faced with decisions on how much to spend out of pocket. If they choose to pay top dollar for branded medicines, the incentive to invent new medicines will rise. If they prefer to save money, incentives for innovation will decline a bit. Either way, a balance will be struck that reflects broad social preferences."

My colleagues, the Democrat bill, H.R. 4, that was passed, not through the democratic process here in Congress, but put on the floor without amendments, will not help the part D Medicare prescription drug program, it will hurt it. If you don't believe it, read these editorials of the Washington Post.

VOTERS MADE A MISTAKE TRUSTING DEMOCRATS

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2007, the gentleman from Texas (Mr. GOHMERT) is recognized during morning hour debates for 5 minutes.

Mr. GOHMERT. Mr. Speaker, there is something awry in this House. You know, we have heard for the last 2 years I have been here in Congress about how if the Democrats were allowed to be in the majority, there was going to be openness, Mr. Speaker, there was going to be transparency, there was going to be bipartisanship; and yet right here the first rattle out of the box we have 3 weeks where the Republicans are not allowed any input whatsoever. Oh, we can come to the floor and fuss about it, but that is not input, there are no amendments, there are no changes that were allowed to be

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

made. But now this week, we are beyond the 100 hours. And of course that was pretty ironic because promises, pledges, I assure you we are going to have openness, we are going to be bipartisan, well, when they saw around election time it was, gee, they had a chance of taking the majority, what did they do? Well, we don't want to keep that bipartisan promise, so let's change that. How can we do that? Oh, we will make a new promise. We will promise we are not going to keep our prior promise and we are just going to ramrod some things through in the opening days of Congress. Then they found out they enjoyed that, they liked that. Don't let them have any input. That is not right to Americans that nearly half of Americans are not allowed input into what goes on.

But this week takes the cake. Unbelievable. We have a bill that has only, as far as we can find out, had input from Congressman OBEY and Senator BYRD, it is the Obey-Byrd $463 billion earmark. Now I have got some folks up here from my district from Lufkin, Texas; the mayor is here, the city manager. In fact, nine of my 12 full counties had never voted for a Republican for Congress before, they are conservative Democratic counties. They don't run their counties and cities this way. They don't say the mayor is going back in the back rooms and is going to put together the budget for the next year. We are not going to have any kind of hearings, we are not going to allow any input. And here in Congress, in the past we have had review by subcommittees, and then the subcommittee hearings and taking testimony, and then we had a voting it out of subcommittee called a markup. Then we had review by the full committee. Then we had input from both Democrats and Republicans. Then we had a voting it out of committee. And then it went to the Rules Committee, and then the Rules Committee considered it. And then it came to the floor. And then there were opportunities for amendment, not on $463 billion of American taxpayer money, no, not here. There is no subcommittee, no committee, no Rules Committee. Well, they may take it to Rules, but I am not sure about that because it won't matter. It is coming to the floor tomorrow for a vote on the $463 billion Obey-Byrd earmark. That is not openness and transparency. I don't care how many new promises you make to break your old promises, that isn't right to the American people of my county, my county seats, Gilmer, Jefferson, Tyler, Longview, Marshall, Carthage, Henderson, Nacogdoches, Center, Hemphill, San Augustine, Lufkin; they would never run their city governments like this, they would never run their county governments like this. People would run them out of office if they tried to do what is going to be done tomorrow with $463.5 billion of America's taxpayer dollars. That is just not right. That is not right.

You know, Democrats had kind of run the budget process in the ground, and people had enough. They saw the way Senator BYRD cost us hundreds of millions or billions of dollars building an FBI facility in West Virginia. They saw the way the earmarks got out of hand under Democrats, so they voted in Republicans in 1994. Republicans did a great job, welfare reform, bringing the budget to where it balanced. And then they got a little complacent, some of my colleagues got long in the tooth and forgot why they were there, and so we got voted out. And the Democrats said, trust us, we have learned our lessons, we are not going to let this happen again. And all I can think about over and over again is that line in Animal House where after the senior fraternity members had wrecked the young freshman pledge's car, the guy put his arm around the young freshman and said, in effect, well, you messed up, you trusted me. Well, voters trusted Democrats with the majority. And now, as we consider $463 billion Obey-Byrd earmark that didn't have input from our friends across the aisle or Republicans, you messed up, you trusted them.

CHARLIE ALLEBACH, JR.

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2007, the gentleman from Pennsylvania (Mr. DENT) is recognized during morning hour debates for 2 minutes.

Mr. DENT. Mr. Speaker, I come here today not to speak about the great weighty issues of the day, whether it be Iraq or the budget process and procedures of the House, homeland security or any number of issues. No, Mr. Speaker, I come here today to talk about the career of a wonderful individual. You know, it was Tip O'Neill who once said that all politics is local, and I rise today to honor the career of one of our Nation's great local civic leaders, civic officials, Charlie Allebach, Jr.

Charlie has been serving the people of the Borough of Souderton, Pennsylvania, for almost 43 years. Let me say that again. That is for 43 years, he has served the people of Souderton, Pennsylvania. He first became a borough councilman in 1964—by the way, I was 4 years old at that time—he was appointed mayor in 1970, and he has been mayor ever since. But I just want you to know, too, that he has just announced his retirement.

Charlie has presided over the steady growth of a wonderful community, Souderton, Pennsylvania. If you don't know anything about Souderton, it is in the Indian Valley of Pennsylvania, Montgomery County. It has got a great tradition. The Mennonites have had an enormous influence on that area over the years, have deeply influenced the culture and tradition. There is a great sense of family and faith in that area. Souderton is an extraordinary community.

Charlie, also, I want you to know, has performed more than 2,400 marriage ceremonies, lent his time to local service organizations and has been devoted to the borough in every way imaginable.

On behalf of the people of the 15th Congressional District, I wish him the best during his retirement. We would like to keep him around in public office longer, but I understand that 40 years is a long time. We wish him the best in this richly deserved retirement.

I also ask that a copy of my remarks today be included in the CONGRESSIONAL RECORD so that Charlie Allebach, Jr.'s career as the mayor of Souderton can be memorialized within the annals of Congress for all time and to all the people in the Indian Valley in Souderton, I know that they are perhaps watching today the proceedings of the House and I know they have such a deep affection for this man. We don't spend enough time in our lives as Members of Congress thanking and celebrating people who do things right, who enter public service because they believe in advancing the best interests of their community. They are not doing it for themselves. That is what Charlie Allebach is all about.

So to Charlie, we say once again, thank you for a job well done. We hope to see you around. We know we will, but just want you to know that your contributions to all of us, to our community, are deeply appreciated and will not be forgotten.

Mr. Speaker, Tip O'Neill once said that all politics is local, and I rise today to honor the career of one our nation's great local civic officials, Charlie Allebach, Jr.

Charlie has been serving the people of the Borough of Souderton, Pennsylvania, for almost 43—that's 43—years. He first became a borough councilman in 1964, and he was appointed mayor in 1970. He has been the mayor ever since, but he has just announced his retirement.

Charlie has presided over the steady growth of a wonderful community. He has also performed more than 2,400 marriage ceremonies, lent his time to local service organizations, and has been devoted to the Borough in every way.

On behalf of the people of the 15th Congressional District, I wish him the best during his retirement, and I ask that a copy of these remarks be included in the CONGRESSIONAL RECORD so that Charlie Allebach, Jr.'s career as the mayor of Souderton, Pennsylvania, can be memorialized within the annals of Congress for all time.

Thank you, Charlie, for a job well done.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until noon today.

Accordingly (at 10 o'clock and 45 minutes a.m.), the House stood in recess until noon.

□ 1200

AFTER RECESS

The recess having expired, the House was called to order at noon.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord our God, ever-faithful throughout the ages and seasons of life, the cold winds of January rob the memory of Washington's heat and stretch our longing for another spring.

And January 30 recalls for us, Lord, another distant memory. On this day in 1948, Mahatma Gandhi was killed by a young religious zealot. The personification of nonviolence was overcome by violence.

Lord, the voice of this "great soul," who spoke out in the midst of politics to end oppression and seek independence seems forgotten by us now, caught up in the war on terrorism.

In this mad spin around the sun, Lord, we cannot help but question whether we are an evolving world about to break upon the brightness of a new day or dissolving into the cold of Dante's darkness.

Raise up, O Lord, a prophetic light and lead us, now and forever. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Wisconsin (Mr. KAGEN) come forward and lead the House in the Pledge of Allegiance.

Mr. KAGEN led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

HEALTH CARE REFORM

(Ms. MILLENDER-McDONALD asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. MILLENDER-McDONALD. Madam Speaker, I rise today to plead for health care reform. In recent weeks, I have received more than 150 letters from my constituents asking for health care reform. No one has written expressing satisfaction over the current health care system. Most seniors feel that their medicine coverage is still costing too much. Others cite fear and losing access to choice of health insurance plans or medicines.

I am in favor of sweeping reforms to the system rather than the piecemeal and "quick-fix" methods of the past.

In Dallas, the poor, elderly and disabled are hurting the most when it comes to health care. Texas has the largest number of uninsured in the Nation, and our emergency rooms are bursting.

Madam Speaker, it is time for a new strategy. Let's consider comprehensive health care reform that will improve our health care system and make a real difference for Dallas and for America's citizens.

FEDERAL TIMBER POLICY SHATTERED HARNEY COUNTY'S ECONOMY

(Mr. WALDEN of Oregon asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WALDEN of Oregon. Madam Speaker, the failure of Congress to reauthorize the Secure Rural Schools and Community Self-Determination Act is another day with another broken promise.

When the Federal Government abruptly slashed timber harvest, the economy in Harney County, Oregon, population about 7,000, nearly collapsed. Hundreds of family-wage jobs were lost; 78 percent of the land mass in Harney County is controlled by the Federal Government so the government's decision had a dramatic effect on the people who live there.

In 2000, Congress did the right thing by approving the county payments program which in Harney County supports roads, community services, and Burns High School where 60 percent of the student body takes vocational classes.

Take Jim Gibbon, a Burns High graduate and 4-year vocational classes participant. Through that learning, he is now co-owner of Burns Ford and they employ 20 people.

County Judge Steve Grasty says, "Loss of this program means losing future opportunities for young people here and in rural counties across America."

This Congress must keep the Federal Government's word to timber communities and pass H.R. 17. Time is running out.

RESTORING FISCAL SANITY

(Mr. WALZ of Minnesota asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WALZ of Minnesota. Madam Speaker, it is time we restore fiscal sanity to Washington. In 6 short years, Republican policies turned a $5.6 trillion surplus into a $3 trillion deficit. That is an $8 trillion reversal of fortune.

And last year, congressional Republicans never came to an agreement on the budget and refused to pass nine of the 11 must-pass appropriations bills before adjourning in December. This isn't how the appropriations process is supposed to work, and the American people know it.

Democrats vow we are going to get things done and done on time. This year, Democrats brought much-needed reform to Congress by passing a rules package that require Democrats to pay-as-we-go. This isn't a new idea. From 1990 to 2002, Congresses and administrations of both parties abided by commonsense rules that stated you couldn't cut taxes and increase spending unless you paid for it. Pay-as-you-go was one of the main reasons Washington balanced the books in the 1990s.

This week, since Republicans were unable to do their job last year, Democrats will bring a final bill to the floor that will fund key priorities. This bill will allow us to move forward with fiscal sanity.

OPPOSE CONTINUING RESOLUTION

(Ms. FOXX asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. FOXX. Madam Speaker, I rise today in objection to the so-called continuing resolution the Democrat leadership is going to bring up tomorrow. This is by no means a typical continuing resolution. A continuing resolution basically requires only a couple of lines saying that the current appropriations are continuing for a set period of time.

This CR has not been scrutinized through the committee process before being brought to the House floor for a vote. This is a $463 omnibus spending bill without any specific guidelines or accountability measures. American taxpayers deserve to know how their hard-earned dollars are being spent.

Madam Speaker, this is not a continuing resolution. A typical 1- or 2-page bill that continues spending at its previous level. Again, it is an omnibus spending bill well over 100 pages long, full of excessive unregulated spending, just another broken promise by the Democrat leadership that shows their true colors.

HEALTH CARE COSTS

(Mr. KAGEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KAGEN. Madam Speaker, impossible costs for health care are a major concern for everyone, and the President should be commended for addressing this difficult crisis. But his proposal is really a tax hike for people who cannot afford it: businesses and working families.

We must establish an open and transparent medical marketplace, and it is really not that difficult to do.

We need to, one, openly disclose all prices in health care everywhere; two, give every citizen the same discount; and three, establish a single risk pool, 300 million strong, across the country to leverage down prices and costs for all of us. In other words, if you are a citizen, you are in.

It is past time that the Congress should establish a single basic Federal standard health insurance policy that every insurance company must offer to each and every one of us. In doing so, we will be able to compare insurance companies based on the quality of their service and their price.

The President means well, but you cannot use tax hikes to lower health care costs.

CONTINUING RESOLUTION COMES TO FLOOR

(Mr. KIRK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KIRK. Madam Speaker, tomorrow this House will take up a massive spending bill that will remove over $400 billion from our Treasury. This huge 150-page "CRomnibus" spending bill has not been read by most Democrats or Republicans.

We are told that despite the end of the 100 hours, this large bill cannot be amended. We have had no hearings on this bill. There is no report to accompany the legislation detailing hundreds of billions in spending, and we will not be allowed to offer improvements like taking the savings in canceling Federal earmarks and making sure the deficit is reduced.

In large part, Members of this House may be later embarrassed when enterprising reporters who have the time to read this legislation find out what we have actually done without review or consideration. This bill is not pay-as-you-go. Given the Democratic retreat coming up, it is more like pay-and-then-play.

WHITE HOUSE ESCALATES CONFLICT

(Mr. KUCINICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUCINICH. Madam Speaker, Iranians and Saudis are uniting to try to avoid a war in Lebanon while the U.S. stays on the sidelines. Meanwhile, the Bush administration is isolating our Nation from Europe and trying to force Europe to block Iranian exports and freeze assets.

The U.S. should be standing for peaceful resolution of conflict. Instead, the White House escalates conflict: escalates with Iran, escalates in Iraq, escalates violence, escalates deaths, and escalates the Federal deficit.

I want the Bush administration to know there will be constitutional consequences for the President and the Vice President if this administration continues to move towards war with Iran.

THE TRUTH SET BORDER AGENT FREE

(Mr. POE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. POE. Madam Speaker, another border agent has been tried for allegedly using too much force in arresting an illegal at the Texas-Mexico border.

Former border agent David Sipe was found guilty in 2001 by a Federal court jury for using excessive force in arresting Jose Guevarra.

According to news sources, the Federal prosecutor hid evidence at that trial that was beneficial to the border agent, such as the Federal Government had made deals and gave benefits to witnesses like Social Security cards, and the prosecutor had not revealed the criminal record of a witness.

Does this sound familiar to anyone? Anyway, Sipe was granted a new trial and last week a second jury, after hearing all of the facts and the truth, found the border agent not guilty.

Why does it seem our Federal Government is so zealous in prosecuting border agents who appear to be doing their job and give those who illegally enter the United States a free pass? Once again, it seems like the Federal Government is on the wrong side of the border war.

And that's just the way it is.

REDEPLOY FROM IRAQ

(Mr. SESTAK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SESTAK. Madam Speaker, I spent 31 years in the military defending our freedom of speech. I often wondered and hoped during those years, whether in the fury of war or the challenges of peace, what Washington was thinking, debating wisely at length about the use of our national treasure, those men and women who wear the cloth of our Nation overseas.

I am concerned for U.S. security because of Iraq, a tragic misadventure that does not permit us to best address more important security challenges throughout this world.

Don't double down on a bad military bet by using more troops. Have confidence in our diplomatic ability to lead even with Syria and Iran, set a date certain for redeploying out of Iraq this year to serve as the leverage to have the Iraqis accept the reality of the personal consequence of not assuming responsibility for their nation.

That is why I will introduce legislation that sets the end of 2007 for our redeployment from Iraq to serve as the catalyst for the Iraqis to assume responsibility for their country so we can better address our security interests throughout this world.

SPENDING WITHOUT TRANSPARENCY

(Mrs. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BLACKBURN. Madam Speaker, the hold-onto-your-wallet Congress is at it again. Just a week after raising costs to nearly all of America's small businesses, they are spending billions of taxpayer dollars with little or no explanation of where it is going.

After months of campaigning and pledges on open government and more accountability, the Democrats are still behind locked doors spending billions of taxpayer dollars with very little transparency.

Tomorrow, they are going to cram through an omnibus spending package, not a continuing resolution, which basically is going to pay the government's bills; and the price tag is $463 billion, a $463 billion budget. And from what we understand, it has been crafted by a couple of folks, that's all. The Budget Committee didn't hold hearings. It was not reviewed for waste, fraud and abuse.

But from what we are understanding from the reports in the news, we have two Appropriations chairmen who have put it together, and you and I are just supposed to trust their judgment. I think so, Madam Speaker; we need to have accountability, we need to have review.

☐ 1215

THE PRESIDENT'S ALLEGIANCE IS TO THE INSURANCE INDUSTRY

(Mr. DEFAZIO asked and was given permission to address the House for 1 minute.)

Mr. DEFAZIO. The insurance industry is exempt from antitrust law. They can and do legally fix prices. They can and do legally discriminate. They can and do legally deny coverage because of a preexisting condition, or for no reason whatsoever. But despite the fact that 60 percent of Americans get their health care through their employers, the President wants Americans to give up that protection of group coverage and throw themselves into the unregulated and cruel world of private insurance under the guise that he cares about the 46.1 million Americans that don't have health insurance, up 6 million on his watch.

And there's one more little cruel joke hidden in here. He doesn't tell them about that tax deduction which would also allow them to take a deduction against their Social Security. For a family or a person earning $30,000 a year, it would cut their Social Security benefits in half. The President will do anything to help his friends in the insurance industry; he doesn't care much about those who are uninsured or who need help with health care.

THANKS TO THE NEW BOLTON CENTER

(Mr. PITTS asked and was given permission to address the House for 1 minute.)

Mr. PITTS. Madam Speaker, Barbaro, the winner of the Kentucky Derby, died yesterday. Barbaro was not just any horse. This was a horse who never lost a race. This was a horse who won the Kentucky Derby by 6½ lengths. The last time that was done was in 1946. What a shame it was when he hurt himself and cut short one of the greatest careers in horse racing.

And sad as this is, I come to the floor to congratulate the New Bolton Center in Chester County, Pennsylvania, in my congressional district. Dean Richardson and the staff of the New Bolton Center have shown the world what humane and excellent veterinary care looks like. Barbaro and his owners put their trust in the New Bolton Center and hoped for the best over the last 9 months. Sadly, Barbaro didn't make it. But no one doubts that everything that could have been done was done and done well. Our thanks are due to the staff at the New Bolton Center.

DEMOCRATS BRING FISCAL SANITY BACK TO WASHINGTON

(Mr. WILSON of Ohio asked and was given permission to address the House for 1 minute.)

Mr. WILSON of Ohio. Madam Speaker, a new report from the Budget and Appropriations Committee says that the new Congress faces a fiscal challenge of historic proportions. The cost of the war in Iraq, coupled with the growing price tag of tax cuts passed over the previous 6 years, have left the Nation deeper in debt than ever before and with one of the largest benefit deficits in the Nation's history.

Last year, Democrats committed to begin the process of restoring fiscal sanity by reinstituting a budget rule that helped Congress create a surplus in the 1990s. It is this fiscal discipline that is so important to House Democrats that we restored a pay-as-you-go budget rule on the second day of this new Congress.

Madam Speaker, historic debts are not good for any of us. They lead to rising interest rates, which cost middle-class families as much as $1,700 a year on credit card and mortgage payments. It also simply is irresponsible of us to continue to pass this debt on to future generations.

Madam Speaker, this week we will pass a final budget for the 2007 fiscal year after Republicans refused to pass these must-pass appropriations bills last year. It's time we get our fiscal house in order.

THE DEATH OF DELIBERATION

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. Madam Speaker, I must admit that I was somewhat encouraged in December when the newly minted Democrat majority announced that they were considering a bill that would simply finish this year's budget work with what is known as a continuing resolution, funding the government at current levels and leaving the debate over the budget for the ordinary process of the constitutional system of the legislature. I was particularly enamored with the idea that they would move this so-named continuing resolution without earmarks, and I am pleased to have supported bipartisan earmark reform.

But what will come to the floor tomorrow, to my disappointment, is not a bill that simply continues the funding of the government. It is a new Federal budget: $463 billion in spending, 137 pages. Madam Speaker, it will take 300 pages to read the CBO score. What we see is not a continuation of government spending. We see, rather, the death of deliberation. The Congress is witnessing in the first hours of this new session the death of a long-term process whereby our budgets and our legislation are considered. It is the death of deliberation that must be put to an end.

MIDDLE-CLASS TAX INCREASE IS THE WRONG APPROACH

(Mr. SIRES asked and was given permission to address the House for 1 minute.)

Mr. SIRES. Madam Speaker, Health and Human Services Secretary Mike Leavitt is about to begin a 100-day public relations effort to build support for the President's health care proposal. Democrats here in Washington in Congress want to work towards reducing the number of uninsured. Unfortunately, the tax deduction proposal will do very little to assist the 47 million Americans who are now living without health insurance.

The President touts his plan as a way to give low-income uninsured Americans more money in their pockets to help them buy their own health insurance. It sounds good, but the President ignores two facts.

First, the President's plan does not provide enough of a benefit for low-income Americans. A tax deduction is of little value to low-income workers, who in many cases will receive little more than $1,200 a year back from the Federal Government. That might sound like a lot, but health insurance costs the average family almost $11,000 a year. This small deduction will continue to make health care out of reach.

Madam Speaker, unfortunately, the President's proposal is not the right approach.

DON'T RAISE THE TOLLS

(Mrs. CAPITO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CAPITO. Madam Speaker, I rise today to express my great concern with the proposal pending before the Virginia State Corporation Commission to raise the tolls on the Dulles Greenway. Many of my constituents from the eastern panhandle of West Virginia use this roadway to commute into Northern Virginia and the District of Columbia.

The growth of the Washington metropolitan area has extended into the eastern panhandle of West Virginia as many families move into the towns and communities of my district seeking a lower cost of living and the wonderful environment for raising a family we have in West Virginia. Some have chosen to change professions and remain there with their jobs, but many others still commute into Northern Virginia and the District of Columbia every day, and they rely on many forms of transportation, one of which is the Dulles Greenway.

The proposed increase represents a 56 percent increase over the next 5 years. The per-mile rate for the increased toll is drastically higher than other toll roads in the area, costing commuters approximately 34 cents per mile. For many families this will be an undue burden.

Thankfully, there is a hearing today in Northern Virginia so local citizens can express their concern with this proposal. I hope that the Virginia State Corporation Commission will see the shortsightedness of this proposal and call for a reasonable toll level for the commuters utilizing the Dulles Greenway.

A HISTORIC MOMENT

(Mr. LANTOS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LANTOS. Madam Speaker, moments before we opened this session, I had the privilege of witnessing a historic moment. Our distinguished Speaker, a lady who has just returned from a bipartisan visit to Kuwait, Iraq, Pakistan and Afghanistan, met the distinguished Speaker, another lady, another statesman, another political leader of outstanding qualities, the Speaker of the Hungarian Parliament.

When these two women met, NANCY PELOSI and Katalin Szili, history was made. We saw two great democratic republics, with parliaments headed by outstanding women, exchange views and plan the future of stronger and even better relations between the Republic of Hungary and the United States of America.

I salute Speaker PELOSI and Speaker of Parliament Katalin Szili and wish both of them the very best.

LET'S WORK TOGETHER

(Mr. KINGSTON asked and was given permission to address the House for 1 minute.)

Mr. KINGSTON. Madam Speaker, I think that there is a good part to the Democrat takeover of the House and the Senate, and that is that now the Democrats are at the table when we talk about Iraq. And there are many in this town who say failure is not an option. I think failure is an option. I think there would be disastrous consequences to that. The third largest oil-producing nation in the world would belong to terrorists. What would happen to the existing and fledgling Iraqi Government if you suddenly pulled our troops out of there? What kind of genocide would that bring? Those are things that have to be dealt with.

But I think that it is good that now we can have a bipartisan approach that the critics of the administration and the policy are now inside the room actually making policy. With that spirit, I think that it is time to tone down the rhetoric and work on a solution that will be best for Iraq, for America, and for the international community. And I say this with sincerity now because I think there is a good opportunity, and we only will have it, I think, for a few short months because the Presidential elections are kicking in, lots of rhetoric is floating around, but I think we can work together and come up with some good policy.

PRESIDENT'S HEALTH CARE PROPOSAL IS A BAD PLAN

(Mr. COHEN asked and was given permission to address the House for 1 minute.)

Mr. COHEN. Madam Speaker, in the President's State of the Union address last week, he made proposals for what is essentially a tax increase on more than 30 million Americans. That's right, if Congress were to pass the President's health care plan, more than 30 million Americans, many of whom are middle-class workers who have fought hard to negotiate comprehensive health care plans with their employers, would be taxed by the Federal Government. Good health insurance, for those lucky enough to have it, would be jeopardized as many Americans would be pushed into the individual insurance market where insurers can refuse coverage to workers based on their health.

That brings me to the least of these, those without insurance, a number which will grow under the President's plan. The Regional Medical Center at Memphis, the Med, a hospital that provides a disproportionate amount of service to the poor, could lose as much as $30 million a year. Tennessee could see Federal revenue to support hospitals, nursing homes and other health providers by as much as $300 million, and that would be an increase of taxes at the local level.

The Med plays a critical role in delivering health care to the poor. Losing the specialty services of the Med would leave serious gaps in our health care system that serves the entire region around Memphis, including Mississippi and Arkansas.

PRESIDENT'S TROOP ESCALATION PLAN IS NOT A PLAN FOR SUCCESS IN IRAQ

(Mr. BUTTERFIELD asked and was given permission to address the House for 1 minute.)

Mr. BUTTERFIELD. Madam Speaker, just how many people need to tell the President that his troop escalation plan is a terrible idea before he actually begins to listen? The American people sent the President a strong message last November that they no longer want our troops involved in what has become a civil war in Iraq.

The President's own generals have told him that they didn't need more troops in Iraq; but rather than listening to his generals, as he has always suggested that he has done, he has now turned around and replaced them with generals who are more friendly to the idea of sending more troops.

The bipartisan Iraq Study Group told the President that more troops were not needed. Instead, they concluded that a strategic redeployment should be initiated in the coming months and that the administration should reach out to the neighbors in the region, ideas the administration has rejected. If this were not enough, an overwhelming number of Democrats, and Republicans I might say, here on Capitol Hill have expressed opposition to the plan.

Madam Speaker, how many people have to tell him "no" before he listens?

□ 1230

SUPPORT OUR TROOPS BUT OPPOSE THE WAR IN IRAQ

(Ms. SOLIS asked and was given permission to address the House for 1 minute.)

Ms. SOLIS. Madam Speaker, today I rise in support of our troops, and I want to underscore that. But I also want to make clear that I am opposed to the war in Iraq. Our service men and women are proudly serving our country. More than 3,063 of our sons and daughters, including 13 from the 32nd Congressional District that I represent, have given their lives.

This war, as you know, has cost taxpayers $387 billion so far, and an additional $100 billion to $130 billion is going to be requested by this President. There is no plan to secure the peace. There is no accountability for companies like Halliburton that have been found to make more than $1.4 billion in unreasonable and unsupported billing charges, and our veterans lack the support needed and deserved.

We need a plan that ensures that there are no permanent U.S. military bases in Iraq, and not a plan to increase the buildup. We need a plan which investigates and punishes companies engaged in war profiteering and fraud and a plan to redeploy our servicemen and women. We need to find a political solution.

AMERICANS OPPOSE TROOP ESCALATION IN IRAQ

(Mr. PAYNE asked and was given permission to address the House for 1 minute.)

Mr. PAYNE. Madam Speaker, President Bush's dangerous plan to escalate the war in Iraq will not make Americans more secure. In fact, it will only lead to more bloodshed and violence. The plan faces significant bipartisan opposition in both Chambers of Congress and is opposed by a vast majority of people in this country.

Some Republicans are belatedly calling for benchmarks to measure progress in Iraq, even as they stand by the President's plan to escalate the war. Democrats were calling for benchmarks for success in Iraq years ago, but our pleas fell on deaf ears.

As an early and staunch opponent to this war, I have watched as every single prediction this administration has made has been proven wrong, from the duration of the war, the reception we would receive, the costs, the number of casualties and the existence of weapons of mass destruction, all wrong.

The loss of more young men and women is too high a price to pay for this gamble. Let's support our troops by bringing them home and letting Iraqis shoulder responsibilities which should be theirs.

HONORING ARMENIAN EDITOR HRANT DINK

(Mr. COSTA asked and was given permission to address the House for 1 minute.)

Mr. COSTA. Madam Speaker, I rise today to mourn the loss of the Armenian Turkish newspaper editor, Hrant Dink. On January 19, the legacy of the Armenian genocide continued. Hrant Dink, who was tried and convicted of "insulting Turkishness" by recognizing the Armenian genocide, unfortunately, was shot dead over a week ago.

Dink was a voice for freedom of the press, for democracy and for Armenian genocide recognition. Between 1915 and 1923, the Ottoman Empire led a genocide on its Armenian population, killing over 1.5 million people. Over 90 years later, the Turkish Government still refuses to acknowledge it occurred.

I told the Turkish foreign minister last year that to move forward with democratic reform, Turkey must first comes to grips with its past, just as our country had during the civil rights movement. Yesterday, I sent a letter to President Bush urging the withdrawal of the nomination of Richard Hoagland to be Ambassador to Armenia. Given the assassination of Dink, we cannot have an ambassador who refuses to acknowledge the Armenian genocide happened. It would send the wrong message.

PRESIDENT'S ESCALATION PLAN IS NOT NEW—IT'S BEEN TRIED BEFORE AND FAILED

(Ms. WATSON asked and was given permission to address the House for 1 minute.)

Ms. WATSON. Madam Speaker, in June of 2006, the Bush administration announced a new plan for securing Baghdad by increasing the presence of Iraq security forces. That plan failed.

In July, additional U.S. troops are moved in. By October, the Pentagon was admitting that the plan to secure Baghdad had failed. In the fall of 2005, the Bush administration increased troop levels by 22,000 around the time of the elections, and the escalation had little long-term impact on quelling sectarian violence.

The New York Times had a story by a young troop member in Baghdad yesterday. You need to read it, because it talked about how the snipers killed one of their buddies and how they went in to get his body out and to get his helmet, and the blood spilled down the clothing of the rescuers.

This is happening every day because we are fighting a war with an unknown enemy in the middle of sectarian violence. It must stop.

APPOINTMENT OF MEMBERS TO UNITED STATES GROUP OF THE NATO PARLIAMENTARY ASSEMBLY

The SPEAKER pro tempore (Ms. Schakowsky). Pursuant to 22 U.S.C. 1928a, clause 10 of rule I, and the order of the House of January 4, 2007, the Chair announces the Speaker's appointment of the following Members of the House to the United States Group of the NATO Parliamentary Assembly:

Mr. Gillmor, Ohio
Mr. Regula, Ohio
Mr. Boozman, Arkansas
Mr. Shimkus, Illinois

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken later today.

ESTABLISHING THE HOUSE DEMOCRACY ASSISTANCE COMMISSION FOR THE 110TH CONGRESS

Mr. LANTOS. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 24) establishing the House Democracy Assistance Commission for the One Hundred Tenth Congress, as amended.

The Clerk read as follows:

H. Res. 24

Resolved,

SECTION 1. ESTABLISHMENT OF COMMISSION.

There is established in the House of Representatives a commission to be known as the House Democracy Assistance Commission (hereafter in this resolution referred to as the "Commission").

SEC. 2. MEMBERSHIP OF COMMISSION.

(a) Number and Appointment.—The Commission shall be composed of 20 Members of the House of Representatives, of whom 11 shall represent the majority party and be appointed by the Speaker of the House of Representatives and 9 shall represent the minority party and be appointed by the Minority Leader of the House of Representatives.

(b) Terms of Members of the House of Representatives.—Each member of the Commission shall be appointed for a term that is concurrent with the Congress in which the appointment is made. Such a member may be reappointed for one or more subsequent terms in accordance with the preceding sentence.

(c) Chairperson.—The Chairperson of the Commission shall be designated by the Speaker of the House of Representatives from among the members appointed by the Speaker of the House of Representatives under subsection (a).

SEC. 3. DUTIES.

(a) Activities.—The Commission shall work with the legislatures of partner countries, as determined pursuant to paragraphs (2) and (3) of subsection (b), on a frequent and regular basis in order to—

(1) enable Members, officers, and staff of the House of Representatives and congressional support agencies to provide expert advice and consultation to members and staff of the legislatures of partner countries;

(2) enable members and staff of legislatures of partner countries to study the operations of the House of Representatives and its support agencies; and

(3) provide recommendations to the Administrator of the United States Agency for International Development regarding the provision of material assistance, such as modern automation and office systems, information technology, and library supplies, as the Commission determines to be needed by a legislature of a partner country in order to improve the efficiency and transparency of its work, and to oversee the provision of such assistance.

(b) Selection of Partner Legislatures.—

(1) In general.—In order to carry out the activities described in subsection (a), the Commission may conduct, as needed, studies on the feasibility of programs of assistance for legislatures of countries described in paragraph (2) for the purpose of strengthening the legislative infrastructure of such countries. Such studies shall assess—

(A) the independent and substantive role that each legislature plays, or could reasonably be expected to play, in the legislative process and government oversight;

(B) the potential benefit to each legislature of expert advice from and consultation with Members and staff of the House of Representatives in areas such as the development of research services and legislative information systems, legislative procedure, committee operations, budget process, government oversight, and constituent services; and

(C) the need in each legislature for material assistance, such as modern automation and office systems, information technology, and research materials, in order to improve efficiency and transparency.

(2) Countries described.—The countries referred to in paragraph (1) are countries that have established, have re-established, or are developing democratic legislatures which would benefit from the assistance described in this resolution.

(3) Additional partner legislatures.—From any countries studied in accordance with paragraph (1), the Commission may select one or more legislatures to receive assistance under the provisions of this resolution, subject to a written expression of interest from the highest ranking office within the legislature of a selected country.

(c) Reports.—

(1) In general.—Not later than December 31, 2007, and each December 31 thereafter, the Commission shall prepare and submit to the Speaker of the House of Representatives, the Minority Leader of the House of Representatives, appropriate House committees, the Office of Interparliamentary Affairs of the House of Representatives, and the Administrator of the United States Agency for International Development, an annual report on the Commission's activities, including a review of the activities of the Commission in the current year and a proposal for the activities of the Commission in the upcoming year, as described in subsection (a).

(2) Definition.—In this subsection, the term "appropriate House committees" means the following committees of the House of Representatives:

(A) The Committee on Foreign Affairs.

(B) The Committee on Appropriations.

(C) The Committee on House Administration.

(D) The Committee on Rules.

SEC. 4. ROLE OF THE COMMITTEE ON FOREIGN AFFAIRS.

(a) IN GENERAL.—The Commission shall carry out the duties described in section 3 using the staff and resources of the Committee on Foreign Affairs, including the use of consultants or temporary employees, such as individuals with expertise in development of democratic parliaments, legislative systems management, legislative research, parliamentary procedure, related legislative matters, and technology systems management, as appropriate.

(b) PARTICIPATION OF LEGISLATIVE BRANCH EMPLOYEES.—At the request of the Commission, the head of any office of the House of Representatives or any congressional support agency may assist the work of the Commission by—

(1) detailing personnel to the staff of the Committee on Foreign Affairs or another standing committee of the House of Representatives; or

(2) authorizing personnel to participate in activities of the Commission.

SEC. 5. TRANSITION FROM FORMER COMMISSION.

(a) CONTINUATION OF EXISTING PROGRAMS.—The Commission may continue programs of assistance with legislatures of partner countries which were initiated by the former Commission.

(b) TRANSFER OF AUTHORITIES AND RESOURCES.—Any authorities and resources of the former Commission which remain available as of the day before the date of the adoption of this resolution, including unobligated funds, shall be transferred and made available to the Commission.

(c) DEFINITION.—In this section, the "former Commission" means the House Democracy Assistance Commission established under the House Democracy Assistance Commission Resolution (House Resolution 135, One Hundred Ninth Congress, agreed to March 14, 2005).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. LANTOS) and the gentlewoman from Florida (Ms. ROS-LEHTINEN) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. LANTOS. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. LANTOS. Madam Speaker, I yield myself such time as I might consume.

Madam Speaker, I rise in strong support of this resolution.

When the Berlin Wall fell, I was there with other congressional colleagues. We experienced firsthand the exuberance of the people of East Germany and across the newly liberated region.

But to sustain the momentum of that unique instant in history to commitment on both sides of the Atlantic, commitment not just to elections, but to the development of permanent, democratic institutions that permeate society. Madam Speaker, I vividly recall how excited we in Congress were when we first provided assistance to our new colleagues in democratically elected parliaments across Central and Eastern Europe.

That is why I strongly support the resolution before the House today, which reestablishes the House Democracy Assistance Commission. This important body plays a critical role in ensuring that the new generation of emerging democratic institutions get desperately needed assistance.

In the 109th Congress, the House created this commission to enable members and staff to assist their counterparts in the parliaments of new democracies around the globe. With our help, they will build strong, independent legislatures.

The commission has been led by two steadfast and consistent supporters of democracy promotion, DAVID PRICE, our colleague from North Carolina, and DAVID DREIER, my fellow Californian. I want to offer my sincere gratitude to both of them for their efforts.

Under their leadership, the commission took congressional delegations to six new or reemerging democracies and hosted six visiting parliamentary delegations here in Washington.

The commission also offered material assistance to several legislatures through USAID, most notably a project to furnish and equip and train staff of the parliamentary library of East Timor with the invaluable assistance of our own Library of Congress.

Pending the passage of this resolution by the full House, the commission in 2007 plans to assist the legislatures of Afghanistan, Colombia, East Timor, Georgia—not our own Georgia, but the former Soviet Republic of Georgia—Haiti, Indonesia, Kenya, Lebanon, Liberia, Macedonia, Mongolia and Ukraine.

Madam Speaker, in 1918, President Woodrow Wilson expressed the idea that it is in our national interest to encourage free and open and democratic governments. Over the past nine decades, the United States has sustained and expanded this important commitment. The Price-Dreier Commission is an important part of this tradition, and it deserves our continued support.

I urge all of our colleagues to participate in the House Democracy Assistance Commission and to support this most important legislation.

Madam Speaker, I reserve the balance of my time.

Ms. ROS-LEHTINEN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I also rise in strong support of House Resolution 24, reestablishing the House Democracy Assistance Commission for this 110th Congress. I was an enthusiastic cosponsor of the legislation creating the commission in the year 2005, and I am proud of what it has accomplished during these years.

Our colleagues, as Mr. LANTOS mentioned, Mr. DREIER and Mr. PRICE, deserve our thanks for their hard work and identifying candidate legislatures in emerging democracies to receive commission assistance. The 12 partner countries selected so far include nations of strategic importance to all of us, such as Afghanistan and Lebanon. They include the largest Muslim majority nation on Earth, Indonesia, which has emerged from authoritarian dictatorship to become the world's third largest democracy.

It includes countries that have overcome Soviet-era communism such as Georgia, Mongolia and Ukraine. They include one of the world's newest nations, East Timor. It also includes important neighbors in the hemisphere such as Colombia and Haiti and friends in Africa, among many others. To these nations, the commission provides not only technical support, but moral support as well.

Many of us have heard of how much democratic reformers and parliamentarians overseas appreciate the formal relationships with the House provided by this commission. All of us here know democracy is more than just about holding an election. It is also about building responsive institutions that can earn the public trust and the public's allegiance.

To be effective in a democratic context, legislatures must have the independent capacity for research, for analysis and for legal drafting. So the expanding programming that the commission plans to undertake during this Congress is vitally important, Madam Speaker.

I have no doubt that the commission will continue to do great things with the limited resources that it shares with our Committee on Foreign Affairs.

It represents a modest investment in sharing with the people of the world one of our most treasured legacies, government of the people, by the people, for the people. For these reasons, Madam Speaker, this resolution before us deserves our unanimous support.

Madam Speaker, I reserve the balance of my time.

Mr. LANTOS. Madam Speaker, I am delighted to yield 2 minutes to my good friend and our distinguished colleague from California (Mrs. CAPPS), a member of the commission for the 109th Congress.

Mrs. CAPPS. I thank my colleague for yielding.

Madam Speaker, I rise in very strong support of this bipartisan resolution to continue that good work of the House Democracy Assistance Commission. As a member of the commission, I want to thank our cochairs, Representatives DAVID PRICE and DAVID DREIER, for the excellent job that they have done in leading us.

I want to thank our current and former staff, John Lis, Tommy Ross, Lara Alameh and Robert Lawrence, who have worked very hard to make the commission successful with its work.

Madam Speaker, the House Democracy Assistance Commission was established in the last Congress as an instrument for this House to share some of the lessons we have learned over 200 years about making democratic government work.

The commission has tried to impart these lessons to countries around the world now embarking on this hopeful path. Members of the commission have visited a number of countries struggling to find their way in a more open system of government, eager to have our partnership with them in this endeavor. We have hosted representatives from many of these same countries here in Washington and in some of our congressional districts.

For example, I hosted members of the Indonesian delegation in my district, and I have traveled there, and to East Timor, to Macedonia, to Afghanistan. During these visits, we discussed with our counterparts the basic workings of government, everything from the importance of constituent relations to the value of setting budgets, from the roles of minority and majority parties to the importance of public health programs.

□ 1245

We don't tell them how they should make their governments work, but we do try to explain how we have made it work in this country; and we have done so in a bipartisan and really even nonpartisan manner.

Madam Speaker, this year the House will have before it many important tasks. I believe very few are as important to the well-being and future of our country as helping to establish stable democracies around the world. The House Democracy Assistance Commission will try in its small way to advance that goal, to bring us a more peaceful and just, well-governed world.

I urge the House to pass this legislation and let us continue our work.

Ms. ROS-LEHTINEN. Madam Speaker, I would like to yield such time as he may consume to the gentleman from California (Mr. DREIER), one of the coauthors and co-creators of this commission.

Mr. DREIER. Madam Speaker, I want to express my appreciation to my very good friend from Miami (Ms. ROS-LEHTINEN); and of course my great pal from California (Mr. LANTOS), my classmate and neighbor, who, as soon as I took the well, decided to walk off the floor, but he is still here for a moment. And I do appreciate the fact that in a bipartisan way we have taken on what is one of the most interesting and fulfilling challenges that I have faced in the many years that I have been privileged to serve here in the Congress.

And, of course, as I look around the Chamber and see colleagues like LOIS CAPPS and, of course, the man with whom I served as a partner in a bipartisan way on this, DAVID PRICE from North Carolina; on our side of the aisle, JEFF FORTENBERRY and JOHN BOOZMAN, who are among the Members to serve on this commission, it is very, very important today that we reauthorize this effort.

As we look at our quest to prosecute the global war on terror, it is obvious that many things need to be done. We obviously need to have the military wherewithal to do everything necessary to make sure that as we face terror attacks and other military conflicts that we are able to successfully take that on. But, similarly, it is important for us to look at other ways in which we can do everything possible to help people who are struggling.

And I forgot to mention Ms. SCHWARTZ, who I had not seen because my peripheral vision wasn't that great; so I am happy that she is here, another very able and hardworking member of our commission.

But, Madam Speaker, as I was saying, as we look at this challenge not only dealing with the military challenge, it is important for us to work to build democracies and those institutions that relate to it and the rule of law and political pluralism and self-determination, as I like to always say, those things that we have a tendency to take for granted here in the United States but are so important.

And this commission was specifically built on something that we did about 15 years ago following the crumbling of the Berlin Wall and the demise of the Soviet Union, that being our effort to let Eastern and Central Europe know that as they work to claw their way from totalitarianism that we would do all that we could to help build their parliaments. And, Madam Speaker, that is exactly what we have now been able to do so far in six countries and we have six other countries with which we are working very closely, assuming that we reauthorize this effort here.

And we are going to be doing so, I know, under the very able leadership of my colleague Mr. PRICE, and I am going to be working on our Republican side with members. And, again, I was very privileged to serve as chairman that we did this as a partnership. It was not only a partnership in a bipartisan way between Democrats and Republicans here, but it also has been a very important partnership in working with nongovernment organizations, with the Department of State, with the National Endowment for Democracy, with the International Republic Institute, with the National Democratic Institute, and a wide range of other entities out there that recognize that building these parliaments that will have the ability to engage in oversight of their executive branch, to put into place a budget process to make sure that they have the kind of constituent service that is very important for them, these are the kinds of things that this commission has worked on so effectively.

A couple of quick examples from the missions that we have been on so far: one of the things that we found in Kenya when we visited there was that it was essential for us to help them build up their budget process and their committee process there as well, and we were able to provide through our commission great benefits for them. And, frankly, when we were on our mission there in Nairobi, Kenya last July, we went to the site of the former U.S. embassy. And we all know back in 1998 that our embassies in Dar es Salaam, Tanzania and Nairobi, Kenya were attacked by al Qaeda, and now for us to see the role that we are playing in helping to build this democracy in and the fledgling parliament in Kenya has been a very important thing, especially in the light of the fact that most recently we have seen an effort supported by the Kenyan Government and the Ethiopian Government in liberating the Somalians from the hold of those Islamic extremists. So we are seeing a real tangible benefit in this war on terror from the work of this commission.

Similarly, in the Balkans, in Macedonia, on our mission there most recently just over the Thanksgiving break, we were able to do a great deal in helping with the building of their committee process there, and our commission has worked long and hard on that.

So, Madam Speaker, I am going to quote my friend DAVID PRICE because my feeling is virtually identical to that. When we think about the important work that we do with the privilege that we have of serving as Members of the United States Congress, there is nothing that is more fulfilling and rewarding and tangible for us to see than the opportunity to participate in this very important work on the commission.

So I express my appreciation again to Chairman LANTOS and Ms. ROS-LEHTINEN and all of the members of this commission, and we look forward to reporting back to our colleagues here in the House of Representatives, Madam Speaker, on the very important success that we are going to be having in the months and years to come.

Mr. LANTOS. Madam Speaker, I yield myself such time as I may consume.

Before yielding to my good friend from North Carolina, let me pay tribute to the two DAVIDs who have done an extraordinary job in the last session and, in fact, should be called two Goliaths of legislative accomplishment across the globe.

I could not think of a person more qualified than my friend DAVID PRICE of North Carolina to chair the House Democracy Assistance Commission. DAVID PRICE is a legislator's legislator. His understanding of the legislative process as a distinguished academic political scientist and his practice as one of the most outstanding legislators in the history of the Congress uniquely qualify DAVID PRICE to chair the House Democracy Assistance Commission.

Under his leadership, this body will take to many parts of the world not only the principle but the practice of the democratic process.

Madam Speaker, it is with great pleasure and pride I yield such time as he may consume to my friend DAVID PRICE.

Mr. PRICE of North Carolina. Madam Speaker, I want to thank my friend from California for those very generous and indeed extravagant words. Coming from him, they mean more than I can say.

Mr. LANTOS. It was an understatement.

Mr. PRICE of North Carolina. Thank you.

And we do thank the chairman and the ranking member, Ms. ROS-LEHTINEN, for scheduling this resolution so promptly, so that the House could act on this and our commission could get on with its work.

I also want to acknowledge the previous speaker, Mr. DREIER, the previous chairman of the House Democracy Assistance Commission, who did a wonderful job in getting this commission launched in its first 2 years. As he said, we have operated every step of the way on an open and bipartisan basis; and so as we swap roles, with my assuming the chairmanship and his being the ranking member, I am very hopeful that this will be a seamless transition, and that this cooperative way of operating will continue. Indeed it should, as we work together in this body to take the message and the practice of democracy to our partner legislatures around the world.

House Resolution 24 would reauthorize the work of the commission. This is a body that was inspired by the work of the Frost-Solomon Task Force back in the early 1990s. We worked then with states in Central and Eastern Europe as they were emerging from communism.

Our commission has undertaken this same kind of work. We are building the institutional capacities of legislatures in emerging democracies. We are working with them to develop their research and budget analysis, oversight, legislative drafting, and other capabilities.

There is a difference, though. In contrast to the Frost-Solomon effort, our scope is not just Central and Eastern Europe, although some of our partner countries are still in that region. We are undertaking around the world to work with partner legislatures. In the commission's first 2 years, we have worked with legislatures in 12 nations. Many of these countries are of key strategic import for our own Nation, and all are enthusiastic, worthy, and willing partners: Afghanistan, Colombia, East Timor, Georgia, Haiti, Indonesia, Kenya, Lebanon, Liberia, Macedonia, Mongolia, and Ukraine.

Madam Speaker, we view our work as a small but important niche in the United States's mission to spread democracy around the world. We do this not in the sense that we have all the answers about how to promote democratic rights and governance. The commission's work is rooted in the fundamental realization that the heart of democracy is not found just in elections but between elections. Between elections, that is when a nation's ability to govern itself in a way that is responsive to its citizens and representative of its citizens is established. What happens between elections, establishing representative institutions of governance, is just as important as the nation's free determination of who will govern.

Our commission works with partner legislatures to support development of the tools legislators need to establish responsive, effective government. We carry on our work in the sure realization that we do not have all the answers. We know that our own democracy is a work in progress. We do think we have an important story to tell. But we approach each of these legislatures in a true spirit of partnership, learning from them as they learn from us.

We also don't have a corner on the market of democracy promotion, and we coordinate closely with USAID, with the State Department, with other actors in the field to ensure that our efforts complement and enhance theirs.

We have high expectations for the program which we hope to implement in 2007 with the support of this body. During the last 2 years, our focus has been on assessing candidate legislatures and seeking to establish partnerships. Now we plan to move toward consolidating these relationships by expanding and focusing our programming. We plan to conduct advanced seminars on critical legislative capabilities, to enable sustained communications between members and staff of our legislatures, to identify and support pro-democracy reformers in partner legislatures, and to provide small-scale material assistance in cases of significant need.

So, Madam Speaker, let me close by again thanking my colleague Representative DAVID DREIER, the founding chairman of the House Democracy Assistance Commission, thanking him for his leadership. He has led us with vision and with an inclusive spirit. I also want to thank Speaker PELOSI, past Speaker HASTERT, Majority Leader HOYER, Chairman LANTOS, Ranking Member ROS-LEHTINEN, and many others who have supported the commission and helped bring forward quickly this resolution to get our work going.

I urge my colleagues to support the resolution, which offers Members of this body a promising opportunity to directly contribute to the important work of championing democracy around the world.

Ms. ROS-LEHTINEN. Madam Speaker, I am pleased to yield such time as he may consume to the gentleman from Nebraska (Mr. FORTENBERRY), one of the founding members of the commission and who is staying on to make sure that we have a successful commission once again this year.

□ 1300

Mr. FORTENBERRY. Madam Speaker, I thank the gentlewoman from Florida for her leadership on the Foreign Affairs Committee, as well as our chairman, Mr. LANTOS, for your support of the resolution today.

Madam Speaker, I would like to add my voice to those who have commented on the leadership of Mr. PRICE of North Carolina, and Mr. DREIER of California, as well as the excellent service that the dedicated staff has provided in the formation of the House Democracy Assistance Commission.

Madam Speaker, I was very pleased to receive an appointment to the commission during the last Congress, because I recognized its potential to help legislators around the world who are struggling to give representative democracy a chance. By supporting this program we can provide direct help to build effective legislative institutions worldwide. Through the work of the House Democracy Assistance Commission we bring the best of our practical experience in running this Congress to emerging democratic societies, where people are longing to experience robust institutional systems that value the just principles of self-determination.

Last Congress, the commission selected 12 parliaments from Afghanistan to East Timor for participation in its technical assistance program. Logistical challenges notwithstanding, the commission's dedicated professionals and committed members reached out to help replicate this institution's success stories in legislatures throughout the world.

In reauthorizing the House Democracy Assistance Commission, we can continue to help other countries place their people's aspirations within reach. In helping them to succeed, we can play a direct role in laying the foundations for a more stable and peaceful world.

Madam Speaker, I urge my colleagues to support this resolution today.

Mr. LANTOS. Madam Speaker, I yield 3 minutes to my good friend from Pennsylvania, Congresswoman ALLYSON SCHWARTZ, a distinguished member of the commission.

Ms. SCHWARTZ. Thank you, Mr. LANTOS. I appreciate the opportunity to speak on the floor this afternoon.

Madam Speaker, I was honored to serve on the House Democracy Assistance Commission during the 109th Congress, and I was privileged to travel on the commission's first trip to Indonesia and East Timor in February of 2006. I too want to thank the commission's chairman, Congressman DAVID PRICE, and the ranking member, former chairman, Congressman DAVID DREIER, for their hard work and their leadership on this important initiative.

I also want to acknowledge the commission's staff, John Lis, in particular, the director, and the rest of the staff who worked hard in advance of our trips and continued to work hard in preparing for the designation of certain emerging democracies and our trips abroad as well to bring some of those members here.

The last few years have borne witness to a number of encouraging events in emerging democracies around the world, as well as a number of discouraging setbacks. One thing that has become clear is that to help advance democracy, transparency and the rule of law abroad, the United States can and must do more than just support elections. We must support the establishment of strong, independent democratic institutions, which provide the backbone of viable democracy. So in addition to elected executives, we must, and indeed it means, help legislative and judicial branches of government have the authority, the autonomy and the continuity that they need.

As Members of Congress, Members of the oldest directly representative democratic institution in the world, we are in a unique position to reach out to our counterparts in fragile democracies to held build relationships and to learn from each other.

The House Democracy Assistance Commission has conducted legislative strengthening programs with our counterparts in Indonesia, East Timor, Georgia, Macedonia, Kenya and Afghanistan; and these legislators face enormous challenges. For instance, in East Timor, where I traveled, only two of their legislators had legislative experience prior to serving in their parliament. They have almost no support staff and few resources.

Their constitution provides for a substantive parliamentary role; however, lack of experience and lack of infrastructure have severely limited their role, leaving the executive to control most of their legislation. Nonetheless, the members that we met with are deeply committed to their role as representatives and to their role in maintaining and building democratic institutions.

They are keenly aware of the challenges that they face as one of the poorest nations in the world, where basic services from electricity to schools are just being initiated. It is in our Nation's interest to work with nations like East Timor, nations struggling on the road to democracy and stability to establish effective legislative bodies.

The commission enables Members of this body, Democrats and Republicans alike, to do just that, to share our knowledge, expertise and passion for the legislative branch with our counterparts in these emerging democracies.

We have worked with parliamentarians from these countries in their home countries, in State capitals across this country and here in Washington, focusing on the establishment of legislative information and research services, on providing advice on legislative procedures and committee operations, and on constituent services.

The commission has also provided these parliaments with some needed material support, such as office equipment and computers and library resources. So as we confront the global security challenges of the 21st century, initiatives that strengthen democratic institutions abroad and help provide a positive image of the United States are of utmost importance. That is why this commission is so worthy of our continued support. That is why I urge a "yes" vote on House Resolution 24.

Ms. ROS-LEHTINEN. Madam Speaker, I yield such time as he may consume to Mr. BOOZMAN of Arkansas, our last speaker, who has made incredible contributions to the House Democracy Assistance Commission as a founding member of that body.

Mr. BOOZMAN. Madam Speaker, I rise today in strong support of House Resolution 24 to reauthorize the House Democracy Assistance Commission. This type of parliamentary development program was initially seen as a tool to help 12 emerging democracies rise from the grasp of communism in Central and Eastern Europe in the mid-1990s.

The Solomon-Frost Task Force assumed that successful democratic transitions in former Communist countries depended on direct involvement and at a modest cost were able to help these parliaments become effective legislatures and play a crucial part in a democratic system.

One of the most evident impacts of the program was the goodwill it generated towards the U.S. Congress and the American people among these East European countries under the Iron Curtain.

As the need has continued to grow and our world continues to evolve, former Speaker HASTERT recognized the necessity of having this program once again. The House Democracy Assistance Commission has given the U.S. Congress the ability to guide fledgling democracies into strong, stable institutions of government by creating relationships between members of both bodies.

Madam Speaker, I had the opportunity to travel to Lebanon, Kenya and Liberia on a trip not too long ago. And we were greeted in Kenya by a big guy. I am a pretty big guy myself; I am not used to looking up to people. But this individual was probably 6-5, 6-6. He was the staffer that was in charge of taking us around the capital making sure that we got where we were supposed to be.

And then we had the opportunity to journey outside of the capital out into the countryside. We flew out, and this same individual greeted us in his Masai warrior outfit. And we had the opportunity to visit with the Masai, see how they ran things. But, Madam Speaker, that is how you change the world, with the relationships, helping others build the institutions that underpin democracy. That is how you change the world.

Again, I want to thank Congressmen PRICE and DREIER for their leadership, for the tremendous job that they have done, to Speaker PELOSI for going forward and agreeing to getting things along as far as they have on this, former Speaker HASTERT for his vision, and then most importantly, to the staff that does such a tremendous job of helping out and making all of those things possible.

Ms. ROS-LEHTINEN. Madam Speaker, we have no further requests for time, and yield back the balance of our time.

Mr. LANTOS. Madam Speaker, I am delighted to yield such time as he might consume to the distinguished member of the Foreign Affairs Committee, my good friend from New Jersey (Mr. PAYNE).

Mr. PAYNE. Madam Speaker. I would like to say a word or two about the Democracy Assistance Act. Let me commend the chairman and the ranking member for bringing this very important legislation up for reenactment.

I had the opportunity to travel with the Democracy Assistance Commission, and was very impressed with the work that they were doing. I traveled to Lebanon with them, and I think we were the last group there before the war broke out. And we saw glimmers of hope with the parliament at that time. And so there was great interest in moving democracy forward.

Our leaders at that time, Chairman DREIER and Cochairman PRICE did an outstanding job meeting with all party leaders. We then had the opportunity to visit South Africa and Liberia.

In all of the countries we attended there was a tremendous amount of interest in our leadership of the Congress being there. I understand that there are possibilities for Haiti and perhaps Colombia and other countries throughout the world to be assisted by this very important commission.

And so I would just like to add my voice to the importance of the Congress, the parliament, legislator-to-legislator, in attempting to bring democracy throughout the world.

Mr. LANTOS. Madam Speaker, I yield myself the balance of our time.

Madam Speaker, before concluding, let me just say this is the ideal way this body works. We have set ourselves an important task: Teaching new democracies how a parliamentary body should work. And with some of our finest colleagues from the Republican and the Democratic side, we have succeeded during the last session of Congress; and under the leadership of DAVID PRICE, we shall move ahead, teaching the practice of democracy across the globe from a practical point of view.

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise today in support of H. Res. 24, to reestablish the House Democracy Assistance Commission in the 110th Congress. In the 109th Congress, the House of Representatives created this Commission to enable the Members and staff of the House of Representatives to personally assist their counterparts in the parliaments of new democracies around the world to build strong, independent legislatures. I thank my colleagues, Mr. DAVID PRICE, the gentleman from North Carolina, and Mr. DREIER, the gentleman from California, for leading the Commission and supporting the promotion of democracy.

Under their leadership, the Commission has accomplished a great deal. It undertook congressional delegations to six new or reemerging democracies and hosted six visiting parliamentary delegations here in Congress. It also offered material assistance to several legislatures through USAID. One highly successful project furnished, equipped, and trained staff of the parliamentary library of East Timor, with the invaluable assistance of our own Library of Congress.

In the aftermath of September 11, it has been too easy to view some nations more aggressively, as we undertook the obvious course of attempting to dismantle terrorist networks, end the support they received from states, and strengthen domestic and international defense capabilities. But in addition to responding to the immediate security threat, it is also necessary to help democracy take root in those countries of the Middle East, Africa, South and Central Asia, and other regions that now breed or support terrorists. It is in these Muslim countries or regions, more than anywhere else, that terrorism feeds off tyranny, finding recruits among the politically repressed and sanctuary from states that use terror against their own people. Building effective political institutions is the surest way to sever the link between terror and tyranny and to advance the values of democracy, individual rights, and cultural pluralism in the Middle East and elsewhere in the Muslim world.

Promoting democratic institutions and values in the Muslim world is thus one of our most urgent challenges. But it is not the only one. Meeting the challenge of democratization in the Muslim world should not warrant a retreat from a global approach; on the contrary, it constitutes a powerful new argument for maintaining and strengthening this approach. As September 11 made clear, any seam of dysfunction in the international system, however marginal to the main centers of political and economic interest, can become a source of exposure and threat. In a globalized world, the cancer of breakdown in any country can metastasize to other parts of the global body politic and thus constitutes a danger to international peace and security. In promoting the antidote of democratic institution-building, therefore, it is unwise to write off any country as insignificant or beyond hope.

The global defense of democracy is the appropriate and most effective response to the threat posed by Islamic extremists. As has already been suggested, these extremists do not represent a religion or a civilization but espouse an ideology of hatred and violence as their means to power. Though it is a particularist and corrupted Islamic ideology, to its zealous adherents it is a universal system of truth and thus a fitting rival to democratic civilization, which they falsely describe as decadent and narrowly Western. Since democracy is a genuinely universal value based on the belief that people everywhere, regardless of their religion or culture, can achieve self-government under the rule of law, it is the natural organizing principle in the struggle to defeat terrorism and to create a stable and peaceful world.

Pending the passage of this resolution by the full House, in 2007 the House Democracy Assistance Commission plans to assist the legislatures of Afghanistan, Colombia, East Timor, Georgia, Haiti, Indonesia, Kenya, Lebanon, Liberia, Macedonia, Mongolia and Ukraine. I urge my colleagues to support this legislation and to participate in this important project.

Mr. HOLT. Madam Speaker, I rise in strong support of H. Res. 24, which will reestablish the House Democracy Assistance Commission for the 110th Congress.

I was honored to be appointed by Speaker PELOSI to serve as a member of the House Democracy Assistance Commission during the last Congress, and I am proud of the accomplishments that were made by the Commission. I want to commend Representative DAVID DREIER and Representative DAVID PRICE who worked tirelessly during the 109th Congress to fulfill the mission of the Commission, and John Lis who worked tirelessly as the Commissions Staff Director.

The HDAC built upon Congress's long history of helping emerging democracies around the globe. Many of my colleagues will remember the informal Frost-Solomon Task Force which worked during the early 1990's to provide invaluable technical assistance and equipment to Albania, Bulgaria, Estonia, Hungary, Poland and Russia. When the HDAC was created, former Congressman Frost commented that the work of the Commission, "means a great deal to members of foreign parliaments because it demonstrates that elected leaders in the United States care about what happens in their country." The work of this Commission may not be noticed by many of our colleagues or even our constituents, but it is vitally important to support and strengthen parliaments of new democracies around the world

In 2006, the commission was active in Afghanistan, East Timor, Georgia, Indonesia, Kenya, Lebanon, and Macedonia. I was glad to join the House Democracy Assistance Commission delegation to Lebanon and Kenya. During the trip, the delegation met with our counterparts in the Lebanese National Assembly and the National Assembly of Kenya. In Kenya, the delegation visited the Kimana Health Center and the Sinet water project, both of which were then dedicated in honor of Representative DAVID DREIER and DAVID PRICE, respectively.

The final leg of this trip was to a meeting with Liberian President Ellen Johnson Sirleaf. Liberia is home to the first female head of state in all of Africa and is a country founded by freed American slaves, it is essential that the United States remain actively engaged in helping to build Liberia's fledgling democracy.

Madam Speaker, the House Democracy Assistance Commission has only begun its important work. With the approval of this resolution, the Commission will be able to continue to spread its good work with an ever expanding list of partner countries.

Mr. LANTOS. Madam Speaker, I have no further requests for time, and yield back the balance of our time.

The SPEAKER pro tempore (Ms. SCHAKOWSKY). The question is on the motion offered by the gentleman from California (Mr. LANTOS) that the House suspend the rules and agree to the resolution, H. Res. 24, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those voting have responded in the affirmative.

Mr. LANTOS. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

CALLING ON THE GOVERNMENT OF THE UNITED KINGDOM TO ESTABLISH A PUBLIC JUDICIAL INQUIRY INTO THE MURDER OF NORTHERN IRELAND DEFENSE ATTORNEY PATRICK FINUCANE

Mr. LANTOS. Madam Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 20) calling on the Government of the United Kingdom to immediately establish a full, independent, and public judicial inquiry into the murder of Northern Ireland defense attorney Patrick Finucane, as recommended by Judge Peter Cory as part of the Weston

Park Agreement, in order to move forward on the Northern Ireland peace process, as amended.

The Clerk read as follows:

H. CON. RES. 20

Whereas human rights defense attorney and solicitor Patrick Finucane was brutally murdered in front of his wife and children at his home in Belfast on February 12, 1989;

Whereas many international bodies and nongovernmental human rights organizations, including Amnesty International, British Irish Rights Watch, the Committee for the Administration of Justice, and Human Rights First, have called attention to serious allegations of collusion between loyalist paramilitaries and British security forces in the murder of Mr. Finucane;

Whereas in July 2001 the Governments of Ireland and the United Kingdom under terms of the Weston Park Agreement appointed retired Canadian Judge Peter Cory to investigate the allegations of collusion between loyalist paramilitaries and British security forces in the murder of Mr. Finucane and other individuals;

Whereas Judge Cory reported to the Governments of Ireland and the United Kingdom in April 2004 that sufficient evidence of collusion existed to warrant a full, independent, and public judicial inquiry into the murder of Mr. Finucane and recommended that a public inquiry take place without delay;

Whereas the Government of the United Kingdom in April 2005 adopted the Inquiries Act 2005 which empowers the Government to block scrutiny of state actions and limits independent action by the judiciary in inquiries held under its terms, and, after the enactment of this legislation establishing new limited inquiry procedures, the Government announced that an inquiry into the murder of Mr. Finucane would be established which would operate under terms of the new legislation;

Whereas Judge Cory, in a written statement presented to the Committee on International Relations of the House of Representatives in 2005, stated that his 2004 recommendation for a public inquiry into the murder of Mr. Finucane had "contemplated a true public inquiry constituted and acting pursuant to the provisions of the 1921 Act" (the Tribunals of Inquiry (Evidence) Act 1921), and also stated that "it seems to me that the proposed new Act would make a meaningful inquiry impossible";

Whereas the family of Mr. Finucane has rejected the limited authority of an inquiry conducted under terms of the Inquiries Act of 2005;

Whereas Amnesty International, British Irish Rights Watch, the Committee for the Administration of Justice, and Human Rights First have likewise rejected any proposed inquiry into the murder of Mr. Finucane established under procedures of the Inquiries Act of 2005 and have called for the repeal of the Act;

Whereas the Dial Eireann (Parliament of Ireland) adopted a resolution on March 8, 2006, calling for the establishment of a full, independent, and public judicial inquiry into the murder of Patrick Finucane;

Whereas the Foreign Relations Authorization Act, Fiscal Year 2003 (Public Law 107–228) and House Resolution 128 (April 20, 1999) support the establishment of a full, independent, and public judicial inquiry into the murder of Patrick Finucane;

Whereas on May 18, 2006, the House of Representatives overwhelmingly agreed to House Resolution 740, which declared in part that the House of Representatives "urges the Government of the United Kingdom immediately to establish a full, independent, and public judicial inquiry into the murder of Patrick Finucane"; and

Whereas on January 22, 2007, the Police Ombudsman for Northern Ireland released a comprehensive report which confirms that police in Northern Ireland have colluded with members of a loyalist paramilitary organization in specific murders that took place over the last dozen years that the Ombudsman investigated and that such collusion could not have occurred "without the knowledge and support of the highest level" of the Northern Ireland police: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) expresses to the family of Patrick Finucane deepest condolences on his death, commends their steadfast pursuit of justice in his brutal murder, and thanks his wife Geraldine and son Michael for their willingness to testify on this matter before committees of the House of Representatives on numerous occasions;

(2) supports the efforts of the Administration in seeking the full implementation of the Weston Park Agreement and the establishment of a full, independent, and public judicial inquiry into the murder of Patrick Finucane;

(3) calls on the Government of the United Kingdom to reconsider its position on the matter of an inquiry into the murder of Mr. Finucane, to amend the Inquiries Act of 2005, and to take fully into account the objections of Judge Cory, objections raised by officials of the United States Government, other governments, and international bodies, and the objections raised by Mr. Finucane's family; and

(4) urges the Government of the United Kingdom immediately to establish a full, independent, and public judicial inquiry into the murder of Patrick Finucane which would enjoy the full cooperation and support of his family, the people of Northern Ireland, and the international community as recommended by Judge Cory.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. LANTOS) and the gentleman from New Jersey (Mr. SMITH) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. LANTOS. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. LANTOS. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in strong support of this resolution. These are promising times for Northern Ireland. Sinn Fein, the party linked to the Irish Republican Army, has just voted to start cooperating with the Northern Ireland police. With this action, Sinn Fein has abandoned decades of opposition to law and order, and vastly improved the chances of a Catholic-Protestant administration in Belfast before long.

☐ 1315

Yes, Madam Speaker, these are promising times for Northern Ireland. But there are also reminders that the road to reconciliation remains long and tortuous. Last week the Police Ombudsman for Northern Ireland released a comprehensive report confirming that police in Northern Ireland have colluded with the loyalist paramilitaries over the last dozen years, and that such collusion could not have occurred, and I quote, "without the knowledge and support of the highest level of the Northern Ireland police." Such incidents must be thoroughly investigated and their perpetrators caught.

Madam Speaker, February 12 marks the anniversary, 18 years ago, of the tragic murder of Northern Ireland defense attorney Patrick Finucane. He was brutally shot 14 times by masked men before his wife and two young children in his North Belfast home.

He was a solicitor who represented republicans in many high profile cases, most notably, IRA hunger striker, Bobby Sands. But he also acted on behalf of loyalists.

A wide array of human rights groups alleged that his murder was at the hands of loyalist paramilitaries, colluding with British security officers of the Royal Ulster Constabulary Special Branch. The paramilitaries later claimed that Mr. Finucane was killed because he was a high-ranking officer in the provisional IRA. However, the police indicated at his inquest that they had no evidence to support that claim.

Canadian Judge Peter Cory was appointed by the governments of Ireland and the United Kingdom to examine these allegations. In 2004, the report came that sufficient evidence of collusion existed to warrant a full, independent and public inquiry without delay.

Madam Speaker, in order to move the Irish peace process forward, the resolution before us today calls on the Government of the United Kingdom to conduct a full, independent and public judicial inquiry into Mr. Finucane's murder, which will enjoy the full cooperation and support of his family and the international community. The time to bring justice and put an end to this tragic matter is long past due.

Again, I would like to thank our distinguished colleague, Mr. CHRIS SMITH of New Jersey, for his tireless pursuit of this most important issue. Mr. SMITH has been a long-time friend of Ireland, and his dedication to this issue and to human rights across the globe is well known and much admired by many, certainly including myself.

I want to thank the ranking member of the Foreign Affairs Committee, Ms.

ROS-LEHTINEN, for her strong support for this measure.

I strongly support this legislation and encourage all of my colleagues across the full spectrum to do so as well.

Madam Speaker, I reserve the balance of my time

Mr. SMITH of New Jersey. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, let me at the outset thank Chairman LANTOS for his leadership on this issue in general, human rights. But also especially in the case of Patrick Finucane, which so many of us have cared so deeply about for so many years. He has been a great friend of Ireland as well, and I want to thank him for that.

I also want to thank the original sponsors of this legislation, including my good friends and colleagues, Mr. ENGEL, Mr. WALSH, Mr. NEAL, Mr. KING, Mr. PAYNE, Mr. GARRETT of New Jersey, Mr. PALLONE, Mr. CROWLEY, Mr. MCNULTY and Mr. ROTHMAN and the many others who cosponsored this truly bipartisan resolution.

H. Con. Res. 20, Madam Speaker, calls on the British Government to live up to its commitment as part of the Northern Ireland peace process to implement a public, independent judicial inquiry into the murder of human rights attorney Patrick Finucane. Mr. Finucane, who represented Catholics in Northern Ireland, was gunned down in his home in 1989 in front of his wife and his children. I would note parenthetically his wife was wounded as well.

For years, Madam Speaker, nongovernmental human rights organizations, regional and very much renowned international legal experts, have raised serious allegations that Mr. Finucane's murder resulted from collusion between loyalist paramilitaries and British security forces. In 2004, retired Canadian Supreme Court judge Peter Cory, who was appointed by the governments of Ireland and the United Kingdom to examine these allegations under the Weston Park Agreement, reported that sufficient evidence of collusion existed to warrant a full, independent and public judiciary inquiry without delay.

Unfortunately, Madam Speaker, the British Government has yet to comply.

Many of my colleagues know that as chairman of the Subcommittee on Human Rights and as chairman of the Helsinki Commission I have held 11 hearings on the peace process in Northern Ireland. Central to each of these hearings has been the ongoing concern about the human rights abuses by members of the police service in Northern Ireland. The Finucane family has testified. Judge Cory has testified. The U.N. Special Rapporteur on the independence of judges and lawyers has testified, as well as many numerous human rights leaders. All have advocated for a special investigation into the possibility of collusion in the Finucane murder.

Beyond this, Madam Speaker, last year, the Irish Parliament passed a resolution calling for an open and independent investigation. Our special envoy, Ambassador Mitchell Reiss, has testified before our committee that he and the Bush administration have urged for the establishment of a credible investigation into the Finucane murder. And Congress has supported it as well last year with H. Res. 740 and previously as part of the Foreign Relations Authorization Act.

Madam Speaker, this resolution could not be more timely. Just last week the Northern Ireland Police Ombudsman, Nuala O'Loan, who testified before our committee in 2004, released a devastating report which confirms that police in Northern Ireland have colluded with loyalist paramilitaries in several murders over the last dozen years. The very fact that a police ombudsman exists, and that a report as revealing as hers can be published underscores that policing in Northern Ireland is, in fact, very different, very much improved than it was when the Good Friday Agreement was signed in 1998. Further testimony to the advancements and improvements in the policing in Northern Ireland is that just this past Sunday, on January 28, Sinn Fein voted overwhelmingly to move to participate in the community policing system that was set up as part of the Good Friday Agreement.

Today, the Independent Monitoring Commission set up in 2004 by the British and Irish Governments to report on paramilitary activity has praised Sinn Fein for its new commitment to policing. When referring to the IRA, the IMC concludes that "terrorism and violence have been abandoned."

These developments clearly are greatly welcome, and there is a new optimism that elections for a new, devolved power-sharing government will be held this spring. Yet, Madam Speaker, with reconciliation must come full disclosure of the truth.

The lack of resolution of charges of official collusion in the murder of a defense attorney such as Mr. Finucane leads people to question the government's commitment to accountability and, above all, to justice. His murder symbolizes the depth and danger of official state-sponsored collusion in Northern Ireland and a disregard for the rule of law. It has left victims who deserve answers. And I know, because many of my colleagues and I have all spoken to them, how they want these answers. There will be no closure and there will be no reconciliation without the truth.

As the U.N. Special Rapporteur told us in 1998: "Harassment and intimidation of defense attorneys goes to the core of the independence of the legal profession and the administration of justice in any society."

I am also reminded of the riveting testimony offered on this matter at one of my hearings in 1998. Rep. DON PAYNE, my colleague from NJ, remembers it as well. He was there, when Rosemary Nelson, an attorney for Northern Ireland testified. Mrs. Nelson, who was also a wife and mother, told Congress that defense attorneys in Northern Ireland feared that they could be murdered themselves because no one had been held accountable in the murder of Patrick Finucane. Six months later, after her testimony, Rosemary Nelson was killed, the victim of a car bomb.

Madam Speaker, I would like to again express my deepest condolences to the Finucane family, as well as Rosemary Nelson's family, and thank them for their courageous and tireless efforts on behalf of justice, not only for their loved one, but for all others who have been victims of state-sponsored collusion in Northern Ireland.

Similarly, I would like to acknowledge the work and support from many human rights activists, including Jane Winter of British Irish Rights Watch; Elisa Massimino from Human Rights First, formerly known as Lawyers Committee for Human Rights; Maggie Beirne, Martin O'Brien and Paul Mageean, who have also testified before Congress on behalf of the Committee of the Administration of Justice and have provided very, very useful and timely insights to our committee.

I would again like to thank my cosponsors and again thank Mr. LANTOS.

Madam Speaker, I reserve the balance of my time.

Mr. LANTOS. Madam Speaker, I am delighted to yield 3 minutes to my very good friend from New York, Congressman ELIOT ENGEL, a distinguished senior member of the Foreign Affairs Committee.

Mr. ENGEL. Madam Speaker, it is a pleasure, my friend, the chairman, to call him the chairman of the Foreign Affairs Committee, and I thank him for yielding to me.

Before I start my remarks, I just want to pay tribute to Mr. SMITH, the gentleman from New Jersey, who has been an outstanding supporter of human rights, not only for the Irish peace process, although he has been a leader in that, but throughout the world. And I commend him for this resolution, and I am pleased to be a sponsor of it, I believe the lead Democrat on the resolution; and it is something that has been a long time coming.

As the chairman said, the struggle for peace and justice in Ireland, particularly the north of Ireland, continues. We are all very hopeful because there has been great progress made, and we think that progress will continue to be made. And the chairman explained Sinn Fein's acceptance of policing and everything else. So we have to continue.

One of the things that is so important is the fact that the Finucane family, and I have met with them a number of times, they are convinced that until there is an independent inquiry, any other inquiry will be tainted. And that is why this resolution calls for an independent inquiry. We want to get to the bottom of what really happened to Pat Finucane. We all know, we all suspect, but we need an impartial commission. We need an impartial investigation because of collusion with loyalist forces and the police for many, many years. Nothing short of that will do, and that is what this resolution calls for. Before you can put the past behind you, you have got to have it all come out and know exactly what happened.

There has been great progress. The Irish Government, the British Government have all worked together for progress. And they are both to be commended. Both governments are to be commended because progress is being made. But there is still a long way to go. So I support this. And we still have other things that need to be put in place here in the United States, the case of Malachi McCallister, and I want to mention it, who is struggling to stay in this country, and many of us are behind him and fighting to keep him in this country.

There are still many injustices that have been perpetrated in the past that still have to be resolved. But starting here with inquiry into Pat Finucane's murder is something that is very, very important and very important for this Congress to go on record as supporting. And this is bipartisan. It is something, I think, that can make progress. And, again, only when we put the past behind us and let the truth hang out can we really put the past behind us. And that is what this resolution attempts to do. Again, only an independent commission will suffice.

□ 1330

Mr. LANTOS. Madam Speaker, I am delighted to yield 3 minutes to my good friend from New Jersey, a distinguished member of the Foreign Affairs Committee, Mr. PAYNE.

Mr. PAYNE. Madam Speaker, to the chairman of the Foreign Affairs Committee, let me once again commend him for the outstanding work that he is doing as the chairman, but in his many years as a member of the International Relations Committee then and the Foreign Affairs Committee now. We really appreciate his work.

Let me say to the gentleman from New Jersey, I had the opportunity to work with him in the last 2 years on our subcommittee, and I commend him for bringing forth so many of the human rights issues, and it has really been a pleasure working with him, and also on this H. Con. Res. 20, the gentleman, Mr. SMITH from New Jersey.

Earlier this week, we witnessed a breakthrough in the peace process in Northern Ireland. Sinn Fein agreed to the legitimacy of the police service there, and in doing so, they made a strong statement about their future in the north of Ireland. They chose peace over violence and the rule of law over chaos.

I have had the privilege of visiting Northern Ireland on a number of occasions. I was there to monitor the parades, and I was lucky enough to accompany President Clinton on a trip there. In each case, I saw great things along with terrible things, but always the hope of the people that one day there would be peace and understanding in their great country.

Thanks to no small part to Special Envoy George Mitchell and efforts that we as a nation should be proud of, the 20th century saw the cessation of violence and the beginning of political equality. The Good Friday Agreement stands as a breakthrough, a powerful statement, and a revelation of that hope that there was always there and that would not be overshadowed by violence and death. The good people continued to push forward.

In 1989, Patrick Finucane became a victim of that violence. He was murdered by paramilitary soldiers, gunned down in front of his wife and his children. It was a brutal act perpetrated by men in a time of great contention, violence, and fear. It was a small, sad episode in a larger battle between two sides unwilling to compromise, unwilling to talk, each fearful of each other. Northern Ireland is a different place now. There is peace. And with that peace, the initial signs of trust and cooperation because for any peace to work there must be trust that must be followed by cooperation.

It is in this spirit that I rise today in support of H. Con. Res. 20. The peace of Northern Ireland depends in no small part on openness and cooperation. Only a full independent and just examination of the past can lead to a peaceful trust in the future. This investigation should begin. And with that, I commend Sinn Fein and Gerry Adams.

Mr. LANTOS. Madam Speaker, I am very pleased to yield 3 minutes to my good friend from New Jersey, a fighter for justice for all the Irish people, Mr. PALLONE.

Mr. PALLONE. Madam Speaker, Mr. Chairman, I wanted to say that I rise today in support of this resolution, and to commend the Finucane family for their tireless pursuit of justice in the murder of Pat Finucane, who spent his life fighting for the rights of the disadvantaged in Northern Ireland.

Nothing short of a full public inquiry, without the limitations imposed by the British Inquiries Act, will enable the Finucane family to determine what actually happened when Pat was gunned down in his home on February 12, 1989.

This House and numerous international groups have consistently called for a full public inquiry to settle the troubling allegations of collusion surrounding this murder. A recent report of the Northern Ireland police ombudsman concluded that there was a disturbing level of collusion between the RUC Special Branch and loyalist paramilitaries, making this inquiry more important than ever.

Madam Speaker, ensuring a lasting peace in Northern Ireland requires us to continue the fight for justice that people like Pat Finucane, Rosemary Nelson, and others carried on throughout their lives, and that is why again I want to commend everyone and particularly our sponsor, my colleague from New Jersey, for introducing this resolution and urge its passage as quickly as possible so that we can actually see an independent, full inquiry.

Mr. LANTOS. Madam Speaker, I am very pleased to yield 3 minutes to the distinguished chairman of the Friends of Ireland group, our colleague from Massachusetts (Mr. NEAL).

Mr. NEAL of Massachusetts. Madam Speaker, I want to thank Chairman LANTOS and certainly Chairman SMITH for bringing this resolution to the floor today.

One of the reasons that American foreign policy has triumphed in Ireland has been because this was done in a bipartisanship way, a bipartisanship way, the way American foreign policy formally was conducted. And the success that we have enjoyed in the North of Ireland has largely been indispensable due to the involvement of America, and revisiting these cases, as Mr. SMITH has requested and Mr. LANTOS has sanctioned, is terribly important.

Think of these murders, cold-blooded murders, shooting down attorneys who were providing a common defense for suspected, suspected, members of the IRA. Never was there ever indication that they were members of the IRA; they were suspected members of the IRA, and they were not entitled to a common defense under the former justice system in the North of Ireland. So, the attorneys are murdered as well as the suspected members of the IRA.

What is notable about this is what occurred last week. Many of us in this Chamber, Members of this House, have been involved in cases dating back to Gibraltar, to Birmingham, and to a series of other cases which we in this House brought forward. It is Members of this body that demanded that the British Government bring these cases to light and be put under the magnifying glass of critical analysis. And now we find that not only was there collusion on the ground, there was collusion at the highest levels of the British Government where the military gave information to paramilitaries on the loyalist side, who then cleared the area so that attorneys could be targeted for assassination. That is how far reaching these murders were.

What is also significant is this: It is because of this Chamber that the IRA and its political ally Sinn Fein had the courage to proceed with not only disarmament but, just as importantly, they decided to join policing. And let me just say this about policing today in the North of Ireland. One section of the community used policing to keep the other section of the community in line. That is what this was about.

And now the faith that has been offered by the Good Friday Agreement, again in a bipartisan sense, has allowed us to proceed and to move forward. And it could not have been done without people like Mr. SMITH. And I could go on and on with Members of this Chamber, and Mr. LANTOS again offers support to this initiative today.

So it is terribly important. And I want to thank all of you, and Mr. McCord, the chief constable from the North of Ireland will be in my office tomorrow to answer questions from the Members of Congress

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise in support of H. Con. Res. 20, to address the issue of the murder of Northern Ireland defense attorney Patrick Finucane. I thank the gentleman from New Jersey, Mr. SMITH, for introducing this legislation. It is essential that we bring to light the suspicious circumstances of this terrible murder and the need for our friends in the Government of the United Kingdom to conduct a full and transparent inquiry into the matter.

On February 12, 1989, Patrick Finucane was murdered by two masked members of the loyalist paramilitary in front of his wife and children in his home in North Belfast. Since then, reports have indicated a strong possibility of conspiracy within the British police in the region. The loyalist paramilitary organization, known as the Ulster Defense Association, UDA, or the Ulster Freedom Fighters, UFF, claimed that it killed Mr. Finucane because of his high rank in the Provisional Irish Republican Army, IRA. Circumstances suggest that Mr. Finucane had ties to the IRA; he had three brothers who were actively involved in the IRA, one of his clients was the infamous IRA hunger striker, Bobby Sands, and former IRA member Sean O'Callaghan alleges he was a member. However, law enforcement authorities have reported that there is no evidence whatsoever that Mr. Finucane was a member of the IRA.

In 1999, Royal Ulster Constabulary, RUC Special Branch Agent William Stobie was found to have supplied one of the guns used to kill Mr. Finucane. Agent Stobie was a member of the UDA/UFF, which at the time was a legal organization.

In 2001, after significant pressure from Amnesty International and as a result of the Weston Park talks, the British and Irish Governments initiated an investigation. They appointed retired Canadian Judge Peter Cory to examine allegations of collusion by the RUC, British Army, and Peace Guard of Ireland in the murder of Mr. Finucane and others. In 2004, Judge Cory reported that he recommended the establishment of public inquiries into the matter. The British Government later announced an inquiry, but under a recently enacted law, the Inquiries Act 2005, the government was allowed to block scrutiny of state actions. Judge Cory strongly criticized the law.

H. Con. Res. 20 passed the House in the last Congress as H. Res. 740, but unfortunately the Senate did not act on the legislation. I urge my colleagues to renew their support for this important legislation by voting in favor of it this Congress.

Mr. CROWLEY. Madam Speaker, I rise today to support the resolution introduced by my friend from New Jersey, CHRIS SMITH.

I stand among my colleagues and say that it is a privilege to be an original cosponsor of this important statement by the House of Representatives.

The movement towards peace in the north of Ireland is moving at a steady but slow pace. It is the slowness of this pace which is regrettable. However, the movement forward is one which we can continue to commend and support.

The political parties of the north of Ireland must continue to overcome the obstacles for the sake of the people who they were elected to represent. The people of the north must be given the representation in government that they have sought out.

However, in order to continue to build and promote this ongoing peace process, we must make sure that the past atrocities have been fully investigated and those who are guilty, held responsible.

The British and the Irish Governments had agreed to hold public inquiries into high profile murders of human rights defenders like Pat Finucane. We must build better trust between the people of the north, and so it is time for the British to allow the truth to come out.

I wish to express my deepest sympathy to the family of Patrick Finucane at this time. After this brutal murder, justice must be pursued, and I wish to thank Geraldine and her son Michael for agreeing to testify before the committee of the House of Representatives.

The family of Pat Finucane has a right to know the full extent of collusion that existed and caused the death of this husband and father.

Under the Weston Park Agreement and the commitment made by Judge Cory, the British must live up to their obligations by reconsidering their position on the matter of inquiry into Pat Finucane's death and amending the Inquiries Act of 2005.

It is time for an independent, judicial inquiry into the murder of Pat Finucane.

I urge all of my colleagues to support this resolution.

Mr. LANTOS. Madam Speaker, I have no further requests for time. We are striking a blow for justice, and I yield back the balance of my time.

Mr. SMITH of New Jersey. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. LANTOS) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 20, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those voting have responded in the affirmative.

Mr. LANTOS. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

SUPPORTING THE GOALS AND IDEALS OF NATIONAL ENGINEERS WEEK

Mr. LIPINSKI. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 59) supporting the goals and ideals of National Engineers Week, and for other purposes.

The Clerk read as follows:

H. RES. 59

Whereas engineers use their professional, scientific, and technical knowledge and skills in creative and innovative ways to fulfill society's needs;

Whereas engineers have helped meet the major technological challenges of our time—from rebuilding towns devastated by natural disasters to designing an information superhighway that will speed our country into the future;

Whereas engineers are a crucial link in research, development, and demonstration and in transforming scientific discoveries into useful products, and we will look more than ever to engineers and their knowledge and skills to meet the challenges of the future;

Whereas engineers play a crucial role in developing the consensus engineering standards that permit modern economies and societies to exist;

Whereas the 2006 National Academy of Sciences report entitled "Rising Above the Gathering Storm" highlighted the worrisome trend that fewer students are now focusing on engineering in college at a time when increasing numbers of today's 2,000,000 United States engineers are nearing retirement;

Whereas the National Society of Professional Engineers through National Engineers Week and other activities is raising public awareness of engineers' significant, positive contributions to societal needs;

Whereas National Engineers Week activities at engineering schools and in other forums are encouraging our young math and science students to see themselves as possible future engineers and to realize the practical power of their knowledge;

Whereas National Engineers Week has grown into a formal coalition of more than 70 engineering, education, and cultural societies, and more than 50 major corporations and government agencies;

Whereas National Engineers Week is celebrated during the week of George Washington's birthday to honor the contributions that our first President, a military engineer and land surveyor, made to engineering; and

Whereas February 18 to 24, 2007, has been designated by the President as National Engineers Week: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals and ideals of National Engineers Week and its aims to increase understanding of and interest in engineering and technology careers and to promote literacy in math and science; and

(2) will work with the engineering community to make sure that the creativity and contribution of that community can be expressed through research, development, standardization, and innovation.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. LIPINSKI) and the gentleman from Texas (Mr. HALL) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

Mr. LIPINSKI. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks, and to include extraneous material on H. Res. 59, the resolution now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. LIPINSKI. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today to support H. Res. 59, supporting the goals and ideals of National Engineers Week.

National Engineers Week takes place this year February 18 through February 24. This is not a random week that is chosen; it is chosen because this is the week that we celebrate George Washington's birthday. George Washington is widely recognized as our Nation's first engineer.

Engineers have helped make our country great from their service in the American Revolution to developing key modern industries, such as aerospace and energy. I would like to honor and recognize the more than 2 million engineers in the United States and the contributions that they have made to our country.

Engineers are at the forefront of human advances because engineers combine imagination and creativity, with math and science training to solve problems. Engineers are not just builders, as they are sometimes envisioned; they are problem solvers. This is one of the first things I was taught when I was a graduate student at Stanford University in the department of engineering economic systems.

Engineers in the past have helped build the boats to cross the seas, railroads to take us west, and the Internet to communicate with the world. We need the innovative capability of engineers to confront the problems and challenges before us today. Engineers will help Americans develop energy independence, find solutions to confront global climate change, and make our Nation more secure.

I have a unique perspective as only one of a handful of engineers in Congress. Besides my Master's degree from Stanford, I earned a Bachelor's degree from Northwestern University in mechanical engineering. I have seen that America is falling behind other countries in this discipline. U.S. students continue to score below international averages on math and science tests. It has been reported that in 2004 China graduated more than six times the number of engineers that graduated in the U.S.

On a recent tour of Northern Illinois University's college of engineering and engineering technology, I again heard how few Americans are getting engineering degrees, especially graduate degrees. It is great that America has such top universities that we are attracting some of the brightest minds from around the world to come to study here, but we are beginning to lose more and more of these students when they graduate and they go back home. This is harmful to America's future.

In 2005, the National Academy of Sciences released a report entitled, "Rising Above the Gathering Storm," which raised questions about America's future technological competitiveness. This report echoed by the President of the United States in the State of the Union address last year emphasized the need for government to take a number of actions, including addressing the potential for a shortage of engineers.

We must act quickly to take up this challenge. We cannot let another year go by and we cannot afford to let our economic future falter, and that future requires continuing technological innovation supplied by our Nation's engineers.

National Engineers Week seeks to raise public awareness about engineers' contributions to society and our quality of life. It has inspired future engineers for more than 50 years. Founded by the National Society of Professional Engineers, including more than 100 society, government, and business sponsors and affiliates, including Boeing, the American Society of Mechanical Engineers, and the American Council of Engineering Companies, National Engineers Week draws upon local and regional experts to promote high levels of math, science, and technology literacy. Annually, it reaches thousands of parents, teachers, and students in communities across the country.

From national and regional engineering competitions such as the Future City Competition, to events such as Introduce a Girl to Engineering Day, this week helps inspire the next generation of engineers and scientists.

□ 1345

If we are going to produce more American engineers, one needed step is to improve STEM education, that is science, technology, engineering and math education. But we must also do more to inspire our children to become interested in engineering.

When I was growing up in Chicago, I was fascinated in learning how things work, as most kids are. I remember it was Father Fergus who taught me physics in high school at St. Ignatius, and in that class he took my childhood fascination with how things worked and got me interested in engineering. He spurred me to follow up on that when I went to college.

We need events such as National Engineers Week and things that go on within the week to help encourage and inspire more kids to go into engineering. We have to do everything we can to inspire future engineers so that America continues its leadership in this increasingly competitive world.

I would like to thank the gentleman from South Carolina (Mr. INGLIS) for his involvement also with this National Engineers Week resolution. And I would like to especially thank the engineers that contributed so much to America and to honor them for their commitment to continue working to better our society.

I ask my colleagues to support H. Res. 59 in its deserved recognition.

Madam Speaker, I reserve the balance of my time.

Mr. HALL of Texas. Madam Speaker, I yield myself such time as I may consume.

H. Res. 59, of course, supports the goals and ideals of National Engineers Week, which is going to be celebrated this year during the week of February 18. The National Society of Professional Engineers established the first National Engineers Week back in 1951. The purpose of the week is to increase the understanding of and interest in engineering and technology careers, and to promote K–12 literacy in math and science. It also showcases the important contributions that engineers have made to our society.

Engineers have a critical role to play to help keep our Nation ahead of the innovation curve. It is essential that we capitalize on opportunities such as National Engineers Week to raise the awareness of the valuable work and contributions of engineers to society and to attract young people of all ages to this very rewarding profession. As such, I ask my colleagues to support H. Res. 59.

Madam Speaker, I reserve the balance of my time.

Mr. LIPINSKI. Madam Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON).

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I would like to express my strong support for H. Res. 59, and the authors that made this possible, supporting the goals and ideals of National Engineers Week.

Texas is an energy-producing State, and the engineering workforce plays a major role in Texas livelihoods.

The fruits of engineering are technologies enjoyed by every American. We need engineers to put creative ideas into real-life solutions. Engineers are the fabric of our workforce. They design beautiful and energy-efficient buildings, and build industrial robots that construct everything from cars to computer chips with precision. Engineers are in the business of improving the quality and design of many different products such as chemicals, computers, engines, aircraft and toys, and they are an integral component to our Nation's innovative workforce.

We need many more than we produce, and we need many more to get graduate degrees so we can continue to produce them.

I am proud to support this resolution celebrating National Engineers Week, and urge my colleagues to support it.

Mr. HALL of Texas. Madam Speaker, I yield 2 minutes to the gentleman from South Carolina (Mr. INGLIS), the ranking member on Energy.

Mr. INGLIS of South Carolina. Madam Speaker, I rise in support of H. Res. 59, a resolution supporting the goals and ideals of National Engineers Week.

It is particularly helpful to have people from all walks of life in this body. It is especially helpful to have Mr. LIPINSKI as an engineer here, along with some other engineers, to cause us to focus on the crucial need for engineering education in this country.

My dad is an engineer. He lost this son to political science and the law. Not everybody can be an engineer. But the folks that can be engineers really will help us solve the challenges of the future.

Here is our challenge in terms of numbers: India is graduating somewhere north of 200,000 engineers a year; China is graduating nearly 300,000 engineers a year; and the United States is somewhere in the order of magnitude of 60,000 engineers a year. That doesn't bode well for us.

In a technological world, we need more engineers. We need people to enter science, technology, engineering and math education. And so it is a good thing to have a week to celebrate the importance of engineering to the history of the country and to the future of the country. I applaud the gentleman from Illinois' effort to bring this to the floor, and I am in complete support of the resolution and look forward to its adoption.

Mr. LIPINSKI. Madam Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. HOLT), the distinguished plasma physicist.

Mr. HOLT. Madam Speaker, I thank my friend from Illinois.

Madam Speaker, as one who has taught engineers earlier in my career, I am delighted to rise in support of this legislation that will recognize National Engineers Week and, through that, highlight the contributions made to society by engineers.

The programs that fit under National Engineers Week are broad. They will include such activities as Introduce a Girl to Engineering that will encourage women to pursue engineering and recognize those who do.

Other initiatives will include competitions and online exhibits, as well as television programs. It will highlight that engineering is critical to the security of our country, certainly through developing sustainable energy production and use, in preventing and mitigating natural and man-made disasters, and to make our world work better and to contribute to the livability of our society.

Now Congress can pass this legislation supporting the excellent programming of National Engineers Week. Congress can also ensure that we make the best decisions based on the best information related to science, engineering and technology, such as we used to do with the help of the Office of Technology Assessment.

Congress can pass legislation to ensure that students nationwide are taught technical skills, that they are taught the importance of those skills as well, and to make sure that there are no financial obstacles for individuals who seek to pursue higher education in engineering and related fields. And Congress can ensure that federally funded research and development is not neglected as we put together the budget.

This is good legislation that highlights important work. I am pleased to support it.

Mr. HALL of Texas. Madam Speaker, I yield 3 minutes to the gentleman from Missouri who is an engineer, Mr. AKIN.

Mr. AKIN. Madam Speaker, I thought it would be appropriate to make a comment or two about engineering because I was trained as an engineer. I must not have been much of one because I ended up in politics. It doesn't happen that often that people who have an engineering background end up in the political sector; but it is quite common in engineering for people to get the undergraduate degree and then to move into other kinds of areas, and the engineering background gives them a tremendous problem-solving basis to be able to be quite effective in various other kinds of careers.

It is a national concern to us as Americans that we are producing fewer and fewer engineers. What happened was, in the era of Sputnik when I was a kid, everybody realized we were technologically behind, particularly behind the Soviet Union, and realized the urgency in having people develop an interest and background in science and engineering. At that time, we produced a good number of engineers, and they were fine engineers. They now work for many of our household-name large corporations, certainly many in my own district, Boeing Corporation, for example.

These engineers have also started all kinds of different businesses and been very successful, and have been very successful in producing a lot of the technology that keeps our young men and women safe on the battlefields. It also is technology that has given us a wonderfully high standard of living and has allowed America to prosper in many ways.

Unfortunately, now there is a tremendous dearth of engineers. We have a number of small companies that produce products that are related to the defense industry that I know of in the St. Louis area, just as an example, and they are saying that we would give anything to be able to hire engineers. We just can't get any of them. The only engineers we can get are coming out of India or some other country far away, and our own students, Americans, are not choosing careers in engineering. That is distressing.

I suppose that there are reasons for why this is going on. Perhaps one of them is the malaise and the very lukewarm kind of results that we are getting out of secondary education in America. The SAT scores are continuously changed year to year, and they can be adjusted downward. Engineering is very rigorous. It requires an understanding of mathematics, and it is a very hard undergraduate degree. Many people that start in engineering end up in something like political science. It is far easier than engineering.

But there are rewards in engineering, and if there are young people that are paying attention to what we are discussing here on the floor of the U.S. Congress today, I would encourage them that engineering is a fantastic undergraduate choice, and it doesn't have to end up behind a drawing board. It ends up in all kinds of positions and opportunities to those who have a disciplined mind and are capable of understanding basic principles of how things work.

I have to say, in Congress it is tremendously helpful. I serve on the Committee on Armed Services, and we are constantly getting involved in technical kinds of questions, things like armor on Humvees, body armor, how to defeat IEDs, all of the technology of software and people tapping into databases. On the Science Committee, as well, we deal with all kinds of areas, everything from exploration of space to the simple use of materials.

I would encourage all young people to seriously consider engineering.

Mr. LIPINSKI. Madam Speaker, I yield 3 minutes to the gentleman from California, a new member of the

Science Committee and an engineer himself, Mr. McNERNEY.

Mr. McNERNEY. Madam Speaker, I rise in support of H. Res. 59 and the goals and ideals of National Engineers Week.

As an engineer for my entire professional career and only one of a handful in the House, I thank Mr. LIPINSKI for introducing this legislation to bring the spotlight onto this professional career choice.

My father was an engineer; I am very proud to be following in his footsteps. As we vote on this legislation today, I am reminded of something that my mother used to tell me over and over: It was the engineers that would be solving many of our Nation's and our world's problems. Her words couldn't have been more relevant than they are today, as we face many challenges such as global warming, the demand for fresh water and food throughout the world.

Well, in the 1970s, the engineering profession wasn't considered the most exciting, but throughout the 1990s, we became aware of how exciting the challenges are that we are facing in engineering; and this has led to a resurgence in interest and inspired a whole generation of young people.

□ 1400

I am hopeful that with the passage of H. Res. 59 we will help inspire more of those young people to get involved in the engineering profession.

Madam Speaker, I would like to thank my friend Mr. LIPINSKI.

Mr. GINGREY. Madam Speaker, I wanted to let the majority know that I have no other speakers requesting time, and I will just reserve the balance of my time for my closing remarks.

Mr. LIPINSKI. Madam Speaker, I reserve the balance of my time. We have no more speakers besides myself.

Mr. GINGREY. Madam Speaker, I yield myself such time as I may consume.

I want to thank the Chair for allowing me to manage the remaining time on our side in the absence of the ranking member, Mr. HALL, who had a very important meeting before the Rules Committee, and I thank the Chair for allowing that.

Madam Speaker, I am not an engineer but I went to an engineering school. In fact, I went to one of the very best engineering schools in this country. I am a Ramblin' Wreck from Georgia Tech and a heck of an engineer and actually not an engineer but a chemist. I look forward to the next bill as we honor Dr. Julian.

But engineering, Madam Speaker, is a profession in this country that is very, very important to us, to our ability to compete in this global economy, and as we all know, we are losing unfortunately far too many engineers to retirement and not replacing them. If we are going to remain competitive in this country, and I know the work of the Education and Labor Committee of this House and Chairman MILLER and before him Chairman McKEON and Chairman BOEHNER, we have addressed these issues in our reauthorization of higher education and how important it is; and I know that Chairman MILLER, as we go forward to reauthorizing No Child Left Behind and highly qualified teachers and special incentives for math and science teachers at elementary, middle and high school levels so that we do stimulate more bright young minds in this country, and yes, many more women than may be traditionally would select engineering as a professional track, as a career, because this is the only way we are going to be able to compete in this global economy.

I love sports, Madam Speaker, and I know we all do and we honor sports teams all the time up here, whether it is basketball, football, hockey. You name it, we are doing these resolutions, but I like to see more and more of this kind of activity where we are supporting the goals and ideals of National Engineering Week with H. Res. 59 to say, look, what is really important in this country is not games. Games are fun and games are a diversion, but this is about life and the success of our individual young students and, indeed, our country.

So to have an opportunity to stand here and have the closing remarks on supporting H. Res. 59, I commend the majority and my friend Representative LIPINSKI and others that have brought this, Representative JOHNSON and other members of the Science Committee. I think this is a wonderful opportunity to salute our engineers and the profession.

Madam Speaker, I yield back the balance of my time.

Mr. LIPINSKI. Madam Speaker, I yield myself such time as I may consume.

I thank Mr. INGLIS, Mr. GINGREY and Mr. HALL for their support on this resolution. As an engineer but also as a former political science professor, I do not want to disparage political science whatsoever. However, it is clear that America does need more engineers, and to do this we have to value engineers and engineering much more in this country.

I am very hopeful that this resolution is going to be the first step that this Congress takes to not only honor our current engineers but also inspire more American children to become engineers and to find the solutions to the challenges that we face today.

We need to do more. We need to take more steps. We need to improve science, technology, engineering, math, known as STEM education. We need more R&D funding; but today, let us just take this first step and urge my colleagues to take this first step. Vote for H. Res. 59 and honor engineers during National Engineers Week.

Ms. JACKSON-LEE of Texas. Madam Speaker, I proudly rise in strong support of H. Res. 59 which supports the goals and ideas of National Engineer Week. As you know, new discoveries and technologies are changing the way Americans live and work. Through dedicated research and development, engineers expand our knowledge and lay the foundation for the progress of our country. This week is an opportunity to recognize engineers for their many contributions to our way of life and to encourage young people to pursue their curiosity by studying math and science.

Engineering education began in America under circumstances that differ substantially from those of the other leading professions. Medical schools, for example, were established by individual physicians, and then loosely affiliated with universities.

By contrast, engineers were first trained by apprenticeship, particularly on canal construction projects. This tradition was perpetuated on railroad construction projects, and later in factories and machine shops, long after college engineering programs were established. Eventually, engineering schools in the United States were sponsored by the Federal Government, the U.S. Military Academy in 1802, and the land-grant colleges beginning in 1862. They were also fostered by public-spirited citizens who fostered the Rensselaer Polytechnic Institute and the Massachusetts Institute of Technology, and from within established universities in response to interest or demand.

The engineering workforce is the driver of society's technological engine, an awesome responsibility. We will not be able to address this responsibility without diversifying the pool of science and engineering talent. This broadening of participation must come from the Land of Plenty, mostly untapped potential of underrepresented minorities and women—America's "competitive edge" for the 21st century.

We know that more than any other species, humans are configured to be the most flexible learners. Humans are intentional learners, proactive in acquiring knowledge and skills. And, it turns out that we are more successful learners if we are mindful or cognizant of ourselves as learners and thinkers.

To date, our knowledge of the science of learning, is just the tip of the iceberg of what we have yet to learn. Our ultimate goal is truly not to waste a single child and to teach and train a workforce that is well prepared and can adapt and change.

The revolution in information technologies connected and integrated researchers and research fields in a way never before possible. The Nation's IT capability has acted like adrenaline to all of science and engineering. A next step is to build the most advanced computer-communications infrastructure for researchers to use, while simultaneously broadening its accessibility.

Mr. LIPINSKI. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Ms. LEE). The question is on the motion offered by the gentleman from Illinois

(Mr. LIPINSKI) that the House suspend the rules and agree to the resolution, H. Res. 59.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those voting have responded in the affirmative.

Mr. LIPINSKI. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

HONORING THE LIFE OF PERCY LAVON JULIAN

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 34) honoring the life of Percy Lavon Julian, a pioneer in the field of organic chemistry research and development and the first and only African American chemist to be inducted into the National Academy of Sciences.

The Clerk read as follows:

H. CON. RES. 34

Whereas Percy Julian was born on April 11, 1899, in Montgomery, Alabama, the son of a railway clerk and the first member of his family to attend college, graduating from DePauw University in 1920, receiving a M.S. degree from Harvard University in 1923 and a Ph.D. from the University of Vienna in 1931;

Whereas in 1935 Dr. Julian became the first to discover a process to synthesize physostigmine, the drug used in the treatment of glaucoma;

Whereas Dr. Julian later pioneered a commercial process to synthesize cortisone from soy beans and yams, enabling the widespread use of cortisone as an affordable treatment of arthritis;

Whereas Dr. Julian was the first African American chemist elected to the National Academy of Sciences in 1973 for his lifetime of scientific accomplishments, held over 130 patents at the time of his death in 1975, and dedicated much of his life to the advancement of African Americans in the sciences; and

Whereas Dr. Julian's life story has been documented in the PBS NOVA film "Forgotten Genius": Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress honors the life of Percy Lavon Julian, a pioneer in the field of organic chemistry research and development and the first and only African American chemist to be inducted into the National Academy of Sciences.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) and the gentleman from Georgia (Mr. GINGREY) each will control 20 minutes.

The Chair recognizes the gentlewoman from Texas.

GENERAL LEAVE

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on House Concurrent Resolution 34, the resolution that is now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I yield myself such time as I may consume.

Mine is a simple concurrent resolution honoring the life of Dr. Percy Lavon Julian. Dr. Julian was an outstanding chemist and, as a black man, overcame countless obstacles to achieve international recognition for his scientific accomplishments.

He spent his youth in Birmingham and Montgomery, Alabama. When he decided to leave home to go to college to DePauw University in Indiana, his entire family came to see him off at the train station, including his 99-year-old grandmother, a former slave, and his grandfather who was also there.

His grandfather's right hand was two fingers short. The fingers had been cut off for violating the code forbidding slaves to learn to read and write.

At DePauw University, Julian worked in the attic of a fraternity house. His support and tuition came from his earnings as a waiter. Often he worked as a ditch digger during the day and attended classes in the evening.

Though at the top of his class in college, he was discouraged from pursuing graduate studies because of potential racial sentiment on the part of future coworkers and employers.

Madam Speaker, I firmly believe that no one should be discouraged from pursuing their dreams. NANCY PELOSI, our first female Speaker of the House, is a prime example of someone who ignored the words of naysayers. We must hold these people up as examples. Let them light the paths of others.

Dr. Julian earned a fellowship to study chemistry at Harvard University, where he received his master's degree; and in 1931, he earned his Ph.D. from the University of Vienna.

Dr. Julian synthesized a chemical treatment for glaucoma, and he synthesized cortisone for the treatment of rheumatoid arthritis. He is also noted for inventing a foam used during World War II to extinguish gasoline and oil; and over the course of his career, he acquired more than 100 patents.

Percy Julian received wide recognition by the scientific community for his research and was elected into the prestigious National Academy of Sciences. He was a bright, talented individual who excelled in science in the face of overwhelming challenges.

My bill, House Concurrent Resolution 34, honors his life. We have 12 cosponsors, as well as partnership with the other body from the gentleman from Illinois. I am pleased that the leadership has chosen to pass a bill celebrating the success of an African American. He is a role model, and we want our young people to know that you can make it even in spite of some of the hardships that you have.

So for future generations coming along, the minority students, I feel it important to uplift women and minorities to excel in math, science and engineering. I hope the House leadership will consider substantial policies to encourage more women and minorities to pursue careers in science, technology, engineering, and math. They need more help than what is currently being provided.

But, again, I thank Chairman GORDON and my colleagues for their support of this resolution. It is a good start, and I hope a bellwether for future legislation.

Madam Speaker, I reserve the balance of my time.

Mr. GINGREY. Madam Speaker, as my good friend and colleague, Representative EDDIE BERNICE JOHNSON, has already stated, House Concurrent Resolution 34 honors the life of Dr. Percy Lavon Julian, a pioneer in organic chemistry, research and development.

Dr. Julian identified and synthesized, and my trusty assistant had to tell me how to pronounce it, physostigmine. I should know that from medical school. Dr. Julian, though, synthesized that, and it is a drug used to treat glaucoma. I think we all know about glaucoma and the ravages of that, particularly with our elderly, more recently to improve memory in Alzheimer's patients and as an antidote to nerve gas.

He also made great advances, Madam Speaker, in synthesizing the drug known, as we all know, as cortisone, and making it affordable treatment back then for arthritis, and of course, it is used for that and many other things today.

In addition to his glaucoma and arthritis treatment contributions, Dr. Julian's impressive achievements also include the invention of a soy-based fire extinguishing foam used on Navy ships during World War II, various improvements in paints and coatings while employed with the Glidden Paint Company, with which he was affiliated, I think, for over 18 years; and he developed a method to filter chemicals in soybean oil to mass produce hormones for medical application.

Once again, Madam Speaker, as a retired OB/GYN physician, I know a little bit about the use of hormones for medical conditions.

As an African American in the early 20th century, Dr. Julian overcame great adversity to succeed and to make his mark on society. The National Academy of Sciences recognized and honored his significant contributions to organic chemistry when they inducted him in 1973.

Madam Speaker, I remember to this day my organic chemistry teacher at Georgia Tech in those 5, 6-hour labs that we had twice a week in addition to all the classroom work. I wish I had had the privilege of being taught by Dr. Julian, but Dr. Cherry was a fine professor in his own right.

I encourage my colleagues to give Dr. Julian the same recognition today and support this resolution honoring him and his great life.

Madam Speaker, I reserve the balance of my time.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I yield 5 minutes to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Madam Speaker, I want to thank the gentlewoman from Texas for yielding.

I know all of the folks out in the Bay Area of California are indeed pleased and proud to see you in the Chair. They are as proud as the people in the neighborhood where I live are of Dr. Percy Lavon Julian who lived a few blocks from where I currently live.

□ 1415

Born the son of a railroad clerk and a school teacher, the grandson of a slave, young Percy Julian, early in his life, got ahold of Donald Adams' poem, "Seven Fold," and its charge to "Go Farther On" reigned in his spirit.

In academia, racial prejudice followed him like a shadow. He was class valedictorian in 1920 from DePauw University, but still discouraged from seeking admission into graduate school because of potential racial sentiment on the part of future coworkers.

He got straight A's at Harvard University, graduated in 1923. But even with his success, Julian was unable to get a teaching job at any major university because of the perception that white students would refuse to learn under a black instructor.

After he received a Ph.D. degree in organic chemistry at the University of Vienna in 1931, he took a position at DePauw, his alma mater, where he collaborated with Dr. Josef Pikl and successfully created a drug which was used as a treatment for glaucoma. Although internationally recognized for his achievement, however, the color of his skin prevented him from being appointed chair of DePauw's chemistry department.

He became the chief chemist and the director of research at the Glidden Company in Chicago, where he created a flame retardant that saved countless sailors of the United States Navy during World War II.

I might add that my brother worked at Glidden Durkee as a quality control director, because he somehow or another also became a chemist and followed in the footsteps of Dr. Julian.

He discovered that soy sterol could be used to manufacture male and female hormones, progesterone and testosterone. Yet his achievements were not properly appreciated. He created synthetic cortisone, and his products led directly to the development of chemical birth control and medicines to suppress the immune system, crucial in performing organ transplants.

He was named Chicagoan of the Year in 1950. He became the first black to move into the prestigious Oak Park community, but his house was firebombed twice simply because some folk didn't want a black neighbor.

He parlayed his genius into countless awards, has over 100 patents to his credit, became a millionaire in 1961, was asked to serve on numerous commissions and advisory boards, and yet his story is not taught nearly as much as it needs to be.

Racial obstacles can be pernicious, but if we persist, like Dr. Julian, to "Go Farther On," then we all become proud. I am proud of the folks in the community where I live because there are Percy Julian artifacts and memorabilia, schools named after him, streets named after him. He is an icon in the Oak Park community.

I commend again my colleague from Texas (Ms. EDDIE BERNICE JOHNSON) for introducing this resolution.

Mr. GINGREY. Madam Speaker, I had one other request for time, but he is detained at this point. Right now, I don't have any other speakers.

Madam Speaker, I reserve the balance of my time.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I yield 2 minutes to Dr. HOLT, the gentleman from New Jersey.

Mr. HOLT. I thank my friend from Texas.

Madam Speaker, we have heard about the numerous obstacles that Dr. Julian faced, no public high schools for African-Americans in Montgomery, so he had to go as a subfreshman to DePauw University, but his skill, his intelligence, allowed him to thrive there against the adversity. We have heard that a research job fell through because African-Americans were not allowed to stay overnight in a town in Wisconsin where he was going for that work.

We have heard about his contributions: fire retardants, treatments for glaucoma, a low-cost process to produce cortisone. That brings us up to today, why we are talking about this. Of course, we want to honor and recognize someone of such skill and such perseverance, but we want to highlight it for a reason, and that reason is that even today we are excluding people whose talents we need.

African-Americans constitute 14 percent or so of the U.S. population, but receive fewer than 4 percent of the doctorates awarded in chemistry and chemical engineering; hold about 1 percent, one out of 100 chemistry faculty positions in the top universities. These distressing numbers are not just an indication of unfairness. They are an indication of the loss of talent, the loss of creativity, that we need in our society. So this is not just to extol the accomplishments of Percy Julian, but to remind us that we have to make way for these talented individuals in our society today.

Mr. GINGREY. Madam Speaker, just a few words in closing. We talked about Engineers' Week in the previous suspension resolution. I was just listening to my good friend, RUSH HOLT, talk about the importance of making sure that we encourage people of color and someone like Dr. Julian and many more like him to get an opportunity.

I am sure it must have been awfully difficult back in those days, and actually in 1961, that was when I was a student at Georgia Tech, and there were literally no African-American students at school. I don't remember any at that time, and that was just, what, 46 years ago. It is unbelievable.

But, thank God, you know, times have changed; and certainly to learn about Dr. Julian, I didn't know of him until my colleagues on the majority side, on the Science Committee, brought forward this resolution.

I am honored to manage for the ranking member, Mr. HALL, on this side of the Science Committee and to get to know more about the life of Dr. Percy Julian, talking about the work he did in developing and manufacturing a process for the production of cortisone. Madam Speaker, I can really appreciate him in regard to that, because just yesterday morning, I was lying on an operating table getting cortisone injected into my arthritic neck, and I feel better already. I will say, Thank you, Dr. Julian, for that discovery, and I appreciate it very much.

But it is an honor to pay respect to this gentleman. I am pleased in a reading of his life that, unlike a lot of other people who do great things, and they get honored 25 years after their death, and everybody else seems to capitalize on their discovery, the fact that he was not only honored in his lifetime by the National Academy of Sciences, but also was able to get financial remuneration for his work in the sale of his company to a big pharmaceutical, I think it was Smith, Kline & French or one of the major pharmaceutical companies back in 1961 purchased his company for $2.1 million. Well, that is great, and I am very happy that occurred and happy for him and his family.

It is great to have these good bipartisan opportunities, Madam Speaker. I want to ask all of my colleagues on this side of the aisle, and I know all my colleagues on the other side of the aisle, to support this resolution.

Ms. JACKSON-LEE of Texas. Madam Speaker, today I rise in strong support of H. Res. 34, which gives long overdue recognition to a great American, Dr. Percy Lavon Julian. Dr. Julian was a brilliant African-American scientist, inventor, civil rights leader and an unsung hero. A pioneer and widely acclaimed for his work in organic chemistry, Dr. Percy broke the color barrier in science. During his lifetime, he made great strides in the field of chemistry. In 1973, he was elected to the National Academy of Sciences in recognition of his outstanding lifetime achievements. He received 19 honorary degrees and was awarded 105 patents, among them a foam fire retardant, a treatment for glaucoma, and a low-cost process to produce cortisone.

Born in 1899, in Montgomery, AL, the grandson of slaves, Dr. Julian overcame many obstacles and racism and went on to be the first member of his family to attend college. He was the valedictorian of his graduating class at DePauw University in 1920, then went on to receive his M.S. from Harvard University in 1923 and later getting his Ph.D. from the University of Vienna in 1931.

At a time of inequality for African-Americans, Dr. Julian persevered and pioneered a commercial process to synthesize cortisone from soy beans and yams, enabling the widespread use of cortisone as an affordable treatment of arthritis. Dr. Julian also became the first to discover a process to synthesize physotigmine, the drug used in the treatment of glaucoma.

Dr. Julian broke down barriers to achieve many significant firsts in his lifetime, one of which was becoming the first Black scientist hired for a high-level corporate research position as director of research at the Glidden Company. It was here during his 18-year tenure that he launched a process for the chemical synthesis of cortisone whose affordability promulgated its widespread use.

Not only was Dr. Julian an esteemed scientist and innovator, he was also a leader in his community and a champion for civil rights. In 1950, on Thanksgiving Day, before moving in to his new home in the exclusive Chicago Oak Park neighborhood, his home was firebombed. Not one to crumble in the face of adversity, Dr. Julian instead fought tirelessly for integration and went on to encourage the Human Relations Commission in the village government and the Oak Park Housing Center in Illinois towards becoming one of the most efficient systems of integration in the country.

Dr. Julian's business savvy was showcased in 1954 when he left the Glidden Company to establish his own laboratories, Julian Laboratories. There he specialized in producing his synthetic cortizone and established Laboratorios Julian de Mexico in Mexico City and used wild yams in Mexico, which he found to be more effective than soy beans for some of his products. His business savvy was further evidenced when he sold the Oak Park plant to Smith, Kline, and Smith for $2.3 million, an astounding amount of money for anyone during that time period.

Dr. Julian played an integral role in his Chicago community as a civil rights activist. He founded the National Negro Business and Professional Committee for the Legal Defense fund, raised funds for the NAACP and the Southern Christian Leadership Conference and Dr. Martin Luther King, Jr.

Many African-American pioneers and leaders, who came long before the civil rights movement for equality, were not recognized for the contributions they made to this Nation and were never thanked for bettering our society and contributing to humanity. Too many were forgotten and unrecognized for their diligence and commitment to their field of work and their contribution that continues to affect each and every one of our lives today.

As we draw closer to the month of February and Black History month is recognized, let us take a moment to honor an unsung hero, let us declare that his memory is not forgotten. I urge my colleagues to support this bill and honor Dr. Julian Percy because he embodies the ideals that make America a great nation: pioneering spirit, hard work, innovation, perseverance, and dedication.

Ms. MOORE of Wisconsin. Madam Speaker, I rise to honor the life and achievements of Dr. Percy Lavon Julian, the grandson of Alabama ex-slaves who rose to become an American research chemist of international acclaim. Dr. Julian's son, Percy Julian Jr., works on social justice issues as a practicing attorney in my home state of Wisconsin.

While working on the West Side of Chicago for the Glidden Paint Company, Dr. Julian worked in soybean research where he developed foam that put out oil and gas fires. During World War II the Navy saved many lives by using a foam fire extinguisher.

He later discovered a special process to synthesize cortisone from soy beans and yams, allowing the widespread use of cortisone as an affordable treatment of arthritis.

Dr. Julian's achievements did not come easily. Because formal education for African Americans in Alabama stopped at eighth grade, he was forced to move from Montgomery to Greencastle, Indiana where he attended De Paul University as a subfreshman. As a student, he worked as a waiter and a ditch digger in order to pay his tuition and make ends meet. During the night he laid the groundwork for his future discoveries by devoting his energies to study of chemistry.

Dr. Julian's perseverance and determination paid off and, in 1920, he graduated from DePaul University in Indiana at the head of his class and was honored as Phi Beta Kappa orator and valedictorian. In 1923, he earned his master's degree from Harvard University, again in the top group of his class.

Madam Speaker, Dr. Julian also overcame adversity in his private life. His home in the all-white neighborhood of Oak Park in Chicago was firebombed. He refused to move from the area, determined to break down the walls of segregation around him. An activist for civil rights he composed and delivered numerous speeches in an effort to bring about equality for African-Americans.

It is a true honor to support this resolution, H. Con. Res. 34, which honors the life of Dr. Percy Lavon Julian and recognizes his incredible accomplishments.

Mr. LEWIS of Georgia. Madam Speaker, today we honor one of the most accomplished scientists of the twentieth century; a man who would not be deterred by racial bias. Today we honor the life and research of Dr. Percy Julian.

Dr. Julian worked tirelessly, and won acclaim for his work in organic chemistry. A brilliant chemist, Dr. Julian developed a treatment for glaucoma, a new process to produce cortisone, and a fire retardant used by the US Navy, which saved countless American lives during World War II. Throughout his distinguished career Dr. Julian was awarded an impressive 105 patents. His many scientific accomplishments led to his election as a member of the prestigious National Academy of Sciences in 1973.

Dr. Percy's contribution to the study of science is remarkable, yet we cannot forget the racial barriers that Dr. Julian was able to overcome. Born the grandson of Alabama slaves, Dr. Julian was a civil rights pioneer. Dr. Julian was forced to fight through racial prejudice and intimidation to establish himself as a pre-eminent chemist. Let us not forget, as the first African-American family to live in the Chicago suburb of Oak Park, the Julian house was fire-bombed in 1950. And again, on June 12, 1951, the Julian house was attacked, this time with dynamite. Yet, through it all, we should not forget the courage he displayed and his perseverance.

We, as a nation, owe much to Percy Julian and it is a privilege to honor him today.

Mr. RANGEL. Madam Speaker, I rise today in support of H. Con. Res. 34, to honor Percy Julian, an American research chemist of international renown, and a pioneer in the chemical synthesis of medicinal drugs. During his lifetime, Percy Julian received more than 100 chemical patents.

Percy Julian attended elementary school in Birmingham and later moved to Montgomery, Alabama where he attended high school. After high school, Julian applied to and was accepted into DePauw University in Greencastle, Indiana. At DePauw, he began as a probationary student, having to take higher level high school classes along with his freshman and sophomore course load. He was named a member of the Sigma Xi honorary society as well as a Phi Beta Kappa member.

Upon graduation from DePauw in 1920, he was selected as the class valedictorian. Julian was awarded the Austin Fellowship in Chemistry and moved to the distinguished Harvard University in Cambridge, Massachusetts, where he achieved straight A's, finished at the top of his class and received a Masters Degree in 1923.

Percy Julian proved himself to be a brilliant chemist. Among his many patents, most notable are—a foam fire retardant, a treatment for glaucoma and a low-cost process to produce cortisone. His innovative approach to chemistry helped to make important medicines more accessible to millions.

Please join me in supporting H. Con. Res. 34, honoring the life of Percy Lavon Julian, a pioneer in the field of organic chemistry research and development and the first and only African American chemist to be inducted into the National Academy of Sciences.

Mr. GINGREY. Madam Speaker, I yield back the balance of my time.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I have no further requests for time, and I urge support of this resolution.

Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Ms. LEE). The question is on the motion offered by the gentlewoman from Texas

(Ms. EDDIE BERNICE JOHNSON) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 34.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those voting have responded in the affirmative.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

HIRE A VETERAN WEEK

Mr. HOLT. Madam Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 5) expressing support for the designation and goals of "Hire a Veteran Week" and encouraging the President to issue a proclamation supporting those goals.

The Clerk read as follows:

H. CON. RES. 5

Whereas the people of the United States have a sincere appreciation and respect for the military personnel who serve in the Armed Forces of the United States;

Whereas veterans possess special qualities and skills that make them ideal candidates for employment, but many veterans encounter difficulties in securing employment;

Whereas it would be inconsistent, inconsiderate, and contrary to the economic competitiveness of the United States to neglect the post-military needs of the military personnel who have served in the Armed Forces of the United States;

Whereas many of the brave men and women who have served the United States so gallantly and selflessly in the war on terrorism and the war in Iraq since September 11, 2001, are beginning to return home to be reunited with their loved ones and will be reentering the workforce or searching for their first jobs outside of military service; and

Whereas the Department of Veterans Affairs, the Department of Labor, the Office of Personnel Management, and many State and local governments administer veterans programs and have veterans employment representatives both to ensure that veterans receive the services to which they are entitled and to promote employer interest in hiring veterans: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) recognizes the importance of the men and women who have served or who currently serve in the Armed Forces of the United States;

(2) supports the designation of an appropriate week as "Hire a Veteran Week"; and

(3) encourages the President to issue a proclamation calling upon employers, labor organizations, veterans service organizations, and Federal, State, and local governmental agencies (including such agencies in the several States, the District of Columbia, the Commonwealth of Puerto Rico, and any other territory or possession of the United States) to lend their support to increase employment of the men and women who have served in the Armed Forces of the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. HOLT) and the gentleman from Arkansas (Mr. BOOZMAN) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

GENERAL LEAVE

Mr. HOLT. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H. Con. Res. 5.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. HOLT. Madam Speaker, I yield myself such time as I may consume.

I want to thank my colleagues for allowing this bill to come to the floor. I want to thank my partner in the bill, Mr. BROWN of South Carolina, for his work and support on the measure, and also the chairman and ranking members of the House Veterans' Affairs Committee and the Armed Services Committee.

The bill calls upon the President to establish a permanent "Hire a Veteran Week" to help promote employment of veterans in a more concentrated fashion. Last year the House passed this bill by a voice vote. The bill enjoyed overwhelming support on both sides of the aisle because all of us understood that we had a lot more to do to help our veterans find jobs, start businesses on their own and get ahead as employees; and we still do have much more to do. I am grateful that the House leadership has allowed this bill to come forward today.

One of the reasons I am glad we are doing this is, we need to change the paradigm of how we think about veterans. Too often we spend a couple of days a year, Memorial Day, Veterans Day, thinking about veterans. But for too many Americans, these have simply become additional days to go shopping instead of recognizing the courage, the service, the sacrifice of those who have worn the uniform of our Nation, and that needs to change.

Since September 11, 2001, America has been creating the largest new pool of veterans since the Vietnam era. Hundreds of thousands of Americans have passed through Iraq and Afghanistan, including tens of thousands in our Guard and Reserve. All of these veterans are returning home and many, many of them, need help in obtaining and sustaining employment.

The most basic thing we can do is remind employers on a regular basis that veterans make great employees. It is not just that we owe it to them, although we do. It is not just that it is a matter of fairness, although it is. It is also that they are good workers with real, very real, life experience.

Some companies are making an effort to do this. One of them, in my district, Facile Corporation, has offices at Fort Monmouth, also in Camden, Brooklyn, Philadelphia, Washington, Arlington, Colorado Springs and in, Madam Speaker, the State of California as well. Facile is a diversified company providing a range of services to military and civilian clients, information technology services and so forth.

But what makes this company special for me is the fact that 26 percent of its workforce nationwide is comprised of veterans. This didn't just happen. The employer made a conscious and conscientious effort to do so, to hire these veterans.

Last November, just before Veterans Day, I had the privilege of meeting with employees of Facile and learning how this effort to hire veterans truly was a win/win proposition for the company and for the veterans. I came away more convinced than ever that we need to institutionalize that kind of outreach, which is why I am proud to cosponsor this bill with a number of other colleagues here.

□ 1430

We face many difficult days ahead. Those wearing the uniform of the United States, the various uniforms who are serving in harm's way to defend us, face many difficult days ahead. They should not face more difficulties when they come home. One thing we can all agree on is that we need to give our veterans every opportunity to achieve the American Dream. That is the point of this legislation, to create the Hire a Veteran Week and to encourage the President to support the goal of Hire a Veteran Week.

Madam Speaker, I reserve the balance of my time.

Mr. BOOZMAN. Madam Speaker, I yield myself such time as I may consume.

The resolution before us today is identical to H. Con. Res. 125, passed by the House in the 109th Congress on July 24, 2006. I want to thank Congressman HOLT and Congressman BROWN for bringing forward this very, very important resolution.

Vince Lombardi said: "The harder you work, the harder it is to surrender." Maybe that is why the men and women on the front lines today, who have sacrificed the most to achieve a success, remain dedicated to achieving victory in the face of adversity. And it is this determination and dedication that make our veterans such outstanding employees when they return to civilian life.

American veterans, especially those who serve the Nation during challenging times, understand the value of work. When these men and women return to civilian life, they only ask that the Nation, through her employers, recognize the value of their experience as members of our Armed Forces.

Today, our Nation is honored by the service of millions of volunteer service men and women, including hundreds of thousands who have served in Operation Iraqi Freedom and Operation Enduring Freedom. By putting these veterans to work in our factories, our offices, construction sites, and all types of industries, we give them the opportunity to continue contributing to the Nation they have so honorably defended in uniform.

Today, diversity is a common goal of employers. I would offer that one facet of diversity can only be provided by a veteran, that 1 percent of society that protects and defends the other 99 percent.

I also want to thank those businesses who are proactively working to hire veterans today. I am working with many Arkansas-based businesses. In fact, in my situation and Congresswoman HERSETH's situation, we are working with businesses all over the country, both large and small, to encourage additional veterans outreach. I urge my colleagues to take the initiative in reaching out to businesses in your communities as well.

To the Nation's employers, large and small, I say hire a veteran. You will get an employee who understands honor and commitment, who is skilled and drug free and loyal. You can't do any better than that.

I strongly urge my colleagues to support this resolution.

Madam Speaker, I reserve the balance of my time.

Mr. HOLT. Madam Speaker, I yield 2 minutes to the gentlewoman from South Dakota (Ms. HERSETH).

Ms. HERSETH. Madam Speaker, I rise today in support of House Concurrent Resolution 5, a resolution endorsing the designation and goals of Hire a Veteran Week. I would like to thank my friends, the gentleman from New Jersey (Mr. HOLT) and the gentleman from South Carolina (Mr. BROWN), for introducing this important resolution.

As the chairwoman of the House Veterans' Affairs Economic Opportunity Subcommittee, which maintains jurisdiction over veterans employment and re-employment matters, I have been working with the ranking member and former chairman of the subcommittee, Mr. BOOZMAN, to explore the perceptions, activities, employment practices, and entrepreneurship opportunities for former servicemembers.

The men and women serving in the military today are professional, highly trained, and motivated. And if given the opportunity, they would be valuable additions to our workforce and overall economy.

As we all know, this is a key transitional period for many members of our Armed Forces serving overseas. Increasing numbers of service men and women are expected to return home from Iraq and Afghanistan. The men and women in uniform who defend this country and make our economic and political systems possible have earned a fair opportunity to successfully transition from military service to civilian life and employment.

We have asked hundreds of thousands of our best and brightest, including a great number of National Guard and Reservists from South Dakota and across the country, to serve overseas in Operations Iraqi Freedom and Enduring Freedom.

We owe these brave men and women and their families a great deal for their sacrifice during these difficult times. We owe them the opportunity to make good on the American Dream they have fought to defend. Indeed, our Nation's employers would serve their business, their customers, and their bottom line well by hiring a veteran of the United States military.

H. Con. Res. 5 helps recognize the achievements of veterans and benefits of their employment. I ask my colleagues to support all veterans by supporting this resolution.

Mr. BOOZMAN. Madam Speaker, I yield 2 minutes to the gentleman from South Carolina (Mr. BROWN), one of the gentlemen working with Mr. HOLT that was able to bring this resolution forward.

Mr. BROWN of South Carolina. Madam Speaker, I rise in strong support of this resolution, which will do so much to highlight the contributions made by so many veterans even after they have stopped wearing the uniform.

I want to especially call attention to the hard work of my colleague Mr. HOLT. During the last Congress, I was proud to work with him on this resolution and am glad to see it come to the floor so early in this Congress.

Leadership, teamwork, integrity: these are all skills and qualities that employers today are looking for in order to compete in today's fast-paced and complex business environment. Thankfully, these are all attributes our Nation's veterans bring to the table. Their training in our Nation's military and experience working under pressure have provided them with skills and qualities that should put them at the top of any hiring list.

However, many veterans still find getting a job after they leave our military a challenge. Veterans may not understand how their military skills can translate into civilian life, and employers may not recognize the benefit of focusing on hiring veterans. This resolution highlights some of the ways we are trying to help both veterans and employers.

One tool out there is the Web site HireVetsFirst.gov, which is a comprehensive career Web site for hiring veterans of America's military. The Web site contains dedicated resources for matching employment opportunities with veterans. I urge Members to highlight this Web site as much as possible in the coming weeks.

In closing, Madam Speaker, I want to thank Mr. HOLT for introducing this resolution and thank Chairman FILNER and Mr. BUYER for their work to bring it to the floor. It says a lot that we are considering such an important resolution so early in the 110th Congress.

Mr. HOLT. Madam Speaker, I thank the gentleman from South Carolina for his good words.

Madam Speaker, now I would like to yield 2 minutes to the gentleman from Colorado (Mr. SALAZAR), member of the Veterans' Affairs Committee and himself a military veteran.

Mr. SALAZAR. Madam Speaker, I would like to thank the gentleman for yielding, and I want to thank him for bringing this important resolution forward.

Madam Speaker, I rise today in support of House Concurrent Resolution 5, the designation of Hire a Veteran Week. I encourage the President to issue a proclamation supporting this designation.

I would once again like to thank Mr. HOLT for offering this resolution and thank the committee on Veterans' Affairs, Mr. BOOZMAN, who has been a strong leader on veterans affairs issues. I am proud to be a member of that committee.

As a Member and as a veteran of the United States Army, I understand the important and sometimes difficult adjustments that face our soldiers when they return home from their tour of duty. Securing employment should not be one of those difficult tasks.

Many are not aware that the men and women of the United States military have amazing skills that translate perfectly into civilian occupations. Veterans also have the ability to learn new skills and concepts and can enter the workforce with those skills proven in real-world situations. Veterans know what it means to do "an honest day's work." Employers know that they are gaining someone with a track record of integrity.

Madam Speaker, we must take care of veterans when they return home. We value the commitment that veterans have shown to this great country. We value what veterans have learned from their military experience. Together, we can use that experience to continue our country's prosperity and the individual prosperity of our service men and women. There is no better way to send this message than by hiring a veteran.

I would like to encourage my colleagues on both sides of the aisle to support this important resolution.

Mr. BOOZMAN. Madam Speaker, I would like to yield 1½ minutes to the gentlewoman from Oklahoma (Ms. FALLIN).

Ms. FALLIN. Madam Speaker, Oklahoma has a proud tradition of men and women who serve in our military and put their lives on the line to defend our freedoms. We have over 350,000 military veterans and more than one in 10 Oklahomans who serve in the military. And we are very proud of our veterans, Madam Speaker, and we believe that the men and the women returning from the war on terror deserve our honor and our respect and a hero's welcome home.

It is, however, an unfortunate truth that the military men and women returning to duty do not always return to the jobs that they deserve. In fact, military veterans of various ages, both men and women, face considerably higher unemployment rates than their civilian counterparts. Madam Speaker, this is what I believe is an injustice. America's heroes should not return home from the battlefield to face unemployment and hardships.

It is for this reason I wholeheartedly support the creation of a Hire a Veteran Week. The resolution before us today is an important chance for Congress to encourage our employers to help our war veterans returning home by lending them a helping hand in finding employment and supporting their families. We must reaffirm our commitment to our men and women who have served our great Nation.

Mr. HOLT. Madam Speaker, I am pleased to yield 2 minutes to the gentleman from Minnesota (Mr. WALZ), a member of the Veterans' Affairs Committee and himself a retired command sergeant major in the Minnesota National Guard.

Mr. WALZ of Minnesota. Madam Speaker, I thank the gentleman from New Jersey for giving me this opportunity.

Madam Speaker, I rise in enthusiastic support of House Concurrent Resolution 5 on Hire a Veteran Week. This resolution will recognize the importance of our service men and women by designating an appropriate week as Hire a Veteran Week and will encourage the President to make a proclamation encouraging all employers to hire veterans.

I spent 24 years in the Army National Guard and did retire as a command sergeant major. Having recruited, trained, deployed with, and returned home with soldiers of many different ages, I know how difficult it can be to reintegrate into everyday civilian life. These veterans, who have sacrificed so much and asked for so little, deserve to return home to a solid job market and solid finances for their family. We owe it to them to use the power of this body to recognize those sacrifices and encourage our employers nationwide to hire veterans whenever possible.

These soldiers are truly the hardest working, noblest Americans we have, and any employer should be fortunate to call these veterans employees.

Madam Speaker, I ask the support, the unanimous support, of the entire House in creating a Hire a Veteran Week and encouraging this great Nation to work to employ its veterans. It is the very least we can do for them when they have given so much to us.

Mr. BOOZMAN. Madam Speaker, I am pleased to yield 1½ minutes to Mr. DAVID DAVIS of Tennessee.

Mr. DAVID DAVIS of Tennessee. Madam Speaker, I rise in strong support of this resolution.

Tennessee is known as the Volunteer State because we have consistently been willing to go and to serve. There are approximately 70,000 veterans in the First District of Tennessee. My district is also the home of the James H. Quillen VA Medical Center, a 500-bed teaching medical facility located in northeast Tennessee.

Veterans possess special qualities and skills such as a strong work ethic, training, discipline, and dedication to make the ideal candidates for employment. Our dedicated men and women have sacrificed so much for us. Now it is our turn to support them.

I would like to encourage President Bush to issue a proclamation calling upon employers, veterans service organizations, and Federal and State and local government agencies to lend their support for an increase in employment for the men and women who have served in the Armed Forces of the United States.

Mr. HOLT. Madam Speaker, I have no further requests for time, and I reserve the balance of my time.

Mr. BOOZMAN. Madam Speaker, I am pleased to yield 1½ minutes to Mr. ROSKAM of Illinois.

Mr. ROSKAM. Madam Speaker, I thank the gentleman for yielding.

Madam Speaker, I rise in strong support of House Concurrent Resolution 5, which we have heard spoken about frequently in the past few minutes; but it is deeply personal to me.

My life was influenced greatly, Madam Speaker, in 1944, and it was actually 17 years before I was born. A fellow named George Jenkins took the beach at Normandy and was killed there. He was an Iowan. And his mother and dad, Roy and Ella Jenkins, decided to do something with his life insurance money. They took it and they chose a young man, who happened to be my father, V.R. Roskam from Iowa, and they plucked him out of adversity and plucked him out of a bad situation. And they paid his tuition, room, board, books, fees, spending money; and they even bought him this class ring that I have on my hand today.

□ 1445

Madam Speaker, it was the generosity of the Jenkins family in honoring a veteran that literally changed my life and the trajectory of our family, even before I was born, even before I was thought of. And so I rise in proud support today of this notion of singling out veterans.

It is an area where so many times in our public life today there is a great deal of strife, it seems, among us. But it is this group of people that we can universally come together and honor and celebrate and hold up high.

Madam Speaker, I rise in strong support of this resolution.

Mr. HOLT. Madam Speaker, I continue to reserve the balance of my time.

Mr. BOOZMAN. Madam Speaker, I yield 2 minutes to the gentleman from Florida (Mr. BILIRAKIS).

Mr. BILIRAKIS. I thank the gentleman for yielding.

Madam Speaker, as a member of the Committee on Veterans' Affairs, I rise today in support of H. Con. Res. 5 which expresses support for Hire a Veteran Week. I could not agree more with this resolution or with the initiative it expresses support for. I believe it should be the goal of all businesses, whenever feasible, to hire a veteran.

Madam Speaker, America's brave men and women put their lives, both personal and professional, on hold to serve this country and defend freedom. The very least we can do as a body is endorse initiatives intended to help with the transition back into society. I am proud to join Members on both sides of the aisle in supporting this legislation and encouraging the President to issue a proclamation supporting the goals of "Hire a Veteran."

Madam Speaker, I am an ardent supporter of America's veterans, having already sponsored three pieces of legislation intended to improve veterans' benefits. As such, I will continue to support legislation intended to improve the lives of our veterans and their families.

Mr. HOLT. Madam Speaker, with no more speakers present, I reserve the balance of my time.

Mr. BOOZMAN. Madam Speaker, I yield 1½ minutes to Congressman REICHERT of Washington.

Mr. REICHERT. I thank the gentleman for yielding.

Madam Speaker, as a veteran of the United States Air Force Reserve, I am pleased to rise in support of this resolution. It is our responsibility to provide for all of our veterans' needs, whether they are on the front lines of global conflict or in the communities to which they return in civilian life.

Our efforts must be proactive in their outreach and comprehensive in their scope. In a few short weeks, I will be holding a veterans resource fair to further assist Washington State veterans to discover new jobs and job training opportunities. I encourage all of my colleagues to conduct similar events in their districts.

We must forge partnerships between the public and private sectors to help veterans find jobs. I am proud to work with Labor Ready, the Nation's leading provider of temporary labor to support the creation of thousands of jobs and opportunities for jobs for National Guard members and reservists across this country.

This resolution is just one of many measures that we must pass in support of those among us who have made individual sacrifices to preserve our freedom. I hope that we will continue to work together in a bipartisan way to protect and promote meaningful benefits for our veterans.

Mr. HOLT. Madam Speaker, I continue to reserve the balance of my time.

Mr. BOOZMAN. Madam Speaker, I yield 2 minutes to the gentlewoman from Florida (Ms. GINNY BROWN-WAITE), the ranking member of the Oversight Subcommittee of Veterans' Affairs.

Ms. GINNY BROWN-WAITE of Florida. Madam Speaker, I rise today in very strong support of House Concurrent Resolution 5.

When men and women of our country separate from the military, they leave with some of the best training and discipline in the whole wide world. While one would think that the private sector employers would jump at the opportunity to hire those individuals, that unfortunately is not always the case. In fact, recently discharged veterans see a higher unemployment rate than the national average.

Today's bill supports the goals of Hire a Veteran Week and sends an important message to support both our Nation's veterans and employers.

Moreover, employers will receive a strong reminder of the highly motivated and skilled segment of our labor force that is sometimes overlooked.

Listen up, America; it is time to help our veterans find jobs as they transition back from the military. I urge my colleagues to support this important measure.

Mr. HOLT. Madam Speaker, I continue to reserve the balance of my time.

Mr. BOOZMAN. Madam Speaker, I yield 1½ minutes to the gentlewoman from Colorado (Mrs. MUSGRAVE).

Mrs. MUSGRAVE. I thank the gentleman from Arkansas.

Madam Speaker, I come today with many other colleagues on both sides of the aisle to support House Concurrent Resolution 5, expressing our support for Hire a Veteran Week. Many people go into the military and gain incredible life experiences and discipline. They have so many skills to offer when they come home, and many of them come home wanting to resume a normal life. An important part of a normal life is having a job.

I really believe that the public sector and the private sector can express our gratitude for the sacrifices that these veterans have made on our behalf. Many of these men and women have made economic sacrifices while they have been serving this country, and they need to come home and have encouragement from all of us. So a great way to say thank you is to promote the Hire a Veteran Week.

I am encouraging the President to issue a proclamation in support of this. This is very personal to me. My father-in-law is a veteran, my uncle was a World War II veteran that was captured during the Battle of the Bulge, and my son and daughter-in-law are currently serving in the military.

And I think so many families are affected by this that we benefit, and the veterans and their families will benefit, if we encourage this.

Mr. BOOZMAN. Madam Speaker, in closing, I just want to thank Mr. HOLT for his efforts, and Mr. BROWN, in bringing this forward. I can only echo what has being said in this Chamber about the value of hiring veterans and how important this is. We are a nation at war, and these men and women and their families sacrifice greatly.

And so, again, I know that certainly my efforts, I think Congress and their efforts through doing things like this, all of our efforts in trying to solve the problem of putting our veterans back to work.

Again, thank you very much, and a special thanks to the staff for their hard work in bringing this forward.

Madam Speaker, I yield back the balance of my time.

Mr. HOLT. Madam Speaker, I yield myself the balance of our time.

Madam Speaker, I thank those who have spoken today. I, too, thank the staff of the majority and minority on the Veterans' Committee for preparing this legislation.

Madam Speaker, our veterans returning from Afghanistan and Iraq will require a range of services and assistance in making the transition back to civilian life. We will take up many issues related to those veterans. We will take up issues of war and peace here on the floor.

In the meantime, we should remind all employers, both in the government sector and in the private sector that hiring veterans is a smart choice. Their discipline, their work ethic, their prior service to our Nation make them excellent employees. I know. I have a couple working for me. They are superb.

We should pass this legislation for Hire a Veteran Week because we owe it to those who have borne the battle. We owe it to our country. Employers owe it to their stockholders and their clients and their customers, and they owe it to themselves.

I urge my colleagues to support this legislation that I hope will become a reality soon so that we will have a Hire a Veteran Week in America.

Mr. ISSA. Madam Speaker, today as we prepare to pass House Concurrent Resolution 5, which will express support for the designation of Hire a Veteran Week, I would like to highlight two people, who have built a Web site that has assisted many of the military heroes and veterans from my Congressional District find employment upon their return home from Iraq and Afghanistan.

In February, 2005, Mark and Tori Baird created the Web site www.hiremarines.com to serve Marines at Camp Pendleton, CA, who were seeking to find either part-time or full employment after bravely serving our Nation. This site quickly caught on with local employers and media, and soon the Baird's received e-mails from military personnel across the country that wanted to use their site. After 6 months, www.hiremarines.com was expanded to included servicemen from all branches of the Armed Forces, both in Southern California and beyond, and the name of the site was changed to www.hirepatriots.com.

As a U.S. Army veteran, I have a sincere appreciation and respect for the military personnel who serve in our Armed Forces. Veterans posses special qualities and skills that make them ideal candidates for employment, and the Congress should do everything that it can to encourage more employers to hire them.

Many of the brave men and women who have served the United States so gallantly and selflessly in the war on terrorism and the war in Iraq since September 11, 2001, are beginning to return home to be reunited with their loved ones. They will soon be reentering the workforce or searching for their first jobs outside of military service.

H. Con. Res. 5 is an important effort to highlight this issue. I hope it will encourage other citizens to follow in the example of Mark and Tori in either hiring veterans, or providing assistance to those that are currently seeking jobs.

This is a small thing to do for these brave men and women who defend our safety and freedom.

Mr. EMANUEL. Madam Speaker, I rise today in strong support of H. Con. Res. 5, a bill expressing our commitment to expanding employment and business opportunities for our Nation's veterans.

H. Con. Res. 5 will establish Hire a Veteran Week, and encourages the President to issue a proclamation supporting those goals. Our Nation's veterans must be given the opportunities they deserve to make a successful transition to civilian life, and build a successful future for themselves and their families.

There are now more than 25 million living veterans in the United States. These dedicated men and women are among our Nation's greatest citizens. Many of our Nation's leading figures in both the private and public sectors are military veterans.

Military service provides valuable training in a variety of specialized fields, and helps build leadership, problem solving and management skills. Military veterans have also proven their dedication to the service of their Nation and their communities, and are eager for the opportunity to continue serving the public good in whichever field they enter after leaving the military. The opportunities we provide veterans today will benefit our Nation for many years to come.

Madam Speaker, I encourage my colleagues to join me in thanking our Nation's veterans for their service and supporting H. Con. Res. 5, establishing Hire a Veteran Week, and I encourage all members of the American business community to recognize the value of hiring veterans and contracting with veteran-owned businesses.

Mr. SHAYS. Madam Speaker, I rise in support of H. Con. Res. 5.

Providing our veterans with the resources necessary to make their transition to civilian life as effortless and successful as possible is a goal all members of Congress share. This resolution reiterates the need for employers to hire veterans.

We must make a commitment as a Nation to ensure the men and women who put on a uniform to protect and defend our Nation have the ability to find employment within the government or private sector upon their return.

While the previous Congress enacted several pieces of legislation to improve Veterans' benefits, there is still more to be done. This resolution takes another step toward focusing our country on the need to increase veteran's employment.

I urge my colleagues to support this resolution.

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise today in support of H. Con. Res. 5, to express support for the designation and goals of Hire a Veteran Week. This concurrent resolution serves to recognize the men and women in our Armed Forces by encouraging support for them when they come home.

One of the biggest items on the agenda of the Democratic majority this Congress is to bring the troops home, because we believe that this is the best way we can support them. At the same time, it is equally critical to continue supporting them once they are home and no longer in active duty, by providing them and their families with the resources they need.

American veterans make up over a third of our Nation's homeless population, and about 250,000 live on our city streets. Madam Speaker, it is shameful that those who served our Nation heroically must endure such conditions.

Last year, the U.S. Labor Department found that 15.6 percent of America's youngest veterans, aged 20 to 24 years old, were unemployed, as opposed to 8.7 percent of non-veterans at that age. This rate has since fallen slightly, perhaps due to the efforts of the U.S. Labor Department's Veterans' Employment and Training Service, VETS. It is important that we join them in recognizing that veterans need and deserve our support at home too.

I commend the gentleman from New Jersey, Mr. HOLT, for introducing this resolution to establish Hire a Veteran Week and to encourage employers to remember our Nation's heroes. I urge my colleagues to join me in supporting H. Con. Res. 5, a truly outstanding piece of legislation that reflects the best of our values.

Mr. BUYER. Madam Speaker, this resolution expresses the support for the designation and goals of Hire a Veteran Week, and calls upon the President to issue a proclamation supporting these goals. It is identical to the legislation passed by the House in the 109th Congress on July 24, 2006.

America's veterans deserve special employment opportunity more than any other sector of society. These men and women have volunteered to put themselves in harm's way to preserve the Nation's way of life and economic system. They have worn the uniform from pole to pole, often risking their lives not only in combat, but also in exploring, rebuilding infrastructures devastated by natural disasters, providing medical care in remote locations, and transporting refugees from genocide. They answer the Nation's call to duty, asking in return only our support and our thanks.

Veterans are the most diverse communities in America. They come from every major ethnic and socioeconomic group. Today's veterans are goal-oriented, physically fit, know how to take and give orders, and are comfortable with technology. The best way to say thanks to veterans for their service is to give them the opportunity to prove their worth in the workplace.

I also want to thank Congressman JOHN BOOZMAN and Congresswoman STEPHANIE HERSETH for their very effective work during the 109th Congress to improve employment opportunities for veterans, and particularly disabled veterans, and I look forward to their continuing efforts during the 110th Congress.

Madam Speaker, I thank you for allowing this legislation to come to the floor for consideration, and ask that my colleagues support the bill, H. Con. Res. 5.

Mr. BACA. Madam Speaker, I ask unanimous consent to address the House for 1 minute.

Madam Speaker, I rise today in support of H. Con. Res. 5, which would direct the President to establish Hire a Veteran Week.

As a veteran, I want to thank my colleague, Representative HOLT, for introducing this resolution on behalf of our brave troops who fight for our freedom.

Madam Speaker, unemployment rates for veterans in their twenties are almost twice as high as their civilian peers.

This is unacceptable.

We're sending 18- and 19-year-olds to fight in a mistaken war in Iraq.

The least we can do is make sure that they have a good job when they come home.

The system is broken, Madam Speaker. And our veterans are paying the price.

Our veterans show us excellence in the battlefield—they will show us excellence in the workplace.

I urge my colleagues to support this resolution and to give our veterans the dignity and respect they deserve.

Mr. SALI. Madam Speaker, it is an honor to join with my colleagues this week in support of the "Hire a Veteran Week" resolution.

Scripture tells us, "Greater love has no one than this, that he lay down his life for his friends." Few things could better characterize the conduct of so many of our Nation's veterans.

The men and women who have worn the uniform of our country have been willing to place themselves in harm's way on our behalf. They have offered to lay down their lives for us. They have shown us the greatest love.

Not only have our veterans demonstrated the greatest love to us, they also have demonstrated a quality of character that should inspire us all.

How can we show them the same kind of commitment? By treating current service personnel well on the battlefield, making sure they have the equipment needed to get the job done well. We must make every benefit of technology and the full wealth of our Nation available to our military to ensure our soldiers, sailors, air personnel and Marines have what they need to do their jobs.

We need to treat them well when they return: We need to keep faith in providing them with the benefits they need to show our gratitude for their sacrifice.

And we need to treat those they love well: We need to care for the families of the fallen, their widows and orphaned children.

The measure before us "encourages the President to issue a proclamation calling upon employers, labor organizations, veterans' service organizations, and Federal, State, and local governmental agencies . . . to lend their support to increase employment of the men and women who have served in the Armed Forces of the United States."

The ability of our veterans to contribute is not limited to their time in uniform. They are also men and women with specialized skills and bring exceptional training to the marketplace. Hiring a veteran is a sound economic investment.

Madam Speaker, that's something all Americans can support, and I look forward to voting for H. Con. Resolution 5, "expressing support for the designation and goals of 'Hire a Veteran Week' and encouraging the President to issue a proclamation supporting those goals," when it comes before the House.

Mrs. DRAKE. Madam Speaker, I rise today to lend my support for House Concurrent Resolution 5—supporting the designation of "Hire a Veteran Week."

In each and every generation, a class of men and women stand out amongst their peers for their courage, their dedication and their patriotism. They have willfully defended our Nation and our principles when they were threatened, all the while reminding us about what is good about our Nation through their compassion and their citizenship. Although they have accomplished great things while in uniform, I support this measure not for what they have done to protect our past, but for what they are capable of doing to build our future. Our veterans have gained the kind of working skills and on-the-job training that is beyond comparison. They possess the qualities that any employer would find desirable: dedication, commitment and honor. I hope that my colleagues will join me in supporting House Concurrent Resolution 5 and help bring attention to this worthy endeavor.

Mr. REYES. Madam Speaker, I rise in strong support of H. Con. Res. 5, expressing Congressional support for "Hire-A-Veteran Week," and encouraging the President to issue a proclamation calling upon employers to increase employment of men and women who have served honorably in the U.S. Armed Services.

As a U.S. Army veteran and a longtime member of the House Armed Services and Veterans' Affairs Committees, I know of the challenges awaiting our service members when transitioning from military service to the civilian workforce. While this resolution will not solve the problems of unemployment within the veterans community, it is a strong message that we as members of Congress should send to anyone in a position to hire qualified veterans.

According to the U.S. Department of Labor, younger veterans have a significantly higher unemployment rate than those of the general population in the same age range. Madam Speaker, I find this situation unacceptable and I believe most Americans would agree that our country should do more to assist these veterans in transitioning from active duty to the civilian workforce.

Furthermore, as a strong advocate of hiring qualified veterans, I practice what I preach. Having hired military veterans in both my El Paso, Texas and Washington, D.C. offices, I know of the exceptional training the Armed Forces provides our service members, and wholeheartedly encourage any employer to consider hiring those veterans who have served our country.

Madam Speaker, I ask all my colleagues to join me in supporting our Nation's veterans by voting in favor of H. Con. Res. 5.

Mr. HOLT. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. HOLT) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 5.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those voting have responded in the affirmative.

Mr. HOLT. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

CONGRATULATING LOVIE SMITH AND TONY DUNGY ON BECOMING THE FIRST AFRICAN-AMERICAN HEAD COACHES OF NATIONAL FOOTBALL LEAGUE TEAMS TO QUALIFY FOR THE SUPER BOWL

Mr. DAVIS of Illinois. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 90) congratulating Lovie Smith of the Chicago Bears and Tony Dungy of the Indianapolis Colts on becoming the first African-American head coaches of National Football League teams to qualify for the Super Bowl.

The Clerk read as follows:

H. RES. 90

Whereas in the 40 Super Bowls prior to Super Bowl XLI, to be held on February 4, 2007, no National Football League (NFL) team that played in the Super Bowl had an African-American head coach;

Whereas on January 21, 2007, in Chicago, Illinois, the Chicago Bears, coached by Lovie Smith—an African-American—defeated the New Orleans Saints by a score of 39 to 14 in the National Football Conference Championship game and advanced to Super Bowl XLI;

Whereas Lovie Smith was named the 13th head coach in Chicago Bears history on January 15, 2004;

Whereas Lovie Smith was named the Associated Press NFL Coach of the Year for 2005;

Whereas Lovie Smith's 11 victories in 2005 are the most by a second-year coach in the history of the Chicago Bears and he became the first second-year coach of the Bears to win a division title, earning the second seed in the National Football Conference playoffs;

Whereas on January 21, 2007, in Indianapolis, Indiana, the Indianapolis Colts, coached by Tony Dungy—an African-American—defeated the New England Patriots by a score of 38 to 34 in the American Football Conference's Championship game and also advanced to Super Bowl XLI;

Whereas Anthony Kevin "Tony" Dungy was named head coach of the Indianapolis Colts on January 22, 2002;

Whereas the 2006 season was Tony Dungy's 5th with the Colts and 11th as an NFL head coach;

Whereas Tony Dungy is the 35th coach in NFL history to earn 100 career victories (including playoff victories);

Whereas Tony Dungy leads all NFL head coaches in wins from 1999 to 2005, with a record of 78 wins and 34 defeats;

Whereas the NFL had a record 7 African-American head coaches in 2006 and a record of 197 African-American coaches total, including 7 assistant head coaches; and

Whereas since Frederick Douglass "Fritz" Pollard became the first African-American head coach in the NFL in 1922, there have been nine other African-American head coaches in the NFL—including five who are currently serving: Now, therefore, be it

Resolved, That the House of Representatives congratulates Lovie Smith of the Chicago Bears and Tony Dungy of the Indianapolis Colts for their accomplishments and for being the first African-American head coaches of National Football League teams to qualify for the Super Bowl.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. DAVIS) and the gentleman from Indiana (Mr. BURTON) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

Mr. DAVIS of Illinois. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. DAVIS of Illinois. Madam Speaker, this Sunday, history will be made in the National Football League when two African American head coaches battle for a Super Bowl championship.

Not only is this the first time a black head coach has vied for the title, but two have done so in the same season. Lovie Smith, of the Chicago Bears, and Tony Dungy, of the Indianapolis Colts, are hailed as two of the most humble in the league.

In an era where professional sports is crowded with big egos and loud mouths, these two quietly push their players to be better athletes and better individuals.

Like myself, Coach Smith grew up in a small town in the South.' Coach Smith talks about how growing up in the small town of Big Sandy, Texas, taught him the values of hard work, self-determination, self-discipline and teamwork. These are American values taught in a small town.

One thing that I admire about Lovie Smith is that he approaches coaching as a professor, as a mentor. He does not yell or swear at his players. He teaches them and motivates them. He builds his players up, reflecting a strength of character to be commended and imitated.

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Coach Smith started his coaching career studying under Tony Dungy in Tampa Bay, and the two developed a defense that relied on team speed and hard hitting. They also developed a close friendship that continues, even as opponents in the largest single sporting event in America.

Through their relationship, both have become brilliant defensive football minds and refined player managers. Their class and work ethic make them part of an elite group of coaches, and their contributions continue to have a great effect on league diversity in the coaching ranks. Their achievements stretch far beyond the football field, and their impact is felt throughout the entire African American, as well as the entire American, community.

I congratulate both of these coaches for their hard work and success. Of course I want them both to be successful on Sunday, but I must confess that I would rather that Lovie Smith be more successful than his mentor.

Madam Speaker, I reserve the balance of my time.

Mr. BURTON of Indiana. Madam Speaker, I yield myself such time as I may consume.

You know, this is really a great Super Bowl we are facing for a number of reasons, not the least of which for the first time we have two African American coaches who are going to be coaching the football teams in the Super Bowl. There has never been an African American coach reach the Super Bowl, and now we have two, both teams. They are two of the finest men you are ever going to want to see coaching football teams, let alone teams in the Super Bowl. Tony Dungy, in his fifth season with the Colts, has compiled a record of 68–20. He has had five playoff appearances, he has had four AFC South titles, two AFC championship games, and finally an AFC championship. He has just done an outstanding job.

And Lovie Smith has done an outstanding job with the Chicago Bears. With a team racked by injuries, his first season he went 5–11. Then they went 11–5 and made the playoffs before falling to the Carolina Panthers. And then this year they made the Super Bowl for the first time since Mike Ditka led the Bears back in 1986.

They are both very fine men. They are not just a credit to the African American race, but they are a credit to humanity. I have watched both of them on television. They are both very strong Christian men, they are both very patriotic men, and they are loved by their teams.

I have not been conversant with how the people in Chicago feel about Lovie Smith, but everybody in Indianapolis thinks that Tony Dungy walks on water; they think he is the greatest coach we have ever had. And he is the kind of guy that, even when he is behind, doesn't know the meaning of giving up. I mean, this last playoff game when they came from behind from a greater deficit than any playoff championship team in history was really something. I admitted, when we were talking about the game the other night on the floor, that in the first half I was so upset I almost changed to American Movie Classics. We were behind 21–3. And I changed over the channel for a minute and I thought, no, I can't give up on the Colts; they won't give up. I changed the channel back, and daggone they came from that deficit to win the game. It was an outstanding championship effort. And it was led by an African American, Tony Dungy, who was the coach.

Lovie Smith did an outstanding job with the Bears. He led them through a very difficult last few seasons and led them to the championship. They were both talking about being the first African American in the Super Bowl, and now they are both at the same time. So I think that really shows what kind of men they are.

The only difference I would have with my colleague on the other side of the aisle who has a great resonant voice, Mr. DAVIS, is that I am one of the few guys here on the floor today who is going to be rooting for the Indianapolis Colts.

Now, we may be outnumbered here tonight. My colleagues are going to be speaking, and most of them are going to be talking about Lovie Smith and the Bears, you will outnumber us, but on Sunday you won't because the Colts are going all the way. As I said the other night, I am blue through and through and I am rooting for the Colts and they are going to win, but I still love the Bears and Lovie Smith, and I am very sorry that they won't win, but he is still a great coach.

With that, Madam Speaker, I reserve the balance of my time

Mr. DAVIS of Illinois. Madam Speaker, I want to thank the gentleman from Indiana. He is a distinguished Member of this body, and sometimes he is very prophetic, he can predict things. Of course I think today he is making an error. I certainly look forward to Tony Dungy and the Colts not giving up, but I've got a feeling that they might give out.

It is my pleasure right now to yield such time as she might consume to the chairperson of the Congressional Black Caucus, the originator of this resolution and one who comes from a great sports town where basketball is the name of their game, Representative CAROLYN KILPATRICK from the State of Michigan.

Ms. KILPATRICK. Thank you, Mr. Chairman, for allowing me the time.

Madam Speaker, I am an avid football fan, an avid basketball fan, as well as hockey. Michigan and Detroit proper are always part of that game.

Championships. Unfortunately, two other great teams are in the Super Bowl, one of the most exciting sports activities happening this weekend in Miami, Florida as we have seen since the last Super Bowl was held in Detroit, Super Bowl XL. And I am honored to stand here, as some of my previous colleagues have said, to just pay respect to the National Football League. This is not my first association with them. We have run a coaches' clinic with the National Football League now for some time. They work with high school coaches to develop their skill so that their athletes and graduates will matriculate into the NFL as they go through their college years.

So I am honored to, first of all, thank the NFL for working with us and with the men across this country, that the young men become strong in their character, in their competitiveness and in their nature as they win Super Bowls.

As was said a little bit earlier, Chicago Bears, one of my favorite teams, and thank you, Coach Lovie Smith and the front office and all of you who have brought the Bears this far, to the players, to the wives, to the families for the sacrifices that you have made. We honor you, Chicago Bears; and we wish you the best, Coach Smith.

And also Coach Tony Dungy. I have followed his career for many years. The tragedy that he had last year, we all prayed for him in this Nation, and our prayers are with you as well.

Indianapolis, Chicago, Super Bowl XLI in Miami, just a few hours from now; and for the first time in the history of the sport, which started in 1869, we have not one, but two African American men, Lovie Smith being a protege of Tony Dungy, leading two fantastic teams in one of the greatest sports of mankind.

So I stand here to thank the NFL and to thank the coaches, the players, their families and the institution. It was the NFL who started, in 1987, the Minority Coaches Fellowship that allowed many offensive coaches and defensive coaches to become head coaches. Today, we have three head coaches who graduated from that program and actively working with their sports to bring them this far.

Over the years, and in 2002, the late Johnny Cochran and Cyrus Mehri put forth a program known today as the "Rooney Program" after Dan Rooney, who I had an opportunity to meet, the owner of the Pittsburgh Steelers just last year in Detroit during the Super Bowl, which allows and asks that NFL teams consider achievement and expertise, that they might move forward and present championship coaches as has been had right now as we begin to celebrate Super Bowl XLI.

It is a great day that is coming in the next few days. Thank you to the league, as well as to our heroes, Coach Tony Dungy, Coach Lovie Smith. And I don't want to stand here and pick a winner; I like the game too much. Unfortunately, the Detroit Lions won't be there, but we like you, too, Detroit Lions. Just do better next year, okay? But for the rest of the world, and as this sport will be watched across the world, congratulations to the first two African American coaches to reach the Super Bowl.

May the best team win, and we will be hollering and screaming for you all Sunday evening. God bless

Mr. BURTON of Indiana. Before I yield 3 minutes to my good friend from Texas, a former judge, before I recognize him, I just want to say that I have wagered some Indiana popcorn for a deep dish pizza and some kind of cake, and anybody that wants to bet on the Bears, call me up, I've got plenty of popcorn.

With that, I yield 3 minutes to my good friend from Texas (Mr. GOHMERT).

Mr. GOHMERT. Well, I certainly appreciate my good friend, Mr. BURTON, yielding, even though I rise to say how much I agree with the gentleman from Illinois about the greatness of Lovie Smith.

Chicago Bears' head coach Lovie Smith is a Super Bowl-bound gentleman. He was born May 8, 1958 in the wonderful town of Gladewater, Texas in my home district in the middle of east Texas. He grew up in Big Sandy, Texas, was voted the boy most likely to succeed in the class of 1976 in Big Sandy High School. He was also part of three State football championships there in Big Sandy, Texas, where they do know good football.

After playing college ball at Tulsa, where he earned two-time All-America and three-time All-Missouri Valley Conference honors, he began his coaching career at his hometown high school in Big Sandy, Texas.

Now, 2 years later, Lovie Smith began coaching collegiately at Tulsa, Wisconsin, Arizona State, Kentucky, Tennessee and Ohio State. After coaching the linebackers for the Tampa Bay Buccaneers and then helping the St.

Louis Rams return to the Super Bowl, Lovie Smith eventually found himself in Chicago as the defensive coordinator for the Bears. The team allowed the fewest points in the NFL in 2005 and ranked second in overall defense. He was named the 13th head coach in Chicago Bears history on January 15, 2004. Coach Smith was named the Associated Press NFL Coach of the Year for 2005.

Lovie Smith and his wife, Maryann, have three sons, Matthew, Michael and Miles, as well as twin grandsons, Malachi and Noah.

Now, Big Sandy City Hall tells us today that they have 1,275 residents; and within that delightfully proud town, there is a street in which Lovie Smith's childhood home was, where he grew up. It burned down a couple of years after they moved, but that street is now marked with a sign that bears the name of Lovie Smith. Coach Smith responded to that naming: "Where else would I want it to be? Those are my roots; that is where I grew up. Most of who I am today came from that street. There is no other place I would want a sign with my name on it. I am proud of where I came from."

Let me tell you, Madam Speaker, we are certainly proud of Coach Lovie Smith in east Texas.

Mr. DAVIS of Illinois. Madam Speaker, if I ever get an opportunity, I want to go and visit Big Sandy, Texas. So, Representative GOHMERT, you can look forward to visitors coming time and time again.

It is now my pleasure to yield such time as he might consume to my colleague from Chicago, unfortunately, the Bears are in my congressional district, right outside of his district, but we all share the Bears, Representative BOBBY RUSH.

Mr. RUSH. Madam Speaker, the NFL did not have a single black head coach in the modern era until the Oakland Raiders, your district, hired Art Shell way back in 1989. The reason for this was not simply because the NFL was considered a racist league, but it was that teams tended to hire people they knew, team owners hired the individuals who they were familiar with. And they looked for candidates that offered a comfort level and an image of what sports success had always looked like in the National Football League.

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Unfortunately, that image was always white, that is, until now, Madam Speaker.

Madam Speaker, regardless of who wins this Sunday, although I proclaim victory, the owners and fans will hopefully realize that success is not always white and male. Hopefully, after Super Bowl XLI is concluded, NFL teams will truly seek to find the best and most qualified candidate to lead their teams, whether they look like Bill Parcells or Dennis Green. Hopefully, other African American assistant coaches and candidates for coaching positions who have never been given an opportunity to coach a team will finally have a chance to make a name for themselves rather than NFL teams continually recycling the same old faces regardless if they have ever been successful or not.

Who knows if it is mere coincidence or not that the Steelers, the Pittsburgh Steelers, hired young Mike Tomlin, the team's first black head coach in its 74-year history and, I might add, an assistant under Tony Dungy in Tampa Bay, on the same day that Lovie Smith and Tony Dungy made the Super Bowl.

Madam Speaker, it is always appropriate at this time to share gratitude and high regards for those individuals who make courageous decisions, and I share my gratitude and my high regards for Steelers owner Dan Rooney, the namesake of the so-called Rooney rule, the man who successfully lobbied in 2002 for a history-making rule that requires all NFL teams to interview minority candidates for coaching jobs before they hire their choices.

It is because of visionaries like Mr. Rooney that people like Lovie Smith and Tony Dungy were even given a chance to become a head coach in the NFL in the first place. And the whole NFL league, indeed the Nation, is better off because of it.

Madam Speaker, I would like to send my congratulations to both coaches, Tony Dungy and Lovie Smith, and to their teams, the Chicago Bears and the other team, and say, Go Bears this Sunday in Miami.

Madam Speaker, I name it and I claim it. On Sunday, the Chicago Bears will be the new NFL Super Bowl champions. And I know my friend and colleague from Indiana realizes that deep down in the pit of his heart.

Mr. BURTON of Indiana. Before I yield time to my good friend from Illinois, another Bears fan who played football without a helmet, I just would like to say to Congressman RUSH, I want lots of pepperoni on the pizza you are going to buy me Sunday.

I recognize the gentleman from Illinois (Mr. KIRK) for 3 minutes.

Mr. KIRK. Madam Speaker, I rise in support of this resolution. Last week, I placed a wager with one of our colleagues, Dr. JINDAL, and Mr. BOUSTANY, on the Bears and whether they would win a place at the Super Bowl. Who won? The Bears. And now we look forward to welcoming these two sons of Louisiana to pay their football wager, which is to spend a work session at the Lake County, Illinois, Habitat For Humanity, ironically preparing a home for a new family displaced by Hurricane Katrina and now living in northern Illinois.

Regarding the coming contest, my district is home to both Lovie Smith and the Bears' training facility, Halas Hall in Lake Forest. I am honored to represent Lovie, whose life story is an inspiration. Raised in rural Big Sandy, Texas, Lovie's modesty and work led him to become the premier head coach of the NFL. Since his 5-11 start in 2004, his first season in Chicago, Lovie coached the Bears to a spectacular 26-9 record over the past two seasons, including two impressive playoff victories.

Lovie embodies the Bears tradition of tough, hard-nosed football that has defined the organization since its founding in 1919. As the Bears' 19th head coach, Lovie has joined the coaching giants like Mike Ditka and George Halas as leaders of the Monsters of the Midway. Chicago has embraced Lovie as a football icon, and I am proud to honor him on the floor today.

And today we also have a message for the Bears organization. Lovie deserves a raise and a ring because he has earned the respect of everyone from Chicagoland. Best of luck to you, Coach, in Miami. And I won't say anything cheap like, Bears love horse meat for breakfast

Mr. DAVIS of Illinois. Madam Speaker, I am going to continue to reserve for a minute. I am hoping that my good friend JULIA CARSON manages to make it over. I know that she is on her way. And so I would reserve the balance of my time.

Mr. BURTON of Indiana. Madam Speaker, I am very happy at this time to recognize another great American and a great Indianapolis Colts friend from Indianapolis, Mr. MIKE PENCE, for 3 minutes.

Mr. PENCE. I thank the gentleman for yielding and ask unanimous consent to revise and extend in case I say anything especially offensive to the Bears.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. PENCE. Madam Speaker, let me say from my heart that I am honored to cosponsor this important resolution. It represents an important cultural step in American life. That we would shatter the color barrier and ceiling that for reasons unknown to this Hoosier seem to have prevented the matriculation of an African American head coach to the Super Bowl, that we would shatter it in a way that both teams arrive with distinguished head coaches of African descent is enormously important. I think it sends an extremely important message particularly to African American youth, and I rejoice in that.

Now, as to whether or not the coach of the Bears deserves a raise and a ring, let me say with great respect to Lovie Smith, I rise in particular admiration of head coach Tony Dungy in his fifth season with the Indianapolis Colts. Under his leadership, the Colts have had a record of 60-20, five playoff appearances, four AFC South titles, two

AFC championship games, and as the world watched in wonder a week ago Sunday, an AFC championship.

But as Mr. BURTON attested, it is his career in Indiana off the field that I find more impressive than his career on the field. Since his time in Tampa Bay, he has brought his commitment to Christian values to young people through the Fellowship of Christian Athletes. He launched Mentors for Life, a program that provided tickets to Buccaneers home games to area youth and their mentors. And I was there about a year ago when Coach Dungy welcomed thousands of young people to the arena known as the Wigwam in Anderson, Indiana, and there he shared about his faith and the importance of faith and character and values to the young men and women who gathered there.

Whoever it is that walks away with the ring, and I remain adamantly confident that the horseshoe will leave Miami with the ring, let me say that Tony Dungy has earned a ring and earned our praise as Lovie Smith has. Our admiration to two great men, two great leaders.

Mr. DAVIS of Illinois. Madam Speaker, I have no speakers, but I will reserve for the purpose of closing.

Mr. BURTON of Indiana. Madam Speaker, we have no further speakers.

I would like to just say that Congresswoman CARSON is not yet here, but I know I speak for her when I say that she admires very much both Lovie Smith and Coach Tony Dungy, and I am sure that she would say if she were here that she is going to be rooting very strongly for the Indianapolis Colts even though she does admire Lovie Smith as a great American and a great leader. And if she were here, I am sure she would also want me to say that she would like a piece of the pizza I am going to get from some of my colleagues on the other side of the aisle after the game on Sunday.

Madam Speaker, I yield back the balance of my time.

Mr. DAVIS of Illinois. Madam Speaker, to close, we have heard all of the richly and rightly deserved accolades, and I really can't think of any person in the profession of athletics that I admire more than I do Tony Dungy. He is indeed just a gentleman's gentleman, a man of impeccable character, a man who inspires you. Even if you are rooting for the other team, you still can feel his depth coming through. And so I wish him well. I certainly hope that he will have some reserves to share with my good friend Representative BURTON so he can help him pay off the debt.

But I also want to say that I represent lots of different things in the district that I have. I represent the Bulls, I represent the Bears, Oprah Winfrey, the mayor of the city of Chicago, and we take great pride in all that our community is. Lovie Smith has brought the level of character to the Illinois area, the Chicago community, unmatched. We wish him and the Bears well. And I am going to leave all of the room that I can have for everything that my friends DAN BURTON and JULIA CARSON will bring. Go Bears.

Mr. EMANUEL. Madam Speaker, I rise today in strong support of House Resolution 90, recognizing the accomplishments of two outstanding head coaches in the NFL, Lovie Smith of the Chicago Bears and Tony Dungy of the Indianapolis Colts. On February 4th, 2007 these two men will not only lead their teams to the field to play in the largest sporting event in America, Super Bowl XLI, they will also become the first African-American head coaches to ever bring a team to the NFL title game.

This past season, both Coach Smith and Coach Dungy experienced tremendous successes, leading their teams to 13–3 and 12–4 seasons respectively, and winning divisional and conference crowns for the cities of Chicago and Indianapolis. But throughout their tenure as coaches in the NFL, these two men have consistently represented the pinnacle of class and humility, providing exemplary role models for their players, families, and any child in America.

Lovie Smith and Tony Dungy are not just competitors, they are also friends and colleagues. Smith served as Linebackers Coach for Dungy during their time together in the Tampa Bay Buccaneers franchise.

During this time, Mr. Dungy served as a mentor and friend for Mr. Smith, engendering the calm and professional manner for which both coaches are highly regarded.

As a lifelong Chicagoan and a Bears fan, I am especially proud of Lovie Smith and the Chicago Bears, and I wish them the best of luck in Super Bowl XLI. This Sunday marks the first Chicago appearance in the Super Bowl in over 20 years, and we are all looking forward to a great game. Regardless of the outcome, the milestone that Coach Smith and Coach Dungy have reached makes Super Bowl XLI even more special. For the first time, an African-American head coach will hoist the Lombardi Trophy over his head as NFL Champion, and we can all be proud of both of the two men poised to earn that honor.

Madam Speaker, I again extend my congratulations to Lovie Smith and Tony Dungy on their outstanding seasons and for their breakthrough at the highest level of coaching. I wish them both the best of luck in all of their endeavors, though I certainly wish Coach Smith a bit more luck this particular Sunday. Go Bears.

Mr. WALBERG. Madam Speaker, this Sunday, when Tony Dungy takes the field as head coach of the Indianapolis Colts, he, along with Chicago Bears head coach Lovie Smith, will become the first African-Americans to coach a football team in the Super Bowl, the National Football League's championship game.

This is just one accomplishment in the extraordinary life of this native son of Michigan's 7th Congressional District.

Born October 6, 1955, in Jackson, Michigan, Anthony Kevin "Tony" Dungy lives his life in a way that truly embodies all the best about south central Michigan.

Dungy attended Parkside High School in Jackson, excelling on the football field, basketball court and in the classroom.

Tony next starred as the quarterback of the University of Minnesota football team from 1973–76. By the time his collegiate career ended, Dungy finished as the school's all-time leader in attempts, completions, touchdown passes and passing yardage.

Dungy played an integral role in the Pittsburgh Steelers' Super Bowl winning season of 1978, when he led the team in interceptions.

Following his successful playing career, Dungy spent time as a collegiate and professional assistant coach, before being named head coach of the Tampa Bay Buccaneers in 1995.

In 2002, the Indianapolis Colts franchise named Tony Dungy its head coach, and this season is Dungy's fifth in Indianapolis and his 11th as an NFL head coach.

Dungy is the first NFL head coach to defeat all 32 NFL teams and became the 35th coach in NFL history to earn 100 career victories in 2005. Dungy also is one of six coaches to win 100 or more regular-season games in his 10 years as a head coach.

During the past four seasons, Dungy's Colts have won four AFC South Division championships and compiled the best winning percentage in the NFL.

As remarkable as Dungy's career on the field has been, he is perhaps best known for his unique contributions off of it.

Dungy and his wife Lauren, proud parents of five, have been involved with multiple organizations in the communities he has coached in, including Fellowship of Christian Athletes, Athletes in Action, Big Brothers/Big Sisters, Boys and Girls Club, Basket of Hope and the Prison Crusade Ministry.

Through his example of faith and family, Dungy has impacted thousands of men and women of all ages across our great country.

On behalf of Michigan's 7th District, I would like to extend congratulations to Coach Dungy, a native son, for his outstanding accomplishments this season and wish both he and his family happiness in the years to come.

Ms. JACKSON-LEE of Texas. Madam Speaker, I proudly rise in strong support of H. Res. 90 to commend both Lovie Smith, head coach of the Chicago Bears, and Tony Dungy, head coach of the Indianapolis Colts, for leading their respective teams to berths in Super Bowl XLI, to be played this Sunday, February 4, 2007, in Miami, Florida. Never before in history has a team playing in the Super Bowl been led by an African American head coach. Super Bowl XLI will make history as the first Super Bowl to feature not one, but two, African American head coaches. Although it has taken 41 years, this is an achievement of which all Americans can and should be justly proud.

Madam Speaker, on January 21, 2007, in Chicago, Illinois, the Chicago Bears, coached by Lovie Smith defeated the New Orleans Saints by a score of 39 to 14 in the National Football Conference Championship game and advanced to Super Bowl XLI. For his phenomenal performance in restoring the Chicago Bears to their former glory as the "Monsters of the Midway," Lovie Smith, the 13th head coach in the storied history of one of the

NFL's greatest franchises, was named the Associated Press NFL Coach of the Year for 2005.

In the 2005 season, Lovie Smith's Chicago Bear's won 11 games, the most ever by a second-year coach in the history of the Chicago Bears and he became the first second-year coach of the Bears to win a division title, earning the second seed in the National Football Conference playoffs. The 2006 Chicago Bears won 14 of their 16 games and earned the top seed in the National Football Conference playoffs.

Madam Speaker, on January 21, 2007, in Indianapolis, Indiana, the Indianapolis Colts, coached by Tony Dungy defeated the 3-time Super Bowl Champion New England Patriots by a score of 38 to 34 in the American Football Conference's Championship game to win the right to play the Chicago Bears in Super Bowl XLI for the NFL Championship. Tony Dungy, who is in his 5th season as head coach of the Indianapolis Colts and 11th as an NFL head coach, having previously coached the Tampa Bay Buccaneers to the NFC Championship game in the 2000 season, is one of the NFL's most outstanding head coaches.

For example, Madam Speaker, Tony Dungy is only the 35th coach in the history of the NFL to win 100 games in his career. And Tony Dungy leads all NFL head coaches in wins from 1999 to 2005, with a record of 78 wins and 34 losses. Should his Indianapolis Colts prevail in the Super Bowl, Tony Dungy will join Mike Ditka and Tom Flores and become the newest member of one of the most exclusive clubs in all of sports: a Super Bowl champion as both a player and head coach.

Madam Speaker, the NFL had a record 7 African American head coaches in 2006 and the 197 African-American coaches, including 7 assistant head coaches, is also a record. While no one would dispute that there is still much progress to be made on the sidelines and front offices of the NFL and other professional sports, it is also indisputable that much progress has been made since Frederick Douglass "Fritz" Pollard became the first African American head coach in the NFL in 1922.

For this reason, Madam Speaker, I take great pride in congratulating both Lovie Smith and Tony Dungy and their outstanding football teams for their excellence on the field and the dignity with which they have conducted themselves off the field. I join with the more than 100 million Americans and billions of viewers globally who will be watching the Super Bowl in congratulating these two men and their teams for putting themselves within one victory of the sport's ultimate prize. And I join with viewers and fans everywhere in wishing to see one of the great games in Super Bowl history and hoping that the best team wins.

Mr. RANGEL. Madam Speaker, I rise today to recognize the historic meeting of two wonderfully talented African-American coaches, Lovie Smith of the Chicago Bears and Tony Dungy of the Indianapolis Colts. These two men have made history by leading their teams to Super Bowl XLI. February 4, 2007 will remain a significant day in the pantheon of sports history, as well as American history. Prior to this date, there was never an African-American coach at the helm of a team that qualified for the big game. It is important for us to recognize the historic nature of this meeting—the meeting of two extremely successful coaches and two very talented teams—because the victories celebrated on this date extend far beyond the length of the football field and speaks to significant changes from a time when Black players and coaches were not allowed to join White sports leagues. The leadership of African-American coaches who pride themselves on their Christian ideals and coach using positive reinforcement demonstrate the resilience, perseverance and desire to partake in all aspects of the American dream of people of African descent. I urge my colleagues to support the resolution to H. Res. 90, congratulating Lovie Smith of the Chicago Bears and Tony Dungy of the Indianapolis Colts on becoming the first African-American head coaches of National Football League teams to qualify for the Super Bowl.

We should pause to commemorate this historic event, but it is important that we remain critical while celebrating. Though there have been significant improvements in racial inequities in the NFL, there is still much work to be done. Frederick Douglass "Fritz" Pollard became the first African-American head coach of an NFL team in 1921 with the Akron Pros. It would be another 70 years before another head coach joined the ranks. Throughout the 1980s, there was not a single African-American head coach in the NFL, in fact all head coaches were Caucasian. In 1989, Art Shell joined the Oakland Raiders as head coach. He would be joined by two more Black coaches in the years that followed while the number of African-American assistant coaches continued to grow. The stark contrast between the number of Black coaches, always very few in numbers, and the number of Black players has sometimes drawn critical attention from those outside of the Black community; however, it was extremely difficult to avoid discussing these discrepancies in the coming weeks. I hope that as we move forward and continue to remember the first meeting of two great African-American men and continue to push for true equality, throughout the ranks, in the NFL and in other professional leagues.

Football, in America, has always been more than just a game. It is the American game, deeply entrenched in the fabric of our society and a symbol of our culture as Americans. Travel to any city or town throughout the Nation and you will see people of all races, ethnicities, religions, socio-economic classes and social backgrounds discussing, celebrating and playing football, sharing in the losses and successes of their favorite teams. While tremendous progress has been made, especially in the area of racial equity, there is still work to be done in extending equality to all Americans.

Mr. DAVIS of Illinois. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and agree to the resolution, H. Res. 90.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those voting have responded in the affirmative.

Mr. DAVIS of Illinois. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on suspending the rules on H. Res. 90 will be followed by a 5-minute vote on suspending the rules on H. Res. 24 and H. Con. Res. 20. Remaining postponed votes will be taken tomorrow.

The vote was taken by electronic device, and there were—yeas 425, nays 0, not voting 10, as follows:

[Roll No. 61]

YEAS—425

Abercrombie
Ackerman
Aderholt
Akin
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite,
  Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee
  (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg

Kucinich
Kuhl (NY)
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—10

Alexander
Davis, Jo Ann
Hastert
LaHood
McDermott
Norwood
Paul
Sullivan
Waters
Wolf

□ 1557

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ESTABLISHING THE HOUSE DEMOCRACY ASSISTANCE COMMISSION FOR THE 110TH CONGRESS

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the resolution, H. Res. 24, as amended.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. LANTOS) that the House suspend the rules and agree to the resolution, H. Res. 24, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 426, nays 0, not voting 9, as follows:

[Roll No. 62]

YEAS—426

Abercrombie
Ackerman
Aderholt
Akin
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—9

Alexander
Davis, Jo Ann
Fattah
Hastert
LaHood
McDermott
Norwood
Paul
Wolf

□ 1607

So (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CALLING ON THE GOVERNMENT OF THE UNITED KINGDOM TO ESTABLISH A PUBLIC JUDICIAL INQUIRY INTO THE MURDER OF NORTHERN IRELAND DEFENSE ATTORNEY PATRICK FINUCANE

The SPEAKER pro tempore (Ms. LEE). The pending business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 20, as amended.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. LANTOS) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 20, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 364, nays 34, answered "present" 25, not voting 12, as follows:

[Roll No. 63]

YEAS—364

Abercrombie
Ackerman
Aderholt
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boehner
Bono
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Brady (PA)
Brady (TX)
Braley (IA)
Brown, Corrine
Buchanan
Burgess
Butterfield
Buyer
Calvert
Camp (MI)
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Chabot
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Engel
English (PA)
Eshoo
Etheridge
Fallin
Farr
Feeney
Ferguson
Filner
Fortenberry
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gonzalez
Goode
Goodlatte
Gordon
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Hastings (WA)
Heller
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kirk
Klein (FL)
Knollenberg
Kucinich
Kuhl (NY)
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meehan
Meek (FL)
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pomeroy
Porter
Price (GA)
Price (NC)
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Towns
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Wexler
Whitfield
Wicker
Wilson (OH)
Wilson (SC)
Woolsey
Wu
Wynn
Yarmuth
Young (AK)

NAYS—34

Akin
Baker
Barton (TX)
Bilbray
Boozman
Brown (SC)
Campbell (CA)
Carter
Cubin
Culberson
Deal (GA)
Everett
Flake
Forbes
Granger
Hall (TX)
Hayes
Hoekstra
Issa
Kingston
Kline (MN)
Marchant
Poe
Putnam
Rogers (MI)
Sensenbrenner
Sessions
Shadegg
Thornberry
Tiahrt
Turner
Walberg
Westmoreland
Young (FL)

ANSWERED "PRESENT"—25

Bartlett (MD)
Bishop (UT)
Bonner
Boyda (KS)
Brown-Waite, Ginny
Burton (IN)
Cannon
Chandler
Conaway
Doolittle
Emerson
Foxx
Gingrey
Gohmert
Hensarling
Hill
Jordan
Lewis (KY)
Manzullo
Matheson
Melancon
Pence
Sali
Tanner
Wilson (NM)

NOT VOTING—12

Alexander
Davis, Jo Ann
Fattah
Hastert
Keller
LaHood
McDermott
Meeks (NY)
Norwood
Paul
Pryce (OH)
Wolf

☐ 1617

Mr. MARCHANT changed his vote from "yea" to "nay."

Mr. CLEAVER changed his vote from "nay" to "yea."

Mr. POE changed his vote from "present" to "nay."

Mr. CONAWAY changed his vote from "yea" to "present."

So (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table

PERSONAL EXPLANATION

Mr. WOLF. Madam Speaker, earlier today I was in my congressional district at a hearing held by the Virginia State Corporation Commission presenting testimony in opposition to a proposed major increase in tolls on the Dulles Greenway, a commuter route for many of my constituents.

Had I been present and voting, I would have voted "yea" on rollcall 61, H. Res. 90, congratulating Lovie Smith of the Chicago Bears and Tony Dungy of the Indianapolis Colts on becoming the first African-American head coaches of National Football League teams to qualify for the Super Bowl; rollcall 62, H. Res. 24, establishing the House Democracy Assistance Commission for the 110th Congress, and rollcall 63, H. Res. 20, calling on the Government of the United Kingdom to immediately establish a full, independent, and public judicial inquiry into the murder of Northern Ireland defense attorney Patrick Finucane, as recommended by Judge Peter Cory as part of the Weston Park Agreement, in order to move forward on the Northern Ireland peace process.

PERSONAL EXPLANATION

Mr. FATTAH. Madam Speaker, had I been present for the votes on H. Res. 24 or H. Con. Res. 20, I would have voted "yea."

MAKE THIS THE YEAR OF OUR TRANSITION OUT OF IRAQ

(Mr. BISHOP of New York asked and was given permission to address the House for 1 minute.)

Mr. BISHOP of New York. Madam Speaker, a front page story in today's Washington Post reports that once again we are sending our troops into harm's way in Iraq ill equipped.

Madam Speaker, it is unconscionable that our Commander in Chief is resigned to send another 21,500 of America's brave sons and daughters into battle again not "with the Army you want but with the Army you have."

Although the Deputy Defense Secretary and Chief of Naval Operations told us in the Budget Committee last week that they will need another $5.5 billion just to fund the surge, apparently that is not enough to supply these troops with an adequate number of Humvees or training needed to achieve the mission.

Short-changing our heroes in the face of a relentless insurgency is unworthy of this Nation. If we cannot supply a surge, we must not escalate our presence.

Madam Speaker, let us resolve to make this year the year of transition out of Iraq that Americans have been waiting for. And let us make sure our policy never again falls short of measuring up to the valor and sacrifice of our troops.

URGING A VOTE AGAINST THE CONTINUING RESOLUTION

(Mr. MCHENRY asked and was given permission to address the House for 1 minute.)

Mr. MCHENRY. Madam Speaker, Speaker PELOSI put forth this promise on November 13, 2006, regarding her intentions to govern the House in a bipartisan, well-mannered fashion:

"We will restore civility to our debate. We will restore bipartisanship to the administration of the House, reestablish regular order, and ensure the rights of the minority are heard. The voice of every American has a right to be heard, and that is what the American people expect and deserve."

Those are the words of Speaker PELOSI. But the actions of Speaker PELOSI and this Democrat majority are very different. And it is no surprise that this week, just like last week and the previous week, the Democrats are railroading legislation through this House. This time it is a $460 billion spending bill that won't see a committee hearing, won't see a committee markup, that won't see the light of day, Madam Speaker, and will cost every taxpayer in America $3,500 apiece.

The Democrats believe that regular order is still out of order. They also believe that campaign promises are not worth keeping.

I believe the American people deserve better, and I think we should vote down this continuing resolution that spends $460 billion of our own taxpayer money.

IMPLORING EVERY MEMBER OF CONSCIENCE TO SPEAK UP CONCERNING THE CONTINUING RESOLUTION

(Mr. GOHMERT asked and was given permission to address the House for 1 minute.)

Mr. GOHMERT. Madam Speaker, I just want to take this 1-minute opportunity to address comments through the Speaker to my friends in the Democratic Party.

We are being asked to vote on a continuing resolution tomorrow, $463 billion.

Now, as I understand it, the Democrats didn't have any input. Basically, just the very top had input on how this would be spent.

I would implore every Democrat of conscience, Madam Speaker, to talk to your leadership. This isn't right. You talked about being open and fair, sunlight. This isn't it. Good government means at least you should have some input, even though we are not having any. Talk to your leadership. Let's get some openness, some sunlight into the process for the good of the American people.

I implore every Member of conscience to speak up.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

PUBLICATION OF THE RULES OF THE COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM, 110TH CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. WAXMAN) is recognized for 5 minutes.

Mr. WAXMAN. Madam Speaker, pursuant to clause 2(a)2 of Rule XI of the Rules of the House of Representatives, I hereby submit the rules of the Committee on Oversight and Government Reform for the 110th Congress. These rules were adopted by voice vote on January 18, 2007, at an open meeting of the Committee.

RESOLUTION OF THE COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM—ADOPTION OF THE RULES OF THE COMMITTEE—U.S. HOUSE OF REPRESENTATIVES, 110TH CONGRESS, JANUARY 18, 2007

RULE 1—APPLICATION OF RULES

Except where the terms "full committee" and "subcommittee" are specifically referred to, the following rules shall apply to the Committee on Oversight and Government Reform and its subcommittees as well as to the respective chairs. [See House Rule XI, 1.]

RULE 2—MEETINGS

The regular meetings of the full Committee shall be held on the second Thursday of each month at 10 a.m., when the House is in session. The chairman is authorized to dispense with a regular meeting or to change the date thereof, and to call and convene additional meetings, when circumstances warrant. A special meeting of the Committee may be requested by members of the Committee following the provisions of House Rule XI, clause 2(c)(2). Subcommittees shall meet at the call of the subcommittee chairs. Every member of the Committee or the appropriate subcommittee, unless prevented by unusual circumstances, shall be provided with a memorandum at least three calendar days before each meeting or hearing explaining (1) the purpose of the meeting or hearing; and (2) the names, titles, background and reasons for appearance of any witnesses. The ranking minority member shall be responsible for providing the same information on witnesses whom the minority may request. [See House Rule XI, 2 (b) and (c).]

RULE 3—QUORUMS

(a) A majority of the members of the Committee shall form a quorum, except that two members shall constitute a quorum for taking testimony and receiving evidence, and one third of members shall form a quorum for taking any action other than for which the presence of a majority of the Committee is otherwise required. If the chairman is not present at any meeting of the committee or subcommittee, the ranking member of the majority party on the Committee or subcommittee who is present shall preside at that meeting.

(b) The chairman of the Committee may, at the request of a subcommittee chair, make a temporary assignment of any member of the Committee to such subcommittee for the purpose of constituting a quorum at and participating in any public hearing by such subcommittee to be held outside of Washington, DC. Members appointed to such temporary positions shall not be voting members. The chairman shall give reasonable notice of such temporary assignment to the ranking members of the Committee and subcommittee. [See House Rule XI, 2(h).]

RULE 4—COMMITTEE REPORTS

Bills and resolutions approved by the Committee shall be reported by the chairman following House Rule XIII, clauses 2–4. A proposed report shall not be considered in subcommittee or full Committee unless the proposed report has been available to the members of such subcommittee or full Committee for at least three calendar days (excluding Saturdays, Sundays, and legal holidays, unless the House is in session on such days) before consideration of such proposed report in subcommittee or full Committee. Any report will be considered as read if available to the members at least 24 hours before consideration, excluding Saturdays, Sundays, and legal holidays unless the House is in session on such days. If hearings have been held on the matter reported upon, every reasonable effort shall be made to have such hearings printed and available to the members of the subcommittee or full Committee before the consideration of the proposed report in such subcommittee or full Committee. Every investigative report shall be approved by a majority vote of the Committee at a meeting at which a quorum is present. Supplemental, minority, or additional views may be filed following House Rule XI, clause 2(l) and Rule XIII, clause 3(a)(1). The time allowed for filing such views shall be three calendar days, beginning on the day of notice, but excluding Saturdays, Sundays, and legal holidays (unless the House is in session on such a day), unless the Committee agrees to a different time, but agreement on a shorter time shall require the concurrence of each member seeking to file such views. An investigative or oversight report may be filed after sine die adjournment of the last regular session of Congress, provided that if a member gives timely notice of intention to file supplemental, minority or additional views, that member shall be entitled to not less than seven calendar days in which to submit such views for inclusion with the report. Only those reports approved by a majority vote of the Committee may be ordered printed, unless otherwise required by the Rules of the House of Representatives.

RULE 5—PROXY VOTES

In accordance with the Rules of the House of Representatives, members may not vote by proxy on any measure or matter before the Committee or any subcommittee. [See House Rule XI, 2(f).]

RULE 6—RECORD VOTES

A record vote of the members may be had upon the request of any member upon approval of a one-fifth vote of the members present.

RULE 7—RECORD OF COMMITTEE ACTIONS

The Committee staff shall maintain in the Committee offices a complete record of Committee actions from the current Congress including a record of the rollcall votes taken at Committee business meetings. The original records, or true copies thereof, as appropriate, shall be available for public inspection whenever the Committee offices are open for public business. The staff shall assure that such original records are preserved with no unauthorized alteration, additions, or defacement. [See House Rule XI, 2(e).]

RULE 8—SUBCOMMITTEES; REFERRALS

(a) There shall be five standing subcommittees with appropriate party ratios. The chairman shall assign members to the subcommittees. Minority party assignments shall be made only with the concurrence of the ranking minority member. The subcommittees shall have the following fixed jurisdictions:

(1) The Subcommittee on Domestic Policy—Oversight jurisdiction over domestic policies, including matters relating to energy, labor, education, criminal justice, and the economy. The Subcommittee also has legislative jurisdiction over the Office of National Drug Control Policy;

(2) The Subcommittee on Federal Workforce, Postal Service, and the District of Columbia—Federal employee issues, the municipal affairs (other than appropriations) of the District of Columbia, and the Postal Service. The Subcommittee's jurisdiction includes postal namings, holidays, and celebrations;

(3) The Subcommittee on Government Management, Organization, and Procurement—The management of government operations, reorganizations of the executive branch, and federal procurement;

(4) The Subcommittee on Information Policy, Census, and National Archives—Public information and records laws such as the Freedom of Information Act, the Presidential Records Act, and the Federal Advisory Committee Act, the Census Bureau, and the National Archives and Records Administration; and

(5) The Subcommittee on National Security and Foreign Affairs—Oversight jurisdiction over national security, homeland security, and foreign affairs.

(b) Bills, resolutions, and other matters shall be expeditiously referred by the chairman to subcommittees for consideration or investigation in accordance with their fixed jurisdictions. Where the subject matter of the referral involves the jurisdiction of more than one subcommittee or does not fall within any previously assigned jurisdiction, the chairman shall refer the matter as he may deem advisable. Bills, resolutions, and other matters referred to subcommittees may be reassigned by the chairman when, in his judgment, the subcommittee is not able to complete its work or cannot reach agreement therein. In a subcommittee having an even number of members, if there is a tie vote with all members voting on any measure, the measure shall be placed on the agenda for full Committee consideration as if it had been ordered reported by the subcommittee without recommendation. This provision shall not preclude further action on the measure by the subcommittee.

RULE 9—EX OFFICIO MEMBERS

The chairman and the ranking minority member of the Committee shall be ex officio members of all subcommittees. They are authorized to vote on subcommittee matters; but, unless they are regular members of the subcommittee, they shall not be counted in determining a subcommittee quorum other than a quorum for taking testimony.

RULE 10—STAFF

Except as otherwise provided by House Rule X, clauses 6, 7 and 9, the chairman of the full Committee shall have the authority to hire and discharge employees of the professional and clerical staff of the full Committee and of subcommittees.

RULE 11—STAFF DIRECTION

Except as otherwise provided by House Rule X, clauses 6, 7 and 9, the staff of the Committee shall be subject to the direction of the chairman of the full Committee and shall perform such duties as he may assign.

RULE 12—HEARING DATES AND WITNESSES

(a) Each subcommittee of the Committee is authorized to meet, hold hearings, receive testimony, mark up legislation, and report to the full Committee on any measure or matter referred to it.

(b) No subcommittee of the Committee may meet or hold a hearing at the same time as a meeting or hearing of the Committee.

(c) The chair of each subcommittee shall set hearing and meeting dates only with the approval of the chairman with a view toward assuring the availability of meeting rooms and avoiding simultaneous scheduling of Committee and subcommittee meetings or hearings.

(d) Each subcommittee chair shall notify the chairman of any hearing plans at least two weeks before the date of commencement of the hearings, including the date, place, subject matter, and the names of witnesses, willing and unwilling, who would be called to testify, including, to the extent the chair is advised thereof, witnesses whom the minority members may request.

(e) Witnesses appearing before the Committee shall so far as practicable, submit written statements at least 24 hours before their appearance and, when appearing in a non-governmental capacity, provide a curriculum vitae and a listing of any Federal Government grants and contracts received in the previous fiscal year. [See House Rules XI, 2 (g)(3), (g)(4), (j) and (k).]

RULE 13—OPEN MEETINGS

Meetings for the transaction of business and hearings of the Committee shall be open to the public or closed in accordance with Rule XI of the House of Representatives. [See House Rules XI, 2 (g) and (k).]

RULE 14—FIVE-MINUTE RULE

(a) A Committee member may question a witness only when recognized by the chairman for that purpose. In accordance with House Rule XI, clause 2(j)(2), each Committee member may request up to five minutes to question a witness until each member who so desires has had such opportunity. Until all such requests have been satisfied, the chairman shall, so far as practicable, recognize alternately based on seniority of those majority and minority members present at the time the hearing was called to order and others based on their arrival at the hearing. After that, additional time may be extended at the direction of the chairman.

(b) The chairman, with the concurrence of the ranking minority member, or the Committee by motion, may permit an equal number of majority and minority members to question a witness for a specified, total period that is equal for each side and not longer than thirty minutes for each side.

(c) The chairman, with the concurrence of the ranking minority member, or the Committee by motion, may permit Committee staff of the majority and minority to question a witness for a specified, total period that is equal for each side and not longer than thirty minutes for each side.

(d) Nothing in paragraph (b) or (c) affects the rights of a Member (other than a Member designated under paragraph (b)) to question a witness for 5 minutes in accordance with paragraph (a) after the questioning permitted under paragraph (b) or (c). In any extended questioning permitted under paragraph (b) or (c), the chairman shall determine how to allocate the time permitted for extended questioning by majority members or majority Committee staff and the ranking minority member shall determine how to allocate the time permitted for extended questioning by minority members or minority committee staff. The chairman or the ranking minority member, as applicable, may allocate the time for any extended questioning permitted to staff under paragraph (c) to members.

RULE 15—INVESTIGATIVE HEARING PROCEDURES

Investigative hearings shall be conducted according to the procedures in House Rule XI, clause 2(k). All questions put to witnesses before the Committee shall be relevant to the subject matter before the Committee for consideration, and the chairman shall rule on the relevance of any questions put to the witnesses.

RULE 16—STENOGRAPHIC RECORD

A stenographic record of all testimony shall be kept of public hearings and shall be made available on such conditions as the chairman may prescribe.

RULE 17—AUDIO AND VISUAL COVERAGE OF COMMITTEE PROCEEDINGS

(a) An open meeting or hearing of the Committee or a subcommittee may be covered, in whole or in part, by television broadcast, radio broadcast, Internet broadcast, and still photography, unless closed subject to the provisions of House Rule XI, clause 2(g). Any such coverage shall conform with the provisions of House Rule XI, clause 4.

(b) Use of the Committee Broadcast System shall be fair and nonpartisan, and in accordance with House Rule XI, clause 4(b), and all other applicable rules of the House of Representatives and the Committee on Government Reform. Members of the committee shall have prompt access to a copy of coverage by the Committee Broadcast System, to the extent that such coverage is maintained.

(c) Personnel providing coverage of an open meeting or hearing of the Committee or a subcommittee by Internet broadcast, other than through the Committee Broadcast System, shall be currently accredited to the Radio and Television Correspondents' Galleries.

RULE 18—COMMITTEE WEBSITE

The chairman shall maintain an official Committee website for the purpose of furthering the Committee's legislative and oversight responsibilities, including communicating information about the Committee's activities to Committee members and other members of the House. The ranking minority member may maintain an official website for the purpose of carrying out official responsibilities including but not limited to communicating information about the activities of the minority to Committee members and other members of the House.

RULE 19—ADDITIONAL DUTIES OF CHAIRMAN

The chairman of the full Committee shall:

(a) Make available to other committees the findings and recommendations resulting from the investigations of the Committee or its subcommittees as required by House Rule X, clause 4(c)(2);

(b) Direct such review and studies on the impact or probable impact of tax policies affecting subjects within the Committee's jurisdiction as required by House Rule X, clause 2(c);

(c) Submit to the Committee on the Budget views and estimates required by House Rule X, clause 4(f), and to file reports with the House as required by the Congressional Budget Act;

(d) Authorize and issue subpoenas as provided in House Rule XI, clause 2(m), in the conduct of any investigation or activity or series of investigations or activities within the jurisdiction of the Committee;

(e) Prepare, after consultation with subcommittee chairs and the minority, a budget for the Committee which shall include an adequate budget for the subcommittees to discharge their responsibilities;

(f) Make any necessary technical and conforming changes to legislation reported by the committee upon unanimous consent; and

(g) The chairman is directed to offer a motion under clause 1 of Rule XXII of the Rules of the House whenever the chairman considers it appropriate.

RULE 20—SUBJECTS OF STAMPS

The Committee has adopted the policy that the determination of the subject matter of commemorative stamps and new semi-postal issues is properly is for consideration by the Postmaster General and that the Committee will not give consideration to legislative proposals specifying the subject matter of commemorative stamps and new semi-postal issues. It is suggested that recommendations for the subject matter of stamps be submitted to the Postmaster General.

RULE 21—PANELS AND TASK FORCES

(a) The chairman of the Committee is authorized to appoint panels or task forces to carry out the duties and functions of the Committee.

(b) The chairman and ranking minority member of the Committee may serve as ex-officio members of each panel or task force.

(c) The chairman of any panel or task force shall be appointed by the chairman of the Committee. The ranking minority member shall select a ranking minority member for each panel or task force.

(d) The House and Committee rules applicable to subcommittee meetings, hearings, recommendations, and reports shall apply to the meetings, hearings, recommendations, and reports of panels and task forces.

(e) No panel or task force so appointed shall continue in existence for more than six months. A panel or task force so appointed may, upon the expiration of six months, be reappointed by the chairman.

RULE 22—DEPOSITION AUTHORITY

The chairman, upon consultation with the ranking minority member, may order the taking of depositions, under oath and pursuant to notice or subpoena.

Notices for the taking of depositions shall specify the date, time, and place of examination. Depositions shall be taken under oath administered by a member or a person otherwise authorized to administer oaths. Consultation with the ranking minority member shall include three business day's written notice before any deposition is taken. All members shall also receive three business day's written notice that a deposition has been scheduled.

Witnesses may be accompanied at a deposition by counsel to advise them of their rights. No one may be present at depositions except members, Committee staff designated by the chairman or ranking minority member, an official reporter, the witness, and the witness's counsel. Observers or counsel for other persons, or for agencies under investigation, may not attend.

A deposition shall be conducted by any member or staff attorney designated by the chairman or ranking minority member. When depositions are conducted by Committee staff attorneys, there shall be no more than two Committee staff attorneys permitted to question a witness per round. One of the Committee staff attorneys shall be designated by the chairman and the other by the ranking minority member. Other Committee staff members designated by the chairman or ranking minority member may attend, but may not pose questions to the witness.

Questions in the deposition shall be propounded in rounds, alternating between the majority and minority. A single round shall not exceed 60 minutes per side, unless the members or staff attorneys conducting the deposition agree to a different length of questioning. In each round, a member or Committee staff attorney designated by the chairman shall ask questions first, and the member or Committee staff attorney designated by the ranking minority member shall ask questions second.

The chairman may rule on any objections raised during a deposition. If a member of the Committee appeals in writing the ruling of the chairman, the appeal shall be preserved for Committee consideration. A witness that refuses to answer a question after being directed to answer by the chairman may be subject to sanction, except that no sanctions may be imposed if the ruling of the chairman is reversed on appeal.

Committee staff shall ensure that the testimony is either transcribed or electronically recorded or both. If a witness's testimony is transcribed, the witness or the witness's counsel shall be afforded an opportunity to review a copy. No later than five days thereafter, the witness may submit suggested changes to the chairman. Committee staff may make any typographical and technical changes requested by the witness. Substantive changes, modifications, clarifications, or amendments to the deposition transcript submitted by the witness must be accompanied by a letter signed by the witness requesting the changes and a statement of the witness's reasons for each proposed change. Any substantive changes, modifications, clarifications, or amendments shall be included as an appendix to the transcript conditioned upon the witness signing the transcript.

The individual administering the oath, if other than a member, shall certify on the transcript that the witness was duly sworn. The transcriber shall certify that the transcript is a true record of the testimony, and the transcript shall be filed, together with any electronic recording, with the clerk of the Committee in Washington, DC. Depositions shall be considered to have been taken in Washington, DC, as well as the location actually taken once filed there with the clerk of the Committee for the Committee's use. The chairman and the ranking minority member shall be provided with a copy of the transcripts of the deposition at the same time.

The chairman and ranking minority member shall consult regarding the release of depositions. If either objects in writing to a proposed release of a deposition or a portion thereof, the matter shall be promptly referred to the Committee for resolution.

A witness shall not be required to testify unless the witness has been provided with a copy of the Committee's rules.

PUBLICATION OF THE RULES OF THE COMMITTEE ON THE BUDGET, 110TH CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Carolina (Mr. SPRATT) is recognized for 5 minutes.

Mr. SPRATT. Madam Speaker, pursuant to House Rule XI clause 2, I am submitting the Committee on the Budget's rules for the 110th Congress. The rules were adopted during our Committee's organizational meeting, which was held January 18, 2007.

RULES OF PROCEDURE OF THE COMMITTEE ON THE BUDGET, JANUARY 18, 2007

GENERAL APPLICABILITY

Rule 1—Applicability of House Rules

Except as otherwise specified herein, the Rules of the House are the rules of the committee so far as applicable, except that a motion to recess from day to day is a motion of high privilege.

MEETINGS

Rule 2—Regular meetings

(a) The regular meeting day of the committee shall be the second Wednesday of each month at 11 a.m., while the House is in session.

(b) The chairman is authorized to dispense with a regular meeting when the chairman determines there is no business to be considered by the committee. The chairman shall give written notice to that effect to each member of the committee as far in advance of the regular meeting day as the circumstances permit.

(c) Regular meetings shall be canceled when they conflict with meetings of either party's caucus or conference.

Rule 3—Additional and special meetings

(a) The chairman may call and convene additional meetings of the committee as the chairman considers necessary, or special meetings at the request of a majority of the members of the committee in accordance with House Rule XI, clause 2(c).

(b) In the absence of exceptional circumstances, the chairman shall provide written notice of additional meetings to the office of each member at least 24 hours in advance while Congress is in session, and at least 3 days in advance when Congress is not in session.

Rule 4—Open business meetings

(a) Each meeting for the transaction of committee business, including the markup of measures, shall be open to the public except when the committee, in open session and with a quorum present, determines by roll call vote that all or part of the remainder of the meeting on that day shall be closed to the public in accordance with House Rule XI, clause 2(g)(1).

(b) No person other than members of the committee and such congressional staff and departmental representatives as the committee may authorize shall be present at any business or markup session which has been closed to the public.

Rule 5—Quorums

A majority of the committee shall constitute a quorum. No business shall be transacted and no measure or recommendation shall be reported unless a quorum is actually present.

Rule 6—Recognition

Any member, when recognized by the chairman, may address the committee on any bill, motion, or other matter under consideration before the committee. The time of such member shall be limited to 5 minutes until all members present have been afforded an opportunity to comment.

Rule 7—Consideration of business

Measures or matters may be placed before the committee, for its consideration, by the chairman or by a majority vote of the members of the committee, a quorum being present.

Rule 8—Availability of legislation

The committee shall consider no bill, joint resolution, or concurrent resolution unless copies of the measure have been made available to all committee members at least **[4]** *6* hours prior to the time at which such measure is to be considered. When considering concurrent resolutions on the budget, this requirement shall be satisfied by making available copies of the complete chairman's mark (or such material as will provide the basis for committee consideration). The provisions of this rule may be suspended with the concurrence of the chairman and ranking minority member.

Rule 9—Procedure for consideration of budget resolution

(a) It shall be the policy of the committee that the starting point for any deliberations on a concurrent resolution on the budget should be the estimated or actual levels for the fiscal year preceding the budget year.

(b) In the consideration of a concurrent resolution on the budget, the committee shall first proceed, unless otherwise determined by the committee, to consider budget aggregates, functional categories, and other appropriate matters on a tentative basis, with the document before the committee open to amendment. Subsequent amendments may be offered to aggregates, functional categories, or other appropriate matters, which have already been amended in their entirety.

(c) Following adoption of the aggregates, functional categories, and other matters, the text of a concurrent resolution on the budget incorporating such aggregates, functional categories, and other appropriate matters shall be considered for amendment and a final vote.

Rule 10—Roll call votes

A roll call of the members may be had upon the request of at least one-fifth of those present. In the apparent absence of a quorum, a roll call may be had on the request of any member.

HEARINGS

Rule 11—Announcement of hearings

The chairman shall make a public announcement of the date, place, and subject matter of any committee hearing at least 1 week before the hearing, beginning with the day in which the announcement is made and ending the day preceding the scheduled hearing unless the chairman, with the concurrence of the ranking minority member, or the committee by majority vote with a quorum present for the transaction of business, determines there is good cause to begin the hearing sooner, in which case the chairman shall make the announcement at the earliest possible date.

Rule 12—Open hearings

(a) Each hearing conducted by the committee or any of its task forces shall be open to the public except when the committee or task force, in open session and with a quorum present, determines by roll call vote that all or part of the remainder of that hearing on that day shall be closed to the public because disclosure of testimony, evidence, or other matters to be considered would endanger the national security, or would compromise sensitive law enforcement information, or would tend to defame, degrade, or incriminate any person, or would violate any law or rule of the House of Representatives. The committee or task forces may by the same procedure vote to close one subsequent day of hearing.

(b) For the purposes of House Rule XI, clause 2(g)(2), the task forces of the committee are considered to be subcommittees.

Rule 13—Quorums

For the purpose of hearing testimony, not less than two members of the committee shall constitute a quorum.

Rule 14—Questioning witnesses

(a) Questioning of witnesses will be conducted under the 5-minute rule unless the committee adopts a motion pursuant to House Rule XI clause 2(j).

(b) In questioning witnesses under the 5-minute rule:

(1) First, the chairman and the ranking minority member shall be recognized;

(2) Next, the members present at the time the hearing is called to order shall be recognized in order of seniority; and

(3) Finally, members not present at the time the hearing is called to order may be recognized in the order of their arrival at the hearing.

In recognizing members to question witnesses, the chairman may take into consideration the ratio of majority members to minority members and the number of majority and minority members present and shall apportion the recognition for questioning in such a manner as not to disadvantage the members of the majority.

Rule 15—Subpoenas and oaths

(a) In accordance with House Rule XI, clause 2(m) subpoenas authorized by a majority of the committee may be issued over the signature of the chairman or of any member of the committee designated by him, and may be served by any person designated by the chairman or such member.

(b) The chairman, or any member of the committee designated by the chairman, may administer oaths to witnesses.

Rule 16—Witnesses' statements

(a) So far as practicable, any prepared statement to be presented by a witness shall be submitted to the committee at least 24 hours in advance of presentation, and shall be distributed to all members of the committee in advance of presentation.

(b) To the greatest extent possible, each witness appearing in a nongovernmental capacity shall include with the written statement of proposed testimony a curriculum vitae and a disclosure of the amount and source (by agency and program) of any Federal grant (or sub-grant thereof) or contract (or subcontract thereof) received during the current fiscal year or either of the two preceding fiscal years.

PRINTS AND PUBLICATIONS

Rule 17—Committee prints

All committee prints and other materials prepared for public distribution shall be approved by the committee prior to any distribution, unless such print or other material shows clearly on its face that it has not been approved by the committee.

Rule 18—Committee publications on the Internet

To the maximum extent feasible, the committee shall make its publications available in electronic form.

STAFF

Rule 19—Committee staff

(a) Subject to approval by the committee, and to the provisions of the following paragraphs, the professional and clerical staff of the committee shall be appointed, and may be removed, by the chairman.

(b) Committee staff shall not be assigned any duties other than those pertaining to committee business, and shall be selected without regard to race, creed, sex, or age, and solely on the basis of fitness to perform the duties of their respective positions.

(c) All committee staff shall be entitled to equitable treatment, including comparable salaries, facilities, access to official committee records, leave, and hours of work.

(d) Notwithstanding paragraphs a, b, and c, staff shall be employed in compliance with House rules, the Employment and Accountability Act, the Fair Labor Standards Act of 1938, and any other applicable Federal statutes.

Rule 20—Staff supervision

(a) Staff shall be under the general supervision and direction of the chairman, who shall establish and assign their duties and responsibilities, delegate such authority as he deems appropriate, fix and adjust staff salaries (in accordance with House Rule X, clause 9(c)) and job titles, and, at his discretion, arrange for their specialized training.

(b) Staff assigned to the minority shall be under the general supervision and direction of the minority members of the committee, who may delegate such authority, as they deem appropriate.

RECORDS

Rule 21—Preparation and maintenance of committee records

(a) A substantially verbatim account of remarks actually made during the proceedings shall be made of all hearings and business meetings subject only to technical, grammatical, and typographical corrections.

(b) The proceedings of the committee shall be recorded in a journal, which shall among other things, include a record of the votes on any question on which a record vote is demanded.

(c) Members of the committee shall correct and return transcripts of hearings as soon as practicable after receipt thereof, except that any changes shall be limited to technical, grammatical, and typographical corrections.

(d) Any witness may examine the transcript of his own testimony and make grammatical, technical, and typographical corrections.

(e) The chairman may order the printing of a hearing record without the corrections of any member or witness if he determines that such member or witness has been afforded a reasonable time for correction, and that further delay would seriously impede the committee's responsibility for meeting its deadlines under the Congressional Budget Act of 1974.

(f) Transcripts of hearings and meetings may be printed if the chairman decides it is appropriate, or if a majority of the members so request.

Rule 22—Access to committee records

(a)(1) The chairman shall promulgate regulations to provide for public inspection of roll call votes and to provide access by members to committee records (in accordance with House Rule XI, clause 2(e)).

(2) Access to classified testimony and information shall be limited to Members of Congress and to House Budget Committee staff and staff of the Office of Official Reporters who have appropriate security clearance.

(3) Notice of the receipt of such information shall be sent to the committee members. Such information shall be kept in the committee safe, and shall be available to members in the committee office.

(b) The records of the committee at the National Archives and Records Administration shall be made available for public use in accordance with Rule VII of the Rules of the House of Representatives. The chairman shall notify the ranking minority member of any decision, pursuant to clause 3(b)(3) or clause 4(b) of the rule, to withhold a record otherwise available, and the matter shall be presented to the committee for a determination on the written request of any member of the committee.

OVERSIGHT

Rule 23—General oversight

(a) The committee shall review and study, on a continuing basis, the application, administration, execution, and effectiveness of those laws, or parts of laws, the subject of which is within its jurisdiction.

(b) The committee is authorized at any time to conduct such investigations and studies as it may consider necessary or appropriate in the exercise of its responsibilities under clause (1)(d) of Rule X of the Rules of the House, and, subject to the adoption of expense resolutions as required by clause 6 of Rule X, to incur expenses (including travel expenses) in connection therewith.

(c) Not later than February 15 of the first session of a Congress, the committee shall meet in open session, with a quorum present, to adopt its oversight plans for that Congress for submission to the Committee on House Administration and the Committee on Government Reform in accordance with the provisions of clause (2)(d) of House Rule X.

REPORTS

Rule 24—Availability before filing

(a) Any report accompanying any bill or resolution ordered reported to the House by the committee shall be available to all committee members at least 36 hours prior to filing with the House.

(b) No material change shall be made in any report made available to members pursuant to section (a) without the concurrence of the ranking minority member or by a majority vote of the committee.

(c) Notwithstanding any other rule of the committee, either or both subsections (a) and (b) may be waived by the chairman or with a majority vote by the committee.

Rule 25—Report on the budget resolution

The report of the committee to accompany a concurrent resolution on the budget shall include a comparison of the estimated or actual levels for the year preceding the budget year with the proposed spending and revenue levels for the budget year and each out year along with the appropriate percentage increase or decrease for each budget function and aggregate. The report shall include any roll call vote on any motion to amend or report any measure.

Rule 26—Parliamentarian's Status Report and Section 302 Status Report

(a)(1) In order to carry out its duty under sections 311 and 312 of the Congressional Budget Act to advise the House of Representatives as to the current level of spending and revenues as compared to the levels set forth in the latest agreed-upon concurrent resolution on the budget, the committee shall advise the Speaker on at least a monthly basis when the House is in session as to its estimate of the current level of spending and revenue. Such estimates shall be prepared by the staff of the committee, transmitted to the Speaker in the form of a Parliamentarian's Status Report, and printed in the Congressional Record.

(2) The committee authorizes the chairman, in consultation with the ranking minority member, to transmit to the Speaker the Parliamentarian's Status Report described above.

(b)(1) In order to carry out its duty under sections 302 and 312 of the Congressional Budget Act to advise the House of Representatives as to the current level of spending within the jurisdiction of committees as compared to the appropriate allocations made pursuant to the Budget Act in conformity with the latest agreed-upon concurrent resolution on the budget, the committee shall, as necessary, advise the Speaker as to its estimate of the current level of spending within the jurisdiction of appropriate committees. Such estimates shall be prepared by the staff of the committee and transmitted to the Speaker in the form of a Section 302 Status Report.

(2) The committee authorizes the chairman, in consultation with the ranking minority member, to transmit to the Speaker the Section 302 Status Report described above.

Rule 27—Activity report

After an adjournment of the last regular session of a Congress sine die, the Chair of the committee may file any time with the Clerk the committee's activity report for that Congress pursuant to clause (1)(d)(1) of rule XI of the Rules of the House without the approval of the committee, if a copy of the report has been available to each member of the committee for at least seven calendar days and the report includes any supplemental, minority, or additional views submitted by a member of the committee.

MISCELLANEOUS

Rule 28—Broadcasting of meetings and hearings

(a) It shall be the policy of the committee to give all news media access to open hearings of the committee, subject to the requirements and limitations set forth in House Rule XI, clause 4.

(b) Whenever any committee business meeting is open to the public, that meeting may be covered, in whole or in part, by television broadcast, radio broadcast, still photography, or by any of such methods of coverage, in accordance with House Rule XI, clause 4.

Rule 29—Appointment of conferees

(a) Majority party members recommended to the Speaker as conferees shall be recommended by the chairman subject to the approval of the majority party members of the committee.

(b) The chairman shall recommend such minority party members as conferees as shall be determined by the minority party; the recommended party representation shall be in approximately the same proportion as that in the committee.

Rule 30—Waivers

When a reported bill or joint resolution, conference report, or anticipated floor amendment violates any provision of the Congressional Budget Act of 1974, the chairman may, if practical, consult with the committee members on whether the chairman should recommend, in writing, that the Committee on Rules report a special rule that enforces the Act by not waiving the applicable points of order during the consideration of such measure.

NUMBER 183, BRING OUR TROOPS HOME, THE VOICE OF THE PEOPLE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Madam Speaker, let me say you look wonderful up there in that chair.

Madam Speaker, I rise tonight to talk about the forgotten victims of this war: the children and the legacy we leave them.

Today, I placed a pair of baby-sized shoes on my front office door. They were presented to me by the pro-peace organization Code Pink. These tiny shoes symbolize the passing of one of the tens of thousands of Iraqis who have been killed over the past 4 years. Her name is Aisha al Tarish, and she was 2 years old.

But these shoes also symbolize the children here in the United States who will grow up without a parent because he or she died while fighting so bravely in our Armed Forces.

What too many are ignoring in this debate is the toll that this occupation of Iraq is taking on children here at home, in Iraq, and around the world. In fact, my 7-year-old grandson recently asked his dad, he said, Daddy, what do the children in Iraq do when bombs are going off?

How do you answer that? My son said, I think you ought to talk that over with your grandma, Teddy.

Why are we ignoring the legacy of fear of death and of insecurity? So many children are growing up in a world that has been at war since they were born. They can't feel secure. In fact, just going to school for an Iraqi child every day is a risk. And that is the risk that Teddy pointed out to us.

I know, as a grandmother, this is not the world I envisioned for my grandchildren and for their children to come. It seems like President Bush is pushing forth in Iraq absolutely despite opposition from every corner because he wants to protect his standing in the world.

What legacy are we leaving for the world's children? Our presence in the region is leaving a legacy of occupation and hate.

An administration that refuses to negotiate and refuses diplomacy gives rise to a legacy of war and the very terrorism we want to defeat, and one of the saddest legacies of all, a generation of veterans and their families without medical care, without mental health care, without jobs and businesses to return to, without homes.

This is not the legacy this country was built upon. It is not the legacy I intend to leave for our children.

The only answer to this is stop this misguided occupation. If we really want to offer a future of hope to the children of America and the children of Iraq, we must bring our troops home now. We must help the Iraqis. We must help them establish a working infrastructure, and we must help them establish a security force. We must fully fund our commitment to our veterans.

This month I introduced H.R. 508, the Bring the Troops Home from Iraq and Iraq Sovereignty Restoration Act. This is a real and comprehensive plan to accomplish these goals, to provide a safe and secure future for the youngest victims of this war.

I urge my colleagues to cosponsor this bill, to send the message that we will stand up for the troops, we will stand up for those victims and those voices who have been ignored for too long: the children.

TWO U.S. BORDER PATROL AGENTS IN FEDERAL PRISON

The SPEAKER pro tempore (Mr. COHEN). Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES of North Carolina. Mr. Speaker, soon the page will bring forward a photo of two border agents who are now in prison. And it is a travesty of injustice as bad as I have ever seen.

The portrait is of the two border agents, Mr. Compean and Mr. Ramos. Mr. Compean has a wife and three children, one, his youngest, 4 months old. Agent Ramos has a wife and three sons.

Mr. Speaker, many of us in the House have made the House aware of this case. These agents were convicted last spring for wounding a Mexican drug smuggler who brought 743 pounds of marijuana across our southern border into Texas. The agents fired shots during a foot chase with the smuggler, who had fled in a van they were pursuing. The van contained approximately $1 million worth of marijuana. The U.S. Attorney's Office prosecuted the agents and granted immunity to a known drug smuggler for his testimony against our border agents.

This prosecution has been questioned by many Members of Congress and by citizens throughout this country. These men never should have been prosecuted; yet they are now handcuffed in Federal prison. We have repeatedly petitioned President Bush to pardon these agents.

Mr. Speaker, after months of silence, the President said in a television interview last week that he would take a "sober look" at the case and a "tough look at the facts" to see whether these agents should be pardoned.

I hope that at this time the President and his staff will take an honest look at the facts of this case. The facts will tell the President what countless citizens and Members of Congress already know, that the United States Attorney's Office was on the wrong side of this case. The U.S. Attorney's Office prosecuted the agents almost exclusively on the testimony of an admitted drug smuggler who claimed he was unarmed.

The drug smuggler received full medical care in El Paso, Texas, was permitted to return to Mexico, and is now suing the Border Patrol for $5 million for violating his civil rights.

The drug smuggler is not an American citizen. He is a criminal.

Mr. Speaker, the extraordinary details surrounding the prosecution of this case ensure that justice has not been served. For the sake of the agents and their families and for the sake of the American people whom they were working to protect, I encourage the President of the United States to obtain the transcripts of this trial and review the facts of this case as soon as possible.

Real justice does not fear the truth. Real justice does not fear the truth. By pardoning these two innocent men, the President can immediately reverse an injustice that never should have happened to these Hispanic Americans.

Mr. Speaker, in closing, I want to reiterate that Agent Compean and his wife have three children and one, his youngest, 4 months old; and that Agent Ramos, himself, and his wife have three sons.

Congressman POE, who will be speaking in a few minutes on another issue, I am sure, has been outspoken on this—and a number of other Members and even some on the Democratic side. This is an injustice that should never happen to an American citizen, never under any circumstances.

Mr. President, please look at the facts of this case. Free these men. They have no business being in a Federal penitentiary for trying to protect the American citizens.

And God bless America

□ 1630

FOREIGN NATIONS SHOULD PAY FOR CRIMES OF THEIR CITIZENS

The SPEAKER pro tempore (Mr. COHEN). Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE. Mr. Speaker, a young 8-year-old-girl in Florida is kidnapped, raped and buried alive under a large concrete slab by an illegal.

A decorated Houston police officer is shot in the back four times and murdered by an illegal. A Texas State trooper was shot six times at point-blank range and left for dead at the side of the road by an illegal.

"The Railroad Killer," a violent predator who terrorized, stalked, raped and murdered 12 victims along the Texas railroads, an illegal. One study indicates that there are nearly 240,000 illegals who are sex offenders in the United States. They commit a total of one million crimes. These illegals create millions of victims who seek treatment and aid because they are victims.

The United States does a good job of taking care of crime victims. We have created crime compensation funds in States, programs that aid in the recovery and help with the cost of treatment, but the cost is paid by America.

Many victims are never compensated, however, and spend their life in pain and even in poverty. So why should not the country of the illegal pay for this crime as well? Countries who encourage the criminals to invade the United States should be held just as responsible as illegal perpetrators.

U.S. victims, Mr. Speaker, should be allowed to seek monetary compensation from the country the illegal came from. News sources report that a 2006 FBI report on undocumented illegals found that 95 percent of the murder warrants in Los Angeles are for illegals; 83 percent in Phoenix; 86 percent, Albuquerque. Seventy-five percent of those on the most-wanted lists in L.A., Phoenix and Albuquerque are illegals.

A recent Department of Justice study concluded that criminal illegals, once arrested, are likely to be rearrested six more times for other crimes. They are preying on innocent victims in the United States, both citizens and legal immigrants. When they are caught, some of them even flee back to their country.

These countries should be held liable for the crimes that their citizens commit. A victim of crime by an illegal should be entitled to receive damages from the country which encourages illegal entry into the United States. Many countries, such as Mexico, Brazil, El Salvador, encourage their citizens to illegally enter the United States. Because of that, these nations should be held financially responsible for the crimes of their citizens, and victims should be allowed to have a cause of action in American Federal courts against these nations.

Now, we know many times that these nations probably will not pay for that compensation for whatever reason. They just do not pay. If that is the case, then the victims should be allowed to apply through the State Department Foreign Aid Fund that we give these nations, like Mexico, and then receive just compensation, the compensation that they were awarded in Federal court.

Victims should not have to continue to pay for the crimes of illegals. Their nations must pay. Illegals and their nations should be accountable and held accountable for the failure by coming into the United States illegally.

Americans seem to always pay for illegal entry; those days need to end, and this is one way where countries should pay for the crimes of their illegals by compensating American crime victims and citizens or people that are here legally from other nations.

Mr. Speaker, that's just the way it is.

VACATING 5-MINUTE SPECIAL ORDER

The SPEAKER pro tempore. Without objection, the 5-minute Special Order in favor of Mr. PALLONE is vacated.

There was no objection

GLOBAL WARMING ALARMISTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee (Mr. DUNCAN) is recognized for 5 minutes.

Mr. DUNCAN. Mr. Speaker, conservatives who oppose world government and massive foreign aid, such as our very unconservative war in Iraq, are sometimes called isolationists. However, anyone who makes the isolationist charge is really resorting to childish name-calling rather than a discussion on the merits.

Another major issue on which there is a lot of name-calling these days is the debate over global warming. Just today the Oversight and Government Reform Committee held a one-sided hearing on allegations that the Bush administration is guilty of political interference in the global warming debate. The implication was that Federal scientists are being intimidated by those who are skeptical about global warming.

Actually, the intimidation is coming from those who believe that global warming is the biggest or one of the biggest problems we face. Global warming alarmists get very angry if anyone even dares to question their views.

Richard Lindzen, a professor of atmospheric science at MIT wrote a few months ago about what he called, "the sinister side to this feeding frenzy about global warming."

Professor Lindzen said, "Scientists who dissent from the alarmism have seen their grant funds disappear, their work derided and themselves libeled as industry stooges, scientific hacks or worse. Consequently, lies about climate change gain credence, even when they fly in the face of the science that is supposedly their basis."

Professor David Deming, a geophysicist, said, "The media hysteria on global warming has been generated by journalists who do not understand the provisional and uncertain nature of scientific knowledge. Science changes."

And Robert Bradley, president of the Institute for Energy Research, writing in the Washington Times, said, "The emotional politicized debate over global warming has produced a fire-ready-aim mentality, despite great and still-growing scientific uncertainty about the problem."

Mr. Bradley added, "Still climate alarmists demand a multitude of do-somethings to address the problem they are sure exists and is solvable. No job is too big for government because they welcome bigger and bigger government. They pronounce the debate over in their favor, and call their critics names such as 'deniers,' as in Holocaust deniers. This has created a bad climate for scientific research and for policymaking. In fact, the debate is more than unsettled."

I can produce hundreds of quotes like this from experts and scientists who question or are skeptical about the wild claims from some climate change alarmists. And the charge that the Bush administration is intimidating scientists or suppressing their work seems to be coming from scientists who want more attention or publicity or who want to make themselves out to be some sort of courageous, heroic martyrs.

Actually the Bush administration has spent $25 billion on global warming and climate change research in the last 5 years, far more than any previous administration. Almost all global warming alarmists either work full time for the Federal Government or get Federal funding for their research. They know they are very unlikely to get more Federal money unless they say this problem is terrible and getting worse all the time.

There may be some global warming and some of it may be bad. In some places it may be good. However, we need to make sure we solve the problems that exist without destroying our economy, or harming humanity in the process. The worst polluters in the world have been the Socialist and Communist countries.

Only free market systems generate the excess funds to do the good things for the environment that all of us want done. Anger and name-calling and biased hearings will not solve any serious or legitimate problems.

HONORING TERRY MILFRED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. KIND) is recognized for 5 minutes.

Mr. KIND. Mr. Speaker, I rise today to pay tribute to Terry Milfred upon his retirement as superintendent of the Weston School District. Terry is a dedicated public servant who has earned the respect and admiration of the teachers, staff and over 300 students under his supervision.

Most recently, Terry is revered for his efforts in comforting and uniting the local community after a tragic shooting last fall at Weston High School that took the life of a dear friend to Terry, and the schools well-respected principal, John Klang.

One hundred twenty-five students were left stunned on September 29, 2006, when a fellow classmate opened fire on faculty members and peers. Fortunately for the students of Weston High School, Principal John Klang, in the most unselfish act one person can do for others, sacrificed himself to protect his students and his faculty.

Terry Milfred and the dedicated members of his staff took immediate action and displayed steadfast leadership, establishing a safe environment in consoling the students and the faculty. In an effort to recover from this tragedy and the loss of an incredible principal, others in the administration, such as Tom Andreas and Melissa Nigh, stepped forward to ensure that students and faculty received the support that they needed.

Together, Tom, Melissa and Terry summoned leaders from around the State, forming a crisis management team to address the specific needs of each individual impacted by this tragedy. The students of Weston High School should also be commended for the courage and selflessness they displayed in overcoming this hardship and uniting as a student body.

As a husband, father, grandfather, and role model to students, parents, and members of his staff, Terry has bettered the lives of numerous individuals. He has risen to the challenge of protecting those in his care and mentoring those dearest to him. Prior to the unfortunate incident last fall, Terry served as an adviser to Principal Klang. While much of their time was spent conversing in school hallways and cafeterias, Terry and John had a relationship and respect for one another that extended beyond the classroom door.

Principal Klang was a dear friend to many and he will be greatly missed.

In memory of Principal Klang and in an effort to prepare others if such an unfortunate incident should occur in their community, Terry has dedicated countless hours addressing school groups and educators on methods to handle school violence.

Although Terry Milfred is retiring from the superintendent position, he will remain a visible actor in the lives of students and teachers at Weston School District. His advocacy and community work will leave a lasting legacy for the entire community, and the area will continue to benefit from all that he has done.

On behalf of the students and faculty of Weston School District, I would like to thank Terry for his many years of tireless service and for bringing hope in the shadows of tragedy and despair.

I wish Terry a very long and a very happy retirement.

□ 1645

BLUE DOG COALITION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Arkansas (Mr. ROSS) is recognized for 60 minutes as the designee of the majority leader.

Mr. ROSS. Mr. Speaker, this afternoon I rise on behalf of the 44-member strong fiscally conservative Democratic Blue Dog Coalition.

Mr. Speaker, as you walk the Halls of Congress, you will notice these Blue Dog Coalition posters along the hallways which signify that you are walking by the door to an office of a fellow Blue Dog Member. And the reason you will find these posters scattered across the Cannon, Longworth and Rayburn House Office Buildings is because we are committed to restoring common sense and fiscal discipline to our Nation's government. And it is important to us, Mr. Speaker, that we remind every Member of Congress, as well as the general public that walk these Halls, that our Nation is in debt. In fact, the U.S. national debt, as of today, is $8,721,415,192,294. And we ran out of room on the poster, Mr. Speaker, but 43 cents. Our national debt, $8,721,415,192,294.43. That is a big number. What does it mean?

Well, Mr. Speaker, I will tell you what it means. For every man, woman and child living in America, including those children being born today, their share of the national debt is $29,093.20. It is what we refer to as the debt tax, D-E-B-T. That is one tax that cannot be cut, that cannot go away until we get our Nation's fiscal house in order.

Why is it important? Because our Nation is borrowing about $1 billion a day. But, Mr. Speaker, before we borrow $1 billion a day, we are going to spend a half a billion dollars paying interest on the debt we have already got. And many of America's priorities in the area of education, veterans benefits, health care, roads, many of America's priorities continue to go unmet and they will until we get our Nation's fiscal house in order.

As members of the Blue Dog Coalition, which is just another name for fiscally conservative Democrats, we are concerned about this. But, Mr. Speaker, our concerns do not end with the debt and the deficit. We are also concerned about accountability, and this Democratic Congress is going to restore accountability to this Chamber, to this administration, and, yes, to the Government of the United States of America.

The Constitution clearly gives Congress, not only the power and the authority, but it is our constitutional duty to provide oversight of this administration. And yet this Republican Congress that we have had for the past 6 years has been nothing more than a rubber stamp for President Bush and his administration.

It is time that Congress did its job. It is time that Congress put the rubber stamp in the drawer and pull out the Constitution and read it and understand that we have a duty, a constitutional duty, to provide oversight to this administration and to this government. We are going to do that. And we are doing it in many areas, including providing for accountability for how the hardworking people of this country's tax money is being spent in places like Iraq.

Mr. Speaker, you ask a hundred different people what they think about this Iraq war policy, you will get about a hundred different answers. And by the way, very few or none of them are going to agree with the direction that President Bush is currently going. If you ask fellow Blue Dog members, you will get different answers as well. I, personally, am opposed to the surge. Others may not be. That is something that we believe each Member must make a decision on and speak from their heart and represent their constituency.

But one of the things that we are united on as Blue Dog members is restoring accountability for how this money is being spent in Iraq.

Mr. Speaker, I want to show here a couple of numbers that are very important. One is the cost of the Iraq war. They spent $2.5 billion pre-invasion in 2001 and 2002. In 2003, $51 billion was spent. In 2004, $77.3 billion was spent. In 2005, $87.3 billion was spent. In 2006, $100.4 billion. 2007, to date, we are getting ready to vote on another supplemental appropriation bill for the war, but to date, $60 billion. That puts the total cost to the taxpayers of America at nearly $400 billion, $378.5 billion.

Now, what does that mean? That is a lot of money. How do you break it out? The total cost for 2006 alone, $100.4 billion. That is $8.44 billion per month of your tax money, Mr. Speaker, going to Iraq.

Another way of putting it, $275 million a day, or about 11 or $12 million per hour. And yet there has been a lack of accountability on how your tax money is being accounted for and how it is being spent in Iraq.

So we, Mr. Speaker, have what is called House Resolution 97 that we have filed as members of the Blue Dog Coalition. And it is a resolution to provide for Operation Iraqi Freedom cost accountability. And let me just get to the meat of it. Basically, the resolution says this: that within 30 days after the adoption of this resolution, and every 90 days thereafter, the Department of Defense Inspector General and the Special Inspector General for Iraq Reconstruction shall prepare and transmit to Congress an unclassified report with a classified annex, if necessary, that would contain, one, a detailed accounting of how military and reconstruction funds in Iraq have been spent thus far; two, a detailed accounting of the types and terms of contracts awarded on behalf of the United States, including the methods by which such contracts were awarded and contractors selected; three, a description of efforts to obtain support and assistance from other countries toward the rehabilitation of Iraq; and, four, an assessment of what additional funds is needed to complete military operations and reconstruction efforts in Iraq, including a plan for security of Iraq, a detailed plan for how any future funds will be spent and a statement of how those funds will advance the interests of the United States and Iraq.

If either Inspector General fails to submit a quarterly report, the Government Accountability Office shall conduct an audit and report to Congress. Sanctions shall be imposed against contractors who have engaged in fraud or abuse or war profiteering. Congress should create a Truman-like committee to conduct an ongoing study and investigation of the awarding and carrying out of contracts by the United States to conduct activities with regard to Operation Iraqi Freedom and make such recommendations to the House as the Select Committee deems appropriate.

Funding requests for Operation Iraqi Freedom in fiscal year 2008 and beyond must come through the regular appropriations process and not be hidden through these so-called emergency supplementals. In furtherance of the partnership that is critical to success in Operation Iraqi Freedom, the administration should firmly condition further American financial, military and political resources upon steady improvement in Iraq, assumption of principal responsibility for internally policing Iraq.

In other words, Mr. Speaker, this resolution says that it is time for this administration to be accountable for how the hardworking people of this country's tax money is being spent in Iraq, no more rubber stamps for this administration. We will fulfill our constitutional duty of providing oversight.

And it also says, Mr. Speaker, that the President should do all he can to get Iraq to take responsibility for their own actions and to take the lead on trying to restore order to that country.

And it also says that this administration must be held accountable for how your tax money is being spent, that there should be transparency to the process, and full disclosure of who is getting paid to do what in Iraq when it comes to private contractors, and to make sure that this war profiteering in Iraq by private contractors comes to an end. That is basically what the resolution says.

Mr. Speaker, every one of us in the Blue Dog Coalition, and I think every one of us in this Congress, Democrat and Republican alike, supports our troops. We can't do enough for our troops. And I can tell you, as far as I am concerned, as long as we have men and women in uniform in harm's way, I am going to do my part to ensure that we provide them the resources they need to get the job done as safely as possible.

But it is also important that this Congress fulfill its constitutional oversight responsibility and demand that this administration be accountable for how your tax money, some $275 million a day, is being spent in Iraq. And there are reports that indicate that at least 20 percent of the money going to Iraq cannot be accounted for.

Think what we could do to provide health care benefits, housing benefits and other benefits for our veterans. And in Iraq and Afghanistan we have got a new generation of veterans coming home, and we have got to be there for them as a country. We cannot do enough for our men and women in uniform. We cannot do enough for our veterans. We have got to be there for them.

We have also got to be sure that this money, some $100.4 billion in 2006 that this administration is sending to Iraq, is accounted for and that it is being spent in support of our soldiers and that we have the resources to take care and to honor our veterans, including a new generation of veterans coming home today from Iraq and Afghanistan.

A number of fellow Blue Dog members will be joining me this evening as we talk about providing for Operation Iraqi Freedom cost accountability. And one of those who has joined me is a fellow Blue Dog member, someone that is very active in the Blue Dogs, was a member of our nominating committee for officers earlier this year, and that is the gentleman from Kentucky (Mr. CHANDLER). And I yield to the gentleman from Kentucky.

Mr. CHANDLER. Mr. Speaker, I am happy to be here this afternoon to join the gentleman from Arkansas (Mr. ROSS) to talk a little bit about what is obviously a very, very important subject to the American people, the subject of accountability.

Now, Mr. ROSS talked a little bit about the national debt. He had a sign up which, as he said, Blue Dog offices all over the Capitol have up, showing what the national debt of this country is, and the fact that each and every American citizen owes over $29,000 just to pay off the national debt.

Now, I don't usually, or very often, come down here to join Mr. ROSS in what I do think is a worthy goal, and that is educating the American people on our financial situation in this country. But I could not resist today. Being a former State auditor in the Commonwealth of Kentucky, I am a little bit familiar with the issue of accountability. And you talk about this debt, the fact that it is as large as it is, the fact that our people owe, each and every one of them, over $29,000 to pay it off, well, your next question is well, what are we going to do about it? What are we going to do about this debt?

Well, one of the very first things that we can do about this debt is demand accountability in the spending. And one of the glaring examples that we have got is the lack of oversight, the lack of accountability in the spending on the war in Iraq. The numbers are huge; almost $280 million a day is what we are spending in Iraq.

Now, the Blue Dogs have made a decision to have a resolution which will show our interest in making sure that this war and the government of this country is accountable for the taxpayer dollars spent in this war. What we have done is, as Mr. ROSS laid out, proposed a resolution that is called the Operation Iraqi Freedom Cost Accountability Resolution. And the resolution focused on several crucial points in demanding fiscal responsibility in Iraq.

The main points, the most crucial, I think, are, one, a call for transparency on how Iraq war funds are spent. I think another important point is the need to fund the Iraq war through normal appropriations, through that process, rather than through emergency supplemental. The third point that I believe is crucial, and one that I want to touch on a little bit today, is the creation of the Truman committee to investigate the awarding of contracts.

Now, what we want to do, the Blue Dogs, what we are calling for is the creation of a modern-day Truman committee for this war, for expenditures in this war in particular, because, in my opinion, you cannot talk about accountability in this war without talking about the need for this kind of committee, a Truman committee.

Now, in 1940, Congress prepared for the eventual involvement of the United States of America in World War II by allocating $10 billion in defense contracts. Early in 1941, stories of contractor mismanagement reached the desk of, at that time a Missouri Senator, a future President of the United States of America, Harry S Truman. Truman, when he saw this information, decided to take action and find out for himself if this mismanagement of funds was, in fact, true. He took a 10,000-mile tour of military bases and discovered that certain contractors were getting a greater share of contracts available and that other contractors were getting paid full price for work that was either poor or inefficient. In short, what he discovered was rampant waste and mismanagement in government war contracts.

□ 1700

Does that sound familiar?

Well, as a result of his findings, Harry Truman went back to Washington and called for a special Senate committee to investigate. They got a lot of criticism. Many immediately criticized the Missouri Senator saying that his efforts might hurt war morale, while others thought that President Roosevelt ought to welcome this committee since it was being headed by a member of his own party and, therefore, would not be used for political gain.

Well, by unanimous consent on March 1, 1941, the Senate created what has proved to be the most famous and, in my judgment, the most successful committee of its time. The Truman Committee, with a budget of a mere $15,000 at the time, saved our country in excess of $15 billion; and in the early 1940s, $15 billion was real money. Up here some of the people don't think it is these days, but it was big money to be saved.

Now, don't you think that we could use a Truman Committee today? It seems pretty obvious to me.

The United States has allocated some $50 billion to private contractors for reconstruction in the rebuilding efforts in Iraq since the beginning of the war, and despite this $50 billion expenditure on these contracts, we hear a lot of reports of mismanagement or certainly of inefficiency and not getting the job done that we expected to see done.

For instance, only 25 percent of Iraqis have access to clean water. And prior to the war the Iraqis had electricity for an average of 16 to 24 hours a day, now that number is down to about 4.3 hours per day.

$17 billion of the $50 billion that has been given in contracts has been given through no-bid contracts to Halliburton, just to one company.

There were over 14,000 weapons by the United States of America, bought by our taxpayers and intended for Iraqi troops. Those 14,000 weapons are now missing.

And in addition to that, over $8.8 billion of Iraqi reconstruction funds are simply unaccounted for by the Coalition Provisional Authority.

Mr. Speaker, we desperately need a modern-day Truman Committee to bring some accountability to this war. We have got to stop the bleeding. We have got to stop this expenditure from continuing to be wasteful. We have got to find out firsthand what is going on with the spending in Iraq. We owe it to the taxpayers of this country, we owe it to the troops who are fighting this war.

We owe it so much to the troops. This is money that the troops need for their welfare in Iraq that is being diverted through the wasteful spending of those who are going to be financing this war. We owe it to them to stop the mishandling, stop the mismanagement of money in Iraq.

I strongly support this Blue Dog effort to have a cost accountability ethic relative to the war in Iraq because it is past time, way past time to hold the leaders of this country accountable for the money they spend in Iraq.

Mr. Speaker, I yield back the balance of my time to the gentleman for Arkansas, and I thank him for all of his efforts on behalf of accountability to the taxpayers in this country.

Mr. ROSS. I thank the gentleman from Kentucky, former State auditor, former State attorney general for his leadership within the fiscally conservative Democratic Blue Dog Coalition, and someone who played an important role in helping us draft this resolution, House Resolution 97. And I certainly thank him for helping sponsor this resolution that, hopefully, we will get through the House to demand accountability, fiscal responsibility and accountability for how this administration spends billions of tax money, Mr. Speaker, in a place a long way from Arkansas and a long way from America, and that is in Iraq.

And I couldn't help but think when the gentleman from Kentucky was talking about accountability, I think it is important to note that Congress has appropriated over $25 billion to various departments and agencies for reconstruction projects that are intended to improve the lives and living standards of the Iraqi people, and, yes, to endear them to our way of life; and yet we find that only half the projects have been completed.

For example, the Special Inspector General for Iraq reconstruction reported that funds allocated for health care projects, health care projects, are more than 65 percent expended—that is, the funds—but fewer than 36 percent of the projects have been completed. Funds were allocated for construction of 142 primary health care clinics and only 20 were completed.

Likewise, the Inspector General reported that a contract was made to construct 20 rehabilitation hospitals, and only 12 were completed.

A New York Times report found that thousands of weapons intended for Iraqi forces, the good guys in Iraq, our allies in Iraq, are missing. This study investigated 19, count them, 19 contracts that totaled $133 million for more than 370,000 weapons. No one knows where these weapons are. Three hundred seventy thousand weapons in Iraq, bought with U.S. tax money, are missing, and no one can account for them.

We need accountability in Iraq.

Mr. CHANDLER. Mr. ROSS, do you have any idea why this situation has occurred? Do you know why? Do you have answers? Do any of you have answers at this point?

Mr. ROSS. Because this Republican Congress for the past 6 years did not fulfill its constitutional duty of providing oversight of this administration and the Department of Defense. There was no oversight. It was rubber stamp after rubber stamp, and more money after more money, and no accountability.

Mr. CHANDLER. It doesn't matter, in my view, which party is in control. If we had a Democratic President, I believe that a Democratic Congress ought to hold that administration accountable just like Truman did in World War II. We have had a Republican Congress that simply has not held this Republican administration accountable. That is just simply a loss for the taxpayers. That is all you can say.

Mr. ROSS. The gentleman is right. It shouldn't matter if it is a Democratic Congress or a Republican Congress, the American people are sick and tired of all the partisan bickering. What the American people want is for us to provide leadership and accountability on how their tax money is being spent. And I can assure you, Mr. Speaker, that as members of the fiscally conservative Democratic Blue Dog Coalition, we are going to do our part to hold this administration accountable to find out where in the world this $133 million of your tax money, Mr. Speaker, that went to purchase 370,000 weapons, what happened to them.

It doesn't matter if there is a Democratic President or a Republican President, the gentleman from Kentucky is absolutely right, what matters is being accountable and being good stewards of the tax money of the people of this country.

I yield to the gentleman from Kentucky.

Mr. CHANDLER. It is the least that we can do for the people of this country.

Mr. ROSS. And for the troops.

Mr. CHANDLER. And for the troops. You mentioned a very important word, and that word is stewardship. That is what we owe to the people of this country, we owe them stewardship. We must be good stewards. And job one is to take care of their hard-earned resources that they send up here to Washington. And in this case, we are sending an incredible amount of those resources over to Iraq and nobody is watching what is happening with them. Nobody is holding that process accountable.

And I want to thank the gentleman from Arkansas for his efforts to bring light to this subject. I think it is very, very important. We need to continue to talk about this until something is done.

I am glad to see my colleague here from Georgia (Mr. SCOTT), who I know has come down here on a number of occasions to talk about this subject. He is a fine, fine member of our coalition. I am glad to be here with Mr. SCOTT, and I know he has a word or two to say about this also.

Mr. ROSS. I want to thank the gentleman from Kentucky for joining us today. And, Mr. Speaker, if you have any questions comments or concerns for Mr. SCOTT or any of us, you can e-mail us at BlueDog@mail.house.gov.

And it is a pleasure for me to be joined by a real leader within the Blue Dog Coalition, someone that demands fiscal responsibility and accountability, someone who is helping us with this House Resolution 97, a cosponsor of it, someone that helped author it, and a member of the NATO Parliamentary Assembly, Mr. CHANDLER, and that is my friend, the gentleman from Georgia (Mr. SCOTT).

Mr. SCOTT of Georgia. Thank you so much. And thank you for those kind words you said about me. I appreciate it. And I would have called my mom, because she would have loved to hear those words, too.

You know, over this weekend, I did a couple of things when I was home. One was that I really got into the Constitution of the United States. I really got into that section in article I, section 8, that clearly gives us the exclusive responsibility as Congress to raise and support armies.

It is clear as a bell there. It gives it to us, it does not give it to the White House or the President or the executive branch. It gives it to Congress. And up until now we have failed the American people. The large measure of this—you touched upon it earlier, Mr. ROSS, but this Republican-led Congress has just completely rolled over and allowed this President to fund this war on emergency supplementals, which means that we in Congress cannot conduct the constitutionally required oversight to do what the Constitution wanted us to do.

Now, that is why we are in this situation we are in, and I would like to talk for a moment on two points.

When I was home, the other thing I did was I got around and I had some great interaction with my constituents out in Cobb County and Douglas County and in Clayton County and in Henry County. We all had town hall meetings, we had my office open. I mean, we had Chamber of Commerce annual dinners.

That is a great opportunity for folks to just come up to you and let you know exactly how they feel. And I can tell you, Mr. ROSS, they are proud to see us on this floor, offering this bill. This is not just a resolution that is nonbinding. We are going to have those that voice our opinion about this war, they are going to be voted on up or down.

Everybody knows my personal feelings about the mistake of this surge, but this resolution that we have carries a tremendous amount of weight. That is why I care about it so much. And I want to share with the American people exactly what it is in this resolution that we are doing and why it is needed and why, finally, this resolution provides a direct link and connection with what the Founding Fathers wrote in article I, section 8, of the Constitution over 200 years ago that we have the exclusive right to determine how we will manage.

Now, why do we need that?

The other thing I did over this weekend was, I read my home newspaper, the Atlanta Journal Constitution. And in there there was an extraordinary article by the Associated Press that I would like to make a part of this RECORD because this article points out the very need for this measure that we in the Blue Dog Coalition are pushing.

This article in the Atlanta Journal Constitution was written John Heilprin with the Associated Press. The title of it was this: Contractors Investigated After Army Fraud Alleged. Just listen to this, America. "From high dollar fraud to conspiracy to bribery and bid-rigging, Army investigators have opened up to 50 criminal probes involving battlefield contractors in the war in Iraq and the U.S. fight against terrorism."

□ 1715

What an opening sentence, what a declarative issue we have here.

It goes on to say, senior contracting officials, government employees, residents of other countries, and in some cases U.S. military personnel themselves have been implicated in millions of dollars of fraud allegations. "All of these involve operations in Iraq, Afghanistan and Kuwait," Chris Grey, a spokesman for the U.S. Army Criminal Investigation Command, confirmed just this past Saturday. "The agents will pursue leads into truth wherever it takes us. We take this very seriously."

Here is the point. Battlefield contractors have been implicated in allegations of fraud and abuse since the United States invaded Iraq in the spring of 2003. Any wonder why this has happened? Because the Congress did not apply the oversight, because this Republican Congress just simply rubber-stamped everything.

The Special Inspector General's Office, focusing solely on reconstruction spending, has developed cases that have led to four criminal convictions. The problems stem in part from the Pentagon's struggle to get a handle on the unprecedented number of contractors now helping run the Nation's wars, and these contractors are used in battle zones to do nearly everything but fight. But they can war-profiteer, they can commit fraud, they can commit bribery, and they can abuse the taxpayers' money on the backs of our good, brave soldiers that are putting their lives on the line for much less than what these contractors are making.

They run the cafeterias, the laundries for the troops. They move supplies, run communication systems and repair weapons systems.

Special agents from the Army's Major Procurement Fraud Unit were recently dispatched to Iraq, Afghanistan and Kuwait where they are working closely and sharing information. One case involves an Army chief warrant officer accused of taking $50,000 in bribes to steer a contract for paper products; and plastic flatware away from a government contractor to a Kuwaiti company, according to an indictment.

The Government Accountability Office reported in December that the military has been losing millions of dollars, and contractors are being investigated because it cannot monitor industry workers in far-flung locations. It summarizes this way: Commanders are often unsure how many contractors even use their bases or even require the food and housing protection, according to one report. One Army official quoted said, "The service estimates losing $43 million each year just on free meals that are provided." That is why this bill is important.

Let me just mention specifically how this bill will help prevent and address this glaring situation that was reported in the Atlanta Journal Constitution by the Associated Press, John Heilprin, who I commend for doing an excellent job. Our bill will require, within 30 days of passage, that every 90 days hereafter the Department of Defense Inspector General and the Special Inspector General for Iraqi Reconstruction shall prepare and transmit to Congress an unclassified report, but with a classified annex, if necessary, that will contain the following:

One, a detailed accounting of how military and reconstruction funds in Iraq have been spent thus far;

Two, a detailed accounting of the types and terms of contracts awarded on behalf of the United States, including the methods by which such contracts were awarded and contractors selected;

Three, it will require a description of efforts to obtain support and assistance from other countries during the rehabilitation of Iraq;

Four, an assessment of what additional funding is needed to complete military operations and reconstruction efforts in Iraq, including a plan for security of Iraq, a detailed plan for how any future funds will be spent, and a statement of how those funds will advance the interests of the United States in Iraq.

If either inspector general fails to submit a quarterly report, the Government Accountability Office shall conduct an audit and report to Congress. Sanctions will be imposed against contractors who have engaged in fraud or abuse or war profiteering, and we will create the Truman Committee that Mr. CHANDLER spoke to earlier.

Funding requests for operations in Iraqi Freedom in fiscal year 2008 and beyond must come through the regular appropriations process and not through these emergency supplementals that are explicitly designed to bypass oversight. That is why we have the problems we have here; and also, that is why there was not enough money put in the budget when we sent our Armed Forces over there 3 years ago, as you recall, the news reports where many of our soldiers were digging in dung heaps and landfills trying to get body armor for them.

No. No more. This Blue Dog resolution addresses that, and I would expect an extraordinarily large vote in getting it passed.

And it is so good to be on the floor with my good friend, Mr. ROSS, and also my good friend, Mr. ISRAEL from New York, who we serve together, both as cochairs on our Democratic Group on National Security. And we have been addressing these issues. So it is just a pleasure to be on the floor with you. I hope with this story and this Associated Press Atlanta Journal Constitution report, it will show the American people why we need the specific legislation and the importance in getting some accountability passed concerning our war funding.

Mr. ROSS. I thank the gentleman from Georgia, a fellow Blue Dog member, a member of the NATO Parliamentary Assembly, for joining us to discuss the fiscally conservative Democratic Blue Dog Coalition's House Resolution 97 that provides for Operation Iraqi Freedom cost accountability.

The Constitution clearly gives Congress oversight authority, and this Congress, this new Democratic Congress, is going to provide oversight of this administration, of this government, and fulfill our constitutional duty and demand that our troops get the money they need to get the job done as safely as possible; but also demand that it be done in a way to where this administration is held accountable for how, Mr. Speaker, your tax money is being spent in Iraq.

I recently received an e-mail from a soldier from my hometown. He wrote to me in an e-mail from Iraq, and there are a couple of points I would like to point out. I am quoting this soldier now in Iraq. "Needless to say, war profiteering is high, and disgusting to witness as a taxpayer." This is a citizen soldier, this is a soldier that comes to us from the Army Reserve. He has now been in Iraq 7 months. And in his e-mail to me he said, "Needless to say, war profiteering is high, and disgusting to witness as a taxpayer."

He goes on to say, "And the black market thrives over here as well. For example, much of the fuel never reaches the military; it ends up in the wrong hands through a complex network of interconnected relationships that truly reminds me of the Mafia."

Another example from a soldier on the ground in Iraq that has been there 7 months about the need for accountability for how tax money, some $400 billion so far, some 20 percent of that $400 billion is unaccounted for, according to the most recent reports.

As members of the Blue Dog Coalition, we are offering up a resolution to demand that this money, your tax money, Mr. Speaker, be accounted for in how it is being spent in support of our soldiers in Iraq. And you know what? We might just find enough waste, fraud and abuse in Iraq that we could take that money and invest it in veterans' benefits, to ensure that our men and women coming home from Iraq and Afghanistan are properly cared for.

With that, I yield to a gentleman that knows a lot about this subject, a gentleman that is not only a very important member of the Blue Dog Coalition, but someone who served on the House Armed Services Committee, someone who now serves on the Foreign Operations Subcommittee of the House Appropriations Committee, and that is the gentleman from Long Island (Mr. ISRAEL).

Mr. ISRAEL. I thank my good friend for his leadership in the Blue Dogs, his leadership in the Congress, and my good friend from Georgia who, as he noted, cochairs with me the Democratic Study Group on National Security, which is intended to ensure that this Congress and Democrats in Congress continue to lead the fight on behalf of our troops, to lead the fight on behalf of our national security. We were founded in the acknowledgement that we need a robust, muscular military to protect us from the threats that are out there.

I think this topic is critically important, the topic of war profiteering. And who pays the price for war profiteering? Our taxpayers pay the price, our troops in Iraq, Afghanistan and around the world pay the price. But there is another group that is paying the price, and I would like to address that this evening, our National Guard units at home.

This morning there was a report in the National Journal's Congress Daily. It was headlined, National Guard May Lack Needed Gear to Deal With Domestic Crisis, GAO Says. And the report raises questions about whether the State-run National Guard units have adequate supplies to respond to disasters and emergencies on U.S. soil. It says it will remain unclear whether the Guard is equipped to respond effectively to the consequences of a large-scale terrorist attack or natural disaster.

The article in the National Journal states, "Over the last several months, many State Guard leaders have complained that their unit took their best equipment with them when they deployed to Iraq, leaving the personnel at home short of trucks, radios and other equipment needed for domestic missions. Indeed, Lieutenant General Steven Blum, chief of the Pentagon's National Guard Bureau, told Congress last year that at least two-thirds of his units in the United States are not combat ready."

Now this, to me, is just incredible that Halliburton made money, that these contractors made money. In my view, they gouged the military, gouged our taxpayers, marked up the services they provided, and National Guard units at home are short of the equipment they need.

I represent a district on Long Island. The World Trade Center was 40 miles from my hometown. We know what terrorism is like. We needed our emergency responders when that happened. We are likely to need them again, the gentleman from Georgia knows that very well. But when two-thirds of their equipment is sitting in Iraq, that creates a very serious problem. That is the cost of war profiteering.

Now, I understand the exigencies of war and I understand that when you go to war, you know, you have to make sure that your troops have everything they need, and there are all sorts of funding issues; but my goodness, Secretary Rumsfeld said, You go to war not with the Army you want but with the Army you have. You have got to budget for that Army. You never send people into war unequipped, underfunded, underequipped without the right number of coagulant bandages, without the right number of night vision goggles and up-armored Humvees.

If they found the money to pay these contractors that ripped us off, they can find the money to make sure that our National Guard units have the equipment they need. If they found the money to pay the excessive bills of these contractors so that they could raise their bottom lines, they could find the money to raise the equipment that the National Guard needs for the mission-critical equipment that will be required—not just in an act of terrorism, by the way, but when we have a major hurricane as we did with Katrina.

Long Island stands a very good chance of suffering a Category 3 hurricane or more. And it is going to be very difficult for me to explain to my constituents that they didn't have the National Guard equipment resources that they were depending on to respond to a Category 3 hurricane because that equipment was in Iraq; but Halliburton got what it wanted, its CEO got the salary increase he needed.

This isn't very complicated. We are short-funding our troops in Iraq and Afghanistan; we are undersupplying our National Guard units at home. The big corporations who are contracted as part of this war are making more money than ever. And there are still companies in the United States that can register their international headquarters at a P.O. Box in Bermuda so they can avoid their fair share of taxes at home. That is a disgrace.

It is time for accountability. It is time for oversight. It is time to put our money where our mouths are. It is time to quit talking about funding our troops here and abroad and then not giving them the resources they need.

The Blue Dogs believe in fiscal accountability. We take second place to nobody when it comes to supporting our troops and supporting our military, to nobody. But we also understand that you can't say you are doing that; you have got to actually do it. You can't fight a war abroad, short-fund our troops there and be left with degraded National Guard units at home. It is time for accountability, for oversight. It is time for a different direction, and that is precisely what the Blue Dogs are going to insist on.

I thank the gentleman for recognizing me.

Mr. ROSS. I thank the gentleman from Long Island for his insight on this resolution to put an end to war profiteering and demand accountability on how the American people, the hard-working American people's tax money is being spent in Iraq.

I yield back to the gentleman from Georgia (Mr. SCOTT).

Mr. SCOTT of Georgia. I want to build on the point that my good friend from New York (Mr. ISRAEL) talked about.

It was very important when James Madison wrote into the Constitution the words, "Raise and support the Army is the exclusive domain of the Members of Congress."

□ 1730

There was a reason for that. The reason was because Members of Congress, unlike the President, unlike the Senate, my good friends in the Senate, it is the Members of Congress that are closest to the people. Every other year we must run, and that is why they put it in there that if we are going to war, yes, we will spread this authority, some of that as Commander in Chief to the executive branch, but we must have a check and a balance. They put that in the bosom of the Congress, which has to go back before the people every other year and be accountable.

I am here to tell you the people of the United States are looking to this Congress. They are looking for us to bring some accountability to it. They are looking for us to be fair and understand what is at the core of this.

You know what is at the core of this is the soldier. When is somebody going to look at this war from the standpoint of that soldier that we are sending to Iraq now and placing in the cross hairs of a civil war, a questionable gambit at best?

The President of the United States does not have to run again. He can have all the surges he wants. He can do everything he wants. His concern now is building his legacy. He has his right to do whatever he wants to do, but the one thing he does not have to do, he does not have to go and face the American people again. We do. That is why Madison gave us the arbitrary decision to raise and support the military.

So when the Bush administration made the decision to use large numbers of these private contractors that were talked about on the battlefield in Iraq, it now has had somewhat of a perverse effect of incentivizing highly trained special operation force personnel to leave the Armed Forces. They are there voluntarily, in order to work as some of these contractors for much higher pay.

There is so much just built into this for war profiteering, but here is a statistic that we have got to be concerned about. We have got to look at this hardship on the soldier. These are not 21,500 other soldiers just sitting over there waiting. These soldiers are going, many of them, on their third and fourth tour of duties. We have a situation where we are running the military in the ground, and no more pointed example of that is this startling, disturbing and tragic information that has been handed to me by the National Security Advisory Group. Listen to this:

Between 2001 and 2004, divorce rates among active duty Army officers tripled and rates among Army enlisted soldiers grew, divorce rates by 50 percent, as deployments lengthened and with increased frequency as they are doing now. These divorce rates have served to underscore the severity of the strains on the active duty personnel and their families, and similarly, incidents of domestic violence increased over the same period. There is wear and tear not just on the equipment that we talked about, not just on not having the bulletproof vests or the Humvees riding around; it is wear and tear on the hearts and souls of our soldiers. It is too much of a strain, and we have got to correct this situation.

These and other warning signs have caused some commanders to fear that personnel who were willing to undertake successive deployments as part of, and they use these words, part of the surge cannot sustain this tempo of operations over the long term. If they do so, it will be at the adverse impact on their families.

How much more do we want to ask of our soldiers? I would tell you one thing, this Blue Dog resolution is dedicated to giving our soldiers the respect that they are due. We are going to make sure that the money we appropriate in here goes to them, and we are going to make doubly sure that we can end this situation in Iraq quickly and bring our soldiers home to their families.

Mr. ROSS. I thank the gentleman from Georgia for his heartfelt comments.

This war has had an impact on just about every family in America; and my brother-in-law, who is in the United States Air Force, career, is now in Kurdistan, which is one of the entry points to Afghanistan.

My first cousin, his wife, gave birth to their first child while he was in Iraq, and it has had a tremendous toll on the families, and not only for the military but also the citizen soldier, those who serve as members of a National Guard and as a member of an Army reserve.

When the President talks about a surge, when the President talks about adding another 21,500 troops to Iraq, that is code for calling back up the National Guard and the Reserves. Many folks in the National Guard today have been sent out of country at historic levels. In many instances, the citizen soldiers, those in the Guard, have been called up more times than some soldiers that are in the full-time military as a career. It has a tremendous toll on the family, the families that are left behind, and a huge increase in the number of divorces that occur when they come back.

The bottom line is we are creating a generation of veterans in Iraq and Afghanistan, and we can sit here and talk about being patriotic and supporting our soldiers all night long, but what is important is that we cast our votes in a way that honors them and ensures that they have health care and the things they need when they come back so hopefully we can minimize the number of divorces. We cannot do enough to thank our men and women in uniform for their service to our country.

One of the ways I think we can honor them is by demanding accountability for how tax money is being spent in Iraq, not only in the rebuilding efforts but also in support of them, making sure those men and women in uniform have the resources they need to stay safe while they are there.

Mr. Speaker, if you have got any comments, questions or concerns for us, I would encourage you to e-mail us at bluedog@mail.house.gov. Again, that is bluedog@mail.house.gov.

The gentleman from Kentucky (Mr. CHANDLER) was talking about Halliburton earlier. Let me just make this quick point and I want to yield to the gentleman from Long Island, but last year, the Special Inspector General for Iraq Reconstruction reported that the Coalition Provisional Authority could not track over $8 billion it had transferred to Iraqi ministries and that CPA officials left millions of dollars in cash unsecured in their offices.

Halliburton failed to complete required work under its oil infrastructure work, leaving distribution points unusable. Auditors in one region found that contract managers could not account for $97 million disbursed from the development fund for Iraq.

Under its no-bid contract to rebuild Iraq's oil infrastructure contract, Halliburton overcharged by over 600 percent for the delivery of fuel from Kuwait. An audit of programs designed to train guards to protect Iraq's oil and electrical infrastructure concluded that U.S. agencies could not provide reasonable assurance that $147 million expended under these programs was used for its intended purpose.

In one case, the Special Inspector General for Iraq Reconstruction found that a company which was awarded a security management contract worth hundreds of millions of dollars could provide no assurance that it was providing the best possible safety for government and reconstruction personnel as required by the contract and could not even show that its employees, authorized to carry weapons, were trained to use those weapons.

Halliburton tripled the cost of hand towels, hand towels at taxpayer expense, by insisting on having its own embroidered logo on each towel, and Halliburton employees dumped 50,000 pounds of nails in the desert. Why? Because they ordered the wrong size, all at taxpayer expense because it was a cost-plus contract.

Halliburton double charged tax payers for $617,000 worth of soda and charged taxpayers for services that it never provided and tens of thousands of meals that it never served our soldiers.

That is why, Mr. Speaker, we have filed H. Res. 97 to demand accountability on how tax money is being spent in Iraq, and I yield to the gentleman from Long Island.

Mr. ISRAEL. Mr. Speaker, I would just close with one point.

I want to echo what the gentleman from Georgia has said. This soldier comes first. If you go into fight a global war on terror you better make sure the fighters have everything they need. Do not ask them to stand in line behind the corporate executives at Halliburton. Do not ask them to stand in line behind the CEO of Exxon Mobil who got a huge tax cut on top of his bonus, on top of his huge salary. Do not ask them to stand in line behind the big pharmaceutical companies that also got a windfall from the government in the Medicare part D program, despite their record-breaking profits.

The gentleman from Georgia and the gentleman from Arkansas and I believe more than anything else that our primary obligation in this place, in this House, is to support our Armed Forces and to keep this Nation safe. That takes the right priorities.

In the past, the priorities have been wrong. How do I know? Two-thirds of our National Guard units do not have the equipment they need to respond to an emergency or an act of terrorism at home because the equipment is sitting in Iraq because we did not fund the war fight properly.

It is time to put our soldiers first, not just in our rhetoric but in our budgets; and to do that, you need accountability.

Mr. SCOTT of Georgia. The final analysis of what we are saying is what the American people spoke to in November. They spoke to warning this Congress to stand up and demand accountability and be good stewards of their tax dollars, and that is the core of our Blue Dog resolution. I believe that and I hope that within the next couple of months we will have this resolution passed.

Might I ask for the benefit of our audience if I could ask Mr. Ross if we could give the number of our House Resolution in the event that there might be some individuals who are in the C–SPAN audience who might want to give us a little helping hand here to help us get this bill passed.

Mr. ROSS. H. Res. 97, providing for Operation Iraqi Freedom cost accountability, and it is quite simple. We want this administration to be accountable for your tax money, Mr. Speaker, that is being spent in Iraq, number one.

Number two, we want a Truman-like commission to put an end to war profiteering in Iraq.

And, finally, we want this administration to stop playing games and asking for emergency supplementals to hide the true cost of the war and ask for the money the way that all other funds are appropriated by this Congress, through the normal process.

One hundred point four billion dollars was the cost for 2006. Over $400 billion has been spent since this war began. That is $8.4 billion a month. That is $275 million a day, and that is nearly $12 million an hour of your tax money, Mr. Speaker, and the tax money of every hardworking man and woman in this country; and it is time to restore commonsense, fiscal discipline and accountability to our government. That is one way, Mr. Speaker, that we believe we can honor our men and women in uniform.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Speaker would remind Members to direct their comments to the Chair.

WHAT IS GOOD FOR AMERICA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Iowa (Mr. KING) is recognized for 60 minutes as the designee of the minority leader.

Mr. KING of Iowa. Mr. Speaker, I appreciate the privilege and the honor of being recognized to address you on the floor of the House of the United States House of Representatives, the people's House, this people's House and this new day, this new dawn that was pledged to come to this 110th Congress.

As you may or may not know, Mr. Speaker, I spend many hours here on the floor in these Special Orders and in debate on bills and in 1-minutes and in 5-minutes as we engage in this dialogue and raise the issue of what is good for America.

□ 1745

One of the very important things about determining what's good for America is to have a process for America that is conducive to the right result, and the right result in most cases, we will agree, I believe, would be the will of the people: the will of the people properly informed, the will of people properly educated, and the will of the people that have access through the first amendment rights to all the information and all the knowledge possible.

But, then, I would point out that we do not live in a democracy. As much as I have said about the reflection of the voice or the people here in the people's House, each one of us does have an obligation to listen carefully and attentively to our constituents, to the people in this country, and not just confined within our districts, but to listen to the Nation as a whole and focus on the interests of our district. But sometimes we have to put the Nation ahead of, sometimes, the will of our district.

But this is a constitutional Republic that we serve in, not a democracy. I point out that our Founding Fathers had a significant concern, and I will say even a literal fear of democracies.

On one of my earlier trips out here to Washington, DC, quite some years ago, I visited the National Archives on my first visit. As I waited in line to go around and be able to stand there and gaze upon the Declaration of Independence, upon the Constitution, upon the Bill of Rights in their original form, the original documents that our Founding Fathers placed their hands to and pledged their lives, their fortunes and their sacred honor, as I waited to view that for the first time, on display at the National Archives was a display of Greek artifacts.

The Greek artifacts that had come from 2- to 3,000 years ago in the era where the closest thing that there has been to a pure democracy from the standpoint of the Greek city-states, where of-age males would gather together, and they would debate; they would debate the issues of the day. They had a number of things they put in place for stopgap. One of the things they found out was, you will recognize the term "demagogue."

"Demagogue" is a term that we use occasionally in our vernacular, perhaps here on the floor reluctantly, but also throughout our dialogue across the country. There is not a lot of history on demagogues. It is hard to Google demagogue and to become an expert, to look under amazon.com and to come up with real books that are written on real facts that identify demagogues in the Greek era. They are almost nonexistent in this Nation's literature, at least so far as I have been able to identify.

But what the Founders knew and what young Americans growing up today and, really, all of its citizens should have an understanding of is that in that purer form of democracy in the Greek-city state, they had Greek demagogues who had such an oratorical skill that they could stand up in front of that small coliseum, so to speak, and make their pitch in such a passionate, logical and rational way that it would move the emotions of the Greeks within that city.

They would not necessarily analyze the information behind that debate. They would not necessarily analyze the data, the calculations. They maybe were not even thinking for themselves. But what they would do is, they would listen to the demagogue that had that ability to move the masses with their dialogue. That, sometimes, in fact, often, took the Greeks off on a path that was not necessarily the best path for them, because they didn't stop, step back and think about where they were going. They were moved by the emotion.

So a demagogue would be someone, then, who had that ability and that skill. When they were identified as detrimental to the best interests of the city-state, then they had a blackball system. That blackball system, again, as I recall it, was that they would each go through, and there would be a, let us call it a black marble and a white marble, and there would be one large gourd to drop the voting marble in and then one to discard your empty in. So each voting member of a city-state got two, a black marble and a white marble.

As they went through there and as they dropped that marble in, they said, I want to keep this individual here in the city-state because I like his position, or he is good for us, or he helps out with the knowledge he has, whatever the reason might be, the same way we vote for or against Presidential candidates in a lot of ways. They would drop a white ball if they wanted to keep him, into the voting.

It would actually be a piece of pottery, a smaller-necked piece of pottery, actually. Then they would discard the black ball in another piece of pottery. So no one knew how they voted; it was a secret ballot.

But if that demagogue received three black balls dropped down in the voting piece of pottery, then that would be all that was required from the entire city to banish that demagogue from the city for 7 years. That was one of the ways they protected themselves from the emotions of a democracy.

Mr. Speaker, I bring this up because quite often, I think, in the classrooms of America, it is taught consistently and continuously that this is a democracy. We toss the term around, we are in a democracy. This is a democracy that goes on over and over and over again, and I always argue, no, this is a constitutional Republic.

Our Founding Fathers crafted a constitutional Republic for the first time in the history of the world because they were shaping a form of government that would not have the failures of a democracy in it, but had the representation of democracy in it. That is why we are a constitutional Republic. That is why we are called Representatives here in the United States Congress, because we each represent about 600,000 people.

It isn't the 600,000 people, those that are qualified and registered, those that go to vote will select each one of us, and then it is our job to be their voice here. But the first thing that we owe our constituents is not to put our finger in the wind and listen to the polls. It isn't our job necessarily to put our ear to the ground and try to stay ahead of the moving public opinion, but it is our job to listen to that public opinion.

It is also our job to be involved in all of the dialogue here and have access to all this information that is available to us here in this capital city, the information center of the world, from my experience. We owe our constituents and all American people our best judgment as we serve in this constitutional Republic.

The voice of these Members here in Congress is essential. It is essential for the functionality of a republic, and it is essential for the functionality of this great Nation. In this system of government that we have now shaped, a tried and true system for more than 200 years, we found a way to use this process of gathering the information and the data and the input from our constituents who come through my office every day. And I sit down with them every day that we are open for business here, and it is for me to gather that kind of input and information. Then I exchange back with them the things that I know about policy from sitting here.

Then we have discussions about, well, here is our budget, these are our limitations, these are the policy questions. Here is the legality, here are some of the constitutional constraints that we have, and your needs are this. So how do we shape this together so that we can come forward with a proposal that meets the needs of my constituents or anyone's constituents, stays within the framework of our budget and the Constitution and moves this Nation forward to our destiny?

Those are the questions that we are obligated to struggle to resolve here in this Congress, and we have developed a process by which we have many, many public hearings. We bring forward in the public hearings witnesses that testify into the record under oath, so that we can rely on the accuracy and the honesty and the veracity of their statements. That is some of the information.

A lot of the other government reports and other data that come from nongovernmental organizations and individual citizens and the letters that come every day and the e-mails that come every day and the phone calls that come every day, we put that all together. We sort that. We synthesize that. We go to the subcommittee or the full committee for the hearings. We ask the appropriate questions so that we can probe into these issues to represent our constituents.

Then, after the hearing process is done, then a bill comes forward, a bill comes out through the subcommittee process for a markup, and that markup always must allow legitimate germane amendments in order. It is not just a theory; it is a tried and true proven fact. The reason for amendments is to improve the legislation.

The first term that you run into, as any, one step forward, to become a legislator, whatever level of government might be, whatever political subdivision it might be, is the law of unintended consequences. That is what happens when any of us, most often in our youthful idealism, come charging into the legislative process. We say, I have a law I want to pass, this is what I want it to be.

You write that down, put it into the right format, and you submit that into the process, and immediately the wake-up call is, well, what about this implication and that? What happens when you unfund this side of it. What happens when you don't have law enforcement on the other side? What happens when you punish more people than you were trying to help because you didn't think of all the aspects?

Well, that is the law of unintended consequences. That is what happens when you have a legislative process that circumvents or usurps this tried and true, more than two-centuries-old process that we have here in the United States Congress.

This constitutional Republic cannot sustain itself if we do not have a regular order of doing business that guarantees the rights of each Member to be heard, for each Member to bring their judgment to the hearing process, to probe the witnesses, to put into the record the background that they want to gather from the witnesses they choose, as well, to offer amendments at committee and subcommittee level and at the level up at the Rules Committee.

This is all a process to perfect legislation, to reduce, and, ideally, eliminate that Murphy's Law of unintended consequences, and also to improve the quality of the legislation so that it is far more effective than it may be as if just one person with their limited vision, their limited knowledge, limited background and limited understanding could bring to this legislative body.

I have to point out, the system and the process that I have described here is anything, but what has been taking place in this 110th Congress. This is the 110th Congress that was promised to be the most open and the term, I believe, was "democratic Congress in history." The leadership was going to set up a system that had rules, that allowed for amendments at every level, that allowed for open dialogue, that allowed for open hearings. In fact, the Speaker of the House is clearly on record time after time after time, making those kinds of pledges.

Well, I will point out that has not been the case. I will get back to the facts of that here in a moment.

What I would like to do is illustrate this poster that tells us what has been going on here in this new 110th Congress, which began on the 4th day of January when we organized and first brought forth the rules.

The opinion that this Congress had to live by was the promise, campaign promise, and they won the majority. In the first 100 hours, six pieces of legislation shall pass; we will do this for the American people, was the argument.

So we have two different ways of keeping time. The American people would wonder, well, the first 100 hours, if that promise of doing these six pieces of legislation in the first 100 hours is so sacrosanct that you have to suspend, maybe temporarily, and maybe not temporarily, the regular order that we call it here. This really is the entire process that I have described: the suspension of hearings, subcommittee meetings, full committee meetings, rules, consideration of amendments, and amendments being allowed on the floor, being debated, so the American people can understand what this body is doing.

That entire process has been suspended, and it has been suspended because the argument was made by the incoming leadership that those six pieces of legislation couldn't be passed within the first 100 hours if we went to a regular order and allowed any Member to have any voice in trying to improve any piece of that legislation.

So here we are this first 100 hours. I thought, well, all right, if the promise of 100 hours is sacrosanct, and it is so important that this legislation that has never been done in the history of America has to be done in the first 100 hours, if that is so important, then we ought to know at least what the criteria are for turning it on and turning it off. We ought to be able to know when that 100 hours is over, when we will go back to regular order, and the people who have campaigned and been elected to legitimately represent their 600,000 people will have a choice in this Congress to improve and perfect legislation.

So I started the clock, and I have kept this clock from the beginning. You know, there are only two legitimate ways to count time. One of them would be the 110th Congress began when we gaveled in here on the 4th day of January. You could just let the clock run all through the day, the night, the next day, and it will just essentially tick when we get sine die, gavel out of the 110th Congress roughly 2 years from now.

I don't think that is necessarily a fair and legitimate way, that keeping track of 100 hours is sacrosanct. We may give them a little bit different way to do that. Let us make it the legitimate way of keeping time, was my proposal.

Fairly simply, when the gavel comes in here in the morning, and we gavel in to start our day, and we start with the prayer and the pledge, that is the beginning of this congressional day. When we finish these Special Orders and there is a motion to adjourn, and you adjourn this Chamber, click, with the stopwatch, time is over, that is how many hours it is for that day.

Well, the Pelosi clock has a different way of keeping time. But just by comparison—and first I want to point out that those six pieces of legislation were passed not in the form I thought they were going to come to the floor in, probably not the form that the American people thought that they would be passed in, but a form that had those six titles of that legislation that came to this floor, passed within the first real 100 hours of legislation.

□ 1800

And that ended on a Friday at 11:44 a.m. when the real clock ticked over at 100 hours. But the Pelosi clock which was on the Web page, that was put up so that they would have all the time that they wanted to have to get this legislation done, and we just took a little picture of that. That clock went to 42 hours and 25 minutes. That is how much, Mr. Speaker, had been expired on the Pelosi clock.

So one can only presume that this clock was a slow clock. The Pelosi office refuses to grant us any criteria as to when they turn their clock on and when they turn their clock off. The only thing we know is this clock was not going to run up to 100 hours until those six pieces of legislation were passed. So it is kind of a backwards figuring thing, but now it has been pulled down from the Web site of the Speaker, but that was the end of the game.

So when that 100 hours is over, the request was give us some time, give us some patience. We need to have the suspension of our rules. We are going to have to go to this draconian process that no Member has a voice in anything until these six pieces of legislation are passed. We are going to have to go to that to get our six pieces passed in the first 100 hours.

Well, the six pieces are passed. The 100 hours now, it is about 148-point-something actually, where it is going to be 149 when we finish this up. That is how many hours that we have invested here in this 110th Congress. But we are still under draconian martial law in this Congress.

We are bringing to the floor of the United States Congress tomorrow, and I don't mean me, but the leadership on the other side of the aisle is bringing an omnibus spending bill. That omnibus spending bill is coming to the floor, $463 billion, without a single hearing, without a single subcommittee or committee meeting, without a markup, without an amendment; and we are going to spend $463 billion out of here tomorrow on 30 minutes of debate from the dissenting side and 30 minutes of debate from the proponents' side, and the taxpayers are going to take the hit.

And I feel sorry, Mr. Speaker, for the American people. And I feel really sorry for the freshmen that came to this Congress, especially the large class of Democrats who no doubt said, I will be your voice in Congress. I promise you that you haven't been represented well. I will be effective. When I go there, I will be heard. I am going to delve into all of this policy and I will be there. You will see that come out in the language. It will go into law.

But to this day come to the floor and I will yield to anyone, any freshman especially, who could come down here and say, I went to a hearing and I offered an amendment in a subcommittee markup or in a full committee or I am going to be allowed to offer an amendment here on the floor and it is going to improve some legislation.

I think there was a freshman that ran some legislation here last week. I just don't know if she ever got to see the language before she came to the floor to be the sitting duck for the criticism, for the narrow debate that we had.

That is the tone of where we are. The American people are being cheated by this process. And I will be very happy to yield to the man who is a judge of that, Judge LOUIE GOHMERT from Texas.

Mr. GOHMERT. Mr. Speaker, I thank the gentleman from Iowa, my good friend (Mr. KING), for yielding.

As may be known, I was a history major in college. I have studied a great deal of government history, different countries; and I would ask if the gentleman from Iowa might engage me in a colloquy to answer one question, if you are aware of the difference between the process that the former Soviet Union arrived at in order to appropriate money and the process that has been used to appropriate $463 billion tomorrow.

Mr. KING of Iowa. I am going to have to guess. I am going to turn this back to you for a definitive answer. My speculation would be, Mr. GOHMERT, that Duma probably didn't see it and maybe we get to see it for a pro forma vote, or am I wrong?

Mr. GOHMERT. Well, obviously, none of us have seen it. It got posted and we have got people trying to make sense of the 140-or-so pages. But the main difference that I can tell, and this is just my opinion, but the main difference that I can tell is that the Soviets never promised to have an open, fair, transparent democratic process to appropriate money. That is the big difference I can see. Because that is what we have here.

Mr. KING of Iowa. Reclaiming my time, I thank the gentleman from Texas for that insightful input. In other words, he is so gentle and subtle when he said the Soviets kept their promise because they didn't make one.

And the thing that I am addressing here, Mr. Speaker, is that there were a lot of promises made, and the integrity in this system, that is what you have to function in this body. We have to give our word and we have got to keep our word. And when we do that, this system functions. When you give your word and you don't keep your word, the system breaks down. And the people that pay the price for that are the American people.

So I would submit that all of that whole series of promises were subordinated to the 100 hours' promise, which turned out to be 42 hours and 25 minutes. Fine. I am going to grant that that stuff got done in 100 real hours. Actually, it got done just underneath the 100 real hours. But the clock has ticked over by anybody's measure. It is over 100 hours. And there was never a justification for it anyway. I mean, I want to be on record in this CONGRESSIONAL RECORD, Mr. Speaker. There is not a justification for expediting the process at the expense of the voice of the people.

But that is what has been done. Well, it has been done at least under the promise that when the 100 hours is up and the six pieces of legislation are passed, we are going to then try to keep our promise on the most open Congress in history. As we know, you cannot expedite legislation very well in the process that we have now and be able to improve it.

So what they have done is they have brought this 150-or-more-page bill that was just first available last night at 11:03 p.m. on the Internet. Some of our staff had actually quit work by that time and gone home to bed; so some of them didn't find that until this morning. But of those 150 or 160 pages, in there is 463-point-something billion dollars of spending and it has changed a fair amount of line items, and what it does is it increases the spending from the Republican plan by $7 billion, Mr. Speaker. Seven billion. And it changes the resources that are committed. They go back to the districts in some places.

We even have some locations, in our short little time of looking at this, where we believe that because they have underfunded and this budget has gone on now for almost half a year that there will be some agencies that may well have to pay back because of this omnibus spending bill. And they will come, Mr. Speaker, to the floor tomorrow, and they will say, Well, this is a CR. This is a continuing resolution. And a continuing resolution being that you pass a resolution that says we are going to keep funding government at the current level and all of its line item appropriations until such time as we can get the Senate to act.

And I have to say that the Senate needs to act. We passed nearly every single one of the appropriation bills last year, sent them over to the Senate, where they sat. And so that is one of the reasons that we end up with this ugly monstrosity of an omnibus spending bill.

But it would be one thing to pass a continuing resolution and say that stuff has been through the subcommittee, committee, the markup process, been to the floor, at Appropriations. We had worked our will on all of that. It is a different Congress, but we had worked our will in the 109th Congress. It would be one thing to pass a continuing resolution to meet those standards because that has been due diligence at least. It is quite another to take all of these dollars, roll them all up, package them up, rewrite them, and then throw them out here on the narrowest of notice, $463 billion, and then say, well, there won't be any input and there won't be any amendments and it is going to be strictly an up-or-down vote, and you get 30 minutes to tell us why it is a bad idea and try to convince our people whose arms are twisted up behind their shoulder blades that they are going to have to vote for it.

And there they sit with a large class of freshmen. Some of them served in State legislatures. In fact, I would speculate that most of them have. And I would also speculate that not a single one of them has experienced a process that was so closed in its loop, that was so narrow in its scope, that was so draconian that the collective wisdom of 435 Members of Congress and all the staff and all the constituents and all the media input all goes for naught.

I would be very happy to yield to the gentleman from Georgia, and I will pick up whenever I need to. Thank you, Mr. GINGREY.

Mr. GINGREY. Mr. Speaker, I want to thank the gentleman from Iowa for leading this Iowa Special Order, particularly in regard to what is going to be on the floor of this body tomorrow, Mr. Speaker, and that is this $463 billion monstrosity that, as the gentleman has already pointed out, gives no opportunity for Members of this body to have any input.

We heard all this rhetoric, as we started the 110th, about the need to pass those six per six bumper sticker issues that the Democratic majority had tested, had poll tested, that drew 75, 80 percent approval rating; so that was their justification of closing down the process and bundling all of those bills, H.R. 1 through 6, in a single rule, a single closed rule, and no opportunity for even Members on their own side of the aisle, the Democratic majority, the new Members of the Democratic majority, to have a voice and represent their constituents. I think it is appalling, Mr. Speaker, that they would do that.

But, also, as we railed against that process in the first 2 weeks, we had the assurance over and over again of the leadership of the Democratic majority that once they got through with their 100 hours, and as Representative KING has pointed out, we are up to 147 hours now, where is the fairness that they promised? Where is the open process? Here this $463 billion so-called CR or, in layman's terms, continuing resolution, gets posted on the Internet at 11 o'clock last night. I don't think that Members of this body were sitting up holding their breath every 15 minutes checking on the Internet to see if Mr. OBEY had finally posted the bill so that Members could see it and look at it and analyze it, study it, and hopefully come forward through the Rules Committee. Certainly there was no committee process in what they have done here.

And I do not know, maybe my colleagues can answer this question in just a minute, but I know the Rules Committee did meet today, and I am not going to hold my breath counting the number of amendments that were made in order.

But this is unconscionable, Mr. Speaker. First of all, it is not a CR. A CR would be a continuing resolution to continue to fund the government at last year's level. In fact, that would indeed save money. That would save the taxpayers money. This is no CR. A CR is three or four pages long. In fact, the last time we had a CR to cover an entire fiscal year was under the Democratic leadership back in 1987 and 1988. I don't know how long those bills were, but I do not think they were 123 pages, as this monstrosity is, Mr. Speaker.

I have heard this thing called a lot of terms other than a CR. I have heard some refer to it as a "CRomnibus." To me, and maybe my colleagues can understand this better because "CRomnibus" is a little difficult to decipher, it looks like a hooker dressed up like a nun.

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Now, I hope everybody can understand what I am talking about there. This is an appalling embarrassment to this body. And the Democratic majority talked about, in December and leading up to the election before that, how, give them the opportunity to lead this body and they will absolutely eliminate earmarks, totally eliminate earmarks in finishing up the fiscal 2007 and the fiscal 2008 budget.

This is a giant earmark, or if you want to call it an "Obeymark." There are so many things in here. And, of course, you know we have had since about 9 o'clock this morning when people came to work, maybe a little earlier for some of us insomniacs, to study this bill. And the devil is, of course, in the details.

Mr. KING of Iowa. Mr. Speaker how much time do I have left?

The SPEAKER pro tempore (Mr. COHEN). Approximately 30 minutes.

Mr. GINGREY. I thank the gentleman from Iowa. I know he is limited in time, and I know our colleague from Florida is here, as well, and possibly other Members will be coming to weigh in on this.

But this is appalling, Mr. Speaker and my colleagues. I mean, the Democratic majority has talked about opening up this process and not doing as we did, as they say we did; but dawn of a new day, to start a new open process of bipartisanship. Whether they were truthful in that or not, I think if you say that, if you make that pledge as you ask people to vote or, in many instances, replace somebody on our side of the aisle, then you need to fulfill that contract.

That indeed was a pledge that has already been broken. And it does not have to be that way. It absolutely does not have to be that way.

So I thank the gentleman for allowing me to weigh in on this issue. With that, I will turn it back over to Mr. KING and continue this dialogue with my colleagues. Thank you.

Mr. KING of Iowa. I thank the esteemed gentleman from Georgia, Dr. PHIL, for his input. I did not mean to imply that I was short of time to deal with it. So if you feel the urge a little later as well, Mr. GINGREY, I am open to whatever dialogue you may have to bring to this floor. I appreciate that input.

We are here to represent the American people. We each represent roughly 600,000, for each of us 435 Members here in the United States Congress. There is not anybody in this Congress that would concede a point that there is anybody's constituents that deserve more representation than theirs.

I will just say it this way. There are no one's constituents in America that deserve more representation than my constituents. And, conversely, there are no constituents out there in America that deserve less. That means you have got to have an open process that provides for open dialogue, that provides for opportunities along the way to perfect legislation to avoid unintended consequences and to improve legislation to perfection if we possibly can.

That is the process that is absolutely missing. It has been totally usurped. It has been a rug jerked out from underneath this entire Congress. And the promise of an open process is a broken promise. The 100 hours are up, and no one knows that better than Mr. FEENEY from Florida. I yield to Mr. FEENEY.

Mr. FEENEY. Mr. Speaker, I am grateful to my friend from Iowa and to my good friend from Georgia. And I, too, just got off the last campaign cycle, and I watched the national newspapers. I saw it in the State of Florida, where over and over again I heard that there was a new, reformed Democratic Party, people that believed very differently than the Republicans in charge here in Washington, that we are going to reform the process, make it fairer and more transparent. I heard that we were going to be under new management.

Now I find it a little funny, because as I look at the chairmen of the committees, we have got one chairman that has been here for 56 years in Congress. We have got chairmen that have been here for 30 years in Congress, for 40 years that have been Chairmen before. So really it is deja vu in terms of who the leadership is of the important committees here in Congress. There is no change.

Americans need to know they are going to go back to the Jimmy Carter high-tax, high-regulation, high-speed, high-unemployment, high-inflation rates under their so-called new leadership because it is the same old, same old.

But I was really intent as I was working in my office, studying some of the crazy things that are coming up in our committee process this week, Mr. KING. And I heard you offer to the new members of the Democratic majority that say, We are going to be very different, we are going to be transparent, we are not going to be liberal Democrats, we are going to maintain a threshold on taxes.

And yet in the very first 2 weeks, what we here have passed without one amendment allowed, without one committee hearing allowed, without any debate other than maybe an hour on this floor allowed, with the results preordained by a maestro—and we have to give her credit; the Speaker has been a wonderful leader in terms of making the trains run on time, which we know that people that do not engage in democratic processes, but engage in totalitarian processes are successfully able to do.

The first thing that the new majority, conservatives supposedly or moderates, do is pass PAYGO, which makes its easier to pass tax increases. The next thing they do is pass a minimum wage bill that exempts American Samoa. And they pass an energy bill that actually increases taxes at the pump ultimately on the people in my district that buy gas.

And, of course, they also gave as part of the Committee of the Whole here, a vote to the delegate from American Samoa who represents, he is a friend of mine, he is a great guy, but he represents approximately 60,000 people who are not a State which the Constitution requires in order for you to have an equal vote here on the floor.

Now, I would tell my friend from Iowa that I have football stadiums not far from me that hold more than 60,000 people in them. The football stadiums are not represented by a delegate or a vote in Congress. And maybe every football stadium with 60,000 or more votes under their new premise ought to be included

Mr. KING of Iowa. Mr. Speaker, just an inquiry then. What are the odds of the people within your stadiums in Florida with 60,000 or more people in them, what are the odds of them paying Federal taxes compared to that of American Samoa?

Mr. FEENEY. Mr. Speaker, my guess is about 80 percent of them are either payers of the income tax, the Medicare tax, the Social Security tax, or some Federal tax.

And with respect to American Samoa, I admire them. I actually think that they are fortunate. I am envious. They do not pay Federal income taxes, as the gentleman wisely pointed out. But they have a vote here, just like my football stadiums with 60,000 people do not have; American Samoans who do not pay Federal taxes on the Federal income code do pay taxes.

Now, I will tell my two great friends, I hope that I do not upset them here, but the States of Georgia and Iowa are two of my favorite States in the Union. But I happen to be very jealous; and believe that I was the speaker of the house of the greatest State in the country, the State of Florida.

And I will have to tell you that passing budgets is a very difficult deal, passing appropriations bills, it is hard. I like to compare every budget that I have dealt with at the Federal level or the State level as like a Clint Eastwood movie; it is part of the good, part the bad, and part the ugly. The only thing that justifies a budget is the process.

Where every elected member at the committee level, for all of the different Appropriations Committees gets to fight for his or her priorities, where on the House floor you allow amendments, you allow the entire body to sit down and figure out collectively. And democracy is an ugly process, but the only thing that justifies the outcome of budgets, which are like a Clint Eastwood movie, The Good the Bad and the Ugly, is the process itself.

The process that we witnessed today in the Rules Committee, and my friend from Georgia alluded to the fact that the Rules Committee apparently has said that not one single amendment to this omnibus package that was passed, not by a committee, but was passed by one Member, this is the Pelosi omnibus package. Nobody else had any control or say in it. Not one Member had a chance.

Mr. GINGREY. Mr. Speaker, just a quick point. In these appropriation bills that come to the floor under regular order, each one of the 13 separate appropriations bills came to the floor with an open rule, an open process.

Mr. FEENEY. Mr. Speaker, traditionally that has always been true. This has never happened in modern history that any historian of the House can recollect.

But let me tell you exactly what has happened. I will have to admit, one of the very few things that I have liked in the first 60 days here is that the Democrats actually pledged that we are not going to have earmarks.

Now, they have pledged a lot of things. They violated virtually every promise that they made. But the earmark pledge is something I really like. I was one of the outspoken critics, even of Republican earmarks like the Bridge to Nowhere. But I have to tell you, you have got to give credit where credit is due, when they will stand up and say, we are not going to have earmarks. I thought, you know what, I can live by that policy if every other Member of the House can, or we are going to have transparent earmarks; everybody has to be honest about what they are spending the money on.

I want to read to you the definition from The Citizens Against Government Waste. An earmark is any proposal that does any one of the following seven things; if you do one of them, you are an earmark. This is important, because we are facing tomorrow the largest earmark in the history of the world under this definition that everybody uses, if you do any one of these things.

If you are requested by only one Chamber of Congress. This bill tomorrow is only going to be requested by the U.S. House, not the Senate. If you are not specifically authorized by committees in the House. This bill has not been authorized, not one thing in it has been authorized by any committee.

If there are things in the bill that are not competitively awarded. Nothing in this bill requires any competitive awards for the new spending.

Number four, if it is not requested by the President. There are billions of dollars of spending in this bill that have not been even seen, let alone requested or reviewed by the President.

Number five, if it exceeds the President's budget request or the previous year's funding. We have issues here that have never been greater than in this bill that we have not seen because it is the Pelosi omnibus package that nobody had a chance to see or vote on.

Number six—remember, any one of those things makes it an earmark; this qualifies for all five so far—if it is not the subject of congressional hearings. Well, the funny thing is the Speaker and the Democratic leadership would not let us have a hearing on any of this spending. $463 billion, we have not had one minute of hearings, 1 minute of review.

And finally, number seven, if some of the things in the bill serve only a local or special interest. Now, I will leave you with this, Mr. KING, because I really admire the points you have made. Every taxpayer is paying the price of this horrible process. It is not just about process. This is a $463 billion earmark, not because it violates one of the rules, but all seven rules.

And I would finish with this. I was really offended when Republicans were in charge of this Chamber and we had a $250 million earmark that I referred to as the Bridge to Nowhere. The earmark tomorrow is 2,000 times greater than the Bridge to Nowhere. This is the Congress that supposedly was going to be about reform, ending earmarks, and have transparency. There is not one pledge that has been made that will not be broken tomorrow if this bill passes.

With that, I thank my friend.

Mr. KING of Iowa. Thank you, Mr. FEENEY, for adding the clarity to this issue and putting the numbers down and for also listing into the CONGRESSIONAL RECORD the seven points, any one of which qualifies as an earmark, all of which will be breaking the promise tomorrow, and 2,000 times larger than that large earmark that 80-some percent of America understands as the Bridge to Nowhere.

I would point out that there is a way to address this. And I have not been necessarily a critic of well-managed earmarks, as long as they are within the budget and as long as it is a Member initiative that actually is researched and debated, and it is open and it is public, there is an opportunity to go in and strike it out.

But the problem with the earmarks has been, they show up after it is too late, and the bill comes to the floor, and there is not time to read the bill, and not time to prepare amendments; or they come up in a conference, and then here comes the conference report with a whole stack of earmarks in there that are agreed to by the conference committee, but not aware, not made aware to the rest of the Members, and no access to it.

So I looked at this. And I thought, how can we fix this? And we have done some things with earmarks. But last year, in the middle of this, about this time a year ago, I began grinding and churning my way through and created an act called the Cut Act. And I have drafted and filed that information; I believe that both gentlemen here on the floor are cosponsors of that Cut Act.

But what that Act does, Mr. Speaker, is it recognizes that there will be legislation passed off the floor of this Congress, and that Members will not have an opportunity to act on that legislation, on that appropriation, and that there will be earmarks in there that are either identified or may be not identified, but maybe they are objectionable to the American people.

And it recognizes, Mr. Speaker, that this is an instantaneous Information Age if we give access on the Internet to the people in this country, all of whom have access to the Internet in one form or another.

We have not done that. We need to put sunlight on everything that we do. We need to let them have real-time bloggers be able to access all of the bills that are filed, all of the amendments that are filed. They need to be able to track this whole process. But then once we get that system set up and we provide sunlight, the Cut Act allows, recognizes that those appropriations bills will find their way over to the President's desk, and he will sign them to keep this government running.

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And this is that there will be a whole collection of objectionable, irresponsible spending to projects that comes to mind. The bridge was referenced by Mr. FEENEY. The Cowgirl Hall of Fame strikes me as something that could be privately funded if we need one. There are a number of others out there that are objectionable earmarks. But if we pass the CUT Act, and the President signs the appropriation bill and the bloggers light up and they start sending this in and it becomes a national issue, or even just a tip that goes to a certain Member of Congress, like Mr. GINGREY for example, we could, under the CUT Act, once each quarter, four times a year, provide under the rule so that a bill would be brought to the floor that would allow for the rescission of any one of those individual line items.

So the Shell bill might come to the floor. Any Member would bring an amendment that would say I want to eliminate the funding for the Cowgirl Hall of Fame. We put it up here on the board. We vote it up or down. We do that to every single line item if we chose to do that, and it might take a long time to debate that first bill.

Mr. GINGREY. If the gentleman would yield.

Mr. KING of Iowa. I yield to the gentleman from Georgia (Mr. GINGREY).

Mr. GINGREY. And I hope I won't offend the gentleman, but just as he is pointing out, these earmarks are there but they are selected, in this instance, by one person. And as you start enumerating a few, like the ones that you have already mentioned, I have got to also say that the tropical rainforest in Iowa is back at $44.6 million. Now, I don't know how the gentleman feels about that one, but that is the whole point here. A CR is supposed to save money. It is literally supposed to save the taxpayers money, because instead of increasing the amount of spending at a rate of inflation or consumer price index, you go back to the last year and you just continue that process.

So, in fact, if we had done that, if we had this year-long CR, we are talking about maybe saving $6.1 billion. But, no, what the Democratic leadership of a committee of one or two decides to do is under that budget cap authority to plus this thing all the way up from 2006 levels to the budget cap, and that is an additional $6.11 billion burden on the taxpayer.

As I mentioned earlier, I won't repeat the phrase I used in referencing this bill. But people are going to call it all kind of things in addition to CRomnibus. But really it is a CR on steroids. Maybe we should call it a steroid.

And with that I will turn it back over to the gentleman from Iowa for the continuation of this discussion

Mr. KING of Iowa. Well, again I thank the gentleman from Georgia (Mr. GINGREY) for reminding me about some of the earmarks that we have out there. And the list is long. And my point on this is the American people can make that list a lot longer. And at least in theory, any piece of appropriation that comes across this floor that makes it through the process should have the majority support of the House of Representatives. It ought to have the majority support of the United States Senate. We ought to agree on that number, and it should go to the President for his signature. That is the process that is structured within our constitution. That is the process as the American people envision it. That is the process that we are struggling to attain here, that will not be, even presumed to be happening tomorrow when this—not a CR, but this omnibus spending bill which is a catch-all for every single appropriation that goes into discretionary spending for the rest of—until the first day of October is when this is over.

And, again, I am so sorry for the freshmen who come here that right now don't know any better, and they aren't even outraged. They have been led, taken by the hand and led down the primrose path. And I have offered them time and again, come down here. I would be happy to yield. Tell me what legislation you have had a voice in.

What have you made a difference in? Did you make the promise to represent your constituents or didn't you? Yes, you did. Obviously everybody makes that promise. So didn't you have some high and shining ideals? When you see the flag go up over the Capitol doesn't that make your heart beat a little faster? Don't you get that feeling in your stomach and that swelling sense of pride when you look up at the dome and that you are here to represent the American people of the United States Congress?

But my news to you is you are not representing them. You are not being allowed to represent them. You aren't even a voice. You haven't been heard. Your input is not there. The expertise that you bring with your background, whatever it might be, has no value in this place. It is just a handful of people in the cabal that decide what is coming down here, the same ones that make the promise that there is going to be that opportunity, freshman, for you to be able to have that kind of input.

So, Mr. Speaker, I illustrate that and the absence of rebuttal here on this floor is confirmation of my statement of my position and that of Mr. GINGREY and that of Mr. FEENEY here this afternoon. The absence of rebuttal speaks loudly and it echoes in my ears.

But on the earmark part of this, that is why I drafted the CUT Act, so that this Congress could be able to eliminate any line item that did not have the majority support of the House and the Senate and the President, and it recognizes that the President would sign an appropriations bill and that money would get off his desk and go to the agencies, wherever it might be, and it takes them sometimes the whole year to spend the last dollar. And at any point where we rescinded that funding, it would go to reduce the national debt automatically, and then that fund would no longer be available to whatever entity was about to receive it.

That is one way that gives Congress, the CUT Act gives Congress a line item veto. And that is the piece of policy that we need to get resolved here in this Congress, along with many others. But the open process, and this is going to be and has been so far, Mr. Speaker, a very closed process, a process so closed that I will point out that, not just a matter of information, I mean, I have sent my staff down to the majority leader's office to try to find out what the criteria was for the clock, or what is the criteria for providing and offering amendments; when is this draconian martial-law going to be lifted, this open process that is promised.

And I want to point out, the gentleman from Tennessee (Mr. COOPER) was doing a national television program here on the news, the beginning of the 110th Congress, a couple of days before we gaveled in. And they said to him, but you are going to suspend all the rules and you are going to drive all this legislation through without input from Members on either side. And he got kind of a funny look on his face and he said, well, just please, will you give us a little patience. Have some patience and let us get through this process. And once we get these six bills passed, you are going to see the most open, democratic Congress in history.

Mr. COOPER, I am waiting for you, too. I would be very happy to yield.

That is not the case today. The hundred hours is clearly up. The process is not open, and the American people are not being heard. They didn't decide they were going to anoint some people with a royalty position, whether they allege that they are the most powerful woman in the world or not. This is a government that rules by the consent of the people. And the people did not give their consent to a process that is not an open process, a process that muzzles 99 percent of the Members in this Congress.

And clearly, they are not here to speak up because they know they don't have a voice and they don't have an argument. And so we are going to continue to push on this process. We are going to go before the Rules Committee. I took an amendment up before the Rules Committee, and there were a number of us that did. We all know the results of that, the charade in the Rules Committee, which is, bring your amendment up. You can offer your amendment up here, but before you come up here, we are going to tell you we are not going to accept a single one, even if it is some kind of revelation. If it is an epiphany that just fixes the whole thing, we are not going to consider it because the meat cleaver has come down.

So we are going through a charade. No amendments, but come here and argue them anyway if you want to and we will sit through this and we will put one or two people up there and we will rotate and we will get through this process. And then we will say, why are you complaining? We had a rules process. You just didn't have any amendments with any merit. Oh, really? No amendments with any merit is the same result as no input into the process, Mr. Speaker. This government cannot function with that.

And I will also point out that the House of Representatives is where all the appropriations has to start. That is what the Constitution says and that is what we need to follow. But this bill, this omnibus bill, is going to go over to the Senate, over to those 100 Senators over there, and you can bet that they are going to be offering amendments and they are going to be improving this omnibus spending bill, and they are going to be fixing this all the way through their process. So their voice will be heard. And then we will get an amended omnibus bill back here again, and I would submit this question, will then, Mr. Speaker, will it come to the floor again with no opportunity for amendments again? And if that is the case, why have we ceded the improvement process to the United States Senate?

We are the hot cup of coffee here, and they are the saucer to cool it in. We are supposed to be the quick reaction force that has the elections every 2 years, so that vigor that comes with a new freshman class and that risk of being up for re-election every 2 years, it keeps us tuned in with our fingers on the pulse of the American people who can be heard in the legislative process.

The hot cup of coffee, the quick reaction force, the storm troops that are going to come in and fix things quickly, especially in the change-over of a majority, Mr. Speaker, is just what our Founding Fathers envisioned when they drafted our Constitution and set up this miraculous system of government that we have. But the leadership in this House of Representatives has handed over the amendment process to the United States Senate which they have a legitimate claim to their version of it, we also have a legitimate claim to ours and a constitutional duty to do so that has been usurped by this decision to make a promise and have that promise of 100 hours be sacrosanct and then like that draconian approach so much of not being challenged that they go ahead and shut the clock off at 42 hours and 25 minutes.

And we could go on in perpetuity until the American people revolt at the polls. That is what is coming. You are going to see mistake after mistake after mistake. One of those examples would be the Minimum Wage Act, American Samoa, and being exempted from the Minimum Wage Act of all of The states and territories of the United States of America, one place on the map with 60,000 people, we find out after the fact, after the minimum wage bill is passed, is exempted from the minimum wage. Well, if you can legislate wages to go up and help people, which is the argument that came out of this side of the aisle continually, Mr. Speaker, then why can't you do so in American Samoa? What is wrong with them that they don't deserve a raise like everybody else got in America that was working for a minimum wage? And the answer that I get back is, well, we had to do that because the tuna market there won't sustain this. The international competition won't sustain higher wages, so we would lose that to Asia or maybe South American companies that can produce that tuna cheaper than they can in the American Samoa.

Well, that is called competition. And how is it that Democrats can understand the effect of competition and the deleterious effect of minimum wage on a small business, large business in a small microcosm of a location like American Samoa? They can understand it when it is a microcosm, but they can't understand it when it is 300 million people in a macrocosm. It is the same principle that applies, Mr. Speaker. But that is a fatal flaw of this approach of a closed process rather than an open process. That is what happens, Mr. Speaker, when we don't allow for amendments. And then things start to smell fishy.

What was the reason?

I would be happy to yield to the gentleman from Georgia (Mr. GINGREY).

Mr. GINGREY. I thank the gentleman for yielding. I just wanted to point out, and I am sure the gentleman would agree with me, that there are things in this so-called CR that we approve of. As I look through the list, and of course, I have got a lot more looking to do, but as I see things like an increase in Pell Grants to $260 up to $4,310, I think that is good. And additional funding for the Head Start program. And I could go on and on and on. There are a number of things here that I see that I could vote in favor of, but there are a number that I would be opposed to.

And just as the gentleman points out, especially for the new Members on both sides of the aisle to not have an opportunity to go through regular order and a committee markup process, go to the Rules Committee with their amendments, I am talking now about majority Member amendments, things that they have heard about, as you pointed out, Mr. KING, from their constituents, as they campaigned for the very first time for Congress and the excitement of that, and you pointed that out as well. It is just sad. It really is sad. And if it wasn't so sad, it would be almost laughable.

So I just want to say that, again, it is not that, as I register tomorrow my vote against this, it is unfortunate because there are some things in here that I would be in favor of. But I am going to be voting against the usurp of power and putting the process under the jackboot of the new majority.

Mr. KING of Iowa. I thank the gentleman from Georgia (Mr. GINGREY). And I will say that my sympathy and heart goes out to especially freshmen Members of Congress when they go back home to their town hall meetings, and I would just ask you, out there, and Mr. Speaker, I convey that message to the people in America, that when these freshman especially show up for their first town hall meeting, I would say to the citizens, stand up and ask them, what has been your input? What has been your impact? How have you kept your promise so far? What do you think of the process? What has been your involvement? Have you produced any amendments? Have you done anything to impact this process whatsoever? And their answer is going to be "no." You need to challenge them, Mr. Speaker, to come back here and open up this process.

☐ 1845

HEALTH CARE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from New Jersey (Mr. PALLONE) is recognized for 60 minutes.

Mr. PALLONE. Mr. Speaker, I am here tonight to talk about the President's health plan that he discussed or brought forth in the State of the Union address last week, but I couldn't help after listening to some of my colleagues on the other side of the aisle talk about the continuing resolution that is going to come to the floor tomorrow to just spend one minute before I get into my health care Special Order just mentioning why I think what they said is so wrong.

I of course have been in Congress for a number of years now, and last year which was the last Republican majority Congress that we have had, I guess, or that we are going to have, the Republican leadership passed a budget that was so unrealistic that they were unable to complete work on nine of the 11 annual appropriation bills. So I think everyone needs to understand, Mr. Speaker, that whatever the Democrats do tomorrow is simply cleaning up the mess that the Republican leadership left us. They didn't do their job; they didn't do their work.

Most people would say that the main purpose of the Congress is to pass a budget and pass the appropriations bills so that the government can continue to operate, and they simply did not do that. They left here in December with only two of the 11 appropriations bills. Those dealing with defense and the military were passed. The other nine were just left, and they passed their own CR, or continuing resolution, to take us through I guess February 15, and basically said, okay, we are getting out of town and we leave this mess to the Democrats. So back in December, Senator BYRD and Congressman OBEY announced a plan to wrap up the bills in a joint funding resolution, and that CR is coming to the floor tomorrow.

But I will stress, and I don't know how many times I can keep saying the same thing: there are no earmarks in that continuing resolution. None whatsoever. In fact, there is even language in the continuing resolution, and I will reference in title I, section 12 that says: "Any language specifying an earmark in the committee report or statement of managers accompanying the appropriations act for this fiscal year or for the last fiscal year shall have no legal effect with respect to funds appropriated by this division."

So essentially what that says is: we are not allowing any earmarks. But even if one of the bills in the committee report or in the statement of managers, which are not binding under the law, even if one of those suggests an earmark, that the Federal agency responsible for administering that program has no obligation under the law to implement it.

I don't know how more emphatic we could be in saying no earmarks, no suggestions of earmarks. Don't pay any attention to anybody who tries to suggest an earmark. That is essentially what this language says.

So this whole effort to say that somehow there are earmarks in this is just fabrication. And beyond that, the fact of the matter is that we have no choice but to adopt this continuing resolution because they left us this mess and we have to move on to the next budget year. So I just wanted to point that out, and then I would like to move on to the real issue that I came here tonight to discuss, which is the President's health insurance proposal.

I was glad to see that in his State of the Union address that the President prioritized health care, and he said that he wanted to solve the problems of the current system both in dealing with the large number of uninsured and also with the fact that costs, the costs of the health care system continue to rise. So I will give him credit for prioritizing this issue, because he has not done so in the past.

But I have to be critical and say for the last 6 years President Bush and the Republican Congresses have ignored our Nation's health care problems. Because of that neglect, we have seen health care premiums skyrocket over the last 6 years since he has been President and the number of uninsured increase after we witnessed reductions in the number of uninsured in the late 1990s. When President Clinton was in office in the last couple years of his Presidency, for the first time in a generation the number of uninsured actually went down because of his policies. But ever since President Bush took office, the number of uninsured has gone up. And I just want to give some statistics on the President's record.

Here is the information on the uninsured: when he took office in 2001, there were 41.2 million Americans who were uninsured. Five years later, in 2006, the number had grown to 47 million. That is an increase, Mr. Speaker, of 1 million Americans every year on the President's watch. That is the first and I think most significant statistic.

And then the next poster I wanted to show has a map of the United States. And I think a lot of times when you give numbers, people don't necessarily respond to them or they just sound like a lot of bureaucracy. But forgetting the numbers for the moment, what this map shows is that the number of uninsured now exceeds the cumulative population of 24 States and the District of Columbia that we have outlined in the shade of red or orange here. So that is a lot of uninsured. That is the number of people that live in those 24 States and in the District of Columbia that are now uninsured.

And then the third thing is in terms of the premiums, because again the President has said that he wants to address not only the problem of the uninsured but also the problem of costs for health care. So if you look at this chart, you can see that workers are now paying an average of 1,094 more in annual health care premiums for their families than they did in 2000.

So that is essentially what has happened while the President was in office. And this is based on information from the National Coalition of Health Care: workers are now paying on the average $1,094 more in annual health premiums for their families than they did in 2000.

Now, again, I appreciate the fact that President Bush highlighted this issue and suggested it needs to be prioritized, and hopefully his statement during the State of the Union address would suggest that he wants to work with the Democratic Congress to try to address these two problems, but his proposals have essentially been a nonstarter because they don't address the actual problems that he is seeking to highlight.

Essentially what he has done, and this is the one thing that I think is the most incredulous, is he is talking about a tax increase, and many of you know that President Bush repeatedly said he would never support a tax increase. It has been sort of the hallmark of his 6 or 7 years in office now, that he didn't want tax increases. But he actually said that he would effectuate a tax increase on a lot of people through his health insurance plan, because what he does is basically take those people who have a very good comprehensive policy, what you might call a Cadillac or a gold-plated insurance policy, well, they are going to be taxed. And the way that he is going to pay for the program is essentially to say, I will tax the people who have very good insurance coverage in order to give a break, a tax break, if you will, to those people who don't, and I'll encourage people to go into the individual market because we will give them the tax break paid for by a tax increase for the first time on people that have a very good policy. Now, I know it gets a little complicated there, but I think it is very important for everyone to understand that he is actually proposing a tax increase on those people that have very good insurance coverage right now.

Now, I could talk for a lot longer on this, but I see that I have been joined by some of my colleagues. So rather just talking myself for the next 5 or 10 minutes, I would like to hear from some of them. I will start by yielding to the gentleman from Pennsylvania.

If I could just mention that both of my colleagues that are here tonight, one from Pennsylvania, one from Tennessee are new Members, and I particularly appreciate your coming down to discuss this.

The gentleman from Pennsylvania.

Mr. ALTMIRE. I thank the gentleman, and I would address the Chair. We have a situation in this country as was just outlined where we have 47 million Americans with no health insurance at all. We have tens of millions more that live in fear of losing their coverage. Employers often are unable to offer insurance to their employees. This is an epidemic in this country, and I heard about it back in the district this past weekend, I hear about it everywhere I go, because health insurance is an issue that affects everybody. It doesn't matter if you are rich or poor, live in an urban setting, rural area. No matter where you are from, health care affects you directly. And, unfortunately, for the past 6 years this issue has been ignored. And truth be told, it has been ignored for longer than that. And we need to look at this issue because this is affecting our economy.

At General Motors, $1,500 of the price of producing a car is because of their health benefits. We can't compete with the rest of the world when other countries have health insurance provided. So we are starting $1,500 in the hole.

So I do commend President Bush for including health care as one of his top priorities in the State of the Union address. It is something that is long overdue, and I am happy that he has finally decided to look seriously at this issue. Unfortunately, the plan that he has proposed is not going to be more than a drop in the bucket to solving that problem.

We have a President who has now proposed a solution based on changes in the Tax Code to solve a problem that I have outlined. We spend $2 trillion a year as a Nation on health care, so he has recommended that he in some cases actually raise the costs to people's out-of-pocket expenses by taxing health care benefits for people. And I want to tell you something, if you don't have enough money to buy health insurance right now, you are one of the 58 million families that don't have any taxable income now because you are not making enough money to pay taxes, a tax deduction is not going to help you afford health insurance. And under the President's most optimistic estimations, his plan only offers health insurance to 3 million of the 47 million Americans that currently lack health insurance. So there may be a role for a Tax Code solution to the health crisis that we are facing in this country, but it is a very small part of what is happening.

I am glad that the doctor from Wisconsin has joined us, and I am sure he will have a lot to say.

Mr. PALLONE. If I could just ask the gentleman to yield back. I just want to give an example of exactly what you were talking about.

Under the President's tax plan, a low-income person who was previously uninsured would receive about a $1,200 tax break. That is assuming that they are paying taxes. At a time when the average cost of coverage for a family is around $11,000 a year, a $1,200 tax break is not going to be enough to get that person insured. In contrast, the higher-income person who was previously uninsured would receive nearly $6,000. So the problem is, the person who is more likely to benefit from this is the higher-income person who doesn't have a very good plan. If their plan is good, then they are even going to get taxed on it.

So your point I think is very well taken, how is that little bit of a tax break going to get that person to be able to go out into the individual market and buy a health insurance policy? It is simply not the case.

I yield back to you.

Mr. ALTMIRE. I thank the gentleman. And what this does is provide an incentive for younger and healthier workers to purchase insurance outside of the employer's plan because those benefits will be taxed, leaving only the older and sicker workers in the employer's risk pool, which is going to raise costs not only for us as individuals but for employers. And that is the last thing we need to be doing. That is going in exactly the wrong direction, because ultimately the employer's insurance is going to become unaffordable as it is left with nothing but sicker people in the risk pool.

And we need a more efficient system where we encourage people who are younger and healthier to participate in the same risk pools as everybody else, because right now if you are a small employer especially and one of your employees get sick, you get a phone call from the insurance company that says, You have two choices: we are either going to quadruple your premiums, or we are going to drop you entirely. And this plan that the President has proposed exacerbates that problem. It makes it worse, because now your benefits are taxed on top of having your premiums quadrupled.

Mr. PALLONE. I would just ask the gentleman, my question, isn't it also possible under the scenario you laid out that under the President's plan that the employer has an incentive to essentially drop insurance coverage all together and say, Okay, well, now that you have this tax deduction, why don't you just go out and buy insurance on your own. And doesn't even offer the health insurance anymore. It actually could even make the situation worse in terms of the uninsured, because he says, Okay, you go out now and buy the insurance on your own.

Mr. ALTMIRE. And it is going to flood the insurance market with people who can't afford health insurance because of health problems.

□ 1900

Now if you are young and healthy and wealthy, that is a great plan. That sounds fine. Go out in the insurance market and buy a high-deductible, catastrophic plan, and you will be fine.

But for most American families in this country, we are going to see our insurance costs increase. Even if we are not participating in any of the new plans and nothing changes for us, our costs are going to go up because folks who are younger and healthy are now outside the system, and we are in the same insurance pool with everybody else.

Mr. PALLONE. The other thing that bothers me is that a lot of people will either individually negotiate with their employer, or if they are part of a union, negotiate through their union, a better health package, and call it a Cadillac or gold-plated package. They trade that for not having a salary increase or some other benefit because they want that health care benefit for themselves or their family.

So why should they be penalized by having to pay an extra tax because they have made that decision? These are the kinds of life decisions that people make depending on their circumstances.

I yield to the gentleman from Tennessee.

Mr. COHEN. I had the distinct honor of presiding during the last 2½ hours, and I heard some verbiage that was thrown out to the freshmen about how we were not having participation in this process. And the gentleman who asked that question said nobody had answered his response. There is a rule that the Speaker cannot respond, and as a freshman it was difficult, but I restrained myself and now have an opportunity to respond.

The freshmen are happy with the procedures that are going on, and the processes, and are glad to be part of this Democratic majority.

We are funding more money in the budget for Pell Grants, which is an issue that I have great concern with. I know that Mr. ALTMIRE also does, and so does Dr. KAGEN. And we are also funding money for the COPS program and for Head Start. There are wonderful things for veterans and health care in the budget. The freshmen had input and feel comfortable with it.

I am afraid that a false impression was given to the people of America during the last hour.

Mr. PALLONE. If I may interrupt, this continuing resolution is essentially continuing the same level of funding; and yet it is making these advances, including a number in the health care area. Veterans' health care goes up, as does funding for the National Institutes of Health and funding for Ryan White and community health centers.

There is a lot of additional money to address the health care crisis in the country that we are focusing on tonight.

Mr. COHEN. If I may ask, you were here in the previous Congress. Didn't the Republican-controlled Congress have a chance to pass that budget and have all the input that they wanted, and they failed to do it? Why is the continuing resolution here?

Mr. PALLONE. Because they were the do-nothing Congress, essentially. That was their hallmark.

Today is January 30. We have met the majority of the business days this month. We have been in session. We passed bills during the 100 hours that affect so many things: negotiated prices for prescription drugs, cutting the interest rate for student loans in half, and the list goes on.

They met once in the previous session in January. The way the process works, and I know you are familiar with it, is that your appropriations bills are supposed to be passed in both the House and Senate by, say, June or July at the latest, and then you have conferences. And before October 1, which is the beginning of the fiscal year, you come back with the conference reports in September and you pass them before October 1, which is the end of the fiscal year.

They did none of that. They only passed those bills and sent them to the President in two cases: defense and military construction bills, both defense-oriented. Everything else was neglected. I don't believe the Senate passed a single bill. In the House we passed some, didn't pass others.

And when they had the lame duck session after the election, they simply went out of business. They passed a CR which just continues current levels of funding until February 15 and said, Okay, you guys won the election, you deal with it.

Normally, in January, we start the next fiscal year, having hearings and putting together the budget, and the President delivers it by the end of the month or the beginning of February. If we didn't pass the continuing resolution to get this year done quickly in the fashion we are going to tomorrow, or in the next couple of days or weeks, we would be having to deal with last year's budget left to us by them, this mess, and we wouldn't even have time to move on to the next fiscal year.

They just left this mess. The amazing thing is it has no earmarks, which is a reform, and yet they keep talking about it as if it does.

Mr. COHEN. The gentleman from Iowa talked about a cowgirl museum in Iowa. Is that in this budget?

Mr. PALLONE. I don't know the specifics in terms of each line item. It is a 400-page bill. But I would point out, we have that language in the bill that I read before that specifically says that any suggestion that there be an earmark, even if it is just in a committee report or even suggested by the managers, should be simply ignored by the agencies that are involved.

Imagine that, as Democrats in the majority, we are telling the agencies that are controlled by the Republican President, pay no attention to any suggestion of an earmark, do what you think is best. What can be more bipartisan than that? And yet they are saying it is filled with all of these earmarks.

Mr. COHEN. The gentleman started with some story about Greece. I thought about it and I thought about the Trojan horse and this health care plan. The State of the Union address mentioned health care, but when you get into it, it is really a tax increase, as Representative ALTMIRE mentioned. And it is going to affect charity hospitals, and that is the bottom line, the safety net, and it is probably going to destroy those hospitals. Is this plan not a Trojan horse?

Mr. PALLONE. I am glad you mentioned that. I think that is a very important point.

The President is very much aware of the fact that many States, and there are getting to be more and more—in my State in April there is going to be a proposal to have universal coverage in New Jersey. Many States are trying to cover everyone and get rid of all of the uninsured.

What the President said in the State of the Union address was, we will take money from disproportionate-share hospitals, and these are hospitals that are getting Federal dollars because they have a high number of charity care cases, people who have no insurance; he is saying we will cut back and we will give that to States, to the governors, so they can help deal with the problem of the uninsured.

Well, in many States, including my own, that will only aggravate the problem. They are getting that money to cover people who have no insurance. So it is like, what is the expression, robbing Peter to pay Paul. That is essentially what it is. We will take the money that is now being used to cover people, and we will cut that and give it back to you so you can cover them. It makes no sense.

Mr. COHEN. I appreciate the opportunity to speak.

We have one of our experts here, a physician and highly respected Member from Wisconsin, Representative KAGEN, and I would just say that I have learned from a lot of the briefings that the freshmen have had that the disparity of wealth in this country is the greatest it has been since the 1920s, and that is because of a lot of the actions of the previous Congress and this administration. And now they are going to make the disparity in health as great as the disparity in wealth, and we have already seen what they did with stealth.

So, Jesse Jackson, we are here.

Mr. PALLONE. I appreciate the gentleman's comments. Now that Dr. KAGEN has been mentioned, I will yield to you.

I want to say one thing, and that is, many times in the Energy and Commerce Committee the Republican side of the aisle would point out how they had a number of doctors and would suggest that they had a sort of exclusivity to their knowledge of medical and health care issues because they had these doctors. I am glad to see that there were doctors on the Republican side, but I am also glad to see we are getting more doctors on the Democratic side.

I yield to the gentleman from Wisconsin.

Mr. KAGEN. Thank you very much. I appreciate the opportunity to be here with you this evening.

Everyone in this room, everyone in this country has a health care story to tell. But if you want to talk first about the President's proposal, I think it falls not in terms of a Trojan horse, but a smoke screen, much like the Social Security crisis was a smoke screen to distract people from what was really going on.

I have a chart here that demonstrates that the number of uninsured Americans exceeds the cumulative population of 24 States in our country. Really what we are talking about is the uninsured and even those that have insurance coverage, just having insurance coverage doesn't guarantee that you are going to get coverage. After all, in my medical practice every day, when I would write a prescription, maybe one chance in two, one chance in three, it wasn't covered, it wasn't on the plan, or in Medicare part D on the 44 different lists we had in Wisconsin.

I would start off on a positive note and say that the President should be commended for raising this important crisis. It is, in my view, the most important crisis facing our economy. The impossible costs of health care are holding back employment. Employers are unable to employ new employees because of the high cost of insuring them.

In my hometown of Appleton, a new teacher this year will be paid $30,000, but his or her insurance coverage will be $12,000 to $13,000, in another neighboring city, $17,000. For anyone earning less than $48,000, the cost of health insurance coverage is simply out of reach.

Medically speaking, I would say thank you to the President, but your idea is DOA, dead on arrival. It simply won't work, and it will not solve the crisis we are all facing.

He had some other interesting and positive ideas. The idea of the health savings account, I think it is a great idea that people are saving money, but no matter how much money you are saving, it doesn't affect the cost of health insurance, it doesn't affect the cost of your physician's charges, the hospital expenses, or the prescription drugs that many people need.

Everyone has a health care story to tell, and it is for those people and everyone in the country that this 110th Congress must address this crisis.

Now let me ask all of you, Mr. ALTMIRE, don't you want to know the price of a pill before you swallow it?

Mr. ALTMIRE. Absolutely.

Mr. KAGEN. If you are buying a car or truck or new suit, don't you ask the price? And when you ask the price, you find out the price.

I challenge all of us in this room tonight and everyone listening at home, call up your local hospital and ask: Excuse me, what does it cost for a mammogram, and 99.9 percent of the time you are going to get this answer: "Well, what insurance do you have?"

I think we need to have transparency, and this is one of the ideas that President Bush is in favor of, and I am sure our Republican colleagues would be as well.

I believe we need to openly disclose all prices in health care. I believe every citizen should get the same discount. I don't believe in discrimination.

Today, on average, if you are covered by Medicare part D, if you go to the pharmacy and you are in line behind somebody from the VA, you are going to pay 46 percent more for that prescription, the identical prescription being sold to a veteran patient, and yet you are paying more. I feel that is a form of discrimination.

So if we have an open and transparent marketplace where everyone gets the same discount, where prices are openly disclosed, we form one nation again, not State by State solutions which are very difficult and challenging and unique to the region.

I believe if you are a citizen, you should be in the risk pool across the country. Everyone has a health care story tonight, and what they need to understand is that the Democrats are really listening.

This health care crisis is something that I see and feel every day as a physician. It is something all of us in Congress hear about here in Washington and when we are back home listening to our constituents. I think we need to spread the word that this Congress, the 110th Congress, and especially if I can say the word, our freshmen class, will address this issue and take it on straight away.

Mr. PALLONE. The President talks about health care costs, but in my opinion the biggest thing that could be done or one of the major accomplishments would be if he would simply go along with what we passed in the first 100 hours, which is negotiated prices for prescription drugs. Imagine the amount of money we could save with that.

It passed the House and it is over in the Senate, but he has said he is opposed to it. I am hoping that we can pass something in the Senate and we can get something to his desk that he will sign.

It is sort of hypocrisy on the one hand to talk about increasing costs, and this would be one of the easiest ways to save money, and we did it as Democrats, with all the new Members' help in the first 100 hours, and I hope that he would reconsider his opposition to it.

□ 1915

Mr. KAGEN. You are quite right, and I would look at it and phrase it a little bit differently.

I believe our President must be kind to seniors and kind to all Americans, and he would be kind in signing the opportunity to negotiate for a lower price for medications. I believe it is discriminatory, as I said.

I look at the world and say, okay, what I am about to do, is it kind or unkind. I think it would be terribly unkind to all senior citizens, to anyone certainly in AARP, if President Bush were to veto that bill.

Mr. PALLONE. Mr. Speaker, I see we have also been joined by another new Member, the gentlewoman from Florida (Ms. CASTOR), and I would yield to her at this time.

Ms. CASTOR. Mr. Speaker, I thank my colleague, the distinguished gentleman from New Jersey, who has been a leader in this Congress on health care, and, yes, you are joined by a number of new Members tonight that were elected because of our desire to work on health care solutions for the American people.

So like my colleague from Wisconsin and my colleague from Pennsylvania, I also listened intently last week to what President Bush had to say on health care, and, unfortunately, I did not hear anything that will help one person go to the doctor's office and get health care. Instead, what he said is, you go to your accountant's office, not your doctor's office. You go to your accountant's office and you get a tax deduction and you work that out on your tax forms.

Well, that does not make sense for the vast majority of people, especially in the Tampa Bay area, 20 percent without health insurance today, having to go to the emergency room for their primary care, rather than going to a doctor's office for their primary care.

He says take a tax deduction. The problem is that so many people are just getting by. They are right there at the poverty level. That is $9,000 for an individual, about $20,000 for a family of four. Imagine trying to live off $20,000 for a family of four. They do not pay taxes. They do not pay income taxes. They pay sales tax, but that tax deduction that President Bush wants you to get to get your health care is not going to do anything for those hardworking families.

The second part of his plan is equally troubling because he wants to sock it to the hospitals in this country that are providing charity care. In Tampa, Tampa General Hospital provides millions of dollars in charity care, and they are able through Federal law to send up some money, match it and bring home some dollars, especially in Hillsboro County, a county of about 1.3 million people. We have an award-winning health care program where the citizens of the county and a lot of our tourists pay a sales tax, and we devote that to a system of clinics throughout our community. We also send up that money to the Federal Government, and they say you are doing such a good job on the local level, taking care of your citizens in a network of clinics and not in the ER, that we will give you further incentives through "disproportionate share money" they call it.

What the President would do is take those incentives away from local governments like mine, like in Hillsboro County, this network of doctors and hospitals that we have built up, and say, you know what we are going to do with that stream of money, we are going to probably turn it over to the HMOs and privatize the system.

This, I think, is another attempt by the Bush administration to embark on a privatization scheme which sounds awfully similar to what he proposed for Social Security.

My locals, my hospitals, doctors and, most importantly, the hardworking families in my district are not going to be well-served by the President's health care proposals. What do you think this will do to hospitals in your area?

Mr. PALLONE. I yield to either one of you. I see the gentleman from Wisconsin has something to say.

Mr. KAGEN. I have a lot to say about this subject; a lot of feelings. I would say it this way:

Medicare part D has already been privatized because no longer is the benefit money going to go to a constituent, to a Medicare enrollee. It goes to the insurance company. In fact, all of us taxpayers paid money to private insurance companies for the marketing of this most fiscally irresponsible program ever to be rolled out by the Federal Government to help them to be successful to privatize the Medicare patients.

Ms. CASTOR. You are right. Add the Medicare part D privatization, all of those moneys going to HMO profits and pharmaceutical companies' profits, to Social Security privatization attempted by the Bush administration, why are hospitals' charity care next? Why the foundation of the last resort for so many families? Why do they want to take away resources from the hardworking doctors and our charity hospitals?

Mr. PALLONE. I would just say, you know, a lot of people will say, well, why would the President want to do this? Why does he privatize? Why does he give money to the HMOs? What is the reason? Because you would like to think he would make the right decisions and do the right things.

There are two things I have to point out: one is that he is often driven by ideology, and I think it is a mistake. You have to be practical. You have to look at what actually works and not just look and say, well, government is not good and privatizing is better. Sometimes government is better. Sometimes privatizing is better. But just do not be stuck in this ideology that it is always better to privatize.

The other thing, unfortunately, is the special interests. I mean, the bottom line is that the drug companies traditionally gave a lot of money to the Republican candidates and his own campaign, and the same with the HMOs. The HMOs were always the darling of the Republicans and the President, and they contributed a lot to their campaigns. So there is a special interest reason here, as well as an ideological reason unfortunately.

I yield to the gentleman.

Mr. KAGEN. I want to make it perfectly clear to everyone in this room and beyond that we Democrats are very much in favor of profits. We believe in capitalism, and the problem that your hospitals have in Florida or Pennsylvania or New Jersey or Wisconsin, the problem we have in large part is this thing called "cost shifting." The cost of providing a service to a Medicare enrollee does not cover the overhead, does not cover the operating expense to provide that service. So someone has to make up that difference. It takes so much money to run a business, to run a hospital or a clinic or a drug company, but we want people to be profitable. So we are not against profits, but we are against the idea of privatization of what is an essential service, one of the greatest social programs ever rolled out by this Nation being Medicare.

Now, I would be the first to admit that Medicare is a mess. I do not know of any doctor or administrator that really understands all the 44,000 pages of the rules, but it does not mean that it cannot be fixed. It does not mean that we cannot take a positive attitude toward it and address it and fix it.

Now, I am also a small businessman. I want everyone in this room and beyond to understand, the Democrats are pro-small business. Every small business in this country is facing a crisis because they cannot afford their health insurance premiums. Whether you are a farmer, a photographer or an employer of 50 or fewer people, health care is out of reach. The cost is out of reach, and this Congress needs to step up, not with the President's idea of tax benefits, but we should take part of the good from his policy and bring it to the floor with a new idea.

Mr. PALLONE. I want to yield to the gentleman from Pennsylvania, but I would say if you were going to use the tax policy or the tax system as a way of addressing this in some meaningful way, it would be a lot more meaningful to a low-income person if it was a refundable tax credit than as a tax deduction, simply because they really cannot take advantage of the tax deduction.

At some point, I think we should also talk in the next 20 minutes or so about some of the alternatives that we would like to see instead of the President's plan, but I did not give the gentleman from Pennsylvania an opportunity. So I go back to him at this point.

Mr. ALTMIRE. Mr. Speaker, I thank the gentleman. I did want to talk about some of the out-of-pocket costs that individuals and families are going to be facing with this plan.

I did want to say how happy I am to see the gentlewoman from Florida, a very distinguished graduate from the Florida State University School of Law, here to join us tonight. I was excited to hear your remarks as well.

Something that has not been talked about but I want Members to think about this when they go home and talk to especially their seniors, but also folks who maybe are just starting in the workforce and have years, maybe decades left ahead of them to pay into the Social Security system and look forward to their Social Security benefits, I want those Members to talk to their constituents about the fact that this plan, as proposed by the President, does the tax deduction up to $15,000 of taxable income.

So what that does, as we have talked about it, is it taxes your health care benefits above that level, but more importantly, from the perspective of Social Security, it reduces your income subject to the calculation of Social Security year after year, compounding itself, and that is going to reduce the Social Security benefits, your monthly check, for millions of Americans. That is something that is not even being discussed in this debate.

We all know the out-of-pocket costs on our health care, and I am going to talk about that in a moment, but I want folks who have years ahead of them to pay into the Social Security system to think what that would do to have $15,000 removed from your calculatable income for the purposes of determining your Social Security benefits. That is a direct hit on working-class Americans.

I also want folks to think about the fact that that $15,000 is going to be subject to a cost-of-living-type adjustment, inflation adjustment each year, but the cost of health care rises often three and four times greater annually than the cost of living in this country. So if you are a younger worker paying into this system year after year, you are going to lose money year after year after year in inflation-adjusted dollars because it is adjusted on the $15,000 based on the cost of living, not the actual cost of increases in the health care. That is a real hit to working Americans and working families in this country.

Lastly, I spoke earlier about the fact that this provides an incentive to younger and healthier workers to opt-out of this system and maybe opt for catastrophic, high-deductible plans, hoping that they will not get sick. What young families do not realize, the exact people that I am talking about is often in almost every case, maternity care is not covered under those types of plans. So for those Members who want to go back and talk to some of their young families in their district, I would ask them to consider how expensive that would be if they had to pay out of pocket for the costs of their maternity care.

I know Dr. KAGEN could certainly comment on what those costs would be. We are talking about a real hit to working-class Americans. This does not benefit the majority of Americans, and, in fact, this makes the cost of health care more unaffordable for individuals. It raises costs on small businesses, employers, and it especially hurts the self-employed because it removes the current deduction on health care for our self-employed.

So, again, the President has moved us in exactly the wrong direction that we need to be going.

Mr. PALLONE. I appreciate your comments because I think it is very important and I know it is a little detailed, but the fact of the matter is these points need to be made.

I just wanted to lead us, if I could, we have about 15, 20 minutes left, maybe not quite 20, into what we would do as an alternative. As I said, if you wanted to use tax policy as a way of trying to address the problems here, and I am not saying that that is the most effective way to do it, but if you did, certainly a refundable tax credit would be more useful to that lower-income person than this deduction that may not even be able to take advantage of.

But I just wanted to also point out that if you look at the problem with the uninsured right now, first is the employer-sponsored insurance which increasingly fewer and fewer people are able to take advantage of, even though they are working, because the employer simply does not provide either any coverage or a meaningful coverage that they can afford with their copayment.

What employers tell me is that we have to provide some sort of incentive for them if they are going to cover those people that work for them that they do not cover now, and that either means, again, if you are going to use tax policy, some kind of tax benefit to them or, alternatively, getting rid of some of the cost of the coverage.

For example, when Senator KERRY was running for President, he had proposed taking catastrophic insurance off the table. In other words, having the government in some way provide for catastrophic coverage because that is a big part of the cost and so the employers, if they did not have to pay for catastrophic coverage because the government was subsidizing that in some way, they would be a lot more likely to offer a health insurance plan with a relatively low copayment.

☐ 1930

This is something the President hasn't mentioned.

The other thing, I think, and even more important, is that you have to realize there are a lot of people that are just never going to get employer-sponsored coverage, either because of the situation with their employment, whether it is full-time or part-time, or because they are not working and they are not, for some reason, eligible for existing government programs.

We also need to look at the government programs which the President completely ignores, whether it be, you know, Medicaid or Medicare or the SCHIP, you know, program for kids, and look at ways to expand eligibility and provide funding for those programs to sort of take up the gap.

I just want to throw those out as the types of things that the Democrats will be looking at in addition to the tax policy.

I yield to the gentlewoman from Florida.

Ms. CASTOR. I thank the gentleman.

There is good news now that we have the new Democratic Congress, and this year we are going to reauthorize that children's health insurance program. The gentleman from New Jersey has been a true leader in this effort, and I look forward to working with you in that effort.

But here is a real success story over the years where, under President Clinton, out of a program that grew out of the State of Florida, so I have a bit of pride in that, children of working families, and we are not talking about the low-income, impoverished, we are talking middle-class families that don't have any other way to take their son or daughter to the doctor in an affordable way.

Well, this year is our opportunity to look at what has worked across the country. There are programs in many States. Many States have been very aggressive, and they understand how important it is for children to be immunized, for them to make sure that a cold doesn't turn into pneumonia, because ultimately we will pay those higher costs on the back end if we don't treat them on the front end.

Unfortunately, in the State of Florida, we are not living up to the initiation of the program and the grant, the pride that comes from that originating in Florida. I am going to have to get one of these nice fancy charts one day. But I have got one here that shows what a success it was in Florida when we started, but because of bureaucratic barriers created under another Bush, under former Governor Bush, we have lost hundreds of thousands of children off the rolls, which doesn't mean that all children in Florida are healthier, we are still a growing State, but they have created such a costly bureaucracy for parents and for doctors and for all health care providers that we are not able to serve kids like we should.

So that is one of the critical solutions that I think we have got to work on.

Let us cut out this bureaucracy. What is wrong with allowing parents to take their child to the doctor's office, just take them to the doctor's office and get the health care they need without creating all of this paperwork and bean counters in Tallahassee and bean counters in Washington that are having to spend a lot of time and a lot of our resources that could be going into the health care for our kids?

Mr. PALLONE. I appreciate your comments. I think they are right on point. We, in our Health Subcommittee, the Energy and Commerce Committee, in about 2 weeks, are going to have hearings on the SCHIP, the kid care program. One of the things we will be looking at is how we can get kids, now eligible, enrolled, because there are too many barriers.

I mean, in my home State of New Jersey, I really believe in our State we have been doing everything we can to try to get kids enrolled who are eligible. But we still have the majority, we have more kids that are eligible for SCHIP that are not enrolled than we had kids that are actually enrolled.

So something has to be done, whether it is outreach, whether it is getting rid of the bureaucracy, streamlining the application process. These are some of the things that we as Democrats are going to take up here, because this is a major way of covering the uninsured.

The biggest group of uninsured continues to be children, so I appreciate the gentleman's comment.

I see the good doctor from Wisconsin.

I yield to the gentleman from Wisconsin.

Mr. KAGEN. I agree with you that many people get very confused when you start talking about bean counting and you get into the numbers. It gets very confusing. We might be better off for everyone to understand health care and simplify it if we talk about trying to identify the essential elements that should be in any successful universal health care initiative.

Those essential elements that I don't think anyone would disagree with would be that if you are a citizen, you should be in the risk pool. Because in every State, what they are trying to do now as they seek to find a solution to this urgent problem, every State is trying to form a larger buying group, a larger insurance pool. That is really their only game plan to leverage down the costs. But if we have 300 million in an insurance risk pool with regional modifiers, we can really begin to leverage down insurance costs.

I would ask this question, what is the purpose of having health insurance? Health insurance is a form of delayed income. You put your hard-earned money into the insurance company's hands so that when you or a member of your family becomes ill, you get it back. But unfortunately today, when the money goes into the insurance company, you have to fight like heck to get it back, and it may not come back in total.

Health insurance should be available to everyone at an openly disclosed price, so everyone has an opportunity to buy something that is affordable.

Let us look at the numbers. In 1989, 83 percent of Americans had health insurance coverage from work; in 2004, 56 percent. It was because employers couldn't afford to pay the price. The cost was impossible to pay. If we had numbers today, it might be below 50 percent. More and more people that are watching tonight are falling into this category, going to bed at night knowing that if anyone in the family is ill, they are going to lose their house.

What insurance ought to be all about is guaranteeing, if you do become ill or anyone in your family becomes ill, you are still in your house and not the poorhouse. If we identify the essential elements that need to be in any solution that is universal, I think there are several. First, openly disclose the prices.

Second, every citizen should be allowed to pay the lowest price.

Third, I think we need that insurance risk pool to be nationwide. If you are a citizen, you are in with no cherry-picking.

Fourth, we need to have a deductible that is 3 percent of a household's Federal taxable income.

If Mr. ALTMIRE were to make $100,000 a year, he and his family could afford $3,000 on health care. But then give it to him as a tax deduction at the end of the year, up to that 3 percent limit.

Fifth, most importantly, I believe the measure of any nation is in how we treat those who are in need. So I would say it this way, that local, State and national governments must provide for those in need.

I think it is up to us here as Democrats and Republicans to come together and decide who is in need and what is it we should provide for them? If we can agree on the essential elements that should be in any national solution, the next step will be much more easy to take.

Mr. PALLONE. I wanted to yield to the gentleman from Pennsylvania. I think we have about 7 minutes left, but I did want to mention one other thing. I know the gentleman from Florida brought up community health centers and that type of thing. That has got to be an important part of this as well.

It is unfortunate, because a few years ago in his budget message or State of the Union, the President actually said he wanted to prioritize community health centers and create a lot more, but he never provided the funding to do that, which is often the case. We get the rhetoric, but we don't get the funding.

To the extent that you can, take a lot of the people who are uninsured and who will go to an emergency room, and become part of that uncompensated care that is a big burden on the hospital, and you can, instead, set up community health centers, whether in a fixed place or in a mobile van or whatever, and have people go there as they would go to a doctor, as you said, and get the preventive care they would get from a doctor, as opposed to an emergency room later. That is a big factor in this, as well, that we have to look at. I wanted to commend the gentlewoman for what she said in that regard.

I yield to the gentleman from Pennsylvania again.

Mr. ALTMIRE. I wanted to comment on what the gentleman from Wisconsin was discussing with regard to community rating, which means there are approximately 160 million people in this country that are privately insured, get their insurance through their employer, pay for it themselves, but they participate in the private market.

What the gentleman is recommending, which I think would be a good step, is to put those people, or at least a large portion of those people, in the same community-rated risk pool for the purposes of setting their insurance rates. You are still getting your insurance from the same people. You still have the same freedom of choice in the market and to choose your own health plan with this initial step, but the difference is, instead of you being viewed as an individual for the purposes of setting your rates, or small business, only your 10 employees being viewed together, you have 160 million people that are in the same pool.

So if you or a member of your family, or one of your employees in the case of a small business, has the misfortune to get sick or injured, you don't get that phone call from the insurance company saying, we are going to raise your rates, because you have your rates set by the health status of the pool at large, 160 million people, not just you as an individual or your employees.

I would commend the gentleman from Wisconsin for recommending that. I do think that would be a step in the right direction.

Mr. PALLONE. I yield to the gentlewoman from Florida.

Ms. CASTOR. Well, under the new Democratic Congress, I think we now can show some leadership when it comes to health care solutions. We have such expertise out in our country in the various universities and the medical schools and with the researchers, and it is time for a little leadership on wellness care and preventive medicine.

I was listening very intently to President Bush last week, hoping that he would be true to his conservative principles and say we need to conserve energy and you need to be conservative in how you take care of yourself.

I think now is the time for Democrats to provide this kind of leadership on diabetes, obesity prevention that is running rampant among our children.

How do you prevent heart disease? Show how important it is to exercise, eat well and sleep. These are simple things that if we commit as a country to wellness and preventive care, we are sure to save millions of dollars later when it comes to funding Medicare and those types of programs.

Mr. PALLONE. I appreciate what the gentlewoman is saying. You can look at every government program, whether it is Medicare, Medicaid, NIH, whatever it is, and you can try to look at those or reinvent them so that there is more of an emphasis on prevention and wellness. This is a theme that we can look at and try to make some changes, and I think it really would make a difference.

I appreciate your comments.

I yield to the gentleman from Wisconsin.

Mr. KAGEN. It is a tremendous concept, and it will work. It is an old saying, an ounce of prevention is worth a pound of cure. It works in health care. It works across the country, works on your automobile and will work on your body as well.

Here is another sentinel idea. Right now the insurance companies write their own policies that benefit them. I think it is time for Congress to consider writing a Federal standard, a basic health insurance policy. It becomes a Federal standard. We have Federal standards in automobile manufacturing. We have Federal standards in construction, in health care, in every industry that you can name. But we don't have a basic health care policy that each and every insurance company should have to sell.

You see, if every insurance company was selling the same piece of paper, then we could compare them based on the quality of their services and their price.

I think it is time to take that step. It is time for us in Congress to decide what should be covered. If it is in your body, head to toe, I think it should be covered. I think it is time to start writing a basic, standard health insurance policy, not mandating prices, but allow the insurance industry to set their own prices and compete for us.

Right now, back home in Wisconsin, my patients are on their hands and knees crawling to the insurance companies hoping to get in. Farmers will have their wife or themselves working on the farm during the daytime, working a nighttime job, just to get the health care benefits.

Mr. PALLONE. I know that we only have a couple of minutes left, if that, and I just wanted to thank all of you for joining with me tonight. Other than me, it was all new Members, and I think that gives us new, fresh insights into what we need to do that is really so crucial. Thank you.

If I could just say, Madam Speaker, in summing up, that, number one, we do commend the President for prioritizing health care in his State of the Union address, but essentially what he has suggested as a way of dealing with the problems is not a good start. In fact, it is very much the privatization and ideological answers that I don't think are going to work.

Democrats do have alternatives. We certainly intend, now that we are part of this majority, to move forward on those alternatives. But I know that with the input from the new Members we are going to make a difference.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.J. RES. 20, FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 2007

Mr. ARCURI, from the Committee on Rules, submitted a privileged report (Rept. No. 110–6) on the resolution (H. Res. 116) providing for consideration of the joint resolution (H.J. Res. 20) making further continuing appropriations for the fiscal year 2007, and for other purposes, which was referred to the House Calendar and ordered to be printed.

☐ 1945

ENERGY

The SPEAKER pro tempore (Mrs. BOYDA of Kansas). Under the Speaker's announced policy of January 18, 2007, the gentleman from Maryland (Mr. BARTLETT) is recognized for 60 minutes.

Mr. BARTLETT of Maryland. Madam Speaker, this is the 22nd time, I believe, that I have come here to the well of the House to talk about a subject which I think will be the overarching concern of our world for the next decades and several decades beyond that. That subject is energy and specifically the energy that we get from oil.

As an illustration of the problems we face, I have here a map of the world as it would be drawn if each country was sized relative to the amount of oil reserves that it had. So this is the world according to oil. And you see here Saudi Arabia, and it would swallow up the United States. How many times would it swallow us up, a dozen, 15 times?

Notice the incredible wealth of oil in the Middle East. Venezuela looms, what, two, three times the size of the United States as far as reserves of oil are concerned. The little United Arab Emirates, you can hardly find them on a map. They are kind of a little pinpoint on a usual map, and there they are six, eight times larger than the United States with their reserves of oil. The famed reserves of Russia up there. Notice that the United Arab Emirates have more oil than Russia has. And Saudi Arabia, of course, and Iraq. And little Kuwait, a little province that Saddam Hussein thought ought to belong to Iraq when he invaded it more than a decade ago, has many times as much oil as the United States and more oil than Russia has.

Remember this map when we put the next map of the world up here because this is an interesting map. And this is a map with the continents, the countries drawn relative to their actual size. And you will notice here the little symbols that represent several things, and one of them is oil that China has bought around the world. And this is Unocal, which they almost bought in our country. Everywhere you see this little symbol, the Chinese have bought rights to oil. They are scouring the world for oil.

And the next chart shows a statement by Condoleezza Rice, who recognized this. And this is a pretty interesting statement made by our Secretary of State: "We do have to do something about the energy problem."

Thank you. I am pleased that you recognize that.

"I can tell you that nothing has really taken me aback more as Secretary of State than the way that the politics of energy is. I will use the word wharping diplomacy around the world. We have simply got to do something about the wharping now of diplomatic effort by the all-out rush for energy supply." And, of course, China has been preeminent in this.

Several days ago I came upon an article. I have no idea why it took so long to come to light. It really is not an article. It really is the script of a speech that was given by Rear Admiral Hyman Rickover, the father of the nuclear submarine. And he gave this speech, it will be 50 years this coming May 14, 1957. He gave this speech to a banquet of the Annual Scientific Assembly of the Minnesota State Medical Association in St. Paul, Minnesota. And we will recognize, celebrate the 50th anniversary of that here in a relatively few months. That speech, by the way, was just 14 months and 6 days after a really famous speech that was given by M. King Hubbert in San Antonio, Texas, to a group of oil people in which he made a prediction that we will be talking about this evening, and that is that the United States would reach its maximum oil production just 14 years after that in 1970.

And right on target, that is exactly what happened. And no matter what we have done since then, we have pumped less oil than before until now we are pumping about half the oil that we pumped in 1970. He predicted that the world would be peaking about now, and that is the subject that brings us here tonight. I have a few excerpts here from this speech that he gave:

"High energy consumption has always been a prerequisite of political power. The tendency is for political power to be concentrated in an ever smaller number of countries. Ultimately the nation which controls the largest energy resource will become dominant. If we give thought to the problem of energy resources, if we act wisely and in time to conserve what we have and prepare well for necessary future changes, we shall ensure this dominant position for our own country."

He said this 50 years ago: "If we act wisely and in time," he says 50 years ago, "to conserve what we have and prepare well for the necessary future changes, we shall ensure this dominant position for our own country." We have done nothing in the last 50 years except try to find more and more gas and oil and coal and use more and more of what we have found.

Another quote from this very interesting speech: "In the 8,000 years from the beginning of history to the year 2000 A.D., world population will have grown from 10 million to 4 billion . . ."

Now, he missed it a little because we are at nearly 7 billion now.

" . . . with 90 percent of that growth taking place during the last 5 percent . . ."

Way more than 90 percent taking place during the last 5 percent of that period.

" . . . in 400 years. It took the first 3,000 years of recorded history to accomplish the first doubling of population, 100 years for the last doubling, but the next doubling will require only 50 years." And it occurred well before that because we are now at nearly 7 billion people.

The next chart shows what he says in chart 4. If you were to plot population on this chart, it would pretty much follow the curve here for the increased use of gas and oil. This is only about 400 years of the 8,000 years that he spoke of, of recorded history. So you can move this way, way back a great long distance here to see the whole history of the world. In the long history of the world, 8,000 years of recorded history, the Age of Oil will last but about 300 years. We are about 150 years into the Age of Oil from when we started to where we are now. And if M. King Hubbert was correct, and he was correct about the United States, but if he is correct about the world, for the next 150 years there will be less and less oil pumped at higher and higher prices until finally, roughly 150 years from now, there will be little or no more gas, oil, and coal which is economically recoverable.

This is an astounding picture, and future generations looking back at this Age of Oil may very well ask themselves how could they have done that, this incredible wealth?

In a few minutes I am going to read a fascinating history, a very brief history of the world and energy that Hyman Rickover gave to those lucky physicians that night nearly 50 years. They will ask themselves how could they have done that when they found this incredible wealth under the ground? Couldn't they have understood that it couldn't last forever? Wouldn't they have asked themselves what can we do with this to provide the most good for the most people for the longest time? But, instead of that, we simply have used that energy as rapidly as we could with little or no thought for the future.

Another quote from this very interesting talk: "I suggest that this is a good time to think soberly about our responsibilities to our descendants, those who will ring out the Fossil Fuel Age." And he recognized 50 years ago that there would be a Fossil Fuel Age. "We might give a break to these youngsters by cutting fuel and metal consumption so as to provide a safer margin for the necessary adjustments which eventually must be made in a world without fossil fuels."

Less than a month ago I came back from China. Nine of us went there, nine Members of Congress. We went there primarily to talk about energy. We met with a number of relatively high officials in the Chinese Government. I was surprised in our discussions first with the energy people and then with others that they began their discussion of energy by talking about post-oil. Hyman Rickover 50 years ago anticipated that there would be a world without fossil fuels when we had gone through the Age of Oil.

The next chart is another quote from this very interesting speech: "There is nothing man can do to rebuild exhausted fossil fuels reserves. They were created by solar energy." He says: "500 million years ago it took eons to grow to their present volume. In the face of the basic fact that fossil fuel reserves are finite, the exact length of time these reserves will last is important in only one respect. The longer they last, the more time that we have to invent ways of living off renewable or substitute energy sources and to adjust our economy to the vast changes which we can expect from such a shift."

What a speech. Fifty years ago when the United States was king of oil, the biggest consumer in the world, biggest producer in the world, and he recognized, as I think any rational person would recognize, that gas and oil and coal cannot be forever. It is finite. It one day will be gone. The only question is when, which is what we are here to talk about.

And this is a great quote here: "Fossil fuels resemble capital in the bank. A prudent and responsible parent will use his capital sparingly in order to pass on to his children as much as possible of his inheritance. A selfish and irresponsible parent will squander it in riotous living and care not one whit how his offspring will fare." I will suggest that this is precisely what our offspring will accuse us of doing.

You know, there are only a few places that we believe there are any meaningful amounts of oil left. One of those is in ANWR and the other is in offshore drilling. The vast majority of experts in the world believe that we have probably found 95 percent of all the oil we will ever find. And notice that the new finds of oil are way out there, difficult to get, expensive to get. That big find in the Gulf of Mexico under 7,000 feet of water, roughly 50,000 feet of rock and dirt under that. I am told, and I don't know whether this is true or not, you can hear a lot of things, that when oil is $211 a barrel, they will be able to develop that because it will cost that much to get that oil out.

What I would like to do now is to take a look at some of the thoughts in this speech given by Hyman Rickover. I wish I had been a physician 50 years ago. I would have been 30 years old at that time sitting in that audience. He predated me by about 10 years in thinking about this problem. It was probably 40 years, and maybe because I am a scientist that I started asking myself the question: you know, Roscoe, oil and gas and coal are finite. They are not an inexhaustible supply. At some point in time, we will have to be concerned about those supplies. Is that 1 year, 10 years, 100 years, 1,000 years? I had no idea, when I first asked myself this question, how long that time would be, but I knew that a time had to come when we would be asking ourselves the question isn't it time that we should start thinking about this.

Just a few excerpts from this really interesting speech: "Each American has at his disposal each year energy equivalent to that obtainable from eight tons of coal." Then coal was the primary energy source, a primary energy source, much less important now. Eight tons of coal, that is a lot of energy.

"With high energy consumption goes a high standard of living. Thus enormous fuel energy which we in this country control feeds machines which makes each of us master of an army of mechanical slaves."

And notice these numbers, and these were 50 years ago. You decide how much this has changed today. "Man's muscle power is rated at 35 watts continuously, or one twentieth horsepower."

Now, you can do more than that in working, but you can't do it 24 hours a day, and this is a 24/7 figure.

"Machines therefore furnish every American industrial worker with energy equivalent to that of 244 men, while at least 2,000 men push his automobile along the road, and his family is supplied with 33 faithful household helpers. Each locomotive engineer controls energy equivalent to that of 100,000 men; each jet pilot of 700,000 men. Truly, the humblest American enjoys the services of more slaves than were once owned by the richest nobles and lives better than most ancient kings."

□ 2000

"In retrospect", he says, and this is 50 years ago, "and despite wars, revolutions and disasters, the 100 years just gone by", 150 now, "just gone by may well seem like a Golden Age." And well they will when we look back on this.

"Whether this Golden Age will continue depends entirely upon our ability to keep energy supplies in balance with the needs of our growing population." He thought it would grow to 4 billion by this time. It is nearly 7 billion.

Before I go into this question, let me review briefly the role of energy resources in the rise and fall of civilizations. And I found this part of his speech just captivating, fascinating. "Possessant of surplus energy is of course a requisite for any kind of civilization, for if man possesses merely the energy of his own muscles, he must exhaust all of his strength, mental and physical, to obtain the bare necessities of life.

"Surplus energy provides the material foundation for civilized living: A comfortable and tasteful home, instead of a bare shelter; attractive clothing instead of mere covering to keep warm; appetizing food instead of anything that suffices to appease hunger. It provides the freedom from toil without which there can be no art, music, literature or learning.

"There is no need to belabor this point. What lifted man, one of the weaker animals", an interesting observation. We are really weak in muscle power. A chimpanzee the size of a man has four or five times the strength of a man. A dog has enormously better smell than you, the eagle infinitely better eyesight than you. Man is indeed one of the weaker animals.

"What lifted man, one of the weaker animals above the animal world was that he could devise with his brain ways to increase the energy at his disposal, and use the leisure so gained to cultivate his mind and spirit. Where man must rely on the energy of his own body he can sustain only the most meager existence.

"Man's first step on the ladder of civilization dates from the discovery of fire and his domestication of animals. With these energy resources, he was able to build a pastoral culture. To move upward to an agricultural civilization, he needed more energy. In the past this was found in the labor of the pendent members of large patriarchal families, augmented by slaves obtained through purchase or as war booty.

There are some backward communities which to this day depend on this type of energy, less today thankfully than there were 50 years ago. "Slave labor was necessary for the city states and the empires of antiquity. They frequently had slave populations larger than their free citizenry. As long as slaves were abundant and no moral censure attached to their ownership, incentives to search for alternative sources of energy were lacking.

"This may well have been the single most important reason why engineering advanced very little in ancient times. A reduction of per capita energy consumption has always in the past led to a decline in civilization, and a reversion to a more primitive way of life."

I would like to pause for just a moment to reflect on that. If all of the energy available to the United States was the energy from the United States, we would now be living on half of the energy that we had available in 1970. If you believe that the United States is a microcosm of the world, and if you believe that M. King Hubbert's analyses, which were so right on for the United States, are probably pretty good for the world, then the world now or very shortly will reach its maximum oil production.

After that, no matter what we do, there will be less and less oil available. And finally over the next 150 years, if the second half of the age of oil is as long as the first half, and M. King Hubbert found a bell curve in the exploitation and exhaustion of each of these oil fields, then we will have available to us less and less fossil fuel energy.

Now, unless we can contrive to replace that fossil fuel energy by alternative energy sources, we will have available to us year by year less energy than we had the year before.

And I was fascinated by Hyman Rickover's discussion of how energy contributed to the development of civilizations. And then he notes here, "That a reduction of per capita energy consumption has always in the past led to a decline in civilization and a reversion to a more primitive way of life."

Will we be able to avoid that? Will we be able to create enough energy sources, other than fossil fuels, that we can replace the energy that will not be available from fossil fuels as we exhaust, slowly exhaust their supplies in the world?

For example, exhaustion of wood fuel is believed to have been the primary reason for the fall of the Mayan civilization on this continent, and of the decline of once flourishing civilizations in Asia. India and China once had large forests, as did much of the Middle East. Deforestation not only lessened the energy base but had a further disastrous effect. Lacking plant cover, soil washed away, and with soil erosion the nutritional national base was reduced as well.

It is a sobering thought to recognize that life on this planet is largely dependent on about the upper, on average, 8 inches of our soil. That is the top soils which grow our crops. And then he notes something that few people want to talk about, I am glad he had the courage to mention, that another cause of declining civilization comes with pressure of population on available land.

No matter how clever we are at developing other energy sources, if population continues to grow, and I will say that I am a 100 percent pro-life person. I think there are ways to control population without killing the preborn. And so when I read this, do not think that I am advocating that we need abortion to control population.

"A point is reached where the land can no longer support both the people and their domestic animals. Horses and mules disappear first. Finally, even the versatile water buffalo is displaced by man, who is 2½ times as efficient an energy converter as are draft animals. It must always be remembered that while domestic animals and agriculture machines increase productivity for man, maximum productivity per acre is achieved only by intensive manual cultivation.

"It is a sobering thought that the impoverished people of Asia—" now this is less true today with a booming economy in China and a good economy in India, but this was true in that day. "It is a sobering thought that the impoverished peoples of Asia who today seldom go to sleep with their hunger completely satisfied," 20 percent of the world will go to bed tonight hungry, "were once far more civilized and lived much better than the people of the west."

And not so very long ago either. It was a story brought back by Marco Polo of the marvelous civilization in China which turned Europe's eyes to the riches of the East and induced the adventurous sailors to brave the high seas in their small vessels searching for direct routes to the fabulous Orient, which, of course, brought Columbus to our shores.

The wealth of the Indies is a phrase still used. But whatever wealth may be there is certainly not evident in the lives of the people today. Now, the last 50 years have seen meaningful industrialization in that part of the world, which just has consumed increasing amounts of energy.

Asia failed to keep technological pace with the needs of her growing populations and sank into such poverty that in many places man has become again the primary source of energy. That was true then, it is still true in rural areas in these countries.

Since other energy convertors have become too expensive, this might be obvious to the most casual observer. What this means is quite simply a reversion to a more primitive stage of civilization, with all that implies for human dignity and happiness.

Anyone who has watched a sweating Chinese farm worker strain at his heavily laden wheelbarrow creeping along a cobblestone street, or who has flinched as he drives past an endless procession of human beasts of burden moving to market in Java, the slender women bent under mountainous loads heaped on their heads.

Anyone who has seen statistics translated into flesh and bone realizes the degradations of man's stature when his muscle power becomes the only energy source he can afford. Civilization must wither when human beings are so degraded.

Let me skip now to a little later in this very interesting talk. I think no further elaboration is needed to demonstrate the significance of energy resources for our own future. Our civilization rests on the technological base which requires enormous quantities of fossil fuels.

True 50 years ago, truer today. And then this statement. Now, underline this. Use red ink. What assurance do we then have that our energy needs will continue to be supplied by fossil fuels? The answer is, in the long run, none. The earth is finite. Fossil fuels are not renewable. In this respect our energy base differs from that of all earlier civilizations, which is why the Hirsch report says that man has never faced, the world has never faced a problem like this. There is no precedent in history.

In this respect our energy base differs from that of all earlier civilizations. They could have maintained their energy supply by careful cultivation. We cannot. Fuel that has been burned is gone forever. Fuel is even more effervescent than metals. Metals too are nonrenewable resources, threatened with ultimate extinction, but something can be salvaged from scrap. Fuel leaves no scrap. And there is nothing that man can do to rebuild exhausted fossil fuel reserves. They were created by solar energy, he says, 500 millions years ago and took eons to grow to their present volume.

I might pause here to note that those who belief in a literal flood believe that all of this occurred with the upheavals that occurred during the flood and the time since then. But most people believe that it took a very, very long time. In the face of the basic fact that fossil fuel reserves are finite, the exact length of time these reserves will last is important in only one respect.

The longer they last, and I am repeating one of the charts I had. But you know we need to hear this again because this is so significant. The longer they last the more time do we have to invent ways of living off renewable or substitute energy sources, and to adjust our economy to the vast changes that we can expect from such a shift.

Fossil fuels resemble capital in the bank. And I am going to repeat this again. This needs to be heard again too. A prudent and responsible parent will use his capital sparingly. Now have we been using this energy capital sparingly? Anything but. In order to pass onto his children as much as possible of his inheritance. A selfish and irresponsible parent will squander it in riotous living and care not one whit how his offspring will fare.

I am afraid that that is exactly what our children and our children's children will say of us when they recognize how little attention we paid to the warnings that we have been given for a very long time. This is Hyman Rickover 5 years ago, and just a year before that, M. King Hubbert and his prediction.

Engineers whose work familiarizes them with energy statistics, far-seeing industrialists who know that energy is the principal factor which must enter into all planning for the future, responsible governments who realize that the wellbeing of their citizens and the political power of their countries depend on an adequate energy supply, all of these have begun to be concerned about energy resources. Gee, I wish that were true.

If they began, then they stopped. Because I notice hardly anybody today is concerned about this problem. In this country especially, many studies have been made in the past few years. 50 years ago, seeking to discover accurate information on fossil fuel reserves and foreseeable fuel needs.

Now he may have been referring to the studies that were made by M. King Hubbert just the year before when he predicted that the United States would peak in oil production in 1970.

The chart that I have here kind of indicates to us the dimensions of the problem that Hyman Rickover was talking about and the problem we face.

□ 2015

The little analogy I use for this is that we are very much like a young couple whose grandparents have died and left them a big inheritance. And they have established a lifestyle where 85 percent of all the money they spend comes from their grandparents' inheritance and only 15 percent from their income. And they look at how old they are and how large the inheritance is and they recognize, gee, it is not going to last till we retire, so, obviously, we have got to do something. Either we have got to spend less or we have got to make more.

I use that analogy because that is precisely where we are. Today, 85 percent of all the energy we use comes from coal and oil and natural gas, and just 15 percent of it from other sources. Now, you may lump all of those as renewables, but they are not quite because a bit over half of that, 8 percent of the 15, comes from nuclear power. In this country, that is 8 percent of our energy, but it is 20 percent of our electricity, so as you drive home tonight, imagine that every fifth home and every fifth business and every fifth street light was dark. That is what our country would be without nuclear power.

Now, we have had not a single death, no meaningful accidents. By the way, 3-Mile Island, and I lived within the drift zone of that, that worked. The containment facility worked. Too bad we had the accident, but good that we had prepared for it.

A lot of people are concerned about nuclear energy. But they really don't reflect on how many people die from coal, all the black lung disease. I remember a number of years ago when I worked for NIH and had a contract to look at respiratory support devices, and one of the places I went to was West Virginia, where they had a lot of black lung disease. And I talked to the physicians there that were dealing with these patients, and each year thousands died from black lung disease. It wasn't so much, and this is not really related to energy, but the real problem there was silicosis. But the lungs were black from the coal, and so it was called black lung disease, but it was really rock dust primarily which was the offender there.

How many miners are killed when the mine caves in or when it explodes? How many people are killed at the railroad crossing when the coal train goes by? We just seem to accept that as a part of the cost of having coal to use.

There have been no injuries, I remind the listeners, from our use of nuclear. We have had no Chernobyls, aren't going to have any because we have designed them much better, so this could and probably should grow.

Then we come to the true renewables. And there we see them, solar, and I am a big supporter of solar. I have a second home beyond the grid and we have only solar power. We are shortly putting up a wind machine because very frequently when the sun is not shining, the wind is blowing and so they complement each other very nicely.

But notice how tiny they were. This was 2000. Now we are better today because they have been growing very rapidly. So they are several times bigger today. But that was 1 percent of 7 percent, .07 percent. Suppose it is four times bigger today, .28 percent. Big deal. We have a long, long way to go.

Notice the contribution of wood. That is the timber industry and paper industry wisely using that waste product.

Conventional hydro. We have pretty much peaked out on that. There is maybe as much as we could get from unconventional hydro, microhydro, small streams where it wouldn't have the environmental effect that big dams have.

The waste to energy here, that is 8 percent of the 7 percent. That could certainly grow. It is probably a whole lot better to burn it than it is to put it in the land fill.

But note that this is really kind of recycling fossil fuel energy because, in an energy deficient world, there would be no enormous piles of municipal waste. They are all produced with energy; and as we have less and less energy, we will be able to live with less and less waste. So that will be a diminishing source of energy in an energy deficient world.

I want to take just a moment here to talk about ethanol. There are a couple of bills, and I will have it up here in a few moments, that look at developing ethanol. The price of corn, from which most ethanol is made in this country, was $2.11 a bushel in September. It was $4.08 a bushel in December. And that was because of the pressure of the demand for corn for producing ethanol.

Now, I didn't read it in this speech, but Hyman Rickover cautioned that if you are going to get energy from agriculture, please note that you will be competing with two things for that energy. One, you will be competing with food.

We eat some corn meal. Most of the corn goes to our animals, and our dairy farmers are really hurting now, because milk has not gone up much and their feed has gone up enormously because of the pressures put on corn by ethanol.

Every gallon of ethanol that we burn represents at least three-quarters of a gallon of fossil fuel to produce it. Almost half the energy in producing corn comes from the natural gas that produces the nitrogen fertilizer.

If we were to grow corn with energy from corn, which is the only fair way to look at corn as an energy source, otherwise you are simply recycling fossil fuels and growing the corn and making ethanol from it.

If we were to grow corn with energy from corn, and if you wanted to replace just 10 percent of our current gasoline consumption, I checked these figures with CRS, I think they are correct, you would have to double our corn crop and use it all for ethanol to displace just 10 percent of our gasoline.

What is very likely to happen now that corn has doubled in price is that farmers, recognizing that, gee, if I planted more corn I would make more money, they are going to take land out of agricultural preserve where it has been reserved by putting it in a bank, and it is land that probably shouldn't have been farmed anyhow, which is why they took it out, and the government helps pay them for that, which I am supportive of, by the way, because it helps preserve that land.

If they take that out and plant it to corn, corn is one of the worst crops for erosion. It is one of the heaviest feeders that we have, demanding more fertilizer than almost anything else. The insult to our environment by the erosion and so forth of this land as the result of more corn cropping, may offbalance, offset the benefit we get from the small decreased production of carbon dioxide, which is the primary reason most people are thinking about ethanol today, because of global warming and greenhouse gases.

And if you are simply releasing the carbon dioxide that the plant picked up, you have not increased the amount of carbon dioxide up there, because the plant took it out of the air. You are burning it and putting it back into the air. So it is a balance.

Hyman Rickover also cautioned, be careful about your expectations for energy from biomass. And today you will hear a lot of hype about energy from cellulosic ethanol. And this is a fascinating pursuit. Cellulose is made up of a lot of glucose molecules, simple sugar, half of the sucrose which is your table sugar. But they are so tightly bound together that there are no enzymes in our body which will separate them. In fact, the cow and the goat don't have any either. But they harbor in their gut some little critters that do have enzymes that do that. And so this is a great example of symbiosis. They both benefit from that relationship. These little microbes split the cellulose into the glucose molecules, and then they are absorbed by the host animals.

Hyman Rickover cautioned, be careful how much of this biomass you think you can take from the soil because it is biomass, organic material, which makes top soil different from subsoil.

There were three men from the Department of Agriculture in my office several months ago talking excitedly about the potential for cellulosic ethanol. And I asked them if our top soils were increasing in quantity and quality. And the answer is obviously, no.

We are really good today compared to how we were 20, 30 years ago. But I am told that for every bushel of corn you grow in Iowa, three bushels of Iowa top soil go down the Mississippi River, which is why we have such a big delta down in Louisiana.

Well, these little microbes that exist in the gut of these animals we have now learned to bioengineer so we can do this in the laboratory. So we can now turn newspaper into alcohol and run your car on newspaper. That is doable. But be careful how much energy you expect to get from that because for a few years you may mine the top soil, but soon you will decrease the product activity of the top soil. So there is a limit to that.

So what do we do? The next chart, we buy time. How do you do that?

I mentioned that I have been to China, came back 3 or so weeks ago. And they begin all of their discussions by talking about post-oil. And they have a 5-point plan. And it is not just the energy people. It is every member of government we talked to talked about this 5-point plan. So they recognize that energy is a real challenge for them.

The 5-point plan begins with conservation. You see, today there is no surplus oil. There is no surplus energy to invest in developing alternatives. If there was any surplus oil, it wouldn't be $55 a barrel.

So we have run out of time. We have run out of energy, but we can buy some time and free up some energy if we have an aggressive program in conservation. This is where they began their 5-point program: conservation.

Two and three were produce as much of your own energy as you can, and diversity will help. Don't put all your eggs in one basket. And the fourth one, a really good one, especially for them, be kind to the environment. They were apologetic. They are not kind to the environment, but they have 1.3 billion people who are clamoring for the kind of life style we have and want to go climb up that economic ladder and they aren't using energy very efficiently, and we need to help them.

The fifth point, a really interesting one, international cooperation. They recognize that this isn't a U.S. problem or a Chinese problem. This is a global problem because oil moves on a global marketplace. It doesn't really matter who owns the oil. The person who has the highest bid gets the oil. It sells to the people who have the money to buy it. And when it is in short supply, there is more demand for it, so the price goes up.

Once we have bought some time and freed up some energy, then we need to use it wisely. I think one of the things that we need is an ARPA-E. Many people know what DARPA is. It is an agency in our Defense Department that looks at far-out, really interesting things. They developed the Net, for one thing. And they invest in things that industry couldn't invest in because there is no imminent payoff, not even certain there will be any long-term payoff. You are running down a lot of dead roads. But, boy, when you hit it, you hit it big. And DARPA has been very creative. And we need something like that in the energy world because there are some things that may be big, big producers tomorrow, which may not be attractive to investors today.

I am a big fan of the marketplace, but the marketplace is neither omniscient nor omnipotent, and there is a role for government here. And I am one of the biggest small government people in Washington. But, you know, we ought to get the government out of things that are not productive and put them into things where they are productive.

And looking ahead and wisely deciding what some reasonable risk is and investing the taxpayer money has paid big dividends in DARPA, and I think it would in ARPA-E. Big benefits to this. We are now an incredible importer. I think this year the trade deficit we were $800 billion or something like that. We could again become a major exporter. The world is going to be clamoring for these renewable technologies, and we could be a leader in this.

□ 2030

Whether we like it or not, we are a role model. We are one person out of 22 in the world, and we use one-fourth of the world's energy. So we are a witness, we are a role model whether we like it or not.

There are a couple of bills that I wanted to mention. This is our bill, and I am proud of this bill because if we can't do this, we are in for a really rough ride. This is a bill that encourages our farms to become energy independent. Not just energy independent, because if that is all they did, then the people who live in the cities would be in a world of hurt when we run out of fossil fuels.

But the farmer must be able not only to produce enough energy to run his farm, but have some leftover energy, and I think this challenges him to produce as much leftover energy as he uses on his farm. And there are some rewards for farmers who can do this. There are a lot of creative ways we can do this, and we hope that these awards will challenge people to be as creative and innovative as Americans have always been, and I am looking forward to some very exciting developments here.

The next chart has some data on it that I referred to previously. There is nothing like seeing it in a pretty colored chart. We can look at the top part of the chart. And petroleum, of course, if you start out with 1 million Btus, you won't have 1 million Btus to burn because you have got to pump it and refine it and transport it and put it in your car and so forth. So to get 1 million, you must start out 1.23 million.

Here we look at ethanol, and there is a big advantage here because you get solar energy. These, I am told, are very optimistic figures. Dr. Pimental believes that if you look at all the energy input into producing corn, that more energy goes into producing corn than you get out of corn. I hope that is not true. Most people believe that it is energy positive.

You know, even if it were just balanced, once you have taken the ethanol out, you have left some really good feed. Tragically, many of the ethanol plants today carry that to the landfill. What a shame, almost a crime, because all the fat is left, all the corn oil is left, and all the protein is left. All we have taken out is the carbohydrate.

What this says is, as I have mentioned previously, for every gallon of ethanol you burn, you are burning at least three-fourths of a gallon of fossil fuels. That is a fossil fuel input. Now, this down here depicts the fossil fuel input. I mentioned that almost half of it, this big purple area here, comes from the natural gas that produced the nitrogen fertilizer.

Before we learn how to do that, by the way, the only nitrogen fertilizer—as a little kid I remember that pretty much the only nitrogen fertilizer was barnyard manures and guano. And you took the manure out of your barnyard, you spread it out on your fields, and the fertilizer attachment on your tractor was about three times as big as the seed, the corn bin. You put very little fertilizer on it. But now we have learned to make enormous—we mine the phosphate rock and the potash and we make nitrogen fertilizer as incredibly energy intensive, as you can see. All of these are other fossil fuel energy inputs, making the tractor, fueling the tractor, putting the tires on the tractor, harvesting the grain, hauling it to market, drying it, the chemicals that go into killing the bugs and so forth on it.

An incredible amount of energy goes into producing a bushel of corn. And if you were going to grow corn with energy from corn—I gave you the statistics a little bit earlier—I believe that you would have to double your corn and use it all for ethanol to displace just 10 percent of our gasoline.

That is an illustration of the huge challenge that we face. We use 21 million barrels of oil a day in this country, 70 percent of it in transportation. Each barrel of oil, as Hyman Rickover so graphically described, represents an enormous amount of human energy. One barrel of oil represents the work of 12 people working all year. For less than $10 you can hire a guy who is going to work all year for you. These are part of those 33 faithful household servants that Hyman Rickover said our energy use provided to the average family.

The next chart shows another energy bill, the DRIVE bill. This was dropped just very recently. We love acronyms down here, and this is a bill that has to do with transportation fuels, Dependable Reduction through Innovation and Vehicles and Energy Act, H.R. 670. I didn't sign on to any energy bills last year. There were some pretty good bills, but somewhat, not just somewhat, enormously exaggerated claims were made for them; and I did not want to give credibility to unrealistic expectations from these bills.

The next chart here quotes several people: Petroleum expert Colin Campbell. By the way, he kind of inherited the mantle from M. King Hubbert. He is kind of the godfather today of all of these scientists. Jean Laherrare, Ryan Fleeley, Roger Blanchard, Richard Duncan, Albert Bartlett, no relative of mine. But if you put Albert Bartlett, do a Google search for Albert Bartlett and Energy, and you will put out the most fascinating 1-hour lecture I have ever listened to. He has given it more than 1,600 times. I will tell you, there will be no thriller on television that will be as interesting as Albert Bartlett's 1-hour lecture on energy. You will be captivated by it. They have all estimated that a peak in conventional oil production will occur at around 2005. This is now 2007.

By the way, the world oil production has been roughly 84 million, 85 million barrels a day for the last several years. That may or may not mean we have reached peak, but at least there has been a plateau. And if it weren't for a fact that there has been a 40 percent reduction of gasoline use in many South American countries, for instance, because it has just gotten too expensive, the price of oil would be far greater than roughly $55 a barrel today.

This has been what they call demand destruction. If you can destroy demand, you can reduce the price. And when it got too expensive to use, they just quit using it, so the price of oil has dropped because there is less pressure.

The next chart shows a number of experts and what they have predicted, and here are some of them there, Campbell and Goldstein and Deffeyes, Skrebowski, Simmons. Matt Simmons is an investment banker, a personal energy adviser to the President. They all believe that it is going to occur very shortly. The previous list had it in roughly 2005, these in the next decade and these further down. Now, CERA is one here that says it is going to be after 2020.

I want to show you the next chart here, and this is a CERA chart; and CERA believes that we will find maybe several times as much more energy as all the energy that now is known, all the oil that we now know is out there. They think we will find two or three times that much more oil.

Now, if we find only 5 percent more oil, then this will be when it peaks. If we find as much more oil as all that exist out there, this will be when it peaks. It still is not forever, it still is about 2040. And if we now are able to get enormous amounts of oil from these unconventional sources, the Canadian tar sands; and don't call it oil, please, it is tar, and the oil sands out in our west, and I don't know that we will ever achieve this, by the way. The Canadians are getting 1 million barrels a day, just a little over 1 percent of production, using incredible amounts of energy, incredible amounts of water, producing a big lake that they call tailing water; it is really toxic water, and they know that what they are doing is not sustainable because they don't have enough natural gas to produce the energy.

They are thinking about putting in a power plant. The vein, I understand, dips under an overlay so they will have to develop in situ, and they don't know how to do that. Enormous reserves, more than all the oil in the world potentially, are out in our West. Shell Oil Company had a little experiment out there. They said it would be 2013, I think, before they said they could even make a decision as to whether it was economically feasible to get that. So this is a huge "if" here.

The next chart is an interesting one. One of the world's experts in this, Jean Laherrare, made an assessment of the USGS report. What I was looking at was not a USGS report, but they were basing their prognosis on USGS data, so this comment is appropriate to that chart as well. The USGS estimate implies a fivefold increase in discovery rate and reserve addition through which no evidence is presented.

Such an improvement in performance is, in fact, utterly implausible given the great technical achievements of the industry over the past 20 years, the worldwide search, and the deliberate efforts to find the largest remaining prospect. We have computer modeling in 3-D seismic and enormously improved techniques for finding oil, and still every year we find on the average less oil than we found the year before.

This is a very heartening chart. As we face an energy-deficient world, I often think of this chart and the promise that it gives us. On the abscissa here we have energy consumption per capita here, and on the ordinate we have perception of how good life is. Now, it is not perfect for anybody, but there are a whole bunch of people who think that it is about 85 to 95 percent as good as paradise can be.

And notice where we are. We are the biggest users of energy. Little Switzerland is close behind us. But what this chart tells me is that you can use far less energy and be pretty happy with where you are. These many people, by the way, use less energy than we and are happier with their lives than we are, everybody above this imaginary line.

And notice that if you have very little energy, it is tough to feel good about life. As soon as you reach 25 percent, as much as we use, then you can feel pretty good, 80 percent compared to 90 percent, not much improvement for an incredibly large increase in energy. So this gives us hope.

Europe uses per capita about half as much energy as we use, and if you have traveled to Europe, nobody who has traveled to Europe believes that they live less well or are less content with their life than we are.

The next chart shows an interesting, and this is one of many, many, opportunities for efficiency, but this is such a dramatic one. This is the efficiency of getting light. And this is the old incandescent bulb, a red hot hairpin hung up in a bottle is the way one old farmer described it. And this is the amount of heat you produce, which is why you use it as a brooder for fish and to keep them warm, and baby chickens, and this is the light you get, 90 percent heat, 10 percent light.

This is fluorescence, which is why you have the little screw in fluorescence. A great Time magazine article that showed that each one of those bulbs saved a quarter of a ton of coal. And here is the light-emitting diode. I have a light-emitting diode flashlight; I have forgotten when I put the batteries in. They just last and last.

I have a couple of charts here, and we have only a few minutes remaining, and I just want to show a couple of them to refer you to very big studies paid for by our government, ignored by our government. One is the Corps of Engineers, and this is the Corps of Engineers study, and the other is the big Hirsch Report. You can find all of those on the Web. In fact, you can go to our Web site and either find these or find the link to it.

In general, all nonrenewable resources follow a natural supply curve. Production increases rapidly, slows, reaches a peak, and then declines at a rapid pace, remember, to its initial increase.

The major question for petroleum is not whether production will peak but when. There are many estimates of recoverable petroleum reserves giving rise to many estimates of when peak oil will occur and how high the peak will be. A careful review of all the estimates leads to the conclusion that world oil production may peak within a few short years.

This was paid for by the Army, essentially ignored by everybody.

The next one, a bigger study, paid for by our Department of Energy, SAIC, a big, prestigious organization: We cannot conceive of any affordable government-sponsored crash program to accelerate the normal replacement schedules to fill the gap created by a decline in oil production.

I won't use any more of these charts because the others, I have a dozen or so more, simply say the same thing, that one way or the other, in different words, we are either at or shortly will be at peak oil with potentially devastating consequences.

There is hope with leadership. We are an enormously creative society. I think that we can meet the challenge, but it is going to require a program I believe that has a total commitment of World War II, I lived through that, that has the technology challenge of putting a man on the moon and the urgency of the Manhattan Project. We can do that. It needs the help of every American, and leadership; our children and grandchildren are counting on it.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. WOLF (at the request of Mr. BOEHNER) for today on account of testifying before the Virginia State Corporation Commission on the proposed tolling for the Dulles Greenway.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Mr. CUMMINGS, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. KIND, for 5 minutes, today.

Mr. GEORGE MILLER of California, for 5 minutes, today.

Mrs. CAPPS, for 5 minutes, today.

Mr. ALLEN, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Ms. SOLIS, for 5 minutes, today.

(The following Member (at the request of Mr. KUHL of New York) to revise and extend his remarks and include extraneous material:)

Mr. DUNCAN, for 5 minutes, today.

ADJOURNMENT

Mr. BARTLETT of Maryland. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 45 minutes p.m.), the House adjourned until tomorrow, Wednesday, January 31, 2007, at 10 a.m.

RULES AND REPORTS SUBMITTED PURSUANT TO THE CONGRESSIONAL REVIEW ACT

Pursuant to 5 U.S.C. 801(d), executive communications [final rules] submitted to the House pursuant to 5 U.S.C. 801(a)(1) during the period of May 18, 2006, through January 4, 2007, shall be treated as though received on Janaury 30, 2007. Original dates of transmittal, numberings, and referrals to committee of those executive communications remain as indicated in the Executive Communication section of the relevant CONGRESSIONAL RECORD.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

470. A letter from the Secretary, Department of Health and Human Services, transmitting a report on the Fiscal Years 2002-2004 Family Violence Prevention and Services Act Program, pursuant to 42 U.S.C. 10405; to the Committee on Education and Labor.

471. A letter from the Inspector General, U.S. House of Representatives, transmitting the results of an audit of the U.S. House of Representatives' annual financial statements for the year ending December 31, 2005; to the Committee on House Administration.

472. A letter from the Staff Director, Commission on Civil Rights, transmitting notification that the Commission recently appointed members to the Arizona Advisory Committee; to the Committee on the Judiciary.

473. A letter from the Assistant Secretary for the Army for Civil Works, Department of Defense, transmitting an interim report on the status of the comprehensive plan examining the deauthorization of the Mississippi River-Gulf Outlet (MRGO), pursuant to Public Law 109-234; to the Committee on Transportation and Infrastructure.

474. A letter from the Director, Legislative Affairs, Office of the Director of National Intelligence, transmitting the Office's report entitled, "An Overview of the United States Intelligence Community"; to the Committee on Intelligence (Permanent Select).

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Ms. SLAUGHTER: Committee on Rules. House Resolution 116. Resolution providing for consideration of the joint resolution (H.J. Res. 20) making further continuing appropriations for the fiscal year 2007, and for other purposes (Rept. 110–6). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. TOM DAVIS of Virginia (for himself, Mr. Taylor, Mr. Hayes, and Mr. Butterfield):

H.R. 718. A bill to amend title 10, United States Code, to enhance the national defense through empowerment of the Chief of the National Guard Bureau and the enhancement of the functions of the National Guard Bureau, and for other purposes; to the Committee on Armed Services.

By Mr. POMEROY (for himself, Mr. Gillmor, Mr. Weiner, Mr. Chabot, and Mr. Lampson):

H.R. 719. A bill to require convicted sex offenders to register online identifiers, and for other purposes; to the Committee on the Judiciary.

By Mr. OBERSTAR (for himself, Mr. Young of Alaska, Ms. Eddie Bernice Johnson of Texas, and Mrs. Tauscher):

H.R. 720. A bill to amend the Federal Water Pollution Control Act to authorize appropriations for State water pollution control revolving funds, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. DAVIS of Alabama (for himself, Mr. Brady of Texas, Mr. Norwood, Mr. Jones of North Carolina, Mr. McHenry, Mr. Jindal, Mr. Thompson of Mississippi, Mr. Reichert, Mr. Simpson, Mr. Crenshaw, Mr. Hall of Texas, Mr. Smith of Washington, Mr. Baird, Mr. Inslee, Mr. Melancon, Mr. Larsen of Washington, Mr. Berry, Mr. Manzullo, Mr. Sensenbrenner, Mr. Sessions, Mr. Gallegly, Mr. McHugh, Mr. Conaway, Mr. Hastings of Washington, Mr. Gordon, Mr. Blunt, Mr. Lewis of Kentucky, Mr. Barton of Texas, Mr. Davis of Kentucky, Mr. Cuellar, Mr. Bonner, Mr. Butterfield, Ms. Hooley, Mr. Bishop of Georgia, Mr. Brown of South Carolina, Mr. Wilson of South Carolina, Mr. Alexander, Mr. Dicks, Mr. Souder, Mr. Boustany, Mr. Petri, Mr. Hayes, Mr. DeFazio, Mr. Terry, Mr. Boozman, Mr. Cantor, Mr. Bartlett of Maryland, Ms. Foxx, Mr. Marchant, Mrs. Cubin, Mr. Ross, Mr. Gohmert, Mr. Aderholt, and Mr. Baker):

H.R. 721. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for qualified timber gains; to the Committee on Ways and Means.

By Mr. BILIRAKIS:

H.R. 722. A bill to increase the maximum Pell Grant; to the Committee on Education and Labor.

By Mr. BISHOP of New York (for himself, Mr. LoBiondo, Mr. Buchanan, Mr. Israel, Mr. Saxton, Mr. Smith of New Jersey, and Mrs. Drake):

H.R. 723. A bill to amend the Federal Water Pollution Control Act to reauthorize programs to improve the quality of coastal recreation waters, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. BURTON of Indiana (for himself, Mr. McKeon, Mr. Norwood, Mr. Graves, Mr. Hall of Texas, Mr. Shuster, Mr. Lincoln Davis of Tennessee, Mr. Paul, Mr. Franks of Arizona, Mr. Akin, Mr. Garrett of New Jersey, Mr. Carter, Mr. Rogers of Kentucky, Mr. Gingrey, Mr. Wilson of South Carolina, Mr. Kline of Minnesota, Mr. Miller of Florida, Mr. Brown of South Carolina, Mr. Pence, Mr. Bartlett of Maryland, Mrs. Jo Ann Davis of Virginia, Mr. Manzullo, Mr. Herger, Mr. Hoekstra, Mr. Hayes, Mr. Linder, Mr. Radanovich, Mr. Forbes, Mr. Pitts, Mr. Jordan, Mr. Barrett of South Carolina, Mr. McCotter, Mr. Alexander, Mr. Hensarling, Mr. Barton of Texas, Mrs. Cubin, Mr. Sam Johnson of Texas, Mr. Sali, Mr. Boozman, Mr. Poe, Mr. Jones of North Carolina, and Mr. Wamp):

H.R. 724. A bill to amend title 28, United States Code, to limit Federal court jurisdiction over questions under the Defense of Marriage Act; to the Committee on the Judiciary.

By Mr. BURTON of Indiana (for himself, Mr. Hunter, Mr. Radanovich, Mr. Inglis of South Carolina, Mr. Franks of Arizona, Mr. Akin, Mr. Garrett of New Jersey, Mr. Pence, Mr. Norwood, Mrs. Emerson, Mr. Souder, Mr. Wilson of South Carolina, Mr. Kline of Minnesota, Mr. McCaul of Texas, Mr. Bachus, Mr. Doolittle, Mr. Goode, Mr. Gingrey, Mr. McKeon, Mr. Herger, Mr. Hayes, Mrs. Jo Ann Davis of Virginia, Mr. Chabot, Mr. Miller of Florida, Mr. Pitts, Mr. Campbell of California, Mr. Rogers of Michigan, Mr. Fortuño, Mr. McCotter, Mr. Alexander, Mr. Hensarling, Mr. Barton of Texas, Mr. Calvert, Ms. Ginny Brown-Waite of Florida, Mr. Sam Johnson of Texas, Mrs. Cubin, Mr. Sali, Mr. Renzi, Mr. Poe, Mr. Jones of North Carolina, Mr. Kingston, and Mr. Shimkus):

H.R. 725. A bill to amend the Revised Statutes of the United States to prevent the use of the legal system in a manner that extorts money from State and local governments, and the Federal Government, and inhibits such governments' constitutional actions under the first, tenth, and fourteenth amendments; to the Committee on the Judiciary.

By Mr. FRANK of Massachusetts:

H.R. 726. A bill to amend title II of the Social Security Act to restrict the application of the windfall elimination provision to individuals whose combined monthly income from benefits under such title and other monthly periodic payments exceeds a minimum COLA-adjusted amount of $2,500 and to provide for a graduated implementation of such provision on amounts above such minimum amount; to the Committee on Ways and Means.

By Mr. GENE GREEN of Texas (for himself and Mr. Burgess):

H.R. 727. A bill to amend the Public Health Service Act to add requirements regarding trauma care, and for other purposes; to the Committee on Energy and Commerce.

By Ms. HERSETH (for herself and Mr. Clay):

H.R. 728. A bill to amend title 5, United States Code, to establish certain protections for preference eligibles selected for involuntary geographic reassignment; to the Committee on Oversight and Government Reform.

By Mr. INSLEE (for himself, Mr. Bartlett of Maryland, Mr. Ehlers, Ms. Lee, Mr. Farr, Mr. Smith of Washington, Ms. Kaptur, Mr. Hinchey, Mr. Grijalva, Mr. DeFazio, Mr. Payne, Mr. Honda, and Ms. Hooley):

H.R. 729. A bill to amend the Public Utility Regulatory Policies Act of 1978 to promote energy independence and self-sufficiency by providing for the use of net metering by certain small electic energy generation systems, and for other purposes; to the Committee on Energy and Commerce.

By Mr. JINDAL:

H.R. 730. A bill to provide funds to certain State and local governments to pay for utility costs resulting from the provision of temporary housing units to evacuees from Hurricane Katrina and other hurricanes of the 2005 season; to the Committee on Transportation and Infrastructure.

By Mr. LATHAM (for himself, Mr. Terry, Mr. McCotter, Mr. Patrick Murphy of Pennsylvania, and Mr. McHugh):

H.R. 731. A bill to amend the Small Business Act to direct the Administrator of the Small Business Administration to establish a program to provide regulatory compliance assistance to small business concerns, and for other purposes; to the Committee on Small Business.

By Mrs. MALONEY of New York:

H.R. 732. A bill to amend title II of the Social Security Act to reduce from 10 to 5 the number of years of marriage prior to divorce required for a divorced spouse to be eligible for benefits under such title; to the Committee on Ways and Means.

By Ms. NORTON (for herself and Mr. Tom Davis of Virginia):

H.R. 733. A bill to amend the District of Columbia Home Rule Act to eliminate all Federally-imposed mandates over the local budget process and financial management of the District of Columbia and the borrowing of money by the District of Columbia; to the Committee on Oversight and Government Reform.

By Mr. PITTS (for himself, Mr. Bishop of Georgia, Mr. Costa, Mr. English of Pennsylvania, Mr. Frank of Massachusetts, Mr. Gerlach, Mr. Holden, Mr. McGovern, Mr. Neugebauer, Mr. Platts, Mr. Rogers of Michigan, Mr. Ruppersberger, Mr. Simpson, Mr. Souder, Mr. Sullivan, Mrs. Tauscher, Mr. Taylor, and Mr. Upton):

H.R. 734. A bill to amend title 49, United States Code, to allow additional transit systems greater flexibility with certain public transportation projects; to the Committee on Transportation and Infrastructure.

By Mr. RANGEL:

H.R. 735. A bill to designate the Federal building under construction at 799 First Avenue in New York, New York, as the "Ronald H. Brown United States Mission to the United Nations Building"; to the Committee on Transportation and Infrastructure.

By Mr. ROHRABACHER (for himself, Mr. Burton of Indiana, Mr. Gingrey, Mr. McHenry, Mr. Simpson, Mr. Norwood, Mr. Alexander, Mr. Platts, Mr. Wicker, Mr. Sessions, Mr. Goode, and Ms. Ginny Brown-Waite of Florida):

H.R. 736. A bill to amend title II of the Social Security Act to exclude from creditable wages and self-employment income wages earned for services by aliens illegally performed in the United States and self-employment income derived from a trade or business illegally conducted in the United States; to the Committee on Ways and Means.

By Mr. SCOTT of Virginia (for himself, Mr. Bishop of Georgia, Mr. Carney, Mr. Cleaver, Mr. Grijalva, Mr. Lynch, Mrs. Maloney of New York, and Mr. Payne):

H.R. 737. A bill to correct an inequity in eligibility for military retired pay based on nonregular service in the case of certain members of the reserve components completing their reserve service before 1966; to the Committee on Armed Services.

By Mr. SKELTON (for himself, Mr. HUNTER, Mr. DICKS, and Mr. FILNER):

H. Con. Res. 47. Concurrent resolution supporting the goals and ideals of a National Medal of Honor Day to celebrate and honor the recipients of the Medal of Honor; to the Committee on Armed Services.

By Mr. CLAY:

H. Res. 105. A resolution expressing the sense of the House of Representatives that there should be established a National Orthodontic Health Month; to the Committee on Energy and Commerce.

By Mr. SCHIFF (for himself, Mr. RADANOVICH, Mr. PALLONE, Mr. KNOLLENBERG, Mr. SHERMAN, and Mr. MCCOTTER):

H. Res. 106. A resolution calling upon the President to ensure that the foreign policy of the United States reflects appropriate understanding and sensitivity concerning issues related to human rights, ethnic cleansing, and genocide documented in the United States record relating to the Armenian Genocide, and for other purposes; to the Committee on Foreign Affairs.

By Mr. ACKERMAN (for himself, Mr. FRANK of Massachusetts, Ms. ROS-LEHTINEN, Mr. LANTOS, Mr. PENCE, and Mr. HASTINGS of Florida):

H. Res. 107. A resolution calling for the immediate and unconditional release of Israeli soldiers held captive by Hamas and Hezbollah, and for other purposes; to the Committee on Foreign Affairs.

By Ms. CORRINE BROWN of Florida:

H. Res. 108. A resolution supporting the Weed and Seed and COPS programs; to the Committee on the Judiciary.

By Mr. COSTA (for himself, Mr. RADANOVICH, Mr. CARDOZA, Mr. NUNES, and Mr. HONDA):

H. Res. 109. A resolution recognizing the historical significance of the Pinedale Assembly Center, the reporting site for 4,823 Japanese Americans who were unjustly interned during World War II; to the Committee on the Judiciary.

By Ms. DELAURO (for herself, Mr. LARSON of Connecticut, Mr. MURPHY of Connecticut, and Mr. COURTNEY):

H. Res. 110. A resolution honoring the life and achievements of George C. Springer, Sr., the Northeast regional director and a former vice president of the American Federation of Teachers; to the Committee on Education and Labor.

By Mr. KING of New York:

H. Res. 111. A resolution establishing a Select Committee on POW and MIA Affairs; to the Committee on Rules.

By Mr. KNOLLENBERG:

H. Res. 112. A resolution recognizing and congratulating Guardian Industries and its 75th anniversary of commitment and leadership in the United States and global glass, automotive, and building products industries; to the Committee on Energy and Commerce.

By Mr. PALLONE:

H. Res. 113. A resolution expressing the sense of the House of Representatives that a postage stamp should be issued in commemoration of Diwali, a festival celebrated by people of Indian origin; to the Committee on Oversight and Government Reform.

By Mr. RANGEL:

H. Res. 114. A resolution expressing support for a National Week of Reflection and Tolerance; to the Committee on Oversight and Government Reform.

By Mr. REHBERG:

H. Res. 115. A resolution expressing the sense of the House of Representatives that the United States should maintain a land-based intercontinental ballistic missile force of not less than 500 Minuteman III missiles; to the Committee on Armed Services.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. GILLMOR:

H.R. 738. A bill for the relief of Manuel Bartsch; to the Committee on the Judiciary.

By Mr. RANGEL:

H.R. 739. A bill for the relief of Kadiatou Diallo, Laouratou Diallo, Ibrahima Diallo, Abdoul Diallo, Mamadou Bobo Diallo, Mamadou Pathe Diallo, Fatoumata Traore Diallo, Sankarela Diallo, and Marliatou Bah; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 25: Mr. WHITFIELD and Mr. SULLIVAN.

H.R. 40: Mr. RANGEL and Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 45: Mr. BLUMENAUER and Mr. NADLER.

H.R. 82: Mr. RADANOVICH, Mr. DELAHUNT, Mrs. EMERSON, Mr. WILSON of Ohio, Mr. MATHESON, Mr. BOREN, Ms. FOXX, and Mr. GONZALEZ.

H.R. 98: Mr. HUNTER, Mrs. BONO, Mr. SESSIONS, Mr. ROYCE, Mr. BLUNT, and Mr. MILLER of Florida.

H.R. 119: Mr. FORBES, Mr. KUCINICH, Mr. ISRAEL, Mr. MCCOTTER, Mr. DEFAZIO, Mr. PLATTS, Mr. LINCOLN DAVIS of Tennessee, Mr. WEXLER, Mr. CARNEY, Mr. BOUCHER, Mr. HINOJOSA, Mr. ALLEN, and Mr. CLEAVER.

H.R. 133: Mr. MCCOTTER.

H.R. 137: Mr. SCOTT of Virginia.

H.R. 159: Ms. KILPATRICK.

H.R. 172: Mr. ELLISON.

H.R. 207: Mr. GRIJALVA, Mr. HINCHEY, Mr. ENGEL, and Mr. MARKEY.

H.R. 211: Mr. SHAYS.

H.R. 213: Ms. SCHAKOWSKY, Ms. LEE, and Mr. TOWNS.

H.R. 216: Mr. KUCINICH and Mr. GRIJALVA.

H.R. 271: Mr. ALEXANDER, Mrs. MYRICK, and Mr. GENE GREEN of Texas.

H.R. 279: Mr. MILLER of Florida, Mr. AKIN, and Mrs. DRAKE.

H.R. 297: Mr. CASTLE.

H.R. 319: Mr. BAKER.

H.R. 404: Mr. MCCOTTER.

H.R. 446: Mr. GENE GREEN of Texas, Mr. HINOJOSA, and Mr. PAYNE.

H.R. 458: Mrs. MALONEY of New York and Mr. NADLER.

H.R. 471: Mr. SESSIONS, Mr. SHIMKUS, and Mr. FRANKS of Arizona.

H.R. 473: Mr. MCKEON.

H.R. 488: Ms. KILPATRICK and Ms. SCHAKOWSKY.

H.R. 489: Mr. BARRETT of South Carolina.

H.R. 503: Mr. RAMSTAD, Mr. PLATTS, Mr. CLAY, Mr. NEAL of Massachusetts, Mr. CASTLE, Mr. HOLT, Mr. DEFAZIO, Mr. LANGEVIN, Mr. YOUNG of Florida, Ms. ROS-LEHTINEN, Mr. ALTMIRE, Mr. FERGUSON, Mr. STARK, Mrs. BONO, Mr. ENGEL, Mr. SIRES, Mr. HINCHEY, Mr. TOM DAVIS of Virginia, Mr. RANGEL, Mr. PORTER, Mr. AL GREEN of Texas, Ms. PRYCE of Ohio, and Mr. BLUMENAUER.

H.R. 506: Ms. WOOLSEY, Mrs. MCCARTHY of New York, Mr. LIPINSKI, Ms. SCHAKOWSKY, Mr. BUTTERFIELD, Mr. TOWNS, Ms. MCCOLLUM of Minnesota, Mr. WYNN, Mr. CARDOZA, Mr. PETRI, Mr. KING of Iowa, Mr. GARRETT of New Jersey, and Mr. HENSARLING.

H.R. 508: Mr. SERRANO.

H.R. 511: Mr. PLATTS, Mr. KING of Iowa, Mr. HAYES, Mr. WAMP, Mr. AKIN, Mr. TIM MURPHY of Pennsylvania, Mrs. DRAKE, Mr. GOHMERT, Mr. GALLEGLY, Mr. BOUSTANY, Mrs. BONO, Ms. GINNY BROWN-WAITE of Florida, Mr. KELLER, and Mrs. MILLER of Michigan.

H.R. 526: Mr. MURPHY of Connecticut.

H.R. 549: Mr. WYNN, Mrs. DRAKE, Mr. PLATTS, Ms. HIRONO, Mr. HAYES, Mr. PAUL, Mr. HOLDEN, Mr. PAYNE, and Mr. ROGERS of Kentucky.

H.R. 563: Mr. BOOZMAN.

H.R. 566: Ms. CASTOR, Mr. DOGGETT, and Mr. WATT.

H.R. 569: Ms. NORTON, Mr. HIGGINS, Mrs. TAUSCHER, Mr. PALLONE, Ms. KILPATRICK, and Mrs. MILLER of Michigan.

H.R. 579: Mr. ORTIZ, Ms. SCHAKOWSKY, Mr. PLATTS, Mr. ABERCROMBIE, Mr. WEXLER, Mr. FILNER, Mrs. LOWEY, Mr. PASTOR, Mr. GOODE, and Mr. MILLER of Florida.

H.R. 583: Mr. BOUCHER, Mr. LARSON of Connecticut, Mr. GILLMOR, Mr. MCCOTTER, and Mr. VAN HOLLEN.

H.R. 589: Mr. RENZI and Mr. LANTOS.

H.R. 600: Mr. MCGOVERN, Mr. DAVIS of Illinois, Ms. SCHAKOWSKY, and Mr. COHEN.

H.R. 620: Mr. BARTLETT of Maryland, Mr. BAIRD, Mr. ANDREWS, Mr. ENGEL, Ms. JACKSON-LEE of Texas, Ms. LEE, Ms. MATSUI, Mr. MCGOVERN, Mr. ALLEN, Ms. BERKLEY, Mr. BISHOP of New York, Mr. CAPUANO, Mr. EMANUEL, Mr. FILNER, Mr. HASTINGS of Florida, Mr. ISRAEL, Mr. KENNEDY, Mr. LANGEVIN, Mrs. MCCARTHY of New York, Mr. MILLER of North Carolina, Mr. PRICE of North Carolina, Mr. SHERMAN, Ms. SLAUGHTER, Mr. STARK, Ms. MILLENDER-MCDONALD, Mrs. TAUSCHER, and Mr. TIERNEY.

H.R. 622: Ms. CARSON and Mr. MCDERMOTT.

H.R. 645: Mr. ALLEN.

H.R. 652: Mr. REHBERG and Mr. WALSH of New York.

H.R. 653: Ms. JACKSON-LEE of Texas.

H.R. 661: Ms. BALDWIN.

H.R. 663: Mrs. MALONEY of New York, Mr. STARK, Mr. FATTAH, and Mr. ALLEN.

H.R. 670: Mr. MCNERNEY and Ms. ZOE LOFGREN of California.

H.R. 678: Mr. CUMMINGS and Mr. KUCINICH.

H.R. 684: Mr. RUSH and Mr. PAYNE.

H.R. 689: Mr. BISHOP of Utah, Mr. CAMP of Michigan, and Mr. SAM JOHNSON of Texas.

H.R. 695: Mr. UDALL of Colorado.

H.R. 697: Mr. BARRETT of South Carolina, Mr. WOLF, Mrs. MCMORRIS RODGERS, Mr. LATHAM, Mr. PUTNAM, Mr. SOUDER, Mr. BOUSTANY, and Mr. BISHOP of Utah.

H.R. 711: Mr. PAUL, Mr. REHBERG, Mr. UPTON, Mr. MOORE of Kansas, and Mr. BRADY of Pennsylvania.

H.R. 714: Mr. MCGOVERN, Mr. MAHONEY of Florida, Mr. BERRY, and Mr. BISHOP of New York.

H.J. Res. 14: Mr. BRADY of Pennsylvania and Mr. KENNEDY.

H.J. Res. 18: Ms. WASSERMAN SCHULTZ and Mr. COHEN.

H. Con. Res. 7: Mr. GEORGE MILLER of California.

H. Con. Res. 9: Mr. SCOTT of Virginia.

H. Con. Res. 13: Mr. SCHIFF, Mr. KANJORSKI, and Ms. LEE.

H. Con. Res. 22: Mr. TAYLOR.

H. Con. Res. 30: Mr. GENE GREEN of Texas, Mrs. MALONEY of New York, and Mr. CLEAVER.

H. Con. Res. 35: Mr. BUTTERFIELD, Mr. CLAY, and Mr. THOMPSON of Mississippi.

H. Con. Res. 40: Mr. NORWOOD.

H. Con. Res. 45: Mr. GILCHREST, Mr. CASTLE, and Mr. MCCAUL of Texas.

H. Res. 18: Mr. CALVERT and Mr. MILLER of Florida.

H. Res. 53: Mr. CLAY, Mr. CARNAHAN, Mr. GRAVES, Mrs. EMERSON, Mr. MOORE of Kansas, Mr. SKELTON, Mr. BERRY, Mr. HULSHOF, Ms. KILPATRICK, Mr. DAVIS of Alabama, Mr. WYNN, Mr. DOGGETT, and Mr. CUELLAR.

H. Res. 55: Mr. NADLER, Mr. PAYNE, Mr. DOGGETT, Mrs. MALONEY of New York, Ms. WOOLSEY, Ms. JACKSON-LEE of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. COHEN, Mr. ELLISON, and Mr. MCNULTY.

H. Res. 72: Mr. MARIO DIAZ-BALART of Florida, Ms. CASTOR, Ms. MATSUI, Mr. EHLERS, Mr. KLEIN of Florida, Mr. FEENEY, Ms. WASSERMAN SCHULTZ, Mr. CRENSHAW, Mr. MACK, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. CARNAHAN.

H. Res. 79: Mr. YOUNG of Alaska.

H. Res. 84: Mr. WESTMORELAND, Mr. LATOURETTE, Mr. SHUSTER, Mr. ARCURI, Mr. DENT, Mr. BOOZMAN, Ms. FALLIN, Mr. MCHUGH, Mr. EHLERS, Mr. HIGGINS, Mr. DAVIS of Kentucky, Mr. PLATTS, Mr. CASTLE, Mr. ENGLISH of Pennsylvania, Mr. MARCHANT, Mr. GERLACH, Mr. PRICE of Georgia, Mr. FOSSELLA, Mr. WALSH of New York, Mr. JOHNSON of Illinois, Mr. PETRI, and Mr. MARIO DIAZ-BALART of Florida.

H. Res. 90: Ms. WATERS, Mr. STUPAK, Mr. WATT, Mr. BISHOP of Georgia, Mr. ELLSWORTH, and Mr. BOREN.

H. Res. 101: Mr. COHEN and Mr. CONYERS.

H. Res. 102: Mr. ROHRABACHER, Mr. BACA, Mr. HOLT, and Ms. ZOE LOFGREN of California.

PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

1. The SPEAKER presented a petition of Mr. Kent Gneiting, a citizen of Fort Collins, Colorado, relative to petitioning the Congress of the United States for an appeal for redress; to the Committee on Foreign Affairs.

2. Also, a petition of Mr. Jabbar Magruder, a citizen of Los Angeles, California, relative to petitioning the Congress of the United States for an appeal for redress; to the Committee on Foreign Affairs.

3. Also, a petition of the International Association of Chiefs of Police, relative to resolutions adopted by the membersip of the International Association of Chiefs of Police at its 112th Annual Conference; to the Committee on the Judiciary.

4. Also, a petition of the Union County Board of Chosen Freeholders, New Jersey, relative to Resolution No. 982-2006 calling for the resignation of Dennis Hastert, Speaker of the House of Representatives from his position as speaker and as a Congressman; to the Committee on Standards of Official Conduct.

EXTENSIONS OF REMARKS

IN RECOGNITION OF THE HELLENIC ASSOCIATION KRIKOS ON THE OCCASION OF THE GREEK ORTHODOX NEW YEAR

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 30, 2007

Mrs. MALONEY of New York. Madam Speaker, I rise today to pay tribute to the Hellenic organization Krikos. Founded in 1974 to preserve and enrich Hellenic heritage and culture, Krikos and its members are dedicated to fostering and promoting co-operation and fellowship among Hellenes and phil-Hellenes throughout the world,

In its ongoing effort to increase the understanding of issues affecting people of Greek descent and a greater appreciation of Hellenic culture, Krikos has organized more than 50 conferences throughout the world, frequently publishing reports of their proceedings, Among the subjects examined at various conferences were topics including the growing impact of globalism, biotechnology, telecommunications, the Greek response to military conflicts in the Balkans, domestic political and cultural issues, Hellenic and Hellenic-American contributions to the art land culture of the United States, and thought-provoking issues in Hellenic and American culture.

Krikos has provided guidance to college and college-bound Hellenic youth in the United States and elsewhere in the world. Additionally, Krikos has made it possible for students to visit abroad through a world-study program. In keeping with this dedication to scholarship and education, Krikos donated 5,000 books to the Polytechnic University in Athens.

Krikos was instrumental in documenting the artistic and historic treasures located in the Saint Catherine Monastery on Mount Sinai. For hundreds of years St. Catherine's has been a prime destination for pilgrims to the Holy Land. Krikos and its dedicated members helped facilitate this sacred monument's ability to serve its vital mission in the modern world by computerizing its properties and their operations. In the past many prominent Hellenes and phil-Hellenes have been honored by Krikos and spoken at various symposiums, conferences and testimonial events.

This exemplary organization is now headed by Denise Constantopoulou, President, and John Belleas, past President. Under their able leadership, Krikos continues to make significant and enduring contributions to Hellenic and world culture and civilization.

Madam Speaker, I ask my colleagues to join me in acknowledging the tremendous contributions to the civic and cultural life of our Nation and our world by Krikos and its members.

HONORING MRS. MARY EDITH BROWN COLEMAN ON HER 90TH BIRTHDAY

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 30, 2007

Mr. VISCLOSKY. Madam Speaker, it is with great pleasure and honor that I congratulate Mrs. Mary Edith Brown Coleman on a momentous milestone, her 90th birthday, which will be on February 13, 2007. Edith will be celebrating this milestone with family and friends on Saturday, February 10, 2007, at her home in Schererville, Indiana. Throughout the past 67 years, Edith's presence in Northwest Indiana has allowed her the opportunity to touch the lives of countless people.

Edith Brown was born on February 13, 1917 in Muskogee, Oklahoma. She was one of four children born to Luther Albert Brown and Dora Rozolia Draper Brown. Having gone on to live in Kansas City, Kansas and Chicago, Illinois, Edith finally relocated to Gary, Indiana in 1940. Quite the accomplished student, Edith completed her Bachelor of Science and Master of Science degrees in education at Indiana University in Bloomington. From there, she decided to go into the teaching profession. As a teacher at Frederick Douglass Elementary School in Gary for over 27 years, Edith was able to enrich the lives of so many young people in the Gary community. For her commitment to the youth of Northwest Indiana, she is worthy of the highest praise.

Equally as impressive, Edith has always been seen as the foundation of her family. She and her husband, the late William Henry Coleman, were blessed with the births of two wonderful children: Norma Louise Coleman and Merle Jean Coleman. Edith's family, as well as those whose lives she has touched, admire her for devoting unselfish love, time, dedication, guidance, and spirit to her family, her students, and her friends.

As well as being dearly loved and respected by her family, her students, and her community, Edith is also well known for her involvement with her church, the First Church of God in Gary, and several other organizations. For years, Edith has been a distinguished member of the American Association of University Women, the Women's Association of the Northwest Indiana Symphony Society, the Red Hat Society, and the Sigma Gamma Rho Sorority. Since her arrival in Northwest Indiana, Edith has always been known as a good-hearted woman who is always willing to help the people in her community. For her selflessness, she is to be commended and admired.

Madam Speaker, Mary Edith Brown Coleman has always given her time and efforts selflessly to the youth and the community in Northwest Indiana throughout her illustrious life. She has taught every member of her family and extended family the true meaning of service to others. I respectfully ask that you and my other distinguished colleagues join me in wishing Edith a very happy 90th birthday.

A CONGRESSIONAL TRIBUTE TO THE CITY OF DOWNEY ON THE OCCASION OF THE CITY'S 50TH YEAR ANNIVERSARY CELEBRATION

HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 30, 2007

Ms. ROYBAL-ALLARD. Madam Speaker, I rise today to pay tribute to the city of Downey and ask my colleagues to join me in congratulating its residents on the city's recent 50th anniversary. I am honored to represent this unique and proud city as part of my 34th Congressional District of California.

Although we celebrate 50 years since the city's official incorporation, the history of Downey begins in the late 1700s when Spanish missionaries settled along the California coast. In 1784, former soldier Juan Nietos was granted provisional use of 300,000 acres of ranch land and, after his death, the portion of the land lying between the San Gabriel and Rio Hondo Rivers was carved out and named Rancho San Gertrudes. In 1873, a 96-acre parcel of the Rancho became the central district of a community called Downey City. The town was named after John Gately Downey, an Irish immigrant who journeyed to California during the Gold Rush and later became governor of the State.

The development of Downey City began slowly. A tract map from 1873 shows a town consisting of only 16 blocks with 10 acres for a railroad station. However, the small city prospered, soon becoming a commercial center for agricultural products and poultry raising. It was that agricultural industry that made it possible for Downey to sustain itself during the Depression.

By the early 20th century, Downey had become a haven for business, entering an era that became known as the city's "golden age." Downey's "dare devil" era brought the aviation industry to the city, and the Downey Board of Trade, known today as the Downey Chamber of Commerce, was founded.

The 1940s and '50s brought a population boom to Downey, growing from 12,000 residents in 1940 to over 86,000 residents by 1956. With its significant increase in population, Downey's leaders moved to incorporate, and on December 4, 1956, the Los Angeles County Board of Supervisors approved the incorporation of the city. The new City Council, under the leadership of the city's first mayor, James L. Stamps, were trailblazers, paving the way for the city's resounding future success.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Today, Downey boasts its "Future Unlimited' slogan and is a prosperous city that has managed to maintain its small town atmosphere. The city's residents and visitors can enjoy a wide range of activities—from great shopping to parks and museums; from golf courses to the Symphony Orchestra or the model City Library. Downey is where the Apollo Space program began its journey to the stars, and where you can find the world's oldest McDonald's and the site of the first Taco Bell eatery.

Fifty years since its incorporation in 1956, Downey has grown to a population of over 110,000 residents. The city serves as a hub for business, with California Business Magazine recently rating Downey in the top 25 percent of "100 Cities To Do Business In." Downey has made many outstanding contributions to the region, and was a leader in the founding of the Gateway Cities Council of Governments. This partnership, comprised of 27 cities in Southeast Los Angeles County, effectively works to address the region's challenges, particularly with respect to transportation planning and economic development.

The city of Downey recently hosted a fun-filled 50th anniversary celebration for its residents. The "Birthday Bash," which featured tunes honoring its hometown singing duo "The Carpenters," marked another milestone in the rich history of this city that I am so proud to represent. I ask my colleagues to join me in celebrating Downey's first 50 years as this prosperous city looks toward its "Future Unlimited."

IN RECOGNITION OF LITTLE MISSIONARY'S DAY NURSERY ON THE OCCASION OF ITS THIRD ANNUAL SARA CURRY BENEFIT AWARDS

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 30, 2007

Mrs. MALONEY of New York. Madam Speaker, I rise to pay tribute to the Little Missionary's Day Nursery, the oldest continuously operating non-sectarian school in New York City. Founded in 1896 by Miss Sara Curry, the Little Missionary's Day Nursery is dedicated to providing affordable day care in a warm, nurturing environment in which children of diverse socioeconomic, ethnic and religious backgrounds are encouraged to take their first steps in embracing lives inspired by the values of a sound and well-rounded education and a spirit of sharing and caring.

The Little Missionary's Day Nursery has remained true to the progressive dream of its visionary founder, Sara Curry, a remarkable, energetic, and accomplished woman who dedicated her life to improving conditions for the underprivileged children and families of Manhattan's Lower East Side. Then, as now, "Loisaida" was a haven for immigrants from all over the world, many enduring conditions of severe deprivation and adversity. Practically a century ahead of her time, Sara Curry grasped the need for many mothers to secure quality, affordable day care in order to enter and stay in the work force to support their economically struggling families. In fighting narrow-minded contemporary strictures against working women that were then prevalent, Sara Curry—and the Day Nurseries that she founded—helped provide an engine of opportunity that allowed countless families to lift themselves out of poverty while inculcating values of learning and compassion in their children.

In recognition of her indefatigable and effective stewardship of the institution, Miss Curry was lovingly dubbed the "little missionary" by grateful parents and supporters. And, to honor her more than four decades of compassionate and visionary stewardship, the institution was renamed the Little Missionary's Day Nursery in her honor. In 1901, the nursery purchased its own building at 93 St. Mark's Place, which has remained its home ever since. Today, under the capable leadership of Director Eileen Johnson and Board President Herman Hewitt, the Little Missionary's Day Nursery continues to serve the families of the Lower East Side, dedicating a portion of its income to providing generous tuition assistance.

This year, the Little Missionary's Day Nursery is honoring three outstanding individuals at its third annual Sara Curry Awards Benefit. The honorees include the renowned Gloria Steinem, the inspirational writer, lecturer, editor, and women's activist who has become an international symbol of the struggle for women's equality and dignity. An equally deserving honoree of the nursery this year is the dedicated public servant, the Honorable Margarita Lopez, a champion of the Lower East Side and its historic progressive values, who represented this incredibly diverse and exciting neighborhood with distinction for two terms on the New York City Council before assuming a position of citywide leadership as a member of the Board of the New York City Housing Authority. The third honoree is Ms. Margaritte Malfy, the remarkably accomplished chef and restaurateur. In addition to her accomplishments as an artist and as the co-owner and co-executive chef of La Palapa Cocina Mexicana, Ms. Malfy has dedicated her prodigious energies to many worthwhile causes that benefit the people of the Lower East Side, and indeed around the world, including human rights and children's organizations such as Art/NY, the Nepalese Children's Home in Nepal, and, of course, the Little Missionary's Day Nursery.

Madam Speaker, I ask my colleagues to join me in recognizing Little Missionary's Day Nursery and its three remarkable honorees this year as well as the tremendous contributions this outstanding educational and child care facility and its graduates have made to our Nation.

TRIBUTE TO THE BACHAN FAMILY

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 30, 2007

Mr. VISCLOSKY. Madam Speaker, it is with great pride and respect that I wish to commend one of Northwest Indiana's finest families for their bravery in the field of battle and their willingness to fight for their country. The history of the Bachan family of East Chicago, Indiana, and their commitment and service to the United States of America, is a true source of pride in Northwest Indiana. The Bachans represent a great model of unwavering patriotism.

Natives of East Chicago, these local heroes served and were stationed in many locations, including Korea, Germany, and Vietnam. For a single family to offer so much in defense of our freedom, they are to be commended with the highest praise and admiration. The men I stand to honor today are: Paul Bachan, Milan Bacan, Richard Bacan, Michael Bacan, the late Joseph Bachan, Daniel Bachan, Robert Bachan, and Steven Darryl Mihailovich, as well as their brothers-in-law, Donald Knieriemen, a veteran of the United States Navy, and the late Henry Butch Haluska, a veteran of the United States Air Force.

To further demonstrate their desire to serve their country, two of these men, Joseph and Robert Bachan, chose to make careers of their service. Joseph served his entire military career in the United States Army, the branch where all of the brothers served, while Robert split his time serving both in the United States Army and the United States Navy.

It came as no surprise to those who knew the Bachan boys that these men would make the decision to serve their country. These men grew up together in East Chicago and always felt tremendous pride for their country, knowing all too well the dangers that would exist if they chose to enlist. Undeterred, they would go on to serve their country with selfless sacrifice and bravery. Their courage and heroism will always be remembered, and their sacrifice, along with the sacrifice of all of our veterans, lives on in the hearts and minds of all Americans. Surely, it is through the service of brave citizens like the Bachan brothers that we can enjoy the freedoms and values we so dearly treasure today.

Madam Speaker, at this time I ask that you and my other distinguished colleagues join me in honoring these fine individuals. Let us never forget their service and the sacrifices they made to preserve the ideals of freedom and democracy. I can say with certainty that Northwest Indiana is proud to be the home of the Bachan family.

HONORING THE 36-YEAR SERVICE OF FRANK BARNES TO THE U.S. HOUSE OF REPRESENTATIVES

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 30, 2007

Mr. SKELTON. Madam Speaker, I rise today to honor Mr. Frank Barnes, a long-time House Armed Services Committee employee, on his retirement from the U.S. House of Representatives after 36 years of exemplary and professional service.

Frank began his congressional career by joining the Office of the Speaker and Parliamentarian in 1972. Already then, Madam Speaker, were Frank's trademark traits—professionalism, dedication, loyalty, and kindness of spirit—in evidence. In fact, in a letter commending him for his service, Speaker Carl Albert wrote to Frank the following:

"Your ability to deal directly with the Members of the House and their staffs when the occasion arose was outstanding. This sets your job above most of those in other offices around the Capitol, and your performance in this regard has brought credit to yourself and to the Office of the Speaker and Parliamentarian. But beyond your ability to do a great job, I want to thank you for the manner in which you did it. You were always courteous, thoughtful and helpful. No task ever proved too difficult, and you consistently seemed to do more than what was asked.

Since March 5, 1979, the House Armed Services Committee has been fortunate to benefit from his abilities and skills. Serving six committee chairmen, Frank's contributions ensured the smooth operation of committee business, under frequently demanding hearing and mark-up schedules, and helped facilitate the annual defense authorization process. His dedication was such that even after suffering a stroke last year before markup, Frank chided his doctor for not allowing him to leave the hospital and go to work.

Madam Speaker, too often public perception of Congress is colored by the actions of a few powerful or well-known figures. However, as one who shares Frank's long tenure on Capitol Hill, I know that Congress relies on the dedicated staff who steadfastly complete their work in the shadow of the dome and in the shadow of the limelight. Frank has tenaciously labored on behalf of our men and women in uniform as well as each of us in this Chamber and his absence will be felt by all who have had the privilege of working with him.

Simply stated, Frank leaves a legacy that is both remarkable and unsurpassable.

On behalf of all of the members of the House Armed Services Committee and his colleagues on the HASC staff, I congratulate Frank on his retirement and thank him for his exemplary public service. With deep appreciation, we extend to Frank, his wife Ann, his sons Frank Jr. and Glenn and their families every best wish for health and happiness in the years to come.

IN RECOGNITION OF DIRK McCALL ON THE OCCASION OF HIS BEING HONORED BY THE QUEENS LESBIAN & GAY PRIDE COMMITTEE

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 30, 2007

Mrs. MALONEY of New York. Madam Speaker, I rise to pay tribute to Mr. Dirk McCall, an outstanding New Yorker who has devoted himself to public service and to his community, his city, and his country throughout his career. Dirk McCall is a beloved and well-respected leader of New York City's lesbian, gay, bisexual, and trans gender, LGBT, community, the largest of any city in our Nation, and a determined, effective, and compassionate professional advocate for persons with autism. This month, Dirk McCall and our esteemed and distinguished colleague, the Honorable BARNEY FRANK of Massachusetts, are being honored by the Queens Lesbian and Gay Pride Committee at its annual Winterpride celebration in Astoria, New York.

A proud son of a military family, Dirk McCall grew up on a series of military bases throughout the southern United States. Following his dream of making his mark in the Big Apple, he made his home in Astoria in the Borough of Queens after his graduation from Emory University in Atlanta. For the last 13 years, he has devoted his prodigious energies in service to his neighborhood, to his fellow members of New York's LGBT community, and to the service of those in need.

As the president of the Stonewall Democratic Club of New York City, the largest LGBT political club in the Nation's greatest metropolis, Dirk McCall presided over a period of enormous growth in that organization's membership and its influence over key policy-makers on the city, State, and Federal levels. An indefatigable activist, he also co-founded Out Astoria, a social organization for northwest Queens' rapidly growing LGBT community. He also founded and led the LGBT Caucus of New York State Young Democrats.

CONGRATULATING THE STAFF OF WAPAKONETA MANOR

HON. JIM JORDAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 30, 2007

Mr. JORDAN of Ohio. Madam Speaker, I take great pride in recognizing the staff of Wapakoneta Manor, a skilled nursing facility in my congressional district. Wapakoneta Manor was one of only 11 facilities among the nearly 1,000 nursing homes in Ohio to be designated "deficiency-free" by the Ohio Department of Health in 2006.

Wapakoneta Manor has been serving the senior citizens of the Wapakoneta area for nearly four decades. This 97-bed facility excels in a wide variety of assistance and rehabilitation areas, including physical, occupational, and speech therapy.

When you consider that nursing homes may be cited for any number of minor violations during health and safety inspections, Wapakoneta Manor's deficiency-free rating is even more impressive. Such outstanding performance is the norm for the facility's staff, which has received citation-free evaluations in four of the last five survey periods.

A record like that, Madam Speaker, is not compiled through happenstance. It requires staff members who know the value of teamwork, who care about residents and their families, and who give their all to maintain a top-quality facility to best serve the senior population of the Wapakoneta region.

On behalf of the Fourth Congressional District of Ohio, I congratulate the skilled professional staff of Wapakoneta Manor on this exceptional achievement. The people of Wapakoneta and Auglaize County can take great pride in this remarkable record of service.

PERSONAL EXPLANATION

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 30, 2007

Mr. GRAVES. Madam Speaker, I would like to state for the record my position on the following votes I missed due to reasons beyond my control.

On Monday January 29, 2007 I had to tend to some family matters and thus missed rollcall votes Nos. 58, 59, and 60. Had I been present, I would have voted "yea" on all votes.

IN RECOGNITION OF WILHELMINA COLE HOLLADAY ON RECEIVING THE NATIONAL ARTS CLUB'S GOLD MEDAL OF HONOR

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 30, 2007

Mrs. MALONEY of New York. Madam Speaker, I rise to pay tribute to Wilhelmina Cole Holladay, a great American who has devoted her life to promoting the development and appreciation of great women artists. In November of 1981, Wilhelmina Cole Holladay founded the National Museum of Women in the Arts in our Nation's Capital. In the ensuing quarter century, the Museum has enlightened countless members of the public about the remarkable achievements of women artists throughout history by acquiring, preserving and exhibiting great works of art by women. This month, Wilhelmina Cole Holladay is receiving the Gold Medal of Honor from the National Arts Club of New York City in recognition of her remarkable, visionary leadership and her tremendous contributions to the arts.

In the 1960s, in concert wit her husband Wallace, Wilhelmina Cole Holladay began carefully assembling a unique and invaluable collection of significant works of art by women, whose tremendous creative contributions to the fine arts had historically been grievously underappreciated and often overlooked altogether. The Holladay Collection constituted the core of the offerings of the National Museum of Women in the Arts when it was founded in 1981, and the basis of its permanent collection.

To fulfill its mission of increasing exposure to and appreciation of great art by women, the National Museum of Women in the Arts cares for and displays this magnificent permanent collection, offers special exhibitions, conducts outreach and education programs, maintains a research center and library, produces periodicals and books on women artists, and provides support to artists and fine arts groups around the globe. The Museum also offers a home in the capital area to those devoted to the appreciation of the performing and literary arts and other creative disciplines.

During the first 5 years of its existence, the National Museum of Women in the Arts operated from temporary offices, with docents conducting tours of its collection and special exhibitions at the Holladays' own residence. Two decades ago, the Museum opened its permanent home in a 78,810-square-foot Washington landmark located by the White House, previously a Masonic Temple. The Museum's handsome building was refurbished to meet the most demanding design, museum, and security standards, and has since earned several architectural awards.

Wilhelmina Cole Holladay's significant and enduring contribution's to American art and culture are very appropriately being recognized this month by the National Arts Club, an institution dedicated to stimulating, fostering and promoting public interest in the fine arts since its founding in 1898. Located in the architectural gem of the Samuel Tilden Mansion on Manhattan's picturesque Gramercy Park, the National Arts Club is a designated New York and National Historic Landmark and a pillar of the culture and artistic heritage of the United States of America.

Madam Speaker, I ask that my distinguished colleagues join me recognizing the enormous contributions to the civic and cultural life of our Nation by Wilhelmina Cole Holladay, founder of the National Museum of Women in the Arts.

ENCOURAGE CITIZENS TO PARTICIPATE IN THEIR LOCAL BLOOD DRIVE

HON. TIMOTHY WALBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 30, 2007

Mr. WALBERG. Madam Speaker, the renowned author William Shakespeare once wrote, "How far that little candle throws his beams! So shines a good deed in a weary world."

It is in that spirit of brotherly love that I come before this House to address an issue of great urgency back in my south-central Michigan district.

According to a January 28, 2007 article in the Lansing State Journal, Michigan's statewide blood inventory levels "have remained below an adequate supply for all negative blood types since early January.

The article goes on to state that a 72-hour supply of blood is typically necessary for the needs of patients in Michigan's 127 hospitals, but the inventory level of certain blood types in Michigan has dropped to just a 12- to 24-hour supply.

This past weekend I had the opportunity to participate in the St. Gerard Blood Drive held in Delta Township in Michigan's Eaton County. While I confess I have never been a fan of needles, the feeling of civic duty experienced by myself and all the donors that day far outweighed any temporary pain we may have felt as a result of a needle.

It's said that a faithful friend is the medicine of life, and I urge my fellow Michiganders and Americans across this great country to heed the call of organizations like the Red Cross and make an appointment at your local blood donation center.

HONORING ORTHODONTISTS

HON. WM. LACY CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 30, 2007

Mr. CLAY. Madam Speaker, I rise today to pay tribute to Orthodontists everywhere by introducing a Resolution to establish a National Orthodontic Health Month. Since the early 1900s, the specialty of orthodontics has been a growing part of our Nation's dental health system. This resolution expresses the sense of Congress that U.S. citizens should observe a National Orthodontic Health Month to recognize the advancing art and science of orthodontics. In addition, this Resolution aims to encourage Americans to learn more about the benefit of quality orthodontic care.

Over 5 million citizens of all ages are currently undergoing orthodontic treatment. An attractive smile contributes to self-esteem and self-image, improving a person's self-confidence and contributing to both social and career success. An attractive smile simply makes people more comfortable and more willing to open up to the world around them.

I have been impressed by the impact that orthodontists have not only on their patients, but also the communities in which they serve. Orthodontists are truly dental specialists, undergoing years of training to learn how to safely and effectively correct misaligned jaws and teeth. In addition, orthodontists donate over 62 million dollars worth of pro-bono dental services each year.

The American Association of Orthodontists is the leading voice for orthodontists in this country. The organization represents almost 95 percent of American orthodontists and is dedicated to maintaining the high quality of orthodontic care and promoting advances in orthodontic treatment and technology. I am proud that the American Association of Orthodontists is headquartered within my district in St. Louis, Missouri and I wholeheartedly support efforts to publicize the benefits of orthodontic treatment and the practice of orthodontics.

Madam Speaker, it is with great privilege that I recognize orthodontists today before Congress and I urge my colleagues to join me in working to establish a National Orthodontic Health Month. I myself can attest to the positive benefits of orthodontic care, as I have become one of the millions of adults who use braces to improve my oral health. By establishing a National Orthodontic Health Month we are taking a big first step towards educating people about the importance of orthodontic care as part of their overall oral health.

"DEPUTY ASSISTANT SECRETARY FOR THE INDEFENSIBLE"

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 30, 2007

Mr. FRANK of Massachusetts. Madam Speaker, earlier this session I inserted into the RECORD a cogent editorial from the Boston Globe calling for the dismissal of Deputy Assistant Secretary Charles Stimson, who outrageously urged corporations in America to boycott attorneys who performed their duty as lawyers in defending people accused of violating the law who were incarcerated in Guantanamo. While Mr. Stimson has since been forced to apologize, the apology was an entirely unconvincing one, in which he claimed not to have meant what he clearly said. A recent article in The Washington Post by the very able writer Richard Cohen correctly questions the apology, makes clear once again how wildly outrageous Mr. Stimson's comments were, and concludes correctly that "his words show that he is unfit for government service. . ." I ask that Mr. Cohen's thoughtful column be printed here because it is our responsibility as elected officials to continue to protest Mr. Stimson's presence in our Government, particularly in a position where he should be advocating policies exactly the opposite of his call for the boycott of conscientious and courageous attorneys.

DEPUTY ASSISTANT SECRETARY FOR THE INDEFENSIBLE

(By Richard Cohen)

"On the cold moonlit evening of March 5, 1770," writes David McCullough in his magisterial "John Adams," "the streets of Boston were covered by nearly a foot of snow." A crowd set upon a lone British sentry at Boston's Province House, taunting him. Quickly, reinforcements arrived, and so did a larger crowd. Soon the crowd hurled snowballs, chunks of ice, oyster shells and stones. The soldiers, now nine, opened fire, killing five Bostonians—"bloody butchery," Samuel Adams called it. Only one lawyer would defend the British soldiers. He was a different Adams—John Adams, a good man on the path to being great.

I resurrect this tale about Adams because it is sorely needed. Just this month, an official in the Bush administration, a deputy assistant secretary of defense named Charles D. Stimson, suggested that lawyers who defend terrorism suspects being held at Guantanamo not only should not do so but that their firms ought to be blackballed as a result.

"I think, quite honestly, when corporate CEOs see that those firms are representing the very terrorists who hit their bottom line back in 2001, those CEOs are going to make those law firms choose between representing terrorists or representing reputable firms," he said in a radio interview. You may want to read that again.

It's hard to know where to begin. Shall it be with the notion that the Sept. 11 terrorists did not so much murder about 3,000 people as hit the "bottom line" of American corporations? This is a stunningly original take on that awful day, an auditor's reading of history that Stimson, in the spare time he deserves to have in abundance, might want to apply to the bombing of Pearl Harbor or the burning of Atlanta. I doubt that any CEO look at Sept. 11 as a bad day at the office.

More to the point, what sort of lawyer—and Stimson is one—not only thinks that a terrorism suspect does not deserve counsel but that the counsel ought to be punished as a result? It's hard to fathom a lawyer saying such a thing—even hard to fathom it from a mere citizen.

It would be just a waste of my time, I suppose, to point out that the Guantanamo suspects are just suspects, convicted so far of nothing. In fact, some of them have been released and others, arrested and held elsewhere, turned out to not be the mass murderers and master criminals the government, in a fit of hype, originally accused them of being. Anyone who thinks all prosecutors speak nothing but the truth need only familiarize themselves with the case of the lacrosse players at Duke. There's a sad lesson in American jurisprudence for you.

Naturally enough, Stimson's repudiation of everything John Adams stood for produced some protest, condemnation and outrage. Following the well-established Washington rule, Stimson apologized, doing so in a letter to The Post. He said his remarks did not reflect his "core beliefs." He did not blame his utterance on drugs, booze, Twinkies or a deep depression; he merely said that his words had left the wrong "impression." With that, he has returned to the obscurity from whence he came, his job presumably secure.

I, for one, do not accept Stimson's apology. I think it is insincerely offered and beside the point. What matters most is that he retains his job, which means he retains the confidence of his superiors in the government. How anyone can have confidence in such a man is beyond me. There are only two explanations, one inexcusable, the other chilling. The first is that his bosses don't care. The second is that they agree with him.

I would guess that Stimson strongly felt it was No. 2—agreement. From the get-go, the Bush administration has taken the position that anyone it detained on terrorism charges was guilty. Throw away the key. No need for lawyers. No need for judges. No need for anything except, of course, the word of the authorities. In recent months, a more assertive Congress and the courts have unaccountably challenged this view, and the Bush administration has beaten a tactical retreat on unchecked eavesdropping and the legality of trying alleged terrorists before military commissions. Still, we all know where its heart is on these matters. Justice is what the administration says it is.

By now, any other administration would have fired Stimson, apology or not. His words show that he is unfit for government service, not to mention membership in the bar. Fortunately for him, if and when someone does drop the ax, some misguided lawyer, infused with the spirit of John Adams, will defend him. I hope Stimson will forgive him.

SPOKANE, WASHINGTON: AN AMERICA'S PROMISE "100 BEST COMMUNITIES FOR YOUNG PEOPLE"

HON. CATHY McMORRIS RODGERS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 30, 2007

Mrs. McMORRIS RODGERS. Madam Speaker, I rise today to recognize the City of Spokane, Washington, and the efforts of the Spokane Regional Youth Department for being named an America's Promise "100 Best Communities for Young People."

Spokane is committed to youth service and leadership opportunities. When nominating Spokane for the America's Promise award, Matthew Rivera, a 17-year-old student leader, said, "Spokane provides us with the tools and inspiration to pursue our goals."

Spokane is a city of promise because of people like Matthew, who are partnering with caring adults to serve our community. He, along with many other youth in the area, impact Spokane's future on a daily basis through their participation in organizations such as the Spokane Regional Youth Department, Chase Youth Commission and the Teen Advisory Council.

Devon Clark, another local high school student, says that "Spokane is fortunate to have such a great network of youth, but it is also important to see that the network of adults who support our youth is just as much an integral part of the team." That network has contributed to a low high school drop-out rate in Spokane County and a commitment to mentoring underserved populations.

Finally, Katherine Merck, a participant in Youth Leadership Spokane, said "Spokane deserves the honor of being named one of our national 100 Best Communities for Young People, because our community focuses on youth, is a safe place, has outstanding schools, and offers many opportunities for young people to become involved in the community."

Madam Speaker, I rise today to commend the City of Spokane for their work to develop civic participation in our young people, to provide them with an outlet to express their views, and to give the youth of Spokane the opportunity to serve their community through partnering with adult leaders in the city. I invite my colleagues to join me in celebration of Spokane, Washington, an America's Promise "100 Best Communities for Young People."

HONORING MRS. FISHER'S ON THE OCCASION OF ITS 75TH ANNIVERSARY

HON. DONALD A. MANZULLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 30, 2007

Mr. MANZULLO. Madam Speaker, the congressional district I represent is home to two of the finest home style, thick-sliced potato chips manufacturers in the country, Mrs. Fisher's and Ole Salty's. I am pleased today to honor Mrs. Fisher's on the occasion of its 75th anniversary.

Mrs. Fisher's was founded in Rockford, Illinois in 1932 by Mrs. Ethel Fisher. Eugene and Ethel Fisher began cooking potato chips in their basement on a two burner wash stove in order to make extra income during the Depression. From this humble beginning, Mrs. Fisher's now ships its product throughout the entire United States and is one of oldest chip manufacturers in the Midwest.

Mrs. Fisher's is currently owned and operated by the DiVenti family, who were employees of Mrs. Fisher's at the time they purchased the company. Under the ownership of the DiVenti family, Mrs. Fisher's now employs 13 full time workers and has three shipping routes that make daily deliveries to Dixon, Rochelle, Freeport, Crystal Lake, and Janesville, Wisconsin.

Generations of individuals in northern Illinois have grown up with Mrs. Fisher's, and I commend the DiVenti family for carrying on the great Fisher's tradition.

INTRODUCTION OF THE VETERANS REASSIGNMENT PROTECTION ACT

HON. STEPHANIE HERSETH

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 30, 2007

Ms. HERSETH. Madam Speaker, today I am pleased to introduce the Veterans Reassignment Protection Act of 2007. This bill would ensure the application of veterans' preference protections to Federal and postal employees who are the unfortunate victims of downsizing actions that threaten to unfairly and involuntarily reassign them to locations far from their homes.

I have drafted this legislation to directly address the actions of some Federal agencies that are attempting to circumvent the application of certain employment preferences to military veterans in their ranks. These Federal entities in the course of downsizing actions, under the authority of so-called "repositioning rules," are seeking to deny the longstanding employment preference entitlements Congress has conferred upon eligible veterans in connection with reduction-in-force actions. If traditional veterans' preference rights were available, veterans would likely remain employed in comparable positions in the same geographic area when a downsizing action occurred.

Since the time of the Civil War, veterans of our Armed Forces have been given some degree of preference in hiring and other personnel actions by the Federal Government. Recognizing their sacrifice, Congress has enacted laws to prevent veterans from being penalized for their time in military service. Veterans' employment preferences recognize the economic loss and sacrifice suffered by citizens who have served their country in uniform, restore veterans to a favorable competitive position in Government employment, and acknowledge the larger obligation owed to disabled veterans.

The blatant actions of some Federal agencies to circumvent preference eligible protections in the course of downsizing actions must be ended, especially in light of legal challenges by involuntarily reassigned employees that have generally been resolved in favor of their employing agency because of a loophole in the law that requires preference eligible veterans to accept involuntary reassignment or be administratively discharged for the refusal. My legislation would close that loophole. The Veterans Reassignment Protection Act would ensure the application of veterans' preference rights to employees who are involuntarily reassigned in the course of reorganizations or transfers of function within their agency, regardless of the characterization of such personnel actions by their agency.

I introduced similar legislation late in the 109th Congress, which was endorsed by the American Legion, Veterans of Foreign Wars, the National Association of Postal Supervisors, and the National Association of Postmasters of the United States. I appreciate the continued support of these groups and look forward to the added endorsements of additional veteran service organizations and others.

The rights and protections of our Nation's military veterans, especially in light of their continuing sacrifices in Iraq, Afghanistan and other dangerous lands, should not permit the unfair and wrongheaded employment policies by the Federal Government to stand. I am proud to support the selfless and patriotic sacrifice of our Nation's military veterans, and I urge the swift consideration and passage by the Congress of this necessary and important legislation.

HONORING THE 50TH ANNIVERSARY OF FOSS AVENUE BAPTIST CHURCH

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 30, 2007

Mr. KILDEE. Madam Speaker, I ask the House of Representatives to salute Foss Avenue Baptist Church as it celebrates the 50th anniversary of the Church's founding. The congregation will hold a banquet on March 24th in my hometown of Flint, Michigan to mark the occasion.

In late 1956 several ministers in Flint meet with the purpose of organizing a Baptist church on Foss Avenue. It was agreed to organize a church and the first applications for membership were made. The first members were Preston Johnson, Emma J. Simpson, Marvell Arkansas, and Reverend and Mrs. Avery Aldridge. A motion was made to name the church Foss Avenue Baptist Church and on December 2, 1956 the new church was born.

The original church was dedicated on January 6, 1957. Under the direction of Pastor Avery Aldridge the second church building was entered on March 30, 1958 with the cornerstone being laid on March 22, 1959. The church was rebuilt in 1964, and the west addition was dedicated on February 9, 1969. The cornerstone was re-laid on December 10, 1978 when the north and south side additions were dedicated. As the congregation grew Pastor Aldridge organized many auxiliaries and services under the auspices of Foss Avenue Baptist Church and the congregation moved into the current sanctuary in 1989. In 2005 the original sanctuary was renovated and dedicated as the Mildred Light Aldridge Christian Education Center.

Through the years the members of Foss Avenue Baptist Church have contributed to the church enterprises. Foss Avenue Baptist Church has an active Usher Board, a Music Department, a Foreign Mission Board, Church School Department, Mother's Board, Deaconess Board, a Trustee Board, Mission Department, and Kitchen Entourage. In addition the congregation operated Foss Avenue Christian School and the first Black Dairy Queen in the Flint area. Through the efforts of this congregation, thousands of persons have been helped, inspired and educated.

Pastor Aldridge devoted his life to making Foss Avenue Baptist Church a reflection of God's glory and a beacon of light to the people of Flint. Under the current leadership of Pastor Roosevelt Austin, a lifelong friend of Pastor Aldridge, the congregation continues to respond overwhelmingly to God's call and to carry on His work.

Madam Speaker, please join me in applauding Foss Avenue Baptist Church as it celebrates 50 years of worship, fellowship, and homage to Our Lord, Jesus Christ. The clergy and members are to be commended for their service to their community and world.

INTRODUCTION OF H.R. 718 NATIONAL GUARD EMPOWERMENT ACT OF 2007

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 30, 2007

Mr. TOM DAVIS of Virginia. Madam Speaker, I rise today to introduce H.R. 718, the National Guard Empowerment Act of 2007.

The National Guard needs a voice to ensure that its people get the same training, equipment and benefits as their active-duty counterparts. It needs a voice to speak for the needs of governors and the guardsmen who defend and protect us from natural disasters and acts of terror.

Asking the Department of Defense to approve one four-star General for the National Guard and allow this Guard General a seat at the Joint Chiefs of Staff is not overly reaching or a threat to national security. It's simply a matter of providing a seat at the table to an organization that has earned it.

When it comes to the Guard, Cold War thinking still prevails at the Pentagon. So a bipartisan and bicameral group of Members of Congress stand united behind this bill. This year, we have added three important provisions to: allow Guard officers to advance to the highest ranks of leadership; force better accountability in service procurement for the National Guard; and, define and improve the fractured planning and operational relationships between the Department of Defense, the National Guard Bureau, U.S. Northern Command and our Governors.

After 9/11, the President issued an Executive Order making the security of the homeland the No.1 priority of the Department of Defense. But the Department's attempts to empower the Guard have so far been date have been hollow, with no clear standards, no firm requirements and only minimal funding.

The Department of Defense seems to be in denial about the essential role the National Guard plays in times of need. The Pentagon needs to show more concern for the force that protects Americans first, arrives first, acts first and stays longest.

Today, the Government Accountability Office released a study sponsored by the Oversight and Government Reform Committee entitled: "Actions Needed to Identify National Guard Domestic Equipment Requirements and Readiness." This study points out that the Department of Defense has yet to take decisive action to improve the National Guard's domestic capabilities and clearly points out why this basic Guard empowerment bill is absolutely necessary.

If you want to know why the Guard deserves a seat at the table, take a look at what the Air Force has budgeted this year for First Air Force, which is made up of the nation's top Air National Guard wings. These are the fighters who protect the skies over America. Their command budget and manpower is being cut almost in half. And it should come as no surprise that these Air Guard wings are not on the Air Force list to get F–22s or F–35s.

Last year's BRAC decimated Air National Guard units that provided critical airlift capability during Hurricane Katrina, moving people, water and supplies through catastrophic damage. Without that capability, we may be in a worse position today in terms of emergency supply movement than we were when the storm struck.

Or consider the readiness of the Army's chemical and biological response units, most of which rest in the Reserve Component units. GAO soon will release a study sponsored by the Oversight and Government Reform Committee that will show the Army has not seen fit to enhance these units for homeland defense. As a result, Americans remain vulnerable to the chemical-biological attack many fear likely if not inevitable.

A year and a half after Hurricane Katrina, the findings and basic recommendations in the Select Committee Report on Hurricane Katrina have not been adequately addressed.

Moreover, the National Guard continues to perform valiantly in the Global War on Terrorism. The National Guard provides almost half the manpower, support and transportation our military uses overseas, yet it has just 35 percent of the equipment it needs. The time has come to fix this.

Since 9/11, every single person in this country has benefited from the exemplary service provided by the men and women of the Guard. I urge the new leadership in this Congress, as they examine defense policies and budgets, to keep in mind the needs of the these brave men and women, who for too long have been treated as second-class citizens by our military. This country cannot afford a broken state/federal response to homeland emergencies.

Madam Speaker, those National Guardsmen responsible for our homeland defense and military assistance to civilian authorities deserve the resources, planning and training they need. These reforms are long overdue, and the National Guard Empowerment Act of 2007 represents an essential step in the right direction.

HONORING RONALD PHILLIPS—3 MILLION MILES ACCIDENT FREE

HON. DAVID DAVIS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 30, 2007

Mr. DAVID DAVIS of Tennessee. Madam Speaker, I rise today to pay tribute to Ronald Phillips, a resident of the First Congressional District of Tennessee, who has recently accumulated over 3 million accident-free miles during his career as a truck driver.

In June 2004, Ronald was the first driver to receive the 2 Million Mile Safe Driving Award at Con-way.

His other accomplishments include: 25,000 Safe Driver & Worker Hours Distinguished Driver Recipient; Member Con-way Freight's Elite President's Club; Quarterly Leaders Award from Con-way; National Finalist for Ray O'Brien Award in 2003, 2004, and 2005; Tennessee Truck Driving Championships—2nd place in straight truck class in 2006; Highway Watch Member; Certified Driver Trainer and Mentor; Con-way Defensive Driver Trainer; National Eagle Scout Association Member; Regional Values Task Force Member for Con-way; Member Trucker Buddy International.

Ronald Phillips is an AWANA leader at his church and has participated in several mission trips and charitable work.

Ronald Phillips resides in Gray, Tennessee with his wife of 23 years, JoAnn. They are the proud parents of one daughter, Regina (21) who is graduating from King College this year.

Madam Speaker, I ask you and my fellow members to join me in honoring Ronald Phillips, a testament to hard-work, determination and the values that have made this Nation so great.

HRANT DINK'S DEATH A LOSS FOR MANY

HON. MICHAEL E. CAPUANO

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 30, 2007

Mr. CAPUANO. Madam Speaker, I supported H. Res. 102 and I condemn in the strongest possible terms the cowardly murder of journalist Hrant Dink in Istanbul on January 19. I find particularly contemptible the actions of those who seemingly chose a seventeen-year-old youth—the alleged killer—to commit this appalling crime. This despicable act should not, however, obscure the inspiring solidarity of tens of thousands of secular, Muslim, and Armenian Christian Turks who filed past Mr. Dink's bier and marched in his funeral procession. Western news media have estimated the crowds between 50,000 and. 100,000. Important Turkish officials, such as Deputy Prime Minister Mehmet Ali Sahin; Interior Minister Abdulkadir Aksu; the governor of Istanbul, Muammer Guler; the head of the security forces, Celalettin Cerrah; and two generals joined Arman Kirakossian, the deputy Foreign Minister of Armenia, and other Armenian officials at the funeral service.

Everyone in the world who cherishes freedom and brotherhood must take heart when signs proclaiming "We are all Armenians" are carried through the streets of Istanbul. I wish to express my condolences to the family and friends of Hrant Dink. I want also to express my profound respect for all his fellow citizens who protested his murder and mourned his death.

THE INTRODUCTION OF THE DISTRICT OF COLUMBIA BUDGET AUTONOMY ACT

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 30, 2007

Ms. NORTON. Madam Speaker, next to H.R. 328, the bill to give the District its first full vote in the House, the bill we introduce today is the most important bill to the District of Columbia that will come before Congress this session. The District of Columbia Budget Autonomy Act that Oversight and Government Reform Ranking Member TOM DAVIS and I introduce would give the District the right to enact its local budget without annual congressional oversight. The original Senate version of the Home Rule Act provided for budget autonomy, and 32 years of unnecessary difficulties and delay occasioned by the extra layer of oversight offer ample evidence that the time is at hand for Congress to permit the city to enact its local budget and move forward immediately to operate and manage the city.

This is the most important of the bills to be introduced as part of the "Free and Equal D.C." series of bills designed to accomplish two goals: (1) to give the city control over its core functions, such as budget, legislation and criminal justice; and (2) to transfer to the District the Home Rule Act provisions that prescribe the city's structure and others that make it necessary to come to Congress for changes, as well as many other provisions that have been included in the Act over the years. Budget Autonomy is most important because the ability to enact a budget and spend its own taxpayer funds as authorized is central to a jurisdiction's ability to operate and manage a functioning government. For that reason, the budget process is essential to the right to self government. By definition, Congress will retain jurisdiction over the District of Columbia under Article I, Section 8 of the Constitution. Since, therefore, Congress could in any case affect changes in the District's budget and laws at will, it is unnecessary to require lengthy repetition of the District's budget process here. The redundancy of the congressional appropriations process is its most striking feature, considering that few if any changes in the budget itself are made.

I am gratified that Congress itself has moved toward the position embodied in this bill. The congressional experience with the District's budget has matured, and year after year, Congress has made no changes. At the same time, there has been increasing recognition of the hardship and delays that the annual appropriations process causes. As a result, Congress has already begun freeing the city from the congressional appropriations network. Last year, Congress approved the Mid-year Budget Autonomy bill, offering the first freedom from the federal appropriations process, the most important structural change for the city since passage of the Home Rule Act 32 years ago. The District can now spend its local funds annually without congressional approval, instead of returning mid-year to become a part of the federal supplemental appropriation in order to spend funds collected since the annual appropriations bill. Moreover during the past few years, appropriators have responded to our concern about the hardships resulting from delays in enacting the D.C. appropriation. I appreciate the agreement that has allowed the local D.C. budget to be in the first continuing resolution, permitting the city to spend its local funds at the next year's level. This approach has ended the lengthy processes that began years before I was elected, whereby the D.C. budget was delayed for floor fights about local policy and laws unrelated to the budget.

I have long argued that budget autonomy would benefit the city financially and operationally without withdrawing congressional jurisdiction. Only statehood would completely eliminate congressional power over the budget, but that option is not available at this time because the Mayor and City Council turned over the costs for some state functions carried by the city to the federal government in 1997. However, permitting the local budget to go into effect on time benefits the District and the Congress alike. For the city, a timely budget would: eliminate the uncertainty of the congressional process that in turn affects the city's bond rating and adds unnecessary interest for local taxpayers to pick up; significantly increase the District's ability to make accurate revenue forecasts; and reduce the countless operational problems, large and small, that result when the city cannot proceed on budget on time. Among the many examples, one particularly comes to mind that resulted when the D.C. budget was enacted five months late. Despite significant cuts in most functions, the city had increased the budget of the D.C. Public Schools (DCPS), but DCPS was forced to spend at the prior year's levels under a Continuing Resolution without the benefit of its urgently needed increase. As a result, for example, textbooks had to be returned to publishers under contract provisions; school supplies were returned; school buses under the bus lease contract were reduced, creating longer rides for disabled children; and tuition payments for special education students went unpaid.

Leaving its local budget to the District also would bring benefits to Congress. The D.C. budget typically has had to come to the floor repeatedly before it passes because of attachments. Members then complain about the time and effort spent on the smallest appropriation affecting no other members. No budget autonomy bill can eliminate the possibility of attachments because there are countless ways to attach riders, but our bill reduces the likelihood that they will hold the city's local budget hostage and sometimes the appropriations process itself.

Members of Congress were sent here to do the business of the nation. They have no reason to be interested in or to become knowledgeable about the many complicated provisions of the local budget of a single city. In good times and in bad, the House and Senate pass the District's budget as is. Our bill takes the Congress in the direction it is moving based on its own experience and completes the process. Three decades of congressional interference into the vital right to self government should end this year and end first with budget autonomy for the District of Columbia.

TRIBUTE TO SERGEANT JEDEDIAH BERMAN, BOISE, IDAHO

HON. MICHAEL K. SIMPSON

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 30, 2007

Mr. SIMPSON. Madam Speaker, I rise today to honor Sergeant Jedediah Berman, an Idaho native, a constituent of mine, and a proud member of the United States Military for over 15 years.

In 2004, Sergeant Berman was serving in Iraq when he was seriously wounded by an IED explosion next to his Fox vehicle. The right side of his head was badly injured. His arm was mangled, his lung had collapsed, his knee was injured, and he had shrapnel in his shoulder. He was treated first at Landstuhl Regional Medical Center in Germany, then transferred to Walter Reed Medical Center here in Washington, and finally sent to Madigan Medical Center in Fort Lewis to undergo intensive treatment and rehabilitation. While his doctors were able to rebuild much of his face, they could not replace his eye or repair his hearing in his right ear. Shrapnel remained lodged in his body and his brain, his knees continued to cause him intense pain, and he had only limited use of his arm.

Despite these enormous hardships and the significant pain of his injuries, Sergeant Berman badly wanted to return to Iraq to be with his unit, the Stryker Brigade Combat Team, which had been redeployed to Iraq while Berman was recovering. Last November, he received good news from the review board that he was fit for duty and would be able to rejoin his fellow soldiers. He deployed a few days before Christmas and has rejoined the Stryker Brigade in Iraq where he continues to serve our great Nation.

Madam Speaker, Sergeant Berman is an inspiration and example to us all. He exemplifies the sort of brave and honorable military men and women that are protecting our Nation in Iraq, Afghanistan, and throughout the rest of the world. I am proud and honored to represent him and many others like him in Congress, and I am grateful for their service to our great Nation. I would also like to recognize Sergeant Berman's family, and the many other military families throughout America, for their sacrifices and thank his mother, in particular, who brought her son's service and commitment to my attention.

As we conduct our business in Congress, I know that my colleagues and I will continue to recognize and pay tribute to the honorable men and women who are serving our country and honor the many Sergeant Bermans who willingly make such great sacrifices to protect those of us at home. To our military men and women serving at home and abroad, the American people thank you for your great service to our country.

CONGRATULATING IRVIN "CHOPPY" SMITH

HON. CHARLES W. BOUSTANY, JR.

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 30, 2007

Mr. BOUSTANY. Madam Speaker, I rise today to applaud the devoted service of Irvin "Choppy" Smith to the people of Acadia Parish. Choppy recently retired following 22 years of dedicated work as the Chief Deputy in the Acadia Parish Tax Assessor's Office.

During his distinguished service to Acadia Parish, Choppy was known as a devoted public servant who always provided a warm and welcoming environment for the many parish residents that sought the service of the Tax Assessor's Office. Choppy's vast knowledge of Acadia Parish was invaluable as he assisted countless taxpayers.

Madam Speaker, it is people like Choppy Smith that continue to inspire all of us, and I ask my colleagues to join me and the people of Acadia Parish in congratulating Choppy for his invaluable accomplishments for the State of Louisiana.

A TRIBUTE TO REV. JAMES MOORE, SR.

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 30, 2007

Mr. BRADY of Pennsylvania. Madam Speaker, I rise to honor Rev. James Moore, Sr. the pastor of the Second Mount Zion Baptist Church, upon the occasion of his installation as the president of Black Clergy, Inc. of Philadelphia and Vicinity.

Rev. Moore is a man of uncompromising faith and vision. His absolute devotion to church and community is recognized by his parishioners, his fellow clergy members and civic officials.

As the president of the Black Clergy I know he will take the organization to even greater heights because of his commitment to build working partnerships beyond the walls of the church to solve some of the serious problems our communities are facing.

Biblically guided by Philippians 2:5, "Let this mind be in you which was also in Christ Jesus," Rev. Moore, in spite of his accomplishments, walks the path of humility as he offers spiritual inspiration to those in need.

I know that all of my colleagues in the Congress join me in honoring Rev. Moore.

CONDEMNING ABBAS'S REMARKS AGAINST ISRAEL

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 30, 2007

Mr. WILSON of South Carolina. Madam Speaker, at a Fatah party rally on January 11, 2007, Palestinian Authority President Mahmoud Abbas reportedly said that Palestinians "have a legitimate right to direct our guns against the occupation [Israel]" and that Fatah's "fighting" stance is a "model for liberation."

I find it disheartening and deeply troubling that Abbas would sanction violence against Israel instead of calling upon his people to support peaceful compromise with Israel.

Palestinian leaders must understand that they can no longer support peace when speaking to Western audiences while advocating violence against Israel when addressing their people. Abbas' statements suggest that he is not the "moderate" Palestinian leader that many claim he is. Unless he renounces violence once and for all and takes steps to disarm terrorists, Abbas may not deserve additional U.S. aid.

CONGRATULATIONS TO THE NEWARK PUBLIC LIBRARY ON THEIR BLACK HISTORY MONTH EXHIBITION

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 30, 2007

Mr. PAYNE. Madam Speaker, it is my distinct pleasure to congratulate the Director and Board of Trustees of The Newark Public Library, and Dr. Sibyl E. Moses, guest curator, on the occasion of the opening of the Library's Black History Month exhibition entitled "The Creativity and Imagination of African American Women Writers in New Jersey." As the representative from the 10th Congressional District, I am very proud of my long affiliation with the library and the valuable services they render to our community.

The exhibition at Newark Public Library celebrates the diversity and richness of published works created by African American women in New Jersey. The exhibition documents an important aspect of New Jersey's cultural history, and brings this information together in one place and at one time, for the people of Newark and for all residents of New Jersey. I applaud The Newark Public Library for interpreting their collections for all to see.

I also commend Sibyl E. Moses, the guest curator, for her achievements and many years of commitment and service to the people of New Jersey. She is an outstanding citizen, whose leadership is recognized nationally and internationally in the field of library and information science. For more than 20 years, she has identified, preserved, and promoted an awareness of books published by African American women in New Jersey. Her book, African American Women Writers in New Jersey, 1836–2000: A Biographical Dictionary and Bibliographic Guide (Rutgers University Press), upon which this exhibition is based, won recognition from the American Association for State and Local History and by The New Jersey Center for the Book.

I am pleased to join all those in attendance at the opening of the exhibition, in wishing the Director and Board of Trustees of The Newark Public Library, and Dr. Sibyl E. Moses, continued success for the work they are doing to preserve and promote an awareness of African American history in New Jersey.

HONORING PRESIDENTIAL MEDAL OF FREEDOM RECIPIENT MRS. RUTH COLVIN

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 30, 2007

Mr. WALSH of New York. Madam Speaker, I rise today in tribute to Mrs. Ruth Colvin, a 2006 recipient of the Presidential Medal of Freedom for her work as the founder of Literacy Volunteers of America.

Literacy Volunteers of America is a national, educational, non-profit organization that trains volunteers to teach Adult Basic Literacy (ABL) and English to Speakers of Other Languages (ESOL). In 2002 Literacy Volunteers of America merged with Laubach Literacy International to become ProLiteracy Worldwide, and now has 1200 affiliates across the United States and over 50 partners worldwide. Her work has made Syracuse, NY, the center of global literacy efforts.

Ruth Colvin is a literacy pioneer and one of our Nation's most effective ambassadors to the world on the importance of education. The founder of Literacy Volunteers of America, she has dedicated her life to helping the less fortunate gain the reading and language skills they need to succeed. Her work has inspired others to lead lives of service and devote their time and talents to combating illiteracy. The United States honors Ruth Johnson Colvin for her extraordinary efforts to provide hope and opportunity to people everywhere.

REMEMBERING THE 50TH ANNIVERSARY OF THE HUNGARIAN UPRISING

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 30, 2007

Mr. SMITH of New Jersey. Madam Speaker, this past October, Hungary celebrated the 50th anniversary of the Hungarian Uprising. As President Bush said in his October 18 Presidential Proclamation, "the story of Hungarian democracy represents the triumph of liberty over tyranny." Like the President, I honor the men and women who struggled—not only in 1956 but for many years thereafter—for democracy in Hungary.

The following remarks were made by Istvan Gereben, a man who came to this country after the 1956 revolution, but who never forgot his homeland. They were delivered by Mr. Gereben in San Francisco on October 22, 2006, at the Remember Hungary 1956 Commemoration, at the California State Building.

REVOLUTION, REBIRTH, FREEDOM: HUNGARY 1956

From the shadows of blood, iron bars, gallows and simple wooden crosses we step today into the sunshine of remembrance, hope, duty and responsibility. During the past sixteen years the ideas, guiding principles, heroes and martyrs of 1956 gained amends. The moral and political legacy of the Hungarian Revolution, however, still, even today, is misunderstood, misrepresented and waiting to be fully appreciated.

We remember . . . our friends, the Kids of Pest, the colleagues, the relatives, the familiar strangers. The brave Hungarians. Let's remember the dead here, thousands of miles away from their graves but close to their soul, grieving woefully, but full with hope. We pray for those who in their defeat became triumphant. "For what they have done has been to expose the brutal hypocrisy of Communism for all mankind"—declared Archibald McLeish in the Special Report of Life Magazine in 1957.

Why did it happen? The best answer can be found in Sandor Marai's poem: Christmas 1956. Angel from Heaven.

The whole world is talking about the miracle.
Priests talk about bravery in their sermons.
A politician says the case is closed.
The Pope blesses the Hungarian people.
And each group, each class, everybody
Asks why it happened this way.
Why didn't they die out as expected?
Why didn't they meekly accept their fate?
Why was the sky torn apart?
Because a people said, "Enough!"
They who were born free do not understand,
They do not understand that
"Freedom is so important, so important!"

The fight waged by Hungarians in 1956 was inspired by a burning desire for freedom of the individual and the nation, by want for national independence, by thirst for full national and individual sovereignty and by hunger for inner democracy. This Revolution against the Soviet occupiers was a defining moment in Hungarian history and in the nation's political culture. 1956 was one of the most powerful nails driven into the coffin of an evil and fraudulent tyranny.

Then and continuously since we witness the expression of praise, admiration of and support for the aims of this miracle that is called the Hungarian Revolution.

Let's refresh our memory with some of the more striking observations by our friends here in America and elsewhere in the World:

President John F. Kennedy: "October 23, 1956 is a day that will forever live in the annals of free men and free nations. It was a day of courage, conscience and triumph. No other day since history began has shown more clearly the eternal unquenchability of man's desire to be free, whatever the odds against success, whatever the sacrifice required." (Statement, October 23, 1960)

President Ronald Reagan: "The Hungarian Revolution of 1956 was a true revolution of, by and for the people. Its motivations were humanity's universal longings to live, worship, and work in peace and to determine one's own destiny. The Hungarian Revolution forever gave the lie to communism's claim to represent the people, and told the world that brave hearts still exist to challenge injustice." (Excerpt from the Presidential Proclamation issued on October 20, 1986.)

President George W. Bush: "On the 50th anniversary of the Hungarian Revolution, we celebrate the Hungarians who defied an empire to demand their liberty; we recognize the friendship between the United States and Hungary; and we reaffirm our shared desire to spread freedom to people around the world." (Excerpt from the Presidential Proclamation issued on October 18, 2006.)

Milovan Djilas: "The changes in Poland mean the triumph of national Communism, which in a different form we have seen in Yugoslavia. The Hungarian uprising is something more, a new phenomenon, perhaps no less meaningful than the French or Russian Revolutions . . . The revolution in Hungary means the beginning of the end of Communism." (Excerpt from "The Storm in Eastern Europe," "The New Leader," No. 19, 1956.)

The New York Times: "We accuse the Soviet Government of murder. We accuse it of the foulest treachery and the basest deceit known to man. We accuse it of having committed so monstrous crime against the Hungarian people yesterday that its infamy can never be forgiven or forgotten." (In an editorial in the paper's November 1956 issue.)

I could continue with Statements made by Albert Camus, President Richard Nixon, Sir Leslie Munroe, Henry Kissinger, Leo Chern, Pablo Picasso, Nehru and I could read hundreds and hundreds of pages from the Congressional Record listing the praising remarks of hundreds and hundreds lawmakers uttered in the past 50 years. All the words were saved for posterity, everyone can find and savor them.

October 23, 1956 happened when two powerful ideas—tyrannical communism and the eternal human principles of democracy—met and clashed in the middle of Europe, in the small and defenseless Hungary. In this inherently uneven conflict blood was shed and lives were lost. Imre Nagy and his colleagues were arrested, tried and most of them along with countless Freedom Fighters were executed on June 16, 1958.

Since their death, the political and human challenge has been to find the rationale for their supreme sacrifice. This rationale is the indestructible dignity of every human being. By refusing to beg for his life, Imre Nagy repudiated his personal past for a more hopeful future of Hungary and the world at large.

The significance of his and countless other Hungarians' sacrifice is etched onto the political map of the 21st century. The invented hope of the Hungarian Revolution is taking shape in the recent developments throughout the world. That is the real miracle of the events of 1956 and the subsequent human sacrifices of Imre Nagy and his fellow Freedom Fighters.

The Revolution was brutally and unavoidably defeated.

Why was the fate of the Revolution predetermined? Why did it happen so that when we in the last days of October and the early days of November in 1956 enthusiastically and full with hope sensing victory strolled the streets of Budapest and the cities and villages of Hungary not suspecting that our fate, independently from us, already has been determined. The deadly sentence was delivered by the powers of the world? And if it is so why was the verdict such as it was?

Even after 50 years there is still no answer.

The questions are not new. The lack of answer frustrated many historians, political scientists but none had the determination, the skill, the objectivity and patience to provide an authentic answer.

Robert Murphy, who, in the absence of Secretary of State John Foster Dulles from Washington, attended to the day to day business of the State Department during the Hungarian Revolution, summarized his frustration caused by not being able to find a satisfactory answer to Hungary's demands in his autobiography, Diplomat Among Warriors, published in 1964 this way:

"In retrospect, world acceptance of the Russian aggression in Hungary is still incredible. For sheer perfidy and relentless suppression of a courageous people longing for their liberty, Hungary will always remain a classic symbol. Perhaps history will demonstrate that the free world could have intervened to give the Hungarians the liberty they sought, but none of us in the State Department had the skill or the imagination to devise a way."

This answer seems to be the most honest one.

Hungarians have fallen back in the Soviet yoke. But the nation persevered.

There are times when remembrance is the bravest action—declared Gyula Illyes, the eminent Hungarian poet in the middle of the twentieth century. Today such times are present in Hungary. The time for bravery to remain faithful to the moral and political maxims of the Revolution. Bravery witnessed not against the tanks, soldiers and henchmen of the occupying empire, bravery not contesting a strange, inhuman ideology, but courage to face insensitivity, to confront and solve the problems of humdrum everyday life, the bravery necessary to assume the responsibility and sacrifice of building a truly modern country, which is democratic, committed to observe the rule of law and governed by the constitution. At the present, this kind of bravery does not uniformly characterize all Hungarians.

Hungary was redeemed 35 years after the defeated Revolution. During that 35 years her plight to fulfill the demands of 1956 gained respect and support in the West. The courage, the intelligence, the determination and the skill of the Hungarian Democratic Opposition to engage a first bloodthirsty, later, sophisticated dictatorship resulted in recognition of the opposition's leaders as authoritative spokesmen for the fulfillment of the desires of the Hungarian people. They were inspired by the spirit of the Revolution and adopted its maxims.

In the United States, Presidents and ordinary citizens lined up in support behind the Democratic Opposition. The United States, by publicly expressing support in words and in action provided protection for individuals and the whole community of the dissidents.

The U.S. Government published English translations of selected samizdat literature produced by opposition activists. Many volumes, each with hundreds of pages of these, were printed and distributed in the '70s and the '80s. A collection of these is deposited in the National Szechenyi Library in Budapest.

Information provided by the dissidents was used by the Hungarian Freedom Fighters Federation U.S.A. and the Coordinating Committee of Hungarian Organizations in North America in their countless testimonies before Congress, the U.S Commission on Security and Cooperation, and in numerous briefings presented in the White House and in the State and Defense Departments.

A longstanding issue between the Hungarian Communist Government and the Opposition, Hungarians abroad and more significantly the United States Government was the unwillingness of the Communist Government to identify the secret location of the graves in which the executed Freedom Fighters were buried. A campaign covering several decades by U.S. Presidents, Congressman, the Commission on Security and Cooperation, hundreds of leading public figures and civic organizations culminated in a letter sent on June 20, 1988, by Congressman Frank Horton, along with 43 other Representatives urging Prime Minister Karoly Grosz of Hungary to comply with the many requests filed with the Hungarian Government in the past and allow the family members of the executed to have access to the body of their relatives. Responding in letter dated July 18, 1988 the Prime Minister wrote:

"My Government has the intention to settle this problem in a humane spirit in the near future, enabling the families to rebury the dead and to pay their tribute at the graves."

The public ceremony of the reburial took place on June 16, 1989 in the presence of 200,000 grieving Hungarians. With this act the road opened to free parliamentary and local elections in 1990 and the formation of a free Government.

The demands of the Hungarian people were fulfilled. The building of a constitutional parliamentary democracy is under way.

In these days worrisome news comes from Hungary indicating that the road is not smooth. The diamond of twentieth century Hungarian history that was formed in 1956 under the stresses of the circumstances and in the fire burning in every Hungarian's heart is being tested today in Hungary. False prophets, eager mouths, zealous hands driven by dark emotions attempt to pulverize this gem into powder of coal and then burn it into ashes and dross. They will not succeed. History and we will not let them to succeed.

On this 50th Anniversary when we remember and pay tribute to the ideals and heroes of 1956, we also affirm our deeply felt conviction that lasting freedom and democracy will not take hold in Hungary unless the precepts of the Revolution regarding resolute unity, sacrifice, human and political wisdom are practically and fully implemented. We call upon those who are responsible for Hungary's welfare to heed to the principles for which so many died in 1956 and to whose memory we pay tribute today.

We pray that it will be so! Lord Hear our prayer . . . God bless Hungary . . . Isten aldd meg a magyart!

HONORING THE MOODY MEN'S COLLEGIATE CHOIR

HON. TIMOTHY WALBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 30, 2007

Mr. WALBERG. Madam Speaker, I rise today to recognize the 50th anniversary of a very special organization.

More than 1000 young men have sung in the Moody Men's Collegiate Choir since it's founding in 1957 as the Moody Men's Glee Club under the vision of founding conductor, Robert Carbaugh; a distinguished former professor of the Sacred Music Department of Moody Bible Institute in Chicago. Like all male choruses or glee clubs, the choir's members have enjoyed experiences of singing, touring, camaraderie and a wealth of tradition.

Distinctive to this organization is a significant focus on the praise of God—Father, Son and Holy Spirit—and the proclamation of God's Word through music. The mission of singing about their faith has taken this outstanding choral ensemble and its conductors over the years to all 50 of our United States, to Canada and to numerous destinations overseas, most recently to Australia and New Zealand in 2005. We salute former conductors Mr. Robert Carbaugh, Dr. Kerchal Armstrong, Mr. John Wilson, Mr. Vann Trapp, the late Mr. Robert Iler, Dr. Terry Strandt, and Dr. Timothy Newton, current conductor Dr. H.E. Singley III and all the members of the Moody Men's Collegiate Choir past and present for 50 years of music-making in service to their Lord, Moody Bible Institute and the Christian church around the world.

Madam Speaker, we also honor them for their commitment to be men of character and faith. Their challenge can be heard in the words of a piece of music sung by these choirs over the years: "God wants a man honest and true and brave, a man who hates the wrong and loves the right, a man who scorns all compromise with sin, who for the truth courageously will fight. God wants a man in lowly walk or high, who to the world by daily life will prove that Christ abides within the yielded heart, fitting that heart for service and for love. God wants a man who dares to tell the truth, who in the market place will stand four-square, whose word men trust, a man who never stoops to hurt his fellowman or act unfair. God wants a man of action and of faith whose life is something more than can't and talk, who lives each day as though it were his last and proves his faith by a consistent life. God wants a man of action and of faith." We honor the Moody Men's Choir for their 50 years of service and extend our best wishes for a bright future of expanded ministry.

FLOWERS FOODS NAMED "BEST MANAGED" BY FORBES MAGAZINE

HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 30, 2007

Mr. BISHOP of Georgia. Madam Speaker, I rise today to honor a company that has done much for the 2nd Congressional District of Georgia, Flowers Foods, recently named by Forbes magazine as one of the best managed companies in America.

To create the list, Forbes looked at more than 1,000 publicly traded companies with at least $1 billion in revenue, and chose 400 based on metrics, earnings forecasts, corporate governance ratings, and other public company information. From that list, Forbes editors picked one best-managed company from each of the 26 industries represented—and Flowers Foods was among the "best of the best." Forbes selected these companies not just for their financial performance, but also for leadership, innovation, and execution.

Flowers Foods is a leading producer and marketer of packaged bakery goods in the United States. The company operates 36 highly efficient bakeries that produce breads, buns, rolls, snack cakes and pastries which are distributed to foodservice and retail customers in the Southeastern, Southwestern, and Mid-Atlantic States, and frozen to national foodservice and retail customers.

Founded in Thomasville, GA in 1919 by brothers William Howard and Joseph Hampton Flowers, Flowers Foods produces many well-known brands of baked goods including Nature's Own, Sunbeam, ButterKrust, Mi Casa and Bluebird.

In Thomasville alone, which is in my district, Flowers employs 550 people at one bakery.

Statewide, Flowers employs 2,110 people at seven bakeries.

Flowers Foods is a publicly traded company on the New York Stock Exchange, ticker symbol FLO.

Again, please join me in congratulating Flowers Foods on their recent award. It is an excellent company and an integral part of the business community of the 2nd Congressional District of Georgia.

TROOPS TO TEACHERS IMPROVEMENT ACT OF 2007

HON. DORIS O. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 30, 2007

Ms. MATSUI. Madam Speaker, my colleague, Mr. PETRI, and I are reintroducing the Troops to Teachers Improvement Act. I am proud to bring this bipartisan effort before the House in the newly-elected 110th Congress. I first learned about the Troops to Teachers program at a California Purple Heart Veterans Day event in my district. Two different veterans who are participating in Troops to Teachers spoke with me about how the program offered them the chance to continue to contribute to our country. After serving their country in the Armed Forces, they were now able to teach in high-need school districts.

With a slogan like, "Proud to Serve Again," Troops to Teachers is a unique program that provides stipends to military retirees to obtain the necessary certification for a second career in teaching. Equally important, the program places much-needed math, science and special education teachers in the classroom. In fact, over 55 percent of Troops to Teachers participants teach in these critical areas. Right now, our country is seeing 7 percent of its teaching force leave every year, and we have a need for highly-qualified science and math teachers. Additionally, veterans who participate in the Troops to Teachers program fill another void for male and ethnic minority teachers. Qualities learned in the military including: discipline, problem solving and leadership skills make veterans ideal role models for our students. Simply put, the Troops to Teachers program has never been more important.

Since first learning about the Troops to Teachers program, I have had the pleasure of hearing many stories of how participants' lives have changed after transitioning from the military to the classroom. One of my constituents has such a story. After 21 years in the Air Force, Kelly Sullivan retired from the military, with two young children to care for. Using a $3,000 award from Troops to Teachers, she was able to pay for graduate school classes, as well as nine required teaching certification exams. Needless to say, the award was a financial relief for her, especially as she set out to begin her second career.

Kelly is now teaching English at Hiram Johnson High School in Sacramento. She has found that her two decades in the Air Force gave her the maturity, wisdom and life experiences that enable her to motivate and encourage her students to succeed in school. These skills are especially important as gangs and increased violence are all too prevalent in her school's neighborhood. One thing is for sure, when her students need help Kelly is there—thanks to Troops to Teachers.

Kelly is a prime example of the goal of the Troops to Teachers program, which was authorized in 1993 to help members of the military obtain teaching credentials to teach in large districts with low-income schools. A variety of retired, separated, active duty and transitioning military members and veterans—including disabled veterans—are eligible to participate. Those who are interested are required to have a bachelor's or advanced degree. If applying for a vocational or technical teaching position, candidates are required to have at least 6 years of experience in the field. The program has successfully recruited and placed almost 10,000 veterans in school districts since it was created. In my home state of California, 571 veterans are currently participating in the program.

Unfortunately, a small change under the No Child Left Behind Act, NCLB, of 2001 greatly affected where veterans could fulfill their teaching obligation. In some areas of the country, retiring military and veterans interested in the program now have to drive 50 to 100 miles to find an eligible school. This has resulted in a 20–30 percent drop-off in veteran participation, which has seriously hindered this productive and necessary program.

The bill that my esteemed colleague Mr. PETRI and I are reintroducing today would fix this error. It would allow participants to fulfill their teaching obligation at any school considered high-need under NCLB, meaning that the school receives Title I funding. Prior to the NCLB change, participants were able to fulfill their teaching obligation in any school within my district in Sacramento, as they all receive Title I funding. However, under the more restrictive rule, only 211 of the 350 schools in my district are eligible. Currently, 61 percent of the high schools in my district are not eligible.

I continue to believe in this program and want to see disabled and retiring military offered a second chance at serving our country. Just last week, the Troops to Teachers program had a conference in Washington, DC. Once again, we heard stories of participants' dedication to serving our country and the sense of fulfillment they receive from educating future generations. Additionally, the program brings important math, science, and foreign language expertise to our classroom and fills a critical need among our educators. These characteristics make Troops to Teachers an excellent source of highly-qualified educators.

Mr. PETRI and I are committed to fulfilling the intent of this program, and we introduce this bill so that more veterans, like my constituent Kelly, will continue to be able to serve our country—whether in the military or in the classroom. I look forward to swiftly passing this bipartisan bill in the 110th Congress and urge my colleagues to continue to work to support the Troops to Teachers program.

DISDAIN OF AIR PASSENGER DELAYS

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 30, 2007

Mr. RAHALL. Madam Speaker, recently, I received an offer from American Express entitled, Travel Delay Protection. That's right for $9.95 per person per trip you can get an insurance plan to safeguard against flight delays and their associated hassles and costs. Has American aviation really been brought to this level Madam Speaker? Like Lloyds of London of old responding to sinking ships, American Express simply sees a modern opportunity in a far too sinking industry.

We have been told that the recent debacle in Texas in which passengers were held hostage for almost a day, was an anomaly. We are told that to legislatively address the basic rights of air passengers is an overreaction.

Well, Madam Speaker, if American Express, no dummy of a company, sees profit in the misfortunes of America's airline industry, I think Congress at least should listen to the collective voice of countless aggrieved passengers. Especially, Congress should hear passengers who suffer regularly from flight delays and disruptions, but because they are not caught up in the major anomaly of the season, they don't get to air their disdain on the national news. They just suffer.

RECOGNIZING THE CAREER AND RETIREMENT OF MARGARET BLACKSHERE, PRESIDENT OF THE ILLINOIS AFL/CIO

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 30, 2007

Mr. COSTELLO. Madam Speaker, I rise today to ask my colleagues to join me in recognizing the career and retirement of Margaret Blackshere, President of the Illinois AFL/CIO.

Margaret Blackshere, who has been an effective leader and advocate at all levels of organized labor, began her career as a kindergarten teacher in Madison, Illinois in the 1960's. Her first involvement in organized labor began with the efforts of her district's teachers to secure both just compensation and more of a voice in the decisions that directly influenced the educational processes in their district.

From that early involvement, Ms. Blackshere would become president of her local union and then Statewide Vice President of the Illinois Federation of Teachers. She served as the Secretary-Treasurer of the Illinois AFL/CIO before winning election as the first woman President of that organization in 2000, the position from which she is now retiring.

As president of the Illinois AFL/CIO, with 1,500 local affiliates and over 1 million members, Margaret Blackshere has had significant influence in the direction of organized labor, not only at the state and national level, but internationally as well. As president, Ms.

Blackshere has been responsible for maintaining unity within the Illinois AFL/CIO even though there have been signs of discord in other locations during recent years.

In addition to her tireless work for her labor organizations, Ms. Blackshere has been involved in a number of civic and political organizations as well. These organizations include the Alliance for Retired Americans Labor-Management Cooperation Council, United Way of Illinois, Voices for Illinois Children, Workers Compensation Advisory Board, the Chicago Council on Global Affairs and the American Red Cross of Greater Chicago. She has also been a delegate to the Democratic National Convention and has been a member of the Democratic National Committee.

While Ms. Blackshere is retiring from her position as President of the Illinois AFL/CIO, she has indicated that she will continue to consult, assist and volunteer her time for the causes that have been important to her. For those in organized labor and for everyone who appreciates the positive impact that the labor movement has had in our overall quality of life, Margaret Blackshere has been a true champion.

Madam Speaker, I ask my colleagues to join me in an expression of appreciation to Margaret Blackshere for her years of dedicated service to the working men and women in Illinois and our nation and to wish her the very best in the future.

HONORING THE USA TAP DANCE TEAM ON THEIR SUCCESS AT THE WORLD TAP DANCE CHAMPIONSHIPS

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 30, 2007

Ms. DELAURO. Madam Speaker, it is with the greatest pride that I rise today to extend my sincere congratulations and very best wishes to the USA Tap Dance Team, based out of the Greater New Haven area, as they celebrate their tremendous success at the 2007 World Tap Dance Championships recently held in Reisa, Germany. In all, 51 dancers ranging in age from 10 to 20 years old made the trip and returned with a total of 11 medals! Our communities certainly have cause for celebration with the wonderful accomplishments of these young people.

Participating in three divisions, the USA Tap Dance Team has worked very hard over the last several months to be able to compete in this year's competitions. Coming together from across Connecticut and even New York, the dancers practiced for countless hours for solo, duo, small group, and formation events. The commitment these young people have demonstrated is truly inspiring. They have worked so hard to master the required high-level skills and the necessary symmetry of their movements.

I had the distinct honor of joining them for a very special evening as they prepared to leave for Germany and, as a former tap dancer myself, I was truly impressed with the level of dedication, passion, and talent of the team. It was this combination of drive and spirit that led to the team to come home with three gold medals, seven silver medals, one bronze medal, and several other finishing places—placing and medaling in each of three divisions—a remarkable showing!

I am also pleased to recognize the incomparable Gloria Jean Cuming for her outstanding leadership and instruction as well as the six choreographers who worked with the dancers and traveled to Germany with them. Their work with individuals and groups helped to secure this outstanding triumph. In addition, I would also extend a note of thanks and appreciation to the parents and volunteers whose support has enabled the dancers to practice and travel for their competitions. Without their efforts, the success of the USA Tap Dance Team would not be possible.

I am thrilled to stand today to join our local communities in extending my sincere congratulations to the USA Tap Dance Team on their great success at the 2007 World Tap Dance Championships. You have all made us proud!

A TRIBUTE TO MR. CARLOS LEZAMA—PRESIDENT EMERITUS OF THE WEST INDIAN AMERICAN DAY CARNIVAL ASSOCIATION

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 30, 2007

Mr. RANGEL. Madam Speaker, I rise today to pay tribute to the life and legacy of Carlos Lezama, West Indian community leader who left this world at the age of 83 years and to enter into the RECORD an article in the Daily News by Bill Hutchinson entitled "West Indian Carnival Founder Carlos Lezama Dies at 83."

Carlos Lezama was born in Trinidad and spent his formative years on the island. He played the Cello and was nicknamed "Celloman" a name and position he enjoyed while working on a passenger ship before migrating to the USA in the early fifties. He joined the New York Metropolitan Transit Authority, in the mid-sixties. At NYTA he moved up steadily for the next twenty years until he became a Machinist. In 1989, he retired from that Agency.

Lezama long ago recognized the cultural significance of Carnival, since he played Mas' in Trinidad. When he came to New York he naturally gravitated towards the Carnival which took place in Harlem. In the mid-nineteen sixties, he directed his efforts to firmly establish Carnival in Brooklyn with his friend Rufus Goring, who brought the celebration to Brooklyn.

Under the stewardship of Lezama, the Brooklyn Caribbean Carnival grew from a five-block affair to the status of the largest outdoor parade in the United States. It attracts in excess of three million people on Eastern Parkway every year on the first Monday in September. Over the years the West Indian American Day Carnival Association has grown to a full-fledged community service organization and provides scholarships and a host of annual calendar events of cultural and educational events.

Lezama has been officially recognized and honored by scores of organizations, four New York State Governors (Govs. Rockefeller, Carey, Cuomo, and Pataki), and numerous awards from Mayors John Lindsay, Abe Beame, Ed Koch, David Dinkins and Rudy Giuliani for his efforts in promoting the rich culture of Caribbean people and thus enriching the cultural life of New York City. In 2001, the Carnival route—Eastern Parkway was renamed Carlos Lezama Parkway.

Even though Carlos Lezama passed away on January 22, 2007, his contributions to the diversity of the United States of America will continue to resonate through the Annual Brooklyn Carnival held each Labor Day Monday.

[From the New York Daily News]

WEST INDIAN CARNIVAL FOUNDER CARLOS LEZAMA DIES AT 83

(By Bill Hutchinson)

Carlos Lezama, who transformed the West Indian American Day Carnival from a five-block affair into one of the city's biggest events, died yesterday. He was 83.

Lezama, a retired machinist for the Metropolitan Transportation Authority, died at Kings County Hospital after a brief illness.

"Throughout our lives, my siblings, as well as my mother, have been privileged to share my father with the millions who are part of the carnival family," said Lezama's daughter, Yolanda Lezama-Clark.

"I am grateful that he has left an impressive legacy of which we all as Caribbean people can be proud," added Lezama-Clark, president of the West Indian American Day Carnival Association.

Born in Trinidad, Lezama grew up playing the steel pan and the cello, garnering the nickname "Celloman" while working on a cruise ship.

When he immigrated to America, he gravitated to the annual carnival event in Harlem. In the mid-1960s, he and a friend, Rufus Goring, brought the celebration to Brooklyn, and in 1967 he was elected the first president of the carnival association.

"He was a major force with respect to the West Indian Day parade, which now has millions of people," former Mayor Ed Koch said of Lezama yesterday. "It's really not a parade. It's a mass of people, having a great time together."

Former Mayor David Dinkins said it was Lezama's "vision and foresight" that turned the parade into a city cultural icon.

"I thought he was terrific," Dinkins said. "He had a drive, he was determined that the parade was going to go off and he didn't particularly care about the politics of it. I thought he did a great job."

Besides his daughter, Lezama is survived by his son, Kenwyn; four grandchildren, and two great-grandchildren.

WATER QUALITY FINANCING ACT OF 2007

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 30, 2007

Mr. OBERSTAR. Madam Speaker, in 1972, the passage of the Clean Water Act secured the nation's commitment to rescuing our waters and expelling the pollutants that were killing our water supply and the wildlife that depended on it. Today, Mr. YOUNG, former Chairman of the Committee on Transportation and infrastructure, Ms. EDDIE BERNICE JOHNSON, Chairwoman of the Subcommittee on Water Resources and Environment, Congresswoman ELLEN TAUSCHER, and I introduce bipartisan legislation that definitively renews our commitment to these waters and authorizes increased funding for wastewater infrastructure through a reauthorization of the Clean Water State Revolving Loan Fund program.

The Water Quality Financing Act of 2007 authorizes $20 billion in Federal grants over five years to capitalize Clean Water State Revolving Funds. These funds provide low interest loans to communities for wastewater infrastructure. This bill also provides additional subsidies, including principal forgiveness and negative interest loans for communities that meet a state's affordability criteria, for individual ratepayers that will experience significant hardship from potential rate increases, and for the construction and implementation of innovative or alternative processes, materials, or technologies to meet the nation's wastewater treatment needs. It encourages long-term asset management planning and financing that will ensure sustainable systems and the potential to reduce overall capital and operation and maintenance costs and it promotes communities to consider alternative and innovative processes, materials, and technologies (including "green infrastructure") that provide greater environmental benefits, or the same benefits using less energy or at a reduced cost. Water quality benefits are the primary criterion for determining which projects receive funding, and encourages watershed approaches to solving water quality problems, as well as traditional infrastructure.

Since 1972, the federal government has provided more than $82 billion for wastewater infrastructure and other assistance. Overall investment in the nation's infrastructure—including that from federal, state, and local sources—has been over $250 billion.

Today, twice as many waters are considered fishable and swimmable as they were before the Clean Water Act was passed into law. Our infrastructure systems include 16,000 publicly owned wastewater treatment plants, 100,000 major pumping stations, 600,000 miles of sanitary sewers, and 200,000 miles of storm sewers. Toxic chemicals and other pollutants have been greatly reduced. Wildlife has returned in abundance to waters that were once declared "dead". One in ten tourists is destined for the beach—providing our travel and vacation industries with customers and business.

Many of these success stories have occurred, in part, because of a strong commitment to fund necessary projects to improve water quality. Title VI of the Clean Water Act provides for the establishment and capitalization of Clean Water State Revolving Loan Funds ("Clean Water SRFs") to aid in funding the construction of wastewater treatment works and other wastewater infrastructure around the country. Since 1987, individual states and territories have maintained Clean Water SRFs to help provide for low-cost financing for approved water quality infrastructure projects.

These advances aside, one-third of our nation's waters are still in deplorable condition. Although federal funding of Clean Water SRFs had been steady at a level of $1.35 billion annually, in recent years, funding for the program has been cut dramatically. From just fiscal year 2006 to fiscal year 2007, the administration's budget request for Clean Water SRFs decreased $199.2 million, dropping from $886.7 million to $687.5 million.

These declines come at a time when funding is vital for progress. Our population is booming, putting more pressure on already over-burdened systems. In addition, much of the wastewater infrastructure in this country is rapidly approaching or has already exceeded its projected useful life. These antiquated systems need maintenance and rebuilding to protect our physical, economic, and natural environments.

Without increased investment in wastewater infrastructure, in less than a generation, the U.S. could lose much of the gains it made thus far in improving water quality as a result of the 1972 Clean Water Act.

I urge my colleagues to support this bipartisan bill, to continue funding our infrastructure, to make repairs where maintenance is needed, and to renew our commitment to our nation's waters.

REMEMBERING THE LIFE OF OFFICER DAN BESSANT OF THE OCEANSIDE POLICE DEPARTMENT

HON. DARRELL E. ISSA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 30, 2007

Mr. ISSA. Madam Speaker, I rise today to remember the life and service of Oceanside Police Officer Dan Bessant, who was killed in the line of duty on December 20, 2006.

A 3-year police department veteran, Officer Bessant was fatally shot while responding to a fellow officer's call for assistance on a routine traffic stop in Oceanside, California. It is intolerable that such a fine young man should be taken from those he loved in the prime of his life to a senseless act of youth violence.

Just as he did on that fateful day, Officer Bessant spent his life of 25 years committed to serving the public—first as police cadet, then as a Police Community Safety Assistant, and finally as an Oceanside Police Officer. Each day of Officer Bessant's service made Oceanside a safer place.

Officer Bessant will be remembered as a dedicated officer, passionate for his work and eager to improve the community where he was born and raised. His family and friends will remember him as a proud, new father and devoted husband. By all, he will be recalled for his unwavering honor and courage.

On this day, Congress should remember Officer Bessant's passion for law enforcement and his endless devotion to Oceanside. May God bring peace to his wife Katelyn, 2 month-old son Wyatt, and his family, friends and colleagues.

HONORING THE LIFE OF EMMA FAUST TILLMAN

HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 30, 2007

Mr. LARSON of Connecticut. Madam Speaker, I rise today to pay great honor to Mrs. Emma Faust Tillman, who passed away on January 28, 2007. Mrs. Tillman, a longtime resident of the Hartford area, was the oldest known living peson prior to her death at 114 years of age. Though her reign lasted only 4 days, the legacy of her life can provide inspiration to us all.

Born November 22, 1892 in Gibsonville, North Carolina, Mrs. Tillman was one of 23 siblings. Her parents, former slaves, moved Mrs. Tillman and her family to Glastonbury, Connecticut in 1900. After graduating high school in 1909 as the only black student in her class, Mrs. Tillman went on to work as a cook, maid, and party caterer, eventually owning her own catering service and baking for many of Hartford's notable residents, including Hartford Hospital's Dr. Thomas Hepburn, father of legendary actress Katharine Hepburn. She wed Arthur Tillman in 1914 and they had 2 daughters before his death in 1939.

Deeply religious from a young age, Mrs. Tillman became involved with her church memberships. After being christened at age 13, she began singing in her church choir, an activity in which she was engaged in for over 80 years. A longtime member of the A.M.E. Zion Church in Hartford, she was considered the "mother of the church" by Rev. Terry L. Jones, not only for her ripe age, but also for her fervent faith. When commenting on the longevity of her life, Mrs. Tillman would always credit "God's will."

Madam Speaker, I ask my colleagues to join me today in honoring the life of Emma Faust Tillman. In her 114 years, she deeply touched and inspired those who knew her, and those who have heard her tremendous story. My thoughts and prayers are with her friends and family, in particular, her surviving daughter Marjorie. The Hartford community is thankful for the honor of knowing Emma Faust Tillman.

REV. ROBERT F. DRINAN, SCHOLAR, HUMAN RIGHTS ACTIVIST, AND FORMER MEMBER OF CONGRESS

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 30, 2007

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise to pay tribute to a great American and a former member of this House. The Rev. Robert Drinan, was a Jesuit Catholic priest, lawyer, human rights activist, and a former Member of Congress from Massachusetts. He was also a law professor at Georgetown University Law Center for the last 26 years of his life. Father Drinan, who died Sunday, January 28, 2007, was one of the most admired members of this body and was beloved by all who knew him. He will be missed immensely. All of us mourn his loss and extend our condolences to his family and loved ones.

Father Robert Frederick Drinan, S.J. was born November 15, 1920 in Boston, Massachusetts and grew up in Hyde Park, Massachusetts. He graduated from Hyde Park High School in 1938. He received a B.A. and an M.A. from Boston College in 1942 and joined the Jesuit Order the same year; he was ordained as a Catholic priest in 1953. He earned his LL.B. and LL.M degrees from Georgetown University Law Center in 1950. He received his doctorate in theology from Gregorian University in Rome in 1954. Over the course of his life he would be the recipient of 21 honorary degrees. He studied in Florence for 2 years before returning to Boston, where he was admitted to the bar in 1956.

Father Drinan was appointed Dean of the Boston College Law School in 1956 and served until 1970, during which time he also taught family law and church-state relations. As dean he called for the desegregation of Boston public schools during the 1960s and challenged his students to become involved in civil rights issues. During this period, he was also a visiting professor at other schools including the University of Texas. He also served the public interest by his membership on several Massachusetts state commissions created to improve the administration of justice.

In 1970, Father Drinan, who strongly opposed the Vietnam War, was elected to Congress defeating Congressman Philip J. Philbin, the Chair of the Armed Services Committee in the Democratic primary. Father Drinan went on to win re-election to the U.S. House of Representatives four times, serving from 1971 until 1981. He was the first Roman Catholic priest to serve as a voting member of Congress.

In the House, Father Drinan served on several committees but is perhaps best known for his service on the Judiciary Committee, where he chaired the Subcommittee on Criminal Justice. He was the first member of Congress to introduce a resolution in Congress calling for the impeachment of President Nixon. Father Drinan believed strong and with considerable justification that it was illegal for President Nixon to widen the Vietnam War by the secret of bombing Cambodia.

Father Drinan was an early and staunch supporter of a woman's right to choose. This stance took considerable political courage for a Roman Catholic politician from Boston in the early 1970s. His stand on abortion rights drew considerable criticism and significant opposition from Church leaders, who were also opposed to the idea of a priest holding political office.

Father Drinan reconciled his political position with official Church doctrine by stating that while he was personally opposed to abortion, its legality was a separate issue from its morality. This distinction did not satisfy his critics, notably Pope John Paul II, who in 1980, decreed that all priests everywhere withdraw from electoral politics. Though framed as a general order, to many it seemed that Father Drinan was the principal target. But true to his ordination vows, Father Drinan obeyed and did not seek reelection. He said: "It is just unthinkable, [the idea of renouncing the priesthood to stay in office]. I am proud and honored to be a priest and a Jesuit. As a person of faith I must believe that there is work for me to do which somehow will be more important than the work I am required to leave." But he continued to be a vocal supporter of a woman's right to choose after leaving the Congress, much to the chagrin of the Church, and strongly supported President Clinton's veto of the Partial-Birth Abortion Ban Act in 1996.

Father Drinan joined the faculty of the Georgetown University Law Center in 1981 and served for the next 26 years. He taught legal ethics and international human rights, and traveled to 16 countries, including as Chile, the Philippines, El Salvador, and Vietnam on human rights missions. He was a regular contributor to law reviews and journals, and authored several books, including The Mobilization of Shame: A World View of Human Rights, published by Yale University Press in 2001.

Father Drinan served as a member of the American Bar Association House of Delegates until his death and was chair of the ABA Section on Individual Rights and Responsibilities. He served on the Board of Directors of the International League for Human Rights, the Lawyer's Committee for International Human Rights, the Council for a Livable World Educational Fund, the International Labor Rights Fund, Americans for Democratic Action, and the NAACP Legal Defense and Educational Fund.

In 2004, the American Bar Association called Father Drinan "the stuff of which legends are made" when awarding him its 2004 ABA Medal, an honor shared by such legal luminaries as Thurgood Marshall and Sandra Day O'Connor. Just last summer Father Drinan was presented the 2006 Congressional Distinguished Service Award by now-House Speaker NANCY PELOSI, which is given to former Members of the House of Representatives who have performed their duties "with such extraordinary distinction and selfless dedication as to merit special recognition."

Madam Speaker, a great man has finished his course, has run the great race, and has gone on to claim his great reward. We are deeply saddened by the loss of this tireless champion for human rights and social justice. But his good works will be with us for eternity. For that we can all be grateful.

INTRODUCTION OF PINEDALE ASSEMBLY CENTER RESOLUTION

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 30, 2007

Mr. COSTA. Mr. Speaker, I rise today to introduce a Resolution recognizing the Pinedale Assembly Center site as having historical significance to our Nation on behalf of myself, Congressman RADANOVICH, Congressman CARDOZA, Congressman NUNES, and Congressman HONDA.

As we approach the 65th Anniversary of Executive Order 9066, we are reminded of what was the beginning of a dark chapter in United States history. On February 19, 1942, President Franklin D. Roosevelt signed the order authorizing the forced internment of Japanese Americans. Over the following three years, the United States Government forced 120,000 Americans of Japanese ancestry into internment camps, the single largest relocation of Americans in our Nation's history.

This internment placed tremendous hardship on innocent Americans and in many cases resulted in the loss of their jobs, homes, businesses and dignity. Furthermore, the internment was a violation of their fundamental Constitutional rights.

Executive Order 9066 included provisions which ordered Japanese Americans to report to assembly centers where they would be held until they were moved to permanent War Relocation centers. During World War II, 4,823 individuals reported to the Pinedale Assembly Center in Fresno, California.

On November 28, 2006, the Fresno City Council unanimously approved Resolution 2006–532 designating a portion of the Pinedale Assembly Center site known as "Remembrance Plaza" to the Local Register of Historic Resources.

The Pinedale Assembly Center Memorial Project Committee is currently charged with the task of establishing a memorial that recognizes the historic tragedy that took place at that site.

February 19, 2007, known as "The Day of Remembrance", marks the 65th anniversary of the Executive Order 9066, making it an appropriate day for the groundbreaking ceremony of the Pinedale Memorial Center.

Today over 5,000 Japanese Americans, many former World War II internees and their families, live in Fresno County, California. The Pinedale Memorial would serve to honor these and thousands of other Japanese Americans who suffered during this period. In addition, this memorial would serve as a lesson so future generations will not repeat the mistakes of the past.

The Pinedale Assembly Center Memorial sends the message that we are committed to healing historical wounds and replacing prejudice and fear with the values of equality and justice.

HOUSE OF REPRESENTATIVES—*Wednesday, January 31, 2007*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. POMEROY).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
January 31, 2007.

I hereby appoint the Honorable EARL POMEROY to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

PRAYER

The Reverend Dr. John F. Ross, Pastor, Wayzata Community Church, Wayzata, Minnesota, offered the following prayer:

God of extravagant love, You give us Your kingdom and then bid us to live in such a way as to claim it. We celebrate in Your presence the ministry of all who give of themselves in service and love to others.

Enable us to break down any walls that may exist between us, discovering the magnificence of honesty and the splendor of community. Grant us understanding as we hope to be understood, caring as we hope to be cared for. May we never seek to get as much as to give, or self as much as servanthood. May we never seek glory for ourselves, but delight in You.

Bless us in the knowledge that while You have given us Your word, You have not given us all Your words but that You are indeed still speaking. Startle us with the truth that Your final word will be love. All this we pray in gratitude for Your all-encompassing grace.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Virginia (Mr. GOODE) come forward and lead the House in the Pledge of Allegiance.

Mr. GOODE led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

WELCOMING THE REVEREND DR. JOHN F. ROSS AS GUEST CHAPLAIN

(Mr. RAMSTAD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RAMSTAD. Mr. Speaker, it is a special privilege to welcome today's guest chaplain, the Reverend Dr. John Ross, Senior Minister of Wayzata Community Church in Wayzata, MN.

On behalf of the entire House, thank you, J.R., as Dr. Ross is known back home, for your moving and very timely prayer and for serving as guest chaplain here today.

I know Dr. Ross and his wonderful wife, Sheila, very well as Kathryn and I, our family are members of Wayzata Community Church. We are proud to call Dr. Ross our senior minister and grateful to call John and Sheila and their four wonderful children our dear friends.

Mr. Speaker, the Reverend Dr. John Ross is a true servant-leader who personifies faith, compassion and service to people in need. Dr. Ross came to Wayzata Community Church in 2004, after a 14-year ministry in Columbus, OH. Our Wayzata Community Church and indeed our entire Lake Minnetonka community are truly blessed by Dr. Ross' strong and principled leadership as well as his inspiring commitment to help people in need.

Every summer since 1996, Dr. Ross has led a mission of primarily young people to Mexico where they have built over 100 homes for the poorest of the poor. As one 8th grader from our church told me, J.R. not only talks the talk, he walks the walk. He is always the first one up the ladder in the morning and the last one down from the roof in the evening.

Mr. Speaker, the Reverend Dr. John Ross is truly a man of God who lives out the Biblical command to love God, love others, and serve the least amongst us.

Thank you again, Dr. Ross. Thank you, J.R., for serving the House of Representatives today and for doing the Lord's work in our church and community every day.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to five additional 1-minute speeches per side.

REMEMBERING FATHER PHILIP CASCIA

(Ms. DELAURO asked and was given permission to address the House for 1 minute.)

Ms. DELAURO. Mr. Speaker, our community recently lost a treasure, a man whose reach extended to communities across the world for the last three decades. Father Phillip Cascia made an indelible mark on the lives of thousands, thousands of people at his parishes, like St. Anthony's Church in Prospect, CT, and indeed across the globe. His commitment to children and families was as strong as his reach was long.

Father Cascia will long be remembered for many things. For starting the St. Vincent dePaul Society Shelter and Soup Kitchen in Waterbury, CT, not only the largest soup kitchen in Connecticut but also its largest homeless shelter, a thrift store, a mental health center; for when the United States State Department called upon him to help youth in St. Petersburg, Russia, paving the way for his work opening an orphanage for victims of earthquakes there; and for his work founding Intersport USA and other remarkable international exchange programs he started in Sao Paulo, Brazil, China and Vietnam, work that led this Congress, this body to nominate him for a Nobel Peace Prize.

Most of all, he will be remembered for being a builder of bridges. Mr. Speaker, Father Philip Cascia was never content to live his faith confined within the walls of his church. He reached out. Whether you knew him for a moment, a few months or a few decades, as I did, you were touched by his values and moved by his compassion. Few lived their faith with greater commitment, dignity and hope. Father Cascia will be missed, but he will always be remembered.

THE MOJAVE WATER AGENCY

(Mr. LEWIS of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEWIS of California. Mr. Speaker, the Mojave Water Agency formed in 1960 and based in Apple Valley, CA,

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

serves the High Desert Region of San Bernardino County.

One of the agency's directors, my very good friend, Beverly Lowry, who joins us here today, represents Division 6. Bev has lived in Barstow for more than 30 years and has dedicated herself to public service.

She served on the agency's board of directors from 1973 to 1977 and again from 1989 to the present. Mrs. Lowry is a commissioner of the Mojave River Basin Area Watermaster. She has been on the board of the Barstow Heights Community Service District for 20 years, including 10 years as president. She has also served for 11 years on the Flood Control Advisory Committee for Zone 4 and has also been the Chair of the Veterans Home Support Foundation.

The legislation I introduce today will authorize the Mojave Water Agency's thoughtful Water Regional Management Plan. Bev Lowry and other directors, with the help of their dedicated staff, have worked since 2001 to formulate a Regional Water Management Plan that will provide water to this desert region for years to come. This is a great bill, and I am proud to introduce it today.

WAR IN IRAQ

(Mr. PASCRELL asked and was given permission to address the House for 1 minute.)

Mr. PASCRELL. President Bush says that he is going forward with his plan for a troop surge in Iraq regardless of what the Congress does and what the American people want. But Senator SPECTER was right when he said yesterday that the President is not the sole decider, that the future of this war is a joint and shared responsibility with this Congress. It is time the President realizes that Congress will no longer be asleep at the wheel while this war rages on.

You need only to read the Constitution to know that Congress has the power to decide the direction of this war. The Constitution gives Congress an array of war powers, including the power to declare war, to raise and support armies and make rules concerning captures on land and water. The Framers knew what they were doing in checks and balances. They intended that, by giving Congress the power to declare war, they had the authority to make decisions about the war's scope and duration.

Now is not the time for a troop surge. Now is the time for a real plan in Iraq. The Murtha Plan, which I support, stipulates a diplomatic surge instead of a troop surge. It is time for President Bush to realize that we all support our brave troops, but America does not support the war.

CONGRESSIONAL INACTION JEOPARDIZES CROOK COUNTY AND OREGON SCHOOL PROGRAMS

(Mr. WALDEN of Oregon asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WALDEN of Oregon. Mr. Speaker, the failure of Congress to reauthorize the Secure Rural Schools and Community Self-Determination Act is a breach of faith to more than 600 forested counties across America and 4,400 school districts.

For Crook County, OR, this means real cuts in jail beds, sheriffs' patrols, criminal prosecutions and the pursuit of methamphetamine cooks. These services were once funded by timber receipts, but, because of the virtual elimination of timber harvest, a county which once supported seven saw mills employing thousands of people does not have a single operating mill today.

Crook County Judge Scott Cooper says, "The Federal Government has been pursuing a comprehensive strategy of disinvestment in rural communities," and he is right.

Congress' inaction hurts our children, too. Central Oregonian Jeff Sanders, president of the Oregon School Boards Association, is here on Capitol Hill with us today pleading for Congress to act on the behalf of the 560,000 K–12 school children in Oregon.

My colleagues, Congress must keep the Federal Government's word to timbered communities and pass H.R. 17. Time is running out.

DEMOCRATIC MAJORITY GETTING RAVE REVIEWS FOR COMPLETING 100 HOURS AGENDA

(Mr. MORAN of Virginia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MORAN of Virginia. Mr. Speaker, last November, the American people demanded a new direction for America. Democrats are now providing that new direction, consistently bringing with them more than 60 Republicans on all the major votes, and they are delivering results on the priorities of the American people. Let me quote from a random sample of newspapers around the country.

The Seattle Post Intelligencer wrote, "Well, slap us twice and call us Betty, the Democrats in Congress actually accomplished what they pledged to do, on schedule no less."

The Charlotte Observer concluded, "House Democrats are getting high marks from the public for their legislative moves in the first 100 hours of the new session of Congress. They are on the right road."

The South Florida Sun-Sentinel wrote, "Democrats in the House made good on their promise to pass significant legislation during their first 100 hours in power. Actually, it took less than that time to pass the six bills the House Democrats hailed as their top priorities. This belies the perception that nothing ever gets done in Washington."

Mr. Speaker, I don't know whether it is because they elected Democrats or because we put a woman in charge, but things are happening in this House, and they are all good.

LONE STAR VOICE: BORDER AGENT'S WIFE

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Mr. Speaker, on the lawless southern border, Border Patrol agents are routinely assaulted by illegals. They are shot at. They are run down by smugglers in trucks. Officers who daily risk their lives protecting America are not always protected by America.

As a border agent's wife writes me: "In Texas, agents are regularly assaulted, and no prosecution is sought. They are told their injuries are not severe enough to deem Federal prosecution. My husband and his partner were both shot while on duty. The criminal who shot them was never tried on Federal charges. Instead, he was tried by the State of Texas. Why is it when an agent doing his job injures a criminal, the highest level of prosecution is sought, but when agents are assaulted, rarely, if any, prosecution is sought? Why also is it that hundreds of drug smugglers flee to Mexico, but we never try to track them down until they will aid in prosecuting border agents? Those who do a difficult job of protecting our borders need all the help they can get."

Mr. Speaker, America needs to vigorously prosecute criminals who assault our border agents. After all, they are the first line of defense from the illegal invasion into our homeland.

And that's just the way it is.

WE NEED A COMPREHENSIVE IMMIGRATION REFORM PACKAGE

(Ms. GIFFORDS asked and was given permission to address the House for 1 minute.)

Ms. GIFFORDS. Mr. Speaker, I rise today to make clear once again the immediate need for a comprehensive immigration reform package.

The L.A. Times yesterday reported that seven of the largest tunnels discovered under the U.S.-Mexico border in recent years have still yet to be filled in. This troubles me for many reasons, not the least of which because smugglers have tried to use these passages before.

We need to work in a bipartisan fashion to end illegal immigration. And we have to focus our attention on those who wish to do America harm, whether they are drug smugglers, human smugglers or terrorists.

President Bush made it very clear last week in the State of the Union address that we need to have a serious civil and conclusive debate on illegal immigration. I agree, and I look forward to doing just that, working with the administration and my colleagues on both sides of the aisle to do just that.

My district in southern Arizona continues to bear the brunt of the crisis, whether it is in our schools, our law enforcement, our first responders or in our hospitals. It is time to do what is necessary to secure the border now.

□ 1015

SOCIAL SECURITY TOTALIZATION AGREEMENT WITH MEXICO

(Mr. GOODE asked and was given permission to address the House for 1 minute.)

Mr. GOODE. Mr. Speaker, on June 29, 2004, the United States Social Security Commissioner and the Director General of the Mexican Social Security Institute entered into a Social Security totalization agreement between Mexico and the United States.

The U.S. has totalization agreements with 20 other countries. However, all of these, except Canada, are with countries a substantial distance away. As a result, they involve relatively few workers and have little or no impact on illegal immigration. Unfortunately, the Mexican totalization agreement will be a huge incentive for increased illegal immigration.

Under this agreement, if there is amnesty and a glide path to citizenship, illegal aliens will be able to qualify their work in the United States for Social Security funds. This would result in a huge increase in Social Security costs for the United States at a time when we are wrestling with reforming that system.

We need to stop the totalization agreement and preserve Social Security.

WISHING HAPPY BIRTHDAY TO MARION STOUT ON HER 111TH BIRTHDAY

(Mr. DUNCAN asked and was given permission to address the House for 1 minute.)

Mr. DUNCAN. Mr. Speaker, I want to wish a happy birthday today to my constituent, Marion Stout. She is 111 today and is now the oldest person in Tennessee.

She never misses a church service at Second Presbyterian Church in Knoxville. She walks two or three times a week with her caregiver, who says she walks until she gets tired, but she never gets tired. For her walks, she always wears a pretty dress, heels and rouge to highlight her blue eyes.

No matter what small thing someone does for her, she always says thank you. She says, I eat right, take care of myself and stay positive.

She bought some GE stock when she was 102 because she wanted a good, long-term investment.

I know the entire House wants to join me in wishing Marion Stout a happy 111th birthday today.

PROVIDING FOR CONSIDERATION OF H.J. RES. 20, FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 2007

Ms. SLAUGHTER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 116 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 116

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the joint resolution (H.J. Res. 20) making further continuing appropriations for the fiscal year 2007, and for other purposes. All points of order against the joint resolution and against its consideration are waived except those arising under clause 9 or 10 of rule XXI. The joint resolution shall be considered as read. The previous question shall be considered as ordered on the joint resolution to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations; and (2) one motion to recommit.

The SPEAKER pro tempore. The gentlewoman from New York (Ms. SLAUGHTER) is recognized for 1 hour.

Ms. SLAUGHTER. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Washington (Mr. HASTINGS), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, H. Res. 116 provides for consideration of H.J. Res. 20, the continuing resolution for fiscal year 2007. It may seem strange that we are doing that at this late date.

The rule provides 1 hour of debate equally divided and controlled by the chairman and ranking minority member on the Committee on Appropriations. The rule also provides one motion to recommit.

Mr. Speaker, every Congress has a constitutional responsibility to be good stewards of the money given to it by the American people, but the last Congress failed to live up to this duty. Of the 11 appropriations bills it was supposed to pass in 2006, only two were completed. The others were abandoned, left for the incoming Democratic Congress to deal with.

My fellow Democrats and I could have approached this responsibility in the way it was approached last year, but we promised to run the House differently, to run it responsibly, and that is exactly what we intend to do.

We had a mess to clean up, Mr. Speaker. The budget failures of the past Republican Congress have vastly increased our national debt, but they did more than that. They left agencies, States and localities in limbo for months concerning their future funding. What is more, we have seen an explosion in earmarks over the last 12 years in Washington, earmarks that had greased the wheels of an out-of-control congressional machinery.

The number of earmarks approved by the House had, according to estimates by even the most conservative of groups, doubled and tripled in recent Congresses, and for every shameful, unjustifiable bridge to nowhere that was exposed and shouted down by the public, many more questionable earmarks slipped through undetected, a few lines here or there in a large bill, misspending the people's money and taking advantage of their trust.

The Democrats have pledged to fundamentally reform the way earmarks are passed into law by this body, to bring transparency to a process that until recently had been deliberately shrouded in darkness.

The Rules reform package that we enacted on the first day of this Congress will shed new and much-needed light on the earmarking process. It will require the full disclosure of all earmarks proposed by Members of the House. If a project is worth funding, then the Representative requesting it should have no qualms with standing up publicly on its behalf.

But the earmarks in the budget bills left undone by Republicans last Congress did not have any such standards applied to them, and so Democrats have decided to rid this CR of all earmarks. It was a difficult decision and one which we all had to justify to our constituents back home. But in the end, it was a necessary step to bring forth a new day in the people's House.

Mr. Speaker, this bill is not perfect, and cleaning up the mess we inherited required difficult choices between bad alternatives.

But I am very pleased that despite it all the legislation does contain increases in funding for critical programs affecting the lives of millions of people at home and around the world.

Spending on veterans health care is increased by $3.6 billion above the 2006 spending level. Spending on Pell Grants for the first time in 5 years is increased by $615.4 million. The NIH is going to receive an additional $619.6 million.

Other increases are going to support public housing, crime and law enforcement, and domestic transportation needs.

The bill even has a global focus, granting an additional $1.3 million to expand the efforts to combat HIV/AIDS and tuberculosis internationally.

Mr. Speaker, the minority, I predict, will claim that the closed rule under which we are debating this bill is a violation of the spirit of the House and a rejection of the promises Democrats made last year to open up the legislative process.

Let me be very clear, extremely clear about the past record of the House. Since 1997, the House has voted on 75 continuing resolutions, and all of them, 100 percent, were considered under a closed rule process with no amendments allowed. What is more, a third of those continuing resolutions contained substantive policy changes.

In addition to that extensive precedent, the House has already fully debated and considered eight of the appropriations measures contained here. To do so again would take us all year, and we do not have that luxury, not with the many challenges that confront our Nation at this moment in history.

Under the circumstances left for us by the former majority, we have done the best we could. We have produced a bill that will keep the government functioning and a bill that, despite its flaws, is a breath of fresh air compared with how appropriations legislation used to be handled in this Congress.

Mr. Speaker, the American people are ready for a new direction. They have proved that in this country, and that is why they put a new kind of Congress in power. This Congress is going to be defined not just by the way it does business, but by the kind of business it conducts.

This Congress is not going to pass the buck, leaving unfinished business for others to handle and leaving problems for others to fix. Democrats are making the tough choices the American people expect us to make and that they elected us to make.

At the end of the day, that is what real leadership is all about.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I thank the gentlewoman and the chairwoman of the Rules Committee for yielding me the customary 30 minutes, and I yield myself as much time as may I consume.

Mr. Speaker, yesterday the Rules Committee held a 3-hour hearing and took testimony from the appropriations chairman Mr. OBEY and Members that brought forth amendments to the committee in hopes of having them debated and considered on the floor here today.

Many good ideas were presented to the committee. These ideas ranged from considering a true, clean continuing resolution to restoring the lapse Federal Government safety net for 4,400 schools and 780 counties in rural America, from helping farmers with natural disaster relief, to increasing funding for local housing authorities, to taking unspent money from a rain forest education project in Iowa and, instead, spending those moneys to help millions, to help our veterans.

But unfortunately, after listening to the thoughtful testimony from Members on their ideas for improving the bill, the Rules Committee rejected every single one of them and approved this closed rule by an 8–4 vote.

So this House will spend just 1 hour, Mr. Speaker, considering this bill with no amendments even allowed to be debated and no substitute bill allowed to be offered by the minority.

So why the rush and the closed process? We are not asking for much. Give us a few minutes to sort out confusing parts of this resolution that have not passed the House previously, but have magically appeared in this resolution, like a rewriting of the formula for the distribution of section 8 housing funds. This new formula will affect hundreds of communities all across the Nation.

In my district in Washington State, multiple communities are slated to have their grants cut dramatically. In one city, city of Kennewick, the housing authority alone there will have their grant cut by $1 million. That is roughly one-third of their total budget. This rewritten formula was not approved by the House in previous spending bills for this year and clearly needs more input and discussion before becoming law. Unfortunately, we are denied the opportunity to discuss that.

One major issue that is neglected on this bill is a continuing safety net for our schools and counties in rural areas that have large amounts of Federal land and, therefore, have a very limited tax base. Recognizing the importance of this safety net, Mr. WALDEN of Oregon came to the Rules Committee and offered a bipartisan amendment with Mr. DEFAZIO of Oregon that would have provided a 1-year extension of funding so that these schools could keep their libraries open, keep the teachers at least through the end of the school year, and help counties with necessary road repairs. Let me be clear. Last year, over 4,400 schools received $400 million, and with this bill, they will receive exactly zero.

After convincing testimony by Mr. WALDEN, three Democrat members of the Rules Committee agreed to join me and Chairwoman SLAUGHTER as cosponsors of H.R. 17 which would fix the problem for an additional 7 years. Less than an hour later, however, the Rules Committee voted against even considering a bipartisan amendment that would provide 1 hour of relief for this problem, saying that it is not the right vehicle.

Mr. Speaker, please try to explain to school children when their libraries close because of insufficient funding that the Congress wanted to act but chose not to because they did not feel this was the right vehicle.

Meanwhile, Mr. Speaker, hundreds of unauthorized programs continue to be funded in this underlying resolution. We do not have a complete list of the unauthorized programs because the underlying measure is not a general appropriations bill and did not go through regular order. Therefore, there is no report which is required to list all unauthorized programs that are funded.

Mr. Speaker, I heard my colleagues on the other side of the aisle speak at length about the open process they would have when they were in charge. I want to believe them, I truly do. I have had discussions with my colleagues up in the Rules Committee every time we have met this year, but unfortunately, the actions simply do not match the promises that were made.

□ 1030

At the beginning of the 110th Congress, I heard my colleagues on the majority side say that after we wrap up our first 100 hours agenda, we will have an open process. It has now been nearly 4 weeks. The 100 hours are long past, and yet the House is yet to consider a bill under an open rule. Most have been closed out without any amendments.

I have to ask when, when will this House have the opportunity to debate and consider the bills? When will the minority be permitted to truly participate in this process? Because I can think of no better time than right now when we are considering the funding for our Nation's priorities and funding for almost the entire Federal Government.

Let us have a real debate on the $463 billion in this omnibus. I urge my colleagues to vote against this rule.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield myself 30 seconds.

Just as a response to my colleague from Washington to remind him that, just a month ago, the minority was the majority. If he thinks the things he points out today were serious problems, he should have fixed them then.

Mr. Speaker, I yield 5 minutes to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. I thank the gentlewoman for the time.

Mr. Speaker, let me simply make a few observations about the gentleman's comments. With respect to the forest funded school program that he is talking about, it needs to be understood that is not within the jurisdiction of our committee. The problem with that program is that the authorizing committee has allowed that program to expire, and it is a mandatory program. Any time the Appropriations Committee tries to involve itself in mandatory programs we get skinned by people on both sides of the aisle, and we are told to mind our own business. We have.

I am very sympathetic about the gentleman's problem, but this is not an appropriated program. The Appropriations Committee deals with discretionary spending, not mandatory spending.

Mr. HASTINGS of Washington. Would the gentleman yield?

Mr. OBEY. Surely.

Mr. HASTINGS of Washington. I appreciate the gentleman for yielding.

Mr. Speaker, I appreciate the conversation we had earlier that this is not in your jurisdiction, but we were given waivers in this bill for legislation that is also not under your jurisdiction, and the rewrite, if I am not mistaken, of the formula that I mentioned on formula 8.

Mr. OBEY. But the fact is we have not reauthorized expired programs. That is the difference. We do not have the authority to reauthorize a mandatory program. If we did, we would have to find another $320 million, and I would like to know where that offset is going to come from.

Mr. HASTINGS of Washington. Would the gentleman yield?

Mr. OBEY. The gentleman is right to want this program to continue, but he is wrong if he thinks that the Appropriations Committee is the proper venue for it.

Mr. HASTINGS of Washington. Would the gentleman yield?

Mr. OBEY. I would prefer not to. I only have 5 minutes. The gentleman as the bill manager has more time than I do.

The SPEAKER pro tempore. The gentleman from Wisconsin has the time.

Mr. OBEY. Mr. Speaker, I yield for 30 seconds.

Mr. HASTINGS of Washington. I appreciate the gentleman for yielding.

Mr. Speaker, the amendment that was offered by our colleague from Oregon, while, yes, it refers to as a mandatory program was simply a 1-year program so that this problem could be fixed.

Mr. OBEY. I understand that. We had nine other requests to do the same thing. If we had done so, Members on your side of the aisle would have come and attacked us and scalped us for doing things that we had no business doing. So he can't have it both ways, which is what many Members in the minority are trying to do today.

I would be happy to join with the gentleman in urging the authorizing committee to fix the problem, but it is not within our purview to do.

With that, I take back the balance of my time.

Mr. Speaker, I don't want to prolong the comments on the rule. Let me simply say that the majority had 8 months to deal with the most basic responsibility of a legislative body, which is to pass the Federal budget. They were in the majority. They now are not. Now they are in the minority.

We are trying to clean up their spilt milk, and they can squawk all they want about how we did it. The fact is, there are no new issues here. Virtually every single issue that will be debated today was already debated when we passed the appropriation bills. These are the bills that the House passed last summer in the previous session of the Congress. We had hundreds of amendments to these bills.

Now because the Republicans in the House couldn't convince the Republicans in the Senate to vote for these bills, we have before us what is, in essence, a pre-conferenced conference report, and we have boiled down this almost 1,000 pages. This is what it would look like if we had an omnibus appropriation bill. We would have had 1,000 pages of legislative material. We have boiled it down to about 150 pages.

We have basically decided to stick with the fiscal year 2006 basic funding level for most programs. We try to then adjust programs for agencies so that they don't have to lay off workers, so that they don't have to have furloughs, such as the Social Security Department and the FBI, who both told us that they desperately needed these adjustments or they would have to shut down their operations or lay off people.

We then decided that there are some priorities on both sides of the aisle, and we used almost $10 billion, which we had cut from other portions of the bill, to finance those items.

You may not like the choices we have made, but, in contrast to the last Congress which ducked its responsibility to make these choices, at least we have made the choices. At least we have made them, and we are going to vote on this today. We are going to send it to the Senate so that when the President submits his new budget on February 5, he has a clean slate and so do we, and that is the way it ought to be.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 2 minutes to the distinguished ranking member of the Rules Committee, Mr. DREIER from California.

Mr. DREIER. Mr. Speaker, I rise in strong opposition to this rule. We keep hearing that every time this has come before us it has been considered under a closed rule. A closed rule is the norm for this. The fact of the matter is, in 1987 is the last time that we considered a year-long CR that would have allowed for consideration of the entire budget.

Guess what? It was under a Democratic Congress, and at that time they made eight amendments in order. Since that time, we considered short-term continuing resolutions, and they have been done under unanimous consent, they have been done under suspension of the rules. But it is a complete mischaracterization to say every time we consider something like this it has been done under a closed rule.

Mr. Speaker, at some point, at some point, and I don't know when that will be, the Democratic leadership is going to run out of excuses as to why they deny both Democrats and Republicans, Democrats and Republicans, the opportunity to participate in the process.

First, it was, we promised to get the Six for '06 done in 100 hours. We considered a lot of this stuff in the last Congress. Then it was, well, this is the same rule that was considered back in the 103rd Congress. Now it is, well, this is your mess, Republicans, and we have to clean it up.

The fact of the matter is, the argument that our friends on the other side of the aisle have continued to make over and over and over again is shutting out more than half of the American people. As I say, it is shutting out the opportunity for both Democrats and Republicans to participate in the process.

We offered 21 amendments, very thoughtful amendments, that would have taken $44.5 million, $44.5 million, that is utilized right now for rain forest education in Iowa and transfer that spending to help provide desperately needed assistance to the war wounded. These are the kinds of priorities that we have set forward, Mr. Speaker. Tragically, this process has denied us to help the war wounded over those who want to focus attention on rain forest education in Iowa.

Oppose this rule and oppose this measure.

Ms. SLAUGHTER. Mr. Speaker, I want to yield 1 minute to Mr. OBEY from Wisconsin for whatever he wants to do with it.

Mr. OBEY. Mr. Speaker, we have just heard unmitigated nonsense from the gentleman. The gentleman is somehow claiming that we are funding that silly rain forest that your party agreed to 2 years ago in Iowa. The fact is that Senator BYRD and I made clear we would provide no earmarks in the 2006 bill.

Mr. DREIER. Would the gentleman yield?

Mr. OBEY. I am not going to yield, so let me finish my thought. The gentleman does it all the time, and it is highly rude.

Mr. DREIER. I always yield.

Mr. OBEY. I would simply point out that we had no requirement to retroactively go back 2 years earlier and repeal silly things that your side of the aisle did 2 years ago. There is not a dollar in this bill for that rain forest. You know it as well as I do. Quit trying to pretend otherwise.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 4¼ minutes to the gentleman from Oregon.

Mr. WALDEN of Oregon. Mr. Speaker, I want to thank my colleague from Washington State for yielding time.

Mr. Speaker, I am here today to talk about the Secure Rural Schools and Community Self-Determination Act, H.R. 17, of which the chairman of the Rules Committee is a cosponsor.

I went before the Rules Committee yesterday with an amendment cosponsored by my colleague from Oregon (Mr. DEFAZIO) to reauthorize, or to appropriate, I should say, not reauthorize, for 1 year, just 1 year, funds for our schools and roads in our communities, $400 million.

To meet the PAYGO test, we provided a mechanism. It is not the most elegant mechanism out there, but it was an across-the-board reduction in all spending by .00086 percent, or 1 penny out of $11.59 spent in this bill.

Today, across America, in more than 4,400 school districts in 600 counties, layoff notices are going out for teachers, for sheriffs' deputies, for search-and-rescue patrols, for essential services in our counties. Libraries in Jackson County, Oregon, will close in April, all 15 of them, because the last Congress and now this Congress has failed to take action, failed.

The distinguished gentleman who chairs the Appropriations Committee says, this is mandatory spending; we can't touch it in our bill. You can't authorize in this bill, oh, unless you got a waiver from the Rules Committee, because you cannot stand here and tell me there aren't programs being funded in this bill that have fully been authorized. I don't believe it is the case. This is one such program, and you made the choice not to do it here.

Now, many of you have indicated that you will work with us to fund this somewhere else, and I am deeply appreciative of that. The chairwoman of the Rules Committee, a cosponsor of this reauthorization legislation, made that commitment yesterday, I believe, to work with us on some other vehicle.

But I just have to tell you how dramatic this is in my district and in districts across this country where school board administrators are having to tell their teachers, next year I can't guarantee you will have a contract, and I have to be able to do that by March 1. They are putting out the layoff notices. They are looking at shutting down vital services. All because this Federal Government made a decision at some point to stop harvesting timber on Federal forest land in a significant measure, an 80 to 85 percent reduction, that this Congress, through its actions in the past and lawsuits and everything else, brought to a dramatic halt, active management of our Federal force.

Last year in America, 9 million acres burned, and this Congress had to appropriate $1.5 billion to put out forest fires and grassland fires, the most in the history of our country, following another year that was the most.

We will not change the policy so we get commonsense management of our forests. Now, for the first time in nearly 100 years you break the commitment that the Federal Government has had since Teddy Roosevelt was President and created the great forest reserves, to be a good neighbor to the counties where up to 70 or 80 percent of the Federal lands in their counties are owned and managed or mismanaged, in some of our opinions, by the Federal Government.

School kids in my district out in Grant County boarding this bus are going to be traveling on roads where the road department is basically being eliminated.

I want to share with you a letter from a fifth grader in Ashland, Oregon. A fifth grader in Ashland, Oregon, gets it and understands that this Congress ought to be able to understand it and get it. She wrote to me after going to a Martin Luther King event and decided she ought to get involved in public service. Her mother is a school teacher; her father is a professor.

"I live in Ashland and go to Bellview School. I am in fifth grade. I use our library a lot. We always borrow books on tape for car trips. My New Year's resolution is to read all the 'Hank the Cowdog' books, and the library has them all. I need the library to stay open so I can finish my resolution. I also use a lot of books there for school reports.

"Please help to keep our library system open!

"Sincerely, Alice."

I appreciate your willingness to work with us in the future. I wish we could have had the amendment made in order in this resolution so that Alice could get her school books and the layoff notices wouldn't go out.

The Secure Rural Schools and Community Self-Determination Act (H.R. 17 a.k.a. County Payments), in both this Congress and the last, has been a strongly bipartisan issue.

The DeFazio-Walden legislation to reauthorize and fund the County Payments program for seven years enjoys the support of 98 Members of their House.

I would like to thank the members of the Rules Committee who heard me out yesterday on a DeFazio-Walden amendment which would have restored funding for this vital program. I would like to thank Congressmen MCGOVERN, ALCEE HASTINGS (FL) and CARDOZA, who following my remarks in Committee, joined Chairwoman SLAUGHTER and Congressman DOC HASTINGS (WA) as cosponsors of H.R. 17.

As I have said in eight of 18 one-minute Floor speeches, the failure of Congress to reauthorize the County Payments program is a breach of faith to more than 600 forested counties and 4,400 school districts across America.

The DeFazio-Walden amendment offered in the Rules Committee yesterday would have provided the vital $400 million to fund this program for one year as we work to fully reauthorize and fund the program. The amendment would have met the PAYGO rule by providing a .00086 percent across-the-board reduction in the [$463 billion] CR we are considering today. This fraction of a percent reduction amounts to one penny out of every $11.59 which will be appropriated in this CR.

One penny is all that rural counties and school districts across this country need.

Without this penny, what will happen to rural America's forested counties and school districts? Severe cuts in funding for jail beds, sheriff's patrols, and criminal prosecutions, and the pursuit of meth cooks. Rural school districts will forego overdue repairs, not buy textbooks, or face significant challenges busing kids to school.

Libraries will close in places like Jackson County, Oregon. In fact, during the Rules Committee discussion yesterday, Chairwoman SLAUGHTER commented that "even during the Depression we didn't close libraries." I would like to draw your attention to a letter I received from Alice, a fifth-grader from Ashland, Oregon who utilizes one of the 15 Jackson County libraries scheduled to close in April if this vital funding is not restored.

There are further impacts. Surely you remember the searches for the Kim Family in southern Oregon and the mountain climbers on Mt. Hood? Both Jackson and Hood River Counties used equipment and personnel paid for in part by the County Payments program in those searches. The Klamath County, Oregon sheriff's force of 35 officers will be cut by one-third. They patrol an area 100 times the size of the District of Columbia.

These vital county services and rural school programs were once funded by timber receipts. The virtual elimination of timber harvest in our Federal forests prompted Congress to provide payments to develop forest health improvement projects on public lands and simultaneously stimulate job development and community economic stability.

Consider that Oregon's Second District, which I represent, is 60 percent public land; 78 percent of Harney County is public land; 79 percent of Deschutes County is public land; 72 percent of Hood River County is public land.

While these forest and range lands are America's treasures, these vast tracts of land do not provide a tax base for communities, greatly reducing the amount of revenue that can be generated for services like schools, libraries, and law enforcement.

I appreciate the kind words from the Rules Committee members and their commitment to work with Congressman DEFAZIO and myself to find the appropriate legislative vehicle to deal with this rural Federal funding crisis.

We must not wait any longer—pink slips are being sent to county employees, rural school programs are being cut, and Alice, the fifth-grader from Ashland, Oregon is losing her library—time is running out.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 6 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

□ 1045

Mr. BLUMENAUER. Mr. Speaker, I appreciate the gentlewoman's courtesy in permitting me to speak on this.

I understand my colleague from Oregon being frustrated. This is an issue we have discussed over the last year, and I imagine his frustration has doubled because the committee that he was a member of in the last Congress, the bill did not find its way into law because of what happened in the prior Congress. I understand his going with my colleague, Mr. DEFAZIO, to the Rules Committee and flagging the issue because while it is not quite as critical in my direct district, it affects them and it affects my State. And not just Oregon, but there are people in rural America across the United States for whom this is serious.

I am sorry that the last Congress failed in its responsibility. I worked with him then. I will work with him now.

I respectfully disagree slightly in terms of the tactic, in terms of venting frustration at the Rules Committee or the Appropriations Committee. I take the Chair of the Appropriations Committee at his word that he is concerned. He will work with us. The Chair of the Rules Committee, Ms. SLAUGHTER, is a cosponsor with us. And I look forward, as we move forward with this year's budget, to doing the best we can.

Mr. DICKS. Mr. Speaker, will the gentleman yield?

Mr. BLUMENAUER. I would be happy to yield to the gentleman from Washington.

Mr. DICKS. I think it is the Ways and Means Committee. Is it Agriculture or Ways and Means?

Mr. BLUMENAUER. It is Natural Resources, isn't it?

Mr. WALDEN of Oregon. Mr. Speaker, if the gentleman will yield, I think I can clarify it, although I am on the minority side.

Mr. BLUMENAUER. I yield to the gentleman from Oregon.

Mr. WALDEN of Oregon. Mr. Speaker, the bill, I think, has been referred to both the Natural Resources Committee and the Agriculture Committee. In the last Congress, my subcommittee and the full Resources Committee passed the bill out to the Agriculture Committee, where no further action was taken, nor was there any action taken by the United States Senate, which was no great surprise.

Mr. BLUMENAUER. Thank you.

Mr. DICKS. And if the gentleman will continue to yield, then, of course, under PAYGO, we have to find an offset; isn't that correct?

Mr. BLUMENAUER. Right.

Mr. DICKS. Mr. Speaker, I certainly want to tell the gentleman I want to work with him as well because this is a major concern in our whole area out there in the Northwest, and I appreciate his leadership on this issue.

Mr. BLUMENAUER. Mr. Speaker, reclaiming my time, I want to divide the issues here. I appreciate my friend and colleague clarifying that it was both committees, neither of which I am a member of, but I am working with him, Mr. DEFAZIO, Mr. DICKS and others in the Northwest to try to resolve this. We are frustrated that the process broke down, but I want us to get started on the right foot.

Mr. DICKS. Mr. Speaker, if the gentleman will yield again just briefly.

Mr. BLUMENAUER. Yes.

Mr. DICKS. Mr. Speaker, when we first had the forest plan, the major reduction in timber harvesting, we worked on a bipartisan basis to get an offset. I think it was like $250 million, something like that, and a phase out over a number of years. But I realize some of the schools, especially in Oregon, get a very substantial amount of money for this program, and I hope we can find an offset.

Mr. BLUMENAUER. Mr. Speaker, reclaiming my time, I appreciate Mr. DICKS' willingness to come forward, his interaction with my colleague even now, Mr. WALDEN.

This is important business. It failed last Congress. It is not going to be achieved this Congress unless we are able to do it in a bipartisan fashion, unless we are able to look seriously at dealing with the funding. Wedging it in here, with all due respect, is ill-advised. Having an across-the-board cut for everybody on something where I know Mr. OBEY has been working very hard to clear the decks so we can get busy on this year's budget and that we can start looking at the overall fiscal situation.

I will continue my efforts to work with the gentleman, but I don't think we ought to confuse it today with the matter before us. I think it is appropriate to use as a vehicle to raise the issue. I think it was a point well made before the Rules Committee. I appreciate his coming to the floor here today to talk about unmet needs. There may be others that could talk about unmet needs. The issue before us is moving forward.

For me, I hope this is the last time this CR action happens. I appreciate the Appropriations Committee being willing to make some very tough decisions. This is not something that would have been ideal. I am sure Mr. DICKS, as a senior member of that committee, there are things that he would have done differently. I am sure Mr. OBEY didn't want to be in this situation. But the fact is we are picking up from the abject failure of the Republican leadership last Congress, a breakdown in the process, a failure to pass the legislation, and now we must move forward.

I support this rule. I don't think we have to go back 20 years to find one exception. The fact is we have a plan to move forward. I appreciate the work that has been done. We don't have to bring up extraneous issues. I, too, like Mr. OBEY, choked hearing about the reference to the rain forest, which wasn't something that is dealt with in this bill. You could go back over time and start undoing the work that Mr. DREIER or others disagree with when they were in the majority. I hope they come to the Appropriations Committee with proposals to rescind things that they did, but do it in the course of regular order in terms of the authorizing committee or coming forward with their own amendments in the course of what is going to happen this year.

To somehow pick on this rule, pick on this CR, trying to deal with the mess that the Appropriations Committee inherited, I think is out of line, uncalled for, and, frankly, hypocritical.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Mississippi (Mr. WICKER), a member of the Appropriations Committee.

Mr. WICKER. Mr. Speaker, I am glad to hear that my friend from Oregon supports regular order. That is not what we are seeing today.

But the pundits say there is no point in talking about the legislative process in this debate today. They say people don't care about the rights of the legislative minority. I am not so sure about that. When people outside the Beltway hear that the funding bill for the rest of the year was basically drawn up by two people—one Senate chairman and one House chairman, in a closed room with no input from anyone else—they might conclude that doesn't sound quite right. And then when they hear this bill cuts military construction by $730 million below last year's level and falls over $3 billion short of the redeployment needs of our servicemen and their families, then most people might feel a little more debate and a few more people in the room could have resulted in a solution that fully funded these essential programs. That is the way the legislative process works. Someone drafts up a proposal. Then it is debated and amended, and in the end, a consensus is possible.

But this is the first time in recent memory where the leadership simply puts two people in a room and lets them write an entirely new bill, moving the numbers around to suit their own preferences. And then the House is told "just take it or leave it." No amendments. No give and take. No one else allowed to submit a better idea. And only 30 minutes of debate for the minority side.

Maybe that is why this bill does not meet the critical needs of our soldiers, such as basic housing allowance and research for Gulf War veterans and amputees.

So, Mr. Speaker, process may be considered inside baseball and a nonissue to some. But to me, democracy calls for a fair process, even in a continuing resolution; and, more often than not, it results in a better bill for the average citizen.

Ms. SLAUGHTER. Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from New York (Mr. WALSH), a member of the Appropriations Committee.

Mr. WALSH of New York. Mr. Speaker, I thank the gentleman for yielding.

I would like to begin by acknowledging the work of Chairman OBEY and his staff in consulting with us on the Labor-HHS chapter of this bill. I know the gentleman from Wisconsin, chairman of the Appropriations Committee, has been put in a difficult position. A position we in the House lamented all last year when the other body neglected to schedule time for our bills.

But I would remind everyone that under Chairman LEWIS' leadership, we completed work on every bill but one by July 4 of last year.

This process insist my view is beyond the pale. First of all, this is a continuing resolution in name only. For all practical purposes, it is an omnibus bill. To my knowledge, not one Member of the House other than the bill's sponsor saw this product in its entirety until Monday night. Let us be clear. This is not an inconsequential bill. It provides roughly half the money needed to run the government for an entire year, and we are going to whisk it off the House floor in a grand total of 2 hours. The Appropriations Committee has not met to discuss the contents of the bill, let alone to offer amendments that could improve it. And Members of the House have had only slightly more than one day to decode the unorthodox language contained in this 137-page document. Furthermore, the bill before us is not amendable by the body as a whole. I cannot recall the entire time I have been a Member of the House a single appropriations bill that has not been open to amendment at some level.

The American people who watch this debate will see us spend $463.5 billion of their money with a grand total of 2 hours of discussion, 1 hour on the rule, 1 hour of general debate. If you do the math, that is $3.8 billion per minute of public debate. Frankly, that is a travesty, and the American people deserve better.

Ms. SLAUGHTER. Mr. Speaker, I yield 2½ minutes to the gentlewoman from Ohio (Ms. KAPTUR).

Ms. KAPTUR. Mr. Speaker, I rise in support of the Continuing Resolution for Fiscal 2007 and I join in complimenting our distinguished chairman, Mr. OBEY, for accomplishing in a few weeks, with the distinguished Senate Appropriations Chairman, ROBERT BYRD, what their predecessors were both unwilling and unable to do.

A mess was inherited from the prior Congress, and this bill cleans those up and corrects them in a very responsible fashion.

If any of our colleagues on the other side want to criticize this package, I ask why didn't they fix it when they had a chance? I also ask why did they create this irresponsible problem by delaying passage of these necessary measures in the first place? It should have been done by the end of September of last year. Despite the constitutional expectations to pass all appropriation bills by September 30 in time for the new fiscal year, the last time all appropriation bills passed on time was 1994, when the Democrats were in charge, and thank goodness we are again.

The action today roughly provides cuts in over 60 programs and rescinds unobligated balances in order to transfer $10 billion in savings that are used to address critical investments such as our veterans' health care and health accounts of the Department of Defense to care for our returning wounded veterans. It will keep our Social Security offices open rather than shutting them down. Community policing is increased by $70 million. And it provides important help for students, Pell grants, about $260 more per year for each of them. It covers additional children with disabilities. It provides $103.7 million for Head Start. It provides funding to expand some of our community health centers to take care of people who don't have any health insurance. It keeps our Public Housing authorities utility costs at least paid for the moment. It provides $125 million for 38,000 additional students below grade level. And we provide an additional $197.1 million for the Clean Water State Revolving Loan Fund. Federal Highway funds are provided at levels guaranteed in SAFETEA and Amtrak funding is maintained at 2006 levels. We know that is still $266 million below 2004 levels. We just don't have the funds to do everything we want to do. But at least we want to move forward.

Our Nation has many needs, Mr. Speaker, and we need to understand and meet those responsibilities for our troops in Iraq and Afghanistan. But surely we have responsibilities here at home, and we have a responsibility to meet the need for a defensible budget policy that imposes tough decisions in tough time.

I want to congratulate Mr. OBEY as our new chairman of the Appropriations Committee, somebody who is not only well suited to this position, but probably the finest chairman of Appropriations I have ever had the opportunity to serve with.

Thank you for doing what you had to do for the Nation. Congratulations.

Please, I ask all my colleagues to vote for this continuing resolution on behalf of all the citizens of our country.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 2 minutes to my colleague on the Rules Committee, Mr. SESSIONS of Texas.

□ 1100

Mr. SESSIONS. I thank the gentleman from the State of Washington.

Mr. Speaker, I rise today in opposition to this closed rule and to the underlying 137-page, as they call it, omnibus appropriations measure that is being rushed to the floor of the House of Representatives today without committee oversight, regular order, or input from the vast majority of Members of this body.

Last night in the Rules Committee, I offered an amendment that would have eliminated $44.5 million in unspent funds from an earmark that dates back to the 2004 omnibus appropriations measure that would have created an indoor rain forest in Coralville, Iowa. Because the project failed to meet its non-Federal matching funds matching requirement, this money remains unspent. It is sitting waiting for it to be spent.

Last night, I offered an amendment that could be used for better purposes. It could be used to make sure that we move the money to the veterans health care program, and that is exactly what my amendment said. Despite their claim of support for veterans health care and their stated opposition to earmarks, Democrats rejected my commonsense proposal on a party line vote of 9–4.

They also rejected along the same party line margin an amendment offered by my colleague from California (Mr. CAMPBELL) which would have replaced the Democrats' omnibus spending bill with a clean continuing resolution that would have saved taxpayers around $7 billion.

Mr. Speaker, we are on the floor today because we believe that the process that should have included more time and more opportunity for feedback but at least the ability in the Rules Committee to do the right thing was rejected by the Democrats who stand up and say that they are for an open and fair process.

Mr. Speaker, I am going to vote against this bill.

Ms. SLAUGHTER. Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I yield 2 minutes to my former colleague on the Rules Committee, Mr. GINGREY from Georgia.

Mr. GINGREY. Mr. Speaker, I rise today to oppose this rule and the underlying resolution. No amendments allowed, no committee hearings, no committee votes taken, all we have is simply a closed rule, a closed process, a bunch of broken promises.

So here we go again, Mr. Speaker. Once more, Members of the House find themselves with really no good choices, forced to accept the "our way or the highway" mentality of the new majority, despite their promises to do otherwise.

As if the majority's broken promises for civility and openness in the people's House wasn't disconcerting enough, this continuing resolution is one giant broken promise.

For instance, the Democrats promise no earmarks in this continuing resolution. They even include "window-dressing" language to that effect for the purpose of their talking points and sound bites. Yet, on closer inspection, one realizes that, while this resolution does eliminate earmarks for organizations such as the Boys and Girls Clubs of America, various law enforcement programs, schools and hospitals, it somehow still provides funding for several notorious million-dollar earmarks such as the Bridge to Nowhere.

Mr. Speaker, the Democratic rationale for picking at which earmarks stay and which earmarks go strikes me as bizarre and hypocritical, to say the least.

Even more troubling, this continuing resolution shortchanges our military, their families and our communities transitioning under the BRAC process by almost $3.1 billion, not to mention an additional billion dollar shortfall for military construction. Clearly, the majority has a "tough love" philosophy when it comes to our military, their families and the war on terrorism.

Mr. Speaker, we could have even fixed some of these problems right here, right now if Members had been allowed to offer amendments. But I guess that is not the way it works in this moveon.org Congress.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from Washington (Mr. DICKS).

Mr. DICKS. Mr. Speaker, I want to also commend the chairman of the committee, Mr. OBEY, for the work that he has done on this bill. I had some reservations, I must say, when we started down this road. But I now realize that Chairman OBEY and our counterpart chairman in the Senate had a good plan to put this thing together.

I regret that last year we did not pass 9 of the 11 appropriations bills. Thank goodness, we passed Defense and Homeland Security. And I do think it is important to point out, and I am sure Mr. OBEY did this, that we passed most of the bills except for HHS in the House.

So I do not blame our colleagues here for what happened. It was the other body that refused to bring the bills up in a timely way.

Now, we have, you know, we had a difficult hand that we were dealt. There is some very good programs like rural water development and some very important school money that we could not include because they were earmarks.

But I do think it is important for everyone to recognize that, for Indian Health Services, we were able to increase that by $125 million. If we had not done that, hundreds of thousands of members of the tribes would not have been able to get health care.

We were able to take care of the LANDSAT for the U.S. Geological Survey, plus $16 million; U.S. Forest firefighting costs, plus $70; EPA Homeland Security hazard, plus $9.5; and operational shortfalls.

One of the biggest problems we have with our land management agencies is that they do not have enough money in the President's budget to cover fixed costs, and 80 to 90 percent of their costs are employees. So when that happens they have been, over the last 7 years, forced to cut employment, not fill vacancies. This has affected the Park Service. This has also affected the Bureau of Land Management, the Forest Service, the Fish and Wildlife Service. They are all hurting. They do not have enough resources. So we have some very major issues that we have to deal with.

Conservation has been hit by this administration. From 2001 to 2006, the Interior budget has been reduced by 1.2 percent in real terms. EPA has been cut by 6.6 percent. We put these two agencies together in this bill.

So this is a question of priority; and what I am hopeful of, with the new majority and with a new budget and with a new allocation, we will be able to stop the bleeding in these conservation agencies. No one has been a bigger supporter of these agencies than the chairman of the committee who has worked with me on a series of conservation initiatives over the years, but this is a serious problem that we have to face up to.

You know, we may have to work to get new legislation enacted in order to increase the amount of money. The land and water conservation money, the amount of money that the administration proposed, has never shown up in the budget. So it is time for us to find some new solutions.

Mr. HASTINGS of Washington. Mr. Speaker, I yield 1½ minutes to the gentleman from Arizona (Mr. SHADEGG).

Mr SHADEGG. Mr. Speaker, I thank the gentleman for yielding.

I rise in opposition to this closed rule and to the bill that comes to the floor under that closed rule. I think it is important to understand that this 137 page bill comes to the floor as a critically important piece of legislation, a piece of legislation that will control the vast amount of spending of the Federal Government for the balance of the fiscal year.

And yet the process by which it is coming to the floor is no less than stunning. The leaders on the other side said, as soon as the 100 hours are over, we will accord you procedural fairness. I have here the Boston Globe and the Washington Post in which each of them said, "As soon as that is done, on January 18," the majority leader said, "Republicans will enjoy more rights and power than they allowed Democrats in the entire 12 years the Democrats were in the minority."

Yet this bill comes to us under a stunning procedure. Indeed, this bill, these 137 pages, at the Appropriations Committee level received no hearing, no hearing whatsoever. At the markup level, no markup occurred.

What does that mean? That means no Democrat was allowed an opportunity at the committee level to offer an amendment, and no Republican was allowed an opportunity to offer an amendment to this bill.

Ladies and gentlemen, if you are represented by either a Member of the majority or a Member of the minority, you get no say in this bill.

So the bill then proceeded to the Rules Committee. Well, at the Rules Committee, the Democrats and Republicans in theory could offer amendments. Would you like to know how many amendments were made in order for the minority party? Answer: Zero. Not one. Not one.

How about the Democrats? Were they allowed to offer an amendment?

This is not a fair procedure, and this is not democracy.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Speaker, my only response to some of the comments I have heard from the other side of the aisle is, you are really something else. You are really something else. You spent all of the last year trying to pass appropriation bills. You passed all but one through the House. You could not get your Republican friends in the Senate to support any of them. So when you relinquished your duties we had no domestic budget for the coming year.

I offered on the floor to make any substantive compromises necessary when you were still in control. I offered to make any procedural concessions necessary to enable you to pass the bills on your watch. You did not do it.

Your own chairman at the time admitted that the Republican floor leader in the Senate blocked the bills from passage. So you have forfeited any right to squawk about how we cleaned up your mess.

Now I want to comment on a few claims that have been made. You say there has been no participation by the minority side.

This bill was negotiated at the staff level for 3½ weeks, 7 days a week, around the clock. Your staff was invited to every meeting. Some of them they did not come because they did not like the choices that were being made. But someone had to make the decisions, because you did not.

So the staff negotiated virtually all of those compromises. When they could not reach agreement, then they brought the Members in. You had Senator DOMENICI on the Republican side and Mr. VISCLOSKY going on and on about the Energy and Water bill, for instance. You had ROSA DELAURO in the ag bill involved, you had Mr. DICKS in the Interior bill involved as the appropriate subcommittee chairs. If you did not bring your subcommittee ranking members into the mix, that is your fault, not mine.

All I know is, our people participated. If they did not on your side, it is either because they did not want to or because you did not invite them to. I do not know which is which. Do not blame us for your screw-ups.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. POMEROY). All Members are reminded that they should address their remarks to the Chair.

Mr. HASTINGS of Washington. Mr. Speaker, I yield 1 minute to the gentleman from Florida (Mr. KELLER).

Mr. KELLER of Florida. I thank the gentleman for yielding.

Mr. Speaker, I oppose the rule because it is a closed rule that does not provide a fair and open amendment process.

On the positive side, the underlying continuing resolution increases funding for Pell Grants and COPS while not exceeding the spending caps set by the President's budget. As the ranking member on the Higher Education Subcommittee, I am pleased that the Pell Grant maximum awards go up $260 from $4,050 to $4,310.

I also believe in putting more cops on the street through increased funding to the COPS Program, especially since my home town of Orlando saw its murder rate more than double in the past year. I sent a letter to the appropriators signed by Anthony Weiner and 101 Members calling for an increase in COPS funding. I am pleased that this bill increases COPS funding by $70 million, which is enough money to put 900 new cops on the street.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. EMANUEL).

Mr. EMANUEL. Mr. Speaker, you know, last year, I watched the worst budget failure since the 1995 government shutdown led by the Republican Congress. You only passed two appropriations bills, you got no budget resolution passed to get your work done, and then you are sitting here complaining after we are trying to clean up the mess you left behind.

We have a phrase for that in Chicago. It is called chutzpah. You cannot do that. You cannot sit here and come to the floor and complain about what has happened here. Because you handed off nothing but lemons and we are trying to make lemonade out of the lemons that you handed off here.

I compliment us for doing exactly what we said we were going to do. There are no earmarks, there is no pay rise, and there are no gimmicks. It is a new day in Washington from the failures of what happened in the past, and we are very clear that this will be a new day from the type of politics that ran here, and there will be none of that until we pass an increase in the minimum wage. We have done right by what we said.

I compliment, as the Republican speaker beforehand, my colleague, said, from Florida, this is a budget that veterans can be proud of, the education of our children, our health care needs and our law enforcement needs, that directly help people. While college costs have gone up close to 35 percent since 2003, we have held Pell Grants frozen. They are now going up $260. 5.3 million more students will get the assistance they need.

Increases for veterans, $3.6 billion to provide health care for 325,000 veterans.

In the area of the National Institutes of Health Care, 500 research projects will be funded that would not have been funded. This is direct help to the American people.

□ 1115

And in the law enforcement area, 31,000 positions, including 12,000 FBI agents and 2,500 intelligence analysts will be verified, doubling the number of intelligence analysts since 9/11 at the FBI. This is exactly the type of investments we need to do. So from top to bottom, investing in the education, health care, research and law enforcement areas that have been sorrily missed in past budgets, this continuing resolution makes the investments and turns around what were the dire consequences in those areas.

And in addition to that, it makes clear that this is a new day in Washington. We will have no earmarks, no pay raise and no gimmicks. And we are actually turning the page over so we can go forward with the type of budget and the type of appropriations that will continue to put our fiscal house in order, invest in the education and health care and energy and environmental security of this country. This turns the page on a past that was broken and that was failed. And I am proud that we have done that. And I am sure there will be some colleagues, like in the past, that will point to things. But we are pointing in a new direction and turning the page on a broken and failed past and towards a future that, in fact, puts America's priorities and its fiscal house in order.

Mr. HASTINGS of Washington. Mr. Speaker, I am sorry that the gentleman wouldn't yield. I just wanted to ask one brief question. But I am pleased to yield 1¾ minutes to the gentleman from Georgia (Mr. KINGSTON), a member of the Appropriations Committee.

Mr. KINGSTON. Mr. Speaker, I am curious about this new day for the Democrat Party because in the budget that I have a little more control over or interest in, the Ag Committee, they have cut food stamps by $11 million. I want to make sure my Republican colleagues understand that. That is right.

We just heard from the Democrat leader that it is a new day and the Democrats, on their first day of this new day, have cut food stamps $11 million.

They have also, in this budget, cut conservation programs right and left. They cut, for example, the Equip Program. The Equip Program is a program designed to help farmers with conservation and watershed and water run off and nutrients going into streams. They cut it by $70 million.

On the conservation operations account, which is an account that helps farmers create habitat for wildlife, they cut that by $72 million. It helps with surface water retention so that we can reduce the impact of drought on farmers. They have cut that, again, $72 million. It also helps with nutrient management.

There is a small dams program that they cut by $74.2 million, which affects Arkansas, Florida, Hawaii, Illinois, Iowa, Kansas, Kentucky, North Carolina, Nebraska, Pennsylvania, Indiana, Virginia, Texas, Pennsylvania, New Jersey and Oklahoma. And, Mr. Speaker, I am reading out these States so that the Democrat Members from these States can realize that they are, a vote for this bill is a vote to cut their own dams program in their own States by $74 million.

Now, we have also heard about energy independence. This account also cuts the biomass program in the USDA by $2 million. But don't think your taxpayers are going to get any of this money. Where does the money go? To the bureaucracy. The FDA, who only asked for a $20 million increase, gets $100 million under this omnibus bill.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 30 seconds to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Speaker, let me simply point out to the gentleman who just spoke that our committee took no action whatsoever on all of the items he just mentioned. They are all mandatory programs. All this resolution does is to carry forward the same limitations in those programs that you had in them last year.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 1½ minutes to the gentleman from Florida (Mr. WELDON), a member of the Appropriations Committee.

Mr. WELDON of Florida. Mr. Speaker, I would like to address some of the lemonade that the gentleman from Illinois was referring to, the impact on NASA in this omnibus continuing resolution.

The Democratic majority rejected my request to be permitted to offer an amendment addressing some of the devastating cuts to NASA that are included in this bill. The Democrat majority has chosen, I believe, partisanship over partnership. The rhetoric about an open process transparency partnership is nothing but a sham. There is no transparency, there is no openness.

This House passed a NASA budget. We passed $16.7 billion for NASA. Nearly all of the increased funds in that bill went to fund the replacement for the shuttle. Now, this bill drastically reduces those funds. It will result in delays in producing the vehicle to replace the shuttle, the need to continue the shuttle beyond 2010. In my opinion, these cuts in the NASA budget will lead to billions of dollars of increased funds needed in the outyears to keep the Orion Project on track.

There is only one way to interpret this, my colleagues, and that is to say this is a back-handed way to destroy the manned space flight program, to destroy the work that is going on in places like Kennedy Space Center, Marshall Space Flight Center, Johnson Space Flight Center.

And to say that there are no earmarks in this bill, in my opinion, is a little bit tongue in cheek. Within this budget is a huge transfer of funds that the administration did not ask for. I don't know what else you can call it other than an earmark.

Ms. SLAUGHTER. Mr. Speaker, may I inquire of my colleague how many speakers he has remaining.

Mr. HASTINGS of Washington. Mr. Speaker, in response to the chairwoman, we have about four or five speakers left.

Ms. SLAUGHTER. Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 1¼ minutes to the gentleman from Missouri (Mr. HULSHOF).

Mr. HULSHOF. Mr. Speaker, looking back over this week's legislative accomplishments, I am sure democracy has somehow been furthered by our vote on Monday to congratulate the winners of the Orange Bowl, or our debate yesterday commending the two coaches of the Super Bowl.

But today's vote has some significant consequences in that we are about to do great harm to our Nation's land grant colleges by erasing, zeroing out $186 million in agricultural research grants. Today's vote has real consequences. There are 24 of you on that side of the political aisle that represent colleges that get this money, and I specifically urge five of you that are first-term Members here, Mrs. BOYDA, Ms. SHEA-PORTER, Mr. ELLISON, Mr. COURTNEY, and Mr. WELCH, to consider the following: Your vote on this continuing resolution zeros out critical research grants in your home districts.

At the University of Missouri-Columbia, my alma mater, this resolution forces 20 faculty reductions, the dismissal of 93 staff and 49 graduate students. You can argue that you open college doors by increasing Pell Grants, and yet those students are going to find the doors of plant and animal science laboratories locked tight.

I urge a "no" vote on this CR.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. POMEROY). All Members are reminded to address their comments to the Chair and not to others in the second person.

Ms. SLAUGHTER. Mr. Speaker, I yield 15 seconds to Mr. OBEY of Wisconsin.

Mr. OBEY. Mr. Speaker, you can't have it both ways. The previous two speakers claimed that there were earmarks in the bill. Now the gentleman is objecting because we eliminated agricultural earmarks. The fact is, those earmarks are very good things. I agree with the gentleman. But we promised we would eliminate all earmarks in this bill, and that is what we did, and I make no apology for it.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 1½ minutes to the gentleman from Texas (Mr. HENSARLING).

Mr. HENSARLING. Mr. Speaker, rarely in the history of America has a Congress spent more money with less accountability than this Congress is doing today: $463 billion with 1, count it, 1 hour of accountability. One hour of general debate. Mr. Speaker, that is $7.7 billion per minute of the people's money that is being spent here today. Families all across America will spend more time deliberating over the purchase of a new dryer than we will spend in debating how we spend $463 billion of their hard-earned money.

Now, as the Democrats have taken over, Speaker PELOSI recently said, "Democrats believe we must return to accountability by restoring fiscal discipline and eliminating deficit spending."

This is fiscal discipline? This is accountability?

Mr. Speaker, if this becomes law, everybody's share of the national debt will go up from roughly $28,860 to $30,399.

This is cutting out deficit spending? This is accountability? This is fiscal responsibility?

Real fiscal responsibility would have been for the Rules Committee to allow for the amendment from the gentleman from California (Mr. CAMPBELL) to pass a true CR. That would have saved $6 billion.

We need to vote this rule down.

Ms. SLAUGHTER. Mr. Speaker, I reserve my time.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 1 minute to the gentlelady from Tennessee (Mrs. BLACKBURN).

Mrs. BLACKBURN. Mr. Speaker, today we are considering this Democrat joint resolution, which really is nothing more than a big old omnibus bill. It is a bill that uses what appears to be budget gimmicks and what appears to be some misleading rhetoric to mask their true passion, which is spending more of the taxpayer dollars on government programs. And we know government does not have a revenue problem. Government has a spending problem.

And despite their campaign promises, they are refusing to allow the House to discuss and vote on something that they advocated just last month, which would have been a true continuing resolution to restore fiscal responsibility and to pay down the deficit.

Now, as my colleague from Texas said, Representative CAMPBELL offered an amendment, which would have been a true CR. It would have spent $6.2 billion less. But they didn't want that. They wanted the omnibus. If they were committed to fiscal responsibility, they would join us in that CR. They would help pass PAUL RYAN's line item veto bill, and they would show what fiscal responsibility looks like. It is another action of the hold-onto-your-wallet Congress.

I urge my colleagues to oppose the bill.

Ms. SLAUGHTER. Mr. Speaker, I reserve my time.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from Kansas (Mr. MORAN).

Mr. MORAN of Kansas. Mr. Speaker, yesterday I was before the Rules Committee requesting permission to offer an amendment, and I appreciate the courtesy that was extended to me by the Rules Committee, but would like to highlight, once again, that this omnibus spending bill does not include something that is of high priority to me and a high priority to many of my colleagues on the Republican side, but clearly a priority to Democrats who, last fall, signed a discharge petition attempting to bring to the House floor the issue of disaster assistance for farmers across the country. And despite the fact that 196 Members of the House, Democrat Members of the House, signed a discharge petition, we are still not at the point in which we are able to vote upon providing disaster assistance to farmers across the Midwest and around the country due to weather-related losses.

And I would encourage my colleagues, as we continue to work ourselves through the appropriation process, that we have other opportunities to pursue this. And I hope that the words that were expressed to me yesterday in the Rules Committee that that would be the case remains true.

Ms. SLAUGHTER. Mr. Speaker, I reserve my time.

Mr. HASTINGS of Washington. Mr. Speaker, how much time is left?

The SPEAKER pro tempore. The gentleman from Washington has 30 seconds remaining. The gentlewoman from New York has 15 seconds remaining.

□ 1130

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself the balance of the time.

Mr. Speaker, I will be asking Members to vote "no" on the previous question so I can insert Mr. SESSIONS' and Mr. WALDEN's amendment that was rejected in the committee. I ask unanimous consent to insert in the RECORD at the appropriate place the amendment that I will be asking my Members to consider if we defeat the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Ms. SLAUGHTER. Mr. Speaker, I want to make certain that everybody understands that the money we are operating under is the money that the Republicans voted last year to spend. We are under their spending levels, not ours, so the complaints ring hollow.

The material previously referred to by Mr. HASTINGS of Washington is as follows:

Amendment in the nature of a substitute:

Strike all after the resolved clause and insert:

"That upon the adoption of this resolution it shall be in order to consider in the House the joint resolution (H. J. Res. 20) making further continuing appropriations for the fiscal year 2007, and for other purposes. All points of order against the joint resolution and against its consideration are waived except those arising under clause 9 or 10 of rule XXI. The joint resolution shall be considered as read. The previous question shall be considered as ordered on the joint resolution and on any amendment thereto to final passage without intervening motion except: (1) one hour of debate on the joint resolution equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations; (2) the amendment in section 2 of this resolution if offered by Representative Walden of Oregon or his designee, which shall be in order without intervention of any point of order, shall be considered as read, and shall be separately debatable for one hour equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

"SEC. 2. The amendment referred to in section 1 is as follows:

Page 39, after line 24, insert the following:

"SEC. 20327. Of the uncosted balances available from funds appropriated under Section 130 of Division H of the Consolidated Appropriations Act, 2004 (Public Law 108–199) under the heading 'Department of Energy, Energy Programs, Science', as amended by Section 315 of the Energy and Water Development Appropriations Act, 2006 (Public Law 109–103), for the Iowa Environmental and Education project in Coralville, Iowa, $44,569,000 is rescinded.".

Page 87, line 6, strike "$25,423,250,000" and insert "$25,467,819,000".

At the end of chapter 5 of title II of the division B being added by section 2, add the following new section:

"SEC. 20522. (a) In addition to amounts otherwise appropriated or made available by this division, $400,000,000 is appropriated for the purpose of making payments for fiscal year 2007 under sections 102 and 103 of the Secure Rural Schools and Community Self-Determination Act of 2000 (Public Law 106–393; 16 U.S.C. 500 note). The Secretary of the Treasury shall use such funds to make such payments in lieu of using funds in the Treasury not otherwise appropriated, as otherwise authorized by sections 102(b)(3) and 103(b)(2) of such Act.

"(b) There is hereby rescinded an amount equal to .00086 percent of the budget authority provided (or obligation limit imposed) for fiscal year 2007 for any discretionary account pursuant to this division.".

(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress.)

The Vote on the Previous Question: What It Really Means

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308–311) describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R–Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Democratic majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the definition of the previous question used in the Floor Procedures Manual published by the Rules Committee in the 109th Congress, (page 56). Here's how the Rules Committee described the rule using information from Congressional Quarterly's "American Congressional Dictionary": "If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business."

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Ms. SLAUGHTER. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. SLAUGHTER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will now put each question on which further proceedings were postponed in the following order:

H. Res. 59, by the yeas and nays;

H. Con. Res. 34, by the yeas and nays;

The previous question on H. Res. 116, by the yeas and nays;

Adoption of H. Res. 116, if ordered.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

SUPPORTING THE GOALS AND IDEALS OF NATIONAL ENGINEERS WEEK

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and agreeing to the resolution, H. Res. 59.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. LIPINSKI) that the House suspend the rules and agree to the resolution, H. Res. 59, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 417, nays 0, not voting 18, as follows:

[Roll No. 64]

YEAS—417

Abercrombie
Ackerman
Aderholt
Akin
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner

Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gillibrand
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meehan
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—18

Alexander
Buyer
Davis, Jo Ann
Farr
Fossella
Gilchrest
Hastert
Higgins
Hodes
King (NY)
Maloney (NY)
McDermott
Meek (FL)
Norwood
Oberstar
Paul
Reynolds
Rush

☐ 1156

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

HONORING THE LIFE OF PERCY LAVON JULIAN

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 34.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 34, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 418, nays 0, not voting 16, as follows:

[Roll No. 65]

YEAS—418

Abercrombie
Ackerman
Aderholt
Akin
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gillibrand
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meehan
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel

Regula
Rehberg
Reichert
Renzi
Reyes
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—16

Alexander
Buyer
Davis, Jo Ann
Farr
Fossella
Gilchrest
Hastert
Higgins
King (NY)
Maloney (NY)
McDermott
Meek (FL)
Murphy (CT)
Norwood
Paul
Reynolds

□ 1207

So (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.J. RES. 20, FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 2007

The SPEAKER pro tempore. The pending business is the vote on ordering the previous question on House Resolution 116, on which the yeas and nays are ordered.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 227, nays 192, not voting 16, as follows:

[Roll No. 66]

YEAS—227

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McGovern
McIntyre
McNerney
McNulty
Meehan
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pelosi
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—192

Aderholt
Akin
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
DeFazio
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hoekstra
Hooley
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—16

Alexander
Buyer
Davis, Jo Ann
Farr
Fossella
Gilchrest
Hastert
Higgins
Hobson
King (NY)
Maloney (NY)
McDermott
Meek (FL)
Norwood
Paul
Reynolds

□ 1216

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Ms. SLAUGHTER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 225, noes 191, not voting 19, as follows:

[Roll No. 67]

AYES—225

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
Davis, Lincoln
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle

Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McGovern
McIntyre
McNerney
McNulty
Meehan
Meeks (NY)
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pelosi
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOES—191

Aderholt
Akin
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
DeFazio
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hooley
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Petri
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—19

Alexander
Buyer
Davis (AL)
Davis, Jo Ann
Farr
Fossella
Gilchrest
Hastert
Higgins
King (NY)
Maloney (NY)
McDermott
McHugh
Meek (FL)
Melancon
Norwood
Paul
Pickering
Reynolds

□ 1225

Mr. BAKER changed his vote from "aye" to "no."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

APPOINTMENT OF MEMBERS AS CONGRESSIONAL ADVISERS ON TRADE POLICY AND NEGOTIATIONS

The SPEAKER pro tempore. Pursuant to section 161(a) of the Trade Act of 1974 (19 U.S.C. 2211), and the order of the House of January 4, 2007, the Chair announces the Speaker's appointment of the following Members of the House as congressional advisers on trade policy and negotiations:

Mr. RANGEL, New York
Mr. LEVIN, Michigan
Mr. TANNER, Tennessee
Mr. MCCRERY, Louisiana
Mr. HERGER, California

COMMUNICATION FROM CHAIRMAN OF COMMITTEE ON WAYS AND MEANS

The SPEAKER pro tempore laid before the House the following communication from the Honorable CHARLES B. RANGEL, Chairman, Committee on Ways and Means:

COMMITTEE ON WAYS AND MEANS,
HOUSE OF REPRESENTATIVES,
Washington, DC, January 17, 2007.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER, I am forwarding to you the Committee's recommendations for certain positions for the 110th Congress.

First, pursuant to Section 8002 of the Internal Revenue Code of 1986, the Committee designated the following Members to serve on the Joint Committee on Taxation: Mr. Rangel, Mr. Stark, Mr. Levin, Mr. McCrery, Mr. Herger.

Second, pursuant to Section 161 of the Trade Act of 1974, the Committee recommended the following Members to serve as official advisors for international conference meetings and negotiating sessions on trade agreements: Mr. Rangel, Mr. Levin, Mr. Tanner, Mr. McCrery, Mr. Herger.

Third, pursuant to House Rule X, Clause 5 (2)(A)(i), the Committee designated the following Members to serve on the Committee on the Budget: Mr. Becerra, Mr. Doggett, Mr. Blumenauer, Mr. Tiberi, Mr. Porter.

Best regards,

CHARLES B. RANGEL,
Chairman.

FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 2007

Mr. OBEY. Mr. Speaker, pursuant to House Resolution 116, I call up the joint resolution (H.J. Res. 20) making further continuing appropriations for the fiscal year 2007, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The text of the joint resolution is as follows:

H.J. RES. 20

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That this joint resolution may be cited as the "Revised Continuing Appropriations Resolution, 2007".

SEC. 2. The Continuing Appropriations Resolution, 2007 (Public Law 109–289, division B), as amended by Public Laws 109–369 and 109–383, is amended to read as follows:

"DIVISION B—CONTINUING APPROPRIATIONS RESOLUTION, 2007

"The following sums are hereby appropriated, out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organizational units of Government for fiscal year 2007, and for other purposes, namely:

"TITLE I—FULL-YEAR CONTINUING APPROPRIATIONS

"SEC. 101. (a) Such amounts as may be necessary, at the level specified in subsection (c) and under the authority and conditions provided in the applicable appropriations Act for fiscal year 2006, for projects or activities (including the costs of direct loans and loan guarantees) that are not otherwise provided for and for which appropriations, funds, or other authority were made available in the following appropriations Acts:

"(1) The Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2006.

"(2) The Energy and Water Development Appropriations Act, 2006.

"(3) The Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2006.

"(4) The Department of the Interior, Environment, and Related Agencies Appropriations Act, 2006.

"(5) The Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2006.

"(6) The Legislative Branch Appropriations Act, 2006.

"(7) The Military Quality of Life and Veterans Affairs Appropriations Act, 2006.

"(8) The Science, State, Justice, Commerce, and Related Agencies Appropriations Act, 2006.

"(9) The Transportation, Treasury, Housing and Urban Development, the Judiciary, the District of Columbia, and Independent Agencies Appropriations Act, 2006.

"(b) For purposes of this division, the term 'level' means an amount.

"(c) The level referred to in subsection (a) shall be the amounts appropriated in the appropriations Acts referred to in such subsection, including transfers and obligation limitations, except that—

"(1) such level shall not include any amount designated as an emergency requirement, or to be for overseas contingency operations, pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006; and

"(2) such level shall be calculated without regard to any rescission or cancellation of funds or contract authority, other than—

"(A) the 1 percent government-wide rescission made by section 3801 of division B of Public Law 109–148;

"(B) the 0.476 percent across-the-board rescission made by section 439 of Public Law 109–54, relating to the Department of the Interior, environment, and related agencies; and

"(C) the 0.28 percent across-the-board rescission made by section 638 of Public Law 109–108, relating to Science, State, Justice, Commerce, and related agencies.

"SEC. 102. Appropriations made by section 101 shall be available to the extent and in the manner that would be provided by the pertinent appropriations Act.

"SEC. 103. Appropriations provided by this division that, in the applicable appropriations Act for fiscal year 2006, carried a multiple-year or no-year period of availability shall retain a comparable period of availability.

"SEC. 104. Except as otherwise expressly provided in this division, the requirements, authorities, conditions, limitations, and other provisions of the appropriations Acts referred to in section 101(a) shall continue in effect through the date specified in section 106.

"SEC. 105. No appropriation or funds made available or authority granted pursuant to section 101 shall be used to initiate or resume any project or activity for which appropriations, funds, or other authority were specifically prohibited during fiscal year 2006.

"SEC. 106. Unless otherwise provided for in this division or in the applicable appropriations Act, appropriations and funds made available and authority granted pursuant to this division shall be available through September 30, 2007.

"SEC. 107. Expenditures made pursuant to this division prior to the enactment of the Revised Continuing Appropriations Resolution, 2007, shall be charged to the applicable appropriation, fund, or authorization provided by this division (or the applicable regular appropriations Act for fiscal year 2007) as in effect following such enactment.

"SEC. 108. Funds appropriated by this division may be obligated and expended notwithstanding section 10 of Public Law 91–672 (22 U.S.C. 2412), section 15 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2680), section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 6212), and section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 414(a)(1)).

"SEC. 109. With respect to any discretionary account for which advance appropriations were provided for fiscal year 2007 or 2008 in an appropriations Act for fiscal year 2006, the levels established by section 101 shall include advance appropriations in the same amount for fiscal year 2008 or 2009, respectively, with a comparable period of availability.

"SEC. 110. (a) For entitlements and other mandatory payments whose budget authority was provided in appropriations Acts for fiscal year 2006, and for activities under the Food Stamp Act of 1977, the levels established by section 101 shall be the amounts necessary to maintain program levels under current law.

"(b) In addition to the amounts otherwise provided by section 101, the following amounts shall be available for the following accounts for advance payments for the first quarter of fiscal year 2008:

"(1) 'Department of Labor, Employment Standards Administration, Special Benefits for Disabled Coal Miners', for benefit payments under title IV of the Federal Mine Safety and Health Act of 1977, $68,000,000, to remain available until expended.

"(2) 'Department of Health and Human Services, Centers for Medicare and Medicaid Services, Grants to States for Medicaid', for payments to States or in the case of section 1928 on behalf of States under title XIX of the Social Security Act, $65,257,617,000, to remain available until expended.

"(3) 'Department of Health and Human Services, Administration for Children and Families, Payments to States for Child Support Enforcement and Family Support Programs', for payments to States or other non-Federal entities under titles I, IV–D, X, XI, XIV, and XVI of the Social Security Act and the Act of July 5, 1960 (24 U.S.C. ch. 9), $1,000,000,000, to remain available until expended.

"(4) 'Department of Health and Human Services, Administration for Children and Families, Payments to States for Foster Care and Adoption Assistance', for payments to States or other non-Federal entities under title IV–E of the Social Security Act, $1,810,000,000.

"(5) 'Social Security Administration, Supplemental Security Income Program', for benefit payments under title XVI of the Social Security Act, $16,810,000,000, to remain available until expended.

"SEC. 111. (a)(1) In addition to any amounts otherwise provided by this division, such sums as may be necessary are hereby appropriated to fund, for covered employees under a statutory pay system (as defined by section 5302 of title 5, United States Code), 50 percent of any increase in rates of pay which became effective under sections 5303 through 5304a of such title 5 in January 2007.

"(2)(A) In addition to any amounts otherwise provided by this division, such sums as may be necessary are hereby appropriated to provide the amount which would be necessary to fund, for covered employees not described in paragraph (1), 50 percent of the cost of an increase in rates of pay, calculated as if such employees were covered by paragraph (1) and as if such increase had been made on the first day of the first pay period beginning in January 2007 based on the rates that were in effect for such employees as of the day before such first day.

"(B) Subparagraph (A) is intended only to provide funding for pay increases for covered employees not described in paragraph (1). Nothing in subparagraph (A) shall be considered to modify, supersede, or render inapplicable the provisions of law in accordance with which the size or timing of any pay increase actually provided with respect to such employees is determined.

"(b) Appropriations under this section shall include funding for pay periods beginning on or after January 1, 2007, and the pay costs covered by this appropriation shall include 50 percent of the increases in agency contributions for employee benefits resulting from the pay increases described in subsection (a).

"(c) For purposes of this section, the term 'covered employees' means employees whose pay is funded in whole or in part (including on a reimbursable basis) by any account for which funds are provided by this division (other than by chapters 2 and 11 of title II of this division) after October 4, 2006.

"SEC. 112. Any language specifying an earmark in a committee report or statement of managers accompanying an appropriations Act for fiscal year 2006 shall have no legal effect with respect to funds appropriated by this division.

"SEC. 113. Within 30 days of the enactment of this section, each of the following departments and agencies shall submit to the Committees on Appropriations of the House of Representatives and the Senate a spending, expenditure, or operating plan for fiscal year 2007 at a level of detail below the account level:

"(1) Department of Agriculture.

"(2) Department of Commerce, including the United States Patent and Trademark Office.

"(3) Department of Defense, with respect to military construction, family housing, the Department of Defense Base Closure accounts, and 'Defense Health Program'.

"(4) Department of Education.

"(5) Department of Energy.

"(6) Department of Health and Human Services.

"(7) Department of Housing and Urban Development.

"(8) Department of the Interior.

"(9) Department of Justice.

"(10) Department of Labor.

"(11) Department of State and United States Agency for International Development.

"(12) Department of Transportation.

"(13) Department of the Treasury.

"(14) Department of Veterans Affairs, including 'Construction, Major Projects'.

"(15) National Aeronautics and Space Administration.

"(16) National Science Foundation.

"(17) The Judiciary.

"(18) Office of National Drug Control Policy.

"(19) General Services Administration.

"(20) Office of Personnel Management.

"(21) National Archives and Records Administration.

"(22) Environmental Protection Agency.

"(23) Indian Health Service.

"(24) Smithsonian Institution.

"(25) Social Security Administration.

"(26) Corporation for National and Community Service.

"(27) Corporation for Public Broadcasting.

"(28) Food and Drug Administration.

"SEC. 114. Within 15 days after the enactment of this section, the Director of the Office of Management and Budget shall submit to the Committees on Appropriations of the House of Representatives and the Senate—

"(1) a report specifying, by account, the amounts provided by this division for executive branch departments and agencies; and

"(2) a report specifying, by account, the amounts provided by section 111 for executive branch departments and agencies.

"Sec. 115. Notwithstanding any other provision of this division and notwithstanding section 601(a)(2) of the Legislative Reorganization Act of 1946 (2 U.S.C. 31), the percentage adjustment scheduled to take effect under such section for 2007 shall not take effect.

"TITLE II—ELIMINATION OF EARMARKS, ADJUSTMENTS IN FUNDING, AND OTHER PROVISIONS

"CHAPTER 1—AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES

"Sec. 20101. Notwithstanding section 101, the level for each of the following accounts for Agricultural Programs of the Department of Agriculture shall be as follows: 'Common Computing Environment', $107,971,000; 'Economic Research Service', $74,825,000; 'National Agricultural Statistics Service', $146,543,000, of which up to $36,074,000 shall be available until expended for the Census of Agriculture; 'Agricultural Research Service, Buildings and Facilities', $0; 'Cooperative State Research, Education, and Extension Service, Research and Education Activities', $671,224,000; 'Cooperative State Research, Education, and Extension Service, Extension Activities', $450,252,000; 'Animal and Plant Health Inspection Service, Salaries and Expenses', $841,970,000; 'Agricultural Marketing Service, Payments to States and Possessions', $1,334,000; 'Grain Inspection, Packers and Stockyards Administration, Salaries and Expenses', $37,564,000; 'Food Safety and Inspection Service', $886,982,000; and 'Farm Service Agency, Salaries and Expenses', $1,028,700,000.

"Sec. 20102. The amounts included under the heading 'Cooperative State Research, Education, and Extension Service, Research and Education Activities' in the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2006 (Public Law 109–97) shall be applied to funds appropriated by this division as follows: by substituting '$322,597,000' for '$178,757,000'; by substituting '$30,008,000' for '$22,230,000'; by substituting 'for payments to eligible institutions (7 U.S.C. 3222), $40,680,000' for 'for payments to the 1890 land-grant colleges, including Tuskegee University and West Virginia State University (7 U.S.C. 3222), $37,591,000'; by substituting '$0' for '$128,223,000'; by substituting 'competitive grants for agricultural research on improved pest control' for 'special grants for agricultural research on improved pest control'; by substituting '$190,229,000' for '$183,000,000'; by substituting '$1,544,000' for '$1,039,000'; by substituting 'competitive grants for the purpose of carrying out all provisions of 7 U.S.C. 3242' for 'noncompetitive grants for the purpose of carrying out all provisions of 7 U.S.C. 3242'; by substituting 'to institutions eligible to receive funds under 7 U.S.C. 3221 and 3222, $12,375,000' for 'to colleges eligible to receive funds under the Act of August 30, 1890 (7 U.S.C. 321-326 and 328), including Tuskegee and West Virginia State University, $12,312,000'; by substituting '$3,342,000' for '$2,250,000'; by substituting '$10,083,000' for '$50,471,000'; by substituting '$2,561,000' for '$2,587,000'; and by substituting '$2,030,000' for '$2,051,000'.

"Sec. 20103. The amounts included under the heading 'Cooperative State Research, Education, and Extension Service, Extension Activities' in the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2006 shall be applied to funds appropriated by this division as follows: by substituting '$285,565,000' for '$275,730,000'; by substituting '$3,321,000' for '$3,273,000'; by substituting '$63,538,000' for '$62,634,000'; by substituting 'at institutions eligible to receive funds under 7 U.S.C. 3221 and 3222, $16,777,000' for 'at the 1890 land-grant colleges, including Tuskegee University and West Virginia State University, as authorized by section 1447 of Public Law 95–113 (7 U.S.C. 3222b), $16,777,000'; by substituting '$3,000,000' for '$1,196,000'; by substituting 'payments for cooperative extension work by eligible institutions (7 U.S.C. 3221), $35,205,000' for 'payments for cooperative extension work by the colleges receiving the benefits of the second Morrill Act (7 U.S.C. 321–326 and 328) and Tuskegee University and West Virginia State University, $33,868,000'; and by substituting '$6,922,000' for '$25,390,000'.

"Sec. 20104. Notwithstanding section 101, the level for each of the following accounts for Conservation Programs of the Department of Agriculture shall be as follows: 'Natural Resources Conservation Service, Conservation Operations', $759,124,000; and 'Natural Resources Conservation Service, Watershed and Flood Prevention Operations', $0.

"Sec. 20105. Notwithstanding section 101, the level for each of the following accounts for Rural Development Programs of the Department of Agriculture shall be as follows: 'Rural Development Salaries and Expenses', $160,349,000; 'Rural Business-Cooperative Service, Rural Cooperative Development Grants', $26,718,000; and 'Rural Utilities Service, Rural Telephone Bank Program Account', $0.

"Sec. 20106. Notwithstanding section 101, the level for 'Rural Housing Service, Rental Assistance Program' shall be $616,020,000, to remain available through September 30, 2008, and the second and third provisos under such heading shall not apply to funds appropriated by this division. Using funds available in such account, the Secretary of Agriculture may enter into or renew contracts under section 521(a)(2) of the Housing Act of 1949 (42 U.S.C. 1490a(a)(2)) for two years. Any unexpended balances remaining at the end of such two-year agreements may be transferred and used for the purposes of any debt reduction; maintenance, repair, or rehabilitation of any existing projects; preservation; and rental assistance activities authorized under title V of such Act (42 U.S.C. 1471 et seq.).

"Sec. 20107. Notwithstanding section 101, the level for 'Food and Nutrition Service, Child Nutrition Programs' shall be $13,345,487,000, of which $7,614,414,000 is appropriated funds and $5,731,073,000 shall be derived by transfer from funds available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c).

"Sec. 20108. Notwithstanding section 101, the level for each of the following accounts for, Foreign Assistance and Related Programs of the Department of Agriculture shall be as follows: 'Foreign Agricultural Service, Salaries and Expenses', $155,422,000; 'Foreign Agricultural Service, Public Law 480 Title I Ocean Freight Differential Grants', $0; and 'Foreign Agricultural Service, Public Law 480 Title II Grants', $1,214,711,000.

"Sec. 20109. Notwithstanding section 101, the level for 'Food and Drug Administration, Salaries and Expenses' shall be $1,965,207,000, of which $352,200,000 shall be derived from prescription drug user fees authorized by 21 U.S.C. 379h, shall be credited to this account and remain available until expended, and shall not include any fees pursuant to 21 U.S.C. 379h(a)(2) and (a)(3) assessed for fiscal year 2008 but collected in fiscal year 2007, $43,726,000 shall be derived from medical device user fees authorized by 21 U.S.C. 379j and shall be credited to this account and remain available until expended, and $11,604,000 shall be derived from animal drug user fees authorized by 21 U.S.C. 379j and shall be credited to this account and remain available until expended: *Provided*, That fees derived from prescription drug, medical device, and animal drug assessments received during fiscal year 2007, including any such fees assessed prior to the current fiscal year but credited during the current year, shall be subject to the fiscal year 2007 limitation: *Provided further*, That none of these funds shall be used to develop, establish, or operate any program of user fees authorized by 31 U.S.C. 9701: *Provided further*, That of the total amount appropriated: (1) $453,180,000 shall be for the Center for Food Safety and Applied Nutrition and related field activities in the Office of Regulatory Affairs; (2) $567,594,000 shall be for the Center for Drug Evaluation and Research and related field activities in the Office of Regulatory Affairs, of which not less than $34,900,000 shall be for the Office of Generic Drugs; (3) $209,180,000 shall be for the Center for Biologics Evaluation and Research and for related field activities in the Office of Regulatory Affairs; (4) $103,544,000 shall be for the Center for Veterinary Medicine and for related field activities in the Office of Regulatory Affairs; (5) $253,710,000 shall be for the Center for Devices and Radiological Health and for related field activities in the Office of Regulatory Affairs; (6) $41,751,000 shall be for the National Center for Toxicological Research; (7) $68,609,000 shall be for Rent and Related activities, of which $25,552,000 is for relocation expenses, other than the amounts paid to the General Services Administration for rent; (8) $146,013,000 shall be for payments to the General Services Administration for rent; and (9) $121,626,000 shall be for other activities, including the Office of the Commissioner, the Office of Management, the Office of External Relations, the Office of Policy and Planning, and central services for these offices.

"Sec. 20110. Notwithstanding section 101, the level for 'Food and Drug Administration, Buildings and Facilities' shall be $4,950,000.

"Sec. 20111. Notwithstanding any other provision of this division, the following provisions included in the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2006 shall not apply to funds appropriated by this division: the last proviso under the heading 'Common Computing Environment'; the provisos under the heading 'Economic Research Service'; the third, fourth, sixth, and eighth through twelfth provisos under the heading 'Agricultural Research Service, Salaries and Expenses'; the set-aside of funds under the heading 'Agricultural Marketing Service, Payments to States and Possessions'; the set-aside of $753,252,000 under the heading 'Food Safety and Inspection Service' and the first three provisos under such heading; the first proviso under the heading 'Natural Resources Conservation Service, Resource Conservation and Development'; the set-aside of $5,600,000 in the seventh proviso under the heading 'Rural Development Programs, Rural Community Advancement Program'; the first proviso under the heading 'Rural

Development Salaries and Expenses’; the second proviso in the second paragraph under the heading ‘Rural Housing Service, Rural Housing Insurance Fund Program Account’; the last paragraph under the heading ‘Rural Business-Cooperative Service, Rural Economic Development Loans Program Account’; the set-aside of $2,500,000 under the heading ‘Rural Business-Cooperative Service, Rural Cooperative Development Grants’; the proviso under the heading ‘Rural Business-Cooperative Service, Rural Empowerment Zones and Enterprise Communities Grants’; the last paragraph under the heading ‘Rural Utilities Service, Rural Telephone Bank Program Account’; the second proviso under the heading ‘Food and Nutrition Service, Food Stamp Program’; the first paragraph, including the proviso in such paragraph, under the heading ‘Foreign Agricultural Service, Public Law 480 Title I Direct Credit and Food for Progress Program Account’; and the first four provisos under the heading ‘Food and Drug Administration, Salaries and Expenses’.

“SEC. 20112. The following provisions of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2006 shall be applied to funds appropriated by this division by substituting ‘2007’ and ‘2008’ for ‘2006’ and ‘2007’, respectively, each place they appear: the second paragraph under the heading ‘Animal and Plant Health Inspection Service, Salaries and Expenses’; the availability of funds clause under the heading ‘Natural Resources Conservation Service, Conservation Operations’; the eighth proviso under the heading ‘Rural Development Programs, Rural Community Advancement Program’; the first proviso in the second paragraph under the heading ‘Rural Housing Service, Rural Housing Insurance Fund Program Account’; the proviso under the heading ‘Rural Housing Service, Mutual and Self-Help Housing Grants’; the fourth proviso under the heading ‘Rural Housing Service, Rural Housing Assistance Grants’; the three availability of funds clauses under the heading ‘Rural Business-Cooperative Service, Rural Development Loan Fund Program Account’; the second proviso under the heading ‘Food and Nutrition Service, Special Supplemental Nutrition Program for Women, Infants, and Children (WIC)’; section 719; section 734; and section 738.

“SEC. 20113. Section 704 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2006 shall be applied to the funds appropriated by this division by substituting ‘avian influenza programs’ for ‘low pathogen avian influenza program’.

“SEC. 20114. The following sections of title VII of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2006 shall be applied to funds appropriated by this division by substituting $0 for the following dollar amounts: section 721, $2,500,000; section 723, $1,250,000; section 755, $1,000,000; section 764, $650,000; section 766, $200,000; section 767, $2,250,000; section 779, $6,000,000; section 790, $140,000, $400,000, $200,000, $500,000, and $350,000; and section 791, $1,000,000.

“SEC. 20115. The following sections of title VII of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2006 shall not apply for fiscal year 2007: section 726; paragraphs (1) and (2) of section 754; section 768; section 785; and section 789.

“SEC. 20116. The following sections of title VII of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2006 authorized or required certain actions by the Secretary of Agriculture that have been performed before the date of the enactment of this division and need not reoccur: section 761; section 770; section 782; and section 783.

“SEC. 20117. Of the unobligated balances under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), $37,601,000 is rescinded.

“SEC. 20118. Of the unobligated balances of funds provided pursuant to section 16(h)(1)(A) of the Food Stamp Act of 1977 (7 U.S.C. 2025(h)(1)(A)), $11,200,000 is rescinded.

“SEC. 20119. Of the funds derived from interest on the cushion of credit payments, as authorized by section 313 of the Rural Electrification Act of 1936 (7 U.S.C. 940c), $74,000,000 shall not be obligated and $74,000,000 is rescinded.

“SEC. 20120. In addition to amounts otherwise appropriated or made available by this division, $31,000,000 is appropriated to the Secretary of Agriculture for the costs of loan and loan guarantees under the Rural Development Mission Area to ensure that the fiscal year 2006 program levels for such loan and loan guarantee programs are maintained for fiscal year 2007. The Secretary may transfer funds, to the extent practicable, among loan and loan guarantee programs within the Rural Development Mission Area to ensure that the fiscal year 2006 program levels for such programs and activities are maintained during fiscal year 2007.

“SEC. 20121. For the programs and activities administered by the Secretary of Agriculture under the Farm Service Agency, Agricultural Credit Insurance Fund, the Secretary may transfer funds made available by this division among programs and activities within such Fund: *Provided*, That the fiscal year 2006 program levels for such programs and activities are at least maintained.

“SEC. 20122. With respect to any loan or loan guarantee program administered by the Secretary of Agriculture that has a negative credit subsidy score for fiscal year 2007, the program level for the loan or loan guarantee program, for the purposes of the Federal Credit Reform Act of 1990, shall be the program level established pursuant to such Act for fiscal year 2006.

“SEC. 20123. The Secretary of Agriculture shall continue the Water and Waste Systems Direct Loan Program and the loan guarantee programs of the Agricultural Credit Insurance Fund under the authority and conditions (including the borrower's interest rate and fees as of September 1, 2006) provided by the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2006.

“SEC. 20124. Of the appropriations available for payments for the nutrition and family education program for low-income areas under section 3(d) of the Smith-Lever Act (7 U.S.C. 343(d)), if the payment allocation pursuant to section 1425(c) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3175(c)) would be less than $100,000 for any institution eligible under section 3(d)(2) of the Smith-Lever Act, the Secretary of Agriculture shall adjust payment allocations under section 1425(c) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 to ensure that each institution receives a payment of not less than $100,000.

“CHAPTER 2—DEPARTMENT OF DEFENSE

“SEC. 20201. For purposes of title I, the appropriations Acts listed in section 101(a) shall be deemed to include the Department of Defense Appropriations Act, 2006 for purposes of activities of the Department of Defense under the ‘Environmental Restoration’ accounts.

“SEC. 20202. In addition to amounts otherwise provided in this division or any other Act, amounts are appropriated for certain military activities of the Department of Defense for the fiscal year ending September 30, 2007, as follows:

“(1) For an additional amount for ‘Military Personnel, Army’, $3,902,556,000, to be available for the basic allowance for housing for members of the Army on active duty.

“(2) For an additional amount for ‘Military Personnel, Navy’, $3,726,778,000, to be available for the basic allowance for housing for members of the Navy on active duty.

“(3) For an additional amount for ‘Military Personnel, Marine Corps’, $1,241,965,000, to be available for the basic allowance for housing for members of the Marine Corps on active duty.

“(4) For an additional amount for ‘Military Personnel, Air Force’, $3,278,835,000, to be available for the basic allowance for housing for members of the Air Force on active duty.

“(5) For an additional amount for ‘Reserve Personnel, Army’, $321,642,000, to be available for the basic allowance for housing for members of the Army Reserve on active duty.

“(6) For an additional amount for ‘Reserve Personnel, Navy’, $204,115,000, to be available for the basic allowance for housing for members of the Navy Reserve on active duty.

“(7) For an additional amount for ‘Reserve Personnel, Marine Corps’, $43,082,000, to be available for the basic allowance for housing for members of the Marine Corps Reserve on active duty.

“(8) For an additional amount for ‘Reserve Personnel, Air Force’, $76,218,000, to be available for the basic allowance for housing for members of the Air Force Reserve on active duty.

“(9) For an additional amount for ‘National Guard Personnel, Army’, $457,226,000, to be available for the basic allowance for housing for members of the Army National Guard on active duty.

“(10) For an additional amount for ‘National Guard Personnel, Air Force’, $258,000,000, to be available for the basic allowance for housing for members of the Air National Guard on active duty.

“(11) For an additional amount for ‘Operation and Maintenance, Army’, $1,810,774,000, to be available for facilities sustainment, restoration and modernization.

“(12) For an additional amount for ‘Operation and Maintenance, Navy’, $1,202,313,000, to be available for facilities sustainment, restoration and modernization.

“(13) For an additional amount for ‘Operation and Maintenance, Marine Corps’, $473,141,000, to be available for facilities sustainment, restoration and modernization.

“(14) For an additional amount for ‘Operation and Maintenance, Air Force’, $1,684,019,000, to be available for facilities sustainment, restoration and modernization.

“(15) For an additional amount for ‘Operation and Maintenance, Defense-Wide’, $86,386,000, to be available for facilities sustainment, restoration and modernization.

“(16) For an additional amount for ‘Operation and Maintenance, Army Reserve’, $202,326,000, to be available for facilities sustainment, restoration and modernization.

“(17) For an additional amount for ‘Operation and Maintenance, Navy Reserve’, $52,136,000, to be available for facilities sustainment, restoration and modernization.

“(18) For an additional amount for ‘Operation and Maintenance, Marine Corps Reserve’, $10,004,000, to be available for facilities sustainment, restoration and modernization.

“(19) For an additional amount for ‘Operation and Maintenance, Air Force Reserve’, $53,850,000, to be available for facilities sustainment, restoration and modernization.

“(20) For an additional amount for ‘Operation and Maintenance, Army National Guard’, $387,579,000, to be available for facilities sustainment, restoration and modernization.

“(21) For an additional amount for ‘Operation and Maintenance, Air National Guard’, $177,993,000, to be available for facilities sustainment, restoration and modernization.

“SEC. 20203. Notwithstanding any other provision of law or of this division, amounts are appropriated for the Defense Health Program of the Department of Defense, as follows:

“(1) For expenses, not otherwise provided for, for medical and health care programs of the Department of Defense, as authorized by law, $21,217,000,000, of which $20,494,000,000 shall be for Operation and Maintenance, of which not to exceed 2 percent shall remain available until September 30, 2008, and of which up to $10,887,784,000 may be available for contracts entered into under the TRICARE program; of which $375,000,000, to remain available for obligation until September 30, 2009, shall be for Procurement; and of which $348,000,000, to remain available for obligation until September 30, 2008, shall be for Research, Development, Test and Evaluation.

“(2) Of the amount made available in this section for Research, Development, Test and Evaluation, $217,500,000 shall be made available only for peer reviewed cancer research activities, of which $127,500,000 shall be for breast cancer research activities; of which $10,000,000 shall be for ovarian cancer research activities; and of which $80,000,000 shall be for prostate cancer research activities.

“(3) Amounts made available in this section are subject to the terms and conditions set forth in the Department of Defense Appropriations Act, 2007 (Public Law 109–289).

“CHAPTER 3—ENERGY AND WATER DEVELOPMENT

“SEC. 20301. Notwithstanding section 101, the level for each of the following accounts shall be as follows: ‘Corps of Engineers, Construction’, $2,334,440,000; and ‘Corps of Engineers, General Expenses’, $166,300,000.

“SEC. 20302. The limitation concerning total project costs in section 902 of the Water Resources Development Act of 1986, as amended (33 U.S.C. 2280), shall not apply during fiscal year 2007 to any project that received funds provided in this division.

“SEC. 20303. All of the provisos under the heading ‘Corps of Engineers—Civil, Department of Army, Investigations’ in Public Law 109–103 shall not apply to funds appropriated by this division.

“SEC. 20304. All of the provisos under the heading ‘Corps of Engineers—Civil, Department of Army, Construction’ in Public Law 109–103 shall not apply to funds appropriated by this division.

“SEC. 20305. All of the provisos under the heading ‘Corps of Engineers—Civil, Department of Army, Flood Control, Mississippi River and Tributaries, Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee’ in Public Law 109–103 shall not apply to funds appropriated by this division.

“SEC. 20306. All of the provisos under the heading ‘Corps of Engineers—Civil, Department of Army, Operation and Maintenance’ in Public Law 109–103 shall not apply to funds appropriated by this division.

“SEC. 20307. The last proviso under the heading ‘Corps of Engineers—Civil, Department of Army, General Expenses’ in Public Law 109–103 shall not apply to funds appropriated by this division.

“SEC. 20308. Section 135 of the Energy and Water Development Appropriations Act, 2006 (Public Law 109–103) shall not apply to funds appropriated by this division.

“SEC. 20309. The last proviso under the heading ‘Department of the Interior, Bureau of Reclamation, Water and Related Resources’ in Public Law 109–103 shall not apply to funds appropriated by this division.

“SEC. 20310. The last proviso under the heading ‘Department of the Interior, Bureau of Reclamation, California Bay-Delta Restoration’ in Public Law 109–103 shall not apply to funds appropriated by this division.

“SEC. 20311. Section 208 of the Energy and Water Development Appropriations Act, 2006 (Public Law 109–103) shall not apply to funds appropriated by this division.

“SEC. 20312. Section 8 of the Water Desalination Act of 1996 (42 U.S.C. 10301 note) is amended—

“(1) in subsection (a) by striking ‘2006’ and inserting ‘2011’; and

“(2) in subsection (b) by striking ‘2006’ and inserting ‘2011’.

“SEC. 20313. Notwithstanding section 101, the level for each of the following accounts shall be as follows: ‘Department of Energy, Elk Hills School Lands Fund’, $0; ‘Department of Energy, Northeast Home Heating Oil Reserve’, $5,000,000; ‘Department of Energy, Energy Information Administration’, $90,314,000; ‘Department of Energy, Science’, $3,796,393,000; ‘Department of Energy, Nuclear Waste Disposal’, $99,000,000; ‘Department of Energy, National Nuclear Security Administration, Weapons Activities’, $6,275,103,000; and ‘Department of Energy, Defense Environmental Cleanup’, $5,730,448,000.

“SEC. 20314. Notwithstanding section 101, the level for ‘Department of Energy, Energy Supply and Conservation’ shall be $2,153,627,000, of which not less than $1,473,844,000 shall be for Energy Efficiency and Renewable Energy Resources.

“SEC. 20315. Notwithstanding section 101, the level for salaries and expenses of the Department of Energy necessary for departmental administration in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the hire of passenger motor vehicles and official reception and representation expenses not to exceed $35,000, shall be $275,789,000, to remain available until expended, of which $43,075,000 shall be available for cyber-security activities and of which $7,000,000 shall be available for necessary administrative expenses of the loan guarantee program authorized in title XVII of the Energy Policy Act of 2005, plus such additional amounts as necessary to cover increases in the estimated amount of cost of work for others notwithstanding the provisions of the Anti-Deficiency Act (31 U.S.C. 1511 et seq.): *Provided*, That such increases in cost of work are offset by revenue increases of the same or greater amount, to remain available until expended: *Provided further*, That moneys received by the Department for miscellaneous revenues estimated to total $123,000,000 in fiscal year 2007 may be retained and used for operating expenses within this account, and may remain available until expended, as authorized by section 201 of Public Law 95–238, notwithstanding the provisions of section 3302 of title 31, United States Code: *Provided further*, That the sum herein appropriated shall be reduced by the amount of miscellaneous revenues received during 2007, and any related appropriated receipt account balances remaining from prior years’ miscellaneous revenues, so as to result in a final fiscal year 2007 appropriation from the general fund estimated at not more than $152,789,000.

“SEC. 20316. Notwithstanding section 101, the level for ‘Department of Energy, National Nuclear Security Administration, Defense Nuclear Nonproliferation’ shall be $1,683,339,000, of which $472,730,000 shall be for International Nuclear Material Protection and Cooperation and of which $115,495,000 shall be for Global Threat Reduction Initiative.

“SEC. 20317. Notwithstanding section 101, the level for necessary expenses of the Nuclear Regulatory Commission in carrying out the purposes of the Energy Reorganization Act of 1974 and the Atomic Energy Act of 1954, including official representation expenses (not to exceed $15,000), and including purchase of promotional items for use in the recruitment of individuals for employment, shall be $813,300,000, to remain available until expended: *Provided*, That of the amount appropriated herein, $45,700,000 shall be derived from the Nuclear Waste Fund: *Provided further*, That revenues from licensing fees, inspection services, and other services and collections estimated at $659,055,000 in fiscal year 2007 shall be retained and used for necessary salaries and expenses in this account, notwithstanding section 3302 of title 31, United States Code, and shall remain available until expended: *Provided further*, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 2007 so as to result in a final fiscal year 2007 appropriation estimated at not more than $154,245,000.

“SEC. 20318. The Secretary of Energy may not make available any of the funds provided by this division or previous appropriations Acts for construction activities for Project 99–D–143, mixed oxide fuel fabrication facility, Savannah River Site, South Carolina, until August 1, 2007.

“SEC. 20319. Section 302 of Public Law 102–377 is repealed.

“SEC. 20320. (a) Notwithstanding section 101, subject to the Federal Credit Reform Act of 1990, as amended, commitments to guarantee loans under title XVII of the Energy Policy Act of 2005 shall not exceed a total principal amount, any part of which is to be guaranteed, of $4,000,000,000: *Provided*, That there are appropriated for the cost of the guaranteed loans such sums as are hereafter derived from amounts received from borrowers pursuant to section 1702(b)(2) of that Act, to remain available until expended: *Provided further*, That the source of payments received from borrowers for the subsidy cost shall not be a loan or other debt obligation that is made or guaranteed by the Federal government. In addition, fees collected pursuant to section 1702(h) in fiscal year 2007 shall be credited as offsetting collections to the Departmental Administration account for administrative expenses of the Loan Guarantee Program: *Provided further*, That the sum appropriated for administrative expenses for the Loan Guarantee Program shall be reduced by the amount of fees received during fiscal year 2007: *Provided further*, That any fees collected under section 1702(h) in excess of the amount appropriated for administrative expenses shall not be available until appropriated.

"(b) No loan guarantees may be awarded under title XVII of the Energy Policy Act of 2005 until final regulations are issued that include—

"(1) programmatic, technical, and financial factors the Secretary will use to select projects for loan guarantees;

"(2) policies and procedures for selecting and monitoring lenders and loan performance; and

"(3) any other policies, procedures, or information necessary to implement title XVII of the Energy Policy Act of 2005.

"(c) The Secretary of Energy shall enter into an arrangement with an independent auditor for annual evaluations of the program under title XVII of the Energy Policy Act of 2005. In addition to the independent audit, the Comptroller General shall conduct an annual review of the Department's execution of the program under title XVII of the Energy Policy Act of 2005. The results of the independent audit and the Comptroller General's review shall be provided directly to the Committees on Appropriations of the House of Representatives and the Senate.

"(d) The Secretary of Energy shall promulgate final regulations for loan guarantees under title XVII of the Energy Policy Act of 2005 within 6 months of enactment of this division.

"(e) Not later than 120 days after the date of enactment of this division, and annually thereafter, the Secretary of Energy shall transmit to the Committees on Appropriations of the House of Representatives and the Senate a report containing a summary of all activities under title XVII of the Energy Policy Act of 2005, beginning in fiscal year 2007, with a listing of responses to loan guarantee solicitations under such title, describing the technologies, amount of loan guarantee sought, and the applicants' assessment of risk.

"SEC. 20321. For fiscal year 2007, except as otherwise provided by law in effect as of the date of enactment of this division or unless a rate is specifically set by an Act of Congress thereafter, the Administrators of the Southeastern Power Administration, the Southwestern Power Administration, the Western Power Administration, shall use the 'yield' rate in computing interest during Construction and interest on the unpaid balance of the cost of Federal power facilities. The yield rate shall be defined as the average yield during the preceding fiscal year on interest-bearing marketable securities of the United States which, at the time the computation is made, have terms of 15 years or more remaining to maturity.

"SEC. 20322. The second proviso under the heading 'Department of Energy, Energy Programs, Nuclear Waste Disposal' in title III of the Energy and Water Development Appropriations Act, 2006 (Public Law 109–103) shall not apply to funds appropriated by this division.

"SEC. 20323. The provisos under the heading 'Atomic Energy Defense Activities, National Nuclear Security Administration, Weapons Activities' in title III of the Energy and Water Development Appropriations Act, 2006 (Public Law 109–103) shall not apply to funds appropriated by this division.

"SEC. 20324. The second proviso under the heading 'Power Marketing Administrations, Construction, Rehabilitation, Operation and Maintenance, Western Area Power Administration' in title III of the Energy and Water Development Appropriations Act, 2006 (Public Law 109–103) shall not apply to funds appropriated by this division.

"SEC. 20325. Title III of the Energy and Water Development Appropriations Act, 2006 (Public Law 109–103) is amended by striking sections 310 and 312.

"SEC. 20326. Section 14704 of title 40, United States Code, is amended by striking 'October 1, 2006' and inserting 'October 1, 2007'.

"CHAPTER 4—FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS

"SEC. 20401. Notwithstanding section 101, the level for each of the following accounts shall be as follows: 'Export and Investment Assistance, . Export-Import Bank of the United States, Subsidy Appropriation', $26,382,000; 'Bilateral Economic Assistance, Funds Appropriated to the President, Other Bilateral Economic Assistance, Assistance for Eastern Europe and the Baltic States', $273,900,000; 'Bilateral Economic Assistance, Funds Appropriated to the President, Other Bilateral Economic Assistance, Assistance for the Independent States of the Former Soviet Union', $452,000,000; 'Bilateral Economic Assistance, Department of State, Andean Counterdrug Initiative', $721,500,000; 'Bilateral Economic Assistance, Department of State, Migration and Refugee Assistance', $832,900,000; 'Bilateral Economic Assistance, Department of State, United States Emergency Refugee and Migration Assistance Fund', $55,000,000; 'Military Assistance, Funds Appropriated to the President, Foreign Military Financing Program', $4,550,800,000, of which not less than $2,340,000,000 shall be available for grants only for Israel and $1,300,000,000 shall be available for grants only for Egypt; and 'Military Assistance, Funds Appropriated to the President, Peacekeeping Operations', $223,250,000, of which not less than $50,000,000 should be provided for peacekeeping operations in Sudan: *Provided*, That the number in the third proviso under the heading 'Military Assistance, Funds Appropriated to the President, Foreign Military Financing Program' in the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2006 (Public Law 109–102) shall be deemed to be $610,000,000 for the purpose of applying funds appropriated under such heading by this division.

"SEC. 20402. Notwithstanding section 101, the level for 'Bilateral Economic Assistance, Funds Appropriated to the President, Other Bilateral Economic Assistance, Economic Support Fund' shall be $2,455,010,000: *Provided*, That the number in the first proviso under the heading 'Other Bilateral Economic Assistance, Economic Support Fund' in the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2006 (Public Law 109–102) shall be deemed to be $120,000,000 for the purpose of applying funds appropriated under such heading by this division: *Provided further*, That the number in the second proviso under the heading 'Other Bilateral Economic Assistance, Economic Support Fund' in the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2006 (Public Law 109–102) shall be deemed to be $455,000,000 for the purpose of applying funds appropriated under such heading by this division: *Provided further*, That up to $50,000,000 shall be made available for assistance for the West Bank and Gaza and up to $50,000,000 shall be made available for the Middle East Partnership Initiative: *Provided further*, That not less than $5,000,000 shall be made available for the fund established by section 2108 of Public Law 109–13: *Provided further*, That the fourteenth and twentieth provisos under the heading 'Bilateral Economic Assistance, Funds Appropriated to the President, Other Bilateral Economic Assistance, Economic Support Fund' in Public Law 109–102 shall not apply to funds made available under this division.

"SEC. 20403. Notwithstanding section 101, the level for each of the following accounts shall be as follows: 'Bilateral Economic Assistance, Department of State, Global HIV/AIDS Initiative', $3,246,500,000, of which $377,500,000 shall be made available, notwithstanding any other provision of law, except for the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (Public Law 108–25) for a United States contribution to the Global Fund to Fight AIDS, Tuberculosis and Malaria; and 'Bilateral Economic Assistance, Funds Appropriated to the President, United States Agency for International Development, Child Survival and Health Programs Fund', $1,718,150,000, of which $248,000,000 shall be made available for programs and activities to combat malaria.

"SEC. 20404. Notwithstanding section 101, the level for each of the following accounts shall be $0: 'Multilateral Economic Assistance, Funds Appropriated to the President, Contribution to the Multilateral Investment Guarantee Agency'; 'Multilateral Economic Assistance, Funds Appropriated to the President, Contribution to the Inter-American Investment Corporation'; and 'Multilateral Economic Assistance, Funds Appropriated to the President, Contribution to the European Bank for Reconstruction and Development'.

"SEC. 20405. (a) Of the unobligated balances available from funds appropriated under the heading 'Funds Appropriated to the President, International Financial Institutions, Contribution to the International Development Association' in the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2006 (Public Law 109–102), $31,350,000 is rescinded.

"(b) Of the unobligated balances available from funds appropriated under the heading 'Bilateral Economic Assistance, Funds Appropriated to the President, Other Bilateral Economic Assistance, Economic Support Fund', $200,000,000 is rescinded: *Provided*, That such amounts shall be derived only from funds not yet expended for cash transfer assistance.

"SEC. 20406. Notwithstanding any other provision of this division, the eighth proviso under the heading 'Bilateral Economic Assistance, Funds Appropriated to the President, United States Agency for International Development, Development Assistance' in the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2006 (Public Law 109–102) shall not apply to funds appropriated by this division.

"SEC. 20407. Section 599D of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2006 (Public Law 109–102) is amended by striking 'certifies' and all that follows and inserting the following: 'reports to the appropriate congressional committees on the extent to which the World Bank has completed the following:

"'(1) World Bank procurement guidelines have been applied to all procurement financed in whole or in part by a loan from the World Bank or a credit agreement or grant from the International Development Association (IDA).

"'(2) The World Bank proposal "Increasing the Use of Country Systems in Procurement" dated March 2005 has been withdrawn.

"'(3) The World Bank maintains a strong central procurement office staffed with senior experts who are designated to address commercial concerns, questions, and complaints regarding procurement procedures and payments under IDA and World Bank projects.

"'(4) Thresholds for international competitive bidding have been established to maximize international competitive bidding in accordance with sound procurement practices, including transparency, competition, and cost-effective results for the Borrowers.

"'(5) All tenders under the World Bank's national competitive bidding provisions are subject to the same advertisement requirements as tenders under international competitive bidding.

"'(6) Loan agreements between the World Bank and the Borrowers have been made public.'.

"SEC. 20408. Section 523 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2006 (Public Law 109-102) shall be applied to funds made available under this division by substituting '$1,022,086,000' for the first dollar amount.

"SEC. 20409. Notwithstanding any other provision of this division, the following provisions in the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2006 (Public Law 109–102) shall not apply to funds appropriated by this division: the proviso in subsection (a) under the heading 'Bilateral Economic Assistance, Funds Appropriated to the President, Other Bilateral Economic Assistance, Assistance for Eastern Europe and the Baltic States'; the eleventh proviso under the heading 'Bilateral Economic Assistance, Funds Appropriated to the President, United States Agency for International Development, Development Assistance'; the third proviso under the heading 'Bilateral Economic Assistance, Department of State, Migration and Refugee Assistance'; subsection (d) under the heading 'Bilateral Economic Assistance, Funds Appropriated to the President, Other Bilateral Economic Assistance, Assistance for the Independent States of the Former Soviet Union'; the fourth proviso of section 522; subsections (a) and (c) of section 554; and the first proviso of section 593.

"SEC. 20410. The Inter-American Development Bank Act (22 U.S.C. 283—283z–10) is amended by adding at the end the following:

"SEC. 39. FIRST REPLENISHMENT OF THE RESOURCES OF THE ENTERPRISE FOR THE AMERICAS MULTILATERAL INVESTMENT FUND.

"'(a) CONTRIBUTION AUTHORITY.—

"'(1) IN GENERAL.—The Secretary of the Treasury may contribute on behalf of the United States $150,000,000 to the first replenishment of the resources of the Enterprise for the Americas Multilateral Investment Fund.

"'(2) SUBJECT TO APPROPRIATIONS.—The authority provided by paragraph (1) may be exercised only to the extent and in the amounts provided for in advance in appropriations Acts.

"'(b) LIMITATIONS ON AUTHORIZATION OF APPROPRIATIONS.—For the United States contribution authorized by subsection (a), there are authorized to be appropriated not more than $150,000,000, without fiscal year limitation, for payment by the Secretary of the Treasury.'.

"SEC. 20411. The authority provided by section 801(b)(1)(ii) of Public Law 106–429 shall apply to fiscal year 2007.

"SEC. 20412. (a) Notwithstanding any other provision of this division, section 534(m) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2006 (Public Law 109–102) shall not apply to funds and authorities provided under this division.

"(b) The Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990 (Public Law 101–167) is amended—

"(1) in section 599D (8 U.S.C. 1157 note)—

"(A) in subsection (b)(3), by striking 'and 2006' and inserting '2006, and 2007'; and

"(B) in subsection (e), by striking '2006' each place it appears and inserting '2007'; and

"(2) in section 599E (8 U.S.C. 1255 note), in subsection (b)(2), by striking '2006' and inserting '2007'.

"SEC. 20413. Notwithstanding section 653(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2413), the President shall transmit to Congress the report required under section 653(a) of that Act with respect to the provision of funds appropriated by this division: *Provided*, That such report shall include a comparison of amounts, by category of assistance, provided or intended to be provided from funds appropriated for fiscal years 2006 and 2007, for each country and international organization.

"SEC. 20414. The seventh proviso under the heading 'Bilateral Economic Assistance, Funds Appropriated to the President, United States Agency for International Development, Child Survival and Health Programs Fund' of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2006 (Public Law 109–102) shall be applied to funds made available under this division by substituting 'The GAVI Fund' for 'The Vaccine Fund'.

"SEC. 20415. Section 501(i) of H.R. 3425, as enacted into law by section 1000(a)(5) of division B of Public Law 106–113 (appendix E, 113 Stat. 1501A–313), as amended by section 591(b) of division D of Public Law 108–447 (118 Stat. 3037), shall apply to fiscal year 2007.

"CHAPTER 5—DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES

"SEC. 20501. Notwithstanding section 101, the level for each of the following accounts shall be as follows: 'Bureau of Land Management, Management of Lands and Resources', $862,632,000; 'United States Fish and Wildlife Service, Resource Management', $1,009,037,000; 'National Park Service, Historic Preservation Fund', $55,663,000; 'United States Geological Survey, Surveys, Investigations, and Research', $977,675,000; and "Environmental Protection Agency, Hazardous Substance Superfund", $1,251,574,000.

"SEC. 20502. Notwithstanding section 101, the level for 'National Park Service, Operation of the National Park Service', shall be $1,758,415,000, of which not to exceed $5,000,000 may be transferred to the United States Park Police.

"SEC. 20503. Notwithstanding section 101, under 'National Park Service, Construction', the designations under Public Law 109–54 of specific amounts and sources of funding for modified water deliveries and the national historic landmark shall not apply.

"SEC. 20504. The contract authority provided for fiscal year 2007 under the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–10a) is rescinded.

"SEC. 20505. Notwithstanding section 101, the level for 'Bureau of Indian Affairs, Indian Land and Water Claim Settlements and Miscellaneous Payments to Indians', shall be $42,000,000 for payments required for settlements approved by Congress or a court of competent jurisdiction.

"SEC. 20506. Notwithstanding section 101, the 'Minerals Management Service, Royalty and Offshore Minerals Management' shall credit an amount not to exceed $128,730,000 under the same terms and conditions of the credit to said account as in Public Law 109–54. To the extent $128,730,000 in addition to receipts are not realized from sources of receipts stated above, the amount needed to reach $128,730,000 shall be credited to this appropriation from receipts resulting from rental rates for Outer Continental Shelf leases in effect before August 5, 1993.

"SEC. 20507. Notwithstanding section 101, within the amounts made available under 'Environmental Protection Agency, State and Tribal Assistance Grants', $1,083,817,000, shall be for making capitalization grants for the Clean Water State Revolving Funds under title VI of the Federal Water Pollution Control Act, as amended, and no funds shall be available for making special project grants for the construction of drinking water, wastewater, and storm water infrastructure and for water quality protection in accordance with the terms and conditions specified for such grants in the joint explanatory statement of the mangers in Conference Report 109–188.

"SEC. 20508. Notwithstanding section 101, for 'Forest Service, State and Private Forestry', the $1,000,000 specified in the second proviso and the $1,500,000 specified in the third proviso in Public Law 109–54 are not required.

"SEC. 20509. Notwithstanding section 101, the level for 'Forest Service, National Forest System', shall be $1,445,646,000, except that the $5,000,000 specified as an additional regional allocation is not required.

"SEC. 20510. Notwithstanding section 101, the level for 'Forest Service, Wildland Fire Management', shall be $1,816,091,000 of which the allocation provided for fire suppression operations shall be $741,477,000; the allocation for hazardous fuels reduction shall be $298,828,000; and other funding allocations and terms and conditions shall follow Public Law 109–54.

"SEC. 20511. Notwithstanding section 101, of the level for 'Forest Service, Capital Improvement and Maintenance', the $3,000,000 specified in the third proviso is not required.

"SEC. 20512. Notwithstanding section 101, the level for 'Indian Health Service, Indian Health Services', shall be $2,817,099,000 and the $15,000,000 allocation of funding under the eleventh proviso shall not be required.

"SEC. 20513. Notwithstanding section 101, the level for 'Smithsonian Institution, Salaries and Expenses' shall be $533,218,000, except that current terms and conditions shall not be interpreted to require a specific grant for the Council of American Overseas Research Centers or for the reopening of the Patent Office Building.

"SEC. 20514. Notwithstanding section 101, no additional funding is made available by this division for fiscal year 2007 based on the terms of section 134 and section 437 of Public Law 109–54.

"SEC. 20515. Notwithstanding section 101, the level for 'Bureau of Indian Affairs, Operation of Indian Programs' shall be $1,984,190,000, of which not less than $75,477,000 is for post-secondary education programs.

"SEC. 20516. The rule referenced in section 126 of Public Law 109–54 shall continue in effect for the 2006–2007 winter use season.

"SEC. 20517. Section 123 of Public Law 109–54 is amended by striking '9' in the first sentence and inserting '10'.

"SEC. 20518. For fiscal year 2007, the Minerals Management Service may retain 3 percent of the amounts disbursed under section 31(b)(1) of the Coastal Impact Assistance Program, authorized by section 31 of the Outer Continental Shelf Lands Act, as amended (43 U.S.C. 1456(a)), for administrative costs, to remain available until expended.

"SEC. 20519. Of the funds made available in section 8098(b) of Public Law 108–287, to construct a wildfire management training facility, $7,400,000 shall be transferred not later than 15 days after the date of the enactment of the Continuing Appropriations Resolution, 2007, to the "Forest Service, Wildland Fire Management" account and shall be available for hazardous fuels reduction, hazard mitigation, and rehabilitation activities of the Forest Service.

"SEC. 20520. Section 337 of division E of Public Law 108–447 is amended by striking '2006' and inserting '2007'.

"SEC. 20521. No funds appropriated or otherwise made available to the Department of the Interior may be used, in relation to any proposal to store water for the purpose of export, for approval of any right-of-way or similar authorization on the Mojave National Preserve or lands managed by the Needles Field Office of the Bureau of Land Management or for carrying out any activities associated with such right-of-way or similar approval.

"CHAPTER 6—DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES

"SEC. 20601. (a)(1) Notwithstanding section 101, the level for 'Employment and Training Administration, Training and Employment Services' shall be $2,670,730,000 plus reimbursements.

"(2) Of the amount provided in paragraph (1)—

"(A) $1,672,810,000 shall be available for obligation for the period July 1, 2007, through June 30, 2008, of which (i) $341,811,000 shall be for dislocated worker employment and training activities; (ii) $70,092,000 shall be for the dislocated workers assistance national reserve; (iii) $79,752,000 shall be for migrant and seasonal farmworkers, including $74,302,000 for formula grants, $4,950,000 for migrant and seasonal housing (of which not less than 70 percent shall be for permanent housing), and $500,000 for other discretionary purposes; (iv) $878,538,000 shall be for Job Corps operations; (v) $14,700,000 shall be for carrying out pilots, demonstrations, and research activities authorized by section 171(d) of the Workforce Investment Act of 1998; (vi) $49,104,000 shall be for Responsible Reintegration of Youthful Offenders; (vii) $4,921,000 shall be for Evaluation; and (viii) not less than $1,000,000 shall be for carrying out the Women in Apprenticeship and Nontraditional Occupations Act (29 U.S.C. 2501 et seq.);

"(B) $990,000,000 shall be available for obligation for the period April 1, 2007, through June 30, 2008, for youth activities, of which $49,500,000 shall be available for the Youthbuild Program; and

"(C) $7,920,000 shall be available for obligation for the period July 1, 2007, through June 30, 2010, for necessary expenses of construction, rehabilitation and acquisition of Job Corps centers.

"(3) The Secretary of Labor shall award the following grants on a competitive basis: (A) Community College Initiative grants or Community-Based Job Training Grants awarded from amounts provided for such purpose under section 109 of this division and under the Department of Labor Appropriations Act, 2006; and (B) grants for job training for employment in high growth industries awarded during fiscal year 2007 under section 414(c) of the American Competitiveness and Workforce Improvement Act of 1998.

"(4) None of the funds made available in this division or any other Act shall be available to finalize or implement any proposed regulation under the Workforce Investment Act of 1998, Wagner-Peyser Act of 1933, or the Trade Adjustment Assistance Reform Act of 2002 until such time as legislation reauthorizing the Workforce Investment Act of 1998 and the Trade Adjustment Assistance Reform Act of 2002 is enacted.

"(b) Notwithstanding section 101, the level for 'Employment and Training Administration, Program Administration' shall be $116,702,000 (together with not to exceed $82,049,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund), of which $28,578,000 shall be for necessary expenses for the Office of Job Corps.

"(c) None of the funds made available in this division or under the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2006 shall be used to reduce Job Corps total student training slots below 44,491 in program year 2006 or program year 2007.

"(d) Of the funds available under the heading 'Employment and Training Administration, Training and Employment Services' in the Department of Labor Appropriations Act, 2006 for the Responsible Reintegration of Youthful Offenders, $25,000,000 shall be used for grants to local educational agencies to discourage youth in high-crime urban areas from involvement in violent crime.

"(e) Notwithstanding section 101, the level for 'Employment and Training Administration, Community Service Employment for Older Americans' shall be $483,611,000.

"(f) Notwithstanding section 101, the level for administrative expenses of 'Employment and Training Administration, State Unemployment Insurance and Employment Service Operations' shall be $106,252,000 (together with not to exceed $3,234,098,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund), of which $63,855,000 shall be available for one-stop career centers and labor market information activities. For purposes of this division, the first proviso under such heading in the Department of Labor Appropriations Act, 2006 shall be applied by substituting '2007' and '2,703,000' for '2006' and '2,800,000', respectively.

"SEC. 20602. Notwithstanding section 101, the level for 'Employee Benefits Security Administration, Salaries and Expenses' shall be $140,834,000, of which no less than $5,000,000 shall be for the development of an electronic Form 5500 filing system (EFAST2).

"SEC. 20603. Notwithstanding section 101, the level for 'Employment Standards Administration, Salaries and Expenses' shall be $416,308,000 (together with $2,028,000 which may be expended from the Special Fund in accordance with sections 39 (c), 44(d), and 44(j) of the Longshore and Harbor Workers' Compensation Act).

"SEC. 20604. Notwithstanding section 101, the level for 'Occupational Safety and Health Administration, Salaries and Expenses' shall be $485,074,000, of which $7,500,000 shall be for continued development of the Occupational Safety and Health Information System, and of which $10,116,000 shall be for the Susan Harwood training grants program. Notwithstanding any other provision of this division, the fifth proviso under such heading in the Department of Labor Appropriations Act, 2006 shall not apply to funds apprpriated by this division.

"SEC. 20605. Notwithstanding section 101, the level for 'Mine Safety and Health Administration, Salaries and Expenses' shall be $299,836,000.

"SEC. 20606. Notwithstanding section 101, the level for 'Bureau of Labor Statistics, Salaries and Expenses' shall be $468,512,000 (together with not to exceed $77,067,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund).

"SEC. 20607. Notwithstanding section 101, the level for 'Departmental Management, Salaries and Expenses' shall be $297,272,000 (together with not to exceed $308,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund), of which $72,516,000 shall be for contracts, grants, or other arrangements of Departmental activities conducted by or through the Bureau of International Labor Affairs, including $60,390,000 for child labor activities, and of which not to exceed $6,875,000 may remain available until September 30, 2008, for Frances Perkins Building Security Enhancements.

"SEC. 20608. (a) Notwithstanding section 101, the level for 'Veterans Employment and Training, Salaries and Expenses' shall not exceed $193,753,000 which may be derived from the Employment Security Administration Account in the Unemployment Trust Fund to carry out the provisions of sections 4100 through 4113, 4211 through 4215, and 4321 through 4327 of title 38, United States Code, and Public Law 103–353, of which $1,967,000 is for the National Veterans Employment and Training Services Institute.

"(b) Notwithstanding section 101, the level to carry out the Homeless Veterans Reintegration Programs and the Veterans Workforce Investment Programs shall be $29,244,000, of which $7,435,000 shall be available for obligation for the period July 1, 2007, through June 30, 2008.

"SEC. 20609. Notwithstanding section 101, the level for 'Office of the Inspector General' shall be $66,783,000 (together with not to exceed $5,552,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund).

"SEC. 20610. Section 193 of the Workforce Investment Act of 1998 (29 U.S.C. 2943) is amended to read as follows:

"'SEC. 193. TRANSFER OF FEDERAL EQUITY IN STATE EMPLOYMENT SECURITY REAL PROPERTY TO THE STATES.

"'(a) TRANSFER OF FEDERAL EQUITY.—Notwithstanding any other provision of law, any Federal equity acquired in real property through grants to States awarded under title III of the Social Security Act (42 U.S.C. 501 et seq.) or under the Wagner-Peyser Act (29 U.S.C. 49 et seq.) is transferred to the States that used the grants for the acquisition of such equity. The portion of any real property that is attributable to the Federal equity transferred under this section shall be used to carry out activities authorized under this Act, the Wagner-Peyser Act (29 U.S.C. 49 et seq.), or title III of the Social Security Act (42 U.S.C. 501 et seq.). Any disposition of such real property shall be carried out in accordance with the procedures prescribed by the Secretary and the portion of the proceeds from the disposition of such real property that is attributable to the Federal equity transferred under this section shall be used to carry out activities authorized under this Act, the Wagner-Peyser Act, or title III of the Social Security Act.

"'(b) LIMITATION ON USE.—A State shall not use funds awarded under this Act, the Wagner-Peyser Act, or title III of the Social Security Act to amortize the costs of real property that is purchased by any State on or after the date of enactment of the Revised Continuing Appropriations Resolution, 2007.'.

"SEC. 20611. (a)(1) Notwithstanding section 101 or any other provision of this division, the level for 'Department of Health and Human Services, Health Resources and Services Administration, Health Resources and Services' shall be $6,883,586,000.

"(2) Of the amount provided in paragraph (1)—

"(A) $1,988,000,000 shall be for carrying out section 330 of the Public Health Service Act (42 U.S.C. 254b; relating to health centers), of which $25,000,000 shall be for base grant adjustments for existing health centers and $13,959,000 shall be for carrying out Public Law 100–579, as amended by section 9168 of Public Law 102–396 (42 U.S.C. 11701 et seq.);

"(B) $184,746,000 shall be for carrying out title VII of the Public Health Service Act (42 U.S.C. 292 et seq.; relating to health professions programs) of which (i) $31,548,000 shall be for carrying out section 753 of the Public Health Service Act (42 U.S.C. 294c; relating to geriatric programs); and (ii) $48,851,000 shall be for carrying out section 747 of the Public Health Service Act (42 U.S.C. 293k; relating to training in primary care medicine and dentistry), of which (I) not less than $5,000,000 shall be for pediatric dentistry programs; (II) not less than $5,000,000 shall be for general dentistry programs; and (III) not less than $24,614,000 shall be for family medicine programs;

"(C) $1,195,500,000 shall be for carrying out part B of title XXVI of the Public Health Service Act (42 U.S.C. 300ff–11 et seq.; relating to Ryan White CARE Grants); and

"(D) $495,000,000 shall be transferred to 'Department of Health and Human Services, Office of the Secretary, Public Health and Social Services Emergency Fund' to carry out sections 319C–2, 319F, and 319I of the Public Health Service Act (42 U.S.C. 247d–3b, 247d–6, 247d–7b; relating to hospital preparedness grants, bioterrorism training and curriculum development, and credentialing/emergency systems for advance registration of volunteer health professionals).

"(b) Notwithstanding any other provision of this division, the parenthetical preceding the first proviso under the heading 'Department of Health and Human Services, Health Resources and Services Administration, Health Resources and Services' in the Department of Health and Human Services Appropriations Act, 2006 shall not apply to funds appropriated by this division.

"(c) Amounts made available by this division to carry out parts A and B of title XXVI of the Public Health Service Act (42 U.S.C. 300ff–11 et seq.; relating to Ryan White Emergency Relief Grants and CARE Grants) shall remain available for obligation by the Secretary of Health and Human Services through September 30, 2009.

"(d) Any assets and liabilities associated with any program under section 319C-2, 319F, or 319I of the Public Health Service Act (42 U.S.C. 247d–3b, 247d–6, 247d–7b; relating to hospital preparedness grants, bioterrorism training and curriculum development, and credentialing/emergency systems for advance registration of volunteer health professionals) shall be permanently transferred to the Secretary of Health and Human Services.

"SEC. 20612. Notwithstanding section 101, the level for 'Department of Health and Human Services, Health Resources and Services Administration, Vaccine Injury Compensation Program Trust Fund', for necessary administrative expenses, shall not exceed $3,964,000.

"SEC. 20613. (a) Notwithstanding section 101, the level for 'Department of Health and Human Services, Centers for Disease Control and Prevention; Disease Control, Research, and Training' shall be $5,829,086,000, of which (1) $456,863,000 shall be for carrying out the immunization program authorized by section 317(a), (j), and (k)(1) of the Public Health Service Act (42 U.S.C. 247b(a), (j), and (k)(1)); (2) $99,000,000 shall be for carrying out part A of title XIX of the Public Health Service Act (42 U.S.C. 300w et seq.; relating to preventive health and health services block grants); and (3) $134,400,000 shall be for equipment, construction, and renovation of facilities.

"(b) None of the funds appropriated by this division may be used to (1) implement section 2625 of the Public Health Service Act (42 U.S.C. 300ff–33; relating to the Ryan White early diagnosis grant program); or (2) enter into contracts for annual bulk monovalent influenza vaccine.

"(c) Of the amounts made available in the Department of Health and Human Services Appropriations Act, 2006 for 'Department of Health and Human Services, Centers for Disease Control and Prevention; Disease Control, Research, and Training', $29,680,000 for entering into contracts for annual bulk monovalent influenza vaccine is rescinded.

"SEC. 20614. (a) Notwithstanding section 101, the levels for the following accounts of the Department of Health and Human Services, National Institutes of Health, shall be as follows: 'National Institute of Child Health and Human Development', $1,253,769,000; 'National Center for Research Resources', $1,133,101,000; 'National Center on Minority Health and Health Disparities', $199,405,000; 'National Library of Medicine', $319,910,000; and 'Office of the Director', $1,095,566,000, of which up to $14,000,000 may be used to carry out section 217 of the Department of Health and Human Services Appropriations Act, 2006, $69,000,000 shall be available to carry out the National Children's Study, and $483,000,000 shall be available for the Common Fund established under section 402A(c)(1) of the Public Health Service Act.

"(b) The seventh, eighth, and ninth provisos under the heading 'Department of Health and Human Services, National Institutes of Health, Office of the Director' in the Department of Health and Human Services Appropriations Act, 2006, pertaining to the National Institutes of Health Roadmap for Medical Research, shall not apply to funds appropriated by this division.

"(c) Funds appropriated by this division to the Institutes and Centers of the National Institutes of Health may be expended for improvements and repairs of facilities, as necessary for the proper and efficient conduct of the activities authorized herein, not to exceed $2,500,000 per project.

"SEC. 20615. (a) Notwithstanding section 101, the level for 'Department of Health and Human Services, Centers for Medicare and Medicaid Services, Program Management' shall be $3,136,006,000, of which $15,892,000 shall be for Real Choice Systems Change Grants to States, $48,960,000 shall be for contract costs for the Healthcare Integrated General Ledger Accounting System, and $106,260,000 shall remain available until September 30, 2008, for contracting reform activities of the Centers for Medicare and Medicaid Services.

"(b) The Secretary of Health and Human Services shall charge fees necessary to cover the costs incurred under 'Department of Health and Human Services, Centers for Medicare and Medicaid Services, Program Management' for conducting revisit surveys on health care facilities cited for deficiencies during initial certification, recertification, or substantiated complaints surveys. Notwithstanding section 3302 of title 31, United States Code, receipts from such fees shall be credited to such account as offsetting collections, to remain available until expended for conducting such surveys.

"SEC. 20616. Notwithstanding any other provision of this division, the provision of the Department of Health and Human Services Appropriations Act, 2006, 'Department of Health and Human Services, Centers for Medicare and Medicaid Services, Health Maintenance Organization Loan and Loan Guarantee Fund', shall not apply to funds appropriated by this division.

"SEC. 20617. Notwithstanding section 101, the level for 'Department of Health and Human Services, Administration for Children and Families, Refugee and Entrant Assistance' shall be $587,823,000, of which $95,302,000 shall be for costs associated with the care and placement of unaccompanied alien children under section 462 of the Homeland Security Act of 2002 (6 U.S.C. 279).

"SEC. 20618. Notwithstanding any other provision of this division, the first proviso under the heading 'Department of Health and Human Services, Administration for Children and Families, Payments to States for the Child Care and Development Block Grant' in the Department of Health and Human Services Appropriations Act, 2006 may be applied to child care resource and referral and school-aged child care activities without regard to any specific designation therein.

"SEC. 20619. Notwithstanding section 101, the level for 'Department of Health and Human Services, Administration for Children and Families, Children and Families Services Programs' shall be $8,937,059,000, of which (1) $6,888,571,000 shall be for making payments under the Head Start Act; (2) $186,365,000 shall be for Federal administration; and (3) $5,000,000 shall be for grants to States for adoption incentive payments, as authorized by section 473A of the Social Security Act (42 U.S.C. 673b).

"SEC. 20620. Notwithstanding section 101, the level for 'Department of Health and Human Services, Administration on Aging, Aging Services Programs' shall be $1,382,859,000, of which $398,919,000 shall be for Congregate Nutrition Services and $188,305,000 shall be for Home-Delivered Nutrition Services.

"SEC. 20621. Notwithstanding section 101, the level for 'Department of Health and Human Services, Public Health and Social Services Emergency Fund' shall be $160,027,000, of which $100,000,000 shall be transferred within 30 days of enactment of the Revised Continuing Appropriations Resolution, 2007, to 'Department of Health and Human Services, Centers for Disease Control and Prevention; Disease Control, Research, and Training' for preparedness and response to pandemic influenza and other emerging infectious diseases.

"SEC. 20622. Notwithstanding section 208 of the Department of Health and Human Services Appropriations Act, 2006, not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985) that are appropriated for the current fiscal year for the Department of Health and Human Services in this division may be transferred among appropriations, but no such appropriation to which such funds are transferred may be increased by more than 3 percent by any such transfer: *Provided*, That an appropriation may be increased by up to an additional 2 percent subject to approval by the Committees on Appropriations of the House of Representatives and the Senate: *Provided further*, That the transfer authority granted by this section shall be available only to meet unanticipated needs and shall not be used to create any new program or to fund any project or activity for which no funds are provided in this division: *Provided further*, That the Committees on Appropriations are notified at least 15 days in advance of any transfer.

"SEC. 20623. Section 214 of the Department of Health and Human Services Appropriations Act, 2006 shall be applied to funds appropriated by this division by substituting '2006' and '2007' for '2005' and '2006', respectively, each place they appear.

"SEC. 20624. Notwithstanding any other provision of this division, sections 222 and 223 of the Department of Health and Human Services Appropriations Act, 2006 shall not apply to funds appropriated by this division.

"SEC. 20625. (a) Notwithstanding section 101 or any other provision of this division, the level for 'Department of Education, Education for the Disadvantaged' shall be $14,725,593,000.

"(b) Of the amount provided in subsection (a)—

"(1) $7,172,994,000 shall become available on July 1, 2007, and shall remain available through September 30, 2008, of which (A) $5,451,387,000 shall be for basic grants under section 1124 of the Elementary and Secondary Education Act of 1965 (ESEA); (B) $125,000,000 shall be for school improvement grants authorized under section 1003(g) of the ESEA; and (C) not to exceed $2,352,000 shall be available for section 1608 of the ESEA; and

"(2) $7,383,301,000 shall become available on October 1, 2007, and shall remain available through September 30, 2008, for academic year 2007-2008, of which (A) $1,353,584,000 shall be for basic grants under section 1124 of the ESEA; (B) $2,332,343,000 shall be for targeted grants under section 1125 of the ESEA; and (C) $2,332,343,000 shall be for education finance incentive grants under section 1125A of the ESEA.

"(c) Notwithstanding any other provision of this division, the last proviso under the heading 'Department of Education, Education for the Disadvantaged' in the Department of Education Appropriations Act, 2006 may be applied to activities authorized under part F of title I of the ESEA without regard to any specific designation therein.

"SEC. 20626. For purposes of this division, the proviso under the heading 'Department of Education, Impact Aid' shall be applied by substituting '2006–2007' for '2005–2006'.

"SEC. 20627. Of the amount provided by section 101 for 'Department of Education, School Improvement Programs', $33,907,000 shall be for programs authorized under part B of title VII of the ESEA and $33,907,000 shall be for programs authorized under part C of title VII of the ESEA. Notwithstanding any other provision of this division, the second proviso under such heading in the Department of Education Appropriations Act, 2006 shall not apply to funds appropriated by this division.

"SEC. 20628. Notwithstanding section 101 or any other provision of this division, (1) the level for 'Department of Education, Innovation and Improvement' shall be $837,686,000, of which not to exceed $200,000 shall be for the teacher incentive fund authorized in subpart 1 of part D of title V of the ESEA; and (2) the first proviso under such heading in the Department of Education Appropriations Act, 2006 may be applied to advanced credentialing activities authorized under subpart 5 of part A of title II of the ESEA without regard to any specific designation therein.

"SEC. 20629. Notwithstanding section 101 or any other provision of this division, (1) the level for 'Department of Education, Safe Schools and Citizenship Education' shall be $729,518,000, of which (A) not less than $72,674,000 shall be used to carry out subpart 10 of part D of title V of the ESEA; and (B) $48,814,000 shall be used for mentoring programs authorized under section 4130 of the ESEA; and (2) the last proviso under such heading in the Department of Education Appropriations Act, 2006 may be applied to civic education activities authorized under subpart 3 of part C of title II of the ESEA without regard to any specific designation therein.

"SEC. 20630. (a)(1) Notwithstanding section 101, the level for 'Department of Education, Special Education' shall be $11,802,867,000.

"(2) Of the amount made available in paragraph (1), $6,175,912,000 shall become available on July 1, 2007, and shall remain available through September 30, 2008, of which $5,358,761,000 shall be for State grants authorized under section 611 (20 U.S.C. 1411) of part B of the Individuals with Disabilities Education Act (IDEA).

"(b) None of the funds appropriated by this division may be used for State personnel development authorized in subpart 1 of part D of the IDEA (20 U.S.C. 1451 et seq.).

"(c) Notwithstanding any other provision of this division, the first and second provisos under the heading 'Department of Education, Special Education' in the Department of Education Appropriations Act, 2006 shall not apply to funds appropriated by this division. For purposes of this division, the last proviso under such heading shall be applied by substituting '2006' for '2005'.

"SEC. 20631. Notwithstanding any other provision of this division, the second appropriation under the heading 'Department of Education, Rehabilitation Services and Disability Research' in the Department of Education Appropriations Act, 2006 shall not apply to funds appropriated by this division.

"SEC. 20632. The provision pertaining to funding for construction under 'Department of Education, Special Institutions for Persons With Disabilities, National Technical Institute for the Deaf' shall not apply to funds appropriated by this division.

"SEC. 20633. (a) Notwithstanding section 101, the level for 'Department of Education, Student Financial Assistance' shall be $15,542,456,000.

"(b) The maximum Pell Grant for which a student shall be eligible during award year 2007–2008 shall be $4,310.

"SEC. 20634. (a) In addition to the amounts provided under section 101 of this division, amounts obligated in fiscal year 2006 from funding provided in section 458(a)(1) of the Higher Education Act of 1965 (20 U.S.C. 1087h(a)(1)) (as reduced by the amount of account maintenance fees obligated to guaranty agencies for fiscal year 2006 pursuant to section 458(a)(1)(B) of that Act) shall be deemed to have been provided in an applicable appropriations Act for fiscal year 2006.

"(b) Notwithstanding section 101, the level for 'Department of Education, Student Aid Administration' shall be $718,800,000, to remain available until expended.

"SEC. 20635. Of the amount provided by section 101 for 'Department of Education, Higher Education', $11,785,000 shall be for carrying out section 317 of the Higher Education Act of 1965 (20 U.S.C. 1059d).

"SEC. 20636. Notwithstanding section 101, the level for 'Department of Education, Departmental Management, Program Administration' shall be $416,250,000, of which $2,100,000, to remain available until expended, shall be for building alterations and related expenses for the move of Department staff to the Mary E. Switzer building in Washington, DC.

"SEC. 20637. Notwithstanding any other provision of this division, section 305 of the Department of Education Appropriations Act, 2006 (title III of Public Law 109–149; 119 Stat. 2870) shall not apply to this division.

"SEC. 20638. Notwithstanding section 101, the level for 'Corporation for National and Community Service, Domestic Volunteer Service Programs, Operating Expenses' shall be $316,550,000, of which $3,500,000 shall be for establishment in the Treasury of a VISTA Advance Payments Revolving Fund (in this section referred to as the 'Fund') for the Corporation for National and Community Service which, in addition to reimbursements collected from eligible public agencies and private nonprofit organizations pursuant to cost-share agreements, shall be available until expended to make advance payments in furtherance of title I of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4951–4995): *Provided*, That up to 10 percent of funds appropriated to carry out title I of such Act may be transferred to the Fund if the Chief Executive Officer of the Corporation for National and Community Service determines that the amounts in the Fund are not sufficient to cover expenses of the Fund: *Provided further*, That the Corporation for National and Community Service shall provide detailed information on the activities and financial status of the Fund during the preceding fiscal year in the annual congressional budget justifications to the Committees on Appropriations of the House of Representatives and the Senate.

"SEC. 20639. (a) Notwithstanding section 101, the level for the 'Corporation for National and Community Service, National and Community Service Programs, Operating Expenses' shall be $494,007,000, of which (1) $117,720,000 shall be transferred to the National Service Trust; and (2) $31,131,000 shall be for activities authorized under subtitle H of title I of the National and Community Service Act of 1990.

"(b) Notwithstanding any other provision of this division, the eleventh and thirteenth provisos under the heading 'Corporation for National and Community Service, National and Community Service Programs, Operating Expenses' in the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2006 shall not apply to funds appropriated by this division.

"SEC. 20640. Notwithstanding section 101, the level for 'Corporation for National and Community Service, Salaries and Expenses' shall be $68,627,000.

"SEC. 20641. Notwithstanding section 101, the level for 'Corporation for National and Community Service, Office of Inspector General' shall be $4,940,000.

"SEC. 20642. In addition to amounts provided by section 101 of this division, funds appropriated to the Medicare Payment Advisory Commission under section 106(b)(1)(B) of the Medicare Improvements and Extension Act of 2006 (division B of Public Law 109–432) shall be used to carry out section 1805 of the Social Security Act (42 U.S.C. 1395b-6).

"SEC. 20643. Notwithstanding section 101, the level for 'Railroad Retirement Board, Dual Benefits Payments Account' shall be $88,000,000.

"SEC. 20644. Notwithstanding section 101, the level for 'Railroad Retirement Board, Limitation on Administration' shall be $103,018,000.

"SEC. 20645. (a) ADMINISTRATIVE EXPENSES.—Notwithstanding section 101, the level for the first paragraph under the heading 'Social Security Administration, Limitation on Administrative Expenses' shall be $9,136,606,000.

"(b) CONFORMING CHANGE.—Notwithstanding section 101, the level for the first paragraph under the heading 'Social Security Administration, Supplemental Security Income Program' shall be $29,058,000,000, of which $2,937,000,000 shall be for administrative expenses.

"CHAPTER 7—LEGISLATIVE BRANCH

"SEC. 20701. (a) Notwithstanding section 101, the level for 'Senate, Contingent Expenses of the Senate, Senators' Official Personnel and Office Expense Account' shall be $361,456,000.

"(b)(1) The Architect of the Capitol may acquire (through purchase, lease, transfer from another Federal entity, or otherwise) real property, for the use of the Sergeant at Arms and Doorkeeper of the Senate to support the operations of the Senate—

"(A) subject to the approval of the Committee on Rules and Administration of the Senate; and

"(B) subject to the availability of appropriations and upon approval of an obligation plan by the Committee on Appropriations of the Senate.

"(2) Subject to the approval of the Committee on Appropriations of the Senate, the Secretary of the Senate may transfer funds for the acquisition or maintenance of any property under paragraph (1) from the account under the heading 'Senate, Contingent Expenses of the Senate, Sergeant at Arms and Doorkeeper of the Senate' to the account under the heading 'Architect of the Capitol, Senate Office Buildings'.

"(3) This subsection shall apply with respect to fiscal year 2007 and each fiscal year thereafter.

"(c)(1) Section 10 of the Legislative Branch Appropriations Act, 2005 (Public Law 108–447; 118 Stat. 3170) is amended—

"(A) by inserting '(a) IN GENERAL.—' before 'The Office'; and

"(B) by adding at the end the following new subsection:

"'(b) EFFECTIVE DATE.—This section shall apply to fiscal year 2005 and each fiscal year thereafter.'".

"(2) The amendments made by this subsection shall take effect as though included in the Legislative Branch Appropriations Act, 2005.

"SEC. 20702. (a) Notwithstanding section 101, the level for 'House of Representatives, Salaries and Expenses' shall be $1,129,454,000, to be allocated in accordance with an allocation plan submitted by the Chief Administrative Officer and approved by the Committee on Appropriations of the House of Representatives.

"(b) Sections 103 and 107 of H.R. 5521, One Hundred Ninth Congress, as passed by the House of Representatives on June 7, 2006, are enacted into law.

"SEC. 20703. (a) Notwithstanding section 101, the level for 'Capitol Guide Service and Special Services Office' shall be $8,490,000, and the provisos under the heading 'Capitol Guide Service and Special Services Office' in the Legislative Branch Appropriations Act, 2006 (Public Law 109–55; 119 Stat. 571) shall not apply.

"(b) Notwithstanding section 101, the level for 'Capitol Police, General Expenses' shall be $38,500,000: *Provided*, That, notwithstanding any other provision of law, the cost of basic training for the Capitol Police at the Federal Law Enforcement Training Center for fiscal year 2007 shall be paid by the Secretary of Homeland Security from funds available to the Department of Homeland Security.

"(c)(1) Notwithstanding section 101, the level for 'Architect of the Capitol, Capitol Power Plant' shall be $73,098,000.

"(2) Notwithstanding section 101, the level for 'Architect of the Capitol, Library Buildings and Grounds' shall be $27,375,000.

"(3) Notwithstanding section 101, the level for 'Architect of the Capitol, Capitol Police Buildings and Grounds' shall be $11,753,000, of which $2,000,000 shall remain available until September 30, 2011.

"(4) Notwithstanding section 101, amounts made available under such section for projects and activities described under the heading 'Architect of the Capitol, Capitol Visitor Center' in the Legislative Branch Appropriations Act, 2006 may be transferred among the accounts and purposes specified in such heading, upon the approval of the Committees on Appropriations of the House of Representatives and Senate.

"(d)(1) Notwithstanding section 101, the level for 'Library of Congress, Salaries and Expenses' shall be $385,000,000, of which not more than $6,000,000 shall be derived from collections credited to this appropriation during fiscal year 2007 and shall remain available until expended under the Act of June 28, 1902 (chapter 1301; 32 Stat. 480; 2 U.S.C. 150), and not more than $350,000 shall be derived from collections credited to this appropriation during fiscal year 2007 and shall remain available until expended for the development and maintenance of an international legal information database (and related activities).

"(2) The eighth, tenth, and eleventh provisos under the heading 'Library of Congress, Salaries and Expenses' in the Legislative Branch Appropriations Act, 2006 (Public Law 109–55; 119 Stat. 580) shall not apply to funds appropriated by this division.

"(3) Of the unobligated balances available under the heading 'Library of Congress, Salaries and Expenses', the following amounts are rescinded:

"(A) Of the unobligated balances available for the National Digital Information Infrastructure and Preservation Program, $47,000,000.

"(B) Of the unobligated balances available for furniture and furnishings, $695,394.

"(C) Of the unobligated balances available for the acquisition and partial support for implementation of an Integrated Library System, $1,853,611.

"(4) Notwithstanding section 101, the level for 'Library of Congress, Books for the Blind and Physically Handicapped, Salaries and Expenses' shall be $53,505,000, of which $16,231,000 shall remain available until expended.

"(5) The proviso under the heading 'Books for the Blind and Physically Handicapped, Salaries and Expenses' in the Legislative Branch Appropriations Act, 2006 (Public Law 109–55; 119 Stat. 582) shall not apply to funds appropriated by this division.

"(6) Section 3402 of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005 (Public Law 109–13; 119 Stat. 272) is repealed, and each provision of law amended by such section is restored as if such section had not been enacted into law.

"(e) Notwithstanding section 101, the level for 'Government Printing Office, Government Printing Office Revolving Fund' shall be $1,000,000.

"(f) Notwithstanding section 101, the amount applicable under the first proviso under the heading 'Government Accountability Office, Salaries and Expenses' in the Legislative Branch Appropriations Act, 2006 (Public Law 109–55; 119 Stat. 586) shall be $5,167,900, and the amount applicable under the second proviso under such heading shall be $2,763,000.

"CHAPTER 8—MILITARY QUALITY OF LIFE AND VETERANS AFFAIRS

"SEC. 20801. Notwithstanding section 101, the level for each of the following accounts of the Department of Defense for projects authorized in division B of Public Law 109–364 shall be as follows: 'Military Construction, Army', $2,013,000,000; 'Military Construction, Navy and Marine Corps', $1,129,000,000; 'Military Construction, Air Force', $1,083,000,000; 'Military Construction, Defense-Wide', $1,127,000,000; 'Military Construction, Army National Guard', $473,000,000; 'Military Construction, Air National Guard', $126,000,000; 'Military Construction, Army Reserve', $166,000,000; 'Military Construction, Navy Reserve', $43,000,000; and 'Military Construction, Air Force Reserve', $45,000,000.

"SEC. 20802. Of the total amount specified in section 20801, the amount available for study, planning, design, architect and engineer services, and host nation support, as authorized by law, under the headings 'Military Construction, Army', 'Military Construction, Navy and Marine Corps', 'Military Construction, Air Force', and 'Military Construction, Defense-Wide' shall not exceed $541,000,000.

"SEC. 20803. Notwithstanding any other provision of this division, the following provisions included in the Military Quality of Life, Military Construction, and Veterans Affairs Appropriations Act, 2006 (Public Law 109–114) shall not apply to funds appropriated by this division: the first two provisos under the heading 'Military Construction, Army'; the first proviso under the heading 'Military Construction, Navy and Marine Corps'; the first proviso under the heading 'Military Construction, Air Force'; and the second proviso under the heading 'Military Construction, Defense-Wide'.

"SEC. 20804. Notwithstanding section 101, the level for each of the following accounts for the Department of Defense shall be as follows: 'Family Housing Construction, Army', $579,000,000; 'Family Housing Operation and Maintenance, Army', $671,000,000; 'Family Housing Construction, Navy and Marine Corps', $305,000,000; 'Family Housing Operation and Maintenance, Navy and Marine Corps', $505,000,000; 'Family Housing Construction, Air Force', $1,168,000,000; 'Family Housing Operation and Maintenance, Air Force', $750,000,000; 'Family Housing Construction, Defense-Wide', $9,000,000; 'Family Housing Operation and Maintenance, Defense-Wide', $49,000,000; 'Chemical Demilitarization Construction, Defense-Wide', $131,000,000; and 'Department of Defense Base Closure Account 2005', $2,489,421,000.

"SEC. 20805. Of the funds made available under the following headings in Public Law 108–132, the following amounts are rescinded: 'Military Construction, Navy and Marine Corps', $19,500,000; and 'Military Construction, Defense-Wide', $9,000,000.

"SEC. 20806. Of the funds made available under the following headings in Public Law 108–324, the following amounts are rescinded: 'Military Construction, Navy and Marine Corps', $8,000,000; 'Military Construction, Air Force', $2,694,000; 'Military Construction, Defense-Wide', $43,000,000; and 'Family Housing Construction, Air Force', $18,000,000.

"SEC. 20807. Of the funds made available under the following headings in Public Law

109–114, the following amounts are rescinded: ‘Military Construction, Army’, $43,348,000; ‘Military Construction, Defense-Wide’, $58,229,000; and ‘Military Construction, Army National Guard’, $2,129,000.

“Sec. 20808. Notwithstanding section 101, the level for each of the following accounts of the Department of Veterans Affairs shall be as follows: ‘Veterans Health Administration, Medical Services’, $25,423,250,000; ‘Veterans Health Administration, Medical Administration’, $3,156,850,000; ‘Veterans Health Administration, Medical Facilities’, $3,558,150,000; ‘Departmental Administration, General Operating Expenses’, $1,472,164,000, provided that the Veterans Benefits Administration shall be funded at not less than $1,161,659,000; ‘Departmental Administration, Construction, Major Projects’, $399,000,000, of which $2,000,000 shall be to make reimbursements as provided in section 13 of the Contract Disputes Act of 1978 (41 U.S.C. 612) for claims paid for contracts disputes; and ‘Departmental Administration, National Cemetery Administration’, $159,983,000.

“Sec. 20809. The first proviso under the heading ‘Veterans Benefits Administration, Compensation and Pensions’ in the Military Quality of Life, Military Construction, and Veterans Affairs Appropriations Act, 2006 (Public Law 109–114) shall be applied to funds appropriated by this division by substituting ‘$28,112,000’ for ‘$23,491,000’.

“Sec. 20810. Notwithstanding any other provision of this division, the following provisions included in the Military Quality of Life, Military Construction, and Veterans Affairs Appropriations Act, 2006 (Public Law 109–114) shall not apply to funds appropriated by this division: the first, second, and last provisos, and the set-aside of $2,200,000,000, under the heading ‘Veterans Health Administration, Medical Services’; the set-aside of $15,000,000 under the heading ‘Veterans Health Administration, Medical and Prosthetic Research’; the set-aside of $532,010,000 under the heading ‘Departmental Administration, Construction, Major Projects’; and the set-aside of $155,000,000 under the heading ‘Departmental Administration, Construction, Minor Projects’.

“Sec. 20811. Notwithstanding any other provision of this division, the following sections included in the Military Quality of Life, Military Construction, and Veterans Affairs Appropriations Act, 2006 (Public Law 109–114) shall not apply to funds appropriated by this division: section 217, section 224, section 228, section 229, and section 230.

“Sec. 20812. Notwithstanding section 101, the level for each of the following accounts of the American Battle Monuments Commission shall be as follows: ‘Salaries and Expenses’, $37,000,000; and ‘Foreign Currency Fluctuations Account’, $5,000,000.

“Sec. 20813. Notwithstanding section 101, the level for ‘United States Court of Appeals for Veterans Claims, Salaries and Expenses’ shall be $20,100,000.

“Sec. 20814. Section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2445) is amended by striking the first table of authorized Army construction and land acquisition projects for inside the United States and by adding at the end of the remaining table the last two items in the corresponding table on pages 366 and 367 of House Report 109–702, which is the conference report resolving the disagreeing votes of the House of Representatives and the Senate on the amendment of the Senate to H.R. 5122 of the 109th Congress.

“CHAPTER 9—SCIENCE, STATE, JUSTICE, COMMERCE, AND RELATED AGENCIES

“Sec. 20901. (a) Notwithstanding section 101, the level for each of the following accounts of the Department of Justice shall be as follows: ‘General Administration, Salaries and Expenses’, $97,053,000; ‘General Administration, Justice Information Sharing Technology’, $123,510,000; ‘General Administration, Narrowband Communications/Integrated Wireless Network’, $89,188,000; ‘General Administration, Detention Trustee’, $1,225,788,000; ‘General Administration, Office of Inspector General’, $70,118,000; ‘United States Parole Commission, Salaries and Expenses’, $11,424,000; ‘Legal Activities, Salaries and Expenses, Foreign Claims Settlement Commission’, $1,551,000; ‘United States Marshals Service, Salaries and Expenses’, $807,967,000; ‘United States Marshals Service, Construction’, $6,846,000; ‘Salaries and Expenses, Community Relations Service’, $10,178,000; ‘Assets Forfeiture Fund’, $21,211,000; ‘Interagency Law Enforcement, Interagency Crime and Drug Enforcement’, $494,793,000; ‘Drug Enforcement Administration, Salaries and Expenses’, $1,737,412,000; ‘Bureau of Alcohol, Tobacco, Firearms and Explosives, Salaries and Expenses’, $979,244,000; ‘Federal Prison System, Salaries and Expenses’, $4,974,261,000; ‘Office of Justice Programs, Justice Assistance’, $237,689,000; ‘Office of Justice Programs, Community Oriented Policing Services’, $541,697,000; and ‘Office on Violence Against Women, Violence Against Women Prevention and Prosecution Programs’, $382,534,000.

“(b) In addition to the amount otherwise appropriated by this division for ‘Department of Justice, Office of Justice Programs, State and Local Law Enforcement Assistance’ for the Edward Byrne Memorial Justice Assistance Grant program, there is appropriated $108,693,000 for such purpose.

“Sec. 20902. Notwithstanding section 101, the level for ‘Department of Justice, Legal Activities, Salaries and Expenses, Antitrust Division’ shall be $147,002,000, to remain available until expended: *Provided*, That notwithstanding any other provision of law, not to exceed $129,000,000 of offsetting collections derived from fees collected for premerger notification filings under the Hart-Scott-Rodino Anti-trust Improvements Act of 1976 (15 U.S.C. 18a), regardless of the year of collection, shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: *Provided further*, That the sum herein appropriated from the general fund shall be reduced as such offsetting collections are received during fiscal year 2007, so as to result in a final fiscal year 2007 appropriation from the general fund estimated at not more than $18,002,000.

“Sec. 20903. Notwithstanding section 101, the level for ‘Department of Justice, Legal Activities, United States Trustee System Fund’, as authorized, shall be $222,121,000, to remain available until expended and to be derived from the United States Trustee System Fund: *Provided*, That notwithstanding any other provision of law, deposits to the Fund shall be available in such amounts as may be necessary to pay refunds due depositors: *Provided further*, That notwithstanding any other provision of law, $222,121,000 of offsetting collections pursuant to 28 U.S.C. 589a(b) shall be retained and used for necessary expenses in this appropriation and remain available until expended: *Provided further*, That the sum herein appropriated from the Fund shall be reduced as such offsetting collections are received during fiscal year 2007, so as to result in a final fiscal year 2007 appropriation from the Fund estimated at $0.

“Sec. 20904. Notwithstanding section 101, the level for ‘Department of Justice, Federal Bureau of Investigation, Salaries and Expenses’ shall be $5,962,219,000.

“Sec. 20905. Notwithstanding section 101, the level for ‘Department of Justice, Federal Bureau of Investigation, Construction’ shall be $51,392,000.

“Sec. 20906. Notwithstanding section 101, the level for ‘Department of Justice, National Security Division’, as authorized by section 509A of title 28, United States Code, shall be $66,741,000: *Provided*, That upon a determination by the Attorney General that emergent circumstances require additional funding for activities of the National Security Division, the Attorney General may transfer such amounts to the National Security Division from available appropriations for the current fiscal year for the Department of Justice, as may be necessary to respond to such circumstances: *Provided further*, That any transfer pursuant to the previous proviso shall be treated as a reprogramming under section 605 of Public Law 109–108 and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

“Sec. 20907. Notwithstanding section 101, the level for ‘Department of Justice, United States Attorneys, Salaries and Expenses’ shall be $1,645,613,000.

“Sec. 20908. Notwithstanding section 101, the level for ‘Department of Justice, Administrative Review and Appeals’ shall be $228,066,000.

“Sec. 20909. Notwithstanding section 101, the level for ‘Department of Justice, General Legal Activities, Salaries and Expenses’ shall be $672,609,000.

“Sec. 20910. Notwithstanding section 101, the level for ‘Department of Justice, Federal Prison System, Buildings and Facilities’ shall be $432,290,000.

“Sec. 20911. Notwithstanding section 101, the level for ‘Bureau of the Census, Periodic Censuses and Programs’ shall be $511,603,000 for necessary expenses related to the 2010 decennial census and $182,489,000 for expenses to collect and publish statistics for other periodic censuses and programs provided for by law.

“Sec. 20912. Notwithstanding section 101, the level for ‘Department of Commerce, Science and Technology, Technology Administration, Salaries and Expenses’ shall be $2,000,000.

“Sec. 20913. Notwithstanding section 101, the level for the following accounts of the National Institute of Standards and Technology shall be as follows: ‘Scientific and Technical Research and Services’, $432,762,000; and ‘Construction of Research Facilities’, $58,651,000.

“Sec. 20914. Notwithstanding section 101 under ‘National Oceanic and Atmospheric Administration, Operations, Research, and Facilities’, $79,000,000 shall be derived by transfer from the fund entitled ‘Promote and Develop Fishery Products and Research Pertaining to American Fisheries’.

“Sec. 20915. Notwithstanding section 101, the level for the following accounts of the National Aeronautics and Space Administration shall be as follows: ‘Science, Aeronautics and Exploration’, $10,075,000,000, of which $5,251,200,000 shall be for science, $890,400,000 shall be for aeronautics research, $3,401,600,000 shall be for exploration systems, and $531,800,000 shall be for cross-agency support programs; ‘Exploration Capabilities’, $6,140,000,000; and ‘Office of Inspector General’, $32,000,000.

“Sec. 20916. Notwithstanding section 101, the level for ‘National Science Foundation, Research and Related Activities' shall be $4,665,950,000, of which not to exceed $485,000,000 shall remain available until expended for Polar research and operations support, and for reimbursement to other Federal agencies for operational and science support and logistical and other related activities for the United States Antarctic Program: *Provided*, That from funds provided under this section, such sums as are necessary shall be available for the procurement of polar icebreaking services: *Provided further*, That the National Science Foundation shall reimburse the Coast Guard according to the existing memorandum of agreement.

"SEC. 20917. Notwithstanding section 101, the level for 'Antitrust Modernization Commission, Salaries and Expenses' shall be $462,000.

"SEC. 20918. Notwithstanding section 101, the level for 'Legal Services Corporation, Payment to the Legal Services Corporation' shall be $348,578,000.

"SEC. 20919. Of the unobligated balances available under the heading 'Department of Justice, General Administration, Working Capital Fund', $2,500,000 is rescinded.

"SEC. 20920. Of the unobligated balances available under the heading 'Department of Justice, General Administration, Telecommunications Carrier Compliance Fund', $39,000,000 is rescinded.

"SEC. 20921. Of the unobligated balances available under the heading 'Department of Justice, Violent Crime Reduction Trust Fund', $8,000,000 is rescinded.

"SEC. 20922. Of the unobligated balances available under the heading 'Department of Justice, Legal Activities, Assets Forfeiture Fund', $170,000,000 shall be rescinded not later than September 30, 2007.

"SEC. 20923. Of the unobligated balances available from prior year appropriations under any 'Department of Justice, Office of Justice Programs' account, $109,000,000 shall be rescinded, of which no more than $31,000,000 shall be rescinded from 'Department of Justice, Office of Justice Programs, Community Oriented Policing Services', not later than September 30, 2007: *Provided*, That funds made available for 'Department of Justice, Office of Justice Programs, Community Oriented Policing Services' program management and administration shall not be reduced due to such rescission.

"SEC. 20924. Of the unobligated balances available under the heading 'Department of Commerce, National Oceanic and Atmospheric Administration', $25,000,000 is rescinded.

"SEC. 20925. Of the unobligated balances available under the heading 'Department of Commerce, National Institute of Standards and Technology, Industrial Technology Services', $7,000,000 is rescinded.

"SEC. 20926. The third proviso under the heading 'Department of Justice, Legal Activities, Salaries and Expenses, United States Attorneys', of the Science, State, Justice, Commerce and Related Agencies Appropriations Act, 2006 (Public Law 109–108) shall not apply to funds appropriated by this division.

"SEC. 20927. The first through third provisos under the heading 'Department of Justice, Federal Bureau of Investigation, Construction' of the Science, State, Justice, Commerce and Related Agencies Appropriations Act, 2006 (Public Law 109–108) shall not apply to funds appropriated by this division.

"SEC. 20928. The tenth through twelfth provisos under the heading 'Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives, Salaries and Expenses' of the Science, State, Justice, Commerce and Related Agencies Appropriations Act, 2006 (Public Law 109–108) shall not apply to funds appropriated by this division.

"SEC. 20929. The matter pertaining to the National District Attorneys Association in paragraph (12) under the heading 'Department of Justice, Office of Justice Programs, Community Oriented Policing Services' of the Science, State, Justice, Commerce and Related Agencies Appropriations Act, 2006 (Public Law 109–108) shall not apply to funds appropriated by this division.

"SEC. 20930. Sections 207, 208, and 209 of the Science, State, Justice, Commerce, and Related Agencies Appropriations Act, 2006 (Public Law 109–108) shall not apply to funds appropriated by this division.

"SEC. 20931. Notwithstanding any other provision of this division, the following provisions of the Science, State, Justice, Commerce, and Related Agencies Appropriations Act, 2006 (Public Law 109–108), relating to the Department of Commerce, National Oceanic and Atmospheric Administration, shall not apply to funds appropriated by this division: the twelfth proviso under the heading 'Operations, Research and Facilities'; the fifth proviso under the heading 'Procurement, Acquisition and Construction'; and the set-aside of $19,000,000 under the second proviso under the heading 'Fisheries Finance Program Account'.

"SEC. 20932. In the Science, State, Justice, Commerce, and Related Agencies Appropriations Act, 2006 (Public Law 109–108), under the heading 'National Aeronautics and Space Administration, Administrative Provisions', the paragraph beginning 'Funding made available under' and all that follows through 'conference report for this Act.' shall not apply to funds appropriated by this division.

"SEC. 20933. Title VIII of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2005 (Public Law 108–447, division B) is amended by striking 'fiscal years 2005 and 2006' each place it appears and inserting 'fiscal years 2005, 2006, and 2007'.

"SEC. 20934. Notwithstanding section 101, the level for 'Department of Commerce, United States Patent and Trademark Office, Salaries and Expenses' shall be $1,771,000,000, to remain available until expended: *Provided*, That the sum herein appropriated from the general fund shall be reduced as offsetting collections assessed and collected pursuant to section 1113 of title 15 of the United States Code, and sections 41 and 376 of title 35 of the United States Code, are received during fiscal year 2007, so as to result in a fiscal year 2007 appropriation from the general fund estimated at $0: *Provided further*, That during fiscal year 2007, should the total amount of offsetting fee collections be less than $1,771,000,000, this amount shall be reduced accordingly.

"SEC. 20935. Funds appropriated by section 101 of this division for International Space Station Cargo Crew Services/International Partner Purchases and International Space Station/Multi-User System Support within the National Aeronautics and Space Administration may be obligated in the account and budget structure set forth in the pertinent Act specified in section 101(a)(8).

"SEC. 20936. The matter pertaining to paragraph (1)(B) under the heading 'Department of Justice, Office of Justice Programs, State and Local Law Enforcement Assistance' of the Science, State, Justice, Commerce and Related Agencies Appropriations Act, 2006 shall not apply to funds appropriated by this division.

"SEC. 20937. The Science, State, Justice, Commerce, and Related Agencies Appropriations Act, 2006 (Public Law 109–108), under the heading 'National Aeronautics and Space Administration, Science, Aeronautics and Exploration' is amended by striking ', of which amounts' and all that follows through 'as amended by Public Law 106–377'.

"SEC. 20938. The Science, State, Justice, Commerce, and Related Agencies Appropriations Act, 2006 (Public Law 109–108), under the heading 'National Aeronautics and Space Administration, Exploration Capabilities' is amended by striking ', of which amounts' and all that follows through 'as amended by Public Law 106–377'.

"SEC. 20939. Notwithstanding section 101, or any other provision of law, no funds shall be used to implement any Reduction in Force or other involuntary separations (except for cause) by the National Aeronautics and Space Administration prior to September 30, 2007.

"SEC. 20940. Any terms, conditions, uses, or authorities put into effect, available, or exercised pursuant to the reprogramming notification dated August 10, 2006, relating to the Department of Justice with respect to the Office of Justice Programs, the Office of Community Oriented Policing Services, or the Office on Violence Against Women are hereby made applicable, available, and effective with respect to Fiscal Year 2007 appropriations for those Offices.

"SEC. 20941. Section 824(g) of the Foreign Service Act of 1980 (22 U.S.C. 4064(g)) is amended—

"(1) in paragraph (1)—

"(A) in the matter preceding subparagraph (A), by striking 'To facilitate' and all that follows through 'the Secretary' and inserting 'The Secretary'; and

"(B) in subparagraph (B), by striking 'if' and inserting 'to facilitate the assignment of persons to Iraq and Afghanistan or to posts vacated by members of the Service assigned to Iraq and Afghanistan, if';

"(2) in paragraph (2), by striking 'subparagraphs (A) or (B) of such paragraph' and inserting 'such subparagraph'; and

"(3) in paragraph (3), by striking 'paragraph (1)' and inserting 'paragraph (1)(B)'.

"SEC. 20942. Notwithstanding section 101, the level for each of the following accounts and activities shall be $0: 'Department of State, Administration of Foreign Affairs, Centralized Information Technology Modernization Program'; and the grant to the Center for Middle Eastern-Western Dialogue Trust Fund made available in the Science, State, Justice, Commerce, and Related Agencies Appropriations Act, 2006 (Public Law 109–108) under the heading 'Department of State, Other, Center for Middle Eastern-Western Dialogue Trust Fund'.

"SEC. 20943. Notwithstanding section 101, the level for each of the following accounts shall be as follows: 'Department of State, Administration of Foreign Affairs, Educational and Cultural Exchange Programs', $445,275,000; 'Department of State, Administration of Foreign Affairs, Emergencies in the Diplomatic and Consular Service', $4,940,000; 'Department of State, Administration of Foreign Affairs, Payment to the American Institute in Taiwan', $15,826,000; 'Department of State, International Organizations, Contributions for International Peacekeeping Activities', $1,135,275,000; 'Related Agency, Broadcasting Board of Governors, International Broadcasting Operations', $636,387,000; 'Related Agency, Broadcasting Board of Governors, Broadcasting Capital Improvements', $7,624,000; and 'Related Agencies, Commission on International

Religious Freedom, Salaries and Expenses', $3,000,000.

"SEC. 20944. Notwithstanding any other provision of this division, the fourth proviso under the heading 'Department of State, Administration of Foreign Affairs, Diplomatic and Consular Programs' in the Science, State, Justice, Commerce, and Related Appropriations Act, 2006 (Public Law 109–108) and section 406 of such Act shall not apply to funds appropriated by this division.

"SEC. 20945. The appropriation to the Securities and Exchange Commission pursuant to this division shall be deemed a regular appropriation for purposes of section 6(b) of the Securities Act of 1933 (15 U.S.C. 77f(b)) and sections 13(e), 14(g), and 31(k) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(e), 78n(g), and 78ee(k)).

"SEC. 20946. Section 302 of the Universal Service Antideficiency Temporary Suspension Act (Public Law 108–494; 118 Stat. 3998) is amended by striking 'December 31, 2006,' each place it appears and inserting 'December 31, 2007,'.

"SEC. 20947. Notwithstanding section 101, the level for 'Small Business Administration, Salaries and Expenses' shall be $326,733,000, and section 613 of the Science, State, Justice, Commerce, and Related Agencies Appropriations Act, 2006 (Public Law 109–108; 119 Stat. 2336) shall not apply to such funds.

"SEC. 20948. Notwithstanding section 101, the level for 'Small Business Administration, Disaster Loans Program Account' shall be $113,850,000, to remain available until expended, which shall be for administrative expenses to carry out the direct loan program authorized by section 7(b) of the Small Business Act, of which $112,365,000 may be transferred to and merged with 'Small Business Administration, Salaries and Expenses', and of which $1,485,000 is for the Office of Inspector General of the Small Business Administration for audits and reviews of disaster loans and the disaster loan program and shall be transferred to and merged with appropriations for the Office of Inspector General.

"SEC. 20949. Of the unobligated balances available under the heading 'Small Business Administration, Salaries and Expenses', $6,100,000 is rescinded.

"SEC. 20950. Of the unobligated balances available under the heading 'Small Business Administration, Business Loans Program Account', $5,000,000 is rescinded.

"SEC. 20951. Of the unobligated balances available under the heading 'Small Business Administration, Disaster Loans Program Account', $2,300,000 is rescinded.

"CHAPTER 10—TRANSPORTATION, TREASURY, HOUSING AND URBAN DEVELOPMENT, THE JUDICIARY, THE DISTRICT OF COLUMBIA, AND INDEPENDENT AGENCIES

"SEC. 21001. Of the amounts provided by section 101 for 'Department of Transportation, Office of the Secretary, Transportation, Planning, Research, and Development', for activities of the Department of Transportation, up to $9,900,000 may be made available for the purpose of agency facility improvements and associated administrative costs as determined necessary by the Secretary.

"SEC. 21002. (a) Section 44302(f)(1) of title 49, United States Code, shall be applied by substituting the date specified in section 106 of this division for 'August 31, 2006, and may extend through December 31, 2006'.

"(b) Section 44303(b) of title 49, United States Code, shall be applied by substituting the date specified in section 106 of this division for 'December 31, 2006'.

"SEC. 21003. Of the funds made available under section 101(a)(2) of Public Law 107–42, $50,000,000 is rescinded.

"SEC. 21004. Notwithstanding section 101, no funds are provided by this division for activities or reimbursements described in section 185 of Public Law 109–115.

"SEC. 21005. Notwithstanding section 101, the level for 'Federal Aviation Administration, Operations' shall be $8,330,750,000, of which $5,627,900,000 shall be derived from the Airport and Airway Trust Fund, of which no less than $6,704,223,000 shall be for air traffic organization activities; no less than $997,718,000 shall be for aviation regulation and certification activities; not to exceed $11,641,000 shall be available for commercial space transportation activities; not to exceed $76,175,000 shall be available for financial services activities; not to exceed $85,313,000 shall be available for human resources program activities; not to exceed $275,156,000 shall be available for region and center operations and regional coordination activities; not to exceed $144,617,000 shall be available for staff offices; and not to exceed $35,907,000 shall be available for information services.

"SEC. 21006. Notwithstanding section 101, the level for 'Federal Aviation Administration, Research, Engineering, and Development (Airport and Airway Trust Fund)' shall be $130,000,000.

"SEC. 21007. Of the amounts provided by section 101 for limitation on obligations under 'Federal Aviation Administration, Grants-in-Aid for Airports (Liquidation of Contract Authorization) (Limitation on Obligations) (Airport and Airway Trust Fund)', not to exceed $74,971,000 shall be obligated for administrative expenses; up to $17,870,000 shall be available for airport technology research, to remain available until expended; not less than $10,000,000 shall be for airport cooperative research; and $10,000,000 shall be available and transferred to 'Office of the Secretary, Salaries and Expenses' to administer the small community air service development program to remain available until expended.

"SEC. 21008. Notwithstanding section 101, the level for liquidation of contract authorization under 'Federal Aviation Administration, Grants-in-Aid for Airports (Liquidation of Contract Authorization) (Limitation on Obligations) (Airport and Airway Trust Fund)' shall be $4,399,000,000.

"SEC. 21009. Of the amounts authorized for the fiscal year ending September 30, 2007, and prior years under sections 48103 and 48112 of title 49, United States Code, $621,000,000 is rescinded.

"SEC. 21010. Notwithstanding section 101, the level for 'Federal Highway Administration, Federal-Aid Highways (Limitation on Obligations) (Highway Trust Fund)' shall be $39,086,464,683.

"SEC. 21011. Notwithstanding section 101, sections 110, 112, and 113 of division A of Public Law 109–115 shall not apply to fiscal year 2007.

"SEC. 21012. Funds appropriated under this division pursuant to section 1069(y) of Public Law 102–240 shall be distributed in accordance with the formula set forth in section 1116(a) of Public Law 109–59.

"SEC. 21013. Notwithstanding section 101, the level for the limitation on obligations and transfer of contract authority for 'National Highway Traffic Safety Administration, Operations and Research (Highway Trust Fund) (Including Transfer of Funds)' shall be $121,232,430: *Provided*, That notwithstanding any other provision of law, whenever an allocation is made of the sums authorized to be appropriated for expenditure on the Federal lands highway program, and whenever an apportionment is made of the sums authorized to be appropriated for the surface transportation program, the congestion mitigation and air quality improvement program, the National Highway System, the Interstate maintenance program, the bridge program, the Appalachian development highway system, and the equity bonus program, the Secretary of Transportation shall deduct from all sums so authorized such sums as may be necessary to fund this section: *Provided further*, That funds made available under this section shall be transferred by the Secretary of Transportation to and administered by the National Highway Traffic Safety Administration: *Provided further*, That the Federal share payable on account of any program, project, or activity carried out with funds made available under this section shall be 100 percent: *Provided further*, That the sum deducted in accordance with this section shall remain available until expended: *Provided further*, That all funds made available under this section shall be subject to any limitation on obligations for Federal-aid highways and highway safety construction programs set forth in this division or any other Act: *Provided further*, That the obligation limitation made available for the programs, projects, and activities for which funds are made available under this section shall remain available until used and shall be in addition to the amount of any limitation imposed on obligations for Federal-aid highway and highway safety construction programs for future fiscal years: *Provided further*, That, notwithstanding any other provision of law, prior to making any distribution of obligation limitation for the Federal-aid highway program under section 1102 of Public Law 109–59 for fiscal year 2007, the Secretary of Transportation shall not distribute from such limitation amounts provided under this section: *Provided further*, That, notwithstanding any other provision of law, in allocating funds for the equity bonus program under section 105 of title 23, United States Code, for fiscal year 2007, the Secretary of Transportation shall make the required calculations under that section as if this section had not been enacted.

"SEC. 21014. Of the unobligated balances of funds apportioned to each State under chapter 1 of title 23, United States Code, $3,471,582,000 is rescinded: *Provided*, That such rescission shall not apply to the funds distributed in accordance with sections 130(f) and 104(b)(5) of title 23, United States Code; sections 133(d)(1) and 163 of such title, as in effect on the day before the date of enactment of Public Law 109–59; and the first sentence of section 133(d)(3)(A) of such title.

"SEC. 21015. Notwithstanding section 101 and section 111, the level for each of the following accounts under the heading 'Federal Motor Carrier Safety Administration' shall be as follows: 'Motor Carrier Safety Operations and Programs (Liquidation of Contract Authorization) (Limitation on Obligations) (Highway Trust Fund)', $223,000,000; and 'Motor Carrier Safety Grants (Liquidation of Contract Authorization) (Limitation on Obligations) (Highway Trust Fund)', $294,000,000.

"SEC. 21016. Notwithstanding section 101 and section 111, the level for each of the following accounts under the heading 'National Highway Traffic Safety Administration' shall be as follows: 'Operations and Research

(Liquidation of Contract Authorization) (Limitation on Obligations) (Highway Trust Fund)', $107,750,000; 'National Driver Register (Liquidation of Contract Authorization) (Limitation on Obligations) (Highway Trust Fund)', $4,000,000; and 'Highway Traffic Safety Grants (Liquidation of Contract Authorization) (Limitation on Obligations) (Highway Trust Fund)', $587,750,000.

"SEC. 21017. Notwithstanding section 101, the level for 'Federal Railroad Administration, Safety and Operations' shall be $149,570,000.

"SEC. 21018. Notwithstanding section 101, the level for 'Federal Railroad Administration, Railroad Research and Development' shall be $34,524,000.

"SEC. 21019. Notwithstanding section 101, the level for 'Federal Railroad Administration, Efficiency Incentive Grants to the National Railroad Passenger Corporation' shall be $31,300,000 and section 135 of division A of Public Law 109–115 shall not apply to fiscal year 2007.

"SEC. 21020. Notwithstanding section 101, no funds are appropriated under this division for 'Federal Railroad Administration, Alaska Railroad Rehabilitation'.

"SEC. 21021. Notwithstanding section 101 and section 111, the level for each of the following accounts under the heading 'Federal Transit Administration' shall be as follows: 'Administrative Expenses', $85,000,000; 'Research and University Research Centers', $61,000,000; and 'Capital Investment Grants', $1,566,000,000.

"SEC. 21022. Notwithstanding section 101, the level for the liquidation of contract authorizations for 'Federal Transit Administration, Formula and Bus Grants (Liquidation of Contract Authorization)' available for payment of obligations incurred in carrying out the provisions of sections 5305, 5307, 5308, 5309, 5310, 5311, 5316, 5317, 5320, 5335, 5339, and 5340 of title 49, United States Code, and section 3038 of Public Law 105–178 shall be $4,660,000,000, to be derived from the Mass Transit Account of the Highway Trust Fund and to remain available until expended.

"SEC. 21023. Notwithstanding section 101, the level for the limitation on obligations for 'Federal Transit Administration, Formula and Bus Grants (Liquidation of Contract Authorization) (Limitation on Obligations) (Including Transfer of Funds)' shall be $7,262,775,000: *Provided*, That no funds made available to modernize fixed guideway systems shall be transferred to 'Capital Investment Grants'.

"SEC. 21024. Notwithstanding any other provision of law, funds appropriated or limited under this division and made available to carry out the new fixed guideway program of the Federal Transit Administration shall be allocated at the discretion of the Administrator of the Federal Transit Administration for projects authorized under subsections (a) through (c) of section 3043 of Public Law 109–59 and for activities authorized under section 5309 of title 49, United States Code.

"SEC. 21025. Notwithstanding section 101, the level for 'Maritime Administration, Operations and Training' shall be $111,127,000.

"SEC. 21026. Of the unobligated balances under the heading 'Maritime Administration, National Defense Tank Vessel Construction Program', $74,400,000 is rescinded.

"SEC. 21027. Of the unobligated balances under the heading 'Maritime Administration, Ship Construction', $2,000,000 is rescinded.

"SEC. 21028. Notwithstanding section 101, the level for each of the following accounts under the heading 'Pipeline and Hazardous Materials Safety Administration' shall be as follows: 'Administrative Expenses', $18,000,000; 'Hazardous Materials Safety', $26,663,000; and 'Pipeline Safety (Pipeline Safety Fund) (Oil Spill Liability Trust Fund)', $74,832,000, of which $14,850,000 shall be derived from the Oil Spill Liability Trust Fund and shall remain available until September 30, 2009, of which $59,982,000 shall be derived from the Pipeline Safety Fund, of which $24,000,000 shall remain available until September 30, 2009.

"SEC. 21029. Notwithstanding section 101, the level for 'Research and Innovative Technology Administration, Research and Development' shall be $7,716,260, of which $2,000,000 shall be for the air transportation statistics program.

"SEC. 21030. Notwithstanding section 101, the level for 'Department of Transportation, Office of Inspector General, Salaries and Expenses' shall be $63,643,000.

"SEC. 21031. Notwithstanding section 101, the level for the 'National Transportation Safety Board, Salaries and Expenses' shall be $78,854,000.

"SEC. 21032. Of the available unobligated balances made available to the 'National Transportation Safety Board' under Public Law 106–246, $1,000,000 is rescinded.

"SEC. 21033. Notwithstanding section 101, the level for 'Department of Housing and Urban Development, Public and Indian Housing, Tenant-Based Rental Assistance' shall be $15,920,000,000, to remain available until expended, of which $11,727,000,000 shall be available on October 1, 2006, and notwithstanding section 109, $4,193,000,000 shall be available on October 1, 2007: *Provided*, That paragraph (1) under such heading in Public Law 109-115 (119 Stat. 2440) shall not apply to funds appropriated by this division: *Provided further*, That of the amounts available for such heading, $14,436,200,000 shall be for renewals of expiring section 8 tenant-based annual contributions contracts (including renewals of enhanced vouchers under any provision of law authorizing such assistance under section 8(t) of the United States Housing Act of 1937, as amended (42 U.S.C. 1437 et seq.) ('the Act' herein)): *Provided further*, That notwithstanding any other provision of law, from amounts provided under the second proviso under this section the Secretary shall, for the calendar year 2007 funding cycle, provide renewal funding for each public housing agency based on voucher management system (VMS) leasing and cost data for the most recently completed period of 12 consecutive months for which the Secretary determines the data is verifiable and complete, prior to prorations, and by applying the 2007 Annual Adjustment Factor as established by the Secretary, and by making any necessary adjustments for the costs associated with the first-time renewal of tenant protection or HOPE VI vouchers or vouchers that were not in use during the 12-month period in order to be available to meet a commitment pursuant to section 8(o)(13) of the Act: *Provided further*, That the Secretary shall, to the extent necessary to stay within the amount provided under the second proviso under this section, pro rate each public housing agency's allocation otherwise established pursuant to this section: *Provided further*, That except as provided in the following proviso, the entire amount provided under the second proviso under this section shall be obligated to the public housing agencies based on the allocation and pro rata method described above: *Provided further*, That public housing agencies participating in the Moving to Work demonstration shall be funded pursuant to their Moving to Work agreements and shall be subject to the same pro rata adjustments under the previous proviso: *Provided further*, That from amounts provided under the second proviso of this section up to $100,000,000 shall be available only: (1) for adjustments for public housing agencies that experienced a significant increase, as determined by the Secretary, in renewal costs resulting from unforeseen circumstances or from the portability under section 8(r) of the Act of tenant-based rental assistance; and (2) for adjustments for public housing agencies that could experience a significant decrease in voucher funding that could result in the risk of loss of voucher units due to the shift to using VMS data based on a 12-month period: *Provided further*, That none of the funds provided under the second proviso of this section may be used to support a total number of unit months under lease which exceeds a public housing agency's authorized level of units under contract.

"SEC. 21034. Notwithstanding section 101, the level for each of the following accounts for Public and Indian Housing of the Department of Housing and Urban Development shall be as follows: 'Project-Based Rental Assistance', $5,976,417,000, of which $5,829,303,000 shall be for activities specified in paragraph (1) under such heading in Public Law 109–115 (119 Stat. 2442); 'Public Housing Operating Fund', $3,864,000,000; and 'Indian Housing Loan Guarantee Fund Program Account', $6,000,000: *Provided*, That such funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $251,000,000.

"SEC. 21035. Of the unobligated balances, including recaptures and carryover, remaining from funds appropriated under the headings referred to under the heading 'Department of Housing and Urban Development, Public and Indian Housing, Housing Certificate Fund' in Public Law 109–115 (119 Stat. 2442) for fiscal year 2006 and prior years, $1,650,000,000 is rescinded: *Provided*, That the provisions under such heading shall be applied to such rescission by substituting 'September 30, 2007' for 'September 30, 2006' and '2007 funding cycle' for '2006 funding cycle'.

"SEC. 21036. None of the funds appropriated by this division may be used for the following activities under the heading 'Department of Housing and Urban Development, Public and Indian Housing' in Public Law 109–115: the activities specified in the last three provisos under the heading 'Public Housing Capital Fund' (119 Stat. 2444); and the first activity specified in the second proviso under the heading 'Native American Housing Block Grants' (119 Stat. 2445).

"SEC. 21037. Notwithstanding section 101, the level for each of the following accounts for Community Planning and Development of the Department of Housing and Urban Development shall be as follows: 'Community Development Fund', $3,771,900,000, of which $3,710,916,000 shall be for carrying out the community development block grant program under title I of the Housing and Community Development Act of 1974, as amended: *Provided*, That none of the funds made available by this section for such account may be used for grants for the Economic Development Initiative, neighborhood initiatives, or YouthBuild program activities; 'Self-Help and Assisted Homeownership Opportunity Program', $49,390,000, of which $19,800,000 shall be for the Self Help Homeownership Opportunity Program as authorized under section 11 of the Housing Opportunity Program Extension Act of 1996, as amended, and $29,590,000 shall be made available through a competition for activities authorized by section 4 of the HUD Demonstration Act of 1993 (42 U.S.C. 9816 note); and 'Homeless Assistance Grants', $1,441,600,000.

"SEC. 21038. None of the funds appropriated by this division may be used for activities specified in the first proviso under the heading 'Department of Housing and Urban Development, Housing Programs, Housing for the Elderly' in Public Law 109–115 (119 Stat. 2452).

"SEC. 21039. The first proviso in the first paragraph under the heading 'Department of Housing and Urban Development, Federal Housing Administration, General and Special Risk Program Account' in Public Law 109–115 (119 Stat. 2454) shall be applied in fiscal year 2007 by substituting "$45,000,000,000" for "$35,000,000,000".

"SEC. 21040. Notwithstanding section 101, the level for 'Department of Housing and Urban Development, Policy Development and Research, Research and Technology' shall be $50,087,000: *Provided*, That none of the funds made available by this section for such account may be used for activities under the first four provisos under such heading in Public Law 109–115 (119 Stat. 2455).

"SEC. 21041. Funds appropriated by this division for 'Department of Housing and Urban Development, Office of Lead Hazard Control, Lead Hazard Reduction' shall be made available without regard to the limitations that are set forth after 'needs' in the second proviso under such heading in Public Law 109–115 (119 Stat. 2457)".

"SEC. 21042. The provisions of title II of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11311 et seq.) shall continue in effect, notwithstanding section 209 of such Act, through the earlier of (1) the date specified in section 106 of this division, or (2) the date of the enactment into law of an authorization Act relating to the McKinney-Vento Homeless Assistance Act.

"SEC. 21043. (a) Section 579 of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) is amended—

"(1) in subsection (a)(1), by striking 'October 1, 2006' and inserting 'October 1, 2011', and

"(2) in subsection (b), by striking 'October 1, 2006' and inserting 'October 1, 2011'.

"(b) The repeal made by section 579(a)(1) of the Multifamily Assisted Housing Reform and Affordability Act of 1997 shall be deemed not to have taken effect before the date of the enactment of the Revised Continuing Appropriations Resolution, 2007, and subtitle A of such Act shall be in effect as if no such repeal had been made before such date of enactment.

"SEC. 21044. Notwithstanding the limitation in the first sentence of section 255(g) of the National Housing Act (12 U.S.C. 1715z–20(g)), the Secretary of Housing and Urban Development may, until the date specified in section 106 of this division, insure and enter into commitments to insure mortgages under section 255 of the National Housing Act (12 U.S.C. 1715z–20(g)).

"SEC. 21045. Section 24 of the United States Housing Act of 1937 (42 U.S.C. 1437v) is amended—

"(1) in subsection (m)(1), by striking '2003' and inserting '2007'; and

"(2) in subsection (o), by striking "September 30, 2006" and inserting "September 30, 2007".

"SEC. 21046. Section 710 of Public Law 109–115 (119 Stat. 2491) shall be applied to funds appropriated by this division by substituting '2007' and '30 days' for '2006' and '60 days', respectively.

"SEC. 21047. Section 711 of Public Law 109–115 (119 Stat. 2492) shall be applied to funds appropriated by this division by substituting '2007' for '2006' each place it appears, and by substituting 'September 30, 2008' for 'September 30, 2007'.

"SEC. 21048. Notwithstanding section 101, the level for 'Department of the Treasury, Departmental Offices, Salaries and Expenses' shall be $215,167,000, of which not less than $23,826,000 shall be for the following increases for the following activities: $9,352,000 to expand the overseas presence of the Department of the Treasury; $3,761,000 for intelligence analysts; $1,000,000 for additional secure workspace for intelligence analysts; $2,050,000 to support the Department of the Treasury's participation as co-lead agency in the Iraq Threat Finance Cell; $1,483,000 to support economic sanctions efforts against terrorist networks; $946,000 to support economic sanctions efforts against proliferators of Weapons of Mass Destruction; $542,000 for General Counsel support of the Office of Terrorism and Financial Intelligence; $492,000 for Chief Counsel support of the Office of Foreign Assets Control; and $4,200,000 to reimburse the United States Secret Service for the security detail to the Secretary of the Treasury.

"SEC. 21049. Notwithstanding section 101, the level for 'Department of the Treasury, Departmental Offices, Department-wide Systems and Capital Investments Programs' shall be $30,268,000, of which not less than $6,100,000 shall be for an increase for the Treasury Foreign Intelligence Network.

"SEC. 21050. Notwithstanding section 101, the level for each of the following accounts of the Internal Revenue Service shall be as follows: 'Taxpayer Services', $2,142,042,391; 'Enforcement', $4,708,440,879; 'Operations Support', $3,461,204,720; 'Health Insurance Tax Credit Administration', $14,846,000; and 'Business Systems Modernization', $212,310,000.

"SEC. 21051. Funds appropriated by section 101 of this division for the Internal Revenue Service may be obligated in the account and budget structure set forth in title II of H.R. 5576 (109th Congress), as passed by the House of Representatives.

"SEC. 21052. Funds for the Internal Revenue Service for fiscal year 2007 under the 'Taxpayer Services', 'Enforcement', and 'Operations Support' accounts may be transferred between the accounts and among budget activities to the extent necessary to implement the restructuring of the Internal Revenue Service accounts after notice of the amount and purpose of the transfer is provided to the Committees on Appropriations of the House of Representatives and Senate and a period of 30 days has elapsed: *Provided*, That the limitation on transfers is 10 percent in fiscal year 2007.

"SEC. 21053. Funds appropriated by this division for 'Internal Revenue Service, Business Systems Modernization' are available for obligation without the prior approval of the Committees on Appropriations of the House of Representatives and the Senate for employee salaries and expenses.

"SEC. 21054. (a) Notwithstanding section 101, the level for 'The Judiciary, Courts of Appeals, District Courts, and Other Judicial Services, Salaries and Expenses' shall be $4,498,130,000, of which $20,371,000 shall be available for critically understaffed workload associated with immigration and other law enforcement needs.

"(b) Notwithstanding section 402 of Public Law 109–115, of the amount provided by this section, not to exceed $80,954,000 shall be available for transfer between accounts to maintain fiscal year 2006 operating levels.

"SEC. 21055. Notwithstanding section 101, within the amount provided by this division for 'The Judiciary, Administrative Office of the United States Courts, Salaries and Expenses', $990,000 shall not be required for the National Academy of Public Administration for a review of the financial and management procedures of the Federal Judiciary.

"SEC. 21056. Section 203(c) of the Judicial Improvements Act of 1990 (Public Law 101-650; 28 U.S.C. 133 note), is amended—

"(1) in the second sentence, by inserting 'the district of Kansas,' after 'Except with respect to'; and

"(2) by inserting after the second sentence the following: 'The first vacancy in the office of district judge in the district of Kansas occurring 16 years or more after the confirmation date of the judge named to fill the temporary judgeship created for such district under this subsection, shall not be filled.'.

"SEC. 21057. (a) Notwithstanding section 101, the level for 'Office of National Drug Control Policy, Counterdrug Technology Assessment Center' shall be $20,000,000, which shall remain available until, and obligated and expended by, September 30, 2008, consisting of $10,000,000 for counternarcotics research and development projects, of which up to $1,000,000 is to be directed to supply reduction activities, and $10,000,000 for the continued operation of the technology transfer program.

"(b) The Office of National Drug Control Policy shall expend funds provided for 'Counterdrug Technology Assessment Center' by Public Law 109–115 in accordance with the Joint Explanatory Statement of the Committee of Conference for Public Law 109–115 (House Report 109–307) within 60 days after the date of the enactment of this section.

"(c) Funding for counternarcotics research and development projects shall be available for transfer to other Federal departments or agencies within 45 days after the date of the enactment of this section. Any unexpended funds from previous fiscal years shall be expended in fiscal year 2007 to reinstate the demand instrumentation program as instructed in the Joint Explanatory Statement of the Committee of Conference for Public Law 109–115 (House Report 109–307). The Director of the Office of National Drug Control Policy shall submit to the Committees on Appropriations of the House of Representatives and the Senate an accounting of fiscal year 2006 funds, including funds that are unexpended for fiscal year 2007.

"SEC. 21058. The structure of any of the offices or components within the Office of National Drug Control Policy shall remain as they were on October 1, 2006, and none of the funds appropriated or otherwise made available by this division may be used to implement a reorganization of offices within the Office of National Drug Control Policy without the explicit approval of the Committees on Appropriations of the House of Representatives and the Senate.

"SEC. 21059. (a) Funds appropriated or otherwise made available by this division for 'Federal Drug Control Programs, High Intensity Drug Trafficking Areas Program' shall remain available until September 30, 2008.

"(b) The Office of National Drug Control Policy shall submit a plan to the Committees on Appropriations of the House of Representatives and the Senate for the initial High Intensity Drug Trafficking Areas allocation funding within 90 days after the date of the enactment of this section and the discretionary High Intensity Drug Trafficking Areas funding within 150 days after the date of the enactment of this section. Within the discretionary funding amount, $2,000,000 shall be available for new counties, not including previously funded counties, with priority given to meritorious applicants who have submitted applications previously and have not been funded.

"SEC. 21060. Notwithstanding section 101, the level for 'Election Assistance Commission, Salaries and Expenses' shall be $16,236,000, of which $4,950,000 shall be transferred to the National Institute of Standards and Technology for election reform activities authorized under the Help America Vote Act of 2002.

"SEC. 21061. Notwithstanding section 101, the level for each of the following accounts for the General Services Administration shall be as follows: 'Operating Expenses', $82,975,000; and 'Office of Inspector General', $52,312,000.

"SEC. 21062. Notwithstanding GSA Order ADM 5440 of December 21, 2006, the Office of Governmentwide Policy and the Office of Congressional and Intergovernmental Affairs shall continue to exist and operate separately, and none of the funds appropriated or otherwise made available by this division or any other Act may be used to establish or operate an Office of Congressional and Intergovernmental Affairs and Governmentwide Policy or any combination thereof without the explicit approval of the Committees on Appropriations of the House of Representatives and the Senate.

"SEC. 21063. Notwithstanding section 101—

"(1) the aggregate amount of new obligational authority provided under the heading 'General Services Administration, Real Property Activities, Federal Buildings Fund, Limitations on Availability of Revenue' for Federal buildings and courthouses and other purposes of the Fund shall be $7,598,426,000, including repayment of debt, of which not less than $280,872,000 shall be for courthouse construction, and not less than $96,539,000 shall be for border station construction, and of which $89,061,000 shall be from the additional amount provided by paragraph (2) of this subsection;

"(2) for an additional amount to be deposited in the 'General Services Administration, Real Property Activities, Federal Buildings Fund', $89,061,000 is appropriated, out of any money in the Treasury not otherwise appropriated;

"(3) the Administrator of General Services is authorized to initiate design, construction, repair, alteration, leasing, and other projects through existing authorities of the Administrator: *Provided*, That the General Services Administration shall submit a detailed plan, by project, regarding the use of funds to the Committees on Appropriations of the House of Representatives and the Senate within 30 days of enactment of this section; and

"(4) none of the funds appropriated or otherwise made available in this division for the 'General Services Administration, Real Property Activities, Federal Buildings Fund' may be obligated for the Coast Guard consolidation and development of St. Elizabeths campus in the District of Columbia.

"SEC. 21064. Notwithstanding section 101, the level for 'Merit Systems Protection Board, Salaries and Expenses' shall be $35,814,000, together with not to exceed $2,579,000 for administrative expenses to adjudicate retirement appeals to be transferred from the Civil Service Retirement and Disability Fund in amounts determined by the Merit Systems Protection Board.

"SEC. 21065. Notwithstanding section 101, the level for 'National Archives and Records Administration, Electronic Records Archives' shall be $45,214,000.

"SEC. 21066. (a) Notwithstanding section 101, the level for 'National Archives and Records Administration, Repairs and Restoration' shall be $9,120,000.

"(b) Within the amount provided by this section, the following amounts shall not be required:

"(1) $1,485,000 for construction of a new regional archives and records facility.

"(2) $990,000 for repair and restoration of a plaza surrounding a presidential library.

"SEC. 21067. (a) Notwithstanding section 101, the level for 'National Archives and Records Administration, Operating Expenses' shall be $278,235,000.

"(b) Within the amount provided by this section, $1,980,000 shall not be required for the initial move of records, staffing, and operations of a presidential library.

"SEC. 21068. Section 403(f) of Public Law 103–356 (31 U.S.C. 501 note) shall be applied by substituting the date specified in section 106 of this division for 'October 1, 2006'.

"SEC. 21069. The text of section 405 of the Ethics in Government Act of 1978 (5 U.S.C. App.) is amended to read as follows: 'There are authorized to be appropriated to carry out this title such sums as may be necessary for fiscal year 2007'.

"SEC. 21070. Notwithstanding section 101, the level for 'Office of Personnel Management, Salaries and Expenses' shall be $111,095,000, of which $6,913,170 shall remain available until expended for the Enterprise Human Resources Integration project and $1,435,500 shall remain available until expended for the Human Resources Line of Business project; and in addition $112,017,000 for administrative expenses, to be transferred from the appropriate trust funds of the Office of Personnel Management without regard to other statutes, including direct procurement of printed materials, for the retirement and insurance programs, of which $13,000,000 shall remain available until expended for the cost of automating the retirement recordkeeping systems.

"SEC. 21071. Notwithstanding section 101, the level for 'Office of Special Counsel, Salaries and Expenses' shall be $15,407,000.

"SEC. 21072. Notwithstanding section 101, the level for 'United States Postal Service, Payment to the Postal Service Fund' shall be $29,000,000; and, in addition, $6,915,000, which shall not be available for obligation until October 1, 2007, and shall be in addition to amounts provided under section 109.

"SEC. 21073. (a) Notwithstanding section 101, the level for 'Federal Payment to the Court Services and Offender Supervision Agency for the District of Columbia', shall be $209,594,000, of which $133,476,000 shall be for necessary expenses of the Community Supervision and Sex Offender Registration, $45,220,000 shall be available to the Pretrial Services Agency, and $30,898,000 shall be transferred to the Public Defender Service of the District of Columbia.

"(b) Notwithstanding section 101, the level for 'Federal Payment to the Office of the Chief Financial Officer of the District of Columbia' shall be $20,000,000, and shall be used only for upgrading and expanding public transportation capacity, in accordance with an expenditure plan submitted by the Mayor of the District of Columbia not later than 60 days after the enactment of this section which details the activities to be carried out with such Federal Payment. Such Federal Payment may be applied to expenditures incurred as of October 1, 2006.

"(c) Notwithstanding section 101, any appropriation or funds made available to the District of Columbia pursuant to this division for 'Federal Payment for School Improvement' which are made available to expand quality public charter schools in the District of Columbia shall remain available until expended to the extent that the appropriation or funds are used for public charter school credit enhancement and direct loans.

"(d) Notwithstanding section 101, no appropriation or funds shall be made available to the District of Columbia pursuant to this division with respect to any of the following items in the District of Columbia Appropriations Act, 2006 (Public Law 109–115; 119 Stat. 2508 et seq.):

"(1) The item relating to 'Federal Payment for the National Guard Youth Challenge Program'.

"(2) The item relating to 'Federal Payment for Marriage Development and Improvement'.

"(e) Notwithstanding section 101, the level for 'Federal Payment for Emergency Planning and Security Costs in the District of Columbia' shall be $8,533,000.

"(f) Notwithstanding section 101, the level for 'Defender Services in District of Columbia Courts' shall be $43,475,000.

"(g) Notwithstanding any other provision of this division, except section 106, the District of Columbia may expend local funds for programs and activities under the heading 'District of Columbia Funds' for such programs and activities under title V of H.R. 5576 (109th Congress), as passed by the House of Representatives, at the rate set forth under 'District of Columbia Funds, Summary of Expenses' as included in the Fiscal Year 2007 Proposed Budget and Financial Plan submitted to the Congress by the District of Columbia on June 5, 2006 as amended on January 16, 2007.

"(h) Section 203(c) of the 2005 District of Columbia Omnibus Authorization Act (Public Law 109–356; 120 Stat. 2038) is amended by striking '6 months' and inserting '1 year'.

"(i) Not later than 60 days after the enactment of this section, the Mayor of the District of Columbia shall submit a plan for the expenditure of the funds made available to the District of Columbia pursuant to this division to the Committees on Appropriations of the House of Representatives and the Senate.

"SEC. 21074. Within the amount provided by this division for 'Other Federal Drug Control Programs', the following amount shall not be required: $1,980,000 as a directed grant to the Community Anti-Drug Coalitions of America for the National Community Anti-Drug Coalition Institute, as authorized in chapter 2 of the National Narcotics Leadership Act of 1988, as amended.

"SEC. 21075. Within the amount provided by this division for 'Other Federal Drug Control Programs', $1,980,000 is provided, as authorized, under the Drug-Free Communities Support Program, for training, technical assistance, evaluation, research, and capacity building for coalitions.

"SEC. 21076. Notwithstanding section 101, no funds shall be appropriated or otherwise made available by this division for the following accounts of the Department of the Treasury: 'Air Transportation Stabilization Program Account'; and 'Treasury Building and Annex Repair and Restoration'.

"SEC. 21077. For purposes of this division, section 206 of Public Law 109–115 shall not apply.

"SEC. 21078. (a) The Federal Election Commission may charge and collect fees for attending or otherwise participating in a conference sponsored by the Commission, and notwithstanding section 3302 of title 31, United States Code, any amounts received from such fees during a fiscal year shall be credited to and merged with the amounts appropriated or otherwise made available to the Commission during the year, and shall be available for use during the year for the costs of sponsoring such conferences.

"(b) This section shall apply with respect to fiscal year 2007 and each succeeding fiscal year.

"CHAPTER 11—DEPARTMENT OF HOMELAND SECURITY

"SEC. 21101. Not to exceed $155,600,000 shall be transferred to 'Department of Homeland Security, Transportation Security Administration, Expenses', to liquidate obligations incurred against funds appropriated in fiscal years 2002 and 2003, of which $150,300,000 shall be from unobligated balances currently available to the Transportation Security Administration, $300,000 shall be from unobligated balances currently available to the Office of the Secretary and Executive Management, and $5,000,000 shall be from unobligated balances currently available to the Under Secretary for Management: *Provided*, That the Transportation Security Administration shall not utilize any unobligated balances from the following programs: screener partnership program; explosive detection system purchase; explosive detection system installation; checkpoint support; aviation regulation and other enforcement; air cargo; air cargo research and development; and operation integration: *Provided further*, That of the funds transferred, $2,000,000 shall be from the 'Secure Flight Program'; $100,000 shall be from the 'Immediate Office of the Deputy Secretary'; $100,000 shall be from the 'Office of Legislative and Intergovernmental Affairs'; $100,000 shall be from the 'Office of Public Affairs'; and $5,000,000 shall be from 'MAX-HR Human Resource System'.

"This division may be cited as the 'Continuing Appropriations Resolution, 2007'.".

Mr. PRICE of Georgia. Mr. Speaker, I demand the question of consideration.

The SPEAKER pro tempore (Mr. DEFAZIO). The gentleman from Georgia demands the question of consideration. Under clause 3 of rule XVI, the question is: Will the House now consider the joint resolution?

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. OBEY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

Mr. PRICE of Georgia. I ask for a division on that vote, Mr. Speaker.

The SPEAKER pro tempore. A recorded vote has already been ordered. The vote will proceed. Members will record their vote by electronic device. It will be a 15-minute vote.

The vote was taken by electronic device, and there were—ayes 222, noes 179, not voting 33, as follows:

[Roll No. 68]

AYES—222

Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Capps
Capuano
Cardoza
Carnahan
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McGovern
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Porter
Price (NC)
Rahall
Ramstad
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOES—179

Aderholt
Akin
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown (SC)
Buchanan
Burgess
Burton (IN)
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Jindal
Johnson (IL)
Jones (NC)
Jordan
Keller
King (IA)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Neugebauer
Nunes
Pearce
Pence
Petri
Pickering
Pitts
Platts
Poe
Price (GA)
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Reichert
Renzi
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—33

Abercrombie
Ackerman
Alexander
Brown-Waite, Ginny
Butterfield
Buyer
Carney
Culberson
Davis, Jo Ann
Delahunt
Farr
Fossella
Gilchrest
Hastert
Hastings (WA)
Higgins
Johnson, Sam
Jones (OH)
Kennedy
King (NY)
LaTourette
Maloney (NY)
McCrery
McDermott
Myrick
Norwood
Ortiz
Paul
Peterson (PA)
Reynolds
Rush
Stark
Sullivan

☐ 1258

Mrs. WILSON of New Mexico, Mr. ROHRABACHER and Mr. SALI changed their vote from "aye" to "no."

Mr. KUCINICH and Ms. MOORE of Wisconsin changed their vote from "no" to "aye."

So the question of consideration was decided in the affirmative.

The result of the vote was announced as above recorded.

Mr. ISSA. Mr. Speaker, I move to reconsider the vote.

MOTION TO TABLE OFFERED BY MR. OBEY

Mr. OBEY. Mr. Speaker, I move to table the motion.

The SPEAKER pro tempore. The question is on the motion to table the motion to reconsider.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. ISSA. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 226, noes 180, not voting 29, as follows:

[Roll No. 69]

AYES—226

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Fattah
Filner
Frank (MA)
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McGovern
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pelosi
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stupak
Sutton
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOES—180

Aderholt
Akin
Bachmann
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Davis (KY)
Davis, David
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson (IL)
Jones (NC)
Jordan
Keller
King (IA)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Neugebauer
Nunes
Pearce
Pence
Petri
Pickering
Pitts
Platts
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Taylor
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—29

Alexander
Bachus
Burton (IN)
Buyer
Culberson
Davis, Jo Ann
Davis, Tom
English (PA)
Farr
Fossella
Giffords
Gilchrest
Hastert
Hastings (WA)
Higgins
Johnson, Sam
Jones (OH)
King (NY)
Lamborn
Maloney (NY)
McDermott
Myrick
Norwood
Paul
Peterson (PA)
Poe
Reynolds
Ruppersberger
Stark

☐ 1323

Ms. SLAUGHTER and Mr. HINOJOSA changed their vote from "no" to "aye."

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

POINT OF ORDER

Mr. McHENRY. Mr. Speaker, I rise to make a point of order.

The SPEAKER pro tempore (Mr. DEFAZIO). The gentleman will state his point of order.

Mr. McHENRY. Under the new House rules, there is an anti-earmark rule that governs the House, which the rule governing this bill does not waive that rule of the House; and sections of this legislation actually go forward and violate that anti-earmark legislation. Therefore, I rise to make a point of order against H.J. Res. 20, as title I, section 101(a)(2), violates rule XXI, clause 9, of the House rules, stating, "There shall be no Member-directed earmarks," which this legislation does possess.

The SPEAKER pro tempore. Does any Member wish to be heard?

The Chair recognizes the gentleman from Wisconsin.

Mr. OBEY. Mr. Speaker, I would simply note that on page 2543 of the CONGRESSIONAL RECORD there is listed the following statement:

Under clause 9(a) of rule XXI, lists or statements on congressional earmarks, limited tax benefits or limited tariff benefits are submitted as follows offered by myself: H.J. Res. 20 making further continuing appropriations for fiscal year 2007, and for other purposes, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of rule XXI.

Mr. McHENRY. Will the gentleman yield?

Mr. OBEY. No.

Mr. McHENRY. The gentleman will not yield for the question.

The SPEAKER pro tempore. On a point of order there is no yielding. The chair will hear each Member in turn. Does the gentleman from North Carolina wish to be heard on his point of order?

Mr. McHENRY. Yes. I wish to speak further.

The SPEAKER pro tempore. The gentleman is recognized.

Mr. McHENRY. Mr. Speaker, the gentleman is stating, simply because legislation states that there are no earmarks, that you can contain thousands of earmarks after that statement. It defies logic and defies reason.

And, furthermore, your section explaining that there shall be no congressional earmarks is further on in the legislation. Therefore, it is not operational over the violation that I am stating in section 101. Therefore, under the legislation here, it is not operational. Therefore, it is a very crafty way, and I have got to compliment the gentleman for putting together a very crafty piece of legislation to try to slip this by. But under these House rules, this is a clear violation of the anti-earmarking provision that is very important to the rules of debate, even when the minority is not able to offer any amendments, even when the minority has no other means of removing congressional earmarks.

The SPEAKER pro tempore. The gentleman will restrict himself to the point of order.

Mr. OBEY. Mr. Speaker, I ask for a ruling from the Chair.

The SPEAKER pro tempore. Under clause 9(a) of rule XXI, it is not in order to consider an unreported bill or joint resolution unless the chairman of each committee of initial referral has caused to be printed in the CONGRESSIONAL RECORD a list of congressional earmarks, limited tax benefits, or limited tariff benefits contained in the measure, or a statement that the measure contains no such earmarks or benefits.

Under clause 9(c) of rule XXI, a point of order under clause 9(a) of rule XXI may be based only on the failure of the submission to the Congressional Record to include such a list or statement.

The Chair has examined the Congressional Record and finds that it contains the statement contemplated by clause 9(a) of rule XXI.

Accordingly, the point of order is overruled.

Mr. McHENRY. Mr. Speaker, I appeal the ruling of the Chair.

MOTION TO TABLE OFFERED BY MR. OBEY

Mr. OBEY. Mr. Speaker, I move to table the appeal.

The SPEAKER pro tempore. The question is on the motion to table.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. McHENRY. Division. I ask for a division vote, Mr. Speaker.

Mr. OBEY. Mr. Speaker, I ask for the yeas and nays.

Mr. McHENRY. Wait a second, Mr. Speaker. I asked for a division vote.

The SPEAKER pro tempore. Under the Constitution, the yeas and nays have precedence over a request for a division.

The yeas and nays are requested. Those favoring a vote by the yeas and nays will rise. A sufficient number having risen, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 226, nays 184, not voting 25, as follows:

[Roll No. 70]

YEAS—226

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McGovern
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pelosi
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Simpson
Sires
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—184

Aderholt
Akin
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson (IL)
Jones (NC)
Jordan
Keller
King (IA)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Reichert
Renzi
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—25

Alexander
Bachmann
Boucher
Buyer
Cubin
Cummings
Davis, Jo Ann
English (PA)
Farr
Fossella
Gilchrest
Hastert
Higgins
Johnson, Sam
King (NY)
Maloney (NY)
McCaul (TX)
McDermott
Myrick
Norwood
Paul
Reynolds
Skelton
Stark
Watson

□ 1350

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PARLIAMENTARY INQUIRIES

Mr. McHENRY. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore (Mr. DeFAZIO). The gentleman will state his parliamentary inquiry.

Mr. McHENRY. We just had a vote on this floor about rule XXI, section 9. Just for clarification, for the body's purposes going forward with this new rule, in essence, this is the parliamentary inquiry, if I may state it. The summary of rule XXI, section 9 is that as long as the legislation states that there are no earmarks, there may be thousands of earmarks within that legislation, but only operationally must the legislation include text that states that there are no earmarks. Is that the ruling of the Chair? I would be happy to give the Speaker numerous examples of earmarks in this.

The SPEAKER pro tempore. The Chair does not respond to hypothetical questions raised under the guise of a parliamentary inquiry.

Mr. McHENRY. Further parliamentary inquiry then.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. McHENRY. Rule XXI, section 9, states that a bill or joint resolution reported by a committee, unless the report includes a list of congressional earmarks, limited tax benefits, limited tariff benefits in the bill or in the report and the name of any Member, Delegate or Resident Commissioner who submits a request to the committee for each respective item included in such list or a statement that the proposition contains no congressional earmarks, limited tax benefits or limited tariff benefits. Does this legislation state that and conform to rule XXI, section 9?

The SPEAKER pro tempore. The Chair previously ruled on that question, and the House sustained the Chair by tabling an appeal.

Mr. McHENRY. Further parliamentary inquiry. Operationally, may a committee Chair simply sign and attest to the Parliamentarian that there are no earmarks within said legislation?

The SPEAKER pro tempore. The Chair will not render advisory opinions. That is not a proper parliamentary inquiry.

Mr. MCHENRY. Further parliamentary inquiry.

The SPEAKER pro tempore. Does the gentleman have a proper parliamentary inquiry?

Mr. MCHENRY. I appreciate the Speaker operating in such an unbiased way. It is very kind of you.

The SPEAKER pro tempore. If the gentleman will refrain for a moment, the Chair is operating under the precedents and rules of the House of Representatives and properly respecting those rules. So, if the gentleman has a proper parliamentary inquiry, he would please state it.

Mr. MCHENRY. Parliamentary inquiry, Mr. Speaker. What is an earmark? Under House rules, what is an earmark?

The SPEAKER pro tempore. The gentleman has again not stated a proper parliamentary inquiry.

Pursuant to House Resolution 116, the gentleman from Wisconsin (Mr. OBEY) and the gentleman from California (Mr. LEWIS) each will control 30 minutes.

The Chair recognizes the gentleman from Wisconsin.

Mr. OBEY. I thank the Speaker. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, I simply want to thank Janet Airis and her staff at the CBO scoring unit; Ira Forstater and Nadia Soree and the entire staff at the Legislative Council; and certainly, most of all, the staff of the Appropriations Committee, both majority and minority, both Senate and House, especially Rob Nabors and David Reich.

This is a bill that needs to pass so that everyone who is reliant upon programs contained therein understands what the rules of the game will be for the remainder of the fiscal year. I urge passage.

Mr. Speaker, I reserve the balance of my time.

Mr. LEWIS of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today to do something that I have never done before, and that is to oppose House passage of an appropriations bill.

My friends on the other side of the aisle, and I use the term "friends" sincerely, have produced an 8-month omnibus spending bill that appropriates $463.5 billion. It is legislation that few have seen, which cannot be amended in any way, and that will pass this House after only 1 hour of debate. It is the first omnibus spending bill that I have seen during my time in Congress written and considered without the input of the chairman or ranking members of any appropriations subcommittee, without the input of any Republican or Democratic subcommittee members, without the benefit of a full Appropriations Committee markup, without the standard three days for circulating the bill to committee members before markup, without the standard 3 days for circulating the bill to all House Members after full committee consideration, without any prior debate whatsoever, and without the opportunity to offer even one amendment on the House floor.

I do not fault my friend, Mr. OBEY, the chairman of the Appropriations Committee, for he is doing what he is asked to be done by his leadership. He is in the position today because of the former Senate majority leader's complete failure to schedule and pass the fiscal year 2007 appropriations bills. The House and the Senate Appropriations Committee did their work last year, and Mr. OBEY and I worked very closely in attempting to see it was fully completed. The Senate leadership did not.

As the former chairman of the committee, I know that Mr. OBEY feels strongly about maintaining regular order and passing other appropriations bills. I can vividly recall a conversation Mr. OBEY had with me shortly after I became chairman when he suggested that perhaps I would be the last chairman of the Appropriations Committee because of the breakdown of regular order.

I looked to his comments and have taken them to heart because I committed to him and to our Members that we would pass our spending bills in regular order, and the 2 years I served as chairman we did.

Today, my fear is that Mr. OBEY may be the last chairman of the Appropriations Committee because of the very concern he expressed to me, the breakdown of that regular order. Shutting both Republicans and Democrats out of the legislative process is a highly, highly unusual circumstance, but that is exactly what has occurred.

Both Republicans and Democrats are being denied a full and open debate on this legislation that will spend, as I suggested earlier, $463.5 billion, roughly one-half of the annual Federal budget.

Speaker PELOSI and Leader HOYER, both former members of the Appropriations Committee, know that our process is very open and a collaborative one. Historically, appropriations bills are brought to the floor under an open rule to encourage debate and create better legislation. Our spending bills reflect not just the will of the Appropriations Committee but, indeed, the will of the entire bipartisan House. It is not uncommon to have hours and hours of debate and more than 100 Democrat or Republican amendments offered on a single spending bill. That is, until today.

The House will debate this legislation today for 1 hour. Not one amendment has been made in order. The Senate, that is, the other body, on the other hand, will have the opportunity to debate the legislation for up to 15 days and with the potential for an unlimited number of amendments.

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Let me repeat, it is important that the Members hear that. One hour of debate in the House with no amendments, 15 days of debate in the Senate with potentially unlimited amendments.

Speaker PELOSI has vowed to run the House in a more open, democratic and inclusive way. A spirit of bipartisanship, she said, would prevail in the people's House. That pledge was put on the shelf so the new majority could complete their first 100 hours agenda.

The new majority then promised that business would soon return to regular order with plenty of opportunity for Democrats and Republicans to participate in the democratic process. Members of the House, Democrats and Republicans, are still waiting for the Speaker to keep her word.

In closing, I would suggest that our country would be better served by extending for a full year the clean continuing resolution the House and Senate passed in December. That legislation, a mere 19 pages long, contained no gimmicks, no policy changes, and did not reward or punish agencies indiscriminately, as is done in this 137-page package.

This omnibus spending bill before us today totally disregards the once proud tradition of regular order within the House Appropriations Committee and violates the longstanding bipartisan customs of the people's House. I urge that my colleagues join me in a "no" vote.

Mr. Speaker, I reserve the balance of my time.

Mr. OBEY. Mr. Speaker, I yield to the gentleman from Texas (Mr. LAMPSON) for a unanimous consent request.

Mr. LAMPSON. Mr. Speaker, the Energy Policy Act of 2005 which was signed by the President in August of 2005, included four directed spending programs that will each make a significant positive contribution to the security and reliability of the energy supply and infrastructure of this Nation. The Energy Policy Act authorized these programs with full funding so that they could be implemented as soon as possible. It should be made clear that it is the intent of the Continuing Resolution to remove any impediments that may have arisen to the timely implementation of the four Energy Policy Act provisions—Section 105, the Energy Saving Performance Contracts; Section 384, Coastal Impact Assistance; Section 999, Ultra-deepwater and Unconventional Onshore Natural Gas and Other Petroleum Research and Development; and Section 1211, Electric Reliability Organization. These programs were clearly authorized and directly

funded by the Energy Policy Act of 2005 and should be fully funded and implemented immediately.

Mr. OBEY. Mr. Speaker, I yield myself 12 minutes.

Mr. Speaker, on Monday, the President will submit to the Congress his new budget. It would be kind of nice if we had disposed of his last year's budget request before the President brings his new budget forward, because I believe that he is entitled to start the year with a clean slate, and I think we are entitled to start the year with a clean slate as well.

Unfortunately, we cannot do that because of the failures of the last Congress. This resolution represents the last remaining legislation that must be passed in order to clean up the mess left to us by the last Congress.

Now, we all know the story. Last year, the House debated and passed every single appropriation bill except the Labor, Health, Education bill. That was held up because of the now-well-known division between the two parties on the minimum wage and also because moderate Republicans in this House, led by people like Mr. CASTLE and others, were demanding that the Republican leadership add at least $3 billion to the Labor, Health, Education appropriation bill in order to get their votes on the Republican budget resolution.

The then chairman, Mr. LEWIS from California, my good friend, specifically said on the House floor that the reason the Congress was not allowed to finish its work is because the Senate majority leader, Senator Frist, shielded the Senate from any painful votes on appropriations before the election. Then, after the election, the majority party walked away from their responsibility to finish the budget, and they left us to clean up the mess as they walked out the door.

When we considered the CR under which we are now operating, I specifically said from this place on the House floor that I would make any substantive compromise that was necessary and I would make any procedural compromise that was necessary in order to enable the then majority Republicans to finish the bills on their watch, on their terms. I said I was willing to recognize that they still controlled the Congress and so they had a right to have Republican priorities reflected in those bills, even if I disagreed with those priorities.

But I also warned that if they did not live up to their responsibilities to pass the budget, then they would forfeit their right to complain and whine about how we went about cleaning up their leftover jobs.

So when it became apparent that they would not meet their responsibilities, Senator BYRD and I announced that we would proceed by doing two things. We announced, first of all, that we would provide no congressional earmarks. We told anybody who had an earmark in a 2007 bill that if they wanted it considered in the following fiscal year they would need to present it under the reform process, which we were in the process of putting together; and we announced at that time that we intended to cut earmarks by 50 percent in comparison to the 2007 bill.

The second thing that we announced is that we would take the 2006 continuing resolution and make whatever adjustments were necessary in order to avoid shutdowns of agencies or layoffs or furloughs and in order to recognize priorities that we thought people had on both sides of the aisle. That is what we did.

In this bill, we started with the fiscal 2006 base. We then cut or rescinded $9- to $10 billion, almost $10 billion, in items that we thought could be cut or rescinded. We cut over 60 programs. We generated $10 billion or so in savings, and we added that to the $7 billion that still remained within the Republican budget resolution cap, and then we allocated that money on the basis of what we thought were better priorities.

Now, the gentleman from California says we should have just stuck with the existing 2006 continuing resolution. We could have done that. If we had, we would not have been able to add $3.6 billion in veterans' health care, which we have done in this bill, which is our number one priority. We would not have been able to add $1.2 billion in defense health, which we add in this bill. We would not have been able to add $500 million for basic housing allowances for our military, and we would not have been able to add the $1 billion that we added for BRAC, the base closing operations. We would also not have been able to add the $216 million that we added to the FBI budget at the request of the administration.

In education, two weeks ago, when the Democratic Party brought to this House floor a proposition to lower interest rates on student loans, we were told, "oh, that is just tokenism. What you ought to do is add to the Pell Grants."

That is what we have done. We added enough to the Pell Grant program to allow an increase in the maximum grant of $260. We wouldn't have been able to do that either if we had followed Mr. LEWIS' suggestion and simply stuck to the CR under which we are now operating.

In addition to that, we added $250 million to Title I and $100 million to Head Start so we could end the decline in enrollment in that program.

In the area of science, we were asked by a number of Members on the Republican side of the aisle in this House, and on our side, plus the Senate on both sides, to add money for NIH. Members did not like the fact that, under the alternative, we were going to lose at least 500 medical grants in cancer research, heart disease, Alzheimer's and the rest.

I have not met a single constituent who said, "Hey, OBEY, I think you ought to save money by cutting cancer research grants." We added $620 million to reverse the decline in the number of research grants at NIH, and we added some additional funds to the National Science Foundation.

We added some additional money to energy conservation and energy research programs, in addition to which we provided a $200 million add-on for the Clean Water Revolving Fund. There isn't a small community in this country that doesn't need some help with clean water.

We added $100 million for park maintenance, and we added $90 million for firefighting.

We also were requested by the administration to provide at least the amount that they asked for the global AIDS program and to combat malaria and TB. So we added $1.4 billion to do that, and we added $146 million to prevent the Social Security Administration from having a 10-day furlough for their employees. That is what we did.

We also provided a suspension of all earmarks.

Now, I want to make clear a lot of the earmarks that we suspended are perfectly defensible. They accomplish laudatory public purposes. I think it is sad that we haven't been able to fund them. But the fact is that it became apparent to me that the earmarking process had been so discredited by the Cunningham case and by other cases that we have no choice but to start over. So we wanted to clear the decks, clean up the process, and start over.

Ninety-nine percent of the Members of this House on both sides of the aisle have immense integrity. They don't ask the Congress for things that are illegitimate, but it is that 1 percent that has fouled the nest for everybody else. So we are trying to clean up the nest so that we can approach next year with a clean start and so that we will have a process so that both parties will know what earmarks the other party is putting into the bills.

I want the minority to be fully cognizant of whatever earmarks the majority puts in the bills, and I want us to be fully cognizant of the other earmarks you put in the bills. That is the only way we can protect the integrity of this institution.

So we are being criticized in some quarters because we are being told, "Well, when you eliminated the earmarks, you should also have eliminated the money in those programs." We didn't do that for one very simple reason. We didn't want to reduce the amount of money in the COPS program, for instance.

What we are doing, by eliminating earmarks, and let's be clear about it, we are not saving a dime by eliminating earmarks. But what we are doing is transferring the power to decide where that money goes from the congressional branch to the executive branch. I don't like that, but it is a price I am willing to pay to clean up the system. What that means is that the administration will have much more authority than normal to decide where money goes, whether it is in the Army Corps of Engineers program or COPS or you name it.

I would simply say, we may have made some wrong choices. Undoubtedly, we did. But the process was this.

For 3½ weeks our staffs worked 7 days a week round the clock, and they negotiated with the Senate, Republican and Democratic staff alike. The Republican staff was invited to every meeting that took place. If they attended or didn't, that was up to them.

Whenever the staff could not reach agreement, the Members were brought in order to argue it up. If you don't think that occurred, talk to Mr. VISCLOSKY, talk to Senator DOMENICI, talk about the arguments they had on the Energy and Water bill, and there are countless other examples.

We are now in a situation in which we have to move on. We may have made some wrong choices, but at least, in contrast to last year, we made those choices, we made them. They may not be popular, but they were necessary so that we can turn the page, get on the next year.

This bill is the functional equivalent of a conference report. All of the appropriation bills that were not completed action on last year, this is what they look like. This is what they look like. This is a continuing resolution that we are producing today in order to direct where the spending in these bills ought to go.

Now, you may say you don't think it fits the traditional definition of a continuing resolution. Either you can have an automatic continuing resolution, or you can have a thinking man's continuing resolution. I don't think that we were obligated to lock ourselves into the 2006 numbers, because that would have prevented us from providing the initiatives that I talked about for veterans, for education and the like.

This is a responsible document. Nothing was sneaked in. Everybody knows what is in this package. All the staff knows.

I would urge an "aye" vote for the bill so that, come Monday, we can deal with the President's new budget, rather than continuing to deal with the spilt milk of yesterday's majority.

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Mr. LEWIS of California. Mr. Speaker, I yield 3 minutes to my colleague, the ranking member of the Homeland Security Subcommittee of Appropriations (Mr. ROGERS of Kentucky).

Mr. ROGERS of Kentucky. Mr. Speaker, I am sad to say that this is a sad day for the U.S. House.

Why do I say that? Well, Mr. Speaker, the power of the purse is the most important power of the Congress. James Madison called the power of the purse "the most complete and effectual weapon with which any constitution can arm the immediate representatives of the people."

The power of the purse of the Congress is exercised through its Appropriations Committee and the appropriations process that is longstanding in this body.

Today, we are throwing out that procedure. We are saying in this bill that all of the work that has gone on in the hearings, hundreds of hearings, hours and hundreds of hours of testimony that we have taken in the various subcommittee hearings from the administration, from outside witnesses, from Members of Congress, the Senate and so on, all of those hearings are being disregarded and thrown out. The testimony from the agency and the department heads and the Inspectors General and all of the people that are in the executive branch that are in charge of keeping track of the money, the GAO reports, budget reports, policy expert reports, all of those are being tossed out in favor of the judgment of two Members of the Congress, one from the House, one from the Senate. The bill before us is the product of two people, one from the House, one from the Senate.

All of the debate that took place on the House floor on these individual bills as they came before this body, and Members expressed their views, offered amendments, had some won, some lost, but nevertheless, the process worked. That is being thrown out.

These bills were chock full of reporting requirements of oversight provisions, congressional controls, money closely tied to results from the administration. The bills were carefully crafted in an open process, input from every Member, and all 10 of the 11 bills passed through the House gained widespread bipartisan support. Legislation we can be proud of. And yet we are throwing that out.

The bipartisan work, we are throwing it away. This annual process we call the appropriations process is being discarded. We are cutting the purse strings, blindly handing over the money to the executive branch with no leverage, no new oversight of nearly half of the Federal discretionary budget.

The new majority, Mr. Speaker, has been very righteous in saying it will conduct much more oversight than the previous Congress. And yet this so-called CR completely abdicates the majority's responsibilities as conducting any oversight. Just give the money to the executive branch. Spend it as you please. We don't care. That is what we are saying.

And, Mr. Speaker, I don't like it.

Mr. OBEY. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, the gentleman talks about how we should have stuck with the bills that they produced last year. There is only one problem. They couldn't convince their Republican brethren in the Senate to buy them. And so we had to try something else.

I can't help it that the majority party did not meet its responsibilities to pass these appropriations because you had an internal fight within the Republican Party. But now the responsibility is passed to us, and at least we are producing a proposal which can pass both Houses. That is more than can be said for the work product of the last Congress.

Mr. Speaker, I now yield 2 minutes to the gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS. Mr. Speaker, I heard the term "abdication of responsibility" used. I consider abdication of responsibility only passing two out of 13 appropriation bills last year.

Today is a good day for America's veterans. As someone who has fought hard for veterans over the years, I want to applaud Chairman OBEY and Democratic leaders for placing such a high priority on veterans in this resolution. It is the right thing to do. Our veterans fought for our country, and now it is time for us to stand up for them.

Unfortunately, though, since October 1 of last year, for the last 4 months, VA health care has been woefully underfunded. Why? Because those who are arguing against this resolution today failed to pass for the entire year the 2007 VA appropriations bill when they were in charge of this House and the other body, continued underfunding that put veterans health care seriously at risk.

VA medical care in this resolution has increased by $3.6 billion. That means $300 million each month once this resolution becomes law, helping to provide better health care for our men and women who have served our country.

Let me personalize what those numbers mean to our veterans. Without the vital funding increase in this resolution, millions of veterans could see their health care services reduced. Hundreds of thousands of veterans could have to wait in line longer, perhaps months longer, to get the medical services they need and they deserve. Tens of thousands of veterans might not even receive any medical care at all from the VA without this resolution.

A vote for this resolution is a vote to respect our veterans. It says we will not only respect our veterans with our words. We will respect them with our deeds. Our veterans deserve no less.

Vote "yes" for our veterans by voting "yes" for this resolution.

Mr. LEWIS of California. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. WOLF).

Mr. WOLF. Mr. Speaker, I thank Mr. LEWIS for yielding.

I rise in opposition to the resolution. And let me just stipulate it probably has a lot of very good things in it. But when I was chairman of two different subcommittees, we always had complete consultation, and if what I am saying is not accurate, those Members should come down here and attack me for it, complete consultation before we sent the bills out. And what I am concerned about is the precedent that we are establishing.

I have a resolution to put the Congress on record in support of the Iraq Study Group. Now, am I going to be foreclosed from offering that resolution? Here is a group of men and women, Baker and Hamilton, who spent 8 months. It was one of these evil earmarks that you hear all about it. Am I going to be foreclosed from offering the Baker-Hamilton solution to the problem? The administration doesn't like it. Probably Members on both sides of the aisle don't like it. But am I going to be foreclosed? Here is a group that spent 8 months looking at this. And Jim Baker is a good man and Lee Hamilton is a good man. They were bipartisan. Chuck Robb; Bill Perry; Leon Panetta, who served over here; and Ed Meese. Based on what we are seeing here now, I will be foreclosed. Any resolution that comes from this side of the aisle is automatically foreclosed. We have watched it for the whole month of January.

So let me just say I am sure, Mr. OBEY, this is probably a lot of good stuff. But we on the minority side have to be treated the way we should be. Do unto others as you would have them do unto you.

Now, the test will be with my resolution, and there are only two of us on it, GILCHREST and myself. Will I be foreclosed by the Rules Committee in 2 weeks from my resolution that puts the Congress on record in support of the Baker-Hamilton Commission? Ten people, five Republicans, five Democrats, spent more time looking at this issue of Iraq than this Congress has, than the Republican Party has and the Democratic Party has. And based on what is taking place so far today, I will be foreclosed.

And I hope I am not foreclosed because when you are in the minority and you don't have that opportunity to offer amendments, then, frankly, you are being cut out of the process.

Mr. Speaker, I rise in opposition to this resolution.

This is a continuing resolution like no other that I have seen before. It is an omnibus appropriations bill that will fund nearly one-half of the federal government for fiscal year 2007.

When I was Chairman of the Science, State, Justice Subcommittee, we had in-depth discussions and consultations with our Ranking and minority members. On our committee we worked in a bi-partisan manner. The precedent that this CR is setting troubles me.

I have a resolution supporting the recommendations of the recently released Iraq Study Group, also known as the Baker-Hamilton report.

Based on this CR process with its closed rule and no committee debate, does this mean that I am going to be foreclosed from offering the resolution?

The chairman of the Appropriations Committee has been quoted saying that most of the negotiations on the CR were conducted by staff. While we have terrific staff on both sides of the aisle, this is not the way this institution is supposed to operate.

The resolution before the House includes $31.2 billion for the State, Foreign Operations accounts.

This is an increase of $1 billion dollars over the Fiscal Year 2006 level.

I am in no way criticizing the Gentlelady from New York, but I did not meet with the chairwoman of the subcommittee to discuss the CR. I know she is fair and reaches out across the aisle, and perhaps her hands were tied in this unfair process.

To be candid, there are some positive aspects of the State, Foreign Operations chapter. One is the full funding of the president's request for Global HIV/AIDS. This funding will provide life saving drugs to thousands of people infected with HIV/AIDS and will meet President Bush's goal of treating 2 million people, preventing 7 million new infections, and caring for 10 million people by 2009.

In addition, another $50 million is provided for the African Union's Mission in Sudan, and another $113 million for United Nations' international peacekeeping.

But, these funding increases had to result in decreases elsewhere. The president's 2007 Budget request included $3.2 billion for the Economic Support Fund, the continuing resolution cuts $746 million from the request, and is $148 million below the 2006 enacted level. A reduction of this magnitude will affect the Administration's ability to carry out critical foreign policy priorities, including democracy, infrastructure, and economic development programs in Iraq.

The president's 2007 Request included an increase of $709 million for stability and reconstruction programs in Iraq, these programs are essential to improving the safety of our troops in the country. Yet, the majority directed that there be no mention of funding for anything related to Iraq in the resolution.

This process is not the way the House's business should be conducted. I urge members to vote against this measure to make a statement about the way this entire process has been handled.

Mr. OBEY. Mr. Speaker, I yield 2 minutes to the gentlewoman from New York (Mrs. LOWEY).

Mrs. LOWEY. Mr. Speaker, I just want to say to my good friend, my colleague, Mr. WOLF, I look forward to working closely with you. And as you may know, or I am surprised if you don't know, my staff was working with your staff every single step of the way, and your input and the input of your staff was invaluable. So we can have further discussions. Thank you very much.

And I want to commend Chairman OBEY and all the staff on both sides of the aisle, because we worked on the bill together, for their tireless work.

It is a shame, frankly, that the Republican leadership of the 109th Congress failed to finish its work on the fiscal year 2007 appropriations bills, leaving vital programs in the lurch.

And while this bill is the result of the Republicans' abdication of duty in the 109th Congress, it is a fair, balanced, and bipartisan attempt to continue essential government programs and services and address critical priorities.

Specifically, this joint resolution provides a total of $4.55 billion for global HIV/AIDS and TB, almost $300 million above the President's fiscal year 2007 request, including $724 million for the Global Fund. We have also increased PEPFAR funding by $75 million over the President's request to put hundreds of thousands more people on lifesaving medications.

In addition to keeping the momentum in our HIV/AIDS initiatives, the joint resolution also addresses the ongoing genocide in Darfur, Sudan. Two-and-a-half years after Congress declared the atrocities to be genocide, violence continues unabated. This bill provides $50 million in additional funds for the only peacekeepers on the ground, the African Union forces.

Additionally, this bill meets our commitment for Israel and Egypt as requested for fiscal year 2007.

And, finally, having just returned from Afghanistan, I do believe there is still a glimmer of hope that our assistance can make a positive impact there. I am pleased that the joint resolution provides over $1 billion for reconstruction programs, counternarcotics and other priorities. And I urge my colleagues to join me in supporting this joint resolution.

Mr. LEWIS of California. Mr. Speaker, I yield 3 minutes to the ranking member of our Transportation Subcommittee of Appropriations (Mr. KNOLLENBERG).

Mr. KNOLLENBERG. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise in opposition to H.J. Res. 20 as it is currently written.

The CR includes authorization language that will change the formula for distributing section 8 housing assistance that will cut funding from 31 States and 1,227 PHAs, permanently.

I make no bones about this. Both in my State of Michigan, in Detroit and in Pontiac, PHAs in the State of Michigan as a whole would be severely impacted by the language in this bill. But I am just one of many Members, 31 States, who are impacted by this legislation, by this bill.

I ask why are we doing this now? There is no need to make the change now. There is no urgent situation that needs fixing. Under the current system, every PHA would have received an increase that fully covers the cost of running their section 8 program. No one gets cut; no one gets hurt.

This language has one impact. It creates instability and uncertainty by creating a new set of winners and losers every year.

And in their very first budget, the new majority would cut $460 million for 1,227 PHAs from what would have been provided if the program had been left alone. A complete list of the PHAs being impacted has been made available for all Members to review.

And this is not a one-time sweep, by the way, of so-called excess funds. The losses being imposed on the PHAs with this language are permanent losses, not just for this year.

This is not the system that we worked so hard to develop. Where stability and uncertainty has been the order of the day, we are now having disruption and uncertainty.

The principal claim by the supporters of this provision is that there are excess funds in PHAs that can be redistributed to other entities so that more families can be served. But that is not what the people who run the program say. Of the nearly $29 billion in funds that has been provided to the PHAs over the last 2 years, only 2.5 percent is actually deemed excess. Two-and-a-half percent. That hardly seems like a crisis to me.

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To take away those funds permanently from those areas and the families that could be served is not the solution. Getting the funds spent on families in those areas by those PHAs is the right solution.

It is clear from the language in the bill that the majority has no real certainty on what this provision is going to do. They have set aside $100 million of the funds for unanticipated outcomes. But there will be no doubt about the outcome, and $100 million is a drop in the bucket.

Again, according to the Department, the top 10 PHAs, including New York City, L.A. County, L.A. City, Sacramento, Dallas, Cook County, Miami/Dade, and San Diego County, will be cut $132 million alone; and that leaves $328 million, or 70 percent, of the destruction being caused in smaller PHAs throughout the country untouched.

Finally, the majority has argued that the administration is proposing the same change in 2008 and 2009. No one has seen the HUD budget. We have very conflicting information coming through. Regardless of what is wrong, I would urge all Members on both sides of the aisle with those PHAs that will be impacted like mine, 31, I strongly suggest they look at all of these losses; and I strongly oppose this legislation.

Mr. LEWIS of California. Mr. Speaker, I yield for the purpose of making a unanimous consent request to the gentlewoman from Illinois (Mrs. BIGGERT).

Mrs. BIGGERT. I thank the gentleman for yielding.

Mr. Speaker, I support provisions in this resolution that provide funding for roads and transit, Pell Grants, Special Education, NCLB, veterans' healthcare and scientific research at places like NIH and Argonne National Laboratory.

However, I do not support a provision in this bill that will slash housing assistance for hundreds of families and seniors in my district and for thousands more nationwide.

It is unfortunate that the leadership and appropriators on the other side of the aisle decided that it was OK to completely rewrite the funding formula for the disbursement of Section 8 housing funds in this bill without consulting with the authorizing committee, Financial Services. The last time I checked, authorizing on an appropriations bill is against the House rules. But of course, the rule for this bill denies us any opportunity to raise a point of order, or amend the bill. At least during previous Republican-led Congresses, our leadership had the courtesy to allow Democrats to offer amendments and points of order and followed rules that reflect a truly democratic process.

Now, I must point out that the other side of the aisle still has a chance to do this the right way. As the new Ranking Member of the Financial Services Housing Subcommittee, I am perfectly happy to work with the majority to craft a comprehensive, bipartisan Section 8 reform package that will provide stability and predictability for our public housing authorities and those whom they serve.

My constituents are not well served by this abrupt and drastic change in the formula, and I would warn my colleagues from Illinois to look closely at the new numbers for their districts.

The Chicago suburbs are hit hard by this new formula. Each housing authority in all three counties of my Congressional district will receive a funding cut this year. The housing authority in Cook County will lose $8 million, Joliet will lose $1.1 million, Aurora and DuPage County will lose over a million dollars.

These are not just dollars; these are families and seniors who are being hurt here. With this bill's proposed cuts to Section 8 housing funding, more than 100 families in DuPage County, about 150 in Will County, and thousands across the country will be kicked to the curb in 2007. This is unacceptable.

I am disappointed by the thoughtlessness of those on the other side of the aisle who determined the new formula and numbers in this bill. I urge my colleagues to alert their constituents who will become homeless this year about this fly-by-night formula change that our dear colleagues have brought to the floor today. I invite the Democratic leadership to explain to the neediest citizens in the suburbs of Chicago and in communities across our Nation why they won't have a roof over their heads in 2007. This is no way to start the New Year.

Mr. OBEY. Mr. Speaker, may I ask how much time remains on both sides.

The SPEAKER pro tempore. The gentleman from Wisconsin has 12 minutes. The gentleman from California has 16.

Mr. LEWIS of California. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. FRELINGHUYSEN).

Mr. FRELINGHUYSEN. I thank the gentleman for yielding.

Mr. Speaker, this joint resolution includes important increases above the fiscal year 2006 level for programs that are truly necessary in our Commerce Justice Appropriations Subcommittee. I appreciate the inclusion of increased funding for FBI counterterrorism and intelligence and for the cost of conducting a timely and accurate focus on our next census.

Also included are important increases for basic scientific research, an additional $335 million for the National Science Foundation research, which will set the groundwork for new technologies that will spark innovation and ensure our competitiveness.

Mr. Speaker, I am very concerned, however, about funding for drug enforcement. Funding is included in this resolution to maintain the current rate of operations for every Department of Justice entity except the Drug Enforcement Agency. The funding for the DEA will result in a loss of over 160 agents and deep cuts to the Mobile Enforcement Team program, the DEA's primary tool to fight meth and violent drug crime at the State and municipal levels.

With violent crime on the rise and many communities dealing with methamphetamine, that crisis, this is the wrong time to retreat on funding for the DEA. For this and many other reasons I rise to oppose this resolution.

Mr. OBEY. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Massachusetts, the chairman of the Financial Services Committee (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Speaker, when I hear some of my Republican colleagues leap to the defense of section 8, I can only compare that to learning that Ahmadinejad had applied for membership in B'nai Brith. We have been trying to defend section 8 against assault for some time.

One form of the assault has been formulaic rules that prevent all of the money that is appropriated from being spent. Because there is a lot of support for section 8, the administration has been unhappy when we have voted here more money than they have asked for. So they have had a series of formulaic restrictions that keep us from getting it all spent.

I will note, by the way, that the particular change here that the committee has recommended is supported by the National Association of Housing and Redevelopment Officials, the Council of Large Public Housing Authorities, and the Public Housing Authorities Directors Association. That is, all of those who administer section 8 through their organizations endorse it.

Here is the way it has worked. There were formulas put in there that kept some agencies from spending money which they received. That is, many agencies were given money that could not be spent and had not been spent that came out of the hide of agencies that needed to spend more. What this bill does is to make sure that every appropriation is spent; and as to those agencies that might be losing an allocation, in every case they are losing money that they had not been able to spend because they did not have the legal authority to do it.

This bill guarantees, and we will be here to make good on that guarantee, that any agencies that can say, well, we are not getting the same allocation that we got before, they will have reserves available to them on which they can draw. So we can guarantee that no one will be unable to serve everyone they are now serving.

What it does mean is that money which this formula has prevented from being spent in some agencies will now be spent. We will not give some agencies more than they can spend and some less. We will even it out.

And I stress again that the reserves will be available, and that is why every one of the agencies in this country that spends money on section 8, all of the public housing authorities have explicitly supported this particular change.

COUNCIL OF LARGE PUBLIC HOUSING AUTHORITIES,
Washington, DC, January 31, 2007.

Hon. DAVID OBEY,
Chairman, House of Representatives, Committee on Appropriations, Washington, DC.

DEAR MR. CHAIRMAN: The Council of Large Public Housing Authorities (CLPHA) represents 60 of the nation's largest housing authorities that own and manage 40 percent of the nation's public housing and administer over 30 percent of the Housing Choice Voucher program. We are writing to support the FY 2007 Joint Resolution in the House of Representatives.

CLPHA greatly appreciates the inclusion of an additional $300 million for Public Housing Operating Fund in the legislation and the $487 million increase in the Housing Choice Voucher account. The increase in operating funds is a good start in addressing the chronic under-funding of public housing programs. Public housing is still significantly under-funded and we look forward to working with Congress to provide full funding for public housing.

CLPHA commends the House for unraveling the complicated and inefficient funding system HUD has imposed on housing authorities since 2004. By adopting a formula. that bases funding on the most recent 12 months of leasing and cost data the House action will guarantee funding for all vouchers in use. The increase in funds, combined with the change in how these funds are distributed ensure that housing authorities do not have to reduce the number of families they currently serve.

However, in order to effectively transition to this new formula, housing authorities need access to currently allocated funds to help them to offset losses and to increase leasing levels in their communities. Congress must protect these funds and prohibit HUD from recapturing them for either punitive reasons or to meet a rescission target.

Thank you again for supporting public and assisted housing programs. We look forward to working with you on these most important issues.

Sincerely,
SUNIA ZATERMAN,
Executive Director.

PUBLIC HOUSING AUTHORITIES DIRECTORS ASSOCIATION,
Washington, DC, January 31, 2007.

Hon. DAVID OBEY,
Chairman, House of Representatives, Committee on Appropriations, Washington, DC.

DEAR MR. CHAIRMAN: PHADA represents the professional administrators of almost 1,900 local housing authorities from all over the United States. I am writing in regard to the FY 2007 Joint Resolution the House of Representatives will soon consider.

PHADA supports and appreciates the inclusion of $300 million more in operating funds included in the legislation. The summary accompanying the resolution notes that this increase still leaves HAs with a significant shortfall in FY 2007. Still, the measure is a welcome step in the right direction. PHADA wants to work with you and your Senate colleagues on future efforts to bring public housing funding up to more adequate levels.

PHADA also supports the Housing Choice Voice (HCV) funding and formula in the legislation. The association has long supported a more rational voucher formula based on actual leasing and voucher costs. Your bill establishes the inception of such a policy. Recent experience demonstrates that the Bush Administration's "snapshot" voucher formula has not been successful. Inefficiencies in that formula have over-funded some housing agencies and underfunded others. Moving to a formula based on actual voucher lease up and costs distributes funding to agencies as it is actually being used and thus guarantees funding for all vouchers in use. Importantly, the bill also includes $100 million to protect housing agencies and residents that might otherwise be harmed during the transition to the new formula.

Thank you again for your support of public and assisted housing programs. PHADA looks forward to working with you on the implementation of this legislation and during the FY 2008 budget process that begins next week.

Sincerely,
TIMOTHY G. KAISER,
Executive Director.

NATIONAL ASSOCIATION OF HOUSING AND REDEVELOPMENT OFFICIALS,
Washington DC, January 31, 2007.

Hon. DAVID OBEY,
Chairman, House Committee on Appropriations, Washington, DC.
Hon. JOHN OLVER,
Chairman, House Appropriations Subcommittee on Transportation, HUD, and Related Agencies, Washington, DC.
Hon. JERRY LEWIS.,
Ranking Member, House Committee on Appropriations, Washington, DC.
Hon. JOSEPH KNOLLENBERG,
Ranking Member, House Appropriations Subcommittee on Transportation, HUD, and Related Agencies, Washington, DC.

DEAR CHAIRMEN AND RANKING MEMBERS: I am writing to express the strong support of the National Association of Housing and Redevelopment Officials (NAHRO) for the Section 8 Tenant-Based Rental Assistance voucher- renewal formula included in H. J. Res. 20. Formed in 1933, with more than 22,000 agency and individual members, NAHRO is the nation's oldest and largest nonprofit organization composed of local agencies and officials engaged in creating and maintaining affordable housing opportunities. NAHRO members are responsible for administering more than 80 percent of all Section 8 Housing Choice vouchers.

This revision to the voucher distributional formula is a long-overdue correction of a policy that has simply proven not to work. Prior to the adoption of the current law policy in 2004, the voucher program was highly successful in serving families it was charged to assist. The funding policies in place provided the incentives and stability necessary for agencies to efficiently administer the program.

Since the current law formula was instituted in 2004, this highly-successful program has lost well over 100,000 vouchers, and by some estimates are as many as 150,000 vouchers, due to inefficiencies in the formula. In contrast, H. J. Res. 20 will provide all agencies sufficient funding to continue assisting the same number of families served in FY 2006, and some may be able to make some progress toward restoring lost vouchers.

INEFFICIENCY OF CURRENT FORMULA LED TO LOSS OF VOUCHERS

Newspapers across the country have chronicled the numbers of families whose assistance was abruptly terminated or denied, dismissed from waiting lists, or for whom rent burdens have increased since 2004. The loss of assistance for these tens of thousands of families has not been due to a shortage of funding provided by Congress. In fact, Congress appropriated sufficient funding each year to support these families.

These dramatic losses are, in fact, due to the inefficiency of the formula in place since 2004. The current formula bases funding to each agency upon an outdated and unrepresentative "snapshot" of data from three months in 2004. As a result, it has distributed more money to some agencies than necessary to serve 100 percent of their authorized families, while at the same time, deeply cutting other agencies, forcing them to reduce the number of families served. The depth of the inefficiency has grown with time.

H J RES. 20 MAKES MORE EFFICIENT USE OF AVAILABLE FUNDS

The revised formula contained in H J Res. 20, as written, will ensure that all public housing agencies will receive at least the amount necessary to serve the number of families served in their voucher programs in 2006, plus inflation. These agencies will not lose funding needed to maintain their programs at the levels existing in 2006, and some may be able to make progress in restoring lost vouchers. In addition, agencies have access to a $100 million adjustment pool for any agency that has increased need due to unforeseen circumstances or any hardship caused by the transition to the new formula.

The net result is a more accurate formula than the one in use from 2004 through 2006. This formula will utilize the funding provided more efficiently than the previous formula, assisting a larger number of families with the appropriated amounts than would occur under the previous formula.

FOCUS MUST BE ON SERVING THE GREATEST NUMBER OF FAMILIES WITH DOLLARS PROVIDED

Detractors opposing formula revision have unfortunately relied on data that provides a misleading picture of the impact of the revised formula. This is because the data focus solely on the amounts distributed to each community rather than on the efficiency with which those dollars will be used to serve eligible families. Because the current formula is based on outdated "snapshot" information, much of the funding cited as a "net loss" under the H J Res. 20 formula is actually in excess of the amounts needed to serve 100 percent of those agencies' authorized families in 2007. These are funds that would be distributed but could not be used by agencies to serve families if the present formula were retained. Therefore, the data do not provide an accurate picture of the families served by those dollars, the most important measure of success for this program.

The agency-by-agency listing in the data does not show the half of all agencies who receive less funding under the current formula than under H J Res. 20. For these agencies, the consequences of loss of dollars under the current formula will have a real and severe impact on the number of families they can serve. The H J Res. 20 formula is based on the amount necessary to continue serving the number of families presently assisted, Failing to enact it would mean that these agencies will not receive the funds necessary to serve families in place last year and perhaps make some progress in restoring lost vouchers,

We do not dispute that there is much unmet need for housing assistance across the country. However, providing some agencies with funding above 100 percent of their authorized vouchers while others continue to lose assistance for families in place last year is not a sound national policy. Instead, it is an inefficient use of taxpayers' dollars that needlessly leaves thousands of families unassisted.

In sum, we congratulate you on your willingness to correct in this voucher funding policy. Repairing the damage done to this program over the past three years will take time. The funding policy provided by H J Res. 20 is a good step in that direction. With continued funding support from Congress for both vouchers and the administrative funds necessary to help families find housing, and efficient funding policies, we can set this critical program back on its former path of success and restore the number of vouchers lost in recent years.

Please feel free to contact me if you have any questions about this information

Sincerely,

SAUL N. RAMIREZ, Jr.,
Executive Director.

CENTER ON BUDGET AND
POLICY PRIORITIES,
Washington, DC, January 30, 2007.
Hon. DAVID OBEY,
Chair, Committee on Appropriations,
House of Representatives, Washington, DC.

DEAR CONGRESSMAN OBEY: I am writing to state our strong support for the provisions relating to "Section 8" Housing Choice Vouchers in H.J. Res. 20, the Joint Funding Resolution for Fiscal Year 2007.

Section 8 vouchers are the leading source of federal housing assistance, and provide access to affordable housing for approximately two million low-income households, including working families with children, the elderly, and people with disabilities.

H.J. Res. 20 fully funds the President's request for voucher renewals, by providing the $487 million above the FY 2006 level that the President has said is needed to maintain the program. In a bill where resources were very constrained, this is a notable achievement.

Even more important, however, the bill makes a badly needed change in the formula used to allocate funding among the 2400 state and local housing agencies that administer the voucher program. For the past three years, voucher funding has been distributed under a highly flawed and inefficient formula. This formula relies on outdated data about housing trends, and has been providing many agencies with more funds than they can use, while others have had to make significant cuts. In all, a staggering 150,000 vouchers have been lost since 2004.

H.J. Res. 20 would ensure that the funding for each voucher in use in 2006 is renewed, by basing agencies' funding on their actual leasing rates and costs in the prior year. This simple but critical reform would stem the tide of voucher cuts, and restore badly needed stability to the program, at no additional cost to the federal government. By contrast, had the formula not been altered, thousands of vouchers in use in 2006 would have been in jeopardy.

I commend you and Members of the Committee for including this provision in the bill, and would urge others to support your efforts.

Sincerely,

ROBERT GREENSTEIN,
Executive Director.

NATIONAL LOW INCOME
HOUSING COALITION,
Washington, DC, January 31, 2007.

DEAR REPRESENTATIVE: The National Low Income Housing Coalition urges you to support H.J. Res. 20, the joint funding resolution that will fund the federal government for the remainder of FY07. The bill provides necessary program increases and policy changes to critical low income housing programs.

In particular, I want to call to your attention the provisions that will make important improvements to the Department of Housing and Urban Development's housing choice voucher program.

In 2004, HUD and Congress changed the formula for distribution of housing choice voucher funds to the 2600 public housing agencies that manage the program. This was done as a cost-cutting measure. Unfortunately, this change resulted in a system that has proved to be inefficient and wasteful, while at the same time reducing the number of vouchers available to many communities.

Under this new distribution formula, many public housing authorities were forced to reduce the number of families that were served by vouchers. As a result, there has been a loss of 150,000 vouchers since 2004, which could have assisted the large number of families on waiting lists for affordable housing across the country. At the same time, some public housing agencies received funding allocations that were higher than their funding needs and these funds went unused,

Congress has the opportunity to remedy this problem by adopting the new formula included in H.J. Res. 20. In 2006, this formula was included in legislation (H.R. 5443) approved by the House Financial Service Committee and in the Senate FY07 Transportation, Treasury, the Judiciary and Housing and Urban Development appropriations bill.

The change allocates funding in FY07 based on each housing agency's most recent twelve month period of voucher leasing and cost data, rather than a three-month snapshot in 2004 that is current measure. The National Low Income Housing Coalition strongly supports this formula change.

We also thank the appropriators for including the President's FY07 request for voucher funding in the joint funding resolution. If both the formula change and the funding increase are enacted, no public housing authority will have to make cuts to their voucher programs in 2007.

Thank you for considering our views.

Sincerely,

SHEILA CROWLEY, MSW, PhD.,
President and CEO.

NATIONAL LEASED HOUSING
ASSOCIATION,
Washington, DC, January 31, 2007.
Hon. JOHN W. OLVER,
Washington, DC.

DEAR REPRESENTATIVE OLVER: The members of the National Leased Housing Association have reviewed Joint Resolution 20 with regard to funding for the Department of Housing and Urban Development and are writing to share our perspectives on the Section 8 programs.

First, we commend both the House and Senate for their efforts to provide adequate funding for the "Section 8 Housing Choice Voucher" program and for the renewals of Section 8 project-based contracts. These programs are critical to the provision of affordable housing to 3.5 million households. We are also pleased that the Joint Resolution addressed the expiration of HUD's restructuring authority under the Mark to Market program.

Further, we applaud you for addressing how vouchers are allocated to local communities. We believe that the approach taken in the Joint Resolution, which bases agencies' budgets on their leasing costs from the most recent 12 months, is sound and will lead to the most efficient and stable results for recipients, administrators, owners and other stakeholders. In the last three years, we have learned through experience that basing voucher funding on outdated information from a potentially unrepresentative three-month period, leaves many housing agencies without the resources needed to meet current commitments.

In addition, the rigid funding formula of the past few years have left current voucher holders vulnerable; minimized the ability of PHAs to utilize the vouchers authorized by Congress; exacerbated concerns that it is not prudent to lend or invest private capital in affordable housing; reduced housing choice for voucher holders; and inhibited new construction and rehabilitation of additional low income units.

By allocating funding based on the realities of the local marketplace, the Joint Resolution formula will avoid these problems, and ensure that scarce federal resources are directed where they are most needed to support current commitments.

Sincerely,

DENISE B. MUHA,
Executive Director.

Mr. LEWIS of California. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. GRANGER).

Ms. GRANGER. Mr. Speaker, this bill before us eliminates $3.1 billion that would support the plan, approved by this Congress, to reposition our military forces throughout the world, a plan that is integral to our strategy to win the war on terror.

The cut in funding of over $3 billion has been termed devastating by Army officials. It eliminates the support for our military and their families, may I remind us, in a time of war.

Let me give you a specific example. Fourteen thousand troops and their families, including 4,000 children, are scheduled to reposition from Germany back to the States. Cutting funding for support for this plan leaves our senior military leaders with the Hobson's choice of either moving just a few units or moving our servicemembers and their families on the bases with inadequate infrastructure and training facilities.

It prevents soldiers from having the type of training facilities they need to prepare for war. It will create an uncertainty about whether their children are able to attend adequate schools. It puts in jeopardy medical treatment facilities that our military members and their families deserve access to and can force our troops into temporary housing.

Mr. Speaker, we are at war. Are we willing to cut support for those who fight this war? I say no, and I will vote "no." This bill shortchanges our troops and their families and inhibits our ability to train and prepare our troops and our Nation for future attacks.

Mr. OBEY. Mr. Speaker, I yield myself 15 seconds.

Mr. Speaker, it is not correct that we are cutting BRAC. We are increasing BRAC $1 billion above the existing levels in the continuing resolution under which we are operating today. We will deal with the additional requests for BRAC in the supplemental, and you can bet that they will get all of their money. But we are adding $1 billion to BRAC. We are not cutting.

Mr. LEWIS of California. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. HOBSON).

Mr. HOBSON. Mr. Speaker, we would not be in this unfortunate situation if our colleagues in the Senate had actually passed their bill. The House fulfilled its appropriation responsibilities; the other body did not.

I have no problem with my majority colleague on the subcommittee, the distinguished chairman from Indiana. He has involved the minority in the process, treated us fairly, and attempted to protect our interests.

Unfortunately, the ground rules established to this resolution disadvantage the House greatly in the negotiations with the Senate. The process adopted by the majority has undermined the ability of the subcommittee to negotiate a good CR and strip out Senate pork. There are a number of significant funding reductions that should have been taken in the CR that were not.

Again, I have no fault with my chairman. He tried. But the Senate balked at even citing the need to protect "important" Senators.

Let me offer a few examples. The fiscal year 2004 omnibus appropriation included a $50 million earmark in the DOE's science account for an indoor rain forest alongside the interstate highway in Iowa, which I opposed, and so did my ranking member at the time, now the chairman.

The Department of Energy has been unable to execute this earmark because the sponsor has not produced the necessary non-Federal matching funds. Nearly $45 million remains unspent and unspendable.

The House proposed to rescind this earmark, but the Senate refused to consider it. If ever there were a piece of low-hanging fruit ripe to be stripped out of the resolution, this is it. The 109th Congress had its infamous Bridge to Nowhere. The 110th Congress is now building its own legacy, starting with a $50 million "roadside attraction" in Iowa.

In the NNSA weapons account, the House identified several sources of significant savings. The House proposed a total of $495 million of reductions from weapons activities, but the Senate again refused to accept this reduction because of perceived impact in New Mexico. The final CR contains only $94.5 million of reduction, leaving $400 million of savings untapped.

In the fossil fuel account, 2006 funding in Energy included $49.7 million for oil and gas research, which is funded at discretionary spending in fiscal year 2006, but which is now mandatory by the Energy Policy Act of 2005.

The House proposed again, rightly, to eliminate this discretionary funding in the CR, which only duplicates the new mandatory funding. Instead, the Senate declared this account to be "untouchable" in the strong interest of a particular Senator in West Virginia.

Given the House majority passed H.R. 6 to take away perceived windfall profits in the oil and gas industry, it is surprising that it would now allow the same industry to "double dip" in the CR.

In summary, I would say again that the process being followed with this CR greatly disadvantages the House in our negotiations with the other body. Members should not delude themselves that we have stripped all of the pork from the CR. We have only succeeded in stripping out the House earmarks. Over in the other Chamber, it is, frankly, business as usual.

We have had the opportunity to realize a half billion dollars of savings in energy and water portions of the CR and to apply those funds to other priority needs such as education, health care and law enforcement. I hope you all realize that in voting for this continuing resolution today means that you have decided that several hundred million of tax dollars will be better spent on welfare for the nuclear weapons labs than on these other pressing national needs.

I encourage Members on both sides of the aisle to vote against this resolution and get rid of the pork.

Mr. OBEY. Mr. Speaker, I yield myself 15 seconds.

Mr. Speaker, if ever there was a case of the pot calling the kettle black, we have just heard it.

The gentleman is objecting because we were not able to go back 2 years to excise from a previous appropriation the rain forest project which was put into your bill when you were chairman. We have eliminated all earmarks for today and tomorrow. We cannot be expected to correct all of your mistakes.

The SPEAKER pro tempore. There remain 9 minutes, 50 seconds for the gentleman from California and 9 minutes and 30 seconds for the gentleman from Wisconsin.

Mr. LEWIS of California. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. Mr. Speaker, I thank the ranking member, Mr. LEWIS, for the opportunity to speak on this bill.

I oppose the bill; and the reason why, Mr. Speaker, is I think it is very important for our constituents to understand.

Yes, there was a mandate in November as there had been a growing mandate throughout the year to get rid of earmarks. Now when my constituents supported the President's call to get rid of $18 billion worth of earmarks, what they thought he meant was reducing spending $18 billion. They do not want earmarks eliminated for the sake of taking them out of the hands of elected people and putting them in the hands of non-elected bureaucrats, yet that is what this omnibus bill does.

Now in the ag section, the total spending has gone from 100 to $150 billion down. That sounds like a good savings, some of it. You can argue, where did the savings come from?

□ 1445

One thing that was eliminated, $70 million in environmental quality incentive program, $44 million for conservation security programs. These are programs that help farmers, and they have a cost share. It helps farmers plan on environmental repairs, keeping nutrients out of flowing into streams, safe environmental practices on dairies like building lagoons, things like that.

The bill also eliminated $74 million in watershed and flood prevention, building small dams, and it eliminates $2 million from the USDA biomass program. Now at a time when we all want energy independence, eliminating the biomass program in the USDA doesn't make sense to me.

Also it eliminates $11 million in food stamp funding for the employment and training portion of food stamps. All important things.

But where does the money go? For one thing, it goes to the FDA bureaucrats. The FDA wanted about a $20 million increase. They get, under this bill, a $100 million increase, without a single committee hearing on it.

Again, though, it is not just that the FDA is getting money. It is that the taxpayers aren't getting money. Earmarks have been eliminated, but the money does not go back to the taxpayers. It simply goes to the bureaucracy. And that is why I think we should recommit this bill because we can do a better job.

Mr. OBEY. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. VISCLOSKY), the chairman of the Energy and Water Subcommittee.

Mr. VISCLOSKY. Mr. Speaker, I would, first of all, like to thank Chairman OBEY. Under his leadership, the Appropriations Committee, and this Congress, has moved quickly to bring resolution to the fiscal work left undone in the last Congress.

I would also like to thank my partner, DAVE HOBSON, who just spoke a moment ago, and all of the members of the Energy and Water Subcommittee for their dedication and cooperation. And while I am at it, I would associate myself with the remarks of Mr. HOBSON relative to the negotiations with the other body.

I am disappointed that we are here today finishing a CR from last year. I would have liked my first role as the chairman of the Energy and Water Subcommittee to be focused on next year's responsibilities, instead of cleaning up the fiscal mess that was left to us.

Mr. Speaker, most importantly, this bill provides $300 million to improve the Department of Energy's ability to proceed with vital renewable energy and conservation research and development. This will allow the Department of Energy to pursue more technologies that would hold promise for reducing the emission of greenhouse gases and the importation of foreign oil while supporting the growth of our economy.

Given the energy crisis facing our Nation, and the implications it poses for our economy, our environment, and national security, these investments in energy research simply could not wait any longer.

This measure also provides $200 million to bolster physical science research. This increase is a first step in a long overdue improvement in government support for research into physical sciences.

Looking ahead, I hope to work with my partner, Mr. HOBSON, as well as again, all of the members of the subcommittee. And I would indicate to my colleagues that I remain very concerned about the size of our weapons complex and the lack of progress being made to rationalize it in conformity to existing treaty agreements and current international circumstances.

Given this, and several other major initiatives being proposed by the Department of Energy, coupled with its fundamental failure to bring major projects in on time, let alone under budget, I will ask for the subcommittee to carefully and judiciously examine all major initiatives being undertaken so that we may fulfill our responsibility as good stewards of the people's money.

Mr. LEWIS of California. Mr. Speaker, I yield 2 minutes to Mr. WAMP, the Appropriations Committee ranking member of the legislative branch.

Mr. WAMP. Mr. Speaker, the first 100 hours is over. That was the easy part; softballs, for the most part, that you campaigned on and that many of us joined you on. But this is where the tough work of governing begins, really, and I don't want to join in the blame game because there is plenty to go around from last year and the Senate Republicans and this year in this bill.

But as a 10-year member of the Appropriations Committee, I would ask the distinguished chairman of the Appropriations Committee to bring this legislation to the committee. Don't bring it straight to the floor. $463 billion worth of spending, and it is not a CR. It is not a clean CR. A lot of bells and whistles here.

As a matter of fact, the distinguished chairman is known for carrying pencils in his coat pocket, and I wonder how many of those pencils he burned up putting this together. It was a lot of work. I commend you for this work. But it is a huge shift in priorities and it didn't come to the committee. So that is what I would ask is you go through the regular order and let's not do this again.

And then let me ask you specifically about the legislative branch portion of this bill. Page 137, because our chief administrative officer, I understand, will have money in this CR to stand up a committee which is controversial, even on your own side, this proposed Select Committee for Climate Change. And I would yield the balance of my time to you, Mr. Chairman, to ask, is there money in the legislative branch portion of this bill to fund what is not an authorized committee yet, but the proposed committee, Select Committee for Climate Change?

I yield to the chairman.

Mr. OBEY. The answer is that there is money, there is adequate money to provide for that committee, if, in fact, it is created. But the formal action on creation has not yet taken place.

Mr. WAMP. And reclaiming my time, the Katrina Select Committee on our side was roughly a $400,000 committee. My understanding, the authority under this bill for the Select Committee on Climate Change would be about three times that amount, $1.2 million. I think we need to go through the regular order there as well.

Mr. OBEY. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. WEINER) for a colloquy.

Mr. WEINER. As you know, Mr. Chairman, the President and the Republican Congress drastically cut funding for the highly successful COPS program. In 1999 Congress appropriated $1.2 billion for the COPS program, and funding has plummeted since. The President has zeroed out this program every year since taking office and Congress gave no funding for COPS in either fiscal year 2006, or in the House-passed SSJC bill for fiscal year 2007. While the Office of Justice Programs, Community Oriented Policing Services account referenced in section 20901 of the continuing resolution today includes other worthy programs, is it your preference that the additional funding be used for enhancement grants which can be used to hire additional police?

Mr. OBEY. My preference is that additional funding would be available for enhancement grants which can be used for hiring. But that final decision will be up to the administration.

Mr. LEWIS of California. Mr. Speaker, could I inquire as to how much time is remaining on each side?

The SPEAKER pro tempore (Mr. SCOTT of Georgia). The gentleman from California (Mr. LEWIS) has 5 minutes, 50 seconds. The gentleman from Wisconsin (Mr. OBEY) has 6½ minutes.

Mr. LEWIS of California. Mr. Speaker, I yield 2 minutes to the gentlelady from Virginia (Mrs. DRAKE).

Mrs. DRAKE. Mr. Speaker, I keep hearing from the other side of the aisle that they support our troops. Yet, this CR removes $3 billion from our troops and their families. I offered an amendment to fix this and they refused.

Mr. OBEY. Mr. Speaker, I yield myself 10 seconds.

I, once again, repeat, this bill does not cut BRAC. It adds $1 billion to BRAC. The fiscal 2006 level was $1.5 billion. This bill will have $2.5 billion, and we will be adding more in the emergency supplemental.

Mrs. DRAKE. Would the gentleman yield for a question?

Mr. OBEY. With whatever time I have remaining of the 15 seconds.

Mrs. DRAKE. Well, the article that I am reading, not just information that I have, is a continuing resolution released Monday night axes more than half of the money the Pentagon needs to meet its base realignment.

Mr. OBEY. With all due respect, I don't live in the world of newspaper articles. We produced this bill. I know what is in it. I would hope the gentlewoman would also learn what is in it.

Mr. LEWIS of California. Mr. Speaker, I reserve the balance of my time.

Mr. OBEY. Mr. Speaker, I yield 1 minute to the distinguished majority leader, Mr. HOYER.

Mr. HOYER. Mr. Speaker, I want to congratulate Mr. OBEY, who was the ranking member in the last Congress, and who worked with Mr. LEWIS to try to pass our appropriation bills and, in fact, we passed all but one of the appropriation bills. Unfortunately, we reported the Labor Health bill, which is the largest bill, other than the Defense bill, in June, and it failed to ever get to the floor of this House because it included minimum wage, and that was not favored by the majority.

Now that we are in the majority, we are left with unfinished business. The gentlelady from Virginia mentions cutting something. We haven't cut anything. As a matter of fact, we have added $1 billion.

If you had passed your appropriation bills, you may have been able to fund at appropriate levels. But you did not pass your appropriation bills. Yet, we hear on the floor today constant complaining from the other side of the aisle that they don't like the way we fixed their failures.

Well, very frankly, I think the American public will. First of all, the American public will be pleased that we are acting, that we are moving on this legislation, which is, essentially, the funding of 9 appropriation bills that failed to move through the House of Representatives and the Senate and to the President as they should have.

Mr. OBEY has worked very hard with Senator BYRD. I know Mr. LEWIS' staff has been very engaged in this as well. I know the Senate staff has been engaged in it. And I am hopeful that this bill will not only pass this House with a very handy vote.

There are many people in this House, on the Republican side of the aisle who asked to achieve exactly what Mr. OBEY has achieved in this bill. He has taken care of the veterans. He has taken care of veterans health. He has taken care of, for the first time in 4 years, trying to get college students Pell Grants that will give them some additional help to fund their college costs. When we had that vote on the floor of this House, we had 124 Republicans join us in that vote. This is one additional step in trying to get college students a more affordable education.

Mr. OBEY has moved in a number of areas to make our investments more productive and a better return for the American people. And this bill will provide for getting last year's business done that was left undone, so that we can move on to have what Mr. WAMP wants, and I want, and Mr. OBEY wants and Mr. LEWIS wants. That is, full and open discussion of the bills in subcommittee, in the full committee and on this floor. I think that is what we will have.

But ladies and gentlemen of this House, we need to complete last year's undone business. It wasn't our fault that it was not done. But whoever's fault it was, it is not useful to say that it is your fault or my fault or somebody else's fault. It is useful to say we need to move forward. We need to fund government services. We need to fund the priorities of the American people. That is what this continuing resolution does.

I congratulate Mr. OBEY, and I urge all of our colleagues to support this bill so we can finally, one-third of the way into the fiscal year, finally do what we should have done by September 30 of 2006.

Mr. LEWIS of California. Mr. Speaker, somewhat responding to the majority leader's comment, I can't help but be moved to say that he suggested directly that Mr. OBEY had spent a good deal of time with the gentleman from the Senate, Mr. BYRD, the two Members involved in this bill, and beyond that, a good deal of contact with our staff. Beyond those two Members, let me say that this has been a very fine product. It is a staff, nonelected staffperson's piece of work that involves $463.5 billion of appropriations.

I must say that it is important for me that the body know that I am committed to reducing the rate of growth of spending. $463.5 billion is a pretty significant rate of growth.

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But in the meantime, as we go about reducing spending growth, I will also work in a bipartisan spirit to move our bill through the committee and on time and under budget.

I will not, however, respond to either intimidation or any threats relative to the way we are handling the appropriations process. The Appropriations Committee will not become a small colony in the empire of this new leadership.

We renew our commitment to bills produced by regular order that will serve as a credit to our committee, to the national interest, as well as to the people from our districts we pretend to serve.

With that, the leader and I will work further together on this matter, but I am very concerned about the volume of staff direction here where in the final analysis the people know that they are not elected representatives of the House.

Mr. Speaker, I reserve the balance of my time.

Mr. OBEY. I yield the gentleman (Mr. HOYER) another minute.

Mr. HOYER. I thank the gentleman for his comments, but I want to say, first of all, when he talks about $463 billion, I read in the newspaper today where OMB was very pleased that we stayed within the caps imposed by the Republican-passed budget. We took the Republican-passed budget, we took those numbers, we stayed within those caps. That is exactly what you did, Mr. LEWIS, when you were chairman of the committee because that was the direction from the Budget Committee. I am understanding that the White House even said that they were pleased with the fact that we stayed within the numbers when you talk about spending.

Secondly, let me say that you and I both served on the Appropriations Committee for a long period of time. In recent years, of course, we have not passed all the appropriation bills in the calendar year, much less the fiscal year, and we would pass omnibus appropriation bills with hundreds and hundreds of billions of dollars larger than this bill. One was passed January 31, the other was passed February 5. They were passed as conference reports with 1 hour of debate and no amendments, in which substantial legislative language had been added in conference and not vetted on this floor or in committee.

I understand the gentleman's representations, but he and I have been here a long time and we have a long history of knowing what has transpired in the past. This is a process that was required by the failure of the last Congress to do its work. It has been done in a way that tries to get it done so that we can get on to do exactly what the gentleman wants for the 2008 bills, give them a full airing, full hearings. And I predict to my distinguished and very close friend, Mr. LEWIS, we are going to have a lot more hearings as we did when we were in charge, we had more hearings than we have had.

We are going to have oversight, and we are going to have careful scrutiny of the taxpayers' dollars. And I look forward to joining my friend in that process in the regular order. We are doing this so that we can get on to that process to do exactly what the gentleman suggests because it is the right thing to do. And I look forward to working with him on that process.

Mr. LEWIS of California. Mr. Speaker, I yield back the balance of my time.

Mr. OBEY. How much time do I have remaining?

The SPEAKER pro tempore. The gentleman from Wisconsin has 4 minutes and 5 seconds.

Mr. OBEY. Mr. Speaker, I won't take the full 4 minutes. Let me simply say that it is necessary for the House to move forward with this legislation. It is easy to nitpick. It is interesting to me that the minority today has chosen to chastise us for decisions that we made not to go back 2 years and repeal some of the mistakes that the minority made when they were in the majority. They argue that we should have done that; they argue that we should have lived with a simple continuing resolution at '06 levels. If we do that, that would mean we would not have the added funding for veterans health care, we would not have the added funding for BRAC, we would not have the added funding for the National Institutes of Health; we would not be able to raise the Pell grant by $260 for the maximum grant; we would not have the extra funding for energy research.

I would ask Members to recognize that after a full year of the Republican minority not being able to produce and finish their work, it is time for us to finish their work so we can move on. The President is producing his new budget on February 5, which is next Monday. We need to clear the decks so we can deal with that afresh.

I ask for an "aye" vote.

Mr. DOOLITTLE. Mr. Speaker, I rise today to express great concern over the decreased funding for the Drug Enforcement Administration (DEA) in the Continuing Resolution for Fiscal Year 2007. Specifically, I am concerned about the drastic cuts to the Mobile Enforcement Teams (MET) and the Regional Enforcement Teams (RET). The MET and RET teams are on the front line each and every day assisting state and local law enforcement agencies to combat the onslaught of drug trafficking. The MET program will be reduced by $30 million and the RET Program will be reduced by $9 million. The priorities in this bill do not represent the priorities of this Nation. How is it that $50 million can be set aside for a rainforest in Iowa in a so-called earmark-free continuing resolution, yet the DEA faces a massive reduction?

The district I represent, California's Fourth Congressional District, will feel the effects of these cuts. In particular, Nevada County faces a tremendous battle with methamphetamines every day. Methamphetamines are becoming an epidemic in this country. This reduction in funding will not only hurt the efforts of law enforcement, but also everyone who lives in a neighborhood being overrun with drugs and drug traffickers. This is the wrong time to be cutting the federal government's primary tool to combat methamphetamine on a local level.

Mr. KUCINICH. Mr. Speaker, today Congress is considering a long-term continuing appropriations bill to fund large portions of the Federal Government through the end of fiscal year 2007. This legislation is necessary because Congress did not complete the appropriations process last year.

There are many reasons to support this bill. For example, the bill increases Pell Grant funding to make college more affordable, IDEA funding by $200 million to help our neediest students, and Head Start funding by $100 million to give our youngest kids the opportunity to learn. Funding for housing opportunities is increased by $1.4 billion. Without the increase HUD would be forced to deny approximately 220,000 voucher renewals.

The bill also boosts funding for local law enforcement by increasing funding for both the COPS program and the Byrne Justice Assistance Grants which directly impact funding for local law enforcement efforts.

NASA aeronautics funding, vital to the Cleveland economy, was increased by $166 million over the president's budget request. Furthermore, the bill contained an extension of the layoff ban, and prevents the NASA Administrator from gutting NASA Glenn.

I also support the $3.6 billion increase in veterans healthcare funding that provides service for an anticipated increase of at least 325,000 patients and to meet rising healthcare costs. In the same vein, Defense Health Programs are increased by $1.2 billion to provide care for service members and their families—including treating service members wounded in action in Iraq and Afghanistan.

Our Nation is facing a crisis in healthcare. The bill provides necessary relief for the Community Health Center to finance over 300 new or expanded health centers, serving an estimated 1.2 million new patients. The bill boosts funding for the Ryan White CARE Grants, the National Institutes of Health and the Indian Health Service.

The bill adds $1.3 billion to expand efforts to combat HIV/AIDS and TB. At the same time, $248 million was added to the Agency for International Development Malaria Programs to expand its bilateral global malaria initiative activities.

The bill adds considerable funding for the protection of the environment by adding $197.1 million for the Clean Water State Revolving Fund. The revolving fund is distributed by formula and will fund additional water and wastewater infrastructure projects in every state, including Ohio.

The bill adds $100 million to cover operational shortfalls for parks, refuges, forests and other public lands; including facilities in northeastern Ohio.

The bill adds $1.5 billion for the Energy Efficiency and Renewable Energy Resources program to accelerate research and development activities for renewable energy and energy efficiency programs.

Finally, the bill forces greater transparency in the activities of the World Bank, requiring them to report public disclosure of loan agreements between World Bank and its borrowers. This sunshine rule will help ensure the World Bank loans are not destructive to third world nations.

Unfortunately, this bill includes over $6 billion in nuclear weapons funding that I oppose. I have voted against the Energy and Water Appropriations bill, which contains funding for nuclear weapons, since 2002. I cannot bring myself to vote for any legislation that further endangers the world. I regret not being able to vote for all the positive aspects of this bill, but my conscience and my concerns about the threat which nuclear weapons pose to the world matter more.

Furthermore, I am concerned about the potential loss of jobs in Cleveland relating to the BRAC process. I appreciate that the bill contains additional funds for the BRAC process. I urge the Committee on Appropriations to fully fund the BRAC process as soon as possible to ensure the additional DFAS jobs can be transferred to Cleveland as previously scheduled.

Mr. CLAY. Mr. Speaker, I rise in strong support of H.J. Res. 20, providing further continuing appropriations for fiscal year 2007.

I commend the Appropriations Committee for working in a bipartisan manner to construct a resolution that continues to fund the government for the remainder of the fiscal year. As Chairman of the Oversight Subcommittee on Information Policy, Census, and National Archives, I am especially pleased to note that H.J. Res. 20 restores funding that is absolutely vital to conducting an accurate and cost-efficient 2010 census.

The funding in this bill will enable the Census Bureau to move forward with plans for the first-ever automated census in 2010. In addition to saving time and money, utilizing handheld computers will improve accuracy and ensure the most precise enumeration possible of the American people. According to Preston Jay Waite, Associate Director for the Decennial Census, field trials have resulted in a 91 percent accuracy rate.

As preparations for the 2010 Census proceed, active oversight will be important to ensure that all Americans are counted fairly. In 2000, the national census missed at least three million people—mostly the poor and minorities. I look forward to working with Ranking Member MICHAEL TURNER of Ohio and my other Subcommittee colleagues to conduct essential oversight needed to see that this never happens again.

Mr. Speaker, the action we have taken today will guarantee that we don't retreat from the goal of using technology to improve the way we keep track of changes in our population. I thank my colleagues for passing this continuing resolution and will support efforts in the Senate to pass this legislation with the same commitment to adequately funding the 2010 Census.,

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of H.J. Res. 20, which among other things avert the impeding budgetary train wreck left by the Republican-controlled 109th Congress. I want to pay particular tribute to Mr. OBEY, the Chairman of the Appropriations Committee for his incredible work in fashioning this legislation that will enable us to put behind us the mess left by last Congress and get on to the important business of addressing the real and pressing needs of the American people.

Mr. Speaker, last November millions of Americans went to the polls to register the strong disgust with the Republican dominated control of the legislative and executive branches of our Federal Government. Americans were fed up with a Republican Congress and its legacy of a culture of corruption, its failure to address the pressing needs of the American people, its unwillingness to provide effective oversight of the executive branch, its fiscal irresponsibility that resulted in record budget deficits and added trillions to the national debt, and its ability to complete one of the most basic tasks of the legislative branch: to pass the appropriations bills needed to fund the government. Is it any wonder that Americans were voting for a new way of doing the people's business when they elected the Democratic majorities in the House and Senate? I think not. We Democrats promised a new and better direction for America. And we have been delivering.

Mr. Speaker, behold what we accomplished in less than the first 100 legislative hours of our majority. We passed H.R. 1, which implements the recommendations of the 911 Commission; we passed H.R. 2, raising the minimum wage by $2.10 an hour over three years and providing a much needed raise to nearly 5 million workers; we passed H.R. 3, which will provide funding for embryonic stem cell research and provide hope for millions of Americans suffering from some of the most debilitating illnesses.

But we did not stop there. We passed H.R. 4, which requires Medicaid to negotiate lower prescription drug prices for our seniors and disabled citizens; we passed H.R. 5, which will make college more affordable to middle and working class Americans by cutting the interest rate on federally insured student loans in half; and we passed H.R. 6, which is a substantial start in making this country more energy independent.

And we accomplished all this, Mr. Speaker, after draining the swamp and ending the culture of corruption by adopting the strongest, toughest ethics and lobbying rules in history.

Today, we clean up the fiscal mess left by the Republican-led 109th Congress. The last Congress abdicated its duty to be a faithful and responsible steward of the public fisc. They shirked their responsibility to establish the right priorities and make the right choices to serve the American people. They failed to pass nine of the eleven appropriations bills needed to sustain the operations of government for Fiscal Year 2007.

Mr. Speaker, thanks to your superb leadership, and especially the extraordinary legislative craftsmanship of our remarkable Chairman of the Appropriations Committee, we rectify these Republican failures today. The Continuing Resolution we take up today, H.J. Res. 20, is not the ideal manner to fund the government and contains some provisions that each of us might not like, unlike the President's decision to escalate the war in Iraq, the choices reflected in H.J. Res. 20 represent the best available alternatives out of a universe of worst choices. That is why, Mr. Speaker, I rise to offer my support for the Fiscal Year 2007 Continuing Resolution, and my appreciation to the leadership, the Chairman and members of the Committee, and for all my colleagues who join me in voting for H.J. Res. 20.

Mr. Speaker, H.J. Res. 20, totals $463.5 billion, the amount remaining under the Republican budget resolution for the current fiscal year. Most programs are funded at FY 2006 levels with increases to cover the cost of pay increases. Of course, it was also necessary to make additions to maintain staffing levels, avoid furloughs, and generally meet increased costs or workloads for agencies, particularly the Department of Justice, the federal judiciary, the Social Security Administration, the FAA (including air traffic control), international peacekeeping operations, the Indian Health Service, the Food and Drug Administration, and the USDA Food Safety Inspection Service.

But Mr. Speaker, because the new Democratic majority knows how to, and does not shirk from, choosing wisely and setting the right priorities, in this continuing resolution we were also able to provide significant new investments for high priority needs in many areas, including veterans healthcare and assistance, law enforcement, public health, housing and education, scientific research, energy independence, transportation, and the environment. Let me discuss briefly some of the more important and beneficial provisions.

VETERANS AFFAIRS

In the area of veterans healthcare, the resolution provides $32.3 billion, an increase of $3.6 billion above the FY 2006 funding levels to provide service for the anticipated increase of at least 325,000 veteran patients and to meet rising healthcare costs', especially of our returning soldiers from Iraq and Afghanistan. As President Lincoln reminded us 142 years ago, we have a moral obligation to care for him whom has born the battle, and for his widow and orphan. We are going to keep that commitment.

We also provide $21.2 billion, an increase of $1.2 billion to provide care for service members and their families, including treating service members wounded in action in Iraq and Afghanistan.,

Mr. Speaker, we will never neglect the needs of those who proudly don the uniform in the defense of the United States. That is why the resolution provides $13.4 billion to fund the Basic Allowance for Housing, an increase of $500 million. This increased funding is needed to provide a down payment towards the funding shortfall caused by higher housing rates.

PUBLIC SAFETY AND LAW ENFORCEMENT

In the vitally important area of public safety, law enforcement, and crime prevention, the resolution increases the funding for the Federal Bureau of Investigation by $216.6 million to fully fund 31,359 positions, including 12,213 agents and 2,577 Intelligence Analysts—doubling the number of Intelligence Analysts since September 11th. This amount also includes $100 million to proceed the FBI's plan to move from paper-based case management to electronic data sharing. The resolution also includes $147.4 million for counter-terrorism and intelligence infrastructure.

Mr. Speaker, as a member of the Judiciary Subcommittee on Crime, Terrorism, and Homeland Security, I know that investing in crime prevention programs is an effective use of the taxpayers' precious dollars. That is why I am pleased that the resolution provides $520 million for Byrne Justice Assistance Formula Grants, an increase of $109 million, and $542 million for Community Oriented Policing Services (COPS), an increase of $70 million. Together these increases are the first step in reversing the drastic cuts to State and local law enforcement programs made since the Bush administration came into office in 2001. I will immediately make the request for the U.S. Justice Department to fund the new crime-prevention needs of Houston.

Mr. Speaker, as we all know, education is destiny. The surest and most certain path to continued American prosperity lies in an educated citizenry. That is why I am especially pleased that for the first time in 4 years, the maximum Pell Grant has been increased, by $260 to $4,310. This long-overdue increase will help over 5.3 million students pay rising college expenses.

The resolution also provides $10.7 billion for IDEA Part B State grants, an increase of $200 million to help school districts serve 6.9 million children with disabilities and special needs. If we are going to be serious about leaving no child behind, then we must make sure to adequately fund special education.

But there is more, Mr. Speaker. The resolution increases Title I K–12 Grants by $125 million and provides more than 38,000 additional low-income children performing below grade level with intensive reading and math instruction. Thus, we have begun to reverse the decline since 2005 in Title 1 support for elementary and secondary schools at a time of record enrollments (55 million students in 2006) and pressures for more accountability from No Child Left Behind requirements.

The resolution also contains $125 million targeted to the 6,700 schools that failed to meet No Child Left Behind requirements in the 2005–2006 school year, enabling them to implement improvement activities, such as teacher training, tutoring programs, and curriculum upgrades. According to the Department of Education, without this funding more than 80 percent of high-poverty districts would be unable to afford these improvements.

The value and efficacy of Head Start is well known and long established. That is why it is so scandalous that the Bush Administration has cut this program by 11 percent in real dollars since 2002. The resolution increases funding by $103.7 million to help prevent a drop in Head Start enrollments. The money the Department of Education will have will still allow for teacher incentive pay for Houston.

PUBLIC HEALTH PROGRAMS

The resolution provides $1.9 billion, an increase of $206.9 million to finance more than 300 critically need new or expanded health centers, serving an estimated 1.2 million new patients. We also increase Ryan White CARE Grants by $75.8 million to bring it to its authorized funding level of $1.2 billion.

SCIENTIFIC RESEARCH

One of the most important investments this nation can make to secure its long-term future is in the area of scientific research. As a long-term member of the Science Committee, I am keenly aware that to keep ahead of our international competitors we cannot scrimp when it comes to expanding the Nation's intellectual capital and knowledge base. That is why the resolution wisely funds the National Institutes of Health at $28.9 billion, an increase of $619.5 million. This level of funding reverses a projected decline in new NIH research project awards and supports an additional 500 research project grants, 1,500 first time investigators, and expands funding for high risk and high impact research.

The resolution also provides an additional $50 million in new funding for the National Institute of Standards and Technology's (NIST) innovation programs for physical science research and lab support for nanotechnology and neutron research. Equally important, the resolution increases provides funding for the National Science Foundation in the amount of $4.7 billion, an increase of $335 million. This increase is a down-payment towards enhancing U.S. global competitiveness by investing in basic science research.

Mr. Speaker, in an area close to my heart and important to my district, which is often referred to as the Energy Capital of the nation, the resolution increases funding to the Department of Energy's Office of Science by $200 million to support cutting edge research, including new energy technologies such as improved conversion of cellulosic biomass to biofuels. I also appreciate that the resolution increases funding for energy efficiency and renewable energy resources by $300 million which will enable us to accelerate research and development activities for renewable energy and energy efficiency programs. NASA and in particular the Johnson Space Center can be funded by redisbursing funds in the

Agency to avoid lost jobs and the stopping of important work. I will work for the continued work of NASA.

HOUSING AND URBAN DEVELOPMENT

Mr. Speaker, as Hurricane Katrina laid bare for all the world to see, affordable housing has for too long been a neglected priority in this country. The resolution makes a modest but useful stab at correcting this woeful situation. The Section 8 Tenant-Based Program is funded at $15.9 billion, an increase of $502 million, which will enable the Department of Housing and Urban Development to renew 70,000 housing vouchers currently in use by individuals and families. The Section 8 Project-Based Program is budgeted at $5.9 billion, an increase of $939 million. This much needed increase will help HUD renew 157,000 housing vouchers currently in use by individuals and families.

Although no one likes to live in public housing, we must remember that for millions of our fellow citizens they are their home and sanctuary. For too long they have been neglected, which has led to an accelerated state of disrepair. That is why it is encouraging to see that the resolution provides an extra increase $300 million to enable Public Housing Authorities (PHAs) to address critical operating needs after last year's energy hikes saddled them with $287 million in unexpected utility costs. Although this increase is still $672 million short of the total estimated need of $4.5 billion, it will help to restore staff levels, maintenance activities, elderly service coordinators, security officers and equipment.

Also Mr. Speaker, the resolution contains language changing the funding formula for the Section 8 Tenant-Based Program. The current formula is based on information from 2004 that is out of date and results in some Public Housing Authorities (PHAs) getting more money then they can spend while others have less than they need. The resolution corrects this problem by directing HUD to use the most recent 12–month leasing and cost data. Last week HUD announced that a similar provision would be included in their 2008 budget request to be implemented in 2009. By including the language now, 2007 funds will be put to their intended use—funding housing units for low-income families and individuals rather than sitting unspent.

TRANSPORTATION GUARANTEES

Next to human capital, few things are as important to the nation's economic future as is its physical infrastructure, especially its roads and bridges. That is why it is very good news that the federal aid highway program is fully funded at the level guaranteed in the SAFETEA–LU Act by providing an obligation limitation of $39.1 billion for FY 2007, $3.5 billion over the FY 2006 enacted level; and funding for Federal mass transit programs is increased by $470 million to $8.97 billion to meet the transit funding guarantees as required by SAFETEA–LU.

GLOBAL HEALTH

Mr. Speaker, America is a generous and compassionate Nation. That is why it is consistent with our values that the resolution increases Global HIV/AIDS funding by $1.3 billion to $4.5 billion. This increase will help to expand efforts to combat HIV/AIDS, and TB programs including in the 15 focus countries and the multilateral efforts through the Global Fund to Fight HIV/AIDS, TB and Malaria.

I am proud that the United States is doing more than its share in helping to eradicate malaria, which is still too often an unnecessarily fatal disease in too many parts of the world. The resolution funds the Agency for International Development's Malaria programs in the amount of $248 million, an increase of $149 million. This will allow U.S. AID to expand its bilateral global malaria initiative activities from the current 3 countries to 7. Country programs expand access to long-lasting insecticide treated bed nets, promote and support effective malaria treatment through the use of proven combination therapies; and increase prevention efforts targeted to pregnant women.

MORATORIUM ON DIRECTED SPENDING PROJECTS

Mr. Speaker, the continuing resolution explicitly eliminates directed spending projects ("earmarks") for Fiscal Year 2007 and retains the moratorium on earmarking in place until a reformed process was put in place. Unfortunately, many worthy earmarks are not funded including the Boys and Girls Clubs, America's Promise, and the Thousand Points of Light Foundation. I know many of my colleagues are disappointed that the budgetary mismanagement by the Republican-controlled 109th Congress necessitated this draconian measure. In spite of this prohibition I will fight to secure funding for the TSU Lab School and other projects.

But I take some consolation in Chairman OBEY's assurance that earmarks included in this year's appropriations bills will be eligible for consideration in the 2008 process, subject to new standards for transparency and accountability and that the Committee and leadership will work to restore an accountable, above-board, transparent process for funding decisions and put an end to the abuses that have harmed the credibility of Congress.

Although the resolution eliminates earmarks for the current fiscal year, I note Mr. Speaker, that the resolution will, however, continue to help State and local governments meet the needs of their communities by providing funding for grants through authorized discretionary and formula programs including Teacher Incentive Grants, Corps of Engineers programs, Military Construction, Department of Energy science programs, Agricultural Research Service operations, and the USDA Cooperative State Research, Education, and Extension Service.

Mr. Speaker, perhaps the most compelling reason for supporting H. Res. 20 is that stated by Chairmen OBEY and BYRD in their Joint Statement of December 13, with which I close:

> There is no good way out of the fiscal chaos left behind by the outgoing Congress. Indeed, this joint resolution provides the Administration far too much latitude in spending the people's money. But that is a temporary price that we will pay in order to give the President's new budget the attention and oversight it deserves and requires, and so that we can begin work right away at putting the people's priorities front and center. We, in the new Congress, have a responsibility to build the foundation for a better future. We cannot begin that work until we fix the problems left behind by the Republican Congress. So, we must turn the page on the Republican failures and work together in the best interests of the American people.

Mr. Speaker, I urge all members to support H.J. Res. 20 so we can move forward and attend to real and pressing needs of the American people.

Ms. LEE. Mr. Speaker, I rise in support of the continuing resolution.

Today we are in this colossal mess because last year's Republican Congress failed to do its job.

Instead of passing the necessary spending bills to fund our Government, Republicans decided they would rather pass the buck.

Instead of owning up to their failure today, Republicans are crying foul! What hypocrisy, Mr. Speaker!

Under Republican rule we have seen our country's finances literally flushed down the toilet. Our Nation's debt grew by over $3 trillion thanks to the Republicans. They passed massive tax cuts for the ultra rich. They got rid of common sense pay-as-you-go rules. And they started a completely unnecessary war in Iraq, whose true cost of nearly $450 billion, they have tried to hide from taxpayers.

They had their chance to try and make amends last year, but they failed to act.

Today Democrats are picking up the pieces and leading our country in a new, fiscally responsible, direction.

This CR eliminates all earmarks, suspends the Congressional pay raise and provides critical increases to a number of important programs this year.

In particular, I want to thank Chairman OBEY and my colleagues on the appropriations committee for providing over $4.7 billion for our global AIDS, tuberculosis, and malaria programs in FY07. This money will ensure the continued scale-up of these programs and will provide lifesaving anti-retroviral therapy to another 350,000 people this year.

I am also very pleased that the Department of Housing and Urban Development (HUD) will receive an increase of $300 million for its public housing operating fund. This money will help the Oakland Housing Authority in my district to keep our public housing units open so that we can provide stable housing to thousands of low-income individuals and families who are in need.

Additionally the $1.4 billion increase for Section 8 housing programs and the change in formula will provide housing assistance for a quarter of a million people and help California get its fair share of funding to reflect rising rental costs in our state.

Although not perfect, today's CR sends a very powerful message that the Democratic Congress is strongly committed to helping those who are most vulnerable in a fiscally responsible manner.

Although we have still got a long ways to go to re-order our Nation's priorities, this CR is the first step. I urge my colleagues to support it.

Mr. TERRY. Mr. Speaker, I rise in strong opposition to the process used by the majority party to write and debate the bill under consideration today.

Ranking minority members were not consulted on this legislation or provided an opportunity for input. In fact, most of the majority party's own members had no input in this process. Appropriations Committee Chairman DAVID OBEY instead directed his staff members to write major budget legislation behind closed doors without involving elected Members of Congress. It appears staff members of Senate Appropriations Committee Chairman BOB BYRD conducted negotiations on behalf of the Senate.

As reported in CongressDaily AM today, "most of the negotiations were conducted by staff." This information came from Chairman OBEY, who also said that Members of Congress only became involved in the negotiations "when matters became difficult." Let me repeat that: Unelected congressional staff for Chairmen OBEY and BYRD conducted negotiations on 9 of 11 major spending bills that make up the annual budget of the United States Government.

Why do we have an Appropriations Committee if the committee members have no input in the appropriations process? I propose the next legislation this Congress should debate is a bill to dissolve the House Appropriations Committee. It is clearly unnecessary since major budget negotiations can be conducted by staff instead of elected Members. Apparently, the Appropriations Committee consists entirely of Chairman OBEY, who can single-handedly dictate the legislative process and assign his staff to take the place of elected Members of Congress.

Handing responsibilities for major budget negotiations to congressional staff for Chairmen OBEY and BYRD is an abdication of responsibility. It also sets the stage for corruption on many levels. These staff-level negotiations were unknown to the public and the majority of elected Members. I am deeply concerned that damage and corruption to our laws will occur if Members of Congress are not thoroughly involved in the creation of legislation and knowledgable about the contents of bills brought to a vote.

In addition, allowing only 1 hour of debate and no opportunity for amendments on major $463.5 billion legislation that Members had only 1 day to review is further evidence of the majority party's lack of consideration for our system of government and the responsibilities of elected Members. I also wish Congress had completed the budget process last year, but this fact does not excuse the closed process used to write H.J. Res. 20 this week.

I sincerely hope the majority party will begin including elected Members of Congress in the process of lawmaking, as the Constitution intended, and as the American people rightly expect. Our system of government of the people, for the people, and by the people depends upon our ability to work together to accomplish the business of the American people. I urge my colleagues from both sides of the aisle to join me in calling for a return to the regular committee process and more fair and open debate of legislation with opportunities to offer amendments.

Mr. HOLT. Mr. Speaker, I rise in reluctant support of H.J. Res. 20 the Continuing Resolution for FY 2007. Mr. Speaker, this is not the bill that I or any of my colleagues wish we were voting on today. This bill eliminates all earmarks, some for worthy projects like job training, community-based healthcare, and boys and girls clubs. I had hoped that each of the eleven FY 07 appropriations bills would have passed separately into law last year, with proper funding increases to ensure that we are investing for the future. Unfortunately, the last Congress only passed two.

The last Congress failed at this, and we are left now left to pass a continuing resolution for the rest of FY07 without the detailed fine-tuning and funding increases the bills normally contain. The Republican failures on the budget created the worst budget mess since the Government shut down in 1996. It is no wonder that the debt has increased by more than $3 trillion since Republicans took control of the Government.

The funding of scientific research is crucial to our competitiveness, economic well-being, and quality of life. Flat funding in the context of inflation is difficult for everyone, but it is particularly damaging to scientific enterprise. Scientific budget items must change dramatically each year as large projects with short lives are constructed, go into operation, and are replaced. This year would be a particularly bad time for flat funding in the sciences. We have new international commitments to energy research and new national projects that have completed construction and require operating budgets. We also have unprecedented and much-needed consensus to increase funding in the sciences to keep pace with our international peers. To this end, wrote with two others letters to the Appropriations Committee raising concerns about the impact of flat funding on the Department of Energy's Office of Science and on the National Science Foundation. These letters were signed by a sizeable fraction of the House, and I am pleased that the Appropriations Committee has addressed this matter, fully for the NSF and appreciably for the DOE Office of Science. I look forward to increased funding for research at NSF and for fusion energy in the FY 08 appropriations.

I would like to point out a few positive points in the bill. This bill provides for a $3.6 billion increase over last year's level for VA healthcare funding. I'm pleased that this increase will make it possible for us to provide services for an additional 325,000 patients in the VA medical system, and to meet rising healthcare costs as have more returning veterans than any time since the Vietnam era. I'm also pleased that the bill includes some $4 billion for our housing program for military families. These gains are important, but we have much more to do. As we begin looking at funding priorities for fiscal year 2008 and beyond, I believe it is imperative that the Congress finally meet America's obligation to provide for full funding of our veterans' health care system. VA hospital and clinic administrators cannot provide consistent, quality services and proper continuity of care over time unless they know how much money they have to work with. The existing discretionary appropriations process for VA healthcare is not working, and only a move to mandatory funding can solve this chronic problem. I look forward to voting for such a proposal this year.

The bill raises the maximum Pell grant award from $4,050 to $4,310. This increase, the first in 4 years, recognizes the essential role of the Pell grant program in improving access to higher education and as a critical component in comprehensive efforts to address college affordability. For years under Republican leadership, Congress all but ignored the growing college cost crisis that was preventing many qualified students from going to college. Now, in just the first month of this new Democratic Congress, the House has already voted overwhelmingly to cut interest rates on need-based Federal student loans. And we have another major step towards putting a college education within reach of every qualified student by boosting the Pell grant scholarship by $260.

The bill also increases Title I school funding by $125 million, bringing total funding from $12.7 to $12.8 billion. The proposed increase would reverse the decline in Title I funding since 2005 and would allow additional reading and math services for some 38,000 eligible children. I also support the proposed $125 million for the Title I school improvement fund. These funds, if passed would be targeted to the 6,700 schools designated as needing improvement under No Child Left Behind, thereby allowing them to implement professional development initiatives, tutoring programs, and other improvements designed to raise student achievement.

The bill also spends $4.5 billion, an increase of $1.3 billion, to expand efforts to combat HIV/AIDS and TB programs, including in the 15 focus countries and the multilateral efforts through the Global Fund to Fight HIV/AIDS, TB, and Malaria. The bill also spends $248 million, an increase of $149 million, to allow the Agency to expand its bilateral global malaria initiative activities from the current three countries to seven.

The chairman deserves ones thanks for negotiating a bill better than a traditional continuing resolution, which would have jeopardized American national security, resulted in thousands of layoffs, and cut off healthcare for members of the U.S. Armed Forces and veterans. For example, the Food Safety and Inspection Service would have faced a month of furloughs, resulting in the closure of 6,000 meat processing plants; the federal judiciary would have had to fire 2,500 workers; and the Princeton Plasma Physics Lab and other research facilities would have had to stop projects and layoff scientists. I ask my colleagues to pass this bill so that we can begin the FY 08 appropriations and make more important investments in our future.

Mr. STARK. Mr. Speaker, I rise today in support of cleaning up the Republicans' mess. The previous Congress failed to pass 9 of 11 appropriations bills, creating the worst budget mess since the Government shut down in 1996.

Today's resolution is far from perfect. But while adhering to the spending limit in the Republican budget, it provides significant funding increases to several important programs.

First, the continuing resolution for fiscal year 2007 provides housing assistance to 227,000 people through a $1.4 billion increase for section 8 housing programs. Second, it finances construction of hundreds of new community health centers and improvements to existing facilities. Third, today's bill increases funding for Head Start by $104 million to help prevent a drop in enrollments. Fourth, it raises the maximum Pell grant by $260, which will help more than 5.3 million students afford college.

It's time to get to work on the people's business. Cleaning up a mess is never fun, but because Republicans failed to take "personal responsibility" for this year's budget, it is necessary. I urge my colleagues to vote "yes."

Mr. ORTIZ. Mr. Speaker, today is a day when being in the majority is about paying for the very long list of mistakes from the last (Republican) Congress that simply refused to pay the bills.

Well, this Congress will not proceed down that road. Before we can begin the regular funding process, we have to pay the bills the last Congress ran up, then did not pay. That's where we are today. And it is a position none of us are happy about.

There is a long list of items that should be in this CR that would have benefited the people in my south Texas Congressional district, but since the previous Congress could not be bothered to pay the bills, we will have to begin again to put these in our appropriations bills this year.

Among the many items that will now go unfunded is an improvement to help speed up repair of helicopters coming home from and going back to Iraq and Afghanistan at the Corpus Christi Army Depot.

The items that this CR is not funding are not the wasteful spending that characterized the last several Congresses. The items we are cutting here are important national priorities for the health, education and well being of our children and the less fortunate among us, as well as defense priorities for the Nation.

Just this morning, I chaired my first Readiness Subcommittee hearing—a joint hearing with Tactical Air and Land Subcommittee—where we heard time and time again about how much more help the depots needed to repair the equipment our soldiers in the field need so very much.

Not including the funding for helicopter repair at CCAD is part of the price we—as a nation—are paying for the disregard the previous Congress showed for the readiness of our troops, and for the disposition of the job Congress is elected to do.

Mr. UDALL of Colorado. Mr. Speaker, there are many things that can be said against this continuing resolution, as the House has heard during today's debate. But after all those things have been said, I am convinced the only responsible choice is to vote for it—and I will do so.

In fact, it was the failure of responsibility on the part of last year's Republican leadership in Congress that brought us to where we find ourselves today. If they had done their job of developing and enacting the legislation to fund the essential functions of government, it would not be necessary for us to be acting now to make up for their failures.

In fairness, much of the blame rests with the Republican-led Senate. While the House last year did pass all but one of the regular appropriations bills, only two of those bills ever received a final vote in the other body—and only those two were enacted into law.

But even here in the House, the Republican leadership never even brought to the floor the bill to fund the Departments of Labor and Health and Human Services—not before the election, evidently because they did not want to have to discuss it during their campaigns, but not even in the lame-duck session last year.

Given the situation the resulted from their predecessors' failure, Chairman OBEY and his colleagues on the Appropriations Committee decided that the best way to proceed was to bring forward this long-term continuing resolution, intended to complete action on appropriations for the remainder of this fiscal year, and then to begin work on the appropriations bills for the fiscal year that lies ahead.

I support that decision, and I will support this continuing resolution.

There are parts of it that I think fall short of what should be done in a number of areas. But there are other parts that I strongly support, including the provision that withholds any increase in the pay of Members of Congress—something that I think is overdue.

More than a year ago—in October of 2005—I urged the House's conferees to agree to a Senate amendment to the fiscal year 2006 appropriations bill that would have withheld a cost of living raise for Members of Congress. I regret that my plea was in vain, because I think we should be prepared to do our part when our country is at war, our homeland security must be improved, and the federal budget remains deep in deficit.

Withholding a congressional pay raise will make only a small change in the budget because the amount involved is minor compared with other expenditures. However, I think it is an appropriate first step for Members of Congress to forego this increase in our pay, and I am glad this legislation will have that effect.

I also am very pleased that the resolution includes $300 million in additional funding for the Department of Energy's Energy Efficiency and Renewable Energy, EERE, programs. My colleague Representative PERLMUTTER and I worked hard to get this funding included in the legislation, and I intend to work closely with our colleagues in Congress and with the Department of Energy to ensure that the research programs carried out at National Renewable Energy Laboratory, NREL, in Colorado benefit from a good deal of those funds.

Despite the importance of NREL's work, flat or decreased funding for NREL in recent years—coupled with earmarks and inflationary cost increases—has effectively reduced the funding for renewable energy research, which has led to a continuing struggle for needed resources and great instability at the lab. This in turn has severely affected the lab's ability to develop new technologies and continue the United States' leadership in renewable energy technologies. The boost for EERE funding in this bill could go a long way toward helping NREL regain its critical momentum.

The parts of the legislation dealing with defense and national security include increased funding for defense health programs, for basic allowance for housing, and for two important Department of Energy nonproliferation programs—the International Nuclear Material Protection and Cooperation program, which secures weapons-grade nuclear materials in the former Soviet States, and the Global Threat Reduction Initiative, which secures high-risk nuclear material around the world.

It also includes $2.5 billion for implementation of a round of military base closures authorized in 2005. While the $2.5 billion is an increase from the funding provided for fiscal year 2006, it will still leaves us $3.1 billion short of meeting our Base Realignment and Closure, BRAC, commitments and nearly $1 billion short of the funds needed for military construction projects. Since the Army links its military construction and troop movement plans to BRAC implementation, this shortfall could have broad impacts on the rotation and return of troops and the building of new brigades.

It has been indicated that additional needs for BRAC and military housing will be addressed in the supplemental war spending bill we will soon consider in Congress. I hope that will be the case, and will work to achieve that result as well as to ensure that the Defense Department takes into account Colorado priorities as it makes the hard choices about which military construction projects to fund.

I also am pleased that Chairman OBEY and his colleagues recognized the importance of science programs across different agencies, allowing for increases at the Department of Energy's Office of Science, the National Science Foundation, and the National Institute of Standards and Technology, NIST.

However, I am greatly concerned about the impact this resolution could have on the National Oceanic and Atmospheric Administration, NOAA.

In my district, NOAA operates the Earth System Research Laboratory, which has the largest concentration of NOAA research staff in the Nation—300—as well as the largest concentration of university staff funded by NOAA research, for a total of 1,000 Federal and contract employees. NOAA's programs in Boulder include the Space Environment Center, which provides essential space weather forecasting services; the NOAA Profiler Network, which gathers key weather information for a range of other agencies, including the Departments of Defense and Transportation; and the National Geophysical Data Center, the world's largest archive of geophysical data on observations of earth from space.

Funding for NOAA under previous continuing-resolution levels saw significant decreases, so I am pleased that overall the agency will see a return to the funding levels provided for fiscal year 2006. However, it is unclear how this will be distributed, and so there is a possibility that many important programs will not be adequately funded. I believe that we will have to work to address these issues when we consider the appropriation bills for fiscal year 2008.

NIST also has a significant presence in Colorado. The NIST facilities at Boulder have contributed to great scientific advances, but these facilities are now over fifty years old and have not been well maintained. Many environmental factors such as the humidity and vibrations from traffic can affect the quality of research performed in the NIST labs. Scientists have difficulty conducting cutting edge research in labs that have leaking roofs. NIST has included building renovations as a priority in past budgets, yet the final budgets have included so many earmarks that the agency's needs have not been met. The absence of similar earmarks from this resolution means that NIST may finally be able to address some of its most dire needs, including renovations of the Boulder facilities. I will work to ensure that much of the nearly $60 million in the NIST construction budget will be dedicated to renovating these facilities.

The appropriators had many tough choices to make with regards to funding the National Aeronautics and Space Administration, NASA. Balancing the needs of the different NASA programs is critical and I appreciate that the appropriators realized that congressional intent needs to be clear and specific to ensure that no one program is completely devastated by funding cuts. While I am pleased that the decline in aeronautics research funding will be halted, I am also concerned about the cuts to the science and exploration programs, as well as to the space operations. It is not yet clear how NASA will accommodate these cuts. NASA is important to the Nation, and I will continue to push for adequate funding from my position as chairman of the Space and Aeronautics Subcommittee of the House Science and Technology Committee.

Education is vital to our country's youth and our economic future and I am pleased that the appropriators have provided several important programs with funding increases that will help keep our country strong. These include increases above the fiscal 2006 funding levels for Pell Grants, the Individuals with Disabilities Education Act, IDEA, and Head Start. Furthermore, the appropriators made a step in the right direction by increasing funding in Title I of the No Child Left Behind Act, NCLB.

And I am pleased that by this resolution the Federal-aid highway program, in the Federal Highway Administration, is fully funded at the level guaranteed in the Safe, Accountable Flexible, Efficient Transportation Equity Act: A Legacy for Users, SAFETEA–LU, with an obligation limitation of $39.1 billion for fiscal 2007, $3.5 billion over the fiscal 2006 enacted level.

So, in conclusion, Mr. Speaker, I think Chairman OBEY and his colleagues deserve the thanks of the House for the work they have done to clear away the rubble left by the Republican leadership last year and to replace it with a firm foundation on which to build in the future. Adoption of this resolution will write an end to last year's sorry story and take the first step on a better, more responsible approach to carrying out our duties as legislators. I urge approval of the joint resolution.

Mr. LEVIN. Mr. Speaker, I rise in support of the resolution before the House.

Few will take any great satisfaction with the manner in which the Congress is at last completing the budget process for 2007. This work was supposed to have been completed 4 months ago. It is important for everyone to understand how we got to this point and why we are forced to take the extraordinary step of approving a continuing resolution to fund nearly every domestic program for the balance of this fiscal year.

We are here today because the Republican majority that controlled the House last year failed to do its work. Last May, they voted for a budget resolution that was so unrealistic that not even they could find a way to live within it. As a direct result after 8 months, the former majority was able to complete action on just 2 of the 11 regular appropriations bills. Then, in early December, the outgoing leaders of the House and Senate decided to punt on the remaining funding bills, pass a stopgap spending bill to keep the Government operating through February 15, adjourn the Congress, and leave town.

So now it is up to the new Congress to clean up this budgetary mess as best we can, and that's what the bill before the House does. It is an imperfect solution. There are any number of programs that deserve a lot more funding than we are able to give them here today. We are still constrained by the overall funding levels adopted in last year's budget resolution, a budget that not a single Democrat voted for. At the same time, I am glad that the measure we are considering today manages to increase funding in a number of priority areas, especially veterans health care, medical care for U.S. troops wounded in Iraq and Afghanistan, the Federal highway program, medical research at the National Institutes of Health as well as some key education programs. I also applaud the decision to put a moratorium on Members' earmarks until a reformed process is put in place to provide an accountable and transparent process for funding these projects.

Even so, some of my colleagues on the other side of the aisle have gotten up to complain that we should have done better. They want less spending in some areas and more spending in others. After sitting on their hands for 8 months last year, they now object to the procedure we're using to clean up the mess they made. It is unfortunate that the people who are complaining the loudest today were unwilling to convince their own leadership to make these spending decisions last year by passing the individual funding bills on time and getting them to the President for his signature.

The reality is that we are already 4 months into fiscal year 2007. There isn't time to spend another month or two debating spending bills that should have been completed last September. The agencies and the States have waited long enough for Congress to act, and the President is submitting his 2008 budget request to us next week. It's time for Congress to complete this work.

Mr. ETHERIDGE. Mr. Speaker, I rise in reluctant support of House Joint Resolution 20 to fund the essential services of the Federal Government through September 20 of this year.

On November 7, the American people voted to fire the former Republican majority for gross mismanagement of the Nation's finances and woeful neglect of the priorities of the American people. This imperfect legislation is necessary to clean up the mess the former majority left behind.

Mr. Speaker, the former Republican majority passed only 2 of the 11 bills necessary to fund the discretionary accounts of the Federal Government. Failing to pass their obligatory legislation by October 1, 2006, the former majority passed a stopgap measure to keep the Government functioning when they adjourned the 109th Congress. Our new Democratic majority was left with the unfinished business of the fiscal year 2007 appropriations legislation. Today marks the 123rd day since the start of fiscal year 2007, and the President's 2008 budget request is scheduled to be delivered to this Congress on Monday. Now is the time to finish last year's work, so we can move on to the essential work at hand to deliver a new direction for the American people.

Although I am disappointed that funding priorities for our districts were left out of this bill, it is important to note several important improvements this bill makes over previous year's appropriations. For example, H.J. Res. 20 will raise the maximum Pell grant award from $4,050 to $4,310, the first increase in 4 years of this critical effort to make college more affordable for working families. The bill increases special education funding under the Individuals with Disabilities Education Act, IDEA, by $200 million. This Continuing Resolution will increase low-income public schools' Title I funding by $125 million and thereby reverse the decline in Title I education funding. Even with these increases, Federal investment in education continues to lag far behind the levels needed to create a first-class school system for the 21st century, and I look forward to working to address these shortfalls in the fiscal year 2008 appropriations legislation.

I am concerned about the military construction projects left out of this legislation, and I want Congress to work on a bipartisan basis to address this problem in the fiscal year 2007 supplemental appropriations legislation. This bill includes an important increase of $3.6 billion for veterans health care to meet the needs of an additional 325,000 patients, and it increases funding for health care services at the Department of Defense by $1.2 billion, including treating soldiers wounded in action in Iraq and Afghanistan. The CR also increases funding for the basic allowance for military housing by $500 million. Finally, the bill increases funding for intelligence analysts at the FBI that are critical to protect the American people from the terrorist threat as well as increasing funding for COPS local law enforcement.

Mr. Speaker, as a new member of the House Budget Committee, I have learned over the past several weeks that the budget mess created by the former majority is far worse than the American people know. It will take a lot of hard work to restore order to our Nation's books. H.J. Res. 20 is the first necessary if unpleasant step in that vital effort. I urge my colleagues to join me in voting for this legislation.

Mr. DAVIS of Kentucky. Mr. Speaker, I rise today to express my opposition to the Democrats' omnibus spending bill. The text of this legislation that would spend more than $463.5 billion in taxpayer dollars was first distributed to the minority less than 48 hours ago and will be debated for only one hour. In October the Democrats promised the American people increased transparency and accountability, but apparently, these promises are hard to keep in January.

While there are billions of dollars being spent without oversight or accountability, the omnibus also includes a provision that will alter the formula for distributing Section 8 housing funds. The current formula bases funding on an average of funding levels for May, June and July of 2004 with adjustments for inflation.

The altered formula contained in the omnibus bill will base funding levels on the previous twelve months funding, accounting for inflation. The formula change will cut significant amounts of funding for more than half of our nation's public housing authorities.

The formula change would result in a decrease in funding for three of the four major public housing authorities in my District. The Covington Housing Authority would lose $197,321, the Ashland Public Housing Authority would lose $75,578, and the Maysville Housing Authority would see a loss of $71,274, which is 23.4 percent of its operating budget. These housing authorities provide critical services to my constituents and an unexpected funding cut like this will only worsen the already poorly funded public housing system.

Changing the formula for Section 8 is a topic that deserves debate, but the formula included in the Democrats' omnibus spending bill has yet to see the light of day in either the House Financial Services Committee or, until now, on the House floor. Changing the formula midway through the year without debate or discussion is an unwise move and would wreak havoc on our public housing system.

Contrary to claims made by Democratic leaders, it has been discovered that this bill contains numerous hidden earmarks that Democrats apparently hoped to ram through the House without debate. It is in the interest of the American people that we ask our colleagues across the aisle what else is buried in the 135 pages of this bill that will harm real people in our districts without ever having been debated in this House?

Mr. STEARNS. Mr. Speaker, this omnibus appropriations bill we consider on the floor today is not a typical Continuing Resolution, but changes funding levels and re-prioritizes projects from prior years. This CR is the longest in recent history. Most of them are 1–2 pages. This is 137 pages. Some of these changes are controversial as well as complicated, and I feel that the whole House would have benefited from a thorough appraisal of these proposals, a vigorous committee process, so that all Members would have been fully apprised of the nuances and we could pass a wellthought out, carefully crafted omnibus spending bill. However, I was pleased that the crafters of this bill saw fit to include funding levels for Veterans' Affairs that come close to what the House Republicans passed in the last Congress, and funding levels close to the Administration's request. However, they should be higher. I do lament that the priorities of the current leadership to continue funding ineffective and wasteful programs have limited the amount of available funds that could improve the quality of life for our brave veterans even more.

For example, this bill does not eliminate 28 earmarks totaling $70 million, including the famed $50 million Rainforest in Iowa project. That $50 million could instead have been allocated to improving adaptive housing for disabled veterans. This bill also funds assistance to Independent States of the former Soviet Union at a level that is $11 million above the Administration's request. Had this bill been considered in Committees, we may have been able to determine that this $11 million excess may be better spent on rehabilitation programs for blind veterans. Finally, instead of allocating $316 million for "Corporation for National and Community Service, Domestic Volunteer Service Programs," which includes funds to pay people to volunteer in the Americorps program. We could have used some of that money to increase the medical care for spinal cord injured veterans, or increasing benefits for survivors of service members who have sacrificed and given their lives in this Global War on Terror, defending the safety and freedom enjoyed by all of us back here in the States. This CR also breaks the Nation's obligation to provide soldiers and families adequate quality of life—affects the all volunteer force and unravels the Army's synchronized stationing and BRAC plan.

Mr. OBERSTAR. Mr. Speaker, today I rise in support of H.J. Res. 20, the Revised Continuing Appropriations Resolution for Fiscal Year (FY) 2007. I commend Chairman OBEY and our House Leadership for bringing this Joint Resolution to the floor. While a Resolution such as this is not the ideal way to fund Government programs, the failure of the last Congress to complete its work left us with no viable alternative. In a very limited amount of time, the Appropriations Committee has done yeoman's work to bring the FY 2007 appropriations cycle to a close in the Resolution that is before us today.

Many difficult choices had to be made in this Joint Resolution. I am pleased that one of those choices was to fund highway, transit, and highway safety programs at the levels guaranteed by the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA–LU). Under H.J. Res. 20, highway programs will be funded at $38.962 billion, an increase of $3.411 billion over FY 2006 enacted levels; transit programs will be funded at $8.975 billion, an increase of $470 million over FY 2006; motor carrier safety programs will be funded at $520.5 million, an increase of $30 million over FY 2006; and highway safety programs will be funded at $821 million, an increase of $14 million over FY 2006.

These programs are funded by highway user revenues that have been deposited into the Highway Trust Fund, where they are held in trust for the purpose of meeting our surface transportation infrastructure needs. These needs are reaching crisis proportions. Congestion has worsened dramatically in recent years. In 2003, traffic congestion cost motorists $63.1 billion in terms of wasted time and fuel.

In addition to meeting our infrastructure investment needs, the highway and transit funding levels set by this Joint Resolution will create an additional 192,000 family-wage construction jobs.

I would also like to mention one aviation-related matter. Under the previous Continuing Resolution, there was a technical anomaly that had the effect of reducing the amount of Airport Improvement Program contract authority well below the intended program level. I am pleased that H.J. Res. 20 corrects this anomaly, and further, ensures that the full amount of contract authority that is authorized for the Airport Improvement Program in FY 2007 remains available. This will set the stage for a successful reauthorization of Federal aviation programs later this year, and I thank the Appropriations Committee for their assistance in this matter.

All too often, long-term investments in our nation's infrastructure are short-changed in the face of the more immediate need to fund day-to-day operations. This Joint Resolution avoids such a short-sighted approach. Instead, it takes a longer-term view and recognizes the far-reaching effects transportation infrastructure investments have on our nation's economy, our competitiveness in the world marketplace, and the quality of life in our communities. Again, I applaud Chairman OBEY and House Leadership for recognizing the value of fully funding highway and transit programs, and I urge my colleagues to support the Joint Resolution.

COMPARISON OF DISTRIBUTION OF FY 2007 HIGHWAY FUNDING UNDER H.J. RES. 20 (SAFETEA–LU LEVELS) AND A FREEZE AT FY 2006 ENACTED FUNDING LEVELS*

State	Estimated FY 2007 based on FY 2006 enacted level	Estimated FY 2007 based on H. J. Res. 20	Increase in highway funds under H. J. Res. 20	Job gains
Alabama	548,699,954	600,869,788	52,169,834	2,478
Alaska	250,266,768	270,731,918	20,465,150	972
Arizona	538,528,974	593,277,405	54,748,431	2,601
Arkansas	347,184,100	381,949,909	34,765,809	1,651
California	2,408,038,182	2,680,526,468	272,488,286	12,943
Colorado	360,141,090	400,663,892	40,522,802	1,925
Connecticut	366,382,281	402,325,874	35,943,593	1,707
Delaware	109,353,384	121,131,724	11,778,340	559
District of Columbia	111,043,293	123,804,359	12,761,066	606
Florida	1,406,290,504	1,544,927,499	138,636,995	6,585
Georgia	969,691,811	1,067,010,791	97,318,980	4,623
Hawaii	115,267,040	127,596,268	12,329,228	586
Idaho	203,333,283	222,829,360	19,496,077	926
Illinois	910,387,767	1,010,811,302	100,423,535	4,770
Indiana	704,288,252	775,353,318	71,065,066	3,376
Iowa	295,143,803	330,589,700	35,445,897	1,684
Kansas	278,297,493	309,772,956	31,475,463	1,495
Kentucky	472,046,550	520,949,132	48,902,582	2,323
Louisiana	428,615,786	474,862,364	46,246,578	2,197
Maine	122,527,132	136,355,671	13,828,539	657
Maryland	441,365,185	490,032,577	48,667,392	2,312
Massachusetts	451,909,116	501,926,732	50,017,616	2,376
Michigan	821,004,265	909,761,902	88,757,637	4,216

COMPARISON OF DISTRIBUTION OF FY 2007 HIGHWAY FUNDING UNDER H.J. RES. 20 (SAFETEA–LU LEVELS) AND A FREEZE AT FY 2006 ENACTED FUNDING LEVELS*—Continued

State	Estimated FY 2007 based on FY 2006 enacted level	Estimated FY 2007 based on H. J. Res. 20	Increase in highway funds under H. J. Res. 20	Job gains
Minnesota	437,257,769	485,442,279	48,184,510	2,289
Mississippi	329,837,415	367,059,847	37,222,432	1,768
Missouri	645,399,673	711,268,494	65,868,821	3,129
Montana	262,635,121	287,386,573	24,751,452	1,176
Nebraska	201,576,731	223,867,736	22,291,005	1,059
Nevada	189,509,480	210,350,302	20,840,822	990
New Hampshire	124,655,305	137,769,576	13,114,271	623
New Jersey	742,676,203	822,265,394	79,589,191	3,780
New Mexico	263,313,362	290,194,749	26,881,387	1,277
New York	1,235,368,254	1,366,155,757	130,787,503	6,212
North Carolina	790,657,686	872,183,722	81,526,036	3,872
North Dakota	170,820,553	189,098,718	18,278,165	868
Ohio	1,003,336,242	1,109,710,100	106,373,858	5,053
Oklahoma	417,430,679	459,904,524	42,473,845	2,018
Oregon	312,842,891	347,410,836	34,567,945	1,642
Pennsylvania	1,231,575,368	1,357,719,130	126,143,762	5,992
Rhode Island	138,243,095	154,154,462	15,911,367	756
South Carolina	463,551,501	511,384,433	47,832,932	2,272
South Dakota	183,777,294	202,845,805	19,068,511	906
Tennessee	608,526,292	672,761,834	64,235,542	3,051
Texas	2,336,793,323	2,574,558,747	237,765,424	11,294
Utah	198,304,703	220,645,255	22,340,552	1,061
Vermont	116,195,870	129,379,891	13,184,021	626
Virginia	752,517,077	830,852,486	78,335,409	3,721
Washington	464,963,105	519,595,013	54,631,908	2,595
West Virginia	297,110,356	325,592,845	28,482,489	1,353
Wisconsin	535,232,750	586,036,437	50,803,687	2,413
Wyoming	187,339,698	207,256,184	19,916,486	946
State Total	27,301,253,809	30,170,912,038	2,869,658,229	136,309
Allocated Programs	8,249,534,225	8,794,320,215	544,785,990	25,877
Grand Total	35,550,788,034	38,965,232,253	3,414,444,219	162,186

*Prepared by Transportation Committee Staff based on information provided by the Federal Highway Administration (FHWA).
Pursuant to FHWA estimates, the table assumes that $1 billion of federal highway program investment creates or sustains 47,500 jobs.

COMPARISON OF DISTRIBUTION OF FY 2007 TRANSIT FUNDING UNDER H.J. RES. 20 (SAFETEA–LU LEVELS) AND A FREEZE AT FY 2006 ENACTED FUNDING LEVELS*

State	Estimated FY 2007 based on FY 2006 enacted level	Estimated FY 2007 based on H.J. Res. 20	Increase in transit funds under H.J. Res. 20
Alabama	34,196,079	35,917,557	1,721,478
Alaska	40,664,169	43,684,864	3,020,695
American Samoa	363,526	378,709	15,183
Arizona	70,874,803	74,566,555	3,691,752
Arkansas	20,595,782	21,624,106	1,028,325
California	860,977,967	909,011,398	48,033,431
Colorado	68,133,405	71,734,965	3,601,560
Connecticut	111,473,570	116,161,350	4,687,780
Delaware	12,343,553	12,964,684	621,131
District of Columbia	133,885,672	143,436,741	9,551,069
Florida	243,852,407	257,204,462	13,352,054
Georgia	122,588,444	129,936,520	7,348,076
Guam	826,259	860,325	34,067
Hawaii	29,830,942	31,400,084	1,569,142
Idaho	12,817,986	13,451,401	633,415
Illinois	398,577,515	416,783,541	18,206,026
Indiana	66,046,492	69,315,270	3,268,778
Iowa	25,968,993	27,268,158	1,299,165
Kansas	21,426,288	22,494,657	1,068,369
Kentucky	34,144,499	35,861,830	1,717,331
Louisiana	48,410,251	50,782,933	2,372,682
Maine	10,575,926	11,097,740	521,814
Maryland	138,222,300	145,473,348	7,251,048
Massachusetts	254,271,639	266,324,153	12,052,514
Michigan	97,312,254	102,276,279	4,964,026
Minnesota	71,558,372	75,538,579	3,980,208
Mississippi	18,738,808	19,670,220	931,412
Missouri	61,239,190	64,470,702	3,231,511
Montana	10,551,605	11,063,093	511,487
N. Mariana Islands	947,400	992,767	45,367
Nebraska	15,919,675	16,710,183	790,507
Nevada	32,042,239	33,656,870	1,614,630
New Hampshire	10,102,458	10,578,619	476,161
New Jersey	400,436,239	419,100,009	18,663,771
New Mexico	19,119,184	20,069,956	950,771
New York	1,034,549,971	1,082,343,021	47,793,050
North Carolina	71,964,676	75,614,146	3,649,470
North Dakota	7,931,785	8,318,217	386,432
Ohio	139,489,673	146,321,569	6,831,896
Oklahoma	27,609,464	28,993,943	1,384,479
Oregon	58,396,279	61,754,430	3,358,151
Pennsylvania	292,172,210	304,365,432	12,193,221
Puerto Rico	61,813,245	65,063,169	3,249,924
Rhode Island	20,017,356	21,037,377	1,020,021
South Carolina	30,039,096	31,551,605	1,512,509
South Dakota	7,979,266	8,366,497	387,232
Tennessee	50,312,876	52,887,946	2,575,071
Texas	275,785,086	200,572,826	14,787,739
Utah	37,117,405	38,989,277	1,871,872
Vermont	4,741,909	4,970,440	228,531
Virgin Islands	1,075,588	1,124,292	48,704
Virginia	96,647,748	102,361,435	5,713,687
Washington	146,151,127	154,794,791	8,643,665
West Virginia	16,647,112	17,618,937	971,825
Wisconsin	58,738,414	61,751,045	3,012,631
Wyoming	6,369,396	6,673,663	304,268
State Subtotal	5,944,585,574	6,247,336,688	302,751,114
Oversight	42,456,256	44,626,313	2,170,057
Total	5,987,041,830	6,291,963,001	304,921,171
Tribal Transit Program	7,920,000	10,000,000	2,080,000
National RTAP	1,152,360	1,212,000	59,640
Grand Total	5,996,114,190	6,303,175,001	307,060,811

*Amounts shown above include total formula apportionments for non-urbanized formula (sec. 5311), state planning, metropolitan planning, elderly & disabled program (sec. 5310), new freedom, job access and reverse commute (JARC), rural transportation assistance program (RTAP), fixed guideway modernization, and urbanized area formula (sec. 5307) programs.

Mr. PEARCE. Mr. Speaker, I rise today in opposition to this massive $463 billion dollar spending bill because it fails four critical tests: the accountability test, the common sense test, the compassion test, and most of all—the smell test.

Hatched behind close doors by the chairmen of the House and Senate appropriations committees with no input from Members or their constituents, H.J. Res. 20 levels a devastating blow against New Mexicans and their communities. Our most vulnerable low-income residents will pay the heaviest price.

As Deputy Ranking Member of the Housing and Community Opportunity Subcommittee, I wish to point out that the Majority's arbitrary choices are ripping nearly one million dollars away from the public housing authorities in my district and the people they serve; including $272,428 from the Las Cruces Housing Authority; $158,355 from the Dona Ana Housing Authority; $30,461 from the Gallup Housing Authority; $40,717 from the Truth or Consequences Housing Authority; $15,076 from the Bernalillo Housing Authority, $43,596 from the Los Lunas Housing Authority; and a combined total of $416,173 from the Region V and Region II Housing Authorities.

A Section 8 voucher manager of one of my District's housing authorities described these drastic cuts as comparable to losing an entire month's worth of vouchers to the poor and needy families she serves. Another New Mexico housing authority representative stated that 100 families per month could lose access to vouchers in the region that housing authority serves.

The Majority's carelessly slung meat cleaver doesn't stop there. H.J. Res. 20 strips critical funding from the restoration of the Our Lady of Guadalupe Mission; essential economic development funding for a Business Park in Anthony-Berino; and desperately needed emergency ambulance services for the citizens of the Village of Columbus.

Two weeks ago, New Mexico Governor Bill Richardson and I announced our bipartisan determination to fight the dangerous scourge of methamphetamine use, production, and distribution in our state. Tragically, the Majority's ill-considered cuts will slash funding for the Drug Enforcement Administration Mobile Enforcement Teams (MET) by $30 million and 134 agents and Regional Enforcement Teams (RET) by $9 million and 23 agents. Our local and state law enforcement officers depend upon the MET and RET initiatives as two of their most effective tools in this fight. Many officers in my district have told me that even at current levels, MET funding is insufficient.

Perhaps the Majority's leadership has decided this battle isn't worth fighting. A few moments with the individuals and families whose lives this evil drug has destroyed might change their minds. But they don't seem to have the time to stop and think about how their choices will affect the safety of real people.

H.J. Res. 20 also reduces the funding associated with the Base Realignment and Closure Commission (BRAC) process by nearly $4 billion, causing delays in the scheduled repositioning of the 1st Armored Division from Germany to Fort Bliss and the Air Force Special Operations Command from overseas to Cannon Air Force Base. The Majority's decision not only perpetuates inefficient overseas bases; it severely impacts the painstaking community development plans devised by cities like Las Cruces, Alamogordo, and Clovis in New Mexico.

Last, but certainly not least given the Majority's lip service in support of supplemental and alternative energy technologies, H.J. Res. 20 shreds funding for promising initiatives in this area. Consider, for example, a letter I submit for the RECORD from Karl Gawell of the Geothermal Energy Association. Mr. Gawell states that this legislation "will be a serious setback for efforts in the House and Senate to restore the DOE geothermal research program."

I have worked with Mr. Gawell to explore opportunities for expanded geothermal energy development in Southern New Mexico and I take his concerns very seriously. I hope that my colleagues will, too.

Mr. Speaker, as one who remains committed to vigorously fighting wasteful spending, I understand—and share—the Majority's desire to eliminate unnecessary earmarks. A rushed and ham-handed bill designed for appearances isn't the right way to do it. My constituents deserve the chance to have their voices heard—an opportunity which the normal process of public hearings is designed to provide.

Certainly, H.J. Res. 20 contains positive elements, such as the significant increase it provides in funding for veterans. I wish I could vote yes for that reason alone—but I cannot support a bill that inflicts so much pain on so many New Mexicans in an indiscriminate and slipshod manner.

I urge my colleagues to join me in casting a "no" vote.

GEOTHERMAL ENERGY ASSOCIATION,
Washington, DC, January 30, 2007.

DEAR REPRESENTATIVE: I am writing to express our serious concern about the direction being set by the FY 07 Appropriations bill, H.J. Res. 20, that the House will be considered tomorrow. This bill will be a serious setback for efforts in the House and Senate to restore the DOE geothermal research program.

While the bill includes a generic $300 million increase in funding for renewable energy, it allows the Secretary of Energy to distribute those funds. Meanwhile, we are told that the base for funding will be the Administration's FY 07 request, which for geothermal energy was ZERO!

The House adopted an amendment last year to the Energy and Water Appropriations Bill sponsored by Representative Millender-McDonald appropriating $5 million for geothermal research in FY 07, and the Senate Appropriations Bill as reported by Subcommittee and Committee would have restored the entire $23.5 million geothermal program.

There is simply no justification for terminating geothermal energy research at the Department of Energy. Recent studies by the National Research Council, the Western Governors Association Clean Energy Task Force, and MIT all support expanding geothermal research funding to develop the technology necessary to utilize this vast, untapped domestic renewable energy resource.

We urge the House to take action to address this tragic situation as it considers the FY 07 Appropriations bill and ensure continued funding for DOE's geothermal research efforts.

Sincerely,

KARL GAWELL,
Executive Director.

Mr. SERRANO. Mr. Speaker, I rise today to express my support for the final passage of H.J. Res. 20, a joint funding resolution to provide continuing appropriations for fiscal year 2007. Let me be clear, although we have been able to take care of some of the most significant shortfalls, this is not a perfect funding resolution. This is also not the process that we would have preferred, because, as we all know, the funding for fiscal year 2007 should have been completed during the 109th session of Congress under the Republican majority.

With respect to the agencies included within the jurisdiction of the Financial Services and General Government Subcommittee, a bi-partisan attempt was made to address the most pressing needs. For example:

SBA disaster loans will receive $114 million for administrative costs.

SBA Salaries and expenses will receive an additional $17.7 million.

The District of Columbia will receive additional funds for public safety programs and $20 million for public transportation.

Treasury will receive an additional $26.6 million for high-priority anti-terror and financial intelligence analyst activities.

Judiciary will receive an additional $179.1 million to avoid furloughs and support critical functions.

OPM Retirement Systems Modernization will receive $13 million.

National Archives will receive $7.7 million in additional funding for the Electronic Records Archive and $3 million for repairs relating to the flooding of Archives headquarters.

Many important language provisions were also included in this resolution such as a continuation of resources to help rural communities, schools, and libraries afford telecommunications and information services. Without this language, funding would have to be cut or Universal Service fees would have to increase.

I was disappointed that we were unable to address the serious issue of privatized debt collection by the Internal Revenue Service, a practice that many Members have raised objections to continuing. I had also hoped to be able to address the HAVA funding that some states, including New York, may lose because of their inability to secure voting machines within the designated time frame. In addition, language provisions enacted in previous appropriations bills placing restrictions on how the District of Columbia is able to spend its own budget are, unfortunately, continued in this resolution.

However, I do intend to vote in favor of this Continuing Resolution. As I stated earlier, it is not perfect, but it is the best that we could do with the funds that we had. Beyond the immediate Financial Services agency issues, there was an attempt to write a resolution that addressed our nation's highest priority needs. Veterans Healthcare will receive $32.3 billion, which is an increase of $3.6 billion above the 2006 funding level. Defense Health Programs will receive $21.2 billion, an increase of $1.2

billion to provide care for our service members and their families. Providing health care for our veterans and military personnel is the right thing to do. Significant numbers of our veterans are now returning from Iraq and Afghanistan and we have an obligation to provide funding for their health care needs.

I was pleased that additional funding was provided for Pell grants. This increased funding will help over 5.3 million of our students help to pay for ever increasing college costs. This Continuing Resolution also provided additional dollars for Head Start, a program that has proven its effectiveness. The National Institutes of Health received additional funds to support 500 more research project grants.

Our community health centers were allocated an increase of $206.9 million to allow for the expansion or creation of over 300 health centers. These centers provide important health care services throughout the United States, and this funding will be utilized for priority health care needs. Ryan White CARE grants were increased to bring them to the authorized level. Finally, this resolution addresses important section 8 and public housing needs in our communities. All of these budget increases are a part of a carefully crafted resolution that attempts to address some of our nation's greatest needs.

I would urge my colleagues to vote in favor of H.J. Res 20 so that it can go to the Senate and we can complete our work before our current resolution expires on February 15th. We will be receiving the President's 2008 budget next week, and as a Congress it is time to move forward and work on the 2008 funding needs for our government.

Mr. LAHOOD. Mr. Speaker, I do not believe that it is in the best interest of the country to play the blame game on how we reached the current appropriations situation. The fact of the matter is that the 109th Congress did not get its work done on time, and we are here today to correct that problem. Before we vote on this bill, I feel compelled to make a couple of observations. First and foremost, I want to thank Mr. OBEY and his staff for the hard work that they have put into this bill. Mr. OBEY faced an enormous task, and I believe that no matter how hard he tried, it would be impossible to address all of the funding needs.

However, I am concerned that despite all the rhetoric that the majority would work with the minority in crafting legislation, this bill was put together in the back room by the House and Senate majority, with little to no input from the minority. In addition, when discussing the nature of the CR, the majority stressed that this bill would not contain any earmarks. Yet, after negotiations were completed between the House and Senate Appropriations Committees, it appears that this bill will continue to fund a limited number of earmarks championed by the Senate. While these earmarks are technical in nature, and the case can be made that they should not be considered earmarks, the fact of the matter is that they are earmarks, and I believe that it is wrong for us to stand up and claim that this bill does not contain earmarks when it does.

Given that we are operating under a closed rule, and that it us unlikely that the Senate will remove their earmarks, I am resigned to the fact that it is unlikely that we will have an opportunity to change this legislation. Had we operated under regular order, I believe that a bipartisan Appropriations committee could have crafted a more balanced bill, which I would have been willing to support.

Mr. COSTA. Mr. Speaker, I rise on behalf of my constituents in the small rural town of Mendota, California.

I thank my friends Chairman OBEY and Ranking Member LEWIS, and Chairman MOLLOHAN and Ranking Member WOLF for their hard work and specifically for including sufficient funding to complete the construction of the Mendota Federal Correction Institution.

Crowding at Federal medium-security facilities currently is 37 percent over capacity.

The Federal Bureau of Prisons expects 7,500 new Federal inmates annually.

Once constructed, Mendota would provide 1,552 beds to help address the growing demand.

The BOP has spent $100 million to complete 40 percent of a prison in Mendota.

With this bill, the Federal Government is stepping up to a commitment that was made to California and Mendota by providing enough funds to complete the prison.

Mendota, is a city with an 18.6 percent unemployment rate and 42 percent living below the poverty line.

The prison will provide good jobs and a major boost to a very depressed local economy.

Again, thank you to my colleagues, completing Mendota is a sign that our new majority is committed to responsible governance.

Mr. BISHOP of Georgia. Mr. Speaker, I rise today in support of the Continuing Resolution and commend my colleagues in moving forward from the budgetary crisis left to us the 109th "Do-Nothing" Congress. I especially commend Chairman OBEY for the overall balance and fairness reflected in this CR given the difficult choices confronting him and the leadership in tackling such a complex fiscal policy challenge. I am pleased to see that key areas such as Veterans and Defense Health, Homeland Security, Transportation, Education and Social Security will be provided modest increases in funding to keep pace with inflation.

However, I am concerned that not fully funding BRAC will likely delay some projects—for example in my district, Fort Benning may not have the ability to undertake the new construction projects planned in conjunction with the growth resulting from the BRAC process.

Additionally, I recognize the explosion of congressional earmarks in recent years which funded special interest projects and promulgated negative perceptions about this legislative body. But the complete omission of earmarks on this year's CR is disconcerting. I am supportive of the process knowing that my district, which is among the poorest in the country, has benefited tremendously from earmarks. Specifically in my district, previously House-approved projects that stand to lose in the CR include funding for: hospitals; water management systems; family counseling and youth mentoring; cancer education and early detection; upgrading sewer systems; and the list goes on.

In many cases, the earmark process has provided an important vehicle for Members of Congress to direct much needed federal support to very worthy projects and organizations which otherwise would be ignored.

We must not throw the "baby out with the bathwater." Moving forward, I pledge to work closely with the leadership on real and effective reforms especially in regards to transparency, efficiency, accountability, and ethics.

Mr. HALL of Texas. Mr. Speaker, I rise today to speak on the FY 2007 Continuing Resolution.

I am pleased to see that the Appropriations Committee followed the President's recommendations with the American Competitiveness Initiative by increasing funds to physical sciences research. The funding that we put into basic research at the National Science Foundation and the Departments of Energy and Commerce will pave the way for innovative breakthroughs. I am hopeful that the Senate will also prioritize these important science initiatives so that we can ensure that America remains globally competitive well into the future.

While many science accounts are adequately supported, the NASA account is not. H.J. Res. 20 reduces NASA's planned FY 2007 funding by $545.3 million. Most of the savings come from the Exploration Systems account, the program that funds development of the next space vehicle. As this Congress understands, we need to retire the Space Shuttle in 2010 and introduce its successor shortly thereafter. The more we cut this budget item, the longer our nation must wait for continued manned access to space. At a time when countries like China and India are challenging America in outer space, we need to remain leaders in this field. We cannot do that if Congress does not adequately fund our ventures into space.

I am also disappointed that the Space Shuttle and International Space Station as well as the Space Science and Aeronautics programs are also underfunded.

It is for these reasons that I introduced an amendment yesterday to restore funding to NASA. Unfortunately, the Rules Committee did not accept any amendments to this bill, and Congress will not have the opportunity to vote on this important program. In the last Congress, we voted to support the Vision for Space Exploration and return to the Moon. If we are to live up to that promise, then we need to follow through with adequate appropriations. We also need to give our current programs the best chance to succeed.

I will work with Chairman BART GORDON and the appropriators to ensure that the Fiscal Year 2008 budget will adequately address our Nation's space and aeronautics needs.

Mr. BAIRD. Mr. Speaker, I rise today to discuss an issue of importance to my congressional district in Southwest Washington.

The White Pass Ski Area is located in the majestic Cascade Mountains in the Gifford Pinchot and Wenatchee National Forests. The area is commonly referred to by skiers as "the jewel of the Pacific Northwest" for its breathtaking views of Mt. Rainer and exciting skiing opportunities. The area, which provides critical tourism revenue to the surrounding rural communities, is now looking to expand to provide greater opportunities to skiers in the Pacific Northwest.

The Washington State Wilderness Act of 1984 added over 23,000 acres of land to the Goat Rocks Wilderness Area and removed from wilderness designation 800 acres adjacent to the White Pass Ski Area as having "significant potential for ski development" and urging the Secretary of Agriculture to "utilize this potential, in accordance with applicable laws, rules and regulations."

The Gifford Pinchot National Forest Land and Resource Management Plan allocated the 800-acre area that Congress had withdrawn from the Wilderness Area back in 1984 to Developed Recreation in recognition of the intent of Congress. However, the LRMP concurrently inventoried as roadless the same 800-acre area.

It is well-understood that it was congressional intent to permit expansion of the White Pass Ski Area. I would like to submit for the record a letter signed by all living Members of the 1984 congressional delegation, stating that it was their intent to provide for the expansion of White Pass Ski Area. In a February 3, 2004 letter, the U.S. Department of Agriculture also confirmed this congressional intent, stating: "We agree that the intent of Congress was clearly to allow for ski area development in the Hogback Basin."

The Fiscal Year 2007 Interior Appropriations Bill that passed the House in May of last year included important information clarifying congressional intent to permit expansion of White Pass Ski Area. The language stated:

> The Committee notes that the Washington State Wilderness Act of 1984 removed from wilderness designation 800 acres of land adjacent to the White Pass Ski Area in Washington State for potential ski development. The Committee notes that the Gifford Pinchot National Forest Land and Resource Management Plan allocated the 800-acre area as Developed Recreation to allow for ski area expansion, while concurrently inventorying the same land as roadless to reflect its current physical character. The Committee recognizes that it was the intent of Congress to permit ski area expansion into this 800-acre area and urges the Secretary of Agriculture, once the Environmental Impact Statement for the White Pass Ski Area's Master Development Plan is properly completed, to move forward expeditiously in approving the expansion plans in accordance with all applicable laws, rules, and regulations.

Unfortunately, the Continuing Resolution that we are going to pass today does not include any report language, including the language clarifying congressional intent as it relates to White Pass Ski Area.

I wanted to bring this issue to the attention of my colleagues and highlight the fact that the House Appropriations Committee was prepared and willing to clarify congressional intent, and that the full House approved that clarification by voting for the Fiscal Year 2007 Interior Appropriations Bill in May. In keeping with this, I urge the Secretary of Agriculture to move forward expeditiously in approving the expansion plans in accordance with all applicable laws, rules, and regulations—once the Environmental Impact Statement is properly completed.

JULY 7, 2005.

MIKE JOHANNS,
Secretary of Agriculture,
Washington, DC.

DEAR SECRETARY JOHANNS: As members of the 1984 Washington Congressional delegation, we are writing to express our collective dismay over an injustice that has continued over the past 21 years.

Over two decades ago, we succeeded in passing through the Congress the Washington Wilderness Act of 1984 (Washington Wilderness Act; P.L. 98–339). This legislation added 23,000 acres of wilderness along and near Highway 12, while removing from wilderness designation 800 acres that are adjacent to the White Pass Ski Area. As reported language stated, legislation removed the 800 acres from wilderness so the Secretary of Agriculture could evaluate its "significant potential for ski area development."

Now, twenty one years after passage of this Act, the White Pass Ski Area remains mired down in its third attempt at completing an Environmental Impact Study to add these acres. Something has gone terribly wrong.

The White Pass Ski Area, which began operations in 1952, is located at the crest of the Cascade Mountains in south-central Washington State within the boundaries of the Wenatchee-Okanagan and Gifford Pinchot National Forests. Plans for expansion of the White Pass Ski Area were first initiated in the late 1950's and included the Hogback Basin.

In 1961, the White Pass Company submitted to the Forest Service a survey and formal request for additional expansion area on the north slope of Hogback Mountain, and requested it not be incorporated within the anticipated wilderness boundary. The Forest Service concurred with the proposed boundary adjustments.

However, these discussions were not brought forward during Congressional evaluation of the proposed wilderness legislation. The Wilderness Act of 1964 (PL 88–577) subsequently incorporated the Goat Rocs Wild Area, including most of Hogback Basin, into the National Wilderness Preservation System as the Goat Rocks Wilderness. Despite the incorporation of the proposed expansion area into the Goat Rocks Wilderness, discussions concerning White Pass expansion plans and the need for a boundary adjustment continued over the next 20 years.

In the early 1980's supporters of the ski area approached Congress to lobby for a wilderness boundary adjustment during the days preceding passage of the 1984 Washington Wilderness Act. Environmental interests were concerned with the precedent created by adjusting the Wilderness boundary, but "agreed with the expansion of downhill skiing opportunities in exchange for significant expansion of Goat Rocks . . ." (Sid Morrison letter to Supervisor O'Neal April 17, 1989).

The purpose of the 1984 Washington Wilderness Act were to "(1) designate certain National Forest System lands in the state of Washington as components of the National Wilderness Preservation System, . . . and (2) insure that certain other National Forest System lands in the State of Washington be available for non-wilderness multiple uses." (PL 98–336, Sec 2(b)(1 and 2) Through the 1984 legislation, some 23,000 acres of land were added to the Goat Rocks Wilderness while 800 acres were released from the wilderness area (refer to Goat Rocks Add. West Side map #WA–W–109, March 1984).

The Senate Energy and Natural Resources Committee Report (98–461) describing the legislation and its objectives provides further explanation of the wilderness' release language in the Act. "As reported, S. 837 would add approximately 23,143 acres to the existing Goat Rocks Wilderness established by Congress in 1964. In addition, some 800 acres would be deleted from the existing wilderness. The 800 acres deleted from the existing Goat Rocks Wilderness Area have significant potential for ski development and should be managed by the Secretary of Agriculture to utilize this potential, in accordance with applicable laws, rules and regulations (Senate Rpt. 98–461, page 10)."

The dilemma is that, because of multiple land use designations for the proposed expansion area, in combination with other procedural issues, efforts to approve expansion plans have been repeatedly thwarted. The conflicting, confusing and uncertain status of the subject lands needs addressing.

The need for administrative action with respect to the White Pass Ski Area expansion project is evident from the 40-year history of expansion attempts. Maintaining this area in a non-developed recreation status is not consistent with the intent of Congress. Over the past 21 years, various actions have continually frustrated the intent of Congress to allow for the potential expansion of White Pass Ski Area.

In order to prevent the failure of a third attempt to resolve the expansion need, White Pass is committed to complete another NEPA analysis. Based on findings from the analysis, we the undersigned strongly urge the current Washington Congressional delegation and the Secretary of Agriculture to provide a vehicle for the White Pass Company to expand into Hogback Basin without further delay and the threat of costly appeals and judicial reviews.

We hope that you will agree that the conflicting, confusing and uncertain status of the subject lands deserve your thoughtful clarification, correction and resolution.

Sincerely,

Sid Morrison, U.S. Congressman 4th District, Mike Lowry, Governor, U.S. Congressman, 7th District, Slade Gorton, U.S. Senator, Al Swift, U.S. Congressman 2nd District, Don Bonker, U.S. Congressman 3rd District, Norm Dicks, U.S. Congressman 6th District, Dan Evans, U.S. Senator, Governor, Tom Foley, U.S. Congressman 5th District.

Mr. SKELTON. Mr. Speaker, at the conclusion of the 109th Congress, Republicans adjourned for the year without completing work on 9 of the 11 budget bills that fund the operations of the federal government. Completion of the federal government's annual budget is one of Congress' most critical tasks, but even though several months have gone by since the beginning of the fiscal year, only 2 of the 11 bills for fiscal year 2007—Defense and Homeland Security Appropriations—have been signed into law.

This failure to complete Congress' most basic task—to pay the country's bills—has left newly elected leaders of the House and the Senate with no choice but to make tough choices with regard to the fiscal year 2007 budget.

Since October 2006, the federal government has been operating on the basis of a temporary measure known as a continuing resolution. This resolution is set to expire on February 15, 2007, and unless Congress approves funding for federal programs covering Agriculture; Commerce, Justice, and Science;

Energy and Water; Foreign Operations; Interior and the Environment; Labor, Health & Human Services, and Education; Legislative Branch; Military Construction and Veterans Affairs; and Transportation, Treasury, and Housing, federal government operations in these areas will cease.

Over the past weeks, House leaders have been writing legislation that would ensure the federal government remains operational through fiscal year 2007. Today, the House is considering H.J. Res. 20, a joint resolution that will keep the federal government open and require most federal programs to operate under tight budget constraints. While modest increases were allotted to some of America's high priority items, such as veterans' and military health care, law enforcement, and education, the bill cuts over 60 federal programs and rescinds unobligated balances on many other programs to pay for them. Further, the bill explicitly eliminates special funding provisions, commonly referred to as "earmarks."

H.J. Res. 20 is not a perfect bill, and I am concerned about how it might impact some federal programs that are important to Missouri residents. Despite my concerns, I have concluded that it is in our nation's best interest to quickly approve this appropriations package and focus our attention toward the President's fiscal year 2008 budget and the President's anticipated supplemental appropriations request for military efforts in Iraq and Afghanistan. I commend Congressman OBEY for drafting such complex legislation that makes the best of a bad situation.

Mr. YOUNG of Florida. Mr. Speaker, I rise today to discuss the funding recommendations for accounts under the jurisdiction of the Defense Subcommittee.

The House approved the conference report on the Defense Appropriations Act for fiscal year 2007 on September 26th, 2006 by a vote of 394 to 22, and the President signed the bill into law on September 29th. However, several important accounts that were previously within the jurisdiction of the Subcommittee on Military Quality of Life have been transferred back to the Defense Subcommittee, and therefore are addressed in this continuing resolution.

Two of the most important of these are the Basic Allowance of Housing for our active duty members of the military, and the Defense Health Program.

I am pleased this continuing resolution provides the minimum funding level necessary for both these activities. This legislation provides an increase of $500 million for Basic Allowance for House above the fiscal year 2006 enacted level, and an increase of $1.2 billion for the Defense Health Program.

However, we need to recognize that both programs will need additional funds during the rest of this fiscal year. Rates for Basic Allowance for Housing were increased late last year following the normal survey of market housing rates. This has created a shortfall of $1.4 billion.

In addition, due to inflationary increases in health care costs and an Administration proposal for an increase in insurance co-payments that was not approved by the Congress, the Defense Health Program faces an additional shortfall of at least $700 million.

We must address these funding shortfalls later this year. Our highest priority in the Defense budget should be for the well-being of our military personnel, and I know my Subcommittee chairman shares my concerns. This continuing resolution is just a first step toward meeting that responsibility in fiscal year 2007.

Ms. ESHOO. Mr. Speaker, I rise today as we consider this important legislation to highlight several matters of critical importance within the funding allocations for the National Aeronautics and Space Administration, NASA.

Over past years several of my colleagues and I have worked hard to ensure that NASA fulfills its commitment to its science mission, as well as its commitment to the excellent men and women who daily carry out NASA's cutting-edge missions. In particular, I want to acknowledge and pay tribute to my constituents at NASA Ames Research Center, one of the world's premier research facilities located in my district in California's Silicon Valley.

As we pass this continuing resolution, which we are forced to do by the inaction of the previous majority leadership, it is important that NASA recognize and adhere to the clear intent expressed by both the House and Senate under H.R. 5672, the Commerce, Justice, Science, and Related Agencies Appropriations Act for fiscal year 2007, and the accompanying committee reports—House Report 109–520 and Senate Report 109–280. I would like to highlight some important points from these bills.

Within the House-passed version of H.R. 5672, Congress included the following points:

Recognizing the disproportionate reduction proposed by NASA to its research and analysis budget, a recommended $50 million increase was included.

Following NASA's misguided attempt to discontinue funding the Stratospheric Observatory for Infrared Astronomy, SOFIA project, the House concluded that should NASA's internal review of the program result in a recommended continuation of the program, NASA should accordingly reallocate funds to SOFIA.

Building on the priorities expressed by the House, the Senate Appropriations Committee subsequently included the following high-priority points:

In addressing NASA's management of the SOFIA project, Senate Appropriators stated:

"The budget request eliminates funding for the SOFIA mission in fiscal year 2007. Since the budget was released, NASA has completed a review of its decision and has concluded that there are no scientific or technical reasons for canceling the mission . . . This calls into question the credibility of the science directorate in making budget decisions and determining scientific priorities.

"The Committee expects NASA to come up with a plan to fund the SOFIA mission in 2007 from within available funds through a reprogramming request subject to section 505 of this act. In determining the funding strategy for this program, the Committee directs NASA to follow the recommendations of the National Academy of Sciences Decadal survey in Astronomy and Astrophysics when setting mission and budget priorities. Missions that are ranked higher in the surveys should be given priority over missions that are ranked lower in priority with launch dates."

To ensure the protection of NASA's critical workforce, the current moratorium on involuntary reductions in force, RIF, was extended from its current expiration date of March 2007 until the end of fiscal year 2008.

These provisions are unequivocal and must be honored by NASA as such. In particular, given Congress's stated and clear questioning of NASA's guidance of the SOFIA project to date, NASA should refrain from making significant changes to SOFIA without Congress first having the opportunity to review their proposals.

Additionally, it is critical that the existing prohibition on the transfer of funds between major accounts is observed consistent with the NASA Authorization Act of 2005. The reprogramming of funds across accounts has in the past been used to change funding allocations within NASA in ways that counter the legislative intent of Congress.

Mr. Speaker, NASA and its institutional capabilities are a critical component of our Nation's high-technology research and development infrastructure and must be protected for the sake of our future innovative capability. Ensuring these provisions passed by the Congress are honored as part of this fiscal year 2007 funding process will ensure NASA's continued excellence.

Mr. DAVIS of Illinois. Mr. Speaker, I would like to commend your work on the Continuing Resolution. Republicans set up a colossal budget failure and created the worst budget mess since the government shut down in 1996. I know you had no choice but to attempt to make lemonade out of the lemons that were left for us.

With this behind us, we will be able to work together to really meet America's needs. While I am happy that this legislation included increases in the maximum Pell grant, veterans' health care, funding for Community Health Centers, and the NIH, there are some areas that remain in critical need of additional funding. Much has been neglected over the last few years by the Republicans and will require further attention this Congress. In fact, I could stand here all night discussing the specifics. Don't worry, Mr. Speaker, instead I will focus on one area in particular, teacher incentive grants.

Chicago Public Schools, in collaboration with the National Institute for Excellence in Teaching (NIET), were awarded a 5-year grant under the Teacher Incentive Fund in FY 2006. Chicago Public Schools were one of 16 grantees awarded funding under the new TIF program to develop a program for performance-based teacher pay, specifically targeting high-need schools. This particular grant award totals $27,336,693 over 5 years.

The first year of funding for the Chicago award totals $131,273. The second year continuation grant is proposed at $4,055,600. This funding is scheduled to be awarded in the fall of 2007 and I would like to make certain that Chicago's schools receive this funding. I am sure that we will be able to work together in the coming months to ensure that this is the case.

Mr. LANGEVIN. Mr. Speaker, I rise today in support of H.J. Res. 20, the Joint Funding Resolution that will complete action on the remainder of the fiscal year 2007 appropriations bills. This measure is not perfect, but it addresses the most urgent funding needs of federal programs while remaining within the tight budget constraints imposed by the previous Congress.

We are fixing this funding problem today because the former Republican leadership in the House and Senate failed to complete nine of the 11 appropriations bills for fiscal year 2007 before the 109th Congress adjourned in December 2006. The funding resolution we are voting on today will finally give federal programs a blueprint for their spending until September 30, 2007; however, it is not an ideal solution. My colleagues on the other side of the aisle have rightly talked about challenges faced by certain programs that will see no increase over fiscal year 2006 levels. I cannot help but wonder where their concerns were when they controlled the fate of those programs last year?

The Democratic leadership faced many hard decisions in funding the remainder of the appropriations bills, and my colleagues rose to the occasion. This endeavor required a careful analysis of many important programs, as well as a great deal of compromise. To start, this measure does not contain any earmarks or a cost-of-living pay increase for Members of Congress. I wholeheartedly agree that any congressional pay increase should not be passed until the minimum wage increase passes Congress. We all must move forward together. That is also why I am pleased that this measure will increase Section 8 funding, which will help renew vouchers for individuals and families that cannot afford exorbitant housing prices on their own.

I am proud that my colleagues were able to increase funds for other high priority needs as well, such as veterans and military health care. We must make sure that service members wounded in Iraq and Afghanistan have the services they require, as well as anticipate the increasing number of returning veterans who have earned their promised benefits. This measure will also fund an increase in programs for the Federal Bureau of Investigation, as well as local law enforcement programs, such as the Community Oriented Policing Services (COPS) program, which are critical to keeping our communities safe. At both the state and federal level, our work on intelligence and security must not be threatened by a lack of resources.

The funding resolution will also increase the maximum amount of a Pell grant so that more than 5.3 million students can help pay rising college expenses. I am especially pleased that this increase, the first in 4 years, will strengthen a program first introduced by an esteemed Rhode Islander, Senator Claiborne Pell. This measure also helps the youngest and most vulnerable group of students in our country by increasing Head Start funding to prevent a drop in enrollments.

Finally, this resolution also highlights areas where we need to move our country forward like health care and energy security. We are providing increased funding for community health centers, as well as scientific research; both the National Institutes of Health and the National Science Foundation will be funded over last year's level. The Department of Energy will also receive additional resources for research and development activities for renewable energy and energy efficiency programs.

After completion of H.J. Res 20, I look forward to working toward timely passage of a Fiscal Year 2008 budget that provides the necessary funding for some of our nation's most critical programs. The Democratic leadership has reinstated the pay-as-you-go budget rule, so that new spending has to be offset by a decrease in spending elsewhere in the budget. This promise was made last year, when we told the voters that we would bring this Congress in a new direction and demand fiscal responsibility. The measure we pass today, as well as the work we will do in the coming months, will show Americans that this Congress can be responsive to the public, enhance support for federal programs vital to our working families, and be careful stewards of taxpayer dollars.

Ms. DELAURO. Mr. Speaker, I rise in support of this continuing resolution and want to thank the Chairman, Mr. OBEY, for his leadership and that of his staff. Indeed, in the last few weeks alone, I think we have seen more leadership and more courage than we saw at any time in the last 6 years. You made hard choices—unpopular choices. But you took the first steps toward restoring fiscal discipline and order to a process that for too long had been broken.

And so, Mr. OBEY, I want to thank you—for reminding us that our first obligation is not to the special interests, but to the American people. To the business of governing responsibly. I am honored to call you my Chairman.

Mr. Speaker, this bill is only being considered for one reason and one reason alone—and that is because when the Republican majority left town last year they did so without passing a single domestic appropriations bill. No funding for health care. No funding for our veterans or our seniors. That is what the taxpayers' hard-earned dollars got them last year—nothing.

And so, I would say to my colleagues on the other side of the aisle—you had your chance to make this an open, transparent, functioning process. You had your opportunity to crack down on earmarks and special interests. You had that opportunity last year—for the last 6 years. And you squandered it and left a mess.

This bill is but the first few steps Democrats are taking toward cleaning up the mess left by the previous majority. It is by no means a perfect process. We are under no illusions. But by suspending this institution's broken earmark process, we have an opportunity to look toward next year with some optimism. Indeed, we used this opportunity to strengthen our capacity to respond to the needs of the public and restore funding to a few key priorities that had for too long been neglected by the previous majority.

This is true in area after area—first and foremost, with respect to our troops. Under this bill, men and women wounded in action in Iraq and Afghanistan will receive the health care they need, as will 325,000 additional veterans. We have restored some funding for Head Start and early childhood education, for special education and for Pell Grants which will help 5.3 million students pay for college. And by providing an additional $125 million for the President's underfunded, undermanned No Child Left Behind program, we can begin to help 6,700 underachieving schools turn around. So, too, are we restoring funding to the National Institutes of Health, which the previous majority cut for the first time in 36 years. This bill supports an additional 500 research project grants, 1,500 first-time investigators, and expands funding for high risk and high impact research—the future of medicine.

As the chair of the Agriculture Appropriations Subcommittee, I am pleased we were able to hold the line on rural development programs which provide assistance for rural utilities systems, business development, community facilities and housing—programs that otherwise would have seen draconian cuts under the President's FY07 request. We provide $65 million to help us counter the avian flu threat. And having been alarmed by breakdowns in our food safety and drug safety processes these last few years—from Vioxx to spinach—I am pleased we were able to provide some increases in this bill to help us begin to restore public confidence in these areas—at the USDA and FDA.

Indeed, Mr. Speaker, with this bill, we are sending the same message to the American people about their Congress. And so, I want to again commend my friend and chairman, Mr. OBEY, for doing remarkable work under the most difficult circumstances imaginable. It is time to put the public interest before the special interests. And with this bill, we take the first steps necessary to doing that. It is about time.

Mr. OBEY. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 116, the joint resolution is considered read and the previous question is ordered.

The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. LEWIS OF CALIFORNIA

Mr. LEWIS of California. Mr. Speaker, I have a motion to recommit with instructions at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the joint resolution?

Mr. LEWIS of California. Yes, I am opposed to the bill in its present form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Lewis of California moves to recommit the joint resolution, H. J. Res. 20, to the Committee on Appropriations with instructions to report the same back to the House forthwith with the following amendments:

On page 26, line 2, strike "$3,902,556,000" and insert $3,977,556,000".

On page 26, line 6, strike "$3,726,778,000" and insert "$3,926,778,000".

On page 33, line 5, strike $6,275,103,000" and insert "$5,875,103,000".

On page 33, line 5, strike "and" and on line 6, before the period, insert the following:

"; and 'Fossil Energy Research and Development', $542,314,000".

On page 39, after line 24, insert the following new sections:

"Sec. 20327. Notwithstanding section 101, the level for 'Independent Agencies, Denali Commission' shall be $2,500,000.

“Sec. 20328. Of the funds appropriated under section 130 of division H of the Consolidated Appropriations Act, 2004 (Public Law 108–199) under the heading ‘Department of Energy, Energy Programs, Science’, as amended by section 315 of the Energy and Water Development Appropriations Act, 2006 (Public Law 109–103) for the Iowa Environmental and Education project in Coralville, Iowa, $44,569,000 is hereby deobligated and rescinded.

On page 54, line 18, strike “$2,670,730,000” and insert “$2,663,855,000”.

On page 62, line 3, strike “$6,883,586,000” and insert “$6,844,303,000”.

On page 64, after line 13, insert the following:

“(e) Notwithstanding any other provision of this division, the twelfth proviso under the heading ‘Health Resources and Services Administration, Health Resources and Services’ in the Department of Health and Human Services Appropriations Act, 2006 shall not apply to funds appropriated by this division.

On page 79, after line 2, insert the following:

“Sec. 20646. Notwithstanding any other provision of this division, section 105 of the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2006 (Public Law 109–149) shall not apply to funds appropriated by this division.

On page 84, line 17, strike “$2,013,000,000” and insert “$2,053,017,000”.

On page 85, line 23. strike “$579,000,000” and insert “$594,991,000”.

On page 85, line 24, strike “$671,000,000” and insert “$676,829,000”.

On page 86, line 2, strike “$505,000,000” and insert “$509,126,000”.

On page 86, line 3, strike “$1,168,000,000” and insert “$1,183,138,000”.

On page 86, line 4 strike “$750,000,000” and insert “$755,071,000”.

On page 90, line 13, strike “$1,737,412,000” and insert “$1,787,412,000”.

Mr. LEWIS of California (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California is recognized for 5 minutes in support of his motion.

Mr. LEWIS of California. Mr. Speaker, the legislation before us is intended to eliminate earmarks to fund a variety of important Federal programs. In spite of those best intentions, however, a close reading of the bill revealed that earmarks were, in fact, left in.

Additionally, a number of critical programs affecting new law enforcement, military construction and military families have been shortchanged. In an effort to live up to the spirit of what this bill intended, my motion to recommit would eliminate nearly $600 million in earmarks, other unnecessary spending, and also use those funds to fully fund the Drug Enforcement Administration's effort to combat methamphetamines and other illicit drugs, restore critically needed funds to military construction and military family housing accounts, and reduce the Federal deficit.

Specifically, this motion would accomplish the following:

First, rescind the remaining $44.6 million from the Senate's rain forest in Iowa earmark, eliminate $94 million unnecessary and unrequested funding for the Denali Commission, funding that is nothing more than a thinly-disguised Senate earmark for Alaska. Eliminate $400 million of ongoing earmarks from the NNSA weapons activity accounts. Eliminate $49.7 million of spending in DOE's fossil energy account, spending that duplicates mandatory funding by the Energy Policy Act of 2005.

My motion would distribute these savings in the following manner:

First, $50 million for the DEA's efforts to combat meth and other illicit drugs; $275 million for basic allowance for housing; $86 million for critically needed military construction and family housing; $178 million for deficit reduction.

Mr. Speaker, I encourage my colleagues, both Republicans and Democrats, to live up to the spirit of this legislation by voting to eliminate earmarks and put those funds to better use by combating meth, supporting our military families and reducing the deficit.

I urge a strong bipartisan vote on this motion to recommit.

Mr. Speaker, I yield whatever time may remain to Mr. PEARCE of New Mexico.

Mr. PEARCE. Mr. Speaker, I rise to support the Republican motion to recommit.

Last year, I held nearly 40 town hall meetings across New Mexico talking to our local communities about combating methamphetamine use in our towns. Twenty of these meetings were in schools with our school kids, and we found that five times the national average of kids in New Mexico are addicted to methamphetamines, up to 15 percent of our elementary and high school students are already addicted.

Two weeks ago, New Mexico Governor Bill Richardson and I announced our bipartisan determination to fight the dangerous scourge of methamphetamine use, production and distribution in our State. Tragically, the majority's ill-considered cuts will slash funding for the Drug Enforcement Administration Mobile Enforcement Teams, the MET teams, by $30 million and 134 agents, and Region Enforcement Teams, the RETs, by $9 million and 23 agents.

Our local and State law enforcement officers depend on the MET and RET initiative as two of the most effective tools in this fight. Many officers in my district have told me that even at current level of funding, MET is insufficient.

Perhaps the majority leadership has decided battles against illegal drugs are not worth fighting. A few moments with the individuals and families who I met with in my 20 school meetings and 19 additional town hall meetings might change their minds. But we did not seem to have time to consider the people and the effects on the lives of kids in the real America that we face today. We were explained, well, maybe we made a few mistakes. Do tell. We made mistakes that affect the lives of the young people of this Nation and the heart and the soul of this country.

I urge my colleagues to support this motion to recommit. Work with us to protect and defend the families of New Mexico and all of America.

The SPEAKER pro tempore. The gentleman has 30 seconds remaining.

Mr. LEWIS of California. I yield back the balance of my time.

Mr. OBEY. Mr. Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman is recognized for 5 minutes.

Mr. OBEY. Mr. Speaker, the fact is that this is simply a nit-picking motion which, if adopted, would kill our chances of passing this resolution in the United States Senate and result in us living on an '06 continuing resolution, which would deny us the ability to provide additional funds for veterans health care, for education, for veterans housing and the like.

I would point out, this resolution already adds $500 million to the basic allowance for housing. This CR already increases family housing construction by $210 million and funds military construction at the level of the President's request that have been authorized.

This motion would eliminate the weapons research account that has been of some controversy today. I would point out, we have already cut that account by $94 million. I doubt that the House wants to eliminate that nuclear weapons research.

I would also say that in a new found and sudden burst of false piety, we are now being chastised because we did not reach back and eliminate an item that was approved 2 years ago for the State of Iowa by the majority. In fact, the gentleman who was chairman of the committee when that item was approved is none other than the gentleman offering the motion right now.

I don't mind clearing up the mistakes for last year, of the gentleman, I do mind being asked to go back 2 years to clear up your mistakes. That is asking too much, even for us.

Secondly, I would say that some of us may not like the Denali Commission, but it is a perfectly authorized program. And as much as I might like to see a project like that in my district, I don't have one, neither does the gentleman. I think it is illegitimate for us to single out one legitimate program for elimination that would require us, I think in the interest of fairness, to go back and look at hundreds of other programs that have been approved in the past. So I urge a "no" vote.

□ 1515

Mr. OBEY. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. LEWIS of California. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clauses 8 and 9 of rule XX, this 15-minute vote on the motion to recommit will be followed by 5-minute votes on passage of House Joint Resolution 20, if ordered, and the motion to suspend the rules and agree to House Concurrent Resolution 5.

The vote was taken by electronic device, and there were—yeas 196, nays 228, not voting 11, as follows:

[Roll No. 71]

YEAS—196

Aderholt
Akin
Bachmann
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Kanjorski
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—228

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
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Harman
Hastings (FL)
Herseth
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McGovern
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pelosi
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (NM)
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—11

Alexander
Buyer
Davis, Jo Ann
Gilchrest
Hastert
Higgins
Lantos
McDermott
Norwood
Paul
Slaughter

□ 1541

Messrs. MOLLOHAN, GENE GREEN of Texas, STUPAK and HARE changed their vote from "yea" to "nay."

Mr. KUHL of New York changed his vote from "nay" to "yea."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

Stated against:

Ms. SLAUGHTER. Mr. Speaker, on rollcall No. 71, I arrived at the door when the vote was called. I was detained at the office. Had I been present, I would have voted "nay."

The SPEAKER pro tempore. The question is on the passage of the joint resolution.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. OBEY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 286, noes 140, not voting 9, as follows:

[Roll No. 72]

AYES—286

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baker
Baldwin
Barrow
Bartlett (MD)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Bono
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Butterfield
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Edwards
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Farr
Fattah
Ferguson
Filner
Fossella
Frank (MA)
Gerlach
Giffords
Gillibrand
Gonzalez
Goode
Gordon
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Hastings (WA)
Herseth
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kagen
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (NY)

Kirk
Klein (FL)
Kuhl (NY)
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McCotter
McGovern
McHugh
McIntyre
McMorris Rodgers
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)

Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pelosi
Perlmutter
Peterson (MN)
Petri
Platts
Pomeroy
Porter
Price (NC)
Pryce (OH)
Rahall
Ramstad
Rangel
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (MI)
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak

Shays
Shea-Porter
Sherman
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Wexler
Wilson (NM)
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOES—140

Aderholt
Akin
Bachmann
Bachus
Barrett (SC)
Barton (TX)
Bilbray
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Boozman
Brady (TX)
Burgess
Burton (IN)
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Carter
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Ehlers
Everett
Fallin
Feeney
Flake
Forbes

Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gillmor
Gingrey
Gohmert
Goodlatte
Granger
Hall (TX)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jordan
Kanjorski
King (IA)
Kingston
Kline (MN)
Knollenberg
Kucinich
LaHood
Lamborn
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Marchant
McCarthy (CA)
McCaul (TX)

McCrery
McHenry
McKeon
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Pickering
Pitts
Poe
Price (GA)
Putnam
Radanovich
Regula
Rehberg
Rogers (AL)
Rogers (KY)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Sensenbrenner
Sessions
Shadegg
Shimkus
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry

Thornberry
Tiahrt
Tiberi
Turner
Walberg

Walden (OR)
Wamp
Weldon (FL)
Westmoreland
Whitfield

Wicker
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—9

Alexander
Buyer
Davis, Jo Ann

Gilchrest
Hastert
Higgins

McDermott
Norwood
Paul

☐ 1550

So the joint resolution was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

HIRE A VETERAN WEEK

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 5.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. HOLT) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 5, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 411, nays 0, not voting 23, as follows:

[Roll No. 73]

YEAS—411

Abercrombie
Aderholt
Akin
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny

Buchanan
Burgess
Burton (IN)
Butterfield
Calvert
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom

Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gillibrand

Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hayes
Heller
Herger
Herseth
Hill
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant

Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy, Patrick
Murphy, Tim
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush

Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—23

Ackerman
Alexander
Brady (TX)
Buyer
Camp (MI)
Davis, Jo Ann
Gilchrest
Gohmert
Hastert
Hastings (WA)
Hensarling
Higgins
Hobson
Hunter
LaHood
Lowey
McDermott
Murphy (CT)
Murtha
Norwood
Paul
Porter
Wamp

□ 1558

So (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. PORTER. Mr. Speaker, I was unduly delayed for the vote on H. Con. Res. 5, Expressing the Support for the designation and goals of "Hire a Veteran Week." Had I been able to vote, I would have voted "yea" on H. Con. Res. 5.

The Armed Services provide invaluable experience to the men and women who serve this great nation. With this experience, veterans are an extremely valuable asset to our workforce in Southern Nevada and throughout the United States.

PERSONAL EXPLANATION

Mr. HIGGINS. Mr. Speaker, I was unable to attend rollcall votes today, January 31, 2007. I would like to enter into the RECORD how I intended to vote on the missed rollcall votes:

On roll No. 64, On a Motion to Suspend the Rules and Pass H. Res. 59, Supporting the goals and ideas of National Engineers Week, I would have voted "yes."

On roll No. 65, On a Motion to Suspend the Rules and Pass H. Con. Res. 34, Honoring the life of Percy Lavon Julian, I would have voted "yes."

On roll No. 66, On Ordering the Previous Question on H. Res. 16, I would have voted "yes."

On roll No. 67, On Agreeing to the Resolution on H. Res. 16, I would have voted "yes."

On roll No. 68, On Consideration of the Joint Resolution for H.J. Res. 20, I would have voted "yes."

On roll No. 69, On Tabling the Motion to Reconsider re H.J. Res. 20, I would have voted "yes."

On roll No. 70, On Tabling the Appeal of the Ruling of the Chair re H.J. Res. 20, I would have voted "yes."

On roll No. 71, On the Motion to Recommit with Instructions re H.J. Res. 20, I would have voted "no."

On roll No. 72, On Passage of H.J. Res. 20, I would have voted "yes."

On roll No. 73, On Motion to Suspend the Rules and Pass H. Con. Res. 5, Establishing Hire A Veteran Week, I would have voted "yes."

GENERAL LEAVE

Mr. OBEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks during debate on H.J. Res. 20.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. BLUNT asked and was given permission to address the House for 1 minute.)

Mr. BLUNT. Mr. Speaker, I yield to my friend, the majority leader, for information about next week's schedule.

Mr. HOYER. I appreciate the gentleman yielding.

Mr. Speaker, on Monday, the House will meet at 2 p.m. for legislative business. We will consider several bills under suspension. There will be no votes, however, until 6:30.

On Tuesday, the House will meet at 10:30 for morning hour business and noon for legislative business. We will consider additional bills under suspension of the rules. A complete list of the suspension bills for the week will be announced later this week.

On Wednesday and Thursday, the House will meet at 10. In addition to suspension bills, we will consider H.R. 547, the Advanced Fuels Infrastructure Research and Development Act. Now, because we have come to a point where, as you know, the committees have just recently been fully organized, they are starting to have hearings but because we have not produced as much legislation, we have been dealing with a lot of work so far, I know the gentleman will be upset and my colleagues will be upset that they will have to work at home on Friday.

I want to reiterate that. When Members are home, they are working. They are listening to their constituents. They are having town meetings. They are attending meetings. They are attending the chamber of commerce or the Lion's Club or the Rotary or the PTA.

So that, although we will not be here on Friday, I want to assure the public that I know, I know that Mr. BLUNT knows and every Member here knows that when they are not here, they are in their home, they are working on behalf of their constituents. So we will not be here on Friday as scheduled because the flow of work will not be ready for Friday that we can go through the regular order.

As I have told the gentleman and his colleagues, we really do want to get to the regular order so that there are opportunities to consider bills in committees, report them through the Rules Committee, amend them on the floor and proceed as both sides, I think, would like.

□ 1600

Mr. BLUNT. Reclaiming my time, Mr. Speaker, I thank the gentleman for the information.

I don't want to belabor the point. I certainly do want to join him in sharing this sense of how hard our Members do work and where they work. We talked about this at great length a couple of weeks ago. And I think the early discussion of being on the floor of the House 5 days every single week was widely enjoyed by the late-night comedians and others. And I said at that time, and I still believe, our problem is not that the Members of Congress don't work 5 days a week.

Frankly, our problem is that too many Members of Congress work 7 days a week. And on those times when we don't have work in Washington and can be in the district, people want to meet with Members in their office. It does give Members a chance to, during the normal workweek, relate to people, activities, and ongoing events that they otherwise can't relate to. I think almost all of our Members are more than willing to take time on a Saturday to meet with people who normally work Monday through Friday. Frankly, most of the people that you would want to meet with see that as a much greater imposition than the Members of Congress who really do work more than 5 days a week at home and in Washington. The work of the Congress is important work, and it doesn't all occur here on the floor of the House while we are voting, nor does it all occur in Washington.

I would like to yield to my friend, the ranking member on the Rules Committee. He has an observation, I think.

Mr. DREIER. Mr. Speaker, I thank my friend for yielding.

I congratulate both the majority leader and the distinguished minority whip for recognizing especially those of us who are in California.

I have a whole series of meetings that I am going to be holding in California in the next couple of days, and it has been virtually impossible to hold any kind of weekday meeting with constituents because of the challenges that we have faced over the past month.

And I know that our 3-hour workdays and then the half hour on a Friday have made it important to note that we have been working here, but it has made it virtually impossible to be able to hold, as I said, any weekday meetings in California.

I would like to just raise a question, Mr. Speaker, to the distinguished majority leader about the issue of the schedule for next week. Now, it is my understanding that the legislation that we are scheduled to consider in the Rules Committee may come up under an open amendment process, allowing us an opportunity to have amendments proposed on the floor. The thing that concerns me is that while we have had a wide range of measures brought to the floor under suspension of the rules, I have looked back at this legislation that we are going to be addressing next week, and while it will be wonderful to have an open amendment process, it will be great if that, in fact, is going to be decided by the Rules Committee, it will be a wonderful thing to be seeing, but the fact is when this legislation was last considered, it was considered under suspension of the rules and passed unanimously without a recorded vote. A voice vote, in fact, was all that was necessary.

So I will, just for the record, Mr. Speaker, say to the distinguished majority leader, and I thank the distinguished minority whip for yielding to me, that I am concerned about the notion of utilizing an open amendment process on a matter that is noncontroversial and very easily could be considered under suspension of the rules if it is being done solely for the purpose of saying, aha, we have moved beyond closed rules and we are now considering issues under an open amendment process when, in fact, there may not even be any amendments proposed because when this last came before us, it was considered under suspension of the rules.

I thank my friend for yielding, and if you would like to yield to the majority leader to respond.

Mr. BLUNT. I would be pleased to yield to my friend, the majority leader, for a response to that.

Mr. HOYER. I will say to my friend this is such a difficult process on this side of the aisle. We considered last week a piece of legislation, and one of your Members went to the Rules Committee and asked for an amendment. We gave him an amendment, and then he wrote, apparently, and it caused a great deal of controversy, that we allowed the amendment and he really didn't want the amendment.

So then we came to the floor with the amendment still allowed. Of course, he didn't have to offer it. Nobody was forcing him to offer it. But there was great consternation that we had allowed the amendment and, indeed, a substitute, which you apparently didn't want either. So it is very difficult for us. Now we bring a bill that has an open rule and it is so lacking in controversy that it ought to be perhaps a closed rule or a suspension.

We will try to figure out what you really want, and when we do, we will try to do something that pleases you. We are having difficulty so far.

Mr. BLUNT. Reclaiming my time, Mr. Speaker, I think the point my good friend from California is making, and I would like to emphasize, is we hope we are now moving to rules that are open when possible, that allow amendments when an open rule is not possible. I think the point he was making was that hopefully this just isn't to go on the record and say, as my good friend just did, well, once we allowed you an amendment that the Member decided he didn't want and then you complained about that. We don't want this to be cited as, well, don't you remember the time we gave you the open rule on a bill that passed unanimously without amendment in the last Congress? It is time to move on.

My good friend from Maryland knows my high regard for him, and I am going to do my very best, at these weekly opportunities to talk about the schedule, to not just complain about the process. But I do know that my friend, who has been here longer than I have and understands and appreciates the process in the House, knows that it is to everybody's advantage if we get to the place where we are debating these bills, where the ideas that are brought to the floor can stand the challenge of debate and amendment, and we need to get there. As I said last week, I am prepared to look forward, as disappointed as I was about the way the previous few weeks have been handled, but there are only so many weeks that you can just be satisfied to think that, well, I am hopeful that next week will be better, and I guess here we would be hopeful that the open rule would not just be the example of the open rule we got on this kind of bill, but the beginning of real debate and real opportunity to amend in this Congress.

I would like to yield again to my friend.

Mr. DREIER. I thank my friend for yielding.

Mr. Speaker, I would simply like to say to the majority leader that I didn't bring up the issue of process, but since my very good friend and classmate from Maryland did bring up the issue of process, pointing to the fact that an amendment was made in order even when that Member did not want to have the amendment made in order, which was clearly stated in a letter that was submitted to the distinguished Chair of the Rules Committee, recognizing that that was an unprecedented move, because I will tell you, having served as chairman of the Rules Committee, time and time again, we would have Members testify before the Rules Committee, making a request that amendments be made in order, and then we would get a letter from that Member asking that that amendment be withdrawn, and every time we would immediately disseminate that.

So the only reason that there was a great deal of consternation on the issue that my friend has raised is that the action that was taken by the Rules Committee was completely unprecedented. In fact, in all the research that we did, we were never able to find any instance that ever before, under either the Democratic majority or the Republican majority, had action like that been taken. So that led us to be concerned. Similarly, as we look at the prospect of moving ahead with very important legislation that passed unanimously without any amendment, I would simply say, Mr. Speaker, that to simply use, as the distinguished minority whip has said, that as an argument to say we provided open rules is, I think, a little bit of a stretch.

Mr. BLUNT. Mr. Speaker, I yield to my friend from Maryland.

Mr. HOYER. Mr. Speaker, I appreciate the gentleman from California. Of course, the gentleman to which he refers, as he knows, voted for the rule. In addition, as the gentleman knows, we gave your side the opportunity to have unanimous consent to amend the rule. You chose not to ask for that. We would not have objected to it. It gives us both good talking points, I suppose, but I think the point of this whole discussion is we want to get beyond talking points.

I say to my friend, and everybody in this House knows that Roy Blunt and Steny Hoyer are good friends who spend time together and respect one another, like one another. It is very difficult, I know, having been in your position for 4 years, not to take the opportunity to express grievances about what you believe is not being done that is fair to particularly the minority side. I understand that.

I simply want to say that we intend, as we have said, and one of the reasons we are not meeting Friday is because we have told committees we want them to do the regular order, have hearings, have votes in committee, bring bills to the Rules Committee, allow amendments, and as a result, they have said that is going to take us a little more time. So we do not have work to do. And we are not going to hold Members here, as Roy Blunt and I have discussed, if we don't have work to do. But we are going to try to get to substance.

I will say, for instance, on today's bill, we were very pleased that 57 Members on your side of the aisle voted with us on this. It was not a bipartisan two or three or four or five or six Members. A quarter of your caucus, indeed over a quarter of your caucus, voted for this bill. It was a bill that we needed to get through on substance. We think that speaks well for the substance, and that is what we are really talking about. We want to get to substance in a fair way. And we want to work with you, Mr. DREIER.

Certainly, I want to work with my good friend, the Republican whip, who is, I think, very sincere in his desire to make sure that we have legislation move through this body in a way that all the participants can feel they got a fair shot, whether they win or lose.

I thank the gentleman for yielding.

Mr. BLUNT. Mr. Speaker, I thank the gentleman for his response.

I would say that while we don't want to debate the bill again that we voted on today, all of the Republicans voted for the motion that would have improved the bill. Certainly the option of the February 15 deadline has impact. I don't even want to argue the point that some of our Members then voted for final passage, but all of our Members would have liked to have had a more wide-ranging debate on the points that were raised in the motion to recommit that all of our Members voted for.

We also noted in the bill we just passed that rather than allocating funds to Members' committees and other offices of the House, this bill, essentially a bill that contained the funding for half of the discretionary spending, provided a lump sum in excess of $1 billion. I think the exact quote that I will refer to for the leader was "to be allocated in accordance with the allocation plans submitted by the chief administrative officer and approved by the Committee on Appropriations."

A pretty wide-ranging ability to now set specific allocations and for the Appropriations Committee to approve those.

I am wondering specifically, does the majority intend to use these funds to create a new committee that is not currently in existence or currently authorized?

I will yield to my friend for a response.

Mr. HOYER. I thank the gentleman for yielding.

Certainly, those dollars which are allocated in contemplation of the administrative officer having an ability after a change, obviously, in management, if you will, to some degree, to have some flexibility, and as they plan, we will have a better idea of how they are going to spend that money, which will obviously have to be approved in the funding resolution out of House Administration, brought to this floor and voted upon by the Members. But certainly, parts of that fund would be available if the House decided to create a committee. You refer to the Select Committee on, I am sure, Energy.

Mr. BLUNT. I am. Or other select committees but that one, specifically.

Mr. HOYER. Or other select committees, if the House chose to do that through whatever mechanism it chose to do that. Yes. The answer to your question is a portion of that money would be available for that objective.

Mr. BLUNT. And if I understand what my good friend said, that money would be available, but would be authorized specifically by the funding resolution that would come from the House Administration?

Mr. HOYER. Of course, any committee, select committee or otherwise, unless there was a separate bill appropriating money towards that committee, we would expect that to be in the funding resolution for committees out of House Administration.

Mr. BLUNT. Again, reclaiming my time, just to be sure I am right on this, the funding resolution would come before the entire body before the appropriating committee would decide to do their allocation out of this one billion-plus dollars?

I yield to my friend.

Mr. HOYER. I don't know that that refers to all the money. That probably would not be accurate. And if I go further than I have already gone, I may be incorrect, and I don't want to misinform either you or the body because I have not talked to either House Administration or to Mr. OBEY about the specific allocation of these funds. Obviously, if the CR passes, they are appropriated to this fund for the CAO under the language that you read subject to the Appropriations Committee's approval.

□ 1615

However, in terms of the select committee or committee, my expectation would be that that specific item, not necessarily other items, would be subject to the funding resolution out of House Administration and come to this body.

Mr. BLUNT. Mr. Speaker, reclaiming my time I have here, does the gentleman have a sense on the specific Select Committee on Global Warming and the Environment, or whatever it might be called, when that issue may come to the floor as a question?

Mr. HOYER. Well, if it is included in the House Administration funding resolution, and I am not saying that it will be, it may be in some other vehicle. But, if it did, that usually comes middle of March, late March, so that the committees can have a sense of what their funding capabilities are.

Mr. BLUNT. I thank my friend for that information. I am sure that all of our Members, as they hear the news about the ability to work in their districts on Friday, will be hoping to be on a plane Thursday night or Friday morning. I am not sure that I listened carefully to your sense of what would be the end of the day on Thursday since we would not be here on Friday. I am sure you said that, but if you would repeat.

Mr. HOYER. I don't think I said a time on Thursday. As you know as well, perhaps better than I do over the last years, particularly as you were the leader, you cannot always predict the time frame. But I would hope on Thursday we would get out at a reasonable hour to facilitate Members returning home.

Mr. BLUNT. Would you expect that the Thursday schedule would meet the standard that we have been trying to set on the Friday schedule, if we can at all?

Mr. HOYER. Yes.

Mr. BLUNT. That is all I need to know.

Mr. HOYER. Let me retract that because I don't want to make a rule on that.

Mr. BLUNT. I understand.

Mr. HOYER. I want to have Members be very clear. If we are able to do our work within the time frame of Thursday, it may well be a late Thursday. When I say late, 5, 6, 7 o'clock Thursday, as opposed to 1 or 2 o'clock. So I maybe answered too quickly on the Friday schedule. Because on Friday we very definitely will be trying to get out, as I have said, no later than 2 o'clock and as close to 1 as we can. That gives us 4 hours. As you know, we have agreed that we will go in at 9. So that gives us 4 hours of legislative time to work on Fridays.

Committees, as I might tell my friend, you might be interested, the Government Operations Committee will be having hearings on Friday of next week, notwithstanding the fact that we are not here. So not only are they working at home, but there also will be people working here in Washington, notwithstanding the fact that we are not on the floor.

Mr. BLUNT. I would also like to say, Mr. Speaker, as it might make that answer easier for the future, I did not mean in any way to set a standard for future weeks. But I was thinking in terms of this week, looking at 2 days of suspensions, 1 day of a bill that we have had on suspension before, even though it would have a rule, that I would think it would not be an unreasonable goal for us to set to get our, particularly our west coast Members, on the way home on late Thursday afternoon, rather than having to wait until Friday morning.

But I would also assume, having done both of the jobs you have held in the last few months, that there will be times when we will not necessarily need to be here on Friday, but to meet that goal we may have to work late enough on Thursday that many Members would not be on Thursday flights. I clearly understand that.

Mr. HOYER. I don't want to prolong this, but I do want to say that the gentleman is correct in terms of, that is why I answered glibly and quickly. So I think the gentleman may be correct. I don't want to pledge that, but he may be correct because of the factors that he has pointed out.

I would say, in closing, that I know there has been some, joviality is a kind word, about what Mr. DREIER mentioned in the schedule getting out at 3 o'clock in the afternoon.

But I will say with all due respect to my friend, notwithstanding that joviality, we believe that the last 3 weeks in terms of what this House has done in terms of its ethical standards, in terms of dealing with the safety of Americans in the 9/11 bill, in terms of dealing with the minimum wage, energy, dealing with college costs, dealing with prescription drugs and dealing with stem cell research, dealing with passing a CR that has funding for work that sat on the tarmac, if you will, and never got off the ground to the President for approximately 14 months or 13 months. We believe that we have provided a schedule in which we have done very substantial work. We hope the American people are pleased with that, and we continue to try to do that.

Mr. BLUNT. I thank the gentleman for yielding back.

I know many of my colleagues on the floor assume that yielding that time gave you a good chance to talk about the last few weeks, and there are things to talk about. But I am sure you are getting plenty of discussion from all of the Members of the House, including the Members of the majority, about the schedule. I think that the determination for next week, which I believe would have been the first 5-day week we have had scheduled to work all 5 days, I think the determination of next week shows the leader's willingness to look at the facts of the week, rather than to be pinned down to a standard that doesn't necessarily let the Members do all of the work they need to do in the various places they need to do it. I am glad to see that change.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. HOYER. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

NO PLAN FROM DEMOCRATS

(Ms. FOXX asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. FOXX. Mr. Speaker, I rise today to ask my colleagues on the other side of the aisle for their plan for winning the war on terror and for the current situation in Iraq. The only things that we have heard from Democrats has been criticism.

I also want to point out an article in today's Wall Street Journal and insert the entire article in the RECORD. The article is entitled, "Progress in Baghdad"; and it says, Capitol Hill has probably been too busy running for political cover to notice, but the last few days in Iraq have actually featured good news, as the government seems to be making some progress on key political and security issues.

And it ends with, the Bush administration has itself made many mistakes trying to micromanage Iraq's political development, but it now seems to understand that it is fated to deal with the Shiite-led government it has. Congressmen who are sincere in wanting to take the Iraq issue off the table in 2008 could help by showing a similar combination of resolve and humility.

I think we need the resolve and humility to say that we are there for victory and that failure is not an option.

[From the Wall Street Journal]

PROGRESS IN BAGHDAD

Capitol Hill has probably been too busy running for political cover to notice. But the last few days in Iraq have actually featured good news, as the government seems to be making some progress on key political and security issues.

One step forward is that Prime Minister Nouri al-Maliki has won parliamentary backing for his Baghdad security plan. This means the elected representatives of Iraq's Shiites, Sunnis and Kurds remain capable of compromise and are willing to give the new strategy a chance to work.

There's also evidence that the Baghdad plan is having an effect. Yes, al Qaeda bombs targeted the Shiite Ashoura holiday as expected. But there are also widespread reports of Sunni jihadists fleeing the capital in anticipation of a crackdown. Prime Minister Maliki has already started moving against Shiite militias, which might explain an apparent drop in sectarian violence. No one should get overconfident, but clearly the bad guys are taking the joint U.S.-Iraqi effort to pacify the capital seriously. Meanwhile, the weekend saw an encouraging performance by the Iraqi security forces who took control of the Najaf area only about a month ago. Acting on their own intelligence, Iraqi police and a battalion from the Eighth Army Division confronted a radical Shiite sect calling themselves the Soldiers of Heaven who had reportedly planned to assassinate mainstream Shiite clerics, including the moderate Grand Ayatollah Ali Sistani.

Some observers are trying to spin this battle as a defeat for the government, because the first Iraqi units on the scene had to call for reinforcements and for American air power. But the fact that Iraqi forces were able to pre-empt the attack on Najaf before it began, and that everyone involved was able to coordinate the operation and soundly defeat the enemy makes it sound like a success to us. Hundreds of the insurgents were killed, compared to a handful of Iraqi and U.S. troops. This may well be a model for how U.S. troops might play a supporting role down the road—assuming Washington gives them a chance to get Baghdad under control first.

For the moment at least, Iraq seems to be inching in the right direction. After a week of Western lamentations about the gracelessness of the Saddam hanging, it became clear that the primary effect of the execution was to enhance Prime Minister Maliki's stature in Iraq. Mr. Maliki, in turn, is using that political capital. The last thing he needs is to have his efforts undermined by votes of no-confidence in Washington—or meddling by Congressmen with "benchmarks" who pretend to know better than he does how to deal with the most difficult issues, such as how best to marginalize Moqtada al-Sadr.

The Bush Administration has itself made many mistakes trying to micromanage Iraq's political development, but it now seems to understand that it is fated to deal with the Shiite-led government it has. Congressmen who are sincere in wanting to take the Iraq issue off the table in 2008 could help by showing a similar combination of resolve and humility.

Let's unite.

IN SUPPORT OF THE CONTINUING RESOLUTION'S PASSAGE

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I think it is important for us to reflect on the last couple of hours of debate, and I call it fixing of the fiscal calamity that occurred over the last year when this body and the majority of my friends on the other side of the aisle failed to complete our funding responsibilities.

Today, we passed a vigorous CR, and I think it should not be interpreted as a negative, but we should look at the positives that we will be able to provide, if you will, the continuing of funding and get immediately into, one, the emergency supplemental but also the appropriations process. $3.6 billion now goes extra to our veterans, many of them returning from Iraq for their health care.

The change in the section 8 for many that are not being housed because of a faulty formula, we now can provide housing for many in our community. And, yes, an enhanced funding for scientific research. The ability for our agencies to reprogram their dollars. Many of us will be working, for instance in my district, I will be working to ensure the funding of the Texas Southern University Laboratory School through the Department of Housing; and, yes, we will be working to get NASA funding by redeploying or to redistribute those funds.

This is a good CR. The agencies can work with it. Make sure the agencies work right on behalf of the American people.

CONGRATULATING ROSWELL HIGH SCHOOL ON THEIR CHAMPIONSHIP SEASON

(Mr. PRICE of Georgia asked and was given permission to address the House for 1 minute.)

Mr. PRICE of Georgia. Mr. Speaker, today, I proudly rise to honor and congratulate some spectacular student athletes from Georgia's Sixth District. This past month one of our hometown high schools brought home the State football championship.

After an inspired season that united our community, Roswell High School awed all of Georgia with their first State football title in 36 years; and because of the passion and commitment and intensity shown by the players, coaches, classmates and the community alike, this season will forever be marked in history.

The Roswell Hornets won the 5A State championship in what was an extraordinary example of both skill and athleticism. These talented young men showed what is possible with hard work and unyielding determination.

These student athletes will always cherish the memory of this season. The players, their families and their classmates who cheered them on will always look back to the 2006 season as a source of pride, accomplishment and satisfaction. Roswell High School learned more than how to win a championship this last year. They learned what happens when everyone comes together in pursuit of a dream.

I know that the House of Representatives joins me in congratulating Roswell High School from Roswell, Georgia.

REAUTHORIZE THE SAFE AND SECURE COUNTY AND RURAL SCHOOLS ACT

(Mr. DEFAZIO asked and was given permission to address the House for 1 minute.)

Mr. DEFAZIO. Mr. Speaker, well, today Congress passed a continuing resolution making up for some of the problems created by the Republican majority not getting their work done, but they did not got another crucial piece of work done, the reauthorization of the Safe and Secure County and Rural Schools Act. If that is not reauthorized, if that is not funded in short order, over 4,400 rural schools in 40 States will lose funding, 780 rural counties will lose funding for roads, county officials will be forced to lay off critical public safety, rescue, law enforcement and other employees. In my State alone, there will be up to 1,000 people losing their jobs beginning quite soon.

Congress must act and soon. We will soon request that the leadership put in the emergency supplemental, money to fund for 1 year the Safe and Secure County Rural Schools Act to give the authorizing committees time to put in place a full 7-year reauthorization suitably offset with other funds.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

□ 1630

HRANT DINK'S FINAL ARTICLE

The SPEAKER pro tempore (Mr. SCOTT of Georgia). Under a previous order of the House, the gentleman from California (Mr. SCHIFF) is recognized for 5 minutes.

Mr. SCHIFF. Mr. Speaker, about a week and a half ago, a courageous journalist by the name of Hrant Dink was murdered outside of his newspaper office in Istanbul. I would like to read today some of the comments that he made in his last newspaper article Agos on January 19, the day that he was shot dead.

He wrote, "At first, when an investigation was launched against me for insulting Turkishness, I did not feel troubled. This was not the first time . . .

"I had complete trust in what I'd written and what had been my intentions.

"Once the prosecutor had the chance to evaluate the text of my editorial as a whole, not that single sentence, which made no sense by itself, he would understand that I had no intention of insulting Turkishness and this comedy would come to an end. I was sure of myself. But, surprise! A lawsuit was filed.

"In covering every hearing, the newspapers, editorials and television programs all referred to how I had said that the blood of the Turk is poisonous.

"Each time they were adding to my fame as the enemy of the Turk.

"In the corridors of the courthouse, the fascists physically attacked me with racist curses.

"They bombarded me with insults. Hundreds of threats hailed down for months by phone, e-mail and post, increasing all the time.

"I persevered through all of this with patience, awaiting the decision that would acquit me.

"Then the truth would prevail and all those people would be ashamed of what they had done.

"My only weapon was my sincerity. But when the decision came out, my hopes were crushed. From then on, I was in the most distressed situation a person can possibly be in.

"The judge had made a decision in the name of the Turkish nation and it had legally registered that I had denigrated Turkishness. I could have coped with anything but this.

"In my understanding, the denigration of a person on the basis of any difference, ethnic or religious, is racism, and there was no way this could ever be forgiven . . .

"Those who tried to single me out and weaken me have succeeded. With the false information they oozed into society, they created a significant segment of the population who saw Hrant Dink as someone who insults Turkishness.

"The memory of my computer is filled with angry, threatening lines sent by citizens from this sector.

"How real are these threats? To be honest, it is impossible for me to know for sure.

"What is truly threatening and unbearable for me is the psychological torture I placed myself in. The question that really gets to me is: What are these people thinking about me?

"Unfortunately, I am now better known than before and I feel people looking at me, thinking: Oh, look, isn't he that Armenian guy?

"I am just like a pigeon, equally obsessed by what goes on on my left and right, front and back. My head is just as mobile and fast.

"What did foreign Minister Gul say? Or Justice Minister Cicek? There is no need to exaggerate about Article 301 on insulting Turkishness. Has anyone been actually put in prison?

"As if going to prison was the only price to pay. This is the price. This is the price.

"Do you ministers know the price of making someone as scared as a pigeon?

"What my family and I have been through has not been easy. I have considered leaving this country at times . . .

"But leaving a boiling hell to run to a heaven is not for me. I wanted to turn this hell into heaven.

"We stayed in Turkey because that was what we wanted, out of respect for the thousands of people here who supported me in my fight for democracy . . .

"I am now applying to the European Court of Human Rights. I don't know how long the case will take, but I do know that I will continue living here in Turkey until the case is finalized.

"And if the Court rules in my favor, I will be very happy and will never have to leave my country.

"2007 will probably be an even harder year for me. The Court cases will continue. New ones will be initiated and God knows what kind of additional injustices I will have to face.

"I may see myself as frightened as a pigeon, but I know that in this country people do not touch pigeons.

"Pigeons can live in cities, even in crowds. A little scared perhaps, but free."

Well, Mr. Dink, unfortunately, found otherwise when he was gunned down outside of his office by young men no doubt inflamed by the passions that the government did so little to quell. Hrant Dink, who had the courage to talk about some of the darkest periods of Ottoman history, of the genocide of the Armenian people, the first genocide of last century that claimed a million and a half lives, paid for that courage with his life.

Well, we will have the courage here soon to take up a resolution on the Armenian genocide. All we have to do is vote. That is very little compared to what Hrant Dink did and the price that he paid.

I had a chance to meet him in Istanbul a couple of years ago. He was optimistic about the future. He was optimistic about Turkey's future, about its willingness to examine its past. Regrettably, that optimism was misplaced.

Today we remember a courageous journalist, Hrant Dink. And his legacy lives on.

HONORING ALAN M. HANTMAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. MICA) is recognized for 5 minutes.

Mr. MICA. Mr. Speaker, I am pleased tonight to come to the floor for a special order presentation. Let me start out by reading some names. Dr. William Thornton, Benjamin Henry Latrobe, Charles Bulfinch, Thomas U. Walter, Edward Clark, Elliott Woods, David Lynn, J. George Stewart, George M. White, and Alan M. Hantman.

My colleagues, I read these names. They are the names of the 10 architects of the United States Capitol.

This week will mark the last days in service to the United States Congress, and this historic structure, of the Architect of the United States Capitol, Alan M. Hantman. And I am pleased to rise this evening to recognize his service.

Of course, we have had many presidents, we have had many Speakers of the House. We have only had 10 architects who have been in charge of this incredible structure that we call our United States Capitol.

Alan Hantman will leave his service, leaving a legacy untold by almost any of his predecessors. And it has been my honor and pleasure to work with him on a project that will dramatically change the nature of the United States Capitol, that is, the United States Capitol Visitors Center.

Let me reminisce for just a minute, as I thank him for his 10 years of dedicated and sometimes difficult and trying service to Congress. But let me reminisce, if I may, about Alan Hantman coming to serve as our United States Capitol architect.

I have been involved in the Capitol Visitors Center for some 14 years, since I came to Congress, committed that the people who visit this institution should have the opportunity to have an enjoyable, informative and memorable visit to the United States Capitol. Instead, in the past, they have stood in the rain, snow, sleet, cold, ice, without even common comforts or courtesy in front of our most historic structure, and sometimes denied access to the structure or again common conveniences.

I was a little bit afraid because I know the way this place runs, when they were selecting an architect, some 10 years ago, that they might find someone in this process that would deep six the project, so I spent a particular amount of time as author of two authorization measures for the project, talking to Alan Hantman, and I was convinced he was the right person at the right time in the history of the United States Capitol.

He undertook that expansion of the United States Capitol Building, the largest in history. It will increase the volume, the sheer volume of the Capitol by some 70 percent. And he has done an incredible job.

At the same time, he has had to make this Capitol run. I often joked when I first came here that the U.S. Capitol was run like a southern plantation with bad management.

Alan Hantman changed that. He brought professionalism to his position and to service and to, again, to the most monumental project, not on behalf of those who serve here. The Capitol Visitor Center, in fact, is the first structure and expansion to the Capitol in the history of the Capitol for the public, for those who own the place and to make, again, their visit an enjoyable, informative and educational experience.

Alan brought with him great experience from the private sector with more than 10 years heading up the Rockefeller Center Management Corporation in New York City, overseeing that great project, and then coming here.

Now, I know he has had 535 bosses, a smaller group of Capitol preservation on which I serve, and then the leaders of the House and Senate and some of the appropriators and other authorizers. I call him working for 19 prima donnas. But he has completed the structure, planning, and under the most difficult circumstances you can imagine.

When people see the Visitor Center, the name of Alan Hantman will live forever in the history of the United States Congress and our country.

COAST GUARD AND MARITIME TRANSPORTATION ISSUES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. CUMMINGS) is recognized for 5 minutes.

Mr. CUMMINGS. Mr. Speaker, I rise today to discuss some important issues that confront the 110th Congress regarding the structure and missions of the United States Coast Guard and the broader field of maritime transportation.

I am deeply honored to have been selected by Chairman JAMES OBERSTAR and by my colleagues on the Transportation and Infrastructure Committee to chair the Coast Guard and Maritime Transportation Subcommittee and to move on an ambitious agenda that will address these critical issues.

I look forward to implementing the three policy objectives that Chairman OBERSTAR has laid out for the Transportation Committee, which include ensuring the safety and security of our transportation infrastructure; supporting expanded investment in transportation infrastructure to relieve congestion and enhance mobility; and ensuring environmental stewardship, including combating global warming.

In the area of safety and security, the subcommittee will diligently oversee the implementation of the Coast Guard's $8.3 billion fiscal year 2007 budget, including the more than $1.1 billion appropriated to fund the rehabilitation and modernization of the Coast Guard's fleet through the Deepwater procurement program.

The United States Coast Guard is a critical part of our homeland security system, and is the lead agency responsible for ensuring the security of all ports in our Nation, including the more than 150 ports that handle the bulk of our Nation's foreign and commercial commerce.

The Coast Guard is also a vital part of our emergency response system, as demonstrated when it was the only Federal agency that could come to the rescue of thousands of Hurricane Katrina victims left stranded in the Gulf.

Our subcommittee will closely examine whether the Coast Guard has adequate resources to enable it to implement its significant new Homeland Security responsibilities while also fulfilling its other critical missions, including drug interdiction, search and rescue, and maritime safety oversight.

We began that effort just yesterday with an oversight hearing on the Coast Guard's $24 billion, 25-year Deepwater procurement, through which the Coast Guard is acquiring the ships, planes and helicopters that the service will utilize for decades to come to ensure the safety and security of the American people, United States ports, and our maritime industry.

Importantly, our subcommittee will also balance oversight of the Coast Guard with our responsibility to strengthen maritime transportation.

The United States Maritime Administration estimates that the total volume of trade handled by U.S. ports will double in the next 15 years, Mr. Speaker. To prepare our Nation to handle such cargo growth, we will examine how U.S. ports can more fully be integrated into a multi-modal transportation network.

We will also work to foster a pragmatic dialogue between the members of the commercial maritime community and the United States Coast Guard to ensure that each group understands what the other needs to succeed in what should be their complementary pursuits.

□ 1645

Security of the United States ports and cargo transported through them will be a major priority of the subcommittee. The House of Representatives has already passed H.R. 1, which not only implemented the recommendations of the 9/11 Commission but exceeded these recommendations by phasing in requirements that will lead to the scanning of all cargo bound for United States ports.

The Subcommittee on Coast Guard and Maritime Transportation will work closely with the Committee on Homeland Security, led ably by Chairman BENNIE THOMPSON, to examine the gaps that remain in port security and to fill these gaps in ways that protect our Nation from emerging threats while not unduly slowing commerce to our ports.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H. RES. 106

Mr. JINDAL. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of House Resolution 106.

The SPEAKER pro tempore (Mr. SCOTT of Georgia). Is there objection to the request of the gentleman from Louisiana?

There was no objection.

CONGRATULATING UC SANTA BARBARA MEN'S SOCCER TEAM

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Mrs. CAPPS) is recognized for 5 minutes.

Mrs. CAPPS. Mr. Speaker, I am honored to support House Resolution 70, a resolution that this House passed earlier this week congratulating the University of California Santa Barbara men's soccer team for winning the NCAA Division I National Championship. I use these minutes to give my congratulations to the team and to the community.

Along with my colleague, Elton Gallegly, I am thrilled have this opportunity to congratulate every player, coach, alumnus, faculty member, and supporter of UC Santa Barbara.

On December 3, 2006, the UC Gauchos captured the National Championship by scoring two goals against the University of California. This is UCSB's second national title in school history.

While all the Gauchos played their hearts out, I would like to acknowledge two standout performances. Sophomore Nick Perera scored a goal and assisted on Eric Avila's game winner on his way to earning All-College Cup Most Outstanding Offensive Player of the Tournament honors. Junior Andy Iro, despite playing through an injury, helped keep UCLA at bay and was named All-College Cup Most Outstanding Defensive Player.

While the beginning of the Gaucho season was plagued by inconsistent play, the Gauchos fought to recover, winning 10 of their last 11 games, including six straight in the tournament. Coach Tim Vom Steeg, a UCSB alum, and his staff, Greg Wilson, Neil Jones, and Eric Foss, deserve tremendous praise not only for their impressive leadership in the 2006 season but also for leading the dominating Gauchos to their second NCAA National Championship in 3 years. Coach Vom Steeg's colleagues were so impressed with his coaching abilities that they named him the National Soccer Coaches Association of America National Coach of the Year, the most prestigious award that a Division I soccer coach can receive, and this for the second time.

Mr. Speaker, while the men's soccer team is a great example of the excellence the university produces, there is much more to celebrate. As many of you know, my husband, Walter, was a professor of religious studies for more than 30 years at this campus at UCSB before he became a Member of Congress. Through his experience as a professor and my own as a graduate, I have watched this university rightfully gain national attention.

The University currently has five Nobel Laureates on faculty and was recently ranked in the top 15 best public schools in the Nation by U.S. News and World Report; and with a breathtakingly beautiful campus, it is no wonder that the men's soccer team and the University can attract such notable talent from all over the world.

If any of my colleagues ever find themselves on California's central coast, I encourage you to stop by this beautiful campus and see for yourself all that it has to offer. Of course, don't forget to catch a soccer game at Harder Stadium. Go Gauchos.

HANLEY DENNING, "ANGEL DEL BASUERO"

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maine (Mr. ALLEN) is recognized for 5 minutes.

Mr. ALLEN. Mr. Speaker, Hanley Graham Denning was only 36 when a terrible traffic accident in Guatemala took her away from us on January 18. She was revered in Guatemala where she was known as "El Angel del Basuero," the Angel of the Dump.

Hanley was a native of Yarmouth, Maine, and a Bowdoin College graduate, with a master's degree in early childhood education from Wheelock College.

After college, she helped children affected by AIDS in Roxbury, Massachusetts, and then taught impoverished children at a Head Start program in North Carolina.

Because so many children were from migrant families and spoke little or no English, Hanley decided to go to Guatemala to learn to speak their language. While in Guatemala City in 1999, the Portland Press Herald reported, a friend suggested she visit the garbage dump. There, Denning began the work that would come to define her life.

On that trip to the dump, the largest in Central America, Hanley was shocked to see a tiny hand reaching out from a cardboard box. "At first she thought it was a doll, then she realized it was a baby," her friend Rachel Meyn told the Press Herald. "The image kept playing over and over in her head," Meyn added, "and from then on she decided she had to do something." What Hanley Denning did was to sell her car and her computer, convert an old chapel near the dump into a drop-in center for the children, and give 40 Guatemalan boys and girls a refuge from the filth and stench of the dump.

Hanley soon learned that the health hazards at the dump were only a small part of the danger facing these children. Most came from single-parent households, where mothers scavenged the dump, often helped by the children, to find scrap to sell in order to buy food. Drug abuse, crime, child abuse, and predation were rampant. Hanley decided to create an environment where the children could escape harm and find the kind of encouragement that she as a former Head Start teacher knew would give them a better chance to grow into healthy successful adults. She called it "Camino Seguro," Safe Passage. The mothers and the children of Guatemala call Hanley Denning "Angel del Basuero," Angel of the Dump.

Eight years later, Hanley's modest effort has grown into a program that helps more than 500 needy children at three sites. It has an annual budget of $1.6 million and 100 Guatemalan staff members, including teachers, social workers, cooks, and other support staff. There is a three-story educational reinforcement center, with 13 classrooms, a fully stocked library, a computer lab with 13 computers, a kitchen for preparing 550 lunches daily, a medical clinic serving all children and their family members, and a garden. Teens can receive vocational training, mothers and grandmothers can attend adult literacy and parenting classes.

In addition to their daily hot lunches, each child who attends regularly receives a monthly food bag for their family. Nearly 600 children fated to scavenge the dump like their parents are now in school. "I used to look into the children's eyes and see the adults they would become," Hanley once told the reporter. "Now they have a little hope. I see a bit more spark."

But the success of Safe Passage is only part of Hanley Denning's legacy. Her angelic touch reached beyond the Guatemalan slums and into the lives of hundreds of volunteers, many of them teenagers, who worked for Safe Passage over the years. There are 50 volunteers working at Safe Passage in any given month, including 20 long-term volunteers who make a 1-year or 2-year commitment to the program.

As Jason Moyer-Lee told the Portland Press Herald's Bill Nemitz, "I couldn't believe that someone from my town who went to my high school could actually make something like that happen. When Hanley sat down and talked to you, she made you feel like, without your help, Safe Passage couldn't happen," he said. "It didn't matter how much you gave or how little, she made you feel like you were the number one contributor."

"I've never loved more than when I was combing lice out of children's hair," added Aly Spaltro, a Brunswick High School senior who volunteered at Safe Passage in the past and plans to return before she returns to college.

Although his sister Hanley died young, her brother Jordan said at her memorial that she had lived a much fuller life than most people, and she inspired everyone who loved her to "give every ounce of ourselves to what we truly believe in."

Mr. Speaker, I refer to safepassage.org for on Hanley Denning's life.

Catherine Lopez Reyes, a five year old at Safe Passage, best summed up the feelings of all whose lives Hanley Denning changed for the better: "Hanley, te quiero mucho, We love you very much, Hanley.

To learn more about Hanley Denning and her Safe Passage program, visit the website safepassage.org.

See safepassage.org for the extraordinary story of the life of a remarkable woman.

HONORING FIRST LIEUTENANT JACOB N. FRITZ

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Nebraska (Mr. FORTENBERRY) is recognized for 5 minutes.

Mr. FORTENBERRY. Mr. Speaker, the conflict in Iraq weighs heavily on us all, especially when we receive casualty announcements and face the stark reality of precious lives lost far from the comfort of home and family.

Today, I would like to pay tribute to First Lieutenant Jacob N. Fritz of Verdon, Nebraska, who lost his life in a brutal ambush on January 23.

A graduate of the United States Military Academy at West Point, Lieutenant Fritz served valiantly in the Army's 25th Infantry Division when he came under attack near Karbala, Iraq. While details are still pending, we know that a group of men wearing U.S. military uniforms infiltrated a government compound and opened fire on Lieutenant Fritz, who was standing outside his vehicle at the time of the incident.

Mr. Speaker, I am so grateful to Lyle and Noala Fritz, Jacob's parents, for taking so much time to speak with me about Jacob recently. As Noala said to me, "God got a good one."

Continuing a proud family tradition, Lieutenant Fritz's brother Daniel is currently at West Point and is scheduled to graduate in the year 2008. I want to reassure Daniel and the entire Fritz family that we are all united in our support and concern for the outstanding men and women who willingly risk their lives in Iraq under arduous circumstances that would tax the best of us.

Mr. Speaker, as we take this moment to grieve, we also want to honor the Fritz family for their dedicated service to the United States. I pray that God's peace will console and strengthen them during this difficult time and in the days ahead.

THE SAFE AND ORDERLY WITHDRAWAL FROM IRAQ ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. MCGOVERN) is recognized for 5 minutes.

Mr. MCGOVERN. Mr. Speaker, there is no issue more important to the American people and to the Members of this Congress than the war in Iraq. Over 3,000 American military personnel have been killed in this war. Over 22,000 have been wounded in combat-related action. Some have been injured for life. Several thousand more of our troops have sustained serious injuries or suffered sickness while serving in Iraq; and tens of thousands of Iraqi men, women, and children dead.

So far, it has cost the United States $387 billion, and next week we will receive another supplemental request from the President in the range of $100 billion to $130 billion more.

In blood, in treasure, the costs of the war in Iraq have been high. I believe, Mr. Speaker, that we must change the dynamic in Iraq. We must end our occupation, engage the countries in the region to help the Iraqis negotiate an end to the sectarian violence tearing their country apart, and let the Iraqi people determine their own destiny.

I firmly believe, Mr. Speaker, there is no military victory to be had in Iraq. So I am convinced that we must focus our efforts on the uniformed men and women we have put in harm's way and bring them safely home. This is why I am introducing today the Safe and Orderly Withdrawal from Iraq Act.

This is a very straightforward bill, Mr. Speaker. Within 30 days of enactment, the United States would initiate a safe, orderly, and responsible withdrawal of all U.S. military forces from Iraq.

□ 1700

The withdrawal would take no more than 6 months and include the transfer to the Iraqi government of all bases and facilities that have been operated or occupied by U.S. military personnel. During the withdrawal period, funding is maintained to ensure that our forces have the ability to complete or transfer their duties in an orderly manner, defend themselves as necessary, and be fully supported as they move out of Iraq. Once the withdrawal is completed, defense funding for the war would end.

Under this bill, financial support and equipment could continue to be provided to the Iraqi security forces or to a multilateral force the Iraqi government might request for help in continuing the training of their forces and in providing security during the period of withdrawal and afterwards.

Nothing in this bill affects U.S. funding for economic and social reconstruction projects. The bill also allows the U.S. Army Corps of Engineers to complete reconstruction projects currently under way should the Iraqi government make such a request.

Finally, the bill asserts the authority of the President to arrange asylum for those Iraqi citizens who might be physically endangered by the withdrawal of our military presence. As we all know, many Iraqi civilians have bravely served our Armed Forces as translators, drivers, administrative staff and in other capacities. Should they be threatened with violence or retaliation because of their association with our forces, we should extend to them the protection they require and that they deserve.

Mr. Speaker, this bill does not walk away from Iraq. It maintains financial equipment and material support for the Iraqi military and security forces. It continues economic, social and reconstruction assistance for Iraq, and its impact would trigger greater diplomatic engagement in the region which is missing at the present moment.

Mr. Speaker, there are no easy answers for the many questions facing Iraq's future. There is no perfect legislative answer for the situation in Iraq. But I do know that our troops do not belong in the crossfire of a violent Iraqi sectarian war. The American people understand this. They are far ahead of the politicians in Washington. They want us to do what is right. They want us to bring our troops home, and they want that to happen in a safe, orderly and responsible manner.

Mr. Speaker, I believe that this war in Iraq is a moral blunder. I believe that the war in Iraq represents one of the biggest political, diplomatic and military mistakes in our history. It is time for us to end this war. I urge my colleagues to support the Safe and Orderly Withdrawal from Iraq Act.

HONORING COLONEL BRIAN D. ALLGOOD

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Colorado (Mr. LAMBORN) is recognized for 5 minutes.

Mr. LAMBORN. Mr. Speaker, I rise today to honor the life of Colonel Brian D. Allgood, who passed away on January 27, 2007, in Baghdad, Iraq, in support of Operation Iraqi Freedom. Colonel Allgood died of injuries sustained when his helicopter crashed. Brian's wife and son reside in Heidelberg, Germany, and his parents, Gerald and Cleo Allgood, reside in Colorado Springs, Colorado.

Colonel Allgood graduated from West Point in 1982 and from the University of Oklahoma Medical Center in 1986. After completing his residency, Colonel Allgood continued his military career as a doctor in the Army. He was not only a doctor but was a first-class soldier who parachuted into Panama as a battalion surgeon in the 75th Ranger Regiment during Operation Just Cause in 1989. After rising through the ranks, Brian became a full colonel in 2002 and served in top medical commands in Korea and Germany before becoming the command surgeon of Multi-National Forces Iraq.

Colonel Allgood comes from a strong military family and followed in the footsteps of his father, who was a Army doctor and a Vietnam War veteran.

Colonel Allgood was a remarkable soldier, an exceptional doctor and a devoted husband and father who served in the Army to keep this Nation free and sacrificed his life for our safety and security.

I thank Colonel Brian D. Allgood for his service to our country, and I offer my deepest condolences to his family.

PUBLICATION OF THE RULES OF THE COMMITTEE ON AGRICULTURE, 110TH CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. PETERSON) is recognized for 5 minutes.

Mr. PETERSON of Minnesota. Madam Speaker, I am pleased to submit for printing in the CONGRESSIONAL RECORD, pursuant to Rule XI, clause 2(a) of the Rules of the House, a copy of the Rules of the Committee on Agriculture, which were adopted at the organizational meeting of the Committee on January 23, 2007.

Appendix A of the Committee Rules will include excerpts from the Rules of the House relevant to the operation of the Committee. Appendix B will include relevant excerpts from the Congressional Budget Act of 1974. In the interests of minimizing printing costs, Appendices A and B are omitted from this submission.

RULES OF THE COMMITTEE ON AGRICULTURE, 110TH CONGRESS

RULE I.—GENERAL PROVISIONS

(a) Applicability of House Rules.—(1) The Rules of the House shall govern the procedure of the Committee and its subcommittees, and the rules of the Committee on Agriculture so far as applicable shall be interpreted in accordance with the Rules of the House, except that a motion to recess from day to day, and a motion to dispense with the first reading (in full) of a bill or resolution, if printed copies are available, are nondebatable privileged motions in the Committee and its subcommittees. (See Appendix A for the applicable Rules of the U.S. House of Representatives.)

(2) As provided in clause 1(a)(2) of House Rule XI, each subcommittee is part of the Committee and is subject to the authority and direction of the Committee and its rules so far as applicable. (See also Committee rules III, IV, V, VI, VII and X, infra.)

(b) Authority to Conduct Investigations.—The Committee and its subcommittees, after consultation with the Chairman of the Committee, may conduct such investigations and studies as they may consider necessary or appropriate in the exercise of their responsibilities under Rule X of the Rules of the House and in accordance with clause 2(m) of House Rule XI.

(c) Authority to Print.—The Committee is authorized by the Rules of the House to have printed and bound testimony and other data presented at hearings held by the Committee and its subcommittees. All costs of stenographic services and transcripts in connection with any meeting or hearing of the Committee and its subcommittees shall be paid from applicable accounts of the House described in clause 1(i)(1) of House Rule X in accordance with clause 1(c) of House Rule XI. (See also paragraphs (d), (e) and (f) of Committee rule VIII.)

(d) Vice Chairman.—The Member of the majority party on the Committee or subcommittee designated by the Chairman of the full Committee shall be the vice chairman of the Committee or subcommittee in accordance with clause 2(d) of House Rule XI.

(e) Presiding Member.—If the Chairman of the Committee or subcommittee is not present at any Committee or subcommittee meeting or hearing, the vice chairman shall preside. If the Chairman and vice chairman of the Committee or subcommittee are not present at a Committee or subcommittee meeting or hearing the ranking Member of the majority party who is present shall preside in accordance with clause 2(d), House Rule XI.

(f) Activities Report.—(1) The Committee shall submit to the House, not later than January 2 of each odd-numbered year, a report on the activities of the Committee under Rules X and XI of the Rules of the House during the Congress ending on January 3 of such year. (See also Committee rule VIII (h)(2).)

(2) Such report shall include separate sections summarizing the legislative and oversight activities of the Committee during that Congress.

(3) The oversight section of such report shall include a summary of the oversight plans submitted by the Committee pursuant to clause 2(d) of House Rule X, a summary of the actions taken and recommendations made with respect to each such plan, and a summary of any additional oversight activities undertaken by the Committee, and any recommendations made or actions taken with respect thereto.

(g) Publication of Rules.—The Committee's rules shall be published in the Congressional Record not later than thirty days after the Committee is elected in each odd-numbered year as provided in clause 2(a) of House Rule XI.

(h) Joint Committee Reports of Investigation or Study.—A report of an investigation or study conducted jointly by more than one committee may be filed jointly, provided that each of the committees complies independently with all requirements for approval and filing of the report.

RULE II.—COMMITTEE BUSINESS MEETINGS—REGULAR, ADDITIONAL AND SPECIAL

(a) Regular Meetings.—(1) Regular meetings of the Committee, in accordance with clause 2(b) of House Rule XI, shall be held on the first Wednesday of every month to transact its business unless such day is a holiday, or Congress is in recess or is adjourned, in which case the Chairman shall determine the regular meeting day of the Committee, if any, for that month. The Chairman shall provide each member of the Committee, as far in advance of the day of the regular meeting as practicable, a written agenda of such meeting. Items may be placed on the agenda by the Chairman or a majority of the Committee. If the Chairman believes that there will not be any bill, resolution or other matter considered before the full Committee and there is no other business to be transacted at a regular meeting, the meeting may be cancelled or it may be deferred until such time as, in the judgment of the Chairman, there may be matters which require the Committee's consideration. This paragraph shall not apply to meetings of any subcommittee. (See paragraph (f) of Committee rule X for provisions that apply to meetings of subcommittees.)

(b) Additional Meetings.—The Chairman may call and convene, as he or she considers necessary, after consultation with the Ranking Minority Member of the Committee, additional meetings of the Committee for the consideration of any bill or resolution pending before the Committee or for the conduct of other Committee business. The Committee shall meet for such additional meetings pursuant to a notice from the Chairman.

(c) Special Meetings.—If at least three members of the Committee desire that a special meeting of the Committee be called by the Chairman, those members may file in the offices of the Committee their written request to the Chairman for such special meeting. Such request shall specify the measure or matters to be considered. Immediately upon the filing of the request, the Majority Staff Director (serving as the clerk of the Committee for such purpose) shall notify the Chairman of the filing of the request. If, within three calendar days after the filing of the request, the Chairman does not call the requested special meeting to be held within 7 calendar days after the filing of the request, a majority of the members of the Committee may file in the offices of the Committee their written notice that a special meeting of the Committee will be held, specifying the date and hour thereof, and the measures or matter to be considered at that special meeting in accordance with clause 2(c)(2) of House Rule XI. The Committee shall meet on that date and hour. Immediately upon the filing of the notice, the Majority Staff Director (serving as the clerk) of the Committee shall notify all members of the Committee that such meeting will be held and inform them of its date and hour and the measure or matter to be considered, and only the measure or matter specified in that notice may be considered at that special meeting.

RULE III.—OPEN MEETINGS AND HEARINGS; BROADCASTING

(a) Open Meetings and Hearings.—Each meeting for the transaction of business, including the markup of legislation, and each hearing by the Committee or a subcommittee shall be open to the public unless closed in accordance with clause 2(g) of House Rule XI. (See Appendix A.)

(b) Broadcasting and Photography.—Whenever a Committee or subcommittee meeting for the transaction of business, including the markup of legislation, or a hearing is open to the public, that meeting or hearing shall be open to coverage by television, radio, and still photography in accordance with clause 4 of House Rule XI (See Appendix A). When such radio coverage is conducted in the Committee or subcommittee, written notice to that effect shall be placed on the desk of each Member. The Chairman of the Committee or subcommittee, shall not limit the number of television or still cameras permitted in a hearing or meeting room to fewer than two representatives from each medium (except for legitimate space or safety considerations, in which case pool coverage shall be authorized).

(c) Closed Meetings—Attendees.—No person other than Members of the Committee or subcommittee and such congressional staff and departmental representatives as the Committee or subcommittee may authorize shall be present at any business or markup session that has been closed to the public as provided in clause 2(g)(1) of House Rule XI.

(d) Addressing the Committee.—A Committee member may address the Committee or a subcommittee on any bill, motion, or other matter under consideration (See Committee rule VII(e) relating to questioning a witness at a hearing). The time a member may address the Committee or subcommittee for any such purpose shall be limited to five minutes, except that this time limit may be waived by unanimous consent. A member shall also be limited in his or her remarks to the subject matter under consideration, unless the Member receives unanimous consent to extend his or her remarks beyond such subject.

(e) Meetings To Begin Promptly.—Subject to the presence of a quorum, each meeting or hearing of the Committee and its subcommittees shall begin promptly at the time so stipulated in the public announcement of the meeting or hearing.

(f) Prohibition on Proxy Voting.—No vote by any Member of the Committee or subcommittee with respect to any measure or matter may be cast by proxy.

(g) Location of Persons at Meetings.—No person other than the Committee or subcommittee Members and Committee or subcommittee staff may be seated in the rostrum area during a meeting of the Committee or subcommittee unless by unanimous consent of Committee or subcommittee.

(h) Consideration of Amendments and Motions.—A Member, upon request, shall be recognized by the Chairman to address the Committee or subcommittee at a meeting for a period limited to five minutes on behalf of an amendment or motion offered by the Member or another Member, or upon any other matter under consideration, unless the Member receives unanimous consent to extend the time limit. Every amendment or motion made in Committee or subcommittee shall, upon the demand of any Member present, be reduced to writing, and a copy thereof shall be made available to all Members present. Such amendment or motion shall not be pending before the Committee or subcommittee or voted on until the requirements of this paragraph have been met.

(i) Demanding Record Vote.—

(1) A record vote of the Committee or subcommittee on a question or action shall be ordered on a demand by one-fifth of the Members present.

(2) The Chairman of the Committee or Subcommittee may postpone further proceedings when a record vote is ordered on the question of approving a measure or matter or on adopting an amendment. If the Chairman postpones further proceedings:

(A) the Chairman may resume such postponed proceedings, after giving Members adequate notice, at a time chosen in consultation with the Ranking Minority Member; and

(B) notwithstanding any intervening order for the previous question, the underlying proposition on which proceedings were postponed shall remain subject to further debate or amendment to the same extent as when the question was postponed.

(j) Submission of Motions or Amendments in Advance of Business Meetings.—The Committee and subcommittee Chairman may request and Committee and subcommittee Members should, insofar as practicable, cooperate in providing copies of proposed amendments or motions to the Chairman and the Ranking Minority Member of the Committee or the subcommittee twenty-four hours before a Committee or subcommittee business meeting.

(k) Points of Order.—No point of order against the hearing or meeting procedures of the Committee or subcommittee shall be entertained unless it is made in a timely fashion.

(l) Limitation on Committee Sittings.—The Committee or subcommittees may not sit during a joint session of the House and Senate or during a recess when a joint meeting of the House and Senate is in progress.

(m) Prohibition of Wireless Telephones.—Use of wireless phones during a committee or subcommittee hearing or meeting is prohibited.

RULE IV.—QUORUMS

(a) Working Quorum.—One-third of the members of the Committee or a subcommittee shall constitute a quorum for taking any action, other than as noted in paragraphs (b) and (c).

(b) Majority Quorum.—A majority of the members of the Committee or subcommittee shall constitute a quorum for:

(1) the reporting of a bill, resolution or other measure (See clause 2(h)(1) of House Rules XI, and Committee rule VIII);

(2) the closing of a meeting or hearing to the public pursuant to clauses 2(g) and 2(k)(5) of the Rule XI of the Rules of the House; and

(3) the authorizing of a subpoena as provided in clause 2(m)(3), of House Rule XI. (See also Committee rule VI.)

(c) Quorum for Taking Testimony.—Two members of the Committee or subcommittee shall constitute a quorum for the purpose of taking testimony and receiving evidence.

RULE V.—RECORDS

(a) Maintenance of Records.—The Committee shall keep a complete record of all Committee and subcommittee action which shall include—

(1) in the case of any meeting or hearing transcripts, a substantially verbatim account of remarks actually made during the proceedings, subject only to technical, grammatical and typographical corrections authorized by the person making the remarks involved, and

(2) written minutes shall include a record of all Committee and subcommittee action and a record of all votes on any question and a tally on all record votes.

The result of each such record vote shall be made available by the Committee for inspection by the public at reasonable times in the offices of the Committee and by telephone request. Information so available for public inspection shall include a description of the amendment, motion, order or other proposition and the name of each member voting for and each member voting against such amendment, motion, order, or proposition, and the names of those members present but not voting.

(b) Access to and Correction of Records.—Any public witness, or person authorized by such witness, during Committee office hours in the Committee offices and within two weeks of the close of hearings, may obtain a transcript copy of that public witness's testimony and make such technical, grammatical and typographical corrections as authorized by the person making the remarks involved as will not alter the nature of testimony given. There shall be prompt return of such corrected copy of the transcript to the Committee. Members of the Committee or subcommittee shall receive copies of transcripts for their prompt review and correction and prompt return to the Committee. The Committee or subcommittee may order the printing of a hearing record without the corrections of any Member or witness if it determines that such Member or witness has been afforded a reasonable time in which to make such corrections and further delay would seriously impede the consideration of the legislative action that is subject of the hearing. The record of a hearing shall be closed ten calendar days after the last oral testimony, unless the Committee or subcommittee determines otherwise. Any person requesting to file a statement for the record of a hearing must so request before the hearing concludes and must file the statement before the record is closed unless the Committee or subcommittee determines otherwise. The Committee or subcommittee may reject any statement in light of its length or its tendency to defame, degrade, or incriminate any person.

(c) Property of the House.—All Committee and subcommittee hearings, records, data, charts, and files shall be kept separate and distinct from the congressional office records of the Members serving as Chairman and such records shall be the property of the House and all Members of the House shall have access thereto. The Majority Staff Director shall promptly notify the Chairman and the Ranking Minority Member of any request for access to such records.

(d) Availability of Archived Records.—The records of the Committee at the National Archives and Records Administration shall be made available for public use in accordance with House Rule VII. The Chairman shall notify the Ranking Minority Member of the Committee of the need for a Committee order pursuant to clause 3(b)(3) or clause 4(b) of such House Rule, to withhold a record otherwise available.

(e) Special Rules for Certain Records and Proceedings.—A stenographic record of a business meeting of the Committee or subcommittee may be kept and thereafter may be published if the Chairman of the Committee, after consultation with the Ranking Minority Member, determines there is need for such a record. The proceedings of the Committee or subcommittee in a closed meeting, evidence or testimony in such meeting, shall not be divulged unless otherwise determined by a majority of the Committee or subcommittee.

(f) Electronic Availability of Committee Publications.—To the maximum extent feasible, the Committee shall make its publications available in electronic form.

RULE VI.—POWER TO SIT AND ACT; SUBPOENA POWER

(a) Authority to Sit and Act.—For the purpose of carrying out any of its function and duties under House Rules X and XI, the Committee and each of its subcommittees is authorized (subject to paragraph (b)(1) of this rule)—

(1) to sit and act at such times and places within the United States whether the House is in session, has recessed, or has adjourned and to hold such hearings, and

(2) to require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers and documents, as it deems necessary. The Chairman of the Committee or subcommittee, or any member designated by the Chairman, may administer oaths to any witness.

(b) Issuance of Subpoenas.—(1) A subpoena may be authorized and issued by the Committee or subcommittee under paragraph (a)(2) in the conduct of any investigation or series of investigations or activities, only when authorized by a majority of the members voting, a majority being present, as provided in clause 2(m)(3)(A) of House Rule XI. Such authorized subpoenas shall be signed by the Chairman of the Committee or by any member designated by the Committee. As soon as practicable after a subpoena is issued under this rule, the Chairman shall notify all members of the Committee of such action.

(2) Notice of a meeting to consider a motion to authorize and issue a subpoena should be given to all Members of the Committee by 5 p.m. of the day preceding such meeting.

(3) Compliance with any subpoena issued by the Committee or subcommittee under paragraph (a)(2) may be enforced only as authorized or directed by the House.

(4) A subpoena duces tecum may specify terms of return other than at a meeting or hearing of the committee or subcommittee authorizing the subpoena.

(c) Expenses of Subpoenaed Witnesses.—Each witness who has been subpoenaed, upon the completion of his or her testimony before the Committee or any subcommittee, may report to the offices of the Committee, and there sign appropriate vouchers for travel allowances and attendance fees to which he or she is entitled. If hearings are held in cities other than Washington D.C., the subpoenaed witness may contact the Majority Staff Director of the Committee, or his or her representative, before leaving the hearing room.

RULE VII.—HEARING PROCEDURES

(a) Power to Hear.—For the purpose of carrying out any of its functions and duties under House Rule X and XI, the Committee and its subcommittees are authorized to sit and hold hearings at any time or place within the United States whether the House is in session, has recessed, or has adjourned. (See paragraph (a) of Committee rule VI and paragraph (f) of Committee rule X for provisions relating to subcommittee hearings and meetings.)

(b) Announcement.—The Chairman of the Committee shall after consultation with the Ranking Minority Member of the Committee, make a public announcement of the date, place and subject matter of any Committee hearing at least one week before the commencement of the hearing. The Chairman of a subcommittee shall schedule a hearing only after consultation with the Chairman of the Committee and after consultation with the Ranking Minority Member of the subcommittee, and the Chairmen of the other subcommittees after such consultation with the Committee Chairman, and shall request the Majority Staff Director to make a public announcement of the date, place, and subject matter of such hearing at least one week before the hearing. If the Chairman of the Committee or the subcommittee, with concurrence of the Ranking Minority Member of the Committee or subcommittee, determines there is good cause to begin the hearing sooner, or if the Committee or subcommittee so determines by majority vote, a quorum being present for the transaction of business, the Chairman of the Committee or subcommittee, as appropriate, shall request the Majority Staff Director to make such public announcement at the earliest possible date. The clerk of the Committee shall promptly notify the Daily Digest Clerk of the Congressional Record, and shall promptly enter the appropriate information into the Committee scheduling service of the House Information Systems as soon as possible after such public announcement is made.

(c) Scheduling of Witnesses.—Except as otherwise provided in this rule, the scheduling of witnesses and determination of the time allowed for the presentation of testimony at hearings shall be at the discretion of the Chairman of the Committee or subcommittee, unless a majority of the Committee or subcommittee determines otherwise.

(d) Written Statement; Oral Testimony.—(1) Each witness who is to appear before the Committee or a subcommittee, shall insofar as practicable file with the Majority Staff Director of the Committee, at least two working days before day of his or her appearance, a written statement of proposed testimony. Witnesses shall provide sufficient copies of their statement for distribution to Committee or subcommittee Members, staff, and the news media. Insofar as practicable, the Committee or subcommittee staff shall distribute such written statements to all Members of the Committee or subcommittee as soon as they are received as well as any official reports from departments and agencies on such subject matter. All witnesses may be limited in their oral presentations to brief summaries of their statements within the time allotted to them, at the discretion of the Chairman of the Committee or subcommittee, in light of the nature of the testimony and the length of time available.

(2) As noted in paragraph (a) of Committee rule VI, the Chairman of the Committee or one of its subcommittees, or any Member designated by the Chairman, may administer an oath to any witness.

(3) To the greatest extent practicable, each witness appearing in a non-governmental capacity shall include with the written statement of proposed testimony a curriculum vitae and disclosure of the amount and source (by agency and program) of any Federal grant (or subgrant thereof) or contract (or subcontract thereof) received during the current fiscal year or either of the two preceding fiscal years.

(e) Questioning of Witnesses.—Committee or subcommittee Members may question witnesses only when they have been recognized by the Chairman of the Committee or subcommittee for that purpose. Each Member so recognized shall be limited to questioning a witness for five minutes until such time as each Member of the Committee or subcommittee who so desires has had an opportunity to question the witness for five minutes; and thereafter the Chairman of the Committee or subcommittee may limit the time of a further round of questioning after giving due consideration to the importance of the subject matter and the length of time available. All questions put to witnesses shall be germane to the measure or matter under consideration. Unless a majority of the Committee or subcommittee determines otherwise, no committee or subcommittee staff shall interrogate witnesses.

(f) Extended Questioning for Designated Members.—Notwithstanding paragraph (e), the Chairman and Ranking Minority member may designate an equal number of Members from each party to question a witness for a period not longer than 60 minutes.

(g) Witnesses for the Minority.—When any hearing is conducted by the Committee or any subcommittee upon any measure or matter, the minority party members on the Committee or subcommittee shall be entitled, upon request to the Chairman by a majority of those minority members before the completion of such hearing, to call witnesses selected by the minority to testify with respect to that measure or matter during at least one day of hearing thereon as provided in clause 2(j)(1) of House Rule XI.

(h) Summary of Subject Matter.—Upon announcement of a hearing, to the extent practicable, the Committee shall make available immediately to all members of the Committee a concise summary of the subject matter (including legislative reports and other material) under consideration. In addition, upon announcement of a hearing and subsequently as they are received, the Chairman of the Committee or subcommittee shall, to the extent practicable, make available to the members of the Committee any official reports from departments and agencies on such matter. (See Committee rule X(f).)

(i) Open Hearings.—Each hearing conducted by the Committee or subcommittee shall be open to the public, including radio, television and still photography coverage, except as provided in clause 4 of House Rule XI (see also Committee rule III (b).). In any event, no Member of the House may be excluded from nonparticipatory attendance at any hearing unless the House by majority vote shall authorize the Committee or subcommittee, for purposes of a particular series of hearings on a particular bill or resolution or on a particular subject of investigation, to close its hearings to Members by means of the above procedure.

(j) Hearings and Reports.—(1)(i) The Chairman of the Committee or subcommittee at a hearing shall announce in an opening statement the subject of the investigation. A copy of the Committee rules (and the applicable provisions of clause 2 of House Rule XI, regarding hearing procedures, an excerpt of which appears in Appendix A thereto) shall be made available to each witness upon request. Witnesses at hearings may be accompanied by their own counsel for the purpose of advising them concerning their constitutional rights. The Chairman of the Committee or subcommittee may punish breaches of order and decorum, and of professional ethics on the part of counsel, by censure and exclusion from the hearings; but only the full Committee may cite the offender to the House for contempt.

(ii) Whenever it is asserted by a member of the committee that the evidence or testimony at a hearing may tend to defame, degrade, or incriminate any person, or it is asserted by a witness that the evidence or testimony that the witness would give at a hearing may tend to defame, degrade, or incriminate the witness, such testimony or evidence shall be presented in executive session, notwithstanding the provisions of paragraph (j) of this rule, if by a majority of those present, there being in attendance the requisite number required under the rules of the Committee to be present for the purpose of taking testimony, the Committee or subcommittee determines that such evidence or testimony may tend to defame, degrade, or incriminate any person. The Committee or subcommittee shall afford a person an opportunity voluntarily to appear as a witness;

and the Committee or subcommittee shall receive and shall dispose of requests from such person to subpoena additional witnesses.

(iii) No evidence or testimony taken in executive session may be released or used in public sessions without the consent of the Committee or subcommittee. In the discretion of the Committee or subcommittee, witnesses may submit brief and pertinent statements in writing for inclusion in the record. The Committee or subcommittee is the sole judge of the pertinency of testimony and evidence adduced at its hearings. A witness may obtain a transcript copy of his or her testimony given at a public session or, if given at an executive session, when authorized by the Committee or subcommittee. (See paragraph (c) of Committee rule V.)

(2) A proposed investigative or oversight report shall be considered as read if it has been available to the members of the Committee for at least 24 hours (excluding Saturdays, Sundays, or legal holidays except when the House is in session on such day) in advance of their consideration.

RULE VIII.—THE REPORTING OF BILLS AND RESOLUTIONS

(a) Filing of Reports.—The Chairman shall report or cause to be reported promptly to the House any bill, resolution, or other measure approved by the Committee and shall take or cause to be taken all necessary steps to bring such bill, resolution, or other measure to a vote. No bill, resolution, or measure shall be reported from the Committee unless a majority of Committee is actually present. A Committee report on any bill, resolution, or other measure approved by the Committee shall be filed within seven calendar days (not counting days on which the House is not in session) after the day on which there has been filed with the Majority Staff Director of the Committee a written request, signed by a majority of the Committee, for the reporting of that bill or resolution. The Majority Staff Director of the Committee shall notify the Chairman immediately when such a request is filed.

(b) Content of Reports.—Each Committee report on any bill or resolution approved by the Committee shall include as separately identified sections:

(1) a statement of the intent or purpose of the bill or resolution;

(2) a statement describing the need for such bill or resolution;

(3) a statement of Committee and subcommittee consideration of the measure including a summary of amendments and motions offered and the actions taken thereon;

(4) the results of the each record vote on any amendment in the Committee and subcommittee and on the motion to report the measure or matter, including the names of those Members and the total voting for and the names of those Members and the total voting against such amendment or motion (See clause 3(b) of House rule XIII);

(5) the oversight findings and recommendations of the Committee with respect to the subject matter of the bill or resolution as required pursuant to clause 3(c)(1) of House Rule XIII and clause 2(b)(1) of House Rule X;

(6) the detailed statement described in section 308(a) of the Congressional Budget Act of 1974 if the bill or resolution provides new budget authority (other than continuing appropriations), new spending authority described in section 401(c)(2) of such Act, new credit authority, or an increase or decrease in revenues or tax expenditures, except that the estimates with respect to new budget authority shall include, when practicable, a comparison of the total estimated funding level for the relevant program (or programs) to the appropriate levels under current law;

(7) the estimate of costs and comparison of such estimates, if any, prepared by the Director of the Congressional Budget Office in connection with such bill or resolution pursuant to section 402 of the Congressional Budget Act of 1974 if submitted in timely fashion to the Committee;

(8) a statement of general performance goals and objectives, including outcome-related goals and objectives, for which the measure authorizes funding;

(9) a statement citing the specific powers granted to the Congress in the Constitution to enact the law proposed by the bill or joint resolution;

(10) an estimate by the committee of the costs that would be incurred in carrying out such bill or joint resolution in the fiscal year in which it is reported and for its authorized duration or for each of the five fiscal years following the fiscal year of reporting, whichever period is less (see Rule XIII, clause 3(d)(2), (3) and (h)(2), (3)), together with—

(i) a comparison of these estimates with those made and submitted to the Committee by any Government agency when practicable, and (ii) a comparison of the total estimated funding level for the relevant program (or programs) with appropriate levels under current law (The provisions of this clause do not apply if a cost estimate and comparison prepared by the Director of the Congressional Budget Office under section 403 of the Congressional Budget Act of 1974 has been timely submitted prior to the filing of the report and included in the report);

(11) a list of congressional earmarks, limited tax benefits, and limited tariff benefits in the bill or in the report (and the name of any Member, Delegate, or Resident Commissioner who submitted a request to the committee for each respective item included in such list) or a statement that the proposition contains no congressional earmarks, limited tax benefits, or limited tariff benefits;

(12) the changes in existing law (if any) shown in accordance with clause 3 of House Rule XIII;

(13) the determination required pursuant to section 5(b) of Public Law 92–463, if the legislation reported establishes or authorizes the establishment of an advisory committee; and

(14) the information on Federal and intergovernmental mandates required by section 423(c) and (d) of the Congressional Budget Act of 1974, as added by the Unfunded Mandates Reform Act of 1995 (P.L. 104–4).

(15) a statement regarding the applicability of section 102(b)(3) of the Congressional Accountability Act, Public Law 104–1.

(c) Supplemental, Minority, or Additional Views.—If, at the time of approval of any measure or matter by the Committee, any Member of the Committee gives notice of intention to file supplemental, minority, or additional views, that Member shall be entitled to not less than two subsequent calendar days (excluding Saturdays, Sundays, and legal holidays except when the House is in session on such date) in which to file such views, in writing and signed by that Member, with the Majority Staff Director of the Committee. When time guaranteed by this paragraph has expired (or if sooner, when all separate views have been received), the Committee may arrange to file its report with the Clerk of the House not later than one hour after the expiration of such time. All such views (in accordance with House Rule XI, clause 2(l) and House Rule XIII, clause 3(a)(1)), as filed by one or more Members of the Committee, shall be included within and made a part of the report filed by the Committee with respect to that bill or resolution.

(d) Printing of Reports.—The report of the Committee on the measure or matter noted in paragraph (a) above shall be printed in a single volume, which shall:

(1) include all supplemental, minority or additional views that have been submitted by the time of the filing of the report; and

(2) bear on its cover a recital that any such supplemental, minority, or additional views (and any material submitted under House Rule XII, clause 3(a)(1)) are included as part of the report.

(e) Immediate Printing; Supplemental Reports.—Nothing in this rule shall preclude (1) the immediate filing or printing of a Committee report unless timely request for the opportunity to file supplemental, minority, or additional views has been made as provided by paragraph (c), or (2) the filing by the Committee of any supplemental report on any bill or resolution that may be required for the correction of any technical error in a previous report made by the Committee on that bill or resolution.

(f) Availability of Printed Hearing Records.—If hearings have been held on any reported bill or resolution, the Committee shall make every reasonable effort to have the record of such hearings printed and available for distribution to the Members of the House prior to the consideration of such bill or resolution by the House. Each printed hearing of the Committee or any of its subcommittees shall include a record of the attendance of the Members.

(g) Committee Prints.—All Committee or subcommittee prints or other Committee or subcommittee documents, other than reports or prints of bills, that are prepared for public distribution shall be approved by the Chairman of the Committee or the Committee prior to public distribution.

(h) Post Adjournment Filing of Committee Reports.—(1) After an adjournment of the last regular session of a Congress sine die, an investigative or oversight report approved by the Committee may be filed with the Clerk at any time, provided that if a member gives notice at the time of approval of intention to file supplemental, minority, or additional views, that member shall be entitled to not less than seven calendar days in which to submit such views for inclusion with the report.

(2) After an adjournment of the last regular session of a Congress sine die, the Chairman of the Committee may file at any time with the Clerk the Committee's activity report for that Congress pursuant to clause 1(d)(1) of rule XI of the Rules of the House without the approval of the Committee, provided that a copy of the report has been available to each member of the Committee for at least seven calendar days and the report includes any supplemental, minority, or additional views submitted by a member of the Committee.

(i) The Chairman is directed to offer a motion under clause 1 of rule XXII of the Rules of the House whenever the Chairman considers it appropriate.

RULE IX.—OTHER COMMITTEE ACTIVITIES

(a) Oversight Plan.—Not later than February 15 of the first session of a Congress, the Chairman shall convene the Committee in a meeting that is open to the public and with a quorum present to adopt its oversight plans for that Congress. Such plans shall be submitted simultaneously to the Committee on Government Reform and to the Committee on House Administration. In developing such plans the Committee shall, to the maximum extent feasible—

(1) consult with other committees of the House that have jurisdiction over the same or related laws, programs, or agencies within its jurisdiction, with the objective of ensuring that such laws, programs, or agencies are reviewed in the same Congress and that there is a maximum of coordination between such committees in the conduct of such reviews; and such plans shall include an explanation of what steps have been and will be taken to ensure such coordination and cooperation;

(2) review specific problems with federal rules, regulations, statutes, and court decisions that are ambiguous, arbitrary, or nonsensical, or that impose severe financial burdens on individuals; and

(3) give priority consideration to including in its plans the review of those laws, programs, or agencies operating under permanent budget authority or permanent statutory authority; and

(4) have a view toward ensuring that all significant laws, programs, or agencies within its jurisdiction are subject to review at least once every ten years.

The Committee and its appropriate subcommittees shall review and study, on a continuing basis, the impact or probable impact of tax policies affecting subjects within its jurisdiction as provided in clause 2(d) of House Rule X. The Committee shall include in the report filed pursuant to clause 1(d) of House Rule XI a summary of the oversight plans submitted by the Committee under clause 2(d) of House Rule X, a summary of actions taken and recommendations made with respect to each such plan, and a summary of any additional oversight activities undertaken by the Committee and any recommendations made or actions taken thereon.

(b) Annual Appropriations.—The Committee shall, in its consideration of all bills and joint resolutions of a public character within its jurisdiction, ensure that appropriations for continuing programs and activities of the Federal government and the District of Columbia government will be made annually to the maximum extent feasible and consistent with the nature, requirements, and objectives of the programs and activities involved. The Committee shall review, from time to time, each continuing program within its jurisdiction for which appropriations are not made annually in order to ascertain whether such program could be modified so that appropriations therefor would be made annually.

(c) Budget Act Compliance: Views and Estimates (See Appendix B).—Not later than six weeks after the President submits his budget under section 1105(a) of title 31, United State Code, or at such time as the Committee on the Budget may request, the Committee shall submit to the Committee on the Budget (1) its views and estimates with respect to all matters to be set forth in the concurrent resolution on the budget for the ensuing fiscal year (under section 301 of the Congressional Budget Act of 1974—see Appendix B) that are within its jurisdiction or functions; and (2) an estimate of the total amounts of new budget authority, and budget outlays resulting therefrom, to be provided or authorized in all bills and resolutions within its jurisdiction that it intends to be effective during that fiscal year.

(d) Budget Act Compliance: Recommended Changes.—Whenever the Committee is directed in a concurrent resolution on the budget to determine and recommend changes in laws, bills, or resolutions under the reconciliation process, it shall promptly make such determination and recommendations, and report a reconciliation bill or resolution (or both) to the House or submit such recommendations to the Committee on the Budget, in accordance with the Congressional Budget Act of 1974 (See Appendix B).

(e) Conference Committees.—Whenever in the legislative process it becomes necessary to appoint conferees, the Chairman shall, after consultation with the Ranking minority member, determine the number of conferees the Chairman deems most suitable and then recommend to the Speaker as conferees, in keeping with the number to be appointed by the Speaker as provided in House Rule I, clause 11, the names of those Members of the Committee of not less than a majority who generally supported the House position and who were primarily responsible for the legislation. The Chairman shall, to the fullest extent feasible, include those Members of the Committee who were the principal proponents of the major provisions of the bill as it passed the House and such other Committee Members of the majority party as the Chairman may designate in consultation with the Members of the majority party. Such recommendations shall provide a ratio of majority party Members to minority party Members no less favorable to the majority party than the ratio of majority party Members to minority party Members on the Committee. In making recommendations of Minority Party Members as conferees, the Chairman shall consult with the Ranking Minority Member of the Committee.

RULE X.—SUBCOMMITTEES

(a) Number and Composition.—There shall be such subcommittees as specified in paragraph (c) of this rule. Each of such subcommittees shall be composed of the number of members set forth in paragraph (c) of this rule, including ex officio members. The Chairman and Ranking Minority Member of the Committee serve as ex officio Members of the Subcommittees. (See paragraph (e) of this Rule.) The Chairman may create additional subcommittees of an ad hoc nature as the Chairman determines to be appropriate subject to any limitations provided for in the House Rules.

(b) Ratios.—On each subcommittee, there shall be a ratio of majority party members to minority party members which shall be consistent with the ratio on the full Committee. In calculating the ratio of majority party members to minority party members, there shall be included the ex officio members of the subcommittees and ratios below reflect that fact.

(c) Jurisdiction.—Each subcommittee shall have the following general jurisdiction and number of members:

Conservation, Credit, Energy, and Research (28 Members, 15 Majority and 13 Minority).—Soil, water, and resource conservation, small watershed program, energy and biobased energy production, rural electrification, agricultural credit, and agricultural research, education and extension services.

Department Operations, Oversight, Nutrition and Forestry (13 Members, 7 Majority and 6 Minority).—Agency oversight, review and analysis, special investigations, food stamps, nutrition and consumer programs, forestry in general, and forest reserves other than those created from the public domain.

General Farm Commodities and Risk Management (20 Members, 11 Majority and 9 Minority).—Program and markets related to cotton, cottonseed, wheat, feed grains, soybeans, oilseeds, rice, dry beans, peas, lentils, the Commodity Credit Corporation, crop insurance, and commodity exchanges.

Horticulture and Organic Agriculture (13 Members, 7 Majority and 6 Minority).—Fruits and vegetables, honey and bees, marketing and promotion orders, plant pesticides, quarantine, adulteration of seeds, and insect pests, and organic agriculture.

Livestock, Dairy, and Poultry (20 Members, 11 Majority and 9 Minority).—Livestock, dairy, poultry, meat, seafood and seafood products, inspection, marketing, and promotion of such commodities, aquaculture, animal welfare, and grazing.

Specialty Crops, Rural Development and Foreign Agriculture (13 Members, 7 Majority and 6 Minority).—Peanuts, sugar, tobacco, marketing orders relating to such commodities, rural development, farm security and family farming matters, biotechnology, foreign agricultural assistance, and trade promotion programs, generally.

(d) Referral of Legislation.—

(1)(a) In General.—All bills, resolutions, and other matters referred to the Committee shall be referred to all subcommittees of appropriate jurisdiction within 2 weeks after being referred to the Committee. After consultation with the Ranking Minority Member, the Chairman may determine that the Committee will consider certain bills, resolutions, or other matters.

(b) Trade Matters.—Unless action is otherwise taken under subparagraph (3), bills, resolutions, and other matters referred to the Committee relating to foreign agriculture, foreign food or commodity assistance, and foreign trade and marketing issues will be considered by the Committee.

(2) The Chairman, by a majority vote of the Committee, may discharge a subcommittee from further consideration of any bill, resolution, or other matter referred to the subcommittee and have such bill, resolution or other matter considered by the Committee. The Committee having referred a bill, resolution, or other matter to a subcommittee in accordance with this rule may discharge such subcommittee from further consideration thereof at any time by a vote of the majority members of the Committee for the Committee's direct consideration or for reference to another subcommittee.

(3) Unless the Committee, a quorum being present, decides otherwise by a majority vote, the Chairman may refer bills, resolutions, legislation or other matters not specifically within the jurisdiction of a subcommittee, or that is within the jurisdiction of more than one subcommittee, jointly or exclusively as the Chairman deems appropriate, including concurrently to the subcommittees with jurisdiction, sequentially to the subcommittees with jurisdiction (subject to any time limits deemed appropriate), divided by subject matter among the subcommittees with jurisdiction, or to an ad hoc subcommittee appointed by the Chairman for the purpose of considering the matter and reporting to the Committee thereon, or make such other provisions deemed appropriate.

(e) Participation and Service of Committee Members on Subcommittees.—(1) The Chairman and the Ranking Minority Member shall serve as ex officio members of all subcommittees and shall have the right to vote on all matters before the subcommittees. The Chairman and the Ranking Minority

Member may not be counted for the purpose of establishing a quorum.

(2) Any member of the Committee who is not a member of the subcommittee may have the privilege of sitting and nonparticipatory attendance at subcommittee hearings or meetings in accordance with clause 2(g)(2) of House Rule XI. Such member may not:

(i) vote on any matter;

(ii) be counted for the purpose of establishing a quorum;

(iii) participate in questioning a witness under the five minute rule, unless permitted to do so by the subcommittee Chairman in consultation with the Ranking Minority Member or a majority of the subcommittee, a quorum being present;

(iv) raise points of order; or

(v) offer amendments or motions.

(f) Subcommittee Hearings and Meetings.—(1) Each subcommittee is authorized to meet, hold hearings, receive evidence, and make recommendations to the Committee on all matters referred to it or under its jurisdiction after consultation by the subcommittee Chairmen with the Committee Chairman. (See Committee rule VII.)

(2) After consultation with the Committee Chairman, subcommittee Chairmen shall set dates for hearings and meetings of their subcommittees and shall request the Majority Staff Director to make any announcement relating thereto. (See Committee rule VII(b).) In setting the dates, the Committee Chairman and subcommittee Chairman shall consult with other subcommittee Chairmen and relevant Committee and Subcommittee Ranking Minority Members in an effort to avoid simultaneously scheduling Committee and subcommittee meetings or hearings to the extent practicable.

(3) Notice of all subcommittee meetings shall be provided to the Chairman and the Ranking Minority Member of the Committee by the Majority Staff Director.

(4) Subcommittees may hold meetings or hearings outside of the House if the Chairman of the Committee and other subcommittee Chairmen and the Ranking Minority Member of the subcommittee is consulted in advance to ensure that there is no scheduling problem. However, the majority of the Committee may authorize such meeting or hearing.

(5) The provisions regarding notice and the agenda of Committee meetings under Committee rule II(a) and special or additional meetings under Committee rule II(b) shall apply to subcommittee meetings.

(6) If a vacancy occurs in a subcommittee chairmanship, the Chairman may set the dates for hearings and meetings of the subcommittee during the period of vacancy. The Chairman may also appoint an acting subcommittee Chairman until the vacancy is filled.

(g) Subcommittee Action.—(1) Any bill, resolution, recommendation, or other matter forwarded to the Committee by a subcommittee shall be promptly forwarded by the subcommittee Chairman or any subcommittee member authorized to do so by the subcommittee. (2) Upon receipt of such recommendation, the Majority Staff Director of the Committee shall promptly advise all members of the Committee of the subcommittee action.

(3) The Committee shall not consider any matters recommended by subcommittees until two calendar days have elapsed from the date of action, unless the Chairman or a majority of the Committee determines otherwise.

(h) Subcommittee Investigations.—No investigation shall be initiated by a subcommittee without the prior consultation with the Chairman of the Committee or a majority of the Committee.

RULE XI.—COMMITTEE BUDGET, STAFF, AND TRAVEL

(a) Committee Budget.—The Chairman, in consultation with the majority members of the Committee, and the minority members of the Committee, shall prepare a preliminary budget for each session of the Congress. Such budget shall include necessary amounts for staff personnel, travel, investigation, and other expenses of the Committee and subcommittees. After consultation with the Ranking Minority Member, the Chairman shall include an amount budgeted to minority members for staff under their direction and supervision. Thereafter, the Chairman shall combine such proposals into a consolidated Committee budget, and shall take whatever action is necessary to have such budget duly authorized by the House.

(b) Committee Staff.—(1) The Chairman shall appoint and determine the remuneration of, and may remove, the professional and clerical employees of the Committee not assigned to the minority. The professional and clerical staff of the Committee not assigned to the minority shall be under the general supervision and direction of the Chairman, who shall establish and assign the duties and responsibilities of such staff members and delegate such authority as he or she determines appropriate. (See House Rule X, clause 9)

(2) The Ranking Minority member of the Committee shall appoint and determine the remuneration of, and may remove, the professional and clerical staff assigned to the minority within the budget approved for such purposes. The professional and clerical staff assigned to the minority shall be under the general supervision and direction of the Ranking Minority Member of the Committee who may delegate such authority as he or she determines appropriate.

(3) From the funds made available for the appointment of Committee staff pursuant to any primary or additional expense resolution, the Chairman shall ensure that each subcommittee is adequately funded and staffed to discharge its responsibilities and that the minority party is fairly treated in the appointment of such staff (See House Rule X, clause 6(d)).

(c) Committee Travel.—(1) Consistent with the primary expense resolution and such additional expense resolution as may have been approved, the provisions of this rule shall govern official travel of Committee members and Committee staff regarding domestic and foreign travel (See House rule XI, clause 2(n) and House Rule X, clause 8 (reprinted in Appendix A)). Official travel for any member or any Committee staff member shall be paid only upon the prior authorization of the Chairman. Official travel may be authorized by the Chairman for any Committee Member and any Committee staff member in connection with the attendance of hearings conducted by the Committee and its subcommittees and meetings, conferences, facility inspections, and investigations which involve activities or subject matter relevant to the general jurisdiction of the Committee. Before such authorization is given there shall be submitted to the Chairman in writing the following:

(i) The purpose of the official travel;

(ii) The dates during which the official travel is to be made and the date or dates of the event for which the official travel is being made;

(iii) The location of the event for which the official travel is to be made; and

(iv) The names of members and Committee staff seeking authorization.

(2) In the case of official travel of members and staff of a subcommittee to hearings, meetings, conferences, facility inspections and investigations involving activities or subject matter under the jurisdiction of such subcommittee to be paid for out of funds allocated to the Committee, prior authorization must be obtained from the subcommittee Chairman and the full Committee Chairman. Such prior authorization shall be given by the Chairman only upon the representation by the applicable subcommittee Chairman in writing setting forth those items enumerated in clause (1).

(3) Within 60 days of the conclusion of any official travel authorized under this rule, there shall be submitted to the Committee Chairman a written report covering the information gained as a result of the hearing, meeting, conference, facility inspection or investigation attended pursuant to such official travel.

(4) Local currencies owned by the United States shall be made available to the Committee and its employees engaged in carrying out their official duties outside the United States, its territories or possessions. No appropriated funds shall be expended for the purpose of defraying expenses of Members of the Committee or is employees in any country where local currencies are available for this purpose; and the following conditions shall apply with respect to their use of such currencies;

(i) No Member or employee of the Committee shall receive or expend local currencies for subsistence in any country at a rate in excess of the maximum per diem rate set forth in applicable Federal law; and

(ii) Each Member or employee of the Committee shall make an itemized report to the Chairman within 60 days following the completion of travel showing the dates each country was visited, the amount of per diem furnished, the cost of transportation furnished, and any funds expended for any other official purpose, and shall summarize in these categories the total foreign currencies and appropriated funds expended. All such individual reports shall be filed by the Chairman with the Committee on House Administration and shall be open to public inspection.

RULE XII.—AMENDMENT OF RULES

These rules may be amended by a majority vote of the Committee. A proposed change in these rules shall not be considered by the Committee as provided in clause 2 of House Rule XI, unless written notice of the proposed change has been provided to each Committee member two legislative days in advance of the date on which the matter is to be considered. Any such change in the rules of the Committee shall be published in the Congressional Record within 30 calendar days after its approval.

PUBLICATION OF THE RULES OF THE COMMITTEE ON HOMELAND SECURITY, 110TH CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Mississippi (Mr. THOMPSON) is recognized for 5 minutes.

Mr. THOMPSON of Mississippi. Madam Speaker, in accordance with clause 2(a) of Rule XI of the Rules of the House of Representatives, I respectfully submit the rules of the Committee on Homeland Security for printing in the CONGRESSIONAL RECORD. The Committee on Homeland Security adopted these rules by voice vote, a quorum being present, at our organizational meeting on January 23, 2007.

COMMITTEE ON HOMELAND SECURITY, COMMITTEE RULES, ADOPTED JANUARY 23, 2007

RULE L.—GENERAL PROVISIONS.

(A) Applicability of the Rules of the U.S. House of Representatives.—The Rules of the U.S. House of Representatives (the "House") are the rules of the Committee on Homeland Security (the "Committee") and its subcommittees insofar as applicable.

(B) Applicability to Subcommittees.—Except where the terms "Full Committee" and "subcommittee" are specifically mentioned, the following rules shall apply to the Committee's subcommittees and their respective Chairmen and Ranking Minority Members to the same extent as they apply to the Full Committee and its Chairman and Ranking Minority Member.

(C) Appointments by the Chairman.—The Chairman shall designate a Member of the Majority party to serve as Vice Chairman of the Full Committee. The Vice Chairman of the Full Committee shall preside at any meeting or hearing of the Full Committee during the temporary absence of the Chairman. In the absence of both the Chairman and Vice Chairman, the Chairman's designee shall preside.

(D) Recommendation of Conferees.—Whenever the Speaker of the House is to appoint a conference committee on a matter within the jurisdiction of the Full Committee, the Chairman shall recommend to the Speaker of the House conferees from the Full Committee. In making recommendations of Minority Members as conferees, the Chairman shall do so with the concurrence of the Ranking Minority Member of the Committee.

(E) Motions To Disagree.—The Chairman is directed to offer a motion under clause 1 of Rule XXII of the Rules of the House whenever the Chairman considers it appropriate.

(F) Committee Website.—The Chairman shall maintain an official Committee web site for the purposes of furthering the Committee's legislative and oversight responsibilities, including communicating information about the Committee's activities to Committee Members, other Members and the public at large. The Ranking Minority Member may maintain a similar website for the same purposes.

RULE II.—TIME OF MEETINGS

(A) Regular Meeting Date.—The regular meeting date and time for the transaction of business of the Full Committee shall be on the first Wednesday that the House is in Session each month, unless otherwise directed by the Chairman.

(B) Additional Meetings.—At the discretion of the Chairman, additional meetings of the Committee may be scheduled for the consideration of any bill or other matters pending before the Committee or to conduct other Committee business. The Committee shall meet for such purposes pursuant to the call of the Chairman.

(C) Consideration.—Except in the case of a special meeting held under clause 2(c)(2) of House Rule XI, the determination of the business to be considered at each meeting of the Committee shall be made by the Chairman.

RULE III.—NOTICE AND PUBLICATION

(A) Notice.—

(1) Hearings.—The date, time, place and subject matter of any hearing of the Committee shall, except as provided in the Committee rules, be announced by notice at least one week in advance of the commencement of such hearing. The names of all witnesses scheduled to appear at such hearing shall be provided to Members no later than 48 hours prior to the commencement of such hearing. These notice requirements may be waived by the Chairman with the concurrence of the Ranking Minority Member.

(2) Meetings.—The date, time, place and subject matter of any meeting, other than a hearing or a regularly scheduled meeting, shall be announced at least 36 hours in advance of a meeting to take place on a day the House is in session, and 72 hours in advance of a meeting to take place on a day the House is not in session, except in the case of a special meeting called under clause 2(c)(2) of House Rule XI. These notice requirements may be waived by the Chairman with the Concurrence of the Ranking Minority Member.

(a) Copies of any measure to be considered for approval by the Committee at any meeting, including any mark, print or amendment in the of a substitute shall be provided to the Members at least 24 hours in advance.

(b) The requirement in subsection (a) may be waived or abridged by the Chairman, with advance notice to the Ranking Minority Member.

(3) Publication.—The meeting or hearing announcement shall be promptly published in the Daily Digest portion of the Congressional Record. To the greatest extent practicable, meeting announcements shall be entered into the Committee scheduling service of the House Information Resources.

RULE IV.—OPEN MEETINGS AND HEARINGS; BROADCASTING

(A) Open Meetings.—All meetings and hearings of the Committee shall be open to the public including to radio, television and still photography coverage, except as provided by Rule XI of the Rules of the House or when the Committee, in open session and with a Majority present, determines by recorded vote that all or part of the remainder of that hearing on that day shall be closed to the public because disclosure of testimony, evidence, or other matters to be considered would endanger the national security, compromise sensitive law enforcement information, tend to defame, degrade or incriminate a witness, or violate any law or role of the House of Representatives.

(B) Broadcasting.—Whenever any hearing or meeting conducted by the Committee is open to the public, the Committee shall permit that hearing or meeting to be covered by television broadcast, internet broadcast, print media, and still photography, or by any of such methods of coverage. in accordance with the provisions of clause 4 of Rule XI of the Rules of the House. Operation and use of any Committee operated broadcast system shall be fair and nonpartisan and in accordance with clause 4(b) of Rule XI and all other applicable rules of the Committee and the House. Priority shall be given by the Committee to members of the Press Galleries.

(C) Transcripts.—A transcript shall be made of the testimony of each witness appearing before the Committee during a Committee hearing. All transcripts of meetings or hearings that are open to the public shall be made available.

RULE V.—PROCEDURES FOR MEETINGS AND HEARINGS

(A) Opening Statements.—At any meeting of the Committee, the Chairman and Ranking Minority Member shall be entitled to present oral opening statements of five minutes each. Other Members may submit written opening statements for the record. The Chairman presiding over the meeting may permit additional opening statements by other Members of the Full Committee or of that subcommittee, with the concurrence of the Ranking Minority Member.

(B) The Five-Minute Rule.—The time anyone Member may address the Committee on any bill, motion, or other matter under consideration by the Committee shall not exceed five minutes, and then only when the Member bas been recognized by the Chairman, except that this time limit may be extended when permitted by unanimous consent.

(C) Postponement of Vote.—The Chairman may postpone further proceedings when a record vote is ordered on the question of approving any measure or matter or adopting an amendment. The Chairman may resume proceedings on a postponed vote at any time, provided that all reasonable steps have been taken to notify Members of the resumption of such proceedings. When proceedings resume on a postponed question, notwithstanding any intervening order for the previous question, an underlying proposition shall remain subject to further debate or amendment to the same extent as when the question was postponed.

(D) Contempt Procedures.—No recommendation that a person cited for contempt of Congress shall be forwarded to the House unless and until the Full Committee has, upon notice to all its Members, met and considered the alleged contempt. The person to be cited for contempt shall be afforded, upon notice of at least 72 hours, an opportunity to state why he or she should not be held in contempt prior to a vote of the Full Committee, with a quorum being present, on the question whether to forward such recommendation to the House. Such statement shall be, in the discretion of the Chairman, either in writing or in person before the Full Committee.

RULE VI.—WITNESSES

(A) Questioning of Witnesses.—

(1) Questioning of witnesses by-Members will be conducted under the five-minute rule unless the Committee adopts a motion permitted by House Rule XI (2)(j)(2).

(2) In questioning witnesses under the 5-minute rule, the Chairman and the Ranking Minority Member shall first be recognized. In a subcommittee meeting or hearing, the Chairman and Ranking Minority Member of the Full Committee are then recognized. All other Members that arrive before the commencement of the meeting or hearing will be recognized in the order of seniority on the Committee, alternating between Majority and Minority Members. Committee Members arriving after the commencement of the hearing shall be recognized in order of appearance, alternating between Majority and Minority Members, after all Members present at the beginning of the hearing have been recognized. Each Member shall be recognized at least once before any Member is given a second opportunity to question a witness.

(3) The Chairman, in consultation with the Ranking Minority Member, or the Committee by motion may permit an extension of the period of questioning of a witness beyond five minutes but the time allotted must be equally apportioned to the Majority party and the Minority and may not exceed one hour in the aggregate.

(4) The Chairman, in consultation with the Ranking Minority Member, or the Committee by motion may permit Committee

staff of the Majority and Minority to question a witness for a specified, total period that is equal for each side and not longer than 30 minutes for each side.

(B) Minority Witnesses.—Whenever a hearing is conducted by the Committee upon any measure or matter, the Minority party Members on the Committee shall be entitled, upon request to the Chairman by a Majority of those Minority Members before the completion of such hearing, to call witnesses selected by the Minority to testify with respect to that measure or matter during at least one day of hearing thereon.

(C) Oath or Affirmation.—The Chairman of the Committee or any Member designated by the Chairman, may administer an path to any witness.

(D) Statements by Witnesses.—

(1) Consistent with the notice given, witnesses shall submit a prepared or written statement for the record of the proceedings (including, where practicable, an electronic copy) with the Clerk of the Committee no less than 48 hours in advance of the witness's appearance before the Committee. Unless the 48 hour requirement is waived or otherwise modified by the Chairman after consultation with the Ranking Minority Member, the failure to comply with this requirement may result in the exclusion of the written testimony from the hearing record and/or the baring of an oral presentation of the testimony.

(2) To the greatest extent practicable, the written testimony of each witness appearing in a non-governmental capacity shall include a curriculum vitae and a disclosure of the amount and source (by agency and program) of any Federal grant (or thereof) or contract (or subcontract thereof) received during the current fiscal year or either of the two preceding fiscal years by the witness or by an entity represented by the witness to the extent that such information is relevant to the subject matter of, and the witness' representational capacity at, the hearing.

RULE VII.—QUORUM

Quorum Requirements.—Two Members shall constitute a quorum for purposes of taking testimony and receiving evidence. One-third of the Members of the Committee shall constitute a quorum for conducting business, except for (1) reporting a measure or recommendation; (2) closing Committee meetings to the public, pursuant to Committee Rule IV; (3) authorizing the issuance of subpoenas; and (4) any other action for which actual majority quorum is required by any rule of the House of Representatives or by law. The Chairman shall make reasonable efforts, including consultation with the Ranking Minority Member when scheduling meetings and hearings, to ensure that a quorum for any purpose will include at least one minority Member of the Committee.

RULE VIII.—DECORUM

(A) Breaches of Decorum.—The Chairman may punish breaches of order and decorum, by censure and exclusion from the hearing; and the Committee may cite the offender to the House for contempt.

(B) Access to Dais.—Access to the dais before, during and after a hearing, markup, or other meeting of the Committee shall be limited to Members and staff of the Committee. Subject to availability of space on the dais, a Member may have a personal staff present on the dais during periods when the Member is seated on the dais at the hearing.

(C) Wireless Communications Use Prohibited.—During a hearing, markup, or other meeting of the Committee, ringing or audible sounds or conversational use of cellular telephones or other electronic devices is prohibited in the Committee room.

RULE IX.—SUBCOMMITTEES

(A) Generally.—The Full Committee shall be organized into the following six standing subcommittees:

(1) Subcommittee on Border, Maritime and Global counterterrorism;

(2) Subcommittee on Emergency Communications, Preparedness, and Response;

(3) Subcommittee on Transportation Security and Infrastructure Protection;

(4) Subcommittee on Intelligence, Information Sharing and Terrorism Risk Assessment;

(5) Subcommittee on Emerging Threats, Cybersecurity, and Science and Technology; and

(6) Subcommittee on Management, Investigations, and Oversight.

(B) Selection and Ratio of Subcommittee Members.—The Chairman and Ranking Member of the Full Committee shall select their respective Members of each subcommittee. The ratio of Majority to Minority Members shall be comparable to the ratio of Majority to Minority Members on the Full Committee, except that each subcommittee shall have at least two more Majority Members than Minority Members.

(C) Ex Officio Members.—The Chairman and Ranking Minority Member of the Full Committee shall be ex officio members of each subcommittee but are not authorized to vote on matters that arise before each subcommittee. The Chairman and Ranking Minority Member of the Full Committee shall not be counted to satisfy the quorum requirement for any purpose other than taking testimony unless they are regular members of that subcommittee.

(D) Powers and Duties of Subcommittees.—Except as otherwise directed by the Chairman of the Full Committee, each subcommittee is authorized to meet, hold hearings, receive testimony, mark up legislation, and report to the Full Committee on all matters within its purview. Subcommittee Chairmen shall set hearing and meeting dates only with the approval of the Chairman of the Full Committee. To the greatest extent practicable, no more than one meeting and hearing should be scheduled for a given time.

(E) Special Voting Provision.—If a tie vote occurs in a subcommittee on the question of reporting any measure to the Full Committee, the measure shall be placed on the agenda for Full Committee consideration as if it had been ordered reported by the subcommittee without recommendation.

(F) Task Force or Select Subcommittees.—The Chairman, with the concurrence of the Ranking Minority Member, may create task forces of limited duration to carry out specifically enumerated duties and functions within the jurisdiction of the Committee subject to any limitations provided for in the House Rules or other Caucus or Conference Rules. Any task force created under this rule shall be subject to all applicable Committee and House rules and other laws in the conduct of its duties and functions.

RULE X.—REFERRALS TO SUBCOMMITTEES

Referral of Bills and Other Matters by Chairman.—Except for bills and other matters retained by the Chairman for Full Committee consideration, each bill or other matters referred to the Full Committee shall be referred by the Chairman to one or more subcommittees. In referring any measure or matter to a subcommittee, the Chair may specify a date by which the subcommittee shall report thereon to the Full Committee. Bills or other matters referred to subcommittees may be reassigned or discharged by the Chairman.

RULE XI.—SUBPOENAS

(A) Authorization.—Pursuant to clause 2(m) of Rule XI of the House, a subpoena may be authorized and issued under the seal of the House and attested by the Clerk of the House, and may be served by any person designated by the Full Committee for the furtherance of an investigation with authorization by—

(1) a majority of the Full Committee, a quorum being present; or

(2) the Chairman of the Full Committee, after consultation with the Ranking Minority Member of the Full Committee, during any period for which the House has adjourned for a period in excess of 3 days when, in the opinion of the Chairman of the Full Committee authorization and issuance of the subpoena is necessary to obtain the material or testimony set forth in the subpoena. The Chairman of the Full Committee shall notify Members of the Committee of the authorization and issuance of a subpoena under this rule as soon as practicable, but in no event later than one week after service of such subpoena

(B) Disclosure.—Provisions may be included in a subpoena with the concurrence of the Chairman and the Ranking Minority Member of the Full Committee, or by the Committee, to prevent the disclosure of the Full Committee's demands for information when deemed necessary for the security of information or the progress of an investigation, including but not limited to prohibiting the revelation by witnesses and their counsel of Full Committee's inquiries.

(C) Subpoena duces tecum.—A subpoena duces tecum may be issued whose return to the Committee Clerk shall occur at a time and place other than that of a regularly scheduled meeting.

(D) Affidavits and Depositions.—The Chairman of the Full Committee, in consultation with the Ranking Minority Member of the Full Committee, or the Committee may authorize the taking of an affidavit or deposition with respect to any person who is subpoenaed under these rules but who is unable to appear in person to testify as a witness at any hearing or meeting. Notices for the taking of depositions shall specify the date, time and place of examination. Depositions shall be taken under oath administered by a Member or a person otherwise authorized by law to administer oaths. Prior consultation with the Ranking Minority Member of the Full Committee shall include written notice three business days before any deposition is scheduled to provide an opportunity for Minority staff to be present during the questioning.

RULE XII.—COMMITTEE STAFF

(A) Generally.— Committee staff members are subject to the provisions of clause 9 of House Rule X and must be eligible to be considered for routine access to classified information.

(B) Staff Assignments.—For purposes of these rules, Committee staff means the employees of the Committee, detailees, fellows or any other person engaged by contract or otherwise to perform services for, or at the request of, the Committee. All such persons shall be either Majority, Minority, or shared staff. The Chairman shall appoint, determine remuneration of, supervise and may remove Majority staff. The Ranking Minority Member shall appoint, determine remuneration of, supervise and may remove Minority staff. In consultation with the Ranking Minority Member, the Chairman may appoint, determine remuneration of, supervise and may remove shared staff that is assigned to service of the Committee. The Chairman shall certify Committee staff appointments, including appointments by the Ranking Minority Member, as required.

(C) Divulgence of Information.—Prior to the public acknowledgement by the Chairman or the Committee of a decision to initiate an investigation of a particular person, entity, or subject, no member of the Committee staff shall knowingly divulge to any person any information, including non-classified information, which comes into his or her possession by virtue of his or her status as a member of the Committee staff, if the member of the Committee staff has a reasonable expectation that such information may alert the subject of a Committee investigation to the existence, nature, or substance of such investigation, unless authorized to do so by the Chairman or the Committee.

RULE XIII.—MEMBER AND STAFF TRAVEL

(A) Approval of Travel.—Consistent with the primary expense resolution and such additional expense resolutions as may have been approved, travel to be reimbursed from funds set aside for the Committee for any Member or any Committee staff shall be paid only upon the prior authorization of the Chairman. Travel may be authorized by the Chairman for any Member and any Committee staff only in connection with official Committee business, such as the attendance of hearings conducted by the Committee and meetings, conferences, site visits, and investigations that involve activities or subject matter under the general jurisdiction of the Full Committee.

(1) Proposed Travel by Majority Party Members and Staff.—In the case of proposed travel by Majority party Members or Committee staff, before such authorization is given, there shall be submitted to the Chairman in writing the following: (a) the purpose of the travel; (b) the dates during which the travel is to be made and the date or dates of the event for which the travel is being made; (c) the location of the event for which the travel is to be made; and (d) the names of Members and staff seeking authorization. On the basis of that information, the Chairman shall determine whether the proposed travel is for official Committee business, concerns subject matter within the jurisdiction of the Full Committee, and is not excessively costly in view of the Committee business proposed to be conducted.

(2) Proposed Travel by Minority Party Members and Staff.—In the case of proposed travel by Minority party Members or Committee staff, the Ranking Minority Member shall provide to the Chairman a written representation setting forth the information specified in items (a), (b), (c), and (d) of subparagraph (1) and his or her determination that such travel complies with the other requirements of subparagraph (1).

(B) Foreign Travel.—All Committee Member and staff requests for Committee-funded foreign travel must be submitted to the Chairman, through the Chief Financial Officer of the Committee, not less than seven business days prior to the start of the travel. Within 60 days of the conclusion of any such foreign travel authorized under this rule, there shall be submitted to the Chairman a written report summarizing the information gained as a result of the travel in question, or other Committee objectives served by such travel.

RULE XIV.—CLASSIFIED AND OTHER CONFIDENTIAL INFORMATION

(A) Security Precautions.—Committee staff offices, including Majority and Minority offices, shall operate under strict security precautions administered by the Security Officer of the Committee. A security officer shall be on duty at all times during normal office hours. Classified documents and sensitive but unclassified (SBU) documents (including but not limited to those marked with dissemination restrictions such as Sensitive Security Information (SSI), Law Enforcement Sensitive (LES), For Official Use Only (FOUO), or Critical Infrastructure Information (CII) may be examined only in an appropriately secure manner. Such documents may be removed from the Committee's offices in furtherance of official Committee business. Appropriate security procedures shall govern the handing of such documents removed from the Committee's offices.

(B) Temporary Custody of Executive Branch Material.—Executive branch documents or other materials containing classified information in any form that were not made part of the record of a Committee hearing, did not originate in the Committee or the House, and are not otherwise records of the Committee shall, while in the custody of the Committee, be segregated and maintained by the Committee in the same manner as Committee records that are classified. Such documents and other materials shall be returned to the Executive branch agency from which they were obtained at the earliest practicable time.

(C) Access by Committee Staff.—Access to classified information supplied to the Committee shall be limited to Committee staff members with appropriate security clearance and a need-to-know, as determined by the Chairman and Ranking Minority Member and under their direction of the Majority and Minority Staff Directors.

(D) Maintaining Confidentiality.—No Member of the Committee or Committee staff shall disclose, in whole or in part or by way of summary, to any person who is not a Member of the Committee or an authorized member of Committee staff for any purpose or in connection with any proceeding, judicial or otherwise, any testimony given before the Committee in executive session. Classified information and sensitive but unclassified (SBU) information (including but not limited to documents marked with dissemination restrictions such as Sensitive Security Information (SSI), Law Enforcement Sensitive (LES), For Official Use Only (FOUO), or Critical Infrastructure Information (CII) shall be handled in accordance with all applicable provisions of law and consistent with the provisions of these rules.

(E) Oath.—Before a Member or Committee staff member may have access to classified information, the following oath (or affirmation) shall be executed: "I do solemnly swear (or affirm) that I will not disclose any classified information received in the course of my service on the Committee on Homeland Security, except as authorized by the Committee or the House of Representatives or in accordance with the Rules of such Committee or the Rules of the House."

Copies of the executed oath (or affirmation) shall be retained by the Clerk as part of the records of the Committee.

(F) Disciplinary Action.—The Chairman shall immediately consider disciplinary action in the event any Committee Member or member of the Committee staff fails to conform to the provisions of these rules governing the disclosure of classified or unclassified information. Such disciplinary action may include, but shall not be limited to, immediate dismissal from the Committee staff, criminal referral to the Justice Department, and notification of the Speaker of the House. With respect to Minority party staff, the Chairman shall consider such disciplinary action in consultation with the Ranking Minority Member.

RULE XV.—COMMITTEE RECORDS

(A) Committee Records.—Committee Records shall constitute all data, charts and files in possession of the Committee and shall be maintained in accordance with House Rule XI, clause 2(e).

(B) Legislative Calendar.—The Clerk of the Committee shall maintain a printed calendar for the information of each Committee Member showing any procedural or legislative measures considered or scheduled to be considered by the Committee, and the status of such measures and such other matters as the Committee determines shall be included. The calendar shall be revised from time to time to show pertinent changes. A copy of such revisions shall be made available to each Member of the Committee upon request.

(C) Members Right To Access.—Members of the Committee and of the House shall have access to all official Committee Records. Access to Committee files shall be limited to examination within the Committee offices at reasonable times. Access to Committee Records that contain classified information shall be provided in a manner consistent with these rules.

(D) Removal of Committee Records.—Files and records of the Committee are not to be removed from the Committee offices. No Committee files or records that are not made publicly available shall be photocopied by any Member.

(E) Executive Session Records.—Evidence or testimony received by the Committee in executive session shall not be released or made available to the public unless agreed to by the Committee. Members may examine the Committee's executive session records, but may not make copies of, or take personal notes from, such records.

(F) Public Inspection.—The Committee shall keep a complete record of all Committee action including recorded votes. Information so available for public inspection shall include a description of each amendment, motion, order or other proposition and the name of each Member voting for and each Member voting against each such amendment, motion, order, or proposition, as well as the names of those Members present but not voting. Such record shall be made available to the public at reasonable times within the Committee offices.

(G) Separate and Distinct.—All Committee records and files must be kept separate and distinct from the office records of the Members serving as Chairman and Ranking Minority Member. Records and files of Members' personal offices shall not be considered records or files of the Committee.

(H) Disposition of Committee Records.—At the conclusion of each Congress, non-current records of the Committee shall be delivered to the Archivist of the United States in accordance with Rule VII of the Rules of the House.

(I) Archived Records.—The records of the Committee at the National Archives and Records Administration shall be made available for public use in accordance with Rule VII of the Rules of the House. The Chairman shall notify the Ranking Minority Member of any decision, pursuant to clause 3(b)(3) or clause 4(b) of the Rule, to withhold a record otherwise available, and the matter shall be presented to the Committee for a determination on the written request of any member of the Committee. The Chairman shall consult with the Ranking Minority Member on any communication from the Archivist of the United States or the Clerk of the House concerning the disposition of noncurrent records pursuant to clause 3(b) of the Rule.

RULE XVI.—CHANGES TO COMMITTEE RULES

These rules may be modified, amended, or repealed by the Full Committee provided that a notice in writing of the proposed change has been given to each Member at least 48 hours prior to the meeting at which action thereon is to be taken.

OFFICIAL TRUTH SQUAD

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Georgia (Mr. PRICE) is recognized for 60 minutes as the designee of the minority leader.

Mr. PRICE of Georgia. Mr. Speaker, I am so honored and pleased to be able to come to the House floor once again with another version, another edition of what we call the Official Truth Squad.

The role of the Official Truth Squad is to attempt to try to bring some honesty and factual information to the floor of the House of Representatives. Mr. Speaker, as you well know, oftentimes that is difficult to find. Today was no exception on the floor of the House as we tried to, through the debate we had, make sure that facts were being presented and information was reliable upon which people make their decisions was being presented.

I am honored by the leadership on the Republican side of the aisle to come to the floor tonight and share with the American people and talk about issues that are of great concern, some of which have been dealt with as recently as today.

On the Official Truth Squad, we have a favorite quote which comes from Daniel Patrick Moynihan, who was a United States Senator from New York. He said, "Everyone is entitled to their own opinion, but they are not entitled to their own facts."

Mr. Speaker, no place could that ring more true than right here in the halls of Congress. .We get a lot of opportunity to observe process here. We talk about process a lot. We talk about rules a lot. Many people say, what difference does that make? What difference do the rules make? And a lot of people, many people, say, on my side, say you don't want to talk about process. It is difficult for the American people to understand or appreciate.

But what process does in a democratic institution, and this being the finest democratic institution in the world, the people's House, what process does is allow all voices to be heard and allow all points of view to be heard.

I would suggest, Mr. Speaker, if you think about it and if my friends on both sides of the aisle would think about it, we all appreciate that we don't have Republican challenges or Republican problems or Democrat problems or Democrat challenges. We have American challenges, American challenges that are best solved when we all work together and come up with the best and most correct solution for our Nation.

But, sadly, Mr. Speaker, we haven't had much of that with this new Congress. That is, the opportunity to have input into the process. Again, the reason that the process is so important, because if you lock people out of the ability to have input into the process, then what happens, the individuals, the citizens, the American citizens that those people represent, those people who are locked out of the process, those American citizens are without a voice. They don't have a voice in the process.

Mr. Speaker, I think that is not only unfair, it is undemocratic, and so I would respectfully suggest to my friends on the other side of the aisle that they ought to look at the rules that they have adopted and they ought to look at the process that they have gone through for these first 3 or 4 weeks that we have been in Congress and try to be true to their principles, or their stated principles, and make certain that all folks are able to be involved in the process. Because it makes a difference. It does indeed make a difference.

Today, we took up on the floor of the House what was called a continuing resolution. It was, in fact, an omnibus bill. It was a spending bill.

The last Congress, the one that was in place prior to the beginning of this month, the House did its job from a financial standpoint relatively efficiently. We passed all of our spending bills, appropriations bills, to try to figure out how to spend the hard-earned money from the taxpayer. We got our business done pretty quickly.

The bills that we sent over to the Senate sat there and sat there and sat there. Consequently, what happened was we came to the end of 2006 and there was no agreement between the Senate and the House about those appropriations bills. So what we passed was a continuing resolution.

Mr. Speaker, the continuing resolution that we passed, which was truly a continuing resolution, which just meant that you continued to spend the same amount of money in the programs that were in place in the Federal Government; and to do that it doesn't take much language. In fact, the bill was two short pages. If you had a little larger page, it would be one page. Because all it says in legal terms is we will continue to spend the amount of money that we spent last year. That bill runs the government spending through February 15.

So something else had to be done; and the other side said, we will do a continuing resolution. We will continue spending money at the same rate on the same programs because their committees haven't got up and running. They cannot figure out exactly what the process ought to be to allow people to have input into it, so we will just have a continuing resolution. So they presented their, quote, continuing resolution.

Well, Mr. Speaker, that continuing resolution I have here, this H.J. Res, is 137 pages long.

Mr. Speaker, that is a fact. It is not an opinion, that is a fact.

Now the continuing resolution that could continue the spending for our Nation, responsible spending at the lowest possible level given the amount of spending that has occurred over the past number of months of this fiscal year, could just be continued with a two-page resolution that says, yes, indeed, we will continue that spending.

In fact, what the majority party has done is passed a 137-page omnibus bill. It is not a continuing resolution in spite of what they say. The reason that is important is the process was not in place to allow input by almost anybody. Not just Republicans, but Democrats as well, and certainly freshmen Democrats, had no input into the process.

What is in this bill is all sorts of special spending, picking winners and losers and rewarding friends in this bill that the other side, the Democrat majority side, says is just a continuing resolution.

Well, Mr. Speaker, we have some principles on our side, and one of them is that no process deserves more public scrutiny than the way in which the hard-earned taxpayer money is spent. No process deserves more scrutiny than the way in which hard-earned taxpayer money is spent.

In fact, what happened today is the spending or the concurrence by the House of Representatives, the vast majority of them being Democrat, that we would spend $463 billion, that is with a "B", Mr. Speaker, $463 billion on the omnibus bill that they have presented.

And there are so many things that we would like to talk about tonight that relate to process and to policy, and I am pleased to be joined by good friends who will highlight some of those items.

A member of the Official Truth Squad, a Member who brings highlight and honesty to our deliberations joins me this evening, the gentlewoman from Tennessee (Mrs. BLACKBURN). I appreciate your being with us, and I look forward to your comments.

Mrs. BLACKBURN. Mr. Speaker, I thank the gentleman from Georgia. He does such a wonderful job of pulling the Truth Squad together and helping us focus on the issues that are important to our constituents and of concern to our constituents and of concern to all Americans.

Certainly the process that we have seen carried out here in the House of Representatives is one that causes us concern. For those of us who respect regular order, who respect the integrity of the House, to see an omnibus spending bill go straight from the drafting table of a couple of Members, one in the Senate and one in the House, and then come directly to the floor for a vote is of tremendous concern.

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We all know that our Nation has a process that was laid forth in the founding of this Nation, a process by which this body would conduct its business on behalf of the people, the people's House. Today, as I heard some of my colleagues across the aisle talk about how we had returned to regular order, I thought, oh, my goodness, I do not think this is what people had in mind.

I really do not think, Mr. Speaker, that when people went to the polls in November and voted and said we want to see a change in things, we want greater accountability, we want greater transparency and we are frustrated with what we have seen in Washington. I do not think this is what they had in mind, and certainly we would hope this is not the process that the Democrat majority will follow as they talk about what is going to be regular order.

What the gentleman from Georgia just said about the omnibus is so very true. As he said, this is a continuing resolution. It requires two sheets of paper. It is a total of about 40 lines of type. That is it. It just says we abide by the budget that was in place in 2006. Our constituents may remember that the budget that we passed in 2006 was the budget that made 1 percent across-the-board reductions in spending, 1 percent. It was a $40 billion savings to the American people.

Now, the budget, this omnibus budget, this 137 pages is going to end up spending about $17 billion more. So they are reducing and doing away with the savings that we worked hard to put in place.

The thing that is of tremendous concern to me, and I am so delighted to see the gentleman from California (Mr. HUNTER) who is such an advocate for our military and is really, having chaired our Armed Services Committee, speaks so well to that issue and I know he is going to talk about it, but it just breaks my heart to know that our National Guard troops and our troops at Ft. Campbell, which is located in my district, are going to have far less money for quality of life because of the actions that were taken in this budget and the way in this budget, in this document, H.J. Res. 20, and people can go online and pull this up and look, and how they have taken from military quality of life, money that should be going to our military families and have moved that to other departments; how they took money from our military quality of life, $50 million, and that is given to the Palestinian Authority. That is something that with my constituents has certainly raised a lot of questions.

The thing that interested me when it came to the issue of the earmarks was they had said, oh, no earmarks are going to be in this budget, and then I found out that, well, there were earmarks that were in the budget. Nevada seems to have earmarks. Other States seem to have some curious earmarks that are left in there, but then there are funds that are turned back to the agencies.

I said, well, how does this money get spent? Is it done with letters of instruction? How is it done? What I found out was that the process that they would revert to, and I guess this is regular order, would be the process before money started being earmarked. It is where you pick up the phone and you call the agency and say let me tell you how I think we need to spend that money.

My constituents long ago said they did not want the activities of smoke-filled rooms. They wanted more transparency and the American people wanted to see greater accountability, and I think that we will continue to hear from our constituents. They want a smaller budget that is going to be more responsible of their money. This is not our money. It is the taxpayers' money. Government does not have a revenue problem. With the tax reductions that have been passed, the Federal Government has brought in more money than ever.

What government has is a spending problem. It has a priority problem, and this big, bloated budget that was passed today is a budget that will continue to fund a bloated bureaucracy that just cannot get enough of our constituents' money.

I was disappointed today with the actions of the majority. I was disappointed in how they chose to carry it out. I do hope that we see a change in the way they carried forth, and to the gentleman from Georgia, I will tell you, I hope that we continue to see a return to a respect for how we address the people's business in this House.

We talked some about one man, one vote and the sanctity of that and the importance of that, and I do hope that everyone will continue to keep their focus on being certain that we respect that for our constituents.

I thank the gentleman for the time.

Mr. PRICE of Georgia. Thank you so much. I appreciate your perspective and your insight and your wonderful words about accountability, because that is really what it is all about, Mr. Speaker. It is about accountability. It is about holding people here in this House accountable for what they said they were going to do.

Elections are wonderful things. Every 2 years, the American people get to go to the polls and they get to say we like how things are going and we want to support that or we think there ought to be a change. In November of last year, the American people voted for change, but I do not believe, as I know my good friend from Tennessee does not believe, that the American people voted for higher spending or greater deficits, which is what the Democrat majority in the House of Representatives today adopted.

I do know also that they did not vote to decrease money for our armed services, for our military men and women who are working as hard as they can, day and night, to make certain they keep us safe. In fact, what they have done indeed with this bill that was adopted today is to decrease the amount of revenue available for our fighting men and women and especially the base realignment and closure which is what gives the efficiency to the system.

Nobody knows about that better than the former chairman of the Armed Services Committee than my good friend from California, the honorable DUNCAN HUNTER, and I appreciate so much his taking part in this hour this evening. I look forward to your comments.

Mr. HUNTER. Mr. Speaker, I want to thank my friend from Georgia for letting me come in and offer something that I did not see offered by the Democrat side in this debate, which was the Army's position on this continuing resolution.

In fact, they posited this continuing resolution as motherhood, apple pie and everything that we need for a strong national defense, and they invoked the interest of American veterans. What they did not tell American veterans was that the Army sees this as a real problem and a real cut in benefits, and things that would help the active Army come in this defense realignment, this base realignment with divisions coming back to the United States, divisions like the big red one coming back to Ft. Riley, Kansas, and lots of others and lots of quality-of-life programs for the men and women of the armed services and for their families.

What we did not see coming from the Democrat side of the aisle was the fact that they reached over with one hand to give money to one group of servicemembers of veterans; they reached over and scooped money out of the cash register that would accrue to the benefit of another group, a very important people, and this is the men and women who wear the uniform of the United States.

So let me give you the Army's perspective as manifested in a letter from Lieutenant General David Melcher, United States Army, Military Deputy for Budget, Assistant Secretary of the Army, Financial Management and Comptroller. He says this:

"You recently requested a quick summary of Base Realignment and Closure impacts to the Army as proposed in the Joint Resolution, H.J. Res. 20." That is the resolution that the Democrat side of the aisle just passed. "The attached information accurately portrays these impacts. The following identifies key Army concerns:

One, "Army will not begin with approximately $2 billion of our BRAC program, which is a key enabler to grow and position the Army; this leaves more than half of our fiscal year 2007 BRAC program unexecutable."

Number 2, "Operational Impact on the Training, Mobilization and Deployment of Forces in support of the Global War on Terrorism." For some reason, the Democrat side of the aisle did not quite want to show that statement by the U.S. Army, that their bill that they passed, their continuing resolution, would, in fact, impact training, mobilization and deployment of forces in support of the global war on terrorism.

Number 3, "Unravels the Army's synchronized stationing and BRAC plan, puts growth of the Army, stationing, and BRAC at risk." That means this: We are bringing back divisions from around the world. Places like Germany are now going to see movement in which American divisions are going to come back, and they are going to be repositioned in the United States. That means you got to go out and build barracks. You have got to go out and build single family housing. You have got to put a lot of construction in place. The Democrat majority reached out and took away part of that money.

Number 4, "Delays transformation of Reserve Component, has operational consequences." We are involved in two shooting wars, and we have now done something that has operational consequences.

Number 5, "Breaks the Nation's obligation to provide Soldiers and Families adequate quality of life, affects the All Volunteer Force," something we did not hear from the other side of the aisle.

Number 6, "Delays capital investment and inhibits economic development, affects local jobs and growth across the U.S." Over 80,000 jobs affected by what they just did.

And lastly, "Limits predictability and military construction acquisition efficiencies, results in higher construction costs."

So, as we see costs going through the roof, the contractors can say, yep, we were going to build that single family housing for those military families but you guys reached in, took a bunch of the money out; we had to give a stop work order to our crews, and now we are going to charge you, the American taxpayers, more money.

I have got another executive summary here that goes into more detail, and I thought it might just be good to give a few of the examples of this money that was cut by the Democrat majority, which they skipped over very quickly, and tell the American people a few details about these projects that they moved off the table with one push of the hand.

Training ranges, command and control, training barracks, 19 projects, $560 million, including training facilities at Fort Bliss, Texas; maneuver training at Fort Benning, Georgia; air defense artillery at Fort Sill; and battlefield trauma lab at Fort Sam Houston. In fact, I have been to the battlefield trauma lab. That is where we train our combat medics to save lives in the war fighting theaters in Afghanistan and Iraq.

Cannot start communications/electronics, RD&E, center phase one at APG, that is Aberdeen Proving Ground, to close Fort Monmouth and support the global war on terrorism.

Cannot start on human resources command at Fort Knox, Kentucky; recruiting facilities at Redstone Arsenal; power projection platform at Ft. Riley or other operational projects at Shaw Air Force Base, Benning and Leavenworth.

Armed Forces reserve centers, 27 projects, $700 million in 16 States.

Examples of fiscal year 2007 BRAC quality of life requirements, eight projects, youth and child development centers, Benning, Riley, Bliss, Sam Houston; dental clinics, Bliss, Sam Houston; medical clinic, Ft. Riley, Kansas. That is where the big red one is returning from Europe.

All fiscal year 2007 BRAC projects and follow-on MILCON are synchronized with modular force build, operational rotations, BRAC and GDPR.

What that means is that we are now trying to produce some 42 combat brigades, and we are trying to modularize them so they have the same equipment, they have got the same training, so that they are interchangeable so you can move out with a combat fighting force and you can move a brigade in from another area and you can have that from another particular division and that brigade is interchangeable. It does not have equipment that is noninteroperable, and it means you can fight more effectively and more consistently.

□ 1730

That modularity has been hampered by these cuts. So these are the cuts that were made by the Democrat majority, pushed off the table, projects pushed off the table with one push of the hand and with barely a mention on the Democrat side.

So I would just say, my friend from Georgia, glad you got that sign up there, Official Truth Squad. You know, I think sometimes it is important to know the entire story. That is a part of the real story about what we did today.

I thank the gentleman for letting me come down and talk a little bit about the Army's position and the Army's position against the cuts that were manifested in this continuing resolution.

I thank the gentleman.

Mr. PRICE of Georgia. I thank the gentleman for his insight. Nobody knows more about these issues than you and I. I appreciate you bringing that perspective.

You mention a number of items. You said there was barely a mention about this. I was listening pretty closely. I didn't hear a single word about it from the other side that talked about the cuts that are in place.

Mr. HUNTER. No.

Mr. PRICE of Georgia. And that things were skipped over quickly. They were. We had 1 hour of debate on a $463 billion appropriations bill. Phenomenal. Phenomenal when you think about it.

Mr. HUNTER. Let me tell you something.

Mr. PRICE of Georgia. Please.

Mr. HUNTER. The other side tried to appeal to the hearts of American veterans. I am a veteran. But you know something else? I have a son who just did 4 years of active duty with the U.S. Marine Corps, trained at some of these bases that we are talking about, witnessed and was training sometimes in facilities that were somewhat deficient, that needed to be improved.

I will bet you, if you look in the family of every American veteran that the other side was playing to, in passing the CR and saying we are doing good things for you guys, for you old guys like me, they were not doing good things for our sons. Because our sons are on active duty right now. They need to have that quality of life for our military families.

I can remember being with my son as Lynne and I would follow them around the United States, as a lot of military moms and dads do, trying desperately to get a little time with our grandchildren, and we would be often in substandard housing. We would see the efforts that had been undertaken by DOD to upgrade housing and to upgrade facilities and to make life better for families. A lot of those programs are in those cuts that the Democrats side of the aisle just made.

So if you are playing to us old veterans, remember, there is another thing that is very near and dear to us old veterans, and that is our kids who are on active duty or recently on active duty. We are concerned about them. So don't take away from them to give to us on the basis that we will then appreciate it, and we will appreciate them, and we somehow will not look at the reductions that they made to the active force. The active force and its benefits are very, very important to every veteran.

I thank the gentleman.

Mr. PRICE of Georgia. Thank you very much. I appreciate it. Those are facts.

Mr. Speaker, I would ask to insert in the RECORD the letter from Lieutenant General Melcher.

DEPARTMENT OF THE ARMY, OFFICE
OF THE ASSISTANT SECRETARY OF
THE ARMY,
Washington, DC, January 31, 2007.

Hon. DUNCAN HUNTER,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE HUNTER: Sir, you recently requested a quick summary of Base Realignment and Closure impacts to the Army as proposed in the Joint Resolution H.J. Res. 20. The attached information accurately portrays these impacts. The following identifies key Army concerns:

Army will not begin with approximately $2.0 B of our BRAC program which is a key enabler to grow and position the Army; this leaves more than half of our FY07 BRAC program (56%) unexecutable

Operational impact on the Training, Mobilization, and Deployment of Forces in support of the Global War on Terrorism

Unravels the Army's synchronized stationing and BRAC plan—puts growth of the Army, stationing, and BRAC at risk.

Delays transformation of Reserve Component—has operational consequences

Breaks the Nation's obligation to provide Soldiers and Families adequate quality of life—affects the All Volunteer Force

Delays capital investment and inhibits economic development—affects local jobs and growth across the U.S. (over 80,000 jobs)

Limits predictability and military construction acquisition efficiencies—results in higher construction costs

I trust this information is helpful.

Sincerely,

DAVID F. MELCHER,
Lieutenant General, U.S. Army, Military Deputy for Budget, Assistant Secretary of the Army, Financial Management and Comptroller.

Mr. PRICE of Georgia. Mr. Speaker, I also want to highlight a statement in a letter from the Office of Management and Budget from the Executive Office of the President about these BRAC closings, because I think that it highlights one of the very egregious activities that occurred in passing this omnibus, this appropriations bill, that the Democrat majority did today.

It says, quote, the President's budget requested $5.6 billion to implement the recommendations of the 2005 Base Realignment and Closure Commission.

That is something that all of us had voted on here on the floor of the House.

The administration strongly opposes the committee's reduction of $3.1 billion from the President's request.

Remember, this is $3.1 billion cut out of a $5.6 billion appropriation.

This will, quote, significantly delay BRAC implementation, increase the risk that the Department of Defense would not meet its statutory deadline to implement BRAC, reduce BRAC savings, delay or postpone scheduled redeployments of military personnel.

Did you hear that? Delay or postpone scheduled redeployments of military personnel and their overseas stations to the United States and negatively impact many specific plans in response to BRAC.

So, in addition to the challenges and the difficulties that we have in trying to make certain that our men and women have anything at their resource to be able to fight this global war on terror, I doubt that anybody on the other side of the aisle, when they ran for office last November, said, boy, I sure want to cut the military's budget as they fight the global war on terror. I doubt that happened, but, in fact, that is exactly what happened on the floor of the House today.

What we are here to do today, as The Official Truth Squad, is to make certain that we hold people accountable. There are people watching. There are people listening. The American people know that there are two different philosophies of how government ought to work. We have a philosophy that it ought to be efficient, that it ought to be as small as possible, that it ought to respect individuals, that it ought to strongly support the global war on terror in our military.

Our good friends on the other side of the aisle oftentimes talk like that. But when it gets right down to votes, that is not how they vote. We are here today to bring some facts to the issue and some accountability.

I am so pleased to be joined by my good friend from Texas, who was past budget chairman for the Republican Study Committee during the last term and this year has assumed the helm of the Chair of the Republican Study Committee, I think one of the finest groups of individuals in this Congress, the individuals who are as concerned as anybody that I know about economic responsibility, financial responsibility, and accountability for this Congress.

I thank you for joining us this evening and look forward to your comments.

Mr. HENSARLING. I thank the gentleman, and I certainly appreciate his great work as a Member from Georgia. We particularly participate his participation in the Republican Study Committee, the conservative caucus within this caucus.

It has been a rather interesting day here on the House floor. I didn't know that it was possible, but apparently our Democrat colleagues created a new record in the House. Now, I am still doing my homework. Maybe they just came in second or third place. But if I did my homework correctly, never in the history of America has a Congress spent more money with less accountability than this Democrat Congress did today just a few hours ago, $463 billion spent in 1 hour, 1 hour of debate to spend $463 billion.

Now, I have been a Member of Congress for a while, but, ladies and gentlemen, that is still real money. That is $7.7 billion per minute that this Democrat majority managed to spend. We just heard from the distinguished ranking member of the Armed Services Committee. Apparently, they didn't spend it very well. They seemed to have forgotten the war fighter and his quality of life when they were putting this massive spending bill together.

Now, earlier, as the Democrats took control of the institution, and elections have consequences, I understand that, they won fair and square, but Speaker PELOSI is on the record shortly after the election saying, quote, Democrats believe we must return to accountability by restoring fiscal discipline and eliminating, eliminating, deficit spending. Now this is the Democrat leader, the Speaker of the House, telling the American people that this was their intention. So now we spend $463 billion in 1 hour.

Mr. Speaker, families all across America will spend more time deliberating on the purchase of a washer and dryer than this institution did in spending $463 billion of their money, their hard-earned money. It is somewhat mind-boggling to spend that much money with such little accountability.

Now, let's talk about the Speaker telling the American people that she and the Democrats were going to eliminate deficit spending.

Well, as this bill passed earlier today, if the Senate takes it up, all of a sudden every American's share of the public debt has gone from $28,860 to $30,399. Now, I didn't major in math at Texas A&M University, but I can figure out, if you are trying to eliminate deficit spending, you are headed in the wrong direction, which makes me kind of question why you passed this bill in the first place.

Now, the American people were led to believe that this body was going to pass something called a continuing resolution. Now, I understand that is kind of inside baseball, but what it says is, you know, we are going to continue government at the same funding level. There are families all across America who face hardships who have to actually get by on less. A continuing resolution actually says, we are going to, frankly, grow government under the baseline, what we did last year.

Had this institution done it, which is what they led the American people to believe, we would have had a continuing resolution which, by the way, fits on a single piece of paper. Instead, we had a 150 page, I believe it was 150 pages, of what we call an omnibus, everything thrown into a massive spending bill.

Mr. Speaker, the Democrats told us, they led us to believe we were going to have this continuing resolution. We end up with this omnibus. They tell us we are going to eliminate deficit spending. Instead, they increased deficit spending. They tell us they are going to have accountability; and, instead, we spend 1 hour, 1 hour debating the expenditure of $463 billion.

Let me tell you what else they told us. They told us there would be no earmarks. You know, these are these little perks that Members of Congress take for their own district. Well, at last count, there was near 30 earmarks. Now, maybe they are good earmarks, maybe they are bad earmarks, but don't tell us there aren't going to be any earmarks in the bill and then put them there.

I mean, they are the poster children, too often. They are the poster children of fiscal irresponsibility. We have the golden oldie here. The rain forest in Iowa has made another appearance here. Now somebody earlier today said, well, that is a Republican earmark. Well, at least they acknowledge that earmarks were in the bill.

Last I looked, the Democrats have a majority in the House; they have a majority in the Senate. Obviously, it would not be in the bill unless Democrats wanted it in the bill.

We also had this institution pass a continuing resolution instead of this omnibus. Also, we would have saved $6.2 billion of American families' money. That is what would have happened had the Democrat majority done what they told the American people they were going to do. That is $6.2 billion that could have been applied to, again, quote, unquote, eliminating deficit spending.

So they had an opportunity to put their actions where their words were, and they didn't do it. They had extra money, and they spent it.

Again, as the gentleman from California illuminated, they didn't spend it very well. They certainly didn't consider the quality of life for the war fighter when they were putting together this omnibus.

Also, we were told there would not be any gimmicks. We would have accountability. Well, we look in here and there is gimmicks. There is $3.5 billion here. Now, this is inside baseball, I admit it, but I have served on the Budget Committee for 4 years, and I am starting to recognize these gimmicks.

But they put $3.5 billion here by rescinding contract authority for highway programs without decreasing what we call obligation limitations. Then, again, I know that is inside baseball. But let me tell you, what happens is there is no savings. They are claiming savings where there are none.

They also make a one-time change, a one-year change in what we call entitlement spending. Again, it is a trick. It is smoke and mirrors. It will not be there.

Where is the accountability? I am looking for it. Clearly, we need that magnifying glass of The Official Truth Squad, because nobody can find the vaunted Democrat accountability that we were told would be here.

There is a better way. We can have true fiscal accountability.

Another gentleman, a colleague of mine from California (Mr. CAMPBELL), offered an amendment that would have given us that continuing resolution that would have saved us $6.2 billion that would have done what the Democrats told the American people they were going to do. But their Rules Committee said, no, we are not going to allow that one. That is kind of a dicey vote. That one was never allowed on the floor, the one that would actually use $6.2 billion to help reduce this deficit.

Another thing we can do is embrace the President's call for a balanced budget in 5 years without raising taxes. Now, that is true fiscal responsibility. I would hope that all Members of this Congress could sign up for that program.

Now, Democrats will tell us that all the tax relief that was passed on our watch is the source of every fiscal problem known to mankind. Well, as a member of the Budget Committee, we have now received testimony from the head of the GAO, the Government Accountability Office, we have received testimony from the head of the Congressional Budget Office. It is not what we hear from them.

□ 1745

What we hear, Mr. Speaker, is that until we do something to help reform entitlement spending and Medicare and Medicaid and Social Security and work on a bipartisan basis to get better retirement security, better health care at a lower cost, that is the fiscal challenge to America.

And, by the way, there is an inconvenient fact for our Democrat colleagues, and that inconvenient fact is we have cut marginal rates. We have cut capital gains. And guess what? We have more tax revenue than we have had in the entire history of America. If you allow the American people to keep more of what they earn, they will save it. They will invest it. They will go out and expand businesses. They will create small businesses. They will put out a new barbecue stand. They will do a new transmission repair shop. And now we have created over 7 million new jobs with a future.

Now, I know maybe their goal for America is 7 million new welfare checks. But the Republican goal for America was 7 million new paychecks. And under our watch, that is what we achieved. Seven million new paychecks and the greatest amount of tax revenue that we have had in the history of America. We are awash in tax revenue. That is why the deficit is coming down.

Now, I am not here to tell you that every time you design tax relief that it creates more tax revenue, but if you do it right, particularly if you put it on the side of helping working families and helping entrepreneurs to save and invest, it will more than pay for itself, and that is what has been done here. But now, Mr. Speaker, the Democrats want to take that tax relief away. They say it is bad. They want to take the 7 million jobs away. And what is really humorous is that they want to take really the tax revenue away that this explosion of economic activity has created in the first place.

So, Mr. Speaker, there are many ways that we can embrace true fiscal responsibility. But to spend $463 billion of the people's money with no hearing, with almost no debate, in 1 hour, to set the land speed record for spending money in the shortest period of time, today the Democrats get the gold medal, the gold medal, in that Olympic competition. Never has more money been spent in less time than today. So how they expect to live up to Speaker PELOSI's goal of eliminating deficit spending, restoring fiscal discipline, and return to accountability, I suggest they enter a different Olympics and try to spend less money with more accountability, and that is something that the American people could truly respect.

Mr. PRICE of Georgia. I appreciate the gentleman from Texas so much for his wonderful cogent comments. And talking about the individuals on the other side of the aisle, who have indeed said one thing and then come here and done another, one would think that they are beginning to foster a culture of hypocrisy. That kind of has a little ring to it that rings true on the other side of the aisle.

I do want to thank you as well for your comments about tax revenue. Sometimes a picture tells a better story than words, although your words were cogent and so appropriate.

But this graph helps me understand the benefits of tax decreases, Mr. Speaker. When you decrease taxes, which is what we did here in Congress in 2001 and 2003, this line here is revenue to the Federal Government and what happened was that the revenue was going down, but we decreased taxes appropriately, as the gentleman from Texas said, and what happens is that the revenue goes up. The Federal Government, in fact, gets more revenue because there is more economic activity, more economic vitality.

We have touched on so many things tonight. My good friend from Virginia has joined us. We are running a little short on time, but I do want to make certain that you get an opportunity to join us for the Official Truth Squad and make some comments possibly about BRAC.

My good friend from Virginia, THELMA DRAKE, is just so wonderfully active here in Congress and so cogent and appropriate on issues of the military, representing the military installations in southeast Virginia.

So I welcome you and look forward to your comments.

Mrs. DRAKE. Mr. Speaker, I would like to thank the gentleman for recognizing me tonight, and I would like to apologize for being late for your hour. But as I was coming over here today, I was connected by my office to a constituent who is serving in Iraq right now. I stood out in that hallway just beyond those doors and had a conversation with him with much better reception than I usually get on a local call from my cell phone. So it was absolutely remarkable, and I just wanted to share with you a little bit of what he said.

First of all, he is a contracting officer working with our reconstruction teams. I asked him, because we often hear that we are not employing Iraqis, that these are all major companies that are doing this work. He was quite surprised that I asked that question. He said that we have an "Iraqi First" program, and all jobs are offered first to Iraqi companies and to Iraqis, and if they can't perform that job, then other companies from other countries are brought in. They are completely screened. He even has an Iraqi who works with him on staff.

I asked if he had a message for us tonight. And the answer was that he asked us not to forget them.

I think that brings up the issue you just mentioned, Mr. PRICE, that what just happened today on the House floor. And what we know and the Department of Defense is now putting out information that there was a $3 billion reduction in the funds that have been appropriated in the bills that both of these bodies had passed for 2007. Not for those but for the military construction, the bills that the House had passed and had not been passed by the Senate.

So we heard on the floor here today that that was not a reduction. It was actually an increase. That is not the way that this is being viewed, and it is not the impact that it would have on people who are serving today.

But Mr. PRICE and Mr. Speaker, I would say to you that there is no one in America, no one in Congress that wants America to be at war. There is no President that wants to be a war President. And I have said to people if I believed this war we are engaged in was about democracy in Iraq or about a people who have fought each other for centuries, I would oppose this war, too.

But it is a war about our civilization with an enemy who has vowed to kill us and to end our way of life, an enemy who has attacked us and who works and plots constantly to attack us again. I truly believe if Americans just had the facts that they would make the right decision.

My constituent said it very clearly. He said we cannot let this enemy win. And every Iraqi that I have ever talked with, this is something America never hears and I think if they did hear it, it would make a difference, but from President Talabani on down, whether they are Iraqis I have met when I have been on trips there or Iraqis here, they all say, "we are grateful to America for our freedom." And we, as Americans, never get to hear that.

The real question is what are our options? To let this enemy win and to say that they defeated the Russians in Afghanistan and the Americans in Iraq? What would that do to us? What would that do to our allies, and who would ever believe us again?

And if we were to make that decision and to allow this enemy to win and pull our troops out of Iraq before the Iraqis are ready to govern and secure themselves, the real question is how will we manage the cost of this defeat? How will we manage the murder of all those Iraqis who have joined in the freedom of Iraq, the person who was working for my constituent right now, those who have served in government, in the police, in the Iraqi security forces?

Thank you for yielding. I know you have a lot to talk about, and I appreciate the work that you are doing on the floor.

Mr. PRICE of Georgia. Thank you ever so much, Congresswoman DRAKE. We appreciate your heartfelt words and the message from your constituent and that perspective on what truly is a portion of this global war on terror. The incredible importance of making certain that we as a Congress and we as a people support our men and women at every turn. So I thank you very, very much.

And that highlights what happened today on this floor about the appropriations bill, the omnibus bill, that the other side of the aisle, the Democrat majority, passed. And, in fact, what they have done is made it more difficult for our military to function. We have heard a letter from a lieutenant general in the Army about that. We heard from our own administration about that, about how it makes it more difficult. And we heard from our good friend from Texas about the Olympics award that the Democrats won today by spending more money in 1 hour than any Congress in the history of the Nation. And, again, it would be humorous if it weren't so serious, Mr. Speaker. It would be humorous if it weren't so serious.

And I am so pleased to be joined by a good friend from Florida, Congressman MICA, who has some interesting perspective on what went on here today on the floor of the House.

I appreciate your coming and bringing some accountability to what occurred today.

Mr. MICA. Thank you, Mr. PRICE, for yielding to me. Also, I want to thank you for the nights that you have spent on the floor during this session of Congress, the 110th, trying to bring the truth and also facts to the American people that are so important.

You said that I would talk tonight a little bit about my perspective, and I have an interesting family history. I have a brother who served as a Democratic Member of Congress from 1978 to 1988 here in the House of Representatives, Dan Mica; another brother, a Democrat, who served as an aid to Laughton Childs and to former Congressman Brademas. We are the first two Members and brothers to be from different political parties since 1889. Almost everybody else is from the same party.

I say that because I truly am from a bipartisan family. When I came here some 14 years ago, we were in the minority, Mr. Speaker. And I served 2 years in the minority, and I want to tell you that I was treated very fairly by some of the Members of the majority. I will even cite Mr. ED TOWNS of New York, who took me in as a freshman new Member, gave me every opportunity to participate, recognized me. I was a full participant as a minority Member.

There were others who I will not name who did not allow me not to speak, who actually told me to be quiet, and who actually adjourned meetings, so I didn't have the opportunity to speak or participate. So I saw how bipartisanship and I saw how dictatorial rule works. And for some 12 years, the good Lord gave me the opportunity to be chairman of three subcommittees over 12 years. So I always employed the golden rule, the ED TOWNS rule, of treating everybody fairly.

I say that in context because today is January 31 and this month, the beginning of this Congress, is one of the saddest hours in the history of the Congress of the United States, at least that I am familiar with or that I have read about.

Now, we started here with the swearing in of NANCY PELOSI. I am an Italian American. I was proud of NANCY PELOSI's being the first Italian American and woman to take that position, and I think we were all very pleased for her on both sides of the aisle and congratulated her.

But then began, unfortunately, the saddest chapter in the history of Congress with the passage of six major pieces of legislation without the Congress even being organized, without the committees being organized, without one of those pieces of legislation going through the committee process.

What an incredible insult to the people of America who just finished an election. They elected us as representatives, 435. We, in turn, elected a new Speaker of the House, and the entire democratic process was obliterated. It has been the saddest month in the history of the United States Congress. Six major measures.

And the irony, I sat here in the week of celebrating and honoring Martin Luther King, one of the great civil rights leaders of our time, whose sole goal was to give rights to the minority that they had been denied. And the new majority completely obliterated in that week the rights of the minority. It was one of the saddest chapters I have seen. So all of their measures, all of them, are just floating out there. The other body hasn't taken them up. They were passed while trampling on the rights of the minority.

There are men and women fighting today, tonight, tomorrow for those rights to protect the minority. This is not Bolivia. This is not Venezuela. This is not Cuba, where someone takes power and tramples on the rights of the minority. This is the United States of America, and every representative should have the opportunity to participate in that democratic process. Again, I am just offended.

And then the final offense today, the 31st, to pass the largest spending measure in the history of Congress in one sole bill without consultation, without participation, without the democratic process is the ultimate insult to the citizens of the United States, who expect a representative form of government, and to the Congress, to the rights of the minority.

□ 1800

This was a $463 billion earmark. And we just got through an election in which the Republicans were chided for passing earmarks in the stealth of the night, for which the Democrats also were offenders. We paid a penalty. We lost the majority.

But you do not pass a bill of that size without the ability of even to participate in this bill, this $463 billion earmark, the most costly in the history.

Now they think they pulled one over on everybody. But I guarantee you. I guarantee in that bill, since no one had a chance to see it or participate in it, they will find day after day embarrassing provisions that we did not have an opportunity to take out, to adjust, to correct.

So they will pay the price. When you do things in the stealth of the night, when you illegitimately conduct the process of Government, you will pay the penalty. We paid the penalty. They will pay the penalty. Marital law is not the way this Congress was intended to run.

This should be, in fact, bipartisan. Bipartisan means two working together. I am committed to that. I will continue to be committed to working that way. I come from, as I said, a bipartisan family; and we have got to work together.

So I hope today, January 31, 2007, a very sad day, ending of a sad chapter in the history, mark my words. This will go down in the history of this Congress as one of the darkest hours ever.

I thank you.

Mr. PRICE of Georgia. Mr. Speaker, I thank the gentleman from Florida. I appreciate so much his emotion and his passion and his perspective.

As you are living through these times, it is oftentimes difficult to get people to pay attention to what truly are historic occurrences, and I share with you that disappointment and sadness. I truly do.

Having served in a legislative body at the State level and seeing how bipartisanship can work and seeing how democracy truly is supposed to work, this has been a disappointing month. It has been a disappointing month, because most of what you can talk about in terms of getting your arms around where the problem is is process. I talked about that at the beginning of this hour, Mr. Speaker, and I mention that the reason that process is so important is because that is what enables the minority to have participation. But not just the minority. It enables every single Member of this House of Representatives.

Mr. Speaker, as you well know, every single Member represents approximately the same number of people. We go to great pains to make certain that districts are basically of equal size every 10 years through the census process and through redistricting; and we do that because each individual in this body, each Member of this body, represents basically the same number of people and therefore should have essentially the same say in the process and in the deliberation.

Some folks have called this month the death of deliberation, and that truly has been. That is disappointing. That is very saddening for all of us whose constituents, whose American citizen constituents who go to the polls and vote, do indeed express their will to us.

If we are unable to express their will through this process here, then they are muted, they are silenced, they are disenfranchised; and that, Mr. Speaker, I would suggest is an unfair process, is a wrong process and is an undemocratic process. It doesn't have to be that way.

So I encourage my good friends on the other side of the aisle, and I know some of them are feeling pained by some of the decisions that their leadership has made over this past month, and I encourage them to continue to work for a process that will allow for the inclusion of all.

Because, as I mentioned earlier, Mr. Speaker, we do not have Republican challenges or Democrat challenges, we have American challenges. The American people send us here to take care of those challenges and put forward the best solutions, and the best solutions come when all of us are involved in that process.

I look forward to working with my colleagues on both sides of the aisle in a very positive way as we move forward and do what is best and what is right on behalf of the American people.

I want to thank my leadership once again for the opportunity to spend this hour on the floor of the House, Mr. Speaker.

30-SOMETHING WORKING GROUP

The SPEAKER pro tempore (Mr. HARE). Under the Speaker's announced policy of January 18, 2007, the gentleman from Ohio (Mr. RYAN) is recognized for 60 minutes as the designee of the majority leader.

Mr. RYAN of Ohio. Thank you, Mr. Speaker. I appreciate the opportunity to be here once again to continue the discussion of the 30-something Working Group. We want to thank Speaker PELOSI for the honor to be on the House floor.

We actually had one of our newer Members, Mr. Speaker, make page 3. He is still a freshman, but he made significant advances. This is Jason Altmire, Mr. Speaker, from western Pennsylvania. His district abuts mine. His picture, name, pressing our leadership to make sure that we increase funding in the CR for veterans, to make sure that we did not accept any pay raise until the American people get their pay raise through the minimum wage. So we already have young leaders stepping up to bat contributing in their first term here.

I have got to say, Mr. Speaker, it has just been I actually think in many ways pathetic to listen to the debate here today over the continuing resolution. We all know the political situation over the past, you know, 14 years, Republican control in the Congress, and their inability in the last several years to govern at all. And they have locked out the Democrats for years and years and years.

Votes in the wee hours of the morning on the prescription drug benefit, on the energy bill, on budgets, which raided student aid money for students all across our country; and then, on top of all of that, they leave the new Democratic majority an absolute budget catastrophe for us to deal with.

Over the course of those 14 years, the Republican Congress and the Republican President borrowed more money, more money from foreign interests than all of the previous Presidents combined. So now we are going to get lectures from the Republican majority on how to run the budget process. Now we are going to get lectures from the most incompetent, ineffective Congress in the history of this institution, Mr. Speaker, the history of this institution.

This party will not be lectured about veterans' benefits, we will not be lectured to by the Republican minority about how to balance a budget, and we will not be lectured to about investments in this country.

You look at this CR and you look what we put in. We are not going to be lectured to by anybody. We made promises and accomplished more in the last few hundred hours of this Congress than that Republican majority has in the last 14 years. We implemented PAYGO so we will balance the budget.

We made some difficult decisions with the CR so we can move forward, and we are not going to be lectured to. Because we have made promises, and we have delivered.

Now just look at the first hundred hours, Mr. Speaker, just the first hundred hours. We cut student loan interest rates in half. Once fully implemented, it will save the average person taking out a loan almost $5,000.

We raised the minimum wage. We allowed the Secretary of Health and Human Services to negotiate drug prices on behalf of the Medicare recipients. We repealed the corporate welfare to the energy companies that that majority, Republican majority put in place; and we are taking that money and investing it into alternative energy sources. We are doing things positive for the American people.

And we are going to inherit this budget, which we already have, that has borrowed more money from China, borrowed more money from Japan, borrowed money from OPEC countries, incapable of executing FEMA to address natural disasters and emergency situations in the United States. We know how to run Government.

When the Democrats passed the budget in 1993 with the Democratic President, created 20 million new jobs, we had surpluses as far as the eye can see. So we are cleaning up a mess here that we have inherited, and we are going to move forward and continue with our agenda, and we are proud.

We are going to move forward, and we have an agenda. We have moved on it. We promised it. We acted on it. And we are going to continue to move on it.

I will yield to our young, new rising star from western Pennsylvania, Mr. ALTMIRE.

Mr. ALTMIRE. Mr. Speaker, I did want to talk for just a moment about how important it is that veterans were taken care of in this continuing resolution.

I do want to commend Speaker PELOSI, Chairman OBEY, and the rest of the Democratic leadership who did a great job of putting together what was a mess that was left to us.

As Mr. RYAN talked about, we had nine out of eleven appropriations bills to fund this Government that were left in our lap, and we had to deal with that, and we had some tough decisions to make. But under the leadership of Speaker PELOSI and Chairman OBEY we did what needed to be done.

I made clear to the leadership, and they agreed, that we needed to make sure that nobody should stand in front of our veterans when it comes time to pass funding resolutions. We have people fighting for us in the field overseas right now. We have veterans coming back from Iraq and, of course, veterans of every age.

That need does not go away. That need does not stop. As the Congressional Budget Office has indicated, the cost of caring for those veterans goes up year after year; and we have an obligation and a duty as Members of Congress to make sure that the VA health care budget goes up enough to maintain the current level of services for every veteran that walks through the door. I want to commend Chairman OBEY for taking care of that under this continuing resolution.

I also wanted to just take a walk down memory lane and let's take a look at what the Republican leadership did for veterans' health care over the past several years.

I have a chart here. It might be difficult for some to read.

January, 2003, the Bush administration cut veterans' health care for 164,000 veterans; and that is just the start.

March, 2003, 2 months later, the Republican budget that passed this Congress cut $14 billion from veterans' health care.

March, 2004, 1 year later, the Republican budget shortchanged veterans' health care by an additional $1½ billion.

March, 2005, the following year, President Bush's budget shortchanged veterans' health care by another $2 billion and cut veterans' benefits by $14 billion over 5 years. That is what we were left with.

Now, in the summer of 2005, after they had been warned when they passed that budget back in 2004 and after enormous pressure from the Democrats and from people around this country and especially from veterans' organizations, the Bush administration finally did acknowledge that they shortchanged the veterans; and they added back $2.7 billion after months of Democratic pressure to put that money back in.

But then only a few months later, in March, 2006, President Bush's budget cut veterans' funding by an additional $6 billion over 5 years.

Mr. Speaker, that is the mess that we were left with, this continuing resolution, and that was what needed to be resolved. And I said throughout my campaign and I say every weekend when I go back and speak to these veterans' groups that we are, as a Congress, going to make a new commitment to our veterans, a commitment that has not been there for the past 12 years; and we are going to put veterans' interests first when it comes time to deal with these funding resolutions.

So what did we do? In this continuing resolution that passed this House today, the Democrats increased the VA health care budget by $3.6 billion. Now that is in an atmosphere of having left nine spending bills completely undone, and the Republican leadership made no effort to increase that funding. But we found the will, as Democrats, and we added $3.6 billion to the veterans' budget.

That is leadership; and for that I commend Speaker PELOSI, Chairman OBEY and the rest of the Democratic leaders who were involved in putting that together. That is what we have done here today.

So, at this point, I am going to yield to the gentleman from Ohio so he can continue to run the show.

Mr. RYAN of Ohio. I appreciate that.

Mr. Speaker, I am going to yield the remainder of the hour to Ms. WASSERMAN SCHULTZ. I need to step out. I will be back, but I would like to yield the rest of the hour to Ms. WASSERMAN SCHULTZ.

□ 1815

The SPEAKER pro tempore (Mr. HARE). Under the Speaker's announced policy of January 18, 2007, the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ) is recognized for the balance of the majority leader's hour.

Ms. WASSERMAN SCHULTZ. Mr. ALTMIRE, I want to tell a little story because I am really pleased that you raised this issue, and that you have been the champion of ensuring that we don't, as we move through what is an unfortunate but necessary situation with this continuing resolution, I want to tell anyone listening a little story about an exchange that you and I had the other day on the House floor.

I have the privilege of serving as a Chief Deputy Whip for the House Democratic Caucus, and you are one of my assignments. We divide the House Democratic Caucus members up into groups, and you are included among the Members that I am typically engaged in lobbying. And when I approached you about whether you were going to be supportive of the continuing resolution that we voted on today, your immediate response, which was the right one, was, well, not if we are cutting money for veterans. And I was really proud that you did that and that you were absolutely not going to move forward on your support for the continuing resolution unless you were able to get the information that you needed to ensure that, in fact, not only were we not cutting funding for veterans but, we in fact, increased funding for veterans. And so the notation in your hometown paper was apt and appropriate, and I commend you for your advocacy because that is what this is all about.

The new direction that the American people demanded, that they chose on November 7 included selecting people like you to send to Washington to make sure that when there was no one standing up, we certainly were all standing up united as a minority; but that there were not enough people in this body standing up for veterans. On the contrary, as you just outlined through the charts in a chronological way, the Republicans and the Republican administration were doing the opposite, were actually making it more difficult for veterans to get the services that they need and that they were entitled to and that they deserved through their patriotism and devotion to this country. So I commend you on that.

We were in a situation in adopting the continuing resolution today that was the result of the mess, as you said, that the Republicans handed us. I mean, how irresponsible to just not complete nine of the 11 appropriations bills. I sit on the House Appropriations Committee now. I am just at the beginning of that process, but it is mind boggling to me, how, really, I mean, the Constitution says the only thing we have to do, the only thing Congress has to do is pass the budget. And they didn't do it. They didn't do it because it is hard. It is difficult. You have to make tough decisions. And you know, right up in front of an election, where they were struggling as it was, they didn't want to make those difficult decisions. And we have a lot of our Members, some in tough districts that are going to have to go home and have to answer some difficult questions, because obviously, you know, we didn't like everything that we had to do. But if we didn't go forward and try to get to the 2008 budgetary process and make sure we could do right by the people in this country, then we would have been in an even worse mess.

So kudos to you for standing up for veterans and for adding another voice on their behalf where there wasn't one before.

And if the gentleman from Connecticut (Mr. MURPHY) wanted to jump in I would be happy to yield to him.

Mr. MURPHY of Connecticut. Well, I thank the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ) for yielding.

One of the things I realized when I came down here in January was that you get a lot of analogies, and some of them work, some of them don't. But listening to our colleagues criticize the budget, the continuing resolution we just passed here, you kind of think of the old "bull in the china shop" analogy.

This is kind of like the bull walking into the china shop spending a good half an hour breaking everything in the china shop; the owner finally having the good sense to kick him out, and then him showing up about 2 days later and asking why everything hasn't been fixed yet. I mean, that is essentially, what has happened here is that there has been so much damage, Mr. Speaker, done to this budget by virtue of nine of the 11, nine of the 11 appropriations bills not being completed by the end of business.

And an important thing to note is that, you know, Congress was back here in the holiday season in November and December trying to finish those budget bills. And I am just learning, Ms. WASSERMAN SCHULTZ, about the budget process, but from what I know, November, December is pretty late to be even working on those budget bills. Those budget bills were supposed to be done over the summer and fall. And so even giving themselves an extra 4 or 5 months to complete those bills, they still weren't done on time.

And so when the Democrats finally were put back in charge of this place by virtue of the millions of Americans who stood up across this country to start putting common sense middle class values first, the people who put Mr. ALTMIRE and myself here in Congress, when they finally, we finally sort of reentered the china shop and realized that everything had been broken, we realized it was going to take a little while to clean everything up. And what we did today, this continuing resolution which keeps this government running for the next several months, is an important first step because there are some critical programs, veterans benefits at the top of that list, Mr. ALTMIRE, that are funded here.

What else are we talking about? We are talking about Pell grants. Even after coming before this body and, with remarkable bipartisan support, decreasing the rate of student loans for millions of students across this country, we came back in this budget, we increased the maximum Pell grant by $260, to over $4,000. $4,300 for the average student.

We put in new money or in schools that are failing to meet the Head Start standards. Mr. ALTMIRE, you know that both of us heard so much about that from our school districts over the course of the campaign and over the course of the last month. Now, 6,700 schools across this country that are failing to meet those No Child Left Behind standards are going to get new funding from this government in order to keep on operating.

We increased community health center funding by $207 million. Community health centers in this very broken health care system are sometimes the place of last resort, often the place of only resort for so many uninsured families. We are now going to make sure that they get the funding that they deserve.

So in so many ways we started to clean up the mess that that bull made for the last 12 years. We are starting to put the china back together. We are starting to buy a little bit of new stuff to put on the shelves. And it is going to take a little while. It is going to take a little while.

But it is important to remember that the work we did here today, I think, is just a beginning on that front, Mr. ALTMIRE. And I join Ms. WASSERMAN SCHULTZ and Mr. RYAN in commending you for standing up for the veterans in your district, because when you speak for those veterans, it is not just in your district, it is for all the veterans in my district and, as an extension, it is for all the future veterans, because as you know, we are so lucky to have an all volunteer military.

But if they think that by going into the service they will return home and find a country and a Nation that does not honor their service, well, then we are going to have a lot harder time than we are already having finding people to fight the future battles and wars that this country may engage in.

I would yield. I see Mr. MEEK has joined us. But I would yield to Mr. ALTMIRE and thank him again for his advocacy over the past several weeks.

Mr. ALTMIRE. And I did want to follow up on what the gentlelady from Florida had talked about earlier, what was left to us, and the reason that it was left to us. This was a politically, cowardly maneuver, calculated to gamble on the outcome of the elections. They left nine spending bills unfinished, hoping that they would then win and come back for a lame duck session where they could ram through further spending increases and increase the Federal budget deficit even more, as they have done every year for the past 6 years. Instead, the results of the election were not to their liking.

The Democrats are retaking control of Congress at that point, and they made a calculated decision. Instead of finishing the work that their constituents sent them here to do, they, instead, dropped the ball and left all nine spending bills until the new year and the new Congress, and countless programs languishing, twisting in the wind while the new change in Congress came.

And again, under the leadership of the new Democrats who have taken control of Congress, we were able to pass, within a month, nine appropriation bills that they couldn't pass over the course of an entire year.

So I can't say enough about the work that this House has done and that this

Congress has done in putting together a package that was very, very difficult to do, and it is just a great accomplishment.

Mr. MEEK has joined us. I would ask, does the gentleman wish to comment on this?

Mr. MEEK of Florida. I am listening.

Ms. WASSERMAN SCHULTZ. Mr. ALTMIRE, let me just jump in while the gentleman from Florida is listening, because one of the things I think it is important to point out is when we talk in the language of government, it is difficult for regular folks to understand what we are saying. So we are talking about the CR, the continuing resolution, the terminology that we deal with on a daily basis. But that is not what sort of every day folks understand.

And the continuing resolution, it is important to point out, is the budget, the Federal budget that keeps the lights on. And people will recall a number of years ago when the Republican Congress decided that, in retaliation for who knows what, because they couldn't get the Clinton administration to agree to what they wanted, because they thought that brinksmanship was the most appropriate strategy, they shut the government down. People were furloughed. Government programs that were vitally important to different constituencies around the country came to a halt.

What we have done is, and Chairman OBEY has been the champion of this. What we have done is, not only have we made sure that that doesn't happen, because brinksmanship and engaging in irresponsible actions like that make no sense, we have made some difficult decisions. But we haven't made irrational decisions that would be harmful to people.

For example, we could have passed a continuing resolution that simply adopted the 2006 spending levels, the same spending levels that we had in 2006 and just moved forward. But that would have resulted, as you pointed out for veterans, in some cuts. And in our discussion on the floor the other day, you pointed out that unless there were increases, essentially, because of inflation, because of the adjustments in cost of living that are necessary, and because there are simply more people, more service men and women who are in need, we would not have had the money we needed to meet the needs of veterans.

But beyond that, let me just talk about what, because our good friends on the other side of the aisle are, of course, being critical that we didn't just pass a straight continuing resolution. Let's talk about what that would have done. Essentially, that would have jeopardized our national security. If we did that, if we simply passed the same level budget that we adopted in 2006, that would have resulted in thousands of layoffs, cuts for health care workers, cuts for members of the Armed Forces, cuts for veterans.

For example, the Food Safety and Inspection Service would face a month of furloughs. Can you imagine a month of furloughs in the Food Safety and Inspection Service? That means that we could end up with rotting meat in supermarkets and people potentially buying them. Or let's not use language that is too strong. Questionable meat. I mean, if we don't make sure that we have our food inspected, then we are going to jeopardize people's health. That would have also resulted in the closure of 6,000 meat processing plants that could not have been inspected.

The Federal Judiciary would have had to fire 2,500 workers. The Small Business Administration, and Mr. MEEK, this is incredibly important to our area because how often we face natural disasters through hurricanes. But the Small Business Administration's disaster loan assistance program, which provides back up for FEMA's individual assistance program, that would have been run dry by the end of February.

Now, given how many people are still suffering from the aftermath of Katrina and Rita and Wilma and the other hurricanes and the other natural disasters that have hit around this country, I just cannot imagine what the consequences would have been. Actually, I can imagine what the consequences would have been for millions of Americans.

So we struck a balance here. We were being fiscally responsible, but at the same time, not hanging Americans out to dry without regard for their well-being. And that is what the Democratic Caucus's approach always is. You have to think about the fact that all of the decisions that we make here, Mr. ALTMIRE and Mr. MURPHY and Mr. MEEK, affect real people.

I have often thought over the time I have served in the Congress and in the State Legislature in Florida, in Florida, and I am not sure how far your State capital is in Connecticut from your home, Mr. MURPHY, but Tallahassee is 450 miles from where I live. And I served in the State Legislature for 12 years. Mr. MEEK, I think, served in the State Legislature for 10, between the House and the Senate. It is so easy, I mean, we are obviously even further away from our homes, I certainly am. But you are pretty far from your homes, too, making decisions in Washington. And it could be argued that it would be so easy to make decisions in a vacuum here. The people we affect, whose decisions that we make, who we affect, they can't come in this Chamber. They are not in the room with us. The folks in the gallery are that are watching, but it would be so easy to just forget that every decision, every vote, every time we put our card in that slot and our name lights up on the board "yea" or "nay," the decision we make affects a human being.

□ 1830

But you become desensitized to it. There is a danger that you could become desensitized to it. Certainly the Republican side of the aisle became desensitized to it. For years and years, they didn't think about the results, they didn't think about the consequences. Well, that is the balance the Democrats strike. Pragmatism with a healthy dose of thoughtfulness and compassion. That is what it is all about.

Mr. MURPHY of Connecticut. Would the gentlewoman yield for a moment? And I think she is exactly right, and I think that that disconnect that you talk about, that certainly was in existence here for a very long time was one of the reasons why we now have a Democratic majority. The people last summer were fueling up their cars at $3.50 a gallons. We are finding that all of a sudden, they were having to pay $50 co-pays rather than $25 co-pays. And they looked at a Congress which seemed pretty incredulous to their concerns, that seemed to watch without listening. And you are right, people get hurt by the decisions they make down here. And I will give you an example.

In my district I have a senior housing complex in Torrington, major place where a lot of seniors live in one of the biggest cities in my district, and we have had some security problems there, some people coming in off the streets and had a couple violent incidents. Well, most of the facility and the staff there are financed through Federal grants. Well, because this Congress, over the last 12 years, slashed Federal housing funds to the bone, they have had to make major layoffs at that housing complex.

In fact, it finally came down to a very difficult but unfortunately necessary decision that that housing facility made to lay off their security guards. That is going to put hundreds of senior citizens at risk in this senior housing complex. And they come to their local elected officials, their State-elected officials and ask, what can you do to help? And everybody points back to where the problem came from. It was years of neglect down here in Washington of housing programs, just as there were years of neglect years to health care programs, years of neglect to defense and certain national security programs.

And in order to reinstill that commitment to the seniors of Torrington, to those veterans in Pennsylvania, it is going to take a little while.

But if you are back in your communities, if you are talking to people, regular middle-class, working folks people, you will hear those stories on how the votes we take here affect people back in Connecticut, back in Florida, back in Pennsylvania. And for some reason, whether it was the power that went to people's head, whether it was the pomp and circumstance that surrounds being a Member of Congress, for some reason, over the last 12 years, and in particular, I think, Mr. ALTMIRE, over the past 4, 5, or 6 years, there was a wall that was put up around Washington, D.C., and folks that were controlling the committees here and the budget here just were not listening to people back in State of Connecticut, State of Pennsylvania, Florida, and throughout this country, because if they did, they would know we have to put more money in housing.

If they listened to those veterans that you and I talk to every day at people's doors, they would know that men and women who came back from Iraq, came back from Vietnam, World War II veterans are struggling. And what we are now doing here in starting to clean up that mess is also to start listening again. And I believe Ms. WASSERMAN SCHULTZ is very correct on that notion.

I yield to Mr. MEEK.

Mr. MEEK of Florida. I thank you so very much. You know, I don't put a lot of value in folks coming down to the floor sharing inaccurate information. And it is very unfortunate, because one thing that I can say here of the 30-something Working Group, we actually meet off the floor and we make sure, Mr. Speaker, that information that we are sharing is factual, that it is factual and that if someone wants to challenge us on that particular fact, they can go to the CONGRESSIONAL RECORD, they can go to the Library of Congress, what have you. It is there. Or they can go to a piece of legislation.

To come down and make statements that could mislead Members of Congress or could mislead the American public, I think that it is very unfortunate and it is something that should be frowned upon. But I guess the only good reason why I can come up with the reason why some Members on the minority side will come to the floor and make some inaccurate statements of the essence of the continuing resolution today, I go back to what I have been talking about for the last 2 weeks and that is the bipartisanship that has been taking place here on this floor.

If I was a part of the Republican leadership, I would be concerned, too. I would wonder how would the American people think, I mean, what would they think, Democrat or Republican, on how Democrats can be in control of the House and then, at the same time, have this bipartisanship taking place with Democrats in control. Let me just clarify what I am saying.

Time after time, Republicans are voting with Democrats on good measures. Today, this continuing resolution was a good piece of legislation. It wasn't a partisan vote. It shouldn't have been a partisan vote. Two hundred twenty-nine Democrats voted for the continuing resolution; 57 Republicans voted for the continuing resolution. We should all be on the floor happy that we can come together on a piece of legislation that is so important to the country. What is the alternative? The government shutting down? We don't want that.

I will yield to the gentleman.

Mr. ALTMIRE. I have a question. Does the gentleman know off the top of his head, with the major legislation that we passed in the 100 hours and what we have done subsequent to that, including the continuing resolution, approximately how many Republicans we have seen cross the aisle and join us in a bipartisan manner?

Mr. MEEK of Florida. I don't have my notes right here. If you have it handy, go ahead and answer the question.

Ms. WASSERMAN SCHULTZ. Unless the gentleman from Pennsylvania knows, I do know that we got an average of 62 Republicans to vote with the Democrats on the Six-in-'06 agenda on making sure that the Federal Government can negotiate for lower prices for the Medicare part D prescription drug plan; making sure that we fully implement the 9/11 Commission Report; making sure that we repeal the subsidies to the oil industry; making sure that we do the job that the people sent us here to do and that they spoke so strongly about through their vote on November 7. An average of 62 Republicans voted with us on each of those items.

Mr. ALTMIRE. And then today 57 more, as the gentleman said. I didn't mean to put the gentleman on the spot, but I wanted to just reemphasize the point that he was making that this is not a partisan majority ramming it down the throat of the Republicans. This is working in a bipartisan spirit, something that has not been seen in this Congress for more than 12 years. And here we are, the end of our first month in office, we passed another major piece of legislation joined by 57 Members on the other side. And the gentleman is right that this is something that we should be applauding. And this is new to Congress. This is not something that has happened recently.

So I would hate for people on the other side during the debate to characterize this as a partisan bill and a partisan effort. It is not. We again, with an average of 62 Republicans, 57 again today, have done this in a bipartisan way, crafting it so that all sides can support it, because we all agree that we need to do things that are to the betterment of the American people and to the benefit of the American people.

I would yield again to the gentleman from Florida to continue, but I did want to just reemphasize that point.

Mr. MEEK of Florida. It is no problem at all. Clarification is very, very important in this process. And the Republican leadership seems to continue to have a problem with the bipartisan spirit that is in the Chamber now, because in the last Congress that wasn't the case; in the Congress before that, that wasn't the case. There were partisan votes every day. I mean, it was almost like, how can we send a bill to the floor to make the Democrats vote against the bill versus for the bill? And one of the things that the American people want is for us to work together. We are all Americans. We salute one flag. We walk into this Chamber, we all carry one voting card. And I think that is important.

But to the point, to show the difference between us and others that may come to the floor sharing this information off the cuff, and Ms. WASSERMAN SCHULTZ is 110 percent right and accurate as it relates to the percentage, but she named off a piece of legislation that Republicans and Democrats voted for: 9/11 Commission Recommendations Act, 68 Republicans voted for it, 231 Democrats voted for it, which was 299 total for us to pass it. The Fair Minimum Wage, 82 Republicans voted for it, 233 Democrats voted for it, and brought the vote to 315. We looked at the issue of the Stem Cell Research Enhancement Act; 37 Republicans, 216 Democrats brought that vote to 253, which was in the affirmative. The Medicare Prescription Drug Price Negotiating Act, 24 Republicans, 231 Democrats, 255, to make it an affirmative vote. And the College Student Relief Act, 124 Republicans, 232 Democrats, that brought that vote to 356.

These are major, major, major issues that are facing the country, issues that have been clogged up in the Republican Congress, 109th, 108th, 107th, 105th Congress. And now the American people said they wanted to move in a new direction and we are moving in that direction. And, unfortunately, there are some Members of Congress on the Republican side of the aisle that have a problem with that.

I told you that I am all excited, and Ms. WASSERMAN SCHULTZ can tell you, Mr. RYAN can tell you: Lead us the opportunity to lead and we will lead.

Mr. RYAN how, many times: If you give us the opportunity to be in the leadership of the House of Representatives you will be served? West Coast.

Mr. RYAN of Ohio. Put me in, Coach.

Mr. MEEK of Florida. Put me in, Coach. The Heartland of America, East Coast, Republican, Democrat, Independent, Green Party, thinking about voting, now voting. You do it, we will make it happen, and it is happening.

So you have some that come to the floor and talk about, well, you know, this is not happening and I voted against it because I didn't get 2 hours to speak independently on the floor against it, and that is the reason why I voted against it.

I just want to lay it out because I want to make sure that the Members know and the American people know that it is just Washington rhetoric. We are here making it happen. We are happening.

I yield to my good friend.

Mr. RYAN of Ohio. I appreciate my good from Miami, Florida yielding to me.

The funny part watching the debate today was that the other side, because they had the opportunity for so long to pass so many of these pieces of legislation and to get them through the Senate and get them signed by the President and they didn't take advantage of it, that they have very little credibility in dealing with the issue of the fact that we are actually doing this stuff.

And so I agree with my friend Mr. MEEK; it has been exciting. This is great. This is good stuff. You guys are reading the increases and the different programs. And, as Mr. OBEY said, this is a thinking man's document.

Ms. WASSERMAN SCHULTZ. You know, just the way you are going back and forth on the Republican's response to the process, you know, it is just really, gosh, I can't say what comes to mind. It is galling. It really is galling that they do have nerve to talk about process.

Because just in my 2 years of experience, and certainly two wrongs don't make a wrong, but there is no second wrong here. I mean, in my experience in the last 2 years, and Mr. RYAN and Mr. MEEK, you have had more experience and more lengthy experience than I and Mr. ALTMIRE and Mr. MURPHY have had, but I recall votes being held open for 40 minutes to several hours to twist enough arms to get the votes. We, of course, haven't had to do that because not only do we get all of our Members to vote for our legislation, but we get a good chunk if not, and in one case, a majority of theirs.

I remember being shut out, completely shut out on every major question over the last 2 years, no amendments allowed, no commentary except in a token way. And now they are whining about process?

You know, the small point I wanted to make, and Mr. ALTMIRE, you are a dad, you have young kids; I am a mom, I have young kids; Mr. MEEK has young kids, and some day Mr. MURPHY and Mr. RYAN, I am sure you will have young kids too.

But you know, when your kids whine at you and complain about something that you know is just their immaturity, their wishing something could be the case, but when they get a little older they will realize that they were wrong? That is what this is.

Mr. MEEK of Florida. What is it? You are saying, what is it? Just tell us.

Ms. WASSERMAN SCHULTZ. It is nerve is what it is. It is just pure unadulterated nerve. The American people see through this. They don't have any substance to talk about. They can only whine about process.

□ 1845

Mr. RYAN of Ohio. The interesting part here is the CR that we passed today was to clean up their mess that they left. They only passed one out of 13 appropriations bills.

So you can only imagine, Mr. Speaker, all of a sudden they leave all of this mess for us to deal with and we try to deal with their mess and they want input. Well, you had your chance. You had 14 years and all kinds of months last year to pass this stuff, and you didn't do it.

I yield to the gentlewoman from Florida.

Ms. WASSERMAN SCHULTZ. I think they should have their say. I really do. Going forward, when we hear legislation and get into the regular order, we have markups in committee hearings and legislation that Members file, we will do that. But we are still cleaning up their mess.

The Six in '06 agenda is an agenda of the major issues that the American people voted for us to come here and do that we offered as amendments.

We offered the minimum wage, we offered fully implementing the 9/11 Commission recommendations, and through all of the other procedural attempts we made within the confines of their limiting us, we offered repealing the subsidies to the oil industry.

We offered legislation and amendments that would have the student loan interest rate and make higher education access more affordable. And they said no. They said no, no, no, over and over and over again.

Sorry, now it is our turn. It is time to implement the agenda that the American people asked us to. It is time to clean up their mess.

Mr. RYAN, going forward, I am all for what Speaker PELOSI has said that we will do, which is give them the most bipartisan House of Representatives that history has ever seen. But the mess has to be cleaned up before we can do that.

Mr. MEEK of Florida. You and Mr. RYAN are members of the powerful Appropriations Committee; and, today, watching Mr. OBEY, the chairman, and seeing what he was able to do in moving this continuing resolution, which is the appropriations act which funds the government, to see that happen and to understand the history of it. Because when the Republicans took over in 1995 or 1994, went into power in 1995, they didn't have to deal with a continuing resolution because Mr. OBEY and the Appropriations Committee passed all of their bills on time. They didn't leave unfinished business for the Republican Congress.

And, guess what, they also had a surplus as far as the eye could see. So whatever idea we wanted to implement, we had the money to do it because we had managers in this House of Representatives under Democratic leadership to make sure that the country was in the black and in good standing and did not have bad credit and did not owe foreign nations $1.05 trillion.

Then the Republican leadership comes in here and they hand things out, special projects, bridges to nowhere, all of these big items, and then come to the floor and grab it. That's fine.

The reason I am happy today is today is the beginning of getting the Appropriations Committee and this House in order and getting us on track under regular order. And I will guarantee as sure as my name is Kendrick Meek that the 2008 appropriations act will pass on time. There will be hearings. We will look at every project and make sure that everything is in order, because American taxpayer dollars are going towards those projects.

Very few appropriations committees met. They hardly met. Why do you want to ask questions and have hearings? As I said, the Foreign Affairs Committee only had one hearing on Iraq. They have had five thus far in this Congress, and counting.

So I feel very confident about the fact that we are talking about our vision and the leadership; B, we are pointing out the difference between some of the Members on the minority side that want to continue to carry out the old way and the Members on the minority side that want to move in a new direction. I am glad that they are there.

My last point, we have five Members in the majority here on a Wednesday afternoon when we are going to recess for the week that has the will and the desire. We have the will and desire to continue to let the American people and the Members know that we want to lead and we want to lead this country in a new direction and we want to work in a bipartisan way.

We could be home. We could be somewhere else. My kids are back in the cloakroom right now. I could be having dinner with them. But this is important. I want them to know, and when historians look at what was happening during a time when we had two wars going on, we have a President wanting to escalate with troops and the American people saying we don't want it, we have the country in a deficit, and then we have Members here crying about a project was cut out of the bill and I am upset about it.

I am glad, ladies and gentlemen, that we are here on this floor, and I am glad that we are representing on behalf of the American people. We are not the Democratic National Committee. We are Members of Congress. And it should not be the Republican National Committee, it should be Members of Congress. That is what makes this House work, and that is the reason why it worked today on the continuing resolution.

I am very happy that we did pass this continuing resolution. I am so glad that 57 Republicans joined Democrats in passing this continuing resolution, because it is showing that we are actually moving in a new direction, not just Democrats are moving in a new direction, but the U.S. House of Representatives is.

Mr. MURPHY of Connecticut. Mr. Speaker, let me thank you, Mr. MEEK, on behalf of my constituents and the people throughout this country for the vigilance that you and Ms. WASSERMAN SCHULTZ and Mr. RYAN showed for the last 2 years, and in your case longer than that. There were a lot of things you could be doing late at night when Mr. ALTMIRE and I might have caught you on TV into the wee hours. But you were out here spreading the message that it was time for working class, regular folks throughout this country to have their day here again. There had been enough time for the special interests and lobbyists and everyone else to have their day in Congress. It was time for regular people to have their day in the people's House.

I want to add something. We use this term "Republican leadership," and I think that is important. Because one of the things that you have figured out over the last couple of weeks is that there is a difference between the Republican leadership and a lot of the rest of the folks in the Republican Party.

Maybe I should be careful to not give too much credit to the other side. But it seems like on every measure the Republican leadership trots out and says, the Republicans are going to be against raising the minimum wage, and they turn around to see who is following. And, guess what, they vote for it.

The Republican leadership says, we are going to be against cutting the student loan interest rates. They run out here and turn around to see who is following them, and there are even more of their colleagues voting with the Democrats.

They say, this process is broken, we are going to vote against this continuing resolution, and they turn around, and there are 50-some-odd of their Members supporting it.

Why? Because, on average, we had 60-some-odd votes for every piece of the 100 hours agenda from the Republican side and 50-plus votes for the continuing resolution.

Why do you have so many Republican votes? Because there are Republicans, just as there are Democrats, who are in touch with their constituents. When they go home for weekends, they hear about the struggles that middle-class families are going through to pay for health care and education.

Ms. WASSERMAN SCHULTZ. If the gentleman would yield, I would like to interject on that point.

Because the funny thing, ironically funny, about what you are talking about, where we have an average of 62 Republicans supporting the Six in '06 agenda and 57 supporting the continuing resolutions appropriations bill today, the last 2 years, our experience, Mr. RYAN'S, Mr. MEEK'S and my experience, is watching the Republican leadership wrench our colleagues's arms behind their back; and, in many cases, new Members replaced those Members. Those Members caved. Those Members either didn't vote their conscience.

We used to talk about, in the 30-something hour, about how it seemed they checked their consciences and their beliefs and their constituents' beliefs at the door. They would come here and allow themselves to be influenced by their leadership and vote differently in some cases than they publicly said they would vote.

I think that actually happened with your predecessor, Mr. MURPHY.

Mr. MURPHY of Connecticut. That's right. I think what happened here for the last 12 years, the agenda on the House floor was a Republican agenda. Republicans supported it, and they twisted some Republican arms to support it.

The agenda that is now before the House of Representatives is a people's agenda. That is why you see Republicans and Democrats supporting it. Because the agenda doesn't have to do with somebody on the seventh floor of the Republican National Committee or somebody on the third floor of the Democratic National Committee. The agenda has to do with the people that we meet at the diner and the senior housing center.

That is why I think for the next 2 years, I know for the next 2 years, we are going to see Republicans and Democrats coming together. Because this isn't a party agenda anymore. This is a people's agenda. That may sound corny, but it is probably the best way to articulate what is happening here.

As a new Member, it fills me with joy and pride to be part of this.

Ms. WASSERMAN SCHULTZ. Two things that we did not mention that were also part of the Six in '06 agenda were ethics reform and the PAYGO rules. Mr. ALTMIRE, I know you have been a supporter of both of those things.

We had a culture of corruption hanging over this institution and over this Capitol, and we were able to adopt some ethics rules that make sure that we can restore the American people's confidence in their government again. That is what our freshman class on the Democratic side ran on. One of the issues that they ran on was making sure that they could inspire their constituents to believe in what we are doing here again.

Mr. ALTMIRE. You are right. Those are the two things that we did the very first couple of days, right after we swore in that new class of freshmen and Democrats took control of Congress. We did away with the gifts and travel and the golf outings and the meals that had been so pervasive in Congress over the past several years.

More importantly to what we are talking about tonight, we reinstituted the PAYGO budget scoring system. And for those Members who talk to their constituents at home, it is what they do in their home kitchens at the end of month. It is what we do when we have to balance our own budgets. You have to have money on one side of the ledger to pay for what goes out on the other side. It is a very simple concept.

Unfortunately, this Congress right after this President took office decided to let that expire. That was required in Congresses past. But, unfortunately, this administration had other ideas; and so they ran up mountains of debt because they were no longer required to have money on the other side of the ledger when they wanted to continue their free-spending ways.

The result was when President Bush first took office he inherited 4 consecutive years of budget surpluses that were forecast to continue as far as the eye could see. In fact, the 10-year budget projection was $5.3 trillion, trillion, with a "T," in surplus over the 10-year period from 2001 to 2010.

Well, what has happened since then? They allowed pay-as-you-go to expire. They have run up the deficit, $3.5 trillion of debt over the past 6 years. The President next week is going to submit to us his budget for fiscal year 2008. It is going to be his seventh consecutive out-of-balance budget. Those deficits continue as far as the eye can see.

What we did in the first week when Democrats took control of Congress, we said, enough is enough. This must stop. We instituted the PAYGO scoring system, which is what turned the record deficits of the 1980s into the record surpluses that we had in the 1990s.

Now that led us to have to make some very difficult decisions in the continuing resolution that we passed today, but we have done it. We have done the hard work. We have talked about the increases that were included in the bill and the funding for veterans and for Pell Grants and for the new expanded health centers that are going to serve 1.2 million patients around the country.

But I do want to make clear to everybody that this measure also includes more than 60 different program cuts to help pay for that, to help balance that situation.

□ 1900

So those 60 programs were reduced below fiscal year 2006 funding proposals, and that provided the $10 billion in savings that we needed to offset those increases that we made in veterans health care and the other programs that we talked about.

Mr. RYAN of Ohio. I find it very interesting as the debate progressed today to hear all the conservatives who have been saying government's too big and then they blew the budget completely out of balance, borrowed money from China and they are here complaining about all this government is bad stuff, well, you are cutting this program and that program. That is why I think they have lost a lot of credibility with the American people, Mr. Speaker, is because there is no consistency with their argument.

Mr. MEEK of Florida. Consistency.

Mr. RYAN of Ohio. No consistency. What they said last year, they did not do this year. What they did last year, they do not want us to do. There is no consistency to their argument at all. Consistency is the word for today, the lack thereof on the Republican side.

As we close, because I know we just have a few minutes left, and I want to yield back to my friend from Florida, I think it is very interesting what we are seeing happening already. We talked a lot in the last couple of years about oversight and that when the Democrats were in charge, Mr. Speaker, we were going to provide oversight.

Now, we start seeing things open up in Iraq, with all these contracts, from all these big corporations who were getting all these big government contracts, all of the sudden you are starting to see come out of these committee hearings exactly what has been going on. Now you are starting to see maybe the administration was strong arming some scientists to spin global climate change data. You are starting to see this all percolate up.

I think one of the other things we said we are going to do is execute our constitutional obligation to provide oversight, and we are seeing that, and we are seeing the results of that with the global warming, with the war in Iraq, things happening, that didn't happen in Katrina, all starting to rise up.

I want to thank the gentleman from the Pittsburgh area and the gentleman from Connecticut, my two favorite people from Florida. I want to thank you and I yield to Ms. WASSERMAN SCHULTZ for her closing remarks.

Ms. WASSERMAN SCHULTZ. I think your comments are a good segue to where we should close which is that the Congress has now finally reasserted our constitutional role to be a check, a check and a balance over the other branches of government, particularly over the executive branch in which that authority and oversight was completely ceded over the last 12 years.

I sit on the House Judiciary Committee. We had an oversight committee today on the presidential signing statement where the President, this President in particular more than any other President combined, has issued signing statements, his opinion and his interpretation of legislation which is really the judicial branch's responsibility, that he would just choose not to implement or implement in the way that he wanted to, a particular section of law, wholly inappropriate.

Congress is back in our appropriate role, and I yield to the gentleman from Pennsylvania to talk about our Web site, but first to the gentleman from Connecticut.

Mr. MURPHY of Connecticut. I just want to warn the gentleman from Pennsylvania that you need to say both the e-mail address and the Web site or you will be scolded by some of the more veteran Members of the 30 Something Group. So I want to give you that piece of advice as you close.

Mr. ALTMIRE. I appreciate the gentleman from Connecticut alerting me to that.

For the Members who would like to tell the constituents how they can learn something more about the 30 Something Working Group, I would encourage them to e-mail us at 30somethingdems@mail.house.gov or they can visit the Web site at www.speaker.gov/30something.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, the 30 Something Working Group appreciates the hour granted to us by Speaker NANCY PELOSI.

APPOINTMENT OF HON. STENY H. HOYER AND HON. CHRIS VAN HOLLEN TO ACT AS SPEAKER PRO TEMPORE TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS THROUGH FEBRUARY 5, 2007.

The SPEAKER pro tempore (Mr. HARE) laid before the House the following communication from the Speaker:

WASHINGTON, DC,
January 31, 2007.

I hereby appoint the Honorable STENY H. HOYER and the Honorable CHRIS VAN HOLLEN to act as Speaker pro tempore to sign enrolled bills and joint resolutions through February 5, 2007.

NANCY PELOSI,
Speaker of the House of Representatives.

The SPEAKER pro tempore. Without objection, the appointment is approved.

There was no objection.

CIVIL LIBERTIES

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Maryland (Mr. BARTLETT) is recognized for 60 minutes.

Mr. BARTLETT of Maryland. Mr. Speaker, there is a question that often comes to my mind. I wonder to how many Americans this comes to their mind.

We are a great superpower, the undisputed economic and military superpower of this world. Have you ever asked yourself why? What is so special about us that we have this privileged position in the world?

We no longer have the most oil in the world or gold or silver or diamonds. We no longer have the best work ethic in the world. We no longer have the most respect for technical education. We no longer have the most respect for the nuclear family. Nearly half of our children are born out of wedlock. What makes us so special?

I have asked myself that question a lot of times, and I think there are two reasons. There may be others, but I have noted for myself two reasons I think. One of those is the enormous respect that this country, that this government, has for our civil liberties. There is no other Constitution, there is no other government, that has this great respect for civil liberties.

The Constitution written in 1787 was hardly dry before our Founding Fathers wondered if it was clear that most of the rights, most of the power, should belong to the people, and so they wrote what we call the Bill of Rights, those first 10 amendments which delineated very clearly that most of the rights belonged to the people.

Civil liberties are always a casualty of war. Abraham Lincoln, my favorite President, violated our civil liberties in the civil war. In World War II, we interred the Japanese Americans. I served here with Norm Mineta, former Secretary of Transportation. Japanese Americans. He told me, "ROSCOE, as a little boy, I remember holding my parents' hands when they ushered us into that concentration camp in Idaho."

Those wars were ended and we got back the habeas corpus that was denied during the civil war, and the Japanese Americans were released from those interment camps.

We are now engaged in a great war, a war like no other that we have ever fought. I am concerned, Mr. Speaker, that in our zeal to catch terrorists that we may threaten the civil liberties that I think are largely responsible for making us this great, free Nation.

I think these civil liberties have established a climate and milieu in which creativity and entrepreneurship can flourish, and I think we put at risk who we are in our superior position in the world if we put at risk these civil liberties. We need to be very careful, and actions like the PATRIOT Act, warrantless wiretaps, detention without either charging or giving counsel to the accused, we must be very careful, Mr. Speaker, that we do not put at risk those things that have made us such a great Nation. But this is a subject for another day.

A second reason, which is the subject for today that I believe that we are such a great, free Nation, undisputed superpower in the world, I believe that our Founding Fathers understood that God sat with them at the table when they wrote the Declaration of Independence and the Constitution and the Bill of Rights.

I have here in the front of the little Constitution that I carry a statement from Alexander Hamilton one year before they wrote the Declaration of Independence, and I think that it kind of epitomizes the belief that most of our Founding Fathers had.

The sacred rights of mankind are not to be rummaged for among old parchments or musty records. They are written as with a sunbeam in the whole volume of human nature by the hands of the divinity itself and can never be erased or obscured by mortal power.

Is there any better evidence that our Founding Fathers believed that God sat with them at the table when they wrote these great documents?

I would like to read something from the Declaration of Independence, that first document, in 1776. "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness."

Five times in the Declaration of Independence God is mentioned. Do you think, Mr. Speaker, that our courts may declare the Declaration of Independence unconstitutional because it mentions God?

As I mentioned earlier, the Constitution, which was the fulfillment of the promise made in the Declaration of Independence, written, by the way, 11 years later in 1787, this Constitution sought to assure the permanence of these God-given rights noted in the Declaration of Independence to the citizens of this new country. They did that by delineating a very limited Federal Government. If the Federal Government is limited, obviously the powers, the rights that it does not have belong to the people, but the ink was hardly dry on this document before they wondered was it really clear, would people really understand from this Constitution.

It is certainly implicit there in the fact that our Federal Government is given very few powers. You would need never believe they meant that today, Mr. Speaker, by the size of our Federal Government. We really need to take a look at that because we are doing a lot of things that I think that if our Founding Fathers were resurrected would be quite surprised that we thought their Constitution permitted the Federal Government to do.

They were concerned that maybe it was not clear that these precious rights given to us by God were to be secured to the people and not to the government, and so they started 10 amendments through the process of two-thirds of the House, two-thirds of the Senate and three-fourths of the State legislatures, and 10 of them made it through, and we know them as the Bill of Rights. .

The rights of the people are so frequently mentioned in these Bill of Rights, which is why we call them the Bill of Rights. The first amendment, the right of the people peaceably to assemble. The second amendment, the right of the people to keep and bear arms. The third amendment does not mention rights, but it certainly delineates the right of the people not to have the military quartered in their houses except in time of war. The fourth amendment begins with the words the right of the people.

Mr. Speaker, I would like to note that this does not say the rights of the citizens. It says the rights of the people, and our Founding Fathers did differentiate in this great Constitution between people and citizens because when they are delineating the requirements for the presidency or other offices they note the requirement for citizenship.

The fifth amendment, which delineates a lot of rights, begins with the delineation of a right which is frequently denied to us by our governments, both local, State and Federal. I think it is the most violated part of our Constitution. The last part of the fifth amendment, a lot of rights in there, the right of the people not to have to testify against themselves, the right of the people not to have to stand trial twice for the same offense, but this last right, little noted, violated every day by all levels of government, nor shall private property be taken for public use without just compensation.

□ 1915

We need to take a serious look at that. If we can start denying one right of the people in this great Constitution, arguing that times have changed, are not all of these rights at risk?

The sixth amendment, enjoy the right to a speedy and public trial; the seventh amendment, the right by trial; and then the eighth amendment, the people have the right not to have excessive fines or cruel and unusual punishment.

The ninth amendment, the lost amendment, the amendment that almost nobody reads, the amendment that I think very few people understand, it is a very simple one. The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people.

This is written in old English and legalese. What does it mean? What it means is that just because a right is not given to the people specifically in the Constitution, don't disparage that right to the people, to whom that right belongs.

Fundamentally, all rights belong to the people. They choose, they choose to give certain power, certain rights to their government.

Because when there are a lot of people who need government, the government must have some rights. Our Founding Fathers wanted our government to have little power and few rights.

The tenth amendment, the power is not delegated. They might just as well have said, rights not delegated to the United States by the Constitution nor prohibited by the States or reserved to the States respectively or to the people.

If you were writing this in everyday English, and not using legalese, you would say, if you cannot find it in article 1, section 8, the Federal Government cannot do it.

There is a whole lot of what we do that I can't find in article 1, section 8. I would submit that we have amended our Constitution 27 times. If we think it is outdated, we ought to be doing something that this Constitution prohibits us from doing, then, sir, we need to amend the Constitution. We don't need to ignore it.

Essential to our understanding of our origins is an understanding of what our government really is. I am afraid, sir, that too few understand this.

When Benjamin Franklin came out of the Constitutional Convention in 1797, as the story goes, he was asked by a woman who was sitting there, Mr. Franklin, what have you given us? This quote is in the front of many copies of the Constitution. His answer was, a republic, madam, if you can keep it, a republic.

But I thought we have a democracy. I don't know if we cite that Pledge of Allegiance just from rote and never think about what it says. But you remember those words in there, the republic for which it stands, not the democracy, but the republic for which it stands. What is the difference between a republic and a democracy and why did Benjamin Franklin make a point of telling this lady, a republic, madam, if you can keep it?

Let me give you a couple of examples of a democracy that will help you understand why he didn't say that they had given us a democracy. An example of a democracy is two wolves and a lamb voting on what they are going to have for dinner. You may smile a little because you know that if two wolves and a lamb are voting on what you are going to have for dinner, it is not going to be clover.

Another sample, and this is a very sad example, but if you think about it, this is really an apt example of a democracy, and that is a lynch mob. Because, clearly, in a lynch mob the will of the majority is being expressed, and that is what people say democracy is, that the majority rules.

So what is a republic? There is an incident in our history that helps me understand the difference between a republic and a democracy, and this happened during the Truman administration. The steel mills were going on strike, our economy was already in trouble, and it was going to be in bigger trouble if that strike occurred. Then we did some manufacturing, and we made some steel, and it mattered. Today, it probably wouldn't matter, because so little manufacturing in steel is made here, but it mattered then.

Harry Truman in his take-charge style issued an executive order, one of only two, by the way, that the Supreme Court has set aside. What he said in that executive order was that he nationalized the steel mills that made the steel mill workers civil servants, employees of the government. As employees to the government, they couldn't strike.

That was a very popular action that had very high approval from the American people. In a democracy, that would have been just fine. But the Supreme Court met in an emergency session and, in effect, what they said, Mr. President, no matter how popular that is, you cannot do it because it violates the Constitution.

You see, the fundamental difference between a democracy and a republic is a rule of law. In a democracy, what the majority wants prevails. In a republic, it is a rule of law that prevails. Now, we can change that law. We have changed it 27 times. But it takes a very deliberative process, two-thirds of the House, two-thirds of the Senate, and then three-fourths of the State legislature. This is a long-time process. It gives a lot of time for reflection.

The last time we tried to amend the Constitution it didn't quite make it, the Equal Rights Amendment, you remember. Nobody denies that women should have equal rights with men. But what that amendment says, that you couldn't differentiate between men and women. If you had a draft, you would have to draft women.

We can change this Constitution, but it takes a very deliberative process and a super majority vote.

Then the last half of that statement, if you can keep it, I wonder what was in Benjamin Franklin's head, in his mind. Was he concerned about threats from outside our country? We were a long ocean away with sailing ships from any potential enemy. I doubt that his concern was a threat from without. I think that he was more concerned about a threat from within, a republic, madam, if you can keep it.

This needs a longer discussion, but that, too, is a discussion for another day. To really understand who we are, we need to go back to our origins and how our Founding Fathers came here. Most of them in our early days came from the British Isles and the European continent, and they came here to escape two tyrannies. One was the tyranny of the crown, and the other was the tyranny of the church.

Most of them came from countries where there was a king or an emperor who incredibly, from our perspective, claimed and was granted divine rights. What that says was the rights came from God to the king or the emperor, and he would give what rights he wished to his people. That is incomprehensible to us that for hundreds of years people could have lived under that kind of government.

Well, those who chose not to live that way came to this country. When they wrote the Bill of Rights, their concern about the tyranny of the crown gave rise to the second amendment.

Now, you may ask people what the second amendment is, and almost all of them will tell you that it says the right of the people to keep and bear arms shall not be infringed. That is about half of the second amendment.

Let me read the first part that puts that second part in perspective. A well-regulated militia, that is every citizen with a gun, that is the militia, a well-regulated militia being necessary to the security of a free state. I asked some of my friends, who wants to limit the right to keep and bear arms? What do you think that means?

Remember, they came here to escape the tyranny of the crown. If we have a citizenry who have the right to keep and bear arms, never, ever could a small oligarchy at the seat of government take over and oppress the people.

The second tyranny that they came here to escape was the tyranny of the church. In England, it was the Episcopal church. On the continent, it was the Roman church. In England, it was a state church, supported by the state, empowered by the state. On the continent, the Roman Catholic Church was the state church for many states, supported by the state and powered by the state, and these religions could and did oppress other religions.

Our Founding Fathers were so repulsed by this that when they came here in old Virginia they would not let Roman Catholics vote. But, to their great credit, when it came time to write these precious 10 amendments, they recognized that is not really what they came here to do. So they wrote the establishment clause of the first amendment, and it is very clear. I have no idea why people have trouble understanding it.

It says, Congress shall make no law respecting an establishment of religion. Don't make any law establishing a state religion.

Then they went on to say, and let everybody worship as they please, or prohibiting the free exercise thereof. That is a really misunderstood establishment clause.

Early history books will present a very different picture of our origins than that which really existed. If you go back to a history book of 50 years ago, it will be unrecognizable as compared to the history book of today. The history books of today have been bled dry of any reference to our Christian heritage.

I would like to pause here for just a moment to note that I am going to quote from a lot of our Founding Fathers, and they are going to use the word "Christian." That was the lexicon of the day. If they were here today, they would be saying Judeo-Christian. Every time I read the word "Christian," please translate that Judeo-Christian, because that is the context in which they used that word.

Current history books, and indeed our culture, contains three great lies. The first of these lies is that our Founding Fathers were atheist and deist. Now an atheist is someone who does not believe in God. Deist, God, atheist, the alpha primitive, don't believe in God. A deist is someone who believes there is a God. They believe he created the world, but don't bother trying to talk to him or pray to him, because when he created the world he also put in place several laws, and your destiny will be determined by how you relate yourself to your laws. Although they believed in a supreme being, they didn't believe he was a personal God or made any difference whether you tried to talk to him or not, and he certainly was not going to talk to you.

The second great lie is that our Founding Fathers did not want to establish a Christian Nation.

The third great lie is that they established a wall of separation between the church and the state.

Our national freedom was not free. It was enormously costly. Five of the 55 signers of the Declaration of Independence were captured and executed by the British, nine of them died on the battlefield of the Revolutionary War, and another dozen lost their homes and their possessions and their fortunes to British occupation. Our birth as a Nation was not cheap for these men. What beliefs and convictions motivated them to do what they did?

□ 1930

Of these three great lies, that is the wall of separation, it is very easy to dispense with a third of those because the words "separation," "church," and "State" never exist in relationship to each other in either our Constitution or the amendments.

But they do occur in one constitution. Interestingly, that is the constitution of the old Soviet empire, the constitution of the United Soviet Socialist Republic. Article 124 says: "In order to ensure to citizens freedom of conscience, the church in the USSR is separated from the state and the schools from the church."

Now, many people would like to interpret the establishment clause of our first amendment as if it was written in these words that are found only in the constitution of the old Soviet Union.

To refute the first two lies, that is, that our Founding Fathers were athiests and deists and that they did not mean to establish a Christian nation, I want to do four things. First of all, I want to let the Founding Fathers speak for themselves. I am going to cite only a few quotes from the many, many that you could find. Then we are going to take a look at what the courts said and you will be astounded at what our courts said in our early years. And then we will take a look at what the Congress did. The institution permits me to speak here in the well of the Congress. And then we will take a look at our schools.

Patrick Henry was the firebrand of the Revolution. Every school child knows his words: "Give me liberty or give me death." But I will wager, Mr. Speaker, that you will not find in any current textbooks the circumstances in which he uttered these words: They were in a church in Richmond, Virginia, St. John's Church in Richmond Virginia March 23, 1775, and this is what he said: "An appeal to arms and the God of Hosts is all that is left us. But we shall not fight our battle alone. There is a just God that presides over the destinies of nations. The battle, sir, is not to the strong. Is life so dear or peace so sweet as to be purchased at the price of chains and slavery? Forbid it, Almighty God. I know not what course others may take, but as for me, give me liberty or give me death."

Did your children ever bring home to you this full quote from Patrick Henry?

Was Patrick Henry a Christian? The following year, 1776, he wrote this: "It cannot be emphasized too clearly and too often that this great Nation was founded, not by religionists, but by Christians," or in today's vernacular, Judeo Christians, "not on religion, but on the gospel of Jesus Christ. For that reason alone, peoples of other faiths have been afforded" . . . "freedom of worship here."

Benjamin Franklin was said to be a deist; that is, he believed there was a God who created the Earth but then he just let the Earth and its inhabitants determine their destiny by how they related themselves to laws that he had established. Let me read to you something that Benjamin Franklin said. This was in 1787. We had a deadlocked convention.

It wasn't certain that after 11 years, we were going to be able to write a Constitution that would protect all of the rights, big States and little States and people, that we wanted to protect. And this is what he said: "In the days of our conquest with Great Britain when we were sensible of danger, we had daily prayer in this room for divine protection. Our prayers, sir, were heard, and they were graciously answered. All of us who were engaged in the struggle must have observed frequent instances of superintending providence in our favor. To that kind providence we owe this happy opportunity to establish our Nation. And have we now forgotten that powerful friend? Do we imagine we no longer need his assistance?"

And then I love this quote: "I have lived, sir, a long time." I believe he was 81 years old, the oldest member of the Constitutional Convention, revered Governor of Pennsylvania. "I have lived, sir, a long time, and the longer I live, the more convincing proofs I see of this truth, that God governs in the affairs of men. And if a sparrow cannot fall to the ground without his notice, it is probable that a new nation cannot rise without his aid. We have been assured, sir, in the sacred writings that except the Lord build the house, they labor in vain that built it. I therefore beg leave to move that henceforth prayers imploring the assistance of heaven and its blessings on our deliberations be held in this assembly every morning before we proceed to any business."

That, Mr. Speaker, established a precedent that we honored this morning when we opened this day and this Congress with prayer. We have a chaplain; so does the Senate. There is a chaplain of every religious persuasion, or many, including Muslims, who serve our military. As a matter of fact, Mr. Speaker, the only place today we cannot offer a prayer is in our schools. I have often asked myself the rationality of this.

Thomas Jefferson was also said to be a deist. Let me read what he says and see if you believe he was a deist: "I am a real Christian, that is to say a disciple of the doctrines of Jesus. I have little doubt that our whole country will soon be rallied to the unity of our creator and, I hope, to the pure doctrine of Jesus also."

On slavery Jefferson wrote: "Almighty God has created men's minds free. Commerce between master and slave is despotism. I tremble for my country when I reflect that God is just; that his justice cannot sleep forever."

George Washington, the founder our country, a deeply religious person. We think of him often as commander of the Army. This is his quote: "It is impossible to govern the world without God and the Bible." Boy, are we trying to do that? "Of all the dispositions and habits that lead to political prosperity, our religion and morality are the indispensable supporters. Let us with caution indulge the supposition," that is, the idea, "that morality can be maintained without religion. Reason and experience both forbid us to expect our national morality can prevail in exclusion of religious principle."

And in his prayer book, George Washington wrote this: "Oh, eternal and everlasting God, direct my thoughts, words, and work. Wash away my sins in the emaculate blood of the lamb and purge my heart by the Holy Spirit. Daily, frame me more and more in the likeness of they son, Jesus Christ, that living in thy fear, and dying in thy favor, I may in thy appointed time obtain the resurrection of the justified unto eternal life. Bless, O Lord, the whole race of mankind and let the world be filled with the knowledge of thee and thy son, Jesus Christ."

John Adams, our second President and President of the American Bible Society, this is what he said: "We have no government armed with the power capable of contending with human passions, unbridled by morality and true religion." Mr. Speaker, I wonder if maybe this can be a factor in our problems in Iraq. "Our Constitution was made only for a moral and religious people. It is wholly inadequate to the government of any other." This by the second President of the United States.

John Jay, our first Supreme Court Justice, said "Providence has given to our people the choice of their rulers, and it is the duty as well as the privilege and interest of our Christian Nation to select and prefer Christians for their rulers." This from John Jay, the first Supreme Court Justice.

John Quincy Adams, also, like his father, President of the American Bible Society. As a matter of fact, I think it was he who said that he valued the presidency of the American Bible Society more than he valued the presidency of the United States. This is what he said: "The highest glory of the American Revolution was this: It connected in one indissoluble bond the principles of civil government with the principles of Christianity. From the day of the Declaration, the day" the Founding Fathers "were bound by the Laws of God, which they all acknowledged as their rules of conduct."

And later Calvin Coolidge, "Silent Cal." An interesting story is told of him. He was a man of few words. It was hard to get him to talk. He was sitting at dinner with a lady who said, "I have a wager that I will get you to say three words tonight." And the only words he uttered that whole evening were "You lose."

Calvin Coolidge said this: "America seeks no empires built on blood and forces. She cherishes no purpose save to merit the favor of Almighty God." He later wrote: "The foundations of our society and our government rest so much on the teachings of the Bible that it would be difficult to support them if faith in these teaching would cease to be practically universal in our country."

President Coolidge, they have ceased to be practically universal in our country. What now?

I think, Mr. Speaker, you see from these quotes from just a few of our Founding Fathers, and there are dozens of others I could have brought, that certainly our Founding Fathers were deeply religious people. They were not deists and athiests.

Now let us move to the Supreme Court. Some of these quotes will shock you. The People versus Ruggles. He had publicly slandered the Bible, and somehow this came to the Supreme Court in 1811. "You have attacked the Bible." This is what the Supreme Court said: "You have attacked the Bible. In attacking the Bible, you have attacked Jesus Christ. In attacking Jesus Christ, you have attacked the roots of our Nation."

Did they intend this to be a Godless Nation?

"Whatever strikes at the root of Christianity manifests itself in the dissolving of our civil government. This was the Supreme Court. And then the same Court a little later, in 1885, in Vida versus Gerrard, they were using the Bible in teaching one of our schools, and somehow that got to the Supreme Court. And this is what they said: "Why not use the Bible, especially the New Testament? It should be read and taught as the divine revelation in the schools. Where can the purist principles of morality be learned so clearly and so perfectly as from the New Testament?" Can you imagine anything like that coming from our Court today?

And then in 1892, and this was in a suit involving the Church of the Holy Spirit in which they contended Christianity was not the faith of the people, and this is what the Supreme Court said in 1892: "Our laws and our institutions must necessarily be based upon and embody the teachings of the redeemer of mankind. It is impossible to demand that they should be otherwise; and in this sense and to this extent, our civilization and our institutions are emphatically Christian. No purpose of action against our religion can be imputed to any legislation, State or national, because this is a religious people." This is the Supreme Court. "This is historically true. From the discovery of this continent to this present hour, there is a single voice making this affirmation." And then they go on to cite 87 different legal precedents to affirm that America was formed as a Christian Nation by believing Christians.

And then in 1947, our Court did an about face, 180 degrees, repudiating everything they have they had done for 160 years. And you will see no Supreme Court reference today going back beyond 1947 because if you went back beyond that, every one would be consistent with the quotes that I have read here.

We are having trouble understanding that what our Founding Fathers meant in this great establishment clause in the first amendment was to ensure that there would be freedom of religion. We are ever more interpreting this as requiring freedom from religion. Our Founding Fathers would be astounded if they could be resurrected and see how we have interpreted their Constitution.

☐ 1945

In the early 1850s, Humanism and Darwinism was sweeping our country. And there was the assertion that America was not a Christian Nation. After a year's study, now we are turning to the Congress. After a year's study, this is what the Senate Judiciary Committee said in its final report in March 27, 1854.

"The First Amendment clause speaks against an establishment of religion. The founding fathers intended by this amendment to prohibit an establishment of religion, such as the Church of England presented or anything like it. But they had no fear or jealousy of religion itself, nor did they wish to see us an illreligious people." And I love the language that our founding fathers used, so poetic.

"They did not intend to spread over the public authorities and the whole public action of the Nation the dead and revolting spectacle of atheistic apathy. Had the people during the revolution had a suspicion of any attempt to war against Christianity, that revolution would have been strangled in its cradle."

At the time of the adoption of the Constitution and the amendments, the universal sentiment was that Christianity should be encouraged, not just any one sect or denomination. The object was not to substitute Judaism, or Islam or infidelity, but to prevent rivalry among the Christian denominations to the exclusion of others. Christianity must be considered as the foundation on which the whole structure rests.

"Laws will not have permanence or power without the sanction of religious sentiment, without the firm belief that there is power above us that will reward our virtues and punish our vices." This is what our Congress said.

The Continental Congress bought 20,000 copies of the Bible to distribute to its new citizens. And for the first 100 years of our country, every year our Congress voted monies to send missionaries to the American Indians.

Continuing the Senate Judiciary Committee's 1854 reading. "In this age, there can be no substitute for Christianity. By its general principles, the Christian faith is the great conserving element on which we must rely for the purity and permanence of our free institutions."

That was the religion of our founding fathers, or the Republic, and they expected it to remain the religion of their descendents. Well, there is little question, little question how the Congress felt, and the courts.

Let us turn now to our schools. Oh, by the way. The same Congress in 1854 passed this resolution. Can you imagine this today? "The Congress of the United States recommends and approves the Holy Bible for use in our schools."

The New England Primer used for 200 years. This is how they taught the alphabet. A. A wise son makes a glad father but a foolish son is heaviness to his mother.

B. Better is little with the fear of the Lord than abundance apart from him. C. Come unto Christ, all you who are weary and heavily laden. D. Do not do the abominable thing, which I hate, sayeth the Lord. E. Except a man be born again he cannot see the Kingdom of God. Clearly religion was important in our early schools.

The McGuffey Reader, used for a hundred years. A few years ago they brought it back with the hope that if kids used that, they could read, because what they were doing today they were not learning to read.

This is what McGuffey said. "The Christian religion is the religion of our country. From it are derived our notions of the character of God, on the great moral Governor of universe. On its doctrines are founded the peculiarities of our free institutions. From no source has the author drawn more conspicuously than from the sacred Scriptures. For all of those extracts from the Bible, I make no apology."

Of the first 108 universities in our country, 106 were distinctly religious. Harvard University, the first university. This was in their student handbook. Let me read it. "Let every student be plainly instructed and earnestly pressed to consider well, the main end of his life and studies is, to know God and Jesus Christ, which is eternal life, John 17:3; and therefore to lay Jesus Christ as the only foundation of all sound knowledge and learning."

For more than 100 years, more than 50 percent of all Harvard's graduates were pastors. We now have exposed these three great lies from our founding fathers, from our courts, from our Congress, from our schools. Our founding fathers have all spoken. Clearly we were founded by religious people intending to be a religious Nation.

What have we reaped in the way we have changed? America 100 years ago had the highest literacy rate of any nation. Today we spend more on education than any nation in the world. And yet since 1987 we have graduated more than one million high school students who could not even read their diploma.

We have spent more money than any other Nation in the industrialized world to educate our children, and yet SAT scores fell for 24 straight years before finally leveling off at the bottom, where they still are compared with others in the world in the 1990s.

In a 1960 survey 53 percent of America's teenagers had never kissed. 57 percent said they had never necked, that is kissing and hugging, and 92 percent of teenagers in America said they were virgins in 1960.

Before that, more than a decade before that, I was getting my doctorate at the University of Maryland. The girls dorm was right down the hill from Moral Hall where I did my work. The Dean of Women would not let the girls go barefoot because she said that bare feet were too sexy.

There are far too many coed dorms and coed rooms in the University of Maryland today. By 1990, just 30 years later, 75 percent of American high school students are sexually active, by 18. In the next 5 years, we spent $4 billion to educate them on how to be immoral, to trumpeting the solutions of safe sex, and it worked.

One in five teenagers in America today lose their virginity before their 13th birthday. 19 percent of America's teenagers say they have had more than four sexual partners before graduation. The result: Every day 2,700 students get pregnant, 1,100 get abortions, 1,200 give birth. Every day another 900 contract a sexually transmitted disease, many incurable.

AIDS infections among high school students climbed 700 percent between 1990 and 1995. We have 3.3 million problem drinkers in our high school campuses, over half a million alcoholics, and in any given weekend in America, 30 percent of the student population may spend some time drunk.

A few years ago a young woman in a high school in Oklahoma wrote this poem as a new school prayer. "Now I sit me down in school where praying is against the rule, for this great Nation under God finds mention of him very odd.

"The Scripture now the class recites, it violates the Bill of Rights. And any time my head I bow, becomes a Federal matter now. Our hair can be purple, orange or green, that is no offense, it is a freedom scene. The law is specific, the law is precise, only prayers spoken out loud are a serious vice.

"For praying in a public hall might offend someone with no faith at all, in silence alone we must meditate, God's name is prohibited by the State. We are allowed to cuss and dress like freaks, and pierce our noses, tongues and cheeks, they have outlawed guns but first the Bible.

"To quote the Good Book makes me liable. We can elect a pregnant senior queen, and the unwed daddy our senior king. It is inappropriate to teach right from wrong, we are taught that such judgments do not belong.

"We can get our condoms and birth control, study witchcraft, vampires and totem poles, but the Ten Commandments are not allowed. No word of God must reach this crowd. It is scary here I must confess, when chaos reins the school is a mess.

"So Lord this silent plea I make, should I be shot my soul please take."

Our Nation which used to lead the world in every arena now leads the world in these areas. Number one in violent crime. We are number one in divorce. We are number one in teenage pregnancies. We are number one in volunteer abortions. We are number one in illegal drug abuse. And we are number one in the industrialized world for illiteracy.

Alexis de Tocqueville, a great, young Frenchman, toured our country for 5 years. He wrote a great two-volume treatise on democracy, which is still a classic. And this is what he said. "In the United States, the influence of religion is not confined to the manners, but shapes the intelligence of the people. Christianity, therefore reigns without obstacle, by universal consequence. The consequence is, as I have before observed, that every principle in a moral world is fixed and enforced."

And this great quote. "I sought for the key to the greatness of and genius of America in her great harbors, her fertile fields and boundless forests, in her rich minds and vast world commerce, in her universal public school system and institutions of learning.

"I sought for it in her Democratic Congress and her matchless Constitution. But not until I went into the churches of America and heard her pulpits flame with righteousness did I understand the secret of her genius and power."

He said, "America is great, because America is good. And if America ever ceases to be good, America will cease to be great."

In 1963, Abraham Lincoln declared a National Day of Humiliation. And this is what he said. "We have been the recipients of the choicest bounties of heaven. We have been preserved these many years in peace and prosperity. We have grown in numbers and wealth and power, as no other Nation has ever grown. But we have forgotten God. We have forgotten the gracious hand which preserved us in peace and multiplied and enriched us.

"And we have vainly imagined in the deceitfulness of our hearts that all these blessings were produced by some superior wisdom and virtue of our own. Intoxicated with unbroken success we have become too self-sufficient to feel the necessity of redeeming and preserving grace.

"Too proud to pray to the God that made us. It behooves us then to humble us ourselves before the offended power, to confess our national sins and to pray for clemency and forgiveness."

Abraham Lincoln understood that this was a new experiment that might not succeed. In the Gettysburg Address he says this. "Four score and seven years ago our fathers brought forth in this continent a new Nation, conceived in liberty and dedicated to the proposition that all men are created equal."

That may sound very strange to us, and this should be unusual. But remember, they came from countries that had a king or an Emperor. "We are now engaged in a great civil war, testing whether that Nation or any Nation so conceived and so dedicated can long endure."

We have forgotten from whence we came. Actually this generation has not forgotten, it never knew. I think, Mr. Speaker, that this great free country, the undisputed economic and military super power of the world is at risk if we have forgotten from whence we came.

Abraham Lincoln said this to our Nation, and I will close with this. We need to hear it again. "For all those who have died in all of our wars, it is rather for us to be here dedicated to the great tasks remaining before us, that from these honored dead we take increased devotion to that cause to which they gave the last full measure of devotion, that we here highly resolve that these dead shall not have died in vain, that this Nation under God shall have a new birth of freedom."

Thank you, Mr. Speaker. I yield back.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. FARR (at the request of Mr. HOYER) for today until 3 p.m. on account of a death in the family.

Mr. BUYER (at the request of Mr. BOEHNER) for today on account of medical reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mrs. CAPPS) to revise and extend their remarks and include extraneous material:)

Mr. PALLONE, for 5 minutes, today.

Mr. CUMMINGS, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. SCHIFF, for 5 minutes, today.

Mrs. CAPPS, for 5 minutes, today.

Mrs. MCCARTHY of New York, for 5 minutes, today.

Mr. ALLEN, for 5 minutes, today.

Mr. GEORGE MILLER of California, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Ms. SOLIS, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. McGOVERN, for 5 minutes, today.

(The following Members (at the request of Ms. FOXX) to revise and extend their remarks and include extraneous material:)

Mr. JONES of North Carolina, for 5 minutes, February 5, 6, and 7.

Mr. WELDON of Florida, for 5 minutes, today.

Mr. FORTENBERRY, for 5 minutes, today.

Mr. HULSHOF, for 5 minutes, today.

Mr. MICA, for 5 minutes, today.

Mr. LAMBORN, for 5 minutes, today.

BILL PRESENTED TO THE PRESIDENT

Karen L. Haas, Clerk of the House, reports that on January 30, 2007, she presented to the President of the United States, for his approval, the following bill.

H.R. 188. To provide a new effective date for the applicability of certain provisions of law to Public Law 105-331.

ADJOURNMENT

Mr. BARTLETT of Maryland. Mr. Speaker, pursuant to House Concurrent Resolution 41, 110th Congress, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER pro tempore (Mr. HARE). Pursuant to House Concurrent Resolution 41, 110th Congress, the House stands adjourned until 2 p.m. on Monday, February 5, 2007.

Thereupon (at 7 o'clock and 59 minutes p.m.), pursuant to House Concurrent Resolution 41, the House adjourned until Monday, February 5, 2007, at 2 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

475. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations; Annual Gasparilla Marine Parade, Hillsborough Bay, Tampa, FL [CGD 07-05-156] (RIN: 1625-AA08) received January 16, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

476. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Regulated Navigation Area; East Rockaway Inlet to Atlantic Beach Bridge, Nassau County, Long Island, New York [CGD01-06-142] (RIN: 1625-AA11) received January 12, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

477. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Opertion Regulations; Southern Boulevard (SR 700/80) Bridge, Atlantic Intracoastal Waterway, mile 1024.7, Palm Beach, FL [CGD07-06-130] (RIN: 1625-AA09) received January 16, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

478. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation; Darby Creek, Essington, PA [CGD05-06-086] (RIN: 1625-AA09) received January 16, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

479. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation; Bayou Lafourche, LA [CGD08-06-028] (RIN: 1625-AA09) received January 16, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

480. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Arkansas Waterway, Arkansas [CGD08-06-005] (RIN: 1625-AA09) received January 16, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

481. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Potomac and Anacostia Rivers, Washington, DC and Arlington and Fairfax Counties, VA [CGD05-06-120] (RIN: 1625-AA87) received January 16, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

482. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Choptank River, Cambridge, MD [CGD05-06-121] (RIN: 1625-AA00) received January 16, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

483. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zones; Escorted Vessels in the Captain of the Port Jacksonville Zone [COTP Jacksonville 06-276] (RIN: 1625-AA87) received January 16, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

484. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone, Elba Island LNG mooring Slip, Savannah River, Savannah, Georgia [COTP Savannah 06-160] (RIN: 1625-AA87) received January 16, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

485. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Waters Surrounding U.S. Forces Vessel SBX-1, HI [COTP Honolulu 06-008] (RIN: 1625-AA87) received January 16, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

486. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Transit of Industrial Cranes, Cape Fear River, Wilmington, North Carolina [CGD05-07-123] (RIN: 1625-AA00) received January 16, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

487. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Chicago New Years Eve Fireworks, Lake Michigan, Chicago, IL [CGD09-06-173] (RIN: 1625-AA00) received January 16, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

488. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone Regulations, New Tacoma Narrows Bridge Construction Project, Bridge Deck Lifting Beams [CGD13-06-054] (RIN: 1625-AA00) received January 16, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

489. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone Regulations, New Tacoma Narrows Bridge Construction Project, Construction Barge "MARMACK 12" [CGD13-06-053] (RIN: 1625-AA00) received January 16, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

490. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone Regulations, New Tacoma Narrows Bridge Construction Project, Construction Vessels and Equipment Under and in Immediate Vicinity of West Span [CGD13-06-052] (RIN: 1625-AA00) received January 16, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. SCOTT of Virginia (for himself, Mr. CONYERS, Mr. FORBES, Mr. TIM MURPHY of Pennsylvania, Mr. REICHERT, and Mrs. SCHMIDT):

H.R. 740. A bill to amend title 18, United States Code, to prevent caller ID spoofing, and for other purposes; to the Committee on the Judiciary.

By Mr. SMITH of New Jersey (for himself, Mr. STUPAK, Mr. HOLDEN, Mr. GILCHREST, Mr. SHAYS, Mrs. LOWEY, Ms. DeLAURO, Ms. BEAN, Mr. LANGEVIN, Mr. BAIRD, Mr. KIRK, Mr. ACKERMAN, Mr. GRIJALVA, and Mr. McHUGH):

H.R. 741. A bill to provide for the expansion of Federal efforts concerning the prevention, education, treatment, and research activities related to Lyme and other tick-borne diseases, including the establishment of a Tick-Borne Diseases Advisory Committee; to the Committee on Energy and Commerce.

By Mr. CONYERS (for himself and Mr. SMITH of Texas):

H.R. 742. A bill to amend the Antitrust Modernization Commission Act of 2002, to extend the term of the Antitrust Modernization Commission and to make a technical correction; to the Committee on the Judiciary.

By Ms. ESHOO (for herself, Mr. GOODLATTE, Mr. CROWLEY, Mr. MACK, Mr.

WESTMORELAND, Mr. NORWOOD, Mrs. MCMORRIS RODGERS, Mr. FARR, Ms. ZOE LOFGREN of California, Mr. MILLER of Florida, Mr. COHEN, Mr. SENSENBRENNER, Mr. KUHL of New York, Mr. FORTENBERRY, Mr. CHABOT, Mrs. JO ANN DAVIS of Virginia, Ms. JACKSON-LEE of Texas, Mr. CALVERT, Ms. HARMAN, Mrs. BLACKBURN, Mr. CAMPBELL of California, Mr. JORDAN, Mr. MCHUGH, Mr. WILSON of South Carolina, Mr. WALBERG, Mr. UPTON, Mr. HERGER, Mr. HONDA, Mr. BOUCHER, Mr. JEFFERSON, Ms. LORETTA SANCHEZ of California, Mr. GRIJALVA, Mrs. TAUSCHER, Ms. HOOLEY, and Ms. HERSETH):

H.R. 743. A bill to make the moratorium on Internet access taxes and multiple and discriminatory taxes on electronic commerce permanent; to the Committee on the Judiciary.

By Ms. BORDALLO:

H.R. 744. A bill to enhance congressional oversight of Operation Iraqi Freedom by requiring the President to transmit periodically to Congress a consolidated, comprehensive report to detail the terms of completion for Operation Iraqi Freedom and by requiring the President to seek to enter into a multilateral agreement to help provide for the completion of Operation Iraqi Freedom; to the Committee on Foreign Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. JACKSON-LEE of Texas (for herself and Mr. BACA):

H.R. 745. A bill to revise the short title of the Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006; to the Committee on the Judiciary.

By Mr. MCGOVERN (for himself, Mr. SERRANO, Mr. FRANK of Massachusetts, Mr. DELAHUNT, Mr. OLVER, Mr. WYNN, Ms. WATERS, Mr. COHEN, Mr. ELLISON, Mr. WELCH of Vermont, Ms. LEE, Ms. CORRINE BROWN of Florida, Mr. LEWIS of Georgia, Ms. WOOLSEY, Mr. FILNER, Mr. STARK, Mr. GRIJALVA, Mr. CONYERS, and Ms. SCHAKOWSKY):

H.R. 746. A bill to provide for the safe and orderly withdrawal of United States military forces and Department of Defense contractors from Iraq, and for other purposes; to the Committee on Armed Services, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BAIRD (for himself, Mr. ETHERIDGE, Mr. HOLT, Mr. MOORE of Kansas, Mr. POMEROY, and Mr. GRIJALVA):

H.R. 747. A bill to establish a National Foreign Language Coordination Council; to the Committee on Education and Labor.

By Mr. BECERRA (for himself, Mr. BLUNT, Mr. ENGLISH of Pennsylvania, Mr. PICKERING, and Mr. ROSS):

H.R. 748. A bill to amend title XVIII of the Social Security Act to repeal the Medicare outpatient rehabilitation therapy caps; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. BLACKBURN (for herself, Mr. SAM JOHNSON of Texas, Mr. WESTMORELAND, Mr. WILSON of South Carolina, Mr. FRANKS of Arizona, and Mr. SESSIONS):

H.R. 749. A bill to amend the Social Security Act to improve choices available to Medicare eligible seniors by permitting them to elect (instead of regular Medicare benefits) to receive a voucher for a health savings account, for premiums for a high deductible health insurance plan, or both and by suspending Medicare late enrollment penalties between ages 65 and 70; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. JACKSON-LEE of Texas:

H.R. 750. A bill to amend the Immigration and Nationality Act to comprehensively reform immigration law, and for other purposes; to the Committee on the Judiciary, and in addition to the Committees on Homeland Security, and Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. GINNY BROWN-WAITE of Florida (for herself and Mr. TAYLOR):

H.R. 751. A bill to expedite payments of certain Federal emergency assistance authorized pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act, and to direct the Secretary of Homeland Security to exercise certain authority provided under such Act; to the Committee on Transportation and Infrastructure.

By Mr. BUTTERFIELD (for himself, Mr. CONYERS, Ms. LEE, Mr. HONDA, and Mr. BACA):

H.R. 752. A bill to direct Federal agencies to donate excess and surplus Federal electronic equipment, including computers, computer components, printers, and fax machines, to qualifying small towns, counties, schools, nonprofit organizations, and libraries; to the Committee on Oversight and Government Reform.

By Mr. COHEN:

H.R. 753. A bill to redesignate the Federal building located at 167 North Main Street in Memphis, Tennessee, as the "Clifford Davis/Odell Horton Federal Building"; to the Committee on Transportation and Infrastructure.

By Mrs. CUBIN (for herself and Mrs. MALONEY of New York):

H.R. 754. A bill to designate the National Museum of Wildlife Art, located at 2820 Rungius Road, Jackson, Wyoming, as the National Museum of Wildlife Art of the United States; to the Committee on Natural Resources.

By Mr. DAVIS of Kentucky (for himself, Mr. CASTLE, Mr. SCOTT of Georgia, Mr. PUTNAM, Mr. HINOJOSA, and Mr. FEENEY):

H.R. 755. A bill to require annual oral testimony before the Financial Services Committee of the Chairperson or a designee of the Chairperson of the Securities and Exchange Commission, the Financial Accounting Standards Board, and the Public Company Accounting Oversight Board, relating to their efforts to promote transparency in financial reporting; to the Committee on Financial Services.

By Ms. DEGETTE:

H.R. 756. A bill to amend the Help America Vote Act of 2002 to direct the Election Assistance Commission to develop and adopt guidelines for electronic poll books in the same manner as the Commission develops and adopts voluntary voting system guidelines under the Act, and for other purposes; to the Committee on House Administration.

By Mr. DELAHUNT (for himself, Mr. LAHOOD, Mr. FLAKE, Mr. PAUL, Mrs. EMERSON, Ms. SOLIS, Mr. MCGOVERN, Mr. BERMAN, and Mr. MEEKS of New York):

H.R. 757. A bill to allow United States nationals and permanent residents to visit family members in Cuba, and for other purposes; to the Committee on Foreign Affairs.

By Ms. DELAURO (for herself, Mr. ACKERMAN, Mr. ALLEN, Mr. BACA, Ms. BALDWIN, Ms. BERKLEY, Mr. BERMAN, Mr. BERRY, Mr. BISHOP of Georgia, Mr. BISHOP of New York, Mr. BLUMENAUER, Ms. BORDALLO, Mr. BOSWELL, Mr. BOUCHER, Mr. BURTON of Indiana, Mr. CAPUANO, Ms. CARSON, Mr. CHANDLER, Mrs. CHRISTENSEN, Mr. CLAY, Mr. CLEAVER, Mr. CONYERS, Mr. COOPER, Mr. CROWLEY, Mrs. JO ANN DAVIS of Virginia, Mr. LINCOLN DAVIS of Tennessee, Mrs. DAVIS of California, Mr. DEFAZIO, Ms. DEGETTE, Mr. DICKS, Mr. DINGELL, Mr. DOGGETT, Mr. DOYLE, Mr. EMANUEL, Mr. ENGEL, Ms. ESHOO, Mr. FARR, Mr. FATTAH, Mr. FRANK of Massachusetts, Mr. GERLACH, Mrs. GILLIBRAND, Mr. GONZALEZ, Mr. AL GREEN of Texas, Mr. GENE GREEN of Texas, Mr. GRIJALVA, Mr. GUTIERREZ, Mr. HALL of Texas, Ms. HARMAN, Mr. HIGGINS, Mr. HINCHEY, Mr. HINOJOSA, Ms. HIRONO, Mr. HOLDEN, Mr. HOLT, Ms. HOOLEY, Mr. INSLEE, Mr. ISRAEL, Mr. JACKSON of Illinois, Ms. JACKSON-LEE of Texas, Mr. JEFFERSON, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. KANJORSKI, Mr. KENNEDY, Mr. KILDEE, Ms. KILPATRICK, Mr. KIND, Mr. KUCINICH, Mr. LARSEN of Washington, Mr. LARSON of Connecticut, Ms. LEE, Mr. LEVIN, Mr. LEWIS of Georgia, Mr. LOBIONDO, Ms. ZOE LOFGREN of California, Mrs. LOWEY, Mr. LYNCH, Mrs. MALONEY of New York, Mr. MARKEY, Ms. MATSUI, Mrs. MCCARTHY of New York, Ms. MCCOLLUM of Minnesota, Mr. MCDERMOTT, Mr. MCGOVERN, Mr. MCHUGH, Mr. MCINTYRE, Mr. MCNULTY, Mr. MEEHAN, Ms. MILLENDER-MCDONALD, Mr. MILLER of North Carolina, Mr. GEORGE MILLER of California, Mr. MOORE of Kansas, Mr. MORAN of Virginia, Mrs. NAPOLITANO, Mr. OLVER, Mr. PAYNE, Mr. PRICE of North Carolina, Mr. REYES, Mr. ROSS, Mr. ROTHMAN, Ms. ROYBAL-ALLARD, Mr. RYAN of Ohio, Ms. LINDA T. SÁNCHEZ of California, Ms. SCHAKOWSKY, Mr. SCHIFF, Mr. SCOTT of Georgia, Mr. SCOTT of Virginia, Mr. SERRANO, Mr. SHAYS, Mr. SHERMAN, Ms. SLAUGHTER, Ms. SOLIS, Mr. SPRATT, Mr. STARK, Mr. STUPAK, Mrs. TAUSCHER, Mr. TAYLOR, Mr. THOMPSON of California, Mr. TIERNEY, Mr. TOWNS, Mr. UDALL of Colorado, Ms. VELÁZQUEZ, Ms. WASSERMAN SCHULTZ, Mr. WEINER, Mr. WOLF, Ms. WOOLSEY, Mr. WYNN, Mr. CARNEY, and Mr. WEXLER):

H.R. 758. A bill to require that health plans provide coverage for a minimum hospital stay for mastectomies, lumpectomies, and lymph node dissection for the treatment of breast cancer and coverage for secondary consultations; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, and Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ENGEL (for himself and Mr. GALLEGLY):

H.R. 759. A bill to redesignate the Ellis Island Library on the third floor of the Ellis Island Immigration Museum, located on Ellis Island in New York Harbor, as the "Bob Hope Memorial Library"; to the Committee on Natural Resources.

By Mr. FILNER (for himself, Mr. ISSA, Mr. HONDA, Mr. ROHRABACHER, Mr. ABERCROMBIE, Mrs. DAVIS of California, Mr. SCOTT of Virginia, Mr. BILBRAY, Ms. SCHAKOWSKY, Mrs. DRAKE, Mr. DAVIS of Illinois, and Ms. HIRONO):

H.R. 760. A bill to amend title 38, United States Code, to deem certain service in the organized military forces of the Government of the Commonwealth of the Philippines and the Philippine Scouts to have been active service for purposes of benefits under programs administered by the Secretary of Veterans Affairs; to the Committee on Veterans' Affairs.

By Mr. FORTENBERRY (for himself, Mr. TERRY, and Mr. SMITH of Nebraska):

H.R. 761. A bill to authorize the Secretary of Interior to convey to The Missouri River Basin Lewis and Clark Interpretive Trail and Visitor Center Foundation, Inc. certain Federal land associated with the Lewis and Clark National Historic Trail in Nebraska, to be used as an historical interpretive site along the trail; to the Committee on Natural Resources.

By Mr. FORTUÑO (for himself and Mr. BURTON of Indiana):

H.R. 762. A bill to authorize appropriations for fiscal year 2008 for voluntary contributions on a grant basis to the Organization of American States (OAS) to establish a Center for Caribbean Basin Trade and to establish a skills-based training program for Caribbean Basin countries; to the Committee on Foreign Affairs.

By Mr. FORTUÑO:

H.R. 763. A bill to amend the Internal Revenue Code of 1986 to make permanent the deduction allowable with respect to income attributable to domestic production activities in Puerto Rico; to the Committee on Ways and Means.

By Mr. GRIJALVA (for himself and Ms. GIFFORDS):

H.R. 764. A bill to expand the boundary of Saguaro National Park, to study additional land for future adjustments to the boundary of the Park, and for other purposes; to the Committee on Natural Resources.

By Mr. WELLER:

H.R. 765. A bill to amend the Internal Revenue Code of 1986 to increase and extend the alternative motor vehicle credit for certain flexible fuel hybrid vehicles; to the Committee on Ways and Means.

By Mr. HOLDEN:

H.R. 766. A bill to waive the time limitations specified by law in order to allow the Medal of Honor to be awarded posthumously to Richard L. Etchberger of Hamburg, Pennsylvania, for acts of valor on March 11, 1968, while an Air Force Chief Master Sergeant serving in Southeast Asia during the Vietnam era; to the Committee on Armed Services.

By Mr. KIND (for himself, Mr. SAXTON, Mr. THOMPSON of California, Mr. CASTLE, Mr. BOYD of Florida, Mr. MCCOTTER, Mr. FORTUÑO, Mr. GILCHREST, Mr. EHLERS, Mr. PAYNE, Mr. ORTIZ, Mrs. NAPOLITANO, and Mr. SHAYS):

H.R. 767. A bill to protect, conserve, and restore native fish, wildlife, and their natural habitats at national wildlife refuges through cooperative, incentive-based grants to control, mitigate, and eradicate harmful nonnative species, and for other purposes; to the Committee on Natural Resources.

By Mr. KING of New York (for himself, Mr. DUNCAN, Mr. GINGREY, Mr. HALL of Texas, Mr. TAYLOR, Mr. PAUL, Mr. KING of Iowa, Mr. ROYCE, Mr. ALEXANDER, Mrs. JO ANN DAVIS of Virginia, Mr. NORWOOD, Mr. MILLER of Florida, Mr. ROHRABACHER, Mr. GALLEGLY, Mr. MCCOTTER, Mr. PLATTS, Mr. SOUDER, Mr. SESSIONS, Mrs. CUBIN, Mr. GOODE, Mr. MCKEON, Mrs. BLACKBURN, Mr. BAKER, Mr. STEARNS, Mr. RAMSTAD, Mr. BILIRAKIS, Mr. CULBERSON, Ms. GINNY BROWN-WAITE of Florida, Mr. TERRY, Mr. WILSON of South Carolina, Mrs. MYRICK, Mr. BACHUS, and Mr. PRICE of Georgia):

H.R. 768. A bill to provide that Executive Order 13166 shall have no force or effect, and to prohibit the use of funds for certain purposes; to the Committee on Oversight and Government Reform.

By Mr. KING of New York (for himself, Mr. DUNCAN, Mr. GINGREY, Mr. TAYLOR, Mr. PAUL, Mr. KING of Iowa, Mr. ROYCE, Mr. ALEXANDER, Mrs. JO ANN DAVIS of Virginia, Mr. NORWOOD, Mr. MILLER of Florida, Mr. ROHRABACHER, Mr. GALLEGLY, Mr. LATOURETTE, Mr. MCCOTTER, Mr. HAYES, Mr. SOUDER, Mr. SESSIONS, Mr. WAMP, Mrs. CUBIN, Mr. GOODE, Mr. MCKEON, Mrs. BLACKBURN, Mr. BAKER, Mr. KNOLLENBERG, Mr. BILIRAKIS, Mr. CULBERSON, Ms. GINNY BROWN-WAITE of Florida, Mr. WILSON of South Carolina, Mr. LUCAS, Mrs. MYRICK, Mr. BACHUS, Mr. PRICE of Georgia, Mr. COBLE, and Mr. CAMPBELL of California):

H.R. 769. A bill to amend title 4, United States Code, to declare English as the official language of the Government of the United States, and for other purposes; to the Committee on Education and Labor, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. LEE (for herself, Ms. WOOLSEY, Mr. KUCINICH, Mr. CONYERS, and Ms. WATERS):

H.R. 770. A bill to prohibit the use of funds to carry out any covert action for the purpose of causing regime change in Iran or to carry out any military action against Iran in the absence of an imminent threat, in accordance with international law and constitutional and statutory requirements for congressional authorization; to the Committee on Foreign Affairs, and in addition to the Committees on Armed Services, and Intelligence (Permanent Select), for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LEWIS of California:

H.R. 771. A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Southern California Desert Region Integrated Water and Economic Sustainability Plan; to the Committee on Natural Resources.

By Mrs. LOWEY (for herself, Mrs. CAPPS, and Mr. KING of New York):

H.R. 772. A bill to amend the Public Health Service Act to authorize capitation grants to increase the number of nursing faculty and students, and for other purposes; to the Committee on Energy and Commerce.

By Ms. MCCOLLUM of Minnesota (for herself, Mr. BISHOP of New York, and Mr. GRIJALVA):

H.R. 773. A bill to reduce and prevent the sale and use of fraudulent degrees in order to protect the integrity of valid higher education degrees that are used for Federal purposes; to the Committee on Education and Labor, and in addition to the Committees on Energy and Commerce, Oversight and Government Reform, the Judiciary, and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCCOTTER:

H.R. 774. A bill to amend the Public Health Service Act to extend the program of grants for rape prevention education, and for other purposes; to the Committee on Energy and Commerce.

By Mr. MCHUGH:

H.R. 775. A bill making supplemental appropriations for defense and for the reconstruction of Iraq for the fiscal year ending September 30, 2007, and requiring the President to submit a request for additional funding after certifying substantial progress has been made in Iraq in meeting certain performance measures; to the Committee on Appropriations.

By Mr. MEEHAN (for himself, Mr. SHAYS, Mr. PRICE of North Carolina, Mr. VAN HOLLEN, Mr. EMANUEL, and Mr. FRANK of Massachusetts):

H.R. 776. A bill to amend the Internal Revenue Code of 1986 to reform the system of public financing for Presidential elections, and for other purposes; to the Committee on House Administration, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PALLONE:

H.R. 777. A bill to amend the Outer Continental Shelf Lands Act to permanently prohibit the conduct of offshore drilling on the outer Continental Shelf in the Mid-Atlantic and North Atlantic planning areas; to the Committee on Natural Resources.

By Mr. WELLER:

H.R. 778. A bill to amend the Internal Revenue Code of 1986 to make permanent the residential energy efficient property credit; to the Committee on Ways and Means.

By Mr. REYNOLDS (for himself and Mr. RAMSTAD):

H.R. 779. A bill to amend the Internal Revenue Code of 1986 to double the damages, fines, and penalties for the unauthorized inspection or disclosure of returns and return information, and for other purposes; to the Committee on Ways and Means.

By Mr. ROGERS of Michigan (for himself and Mr. GENE GREEN of Texas):

H.R. 780. A bill to amend the Federal Food, Drug, and Cosmetic Act with respect to counterfeit drugs, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ROSS (for himself, Mr. Berry, Mr. Boozman, and Mr. Snyder):

H.R. 781. A bill to redesignate Lock and Dam No. 5 of the McClellan-Kerr Arkansas River Navigation System near Redfield, Arkansas, authorized by the Rivers and Harbors Act approved July 24, 1946, as the "Colonel Charles D. Maynard Lock and Dam"; to the Committee on Transportation and Infrastructure.

By Mr. RYAN of Ohio (for himself, Mr. Hunter, Ms. Slaughter, Mr. Altmire, Mr. DeFazio, Ms. DeLauro, Mr. Doyle, Mr. Ehlers, Ms. Foxx, Mr. Gerlach, Mr. Hayes, Mr. Holt, Mr. Kildee, Mr. Lipinski, Mr. Manzullo, Mr. McGovern, Mr. McHugh, Mr. Meek of Florida, Mr. Michaud, Mrs. Miller of Michigan, Mr. Mollohan, Mrs. Myrick, Mr. Norwood, Mr. Renzi, Mr. Rohrabacher, Mr. Saxton, Ms. Schakowsky, Mr. Sensenbrenner, Mr. Souder, Mr. Space, Ms. Sutton, Mr. Walz of Minnesota, and Mr. Wilson of South Carolina):

H.R. 782. A bill to amend title VII of the Tariff Act of 1930 to provide that exchange-rate misalignment by any foreign nation is a countervailable export subsidy, to amend the Exchange Rates and International Economic Policy Coordination Act of 1988 to clarify the definition of manipulation with respect to currency, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Financial Services, Foreign Affairs, and Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SALAZAR:

H.R. 783. A bill to modify the boundary of Mesa Verde National Park, and for other purposes; to the Committee on Natural Resources.

By Mr. SAXTON (for himself, Mr. Calvert, Mr. Paul, Mr. Mica, Mr. Miller of Florida, Mr. Bonner, Mr. LoBiondo, Mr. Gutierrez, Ms. Kaptur, Mr. Bartlett of Maryland, Mr. DeFazio, Mr. McGovern, Mr. Pastor, Mr. Filner, Mr. LaHood, Mrs. Drake, Mr. Boozman, Mr. Taylor, Mr. McCotter, Ms. Woolsey, Mr. Gonzalez, Mr. Garrett of New Jersey, Mr. Meehan, Mr. Marshall, Mr. Hall of Texas, Mr. Fortuño, Mr. Hayes, Mr. Jones of North Carolina, Mr. Wilson of South Carolina, Mr. Moran of Virginia, Mr. Costello, Mr. Gallegly, Mr. Norwood, Mr. Reyes, Mr. LaTourette, Mr. Souder, Mr. Smith of New Jersey, and Mr. Kildee):

H.R. 784. A bill to amend title 10, United States Code, to change the effective date for paid-up coverage under the military Survivor Benefit Plan; to the Committee on Armed Services.

By Mr. SENSENBRENNER:

H.R. 785. A bill to amend title 28, United States Code, to provide an Inspector General for the judicial branch, and for other purposes; to the Committee on the Judiciary.

By Ms. LINDA T. SÁNCHEZ of California (for herself and Mrs. Napolitano):

H.R. 786. A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Los Angeles County Water Supply Augmentation Demonstration Project, and for other purposes; to the Committee on Natural Resources.

By Mr. THOMPSON of California (for himself and Mr. Patrick Murphy of Pennsylvania):

H.R. 787. A bill to state United States policy for Iraq, and for other purposes; to the Committee on Armed Services, and in addition to the Committees on Foreign Affairs, and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TIERNEY (for himself and Mr. Ramstad):

H.R. 788. A bill to amend the Federal Food, Drug, and Cosmetic Act with respect to drug safety, and for other purposes; to the Committee on Energy and Commerce.

By Mr. TOWNS (for himself, Mrs. Christensen, Mr. Conyers, and Ms. Lee):

H.R. 789. A bill to amend the Public Health Service Act to establish an Office of Men's Health, and for other purposes; to the Committee on Energy and Commerce.

By Mr. UDALL of Colorado (for himself and Mr. Salazar):

H.R. 790. A bill to provide permanent funding for the payment in lieu of taxes program, and for other purposes; to the Committee on Natural Resources.

By Mr. WELLER:

H.R. 791. A bill to increase the renewable fuel content of gasoline sold in the United States by the year 2025 to 25 billion gallons, and for other purposes; to the Committee on Energy and Commerce.

By Mr. WELLER:

H.R. 792. A bill to amend the Energy Policy Act of 1992 to direct the head of each Federal agency to ensure that, in areas in which ethanol-blended gasoline is reasonably available at a generally competitive price, the Federal agency purchases ethanol-blended gasoline containing at least 10 percent ethanol rather than nonethanol-blended gasoline, for use in vehicles used by the agency that use gasoline; to the Committee on Oversight and Government Reform.

By Mr. WELLER:

H.R. 793. A bill to amend the Internal Revenue Code of 1986 to make permanent the renewable electricity production credit; to the Committee on Ways and Means.

By Mr. WELLER:

H.R. 794. A bill to amend the Internal Revenue Code of 1986 to make permanent the credit for electricity produced from wind; to the Committee on Ways and Means.

By Mr. BUCHANAN (for himself, Mr. Mica, Mr. Miller of Florida, and Mr. Mario Diaz-Balart of Florida):

H.J. Res. 21. A joint resolution proposing a balanced budget amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Ms. GRANGER (for herself, Ms. Slaughter, and Mr. Frelinghuysen):

H. Con. Res. 48. Concurrent resolution recognizing the efforts and contributions of the members of the Monuments, Fine Arts, and Archives program under the Civil Affairs and Military Government Sections of the United States Armed Forces during and following World War II who were responsible for the preservation, protection, and restitution of artistic and cultural treasures in countries occupied by the Allied armies; to the Committee on Armed Services.

By Mr. JONES of North Carolina:

H. Con. Res. 49. Concurrent resolution recognizing the 75th anniversary of the Military Order of the Purple Heart and commending recipients of the Purple Heart for their courageous demonstrations of gallantry and heroism on behalf of the United States; to the Committee on Armed Services.

By Mr. FORTUÑO (for himself, Mr. McCotter, Mr. Mack, Mr. Rogers of Michigan, Mr. Lincoln Diaz-Balart of Florida, Mr. Mario Diaz-Balart of Florida, Mr. Linder, Mr. Pearce, Mr. Tancredo, Mr. Brown of South Carolina, Mr. Souder, and Mr. Fortenberry):

H. Con. Res. 50. Concurrent resolution calling on the Government of Venezuela to uphold the human rights and civil liberties of the people of Venezuela; to the Committee on Foreign Affairs.

By Ms. MILLENDER-McDONALD:

H. Con. Res. 51. Concurrent resolution supporting the goals and ideals of National Wear Red Day; to the Committee on Energy and Commerce.

By Ms. MILLENDER-McDONALD:

H. Con. Res. 52. Concurrent resolution supporting the goals and ideals of American Heart Month; to the Committee on Energy and Commerce.

By Mr. DAVIS of Kentucky (for himself, Mr. Whitfield, Mr. Lewis of Kentucky, Mr. Chandler, Mr. Yarmuth, Mr. Rogers of Kentucky, Mr. Pitts, Mr. Shuster, Mr. Holden, Mr. Doyle, Mr. Brady of Pennsylvania, and Mr. Gerlach):

H. Res. 117. A resolution honoring the contributions of Barbaro to the Commonwealths of Kentucky and Pennsylvania and to America's horseracing industry; to the Committee on Oversight and Government Reform.

By Mr. CLEAVER (for himself, Mr. Frank of Massachusetts, and Mr. Blunt):

H. Res. 118. A resolution condemning the existence of racially restrictive covenants in housing documents and urging States adopt legislation similar to that which was enacted in California to address the issue; to the Committee on the Judiciary.

By Mr. COSTA (for himself, Mr. Poe, Mr. Ortiz, Mr. Moore of Kansas, Mr. Faleomavaega, Mr. McCaul of Texas, Mr. Holt, Mr. Grijalva, Mr. Holden, Mr. Payne, Mr. Larsen of Washington, Mr. Reichert, Mr. McHugh, Mr. Chabot, Mrs. Maloney of New York, Ms. DeLauro, Ms. Matsui, Mr. Inslee, Mr. Royce, Mr. Shadegg, Mr. Ruppersberger, Mr. Fossella, Mr. Doyle, Mr. Bilirakis, Mr. Duncan, Mr. Wynn, Mr. Berman, Mr. Gene Green of Texas, Mr. Hall of Texas, Mrs. Drake, Mr. Jordan, Mr. Baca, Mr. Cohen, and Mr. McCotter):

H. Res. 119. A resolution supporting the mission and goals of National Crime Victims' Rights Week in order to increase public awareness of the rights, needs, and concerns of victims and survivors of crime in the United States during such week and throughout the year; to the Committee on the Judiciary.

By Ms. DELAURO (for herself, Mr. Lewis of Georgia, Mr. Van Hollen, Mrs. Jones of Ohio, Mr. Rahall, Mr. Ehlers, Ms. Castor, Ms. Matsui, Ms. Woolsey, Mr. Shays, Mr. Hinchey, Mr. Snyder, Mr. Larson of Connecticut, Mr. Cummings, Ms. Millender-McDonald, Mrs. Maloney of New York, Mr. Scott of Virginia, Mr. Payne, Mr. Davis of Alabama, Mr. Rangel, Ms. Jackson-Lee of Texas, Mr. GRIJALVA, Ms. SCHAKOWSKY, Mr. BERRY, Mr. ORTIZ, Ms. CARSON, Ms. NORTON, Ms. SLAUGHTER, Mr. FATTAH, Mr. RUSH, Mr. BERMAN, Mr. GORDON, Mr. CONYERS, Mr. BOYD of Florida, Mr. GONZALEZ, Mr. HOLT, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. MCDERMOTT, Mr. CLAY, Mr. COOPER, Mr. TOWNS, Mr. BISHOP of Georgia, Mr. JEFFERSON, Mr. BUTTERFIELD, Mrs. CHRISTENSEN, Ms. MCCOLLUM of Minnesota, Mr. PRICE of North Carolina, Mr. ROSS, Mr. BECERRA, Mr. SIRES, Mr. KILDEE, Mr. WYNN, and Mr. HONDA):

H. Res. 120. A resolution recognizing the African American spiritual as a national treasure; to the Committee on Education and Labor.

By Mr. HONDA (for himself, Mr. SMITH of New Jersey, Mr. ROYCE, Ms. WATSON, Mr. HARE, Ms. BORDALLO, and Mr. WU):

H. Res. 121. A resolution expressing the sense of the House of Representatives that the Government of Japan should formally acknowledge, apologize, and accept historical responsibility in a clear and unequivocal manner for its Imperial Armed Force's coercion of young women into sexual slavery, known to the world as "comfort women", during its colonial and wartime occupation of Asia and the Pacific Islands from the 1930s through the duration of World War II; to the Committee on Foreign Affairs.

By Mr. HONDA (for himself, Mr. COSTA, Mr. BECERRA, Mr. WU, Mr. SCOTT of Virginia, Mr. ABERCROMBIE, Ms. HIRONO, Ms. BORDALLO, and Ms. MATSUI):

H. Res. 122. A resolution recognizing the significance of the 65th anniversary of the signing of Executive Order 9066 by President Franklin D. Roosevelt and supporting the goals of the Japanese American, German American, and Italian American communities in recognizing a National Day of Remembrance to increase public awareness of the events surrounding the restriction, exclusion, and internment of individuals and families during World War II; to the Committee on the Judiciary.

By Mr. MCCOTTER:

H. Res. 123. A resolution expressing the sense of the House of Representatives that there should be established a National Kidney Cancer Awareness Month, and for other purposes; to the Committee on Energy and Commerce.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. PETRI:

H.R. 795. A bill to authorize and request the President to award the Medal of Honor to James Megellas, formerly of Fond du Lac, Wisconsin, and currently of Colleyville, Texas, for acts of valor on January 28, 1945, during the Battle of the Bulge in World War II; to the Committee on Armed Services.

By Mr. HOLDEN:

H.R. 796. A bill to authorize and request the President to award the Medal of Honor to Richard D. Winters, of Hershey, Pennsylvania, for acts of valor on June 6, 1944, in Normandy, France, while an officer in the 101st Airborne Division; to the Committee on Armed Services.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 14: Mr. NORWOOD.

H.R. 17: Mr. ENGLISH of Pennsylvania, Mr. GOHMERT, Mr. LOEBSACK, Mr. KIND, Mr. PORTER, Mr. COSTELLO, Ms. CORRINE BROWN of Florida, Mr. KUCINICH, Mr. MCCARTHY of California, Mr. FILNER, Mr. WALZ of Minnesota, Mr. ROGERS of Alabama, Mr. ADERHOLT, Mr. HASTINGS of Florida, Mr. CARDOZA, Mr. ISSA, Mr. BERMAN, and Mr. MCGOVERN.

H.R. 22: Mr. TIAHRT.

H.R. 25: Mr. AKIN, Mr. FLAKE, and Mr. KINGSTON.

H.R. 36: Mr. LIPINSKI.

H.R. 37: Mr. MCCAUL of Texas and Mr. LIPINSKI.

H.R. 65: Mr. SMITH of Texas.

H.R. 87: Mr. PITTS, Mr. UPTON, Mr. JINDAL, and Mr. CAMPBELL of California.

H.R. 89: Mr. DAVIS of Kentucky, Mr. LINCOLN DIAZ-BALART of Florida, and Mrs. DRAKE.

H.R. 100: Mr. MCCAUL of Texas and Mr. GRIJALVA.

H.R. 101: Mr. PATRICK MURPHY of Pennsylvania, Mr. KUCINICH, Mr. WEXLER, and Mr. BLUMENAUER.

H.R. 111: Mr. WYNN, Mr. BARTLETT of Maryland, Ms. KILPATRICK, Mrs. NAPOLITANO, Mrs. BONO, Mr. ABERCROMBIE, Mr. YOUNG of Alaska, Ms. HOOLEY, and Mr. INSLEE.

H.R. 180: Mr. VAN HOLLEN, Mr. FATTAH, and Mr. CUMMINGS.

H.R. 191: Mr. MILLER of Florida.

H.R. 192: Mr. BARTLETT of Maryland.

H.R. 195: Ms. GINNY BROWN-WAITE of Florida.

H.R. 196: Mr. PETERSON of Minnesota.

H.R. 197: Ms. SHEA-PORTER, Mr. PETERSON of Minnesota, Mr. HONDA, Mr. KUCINICH, Mr. LINCOLN DIAZ-BALART of Florida, Mr. MILLER of Florida, and Mr. BOOZMAN.

H.R. 205: Mr. PORTER.

H.R. 207: Mr. WEXLER.

H.R. 210: Mr. MCDERMOTT.

H.R. 211: Mr. KUHL of New York.

H.R. 241: Mr. PAUL.

H.R. 249: Mr. TOM DAVIS of Virginia.

H.R. 274: Mr. BUYER.

H.R. 279: Mr. GARRETT of New Jersey.

H.R. 281: Mr. GRIJALVA.

H.R. 303: Mrs. DRAKE, Mr. FORBES, Mr. SMITH of New Jersey, Mr. PLATTS, Mr. GORDON, Mr. NORWOOD, Mr. CLAY, Mr. HOLDEN, Mr. LINCOLN DIAZ-BALART of Florida, Mr. BOUCHER, Mr. KUCINICH, and Mr. MILLER of Florida.

H.R. 312: Mr. MILLER of Florida.

H.R. 322: Mr. SMITH of New Jersey.

H.R. 332: Mr. CAMPBELL of California, Mrs. CAPITO, Mr. ROHRABACHER, Mr. SULLIVAN, Mr. KLINE of Minnesota, Mr. SESSIONS, Mr. BARRETT of South Carolina, Mr. WESTMORELAND, Mr. WILSON of South Carolina, and Ms. FOXX.

H.R. 333: Mr. EDWARDS and Ms. ZOE LOFGREN of California.

H.R. 359: Mr. BAIRD, Mr. KUCINICH, Mr. GENE GREEN of Texas, Ms. SCHAKOWSKY, Mr. BECERRA, Mr. STARK, Mr. TOWNS, Ms. WATERS, Mr. SNYDER, Mr. RODRIGUEZ, Mr. HINCHEY, Mr. INSLEE, and Mr. MARKEY.

H.R. 365: Mr. BRALEY of Iowa, Mr. MOORE of Kansas, Mr. MARKEY, Mr. TERRY, Mr. DONNELLY, Mr. MCNERNEY, Mr. ROSS, Ms. HERSETH, Ms. HIRONO, Mr. BERRY, and Mr. MELANCON.

H.R. 370: Mr. SOUDER.

H.R. 380: Mr. AL GREEN of Texas, Ms. KAPTUR, Mr. DELAHUNT, Mr. WEXLER, and Mr. NADLER.

H.R. 395: Ms. JACKSON-LEE of Texas and Mr. MCHUGH.

H.R. 411: Mr. BUCHANAN, Mr. KUHL of New York, Mrs. DRAKE, Mr. SESSIONS, Mr. SIMPSON, Mrs. BIGGERT, Ms. FOXX, Mr. NEUGEBAUER, Mr. FORBES, Mr. TERRY, Mrs. MYRICK, Mr. GILLMOR, Mr. YOUNG of Alaska, Mr. GARY G. MILLER of California, Mr. POE, Mr. FEENEY, Mr. MCHENRY, Mr. KING of Iowa, Mr. ISSA, and Mr. PETERSON of Pennsylvania.

H.R. 418: Mr. MILLER of Florida, Mrs. MCMORRIS RODGERS, Mr. BRADY of Pennsylvania, and Mr. GRIJALVA.

H.R. 423: Mr. PAYNE, Mr. MCHUGH, and Ms. GINNY BROWN-WAITE of Florida.

H.R. 446: Ms. JACKSON-LEE of Texas.

H.R. 461: Mr. CLEAVER, Ms. CORRINE BROWN of Florida, and Mr. SHERMAN.

H.R. 463: Ms. HIRONO.

H.R. 468: Mr. KENNEDY, Mr. STARK, Ms. LEE, Mr. WYNN, Mr. FARR, and Mr. HONDA.

H.R. 486: Mr. DEAL of Georgia, Mr. PETRI, Mr. PEARCE, Mr. BARRETT of South Carolina, Mr. FORTUÑO, Mr. WILSON of South Carolina, Mr. BARTLETT of Maryland, Mrs. BLACKBURN, Mr. AKIN, Mr. ISSA, and Mr. KING of Iowa.

H.R. 491: Mr. GRIJALVA.

H.R. 493: Mr. COURTNEY, MR. MURTHA, Mr. CLEAVER, and Mr. GORDON.

H.R. 503: Mr. KLEIN of Florida, Mr. OLVER, Ms. SHEA-PORTER, Mrs. JO ANN DAVIS of Virginia, Mr. KUCINICH, Mr. WEXLER, Mr. BAIRD, Mr. MCNERNEY, Mr. LEVIN, Mrs. MCCARTHY of New York, Mr. LOBIONDO, Mrs. MYRICK, Mr. WU, and Mr. DELAHUNT.

H.R. 506: Mr. CASTLE, Mr. DOOLITTLE, and Mr. SESSIONS.

H.R. 507: Mr. BLUMENAUER, Mr. LATHAM, Mr. PRICE of North Carolina, Mr. WYNN, Mr. AL GREEN of Texas, Mr. MURPHY of Connecticut, Ms. SCHAKOWSKY, Mr. PAYNE, and Mr. CUELLAR.

H.R. 508: Mr. OLVER.

H.R. 510: Mr. HALL of Texas, Mr. WELDON of Florida, Mr. PLATTS, and Mr. TANCREDO.

H.R. 511: Mr. GOODE, Mr. JINDAL, Mr. MCKEON, Mr. THORNBERRY, Mr. SHAYS, Mr. BARRETT of South Carolina, Mr. ROGERS of Alabama, Mr. LATHAM, Mrs. BACHMANN, Mr. FEENEY, Mr. TERRY, Mr. NORWOOD, and Mr. PITTS.

H.R. 512: Ms. VELÁZQUEZ, Mr. SHIMKUS, Ms. SUTTON, Ms. LEE, Ms. DELAURO, Ms. CORRINE BROWN of Florida, Ms. MATSUI, Mr. MORAN of Virginia, Ms. MOORE of Wisconsin, Mrs. CHRISTENSEN, Ms. KILPATRICK, Mr. NADLER, Mr. CLEAVER, Mr. KUCINCH, Mr. MARKEY, Mr. KUHL of New York, and Mr. SHERMAN.

H.R. 522: Mr. BERMAN, Mr. NADLER, and Ms. WATSON.

H.R. 526: Mr. WALZ of Minnesota.

H.R. 539: Mr. NADLER, Ms. JACKSON-LEE of Texas, Mr. WEINER, Ms. HOOLEY, Mr. BLUMENAUER, Mr. HIGGINS, Mr. HONDA, Ms. MATSUI, Mr. SCOTT of Virginia, and Ms. CARSON.

H.R. 542: Mr. GUTIERREZ, Mr. KUCINICH, Ms. LEE, Mr. REYES, and Ms.WOOLSEY.

H.R. 545: Mr. BOSWELL and Mr. LARSEN of Washington.

H.R. 549: Mr. BLUMENAUER, Mrs. MYRICK, Mr. WILSON of South Carolina, and Mr. MILLER of Florida.

H.R. 553: Ms. SCHAKOWSKY, Ms. BEAN, and Mr. KUCINICH.

H.R. 556: Mr. CLAY, Mr. ISRAEL, Mr. BARTON of Texas, Mr. WATT, and Ms. HARMAN.

H.R. 566: Mr. GRIJALVA.

H.R. 569: Mr. SIRES and Mr. HARE.

H.R. 579: Mr. PRICE of North Carolina, Ms. GINNY BROWN-WAITE of Florida, Ms. BALDWIN, Mr. CHANDLER and Mr. MILLER of North Carolina.

H.R. 584: Mr. TANNER.

H.R. 588: Ms. HIRONO.

H.R. 590: Mr. BURTON of Indiana, Mr. MILLER of Florida, and Mrs. MYRICK.

H.R. 608: Mr. BUYER, Mr. ROGERS of Michigan, and Mr. TERRY.

H.R. 618: Mrs. BACHMANN, Mr. PRICE of Georgia, Mr. KINGSTON, and Mr. KING of Iowa.

H.R. 620: Mr. LIPINSKI, Mr. MICHAUD, and Mr. WU.

H.R. 625: Mrs. CAPPS, Mr. GEORGE MILLER of California, Ms. WATSON, and Ms. WOOLSEY.

H.R. 628: Mr. KELLER, Mr. SHAYS, Mr. FORTUÑO, Mr. PAUL, Mr. SNYDER, Mr. MCNULTY, Mr. RAMSTAD, Ms. SCHWARTZ, Mrs. MCCARTHY of New York, Ms. JACKSON-LEE of Texas, Mr. BURTON of Indiana, Mr. MCCOTTER, and Mr. WOLF.

H.R. 631: Mr. BARRETT of South Carolina.

H.R. 634: Mr. ARCURI, Mr. BARROW, Mr. BERRY, Mr. BISHOP of Georgia, Mr. BOREN, Mr. BOSWELL, Mr. BOYD of Florida, Mr. CARDOZA, Mr. CHANDLER, Mr. COSTA, Mr. LINCOLN DAVIS of Tennessee, Mr. DONNELLY, Mrs. GILLIBRAND, Ms. HARMAN, Ms. HERSETH, Mr. HILL, Mr. HOLDEN, Mr. ISRAEL, Mr. MAHONEY of Florida, Mr. MARSHALL, Mr. MATHESON, Mr. MCINTYRE, Mr. MELANCON, Mr. MICHAUD, Mr. PATRICK MURPHY of Pennsylvania, Mr. PETERSON of Minnesota, Mr. POMEROY, Mr. ROSS, Mr. SALAZAR, Ms. LORETTA SANCHEZ of California, Mr. SCOTT of Georgia, Mr. SHULER, Mr. TANNER, Mr. TAYLOR, Mr. THOMPSON of California, Mr. WILSON of Ohio, Ms. HOOLEY, Mr. FILNER, Mr. LANGEVIN, Mr. CARNEY, Mr. BACHUS, Mr. HARE, Mr. MEEKS of New York, Mr. BACA, Ms. WATERS, Mr. ACKERMAN, Mr. CLEAVER, Mr. GILLMOR, Mr. JONES of North Carolina, Mr. SHERMAN, Ms. MOORE of Wisconsin, Mr. ELLISON, Mr. MANZULLO, Ms. CARSON, Mr. HINCHEY, Mr. COOPER, Mr. MORAN of Kansas, Mr. HULSHOF, Mr. DREIER, Mr. NEAL of Massachusetts, Mr. CRAMER, Mr. EMANUEL, Mr. UDALL of New Mexico, Mr. CROWLEY, Mr. LARSON of Connecticut, Mr. HONDA, Ms. SCHWARTZ, Mr. LEWIS of Georgia, Mrs. DAVIS of California, Mr. SHIMKUS, Ms. PRYCE of Ohio, Mr. STEARNS, Mr. GUTIERREZ, Mr. CAPUANO, Mr. HINOJOSA, Mrs. MCCARTHY of New York, Mr. CLAY, Mr. KLEIN of Florida, Ms. SCHAKOWSKY, Mr. SPRATT, Mr. TOM DAVIS of Virginia, Mr. MEEHAN, Mr. MCGOVERN, Mr. BROWN of South Carolina, Ms. BERKLEY, Mr. JACKSON of Illinois, Mrs. WILSON of New Mexico, Mr. MCKEON, Mr. PORTER, Mrs. DRAKE, Mr. PRICE of Georgia, Mr. SHAYS, Mr. KUHL of New York, Mr. CHABOT, Mr. GOHMERT, Mr. MCHENRY, Mr. SHUSTER, Mrs. CAPITO, Mr. THORNBERRY, Mr. SESSIONS, Ms. GRANGER, Mr. YOUNG of Florida, Mr. HENSARLING, Mrs. SCHMIDT, Mr. CASTLE, Mrs. BONO, Mr. PLATTS, Mr. AKIN, Mr. FRELINGHUYSEN, Mr. WALBERG, Mr. TIAHRT, Mr. WELDON of Florida, Mr. CONAWAY, Mr. HOBSON, Mr. GOODLATTE, Mr. BARTON of Texas, Mr. WALDEN of Oregon, Mr. DAVIS of Kentucky, Mr. CANTOR, Mr. LAHOOD, Mr. DICKS, Ms. KAPTUR, Mr. KILDEE, Mrs. EMERSON, Mr. SMITH of Washington, Mr. REYNOLDS, Mr. ENGLISH of Pennsylvania, Mr. BECERRA, Mrs. TAUSCHER, Mr. OBERSTAR, Mr. GEORGE MILLER of California, and Mr. SCHIFF.

H.R. 635: Mr. KIRK and Mr. WALBERG.

H.R. 649: Mr. MARKEY.

H.R. 651: Mr. MILLER of Florida.

H.R. 653: Mrs. LOWEY.

H.R. 656: Mr. GERLACH.

H.R. 661: Mr. CLAY and Mr. CASTLE.

H.R. 670: Ms. BALDWIN.

H.R. 677: Mr. COSTA, Mr. AL GREEN of Texas, and Mr. BLUMENAUER.

H.R. 684: Mr. BISHOP of New York.

H.R. 690: Mr. SOUDER, Mr. KILDEE, Mr. HARE, Mr. SCOTT of Virginia, Mr. GORDON, Ms. HOOLEY, and Mr. DELAHUNT.

H.R. 698: Mr. LINCOLN DAVIS of Tennessee, Mr. ELLISON, Mr. CAPUANO, and Mr. WELCH of Vermont.

H.R. 699: Mr. KLINE of Minnesota, Mr. FORBES, Mr. PUTNAM, and Mr. BISHOP of Utah.

H.R. 706: Mr. BERMAN.

H.R. 711: Mr. CUELLAR, Mr. LEWIS of Kentucky, Mr. COHEN, and Mr. MCCOTTER.

H.R. 713: Mr. HIGGINS and Mr. ARCURI.

H.R. 714: Ms. MCCOLLUM of Minnesota and Mr. WALZ of Minnesota.

H.R. 720: Mr. SAXTON.

H.R. 724: Mr. PUTNAM.

H.R. 725: Mr. TIAHRT.

H.R. 737: Ms. HIRONO.

H.J. Res. 3: Mr. WAMP.

H.J. Res. 14: Mr. BISHOP of New York.

H.J. Res. 16: Mr. CULBERSON and Mr. BURTON of Indiana.

H.J. Res. 18: Mr. McNerney.

H. Con. Res. 9: Mr. ELLISON, Ms. WASSERMAN SCHULTZ, and Mr. BACA.

H. Con. Res. 21: Ms. MATSUI, Mr. SMITH of Texas, Mr. MURPHY of Connecticut, and Mr. CARNAHAN.

H. Con. Res. 25: Mr. GRAVES, Mr. REHBERG, Mr. PITTS, and Ms. JACKSON-LEE of Texas.

H. Con. Res. 35: Ms. WATSON.

H. Con. Res. 37: Mr. GARY G. MILLER of California.

H. Con. Res. 44: Mr. WATT, Mr. JOHNSON of Georgia, Mr. SHIMKUS, Ms. SCHWARTZ, and Ms. MOORE of Wisconsin.

H. Res. 37: Mr. REYES, Mr. BERMAN, Mr. KUCINICH, Ms. HARMAN, Ms. WOOLSEY, Mr. GEORGE MILLER of California, and Ms. MATSUI.

H. Res. 54: Mr. KUHL of New York.

H. Res. 55: Mr. GRIJALVA, Mr. GEORGE MILLER of California, and Ms. CARSON.

H. Res. 71: Mr. BACA and Mr. HINOJOSA.

H. Res. 72: Mr. ORTIZ.

H. Res. 94: Mr. GONZALEZ, Mr. MEEKS of New York, Mrs. MCCARTHY of New York, and Mrs. MALONEY of New York.

H. Res. 100: Ms. MCCOLLUM of Minnesota, Mrs. MALONEY of New York, Mr. GRIJALVA, Mr. FORTUÑO, Mrs. TAUSCHER, Mr. FRANK of Massachusetts, Ms. CORRINE BROWN of Florida, Mr. MCNULTY, Ms. JACKSON-LEE of Texas, Mr. KIND, Mr. JEFFERSON, Mr. HOLT, Mrs. NAPOLITANO, Mr. FARR, Mr. HASTINGS of Florida, and Mr. HONDA.

H. Res. 101: Mr. SIRES, Mr. HIGGINS, Mrs. DAVIS of California, and Ms. SCHAKOWSKY.

H. Res. 106: Mr. MCNULTY, Mr. KILDEE, Mrs. MALONEY of New York, Mr. MARKEY, Mr. COSTELLO, Mr. WEINER, Mr. HOLT, Mr. LIPINSKI, Mr. LANGEVIN, Mr. DREIER, Mr. ABERCROMBIE, Ms. SCHWARTZ, Mr. UDALL of Colorado, Mrs. MCMORRIS RODGERS, Ms. WOOLSEY, Mr. BLUMENAUER, Mr. ROYCE, Mr. NEAL of Massachusetts, Mr. KENNEDY, Mr. HONDA, Mr. KIRK, Mr. NUNES, Mr. CAPUANO, Mrs. NAPOLITANO, Mr. BERRY, Mr. GRIJALVA, Mr. LYNCH, Mr. DOOLITTLE, Mr. FATTAH, Ms. MATSUI, Ms. NORTON, Mr. KUCINICH, Mr. MCGOVERN, Mr. VAN HOLLEN, Mr. CROWLEY, Mr. ALLEN, Mrs. CAPPS, Mr. LINCOLN DIAZ-BALART of Florida, Mr. ACKERMAN, Mr. PAYNE, Mr. CONYERS, Mr. RUSH, Mr. FRANK of Massachusetts, Mr. DAVIS of Illinois, Mr. DOYLE, Mr. WILSON of South Carolina, Ms. ZOE LOFGREN of California, Mr. ROGERS of Michigan, Mr. CANTOR, Mr. SOUDER, Mr. MEEHAN, Mr. GUTIERREZ, Mr. CLAY, Ms. LINDA T. SÁNCHEZ of California, Mr. BERMAN, Ms. ESHOO, Ms. BALDWIN, Mr. DINGELL, Mr. ENGEL, Mr. ROTHMAN, Ms. LEE, Mr. GARRETT of New Jersey, Mr. WAXMAN, Mr. DELAHUNT, Ms. ROYBAL-ALLARD, Mr. TIERNEY, Mr. MARIO DIAZ-BALART of Florida, Mr. ROHRABACHER, Mr. CAMPBELL of California, Mr. WALZ of Minnesota, Mr. NADLER, Mr. PORTER, Mr. BACA, Mr. CLEAVER, Ms. KILPATRICK, Mrs. TAUSCHER, Mr. FRELINGHUYSEN, Mr. VISCLOSKY, Ms. DELAURO, Mr. ENGLISH of Pennsylvania, Mr. CARDOZA, Mr. WOLF, Mr. GONZALEZ, Ms. WATSON, Mr. JINDAL, Mr. SARBANES, Mr. GERLACH, Mrs. DAVIS of California, Mrs. LOWEY, Mr. HOLDEN, Mr. ISRAEL, Mr. LEVIN, Mr. MORAN of Virginia, Mr. FILNER, Mr. CALVERT, Ms. MCCOLLUM of Minnesota, Mr. HARE, Mr. COSTA, Mr. JACKSON of Illinois, Mr. STARK, Ms. BERKLEY, Mr. SHAYS, Mr. RYAN of Wisconsin, Mr. GEORGE MILLER of California, Mr. DOGGETT, Mr. BECERRA, Ms. LORETTA SANCHEZ of California, Mr. BISHOP of Georgia, Ms. SCHAKOWSKY, Ms. SOLIS, Mr. BILIRAKIS, Mr. LOBIONDO, Mr. HINCHEY, Mr. LEWIS of Georgia, Mr. FERGUSON, Mrs. BONO, Mrs. MILLER of Michigan, Mr. SIRES, Mr. OLVER, Mr. SENSENBRENNER, Mrs. MUSGRAVE, Mr. MCDERMOTT, Mr. MCKEON, Ms. HERSETH, Ms. BEAN, Mr. WAMP, Mr. ANDREWS, Mr. RENZI, Mr. WELLER, Mr. PASTOR, Mr. DEFAZIO, Mr. RANGEL, Mrs. MCCARTHY of New York, Mr. PETERSON of Minnesota, Mr. ISSA, Mr. CARNAHAN, Mr. HINOJOSA, Mr. WYNN, Mrs. JONES of Ohio, Mr. SMITH of New Jersey, Ms. MILLENDER-MCDONALD, Mr. SHIMKUS, Mr. DENT, Mr. MCCAUL of Texas, Mr. BOREN, Mr. LINCOLN DAVIS of Tennessee, Mr. FARR, Ms. JACKSON-LEE of Texas, Mr. KIND, Mr. MATHESON, Mr. MELANCON, Mr. MOORE of Kansas, Mr. ROSS, Mr. RYAN of Ohio, Mr. SCOTT of Georgia, Mr. THOMPSON of California, Ms. WATERS, Mr. DANIEL E. LUNGREN of California, and Mr. TOWNS.

H. Res. 109: Ms. MATSUI.

H. Res. 113: Mr. HOLT, Mr. HONDA, Mr. CROWLEY, Mr. MCDERMOTT, Ms. LEE, and Mr. VAN HOLLEN.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H. Res. 106: Mr. JINDAL.

SENATE—*Wednesday, January 31, 2007*

The Senate met at 9:30 a.m. and was called to order by the Honorable JON TESTER, a Senator from the State of Montana.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Almighty God, You give Your spirit to all who truly desire Your presence. Lord, today, strengthen the Members of this legislative body. Lord, strengthen them not only to see Your ideal but to reach it. Strengthen them not only to know the right but to do it. Strengthen them not only to recognize their duty but to perform it. Strengthen them not only to seek Your truth but to find it.

Empower our lawmakers to go beyond guessing to knowing, beyond doubting to certainty, and beyond resolving to doing. Give our Senators the deep inner peace of knowing that You have heard and answered this prayer for power.

We pray in Your mighty Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JON TESTER led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The bill clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, January 31, 2007.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JON TESTER, a Senator from the State of Montana, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. TESTER thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, we will be in a period for the transaction of morning business for 60 minutes. The first half is under the control of the Republicans, the second half under the control of Senator WYDEN. Following morning business, we will resume H.R. 2, the minimum wage bill.

As I indicated in closing yesterday, we expect Senator KYL to be here this morning when we resume the bill. I understand a number of conversations have taken place among Senators BAUCUS, GRASSLEY, KYL, and KENNEDY regarding these amendments. It is anticipated once we are back on the bill there will be debate with respect to one or more of the Kyl amendments and that a vote in relation to an amendment could occur sometime around noon today.

Once we have completed action on all the amendments, then it is my hope that we can yield back all the time postcloture and then dispose of the substitute amendment. If we have to run the full 30 hours on the substitute, I think I am correct in stating that the 30 hours would expire at about 6:40 this evening, cloture having been invoked yesterday at about 12:40 p.m. Of course, once all that time has expired or been yielded back and the substitute has been disposed of, cloture on the bill would occur immediately and automatically.

Mr. President, just a couple of comments. When we complete the debate on minimum wage and the bill is completed, we move to Iraq, and that is, as we know, a very contentious issue. But as the distinguished Republican leader last night stated, we are trying to arrive at a point where we can have a good, strong debate. It will take cooperation, it will take compromise so we can be in a position to have this debate so all Senators can voice their opinion and, hopefully, we can settle on a finite number of pieces of legislation to vote on. That is my goal, and I hope we can do that. Certainly the American people deserve this debate.

(The remarks of Mr. REID pertaining to the introduction of S. 439 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. REID. Mr. President, I apologize to my friend for taking so much time, but sometimes one takes what time is needed.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

IRAQ DEBATE

Mr. MCCONNELL. Mr. President, with regard to today's schedule, we will be working, as the majority leader indicated, on the timing of the Kyl amendments. These are important amendments which we are going to want to have considered in a timely fashion. Senator KYL will need to be able to debate those amendments. We probably will be able to get to final passage tomorrow.

And then, as the majority leader indicated, he and I have had extensive discussions about crafting the various proposals, how many we are going to have on each side to address the most important issue in the country right now, which is the Iraq war, and that debate, of course, will occur next week. So we will continue our discussions toward narrowing down and understanding fully exactly which resolutions, alternate resolutions will need a vote in the context of that debate.

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. REID. One final point, Mr. President. We should understand, all of us, that we may have to have a vote or some votes on Monday. Everyone should understand that. And if we have to have votes on Monday, they could occur earlier rather than later. So everyone should understand there may be Monday votes. We hope not. As I told the distinguished Republican leader and as we have announced on a number of occasions, we had our retreat, and the Republicans certainly cooperated with us, and we are going to cooperate with them. These retreats are extremely important to this body. They allow us to enhance the political parties within this great Senate and focus on what is good for the country. We have done that, and the Republicans are going to do that the day after tomorrow, and I think that is important. We will certainly have no votes on Friday.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will be a period for the transaction of

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

morning business for up to 60 minutes with each Senator permitted to speak for up to 10 minutes with the first half of the time under the control of the minority and the second half of the time under the control of the Senator from Oregon, Mr. WYDEN.

The Senator from Nevada is recognized.

Mr. ENSIGN. Mr. President, I rise this morning to discuss the Iraqi situation. Not the shootings and explosions we see in the streets of Baghdad and in al Anbar Province, but the struggle were currently engaged in right here in the Senate.

This latter battle is arguably more important to our long-term national security than any other issue we face today.

While everyone remembers the tragedy of 9/11, the pain and anguish experienced by Americans that day appears to have faded over time for an ever increasing number of our citizens.

For me, it remains as vivid and as gut wrenching today as it was that September morning more than 5 years ago.

It seems too easy these days to point fingers of blame at one another for our current situation in Iraq.

I could stand here today and recite quote after quote from Members on both sides of the aisle who were certain that Saddam Hussein possessed weapons of mass destruction.

Hussein and his Baathist regime had ruled Iraq as a personal fiefdom for more than 30 years.

There is no arguing that Hussein was personally responsible for the brutal deaths of hundreds of thousands of his own citizens, invaded two of his neighbors, supported worldwide terrorism, and violated 17 separate United Nations resolutions aimed at curtailing his WMD programs.

Seventy-seven Senators voted to give President Bush the authority to act.

With the clear authority from Congress to undertake military operations against Saddam Hussein, President Bush tried long and hard to seek a peaceful resolution. Saddam Hussein could not be reasoned with.

Following 9/11 and in an age of nuclear bombs and other weapons of mass destruction, we could no longer afford to sit by and wait on those wanting to do us harm to land the first punch.

We could not wait until we were attacked before acting. Calls for the President to act in order to protect America were loud and clear. And the President did act.

In doing so, Saddam Hussein's regime was eliminated and some 28 million Iraqis were freed from a living hell on Earth.

Watching the Iraqis struggle since then to establish their own democracy has not been a pretty sight.

With the luxury of hindsight, it's no secret that serious mistakes were made; too few troops; de-baathification of the Iraqi government and; failure of Federal Departments other than Defense to be fully engaged in this effort, to name a few.

We need to face the fact that we are in Iraq. We need to ask ourselves what do we do now.

Do we pack up and leave, even though every voice of reason tells us that Iraq would implode into a terrorist state used by al-Qaida as a launching pad against the "infidels"; reminiscent of Afghanistan under the Taliban?

As Senator MCCAIN has reminded us time and again, Iraq is not Vietnam. When we left South Vietnam, the Viet Cong did not pursue us back to our shores. . .

Al-Qaida is not the Viet Cong. Al-Qaida has sworn to destroy us and is committed to bringing their brand of terror to America.

This fact was evidenced recently during testimony by Lieutenant General Maples, head of the Defense Intelligence Agency.

He testified that documents captured by coalition forces during a raid of a safe house believed to house Iraqi members of al-Qaida 6 months ago revealed al-Qaida was planning terrorist operations in the U.S. Anyone willing to go to Iraq to fight Americans is probably willing to travel to America.

Do we pass meaningless resolutions that mandate unconstitutional caps on the number of troops deployed to Iraq?

I am not a military strategist, so I rely on the opinion of experts to educate me.

General Petraeus, the new commander of the Iraqi Multi-National Coalition and author of the Army's new Counter Insurgency Manual, told me that he could not succeed in providing security for the citizens of Baghdad and al Anbar Province without the additional troops called for in the President's plan.

Do we allow the President the ability to adjust those troop numbers in an effort to bring security to Baghdad and al Anbar Province?

From what I see, the President has the only plan on the table that doesn't ensure defeat. It may not be a perfect plan, and it may need to be adjusted in the near term, but it is certainly a change from what we've been doing so far.

One particular area that I believe needs improvement is our reconstruction effort.

According to the Congressional Research Service the United States has spent over $35.6 billion on reconstruction efforts.

We have to stop squandering our resources on reconstruction projects in Iraq that fail to deliver basic security and critical infrastructure.

A recent article in the Journal of Intervention and Statebuilding talked of the need to abandon a scattergun approach to reconstruction which focuses on winning hearts and minds and results in many nonessential projects being started but not completed.

I believe that we need to have what the author called a triage approach to reconstruction. The military calls it SWEAT: sewage, water, electricity and trash.

Let's focus on getting these essential services operating at the level they were before we invaded Iraq. This approach will undoubtedly make our military effort easier.

Our efforts to improve fundamental services up to this point have not received the focus and attention they deserve.

We have fallen short in the area of electricity production. Before we invaded Iraq, electric power was 95,600 megawatt hours; now, it is close to 90,000 megawatt hours. The goal was originally 120,000 megawatt hours.

In Baghdad, Iraqis receive about three fewer hours of electricity than before the war. Outside of Baghdad they do receive more, but we know most of the problems are in Baghdad. CRS notes that of 425 projects planned in the electricity sector, only 300 will be completed.

We have done somewhat better in assistance with water and sanitation.

We have provided clean water to 4.6 million more people and sanitation to 5.1 million more than before the war. But besides water, sanitation, and electricity we know that Iraq needs a functioning oil sector.

Revenues from oil are necessary to fund government services, including security and maintain infrastructure. According to CRS, oil and gas production has remained stagnant and below pre-war levels for some time.

The pre-war level of oil production was 2.5 million barrels per day; it currently stands at 2.0 million barrels per day.

That is far below the 3.0 million barrels per day we were told Iraq was expected to reach by end of 2004. According to the Special Inspector General for Iraq Reconstruction, besides the destruction caused by the insurgents, poor infrastructure, corruption, and difficulty maintaining and operating U.S.-funded projects are challenges faced by the industry.

We are at a pivotal point in this Nation's history.

We face an enemy unlike anything ever witnessed before. We cannot wash our hands of the responsibility incumbent upon us as the leader of the free world.

It is time to join together, forgetting whether we are Republicans, whether we are Democrats, remembering we are Americans. It is time to come together behind our men and women in uniform, figure out what the best strategies are, and move forward together. It used to be said that partisanship stopped at our shore's edge. We need to go back to that spirit of being Americans. We cannot afford to fail in this effort.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Louisiana.

Mr. VITTER. Mr. President, I, too, rise today on the Senate floor to discuss the very serious issue of Iraq and how we move forward there to eventually get our troops home. I have been in the Senate 2 years. Before that, I was in the House for 5 years. That is a relatively short amount of time, but I daresay I believe, as do many of my colleagues who have been here 20 or 30 years, this truly is one of the most important issues we will ever debate and have an impact on. In fact, even for a career that long, it may be the single most important issue we will debate and have an impact on.

I hope all of us take that to heart. Don't say it as a truism but understand what that means and what it demands of us. What it demands of us is that we act responsibly and whatever our feelings and point of view, we put them forward in a responsible way for the good of America.

What do I mean by that? I primarily mean two things. First of all, each of us as Senators has the right to oppose a plan, including the President's plan. I will be the first to say that. I will be the first to defend my colleagues' right to oppose any plan, including the President's plan. But along with that right comes responsibility, and each of us also has a responsibility to be for a plan to move forward in Iraq. It does not need to be the President's plan, but we sure as heck have a responsibility to be for some coherent plan, in some level of detail. How do we move forward in Iraq for the good of the country, for our security, and for stability in the Middle East?

Second, what being responsible means is taking to the Senate floor to impact policy, to take action but not simply to offer words that have no impact in the real world but only serve to undercut the morale and focus of our troops and to embolden the enemy. Some resolutions, which are mere words—they don't constrain any activity of the President or of our troops—I think have that unintended result. They do not limit troops, they do not limit troop numbers, but they sure as heck destroy morale. They certainly embolden the enemy. Don't believe me about that judgment. Turn to very respected military leaders, including GEN David Petraeus, who said that directly, frankly, in his testimony before Senate committees.

I have been guided by that responsibility, to face the issues squarely, to be responsible, to be for some plan—not necessarily the President's but some real, detailed plan; to take action on the Senate floor and not float words which can have negative consequences for our troops and also embolden the enemy.

After a lot of thought and in that context and after a lot of careful study, including many hearings before the Senate Foreign Relations Committee on which I sit, I have decided to support the President's plan as a reasonable attempt to move forward—indeed, as a final attempt to stabilize the situation. But I have also decided to do it in the context of three very strong recommendations which I have made many times directly to the President and to other key advisers, such as Secretary of State Condoleezza Rice, such as the President's National Security Adviser, Steve Hadley, and others. Those three strong, clear recommendations are as follows:

No. 1, I do believe, with the Iraq Study Group and others, we need to put even more emphasis on a diplomatic effort and, in my opinion, that should be to encourage and embrace and participate in a regional diplomatic conference that involves all of Iraq's neighbors, including Iran and Syria. This would be very different from direct bilateral talks with either Iran or Syria. With regard to that push, I disagree with that, including, to some extent, the Iraq Study Group. But I do think a regional conference focussed specifically and exclusively on stabilizing Iraq, promoting democracy in Iraq, would be very positive.

No. 2, I agree with many that we can be even stronger, clearer, firmer about benchmarks for the Iraqi Government and consequences if the Iraqi Government does not meet those benchmarks. President Bush has talked a lot about what are clear benchmarks, but I have encouraged him to go even further, be even more direct and clear, including in public, about those benchmarks. Those would be things such as the Iraqis continuing to take clear, strong action against all who promote violence, whether they are Sunni or Shia or anyone else; things such as an oil revenue law that must be passed in the very near term; things such as major reform of the debaathification process, which has stirred up enormous sectarian conflict and hatred, particularly from the Shia and Sunnis.

Third, I have been very clear in saying over and over and over that we must constantly reexamine these new troop numbers to make sure they can have a meaningful impact on the ground in the short term. I am for trying this as a final attempt, but I am not for throwing too little too late at the effort.

I respect the judgment of military leaders such as GEN David Petraeus. I take them at their word, and I respect their judgment that this additional 21,500, coupled with redeployment and reemphasis of troops already in theater, is enough, but I think we have to constantly examine that to make sure we don't make the mistake we have made in the past, which is underestimating troop need.

There has been a lot of discussion about the Iraq Study Group report, for good reason. A lot of leading citizens contributed very thoughtful analysis to that report. But I think far too much of that discussion has unfairly portrayed the President's plan and different versions of it, like what I am talking about, as in stark contrast to the Iraq Study Group report. In fact, I don't believe that to be the case at all. It is not exactly the Iraq Study Group report. It is different, but it has enormous areas of overlap.

With regard to political solutions that have to happen lead by Iraqis on the ground in Iraq, there is enormous agreement between what I am supporting, what the President is describing, and the Iraq Study Group report. With regard to a diplomatic initiative, there is enormous overlap between what I am pushing in terms of a regional diplomatic conference involving all of Iraq's neighbors and what the Iraq Study Group discusses. Yes, they seem to favor direct bilateral talks with countries such as Iran and Syria. I do not and the President does not. But there is still enormous overlap and agreement on things we can do very proactively and aggressively on the diplomatic front.

Even on the military component there is great overlap and significant agreement. In that regard I would simply point to one very important passage on page 73 which states clearly, discussing military troop levels and numbers:

> We could, however, support a short-term redeployment or surge of American combat forces to stabilize Baghdad or to speed up the training and equipping mission if the U.S. commander in Iraq determines that such steps would be effective.

Well, of course, the new U.S. commander of Iraq is GEN David Petraeus, and he has suggested and asked for exactly that, which is why it is significant in the President's plan.

So I urge all of my colleagues to give this issue serious thought, to be responsible, to advocate whatever is in their heart and in their mind but to do it responsibly. Support some plan, and do not throw out mere words that have no concrete effect except undermining our troops and emboldening the enemy.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Texas is recognized.

Mr. CORNYN. Mr. President, could you advise me how much time our side has remaining in morning business?

The ACTING PRESIDENT pro tempore. Ten minutes forty seconds.

Mr. CORNYN. If there is 10 minutes remaining, I would like to take the next 5 minutes and then yield to Senator DEMINT for the remaining 5 minutes, if the Chair would please advise.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

IRAQ

Mr. CORNYN. Mr. President, I appreciate the comments we have heard this morning from the distinguished Senator from Nevada and the distinguished Senator from Louisiana, and I couldn't agree more with the comments they have made. I would like to add some, perhaps, even more eloquent words—and rest assured they are not mine—to this debate because I think it helps us understand in a way that we might not otherwise understand what is at stake and what the people who are most directly impacted believe is at stake in the war on terror, particularly the conflict in Iraq.

I first want to quote the words of Roy Velez. Roy is from Lubbock, TX, and has lost two sons—one in Iraq and one in Afghanistan. Recently, Roy Velez said:

> It is not about President Bush. It is not about being a Democrat or a Republican. It is about standing behind a country that we love so much. I know it has cost us a lot in lives, including my two sons, and it has taken a toll on America. But we can't walk away from this war until we're finished.

I don't know anyone who has earned the right to speak so directly to what is at stake, the sacrifices that have been made, and the consequences of our leaving Iraq before it is stabilized and able to govern and defend itself.

Then there is also the story of 2LT Mark J. Daily. Lieutenant Daily was 23 years old from Irvine, CA. He was with the 4th Brigade Combat Team, 1st Cavalry Division out of Fort Bliss, TX. Lieutenant Daily was killed on January 15 when an improvised explosive device exploded and ripped through his vehicle, taking his life and those of three fellow soldiers. Mark had been, as so many of our military have done, keeping in touch with his family via e-mail, and he maintained a blog on the popular My Space Web site. In that blog, Mark specifically explained why he joined, and this is what he wrote:

> Why I joined: This question has been asked of me so many times in so many different contexts that I thought it would be best if I wrote my reasons for joining the Army on my page for all to see. First, the more accurate question is why I volunteered to go to Iraq. After all, I joined the Army a week after we declared war on Saddam's government with the intention of going to Iraq. Now, after years of training and preparation, I am finally here. Much has changed in the last three years. The criminal Baath regime has been replaced by an insurgency fueled by Iraq's neighbors who hope to partition Iraq for their own ends. This is coupled with the ever-present transnational militant Islamist movement which has seized upon Iraq as the greatest way to kill Americans, along with anyone else who happens to be standing near. What was once a paralyzed state of fear is now the staging area for one of the largest transformations of power and ideology the Middle East has experienced since the collapse of the Ottoman Empire.

I would say in closing that we can't claim to support the troops and not support their mission. If we don't support the mission, we should not pass nonbinding resolutions. We should do everything within our power to stop it. I do believe that we should support that mission. I do believe we should support our troops. That is why I believe we should send them the message that, yes, we believe you can succeed, and it is important to our national security that you do.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from South Carolina is recognized.

Mr. DEMINT. I thank the Senator from Texas, and I would like to add my comments to his. We are certainly discussing probably one of the most deadly serious issues that I have been a part of since being in the Congress. I must start by expressing my respect for the Senators who are proposing this resolution. I know their intent is good. They have heartfelt concerns about what we are doing.

But what I would like to do is remind all of us that our role is a role of being leaders, not just being critics. As elected officials, we know what it is like to have critics second-guess all the decisions we make, but our job as Senators is to be leaders; and to be leaders, we have to make good decisions. If we make good decisions, we have to know what our real choices are. I am afraid those who are proposing this resolution are not considering the real choices because we can keep the status quo, we can withdraw and be defeated, or we can continue until we win and accomplish our goals in Iraq.

This resolution is a resolution of defeat and disgrace. There is no other way it could come out. That is the choice they are making. That is the decision they are making because we know if we withdraw and leave this to the Iraqis when they are not ready, we will lose all. Not only will we be disgraced as a nation, but we will have probably the biggest catastrophe—human catastrophe as well as political catastrophe—in the Middle East that is going to occur. We have to discuss the real implications of that choice.

I oppose this resolution because it does not support our mission, it does not support success, and it makes the decision for defeat. Real leaders would come up with a plan of action that they follow through on. And whether we agree with the President or not, he has put a plan on the table and he intends to follow through on it with all the advice he can get from his military people. Our role is not just to criticize that, but if we don't agree, it is to come up with another plan, propose it, and our responsibility is to sell it to the American people—not just to criticize, not to come up with resolutions that don't mean anything, intended to embarrass the President. But what it really does is deteriorate the morale of our troops.

I know we are frustrated with this war, and the fear of failure is all around us. But we cannot digress into being critics in this body. Our job is to lead.

I want to conclude this morning with some comments from the soldiers. I know other Senators have called parents who have soldier sons and daughters who have been killed. I have not had one who told me to get out of Iraq. I have had a lot of them tell me: Win. That is how to honor the sacrifice is to win.

SPC Peter Manna:

> If they don't think we're doing a good job, everything we have done here is all in vain.

We have a number of these, but I don't have time to read them all.

SGT Manuel Sahagun said:

> One thing I don't like is when people back home say they support the troops but they don't support the war. If they're going to support us, support us all the way.

Americans are not against this war; they are against losing. They need to know we can win it.

General Petraeus, the best general that we have, whom we have just approved, confirmed in the Senate, has told us that we can succeed with the President's plan. This is our last best hope to leave Iraq as a free democracy and to help stabilize the Middle East. The other choice is defeat and disgrace.

Mr. President, I call on all of my Senate colleagues not to support this resolution and to act as leaders: to put forward a plan or support the one that the President has put forward.

I yield the floor and reserve the remainder of the time.

Mr. WYDEN. Mr. President, parliamentary inquiry: I believe I have time reserved at this point. I was going to speak for a little over 20 minutes or so. I would like to inquire through the Chair of my colleagues if they wish to finish their remarks before I go to mine.

Mr. CORNYN. Mr. President, in response to the distinguished Senator from Oregon, I believe our morning business time has expired and we would yield back any remaining time so the Senator from Oregon can begin his remarks.

The ACTING PRESIDENT pro tempore. The Senator from Oregon is recognized.

Mr. WYDEN. I thank my colleagues for their courtesy.

HEALTH CARE IN AMERICA

Mr. WYDEN. Mr. President, it is not breaking news that the American health care system is broken, even though our country has scores of dedicated and talented health care providers. It isn't breaking news that Congress has ducked fixing health care since 1994.

What should be breaking news is that for the first time in decades there is a genuine opportunity for Democrats and Republicans to work together to fix American health care.

A few days ago in his State of the Union Address, the President put forward a health care reform proposal that focuses on changing the Federal Tax Code. Since then, leading Democratic and Republican economists have joined forces to point out how Federal health care tax rules benefit the most affluent among us, and subsidize inefficiency as well.

For example, right now under the Federal Tax Code, a high-flying CEO can write off the cost on their Federal taxes of going out and getting a designer smile while a hard-working gal in a small hardware store in Montana, Oregon, or anywhere else in the country, gets virtually nothing.

I am of the view that Democrats and Republicans should work together to change this inequity and make sure that all of our citizens have affordable, quality, private health care coverage with private sector choices—the way Members of Congress do.

The Federal Tax Code and its policies have disproportionately rewarded the affluent. They came about because of what happened in the 1940s when there were wage and price controls. These policies might have worked for the 1940s, but they are clearly not right 60 years later. Democrats and Republicans can work together to change the Federal tax rules that grease the system and disproportionally reward the most affluent and subsidize inefficiency.

In return for those on the Democratic side of the aisle supporting a change in Federal health tax rules and coverage through private sector choices, the President and Republicans should join with Democrats and independent health experts of all political philosophies who say to fix health care we have to cover everybody for essential benefits. What is very clear now on health care is if we do not cover everybody—and not for Cadillac coverage, but for the essentials—our country will always have a health care system where those who have no coverage have their costs transferred to people who do have coverage. Every night in Montana, Oregon, and elsewhere in our country we have folks in hospital emergency rooms because they have not been able to get good outpatient health care, and the costs for folks in hospital emergency rooms who cannot pay get transferred to people who can pay. Many health care experts have theorized that perhaps up to 20 percent of the premium paid by people who have coverage is because of the costs for caring for those without coverage.

At this point in the debate, Democrats can say that Federal tax rules are inequitable with respect to health care and we can use private sector choices. My hope is Republicans will say to fix health care we have to have a system that covers everybody. Democrats and Republicans can come together to make that case.

There are other areas where we can find common ground right now between the political parties on health care. For example, Democrats and Republicans in the Senate think we ought to give a broad berth to the States to innovate in the health care area. Surely what works in the State of Montana may not necessarily work in Florida, Iowa, or New York. They say, "Let's give a broad berth to the States to show innovative approaches." Particularly Governor Schwarzenegger and Governor Romney deserve a lot of credit for being willing to lead at the State level. In my State, folks have some innovative ideas, as well. My guess is they do in Montana, elsewhere. We can take steps to promote them. I personally don't think the States can do it all because the States cannot solve problems they did not create. That is why we need to change the Federal health care tax rules. Because of the federal tax rules, the Federal Government is the big spender in health care. The States cannot do a lot about that. But surely, as part of the effort to bring Democrats and Republicans together, we can agree to make changes in the Federal health care tax care rules and we can agree to get everyone covered. We can also agree there is a lot of common ground between Democrats and Republicans, to give States the opportunity to innovate.

Democrats and Republicans, as we look at the possibility of a coalition, can join together so we have health care rather than sick care. We do not do a lot to promote wellness and prevention in this country. Medicare shows that better than anything else. Medicare Part A will pay checks for thousands and thousands of dollars of hospital expenses. Medicare Part B, on the other hand, the part for outpatient services, hardly does anything to reward prevention and wellness. You can not even get a break on your premium—the Part B premium, they call it—if you help to hold down your blood pressure, cholesterol, stop smoking, and that sort of thing. Surely Democrats and Republicans can join hands to do more to promote prevention, and to have incentives for parents, for example, to get their kids involved in wellness.

This would not be some kind of national nanny program where we have the Federal Government saying, we are going to watch the chip bowl, but sensible prevention policies on which Democrats and Republicans can agree.

It also seems to me that Democrats and Republicans can join hands with respect to chronic health care and end of life health care. We know in the Medicare Program close to 5 percent of the people take about 50 percent of the health care dollars because those folks need chronic care and because of spending at the end of life. They need compassionate health care. We have not thought through policies that can bring both Democrats and Republicans together to deal with this area of health care where an enormous amount of the money is going.

For example, to get Medicare's hospice benefits, right now seniors have to choose whether they are going to get curative care or hospice care. That makes no sense at all. Why should a senior have to give up the prospects of getting a cure for their particular illness in order to get hospice benefit? Let's not pit the hospice benefit against curative care. Let's have Democrats and Republicans work together in order to make changes that expand the options available for older people.

The door is open right now. The State of the Union gave new visibility to the health care cause. Democrats, such as myself, who serve on the Committee on Finance, who will say these Federal health care tax rules are inequitable, can join hands with Republicans who will say we need to cover everybody and stop the cost shifting. The door is open right now if Democrats and Republicans will work together in a bipartisan basis.

Some people are saying it can't be done. They are saying there is too much polarization on health care and other big issues. Let's talk about it, once again, when there is a Presidential campaign. I send a clear message on that point, as well. Of course, this country can put off fixing health care once more, as it has done again and again for 60 years—going back to Harry Truman in the 81st Congress. It was 1945 when he began to talk about fixing health care. I guess one can argue, let's put it off again and have another Presidential campaign where people go back and forth on this issue. However, I submit that whoever the new President is in 2009—and I am very excited about our Democratic candidates—no matter who is the new President—should address this issue. However if, heaven forbid, there is a terrorist attack early in the new Administration, health care would get put off once more. Perhaps we would go for several more years without talking about health care reform.

We have had people working to fix health care in this country for years and years, people on both sides of the aisle. On our side of the aisle, we have Senator KENNEDY. No one has championed the cause of fixing health care for as many years as passionately as

Senator KENNEDY. Republicans have worked very hard for health care reform, as well.

I hope this question of health care reform is not somehow deferred once again until 2009. There is a broad consensus of what needs to be done. I outlined four or five areas this morning, starting with changing the Federal health care tax rules and making sure there are good private sector choices for Americans, getting everyone covered, and emphasizing prevention and wellness. That alone would be a good basis for Democrats and Republicans to start in. Clearly, a system that was created in the 1940s ought to be modernized in 2007. As I pointed out, the system that came about in the 1940s was a historical accident. There were wage and price controls and there was no way to get health care to working families other than to say, maybe the employers will cover it.

Today our businesses are up against global competitors that have their governments pick up their health care bill. The combination of the disadvantage our businesses face, the huge escalation of costs, the significant increase in chronic illness, and our rapidly aging population means the current system is not sustainable. It is not sustainable and that is why we need to act.

I am so pleased to see the Presiding Officer in the chair, a new Senator from Montana, who has lots of good ideas on health care and has campaigned on them. I know he and many on both sides of the aisle want to fix the system. That is what we got an election certificate to do, to work together on the most important issues, not put it off for another couple of years and have another Presidential campaign. We need to sort it out right now.

The American people know we ought to have a new focus, on prevention rather than sick care. We can work on that now. The American people know a lot of the States have innovative approaches. We can help them build on it. The American people know the tax system in the health care area disproportionately favors the most affluent and does not give a break to the working person and it ought to be changed. These are the reasons why both sides ought to join hands to do that.

The time to fix health care is now. There are a variety of proposals that have been put before the Congress. I have not even mentioned my legislation this morning, the Healthy Americans Act, based on many of the principles I have discussed today. I am not wedded to every provision or every part of it. It is a piece of legislation that can bring folks together. When I introduced it, Andy Stern, the president of the Service Employees International Union, 1.8 million members, was there, but so was Steve Burd, the CEO of Safeway, with over 200,000 employees. So was Bob Beall, the CEO of a company with 400 people. So was a member of the National Federation of Independent Businesses who was from Oregon. He spoke for himself, not for the group. He employs eight people. All of these employers said that the legislation would work for them.

Now it is up to us in the Senate. It is up to us, with the door open, to get Democrats and Republicans to come together. I certainly have not agreed with all the details of the President's proposal, but he has given some new visibility to the cause. All sides ought to say, let's get going, let's not wait for another campaign for President to go forward. Let us do our job now. There is much to work with that can bring both political parties together to fix American health care.

I will be spending a lot of my waking hours on that in the days ahead. I look forward to working with both Democrats and Republicans in the Senate to get it done.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KYL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CARDIN). Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

FAIR MINIMUM WAGE ACT OF 2007

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 2, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 2) to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal Minimum Wage.

Pending:

Reid (for Baucus) amendment No. 100, in the nature of a substitute.

McConnell (for Gregg) amendment No. 101 (to amendment No. 100), to provide Congress a second look at wasteful spending by establishing enhanced rescission authority under fast-track procedures.

Kyl amendment No. 115 (to amendment No. 100), to extend through December 31, 2008, the depreciation treatment of leasehold, restaurant, and retail space improvements.

Enzi (for Ensign/Inhofe) amendment No. 152 (to amendment No. 100), to reduce document fraud, prevent identity theft, and preserve the integrity of the Social Security system.

Enzi (for Ensign) amendment No. 153 (to amendment No. 100), to preserve and protect Social Security benefits of American workers, including those making minimum wage, and to help ensure greater Congressional oversight of the Social Security system by requiring that both Houses of Congress approve a totalization agreement before the agreement, giving foreign workers Social Security benefits, can go into effect.

Vitter/Voinovich amendment No. 110 (to amendment No. 100), to amend title 44 of the United States Code, to provide for the suspension of fines under certain circumstances for first-time paperwork violations by small business concerns.

DeMint amendment No. 155 (to amendment No. 100), to amend the Public Health Service Act to provide for cooperative governing of individual health insurance coverage offered in interstate commerce, and to amend the Internal Revenue Code of 1986 regarding the disposition of unused health benefits in cafeteria plans and flexible spending arrangements and the use of health savings accounts for the payment of health insurance premiums for high deductible health plans purchased in the individual market.

DeMint amendment No. 156 (to amendment No. 100), to amend the Internal Revenue Code of 1986 regarding the disposition of unused health benefits in cafeteria plans and flexible spending arrangements.

DeMint amendment No. 157 (to the language proposed to be stricken by amendment No. 100), to increase the Federal minimum wage by an amount that is based on applicable State minimum wages.

DeMint amendment No. 159 (to amendment No. 100), to protect individuals from having their money involuntarily collected and used for lobbying by a labor organization.

DeMint amendment No. 160 (to amendment No. 100), to amend the Internal Revenue Code of 1986 to allow certain small businesses to defer payment of tax.

DeMint amendment No. 161 (to amendment No. 100), to prohibit the use of flexible schedules by Federal employees unless such flexible schedule benefits are made available to private sector employees not later than 1 year after the date of enactment of the Fair Minimum Wage Act of 2007.

DeMint amendment No. 162 (to amendment No. 100), to amend the Fair Labor Standards Act of 1938 regarding the minimum wage.

Kennedy (for Kerry) amendment No. 128 (to amendment No. 100), to direct the Administrator of the Small Business Administration to establish a pilot program to provide regulatory compliance assistance to small business concerns.

Martinez amendment No. 105 (to amendment No. 100), to clarify the house parent exemption to certain wage and hour requirements.

Sanders amendment No. 201 (to amendment No. 100), to express the sense of the Senate concerning poverty.

Gregg amendment No. 203 (to amendment No. 100), to enable employees to use employee option time.

Burr amendment No. 195 (to amendment No. 100), to provide for an exemption to a minimum wage increase for certain employers who contribute to their employees health benefit expenses.

Kennedy (for Feinstein) amendment No. 167 (to amendment No. 118), to improve agricultural job opportunities, benefits, and security for aliens in the United States.

Enzi (for Allard) amendment No. 169 (to amendment No. 100), to prevent identity theft by allowing the sharing of social security data among government agencies for immigration enforcement purposes.

Enzi (for Cornyn) amendment No. 135 (to amendment No. 100), to amend the Internal Revenue Code of 1986 to repeal the Federal unemployment surtax.

Enzi (for Cornyn) amendment No. 138 (to amendment No. 100), to amend the Internal Revenue Code of 1986 to expand workplace health incentives by equalizing the tax consequences of employee athletic facility use.

Sessions (for Kyl) amendment No. 209 (to amendment No. 100), to extend through December 31, 2012, the increased expensing for small businesses.

Division I of Sessions (for Kyl) amendment No. 210 (to amendment No. 100), to provide for the permanent extension of increasing expensing for small businesses, the depreciation treatment of leasehold, restaurant, and retail space improvements, and the work opportunity tax credit.

Division II of Sessions (for Kyl) amendment No. 210 (to amendment No. 100), to provide for the permanent extension of increasing expensing for small businesses, the depreciation treatment of leasehold, restaurant, and retail space improvements, and the work opportunity tax credit.

Division III of Sessions (for Kyl) amendment No. 210 (to amendment No. 100), to provide for the permanent extension of increasing expensing for small businesses, the depreciation treatment of leasehold, restaurant, and retail space improvements, and the work opportunity tax credit.

Division IV of Sessions (for Kyl) amendment No. 210 (to amendment No. 100), to provide for the permanent extension of increasing expensing for small businesses, the depreciation treatment of leasehold, restaurant, and retail space improvements, and the work opportunity tax credit.

Division V of Sessions (for Kyl) amendment No. 210 (to amendment No. 100), to provide for the permanent extension of increasing expensing for small businesses, the depreciation treatment of leasehold, restaurant, and retail space improvements, and the work opportunity tax credit.

Durbin amendment No. 221 (to amendment No. 157), to change the enactment date.

The PRESIDING OFFICER. The Senator from Arizona.

AMENDMENT NO. 209

Mr. KYL. Mr. President, there are at least two—and I believe only two—amendments that will be pending that are germane postcloture to be considered. The first of those is my amendment No. 209. I will speak to that at this point and then will continue the debate after some other business has been conducted.

Amendment No. 209 to the substitute is an amendment to the Baucus Finance Committee amendment which has been agreed to by the Senate. I will describe the background of that amendment and then the justification for it.

Under current law, small businesses can expense $100,000 of qualified business investments in the first year that the property is placed into service. Because the level is indexed for inflation, the 2007 expensing limit is $112,000. But after 2009, the expensing limit drops back down to $25,000 a year, clearly an insufficient amount. Recognizing this, the Baucus Finance Committee amendment would extend the increased expensing levels through 2010. That is only a 1-year extension. Amendment No. 209 extends it through 2012, which is the same period of time that the work opportunity tax credit has been extended under the Finance Committee amendment. Section 179 of the Tax Code, which allows small businesses to elect to deduct all or part of the cost of certain qualifying property the year that it is placed into service, would work through the year 2012 rather than 2010, as under the Finance bill.

We know that this immediate expensing has been critical to supporting economic growth. We, also, know that small businesses account for about 60 percent of the cost that is imposed as a result of the increase in the minimum wage that is in the underlying bill. As a way to try to help small businesses overcome the costs we are imposing on them, we have talked to them. They are pretty unanimous in the view that the one thing we could do that best helps them be able to afford this is to extend the small business expensing under section 179.

The reason we need to extend it a longer period of time is because of the certainty they need. When they are planning on making improvements to their business and they know they can expense that when they put that improvement in place, in force, then they will proceed to do what is in the economic best interest of their business. But if their plans are restrained by the Tax Code, then we are not enabling them to fulfill their fullest potential in making the business decisions that create jobs. The key of this particular program is that it is a job creator. That is why almost all of us would like to see this extended as far as we can. I don't think there is any real dispute about that. As I said, the Kyl amendment to the Baucus substitute would simply extend this increased small business expensing through the year 2012, the same extension as is given the work opportunity tax credit.

For the sake of illustration, you can see that on this chart, the work opportunity tax credit is extended through the year 2012, and as a result of the Finance Committee bill into 2013. The other expensing provisions or depreciation provisions that were in the Finance Committee bill are only extended through the end of the first quarter of next year, except for section 179, which currently goes through the end of 2009, and the Finance Committee bill takes it through 2010.

What this amendment would do is take it through 2012, the same period as the work opportunity tax credit under the Finance Committee bill.

The chairman of the committee argues that the small business tax relief package should be balanced between the expensing and depreciation provisions and the work opportunity tax credit. As I noted, that is extended for 5 years, while section 179 is extended for only 1 year. Small business expensing has always enjoyed strong bipartisan support. I don't think there is any reason now to treat this issue as a political issue or a partisan issue and to try to put it in competition with the work opportunity tax credit. They can move forward together.

That is especially the case because section 179, unlike the work opportunity tax credit, is targeted at small businesses. Not only is expensing limited to $112,000, but current law actually reduces that amount for property that costs over $400,000, which is also indexed. Meaning that section 179 is simply not useful to large businesses that are in the business of purchasing things for far more than $400,000. But we know, in pure dollar terms, the work opportunity tax credit primarily benefits larger businesses. In fact, testimony before the Finance Committee was that 95 percent of the credits go to either C or S corporations. Since the bulk of the cost of imposing the minimum wage is on small businesses, since section 179 expensing is the primary way we can help small businesses, and since the value of the work opportunity tax credit primarily helps the bigger businesses, it seems to us that the proper balance is to extend both of them through 2012, and section 179, under our amendment, would be brought to that point.

One more word about the investments that small business makes because this is instructive. According to the National Federation of Independent Businesses, 63 percent of small business owners will make capital improvements over any 6-month period, and this could include acquiring new equipment, buying new vehicles, new furniture, expanding existing facilities, maybe even buying a new facility. They need to acquire new equipment and facilities to expand their businesses and create jobs. That is the point of section 179. It enables job creation. That is probably the best antidote to the cost imposed by increasing the minimum wage.

As many experts have pointed out, one of the fallouts from increasing the minimum wage is that some smaller businesses simply hire fewer people. Some even reduce the number of hours their entry-level workers work or even lay people off. The benefit of section 179 that everyone has recognized is it enables the small businesses to grow, to create jobs, and, therefore, the potential downside of increasing the minimum wage is offset, in effect, and never occurs because the jobs are created by virtue of section 179 and other benefits.

Everybody recognizes that allowing first-year expensing is what makes it easier for small businesses to make investments. Business income is overstated because we require businesses to depreciate investments over a period of time instead of deducting the entire cost all at once. But the business must buy an entire machine or building all at once, which ties up funds that otherwise would be available to earn income. So allowing the immediate expensing of the $112,000 worth of business investment frees up funds that small business owners can use to grow their businesses, and those owners are likely to reinvest the money back into their business because they are entrepreneurs. This increased business investment benefits the entire economy. It is the job creator.

Small business represents 99.7 percent of all employers. It employs over half the private sector employees. They pay 44.3 percent of the total U.S. private payroll. This is a very big factor in our economy. Small businesses generate 60 to 80 percent of the net new jobs, according to statistics over the last decade, and create more than 50 percent of nonfarm private gross domestic income. Extending the increased limits through 2012 will provide greater stability for these small business owners. The best answer is to actually make the increases permanent, but that is not what this amendment does. It extends it to the same period of time that the work opportunity tax credit is.

Most people would recognize that this is wise, that it is good policy, and that my amendment, therefore, takes us a substantial step in the right direction.

The question before was whether the budget would require that there be a separate so-called pay-for, a permanent tax increase that would offset the cost of this temporary tax extension. There have been various types of pay-go since the statutory pay-go was enacted in 1990. The point of order was enacted in 1993. Statutory pay-go, which expired in 2002, was enforced by OMB, but Congress always enacted legislation to avert it. But contrary to popular belief, the Senate has a pay-go rule in effect right now. It was first created in 2003. The current pay-go rule provides a 60-vote point of order against any new mandatory spending or new tax cuts that exceed specified levels. This is called the pay-go scorecard. Those levels are set in the budget resolution, and the current scorecard set in the 2006 budget resolution, which was the last budget agreed to by the House and Senate and the one applicable here, currently allows no unoffset tax cuts or mandatory spending from 2006 to 2010. But it does allow up to $268 billion in offset tax cuts or mandatory spending from 2011 to 2015, without triggering a point of order. There is no point of order against this amendment because of the current scorecard and the way this amendment would work.

The problem with any version of pay-go is that the CBO assumes all entitlement programs live forever, regardless of whether a program must be reauthorized. But tax cuts that must be reauthorized are not included in the baseline. Pay-go does not apply to appropriations. So that is why there is no pay-go point of order against this amendment because the Baucus substitute already extends section 179 small business expensing to 2010. It includes the necessary offsets to cover 2010, and our amendment extends that same expensing through 2011 and 2012, years in which the pay-go scorecard has more than sufficient allocation to cover any revenue that Joint Tax projects will not be collected in those years.

I think all of the ends are tied up here. This is something that most of us would like to see done. It would help the small businesses that will bear the brunt of the expected passage of the minimum wage increase. We have a way to extend the most useful of the tax deductions, this expensing for small business, through 2012. That does not require any new permanent increases in taxes to offset the cost. It seems to me that this is very wise public policy. It doesn't have to be partisan. It would be good policy for us to extend this.

I urge my colleagues, when we have an opportunity to vote on this amendment, to support it, or if there is a motion to table it, to vote against the motion to table.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I understand the Senator from Massachusetts seeks recognition. I yield to him whatever time he would like to take.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I thank my friend and colleague, Senator BAUCUS. As we get to the opening of this debate, I wish to provide a little sense about where we are on the increase in the minimum wage. Most of those who watched the debate yesterday saw that we had an overwhelming majority of Members who voted effectively for cloture. Usually, that means the end of debate is in sight. But because of various procedural situations we are facing, now we know we are going to have another vote required on cloture. This debate probably will roll on into the very end of the week. There is no reason we can't dispose of the amendments rapidly. There are important responses that should be made, and then we can get about the business of finding ways where we can bring the House and Senate bills to accommodation and get the increase in the minimum wage to those who are hard working and are entitled to this increase.

This is our eighth day of debate on this issue. We have had 16 days of debate, outside of these last 8, so we're up to 24 days where we have debated the minimum wage on the floor of the Senate without getting an increase, 24 days we have debated, an issue as simple as going from $5.15 to $7.25 an hour should not take all that period of time. We know that here on the Democratic side we are prepared to vote now, today. I am sure we can get the majority leader to request that we vote at noontime or so today and get this process moved ahead. But, no, there are those on the other side who have a series of amendments and they have them now. The good Senator from Montana, Senator BAUCUS, will respond to the issue which is at hand.

I want to reiterate once again that this is not an omnibus tax bill. This legislation is long overdue. It is not an opportunity for Members to present their tax cut wish list. It is Congress' opportunity to finally right the wrong of denying millions of hard-working minimum wage workers a raise for 10 years.

Since the minimum wage was last increased 10 years ago, we passed $276 billion in corporate tax breaks. In addition, Congress has cut taxes for individuals by more than a trillion dollars, with most of the benefits going to the wealthiest taxpayers. Unfortunately, for some of our Republican colleagues, there are never enough tax breaks, and they have filed more than 25 amendments proposing new or expanded tax cuts to the minimum wage bill. Many of them would cost billions of dollars and most are not paid for.

So we know our friends on the other side are attempting to hold the minimum wage increase hostage for more tax cuts. I believe that is a shameless strategy. As has been pointed out, the Kyl amendment is one of the most expensive of all tax cut proposals. The entire amendment would cost more than $45 billion over the next 10 years. Not a single dollar is paid for. It is $45 billion the American people cannot afford, and it should be rejected. I know we will hear from Senator BAUCUS as he addresses this issue.

We have debated over the period of the last few days tax breaks for corporate America. Over the last 10 years, we have seen $276 billion in tax breaks for corporations and $36 billion in tax benefits to small businesses. We have increased the minimum wage nine times. There has only been one time we have ever added tax benefits. The House of Representatives, with the vote of 82 Republicans, passed a clean bill. That is what we should be about doing here. That is not where we are.

A final point I will make is that it came to my attention over the evening that many of the spouses of our service men and women in Iraq are working for low wages. In looking over the numbers of spouses of service men and women in Iraq, there are 50,000 who will benefit from an increase in the minimum wage. Imagine that, 50,000 members of the military force and their families will benefit from an increase in the minimum wage. That is not a point to dismiss lightly.

I think we ought to get about the business of doing something for those families and spouses. It is difficult for me to believe we have that number, but that is the figure—50,000 working between $5.15 and $7.25 an hour, so they would directly benefit from the raise to $7.25. These are spouses of our military forces, and we are debating another $45 billion in tax cuts. This is supposed to be a debate about an increase in the minimum wage that hasn't been raised for 10 years. All it will do is restore the purchasing power of those on the lower rung of the economic ladder. It seems to me this continued delay is unconscionable.

Some have said it is necessary because our good friends on the other side are not prepared to get started on the debate on Iraq. There have been a lot of excuses and we hear all of them. But what has to be recognized is the increase in the minimum wage to $7.25 is going to benefit more than 6 million children. More than one million more children have fallen into poverty in the last 5 years. Six million children who live in homes where there will be an increase will benefit, with all of the implications that has in terms of nutrition, education, health care, and also in terms of the joy families can have when they get at least some small relief. These are hard-working people who are trying to provide for themselves and their families and trying to make a difference in the community. They are men and women of great dignity.

We ought to be getting to a final vote on increasing the minimum wage, and we ought to get about it now. If there is going to be additional debate on taxes and other things, let's do it at another time. Let's not hold hostage—which is what's being done here—an increase in the minimum wage for additional tax breaks. Let's not do that. Let's say we have sufficient respect and admiration for these men and women of dignity. They are primarily women in our society—and many of these women who have children. For all these who are working hard at the minimum wage, let's say we have sufficient respect for them so we are not going to hold them hostage to get tax breaks after tax breaks after tax breaks after tax breaks. These men and women are entitled to a Senate decision. We on our side are prepared to vote on it now; the sooner the better.

I am grateful to my colleague and friend from Montana for permitting me to say these words. I thank him very much for the courtesy.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, I tip my hat to my good friend from Massachusetts. He is such a fighter and he is so correct in the statements he is making on behalf of the people who need this increase in the minimum wage.

It is unconscionable that the Senate is delaying that increase. The House passed an increase. We have the same goal line, but we have a more circuitous route in getting there. The Senate is taking so much time in our way to get to the same goal line and raise the minimum wage. The Senator from Massachusetts is pricking our conscience to get this done quickly—now. I deeply compliment my good friend from Massachusetts.

Mr. President, for the information of Senators, we are wondering what in the world is going on here. Let me share some thoughts on the schedule. We are seeking to arrange votes on two amendments by my colleague from Arizona, Senator KYL. We on our side of the aisle are ready to vote. We want to vote. It appears, though, that there are some objections on the other side of the aisle. I hope we can vote in the early afternoon. The objections, I understand, are conflicts that Senators have in the next couple of hours. I hope we can have at least one vote in the early afternoon. Probably after that, we will have another vote in relation to another Kyl amendment, and we are hoping those rollcall votes will be all that are left.

An agreement is not entered into yet—we are working on it—but it is my hope we will have an early vote this afternoon and that then there is one more vote after that, on another Kyl amendment. That should help us to reach a conclusion on this bill, although I suspect a final vote will not be until tomorrow. That is the state of play right now.

A couple words on the substance of the amendment offered by the Senator from Arizona, Senator KYL. This is only one of seven amendments he has offered. Like six of those seven, this one is not offset. We have already voted on one amendment by the Senator from Arizona. The remaining are not offset, and they would explode the budget deficit. The earlier amendment was soundly defeated on previous rollcall vote. It was offset by cutting education benefits for families who work in education institutions. That was defeated.

The amendment offered by the Senator from Arizona now is similar to the one we have defeated. He would like to extend the section 179 expensing provision in the law. We are doing that in the bill. The bill increases the length of time in which the section 179 expense provision would be in law. We would enable that extension to occur until 2010. My Lord, this is 2007. That is not a permanent extension, but it is still, given the constraints we have, a reasonable extension. Everybody likes certainty. We would like a little more certainty in the Senate than we have. But it is still, I think, certainly already in the law and it is not good policy to adopt the amendment of the Senator from Arizona which would extend it for a couple more years but cost about $2 billion, which would be totally unpaid for. If there is one thing the American people want, it is for us to live within our means and not increase the deficit but to try to reduce the deficit. This amendment increases the deficit. We have voted on a similar amendment and it has been rejected. I hope the same is true here.

At the appropriate time, I will move to table the amendment, and I hope we can get that accomplished in the early afternoon so we can move on to the next Kyl amendment and debate that and vote on that amendment as quickly as possible. I hope there are no more amendments. We are getting close. We all want to get a minimum wage bill passed, which is so important to so many people in our country. I think we ought to take the responsible action and dispose of these tax amendments that are not paid for and reject them and get on to final passage on minimum wage, which I hope will be tomorrow.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. GRASSLEY. Mr. President, previous to Senator BAUCUS speaking, we heard my friend from Massachusetts harangue about minimum wage not being considered for the last 10 years and that it is about time we get the job done. I am going to be one of those to vote yes to get the job done, to increase the minimum wage. But I think it is legitimate to ask a couple of questions. One, there was a period of time during that 10 years that Senator KENNEDY's party was in the majority and controlled the Senate. I don't recall them bringing up the minimum wage issue at that particular time. If it was so important that it be done before this period of time has elapsed, I would have thought they would be voicing concern about raising the minimum wage as much and have a responsibility to do it when they were in the majority, as it is now; and we are accused because we want to amend some tax provisions to it, which are very directly related to some of the negative impacts of increasing the minimum wage on small business, and it is a very legitimate point to bring up.

The second point I will bring up to the Senator from Massachusetts is, when he talks about adding tax provisions to the minimum wage, has he forgotten that during the signing ceremony of the last increase in the minimum wage bill by President Clinton Senator KENNEDY was praised for bringing a bill to the President that had tax provisions that were very beneficial to small business and also other provisions that were very beneficial to minimum wage workers by increasing the minimum wage?

I read from President Clinton's statement last week during the debate. I know Senator KENNEDY heard me say that. And yet it seems like it went in one ear and out the other because here he is saying it is wrong now, that when we are increasing the minimum wage, we have a small business tax provision included with the minimum wage increase.

It makes me wonder if there is a double standard: It is okay to have tax bills connected with a minimum wage increase when there is a Democratic President, but when there is a Republican President, it is not okay. I don't think we ought to have those sort of double standards. I think if it is okay in the case of a Democratic President, it ought to be okay in the case of a Republican President.

Plus, I could raise the issue that if it is legitimate to have tax changes to benefit small business at the same time we are having increases in the minimum wage, this tax package is very meager compared to the one that was in the bill that President Clinton signed. At that time, I believe, there was about $20 billion worth of small business tax changes to benefit depreciation and other things that can offset the detrimental impact on a minimum wage increase on small business.

We all know there is no detrimental impact on larger businesses that can pass along the cost. But for smaller businesses that can't, for struggling small businesses, in particular mom and pops, it has to be something we take into consideration not only for the benefit of the smaller business but also for the benefit of the workers who work for that small business that maybe will be more underemployed or unemployed because maybe the small business can't afford to keep the same number of workers as when the minimum wage was lower. So all of these things seem to me to be legitimately tied together.

But in the case of a $20 billion tax package 10 years ago, compared to an $8 billion tax package in this bill, and considering inflation over the last 10 years, there isn't a single person listening to this debate who doesn't know that when there are complaints about connecting together a tax bill with a minimum wage increase, compared to the last time this was done in the Clinton administration, this tax package is peanuts compared to what we did for small business then—peanuts. Yet we are having this harangue about it, that somehow this debate is not legitimate.

Well, if it was legitimate in the Clinton administration, why isn't this debate legitimate now, particularly considering the great lengths to which President Clinton went to compliment Senator KENNEDY for delivering a bill to President Clinton that had provisions benefiting small business, as well as benefiting the minimum wage worker?

We are going to get a bill passed. I don't know who is complaining. What is coming up when we get done? Well, of course, the debate, I suppose, on Iraq is going to come up. And it ought to come up. We know what is coming up. We know there is not going to be any more votes on that issue this week. So if we get this bill done today or tomorrow—and I bet it will be done today—then we know that is probably going to be the last vote of the Senate this week. I think the people on the other side of the aisle who are managing this bill know that. They know when we get a couple of votes on a couple of other tax provisions, that it is limited. We know there is finality coming. There hasn't been any effort by anybody on this side of the aisle to hold up this bill, except to make sure that the impact of the minimum wage increase on small business is going to be considered the same way it was in the previous administration.

I am very happy that yesterday cloture was invoked on the Baucus substitute amendment, and it contains these two very important components about which I have already talked. For summary, in case people are now beginning to pay attention to this debate after 1 week in the Senate, the first component proposed an increase in the minimum wage.

You can make all sorts of arguments why maybe the minimum wage should not be increased. Economists can make that argument about some increase in unemployment. Some people would say you should never have passed the minimum wage in the first place in 1938. But forget those economic arguments. It is a political decision that we have had a minimum wage for the last 70 years, and it has to be a political consideration that it ought to be increased from time to time or you shouldn't have it.

So let's get over that argument, as legitimate as the economic arguments might be. They are going to be put aside because we are not going to eliminate the minimum wage. It is a part of the safety net of American society. It is part of the fabric of our society, just as Medicare, Medicaid, and Social Security. You can all argue about whether seven decades ago some of these decisions should have been made by Congress. But after a period of time, you accept it as a fact of life; they are part of the social fabric of America, and move on. It is a question now of how much.

That decision has even been answered—$2.10. It is about the same decision that is being answered in several State legislatures around the Nation, including my own State of Iowa, which now has made a decision that it ought to be $2.10, albeit triggered a little quicker than is going to be done under this bill. So we move ahead and that is taken care of.

The second component is not seven decades old, as I indicated. The Baucus substitute connects these efforts to assist small business with some changes in the tax law to benefit them. It has only been in the recent two decades that that has been an issue. But at least it recognizes something that maybe wasn't recognized before; that small business is the engine of employment in America and it ought to be recognized that, in some instances—and economists can back this up—there is some underemployment or unemployment, particularly among young people, and most particularly among minority young people.

I think it is legitimate to consider that because we make a great deal in this Congress about having programs for the unemployed, such as retraining. We make a big deal about education, vocational education, and preparing people for the workforce. But do we ever stop to think of something that doesn't cost the taxpayers one penny? And that is that vocational education goes along with a young person getting the first job that they have ever had so that they learn to get up in the morning, go to work, and be part of the workforce.

If you are not in the workforce, you are never going to work your way up the economic ladder. So getting in the workforce, learning the rules of the workforce, treating people right, taking orders, being a productive citizen is very important vocational education. So if we are creating some unemployment, particularly among minority young people, because of a decision we are making, a political decision we are making, we ought to at least take that into consideration. But for two decades now we have considered that there is some negative impact.

There is not going to be a one-for-one correlation between changes we make in depreciation schedules for small business that is going to guarantee Joe Blow or Mary Smith, teenagers working for a mom-and-pop grocery store, that they are going to be able to keep their jobs. But it is some relief across the board that is going to benefit small business, and there may be less unemployment of teenagers, less unemployment of minority teenagers so that they can get in the world of work and work themselves up the economic ladder. So the Baucus substitute is before us and will pass this body.

Despite serious policy concerns about the efforts to raise the minimum wage, we all know that public support for increasing the minimum wage remains strong. And who can argue with that? Ten years? So there is a rationale for raising it. It is pretty hard to convince anybody that as long as Congress is setting a minimum wage, it shouldn't be adjusted from time to time. So it is quite obvious. That is why we are here for that debate. So the political reality is that a majority of Senators support a minimum wage increase, not based upon being trustees of the American people but based on the proposition of being representatives of the American people. And that message is coming very clearly from the grassroots.

As predicted, the cloture vote last week showed there are not 60 votes for this minimum wage bill without the small business tax incentives. And for Senator KENNEDY, who is haranguing about the fact this is not being passed fast enough, the members of his own party voted with us on that, and that seems to show it is bipartisan.

As I said before, tax incentives targeted to small business and other businesses impacted by a minimum wage increase have been linked to minimum wage legislation over the past couple of decades. Democrats have, at times, joined Republicans in supporting that linkage. Once again, Republicans have asked for small business tax relief, if a minimum wage hike is going to happen. Based on an overwhelming cloture vote yesterday on this Baucus substitute, it looks as if we are going to get there. Democrats, in effect, agree—through that vote—with this linkage.

To different groups of Senators, these topics carry their own benefits or burdens. Many on my side don't like the idea of second-guessing the labor market with a federally mandated minimum wage. In past statements, I pointed out some of the related issues that should give us pause when considering such legislation. Some, mostly Democrats, will call this bill before us nothing but a minimum wage increase bill. Some, mostly on my side of the aisle, will call it a small business tax relief bill. But isn't that how we get things done in the Senate? Doesn't almost everybody have to have a win? And in this aren't we having a win-win situation in a bipartisan way?

I suppose some of our Members are going to have it both ways, it is going to be both a minimum wage increase and a small business tax relief bill. President Bush, similar to President Clinton, whom I have already quoted, will recognize both parts of this package. If my friends on the other side of the aisle would review that statement, as I led them to review it last week, they will note that President Clinton saw merit in the small business tax relief package.

If I were chairman, I might have tilted the package a bit more toward depreciation and less toward, let's say, that portion that we call the worker opportunity tax credit. It is important these incentives coincide with the timing when the minimum wage increase will be taking effect. It has been proven that a minimum wage hike without tax relief for small business will not fly in a body where we have to move ahead in a bipartisan way or nothing gets done. Let's recognize that reality. Let's improve this bill and complete it in a timely manner.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. VITTER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. KLOBUCHAR). Without objection, it is so ordered.

Mr. VITTER. I ask unanimous consent that I be allowed to speak for up to 7 minutes as in morning business, and following that, Senator LANDRIEU be given permission to speak as in morning business for up to 7 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Ms. LANDRIEU. Madam President, I ask unanimous consent that the time be charged postcloture.

The PRESIDING OFFICER. The Senators' time will be charged postcloture.

(The remarks of Mr. VITTER and Ms. LANDRIEU are printed in today's RECORD under "Morning Business.")

Ms. LANDRIEU. I yield back the remainder of the time.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. DURBIN are printed in today's RECORD under "Morning Business.")

Mr. DURBIN. Madam President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GRASSLEY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Madam President, I ask unanimous consent to speak as in morning business for what time I might consume, and it will not be too long, on two bills I am going to introduce.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. GRASSLEY and Mr. DODD pertaining to the introduction of S. 467 and S. 468 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. GRASSLEY. Madam President, since I do not think anybody else is seeking the floor, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MENENDEZ). Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, I ask unanimous consent to continue as in morning business for, I would say, roughly 10 or 12 minutes on an issue unrelated to what is on the Senate floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

ALTERNATIVE MINIMUM TAX

Mr. GRASSLEY. Mr. President, next week the President's budget will come to Capitol Hill. In terms of tax issues, no issue is more pressing in the upcoming budget than resolving the alternative minimum tax issue for both the short term as well as the long term.

As many Members know, the so-called patch—the temporary fix we did last year for the alternative minimum tax so no more people would be hit by it than are presently hit by it—ran out at the end of last year. So right now 23 million people in the year 2007 could be hit by the alternative minimum tax, if we do not do something about it. Since we have to offset things such as this, if we patch this up again, it is going to take $50 billion to offset or, if it isn't offset, that means $50 billion that would come into the Federal Treasury under existing law would not come in.

Next week I will give a series of speeches in some detail. I am going to look at how we got where we are on the alternative minimum tax. I will examine the history of the alternative minimum tax and the origins of the current problem. In another speech, I am going to discuss the fiscal effects of maintaining, repealing, and replacing the alternative minimum tax. And in the third speech, I will talk about options to remedy the alternative minimum tax problem in the short term and over the long term.

Today, on a preemptive basis, I want to counter a charge that I think is going to be repeated by Democratic-leaning think tanks, maybe by the leadership of the Congress, and, more importantly, by east coast media who tend to be sympathetic to the views of those political organizations. The charge will be that the alternative minimum tax problem we face is a result of the bipartisan tax relief legislation enacted in 2001 and 2003.

I ask unanimous consent to maintain the floor and yield to the majority to make a unanimous-consent request.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the time between now and 2:30 p.m. be equally divided between Senators BAUCUS and KYL or their designees; that at 2:30 p.m., the Senate vote in relation to Senator KYL's amendment No. 209; that no other amendment be in order prior to that vote; that following that vote, amendment No. 115 be considered in order for purposes of drafting under rule XXII; and that all other amendments to the bill and to the substitute be withdrawn accept for amendment No. 115; and that no other amendments be in order except the substitute and amendment No. 115.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Let me ask the majority, would they like me to yield the floor for that debate?

Ms. KLOBUCHAR. No, Mr. President.

Mr. GRASSLEY. Next week, when the President's budget comes out, there is going to be an awful lot of discussion about the alternative minimum tax. I am trying to preempt—in a sense counter—what I think are old arguments that are going to be repeated about that issue. They are going to be coming from leftwing think tanks, and maybe the Democratic leadership in the Congress will pick up on it. For sure, the east coast media, who tend to be sympathetic to the views of these political organizations, is going to be loudly speaking about it. I don't find anything wrong with it being discussed, but I am going to make sure it is discussed in an intellectually honest manner.

The charge is going to be made that the alternative minimum tax problem we face now is a direct result of the bipartisan—I emphasize bipartisan—tax relief legislation that was enacted in 2001 and 2003, which, by the way, Chairman Greenspan has said, both before he left the Fed as well as a private citizen, that these tax relief packages we passed back then are the basis for the economy going very smoothly in the last 3 or 4 years, creating 7.2 million jobs. If that is the argument they are going to make—and I will bet you, although I am not a betting man, that that is what we are going to hear—it is a distortion, plain and simple. So I think I am going to try to correct the record in advance. Maybe next week, if I have done it adequately, there won't be any record to correct. I have been around here long enough to know what is going to be said.

To the extent the Democratic leadership and allies suggest, like others who have looked at this issue, that the bipartisan tax relief packages are responsible for the alternative minimum tax problem, I respond in this way: Most who have reached that conclusion have done so by misusing data, data that is provided by the truly nonpartisan Joint Committee on Taxation, an agency of Congress that you might say wears green eyeshades, looks at things as they are, without a Republican or Democratic bias. These figures of the Joint Committee on Taxation will be used to distort the record on the issue of the alternative minimum tax.

The Joint Committee on Taxation analysis suggests an alternative explanation for the alternative minimum tax problem, and that is the failure of Congress to index the alternative minimum tax for inflation when it was first established 35 years ago. The critics are going to charge that the bipartisan tax relief packages are responsible for this alternative minimum tax problem. This conclusion is reached in error because it is based upon faulty logic. Those who have done similar analyses have based their conclusions on the mistaken assumption that a reduction in Federal receipts should be interpreted as a percentage causation of the alternative minimum tax problem. The Joint Committee on Taxation was asked to project Federal alternative minimum tax revenue, if the bipartisan tax relief provisions were extended but current law hold-harmless provisions were not extended. And what do we get, a $1.1 trillion issue, and a Federal alternative tax revenue, if neither the Bush tax cuts nor the hold-harmless provisions is extended, a $400 billion issue compared to the $1.1 trillion issue.

From that data, some erroneously concluded and publicly represented that the tax cuts of 2001 and 2003 are responsible for 65 percent of the alternative minimum tax problem. In other words, this $1.1 trillion minus the $4 billion divided by $1.1 trillion. And conversely then, that the tax cuts of 2001 and 2003 tripled the size of the alternative minimum tax problem; again, $1.1 trillion divided by $400 billion. The logic used to reach that conclusion is flawed. That is what I am about to show.

This is because the many variables affecting the alternative minimum tax have overlapping results, and the order in which one analyzes those overlapping variables will directly impact the outcome of the analysis.

In that way, we can use the same Joint Committee on Taxation data in the analysis above to suggest that the failure to index is actually the dominant cause of the alternative minimum tax problem. If one were to first index—and that wasn't done 35 years ago—the current tax system for inflation by permanently extending an indexed version of the current hold-harmless provisions, Federal alternative minimum tax revenue would be reduced from $1.1 trillion to $472 billion over the 10-year period we use to guesstimate taxes coming into the Federal Treasury. Thus, extending and indexing the current hold-harmless provision for future inflation would reduce the alternative minimum tax revenues by 59 percent over the same period referred to in the Joint Committee on Taxation letter dated October 3, 2005, as "percentage of AMT effect attributable to failure to extend and index hold harmless provision."

I ask unanimous consent to print a copy of that entire letter in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONGRESS OF THE UNITED STATES,
JOINT COMMITTEE ON TAXATION,
Washington, DC, October 3, 2005.

To: Mark Prater and Christy Mistr.
From: George Yin.
Subject: AMT Effects.

This memorandum responds to your request of September 29, 2005, for an analysis of the portion of the AMT effect (AMT liability plus credits lost due to the AMT) which can be attributed to the failure to adjust the AMT exemption amount to inflation, assuming alternatively that the EGTRRA and JGTRRA tax cuts ("tax cuts") are either permanently extended or repealed. We also explain how this information compares to information previously provided to you on August 31, 2005 and September 16, 2005.

For the purpose of this analysis, we have first assumed that the tax cuts are repealed. The first set of figures in Table 1 compares the AMT effect under this assumption if, alternatively, (1) the AMT exemption amount hold-harmless provision is not extended beyond 2005; (2) such provision is extended permanently; and (3) such provision is extended permanently and indexed after 2005. The second set of figures presents the same comparison under the assumption that the tax cuts are permanently extended. All of the information provided in this table was previously provided to you in our September 16, 2005 memo, except in a different format.

TABLE 1

Item	AMT effect (billions of dollars)
Tax Cuts Repealed:	
(1) Hold-harmless provision not extended	399.9
(2) Hold-harmless provision extended permanently	212.0
(3) Percentage of AMT effect attributable to failure to extend hold-harmless provision (((1)–(2))/(1))	47%
(4) Hold-harmless provision extended permanently and indexed	169.7
(5) Percentage of AMT effect attributable to failure to extend and index hold-harmless provision (((1)–(4))/(1))	58%
Tax Cuts Extended Permanently:	
(6) Hold-harmless provision not extended	1,139.1
(7) Hold-harmless provision extended permanently	628.5
(8) Percentage of AMT effect attributable to failure to extend hold-harmless provision (((6)–(7))/(6))	45%
(9) Hold-harmless provision extended permanently and indexed	472.0
(10) Percentage of AMT effect attributable to failure to extend and index hold-harmless provision (((6)–(9))/(6))	59%

In the information provided to you on August 31, 2005 and September 16, 2005, we analyzed the portion of the AMT effect attributable to the tax cuts. In the analysis described above, we identify the portion of the AMT effect attributable to failure to adjust the AMT exemption amount to inflation. There is, however, interaction between these two contributing factors to the AMT effect. In order to avoid double counting of interactions, a stacking order is imposed. The apportionment of effects to each contributing

> factor will vary depending on the stacking order, even though the total effect remains constant.
>
> This phenomenon is illustrated by Tables 2 and 3 below. The first two columns of Table 2 show the portion of the AMT effect attributable to the tax cuts, consistent with the information provided on August 31, 2005 and September 16, 2005. The second two columns of Table 2 show the portion of the AMT effect attributable to the failure to extend and index the hold-harmless provision, consistent with the information provided in Table 1 above. Note that if these two contributing factors were completely independent of one another, the information in Table 2 would suggest that the two factors together contribute to more than 100 percent of the AMT effect. In fact, as shown in Table 3, the two factors together contribute to only 85 percent of the AMT effect. Thus, there is substantial overlap between these two factors.

TABLE 2

Item	AMT effect (billions of dollars)	Item	AMT effect (billions of dollars)
Baseline	1,139.1	Baseline	1,139.1
Repeal tax cuts	399.9	Extend and index AMT hold-harmless provision	472.0
Difference	739.2	Difference	667.1
Percentage of baseline	65%	Percentage of baseline	59%

TABLE 3

Item	AMT effect (billions of dollars)
Baseline	1,139.1
Repeal tax cuts and extend and index AMT hold-harmless provision	169.7
Difference	969.4
Percentage of baseline	85%

Mr. GRASSLEY. Let's go back to the Joint Committee on Taxation analysis. If we then assume that the tax cuts of 2001 and 2003 are repealed, alternative minimum tax revenue falls by an additional $302 billion, from $472 billion to $169 billion. That second drop attributable to the repeal of the Bush tax cuts reduces Federal revenue by only 27 percent. Thus, one should argue that failure to index is a greater cause of the alternative minimum tax problem—in other words, 59 percent versus 27 percent. If we had indexed, we wouldn't have this problem.

Using logic similar to that undertaken above would also cause us to conclude that failure to index is responsible for 59 percent of the alternative minimum tax problem or, alternatively, that failure to index also nearly triples the size of the AMT problem. But simple logic suggests that the bipartisan tax relief cannot be responsible for 65 percent of the alternative minimum tax problem and failure to index responsible for 59 percent of the problem. The anomaly arises because there is overlap between variables being analyzed. Although the analysis fairly demonstrates the amount of alternative minimum tax revenue saved by making a particular change to the Federal tax system, it is inappropriate to represent that such analysis accurately isolates causation of the alternative minimum tax. Because there is overlap in the variables being analyzed in these examples, indexing and the bipartisan tax relief packages, the order of analysis of those variables is crucial to whatever outcome we have.

The Joint Committee on Taxation acknowledges this point to us in a letter dated October 3, from which I will quote:

> There is, however, interaction between these two contributing factors to the AMT effect. In order to avoid double counting of interactions, a stacking order is imposed. The apportionment of effects to each contributing factor will vary depending on the stacking order, even though the total effect remains constant.

To this point in time, I have not seen anything that accurately suggests that the 2001 and 2003 tax cuts have worsened the alternative minimum tax problem to date. It is my intention to ensure we continue to honor that commitment.

Proponents of this charge fail to recognize that we addressed the problem for 2001 through 2005 in legislation that most of these organizations opposed. By the way, those hold-harmless alternative minimum tax provisions were the first significant legislative efforts to stem the rise of the alternative minimum tax tide, meaning affecting millions more people who were never intended to be affected by it.

It was, in fact, the Finance Committee that put its money where its mouth was on the alternative minimum tax. Last year's bipartisan tax relief reconciliation did the same thing for the year 2006—in other words, to make sure that the alternative minute tax problem is not worsened. Once again, it was the bipartisan leadership of the Finance Committee that ensured millions of families would not face the alternative minimum tax problem in the tax-filing season this year.

I might say that Republicans, last year, when we were controlling, were willing to add millions of people to it because they didn't want to hold harmless completely, just to some extent. But we in the Senate stuck to our guns, and we got the hold harmless kept in place, as it had been since 2001.

I reiterate the importance of the last sentence in my remarks, where I said that the Finance Committee ensured that millions of families would not face the alternative minimum tax in this tax-filing season that we are in right now. Everyone who supported the tax relief reconciliation bill walked the walk on the alternative minimum tax. A lot of the critics I am referring to have talked that walk on the alternative minimum tax, but if you look at their voting records, they have not walked the walk on the alternative minimum tax. Thank goodness, then, 15 million families were put above politics, or you might say a bipartisan solution saw that they were not harmed because, otherwise, 15 million families would be dealing right now, as they file last year's income tax, with the AMT in their tax returns—in other words, paying the alternative minimum tax because we did not hold harmless.

If they had to deal with that, you know how complex they think the tax forms are already and the tax system is already. Well, if you have to go through that alternative minimum tax exercise, it almost doubles the complexity. Every Member who voted against the bipartisan tax relief reconciliation bill ought to think about that bottom-line reality. If that group, led by—because it tended to be very partisan—the Democratic leadership had prevailed, 15 million families concentrated in the so-called blue States would have been dealing with the alternative minute tax now. It is a fact—because higher income people tend to live in the so-called blue States, according to the results of the last two Presidential elections—they are paying more of this alternative minimum tax. They happen to be represented by people of the other political party who thought that the hold harmless provisions should not have been there. So 15 million people—most of them in those States—would be hit again.

The clock is ticking on the alternative minimum tax problem for this year. In other words, we have to do something before the end of the year or we are going to have 23 million people hit by it. A year from now then, those 23 million people will be working with the complexities of the AMT and paying the alternative minimum tax. They are people who come from those high-income States, more so than the State I come from, although we have people who are hurt by it—or would be hurt by it—but not to the extent of some of the high-income States. On October 15, a taxpayer's first quarter estimated tax payments will be due, and they will have to take this into consideration. Twenty-three million families will have to start dealing with the AMT yet this year on these quarterly estimates.

Last year, Congress acted a few weeks after April 15. Hopefully, this Congress will act before April 15. Mr. President, next week, Congress will be facing the AMT problem as the budget process moves forward. That is what is going to start this demagoguery about the AMT. To get a grip on that problem, we need to examine its history, assess its fiscal impact, and carefully consider our short-term and long-term options. I look forward to these discussions on these three topics next week. Let's use correct data when we discuss the alternative minimum tax. Let's be intellectually honest. Let's discard the partisan fuzzy math and partisan revisionist history.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRASSLEY. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the time during the quorum call be equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

FISA COURT ORDERS

Mr. LEAHY. Mr. President, I received notice this morning that President Bush has agreed to our bipartisan request for key recent orders from the FISA Court. Let me explain this a little bit. I have been very critical now for some time of the warrantless wiretapping of Americans done, apparently, under the President's order. We have, as the distinguished Presiding Officer knows, the Foreign Intelligence Surveillance Act, which sets up a special court where you can go in secret if you suspect a terrorist is phoning into the United States, and you can get an order to wiretap that call. But according to the press, the administration has not followed that law, has not gone into the court. They have allowed widespread wiretapping of Americans without a court order. This has been troublesome to a lot of people on both sides of the aisle.

So we learned recently—Senator SPECTER and I—that the Foreign Intelligence Surveillance Court had issued orders authorizing NSA's wiretapping program, which meant the President was going back to the court, as he should have, of course, before. We asked the court to make these orders available to the Judiciary Committee. The chief judge of the court approved providing the orders but left the final decision to the executive branch.

I made it clear, when Attorney General Gonzales appeared before us, that we expected to see the orders. After all, we write the law as to how the Foreign Intelligence Surveillance Act is supposed to work, and we have the responsibility to make sure it is followed. The President has made the right decision in changing his previous course of unilaterally authorizing the warrantless surveillance program. He is now going to follow the law in seeking court approval for wiretaps.

Senator SPECTER and I, on behalf of the Judiciary Committee, will have to look at the contours of the wiretapping program. We have to look at the Court's orders to determine whether the administration reached the proper balance to protect Americans, while following the law and the principles of checks and balances. I hope the administration will eventually allow all members of the Judiciary Committee to look at these orders.

We all want to catch terrorists, but we don't want a country where we have warrantless wiretapping of Americans. If we start down that slope, we all lose the right to privacy and the values this Nation has stood for for more than 200 years. So Senator SPECTER and I will review the court orders to make sure the law is being followed. I believe in this case, the President has taken the right first step, and I commend him for it.

With that, I suggest the absence of a quorum and ask unanimous consent that the time be equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TERRORIST SURVEILLANCE PROGRAM

Mr. SPECTER. Mr. President, I have sought recognition to join Senator LEAHY in the acknowledgment that the Attorney General will be turning over to Senator LEAHY and me, in our capacities as chairman and ranking member of the Judiciary Committee, the applications which were filed by the Department of Justice for the change in the terrorist surveillance program and the court orders issued by the Foreign Intelligence Surveillance Court establishing a new line of judicial review for that surveillance program.

Back on December 16, 2005, the New York Times broke a major story disclosing that there had been a secret wiretapping program, electronic surveillance without the customary judicial review. The customary approach is to have a law enforcement official apply for a warrant showing an affidavit of probable cause to justify a search and seizure for a wiretap which is a facet of the search and seizure, and that disclosure back on December 16 was quite a revelation. As a matter of fact, we were in the midst of debating the PATRIOT Act at that time, trying to get that through on reauthorization, and it was a major bone of contention, with some Senators saying they had been disposed to vote for the reauthorization of the PATRIOT Act and wouldn't do so now with the disclosure of that program.

Through a good bit of last year, the Judiciary Committee worked on efforts, through legislation, to have judicial review of that program, and, in fact, at one point an agreement was reached with the White House on a legislative package to move forward. Ultimately, that legislative effort was unsuccessful and the program continued to have these wiretaps without judicial approval. Then, on January 17—earlier this month—the Attorney General announced there had been a change in programming and there would be application made to the Foreign Intelligence Surveillance Board under procedures which the Department of Justice had established with the Foreign Intelligence Surveillance Court.

I received a lengthy briefing on the nature of the program, but it fell short of the necessary disclosure because I did not know what the applications, the affidavits provided, nor did I know what the court had said. And there was an issue as to whether there was a blanket approval for the program or whether there were individualized warrants, and in order to meet the traditional safeguards for establishment of probable cause, there would have to be individual warrants.

Senator LEAHY and I then pressed the Attorney General for access to these documents which would give us a fuller understanding of what was happening. I was pleased to learn earlier today that the Attorney General has consented to make those disclosures to Senator LEAHY and myself, and we will be reviewing those documents. They will not be made public. Until I have had a chance to see them, I wouldn't have any judgment as to whether they ought to be made public. My own view is there ought to be the maximum disclosure to the public consistent with national security procedures. The Attorney General has represented that there is classified information here which ought not to be made public, and I will reserve judgment until I have had an opportunity to see those documents.

I know Senator LEAHY was on the floor a little earlier today, within the past half hour or so, and I wanted to join him in thanking the President for this action. We have seen an expansion of Executive authority which I have spoken about on this Senate floor in a number of situations with the signing statements, where the President signs legislation but expresses reservations. There is a real question in my mind as to the constitutionality of that. The Constitution provides that Congress passes legislation and the President either signs it or vetoes it. I have introduced legislation to give Congress standing to challenge those signing statements or limitations therein in court and other examples of the expansion of Executive authority.

So I think this is a significant step forward, and I commend the President and the Department of Justice for taking this stand. I am going to reserve judgment on the program itself, obviously, until I have had a chance to review it. But I did want to acquaint my colleagues in the Senate with what is happening and acquaint the American people too because there has been considerable concern about the protection of civil rights, and obviously our war on terrorism has to be fought in a vigorous and tenacious manner, because it is a real threat to our national security and the safety of the American people, but at the same time have the balancing of protecting civil liberties. This is a significant step forward, and I am anxious to see the details to be able to report further on it.

I thank the Chair, and in the absence of any other Senators seeking recognition, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. THOMAS. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. CLINTON). Without objection, it is so ordered.

Mr. THOMAS. Madam President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

SIMPLIFYING THE TAX CODE

Mr. THOMAS. Madam President, although it is unrelated to what we are doing, I wish to talk a little bit about general tax reform.

The amendments are very important, and we are dealing with the issue, of course, of the minimum wage and offsetting some of those costs to small businesses. I support that idea. But I wanted to say that I hope we soon give more attention to reforming of the overall tax forms. We are getting into a position where every time there is an issue, every time there is something we want to accomplish, we have some tax relief for this section of the economy and for that section of the economy. It has become so complex and so shortchanged in terms of the time, the exchanges that we have. I think we have to have some overall tax reform.

I understand it is not easy because all of these issues are different. On the other hand, we can simplify the Tax Code, if we take the time. I mentioned it this morning in the Finance Committee. I realize we are not going to be able to address it in a short time, but I think we ought to set it as a long-term goal and begin to deal with simplifying the Tax Code. As each of us moves into our own taxes this year, it becomes obvious how detailed these taxes are. If you happen to be involved in a business, even a small business, the Tax Code is so difficult. I don't think we ought to be managing the behavior of this country through taxes. Taxes ought to be set in a general and long-term way so that people can understand, over time, what the tax situation is, and we can make it attractive enough that we don't have to change it for every issue that comes up.

Again, I certainly am supportive of what we are doing now. But in the longer view of things, I urge that we give consideration to reforming the Tax Code, to making it simpler, understandable, longer term, and to avoid setting up the situation where each time there is some issue affecting anyone in this country, we don't, as a secondary action, change the Tax Code to encourage a particular outcome. It should not be the purpose of taxes to regulate behavior.

I yield the floor, suggest the absence of a quorum, and ask unanimous consent that the time be divided equally.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KYL. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 209

Mr. KYL. Madam President, unless the Senator from Wisconsin wishes to speak, I will proceed. I believe we have about 14 minutes remaining on our side. I would like to use at least some of that time to clear up a couple points that were made earlier in the debate. I am speaking on the amendment No. 209, which is my amendment to extend the period of time that so-called section 179 small business expensing would be effective. Instead of cutting off at 2010, it would be the same period of time that we extended the work opportunity tax credit; namely, 2012. The obvious reason being that businesses would have more time within which to plan these additions or improvements to their business and would be able to count on what the Tax Code treatment would be and, therefore, would be more likely to make the investment and, therefore, create more jobs and, therefore, be able to absorb the cost of the minimum wage that will be imposed by the legislation before us.

I ask unanimous consent that Senator ALEXANDER be added as a cosponsor to amendment No. 115 and that Senator SPECTER be added as a cosponsor both to this amendment, No. 209, and to No. 115.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KYL. Madam President, the Senator from Massachusetts made a couple of statements I need to correct. One was that this amendment would cost $45 billion. I do not know how he arrived at that figure. Even if you add up all of the amendments I have proposed at one time or another on this bill, they don't add up to $45 billion.

The amount that this amendment would, in effect, cost to take section 179 through the year 2012 would be about $2.1 billion over 10 years. That is more than absorbed by the authority that we have under the budget from last year, which is $278.6 billion. So there doesn't have to be an additional offset. There doesn't have to be an additional pay-for. The cost for extending section 179—what we are doing with this amendment—is entirely subsumed in the budget we passed last year. That is why it is not subject to a point of order and why a mere majority vote will determine whether it moves forward.

According to the Congressional Budget Office, by the way, the minimum wage increase will impose about $5 billion worth of new costs on businesses each and every year. Most of that will be on small businesses. The extension of this relief will benefit those very small businesses that are going to have to absorb this additional cost.

When the Senator from Massachusetts said earlier, "We have debated over the period of the last few days tax breaks for corporate America," I want to be very clear, that is not the tax break I am talking about. The tax break for corporate America is the tax break the majority of the Democrats on the Finance Committee have provided in the form of the work opportunity tax credit.

Testimony before our committee confirmed that 95 percent, approximately, of the value of the WOTC, work opportunity tax credit, goes to bigger businesses, S and C corporations, because they have the wherewithal to set up the complicated accounting mechanisms for the work opportunity tax credit legislation to actually work. Very few of the small businesses are benefited by that tax relief. But almost all of the small businesses are benefited by the tax relief that I have proposed. So I respectfully correct my colleague from Massachusetts.

What I am proposing doesn't benefit the big corporations. That is what is already extended under the bill through the year 2012. What we are doing is extending through the year

2012 these benefits for the small businesses—specifically, the section 179 expensing. How does that work? As I explained this morning, by definition, section 179 allows businesses to write off an amount that is right now $112,000, when they spend that much money on a new piece of equipment or add on their business. If they spend more than $400,000, they cannot use this particular provision.

The bottom line is that this is for the small business, it is not for big business. So it is simply incorrect to say that the proposal that is before us now, to be voted on shortly, benefits big corporations. They cannot, by definition, take advantage of this particular provision of the Tax Code.

Again, why are we seeking to do this? All of us on the Finance Committee agreed that we needed to provide some tax relief to small businesses because small businesses would bear the brunt of the new expense of the minimum wage. So the committee unanimously extended various provisions of the Tax Code. It extended this section 179 for another year, recognizing its importance. All my amendment does is extend it another 2 years, so that it will conform with the same period of time that the work opportunity tax credit goes to and, thus, provide some balance between the big businesses, which get the work opportunity tax credit relief, and the small businesses, which primarily rely on the section 179 tax relief.

Section 179 is probably the most used of the tax provisions because all small businesses can take advantage of it whenever they add value to their particular business. It is for this reason that several organizations have endorsed this proposal of mine and, in fact, have communicated with us that they intend to key vote this amendment. So when you are voting on my amendment, if you vote to table my amendment, you are going against the recommendations of the following groups: National Federation of Independent Business, NFIB; Food Marketing Institute; Printing Industries of America; International Franchise Association; and Society of American Florists.

You can see that these are the kinds of businesses that can take advantage of this section of the Tax Code. So anybody who votes to table this amendment, as I said, will be going against the recommendation of these particular groups.

I urge my colleagues—this has never been a partisan issue. Section 179 is supported by Democrats and Republicans and Independents. Our committee action was unanimous. There is no reason this has to become a partisan issue. There is no question of pay-for. We already, in the budget from last year, the scorecard, as they call it, have revenue available to offset the modest increase of $2 billion that a 2-year extension would entail in this particular amendment. So I see no reason for anybody to vote against it and, most especially, to table this amendment.

I urge my colleagues to vote against the motion to table.

Madam President, might I inquire how much time is now available on both sides of this issue?

The PRESIDING OFFICER. The minority has 6 minutes, and the majority has 3 minutes.

Mr. KYL. All right. It is also my understanding that time not used is to be counted off equally against both parties; is that correct?

The PRESIDING OFFICER. For quorum calls, yes.

Mr. KYL. Oh, I see. As the proponent of the amendment, I hope that I will be able to close the debate. But given the fact that there is 6 minutes remaining on my side, if there is nobody from the majority side to speak to this, then I will continue the conversation, at least until someone arrives.

One of the other arguments is that by extending this through 2008, we have provided enough certainty to small businesses that they could go ahead and make the investment, plan the renovation or buy the piece of equipment, or whatever that might be. The bottom line is that any amount that we extend in these tax provisions enables businesses to plan better. If we extend it 1 year, as the committee did, then at least businesses can look out 1 year. But as we all know, in the business environment, a 1-year horizon is very short. That is why, just as we extended the work opportunity tax credit through 2012, it makes sense to extend the small business expensing through the year 2012 as well. Any additional time that businesses can know what the tax consequences of their purchases or expenses are is an advantage to them and will enable them to create the jobs, as I said, that will offset the costs of the minimum wage.

Madam President, I don't know of anybody who opposes the extension of section 179. The committee itself extended it for 1 year. I don't know why there would be partisan debate about extending it for another 2 years. I think we can all agree that would represent good policy. The relatively modest expense of this $2.1 billion, in terms of theoretical lost revenue, is more than compensated for by the $278 billion in offset tax authority from the years 2011 and 2015 under the budget we passed last year. So there is no point of order and there is no reason, on a purely fiscal basis or balanced budget basis, to vote against this.

Everybody knows it is good for small business. Adding 12 years for planning purposes for the business to purchase the equipment or add to the building is simply an improvement over existing law and enhancing of the small business's ability to create more jobs, expand their business and, frankly, to contribute to the great economic growth that we have right now.

So I don't understand any of the reasons a Member of this body would want to oppose this particular amendment. I am not doing this for any purpose other than to try to support these small businesses. That is why the NFIB and the others are so supportive of my amendment. I would think that in this time when we wanted to start out the year in a bipartisan way, this is a provision that has strong bipartisan support; it always has. I just don't understand why anybody would not want to extend it for 2 years, especially when the costs of doing so are already offset in the budget that we passed last year.

Again, I urge my colleagues to oppose the motion to table this amendment.

Madam President, let me first inquire how much time both sides have remaining.

The PRESIDING OFFICER. The minority has 2 minutes, the majority has 3 minutes.

Mr. KYL. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ALEXANDER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALEXANDER. Madam President, I ask unanimous consent that I may be permitted to speak for 60 seconds.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALEXANDER. Madam President, I compliment Senator KYL for his work. I expect a vote for the minimum wage with the small business tax adjustments that are with it. As I said on the floor of the Senate the other day, it is not the most efficient way for the Government to intervene help for the poorest people who are working. I think that would be an increase in the earned-income tax credit. It would be less expensive, more efficient, and all of us would pay the bill for that, not just small businesspeople.

If we are going to raise the minimum wage, we ought to not impose the whole burden on just that small segment of society. I agree that extending these small business depreciation and expensing benefits would help small business men and women who are trying to compete in the world to be able to compete. And it gives all of us who pay taxes a chance to pay for this idea that we have called the minimum wage, which tries to help working people have more.

I support the amendment of the Senator from Arizona, Mr. KYL because it will do more to offset the increased costs imposed on small businesses through raising the minimum wage by making it easier for many small business owners to take advantage of the tax relief contained in this bill. In addition, the amendment will help create jobs by encouraging small business owners to grow their businesses and hire new employees.

Under current tax law, small businesses can expense up to $100,000 of certain new property the year it is put in service. That figure is indexed to inflation, so small businesses will be able to expense up to $108,000 in 2006. After 2009, this expensing level will drop back down to $25,000 a year for these small businesses. The tax relief package included in the minimum wage bill would extend the $100,000 expensing limit—indexed for inflation—through the end of 2010. The Kyl amendment would add 2 years to that extension. In other words, the Kyl amendment would allow small businesses to expense the higher amount through the end of 2012.

Last week, I spoke on the Senate floor about the burden imposed on the small business community by raising the minimum wage. Small businesses will bear the brunt of approximately 60 percent of the costs of a minimum wage increase. I applaud the Finance Committee including Chairman BAUCUS and Ranking Member GRASSLEY for approving a tax relief package to help offset these costs. In particular, I am glad that tax relief package includes the expensing provision that we are talking about on the Senate floor today.

The Kyl amendment would make the expensing provision even stronger by allowing for higher expensing limits through the end of 2012. This is important because continuing the higher expensing limits for an additional 2 years would give small businesses more time to plan and fully use this benefit. If small business owners can take greater advantage of the tax relief in this bill, that means more help in offsetting the added costs imposed on small business owners through a minimum wage increase.

Not only does this particular tax provision help offset the costs of an increased minimum wage, but it will help create grow the economy and create jobs. Allowing small business owners to immediately expense critical investments encourages the purchase of new equipment, which helps to spur economic growth. New equipment for small businesses also usually leads to greater efficiency. And putting more money back into the hands of small business owners allows them to hire new workers.

During this minimum wage debate, a lot of my colleagues have talked about the economic challenges facing working families. I can't think of a better way to help low-income Americans than passing legislation that helps grow the economy and create new jobs, and that's what this amendment would do. I applaud my colleague from Arizona for offering this amendment and urge my colleagues to support it.

Mr. BAUCUS. Madam President, before the Senate votes on the second amendment by Senator KYL, the amendment is not offset, not paid for. It would add about $2 billion to our Federal deficit. The Senate rejected a Kyl amendment last week that was similar. I admire the Senator's persistence. He is a firm subscriber to the proverb that if at first you don't succeed, try, try again. I admire that very much.

But there is also another reference, I think, from Ecclesiastes, that essentially there is a time and place for everything. This is not the time and this is not the place to pass this amendment, which adds $2 billion to the national deficit.

I urge my colleagues to support the motion I am about to make, which is to table the amendment. The underlying amendment not only is not paid for, it is unbalanced. We had it packaged together here, and we voted on similar amendments, and it is time to get on with final passage of the minimum wage bill. That is what Americans are looking for. They want to increase the minimum wage. We should no longer dally here, with no disrespect for my colleague from Arizona. We are working on amendments that we worked on, that we had votes on.

I will make the motion and urge my colleagues to vote to table the underlying amendment.

Mr. KYL. Let me use the last minute of my time, and then I will yield to the leader.

The PRESIDING OFFICER. Actually, the time of the Senator has expired on the minority side.

The Republican leader is recognized.

Mr. MCCONNELL. Madam President, on my leader time, I yield a minute to the Senator from Arizona.

Mr. KYL. Madam President, I simply wanted to respond to the point the chairman of the committee just made, which is that this is not offset. The reason there is no pay-go point of order against this amendment is because the Baucus substitute already extends section 179 small business expensing through 2010 and includes the necessary offsets to cover 2010. This amendment merely extends that through 2012, years in which the pay-go scorecard has more than sufficient allocation to cover any revenue that Joint Tax projects would not be collected in those years. That is why there is no point of order and why we believe this is a fiscally responsible way to assist small business.

The PRESIDING OFFICER. The Republican leader.

Mr. MCCONNELL. Madam President, using some of my leader time, Republicans worked hard this week to make sure we pass a minimum wage bill that gives everybody a lift—the American worker who earns the wage and the American worker who pays it. The Kyl amendment reflects this basic concern for the worker and the wage payer, and I encourage all of our colleagues to give it their full support.

This amendment will let American business men and women deduct the cost of tools and equipment the same year they buy it. This is clearly good news for employers and for workers. By giving business men and women the freedom to deduct costs right away, fewer will be forced to choose between new equipment and new hires. Republicans like Senator JON KYL are working hard to make sure we have a bipartisan accomplishment with this bill. I urge all of our colleagues on both sides of the aisle to give this amendment their full support.

Mr. BAUCUS. Madam President, I ask 1 minute on leader time on the majority side.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. It is very simple. This amendment is not paid for. It is scored as a $2 billion additional hit to the deficit. It is not paid for, let's make that clear.

Second, we are talking about extending what is called section 179, which is the small business expensing provisions in the law. The underlying bill already extends 179 through 2010. It already does. This adds 2 more years at the cost of $2 billion. We have time, maybe this year or next, to extend it when we can pay for it at the appropriate time.

But, again, the underlying bill very clearly takes care of small business expensing needs by extending 179 through 2010. Second, it is not paid for. We should not adopt this amendment.

Madam President, I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON is necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Kansas (Mr. BROWNBACK) and the Senator from Nebraska (Mr. HAGEL).

The result was announced—yeas 49, nays 48, as follows:

[Rollcall Vote No. 37 Leg.]

YEAS—49

Akaka
Baucus
Biden
Bingaman
Boxer
Brown
Byrd
Cantwell
Cardin
Carper
Casey
Clinton
Conrad
Dodd
Dorgan
Durbin
Feingold
Feinstein

Harkin
Inouye
Kennedy
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
McCaskill
Menendez
Mikulski
Murray
Nelson (FL)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sanders
Schumer
Stabenow
Tester
Voinovich
Webb
Whitehouse
Wyden

NAYS—48

Alexander
Allard
Bayh
Bennett
Bond
Bunning
Burr
Chambliss
Coburn
Cochran
Coleman
Collins
Corker
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Ensign
Enzi
Graham
Grassley
Gregg
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lott
Lugar
Martinez
McCain
McConnell
Murkowski
Nelson (NE)
Roberts
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Thomas
Thune
Vitter
Warner

NOT VOTING—3

Brownback
Hagel
Johnson

The motion was agreed to.

Mr. DURBIN. Madam President, I move to reconsider the vote.

Mr. BAUCUS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Ms. MIKULSKI. Madam President, what is the pending business before the Senate?

The PRESIDING OFFICER. Under the previous order, the lone remaining amendment is amendment No. 115.

Ms. MIKULSKI. Madam President, I ask unanimous consent to speak for 10 minutes as in morning business.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Ms. MIKULSKI. Madam President, I note the Senate is not in order.

The PRESIDING OFFICER. The Senate will be in order. The Senator from Maryland has the floor.

CLONED FOOD LABELING ACT

Ms. MIKULSKI. Thank you very much, Madam President. I rise today to talk about a bill I introduced last week. It is called the Cloned Food Labeling Act.

My colleagues would be shocked to realize that the FDA has announced that meat and milk products from cloned animals are safe for human consumption. My bill will require the Government to label any food that comes from a cloned animal or its progeny. My colleagues need to know I am strongly opposed to the FDA approving meat and milk products from cloned animals entering into our food supply, and I am not the only one. Most Americans actively oppose it, and scientists say we should monitor it. But the FDA decided food from cloned animals is safe to eat. And since the FDA decided it is safe, the FDA will not require it to be labeled as coming from a cloned animal or its progeny.

Now, the American people don't want it. They find it repugnant. Gallup polls report over 60 percent of Americans think it is immoral to clone animals, and the Pew Initiative on Food and Biotechnology found a similar percentage say that, despite FDA approval, they won't buy cloned milk. But what troubles me is not only what public opinion says but what the National Academy of Sciences says. They reported that—so far—studies show no problems with food from cloned animals. But they also admit it is a brand-new science. What about the unintended consequences? They caution the Federal Government and recommend this technology be monitored for potential health effects and urge diligent post-market surveillance. Well, you can't do post-market surveillance if the food is not labeled. How do you know where the cloned food is?

So the FDA tells us once they determine it is safe, they will allow the food to enter the market, unidentified, unlabeled, and unbeknownst to us, and I find it unacceptable. Consumers would not be able to tell which food came from a cloned animal. So, here we have a picture of Dolly—the first cloned animal. Hello, Dolly! We say: Hello, Dolly. You have been approved for our food supply. Hello, Dolly. Welcome to the world of the Dolly burger. Hello, Dolly. Welcome home to Dolly in a glass. Hello, Dolly. Welcome to this plate of special cloned lamb chops when you are celebrating the 25th anniversary for your wife. I say: Goodbye, Dolly, the FDA's approval was baa, baa, baa.

I can't stop this from being approved by FDA, but I want an informed public to know what they have before them. Most Americans do not want this. They should not be required to eat it. I don't think they should be required to eat it without knowing what it is. Therefore, my legislation says any cloned food or its progeny would have to be labeled at the wholesale level, at the retail level, and at the restaurant level. This would ensure informed consent. To help the American public make this informed decision, I introduced a bill to require that all food which comes from a cloned animal or its progeny be labeled. This legislation will require the FDA and the Department of Agriculture to label all food that comes from a cloned animal. The label simply would read, "THIS PRODUCT IS FROM A CLONED ANIMAL OR ITS PROGENY." The public would be able to decide which food they want to buy—and I mean all food, not just packages in a supermarket but also the meals they choose from a menu.

Now, the FDA has responsibility to guarantee the safety of our food. Although many aspects of food safety are beyond their control, this is not. Scientists and the American people have the right to know. Consumers need to know which food is cloned and the scientists need to be able to monitor it. We don't know the long-term effect of cloned animals in our food supply.

What factors influenced the decision to deem food from cloned animals safe? Are they allowing an eager industry to force questionable science on an unknowing public? I am not so sure.

The FDA used to be the gold standard, but we have heard "it is safe" for too long. What if they are wrong? We were told asbestos was safe. Do you want asbestos in your home? We were told DDT was safe. Do you want to be sprayed with DDT? We were told thalidomide was safe. No pregnant woman today would take it. We were told Vioxx was safe. Does anyone with a heart condition or high cholesterol want to take it? I don't think so. We have been down this road before regarding the safety of products.

When it is so unclear and so uncertain, I am saying let's take our time. If America doesn't keep track of this from the very beginning with clear and dependable labeling, our entire food supply could be contaminated. I worry about what happens to the consumer. I worry about it being eaten by ordinary folks. I worry about it being in our school lunch program. I worry about it because we do not know enough.

In Europe, they call this type of stuff "Frankenfood." I worry, then, that because it will be unlabeled, more of our exports will be banned. My State depends on the export of food—whether it is seafood or chicken or other products. I don't want to hear one more thing coming out of the EU about not wanting to buy our beef or our lamb because they are worried that it is Frankenfood. We need to be able to export our food. If it is labeled, we will be able to do that.

At the end of the day, I want our consumers to have informed consent, scientists to be able to monitor this, and Congress to be able to provide FDA oversight. I reject the notion that FDA or anyone else should allow this to go forward without some type of declaration about what it really is.

Please, when we see this creature, Dolly, in this photograph—I don't know its purpose; I don't know what it accomplishes. We do not have a shortage of food in our country; we don't have a shortage of milk in our country. For those people who want to produce Dolly, we can't stop it, but I do think we should stop the FDA from putting this into our food supply without labeling and without an informed consent.

I say bah, bah, bah to those who want to bring this into our food supply.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. WEBB). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. KYL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 115

Mr. KYL. Mr. President, my understanding is that the pending business is amendment No. 115.

The PRESIDING OFFICER. That is the pending question.

Mr. KYL. Mr. President, I will briefly describe this amendment. It extends for an additional period of time three provisions of the Tax Code that relate to smaller businesses that the Committee on Finance agreed should have this tax relief and provides for a more balanced bill in terms of the extension of the tax provisions. It deals with leaseholds and restaurant renovations, new restaurant construction and owner-occupied retail. It is identical to an amendment the Senate tabled last week except that it drops the revenue offset since Senator BAUCUS had identified that offset as the primary problem he had with the amendment.

Specifically, it would extend three provisions of the Small Business and Work Opportunity Act of 2007 through the end of 2008. The three provisions are the 15-year recovery period for leasehold improvements in restaurant renovations, as current law provides they run through the year 2007; 15-year recovery for new restaurant construction, which is a new provision; and another new provision, 15-year recovery period for retail improvements.

My chart shows what we have done in the Committee on Finance and what I am proposing here. These are the three provisions covered by the amendment before the Senate at this time. We have added the two new provisions in green for new restaurants and retail, and we have extended the leasehold and restaurant provision by 3 months. All three of these would expire at the end of March of next year. What we do in this amendment is extend them through the end of the year. The reason should be obvious: For businesses to plan ahead, they need a little bit of lead time. To provide only a 3-month extension, for example, is not very much tax relief.

We all acknowledge that the point of this relief in the first place, which the committee unanimously agreed to, was to help small business be able to offset the cost of the minimum wage increase. If we are going to do that, it should be meaningful. This amendment simply extends from a 3-month period to the end of the year and extends the two new provisions as well through the end of 2009.

Let me describe each of these three provisions.

The leaseholds and restaurant renovation provision under current law are depreciated over a 15-year period, but this treatment only applies to property placed in service by the end of 2007. The amendment that came out of the Committee on Finance, the Baucus Committee on Finance substitute, would extend this 15-year recovery period by 3 months for property placed in service by March 31, 2008.

Under the two new provisions, new restaurant construction, there is currently no law provision allowing for accelerated depreciation of new restaurant construction, and the Baucus Committee on Finance substitute provides to correct this problem with a 15-year recovery period for such new restaurants. It is an important and necessary change, but it only, under the Committee on Finance bill, provides the treatment from the date of enactment through March 31, 2008.

And the same thing for owner-occupied retail. There is currently no provision allowing for accelerated depreciation of improvements made to owner-occupied retail space. The Baucus Committee on Finance provides a 15-year recovery period for improvements made to such spaces, thus putting these establishments on the same footing as leasehold. The bill provides this treatment from the date of enactment through March 31, 2008.

The committee had recognized the importance of these depreciation periods for owner-occupied retail, new restaurant construction, and leaseholds and restaurant renovations. There is no dispute about that, no debate about that. The only question is how far the relief should be extended.

While obviously everyone appreciates in this case the 3-month extension, it is hardly enough to be able to say to these small businesses: We solved your problem; we put a big burden of paying for the minimum wage increase on you, but we have enabled you to offset that by depreciating your property more quickly and being able to plan for your future construction needs. Clearly, that provision does not do the trick. Even these two new provisions, as welcome as they are, only extend the relief through March of next year. Again, what my amendment does is extend it through the end of the year. That is all it does.

Let me illustrate the importance of the tax provisions that the Finance Committee passed and which we are seeking to extend by this amendment.

If you stop and think about it, the policy justification for a 39-year depreciation recovery period for new construction of a restaurant, for example, makes no sense at all. How many of you know of any restaurant that has not done a thing to the restaurant for 39 years? If you are in the restaurant business, you have to constantly upgrade your facilities. Certainly, your kitchen facilities have to be upgraded. And new construction and renovation should obviously be treated the same way.

Under this bill, they are given a 15-year depreciation schedule. Now, that is the same depreciation schedule as for convenience stores, of course—a direct competitor of quick-service restaurants. They can use the 15-year depreciation schedule for all construction, new or renovation. Under their provision of the Tax Code, it is permanent law, so we do not have to extend it each year.

So what the Finance Committee has done is to try to bring some sense of balance and fairness into the code to treat like properties in a like way. If you are a fast-food restaurant, it does not matter whether you are a convenience store or regular restaurant, whether you build the place new or you simply spend the money to renovate, the expense of what you have done should be depreciated over the same period of time.

Fifteen years is probably too long, but that is the period that has been selected. It should be the same for all. By allowing restaurateurs to deduct the cost of renovations and new construction on this shorter schedule, many more restaurant owners will be in a position to grow their business and to continue to create more jobs. That is the key to offsetting the expenses of the minimum wage.

By definition, encouraging more new restaurants to be built means more new restaurant jobs. That is a tautology. This is important because the restaurant industry is uniquely impacted by a minimum wage increase. Of the nearly 2 million workers earning the minimum wage, 60 percent work in the food service industry. Furthermore, the last time Congress increased the minimum wage, 146,000 jobs were cut from restaurant industry payrolls, according to information from the industry. That is why this provision I am offering today is so important. The very people who are going to bear the impact—namely, the workers in restaurants, who could see their jobs evaporate as a result of passage of the minimum wage increase—will find that their job is going to be OK when their restaurant can expand or build a new restaurant, thus creating more new jobs.

Instead of having to lay people off in order to pay the increased minimum wage, the businesses will be able to create more jobs and, therefore, everyone would be able to be employed by them. This is the theory. The Finance Committee agrees with the theory by adopting these two new provisions and extending the existing provision for 3 months. But as I said before, it did not do the job well enough.

This is very modest relief and hardly gives a restaurant, for example, the confidence it can continue to make improvements and receive the favorable tax treatment, the 15-year writeoff provision we are providing in the law.

That is why it is important to continue to extend it. It would be nice if it were permanent, as it is for convenience stores. That is what it should be. It would be nice, as under the work opportunity tax credit, if it went out through the year 2012 or 2013. That would be nice. We are simply taking it to the end of the year 2009. That is not too much to ask to help these small businesses.

Let me just note a couple of the objections that came from the chairman. The first had to do with so-called balancing of the work opportunity tax credit and the tax relief for small businesses. Now, the work opportunity tax credit, as you can see with this red line on the chart, the committee bill went to the end of 2012. And these others only go through March of 2009. That is hardly balanced. Moreover, all of these provisions have always attracted bipartisan support.

It is not like the work opportunity tax credit is a Democratic provision and the retail improvements are a Republican provision. We have all supported both provisions. Both make sense. We understand that. So it is not like somehow there has to be a partisan reason to support this but not support this, or this or this, as shown on the chart. We do not need partisan politics injected into this debate. So there is no reason now to politicize these issues, characterizing them as Republican or Democrat.

It is obvious the bill is not balanced. Even if you assume there should be some balance, the work opportunity tax credit, as I noted, is extended for 5 years, while the accelerated depreciation for leasehold and restaurant improvements is extended for a 3-month period.

As I noted before, the primary objection of the chairman before was over the offset. I understand that. It was a somewhat controversial offset. Of course, in the committee, when I offered this amendment, the chairman said unless I had an offset, it would be declared out of order. So we looked for and thought we had an offset that would be approved. But it turned out the chairman did not like that offset. That was his primary objection to this provision. So we will simply remove that offset and provide that we will extend the provisions for another 9 months through the end of 2009, without an offset of any tax increase.

But let me just make this point. We are talking about a very temporary extension of an important tax provision. This leasehold and restaurant provision has been in existence now for some time. We are extending it all of 3 months. Yet under the theory of those who say it has to be offset by a new tax increase, we would have to permanently find a source of revenue that would pay for this 3-month extension. That is a perversion of the pay-go concept. It is inappropriate, especially for provisions that generate jobs.

We should not have to pass a permanent tax increase in order to be able to fund a temporary provision of the Tax Code that helps to create new jobs. As I said before, when you build a new restaurant, you are creating new jobs. That is obvious. And when you create new jobs, you can better afford to hire the people who would be at the minimum wage, 60 percent of whom are in the restaurant business, and there is a job there for them.

So it makes sense to extend these provisions. The work opportunity tax credit, as beneficial as it might be, does not create new jobs. So if anything, you would want to balance with more emphasis on these three provisions than you would under the work opportunity tax credit.

So I guess the bottom line of this is that the reason for objecting to this provision, based on the lack of an offset, does not make sense in terms of practical economics, given the fact that the provisions that we would extend in 2008 are job creators and would create the very jobs that people earning the minimum wage could then move into.

Without the creation of these new jobs, some businesses are going to have to lay people off, and there will not be jobs for them. This would provide for those jobs.

Mr. President, I guess the bottom line is this: We have seen, unfortunately, the debate over these amendments break down along primarily party lines. I think that is very unfortunate because a small business owner can be a Republican, a Democrat, or anybody else. They create the bulk of jobs in our society. They pay a huge amount of the taxes. They will be the ones most hard hit by the increase in the minimum wage.

If we pass a minimum wage increase with bipartisan support, it seems to me we should follow the leadership of the Finance Committee in extending these tax provisions in a bipartisan way. And when we only extend a provision for 3 months, to me, it is not a good-faith recognition of the problem we have placed on that small business by the imposition of the minimum wage mandate. We need to keep faith with those businesses by providing a longer extension of the tax provisions that benefit them in a way that enables them to pay for this minimum wage increase. That is how we would be keeping faith with these small businesses.

So I hope we can eschew the partisanship that has characterized the previous votes, we can appreciate the importance of extending these provisions which, after all, were created in a totally bipartisan way in the Finance Committee, and we can recognize it is possible to both raise the minimum wage for low-income workers and help create new jobs for them with these tax provisions.

I hope when it comes time to consider a motion to table this particular provision that my colleagues will vote against a motion to table or support the provisions if we have the opportunity for an up-or-down vote.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, on behalf of the majority leader, I ask unanimous consent that the time until 4 p.m. be equally divided and controlled between Senators BAUCUS and KYL, or their designees, for debate with respect to the Kyl amendment No. 115, as modified; that at 4 p.m. the Senate proceed to vote in relation to the amendment; that upon disposition of the Kyl amendment, without further intervening action or debate, all time be considered yielded back and the Senate proceed to vote on the Baucus-Reid substitute amendment No. 100, as amended; that upon disposition of the substitute amendment, there be 4 minutes of debate equally divided and controlled between the majority and minority leaders or their designees, and the Senate then proceed to vote on the motion to invoke cloture on H.R. 2, as amended.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. KYL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KYL. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KYL. Mr. President, I ask unanimous consent that all time under the previous quorum call and this quorum call and any future quorum call be equally divided between the two sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Montana.

TRADE PROMOTION AUTHORITY

Mr. BAUCUS. Mr. President, earlier today President Bush called for renewal of fast-track trade negotiating authority, otherwise known as trade promotion authority, otherwise known as TPA. Fast-track authority expires 6 months from today. Many view this date with fear and trepidation. I do not. I view it as an opportunity to take a hard look at the direction of America's trade policy. It is an opportunity to air differences and an opportunity to find common ground.

Trade policy is a bargain, a bargain struck between the American Government and the American people. Americans trust their Government to use trade policy to expand export opportunities, create jobs, to fuel our economy. In exchange for that trust, Americans expect their Government to make sure that trade works for them, and they expect their Government to take action when it does not. That is the fundamental debate in which we, as a nation, must engage. Does trade work for the American farmer, rancher? Does trade work for American factory workers? Does trade work for the American economy?

I believe it does. I believe trade creates opportunities. I believe trade generates American jobs. I believe trade bolsters our global competitiveness. I believe trade allows us to project America's values to the world. And I believe the alternative, erecting barriers to trade, is self-defeating and will not make anyone better off. That is why, during my years in Congress, I have long supported granting the President fast-track authority. The success of America's ranches and farms, the success of businesses big and small, requires that the President have this authority.

Twelve million American jobs depend on exports. Exports account for a tenth of our country's gross domestic product. Montana exports 60 percent of the wheat grown there.

But there are other voices. Many have deep and legitimate concerns about the effect of trade and globalization. Many equate trade with ballooning deficits, stagnating wages, and job layoffs. Many view the growth of China and India as threats rather than as opportunities. Many point to abhorrent labor and environmental conditions in some of our trading partners. And many no longer trust the Government to do its part to take care of the Americans whom trade leaves behind.

These concerns are real. They are deeply felt. And we cannot ignore them. True leadership requires that we address these concerns head on. The expiration of trade promotion authority allows us to have this debate. It reminds us we cannot consider renewal of this authority in a vacuum. It underscores the paramount importance of restoring America's faith and confidence in our trade policy, a huge opportunity. In the process, we will examine a series of critical issues. These are issues we must address as we consider whether to reauthorize trade promotion authority.

First, we must make trade adjustment assistance, otherwise known as TAA, more reflective of today's innovative economy. TAA is America's commitment to provide wage and health benefits while trade-displaced workers retool, retrain, and find better jobs. A renewed TAA must do what today's program does not. It must be made available to the 8 out of 10 American workers who make their money in service professions. It must apply to all workers displaced by trade, not just those affected by free-trade agreements. The time has come to consider other ways to help workers displaced not just by trade but by other aspects of globalization, including the advance of technology.

Second, we have to address concerns that our trade agreements encourage companies to move jobs to countries where substandard labor and environmental policies occur. We need to find common cause with those who abhor child and sweatshop labor anywhere. We need to acknowledge the justifiable ends of those who want to employ trade to help stop despoliation of the planet. We project our values as Americans when we use our trade agreements to create a race to the top. As our trade agreements require our partners to step up their protection of investments and intellectual property, so our agreements should lead to improvements in our partners' labor and environmental protections.

Third, we cannot conclude more trade agreements without giving Americans the confidence that we vigorously enforce those agreements already on the books. Too many of our partners cheat and maintain bogus barriers against American exports. For example, look at Korea's unscientific ban on beef; look at the illegal subsidies China grants to its manufacturers. But the trade-enforcement tools that Congress created in the 1970s and 1980s, such as section 301, are outdated. They no longer function as intended. It is time to take a hard look at these tools. We should redraft them so they better address the trade barriers that American exporters face in today's global economy.

Fourth, we cannot expect Americans to support trade when they see ever-ballooning trade deficits. Our trade deficit with China this year will approach $300 billion. That is unsustainable. We need to get our balance sheet back in line. That requires us to boost U.S. exports through better enforcement and better export promotion. That requires us to call out countries such as China, possibly even Japan, that use the value of their currency to gain a trade advantage. And it means action at home to improve public and private savings.

Fifth, a successful trade policy means that America must be the most competitive nation in the world. American workers need to know they can compete and they can win on a global playing field. And we need to take a good, hard look at how health care costs, our education system, and tax policies affect America's global competitiveness. As I did in the last Congress, I will push competitiveness at every opportunity. I will work for passage of legislation that will guarantee America's economic preeminence for years to come.

With trade promotion authority about to expire, the locus of trade policy shifts back to Congress. We have both the opportunity and responsibility to create the next trade policy that will guide us and guide this country forward. We need to work together, clearly, obviously, on trade to find answers to the hard questions. We need to work together on trade to shore up our international leadership, sorely needed. And most of all, we need to work together on trade to restore our bargain with the American people.

I suggest the absence of a quorum and ask unanimous consent that the time be charged equally against both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Before the Senate today is the exact same amendment offered by my colleague from Arizona, Senator KYL, that the Senate rejected last Thursday. The only difference is that Senator KYL has modified the amendment to make it even more pernicious; that is, by removing the offset. Thus, the pending amendment would add nearly another $3 billion to the deficit in the next 10 years.

The Senate rejected the Kyl amendment last week, but we are here yet again today considering these same issues. This time around, my colleague does not attempt to offset those cuts. Rather, his amendments would put another $3 billion hole in our budget. The amendment would pile onto a deficit that we are desperately trying to erase.

Many of us support the policy behind these provisions. We would not have included them in our bill if we did not. As I told the Senator from Arizona at our committee markup, if we could have made these provisions permanent, I certainly would have done so. But the underlying substitute amendment is the product of a Finance Committee hearing, deliberation, and markup. It is balanced. It is revenue neutral. And all Members supported it—it passed unanimously—including the Senator from Arizona.

Senators made compromises to get this bill to the floor, and we have done so. I must say, though, I admire the persistence of my good friend from Arizona. He is the original "energy bunny" of tax cut amendments. I commend him for that. But he was not successful in committee, and he was not successful on the floor last week. I hope and trust that that was because the Senate would like to provide a balanced package of tax incentives. I hope and trust that the Senate wants a package that does not worsen our deficit. Therefore, I oppose adding another $3 billion in tax provisions to this already $8 billion bill. The $8 billion is paid for. The amendment by the Senator would add another $3 billion and that would not be paid for.

At the appropriate time, I intend to raise a budget point of order against the amendment. I strongly urge my colleagues to vote against the motion to waive that point of order, which I assume will occur in not too many minutes from now.

I suggest the absence of a quorum and ask unanimous consent that the time be equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, I raise a point of order that the pending amendment violates section 505(a) of H. Con. Res. 95, the concurrent resolution on the budget for fiscal year 2004. On behalf of Senator KYL, I move to waive the applicable provisions for the consideration of the amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN) and the Senator from South Dakota (Mr. JOHNSON) are necessarily absent.

Mr. LOTT. The following Senators were necessarily absent: the Senator from Kansas (Mr. BROWNBACK) and the Senator from Nebraska (Mr. HAGEL).

The PRESIDING OFFICER (Mr. SALAZAR). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 46, nays 50, as follows:

[Rollcall Vote No. 38 Leg.]

YEAS—46

Alexander
Allard
Bayh
Bennett
Bond
Bunning
Burr
Chambliss
Coburn
Cochran
Coleman
Collins
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Ensign
Enzi
Graham
Grassley
Gregg
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lott
Lugar
Martinez
McCain
McConnell
Murkowski
Nelson (NE)
Roberts
Sessions
Shelby
Smith
Specter
Stevens
Sununu
Thomas
Thune
Vitter
Warner

NAYS—50

Akaka
Baucus
Bingaman
Boxer
Brown
Byrd
Cantwell
Cardin
Carper
Casey
Clinton
Conrad
Corker
Dodd
Dorgan
Durbin
Feingold
Feinstein
Harkin
Inouye
Kennedy
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
McCaskill
Menendez
Mikulski
Murray
Nelson (FL)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sanders
Schumer
Snowe
Stabenow
Tester
Voinovich
Webb
Whitehouse
Wyden

NOT VOTING—4

Biden
Brownback
Hagel
Johnson

The PRESIDING OFFICER. On this vote, the yeas are 46, the nays are 50. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Mr. DURBIN. I move to reconsider the vote.

Mr. CARPER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The point of order is sustained and the amendment fails.

Mr. KENNEDY. Mr. President, as I understand it, there is 4 minutes equally divided?

AMENDMENT NO. 100, AS AMENDED

The PRESIDING OFFICER. The Senator will withhold.

Under the previous order, the question now is on agreeing to the substitute amendment, as amended.

The amendment (No. 100), as amended, was agreed to.

Mr. KENNEDY. Mr. President, I move to reconsider the vote.

Mr. ENZI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

CLOTURE MOTION

The PRESIDING OFFICER. There will now be 4 minutes of debate equally divided before the cloture vote on the bill.

The Senator from Wyoming is recognized.

Mr. ENZI. Mr. President, I rise today to speak in support of cloture on the underlying bill. I appreciate the wise direction that this body has decided upon with regard to the minimum wage. We have correctly concluded that raising the minimum wage without providing relief for the small businesses that must pay for that increase is simply not an option. I hope this is an approach that our colleagues in the House will not derail. This approach recognizes that small businesses have been the steady engine of our growing economy and they have been the source of new job creation. It, also, recognizes that small businesses in every sense of the phrase are middle class families too.

I am proud the body has chosen a path which attempts to preserve this segment of the economy which employs so many working men and women and trains them. The Senate has recognized the simple fact that a raise in the minimum wage is of no benefit to a worker without a job or a job seeker without a prospect.

As this Congress moves forward, we will need to confront a range of issues facing working families. Lessons in this debate should not be forgotten as we approach complex issues. Yesterday, we were referencing the so-called war on the middle class. That is partisan rhetoric which was never accurate and is now simply divisive. Who is more middle class than America's small business men and women? Tax relief to the middle-class small business owners who must pay the cost of this wage increase mandate is no attack on the middle class. An attack would be passing the bill without such tax relief.

I urge my colleagues to support cloture, and I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, it has been 8 days—8 days since we started this debate on the minimum wage. Every Member of this body has made $4,500, and yet we haven't been able to get an increase in the minimum wage from $5.15 to $7.25. Forty-five hundred dollars, everyone has made in this body, but minimum wage workers have still been denied. Eight days.

How long does it take? How long does it take for this body to be able to say: Yes, we are going to increase the minimum wage. How many more amendments are over there on the Republican side? We have none. We are prepared to vote on final passage right now. But oh, no, we can't do that. There should be no doubt in the minds of working families, of the middle class, who is standing for those who are earning the minimum wage.

Since we started this debate, there have been thousands of meals that have been served in nursing homes. There have been thousands of beds that have been made in hotels around this country. There are 6 million children who will benefit from this increase in the minimum wage, who can't afford books to read, who can't afford to buy a present to go to a birthday party, and who can't spend enough time with their parents, because their parents are working 2 or 3 jobs. Today there are 50,000 wives or husbands of soldiers serving in our armed forces who are earning the minimum wage. We can do a favor for those individuals and treat them with respect and dignity by voting for the increase in the minimum wage. We ought to do that right now.

Mr. President, I ask unanimous consent that we vote on final passage right now.

The PRESIDING OFFICER. Is there objection?

Mr. ENZI. Mr. President, we have a process that is set up and a vote that is called for, and I think we ought to follow that process. I think we have made a lot of progress, and as long as we continue to have progress in a bipartisan way, this will make it through the process. It has been something everybody pledged themselves to early, and I hope we haven't broken that pledge. I object.

The PRESIDING OFFICER. Objection is heard.

The majority leader is recognized.

Mr. REID. Mr. President, before the vote is called, I wish to alert everyone here that the distinguished Republican leader and I are negotiating, trying to work something out on Iraq, which is the next issue we will go to when we finish this bill, which will be tomorrow sometime. It is very possible we are going to have a vote Monday at noon on the Iraq issue—everyone should understand that—Monday at noon. We hope that be can avoided, but we may not be able to avoid it. The Republican leader and I are doing our best to work something out. We have had a number of meetings, and we will continue to do that throughout the day.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order and pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The legislative clerk read as follows:

CLOTURE MOTION

> We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close the debate on Calendar No. 5, H.R. 2, as amended, providing for an increase in the Federal minimum wage.
>
> Ted Kennedy, Barbara A. Mikulski, Daniel K. Inouye, Byron L. Dorgan, Jeff Bingaman, Frank R. Lautenberg, Jack Reed, Barbara Boxer, Daniel K. Akaka, Max Baucus, Patty Murray, Maria Cantwell, Tom Harkin, Robert Menendez, Tom Carper, Harry Reid, Charles E. Schumer, Richard Durbin.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on H.R. 2, as amended, an act to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN) and the Senator from South Dakota (Mr. JOHNSON) are necessarily absent.

Mr. LOTT. The following Senators were necessarily absent: the Senator from Kansas (Mr. BROWNBACK) and the Senator from Nebraska (Mr. HAGEL).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 88, nays 8, as follows:

[Rollcall Vote No. 39 Leg.]

YEAS—88

Akaka
Alexander
Allard
Baucus
Bayh
Bennett
Bingaman
Bond
Boxer
Brown
Bunning
Burr
Byrd
Cantwell
Cardin
Carper
Casey
Chambliss
Clinton
Cochran
Coleman
Collins
Conrad
Corker
Cornyn
Dodd
Dole
Domenici
Dorgan
Durbin
Enzi
Feingold
Feinstein
Graham
Grassley
Gregg
Harkin
Hatch
Hutchison
Inhofe
Inouye
Isakson
Kennedy
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
McCain
McCaskill
McConnell
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Sanders
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Tester
Thomas
Thune
Voinovich
Warner
Webb
Whitehouse
Wyden

NAYS—8

Coburn
Craig
Crapo
DeMint
Ensign
Kyl
Martinez
Vitter

NOT VOTING—4

Biden
Brownback
Hagel
Johnson

The PRESIDING OFFICER. On this question, the yeas are 88, the nays are 8. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mr. SCHUMER. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business with each Senator allowed to speak for no more than 10 minutes and that the time shall run against postcloture time.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO FATHER ROBERT DRINAN

Mr. DURBIN. Mr. President, last October, my alma mater, Georgetown Law Center, established an endowed chair in human rights in honor of Father Robert Drinan. At the ceremony, Yale Law School Dean Harold Koh called Robert Drinan "a father in more senses than one." Dean Koh said:

> He is the father of a remarkable revolution—a human rights revolution—a person of simple, radical faith.

Sunday night, at the age of 86, Robert Drinan died. The world has lost a courageous champion for justice, human rights, and human dignity.

I just missed Father Drinan. I graduated from Georgetown Law before he joined the faculty, and he left Congress before I arrived. So I never had the chance to study and work with him directly. But like a lot of others, I was inspired and challenged by him.

Georgetown University estimates that Father Drinan taught 6,000 students in a teaching career that stretched over more than five decades. But those are just the students who enrolled in his classes at Boston College and, later, at Georgetown. In fact, he taught a lot of people. He taught all of us about the responsibility each of us has to speak out for the voiceless and the oppressed, not just to speak, but to work for justice.

In the 1960s, as dean of Boston College Law School, Father Drinan showed courage by calling for the desegregation of Boston's public schools. He challenged his students at the law school to become active in the civil rights movement.

In 1970, the people of Boston's western suburbs elected Father Drinan to represent them in Congress, making him the first Catholic priest ever to serve as a voting Member of Congress. He ran as a strong opponent of the Vietnam war. He was the first Member of Congress to call for the impeachment of Richard Nixon, but not over Watergate, rather over the undeclared war against Cambodia. He fought to make human rights the cornerstone of American foreign policy and to establish a bureau for human rights within the U.S. State Department. He fought against government abuses of power and led a successful battle to finally abolish the House Internal Security Committee, formerly the Un-American Activities Committee, which we recall was responsible for so many unjust findings by this Congress, ruining the private lives of so many American citizens.

In 1975, he became the first American to receive his own CIA and FBI files under the Freedom of Information Act. With Congressman Frank Church and others, he worked to safeguard our right to privacy.

Father Drinan was elected to five terms in Congress, each time by larger margins. Finally, in his last race in 1978, he didn't have an opponent. He would have been reelected again in 1980, but he was forced to step down when Pope John Paul II barred Catholic priests from holding elective office. Father Drinan left office, but he never left the struggle. He continued to work and speak out for justice until the day he died.

In 1981, he took a post at Georgetown Law Center where he taught human rights, civil liberties, and government ethics. He taught his students that the central commandment of the Bible is that "the people of God must be devoted to justice in every way." He taught that it is a sin that 31,000 children die of starvation every day in this world. He urged his students, all of us: "Sharpen your anger at injustice." Use the talents God gave you to make this world better.

Two months ago Father Drinan told a reporter that he hadn't given any thought to retiring; there was just too much left to do. And, he said, "Jesuits don't ordinarily retire. We just do what you do."

Earlier this month Father Drinan was called on for a particularly symbolic ceremony. He celebrated Mass for Speaker NANCY PELOSI at her alma mater in Washington, Trinity College. It was a special mass in honor of "the children of Darfur and Katrina."

Father Drinan spoke to our conscience. He spoke for the overlooked and underpaid, for those who were too poor or too weak to speak for themselves. He spoke out in passionate defense of the great moral and political values of our Nation.

In his lifetime he received many awards. Last May he received Congress's Distinguished Service Award for his service in the House. The American Bar Association honored him with the ABA medal for his work on behalf of human rights. He was a founder of the Lawyers Alliance for Nuclear Arms Control; president of Americans for Democratic Action; a member of the national board of Common Cause, People for the American Way, the Lawyers' Committee for Human Rights, the National Interreligious Task force on Soviet Jewry, the American Civil Liberties Union, and the NAACP Legal Defense Fund.

He received 22 honorary degrees from colleges and universities. One of those degrees, given to him by Villanova University in 1977, hung on the wall of his office in the House of Representatives. It read:

> Your life's work has provided proof that service to God and country are not inimical.

How true.

In his sermon on the mount, Jesus told us:

> Blessed are they who hunger and thirst after justice: for they shall have their fill.

Robert Drinan is, indeed, blessed, and we were blessed to have him serving America for so many years. Those of us who admired him and loved him were saddened by his death. But we take comfort in knowing that just as his influence in Congress has lasted beyond those 10 years of service, Robert Drinan's influence on this world will continue to be felt long after we are all gone.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SEC INVESTIGATION FINDINGS

Mr. GRASSLEY. Mr. President, I am very happy to be on the floor with my colleague Senator SPECTER on something we have worked on together over a long period of time, and it falls very much into the category of congressional oversight. I am not going to go into the details now because I have a statement I want to use as a basis for our cooperation, and then you will hear from Senator SPECTER. I want to say how great it was to work with Senator SPECTER.

We are here to update the Senate on the interim Finance Committee findings of the joint investigation into the Securities and Exchange Commission that was conducted by the Finance Committee on the one hand, and the Judiciary Committee on the other, during the 109th Congress.

Before I go into details, there is another person I would thank for his cooperation. I want to take this opportunity to thank Securities and Exchange Commission Chairman Christopher Cox for his cooperation in providing access to thousands of pages of documents, as well as interviews with the staff at the Securities and Exchange Commission. Chairman Cox's cooperation was very essential to our ability to conduct our constitutionally mandated oversight of Federal agencies.

That said, I hope Chairman Cox takes today's findings to heart and will work to implement recommendations Senator SPECTER and I plan to put forth into the forthcoming final report.

Today, we want to update the Senate on some of the details of our investigation, which began early last year when allegations were presented to our staffs by former Securities and Exchange Commission attorney Gary Aguirre. Mr. Aguirre described the roadblocks he faced in pursuing an insider trading investigation while he was employed as a senior enforcement attorney at the Securities and Exchange Commission. Specifically, he alleged his supervisor prevented him from taking the testimony of a prominent Wall Street figure because of his "political clout," which obviously should not be ignored if an agency is doing the job they should be doing.

Well, after Mr. Aguirre complained about that sort of preferential treatment given to somebody with "political clout," his supervisors terminated him from the SEC while he was on vacation.

The interim findings we released today outlined the three primary concerns shared by Senator SPECTER and me. First, the SEC's investigation into Pequot Capital Management was plagued with problems from its beginning to its abrupt conclusion. Second, the termination of Mr. Aguirre by the SEC was highly suspect given the timing and the circumstances. Thirdly, the original investigation conducted by the SEC Office of Inspector General was both seriously and fatally flawed. The inspector general's failure required our committees to take a more thorough look at Mr. Aguirre's allegations and examine this matter closely. Taken together, these findings paint a picture of a troubled agency that faces serious questions about public confidence, the integrity of its investigations, and its ability to protect all investors, large and small, with an even hand.

The SEC should have taken Mr. Aguirre's allegations more seriously and very seriously. Instead, it does like too many agencies do when under fire: it circled the wagons and it shot a whistleblower—an all too familiar practice in Washington, DC. As we know, whistleblowers are about as welcome as a skunk at a picnic.

There is more information to follow and more details that need to come to light. Senator SPECTER and I together plan on releasing a comprehensive report in the near future. For now, I hope these interim findings will spur the SEC to consider meaningful reforms. I urge all my colleagues to read these important interim findings and to read the final report when it is made available.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I would like to begin by thanking my distinguished colleague, Senator GRASSLEY, for his outstanding work on the issues which he has just addressed. Senator GRASSLEY and I have a long record of working together. We were elected together in November 1980 with the election of Ronald Reagan. There were 16 members of the incoming class of Republican Senators at that time. Two Democrats were elected.

In the intervening years, Senator GRASSLEY and I have become the sole survivors, and we have done a great deal of work together.

We sit together on the Judiciary Committee, and Senator GRASSLEY has had a very distinguished record as chairman of the Senate Finance Committee during the 109th Congress, and I chaired the Judiciary Committee during the 109th Congress. We are making a presentation today of interim findings on the investigation into potential abuse of authority at the Securities and Exchange Commission.

I join Senator GRASSLEY in commending the Chairman of the SEC, Christopher Cox, for his cooperation, and I also join Senator GRASSLEY in urging Chairman Cox and the SEC to do more. The oversight which our two committees undertook constituted a review of over 9,000 pages of documents and the interviewing of 19 witnesses over the course of 24 interviews.

The Judiciary Committee, on which we both serve, held a series of three public hearings regarding this matter, most recently on December 5, 2006, when the committee heard detailed sworn testimony from current and former SEC employees involved in the so-called Pequot investigation.

Based upon our review of the evidence, we have serious concerns, which are documented in a lengthy report, which we will make a part of the record, plus supplemental documents. Our investigation has raised concerns about, first, the SEC's mishandling of the Pequot investigation before, during, and after the firing of Mr. Gary Aguirre; secondly, the circumstances under which Mr. Aguirre was terminated; and third, the manner in which the SEC's Inspector General's Office handled Mr. Aguirre's allegations after he was fired.

Viewing these concerns as a whole, we believe a very troubling picture evolves. At best, the picture shows extraordinarily lax enforcement by the SEC, and it may even indicate a coverup by the SEC. We are concerned, first of all, as detailed in this report, that the SEC failed to act on the GE/Heller trades for years. We are concerned about the suggestions of political power which was present in the investigation, which has all of the earmarks of a possible obstruction of justice.

There is sworn testimony by Mr. Gary Aguirre that he was told in a face-to-face meeting with his immediate supervisor, Branch Chief Robert Hanson, that he could not take the testimony of Mr. John Mack, who was thought to have leaked confidential information. Mr. Aguirre testified that Mr. Hanson refused to allow the taking of testimony, as Mr. Aguirre pointed out, because of Mr. Mack's "powerful political contacts."

Now, Mr. Hanson denied to the SEC inspector general and to the committee that he ever said that, but we have contemporaneous e-mails, for example, where Mr. Hanson admitted to a very similar statement when he wrote to Mr. Aguirre on August 24, 2005, "Most importantly, the political clout I mentioned to you was a reason to keep Paul," referring to a man named Paul Berger, "and possibly Linda," referring to a woman named Linda Thomsen, "in the loop on the testimony." Now, that is conclusive proof of the political clout or at least what Mr. Hanson thought was political clout when the SEC made a decision not to permit the taking of key testimony, the testimony of Mr. MACK.

Mr. Hanson submitted a written statement to the committee concluding that it was "highly suspect and illogical" to link Mr. MACK as the tipper, but in his prior writings he said, in written form, "Mack is another bad guy."

The rationale used by the SEC officials who denied Mr. Aguirre's request to take the testimony of Mr. MACK was that they wanted to get "their ducks in a row." But the overwhelming evidence in the matter showed that the testimony should have been taken at a much earlier stage. There is no problem with taking testimony again if necessary at a later stage.

A key SEC investigator, Mr. Hilton Foster, with knowledge of the Pequot matter, said, "As the SEC expert on insider trading, if people had asked me, 'When do you take his testimony,' I would have said take it yesterday."

Mr. Joseph Cella, Chief of the SEC's Market Surveillance Commission, told committee investigators, "it seemed to me that it was a reasonable thing to do to bring Mack in and have him testify," and "in my mind there was no down side."

Mr. MACK's testimony was taken 5 days after the statute of limitations expired. But let me point out at this juncture that even though the statute of limitations has expired, there is injunctive relief and other action that can yet be taken by the SEC.

The problems with the Pequot investigation are amplified by the suspect termination of Mr. Aguirre. On June 1, 2005, in a performance plan and evaluation, Mr. Aguirre was given an acceptable rating, and Mr. Hanson, on June 29, 2005, noted Mr. Aguirre's "unmatched dedication" to the Pequot investigation and "contributions of high quality." These evaluations were submitted to the SEC's Compensation Committee, which later approved Mr. Hanson's recommendation on July 18. Despite these favorable reviews, Aguirre's supervisors wrote a so-called supplemental evaluation on August 1, and this reevaluation on August 1 occurred 5 days after Mr. Aguirre sent supervisor Berger an e-mail saying that he believed the Pequot investigation was being halted because of Mr. MACK's political power.

There was an investigation by the inspector general of the SEC, and in my years in the Senate and hearing many inspectors general testify, I can't recall hearing an inspector general who said less, did less, and was more thoroughly inadequate in the investigation. For example, the inspector general's staff said, "we don't second guess management's decisions. We don't second guess why employees are terminated." Well, that is precisely the purpose of having an inspector general. The purpose of having an inspector general is to review those kinds of decisions.

The inspector general testified that he was given advice by the Department of Justice, which made absolutely no sense. This appears in some detail in the record.

Then the inspector general initiated an attempt to take what was really punitive action against Mr. Aguirre by seeking enforcement of a subpoena for documents which were involving Mr. Aguirre's communications with Congress. Now, how can an individual communicate, talk to an oversight committee, such as the Judiciary Committee or the Finance Committee, if those communications are going to be subject to a subpoena by the SEC, by the inspector general? It is just preposterous. We have constitutional oversight responsibilities, and we obviously cannot conduct those responsibilities if the information we glean is going to be subject to somebody else's review.

The subpoena wasn't pursued, but the lack of judgment—and it is hard to find a strong enough word which is not insensitive to describe the inspector general's conduct in trying to subpoena the records of the Senate Judiciary Committee and the Senate Finance Committee. It just made absolutely no sense.

We hope that the SEC will reopen its investigation even though the statute of limitations has run on criminal penalties. It has run because of the inaction of the SEC waiting so long to start the investigation, then not taking Mr. MACK's testimony until 5 days after the statute of limitations had expired. Notwithstanding that, there are other remedies, such as disgorgement, which still may be pursued.

The oversight function of Congress, as we all know, is very important. Pursuing an investigation of this sort is highly technical, but we have done so, so far, in a preliminary manner. We believe this matter is of sufficient importance so that Senator GRASSLEY and I have come to the floor jointly today to make a statement.

On behalf of Senator GRASSLEY and myself, I ask unanimous consent that the full text of the interim findings on the investigation of potential abuse of authority of the Securities and Exchange Commission be printed in the RECORD, together with extensive documentation which supports the findings.

Again, we acknowledge the cooperation of Chairman Cox and the SEC, and we ask that further investigation be undertaken there. It is a matter of continuing oversight concern to Senator GRASSLEY and myself and the respective committees where we now serve as ranking members.

Mr. President, I ask Senator GRASSLEY, what did I leave out?

Mr. GRASSLEY. You didn't leave anything out, but we did ask unanimous consent that this be put in.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE SPECTER-GRASSLEY INTERIM FINDINGS ON THE INVESTIGATION INTO POTENTIAL ABUSE OF AUTHORITY AT THE SECURITIES AND EXCHANGE COMMISSION

OVERVIEW

These findings follow the Judiciary Committee's December 5, 2006, hearing that examined allegations that the Securities and Exchange Commission (SEC) abused its authority in handling its now-closed investigation of suspicious trading by the hedge fund Pequot Capital Management ("Pequot" or "PCM"). We submit these preliminary findings based upon the evidence received by both Committees to date because we believe it is important to share with the full Senate.

Between July 2006 and the end of the 109th Congress, the Senate Judiciary and Finance Committees conducted a joint investigation into allegations raised by former SEC employee Gary Aguirre. Mr. Aguirre contends that his efforts to investigate potentially massive insider trading violations by Pequot were thwarted by his superiors when his investigation increasingly focused on current Morgan Stanley Chief Executive Officer John Mack. Mr. Aguirre also alleges that his insistence on taking Mr. Mack's testimony met resistance within the SEC and ultimately led to his firing. In addressing these allegations, we have focused on the internal processes of the SEC. We have not attempted to decide the merits of the underlying Pequot insider trading investigation and, at this juncture, take no position on whether Pequot or Mack violated any securities laws.

To date, Committee investigators have received and reviewed over 9,000 pages of documents and interviewed nineteen (19) key witnesses over the course of twenty-four (24) interviews. The Judiciary Committee also held a series of three (3) public hearings regarding this matter—most recently on December 5—when the Committee heard detailed sworn testimony from current and former SEC employees involved in the Pequot investigation.

Based on our review of this evidence we have serious concerns. As discussed further below, our primary concerns involve: (1) the SEC's mishandling of the Pequot investigation before, during, and after Aguirre's firing; (2) the circumstances under which Aguirre was terminated; and (3) the manner in which the SEC's Inspector General's office handled Aguirre's allegations after he was fired. Viewing these concerns as a whole, we believe a troubling picture emerges. At best the picture shows extraordinarily lax enforcement by the SEC. At worse, the picture is colored with overtones of a possible cover-up. Either way, we believe the SEC must take corrective and preventative action to ensure that future investigations, internal and external, do not follow the same path as the Pequot matter.

FINDINGS

THE SEC'S INVESTIGATION OF PEQUOT WAS PLAGUED WITH PROBLEMS

The SEC Failed To Act on the GE/Heller Trades for Years

The alleged insider trading occurred in July 2001 when Pequot CEO Arthur Samberg began purchasing large quantities of Heller Financial stock while also shorting General Electric ("GE") stock a few weeks before the public announcement that GE would purchase Heller. On January 30, 2002, the NYSE "highlighted" some of these trades for the SEC as a matter that warranted further scrutiny and surveillance. But it appears that the SEC did next to nothing to investigate these trades until after Aguirre joined the Commission over 2 years later on September 7, 2004. In fact, it is clear to us that Aguirre was the driving force behind the investigation of the GE-Heller trades that had otherwise remained dormant at SEC since 2002.

The Circumstances Surrounding the Investigation of John Mack as the Potential Tipper Are Highly Suspect

The evidence shows that Aguirre's immediate supervisors, Branch Chief Robert Hanson and Assistant Director Mark Kreitman, initially were enthusiastic about investigating Pequot and Mr. Mack as the possible supplier of inside information to Pequot. Indeed, after Aguirre developed a plausible theory connecting Mack to the trades, Hanson wrote on June 3, 2005, in an email that "Mack is another bad guy (in my view)" (Attachment 1). And on June 14, 2005 Aguirre's supervisors Hanson and Kreitman authorized him to speak with federal prosecutors concerning the trades. Six days later on June 20, 2005, in response to a more comprehensive analysis of his theory regarding Mack, Hanson wrote: "Okay Gary you've given me the bug. I'm starting to think about the case during my non work hours" (Attachment 2).

What is troubling is how this enthusiasm waned after public reports on June 23, 2005, that Morgan Stanley was considering hiring Mack as its new CEO. Specifically, we are concerned about the circumstances leading to the decision by Aguirre's supervisors to delay taking Mack's testimony. The Judiciary Committee received sworn testimony from Aguirre that he was told in a face-to-face meeting with his immediate supervisor, Hanson, that he could not take Mack's testimony because of his "powerful political contacts." While Hanson denied to the SEC/IG and to the Committees that he ever said that, we question his denial because of conflicting contemporaneous emails. For example, Hanson admitted to a very similar statement when he wrote to Aguirre on August 24, 2005, "Most importantly the political clout I mentioned to you was a reason to keep Paul [Berger] and possibly Linda [Thomsen] in the loop on the testimony" (Attachment 3, emphasis added). He also used the term "juice" when referring to Mack's attorneys (Attachment 4). Another witness testified before the Judiciary Committee that Hanson referred to Mack's "prominence" as a reason for not taking his testimony (Attachment 5).

To be sure, Hanson's supervisor, Mark Kreitman, also referred to John Mack's "prominence." Speaking about former U.S. Attorney Mary Jo White's contact with SEC Enforcement Director Linda Thomsen regarding the Pequot investigation, Kreitman told the Inspector General's Office, "White is very prestigious and it isn't uncommon for someone prominent to have someone intervene on their behalf" (Attachment 6). Kreitman's supervisor, Associate Director Paul Berger, also brought up the issue of prominence, when asked whether he could remember examples of witnesses other than John Mack for whom he required a staff attorney to prepare a memorandum to justify the taking of investigative testimony (Attachment 7).

We also have reason to question Hanson's credibility given certain inconsistent statements that he gave to the Judiciary Committee during its December hearing. Specifically, we find it difficult to reconcile Hanson's submitted written statement to the Committee concluding that it was "highly suspect and illogical" to link Mack as the tipper with his prior writings that "Mack is another bad guy (in my view)" (Attachment 8). Moreover, it bears noting that despite Hanson's statement that Aguirre's theory was "highly suspect and illogical" the SEC ultimately took Mack's testimony on August 1, 2006. Furthermore, we are troubled by Hanson's failure to recall a key investment that Mack entered into with the help of Pequot prior to his alleged passing of inside information to Pequot CEO Samberg regarding the GE-Heller transaction. Hanson's failure to recall this transaction at the hearing raises doubt as to whether Aguirre's theory regarding Mack was ever taken seriously by his supervisors at the SEC.

Moreover, we question the rationale advanced by Aguirre's supervisors in not taking Mack's testimony: to get "their ducks in a row." While reasonable minds may disagree on an appropriate investigative strategy, the SEC's rationale for delaying the taking of Mack's testimony runs contrary to what insider trading experts have told us and contrary to what others within the SEC believed at the time. According to Mr. Hilton Foster, an experienced former SEC investigator with knowledge of the Pequot matter: "as the SEC expert on insider trading, if people had asked me, 'when do you take his testimony,' I would have said take it yesterday." In addition, Joseph Cella, Chief of the SEC's Market Surveillance Division, told Committee investigators, "it seemed to me that it was a reasonable thing to do to bring Mack in and have him testify," and "in my mind there was no down side[.]"

The explanation offered by Aguirre's supervisors that without direct evidence that Mack had knowledge of the GE transaction—what Aguirre's supervisors referred to as proving Mack went "over the wall" (Attachment 3)—the deposition would consist simply of a denial by Mack is not at all convincing. Indeed, although the SEC apparently never found such direct evidence, the SEC did manage to question Mack for over 4 hours when it finally took his testimony on August 1, 2006, after the statute of limitations had expired. And although Aguirre's supervisors advance the rationale that taking Mack's testimony in the summer of 2005 would have been merely premature, this notion is contradicted by the staff attorney who took the lead in the investigation after Aguirre was fired. In particular, shortly before taking Mack's deposition in August 2006, that attorney wrote explicitly in a July 19, 2006, email that the rationale for taking Mack's testimony was not a matter of being "premature" but rather an issue of establishing the necessary "prerequisite" of when Mack had obtained inside information (Attachment 8).

The purpose of taking investigative testimony is not to confront a witness with accusations of wrongdoing, as Aguirre's supervisors seem to believe. Rather it is to gather information that helps to either confirm or rule-out working theories, which by their nature must be speculative at the beginning of the investigation. One SEC witness who wishes to remain anonymous told the Committees' investigators that SEC training personnel teach new attorneys that:

> it was important to immediately "nail down" the stories of any individuals who possibly had been involved in the suspicious trades so that the person could not adjust their story to account for any information we later uncovered. This also served to assist the direction of the investigation because it allowed us to immediately identify whether or not any subsequent evidence supported

the individual's initial statement thereby giving us a strong indication of whether the initial statement appeared to be true and what, if any, additional investigation needed to be conducted (such as the need for more in-depth testimony if we found contradictions).

Although the SEC finally took Mack's testimony in August 2006, we are concerned about the circumstances under which it was done. Mack's testimony was taken five days after the statute of limitations expired, and only a few months after we initiated our inquiry into this matter. We question why the SEC failed to take this obvious step earlier. The evidence suggests that his testimony was taken primarily to deflect public criticism for not having taken it much earlier. It took the SEC over a year to ask John Mack about his communications with Arthur Samberg and Pequot's trading in Heller and GE. By contrast, it took Mary Jo White only two days to do so. On the Sunday after Morgan Stanley's Board of Directors hired her and her firm, Debevoise & Plimpton, to look into Mack's potential exposure in the Pequot investigation, she quickly obtained documents and questioned Mack about specific emails with Arthur Samberg. The SEC should have been at least as curious about Mack's answers as Mary Jo White was.

The Problems With the Pequot Case Are Amplified by the Testimony of Other SEC Employees

Our concerns are further heightened by the testimony of one key SEC employee who raised issues with the manner in which the Pequot investigation was handled. Specifically, the Judiciary Committee received compelling sworn testimony from SEC Market Surveillance Branch Chief Eric Ribelin who sought recusal from the Pequot investigation shortly after Aguirre's termination because, as he alleged at the time, "something smells rotten." Ribelin also explained to the Judiciary Committee that he believed Aguirre's supervisors, especially Associate Director Paul Berger, failed to "support the aggressiveness and tenacity of [Aguirre]" (Attachment 5). This is significant testimony from a witness who felt it was his duty to come forward and testify. As such, we trust that Commissioners at the SEC will take every step to ensure that no retaliation against Ribelin will occur.

THE SEC'S TERMINATION OF AGUIRRE IS HIGHLY SUSPECT

The documents and testimony adduced by the Committees show that Aguirre, a probationary employee while at the SEC, was a smart, hardworking, aggressive attorney who was passionately dedicated to the Pequot investigation. These positive attributes were noted in a June 1, 2005 "Performance Plan and Evaluation" prepared by Kreitman which give Aguirre an "acceptable" rating for numerous work criteria, and then followed by a more detailed "Merit Pay" evaluation written by Hanson on June 29, 2005, which noted Aguirre's "unmatched dedication" to the Pequot investigation and "contributions of high quality." These evaluations were submitted to the SEC's Compensation Committee which later approved Hanson's recommendation (among others) on July 18, 2005.

Despite these favorable reviews, Aguirre's supervisors (Kreitman, Hanson and Berger) wrote a so-called "supplemental evaluation" on August 1 that spoke negatively of Aguirre. Aguirre's supervisors never shared this evaluation with Aguirre and indeed admitted that they are "fairly rare". In fact, during the December 5, 2006 hearing, current SEC supervisors could not recall other instances where a supplemental evaluation was prepared for an employee. We are skeptical of the supervisors' explanations regarding the creation of this document. According to Hanson and Kreitman, their initial positive evaluations covered only the period ending April 30, 2005, thus suggesting that the evaluation was accurate with respect to performance up to that date. But these same supervisors also testified that the initial evaluations were perhaps too generous, thus suggesting that there were performance issues that should have been addressed in the initial evaluation and Merit Pay recommendation.

Rather than taking them at face value, we have attempted to assess the credibility of the negative statements Aguirre's supervisors made about him in his re-evaluation, in his notice of termination, in interviews with the SEC/IG, in interviews with Committee staff, and in their hearing testimony. In doing so, we have noted the considerable lack of contemporaneous documents corroborating the concerns they raised.

For example, the IG's closing memo cites his supervisors' concerns about subpoenas that Aguirre issued allegedly in violation of law. While his supervisors now claim that this was a significant error, which seriously undermined their confidence in Aguirre, they have produced no documents to the Committees suggesting that they viewed it that way at the time. Another example is Hanson's allegation that Aguirre behaved "unprofessionally" while taking the testimony of Arthur Samberg. This allegation is based on second-hand knowledge, as Hanson did not actually attend the testimony. Moreover, the SEC has not produced records to the Committees suggesting that Hanson or any of his other supervisors were concerned at the time about the way Aguirre took the Samberg testimony. In fact, Hilton Foster told the Committees that he planned to use a portion of the transcript as a model for how to take testimony in his training of new SEC attorneys. A third former SEC employee told staff that the testimony of current SEC supervisors at the December 5, 2006 hearing concerning the reasons for terminating Aguirre were not consistent with that employee's experience with Aguirre.

Aside from these inconsistencies, the greater concern is with the timing of Aguirre's re-evaluation. Aguirre's supervisors prepared the re-evaluation on August 1 after the Compensation Committee (on which Berger sat) had already approved the merit pay increase for Aguirre and most significantly, 5 days after Aguirre sent Berger an email saying that he believed the Pequot investigation of Mack was being halted because of Mack's political power.

Finally, there are questions about Paul Berger's outside employment with the law firm of Debevoise & Plimpton—the private firm that represented John Mack's prospective employer during the time that Berger allegedly vetoed efforts to take Mack's testimony. Although Berger testified recently before the Judiciary Committee that he "first approached Debevoise in January of 2006" (at which time he recused himself from the Pequot investigation and all other matters in which Debevoise had entered an appearance), Committee investigators identified a September 8, 2005, email suggesting that a contact was made on behalf of Berger through an intermediary who was also seeking employment with the same firm at the time. While we have found no proof of actual quid pro quo for Berger's employment in exchange for the favorable treatment of Mack, the SEC should take steps to avoid the appearance of impropriety of the sort that this email seems to suggest. This is especially true given that this contact on Berger's behalf occurred just days after Aguirre was fired and months before Berger recused himself from the Pequot matter.

THE FOLLOW-UP SEC INSPECTOR GENERAL'S INVESTIGATION WAS SERIOUSLY FLAWED

We are deeply troubled by what appears to us to be a cursory investigation of Aguirre's allegations by the SEC's Office of Inspector General, headed by Walter Stachnik. Subsequent to SEC Chairman Cox's September 7, 2005, referral of Aguirre's allegations to the IG, Stachnik failed to interview Aguirre or any of the other SEC employees mentioned in Aguirre's letter to Chairman Cox. The testimony of one such witness, Eric Ribelin, saw the light of day only through our investigation. Moreover, our concerns were further enhanced when the IG's investigators repeatedly told our staff that in investigating Aguirre's allegations of improper motivation for his termination, "we don't second guess management decisions . . . we don't second guess why employees are terminated." (Attachment 9). Such statements are fundamentally incompatible with the mission and purpose of the Office of Inspector General. This may explain why the IG spoke only to Aguirre's supervisors, accepted everything they said at face value, and reviewed only documents identified by those supervisors. However, it is certainly not a recipe for an independent and thorough investigation.

Furthermore, the IG initially attempted to take punitive action against Aguirre by seeking enforcement of a subpoena for documents in his possession—including confidential communications with Congress. We are pleased that the scope of the subpoena was subsequently narrowed to exclude communications with Congress. Nevertheless, Stachnik's continued insistence that his first investigation was "professional," and his refusal to answer the Committee's questions about the subpoena at the instruction of the Justice Department are similarly troubling. The SEC's IG is supposed to provide employees an alternate, objective, open-minded avenue for reporting abuse of authority or other misconduct. At no time, before or after his termination, was Aguirre able to obtain at the SEC an objective and thorough consideration of his concerns. It is unfortunate that he had to reach out to our Committees to obtain such a review.

CONCLUSION

The handling of the Pequot investigation, the basis for and the timing of Aguirre's termination, and the woefully inadequate IG investigation of serious allegations of abuse of authority, present a very troubling picture. Based upon the evidence we have reviewed to date, the SEC's handling of the Pequot investigation shows either inexplicably lax enforcement or possibly a willful cover-up. Either way, the SEC must review this matter and take appropriate corrective measures. Anything less will undermine public confidence in our capital markets. We owe it to the public to ensure that securities enforcement is rigorous and unbiased.

As such, we hope the SEC will consider reopening its investigation into the Pequot matter given our findings. While the statute of limitations has run on criminal penalties and civil penalties related to the underlying trades, we understand that other remedies, such as disgorgement, may still be pursued. There also may be reasonable cause for the SEC or the Department of Justice to investigate whether any testimony given in the underlying Pequot investigation was false. We urge the SEC to take Aguirre's allegations seriously and seek to improve the management and operations of the Commission based on lessons learned from this controversy. We anticipate transmitting more detailed findings, conclusions and recommendations to the Senate during the 110th Congress after we conclude our assessment of the evidence adduced to date.

ATTACHMENT 1

From: Hanson, Robert.
Sent: Friday, June 03, 2005 10:00 a.m.
To: Aguirre, Gary J.
Subject: Re: Possible tipper new Pequot Chairman?

Mack is another bad guy (in my view).

Sent from my BlackBerry Wireless Handheld

From: Aguirre, Gary J.
To: Ribelin, Eric; Foster, Hilton; Eichner, Jim; Conroy, Thomas; Glascoe, Stephen; Miller, Nancy B.
CC: Hanson, Robert; Kreitman, Mark J.
Sent: Fri Jun 03 08:36:07 2005
Subject: Possible tipper new Pequot Chairman?

John Mack, who came up on radar screen as possible GE-Heller tipper, has just become chairman of Pequot Capital, according to WSJ article below. Mack moved from Morgan Stanley, adviser in Heller acquisition, to CSFB, also adviser in Heller, in late July 2001, the month of acquisition. The are hundreds of Pequot e-mails referring to Mack, including a dozen in July 2001. See e-mail below between Samberg and his son referring to Mack ("It's nice to have friends in high places . . .:)" Is there something to this perverse logic: Mack is the only person in the world who would have as much to loose as Samberg if we could prove that he provided material-nonpublic info to Samberg. Who safer for Samberg to head Pequot and keep its secrets? Please note the happy face which has already come up twice in relating to possible flow of insider info. Ironically, Mack's article quoted below is C–1 of WSJ, just as was when Samberg's exchanged e-mails below.

[From the Wall Street Journal, June 3, 2005]

JOHN MACK TO JOIN PEQUOT HEDGE FUND IN CHAIRMAN'S ROLE

(By Gregory Zuckerman and Ann Davis)

In the latest example of a prominent financial figure entering the hedge-fund world, former Wall Street heavy-hitter John Mack is joining Pequot Capital Management Inc. as chairman.

Mr. Mack, 60 years old, was co-chief executive of Credit Suisse Group and CEO of that bank's Credit Suisse First Boston until last year, and previously was president of Wall Street firm Morgan Stanley. He will work with Pequot's founder, Art Samberg, to help lead the firm into new markets, recruit money managers and help guide the Westport, Conn., firm. Hedge funds are lightly regulated investing pools, traditionally for the wealthy and institutions.

[John Mack] Mr. Samberg, 64, an investor with a well-regarded record, will remain chief executive of Pequot, which manages about $6.5 billion, effectively running the firm day-to-day. (Meanwhile, a British financial regulator, Gay Huey Evans is joining a hedge fund run by Citigroup.)

Speculation about where Mr. Mack would land after he was replaced last year at CSFB has been something of a parlor game on Wall Street. Various companies put out feelers, including Goldman Sachs Group Inc., and he was approached as a possible candidate to run mortgage giant Fannie Mae, among other positions, according to people close to the matter. Some expected Mr. Mack, who is active in politics, to seek an office or ambassadorship.

But like many Wall Street traders and analysts lately, Mr. Mack is heading for the hedge-fund world, where assets are growing and the rewards can be lucrative. Hedge funds generally charge a management fee and a percentage of the firm's investment gains, meaning that stellar results bring big paydays. In addition to a salary, Mr. Mack will receive equity in Pequot, according to the firm.

Mr. Mack wouldn't address details of other possible job offers but said in an interview that he was attracted to Pequot because he and Mr. Samberg have been friends for more than a decade, starting when Mr. Mack gave some money to Mr. Samberg to invest. Mr. Mack also said he was eager to help the firm push into new investment areas.

[Arthur Samberg] "Many people who have called me for a job want me to fix something, but I'd like to focus my job on building," Mr. Mack said.

For Pequot, the hiring of Mr. Mack is part of a change in recent years from traditional hedge-fund strategies, such as buying and selling U.S. and European shares. Returns for some hedge-funds have fallen, amid concern by some that too many savvy "hedge funds were seeking the same opportunities in the market.

Hedge funds lost less than 1 percent this year through April—results that topped the returns of the market though they pale in comparison to the double-digit gains hedge funds scored in recent years. Pequot's various hedge funds are up about 3 percent in 2005, according to investors. But Mr. Samberg predicts that the growth of the hedge-fund business will lead to a shakeout that forces as many as 30 percent of existing hedge funds to throw in the towel, even as institutions continue to up their investments in so-called alternative investments. At the same time, the market is neither cheap nor especially expensive, presenting few obvious opportunities. That is why Pequot has been looking elsewhere lately, starting hedge funds focused on emerging markets, parts of the debt world and other strategies.

As reported in The Wall Street Journal, Pequot recently formed a joint venture with Singapore-based Pangaea Capital Management to invest in distressed assets in Asia, including real estate.

Mr. Mack's move effectively blunts speculation that he might join a new investment-banking boutique with some recently departed top Morgan Stanley executives. A group of former Morgan alumni waged a loud campaign for the ouster of Morgan CEO Philip Purcell this spring, after a management shakeup and several executive departures. Mr. Mack, who clashed with Mr. Purcell before he left the firm in 2001, has kept a studied distance from the dissidents.

Mr. Mack's move effectively blunts speculation that he might join a new investment-banking boutique with some recently departed top Morgan Stanley executives. A group of former Morgan alumni waged a loud campaign for the ouster of Morgan CEO Philip Purcell this spring, after a management shakeup and several executive departures. Mr. Mack, who clashed with Mr. Purcell before he left the firm in 2001, has kept a studied distance from the dissidents.

Mr. Mack will be asked to tap into his wide-ranging contacts to find new investment ideas around the globe, as well as coach Pequot's investment team. Mr. Mack is expected to help smooth the way for Pequot fund managers by introducing them to company executives.

"I see an opportunity to build something really great here and John will be a big part of that," Mr. Samberg said.

Mr. Samberg's previous alliance with a high-powered partner ended when Pequot co-founder Dan Benton quit the firm in 2001, taking about $7 billion of investor money with him to his new firm, Andor Capital Management LLC. Mr. Samberg says he is confident his new partnership with Mr. Mack will work, in part because of his close relationship with Mr. Mack. In recent months, Mr. Mack has been using spare space in Pequot's New York office, weighing his options.

The move to bring in an established Wall Street executive like Mr. Mack could signal that Pequot, like some other hedge-fund firms lately, might be interested at some point in selling itself, or part of the firm, to a mainstream Wall Street firm or even going public through. a stock offering, although Mr. Samberg says he has no plans to do so. J.P. Morgan Chase & Co. recently purchased a majority stake in big hedge-fund firm New York-based Highbridge Capital Management., and Lehman Brothers Holdings Inc. has purchased 20 percent of Ospraie Management LP, a New York hedge fund.

Merrill Lynch & Co. agreed to provide $300 million in capital for a venture with Pequot to place money with 15 to 30 new fund managers. Pequot is expected to offer the managers research and administrative support—part of a trend of hedge funds providing services also offered by investment banks., blurring the lines between the two.

To: 'Joe@' [Joe@
From: Samberg, Art
Re: John Mack.
Date: 07/12/2001.

Spoke to him last night and commented on how up he sounded. He said he was close to something, but I didn't know it would be today. Sounds like the perfect opportunity for him.

From: Joe Samberg. <joe@
To: 'jmault <jmault
CC: 'art@ <art@
Sent: Thu Jul 12 13:00:59 2001
Subject: John Mack

If you read the front page of the C Section of the WSJ, you will see that our friend and latest investor, John Mack, is to become the new CEO of CFSB, the no. 2 underwriter in the U.S.! It's nice to have friends in high places . . .

JOSEPH D. SAMBERG
PRESIDENT, JDS CAPITAL MANAGEMENT, INC.

ATTACHMENT 2

From: Hanson, Robert
Sent: Monday, June 20, 2005 8:25 PM
To: Aguirre, Gary J.
Subject: Re: Pequot: Connecting the dots with the CSFB-Mack-Samberg-theory.

Okay Gary you've given me the bug. I'm starting to think about the case during my non work hours.

ATTACHMENT 3

From: Hanson, Robert
Sent: Wednesday, August 24, 2005

To: Kreitman, Mark J.
Subject: FW: Mack testimony
More of the same.

From: Hanson, Robert
Sent: Wednesday, August 24, 2005
To: Aguirre, Gary J.
Subject: RE: Mack Testimony
Gary,

I read your "over the wall" e-mail when you sent it by cc to me. I assumed that Mark used that phrase to mean whether Mack had the information, not in the technical sense of the phrase (I doubt the technical sense would have any relevance in this case). I still recommend that we try and figure out whether Mack had the information before approaching him.

Most importantly the political clout I mentioned to you was a reason to keep Paul and possibly Linda in the loop on the testimony. As far as I know politics are never involved in determining whether to take someone's testimony. I've not seen it done at this agency. It does make sense though to have all your ducks in a row before approaching a significant witness like Mack. Hence, the reason to try and figure out a number of things about him before scheduling him up, not least of which is whether he knew about the deal.

Less importantly, perhaps I was wrong but I thought the word assessment came from your e-mail. If not, my bad. As for urgency, I just wanted to understand when Paul asked for the information, since I heard it from him but never from you (not the normal way to keep informed). Also, can I get a copy of the lengthly e-mails or memos you sent Paul in mid-July? It's important for me to be kept in the loop on things that have a bearing on the case.

Thanks.

From: Aguirre, Gary J.
Sent: Wednesday, August 24, 2005
To: Hanson, Robert
Subject: RE: Mack testimony
Bob:

I have three comments regarding "the over the wall" requirement. First, before and after the Mack decision, you have told several times that the problem in taking Mack's exam is his political clout, e.g., all the people that Mary Jo White can contact with a phone call. Second, proof that a witness was "over-the-wall" had not been a prerequisite for any other examination in this matter. Third, see my memo to Mark on the same subject below.

You sate, "My suggestion a while ago was to write a memo so that we could vet the issue with Paul." I sent Paul a comprehensive memo in mid-July. When you told me in early August that he was still waiting for a memo, I drafted another memo and sent it to you on August 4.

Finally, you state "on that note, do you remember when Paul asked for the assessment from you? I got the sense from him that it had been a while ago. Is the assessment the third e-mail below?" I have clear recollections of my discussions with Paul, but I do not recall his request for an "assessment," other than a statement of my views why we should proceed with the Mack testimony. As stated above, I have sent two lengthy memorandums on that issue to him.

In my office, in mid-July, I told Paul that I would be sending him a second memo discussing the factors which, in addition to the Mack decision, led to the tender of my resignation. I intend to complete and send that memo to Paul as soon as I return, since I do not have access now to the documents I need. If there is some urgency that Paul receive it, which I did not understand before, I will endeavor to do it from my recollection of the events and dates, but that will be tough because it will cover approximately seven months.

From: Kreitman, Mark J.
Sent: Wednesday, August 17, 2005
To: Aguirre, Gary J.
Cc: Hanson, Robert
Subject: RE: Pequot pending matters.

Please confer with Susan Yashar, Elizabeth Jacobs, or Scott Birdwell at OIA re Swiss privacy law issues.

From: Aguirre, Gary J.
Sent: Wednesday, August 17, 2005
To: Kreitman, Mark J.
Cc: Hanson, Robert
Subject: RE: Pequot pending matters.

As I understand the term "over the wall," I do not think it applies here in its usual sense: someone within a securities firm going over the "wall" restricting access to non-public, material information. The tip to Samberg, assuming it took place, must have occurred before Mack started with CSFB. There will be no evidence in the classic sense that he went over the wall, as there was no wall at that time.

The question is whether GE-Heller acquisition was disclosed to Mack during the wooing period with CSFB. This will not be easy for two reasons. First, 90 percent was handled by Credit Suisse in Geneva which, as a Credit Suisse, is beyond the reach of our subpoena I have been working through CSFB to try to get them to produce CS's documents, and they sound cooperative. Second, all subpoena documents are passing through Lynch who is going back to Morgan Stanley to join Mack. I am hearing a lot about privacy rights under Swiss law.

Patalino (CSFB contact) says Mack had two limited contacts with CSFB shortly before he started work. He met with CSFB's CFO and an attorney two weeks before he started (around June 29) and again just before he started. Both dates are very significant in terms of Samberg's trading: June 29 is when Mack spoke by phone with Samberg, which is just before Samberg began trading in Heller. July 8–9 is the time frame when Samberg increased his buy on Heller from 15,000 to 400,000 shares, suggesting that his information was refreshed. This also correlates with the date that GE increased its offer for Heller.

Bottom line: evidence suggests that Samberg had his info refreshed on exact days that Mack met with CFO of CSFB. Item 8 is an effort to obtain information relevant to the possibility that info went to Mack during meetings with CSFB and CS. I am not optimistic, given the Lynch filter.

From: Kreitman, Mark J.
Sent: Wednesday, August 17, 2005
To: Aguirre, Gary J.; Jama, Liban A.; Eichner, Jim
Cc: Hanson, Robert
Subject: RE: Pequot pending matters.

Where are we on determining the date Mack was brought over the wall re GE-Heller deal—the necessary prerequisite to subpeona to Mack?

From: Hanson, Robert
Sent: Wednesday, August 24, 2005
To: Aguirre, Gary J.
Subject: RE: Mack testimony

Mark's idea makes complete sense to me. Normally we start questioning those who had the insider information.

It's been my experience that Mark views issues very objectively and closely and Paul does also. I attempt to as well. I believe Mark has thought long and hard about the best way to proceed on GE/Heller and continues to think about it. You may disagree with his determinations (and mine as well) and that, of course, is your right. My suggestion a while ago was to write a memo so that we could vet the issue with Paul. From your e-mail directly below it seems that Paul had the same idea.

On that note, do you remember when Paul asked for the assessment from you? I got the sense from him that it had been a while ago. Is the assessment the third e-mail below?

From: Aguirre, Gary J.
Sent: Wednesday, August 24, 2005
To: Hanson, Robert
Subject: RE: Mack testimony
Bob:

While you were on vacation, Mark informed me that I would have to establish that Mack "went over the wall" before I could take Mack's testimony and ask him whether he went over the wall. This makes no sense to me.

Further, Paul had asked me to send him my assessment why it was necessary to take Mack's testimony and I delayed it in hopes that the assessment would be reviewed objectively. Since Mark has already made up his mind, I see no point in further delaying the analysis that Paul requested.

GARY

From: Hanson, Robert
Sent: Tuesday, August 23, 2005
To: Jama, Liban A.; Aguirre, Gary J.
Subject: FW: Mack testimony

Please take a look at this—if possible before we meet with Mark.

From: Aguirre, Gary J.
Sent: Thursday, August 04, 2005
To: Hanson, Robert
Subject: Mack testimony

Bob: You have asked that I do a memo why I believe the Mack testimony should be taken as the next logical step in the Pequot investigation. I believe there are three reasons. First, a profile of the tipper was developed in this case that has multiple elements. The possibility that Mack acted as the tipper satisfies almost very element and is inconsistent with none. Second, whether or not Mack is the tipper, his testimony will advance the investigation. If he is the tipper, his testimony will likely suggest some avenues to be pursued and other to be dropped. It will pin him down to a story which we can begin to disprove. If he is not the tipper, his testimony is the likely first step to eliminating him from consideration. This would allow our limited resources to be focused on starting a new screening process to find another possible tipper.

MACK MEETS EACH ELEMENT OF THE PROFILE.

The timing of the trading with Mack's access to possible information

The first element is whether Mack had possible access to information that GE would make a tender offer for HF. He had access from two sources: he had been the CEO of Morgan Stanley, who advised GE, until late March. He also took over as CSFB's CEO on July 12, 2001. Samberg's trading pattern, which I can discuss in more detail if you want, suggests that he obtained information just before Monday, July 2, around July 9, and around July 25. Mack coincidentally met with CSFB's CFO on June 28 or June 29, again a few days before he began work on

July 12, and was CEO at the third key time. Hence, Mack had relevant contacts with CSFB at each time. Also, CSFB was "wooing" Mack away from Merrill Lynch and other investment banking firms during the period from April through July 2001. It would be consistent with this effort for someone at CSFB or CS to mention, as part of this wooing process, what inventory Mack would be taking over. Incidentally, we know how Samberg saw Mack's new role as CEO of CSFB. He and his son discussed the fact that CSFB was the second largest investment banker at that time and "it was good to have friends in high places." Of course, there is also the possibility that Mack, through his contacts at Morgan Stanley, knew about the pending GE tender offer.

Questioning Mack about this transaction could take us in several directions, each of which suggests a different focus for the investigation. First, Mack could deny that he ever knew that GE would make the offer until the public announcement. The investigation would then focus on whether this was true. Second, Mack might say he learned on June 28 or June 29. The focus would then be placed on his contacts with Samberg at that time and whether he learned that GE had bumped its offer around July 9. Finally, he might give convincing testimony that he learned after July 12 for the first time and cause us to reevaluate whether his should even be considered.

Also, Samberg's trading suggests that he did not get the tip until shortly before he started trading. He would not be the largest purchaser of HF during July if he had the tip before. It also makes sense that his tipper, likely someone he trusted, got the tip just before Samberg started trading. Had the tipper had it earlier, why would he have not communicated it earlier? Further, GE made its first offer in early June. It would make sense for Samberg to start buying then if he knew about the trade. The Mack-CSFB meeting on June 28 or June 29 and the Samberg huge trading the next week fits.

Further, we are operating in the dark regarding who Mack spoke with and when he spoke with them about stepping in as CSFB's CEO. CSFB's counsel tells me he spoke with CSFB's CFO and the Credit Suisse chairman of the board. Were these the only people? Mack's testimony could point us towards the key people at CSFB. Conversely, he might tell use that he was seeing some of the people on the acquisition team as Morgan Stanley at this time. That would take the investigation in a completely different direction.

Mack had the motive to tip Samberg

Mack had multiple reasons for tipping Samberg about the GE tender offer for Heller.

(a) Mack got into Closed Pequot funds and special deals that Mack thought would have big returns to him during and after 2001.—Mack was getting into private deals that Pequot was putting together for its own principals, including projects with the following code names: $5 million into "Freshstart" (Lucent spin-off bought cheap), $2 million info Baby C, and an unknown amount into Distressed Guys, which later became Pequot Special Opportunities Fund. The most interesting situation involved Fresh Start. Mack was pressing to get into this for sometime. On June 20, a Samberg e-mail said that he was with Mack and that Mack was "busting his chops" Samberg's chops because he had not got the documents on this investment. Neither the Pequot principals nor Samberg's son seemed happy about Mack getting into this Fresh Start. During the call on June 29, when the suspected tip occurred, Samberg arranged for Mack to get into Fresh Start. Mack also was getting into Pequot funds when they appear to be closed. At that time, Samberg's funds were doubling in value in less than 3 years and the Pequot Scout fund was doing even better. In general, the funds had a $5 million lower limit. E-mails show Mack putting at least $13 million into these funds. One of the spread sheets I provided to Mark on June 28 shows Mack invested in 15 different Pequot funds (but it does not show when). As a rough estimate, based on performance over 1999 and 2000, Mack could reasonable expect that his new investments in Pequot during 2001 alone would have returned something in the range of $5 million per year to Mack.

(b) Board seats—As shown on one of the spreadsheets, Samberg was promoting Mack for board seats on both Baby C and Freshstart.

(c) Office Space—Mack was using Pequot office space intermittently during the period from March 2001 through July, 2001, when he began work for CSFB.

(d) Stop tips—Samberg was giving Mack stock tips on public companies that Mack directly invested in. "That's where were putting our money."

(e) Friendship—Mack and Samberg were close friends. Two months ago, Mack took over as CEO as Pequot. That Samberg would choose Mack in the middle of an investigation that could land Mack in jail tells much about the level of trust Samberg had in Mack. I discussed how the friendship played as a motive in my June 27 memo.

(f) Mack's crossing the line for Pequot. While Mack was at CSFB, he was acting as Pequot's agent to introduce one of the companies Pequot co-owned with Lucent, to an investment banker in China. Mack's letter, written on behalf of Pequot reads, "I have not given this first to CSFB (where he was then CEO) or to Morgan Stanley because I think your contacts in China are the best."

Samberg had a relationship of trust deep friendship with Mack

We do not have a complete picture of Mack's financial assets, but his holdings in his Pequot funds in 2001 exceeded $400 million. He holds an engineering degree from MIT, a Masters of Science from Stanford and an MBA from Columbia. He started with $3.5 million and built the largest hedge fund in the world as of 2001, when the GE–HF trading took place. He has generally been very careful about his comments in his e-mails. He used AOL instant messaging, which leaves no trace in any computer, to communicate with key people. In short, he's a smart guy who took few changes. It does not fit the pattern for him to be taking big chances where he got his tip. It makes sense that he got it from someone he trusted and who also trusted him. That was Mack. Mack's e-mails to and from Samberg have a different ring about them. In one e-mail, Samberg's secretary tells Samberg Mack had called and that, "he loves you." In sum, there was a deep trust and friendship between them. It is exactly the kind of relationship that Samberg would feel comfortable calling on for a tip as big as HF and GE.

Samberg's need for a big favor from an old friend

In July 2001, Samberg's company was splitting a part. Benton was a younger and a rising star. Benton's performance was dwarfing Samberg's, Samberg was recovering from heart surgery. Benton was leaving with at least half the company. Samberg was looking at even bigger staff losses to Benton. He testified that he was concerned at this time more of his executive committee "might walk." A big hit on GE–HF would illustrate that his fast ball had not slowed. Regarding GE–HF, Mack was just the guy to do his old friend a big favor, one that would also benefit him.

Regarding Samberg's situation during this time frame, he testified at the first session:

> The company was about to split, it was about to split. In September '00, I had an aortic medical situation and was near death. I was on heavy medication, and I was trying to reestablish the franchise value of Pequot and the core funds. I was actively looking for help, and I did things in a manner that was expedient at the time given my expertise in this area.

In a similar vein, he testified at the second session:

> My firm was going to split in three months. These people were my other managing director partners. *Times were fragile.* I needed their approval to do whatever I wanted to do *or they might walk* (emphasis added).

THERE DO NOT APPEAR TO BE OTHER LEADS IN THE SAMBERG E-MAILS

The evidence does not merely point to Mack. It points to no one else. I have been through the Samberg e-mails, his calendar, his credit card receipts and his phone slips: Hilton, Eric, Nancy, have been through the e-mails. No one has shown up as a possible candidate. Further, Fried Frank has stated that Samberg made the decisions alone. No one was listed with him on the Fried Frank lists of those participating in investment decisions. If we don't take a look at Mack, we start all over again looking for someone that fits the profile. Then the question would remain: If we find him or her, will there be a similar reason for not proceeding with the examination? Very possibly yes, given Samberg's circles.

GARY.

ATTACHMENT 4

From: Hanson, Robert
Sent: Thursday, August 04, 2005 10:16 AM
To: Aguirre, Gary J.
Subject: RE: Ferdinand Pecora

GARY: We seem to be miscommunciating and I'm not sure why. We both have the same objectives. I learned through the grapevine, rather than directly, that you were not leaving but staying and wanted to know what your plans are. I still am not sure because we covered different issues last night and never got to the heart of the question. I inquired because I need to figure out how to staff the case and the like. Your status is obviously very important to figuring out what to do and how to staff the case.

I think we should prepare a memo discussing why it is appropriate to take Mack's testimony at this point. I said I would do it at one point and I thought you said you would do it shortly thereafter. We've discussed this several times thereafter and Paul mentioned recently that he was still looking for a memo. We may have different recollections, but at bottom I still believe one should be prepared. I'm happy to do the memo, though it will have to wait now until after my vacation. .

I believe that Mark feels it is premature to take Mack's testimony. I don't disagree. I thought and think it makes sense to write a memo to make sure everyone has a chance to understand the facts we have and whether it makes sense to take the testimony at this juncture. Paul had wanted to talk about taking the testimony at one point. I think the memo should precede such discussion. As a general matter I try to alert folks above me about signficant developments in investigations that may trigger calls and the like so that they are not caught flat footed. I also think that Paul and possibly Linda would want to know if and when we are planning to take Mack's testimony so that they can anticipate the response, which may include press calls, that will likely follow. Mack's counsel will have "juice" as I described last night—meaning that they may reach out to Paul and Linda (and possibly others). Hope this clarifies things somewhat.

Thanks,

BOB.

PS: I do not believe in micromangement or feel it is necessary.

From: Aguirre, Gary J.
Sent: Thursday, August 04, 2005 9:48 AM
To: Hanson, Robert
Subject: RE: Ferdinand Pecora

BOB: I do not believe you have accurately characterized our discussion last night nor do I have any recollection of you request for an e-mail a month ago.

I came to your office last night to discuss Pequot because, as I told you, I realized we would not be seeing each other for the next month. Before we got into that discussion, you told me that you had heard I was staying with the Commission and asked that I tell you about my plans.

I then told you that the "micromanagement" of my work had nothing to do with the reason I was leaving the Commission. I did not "grumble" about micromanagement. To the contrary, I told you that I was aware when I accepted the staff attorney position that micromanagement came with the job and that I had fully accepted this as part of the way things are done here, and I understand why you and others believe that is necessary.

I then told you there were two reasons that have collectively triggered my decision to leave. I told you that Mark was not listening to the rationales for the steps I had proposed in the Pequot investigation, that this represented a major shift that occurred overnight in our relationship, that we had an excellent relationship before, that I believe other people at the Commission were involved in Mark's sudden shift, and that the shift was ultimately traceable to the fact that I had filed an EEO claim that had not been dismissed after I accepted employment. I also told you some of the reasons I believed this, i.e., what I had been told by reliable sources how my complaint was viewed by higher levels within the Division, e.g., including a statement that "I would get mountains . . . hills out of my way if I dismissed the case." I told you I had decided to handle this problem in a different way than resigning and have in fact done so.

Second, I told you that the decision not to take Mack's testimony because of his powerful political connections was the event that triggered my decision, when added to the first problem above. We then discussed at some length what standard had to be met to take Mack's testimony. You told me that Mack was "an industry captain," that he had powerful contacts, that Mary Jo White, Gary Lynch, and others would be representing him, that Mary Jo White could contact a number of powerful individuals, any of whom could call Linda about the examination. I told you I did not believe we should set a higher standard for a political captain than anyone else.

Turning to the statement that you had requested a memo a month ago, I do not recall any such request. I will be specific about what I do recall. Late in the week of June 20, you told me you were going to prepare memo to Paul Berger regarding Pequot. That followed a series of e-mails between us that same week. You also mentioned, as you did last night, that Mack's testimony would be difficult because Mack had powerful political connections. For that reason, the political hurdle, I spent a big chunk of my weekend preparing two lengthy memos that described in detail the facts relating to Samberg's trading in HF and GE, which suggested elements of the tipper's profile, and a second memo describing all possible avenues for establishing the identity of the tipper, proposing that Mack was the most likely candidate, and suggesting that we focus on him to eliminate him or establish it was in fact him. Those e-mails were prepared for you and Mark and assumed some knowledge of the investigation. I also thought they might assist you in preparing your memo to Paul. I had no expectation they would be sent to Paul. I also had copies sent to Mark and, at his request, two spreadsheets summarizing e-mails relating to Mack's motivations and list of the funds he had invested in. I do not recall a request by you or anyone else for any other memo. I had hoped that these two memos, with citations and quotes to the evidence, would at least prompt a discussion. You and Mark discussed the memos and then Mark called me with a question that demonstrated that my memos had either been rejected or bypassed. In mid-July, I spoke with Paul about my continuing concern about Pequot. Mark asked that I provide him with a. memo of the factors that might have motivated Mack to tip Samberg on HF. Since this subject was addressed in the two memos and two spreadsheets that I delivered to Mark on June 27 and June 28, he obviously wanted something more. I had just begun to take "Official Time" and thought this request was not urgent. About a week later, on July 25, I received an e-mail from Mark that responded to my e-mail of June 28, four weeks earlier. It raised new questions about Mack. I responded in detail to Mark's e-mails issue by issue last Friday.

I don't know of any request from you or Mark for any memos relating to Pequot over the past six weeks.

GARY.

From: Hanson, Robert
Sent: Thursday, August 04, 2005 7:38 AM .
To: Aguirre, Gary J.
Subject: RE: Ferdinand Pecora

GARY: The constant back and forth on these issues consumes a lot of time. I suggested that you write a concise memo on the issue of taking Mack's testimony more than a month ago. That way people can see your proposal, meet on it and comment on it It's a natural thing that Paul and perhaps Linda would want to know about. At this point, I'm still waiting for the memo (as is Paul I believe), though I understand from talking with you last night that you have given Mark and Paul some materials that I haven't seen. People here are smart, hard working and want to do the right thing. I'm making suggestions to you that you either ignore or don't like and grumble about (the mircomanagement comment last night)—but my experiences here shows that they work. I hope you give that some consideration.

GARY J. AGUIRRE,
Senior Counsel, Division of Enforcement
Securities and Exchange Commission

From: Hanson, Robert
Sent: Thursday, August 04, 2005 7:38 AM
To: Aguirre, Gary J.
Subject: RE: Ferdinand Pecora

GARY: The constant back and forth on these issues consumes a lot of time. I suggested that you write a concise memo on the issue of taking Mack's testimony more than a month ago. That way people can see your proposal, meet on it and comment on it. It's a natural thing that Paul and perhaps Linda would want to know about. At this point, I'm still waiting for the memo (as is Paul I believe, though I understand from talking with you last night that you have given Mark and Paul some materials that I haven't seen. People here are smart, hard working and want to do the right thing. I'm making suggestions to you that you either ignore or don't like and grumble about (the mircomanagement comment last night)—but my experiences here shows that they work. I hope you give that some consideration.

From: Aguirre, Gary J.
Sent: Thursday, August 04, 2005 7:25 AM
To: Hanson, Robert
Subject: Ferdinand Pecora

BOB: I mentioned last night that Ferdinand Pecora was chief counsel for the Senate Committee that drafted the 1933 and 1934 Acts, including the key operative language of Section 10(b). Those hearings eventually were named after him, the Pecora Hearings. Pecora warned in his opening words in Wall Street under Oath:

"Under the surface of the governmental regulation of the securities market, the same forces that produced the riotous speculative excesses of the 'wild bull market' of 1929 still give evidences of their existence and influence. Though repressed for the present, it cannot be doubted that, given a suitable opportunity, they would spring back into pernicious activity. Frequently we are told that this regulation has been throttling the country's prosperity. Bitterly hostile was Wall Street to the enactment of the regulatory legislation. It now looks forward to the day when it shall, as it hopes, reassume the reigns of its former power . . ."

When the SEC declines to question "industry captains," when an investigation suggests it is the next logical step, we are granting them a pass to play the trading game by their own rules. We do the same when we set artificially high barriers to question them that do not exist for others, e.g., don't question them about going over the wall until we proved they have already made the trip.

I don't think Pecora was suggesting that regulatory scrutiny be delayed until we have another market collapse. I do not think he would have delayed a heartbeat before taking John Mack's testimony on the record in this matter. Mack had multiple motives, Samberg's trust, contact with Samberg at the key moment, and two possible sources for the tip. He should be asked the obvious questions.

GARY.

ATTACHMENT 5

of 2005 that Paul Berger, who had a reputation for being an aggressive and smart attorney, did not seem as though he was aggressive in supporting the attempts of Mr. Aguirre to get subpoenaed documents on time and to get e-mail production so that we can conduct an investigation. That is one example of what I was referring to when I said "something smells rotten."

That went through a very long period of time of the investigation where it was my sense that there was not the support for the aggressiveness and the tenacity of the investigator.

There are other examples I can give you.

Chairman Specter. Would you please do that?

Mr. Ribelin. I can do that. As I said, for a very long period of time, we had a hard time getting e-mail production, and I can tell you that if you subpoena a document or subpoena e-mails and you don't get them, you are not going to be able to do the investigation. And so we continued to push.

There was a period of time when a very significant, large portion of e-mails were put out of our ability to get a hold of and to examine. Part of the reason given was because these e-mails may be privileged e-mails, communications between attorney and client.

We thought certainly there was a possibility that some of those e-mails fell into that category, but there was a very large number of e-mails that we suspected fell outside of that category. And there was one point that an attorney was hired who had custody of some of those e-mails—I can't remember how many thousands they were. Mr. Aguirre was not allowed by Mr. Kreitman to speak to that attorney about trying to get production of e-mails. To this day I don't know why that is.

And I can tell you that Mr. Mack had been the CEO of Morgan Stanley. He was being courted to become the CEO of CS First Boston. We did not have information that he had material nonpublic information as it related to the GE/Heller merger. That is for sure.

It was Gary's theory—I agreed; I think other people supported the idea—that it wasn't unlikely, it was certainly possible that he could have gotten access to the information based on the fact he had been the former CEO of Morgan Stanley and he was being courted at the time by CS First Boston of the trades engaged in by Pequot.

After the word came down that the testimony of John Mack was not going to be taken, I had a conversation within a week or so of that with Bob Hanson, and Bob Hanson said to me that because Mr. Mack was a prominent person or because he had connections—I don't remember exactly how he put it—that we would have to be careful about taking his testimony, we would have to, my impression is, move maybe more carefully than we would if it was somebody other than somebody of prominence. And I said, "Well, Bob, if that is the case or not, just call him up on the phone instead of bringing him in for testimony and ask a couple of basic questions."

And this is something, by the way, that Gary proposed, Gary Aguirre proposed a couple of times. Mr. Hanson didn't respond to me.

And then finally, of course, Gary Aguirre was fired when he was on vacation. I was stunned. I was outraged. And the e-mail that you just referred to was soon after these events.

Chairman Specter. Mr. Hanson, do you recall the comment that Mr. Ribelin has testified to, that you called Mr. Mack a "prominent person" and then suggested that there would have to be treatment of him a little different?

Mr. Hanson. I certainly felt he was a prominent person and I wanted to, as I have said to Mr. Aguirre and Mr. Ribelin, make sure we had our ducks in a row before taking Mr. Mack's testimony. And what I meant by that was, let us figure out what we can about whether he had the information before taking his testimony.

ATTACHMENT 6

Mark Kreitman:

I spoke to Mark Kreitman by telephone on October 24, 2005, regarding Gary Aguirre. Kreitman told me that the evaluation process had 2 pieces to it. First, there was an initial evaluation of Aguirre by Bob Hanson that went to Berger around the end of June, and then second Kreitman did a supplemental evaluation because he felt that Hanson had not addressed problems. Kreitman said that he wrote the supplemental evaluation on August 1, 2005, before going to the Compensation Committee. Kreitman said that he later learned, upon inquiry, that only Hanson's evaluation went to the Compensation Committee in error. Kreitman said that he knows the date that he prepared the supplemental because it is a Word document that shows August 1, 2005. I asked Kreitman to send me something that showed it was created on August 1, 2005. Kreitman said that he may have discussed the supplemental evaluation with Berger, but does not recall. Kreitman was sure he discussed it with Bob. Kreitman said that it was not unusual for him to rate subordinates, and that he is directly responsible for rating Branch Chiefs, para-professionals and a couple of staff attorneys (not including Aguirre). Kreitman does not know if Aguirre received a copy of the supplemental rating, but he said that Aguirre was already terminated when he would normally meet with staff attorneys and their branch chief to give them their written evaluation and tell them their step increase.

Kreitman told me that he knew Aguirre as a student at Georgetown's LLM program where he taught and Aguirre was a student and had edited his law review article that was published. Kreitman also said that they were friends and him and his wife would visit Aguirre and his wife's houses. Kreitman said that Berger made the decision to transfer Aguirre from another Asst. Director Grimes to Kreitman.

When I asked Kreitman what the inquiry was regarding the supplemental evaluation he said that Berger checked to see if it went in Aguirre's personnel file, and it turned out that it did not. Kreitman said that he got advice from Linda Borostovik in HR and Lindy Hardy in GC. Kreitman said that there was some confusion and that he got conflicting advice.

Kreitman said that he concurred with Aguirre getting two steps as a merit promotion, even though he had problems with Aguirre's conduct. Kreitman said that there are few carrots in government work, and that he gives more leeway with conduct than with performance. Kreitman said that Aguirre worked out well in the beginning of coming to his group; Aguirre brought with him the Pequot case he developed which Kreitman described as a complicated, difficult insider trading case. Kreitman remembers telling Aguirre that he could have 5 weeks to see if the case was manageable given SEC resources. Kreitman said that after five weeks it was unclear if it was manageable but he let Aguirre continue. Kreitman said that it was clear that there were problems with how it was being investigated by Aguirre, because he was resistant to supervisors, especially his branch chief Hanson, he sent out subpoenas without going through his branch chief which violated protocol and criminal statutes resulting in the subpoenas being recalled.

Kreitman said that Aguirre did not conduct the investigation in the normal course; he gathered "millions of e-mails" hoping to find the smoking gun. As to calling in John Mack for testimony, Kreitman said that there was insufficient evidence to call him in and that Enforcement does not drag in ordinary citizens on unfounded suspicion. According to Kreitman, Enforcement still does not have enough evidence after more investigation. Kreitman said that there is no doubt that Mack may be a tipper and that there is illegal insider trading in the case, but that none of the five potential tippers have been called in. Calling in persons to give testimony is a serious matter, according to Kreitman, and is not done lightly. He also said that it is pointless to call in a witness if there is no evidence because they will just deny tipping and there is no where to go from there. Kreitman said that his reputation at the agency is that he is the most aggressive trial attorney (when he was in that position for many years) and Assistant Director, and that he has taken the testimony of many high profile persons. He said he is hardly afraid of taking anyone's testimony. Kreitman told me that him, Berger and Bob had many discussions about taking Mack's testimony.

Kreitman also said that it is a little out of the ordinary for Mary Jo White to contact Linda Thomsen directly, but that White is very prestigious and it isn't uncommon for someone prominent to have someone intervene on their behalf. Kreitman recalls that Thomsen called him to say that she received correspondence from White, and Kreitman went to get it.

I asked Kreitman whether he had given Aguirre a Perry Mason award for his good work. He laughed and said that it is a joke he does in the office, where he gives someone an 8½ x 11 xerox of Raymond Burr's face. He said that he did give one to Aguirre after he went to meet with the SDNY USAO to see if they were interested in the Pequot case. Kreitman said that he was worried about Aguirre presenting the case to them because he said that Aguirre tends to talk "in a nonlinear fashion". Aguirre reported back that the SDNY was very interested, so Kreitman was pleased and gave him the Perry Mason award.

Kreitman said that he fired Aguirre by telephone because Aguirre was in California on vacation and would not be back before his probationary period was over. He said that he had never had to fire anyone. Kreitman said that Aguirre and him were friends as of the summer when Kreitman believed that Aguirre was unhappy at work but still came to Kreitman's house for a party he has every year for staff. Aguirre felt that his investigation into Pequot was being thwarted, according to Kreitman. Aguirre told Kreitman that he wanted to report directly to him, but Kreitman told him that could not happen. Kreitman said that the Pequot case was staffed more heavily than any other case in his group. Kreitman told me that there was a consensus that Aguirre should be terminated by Thomsen, Berger, Hanson and himself and that he drafted the termination letter to Aguirre. When I asked Kreitman why Aguirre was fired, he told me that Aguirre refused to work in a structure, which presented possible dangers for the Commission, he was a loose canon (he had threatened to resign and Aguirre made it clear he did not need to work financially), Aguirre said that he would leave once the investigation was over but would not do the write up of the case, and he was uncooperative with the other 2 staff attorneys assigned to his case by being disrespectful and refusing to bring them in to the heart of the case, he would not take supervision from Hanson, and Berger received many complaints from opposing counsel about

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ATTACHMENT 7

Mr. BERGER: Well, in order to establish a case that you're building against an individual, that's what you'd want to do. You'd want to set out here are the elements for the violation, here are the facts that we have relating to that element.

Mr. FOSTER: Well, that's what you would need to set out in order to justify taking an enforcement action against that person. But is that what you would need to establish in order to take investigative testimony?

Mr. BERGER: Well, I think you would have to have some reasonable basis to take that testimony, and then the reasonable basis is the analysis under the elements of the violation and the facts that you have supporting those elements.

Mr. KEMERER: How often did you require staff attorneys to write memos in order to justify taking evidentiary testimony?

Mr. BERGER: It was not infrequent.

Mr. KEMERER: Well, for instance, on the multiple occasions when Mr. Samberg's testimony was taken, did Mr. Aguirre have to do a memo such as this?

Mr. BERGER: I don't remember.

Mr. KEMERER: In the Mainstay case, did Mr. Swanson have to do a memo in order to take testimony?

Mr. BERGER: I don't remember. I think he did actually do a memo at one point. I just don't remember what point that was.

Mr. KEMERER: So you don't recall whether it was in order to get permission to issue a testimonial subpoena?

Mr. BERGER: Well, we were talking about taking some testimony from individuals fairly prominent, a Senator or a former Senator, and some other individuals, and we wanted to see what we had. So I think that—I remember reading something in advance of the testimony that would support—that supported taking their testimony.

Mr. FOSTER: You mentioned prominence just now.

Mr. BERGER: Uh-huh.

Mr. FOSTER: Is it the case that you're more likely to require a memo such as this in a case where the proposed testimony is of someone prominent?

Mr. BERGER: No, I don't think so. We've done this, we've done memos in advance of people that no one would know.

Mr. FOSTER: Can you give us an example?

Mr. BERGER: Not off the top of my head.

Mr. FOSTER: Can you get back to us on that?

Mr. BERGER: I can think about it. I mean, I was there for 14 years. I was probably involved in maybe a thousand investigations, brought 400 or so investigations. I mean, that's a lot of people.

Mr. FOSTER: Why did you mention prominence just now, though?

Mr. BERGER: I don't know why I mentioned prominence.

Mr. KEMERER: Directing your attention to page 2 of Exhibit II, the third full paragraph begins with, "Further . . ." Do you see that line?

Mr. BERGER: Yes.

Mr. KEMERER: Mr. Aguirre appears to contend that the SEC's operating in the dark with respect to whom Mack spoke to while CSFB was wooing him to come on as the CEO. Is that true?

Mr. BERGER: I really don't know what was in Gary Aguirre's head when he wrote this, so I can't tell you what he was thinking. One of the reasons this is not a particularly good memo is I have no idea what he's talking about, operating in the dark. We were sending out subpoenas. We were getting information. We were making inquiries to Credit Suisse to get information concerning contacts or possible contacts between Mr. Mack and others. So I don't know what he's referring to here. He obviously didn't make it clear enough for me to understand.

Mr. KEMERER: Okay. Were you aware from reading any of these memos ever that Mr. Mack was meeting with people in Zurich or, you know, outside of the country?

ATTACHMENT 8

From: Eichner, Jim
Sent: Wednesday, July 19, 2006 4:59 PM
To: Hanson, Robert
Subject: FW: Pequot pending matters.

I assume Walter has this—not premature but prerequisite

From: Kreitman, Mark J.
Sent: Wednesday, August 17, 2005 11:26 AM
To: Aguirre, Gary J.; Jama, Liban A.; Eichner, Jim
Cc: Hanson, Robert
Subject: RE: Pequot pending matters.

Where are we on determining the date Mack was brought over the wall re GE-Heller deal—the necessary prerequisite to subpoena to Mack?

From: Aguirre, Gary J.
Sent: Wednesday, August 17, 2005 11:21 AM
To: Jama, Liban A.; Eichner, Jim
Cc: Kreitman, Mark J.
Subject: Pequot pending matters.

I summarize below a list of pending matters following up on our conversations over the past couple of days, yesterday with Liban alone. These items in bold will be the subject of phone calls this afternoon, if you would like to sit in.

Mark: since Bob is out, I am copying you on the list. I am leaving for vacation tomorrow, which I cleared with Bob.

1) Confirm exam date for Benton in NY for week of 9/5; get exam room and reporter;

2) Confirm exam dates for Dartley for week of Sept. 19 in DC and Samberg for week of Sept. 26 for NY; get exam room and reporter;

3) Pequot subpoena: Press Harnish for compliance with July subpoena (lets discuss);

4) Get status from Storch on each class of back up tapes.

5) Morgan Stanley: Get clarification from Ashley Wall on any soft spots in her letter re MS subpoena compliance; you can tackle this if you want while I'm out or I'll do when I'm back.

6) Status of FBI contact with Zilkha; we want Samberg exam immediately after Zilkha interview; we're waiting agent's callback. Agent is David Markel, tel # 718-286-7385

7) Telephone company subpoenas: Any useful phone records produced of Samberg calls from mid-June through end of July?

8) CSFB: Get press on Patalino for the following:

a) July subpoena paragraph 1: Thornberg and Rady's e-mails with Mack; Mack—CS (as parent) e-mails;

b) July subpoena paragraph 2: Thornberg or Radis notes or memo re Mack; CS notes or memos re Mack

c) Letter to Patalino on above;

d) Look for August 30 production of items 3-8.

e) Remind Patalino next week if we do not have his letter re above.

f) August 17 subpoena: we need to work out; he will ID info flow; we make sure his doc review gets docs.

9) Andor backup tapes issue: See my memo raising construction issue on Pequot-Andor agreement (will send an e-mail on this today);

10) Other acquisition players have contacts with Pequot before Samberg trades? You can ask them to collect this info by request letter. However, I doubt any will admit w/o docs. GE and JP Morgan say no docs. You have Wall letter. Need to check with Merrill on Hughes.

ATTACHMENT 9

The termination were, in fact, the true reasons for the termination? Was that the characterization—a fair characterization?

Ms. ANDREWS: No. We don't second-guess management decisions, so we wouldn't have been looking at, well, gee, did he really not get along with others or was it that he didn't do this "i".

We were looking only at the allegations that Mr. Aguirre raised in his September 2nd and October 11th letter, so the allegation was he was terminated for, among other reasons, the fact that he complained about not taking Mr. Mack's—him not being able to take Mr. Mack's testimony when he wanted to.

Ms. MIDDLETON: So you were looking for—yes. He was saying, I was terminated for——

Ms. ANDREWS: Complaining.

Ms. MIDDLETON:—unlawful reasons.

Ms. ANDREWS: He did say——

Mr. BRANSFORD: No, I don't think that's what he said.

Ms. ANDREWS: Right.

Ms. MIDDLETON: Okay.

Well, he did say——

Mr. BRANSFORD: It's not a fair way to characterized what he said. It's not necessarily

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Ms. ANDREWS: What I see as the function?

Mr. FOSTER: Yes. I mean, you seem to be very narrowly construing Mr. Aguirre's September 2nd letter and his October 2nd letter, sort of very narrowly reading exactly what did he claim, and we're not going to investigate anything else besides what he exactly claimed.

Do you see it as the IG's function to just sort of very narrowly respond to a complaint like that? Do you think that you have a broader mandate to investigate and to seek out where there may be evidence of fraud, waste and abuse or misconduct, more generally speaking, regardless of whether a complaint comes to your office about it? Specifically—

Ms. ANDREWS: Well, one, I don't think it's for me to say what the role of the Inspector General's office is. At this point now, what I do is investigate allegations that come in, so that's what I was doing here. I was investigating the allegations, and that was what I was told to do.

Other unlawful reasons or—we don't second-guess management decisions and we don't necessarily look at every unlawful allegation, every unlawful reason that he was terminated. That's not something we normally look at. We don't second-guess why employees are terminated.

Ms. MIDDLETON: But if a letter comes to you to investigate and it says the management decisions were based on unlawful reasons, some of which I'm putting in my letter and some of which I'm not going to—

Ms. ANDREWS: Well, one of which he was putting in the letter.

Ms. MIDDLETON: One in the letter and others I'm not going to lay out right now to you, Commissioner Cox.

Ms. ANDREWS: Right. Chairman Cox.

Ms. MIDDLETON: Chairman Cox.

You're saying it's not your job to second-guess the management decisions, so it seems to me, if the letter is challenging the management decision and says it's for unlawful reasons, you're saying, well, I can't second-guess that. I can't investigate that. I can't see if it's true.

Ms. ANDREWS: My marching orders were to investigate the allegations he had made in both the September 2nd and October 11th letters. That's it.

Ms. MIDDLETON: Right. But—

Ms. ANDREWS: It's not my decision necessarily of what else we would be investigating.

Ms. MIDDLETON: But his allegation was, I was terminated for unlawful reasons.

Ms. ANDREWS: Right. We did not investigate to their allegations in the same way that you went to them to get their reaction to his, is that——

Ms. ANDREWS: Well, I didn't get their reaction to his. I'm calling them because they've been, you know, accused of wrongdoing, so I have to call them and——

Mr. FOSTER: And then when you did, they accused Mr. Aguirre of——

Ms. ANDREWS: He was——

Mr. FOSTER: —if not wrongdoing, of——

Ms. ANDREWS: Again, we're not second-guessing management decisions on terminating a probationary employee. Absolutely not. That's my understanding of our role in the IG's office.

Mr. FOSTER: Did you assume that Mr. Aguirre didn't have documents or wouldn't have been able to have documents that might substantiate his allegations that you might need to seek from him?

Ms. ANDREWS: I didn't make any assumptions about it. I have a lot of e-mails that he sent to people and people sent back to him.

Mr. FOSTER: Right. Which were given to you by the people——

Ms. ANDREWS: Right.

Mr. FOSTER:—against whom he made the allegations.

Mr. SPECTER. In the absence of any Senator on the floor seeking recognition, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. CANTWELL). Without objection, it is so ordered.

Mr. SPECTER. Madam President, a personal comment or two. On the Senate floor, some years ago, I compared Senator GRASSLEY to Senator Harry Truman, later President Harry Truman. I did so after observing Senator GRASSLEY's work over a long period of time. Senator GRASSLEY prides himself on being a farmer—on being a farmer Senator. May the record show that Senator GRASSLEY is nodding in the affirmative. It may be—Senator GRASSLEY would have to speak for himself—he prides himself more on his status as a farmer than as a Senator. But if he were to do that, I would disagree with him, even not knowing his prowess as a farmer because of his prowess as a Senator.

Senator GRASSLEY is very direct and very plain spoken. I know of his career when he became a member of the Iowa legislature, the lower house. I have only a recollection, Senator GRASSLEY can correct me, that he earned $6 a day in the Iowa legislature at that time?

Mr. GRASSLEY. It was $30 a day but no expenses.

Mr. SPECTER. It was $30 a day but no expenses. As I recollect, Senator GRASSLEY told me it was an increase in pay from what he earned as a farmer.

Mr. GRASSLEY. It was.

Mr. SPECTER. It was. Senator GRASSLEY corroborates that. But I have seen Senator GRASSLEY take on the giants in the Senate. They say people in glass houses should not throw stones. Senator GRASSLEY has thrown a lot of stones in the 26 years he has been here and he doesn't live in a glass house, but he has taken on the giants in the Federal executive branch. He believes thoroughly in oversight, as I do. The work we are submitting today is an example of that.

I think it is a good analogy, between CHUCK GRASSLEY and Harry Truman. I may search the CONGRESSIONAL RECORD to see how long ago it was that I said it, but it is time it is said again.

Mr. GRASSLEY. Thank you, I appreciate that.

Mr. SPECTER. May the record show Senator GRASSLEY said thank you, and he appreciates it.

I may make one addendum, and that is that I say this notwithstanding the 26-years-plus ribbing I have taken from Senator GRASSLEY for being a Philadelphia lawyer.

Mr. GRASSLEY. I have always said: Thank God we only have to have one Philadelphia lawyer in the Senate.

Mr. SPECTER. The Senator said off-camera: Thank God we only have one Philadelphia lawyer in the Senate.

Mr. GRASSLEY. But I say that complimentary.

Mr. SPECTER. But says it complimentary. I don't know. The tone of his voice was usually derisive. There was one time the Senate had two Philadelphia lawyers, Senator Hugh Scott and Senator Joe Clark, they were lawyers together. Senator Clark was elected to the Senate in 1956 for two terms and Senator Scott in 1958 for three terms. So there was an overlapping period of time where there were two Philadelphia lawyers in the Senate.

But notwithstanding the questioning tone, sometimes, of Senator GRASSLEY about a Philadelphia lawyer, I maintain my view of him at the highest level of comparison to President Truman.

Mr. GRASSLEY. Thank you.

Mr. SPECTER. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WARNER. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Virginia is recognized.

IRAQ

Mr. WARNER. Madam President, about a week ago, I think it was on the 23rd, my colleagues, the Senator from Nebraska, Mr. BEN NELSON, and the Senator from Maine, Ms. COLLINS, and I, together with several cosponsors, put into the RECORD a resolution—I underline put into the RECORD—so that all could have the benefit of studying it.

We three have continued to do a good deal of work. We have been in consultation with our eight other cosponsors on this resolution, and we are going to put in tonight, into the RECORD—the same procedures we followed before—another resolution which tracks very closely the one that is of record. But it has several provisions we believe should be considered by the Senate in the course of the debate. How that debate will occur and when it will occur. I cannot advise the Senate, but I do hope it is expeditious. I understand there is a cloture motion that could well begin the debate, depending upon how it is acted upon.

We have also had a hearing of the Senate Armed Services Committee last Friday. We had a hearing of the Senate Armed Services Committee again this morning. Friday was in open session. The session this morning was in closed session. The three of us, as members of the Armed Services Committee, have learned a good deal more about this subject and, I say with great respect, the plan as laid down by the President on the 10th of January. We believed we should make some additions to our resolution.

We have not had the opportunity, given the hour, to circulate this among all of our cosponsors so at this time it will not bind them, but subsequently, tomorrow, I hope to contact all of them, together with my two colleagues, and determine their concurrence to go on this one. I am optimistic they will all stay.

But let me give the Senate several examples of what we think is important in the course of the debate—that these subjects be raised. We put it before the Senate now in the form of filing this resolution, such that all can see it and have the benefit, to the extent it is reproduced and placed into the public domain. Because the three of us are still open for suggestions, and we will continue to have receptivity to suggestions as this critical and very important subject is deliberated by the Senate.

Our objective is to hope that somehow through our efforts and the efforts of others, a truly bipartisan statement—I don't know in what form it may be made—a truly bipartisan statement can evolve from the debate and the procedure that will ensue in the coming days, and I presume into next week. We feel very strongly that we want to see our Armed Forces succeed in Iraq to help bring about greater stability to that country, greater security to that country, so that the current elected government, through a series of free elections—the current elected government can take a firmer and firmer hand on the reins of sovereignty. We believe if for political reasons all Members of the Senate go over to vote with their party, and the others go over to vote with their party, we will have lost and failed to provide the leadership I believe this Chamber can provide to the American people so they can better understand the new strategy, and that the President can take into consideration our resolution hasn't been changed.

We say to the President: We urge that you take into consideration the options that we put forth, the strategy that we sort of lay out, in the hopes that it will be stronger and better understood by the people in this country. Their support, together with a strong level of bipartisan support in the Congress for the President's plan, hopefully as slightly modified, can be successful. We want success, Madam President. We want success.

So that is the reason we come this evening. I am going to speak to one or two provisions, and my colleagues can address others.

First, the unity of command. We have a time-honored tradition with American forces that wherever possible, there be a unity of command from an American commander, whatever rank that may be, down to the private, and that our forces can best operate with that unity of command and provide the best security possible to all members of the Armed Forces that are engaged in carrying out such mission as that command is entrusted to perform.

A number of Senators, in the course of the hearing on Friday and the hearing this morning, raised questions about this serious issue of unity of command. I say serious issue because the President, in his remarks, described—and this is on January 10—described how there will be an Iraqi commander, and that we will have embedded forces with the Iraqi troops. Well, we are currently embedding forces, but I think the plan—and that is what I refer to, the President's announcement on January 10 in the generic sense as the plan—will require perhaps a larger number of embedded forces. But the plan envisions an Iraqi chain of command. The Iraqis indicated, in working with the President, this plan in many respects tracks the exchange of thoughts that the President and the Prime Minister have had through a series of meetings and telephonic conversations. So the plan embraces the goals of the Prime Minister of Iraq, the goals of our President.

But this is a unique situation where the Iraqis have a complete chain of command, from a senior officer in each of the nine districts in Baghdad, and the United States likewise will have a chain of command in that same district or such segments of this plan as the military finally put together—each will have a chain of command, the Iraqi forces and the United States forces.

In the course of the testimony that we received, particularly testimony from the retired Vice Chief of the U.S. Army on Friday afternoon, he was concerned, as a number of Senators are concerned—and our provision literally flags this, and flags it in such a way that we call upon the Secretary of Defense and the Chairman of the Joint Chiefs of Staff to look at that plan and to bring such clarification forward as may be necessary, and to do it in a way that will secure the safety of our forces, the protection of our forces, and yet go forward with this idea of a greater sharing of the command responsibility in the operations to take place in Baghdad. So we simply call on the administration to bring such clarification and specificity to the Congress and the people of the United States to ensure the protection of our force and that this command structure will work because I believe it doesn't have—I am trying to find a precedent where we have operated like this. I have asked the expert witnesses in hearings, and thus far those witnesses have not been able to explain the command structure that we have conceived, the concept of the plan of January 10, just how it will work.

Likewise, we put in a very important paragraph which says that nothing in this resolution should be construed as indicating that there is going to be a cutoff of funds. Given the complexity of this situation, there has been a lot of press written on the subject of our resolution. Colleagues have come up to me and said: Well, can you assure me that this doesn't provide a cutoff of funds.

Now, the cutoff of funds is the specific power given under the Constitution to the Congress of the United States. I personally think that power should not be exercised, certainly not given the facts and the circumstances today where this plan—which I hope in some manner will succeed and we are working better with the Prime Minister and his forces. So at this point in time I think it is important that our resolution carry language as follows:

> The Congress should not take any action that will endanger United States military forces in the field, including the elimination or reduction of funds for troops in the field, as such an action with respect to funding would undermine their safety or harm their effectiveness in pursuing their assigned missions.

So I think that very clearly eliminates any consideration there.

At this time I would like to yield the floor so that my colleagues can speak, and maybe I will have some concluding remarks.

I yield the floor.

Mr. LEVIN. Madam President, I wonder if the Senator will yield for a unanimous consent request.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. WARNER. Madam President, I really feel, if we could more fully——

Mr. LEVIN. It is just a unanimous consent request.

Mr. WARNER. Does it affect what we are trying to lay down in any way?

Mr. LEVIN. I was just going to ask unanimous consent that I be added as a cosponsor of the resolution.

Mr. WARNER. That is fine. I didn't realize that was coming to pass. It is late in the day, and I suppose we could anticipate a lot of things. But anyway I thank the Senator.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. As I understand, the resolution has not yet been sent to the desk.

Mr. WARNER. It momentarily will be.

Mr. LEVIN. I ask unanimous consent that I be added as a cosponsor to the resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. I thank my friend from Nebraska.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. NELSON of Nebraska. Madam President, tonight I believe we have seen the introduction of a resolution which not only has had bipartisan support in its prior form but will receive very strong bipartisan support in its current form, as amended.

I rise to support this resolution for a number of reasons. I think it is important that we continue to support our troops in the field and those who support the troops across the world. I think it is important that we thank them for their service and that we make it very clear that this resolution does not impair their ability to move forward in their command.

It is also important to point out that while some of the cosponsors haven't had the opportunity to review this, it is being circulated to them so that they do have the opportunity to review it. And I am sure they will become cosponsors with the new resolution.

It is important to point out that in this resolution, benchmarks are included that I believe will help break the cycle of dependence in Iraq by empowering and requiring the authority of the Iraqi Government and the responsibility of the Iraqi Government to take a greater role in the battle in Iraq, particularly as it relates to Baghdad. We generally believe that it is inappropriate for our troops to intercede in the battle between the Sunnis and the Shias on a sectarian basis in battles that are of a similar nature that certainly do involve sectarian violence. There is a greater role for the Iraqi Government and the Iraqi military. This resolution in its present form will assure the assuming of that greater role, that greater responsibility by the Iraqi Government and certainly by the Iraqi Army.

It is a pleasure for me to introduce and thank our cosponsor, the Senator from Maine, Ms. COLLINS.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Ms. COLLINS. Madam President, first let me thank Senator WARNER and Senator NELSON for their continuing hard work in refining the language of this very important resolution, a resolution that I hope will garner widespread bipartisan support when it is brought to the Senate floor and debated next week.

Since we first introduced our resolution last week, we have had the benefit of further consultations with experts. We have had the benefit of conversations with our colleagues. We have had the benefit of alternative resolutions that have been proposed by other Senators, and we have had the benefit, most of all, of additional hearings in the Senate Armed Services Committee, including a classified briefing today. All of this activity has confirmed my belief that our resolution as originally proposed was on precisely the right track, but the benefit of these hearings, briefings, conversations and consultations has led us to improve our resolution by making four modifications that the distinguished Senators have just explained.

Let me, for the benefit of our colleagues, run through them one more time.

First, the resolution now makes very clear that nothing in it is to be construed as advocating any lessening of financial support for our troops. Indeed, it goes firmly on record as being opposed to cutting off funds that would be needed by our troops in Iraq. The language is very clear on that.

Second, there has been a great deal of discussion about the need for the Iraqis to meet certain benchmarks—benchmarks that in the past they have not met. So we include language in this resolution that makes very clear that we expect the Iraqi Prime Minister to agree to certain benchmarks; for example, to agree to work for the passage and achieve the passage of legislation that would ensure an equitable distribution of oil revenues. That is a very important issue in Iraq.

It also includes a benchmark that the Iraqis are going to produce the troops they have promised, and that they are going to operate according to the military rules of engagement without regard to the sectarian information or the sect of the people involved in the fighting. In other words, it doesn't matter whether an insurgent is a Sunni or a Shiite; if he is violating the law, engaging in violence, the Iraqi troops and our troops would be able to arrest and detain or otherwise battle these individuals.

It clarifies the language regarding the troop increase that the President has proposed, and as the Senator from Virginia has explained to our colleagues, it calls for a clarification of the command and control structure so that we don't have a dual line of command. We want to have a very clear chain of command, and we call for that. That isn't the case now, and if you ask any military officer, he or she will tell you that having a clear chain of command, a unity of command, is absolutely essential. We have made these four changes in our legislation, in the resolution. We hope our colleagues will take a close look at it. I look forward to debating it more fully when we get on this issue next week.

Again, I commend the distinguished Senators with whom I have been very privileged to work on this: Senator WARNER, the former chairman of the Committee on Armed Services, my colleague, Senator NELSON, also a member of the Committee on Armed Services. All three of us serve on that committee. We have brought to bear our experience and what we have learned in the last week as we continue to study this very important issue, perhaps the most vital issue facing our country.

Mr. WARNER. Madam President, I thank our distinguished colleague from Maine.

It has been a hard work in progress, but we reiterate, perhaps Members want to offer their own resolutions. We are open to suggestions. We are not trying to grab votes, just make ours stronger.

I bring to the attention of my colleague, this is not to be construed as saying, Mr. President, you cannot do anything; we suggest you look at openings by which we could, hopefully, have substantially less United States involvement of troops in what we foresee as a bitter struggle of sectarian violence.

The American GI, in my judgment, has sacrificed greatly, and their families, in giving sovereignty to this Nation. Now we see it is in the grip of extraordinary sectarian violence. Sunni upon Shia, Shia upon Sunni. I am not trying to ascribe which is more guilty than the other, but why should they proceed to try and destabilize the very government that gives all Iraqis a tremendous measure of freedom, free from tyranny and from Saddam Hussein. Why should the American GI, who does not have a language proficiency, who does not have a full understanding of the culture giving rise to these enormous animosities and hatreds that precipitate the killings and other actions—why should not that be left to the Iraqi forces?

We have trained upwards of 200,000. We have reason to believe today there are 60,000 to 70,000 who are tested—in many respects they have been participating in a number of military operations, together with our forces. Let elements of that group be the principals to take the lead, as they proudly say, give them the lead, and go into the sectarian violence. That would enable our commanders, our President, to send fewer than 20,500 into that area.

On the other hand, we support the President with respect to his options regarding the Anbar Province and the additional forces.

Am I not correct in that?

Ms. COLLINS. If the Senator will yield on that point.

Mr. WARNER. Yes.

Ms. COLLINS. The resolution we drafted very carefully distinguishes between the sectarian violence engulfing Baghdad, where the Senator and Senator NELSON believe it would be a huge mistake for additional American troops to be in the midst of that, versus a very different situation in Anbar Province.

In Anbar, the violence is not sectarian; the battle is with al-Qaida and with foreign fighters, the Sunni insurgencies, so we have Sunni versus Sunni. It is not sectarian. And what is more, local tribal leaders have recently joined with the coalition forces to fight al-Qaida. It is a completely different situation in Anbar. I do support the addition of more troops in Anbar. Indeed, the one American commander whom I met with in December who called for more troops in Anbar was General Kilmer.

Mr. WARNER. You refer to the one commander you met. I wonder if the Senator would reference your trip in December and what others told you about the addition of United States forces. I think that is important for the RECORD.

Ms. COLLINS. Madam President, if the Senator will continue to yield.

Mr. WARNER. Yes.

Ms. COLLINS. It was a very illuminating trip with other Senators. It has shaped my views on the issues before the Senate.

One American commander in Baghdad told me a jobs program would do more good than additional American troops in quelling the sectarian violence. He told me many Iraqi men were joining the militias or planting roadside bombs simply because they had been unemployed for so long they were desperate for money and would do anything to support their families. This was an American commander who told me this.

Prime Minister Maliki, in mid-December, made very clear he did not welcome the presence of additional American troops and, indeed, that he chafed at the restrictions on his control of the Iraqi troops. So I didn't hear it from Iraqi leaders, either.

The only place where I heard a request for more troops was in Anbar Province where the situation, as we have discussed, is totally different than the sectarian violence plaguing Baghdad.

Mr. WARNER. Madam President, I thank my colleague.

In my trip in the October timeframe, I would see much the same expression from military and civilian. Our codel visited, and it was following my trip that I came back and said in a press conference, this situation is moving sideways.

My observations, together with the observations of others—some in our Government, some in the private sector—induced the administration—I am not suggesting we were the triggering cause, but we may have contributed—to go to an absolutely, as you say in the Navy, "general quarters" to study every aspect of the strategy which then was in place, and which now is clearly stated as late as yesterday by the admiral who will be the CENTCOM commander, wasn't working.

I commend the President for taking the study and inviting a number of consultants. That whole process was very thorough.

The point the Senator is making, as late as December—mine in October, yours in December—we both gained the same impressions that no one was asking for additional United States troops at that time.

Ms. COLLINS. If the Senator will yield on that point, since the Senator was the chairman of the Committee on Armed Services, as well, I would also share with our colleagues that the Senator presided over a hearing in mid-November at which General Abizaid, the central command general, testified before our committee that more American troops were not needed. He reported he had consulted widely with generals on the ground in Iraq, including General Casey, in reaching that conclusion.

I say to our colleagues that I think the record is clear. If you look at the findings of your trip from October, the testimony before the Committee on Armed Services from General Abizaid in November, what I heard in mid-December, I have to say, respectfully, I do not believe the President's plan with regard to Baghdad—not Anbar but Baghdad—is consistent with what we were told.

Mr. WARNER. I thank my colleague. We should add an important reference to work done by the Baker-Hamilton commission. They have made similar findings. They mention a slight surge, but in my study of that one sentence in that report, I don't think they ever envisioned a surge of the magnitude that is here.

They can best speak for themselves and, indeed, yesterday there was testimony taken from two senior members of that commission, but I don't know whether they were speaking for the entire commission, and whether, in their remarks, they may wish to amend portions of their report. I wasn't present for that testimony.

I hope someone in the Foreign Relations Committee can make that clear. Were they speaking for the entire commission? Did they wish to have their remarks amend their report which we followed? It was one of the guideposts we used, the important work of that group.

Again, we are doing what we think is constructive to help the Senate in preparing for its deliberations, to invite other colleagues to make suggestions. We stand open to consider other options that may come before the Senate.

At this point in time, our resolution is the same form as the resolution we filed here a week or so ago. We are not changing any of the procedures by which the Senate takes into consideration our points. Whether we will be able to utilize this as a substitute should other amendments be called upon the floor, the rules are quite complex on that matter, and I will not bring all of that into the record at this point. But there are certain impediments procedurally as to how this specific resolution could ever be actually used for the purposes of a substitute.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WARNER. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. MURRAY). Without objection, it is so ordered.

Mr. WARNER. Madam President, in the colloquy I participated in with my distinguished colleagues, Senator BEN NELSON of Kansas and Senator COLLINS of Maine—and I take responsibility—somehow we had a misunderstanding about the status. We wish to send to the desk and ask that this be numbered a new S. Con. Res. and, therefore, have the same status as the current S. Con. Res. we had submitted a week ago.

The PRESIDING OFFICER. The resolution will be received and referred.

Mr. WARNER. I thank the Chair. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. REID. Madam President, I have already apologized to staff and others for having to wait around so long, but sometimes it takes a long time to get from here to there.

I, first of all, want to acknowledge the hard work of so many different people that allowed us to get where we are today, which certainly isn't the finish line, but it is a starting point.

People have heard me on other occasions, on other matters, talk about the Senator from Virginia, Mr. WARNER. In my 25 years in the Congress—and I say this without any reservation—I have not had dealings with anyone who better represents, in my mind, what a Senator should be. Not only does he look the part and act the part, but he is truly what our Founding Fathers had in mind when they talked about this deliberative body.

So I appreciate very much the bipartisan work of the Senator from Virginia, Mr. WARNER. He has worked with other Senators—I don't know who he has worked with, but some I am aware of because I have read about them: Senators COLLINS, HAGEL, BEN NELSON, SNOWE, BIDEN, COLEMAN, and I am sure there are others.

Today Senator WARNER and others submitted a new version of his concurrent resolution regarding the increase of troop levels in Iraq. Senator LEVIN has taken that language, and tonight we will introduce it as a bill. It will be introduced as a bill because that is the only way we can arrive at a point where we can start a deliberate debate on this most important issue. We will introduce this as a bill which will begin the rule XIV process in order to get it to the calendar and allow the Senate to move to Senator WARNER's legislation. We would prefer to do it as a concurrent resolution; however, that would only be the case if it would be open to complete substitute amendments, for obvious reasons.

In order to permit the Senate to consider amendments which are appropriate, I now ask unanimous consent that the Senate proceed to the consideration of Senator WARNER's concurrent resolution, S. Con. Res. 7, on Monday, February 5, at 12 noon, and that the entire concurrent resolution be open to amendments and that a cloture motion with respect to S. Con. Res. 2 be vitiated.

The PRESIDING OFFICER. Is there objection?

Mr. McCONNELL. Reserving the right to object, I would say to my friend, the majority leader, about a week ago, the distinguished majority leader indicated that we were going to follow the regular order, that the Biden resolution coming out of the Foreign Relations Committee would be the vehicle for our debate, and I gather, in listening to the distinguished majority leader—if I might ask, without losing my right to the floor, what is the status of the Biden resolution that came out of the Foreign Relations Committee?

Mr. REID. A motion to invoke cloture was filed on that. After we complete work on the minimum wage bill, automatically we will vote on that. I say to my distinguished friend, cloture will not be invoked on that. What I would like is unanimous consent that we not have to vote cloture, that we just vitiate that vote and move to the Warner resolution and do that Monday. But, as I know, the distinguished Republican leader has only seen what I have given him, the last little bit, not because I didn't want to give it to him but I didn't have it. I certainly want the leader to think about this during the night. I think it would be an expeditious way to get to this.

It has taken a lot of time. I haven't been involved in any of the negotiations. It was tempting, but I thought I would do more harm than good. I haven't been involved in any of the negotiations with the Senators whom I have mentioned here. I think it would be to the best interests of the Senate, majority and minority, to start Monday, as I have suggested, and allow Senators—I will say, at a subsequent time, when the distinguished Republican leader yields the floor, I am going to say that I want to work with the Republican leader in setting up a process for making sure people have the ability to offer reasonable amendments to this S. Con. Res. 7. That is my feeling. That is where we are with the Biden-Hagel-Snowe-Levin resolution that is before the Senate, or will be.

The PRESIDING OFFICER. Is there objection to the request of the majority leader?

Mr. McCONNELL. Reclaiming the floor, reserving the right to object, so the Biden proposal which came out of the Foreign Relations Committee—I hear the majority leader—is no longer in consideration. If I understand the process correctly, it, too, could have been called up and an effort could have been made to turn it into a bill as well. If we were to stay in bill status, would it be the intent of the majority leader to fill up the tree?

Mr. REID. I will work with the Republican leader to take any suggestion the Republican leader would have as to how we can begin a debate. I would say in response to the statement, the reason I didn't put the Biden-Hagel matter in a rule XIV posture is that is not what we want to start debate on. There is a bipartisan group of Senators who believe the more appropriate matter is the Warner amendment. I don't know what happened in your caucus yesterday. In my caucus, there was near unanimity for the Warner resolution.

The PRESIDING OFFICER. Is there objection?

Mr. McCONNELL. Reserving the right to object, Madam President, Senator WARNER has been working diligently on this issue and cares deeply about it. We have had some discussions, but I had not seen Senator WARNER's proposal until just tonight. I am not complaining about that, but the text of it is new to me as well as to the Democratic leader.

It is still my hope that we could, as we discussed over the last couple of weeks in anticipation of this debate, enter into a consent agreement under which we would have had several different proposals in their entirety, realizing the difficulty of amending a concurrent resolution—several different proposals in their entirety that the Senate could consider. Maybe this is a better way to go, but it occurred to me that was probably the best way to go forward with this important debate.

Given the lateness of the hour and the newness of all of this, I am going to be constrained to object and will consider—I know we will continue this conversation in the morning in hopes of reaching some agreement that is mutually acceptable.

The PRESIDING OFFICER. Objection is heard.

Mr. WARNER. Will the Senator yield to me for a minute?

Mr. REID. I will yield to the Senator from Virginia, just making one brief statement. I hope we can still do that. We still would like to do that. I think this will be, as I said, a good place to start. I also want the record to reflect tonight that the mere fact that this is in bill form is as a result of meeting the very stringent rules of the Senate to get it to the floor so we can have a vote on this matter on Monday; that at any time we would agree to take this not being bill language and would be strictly a concurrent resolution language. We can do that anytime. The reasons for that are quite obvious. We don't want this—a concurrent resolution, the President doesn't have to sign it, whatever happens on it. We will be happy to work on that, too.

I yield to the Senator from Virginia.

Mr. WARNER. I thank both leaders.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. I join my leader in the objection because I do hope we can work it out, that we do not have to resort to a bill status. Everybody knows what the rules are and how that would then involve the President in a bill status. This should be a matter handled by the Senate and the other body, should they so desire.

I say to my distinguished leader, I did mention this afternoon that I was going to take these steps—basically the changes from the original one, which we filed a week ago. Senator NELSON, Senator COLLINS, and myself are still there. There is no major significant changes. We added a provision regarding the serious problem I and other Senators see—and we learned of it in the open session on Friday in the Armed Services Committee and again this morning in closed session—of the need to clarify this question of how a dual command can take place in each of the nine provinces of Baghdad between the Iraqi military and the U.S. military. And, General Keane, on Friday, said he is going to urge General Petraeus to try to work with that. I think that can be handled, but it has to be clarified.

The other thing is that some colleagues thought maybe we were laying the foundation of this body of the constitutional right of curtailing funds. That was never the intention, and that is made quite clear. The rest of it are changes that I believe are not ones that in any way affect basically the thrust of the original resolution, which was to try to put before the Senate as an institution the viewpoints of a bipartisan group—now 11 in number and others I think desiring to join—such that if the Senate speaks in some way on this eventually, after a debate, it represents to the American public the best efforts of this institution to reach a degree of bipartisanship on an issue which I think is one of the most important that I have visited in my now 29th year in the Senate.

So I thank both leaders, and I join my distinguished leader at this time in the objection because I do hope we do not have to resort to legislative need of a bill.

The PRESIDING OFFICER (Mr. SALAZAR). The majority leader is recognized.

Mr. REID. Mr. President, if we can't get such consent, then we will have to have a cloture vote on the motion to proceed to Senator LEVIN's bill on Monday at 12 noon. As for consideration of an amendment, as I stated in our colloquy, and I state now to the Chair, we will work with the Republican leader on an orderly process. He is an experienced legislator, as we all are, working on this bill. The problem we have is a narrow window of time because of the absolute requirement—absolute requirement to finish the continuing appropriations resolution by February 15 to avoid a total closure of the Federal Government—a total closure of the Federal Government. There would be more time to debate amendments, and I know the distinguished Republican leader is looking at this legislation tonight.

We didn't have to go through the cloture process on the motion to proceed to Senator WARNER's legislation. We simply want the Senate's will for the

American people. I know that is what the minority wants, that is what the majority wants, and we have to figure out a process to do that. I am open to suggestions, but all I know, as I have told my two friends, there is no other way to get to the Warner resolution than how we have done it tonight. If during the night we can work out something to move forward to a debate starting Monday, I think it would be to the betterment of the Senate and the American people.

I repeat: It is done in bill form for the simple reason it is the only way to get it to the floor. I repeat now for the second time in front of the American people, at any time, either by unanimous consent or by a vote of the Democratic caucus, joining in with, I am sure, many Republicans, we will strip that language so it doesn't have to go to the President. We want this to be a resolution. This is something that is business within the family, the congressional family. The President doesn't have to be involved in this—only indirectly.

The PRESIDING OFFICER. The minority leader is recognized.

Mr. McCONNELL. Mr. President, just briefly, I got the Warner resolution language about 7 o'clock. There are others on our side of the aisle, including Senator McCAIN, Senator GRAHAM, Senator CORNYN, and others, who are deeply involved in this issue and interested in how it is going to be disposed of. Senator WARNER has done his usual thoughtful job. He is probably the Senate expert on our side of the aisle in these matters, and his views of which way the Senate should proceed carry a lot of weight in the Senate. But I cannot at this late hour agree to this proposal tonight.

Having said that—and these will be my last thoughts, I believe, for the evening—I do think there ought to be a way to work this out. We have made considerable progress on our side of the aisle in narrowing down the proposals that we might want to offer. And I still think the preferred way to do it—and I think the majority leader believes this as well—is to have a number of different concurrent resolutions in the queue. The distinguished Senator from Virginia has made it clear that he is very uncomfortable, as he just expressed himself a moment ago, with taking the bill approach to this. The majority leader has indicated that is not his preference either. I think the message is: Let's see if we can't craft a unanimous consent agreement that is fair to both sides so that we can have this important debate on this exceedingly important issue next week.

Mr. WARNER. Mr. President, I join in that because I think the operative phrase is to let the Senate work its will. Those are the first words I used in connection with this resolution when I laid it down last week. It is essential. This is one of the most important historic debates, as the distinguished leader—both leaders—have said. We should let this body work its will.

The PRESIDING OFFICER. The assistant majority leader.

Mr. DURBIN. Mr. President, first let me commend the Senator from Virginia for his leadership and the contribution he has made to this historic debate, both for the Senate and for our Nation. Thank you because I think what you have presented in good faith is an effort to engage in a very important and historic debate. I thank you for that. The fact that you have drawn so much support from both sides of the aisle is a testament to the fine work you have done, and I am glad that you are here this evening in an effort to continue that work.

I would say to the minority leader, the Senator from Kentucky, it is understandable that having been given this language and this information at this late hour that he wants a little more time to reflect on it, and I hope in the morning that we can come to the agreement that we all want. But to reiterate what the Senator from Nevada, the majority leader, has said, what we are seeking to do is what the minority leader has expressed, and that is to create the appropriate forum and the appropriate vehicle for the debate on this issue.

We struggle because the procedures in the Senate make it difficult to take resolutions and amendments. It is clumsy, it is awkward, it is difficult to do. So what the majority leader has suggested is to treat this resolution as a bill for the purpose of amendment but then to remove that bill status so that there is no question as to whether it is going to the President. That gives us a chance to work our will, as the Senator from Virginia has said, using the bill-like approach to amendment and gives the majority and minority leaders a chance to work together to find a reasonable number of reasonable amendments so that we can, in fact, express our will on this critically important issue.

But I say to the minority leader from Kentucky, there is no guile in this proposal. It is an effort to find a reasonable way for both sides of the aisle to address this historic debate.

RETIREMENT OF ED GREELEGS

Mr. DURBIN. Mr. President, I come to the Senate today to say something I hoped I would never have to say. I am here to say thank you and farewell to my chief of staff for the past 17 years, Ed Greelegs, as he retires from the Senate.

This is the first time he has ever been on the floor of the Senate while it was in session. Ed is the kind of person who does his work without a lot of fanfare, without a lot of need for attention, but he does it so very well.

Some people are drawn to Congress because of what they think are the perks and power that come with the job. That is not what Ed Greelegs has given so much of his life to. For Ed, being a good public servant has always been privilege enough. The desire to help others, to try to translate our Nation's most cherished values into law and policies that meet the challenge of our times—that is what brought Ed Greelegs to the U.S. Congress and why he stayed all these years.

I will say without fear of contradiction that Ed is one of the most well liked, even beloved figures on Capitol Hill. All you have to do is walk down a hallway in the Capitol with Ed Greelegs and you will know what I mean. He knows everybody and everybody knows him. His easygoing nature and real caring for people means that he has made thousands of friends on Capitol Hill. From those who do the important work of maintaining and cleaning our offices to those at the highest levels, Ed knows them all.

We have a saying in our office, incidentally: Talk to Ed, he probably knows somebody. Whenever a new issue comes up, if you want to know who you can turn to and trust, Ed invariably knows whom to call. The relations he has made and nurtured on and off the Hill have been a great help to me for 17 years. I can't tell you the countless people who have never met Ed but who have benefitted nonetheless from the alliances he has forged, the common ground he helped plow, and the laws he helped pass.

One of Ed's great talents is recognizing and nurturing talent among others. If I had a young person who came to me anytime in the last 17 years who said, It has always been my dream to work on Capitol Hill, I would say, I want you to meet Ed Greelegs. He would patiently take the time to read the resume, talk to them, relate his life experience on Capitol Hill, and point them in a direction so they had a chance to realize their dream, as he had. They come back to me, years later, after success on the Hill or at some other branch of Government, and ask, How is Ed? That is the most common question I run into.

Ed grew up in nearby Wheaton, MD, and graduated from the University of Maryland. He came to Capitol Hill as an intern in 1970. In the 20 years between that first internship and becoming my chief of staff, Ed worked for Congressman Marty Russo of Illinois, Congressman Bob Eckhart of Texas on the House Commerce Committee's Subcommittee on Investigations and Oversight, then for Congressman Sam Gejdenson of Connecticut, and finally back to Congressman Russo's office for most of the 1980s. He worked briefly for the Consumer Federation of America and for Fannie Mae. But when he left the Hill to go into the private sector, his heart was still here. He even told me stories of jobs in the private sector where he never unpacked the boxes. He just never felt comfortable. It was not where he wanted to be. He might have been making more money, but he wasn't happy. He found his way back to Capitol Hill.

It was the leadership he showed in the office of Marty Russo that really brought Ed to my attention. In 1990, I persuaded him to come work for me as my chief of staff in the House of Representatives. Six years later, I decided to run for the Senate seat that belonged to my longtime friend and mentor, Paul Simon. Ed Greelegs was at my side in that effort.

I wondered how he would adjust, making that transition from the House to the Senate, but it was seamless. He knew just as many people on this side of the Hill as he continues to know on the House side.

For the 10 years I have served in the Senate, Ed Greelegs has been an unfailing source of wisdom and thoughtful advice. His quiet, wry sense of humor has helped to lighten the mood when things become too intense, and his decency, modesty, and great egalitarian spirit have helped remind everybody on our side of what is most important and why we are here.

There are a few things Ed loves more than the Senate. Among them are his wife Susan and his stepchildren Andrew and Amanda; another, his books. Ed has so many books you wouldn't believe it. He has a room, I understand, completely filled in his home. The fact that Susan stays with him despite this obsession on books tells you what a strong marriage they have. When I would look in his office and see all of the books stacked up, I would think, there is a guarantee he will never leave me because he just can't bring himself to pack up all those books. But now he is going to have to, I think.

Another one of Ed's loves is music. One of his favorite musicians is singer-songwriter John Hiatt. Ed even persuaded Susan to include a John Hiatt song at their wedding, entitled "Have a Little Faith in Me."

Over 17 years, I have come to have more than a little faith in Ed Greelegs—not just his knowledge but his character and his decency. What I know about him is that you never have to worry about his motives. You never have to wonder if his advice is crafted to serve himself or a friend more than it serves the common good. His goal has always been the same: He wants the best for the people of Illinois and the best for America. When things go well, as they often do when Ed is involved, he doesn't really care who gets the credit.

They say that behind every successful man is a surprised mother-in-law. I can tell you that behind every good Senator is a talented chief of staff. For the last 17 years, it has been my good fortune to have my friend Ed Greelegs in that critical position in my office. I am grateful to him for all he has done for me, for Illinois, and for our Nation. I wish him the very best as he begins the next chapter of his career. I am sure it will be a successful chapter.

As you wander around Washington, you come to understand that there are some people whom everybody likes. Ed Greelegs is one of those people.

My favorite story, which I want to add at this point, involves the first trip to Afghanistan after the Taliban were deposed. I joined with Senator Daschle and a number of other Senators. We went in on the first daylight landing at Bagram Air Force Base in Kabul in Afghanistan. It was very tense. There were armored personnel carriers in every direction and troops with weapons to defend us as we came off the C-130. As I came down the ramp and got into an armored personnel carrier, there was a man in civilian clothes standing there.

He asked: Are you Senator Dick Durbin?

I said: Yes.

He said: I am a friend of Ed Greelegs'.

I couldn't believe it. Here I am in the middle of a war zone, and I ran into a friend of Ed Greelegs'.

Whether it is war or peace, whether it is on the Hill or off, time and again, everybody knows that Ed Greelegs is genuine. He is the real thing. I have been honored to have him at my side for 17 years. I wish him the very best in his future pursuits.

Thanks, Ed.

NFC CHAMPIONSHIP GAME

Mr. VITTER. Mr. President, Senator LANDRIEU and I come to the Senate floor for a painful—for us—but necessary task, and that is to live up to our wager with colleagues from the great State of Illinois and congratulate them on the Bears' defeat of the New Orleans Saints in the NFC championship game.

Of course, the Bears won fair and square 39 to 14, but that score really doesn't reflect how the game was actually played. It was much closer than that for a long time. The Bears' defense played exceptionally, hats-off to them, strong pass rush that really put the Saints' quarterback, Drew Brees, in some precarious situations. They also played overall a really tough physical game, defensively and offensively. Because of some of the bone-crunching hits delivered by the Bears' defenders, the Saints had multiple turnovers, and certainly that was part of the problem from the Saints' perspective. But, really, I think the Chicago Bears won the game because of their incredible ability to manage field position. Each time the Saints' offense took the field, it appeared as if they had their back to the wall, including when a safety was scored against them.

So congratulations to the Chicago Bears. Again, Senator LANDRIEU and I are here to fulfill our commitment and pay our debt. By the way, we just served Senator BARACK OBAMA's staff a lunch of great Louisiana food, and we are about to do the exact same thing for Senator DURBIN and his staff.

But as we give the Bears their due, I know both Senator LANDRIEU and I also want to praise the Saints for an absolutely unbelievable season with the biggest turnaround in NFL history, going from a 3 in 13 last year to the NFC championship game this year. Much more importantly than just that, they serve as a wonderful example of renewal and rebuilding from which we all can learn and emulate in terms of the rebuilding of the gulf coast.

A lot of folks say it is just football, it is just sports, but particularly in the context of everything folks in the greater New Orleans area are going through post-Katrina, the Saints meant an awful lot to us this season, and their example of leadership and integrity and great turnarounds and commitment is something we all took pride in and I think something we all learned from. That example is going to be repeated in many other different walks of live as we spur on our recovery on the gulf coast even further.

So with that, Mr. President, I again congratulate the Chicago Bears. I congratulate our two Senate colleagues from Illinois. I wish them all the best in this Sunday's Super Bowl. But I also note, maybe they are going to need that good luck because they face another New Orleans powerhouse, Peyton Manning, in Miami. So good luck to them.

I yield the floor to Senator LANDRIEU.

The PRESIDING OFFICER. Speaking in my capacity as a Senator from Minnesota, I will say that our team, the Vikings, went four times and never won the Super Bowl, so there is always hope.

Ms. LANDRIEU. Mr. President, I thank my colleague for joining me this morning to deliver some delicious, piping hot, and very spicy red beans and rice that he and I cooked through the night to deliver to our colleagues, Senator OBAMA and Senator DURBIN. I would like to personally congratulate the Bears on their victory and say it was a hard-fought victory during a great game of icy and cold conditions, but our Saints stood up under the tremendous pressure of their defensive line.

As Senator VITTER said, the final score doesn't reflect the battle that was actually played that day on that field. But we congratulate the Bears on their victory and look forward to watching them in the Super Bowl this Sunday.

But to the Saints, I have to say again, as I have said several times on this Senate floor, thank you for being so reflective of and mirroring the spirit of the people from Louisiana, from New Orleans, from the region, and from south Louisiana who have struggled, and like you, have been fighting back to bring our cities and our communities, large and small, urban and rural, back from the brink, in many cases, of utter destruction. The Saints have shown us the way, having experienced themselves as players and family members the loss of their homes, the loss of their places of worship, the loss of the schools where their children attended but, like so many hundreds of thousands of citizens, have literally marched their way back to victory. So we are very grateful for their inspiration and their encouragement, every member of the team.

But to the Bears, led by Rex Grossman, who proved himself to be a Super Bowl quarterback, to, again, their extraordinary defense on the field, we congratulate them.

Senator VITTER and I love pizza. We were looking forward to that Chicago pizza, but we ended up, because of what happened, having to deliver our local favorite, red beans and rice, to Senator DURBIN and Senator OBAMA. But our congratulations to them and to the people of Chicago and to the citizens of Illinois who, I know, will be pulling for their team.

I also want to say we will be looking forward to seeing Peyton Manning on the field. He is a wonderful quarterback from a great family in New Orleans that has also helped us and inspired us a great deal.

HONORING GEORGE OMAS, CHAIRMAN, POSTAL RATE COMMISSION

Mr. LOTT. Mr. President. I rise to mark the retirement from Federal service, of a loyal friend and Mississippian, and a fine public servant, George Omas.

Word has reached me that George will soon be leaving the Postal Rate Commission, where he has been serving as Chairman since November 2001. His leadership at the helm of that agency, which oversees the revenues and expenses of the U.S. Postal Service and recommends the appropriate postage rates, has done much to restore financial confidence in the Postal Service.

September 11 and the accompanying anthrax attacks rocked our U.S. Postal Service with unplanned for expenses to such a degree that an increase in rates were badly needed to offset those expenses without reducing services to the American people. When the Postal Service made their request to the commission on September 24, 2001, George made history by thinking truly "outside the box" and proposed something never done before but was highly needed at the time: a "settlement agreement" of a major rate case. No small task as it required the Postal Service, the Postal Rate Commission and almost 100 interested parties and representatives of the mailing industry to agree to forgo lengthy litigation of the pending case and meet and work out differences together.

He was told it was "impossible" there was too much money at stake for parties to waive a good portion of their due process rights to achieve such an agreement. But, he felt strongly that September 11 was an extraordinary event and it called for extraordinary thinking on everyone's part, so on the first day of the hearings in that case after he had read his opening statement, he added these remarks:

> I have often heard it said that there could never be a settlement in an omnibus rate case. There are too many conflicting interests, and too much money is at stake. But it seems to me that if there was ever a time when 'business as usual' was not an attractive course of action, and when cooperative efforts to promptly resolve issues through settlement might be the right course of action, that time is now.

To everyone's surprise, even their own, the parties responded. In approximately two and a half months the many diverse interests that frequently bitterly contest multiple issues in postal rate cases were able to negotiate, revise, and submit a stipulation and agreement as a proposed settlement. Instead of the normal 10 months, the entire case was initiated, negotiated and agreed to within 6 months.

In the 2002 Annual Report of the Postal Service, the Postmaster General and the Chairman of the Board of Governors explained the effect of those momentous remarks:

> And, following a suggestion by the chairman of the Postal Rate Commission, we approached our major stakeholders and took a bold step that enabled us to implement new postage rates in June, 2002, rather than in the fall. This gained us an additional $1 billion in revenue. As a result, and despite the impacts of the recession and the terror attacks, we were able to close the year with a loss that was almost $700 million below original projections and half of last year's. None of the $762 million the Administration and Congress generously appropriated to the Postal Service to protect the security of the mail was used for operations.

George took the success of that effort and encouraged the Postal Service to look beyond the historical friction existing at their two agencies and focus on new ways to help the Postal Service continue to be successful. The Postal Service initiated a number of so-called negotiated service agreements and the commission and interested parties processed such agreements that brought in new volumes of mail and additional revenues to the Postal Service thus, extending the time needed between rate increases.

George has been a very successful chairman at the commission and I want to note his departure. I hope the legacy he leaves behind in the postal community and indeed, throughout government, is one of innovative thinking and the knowledge that working together can solve seemingly insurmountable problems.

So now that I have told you about George and the good things he has done, as a good Senator, I want to take credit for his good work by saying that I have known George since our days together at The University of Mississippi and that he served on my staff at various times in my career, including my time on the former House Committee on Post Office and Civil Service. When President Clinton nominated George as Postal Rate Commissioner in 1997, I was very pleased to introduce him at his confirmation hearings and give him my support. Needless to say, I was even more pleased when President Bush designated George as chairman of the commission in 2001.

George comes from good folks; his sister and her husband Bernadine and Ralph Marchitto, his niece Debra Lynn Wren, her husband John and George's grand niece Rebecca Elizabeth Wren still reside in the Biloxi area. Almost everyone who lived in Biloxi in the 1950s to the 1980s knew his parents, Violet and Pete Omas.

I will add that while George may be leaving the Postal Rate Commission, I don't believe he will going far, he has too much left to offer and I look forward to continuing to follow his future successes.

IRAQ

Mr. FEINGOLD. Mr. President, I have listened intently over the past few weeks as the President, members of his Cabinet, and Members of this Chamber have discussed Iraq, the war on terror, and ways to strengthen our national security.

For years, now, I have opposed this administration's policies in Iraq as a diversion from the fight against terrorism. But I have never been so sure of the fact that this administration misunderstands the nature of the threats that face our country. I am also surer than ever—and it gives me no pleasure to say this—that this President is incapable of developing and executing a national security strategy that will make our country safer.

Unfortunately, Mr. President, because of our disproportionate focus on Iraq, we are not using enough of our military and intelligence capabilities for defeating al-Qaida and other terrorist networks around the world, nor are we focusing sufficient attention on challenges we face with countries such as Iran, North Korea, Syria, or even China.

While we have been distracted in Iraq, terrorist networks have developed new capabilities and found new sources of support throughout the world. We have seen terrorist attacks in India, Morocco, Turkey, Afghanistan, Indonesia, Spain, Great Britain, and elsewhere. The administration has failed to adequately address the terrorist safe haven that has existed for years in Somalia or the recent instability that has threatened to destabilize the region. And resurgent Taliban forces are contributing to growing levels of instability in Afghanistan.

Meanwhile, the U.S. presence in Iraq is being used as a recruiting tool for terrorist organizations from around the world. We heard the testimony of Dr. Paul Pillar, former lead CIA analyst for the Middle-East, a few weeks ago in front of the Foreign Relations Committee. He said, and I quote:

> The effects of the war in Iraq on international terrorism were aptly summarized in the National Intelligence Estimate on international terrorism that was partially declassified last fall. In the words of the estimators, the war in Iraq has become a "cause celebre" for jihadists, is "shaping a new generation of terrorist leaders and operatives," is one of the major factors fueling the spread of the global jihadist movement, and is being exploited by Al-Qa'ida "to attract new recruits and donors." I concur with those judgments, as I believe would almost any other serious student of international terrorism. [January 10th, 2007]

Retired senior military officers have also weighed in against the President's handling of this war. Retired commander of Central Command, General Hoar, testified in front of the Foreign Relations Committee last week. This is what the general said:

> Sadly, the new strategy, a deeply flawed solution to our current situation, reflects the continuing and chronic inability of the administration to get it right. The courageous men and women of our Armed Forces have been superb. They have met all the challenges of this difficult war. Unfortunately, they have not been well served by the civilian leadership. [January 18th, 2007]

If we escalate our involvement in Iraq or continue the President's course, that means keeping large numbers of U.S. military personnel in Iraq indefinitely. It means continuing to ask our brave servicemembers to somehow provide a military solution to a political problem, one that will require the will of the Iraqi people to resolve.

Escalating our involvement in Iraq also means that our military's readiness levels will continue to deteriorate. It means that a disproportionate level of our military resources will continue to be focused on Iraq while terrorist networks strengthen their efforts worldwide. The fight against the Taliban and al-Qaida in Afghanistan, too, will continue to suffer, as it has since we invaded Iraq. If we escalate our involvement in Iraq, we won't be able to finish the job in Afghanistan.

Finally, the safety of our country would be uncertain, at best. Terrorist organizations and insurgencies around the world will continue to use our presence in Iraq as a rallying cry and recruiting slogan. Terrorist networks will continue to increase their sophistication and reach as our military capabilities are strained in Iraq.

These are only some of the costs of this ongoing war in Iraq. I have not addressed the most fundamental cost of this war the loss of the lives of our Nation's finest men and women, and the grief and suffering that accompanies their sacrifice by their families. We have lost 3,075 men and women in uniform, and that number continues to rise.

These losses, and the damaging consequences to our national security, are not justified, in my mind, because the war in Iraq was, and remains, a war of choice. Some in this body, even those who have questioned the initial rationale for the war, suggest that we have no choice but to remain in Iraq indefinitely. Some here in this Chamber suggest that there is no choice than to continue to give the President deference, even when the result is damaging to our national security. Some argue it isn't the role of Congress to even debate bringing an end to this war.

That argument is mistaken. Congress has a choice, and a responsibility, to determine whether we continue to allow this President to devote so much of our resources to Iraq or whether we listen to the American public and put an end to this war, begin repairing our military, and devote our resources to waging a global campaign against al-Qaida and its allies. We cannot do both. The Constitution gives Congress the explicit power "[to] declare War," "[t]o raise and support Armies," "[t]o provide and maintain a Navy," and "[t]o make Rules for the Government and Regulation of the land and naval Forces." In addition, under article I, "No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law." These are direct quotes from the Constitution of the United States. Yet to hear some in the administration talk, it is as if these provisions were written in invisible ink. They were not. These powers are a clear and direct statement from the Founders of our Republic that Congress has authority to declare, to define, and ultimately, to end a war.

Our Founders wisely kept the power to fund a war separate from the power to conduct a war. In their brilliant design of our system of government, Congress got the power of the purse, and the President got the power of the sword. As James Madison wrote, "Those who are to conduct a war cannot in the nature of things, be proper or safe judges, whether a war ought to be commenced, continued or concluded."

The President has made the wrong judgment about Iraq time and again, first by taking us into war on a fraudulent basis, then by keeping our brave troops in Iraq for nearly 4 years, and now by proceeding despite the opposition of the Congress and the American people to put 21,500 more American troops into harm's way.

If and when Congress acts on the will of the American people by ending our involvement in the Iraq war, Congress will be performing the role assigned it by the Founding Fathers defining the nature of our military commitments and acting as a check on a President whose policies are weakening our Nation.

There is little doubt that decisive action from the Congress is needed. Despite the results of the election and 2 months of study and supposed consultation—during which experts and Members of Congress from across the political spectrum argued for a new policy—the President has decided to escalate the war. When asked whether he would persist in this policy despite congressional opposition, he replied: "Frankly, that's not their responsibility."

Last week Vice President CHENEY was asked whether the nonbinding resolution passed by the Foreign Relations Committee that will soon be considered by the full Senate would deter the President from escalating the war. He replied: "It's not going to stop us."

In the United States of America, the people are sovereign, not the President. It is Congress's responsibility to challenge an administration that persists in a war that is misguided and that the country opposes. We cannot simply wring our hands and complain about the administration's policy. We cannot just pass resolutions saying "your policy is mistaken." And we can't stand idly by and tell ourselves that it is the President's job to fix the mess he made. It is our job to fix the mess, and if we don't do so we are abdicating our responsibilities.

I have just introduced legislation, cosponsored by Senator BOXER, which will prohibit the use of funds to continue the deployment of U.S. forces in Iraq 6 months after enactment. By prohibiting funds after a specific deadline, Congress can force the President to bring our forces out of Iraq and out of harm's way.

This legislation will allow the President adequate time to redeploy our troops safely from Iraq, and it will make specific exceptions for a limited number of U.S. troops who must remain in Iraq to conduct targeted counterterrorism and training missions and protect U.S. personnel. It will not hurt our troops in any way—they will continue receiving their equipment, training, and salaries. It will simply prevent the President from continuing to deploy them to Iraq and will provide a hard deadline for bringing them home. By passing this bill, we can finally focus on repairing our military and countering the full range of threats that we face around the world.

There is plenty of precedent for Congress exercising its constitutional authority to stop U.S. involvement in armed conflict. Just yesterday, I chaired a Judiciary Committee hearing entitled "Exercising Congress's Constitutional Power to End a War."

Without exception, every witness—those called by the majority and the minority—did not challenge the constitutionality of Congress's authority to use the power of the purse to end a war. A number of the witnesses went further and said that Congress has not only the authority but the obligation to take specific actions that are in the interest of the nation.

I would like to read one quote by Mr. Lou Fisher of the Library of Congress. He said, and I quote:

> In debating whether to adopt statutory restrictions on the Iraq War, Members of Congress want to be assured that legislative limitations do not jeopardize the safety and security of U.S. forces. Understandably, every Member wants to respect and honor the performance of dedicated American soldiers. However, the overarching issue for lawmakers is always this: Is a military operation in the nation's interest? If not, placing more U.S. soldiers in harm's way is not a proper response. Members of the House and the Senate cannot avoid the question or defer to the President. Lawmakers always decide the scope of military operations, either by accepting the commitment as it is or by altering its direction and purpose. Decision legitimately and constitutionally resides in Congress.

There are significant historical precedents for this type of legislation that I have introduced today.

In late December 1970, Congress prohibited the use of funds to finance the introduction of ground combat troops into Cambodia or to provide United States advisors to or for Cambodian military forces in Cambodia.

In late June 1973, Congress set a date to cut off funds for combat activities in South East Asia. The provision read, and I quote:

> None of the funds herein appropriated under this act may be expended to support directly or indirectly combat activities in or over Cambodia, Laos, North Vietnam, and South Vietnam by United States forces, and after August 15, 1973, no other funds heretofore appropriated under any other act may be expended for such purpose.

More recently, President Clinton signed into law language that prohibited funding after March 31, 1994, for military operations in Somalia, with certain limited exceptions. And in 1998, Congress passed legislation including a provision that prohibited funding for Bosnia after June 30, 1998, unless the President made certain assurances.

Many Members of this body are well aware of this history. Unfortunately, many Members of the Congress are still concerned that any effort to limit the President's damaging policies in Iraq would have adverse consequences.

Let me dispel a few myths that have been generated as a result of the discussion about the use of the power of the purse.

Some have suggested that if Congress uses the power of the purse, our brave troops in the field will somehow suffer or be hung out to dry. This is completely false. Congress has the power to end funding for the President's failed Iraq policy and force him to bring our troops home. Nothing—nothing—will prevent the troops from receiving the body armor, ammunition, and other resources they need to keep them safe before, during, and after their redeployment. By forcing the President to safely bring our forces out of Iraq, we will protect them, not harm them.

Others have suggested that using the power of the purse is micromanaging the war. Not so. It makes no sense to argue that once Congress has authorized a war it cannot take steps to limit or end that war. Setting a clear policy is not micromanaging; it is exactly what the Constitution contemplates, as we have heard today. Congress has had to use its power many times before, often when the executive branch was ignoring the will of the American people. It has done so without micromanaging and without endangering our soldiers.

Some have argued that cutting off funding would send the wrong message to the troops. Our new Defense Secretary even made this argument last week with respect to the nonbinding resolution now under consideration. These claims are offensive and self-serving.

Congress has the responsibility in our constitutional system to stand up to the President when he is using our military in a way that is contrary to our national interest. If anything, Congress's failure to act when the American people have lost confidence in the President's policy would send a more dangerous and demoralizing message to our troops—that Congress is willing to allow the President to pursue damaging policies that are a threat to our national security and that place them at risk.

Any effort to end funding for the war must ensure that our troops are not put in even more danger and that important counterterrorism missions are still carried out. Every Member of this body, without exception, wants to protect our troops, and our country. But we can do that while at the same time living up to our responsibility to stop the President's ill-advised, ill-conceived, and poorly executed policies, which are taking a devastating toll on our military and on our national security. It is up to Congress to do what is right for our troops and for our national security, which has been badly damaged by diverting so many resources into Iraq.

As long as this President goes unchecked by Congress, our troops will remain needlessly at risk, and our national security will be compromised. Congress has the duty to stand up and use its power to stop him. If Congress doesn't stop this war, it is not because it doesn't have the power; It is because it doesn't have the will.

COMMITTEE ON VETERANS' AFFAIRS RULES OF PROCEDURE

Mr. AKAKA. Mr. President, the Committee on Veterans' Affairs has adopted rules governing its procedures for the 110th Congress. Pursuant to rule XXVI, paragraph 2, of the Standing Rules of the Senate, on behalf of myself and Senator CRAIG, I ask unanimous consent that a copy of the committee rules be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

COMMITTEE ON VETERANS' AFFAIRS

RULES OF PROCEDURE 109TH CONGRESS

I. MEETINGS

(a) Unless otherwise ordered, the Committee shall meet on the first Wednesday of each month. The Chairman may, upon proper notice, call such additional meetings as deemed necessary.

(b) Except as provided in subparagraphs (b) and (d) of paragraph 5 of rule XXVI of the Standing Rules of the Senate, meetings of the Committee shall be open to the public. The Committee shall prepare and keep a complete transcript or electronic recording adequate to fully record the proceedings of each meeting whether or not such meeting or any part thereof is closed to the public.

(c) The Chairman of the Committee, or the Ranking Majority Member present in the absence of the Chairman, or such other Member as the Chairman may designate, shall preside at all meetings.

(d) Except as provided in rule XXVI of the Standing Rules of the Senate, no meeting of the Committee shall be scheduled except by majority vote of the Committee or by authorization of the Chairman of the Committee.

(e) The Committee shall notify the office designated by the Committee on Rules and Administration of the time, place, and purpose of each meeting. In the event such meeting is canceled, the Committee shall immediately notify such designated office.

(f) Written or electronic notice of a Committee meeting, accompanied by an agenda enumerating the items of business to be considered, shall be sent to all Committee member at least 72 hours (not counting Saturdays, Sundays, and Federal holidays) in advance of each meeting. In the event that the giving of such 72-hour notice is prevented by unforeseen requirements or Committee business, the Committee staff shall communicate notice by the quickest appropriate means to members or appropriate staff assistants of Members and an agenda shall be furnished prior to the meeting.

(g) Subject to the second sentence of this paragraph, it shall not be in order for the Committee to consider any amendment in the first degree proposed to any measure under consideration by the Committee unless a written or electronic copy of such amendment has been delivered to each member of the Committee at least 24 hours before the meeting at which the amendment is to be proposed. This paragraph may be waived by a majority vote of the members and shall apply only when 72-hour written notice has been provided in accordance with paragraph (f).

II. QUORUMS

(a) Subject to the provisions of paragraph (b), eight members of the Committee shall constitute a quorum for the reporting or approving of any measure or matter or recommendation. Five members of the Committee shall constitute a quorum for purposes of transacting any other business.

(b) In order to transact any business at a Committee meeting, at least one member of the minority shall be present. If, at any meeting, business cannot be transacted because of the absence of such a member, the matter shall lay over for a calendar day. If the presence of a minority member is not then obtained, business may be transacted by the appropriate quorum.

(c) One member shall constitute a quorum for the purpose of receiving testimony.

III. VOTING

(a) Votes may be cast by proxy. A proxy shall be written and may be conditioned by personal instructions. A proxy shall be valid only for the day given.

(b) There shall be a complete record kept of all Committee action. Such record shall contain the vote cast by each member of the Committee on any question on which a roll call vote is requested.

IV. HEARINGS AND HEARING PROCEDURES

(a) Except as specifically otherwise provided, the rules governing meetings shall govern hearings.

(b) At least 1 week in advance of the date of any hearing, the Committee shall undertake, consistent with the provisions of paragraph 4 of rule XXVI of the Standing Rules of the Senate, to make public announcements of the date, place, time, and subject matter of such hearing.

(c) The Committee shall require each witness who is scheduled to testify at any hearing to file 40 copies of such witness' testimony with the Committee not later than 48 hours prior to the witness' scheduled appearance unless the Chairman and Ranking Minority Member determine there is good cause for failure to do so.

(d) The presiding member at any hearing is authorized to limit the time allotted to each witness appearing before the Committee.

(e) The Chairman, with the concurrence of the Ranking Minority Member of the Committee, is authorized to subpoena the attendance of witnesses and the production of memoranda, documents, records, and any other materials. If the Chairman or a Committee staff member designated by the Chairman has not received from the Ranking Minority Member or a Committee staff member designated by the Ranking Minority Member notice of the Ranking Minority Member's nonconcurrence in the subpoena within 48 hours (excluding Saturdays, Sundays, and Federal holidays) of being notified of the Chairman's intention to subpoena attendance or production, the Chairman is authorized following the end of the 48-hour period involved to subpoena the same without the Ranking Minority Member's concurrence. Regardless of whether a subpoena has been concurred in by the Ranking Minority Member, such subpoena may be authorized by vote of the Members of the Committee. When the Committee or Chairman authorizes a subpoena, the subpoena may be issued upon the signature of the Chairman or of any other member of the Committee designated by the Chairman.

(f) Except as specified in Committee Rule VII (requiring oaths, under certain circumstances, at hearings to confirm Presidential nominations), witnesses at hearings will be required to give testimony under oath whenever the presiding member deems such to be advisable.

V. MEDIA COVERAGE

Any Committee meeting or hearing which is open to the public may be covered by television, radio, and print media. Photographers, reporters, and crew members using mechanical recording, filming or broadcasting devices shall position and use their equipment so as not to interfere with the seating, vision, or hearing of the Committee members or staff or with the orderly conduct of the meeting or hearing. The presiding member of the meeting or hearing may for good cause terminate, in whole or in part, the use of such mechanical devices or take such other action as the circumstances and the orderly conduct of the meeting or hearing may warrant.

VI. GENERAL

All applicable requirements of the Standing Rules of the Senate shall govern the Committee.

VII. PRESIDENTIAL NOMINATIONS

(a) Each Presidential nominee whose nomination is subject to Senate confirmation and referred to this Committee shall submit a statement of his or her background and financial interests, including the financial interests of his or her spouse and of children living in the nominee's household, on a form approved by the Committee which shall be sworn to as to its completeness and accuracy. The Committee form shall be in two parts—

(A) information concerning employment, education, and background of the nominee which generally relates to the position to which the individual is nominated, and which is to be made public; and

(B) information concerning the financial and other background of the nominee, to be made public when the Committee determines that such information bears directly on the nominee's qualifications to hold the position to which the individual is nominated.

Committee action on a nomination, including hearings or a meeting to consider a motion to recommend confirmation, shall not be initiated until at least five days after the nominee submits the form required by this rule unless the Chairman, with the concurrence of the Ranking Minority Member, waives this waiting period.

(b) At any hearing to confine a Presidential nomination, the testimony of the nominee and, at the request of any Member, any other witness shall be under oath.

VIII. NAMING OF DEPARTMENT OF VETERANS AFFAIRS FACILITIES

It is the policy of the Committee that no Department of Veterans Affairs facility shall be named after any individual unless—

(A) such individual is deceased and was—

(1) a veteran who (i) was instrumental in the construction or the operation of the facility to be named, or

(ii) was a recipient of the Medal of Honor or, as determined by the Chairman and Ranking Minority Member, otherwise performed military service of an extraordinarily distinguished character;

(2) a member of the United States House of Representatives or Senate who had a direct association with such facility;

(3) an Administrator of Veterans' Affairs, a Secretary of Veterans Affairs, a Secretary of Defense or of a service branch, or a military or other Federal civilian official of comparable or higher rank; or

(4) an individual who, as determined by the Chairman and Ranking Minority Member, performed outstanding service for veterans;

(B) each member of the Congressional delegation representing the State in which the designated facility is located has indicated in writing such member's support of the proposal to name such facility after such individual; and

(C) the pertinent State department or chapter of each Congressionally chartered veterans' organization having a national membership of at least 500,000 has indicated in writing its support of such proposal.

IX. AMENDMENTS TO THE RULES

The rules of the Committee may be changed, modified, amended, or suspended at any time, provided, however, that no less than a majority of the entire membership so determine at a regular meeting with due notice, or at a meeting specifically called for that purpose. The rules governing quorums for reporting legislative matters shall govern rules changes, modification, amendments, or suspension.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS RULES OF PROCEDURE

Mr. KENNEDY. Mr. President, pursuant to the requirements of paragraph 2 of Senate rule XXVI, I ask unanimous consent to have printed in the RECORD the rules of the Committee on Health, Education, Labor, and Pensions for the 110th Congress adopted by the committee on January 31, 2007.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RULES OF PROCEDURE OF THE SENATE COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS, JANUARY 31, 2007

Rule 1.—Subject to the provisions of rule XXVI, paragraph 5, of the Standing Rules of the Senate, regular meetings of the committee shall be held on the second and fourth Wednesday of each month, at 10:00 a.m., in room SD-430, Dirksen Senate Office Building. The chairman may, upon proper notice, call such additional meetings as he may deem necessary.

Rule 2.—The chairman of the committee or of a subcommittee, or if the chairman is not present, the ranking majority member present, shall preside at all meetings. The chairman may designate the ranking minority member to preside at hearings of the committee or subcommittee.

Rule 3.—Meetings of the committee or a subcommittee, including meetings to conduct hearings, shall be open to the public except as otherwise specifically provided in subsections (b) and (d) of rule 26.5 of the Standing Rules of the Senate.

Rule 4.—(a) Subject to paragraph (b), one-third of the membership of the committee, actually present, shall constitute a quorum for the purpose of transacting business. Any quorum of the committee which is composed of less than a majority of the members of the committee shall include at least one member of the majority and one member of the minority.

(b) A majority of the members of a subcommittee, actually present, shall constitute a quorum for the purpose of transacting business: provided, no measure or matter shall be ordered reported unless such majority shall include at least one member of the minority who is a member of the subcommittee. If, at any subcommittee meeting, a measure or matter cannot be ordered reported because of the absence of such a minority member, the measure or matter shall lay over for a day. If the presence of a member of the minority is not then obtained, a majority of the members of the subcommittee, actually present, may order such measure or matter reported.

(c) No measure or matter shall be ordered reported from the committee or a subcommittee unless a majority of the committee or subcommittee is physically present.

Rule 5.—With the approval of the chairman of the committee or subcommittee, one member thereof may conduct public hearings other than taking sworn testimony.

Rule 6.—Proxy voting shall be allowed on all measures and matters before the committee or a subcommittee if the absent member has been informed of the matter on which he is being recorded and has affirmatively requested that he be so recorded. While proxies may be voted on a motion to report a measure or matter from the committee, such a motion shall also require the concurrence of a majority of the members who are actually present at the time such action is taken.

The committee may poll any matters of committee business as a matter of unanimous consent; provided that every member is polled and every poll consists of the following two questions:

(1) Do you agree or disagree to poll the proposal; and

(2) Do you favor or oppose the proposal.

Rule 7.—There shall be prepared and kept a complete transcript or electronic recording adequate to fully record the proceedings of each committee or subcommittee meeting or conference whether or not such meetings or any part thereof is closed pursuant to the specific provisions of subsections (b) and (d) of rule 26.5 of the Standing Rules of the Senate, unless a majority of said members vote to forgo such a record. Such records shall contain the vote cast by each member of the committee or subcommittee on any question on which a "yea and nay" vote is demanded, and shall be available for inspection by any committee member. The clerk of the committee, or the clerk's designee, shall have the responsibility to make appropriate arrangements to implement this rule.

Rule 8.—The committee and each subcommittee shall undertake, consistent with the provisions of rule XXVI, paragraph 4, of the Standing Rules of the Senate, to issue public announcement of any hearing it intends to hold at least one week prior to the commencement of such hearing.

Rule 9.—The committee or a subcommittee shall require all witnesses heard before it to file written statements of their proposed testimony at least 24 hours before a hearing, unless the chairman and the ranking minority member determine that there is good cause for failure to so file, and to limit their oral presentation to brief summaries of their arguments. Testimony may be filed electronically. The presiding officer at any hearing is authorized to limit the time of each witness appearing before the committee or a subcommittee. The committee or a subcommittee shall, as far as practicable, utilize testimony previously taken on bills and measures similar to those before it for consideration.

Rule 10.—Should a subcommittee fail to report back to the full committee on any measure within a reasonable time, the chairman may withdraw the measure from such subcommittee and report that fact to the full committee for further disposition.

Rule 11.—No subcommittee may schedule a meeting or hearing at a time designated for a hearing or meeting of the full committee. No more than one subcommittee executive meeting may be held at the same time.

Rule 12.—It shall be the duty of the chairman in accordance with section 133(c) of the Legislative Reorganization Act of 1946, as amended, to report or cause to be reported to the Senate, any measure or recommendation approved by the committee and to take or cause to be taken, necessary steps to bring the matter to a vote in the Senate.

Rule 13.—Whenever a meeting of the committee or subcommittee is closed pursuant to the provisions of subsection (b) or (d) of rul 26.5 of the Standing Rules of the Senate, no person other than members of the committee, members of the staff of the committee, and designated assistants to members of the committee shall be permitted to attend such closed session, except by special dispensation of the committee or subcommittee or the chairman thereof.

Rule 14.—The chairman of the committee or a subcommittee shall be empowered to adjourn any meeting of the committee or a subcommittee if a quorum is not present within fifteen minutes of the time schedule for such meeting.

Rule 15.—Whenever a bill or joint resolution repealing or amending any statute or part thereof shall be before the committee or a subcommittee for final consideration, the clerk shall place before each member of the committee or subcommittee a print of the statute or the part or section thereof to be amended or replaced showing by strickenthrough type, the part or parts to be omitted and in italics, the matter proposed to be added, if a member makes a timely request for such print.

Rule 16.—An appropriate opportunity shall be given the minority to examine the proposed text of committee reports prior to their filing or publication. In the event there are supplemental, minority, or additional views, an appropriate opportunity shall be given the majority to examine the proposed text prior to filing or publication. Unless the chairman and ranking minority member agree on a shorter period of time, the minority shall have no fewer than three business days to prepare supplemental, minority or additional views for inclusion in a committee report from the time the majority makes the proposed text of the committee report available to the minority.

Rule 17.—(a) The committee, or any subcommittee, may issue subpoenas, or hold hearings to take sworn testimony or hear subpoenaed witnesses, only if such investigative activity has been authorized by majority vote of the committee.

(b) For the purpose of holding a hearing to take sworn testimony or hear subpoenaed witnesses, three members of the committee or subcommittee shall constitute a quorum: provided, with the concurrence of the chairman and ranking minority member of the committee or subcommittee, a single member may hear subpoenaed witnesses or take sworn testimony.

(c) The committee may, by a majority vote, delegate the authority to issue subpoenas to the chairman of the committee or a subcommittee, or to any member designated by such chairman. Prior to the issuance of each subpoena, the ranking minority member of the committee or subcommittee, and any other member so requesting, shall be notified regarding the identity of the person to whom it will be issued and the nature of the information sought and its relationship to the authorized investigative activity, except where the chairman of the committee or subcommittee, in consultation with the ranking minority member, determines that such notice would unduly impede the investigation. All information obtained pursuant to such investigative activity shall be made available as promptly as possible to each member of the committee requesting same, or to any assistant to a member of the committee designated by such member in writing, but the use of any such information is subject to restrictions imposed by the rules of the Senate. Such information, to the extent that it is relevant to the investigation shall, if requested by a member, be summarized in writing as soon as practicable. Upon the request of any member, the chairman of the committee or subcommittee shall call an executive session to discuss such investigative activity or the issuance of any subpoena in connection therewith.

(d) Any witness summoned to testify at a hearing, or any witness giving sworn testimony, may be accompanied by counsel of his own choosing who shall be permitted, while the witness is testifying, to advise him of his legal rights.

(e) No confidential testimony taken or confidential material presented in an executive hearing, or any report of the proceedings of such an executive hearing, shall be made public, either in whole or in part or by way of summary, unless authorized by a majority of the members of the committee or subcommittee.

Rule 18.—Presidential nominees shall submit a statement of their background and financial interests, including the financial interests of their spouse and children living in their household, on a form approved by the committee which shall be sworn to as to its completeness and accuracy. The committee form shall be in two parts—

(I) information relating to employment, education and background of the nominee relating to the position to which the individual is nominated, and which is to be made public; and,

(II) information relating to financial and other background of the nominee, to be made public when the committee determines that such information bears directly on the nominee's qualifications to hold the position to which the individual is nominated.

Information relating to background and financial interests (parts I and II) shall not be required of (a) candidates for appointment and promotion in the Public Health Service Corps; and (b) nominees for less than full-time appointments to councils, commissions or boards when the committee determines that some or all of the information is not relevant to the nature of the position. Information relating to other background and financial interests (part II) shall not be required of any nominee when the committee determines that it is not relevant to the nature of the position.

Committee action on a nomination, including hearings or meetings to consider a motion to recommend confirmation, shall not be initiated until at least five days after the nominee submits the form required by this rule unless the chairman, with the concurrence of the ranking minority member, waives this waiting period.

Rule 19.—Subject to statutory requirements imposed on the committee with respect to procedure, the rules of the committee may be changed, modified, amended or suspended at any time; provided, not less than a majority of the entire membership so determine at a regular meeting with due notice, or at a meeting specifically called for that purpose.

Rule 20.—When the ratio of members on the committee is even, the term "majority" as used in the committee's rules and guidelines shall refer to the party of the chairman for purposes of party identification. Numerical requirements for quorums, votes and the like shall be unaffected.

Rule 21.—First degree amendments must be filed with the chairman at least 24 hours before an executive session. The chairman shall promptly distribute all filed amendments to the members of the committee. The chairman may modify the filing requirements to meet special circumstances with the concurrence of the ranking minority member.

Rule 22.—In addition to the foregoing, the proceedings of the committee shall be governed by the Standing Rules of the Senate and the provisions of the Legislative Reorganization Act of 1946, as amended.

[Excerpts from the Standing Rules of the Senate]

RULE XXV

STANDING COMMITTEES

1. The following standing committees shall be appointed at the commencement of each Congress, and shall continue and have the power to act until their successors are appointed, with leave to report by bill or otherwise on matters within their respective jurisdictions:

* * * * *

(m)(1) Committee on Health, Education, Labor, and Pensions, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

1. Measures relating to education, labor, health, and public welfare.
2. Aging.
3. Agricultural colleges.
4. Arts and humanities.
5. Biomedical research and development.
6. Child labor.
7. Convict labor and the entry of goods made by convicts into interstate commerce.
8. Domestic activities of the American National Red Cross.
9. Equal employment opportunity.
10. Gallaudet College, Howard University, and Saint Elizabeths Hospital.
11. Individuals with disabilities.
12. Labor standards and labor statistics.
13. Mediation and arbitration of labor disputes.
14. Occupational safety and health, including the welfare of miners.
15. Private pension plans.
16. Public health.
17. Railway labor and retirement.
18. Regulation of foreign laborers.
19. Student loans.
20. Wages and hours of labor.

(2) Such committee shall also study and review, on a comprehensive basis, matters relating to health, education and training, and public welfare, and report thereon from time to time.

RULE XXVI

COMMITTEE PROCEDURE

1. Each standing committee, including any subcommittee of any such committee, is authorized to hold such hearings, to sit and act at such times and places during the sessions, recesses, and adjourned periods of the Senate, to require by subpoena or otherwise the attendance of such witnesses and the production of such correspondence, books, papers, and documents, to take such testimony and to make such expenditures out of the contingent fund of the Senate as may be authorized by resolutions of the Senate. Each such committee may make investigations into any matter within its jurisdiction, may report such hearings as may be had by it, and may employ stenographic assistance at a cost not exceeding the amount prescribed by the Committee on Rules and Administration. The expenses of the committee shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman.

* * * * *

5. (a) Notwithstanding any other provision of the rules, when the Senate is in session, no committee of the Senate or any subcommittee thereof may meet, without special leave, after the conclusion of the first two hours after the meeting of the Senate commenced and in no case after two o'clock postmeridian unless consent therefor has been obtained from the majority leader and the minority leader (or in the event of the absence of either of such leaders, from his designee). The prohibition contained in the preceding sentence shall not apply to the Committee on Appropriations or the Committee on the Budget. The majority leader or his designee shall announce to the Senate whenever consent has been given under this subparagraph and shall state the time and place of such meeting. The right to make such announcement of consent shall have the same priority as the filing of a cloture motion.

(b) Each meeting of a committee, or any subcommittee thereof, including meetings to conduct hearings, shall be open to the public, except that a meeting or series of meetings by a committee or a subcommittee thereof on the same subject for a period of no more than fourteen calendar days may be closed to the public on a motion made and seconded to go into closed session to discuss only whether the matters enumerated in clauses (1) through (6) would require the meeting to be closed, followed immediately by a record vote in open session by a majority of the members of the committee or subcommittee when it is determined that the matters to be discussed or the testimony to be taken at such meeting or meetings—

(1) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(2) will relate solely to matters of committee staff personnel or internal staff management or procedure;

(3) will tend to charge an individual with crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise to expose an individual to public contempt or obloquy or will represent a clearly unwarranted invasion of the privacy of an individual;

(4) will disclose the identity of any informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement;

(5) will disclose information relating to the trade secrets of financial or commercial information pertaining specifically to a given person if—

(A) an Act of Congress requires the information to be kept confidential by Government officers and employees; or

(B) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person; or

(6) may divulge matters required to be kept confidential under other provisions of law or Government regulations.

(c) Whenever any hearing conducted by any such committee or subcommittee is open to the public, that hearing may be broadcast by radio or television, or both, under such rules as the committee or subcommittee may adopt.

(d) Whenever disorder arises during a committee meeting that is open to the public, or any demonstration of approval or disapproval is indulged in by any person in attendance of any such meeting, it shall be the duty of the Chair to enforce order on his own initiative and without any point of order being made by a Senator. When the Chair finds it necessary to maintain order, he shall have the power to clear the room, and the committee may act in closed session for so long as there is doubt of the assurance of order.

(e) Each committee shall prepare and keep a complete transcript or electronic recording adequate to fully record the proceeding of each meeting or conference whether or not such meeting or any part thereof is closed under this paragraph, unless a majority of its members vote to forgo such a record.

* * * * *

GUIDELINES OF THE SENATE COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS WITH RESPECT TO HEARINGS, MARKUP SESSIONS, AND RELATED MATTERS

HEARINGS

Section 133A(*a*) of the Legislative Reorganization Act requires each committee of the Senate to publicly announce the date, place, and subject matter of any hearing at least one week prior to the commencement of such hearing.

The spirit of this requirement is to assure adequate notice to the public and other Members of the Senate as to the time and subject matter of proposed hearings. In the spirit of section 133A(*a*) and in order to assure that members of the committee are themselves fully informed and involved in the development of hearings:

1. Public notice of the date, place, and subject matter of each committee or subcommittee hearing should be inserted in the Congressional Record seven days prior to the commencement of such hearing.

2. At least seven days prior to public notice of each committee or subcommittee hearing, the majority should provide notice to the minority of the time, place and specific subject matter of such hearing.

3. At least three days prior to the date of such hearing, the committee or subcommittee should provide to each member a list of witnesses who have been or are proposed to be invited to appear.

4. The committee and its subcommittee should, to the maximum feasible extent, enforce the provisions of rule 9 of the committee rules as it relates to the submission of written statements of witnesses twenty-four hours in advance of a hearing. Witnesses will be urged to submit testimony even earlier whenever possible. When statements are received in advance of a hearing, the committee or subcommittee (as appropriate) should distribute copies of such statements to each of its members. Witness testimony

may be submitted and distributed electronically.

EXECUTIVE SESSIONS FOR THE PURPOSE OF MARKING UP BILLS

In order to expedite the process of marking up bills and to assist each member of the committee so that there may be full and fair consideration of each bill which the committee or a subcommittee is marking up the following procedures should be followed:

1. Seven days prior to the proposed data for an executive session for the purpose of marking up bills the committee or subcommittee (as appropriate) should provide written notice to each of its members as to the time, place, and specific subject matter of such session, including an agenda listing each bill or other matters to be considered and including:

(a) a copy of each bill, joint resolution, or other legislative matter (or committee print thereof) to be considered at such executive session; and

(b) a copy of a summary of the provisions of each bill, joint resolution, or other legislative matter to be considered at such executive session including, whenever possible, an explanation of changes to existing law proposed to be made.

2. Insofar as practical, prior to the scheduled date for an executive session for the purpose of marking up bills, the committee or a subcommittee (as appropriate) should provide each member with a copy of the printed record or a summary of any hearings conducted by the committee or a subcommittee with respect to each bill, joint resolution, or other legislative matter to be considered at such executive session.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS RULES OF PROCEDURES

Mrs. BOXER. Mr. President, I ask unanimous consent to have printed in the RECORD the Rules of the Committee on Environment and Public Works.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RULES OF THE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS, JANUARY 17, 2007

Jurisdiction

Rule XXV, Standing Rules of the Senate

1. The following standing committees shall be appointed at the commencement of each Congress, and shall continue and have the power to act until their successors are appointed, with leave to report by bill or otherwise on matters within their respective jurisdictions:

* * * * *

(h)(1) Committee on Environment and Public Works, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

1. Air pollution.
2. Construction and maintenance of highways.
3. Environmental aspects of Outer Continental Shelf lands.
4. Environmental effects of toxic substances, other than pesticides.
5. Environmental policy.
6. Environmental research and development.
7. Fisheries and wildlife.
8. Flood control and improvements of rivers and harbors, including environmental aspects of deepwater ports.
9. Noise pollution.
10. Nonmilitary environmental regulation and control of nuclear energy.
11. Ocean dumping.
12. Public buildings and improved grounds of the United States generally, including Federal buildings in the District of Columbia.
13. Public works, bridges, and dams.
14. Regional economic development.
15. Solid waste disposal and recycling.
16. Water pollution.
17. Water resources.

(2) Such committee shall also study and review, on a comprehensive basis, matters relating to environmental protection and resource utilization and conservation, and report thereon from time to time.

RULES OF PROCEDURE

RULE 1. COMMITTEE MEETINGS IN GENERAL

(a) REGULAR MEETING DAYS: For purposes of complying with paragraph 3 of Senate Rule XXVI, the regular meeting day of the committee is the first and third Thursday of each month at 10:00 a.m. If there is no business before the committee, the regular meeting shall be omitted.

(b) ADDITIONAL MEETINGS: The chair may call additional meetings, after consulting with the ranking minority member. Subcommittee chairs may call meetings, with the concurrence of the chair, after consulting with the ranking minority members of the subcommittee and the committee.

(c) PRESIDING OFFICER:

(1) The chair shall preside at all meetings of the committee. If the chair is not present, the ranking majority member shall preside.

(2) Subcommittee chairs shall preside at all meetings of their subcommittees. If the subcommittee chair is not present, the ranking majority member of the subcommittee shall preside.

(3) Notwithstanding the rule prescribed by paragraphs (1) and (2), any member of the committee may preside at a hearing.

(d) OPEN MEETINGS: Meetings of the committee and subcommittees, including hearings and business meetings, are open to the public. A portion of a meeting may be closed to the public if the committee determines by roll call vote of a majority of the members present that the matters to be discussed or the testimony to be taken—

(1) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(2) relate solely to matters of committee staff personnel or internal staff management or procedure; or

(3) constitute any other grounds for closure under paragraph 5(b) of Senate Rule XXVI.

(e) BROADCASTING:

(1) Public meetings of the committee or a subcommittee may be televised, broadcast, or recorded by a member of the Senate press gallery or an employee of the Senate.

(2) Any member of the Senate Press Gallery or employee of the Senate wishing to televise, broadcast, or record a committee meeting must notify the staff director or the staff director's designee by 5:00 p.m. the day before the meeting.

(3) During public meetings, any person using a camera, microphone, or other electronic equipment may not position or use the equipment in a way that interferes with the seating, vision, or hearing of committee members or staff on the dais, or with the orderly process of the meeting.

RULE 2. QUORUMS

(a) BUSINESS MEETINGS: At committee business meetings, and for the purpose of approving the issuance of a subpoena or approving a committee resolution, six members, at least two of whom are members of the minority party, constitute a quorum, except as provided in subsection (d).

(b) SUBCOMMITTEE MEETINGS: At subcommittee business meetings, a majority of the subcommittee members, at least one of whom is a member of the minority party, constitutes a quorum for conducting business.

(c) CONTINUING QUORUM: Once a quorum as prescribed in subsections (a) and (b) has been established, the committee or subcommittee may continue to conduct business.

(d) REPORTING: No measure or matter may be reported to the Senate by the committee unless a majority of committee members cast votes in person.

(e) HEARINGS: One member constitutes a quorum for conducting a hearing.

RULE 3. HEARINGS

(a) ANNOUNCEMENTS: Before the committee or a subcommittee holds a hearing, the chair of the committee or subcommittee shall make a public announcement and provide notice to members of the date, place, time, and subject matter of the hearing. The announcement and notice shall be issued at least one week in advance of the hearing, unless the chair of the committee or subcommittee, with the concurrence of the ranking minority member of the committee or subcommittee, determines that there is good cause to provide a shorter period, in which event the announcement and notice shall be issued at least twenty-four hours in advance of the hearing.

(b) STATEMENTS OF WITNESSES:

(1) A witness who is scheduled to testify at a hearing of the committee or a subcommittee shall file 100 copies of the written testimony at least 48 hours before the hearing. If a witness fails to comply with this requirement, the presiding officer may preclude the witness' testimony. This rule may be waived for field hearings, except for witnesses from the Federal Government.

(2) Any witness planning to use at a hearing any exhibit such as a chart, graph, diagram, photo, map, slide, or model must submit one identical copy of the exhibit (or representation of the exhibit in the case of a model) and 100 copies reduced to letter or legal paper size at least 48 hours before the hearing. Any exhibit described above that is not provided to the committee at least 48 hours prior to the hearing cannot be used for purpose of presenting testimony to the committee and will not be included in the hearing record.

(3) The presiding officer at a hearing may have a witness confine the oral presentation to a summary of the written testimony.

(4) Notwithstanding a request that a document be embargoed, any document that is to be discussed at a hearing, including, but not limited to, those produced by the General Accounting Office, Congressional Budget Office, Congressional Research Service, a Federal agency, an Inspector General, or a nongovernmental entity, shall be provided to all members of the committee at least 72 hours before the hearing.

RULE 4. BUSINESS MEETINGS: NOTICE AND FILING REQUIREMENTS

(a) NOTICE: The chair of the committee or the subcommittee shall provide notice, the agenda of business to be discussed, and the text of agenda items to members of the committee or subcommittee at least 72 hours before a business meeting. If the 72 hours falls over a weekend, all materials will be provided by close of business on Friday.

(b) AMENDMENTS: First-degree amendments must be filed with the chair of the committee or the subcommittee at least 24 hours before a business meeting. After the filing deadline, the chair shall promptly distribute all filed amendments to the members of the committee or subcommittee.

(c) MODIFICATIONS: The chair of the committee or the subcommittee may modify the notice and filing requirements to meet special circumstances, with the concurrence of the ranking member of the committee or subcommittee.

RULE 5. BUSINESS MEETINGS: VOTING

(a) PROXY VOTING:

(1) Proxy voting is allowed on all measures, amendments, resolutions, or other matters before the committee or a subcommittee.

(2) A member who is unable to attend a business meeting may submit a proxy vote on any matter, in writing, orally, or through personal instructions.

(3) A proxy given in writing is valid until revoked. A proxy given orally or by personal instructions is valid only on the day given.

(b) SUBSEQUENT VOTING: Members who were not present at a business meeting and were unable to cast their votes by proxy may record their votes later, so long as they do so that same business day and their vote does not change the outcome.

(c) PUBLIC ANNOUNCEMENT:

(1) Whenever the committee conducts a rollcall vote, the chair shall announce the results of the vote, including a tabulation of the votes cast in favor and the votes cast against the proposition by each member of the committee.

(2) Whenever the committee reports any measure or matter by rollcall vote, the report shall include a tabulation of the votes cast in favor of and the votes cast in opposition to the measure or matter by each member of the committee.

RULE 6. SUBCOMMITTEES

(a) REGULARLY ESTABLISHED SUBCOMMITTEES: The committee has six subcommittees: Public Sector Solutions to Global Warming, Oversight, and Children's Health Protection; Transportation and Infrastructure; Private Sector and Consumer Solutions to Global Warming and Wildlife Protection; Clean Air and Nuclear Safety; Superfund and Environmental Health; and Transportation Safety, Infrastructure Security, and Water Quality.

(b) MEMBERSHIP: The committee chair, after consulting with the ranking minority member, shall select members of the subcommittees.

RULE 7. STATUTORY RESPONSIBILITIES AND OTHER MATTERS

(a) ENVIRONMENTAL IMPACT STATEMENTS: No project or legislation proposed by any executive branch agency may be approved or otherwise acted upon unless the committee has received a final environmental impact statement relative to it, in accordance with section 102(2)(C) of the National Environmental Policy Act, and the written comments of the Administrator of the Environmental Protection Agency, in accordance with section 309 of the Clean Air Act. This rule is not intended to broaden, narrow, or otherwise modify the class of projects or legislative proposals for which environmental impact statements are required under section 102(2)(C).

(b) PROJECT APPROVALS:

(1) Whenever the committee authorizes a project under Public Law 89–298, the Rivers and Harbors Act of 1965; Public Law 83–566, the Watershed Protection and Flood Prevention Act; or Public Law 86–249, the Public Buildings Act of 1959, as amended; the chairman shall submit for printing in the Congressional Record, and the committee shall publish periodically as a committee print, a report that describes the project and the reasons for its approval, together with any dissenting or individual views.

(2) Proponents of a committee resolution shall submit appropriate evidence in favor of the resolution.

(c) BUILDING PROSPECTUSES:

(1) When the General Services Administration submits a prospectus, pursuant to section 7(a) of the Public Buildings Act of 1959, as amended, for construction (including construction of buildings for lease by the government), alteration and repair, or acquisition, the committee shall act with respect to the prospectus during the same session in which the prospectus is submitted.

A prospectus rejected by majority vote of the committee or not reported to the Senate during the session in which it was submitted shall be returned to the General Services Administration and must then be resubmitted in order to be considered by the committee during the next session of the Congress.

(2) A report of a building project survey submitted by the General Services Administration to the committee under section 11(b) of the Public Buildings Act of 1959, as amended, may not be considered by the committee as being a prospectus subject to approval by committee resolution in accordance with section 7(a) of that Act. A project described in the report may be considered for committee action only if it is submitted as a prospectus in accordance with section 7(a) and is subject to the provisions of paragraph (1) of this rule.

(d) NAMING PUBLIC FACILITIES: The committee may not name a building, structure or facility for any living person, except former Presidents or former Vice Presidents of the United States, former Members of Congress over 70 years of age, former Justices of the United States Supreme Court over 70 years of age, or Federal judges who are fully retired and over 75 years of age or have taken senior status and are over 75 years of age.

RULE 8. AMENDING THE RULES

The rules may be added to, modified, amended, or suspended by vote of a majority of committee members at a business meeting if a quorum is present.

COMMITTEE OF THE BUDGET RULES OF PROCEDURES

Mr. CONRAD. Mr. President, I ask unanimous consent to have printed in the RECORD the Rules of the Committee on the Budget.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RULES OF THE COMMITTEE ON THE BUDGET, ONE-HUNDRED-TENTH CONGRESS

I. MEETINGS

(1) The committee shall hold its regular meeting on the first Thursday of each month. Additional meetings may be called by the chair as the chair deems necessary to expedite committee business.

(2) Each meeting of the committee, including meetings to conduct hearings, shall be open to the public, except that a portion or portions of any such meeting may be closed to the public if the committee determines by record vote in open session of a majority of the members of the committee present that the matters to be discussed or the testimony to be taken at such portion or portions—

(a) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(b) will relate solely to matters of the committee staff personnel or internal staff management or procedure;

(c) will tend to charge an individual with crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise to expose an individual to public contempt or obloquy, or will represent a clearly unwarranted invasion of the privacy of an individual;

(d) will disclose the identity of any informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement; or

(e) will disclose information relating to the trade secrets or financial or commercial information pertaining specifically to a given person if—

(i) an act of Congress requires the information to be kept confidential by Government officers and employees; or

(ii) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person.

(f) may divulge matters required to be kept confidential under other provisions of law or Government regulations.

(3) Notice of, and the agenda for, any business meeting or markup shall be provided to each member and made available to the public at least 48 hours prior to such meeting or markup.

II. QUORUMS AND VOTING

(1) Except as provided in paragraphs (2) and (3) of this section, a quorum for the transaction of committee business shall consist of not less than one-third of the membership of the entire committee: Provided, that proxies shall not be counted in making a quorum.

(2) A majority of the committee shall constitute a quorum for reporting budget resolutions, legislative measures or recommendations: Provided, that proxies shall not be counted in making a quorum.

(3) For the purpose of taking sworn or unsworn testimony, a quorum of the committee shall consist of one Senator.

(4)(a) The committee may poll—

(i) internal committee matters including those concerning the committee's staff, records, and budget;

(ii) steps in an investigation, including issuance of subpoenas, applications for immunity orders, and requests for documents from agencies; and

(iii) other committee business that the committee has designated for polling at a meeting, except that the committee may not vote by poll on reporting to the Senate any measure, matter, or recommendation, and may not vote by poll on closing a meeting or hearing to the public.

(b) To conduct a poll, the chair shall circulate polling sheets to each member specifying the matter being polled and the time limit for completion of the poll. If any member requests, the matter shall be held for a meeting rather than being polled. The chief clerk shall keep a record of polls; if the committee determines by record vote in open session of a majority of the members of the committee present that the polled matter is one of those enumerated in rule I(2)(a)–(e), then the record of the poll shall be confidential. Any member may move at the committee meeting following a poll for a vote on the polled decision.

III. PROXIES

When a record vote is taken in the committee on any bill, resolution, amendment, or any other question, a quorum being present, a member who is unable to attend the meeting may vote by proxy if the absent member has been informed of the matter on which the vote is being recorded and has affirmatively requested to be so recorded; except that no member may vote by proxy during the deliberations on Budget Resolutions.

IV. HEARINGS AND HEARING PROCEDURES

(1) The committee shall make public announcement of the date, place, time, and subject matter of any hearing to be conducted on any measure or matter at least 1 week in advance of such hearing, unless the chair and ranking member determine that there is good cause to begin such hearing at an earlier date.

(2) In the event that the membership of the Senate is equally divided between the two parties, the ranking member is authorized to call witnesses to testify at any hearing in an amount equal to the number called by the chair. The previous sentence shall not apply in the case of a hearing at which the committee intends to call an official of the Federal government as the sole witness.

(3) A witness appearing before the committee shall file a written statement of proposed testimony at least 1 day prior to appearance, unless the requirement is waived by the chair and the ranking member, following their determination that there is good cause for the failure of compliance.

V. COMMITTEE REPORTS

(1) When the committee has ordered a measure or recommendation reported, following final action, the report thereon shall be filed in the Senate at the earliest practicable time.

(2) A member of the committee, who gives notice of an intention to file supplemental, minority, or additional views at the time of final committee approval of a measure or matter, shall be entitled to not less than 3 calendar days in which to file such views, in writing, with the chief clerk of the committee. Such views shall then be included in the committee report and printed in the same volume, as a part thereof, and their inclusions shall be noted on the cover of the report. In the absence of timely notice, the committee report may be filed and printed immediately without such views.

VI. USE OF DISPLAY MATERIALS IN COMMITTEE

Graphic displays used during any meetings or hearings of the committee are limited to the following:

Charts, photographs, or renderings:

Size: no larger than 36 inches by 48 inches.

Where: on an easel stand next to the member's seat or at the rear of the committee room.

When: only at the time the member is speaking.

Number: no more than two may be displayed at a time.

VII. CONFIRMATION STANDARDS AND PROCEDURES

(1) Standards. In considering a nomination, the committee shall inquire into the nominee's experience, qualifications, suitability, and integrity to serve in the position to which he or she has been nominated. The committee shall recommend confirmation if it finds that the nominee has the necessary integrity and is affirmatively qualified by reason of training, education, or experience to carry out the functions of the office to which he or she was nominated.

(2) Information Concerning the Nominee. Each nominee shall submit the following information to the committee:

(a) A detailed biographical resume which contains information concerning education, employment, and background which generally relates to the position to which the individual is nominated, and which is to be made public;

(b) Information concerning financial and other background of the nominee which is to be made public; provided, that financial information that does not relate to the nominee's qualifications to hold the position to which the individual is nominated, tax returns or reports prepared by federal agencies that may be submitted by the nominee shall, after review by the chair, ranking member, or any other member of the committee upon request, be maintained in a manner to ensure confidentiality; and,

(c) Copies of other relevant documents and responses to questions as the committee may so request, such as responses to questions concerning the policies and programs the nominee intends to pursue upon taking office.

(3) Report on the Nominee. After a review of all information pertinent to the nomination, a confidential report on the nominee may be prepared by the committee staff for the chair, the ranking member and, upon request, for any other member of the committee. The report shall summarize the steps taken and the results of the committee inquiry, including any unresolved matters that have been raised during the course of the inquiry.

(4) Hearings. The committee shall conduct a hearing during which the nominee shall be called to testify under oath on all matters relating to his or her suitability for office, including the policies and programs which he or she would pursue while in that position. No hearing or meeting to consider the confirmation shall be held until at least 72 hours after the following events have occurred: the nominee has responded to the requirements set forth in subsection (2), and, if a report described in subsection (3) has been prepared, it has been presented to the chairman and ranking member, and is available to other members of the committee, upon request.

RETIREMENT OF TERESA POOLE

Mr. BOND. Mr. President it is both with deep gratitude and regret that I announce the retirement of my Academies Coordinator, Teresa Poole, from the public sector.

Teresa Poole, a distinguished U.S. Senate staffer, is set to retire from the political arena on January 31, 2007. This year has been a milestone, marking her thirtieth year of hard work and dedication to the Federal Government, the citizens of southwest Missouri, and most importantly the U.S. Senate offices of Danforth, Ashcroft, and BOND. We have come together to honor and congratulate Teresa on her devotion, team spirit, and the proficient skills she has provided the Springfield office over the past 30 years. Teresa is to be envied and admired by all in government for her service to the public, which she has done with a helpful heart.

In January 1977, Teresa Poole was member of the first U.S. Senate constituent service office in southwest Missouri for Senator Danforth. Little would Teresa know this would begin a remarkable 30-year trek with the U.S. Senate. With her incredible knowledge of the inner workings of government and her history with the U.S. Senate, Teresa has been a great source of information. She took pride in being able to guide effectively constituents, organizations, and coworkers through the complex infrastructure of government.

Among the numerous achievements that Teresa has attained over the years, her most remarkable was her enthusiastic commitment to the Military Academies. She has worked tirelessly to help students from across Missouri to achieve their dreams of becoming officers in the U.S. military by guiding them through the process required to gain a congressional nomination. Teresa has sifted through thousands of letters, applications, and grades, and made endless calls to hopeful applicants. All of this would be finally completed in December, only to start over the next year with new names, faces, and challenges.

Teresa Poole has shown unwavering loyalty and dedication to her job over the past 30 years. From the day to day routine of compiling local clips to answering the phone, Teresa has approached every task with hard work and a positive attitude. She has delighted everyone she meets with her love of antiques and finding good deals at various auctions and sales, her love of travel with her mother and daughter, her passion for her family and heritage, and her impeccable spirit. We commend her for a stunning and distinguished career with the U.S. Senate and wish Teresa the best in all her future endeavors.

Teresa, we have been honored to work with you for so many years. We will miss you and we wish you and your family the very best.

ADDITIONAL STATEMENTS

TRIBUTE TO GARRETT WALTON

• Mr. MARTINEZ. Mr. President, today I wish to discuss the power of volunteerism and how one person can—in the truest sense—make a lasting difference in the world.

The volunteer spirit helps to keep society civil; volunteers give of themselves in a selfless manner. That spirit is exemplified by the acts of one of my own constituents, Mr. Garrett Walton.

Garrett Walton and volunteerism seem to be synonymous with one another.

When Hurricane Ivan ravaged northwest Florida in September of 2004, Walton, a former attorney-turned-developer put his career on hold, and took on a full-time volunteer role to help an entire region of our State recover.

While the eye of the storm came ashore at Gulf Shores, AL, its most severe winds hit the Florida counties of Santa Rosa and Escambia. Those most damaging of winds, exceeding 140 miles per hour, were a part of a colossal hurricane that triggered more than 100 tornadoes, and also brought a 13-foot storm surge.

Roughly 75,000 homes were damaged; 50,000 people were displaced; and of all of the damaged homes, 37,000 of them belonged to families whose household incomes totaled less than $30,000 a year.

Garrett helped to lead a group of civic-minded citizens that met in each others' homes to discuss how they could rebuild the community.

What grew out of that was a volunteer organization known as REBUILD Northwest Florida. It was a grassroots effort that grew into something extraordinary. More than 4,000 volunteers have contributed close to a quarter of a million hours of volunteer service. Garrett has himself contributed close to 5,000 hours of service.

As of the first week of this year, REBUILD had completed more than 1,350 projects. And as recently as this month, January of 2007, Mr. Walton has continued his relentless quest to rebuild communities in northwest Florida.

With the help of a few other volunteers, including Carolyn Appleyard, Miles Anderson, and Mark Ramos, this small contingent has taken it upon themselves to help many of their fellow Floridians pick up their lives after this awful natural disaster. Ivan caused widespread devastation; and as one of Florida's most deadly and costly storms, we knew the recovery effort would be long and arduous. I commend Garrett Walton for rising to the challenge.

He put others ahead of himself—and not just for a day, a week, or a month, but for several years now. Thank you, Garrett, for your dedication to the people of Florida. You are an exemplar of the volunteer spirit, and make us all very proud to be called Floridians.•

TRIBUTE TO DAVIS MORIUCHI

• Mrs. MURRAY. Mr. President, today I wish share with the Senate a tribute to Mr. Davis Moriuchi, a leader in the Pacific Northwest who is retiring after 30 years of service with the Army Corps of Engineers. During his tenure with the Corps, Davis has left an indelible mark on the environment, economy, and people of Washington State. His expertise and dedication will be sorely missed.

My work with Davis over the years has served as a reminder of the difference dedicated individuals make in large and complex organizations like the Corps of Engineers. As we all know, the Corps tackles huge projects that have a widespread impact on our Nation. Davis's work has reaffirmed for me the importance of committed individuals on the success of those projects. Our State has been lucky to have been able to rely on his personal touch and expertise for so many years.

In Davis, my staff and I have also found an invaluable resource whose devotion to the region is as great as ours. Time and again, Davis has taken the time to explain even the most detailed aspects of Corps initiatives. His patience, clarity, and honesty have allowed me to be a stronger advocate for programs that will have long-term consequences for the Pacific Northwest.

While the extent of Davis's impact cannot be measured by projects alone, I would be remiss if I did not mention a few of the projects that he has taken on. We in Washington State will particularly miss Davis's leadership on water resource projects. From the new Navigation Lock at the Bonneville Dam to the ongoing Columbia River Channel Improvement Project, Davis's work on the health of our State's critical waterways will have lasting effects.

Davis has also championed interim repairs of the Columbia River jetties. It was a very exciting day last August, when Colonel O'Donavon, Davis, a host of other stakeholders and I stood at the mouth of the Columbia River and saw interim jetty repairs. Davis was instrumental in making that day possible.

Davis is ending his career as the deputy district commander for project management and the chief of Planning, Programs and Project Management Division for the U.S Army Corps of Engineers, Portland District. It is a title that, while long in syllables, does not begin to grasp at the immensity of his service. But then again, Davis has never worked for titles or credit. His main concern has always been that the work of the Corps is well-executed and timely.

Davis's devotion to the region will be truly missed. I would like to wish him the best of luck in an enjoyable retirement and thank him for his distinguished service.•

RETIREMENT OF JOE ALSTON

• Mr. McCAIN. Mr. President, today I wish to honor the service of the Grand Canyon National Park Superintendent, Joe Alston, who is retiring this week. Joe is a man of considerable integrity, ability, and achievement, and his presence at the Grand Canyon will be deeply missed.

After 31 dedicated years, Joe Alston is retiring from the National Park Service. He has spent the last 6 years serving as the superintendent of the Grand Canyon National Park, the crown jewel of Arizona and one of the Nation's oldest and most heavily visited National Parks. Joe has held a wide variety of positions in the Park Service beginning with his first job as a seasonal firefighter on the North Rim of the Grand Canyon. In the years that followed, Joe worked as a concessions specialist at Yellowstone National Park and later became the chief of the Concessions Management Division in the Alaska Regional Office. More recently, Joe Alston was the assistant superintendent of Yellowstone National Park and eventually served as superintendent at several major National Park units such as the Glacier Bay National Park and Preserve, the Curecanti National Recreation Area, the Glen Canyon National Recreation Area, and the Rainbow Bridge National Monument.

We are very fortunate to have benefited from the passion and expertise that Superintendent Alston brought to the Grand Canyon. Joe was challenged with many complex issues and longstanding conflicts ranging from park transportation to aircraft overflights, yet he has managed them all with foresight, thoughtfulness, and resolve. Under Joe's leadership, the Park Service saw the completion of the Colorado River Management Plan, which protects park resources by implementing a new river permitting system that balances competing commercial and recreational interests. Despite its highly contentious nature, it was Superintendent Alston's desire to hear and understand the views of river runners and other constituents by affording the public every opportunity to provide input during the CRMP planning process. Few superintendents in National Park Service history have undertaken such an open nationwide approach that concluded with such remarkable success.

The Grand Canyon has received many honors during Superintendent Alston's tenure. In 2004, Grand Canyon National Park was recognized for a number of environmental accomplishments by EPA Administrator Mike Leavitt, including having the first EPA certified Leadership in Energy and Environmental Design "green building" owned and operated in a National Park. Joe was the driving force behind the implementation of new training programs that led to the reduction of visitor and employee injuries which earned the Park the Regional Director's Safety Excellence Award and the Director's Safety Excellence Award for Public Safety Achievement in 2005. Among the many accolades Joe has received over the years, perhaps the most noteworthy came in 2005 when Secretary Gale Norton awarded him the Meritorious Service Award, the second highest honorary recognition granted to Interior Department employees.

Joe Alston's ties to the Grand Canyon extend beyond his outstanding professional career. Indeed, the Grand Canyon also happens to be where he met his wife, Judy, who is a teacher with the Grand Canyon Public Schools System. Joe is regarded by those living in northern Arizona as an individual deeply connected to the community. Just last month, he accepted the Community Person of the Year award from the Grand Canyon Rotary Club for ushering in a new era of partnership between the communities of Tusayan, AZ, and Grand Canyon National Park.

My son and I had the distinct pleasure of hiking the Grand Canyon rim to rim last year with the accompaniment of Joe Alston. I can think of few others alive today who are as knowledgeable and devoted to the history and culture of the Grand Canyon than Superintendent Alston. I wish Joe the very best in his future goals and ambitions.•

SAINT PHOTIOS NATIONAL SHRINE

• Mr. MARTINEZ. Mr. President, today I honor the 25th anniversary of the Saint Photios National Shrine, the only Greek Orthodox National Shrine in the country, located in Saint Augustine, FL.

As early as 1768 and under the leadership of Dr. Andrew Turnbull, Greek immigrants traveled to America to seek a better life in Florida. Many of these early Greek Americans migrated to Saint Augustine, where, over time, a strong Greek community has formed. Greek immigrants found refuge there as many gathered for solace, fellowship, and worship at the historic Averos House built in 1749 on Saint George Street. The Averos House was purchased by the Greek Orthodox Archdiocese in 1965, and in 1982, was opened as a National Greek Orthodox Shrine named after Saint Photios the Great, Patriarch of Constantinople.

The Saint Photios Greek Orthodox National Shrine gives honor to the memory of the first colony of Greeks in the Americas and the succeeding generations of Greek immigrants; it now serves as a connection and pilgrimage point for Greek Americans and the Greek Orthodox Church in America. It also serves to preserve, enhance, and promote the ethnic and cultural traditions of Greek heritage and the teachings of the Greek Orthodox Church in America.

The Shrine continues to be faithful in maintaining and perpetuating the Greek Orthodox faith and Hellenic Heritage through its programs and activities to all who pass through its historic doors.

Mr. President, February 4, 2007, will mark the 25th anniversary of the Saint Photios Greek Orthodox National Shrine, and I ask my colleagues to join me in honoring the purposeful commitment and achievements of this religious and historical institution.•

HONORING HANLEY DENNING

• Ms. SNOWE. Mr. President, today I mourn the loss of Hanley Denning, a truly remarkable native of Maine who in word and deed represented the very best of our State and Nation.

Hanley was the visionary founder and executive director of Safe Passage, a Central American-based nonprofit agency which provides children who live in the Guatemala City garbage dump opportunity and hope through myriad forms, including education, nutrition, and health care. Hanley founded Safe Passage in 1999 after having seen children existing amid the squalor and destitution of refuse and trash. But where many would have seen a dead-end marked by desolation, Hanley saw a need which soon after evolved into a calling that required conscience and action. She imagined a pathway out—and possessed the will, determination, and resolve to forge a plan to begin making that route a reality. Hanley took a dilapidated church near the waste dump and developed a drop-in center where children could receive food and a safe haven.

Hanley found that access to education of any kind was not a possibility for children who couldn't begin to afford the enrollment fees, school supplies, and books required by the Guatemalan public schools—not to mention requisite school uniforms and shoes. But thanks to Safe Passage, children have been able to attend a local public school for at least a half-day term. And that experience is complemented by the additional educational reinforcement, care, and supervision received at the center. Whether it is homework, hands-on learning activities, nutrition, medical attention, or a range of other programs, these at-risk youth are recipients of the care they deserve. Today, remarkably, Safe Passage serves as many as 600 children ages 2 to 19 years old.

Irish playwright George Bernard Shaw once famously wrote that "You see things; and you say, 'Why?' But I dream things that never were; and I say, 'Why not?'" When Hanley saw despair, poverty, and indescribable hopelessness, she must have at first said, "Why?" But she responded to an unforgivable, intolerable situation—not with indifference, resignation, or anger—but by saying, "Why not?" Why not carve out a way forward for these children that leads from an abject condition to one where the objective is a better way of life.

Hanley's response to the deplorable situation she found at the Guatemalan dump is emblematic of her overall approach to so much of her life—one filled with a selfless care for others and a willful devotion to being an agent of good will and positive change. Although she hadn't created Safe Passage until 1999, Hanley had been offering a kind of safe passage for so many during years prior to her arrival in Guatemala. Along with earning a master's degree along the way, Hanley was also working at a mental health center, assisting children affected by AIDS, and teaching in a Head Start program.

With this shining example of service, it is little wonder Bowdoin College, her alma mater, recognized Hanley's extraordinary contributions by honoring her with its 2002 Common Good Award. What was so exceptional about Hanley was her longstanding dedication and unfailing determination to address and improve the human condition. She truly exemplified words spoken in 1902 by Joseph McKeen, first president of Bowdoin:

> . . . institutions are founded and endowed for the common good and not for the private advantage of those who resort to them for education. It is not that they may be able to pass through life in an easy and reputable manner, but that their mental powers may be cultivated and improved for the benefit of society.

Hanley's greatest legacy and enduring cause will be memorialized in her name and with her spirit—in a thriving center given to helping those who truly cannot help themselves; a center where, according to a Portland Press Herald account, just last year six Safe Passage students were selected to enroll in Guatemala City's foremost private high schools, where the annual budget has grown from funds in the hundreds to $1.6 million and an employee base of 100, and where more than 500 people from Greater Portland are counted among an emerging force for good of Safe Passage volunteers.

Our thoughts and prayers go out to Hanley's parents, Michael and Marina Denning, and her three brothers, Jordan, Seth, and Lucas.

Thank you, Mr. President, for affording me the opportunity to speak about this truly exceptional Mainer and American whose memory will be a lasting inspiration to us all.•

MESSAGES FROM THE HOUSE

At 11:52 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 49. An act to designate the facility of the United States Postal Service located at 1300 North Frontage Road West in Vail, Colorado, as the "Gerald R. Ford, Jr. Post Office Building".

H.R. 335. An act to designate the facility of the United States Postal Service located at 152 North 5th Street in Laramie, Wyoming, as the "Gale W. McGee Post Office".

H.R. 521. An act to designate the facility of the United States Postal Service located at

2633 11th Street in Rock Island, Illinois, as the "Lane Evans Post Office Building".

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 20. Concurrent resolution calling on the Government of the United Kingdom to immediately establish a full, independent, and public judicial inquiry into the murder of Northern Ireland defense attorney Patrick Finucane, as recommended by Judge Peter Cory as part of the Weston Park Agreement, in order to move forward on the Northern Ireland peace process.

The message further announced that pursuant to 22 U.S.C. 1928a, and the order of the House of January 4, 2007, the Speaker appoints the following Members of the House of Representatives to the United States Group of the NATO Parliamentary Assembly, in addition to Mr. TANNER of Tennessee, Chairman, appointed on January 11, 2007: Mrs. TAUSCHER of California, Vice Chairman, Mr. ROSS of Arkansas, Mr. CHANDLER of Kentucky, Mr. LARSON of Connecticut, Mr. MEEK of Florida, Mr. SCOTT of Georgia and Ms. BEAN of Illinois.

The message also announced that pursuant to 22 U.S.C. 1928a, clause 10 of rule I, and the order of the House of January 4, 2007, the Speaker appoints the following Members of the House of Representatives to the United States Group of the NATO Parliamentary Assembly: Mr. GILLMOR of Ohio, Mr. REGULA of Ohio, Mr. BOOZMAN of Arkansas, and Mr. SHIMKUS of Illinois.

At 4:01 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following joint resolution, in which it requests the concurrence of the Senate:

H.J. Res. 20. Joint resolution making further continuing appropriations for the fiscal year 2007, and for other purposes.

At 4:31 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 5. Concurrent resolution expressing support for the designation and goals of "Hire a Veteran Week" and encouraging the President to issue a proclamation supporting those goals.

H. Con. Res. 34. Concurrent resolution honoring the life of Perry Lavon Julian, a pioneer in the field of organic chemistry research and development and the first and only African American chemist to be inducted into the National Academy of Sciences.

The message further announced that pursuant to section 161(a) of the Trade Act of 1974 (19 U.S.C. 2211), and the order of the House of January 4, 2007, the Speaker appoints the following Members of the House of Representatives as Congressional Advisers on Trade Policy and Negotiations: Mr. RANGEL of New York, Mr. LEVIN of Michigan, Mr. TANNER of Tennessee, Mr. MCCRERY of Louisiana, and Mr. HERGER of California.

The message also announced that pursuant to section 8002 of the Internal Revenue Code of 1986, the Committee on Ways and Means appoints the following Members to serve on the Joint Committee on Taxation: Mr. RANGEL of New York, Mr. STARK of California, Mr. LEVIN of Michigan, Mr. MCCRERY of Louisiana: and Mr. HERGER of California.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 49. An act to designate the facility of the United States Postal Service located at 1300 North Frontage Road West in Vail, Colorado, as the "Gerald R. Ford, Jr. Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

H.R. 335. An act to designate the facility of the United States Postal Service located at 152 North 5th Street in Laramie, Wyoming, as the "Gale W. McGee Post Office"; to the Committee on Homeland Security and Governmental Affairs.

H.R. 521. An act to designate the facility of the United States Postal Service located at 2633 11th Street in Rock Island, Illinois, as the "Lane Evans Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 470. A bill to express the sense of Congress on Iraq.

The following joint resolution was read the first time:

H.J. Res. 20. Joint resolution making further continuing appropriations for the fiscal year 2007, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–562. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Thiabendazole; Pesticide Tolerances for Emergency Exemptions" (FRL No. 8111–1) received on January 26, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC–563. A communication from the Acting Associate Director, Office of Foreign Assets Control, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Foreign Assets Control Regulations" (31 CFR Part 500) received on January 29, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–564. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Operation Regulations; Amendment" ((RIN1625–AA36)(USCG 2001–10881)) received on January 29, 2007; to the Committee on Commerce, Science, and Transportation.

EC–565. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report entitled "Fundamental Properties of Asphalts and Modified Asphalts—II"; to the Committee on Commerce, Science, and Transportation.

EC–566. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting two documents issued by the Agency relative to its regulatory programs; to the Committee on Environment and Public Works.

EC–567. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Virginia; Emission Standards for Consumer Products in the Northern Virginia Volatile Organic Compound Emissions Control Area" (FRL No. 8273–9) received on January 26, 2007; to the Committee on Environment and Public Works.

EC–568. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Michigan; Control of Gasoline Volatility" (FRL No. 8274–4) received on January 26, 2007; to the Committee on Environment and Public Works.

EC–569. A communication from the Fiscal Assistant Secretary, Department of the Treasury, transmitting, pursuant to law, a report relative to the Secretary of the Treasury's actions directed at correcting the effects of a clerical error by the Social Security Administration; to the Committee on Finance.

EC–570. A communication from the Chief of the Trade and Commercial Regulations Branch, Customs and Border Protection, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Conditional Release Period and CBP Bond Obligations for Food, Drugs, Devices and Cosmetics" (RIN1505–AB57) received on January 29, 2007; to the Committee on Finance.

EC–571. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a rule entitled "Amendment of the International Traffic in Arms Regulations: Policy with Respect to Libya and Venezuela" (22 CFR Part 126) received on January 26, 2007; to the Committee on Foreign Relations.

EC–572. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled "Report to Congress on Head Start Monitoring for Fiscal Year 2005"; to the Committee on Health, Education, Labor, and Pensions.

EC–573. A communication from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medical Devices; Immunology and Microbiology Devices; Classification of Quality Control Material for Cystic Fibrosis Nucleic Acid Assays" (Docket No. 2006N–0517) received on January 26, 2007; to the Committee on Health, Education, Labor, and Pensions.

EC–574. A communication from the Deputy Director of Communications and Legislative Affairs, Equal Employment Opportunity Commission, transmitting, pursuant to law, a report relative to the Commission's competitive sourcing efforts during fiscal year 2006; to the Committee on Health, Education, Labor, and Pensions.

EC–575. A communication from the Acting Administrator, Office of Information and Regulatory Affairs, Executive Office of the President, transmitting, pursuant to law, a report relative to Federal participation in the development and use of voluntary consensus standards during fiscal year 2005; to the Committee on Homeland Security and Governmental Affairs.

EC–576. A communication from the Director of Legislative Affairs, Office of the Director of National Intelligence, transmitting, pursuant to law, the report of a nomination for the position of Director of National Intelligence, received on January 26, 2007; to the Select Committee on Intelligence.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. CONRAD, from the Committee on the Budget, without amendment:

S. Res. 52. An original resolution authorizing expenditures by the Committee on the Budget.

By Mr. KENNEDY, from the Committee on Health, Education, Labor, and Pensions, without amendment:

S. Res. 54. An original resolution authorizing expenditures by the Committee on Health, Education, Labor, and Pensions.

By Mr. AKAKA, from the Committee on Veterans' Affairs, without amendment:

S. Res. 55. An original resolution authorizing expenditures by the Committee on Veterans' Affairs.

By Mr. DODD, from the Committee on Banking, Housing, and Urban Affairs, without amendment:

S. Res. 56. An original resolution authorizing expenditures by the Committee on Banking, Housing, and Urban Affairs.

By Mr. HARKIN, from the Committee on Agriculture, Nutrition, and Forestry, without amendment:

S. Res. 57. An original resolution authorizing expenditures by the Committee on Agriculture, Nutrition, and Forestry.

By Mr. INOUYE, from the Committee on Commerce, Science, and Transportation, without amendment:

S. Res. 58. An original resolution authorizing expenditures by the Committee on Commerce, Science, and Transportation.

By Mr. BAUCUS, from the Committee on Finance, without amendment:

S. Res. 59. An original resolution authorizing expenditures by the Committee on Finance.

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, without amendment:

S. Res. 60. An original resolution authorizing expenditures by the Committee on Homeland Security and Governmental Affairs.

By Mrs. FEINSTEIN, from the Committee on Rules and Administration, without amendment:

S. Res. 63. An original resolution authorizing expenditures by the Committee on Rules and Administration.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. BAUCUS for the Committee on Finance.

*Michael J. Astrue, of Massachusetts, to be Commissioner of Social Security for a term expiring January 19, 2013.

*Irving A. Williamson, of New York, to be a Member of the United States International Trade Commission for the term expiring June 16, 2014.

*Dean A. Pinkert, of Virginia, to be a Member of the United States International Trade Commission for the term expiring December 16, 2015.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. REID (for himself, Mrs. LINCOLN, Mr. BIDEN, Ms. MIKULSKI, Mrs. BOXER, Mr. DURBIN, Mr. SALAZAR, and Mr. BROWN):

S. 439. A bill to amend title 10, United States Code, to permit certain retired members of the uniformed services who have a service-connected disability to receive both disability compensation from the Department of Veterans Affairs for their disability and either retired pay by reason of their years of military service or Combat-Related Special Compensation; to the Committee on Armed Services.

By Mr. ENZI (for himself and Mr. THOMAS):

S. 440. A bill to designate the National Museum of Wildlife Art, located at 2820 Rungius Road, Jackson, Wyoming, as the "National Museum of Wildlife Art of the United States"; to the Committee on Energy and Natural Resources.

By Mr. DURBIN (for himself and Mr. OBAMA):

S. 441. A bill to permit certain school districts in Illinois to be reconstituted for purposes of determining assistance under the Impact Aid program; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DURBIN (for himself, Mr. SPECTER, Mr. LEAHY, Mr. SMITH, Mr. KERRY, and Ms. COLLINS):

S. 442. A bill to provide for loan repayment for prosecutors and public defenders; to the Committee on the Judiciary.

By Mr. SALAZAR (for himself and Mr. ALLARD):

S. 443. A bill to establish the Sangre de Cristo National Heritage Area in the State of Colorado, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. SALAZAR:

S. 444. A bill to establish the South Park National Heritage Area in the State of Colorado, and for other purposes; to the Committee on Energy and Natural Resources.

By Ms. STABENOW (for herself, Mr. GRAHAM, and Mr. LEVIN):

S. 445. A bill to establish the position of Trade Enforcement Officer and a Trade Enforcement Division in the Office of the United States Trade Representative, to require identification of trade enforcement priorities, and for other purposes; to the Committee on Finance.

By Mr. DURBIN:

S. 446. A bill to amend the Public Health Service Act to authorize capitation grants to increase the number of nursing faculty and students, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. FEINGOLD:

S. 447. A bill to abolish the death penalty under Federal law; to the Committee on the Judiciary.

By Mr. FEINGOLD (for himself, Mrs. BOXER, and Mr. LEAHY):

S. 448. A bill to prohibit the use of funds to continue deployment of the United States Armed Forces in Iraq beyond six months after the date of the enactment of this Act; to the Committee on Foreign Relations.

By Mr. BIDEN (for himself, Mr. MCCONNELL, Mr. MENENDEZ, Mrs. MURRAY, and Mr. SPECTER):

S. 449. A bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to provide standards and procedures to guide both State and local law enforcement agencies and law enforcement officers during internal investigations, interrogation of law enforcement officers, and administrative disciplinary hearings, to ensure accountability of law enforcement officers, to guarantee the due process rights of law enforcement officers, and to require States to enact law enforcement discipline, accountability, and due process laws; to the Committee on the Judiciary.

By Mr. ENSIGN (for himself, Mrs. LINCOLN, Mr. CARDIN, Ms. COLLINS, Mr. REED, Mr. WARNER, Mr. GRAHAM, Mr. AKAKA, Mr. HAGEL, Mr. HATCH, and Mr. DODD):

S. 450. A bill to amend title XVIII of the Social Security Act to repeal the medicare outpatient rehabilitation therapy caps; to the Committee on Finance.

By Mr. AKAKA (for himself, Mr. COCHRAN, Mr. DODD, Mr. FEINGOLD, and Mr. DURBIN):

S. 451. A bill to establish a National Foreign Language Coordination Council; to the Committee on Health, Education, Labor, and Pensions.

By Ms. CANTWELL (for herself, Mrs. BOXER, and Mr. LAUTENBERG):

S. 452. A bill to amend title 11, United States Code, to ensure that liable entities meet environmental cleanup obligations, and for other purposes; to the Committee on Environment and Public Works.

By Mr. OBAMA (for himself, Mr. SCHUMER, Mr. LEAHY, Mr. CARDIN, Mr. FEINGOLD, Mr. KERRY, Mrs. FEINSTEIN, Mrs. CLINTON, Mrs. BOXER, and Mr. KENNEDY):

S. 453. A bill to prohibit deceptive practices in Federal elections; to the Committee on the Judiciary.

By Ms. COLLINS:

S. 454. A bill to provide an increase in funding for Federal Pell Grants, to amend the Internal Revenue Code of 1986 in order to expand the deduction for interest paid on student loans, raise the contribution limits for Coverdell Education Savings Accounts, and make the exclusion for employer provided educational assistance permanent, and for other purposes; to the Committee on Finance.

By Mr. KERRY:

S. 455. A bill to amend the Internal Revenue Code of 1986 to provide tax relief to active duty military personnel and employers who assist them, and for other purposes; to the Committee on Finance.

By Mrs. FEINSTEIN (for herself, Mr. HATCH, Mr. SCHUMER, Mr. SPECTER, Mr. BIDEN, Mr. KYL, Mr. STEVENS, Ms. CANTWELL, Mr. COLEMAN, Ms. MIKULSKI, Mr. BAUCUS, Mr. PRYOR, Mr. SALAZAR, Mrs. MURRAY, Mr. BROWN, Mrs. CLINTON, Mrs. DOLE, Mr. CORNYN, Mr. KOHL, and Mr. CASEY):

S. 456. A bill to increase and enhance law enforcement resources committed to investigation and prosecution of violent gangs, to deter and punish violent gang crime, to protect law-abiding citizens and communities from violent criminals, to revise and enhance criminal penalties for violent crimes, to expand and improve gang prevention programs, and for other purposes; to the Committee on the Judiciary.

By Mr. VOINOVICH (for himself, Mr. BROWN, Mr. SESSIONS, Mr. BINGAMAN, Mrs. CLINTON, Mr. DOMENICI, Mr. KENNEDY, Mr. LIEBERMAN, Mr. LOTT, and Mr. REED):

S. 457. A bill to extend the date on which the National Security Personnel System will first apply to certain defense laboratories; to the Committee on Homeland Security and Governmental Affairs.

By Mrs. LINCOLN (for herself, Mr. THOMAS, and Mr. PRYOR):

S. 458. A bill to amend title XVIII of the Social Security Act to provide for the treatment of certain physician pathology services under the Medicare program; to the Committee on Finance.

By Ms. SNOWE (for herself, Ms. LANDRIEU, Mr. COCHRAN, Mrs. MURRAY, Mr. LAUTENBERG, Mr. DURBIN, Mrs. CLINTON, Mr. SANDERS, Mrs. FEINSTEIN, Mrs. BOXER, Ms. CANTWELL, Ms. MIKULSKI, Mr. HARKIN, Mr. SCHUMER, and Mr. MENENDEZ):

S. 459. A bill to require that health plans provide coverage for a minimum hospital stay for mastectomies, lumpectomies, and lymph node dissection for the treatment of breast cancer and coverage for secondary consultations; to the Committee on Health, Education, Labor, and Pensions.

By Ms. SNOWE (for herself and Mr. ROCKEFELLER):

S. 460. A bill to make determinations by the United States Trade Representative under title III of the Trade Act of 1974 reviewable by the Court of International Trade and to ensure that the United States Trade Representative considers petitions to enforce United States Trade rights, and for other purposes; to the Committee on Finance.

By Mr. GRASSLEY:

S. 461. A bill to amend title 28, United States Code, to provide an Inspector General for the judicial branch, and for other purposes; to the Committee on the Judiciary.

By Mr. REID (for himself and Mr. ENSIGN):

S. 462. A bill to approve the settlement of the water rights claims of the Shoshone-Paiute Tribes of the Duck Valley Indian Reservation in Nevada, to require the Secretary of the Interior to carry out the settlement, and for other purposes; to the Committee on Indian Affairs.

By Mr. MCCAIN (for himself and Mr. FEINGOLD):

S. 463. A bill to amend the Federal Election Campaign Act of 1971 to clarify when organizations described in section 527 of the Internal Revenue Code of 1986 must register as political committees, and for other purposes; to the Committee on Rules and Administration.

By Mr. ROCKEFELLER (for himself, Ms. COLLINS, and Mr. NELSON of Florida):

S. 464. A bill to amend title XVIII and XIX of the Social Security Act to improve the requirements regarding advance directives in order to ensure that an individual's health care decisions are complied with, and for other purposes; to the Committee on Finance.

By Mr. NELSON of Florida (for himself, Mr. LUGAR, Mr. ROCKEFELLER, Ms. COLLINS, Mr. DURBIN, and Mr. BINGAMAN):

S. 465. A bill to amend titles XVIII and XIX of the Social Security Act and title III of the Public Health Service Act to improve access to information about individuals' health care options and legal rights for care near the end of life, to promote advance care planning and decisionmaking so that individuals' wishes are known should they become unable to speak for themselves, to engage health care providers in disseminating information about and assisting in the preparation of advance directives, which include living wills and durable powers of attorney for health care, and for other purposes; to the Committee on Finance.

By Mr. ROCKEFELLER (for himself, Mr. NELSON of Florida, and Mr. LUGAR):

S. 466. A bill to amend title XVIII of the Social Security Act to provide for coverage of an end-of-life planning consultation as part of an initial preventive physical examination under the Medicare program; to the Committee on Finance.

By Mr. DODD (for himself, Mr. GRASSLEY, Mr. WYDEN, Mr. BINGAMAN, Mr. DURBIN, and Mr. HARKIN):

S. 467. A bill to amend the Public Health Service Act to expand the clinical trials drug data bank; to the Committee on Health, Education, Labor, and Pensions.

By Mr. GRASSLEY (for himself, Mr. DODD, Ms. MIKULSKI, and Mr. BINGAMAN):

S. 468. A bill to amend the Federal Food, Drug, and Cosmetic Act with respect to drug safety, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BAUCUS (for himself and Mr. GRASSLEY):

S. 469. A bill to amend the Internal Revenue Code of 1986 to make permanent the special rule for contributions of qualified conservation contributions; to the Committee on Finance.

By Mr. LEVIN:

S. 470. A bill to express the sense of Congress on Iraq; read the first time.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. CONRAD:

S. Res. 52. An original resolution authorizing expenditures by the Committee on the Budget; from the Committee on the Budget; to the Committee on Rules and Administration.

By Mr. DURBIN (for himself and Mr. OBAMA):

S. Res. 53. A resolution congratulating Illinois State University as it marks its sesquicentennial; to the Committee on the Judiciary.

By Mr. KENNEDY:

S. Res. 54. An original resolution authorizing expenditures by the Committee on Health, Education, Labor, and Pensions; from the Committee on Health, Education, Labor, and Pensions; to the Committee on Rules and Administration.

By Mr. AKAKA:

S. Res. 55. An original resolution authorizing expenditures by the Committee on Veterans' Affairs; from the Committee on Veterans' Affairs; to the Committee on Rules and Administration.

By Mr. DODD:

S. Res. 56. An original resolution authorizing expenditures by the Committee on Banking, Housing, and Urban Affairs; from the Committee on Banking, Housing, and Urban Affairs; to the Committee on Rules and Administration.

By Mr. HARKIN:

S. Res. 57. An original resolution authorizing expenditures by the Committee on Agriculture, Nutrition, and Forestry; from the Committee on Agriculture, Nutrition, and Forestry; to the Committee on Rules and Administration.

By Mr. INOUYE:

S. Res. 58. An original resolution authorizing expenditures by the Committee on Commerce, Science, and Transportation; from the Committee on Commerce, Science, and Transportation; to the Committee on Rules and Administration.

By Mr. BAUCUS:

S. Res. 59. An original resolution authorizing expenditures by the Committee on Finance; from the Committee on Finance; to the Committee on Rules and Administration.

By Mr. LIEBERMAN:

S. Res. 60. An original resolution authorizing expenditures by the Committee on Homeland Security and Governmental Affairs; from the Committee on Homeland Security and Governmental Affairs; to the Committee on Rules and Administration.

By Mr. KENNEDY (for himself, Mr. MCCAIN, Mr. AKAKA, Mr. BOND, Mr. BURR, Ms. CANTWELL, Mr. CARPER, Mrs. CLINTON, Mr. COCHRAN, Mr. COLEMAN, Mr. CONRAD, Mr. DODD, Mrs. DOLE, Mr. DOMENICI, Mr. DURBIN, Mr. ENSIGN, Mr. GRASSLEY, Mr. ISAKSON, Mr. KERRY, Ms. LANDRIEU, Mr. LEAHY, Mr. LEVIN, Ms. MURKOWSKI, Mr. PRYOR, Mr. SANDERS, Mr. REID, and Mr. SPECTER):

S. Res. 61. A resolution designating January 2007 as "National Mentoring Month"; considered and agreed to.

By Mr. VITTER (for himself and Ms. LANDRIEU):

S. Res. 62. A resolution recognizing the goals of Catholic Schools Week and honoring the valuable contributions of Catholic schools in the United States; considered and agreed to.

By Mrs. FEINSTEIN:

S. Res. 63. An original resolution authorizing expenditures by the Committee on Rules and Administration; from the Committee on Rules and Administration; placed on the calendar.

By Mr. OBAMA (for himself, Mr. DURBIN, Mr. DODD, Mr. LUGAR, Mr. LIEBERMAN, and Mr. BAYH):

S. Con. Res. 5. A concurrent resolution honoring the life of Percy Lavon Julian, a pioneer in the field of organic chemistry and the first and only African-American chemist to be inducted into the National Academy of Sciences; to the Committee on the Judiciary.

By Mr. ENZI (for himself and Mr. THOMAS):

S. Con. Res. 6. A concurrent resolution expressing the sense of Congress that the National Museum of Wildlife Art, located in Jackson, Wyoming, should be designated as the "National Museum of Wildlife Art of the United States"; to the Committee on Energy and Natural Resources.

By Mr. WARNER (for himself, Mr. NELSON of Nebraska, Ms. COLLINS, Mr. LEVIN, and Ms. SNOWE):

S. Con. Res. 7. A concurrent resolution expressing the sense of Congress on Iraq; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 101

At the request of Mr. STEVENS, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 101, a bill to update and reinvigorate universal service provided under the Communications Act of 1934.

S. 166

At the request of Mr. MCCAIN, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 166, a bill to restrict any State from imposing a new discriminatory tax on cell phone services.

S. 233

At the request of Mr. KENNEDY, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 233, a bill to prohibit the use of funds for an escalation of United States military forces in Iraq above the numbers existing as of January 9, 2007.

S. 268

At the request of Ms. CANTWELL, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 268, a bill to designate the Ice Age Floods National Geologic Trail, and for other purposes.

S. 281

At the request of Mr. VITTER, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 281, a bill to amend title 44 of the United States Code, to provide for the suspension of fines under certain circumstances for first-time paperwork violations by small business concerns.

S. 287

At the request of Mr. KENNEDY, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 287, a bill to prohibit the use of funds for an escalation of United States military forces in Iraq above the numbers existing as of January 9, 2007.

S. 380

At the request of Mr. WYDEN, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 380, a bill to reauthorize the Secure Rural Schools and Community Self-Determination Act of 2000, and for other purposes.

S. 381

At the request of Mr. INOUYE, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 381, a bill to establish a fact-finding Commission to extend the study of a prior Commission to investigate and determine facts and circumstances surrounding the relocation, internment, and deportation to Axis countries of Latin Americans of Japanese descent from December 1941 through February 1948, and the impact of those actions by the United States, and to recommend appropriate remedies, and for other purposes.

S. 408

At the request of Mr. CHAMBLISS, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 408, a bill to recognize the heritage of hunting and provide opportunities for continued hunting on Federal public land.

S. 430

At the request of Mr. BOND, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 430, a bill to amend title 10, United States Code, to enhance the national defense through empowerment of the Chief of the National Guard Bureau and the enhancement of the functions of the National Guard Bureau, and for other purposes.

At the request of Mr. LEAHY, the names of the Senator from Maryland (Ms. MIKULSKI), the Senator from West Virginia (Mr. ROCKEFELLER), the Senator from Montana (Mr. BAUCUS), the Senator from Massachusetts (Mr. KERRY) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of S. 430, supra.

S. 431

At the request of Mr. MCCAIN, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 431, a bill to require convicted sex offenders to register online identifiers, and for other purposes.

AMENDMENT NO. 115

At the request of Mr. KYL, the names of the Senator from Tennessee (Mr. ALEXANDER) and the Senator from Pennsylvania (Mr. SPECTER) were added as cosponsors of amendment No. 115 proposed to H.R. 2, a bill to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage.

AMENDMENT NO. 209

At the request of Mr. KYL, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of amendment No. 209 proposed to H.R. 2, a bill to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. REID (for himself, Mrs. LINCOLN, Mr. BIDEN, Ms. MIKULSKI, Mrs. BOXER, Mr. DURBIN, Mr. SALAZAR, and Mr. BROWN):

S. 439. A bill to amend title 10, United States Code, to permit certain retired members of the uniformed services who have a service-connected disability to receive both disability compensation from the Department of Veterans Affairs for their disability and either retired pay by reason of their years of military service or Combat-Related Special Compensation; to the Committee on Armed Services.

Mr. REID. Mr. President, we are going to have a debate on Iraq, and it will be a historic debate about that war, a war that has demanded unparalleled sacrifices from our men and women in uniform.

While we have our disagreements with the President's conduct of the war, all 100 Senators stand side by side in supporting our troops. They have done everything asked of them, carrying out a difficult mission with honor and skill. We as a country owe the brave men and women in our military a debt of gratitude and have responsibility to ensure our veterans receive both the thanks of a grateful nation and the benefits they have earned, and that is a subject I would like to discuss briefly this morning.

About 8 years ago, one of my staff came to me and said: Senator, do you realize that if a person is disabled in the military and retires from the military, they cannot draw on both their benefits? I said: What? And he repeated that. If you are in the military and you become disabled and you retire, you cannot draw both your benefits. I thought my staffer didn't know what he was talking about, but he did. That was the law in our country and had been for many years, and it was a wrong law. That law is still mostly in effect, and that is too bad.

When someone who is disabled retires from the U.S. military, he or she cannot draw on both their benefits. If you retire from any other branch of the Federal Government, such as the Bureau of Land Management, you can draw both your disability pay and your retirement pay but, no, not if you are in the military. These people have been robbed of their benefits, in my opinion, and I refer specifically to thousands of men and women who have been denied their retirement because of an unfair policy referred to as concurrent receipt.

By law, disabled veterans, as I have said, cannot collect disability pay and retirement pay at the same time. What does this mean? It means for every dollar of compensation a disabled veteran receives as a result of their injuries, they must sacrifice a dollar of their retirement pay they earned in the service of our Nation. In many cases, this ban takes away a veteran's full retirement pay, wiping away the benefits he or she earned in 20 or more years of service. That is wrong.

Concurrent receipt is a special tax on the men and women who keep us safe.

Few veterans can afford to live on their retirement pay alone. Those burdened with disability face an even greater struggle, often denied any postservice work. They receive disability compensation to pay for pain, suffering, and loss of future earnings caused by a service-connected illness or injury. No other Federal retiree is forced to make forfeit of their retirement—only our disabled military retirees. This is not just an error, it is a disgrace.

Of course, concurrent receipt is not a new problem. I hope most everyone in the Senate knows about it. This is the seventh year I have introduced legislation to give disabled veterans the support they have earned, and I will continue fighting until we succeed, ending this unacceptable policy.

I first of all want to suggest that the two managers of the Defense bill, every year since I have worked on this, have been Senator WARNER and Senator LEVIN, and they have helped me. I appreciate that very much. They have been thoughtful and understanding in their approach to this issue. What has happened these past 7 years is good but not really good. We have chipped away at this unfair policy of concurrent receipt.

In 2000, I introduced legislation to eliminate this unfair policy for the first time. I did it at the end of the 106th Congress. This legislation passed the Senate but was removed by the House during conference. So I reintroduced the legislation in the 107th Congress, in both 2001 and 2002. Unfortunately, it was once again adopted by the Senate but removed in conference.

In 2003, I proposed legislation to allow disabled veterans with at least a 50-percent disability rating to become eligible for full concurrent receipt over a 10-year phase-in period. Despite veto threats from the Bush administration, Congress passed this very important version of concurrent receipt.

In 2004, I took it a step further. I introduced legislation to eliminate the 10-year phase-in period for veterans with a 100-percent disability. The motivation here was to get concurrent receipt to the most severely disabled veterans. We thought many of these veterans would never see the benefits with a 10-year phase-in. They are old World War II veterans, where the average age is well over 80 now, and to think they would have to wait 10 years for a phase-in isn't very fair.

In 2005, we focused on the most severely disabled veterans and successfully eliminated the 10-year phase-in for veterans listed as unemployable. I was pleased with the passage of that 2005 amendment but disappointed that the conference committee chose not to enact this valuable legislation for veterans rated as unemployable until 2009. So in 2006, I sought to get unemployable veterans immediate relief, but we didn't act. Congress didn't act.

So here we are in 2007, back at it again. Today, concurrent receipt remains one of my highest priorities. It is a priority, I believe, in fairness. We need to continue to chip away at this policy, and I am committed to that goal 100 percent, so that 100 percent of disabled veterans get the money they earn in being part of the great fighting force of this Nation.

We are blessed in this country to be defended by an All-Volunteer Army. These patriots put their lives and safety on the line because they love this country. I believe it is time for this country and this Congress to repay their service and sacrifice, and that is why I am reintroducing today the Retired Pay Restoration Act of 2007.

Mr. President, I ask unanimous consent that the text of this legislation be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 439

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Retired Pay Restoration Act of 2007".

SEC. 2. ELIGIBILITY FOR PAYMENT OF BOTH RETIRED PAY AND VETERANS' DISABILITY COMPENSATION FOR CERTAIN MILITARY RETIREES WITH COMPENSABLE SERVICE-CONNECTED DISABILITIES.

(a) EXTENSION OF CONCURRENT RECEIPT AUTHORITY TO RETIREES WITH SERVICE-CONNECTED DISABILITIES RATED LESS THAN 50 PERCENT.—

(1) REPEAL OF 50 PERCENT REQUIREMENT.—Section 1414 of title 10, United States Code, is amended by striking paragraph (2) of subsection (a).

(2) COMPUTATION.—Paragraph (1) of subsection (c) of such section is amended by adding at the end the following new subparagraph:

"(G) For a month for which the retiree receives veterans' disability compensation for a disability rated as 40 percent or less or has a service-connected disability rated as zero percent, $0.".

(b) REPEAL OF PHASE-IN OF CONCURRENT RECEIPT FOR RETIREES WITH SERVICE-CONNECTED DISABILITIES RATED AS TOTAL.—Subsection (a)(1) of such section is amended by striking "except that" and all that follows and inserting "except—

"(A) in the case of a qualified retiree receiving veterans' disability compensation for a disability rated as 100 percent, payment of retired pay to such veteran is subject to subsection (c) only during the period beginning on January 1, 2004, and ending on December 31, 2004; and

"(B) in the case of a qualified retiree receiving veterans' disability compensation for a disability rated as total by reason of unemployability, payment of retired pay to such veteran is subject to subsection (c) only during the period beginning on January 1, 2004, and ending on December 31, 2007.".

(c) CLERICAL AMENDMENTS.—

(1) The heading for section 1414 of such title is amended to read as follows:

"§ 1414. Members eligible for retired pay who are also eligible for veterans' disability compensation: concurrent payment of retired pay and disability compensation".

(2) The item relating to such section in the table of sections at the beginning of chapter 71 of such title is amended to read as follows:

"1414. Members eligible for retired pay who are also eligible for veterans' disability compensation: concurrent payment of retired pay and disability compensation.".

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2008, and shall apply to payments for months beginning on or after that date.

SEC. 3. COORDINATION OF SERVICE ELIGIBILITY FOR COMBAT-RELATED SPECIAL COMPENSATION AND CONCURRENT RECEIPT.

(a) ELIGIBILITY FOR TERA RETIREES.—Subsection (c) of section 1413a of title 10, United States Code, is amended by striking "entitled to retired pay who—" and inserting "who—

"(1) is entitled to retired pay, other than a member retired under chapter 61 of this title with less than 20 years of service creditable under section 1405 of this title and less than 20 years of service computed under section 12732 of this title; and

"(2) has a combat-related disability.".

(b) AMENDMENTS TO STANDARDIZE SIMILAR PROVISIONS.—

(1) CLERICAL AMENDMENT.—The heading for paragraph (3) of section 1413a(b) of such title is amended by striking "RULES" and inserting "RULE".

(2) QUALIFIED RETIREES.—Subsection (a) of section 1414 of such title, as amended by section 2(a), is amended—

(A) by striking "a member or" and all that follows through "retiree')" and inserting "a qualified retiree"; and

(B) by adding at the end the following new paragraph:

"(2) QUALIFIED RETIREES.—For purposes of this section, a qualified retiree, with respect to any month, is a member or former member of the uniformed services who—

"(A) is entitled to retired pay, other than in the case of a member retired under chapter 61 of this title with less than 20 years of service creditable under section 1405 of this title and less than 20 years of service computed under section 12732 of this title; and

"(B) is also entitled for that month to veterans' disability compensation.".

(3) DISABILITY RETIREES.—Subsection (b) of section 1414 of such title is amended—

(A) by striking "SPECIAL RULES" in the subsection heading and all that follows through "is subject to" and inserting "SPECIAL RULE FOR CHAPTER 61 DISABILITY RETIREES.—In the case of a qualified retiree who is retired under chapter 61 of this title, the retired pay of the member is subject to"; and

(B) by striking paragraph (2).

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2008, and shall apply to payments for months beginning on or after that date.

By Mr. DURBIN (for himself and Mr. OBAMA):

S. 441. A bill to permit certain school districts in Illinois to be reconstituted for purposes of determining assistance under the Impact Aid program; to the Committee on Health, Education, Labor, and Pensions.

Mr. DURBIN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 441

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ELIGIBILITY FOR IMPACT AID PAYMENT.

(a) LOCAL EDUCATIONAL AGENCIES.—Notwithstanding section 8013(9)(B) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7713(9)(B)), North Chicago Community Unit School District 187, North Shore District 112, and Township High School District 113 in Lake County, Illinois, and Glenview Public School District 34 and Glenbrook High School District 225 in Cook County, Illinois, shall be considered local educational agencies as such term is used in and for purposes of title VIII of such Act.

(b) COMPUTATION.—Notwithstanding any other provision of law, federally connected children (as determined under section 8003(a) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(a))) who are in attendance in the North Shore District 112, Township High School District 113, Glenview Public School District 34, and Glenbrook High School District 225 described in subsection (a), shall be considered to be in attendance in the North Chicago Community Unit School District 187 described in subsection (a) for purposes of computing the amount that the North Chicago Community Unit School District 187 is eligible to receive under subsection (b) or (d) of such section if—

(1) such school districts have entered into an agreement for such students to be so considered and for the equitable apportionment among all such school districts of any amount received by the North Chicago Community Unit School District 187 under such section; and

(2) any amount apportioned among all such school districts pursuant to paragraph (1) is used by such school districts only for the direct provision of educational services.

By Mr. DURBIN (for himself, Mr. SPECTER, Mr. LEAHY, Mr. SMITH, Mr. KERRY, and Ms. COLLINS):

S. 442. A bill to provide for loan repayment for prosecutors and public defenders; to the Committee on the Judiciary.

Mr. DURBIN. Mr. President, I rise today to introduce the John R. Justice Prosecutors and Defenders Incentive Act of 2007. I am honored to have the support and cosponsorship of Senator LEAHY and Senator SPECTER, the chairman and ranking member of the Judiciary Committee, on this important legislation. I look forward to working closely with Chairman LEAHY and Ranking Member SPECTER to advance it through the Judiciary Committee and secure its enactment into law. I also appreciate the cosponsorship of Senator SMITH, Senator KERRY and Senator COLLINS on this bipartisan bill.

Our bill seeks to enhance our criminal justice system by encouraging talented law school graduates to serve as criminal prosecutors and public defenders. The bill would establish a student loan repayment program for qualified attorneys who agree to remain employed for at least 3 years as State or local criminal prosecutors, or as State, local, or Federal public defenders in criminal cases.

This legislation is supported by the American Bar Association, the National District Attorneys Association, the National Association of Prosecutor Coordinators, the National Legal Aid and Defender Association, and the National Association of Criminal Defense Lawyers.

For our criminal justice system to function effectively, we need to have a sufficient supply of dedicated and competent attorneys working in prosecutor and public defender offices. However, many qualified law school graduates who have a strong motivation to work in the public sector find it economically impossible due to the overwhelming burden of student loan debt.

The legal profession and our communities pay a severe price when law graduates are shut out from pursuing public service careers due to educational debt. When prosecutor and public defender offices cannot attract new lawyers or keep experienced ones, their ability to protect the public interest is compromised. Such offices may find themselves unable to take on new cases due to staffing shortages, and their existing staff may be forced to handle unmanageable workloads. Cases may suffer from lengthy and unnecessary delays, and some cases may be mishandled by inexperienced or overworked attorneys. As a result, innocent people may be sent to jail, and criminals may go free.

Our bill, the John R. Justice Prosecutors and Defenders Incentive Act, is designed to help remedy some of these problems. The availability of student loan repayment can be a powerful incentive for attracting talented new lawyers to public service employment. Our proposal complements loan forgiveness options that currently exist for Federal prosecutors. Passage of this bill will help make prosecutor and public defender jobs at all levels of government more attractive and financially viable for law school graduates who have incurred significant educational debt.

Our bill is named after the late John R. Justice, former president of the National District Attorneys Association and a distinguished prosecutor from the State of South Carolina. John Justice was instrumental in promoting student loan repayment efforts for law school graduates seeking to work in public service. This bill is a fitting tribute to his dedicated efforts.

The need for this legislation is evident. In recent years, the costs of a law school education have skyrocketed. Researchers found that tuition increased about 340 percent from 1985 to 2002 for private law school students and for out-of-State students at public law schools. In-State students at public law schools saw their tuition jump about 500 percent during that time. In 2005, the average annual tuition was $28,900 for private law schools, $22,987 for nonresident students at public law schools, and $13,145 for resident students at public law schools. These tuition costs do not include the costs of food, lodging, books, fees and personal expenses over 3 years of law school.

Unsurprisingly, the vast majority of law students—over 80 percent—must borrow funds to finance their legal education. According to the American Bar Association, the average total cumulative educational debt for law school graduates in the class of 2005 was $78,763 for private schools and $51,056 for public schools. Two-thirds of law students generally carry additional unpaid debt from their undergraduate studies. These education debts are serious financial obligations that must be repaid, as any default on a loan triggers significant consequences.

Many law students graduate with a deep commitment to pursuing a career in public service. However, they need a level of income sufficient to meet the demands of their educational loan liabilities, and public service salaries have not kept up with rising law school debt burdens. From 1985 to 2002, while law school tuition increased 340 percent for private law school students and 500 percent for in-state students at public law schools, salaries for public service lawyers such as prosecutors and public defenders increased by just 70 percent. According to the National Association for Law Placement, NALP, the median entry-level salary for public defenders is $43,000. With 11 to 15 years of experience, the median salary increases only to $65,500. The salary progression for State prosecuting attorneys is similar, starting at around $46,000 and progressing to about $68,000 for those with 11 to 15 years of experience.

Many law school graduates can earn much more and repay their student loans much faster by entering the private sector. According to a NALP survey, in 2005 the median salary for first-year attorneys at law firms ranged from $67,500 in firms of 2 to 25 attorneys to $135,000 in firms of 500 attorneys or more. The median first-year salary for all firms participating in the survey was $100,000. When choosing between a private sector job and a job as a prosecutor or defender, talented law graduates with large debt burdens must take into consideration this salary differential.

It is clear that large student debt deters many law graduates from pursuing public service careers. According to a national survey of 1,622 students from 117 law schools conducted by Equal Justice Works, the Partnership for Public Service, and NALP in 2002, 66 percent of respondents stated that law school debt prevented them from considering a public interest or government job.

Some law graduates initially accept public service jobs despite their high debt burdens. However, many attorneys cannot repay their loan obligations as well as pay all their other living expenses on a government salary. Attorneys who begin careers in public service, and who would like to remain, frequently leave after a few years when they find their debts are hindering their ability to provide for themselves, much less support their families or save for retirement.

Many public service employers report having a difficult time attracting and retaining talented law graduates. Prosecutor and public defender offices across the country have vacancies they cannot fill because new law graduates cannot afford to work for them. Alternatively, those who do hire law graduates find that, because of educational debt burdens, those whom they do hire leave just at the point when they have acquired the experience to provide the most valuable services. According to a Bureau of Justice Statistics survey, 24 percent of state prosecutors' offices reported problems in 2005 with recruiting new attorneys, and 35 percent reported problems in retaining attorneys. Another survey administered by Equal Justice Works and the National Legal Aid & Defender Association in 2002 found that over 60 percent of public interest law employers, including state and local prosecutor and public defender offices, reported difficulty in attorney recruitment and retention.

I recently received a letter from Bernard Murray, President of the Prosecutors Bar Association and Chief of the Criminal Prosecutions Bureau for the Cook County State's Attorney's Office in Chicago. He wrote: "[W]e are faced with enormous hurdles in attracting first-rate candidates to pursue a career with the Cook County State's Attorney's Office. We simply cannot afford to pay new assistants a salary high enough to offset the enormous debt load that follows them from their law school graduation."

His letter also stated: "We are observing an exodus of talent at about the three to five year experience mark in the office when assistants are no longer able to postpone life events such as marriage, home ownership, and starting a family. We are losing much of our best talent before they even have a chance to put their skills to use in felony cases."

I also received a copy of a letter from Michael Judge, Chief Defender of the Los Angeles County Public Defender Office, the oldest and largest such office in the Nation. His letter states the following about his office's efforts to recruit new lawyers: "It became necessary to expand the ambit of recruiting from locally to statewide, to the western region of the country and now to the entire nation to ensure the success of our recruiting in the face of the deterrent of crushing student loan debt. . . . In some sense we are 'poaching' in the territory of other defender offices. . . . I have experienced more 'turndowns' of employment offers in the recent past than during my first 9 or 10 years as Chief Defender. I attribute that to the 'ice cold water in the face syndrome' experienced by motivated candidates making the final net calculations and discovering a defender career can be an adventure in deficit financing."

It harms the public interest when communities face a shortage of attorneys who can effectively prosecute cases and provide criminal defendants with their constitutional right to counsel. Sadly, these situations occur all too frequently. We can—and should—do more to help prosecutor and public defender offices recruit and retain attorneys in the face of increasing student debt burdens and higher private sector salaries.

Our legislation would help by establishing, within the Department of Justice, a program of student loan repayment for borrowers who agree to remain employed for at least three years as State or local criminal prosecutors, or as State, local, or Federal public defenders in criminal cases. It would allow eligible attorneys to receive student loan debt repayments of up to $10,000 per year, with a maximum aggregate over time of $60,000. The bill would cover student loans made, insured, or guaranteed under the Higher Education Act of 1965, including consolidation loans.

Under our bill, repayment benefits for public sector attorneys would be made available on a first-come, first-served basis, and would be subject to the availability of appropriations. Priority would be given to borrowers who received repayment benefits for the preceding fiscal year and who have completed less than three years of the first required service period. Borrowers could enter into an additional agreement, after the required three-year period, for a successive period of service which may be less than three years. Attorneys who do not complete their required period of service would be required to repay the government.

In addition to covering those who agree to serve in State and local prosecutor and defender offices, our bill complements existing loan forgiveness programs that are currently available for Federal prosecutors by making loan relief available to Federal public defenders as well.

Our bill is modeled on a loan repayment program that has been created for Federal executive branch employees and that has enjoyed growing success. Federal law currently permits Federal executive branch agencies to repay their employees' student loans, up to $10,000 in a year, and up to a lifetime maximum of $60,000. In exchange, the employee must agree to remain with the agency for at least three years. According to the Office of Personnel Management (OPM), during fiscal year 2005 there were 479 lawyers working in Federal agencies who received loan repayments under this program, including 242 lawyers for the Securities and Exchange Commission and 85 attorneys for the Department of Justice. According to OPM, Federal agencies across the board say that the program has been of tremendous benefit in recruiting and retaining attorneys.

As I have worked on behalf of our legislation, I have been moved by the personal stories of attorneys who have been trying to embark on a career of public service but have been struggling because of student loans. One compelling letter I received came from Aisha Cornelius, an Assistant State's Attorney in Cook County, Illinois. Her letter said the following: "I am a full-time prosecutor in Cook County. I wanted this job because I desired to use my law degree for public service. Although making a lot of money was not my primary goal, I had hoped at least for financial stability. This, however, is difficult to accomplish as my student loan payments take up a considerable amount of my income. I have more than $100,000 in student loan debt. I am also a single mother with a five-year-old daughter in kindergarten. In order to work, I have to pay for before- and after-school care for her. . . . I depleted my savings while studying for the bar exam last year and I essentially live check to check. In order to supplement my income, I sell cosmetics and skin care. I am also in the process of applying for a part-time evening teaching position. I love my job and serving the greater good. The only reason I would ever leave public service is if I could no longer afford to stay. This is much more of a possibility than I would like it to be. Loan repayment assistance would help me stay longer in a position that allows me to serve the community during the day while giving me the freedom and peace of mind to focus [on] my daughter at night."

I appreciate Ms. Cornelius's willingness to share her story with me. By enacting and funding this legislation, we can take a meaningful step toward alleviating some of the financial burden for attorneys such as Ms. Cornelius who choose careers as criminal prosecutors and public defenders.

I know there are many other law graduates who, like Aisha Cornelius, want to apply their legal training and develop their skills in the public sector, but are deterred by the weight of student loan obligations. Passage of the John R. Justice Prosecutors and Defenders Incentive Act will help them make their career dreams a reality. I urge its swift adoption.

I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the text of the bill was ordered to be printed in the Record, as follows:

S. 442

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "John R. Justice Prosecutors and Defenders Incentive Act of 2007".

SEC. 2. LOAN REPAYMENT FOR PROSECUTORS AND DEFENDERS.

Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended by adding at the end the following:

"PART JJ—LOAN REPAYMENT FOR PROSECUTORS AND PUBLIC DEFENDERS

"SEC. 3111. GRANT AUTHORIZATION.

"(a) Purpose.—The purpose of this section is to encourage qualified individuals to enter and continue employment as prosecutors and public defenders.

"(b) Definitions.—In this section:

"(1) Prosecutor.—The term 'prosecutor' means a full-time employee of a State or local agency who—

"(A) is continually licensed to practice law; and

"(B) prosecutes criminal cases at the State or local level.

"(2) Public defender.—The term 'public defender' means an attorney who—

"(A) is continually licensed to practice law; and

"(B) is—

"(i) a full-time employee of a State or local agency or a nonprofit organization operating under a contract with a State or unit of local government, that provides legal representation to indigent persons in criminal cases; or

"(ii) employed as a full-time Federal defender attorney in a defender organization established pursuant to subsection (g) of section 3006A of title 18, United States Code, that provides legal representation to indigent persons in criminal cases.

"(3) Student loan.—The term 'student loan' means—

"(A) a loan made, insured, or guaranteed under part B of title IV of the Higher Education Act of 1965 (20 U.S.C. 1071 et seq.);

"(B) a loan made under part D or E of title IV of the Higher Education Act of 1965 (20 U.S.C. 1087a et seq. and 1087aa et seq.); and

"(C) a loan made under section 428C or 455(g) of the Higher Education Act of 1965 (20 U.S.C. 1078–3 and 1087e(g)) to the extent that such loan was used to repay a Federal Direct Stafford Loan, a Federal Direct Unsubsidized Stafford Loan, or a loan made under section 428 or 428H of such Act.

"(c) Program Authorized.—The Attorney General shall establish a program by which the Department of Justice shall assume the obligation to repay a student loan, by direct payments on behalf of a borrower to the holder of such loan, in accordance with subsection (d), for any borrower who—

"(1) is employed as a prosecutor or public defender; and

"(2) is not in default on a loan for which the borrower seeks forgiveness.

"(d) Terms of Agreement.—

"(1) In general.—To be eligible to receive repayment benefits under subsection (c), a borrower shall enter into a written agreement that specifies that—

"(A) the borrower will remain employed as a prosecutor or public defender for a required period of service of not less than 3 years, unless involuntarily separated from that employment;

"(B) if the borrower is involuntarily separated from employment on account of misconduct, or voluntarily separates from employment, before the end of the period specified in the agreement, the borrower will repay the Attorney General the amount of any benefits received by such employee under this section;

"(C) if the borrower is required to repay an amount to the Attorney General under subparagraph (B) and fails to repay such amount, a sum equal to that amount shall be recoverable by the Federal Government from the employee (or such employee's estate, if applicable) by such methods as are provided by law for the recovery of amounts owed to the Federal Government;

"(D) the Attorney General may waive, in whole or in part, a right of recovery under this subsection if it is shown that recovery would be against equity and good conscience or against the public interest; and

"(E) the Attorney General shall make student loan payments under this section for the period of the agreement, subject to the availability of appropriations.

"(2) Repayments.—

"(A) In general.—Any amount repaid by, or recovered from, an individual or the estate of an individual under this subsection shall be credited to the appropriation account from which the amount involved was originally paid.

"(B) Merger.—Any amount credited under subparagraph (A) shall be merged with other sums in such account and shall be available for the same purposes and period, and subject to the same limitations, if any, as the sums with which the amount was merged.

"(3) Limitations.—

"(A) Student loan payment amount.—Student loan repayments made by the Attorney General under this section shall be made subject to such terms, limitations, or conditions as may be mutually agreed upon by the borrower and the Attorney General in an agreement under paragraph (1), except that the amount paid by the Attorney General under this section shall not exceed—

"(i) $10,000 for any borrower in any calendar year; or

"(ii) an aggregate total of $60,000 in the case of any borrower.

"(B) Beginning of payments.—Nothing in this section shall authorize the Attorney General to pay any amount to reimburse a borrower for any repayments made by such borrower prior to the date on which the Attorney General entered into an agreement with the borrower under this subsection.

"(e) Additional Agreements.—

"(1) In general.—On completion of the required period of service under an agreement under subsection (d), the borrower and the Attorney General may, subject to paragraph (2), enter into an additional agreement in accordance with subsection (d).

"(2) Term.—An agreement entered into under paragraph (1) may require the borrower to remain employed as a prosecutor or public defender for less than 3 years.

"(f) Award Basis; Priority.—

"(1) Award basis.—Subject to paragraph (2), the Attorney General shall provide repayment benefits under this section on a first-come, first-served basis, and subject to the availability of appropriations.

"(2) Priority.—The Attorney General shall give priority in providing repayment benefits under this section in any fiscal year to a borrower who—

"(A) received repayment benefits under this section during the preceding fiscal year; and

"(B) has completed less than 3 years of the first required period of service specified for the borrower in an agreement entered into under subsection (d).

"(g) Regulations.—The Attorney General is authorized to issue such regulations as may be necessary to carry out the provisions of this section.

"(h) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section $25,000,000 for fiscal year 2008 and such sums as may be necessary for each succeeding fiscal year.".

By Mr. DURBIN:

S. 446. A bill to amend the Public Health Service Act to authorize capitation grants to increase the number of nursing faculty and students, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. DURBIN. Mr. President, I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the text of the bill was ordered to be printed in the Record, as follows:

S. 446

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Nurse Education, Expansion, and Development Act of 2007".

SEC. 2. FINDINGS.

The Congress finds as follows:

(1) While the Nurse Reinvestment Act (Public Law 107–205) helped to increase applications to schools of nursing by 125 percent, schools of nursing have been unable to accommodate the influx of interested students because they have an insufficient number of nurse educators. It is estimated that—

(A) in the 2006–2007 school year—

(i) 66.6 percent of schools of nursing had from 1 to 18 vacant faculty positions; and

(ii) an additional 16.7 percent of schools of nursing needed additional faculty, but lacked the resources needed to add more positions; and

(B) 41,683 eligible candidates were denied admission to schools of nursing in 2005, primarily due to an insufficient number of faculty members.

(2) A growing number of nurses with doctoral degrees are choosing careers outside of education. Over the last few years, 22.5 percent of doctoral nursing graduates reported seeking employment outside the education profession.

(3) In 2006 the average age of nurse faculty at retirement is 63.1 years. With the average age of doctorally-prepared nurse faculty at 54.7 years in 2005, a wave of retirements is expected within the next 10 years.

(4) Master's and doctoral programs in nursing are not producing a large enough pool of potential nurse educators to meet the projected demand for nurses over the next 10 years. While graduations from master's and doctoral programs in nursing rose by 12.8 percent (or 1,369 graduates) and 13.1 percent (or 56 graduates), respectively, in the 2005–2006 school year, projections still demonstrate a shortage of nurse faculty. Given

current trends, there will be at least 2,616 unfilled faculty positions in 2012.

(5) According to the February 2004 Monthly Labor Review of the Bureau of Labor Statistics, more than 1,000,000 new and replacement nurses will be needed by 2012.

SEC. 3. CAPITATION GRANTS TO INCREASE THE NUMBER OF NURSING FACULTY AND STUDENTS.

(a) Grants.—Part D of title VIII of the Public Health Service Act (42 U.S.C. 296p) is amended by adding at the end the following:

"SEC. 832. CAPITATION GRANTS.

"(a) In General.—For the purpose described in subsection (b), the Secretary, acting through the Health Resources and Services Administration, shall award a grant each fiscal year in an amount determined in accordance with subsection (c) to each eligible school of nursing that submits an application in accordance with this section.

"(b) Purpose.—A funding agreement for a grant under this section is that the eligible school of nursing involved will expend the grant to increase the number of nursing faculty and students at the school, including by hiring new faculty, retaining current faculty, purchasing educational equipment and audiovisual laboratories, enhancing clinical laboratories, repairing and expanding infrastructure, or recruiting students.

"(c) Grant Computation.—

"(1) Amount per student.—Subject to paragraph (2), the amount of a grant to an eligible school of nursing under this section for a fiscal year shall be the total of the following:

"(A) $1,800 for each full-time or part-time student who is enrolled at the school in a graduate program in nursing that—

"(i) leads to a master's degree, a doctoral degree, or an equivalent degree; and

"(ii) prepares individuals to serve as faculty through additional course work in education and ensuring competency in an advanced practice area.

"(B) $1,405 for each full-time or part-time student who—

"(i) is enrolled at the school in a program in nursing leading to a bachelor of science degree, a bachelor of nursing degree, a graduate degree in nursing if such program does not meet the requirements of subparagraph (A), or an equivalent degree; and

"(ii) has not more than 3 years of academic credits remaining in the program.

"(C) $966 for each full-time or part-time student who is enrolled at the school in a program in nursing leading to an associate degree in nursing or an equivalent degree.

"(2) Limitation.—In calculating the amount of a grant to a school under paragraph (1), the Secretary may not make a payment with respect to a particular student—

"(A) for more than 2 fiscal years in the case of a student described in paragraph (1)(A) who is enrolled in a graduate program in nursing leading to a master's degree or an equivalent degree;

"(B) for more than 4 fiscal years in the case of a student described in paragraph (1)(A) who is enrolled in a graduate program in nursing leading to a doctoral degree or an equivalent degree;

"(C) for more than 3 fiscal years in the case of a student described in paragraph (1)(B); or

"(D) for more than 2 fiscal years in the case of a student described in paragraph (1)(C).

"(d) Eligibility.—For purposes of this section, the term 'eligible school of nursing' means a school of nursing that—

"(1) is accredited by a nursing accrediting agency recognized by the Secretary of Education;

"(2) has a passage rate on the National Council Licensure Examination for Registered Nurses of not less than 80 percent for each of the 3 school years preceding submission of the grant application; and

"(3) has a graduation rate (based on the number of students in a class who graduate relative to, for a baccalaureate program, the number of students who were enrolled in the class at the beginning of junior year or, for an associate degree program, the number of students who were enrolled in the class at the end of the first year) of not less than 80 percent for each of the 3 school years preceding submission of the grant application.

"(e) Requirements.—The Secretary may award a grant under this section to an eligible school of nursing only if the school gives assurances satisfactory to the Secretary that, for each school year for which the grant is awarded, the school will comply with the following:

"(1) The school will maintain a passage rate on the National Council Licensure Examination for Registered Nurses of not less than 80 percent.

"(2) The school will maintain a graduation rate (as described in subsection (d)(3)) of not less than 80 percent.

"(3)(A) Subject to subparagraphs (B) and (C), the first-year enrollment of full-time nursing students in the school will exceed such enrollment for the preceding school year by 5 percent or 5 students, whichever is greater.

"(B) Subparagraph (A) does not apply to the first school year for which a school receives a grant under this section.

"(C) With respect to any school year, the Secretary may waive application of subparagraph (A) if—

"(i) the physical facilities at the school involved limit the school from enrolling additional students; or

"(ii) the school has increased enrollment in the school (as described in subparagraph (A)) for each of the 2 preceding school years.

"(4) Not later than 1 year after receipt of the grant, the school will formulate and implement a plan to accomplish at least 2 of the following:

"(A) Establishing or significantly expanding an accelerated baccalaureate degree nursing program designed to graduate new nurses in 12 to 18 months.

"(B) Establishing cooperative intradisciplinary education among schools of nursing with a view toward shared use of technological resources, including information technology.

"(C) Establishing cooperative interdisciplinary training between schools of nursing and schools of allied health, medicine, dentistry, osteopathy, optometry, podiatry, pharmacy, public health, or veterinary medicine, including training for the use of the interdisciplinary team approach to the delivery of health services.

"(D) Integrating core competencies on evidence-based practice, quality improvements, and patient-centered care.

"(E) Increasing admissions, enrollment, and retention of qualified individuals who are financially disadvantaged.

"(F) Increasing enrollment of minority and diverse student populations.

"(G) Increasing enrollment of new graduate baccalaureate nursing students in graduate programs that educate nurse faculty members.

"(H) Developing post-baccalaureate residency programs to prepare nurses for practice in specialty areas where nursing shortages are most severe.

"(I) Increasing integration of geriatric content into the core curriculum.

"(J) Partnering with economically disadvantaged communities to provide nursing education.

"(K) Expanding the ability of nurse managed health centers to provide clinical education training sites to nursing students.

"(5) The school will submit an annual report to the Secretary that includes updated information on the school with respect to student enrollment, student retention, graduation rates, passage rates on the National Council Licensure Examination for Registered Nurses, the number of graduates employed as nursing faculty or nursing care providers within 12 months of graduation, and the number of students who are accepted into graduate programs for further nursing education.

"(6) The school will allow the Secretary to make on-site inspections, and will comply with the Secretary's requests for information, to determine the extent to which the school is complying with the requirements of this section.

"(f) Reports to Congress.—The Secretary shall evaluate the results of grants under this section and submit to the Congress—

"(1) not later than 18 months after the date of the enactment of this section, an interim report on such results; and

"(2) not later than the end of fiscal year 2010, a final report on such results.

"(g) Application.—To seek a grant under this section, a school nursing shall submit an application to the Secretary at such time, in such manner, and containing such information and assurances as the Secretary may require.

"(h) Authorization of Appropriations.—

"(1) In general.—For the costs of carrying out this section (except the costs described in paragraph (2)), there are authorized to be appropriated $75,000,000 for fiscal year 2008, $85,000,000 for fiscal year 2009, and $95,000,000 for fiscal year 2010.

"(2) Administrative costs.—For the costs of administering this section, including the costs of evaluating the results of grants and submitting reports to the Congress, there are authorized to be appropriated such sums as may be necessary for each of fiscal years 2008, 2009, and 2010.".

(b) GAO Study.—

(1) In general.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General of the United States shall conduct a study and submit a report to the Congress on ways to increase participation in the nurse faculty profession.

(2) Contents of report.—The report required by paragraph (1) shall include the following:

(A) A discussion of the master's degree and doctoral degree programs that are successful in placing graduates as faculty in schools of nursing.

(B) An examination of compensation disparities throughout the nursing profession and compensation disparities between higher education instructional faculty generally and higher education instructional nursing faculty.

By Mr. FEINGOLD:

S. 447. A bill to abolish the dealth penalty under Federal law; to the Committee on the Judiciary.

Mr. FEINGOLD. Mr. President, today I am introducing the Federal Death Penalty Abolition Act of 2007. This bill would abolish the death penalty at the Federal level. It would put an immediate halt to executions and forbid the imposition of the death penalty as a sentence for violations of Federal law.

Since 1976, when the death penalty was reinstated by the Supreme Court, there have been 1,060 executions across the country, including three at the Federal level. During that same time period, 123 people on death row have been exonerated and released from death row. These people never should have been convicted in the first place.

Consider those numbers. One thousand and sixty executions, and one hundred and twenty-three exonerations in the modern death penalty era. Had those exonerations not taken place, had those 123 people been executed, those executions would have represented an error rate of greater than 10 percent. That is more than an embarrassing statistic; it is a horrifying one, one that should have us all questioning the use of capital punishment in this country. In fact, since 1999 when I first introduced this bill, 46 death row inmates have been exonerated throughout the country.

In the face of these numbers, the national debate on the death penalty has intensified. For the second year in a row, the number of executions, the number of death sentences imposed, and the size of the death row population have decreased as a growing number of voices have joined to express doubt about the use of capital punishment in America. The voices of those questioning the fairness of the death penalty have been heard from college campuses and courtrooms and podiums across the Nation, to the Senate Judiciary Committee hearing room, to the United States Supreme Court. The American public understands that the death penalty raises serious and complex issues. The death penalty can no longer be exploited for political purposes. In fact, for the first time, a May 2006 Gallup Poll reported that more Americans prefer a sentence of life without parole over the death penalty when given a choice. If anything, the political consensus is that it is time for a change. We must not ignore these voices.

In the wake of the Supreme Court's decision in 1976 to allow capital punishment, the Federal Government first resumed death penalty prosecutions after enactment of a 1988 Federal law that provided for the death penalty for murder in the course of a drug-kingpin conspiracy. The Federal death penalty was then expanded significantly in 1994, when the omnibus crime bill expanded its use to a total of some 60 Federal offenses. And despite my best efforts to halt the expansion of the Federal death penalty, more and more provisions seem to be added every year. While the use of and confidence in the death penalty is decreasing overall, the Federal Government has been going in the opposite direction, making more defendants eligible for capital punishment and increasing the size of its Federal death row. Moreover, there are now six individuals on Federal death row from States that do not have capital punishment. The Federal Government is pulling in the wrong direction as the rest of the Nation moves toward a more just system.

On this very day eight years ago, Governor George Ryan took the historic step of placing a moratorium on executions in Illinois and creating an independent, blue ribbon commission to review the State's death penalty system. The Commission conducted an extensive study of the death penalty in Illinois and released a report with 85 recommendations for reform of the death penalty system. The Commission concluded that the death penalty system is not fair, and that the risk of executing the innocent is alarmingly real. Governor Ryan later pardoned four death row inmates and commuted the sentences of all remaining Illinois death row inmates to life in prison before he left office in January 2003.

Illinois is not alone. Seven years ago, then Maryland Governor Parris Glendening learned of suspected racial disparities in the administration of the death penalty in Maryland. Governor Glendening did not look the other way. He commissioned the University of Maryland to conduct the most exhaustive study of Maryland's application of the death penalty in history. Then faced with the rapid approach of a scheduled execution, Governor Glendening acknowledged that it was unacceptable to allow executions to take place while the study he had ordered was not yet complete. So, in May 2002, he placed a moratorium on executions. Although Governor Bob Ehrlich lifted that moratorium and allowed executions to resume during his tenure, Governor Martin O'Malley has indicated that he would approve a legislative repeal of the death penalty and that he, like the majority in this country, favors life without parole.

Other States also have taken important steps. New York's death penalty was overturned by a court decision in 2004 and has not been reinstated by the legislature, and New Jersey enacted a moratorium in 2006. Along with New York and New Jersey, four other States that still have the death penalty technically on their books have not executed any individuals since 1976. In addition, there are 12 States, plus the District of Columbia, whose laws do not provide for capital punishment at all. And following in the footsteps of Illinois and Maryland, North Carolina and California both began legislative studies of their own capital punishment systems this past year.

The more we learn about the death penalty through studies like those, the more reasons we have to oppose it. For example, the Maryland study—released in January 2003—contained findings that should startle us all. The study found that blacks accused of killing whites are more likely to receive a death sentence than blacks who kill blacks, or than white killers. According to the report, black offenders who kill whites are four times as likely to be sentenced to death as blacks who kill blacks, and twice as likely to get a death sentence as whites who kill whites.

The Maryland and Illinois studies cannot be brushed aside as atypical or dismissed as revealing state-specific anomalies in an otherwise perfect system. Years of study have shown that the death penalty does little to deter crime, and that defendants' likelihood of being sentenced to death depends heavily on illegitimate factors such as whether they are rich or poor. Since reinstatement of the modern death penalty, 80 percent of murder victims in cases where death sentences were handed down were white, even though only 50 percent of murder victims are white. Nationwide, more than half of the death row inmates are African Americans or Hispanic Americans. There is evidence of racial disparities, inadequate counsel, prosecutorial misconduct, and false scientific evidence in death penalty systems across the country.

At least Maryland, Illinois, North Carolina, and California have begun the process of investigating the flaws in their own systems. But there are 36 other States that have death penalty provisions in their laws, 36 other States with systems that are most likely plagued with the same flaws. And these systems come at great additional cost to the taxpayers. For example, a 2005 report found that California's death penalty system costs taxpayers $114 million in additional costs each year. Similar reports detailing the extraordinary financial costs of the death penalty have been generated for States across the Nation.

Moreover, there are growing concerns about the most common method of execution, lethal injection. These concerns are so grave that eight States and the Federal system all halted individual executions in 2006 to work through these problems. And these numbers are growing. Just this last week, executions in North Carolina were halted because of challenges to lethal injection. More and more research is emerging that suggests that lethal injections are unnecessarily painful and cruel, and that this method of capital punishment—however sanitary or humane it may appear—is no less barbaric than the more antiquated methods lethal injection was designed to replace, such as the noose or the firing squad, no less horrific than the electric chair or the gas chamber.

Nothing is more barbaric, of course, than the execution of an innocent person, and it is clearer than ever that the risk is very real. Already, information has surfaced that suggests that two men put to death in the 1990s may have been innocent. This is a chilling prospect, one that illustrates the very grave danger in imposing the death penalty. The loss of just one innocent life through capital punishment should be enough to force all of us to stop and reconsider this penalty.

And while we examine the flaws in our death penalty system, we cannot help but note that our use of the death penalty stands in stark contrast to the majority of nations, which have abolished the death penalty in law or practice. There are now 123 countries that have done so. In 2005, only China, Iran, and Saudi Arabia executed more people than we did. These countries, and others on the list of nations that actively use capital punishment, are countries that we often criticize for human rights abuses. The European Union denies membership in the alliance to those nations that use the death penalty. In fact, it passed a resolution calling for the immediate and unconditional global abolition of the death penalty, and it specifically called on all States within the United States to abolish the death penalty. This is significant because it reflects the unanimous view of a group of nations with which the United States enjoys close relationships and shares common values. We should join with them and with the over 100 other nations that have renounced this practice.

We are a Nation that prides itself on the fundamental principles of justice, liberty, equality and due process. We are a Nation that scrutinizes the human rights records of other nations. Historically, we are one of the first Nations to speak out against torture and killings by foreign governments. We should hold our own system of justice to the highest standard.

As a matter of justice, this is an issue that transcends political allegiances. A range of prominent voices in our country are raising serious questions about the death penalty, and they are not just voices of liberals, or of the faith community. They are the voices of former FBI Director William Sessions, former Justice Sandra Day O'Connor, Reverend Pat Robertson, George Will, former Mississippi warden Donald Cabana, the Republican former Governor of Illinois, George Ryan, and the Democratic former Governor of Maryland, Parris Glendening. The voices of those questioning our application of the death penalty are growing in number, they are growing louder, and they are reflected in some of the decisions of the highest court of the land. In recent years, the Supreme Court has held that the execution of juvenile offenders and the mentally retarded is unconstitutional.

As we begin a new year and a new Congress, I believe the continued use of the death penalty in the United States is beneath us. The death penalty is at odds with our best traditions. It is wrong and it is immoral. The adage "two wrongs do not make a right," applies here in the most fundamental way. Our Nation has long ago done away with other barbaric punishments like whipping and cutting off the ears of criminals. Just we did away with these punishments as contrary to our humanity and ideals, it is time to abolish the death penalty as we seek to spread peace and justice both here and overseas. It is not just a matter of morality. The continued viability of our criminal justice system as a truly just system that deserves the respect of our own people and the world requires that we do so. Our Nation's goal to remain the world's leading defender of freedom, liberty and equality demands that we do so.

Abolishing the death penalty will not be an easy task. It will take patience, persistence, and courage. As we work to move forward in a rapidly changing world, let us leave this archaic practice behind.

I ask my colleagues to join me in taking the first step in abolishing the death penalty in our great Nation. I also call on each State that authorizes the use of the death penalty to cease this practice. Let us together reject violence and restore fairness and integrity to our criminal justice system.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 447

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Death Penalty Abolition Act of 2007".

SEC. 2. REPEAL OF FEDERAL LAWS PROVIDING FOR THE DEATH PENALTY.

(a) HOMICIDE-RELATED OFFENSES.—

(1) MURDER RELATED TO THE SMUGGLING OF ALIENS.—Section 274(a)(1)(B)(iv) of the Immigration and Nationality Act (8 U.S.C. 1324(a)(1)(B)(iv)) is amended by striking "punished by death or".

(2) DESTRUCTION OF AIRCRAFT, MOTOR VEHICLES, OR RELATED FACILITIES RESULTING IN DEATH.—Section 34 of title 18, United States Code, is amended by striking "to the death penalty or".

(3) MURDER COMMITTED DURING A DRUG-RELATED DRIVE-BY SHOOTING.—Section 36(b)(2)(A) of title 18, United States Code, is amended by striking "death or".

(4) MURDER COMMITTED AT AN AIRPORT SERVING INTERNATIONAL CIVIL AVIATION.—Section 37(a) of title 18, United States Code, is amended, in the matter following paragraph (2), by striking "punished by death or".

(5) MURDER COMMITTED USING CHEMICAL WEAPONS.—Section 229A(a)(2) of title 18, United States Code, is amended—

(A) in the paragraph heading, by striking "DEATH PENALTY" and inserting "CAUSING DEATH"; and

(B) by striking "punished by death or".

(6) CIVIL RIGHTS OFFENSES RESULTING IN DEATH.—Chapter 13 of title 18, United States Code, is amended—

(A) in section 241, by striking ", or may be sentenced to death";

(B) in section 242, by striking ", or may be sentenced to death";

(C) in section 245(b), by striking ", or may be sentenced to death"; and

(D) in section 247(d)(1), by striking ", or may be sentenced to death".

(7) MURDER OF A MEMBER OF CONGRESS, AN IMPORTANT EXECUTIVE OFFICIAL, OR A SUPREME COURT JUSTICE.—Section 351 of title 18, United States Code, is amended—

(A) in subsection (b)—

(i) by striking "(1)"; and

(ii) by striking ", or (2) by death" and all that follows through the end of the subsection and inserting a period; and

(B) in subsection (d)—

(i) by striking "(1)"; and

(ii) by striking ", or (2) by death" and all that follows through the end of the subsection and inserting a period.

(8) DEATH RESULTING FROM OFFENSES INVOLVING TRANSPORTATION OF EXPLOSIVES, DESTRUCTION OF GOVERNMENT PROPERTY, OR DESTRUCTION OF PROPERTY RELATED TO FOREIGN OR INTERSTATE COMMERCE.—Section 844 of title 18, United States Code, is amended—

(A) in subsection (d), by striking "or to the death penalty";

(B) in subsection (f)(3), by striking "subject to the death penalty, or";

(C) in subsection (i), by striking "or to the death penalty"; and

(D) in subsection (n), by striking "(other than the penalty of death)".

(9) MURDER COMMITTED BY USE OF A FIREARM OR ARMOR PIERCING AMMUNITION DURING COMMISSION OF A CRIME OF VIOLENCE OR A DRUG TRAFFICKING CRIME.—Section 924 of title 18, United States Code, is amended—

(A) in subsection (c)(5)(B)(i), by striking "punished by death or"; and

(B) in subsection (j)(1), by striking "by death or".

(10) GENOCIDE.—Section 1091(b)(1) of title 18, United States Code, is amended by striking "death or".

(11) FIRST DEGREE MURDER.—Section 1111(b) of title 18, United States Code, is amended by striking "by death or".

(12) MURDER BY A FEDERAL PRISONER.—Section 1118 of title 18, United States Code, is amended—

(A) in subsection (a), by striking "by death or"; and

(B) in subsection (b), in the third undesignated paragraph—

(i) by inserting "or" before "an indeterminate"; and

(ii) by striking ", or an unexecuted sentence of death".

(13) MURDER OF A STATE OR LOCAL LAW ENFORCEMENT OFFICIAL OR OTHER PERSON AIDING IN A FEDERAL INVESTIGATION; MURDER OF A STATE CORRECTIONAL OFFICER.—Section 1121 of title 18, United States Code, is amended—

(A) in subsection (a), by striking "by sentence of death or"; and

(B) in subsection (b)(1), by striking "or death".

(14) MURDER DURING A KIDNAPING.—Section 1201(a) of title 18, United States Code, is amended by striking "death or".

(15) MURDER DURING A HOSTAGE-TAKING.—Section 1203(a) of title 18, United States Code, is amended by striking "death or".

(16) MURDER WITH THE INTENT OF PREVENTING TESTIMONY BY A WITNESS, VICTIM, OR INFORMANT.—Section 1512(a)(2)(A) of title 18, United States Code, is amended by striking "the death penalty or".

(17) MAILING OF INJURIOUS ARTICLES WITH INTENT TO KILL OR RESULTING IN DEATH.—Section 1716(j)(3) of title 18, United States Code, is amended by striking "to the death penalty or".

(18) ASSASSINATION OR KIDNAPING RESULTING IN THE DEATH OF THE PRESIDENT OR VICE PRESIDENT.—Section 1751 of title 18, United States Code, is amended—

(A) in subsection (b)—

(i) by striking "(1)"; and

(ii) by striking ", or (2) by death" and all that follows through the end of the subsection and inserting a period; and

(B) in subsection (d)—

(i) by striking "(1)"; and

(ii) by striking ", or (2) by death" and all that follows through the end of the subsection and inserting a period.

(19) MURDER FOR HIRE.—Section 1958(a) of title 18, United States Code, is amended by striking "death or".

(20) MURDER INVOLVED IN A RACKETEERING OFFENSE.—Section 1959(a)(1) of title 18, United States Code, is amended by striking "death or".

(21) WILLFUL WRECKING OF A TRAIN RESULTING IN DEATH.—Section 1992 of title 18, United States Code, is amended—

(A) in subsection (a), in the matter following paragraph (10), by striking "or subject to death,"; and

(B) in subsection (b), in the matter following paragraph (3), by striking ", and if the offense resulted in the death of any person, the person may be sentenced to death".

(22) BANK ROBBERY-RELATED MURDER OR KIDNAPING.—Section 2113(e) of title 18, United States Code, is amended by striking "death or".

(23) MURDER RELATED TO A CARJACKING.—Section 2119(3) of title 18, United States Code, is amended by striking ", or sentenced to death".

(24) MURDER RELATED TO AGGRAVATED CHILD SEXUAL ABUSE.—Section 2241(c) of title 18, United States Code, is amended by striking "unless the death penalty is imposed,".

(25) MURDER RELATED TO SEXUAL ABUSE.—Section 2245 of title 18, United States Code, is amended by striking "punished by death or".

(26) MURDER RELATED TO SEXUAL EXPLOITATION OF CHILDREN.—Section 2251(e) of title 18, United States Code, is amended by striking "punished by death or".

(27) MURDER COMMITTED DURING AN OFFENSE AGAINST MARITIME NAVIGATION.—Section 2280(a)(1) of title 18, United States Code, is amended by striking "punished by death or".

(28) MURDER COMMITTED DURING AN OFFENSE AGAINST A MARITIME FIXED PLATFORM.—Section 2281(a)(1) of title 18, United States Code, is amended by striking "punished by death or".

(29) MURDER USING DEVICES OR DANGEROUS SUBSTANCES IN WATERS OF THE UNITED STATES.—Section 2282A of title 18, United States Code, is amended—

(A) by striking subsection (b); and

(B) by redesignating subsections (c) and (d) as subsections (b) and (c), respectively.

(30) MURDER INVOLVING THE TRANSPORTATION OF EXPLOSIVE, BIOLOGICAL, CHEMICAL, OR RADIOACTIVE OR NUCLEAR MATERIALS.—Section 2283 of title 18, United States Code, is amended—

(A) by striking subsection (b); and

(B) by redesignating subsection (c) as subsection (b).

(31) MURDER INVOLVING THE DESTRUCTION OF VESSEL OR MARITIME FACILITY.—Section 2291(d) of title 18, United States Code, is amended by striking "to the death penalty or".

(32) MURDER OF A UNITED STATES NATIONAL IN ANOTHER COUNTRY.—Section 2332(a)(1) of title 18, United States Code, is amended by striking "death or".

(33) MURDER BY THE USE OF A WEAPON OF MASS DESTRUCTION.—Section 2332a of title 18, United States Code, is amended—

(A) in subsection (a), in the matter following paragraph (4), by striking ", and if death results shall be punished by death" and all that follows through the end of the subsection and inserting a period; and

(B) in subsection (b), by striking ", and if death results shall be punished by death" and all that follows through the end of the subsection and inserting a period.

(34) MURDER BY ACT OF TERRORISM TRANSCENDING NATIONAL BOUNDARIES.—Section 2332b(c)(1)(A) of title 18, United States Code, is amended by striking "by death, or".

(35) MURDER INVOLVING TORTURE.—Section 2340A(a) of title 18, United States Code, is amended by striking "punished by death or".

(36) MURDER INVOLVING A WAR CRIME.—Section 2441(a) of title 18, United States Code, is amended by striking ", and if death results to the victim, shall also be subject to the penalty of death".

(37) MURDER RELATED TO A CONTINUING CRIMINAL ENTERPRISE OR RELATED MURDER OF A FEDERAL, STATE, OR LOCAL LAW ENFORCEMENT OFFICER.—Section 408(e) of the Controlled Substances Act (21 U.S.C. 848(e)) is amended—

(A) in the subsection heading, by striking "DEATH PENALTY" and inserting "INTENTIONAL KILLING"; and

(B) in paragraph (1)—

(i) subparagraph (A), by striking ", or may be sentenced to death"; and

(ii) in subparagraph (B), by striking ", or may be sentenced to death".

(38) DEATH RESULTING FROM AIRCRAFT HIJACKING.—Section 46502 of title 49, United States Code, is amended—

(A) in subsection (a)(2)(B), by striking "put to death or"; and

(B) in subsection (b)(1)(B), by striking "put to death or".

(b) NON-HOMICIDE RELATED OFFENSES.—

(1) ESPIONAGE.—Section 794(a) of title 18, United States Code, is amended by striking "punished by death or" and all that follows before the period and inserting "imprisoned for any term of years or for life".

(2) TREASON.—Section 2381 of title 18, United States Code, is amended by striking "shall suffer death, or".

(c) TITLE 10.—

(1) OFFENSES.—

(A) CONSPIRACY.—Section 881(b) of title 10, United States Code (article 81(b) of the Uniform Code of Military Justice), is amended by striking ", if death results" and all that follows through the end and inserting "as a court-martial or military commission may direct.".

(B) DESERTION.—Section 885(c) of title 10, United States Code (article 85(c)), is amended by striking ", if the offense is committed in time of war" and all that follows through the end and inserting "as a court-martial may direct.".

(C) ASSAULTING OR WILLFULLY DISOBEYING SUPERIOR COMMISSIONED OFFICER.—Section 890 of title 10, United States Code (article 90), is amended by striking ", if the offense is committed in time of war" and all that follows and inserting "as a court-martial may direct.".

(D) MUTINY OR SEDITION.—Section 894(b) of title 10, United States Code (article 94(b)), is amended by striking "by death or such other punishment".

(E) MISBEHAVIOR BEFORE THE ENEMY.—Section 899 of title 10, United States Code (article 99), is amended by striking "by death or such other punishment".

(F) SUBORDINATE COMPELLING SURRENDER.—Section 900 of title 10, United States Code (article 100), is amended by striking "by death or such other punishment".

(G) IMPROPER USE OF COUNTERSIGN.—Section 901 of title 10, United States Code (article 101), is amended by striking "by death or such other punishment".

(H) FORCING A SAFEGUARD.—Section 902 of title 10, United States Code (article 102), is amended by striking "suffer death" and all that follows and inserting "be punished as a court-martial may direct.".

(I) AIDING THE ENEMY.—Section 904 of title 10, United States Code (article 104), is amended by striking "suffer death or such other punishment as a court-martial or military commission may direct" and inserting "be punished as a court-martial or military commission may direct".

(J) SPIES.—Section 906 of title 10, United States Code (article 106), is amended by striking "by death" and inserting "by imprisonment for life".

(K) ESPIONAGE.—Section 906a of title 10, United States Code (article 106a), is amended—

(i) by striking subsections (b) and (c);

(ii) by redesignating paragraphs (2) and (3) of subsection (a) as subsections (b) and (c), respectively;

(iii) in subsection (a)—

(I) by striking "(1)";

(II) by striking "paragraph (2)" and inserting "subsection (b)";

(III) by striking "paragraph (3)" and inserting "subsection (c)"; and

(IV) by striking "as a court-martial may direct," and all that follows and inserting "as a court-martial may direct.";

(iv) in subsection (b), as so redesignated—

(I) by striking "paragraph (1)" and inserting "subsection (a)"; and

(II) by redesignating subparagraphs (A), (B), and (C) as paragraphs (1), (2), and (3), respectively; and

(v) in subsection (c), as so redesignated, by striking "paragraph (1)" and inserting "subsection (a)".

(L) IMPROPER HAZARDING OF VESSEL.—The text of section 910 of title 10, United States Code (article 110), is amended to read as follows:

"Any person subject to this chapter who willfully and wrongfully, or negligently, hazards or suffers to be hazarded any vessel of the Armed Forces shall be punished as a court-martial may direct.".

(M) MISBEHAVIOR OF SENTINEL.—Section 913 of title 10, United States Code (article 113), is amended by striking ", if the offense is committed in time of war" and all that follows and inserting "as a court-martial may direct.".

(N) MURDER.—Section 918 of title 10, United States Code (article 118), is amended by striking "death or imprisonment for life as a court-martial may direct" and inserting "imprisonment for life".

(O) DEATH OR INJURY OF AN UNBORN CHILD.—Section 919a(a) of title 10, United States Code, is amended—

(i) in paragraph (1), by striking ", other than death,"; and

(ii) by striking paragraph (4).

(P) RAPE.—Section 920(a) of title 10, United States Code (article 120(a)), is amended by striking “by death or such other punishment”.

(Q) CRIMES TRIABLE BY MILITARY COMMISSION.—Section 950v(b) of title 10, United States Code, is amended—

(i) in paragraph (1), by striking “by death or such other punishment”;

(ii) in paragraph (2), by striking “, if death results” and all that follows and inserting “as a military commission under this chapter may direct.”;

(iii) in paragraph (7), by striking “, if death results” and all that follows and inserting “as a military commission under this chapter may direct.”;

(iv) in paragraph (8), by striking “, if death results” and all that follows and inserting “as a military commission under this chapter may direct.”;

(v) in paragraph (9), by striking “, if death results” and all that follows and inserting “as a military commission under this chapter may direct.”;

(vi) in paragraph (11)(A), by striking “, if death results” and all that follows and inserting “as a military commission under this chapter may direct.”;

(vii) in paragraph (12)(A), by striking “, if death results” and all that follows and inserting “as a military commission under this chapter may direct.”;

(viii) in paragraph (13)(A), by striking “, if death results” and all that follows and inserting “as a military commission under this chapter may direct.”;

(ix) in paragraph (14), by striking “, if death results” and all that follows and inserting “as a military commission under this chapter may direct.”;

(x) in paragraph (15), by striking “by death or such other punishment”;

(xi) in paragraph (17), by striking “, if death results” and all that follows and inserting “as a military commission under this chapter may direct.”;

(xii) in paragraph (23), by striking “, if death results” and all that follows and inserting “as a military commission under this chapter may direct.”;

(xiii) in paragraph (24), by striking “, if death results” and all that follows and inserting “as a military commission under this chapter may direct.”;

(xiv) in paragraph (27), by striking “by death or such other punishment”; and

(xv) in paragraph (28), by striking “, if death results” and all that follows and inserting “as a military commission under this chapter may direct.”.

(2) JURISDICTIONAL AND PROCEDURAL MATTERS.—

(A) DISMISSED OFFICER'S RIGHT TO TRIAL BY COURT-MARTIAL.—Section 804(a) of title 10, United States Code (article 4(a) of the Uniform Code of Military Justice), is amended by striking “or death”.

(B) COURTS-MARTIAL CLASSIFIED.—Section 816(1)(A) of title 10, United States Code (article 10(1)(A)), is amended by striking “or, in a case in which the accused may be sentenced to a penalty of death” and all that follows through “(article 25a)”.

(C) JURISDICTION OF GENERAL COURTS-MARTIAL.—Section 818 of title 10, United States Code (article 18), is amended—

(i) in the first sentence by striking “including the penalty of death when specifically authorized by this chapter” and inserting “except death”; and

(ii) by striking the third sentence.

(D) JURISDICTION OF SPECIAL COURTS-MARTIAL.—Section 819 of title 10, United States Code (article 19), is amended in the first sentence by striking “for any noncapital offense” and all that follows and inserting “for any offense made punishable by this chapter.”.

(E) JURISDICTION OF SUMMARY COURTS-MARTIAL.—Section 820 of title 10, United States Code (article 20), is amended in the first sentence by striking “noncapital”.

(F) NUMBER OF MEMBERS IN CAPITAL CASES.—

(i) IN GENERAL.—Section 825a of title 10, United States Code (article 25a), is repealed.

(ii) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter V of chapter 47 of title 10, United States Code, is amended by striking the item relating to section 825a (article 25a).

(G) ABSENT AND ADDITIONAL MEMBERS.—Section 829(b)(2) of title 10, United States Code (article 29(b)(2)), is amended by striking “or, in a case in which the death penalty may be adjudged” and all that follows and inserting a period.

(H) STATUTE OF LIMITATIONS.—Subsection (a) of section 843 of title 10, United States Code (article 43), is amended to read as follows:

“(a)(1) A person charged with an offense described in paragraph (2) may be tried and punished at any time without limitation.

“(2) An offense described in this paragraph is any offense as follows:

“(A) Absence without leave or missing movement in time of war.

“(B) Murder.

“(C) Rape.

“(D) A violation of section 881 of this title (article 81) that results in death to one or more of the victims.

“(E) Desertion or attempt to desert in time of war.

“(F) A violation of section 890 of this title (article 90) committed in time of war.

“(G) Attempted mutiny, mutiny, sedition, or failure to suppress or report a mutiny or sedition.

“(H) A violation of section 899 of this title (article 99).

“(I) A violation of section 900 of this title (article 100).

“(J) A violation of section 901 of this title (article 101).

“(K) A violation of section 902 of this title (article 102).

“(L) A violation of section 904 of this title (article 104).

“(M) A violation of section 906 of this title (article 106).

“(N) A violation of section 906a of this title (article 106a).

“(O) A violation of section 910 of this title (article 110) in which the person subject to this chapter willfully and wrongfully hazarded or suffered to be hazarded any vessel of the Armed Forces.

“(P) A violation of section 913 of this title (article 113) committed in time of war.”.

(I) PLEAS OF ACCUSED.—Section 845(b) of title 10, United States Code (article 45(b)), is amended—

(i) by striking the first sentence; and

(ii) by striking “With respect to any other charge” and inserting “With respect to any charge”.

(J) DEPOSITIONS.—Section 849 of title 10, United States Code (article 49), is amended—

(i) in subsection (d), by striking “in any case not capital”; and

(ii) by striking subsections (e) and (f).

(K) ADMISSIBILITY OF RECORDS OF COURTS OF INQUIRY.—Section 850 of title 10, United States Code (article 50), is amended—

(i) in subsection (a), by striking “not capital and”; and

(ii) in subsection (b), by striking “capital cases or”.

(L) NUMBER OF VOTES REQUIRED FOR CONVICTION AND SENTENCING BY COURT-MARTIAL.—Section 852 of title 10, United States Code (article 52), is amended—

(i) in subsection (a)—

(I) by striking paragraph (1);

(II) by redesignating paragraph (2) as subsection (a); and

(III) by striking “any other offense” and inserting “any offense”; and

(ii) in subsection (b)—

(I) by striking paragraph (1); and

(II) by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively.

(M) RECORD OF TRIAL.—Section 854(c)(1)(A) of title 10, United States Code (article 54(c)(1)(A)), is amended by striking “death,”.

(N) FORFEITURE OF PAY AND ALLOWANCES DURING CONFINEMENT.—Section 858b(a)(2)(A) of title 10, United States Code (article 58b(a)(2)(A)), is amended by striking “or death”.

(O) WAIVER OR WITHDRAWAL OF APPEAL.—Section 861 of title 10, United States Code (article 61), is amended—

(i) in subsection (a), by striking “except a case in which the sentence as approved under section 860(c) of this title (article 60(c)) includes death,”; and

(ii) in subsection (b), by striking “Except in a case in which the sentence as approved under section 860(c) of this title (article 60(c)) includes death, the accused” and inserting “The accused”.

(P) REVIEW BY COURT OF CRIMINAL APPEALS.—Section 866(b) of title 10, United States Code (article 66(b)), is amended—

(i) in the matter preceding paragraph (1), by inserting “in which” after “court-martial”;

(ii) in paragraph (1), by striking “in which the sentence, as approved, extends to death,” and inserting “the sentence, as approved, extends to”; and

(iii) in paragraph (2), by striking “except in the case of a sentence extending to death,”.

(Q) REVIEW BY COURT OF APPEALS FOR THE ARMED FORCES.—Section 867(a) of title 10, United States Code (article 67(a)), is amended—

(i) by striking paragraph (1); and

(ii) by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively.

(R) EXECUTION OF SENTENCE.—Section 871 of title 10, United States Code (article 71), is amended—

(i) by striking subsection (a);

(ii) by redesignating subsection (b) as subsection (a);

(iii) by striking subsection (c) and inserting the following:

“(b)(1) If a sentence extends to dismissal or a dishonorable or bad conduct discharge and if the right of the accused to appellate review is not waived, and an appeal is not withdrawn, under section 861 of this title (article 61), that part of the sentence extending to dismissal or a dishonorable or bad conduct discharge may not be executed until there is a final judgment as to the legality of the proceedings (and with respect to dismissal, approval under subsection (a)). A judgment as to legality of the proceedings is final in such cases when review is completed by a Court of Criminal Appeals and—

“(A) the time for the accused to file a petition for review by the Court of Appeals for the Armed Forces has expired and the accused has not filed a timely petition for such review and the case is not otherwise under review by that Court;

“(B) such a petition is rejected by the Court of Appeals for the Armed Forces; or

"(C) review is completed in accordance with the judgment of the Court of Appeals for the Armed Forces and—

"(i) a petition for a writ of certiorari is not filed within the time limits prescribed by the Supreme Court;

"(ii) such a petition is rejected by the Supreme Court; or

"(iii) review is otherwise completed in accordance with the judgment of the Supreme Court.

"(2) If a sentence extends to dismissal or a dishonorable or bad conduct discharge and if the right of the accused to appellate review is waived, or an appeal is withdrawn, under section 861 of this title (article 61), that part of the sentence extending to dismissal or a bad conduct or dishonorable discharge may not be executed until review of the case by a judge advocate (and any action on that review) under section 864 of this title (article 64) is completed. Any other part of a court-martial sentence may be ordered executed by the convening authority or other person acting on the case under section 860 of this title (article 60) when approved by him under that section.";

(iv) by redesignating subsection (d) as subsection (c); and

(v) in subsection (c), as so redesignated, by striking ", except a sentence of death".

(S) GENERAL ARTICLE.—Section 934 of title 10, United States Code (article 134), is amended by striking "crimes and offenses not capital" and inserting "crimes and offenses"

(T) JURISDICTION OF MILITARY COMMISSIONS.—Section 948d(d) of title 10, United States Code, is amended by striking "including the penalty of death" and all that follows and inserting "except death.".

(U) NUMBER OF MEMBERS OF MILITARY COMMISSIONS.—Subsection (a) of section 948m of title 10, United States Code, is amended to read as follows:

"(a) NUMBER OF MEMBERS.—A military commission under this chapter shall have at least 5 members.".

(V) NUMBER OF VOTES REQUIRED FOR SENTENCING BY MILITARY COMMISSION.—Section 949m of title 10, United States Code, is amended—

(i) in subsection (b)—

(I) by striking paragraph (1); and

(II) by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively; and

(ii) by striking subsection (c).

(W) APPELLATE REFERRAL FOR MILITARY COMMISSIONS.—Section 950c of title 10, United States Code, is amended—

(i) in subsection (b)(1), by striking "except a case in which the sentence as approved under section 950b of this title extends to death,"; and

(ii) in subsection (c), by striking "Except in a case in which the sentence as approved under section 950b of this title extends to death, the accused" and inserting "The accused".

(X) EXECUTION OF SENTENCE BY MILITARY COMMISSIONS.—

(i) IN GENERAL.—Section 950i of title 10, United States Code, is amended—

(I) in the section heading, by striking "; PROCEDURES FOR EXECUTION OF SENTENCE OF DEATH";

(II) by striking subsections (b) and (c);

(III) by redesignating subsection (d) as subsection (b); and

(IV) in subsection (b), as so redesignated, by striking ", except a sentence of death".

(ii) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter VI of chapter 47A of title 10, United States Code, is amended by striking the item relating to section 950i and inserting the following new item:

"950i. Execution of sentence.".

(d) CONFORMING AMENDMENTS.—

(1) REPEAL OF CRIMINAL PROCEDURES RELATING TO IMPOSITION OF DEATH SENTENCE.—

(A) IN GENERAL.—Chapter 228 of title 18, United States Code, is repealed.

(B) CLERICAL AMENDMENT.—The table of chapters for part II of title 18, United States Code, is amended by striking the item relating to chapter 228.

(2) OTHER PROVISIONS.—

(A) INTERCEPTION OF WIRE, ORAL, OR ELECTRONIC COMMUNICATIONS.—Section 2516(1)(a) of title 18, United States Code, is amended by striking "by death or".

(B) RELEASE AND DETENTION PENDING JUDICIAL PROCEEDINGS.—Chapter 207 of title 18, United States Code, is amended—

(i) in section 3142(f)(1)(B), by striking "or death"; and

(ii) in section 3146(b)(1)(A)(i), by striking "death, life imprisonment," and inserting "life imprisonment".

(C) VENUE IN CAPITAL CASES.—Chapter 221 of title 18, United States Code, is amended—

(i) by striking section 3235; and

(ii) in the table of sections, by striking the item relating to section 3235.

(D) PERIOD OF LIMITATIONS.—

(i) IN GENERAL.—Chapter 213 of title 18, United States Code, is amended by striking section 3281 and inserting the following:

"§ 3281. Offenses with no period of limitations

"An indictment may be found at any time without limitation for the following offenses:

"(1) A violation of section 274(a)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1324(a)(1)(A)) resulting in the death of any person.

"(2) A violation of section 34 of this title.

"(3) A violation of section 36(b)(2)(A) of this title.

"(4) A violation of section 37(a) of this title that results in the death of any person.

"(5) A violation of section 229A(a)(2) of this title.

"(6) A violation of section 241, 242, 245(b), or 247(a) of this title that—

"(A) results in death; or

"(B) involved kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill.

"(7) A violation of subsection (b) or (d) of section 351 of this title.

"(8) A violation of section 794(a) of this title.

"(9) A violation of subsection (d), (f), or (i) of section 844 of this title that results in the death of any person (including any public safety officer performing duties as a direct or proximate result of conduct prohibited by such subsection).

"(10) An offense punishable under subsection (c)(5)(B)(i) or (j)(1) of section 924 of this title.

"(11) An offense punishable under section 1091(b)(1) of this title.

"(12) A violation of section 1111 of this title that is murder in the first degree.

"(13) A violation of section 1118 of this title.

"(14) A violation of subsection (a) or (b) of section 1121 of this title.

"(15) A violation of section 1201(a) of this title that results in the death of any person.

"(16) A violation of section 1203(a) of this title that results in the death of any person.

"(17) An offense punishable under section 1512(a)(3) of this title that is murder (as that term is defined in section 1111 of this title).

"(18) An offense punishable under section 1716(j)(3) of this title.

"(19) A violation of subsection (b) or (d) of section 1751 of this title.

"(20) A violation of section 1958(a) of this title that results in death.

"(21) A violation of section 1959(a) of this title that is murder.

"(22) A violation of subsection (a) (except for a violation of paragraph (8), (9) or (10) of such subsection) or (b) of section 1992 of this title that results in the death of any person.

"(23) A violation of section 2113(e) of this title that results in death.

"(24) An offense punishable under section 2119(3) of this title.

"(25) An offense punishable under section 2245(a) of this title.

"(26) A violation of section 2251 of this title that results in the death of a person.

"(27) A violation of section 2280(a)(1) of this title that results in the death of any person.

"(28) A violation of section 2281(a)(1) of this title that results in the death of any person.

"(29) A violation of section 2282A(a) of this title that causes the death of any person.

"(30) A violation of section 2283(a) of this title that causes the death of any person.

"(31) An offense punishable under section 2291(d) of this title.

"(32) An offense punishable under section 2332(a)(1) of this title.

"(33) A violation of subsection (a) or (b) of section 2332a of this title that results in death.

"(34) An offense punishable under section 2332b(c)(1)(A) of this title.

"(35) A violation of section 2340A(a) of this title that results in the death of any person.

"(36) A violation of section 2381 of this title.

"(37) A violation of section 2441(a) of this title that results in the death of the victim.

"(38) A violation of section 408(e) of the Controlled Substances Act (21 U.S.C. 848(e)).

"(39) An offense punishable under subsection (a)(2)(B) or (b)(1)(B) of section 46502 of title 49."

(ii) CLERICAL AMENDMENT.—The table of sections for chapter 213 of title 18, United States Code, is amended by striking the item relating to section 3281 and inserting the following:

"3281. Offenses with no period of limitations.".

SEC. 3. PROHIBITION ON IMPOSITION OF DEATH SENTENCE.

(a) IN GENERAL.—Notwithstanding any other provision of law, no person may be sentenced to death or put to death on or after the date of enactment of this Act for any violation of Federal law.

(b) PERSONS SENTENCED BEFORE DATE OF ENACTMENT.—Notwithstanding any other provision of law, any person sentenced to death before the date of enactment of this Act for any violation of Federal law shall serve a sentence of life imprisonment without the possibility of parole.

By Mr. BIDEN (for himself, Mr. MCCONNELL, Mr. MENENDEZ, Mrs. MURRAY, and Mr. SPECTER):

S. 449. A bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to provide standards and procedures to guide both State and local law enforcement agencies and law enforcement officers during internal investigations, interrogation of law enforcement officers, and administrative disciplinary hearings, to ensure accountability of law enforcement officers, to guarantee the due process rights of law enforcement officers, and to require States to enact law enforcement discipline, accountability, and due process laws; to the Committee on the Judiciary.

Mr. BIDEN. Mr. President, I rise to introduce the State and Local Law Enforcement Discipline Accountability, and Due Process Act of 2007.

These are trying times for the men and women on our front lines who provide our domestic security and public safety—our Nation's law enforcement personnel. Indeed, they face one of the most difficult work environments imaginable—an average of 165 police officers are killed in the line of duty every year. Our Nation's law enforcement officers put themselves in harms way on a daily basis to ensure the safety of their fellow citizens and the domestic security of our Nation. Nevertheless, many times these brave officers do not receive basic rights if they become involved in internal police investigations or administrative hearings. According to the National Association of Police Organizations, "[i]n roughly half of the states in this country, officers enjoy some legal protections against false accusations and abusive conduct, but hundreds of thousands of officers have very limited due process rights and confront limitations on their exercise of other rights, such as the right to engage in political activities." Similarly, the Fraternal Order of Police notes that, "[i]n a startling number of jurisdictions throughout this country, law enforcement officers have no procedural or administrative protections whatsoever; in fact, they can be, and frequently are, summarily dismissed from their jobs without explanation. Officers who lose their careers due to administrative or political expediency almost always find it impossible to find new employment in public safety. An officer's reputation, once tarnished by accusation, is almost impossible to restore."

The legislation being introduced today, which is endorsed by the Fraternal Order of Police and of the National Association of Police Organizations, seeks to provide officers with certain basic protections in those jurisdictions where such workplace protections are not currently provided. First, this bill allows law enforcement officials to engage in political activities when they are off-duty. Second, it provides standards and procedures to guide State and local law enforcement agencies during internal investigations, interrogations, and administrative disciplinary hearings. Additionally, it calls upon States to develop and enforce these disciplinary procedures. The bill would preempt State laws which confer fewer rights than those provided for in the legislation, but it would not preempt any State or local laws that confer rights or protections that are equal to or exceed the rights and protections afforded in the bill. For example, my own State of Delaware has a law enforcement officers' bill of rights, and those procedures would not be impacted by the provisions of this bill.

This bill will also include important provisions that will enhance the ability of citizens to hold their local police departments accountable. The legislation includes provisions that will ensure citizen complaints against police officers are investigated and that citizens are informed of the outcome of these investigations. The bill balances the rights of police officers with the rights of citizens to raise valid concerns about the conduct of some of these officers. In addition, I have consulted with constitutional experts who have opined that the bill is consistent with Congress' powers under the Commerce Clause and that it does not run afoul of the Supreme Court's Tenth Amendment jurisprudence.

I would also like to note that I understand the objections that many management groups, including the International Association of Chiefs of Police's, have to this measure. I have discussed this with them, and I've pledged that their views will be heard and considered as this bill is debated in Congress. It is my view that we must bridge this gap. Without a meeting of the minds between police management and union officials, the enactment of a meaningful law enforcement officers' bill of rights will be difficult. Law enforcement officials are facing unprecedented challenges, and management and labor simply must work together on this issue and the numerous other issues facing the law enforcement community.

I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the text of the bill was ordered to be printed in the Record, as follows:

S. 449

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "State and Local Law Enforcement Discipline, Accountability, and Due Process Act of 2007".

SEC. 2. FINDINGS AND DECLARATION OF PURPOSE AND POLICY.

(a) Findings.—Congress finds that—

(1) the rights of law enforcement officers to engage in political activity or to refrain from engaging in political activity, except when on duty, or to run as candidates for public office, unless such service is found to be in conflict with their service as officers, are activities protected by the first amendment of the United States Constitution, as applied to the States through the 14th amendment of the United States Constitution, but these rights are often violated by the management of State and local law enforcement agencies;

(2) a significant lack of due process rights of law enforcement officers during internal investigations and disciplinary proceedings has resulted in a loss of confidence in these processes by many law enforcement officers, including those unfairly targeted for their labor organization activities or for their aggressive enforcement of the laws, demoralizing many rank and file officers in communities and States;

(3) unfair treatment of officers has potentially serious long-term consequences for law enforcement by potentially deterring or otherwise preventing officers from carrying out their duties and responsibilities effectively and fairly;

(4) the lack of labor-management cooperation in disciplinary matters and either the perception or the actuality that officers are not treated fairly detrimentally impacts the recruitment of and retention of effective officers, as potential officers and experienced officers seek other careers, which has serious implications and repercussions for officer morale, public safety, and labor-management relations and strife and can affect interstate and intrastate commerce, interfering with the normal flow of commerce;

(5) there are serious implications for the public safety of the citizens and residents of the United States which threatens the domestic tranquility of the United States because of a lack of statutory protections to ensure—

(A) the due process and political rights of law enforcement officers;

(B) fair and thorough internal investigations and interrogations of and disciplinary proceedings against law enforcement officers; and

(C) effective procedures for receipt, review, and investigation of complaints against officers, fair to both officers and complainants; and

(6) resolving these disputes and problems and preventing the disruption of vital police services is essential to the well-being of the United States and the domestic tranquility of the Nation.

(b) Declaration of Policy.—Congress declares that it is the purpose of this Act and the policy of the United States to—

(1) protect the due process and political rights of State and local law enforcement officers and ensure equality and fairness of treatment among such officers;

(2) provide continued police protection to the general public;

(3) provide for the general welfare and ensure domestic tranquility; and

(4) prevent any impediments to the free flow of commerce, under the rights guaranteed under the United States Constitution and Congress' authority thereunder.

SEC. 3. DISCIPLINE, ACCOUNTABILITY, AND DUE PROCESS OF OFFICERS.

(a) In General.—Part H of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3781 et seq.) is amended by adding at the end the following:

"SEC. 820. DISCIPLINE, ACCOUNTABILITY, AND DUE PROCESS OF STATE AND LOCAL LAW ENFORCEMENT OFFICERS.

"(a) Definitions.—In this section:

"(1) Disciplinary action.—The term 'disciplinary action' means any adverse personnel action, including suspension, reduction in pay, rank, or other employment benefit, dismissal, transfer, reassignment, unreasonable denial of secondary employment, or similar punitive action taken against a law enforcement officer.

"(2) DISCIPLINARY HEARING.—The term 'disciplinary hearing' means an administrative hearing initiated by a law enforcement agency against a law enforcement officer, based on an alleged violation of law, that, if proven, would subject the law enforcement officer to disciplinary action.

"(3) EMERGENCY SUSPENSION.—The term 'emergency suspension' means the temporary action by a law enforcement agency of relieving a law enforcement officer from the active performance of law enforcement duties without a reduction in pay or benefits when the law enforcement agency, or an official within that agency, determines that there is probable cause, based upon the conduct of the law enforcement officer, to believe that the law enforcement officer poses an immediate threat to the safety of that officer or others or the property of others.

"(4) INVESTIGATION.—The term 'investigation'—

"(A) means an action taken to determine whether a law enforcement officer violated a law by a public agency or a person employed by a public agency, acting alone or in cooperation with or at the direction of another agency, or a division or unit within another agency, regardless of a denial by such an agency that any such action is not an investigation; and

"(B) includes—

"(i) asking questions of any other law enforcement officer or non-law enforcement officer;

"(ii) conducting observations;

"(iii) reviewing and evaluating reports, records, or other documents; and

"(iv) examining physical evidence.

"(5) LAW ENFORCEMENT OFFICER.—The terms 'law enforcement officer' and 'officer' have the meaning given the term 'law enforcement officer' in section 1204, except the term does not include a law enforcement officer employed by the United States, or any department, agency, or instrumentality thereof.

"(6) PERSONNEL RECORD.—The term 'personnel record' means any document, whether in written or electronic form and irrespective of location, that has been or may be used in determining the qualifications of a law enforcement officer for employment, promotion, transfer, additional compensation, termination or any other disciplinary action.

"(7) PUBLIC AGENCY AND LAW ENFORCEMENT AGENCY.—The terms 'public agency' and 'law enforcement agency' each have the meaning given the term 'public agency' in section 1204, except the terms do not include the United States, or any department, agency, or instrumentality thereof.

"(8) SUMMARY PUNISHMENT.—The term 'summary punishment' means punishment imposed—

"(A) for a violation of law that does not result in any disciplinary action; or

"(B) for a violation of law that has been negotiated and agreed upon by the law enforcement agency and the law enforcement officer, based upon a written waiver by the officer of the rights of that officer under subsection (i) and any other applicable law or constitutional provision, after consultation with the counsel or representative of that officer.

"(b) APPLICABILITY.—

"(1) IN GENERAL.—This section sets forth the due process rights, including procedures, that shall be afforded a law enforcement officer who is the subject of an investigation or disciplinary hearing.

"(2) NONAPPLICABILITY.—This section does not apply in the case of—

"(A) an investigation of specifically alleged conduct by a law enforcement officer that, if proven, would constitute a violation of a statute providing for criminal penalties; or

"(B) a nondisciplinary action taken in good faith on the basis of the employment related performance of a law enforcement officer.

"(c) POLITICAL ACTIVITY.—

"(1) RIGHT TO ENGAGE OR NOT TO ENGAGE IN POLITICAL ACTIVITY.—Except when on duty or acting in an official capacity, a law enforcement officer shall not be prohibited from engaging in political activity or be denied the right to refrain from engaging in political activity.

"(2) RIGHT TO RUN FOR ELECTIVE OFFICE.—A law enforcement officer shall not be—

"(A) prohibited from being a candidate for an elective office or from serving in such an elective office, solely because of the status of the officer as a law enforcement officer; or

"(B) required to resign or take an unpaid leave from employment with a law enforcement agency to be a candidate for an elective office or to serve in an elective office, unless such service is determined to be in conflict with or incompatible with service as a law enforcement officer.

"(3) ADVERSE PERSONNEL ACTION.—An action by a public agency against a law enforcement officer, including requiring the officer to take unpaid leave from employment, in violation of this subsection shall be considered an adverse personnel action within the meaning of subsection (a)(1).

"(d) EFFECTIVE PROCEDURES FOR RECEIPT, REVIEW, AND INVESTIGATION OF COMPLAINTS AGAINST LAW ENFORCEMENT OFFICERS.—

"(1) COMPLAINT PROCESS.—Not later than 1 year after the effective date of this section, each law enforcement agency shall adopt and comply with a written complaint procedure that—

"(A) authorizes persons from outside the law enforcement agency to submit written complaints about a law enforcement officer to—

"(i) the law enforcement agency employing the law enforcement officer; or

"(ii) any other law enforcement agency charged with investigating such complaints;

"(B) sets forth the procedures for the investigation and disposition of such complaints;

"(C) provides for public access to required forms and other information concerning the submission and disposition of written complaints; and

"(D) requires notification to the complainant in writing of the final disposition of the complaint and the reasons for such disposition.

"(2) INITIATION OF AN INVESTIGATION.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), an investigation based on a complaint from outside the law enforcement agency shall commence not later than 15 days after the receipt of the complaint by—

"(i) the law enforcement agency employing the law enforcement officer against whom the complaint has been made; or

"(ii) any other law enforcement agency charged with investigating such a complaint.

"(B) EXCEPTION.—Subparagraph (A) does not apply if—

"(i) the law enforcement agency determines from the face of the complaint that each allegation does not constitute a violation of law; or

"(ii) the complainant fails to comply substantially with the complaint procedure of the law enforcement agency established under this section.

"(3) COMPLAINANT OR VICTIM CONFLICT OF INTEREST.—The complainant or victim of the alleged violation of law giving rise to an investigation under this subsection may not conduct or supervise the investigation or serve as an investigator.

"(e) NOTICE OF INVESTIGATION.—

"(1) IN GENERAL.—Any law enforcement officer who is the subject of an investigation shall be notified of the investigation 24 hours before the commencement of questioning of such officer or to otherwise being required to provide information to an investigating agency.

"(2) CONTENTS OF NOTICE.—Notice given under paragraph (1) shall include—

"(A) the nature and scope of the investigation;

"(B) a description of any allegation contained in a written complaint;

"(C) a description of each violation of law alleged in the complaint for which suspicion exists that the officer may have engaged in conduct that may subject the officer to disciplinary action; and

"(D) the name, rank, and command of the officer or any other individual who will be conducting the investigation.

"(f) RIGHTS OF LAW ENFORCEMENT OFFICERS PRIOR TO AND DURING QUESTIONING INCIDENTAL TO AN INVESTIGATION.—If a law enforcement officer is subjected to questioning incidental to an investigation that may result in disciplinary action against the officer, the following minimum safeguards shall apply:

"(1) COUNSEL AND REPRESENTATION.—

"(A) IN GENERAL.—Any law enforcement officer under investigation shall be entitled to effective counsel by an attorney or representation by any other person who the officer chooses, such as an employee representative, or both, immediately before and during the entire period of any questioning session, unless the officer consents in writing to being questioned outside the presence of counsel or representative.

"(B) PRIVATE CONSULTATION.—During the course of any questioning session, the officer shall be afforded the opportunity to consult privately with counsel or a representative, if such consultation does not repeatedly and unnecessarily disrupt the questioning period.

"(C) UNAVAILABILITY OF COUNSEL.—If the counsel or representative of the law enforcement officer is not available within 24 hours of the time set for the commencement of any questioning of that officer, the investigating law enforcement agency shall grant a reasonable extension of time for the law enforcement officer to obtain counsel or representation.

"(2) REASONABLE HOURS AND TIME.—Any questioning of a law enforcement officer under investigation shall be conducted at a reasonable time when the officer is on duty, unless exigent circumstances compel more immediate questioning, or the officer agrees in writing to being questioned at a different time, subject to the requirements of subsections (e) and paragraph (1).

"(3) PLACE OF QUESTIONING.—Unless the officer consents in writing to being questioned elsewhere, any questioning of a law enforcement officer under investigation shall take place—

"(A) at the office of the individual conducting the investigation on behalf of the law enforcement agency employing the officer under investigation; or

"(B) the place at which the officer under investigation reports for duty.

“(4) IDENTIFICATION OF QUESTIONER.—Before the commencement of any questioning, a law enforcement officer under investigation shall be informed of—

“(A) the name, rank, and command of the officer or other individual who will conduct the questioning; and

“(B) the relationship between the individual conducting the questioning and the law enforcement agency employing the officer under investigation.

“(5) SINGLE QUESTIONER.—During any single period of questioning of a law enforcement officer under investigation, each question shall be asked by or through 1 individual.

“(6) REASONABLE TIME PERIOD.—Any questioning of a law enforcement officer under investigation shall be for a reasonable period of time and shall allow reasonable periods for the rest and personal necessities of the officer and the counsel or representative of the officer, if such person is present.

“(7) NO THREATS, FALSE STATEMENTS, OR PROMISES TO BE MADE.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), no threat against, false or misleading statement to, harassment of, or promise of reward to a law enforcement officer under investigation shall be made to induce the officer to answer any question, give any statement, or otherwise provide information.

“(B) EXCEPTION.—The law enforcement agency employing a law enforcement officer under investigation may require the officer to make a statement relating to the investigation by explicitly threatening disciplinary action, including termination, only if—

“(i) the officer has received a written grant of use and derivative use immunity or transactional immunity by a person authorized to grant such immunity; and

“(ii) the statement given by the law enforcement officer under such an immunity may not be used in any subsequent criminal proceeding against that officer.

“(8) RECORDING.—

“(A) IN GENERAL.—All questioning of a law enforcement officer under an investigation shall be recorded in full, in writing or by electronic device, and a copy of the transcript shall be provided to the officer under investigation before any subsequent period of questioning or the filing of any charge against that officer.

“(B) SEPARATE RECORDING.—To ensure the accuracy of the recording, an officer may utilize a separate electronic recording device, and a copy of any such recording (or the transcript) shall be provided to the public agency conducting the questioning, if that agency so requests.

“(9) USE OF HONESTY TESTING DEVICES PROHIBITED.—No law enforcement officer under investigation may be compelled to submit to the use of a lie detector, as defined in section 2 of the Employee Polygraph Protection Act of 1988 (29 U.S.C. 2001).

“(g) NOTICE OF INVESTIGATIVE FINDINGS AND DISCIPLINARY RECOMMENDATION AND OPPORTUNITY TO SUBMIT A WRITTEN RESPONSE.—

“(1) NOTICE.—Not later than 30 days after the conclusion of an investigation under this section, the person in charge of the investigation or the designee of that person shall notify the law enforcement officer who was the subject of the investigation, in writing, of the investigative findings and any recommendations for disciplinary action.

“(2) OPPORTUNITY TO SUBMIT WRITTEN RESPONSE.—

“(A) IN GENERAL.—Not later than 30 days after receipt of a notification under paragraph (1), and before the filing of any charge seeking the discipline of such officer or the commencement of any disciplinary proceeding under subsection (h), the law enforcement officer who was the subject of the investigation may submit a written response to the findings and recommendations included in the notification.

“(B) CONTENTS OF RESPONSE.—The response submitted under subparagraph (A) may include references to additional documents, physical objects, witnesses, or any other information that the law enforcement officer believes may provide exculpatory evidence.

“(h) DISCIPLINARY HEARINGS.—

“(1) NOTICE OF OPPORTUNITY FOR HEARING.—Except in a case of summary punishment or emergency suspension (subject to subsection (k)), before the imposition of any disciplinary action the law enforcement agency shall notify the officer that the officer is entitled to a due process hearing by an independent and impartial hearing officer or board.

“(2) REQUIREMENT OF DETERMINATION OF VIOLATION.—No disciplinary action may be taken against a law enforcement officer unless an independent and impartial hearing officer or board determines, after a hearing and in accordance with the requirements of this subsection, that the law enforcement officer committed a violation of law.

“(3) TIME LIMIT.—No disciplinary charge may be brought against a law enforcement officer unless—

“(A) the charge is filed not later than the earlier of—

“(i) 1 year after the date on which the law enforcement agency filing the charge had knowledge or reasonably should have had knowledge of an alleged violation of law; or

“(ii) 90 days after the commencement of an investigation; or

“(B) the requirements of this paragraph are waived in writing by the officer or the counsel or representative of the officer.

“(4) NOTICE OF HEARING.—Unless waived in writing by the officer or the counsel or representative of the officer, not later than 30 days after the filing of a disciplinary charge against a law enforcement officer, the law enforcement agency filing the charge shall provide written notification to the law enforcement officer who is the subject of the charge, of—

“(A) the date, time, and location of any disciplinary hearing, which shall be scheduled in cooperation with the law enforcement officer, or the counsel or representative of the officer, and which shall take place not earlier than 30 days and not later than 60 days after notification of the hearing is given to the law enforcement officer under investigation;

“(B) the name and mailing address of the independent and impartial hearing officer, or the names and mailing addresses of the independent and impartial hearing board members; and

“(C) the name, rank, command, and address of the law enforcement officer prosecuting the matter for the law enforcement agency, or the name, position, and mailing address of the person prosecuting the matter for a public agency, if the prosecutor is not a law enforcement officer.

“(5) ACCESS TO DOCUMENTARY EVIDENCE AND INVESTIGATIVE FILE.—Unless waived in writing by the law enforcement officer or the counsel or representative of that officer, not later than 15 days before a disciplinary hearing described in paragraph (4)(A), the law enforcement officer shall be provided with—

“(A) a copy of the complete file of the predisciplinary investigation; and

“(B) access to and, if so requested, copies of all documents, including transcripts, records, written statements, written reports, analyses, and electronically recorded information that—

“(i) contain exculpatory information;

“(ii) are intended to support any disciplinary action; or

“(iii) are to be introduced in the disciplinary hearing.

“(6) EXAMINATION OF PHYSICAL EVIDENCE.—Unless waived in writing by the law enforcement officer or the counsel or representative of that officer—

“(A) not later than 15 days before a disciplinary hearing, the prosecuting agency shall notify the law enforcement officer or the counsel or representative of that officer of all physical, non-documentary evidence; and

“(B) not later than 10 days before a disciplinary hearing, the prosecuting agency shall provide a reasonable date, time, place, and manner for the law enforcement officer or the counsel or representative of the law enforcement officer to examine the evidence described in subparagraph (A).

“(7) IDENTIFICATION OF WITNESSES.—Unless waived in writing by the law enforcement officer or the counsel or representative of the officer, not later than 15 days before a disciplinary hearing, the prosecuting agency shall notify the law enforcement officer or the counsel or representative of the officer, of the name and address of each witness for the law enforcement agency employing the law enforcement officer.

“(8) REPRESENTATION.—During a disciplinary hearing, the law enforcement officer who is the subject of the hearing shall be entitled to due process, including—

“(A) the right to be represented by counsel or a representative;

“(B) the right to confront and examine all witnesses against the officer; and

“(C) the right to call and examine witnesses on behalf of the officer.

“(9) HEARING BOARD AND PROCEDURE.—

“(A) IN GENERAL.—A State or local government agency, other than the law enforcement agency employing the officer who is subject of the disciplinary hearing, shall—

“(i) determine the composition of an independent and impartial disciplinary hearing board;

“(ii) appoint an independent and impartial hearing officer; and

“(iii) establish such procedures as may be necessary to comply with this section.

“(B) PEER REPRESENTATION ON DISCIPLINARY HEARING BOARD.—A disciplinary hearing board that includes employees of the law enforcement agency employing the law enforcement officer who is the subject of the hearing, shall include not less than 1 law enforcement officer of equal or lesser rank to the officer who is the subject of the hearing.

“(10) SUMMONSES AND SUBPOENAS.—

“(A) IN GENERAL.—The disciplinary hearing board or independent hearing officer—

“(i) shall have the authority to issue summonses or subpoenas, on behalf of—

“(I) the law enforcement agency employing the officer who is the subject of the hearing; or

“(II) the law enforcement officer who is the subject of the hearing; and

“(ii) upon written request of either the law enforcement agency or the officer, shall issue a summons or subpoena, as appropriate, to compel the appearance and testimony of a witness or the production of documentary evidence.

“(B) EFFECT OF FAILURE TO COMPLY WITH SUMMONS OR SUBPOENA.—With respect to any failure to comply with a summons or a subpoena issued under subparagraph (A)—

"(i) the disciplinary hearing officer or board shall petition a court of competent jurisdiction to issue an order compelling compliance; and

"(ii) subsequent failure to comply with such a court order issued pursuant to a petition under clause (i) shall—

"(I) be subject to contempt of a court proceedings according to the laws of the jurisdiction within which the disciplinary hearing is being conducted; and

"(II) result in the recess of the disciplinary hearing until the witness becomes available to testify and does testify or is held in contempt.

"(11) CLOSED HEARING.—A disciplinary hearing shall be closed to the public unless the law enforcement officer who is the subject of the hearing requests, in writing, that the hearing be open to specified individuals or to the general public.

"(12) RECORDING.—All aspects of a disciplinary hearing, including pre-hearing motions, shall be recorded by audio tape, video tape, or transcription.

"(13) SEQUESTRATION OF WITNESSES.—Either side in a disciplinary hearing may move for and be entitled to sequestration of witnesses.

"(14) TESTIMONY UNDER OATH.—The hearing officer or board shall administer an oath or affirmation to each witness, who shall testify subject to the laws of perjury of the State in which the disciplinary hearing is being conducted.

"(15) FINAL DECISION ON EACH CHARGE.—

"(A) IN GENERAL.—At the conclusion of the presentation of all the evidence and after oral or written argument, the hearing officer or board shall deliberate and render a written final decision on each charge.

"(B) FINAL DECISION ISOLATED TO CHARGE BROUGHT.—The hearing officer or board may not find that the law enforcement officer who is the subject of the hearing is liable for disciplinary action for any violation of law as to which the officer was not charged.

"(16) BURDEN OF PERSUASION AND STANDARD OF PROOF.—The burden of persuasion or standard of proof of the prosecuting agency shall be—

"(A) by clear and convincing evidence as to each charge alleging false statement or representation, fraud, dishonesty, deceit, moral turpitude, or criminal behavior on the part of the law enforcement officer who is the subject of the charge; and

"(B) by a preponderance of the evidence as to all other charges.

"(17) FACTORS OF JUST CAUSE TO BE CONSIDERED BY THE HEARING OFFICER OR BOARD.—A law enforcement officer who is the subject of a disciplinary hearing shall not be found guilty of any charge or subjected to any disciplinary action unless the disciplinary hearing board or independent hearing officer finds that—

"(A) the officer who is the subject of the charge could reasonably be expected to have had knowledge of the probable consequences of the alleged conduct set forth in the charge against the officer;

"(B) the rule, regulation, order, or procedure that the officer who is the subject of the charge allegedly violated is reasonable;

"(C) the charging party, before filing the charge, made a reasonable, fair, and objective effort to discover whether the officer did in fact violate the rule, regulation, order, or procedure as charged;

"(D) the charging party did not conduct the investigation arbitrarily or unfairly, or in a discriminatory manner, against the officer who is the subject of the charge, and the charge was brought in good faith; and

"(E) the proposed disciplinary action reasonably relates to the seriousness of the alleged violation and to the record of service of the officer who is the subject of the charge.

"(18) NO COMMISSION OF A VIOLATION.—If the officer who is the subject of the disciplinary hearing is found not to have committed the alleged violation—

"(A) the matter is concluded;

"(B) no disciplinary action may be taken against the officer;

"(C) the personnel record of that officer shall not contain any reference to the charge for which the officer was found not guilty; and

"(D) any pay and benefits lost or deferred during the pendency of the disposition of the charge shall be restored to the officer as though no charge had ever been filed against the officer, including salary or regular pay, vacation, holidays, longevity pay, education incentive pay, shift differential, uniform allowance, lost overtime, or other premium pay opportunities, and lost promotional opportunities.

"(19) COMMISSION OF A VIOLATION.—

"(A) IN GENERAL.—If the officer who is the subject of the charge is found to have committed the alleged violation, the hearing officer or board shall make a written recommendation of a penalty to the law enforcement agency employing the officer or any other governmental entity that has final disciplinary authority, as provided by applicable State or local law.

"(B) PENALTY.—The employing agency or other governmental entity may not impose a penalty greater than the penalty recommended by the hearing officer or board.

"(20) APPEAL.—Any officer who has been found to have committed an alleged violation may appeal from a final decision of a hearing officer or hearing board to a court of competent jurisdiction or to an independent neutral arbitrator to the extent available in any other administrative proceeding under applicable State or local law, or a collective bargaining agreement.

"(i) WAIVER OF RIGHTS.—

"(1) IN GENERAL.—An officer who is notified that the officer is under investigation or is the subject of a charge may, after such notification, waive any right or procedure guaranteed by this section.

"(2) WRITTEN WAIVER.—A written waiver under this subsection shall be—

"(A) in writing; and

"(B) signed by—

"(i) the officer, who shall have consulted with counsel or a representative before signing any such waiver; or

"(ii) the counsel or representative of the officer, if expressly authorized by subsection (h).

"(j) SUMMARY PUNISHMENT.—Nothing in this section shall preclude a public agency from imposing summary punishment.

"(k) EMERGENCY SUSPENSION.—Nothing in this section may be construed to preclude a law enforcement agency from imposing an emergency suspension on a law enforcement officer, except that any such suspension shall—

"(1) be followed by a hearing in accordance with the requirements of subsection (h); and

"(2) not deprive the affected officer of any pay or benefit.

"(l) RETALIATION FOR EXERCISING RIGHTS.—There shall be no imposition of, or threat of, disciplinary action or other penalty against a law enforcement officer for the exercise of any right provided to the officer under this section.

"(m) OTHER REMEDIES NOT IMPAIRED.—Nothing in this section may be construed to impair any other right or remedy that a law enforcement officer may have under any constitution, statute, ordinance, order, rule, regulation, procedure, written policy, collective bargaining agreement, or any other source.

"(n) DECLARATORY OR INJUNCTIVE RELIEF.—A law enforcement officer who is aggrieved by a violation of, or is otherwise denied any right afforded by, the Constitution of the United States, a State constitution, this section, or any administrative rule or regulation promulgated pursuant thereto, may file suit in any Federal or State court of competent jurisdiction for declaratory or injunctive relief to prohibit the law enforcement agency from violating or otherwise denying such right, and such court shall have jurisdiction, for cause shown, to restrain such a violation or denial.

"(o) PROTECTION OF LAW ENFORCEMENT OFFICER PERSONNEL FILES.—

"(1) RESTRICTIONS ON ADVERSE MATERIAL MAINTAINED IN OFFICERS' PERSONNEL RECORDS.—

"(A) IN GENERAL.—Unless the officer has had an opportunity to review and comment, in writing, on any adverse material generated after the effective date of the State and Local Law Enforcement Discipline, Accountability, and Due Process Act of 2007 to be included in a personnel record relating to the officer, no law enforcement agency or other governmental entity may—

"(i) include the adverse material in that personnel record; or

"(ii) possess or maintain control over the adverse material in any form as a personnel record within the law enforcement agency or elsewhere in the control of the employing governmental entity.

"(B) RESPONSIVE MATERIAL.—Any responsive material provided by an officer to adverse material included in a personnel record pertaining to the officer shall be—

"(i) attached to the adverse material; and

"(ii) released to any person or entity to whom the adverse material is released in accordance with law and at the same time as the adverse material is released.

"(2) RIGHT TO INSPECTION OF, AND RESTRICTIONS ON ACCESS TO INFORMATION IN, THE OFFICER'S OWN PERSONNEL RECORDS.—

"(A) IN GENERAL.—Subject to subparagraph (B), a law enforcement officer shall have the right to inspect all of the personnel records of the officer not less than annually.

"(B) RESTRICTIONS.—A law enforcement officer shall not have access to information in the personnel records of the officer if the information—

"(i) relates to the investigation of alleged conduct that, if proven, would constitute or have constituted a definite violation of a statute providing for criminal penalties, but as to which no formal charge was brought;

"(ii) contains letters of reference for the officer;

"(iii) contains any portion of a test document other than the results;

"(iv) is of a personal nature about another officer, and if disclosure of that information in non-redacted form would constitute a clearly unwarranted intrusion into the privacy rights of that other officer; or

"(v) is relevant to any pending claim brought by or on behalf of the officer against the employing agency of that officer that may be discovered in any judicial or administrative proceeding between the officer and the employer of that officer.

"(p) STATES' RIGHTS.—

"(1) IN GENERAL.—Nothing in this section may be construed—

"(A) to preempt any State or local law, or any provision of a State or local law, in effect on the date of enactment of the State and Local Law Enforcement Discipline, Accountability, and Due Process Act of 2007, that confers a right or a protection that equals or exceeds the right or protection afforded by this section; or

"(B) to prohibit the enactment of any State or local law that confers a right or protection that equals or exceeds a right or protection afforded by this section.

"(2) STATE OR LOCAL LAWS PREEMPTED.—A State or local law, or any provision of a State or local law, that confers fewer rights or provides less protection for a law enforcement officer than any provision in this section shall be preempted by this section.

"(q) COLLECTIVE BARGAINING AGREEMENTS.—Nothing in this section may be construed to—

"(1) preempt any provision in a mutually agreed-upon collective bargaining agreement, in effect on the date of enactment of the State and Local Law Enforcement Discipline, Accountability, and Due Process Act of 2007, that provides for substantially the same or a greater right or protection afforded under this section; or

"(2) prohibit the negotiation of any additional right or protection for an officer who is subject to any collective bargaining agreement.".

(b) TECHNICAL AMENDMENT.—The table of contents of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended by inserting after the item relating to section 819 the following:

"Sec. 820. Discipline, accountability, and
due process of State and local
law enforcement officers.".

SEC. 4. PROHIBITION OF FEDERAL CONTROL OVER STATE AND LOCAL CRIMINAL JUSTICE AGENCIES.

Nothing in this Act or the amendments made by this Act shall be construed to authorize any department, agency, officer, or employee of the United States to exercise any direction, supervision, or control of any police force or any criminal justice agency of any State or any political subdivision thereof.

SEC. 5. EFFECTIVE DATE.

The amendments made by this Act shall take effect with respect to each State on the earlier of—

(1) 2 years after the date of enactment of this Act; or

(2) the conclusion of the second legislative session of the State that begins on or after the date of enactment of this Act.

By Mr. AKAKA (for himself, Mr. COCHRAN, Mr. DODD, Mr. FEINGOLD, and Mr. DURBIN):

S. 451. A bill to establish a National Foreign language Coordination Council; to the Committee on Health, Education, Labor, and Pensions.

Mr. AKAKA. Mr. President, I am pleased to reintroduce the National Foreign Language Coordination Act with my colleagues Senators THAD COCHRAN, CHRISTOPHER DODD, and RUSSELL FEINGOLD. We are joined by Representative BRIAN BAIRD, who is offering a companion bill in the House of Representatives today as well.

The legislation we introduce today would implement a key recommendation of the 2004 Department of Defense, DOD, National Language Conference to establish a National Foreign Language Coordination Council, chaired by a National Language Director. An integrated foreign language strategy and sustained leadership within the Federal Government is needed to address the lack of foreign language proficient speakers in government and in business. Without such a coordinated strategy, I fear that the country's national and economic security will be at greater risk.

The communications failures of 9/11 clearly demonstrate that we can no longer ignore the consequence of our citizens being unable to converse fluently in languages other than English. The fact that only 9.3 percent of all Americans speak both their native languages and another language fluently, compared with 56 percent of people in the European Union is troubling. The Iraq Study Group reported last month that of the 1,000 American embassy employees in Baghdad, only 33 speak Arabic, and just 6 of them are fluent in this critical language. The shortfall of skilled linguists prompted the Iraq Study Group to recommend that "The Secretary of State, the Secretary of Defense, and the Director of National Intelligence should accord the highest possible priority to professional language proficiency and cultural training, in general and specifically for U.S. officers and personnel about to be assigned to Iraq."

The Federal Government has an essential role to play by collaborating with educators, State and local governments, foreign language associations, and the private sector to increase the number of Americans who speak and understand foreign languages. A National Foreign Language Coordination Council brings these diverse interests together to shape a much needed, comprehensive approach. Just as I have advocated the need for deputy secretaries for management at the Departments of Defense and Homeland Security to direct and sustain management leadership, I envision a National Language Director to be responsible for maintaining and leading a cooperative effort to strengthen our foreign language capabilities.

Our Nation's security is at risk without a sufficient number of foreign language proficient individuals. Counterterrorism intelligence will go untranslated and opportunities will be missed. Equally important is preserving the economic competitiveness of the United States. Globalization means that Americans must compete for jobs in a marketplace no longer confined to the boundaries of the United States. In short, both the security and economic vitality of the United States are tied to improving foreign language education. However, according to the Committee on Economic Development, many of our schools do not have foreign language programs that address the educational challenges of the 21st century. Many American students lack sufficient knowledge of other countries, languages, and cultures to compete effectively in the global marketplace.

Specifically, our bill ensures that the key recommendations of the DOD National Language Conference will be implemented by: Developing policies and programs that build the Nation's language and cultural understanding capability; engaging Federal, State, and local agencies and the private sector in solutions; developing language and cultural competency across public and private sectors; developing language skills in a wide range of critical languages; strengthening our education system, programs, and tools in foreign languages and cultures; and integrating language training into career fields and increase the number of language professionals.

Last week, the Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia, which I chair, held a hearing on the Federal Government's language strategy. Dr. Diane Birckbichler, director of the Foreign Language Center and chair of the Departments of French and Italian at Ohio State University, testified that "if there is a national language strategy, it isn't very well known." She further recommended the development of a national language policy to create a language-ready workforce for the future.

To strengthen the role of the United States in the world, our country must ensure that there is a sufficient number of individuals who are proficient in languages other than their native languages. Increasing foreign language skills enhances national security, just as increasing foreign language skills enhances the ability of Americans to compete on a more global playing field.

I ask my colleagues to support this legislation and unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 451

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ESTABLISHMENT OF NATIONAL FOREIGN LANGUAGE COORDINATION COUNCIL.

(a) SHORT TITLE.—This Act may be cited as the "National Foreign Language Coordination Act of 2007".

(b) ESTABLISHMENT.—There is established in the Executive Office of the President a National Foreign Language Coordination Council (in this section referred to as the "Council").

(c) MEMBERSHIP.—The Council shall consist of the following members or their designees:

(1) The National Language Director, who shall serve as the chairperson of the Council.

(2) The Secretary of Education.

(3) The Secretary of Defense.

(4) The Secretary of State.

(5) The Secretary of Homeland Security.

(6) The Attorney General.

(7) The Director of National Intelligence.

(8) The Secretary of Labor.

(9) The Director of the Office of Personnel Management.

(10) The Director of the Office of Management and Budget.

(11) The Secretary of Commerce.

(12) The Secretary of Health and Human Services.

(13) The Secretary of the Treasury.

(14) The Secretary of Housing and Urban Development.

(15) The Secretary of Agriculture.

(16) The Chairman and President of the Export-Import Bank of the United States.

(17) The heads of such other Federal agencies as the Council considers appropriate.

(d) RESPONSIBILITIES.—

(1) IN GENERAL.—The Council shall be charged with—

(A) overseeing, coordinating, and implementing the National Security Language Initiative;

(B) developing a national foreign language strategy, building upon the efforts of the National Security Language Initiative, within 18 months after the date of the enactment of this section, in consultation with—

(i) State and local government agencies;

(ii) academic sector institutions;

(iii) foreign language related interest groups;

(iv) business associations;

(v) industry;

(vi) heritage associations; and

(vii) other relevant stakeholders;

(C) conducting a survey of the status of Federal agency foreign language and area expertise and agency needs for such expertise; and

(D) monitoring the implementation of such strategy through—

(i) application of current and recently enacted laws; and

(ii) the promulgation and enforcement of rules and regulations.

(2) STRATEGY CONTENT.—The strategy developed under paragraph (1) shall include—

(A) recommendations for amendments to title 5, United States Code, in order to improve the ability of the Federal Government to recruit and retain individuals with foreign language proficiency and provide foreign language training for Federal employees;

(B) the long term goals, anticipated effect, and needs of the National Security Language Initiative;

(C) identification of crucial priorities across all sectors;

(D) identification and evaluation of Federal foreign language programs and activities, including—

(i) any duplicative or overlapping programs that may impede efficiency;

(ii) recommendations on coordination;

(iii) program enhancements; and

(iv) allocation of resources so as to maximize use of resources;

(E) needed national policies and corresponding legislative and regulatory actions in support of, and allocation of designated resources to, promising programs and initiatives at all levels (Federal, State, and local), especially in the less commonly taught languages that are seen as critical for national security and global competitiveness during the next 20 to 50 years;

(F) effective ways to increase public awareness of the need for foreign language skills and career paths in all sectors that can employ those skills, with the objective of increasing support for foreign language study among—

(i) Federal, State, and local leaders;

(ii) students;

(iii) parents;

(iv) elementary, secondary, and postsecondary educational institutions; and

(v) employers;

(G) recommendations for incentives for related educational programs, including foreign language teacher training;

(H) coordination of cross-sector efforts, including public-private partnerships;

(I) coordination initiatives to develop a strategic posture for language research and recommendations for funding for applied foreign language research into issues of national concern;

(J) recommendations for assistance for—

(i) the development of foreign language achievement standards; and

(ii) corresponding assessments for the elementary, secondary, and postsecondary education levels, including the National Assessment of Educational Progress in foreign languages;

(K) recommendations for development of—

(i) language skill-level certification standards;

(ii) frameworks for pre-service and professional development study for those who teach foreign language;

(iii) suggested graduation criteria for foreign language studies and appropriate non-language studies, such as—

(I) international business;

(II) national security;

(III) public administration;

(IV) health care;

(V) engineering;

(VI) law;

(VII) journalism; and

(VIII) sciences;

(L) identification of and means for replicating best practices at all levels and in all sectors, including best practices from the international community; and

(M) recommendations for overcoming barriers in foreign language proficiency.

(3) NATIONAL SECURITY LANGUAGE INITIATIVE.—The term "National Security Language Initiative" means the comprehensive national plan of the President announced on January 5, 2006, and under the direction of the Secretaries of State, Education, and Defense and the Director of National Intelligence to expand foreign language education for national security purposes in the United States.

(e) SUBMISSION OF STRATEGY TO PRESIDENT AND CONGRESS.—Not later than 18 months after the date of enactment of this section, the Council shall prepare and transmit to the President and the relevant committees of Congress the strategy required under subsection (d).

(f) MEETINGS.—The Council may hold such meetings, and sit and act at such times and places, as the Council considers appropriate, but shall meet in formal session at least 2 times a year. State and local government agencies and other organizations (such as academic sector institutions, foreign language-related interest groups, business associations, industry, and heritage community organizations) shall be invited, as appropriate, to public meetings of the Council at least once a year.

(g) STAFF.—

(1) IN GENERAL.—The Director may—

(A) appoint, without regard to the provisions of title 5, United States Code, governing the competitive service, such personnel as the Director considers necessary; and

(B) compensate such personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title.

(2) DETAIL OF GOVERNMENT EMPLOYEES.—Upon request of the Council, any Federal Government employee may be detailed to the Council without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(3) EXPERTS AND CONSULTANTS.—With the approval of the Council, the Director may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

(4) TRAVEL EXPENSES.—Council members and staff shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Council.

(5) SECURITY CLEARANCE.—

(A) IN GENERAL.—Subject to subparagraph (B), the appropriate Federal agencies or departments shall cooperate with the Council in expeditiously providing to the Council members and staff appropriate security clearances to the extent possible pursuant to existing procedures and requirements.

(B) EXCEPTION.—No person shall be provided with access to classified information under this section without the appropriate required security clearance access.

(6) COMPENSATION.—The rate of pay for any employee of the Council (including the Director) may not exceed the rate payable for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(h) POWERS.—

(1) DELEGATION.—Any member or employee of the Council may, if authorized by the Council, take any action that the Council is authorized to take in this section.

(2) INFORMATION.—

(A) COUNCIL AUTHORITY TO SECURE.—The Council may secure directly from any Federal agency such information, consistent with Federal privacy laws, including The Family Educational Rights and Privacy Act (20 U.S.C. 1232g) and Department of Education's General Education Provisions Act (20 U.S.C. 1232(h)), the Council considers necessary to carry out its responsibilities.

(B) REQUIREMENT TO FURNISH REQUESTED INFORMATION.—Upon request of the Director, the head of such agency shall furnish such information to the Council.

(3) DONATIONS.—The Council may accept, use, and dispose of gifts or donations of services or property.

(4) MAIL.—The Council may use the United States mail in the same manner and under the same conditions as other Federal agencies.

(i) CONFERENCES, NEWSLETTER, AND WEBSITE.—In carrying out this section, the Council—

(1) may arrange Federal, regional, State, and local conferences for the purpose of developing and coordinating effective programs and activities to improve foreign language education;

(2) may publish a newsletter concerning Federal, State, and local programs that are effectively meeting the foreign language needs of the nation; and

(3) shall create and maintain a website containing information on the Council and its activities, best practices on language education, and other relevant information.

(j) ANNUAL REPORT.—

(1) REQUIREMENT.—Not later than 90 days after the date of the enactment of this Act, and annually thereafter, the Council shall prepare and transmit to the President and the relevant committees of Congress a report that describes—

(A) the activities of the Council;

(B) the efforts of the Council to improve foreign language education and training; and

(C) impediments to the use of a National Foreign Language program, including any statutory and regulatory restrictions.

(2) RELEVANT COMMITTEES.—For purposes of paragraph (1), the relevant committees of Congress include—

(A) in the House of Representatives—

(i) the Committee on Appropriations;

(ii) the Committee on Armed Services;

(iii) the Committee on Education and Labor;

(iv) the Committee on Oversight and Government Reform;

(v) the Committee on Small Business;

(vi) the Committee on Foreign Affairs; and

(vii) the Permanent Select Committee on Intelligence;

(B) in the Senate—

(i) the Committee on Appropriations;

(ii) the Committee on Armed Services;

(iii) the Committee on Health, Education, Labor, and Pensions;

(iv) the Committee on Homeland Security and Governmental Affairs;

(v) the Committee on Foreign Relations; and

(vi) the Select Committee on Intelligence.

(k) ESTABLISHMENT OF A NATIONAL LANGUAGE DIRECTOR.—

(1) IN GENERAL.—There is established a National Language Director who shall be appointed by the President. The National Language Director shall be a nationally recognized individual with credentials and abilities across the sectors to be involved with creating and implementing long-term solutions to achieving national foreign language and cultural competency.

(2) RESPONSIBILITIES.—The National Language Director shall—

(A) develop and monitor the implementation of a national foreign language strategy, built upon the efforts of the National Security Language Initiative, across all sectors;

(B) establish formal relationships among the major stakeholders in meeting the needs of the Nation for improved capabilities in foreign languages and cultural understanding, including Federal, State, and local government agencies, academia, industry, labor, and heritage communities; and

(C) coordinate and lead a public information campaign that raises awareness of public and private-sector careers requiring foreign language skills and cultural understanding, with the objective of increasing interest in and support for the study of foreign languages among national leaders, the business community, local officials, parents, and individuals.

(l) ENCOURAGEMENT OF STATE INVOLVEMENT.—

(1) STATE CONTACT PERSONS.—The Council shall consult with each State to provide for the designation by each State of an individual to serve as a State contact person for the purpose of receiving and disseminating information and communications received from the Council.

(2) STATE INTERAGENCY COUNCILS AND LEAD AGENCIES.—Each State is encouraged to establish a State interagency council on foreign language coordination or designate a lead agency for the State for the purpose of assuming primary responsibility for coordinating and interacting with the Council and State and local government agencies as necessary.

(m) CONGRESSIONAL NOTIFICATION.—The Council shall provide to Congress such information as may be requested by Congress, through reports, briefings, and other appropriate means.

(n) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as necessary to carry out this section.

By Mr. OBAMA (for himself, Mr. SCHUMER, Mr. LEAHY, Mr. CARDIN, Mr. FEINGOLD, Mr. KERRY, Mrs. FEINSTEIN, Mrs. CLINTON, Mrs. BOXER, and Mr. KENNEDY):

S. 453. A bill to prohibit deceptive practices in Federal elections; to the Committee on the Judiciary.

Mr. OBAMA. Mr. President, I am pleased to introduce a bill today that seeks to address the all-too-common efforts to deceive voters in order to keep them away from the polls.

It's hard to imagine that we even need a bill like this. But, unfortunately, there are people who will stop at nothing to try to deceive voters and keep them away from the polls. What's worse, these practices often target and exploit vulnerable populations, such as minorities, the disabled, or the poor.

We saw countless examples in this past election. Some of us remember the thousands of Latino voters in Orange County, California, who received letters warning them in Spanish that, "if you are an immigrant, voting in a federal election is a crime that can result in incarceration."

Or the voters in Maryland who received a "democratic sample ballot" featuring a Republican candidate for Governor and a Republican candidate for U.S. Senator.

Or the voters in Virginia who received calls from a so-called "Virginia Elections Commission" informing them—falsely—that they were ineligible to vote.

Or the voters who were told that they couldn't vote if they had family members who had been convicted of a crime.

Of course, these so-called warnings have no basis in fact, and are made with only one goal in mind—to keep Americans away from the polls. We see these problems year after year and election and after election, and my hope is that this bill will finally stop these practices in time for the next election.

That is why I am reintroducing the Deceptive Practices and Voter Intimidation Prevention Act. It's a bill that makes voter intimidation and deception punishable by law, and it contains strong penalties so that people who commit these crimes suffer more than just a slap on the wrist. The bill also seeks to address the real harm of these crimes—people who are prevented from voting by misinformation—by establishing a process for reaching out to these misinformed voters with accurate information so they can cast their votes in time.

Senator SCHUMER has joined me in introducing this legislation, and we are joined by our colleagues, Senator PATRICK LEAHY, Chairman of the Judiciary Committee, and Senators CARDIN, FEINGOLD, KERRY, FEINSTEIN and CLINTON as original co-sponsors to this bill.

There are some issues in this country that are inherently difficult and political. Making sure that every American can cast a ballot shouldn't be one of them. There is no place for politics in this debate—no room for those who feel that they can gain a partisan advantage by keeping people away from the polls. It's time to get this done in a bipartisan fashion, and I believe this bill can make it happen.

I ask unanimous consent that a New York Times editorial from January 31, 2007, be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the New York Times, Jan. 31, 2007]

HONESTY IN ELECTIONS

On Election Day last fall in Maryland, fliers were handed out in black neighborhoods with the heading "Democratic Sample Ballot" and photos of black Democratic leaders—and boxes checked off beside the names of the Republican candidates for senator and governor. They were a blatant attempt to fool black voters into thinking the Republican candidates were endorsed by black Democrats. In Orange County, Calif., 14,000 Latino voters got letters in Spanish saying it was a crime for immigrants to vote in a federal election. It didn't say that immigrants who are citizens have the right to vote.

Dirty tricks like these turn up every election season, in large part because they are so rarely punished. But two Democratic senators, Barack Obama of Illinois and Charles Schumer of New York, are introducing a bill today that would make deceiving or intimidating voters a federal crime with substantial penalties.

The bill aims at some of the most commonly used deceptive political tactics. It makes it a crime to knowingly tell voters the wrong day for an election. There have been numerous reports of organized efforts to use telephones, leaflets or posters to tell voters, especially in minority areas, not to vote on Election Day because voting has been postponed.

The bill would also criminalize making false claims to voters about who has endorsed a candidate, or wrongly telling people—like immigrants who are registered voters in Orange County—that they cannot vote.

Along with defining these crimes and providing penalties of up to five years' imprisonment, the bill would require the Justice Department to counteract deceptive election information that has been put out, and to report to Congress after each election on what deceptive practices occurred and what the Justice Department did about them.

The bill would also allow individuals to go to court to stop deceptive practices while they are happening. That is important, given how uninterested the current Justice Department has proved to be in cracking down on election season dirty tricks.

The bill is careful to avoid infringing on First Amendment rights, and that is the right course. But in steering clear of regulating speech, it is not clear how effective the measure would be in addressing one of the worst dirty tricks of last fall's election: a particular kind of deceptive "robocall" that was used against Democratic Congressional candidates. These calls, paid for by the Republicans, sounded as if they had come from the Democrat; when a recipient hung up, the call was repeated over and over. The intent was clearly to annoy the recipients so they would not vote for the Democrat.

While there are already laws that can be used against this sort of deceptive telephone harassment, a more specific bill aimed directly at these calls is needed. But the bill being introduced today is an important step toward making elections more honest and fair. There is no reason it should not be passed by Congress unanimously.

Mr. SCHUMER. Mr. President, I rise today to join with Senator OBAMA in introducing landmark legislation to protect the most sacred right of our democracy: the right to vote. The Obama-Schumer Deceptive Practices and Voter Intimidation Prevention Act of 2007 will end the deceptive practices that have become far too common in recent elections.

At the outset, I want to commend my colleague from Illinois, Senator OBAMA, for his leadership on this important issue. It has been a great pleasure to work with him to draft this bill. I am also proud that we are joined by Senators LEAHY, CARDIN, FEINGOLD, KERRY, FEINSTEIN, and CLINTON as original cosponsors of this legislation.

We all know that there is an urgent need for this legislation. The right to vote is the wellspring of our democracy. Yet Americans have been profoundly shocked and disgusted in recent elections to see so many cynical attempts to lie to voters in order to keep them from casting their ballots.

Let me give just a few examples. In last year's mid-term election, letters in Spanish were sent to voters in Orange County, CA, stating that it is a crime for an immigrant to vote. In fact, immigrants who are naturalized citizens have the right to vote just as any other American citizen does.

In 2006, as well, fliers were handed out on election day in Maryland that gave the impression that top Republican candidates for office were Democratic candidates and were endorsed by prominent African Americans. These fliers were a clear and deliberate attempt to mislead voters.

In Virginia, registered voters received recorded calls that falsely stated that the recipient of the call was registered in another State and would face criminal charges if they came to the polls.

These dirty tricks are not new. In 2002, fliers were distributed in public housing complexes in Louisiana, telling people that they could cast their votes 3 days after election day if the weather was bad.

These schemes insult the intelligence of those they target, and they insult our democracy. Yet they actually seem to be growing more common. The shameful reality is that today, Federal law does not prohibit wrongdoers from spreading these lies.

It is high time for Congress to do something about this disgraceful state of affairs. The Obama-Schumer bill creates a new offense of voter deception. Under our legislation, anyone who intentionally lies to voters about certain key information will now face both civil penalties and criminal punishment of up to 5 years in prison or a $100,000 fine.

The Obama-Schumer bill covers the facts that are most critical for reaching the polls—facts like where, when, and how you can vote; whether you are eligible to vote; or whether an organization has actually endorsed a candidate. When voters are being misled about these core facts, the right to vote is nothing more than a hollow promise. It is a real threat to the right to vote when criminal elements are deliberately lying about something as basic—yet as important—as the date of the election. These types of lies are the poll taxes of today. They are being used to build a barrier around polling places and to disenfranchise voters in the most cynical and destructive way.

Even when misinformation campaigns are not successful, because voters are too smart and too determined to reach the polls, these deceptive practices make a mockery out of the great tradition of American democracy. These despicable attempts have gone unpunished for far too long. The Obama-Schumer bill provides strong penalties to deter and punish the offense of voter deception.

The Obama-Schumer bill will also increase the maximum penalty for voter intimidation from 1 year to 5 years in prison. Someone who tries to keep voters away from the polls with threats should not be released with a slap on the wrist, and our bill will create real penalties for this crime.

Finally, our legislation also ensures that lies do not go unanswered and pass for truth. Under the Obama-Schumer bill, the Department of Justice will be responsible for getting the correct information out to voters so that they can get to the polls and cast their vote without undue confusion.

As a check on whether elections are being tainted by these practices, after each election, the Attorney General will have to report to Congress about allegations of voter deception and how they were handled. We want to make sure that the Department of Justice uses the new tools that would be provided under this bill. The Attorney General's reports will give us a foundation for vigorous oversight.

Let me also be clear about what this legislation does not do. Senator OBAMA and I have taken great care to craft a bill that will not run afoul of the first amendment or prevent Americans from expressing their political opinions. Our bill strikes a balance between the need for political debate and the fundamental right to vote. It is narrowly tailored: it applies only to activities within 60 days prior to an election, and it covers only the key facts that voters need to reach the polls and cast their votes without interference. This bill will not limit legitimate debate, and it will not punish honest mistakes. It is clear from the dirty tricks that America has witnessed in recent elections that the Congress has a compelling interest in protecting the right to vote by regulating false speech that disenfranchises voters. We have a responsibility to act on that interest for the sake of all Americans.

The Obama-Schumer Deceptive Practices and Voter Intimidation Prevention Act of 2007 will finally criminalize efforts to keep voters away from the polls with deliberate lies. I hope and trust that the Congress will take up our bill and pass it without delay.

Mr. LEAHY. Mr. President, today, I join Senators OBAMA, SCHUMER, CARDIN, FEINSTEIN, FEINGOLD, CLINTON, and KERRY to introduce the Deceptive Practices and Voter Intimidation Prevention Act of 2007, a measure that would create new protections and expand existing protections against the use of deceptive practices in elections.

There are few things as critical to the fabric of our Nation, and to American citizenship, as voting. The right to vote and to have your vote count is a foundational right, like our first amendment rights, because it secures the effectiveness of other protections. The legitimacy of our government is dependent on the access all Americans have to the political process.

We saw last year in nearly 20 hearings in the House and Senate on the reauthorization of the Voting Rights Act that there is a continuing need for the vital voting rights protections that landmark civil rights law provides for all Americans. But our need to protect the effective access of voters to the political process does not stop with those vital protections against discrimination. I am concerned about increasing efforts on behalf of some candidates and political parties to interfere with recent elections and undermine the participation of many voters. So today we take another step toward protecting the exercise of the effective exercise of voting rights by ensuring that the access to vote is not undermined by those who would take away that access through deceit and false information.

The Deceptive Practices and Voter Intimidation Prevention Act of 2007 would provide additional tools and criminal penalties to help combat the kinds of practices used during the 2006 midterms in places like Maryland and Virginia. In Maryland, Republican leaders admitted to distributing misleading flyers in African-American communities on election day suggesting that prominent African-American Democrats supported Republican candidates. In Virginia, the FBI has investigated calls received by many voters in heavily Democratic precincts directing them to the wrong polling sites, giving incorrect information about their eligibility to vote, or encouraging them not to vote on election day. I supported a similar bill, S. 1975, in the last Congress, and I hope that we can move forward in this Congress.

Regrettably, the problems leading up to and on election day last year were not limited to a few isolated incidents. In the ninth precinct in Tucson, AZ, an area with a heavy percentage of Latino voters, it has been reported that three vigilantes armed with a clipboard, a video camera, and a visible firearm stopped only Latino voters as they entered and exited the polls on election day, issuing implied and overt threats. In Orange County, CA, Republican congressional candidate Tan Nguyen admitted that his campaign staffer sent letters to 73,000 households, spreading misinformation about voting requirements apparently designed to suppress Latino voter turnout.

In letters to the Attorney General and other officials at the Justice Department and in oversight hearings last November and 2 weeks ago, we have asked the Justice Department for more information about what it has been doing to investigate and combat these practices. In the information we have obtained so far, it is apparent that the Justice Department has not done enough and additional tools are needed.

The Deceptive Practices and Voter Intimidation Prevention Act of 2007 would expand the conduct currently prohibited by law to include the dissemination of false information within 60 days of an election about the time, place, and manner of the election, the qualifications for voter eligibility, or the sponsor of public communications about an election. In addition, it would provide new means of enforcing these prohibitions and combating such dissemination: it creates a private right of action for persons aggrieved by the dissemination of such false information; it provides criminal penalties for such false dissemination of up to 5 years and $100,000; and it provides that any person may report such false dissemination to the Attorney General, and if it is determined that such information is false or deliberately misleading, the Justice Department would be required to take action to provide corrective information. In addition, this bill provides an additional tool for effective oversight by requiring the Attorney General to report to Congress on allegations of the dissemination of false information within 90 days of an election.

By passing this bill and enacting it into law, we can continue our march towards a more inclusive democracy for all Americans.

Mr. KENNEDY. Mr. President, it's a privilege to join Senator OBAMA and our other colleagues in sponsoring the Deceptive Practices and Voter Intimidation Prevention Act, because it addresses an essential aspect of voting rights. For too long, we've ignored the festering problem of deceptive practices intended to intimidate and deceive voters in our national elections and suppress the vote of certain minority groups for partisan gain. The problem is a continuing threat to our democracy, and it's up to our new Congress to outlaw such practices, and I commend the Senator from Illinois for his leadership on this basic challenge.

In doing so, we must be vigilant to ensure that the bill does not erode the important division of responsibility in the Department of Justice between civil rights enforcement by the Civil Rights Division and the efforts by the Criminal Division to combat voter fraud. That division of responsibility is essential to convincing voters, particularly those in poor or minority communities to have the trust necessary to work with the Civil Rights Division and to inform it of possible civil rights violations. The bill should clearly provide that, as traditionally has been the case, the Voting Section of the Civil Rights Division may not investigate matters of voter fraud, although it may provide technical advice and assistance to other parts of the Department in carrying out the requirements of this legislation.

We also need to guarantee that additional resources are appropriated to carry out the bill's requirements, so that resources will not be diverted from other important law enforcement activities of the Department.

In addition, we must ensure that the bill's civil and criminal provisions are not misused to erode voter participation even further, particularly among poor and minority voters by wrongly targeting voter registration activities or chilling legitimate get-out-the-vote efforts by organizations serving the public interest.

I look forward very much to working with my colleagues to deal with these specific issues, and to enact this important new measure as part of our fundamental responsibility to protect the most basic right in our democracy, the right to vote.

By Ms. COLLINS:

S. 454. A bill to provide an increase in funding for Federal Pell Grants, to amend the Internal Revenue Code of 1986 in order to expand the deduction for interest paid on student loans, raise the contribution limits for Coverdell Education Savings Accounts, and make the exclusion for employer provided educational assistance permanent, and for other purposes; to the Committee on Finance.

Ms. COLLINS. Mr. President, I rise today to introduce the Improving Access to Higher Education Act. This legislation would provide an increase in the maximum Pell grant award to $5,100, as well as additional benefits to help make higher education more accessible and affordable.

Our system of higher education is, in many ways, the envy of the world, but its benefits have not been equally available. Unfortunately, family income still largely determines whether students will pursue higher education. Students from families with incomes above $75,000 are more than twice as likely to attend college as students from families with incomes of less than $25,000.

To help remedy these inequities, the Federal Government has committed itself to a need-based system of student financial aid designed to help remove the economic barriers to higher education. Central to this effort over the past 30 years has been the Pell grant program.

The Pell Grant Program is the largest source of Federal grant aid and the cornerstone of our Federal need-based aid system. In 2006, the Pell program provided approximately $13 billion in grant aid to more than 5.3 million students. Students with the greatest need receive the maximum Pell award, which is currently set at $4,050. And Pell grants are truly targeted to the neediest of students—Pell recipients have a median family income of only $15,200.

Because of the central role of the Pell Grant Program, I am deeply concerned by the significant erosion in the purchasing power of the Pell grant that has occurred in recent years. In 1975, the maximum Pell grant represented approximately 80 percent of the costs of attending a public, 4-year institution. Today, it covers only 33 percent of these costs.

When lower levels of grant aid are available, students are forced to make up the difference by taking on larger and larger amounts of debt to finance their education. Earlier this month, I met with two students from the University of Southern Maine who told me that students graduating from 4-year institutions in Maine leave with an average debt of $20,239. As startling as this figure may be, it underestimates the true indebtedness of students, since it does not take into account credit card debt or private loans that students use to help finance their education.

The decline in the value of grant aid and the growing reliance on loans have particularly negative consequences for low-income students. In fact, the staggering amount of debt required to finance higher education may force some low-income students to abandon their plans to attend college altogether.

As explained in a recent report by the Educational Policy Institute, "Grants for Students: What they do, Why they work," people from lower-income backgrounds often place a higher value on having money to meet pressing current needs, and accordingly, are less likely to make investments where the financial return comes only in the long term. According to the report, "[L]ong term poverty encourages short-term thinking and those who experience it tend to identify very strongly with the expression 'one in the hand is worth two in the bush.'" This is just one reason why the availability of loans does not solve the college access problem for low-income students, and why grant aid is so crucial.

That is why today I am introducing legislation that will raise the maximum Pell grant award to $5,100, an increase of more tha $1,000 in a single year. While I recognize that this represents a significant increase in a single year, this increase is long overdue. The maximum grant award has been essentially level-funded since Fiscal Year 2002. If we do not act soon Fiscal Year 2007 will become the fifth year in a row that the Pell maximum award has been level-funded.

By raising the maximum award to $5,100, my home state of Maine will receive approximately $60 million in Pell grant funding, an increase of over $15 million from current levels. This level of funding would provide Pell grants to more than 20,000 Maine students.

I recently met with Andrew Bossie, a first-generation college student from my hometown of Caribou, about the importance of Pell grants. Andrew is currently a student at the University of Southern Maine and will graduate this spring, in large part, because of the help of Pell grants. As Andrew told me, "Without Pell grants, there is no doubt that I would not have been able to attend college. Although the current Pell grant award is a huge help, I still feel the stress of sometimes having to decide between a badly-needed new pair of shoes and making my tuition payments." Andrew is thriving academically—he is on the Dean's list—and he is also the student body president and is active as a community volunteer.

Increasing the maximum Pell award by $1,050 is going to make a real difference for Andrew and other students in their ability to pursue their college dreams. While I recognize that an increase to $5,100 in a single year is an ambitious goal, it is a worthy one for a nation that understands the opportunities that a college education brings.

My legislation also amends the Higher Education Act to raise the minimum Pell award to $500, up from the current minimum of $400. The minimum award level has not been increased in over 10 years. I believe we should ensure that every student who qualifies for a Pell receives at least $500.

In addition to our efforts on behalf of Pell grants, there are other important steps we can take to put higher education in the reach of more families. Ten years ago, in my first year as a Senator, I introduced S. 930, the "College Affordability and Access Act," which contained three provisions designed to expand access to higher education, and reduce its cost. These three provisions were enacted into law, in amended form, as part of the Taxpayer Relief Act of 1997.

The proposal I am submitting today builds upon each of those three provisions. First, in recognition of the increased cost of higher education, my proposal calls for an increase in the tax deduction available for interest paid on higher education loans. Second, my proposal calls for a similar increase in the contribution limit for tax-free Coverdell Education Savings Accounts. Third, the bill would make permanent the current tax-free treatment of employer-provided educational assistance programs.

The value of the tax relief we provided 10 years ago has not kept pace with the rising cost of higher education. According to data from the College Board, 4-year private colleges now charge $30,000 per year for tuition, fees, room, and board. Even after taking inflation into account, this represents an increase of more than $6,000 since the 1996–1997 school year. Perhaps even more troubling, the College Board reports that the rate of increase has actually been sharper at public 4-year institutions than their private counterparts. Ten years ago, students attending any of America's excellent public universities would have paid, on average, just over $9,000 to cover tuition, fees, room, and board. Today, these students can expect to pay nearly $12,800—an increase of 38 percent after taking inflation into account.

By contrast, the student loan interest deduction we provided as part of the Taxpayer Relief Act of 1997 remains at $2,500. It is time that we raise this cap to $3,750, a 50-percent increase. Doing so is a step toward recognizing that investments in higher education are essential to the health of our economy in an increasingly global, competitive marketplace.

I also believe it is necessary to increase the contribution limits for Coverdell Education Savings Accounts. Under current law, taxpayers may make contributions of up to $2,000 per year to these tax-free higher education accounts. In light of the inflation in college costs that I have already described, I believe this contribution limit ought to be increased to $3,000 per year.

Finally, my proposal would also extend current education benefits provided to employees through their employers. Under current law, a taxpayer may receive, tax free, up to $5,250 in education benefits through their employers each year. This provision helps both companies and their employees. Companies that provide this benefit get a workforce that is current with the latest methods and technologies in the field, while their employees get the training they need to advance through the ranks. Unfortunately, this provision expires on December 31, 2010. I propose that it be made permanent.

Now is the time for us to make a commitment to raising the Pell maximum award to $5,100, and to providing additional relief to families struggling to afford higher education. Investing in higher education is crucial to our economic future and competitiveness in the global economy, and my legislation represents a sound investment towards making the dream of a college education a reality for more Americans. I hope my colleagues will join me in supporting this legislation.

By Mr. KERRY:

S. 455. A bill to amend the Internal Revenue Code of 1986 to provide tax relief to active duty military personnel and employers who assist them, and for other purposes; to the Committee on Finance.

Mr. KERRY. Mr. President, today Senator SMITH and I are introducing the Active Duty Military Tax Relief Act of 2007. This legislation will help those who are valiantly serving their country and the families that they leave behind.

The best definition of patriotism is keeping faith with those who wear the uniform of our country. That means giving our troops the resources they need to keep them safe while they are protecting us. And it means supporting our troops at home as well as abroad.

Currently, there are over 132,000 military personnel serving in Iraq and more are on the way. There are approximately 22,100 U.S. servicemembers in Afghanistan. Many of these men and women are reservists and have been called to activity duty, frequently for multiple tours. Often they own, or are employed, by a small business and their activation results in hardship for the business.

Small businesses with less than 100 employees employ about 18 percent of all reservists who hold civilian jobs. Most large businesses have the resources to provide supplemental income to reservist employees called up and to replace them with temporary employees. I applaud the businesses that have been able to pay supplemental income to their reservists, but it is not easy for small businesses to do the same.

Earlier today, the Small Business and Entrepreneurship Committee held a hearing on veterans' small business issues. A majority of our veterans returning from Iraq and Afghanistan are Reserve and National Guard members—35 percent of whom are either self-employed or own or are employed by a small business.

We heard some disturbing statistics about the impact and unintended consequences the callup of reservists is having on small businesses. According to a January 2007 survey conducted by Workforce Management, 54 percent of the businesses surveyed responded that they would not hire a citizen soldier if they knew that they could be called up for an indeterminate amount of time. I am concerned that long callups have made it hard for small businesses to be supportive of civilian soldiers.

The Active Duty Military Tax Relief Act of 2007 provides a tax credit to small businesses with fewer than 100 employees and the self-employed to help with the cost of paying the salary of their reservist employees when they are called to active duty. This legislation also provides an additional tax credit to help offset the cost of hiring temporary employees to fill vacancies left by the servicemembers.

Many reservists who own their own business return from duty to find that their business is floundering. These tax credits will help reservists who own their own businesses to hire temporary employees for the duration of their tour as well as to assist small businesses deal with the impact of having an essential employee called up for active duty.

In addition to helping small businesses, the Active Duty Military Tax Relief of 2007 addresses concerns related to differential military pay, income tax withholding, and retirement plan participation. These provisions will make it easier for employers who would like to pay their employees supplemental income, above their military pay, and make pension contributions. Our legislation would make differential military pay subject to Federal income tax withholding. In addition, with respect to the retirement plan rules, the bill provides that a person receiving differential military pay would be treated as an employee of the employer making the payment and allows the differential military pay to be treated as compensation.

This bill also attempts to mitigate the financial strains placed on our military families while the family member is deployed. To help ease some of this burden, the Active Duty Military Tax Relief Act of 2007 would increase the standard deduction for active duty military personnel by $1,000 for 2007 and 2008. In addition, this legislation would make permanent the existing provision which allows taxpayers to include combat pay as earned income for purposes of the earned income tax credit (EITC). Without this provision some military families would no longer be eligible to receive the EITC because combat pay is currently not taxable.

Last Congress, Senator SMITH and I introduced the Fallen Heroes Family Savings Act, which we have incorporated into the Active Duty Military Tax Relief Act. This provision provides tax relief for the death gratuity payment that is given to families that have lost a loved one in combat. This payment is currently $100,000.

Our current tax laws do not allow the recipients of this payment to use it to make contributions to tax-preferred saving accounts that help with saving for retirement, health care, or the costs of education. Our legislation would allow military death gratuities to be contributed to certain tax-preferred accounts. These contributions would be treated as qualified rollovers. The contribution limits of these accounts will not be applied to these contributions.

Our service men and women need to know that we are honoring their valor by taking care of those they leave behind. Helping ease the tax burden on the death gratuity will enable military families to save more for retirement, education, and health care by allowing them to put the payment in an account in which the earnings will accumulate tax-free.

These changes to our tax laws will help our military families with some of their financial burdens. It cannot repay the sacrifices they have made for us, but it is a small way we can support our troops and their families at home as well as abroad.

The National Military Family Association, the Reserve Officers Association, and The Military Coalition (a consortium of veterans and military organizations representing more than 5.5 million members plus their families and survivors) support this legislation.

I ask unanimous consent that the text of this legislation be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 455

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Active Duty Military Tax Relief Act of 2007".

SEC. 2. CREDIT FOR INCOME DIFFERENTIAL FOR EMPLOYMENT OF ACTIVATED MILITARY RESERVIST AND REPLACEMENT PERSONNEL.

(a) IN GENERAL.—Subpart B of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to foreign tax credit, etc.) is amended by adding at the end the following new section:

"SEC. 30C. EMPLOYER WAGE CREDIT FOR ACTIVATED MILITARY RESERVISTS.

"(a) GENERAL RULE.—There shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the sum of—

"(1) in the case of an eligible small business employer, the employment credit with respect to all qualified employees and qualified replacement employees of the taxpayer, plus

"(2) the self-employment credit of a qualified self-employed taxpayer.

"(b) EMPLOYMENT CREDIT.—For purposes of this section—

"(1) QUALIFIED EMPLOYEES.—

"(A) IN GENERAL.—The employment credit with respect to a qualified employee of the taxpayer for any taxable year is equal to 40 percent of so much of the excess (if any) paid by the taxpayer to such qualified employee of—

"(i) the qualified employee's average daily qualified compensation for the taxable year, over

"(ii) the average daily military pay and allowances received by the qualified employee during the taxable year while participating in qualified reserve component duty to the exclusion of the qualified employee's normal employment duties,

for the aggregate number of days the qualified employee participates in qualified reserve component duty during the taxable year (including time spent in a travel status) as does not exceed $25,000. The employment credit, with respect to all qualified employees, is equal to the sum of the employment credits for each qualified employee under this subsection.

"(B) AVERAGE DAILY QUALIFIED COMPENSATION AND AVERAGE DAILY MILITARY PAY AND ALLOWANCES.—As used with respect to a qualified employee—

"(i) the term 'average daily qualified compensation' means the qualified compensation of the qualified employee for the taxable year divided by 365, and

"(ii) the term 'average daily military pay and allowances' means—

"(I) the amount paid to the qualified employee during the taxable year as military pay and allowances on account of the qualified employee's participation in qualified reserve component duty, divided by

"(II) the total number of days the qualified employee participates in qualified reserve component duty, including time spent in travel status.

"(C) QUALIFIED COMPENSATION.—When used with respect to the compensation paid to a qualified employee for any period during which the qualified employee participates in qualified reserve component duty, the term 'qualified compensation' means—

"(i) compensation which is normally contingent on the qualified employee's presence for work and which would be deductible from the taxpayer's gross income under section 162(a)(1) if the qualified employee were present and receiving such compensation,

"(ii) compensation which is not characterized by the taxpayer as vacation or holiday pay, or as sick leave or pay, or as any other form of pay for a nonspecific leave of absence, and with respect to which the number of days the qualified employee participates in qualified reserve component duty does not result in any reduction in the amount of vacation time, sick leave, or other nonspecific leave previously credited to or earned by the qualified employee, and

"(iii) group health plan costs (if any) with respect to the qualified employee.

"(D) QUALIFIED EMPLOYEE.—The term 'qualified employee' means a person who—

"(i) has been an employee of the taxpayer for the 91-day period immediately preceding the period during which the employee participates in qualified reserve component duty, and

"(ii) is a member of the Ready Reserve of a reserve component of an Armed Force of the United States as defined in sections 10142 and 10101 of title 10, United States Code.

"(2) QUALIFIED REPLACEMENT EMPLOYEES.—

"(A) IN GENERAL.—The employment credit with respect to a qualified replacement employee of the taxpayer for any taxable year is equal to 40 percent of so much of the individual's qualified compensation attributable to service rendered as a qualified replacement employee as does not exceed $15,000. The employment credit, with respect to all qualified replacement employees, is equal to the sum of the employment credits for each qualified replacement employee under this subsection.

"(B) QUALIFIED COMPENSATION.—When used with respect to the compensation paid to a qualified replacement employee, the term 'qualified compensation' means—

"(i) compensation which is normally contingent on the qualified replacement employee's presence for work and which is deductible from the taxpayer's gross income under section 162(a)(1),

"(ii) compensation which is not characterized by the taxpayer as vacation or holiday pay, or as sick leave or pay, or as any other form of pay for a nonspecific leave of absence, and

"(iii) group health plan costs (if any) with respect to the qualified replacement employee.

"(C) QUALIFIED REPLACEMENT EMPLOYEE.—The term 'qualified replacement employee' means an individual who is hired to replace a qualified employee or a qualified self-employed taxpayer, but only with respect to the period during which such employee or taxpayer participates in qualified reserve component duty, including time spent in travel status, and, in the case of a qualified employee, is receiving qualified compensation (as defined in paragraph (1)(C)) for which an employment credit is allowed as determined under paragraph (1).

"(c) SELF-EMPLOYMENT CREDIT.—For purposes of this section—

"(1) IN GENERAL.—The self-employment credit of a qualified self-employed taxpayer for any taxable year is equal to 40 percent of so much of the excess (if any) of—

"(A) the qualified self-employed taxpayer's average daily qualified compensation for the taxable year, over

"(B) the average daily military pay and allowances received by the taxpayer during the taxable year while participating in qualified reserve component duty to the exclusion of the taxpayer's normal self-employment duties,

for the aggregate number of days the taxpayer participates in qualified reserve component duty during the taxable year (including time spent in a travel status) as does not exceed $25,000.

"(2) AVERAGE DAILY QUALIFIED COMPENSATION AND AVERAGE DAILY MILITARY PAY AND ALLOWANCES.—As used with respect to a qualified self-employed taxpayer—

"(A) the term 'average daily qualified compensation' means the qualified compensation of the qualified self-employed taxpayer for the taxable year divided by 365 days, and

"(B) the term 'average daily military pay and allowances' means—

"(i) the amount paid to the taxpayer during the taxable year as military pay and allowances on account of the taxpayer's participation in qualified reserve component duty, divided by

"(ii) the total number of days the taxpayer participates in qualified reserve component duty, including time spent in travel status.

"(3) QUALIFIED COMPENSATION.—When used with respect to the compensation paid to a qualified self-employed taxpayer for any period during which the qualified self-employed taxpayer participates in qualified reserve component duty, the term 'qualified compensation' means—

"(A) the self-employment income (as defined in section 1402(b) of the taxpayer which is normally contingent on the taxpayer's presence for work,

"(B) compensation which is not characterized by the taxpayer as vacation or holiday pay, or as sick leave or pay, or as any other form of pay for a nonspecific leave of absence, and

"(C) the amount paid for insurance which constitutes medical care for the taxpayer for such year (within the meaning of section 162(l)).

"(4) QUALIFIED SELF-EMPLOYED TAXPAYER.—The term 'qualified self-employed taxpayer' means a taxpayer who—

"(A) has net earnings from self-employment (as defined in section 1402(a)) for the taxable year, and

"(B) is a member of the Ready Reserve of a reserve component of an Armed Force of the United States.

"(d) COORDINATION WITH OTHER CREDITS.—The amount of credit otherwise allowable under this chapter with respect to compensation paid to any employee shall be reduced by the credit allowed by this section with respect to such employee.

"(e) LIMITATIONS.—

"(1) APPLICATION WITH OTHER CREDITS.—The credit allowed under subsection (a) for any taxable year shall not exceed the excess (if any) of—

"(A) the regular tax for the taxable year reduced by the sum of the credits allowable under subpart A and sections 27, 29, and 30, over

"(B) the tentative minimum tax for the taxable year.

"(2) DISALLOWANCE FOR FAILURE TO COMPLY WITH EMPLOYMENT OR REEMPLOYMENT RIGHTS OF MEMBERS OF THE RESERVE COMPONENTS OF THE ARMED FORCES OF THE UNITED STATES.—No credit shall be allowed under subsection (a) to a taxpayer for—

"(A) any taxable year, beginning after the date of the enactment of this section, in which the taxpayer is under a final order, judgment, or other process issued or required by a district court of the United States under section 4323 of title 38 of the United States Code with respect to a violation of chapter 43 of such title, and

"(B) the 2 succeeding taxable years.

"(3) DISALLOWANCE WITH RESPECT TO PERSONS ORDERED TO ACTIVE DUTY FOR TRAINING.—No credit shall be allowed under subsection (a) to a taxpayer with respect to any period by taking into account any person who is called or ordered to active duty for any of the following types of duty:

"(A) Active duty for training under any provision of title 10, United States Code.

"(B) Training at encampments, maneuvers, outdoor target practice, or other exercises under chapter 5 of title 32, United States Code.

"(C) Full-time National Guard duty, as defined in section 101(d)(5) of title 10, United States Code.

"(f) GENERAL DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

"(1) ELIGIBLE SMALL BUSINESS EMPLOYER.—

"(A) IN GENERAL.—The term 'eligible small business employer' means, with respect to any taxable year, any employer which—

"(i) employed an average of 100 or fewer employees on business days during such taxable year, and

"(ii) under a written plan of the employer, provides the excess amount described in subsection (b)(1)(A) to every qualified employee of the employer.

"(B) CONTROLLED GROUPS.—For purposes of subparagraph (A), all persons treated as a single employer under subsection (b), (c), (m), or (o) of section 414 shall be treated as a single employer.

"(2) MILITARY PAY AND ALLOWANCES.—The term 'military pay' means pay as that term is defined in section 101(21) of title 37, United States Code, and the term 'allowances' means the allowances payable to a member of the Armed Forces of the United States under chapter 7 of that title.

"(3) QUALIFIED RESERVE COMPONENT DUTY.—The term 'qualified reserve component duty' includes only active duty performed, as designated in the reservist's military orders, in support of a contingency operation as defined in section 101(a)(13) of title 10, United States Code.

"(4) CARRYBACK AND CARRYFORWARD ALLOWED.—

"(A) IN GENERAL.—If the credit allowable under subsection (a) for a taxable year exceeds the amount of the limitation under subsection (f)(1) for such taxable year (in this paragraph referred to as the 'unused credit year'), such excess shall be a credit carryback to the taxable year preceding the unused credit year and a credit carryforward to each of the 20 taxable years following the unused credit year.

"(B) RULES.—Rules similar to the rules of section 39 shall apply with respect to the credit carryback and credit carryforward under subparagraph (A).

"(5) CERTAIN RULES TO APPLY.—Rules similar to the rules of subsections (c), (d), and (e) of section 52 shall apply.".

(b) NO DEDUCTION FOR COMPENSATION TAKEN INTO ACCOUNT FOR CREDIT.—Section 280C(a) of the Internal Revenue Code of 1986 (relating to rule for employment credits) is amended—

(1) by inserting "or compensation" after "salaries", and

(2) by inserting "30C," before "45A(a),".

(c) CONFORMING AMENDMENT.—Section 55(c)(2) of the Internal Revenue Code of 1986 is amended by inserting "30C(e)(1)," after "30(b)(3),".

(d) CLERICAL AMENDMENT.—The table of sections for subpart B of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end of 30A the following new item:

"Sec. 30C. Employer wage credit for activated military reservists.".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid in taxable years beginning after December 31, 2006.

SEC. 3. DIFFERENTIAL WAGE PAYMENTS.

(a) INCOME TAX WITHHOLDING ON DIFFERENTIAL WAGE PAYMENTS.—

(1) IN GENERAL.—Section 3401 of the Internal Revenue Code of 1986 (relating to definitions) is amended by adding at the end the following new subsection:

"(h) DIFFERENTIAL WAGE PAYMENTS TO ACTIVE DUTY MEMBERS OF THE UNIFORMED SERVICES.—

"(1) IN GENERAL.—For purposes of subsection (a), any differential wage payment shall be treated as a payment of wages by the employer to the employee.

"(2) Differential wage payment.—For purposes of paragraph (1), the term 'differential wage payment' means any payment which—

"(A) is made by an employer to an individual with respect to any period during which the individual is performing service in the uniformed services while on active duty for a period of more than 30 days, and

"(B) represents all or a portion of the wages the individual would have received from the employer if the individual were performing service for the employer.".

(2) Effective date.—The amendment made by this subsection shall apply to remuneration paid after December 31, 2007.

(b) Treatment of Differential Wage Payments for Retirement Plan Purposes.—

(1) Pension plans.—

(A) In general.—Section 414(u) of the Internal Revenue Code of 1986 (relating to special rules relating to veterans' reemployment rights under USERRA) is amended by adding at the end the following new paragraph:

"(11) Treatment of differential wage payments.—

"(A) In general.—Except as provided in this paragraph, for purposes of applying this title to a retirement plan to which this subsection applies—

"(i) an individual receiving a differential wage payment shall be treated as an employee of the employer making the payment,

"(ii) the differential wage payment shall be treated as compensation, and

"(iii) the plan shall not be treated as failing to meet the requirements of any provision described in paragraph (1)(C) by reason of any contribution or benefit which is based on the differential wage payment.

"(B) Special rule for distributions.—

"(i) In general.—Notwithstanding subparagraph (A)(i), for purposes of section 401(k)(2)(B)(i)(I), 403(b)(7)(A)(ii), 403(b)(11)(A), or 457(d)(1)(A)(ii), an individual shall be treated as having been severed from employment during any period the individual is performing service in the uniformed services described in section 3401(h)(2)(A).

"(ii) Limitation.—If an individual elects to receive a distribution by reason of clause (i), the plan shall provide that the individual may not make an elective deferral or employee contribution during the 6-month period beginning on the date of the distribution.

"(C) Nondiscrimination requirement.—Subparagraph (A)(iii) shall apply only if all employees of an employer (as determined under subsections (b), (c), (m), and (o)) performing service in the uniformed services described in section 3401(h)(2)(A) are entitled to receive differential wage payments on reasonably equivalent terms and, if eligible to participate in a retirement plan maintained by the employer, to make contributions based on the payments on reasonably equivalent terms. For purposes of applying this subparagraph, the provisions of paragraphs (3), (4), and (5), of section 410(b) shall apply.

"(D) Differential wage payment.—For purposes of this paragraph, the term 'differential wage payment' has the meaning given such term by section 3401(h)(2).".

(B) Conforming amendment.—The heading for section 414(u) of such Code is amended by inserting "and to Differential Wage Payments to Members on Active Duty" after "USERRA".

(2) Differential wage payments treated as compensation for individual retirement plans.—Section 219(f)(1) of the Internal Revenue Code of 1986 (defining compensation) is amended by adding at the end the following new sentence: "The term 'compensation' includes any differential wage payment (as defined in section 3401(h)(2)).".

(3) Effective date.—The amendments made by this subsection shall apply to years beginning after December 31, 2007.

(c) Provisions Relating to Plan Amendments.—

(1) In general.—If this subsection applies to any plan or annuity contract amendment—

(A) such plan or contract shall be treated as being operated in accordance with the terms of the plan or contract during the period described in paragraph (2)(B)(i), and

(B) except as provided by the Secretary of the Treasury, such plan shall not fail to meet the requirements of the Internal Revenue Code of 1986 or the Employee Retirement Income Security Act of 1974 by reason of such amendment.

(2) Amendments to which section applies.—

(A) In general.—This subsection shall apply to any amendment to any plan or annuity contract which is made—

(i) pursuant to any amendment made by this section, and

(ii) on or before the last day of the first plan year beginning on or after January 1, 2009.

(B) Conditions.—This subsection shall not apply to any plan or annuity contract amendment unless—

(i) during the period beginning on the date the amendment described in subparagraph (A)(i) takes effect and ending on the date described in subparagraph (A)(ii) (or, if earlier, the date the plan or contract amendment is adopted), the plan or contract is operated as if such plan or contract amendment were in effect, and

(ii) such plan or contract amendment applies retroactively for such period.

SEC. 4. CONTRIBUTIONS OF MILITARY DEATH GRATUITIES TO CERTAIN TAX-FAVORED ACCOUNTS.

(a) Roth IRAs.—

(1) Provision in effect before pension protection act.—Subsection (e) of section 408A of the Internal Revenue Code of 1986 (relating to qualified rollover contribution), as in effect before the amendments made by section 824 of the Pension Protection Act of 2006, is amended to read as follows:

"(e) Qualified Rollover Contribution.—For purposes of this section—

"(1) In general.—The term 'qualified rollover contribution' means a rollover contribution to a Roth IRA from another such account, or from an individual retirement plan, but only if such rollover contribution meets the requirements of section 408(d)(3). Such term includes a rollover contribution described in section 402A(c)(3)(A). For purposes of section 408(d)(3)(B), there shall be disregarded any qualified rollover contribution from an individual retirement plan (other than a Roth IRA) to a Roth IRA.

"(2) Military death gratuity.—

"(A) In general.—The term 'qualified rollover contribution' includes a contribution to a Roth IRA maintained for the benefit of an individual to the extent that such contribution does not exceed the amount received by such individual under section 1477 of title 10, United States Code, or under section 1967 of title 38 of such Code, if such contribution is made not later than 1 year after the day on which such individual receives such amount.

"(B) Annual limit on number of rollovers not to apply.—Section 408(d)(3)(B) shall not apply with respect to amounts treated as a rollover by the subparagraph (A).

"(C) Application of section 72.—For purposes of applying section 72 in the case of a distribution which is not a qualified distribution, the amount treated as a rollover by reason of subparagraph (A) shall be treated as investment in the contract.".

(2) Provision in effect after pension protection act.—Subsection (e) of section 408A, as in effect after the amendments made by section 824 of the Pension Protection Act of 2006, is amended to read as follows:

"(e) Qualified Rollover Contribution.—For purposes of this section—

"(1) In general.—The term 'qualified rollover contribution' means a rollover contribution—

"(A) to a Roth IRA from another such account,

"(B) from an eligible retirement plan, but only if—

"(i) in the case of an individual retirement plan, such rollover contribution meets the requirements of section 408(d)(3), and

"(ii) in the case of any eligible retirement plan (as defined in section 402(c)(8)(B) other than clauses (i) and (ii) thereof), such rollover contribution meets the requirements of section 402(c), 403(b)(8), or 457(e)(16), as applicable.

For purposes of section 408(d)(3)(B), there shall be disregarded any qualified rollover contribution from an individual retirement plan (other than a Roth IRA) to a Roth IRA.

"(2) Military death gratuity.—

"(A) In general.—The term 'qualified rollover contribution' includes a contribution to a Roth IRA maintained for the benefit of an individual to the extent that such contribution does not exceed the amount received by such individual under section 1477 of title 10, United States Code, or under section 1967 of title 38 of such Code, if such contribution is made not later than 1 year after the day on which such individual receives such amount.

"(B) Annual limit on number of rollovers not to apply.—Section 408(d)(3)(B) shall not apply with respect to amounts treated as a rollover by the subparagraph (A).

"(C) Application of section 72.—For purposes of applying section 72 in the case of a distribution which is not a qualified distribution, the amount treated as a rollover by reason of subparagraph (A) shall be treated as investment in the contract.".

(b) Health Savings Accounts and Archer MSAs.—Sections 220(f)(5) and 223(f)(5) of the Internal Revenue Code of 1986 are each amended by adding at the end the following flush sentence:

"For purposes of subparagraphs (A) and (B), rules similar to the rules of section 408A(e)(2) (relating to rollover treatment for contributions of military death gratuity) shall apply.".

(c) Education Savings Accounts.—Section 530(d)(5) of the Internal Revenue Code of 1986 is amended by adding at the end the following new sentence: "For purposes of this paragraph, rules similar to the rules of section 408A(e)(2) (relating to rollover treatment for contributions of military death gratuity) shall apply.".

(d) Effective Dates.—

(1) In general.—Except as provided by paragraphs (2) and (3), the amendments made by this section shall apply with respect to deaths from injuries occurring on or after the date of the enactment of this Act.

(2) Application of amendments to deaths from injuries occurring on or after October 7, 2001, and before enactment.—The

amendments made by this section shall apply to any contribution made pursuant to section 408A(e)(2), 220(f)(5), 223(f)(5), or 530(d)(5) of the Internal Revenue Code of 1986, as amended by this Act, with respect to amounts received under section 1477 of title 10, United States Code, or under section 1967 of title 38 of such Code, for deaths from injuries occurring on or after October 7, 2001, and before the date of the enactment of this Act if such contribution is made not later than 1 year after the date of the enactment of this Act.

(3) PENSION PROTECTION ACT CHANGES.—Section 408A(e)(1) of the Internal Revenue Code of 1986 (as in effect after the amendments made by subsection (a)(2)) shall apply to taxable years beginning after December 31, 2007.

SEC. 5. TEMPORARY INCREASE IN STANDARD DEDUCTION FOR ACTIVE DUTY MILITARY PERSONNEL.

(a) IN GENERAL.—Paragraph (3) of section 63(c) of the Internal Revenue Code of 1986 (defining additional standard deduction for the aged and blind) is amended to read as follows:

"(3) ADDITIONAL STANDARD DEDUCTION.—For the purposes of paragraph (1), the additional standard deduction is the sum of—

"(A) the sum of each additional amount to which the taxpayer is entitled under subsection (f), plus

"(B) in the case of a taxable year beginning in 2007 or 2008, an additional amount of $1,000 for an individual for such taxable year if the individual who at any time during such taxable year is performing service in the uniformed services while on active duty for a period of more than 30 days.".

(b) CONFORMING AMENDMENTS.—

(1) Section 3402(m)(3) of the the Internal Revenue Code of 1986 is amended by striking "for the aged and blind".

(2) Section 6012(a)(1)(B) of such Code is amended by adding at the end the following new sentence: "The preceding sentence shall be applied without regard to section 63(c)(3)(B) and each of the amounts specified in subparagraph (A) shall be increased by the portion of any additional standard deduction to which the individual is entitled by reason of section 63(c)(3)(B).".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006.

SEC. 6. PERMANENT EXTENSION OF ELECTION TO INCLUDE COMBAT PAY AS EARNED INCOME FOR PURPOSES OF EARNED INCOME CREDIT.

(a) IN GENERAL.—Section 32(c)(2)(B)(vi) of the Internal Revenue Code of 1986, as amended by section 106 of division A of the Tax Relief and Health Care Act of 2006, is amended to read as follows:

"(vi) a taxpayer may elect to treat amounts excluded from gross income by means of section 112 as earned income.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

By Mrs. FEINSTEIN (for herself, Mr. HATCH, Mr. SCHUMER, Mr. SPECTER, Mr. BIDEN, Mr. KYL, Mr. STEVENS, Ms. CANTWELL, Mr. COLEMAN, Ms. MIKULSKI, Mr. BAUCUS, Mr. PRYOR, Mr. SALAZAR, Mrs. MURRAY, Mr. BROWN, Mrs. CLINTON, Mrs. DOLE, Mr. CORNYN, Mr. KOHL, and Mr. CASEY):

S. 456. A bill to increase and enhance law enforcement resources committed to investigation and prosecution of violent gangs, to deter and punish violent gang crime, to protect law-abiding citizens and communities from violent criminals, to revise and enhance criminal penalties for violent crimes, to expand and improve gang prevention programs, and for other purposes; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, I am pleased to join Senator HATCH and a bipartisan group of at least 15 original cosponsors in introducing comprehensive antiaging legislation—the Gang Abatement and Prevention Act of 2007.

This bill will provide a comprehensive approach to gang violence by: helping those on the front lines of enforcement, by adopting new criminal laws and tougher penalties against those who commit gang-related and other violent acts; authorizing hundreds of millions of dollars for gang-related investigations and prosecutions, and new funds for witness protection; and identifying successful community programs, and investing significant resources in schools and civic and religious organizations to prevent teenagers and other young people from joining gangs in the first place.

On January 10 of this year, officials in Van Nuys, CA, reported that two teenage boys were shot in a reported gang-related shooting.

A few weeks earlier, on December 29, Visalia, CA, law enforcement officials reported two separate shootings and the wounding of two minors.

On December 24, San Diego officials noted how a 16 year old was shot in the leg in gang violence.

On December 22, a 9-year-old girl in Los Angeles was just washing dishes with her mom inside her home—until gang members exchanged fire across the street, and a bullet tore through the front wall of her house and struck her in the head.

And that came 5 days after Cheryl Green, a 14-year-old black girl who was talking to friends, was shot and killed by two Hispanic gang members.

The New York Times just reported on the Cheryl Green shooting, but unfortunately, I see gang violence in the news almost every day in California, with gang-related shootings of children almost too numerous to count. Perhaps the worst occurred last September, when Los Angeles experienced a new low.

Three-year-old Kaitlyn Avila was shot point-blank by a gang member who mistakenly thought her father was a member of a rival gang. The gang member shot and wounded her father, then intentionally fired into little Kaitlyn's chest.

It is the first time ever that law enforcement officials remember a young child being "targeted" in a gang-related shooting.

Unfortunately, this shooting is only a symptom of the disease that has taken hold of our cities—gang violence. The violence perpetrated by gang members affects not only those associated with gangs, but also police officers and innocent bystanders. It impacts not only individuals, but also our communities.

It stops mothers from allowing their children to play outside. It prevents the elderly from taking walks in their neighborhoods. And it creates an environment of fear.

It is past time for the Federal Government to provide a hand of assistance to state and local law enforcement. And it is past time to come to grips with our country's escalating levels of gang violence.

Just last month the FBI released its Uniform Crime Report for the first half of 2006. The news was disturbing.

The report showed an alarming increase in homicides, assaults, robberies and other violent crimes across the U.S.—a surge of nearly 3.7 percent for the first 6 months of 2006.

This, of course follows on the heels of the FBI's 2005 figures, which had showed a 2.5 percent jump in violent crime.

At the time, those 2005 figures had represented the largest increase in violent crime in the U.S. in 15 years. But this newly announced increase for the first half of 2006 is almost 50 percent higher.

Of course, a big part of this increase is due to gang violence. Just as we heard when the 2005 figures were released, criminologists point to the spread of violent street gangs as a major cause of the 2006 increase in violent crime as well.

The warnings we have received about the links between the increase in violent crime and gangs have been steady and consistent.

When the FBI announced its 2005 figures last June, the Washington Post reported how criminal justice experts specifically identified "an influx of gangs into medium-sized cities" as a big reason for this increase. According to the Los Angeles Times, Houston police attributed their 2005 increase to gang members who evacuated New Orleans after Katrina.

When the 2006 figures were announced, the Washington Post quoted criminologist James Alan Fox, who described how "[w]e have many high-crime areas where gangs have made a comeback." The L.A. Times noted how "[e]xperts said the crime upsurge reflected an increase in gang violence, particularly in midsized cities." Cities like Houston, which experienced a massive 28 percent increase in violent crime.

The headline for the Sacramento Bee, reporting on the FBI's 31 percent reported increase in violent crime for that county, said it all: "Gangs blamed for increase, which is part of [a] national hike in mayhem in '06."

Even among the cities that experienced a 2006 reduction in violent crime—such as Los Angeles, which moved into the ranks of the safest cities in the U.S.—Mayor Villairaigosa described gang violence as the "glaring exception." Gang crime was up by 14 percent in Los Angeles—and up 40 percent in San Fernando Valley, and 57 percent of Los Angeles' 478 homicides for 2006 were attributed to gangs—up 50 percent from 2005. And 86 percent of those murder victims were African American or Latino.

There can no longer be serious debate that gang violence is a big part of this problem.

The problem of gang violence in America is daunting. According to the FBI, there are now at least 30,000 gangs nationwide, with 800,000 members.

In California, the State attorney general now estimates that there are 171,000 juveniles and adults committed to criminal street gangs and their way of life. That's greater than the population of 28 California counties.

From 1992 to 2003, there were more than 7,500 gang-related homicides reported in California.

In 2004, more than one-third of the 2,000 homicides in California—698—were gang-related.

And it is worse among teens and young adults. In that same year, nearly 50 percent of the murders of 18 to 29 year olds were gang related. And nearly 60 percent of the murders of teens under 18 were gang related.

The list of people murdered by gangs includes some of our finest law enforcement officers:

Oceanside Police Officer, Dan Bessant, gunned down from behind just last month, in an incident described as eerily similar to a similar killing in 2003, when Oceanside Police Officer, Tony Zepetella, was shot and killed by a known gang member.

Los Angeles Police Officer Ricardo Lizarraga, killed while responding to a domestic violence call, by a man who drew a gun and shot him twice in the back. The suspect was a known member of the Rollin20s Bloods.

Merced Police Officer Stephan Gray, a member of his department's gang violence unit. Gray was shot and killed when a suspect—a gang member he had encountered before—fired two bullets into his chest.

Los Angeles Sherriff's Deputy Jeffrey Ortiz: As a member of his department's anti-gang task force, Ortiz had been going door to door in a gang-plagued neighborhood of L.A. He had just knocked on a door and was checking IDs when he was shot in the head at point-blank range. The alleged gunman is a suspected gang member wanted on an outstanding warrant for attempted murder.

Burbank Police Officer Matthew Pavelka: Two gunmen whom he had stopped for driving without license plates got out and showered him with gunfire. They were allegedly affiliated with the Vineland Boys gang.

California Highway Patrol Officer Thomas Steiner, killed after walking out of the Pomona courthouse after testifying in a series of traffic cases, by a 16-year-old intent on "killing a cop" to prove himself to the Pomona 12th street gang.

San Francisco Police Officer Isaac Espinoza: The first San Francisco police officer slain on duty in more than a decade, killed when an apparent "Westmob" gang member fired 14 rounds from an AK–47 assault rifle.

Gang killings also impact children and families. Unfortunately, 3-year-old Kaitlyn Avila is not alone: There is also 11-year-old Mynisha Crenshaw of San Bernardino, CA, a little girl shot and killed in November 2005;

Seven-week-old infant Glenn "Baby G" Molex, shot and killed on September 28, 2003, by one of the "Down Below" Gang after 28 bullets penetrated his family's apartment in San Francisco's Bayview District;

Joseph Swift, a 13-year-old boy shot outside a home after attending church in Los Angeles in 2003; and

Eight-year-old Sunny Elijah Peralez, shot in East Los Angeles by the Ghetto Boyz in 1999.

And this problem extends far beyond California—as evidenced by 8-year-old Kyron Butler, killed by a stray bullet during a Jersey Park Boys gang shoot-out in Smithfield, VA, in 2003, and 9-year-old Genesis Gonzalez, a little girl shot by a car of Crips gang members in Nevada in 2002.

As gangs have continued to spread across our country, increasing in violence and power in every State, they are no longer just a big city problem. They have metastasized from Los Angeles and Chicago to the medium and smaller cities where they face less competition.

The FBI now estimates that gangs are having an impact on at least 2,500 communities across the nation.

In the latest FBI statistics, violent crime and murder grew fastest in the midsized and smaller cities—not in our largest urban areas. The average midsized city, in fact, had a surge in overall violent crime of more than 5 percent in a single year.

It is clear that gangs engage in drug trafficking, robbery, extortion, prostitution, gun trafficking, and murder. They destroy neighborhoods, cripple families and kill innocent people.

Los Angeles Police Department Chief Bill Bratton put it bluntly:

> There is nothing more insidious than these gangs. They are worse than the Mafia. Show me a year in New York where the Mafia indiscriminately killed 300 people. You can't.

Our national gang problem is immense and growing, and it is not going away. Our cities and States need help. The many law enforcement officers that have spoken to me and others in my office say one thing clearly—short-term infusions are great, but what they really need is a long-term Federal commitment to combat gang violence.

A massive report just prepared for the City of Los Angeles even suggested that what is needed is a "Marshal Plan" initiative to combat gang violence.

Senator HATCH and I have been introducing comprehensive Federal gang legislation for over a decade. Our gang bills have been modified and refined over the years, most recently in legislation that we negotiated with the House for possible inclusion in the DOD Authorization bill last year.

The bill that we introduce today essentially takes that bill, but removes all of its new death penalties. It has no mandatory minimums, and we have eliminated juvenile justice changes that previously proved to be an impediment to the larger bill's passage.

The bill that we offer today will provide a comprehensive solution to gang violence, combining enforcement and prevention efforts in a collaborative approach that has proven effective in models like Operation Ceasefire, and in Modesto, CA.

This bill would establish new Federal gang crimes and tougher Federal penalties.

Today's Federal street gang laws are frankly weak, and are almost never used. Currently, a person committing a gang crime might have extra time tacked on to the end of their Federal sentence. That is because Federal law currently focuses on gang violence only as a sentencing enhancement, rather than a crime unto itself.

The bill that I offer today would make it a separate Federal crime for any criminal street gang member to commit, conspire or attempt to commit violent crimes—including murder, kidnapping, arson, extortion—in furtherance of the gang.

And the penalties for gang members committing such crimes would increase considerably.

For gang-related murder, kidnapping, aggravated sexual abuse or maiming, the penalties would range up to life imprisonment.

For any other serious violent felony, the penalty would range up to 30 years—which in the Federal system means without parole.

And for other crimes of violence—defined as the actual or intended use of physical force against the person of another—the penalty could bring up to 20 years in prison.

The bill would also create a new crime for recruiting juveniles and adults into a criminal street gang, with a penalty of up to 10 years, or if the recruiting involved a juvenile or recruiting from prison, up to 20 years;

Create new Federal crimes for committing violent crimes in connection with drug trafficking, and increase existing penalties for violent crimes in aid of racketeering;

Enact a host of other violent crime reforms, including closing a loophole that had allowed carjackers to avoid convictions, increasing the penalties for those who use guns in violent crimes or transfer guns knowing they will be used in crimes, limiting bail for violent felons who possess firearms, and in a number of other respects cracking down harder on those who commit violent crimes; and

Make a long-term Federal commitment to fight gangs, by authorizing over $1 billion in new funds over the next 5 years for enforcement, prevention, and witness protection.

This would include $500 million for the development of High Intensity Interstate Gang Activity Areas, or HIIGAAs. .

These HIIGAAs would mirror the successful HIDTA—High Intensity Drug Trafficking Area model—under which Federal, State and local agents coordinate investigations and prosecutions. And this $500 million would also be split 50/50, so that for every dollar spent on law enforcement, a dollar would be spent on prevention and intervention.

This balanced approach—of prevention and intervention plus tough penalties—will send a clear message to gang members: a new day has arrived. This bill will provide them with new opportunities, with schools and social services agencies empowered to make alternatives to gangs a realistic option. But if gang members continue to engage in violence, they will face new and serious Federal consequences.

I am pleased to report that this bill has already been endorsed by the National Sheriff's Association, the International Association of Chiefs of Police, and the National Association of Police Officers.

For more than 10 years now, Senator HATCH and I have been trying to pass Federal anti-gang legislation. There have been times when we have gotten close. Unfortunately, while Congress has failed to act, violent street gangs have only expanded nationwide and become more empowered and entrenched in other States and communities.

I believe this bill can pass the Senate and be enacted into law, especially after these changes that we have made and our previous negotiations conducted with members of the House and Senate.

The time has arrived for us to finally address this problem, and this bill is well-suited to help solve it. I urge my colleagues to support this legislation.

By Ms. SNOWE (for herself and Mr. ROCKEFELLER):

S. 460. A bill to make determinations by the United States Trade Representative under title III of the Trade Act of 1974 reviewable by the Court of International Trade and to ensure that the United States Trade Representative considers petitions to enforce United States Trade rights, and for other purposes; to the Committee on Finance.

Ms. SNOWE. Mr. President, when reflecting on the attributes that have made our great country prosperous—its free market system, its hard-working and enterprising people, its treasured natural resources—we must not overlook the rule of law as an equal, if not paramount element of the blessings we have secured. Since our Nation's founding, Americans have recognized that the success of worthy enterprises in a functioning market require the government—rather than choosing winners and losers—to consistently and dispassionately enforce the rules that bind all actors.

While our legal system evolved over the course of centuries to provide for the rule of law throughout our country, the fates of American people and businesses have become increasingly bound to counterparts in the world beyond our borders. Whether called "Globalization", "Internationalization" or some other moniker, the rapidly growing number of connections between suppliers, consumers and financiers across national boundaries means that agreements breached and laws broken on the far side of the world can harm companies and workers here at home.

Yet our government has failed to adapt to this new reality. While foreign governments engage in market-distorting currency manipulation, refuse to protect intellectual property rights and turn a blind eye to labor exploitation—each a violation of trade obligations to the United States—ours demurs with communiques and consultations, rather than formal enforcement action. What makes this abdication of its duty to defend the U.S. economy from unfair foreign practices especially troubling is that the tools to do so already exist in the dispute resolution provisions of various trade agreements.

The distressing reality is that U.S. industry and labor groups are often rebuffed in attempts to petition the United States Trade Representative to initiate a formal investigation or bring a dispute resolution action under the relevant multilateral or bilateral trade agreement, as there seems to be considerable institutional momentum among senior officials at USTR and elsewhere in the Administration against bringing formal enforcement action against certain trade partners, and China in particular.

USTR's handling of the trade effects of China's currency manipulation practices is representative of the problem. In September 2004, a U.S. industry coalition filed a petition under Section 301 of the Trade Act of 1974—the statute setting forth general procedures for the enforcement of U.S. trade rights—alleging that Chinese currency manipulation practices constituted a violation of China's obligations to the United States under World Trade Organization rules, and calling for USTR to conduct an investigation of such practices. USTR rejected the petition on the day it was filed, contending that "an investigation would not be effective in addressing the acts, policies, and practices covered in the petition. The Administration is currently involved in efforts to address with the Government of China the currency valuation issues raised in the petition. The USTR believes that initiation of an investigation under [the Section 301 process] would hamper, rather than advance, Administration efforts to address Chinese currency valuation policies." Shortly thereafter, in November of 2004, a Congressional coalition of 12 Senators and 23 Representatives filed a similar Section 301 petition, which was rejected by USTR on the same grounds.

As noted in USTR's rejection of these petitions, current law allows the Executive to decline to initiate an industry-requested investigation where it determines that action under Section 301 would be ineffective in addressing the offending act, policy or practice. The merits of USTR's determination are unreviewable under current law. USTR used this loophole to avoid having to even investigate industry's claim, let alone take formal action against China. And as we now know, the Administration's "soft" approach to Chinese currency manipulation has itself proven ineffective in addressing the problem in the two years since these filings.

It is to prevent further disregard for U.S. businesses and workers seeking a fair and consequential hearing of their concerns with foreign trade practices that Senator ROCKEFELLER and I today introduce the Trade Complaint and Litigation Accountability Improvement Measures Act, or the "Trade CLAIM Act".

The Trade CLAIM Act would amend the Section 301 process to require the United States Trade Representative to act upon an interested party's petition to take formal action in cases where a U.S. trade right has been violated, except in instances where: the matter has already been addressed by the relevant trade dispute settlement body; the foreign country is taking imminent steps to end to ameliorate the effects of the practice; taking action would do more harm than good to the U.S. economy; or taking action would cause serious harm to the national security of the United States.

The bill would also grant the Court of International Trade jurisdiction to review de novo USTR's denials of Section 301 industry petitions to investigate and take enforcement action against unfair foreign trade laws or practices. Such jurisdiction would include the ability to review USTR determinations that U.S. trade rights have not been violated as alleged in industry petitions, and the sufficiency of formal actions taken by USTR in response to foreign trade laws or practices determined to violate U.S. trade rights.

The Trade CLAIM Act would give U.S. businesses and workers a greater say in whether, when and how U.S. trade rights should be enforced. The bill would be particularly beneficial to small businesses, which—like other petitioners in Section 301 cases—currently have no avenue to formally challenge the merits of USTR's decisions, and are often drowned out by large business interests in industry-wide Section 301 actions initiated by USTR.

By providing for judicial review of USTR decisions not to enforce U.S. trade rights, the bill provides for impartial third party oversight by a specialty court not subject to political and diplomatic pressures. In delinking discreet trade disputes from the mercurial machinations of international relations, this Act would end the sacrifice of individual industries on the negotiating table, and leave it to the free market—uniformly operating under the trade rules to which our trading partners have already agreed—to decide their fate.

By Mr. GRASSLEY:

S. 461. A bill to amend title 28, United States Code, to provide an Inspector General for the judicial branch, and for other purposes; to the Committee on the Judiciary.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 461

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Judicial Transparency and Ethics Enhancement Act of 2007".

SEC. 2. INSPECTOR GENERAL FOR THE JUDICIAL BRANCH.

(a) ESTABLISHMENT AND DUTIES.—Part III of title 28, United States Code, is amended by adding at the end the following:

"CHAPTER 60—INSPECTOR GENERAL FOR THE JUDICIAL BRANCH

"Sec.
"1021. Establishment.
"1022. Appointment, term, and removal of Inspector General.
"1023. Duties.
"1024. Powers.
"1025. Reports.
"1026. Whistleblower protection.

"§ 1021. Establishment

"There is established for the judicial branch of the Government the Office of Inspector General for the Judicial Branch (in this chapter referred to as the 'Office').

"§ 1022. Appointment, term, and removal of Inspector General

"(a) APPOINTMENT.—The head of the Office shall be the Inspector General, who shall be appointed by the Chief Justice of the United States after consultation with the majority and minority leaders of the Senate and the Speaker and minority leader of the House of Representatives.

"(b) TERM.—The Inspector General shall serve for a term of 4 years and may be reappointed by the Chief Justice of the United States for any number of additional terms.

"(c) REMOVAL.—The Inspector General may be removed from office by the Chief Justice of the United States. The Chief Justice shall communicate the reasons for any such removal to both Houses of Congress.

"§ 1023. Duties

"With respect to the judicial branch, the Office shall—

"(1) conduct investigations of alleged misconduct in the judicial branch (other than the United States Supreme Court) under chapter 16, that may require oversight or other action within the judicial branch or by Congress;

"(2) conduct investigations of alleged misconduct in the United States Supreme Court, that may require oversight or other action within the judicial branch or by Congress;

"(3) conduct and supervise audits and investigations;

"(4) prevent and detect waste, fraud, and abuse; and

"(5) recommend changes in laws or regulations governing the judicial branch.

"§ 1024. Powers

"(a) POWERS.—In carrying out the duties of the Office, the Inspector General shall have the power to—

"(1) make investigations and reports;

"(2) obtain information or assistance from any Federal, State, or local governmental agency, or other entity, or unit thereof, including all information kept in the course of business by the Judicial Conference of the United States, the judicial councils of circuits, the Administrative Office of the United States Courts, and the United States Sentencing Commission;

"(3) require, by subpoena or otherwise, the attendance and testimony of such witnesses, and the production of such books, records, correspondence memoranda, papers, and documents, which subpoena, in the case of contumacy or refusal to obey, shall be enforceable by civil action;

"(4) administer to or take from any person an oath, affirmation, or affidavit;

"(5) employ such officers and employees, subject to the provisions of title 5, governing appointments in the competitive service, and the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates;

"(6) obtain services as authorized by section 3109 of title 5 at daily rates not to exceed the equivalent rate for a position at level IV of the Executive Schedule under section 5315; and

"(7) the extent and in such amounts as may be provided in advance by appropriations Acts, to enter into contracts and other arrangements for audits, studies, analyses, and other services with public agencies and with private persons, and to make such payments as may be necessary to carry out the duties of the Office.

"(b) CHAPTER 16 MATTERS.—The Inspector General shall not commence an investigation under section 1023(1) until the denial of a petition for review by the judicial council of the circuit under section 352(c) of this title or upon referral or certification to the Judicial Conference of the United States of any matter under section 354(b) of this title.

"(c) LIMITATION.—The Inspector General shall not have the authority to—

"(1) investigate or review any matter that is directly related to the merits of a decision or procedural ruling by any judge, justice, or court; or

"(2) punish or discipline any judge, justice, or court.

"§ 1025. Reports

"(a) WHEN TO BE MADE.—The Inspector General shall—

"(1) make an annual report to the Chief Justice and to Congress relating to the activities of the Office; and

"(2) make prompt reports to the Chief Justice and to Congress on matters that may require action by the Chief Justice or Congress.

"(b) SENSITIVE MATTER.—If a report contains sensitive matter, the Inspector General may so indicate and Congress may receive that report in closed session.

"(c) DUTY TO INFORM ATTORNEY GENERAL.—In carrying out the duties of the Office, the Inspector General shall report expeditiously to the Attorney General whenever the Inspector General has reasonable grounds to believe there has been a violation of Federal criminal law.

"§ 1026. Whistleblower protection

"(a) IN GENERAL.—No officer, employee, agent, contractor or subcontractor in the judicial branch may discharge, demote, threaten, suspend, harass or in any other manner discriminate against an employee in the terms and conditions of employment because of any lawful act done by the employee to provide information, cause information to be provided, or otherwise assist in an investigation regarding any possible violation of Federal law or regulation, or misconduct, by a judge, justice, or any other employee in the judicial branch, which may assist the Inspector General in the performance of duties under this chapter.

"(b) CIVIL ACTION.—An employee injured by a violation of subsection (a) may, in a civil action, obtain appropriate relief.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of chapters for part III of title 28, United States Code, is amended by adding at the end the following:

"60. Inspector General for the judicial branch.".

Mr. REID (for himself and Mr. ENSIGN):

S. 462. A bill to approve the settlement of the water rights claims of the Shoshone-Paiute Tribes of the Duck Valley Indian Reservation in Nevada, to require the Secretary of the Interior to carry out the settlement, and for other purposes; to the Committee on Indian Affairs.

Mr. REID. Mr. President, I rise today to introduce legislation to resolve a Nevada water rights matter that has lasted more than a decade.

This bill, the Shoshone-Paiute Tribes of Duck Valley Water Rights Settlement Act, would ratify an agreement reached last fall by the State of Nevada, the Tribes, many individual water users, and the United States. I am pleased that the parties came together, asserted their interests, made compromises, and reached an agreement. Each party had different—and frequently conflicting—water claims, water needs, and ideas on water use and conservation. I appreciate the parties' hard work and their commitment to end expensive litigation to reach an agreement that will permanently resolve the water rights matters along the East Fork of the Owyhee River. This bill, if enacted, will ratify the agreement reached by the parties.

The primary purpose of this bill is to approve, ratify and confirm the agreement that addresses the Tribes' water rights, the rights of upstream water users, and the implementation of a plan for the parties to exercise their water rights.

The Agreement quantifies the Tribes' surface water rights and groundwater claims in Nevada. The Tribes will establish a water code and administer the quantified rights on the Reservation accordingly.

The Agreement also states that the water rights of the upstream water users who live off the Reservation will be determined and administered by the State Engineer. Under the settlement, the parties have agreed to a limitation on the number of acres that can be irrigated by the upstream water users.

The settlement's implementation plan describes how the rights of the respective parties will be administered and disputes will be resolved. It describes that the surface water basin will be closed, and provides that a groundwater basin will be declared a basin in need of additional administration under state law. The agreement further addresses operation of the system particularly during times of shortage. Under this part of the plan, upstream water users gain a small amount of water storage in the Wild Horse Reservoir.

The second purpose of this bill is to settle the Tribes' long-standing claims against the United States for damages caused by the Bureau of Reclamation's Duck Valley Irrigation Project, related Bureau of Indian Affairs projects, and the mismanagement of tribal resources, particularly the destruction of the Tribe's salmon and steelhead trout fishing stock.

The Shoshone-Paiutes have a long history in Nevada and Idaho. The Tribes roamed the region well before the Duck Valley Reservation was established by Executive Order in 1877. The Reservation today encompasses approximately 290,000 acres of land held in trust by the federal government for the Shoshone-Paiute Tribes.

The Reservation draws water from three primary sources: 1. the East Fork of the Owyhee River that flows through the Reservation from south to north from the Nevada side; 2. Blue Creek, a tributary to the Owyhee that flows north to south through the Reservation until it meets the Owyhee on the Idaho side of the Reservation; and 3. Mary's Creek, located in the northeastern part of the Reservation, flowing northeasterly through the Reservation and into Idaho.

When the Bureau of Indian Affairs' Duck Valley Indian Irrigation Project was initiated in the 1930s, the project placed over 12,000 acres of land under irrigation. Like many Indian water projects, the Project was only partially completed and never fully funded, which accounted for the Projects' disrepair, resulted in reduced storage capacity, and an inability to reach the goal of maximizing the acres in production.

With the construction of the Bureau of Reclamation's Owyhee Irrigation Project Dam in the 1930s, the Tribes' salmon runs were destroyed.

The affects of these federal projects on the Tribes' resources and culture and the Federal Government's failure to protect tribal water rights require places the United States in the position of compensating the Tribes for their loss. The Tribes value the loss to their resources and culture at level much higher than what Senator Ensign and I propose. While the United States can never fully compensate the Tribes for their loss, I appreciate the Tribes' willingness to accept the settlement figure and put an end to this painful part of our sovereign-to-sovereign relationship.

The bill, if enacted, would authorize two settlement funds—a development fund and a maintenance fund.

The development fund, to be authorized at $45 million over 5 fiscal years, would fund tribal water development projects. After careful research and consultation with its members and advisors, the Tribes have identified many projects to increase their economic opportunities. The Tribes are preparing to rehabilitate the dilapidated Duck Valley Irrigation Project, increase the amount of irrigable lands in agricultural production, develop a Wildlife Habitat Project, and undertake other economic development projects to enhance the Reservation economy and contribute to the permanent homeland purpose of the Duck Valley Reservation.

The maintenance fund, authorized at $15 million over 5 fiscal years, would fund the refurbishment and maintenance of the Reservation's water infrastructure.

The Shoshone-Paiute Tribes of Duck Valley Water Rights Settlement Act is important legislation. It reflects the compromises of our constituents who worked hard to reach agreement on matters that affect their livelihoods and cultures. I believe this bill benefit the Tribes, the ranchers and upstream water users, and those residents in the northern Nevada and southern Idaho region.

I look forward to working with the chairman and ranking member of the Senate Committee on Indian Affairs to ensure timely review and passage of this bill.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 462

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Shoshone-Paiute Tribes of Duck Valley Water Rights Settlement Act".

SEC. 2. FINDINGS.

Congress finds that—

(1) it is the policy of the United States, in accordance with the trust responsibility of the United States to Indian tribes, to promote Indian self-determination and economic self-sufficiency and to settle Indian water rights claims without lengthy and costly litigation, if practicable;

(2) quantifying rights to water and development of facilities needed to use tribal water supplies is essential to the development of viable Indian reservation economies and the establishment of a permanent reservation homeland;

(3) uncertainty concerning the extent of the right to water of the Shoshone-Paiute Tribes has limited the access of the Tribes to water and financial resources necessary to achieve self-determination and self-sufficiency;

(4) in 2006, the Tribes, the State of Idaho, the affected individual water users, and the United States resolved all tribal claims to water rights in the Snake River Basin Adjudication through a consent decree entered by the District Court of the Fifth Judicial District of the State of Idaho, requiring no further Federal action to implement the Tribes' water rights in the State of Idaho;

(5) as of the date of enactment of this Act, proceedings to determine the extent and nature of the water rights of the Tribes are pending before the Nevada State Engineer;

(6) final resolution through litigation of the water claims of the Tribes will—

(A) take many years;

(B) entail great expense;

(C) continue to limit the access of the Tribes to water, with economic and social consequences;

(D) prolong uncertainty relating to the availability of water supplies; and

(E) seriously impair long-term economic planning and development for all parties to the litigation;

(7) after many years of negotiation, the United States, the Tribes, the State, and the upstream water users have entered into a settlement agreement to resolve permanently all water rights of the Tribes in the State; and

(8) the Tribes have certain water-related claims for damages against the United States.

SEC. 3. PURPOSES.

The purposes of this Act are—

(1) to resolve outstanding issues with respect to the East Fork of the Owyhee River in the State in such a manner as to provide important benefits to—

(A) the United States;

(B) the State;

(C) the Tribes; and

(D) the upstream water users;

(2) to achieve a fair, equitable, and final settlement of all claims of the Tribes, members of the Tribes, and the United States on behalf of the Tribes to the East Fork of the Owyhee River in the State;

(3) to ratify and provide for the enforcement of the Agreement among the parties to the litigation;

(4) to resolve the Tribes' water-related claims for damages against the United States;

(5) to require the Secretary to perform all obligations of the Secretary under the Agreement and this Act; and

(6) to authorize the actions and appropriations necessary for the United States to meet the obligations of the United States under the Agreement and this Act.

SEC. 4. DEFINITIONS.

In this Act:

(1) AGREEMENT.—The term "Agreement" means the agreement entitled the "Agreement to Establish the Relative Water Rights of the Shoshone-Paiute Tribes of the Duck Valley Indian Reservation and the Upstream Water Users, East Fork Owyhee River" (including all attachments to that agreement).

(2) DEVELOPMENT FUND.—The term "Development Fund" means the Shoshone-Paiute Tribes Water Rights Development Fund established by section 7(b)(1).

(3) EAST FORK OF THE OWYHEE RIVER.—The term "East Fork of the Owyhee River" means the portion of the east fork of the Owyhee River that is located in the State.

(4) MAINTENANCE FUND.—The term "Maintenance Fund" means the Shoshone-Paiute Tribes Operation and Maintenance Fund established by section 7(c)(1).

(5) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(6) STATE.—The term "State" means the State of Nevada.

(7) TRIBAL WATER RIGHT.—The term "tribal water right" means a right of the Tribes described in the Agreement relating to water, including groundwater, storage water, and surface water.

(8) TRIBES.—The term "Tribes" means the Shoshone-Paiute Tribes of the Duck Valley Indian Reservation.

(9) UPSTREAM WATER USER.—The term "upstream water user" means an individual water user that—

(A) is located upstream from the Duck Valley Indian Reservation on the East Fork of the Owyhee River; and

(B) is a signatory to the Agreement.

SEC. 5. APPROVAL, RATIFICATION, AND CONFIRMATION OF AGREEMENT.

(a) IN GENERAL.—Except as provided in section 1f of article III of the Agreement, and except to the extent that the Agreement otherwise conflicts with this Act, the Agreement is approved, ratified, and confirmed.

(b) PERFORMANCE OF OBLIGATIONS.—The Secretary and any other head of a Federal agency obligated under the Agreement shall perform any action necessary to carry out an obligation under the Agreement in accordance with this Act.

SEC. 6. TRIBAL WATER RIGHTS.

(a) IN GENERAL.—The Secretary shall hold the tribal water rights in trust on behalf of the United States for the benefit of the Tribes.

(b) ADMINISTRATION.—

(1) ENACTMENT OF WATER CODE.—Not later than 3 years after the date of enactment of this Act, the Tribes shall enact a water code to administer tribal water rights.

(2) INTERIM ADMINISTRATION.—The Secretary shall regulate the tribal water rights during the period beginning on the date of enactment of this Act and ending on the date on which the Tribes enact a water code under paragraph (1).

(c) LOSS OF TRIBAL WATER RIGHTS.—The tribal water rights shall not be subject to loss by abandonment, forfeiture, or nonuse.

SEC. 7. DEVELOPMENT AND MAINTENANCE FUNDS.

(a) DEFINITION OF FUNDS.—In this section, the term "Funds" means—

(1) the Development Fund; and

(2) the Maintenance Fund.

(b) DEVELOPMENT FUND.—

(1) ESTABLISHMENT.—There is established in the Treasury of the United States a fund to be known as the "Shoshone-Paiute Tribes Water Rights Development Fund".

(2) USE OF FUNDS.—The Tribes shall use amounts in the Development Fund—

(A) to pay or reimburse costs incurred by the Tribes in acquiring land and water rights;

(B) for purposes of cultural preservation;

(C) to restore or improve fish or wildlife habitat;

(D) for fish or wildlife production, water resource development, agricultural development, rehabilitation, and expansion of the Duck Valley Irrigation Project;

(E) for water resource planning and development; or

(F) to pay the costs of designing and constructing water supply and sewer systems for tribal communities, including—

(i) a water quality testing laboratory;

(ii) other appropriate water-related projects and other related economic development projects;

(iii) the development of a water code; and

(iv) other costs of implementing the Agreement.

(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary for deposit in the Development Fund $9,000,000 for each of fiscal years 2008 through 2012.

(c) MAINTENANCE FUND.—

(1) ESTABLISHMENT.—There is established in the Treasury of the United States a fund to be known as the "Shoshone-Paiute Tribes Operation and Maintenance Fund".

(2) USE OF FUNDS.—The Tribes shall use amounts in the Maintenance Fund to pay or provide reimbursement for the costs of—

(A) operation and maintenance of the Duck Valley Irrigation Project and other water-related projects funded under this Act; or

(B) water supply and sewer systems for tribal communities, including the operation and maintenance costs of a water quality testing laboratory.

(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary for deposit in the Maintenance Fund $3,000,000 for each of fiscal years 2008 through 2012.

(d) ADMINISTRATION OF FUNDS.—

(1) IN GENERAL.—The Secretary, in accordance with the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.), this Act, and the Agreement, shall manage the Funds, including by investing amounts from the Funds in accordance with—

(A) the Act of April 1, 1880 (25 U.S.C. 161); and

(B) the first section of the Act of June 24, 1938 (25 U.S.C. 162a).

(2) DISTRIBUTIONS.—

(A) WITHDRAWALS.—

(i) IN GENERAL.—During any fiscal year, the Tribes may withdraw amounts from the Funds if the Secretary approves a plan of the Tribes to withdraw amounts under section 202 of the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4022).

(ii) PLAN TO WITHDRAW AMOUNTS.—

(I) INCLUSION.—In addition to any information required under section 202 of the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4022), a plan of the Tribes to withdraw amounts under this subparagraph shall include a requirement that the Tribes spend the amounts withdrawn from the Funds during a fiscal year for 1 or more uses described in subsection (b)(2) or (c)(2).

(II) ENFORCEMENT.—The Secretary may take administrative or judicial action to enforce a plan of the Tribes to withdraw amounts.

(B) REMAINING AMOUNTS.—

(i) IN GENERAL.—On approval of an expenditure plan submitted by the Tribes under clause (ii), the Secretary shall distribute to the Tribes amounts in the Funds not withdrawn by the Tribes during the preceding fiscal year.

(ii) EXPENDITURE PLAN.—

(I) IN GENERAL.—For each fiscal year, the Tribes shall submit to the Secretary for approval an expenditure plan for amounts described in clause (i).

(II) INCLUSIONS.—An expenditure plan under subclause (I) shall include—

(aa) an accounting by the Tribes of any funds withdrawn by the Tribes from the Funds during the preceding fiscal year, including a description of any use by the Tribes of the funds and the amount remaining in the Funds for the preceding fiscal year; and

(bb) a description of the means by which the Tribes will use any amount distributed under this subparagraph.

(iii) APPROVAL.—The Secretary shall approve an expenditure plan under this subparagraph if the Secretary determines that the plan is—

(I) reasonable; and

(II) consistent with this Act and the Agreement.

(C) LIMITATIONS.—

(i) TIMING.—No amount from the Funds (including any interest income accruing to the Funds) shall be distributed until the waivers under section 8(a) take effect.

(ii) NO PER CAPITA DISTRIBUTIONS.—No amount from the Funds (including any interest income accruing to the Funds) shall be distributed to a member of the Tribes on a per capita basis.

(3) FUNDING AGREEMENT.—Notwithstanding any other provision of this Act, on receipt of a request from the Tribes, the Secretary shall include an amount appropriated under this subsection in the funding agreement of the Tribes under title IV of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 458aa et seq.), for use in accordance with subsections (b)(2) and (c)(2).

(4) LIABILITY.—The Secretary and the Secretary of the Treasury shall not retain any liability for the expenditure or investment of amounts distributed to the Tribes under this subsection.

(5) CAPITAL COSTS NONREIMBURSABLE.—The capital costs associated with the Duck Valley Indian Irrigation Project as of the date of enactment of this Act, including any capital cost incurred with funds distributed under this subsection for that project, shall be permanently nonreimbursable.

SEC. 8. TRIBAL WAIVER OF CLAIMS.

(a) WAIVERS.—

(1) IN GENERAL.—Except as otherwise provided in the Agreement and this Act, the

Tribes, and the United States on behalf of the Tribes, waive and release—

(A) all claims to water in the East Fork of the Owyhee River and all claims to injury relating to that water; and

(B) all claims against the State, any agency or political subdivision of the State, or any person, entity, or corporation relating to injury to a right of the Tribe under any Executive order entered on behalf of the Tribes, to the extent that the injury—

(i) resulted from a flow modification or a reduction in the quantity of water available; and

(ii) accrued on or before the effective date of the Agreement.

(2) ENFORCEMENT OF WAIVERS.—A waiver of a claim under this subsection by the Tribes, or the United States on behalf of the Tribes, shall be enforceable in the appropriate forum.

(3) EFFECTIVE DATE.—A waiver by the Tribes, or the United States on behalf of the Tribes, of a claim under this subsection shall take effect on the date on which the Secretary publishes in the Federal Register a statement of findings that includes a finding that—

(A) all parties to the Agreement have executed the Agreement;

(B) a decree acceptable to each party to the Agreement has been entered by the Fourth Judicial District Court, Elko County, Nevada; and

(C) the Agreement has been ratified under section 5(a).

(b) WAIVER AND RELEASE OF CLAIMS AGAINST THE UNITED STATES.—

(1) IN GENERAL.—In consideration of performance by the United States of all actions required by the Agreement and this Act, including the authorization of appropriations under subsections (b)(3) and (c)(3) of section 7, the Tribe shall execute a waiver and release of any claim against the United States for—

(A) a water right in the East Fork of the Owyhee River;

(B) an injury to a right described in subparagraph (A);

(C) breach of trust—

(i) for failure to protect, acquire, or develop a water right that accrued on or before the effective date of a waiver under this subsection; or

(ii) arising out of the negotiation or adoption of the Agreement; or

(D) a fishing right under any Executive order, to the extent that an injury to such a right—

(i) resulted from a reduction in the quantity of water available in the East Fork of the Owyhee River; and

(ii) accrued on or before the effective date of a waiver under this subsection.

(2) EFFECTIVE DATE.—

(A) IN GENERAL.—The waiver under paragraph (1) takes effect on the date on which the amounts authorized to be appropriated under subsections (b)(3) and (c)(3) of section 7 are distributed to the Tribes.

(B) TOLLING OF CLAIMS.—

(i) IN GENERAL.—Each applicable period of limitation and time-based equitable defense relating to a claim described in paragraph (1) shall be tolled for the period beginning on the date of enactment of this Act and ending on the date on which the amounts authorized to be appropriated under subsections (b)(3) and (c)(3) of section 7 are distributed to the Tribes.

(ii) EFFECT OF SUBPARAGRAPH.—Nothing in this subparagraph revives any claim or tolls any period of limitation or time-based equitable defense that expired before the date of enactment of this Act.

(c) RETENTION OF RIGHTS.—

(1) IN GENERAL.—The Tribes shall retain all rights not waived by the Tribes, or the United States on behalf of the Tribes, in the Agreement or this Act.

(2) CLAIMS OUTSIDE RESERVATION.—Nothing in the Agreement or this Act shall be considered to be a waiver by the Tribes of any claim to a right on land outside the Duck Valley Indian Reservation.

(3) FUTURE ACQUISITION OF WATER RIGHTS.—Nothing in the Agreement or this Act precludes the Tribes, or the United States as trustee for the Tribes, from acquiring a water right in the State to the same extent as any other entity in the State, in accordance with State law.

SEC. 9. MISCELLANEOUS.

(a) GENERAL DISCLAIMER.—The parties to the Agreement expressly reserve all rights not specifically granted, recognized, or relinquished by—

(1) the settlement described in the Agreement; or

(2) this Act.

(b) LIMITATION OF CLAIMS AND RIGHTS.—Nothing in this Act—

(1) establishes a standard for quantifying—

(A) a Federal reserved water right;

(B) an aboriginal claim; or

(C) any other water right claim of an Indian tribe in a judicial or administrative proceeding; or

(2) limits the right of a party to the Agreement to litigate any issue not resolved by the Agreement or this Act.

(c) ADMISSION AGAINST INTEREST.—Nothing in this Act shall be considered to be an admission against interest by a party in any legal proceeding.

(d) DUCK VALLEY RESERVATION.—The Duck Valley Indian Reservation established by the Executive order dated April 16, 1877, as adjusted pursuant to the Executive order dated May 4, 1886, and Executive order numbered 1222 and dated July 1, 1910, for use and occupation by the Western Shoshones and the Paddy Cap Band of Paiutes shall be—

(1) considered to be the property of the Tribes; and

(2) permanently held in trust by the United States for the sole use and benefit of the Tribes.

(e) JURISDICTION.—

(1) SUBJECT MATTER JURISDICTION.—Nothing in the Agreement or this Act restricts, enlarges, or otherwise determines the subject matter jurisdiction of any Federal, State, or tribal court.

(2) CIVIL OR REGULATORY JURISDICTION.—Nothing in the Agreement or this Act impairs or impedes the exercise of any civil or regulatory authority of the United States, the State, or the Tribes.

(3) CONSENT TO JURISDICTION.—The United States consents to jurisdiction in a proper forum for purposes of enforcing the provisions of the Agreement.

(4) EFFECT OF SUBSECTION.—Nothing in this subsection confers jurisdiction on any State court to—

(A) enforce Federal environmental laws relating to the duties of the United States under this Act; or

(B) conduct judicial review of a Federal agency action in accordance with this Act.

By Mr. MCCAIN (for himself and Mr. FEINGOLD):

S. 463. A bill to amend the Federal Election Campaign Act of 1971 to clarify when organizations described in section 527 of the Internal Revenue Code of 1986 must register as political committees, and for other purposes; to the Committee on Rules and Administration.

Mr. MCCAIN. Mr. President, once again I am pleased to be joined by my good friend and colleague Senator FEINGOLD from Wisconsin in introducing a bill to end the illegal practice of 527 groups spending soft money on ads and other activities to influence Federal elections.

This bill is very simple. It would require that all 527s register as political committees and comply with Federal campaign finance laws, including Federal limits on the contributions they receive, unless the money they raise and spend is only in connection with non-Federal candidate elections, State or local ballot initiatives, or the nomination or confirmation of individuals to non-elected offices.

Additionally, this legislation would set new rules for Federal political committees that spend funds on voter mobilization efforts effecting both Federal and local races and, therefore, use both a Federal and a non-Federal account under Federal Election Commission (FEC) regulation. The new rules would prevent unlimited soft money from being channeled into Federal election activities by these Federal political committees.

Under the new rules that would be established under this bill, at least half of the funds spent on these voter mobilization activities by Federal political committees would have to be hard money from their Federal account. More importantly, the funds raised for their non-Federal account would have to come from individuals and would be limited to no more than $25,000 per year per donor. Corporations and labor unions could not contribute to these non-Federal accounts. To put it in simple terms, a George Soros could give $25,000 per year as opposed to $10 million to finance these activities.

It is unfortunate that we even need to be here introducing this bill today. This legislation would not be necessary if the FEC would enforce existing law. As my colleagues know, a number of 527 groups raised and spent a substantial amount of soft money in a blatant effort to influence the outcome of the 2004 Presidential election. These activities are illegal under existing laws, but, unfortunately, the FEC has failed to implement the regulations necessary to stop these illegal activities.

According to an analysis by campaign finance scholar Tony Corrado, federally oriented 527s spent $423 million to affect the outcome of the 2004 elections. The same analysis shows that ten donors gave at least $4 million each to 527s involved in the 2004 elections and two donors each contributed over $20 million. Let me be perfectly clear on one point here. Our proposal will NOT shut down 527s. It will simply require them to abide by the same Federal regulations every other Federal political committee must abide by in spending money to influence Federal elections.

Opponents of campaign finance reform like to point out that the activities of these 527s serve as proof that the Bipartisan Campaign Reform Act (BCRA) has failed in its stated purpose, which is to eliminate the corrupting influence of soft money in our political campaigns. Let me be perfectly clear on this. The 527 issue has nothing to do with BCRA, it has everything to do with the Federal Election Campaign Act of 1974 and the failure of the FEC to properly regulate the activities of these groups.

The bill Senator FEINGOLD and I are introducing today is designed to put an end to the abusive, illegal practices of these 527s. I urge my colleagues to support swift passage of this bill and put an end to this problem once and for all.

Mr. FEINGOLD. Mr. President, I am pleased to be working once again with my partner in reform, the senior Senator from Arizona, Senator MCCAIN, to introduce the 527 Reform Act.

Our purpose is simple—to pass legislation that will do what the FEC could and should do under current law, but, once again, has failed to do. Current Federal election law requires these groups to register as political committees and to stop raising and spending soft money. But the FEC has failed to enforce the law, so we must act in the Congress. This bill will make it absolutely clear that the federal election laws apply to 527 organizations.

We had to something similar with BCRA, the Bipartisan Campaign Reform Act, which passed in 2002, closing the soft money loophole that the FEC created in the late '70s and expanded in the '90s. That struggle took seven years. We have now been seeking to bring 527s within the law for four.

This bill will require all 527s to register as political committees unless they fall into a number of narrow categories. The exceptions are basically for groups that Congress exempted from disclosure requirements because they are so small or for groups that are involved exclusively in State election activity. Once a group registers as a political committee, certain activities, such as ads that mention only Federal candidates, will have to be paid for solely with hard money.

Under current rules, the FEC permits Federal political committees to maintain a non-Federal account to pay a portion of the expenses of activities that affect both Federal and non-Federal elections. Our bill sets new allocation rules that will make sure that these allocable activities are paid for with at least 50 percent hard money.

Finally, the bill makes an important change with respect to the non-federal portion of the allocable activities. We put a limit of $25,000 per year on the contributions that can be accepted for that non-federal account. This means no more million dollar soft money contributions to pay for get-out-the-vote efforts in the presidential campaign.

Nothing in this bill will affect legitimate 501(c) advocacy groups. The bill only applies to groups that claim a tax exemption under section 527.

Having laid out the central components of the bill, let me discuss how this bill has evolved, and the differences between this bill and the bill we introduced in 2005. In the last Congress, we made a great deal of progress working with the Senator from Mississippi, who at the time chaired the Rules Committee. Prior to taking the bill to a markup in the spring of 2005, Senator LOTT worked with us to clarify the bill and address some of the concerns that had been raised about it. The bill we are introducing today is identical to the "Chairman's Mark" that Senator LOTT brought before the Rules Committee last year.

While the original bill exempted 527s engaged exclusively in state elections from the registration requirement, it denied the exemption to groups that carry out "voter drive activities"—defined as get-out-the vote, voter ID, or voter registration—during a federal election year. This made the exemption too narrow, so we looked for another way to ensure that state 527s that only work on behalf of non-Federal officeholders will not have to become Federal PACs.

The Chairman's Mark, and this year's bill, completely exempt organizations of State and local candidates or officeholders. Groups such as the Democratic Governors Association, Republican Governors Association, or a state legislative caucus would be exempt, as long as their voter drive activities only mention state candidates or ballot issues. These groups do not qualify for the exemption, however, if they mention Federal candidates in their communications.

Second, the bill provides a slightly narrower exemption for State PACs that are active only in State elections. The only additional requirements for these PACs to qualify for an exemption are that they can only be active in a single State, and they cannot have a candidate for Federal office or Federal officeholder controlling or participating in the organization or raising money for it.

Finally, we made a number of changes to ensure that Federal PACs that allocate expenditures can use non-Federal money for expenditures designed only to assist State candidates even if they make an incidental reference to a Federal candidate or political party.

The changes to the legislation that we made last year working with Senator LOTT prior to the Rules Committee markup have been carried forward in the bill we introduce today. They improved and strengthened the bill. Unfortunately, other amendments were added during the Rules Committee consideration of the bill that we could not support. So the bill that we are introducing today is the same as the bill that went to markup in 2005, not the bill that was reported.

In closing, let me remind my colleagues that the soft money loophole was first opened by FEC rulings in the late '70s. By the time we started work on BCRA, the problem had mushroomed and led to the scandals we saw in the 1996 campaign. When we passed BCRA, I said we would have to be vigilant to make sure that the FEC enforced the law and that similar loopholes did not develop. That is what we are trying to do here.

I have no doubt that if we don't act on this 527 problem now, we will see more problems explode into scandals over the next few election cycles. In the 2004 cycle, Federal-oriented 527s spend $423 million. In fact, there were two donors who each contributed over $20 million. We cannot afford to wait until another presidential campaign season is in full bloom before addressing this problem. This FEC-ordained loophole threatens to further undermine the federal election laws. We must close it this year.

By Mr. ROCKEFELLER (for himself, Ms. COLLINS, and Mr. NELSON of Florida):

S. 464. A bill to amend title XVIII and XIX of the Social Security Act to improve the requirements regarding advance directives in order to ensure that an individual's health care decisions are complied with, and for other purposes; to the Committee on Finance.

By Mr. NELSON of Florida (for himself, Mr. LUGAR, Mr. ROCKEFELLER, Ms. COLLINS Mr. DURBIN, and Mr. BINGAMAN):

S. 465. A bill to amend titles XVIII and XIX of the Social Security Act and title III of the Public Health Service Act to improve access to information about individuals' health care options and legal rights for care near the end of life, to promote advance care planning and decisionmaking so that individuals' wishes are known should they become unable to speak for themselves, to engage health care providers in disseminating information about and assisting in the preparation of advance directives, which include living wills and durable powers of attorney for health care, and for other purposes; to the Committee on Finance.

By Mr. ROCKEFELLER (for himself, Mr. NELSON of Florida, and Mr. LUGAR):

S. 466. A bill to amend title XVIII of the Social Security Act to provide for coverage of an end-of-life planning consultation as part of an initial preventive physical examination under the Medicare program; to the Committee on Finance.

Mr. ROCKEFELLER. Mr. President, death is by no means an easy subject to talk about; nonetheless, end-of-life care continues to be a controversial topic that must be addressed. Today, I am introducing three bills that I hope will go a long way to improve end-of-life care in this country. Senator SUSAN COLLINS and I are reintroducing our Advance Planning and Compassionate Care Act, comprehensive legislation that would ensure that patients' final wishes for end-of-life care are known, respected, and complied with. This legislation has been introduced in each Congress since the 105th Congress. I am hopeful that we will be able to move it this year.

I am also introducing the Medicare End-of-Life Care Planning Act with Senators LUGAR and BILL NELSON. This important bill is based on an amendment that I introduced during the Finance Committee's consideration of the Deficit Reduction Act in 2005. It would require physician consultation regarding advance directives during the initial "Welcome to Medicare" physician visit. An end-of-life care consultation during a Medicare recipient's first contact with the program would emphasize the importance of advance planning and give him or her the tools necessary to understand advance directives, the Medicare hospice benefit, and other end-of-life care concerns. Having such a benefit in Medicare would undoubtedly improve patient care and quality at the end-of-life.

The final bill that I would like to talk about today is the Advance Directives Improvement and Education Act, legislation that I am cosponsoring with Senators BILL NELSON and RICHARD LUGAR. The Advance Directives Improvement and Education Act complements both of the bills I am introducing today. It includes my language on the "Welcome to Medicare" doctor's visit, which I believe is critical, but it also includes two other important provisions. It improves the policies for use and portability of advance directives across state lines, and it directs the Secretary of HHS to conduct a public education campaign on the importance of end-of-life planning.

I am happy to be an author of each of these bills. As we have seen recently with the well-publicized case of Terri Shiavo, end-of-life decision making can be confusing and cause added anguish to an already sorrowful situation. The delicate nature of life and love make it very difficult to create strict rules governing end-of-life care, nor should we want to. In its present form, however, end-of-life planning and care for most Americans is perplexing, disjointed, and lacking an active dialogue. We can, and must, take action to make this process as easy as possible.

It is not surprising that we face this problem. Health care professionals frequently use terms that are too technical or confusing for the average person. Patients who appear too sick to participate in the discussions may be excluded from determining their own destiny. And all too often the entire conversation never happens due to the discomfort of all parties involved. As a result, patients and families, suffer needlessly during these already difficult times. A report issued by the Institute of Medicine Committee on Care at the End of Life stated that, and I quote, "suffering arises when the aggressive use of ineffectual or intrusive interventions serves to prolong the period of dying unnecessarily or to dishonor the dying person's wishes about care. Too often, dying people and their families are either not aware of these care options, not fully apprised of the probable benefits and burdens of these various options, or are the recipients of care that is inconsistent with their wishes as expressed in written or oral directives."

Despite these shortcomings, the evidence tells us that most people want to discuss advanced directives when they are healthy and they want their families involved in the process. According to the American Psychological Association, almost 60 percent of individuals 65 or older state that they want their family to be given choices about treatment should they become incapacitated rather than leaving the decision up to physicians. How can we allow these serious problems to persist when dealing with the lives of our family and friends?

Death is hard to think about. Death is hard to talk about. And the final period of time leading up to our death is hard to plan. But we must encourage our family, our friends, and our loved ones to discuss this difficult topic in an open and effective manner in order to avoid any additional pain when a loved one passes away. We must also provide them the best tools to do so.

The legislation I am introducing today accomplishes this objective by developing standards for end-of-life care, facilitating opportunities for patients to discuss end-of-life issues with a trained professional, and authorizing funds for demonstration projects on innovative approaches to end-of-life care.

Death is a serious, personal, and complicated issue that is eventually relevant to each and every one of us. Americans deserve end-of-life care that is effective in fulfilling individual wishes, avoiding unnecessary disputes, and, most importantly, providing quality end-of-life care. Therefore, I urge my colleagues to join us in improving end-of-life care and reducing the amount of grief that inevitably comes with losing those who we hold dear.

I ask unanimous consent that the text of each of these bills be printed in the RECORD.

There being no objection, the text of the bills was ordered to be printed in the RECORD, as follows:

S. 464

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Advance Planning and Compassionate Care Act of 2007".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Development of standards to assess end-of-life care.
Sec. 3. Study and report by the Secretary of Health and Human Services regarding the establishment and implementation of a national uniform policy on advance directives.
Sec. 4. Improvement of policies related to the use of advance directives.
Sec. 5. National information hotline for end-of-life decisionmaking and hospice care.
Sec. 6. Demonstration project for innovative and new approaches to end-of-life care for Medicare, Medicaid, and SCHIP beneficiaries.
Sec. 7. Establishment of End-of-Life Care Advisory Board.

SEC. 2. DEVELOPMENT OF STANDARDS TO ASSESS END-OF-LIFE CARE.

(a) IN GENERAL.—The Secretary of Health and Human Services, in consultation with the Administrator of the Centers for Medicare & Medicaid Services, the Director of the National Institutes of Health, the Administrator of the Agency for Health Care Policy and Research, and the End-of-Life Care Advisory Board (established under section 7), shall develop outcome standards and measures to—

(1) evaluate the performance of health care programs and projects that provide end-of-life care to individuals, including the quality of the care provided by such programs and projects; and

(2) assess the access to, and utilization of, such programs and projects, including differences in such access and utilization in rural and urban areas and for minority populations.

(b) REPORT TO CONGRESS.—Not later than 2 years after the date of enactment of this Act, the Secretary of Health and Human Services shall submit to Congress a report on the outcome standards and measures developed under subsection (a), together with recommendations for such legislation and administrative actions as the Secretary considers appropriate.

SEC. 3. STUDY AND REPORT BY THE SECRETARY OF HEALTH AND HUMAN SERVICES REGARDING THE ESTABLISHMENT AND IMPLEMENTATION OF A NATIONAL UNIFORM POLICY ON ADVANCE DIRECTIVES.

(a) STUDY.—

(1) IN GENERAL.—The Secretary of Health and Human Services shall conduct a thorough study of all matters relating to the establishment and implementation of a national uniform policy on advance directives for individuals receiving items and services under titles XVIII and XIX of the Social Security Act (42 U.S.C. 1395 et seq.; 1396 et seq.).

(2) MATTERS STUDIED.—The matters studied by the Secretary of Health and Human Services under paragraph (1) shall include issues concerning—

(A) family satisfaction that a patient's wishes, as stated in the patient's advance directive, were carried out;

(B) the portability of advance directives, including cases involving the transfer of an individual from 1 health care setting to another;

(C) immunity from civil liability and criminal responsibility for health care providers that follow the instructions in an individual's advance directive that was validly executed in, and consistent with the laws of, the State in which it was executed;

(D) conditions under which an advance directive is operative;

(E) revocation of an advance directive by an individual;

(F) the criteria used by States for determining that an individual has a terminal condition;

(G) surrogate decisionmaking regarding end-of-life care;

(H) the provision of adequate palliative care (as defined in paragraph (3)), including pain management; and

(I) adequate and timely referrals to hospice care programs.

(3) PALLIATIVE CARE.—For purposes of paragraph (2)(H), the term "palliative care" means interdisciplinary care for individuals with a life-threatening illness or injury relating to pain and symptom management and psychological, social, and spiritual needs and that seeks to improve the quality of life for the individual and the individual's family.

(b) REPORT TO CONGRESS.—Not later than 18 months after the date of enactment of this Act, the Secretary of Health and Human Services shall submit to Congress a report on the study conducted under subsection (a), together with recommendations for such legislation and administrative actions as the Secretary considers appropriate.

(c) CONSULTATION.—In conducting the study and developing the report under this section, the Secretary of Health and Human Services shall consult with the End-of-Life Care Advisory Board (established under section 7), the Uniform Law Commissioners, and other interested parties.

SEC. 4. IMPROVEMENT OF POLICIES RELATED TO THE USE OF ADVANCE DIRECTIVES.

(a) MEDICARE.—Section 1866(f) of the Social Security Act (42 U.S.C. 1395cc(f)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (B), by inserting "and if presented by the individual, to include the content of such advance directive in a prominent part of such record" before the semicolon at the end;

(B) in subparagraph (D), by striking "and" after the semicolon at the end;

(C) in subparagraph (E), by striking the period at the end and inserting "; and"; and

(D) by inserting after subparagraph (E) the following new subparagraph:

"(F) to provide each individual with the opportunity to discuss issues relating to the information provided to that individual pursuant to subparagraph (A) with an appropriately trained professional.";

(2) in paragraph (3), by striking "a written" and inserting "an"; and

(3) by adding at the end the following new paragraph:

"(5)(A) An advance directive validly executed outside of the State in which such advance directive is presented by an adult individual to a provider of services, a Medicare Advantage organization, or a prepaid or eligible organization shall be given the same effect by that provider or organization as an advance directive validly executed under the law of the State in which it is presented would be given effect.

"(B)(i) The definition of an advanced directive shall also include actual knowledge of instructions made while an individual was able to express the wishes of such individual with regard to health care.

"(ii) For purposes of clause (i), the term 'actual knowledge' means the possession of information of an individual's wishes communicated to the health care provider orally or in writing by the individual, the individual's medical power of attorney representative, the individual's health care surrogate, or other individuals resulting in the health care provider's personal cognizance of these wishes. Other forms of imputed knowledge are not actual knowledge.

"(C) The provisions of this paragraph shall preempt any State law to the extent such law is inconsistent with such provisions. The provisions of this paragraph shall not preempt any State law that provides for greater portability, more deference to a patient's wishes, or more latitude in determining a patient's wishes.".

(b) MEDICAID.—Section 1902(w) of the Social Security Act (42 U.S.C. 1396a(w)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (B)—

(i) by striking "in the individual's medical record" and inserting "in a prominent part of the individual's current medical record"; and

(ii) by inserting "and if presented by the individual, to include the content of such advance directive in a prominent part of such record" before the semicolon at the end;

(B) in subparagraph (D), by striking "and" after the semicolon at the end;

(C) in subparagraph (E), by striking the period at the end and inserting "; and"; and

(D) by inserting after subparagraph (E) the following new subparagraph:

"(F) to provide each individual with the opportunity to discuss issues relating to the information provided to that individual pursuant to subparagraph (A) with an appropriately trained professional.";

(2) in paragraph (4), by striking "a written" and inserting "an"; and

(3) by adding at the end the following paragraph:

"(6)(A) An advance directive validly executed outside of the State in which such advance directive is presented by an adult individual to a provider or organization shall be given the same effect by that provider or organization as an advance directive validly executed under the law of the State in which it is presented would be given effect.

"(B)(i) The definition of an advanced directive shall also include actual knowledge of instructions made while an individual was able to express the wishes of such individual with regard to health care.

"(ii) For purposes of clause (i), the term 'actual knowledge' means the possession of information of an individual's wishes communicated to the health care provider orally or in writing by the individual, the individual's medical power of attorney representative, the individual's health care surrogate, or other individuals resulting in the health care provider's personal cognizance of these wishes. Other forms of imputed knowledge are not actual knowledge.

"(C) The provisions of this paragraph shall preempt any State law to the extent such law is inconsistent with such provisions. The provisions of this paragraph shall not preempt any State law that provides for greater portability, more deference to a patient's wishes, or more latitude in determining a patient's wishes.".

(c) STUDY AND REPORT REGARDING IMPLEMENTATION.—

(1) STUDY.—The Secretary of Health and Human Services shall conduct a study regarding the implementation of the amendments made by subsections (a) and (b).

(2) REPORT.—Not later than 18 months after the date of enactment of this Act, the Secretary of Health and Human Services shall submit to Congress a report on the study conducted under paragraph (1), together with recommendations for such legislation and administrative actions as the Secretary considers appropriate.

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—Subject to paragraph (2), the amendments made by subsections (a) and (b) shall apply to provider agreements and contracts entered into, renewed, or extended under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.), and to State plans under title XIX of such Act (42 U.S.C. 1396 et seq.), on or after such date as the Secretary of Health and Human Services specifies, but in no case may such date be later than 1 year after the date of enactment of this Act.

(2) EXTENSION OF EFFECTIVE DATE FOR STATE LAW AMENDMENT.—In the case of a State plan under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) which the Secretary of Health and Human Services determines requires State legislation in order for the plan to meet the additional requirements imposed by the amendments made by subsection (b), the State plan shall not be regarded as failing to comply with the requirements of such title solely on the basis of its failure to meet these additional requirements before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of enactment of this Act. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of the session is considered to be a separate regular session of the State legislature.

SEC. 5. NATIONAL INFORMATION HOTLINE FOR END-OF-LIFE DECISIONMAKING AND HOSPICE CARE.

The Secretary of Health and Human Services, acting through the Administrator of the Centers for Medicare & Medicaid Services, shall operate directly, or by grant, contract, or interagency agreement, out of funds otherwise appropriated to the Secretary, a clearinghouse and a 24-hour toll-free telephone hotline in order to provide consumer information about advance directives (as defined in section 1866(f)(3) of the Social Security Act (42 U.S.C. 1395cc(f)(3)), as amended by section 4(a)), end-of-life decisionmaking, and available end-of-life and hospice care services. In carrying out the preceding sentence, the Administrator may designate an existing clearinghouse and 24-hour toll-free telephone hotline or, if no such entity is appropriate, may establish a new clearinghouse and a 24-hour toll-free telephone hotline.

SEC. 6. DEMONSTRATION PROJECT FOR INNOVATIVE AND NEW APPROACHES TO END-OF-LIFE CARE FOR MEDICARE, MEDICAID, AND SCHIP BENEFICIARIES.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary, acting through the Administrator of the Centers for Medicare & Medicaid Services, shall conduct a demonstration project under which the

Secretary contracts with entities operating programs in order to develop new and innovative approaches to providing end-of-life care to Medicare beneficiaries, Medicaid beneficiaries, and SCHIP beneficiaries.

(2) APPLICATION.—Any entity seeking to participate in the demonstration project shall submit to the Secretary an application in such form and manner as the Secretary may require.

(3) DURATION.—The authority of the Secretary to conduct the demonstration project shall terminate at the end of the 5-year period beginning on the date the Secretary implements the demonstration project.

(b) SELECTION CRITERIA.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), in selecting entities to participate in the demonstration project, the Secretary shall select entities that will allow for programs to be conducted in a variety of States, in an array of care settings, and that reflect—

(A) a balance between urban and rural settings;

(B) cultural diversity; and

(C) various modes of medical care and insurance, such as fee-for-service, preferred provider organizations, health maintenance organizations, hospice care, home care services, long-term care, pediatric care, and integrated delivery systems.

(2) PREFERENCES.—The Secretary shall give preference to entities operating programs that—

(A) will serve Medicare beneficiaries, Medicaid beneficiaries, or SCHIP beneficiaries who are dying of illnesses that are most prevalent under the Medicare program, the Medicaid program, or SCHIP, respectively; and

(B) appear capable of sustained service and broad replication at a reasonable cost within commonly available organizational structures.

(3) SELECTION OF PROGRAM THAT PROVIDES PEDIATRIC END-OF-LIFE CARE.—The Secretary shall ensure that at least 1 of the entities selected to participate in the demonstration project operates a program that provides pediatric end-of-life care.

(c) EVALUATION OF PROGRAMS.—

(1) IN GENERAL.—Each program operated by an entity under the demonstration project shall be evaluated at such regular intervals as the Secretary determines are appropriate.

(2) USE OF PRIVATE ENTITIES TO CONDUCT EVALUATIONS.—The Secretary, in consultation with the End-of-Life Care Advisory Board (established under section 7), shall contract with 1 or more private entities to coordinate and conduct the evaluations under paragraph (1). Such a contract may not be awarded to an entity selected to participate in the demonstration project.

(3) REQUIREMENTS FOR EVALUATIONS.—

(A) USE OF OUTCOME MEASURES AND STANDARDS.—In coordinating and conducting an evaluation of a program conducted under the demonstration project, an entity shall use the outcome standards and measures required to be developed under section 2 as soon as those standards and measures are available.

(B) ELEMENTS OF EVALUATION.—In addition to the use of the outcome standards and measures under subparagraph (A), an evaluation of a program conducted under the demonstration project shall include the following:

(i) A comparison of the quality of care provided by, and of the outcomes for Medicare beneficiaries, Medicaid beneficiaries, and SCHIP beneficiaries, and the families of such beneficiaries enrolled in, the program being evaluated to the quality of care and outcomes for such individuals that would have resulted if care had been provided under existing delivery systems.

(ii) An analysis of how ongoing measures of quality and accountability for improvement and excellence could be incorporated into the program being evaluated.

(iii) A comparison of the costs of the care provided to Medicare beneficiaries, Medicaid beneficiaries, and SCHIP beneficiaries under the program being evaluated to the costs of such care that would have been incurred under the Medicare program, the Medicaid program, and SCHIP if such program had not been conducted.

(iv) An analysis of whether the program being evaluated implements practices or procedures that result in improved patient outcomes, resource utilization, or both.

(v) An analysis of—

(I) the population served by the program being evaluated; and

(II) how accurately that population reflects the total number of Medicare beneficiaries, Medicaid beneficiaries, and SCHIP beneficiaries residing in the area who are in need of services offered by such program.

(vi) An analysis of the eligibility requirements and enrollment procedures for the program being evaluated.

(vii) An analysis of the services provided to beneficiaries enrolled in the program being evaluated and the utilization rates for such services.

(viii) An analysis of the structure for the provision of specific services under the program being evaluated.

(ix) An analysis of the costs of providing specific services under the program being evaluated.

(x) An analysis of any procedures for offering Medicare beneficiaries, Medicaid beneficiaries, and SCHIP beneficiaries enrolled in the program being evaluated a choice of services and how the program responds to the preferences of such beneficiaries.

(xi) An analysis of the quality of care provided to, and of the outcomes for, Medicare beneficiaries, Medicaid beneficiaries, and SCHIP beneficiaries, and the families of such beneficiaries, that are enrolled in the program being evaluated.

(xii) An analysis of any ethical, cultural, or legal concerns—

(I) regarding the program being evaluated; and

(II) with the replication of such program in other settings.

(xiii) An analysis of any changes to regulations or of any additional funding that would result in more efficient procedures or improved outcomes under the program being evaluated.

(d) WAIVER AUTHORITY.—The Secretary may waive compliance with any of the requirements of titles XI, XVIII, XIX, and XXI of the Social Security Act (42 U.S.C. 1301 et seq.; 1395 et seq.; 1396 et seq.; 1397aa et seq.) which, if applied, would prevent the demonstration project carried out under this section from effectively achieving the purpose of such project.

(e) REPORTS TO CONGRESS.—

(1) ANNUAL REPORTS BY SECRETARY.—

(A) IN GENERAL.—Beginning 1 year after the date of enactment of this Act, and annually thereafter, the Secretary shall submit to Congress a report on the demonstration project and on the quality of end-of-life care under the Medicare program, the Medicaid program, and SCHIP, together with recommendations for such legislation and administrative actions as the Secretary considers appropriate.

(B) SUMMARY OF RECENT STUDIES.—A report submitted under subparagraph (A) shall include a summary of any recent studies and advice from experts in the health care field regarding the ethical, cultural, and legal issues that may arise when attempting to improve the health care system to meet the needs of individuals with serious and eventually terminal conditions.

(C) CONTINUATION OR REPLICATION OF DEMONSTRATION PROJECTS.—The first report submitted under subparagraph (A) after the 3-year anniversary of the date the Secretary implements the demonstration project shall include recommendations regarding whether such demonstration project should be continued beyond the period described in subsection (a)(3) and whether broad replication of any of the programs conducted under the demonstration project should be initiated.

(2) REPORT BY END-OF-LIFE CARE ADVISORY BOARD ON DEMONSTRATION PROJECT.—

(A) IN GENERAL.—Not later than 2 years after the conclusion of the demonstration project, the End-of-Life Advisory Board shall submit a report to the Secretary and Congress on such project.

(B) CONTENTS.—The report submitted under subparagraph (A) shall contain—

(i) an evaluation of the effectiveness of the demonstration project; and

(ii) recommendations for such legislation and administrative actions as the Board considers appropriate.

(f) FUNDING.—There are appropriated such sums as are necessary for conducting the demonstration project and for preparing and submitting the reports required under subsection (e)(1).

(g) DEFINITIONS.—In this section:

(1) DEMONSTRATION PROJECT.—The term "demonstration project" means the demonstration project conducted under this section.

(2) MEDICAID BENEFICIARIES.—The term "Medicaid beneficiaries" means individuals who are enrolled in the State Medicaid program.

(3) MEDICAID PROGRAM.—The term "Medicaid program" means the health care program under title XIX of the Social Security Act (42 U.S.C. 1395 et seq.).

(4) MEDICARE BENEFICIARIES.—The term "Medicare beneficiaries" means individuals who are entitled to, or enrolled for, benefits under part A or enrolled for benefits under part B of the Medicare program.

(5) MEDICARE PROGRAM.—The term "Medicare program" means the health care program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.).

(6) SCHIP.—The term "SCHIP" means the State children's health insurance program under title XXI of the Social Security Act (42 U.S.C. 1397aa et seq.).

(7) SCHIP BENEFICIARY.—The term "SCHIP beneficiary" means an individual who is enrolled in SCHIP.

(8) SECRETARY.—The term "Secretary" means the Secretary of Health and Human Services.

SEC. 7. ESTABLISHMENT OF END-OF-LIFE CARE ADVISORY BOARD.

(a) ESTABLISHMENT.—There is established within the Department of Health and Human Services an End-of-Life Care Advisory Board (in this section referred to as the "Board").

(b) STRUCTURE AND MEMBERSHIP.—

(1) IN GENERAL.—The Board shall be composed of 15 members who shall be appointed by the Secretary of Health and Human Services (in this section referred to as the "Secretary").

(2) REQUIRED REPRESENTATION.—The Secretary shall ensure that the following groups, organizations, and associations are represented in the membership of the Board:

(A) An end-of-life consumer advocacy organization.

(B) A senior citizen advocacy organization.

(C) A physician-based hospice or palliative care organization.

(D) A nurse-based hospice or palliative care organization.

(E) A hospice or palliative care provider organization.

(F) A hospice or palliative care representative that serves the veterans population.

(G) A physician-based medical association.

(H) A physician-based pediatric medical association.

(I) A home health-based nurses association.

(J) A hospital-based or health system-based palliative care group.

(K) A children-based or family-based hospice resource group.

(L) A cancer pain management resource group.

(M) A cancer research and policy advocacy group.

(N) An end-of-life care policy advocacy group.

(O) An interdisciplinary end-of-life care academic institution.

(3) ETHNIC DIVERSITY REQUIREMENT.—The Secretary shall ensure that the members of the Board appointed under paragraph (1) represent the ethnic diversity of the United States.

(4) PROHIBITION.—No individual who is a Federal officer or employee may serve as a member of the Board.

(5) TERMS OF APPOINTMENT.—Each member of the Board shall serve for a term determined appropriate by the Secretary.

(6) CHAIRPERSON.—The Secretary shall designate a member of the Board as chairperson.

(c) MEETINGS.—The Board shall meet at the call of the chairperson but not less often than every 3 months.

(d) DUTIES.—

(1) IN GENERAL.—The Board shall advise the Secretary on all matters related to the furnishing of end-of-life care to individuals.

(2) SPECIFIC DUTIES.—The specific duties of the Board are as follows:

(A) CONSULTING.—The Board shall consult with the Secretary regarding—

(i) the development of the outcome standards and measures under section 2;

(ii) conducting the study and submitting the report under section 3; and

(iii) the selection of private entities to conduct evaluations pursuant to section 6(c)(2).

(B) REPORT ON DEMONSTRATION PROJECT.—The Board shall submit the report required under section 6(e)(2).

(e) MEMBERS TO SERVE WITHOUT COMPENSATION.—

(1) IN GENERAL.—All members of the Board shall serve on the Board without compensation for such service.

(2) TRAVEL EXPENSES.—The members of the Board shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Board.

(f) STAFF.—

(1) IN GENERAL.—The chairperson of the Board may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Board to perform its duties. The employment of an executive director shall be subject to confirmation by the Board.

(2) COMPENSATION.—The chairperson of the Board may fix the compensation of the executive director and other personnel without regard to chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(3) PERSONNEL AS FEDERAL EMPLOYEES.—

(A) IN GENERAL.—The executive director and any personnel of the Board who are employees shall be employees under section 2105 of title 5, United States Code, for purposes of chapters 63, 81, 83, 84, 85, 87, 89, and 90 of that title.

(B) MEMBERS OF BOARD.—Subparagraph (A) shall not be construed to apply to members of the Board.

(g) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Board without additional reimbursement (other than the employee's regular compensation), and such detail shall be without interruption or loss of civil service status or privilege.

(h) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The chairperson of the Board may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

(i) FEDERAL ADVISORY COMMITTEE ACT.—Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Board.

(j) TERMINATION.—The Board shall terminate 90 days after the date on which the Board submits the report under section 6(e)(2).

(k) FUNDING.—Funding for the operation of the Board shall be from amounts otherwise appropriated to the Department of Health and Human Services.

S. 465

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Advance Directives Improvement and Education Act of 2007".

SEC. 2. ADVANCE DIRECTIVES.

(a) FINDINGS.—Congress makes the following findings:

(1) Every year 2,500,000 people die in the United States. Eighty percent of those people die in institutions such as hospitals, nursing homes, and other facilities. Chronic illnesses, such as cancer and heart disease, account for 2 out of every 3 deaths.

(2) In 1997, the Supreme Court of the United States, in its decisions in Washington v. Glucksberg and Vacco v. Quill, reaffirmed the constitutional right of competent adults to refuse unwanted medical treatment. In those cases, the Court stressed the use of advance directives as a means of safeguarding that right should those adults become incapable of deciding for themselves.

(3) A survey published in 2005 estimated that the overall prevalence of advance directives is 29 percent of the general population, despite the passage of the Patient Self-Determination Act in 1990, which requires that health care providers tell patients about advance directives.

(4) Competent adults should complete advance care plans stipulating their health care decisions in the event that they become unable to speak for themselves. Through the execution of advance directives, including living wills and durable powers of attorney for health care according to the laws of the State in which they reside, individuals can protect their right to express their wishes and have them respected.

(b) PURPOSES.—The purposes of this section are to improve access to information about individuals' health care options and legal rights for care near the end of life, to promote advance care planning and decisionmaking so that individuals' wishes are known should they become unable to speak for themselves, to engage health care providers in disseminating information about and assisting in the preparation of advance directives, which include living wills and durable powers of attorney for health care, and for other purposes.

(c) MEDICARE COVERAGE OF END-OF-LIFE PLANNING AND CONSULTATIONS AS PART OF INITIAL PREVENTIVE PHYSICAL EXAMINATION.—

(1) IN GENERAL.—Section 1861(ww) of the Social Security Act (42 U.S.C. 1395x(ww)) is amended—

(A) in paragraph (1), by striking "paragraph (2)," and inserting "paragraph (2) and an end-of-life planning consultation (as defined in paragraph (3)),"; and

(B) by adding at the end the following new paragraph:

"(3) For purposes of paragraph (1), the term 'end-of-life planning consultation' means a consultation between the physician and an individual regarding—

"(A) the importance of preparing advance directives in case an injury or illness causes the individual to be unable to make health care decisions;

"(B) the situations in which an advance directive is likely to be relied upon;

"(C) the reasons that the development of a comprehensive end-of-life plan is beneficial and the reasons that such a plan should be updated periodically as the health of the individual changes;

"(D) the identification of resources that an individual may use to determine the requirements of the State in which such individual resides so that the treatment wishes of that individual will be carried out if the individual is unable to communicate those wishes, including requirements regarding the designation of a surrogate decision maker (health care proxy); and

"(E) whether or not the physician is willing to follow the individual's wishes as expressed in an advance directive.".

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall apply to initial preventive physical examinations provided on or after January 1, 2008.

(d) IMPROVEMENT OF POLICIES RELATED TO THE USE AND PORTABILITY OF ADVANCE DIRECTIVES.—

(1) MEDICARE.—Section 1866(f) of the Social Security Act (42 U.S.C. 1395cc(f)) is amended—

(A) in paragraph (1)—

(i) in subparagraph (B), by inserting "and if presented by the individual (or on behalf of the individual), to include the content of such advance directive in a prominent part of such record" before the semicolon at the end;

(ii) in subparagraph (D), by striking "and" after the semicolon at the end;

(iii) in subparagraph (E), by striking the period at the end and inserting "; and"; and

(iv) by inserting after subparagraph (E) the following new subparagraph:

"(F) to provide each individual with the opportunity to discuss issues relating to the information provided to that individual pursuant to subparagraph (A) with an appropriately trained professional.";

(B) in paragraph (3), by striking "a written" and inserting "an"; and

(C) by adding at the end the following new paragraph:

"(5)(A) In addition to the requirements of paragraph (1), a provider of services, Medicare Advantage organization, or prepaid or eligible organization (as the case may be) shall give effect to an advance directive executed outside the State in which such directive is presented, even one that does not appear to meet the formalities of execution, form, or language required by the State in which it is presented to the same extent as such provider or organization would give effect to an advance directive that meets such requirements, except that a provider or organization may decline to honor such a directive if the provider or organization can reasonably demonstrate that it is not an authentic expression of the individual's wishes concerning his or her health care. Nothing in this paragraph shall be construed to authorize the administration of medical treatment otherwise prohibited by the laws of the State in which the directive is presented.

"(B) The provisions of this paragraph shall preempt any State law to the extent such law is inconsistent with such provisions. The provisions of this paragraph shall not preempt any State law that provides for greater portability, more deference to a patient's wishes, or more latitude in determining a patient's wishes.".

(2) MEDICAID.—Section 1902(w) of the Social Security Act (42 U.S.C. 1396a(w)) is amended—

(A) in paragraph (1)—

(i) in subparagraph (B)—

(I) by striking "in the individual's medical record" and inserting "in a prominent part of the individual's current medical record"; and

(II) by inserting "and if presented by the individual (or on behalf of the individual), to include the content of such advance directive in a prominent part of such record" before the semicolon at the end;

(ii) in subparagraph (D), by striking "and" after the semicolon at the end;

(iii) in subparagraph (E), by striking the period at the end and inserting "; and"; and

(iv) by inserting after subparagraph (E) the following new subparagraph:

"(F) to provide each individual with the opportunity to discuss issues relating to the information provided to that individual pursuant to subparagraph (A) with an appropriately trained professional.";

(B) in paragraph (4), by striking "a written" and inserting "an"; and

(C) by adding at the end the following paragraph:

"(6)(A) In addition to the requirements of paragraph (1), a provider or organization (as the case may be) shall give effect to an advance directive executed outside the State in which such directive is presented, even one that does not appear to meet the formalities of execution, form, or language required by the State in which it is presented to the same extent as such provider or organization would give effect to an advance directive that meets such requirements, except that a provider or organization may decline to honor such a directive if the provider or organization can reasonably demonstrate that it is not an authentic expression of the individual's wishes concerning his or her health care. Nothing in this paragraph shall be construed to authorize the administration of medical treatment otherwise prohibited by the laws of the State in which the directive is presented.

"(B) The provisions of this paragraph shall preempt any State law to the extent such law is inconsistent with such provisions. The provisions of this paragraph shall not preempt any State law that provides for greater portability, more deference to a patient's wishes, or more latitude in determining a patient's wishes.".

(3) EFFECTIVE DATES.—

(A) IN GENERAL.—Subject to subparagraph (B), the amendments made by paragraphs (1) and (2) shall apply to provider agreements and contracts entered into, renewed, or extended under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.), and to State plans under title XIX of such Act (42 U.S.C. 1396 et seq.), on or after such date as the Secretary of Health and Human Services specifies, but in no case may such date be later than 1 year after the date of enactment of this Act.

(B) EXTENSION OF EFFECTIVE DATE FOR STATE LAW AMENDMENT.—In the case of a State plan under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) which the Secretary of Health and Human Services determines requires State legislation in order for the plan to meet the additional requirements imposed by the amendments made by paragraph (2), the State plan shall not be regarded as failing to comply with the requirements of such title solely on the basis of its failure to meet these additional requirements before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of enactment of this Act. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of the session is considered to be a separate regular session of the State legislature.

(e) INCREASING AWARENESS OF THE IMPORTANCE OF END-OF-LIFE PLANNING.—Title III of the Public Health Service Act (42 U.S.C. 241 et seq.) is amended by adding at the end the following new part:

"PART R—PROGRAMS TO INCREASE AWARENESS OF ADVANCE DIRECTIVE PLANNING ISSUES

"SEC. 399Z–1. ADVANCE DIRECTIVE EDUCATION CAMPAIGNS AND INFORMATION CLEARINGHOUSES.

"(a) ADVANCE DIRECTIVE EDUCATION CAMPAIGN.—The Secretary shall, directly or through grants awarded under subsection (c), conduct a national public education campaign—

"(1) to raise public awareness of the importance of planning for care near the end of life;

"(2) to improve the public's understanding of the various situations in which individuals may find themselves if they become unable to express their health care wishes;

"(3) to explain the need for readily available legal documents that express an individual's wishes, through advance directives (including living wills, comfort care orders, and durable powers of attorney for health care); and

"(4) to educate the public about the availability of hospice care and palliative care.

"(b) INFORMATION CLEARINGHOUSE.—The Secretary, directly or through grants awarded under subsection (c), shall provide for the establishment of a national, toll-free, information clearinghouse as well as clearinghouses that the public may access to find out about State-specific information regarding advance directive and end-of-life decisions.

"(c) GRANTS.—

"(1) IN GENERAL.—The Secretary shall use at least 60 percent of the funds appropriated under subsection (d) for the purpose of awarding grants to public or nonprofit private entities (including States or political subdivisions of a State), or a consortium of any of such entities, for the purpose of conducting education campaigns under subsection (a) and establishing information clearinghouses under subsection (b).

"(2) PERIOD.—Any grant awarded under paragraph (1) shall be for a period of 3 years.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $25,000,000.".

(f) GAO STUDY AND REPORT ON ESTABLISHMENT OF NATIONAL ADVANCE DIRECTIVE REGISTRY.—

(1) STUDY.—The Comptroller General of the United States shall conduct a study on the feasibility of a national registry for advance directives, taking into consideration the constraints created by the privacy provisions enacted as a result of the Health Insurance Portability and Accountability Act of 1996 (Public Law 104–191).

(2) REPORT.—Not later than 18 months after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a report on the study conducted under paragraph (1) together with recommendations for such legislation and administrative action as the Comptroller General of the United States determines to be appropriate.

(g) EFFECTIVE DATE.—Except as provided in subsections (c) and (d), this section and the amendments made by this section shall take effect on the date of enactment of this Act.

Mr. NELSON of Florida. Mr. President, I am pleased to be joined by my colleagues and cosponsors Senators JAY ROCKEFELLER and RICHARD LUGAR as we introduce the Advance Directives Improvement and Education Act of 2007.

The Advance Directives Improvement and Education Act of 2007 has a simple purpose: to encourage all adults in America, especially those 65 and older, to think about, talk about and write down their wishes for medical care near the end of life should they become unable to make decisions for themselves. Advance directives, which include a living will stating the individual's preferences for care, and a power of attorney for health care, are critical documents that each of us should have. The goal is clear, but reaching it requires that we educate the public about the importance of advance directives, offer opportunities for discussion of the issues, and reinforce the requirement that health care providers honor patients' wishes. This bill is designed to do just that.

The Advance Directives Improvement and Education Act of 2007 would encourage new Medicare beneficiaries to prepare advance directives by including a physician consultation on advance directives in each "Welcome to

Medicare" physical exam. This initial consultation would cover the importance of preparing advance directives, when these documents are most likely to be used, and where to find additional resources and information. The conversation will also enable physicians to learn about their patients' wishes, fears, religious beliefs, and life experiences that might influence their medical care wishes. These are important aspects of a physician-patient relationship that are too often unaddressed.

Another part of our bill would provide funds for the Department of Health and Human Services, HHS, to conduct a public education campaign to raise awareness of the importance of planning for care near the end of life. This campaign would explain what advance directives are, where they are available, what questions need to be asked and answered, and what to do with the executed documents. HHS, directly or through grants, would also establish an information clearinghouse where consumers could receive State-specific information and consumer-friendly documents and publications.

The bill also contains language that would make all advance directives "portable," that is, useful from one State to another. If an out-of-State directive is presented, it will be presumed valid unless the health care provider can reasonably demonstrate that it is not an authentic expression of the individual's wishes concerning his or her health care.

We all know about the tragic situation that occurred in Florida with Terri Schiavo and her family. She was a young woman who was the subject of a debate about her treatment between her husband and her parents, a debate that was a court case and a legislative quagmire. Most experts agree that if she had an advance directive that made her wishes clear and named a health care proxy, there would have been no question as to who could decide the course of her care.

One of the great legacies of Terri Schiavo's life will be that she began a national dialogue about end-of-life care and got people discussing living wills. Regardless of our views on the ethical, legal and constitutional issues surrounding her case, we all can agree that more people now than ever know the importance of having end-of-life discussions with their family, doctor, clergy or attorney. This bill would build upon this national dialogue and encourage more Americans to learn about and fill out advance directives.

This body is a legislative institution, not a medical one. We cannot legislate good medical care or compassion. What we can do, what I hope we will do, is to enact this bill so that the American public can participate in improving end-of-life care. If we can do that, we will have done a great deal.

S. 466

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Medicare End-of-Life Care Planning Act of 2007".

SEC. 2. MEDICARE COVERAGE OF AN END-OF-LIFE PLANNING CONSULTATION AS PART OF AN INITIAL PREVENTIVE PHYSICAL EXAMINATION.

(a) IN GENERAL.—Section 1861(ww) of the Social Security Act (42 U.S.C. 1395x(ww)) is amended—

(1) in paragraph (1), by striking "paragraph (2)," and inserting "paragraph (2) and an end-of-life planning consultation (as defined in paragraph (3)),"; and

(2) by adding at the end the following new paragraph:

"(3) For purposes of paragraph (1), the term 'end-of-life planning consultation' means a consultation between the physician and an individual regarding—

"(A) the importance of preparing advance directives in case an injury or illness causes the individual to be unable to make health care decisions;

"(B) the situations in which an advance directive is likely to be relied upon;

"(C) the reasons why the development of a comprehensive end-of-life plan is beneficial and the reasons why such a plan should be updated periodically as the health of the individual changes;

"(D) the identification of resources that an individual may use to determine the requirements of the State in which such individual resides so that the treatment wishes of that individual will be carried out if the individual is unable to communicate those wishes, including requirements regarding the designation of a surrogate decision maker (health care proxy); and

"(E) whether or not the physician is willing to follow the individual's wishes as expressed in an advance directive.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to initial preventive physical examinations provided on or after January 1, 2008.

By Mr. DODD (for himself, Mr. GRASSLEY, Mr. WYDEN, Mr. BINGAMAN, Mr. DURBIN, and Mr. HARKIN):

S. 467. A bill to amend the Public Health Service Act to expand the clinical trials drug data bank; to the Committee on Health, Education, Labor and Pensions.

By Mr. GRASSLEY (for himself, Mr. DODD, Ms. MIKULSKI, and Mr. BINGAMAN):

S. 468. A bill to amend the Federal Food, Drug, and Cosmetic Act with respect to drug safety, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. DODD. Mr. President, I rise today to introduce the Fair Access to Clinical Trials (FACT) Act. I want to begin by thanking Senators GRASSLEY, WYDEN, BINGAMAN, DURBIN, and HARKIN for joining me in introducing this legislation. I also would like to recognize the leadership of Senator JOHNSON who was involved in the crafting of this legislation from the beginning and who has been a long-standing supporter of the FACT Act.

Our bill will create an electronic databank for clinical trials of drugs, biological products, and medical devices. Such a databank will ensure that physicians, researchers, the general public, and patients seeking to enroll in clinical trials have access to basic information about those trials. It will require manufacturers and other researchers to reveal the results of clinical trials so that clinically important information will be available to all Americans, and physicians will have all the information necessary to make appropriate treatment decisions for their patients.

Events of the past few years have made it clear that such a databank is needed. For example, serious questions were raised about the effectiveness and safety of antidepressants when used in children and youth. It has now become clear that the existing data indicates that these drugs may very well put children at risk. However, because the data from antidepressant clinical trials was not publicly available, it took years for this risk to be realized. In the meantime, millions of children have been prescribed antidepressants by well-meaning physicians. While these drugs undoubtedly helped many of these children, they also led to greater suffering for others.

The news is similarly disturbing for a popular class of painkillers known as Cox-2 inhibitors. These medicines, taken by millions of Americans, have been associated with an increased risk of cardiovascular adverse events, such as heart attack and stroke. It has been suggested that one of these medicines, which has since been pulled from the market, may have been responsible for tens of thousands of deaths.

Most recently, a drug manufacturer acknowledged that it did not inform the Food and Drug Administration (FDA) or the public about the results of a 67,000 person study it conducted of an FDA-approved drug used commonly during heart surgery to reduce the need for a transfusion. The study revealed the drug may increase patients' risk of death, serious kidney damage, congestive heart failure, and stroke.

Unfortunately, these are just a few examples of stories that have become all too common. It has been suggested that negative data might actually have been suppressed; and if this is discovered to be the case, those responsible should be dealt with harshly. However, because of what is known as "publication bias," the information available to the public and physicians can be misleading even without nefarious motives. The simple fact is that studies with a positive result are far more likely to be published, and thus publicly available, than a study with a negative result. Physicians and patients hear the good news. Rarely do they hear the bad news. In the end, the imbalance of available information hurts patients.

Our bill would correct this imbalance in information, and prevent manufacturers from suppressing negative data. It would do so by creating a two-part databank, consisting of an expansion of clinicaltrials.gov—an existing registry that is operated by the National Library of Medicine (NLM)—and a new database for clinical trial results.

Under the FACT Act, the registry would continue to operate as a resource for patients seeking to enroll in clinical trials for drugs and biological products intended to treat serious or life-threatening conditions—and for the first time, it would also include medical device trials. The new results database would include all trials (except for preliminary safety trials), and would require the submission of clinical trial results data.

Our legislation would enforce the requirement to submit information to the databank in two ways. First, by requiring registration as a condition of Institutional Review Board (IRB) approval, no trial could begin without submitting preliminary information to the registry and database. This information would include the purpose of the trial, the estimated date of trial completion, as well as all of the information necessary to help patients to enroll in the trial.

Once the trial is completed, the researcher or manufacturer is required to submit the results to the database. If they refuse to do so, they are subject to monetary penalties or, in the case of federally-funded research, a restriction on future federal funding. It is my belief that these enforcement mechanisms will ensure broad compliance. However, in the rare case where a manufacturer does not comply, this legislation also gives the FDA the authority to publicize the required information.

Let me also say that any time you are collecting large amounts of data and making it public, protecting patient privacy and confidentiality is paramount. Our legislation would in no way threaten patient privacy. The simple fact is that under this bill, no individually-identifiable information would be available to the public.

I believe that the establishment of a clinical trials databank is absolutely necessary for the health and well-being of the American public. But I would also like to highlight two other benefits that such a databank will have. First, it has the potential to reduce health care costs. Studies have shown that publication bias also leads to a bias toward new and more expensive treatment options. A databank could help make it clear that in some cases less expensive treatments are just as effective for patients.

In addition, a databank will ensure that the sacrifice made by patients who enroll in clinical trials is not squandered. We owe it to patients to make sure that their participation in a trial will benefit other individuals suffering from the same illness or condition by making the results of the trial public, no matter the outcome of the trial.

The problems associated with publication bias have recently drawn more attention from the medical community, and there is broad consensus that a clinical trials registry is one of the best ways to address the issue. Accordingly, the American Medical Association (AMA) has recommended creating such a databank. Additionally, the major medical journals have established a policy that they will only publish the results of trials that were registered in a public database before the trial began. Our legislation meets all of the minimum criteria for a trial registry set out by the International Committee of Medical Journal Editors. In fact, our bill closely follows recommendations issued by the Institute of Medicine (IOM) in its recent report on drug safety.

To its credit, the pharmaceutical industry has also acknowledged the problem, and has created a database where manufacturers can voluntarily submit clinical trials data. I applaud this step. However, if our objective is to provide the public with a complete and consistent supply of information, a voluntary database is unlikely to achieve that goal. Some companies will provide information, but others may decide not to participate. We need a clinical trials framework that is not just fair to all companies, but provides patients with the peace of mind that they will receive complete information about the medicines they rely on.

The American drug industry is an extraordinary success story. As a result of the innovations that this industry has spawned, millions of lives have been improved and saved in our country and around the globe. Due to the importance of these medicines to our health and well-being, I have consistently supported sound public policies to help the industry succeed in protecting the public's health and well-being. This legislation aims to build upon the successes of this industry, and help ensure that the positive changes to our health care system that prescription drugs have brought are not undermined by controversies such as the ones surrounding antidepressants and Cox-2 inhibitors, which are at least in part based on a lack of public information. This bill will help ensure that well-informed patients will use new and innovative medicines.

Creating a clinical trials databank is a critical step toward ensuring the safety of drugs, biological products, and medical devices in this country—but it should not be the end of our efforts. However, other steps are necessary to fully restore patient confidence in the safety of the medicines they rely on.

That is why today I am also introducing the Food and Drug Administration Safety Act (FDASA) with Senator GRASSLEY. We are joined by Senators MIKULSKI and BINGAMAN in introducing this legislation and thank them for their support for reforming our nation's system to ensure that FDA-approved drugs being used by millions are safe and effective.

Our legislation would enhance the FDA's drug-safety monitoring system by setting up an independent center within the FDA called the Center for Postmarket Evaluation and Research for Drugs and Biologics (CPER). This Center would be responsible for monitoring the safety of drugs and biologics once they are on the market, in consultation with other existing Centers at the FDA, and would have the authority to take corrective action if a drug or biologic presents a risk to patients. Under the bill, the Center Director is authorized to require manufacturers to conduct post-market clinical or observational studies if there are questions about the safety or efficacy of a drug or biologic once it is already on the market. The Center Director can take corrective actions to include labeling changes, restricted distribution, and other risk management tools if an unreasonable risk is found to exist. The bill also gives the Center Director the authority to review drug advertisements before they are disseminated, and to require certain disclosures about increased risk, and in extreme cases, the authority to pull the product off the market. Our bill authorizes $500 million over the next 5 years to provide the new center with the resources necessary to carry out the critically important provisions of this legislation.

Under our legislation, the Director of CPER will report directly to the FDA Commissioner. Our bill will ensure that CPER consults with the other Centers at FDA as it conducts risk assessments, benefiting from their knowledge and expertise, but not being beholden to them if corrective action is needed.

These new authorities will allow the FDA to act quickly to get answers when there are questions about the safety of a drug, and to act decisively to mitigate the risks when the evidence shows that a drug presents a safety issue. With these authorities, we will never again have a situation where a critical labeling change takes 2 years to complete, as was the case with Vioxx. When we are talking about drugs that are already on the market and in widespread use, any delay can put millions of patients in harm's way.

By creating CPER we hope to restore confidence in the medicines that so many Americans rely on to safeguard their health and well-being. Patients should have the peace of mind that the drugs they take to help them will not hurt them instead. We must restore public confidence in the words "FDA-Approved." Unfortunately, events of the past few years have seriously tarnished the FDA's image and put millions of patients at undue risk. Recent developments have cast into doubt the FDA's ability to ensure that the drugs that it approves are safe—especially once they are on the market. These concerns are bad for patients, bad for physicians, and bad for the pharmaceutical industry.

Like many Americans, I have been deeply disturbed by the revelations of the significant risk associated with widely-used medications to treat pain and depression. These revelations raise legitimate questions about the safety of drugs that have already been approved. It would be one thing if these drugs were in a trial phase, but safety issues are being identified in drugs once they are on the market and in widespread use. Health risks significant enough to remove drugs from the market or significantly restrict their use are becoming clear only after millions of Americans have been exposed to real or potential harm.

It has been estimated that more than 100,000 Americans might have been seriously injured or killed by a popular pain medication, while millions of children have been prescribed antidepressants that could put them at risk. This recent spate of popular medicines being identified as unsafe underscores the need to take additional steps to monitor and protect patient safety after a drug has been approved. Allowing the status quo on drug safety at the FDA is unacceptable. Real reform is needed now.

An internal study conducted by the Department of Health and Human Services (HHS) Office of the Inspector General in 2002 revealed that approximately one-fifth of drug reviewers were pressured to approve a drug despite concerns about safety, efficacy, or quality. In addition, more than one-third said they were "not at all" or only "somewhat" confident that final decisions of the Center for Drug Evaluation and Research (CDER) adequately assessed safety. A more recent survey of 997 FDA scientists conducted by the Union of Concerned Scientists and the Public Employees for Environmental Responsibility found that 420 FDA scientists reported that they knew of cases in which HHS or FDA political appointees inappropriately injected themselves into FDA determinations or actions.

I look forward to working with industry, physicians, medical journals, patient groups, and my colleagues—including the Chairman and Ranking Member of the Health, Education, Labor, and Pensions Committee, Senator KENNEDY and Senator ENZI—to move this legislation forward. These bills have already been endorsed by Consumers Union, the U.S. Public Interest Research Group (PIRG), the National Women's Health Network, and Public Citizen. I thank these organizations for lending their expertise as we crafted these bills. I also want to recognize the New England Journal of Medicine and the American Psychiatric Association for their support in the crafting of the FACT Act.

Clinical trials are critically important to protecting the safety and health of the American public. For this reason, clinical trial results must not be treated as information that can be hidden from scrutiny. Recent events have made it clear that a clinical trials databank is needed. Patients and physicians agree that such a databank is important to our public health. At the same time, there have been disturbing reports that suggest the FDA does not place enough emphasis on drug safety, and that concerns raised by those in the Office of Surveillance and Epidemiology (formerly the Office of Drug Safety) at CDER are sometimes ignored and even suppressed. Our legislation will ensure that those who are responsible for monitoring the safety of drugs already on the market at the FDA will have the independence, resources, and authority to ensure medicines intended to help patients won't instead end up causing them harm. I urge my colleagues to support these bills, and I am hopeful that they will become law as soon as possible.

I ask unanimous consent that a letter from the American Psychiatric Association supporting the FACT Act be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AMERICAN PSYCHIATRIC ASSOCIATION,
Arlington, VA, January 31, 2007.

Hon. CHRISTOPHER DODD,
U.S. Senate,
Washington, DC.

DEAR SENATOR DODD: The American Psychiatric Association (APA) would like to commend and congratulate you on your efforts to strengthen and improve clinical trial registries. The FACT Act's goals of revamping the Food and Drug Administration's post-marketing surveillance by ensuring that access to clinical trials information is accessible and available to the scientific community and the general public is a goal shared by the APA.

The APA is the national medical specialty society representing more than 37,000 psychiatric physicians nationwide who specialize in the diagnosis and treatment of mental and emotional illnesses and substance use disorders. APA advocates for patient access to information and supports further post-market research of medications to ensure the safety of patients. APA member David Fassler, M.D. testified before the Senate Health, Education, Labor and Pensions Committee on March 1, 2005 and subsequent FDA Advisory Committee meetings. Dr. Fassler's testimony focused on key recommendations to improve the FDA's drug approval process outlining: The importance of access to comprehensive clinical trial data including negative trials and unpublished results to be housed in a publicly accessible registry; The need for ongoing post-marketing surveillance with increased funding for follow up; and The necessity of a workforce of researchers, including experts who can assist with the design, oversight, interpretation and reporting of clinical research.

The APA thanks you again for your dedication and commitment to enhance the nation's drug safety monitoring system. We look forward to working with you in ensuring that clinical trial data is transparent and accountable in order for patients to make well informed decisions. As your staff move forward with further action on legislation, Lizbet Boroughs, Deputy Director, Government Relations for the APA or Chatrane Birbal, Federal Legislative Coordinator may be reached at *lboroughs@psvch.org* 703/489-5907 or *cbirbal@psych.org* 703/907-8584 respectively.

Sincerely,

James H. Scully, Jr.,
CEO and Medical Director.

Mr. DODD. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 467

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Fair Access to Clinical Trials Act of 2007" or the "FACT Act".

SEC. 2. PURPOSE.

It is the purpose of this Act—

(1) to create a publicly accessible national data bank of clinical trial information comprised of a clinical trial registry and a clinical trial results database;

(2) to foster transparency and accountability in health-related intervention research and development;

(3) to maintain a clinical trial registry accessible to patients and health care practitioners seeking information related to ongoing clinical trials for serious or life-threatening diseases and conditions; and

(4) to establish a clinical trials results database of all publicly and privately funded clinical trial results regardless of outcome, that is accessible to the scientific community, health care practitioners, and members of the public.

SEC. 3. CLINICAL TRIALS DATA BANK.

(a) IN GENERAL.—Subsection (i) of section 402 of the Public Health Service Act (42 U.S.C. 282), as amended by Public Law 109-482, is amended—

(1) in paragraph (1)(A), by striking "for drugs for serious or life-threatening diseases and conditions";

(2) in paragraph (2), by striking "available to individuals with serious" and all that follows through the period and inserting "accessible to patients, other members of the public, health care practitioners, researchers and the scientific community. In making information about clinical trials publicly available, the Secretary shall seek to be as timely and transparent as possible.";

(3) by redesignating paragraphs (4) and (5), as paragraphs (8) and (9), respectively;

(4) by striking paragraph (3) and inserting the following:

"(3) The data bank shall include the following:

"(A)(i) A registry of clinical trials (in this subparagraph referred to as the 'registry') of health-related interventions (whether federally or privately funded).

"(ii) The registry shall include information for all clinical trials conducted to test the safety or effectiveness (including comparative effectiveness) of any drug, biological product, or device (including those drugs, biological products, or devices approved or cleared by the Secretary) intended to treat serious or life-threatening diseases and conditions, except those Phase I clinical trials conducted to test solely the safety of an unapproved drug or unlicensed biological product, or pilot or feasibility studies conducted to confirm the design and operating specifications of an unapproved or not yet cleared medical device. For purposes of this section, Phase I clinical trials are trials described in section 313.12(a) of title 21, Code of Federal Regulations (or any successor regulations).

"(iii) The registry may include information for—

"(I) Phase I clinical trials conducted to test solely the safety of an unapproved drug or unlicensed biological product, or pilot or feasibility studies conducted to confirm the design and operating specifications of an unapproved or not yet cleared medical device with the consent of the responsible person; and

"(II) clinical trials of other health-related interventions with the consent of the responsible person.

"(iv) The information to be included in the registry under this subparagraph shall include the following:

"(I) Descriptive information, including a brief title, trial description in lay terminology, trial phase, trial type, trial purpose, description of the primary and secondary clinical outcome measures to be examined in the trial, the time at which the outcome measures will be assessed, and the dates and details of any revisions to such outcomes.

"(II) Recruitment information, including eligibility and exclusion criteria, a description of whether, and through what procedure, the manufacturer or sponsor of the investigation of a new drug will respond to requests for protocol exception, with appropriate safeguards, for single-patient and expanded protocol use of the new drug, particularly in children, a statement as to whether the trial is closed to enrollment of new patients, overall trial status, individual site status, and estimated completion date. For purposes of this section the term 'completion date' means the date of the last visit by subjects in the trial for the outcomes described in subclause (I).

"(III) Location and contact information, including the identity of the responsible person.

"(IV) Administrative data, including the study sponsor and the study funding source.

"(V) Information pertaining to experimental treatments for serious or life-threatening diseases and conditions (whether federally or privately funded) that may be available—

"(aa) under a treatment investigational new drug application that has been submitted to the Secretary under section 360bbb(c) of title 21, Code of Federal Regulations; or

"(bb) as a Group C cancer drug (as defined by the National Cancer Institute).

"(B)(i) A clinical trial results database (in this subparagraph referred to as the 'database') of health-related interventions (whether federally or privately funded).

"(ii) The database shall include information for all clinical trials conducted to test the safety or effectiveness (including comparative effectiveness) of any drug, biological product, or device (including those drugs, biological products, or devices approved or cleared by the Secretary), except those Phase I clinical trials conducted to test solely the safety of an unapproved drug or unlicensed biological product, or pilot or feasibility studies conducted to confirm the design and operating specifications of an unapproved or not yet cleared medical device.

"(iii) The database may include information for—

"(I) Phase I clinical trials conducted to test solely the safety of an unapproved drug or unlicensed biological product, or pilot or feasibility studies conducted to confirm the design and operating specifications of an unapproved or not yet cleared medical device with the consent of the responsible person; and

"(II) clinical trials of other health-related interventions with the consent of the responsible person.

"(iv) The information to be included in the database under this subparagraph shall include the following:

"(I) Descriptive information, including—

"(aa) a brief title;

"(bb) the drug, biological product or device to be tested;

"(cc) a trial description in lay terminology;

"(dd) the trial phase;

"(ee) the trial type;

"(ff) the trial purpose;

"(gg) demographic data such as age, gender, or ethnicity of trial participants;

"(hh) the estimated completion date for the trial; and

"(ii) the study sponsor and the study funding source.

"(II) A description of the primary and secondary clinical outcome measures to be examined in the trial, the time at which the outcome measures will be assessed, and the dates and details of any revisions to such outcomes.

"(III) The actual completion date of the trial and the reasons for any difference from such actual date and the estimated completion date submitted pursuant to subclause (I)(ii). If the trial is not completed, the termination date and reasons for such termination.

"(IV) A summary of the results of the trial in a standard, non-promotional summary format (such as ICHE3 template form), including the trial design and methodology, results of the primary and secondary outcome measures as described in subclause (II), summary data tables with respect to the primary and secondary outcome measures, including information on the statistical significance or lack thereof of such results.

"(V) Safety data concerning the trial (including a summary of all adverse events specifying the number and type of such events, data on prespecified adverse events, data on serious adverse events, and data on overall deaths).

"(VI) Any publications in peer reviewed journals relating to the trial. If the trial results are published in a peer reviewed journal, the database shall include a citation to and, when available, a link to the journal article.

"(VII) A description of the process used to review the results of the trial, including a statement about whether the results have been peer reviewed by reviewers independent of the trial sponsor.

"(VIII) If the trial addresses the safety, effectiveness, or benefit of a use not described in the approved labeling for the drug, biological product, or device, a statement, as appropriate, displayed prominently at the beginning of the data in the registry with respect to the trial, that the Food and Drug Administration—

"(aa) is currently reviewing an application for approval of such use to determine whether the use is safe and effective;

"(bb) has disapproved an application for approval of such use;

"(cc) has reviewed an application for approval of such use but the application was withdrawn prior to approval or disapproval; or

"(dd) has not reviewed or approved such use as safe and effective.

"(IX) If data from the trial has not been submitted to the Food and Drug Administration, an explanation of why it has not been submitted.

"(X) A description of the protocol used in such trial to the extent necessary to evaluate the results of such trial.

"(4)(A)(i) Not later than 90 days after the date of the completion of the review by the Food and Drug Administration of information submitted by a sponsor in support of a new drug application, or a supplemental new drug application, whether or not approved by the Food and Drug Administration, the Commissioner of Food and Drugs shall make available to the public the full reviews conducted by the Administration of such application, including documentation of significant differences of opinion and the resolution of those differences.

"(ii) When submitting information in support of a new drug application or a supplemental new drug application, the sponsor shall certify, in writing, that the information submitted to the Food and Drug Administration complies with the requirements of the Federal Food, Drug, and Cosmetic Act and that such information presented is accurate.

"(iii) If the sponsor fails to provide certification as specified under clause (ii), the Secretary shall transmit to the sponsor a notice stating that such sponsor shall submit the certification by the date determined by the Secretary. If, by the date specified by the Secretary in the notice under this clause, the Secretary has not received the certification, the Secretary, after providing the opportunity for a hearing, shall order such sponsor to pay a civil monetary penalty of $10,000 for each day after such date that the certification is not submitted.

"(iv) If the Secretary determines, after notice and opportunity for a hearing, that the sponsor knew or should have known that the information submitted in support of a new drug application or a supplemental new drug application was inaccurate, the Secretary shall order such sponsor to pay a civil monetary penalty of not less than $100,000 but not to exceed $2,000,000 for any 30-day period.

"(B)(i) The Secretary shall deposit the funds collected under subparagraph (A) into an account and use such funds, in consultation with the Director of the Agency for Healthcare Research and Quality, to fund studies that compare the clinical effectiveness of 2 or more treatments for similar diseases or conditions.

"(ii) The Secretary shall award funding under clause (i) based on a priority list established not later than 6 months after the date of enactment of the FACT Act by the Director of the Agency for Healthcare Research and Quality and periodically updated as determined appropriate by the Director.

"(C) Not later than 90 days after the date of the completion of a written consultation on a drug concerning the drug's safety conducted by the Office of Surveillance and Epidemiology, regardless of whether initiated by such Office or outside of the Office, the Commissioner of Food and Drugs shall make available to the public a copy of such consultation in full.

"(D) Nothing in this paragraph shall be construed to alter or amend section 301(j) or section 1905 of title 18, United States Code.

"(E) This paragraph shall supersede section 552 of title 5, United States Code.

"(5) The information described in subparagraphs (A) and (B) of paragraph (3) shall be in a format that can be readily accessed and understood by members of the general public, including patients seeking to enroll as subjects in clinical trials.

"(6) The Secretary shall assign each clinical trial a unique identifier to be included in the registry and in the database described in subparagraphs (A) and (B) of paragraph (3). To the extent practicable, this identifier shall be consistent with other internationally recognized and used identifiers.

"(7) To the extent practicable, the Secretary shall ensure that where the same information is required for the registry and the database described in subparagraphs (A) and (B) of paragraph (3), a process exists to allow the responsible person to make only one submission."; and

(5) by adding at the end the following:

"(10) In this section, the term 'clinical trial' with respect to the registry and the database described in subparagraphs (A) and (B) of paragraph (3) means a research study in human volunteers to answer specific health questions, including treatment trials, prevention trials, diagnostic trials, screening trials, and quality of life trials.".

(b) ACTIONS OF SECRETARY REGARDING CLINICAL TRIALS.—Section 402 of the Public Health Service Act (42 U.S.C. 282), as amended by Public Law 109-482, is amended—

(1) by redesignating subsections (j) and (k) as subsections (o) and (p), respectively; and

(2) by inserting after subsection (i), the following:

"(j) FEDERALLY SUPPORTED TRIALS.—

"(1) ALL FEDERALLY SUPPORTED TRIALS.—With respect to any clinical trial described in subsection (i)(3)(B) that is supported solely by a grant, contract, or cooperative agreement awarded by the Secretary, the principal investigator of such trial shall, not later than the date specified in paragraph (2), submit to the Secretary—

"(A) the information described in subclauses (II) through (X) of subsection (i)(3)(B)(iv), and with respect to clinical trials in progress on the date of enactment of the FACT Act, the information described in subclause (I) of subsection (i)(3)(B)(iv); or

"(B) a statement containing information sufficient to demonstrate to the Secretary that the information described in subparagraph (A) cannot reasonably be submitted, along with an estimated date of submission of the information described in such subparagraph.

"(2) DATE SPECIFIED.—The date specified in this paragraph shall be the date that is 1 year from the earlier of—

"(A) the estimated completion date of the trial, as submitted under subsection (i)(3)(B)(vi)(I)(ii); or

"(B) the actual date of the completion or termination of the trial.

"(3) CONDITION OF FEDERAL GRANTS, CONTRACTS, AND COOPERATIVE AGREEMENTS.—

"(A) CERTIFICATION OF COMPLIANCE.—To be eligible to receive a grant, contract, or cooperative agreement from the Secretary for the conduct or support of a clinical trial described in subsection (i)(3)(B), the principal investigator involved shall certify to the Secretary that—

"(i) such investigator shall submit data to the Secretary in accordance with this subsection; and

"(ii) such investigator has complied with the requirements of this subsection with respect to other clinical trials conducted by such investigator after the date of enactment of the FACT Act.

"(B) FAILURE TO SUBMIT CERTIFICATION.—An investigator that fails to submit a certification as required under subparagraph (A) shall not be eligible to receive a grant, contract, or cooperative agreement from the Secretary for the conduct or support of a clinical trial described in subsection (i)(3)(B).

"(C) FAILURE TO COMPLY WITH CERTIFICATION.—If, by the date specified in paragraph (2), the Secretary has not received the information or statement described in paragraph (1), the Secretary shall—

"(i) transmit to the principal investigator involved a notice specifying the information or statement required to be submitted to the Secretary and stating that such investigator shall not be eligible to receive further funding from the Secretary if such information or statement is not submitted to the Secretary within 30 days of the date on which such notice is transmitted; and

"(ii) include and prominently display, until such time as the Secretary receives the information or statement described in paragraph (1), as part of the record of such trial in the database described in subsection (i), a notice stating that the results of such trials have not been reported as required by law.

"(D) FAILURE TO COMPLY WITH NOTICE.—If by the date that is 30 days after the date on which the notice described in subparagraph (C) is transmitted, the Secretary has not received from the principal investigator involved the information or statement required pursuant to such notice, the Secretary may not award a grant, contract, cooperative agreement, or any other award to such principal investigator until such principal investigator submits to the Secretary the information or statement required pursuant to such notice.

"(E) SUBMISSION OF STATEMENT BUT NOT INFORMATION.—

"(i) IN GENERAL.—If by the date specified in paragraph (2), the Secretary has received a statement described in paragraph (1)(B) but not the information described in paragraph (1)(A), the Secretary shall transmit to the principal investigator involved a notice stating that such investigator shall submit such information by the date determined by the Secretary in consultation with such investigator.

"(ii) FAILURE TO COMPLY WITH CERTIFICATION.—If, by the date specified by the Secretary in the notice under clause (i), the Secretary has not received the information described in paragraph (1)(B), the Secretary shall—

"(I) transmit to the principal investigator involved a notice specifying the information required to be submitted to the Secretary and stating that such investigator shall not be eligible to receive further funding from the Secretary if such information is not submitted to the Secretary within 30 days of the date on which such notice is transmitted; and

"(II) include and prominently display, until such time as the Secretary receives the information described in paragraph (1)(B), as part of the record of such trial in the database described in subsection (i), a notice stating that the results of such trials have not been reported as required by law.

"(F) FAILURE TO COMPLY WITH NOTICE.—If by the date that is 30 days after the date on which the notice described in subparagraph (E)(ii)(I) is transmitted, the Secretary has not received from the principal investigator involved the information required pursuant to such notice, the Secretary may not award a grant, contract, cooperative agreement, or any other award to such principal investigator until such principal investigator submits to the Secretary the information required pursuant to such notice.

"(G) RULE OF CONSTRUCTION.—For purposes of this paragraph, limitations on the awarding of grants, contracts, cooperative agreements, or any other awards to principal investigators for violations of this paragraph shall not be construed to include any funding that supports the clinical trial involved.

"(4) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to prevent an investigator other than the investigator described in paragraph (3)(F) from receiving an ongoing award, contract, or cooperative agreement.

"(5) INCLUSION IN REGISTRY.—

"(A) GENERAL RULE.—The Secretary shall, pursuant to subsection (i)(5), include—

"(i) the data described in subsection (i)(3)(A) and submitted under the amendments made by section 4(a) of the FACT Act in the registry described in subsection (i) as soon as practicable after receiving such data; and

"(ii) the data described in clause (I) of subsection (i)(3)(B)(iv) and submitted under this subsection or the amendments made by section 4(a) of the FACT Act in the database described in subsection (i) as soon as practicable after receiving such data.

"(B) OTHER DATA.—

"(i) IN GENERAL.—The Secretary shall, pursuant to subsection (i)(5), include the data described in subclauses (II) through (X) of subsection (i)(3)(B)(iv) and submitted under this section in the database described in subsection (i)—

"(I) as soon as practicable after receiving such data; or

"(II) in the case of data to which clause (ii) applies, by the date described in clause (iii).

"(ii) DATA DESCRIBED.—This clause applies to data described in clause (i) if—

"(I) the principal investigator involved requests a delay in the inclusion in the database of such data in order to have such data published in a peer reviewed journal; and

"(II) the Secretary determines that an attempt will be made to seek such publication.

"(iii) DATE FOR INCLUSION IN REGISTRY.—Subject to clause (iv), the date described in this clause is the earlier of—

"(I) the date on which the data involved is published as provided for in clause (ii); or

"(II) the date that is 18 months after the date on which such data is submitted to the Secretary.

"(iv) EXTENSION OF DATE.—The Secretary may extend the 18-month period described in clause (iii)(II) for an additional 6 months if the principal investigator demonstrates to the Secretary, prior to the expiration of such 18-month period, that the data involved has been accepted for publication by a journal described in clause (ii)(I).

"(v) MODIFICATION OF DATA.—Prior to including data in the database under clause (ii) or (iv), the Secretary shall permit the principal investigator to modify the data involved.

"(6) MEMORANDUM OF UNDERSTANDING.—Not later than 6 months after the date of enactment of the FACT Act, the Secretary shall seek a memorandum of understanding with the heads of all other Federal agencies that conduct clinical trials to include in the registry and the database clinical trials sponsored by such agencies that meet the requirements of this subsection.

"(7) APPLICATION TO CERTAIN PERSONS.—The provisions of this subsection shall apply to a responsible person described in subsections (n)(1)(A)(ii)(II) or (n)(1)(B)(i)(II).

"(k) TRIALS WITH NON-FEDERAL SUPPORT.—

"(1) IN GENERAL.—The responsible person for a clinical trial described in subsection (i)(3)(B) shall, not later than the date specified in paragraph (3), submit to the Secretary—

"(A) the information described in subclauses (II) through (X) of subsection (i)(3)(B)(iv), and with respect to clinical trials in progress on the date of enactment of the FACT Act, the information described in subclause (I) of subsection (i)(3)(B)(iv); or

"(B) a statement containing information sufficient to demonstrate to the Secretary that the information described in subparagraph (A) cannot reasonably be submitted, along with an estimated date of submission of the information described in such subparagraph.

"(2) SANCTION IN CASE OF NONCOMPLIANCE.—

"(A) INITIAL NONCOMPLIANCE.—If by the date specified in paragraph (3), the Secretary has not received the information or statement required to be submitted to the Secretary under paragraph (1), the Secretary shall—

"(i) transmit to the responsible person for such trial a notice stating that such responsible person shall be liable for the civil monetary penalties described in subparagraph (B) if the required information or statement is not submitted to the Secretary within 30 days of the date on which such notice is transmitted; and

"(ii) include and prominently display, until such time as the Secretary receives the information described in paragraph (1), as part of the record of such trial in the database described in subsection (i), a notice stating that the results of such trials have not been reported as required by law.

"(B) CIVIL MONETARY PENALTIES FOR NONCOMPLIANCE.—

"(i) IN GENERAL.—If by the date that is 30 days after the date on which a notice described in subparagraph (A) is transmitted, the Secretary has not received from the responsible person involved the information or statement required pursuant to such notice, the Secretary shall, after providing the opportunity for a hearing, order such responsible person to pay a civil penalty of $10,000 for each day after such date that the information or statement is not submitted.

"(ii) WAIVERS.—In any case in which a responsible person described in clause (i) is a nonprofit entity, the Secretary may waive or reduce the penalties applicable under such clause to such person.

"(C) SUBMISSION OF STATEMENT BUT NOT INFORMATION.—

"(i) IN GENERAL.—If by the date specified in paragraph (3), the Secretary has received a statement described in paragraph (1)(B) but not the information described in paragraph (1)(A) the Secretary shall transmit to the responsible person involved a notice stating that such responsible person shall submit such information by the date determined by the Secretary in consultation with such responsible person.

"(ii) FAILURE TO COMPLY.—If, by the date specified by the Secretary in the notice under clause (i), the Secretary has not received the information described in paragraph (1)(A), the Secretary shall—

"(I) transmit to the responsible person involved a notice specifying the information required to be submitted to the Secretary and stating that such responsible person shall be liable for the civil monetary penalties described in subparagraph (D) if such information is not submitted to the Secretary within 30 days of the date on which such notice is transmitted; and

"(II) include and prominently display, until such time as the Secretary receives the information described in paragraph (1)(A), as part of the record of such trial in the database described in subsection (i), a notice stating that the results of such trials have not been reported as required by law.

"(D) NONCOMPLIANCE.—

"(i) IN GENERAL.—If by the date that is 30 days after the date on which a notice described in subparagraph (C)(ii)(I) is transmitted, the Secretary has not received from the responsible person involved the information required pursuant to such notice, the Secretary, after providing the opportunity for a hearing, shall order such responsible person to pay a civil penalty of $10,000 for each day after such date that the information is not submitted.

"(ii) WAIVERS.—In any case in which a responsible person described in clause (i) is a nonprofit entity, the Secretary may waive or reduce the penalties applicable under such clause to such person.

"(E) NOTICE OF PUBLICATION OF DATA.—If the responsible person is the manufacturer or distributor of the drug, biological product, or device involved, the notice under subparagraphs (A)(i) and (C)(ii)(I) shall include a notice that the Secretary shall publish the data described in subsection (i)(3)(B) in the database if the responsible person has not submitted the information specified in the notice transmitted by the date that is 6 months after the date of such notice.

"(F) PUBLICATION OF DATA.—Notwithstanding section 301(j) of the Federal Food, Drug, and Cosmetic Act, section 1905 of title 18, United States Code, or any other provision of law, if the responsible person is the manufacturer or distributor of the drug, biological product, or device involved, and if the responsible person has not submitted to the Secretary the information specified in a notice transmitted pursuant to subparagraph (A)(i) or (C)(ii)(I) by the date that is 6 months after the date of such notice, the Secretary shall publish in the registry information that—

"(i) is described in subsection (i)(3)(B); and

"(ii) the responsible person has submitted to the Secretary in any application, including a supplemental application, for the drug or device under section 505, 510, 515, or 520 of the Federal Food, Drug, and Cosmetic Act or for the biological product under section 351.

"(3) DATE SPECIFIED.—The date specified in this paragraph shall be the date that is 1 year from the earlier of—

"(A) the estimated completion date of the trial, submitted under subsection (i)(3)(B)(vi)(I)(ii); or

"(B) the actual date of completion or termination of the trial.

"(4) USE OF FUNDS.—

"(A) IN GENERAL.—The Secretary shall deposit the funds collected under paragraph (2) into an account and use such funds, in consultation with the Director of the Agency for Healthcare Research and Quality, to fund studies that compare the clinical effectiveness of 2 or more treatments for similar diseases or conditions.

"(B) FUNDING DECISIONS.—The Secretary shall award funding under subparagraph (A) based on a priority list established not later than 6 months after the date of enactment of the FACT Act by the Director of the Agency for Healthcare Research and Quality and periodically updated as determined appropriate by the Director.

"(5) INCLUSION IN REGISTRY.—

"(A) GENERAL RULE.—The Secretary shall, pursuant to subsection (i)(5), include—

"(i) the data described in subsection (i)(3)(A) and submitted under the amendments made by section 4(a) of the FACT Act in the registry described in subsection (i) as soon as practicable after receiving such data; and

"(ii) the data described in clause (I) of subsection (i)(3)(B)(iv) and submitted under this subsection in the database described in subsection (i) as soon as practicable after receiving such data.

"(B) OTHER DATA.—

"(i) IN GENERAL.—The Secretary shall, pursuant to subsection (i)(5), include the data described in subclauses (II) through (X) of subsection (i)(3)(B)(iv) and submitted under this section in the database described in subsection (i)—

"(I) as soon as practicable after receiving such data; or

"(II) in the case of data to which clause (ii) applies, by the date described in clause (iii).

"(ii) DATA DESCRIBED.—This clause applies to data described in clause (i) if—

"(I) the responsible person involved requests a delay in the inclusion in the database of such data in order to have such data published in a peer reviewed journal; and

"(II) the Secretary determines that an attempt will be made to seek such publication.

"(iii) DATE FOR INCLUSION IN REGISTRY.—Subject to clause (iv), the date described in this clause is the earlier of—

"(I) the date on which the data involved is published as provided for in clause (ii); or

"(II) the date that is 18 months after the date on which such data is submitted to the Secretary.

"(iv) EXTENSION OF DATE.—The Secretary may extend the 18-month period described in clause (iii)(II) for an additional 6 months if the responsible person demonstrates to the Secretary, prior to the expiration of such 18-month period, that the data involved has been accepted for publication by a journal described in clause (ii)(I).

"(v) MODIFICATION OF DATA.—Prior to including data in the database under clause (ii) or (iv), the Secretary shall permit the responsible person to modify the data involved.

"(6) EFFECT.—The information with respect to a clinical trial submitted to the Secretary under this subsection, including data published by the Secretary pursuant to paragraph (2)(F), may not be submitted by a person other than the responsible person as part of, or referred to in, an application for approval of a drug or device under section 505, 510, 515, or 520 of the Federal Food, Drug, and Cosmetic Act or of a biological product under section 351, unless the information is available from a source other than the registry or database described in subsection (i).

"(l) PROCEDURES AND WAIVERS.—

"(1) SUBMISSION PRIOR TO NOTICE.—Nothing in subsections (j) through (k) shall be construed to prevent a principal investigator or a responsible person from submitting any information required under this subsection to the Secretary prior to receiving any notice described in such subsections.

"(2) ONGOING TRIALS.—A factually accurate statement that a clinical trial is ongoing shall be deemed to be information sufficient to demonstrate to the Secretary that the information described in subsections (j)(1)(A) and (k)(1)(A) cannot reasonably be submitted.

"(3) INFORMATION PREVIOUSLY SUBMITTED.—Nothing in subsections (j) through (k) shall be construed to require the Secretary to send a notice to any principal investigator or responsible person requiring the submission to the Secretary of information that has already been submitted.

"(4) SUBMISSION FORMAT AND TECHNICAL STANDARDS.—

"(A) IN GENERAL.—The Secretary shall, to the extent practicable, accept submissions required under this subsection in an electronic format and shall establish interoperable technical standards for such submissions.

"(B) CONSISTENCY OF STANDARDS.—To the extent practicable, the standards established under subparagraph (A) shall be consistent with standards adopted by the Consolidated Health Informatics Initiative (or a successor organization to such Initiative) to the extent such Initiative (or successor) is in operation.

"(5) TRIALS COMPLETED PRIOR TO ENACTMENT.—The Secretary shall establish procedures and mechanisms to allow for the voluntary submission to the database of the information described in subsection (i)(3)(B) with respect to clinical trials completed prior to the date of enactment of the FACT Act. In cases in which it is in the interest of public health, the Secretary may require that information from such trials be submitted to the database. To the extent practicable, submissions to the database shall comply with paragraph (4). Failure to comply with a requirement to submit information to the database under this paragraph shall be deemed to be a failure to submit information as required under this section, and the appropriate remedies and sanctions under this section shall apply.

"(6) TRIALS NOT INVOLVING DRUGS, BIOLOGICAL PRODUCTS, OR DEVICES.—The Secretary shall establish procedures and mechanisms to allow for the voluntary submission to the database of the information described in subsection (i)(3)(B) with respect to clinical trials that do not involve drugs, biological products, or devices. In cases in which it is in the interest of public health, the Secretary may require that information from such trials be submitted to the database. Failure to comply with such a requirement shall be deemed to be a failure to submit information as required under this section, and the appropriate remedies and sanctions under this section shall apply.

"(7) SUBMISSION OF INACCURATE INFORMATION.—

"(A) IN GENERAL.—If the Secretary determines that information submitted by a principal investigator or a responsible person under this section is factually and substantively inaccurate, the Secretary shall submit a notice to the investigator or responsible person concerning such inaccuracy that includes—

"(i) a summary of the inaccuracies involved; and

"(ii) a request for corrected information within 30 days.

"(B) AUDIT OF INFORMATION.—

"(i) IN GENERAL.—The Secretary may conduct audits of any information submitted under subsection (i).

"(ii) REQUIREMENT.—Any principal investigator or responsible person that has submitted information under subsection (i) shall permit the Secretary to conduct the audit described in clause (i).

"(C) CHANGES TO INFORMATION.—Any change in the information submitted by a principal investigator or a responsible person under this section shall be reported to the Secretary within 30 days of the date on which such investigator or person became aware of the change for purposes of updating the registry or the database.

"(D) FAILURE TO CORRECT.—If a principal investigator or a responsible person fails to permit an audit under subparagraph (B), provide corrected information pursuant to a notice under subparagraph (A), or provide changed information under subparagraph (C), the investigator or responsible person involved shall be deemed to have failed to submit information as required under this section and the appropriate remedies and sanction under this section shall apply.

"(E) CORRECTIONS.—

"(i) IN GENERAL.—The Secretary may correct, through any means deemed appropriate by the Secretary to protect public health, any information included in the registry or the database described in subsection (i) (including information described or contained in a publication referred to under subclause (VI) of subsection (i)(3)(B)(iv)) that is—

"(I) submitted to the Secretary for inclusion in the registry or the database; and

"(II) factually and substantively inaccurate or false or misleading.

"(ii) RELIANCE ON INFORMATION.—The Secretary may rely on any information from a clinical trial or a report of an adverse event acquired or produced under the authority of section 351 of this Act or of the Federal Food, Drug, and Cosmetic Act in determining whether to make corrections as provided for in clause (i).

"(iii) DETERMINATIONS RELATING TO MISLEADING INFORMATION.—For purposes of clause (i)(II), in determining whether information is misleading, the Secretary shall use the standard described in section 201(n) of the Federal Food, Drug, and Cosmetic Act that is used to determine whether labeling or advertising is misleading.

"(iv) RULE OF CONSTRUCTION.—This subparagraph shall not be construed to authorize the disclosure of information if—

"(I) such disclosure would constitute an invasion of personal privacy;

"(II) such information concerns a method or process which as a trade secret is entitled to protection within the meaning of section 301(j) of the Federal Food, Drug, and Cosmetic Act;

"(III) such disclosure would disclose confidential commercial information or a trade secret, other than a trade secret described in subclause (II), unless such disclosure is necessary—

"(aa) to make a correction as provided for under clause (i); and

"(bb) protect the public health; or

"(IV) such disclosure relates to a biological product for which no license is in effect under section 351, a drug for which no approved application is in effect under section 505(c) of the Federal Food, Drug, and Cosmetic Act, or a device that is not cleared under section 510(k) of such Act or for which no application is in effect under section 515 of such Act.

"(v) NOTICE.—In the case of a disclosure under clause (iv)(III), the Secretary shall notify the manufacturer or distributor of the drug, biological product, or device involved—

"(I) at least 30 days prior to such disclosure; or

"(II) if immediate disclosure is necessary to protect the public health, concurrently with such disclosure.

"(8) WAIVERS REGARDING CLINICAL TRIAL RESULTS.—The Secretary may waive the requirements of subsections (j)(1) and (k)(1) that the results of clinical trials be submitted to the Secretary, upon a written request from the responsible person if the Secretary determines that extraordinary circumstances justify the waiver and that providing the waiver is in the public interest, consistent with the protection of public health, or in the interest of national security. Not later than 30 days after any part of a waiver is granted, the Secretary shall notify, in writing, the appropriate committees of Congress of the waiver and provide an explanation for why the waiver was granted.

"(m) TRIALS CONDUCTED OUTSIDE OF THE UNITED STATES.—

"(1) IN GENERAL.—With respect to clinical trials described in paragraph (2), the responsible person shall submit to the Secretary the information required under subclauses (II) through (X) of subsection (i)(3)(B)(iv). The Secretary shall ensure that the information described in the preceding sentence is made available in the database under subsection (i) in a timely manner. Submissions to the database shall comply with subsection (l)(4) to the extent practicable. The Secretary shall include the information described in the preceding sentence in the database under subsection (i) as soon as practicable after receiving such information. Failure to comply with this paragraph shall be deemed to be a failure to submit information as required under this section, and the appropriate remedies and sanctions under this section shall apply.

"(2) CLINICAL TRIAL DESCRIBED.—A clinical trial is described in this paragraph if—

"(A) such trial is conducted outside of the United States; and

"(B) the data from such trial is—

"(i) submitted to the Secretary as part of an application, including a supplemental application, for a drug or device under section 505, 510, 515, or 520 of the Federal Food, Drug, and Cosmetic Act or for the biological product under section 351; or

"(ii) used in advertising or labeling to make a claim about the drug, device, or biological product involved.

"(n) DEFINITIONS; INDIVIDUAL LIABILITY.—

"(1) RESPONSIBLE PERSON.—

"(A) IN GENERAL.—In this section, the term 'responsible person' with respect to a clinical trial, means—

"(i) if such clinical trial is the subject of an investigational new drug application or an application for an investigational device exemption, the sponsor of such investigational new drug application or such application for an investigational device exemption; or

"(ii) except as provided in subparagraph (B), if such clinical trial is not the subject of an investigational new drug application or an application for an investigational device exemption—

"(I) the person that provides the largest share of the monetary support (such term does not include in-kind support) for the conduct of such trial; or

"(II) in the case in which the person described in subclause (I) is a Federal or State agency, the principal investigator of such trial.

"(B) NONPROFIT ENTITIES AND REQUESTING PERSONS.—

"(i) NONPROFIT ENTITIES.—For purposes of subparagraph (A)(ii)(I), if the person that provides the largest share of the monetary support for the conduct of the clinical trial involved is a nonprofit entity, the responsible person for purposes of this section shall be—

"(I) the nonprofit entity; or

"(II) if the nonprofit entity and the principal investigator of such trial jointly certify to the Secretary that the principal investigator will be responsible for submitting the information described in subsection (i)(3)(B) for such trial, the principal investigator.

"(ii) REQUESTING PERSONS.—For purposes of subparagraph (A)(ii)(I), if a person—

"(I) has submitted a request to the Secretary that the Secretary recognize the person as the responsible person for purposes of this section; and

"(II) the Secretary determines that such person—

"(aa) provides monetary support for the conduct of such trial;

"(bb) is responsible for the conduct of such trial; and

"(cc) will be responsible for submitting the information described in subsection (i)(3)(B) for such trial;

such person shall be the responsible person for purposes of this section.

"(2) DRUG, DEVICE, BIOLOGICAL PRODUCT.—In this section—

"(A) the terms 'drug' and 'device' have the meanings given such terms in section 201 of the Federal Food, Drug, and Cosmetic Act; and

"(B) the term 'biological product' has the meaning given such term in section 351 of this Act.

"(3) INDIVIDUAL LIABILITY.—

"(A) LIMITATION ON LIABILITY OF INDIVIDUALS.—No individual shall be liable for any civil monetary penalty under this section.

"(B) INDIVIDUALS WHO ARE RESPONSIBLE PERSONS.—If a responsible person under subparagraph (A) or (B) of paragraph (1) is an individual, such individual shall be subject to the procedures and conditions described in subsection (j).".

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 402 of the Public Health Service Act (42 U.S.C. 282), as amended by this section, is further amended by adding at the end the following:

"(q) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.".

(d) CONFORMING AMENDMENT.—Section 402(c)(1)(D) of the Public Health Service Act (42 U.S.C. 282(c)(1)(D)), as amended by Public Law 109-482, is amended by striking "402(k)" and inserting "402(p)".

SEC. 4. REVIEW AND APPROVAL OF PROPOSALS FOR RESEARCH.

(a) AMENDMENTS.—Section 492A(a) of the Public Health Service Act (42 U.S.C. 289a–1(a)) is amended—

(1) in paragraph (1)(A), by striking "unless" and all that follows through the period and inserting the following: "unless—

"(i) the application has undergone review in accordance with such section and has been recommended for approval by a majority of the members of the Board conducting the review;

"(ii) such Board has submitted to the Secretary a notification of such approval; and

"(iii) with respect to an application involving a clinical trial to which section 402(i) applies, the principal investigator who has submitted such application has submitted to the Secretary for inclusion in the registry and the database described in section 402(i) the information described in paragraph (3)(A) and subclause (I) of paragraph (3)(B)(iv) of such section."; and

(2) by adding at the end the following:

"(3) COST RECOVERY.—Nonprofit entities may recover the full costs associated with compliance with the requirements of paragraph (1) from the Secretary as a direct cost of research.".

(b) REGULATIONS.—The Secretary of Health and Human Services shall modify the regulations promulgated at part 46 of title 45, Code of Federal Regulations, part 50 of title 21, Code of Federal Regulations, and part 56 of title 21, Code of Federal Regulations, to reflect the amendments made by subsection (a).

(c) CONFORMING AMENDMENT.—Section 492A(a)(2) of the Public Health Service Act (42 U.S.C. 289a–1(a)(2)), as amended by Public Law 109-482, is amended by striking "402(k)" and inserting "402(p)".

SEC. 5. PROHIBITED ACTS.

Section 301 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 331) is amended by adding at the end the following:

"(ii)(1) The entering into of a contract or other agreement by a responsible person or a manufacturer of a drug, biological product, or device with an individual who is not an employee of such responsible person or manufacturer, or the performance of any other act by such a responsible person or manufacturer, that prohibits, limits, or imposes unreasonable delays on the ability of such individual to—

"(A) discuss the results of a clinical trial at a scientific meeting or any other public or private forum; or

"(B) publish the results of a clinical trial or a description or discussion of the results of a clinical trial in a scientific journal or any other publication.

"(2) The entering into a contract or other agreement by a responsible person or a manufacturer of a drug, biological product, or device with an academic institution or a health care facility, or the performance of any other act by such a responsible person or manufacturer, that prohibits, limits, or imposes unreasonable delays on the ability of an individual who is not an employee of such responsible person or manufacturer to—

"(A) discuss the results of a clinical trial at a scientific meeting or any other public or private forum; or

"(B) publish the results of a clinical trial or a description or discussion of the results of a clinical trial in a scientific journal or any other publication.".

SEC. 6. REPORTS.

(a) IMPLEMENTATION REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services shall submit to the appropriate committees of Congress a report on the status of the implementation of the requirements of the amendments made by section 3 that includes a description of the number and types of clinical trials for which information has been submitted under such amendments.

(b) DATA COLLECTION.—

(1) IN GENERAL.—The Secretary of Health and Human Services shall enter into a contract with the Institute of Medicine for the conduct of a study concerning the extent to which data submitted to the registry under section 402(i) of the Public Health Service Act (42 U.S.C. 282(i)) has impacted the public health.

(2) REPORT.—Not later than 6 months after the date on which a contract is entered into under paragraph (1), the Institute of Medicine shall submit to the Secretary of Health and Human Services a report on the results of the study conducted under such paragraph. Such report shall include recommendations for changes to the registry, the database, and the data submission requirements that would benefit the public health.

Mr. GRASSLEY. Madam President, I am pleased to have bipartisan sponsorship of two very important bills with Senator DODD of Connecticut that are being introduced today, the Food and Drug Administration Safety Act of 2007 and the Fair Access to Clinical Trials Act of 2007.

These bills are part of a sustained effort to restore public confidence in the Federal Government's food and drug safety program and to make sure the agency does all it can to protect the public.

Enactment of those two bills would provide doctors and patients with more information about the risks and benefits of their medicines and bring about greater transparency and accountability of the Food and Drug Administration.

I am sure my colleagues realize I have been involved in oversight of the Food and Drug Administration for now at least 3 years, and it has been in response to concerns about the reluctance of the Food and Drug Administration to provide information to the public about the increased suicide risks for young people taking antidepressants.

In November 2004, I chaired a groundbreaking hearing on drug safety involving the Food and Drug Administration and the drug Vioxx. That hearing and other critical drug safety concerns that have come to light since then highlight the need for comprehensive and systematic reforms as well as more stringent oversight of the Food and Drug Administration.

Over the past 3 years, it has become increasingly apparent that the Food and Drug Administration has repeatedly failed to protect the public from an industry that focuses all too often on profits, even when those profits come at the expense of "John Q. Public."

In 2005, then, and because of this, Senator DODD and I introduced almost identical companion bills to advance serious reforms at the Food and Drug Administration. In the 2 years following the introduction of those bills, however, the Food and Drug Administration failed to take comprehensive and systematic steps toward restoring public confidence in that agency, as well as the necessity of strengthening public safety.

Yesterday, the Food and Drug Administration released its response to the Institute of Medicine's 2006 report on drug safety. The two safety bills introduced today are not intended to supplant the plans articulated in the Food and Drug Administration's response but, rather, to augment those plans and to provide the FDA with additional enforcement tools, something they now lack.

In fact, one of our bills is intended to specifically address a serious problem that was also identified by the Institute of Medicine. Dr. Alta Charo, a member of the Institute of Medicine committee that wrote the report on drug safety, stated in the newspaper USA Today:

> I have to confess I'm disappointed that they—

Meaning the FDA—

> ignored one of our most critical recommendations.

According to the USA Today article, she was referring to the Institute of Medicine's recommendation that the Food and Drug Administration give more clout to the office that monitors drugs after they go to market. I want you to know I agree with Dr. Charo.

The Food and Drug Administration Safety Act of 2007 would then establish an independent center within the Food and Drug Administration. The name of the center would be the Center for Postmarket Evaluation and Research for Drugs and Biologics. The director of this center would report directly to the Food and Drug Administration Commissioner and would be responsible for conducting risk assessments for approved drugs and biological products.

The new center would also be responsible for ensuring the safety and effectiveness of drugs once they are on the market. Unfortunately, the problem we are trying to solve is that now at the FDA, the office that reviews drug safety postmarketing is a mere consultant and under the thumb of the office that puts the drugs on the market in the first place.

Even more troubling is the fact that those who speak out of line are targeted. Whistleblowers, as we call them, are targeted. They are very helpful to Congress in ferreting out wrongdoing, that laws are not being faithfully executed, that money is not being spent according to congressional intent. So they speak out at the FDA and point out a lot of things that are wrong. And what do they get for it? They are treated like a skunk at a picnic. They are targeted.

So this legislation we put before us would provide the new center with the independence and authority to promptly identify serious safety risks and take necessary actions to protect the public, and I hope eliminate some of the intimidation against whistleblowers.

At the same time, the intra-agency communication is essential in addressing drug safety. So this legislation would encourage communication between the center and other centers and offices, or let's say subagencies at the Food and Drug Administration that handle drugs and biological products, to do what is best for the consumer and not have big PhRMA having undue influence.

The second bill we are introducing would expand an existing Web site, www.clinicaltrials.gov, to create a publicly accessible national databank of clinical trial information. The databank would be comprised of a clinical trial registry and a clinical trial results database of all publicly and privately funded clinical trials so that everything is out there for the public to consider, not letting somebody choose: Well, if this is a little negative toward our drug, we will not make that public. All the positive stuff, of course, we will make public.

So I think this legislation is going to foster transparency. But it is going to bring about a great deal of accountability in health research and development and ensure that the scientific community and, most importantly, the general public whom we are trying to protect have access to basic information about clinical trials, about new drugs going out on the market.

The legislation would also create an environment that would encourage companies from withholding clinically important information about their products from the Food and Drug Administration and from the public.

By the way, the information that is coming out now about Vioxx in the newspapers today will even tell you that a long time before Vioxx went on the market there were scientists within the company who were raising questions about whether it was going to cause harm to the heart. All of this information should be out there. The public ought to know it. Your doctor ought to know it. Transparency and accountability should not hurt anybody in an open society such as we have in America. Oh, there might be some legitimate reasons for intellectual property privacy, but nothing beyond that.

If we have learned anything over the last few years, it is that the Food and Drug Administration is a troubled agency that lost sight of its fundamental function. That fundamental function is to protect the safety and the efficacy of new prescription drugs.

Two very important things for them to answer: Are the drugs safe for you? Are they effective?

Unfortunately, the public has good reason to doubt the Food and Drug Administration's ability to do its job. And experts from all over the country have expressed concern. These two bills, then, that Senator DODD and I are introducing—and let me parenthetically say for the public, people are always thinking that Democrats are hitting on Republicans and Republicans are hitting on Democrats. There is a lot going on around here you never see on evening television that is bipartisan because there is not controversy about it, or at least there is no controversy between Republicans and Democrats. But what they want to put in the news media every night is when some Republican is fighting some Democrat. So our constituents get a view about this Congress that is very distorted.

I would like to have people read on a regular basis about how Senator BAUCUS and I meet on a regular basis to determine the agenda for the Finance Committee. I would like to have them read about how he and I have put out bipartisan bills for the last 6 years—whether he was chairman or I was chairman—and that every one of them got to the President to be signed. But you do not hear those things.

So I want to emphasize, this is a DODD—and Senator DODD is a Democrat from Connecticut—and a GRASSLEY bill—and GRASSLEY is a Republican Senator from Iowa. So this bill is being introduced to ensure the safety and efficacy of new prescription drugs, not to do something new for the FDA, just to give them the tools to do what they have had a responsibility to do for several decades.

So the public has doubts about the FDA's ability to do it. These two bills will help put the FDA back on the path to fulfilling its mission and, most importantly, put the American consumer first.

So, Madam President, in closing, I ask unanimous consent that my statement in the RECORD that I give today be coupled with the statement of Senator DODD, which will be given later today, regarding the introduction of these important bills.

By giving me this unanimous consent, it will assure the public, when they read about these bills, knows that DODD is a Democrat, GRASSLEY is a Republican, and they are bipartisan bills.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 468

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Food and Drug Administration Safety Act of 2007".

SEC. 2. CENTER FOR POSTMARKET EVALUATION AND RESEARCH FOR DRUGS AND BIOLOGICS.

(a) IN GENERAL.—Chapter V of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351 et seq.) is amended by inserting after section 506C the following:

"SEC. 507. DRUG SAFETY.

"(a) ESTABLISHMENT OF THE CENTER FOR POSTMARKET EVALUATION AND RESEARCH FOR DRUGS AND BIOLOGICS.—There is established within the Food and Drug Administration a Center for Postmarket Evaluation and Research for Drugs and Biologics (referred to in the section as the 'Center'). The Director of the Center shall report directly to the Commissioner of Food and Drugs.

"(b) DUTIES OF THE CENTER FOR POSTMARKET EVALUATION AND RESEARCH FOR DRUGS AND BIOLOGICS.—

"(1) RESPONSIBILITIES OF DIRECTOR.—The Director of the Center, in consultation with the Director of the Center for Drug Evaluation and Research or the Director of the Center for Biologics Evaluation and Research, as appropriate, shall—

"(A) conduct postmarket risk assessment of drugs approved under section 505 of this Act and of biological products licensed under section 351 of the Public Health Service Act;

"(B) conduct and improve postmarket surveillance of approved drugs and licensed biological products using postmarket surveillance programs and activities (including MedWatch), risk-benefit analyses, adverse event reports, the scientific literature, any clinical or observational studies (including studies required under subsection (d) or (e)), and any other resources that the Director of the Center determines appropriate;

"(C) determine whether a study is required under subsection (d) or (e) and consult with the sponsors of drugs and biological products to ensure that such studies are completed by the date, and according to the terms, specified by the Director of the Center;

"(D) contract, or require the sponsor of an application or the holder of an approved application or license to contract, with the holders of domestic and international patient databases to conduct epidemiologic and other observational studies;

"(E) determine, based on postmarket surveillance programs and activities (including MedWatch), risk-benefit analyses, adverse event reports, the scientific literature, and any clinical or observational studies (including studies required under subsection (d) or (e)), and any other resources that the Director of the Center determines appropriate, whether a drug or biological product may present an unreasonable risk to the health of patients or the general public, and take corrective action if such an unreasonable risk may exist;

"(F) make information about the safety and effectiveness of approved drugs and licensed biological products available to the public and healthcare providers in a timely manner; and

"(G) conduct other activities as the Director of the Center determines appropriate to ensure the safety and effectiveness of all drugs approved under section 505 and all biological products licensed under section 351 of the Public Health Service Act.

"(2) DETERMINATION OF UNREASONABLE RISK.—In determining whether a drug or biological product may present an unreasonable risk to the health of patients or the general public, the Director of the Center, in consultation with the Director of the Center for Drug Evaluation and Research or the Director of the Center for Biologics Evaluation and Research, as appropriate, shall consider the risk in relation to the known benefits of such drug or biological product.

"(c) SECRETARIAL AUTHORITY.—

"(1) IN GENERAL.—Approval of a drug under section 505 of this Act or issuance of a license for a biological product under section 351 of the Public Health Service Act may be subject to the requirement that the sponsor conduct 1 or more postmarket studies as described in subsection (d) or (e) of this section, or other postmarket studies as required by the Secretary, to validate the safety and effectiveness of the drug or biological product.

"(2) DEFINITION.—For purposes of this section, the term 'postmarket' means—

"(A) with respect to a drug, after approval of an application under section 505; and

"(B) with respect to a biological product, after licensure under section 351 of the Public Health Service Act.

"(d) PREAPPROVAL REVIEW.—

"(1) REVIEW OF APPLICATION.—

"(A) IN GENERAL.—

"(i) REVIEW.—At any time before a drug is approved under section 505 of this Act or a biological product is licensed under section 351 of the Public Health Service Act, the Director of the Center shall review the application (or supplement to the application), and any analyses associated with the application, of such drug or biological product.

"(ii) EFFECT OF APPROVAL OR LICENSURE.—The approval of a drug under section 505 or the licensure of a biological product under such section 351 shall not affect the continuation and completion of a review under clause (i).

"(B) LIMITATION.—In no case shall the review under subparagraph (A) delay a decision with respect to an application for a drug under section 505 of this Act or for a biological product under section 351 of the Public Health Service Act.

"(2) RESULT OF REVIEW.—The Director of the Center may, based on the review under paragraph (1)—

"(A) require that the sponsor of the application agree to conduct 1 or more postmarket studies to determine the safety or effectiveness of a drug or biological product, including such safety or effectiveness as compared to other drugs or biological products, to be completed by a date, and according to the terms, specified by the Director of the Center; or

"(B) contract, or require the sponsor of the application to contract, with a holder of a domestic or an international patient database to conduct 1 or more epidemiologic or other observational studies.

"(e) POSTMARKETING STUDIES OF DRUG SAFETY.—

"(1) IN GENERAL.—At any time after a drug is approved under section 505 of this Act or a biological product is licensed under section 351 of the Public Health Service Act, the Director of the Center, may—

"(A) require that the holder of an approved application or license conduct 1 or more studies to determine the safety or effectiveness of such drug or biological product, including such safety and effectiveness as compared to other drugs or biological products, to be completed by a date, and according to the terms, specified by such Director; or

"(B) contract, or require the holder of the approved application or license to contract, with a holder of a domestic or an international patient database to conduct 1 or more epidemiologic or other observational studies.

"(2) REVIEW OF OUTSTANDING STUDIES.—Not later than 90 days after the date of enactment of the Food and Drug Administration Safety Act of 2007, the Director of the Center shall—

"(A) review and publish a list in the Federal Register of any postmarketing studies outstanding on the date of enactment of the Food and Drug Administration Safety Act of 2007; and

"(B) as the Director determines appropriate, require the sponsor of a study described in subparagraph (A) to conduct such study under this subsection.

"(f) PUBLICATION OF PROGRESS REPORTS AND COMPLETED STUDIES.—

"(1) IN GENERAL.—The Director of the Center shall require that the sponsor of a study under subsection (d) or (e) submit to the Secretary—

"(A) not less frequently than every 90 days, an up-to-date report describing the progress of such study; and

"(B) upon the completion date of such study, the results of such study.

"(2) COMPLETION DATE.—For purposes of this section, the completion date of such study shall be determined by the Director of the Center.

"(g) DETERMINATIONS BY DIRECTOR.—

"(1) RESULTS OF STUDY.—The Director of the Center shall determine, upon receipt of the results of a study required under subsection (d) or (e)—

"(A) whether the drug or biological product studied may present an unreasonable risk to the health of patients or the general public; and

"(B) what, if any, corrective action under subsection (k) shall be taken to protect patients and the public health.

"(2) RESULTS OF EVIDENCE.—The Director of the Center may, at any time, based on the empirical evidence from postmarket surveillance programs and activities (including MedWatch), risk-benefit analyses, adverse event reports, the scientific literature, any clinical or observational studies (including studies required under subsection (d) or (e)), or any other resources that the Director of the Center determines appropriate—

"(A) make a determination that a drug or biological product may present an unreasonable risk to the health of patients or the general public; and

"(B) order a corrective action under subsection (k) be taken to protect patients and the public health.

"(3) REQUIRED CONSULTATION AND CONSIDERATIONS.—Before making a determination under paragraph (2), ordering a study under subsection (d) or (e), or taking a corrective action under subsection (k), the Director of the Center shall—

"(A) consult with the Director of the Center for Drug Evaluation and Research or the Director of the Center for Biologics Evaluation and Research, as appropriate; and

"(B) consider—

"(i) the benefit-to-risk profile of the drug or biological product;

"(ii) the effect that a corrective action, or failure to take corrective action, will have on the patient population that relies on the drug or biological product; and

"(iii) the extent to which the drug or biological product presents a meaningful therapeutic benefit as compared to other available treatments.

"(h) PUBLIC INFORMATION.—Periodically, but not less often than every 90 days, the Secretary shall make available to the public, by publication in the Federal Register and posting on an Internet website, the following information:

"(1) Studies required under subsection (d) or (e) including—

"(A) the type of study;

"(B) the nature of the study;

"(C) the primary and secondary outcomes of the study;

"(D) the date the study was required under subsection (d) or (e) or was agreed to by the sponsor;

"(E) the deadline for completion of the study; and

"(F) if the study has not been completed by the deadline under subparagraph (E), a statement that explains why.

"(2) The periodic progress reports and results of completed studies described under subsection (f).

"(3) Any determinations made by the Director of the Center under subsection (g), including—

"(A) reasons for the determination, including factual basis for such determination;

"(B) reference to supporting empirical data; and

"(C) an explanation that describes why contrary data is insufficient.

"(i) Drug Advisory Committee.—The Drug Safety and Risk Management Advisory Committee within the Center of the Food and Drug Administration shall—

"(1) meet not less frequently than every 180 days; and

"(2) make recommendations to the Director of the Center with respect to—

"(A) which drugs and biological products should be the subject of a study under subsection (d) or (e);

"(B) the design and duration for studies under subsection (d) or (e);

"(C) which drugs and biological products may present an unreasonable risk to the health of patients or the general public; and

"(D) appropriate corrective actions under subsection (k).

"(j) Penalties.—

"(1) In general.—If the Secretary determines, after notice and opportunity for an informal hearing, that a sponsor of a drug or biological product or other entity has failed to complete a study required under subsection (d) or (e) by the date or to the terms specified by the Secretary under such subsection, the Secretary may order such sponsor or other entity to—

"(A) complete the study in a specified time;

"(B) revise the study to comply with the terms specified by the Secretary under subsection (d) or (e); or

"(C) pay a civil penalty.

"(2) Amount of penalties.—

"(A) In general.—The civil penalty ordered under paragraph (1) shall be $250,000 for the first 30-day period after the date specified by the Secretary that the study is not completed, and shall double in amount for every 30-day period thereafter that the study is not completed.

"(B) Limitation.—In no case shall a penalty under subparagraph (A) exceed $2,000,000 for any 30-day period.

"(3) Notification of penalty.—The Secretary shall publish in the Federal Register any civil penalty ordered under this subsection.

"(k) Result of Determination.—

"(1) In general.—If the Director of the Center makes a determination that a drug or biological product may present an unreasonable risk to the health of patients or the general public under subsection (g), such Director shall order a corrective action, as described under paragraph (2).

"(2) Corrective actions.—The corrective action described under subsection (g)—

"(A) may include—

"(i) requiring a change to the drug or biological product label by a date specified by the Director of the Center;

"(ii) modifying the approved indication of the drug or biological product to restrict use to certain patients;

"(iii) placing restriction on the distribution of the drug or biological product to ensure safe use;

"(iv) requiring the sponsor of the drug or biological product or license to establish a patient registry;

"(v) requiring patients to sign a consent form prior to receiving a prescription of the drug or biological product;

"(vi) requiring the sponsor to monitor sales and usage of the drug or biological product to detect unsafe use;

"(vii) requiring patient or physician education; and

"(viii) requiring the establishment of a risk management plan by the sponsor; and

"(B) shall include the requirements with respect to promotional material under subsection (l)(1).

"(3) Penalties.—

"(A) In general.—If the Secretary determines, after notice and opportunity for an informal hearing, that a sponsor of a drug or biological product has failed to take the corrective action ordered by the Director of the Center under this subsection or has failed to comply with subsection (l)(2), the Secretary may order such sponsor to pay a civil penalty.

"(B) Amount of penalties.—

"(i) In general.—The civil penalty ordered under subparagraph (A) shall be $250,000 for the first 30-day period that the sponsor does not comply with the order under paragraph (1), and shall double in amount for every 30-day period thereafter that the order is not complied with.

"(ii) Limitation.—In no case shall a penalty under clause (i) exceed $2,000,000 for any 30-day period.

"(C) Notification of penalty.—The Secretary shall publish in the Federal Register any civil penalty ordered under this paragraph.

"(l) Promotion Material.—

"(1) Safety issue.—If the Director of the Center makes a determination that a drug or biological product may present an unreasonable risk to the health of patients or the general public under subsection (g), such Director, in consultation with the Division of Drug Marketing, Advertising, and Communications of the Food and Drug Administration, shall—

"(A) notwithstanding section 502(n), require that the sponsor of such drug or biological product submit to the Director of the Center copies of all promotional material with respect to the drug or biological product not less than 30 days prior to the dissemination of such material; and

"(B) require that all promotional material with respect to the drug or biological product include certain disclosures, which shall be displayed prominently and in a manner easily understood by the general public, including—

"(i) a statement that describes the unreasonable risk to the health of patients or the general public as determined by the Director of the Center;

"(ii) a statement that encourages patients to discuss potential risks and benefits with their healthcare provider;

"(iii) a description of the corrective actions required under subsection (k);

"(iv) where appropriate, a statement explaining that there may be products available to treat the same disease or condition that present a more favorable benefit-to-risk profile, and that patients should talk to their healthcare provider about the risks and benefits of alternative treatments;

"(v) a description of any requirements of outstanding clinical and observational studies, including the purpose of each study; and

"(vi) contact information to report a suspected adverse reaction.

"(2) New products; outstanding studies.—For the first 2-year period after a drug is approved under section 505 of this Act or a biological product is licensed under section 351 of the Public Health Service Act, and with respect to drugs and biological products for which there are outstanding study requirements under subsection (d) or (e), the Director of the Center, in consultation with the Division of Drug Marketing, Advertising, and Communications of the Food and Drug Administration, shall—

"(A) notwithstanding section 502(n), require that the sponsor of such drug or biological product submit to the Director of the Center copies of all promotional material with respect to the drug or biological product not less than 30 days prior to the dissemination of such material; and

"(B) require that all promotional material with respect to the drug or biological product include certain disclosures, which shall be displayed prominently and in a manner easily understood by the general public, including—

"(i) a statement explaining that the drug or biological product is newly approved or licensed or the subject of outstanding clinical or observational studies, as the case may be, and, as a result, not all side effects or drug interactions may be known;

"(ii) the number of people in which the drug or biological product has been studied and the duration of time during which the drug or biological product has been studied;

"(iii) a statement that encourages patients to discuss the potential risks and benefits of treatment with their healthcare provider;

"(iv) a description of any requirements of outstanding clinical and observational studies, including the purpose of each study; and

"(v) contact information to report a suspected adverse reaction.

"(3) Effect of voluntary submission.—Paragraphs (1)(A) and (2)(A) shall not apply to the sponsor of a drug or biological product if such sponsor has voluntarily submitted to the Division of Drug Marketing, Advertising, and Communications of the Food and Drug Administration all promotional material with respect to the drug or biological product prior to the dissemination of such material.

"(m) Withdrawal or Suspension of Approval or Licensure.—

"(1) In general.—The Director of the Center, may withdraw or suspend approval of a drug or licensure of a biological product using expedited procedures (as prescribed by the Secretary in regulations promulgated not later than 1 year after the date of enactment of the Food and Drug Administration Safety Act of 2007, which shall include an opportunity for an informal hearing) after consultation with the Director of the Center for Drug Evaluation and Research or the Director of the Center for Biologics Evaluation and Research, as appropriate, and any other person as determined appropriate by the Director of the Center, if—

"(A) the Director of the Center makes a determination that the drug or biological product may present an unreasonable risk to the health of patients or the general public, and that risk cannot be satisfactorily alleviated by a corrective action under subsection (k); or

"(B) the sponsor fails to comply with an order or requirement under this section.

"(2) Public information.—The Secretary shall make available to the public, by publication in the Federal Register and posting on an Internet website, the details of the consultation described in paragraph (1), including—

"(A) the reason for the determination to withdraw, suspend, or failure to withdraw or suspend, approval for the drug or licensure for the biological product;

"(B) the factual basis for such determination;

"(C) reference to supporting empirical data;

"(D) an explanation that describes why contrary data is insufficient; and

"(E) the position taken by each individual consulted.

"(n) EFFECT OF SECTION.—The authorities conferred by this section shall be separate from and in addition to the authorities conferred by section 505B.

"(o) ADMINISTRATION OF SECTION.—The provisions of this section shall be carried out by the Secretary, acting through the Director of the Center.".

(b) MISBRANDING.—Section 502 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 352) is amended by inserting after subsection (j) the following:

"(k) If it is a drug or biological product for which the sponsor of an application or holder of an approved application or license has not complied with an order or requirement under section 507.".

(c) REPORT ON DEVICES.—Not later than 6 months after the date of enactment of this Act, the Secretary of Health and Human Services, in consultation with the Commissioner of Food and Drugs, the Director of the Center for Postmarket Evaluation and Research for Drugs and Biologics, and the Director of the Center for Devices and Radiological Health, shall submit to Congress a report that—

(1) identifies gaps in the current process of postmarket surveillance of devices approved under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321 et seq.);

(2) includes recommendations on ways to improve gaps in postmarket surveillance of devices; and

(3) identifies the changes in authority needed to make those improvements, recognizing the legitimate differences between devices and other medical products regulated by the Food and Drug Administration.

(d) TRANSFER OF FUNCTIONS.—The functions and duties of the Office of Surveillance and Epidemiology, including the Drug Safety and Risk Management Advisory Committee, of the Food and Drug Administration on the day before the date of enactment of this Act shall be transferred to the Center for Postmarket Evaluation and Research for Drugs and Biologics established under section 507 of the Federal Food, Drug, and Cosmetic Act (as added by this section). The Center for Postmarket Evaluation and Research for Drugs and Biologics shall be a separate entity within the Food and Drug Administration and shall not be an administrative office of the Center for Drug Evaluation and Research or the Center for Biologics Evaluation and Research.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this Act (and the amendments made by this Act)—

(1) $50,000,000 for fiscal year 2008;
(2) $75,000,000 for fiscal year 2009;
(3) $100,000,000 for fiscal year 2010;
(4) $125,000,000 for fiscal year 2011; and
(5) $150,000,000 for fiscal year 2012.

By Mr. BAUCUS (for himself and Mr. GRASSLEY):

S. 469. A bill to amend the Internal Revenue Code of 1986 to make permanent the special rule for contributions of qualified conservation contributions; to the Committee on Finance.

Mr. BAUCUS. Mr. President, I rise today to introduce the Rural Heritage Conservation Extension Act of 2007, along with my good friend Senator GRASSLEY from Iowa.

As we all know, the country, and my home State of Montana, are losing precious agricultural and ranch lands at a record pace. While providing Montana and the Nation with the highest quality food and fiber, these farms and ranches also provide habitat for wildlife and the open spaces, land that many of us take for granted and assume will always be there. Montana has begun to recognize the importance of these lands. We currently have 1,573,411 acres covered by conservation easements. To some, that may seem like a large amount, but this is Montana, a State that covers 93,583,532 acres, making the conservation easements coverage a mere 1.68 percent of all of our lands.

To assure that open space and habitat will be there for future generations, we must help our hardworking farmers and ranchers preserve this precious heritage and their way-of-life.

Conservation easements have been tremendously successful in preserving open space and wildlife habitat. Last year, the Congress recognized this by providing targeted income tax relief to small farmers and ranchers who wish to make a charitable contribution of a qualified conservation easement. The provision allows eligible farmers and ranchers to increase the amounts of deduction that may be taken currently for charitable contributions of qualified conservation easements by raising the Adjusted Gross Income (AGI) limitations to 100 percent and extending the carryover period from 5 years to 15 years. In the case of all landowners, the AGI limitation would be raised from 30 percent to 50 percent.

The Rural Heritage Conservation Extension Act of 2007 would make this allowable deduction permanent, building on the success of conservation easements. Our farmers and ranchers will be able to preserve their important agricultural and ranching lands for future generations, while continuing to operate their businesses. Landowners, conservationists, the Federal Government, and local communities are working together to preserve our precious natural resources.

This legislation is vitally important to Montana, and to every other State in the Nation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 469

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SPECIAL RULE FOR CONTRIBUTIONS OF QUALIFIED CONSERVATION CONTRIBUTIONS MADE PERMANENT.

(a) IN GENERAL.—

(1) INDIVIDUALS.—Subparagraph (E) of section 170(b)(1) of the Internal Revenue Code of 1986 (relating to contributions of qualified conservation contributions) is amended by striking clause (vi).

(2) CORPORATIONS.—Subparagraph (B) of section 170(b)(2) of such Code (relating to qualified conservation contributions) is amended by striking clause (iii).

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to contributions made in taxable years beginning after the date of the enactment of this Act.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 52—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON THE BUDGET

Mr. CONRAD submitted the following resolution; from the Committee on the Budget; which was referred to the Committee on Rules and Administration.

S. RES. 52

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on the Budget is authorized from March 1, 2007, through September 30, 2007; October 1, 2007, through September 30, 2008; and October 1, 2008, through February 28, 2009, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or nonreimbursable basis the services of personnel of any such department or agency.

SEC. 2. (a) The expenses of the committee for the period March 1, 2007, through September 30, 2007, under this resolution shall not exceed $3,554,606, of which amount (1) not to exceed $35,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946), and (2) not to exceed $70,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(b) For the period October 1, 2007, through September 30, 2008, expenses of the committee under this resolution shall not exceed $6,230,828, of which amount (1) not to exceed $60,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946), and (2) not to exceed $120,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(c) For the period October 1, 2008, through February 28, 2009, expenses of the committee under this resolution shall not exceed $2,646,665, of which amount (1) not to exceed $25,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946), and (2) not to exceed $50,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2008, respectively.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required (1) for the disbursement of salaries of employees paid at an annual rate, or (2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (6) for the payment of Senate Recording and Photographic Services, or (7) for payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

SENATE RESOLUTION 53—CONGRATULATING ILLINOIS STATE UNIVERSITY AS IT MARKS ITS SESQUICENTENNIAL

Mr. DURBIN (for himself and Mr. OBAMA) submitted the following resolution; which was referred to the Committe on the Judiciary:

S. RES. 53

Whereas Illinois State University marks its sesquicentennial with a year-long celebration, beginning with Founders Day on February 15, 2007;

Whereas Illinois State University is the oldest public university in the State of Illinois;

Whereas Illinois State University has 34 academic departments and offers more than 160 programs of study in the College of Applied Science and Technology, the College of Arts and Sciences, the College of Business, the College of Education, the College of Fine Arts, and the Mennonite College of Nursing;

Whereas Illinois State University is 1 of the 10 largest producers of teachers in the Nation, and nearly 1 in 7 Illinois teachers holds a degree from Illinois State University;

Whereas Milner Library at Illinois State University contains more than 3 million holdings and special collections;

Whereas Illinois State University is ranked nationally as one of the 100 "best values" in public higher education; and

Whereas Illinois State University participates in the American Democracy Project, an initiative that prepares students to engage in a competitive global society: Now, therefore, be it

Resolved, That the Senate congratulates Illinois State University as it marks its sesquicentennial.

Mr. DURBIN. Mr. President, I rise today to congratulate Illinois State University, ISU, as it marks its 150th year of providing an outstanding college education to students in the State of Illinois.

Illinois State University commemorates its 150th anniversary this year with a year-long celebration that begins with Founders Day on February 15, 2007. ISU was founded as Bloomington-Normal in 1857. The school was Illinois's first public university and is one of the oldest institutions of higher education in the Midwest. Abraham Lincoln himself drew up the legal papers to establish the University, which has grown from a small teachers' college to a premiere liberal arts university. The University now serves more than 20,000 talented undergraduate and graduate students from across the country and from 88 nations.

For 150 years, Illinois State University has prided itself on providing a high quality education at a cost within the reach of most students. In fact, ISU is ranked nationally as one of the 100 "best values" in public higher education, according to Kiplinger magazine. ISU students can choose the program that best fits their academic needs from among 63 undergraduate programs in more than 160 fields of study. In particular, I commend Illinois State for its successful College of Education, which continues the University's long tradition of educating teachers. ISU is one of the 10 largest producers of teachers in the Nation. In fact, nearly 1 in 7 Illinois teachers holds a degree from ISU. By educating future teachers, Illinois State University has played an invaluable role in shaping the education of Illinois children.

Illinois State hosts a large and successful athletics program. During the past 23 years, the ISU Redbirds have won 125 league titles in 19 intercollegiate sports. Redbird competitors have gone on to be professional athletes, Olympians, and World Series Champions, as in the case of pitcher Neal Cotts, an ISU alumnus and member of the 2005 World Champion Chicago White Sox team.

Students at Illinois State are encouraged to embrace the University's motto, "Gladly we Learn and Teach," both in and outside the classroom. Many students choose to take part in public service and outreach programs that provide learning and service experiences beyond the classroom. ISU also participates in the American Democracy Project, an initiative that prepares students to be engaged in a competitive global society.

Illinois State University has proven itself to be a tremendous asset to the students and citizens of Illinois for the past 150 years. I congratulate the University on its 150th anniversary, and I look forward to many more years of excellence in education and academic advancement in the future.

SENATE RESOLUTION 54—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. KENNEDY submitted the following resolution; from the Committee on Health, Education, Labor, and Pensions; which was referred to the Committee on Rules and Administration:

S. RES. 54

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Health, Education, Labor, and Pensions is authorized from March 1, 2007, through September 30, 2007; October 1, 2007, through September 30, 2008; and October 1, 2008, through February 28, 2009, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or non-reimbursible basis the services of personnel of any such department or agency.

SEC. 2(a). The expenses of the committee for the period March 1, 2007, through September 30, 2007, under this resolution shall not exceed $4,794,663, of which amount (1) not to exceed $75,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $25,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(b) For the period October 1, 2007, through September 30, 2008, expenses of the committee under this resolution shall not exceed $8,402,456, of which amount (1) not to exceed $75,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $25,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(c) For the period October 1, 2008, through February 28, 2009, expenses of the committee under this resolution shall not exceed $3,568,366, of which amount (1) not to exceed $75,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $25,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 29, 2008 and February 28, 2009, respectively.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required (1) for the disbursement of salaries of employees paid at an annual rate, or (2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (6) for the payment of Senate Recording and Photographic Services, or (7) for payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 2007, through September 30, 2007, October 1, 2007 through September 30, 2008; and October 1, 2008 through February 28, 2009, to be paid from the Appropriations account for "Expenses of Inquiries and Investigations."

SENATE RESOLUTION 55—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON VETERANS' AFFAIRS

Mr. AKAKA submitted the following resolution; from the Committee on Veterans' Affairs; which was referred to the Committee on Rules and Administration:

S. RES. 55

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Veterans' Affairs is authorized from March 1, 2007, through September 30, 2007; October 1, 2007, through September 30, 2008; and October 1, 2008, through February 28, 2009, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or non-reimbursable basis the services of personnel of any such department or agency.

SEC. 2. (a) The expenses of the committee for the period March 1, 2007, through September 30, 2007, under this resolution shall not exceed $1,259,442 of which amount (1) not to exceed $59,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $12,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(b) For the period October 1, 2007, through September 30, 2008, expenses of the committee under this resolution shall not exceed $2,207,230 of which amount (1) not to exceed $100,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(I)of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $20,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(c) For the period October 1, 2007, through February 28, 2008, expenses of the committee under this resolution shall not exceed $937,409, of which amount (1) not to exceed $42,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i)of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $8,334 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC. 3. The committee shall report its findings, together with such recommendation for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2007, and February 28, 2008, respectively.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required for (1) the disbursement of salaries of employees paid at an annual rate, or (2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (3) for the payment stationery supplies purchased through the Keeper of Stationery, United States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (6) for the payment of Senate Recording and Photographic Services, or (7) for payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 2007, through September 30, 2007; October 1, 2007, through September 30, 2008; and October 1, 2008, through February 28, 2009, to be paid from the appropriations account for "Expenses of Inquiries and Investigations."

SENATE RESOLUTION 56—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. DODD submitted the following resolution; from the Committee on Banking, Housing, and Urban Affairs; which was referred to the Committee on Rules and Administration:

S. RES. 56

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Banking, Housing, and Urban Affairs is authorized from March 1, 2007 through September 30, 2007; October 1, 2007, through September 30,2008, and October 1, 2008, through February 28, 2009, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or nonreimbursable basis the services of personnel of any such department or agency.

SEC. 2. (a) The expenses of the committee for the Period March 1, 2007, through September 30, 2007, under this resolution shall not exceed $3,370,280 of which amount (1) not to exceed $12,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $700 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(b) For the period October 1, 2007, through September 30, 2008, expenses of the committee under this resolution shall not exceed $5,905,629 of which amount (1) not to exceed $20,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $1200 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(c) For the period of October 1, 2008, through February 28, 2009, expenses of the committee under this resolution shall not exceed $2,507,776 of which amount (1) not to exceed $8,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $500 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2009.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the Chairman of the committee, except that vouchers shall not be required (1) for the disbursement of salaries of employees paid at an annual rate, or (2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (6) for the payment of Senate Recording and Photographic Services, or (7) for payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 2007, through September 30, 2007; October 1, 2007, through September 30, 2008; and October 1, 2008, through February 28, 2009, to be paid from the Appropriations account for "Expenses of Inquiries and Investigations."

SENATE RESOLUTION 57—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. HARKIN submitted the following resolution; from the Committee on Agriculture, Nutrition, and Forestry; which was referred to the Committee on Rules and Administration:

S. Res. 57

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Agriculture, Nutrition and Forestry is authorized from March 1, 2007, through September 30, 2007; October 1, 2007 to September 30, 2008; and October 1, 2008 through February 28, 2009, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or non-reimbursable basis the services of personnel of any such department or agency.

Sec. 2. (a) The expenses of the committee for the period March 1, 2007, through September 30, 2007, under this resolution shall not exceed $2,204,538, of which amount (1) not to exceed $200,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $40,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(b) For the period October 1, 2007, through September 30, 2008, expenses of the committee under this resolution shall not exceed $3,862,713, of which amount (1) not to exceed $200,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $40,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(c) For the period October 1, 2008, through February 28, 2009, expenses of the committee under this resolution shall not exceed $1,640,188, of which amount (1) not to exceed $200,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $40,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

Sec. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2009.

Sec. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required (1) for the disbursement of salaries of employees paid at an annual rate, or (2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (6) for the payment of Senate Recording and Photographic Services or (7) for payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

Sec. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 2007, through September 30, 2007; October 1, 2007, through September 30, 2008; and October 1, 2008 through February 28, 2009 to be paid from the Appropriations account for "Expenses of Inquiries and Investigations."

SENATE RESOLUTION 58—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. INOUYE submitted the following resolution; from the Committee on Commerce, Science, and Transportation; which was referred to the Committee on Rules and Administration:

S. Res. 58

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Commerce, Science, and Transportation is authorized from March 1, 2007, through September 30, 2007, October 1, 2007, through September 30, 2008, and October 1, 2008, through February 28, 2009, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or non-reimbursable basis the services of personnel of any such department or agency.

Sec. 2. (a) The expenses of the Committee for the period from March 1, 2007, through September 30, 2007, under this resolution shall not exceed $3,652,466, of which amount (1) not to exceed $50,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $50,000 may be expended for the training of the professional staff of the Committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(b) For the period October 1, 2007, through September 30, 2008, expenses of the Committee under this resolution shall not exceed $6,400,559, of which amount (1) not to exceed $50,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $50,000 may be expended for the training of the professional staff of the Committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(c) For the period October 1, 2008, through February 28, 2009, expenses of the committee under this resolution shall not exceed $2,718,113, of which amount (1) not to exceed $50,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $50,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

Sec. 3. The Committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 29, 2008, and February 28, 2009, respectively.

Sec. 4. Expenses of the Committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the Committee, except that vouchers shall not be required (1) for the disbursement of salaries of employees paid at an annual rate, (2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, (3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate, (4) for payments to the Postmaster, United States Senate, (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, (6) for the payment of Senate Recording and Photographic Services, or (7) for the payment of franked and mass mail costs by the Office of the Sergeant at Arms and Doorkeeper, United States Senate.

Sec. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the Committee from March 1, 2007, through September 30, 2007, October 1, 2007, through September 30, 2008, and October 1, 2008, through February 28, 2009, to be paid from the Appropriations account for "Expenses of Inquiries and Investigations".

SENATE RESOLUTION 59—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON FINANCE

Mr. BAUCUS submitted the following resolution; from the Committee on Finance; which was referred to the Committee on Rules and Administration:

S. Res. 59

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Finance is authorized from March 1, 2007, through September 30, 2007; October 1, 2007, through September 30, 2008; and October 1, 2008, through February 28, 2009, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or non-reimbursable basis the services of personnel of any such department or agency.

SEC. 2. (a) The expenses of the committee for the period March 1, 2007, through September 30, 2007, under this resolution shall not exceed $4,203,707, of which amount (1) not to exceed $17,500 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $5,833 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(b) For the period October 1, 2007, through September 30, 2008, expenses of the committee under this resolution shall not exceed $7,356,895, of which amount (1) not to exceed $30,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $10,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(c) For the period October 1, 2008, through February 28, 2009, expenses of the committee under this resolution shall not exceed $3,120,762, of which amount (1) not to exceed $12,500 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $4,167 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946.)

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2009.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required (1) for the disbursement of salaries of employees paid at an annual rate, or (2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (6) for the payment of Senate Recording and Photographic Services, or (7) for payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 2007, through September 30, 2007; October 1, 2007 through September 30, 2008; and October 1, 2008 through February 28, 2009, to be paid from the Appropriations account for "Expenses of Inquiries and Investigations."

SENATE RESOLUTION 60—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. LIEBERMAN submitted the following resolution; from the Committee on Homeland Security and Governmental Affairs; which was referred to the Committee on Rules and Administration:

S. RES. 60

Resolved,

SECTION 1. COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules and S. Res. 445 (108th Congress), including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Homeland Security and Governmental Affairs (referred to in this resolution as the "committee") is authorized from March 1, 2007, through February 28, 2009, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2007.—The expenses of the committee for the period March 1, 2007, through September 30, 2007, under this section shall not exceed $5,393,404, of which amount—

(1) not to exceed $75,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $20,000, may be expended for the training of the professional staff of the committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2008 PERIOD.—The expenses of the committee for the period October 1, 2007, through September 30, 2008, under this section shall not exceed $9,451,962, of which amount—

(1) not to exceed $75,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $20,000, may be expended for the training of the professional staff of the committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2009.—For the period October 1, 2008, through February 28, 2009, expenses of the committee under this section shall not exceed $4,014,158, of which amount—

(1) not to exceed $75,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $20,000, may be expended for the training of the professional staff of the committee (under procedures specified by section 202(j) of that Act).

SEC. 2. REPORTING LEGISLATION.

The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2009.

SEC. 3. EXPENSES; AGENCY CONTRIBUTIONS; AND INVESTIGATIONS.

(a) EXPENSES OF THE COMMITTEE.—

(1) IN GENERAL.—Except as provided in paragraph (2), any expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

(2) VOUCHERS NOT REQUIRED.—Vouchers shall not be required for—

(A) the disbursement of salaries of employees of the committee who are paid at an annual rate;

(B) the payment of telecommunications expenses provided by the Office of the Sergeant at Arms and Doorkeeper;

(C) the payment of stationery supplies purchased through the Keeper of Stationery;

(D) payments to the Postmaster of the Senate;

(E) the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper;

(F) the payment of Senate Recording and Photographic Services; or

(G) for payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

(b) AGENCY CONTRIBUTIONS.—There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee for the period March 1, 2007, through September 30, 2007, for the period October 1, 2007, through September 30, 2008, and for the period October 1, 2008, through February 28, 2009, to be paid from the appropriations account for 'Expenses of Inquiries and Investigations' of the Senate.

(c) INVESTIGATIONS.—

(1) IN GENERAL.—The committee, or any duly authorized subcommittee of the committee, is authorized to study or investigate—

(A) the efficiency and economy of operations of all branches of the Government including the possible existence of fraud, misfeasance, malfeasance, collusion, mismanagement, incompetence, corruption, or unethical practices, waste, extravagance, conflicts of interest, and the improper expenditure of Government funds in transactions, contracts, and activities of the Government or of Government officials and employees and any and all such improper practices between Government personnel and corporations, individuals, companies, or persons affiliated therewith, doing business with the Government; and the compliance or noncompliance of such corporations, companies, or individuals or other entities with the rules, regulations, and laws governing the various governmental agencies and its relationships with the public;

(B) the extent to which criminal or other improper practices or activities are, or have been, engaged in the field of labor-management relations or in groups or organizations of employees or employers, to the detriment of interests of the public, employers, or employees, and to determine whether any changes are required in the laws of the United States in order to protect such interests against the occurrence of such practices or activities;

(C) organized criminal activity which may operate in or otherwise utilize the facilities of interstate or international commerce in furtherance of any transactions and the manner and extent to which, and the identity of the persons, firms, or corporations, or other entities by whom such utilization is being made, and further, to study and investigate the manner in which and the extent to which persons engaged in organized criminal activity have infiltrated lawful business enterprise, and to study the adequacy of Federal laws to prevent the operations of organized crime in interstate or international commerce; and to determine whether any changes are required in the laws of the United States in order to protect the public against such practices or activities;

(D) all other aspects of crime and lawlessness within the United States which have an impact upon or affect the national health, welfare, and safety; including but not limited to investment fraud schemes, commodity and security fraud, computer fraud, and the use of offshore banking and corporate facilities to carry out criminal objectives;

(E) the efficiency and economy of operations of all branches and functions of the Government with particular reference to—

(i) the effectiveness of present national security methods, staffing, and processes as tested against the requirements imposed by the rapidly mounting complexity of national security problems;

(ii) the capacity of present national security staffing, methods, and processes to make full use of the Nation's resources of knowledge and talents;

(iii) the adequacy of present intergovernmental relations between the United States and international organizations principally concerned with national security of which the United States is a member; and

(iv) legislative and other proposals to improve these methods, processes, and relationships;

(F) the efficiency, economy, and effectiveness of all agencies and departments of the Government involved in the control and management of energy shortages including, but not limited to, their performance with respect to—

(i) the collection and dissemination of accurate statistics on fuel demand and supply;

(ii) the implementation of effective energy conservation measures;

(iii) the pricing of energy in all forms;

(iv) coordination of energy programs with State and local government;

(v) control of exports of scarce fuels;

(vi) the management of tax, import, pricing, and other policies affecting energy supplies;

(vii) maintenance of the independent sector of the petroleum industry as a strong competitive force;

(viii) the allocation of fuels in short supply by public and private entities;

(ix) the management of energy supplies owned or controlled by the Government;

(x) relations with other oil producing and consuming countries;

(xi) the monitoring of compliance by governments, corporations, or individuals with the laws and regulations governing the allocation, conservation, or pricing of energy supplies; and

(xii) research into the discovery and development of alternative energy supplies; and

(G) the efficiency and economy of all branches and functions of Government with particular references to the operations and management of Federal regulatory policies and programs.

(2) EXTENT OF INQUIRIES.—In carrying out the duties provided in paragraph (1), the inquiries of this committee or any subcommittee of the committee shall not be construed to be limited to the records, functions, and operations of any particular branch of the Government and may extend to the records and activities of any persons, corporation, or other entity.

(3) SPECIAL COMMITTEE AUTHORITY.—For the purposes of this subsection, the committee, or any duly authorized subcommittee of the committee, or its chairman, or any other member of the committee or subcommittee designated by the chairman, from March 1, 2007, through February 28, 2009, is authorized, in its, his, her, or their discretion—

(A) to require by subpoena or otherwise the attendance of witnesses and production of correspondence, books, papers, and documents;

(B) to hold hearings;

(C) to sit and act at any time or place during the sessions, recess, and adjournment periods of the Senate;

(D) to administer oaths; and

(E) to take testimony, either orally or by sworn statement, or, in the case of staff members of the Committee and the Permanent Subcommittee on Investigations, by deposition in accordance with the Committee Rules of Procedure.

(4) AUTHORITY OF OTHER COMMITTEES.—Nothing contained in this subsection shall affect or impair the exercise of any other standing committee of the Senate of any power, or the discharge by such committee of any duty, conferred or imposed upon it by the Standing Rules of the Senate or by the Legislative Reorganization Act of 1946.

(5) SUBPOENA AUTHORITY.—All subpoenas and related legal processes of the committee and its subcommittee authorized under S. Res. 50, agreed to February 17, 2005 (109th Congress), are authorized to continue.

SENATE RESOLUTION 61—DESIGNATING JANUARY 2007 AS "NATIONAL MENTORING MONTH"

Mr. KENNEDY (for himself, Mr. McCain, Mr. Akaka, Mr. Bond, Mr. Burr, Ms. Cantwell, Mr. Carper, Mrs. Clinton, Mr. Cochran, Mr. Coleman, Mr. Conrad, Mr. Dodd, Mrs. Dole, Mr. Domenici, Mr. Durbin, Mr. Ensign, Mr. Grassley, Mr. Isakson, Mr. Kerry, Ms. Landrieu, Mr. Leahy, Mr. Levin, Ms. Murkowski, Mr. Pryor, Mr. Sanders, Mr. Reid, and Mr. Specter) submitted the following resolution; which was considered and agreed to:

S. RES. 61

Whereas mentoring is a long-standing tradition with modern applications in which an adult provides guidance, support, and encouragement to help with a young person's social, emotional, and cognitive development;

Whereas research provides strong evidence that mentoring can promote positive outcomes for young people, such as an increased sense of industry and competency, a boost in academic performance and self-esteem, and improved social and communications skills;

Whereas studies of mentoring further show that a quality mentoring relationship successfully reduces the incidence of risky behaviors, delinquency, absenteeism, and academic failure;

Whereas mentoring is a frequently used term and a well-accepted practice in many sectors of our society;

Whereas thanks to the remarkable creativity, vigor, and resourcefulness of the thousands of mentoring programs and millions of volunteer mentors in communities throughout the Nation, quality mentoring has grown dramatically in the past 15 years, and there are now 3,000,000 young people in the United States who are being mentored;

Whereas in spite of the strides made in the mentoring field, the Nation has a serious "mentoring gap," with nearly 15,000,000 young people currently in need of mentors;

Whereas a recent study confirmed that one of the most critical challenges that mentoring programs face is recruiting enough mentors to help close the mentoring gap;

Whereas the designation of January 2007 as National Mentoring Month will help call attention to the critical role mentors play in helping young people realize their potential;

Whereas the month-long celebration of mentoring will encourage more organizations across the Nation, including schools, businesses, nonprofit organizations and faith institutions, foundations, and individuals to become engaged in mentoring;

Whereas National Mentoring Month will, most importantly, build awareness of mentoring and encourage more individuals to become mentors, helping close the Nation's mentoring gap; and

Whereas the President has issued a proclamation declaring January 2007 to be National Mentoring Month and calling on the people of the United States to recognize the importance of mentoring, to look for opportunities to serve as mentors in their communities, and to observe the month with appropriate activities and programs: Now, therefore, be it

Resolved, That the Senate—

(1) designates the month of January 2007 as "National Mentoring Month";

(2) recognizes with gratitude the contributions of the millions of caring adults who are already serving as mentors and encourages more adults to volunteer as mentors; and

(3) encourages the people of the United States to observe the month with appropriate ceremonies and activities that promote awareness of, and volunteer involvement with, youth mentoring.

SENATE RESOLUTION 62—RECOGNIZING THE GOALS OF CATHOLIC SCHOOLS WEEK AND HONORING THE VALUABLE CONTRIBUTIONS OF CATHOLIC SCHOOLS IN THE UNITED STATES

Mr. VITTER (for himself and Ms. Landrieu) submitted the following resolution; which was considered and agreed to:

S. RES. 62

Whereas Catholic schools in the United States have received international acclaim for academic excellence while providing students with lessons that extend far beyond the classroom;

Whereas Catholic schools present a broad curriculum that emphasizes the lifelong development of moral, intellectual, physical, and social values in the young people of the United States;

Whereas Catholic schools in the United States today educate 2,363,220 students and maintain a student-to-teacher ratio of 15 to 1;

Whereas the faculty members of Catholic schools teach a highly diverse body of students;

Whereas the graduation rate for all Catholic school students is 95 percent;

Whereas 83 percent of Catholic high school graduates go on to college;

Whereas Catholic schools produce students strongly dedicated to their faith, values, families, and communities by providing an intellectually stimulating environment rich in spiritual character and moral development; and

Whereas in the 1972 pastoral message concerning Catholic education, the National Conference of Catholic Bishops stated, "Education is one of the most important ways by which the Church fulfills its commitment to the dignity of the person and building of community. Community is central to education ministry, both as a necessary condition and an ardently desired goal. The educational efforts of the Church, therefore, must be directed to forming persons-in-community; for the education of the individual Christian is important not only to his solitary destiny, but also the destinies of the many communities in which he lives.": Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the goals of Catholic Schools Week, an event cosponsored by the National Catholic Educational Association and the United States Conference of Catholic Bishops that recognizes the vital contributions of thousands of Catholic elementary and secondary schools in the United States; and

(2) commends Catholic schools, students, parents, and teachers across the United States for their ongoing contributions to education, and for the vital role they play in promoting and ensuring a brighter, stronger future for the United States.

SENATE RESOLUTION 63—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON RULES AND ADMINISTRATION

Mrs. FEINSTEIN submitted the following resolution; from the Committee on Rules and Administration; which was placed on the calendar:

S. RES. 63

Resolved, That in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Rules and Administration is authorized from March 1, 2007, through September 30, 2007; October 1, 2007, through September 30, 2008; and, October 1, 2008, through February 28, 2009, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or non reimbursable basis the services of personnel of any such department or agency.

SEC. 2. (a) The expenses of the committee for the period March 1, 2007, through September 30, 2007, under this resolution shall not exceed $1,461,012, of which amount (1) not to exceed $30,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $6,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(b) For the period October 1, 2007, through September 30, 2008, expenses of the committee under this resolution shall not exceed $2,561,183, of which amount (1) not to exceed $50,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $10,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(c) For the period October 1, 2008, through February 28, 2009, expenses of the committee under this resolution shall not exceed $1,087,981, of which amount (1) not to exceed $21,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $4,200 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2009.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required (1) for the disbursement of salaries of employees paid at an annual rate, or (2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (6) for the payment of Senate Recording and Photographic Services, or (7) for payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 2007, through September 30, 2007; October 1, 2007, through September 30, 2008; and October 1, 2008, through February 28, 2009, to be paid from the Appropriations account for "Expenses of Inquiries and Investigations".

SENATE CONCURRENT RESOLUTION 5—HONORING THE LIFE OF PERCY LAVON JULIAN, A PIONEER IN THE FIELD OF ORGANIC CHEMISTRY AND THE FIRST AND ONLY AFRICAN-AMERICAN CHEMIST TO BE INDUCTED INTO THE NATIONAL ACADEMY OF SCIENCES

Mr. OBAMA (for himself, Mr. DURBIN, Mr. DODD, Mr. LUGAR, Mr. LIEBERMAN, and Mr. BAYH) submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 5

Whereas Percy Julian was born on April 11, 1899 in Montgomery, Alabama, the son of a railway clerk and the first member of his family to attend college;

Whereas Percy Julian graduated from DePauw University in 1920 and received a M.S. degree from Harvard University in 1923 and a Ph.D. from the University of Vienna in 1931;

Whereas, in 1935, Dr. Julian became the first to discover a process to synthesize physostigmine, the drug used in the treatment of glaucoma;

Whereas Dr. Julian later pioneered a commercial process to synthesize cortisone from soy beans, enabling the widespread use of cortisone as an affordable treatment for arthritis;

Whereas Dr. Julian was the first African-American chemist elected to the National Academy of Sciences in 1973 for his lifetime of scientific accomplishments, held over 130 patents at the time of his death in 1975, and dedicated much of his life to the advancement of African Americans in the sciences; and

Whereas Dr. Julian's life story has been documented in the Public Broadcasting Service NOVA film "Forgotten Genius": Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress honors the life of Percy Lavon Julian, a pioneer in the field of organic chemistry and the first and only African-American chemist to be inducted into the National Academy of Sciences.

SENATE CONCURRENT RESOLUTION 6—EXPRESSING THE SENSE OF CONGRESS THAT THE NATIONAL MUSEUM OF WILDLIFE ART, LOCATED IN JACKSON, WYOMING, SHOULD BE DESIGNATED AS THE "NATIONAL MUSEUM OF WILDLIFE ART OF THE UNITED STATES"

Mr. ENZI (for himself and Mr. THOMAS) sumbitted the following concurrent resolution; which was referred to the Committee on Energy and Natural Resources:

S. CON. RES. 6

Whereas the National Museum of Wildlife Art in Jackson, Wyoming, is devoted to inspiring global recognition of fine art related to nature and wildlife;

Whereas the National Museum of Wildlife Art is an excellent example of a thematic museum that strives to unify the humanities and sciences into a coherent body of knowledge through art;

Whereas the National Museum of Wildlife Art, which was founded in 1987 with a private gift of a collection of art, has grown in stature and importance and is recognized today as the world's premier museum of wildlife art;

Whereas the National Museum of Wildlife Art is the only public museum in the United States with the mission of enriching and inspiring public appreciation and knowledge of fine art, while exploring the relationship between humanity and nature by collecting fine art focused on wildlife;

Whereas the National Museum of Wildlife Art is housed in an architecturally significant and award-winning 51,000-square foot facility that overlooks the 28,000-acre National Elk Refuge and is adjacent to the Grand Teton National Park;

Whereas the National Museum of Wildlife Art is accredited with the American Association of Museums, continues to grow in national recognition and importance with members from every State, and has a Board of Trustees and a National Advisory Board composed of major benefactors and leaders in the arts and sciences from throughout the United States;

Whereas the permanent collection of the National Museum of Wildlife Art has grown to more than 3,000 works by important historic American artists including Edward Hicks, Anna Hyatt Huntington, Charles M. Russell, William Merritt Chase, and Alexander Calder, and contemporary American artists, including Steve Kestrel, Bart Walter, Nancy Howe, John Nieto, and Jamie Wyeth;

Whereas the National Museum of Wildlife Art is a destination attraction in the Western United States with annual attendance of 92,000 visitors from all over the world and an award-winning website that receives more than 10,000 visits per week;

Whereas the National Museum of Wildlife Art seeks to educate a diverse audience through collecting fine art focused on wildlife, presenting exceptional exhibitions, providing community, regional, national, and international outreach, and presenting extensive educational programming for adults and children; and

Whereas a great opportunity exists to use the invaluable resources of the National Museum of Wildlife Art to teach the schoolchildren of the United States, through onsite visits, traveling exhibits, classroom curriculum, online distance learning, and other educational initiatives: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that the National Museum of Wildlife Art, located at 2820 Rungius Road, Jackson, Wyoming, should be designated as the "National Museum of Wildlife Art of the United States".

SENATE CONCURRENT RESOLUTION 7—EXPRESSING THE SENSE OF CONGRESS ON IRAQ

Mr. WARNER (for himself, Mr. NELSON of Nebraska, Ms. COLLINS, Mr. LEVIN, and Ms. SNOWE) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 7

Whereas, we respect the Constitutional authorities given a President in Article II, Section 2, which states that "The President shall be commander in chief of the Army and Navy of the United States;" it is not the intent of this resolution to question or contravene such authority, but to accept the offer to Congress made by the President on January 10, 2007 that, "if members have improvements that can be made, we will make them. If circumstances change, we will adjust;"

Whereas, the United States' strategy and operations in Iraq can only be sustained and achieved with support from the American people and with a level of bipartisanship;

Whereas, over 137,000 American military personnel are currently serving in Iraq, like thousands of others since March 2003, with the bravery and professionalism consistent with the finest traditions of the United States armed forces, and are deserving of the support of all Americans, which they have strongly;

Whereas, many American service personnel have lost their lives, and many more have been wounded, in Iraq, and the American people will always honor their sacrifices and honor their families;

Whereas, the U.S. Army and Marine Corps, including their Reserve and National Guard organizations, together with components of the other branches of the military, are under enormous strain from multiple, extended deployments to Iraq and Afghanistan;

Whereas, these deployments, and those that will follow, will have lasting impacts on the future recruiting, retention and readiness of our nation's all volunteer force;

Whereas in the National Defense Authorization Act for Fiscal Year 2006, the Congress stated that "calendar year 2006 should be a period of significant transition to full sovereignty, with Iraqi security forces taking the lead for the security of a free and sovereign Iraq;"

Whereas, United Nations Security Council Resolution 1723, approved November 28, 2006, "determin[ed] that the situation in Iraq continues to constitute a threat to international peace and security;"

Whereas, Iraq is experiencing a deteriorating and ever-widening problem of sectarian and intra-sectarian violence based upon political distrust and cultural differences between some Sunni and Shia Muslims;

Whereas, Iraqis must reach political settlements in order to achieve reconciliation, and the failure of the Iraqis to reach such settlements to support a truly unified government greatly contributes to the increasing violence in Iraq;

Whereas, the responsibility for Iraq's internal security and halting sectarian violence must rest primarily with the Government of Iraq and Iraqi Security Forces;

Whereas, U.S. Central Command Commander General John Abizaid testified to Congress on November 15, 2006, "I met with every divisional commander, General Casey, the Corps Commander, [and] General Dempsey. We all talked together. And I said, in your professional opinion, if we were to bring in more American troops now, does it add considerably to our ability to achieve success in Iraq? And they all said no. And the reason is, because we want the Iraqis to do more. It's easy for the Iraqis to rely upon us to do this work. I believe that more American forces prevent the Iraqis from doing more, from taking more responsibility for their own future;"

Whereas, Iraqi Prime Minister Nouri al-Maliki stated on November 27, 2006 that "The crisis is political, and the ones who can stop the cycle of aggravation and bloodletting of innocents are the politicians;"

Whereas, there is growing evidence that Iraqi public sentiment opposes the continued U.S. troop presence in Iraq, much less increasing the troop level;

Whereas, in the fall of 2006, leaders in the Administration and Congress, as well as recognized experts in the private sector, began to express concern that the situation in Iraq was deteriorating and required a change in strategy; and, as a consequence, the Administration began an intensive, comprehensive review by all components of the Executive Branch to devise a new strategy;

Whereas, in December 2006, the bipartisan Iraq Study Group issued a valuable report, suggesting a comprehensive strategy that includes "new and enhanced diplomatic and political efforts in Iraq and the region, and a change in the primary mission of U.S. forces in Iraq that will enable the United States to begin to move its combat forces out of Iraq responsibly;"

Whereas, on January 10, 2007, following consultations with the Iraqi Prime Minister, the President announced a new strategy (hereinafter referred to as the "plan"), which consists of three basic elements: diplomatic, economic, and military; the central component of the military element is an augmentation of the present level of the U.S. military forces through additional deployments of approximately 21,500 US. military troops to Iraq;

Whereas, on January 10, 2007, the President said that the "Iraqi government will appoint a military commander and two deputy commanders for their capital" and that U.S. forces will "be embedded in their formations;" and in subsequent testimony before the Armed Services Committee on January 25, 2007, by the retired former Vice Chief of the Army it was learned that there will also be a comparable US. command in Baghdad, and that this dual chain of command may be problematic because "the Iraqis are going to be able to move their forces around at times where we will disagree with that movement," and called for clarification;

Whereas, this proposed level of troop augmentation far exceeds the expectations of many of us as to the reinforcements that would be necessary to implement the various options for a new strategy, and led many members of Congress to express outright opposition to augmenting our troops by 21,500;

Whereas, the Government of Iraq has promised repeatedly to assume a greater share of security responsibilities, disband militias, consider Constitutional amendments and enact laws to reconcile sectarian differences, and improve the quality of essential services for the Iraqi people; yet, despite those promises, little has been achieved;

Whereas, the President said on January 10, 2007 that "I've made it clear to the Prime Minister and Iraq's other leaders that America's commitment is not openended" so as to dispel the contrary impression that exists;

Whereas, the recommendations in this resolution should not be interpreted as precipitating any immediate reduction in, or withdrawal of, the present level of forces: Now therefore be it—

Resolved, by the Senate (the House of Representatives concurring), That it is the sense of Congress that—

(1) the Senate disagrees with the "plan" to augment our forces by 21,500, and urges the President instead to consider all options and alternatives for achieving the strategic goals set forth below;

(2) the Senate believes the United States should continue vigorous operations in Anbar province, specifically for the purpose of combating an insurgency, including elements associated with the Al Qaeda movement, and denying terrorists a safe haven;

(3) the Senate believes a failed state in Iraq would present a threat to regional and world peace, and the long-term security interests of the United States are best served by an Iraq that can sustain, govern, and defend itself, and serve as an ally in the war against extremists;

(4) the Congress should not take any action that will endanger United States military forces in the field, including the elimination or reduction of funds for troops in the field,

as such an action with respect to funding would undermine their safety or harm their effectiveness in pursuing their assigned missions;

(5) the primary objective of the overall U.S. strategy in Iraq should be to encourage Iraqi leaders to make political compromises that will foster reconciliation and strengthen the unity government, ultimately leading to improvements in the security situation;

(6) the military part of this strategy should focus on maintaining the territorial integrity of Iraq, denying international terrorists a safe haven, conducting counterterrorism operations, promoting regional stability, supporting Iraqi efforts to bring greater security to Baghdad, and training and equipping Iraqi forces to take full responsibility for their own security;

(7) United States military operations should, as much as possible, be confined to these goals, and should charge the Iraqi military with the primary mission of combating sectarian violence;

(8) the military Rules of Engagement for this plan should reflect this delineation of responsibilities, and the Secretary of Defense and the Chairman of the Joint Chiefs of Staff should clarify the command and control arrangements in Baghdad;

(9) the United States Government should transfer to the Iraqi military, in an expeditious manner, such equipment as is necessary;

(10) the United States Government should engage selected nations in the Middle East to develop a regional, internationally sponsored peace-and-reconciliation process for Iraq;

(11) the Administration should provide regular updates to the Congress, produced by the Commander of United States Central Command and his subordinate commanders, about the progress or lack of progress the Iraqis are making toward this end.

(12) our overall military, diplomatic and economic strategy should not be regarded as an "open-ended" or unconditional commitment, but rather as a new strategy that hereafter should be conditioned upon the Iraqi government's meeting benchmarks that must be delineated in writing and agreed to by the Iraqi Prime Minister. Such benchmarks should include, but not be limited to, the deployment of that number of additional Iraqi security forces as specified in the plan in Baghdad, ensuring equitable distribution of the resources of the Government of Iraq without regard to the sect or ethnicity of recipients, enacting and implementing legislation to ensure that the oil resources of Iraq benefit Sunni Arabs, Shia Arabs, Kurds, and other Iraqi citizens in an equitable manner, and the authority of Iraqi commanders to make tactical and operational decisions without political intervention:

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition and Forestry be authorized to conduct a hearing during the session of the Senate on Wednesday, January 31, 2007 at 9:45 AM in 328A, Senate Russell Office Building. The purpose of this committee hearing will be to discuss "The Role of Federal Food Assistance Programs in Family Economic Security and Nutrition".

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, January 31, 2007, at 10 a.m., in closed session to receive a briefing regarding the Iraq "SURGE" Plan.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on January 31, 2007, at 10 a.m., to conduct a vote on the Committee Budget Resolution, rules of procedure, and subcommittee organization for the 110th Congress; immediately following the executive session, the committee will meet in open session to conduct a hearing on "The Treasury Department's Report to Congress on International Economic and Exchange Rate Policy (IEERP) and the U.S.-China Strategic Economic Dialogue."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to hold a business meeting and hearing during the sessions of the Senate on Wednesday, January 31, 2007, at 2:30 p.m., in room 253 of the Russell Senate Office Building.

The purpose of the business meeting is to adopt the budget resolution for the Committee for the 110th Congress. The purpose of the hearing is to promote travel to America, and to examine related economic and security concerns.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to hold a Business Meeting during the session of the Senate on Wednesday, January 31, 2007, at 11:30 a.m. in room SD-366 of the Dirksen Senate Office Building.

The purpose of the Business Meeting is to consider pending calendar business.

THE PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session on Wednesday, January 31, 2007, at 10 a.m. in 215 Dirksen Senate Office Building, to organize for the 110th Congress. The Committee will also consider favorably reporting the following nominations: Michael J. Astrue, to be Commissioner of Social Security, Social Security Administration; Dean A. Pinkert, to be Member of the United States International Trade Commission; and Irving A. Williamson, to be Member of the United States International Trade Commission.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, January 31, 2007, at 9:15 a.m. to hold a hearing on Iraq.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions meet in executive session during the session of the Senate on Wednesday, January 31, 2007 at 10 a.m. SD-430.

PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE THE JUDICIARY

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on "Examining the Iraq Study Group's Recommendations for Improvements to Iraq's Police and Criminal Justice System" for Wednesday, January 31, 2007 at 10 a.m. in Dirksen Senate Office Building Room 226.

Witnesses

The Honorable Lee H. Hamilton, Former Member of Congress, Director, The Woodrow Wilson International Center for Scholars, Co-Chair, Iraq Study Group Washington, DC.

The Honorable Edwin Meese III, Former U.S. Attorney General, Ronald Reagan Chair in Public Policy, The Heritage Foundation, Member Iraq Study Group Washington, DC.

THE PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on "US-VISIT Challenges and Strategies for Securing the U.S. Border" for Wednesday, January 31, 2007, at 2:30 p.m. in Dirksen Senate Office Building Room 226.

Witnesses

Panel I. The Honorable Richard Barth, Ph.D., Assistant Secretary, Office of Policy Development, Department of Homeland Security, Washington, DC.

Robert A. Mocny, Acting Director, US-VISIT, Department of Homeland Security Washington, DC.

Panel II. Richard Stana, Director, Homeland Security and Justice, Government Accountability Office, Washington, DC.

Phillip J. Bond, President and CEO, Information Technology Association of America, Arlington, VA.

C. Stewart Verdery, Jr., President, Monument Policy Group, Washington, DC.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Wednesday, January 31, 2007, at 9:30 a.m., to conduct its organizational meeting for the 110th Congress.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Small Business and Entrepreneurship be authorized to meet during the session of the Senate for a hearing entitled "Assessing Federal Small Business Assistance Programs for Veterans and Reservists," on Wednesday, January 31, 2007, beginning at 10 a.m. in room 428A of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

JOINT ECONOMIC COMMITTEE

Mr. DURBIN. Mr. President, I ask unanimous consent that the Joint Economic Committee be authorized to conduct a hearing in room 106 of the Dirksen Senate Office Building, Wednesday, January 31, from 9:30 a.m. to 1 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL COMMITTEE ON AGING

Mr. DURBIN. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet Wednesday, January 31, 2007 from 10:30 a.m.–12 p.m. in Dirksen 562 for the purpose of conducting a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON READINESS AND MANAGEMENT SUPPORT

Mr. DURBIN. Mr. President, I ask unanimous consent that the Subcommittee on Readiness and Management Support be authorized to meet during the session of the Senate on Wednesday, January 31, 2007, at 2:30 p.m., to continue to receive testimony on abusive practices in Department of Defense contracting for services and inter-agency contracting.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. GRASSLEY. Madam President, I ask unanimous consent for Stanford Swinton, Anne Freeman, Lynda Simmons, Bess Ullman, Ann Thomas, and Eric Slack of my staff to be given privileges of the floor during the deliberation of H.R. 2, the Fair Minimum Wage Act of 2007.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT—EXECUTIVE CALENDER

Mr. REID. Mr. President, if I could now move to the more mundane, I ask unanimous consent that at 11:45 tomorrow, the Senate proceed to executive session to consider the following nominations en bloc: Calendar Nos. 8 through 10; that there be 10 minutes for debate on the nominations equally divided between Senators LEAHY and SPECTER or their designees; that at the conclusion of the yielding back of time, the Senate vote on nomination No. 8, Lawrence Joseph O'Neill to be a U.S. district judge; that following that vote, the Senate vote on nomination No. 9, Valerie Baker, to be a U.S. district judge; that following that vote, the Senate vote on nomination No. 10, Gregory Frizzell, to be a U.S. district judge; that there be 2 minutes for debate between the votes; that the motions to reconsider be laid on the table, the President be immediately notified of the Senate's action; that the Senate then return to legislative session, and that all time consumed in executive session, including the votes, count toward cloture on H.R. 2.

I would say, before the Chair rules on this unanimous consent request, how much we can count on staff. One number was missing, and I am just here trying to figure out what to do without staff, and as usual, they come through.

The PRESIDING OFFICER. The majority leader quickly got to the correction. Is there objection?

Without objection, it is so ordered.

NATIONAL MENTORING MONTH

Mr. REID. Mr. President, I ask consent that the Senate proceed to the consideration of S. Res. 61.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 61) designating January 2007 as "National Mentoring Month."

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 61) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 61

Whereas mentoring is a long-standing tradition with modern applications in which an adult provides guidance, support, and encouragement to help with a young person's social, emotional, and cognitive development;

Whereas research provides strong evidence that mentoring can promote positive outcomes for young people, such as an increased sense of industry and competency, a boost in academic performance and self-esteem, and improved social and communications skills;

Whereas studies of mentoring further show that a quality mentoring relationship successfully reduces the incidence of risky behaviors, delinquency, absenteeism, and academic failure;

Whereas mentoring is a frequently used term and a well-accepted practice in many sectors of our society;

Whereas thanks to the remarkable creativity, vigor, and resourcefulness of the thousands of mentoring programs and millions of volunteer mentors in communities throughout the Nation, quality mentoring has grown dramatically in the past 15 years, and there are now 3,000,000 young people in the United States who are being mentored;

Whereas in spite of the strides made in the mentoring field, the Nation has a serious "mentoring gap," with nearly 15,000,000 young people currently in need of mentors;

Whereas a recent study confirmed that one of the most critical challenges that mentoring programs face is recruiting enough mentors to help close the mentoring gap;

Whereas the designation of January 2007 as National Mentoring Month will help call attention to the critical role mentors play in helping young people realize their potential;

Whereas the month-long celebration of mentoring will encourage more organizations across the Nation, including schools, businesses, nonprofit organizations and faith institutions, foundations, and individuals to become engaged in mentoring;

Whereas National Mentoring Month will, most importantly, build awareness of mentoring and encourage more individuals to become mentors, helping close the Nation's mentoring gap; and

Whereas the President has issued a proclamation declaring January 2007 to be National Mentoring Month and calling on the people of the United States to recognize the importance of mentoring, to look for opportunities to serve as mentors in their communities, and to observe the month with appropriate activities and programs: Now, therefore, be it

Resolved, That the Senate—

(1) designates the month of January 2007 as "National Mentoring Month";

(2) recognizes with gratitude the contributions of the millions of caring adults who are already serving as mentors and encourages more adults to volunteer as mentors; and

(3) encourages the people of the United States to observe the month with appropriate ceremonies and activities that promote awareness of, and volunteer involvement with, youth mentoring.

CATHOLIC SCHOOLS WEEK

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 62.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 62) recognizing the goals of Catholic Schools Week and honoring the valuable contributions of Catholic schools in the United States.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent the resolution be agreed to, the preamble be agreed to, and the motion to reconsider by laid upon the table

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 62) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 62

Whereas Catholic schools in the United States have received international acclaim for academic excellence while providing students with lessons that extend far beyond the classroom;

Whereas Catholic schools present a broad curriculum that emphasizes the lifelong development of moral, intellectual, physical, and social values in the young people of the United States;

Whereas Catholic schools in the United States today educate 2,363,220 students and maintain a student-to-teacher ratio of 15 to 1;

Whereas the faculty members of Catholic schools teach a highly diverse body of students;

Whereas the graduation rate for all Catholic school students is 95 percent;

Whereas 83 percent of Catholic high school graduates go on to college;

Whereas Catholic schools produce students strongly dedicated to their faith, values, families, and communities by providing an intellectually stimulating environment rich in spiritual character and moral development; and

Whereas in the 1972 pastoral message concerning Catholic education, the National Conference of Catholic Bishops stated, "Education is one of the most important ways by which the Church fulfills its commitment to the dignity of the person and building of community. Community is central to education ministry, both as a necessary condition and an ardently desired goal. The educational efforts of the Church, therefore, must be directed to forming persons-in-community; for the education of the individual Christian is important not only to his solitary destiny, but also the destinies of the many communities in which he lives.": Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the goals of Catholic Schools Week, an event cosponsored by the National Catholic Educational Association and the United States Conference of Catholic Bishops that recognizes the vital contributions of thousands of Catholic elementary and secondary schools in the United States; and

(2) commends Catholic schools, students, parents, and teachers across the United States for their ongoing contributions to education, and for the vital role they play in promoting and ensuring a brighter, stronger future for the United States.

MEASURE READ THE FIRST TIME—H.J. RES. 20

Mr. REID. Mr. President, I understand that H.J. Res. 20 has been received from the House and is now at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will report the joint resolution by title.

The legislative clerk read as follows:

A joint resolution (H.J. Res. 20) making further continuing appropriations for the fiscal year 2007, and for other purposes.

The PRESIDING OFFICER. Is there objection to proceeding to the measure?

Mr. REID. Mr. President, this is the continuing resolution, which is so important to continuing the functions of this Government, but I am objecting to my own request for its second reading.

The PRESIDING OFFICER. Objection is heard.

The bill will receive its second reading on the next legislative day.

MEASURE READ THE FIRST TIME—S. 470

Mr. REID. Mr. President, it is my understanding that S. 470, introduced by Senator LEVIN, is at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 470) to express the sense of Congress on Iraq.

Mr. REID. Mr. President, I now ask for its second reading but object to my own request.

The PRESIDING OFFICER. Objection is heard.

The bill will receive its second reading on the next legislative day.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR THURSDAY, FEBRUARY 1, 2007

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 10 a.m., Thursday, February 1; that on Thursday, following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day; that there then be a period of morning business until 11:45 a.m., with Senators permitted to speak therein for up to 10 minutes each, with the first 30 minutes under the control of the Republicans and the next 30 minutes under the control of the majority; that following morning business, the Senate proceed to executive session as under the previous order; that upon resuming legislative session, the Senate resume consideration of H.R. 2, the minimum wage bill; that all time during the adjournment and morning business count against the postcloture time.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

PROGRAM

Mr. REID. Mr. President, today, the Senate has completed the amendment process on H.R. 2, and the Senate also invoked cloture on the bill by a vote of 88 to 8. Tomorrow, we will anticipate concluding action on the bill in the afternoon. Once the bill has been completed, there will then be a cloture vote on the motion to proceed to S. Con. Res. 2, the bipartisan Iraq resolution, unless we work something out, as we expressed here at some length tonight.

To remind Members, we will be voting tomorrow prior to noon on three judicial nominations. Those votes are expected to begin at about 11:55 a.m.

ORDER FOR ADJOURNMENT

Mr. REID. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that following the remarks of Senator SNOWE of Maine, the Senate stand adjourned under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Maine is recognized.

Ms. SNOWE. Mr. President, I know the hour is late. I want to speak briefly to the resolution that has been introduced by our most respected Member of the Senate, Senator WARNER, regarding Iraq.

I first ask unanimous consent to be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. SNOWE. For the record, I know the Senator from Virginia and the Senator from Michigan have had numerous conversations. The proposed changes in the resolution that was introduced this evening by the Senator from Virginia certainly reflect many of the concerns of those of us who are the cosponsors of the Biden-Hagel-Levin resolution regarding the troop surge. The changes in the proposed resolution now reinforce the opposition to troop increases. It does enhance the position. It solidifies the unified view of those of us who have adopted a position in opposition to the troop surge. It also helps to advance this debate. Now we can begin on a course of deliberation within the Senate.

I join the concerns of Senator WARNER and our Republican leader that we should proceed in consideration of a resolution and not proceed out of order on the Warner resolution. It was introduced as a resolution. It should be debated and voted upon as a resolution here in the Senate. I am pleased, because I think it does unite us now that we have had these types of changes that I think go a long way to making a strong statement with respect to the President's proposed strategy of increasing troops in Iraq.

I thank the Senator from Virginia for offering this resolution as modified so we can proceed and embark on the deliberations that not only consistently are the traditions of this institution but also are consistent with the views of the people of this country that this issue, which is the preeminent one of our time, deserves a full and open debate.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. I thank our distinguished colleague from Maine. I share her views, as I expressed them with our leader here, that it was certainly always the intention of the Senator from Virginia that this matter should be kept in a resolution status, thereby precluding any necessity for the President to become involved in the sense of a legislative process. I feel confident that what we have put forth are recommendations—not orders to the President, not contravening the President's constitutional authority in any way, but they are the heartfelt thoughts of Senators as to how there could be further modifications in the new strategy in such a way as to hopefully lower the profile of the United States Armed Forces in the Baghdad operation and, thereby, hopefully, wherever possible, not inject them into this sectarian violence which can be better handled by the Iraqis, who understand the Iraqis, who have a far better understanding of the cultural differences that give rise to so much of this sectarian strife today. I am optimistic that can come to pass and we can treat this in the resolution status and that Senators can work their free will. There may be ideas far better than what I have embraced in this resolution, together with my colleagues, Senator COLLINS and Senator BEN NELSON. We are open to ideas. It is best that those ideas be exhibited right here on the Senate floor in full view of all to determine their merit.

I thank my colleague. I am honored the Senator sees fit to join us as a cosponsor.

Ms. SNOWE. I want to express my appreciation to the Senator from Virginia, because I do think this resolution reinforces the position of those of us who oppose the troop surge. I couldn't agree with the Senator more about the concerns we have involving the sectarian strife, particularly at a time in which the Iraqi Government has not demonstrated the political resoluteness to confront its own militias, to disarm and demobilize them, to proceed with a political process that would advance in unifying the country. That is long overdue. The time has come for the Iraqi Government and its people to step up and assume those responsibilities. That is why I had for the last few months the deep concern about the increase in the level of troops at a time in which sectarian strife has enveloped the country.

It is time for the Iraqi Government, the Iraqi Army to begin to proceed to take responsibility for the internal problems that are developing. We obviously should move in a different direction and place the pressure on them to do what is right.

Mr. WARNER. I thank our colleague. I also note the Senator from Maine was present on the floor in the course of the colloquy between the distinguished Senator from Nevada, Mr. REID, and our distinguished leader, Mr. MCCONNELL. I think they are both working toward trying to find the basis on which this matter can be treated as a resolution, which has been my desire from the first. I believe the Senator shares that view very strongly.

Ms. SNOWE. Absolutely. And I have indicated that concern about introducing this resolution in the form of a bill. I also understand that at some point that bill would obviously be converted to a resolution. But I think we should proceed in regular order and have a full and open debate, as the Senator from Virginia has recommended. I think that is consistent with the traditions and practices of the Senate. And certainly this issue is deserving of open debate for the American people.

Mr. WARNER. I thank the Senator. I am glad she, once again, pointed out that if it were to go into bill status, there is a point in time when I—and I presume you would join me—and others would move to try and have that bill status once again returned to the resolution status before any final action on this or other measures that may come before the Senate in this debate. Senator MCCONNELL all along to all his colleagues has said, me included, that he wanted to try to provide an opportunity for as many viewpoints to be heard, either by resolution or by amendment, as possible.

I also note the Presiding Officer was an original cosponsor on the resolution that I and Senator NELSON and Senator COLLINS put forward.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 10 a.m. on Thursday, February 1, 2007.

Thereupon, the Senate, at 8:27 p.m., adjourned until Thursday, February 1, 2007, at 10 a.m.

EXTENSIONS OF REMARKS

REMARKS OF FATHER ROBERT J. DRINAN, S.J.

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 31, 2007

Ms. PELOSI. Madam Speaker, I request that the remarks of a former Member of this body, Father Robert Drinan, at a Mass at Trinity University prior to my swearing-in as Speaker, be included in the CONGRESSIONAL RECORD.

REMARKS OF ROBERT F. DRINAN, S.J., PROFESSOR, GEORGETOWN UNIVERSITY LAW CENTER, AT A MASS HONORING SPEAKER-ELECT NANCY PELOSI AT THE CHAPEL OF TRINITY UNIVERSITY IN WASHINGTON, DC—WEDNESDAY, JANUARY 3, 2007

Today is a new epiphany for all us, for our country and for the world.

Epiphany brought the three Magi to worship the new born child. We are here to venerate that child and to pledge that the message of this infant Jesus will be followed in our country and throughout the universe.

This is a new and wonderful moment for all of us.

The new Congress has 16 percent women and for the first time the Speaker is a mother.

We re-pledge our lives to the love of children. In this regard the Holy See has shown us the way. In 1981 the Vatican was the fifth nation of the Earth to ratify the United Nations Covenant on the Rights of the Child. That magnificent treaty has now been ratified by all of the 192 nations in the world—except Somalia and, we say it with shame, the United States.

The children protected by the U.N. Covenant now number some three billion—almost one-half of the 6.4 billion in the world. Today we re-pledge ourselves to pray and work for those children. We must continue to be shocked that 31,000 of those children will die today and every day—from diseases and malnutrition that are clearly preventable.

Imagine what the world would think of the United States if the health and welfare of children everywhere became the top objective of America's foreign policy! It could happen—and it could happen soon—if enough people cared.

Today at this moving and unforgettable Mass we gather to pray, to reflect and once again to commit our lives to carrying out the faith we have that the needs of every child are the needs of Jesus Christ himself. The tragedies of the children of Darfur and the victims of Katrina have made us feel guilty for the neglect of the young people in these nations. That guilt has to be developed so that the United States and other developed countries will use their resources to help the 800 million people in the world who are chronically malnourished. We must also remember the 100 million children who are not enrolled in any school—and that 70 percent of these children are girls. In addition, children are still being injured by land mines placed by the United States in Nicaragua, El Salvador, Vietnam, Kuwait and elsewhere.

We have come to this beautiful place to pray for our new leaders and for ourselves. We are ashamed that we have been so careless and thoughtless about the rights of children. We cannot forget Christ's personal love of children and his affirmation that "whatsoever you do for the least of my brethren you do for me"

We are increasingly aware that the world—especially the 48 Islamic nations—have the deepest doubts about the intentions and activities of the United States. They know that the United States has less than five percent of the world's total population but consumes 40 percent of its resources.

We pledge again before the Blessed Sacrament that we will deepen our love for all children. It is depressing to realize that only 18 percent of America's children are registered in Head Start and that an appalling number do not graduate from high school. We are aware at this holy place of the weakness of our faith and the fragility of our love.

Let us reexamine our convictions, our commitments and our courage. Our convictions and our commitments are clear and certain to us. But do we have the courage to carry them out?

God has great hopes for what this nation will do in the near future. We are here to ask for the courage to carry out God's hopes and aspirations.

Let us not disappoint our Redeemer.

We learn things in prayer that we otherwise would never know. Let us pray now and always.

If a plane crashed this afternoon at Dulles with 310 children aboard the whole world would cry and cry and cry. But a tragedy like that happens 100 times each day—31,000 children every day—needlessly—die because the heedlessness of all of us. President Kennedy once said that those who "make peaceful revolution impossible make violent revolution inevitable." We pray here today and ask God's help in our ardent desires to "make peaceful revolution possible."

HONORING COACH DONNA WISE

HON. RON LEWIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 31, 2007

Mr. LEWIS of Kentucky. Madam Speaker, I rise today to pay public tribute to a remarkable individual from my home district. Donna Wise, head coach of the women's basketball team at Campbellsville University, is retiring at the end of this season, drawing her legendary 32-year coaching career to a close.

Most people know about Kentucky's love of basketball and the commitment many make every season to win. Coach Wise's athletic achievements epitomize a work ethic and competitive spirit that makes Kentucky proud. But it's the lessons Donna Wise instills in her players about life's priorities, impressions countless young women continue to take far off the court and apply many years after college, that mark the true measure of her legacy.

A master of the sport, Coach Wise has always conducted herself in the highest standard, expecting both athletic and personal excellence from those she led. Her consistent focus on team work, sportsmanship, and persistence has been the foundation of the Lady Tigers' remarkable success.

To date, Coach Wise has won an impressive 653 games, ranking 1st in the NAIA Division 1 and 12th nationally among all NCAA and NAIA women's coaches in total wins. Throughout three decades of coaching, she has led 16 teams to NAIA Conference titles, 4 to Kentucky Intercollegiate Conference titles, and numerous others to national tournament and title game appearances. She has been recipient to dozens of coaching awards including induction into the National Association of Intercollegiate Athletics Hall of Fame in 2000.

In addition to her athletic accomplishments, Donna Wise has remained actively involved in numerous community and charitable organizations. She has been recognized as Woman of the Year by the Business and Professional Women's Foundation in 1994; Campbellsville Citizen of the Year in 1995; and Educator of the Year by the Campbellsville Chamber of Congress in 2000.

I would like to recognize Donna Wise today for her many achievements as a coach, teacher, and citizen. Her unique dedication to the development and well-being of student-athletes and the communities they now serve make her an outstanding American worthy of our collective honor and appreciation.

STRENGTHENING AMERICA'S MIDDLE CLASS

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 31, 2007

Mr. KUCINICH. Madam Speaker, during a hearing today in the Committee on Education and Labor entitled "Strengthening America's Middle Class: Evaluating the Economic Squeeze on America's Families," I offered the following statement on the economic issues facing workers and families in America.

As we will hear from today's witnesses, families across the Nation are experiencing increased financial pressures and too often failing to reap the rewards of their own productivity. Many middle class workers who have labored tirelessly to support their family are now faced with job insecurity and financial concerns. Too often, the overriding themes of many workers' lives have become themes of increasing debts and diminishing protections. The pressure they now face largely stems

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

from circumstances beyond their control, circumstances that we as Members of Congress must work to rectify.

Many families of middle class workers now teeter on the edge of economic stability. Every American can attest to the growing costs of necessities such as home heating oil, child care, and healthcare. As wages have failed to keep pace, many workers are placed in a precarious financial situation. Forced increasingly to rely upon loans and credit cards to make ends meet, families can find themselves one extended hospital stay or temporary job loss away from bankruptcy. The system designed to protect families in these situations is broken, and must be mended by this Congress.

Outsourcing, once primarily a concern for manufacturing jobs, is now a growing concern for white collar jobs as well. Workers in my home state of Ohio have long known the consequences for workers when jobs are shipped overseas. The effects of trade policies such as NAFTA have led Ohio to post the sixth highest unemployment rate in the Nation in the most recent numbers reported by the Bureau of Labor Statistics. Workers and their families are left in an insecure world, with diminishing protections and in need of a helping hand.

No longer can our Nation turn a blind eye to the effects of lax enforcement of labor laws, inadequate social support systems and faulty trade policies. This Congress must take the necessary steps to ensure that workers and their families are on stable economic ground. We have the ability to better protect and aid our constituents, and we must move towards the goal of security for workers as we begin this new Congress.

COMMENDING E. STEVEN COLLINS AND RADIO ONE FOR CONTRIBUTING TO THE SAFETY AND WELLBEING OF PHILADELPHIA

HON. CHAKA FATTAH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 31, 2007

Mr. FATTAH. Madam Speaker, I rise today to commend Radio One in Philadelphia and E. Steven Collins, National Sales Manager, for their extraordinary civic-minded efforts in support of the "Groceries for Guns Initiative" during the 2007 Martin Luther King's birthday celebration.

Creative and determined promotion by Radio One through its three FM outlets in the Philadelphia market, under the direction of Mr. Collins, led directly to a successful outcome beyond anyone's expectations.

The initiative, spearheaded by Philadelphia City Councilwoman Blondell Reynolds Brown in cooperation with my Congressional office and Business Manager John Dougherty of Local 98, International Brotherhood of Electrical Workers, produced the surrender of 252 weapons to the Philadelphia Police Department, including 177 handguns and several sawed off shotguns.

What better way to pay tribute to Dr. King's message and legacy of non-violence than to remove these potential instruments of crime from our streets?

And it occurred shortly after the city experienced one of its deadliest years in recent history. In 2006, the toll of homicide victims in Philadelphia was 406. Eighty five percent of these victims were killed by firearms.

This extraordinary outpouring by the citizens of Philadelphia and the Delaware Valley would not have reached such dramatic numbers without the efforts of Radio One and its stations—100.3 The Beat, 103.9 Praise, and 107.9 R&B. Radio One and its personalities promoted an ongoing anti-violence, anti-gun, anti-drug campaign of personal responsibility on the theme, "It Starts With Me, It Starts With You."

For a week in advance of the "no questions asked" gun surrender, Radio One air personalities promoted "Groceries for Guns" through public service announcements, interviews with Councilwoman Reynolds Brown and myself and numerous appeals. Mr. Collins, a longtime respected voice in Philadelphia radio, conducted some of these interviews on his own show.

On the day of the initiative, January 15, 2007, Pooch and Laiya and other Radio One personalities provided live interviews from outside the Columbia YMCA in North Philadelphia as hundreds of Philadelphians, young and old, lined up to exchange weapons for certificates worth $200 in groceries at The Fresh Grocer outlets.

Police officials expressed gratitude—and surprise—at the large number of weapons that were taken off the streets of Philadelphia and hauled away in the department's mobile ministation in a single day's effort.

I thank all the participants and especially Radio One and E. Steven Collins for their efforts to bring about a "Gun Safe Philadelphia."

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, February 1, 2007 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

FEBRUARY 5

3 p.m.
Judiciary
Human Rights and the Law Subcommittee
To hold hearings to examine genocide and the rule of law.
SD–226

FEBRUARY 6

9:30 a.m.
Armed Services
To hold hearings to examine the President's budget request for fiscal year 2008 and the fiscal years 2007 and 2008 war supplemental requests in review of the Defense Authorization Request for Fiscal Year 2008 and the Future Years Defense Program.
SH–216

Judiciary
To hold hearings to examine if the Department of Justice is politicizing the hiring and firing of U.S. attorneys relating to preserving prosecutorial independence.
SD–226

10 a.m.
Budget
To hold hearings to examine war costs.
SD–608

Environment and Public Works
To hold an oversight hearing to examine recent Environmental Protection Agency decisions, focusing on EPA actions and documents, including monitoring regulations related to perchlorate, the process for setting National Ambient Air Quality Standards (NAAQS), the lead NAAQS process, air toxics control (the "once in always in" policy), the Toxic Release Inventory, and EPA library closures.
SD–406

2:30 p.m.
Judiciary
To hold hearings to examine the nominations of John Preston Bailey, to be United States District Judge for the Northern District of West Virginia, and Otis D. Wright II, and George H. Wu, each to be United States District Judge for the Central District of California.
SD–226

2:45 p.m.
Finance
To hold hearings to examine the President's Fiscal Year 2008 budget proposal.
SD–215

FEBRUARY 7

9:30 a.m.
Energy and Natural Resources
To hold hearings to examine the President's proposed budget request for fiscal year 2008 for the Department of Energy.
SD–366

10 a.m.
Banking, Housing, and Urban Affairs
To hold hearings to examine predatory lending practices and home foreclosures.
SD–538

Budget
To hold hearings to examine the President's Fiscal Year 2008 budget proposal.
SD–608

Commerce, Science, and Transportation
To hold hearings to examine climate change research and scientific integrity.
SR–253

Rules and Administration
To hold hearings to examine the hazards of electronic voting, focusing on the machinery of democracy.
SR–301

FEBRUARY 8

9 a.m.
Foreign Relations
To hold hearings to examine the President's foreign affairs budget.
SD–106

9:30 a.m.
Energy and Natural Resources
To hold hearings to examine issues relating to labor, immigration, law enforcement, and economic conditions in the Commonwealth of the Northern Mariana Islands.
SD–366

10 a.m.
Budget
To hold hearings to examine the President's Fiscal Year 2008 budget and revenue proposals.
SD–608

Commerce, Science, and Transportation
To hold hearings to examine the present and future of public safety communications.
SR–253

Judiciary
Business meeting to consider pending calendar business.
SD–226

FEBRUARY 13

10 a.m.
Energy and Natural Resources
To hold hearings to examine the "Stern Review of the Economics of Climate Change" examining the economic impacts of climate change and stabilizing greenhouse gases in the atmosphere.
SD–106

FEBRUARY 14

10 a.m.
Judiciary
To hold hearings to examine judicial security and independence.
SD–226

FEBRUARY 15

9:30 a.m.
Energy and Natural Resources
To hold hearings to examine the President's proposed budget request for fiscal year 2008 for the Department of the Interior.
SD–366

SENATE—*Thursday, February 1, 2007*

The Senate met at 10 a.m. and was called to order by the Honorable BARACK OBAMA, a Senator from the State of Illinois.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Sovereign Lord, permit us to feel Your nearness and to know the inspiration of Your presence. May our closeness to You help us to choose light over darkness, love over hate, and good over evil.

Today, provide for the needs of the Members of this body. Move among them, instructing, lifting, and guiding them, so that whatever they do in word or deed, they will do it to glorify You. Give them the confidence, security, and peace that comes from developing a friendship with You as they open their hearts to the inflow of Your spirit. Show them what needs to be changed, and give them the courage and wisdom to do Your will.

We pray in Your glorious Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable BARACK OBAMA led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, February 1, 2007.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BARACK OBAMA, a Senator from the State of Illinois, to perform the duties of the Chair.

ROBERT C. BYRD,
President Pro tempore.

Mr. OBAMA thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SENATOR JIM BUNNING

Mr. REID. Mr. President, my goal as a boy was to be a baseball player. I loved to listen to those baseball games, and I could see myself in my mature years chasing balls down in the outfield and hitting doubles to bring in the winning run. That didn't happen in my life, but I have had the wonderful experience here in the Senate of being able to talk, as I was for a few minutes this morning, to a member of the Baseball Hall of Fame, JIM BUNNING.

I hope these pages here understand that they have a rare opportunity, to be able to be in the same room, to shake someone's hand who is a member of the Hall of Fame. It was my first time, during Thanksgiving, to visit the Baseball Hall of Fame, and I came away with the realization of how few people are in that Baseball Hall of Fame. JIM BUNNING is one of them. We talked a few minutes this morning, and I asked him questions, such as: Who are the good catchers who caught you? And he said: Lots of them. And we talked today about Clay Dalrymple, the man who caught his perfect game, and Gus Triandos.

So just a little offshoot, Mr. President. We are so fortunate to be Members of the Senate for lots of reasons, not the least of which is that we are able to serve with a member of the Baseball Hall of Fame.

SCHEDULE

Mr. REID. Mr. President, this morning the Senate will be in a period of morning business until 11:45 a.m. The first 30 minutes will be controlled by the Republicans, and the next 30 minutes will be controlled by the majority. There is additional time for Members to speak in morning business until the hour of 11:45, if they wish. At that time, the Senate will proceed into executive session to consider three judicial nominations. The debate time on the three nominations is limited to 10 minutes; therefore, Members can expect rollcall votes as early as 11:55 this morning.

The distinguished Republican leader and I have had a number of conversations about judicial nominations, which, in the past, have been a real dustup. We are going to try to avoid that this year. We hope to have the first circuit court nomination approved before the Presidents Day recess and will continue to work on district court trial judges and circuit court judges as soon as we can.

I personally want the record to reflect that I appreciate the President not sending back four names that were really controversial, and I think it is better for the body that the President did not send up those names. I think we have to reciprocate in a way that is appropriate, and we are going to try to do that by looking at these nominations as quickly as we can. We are hopeful and somewhat confident the President will send us some good circuit court nominees.

Once we have disposed of the nominations, we will resume debate, postcloture, on H.R. 2, the minimum wage bill. A vote on this matter should occur this afternoon. I will discuss that with the Republican leader so that Members will have notice as to when that vote will occur.

After we complete action on the minimum wage bill, there will be an immediate cloture vote on the motion to proceed to S. Con. Res. 2, the bipartisan Iraq resolution. Last night, I asked consent that we vitiate that cloture vote. We are still working on that to see if we can work something out with the Republicans as to whether we have that vote. Most Democrats will vote against going forward on that since there is now another matter that will come before the Senate, at the latest on Monday. But we are working on that. I acknowledged last night, as did the Republican leader, that the final language of the new matter, which Senator LEVIN introduced last night, was just finalized at 8:30 p.m., 9 p.m. last night, so I understand why we can't get anything definitely from the minority leader at this time.

I would also say that we have now in the Senate a continuing resolution which passed the House by approximately 290 votes. We are ready to move forward on that. We have to complete that legislation by February 15, the Presidents Day recess, or the Federal Government is closed, and no one wants that to happen. So we are going to move forward on that. What we would like to do is move forward on it by unanimous consent. I understand that is not something that is going to happen, or at least at this stage, but at least we are ready to move forward as quickly as possible. The more quickly we dispose of that, the more time we can spend on Iraq, if, in fact, we want to spend more time on Iraq. At the least, next week is set aside so that we can debate Iraq. What we hope is that we can have a number of competing resolutions, whether it is two, three, four, whatever it is, and to get consent that we would use these vehicles for debate.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

MEASURES PLACED ON THE CALENDAR—H.J. RES. 20 AND S. 470

Mr. REID. Mr. President, before I turn this over to the Republican leader, there are two bills at the desk for a second reading, is my understanding.

The ACTING PRESIDENT pro tempore. The Senator is correct.

The clerk will report the measures by title for the second time.

The assistant legislative clerk read as follows:

A joint resolution (H.J. Res. 20) making further continuing appropriations for the fiscal year 2007, and for other purposes.

A bill (S. 470) to express the sense of Congress on Iraq.

Mr. REID. Mr. President, I object to any further proceedings at this time with respect to these bills en bloc.

The ACTING PRESIDENT pro tempore. Pursuant to rule XIV, the measures will be placed on the calendar.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

SENATOR JIM BUNNING

Mr. McCONNELL. Mr. President, the majority leader mentioned the baseball career of my colleague from Kentucky, JIM BUNNING, and we are immensely proud of him in the Commonwealth of Kentucky, not only as a great U.S. Senator but also somebody who literally put our State on the map during his athletic career.

I might say to these young pages here, Senator BUNNING is not only a hall of famer in baseball, he is a hall of famer in life. He has 9 wonderful children, 35 grandchildren, maybe even some beyond that. So it is an extraordinary Kentucky family, and I wish to acknowledge with gratitude the observations the majority leader made of my colleague, Senator BUNNING.

NOMINATIONS AND IRAQ

Mr. McCONNELL. Mr. President, I also wish to thank the majority leader for his remarks about circuit court judges. We all know the confirmation of circuit court judges became unnecessarily, it seems to me and I think seems to him, contentious at various times in recent years. I think we are off to a good start this year.

Each of the last three Presidents ended his term with the U.S. Senate in the hands of the opposition party. Each of these last three Presidents received an average of 17 circuit court judicial confirmations during those last 2 years even though the Senate was in the hands of the opposition party.

As Senator REID has indicated, the President has not forwarded several nominations that were contentious in the last session, and I thank the majority leader for his indication that we will move forward with Randy Smith, who is the nominee for the Ninth Circuit, before the Lincoln recess. That is an indication of good faith on his part, which is greatly appreciated by me and others on our side.

With regard to Iraq, as the majority leader indicated, we continue to be in discussions about how to craft that debate. We certainly agree the debate will occur next week, and we are trying to reach a consent agreement that would allow us to have several different options that would reflect the sentiment of most Members of the Senate about the current situation in Iraq and the decision to go forward and try to quiet the capital city of Baghdad. So those discussions will continue throughout the day.

With that, Mr. President, I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business until 11:45 a.m., with Senators permitted to speak therein for up to 10 minutes each, with the first 30 minutes under the control of the Republicans and the second 30 minutes under the control of the majority.

The Senator from Kentucky.

ROLE OF AMERICAN DIPLOMACY

Mr. BUNNING. Mr. President, I thank the majority leader and the minority leader for their nice words. They might disagree on certain issues, but I am glad they agree on one thing—that I finally made it to the U.S. Senate after spending 12 years in the House and did have a private and professional life prior to service here in the Federal Government. I thank both Senators.

As we prepare to discuss the war in Iraq, I would like to take a couple of minutes to discuss the issue of personal responsibility, civility, and the role of American diplomacy.

Since the founding of our great Nation, we have had a long and proud tradition of international diplomacy. Our diplomacy has taken many forms, whether it is through official state visits or through less formal channels, such as congressional delegations traveling to individual countries. What we all need to remember is that when we are on a trip to a foreign country, we act as American diplomats. This is something which I would like my colleagues to remember, especially when they speak on American foreign policy in public international forums and settings. Most of our colleagues take this role seriously and act in a manner that is consistent with the advancements of our Nation's foreign policy. We should not use the international stage as an opportunity to denounce our own country by making irresponsible comments that endanger our foreign policy by sending the wrong messages to our enemies.

We currently face a critical turning point in our Nation's foreign policy.

As representatives of this Government, we need to be responsible with our remarks on foreign soil and to show some form of civility when airing our grievances about our President, our country's stand on diplomatic issues, and the war in Iraq.

While we do have our disagreements on how this country should proceed, I believe we need to iron out these problems at home rather than taking them to an international stage and using that opportunity to make politically offensive comments towards our country.

Saying our country is shameful at an international forum only hurts our standing among world leaders we are trying to negotiate with on important trade deals and other foreign policy issues such as preventing further international conflict.

We need to help build up America on the international stage, not shoot ourselves in the foot by tearing ourselves down with statements used for political gain.

Most Americans do not belong to the "Blame America First" crowd. Most Americans don't support bashing our country on the international stage. Most Americans agree that politics ends at the water's edge.

The "Blame America First" crowd spreads negative sentiment about the United States, and then wonders why the rest of the world has a low opinion of America. They are feeding the very beast they claim they are trying to tame.

Most Americans are proud of what this country stands for.

The United States is one of the largest contributors in economic aid to developing countries.

We continually work as a Nation to extend a helping hand to those in need.

Funding for bilateral and economic assistance has increased consecutively over the past 6 years, reaching unprecedented levels in the international community.

We have also taken the lead in the fight against the spread of HIV and AIDS.

We recognize that this pandemic is destroying lives, undermining economies, and threatening to destabilize entire regions.

The President's emergency plan for AIDS relief is the largest commitment ever made by any nation to combat HIV and AIDS.

The number of people benefiting from this program has grown from 50,000 to 800,000 in 3 years.

It is an extremely successful program and continues to grow in support every year.

We also continue to provide lifesaving drugs to fight malaria to those in need in Africa.

Through the President's malaria initiative we have been able to provide millions of lifesaving treatments in order to prevent the spread of this debilitating disease.

These international successes often go largely unnoticed and are overshadowed by the current debate on the war in Iraq.

I ask my colleagues to take a moment this week to reflect upon our foreign policy successes as well as our current challenges.

I believe that we can build upon our mistakes and learn from them.

We must work collectively on advancing our national interests instead of splintering off and playing into the hands of our enemies.

Some of the proposed resolutions on Iraq send a terrible message to both our troops and allies and only hurt our national interests.

Even more importantly, I believe they send a dangerous message to our enemies.

I do not support these kinds of nonbinding resolutions that criticize our plans for Iraq and I plan to oppose them.

They are counterproductive and will not make our problems in Iraq go away now or in the near future.

I support working to find real solutions to the problem at hand, not politically motivated attempts that offer little or no alternative.

I will not participate in this empty political posturing.

My main focus is on providing moral and material support for our troops.

We must not forget our commitment to our troops and in turn the commitment they made to our country and the mission in Iraq.

I believe they deserve our full support, not criticism and idle threats to cut their funding.

Like many of my colleagues, I was initially skeptical of sending additional reinforcement troops to Iraq, but I believe that we must give the President's new strategy a chance to succeed.

Abruptly cutting and running is not a viable option.

This would only further hinder our efforts in the war on terror and endanger our regional allies in the Middle East.

I will support our commander and chief in his new way forward in Iraq and will support General Petraeus, our new commander of the multinational forces in Iraq, in his efforts to carry out this plan.

I believe that General Petraeus is a key component in this new strategy.

He is a friend.

He has spent many years of his fine career stationed at Fort Campbell, KY.

I have the utmost respect for him and confidence in his leadership skills and judgment.

His service in Iraq has equipped him with an expertise in irregular warfare and operations and a true understanding of the enemy we face.

In his 27 months in Iraq, he led a division into battle, oversaw the reconstruction and governance of Iraq's third-largest city, and built up from virtually nothing Iraq's army and police force.

He managed to do this all by earning the respect of the Iraqis—all Iraqis—the Kurds, Sunnis and the Shias.

General Petraeus and I talked, just the two of us, for nearly an hour in my office this week.

I asked tough questions. And he responded with realistic answers about what it takes for us to succeed in Iraq.

He knows that Iraqis have to live up to their end of the bargain.

Now we must show General Petraeus that we will live up to our end of the bargain and give him the opportunity to carry out his mission.

Some of our colleagues support General Petraeus but do not support his mission.

Many of our colleagues that unanimously voted to give General Petraeus his fourth star last week will likely vote in favor of proposed resolutions that question the very mission that General Petraeus testified in support of before the Senate Armed Services Committee.

This does not make sense to me. Right now we cannot afford to distinguish between the two.

I am not asking my colleagues for an open-ended commitment, just a little more patience—patience to see if this new strategy works, patience to see if Iraqis will hold up their end of the bargain and meet the benchmarks set by both our countries, and finally, patience to allow our troops to complete their mission.

Our troops are committed to their mission. Now we owe them our commitment.

This is our last best hope for progress in Iraq.

In his confirmation hearing with the Senate Armed Services Committee, General Petraeus offered to provide Congress with regular reports on the progress of his mission and on the performance and cooperation of Iraqis.

I plan on taking him up on this offer.

We must keep up to date on the situation in Iraq as it changes so that we can best help our new commander address the situation at hand.

I wish General Petraeus the best of luck in this mission.

It is a daunting task but I have faith in him and his leadership capabilities.

I ask my colleagues for their support.

We must show a united front and give this plan a chance to succeed.

The cost of failure is too great. We cannot afford failure in Iraq and the international community cannot either, so I ask my colleagues to reflect on these serious issues before we begin debating the resolutions concerning the war in Iraq next week.

Let us show both our allies and our enemies that we can be united behind our Nation's foreign policy.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

Mr. KYL. Mr. President, first let me compliment my colleague, Senator BUNNING, for a fine statement. I endorse his call for unity. In a time of war, a country needs to be unified, especially when we send our young men and women into harm's way. They need to know we support the mission that we put them in harm's way to try to achieve.

I remember years ago I used to see bumper stickers that said, "Give peace a chance." Today we need to dust off some of those bumper stickers, write a couple of extra words in, and give the President's plan for peace a chance. We are going to have a debate next week among those who believe the President's plan deserves a chance to succeed and those who disagree. I believe the latter position is dangerous, and it would be dangerous to express that point of view with a vote of the Senate in support of a resolution to that effect, especially since it appears people whom we have relied on in the past for advice are also now saying give the President's plan a chance and because events on the ground are beginning to suggest that his plan is already beginning to work.

There has been a great deal of discussion about the Baker-Hamilton report. Critics of the President's plan have frequently held that report up as evidence that we need to take a different course of action. But yesterday, appearing before the Senate Foreign Relations Committee, former Secretary of State James Baker and former Member of the House of Representatives Lee Hamilton both argued that the President's plan should be given a chance to succeed.

Maybe that surprised the chairman, but here is what they testified. Representative Hamilton:

> So I guess my bottom line on the surge is, look, the President's plan ought to be given a chance. Give it a chance, because we heard all of this. The general that you confirmed 80-to-nothing the day before yesterday, this is his idea. He's the supporter of it. Give it a chance.

That is Lee Hamilton.

Former Senator and Secretary of State Baker said:

> . . . the study group set no timetables and we set no deadlines. We believe that military commanders must have the flexibility to respond to events on the ground.

And he said, in response to a Senator:

> Senator, one of the purposes of the surge, as I'm sure you have heard from General Petraeus, when you confirmed him, is to give the Iraqi government a little more running room in order to help it achieve national reconciliation by tamping down the violence or pacifying, if you will, Baghdad.

That is the purpose of this strategy. As I said, there is already evidence, even though the strategy has certainly not been implemented in full, that even the prospect of its implementation is beginning to have an effect. It is clear the Iraqi Government, in its pronouncements, has already begun to sound a lot different to these terrorists than they did in the past, when the Iraqi Government didn't always back up the U.S. efforts. When we would go into an area, we would capture these killers, and a couple of days later they would be back on the street because somebody with political influence in Iraq would see that it happened.

The idea is the Iraqis are now going to take charge and not allow that to happen. And in addition to U.S. troops, there will be twice as many new Iraqi troops helping to make sure it does not happen. Here are a few excerpts from the news media.

From the Washington Post, February 1, 2007:

> Shiite militia leaders already appear to be leaving their strongholds in Baghdad in anticipation of the U.S. and Iraqi plan to increase the troop presence in the Iraqi capital, according to the top U.S. commander in the country.

He said:

> We have seen numerous indications Shia militia leaders will leave, or already have left, Sadr City to avoid capture by Iraqi and coalition security forces," Army Gen. George W. Casey Jr. said in a written statement submitted to the Senate Armed Services Committee as part of his confirmation hearing today to be the Army chief of staff.

Already beginning to work. The article continues:

> Radical Shiite cleric Moqtada Sadr has ordered his militia not to confront U.S. forces and has endorsed negotiations aimed at easing the deployment of American troops in his strongholds, according to Sadrist and other Shiite officials. This is the idea. In Anbar Province, where the pressure from al-Qaida has been very strong, there is now news that the sheiks in Anbar Province are beginning to work with us. Just one report from the Washington Post of January 27:
>
> With the help of a confederation of about 50 Sunni Muslim tribal sheiks, the U.S. military recruited more than 800 police officers in December and is on track to do the same this month. Officers credit the sheiks' cooperation for the diminishing violence in Ramadi, the capital of Anbar province.

We have just mounted a big offensive with the Iraqi military in Najaf, and I quote from a Washington Post story of January 29:

> Iraqi soldiers, backed by U.S. helicopters, stormed an encampment of hundreds of insurgents hiding among date palm orchards in southern Iraq in an operation Sunday and set off fierce, day-long gun battles during the holiest week for the country's Shiite Muslims. Iraqi security officials said that the troops killed scores of insurgents while foiling a plot to annihilate the Shiite religious leadership in the revered city of Najaf.

There is also political movement in the country. Let me quote from a story from the Los Angeles Times of February 1:

> Sunni and Shiite Arab lawmakers announced plans Wednesday to form two new blocs in Iraq's parliament they hope will break away from the ethnic and religious mold of current alliances and ease sectarian strife.

There has also been a lot of talk about whether the mission of our forces should be one of which is to help secure the borders. This is something else that the Iraqis have pledged that they need to do, particularly in their relationships with Syria and Iran. Quoting from the same Los Angeles Times story:

> Iraq indefinitely halted all flights to and from Syria and closed a border crossing with Iran as the government prepares for a security crackdown, a parliament member and an airport official said Wednesday, the Associated Press reported. The airport official said that flights to and from Syria would be cancelled for at least two weeks and that service had been interrupted on Tuesday. Hassan al-Sunneid, a member of the parliament's defense and security committee, told the AP that "the move was in preparation for the security plan. The State will decide when the flights will resume."

So it is already beginning. No resolution passed here in the Senate is going to stop this new strategy. It appears to already be having some success. My only concern is the disagreement of some of our colleagues that it can't succeed will become a self-fulfilling prophecy, merely because it could embolden our enemies and cause our allies to wonder whether we still have the will to continue until we have achieved our mission in Iraq. But perhaps the message I am most concerned about that these resolutions would send is not only to the enemy and to our allies, but to our own troops and to their families.

There has been quite a bit of discussion of a news report on the NBC Nightly News last Friday, Brian Williams reporting, who specifically called upon Richard Engel, who was in Iraq, to report on what he had found there. I will work through his report, but here is what Engel said:

> It's not just the new mission the soldiers are adjusting to. They have something else on their minds: The growing debate at home about the war. Troops here say they are increasingly frustrated by American criticism of the war. Many take it personally, believing it is also criticism of what they have been fighting for. Twenty-one year-old SP Tyler Johnson is on his first tour in Iraq. He thinks skeptics should come over and see what it is like firsthand before criticizing.

Here is what SP Tyler Johnson then said on the TV news.

> Those people are dying. You know what I'm saying? You may support—"Oh', we support the troops," but you're not supporting what they do, what they share and sweat for, what they believe for, and what we die for. It just don't make sense to me.

Richard Engel then said:

> Staff SGT Manuel Sahagun has served in Afghanistan and is now on his second tour in Iraq. He says people back home can't have it both ways.

And now Staff SGT Manuel Sahagun is on the camera and says:

> One thing I don't like is when people back home say they support the troops, but they don't support the war. If they're going to support us, support us all the way.

And then Engel says:

> SP Peter Manna thinks people have forgotten the toll the war has taken.

And SP Peter Manna says:

> If they don't think what we are doing is a good job, everything that we have done here is all in vain.

Engel concludes:

> Apache Company has lost two soldiers and now worries their country may be abandoning the mission they died for.

We cannot send that message to our troops and to their families, that we disagree with the mission we are putting them in harm's way to try to achieve. As these three young men, our finest, have said, speaking to the American people: You can't say you support the troops if you don't support what we are trying to do here, what we might die trying to accomplish.

That is why we have to be careful about resolutions in the Senate. Every Senator has an immense capability of expressing his or her point of view. We have all done that. We all continue to do it. We can get before the cameras any time we want to. We can let our folks back home know what we feel. And I dare say there are probably 100 different opinions in this body of 100 people. We all have a little different view of it. And we can tell our constituents what we think.

We certainly can communicate that to the President and people in the military. What we don't have to do is to go the next step and pass a resolution that first of all is nonbinding and has no effect on the implementation of the strategy, which is already beginning and will go forward, but can have a very detrimental effect on our enemies, on our allies, and on our own troops.

When General Petraeus was here testifying before his confirmation, he was asked a question about the resolutions to the effect of would it be helpful, and he said: No, it would not be helpful. Then he went on to talk about the object of war being to break the will of the enemy. He said: This would not help us—it would hurt us—break the will of the enemy, especially in a war like the one we are fighting with terrorists around the globe today—a war of wills.

It is important for us not to send the signal that our will is flagging, that there is great disagreement in our country about the desire to continue. In this war of wills, we should be unified and in support of the mission we are sending our troops to try to accomplish, and in support of the general whom we have confirmed to carry out that mission.

So I hope my colleagues will think very carefully about the words they speak, the actions they take, and reflect on what others will think of what we do here in this body. We are not simply speaking to the President, trying to send him a message. Everyone else in the world will get that message. And as much as we might manipulate the words in a resolution to try to bring 60 Senators all in consensus to what the resolution says, we all know what the headlines the next morning are going to say all around the world if a resolution like this were to pass: "Senate Declares No Confidence in President's Strategy." "U.S. Senate Goes on Record as Opposing Bush Plan." You can write the headline. Those are the words that will resonate around the world.

Let's not make any criticism of the President or his plan become a self-fulfilling prophecy. Let's be as united as we can in supporting our troops by supporting the mission we are sending them on, hoping it will succeed; if we want, expressing concerns we have about that, but doing so in a way that doesn't undercut the message. We can do both of these things in this great open society. People expect us to have debate about important issues such as matters of war and peace, and we can do that without undercutting the mission here.

I go back to where I started in quoting former Representative Lee Hamilton, cochairman of the Hamilton-Baker commission in his testimony yesterday here in the Senate:

> So I guess my bottom line on the surge is, look, the President's plan ought to be given a chance. Give it a chance, because we have heard all of this. The general that you confirmed 80 to nothing the day before yesterday, this is his idea. He's the supporter of it. Give it a chance.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BIDEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

IRAQ

Mr. BIDEN. Mr. President, I would like to make a few brief comments this morning on the Warner resolution and the negotiations that went on yesterday, led by Senator LEVIN, to deal with Iraq.

Three weeks ago before the Senate Foreign Relations Committee, Secretary Rice presented the President's plan for Iraq. The Presiding Officer, among others, was there. Its main feature was to send more American troops into Baghdad, in the middle of a sectarian war, in the middle of a city of over 6 million people.

The reaction to the Senate Foreign Relations Committee from Republicans and Democrats alike ranged from profound skepticism to outright opposition. That pretty much reflected the reaction across the country.

Consequently, Senators HAGEL, LEVIN, SNOWE, and I wrote a resolution to give Senators a way to vote their voices, vote what they had said. We believe, the four of us, and I know the Presiding Officer does, as well, that the quickest, most effective way to get the President to change his course is to demonstrate to him that his policy has little or no support in this Senate, in our committee, or, quite frankly, across the country.

After we introduced our resolution, Senator WARNER came forward with his resolution. The bottom line of the resolution is essentially the same, and it was: Don't send more American troops into the middle of a civil war.

There was one critical difference between the Biden-Levin and the Warner amendment. Senator WARNER's resolution, in one paragraph, left open, I think unintentionally, the possibility of increasing the overall number of American troops in Iraq—just not in Baghdad. So from our perspective it wasn't enough to say don't go into Baghdad with more troops; we wanted to say don't raise the number of troops, as well.

The provision in the Warner amendment that allowed for that, if read by the President the way he would want to read it, I believe, would have allowed an increase in troops. We believe very strongly—Senator LEVIN, myself, HAGEL, SNOWE—that would send the wrong message. We ought to be drawing down in Iraq, not ramping up. We ought to be redeploying, not deploying into Baghdad. We should make it clear to the Iraqi leaders that they have to begin to make the hard compromises necessary for a political solution.

A political solution everyone virtually agrees on is the precondition for anything positive happening in Iraq. Now, I make it clear, I and everyone else in this Senate knows that it is not an easy thing for the Iraqi leadership to do, but it is absolutely essential.

So we approached Senator WARNER several times to try to work out the difference between the Biden and the Warner resolutions. I am very pleased that last night, through the leadership of Senator WARNER and Senator LEVIN, we succeeded in doing just that. The language Senator WARNER removed from his resolution removed the possibility that it can be read as calling for more troops in Iraq.

With that change, I am very pleased to join Senator LEVIN, now known as the Levin-Warner resolution, as a cosponsor of that resolution. For my intent, at the outset when I first spoke out about the President's planned surge of American forces in Iraq, when I spoke out before the new year, I made it clear that my purpose was to build bipartisan opposition to his plan because that was the best way to get him to reconsider. That is exactly what this compromise does.

Now we have a real opportunity for the Senate to speak clearly. Every Senator will have a chance to vote on whether he or she supports or disagrees with the President's plan to send more troops into the middle of a civil war. If the President does not listen to the majority of the Congress—and I expect the majority of Congress will vote for our resolution—if he does not respond to a majority of the Congress and a majority of the American people, we will have to look for other ways to change his policy. But this is a very important first step.

Also, I would like to take a moment to present what I believe are the principal findings of our 4 weeks of hearings, over 50 hours, if I am not mistaken, of hearings in the Foreign Relations Committee. While no unanimous prescription has emerged, there is remarkably broad consensus on three main points: First, American troops cannot stop sectarian warfare in Iraq, only a political settlement can do that; the second point of consensus, we must engage in intensive regional diplomacy to support the settlement among Iraqis; third, the U.S. military should focus on combatting terrorists, keeping Iraq's neighbors honest, training Iraq's troops—not on policing a civil war. Indeed, combat troops should start to redeploy as soon as our mission is narrowed.

Those three points were overwhelmingly agreed upon by an array of the most well informed foreign policy experts, both military and civilian, that we have arrayed before that committee in a long time.

Since a political settlement is so critical, we have examined this issue in detail. We have looked at the benchmarks the President has proposed—on oil law, debaathification reform, constitutional reform, and provincial elections—but the divisions are so deep and passions run so high now in Iraq we may be beyond the point where such modest measures can stabilize Iraq.

I believe, and have believed for some time, something much broader is necessary, something much bolder is necessary. Les Gelb, the chairman emeritus of the Council on Foreign Relations and a former Defense Department official, and I put forward just such a proposal 9 months ago. It is premised upon our conviction that the heart of the administration's strategy—building a strong central government—will, in fact, not succeed. As a matter of fact, in the testimony we heard, most pointed out where countries have been drawn by the slip of a pen by world leaders after World War I and World War II—the Balkans, Iraq, and many other places we could name—there have basically only been two models that have brought stability: A straw plan, a la Saddam, or a Federal system, a la the Iraqi Constitution.

The reason a strong central government will not work, although desirable, is there is no trust within the Government, no trust of the Government by the people of Iraq, no capacity of the Government to deliver services, no capacity of this new Government to deliver security.

In a sense, it is understandable. Indeed, we must bring Iraqis' problems and the responsibility of managing those problems down to local and regional levels where we can help the Iraqis build trust and capacity much more quickly and much more effectively.

We have proposed that the Iraqis create what their constitution calls for: three or more "regions" they call them—not republics—three or four more regions consistent with their constitution. We call for Iraq's oil to be shared equally with a guarantee that the Sunnis get their share and have some international oversight to guarantee it. We call for aggressive diplomacy—which, again, most every witness called for, including the Iraq Study Group—we call for aggressive diplomacy in the creation of a contact group consisting of Iraq's neighbors and the major powers in the world, including large Islamic countries to support a political settlement.

We believe we can redeploy most, if not all, of America's troops from Iraq within 18 months under this plan, leaving behind a small force in Iraq or in the region to strike at terrorists, the jihadists, the al-Qaidaists, keeping the neighbors honest, and training Iraqi forces. The time has demonstrated this plan is more relevant and inevitable than it was even the day we put pen to paper and set it out 9 months ago. It takes into account the harsh reality of self-sustaining sectarian violence; it is consistent with Iraq's Constitution; and it can produce a phrase used by a New York Times columnist in describing our plan. It can produce "a soft landing" for Iraq and prevent a full-blown civil war that tears the country apart and spreads beyond its borders.

I might also add, as people have come to understand, what I am calling for is not partitioning, not three separate republics; what I am calling for is what the Iraqi Constitution calls for: decentralization of control over security and local laws with the central government having responsibility for the Army, distribution of resources and currency and other things that a central government must do.

As that has become clearer and clearer, some of the most powerful voices in the American foreign policy establishment have come forward to suggest it makes sense.

Secretary Kissinger told our committee yesterday:

> I'm sympathetic to an outcome that permits large regional autonomy. In fact, I think it is very likely this will emerge out of the conflict that we are now witnessing.

Former Secretary of State Albright said:

> . . . the idea of the . . . constitution of Iraq as written, which allows for and mandates, in fact, a great deal of regional autonomy, is appropriate.

James Baker, former Secretary of State, coauthor of the Baker-Hamilton commission report told us that there are indications that Iraq may be moving toward three autonomous regions, and "if it is, we ought to be prepared to try and manage the situation."

Time is running out. We are going to have as a consequence of the compromise reached between the Biden-Levin resolution and the Warner resolution, now known as the "Levin-Warner whoever else is attached to it" resolution—we are going to have for the first time a full-blown debate in the Senate.

I hope the administration will be listening. I suggest we are coequal—Congress, along with the President—in deciding when, if, how long, and under what circumstances to send Americans to war, for shedding America's treasure and blood.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BROWN). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MURRAY. Mr. President, I ask unanimous consent to speak for 10 minutes in morning business.

The PRESIDING OFFICER. The Senator has that right.

Mrs. MURRAY. Thank you, Mr. President.

HEALTH CARE

Mrs. MURRAY. Mr. President, I rise this morning to talk about the health care proposals President Bush mentioned in his State of the Union Address last Tuesday. For too long, our working families and our businesses have really struggled with rising costs and shrinking access, and Washington, DC, has virtually ignored that health care crisis.

Now, with Democrats in control of Congress, the President is finally bringing some ideas to the table and saying he wants to be part of the solution. Well, I want to thank him for joining the debate, and I hope he is serious about working with us to address the challenges that have only gotten worse over the past 7 years. There may well be valuable ideas in his proposals. I want to get more details than we heard in just the State of the Union Address because there may be areas on which we can agree.

However, I have to say, from what I have seen of the President's plan so far, I do have some serious concerns that his initiatives will undermine the employer-based health insurance system; may push people into the risky and expensive individual insurance market; may fail to provide coverage for our most vulnerable; and may divert funds for the health care safety net to experimental programs.

My first concern is that the President's proposal will jeopardize the employer-based health insurance system. The most stable form of health insurance for America's working families today is through their employers. Mr. President, 155 million Americans receive health insurance today from their employers.

One of the primary reasons why employers offer health insurance to their workers is because those benefits are excluded from taxable income. But the President's proposal, as I hear it, would take away that incentive by putting all forms of health insurance on an equal playing field. Even if employers choose not to drop health care coverage, they may be forced to do so in the future as the healthiest employees drop out of their employers' plans. If insurance becomes unaffordable, employers may be forced to stop offering health care benefits. I think many of my colleagues agree with me that we should be strengthening the employer-based health insurance system, not taking steps that will jeopardize it.

Secondly, I am very concerned that the President's proposal will push people into the individual insurance market. Today, when workers cannot get coverage through their employer, they need to purchase health insurance in the individual insurance market. But as any small businessman or self-employed woman will tell you, the individual insurance market today is not a good alternative to employer-provided coverage. In many States, insurers can cherry-pick applicants to avoid enrolling those with high health needs, or insurance companies can sell different policies to high- or low-risk individuals. If you have a chronic disease such as diabetes—or even any health problem—good luck getting reasonably priced, comprehensive coverage in the individual market today. Any proposal to increase access to health insurance should support the ability of Americans to receive affordable and comprehensive coverage, not force people into expensive, barebones insurance plans.

Third, I am troubled that the President's proposal will not increase access to health insurance for the uninsured. We have 46 million uninsured men, women, and children in this country today. That is a staggeringly high number, and those people face daily challenges trying to avoid getting sick and going into debt when something unexpected happens. Every day, I hear from people in my home State of Washington who struggle to pay for their health care costs. Unfortunately, the President's proposal will not help those people because they do not pay enough money in taxes to benefit from this tax deduction he is proposing. That really makes me question whether the President's plan will actually reduce the number of uninsured Americans.

Finally, I am very concerned that the President's plan will further chip away at our health care safety net because it would divert critical Medicaid dollars into an experimental grant program. Now, we do not have a lot of details yet, but it appears he is proposing to use Medicaid disproportionate share hospital payments to give States the ability to experiment with health care reform. Those DSH payments keep the doors of our public hospitals open. Public hospitals are the foundations of our communities. They not only provide emergency care, but they train our doctors, they support rural health care, and they are the first lines of defense against pandemic flu or bioterror attacks. I am very concerned that his proposal could seriously jeopardize my State's Medicaid funds and, therefore, undermine those critical services.

I want to give an example of how these proposals could exacerbate the worst parts of our health insurance system.

Last week, I received a letter from my constituents Alice and Michael Counts. They live in Vancouver, WA. Their son Wesley was diagnosed with a kidney condition at age 16. Their family's personal health insurance insisted that his kidney disease was preexisting, and the insurer refused to pay for the medical tests that diagnosed his condition. His parents appealed to our insurance commissioner, and they won, but the insurer raised its rates far beyond the reach of a self-employed individual. So later, when Wesley was going through dialysis and a kidney transplant, his employer dropped insurance coverage because it had become too costly.

Throughout all these medical and financial ups and downs, Wesley has worked and has now graduated from Clark College. Thankfully, his parents have been able to help him navigate a health care system that failed him.

Wesley's parents wrote to me, and they said:

> We would rather pay higher taxes that give everyone affordable health care than live with the fear of losing everything through catastrophic illness.

Wesley's story shows just how risky the individual market is and how people with serious health problems can be severely affected when an employer is forced to drop coverage. No patient—no one—should have to live in fear that their next dialysis treatment will not be covered by insurance.

What Wesley deserves—and what all Americans deserve—is access to affordable, dependable, comprehensive health care. The President's plan does not guarantee that. It does not even come close. It just makes the health insurance market more unstable and more risky and leaves more people like Wesley vulnerable. He deserves better than that. I think all Americans do.

So, as I said at the beginning of my statement, I welcome the President's attention to the health care crisis we are facing in this country. Last year, on the Senate floor we devoted 3 days—3 days—to health care. The President probably spent even less time talking about health care. So this is an improvement. We desperately need a serious and a very thoughtful debate about how we increase access to health insurance.

My colleagues and I have put forward a number of good ideas about how to increase access to health care. One of the first things we can do is reauthorize and strengthen the State Children's Health Insurance Program—that is the SCHIP program—that provides quality health care to millions of uninsured children. Congress should give States the funding and the flexibility to cover more of our kids.

Secondly, we have to fund community health centers so they can continue to provide quality health care to our uninsured.

Third, I agree with the President, we should help States devise new ways to increase access to health care. My home State of Washington, like a lot of States, is working on innovative initiatives to expand coverage. But we can accomplish this in ways that do not chip away at the foundation of our public hospitals.

Finally, we can expand health insurance for small businesses and the self-employed by creating Federal and State catastrophic cost pools in ways that will help us lower costs and still protect our patients.

I look forward to working with Chairman KENNEDY and Chairman BAUCUS and my colleagues on both sides of the aisle and the President on real health care reform. There are people like Wesley across the country in every one of our States who are crying out for change, and we owe it to them, in this body, to finally make the progress that is long overdue.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

POWER OF CONGRESS TO IMPOSE CONDITIONS ON APPROPRIATED FUNDS

Mr. SPECTER. Mr. President, I have sought recognition to discuss the powers of Congress under the Constitution to impose conditions on the funds appropriated by Congress, conditions on the President of the United States in carrying out his responsibilities as Commander in Chief. This, of course, is a major subject confronting the United States at this time as to what our continuing policy should be in Iraq, and there is considerable controversy as to what that policy should be.

The President has come forward with the proposal to add 21,500 troops in Iraq.

That has been questioned in many quarters in the Congress of the United States, both the Senate and the House of Representatives, and by the American people. The election results last November were generally regarded as a repudiation of our activities in Iraq. The military personnel who have come forward to testify in recent days before the Armed Services Committee and the witnesses before the Foreign Relations Committee have a similar view that major mistakes have been made in Iraq. But there is also a generalized consensus that once there, even though we found no weapons of mass destruction—had we known Saddam did not have weapons of mass destruction, it is doubtful Congress would have authorized the use of force—we cannot pull out and leave Iraq destabilized. The question is, how to do it.

The day before yesterday, the Judiciary Committee held a hearing on the power of Congress to stop war. The title of the hearing was "Exercising Congress's Constitutional Power to End a War." At that time I raised the question, respectfully, with the President, who has stated that he is the decider—he stated that quite a number of times—I raised the contention that he is not the sole decider, that the Congress of the United States has considerable authority on what will be done in the conduct of the war. There is no doubt that Congress cannot micromanage the war. But it is worth noting historically the many occasions where Congress has appropriated funds or taken action conditioned on the President following the instructions, following the will of the Congress. There was not sufficient time at the hearing the day before yesterday to go into detail on these subjects. That is why I have decided to come to the floor at the present time and amplify the views which I expressed at that time, to review the long line of precedents where the Congress has imposed conditions on how the President spends appropriated funds for military purposes under his Commander in Chief responsibilities and the many situations where the Congress has cut off funding.

When the Congress acceded to the request of President Franklin Delano Roosevelt, in 1940, for a peacetime draft, it was on the condition that no draftees be stationed outside of the Western Hemisphere. When the Congress appropriated funds for reconstruction following the Civil War, the Congress limited the Presidential authority saying that the orders of the President and the Secretary of War to the army should be given only through General Grant and that General Grant should not be relieved, removed, or transferred from Washington without the previous approval of the Senate. That is going fairly far in the management of a military operation and might even be characterized as micromanagement, but that is what was done.

During the administration of Theodore Roosevelt, Congress conditioned appropriations on a minimum of 8 percent of the detachments aboard naval vessels, being Marines. There, again, a fairly extensive incursion into what you would call command responsibilities. Again, it might be characterized as micromanagement.

The United States fought what has been characterized as a Quasi-War with France in the latter part of the 18th century. In that war, Congress limited both the kind of force the President could use—only the Navy, nothing more—and the areas in which he could use it, our coastal waters first and then on the high seas. The Congress authorized the seizure of French vessels traveling to French ports, and then the military seized French vessels coming out of French ports. And that case went to the Supreme Court of the United States. And in an 1804 decision in the case captioned Little v. Barreme, the Supreme Court found that Congress had authorized only seizure of vessels traveling to French courts, not from French ports. As I review that 200 years later, it seems like a very curious limitation, that the power would be to seize vessels going to France but not coming from France, but that was the specificity of the authorization of the Congress, which was upheld in the legal challenge by the Supreme Court of the United States.

There is unanimity that Congress would not cut off funds which could in any way threaten the security or safety of U.S. troops. No doubt about that. And there has been very careful articulation that where there has been disagreement with administration policy, there has always been unanimous support for our troops. But it is worth noting the many historical precedents where Congress has cut off funding for military operations.

In Vietnam, Cambodia, and Laos in 1973, at the close of the Vietnam war, Congress, with a veto-proof supermajority, cut off all funds, including preexisting appropriations, for combat activities in Cambodia, Laos, North Vietnam, and South Vietnam after August 15 of 1973. Then in 1974, Congress set a personnel ceiling of 4,000 Americans in Vietnam, 6 months after enactment, and 3,000 Americans within 1 year, which is a precedent for congressional conditions on a reduction in force so that there is advance notice to the administration what the congressional direction is, so many troops out by such-and-such a date, so many by another date, so there is no doubt that the troops which remain will be adequately taken care of in terms of the necessities for carrying out their function in a safe way.

In 1976, Congress, with respect to Angola, provided that there would be no assistance of any kind provided to conduct military or paramilitary actions in Angola unless expressly authorized by Congress. In Nicaragua in 1984, Congress provided that there would be no funds available to support military or paramilitary operations in Nicaragua.

In Somalia in 1993, Congress provided that no funds appropriated may be used for the continued presence in Somalia of United States military personnel after September 30, 1994. And in Rwanda in 1994, Congress provided that no funds are available for U.S. military participation in or around Rwanda after October 7, 1994 except to protect the lives of U.S. citizens. In 2000, with respect to Colombia, Congress capped at 500 the number of troops in Colombia. During the Barbary wars, Congress enacted legislation authorizing only limited military action against the Barbary powers. In the slave trade in 1819, Congress legislated that even there, there were specific descriptions as to location and mission. In 1878, Congress passed, as part of an appropriations bill, the Posse Comitatus Act, which restricted the President's ability to use the military for police action of the United States, and they went so far as to impose criminal penalties on the troops themselves.

There are substantial limitations present in congressional action with Vietnam in the Gulf of Tonkin resolution. The war powers imposed limitations on the President. It should be noted that the President has never agreed to the limitations, but the reporting requirements under the War Powers Act have been complied with. And both in the first Iraq war in 1991 and the so-called second Iraq war of 2002, and in the authorization as to Afghanistan in 2001, there are restrictions.

It continues to be my hope that there will be an accommodation between the President and the plans he proposes to undertake and the Congress. It has been very healthy to have the kind of analysis and debate which has taken place in committee and on the floor of the Senate and beyond, in the cloakrooms and in the hallways. That is the topic of the day. As we have taken a look at other issues which we are facing, there is very little oxygen in Washington for anything but what we are going to be doing in Iraq. And those who say it is unhealthy or it weakens the United States in the world view or it undercuts the morale of the troops in Iraq, I believe the conventional wisdom is, the consensus is that notwithstanding those kind of concerns, that that is the democratic process. That is the price we pay in a democracy.

At the hearing the day before yesterday in the Judiciary Committee, I cited polls where the military themselves, those participating in Iraq, have substantial questions about the wisdom of what is going on, I think it was 42 percent, disagree with the conduct of the war in Iraq. So it is a healthy sign that it is a part of the price of democracy.

I was interested to note the testimony of former Secretary of State Kissinger yesterday before the Foreign Relations Committee, saying he believed a consensus would emerge. And certainly, the United States is stronger when we do have unity between the Congress, under Article I, and the President, under Article II. I have been pleased to see the President consult with the Congress. I attended one meeting a few weeks ago, presided over by the President, which was bipartisan, about a dozen Senators, both Democrats and Republicans, and a second meeting with the National Security Council, Stephen Hadley, 10 Senators, all of whom on that occasion were Republicans. And the President has scheduled a meeting with Republican Senators tomorrow afternoon, where obviously Iraq will be the topic of the day. I have said publicly that the proposal that makes a lot of sense to me is the one that has been discussed by quite a number of military experts, which would set a time schedule, give notice to the Iraqis that at some point the U.S. forces would retreat to the perimeters of Baghdad, and that the Iraqis would be called upon to meet the two conditions as specified very forcefully by the President in the State of the Union speech: that the Iraqis would be responsible for ending sectarian violence and responsible for securing Baghdad, and that American troops would remain.

My view is that those are the two conditions the President set down. Then the plan which has been considered very broadly would leave the American troops in Iraq to guard the infrastructure, protect the oilfields, and give training and support to the Iraqis. But even the parade of military witnesses who testified before Congress has said that the Iraqis are much more likely to take action to protect themselves when they don't rely upon the

United States to do so. It is a matter of human nature. If we are going to undertake the burdens for the Iraqis, why should they undertake those burdens?

In considering the deployment of 21,500 additional personnel, I have been very skeptical and have said on the record that I could not support that because the Iraqis do not appear, from all indications, to have either the capacity or the will to carry out their commitments if those additional forces are to be committed. But I have said, also, that I am going to await the debate on the floor of the Senate. I am not sure we deserve the title of the "world's greatest deliberative body," but that is the standard we strive to meet. Before I am prepared to decide which way to vote, yea or nay, on any of the resolutions, I want to be part of that deliberative process, join in the discussion, and raise questions.

It is my hope that before that time comes, there will be further discussions, such as the one tomorrow afternoon with the President with Republican Senators. There are discussions going on all the time. I would like to see us meet the standard that former Secretary Kissinger talked about yesterday and come to a consensus. But in the meantime, I believe the analysis that is being undertaken is very healthy. If there is a price to pay, it is a small price to pay for a democracy.

I believe in this discussion taking place in the United States we show the world the strength of our institutions, not the weakness in the United States by whatever disagreements there may be between the President and the Congress of the United States.

Mr. President, I ask unanimous consent that a memorandum of law be printed in the RECORD which details the actions taken in the past by the Congress to limit funding and the actions taken by the Congress to condition funding and limit executive action.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

I. UTILIZING THE POWER OF THE PURSE

Congress has on several occasions used the power of the purse in declining to fund certain military forces (thereby preventing, reducing, or ending the U.S. military presence in a given area) or in otherwise attaching strings to military appropriations. See CRS Report, Congressional Restriction on U.S. Military Operations in Vietnam, Cambodia, Laos, Somalia, and Kosovo: Funding and Non-Funding Approaches (2007); CRS Report, Congressional Use of Funding Cutoffs Since 1970 Involving U.S. Military Forces and Overseas Deployments 1–3, 5–6 (2001) (hereafter "CRS Report 2001"). Several examples follow:

Marines on Naval Vessels. During Teddy Roosevelt's administration, "Congress conditioned appropriations on a minimum of eight percent of detachments aboard naval vessels being marines." Charles Tiefer, Can Appropriation Riders Speed Our Exit From Iraq?, 42 Stan. J. Int'l L. 291, 302 (2006).

Vietnam, Cambodia, and Laos. In 1973, at the close of the Vietnam War, Congress—with a veto-proof supermajority—cut off all funds (including preexisting appropriations) for combat activities in Cambodia, Laos, North Vietnam, and South Vietnam after August 15, 1973. Pub. L. 93–50 (Jul. 1, 1973). Then, in 1974, Congress set a "personnel ceiling of 4,000 Americans in Vietnam 6 months after enactment and 3,000 Americans within one year." CRS Report 2001 at 2; see Pub. L. 93–559, §38(f)(1) (Dec. 30, 1974).

Angola. In 1976, Congress prohibited intervention in Angola: "Notwithstanding any other provision of law, no assistance of any kind may be provided . . . to conduct military or paramilitary operations in Angola unless and until the Congress expressly authorizes such assistance[.]" Clark Amendment, Pub. L. 94–329, §404, 90 Stat. 729, 757–58 (1976).

Nicaragua. In 1984, Congress provided that, during FY1985, "no funds available to . . . any . . . agency or entity of the United States involved in intelligence activities" may be used to support "military or paramilitary operations in Nicaragua." Pub. L. 98–473, §8066(a).

Somalia. In 1993, although Congress "approved the use of U.S. Armed Forces for certain purposes, including combat forces in a security role to protect United Nations units in Somalia," it cut off funding after March 31, 1994, except for limited personnel. CRS Report 2001, at 2–3; see Pub. L. 103–139; see also Pub. L. 103–335 (Sept. 30, 1994) ("None of the funds appropriated by this Act may be used for the continuous presence in Somalia of United States military personnel after September 30, 1994.").

Rwanda. In 1994, Congress limited an appropriations bill with the proviso that "no funds provided in this Act are available for United States military participation to continue Operation Support Hope in or around Rwanda after October 7, 1994, expect for any action that is necessary to protect the lives of United States citizens." Pub. L. 103–335, tit. X.

Colombia. In 2000, Congress capped at 500 the number of troops in Colombia: "[N]one of the funds appropriated or otherwise made available by this or any other Act . . . may be available for . . . the assignment of any United States military personnel for temporary or permanent duty in Colombia in connection with support of Plan Colombia if that assignment would cause the number of United States military personnel so assigned in Colombia to exceed 500." Pub. L. 106–246, 3204(b)(1)(A).

These examples represent congressional action to "re-deploy" or to prevent troops from being dispatched in the first place.

II. NON-SPENDING METHODS OF LIMITING OR DEFINING INVOLVEMENT

On other occasions, Congress has utilized non-spending means to limit and define U.S. military action—e.g., by authorizing military involvement only for specified purposes or places, by rescinding a prior authorization, or by prospectively curtailing authorization.

Quasi-War With France. At the end of the 18th Century, Congress passed a number of statutes authorizing limited military engagement with France in the so-called "Quasi War." See Louis Fisher, Presidential War Power 24 (2d ed. 2004). In 1798, for example, Congress authorized the President "to instruct and direct the commanders of the armed vessels belonging to the United States" to seize French vessels that were disrupting United States commerce. 1 Stat. 561 (May 28, 1798). In particular, "in the war with France, Congress limited both the kind of force the President could use (the navy only) and the areas where he could use it (our coastal waters, at first, and then the high seas)." The Constitution Project, Deciding to Use Force Abroad: War Powers in a System of Checks and Balances 15 (2005). Indeed, in Little v. Barreme, 6 U.S. (2 Cranch) 170, 179 (1804), the Supreme Court found that Congress had only authorized seizure of vessels traveling to French ports, not from French ports.

Barbary Wars. During the Barbary Wars, Congress enacted several measures authorizing limited military action against the Barbary powers. See, e.g., 3 Stat. 230 (1815) (U.S. vessels authorized to seize "vessels, goods and effects of or belonging to the Dey of Algiers"); 2 Stat. 291 (1804) (expressing support for "warlike operations against the regency of Tripoli, or any other of the Barbary powers"); see also Fisher, supra at 35–36 & n.92.

Slave Trade. In 1819, Congress authorized the President to use the Navy to intercept slave ships along the coasts of the United States and Africa. 3 Stat. 532. In this case, Congress provided a relatively specific description of location and mission.

Reconstruction. According to one scholar, "by the use of . . . riders on military appropriations, congressional influence predominated in Reconstruction; occupation armies implementing Reconstruction policies in the Southern states got their directions from such riders." Tiefer, supra at 302. For example, in 1867, Congress attached a rider on military appropriations providing that the "orders of the president and secretary of war to the army should only be given through the general of the army (Gen. Grant); [and] that the latter should not be relieved, removed or transferred from Washington without the previous approval of the senate." Alexander Johnston, Riders (in U.S. History), in III Cyclopedia of Political Science, Political Economy, and of the Political History of the United States By the Best American and European Authors, 147.7 (John J. Lalor ed., 1899), available at http://oll.libertyfund.org/ToC/0216–03.php.

In 1878, Congress passed, as part of an appropriations bill, the Posse Comitatus Act, ch. 263, §15, 20 Stat 145, 152 (codified at 18 U.S.C. §1385), which restricted the President's ability to use the military for police actions in the United States by imposing criminal penalties on the troops themselves. (It is also in part a spending restriction, providing that "no money appropriated by this act shall be used to pay any of the expenses incurred in the employment of any troops in violation of this section." Id.) The PCA was largely aimed at preventing the federal military from overseeing elections in the former Confederacy.

FDR's Peacetime Draft. In 1940, Congress assented to FDR's desire for a peacetime draft, but only on the condition that no draftees be stationed outside the Western hemisphere. Selective Training and Service Act, Pub. L. 76–783, ch. 720, §3(e); see Tiefer, supra at 303.

Vietnam. In 1964, with the Tonkin Gulf Resolution, Congress authorized the President "to take all necessary steps, including the use of armed force, to assist any member or protocol state of the Southeast Asia Collective Defense Treaty requesting assistance in defense of its freedom." Pub. L. 88–408, §2, 78 Stat. 384, 384. However, in 1971, Congress repealed the Tonkin Gulf Resolution. Pub. L. 91–672, §12, 84 Stat. 2055 (Jan. 12, 1971). Later that year Congress called for a "prompt and orderly withdrawal" from Indochina at the "earliest practicable date." Pub. L. 92–129, §401 (Sept. 28, 1971).

War Powers Resolution. In 1973, in response to the Vietnam War and over President Nixon's veto, Congress passed the War Powers Resolution (WPR), Pub. L. 93–148, 87 Stat. 555 (1973), 50 U.S.C. §1541, et seq. The WPR requires the President to consult with Congress before sending troops into hostilities (and within 48 hours after commencing hostilities, entering another nation equipped for combat, or increasing substantially the number of troops in a foreign nation). Also the WPR requires the President to pull out after 60 days—absent a congressional authorization of hostilities, congressional extension, or inability of Congress to meet due to attack. Further, the WPR "permits Congress to terminate an unauthorized presidential use of military force at any time by concurrent resolution." John C. Yoo, The Continuation of Politics By Other Means: The Original Understanding of War Powers, 84 Cal. L. Rev. 167, 181 (1996).

First Iraq War. In 1991, Congress gave the President authority to "use United States Armed Forces pursuant to United Nations Security Council Resolution 678 (1990) in order to achieve implementation of Security Counsel Resolutions [regarding the Iraqi occupation of Kuwait]," but must first attempt diplomatic measures. Authorization for Use of Military Force Against Iraq Resolution, Pub. L. 102–1, §2(a), (b) (1991).

Afghanistan. In 2001, Congress provided by joint resolution that "the President is authorized to use all necessary and appropriate force against those nations, organizations, or persons he determines planned, authorized, committed, or aided the terrorist attacks that occurred on September 11, 2001, or harbored such organizations or persons, in order to prevent any future acts of international terrorism against the United States by such nations, organizations or persons." Authorization for Use of Military Force, Pub. L. 107–40, §2(a), 115 Stat. 224 (Sept. 18, 2001). Although this example is far more open-ended than the others, there are still restrictions imposed on the use of force.

Second Iraq War. In 2002, Congress authorized the President to "use the Armed Forces of the United States as he determines to be necessary and appropriate in order to . . . (1) defend the national security of the United States against the continuing threat posed by Iraq; and (2) enforce all relevant United Nations Security Council resolutions regarding Iraq." Authorization for Use of Military Force Against Iraq, Pub. L. 107–243, §3(a), 116 Stat. 1498 (Oct. 16, 2002). The President was, however, required to certify that diplomatic means are insufficient and that the use of force will not impede the war on terrorism. Id. §3(b).

Mr. SPECTER. Mr. President, I yield the floor.

NOMINATION OF GREGORY KENT FRIZZELL

Mr. INHOFE. Mr. President, first of all, I appreciate very much the senior Senator from Pennsylvania yielding to me. I know he is interested in getting these quality judges confirmed, and votes are taking place.

We have one coming up in a few minutes that happens to be for a close personal friend of mine, a judge in Oklahoma, Greg Frizzell. I would like to make a couple of comments.

First of all, we thought he would be confirmed before the end of last year, and it didn't work out. There was bickering going on that had nothing to do with him but with other judges. Fortunately, over the last few weeks, I have had a chance to talk to colleagues on both sides of the aisle.

I want to single out Senator PAT LEAHY for being so generous with me and giving me time to talk about Judge Frizzell and why he should be confirmed. He told me, after listening to this, he would be willing to put him on his top priority list. He didn't have to do it. He is a Democrat and I am a Republican. So, again, I compliment Senator PAT LEAHY for doing that for us and for justice in America.

This young man, Greg Frizzell, has a great family background. I remember when his daddy, Kent Frizzell, was in Kansas and served as attorney general for that State. Then he had better judgment and decided to move from Kansas to Oklahoma. We became good friends many years ago. Greg was very young at that time. He was raised in this family of public servants, people who served as his father had for such a long period of time. I think his father is still at the University of Tulsa Law School and has been for about 20 years and is doing great work. That is the environment in which Greg Frizzell was raised. He has been a judge for a long time, and you would think you would hear some negative things about him. But you don't hear negative things about this guy. Even his political adversaries all agree that he is the quality and type of man who should be on the Federal bench.

Robert Sartin, a member of the Board of Governors, said:

> Judge Frizzell is a man of extremely good character and high integrity, with a deep sense of personal responsibility toward his fellow man.

A fellow judge, Claire Egan, praised him. She talked about the urgency of this confirmation and that they actually only have three judges now on that bench doing the work of six judges.

One of the most highly respected senior Federal judges, Ralph Thompson, who is in senior status in Oklahoma right now, praised Greg, saying there is nobody out there who could be more qualified than Greg Frizzell for this particular appointment.

So it is neat that we are finally getting around to this. I apologize to Greg and his family for the uncertainty that is always there, even though I never had any uncertainty. I knew he was going to be there.

Getting back again to all these different people, Joel Wohlgemuth, a prominent attorney in Tulsa, recalls an incident where Judge Frizzell—he has six kids, by the way—had work to do one night, and he went down and took his six kids with him and did his judicial work. Anybody who can juggle six kids and do his job at the same time I know is qualified for this job. I am thrilled that just in a matter of minutes we will be able to vote to confirm Judge Frizzell to the Northern District of Oklahoma. He will be a great judge.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

JUDGE GREGORY KENT FRIZZELL

Mr. SPECTER. Mr. President, I thank the Senator from Oklahoma for those comments. He may be interested to know that I have been advised that the nominee is the son of Kent Frizzell, who was a high school debater in Kansas in my era. I debated against Kent Frizzell. I also noted that the nominee was born in Wichita, KS, which is a good place to be born, because I was born there, too. It is sometimes the source of some levity.

When I was one of the assistant counsels to the Warren Commission, a man named Frances W. Adams, a prominent Wall Street lawyer, noted on my resume that I was born in Wichita. He said: Where was your mother on her way to at the time? When I say the birth place of Greg Frizzell, the nominee, is Wichita, KS, I recollect my own birth place and recollect the connection I had with his father being my high school debating opponent many years ago.

While I have the floor, I know the time has been reserved to talk about judges in just a few minutes. Having started on Gregory Kent Frizzell, I would like to make a few additional comments. Senator LEAHY is due to be here in a few minutes to speak—about three nominees. Votes are scheduled to take place at 11:55.

I would like to supplement what has been said about Gregory Kent Frizzell. He has an outstanding academic record. He graduated from Tulsa University in 1981 and the University of Michigan Law School in 1984. He was an Oklahoma Rhodes Scholar finalist in 1980. He has been rated unanimously "well qualified" by the American Bar Association. I believe there is no opposition to his nomination for U.S. District Judge for the Northern District of Oklahoma. I urge my colleagues to support him.

I ask unanimous consent that his résumé be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

GREGORY KENT FRIZZELL

UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF OKLAHOMA

Birth: December 13, 1956, Wichita, Kansas.

Legal Residence: Oklahoma.

Education: B.A., University of Tulsa, 1981, Phi Alpha Theta (History Honor Society), Omicron Delta Kappa (National Leadership Honor Society), Oklahoma Rhodes Scholar

Finalist, 1980. J.D., University of Michigan Law School, 1984, AmJur Award in Legal Research and Writing.

Employment: Law Clerk, the Honorable Thomas R. Brett, U.S. District Judge for the Northern District of Oklahoma, 1984-1986, Associate, Jones, Givens, Gotcher & Bogan, P.C., 1986-1994, Solo Practitioner, Gregory K. Frizzell, 1994-1995, General Counsel, Oklahoma Tax Commission, 1995-1997, District Judge, 14th Judicial District of the State of Oklahoma, 1997–Present.

Selected Activities: Board of Directors, Tulsa Speech & Hearing Association, 1986-1995 (President, 1994-1995), Director-at-Large, Rotary Club of Tulsa, 2006-2007, Master of the Bench, American Inns of Court, Hudson-Hall-Wheaton Chapter, 1997-2002 (President, 2000-2001), Member, Oklahoma Bar Association, (Vice Chairman, Professionalism Committee, 2006) (House of Delegates, 2001-2002), Member, Tulsa County Bar Association (Board of Directors, 2006) (Chairman, Law School/Mentoring Committee, 2001-2002), Oklahoma Task Force on Judicial Selection, 1999-2000.

Judge Frizzell was nominated during the last Congress and his nomination reported out of the Judiciary Committee with a favorable recommendation on September 29, 2006. The Senate, however, did not act on his nomination prior to adjournment of the 109th Congress.

President Bush re-nominated Judge Frizzell in the 110th Congress and the nomination reported out of Committee on January 25, 2007.

Judge Frizzell has had a distinguished career both in private practice and in public service.

In 1981, he earned his B.A. degree from the University of Tulsa. While at Tulsa, Judge Frizzell was inducted into the Phi Alpha Theta and Omicron Delta Kappa Honor Societies. He was also an Oklahoma Rhodes Scholar Finalist in 1980.

Judge Frizzell went on to earn his J.D. from the University of Michigan Law School in 1984, where he was awarded the AmJur Award in Legal Research and Writing.

After law school, he served as a law clerk to the Honorable Thomas R. Brett, United States District Court Judge for the Northern District of Oklahoma.

In 1986, Judge Frizzell joined the Oklahoma law firm of Jones, Givens, Gotchers & Bogan, P.C. as an associate and focused on commercial litigation.

In 1994, Judge Frizzell left Jones, Givens and practiced as a solo practitioner. In this capacity he represented individuals and small business entities in civil controversies.

In 1995, Judge Frizzell was appointed General Counsel of the Oklahoma Tax Commission by Governor Frank Keating.

In 1997, Judge Frizzell was appointed district judge for the 14 Judicial District in the State of Oklahoma. He was elected without opposition in 1998 and again in 2002. His term is set to expire in January 2007.

The American Bar Association unanimously rated Judge Frizzell "Well Qualified" to serve as a federal district court judge.

JUDGE LAWRENCE JOSEPH O'NEILL

Mr. SPECTER. Mr. President, further, I support the confirmation of Judge Lawrence Joseph O'Neill to be U.S. District Judge for the Eastern District of California. He, too, has an excellent academic record, with a bachelor's degree from the University of California, Berkeley, in 1973, an MBA from Golden Gate University in 1976, and a law degree from the University of California, Hastings College of Law. He has a distinguished professional record. The American Bar Association rated him unanimously "well qualified."

I ask unanimous consent that his résumé be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

LAWRENCE JOSEPH O'NEILL

UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF CALIFORNIA

Birth: September 5, 1952, Oakland, California.

Legal Residence: California.

Education: B.A., University of California at Berkeley, 1973; M.P.A., Golden Gate University, 1976; J.D., University of California, Hastings College of Law, 1979.

Employment: Associate, McCormick, Barstow, Sheppard, Wayte, & Carruth, 1979-1983, Partner, 1984-1990; Adjunct Professor, San Joaquin College of Law, 1986-1992, Professor of the Year Award, Civil Trial Advocacy; California Superior Court Judge, Fresno County Superior Court, 1990-1999; Magistrate Judge, U.S. District Court for the Eastern District of California, 1999–Present.

Selected Activities: Judicial Member, Federal Bar Association, 1999–Present, Executive Board; Member, Fresno County Bar Association, 1979-1990, Judicial Member, 1990–Present, Recipient, "20 Years of Service" Award for service to the Fresno County Mock Trial Program; Member, Federal Magistrate Judges Association, 1999–Present; Board Member, Ninth Circuit Magistrate Judge Executive Committee, 2003-2006; Board Member, Association of Business Trial Lawyers, 1996-2006; Member, California State Bar, 1979-1990, Inactive Judicial Member, 1990–Present.

Magistrate Judge Lawrence Joseph O'Neill was nominated during the last Congress and his nomination reported out of the Judiciary Committee with a favorable recommendation on August 2, 2006. The Senate, however, did not act on his nomination prior to adjournment of the 109th Congress.

President Bush re-nominated Judge O'Neill in the 110th Congress and the nomination reported out of Committee on January 25, 2006.

He received his B.A. from the University of California at Berkeley in 1973, his M.P.A. from Golden Gate University in 1976, and his J.D. from the University of California, Hastings College of Law in 1979.

During law school, Judge O'Neill served as a legal clerk to the Honorable Roberts F. Kane of the First Appellate District of the California Court of Appeals.

Following law school, Judge O'Neill joined the law firm of McCormick, Barstow, Sheppard, Wayte & Carruth as an associate. He became a partner with that firm in 1984. His practice focused almost exclusively on civil tort litigation.

While working for McCormick, Barstow, Judge O'Neill also taught classes for six years as an adjunct professor at San Joaquin College of Law. San Joaquin honored Judge O'Neill for his teaching skills by presenting him with the Professor of the Year Award.

In 1990, Judge O'Neill was appointed to the Fresno County Superior Court. He served on that court until 1999 when he was appointed as a United States Magistrate Judge in the U.S. District Court for the Eastern District of California.

Judge O'Niell has received numerous awards for his community service including the annual Judicial Award presented by the Rape Counseling Service of Fresno County and the "20 Years of Service" Award presented by the Fresno County Mock Trial Competition Program.

While serving as the presiding judge of the juvenile courts of Fresno County, Judge O'Neill was recognized for his outstanding efforts to prevent child abuse with the Judy Andreen-Nilson Award. The Fresno County Juvenile Justice Commission also presented him with the Award for Achievement in Juvenile Justice.

The American Bar Association unanimously rated Judge O'Neill "Well Qualified."

The vacancy to which Judge O'Neill is nominated has been designated a "Judicial Emergency" by the nonpartisan Administrative Office of the Courts.

JUDGE VALERIE L. BAKER

Mr. SPECTER. Mr. President, the third nominee up for a vote at 11:55 is Judge Valerie L. Baker. She is nominated for U.S. District Court for the Central District of California. Her academic record, as well, is outstanding: summa cum laude from the University of California, Santa Barbara in 1971, with a cum laude master's degree from the University of California, Santa Barbara in 1972, and with a law degree in 1975 from the UCLA School of Law. The American Bar Association unanimously rates Judge Baker "well qualified."

I ask unanimous consent that her résumé be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

VALERIE L. BAKER

UNITED STATES DISTRICT JUDGE FOR THE CENTRAL DISTRICT OF CALIFORNIA

Birth: June 25, 1949, Minneapolis, MN. Legal Residence: California. Education: B.A., 1971, University of California, Santa Barbara, summa cum laude; M.A., 1972, University of California, Santa Barbara, cum laude; J.D., 1975, UCLA School of Law.

Employment: Associate, Overton, Lyman & Prince, 1975-1977; Assistant U.S. Attorney, U.S. Attorney's Office, 1977-1980; Associate, Lillick, McHose & Charles (now Pillsbury, Winthrop, Shaw & Pittman) 1980-1982, Partner, 1982-1986; Judge, Los Angeles Municipal Court, 1986-1987; Judge, Los Angeles Superior Court, 1987–Present.

Selected Activities: Board Member, The Braille Institute, 2001-2003; Member, Los Angeles County Bar Association, 1975–Present; Member, California Judges Association, 1986–present; Board Member, Association of Business Trial Lawyers, 1987-1990, 2001-2004; Board Member, My Friend's Place (homeless shelter for teens), 1993-1995; 1994 Alfred J. McCourtney Trial Judge of the Year Award Recipient, Consumer Lawyers of Los Angeles.

Judge Baker was nominated during the last Congress and her nomination reported out of the Judiciary Committee with a favorable recommendation on September 21, 2006. The Senate, however, did not act on her nomination prior to adjournment of the 109th Congress. President Bush re-nominated Judge Baker in the 110th Congress and her nomination reported out of the Judiciary Committee on January 25, 2006.

Judge Baker received her B.A., summa cum laude, from the University of California, Santa Barbara in 1971 and Masters Degree, cum laude, from the same institution a year later. In 1975, she received her J.D. from the UCLA School of Law.

Upon graduating from law school, she began working as an associate with the firm Overton, Lyman & Prince in Los Angeles. During her two years at Overton, Judge Baker focused on business litigation. In 1977, Judge Baker became a prosecutor with the United States Attorney's Office in Los Angeles.

In 1980, Judge Baker joined the law firm of Lillick, McHose, & Charles (now Pillsbury, Winthrop, Shaw & Pittman) as an associate. Just two years later, the firm granted her partnership. In 1986, Judge Baker was appointed to serve on the Los Angeles Municipal Court, where she presided over civil matters and criminal misdemeanors. In 1987, she was elevated to the Los Angeles County Superior Court, where she currently serves.

Judge Baker has handled thousands of cases from filing to disposition, and is widely recognized as one of California's finest jurists. In 1994, she received the Alfred J. McCourtney Trial Judge of the Year Award from the Consmer Lawyers of Los Angeles. The American Bar Association has rated Judge Baker unanimously "Well Qualified."

Mr. SPECTER. Mr. President, I urge my colleagues to vote for these three distinguished nominees. I thank Senator LEAHY, the Chairman of the Judiciary Committee, for moving these nominations. It is very important. We have numerous judicial emergencies. We have other nominees awaiting action by the committee and by the full Senate.

Senator LEAHY is moving with dispatch, which is appreciated, and it is also appreciated that the majority leader has listed these three nominees for action this morning.

In the absence of any other Senator seeking recognition, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COBURN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

JUDGE GREGORY KENT FRIZZELL

Mr. COBURN. Mr. President, I come to the floor to follow up on the comments made by my senior Senator, Mr. INHOFE, from Oklahoma, on the qualifications of Judge Gregory Frizzell. He has enumerated many of those. This is a fine young man with impeccable character and integrity. He is a living example of a life of service, not just in what he does as a judge in Oklahoma, but what he does in his community in Oklahoma. It has been a real pleasure to get to know him, to also watch him as he went through the process of getting a unanimous vote out of the Judiciary Committee and having no significant questions raised about his judicial philosophy, integrity, character, background, or his qualifications. So it is with a great deal of pleasure that I look forward to his vote today.

I might comment for a moment that he was capable of being confirmed in the last Congress, and there was no reason, no good reason why he wasn't, other than the answer: We are not going to approve any more judges in this Congress. That is the reason I was told by the now majority leader that he would not be approved. There is no question as to his qualifications, but it should remind us again of the dangers of partisanship for party instead of partisanship for our country and for future generations.

I am very thankful to the Judiciary Committee chairman, PATRICK LEAHY from Vermont, for the speed and quickness with which he has brought this to the floor. I thank him for that, and I look forward to working with him with the same speed on any other judges the President might bring up and that the committee would put out.

It is my hope we can get beyond partisanship on judiciary nominees and get to the business of filling the significant number of voids or vacancies that are out there today and that are limiting justice for people in this country. Justice delayed is justice denied. And a lack of available judges is denying justice to hundreds and thousands of Americans every day. So the chairman of the Judiciary Committee has my commitment as a member of the Judiciary Committee to help him in any way I can to move those.

It is a great honor that Greg Frizzell will sit as a Federal judge in the northern district of Oklahoma, and it is my hope we will see many like him fill the spots across this country.

With that, I yield the floor, Mr. President, and I suggest the absence of a quorum.

The PRESIDING OFFICER. Will the Senator withhold?

Mr. COBURN. I will withhold.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is now closed.

EXECUTIVE SESSION

NOMINATION OF LAWRENCE JOSEPH O'NEILL TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF CALIFORNIA

NOMINATION OF VALERIE L. BAKER TO BE UNITED STATES DISTRICT JUDGE FOR THE CENTRAL DISTRICT OF CALIFORNIA

NOMINATION OF GREGORY KENT FRIZZELL TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF OKLAHOMA

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to consider en bloc the following nominations, which the clerk will report.

The legislative clerk read the nomination of Lawrence Joseph O'Neill, of California, to be a United States District Judge for the Eastern District of California;

Valerie L. Baker, of California, to be a United States District Judge for the Central District of California; and

Gregory Kent Frizzell, of Oklahoma, to be a United States District Judge for the Northern District of Oklahoma.

The PRESIDING OFFICER. Under the previous order, there will now be 10 minutes for debate on the nominations, equally divided between the Senator from Vermont, Mr. LEAHY, and the Senator from Pennsylvania, Mr. SPECTER, or their designees.

The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, I thank the Chair. I spoke briefly a few moments ago about these nominees. They all have excellent academic records and professional records, and they have been examined by the investigative authorities and have been reviewed by the Judiciary Committee. They have been passed out unanimously by the Judiciary Committee for confirmation. All have been evaluated "well qualified" by the American Bar Association, and I urge my colleagues to support all of these nominees.

That pretty well summarizes, Mr. President. So in the absence of any Senator seeking recognition, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll. The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOMINATION OF LAWRENCE JOSEPH O'NEILL

Mrs. FEINSTEIN. Mr. President, it is my pleasure to support Judge Lawrence O'Neill's nomination to the Eastern District of California.

His confirmation would help to alleviate a judicial emergency in the Eastern District of California.

The Fresno Division, to which Judge O'Neill is nominated, is suffering from a particularly acute overload of cases.

Judge Anthony Ishii and Senior Judge Oliver Wanger are currently the only judges on the Fresno Division of the Eastern District. Their average caseload is the highest in the Nation.

The people of Fresno and the Eastern District truly need the help that Judge O'Neill will provide.

Fortunately, Judge O'Neill is uniquely qualified to step in and offer immediate relief to the Eastern District because he has been a magistrate judge in the District since 1999.

In addition, for the last 17 years, Judge O'Neill has been a judge in California, spending 10 years as a superior court judge in Fresno before becoming a magistrate.

He is a homegrown Californian. He was born in Oakland, CA, and attended school in California. He received a bachelor's degree in criminology from the University of California, Berkeley, a master's degree in public education from Golden Gate University, and a law degree from Hastings College of Law.

Before attending law school, he was a police officer for the city of San Leandro. I believe this additional perspective will prove an asset on the bench.

I was pleased to learn that the American Bar Association unanimously declared Judge O'Neill to be "well qualified," the ABA's highest rating.

In California, we have developed a bipartisan process for selecting Federal district court nominees. Under this system, a committee of lawyers, including Democrats and Republicans, recommends qualified applicants to the President.

The fact that Judge O'Neill's nomination was a product of this commission gives me confidence that he comes to the bench without an ideological agenda and is prepared to serve all the people of California.

NOMINATION OF VALERIE L. BAKER

Mr. President, it is my pleasure to support Judge Valerie Baker, a distinguished nominee to the U.S. District Court for the Central District of California.

The Central District of California, based in Los Angeles, is the largest and busiest Federal judicial district in the Nation. Judge Baker would be a welcome addition to this important court.

Judge Baker has been a trial court judge on the Los Angeles County Superior Court for nearly 20 years and previously served on Los Angeles Municipal Court.

In 1994, she was awarded the Alfred J. McCourtney Trial Judge of the Year Award from the Consumer Lawyers of Los Angeles.

Judge Baker is also a seasoned litigator, with Federal experience in criminal and civil cases. With the law firm of Lillick, McHose & Charles she specialized in Federal business litigation and antitrust law. As an assistant U.S. attorney, Judge Baker prosecuted bank robberies, major drug violations, and fraudulent enterprises.

At the University of California at Santa Barbara, she earned a bachelor of arts degree and a master's degree in English, and she received a law degree from UCLA.

Off the bench, Judge Baker has devoted herself to charities helping the Los Angeles community.

As a board member of the UCLA Law School Alumni Association, she chaired a committee to recruit qualified minority students. She also served on the board of a non-profit shelter for homeless teenagers and sat on the board of directors of the Braille Institute of Los Angeles.

The American Bar Association has given Judge Baker a unanimous "well qualified" rating, the Association's highest mark.

I am proud of the bipartisan process for selecting Federal district court nominees that we have developed in California. Under this system, a committee of lawyers, including Democrats and Republicans, recommends qualified applicants to the President.

Judge Baker came through this committee, which gives me confidence that she comes to the bench without an ideological agenda and is prepared to serve all the people of California.

Mr. LEAHY. Mr. President, today the Senate continues to make significant progress in its consideration of judicial nominations. The Senate will consider and, I believe, confirm the nominations of Lawrence Joseph O'Neill for the Eastern District of California, Valerie L. Baker for Central District of California, and Gregory Kent Frizzell for the Northern District of Oklahoma.

When they are confirmed, the Senate will have granted its consent to 263 of President Bush's nominations for lifetime appointments to our Federal courts. Moreover, with these three confirmations today, we will have confirmed more of President Bush's nominations in the 18 months I have served as Judiciary Committee chairman with a Democratic majority in the Senate than in the more than 2 years when Senator HATCH chaired the committee with a Republican Senate majority or during the last Congress with a Republican Senate majority. This is the 105th confirmation during my time as Judiciary chairman.

I know some on the other side of the aisle have tried to raise a scare since I, again, became chairman of the Judiciary Committee. They rant as if the sky is falling and we would not proceed on any judicial nominations. We have proceeded promptly and efficiently. Last Thursday, the Judiciary Committee held its first business meeting of the year. We might have met earlier but for the delay in organizing the Senate from January 4, when this session first began, until the Republican caucus finally agreed to the resolutions assigning Members to Senate committees on January 12.

The three nominations we consider today were among the five nominations for lifetime appointments Federal judges that I included on the agenda at our first meeting. Like the two judges confirmed on Tuesday, Judge O'Neill's nomination is for a vacancy that has been designated a judicial emergency by the Administrative Office of the U.S. Courts. All five were among those returned to the President without Senate action at the end of last year when Republican Senators objected to proceeding with certain nominees in September and December last year.

Before proceeding, I inquired of each member of the committee whether a hearing was requested on these nominations this year. I, again, thank all, members of the Judiciary Committee for working with me to expedite consideration of these nominations this year. In particular, I extend thanks to our new members, the Senators from Maryland and Rhode Island.

These nominations were not even sent to the Senate until January 9. They were considered by the committee in a little over 2 weeks and are being approved by the Senate in a little over 3 weeks from their nomination.

I have worked cooperatively with Members from both sides of the aisle on our committee and in the Senate to move quickly to consider and report judicial nominations so that we can fill vacancies and improve the administration of justice in our Nation's Federal courts. I appreciate the interests of Senator CHAMBLISS and Senator ISAAKSON in the confirmation of Judge Wood, the first judge confirmed this year. Likewise, I was pleased to be able to respond to the needs of Senator INHOFE and Senator COBURN by expediting consideration of Judge Frizzell. I thank Senator FEINSTEIN and Senator BOXER of California for their efforts on some of these nominations and for working to fill the vacancies in California.

I have long urged the President to fill vacancies with consensus nominees. The Administrative Office of the U.S. Courts list 57 judicial vacancies. 28 of them have been deemed to be judicial emergencies. So far this Congress, the President has yet to send us nominees for 17 of those judicial emergency vacancies.

I have also scheduled a confirmation hearing for next week for additional judicial nominees and another business meeting at which the committee may consider still more judicial nominations. When a Republican chaired the committee in 1999 and there was a Democratic President, the first hearing on a judicial nominee was not held until June 16. We intend to hold a hearing on February 6.

I had initially thought that we would include the nomination of Norman Randy Smith of Idaho to the Ninth Circuit at that hearing next week. However, with the cooperation of the Senators from California and the members of the Judiciary Committee, I now hope to be able to avoid another hearing on the Smith nomination.

I was pleased when the White House changed course and nominated Randy Smith for the Idaho seat on the Ninth Circuit. I had urged President Bush to take this action last year when he insisted on resubmitting the Smith nomination for a California seat on the Ninth Circuit. I thank the President for finally doing the right thing. I will urge the Senate to confirm his nomination of Randy Smith to the vacant seat on the Ninth Circuit from Idaho. At long last Senator CRAIG and Senator CRAPO will then have a judge on that important court from their home State.

Each of the nominees we consider today has the support of home State Senators.

Lawrence Joseph O'Neill is nominated to the U.S. District Court for the Eastern District of California, another seat deemed to be a judicial emergency by the Administrative Office of the U.S. Courts. He is a well-qualified nominee who has over 15 years of experience on the bench, seven of them as a magistrate judge on the district court to which he is now nominated. Before becoming a magistrate judge, Judge O'Neill spent 9 years as a Fresno County superior court judge and, before that, a decade in private practice. Judge O'Neill will bring a valuable perspective to the Federal bench, having served as a police officer for 5 years in the city of San Leandro, CA. He graduated from law school at the University of California, Hastings and then clerked for Judge Robert F. Kane on the California Court of Appeals.

Valerie L. Baker, who is nominated to the U.S. District Court for the Central District of California, already has over 20 years of experience on the bench. As a Los Angeles County municipal and then superior court judge, she has handled thousands of cases and has been the recipient of the Alfred J. McCourtney Trial Judge of the Year Award by Consumer Lawyers of Los Angeles. After graduating from UCLA Law School, Judge Baker served as an assistant U.S. attorney and as a commercial litigator in private practice. Judge Baker was rated unanimously well qualified by the American Bar Association and has the support of both her home State Democratic Senators.

As a courtesy to Senator INHOFE, I included the nomination of Gregory Kent Frizzell on the agenda for Judiciary Committee's first executive business meeting last week. I was glad to see Senator INHOFE say that he was "pleased with the committee action" and that Judge Frizell was "fast-tracked through." Judge Frizzell is nominated to the U.S. District Court for the Northern District of Oklahoma. He has a decade of experience on the bench as an Oklahoma district judge in Tulsa County. In his 23 years as a lawyer, Judge Frizzell has served as general counsel to the Oklahoma Tax Commission and tried more than 25 cases in private practice as a sole practitioner and an attorney at Jones, Givens, Gotcher & Bogan, P.C., representing community colleges, insurance companies, and other businesses. After graduating from the University of Tulsa and the University of Michigan Law School, Judge Frizzell served as a law clerk to Judge Thomas R. Brett on the court to which he has now been nominated.

I congratulate the nominees and their families on their confirmations today. We continue to make progress towards filling longstanding judicial vacancies. I intend to do what I can to ensure that the Federal judiciary remains independent and able to provide justice to all Americans.

Mr. REID. Mr. President, I ask unanimous consent that all time be yielded back and the vote begin.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

VOTE ON THE NOMINATION OF LAWRENCE JOSEPH O'NEILL

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Lawrence Joseph O'Neill, of California, to be United States District Judge for the Eastern District of California?

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Hawaii (Mr. INOUYE) and the Senator from South Dakota (Mr. JOHNSON) are necessarily absent.

Mr. LOTT. The following Senator was necessarily absent: the Senator from Virginia (Mr. WARNER).

The PRESIDING OFFICER (Mr. WHITEHOUSE). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 97, nays 0, as follows:

[Rollcall Vote No. 40 Ex.]

YEAS—97

Akaka
Alexander
Allard
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Brown
Brownback
Bunning
Burr
Byrd
Cantwell
Cardin
Carper
Casey
Chambliss
Clinton
Coburn
Cochran
Coleman
Collins
Conrad
Corker
Cornyn
Craig
Crapo
DeMint
Dodd
Dole
Domenici
Dorgan
Durbin
Ensign
Enzi
Feingold
Feinstein
Graham
Grassley
Gregg
Hagel
Harkin
Hatch
Hutchison
Inhofe
Isakson
Kennedy
Kerry
Klobuchar
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Martinez
McCain
McCaskill
McConnell
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Sanders
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Tester
Thomas
Thune
Vitter
Voinovich
Webb
Whitehouse
Wyden

NOT VOTING—3

Inouye
Johnson
Warner

The nomination was confirmed.

VOTE ON NOMINATION OF VALERIE L. BAKER

Mr. LEAHY. Mr. President, regarding the Baker of California nomination, we are perfectly willing to have a voice vote. I understand the Senators from Oklahoma want to have a recorded vote on Frizzell. Valerie Baker is next on the list.

I yield back the remaining time.

Mr. SPECTER. We yield back the remaining time.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Valerie L. Baker, of California, to be United States District Judge for the Central District of California?

The nomination was confirmed.

VOTE ON NOMINATION OF GREGORY KENT FRIZZELL

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, I ask for the yeas and nays on the Gregory Frizzell nomination.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

Mr. LEAHY. Mr. President, I yield back whatever time we have remaining on this side.

The PRESIDING OFFICER. Is all time yielded back?

The Senator from Oklahoma is recognized.

Mr. INHOFE. Mr. President, I was honored a few minutes ago to talk about this very outstanding young man, Greg Frizzell. Unfortunately, as the senior Senator from Vermont knows, we tried our best to get him in last year. We were unable to do it. But thanks to him and helping us to expedite the confirmation of this fine young man, we will be voting now.

This gentleman comes from a background that is unusual and unique. I know of no one who has said anything negative about him in our State of Oklahoma. So I think justice will be served with the confirmation of Greg Frizzell for the Northern District of Oklahoma.

I am proud to stand here today in support of Judge Greg Frizzell's nomination to be the U.S. District Judge for the Northern District of Oklahoma. After his Judiciary Committee hearing in September, I was certain that he would be confirmed before the end of the year. However, due to some regrettable political wrangling, his nomination was stalled.

Fortunately, over the past few weeks, I have spoken to my colleagues on both sides of the aisle to help expedite Judge Frizzell through the committee process and bring his nomination to the Senate floor. I am convinced that he is the most capable and well-qualified person for this position.

His family is no stranger to the legal field—I can remember his father, Kent Frizzell. He served as attorney general for the State of Kansas—that is when I first got to know his family. Later on, when they moved to Oklahoma, we became very close friends.

He has had all kinds of experience in the past—serving the Under Secretary of Interior, and he has taught at the University of Tulsa Law School for almost 20 years. So given his father's distinguished work, it is no surprise that Judge Frizzell felt compelled to pursue a career in public service, and his friends and colleagues have praised his professional qualifications and personal integrity, as well as his ability to rule fairly from the bench.

Someone who has been around as long as this young judge has been around, you would think you would hear negative things—I have never heard anything negative about him. Robert Sartin, member of the board of governors of the Oklahoma Bar Association said, "Judge Frizzell is a man of extremely good character and high integrity, with a deep sense of personal responsibility toward his fellow man." Judge Claire Egan, praised him and talked about the urgency to fill vacant spots on the bench—she emphasized the fact that the court right now has three judges doing the work of six.

One of the prominent and well-respected attorneys in Oklahoma, Joel Wohlgemuth of a distinguished law firm in Tulsa, called Judge Frizzell "a man of integrity and a straight arrow".

Before serving in the current position of District Judge of the 14th Judicial District of Oklahoma, Greg Frizzell had a long and distinguished legal career and ample Federal experience. After graduating with a law degree from the University of Michigan, he clerked for Judge Tom Brett—Tom Brett is now in retirement and there is no one who has a better reputation than he, and he has praised Greg Frizzell time and time again. Ralph Thompson, a prominent senior judge serving on the Federal bench in Oklahoma, has also praised him.

After clerking for Judge Brett, Frizzell became an associate at an Oklahoma law firm and then ran his own private legal practice until he was selected to be general counsel to the Oklahoma Tax Commission. After serving for a period of time at the Tax Commission, he was then appointed to his current position as Judge of the 14th District of Oklahoma.

Not only has Judge Frizzell proven an effective and fair legal professional, he is a devoted husband and loving father of six children.

Getting back again to Mr. Wohlgemuth, he recalls an incident where Judge Frizzell, had to work late one night doing work and he brought all six kids to spend time with them into the late hours—anyone who can handle six kids while doing his judicial work, I think can handle this job.

So, Judge Frizzell is a man of great moral integrity who has proven his character in both his private and public life. I cannot say enough about him and his qualifications to be the next U.S. District Court Judge for the Northern District of Oklahoma and I urge my colleagues to confirm his nomination.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, a brief comment on Gregory Frizzell. He was born in Wichita, KS, which is a great note of distinction, being it is my birthplace. I debated against his father in high school. So I have a little more enthusiasm in asking my colleagues to support his confirmation.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Gregory Kent Frizzell, of Oklahoma, to be United States District Judge for the Northern District of Oklahoma?

The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 99, nays 0, as follows:

[Rollcall Vote No. 41 Ex.]

YEAS—99

Akaka
Alexander
Allard
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Brown
Brownback
Bunning
Burr
Byrd
Cantwell
Cardin
Carper
Casey
Chambliss
Clinton
Coburn
Cochran
Coleman
Collins
Conrad
Corker
Cornyn
Craig
Crapo
DeMint
Dodd
Dole
Domenici
Dorgan
Durbin
Ensign
Enzi
Feingold
Feinstein
Graham
Grassley
Gregg
Hagel
Harkin
Hatch
Hutchison
Inhofe
Inouye
Isakson
Kennedy
Kerry
Klobuchar
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Martinez
McCain
McCaskill
McConnell
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Sanders
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Tester
Thomas
Thune
Vitter
Voinovich
Warner
Webb
Whitehouse
Wyden

NOT VOTING—1

Johnson

The nomination was confirmed

The PRESIDING OFFICER. Under the previous order, the motions to reconsider the votes on the nominations are considered made and laid on the table, and the President will be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will return to legislative session.

FAIR MINIMUM WAGE ACT OF 2007

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 2, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2) to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal Minimum Wage.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, I wish to speak on another matter.

The PRESIDING OFFICER. Without objection, it is so ordered.

IRAQ

Mr. BYRD. Mr. President, the verdict is in on the President's plan to send more American troops into Iraq: 68 percent of the American people are opposed to it; 62 percent of Active-Duty military officers are opposed to it. Top military leaders have voiced skepticism about whether an increase in troops will succeed in suppressing the sectarian violence that has consumed Iraq. The evidence is in. The voice of the people, the American people—voix populaire—is clear. It is time to turn around. Unfortunately, this administration seems to have no intention of heeding that call from the people.

Last week, the Vice President talked about the "enormous successes" that have been accomplished in Iraq. Enormous successes? I ask, enormous successes? The Vice President's definition of "enormous success" is, apparently, different from mine.

The Vice President said that talk of failures and blunders in Iraq was just hogwash—his word, "hogwash"—and the Vice President asserted that whatever Congress votes on in relation to Iraq, "it won't stop us." Hear me now. Hear me. This is the Vice President talking. He asserted that whatever Congress votes on in relation to Iraq, "it won't stop us."

Now, listen to me, you people out there in the hills, in the valleys, across the mountain ranges, from the Atlantic to the Pacific, that is a slap in the face to you. Our constituents voted for change in the last election. They asked their elected representatives—us—to chart a new course in Iraq. This administration continues to disregard the will of the American people, it continues to disregard the people of the Nation, the authority of the Constitution. The administration believes it can continue to ignore the message that is coming—yes—from the American people, loudly and clearly: Bring our sons and daughters home.

That is why the bipartisan resolutions we will be debating are so important. That is why they are so important. We have a duty as the elected representatives of the people of the United States to be their voices and to speak the truth. And the truth is that sending more American troops into Iraq would be a continuation of the mistakes that brought us there in the first place. The truth is that many of us in both parties deeply, deeply disagree with the President's decision to increase our commitment in Iraq rather than to decrease it. The truth is that the American people are fed up with having our—our—soldiers caught in the crossfire of a civil war.

It is important to send that message from the people to the President of the United States. But it is not enough. The American people are asking us to send a message, but they are also asking us for answers. What is our strategy? What is our strategy in Iraq? I am not a Johnny-come-lately on this question. I was against sending American troops into Iraq in the first place. I said so, and I voted so.

So what is our strategy in Iraq? Why are we there? When can our sons and daughters and grandchildren come home? When can our sons and daughters come home? This President has had almost 4 years to articulate answers to those questions. Unfortunately, he has failed at every opportunity. And so it falls to us—us, you Senators and me, and Members of the other body—to find a way forward out of the mess he has created. That is why I will be introducing, within the coming days, a resolution that is a new approach to the war, a resolution that is fully supportive of our troops, while laying out clear—clear; as clear as the noonday Sun in a cloudless sky—benchmarks for concluding U.S. military engagement in Iraq.

This administration has claimed that debating the President's plan will undermine the troops. Can you believe that? Debating—debating—debating the President's plan will undermine the troops? Hogwash—h-o-g-w-a-s-h—hogwash. Only 38 percent of the Active-Duty U.S. military forces support sending more troops into Iraq. To imply that the American people and the American troops are somehow incapable of hearing and participating in debate about this war is utterly ridiculous—ridiculous—hogwash.

War—hear me now—war and the escalation of war is not something to be decided in some backroom corridor far from the madding crowd, far from the light of day. We have a duty—yes, a duty—and a responsibility to deliberate, to discuss, and to offer advice. That is the way democracy works, and that is the system established by our Founding Fathers. You better believe it.

Some have claimed that by putting forward these resolutions, we are only offering criticism—well, what is wrong with that in the beginning—and, they say, not alternatives. But criticism is only the first step. That is all right. Criticism is only the first step. It is critical to send a consensus message to this President that he is moving us in the wrong direction. The next step is to show the President the right direction. That is why my resolution is so important and why we should be allowed to debate it and to vote on it quickly. We must show the President the way forward. We must send a light in a binding resolution that cannot be ignored.

The American people want a fundamental change in the administration's policies toward Iraq. The American people elected Congress—you, you, you, and me—to make those changes. We must demonstrate that the Congress can take and is prepared to take action to compel the President to create a strategy that is not simply more of the same.

The resolution I will be introducing will do exactly that. You may not agree with it. The resolution will do exactly that. This resolution reflects the will of the American people that the war in Iraq must be brought to a close in a responsible way. It will establish provisions to bring to a close the U.S. military engagement in Iraq based not upon dates but based upon conditions.

It will restore to Congress—Congress; that is us, the people's elected representatives in the House of Representatives and the U.S. Senate—it will restore to Congress its constitutional war-making power by adding conditions that would terminate the original 2002 use of force resolution. I was against that resolution. I spoke against it. I voted against it. I was against it. I am against it. I was right. I am right. And there are others who voted with me—yes, the people's voice.

Let me say that again. It will restore to Congress—the House and Senate of the United States—it will restore to Congress its constitutional war-making power. Do you believe me? I have it right here. I hold in my hand a copy of the U.S. Constitution. It will restore to Congress its constitutional war-making power by adding conditions that would terminate the original 2002 use of force resolution. Hallelujah. Amen. I was against that to start with. Not everybody agreed with me, which was their right. But this would restore—where it was and ought to have been in the first place—to Congress its constitutional war-making power by adding conditions that would terminate the original 2002 use of force resolution. I was against it. But that resolution was enacted, and it is still the law of the land. It is still the law of the land and will be the law of the land unless and until the Congress acts to terminate it.

The conditions can be summarized as follows: We have achieved our objective. We are no longer needed—or we are no longer wanted in Iraq. These are not irresponsible conditions that would prolong our involvement in Iraq, nor do they require a chaotic or dangerous withdrawal of our troops. These are reasonable conditions that, through the exercise of the article I, section 8 powers granted to the Congress, set limits on the Iraq war resolution, which currently has no sunset provision. Hear me. It has no sunset provision. It goes on and on and on—like Tennyson's brook—forever, on and on and on. Do we want that? That war resolution will continue to be in effect in perpetuity. Do you know what that means? Till Kingdom comes; in perpetuity, from now on, as far as the human eye can see and beyond that. That war resolution will continue to be in effect in perpetuity if the Congress does not act. And if Congress does not act, that is an abdication of the responsibility of the Congress—that is an abdication of the responsibility of the Congress—to be a steward, a good steward, of its constitutional power to declare war.

Additionally, as the bipartisan Iraq Study Group concluded, a clear message must be sent to the Iraqi Government that the U.S. commitment to the war in Iraq is not open-ended. The Byrd resolution will point the way toward concluding that commitment.

No Senator must set aside his or her views of the war in order to support the Byrd resolution. Those who support a rapid redeployment of our troops must realize that the Congress must first reassert the powers vested in this body by article I of the Constitution. Those who have supported the war but are now calling for benchmarks for progress by the Iraqi Government should understand that there can be no clearer call for benchmarks for progress than by writing into the law of the land the conditions under which our presence in Iraq will end.

My approach is one that I believe should have wide bipartisan support. At the appropriate time, I will make the necessary motions to place my resolution, the Byrd resolution, directly onto the calendar, and I urge that the Senate schedule a debate on this proposal soon after this body completes action on the nonbinding resolutions. Although the President believes he can act without the support of the people, the Congress must not submit to such hubris. The work of the Congress must be the work of the people, and there is no more important issue—hear me, there is no more important issue—before our country today than finding a way out of the quagmire in Iraq.

Madam President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. MCCASKILL). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KENNEDY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Madam President, I support the bipartisan compromise legislation on Iraq. I urge my colleagues to support it as well. It is a stunning repudiation of the President's misguided strategy in Iraq, and it will put the Senate squarely on record in opposition to the surge. It is a clarion call for change and a vote of no confidence in the President's failed policy.

It was wrong for the President to take the country to war when we did, the way we did, and for the false reasons we were given. It is wrong to compound that mistake now by sending tens of thousands of additional American troops into the middle of a civil war now taking place.

The American people oppose this escalation. Many generals oppose it. A bipartisan majority of Congress opposes it as well. I especially commend our colleague, Senator WARNER, for his extraordinary service to the Nation and making this compromise possible.

Could our message to the White House be any louder or clearer? I intend, however, to press for binding action that will prevent the surge, unless the President changes course. If he doesn't, I will seek a vote at the first appropriate opportunity. It is wrong for the President to escalate this war and send more American soldiers into the cauldron of civil war.

We are very hopeful that through the course of the afternoon we are going to be finally able to get a vote on the increase in the minimum wage from $5.15 to $7.25 an hour. This is the 9th day we have been on this particular legislation. We have had over $240 billion worth of increased tax preferences that have been suggested and recommended—always on the increase on the minimum wage.

This is not a very complex issue. We have not raised the minimum wage in over 10 years. The purchasing power of the minimum wage has gone down and down, and even with the increase now to $7.25 an hour, it will only be restored to the purchasing power it had 10 years ago.

This is an issue of fairness. It is about people who work and work hard. It is about men and women of dignity who want to do a good job and also want to provide for their children. So I am very hopeful we will have a chance this afternoon to move ahead and vote. We, on this side, have been prepared to vote on that increase from the first day. The House of Representatives only took 4 hours. The Democrats were joined by 80 Republicans to increase the minimum wage.

But over here, we have had 9 days of debate on the minimum wage, with a host of different amendments and still, outside of cloture, we would have 96 amendments that would have been offered by our friends on that side.

I saw yesterday that the President of the United States went to Wall Street and made a speech about how good everything was in terms of the American economy. I noticed that. I read through the speech. He was very robustly cheered by Wall Street during his recitation of some of the facts of what has been happening in the American economy. But although the economy has worked very well for Wall Street—I don't know of anybody who is doubting that—it is a different situation on Main Street. We have seen and heard, during the course of this debate, from many of our colleagues who related many of the stories they witnessed firsthand as they campaigned in their States and as they supported the initiatives that took place in some six States across the country. Rather than jobs that were going to lift you out of poverty, they are ending up being jobs that keep you in poverty. A minimum wage job was never meant to keep you in poverty. That is what it is doing today.

To review what our situation is, looking at the growth of poverty in the United States, these are some of the figures that were not included in the President's speech yesterday. Between 2000 and 2005, 5.4 million more Americans are in poverty in this Bush economy. This is in the last 5 years, from 2000 to 2005. What is more distressing is the number of children who are now living in poverty. This is the other side of the economic coin. This is not Wall Street; this is what is happening in communities all across our country. These are census figures, as of August 2006. We have 1.3 million more children who are living in poverty. We have not seen a reduction in the number of children in poverty; we have seen an increase in the number of children in poverty. This has followed quite a series of economic policies that have brought us to where we are at the present time. We saw that between 1947 and 1973—to put this administration's economic policies in some perspective because I think it is useful to try to find out exactly what it is and to understand it better. Rather than taking one speech at a time, why don't we look at what has been happening to the economy over the period of recent years.

This chart reflects statistics from 1947 to 1973, over a 25-year period, and these indicators are the five different quintiles of income for the American economy, with the lowest at 20 percent. What we are seeing is that all of the different economic groups rose and moved together. Actually, the ones that rose the most were those at the lowest part of the economic ladder. But what this chart is saying is that the economy of the United States of America was working for everyone during this 25-year period. Everyone. Everyone across the board was benefiting from the expanding economy.

If we look at 1973 to 2000, we begin to see the growth of these great disparities. This is from the Economic Policy Institute, and these are figures from 1973 to 2000. It was interesting that in the President's speech he talked about where we were 25 years ago. Of course, 25 years ago is when President Reagan was President, and this is what we find, which is right in the middle of that period and when this major disparity started to grow. This would be, obviously, starting in 1980, and this is 1973 to 2000.

The previous chart showed them all about even, with the lowest growing the fastest. Now we are seeing the flow line and the top moving along the fastest. And if we break this out even further, between 1973 and 2000, we find this growth disparity starting under the Republicans. It is 1980. The President made the reference to 25 years ago, and that is when the growth of this disparity started, and that is due to economic policies. Economic policies. You just can't get away from it.

If we look from 2000 to 2004, this chart reflects what has happened. Take the line that goes right across, and we find out that low-income Americans are actually losing income and falling the fastest. This is a Census Bureau historical income table. These are the governmental figures. So this isn't a speech, these are governmental figures. It shows this extraordinary growth in these disparities, and the people who have suffered the most have been children and also those at the lower end of the economic ladder, who are the minimum wage workers. And that is what we are trying to change on the floor of the Senate, to give them a break and give them a raise to $7.25.

We can see what has happened as a result of these economic policies of the recent past. These are the UNICEF child poverty figures, and we see across the industrial world that the United States has the highest child poverty rate, the highest child poverty rate of any industrial country in the world. So we have this idea on Wall Street that we can say everything is hunky-dory and yet be a nation where we have the highest child poverty rate in the world. And Lord only knows that this weekend probably every person in this Chamber will be making a speech about how children are our future and we have to invest in them, all of which is absolutely true, but we have been failing in our responsibility to look after what has been happening to the children in our country.

One might say: Well, this is all very interesting, but what has the minimum wage got to do with any of this, Senator? It is interesting, but the increase in the minimum wage doesn't solve these issues. And I agree with the President that we have to do more in terms of education. We have to do more in terms of training and in health and in nutrition for these children. There is a great deal more we have to do for children. It all starts, obviously, in the home, but schools are next, and then communities. We all have to do a great deal more, but these are rather startling indictments.

Look at where the poverty rate is in the United States. In States that have a high minimum wage, they have lower poverty rates. This is directly related to the subject matter here.

We have talked generally about economic trends. We have talked about the growth in poverty and the growth in child poverty. So one might ask: What can we do about it? Well, one major step forward we can take is doing something about the minimum wage. Let's prove it.

Look at this chart. These are States with higher minimum wages. They are the States that have voted for an increase in the minimum wage over the Federal minimum wage. Again, these are the Census Bureau's figures. The national poverty rate we see is the red line, and the States that have a higher minimum wage than the national average have less child poverty. Less child poverty.

This chart reflects poverty rates generally, with the next chart reflecting lower child poverty rates. Here is the increase in the minimum wage, and it shows where child poverty is. The other chart showed families living in poverty. This is what happens in States with a higher minimum wage. Again, these are all Census Bureau figures.

So we can do something about child poverty by increasing the minimum wage. And there are many other things we can do, such as increase the earned-income tax credit, support the CHIP, Medicaid expansion, and other types of outreach programs. But one thing we know we can do, and what we have before the Senate this afternoon, is the issue of whether we are going to make progress in reducing child poverty. That is the issue. That is one of the significant outcomes of the vote this afternoon.

We are seeing at the present time, according to the USDA, that we have 12.4 million children who are hungry under the Bush economy. This particular line is left out of the speeches on Wall Street. We have 12.4 million children who are going hungry every single day according to the U.S. Department of Agriculture. But here we see what happens with these 6.4 million children who will benefit from this increase in the minimum wage.

This is the spinoff from the increase in the minimum wage. We are going to get better attendance in our schools, better concentration, and better performance. We have seen that time and time again. We are going to get higher test scores and higher graduation rates; children with stronger immune systems, better health, fewer expensive hospital visits, and fewer run-ins with the juvenile justice system.

We should go back and look at the Perry preschool programs. The studies reflect that when we make these investments in children that we will see every one of these kinds of indicators come out in a positive way. And increasing the minimum wage, as I mentioned, will have an impact on 6.4 million children.

I will make just one final point, Madam President. We have 50,000 spouses of our military who are working today, 50,000 of them and their husbands, primarily husbands but also wives, who are serving in the Armed Forces of the United States of America, and many of them are in Iraq or Afghanistan or served in Iraq and Afghanistan, and they are earning $5.15 or slightly more an hour today. So when we ask what can we do to indicate to our men and women in uniform that we have some respect for their families, well, we have important responsibilities to their families. We can't expect we are going to have top-notch fighting personnel if they are worried about the economic condition of their families. Any military leader will tell you that.

So we have a responsibility to them because they are part of our national security, but we have a responsibility to them also if we are interested in having the most efficient kind of fighting force. Yet we have 50,000 members whose families are out there earning $5.15 or slightly more an hour. That can change. That will change. We can increase the benefits that reach these families.

Hopefully, we have had a good opportunity to talk about these issues. At earlier times in the debate we had questions about, well, what is going to be the impact on small business. We showed the charts where they had increased the minimum wage in some States and, actually, the numbers of small businesses and the expansion of small business and the profitability of small business had all been enhanced.

We had the question: Well, if we increase the minimum wage, will there be an increasing loss of employment? We demonstrated here the best answer to that is what has happened in the past. At other times, historically, when we saw this kind of increase in the minimum wage, we actually saw the unemployment figures continue to strip downward and the employment figures continued to drift upward. Those are the statistics. We put them out here and we haven't been challenged on any of these figures.

We also hear, although not a great deal during the course of this particular debate but in other debates, that this action will be inflationary. So we put the chart up that showed if we provide an increase in the minimum wage, in terms of the payroll, that the increase is just one-fifth of 1 percent of total payroll in this country. So the idea that it is going to add to inflation is basically misleading. Of course, it doesn't compare to the kinds of increases we have seen in a lot of these corporate salaries. I wish we had heard complaints about some of that as we were talking about the pressures of increased payout.

The arguments in favor of the increase are compelling, they are overwhelming, and, hopefully, we are going to have an opportunity this afternoon to finally get, after 10 years, an increase in the minimum wage. We have been standing virtually in the same place for 10 years trying to get an increase. We had 16 days of debate on the increase in the minimum wage outside of the last 9 days. So that is 25 days of discussion on the floor of the Senate as to whether we are going to increase the minimum wage from $5.15 to $7.25 an hour over, basically, a 2-year period. It has taken us all that time to get the Senate of the United States to hopefully vote positively on that proposal, but I am very hopeful that will be the case later in the afternoon.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ALLARD. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLARD. Madam President, I further ask unanimous consent that I be allowed to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. ALLARD and Mr. SALAZAR pertaining to the introduction of S. 472 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from Georgia is recognized.

CONGRATULATING MISS AMERICA CONTESTANTS

Mr. ISAKSON. Madam President, later today the Senate will approve a resolution commending Ms. Lauren Nelson, Miss Oklahoma, as having been named Miss America in the contest on Monday night. I certainly join all Members of the Senate in congratulating her.

I also wish to acknowledge my pride in Amanda Kozak, who finished as second runner-up as Miss Georgia. She is an equally beautiful and talented young lady.

I think it is appropriate that we memorialize on the floor of the Senate for the record the fact that one of our own was also in that contest on Monday night. I am very proud of Miss Kate Michael, Miss District of Columbia, who has worked in my office for the past 3 years. She is a talented, insightful young woman, dedicated to the betterment of mankind and committed to her country. She is a gifted professional dancer who has danced off-Broadway. She is a beautiful person on the outside, and she is equally beautiful on the inside. She is very bright. She graduated magna cum laude from the University of Georgia, and now, while pursuing the Miss America contest, working every day in the Health, Education, Labor, and Pensions Committee with me, at night she goes to Johns Hopkins to pursue a master's degree in government.

Truly, sometimes the media takes those sensational things that happen to young people that are always disappointing and elevates them to front-page news. Yet fine young women such as the ones we recognize in this resolution rarely ever get a comment once the crown is placed on their head. But I am very proud today to say how proud I am of Miss Kate Michael, Miss District of Columbia, my employee and an employee of this Senate, who performed masterfully and competed masterfully in the Miss America contest and is the winner of a crown with me every day of the year.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. BROWN. Madam President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMERICA'S ECONOMIC HEALTH

Mr. BROWN. Madam President, earlier this week the President traveled to Peoria, IL, and yesterday to Wall Street and delivered speeches that painted a remarkably rosy picture of our economy. He praised current U.S. trade policy, applauding his evidence of success, the increase in global free-trade agreements since taking office. I have to say that I, along with millions of middle-class families in Ohio, in Missouri, all over this country, had to wonder what part of the country he was talking about. In my State of Ohio, in Steubenville, in Youngstown, Toledo, Columbus, and Dayton, more than 180,000 manufacturing workers lost their jobs in the time the President has been in the White House.

The President was right about one thing: Productivity is up, and that is a testament to our Nation's hard-working and skilled labor force. Far too often, our Nation's workers do not share in the wealth they create. Our small businesses can't compete against the multinational corporations that exploit cheap labor abroad. Our Nation's history is all about workers. As their productivity increases, they share in the wealth they create for their employers, creating a middle class, creating a rising standard of living.

The President also talked about wage increases for workers, but I am afraid that is where he lost us again. I would invite the President to sit down with a steelworker in Steubenville or a machinist in Toledo or a small tool-and-die shop owner in Dayton. Workers are not seeing their wages increase, nor are they seeing new job opportunities. Employers are not seeing trade policies that level the playing field. Our economic values are skewed toward a very select few in this country.

While it is true the President has pushed 10 free-trade agreements through the negotiation process, he has done so using a fundamentally flawed trade model. More of the same in this case is not such a good thing.

What the President did not say during his speech was that trade negotiations are falling apart. The Central American Free Trade Agreement pushed through the House of Representatives by one vote in the middle of the night still has not been fully implemented. The subsequent Andean Free Trade Agreement fell apart before it even began. Two years ago, thousands of workers in Central America took to the streets protesting this failed trade policy. Last week, tens of thousands of workers in Korea took to the streets protesting a pending free-trade agreement with our country. Why? Again, because the administration continues to use a failed trade model for these agreements. Revamping U.S. trade policy is not just about taking better hold of our economic health; it is about establishing priorities in Washington that reflect family values at home and building strong relationships with trading partners abroad.

While the administration continues to be out of touch with Main Street, I am pleased to say that finally in this Congress there is a bipartisan fair trade effort underway. I am working with Democratic Senator BYRON DORGAN of North Dakota and Republican Senator LINDSEY GRAHAM of South Carolina on a new direction for trade policy. It is not a question of if we trade but how we trade and who, in fact, benefits from trade.

While discussing the minimum wage this week, Senator KENNEDY used these charts to illustrate the development over time of drastic economic inequality in our country. From 1946 to 1973, economic opportunities for poor and working families grew. The lowest 20 percent actually had higher growth, percentagewise, than the top 20 percent in this country. The families who worked hard and played by the rules had a real chance of getting ahead.

From 1973 to 2000, things began to change dramatically. From 1973 to 2000, the lowest 20 percent had the lowest growth in their incomes; the top 20 percent had the fastest growth. It so happened in the year 1973, two things happened: the oil embargo, with the price of oil shooting up; second, 1973 was the year when the United States, historically with trade surpluses, fell into trade deficits, and we have been in trade deficit ever since 1973.

If we look again at this chart, from 1946 to 1973, for 26 years, economic growth was shared equally, with the lowest 20 percent actually growing at the fastest rate and the top 20 percent at the lowest rate. Since 1973, when our country went from persistent trade surpluses to persistent trade deficits, growing more and more and more every year, the lowest 20 percent now have the lowest growth rate, by far. The highest top 20 percent have the fastest growth rate, by far.

We should also look at what has happened to the trade deficit. In 1972, the year I first ran for Congress, our country had a $38 billion trade deficit. In 2006, when the numbers are finalized, our trade deficit will exceed $800 billion. We went from a $38 billion to a $800 billion trade deficit. As President Bush first pointed out, back in 1989–1990, $1 billion in trade deficit or trade surplus translates into 13,000 jobs. So do the math: $1 billion in trade deficit translates into 13,000 lost jobs. Our trade deficit is now $800 billion for the year 2006. Our trade deficit with China in 1992, the year I first ran for the House of Representatives, our trade deficit with China was barely into the double digits. Today our trade deficit with China has reached about $250 billion.

It is clear our trade policy has failed. We have given countries such as China, countries that exploit sweatshop labor and manipulate their currency, an unfair and unnecessary advantage.

If trade agreements can be crafted to protect drug patents and drug companies, those same trade agreements can protect the environment. If trade agreements can be crafted to protect international property rights and Hollywood films, the same trade agreements can protect workers, small American businesses and our communities.

Current U.S. trade policy allows for the inhumane exploitation of foreign workers; it exacerbates job losses in places such as Lima and Zanesville, OH. It puts local businesses—particularly small tool and die, machine shops, small manufacturers—at an unfair disadvantage, forcing thousands of them to close, as large corporations move to Mexico, China, and elsewhere overseas.

In my home State of Ohio, more than 40,000 jobs have been lost to China in the last decade, allowing foreign companies to pay slave wages, to abuse their workers, and to lie about their business practices hurts Americans. It hurts American workers. It hurts American businesses.

This country is already hard at work to change our trade policy to promote fair trade that works for U.S. businesses. We want trade defined differently. We want different trade practices. We want trade that will help small business, that will help workers, and that will stem the exploitation of workers in developing nations.

No longer are Democrats and Republicans in Congress going to stand idly by while businesses and workers in Ohio, businesses and workers in places such as Gallipolis and Springfield and Lima are penalized for playing by the rules.

In the last Congress, we changed the debate on trade. In this Congress, we will change the face of trade.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SALAZAR. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SALAZAR. Madam President, I ask to speak for up to 10 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

IRAQ

Mr. SALAZAR. Madam President, as we anticipate the beginning of the discussion and debate with respect to the future of the involvement of the United States in Iraq, it is important for Members always in this Chamber to remember we are all unified in honoring the men and women who serve in the Armed Forces and those men and women who continue to fight in Iraq with such bravery and such valor that we cannot forget what they do. Every Member in the Senate honors the sacrifice which our troops and their families have made over the past 4 years. That sacrifice will not, cannot, and will never be forgotten.

It is also important to remember that no matter how contentious the debate might become in the weeks and months ahead, every Senator shares the same basic goals: The goal is simply peace and stability in the Middle East and a safe return of our troops to their homeland.

We may disagree on the best path to the end. It is important to remember what binds us together as America so we will not be torn too far apart and we can help end the divisiveness which has occurred in our country over this issue and move forward in a bipartisan way to restore the greatness of America in the world.

It is my hope the anticipated debate that will occur will be with a spirit of bipartisanship and with a spirit of civility. I am especially pleased we have arrived at a bipartisan resolution which plainly states Congress does, in fact, support a new direction in Iraq. I commend the efforts of the bipartisan group of Senators who worked together to provide a positive framework for protecting our national security, supporting our troops, and defining our mission in Iraq. That compromise resolution reflects the will of the American people that we must, in fact, chart a new course of success in Iraq.

I especially commend the leadership and the great efforts of Senator WARNER, Senator NELSON, Senator COLLINS, Senator LEVIN, Senator BIDEN, Senator HAGEL, and others who have been involved in this effort over the last several days.

Until now, the debate over our mission in Iraq has been dominated by essentially what has been a false choice. On the one hand, we have had before Congress and before the American people plan A, which is the President's plan, which essentially has been to say, stay the course, plus, add another 21,500 troops into the fight in Baghdad. This would be a mistake. It would put more American troops into the middle of a civil war and places too much faith in what has been, to us, an incompetent Iraqi Government that has failed to do its work in securing the peace for its people and their country.

On the other hand, we have plan B, which is advocated by some Members of Congress, both in the House and this Senate, which calls for a more or less precipitous withdrawal from Iraq. From my point of view, this, too, is a bad choice. It could open the door to even more bloodshed and to a dangerous regionwide military escalation not only in Iraq but throughout the Middle East.

In my view, what we need is a plan C. That plan C should reflect the bipartisan opposition to the President's proposal to send an additional 21,500 troops to Iraq and also propose an alternative strategy for success in Iraq. That is exactly what we have accomplished with this compromise resolution which would make clear the following: First, that a bipartisan majority of Senators disagrees with the President's plan to increase the number of United States troops in Iraq as he has proposed; second, that the primary objective of a United States strategy in Iraq should be to encourage the Iraqi leaders to make the political compromises that are necessary to improve security, foster reconciliation, strengthen the Government, and end the violence; third, that the United States has an important role to play in helping to maintain the territorial integrity of Iraq, conducting counterterrorism activities, promoting regional stability and training and equipping the Iraqi troops; and, finally, that the United States should engage the nations in the Middle East to develop a regional, internationally sponsored peace and reconciliation diplomatic process and initiative within Iraq and throughout the region.

I will briefly elaborate on some of these points. The President's plan to simply surge or increase the number of troops in Iraq by 21,500 would be a mistake. First, the violence in Iraq is becoming increasingly sectarian, even intrasectarian. I worry that the American troops we are sending there are being placed in what is the midst of a civil war.

Second, I also worry that the larger American military presence will discourage the Iraqis from taking responsibility for their own security. As General John Abizaid said in this Capitol last November:

> . . . it's easy for the Iraqis to rely upon us to do this work. I believe that more American forces prevent the Iraqis from taking more responsibility for their own future.

As we enter the debate over the next several days and weeks in this Senate, we should not forget those words:

> I believe that more American forces prevent the Iraqis from taking more responsibility for their own future.

Furthermore, I am concerned that the plan places too much faith in the present Iraqi Government, which has so far shown little willingness to make the difficult decisions necessary to stop the bloodshed and the violence within their own country.

Finally, we have recent experience where the additional troops who have been sent into Iraq indicate that the results of those operations of the last 7 to 8 months have not been successful. Last year, we tried two separate surges—one was named Operation Together Forward I and the other was Operation Together Forward II—and neither stopped or slowed the violence in Iraq.

In fact, the bipartisan Iraq Study Group found that the violence had escalated during that same time period by 43 percent.

Adding to this is all the additional strain that a troop increase will place on our service men and women and their families.

For these reasons, I oppose the President's plan to increase our troop presence in Iraq. I am proud to be a cosponsor of the resolution that will be before this Senate. This resolution is more than about opposing the President's plan. It proposes a new strategy by calling for an enhanced diplomatic effort, a new focus on maintaining the territorial integrity of Iraq, maintaining the territorial integrity of Iraq, so that the weapons that are flowing from Iran and from Syria into that country can, in fact, be stopped. Stopping the flow of weapons and terrorists into that country will be part of bringing about the security that is needed in that country.

It also calls for a renewed focus on helping the Iraqis achieve a political settlement which is, at the end, a precondition to any successful outcome in Iraq.

We need a new direction in Iraq. We need to speak in a bipartisan voice. We, as an institution, need to fulfill our constitutional duty as a coequal branch of Government as we move forward with what is one of the most important questions that today faces the American Nation.

The resolution I hope will be considered in the Senate this next week is a first step in that direction. I am proud to be a sponsor and a supporter of that resolution.

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. SALAZAR. On behalf of the majority leader, I ask unanimous consent the Senate now stand in recess subject to the call of the Chair.

There being no objection, the Senate, at 2:29 p.m., recessed until 3:26 p.m., and reassembled when called to order by the Presiding Officer (Ms. KLOBUCHAR).

Mr. KENNEDY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KENNEDY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

FAIR MINIMUM WAGE ACT OF 2007—Continued

Mr. HARKIN. Madam President, I rise to discuss an amendment I have filed to eliminate a provision that was added to the minimum wage bill regarding employee leasing firms, also known as professional employer organizations, or PEOs.

I have fought for a clean minimum wage bill, on the grounds that workers have been waiting 10 long years for this raise. During that time, businesses have seen record profits and productivity—and that has been equally the case in States and regions that have raised the minimum wage. Yet now we are being asked to include this aggressively anti-worker PEO provision in order to pass a minimum wage increase in the Senate.

For my colleagues and others who may not know what a PEO is, let me explain. It is an organization that handles administrative details for workers who actually do work for another company. For example, I might technically be employed by Tristate PEO, but I actually show up to work every day at Main Street Construction Company. Companies use PEOs so they don't have to handle the tax-and-benefits paperwork for many of their workers.

The language in the PEO provision, however, seeks to make these PEOs the "employer of record" for tax purposes. PEOs have sought to become the "employer of record" under various laws because they would like to be able to tell employers that the PEOs can independently take care of payroll taxes, workers' compensation, unemployment insurance, and the like. However, in the past, PEOs have misrepresented what jobs are covered by workman's compensation—for instance, by characterizing construction workers as clerical. Under current law, legal responsibility for employer obligations typically remains partly or wholly with the worksite employer.

Making a PEO the sole employer makes the evasion of labor and employment standards much easier. The National Employment Law Project and other worker-rights advocates have concluded that the language now in the bill would make it harder for employees to go to an arbiter and get unpaid overtime, unemployment insurance benefits, or workman's compensation benefits if the PEO collapses. And this is by no means hypothetical. Such collapses have happened not just with small, fly-by-night operations, but with large PEOs like Administaff and Simplified Employment Services, SES.

For example, when SES allowed health insurance premiums to go unpaid and then went bankrupt, it left employees like Melanie Martin out in the cold. She said "We trusted him to pay our insurance premiums, and now I'm stuck with a $7,000 surgery bill. Every time I think about this, I cry."

In 2004, when MidAtlantic Postal Express in Roanoke, VA, went bankrupt, the U.S. Treasury wasn't the only one left holding the bag. Employees were left wondering where to turn for thousands of dollars in back pay. Victory Compensation Services was the PEO handling the workers' pay and benefits, and admitted that workers had no workman's compensation coverage even though MidAtlantic had paid Victory premiums. But Victory blamed MidAtlantic for the unpaid payroll.

Now, let's say that you are newly unemployed trucker who is owed $7,000 in back pay. This is a complicated mess for a worker to try to navigate just to get a paycheck that he or she is owed.

This is part of a larger, systemic problem. Working people in the United States feel less and less empowered in our you're-on-your-own society. Seventy percent of families are headed by either dual-income couples or a single parent. The housing bubble is bursting. Globalization is sending American jobs overseas. Pensions are being frozen at an unprecedented pace. The national savings rate has actually gone into negative figures. Women are working an average of 500 more hours more per year than in 1979. But productivity has increased 70 percent since then. People are working harder and getting paid less.

In this context of economic anxiety, we shouldn't be making it even harder for workers to organize, negotiate or enforce contracts, or fight for their rights under law. But that will be the sure-fire result if the final bill has this PEO provision in it.

I urge my colleagues to strip this provision from the bill. We must not sacrifice worker rights in exchange for this modest and long-overdue increase in the wages for those at the lowest rungs of the economic ladder.

Mr. LEVIN. Madam President, I have long supported an increase in the minimum wage. I am pleased that, with the leadership of the new majority in Congress, this minimum wage increase will be passed by a bipartisan majority.

In 1996 Congress raised the minimum wage by 90 cents an hour in two steps to $5.15 an hour. That increase was enacted more than 10 years ago. Since then, the real value of that wage has eroded by 21 percent and the nearly 5.5 million workers earning the minimum wage have already lost all of the gains from the 1996–1997 increase. Since then, Gallup polls have shown that 86 percent of small business owners do not think that the minimum wage affects their business, and nearly half of small business owners think that the minimum wage should be increased. Since then, 29 States, including Michigan, as well as the District of Columbia have recognized the importance of keeping our working families out of poverty by increasing State minimum wages.

Unfortunately, since the 1970s, poverty has increased by 50 percent among full-time, year-round workers. Currently, 37 million Americans, including 13 million children, live in poverty. As the most prosperous nation in the world, our minimum wage should be a living wage, and it is not. When a father or mother works full time, 40 hours a week, year-round, they should be able to lift their family out of poverty. A full-time minimum wage laborer working 40 hours a week for 52 weeks earns $10,700 per year—more than $6,000 below the Federal poverty guidelines for a family of three.

I believe that a full-time minimum wage job should provide a minimum standard of living in addition to giving workers the dignity that comes with a paycheck. These lower paid workers, many of whom have entered the workforce due to the welfare reform, should be rewarded for entering the workforce, not penalized by a poverty wage. A higher minimum wage has the potential to ensure that lower paid workers will be protected from falling into poverty and possibly back on the welfare rolls. The minimum wage increase during the recession in 1991 provided much needed income to poor people and helped to increase spending in the economy. 58 percent of the benefit of the 1996 increase went to families in the bottom 40 percent of income groups. Over one-third of the benefit went to the poorest families—those in the bottom 20 percent of income groups.

Today the real value of the minimum wage is $4.00 below what it was in 1968. To have the purchasing power it had in 1968, the minimum wage would have to be at least $9.37 an hour today, not $5.15. According to the United States Department of Labor, over 60 percent of minimum wage earners are women; almost 40 percent are minorities, and nearly 80 percent are adults. These hardworking Americans deserve a fair deal.

In addition to the long overdue minimum wage provision, this bill contains a package of tax provisions. I am pleased that these include a number of measures to crack down on abusive tax dodges, including an improvement to current law to end the tax benefits received by companies that reincorporate and set up shell headquarters in offshore tax havens.

I am also pleased that the bill extends the work opportunity tax credit, which allows employers credit against wages for hiring workers from targeted groups such as recipients of public assistance, qualified veterans, and "high risk" youth. I have heard from a number of Michigan companies that the WOTC program is important to them in their hiring members of these targeted groups, and I am pleased that this provision will be extended through the end of 2012.

I am also pleased that the tax provisions would put in place a limit on the amount that corporate executives and other highly paid employees can place tax-free into deferred compensation plans. Under current law, public companies cannot deduct more than $1 million per year for compensation paid to their top officers. However, compensation that is "deferred," meaning the employee doesn't have immediate access to it, is not subject to this $1 million limit; so deferred compensation packages have become a main way that company executives can get multi-million dollar compensation packages while their companies continue to take a tax write-off.

We have seen these excessive packages time and again in recent stories about runaway executive compensation totaling tens of millions of dollars. Tens and even hundreds of millions of dollars have been salted away in this fashion for corporate executives, and companies have simply found another way to game the system by excluding this "deferred compensation" from those individuals' income for the year. It is more than time for Congress to put an end to this game which has fueled excessive executive pay.

This bill would set a limit on the amount of compensation that could receive tax deferral at the lower of $1 million annually or the average of the previous 5 years compensation. The ability of corporate executives to defer tax on up to $1 million in compensation is still a significant benefit that stands in stark contrast to the minimum wage we are attempting to raise for those at the lowest end of the pay scale.

It is only right that those who are at the low end of the pay scale who work hard should receive a fair wage and be able to support their families. These people do not always have the leverage to negotiate a fair salary. This bill to increase the minimum wage will help to move them to a more livable wage.

Mr. INHOFE. Madam President, I will unavoidably miss the final vote on the minimum wage bill but I come down here now to ask unanimous consent that the RECORD reflect, immediately after the vote, my announcement that I would have voted against this bill.

In so doing, I remain consistent on the issue. Government is best when it is does not pick winners and losers—when it does not competitively advantage one group of people over another or one set of States over another.

Senator DEMINT offered an amendment to equally and fairly increase the minimum wage by $2.10 for each State over what the wage is today.

The fact that the liberals voted against the DeMint amendment is proof that their bill as now constituted is really about damaging the competitiveness of middle America—the so-called red States, disparagingly called "fly-over country" by liberals—compared to the liberal fringe States.

Without this amendment, the underlying legislation would partially exempt minimum wage workers in higher-cost States that already have State minimum wage rates greater than the Federal level of $5.15 an hour, and completely exempt minimum wage workers in highest-cost States that have State minimum wage rates near $7.25 an hour.

The DeMint amendment would increase the Federal minimum wage equally for workers in all States at the same rate as H.R. 2 would increase the minimum wage from the current Federal minimum wage rate.

Senator KENNEDY's arguments against this amendment have been both confusing and contradictory. On the one hand, he said that we need a one-size-fits-all mandate, and then he said that Massachusetts has a higher cost of living.

I will not stand for people in Washington, DC, damaging the competitiveness of Oklahoma against other States. If Oklahomans vote to change our own laws, that is one thing, but we are not going to buckle under to DC and the liberal fringe States.

Thus I would vote nay.

I ask unanimous consent that the following chart be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

State	Current MinWage in Effect	Kennedy Proposal			$ Wage Hike	DeMint Proposal			$ Wage Hike
		2007 $5.85	2008 $6.55	2009 $7.25		2007 $0.70	2008 $1.40	2009 $2.10	
Alabama	$5.15	$5.85	$6.55	$7.25	$2.10	$5.85	$6.55	$7.25	$2.10
Alaska	7.15	7.15	7.15	7.25	0.10	7.85	8.55	9.25	2.10
Arizona	6.75	6.75	6.75	7.25	0.50	7.45	8.15	8.85	2.10
Arkansas	6.25	6.25	6.55	7.25	1.00	6.95	7.65	8.35	2.10
California	7.50	7.50	8.00	8.00	0.50	8.20	8.90	9.60	2.10
Colorado	6.85	6.85	6.85	7.25	0.40	7.55	8.25	8.95	2.10
Connecticut	7.65	7.65	7.65	7.65	—	8.39	9.10	9.80	2.15
Delaware	6.65	6.65	7.15	7.25	0.60	7.35	8.05	8.75	2.10
District of Columbia	7.00	7.00	7.55	8.25	1.25	8.70	9.40	10.10	3.10
Florida	6.67	6.67	6.67	7.25	0.58	7.37	8.07	8.77	2.10
Georgia	5.15	5.85	6.55	7.25	2.10	5.85	6.55	7.25	2.10
Hawaii	7.25	7.25	7.25	7.25	—	7.95	8.65	9.35	2.10
Idaho	5.15	5.85	6.55	7.25	2.10	5.85	6.55	7.25	2.10
Illinois	6.50	7.50	7.75	8.00	1.50	7.20	7.90	8.60	2.10
Indiana	5.15	5.85	6.55	7.25	2.10	5.85	6.55	7.25	2.10
Iowa	5.15	5.85	6.55	7.25	2.10	5.85	6.55	7.25	2.10
Kansas	5.15	5.85	6.55	7.25	2.10	5.85	6.55	7.25	2.10
Kentucky	5.15	5.85	6.55	7.25	2.10	5.85	6.55	7.25	2.10
Louisiana	5.15	5.85	6.55	7.25	2.10	5.85	6.55	7.25	2.10
Maine	6.75	7.00	7.00	7.25	0.50	7.45	8.15	8.85	2.10
Maryland	6.15	6.15	6.55	7.25	1.10	6.85	7.55	8.25	2.10
Massachusetts	7.50	7.50	8.00	8.00	0.50	8.30	9.00	9.70	2.10
Michigan	6.95	7.15	7.40	7.40	0.45	7.65	8.35	9.05	2.10
Minnesota	6.15	6.15	6.55	7.25	1.10	6.85	7.55	8.25	2.10
Mississippi	5.15	5.85	6.55	7.25	2.10	5.85	6.55	7.25	2.10
Missouri	6.50	6.50	6.55	7.25	0.75	7.20	7.90	8.60	2.10
Montana	6.15	6.15	6.55	7.25	1.10	6.85	7.55	8.25	2.10
Nebraska	5.15	5.85	6.55	7.25	2.10	5.85	6.55	7.25	2.10

State	Current MinWage In Effect	Kennedy Proposal			$ Wage Hike	DeMint Proposal			$ Wage Hike
		2007 $5.85	2008 $6.55	2009 $7.25		2007 $0.70	2008 $1.40	2009 $2.10	
Nevada	6.15	6.85	7.65	8.25	2.10	7.85	8.55	9.25	2.10
New Hampshire	5.15	5.85	6.55	7.25	2.10	5.85	6.55	7.25	2.10
New Jersey	7.15	7.15	7.15	7.25	0.10	7.85	8.55	9.25	2.10
New Mexico	5.15	5.85	6.55	7.25	2.10	5.85	6.55	7.25	2.10
New York	7.15	7.15	7.15	7.25	0.10	7.85	8.55	9.25	2.10
North Carolina	6.15	6.15	6.55	7.25	1.10	6.85	7.55	8.25	2.10
North Dakota	5.15	5.85	6.55	7.25	2.10	5.85	6.55	7.25	2.10
Ohio	6.85	6.85	6.85	7.25	0.40	7.55	8.25	8.95	2.10
Oklahoma	5.15	5.85	6.55	7.25	2.10	5.85	6.55	7.25	2.10
Oregon	7.80	7.80	7.80	7.80	—	8.50	9.20	9.90	2.10
Pennsylvania	6.25	6.25	6.55	7.25	1.00	6.95	7.65	8.35	2.10
Rhode Island	7.40	7.40	7.40	7.40	—	8.10	8.80	9.50	2.10
South Carolina	5.15	5.85	6.55	7.25	2.10	5.85	6.55	7.25	2.10
South Dakota	5.15	5.85	6.55	7.25	2.10	5.85	6.55	7.25	2.10
Tennessee	5.15	5.85	6.55	7.25	2.10	5.85	6.55	7.25	2.10
Texas	5.15	5.85	6.55	7.25	2.10	5.85	6.55	7.25	2.10
Utah	5.15	5.85	6.55	7.25	2.10	5.85	6.55	7.25	2.10
Vermont	7.53	7.53	7.53	7.53	—	8.23	8.93	9.63	2.10
Virginia	5.15	5.85	6.55	7.25	2.10	5.85	6.55	7.25	2.10
Washington	7.93	7.93	7.93	7.93	—	8.63	9.33	10.03	2.10
West Virginia	5.85	5.85	6.55	7.25	1.40	6.55	7.25	7.95	2.10
Wisconsin	6.50	6.50	6.55	7.25	0.75	7.20	7.90	8.60	2.10
Wyoming	5.15	5.85	6.55	7.25	2.10	5.85	6.55	7.25	2.10

22 States—Fully Impacted.
18 States—Partially Impacted.
10 States—Not Impacted.

Mr. FEINGOLD. Madam President, I speak today in support of passage of H.R. 2, the Fair Minimum Wage Act of 2007. The Federal minimum wage has not been increased in almost 10 years and an increase is long overdue. I have been a strong supporter of an increase in the Federal minimum wage for many years and I am delighted the Senate is finally about to vote for an increase in the Federal minimum wage.

This much-needed increase is projected to benefit close to 13 million Americans either with a direct increase in their minimum wage or indirectly by promoting higher wages for other working Americans earning more than the minimum wage. This increase is sorely needed because the current minimum wage cannot adequately support workers as its value has eroded significantly since the last increase in 1997. Furthermore, the Center on Budget and Policy Priorities notes that after adjusting for inflation, the value of the minimum wage is at its lowest level since 1955. As the costs of housing, health care, energy, and education continue to skyrocket, we must raise the minimum wage to provide millions of hard-working Americans the respect and dignity their work demands.

More and more of these working Americans find themselves mired in poverty or living on the cusp of poverty. Right now, there are 37 million Americans living in poverty, including 13 million children. Since the 1970s, poverty has increased by 50 percent for full-time, year-round workers. Minimum wage workers who work full time earn $10.700 a year, which is almost $6,000 below the Federal poverty guidelines for a family of three. No American should work full-time, year-round, and still live in poverty. While this modest increase in the Federal minimum wage will not eliminate poverty, it will provide hard-working Americans with a well-deserved increase in their wages. This increase will provide more money for workers to purchase prescription drugs, to pay utilities and rent, to provide child care for their children, and to invest in higher education opportunities. This increase is needed because the majority of the low income people in our country are working and are holding down low-paying jobs with stagnant wages that do not allow them to break free from poverty.

Even with this increase in the Federal minimum wage, workers in Wisconsin and throughout the country will still struggle to afford housing. The National Low Income Housing Coalition estimates that the fair market rent for a two-bedroom apartment in Wisconsin is $666 a month and calculates that a worker in Wisconsin needs to make $12.80 an hour to avoid paying more than 30 percent of his or her income on housing. According to NLIHC data, a full-time minimum wage employee earning the current $5.15 an hour needs to work 79 hours a week, 52 weeks a year to afford a two-bedroom apartment. Madam President, 79 hours a week is almost the equivalent of two full-time minimum wage workers and the number of hours of work required to cover the costs of an apartment are even higher in States with higher housing costs. It is a disgrace that in many cases, minimum wage workers working full time cannot afford adequate housing or are forced to pay a huge share of their income to cover housing costs. While this increase will alleviate some of the housing affordability burdens facing workers, more needs to be done this year to promote affordable housing, including expanding rental assistance and affordable housing production.

Unfortunately hunger and food insecurity are also a reality for far too many minimum wage workers. Even in a State known for its diverse agricultural production, many Wisconsinites periodically face hunger. Food Stamps, or FoodShare as it is known in Wisconsin, serves over 25 million nationwide and 329,000 Wisconsinites. Even with this and other Federal nutrition assistance programs combined with the dedicated work of food pantries, soup kitchens and even many religious organizations, 9 percent—or 1 out of 11 of households in Wisconsin lack sufficient food. Many of these food assistance recipients are working at low-wage jobs, so increasing the minimum age is an important step. But even with this improvement, it will not fully solve this problem and I will continue to work to provide improved Federal support in the Farm Bill and elsewhere to reduce hunger.

Housing costs are not the only necessity of life that minimum wage workers have to provide for themselves and their families. They also have to purchase groceries, provide health care, pay for higher education, pay for increasingly expensive gas and electric costs, and provide child care for their children. Some Americans may think that the majority of minimum wage workers are teenagers in the first job; that perception is incorrect. The Economic Policy Institute notes that over 70 percent of minimum wage workers are adults and in Wisconsin, over 80 percent of minimum wage workers are adults. Moreover, of these adult minimum wage workers, over 30 percent are the sole breadwinners of their families.

I think it is unconscionable that in the almost 10 years that we have not raised the minimum wage, Congress has voted to increase its own pay by $31,600. People in Wisconsin find it hard to understand why Members of Congress received substantial pay raises at a time when the real value of the minimum wage has eroded by 20 percent since 1997. As my colleagues know, I have long fought against automatic congressional pay increases and will continue to do so. I have introduced legislation that would put an end to automatic cost-of-living adjustments for congressional pay. Mr. President, we have Americans who are working full time, 52 weeks a year and they cannot afford health care, housing, and child care. They don't have the power to automatically raise their pay—they are dependent on Congress to raise the Federal minimum wage. But instead of working to raise the minimum wage during the past 10 years, we in Congress worked to protect our automatic pay raises.

Opponents of increasing the minimum wage argue that it hurts the economy and job growth, but past increases in the minimum wage do not support that argument. In the 4 years after the previous minimum wage increase, nearly 12 million new jobs were created. A 1998 Economic Policy Institute study did not find significant job loss associated with the 1997 minimum wage increase. Additionally, the Center on Wisconsin Strategy examined job growth after the June 2005 increase in Wisconsin's minimum wage and found that Wisconsin had an average growth of 30,000 more jobs, not a job loss.

This increase is a great start, but more needs to be done for the American worker. I am pleased an amendment I offered was accepted into the underlying package that seeks to support American manufacturers. I thank my colleague, Senator KENNEDY, for his leadership in moving this bill through the Senate and both he and his staff for their assistance in getting my Buy American reporting requirement amendment accepted into the Senate package. This amendment is based on past Buy American reporting requirements that I have been successful in getting enacted in various appropriations bills from fiscal year 2004 through fiscal year 2006.

This Buy American reporting requirement requires Federal agencies to submit annual reports that include the following information: (a) the dollar value of any articles, materials, or supplies purchased that were manufactured outside of the United States; (b) an itemized list of all waivers of the Buy American Act granted with respect to such articles, materials, or supplies, and a citation to the treaty, international agreement, or other law under which each waiver was granted; (c) if any articles, materials, or supplies were acquired from entities that manufacture articles, materials, or supplies outside the United States, the specific exemption under the Buy American Act that was used to purchase such articles, materials, or supplies; and (d) a summary of total procurement funds spent on goods manufactured in the United States versus funds spent on goods manufactured outside of the United States.

The amendment also requires that these reports should be made publicly available to the maximum extent possible and contains a common sense exception for members of the intelligence community.

I have long believed that an important way Congress can support American manufacturers and workers is to ensure that the Federal Government buys American-made goods whenever reasonably possible. Congress enacted such a policy when it passed the Buy American Act of 1933. That act requires government agencies to purchase American-made goods but allows these requirements to be waived in certain specified cases. I am concerned that those waivers may be being used excessively. Unfortunately, right now, only the Department of Defense is required to permanently report on its use of waivers of domestic procurement laws. I hope that this Buy American reporting language can help ensure that the entire government buys American-made goods in every possible circumstance, and is able to explain its reasons when it does not do so. This is a straightforward way to help ensure that the Federal Government—and American taxpayer dollars—support American workers.

My State has suffered a huge loss of manufacturing jobs over the past 6 fyears. According to statistics from the Department of Labor, Wisconsin lost over 90,000 manufacturing jobs between January 2000 and November 2006. Unfortunately, many other manufacturing states around the country are facing similarly tough times. The Economic Policy Institute reported that the August 2006 level of manufacturing employment is "at near lows not seen since the 1950s." The continued loss of high-paying manufacturing jobs underscores the need for the Federal Government to support American workers and businesses by buying American-made goods.

American workers need our support on a range of issues, whether it is by increasing the minimum wage, fighting against bad trade policies, or encouraging the purchase of American-made goods. The Senate took a good first step with the passage of this legislation. I was proud to vote for the 1996–1997 increase bringing the minimum wage to its current level of $5.15 an hour and I am pleased to now support the increase in the Federal minimum wage from $5.15 to $7.25.

When the minimum wage was established in 1938, its purpose was to ensure that American workers were fairly compensated for a day's work. Despite the passage of this increase, far more work needs to be done to support hard-working American families. I look forward to working with my colleagues in this new Congress to promote housing, education, and health care policies that support the working men and women of this country. This is a great victory for families in Wisconsin and throughout the Nation and it is my hope that this first step paves the way for additional legislative victories for working Americans this year.

Mr. DOMENICI. Madam President, I rise today in support of the Fair Minimum Wage Act of 2007, H.R. 2.

It has been 10 years since Congress last voted to raise the minimum wage. In the meantime, our cost of living has increased annually and working families have struggled to meet their most basic needs. The current Federal minimum wage just isn't sufficient. Now is the time to raise the minimum wage. It is time to give America's hard-working, low-wage workers a raise.

This bill will increase the Federal minimum wage by $2.10 an hour to $7.25 an hour. This increase will be done in three phases over a 26 month period. The minimum wage has proven to be an important tool in fighting poverty in our country and I believe that this modest increase will help to improve the situation of low-wage workers and their families.

The Fair Minimum Wage Act also contains several key tax credits. These tax credits will encourage small businesses to continue to explore new investments and make improvements to their business property. This bill will extend the tax credit provided to employers who hire workers who have experienced barriers to entering the workforce, such as low-income workers welfare and food stamp recipients, and high-risk youth. The work opportunity tax credit will also apply to the hiring of veterans disabled after the September 11, 2001, attacks. I believe that these tax credits will be of benefit to our small businesses owners and I hope that my colleagues will support this package.

Mr. SMITH. Madam President, I rise today to support the Fair Minimum Wage Act of 2007 to increase the Federal minimum wage.

The Fair Minimum Wage Act of 2007 will increase the Federal minimum wage by $2.10 to $7.25. Oregon's minimum wage, which is $7.80 and adjusted annually for inflation, will not be impacted by this boost. Nevertheless, I support the increase of the Federal minimum wage for our Nation's employees. I also support the inclusion of the small business tax relief in the legislation. I believe this is a valuable legislative package, helping both our Nation's employees and small businesses and strengthening America's workforce and economy.

The bill before us today will have a positive impact on our low-income workers. An estimated 14 million workers will receive a pay increase if the minimum wage were raised from $5.15 to $7.25. There are roughly 3.9 million families with children under 18 that will benefit from this minimum wage increase, including 1.4 million single parents.

I am proud that we had this debate on the Senate floor. By engaging in this bipartisan discussion, we were able to reach a compromise that benefits low-income American workers. After 10 years, hard-working Americans, many of whom are working full-time jobs, will be in a better position to pay their bills, take care of their families, and reinvest in the economy.

I also support the tax relief included in this bill for our Nation's small businesses. As a small business owner, I know first hand what it takes to meet a payroll and to sign the front of a paycheck. Small businesses are the backbone of the American economy, employing more than half of all private sector employees and generating 60 to 80 percent of net new jobs annually. Targeted tax and regulatory relief is vital to helping these businesses continue to create new jobs, stay competitive, and keep our economy growing.

I applaud the Senate leadership for bringing forth the minimum wage bill to help our Nation's workers. I am honored to support the Fair Minimum Wage Act of 2007.

Mr. GRASSLEY. Madam President, I wish to speak briefly on a revenue provision contained in the minimum wage bill. Senator BAUCUS and I worked closely on the tax bill, both on the provisions providing relief to small businesses affected by the minimum wage but also the offsets that made sure the package was in balance.

One of the offsets, that dealing with limiting the amounts of annual deferrals under nonqualified deferred compensation plans, has attracted some concern and raised some questions.

I thought it would be useful to my colleagues for me to provide a brief sketch of where we have been on this issue. The issue of nonqualified deferred compensation came to the attention of the Finance Committee in response to the Joint Committee on Taxation's investigation into Enron—done at the request of the Finance Committee. The Enron report highlighted a number of abuses by top executives involving nonqualified deferred compensation.

In the American Jobs Creation Act that Congress passed in 2004, there were included provisions that limited deferred nonqualified compensation plans. In brief, the legislation limited when and under what circumstances distributions could be made.

More recently, in the Pension bill passed last year, Congress restricted funding of nonqualified deferred compensation plans if the employer had underfunded certain other retirement plans.

In addition, the Finance Committee last September had a hearing that looked closely at executive compensation that covered a wide range of pay issues involving top employees.

As my colleagues can see, the issue of executive compensation and particularly nonqualified deferred compensation has been of long-standing interest for the Finance Committee. I expect that these matters will continue to command the attention of the committee this Congress.

The majority of concerns that have been raised about this most recent provision contained in the minimum wage bill is its possible impact on middle management. I appreciate those calling for caution. The Finance Committee's Republican staff is reviewing the legislation and seeking to get more and better numbers about who is affected by this legislation. In addition, there have been bipartisan discussions at the staff level.

In discussions with Joint Committee on Taxation I have asked them what would be the impact of eliminating the 5-year average compensation limitation so that the aggregate amounts deferred under a nonqualified deferred compensation plan would be limited to $1 million annually.

JCT informs me that this would reduce the current $806 million score by less than $100 million—so it would only be a small shave off the score. This suggests to me, that the vast majority of individuals—90 percent—who would be affected by this reform are among the wealthiest—i.e., those individuals receiving more than $1 million annually in nonqualified deferrals. I hope this information will help inform members as we discuss this matter in the near future.

Finally, I think it is important for members to bear in mind that ERISA does not apply to so-called "top hat" plans, these top hat plans being those for top management. There is a concern that if a nonqualified plan is widely applicable, as widely applicable as some of the opponents of this provision contend, it raises other red flags.

The issue raised is the fact that a widely applicable plan should be treated as an ERISA plan. If these widely applicable nonqualified deferred compensation plans are actually ERISA plans, they then should come under the protections that Congress has put in place under ERISA to provide workers retirement security.

I will continue to look at this provision and bear in mind the issues raised by my colleagues.

Madam President, we are finishing up debate on the Senate minimum wage/small business tax relief bill.

The Senate invoked cloture on the Baucus substitute amendment. It contained two basic components. The first one is the proposed increase in the Federal minimum wage. The second component is tax incentives to assist workers and businesses burdened by the increased Federal minimum wage. That part of the package was approved, on a bipartisan basis, by the Finance Committee late last month.

Now, by approving the Baucus substitute on an overwhelmingly bipartisan vote, the Senate has made its will clear: a minimum wage increase must be linked to small business tax relief package.

In the normal course of events, after Senate passage, the amended House bill would either go into conference or go back to the House as amended. We call the latter procedure "pingpong."

Since tax matters were linked and the House bill doesn't have tax provisions, the House Democratic leadership and tax writers have threatened to send the Senate bill back to the Senate. They will claim that they are protecting prerogatives of the House.

We find ourselves stuck on minimum wage because the House Democrats have threatened to use the "blue slip" procedure.

So, no one should be mistaken. It is House Democrats, not Senate Republicans, who are delaying passage of the minimum wage.

If House Democrats send us a suitable revenue bill, Senate Republicans will be ready to move expeditiously to the next step. Right now, we can not move.

Now, if the House Democrats send us a minimum wage-related revenue bill, what happens next?

That is up to our Democratic and Republican leaders.

There are two basic avenues to take. One is a conference. The other is to amend the House revenue bill back with the Senate-passed bill and send it to the House.

On tax bills, we have used both approaches over the last few years. For instance, the Hurricane Katrina tax relief measures never went to conference. On the other hand, we had conferences on the tax relief reconciliation bill and the pension bill.

Still another approach would be for the House to combine its minimum wage bill with the Senate tax relief package and send it over here. That route, though unusual, has also worked.

In this case, I have indicated to my Republican leadership that I am wary about the conference option.

The Senate Democratic leadership only came to linking minimum wage with small business tax relief after Chairman BAUCUS relayed the Republican position to them. It took a cloture vote to prove Chairman BAUCUS right.

So, if we go to conference, the Senate Democratic leadership and House Democratic leadership might be perfectly willing to scrap the Senate's position.

Apparently, at a pen and pad session with reporters today, the majority leader indicated as much. He told reporters he wanted a "clean" minimum wage bill to come out of conference. Now, I am told the majority leader's press operation has attempted to change the impression those remarks left.

Let's just say I am reasonably suspicious of those kinds of "clarifications." Apparently, the majority leader also said he would be prepared to dare Republicans to filibuster a clean minimum wage conference report. By "clean," he appears to be referring to the term used by House and Senate Democratic leadership to mean no linked small business tax relief.

Make no mistake—the easiest and quickest way to send a minimum wage bill to the President would be for the House to send the Senate a bill identical to the Senate-passed bill.

An alternative quick option would be for the House to send us a revenue bill and the Senate would amend the bill and send it to the House. The House could then send the bill to the President's desk.

The conference option could be troublesome. It could be drawn out. Or, it could be a way for the House and Senate Democratic leadership to subvert the Senate position. That would not be a good way to start out the new session. In a conference setting, it would mean the Senate Democratic leadership acting in a manner that is at odds with how it said it was going to conduct business.

I counsel my leadership and the Democratic leadership to consider my concerns about the next step.

Mr. BAUCUS. Madam President, I am grateful to the people of Montana for sending me to Washington as their Senator. I never forget whom I am here to represent.

That is why my staff and I continually meet and talk with small business owners and CPAs from across the State. In anticipation of legislation to increase the minimum wage, I wanted to know how Montana's small businesses would be affected, I wanted to know what tax benefits would help small businesses, and I wanted to make sure that the Senate substitute to H.R. 2 would benefit Montanans.

In particular, I thank James McHugh of Hammer Jack's in Missoula; Robert Walter of Walter's IGA and ACE in Sheridan; James Whaley of Whaley & Associates in Missoula; Ken Walsh of Ruby Valley National Bank in Twin Bridges; Micki Frederikson of Bingham, Campbell, Amrine, and Nolan in Missoula; Dan Vuckovich of Hamilton Misfeldt & Company in Great Falls; Ronald Yates, Jr. of Eide Bailly in Billings; David Johnson of Anderson Zurmuehlen & Co. in Helena; and Leslee Tschida of M.A.R.S. Stout in Missoula.

I thank the men and women of Montana for their hard work, for their input into the formulation of this legislation, for their dedication to grow their companies, and for their confidence in me to deliver for Montana.

Madam President, today the Senate will increase the minimum wage and provide tax relief to the Nation's small businesses. This important legislation will help millions of working Americans and those who employ them. It has been a decade since the last minimum wage increase. It is long overdue.

I am very pleased we added a package of tax incentives for small businesses because many worry that a minimum wage increase will place a burden on small businesses. I want to take a moment to thank the individuals who worked so hard on the tax package.

First, I want to thank my good friend Senator GRASSLEY, the chairman of the Finance Committee, for his leadership on this bill. I also appreciate the hard work and cooperation of his staff, especially Kolan Davis, Mark Prater, Dean Zerbe, Elizabeth Paris, Chris Javens, Cathy Barre, Anne Freeman, Grant Menke, Stanford Swinton and Nick Wyatt.

Second, I thank the staff of the Joint Committee on Taxation and Senate Legislative Counsel for their service. I also want to recognize two staff members of the Joint Committee on Taxation who are leaving Congress, Patricia McDermott and Gray Fontenot.

Patricia McDermott will be retiring from her position as legislation counsel with the Joint Committee of Taxation and moving to the private sector. Tricia was qualified plans branch chief in the Office of Associate Chief Counsel at IRS before she came to Joint Tax as a detailee in July of 2000. She joined the JCT staff when the detail ended in 2001. Tricia has advised us on many projects, but I especially want to thank her for the expertise and tireless effort she brought to our work on the Pension Protection Act of 2006. Tricia's knowledge—and her patience—were invaluable and will not be easily replaced.

And we bid farewell to Gray Fontenot, an accountant with the Joint Tax Committee, who will be leaving this week to head to the private sector. Gray has been an essential adviser, particularly on the Katrina tax relief bills. As a native of New Orleans, whose extended family was personally affected by the hurricane, he truly understood the needs of the Gulf Zone, and his expertise was greatly appreciated by the members and staff of the Finance Committee.

Finally, I thank my staff for their tireless effort and dedication, including Russ Sullivan, Bill Dauster, Pat Heck, Rebecca Baxter, Melissa Mueller, Judy Miller, Pat Bousliman, Ryan Abraham, Carol Guthrie, and Erin Shields.

I also thank our dedicated fellows, Mary Baker, Thomas Louthan, and Sara Shepherd, and our talented interns, David Ashner, Larry Boyd, Sarah Butler, Gretchen Hector, Molly Keenan, and Ryan Majerus.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Madam President, as I have said during the course of the last 9 days, on this side of the aisle we are prepared to go ahead and vote. We have been prepared to vote since the first day we were on this legislation. It only took 4 hours for the House of Representatives to debate this issue and then to proceed to a vote. We have been on this for 9 days. We have debated an increase to the minimum wage 16 other days since the last increase. Twenty-five days of debate about the increase in the minimum wage. Imagine that, 25 days taking up the time of the United States Senate.

With all the challenges we face in education, in energy, in health, and jobs, all the challenges we are facing in terms of environmental issues and foreign policy issues, we have spent 25 days on whether we are going to increase the minimum wage. Twenty-five days during this period of time. On this side, we are prepared to move ahead. We are prepared to move ahead.

The President of the United States made this talk yesterday on Wall Street, and it was well received and cheered on Wall Street, as he talked about how well the economy has been proceeding. Well, I took a few moments earlier in the day to talk about the increase in the number of families who are living in poverty. We have close to 2 million more children living in poverty today than we had 5 years ago. Two million more families living in poverty than we had 5 years ago. That is according to the census. That is not some speech writer's concept, those are hard facts.

President John Adams, one of our great Founders, said facts are stubborn things. Those numbers are stubborn things. Facts speak. Increased numbers of Americans have gone into poverty over the last 5 years, with an increase in the number of children who have gone into poverty.

Other countries have addressed the problems of poverty and have lifted children out of poverty, lifted families out of poverty, and most of them have used an increase in the minimum wage to do it. You have to understand the problem in order to address it, and this President, evidently, doesn't understand the kinds of pressures that are on working families and middle-income families.

Members of some of our great churches in this country have strongly supported the increase in the minimum wage. We have over 1,000 different organizations that have supported the increase in the minimum wage. I have included most of their letters of support in the RECORD.

Here is one from the Urban League:

> Passing this wage hike represents a small but necessary step to help lift America's working poor out of the ditches of poverty and onto the road toward economic prosperity and will narrow the financial gap between Americans of color and whites.

That is the National Urban League president, President Morial.

Here we have an extraordinary group of business owners and executives for a higher minimum wage. They are some of the large companies in the country and some of the small companies. It is six pages long in terms of the companies themselves, ranging from Mr. Alex Von Bidder, president of the Four Seasons Restaurant in New York, a very high-cost restaurant, to some of the small mom-and-pop stores, but all of them expressing the view that:

> We expect an increased minimum wage to provide a boost to local economies. Businesses and communities will benefit as low-wage workers spend their much-needed pay raises at businesses in the neighborhoods where they live and work. Higher wages benefit business by increasing consumer purchasing power, reducing costly employee turnover, raising productivity, improving product quality, customer satisfaction, and company reputation.

In a recent National Consumers' League survey, 76 percent of American consumers said how well a company treats and pays its employees influences what they buy.

I also have a letter from the president of Catholic Charities, Father Larry Snyder, and included in his letter are these words:

> Over the last several years, our agencies have been coping with steady increases of 20 percent each year in requests for emergency assistance because low-wage workers simply cannot earn enough to cover rent, child care, food, utilities, and clothing for their families. Many people served by Catholic Charities agencies are poor despite full-time employment at the bottom of the labor market: cleaning houses and office buildings, harvesting and preparing food, watching over children of working parents. They contribute to our Nation's economic prosperity. Yet the current minimum wage leaves them nearly $6,000 below the poverty line. People who work full time should not live in poverty.

Then he continues:

> Our Catholic tradition teaches that society, acting through government, has a special obligation to consider first the needs of the poor. Catholic social teaching tells us that a just wage is not just an economic issue—it is a moral issue. The United States Conference of Catholic Bishops stated in its pastoral letter, Economic Justice for All, "all economic institutions must support the bonds of community and solidarity that are essential to the dignity of persons."

The dignity of persons, that is what the increase in the minimum wage is about. It will help those 6 million children get a chance to maybe buy a book and read a little more, maybe even participate in a birthday party, maybe have a chance to spend a little more time with their parent because their parent will not have to have two or three jobs. Here they are talking about the importance of dignity, "essential to the dignity of persons." That is what this debate is about, the dignity of persons.

And the list goes on. Virtually all of the churches of faith have all recognized the importance of this issue, and interestingly, they have all pointed out what this letter says from Catholic Charities; that over the past several years their agencies have been coping with steady increases of 20 percent each year in requests for emergency assistance because low-income workers simply cannot afford the necessities.

That is true about my food bank in Boston. I was there just a few weeks ago talking to those who run it. It is an extraordinary institution. They have the same kinds of demands. We hear it all over the country. Yet we have the President talking on Wall Street about everything is fine.

So what are some of the facts? We are finding out what is happening. First of all, the Bush economy fails American families' wallets. This is the median household income: $47,599 in 2000 and $46,326 in 2005. These numbers are from the Bureau of the Census. Imagine people opening up their newspapers and seeing the pictures of the President being cheered on Wall Street talking about how well the economy is going.

No one is doubting that the economy is working well for Wall Street. We are not talking about that. If you are asking the Census Bureau, not a speech writer but the Census Bureau, these are their figures, and this is what has been happening to the median household income. It has declined $1,273. That is from the Bureau of the Census. That is what has happened to the median household income across this country.

We have those members of our various faiths talking about the increase in demand, the 20-percent increase in demand. Yet we are seeing these kinds of figures. We see this kind of drop in real income. Yet let's look at the cost of the things these individuals have to buy. We have the decline in the family income, but look at what has happened. Gas has gone up 36 percent; health insurance, 33 percent, which is a very modest estimate; nationwide college tuition, 35 percent; housing, 38 percent. And I would say, for the most part, these are rather modest. They come from the Kaiser Family Foundation and the College Board's Annual Survey of Colleges.

In my district, certainly in New England, those numbers are a great deal higher. But, nonetheless, it makes the point that real income has gone down and the cost of everything that a family has to buy, in terms of gasoline, health insurance for their family, college tuition, and housing has gone up. Look at the end of this chart. Wages stagnant across the way; up 1 percent. These are the figures. We haven't put the food in there, but these are strong indicators, and certainly food has gone up, although perhaps not as high as these indicators.

Let's look at the other side and see what has been happening down there on Wall Street. My goodness, look at this chart. Look what has happened to corporate profits during this same time. While real family income has been going down, these corporate profits have grown by 80 percent, 80 percent they have gone up. Eighty percent. Real income for the family has gone down over the last 5 years, but corporate profits have gone up 80 percent.

No wonder the President was cheered on Wall Street. No wonder. And look on the bottom line. That is the minimum wage. It slows, the extraordinary explosion in corporate profits. Yet the minimum wage has not gone up because our Republican friends refuse to let it go up. This is not any mystery. The Democrats are ready to vote. We are ready to vote this afternoon. We were ready to vote when it first came up, or at any time, but we can't get an agreement to vote. We are going to have to get it because the time is going to run out sometime tonight.

So these are the corporate profits that have gone up. Here is the minimum wage worker that has to work more than a day just to fill up his tank with gasoline. These are the kinds of things that they are faced with. And as we have pointed out earlier, more than a thousand Christian, Jewish, and Muslim faith leaders say that minimum wage workers deserve a prompt, clean, minimum wage increase, with no strings attached. This is Let Justice Roll, January of this year.

I have given the statistics, the flow lines, the charts, and so, Madam President, let me wind up this part of my presentation by mentioning what it means in real people's terms.

An increase in the minimum wage helps Constance Martin of Pittsburgh, PA. Constance used to have a good job that paid a decent wage. Then her son got cancer. She was forced to choose between that job and taking care of her child. So now she works for $5.50 an hour at Kentucky Fried Chicken. Her job has no health care or other health benefits. She can barely afford to pay the rent and utilities, much less to give her son the care he needs. When Pennsylvania raised its minimum wage at the State level last year, it was a help but still not enough to keep pace with the cost of living. A Federal raise would allow her to pay off her bills and provide for her son's future instead of living day to day and hand to mouth just to get by.

A raise in the minimum wage would help Tonya Schmidt. Tonya is a single mother with two children, ages 8 and 11. She works at Little Caesar's pizza. It is hard work, but she likes her job and is good at it. Tonya talked about how hard it is for her to get by each month. Her family lives in a converted motel room, but she has trouble making rent. She doesn't have a car but relies on friends and family to take her to the grocery store to buy food for her children.

Tonya can't afford the basic necessities for her children. She often cannot afford to buy her children the clothes they need to go to school.

Tonya says a higher minimum wage would help her provide her kids with these basic necessities, and it might help her get a few steps ahead to buy a used car or pay for car insurance so that she could go to the grocery store on her own.

A raise in the minimum wage would help Gina Walter from Ohio. Gina, a 44-year-old single mother, works in a retail job at a thrift store. Gina earns $6.25 an hour, just over $12,000 per year. She has no car or health insurance and hasn't taken a vacation in 6 years. It takes Gina 2 full days of work just to pay her gas bill every month. She cuts her own hair because she can't afford to get a haircut. But Gina goes to work every day. She works hard and tries to build a better life for her family.

That is the typical statement: working hard, trying to provide for their family.

This bill will help Gina provide better opportunities for her 18-year-old daughter. It will help pay her gas bill and be able to go get a haircut. It might even help her finally take that vacation she so richly deserves.

Madam President, this is what we are talking about on the floor of the Senate. I will speak later about what I really think about this increase in the minimum wage in terms of it being the defining aspect of our country's humanity and a reflection of our sense of decency and our sense of fairness. But it is a scandal that we have not increased our minimum wage over a 10-year period. Hopefully we will have an opportunity to do it before the day is out.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Chair recognizes the Senator from Wyoming.

Mr. ENZI. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ENZI. Madam President, I rise today to speak in support of final passage of H.R. 2, as amended. I think it is a very exciting time. I appreciate the wise direction this body has decided upon with regard to the minimum wage. Yesterday, 88 Members of the Senate correctly concluded that raising the minimum wage, without providing relief for small business that must pay for that increase, is simply not an option. Rather the option we did strongly decide on included tax benefits to help offset the impact on small business.

I wish to reiterate my hope that our colleagues in the House will not derail this bipartisan approach to offering real support and relief to the middle class and to the minimum wage earner. The minimum wage increase will shortly be in their hands. I hope they will be judicious and perhaps even forgo some of their jurisdictional concerns in order to see that this is done for the people of America.

The Senate's reasonable approach recognizes that small businesses have been the steady engine of our growing economy and that they have been a source of new job creation, and a source of job training. People with no skills often go to work at minimum wage and get the training they need to advance to higher levels of pay and to other more skilled jobs. That is all training which is done for free by small business.

The Senate's approach also recognizes that small businesses are middle-class families, too. I am proud that this body has chosen a path which attempts to preserve this segment of the economy, which employs so many working men and women. The Senate has acknowledged the simple fact that a raise in the minimum wage is of no benefit to a worker who doesn't have a job or a job seeker who doesn't have a prospect.

As this Congress moves forward, we will need to confront a range of issues facing working families: the rising cost of health insurance and the availability of such insurance, the necessity and costs of education and job training, and the desire to achieve an appropriate balance between work and family life. The lessons we have learned in this debate should not be forgotten as we approach new and equally complex issues.

In addressing minimum wage, we have rejected the notion that it will be a clean bill. Ultimately, we did so because it is not a clean issue, it is a very complicated issue, and around here, clean more often than not means "do it my way" and doesn't respect the democratic process of the Senate and allow the Senate to work its will.

There were claims that no Democrats offered amendments to the bill. That is false. The chairman of the Committee on Small Business, Senator JOHN KERRY, offered two amendments, and the Senator from Wisconsin, Mr. FEINGOLD, offered an amendment on "Buy American" standards. In fact, it is my understanding that part of the delay we are experiencing on final passage is that a Democrat was trying to figure out a way to get a vote for a third cloture and a Republican is also trying to do something very similar. While I believe these have now been resolved, that is kind of what has been holding us up here in waiting for a final vote. Throughout this debate, Members on both sides of the aisle were not aiming to delay passage but were offering amendments to improve the bill.

I remember when I first went into the Wyoming Legislature and presented my first bill, I thought it was a pretty simple bill. It only had three sentences in it. It dealt with unemployment insurance for business owners. Well, this little, simple, three-sentence bill, when it went to committee, got two amendments, and when it went to the floor, it got three more amendments. When it went to the Senate, it made it out of committee without any additional amendments but had two more added on the floor. However, what I realized through the process was we had all of these different people from different backgrounds looking at the same problem from different perspectives, and every one of those amendments improved the bill. They looked at the bill and saw things that I hadn't seen.

Afterwards I hoped that in the future, as I went through the process of legislating, I would see those things and see bills from other people's perspective. But that is the beauty of the system we have here—100 Senators take a look at a bill and 435 people in the House take a look at a bill and that should result in some changes. No bill I have ever seen winds up the same as it started.

Of course, sometimes the biggest animosity around here is between the House and the Senate, and that is true in State legislatures, too. I finally figured out the reason for that is we here in the Senate work on a bill, we make it perfect, we send it over there, and they decide something else has to be done to it. That creates animosity. And they do bills and send them here, and we decide there ought to be changes to them, and that creates animosity here. Fortunately, we have a conference committee process that is supposed to get the two sides together to work out the differences. That also works, although it takes more time. So we are not the fastest in governing, but I think we are the most inclusive in governing. I think this bill has gone through a very similar process.

I am pleased we have proven to the American people that we can indeed work together and provide solutions to complex and difficult problems. The Senate chose the right course of coupling an increased minimum wage with provisions that will assist small business employers who will face the greatest difficulties in paying such increased costs. I hope we do not forget the wisdom of this approach as we address other workplace, economic, and social issues.

It has been mentioned that 10 years ago when the last minimum wage raise was done, that was the first time there were things put on the bill to offset the impact on small businesses. I was running for office and in Washington at the time that bill was being conferenced and finally debated, and I was pleased to see the former Senator from Wyoming, Mr. Simpson, was the chair on the conference committee, along with Senator KENNEDY. The two of them worked out a package that had a raise in the minimum wage and some offsetting things for small business. When the bill was signed in the Rose Garden, then-President Clinton commented on what a great compromise it was that it would drive our economy. Senator KENNEDY received a lot of the compliments for that, as he will this time. Senator BAUCUS and Senator GRASSLEY will be complimented as well.

I can't emphasize enough how pleased I am that the two of them worked together to put this tax package together. It is not an easy job. In fact, I think tax provisions are some of the most difficult and complex matters there are to work on. The Senator from Montana, Mr. BAUCUS, and the Senator from Iowa, Mr. GRASSLEY, have worked together on most of the Finance Committee issues. I have noticed through the years that they are most successful when they work together.

I tried to build on that knowledge when I became the chairman of the Health, Education, Labor, and Pensions Committee. It worked well for us for the last 2 years, to work in a very bipartisan way. Almost every issue the Committee had came through this body unanimously. Oh, we had the pension bill, which was a 980-page bill and very complicated and very difficult. And that one wasn't unanimous; it was only 98 to 2. I think my colleagues can see my point on this—that when we work together, we have amazing things happen in fairly short order. That bill took an hour of debate with two amendments and a final vote, and that was all agreed to before it was even brought to the floor. So when we work together, there can be good things, such as the bill we have right now.

The Senate has chosen the right course of coupling an increased wage with provisions that will assist those small business employers who will face the greatest difficulty in paying those increased costs. I hope we don't forget the wisdom of that approach, as I mentioned before. I am also heartened that in the course of this debate, we have begun to recognize what I know from my own life to be true; that is, that working families are not only those who are employed by businesses, they are also those who own the businesses.

I know from personal experience that all small businesses have two families—their own and the people who work for them. I also know that small business owners feel the pressure of rising costs, the dilemma of difficult options, and the uncomfortable squeeze of modern life in both of their families, as many workers do on their own. And I know that the smaller the business, the more likely it is that the employees and the employers recognize each other's difficulties and how interdependent and sometimes fragile their businesses and their jobs actually are. I think there is a greater tendency for them to work together under those circumstances.

America has heard a lot of partisan rhetoric during the course of this debate, such as the talk of the so-called war on the middle class and the claim of leaving people out. I would like to note for the record that such rhetoric got us nowhere. There wasn't an attempt to leave anybody out. The middle class is actually made up of those small businessmen who we are trying to help, and in some cases the employees who are working for them.

We didn't try to start a war over statistics, although we were tempted. I do have to mention there were some charts out here to show that wages used to be pretty close together, and the chart had five quintiles. I am more used to quartiles than quintiles, but this had five quintiles. So each 20 percent of the wage capability of the population was shown on the chart, and it showed that from 1943 until 1980, the numbers were pretty close together. Then we saw another chart, and it had this bar on the end which extended far beyond any of the quintiles. I paid a little bit of attention to that chart. It didn't just have quintiles on it; it had quintiles, plus one. If you look at the quintiles, they were almost the same today as they were at the time of the 1943 chart. However this big bar graph at the end—made it look so skewed that it made people look really rich and I guess by association holding the rest of the people down.

Well, instead of just having quintiles on there, the chart had quintiles plus the top 1 percent earners in the United States. I am pretty sure that if you go back to 1943 through whatever date you want and you take the top 1 percent earners in the United States, you will find that they earn drastically more than even the highest quintile. So the chart doesn't treat the wage data equally. I suspect that Bill Gates himself skewed that chart pretty badly. The top 1 percent always makes a lot more money than everybody else and I think that is pretty much the case through the history of the United States. So if we are going to talk about quintiles, we need to talk about the quintiles equally.

That is just one example of how we could have spent more time concentrating on the charts and arguing back and forth. But our point wasn't whether to increase the minimum wage; our point was whether we could do it and keep the economy moving by eliminating some of the impact of the increase on the small businesses that employ those minimum wage workers.

We are ending the consideration of this issue basically where it began and for many of us where we have been for the last few years—with the majority of the Senate supporting a minimum wage increase as long as there are provisions to soften the impact of that increase on the small businesses which create minimum wage jobs. Every time I have had to debate this, I have had a bill that had an increase in the minimum wage and it also had some amendments that offset the impact. Now, I didn't take the Finance Committee offsets; I took some other offsets to do it.

One of the things I have noticed around here is that if you ever do an amendment on a bill like this, it will be considered a poison pill, and the second time you try to do that bill, even if you have changed the wording, the arguments will be exactly the same as before you changed the wording. So we sometimes get locked into the concept and the history of what has gone on around here.

We could have had this increase done earlier had there been some willingness to offset it with a package, as was done the last time the minimum wage was increased and as I suspect will happen every time in the future that the minimum wage is increased because a higher wage is of no use when the job itself is gone.

The Senate chose to look at the whole picture this time around. The minimum wage could have been raised years ago had some on the other side been willing to accept the important role that working families and small businesses—those are a lot of the same people—play in providing employment in this country. Some people like to talk about two Americas. What the Senate is preparing to do today recognizes that there is one America. We are all in this together, and we don't need to do great injury to one group of Americans just to aid another. That kind of partisan rhetoric isn't accurate, and it is aimed at spreading a very skewed view of America. It is aimed to divide rather than unite Americans around the simple solution.

Mandating the wage increase without proper relief to the working families who employee many of America's low-skilled workers is an assault on the middle class. Let's get our facts straight. Passing the Senate's bipartisan minimum wage and small business relief package is good for low-skilled workers and it is good for the middle class working families of America.

It is time we did this. I hope we will have the vote soon. I look forward to the speeches we can do afterwards, thanking all of the people that have made this possible. I am very confident that is exactly what is going to happen.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Madam President, I ask unanimous consent that the time until 5 p.m. today be equally divided and controlled between Senators KENNEDY and ENZI or their designees; that at 5 p.m., all time postcloture be considered yielded back; and without further intervening action or debate, the Senate proceed to vote on passage of H.R. 2, the minimum wage bill, as amended; that upon passage of the bill, the motion to reconsider be laid upon the table; that there then be 4 minutes of debate, equally divided and controlled between the two leaders or their designees, prior to a vote on the motion to invoke cloture on the motion to proceed to S. Con. Res. 2.

I would say to all Senators, prior to the Chair considering the unanimous-consent request, that we may not have the second vote. Unless there is unanimous consent that we not have it, we will have it. We will make that decision during the vote that takes place beginning at 5 o'clock.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Chair recognizes the Republican leader.

Mr. McCONNELL. Madam President, let me just echo the remarks of the majority leader. We are continuing to discuss the consent request under which we would consider various options for our Iraq debate beginning next week. We are making substantial progress and, hopefully, we will have something soon to announce on that issue.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Madam President, I want to say, Senator KENNEDY is not here, and I am sorry that is the case. But he spent the last week or two on the Senate floor. I want to express how much I appreciate the attitude and demonstration of bipartisanship shown by Senator KENNEDY and Senator ENZI. I have said before they are an example of how people with different political philosophies can do things constructive in nature to get us to a point where we are today. They are both outstanding legislators, and they are very fine individuals, as indicated by their ability to get along on the most contentious issues.

A person does not have to be disagreeable to disagree. And these two gentlemen certainly epitomize, in my estimation, how we should all work together in spite of our political differences, to work toward a common good to do things that are good for the American people.

So, Senator ENZI, who is here, thank you very much. Senator KENNEDY, who is not here, I appreciate very much his work.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. McCONNELL. Madam President, I, too, commend the distinguished Senator from Wyoming for an outstanding job in helping to craft this bill and representing our side very skillfully in putting together this package.

I also want to extend my thanks on behalf of all of our colleagues to Senator GRASSLEY, the ranking member of the Finance Committee, for his important contribution to this bill that we think made it significantly better than it might otherwise have been.

So I commend them both for their outstanding work.

I yield the floor.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Madam President, Senator McCONNELL certainly jogs my memory that I should have mentioned my friend Senator BAUCUS. He and Senator GRASSLEY also have an exemplary relationship. This bill is half from the HELP Committee and half from the Finance Committee, and Senator BAUCUS certainly has lifted a big load for us over here.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. ENZI. Madam President, I would like to thank both the leaders for their kind words. I thank them on behalf of both Senator KENNEDY and myself. We do have a philosophy of working together, and it does work. I am pleased we are at this point today. The bill the Senate has crafted is the right approach to take on this issue. The approach is combining an increase in the minimum wage with provisions that will assist those small business employers who face the greatest difficulties in paying such increased costs. The Senate has not forgotten that while we may be able to mandate a wage, we cannot mandate the existence of a job. I hope our colleagues in the House will not forget that either.

In legislating, it is often important to find a third way. The third way is represented by the substitute amendment that was the product of extensive bipartisan cooperation. Democrats and Republicans working together acknowledged the fact that mandated cost increases can have negative economic effects, and together we developed a means of addressing those concerns in the form of the bipartisan substitute amendment. It will affect millions of Americans. I am glad we are at this point.

I would like to thank all of the staffs who have been involved in this issue, doing research and getting information that will help us to be as sure as we can be that we have made the right decisions on the best information possible.

From my staff, that includes my staff director, Katherine McGuire, and Brian Hayes, Kyle Hicks, Ilyse Schuman, Amy Shank, Shana Christrup, Andrew Patzman, Randi Reid, Tara Ord, Greg Dean, Craig Orfield, and Michael Mahaffey. That is a lot of people, but it takes a lot of people to do something like the tax package and the bill we have before us, plus all of the other things that were considered during the process.

From the Republican leader's office, I thank Mike Solon, Malloy McDaniel, and Rohit Kumar. I also thank Ed Egee with Senator ISAKSON. From the Finance committee, I thank Russ Sullivan and Mark Prater; and from the Republican whip's office, Manny Rossman and John O'Neill.

But I would be very remiss if I did not thank those in Senator KENNEDY's office and his staff: Michael Myers, Holly Fechner, Portia Wu, Missy Rohrbach, and Lauren McGarity. They have done just an outstanding job of keeping us on track and also searching through all of the different things we have had to consider, even those that nobody ever saw discussed here on the Senate floor. It was tireless work, which often goes on late into the nights, well beyond the time Senators are around here—of course, I do not want to give you the impression that Senators are necessarily going home. Sometimes they are working late as well, just in a different building. We get to spend our days here and our nights in our office building. But without the help of all of those people, this bill would not be at the point it is now. We really appreciate their work.

I yield the floor and suggest the absence of a quorum, with the time equally divided.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KENNEDY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Madam President, in just a few moments the Senate will vote on the issue of increasing the minimum wage. We have been debating this issue for some time. At the final moments here, I, first of all, thank my friend and colleague from Wyoming, Senator ENZI, for his willingness to work together. We do not always agree, but we agree more often than one might expect, and we have gotten good things done in our committee.

I always enjoy working with him. We have had some differences on this issue, but we always know we have a good deal of respect for each other; I certainly for him. I know it is not appropriate to make personal comments on the floor of the Senate, but I am, in any event. It is Senator ENZI's birthday today, and we wish him the very best on this particular occasion.

Mr. ENZI. Thank you.

Mr. KENNEDY. Just finally, I think those of us who are in this Chamber understand we want to be one country with one history and one destiny. We want to make sure that for all people, in all parts of our Nation, they are going to have a part of the American dream. We, as a nation, do not want to have a subclass, a subclass of workers who cannot emerge out of a minimum wage for themselves or for their families. We recognize that work has to pay.

What we are trying to do with the increase in the minimum wage is to say to men and women of dignity—primarily to women because women are the greatest recipients of the minimum wage, to their families and their children, to men and women of color—that we understand if you work hard in the country that has the strongest economy in the world, you should not have to live in poverty. You should not have to live in poverty. And raising the minimum wage is going to help to make sure that particularly those children—those 6 million children—are going to have a more hopeful future.

Additionally, we want to send a very important message to all of those children. This is really just the beginning. We have a change in direction in this country, as we have seen in the House of Representatives and here in the Senate. And we want to give assurances to those families that hopefully are going to get some boost in the minimum wage that we are going to work on the education for those children. We are going to work to make sure they are going to get the kind of help and assistance so that education is going to be available to them. We are going to work to make sure we get a reauthorization of the SCHIP program, an expansion of the Medicaid Programs, because we want to make sure they are going to be healthy, they are going to have the opportunities for education. We are going to make sure as well, to the extent we can, they are going to be able to live in safe and secure neighborhoods.

We have a responsibility in this country of ours to make sure—particularly for children in this Nation, but for workers in this country—that their work is going to be recognized, respected, and they are going to be treated justly and fairly. That is what the minimum wage is all about. It is a moral issue, as the members of the church have all told us about. And we, hopefully, will get a resounding vote of support for a long-awaited increase in the minimum wage.

Mr. KENNEDY. Madam President, we have now spent 8 long days debating whether to raise the minimum wage by $2.10 per hour. During this time, we have had quite a bit to say about quite a variety of issues. We have talked about education. We have talked about heath care. We have talked about tax policy and immigration policy. We have actually talked very little about raising the minimum wage.

We have not had nearly enough debate about what this bill would actually do, so I can honestly say that I am pleased when my colleagues on the other side of the aisle come down the floor with the intent of actually talking about the Fair Minimum Wage Act.

Unfortunately, while I applaud them for addressing the issue at hand, their criticisms of the Fair Minimum Wage Act are woefully misplaced. My Republican colleagues are perpetuating some of the most common misconceptions about raising the minimum wage, and it is important to set the record straight.

My colleague from Tennessee, Senator ALEXANDER, raised concerns about the private sector costs of raising the minimum wage. He argued that an increase will prove detrimental to the economy in general, or to the business community in specific. He is correct that the Congressional Budget Office has estimated that the bill will cost the private sector more than $10 billion over 5 years. However, this is a mere drop in the bucket of the national payroll. All Americans combined earn $5.4 trillion a year. A minimum wage increase to $7.25 would be less than one-fifth of 1 percent of this national payroll—far too trivial to cause inflation or other economic harm.

The simple fact is that employers can afford to increase wages in the current economy. Workers are producing more, but earning less. Productivity has increased by 31 percent since 1997, yet minimum-wage workers have not received a raise. This increase ensures that minimum-wage workers, not just employers, benefit from the fruits of their labor.

Now Senator ALEXANDER also suggests that we shouldn't interfere with the market forces that set wages for low-wage workers. But we need to intervene when there's a market failure that needs correcting, and that's clearly the case with our stagnant minimum wage. Low-skilled workers, unlike high-skilled workers, do not generally have the bargaining power to demand wage increases. Even if they work harder, all their extra efforts are going into profits. Corporate profits have grown by 80 percent since Bush took office, while wages are stagnant. We need to act to make sure minimum wage workers don't get left behind.

My colleague also expresses concern about the effect of a minimum wage on small business. He claims that the majority of minimum wage workers are employed by small businesses, and that small businesses will suffer if the minimum wage is raised.

But the small business community doesn't agree. A recent Gallup poll found that 80 percent of small business owners do not think that the minimum wage affects their business, and three out of four small businesses said that a 10 percent increase in the minimum wage would have no effect on their company. Additionally, nearly half of small business owners think that the minimum wage should be increased, and only 16 percent of owners think the minimum wage should be reduced or eliminated entirely.

In fact, historical evidence suggests that a minimum wage increase can actually be beneficial to small business. A 2005 study by the Fiscal Policy Institute found States with minimum wages above the Federal level are generating more small businesses than states with a minimum wage at the Federal level. Between 1998 and 2003, the number of small businesses rose 5.4 percent in the ten States, including at had a minimum wage higher than the Federal level, compared to 4.2 percent in the other 40 States. The number of small retail businesses also grew faster in these States.

I appreciate Senator ALEXANDER's concerns about the economic impacts of a minimum wage raise, those concerns are misguided. The economic doomsday scenario that Senator ALEXANDER predicts simply will not materialize from this long-overdue increase in the minimum wage. The Senator doesn't have to take my word for it—over 650 prominent economists, including 5 Nobel Prize winners, agree that a modest increase in the minimum wage—like the one proposed in the Fair Minimum Wage Act—"can significantly improve the lives of low-income workers and their families, without the adverse effects that critics have claimed."

In addition to arguing about the economic impacts this bill, several of my colleagues have argued that raising the minimum wage is not an effective anti-poverty program, but instead will benefit primarily secondary earners and families well above the poverty line. This counterintuitive assertion is not borne out by the facts. The vast majority of minimum wage workers are hard-working Americans struggling to get by on what the minimum wage pays them for their contribution to our economy. And that is not easy.

A minimum wage increase benefits poor American families. According to the Economic Policy Institute, almost 70 percent of those who would benefit are adult workers, not teenagers seeking pocket change. Nearly half of these adults are sole breadwinners for their families. Nearly 40 percent of the benefits from a minimum wage increase would go to households with an average annual income of less than $17,000.

It is important to remember that those earning the minimum wage are not just starting out in the workforce. Many hardworking people become trapped in low-paying jobs and have trouble getting ahead. A report from the Center for Economic Policy Research shows a third of minimum wage earners from ages 25 and 54 will still be earning the minimum wage three years later. Only 40 percent of them will have moved out of the low-wage workforce 3 years later.

Certainly raising the minimum wage is only one of many steps that we should take to address the problem of poverty in this nation. Several of my Republican colleagues have suggested that we should examine ways to improve the Earned Income Tax Credit, and I look forward to working with them on this issue.

But none of this changes the fundamental fact that the Federal minimum wage is at its lowest real value in 50 years and continues to fall further and further behind each day. Minimum wage workers have been waiting longer than ever before in history for an increase, and a raise is long-overdue.

Now, my colleague from South Carolina, Senator DEMINT, went so far as to suggest that raising the minimum wage will actually harm poor workers, because it will cause them to lose other government benefits. That's just not the case.

The Fair Minimum Wage Act will bring working families out of poverty. The minimum wage increase—plus food stamps and the earned income tax credit—brings a family of four with one minimum wage earner from 11 percent below the poverty line to 5 percent above the poverty line.

Now it's true that some minimum wage workers may lose a portion of their food stamp benefits, but their increased earnings and the increased benefits they receive through the earned income tax credit will more than offset any loss of benefits and provide them with additional flexibility to meet their family's needs. They will also remain eligible for housing assistance and other essential government programs.

Minimum wage workers will also benefit from a raise in the long run. They will be earning higher wages, paying more into Social Security, and ultimately receiving more in retirement and disability benefits.

Finally, I'd like to address some comments made just this morning by my colleague from Iowa, Senator GRASSLEY. Now as Senator GRASSLEY knows, I have always taken the position that we should do this minimum wage bill "clean"—without any add-ons or tax giveaways. Because it's just a myth that minimum wage increases hurt the business community, there is certainly no need to pay off the business community when we give minimum wage workers a raise. We've raised the minimum wage nine times since the Fair Minimum Wage act was enacted in 1938, and only once have we included a tax package for business. That was during the Clinton administration—an era when we had substantial government surpluses, not the dramatic deficits we're facing now. It's just not responsible to pass unnecessary tax giveaways in the current fiscal environment. Democrats are united in this position. While Senator GRASSLEY suggested this morning that Democrats wanted taxes added to this bill, I remind him that every Democrat in the Senate voted for cloture on the underlying bill—a clean increase in the minimum wage with no tax giveaways.

I admit that the tax package contained in the Baucus substitute is not particularly large or offensive, and I understand that it's something we'll likely have to take to get this bill done. But I don't support it, and I certainly don't support any additional tax giveaways being added to this bill.

Senator GRASSLEY suggested this morning that tax breaks are a necessary part of any increase in the minimum wage. I would remind the Senator that an overwhelming bipartisan majority in both Houses of the Iowa State Legislature just voted to increase the Iowa state minimum wage to $7.25—the same level provided in this bill—with no tax breaks included. The Senator's State leaders hold the same views as a majority of the U.S. Congress—that minimum wage workers deserve an immediate raise, with no strings attached.

I hope that these comments lay to rest the fears of my Republican colleagues. I hope that they can join me in supporting a fair increase in the minimum wage for hardworking Americans across the country.

Madam President, I understand the time has expired. Is it necessary to ask for the yeas and nays?

It is necessary.

The PRESIDING OFFICER. The yeas and nays have not been ordered.

Mr. KENNEDY. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. One minute remains on the Republican side.

Mr. ENZI. Madam President, I yield back.

The PRESIDING OFFICER. All time has been yielded back.

The question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON) and the Senator from New York (Mr. SCHUMER) are necessarily absent.

Mr. LOTT. The following Senator was necessarily absent: the Senator from Oklahoma (Mr. INHOFE).

Further, if present and voting, the Senator from Oklahoma (Mr. INHOFE) would have voted "nay."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 94, nays 3, as follows:

[Rollcall Vote No. 42 Leg.]

YEAS—94

Akaka
Alexander
Allard
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Brown
Brownback
Bunning
Burr
Byrd
Cantwell
Cardin
Carper
Casey
Chambliss
Clinton
Cochran
Coleman
Collins
Conrad
Corker
Cornyn
Craig
Crapo
Dodd
Dole
Domenici
Dorgan
Durbin
Ensign
Enzi
Feingold
Feinstein
Graham
Grassley
Gregg
Hagel
Harkin
Hatch
Hutchison
Inouye
Isakson
Kennedy
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Martinez
McCain
McCaskill
McConnell
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Sanders
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Tester
Thomas
Thune
Vitter
Voinovich
Warner
Webb
Whitehouse
Wyden

NAYS—3

Coburn
DeMint
Kyl

NOT VOTING—3

Inhofe
Johnson
Schumer

The bill (H.R. 2), as amended, was passed, as follows:

H.R. 2

Resolved, That the bill from the House of Representatives (H.R. 2) entitled "An Act to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage.", do pass with the following amendment:

Strike out all after the enacting clause and insert:

TITLE I—FAIR MINIMUM WAGE

SEC. 100. SHORT TITLE.

This title may be cited as the "Fair Minimum Wage Act of 2007".

SEC. 101. MINIMUM WAGE.

(a) IN GENERAL.—Section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) is amended to read as follows:

"(1) except as otherwise provided in this section, not less than—

"(A) $5.85 an hour, beginning on the 60th day after the date of enactment of the Fair Minimum Wage Act of 2007;

"(B) $6.55 an hour, beginning 12 months after that 60th day; and

"(C) $7.25 an hour, beginning 24 months after that 60th day;".

(b) Effective Date.—The amendment made by subsection (a) shall take effect 60 days after the date of enactment of this Act.

SEC. 102. APPLICABILITY OF MINIMUM WAGE TO THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS.

(a) In General.—Section 6 of the Fair Labor Standards Act of 1938 (29 U.S.C. 206) shall apply to the Commonwealth of the Northern Mariana Islands.

(b) Transition.—Notwithstanding subsection (a), the minimum wage applicable to the Commonwealth of the Northern Mariana Islands under section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) shall be—

(1) $3.55 an hour, beginning on the 60th day after the date of enactment of this Act; and

(2) increased by $0.50 an hour (or such lesser amount as may be necessary to equal the minimum wage under section 6(a)(1) of such Act), beginning 6 months after the date of enactment of this Act and every 6 months thereafter until the minimum wage applicable to the Commonwealth of the Northern Mariana Islands under this subsection is equal to the minimum wage set forth in such section.

TITLE II—SMALL BUSINESS TAX INCENTIVES

SEC. 200. SHORT TITLE; AMENDMENT OF CODE.

(a) Short Title.—This title may be cited as the "Small Business and Work Opportunity Act of 2007".

(b) Amendment of 1986 Code.—Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

Subtitle A—Small Business Tax Relief Provisions

PART I—GENERAL PROVISIONS

SEC. 201. EXTENSION OF INCREASED EXPENSING FOR SMALL BUSINESSES.

Section 179 (relating to election to expense certain depreciable business assets) is amended by striking "2010" each place it appears and inserting "2011".

SEC. 202. EXTENSION AND MODIFICATION OF 15-YEAR STRAIGHT-LINE COST RECOVERY FOR QUALIFIED LEASEHOLD IMPROVEMENTS AND QUALIFIED RESTAURANT IMPROVEMENTS; 15-YEAR STRAIGHT-LINE COST RECOVERY FOR CERTAIN IMPROVEMENTS TO RETAIL SPACE.

(a) Extension of Leasehold and Restaurant Improvements.—

(1) In general.—Clauses (iv) and (v) of section 168(e)(3)(E) (relating to 15-year property) are each amended by striking "January 1, 2008" and inserting "April 1, 2008".

(2) Effective date.—The amendment made by this subsection shall apply to property placed in service after December 31, 2007.

(b) Modification of Treatment of Qualified Restaurant Property as 15-Year Property for Purposes of Depreciation Deduction.—

(1) Treatment to include new construction.—Paragraph (7) of section 168(e) (relating to classification of property) is amended to read as follows:

"(7) Qualified restaurant property.—The term 'qualified restaurant property' means any section 1250 property which is a building (or its structural components) or an improvement to such building if more than 50 percent of such building's square footage is devoted to preparation of, and seating for on-premises consumption of, prepared meals.".

(2) Effective date.—The amendment made by this subsection shall apply to any property placed in service after the date of the enactment of this Act, the original use of which begins with the taxpayer after such date.

(c) Recovery Period for Depreciation of Certain Improvements to Retail Space.—

(1) 15-year recovery period.—Section 168(e)(3)(E) (relating to 15-year property) is amended by striking "and" at the end of clause (vii), by striking the period at the end of clause (viii) and inserting ", and", and by adding at the end the following new clause:

"(ix) any qualified retail improvement property placed in service before April 1, 2008.".

(2) Qualified retail improvement property.—Section 168(e) is amended by adding at the end the following new paragraph:

"(8) Qualified retail improvement property.—

"(A) In general.—The term 'qualified retail improvement property' means any improvement to an interior portion of a building which is nonresidential real property if—

"(i) such portion is open to the general public and is used in the retail trade or business of selling tangible personal property to the general public, and

"(ii) such improvement is placed in service more than 3 years after the date the building was first placed in service.

"(B) Improvements made by owner.—In the case of an improvement made by the owner of such improvement, such improvement shall be qualified retail improvement property (if at all) only so long as such improvement is held by such owner. Rules similar to the rules under paragraph (6)(B) shall apply for purposes of the preceding sentence.

"(C) Certain improvements not included.—Such term shall not include any improvement for which the expenditure is attributable to—

"(i) the enlargement of the building,

"(ii) any elevator or escalator,

"(iii) any structural component benefitting a common area, or

"(iv) the internal structural framework of the building.".

(3) Requirement to use straight line method.—Section 168(b)(3) is amended by adding at the end the following new subparagraph:

"(I) Qualified retail improvement property described in subsection (e)(8).".

(4) Alternative system.—The table contained in section 168(g)(3)(B) is amended by inserting after the item relating to subparagraph (E)(viii) the following new item:

"(E)(ix) .... 39".

(5) Effective date.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act.

SEC. 203. CLARIFICATION OF CASH ACCOUNTING RULES FOR SMALL BUSINESS.

(a) Cash Accounting Permitted.—

(1) In general.—Section 446 (relating to general rule for methods of accounting) is amended by adding at the end the following new subsection:

"(g) Certain Small Business Taxpayers Permitted To Use Cash Accounting Method Without Limitation.—

"(1) In general.—An eligible taxpayer shall not be required to use an accrual method of accounting for any taxable year.

"(2) Eligible taxpayer.—For purposes of this subsection, a taxpayer is an eligible taxpayer with respect to any taxable year if—

"(A) for each of the prior taxable years ending on or after the date of the enactment of this subsection, the taxpayer (or any predecessor) met the gross receipts test in effect under section 448(c) for such taxable year, and

"(B) the taxpayer is not subject to section 447 or 448.".

(2) Expansion of gross receipts test.—

(A) In general.—Paragraph (3) of section 448(b) (relating to entities with gross receipts of not more than $5,000,000) is amended to read as follows:

"(3) Entities meeting gross receipts test.—Paragraphs (1) and (2) of subsection (a) shall not apply to any corporation or partnership for any taxable year if, for each of the prior taxable years ending on or after the date of the enactment of the Small Business and Work Opportunity Act of 2007, the entity (or any predecessor) met the gross receipts test in effect under subsection (c) for such prior taxable year.".

(B) Conforming amendments.—Section 448(c) of such Code is amended—

(i) by striking "$5,000,000" in the heading thereof,

(ii) by striking "$5,000,000" each place it appears in paragraph (1) and inserting "$10,000,000", and

(iii) by adding at the end the following new paragraph:

"(4) Inflation adjustment.—In the case of any taxable year beginning in a calendar year after 2008, the dollar amount contained in paragraph (1) shall be increased by an amount equal to—

"(A) such dollar amount, multiplied by

"(B) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, by substituting 'calendar year 2007' for 'calendar year 1992' in subparagraph (B) thereof.

If any amount as adjusted under this subparagraph is not a multiple of $100,000, such amount shall be rounded to the nearest multiple of $100,000.".

(b) Clarification of Inventory Rules for Small Business.—

(1) In general.—Section 471 (relating to general rule for inventories) is amended by redesignating subsection (c) as subsection (d) and by inserting after subsection (b) the following new subsection:

"(c) Small Business Taxpayers Not Required To Use Inventories.—

"(1) In general.—A qualified taxpayer shall not be required to use inventories under this section for a taxable year.

"(2) Treatment of taxpayers not using inventories.—If a qualified taxpayer does not use inventories with respect to any property for any taxable year beginning after the date of the enactment of this subsection, such property shall be treated as a material or supply which is not incidental.

"(3) Qualified taxpayer.—For purposes of this subsection, the term 'qualified taxpayer' means—

"(A) any eligible taxpayer (as defined in section 446(g)(2)), and

"(B) any taxpayer described in section 448(b)(3).".

(2) Conforming amendments.—

(A) Subpart D of part II of subchapter E of chapter 1 is amended by striking section 474.

(B) The table of sections for subpart D of part II of subchapter E of chapter 1 is amended by striking the item relating to section 474.

(c) Effective Date and Special Rules.—

(1) In general.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

(2) Change in method of accounting.—In the case of any taxpayer changing the taxpayer's method of accounting for any taxable year under the amendments made by this section—

(A) such change shall be treated as initiated by the taxpayer;

(B) such change shall be treated as made with the consent of the Secretary of the Treasury; and

(C) the net amount of the adjustments required to be taken into account by the taxpayer under section 481 of the Internal Revenue Code of 1986 shall be taken into account over a period (not greater than 4 taxable years) beginning with such taxable year.

SEC. 204. EXTENSION AND MODIFICATION OF COMBINED WORK OPPORTUNITY TAX CREDIT AND WELFARE-TO-WORK CREDIT.

(a) Extension.—Section 51(c)(4)(B) (relating to termination) is amended by striking "2007" and inserting "2012".

(b) Increase in Maximum Age for Designated Community Residents.—

(1) In general.—Paragraph (5) of section 51(d) is amended to read as follows:

"(5) Designated community residents.—

"(A) In general.—The term 'designated community resident' means any individual who is certified by the designated local agency—

"(i) as having attained age 18 but not age 40 on the hiring date, and

"(ii) as having his principal place of abode within an empowerment zone, enterprise community, or renewal community.

"(B) Individual must continue to reside in zone or community.—In the case of a designated community resident, the term 'qualified wages' shall not include wages paid or incurred for services performed while the individual's principal place of abode is outside an empowerment zone, enterprise community, or renewal community.".

(2) Conforming amendment.—Subparagraph (D) of section 51(d)(1) is amended to read as follows:

"(D) a designated community resident,".

(c) Clarification of Treatment of Individuals Under Individual Work Plans.—Subparagraph (B) of section 51(d)(6) (relating to vocational rehabilitation referral) is amended by striking "or" at the end of clause (i), by striking the period at the end of clause (ii) and inserting ", or", and by adding at the end the following new clause:

"(iii) an individual work plan developed and implemented by an employment network pursuant to subsection (g) of section 1148 of the Social Security Act with respect to which the requirements of such subsection are met.".

(d) Treatment of Disabled Veterans Under the Work Opportunity Tax Credit.—

(1) Disabled veterans treated as members of targeted group.—

(A) In general.—Subparagraph (A) of section 51(d)(3) (relating to qualified veteran) is amended by striking "agency as being a member of a family" and all that follows and inserting "agency as—

"(i) being a member of a family receiving assistance under a food stamp program under the Food Stamp Act of 1977 for at least a 3-month period ending during the 12-month period ending on the hiring date, or

"(ii) entitled to compensation for a service-connected disability incurred after September 10, 2001.".

(B) Definitions.—Paragraph (3) of section 51(d) is amended by adding at the end the following new subparagraph:

"(C) Other definitions.—For purposes of subparagraph (A), the terms 'compensation' and 'service-connected' have the meanings given such terms under section 101 of title 38, United States Code.".

(2) Increase in amount of wages taken into account for disabled veterans.—Paragraph (3) of section 51(b) is amended—

(A) by inserting "($12,000 per year in the case of any individual who is a qualified veteran by reason of subsection (d)(3)(A)(ii))" before the period at the end, and

(B) by striking "Only first $6,000 of" in the heading and inserting "Limitation on".

(e) Effective Date.—The amendments made by this section shall apply to individuals who begin work for the employer after the date of the enactment of this Act, in taxable years ending after such date.

SEC. 205. CERTIFIED PROFESSIONAL EMPLOYER ORGANIZATIONS.

(a) Employment Taxes.—Chapter 25 (relating to general provisions relating to employment taxes) is amended by adding at the end the following new section:

"SEC. 3511. CERTIFIED PROFESSIONAL EMPLOYER ORGANIZATIONS.

"(a) General Rules.—For purposes of the taxes, and other obligations, imposed by this subtitle—

"(1) a certified professional employer organization shall be treated as the employer (and no other person shall be treated as the employer) of any work site employee performing services for any customer of such organization, but only with respect to remuneration remitted by such organization to such work site employee, and

"(2) exclusions, definitions, and other rules which are based on the type of employer and which would (but for paragraph (1)) apply shall apply with respect to such taxes imposed on such remuneration.

"(b) Successor Employer Status.—For purposes of sections 3121(a)(1), 3231(e)(2)(C), and 3306(b)(1)—

"(1) a certified professional employer organization entering into a service contract with a customer with respect to a work site employee shall be treated as a successor employer and the customer shall be treated as a predecessor employer during the term of such service contract, and

"(2) a customer whose service contract with a certified professional employer organization is terminated with respect to a work site employee shall be treated as a successor employer and the certified professional employer organization shall be treated as a predecessor employer.

"(c) Liability of Certified Professional Employer Organization.—Solely for purposes of its liability for the taxes, and other obligations, imposed by this subtitle—

"(1) a certified professional employer organization shall be treated as the employer of any individual (other than a work site employee or a person described in subsection (f)) who is performing services covered by a contract meeting the requirements of section 7705(e)(2), but only with respect to remuneration remitted by such organization to such individual, and

"(2) exclusions, definitions, and other rules which are based on the type of employer and which would (but for paragraph (1)) apply shall apply with respect to such taxes imposed on such remuneration.

"(d) Treatment of Credits.—

"(1) In general.—For purposes of any credit specified in paragraph (2)—

"(A) such credit with respect to a work site employee performing services for the customer applies to the customer, not the certified professional employer organization,

"(B) the customer, and not the certified professional employer organization, shall take into account wages and employment taxes—

"(i) paid by the certified professional employer organization with respect to the work site employee, and

"(ii) for which the certified professional employer organization receives payment from the customer, and

"(C) the certified professional employer organization shall furnish the customer with any information necessary for the customer to claim such credit.

"(2) Credits specified.—A credit is specified in this paragraph if such credit is allowed under—

"(A) section 41 (credit for increasing research activity),

"(B) section 45A (Indian employment credit),

"(C) section 45B (credit for portion of employer social security taxes paid with respect to employee cash tips),

"(D) section 45C (clinical testing expenses for certain drugs for rare diseases or conditions),

"(E) section 51 (work opportunity credit),

"(F) section 51A (temporary incentives for employing long-term family assistance recipients),

"(G) section 1396 (empowerment zone employment credit),

"(H) 1400(d) (DC Zone employment credit),

"(I) Section 1400H (renewal community employment credit), and

"(J) any other section as provided by the Secretary.

"(e) Special Rule for Related Party.—This section shall not apply in the case of a customer which bears a relationship to a certified professional employer organization described in section 267(b) or 707(b). For purposes of the preceding sentence, such sections shall be applied by substituting '10 percent' for '50 percent'.

"(f) Special Rule for Certain Individuals.—For purposes of the taxes imposed under this subtitle, an individual with net earnings from self-employment derived from the customer's trade or business is not a work site employee with respect to remuneration paid by a certified professional employer organization.

"(g) Regulations.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this section.".

(b) Certified Professional Employer Organization Defined.—Chapter 79 (relating to definitions) is amended by adding at the end the following new section:

"SEC. 7705. CERTIFIED PROFESSIONAL EMPLOYER ORGANIZATIONS DEFINED.

"(a) In General.—For purposes of this title, the term 'certified professional employer organization' means a person who has been certified by the Secretary for purposes of section 3511 as meeting the requirements of subsection (b).

"(b) General Requirements.—A person meets the requirements of this subsection if such person—

"(1) demonstrates that such person (and any owner, officer, and such other persons as may be specified in regulations) meets such requirements as the Secretary shall establish with respect to tax status, background, experience, business location, and annual financial audits,

"(2) computes its taxable income using an accrual method of accounting unless the Secretary approves another method,

"(3) agrees that it will satisfy the bond and independent financial review requirements of subsection (c) on an ongoing basis,

"(4) agrees that it will satisfy such reporting obligations as may be imposed by the Secretary,

"(5) agrees to verify on such periodic basis as the Secretary may prescribe that it continues to meet the requirements of this subsection, and

"(6) agrees to notify the Secretary in writing within such time as the Secretary may prescribe of any change that materially affects whether it continues to meet the requirements of this subsection.

"(c) Bond and Independent Financial Review Requirements.—

"(1) In general.—An organization meets the requirements of this paragraph if such organization—

"(A) meets the bond requirements of paragraph (2), and

"(B) meets the independent financial review requirements of paragraph (3).

"(2) Bond.—

"(A) In general.—A certified professional employer organization meets the requirements of this paragraph if the organization has posted a bond for the payment of taxes under subtitle C (in a form acceptable to the Secretary) in an *amount at least equal to the amount specified in subparagraph (B).*

"(B) AMOUNT OF BOND.—For the period April 1 of any calendar year through March 31 of the following calendar year, the amount of the bond required is equal to the greater of—

"(i) 5 percent of the organization's liability under section 3511 for taxes imposed by subtitle C during the preceding calendar year (but not to exceed $1,000,000), or

"(ii) $50,000.

"(3) INDEPENDENT FINANCIAL REVIEW REQUIREMENTS.—A certified professional employer organization meets the requirements of this paragraph if such organization—

"(A) has, as of the most recent review date, caused to be prepared and provided to the Secretary (in such manner as the Secretary may prescribe) an opinion of an independent certified public accountant that the certified professional employer organization's financial statements are presented fairly in accordance with generally accepted accounting principles, and

"(B) provides, not later than the last day of the second month beginning after the end of each calendar quarter, to the Secretary from an independent certified public accountant an assertion regarding Federal employment tax payments and an examination level attestation on such assertion.

Such assertion shall state that the organization has withheld and made deposits of all taxes imposed by chapters 21, 22, and 24 of the Internal Revenue Code in accordance with regulations imposed by the Secretary for such calendar quarter and such examination level attestation shall state that such assertion is fairly stated, in all material respects.

"(4) CONTROLLED GROUP RULES.—For purposes of the requirements of paragraphs (2) and (3), all professional employer organizations that are members of a controlled group within the meaning of sections 414(b) and (c) shall be treated as a single organization.

"(5) FAILURE TO FILE ASSERTION AND ATTESTATION.—If the certified professional employer organization fails to file the assertion and attestation required by paragraph (3) with respect to any calendar quarter, then the requirements of paragraph (3) with respect to such failure shall be treated as not satisfied for the period beginning on the due date for such attestation.

"(6) REVIEW DATE.—For purposes of paragraph (3)(A), the review date shall be 6 months after the completion of the organization's fiscal year.

"(d) SUSPENSION AND REVOCATION AUTHORITY.—The Secretary may suspend or revoke a certification of any person under subsection (b) for purposes of section 3511 if the Secretary determines that such person is not satisfying the representations or requirements of subsections (b) or (c), or fails to satisfy applicable accounting, reporting, payment, or deposit requirements.

"(e) WORK SITE EMPLOYEE.—For purposes of this title—

"(1) IN GENERAL.—The term 'work site employee' means, with respect to a certified professional employer organization, an individual who—

"(A) performs services for a customer pursuant to a contract which is between such customer and the certified professional employer organization and which meets the requirements of paragraph (2), and

"(B) performs services at a work site meeting the requirements of paragraph (3).

"(2) SERVICE CONTRACT REQUIREMENTS.—A contract meets the requirements of this paragraph with respect to an individual performing services for a customer if such contract is in writing and provides that the certified professional employer organization shall—

"(A) assume responsibility for payment of wages to such individual, without regard to the receipt or adequacy of payment from the customer for such services,

"(B) assume responsibility for reporting, withholding, and paying any applicable taxes under subtitle C, with respect to such individual's wages, without regard to the receipt or adequacy of payment from the customer for such services,

"(C) assume responsibility for any employee benefits which the service contract may require the organization to provide, without regard to the receipt or adequacy of payment from the customer for such services,

"(D) assume responsibility for hiring, firing, and recruiting workers in addition to the customer's responsibility for hiring, firing and recruiting workers,

"(E) maintain employee records relating to such individual, and

"(F) agree to be treated as a certified professional employer organization for purposes of section 3511 with respect to such individual.

"(3) WORK SITE COVERAGE REQUIREMENT.—The requirements of this paragraph are met with respect to an individual if at least 85 percent of the individuals performing services for the customer at the work site where such individual performs services are subject to 1 or more contracts with the certified professional employer organization which meet the requirements of paragraph (2) (but not taking into account those individuals who are excluded employees within the meaning of section 414(q)(5)).

"(f) DETERMINATION OF EMPLOYMENT STATUS.—Except to the extent necessary for purposes of section 3511, nothing in this section shall be construed to affect the determination of who is an employee or employer for purposes of this title.

"(g) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this section.".

(c) CONFORMING AMENDMENTS.—

(1) Section 3302 is amended by adding at the end the following new subsection:

"(h) TREATMENT OF CERTIFIED PROFESSIONAL EMPLOYER ORGANIZATIONS.—If a certified professional employer organization (as defined in section 7705), or a customer of such organization, makes a contribution to the State's unemployment fund with respect to a work site employee, such organization shall be eligible for the credits available under this section with respect to such contribution.".

(2) Section 3303(a) is amended—

(A) by striking the period at the end of paragraph (3) and inserting "; and" and by inserting after paragraph (3) the following new paragraph:

"(4) if the taxpayer is a certified professional employer organization (as defined in section 7705) that is treated as the employer under section 3511, such certified professional employer organization is permitted to collect and remit, in accordance with paragraphs (1), (2), and (3), contributions during the taxable year to the State unemployment fund with respect to a work site employee.", and

(B) in the last sentence—

(i) by striking "paragraphs (1), (2), and (3)" and inserting "paragraphs (1), (2), (3), and (4)", and

(ii) by striking "paragraph (1), (2), or (3)" and inserting "paragraph (1), (2), (3), or (4)".

(3) Section 6053(c) (relating to reporting of tips) is amended by adding at the end the following new paragraph:

"(8) CERTIFIED PROFESSIONAL EMPLOYER ORGANIZATIONS.—For purposes of any report required by this subsection, in the case of a certified professional employer organization that is treated under section 3511 as the employer of a work site employee, the customer with respect to whom a work site employee performs services shall be the employer for purposes of reporting under this section and the certified professional employer organization shall furnish to the customer any information necessary to complete such reporting no later than such time as the Secretary shall prescribe.".

(d) CLERICAL AMENDMENTS.—

(1) The table of sections for chapter 25 is amended by adding at the end the following new item:

"Sec. 3511. Certified professional employer organizations.".

(2) The table of sections for chapter 79 is amended by inserting after the item relating to section 7704 the following new item:

"Sec. 7705. Certified professional employer organizations defined.".

(e) REPORTING REQUIREMENTS AND OBLIGATIONS.—The Secretary of the Treasury shall develop such reporting and recordkeeping rules, regulations, and procedures as the Secretary determines necessary or appropriate to ensure compliance with the amendments made by this section with respect to entities applying for certification as certified professional employer organizations or entities that have been so certified. Such rules shall be designed in a manner which streamlines, to the extent possible, the application of requirements of such amendments, the exchange of information between a certified professional employer organization and its customers, and the reporting and recordkeeping obligations of the certified professional employer organization.

(f) USER FEES.—Subsection (b) of section 7528 (relating to Internal Revenue Service user fees) is amended by adding at the end the following new paragraph:

"(4) CERTIFIED PROFESSIONAL EMPLOYER ORGANIZATIONS.—The fee charged under the program in connection with the certification by the Secretary of a professional employer organization under section 7705 shall not exceed $500.".

(g) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by this section shall apply with respect to wages for services performed on or after January 1 of the first calendar year beginning more than 12 months after the date of the enactment of this Act.

(2) CERTIFICATION PROGRAM.—The Secretary of the Treasury shall establish the certification program described in section 7705(b) of the Internal Revenue Code of 1986, as added by subsection (b), not later than 6 months before the effective date determined under paragraph (1).

(h) NO INFERENCE.—Nothing contained in this section or the amendments made by this section shall be construed to create any inference with respect to the determination of who is an employee or employer—

(1) for Federal tax purposes (other than the purposes set forth in the amendments made by this section), or

(2) for purposes of any other provision of law.

PART II—SUBCHAPTER S PROVISIONS

SEC. 211. CAPITAL GAIN OF S CORPORATION NOT TREATED AS PASSIVE INVESTMENT INCOME.

(a) IN GENERAL.—Section 1362(d)(3) is amended by striking subparagraphs (B), (C), (D), (E), and (F) and inserting the following new subparagraph:

"(B) PASSIVE INVESTMENT INCOME DEFINED.—

"(i) IN GENERAL.—Except as otherwise provided in this subparagraph, the term 'passive investment income' means gross receipts derived from royalties, rents, dividends, interest, and annuities.

"(ii) EXCEPTION FOR INTEREST ON NOTES FROM SALES OF INVENTORY.—The term 'passive investment income' shall not include interest on any

obligation acquired in the ordinary course of the corporation's trade or business from its sale of property described in section 1221(a)(1).

"(iii) TREATMENT OF CERTAIN LENDING OR FINANCE COMPANIES.—If the S corporation meets the requirements of section 542(c)(6) for the taxable year, the term 'passive investment income' shall not include gross receipts for the taxable year which are derived directly from the active and regular conduct of a lending or finance business (as defined in section 542(d)(1)).

"(iv) TREATMENT OF CERTAIN DIVIDENDS.—If an S corporation holds stock in a C corporation meeting the requirements of section 1504(a)(2), the term 'passive investment income' shall not include dividends from such C corporation to the extent such dividends are attributable to the earnings and profits of such C corporation derived from the active conduct of a trade or business.

"(v) EXCEPTION FOR BANKS, ETC.—In the case of a bank (as defined in section 581) or a depository institution holding company (as defined in section 3(w)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1813(w)(1)), the term 'passive investment income' shall not include—

"(I) interest income earned by such bank or company, or

"(II) dividends on assets required to be held by such bank or company, including stock in the Federal Reserve Bank, the Federal Home Loan Bank, or the Federal Agricultural Mortgage Bank or participation certificates issued by a Federal Intermediate Credit Bank.".

(b) CONFORMING AMENDMENT.—Clause (i) of section 1042(c)(4)(A) is amended by striking "section 1362(d)(3)(C)" and inserting "section 1362(d)(3)(B)".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 212. TREATMENT OF BANK DIRECTOR SHARES.

(a) IN GENERAL.—Section 1361 (defining S corporation) is amended by adding at the end the following new subsection:

"(f) RESTRICTED BANK DIRECTOR STOCK.—

"(1) IN GENERAL.—Restricted bank director stock shall not be taken into account as outstanding stock of the S corporation in applying this subchapter (other than section 1368(f)).

"(2) RESTRICTED BANK DIRECTOR STOCK.—For purposes of this subsection, the term 'restricted bank director stock' means stock in a bank (as defined in section 581) or a depository institution holding company (as defined in section 3(w)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1813(w)(1)), if such stock—

"(A) is required to be held by an individual under applicable Federal or State law in order to permit such individual to serve as a director, and

"(B) is subject to an agreement with such bank or company (or a corporation which controls (within the meaning of section 368(c)) such bank or company) pursuant to which the holder is required to sell back such stock (at the same price as the individual acquired such stock) upon ceasing to hold the office of director.

"(3) CROSS REFERENCE.—

"For treatment of certain distributions with respect to restricted bank director stock, see section 1368(f)".

(b) DISTRIBUTIONS.—Section 1368 (relating to distributions) is amended by adding at the end the following new subsection:

"(f) RESTRICTED BANK DIRECTOR STOCK.—If a director receives a distribution (not in part or full payment in exchange for stock) from an S corporation with respect to any restricted bank director stock (as defined in section 1361(f)), the amount of such distribution—

"(1) shall be includible in gross income of the director, and

"(2) shall be deductible by the corporation for the taxable year of such corporation in which or with which ends the taxable year in which such amount in included in the gross income of the director.".

(c) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006.

(2) SPECIAL RULE FOR TREATMENT AS SECOND CLASS OF STOCK.—In the case of any taxable year beginning after December 31, 1996, restricted bank director stock (as defined in section 1361(f) of the Internal Revenue Code of 1986, as added by this section) shall not be taken into account in determining whether an S corporation has more than 1 class of stock.

SEC. 213. SPECIAL RULE FOR BANK REQUIRED TO CHANGE FROM THE RESERVE METHOD OF ACCOUNTING ON BECOMING S CORPORATION.

(a) IN GENERAL.—Section 1361, as amended by this Act, is amended by adding at the end the following new subsection:

"(g) SPECIAL RULE FOR BANK REQUIRED TO CHANGE FROM THE RESERVE METHOD OF ACCOUNTING ON BECOMING S CORPORATION.—In the case of a bank which changes from the reserve method of accounting for bad debts described in section 585 or 593 for its first taxable year for which an election under section 1362(a) is in effect, the bank may elect to take into account any adjustments under section 481 by reason of such change for the taxable year immediately preceding such first taxable year.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006.

SEC. 214. TREATMENT OF THE SALE OF INTEREST IN A QUALIFIED SUBCHAPTER S SUBSIDIARY.

(a) IN GENERAL.—Subparagraph (C) of section 1361(b)(3) (relating to treatment of terminations of qualified subchapter S subsidiary status) is amended—

(1) by striking "For purposes of this title," and inserting the following:

"(i) IN GENERAL.—For purposes of this title,", and

(2) by inserting at the end the following new clause:

"(ii) TERMINATION BY REASON OF SALE OF STOCK.—If the failure to meet the requirements of subparagraph (B) is by reason of the sale of stock of a corporation which is a qualified subchapter S subsidiary, the sale of such stock shall be treated as if—

"(I) the sale were a sale of an undivided interest in the assets of such corporation (based on the percentage of the corporation's stock sold), and

"(II) the sale were followed by an acquisition by such corporation of all of its assets (and the assumption by such corporation of all of its liabilities) in a transaction to which section 351 applies.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006 .

SEC. 215. ELIMINATION OF ALL EARNINGS AND PROFITS ATTRIBUTABLE TO PRE-1983 YEARS FOR CERTAIN CORPORATIONS.

In the case of a corporation which is—

(1) described in section 1311(a)(1) of the Small Business Job Protection Act of 1996, and

(2) not described in section 1311(a)(2) of such Act,

the amount of such corporation's accumulated earnings and profits (for the first taxable year beginning after the date of the enactment of this Act) shall be reduced by an amount equal to the portion (if any) of such accumulated earnings and profits which were accumulated in any taxable year beginning before January 1, 1983, for which such corporation was an electing small business corporation under subchapter S of the Internal Revenue Code of 1986.

SEC. 216. EXPANSION OF QUALIFYING BENEFICIARIES OF AN ELECTING SMALL BUSINESS TRUST.

(a) NO LOOK THROUGH FOR ELIGIBILITY PURPOSES.—Clause (v) of section 1361(c)(2)(B) is amended by adding at the end the following new sentence: "This clause shall not apply for purposes of subsection (b)(1)(C).".

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of the enactment of this Act.

Subtitle B—Revenue Provisions

SEC. 221. MODIFICATION OF EFFECTIVE DATE OF LEASING PROVISIONS OF THE AMERICAN JOBS CREATION ACT OF 2004.

(a) LEASES TO FOREIGN ENTITIES.—Section 849(b) of the American Jobs Creation Act of 2004 is amended by adding at the end the following new paragraph:

"(5) LEASES TO FOREIGN ENTITIES.—In the case of tax-exempt use property leased to a tax-exempt entity which is a foreign person or entity, the amendments made by this part shall apply to taxable years beginning after December 31, 2006, with respect to leases entered into on or before March 12, 2004.".

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in the enactment of the American Jobs Creation Act of 2004.

SEC. 222. APPLICATION OF RULES TREATING INVERTED CORPORATIONS AS DOMESTIC CORPORATIONS TO CERTAIN TRANSACTIONS OCCURRING AFTER MARCH 20, 2002.

(a) IN GENERAL.—Section 7874(b) (relating to inverted corporations treated as domestic corporations) is amended to read as follows:

"(b) INVERTED CORPORATIONS TREATED AS DOMESTIC CORPORATIONS.—

"(1) IN GENERAL.—Notwithstanding section 7701(a)(4), a foreign corporation shall be treated for purposes of this title as a domestic corporation if such corporation would be a surrogate foreign corporation if subsection (a)(2) were applied by substituting '80 percent' for '60 percent'.

"(2) SPECIAL RULE FOR CERTAIN TRANSACTIONS OCCURRING AFTER MARCH 20, 2002.—

"(A) IN GENERAL.—If—

"(i) paragraph (1) does not apply to a foreign corporation, but

"(ii) paragraph (1) would apply to such corporation if, in addition to the substitution under paragraph (1), subsection (a)(2) were applied by substituting 'March 20, 2002' for 'March 4, 2003' each place it appears,

then paragraph (1) shall apply to such corporation but only with respect to taxable years of such corporation beginning after December 31, 2006.

"(B) SPECIAL RULES.—Subject to such rules as the Secretary may prescribe, in the case of a corporation to which paragraph (1) applies by reason of this paragraph—

"(i) the corporation shall be treated, as of the close of its last taxable year beginning before January 1, 2007, as having transferred all of its assets, liabilities, and earnings and profits to a domestic corporation in a transaction with respect to which no tax is imposed under this title,

"(ii) the bases of the assets transferred in the transaction to the domestic corporation shall be the same as the bases of the assets in the hands of the foreign corporation, subject to any adjustments under this title for built-in losses,

"(iii) the basis of the stock of any shareholder in the domestic corporation shall be the same as the basis of the stock of the shareholder in the foreign corporation for which it is treated as exchanged, and "(iv) the transfer of any earnings and profits by reason of clause (i) shall be disregarded in determining any deemed dividend or foreign tax creditable to the domestic corporation with respect to such transfer.

"(C) REGULATIONS.—The Secretary may prescribe such regulations as may be necessary or appropriate to carry out this paragraph, including regulations to prevent the avoidance of the purposes of this paragraph.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2006.

SEC. 223. DENIAL OF DEDUCTION FOR PUNITIVE DAMAGES.

(a) DISALLOWANCE OF DEDUCTION.—

(1) IN GENERAL.—Section 162(g) (relating to treble damage payments under the antitrust laws) is amended—

(A) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively,

(B) by striking "If" and inserting:

"(1) TREBLE DAMAGES.—If", and

(C) by adding at the end the following new paragraph:

"(2) PUNITIVE DAMAGES.—No deduction shall be allowed under this chapter for any amount paid or incurred for punitive damages in connection with any judgment in, or settlement of, any action. This paragraph shall not apply to punitive damages described in section 104(c).".

(2) CONFORMING AMENDMENT.—The heading for section 162(g) is amended by inserting "OR PUNITIVE DAMAGES" after "LAWS".

(b) INCLUSION IN INCOME OF PUNITIVE DAMAGES PAID BY INSURER OR OTHERWISE.—

(1) IN GENERAL.—Part II of subchapter B of chapter 1 (relating to items specifically included in gross income) is amended by adding at the end the following new section:

"SEC. 91. PUNITIVE DAMAGES COMPENSATED BY INSURANCE OR OTHERWISE.

"Gross income shall include any amount paid to or on behalf of a taxpayer as insurance or otherwise by reason of the taxpayer's liability (or agreement) to pay punitive damages.".

(2) REPORTING REQUIREMENTS.—Section 6041 (relating to information at source) is amended by adding at the end the following new subsection:

"(h) SECTION TO APPLY TO PUNITIVE DAMAGES COMPENSATION.—This section shall apply to payments by a person to or on behalf of another person as insurance or otherwise by reason of the other person's liability (or agreement) to pay punitive damages.".

(3) CONFORMING AMENDMENT.—The table of sections for part II of subchapter B of chapter 1 is amended by adding at the end the following new item:

"Sec. 91. Punitive damages compensated by insurance or otherwise.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to damages paid or incurred on or after the date of the enactment of this Act.

SEC. 224. DENIAL OF DEDUCTION FOR CERTAIN FINES, PENALTIES, AND OTHER AMOUNTS.

(a) IN GENERAL.—Subsection (f) of section 162 (relating to trade or business expenses) is amended to read as follows:

"(f) FINES, PENALTIES, AND OTHER AMOUNTS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), no deduction otherwise allowable shall be allowed under this chapter for any amount paid or incurred (whether by suit, agreement, or otherwise) to, or at the direction of, a government or entity described in paragraph (4) in relation to the violation of any law or the investigation or inquiry by such government or entity into the potential violation of any law.

"(2) EXCEPTION FOR AMOUNTS CONSTITUTING RESTITUTION OR PAID TO COME INTO COMPLIANCE WITH LAW.—Paragraph (1) shall not apply to any amount which—

"(A) the taxpayer establishes—

"(i) constitutes restitution (including remediation of property) for damage or harm caused by or which may be caused by the violation of any law or the potential violation of any law, or

"(ii) is paid to come into compliance with any law which was violated or involved in the investigation or inquiry, and

"(B) is identified as restitution or as an amount paid to come into compliance with the law, as the case may be, in the court order or settlement agreement.

A taxpayer shall not meet the requirements of subparagraph (A) solely by reason an identification under subparagraph (B). This paragraph shall not apply to any amount paid or incurred as reimbursement to the government or entity for the costs of any investigation or litigation.

"(3) EXCEPTION FOR AMOUNTS PAID OR INCURRED AS THE RESULT OF CERTAIN COURT ORDERS.—Paragraph (1) shall not apply to any amount paid or incurred by order of a court in a suit in which no government or entity described in paragraph (4) is a party.

"(4) CERTAIN NONGOVERNMENTAL REGULATORY ENTITIES.—An entity is described in this paragraph if it is—

"(A) a nongovernmental entity which exercises self-regulatory powers (including imposing sanctions) in connection with a qualified board or exchange (as defined in section 1256(g)(7)), or

"(B) to the extent provided in regulations, a nongovernmental entity which exercises self-regulatory powers (including imposing sanctions) as part of performing an essential governmental function.

"(5) EXCEPTION FOR TAXES DUE.—Paragraph (1) shall not apply to any amount paid or incurred as taxes due.".

(b) REPORTING OF DEDUCTIBLE AMOUNTS.—

(1) IN GENERAL.—Subpart B of part III of subchapter A of chapter 61 is amended by inserting after section 6050V the following new section:

"SEC. 6050W. INFORMATION WITH RESPECT TO CERTAIN FINES, PENALTIES, AND OTHER AMOUNTS.

"(a) REQUIREMENT OF REPORTING.—

"(1) IN GENERAL.—The appropriate official of any government or entity which is described in section 162(f)(4) which is involved in a suit or agreement described in paragraph (2) shall make a return in such form as determined by the Secretary setting forth—

"(A) the amount required to be paid as a result of the suit or agreement to which paragraph (1) of section 162(f) applies,

"(B) any amount required to be paid as a result of the suit or agreement which constitutes restitution or remediation of property, and

"(C) any amount required to be paid as a result of the suit or agreement for the purpose of coming into compliance with any law which was violated or involved in the investigation or inquiry.

"(2) SUIT OR AGREEMENT DESCRIBED.—

"(A) IN GENERAL.—A suit or agreement is described in this paragraph if—

"(i) it is—

"(I) a suit with respect to a violation of any law over which the government or entity has authority and with respect to which there has been a court order, or

"(II) an agreement which is entered into with respect to a violation of any law over which the government or entity has authority, or with respect to an investigation or inquiry by the government or entity into the potential violation of any law over which such government or entity has authority, and

"(ii) the aggregate amount involved in all court orders and agreements with respect to the violation, investigation, or inquiry is $600 or more.

"(B) ADJUSTMENT OF REPORTING THRESHOLD.—The Secretary may adjust the $600 amount in subparagraph (A)(ii) as necessary in order to ensure the efficient administration of the internal revenue laws.

"(3) TIME OF FILING.—The return required under this subsection shall be filed not later than—

"(A) 30 days after the date on which a court order is issued with respect to the suit or the date the agreement is entered into, as the case may be, or

"(B) the date specified Secretary.

"(b) STATEMENTS TO BE FURNISHED TO INDIVIDUALS INVOLVED IN THE SETTLEMENT.—Every person required to make a return under subsection (a) shall furnish to each person who is a party to the suit or agreement a written statement showing—

"(1) the name of the government or entity, and

"(2) the information supplied to the Secretary under subsection (a)(1).

The written statement required under the preceding sentence shall be furnished to the person at the same time the government or entity provides the Secretary with the information required under subsection (a).

"(c) APPROPRIATE OFFICIAL DEFINED.—For purposes of this section, the term 'appropriate official' means the officer or employee having control of the suit, investigation, or inquiry or the person appropriately designated for purposes of this section.".

(2) CONFORMING AMENDMENT.—The table of sections for subpart B of part III of subchapter A of chapter 61 is amended by inserting after the item relating to section 6050V the following new item:

"Sec. 6050W. Information with respect to certain fines, penalties, and other amounts.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or incurred on or after the date of the enactment of this Act, except that such amendments shall not apply to amounts paid or incurred under any binding order or agreement entered into before such date. Such exception shall not apply to an order or agreement requiring court approval unless the approval was obtained before such date.

SEC. 225. REVISION OF TAX RULES ON EXPATRIATION OF INDIVIDUALS.

(a) IN GENERAL.—Subpart A of part II of subchapter N of chapter 1 is amended by inserting after section 877 the following new section:

"SEC. 877A. TAX RESPONSIBILITIES OF EXPATRIATION.

"(a) GENERAL RULES.—For purposes of this subtitle—

"(1) MARK TO MARKET.—Except as provided in subsections (d) and (f), all property of a covered expatriate to whom this section applies shall be treated as sold on the day before the expatriation date for its fair market value.

"(2) RECOGNITION OF GAIN OR LOSS.—In the case of any sale under paragraph (1)—

"(A) notwithstanding any other provision of this title, any gain arising from such sale shall be taken into account for the taxable year of the sale, and

"(B) any loss arising from such sale shall be taken into account for the taxable year of the sale to the extent otherwise provided by this title, except that section 1091 shall not apply to any such loss.

Proper adjustment shall be made in the amount of any gain or loss subsequently realized for gain or loss taken into account under the preceding sentence.

"(3) EXCLUSION FOR CERTAIN GAIN.—

"(A) IN GENERAL.—The amount which, but for this paragraph, would be includible in the gross income of any individual by reason of this section shall be reduced (but not below zero) by $600,000. For purposes of this paragraph, allocable expatriation gain taken into account under subsection (f)(2) shall be treated in the same manner as an amount required to be includible in gross income.

"(B) COST-OF-LIVING ADJUSTMENT.—

"(i) IN GENERAL.—In the case of an expatriation date occurring in any calendar year after 2007, the $600,000 amount under subparagraph (A) shall be increased by an amount equal to—

"(I) such dollar amount, multiplied by

"(II) the cost-of-living adjustment determined under section 1(f)(3) for such calendar year, determined by substituting 'calendar year 2006' for 'calendar year 1992' in subparagraph (B) thereof.

"(ii) ROUNDING RULES.—If any amount after adjustment under clause (i) is not a multiple of $1,000, such amount shall be rounded to the next lower multiple of $1,000.

"(4) ELECTION TO CONTINUE TO BE TAXED AS UNITED STATES CITIZEN.—

"(A) IN GENERAL.—If a covered expatriate elects the application of this paragraph—

"(i) this section (other than this paragraph and subsection (i)) shall not apply to the expatriate, but

"(ii) in the case of property to which this section would apply but for such election, the expatriate shall be subject to tax under this title in the same manner as if the individual were a United States citizen.

"(B) REQUIREMENTS.—Subparagraph (A) shall not apply to an individual unless the individual—

"(i) provides security for payment of tax in such form and manner, and in such amount, as the Secretary may require,

"(ii) consents to the waiver of any right of the individual under any treaty of the United States which would preclude assessment or collection of any tax which may be imposed by reason of this paragraph, and

"(iii) complies with such other requirements as the Secretary may prescribe.

"(C) ELECTION.—An election under subparagraph (A) shall apply to all property to which this section would apply but for the election and, once made, shall be irrevocable. Such election shall also apply to property the basis of which is determined in whole or in part by reference to the property with respect to which the election was made.

"(b) ELECTION TO DEFER TAX.—

"(1) IN GENERAL.—If the taxpayer elects the application of this subsection with respect to any property treated as sold by reason of subsection (a), the payment of the additional tax attributable to such property shall be postponed until the due date of the return for the taxable year in which such property is disposed of (or, in the case of property disposed of in a transaction in which gain is not recognized in whole or in part, until such other date as the Secretary may prescribe).

"(2) DETERMINATION OF TAX WITH RESPECT TO PROPERTY.—For purposes of paragraph (1), the additional tax attributable to any property is an amount which bears the same ratio to the additional tax imposed by this chapter for the taxable year solely by reason of subsection (a) as the gain taken into account under subsection (a) with respect to such property bears to the total gain taken into account under subsection (a) with respect to all property to which subsection (a) applies.

"(3) TERMINATION OF POSTPONEMENT.—No tax may be postponed under this subsection later than the due date for the return of tax imposed by this chapter for the taxable year which includes the date of death of the expatriate (or, if earlier, the time that the security provided with respect to the property fails to meet the requirements of paragraph (4), unless the taxpayer corrects such failure within the time specified by the Secretary).

"(4) SECURITY.—

"(A) IN GENERAL.—No election may be made under paragraph (1) with respect to any property unless adequate security is provided to the Secretary with respect to such property.

"(B) ADEQUATE SECURITY.—For purposes of subparagraph (A), security with respect to any property shall be treated as adequate security if—

"(i) it is a bond in an amount equal to the deferred tax amount under paragraph (2) for the property, or

"(ii) the taxpayer otherwise establishes to the satisfaction of the Secretary that the security is adequate.

"(5) WAIVER OF CERTAIN RIGHTS.—No election may be made under paragraph (1) unless the taxpayer consents to the waiver of any right under any treaty of the United States which would preclude assessment or collection of any tax imposed by reason of this section.

"(6) ELECTIONS.—An election under paragraph (1) shall only apply to property described in the election and, once made, is irrevocable. An election may be made under paragraph (1) with respect to an interest in a trust with respect to which gain is required to be recognized under subsection (f)(1).

"(7) INTEREST.—For purposes of section 6601—

"(A) the last date for the payment of tax shall be determined without regard to the election under this subsection, and

"(B) section 6621(a)(2) shall be applied by substituting '5 percentage points' for '3 percentage points' in subparagraph (B) thereof.

"(c) COVERED EXPATRIATE.—For purposes of this section—

"(1) IN GENERAL.—Except as provided in paragraph (2), the term 'covered expatriate' means an expatriate.

"(2) EXCEPTIONS.—An individual shall not be treated as a covered expatriate if—

"(A) the individual—

"(i) became at birth a citizen of the United States and a citizen of another country and, as of the expatriation date, continues to be a citizen of, and is taxed as a resident of, such other country, and

"(ii) has not been a resident of the United States (as defined in section 7701(b)(1)(A)(ii)) during the 5 taxable years ending with the taxable year during which the expatriation date occurs, or

"(B)(i) the individual's relinquishment of United States citizenship occurs before such individual attains age 18½, and

"(ii) the individual has been a resident of the United States (as so defined) for not more than 5 taxable years before the date of relinquishment.

"(d) EXEMPT PROPERTY; SPECIAL RULES FOR PENSION PLANS.—

"(1) EXEMPT PROPERTY.—This section shall not apply to the following:

"(A) UNITED STATES REAL PROPERTY INTERESTS.—Any United States real property interest (as defined in section 897(c)(1)), other than stock of a United States real property holding corporation which does not, on the day before the expatriation date, meet the requirements of section 897(c)(2).

"(B) SPECIFIED PROPERTY.—Any property or interest in property not described in subparagraph (A) which the Secretary specifies in regulations.

"(2) SPECIAL RULES FOR CERTAIN RETIREMENT PLANS.—

"(A) IN GENERAL.—If a covered expatriate holds on the day before the expatriation date any interest in a retirement plan to which this paragraph applies—

"(i) such interest shall not be treated as sold for purposes of subsection (a)(1), but

"(ii) an amount equal to the present value of the expatriate's nonforfeitable accrued benefit shall be treated as having been received by such individual on such date as a distribution under the plan.

"(B) TREATMENT OF SUBSEQUENT DISTRIBUTIONS.—In the case of any distribution on or after the expatriation date to or on behalf of the covered expatriate from a plan from which the expatriate was treated as receiving a distribution under subparagraph (A), the amount otherwise includible in gross income by reason of the subsequent distribution shall be reduced by the excess of the amount includible in gross income under subparagraph (A) over any portion of such amount to which this subparagraph previously applied.

"(C) TREATMENT OF SUBSEQUENT DISTRIBUTIONS BY PLAN.—For purposes of this title, a retirement plan to which this paragraph applies, and any person acting on the plan's behalf, shall treat any subsequent distribution described in subparagraph (B) in the same manner as such distribution would be treated without regard to this paragraph.

"(D) APPLICABLE PLANS.—This paragraph shall apply to—

"(i) any qualified retirement plan (as defined in section 4974(c)),

"(ii) an eligible deferred compensation plan (as defined in section 457(b)) of an eligible employer described in section 457(e)(1)(A), and

"(iii) to the extent provided in regulations, any foreign pension plan or similar retirement arrangements or programs.

"(e) DEFINITIONS.—For purposes of this section—

"(1) EXPATRIATE.—The term 'expatriate' means—

"(A) any United States citizen who relinquishes citizenship, and

"(B) any long-term resident of the United States who—

"(i) ceases to be a lawful permanent resident of the United States (within the meaning of section 7701(b)(6)), or

"(ii) commences to be treated as a resident of a foreign country under the provisions of a tax treaty between the United States and the foreign country and who does not waive the benefits of such treaty applicable to residents of the foreign country.

"(2) EXPATRIATION DATE.—The term 'expatriation date' means—

"(A) the date an individual relinquishes United States citizenship, or

"(B) in the case of a long-term resident of the United States, the date of the event described in clause (i) or (ii) of paragraph (1)(B).

"(3) RELINQUISHMENT OF CITIZENSHIP.—A citizen shall be treated as relinquishing United States citizenship on the earliest of—

"(A) the date the individual renounces such individual's United States nationality before a diplomatic or consular officer of the United States pursuant to paragraph (5) of section 349(a) of the Immigration and Nationality Act (8 U.S.C. 1481(a)(5)),

"(B) the date the individual furnishes to the United States Department of State a signed statement of voluntary relinquishment of United States nationality confirming the performance of an act of expatriation specified in paragraph (1), (2), (3), or (4) of section 349(a) of the Immigration and Nationality Act (8 U.S.C. 1481(a)(1)–(4)),

"(C) the date the United States Department of State issues to the individual a certificate of loss of nationality, or

“(D) the date a court of the United States cancels a naturalized citizen's certificate of naturalization.

Subparagraph (A) or (B) shall not apply to any individual unless the renunciation or voluntary relinquishment is subsequently approved by the issuance to the individual of a certificate of loss of nationality by the United States Department of State.

“(4) LONG-TERM RESIDENT.—The term ‘long-term resident’ has the meaning given to such term by section 877(e)(2).

“(f) SPECIAL RULES APPLICABLE TO BENEFICIARIES' INTERESTS IN TRUST.—

“(1) IN GENERAL.—Except as provided in paragraph (2), if an individual is determined under paragraph (3) to hold an interest in a trust on the day before the expatriation date—

“(A) the individual shall not be treated as having sold such interest,

“(B) such interest shall be treated as a separate share in the trust, and

“(C)(i) such separate share shall be treated as a separate trust consisting of the assets allocable to such share,

“(ii) the separate trust shall be treated as having sold its assets on the day before the expatriation date for their fair market value and as having distributed all of its assets to the individual as of such time, and

“(iii) the individual shall be treated as having recontributed the assets to the separate trust.

Subsection (a)(2) shall apply to any income, gain, or loss of the individual arising from a distribution described in subparagraph (C)(ii). In determining the amount of such distribution, proper adjustments shall be made for liabilities of the trust allocable to an individual's share in the trust.

“(2) SPECIAL RULES FOR INTERESTS IN QUALIFIED TRUSTS.—

“(A) IN GENERAL.—If the trust interest described in paragraph (1) is an interest in a qualified trust—

“(i) paragraph (1) and subsection (a) shall not apply, and

“(ii) in addition to any other tax imposed by this title, there is hereby imposed on each distribution with respect to such interest a tax in the amount determined under subparagraph (B).

“(B) AMOUNT OF TAX.—The amount of tax under subparagraph (A)(ii) shall be equal to the lesser of—

“(i) the highest rate of tax imposed by section 1(e) for the taxable year which includes the day before the expatriation date, multiplied by the amount of the distribution, or

“(ii) the balance in the deferred tax account immediately before the distribution determined without regard to any increases under subparagraph (C)(ii) after the 30th day preceding the distribution.

“(C) DEFERRED TAX ACCOUNT.—For purposes of subparagraph (B)(ii)—

“(i) OPENING BALANCE.—The opening balance in a deferred tax account with respect to any trust interest is an amount equal to the tax which would have been imposed on the allocable expatriation gain with respect to the trust interest if such gain had been included in gross income under subsection (a).

“(ii) INCREASE FOR INTEREST.—The balance in the deferred tax account shall be increased by the amount of interest determined (on the balance in the account at the time the interest accrues), for periods after the 90th day after the expatriation date, by using the rates and method applicable under section 6621 for underpayments of tax for such periods, except that section 6621(a)(2) shall be applied by substituting ‘5 percentage points’ for ‘3 percentage points’ in subparagraph (B) thereof.

“(iii) DECREASE FOR TAXES PREVIOUSLY PAID.—The balance in the tax deferred account shall be reduced—

“(I) by the amount of taxes imposed by subparagraph (A) on any distribution to the person holding the trust interest, and

“(II) in the case of a person holding a nonvested interest, to the extent provided in regulations, by the amount of taxes imposed by subparagraph (A) on distributions from the trust with respect to nonvested interests not held by such person.

“(D) ALLOCABLE EXPATRIATION GAIN.—For purposes of this paragraph, the allocable expatriation gain with respect to any beneficiary's interest in a trust is the amount of gain which would be allocable to such beneficiary's vested and nonvested interests in the trust if the beneficiary held directly all assets allocable to such interests.

“(E) TAX DEDUCTED AND WITHHELD.—

“(i) IN GENERAL.—The tax imposed by subparagraph (A)(ii) shall be deducted and withheld by the trustees from the distribution to which it relates.

“(ii) EXCEPTION WHERE FAILURE TO WAIVE TREATY RIGHTS.—If an amount may not be deducted and withheld under clause (i) by reason of the distributee failing to waive any treaty right with respect to such distribution—

“(I) the tax imposed by subparagraph (A)(ii) shall be imposed on the trust and each trustee shall be personally liable for the amount of such tax, and

“(II) any other beneficiary of the trust shall be entitled to recover from the distributee the amount of such tax imposed on the other beneficiary.

“(F) DISPOSITION.—If a trust ceases to be a qualified trust at any time, a covered expatriate disposes of an interest in a qualified trust, or a covered expatriate holding an interest in a qualified trust dies, then, in lieu of the tax imposed by subparagraph (A)(ii), there is hereby imposed a tax equal to the lesser of—

“(i) the tax determined under paragraph (1) as if the day before the expatriation date were the date of such cessation, disposition, or death, whichever is applicable, or

“(ii) the balance in the tax deferred account immediately before such date.

Such tax shall be imposed on the trust and each trustee shall be personally liable for the amount of such tax and any other beneficiary of the trust shall be entitled to recover from the covered expatriate or the estate the amount of such tax imposed on the other beneficiary.

“(G) DEFINITIONS AND SPECIAL RULES.—For purposes of this paragraph—

“(i) QUALIFIED TRUST.—The term ‘qualified trust’ means a trust which is described in section 7701(a)(30)(E).

“(ii) VESTED INTEREST.—The term ‘vested interest’ means any interest which, as of the day before the expatriation date, is vested in the beneficiary.

“(iii) NONVESTED INTEREST.—The term ‘nonvested interest’ means, with respect to any beneficiary, any interest in a trust which is not a vested interest. Such interest shall be determined by assuming the maximum exercise of discretion in favor of the beneficiary and the occurrence of all contingencies in favor of the beneficiary.

“(iv) ADJUSTMENTS.—The Secretary may provide for such adjustments to the bases of assets in a trust or a deferred tax account, and the timing of such adjustments, in order to ensure that gain is taxed only once.

“(v) COORDINATION WITH RETIREMENT PLAN RULES.—This subsection shall not apply to an interest in a trust which is part of a retirement plan to which subsection (d)(2) applies.

“(3) DETERMINATION OF BENEFICIARIES' INTEREST IN TRUST.—

“(A) DETERMINATIONS UNDER PARAGRAPH (1).—For purposes of paragraph (1), a beneficiary's interest in a trust shall be based upon all relevant facts and circumstances, including the terms of the trust instrument and any letter of wishes or similar document, historical patterns of trust distributions, and the existence of and functions performed by a trust protector or any similar adviser.

“(B) OTHER DETERMINATIONS.—For purposes of this section—

“(i) CONSTRUCTIVE OWNERSHIP.—If a beneficiary of a trust is a corporation, partnership, trust, or estate, the shareholders, partners, or beneficiaries shall be deemed to be the trust beneficiaries for purposes of this section.

“(ii) TAXPAYER RETURN POSITION.—A taxpayer shall clearly indicate on its income tax return—

“(I) the methodology used to determine that taxpayer's trust interest under this section, and

“(II) if the taxpayer knows (or has reason to know) that any other beneficiary of such trust is using a different methodology to determine such beneficiary's trust interest under this section.

“(g) TERMINATION OF DEFERRALS, ETC.—In the case of any covered expatriate, notwithstanding any other provision of this title—

“(1) any period during which recognition of income or gain is deferred shall terminate on the day before the expatriation date, and

“(2) any extension of time for payment of tax shall cease to apply on the day before the expatriation date and the unpaid portion of such tax shall be due and payable at the time and in the manner prescribed by the Secretary.

“(h) IMPOSITION OF TENTATIVE TAX.—

“(1) IN GENERAL.—If an individual is required to include any amount in gross income under subsection (a) for any taxable year, there is hereby imposed, immediately before the expatriation date, a tax in an amount equal to the amount of tax which would be imposed if the taxable year were a short taxable year ending on the expatriation date.

“(2) DUE DATE.—The due date for any tax imposed by paragraph (1) shall be the 90th day after the expatriation date.

“(3) TREATMENT OF TAX.—Any tax paid under paragraph (1) shall be treated as a payment of the tax imposed by this chapter for the taxable year to which subsection (a) applies.

“(4) DEFERRAL OF TAX.—The provisions of subsection (b) shall apply to the tax imposed by this subsection to the extent attributable to gain includible in gross income by reason of this section.

“(i) SPECIAL LIENS FOR DEFERRED TAX AMOUNTS.—

“(1) IMPOSITION OF LIEN.—

“(A) IN GENERAL.—If a covered expatriate makes an election under subsection (a)(4) or (b) which results in the deferral of any tax imposed by reason of subsection (a), the deferred amount (including any interest, additional amount, addition to tax, assessable penalty, and costs attributable to the deferred amount) shall be a lien in favor of the United States on all property of the expatriate located in the United States (without regard to whether this section applies to the property).

“(B) DEFERRED AMOUNT.—For purposes of this subsection, the deferred amount is the amount of the increase in the covered expatriate's income tax which, but for the election under subsection (a)(4) or (b), would have occurred by reason of this section for the taxable year including the expatriation date.

“(2) PERIOD OF LIEN.—The lien imposed by this subsection shall arise on the expatriation date and continue until—

“(A) the liability for tax by reason of this section is satisfied or has become unenforceable by reason of lapse of time, or

“(B) it is established to the satisfaction of the Secretary that no further tax liability may arise by reason of this section.

"(3) CERTAIN RULES APPLY.—The rules set forth in paragraphs (1), (3), and (4) of section 6324A(d) shall apply with respect to the lien imposed by this subsection as if it were a lien imposed by section 6324A.

"(j) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this section.".

(b) INCLUSION IN INCOME OF GIFTS AND BEQUESTS RECEIVED BY UNITED STATES CITIZENS AND RESIDENTS FROM EXPATRIATES.—Section 102 (relating to gifts, etc. not included in gross income) is amended by adding at the end the following new subsection:

"(d) GIFTS AND INHERITANCES FROM COVERED EXPATRIATES.—

"(1) TREATMENT OF GIFTS AND INHERITANCES.—

"(A) IN GENERAL.—Subsection (a) shall not exclude from gross income the value of any property acquired by gift, bequest, devise, or inheritance from a covered expatriate after the expatriation date.

"(B) DETERMINATION OF BASIS.—Notwithstanding sections 1015 or 1022, the basis of any property described in subparagraph (A) in the hands of the donee or the person acquiring such property from the decedent shall be equal to the fair market value of the property at the time of the gift, bequest, devise, or inheritance.

"(2) EXCEPTIONS FOR TRANSFERS OTHERWISE SUBJECT TO ESTATE OR GIFT TAX.—Paragraph (1) shall not apply to any property if either—

"(A) the gift, bequest, devise, or inheritance is—

"(i) shown on a timely filed return of tax imposed by chapter 12 as a taxable gift by the covered expatriate, or

"(ii) included in the gross estate of the covered expatriate for purposes of chapter 11 and shown on a timely filed return of tax imposed by chapter 11 of the estate of the covered expatriate, or

"(B) no such return was timely filed but no such return would have been required to be filed even if the covered expatriate were a citizen or long-term resident of the United States.

"(3) DEFINITIONS.—For purposes of this subsection, any term used in this subsection which is also used in section 877A shall have the same meaning as when used in section 877A.".

(c) DEFINITION OF TERMINATION OF UNITED STATES CITIZENSHIP.—Section 7701(a) is amended by adding at the end the following new paragraph:

"(50) TERMINATION OF UNITED STATES CITIZENSHIP.—

"(A) IN GENERAL.—An individual shall not cease to be treated as a United States citizen before the date on which the individual's citizenship is treated as relinquished under section 877A(e)(3).

"(B) DUAL CITIZENS.—Under regulations prescribed by the Secretary, subparagraph (A) shall not apply to an individual who became at birth a citizen of the United States and a citizen of another country.".

(d) INELIGIBILITY FOR VISA OR ADMISSION TO UNITED STATES.—

(1) IN GENERAL.—Section 212(a)(10)(E) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(10)(E)) is amended to read as follows:

"(E) FORMER CITIZENS NOT IN COMPLIANCE WITH EXPATRIATION REVENUE PROVISIONS.—Any alien who is a former citizen of the United States who relinquishes United States citizenship (within the meaning of section 877A(e)(3) of the Internal Revenue Code of 1986) and who is not in compliance with section 877A of such Code (relating to expatriation) is inadmissible.".

(2) AVAILABILITY OF INFORMATION.—

(A) IN GENERAL.—Section 6103(l) (relating to disclosure of returns and return information for purposes other than tax administration) is amended by adding at the end the following new paragraph:

"(21) DISCLOSURE TO DENY VISA OR ADMISSION TO CERTAIN EXPATRIATES.—Upon written request of the Attorney General or the Attorney General's delegate, the Secretary shall disclose whether an individual is in compliance with section 877A (and if not in compliance, any items of noncompliance) to officers and employees of the Federal agency responsible for administering section 212(a)(10)(E) of the Immigration and Nationality Act solely for the purpose of, and to the extent necessary in, administering such section 212(a)(10)(E).".

(B) SAFEGUARDS.—Section 6103(p)(4) (relating to safeguards) is amended by striking "or (20)" each place it appears and inserting "(20), or (21)".

(3) EFFECTIVE DATES.—The amendments made by this subsection shall apply to individuals who relinquish United States citizenship on or after the date of the enactment of this Act.

(e) CONFORMING AMENDMENTS.—

(1) Section 877 is amended by adding at the end the following new subsection:

"(h) APPLICATION.—This section shall not apply to an expatriate (as defined in section 877A(e)) whose expatriation date (as so defined) occurs on or after the date of the enactment of this subsection.".

(2) Section 2107 is amended by adding at the end the following new subsection:

"(f) APPLICATION.—This section shall not apply to any expatriate subject to section 877A.".

(3) Section 2501(a)(3) is amended by adding at the end the following new subparagraph:

"(C) APPLICATION.—This paragraph shall not apply to any expatriate subject to section 877A.".

(4) Section 6039G(a) is amended by inserting "or 877A" after "section 877(b)".

(5) The second sentence of section 6039G(d) is amended by inserting "or who relinquishes United States citizenship (within the meaning of section 877A(e)(3))" after "section 877(a))".

(f) CLERICAL AMENDMENT.—The table of sections for subpart A of part II of subchapter N of chapter 1 is amended by inserting after the item relating to section 877 the following new item:

"Sec. 877A. Tax responsibilities of expatriation.".

(g) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in this subsection, the amendments made by this section shall apply to expatriates (within the meaning of section 877A(e) of the Internal Revenue Code of 1986, as added by this section) whose expatriation date (as so defined) occurs on or after the date of the enactment of this Act.

(2) GIFTS AND BEQUESTS.—Section 102(d) of the Internal Revenue Code of 1986 (as added by subsection (b)) shall apply to gifis and bequests received on or after the date of the enactment of this Act, from an individual or the estate of an individual whose expatriation date (as so defined) occurs after such date.

(3) DUE DATE FOR TENTATIVE TAX.—The due date under section 877A(h)(2) of the Internal Revenue Code of 1986, as added by this section, shall in no event occur before the 90th day after the date of the enactment of this Act.

SEC. 226. LIMITATION ON ANNUAL AMOUNTS WHICH MAY BE DEFERRED UNDER NONQUALIFIED DEFERRED COMPENSATION ARRANGEMENTS.

(a) IN GENERAL.—Section 409A(a) of the Internal Revenue Code of 1986 (relating to inclusion of gross income under nonqualified deferred compensation plans) is amended—

(1) by striking "and (4)" in subclause (I) of paragraph (1)(A)(i) and inserting "(4), and (5)", and

(2) by adding at the end the following new paragraph:

"(5) ANNUAL LIMITATION ON AGGREGATE DEFERRED AMOUNTS.—

"(A) LIMITATION.—The requirements of this paragraph are met if the plan provides that the aggregate amount of compensation which is deferred for any taxable year with respect to a participant under the plan may not exceed the applicable dollar amount for the taxable year.

"(B) INCLUSION OF FUTURE EARNINGS.—If an amount is includible under paragraph (1) in the gross income of a participant for any taxable year by reason of any failure to meet the requirements of this paragraph, any income (whether actual or notional) for any subsequent taxable year shall be included in gross income under paragraph (1)(A) in such subsequent taxable year to the extent such income—

"(i) is attributable to compensation (or income attributable to such compensation) required to be included in gross income by reason of such failure (including by reason of this subparagraph), and

"(ii) is not subject to a substantial risk of forfeiture and has not been previously included in gross income.

"(C) AGGREGATION RULE.—For purposes of this paragraph, all nonqualified deferred compensation plans maintained by all employers treated as a single employer under subsection (d)(6) shall be treated as 1 plan.

"(D) APPLICABLE DOLLAR AMOUNT.—For purposes of this paragraph—

"(i) IN GENERAL.—The term 'applicable dollar amount' means, with respect to any participant, the lesser of—

"(I) the average annual compensation which was payable during the base period to the participant by the employer maintaining the nonqualified deferred compensation plan (or any predecessor of the employer) and which was includible in the participant's gross income for taxable years in the base period, or

"(II) $1,000,000.

"(ii) BASE PERIOD.—

"(I) IN GENERAL.—The term 'base period' means, with respect to any computation year, the 5-taxable year period ending with the taxable year preceding the computation year.

"(II) ELECTIONS MADE BEFORE COMPUTATION YEAR.—If, before the beginning of the computation year, an election described in paragraph (4)(B) is made by the participant to have compensation for services performed in the computation year deferred under a nonqualified deferred compensation plan, the base period shall be the 5-taxable year period ending with the taxable year preceding the taxable year in which the election is made.

"(III) COMPUTATION YEAR.—For purposes of this clause, the term 'computation year' means any taxable year of the participant for which the limitation under subparagraph (A) is being determined.

"(IV) SPECIAL RULE FOR EMPLOYEES OF LESS THAN 5 YEARS.—If a participant did not perform services for the employer maintaining the nonqualified deferred compensation plan (or any predecessor of the employer) during the entire 5-taxable year period referred to in subparagraph (A) or (B), only the portion of such period during which the participant performed such services shall be taken into account.".

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006, except that—

(A) the amendments shall only apply to amounts deferred after December 31, 2006 (and to earnings on such amounts), and

(B) taxable years beginning on or before December 31, 2006, shall be taken into account in determining the average annual compensation

of a participant during any base period for purposes of section 409A(a)(5)(D) of the Internal Revenue Code of 1986 (as added by such amendments).

(2) GUIDANCE RELATING TO CERTAIN EXISTING ARRANGEMENTS.—Not later than 60 days after the date of the enactment of this Act, the Secretary of the Treasury shall issue guidance providing a limited period during which a nonqualified deferred compensation plan adopted before December 31, 2006, may, without violating the requirements of section 409A(a) of such Code, be amended—

(A) to provide that a participant may, no later than December 31, 2007, cancel or modify an outstanding deferral election with regard to all or a portion of amounts deferred after December 31, 2006, to the extent necessary for the plan to meet the requirements of section 409A(a)(5) of such Code (as added by the amendments made by this section), but only if amounts subject to the cancellation or modification are, to the extent not previously included in gross income, includible in income of the participant when no longer subject to substantial risk of forfeiture, and

(B) to conform to the requirements of section 409A(a)(5) of such Code (as added by the amendments made by this section) with regard to amounts deferred after December 31, 2006.

SEC. 227. INCREASE IN CRIMINAL MONETARY PENALTY LIMITATION FOR THE UNDERPAYMENT OR OVERPAYMENT OF TAX DUE TO FRAUD.

(a) IN GENERAL.—Section 7206 (relating to fraud and false statements) is amended—

(1) by striking "Any person who—" and inserting "(a) IN GENERAL.—", and

(2) by adding at the end the following new subsection:

"(b) INCREASE IN MONETARY LIMITATION FOR UNDERPAYMENT OR OVERPAYMENT OF TAX DUE TO FRAUD.—If any portion of any underpayment (as defined in section 6664(a)) or overpayment (as defined in section 6401(a)) of tax required to be shown on a return is attributable to fraudulent action described in subsection (a), the applicable dollar amount under subsection (a) shall in no event be less than an amount equal to such portion. A rule similar to the rule under section 6663(b) shall apply for purposes of determining the portion so attributable.".

(b) INCREASE IN PENALTIES.—

(1) ATTEMPT TO EVADE OR DEFEAT TAX.—Section 7201 is amended—

(A) by striking "$100,000" and inserting "$500,000",

(B) by striking "$500,000" and inserting "$1,000,000", and

(C) by striking "5 years" and inserting "10 years".

(2) WILLFUL FAILURE TO FILE RETURN, SUPPLY INFORMATION, OR PAY TAX.—Section 7203 is amended—

(A) in the first sentence—

(i) by striking "Any person" and inserting the following:

"(a) IN GENERAL.—Any person", and

(ii) by striking "$25,000" and inserting "$50,000",

(B) in the third sentence, by striking "section" and inserting "subsection", and

(C) by adding at the end the following new subsection:

"(b) AGGRAVATED FAILURE TO FILE.—

"(1) IN GENERAL.—In the case of any failure described in paragraph (2), the first sentence of subsection (a) shall be applied by substituting—

"(A) 'felony' for 'misdemeanor',

"(B) '$500,000 ($1,000,000' for '$25,000 ($100,000', and

"(C) '10 years' for '1 year'.".

"(2) FAILURE DESCRIBED.—A failure described in this paragraph is a failure to make a return described in subsection (a) for a period of 3 or more consecutive taxable years if the aggregate tax liability for such period is not less than $100,000.".

(3) FRAUD AND FALSE STATEMENTS.—Section 7206(a) (as redesignated by subsection (a)) is amended—

(A) by striking "$100,000" and inserting "$500,000",

(B) by striking "$500,000" and inserting "$1,000,000", and

(C) by striking "3 years" and inserting "5 years".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to actions, and failures to act, occurring after the date of the enactment of this Act.

SEC. 228. DOUBLING OF CERTAIN PENALTIES, FINES, AND INTEREST ON UNDERPAYMENTS RELATED TO CERTAIN OFFSHORE FINANCIAL ARRANGEMENTS.

(a) DETERMINATION OF PENALTY.—

(1) IN GENERAL.—Notwithstanding any other provision of law, in the case of an applicable taxpayer—

(A) the determination as to whether any interest or applicable penalty is to be imposed with respect to any arrangement described in paragraph (2), or to any underpayment of Federal income tax attributable to items arising in connection with any such arrangement, shall be made without regard to the rules of subsections (b), (c), and (d) of section 6664 of the Internal Revenue Code of 1986, and

(B) if any such interest or applicable penalty is imposed, the amount of such interest or penalty shall be equal to twice that determined without regard to this section.

(2) APPLICABLE TAXPAYER.—For purposes of this subsection—

(A) IN GENERAL.—The term "applicable taxpayer" means a taxpayer which—

(i) has underreported its United States income tax liability with respect to any item which directly or indirectly involves—

(I) any financial arrangement which in any manner relies on the use of offshore payment mechanisms (including credit, debit, or charge cards) issued by banks or other entities in foreign jurisdictions, or

(II) any offshore financial arrangement (including any arrangement with foreign banks, financial institutions, corporations, partnerships, trusts, or other entities), and

(ii) has neither signed a closing agreement pursuant to the Voluntary Offshore Compliance Initiative established by the Department of the Treasury under Revenue Procedure 2003–11 nor voluntarily disclosed its participation in such arrangement by notifying the Internal Revenue Service of such arrangement prior to the issue being raised by the Internal Revenue Service during an examination.

(B) AUTHORITY TO WAIVE.—The Secretary of the Treasury or the Secretary's delegate may waive the application of paragraph (1) to any taxpayer if the Secretary or the Secretary's delegate determines that the use of such offshore payment mechanisms is incidental to the transaction and, in addition, in the case of a trade or business, such use is conducted in the ordinary course of the type of trade or business of the taxpayer.

(C) ISSUES RAISED.—For purposes of subparagraph (A)(ii), an item shall be treated as an issue raised during an examination if the individual examining the return—

(i) communicates to the taxpayer knowledge about the specific item, or

(ii) has made a request to the taxpayer for information and the taxpayer could not make a complete response to that request without giving the examiner knowledge of the specific item.

(b) APPLICABLE PENALTY.—For purposes of this section, the term "applicable penalty" means any penalty, addition to tax, or fine imposed under chapter 68 of the Internal Revenue Code of 1986.

(c) EFFECTIVE DATE.—The provisions of this section shall apply to interest, penalties, additions to tax, and fines with respect to any taxable year if, as of the date of the enactment of this Act, the assessment of any tax, penalty, or interest with respect to such taxable year is not prevented by the operation of any law or rule of law.

SEC. 229. INCREASE IN PENALTY FOR BAD CHECKS AND MONEY ORDERS.

(a) IN GENERAL.—Section 6657 (relating to bad checks) is amended—

(1) by striking "$750" and inserting "$1,250", and

(2) by striking "$15" and inserting "$25".

(b) EFFECTIVE DATE.—The amendments made by this section apply to checks or money orders received after the date of the enactment of this Act.

SEC. 230. TREATMENT OF CONTINGENT PAYMENT CONVERTIBLE DEBT INSTRUMENTS.

(a) IN GENERAL.—Section 1275(d) (relating to regulation authority) is amended—

(1) by striking "The Secretary" and inserting the following:

"(1) IN GENERAL.—The Secretary", and

(2) by adding at the end the following new paragraph:

"(2) TREATMENT OF CONTINGENT PAYMENT CONVERTIBLE DEBT.—

"(A) IN GENERAL.—In the case of a debt instrument which—

"(i) is convertible into stock of the issuing corporation, into stock or debt of a related party (within the meaning of section 267(b) or 707(b)(1)), or into cash or other property in an amount equal to the approximate value of such stock or debt, and

"(ii) provides for contingent payments,

any regulations which require original issue discount to be determined by reference to the comparable yield of a noncontingent fixed-rate debt instrument shall be applied as if the regulations require that such comparable yield be determined by reference to a noncontingent fixed-rate debt instrument which is convertible into stock.

"(B) SPECIAL RULE.—For purposes of subparagraph (A), the comparable yield shall be determined without taking into account the yield resulting from the conversion of a debt instrument into stock.".

(b) CROSS REFERENCE.—Section 163(e)(6) (relating to cross references) is amended by adding at the end the following:

"For the treatment of contingent payment convertible debt, see section 1275(d)(2).".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to debt instruments issued on or after the date of the enactment of this Act.

SEC. 231. EXTENSION OF IRS USER FEES.

Subsection (c) of section 7528 (relating to Internal Revenue Service user fees) is amended by striking "September 30, 2014" and inserting "September 30, 2016".

SEC. 232. MODIFICATION OF COLLECTION DUE PROCESS PROCEDURES FOR EMPLOYMENT TAX LIABILITIES.

(a) IN GENERAL.—Section 6330(f) (relating to jeopardy and State refund collection) is amended—

(1) by striking "; or" at the end of paragraph (1) and inserting a comma,

(2) by adding "or" at the end of paragraph (2), and

(3) by inserting after paragraph (2) the following new paragraph:

"(3) the Secretary has served a levy in connection with the collection of taxes under chapter 21, 22, 23, or 24,".

(b) Effective Date.—The amendments made by this section shall apply to levies issued on or after the date that is 120 days after the date of the enactment of this Act.

SEC. 233. MODIFICATIONS TO WHISTLEBLOWER REFORMS.

(a) Modification of Tax Threshold for Awards.—Subparagraph (B) of section 7623(b)(5), as added by the Tax Relief and Health Care Act of 2006, is amended by striking "$2,000,000" and inserting "$20,000".

(b) Whistleblower Office.—

(1) In general.—Section 7623 is amended by adding at the end the following new subsections:

"(c) Whistleblower Office.—

"(1) In general.—There is established in the Internal Revenue Service an office to be known as the 'Whistleblower Office' which—

"(A) shall at all times operate at the direction of the Commissioner and coordinate and consult with other divisions in the Internal Revenue Service as directed by the Commissioner,

"(B) shall analyze information received from any individual described in subsection (b) and either investigate the matter itself or assign it to the appropriate Internal Revenue Service office,

"(C) shall monitor any action taken with respect to such matter,

"(D) shall inform such individual that it has accepted the individual's information for further review,

"(E) may require such individual and any legal representative of such individual to not disclose any information so provided,

"(F) in its sole discretion, may ask for additional assistance from such individual or any legal representative of such individual, and

"(G) shall determine the amount to be awarded to such individual under subsection (b).

"(2) Funding for office.—There is authorized to be appropriated $10,000,000 for each fiscal year for the Whistleblower Office. These funds shall be used to maintain the Whistleblower Office and also to reimburse other Internal Revenue Service offices for related costs, such as costs of investigation and collection.

"(3) Request for assistance.—

"(A) In general.—Any assistance requested under paragraph (1)(F) shall be under the direction and control of the Whistleblower Office or the office assigned to investigate the matter under subparagraph (A). No individual or legal representative whose assistance is so requested may by reason of such request represent himself or herself as an employee of the Federal Government.

"(B) Funding of assistance.—From the amounts available for expenditure under subsection (b), the Whistleblower Office may, with the agreement of the individual described in subsection (b), reimburse the costs incurred by any legal representative of such individual in providing assistance described in subparagraph (A).

"(d) Reports.—The Secretary shall each year conduct a study and report to Congress on the use of this section, including—

"(1) an analysis of the use of this section during the preceding year and the results of such use, and

"(2) any legislative or administrative recommendations regarding the provisions of this section and its application.".

(2) Conforming amendment.—Section 406 of division A of the Tax Relief and Health Care Act of 2006 is amended by striking subsections (b) and (c).

(3) Report on implementation.—Not later than 6 months after the date of the enactment of this Act, the Secretary of the Treasury shall submit to Congress a report on the establishment and operation of the Whistleblower Office under section 7623(c) of the Internal Revenue Code of 1986.

(c) Publicity of Award Appeals.—Paragraph (4) of section 7623(b), as added by the Tax Relief and Health Care Act of 2006, is amended to read as follows:

"(4) Appeal of award determination.—

"(A) In general.—Any determination regarding an award under paragraph (1), (2), or (3) may, within 30 days of such determination, be appealed to the Tax Court (and the Tax Court shall have jurisdiction with respect to such matter).

"(B) Publicity of appeals.—Notwithstanding sections 7458 and 7461, the Tax Court may, in order to preserve the anonymity, privacy, or confidentiality of any person under this subsection, provide by rules adopted under section 7453 that portions of filings, hearings, testimony, evidence, and reports in connection with proceedings under this subsection may be closed to the public or to inspection by the public.".

(d) Effective Date.—

(1) In general.—Except as provided in paragraph (2), the amendments made by this section shall apply to information provided on or after the date of the enactment of this Act.

(2) Publicity of award appeals.—The amendment made by subsection (c) shall take effect as if included in the amendments made by section 406 of the Tax Relief and Health Care Act of 2006.

SEC. 234. MODIFICATIONS OF DEFINITION OF EMPLOYEES COVERED BY DENIAL OF DEDUCTION FOR EXCESSIVE EMPLOYEE REMUNERATION.

(a) In General.—Paragraph (3) of section 162(m) is amended to read as follows:

"(3) Covered employee.—For purposes of this subsection, the term 'covered employee' means, with respect to any taxpayer for any taxable year, an individual who—

"(A) was the chief executive officer of the taxpayer, or an individual acting in such a capacity, at any time during the taxable year,

"(B) is 1 of the 4 highest compensated officers of the taxpayer for the taxable year (other than the individual described in subparagraph (A)), or

"(C) was a covered employee of the taxpayer (or any predecessor) for any preceding taxable year beginning after December 31, 2006.

In the case of an individual who was a covered employee for any taxable year beginning after December 31, 2006, the term 'covered employee' shall include a beneficiary of such employee with respect to any remuneration for services performed by such employee as a covered employee (whether or not such services are performed during the taxable year in which the remuneration is paid).".

(b) Effective Date.—The amendment made by this section shall apply to taxable years beginning after December 31, 2006.

Subtitle C—General Provisions

SEC. 241. ENHANCED COMPLIANCE ASSISTANCE FOR SMALL BUSINESSES.

(a) In General.—Section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996 (5 U.S.C. 601 note) is amended by striking subsection (a) and inserting the following:

"(a) Compliance Guide.—

"(1) In general.—For each rule or group of related rules for which an agency is required to prepare a final regulatory flexibility analysis under section 605(b) of title 5, United States Code, the agency shall publish 1 or more guides to assist small entities in complying with the rule and shall entitle such publications 'small entity compliance guides'.

"(2) Publication of guides.—The publication of each guide under this subsection shall include—

"(A) the posting of the guide in an easily identified location on the website of the agency; and

"(B) distribution of the guide to known industry contacts, such as small entities, associations, or industry leaders affected by the rule.

"(3) Publication date.—An agency shall publish each guide (including the posting and distribution of the guide as described under paragraph (2))—

"(A) on the same date as the date of publication of the final rule (or as soon as possible after that date); and

"(B) not later than the date on which the requirements of that rule become effective.

"(4) Compliance actions.—

"(A) In general.—Each guide shall explain the actions a small entity is required to take to comply with a rule.

"(B) Explanation.—The explanation under subparagraph (A)—

"(i) shall include a description of actions needed to meet the requirements of a rule, to enable a small entity to know when such requirements are met; and

"(ii) if determined appropriate by the agency, may include a description of possible procedures, such as conducting tests, that may assist a small entity in meeting such requirements, except that, compliance with any procedures described pursuant to this section does not establish compliance with the rule, or establish a presumption or inference of such compliance.

"(C) Procedures.—Procedures described under subparagraph (B)(ii)—

"(i) shall be suggestions to assist small entities; and

"(ii) shall not be additional requirements, or diminish requirements, relating to the rule.

"(5) Agency preparation of guides.—The agency shall, in its sole discretion, taking into account the subject matter of the rule and the language of relevant statutes, ensure that the guide is written using sufficiently plain language likely to be understood by affected small entities. Agencies may prepare separate guides covering groups or classes of similarly affected small entities and may cooperate with associations of small entities to develop and distribute such guides. An agency may prepare guides and apply this section with respect to a rule or a group of related rules.

"(6) Reporting.—Not later than 1 year after the date of enactment of the Fair Minimum Wage Act of 2007, and annually thereafter, the head of each agency shall submit a report to the Committee on Small Business and Entrepreneurship of the Senate, the Committee on Small Business of the House of Representatives, and any other committee of relevant jurisdiction describing the status of the agency's compliance with paragraphs (1) through (5).".

(b) Technical and Conforming Amendment.—Section 211(3) of the Small Business Regulatory Enforcement Fairness Act of 1996 (5 U.S.C. 601 note) is amended by inserting "and entitled" after "designated".

SEC. 242. SMALL BUSINESS CHILD CARE GRANT PROGRAM.

(a) Establishment.—The Secretary of Health and Human Services (referred to in this section as the "Secretary") shall establish a program to award grants to States, on a competitive basis, to assist States in providing funds to encourage the establishment and operation of employer-operated child care programs.

(b) Application.—To be eligible to receive a grant under this section, a State shall prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including an assurance that the funds required under subsection (e) will be provided.

(c) Amount and Period of Grant.—The Secretary shall determine the amount of a grant to a State under this section based on the population of the State as compared to the population of all States receiving grants under this *section. The Secretary shall make the grant for a period of 3 years.*

(d) USE OF FUNDS.—

(1) IN GENERAL.—A State shall use amounts provided under a grant awarded under this section to provide assistance to small businesses (or consortia formed in accordance with paragraph (3)) located in the State to enable the small businesses (or consortia) to establish and operate child care programs. Such assistance may include—

(A) technical assistance in the establishment of a child care program;

(B) assistance for the startup costs related to a child care program;

(C) assistance for the training of child care providers;

(D) scholarships for low-income wage earners;

(E) the provision of services to care for sick children or to provide care to school-aged children;

(F) the entering into of contracts with local resource and referral organizations or local health departments;

(G) assistance for care for children with disabilities;

(H) payment of expenses for renovation or operation of a child care facility; or

(I) assistance for any other activity determined appropriate by the State.

(2) APPLICATION.—In order for a small business or consortium to be eligible to receive assistance from a State under this section, the small business involved shall prepare and submit to the State an application at such time, in such manner, and containing such information as the State may require.

(3) PREFERENCE.—

(A) IN GENERAL.—In providing assistance under this section, a State shall give priority to an applicant that desires to form a consortium to provide child care in a geographic area within the State where such care is not generally available or accessible.

(B) CONSORTIUM.—For purposes of subparagraph (A), a consortium shall be made up of 2 or more entities that shall include small businesses and that may include large businesses, nonprofit agencies or organizations, local governments, or other appropriate entities.

(4) LIMITATIONS.—With respect to grant funds received under this section, a State may not provide in excess of $500,000 in assistance from such funds to any single applicant.

(e) MATCHING REQUIREMENT.—To be eligible to receive a grant under this section, a State shall provide assurances to the Secretary that, with respect to the costs to be incurred by a covered entity receiving assistance in carrying out activities under this section, the covered entity will make available (directly or through donations from public or private entities) non-Federal contributions to such costs in an amount equal to—

(1) for the first fiscal year in which the covered entity receives such assistance, not less than 50 percent of such costs ($1 for each $1 of assistance provided to the covered entity under the grant);

(2) for the second fiscal year in which the covered entity receives such assistance, not less than 66⅔ percent of such costs ($2 for each $1 of assistance provided to the covered entity under the grant); and

(3) for the third fiscal year in which the covered entity receives such assistance, not less than 75 percent of such costs ($3 for each $1 of assistance provided to the covered entity under the grant).

(f) REQUIREMENTS OF PROVIDERS.—To be eligible to receive assistance under a grant awarded under this section, a child care provider—

(1) who receives assistance from a State shall comply with all applicable State and local licensing and regulatory requirements and all applicable health and safety standards in effect in the State; and

(2) who receives assistance from an Indian tribe or tribal organization shall comply with all applicable regulatory standards.

(g) STATE-LEVEL ACTIVITIES.—A State may not retain more than 3 percent of the amount described in subsection (c) for State administration and other State-level activities.

(h) ADMINISTRATION.—

(1) STATE RESPONSIBILITY.—A State shall have responsibility for administering a grant awarded for the State under this section and for monitoring covered entities that receive assistance under such grant.

(2) AUDITS.—A State shall require each covered entity receiving assistance under the grant awarded under this section to conduct an annual audit with respect to the activities of the covered entity. Such audits shall be submitted to the State.

(3) MISUSE OF FUNDS.—

(A) REPAYMENT.—If the State determines, through an audit or otherwise, that a covered entity receiving assistance under a grant awarded under this section has misused the assistance, the State shall notify the Secretary of the misuse. The Secretary, upon such a notification, may seek from such a covered entity the repayment of an amount equal to the amount of any such misused assistance plus interest.

(B) APPEALS PROCESS.—The Secretary shall by regulation provide for an appeals process with respect to repayments under this paragraph.

(i) REPORTING REQUIREMENTS.—

(1) 2-YEAR STUDY.—

(A) IN GENERAL.—Not later than 2 years after the date on which the Secretary first awards grants under this section, the Secretary shall conduct a study to determine—

(i) the capacity of covered entities to meet the child care needs of communities within States;

(ii) the kinds of consortia that are being formed with respect to child care at the local level to carry out programs funded under this section; and

(iii) who is using the programs funded under this section and the income levels of such individuals.

(B) REPORT.—Not later than 28 months after the date on which the Secretary first awards grants under this section, the Secretary shall prepare and submit to the appropriate committees of Congress a report on the results of the study conducted in accordance with subparagraph (A).

(2) 4-YEAR STUDY.—

(A) IN GENERAL.—Not later than 4 years after the date on which the Secretary first awards grants under this section, the Secretary shall conduct a study to determine the number of child care facilities that are funded through covered entities that received assistance through a grant awarded under this section and that remain in operation, and the extent to which such facilities are meeting the child care needs of the individuals served by such facilities.

(B) REPORT.—Not later than 52 months after the date on which the Secretary first awards grants under this section, the Secretary shall prepare and submit to the appropriate committees of Congress a report on the results of the study conducted in accordance with subparagraph (A).

(j) DEFINITIONS.—In this section:

(1) COVERED ENTITY.—The term "covered entity" means a small business or a consortium formed in accordance with subsection (d)(3).

(2) INDIAN COMMUNITY.—The term "Indian community" means a community served by an Indian tribe or tribal organization.

(3) INDIAN TRIBE; TRIBAL ORGANIZATION.—The terms "Indian tribe" and "tribal organization" have the meanings given the terms in section 658P of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858n).

(4) SMALL BUSINESS.—The term "small business" means an employer who employed an average of at least 2 but not more than 50 employees on the business days during the preceding calendar year.

(5) STATE.—The term "State" has the meaning given the term in section 658P of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858n).

(k) APPLICATION TO INDIAN TRIBES AND TRIBAL ORGANIZATIONS.—In this section:

(1) IN GENERAL.—Except as provided in subsection (f)(1), and in paragraphs (2) and (3), the term "State" includes an Indian tribe or tribal organization.

(2) GEOGRAPHIC REFERENCES.—The term "State" includes an Indian community in subsections (c) (the second and third place the term appears), (d)(1) (the second place the term appears), (d)(3)(A) (the second place the term appears), and (i)(1)(A)(i).

(3) STATE-LEVEL ACTIVITIES.—The term "State-level activities" includes activities at the tribal level.

(l) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section, $50,000,000 for the period of fiscal years 2008 through 2012.

(2) STUDIES AND ADMINISTRATION.—With respect to the total amount appropriated for such period in accordance with this subsection, not more than $2,500,000 of that amount may be used for expenditures related to conducting studies required under, and the administration of, this section.

(m) TERMINATION OF PROGRAM.—The program established under subsection (a) shall terminate on September 30, 2012.

SEC. 243. STUDY OF UNIVERSAL USE OF ADVANCE PAYMENT OF EARNED INCOME CREDIT.

Not later than 180 days after the date of the enactment of this Act, the Secretary of the Treasury shall report to Congress on a study of the benefits, costs, risks, and barriers to workers and to businesses (with a special emphasis on small businesses) if the advance earned income tax credit program (under section 3507 of the Internal Revenue Code of 1986) included all recipients of the earned income tax credit (under section 32 of such Code) and what steps would be necessary to implement such inclusion.

SEC. 244. SENSE OF THE SENATE CONCERNING PERSONAL SAVINGS.

(a) FINDINGS.—The Senate finds that—

(1) the personal saving rate in the United States is at its lowest point since the Great Depression, with the rate having fallen into negative territory;

(2) the United States ranks at the bottom of the Group of Twenty (G–20) nations in terms of net national saving rate;

(3) approximately half of all the working people of the United States work for an employer that does not offer any kind of retirement plan;

(4) existing savings policies enacted by Congress provide limited incentives to save for low- and moderate-income families; and

(5) the Social Security program was enacted to serve as the safest component of a retirement system that also includes employer-sponsored retirement plans and personal savings.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) Congress should enact policies that promote savings vehicles for retirement that are simple, easily accessible and provide adequate financial security for all the people of the United States;

(2) it is important to begin retirement saving as early as possible to take full advantage of the power of compound interest; and

(3) regularly contributing money to a financially-sound investment account is one important method for helping to achieve one's retirement goals.

SEC. 245. RENEWAL GRANTS FOR WOMEN'S BUSINESS CENTERS.

(a) IN GENERAL.—Section 29 of the Small Business Act (15 U.S.C. 656) is amended by adding at the end the following:

"(m) CONTINUED FUNDING FOR CENTERS.—

"(1) IN GENERAL.—A nonprofit organization described in paragraph (2) shall be eligible to receive, subject to paragraph (3), a 3-year grant under this subsection.

"(2) APPLICABILITY.—A nonprofit organization described in this paragraph is a nonprofit organization that has received funding under subsection (b) or (l).

"(3) APPLICATION AND APPROVAL CRITERIA.—

"(A) CRITERIA.—Subject to subparagraph (B), the Administrator shall develop and publish criteria for the consideration and approval of applications by nonprofit organizations under this subsection.

"(B) CONTENTS.—Except as otherwise provided in this subsection, the conditions for participation in the grant program under this subsection shall be the same as the conditions for participation in the program under subsection (l), as in effect on the date of enactment of this Act.

"(C) NOTIFICATION.—Not later than 60 days after the date of the deadline to submit applications for each fiscal year, the Administrator shall approve or deny any application under this subsection and notify the applicant for each such application.

"(4) AWARD OF GRANTS.—

"(A) IN GENERAL.—Subject to the availability of appropriations, the Administrator shall make a grant for the Federal share of the cost of activities described in the application to each applicant approved under this subsection.

"(B) AMOUNT.—A grant under this subsection shall be for not more than $150,000, for each year of that grant.

"(C) FEDERAL SHARE.—The Federal share under this subsection shall be not more than 50 percent.

"(D) PRIORITY.—In allocating funds made available for grants under this section, the Administrator shall give applications under this subsection or subsection (l) priority over first-time applications under subsection (b).

"(5) RENEWAL.—

"(A) IN GENERAL.—The Administrator may renew a grant under this subsection for additional 3-year periods, if the nonprofit organization submits an application for such renewal at such time, in such manner, and accompanied by such information as the Administrator may establish.

"(B) UNLIMITED RENEWALS.—There shall be no limitation on the number of times a grant may be renewed under subparagraph (A).

"(n) PRIVACY REQUIREMENTS.—

"(1) IN GENERAL.—A women's business center may not disclose the name, address, or telephone number of any individual or small business concern receiving assistance under this section without the consent of such individual or small business concern, unless—

"(A) the Administrator is ordered to make such a disclosure by a court in any civil or criminal enforcement action initiated by a Federal or State agency; or

"(B) the Administrator considers such a disclosure to be necessary for the purpose of conducting a financial audit of a women's business center, but a disclosure under this subparagraph shall be limited to the information necessary for such audit.

"(2) ADMINISTRATION USE OF INFORMATION.—This subsection shall not—

"(A) restrict Administration access to program activity data; or

"(B) prevent the Administration from using client information (other than the information described in subparagraph (A)) to conduct client surveys.

"(3) REGULATIONS.—The Administrator shall issue regulations to establish standards for requiring disclosures during a financial audit under paragraph (1)(B).".

(b) REPEAL.—Section 29(l) of the Small Business Act (15 U.S.C. 656(l)) is repealed effective October 1 of the first full fiscal year after the date of enactment of this Act.

(c) TRANSITIONAL RULE.—Notwithstanding any other provision of law, a grant or cooperative agreement that was awarded under subsection (l) of section 29 of the Small Business Act (15 U.S.C. 656), on or before the day before the date described in subsection (b) of this section, shall remain in full force and effect under the terms, and for the duration, of such grant or agreement.

SEC. 246. REPORTS ON ACQUISITIONS OF ARTICLES, MATERIALS, AND SUPPLIES MANUFACTURED OUTSIDE THE UNITED STATES.

Section 2 of the Buy American Act (41 U.S.C. 10a) is amended—

(1) by striking "Notwithstanding" and inserting the following:

"(a) IN GENERAL.—Notwithstanding"; and

(2) by adding at the end the following:

"(b) REPORTS.—

"(1) IN GENERAL.—Not later than 180 days after the end of each of fiscal years 2007 through 2011, the head of each Federal agency shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives a report on the amount of the acquisitions made by the agency in that fiscal year of articles, materials, or supplies purchased from entities that manufacture the articles, materials, or supplies outside of the United States.

"(2) CONTENTS OF REPORT.—The report required by paragraph (1) shall separately include, for the fiscal year covered by such report—

"(A) the dollar value of any articles, materials, or supplies that were manufactured outside the United States;

"(B) an itemized list of all waivers granted with respect to such articles, materials, or supplies under this Act, and a citation to the treaty, international agreement, or other law under which each waiver was granted;

"(C) if any articles, materials, or supplies were acquired from entities that manufacture articles, materials, or supplies outside the United States, the specific exception under this section that was used to purchase such articles, materials, or supplies; and

"(D) a summary of—

"(i) the total procurement funds expended on articles, materials, and supplies manufactured inside the United States; and

"(ii) the total procurement funds expended on articles, materials, and supplies manufactured outside the United States.

"(3) PUBLIC AVAILABILITY.—The head of each Federal agency submitting a report under paragraph (1) shall make the report publicly available to the maximum extent practicable.

"(4) EXCEPTION FOR INTELLIGENCE COMMUNITY.—This subsection shall not apply to acquisitions made by an agency, or component thereof, that is an element of the intelligence community as specified in, or designated under, section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).".

SEC. 247. SENSE OF THE SENATE REGARDING REPEAL OF 1993 INCOME TAX INCREASE ON SOCIAL SECURITY BENEFITS.

It is the sense of the Senate that Congress should repeal the 1993 tax increase on Social Security benefits and eliminate wasteful spending, such as spending on unnecessary tax, loopholes, in order to fully offset the cost of such repeal and avoid forcing taxpayers to pay substantially more interest to foreign creditors.

SEC. 248. SENSE OF THE SENATE REGARDING PERMANENT TAX INCENTIVES TO MAKE EDUCATION MORE AFFORDABLE AND MORE ACCESSIBLE FOR AMERICAN FAMILIES.

It is the sense of the Senate that Congress should make permanent the tax incentives to make education more affordable and more accessible for American families and eliminate wasteful spending, such as spending on unnecessary tax loopholes, in order to fully offset the cost of such incentives and avoid forcing taxpayers to pay substantially more interest to foreign creditors.

SEC. 249. RESPONSIBLE GOVERNMENT CONTRACTOR REQUIREMENTS.

Section 274A(e) of the Immigration and Nationality Act (8 U.S.C. 1324a(e)) is amended by adding at the end the following new paragraph:

"(10) PROHIBITION ON AWARD OF GOVERNMENT CONTRACTS, GRANTS, AND AGREEMENTS.—

"(A) EMPLOYERS WITH NO CONTRACTS, GRANTS, OR AGREEMENTS.—

"(i) IN GENERAL.—Subject to clause (iii) and subparagraph (C), if an employer who does not hold a Federal contract, grant, or cooperative agreement is determined to have violated this section, the employer shall be debarred from the receipt of a Federal contract, grant, or cooperative agreement for a period of 7 years.

"(ii) PLACEMENT ON EXCLUDED LIST.—The Secretary of Homeland Security or the Attorney General shall advise the Administrator of General Services of the debarment of an employer under clause (i) and the Administrator of General Services shall list the employer on the List of Parties Excluded from Federal Procurement and Nonprocurement Programs for a period of 7 years.

"(iii) WAIVER.—

"(I) AUTHORITY.—The Administrator of General Services, in consultation with the Secretary of Homeland Security and the Attorney General, may waive operation of clause (i) or may limit the duration or scope of a debarment under clause (i) if such waiver or limitation is necessary to national defense or in the interest of national security.

"(II) NOTIFICATION TO CONGRESS.—If the Administrator grants a waiver or limitation described in subclause (I), the Administrator shall submit to each member of the Committee on the Judiciary of the Senate and of the Committee on the Judiciary of the House of Representatives immediate notice of such waiver or limitation.

"(III) PROHIBITION ON JUDICIAL REVIEW.—The decision of whether to debar or take alternative action under this clause shall not be judicially reviewed.

"(B) EMPLOYERS WITH CONTRACTS, GRANTS, OR AGREEMENTS.—

"(i) IN GENERAL.—Subject to clause (iii) and subclause (C), an employer who holds a Federal contract, grant, or cooperative agreement and is determined to have violated this section shall be debarred from the receipt of new Federal contracts, grants, or cooperative agreements for a period of 10 years.

"(ii) NOTICE TO AGENCIES.—Prior to debarring the employer under clause (i), the Secretary of Homeland Security, in cooperation with the Administrator of General Services, shall advise any agency or department holding a contract, grant, or cooperative agreement with the employer of the Government's intention to debar the employer from the receipt of new Federal contracts, grants, or cooperative agreements for a period of 10 years.

"(iii) WAIVER.—

"(I) AUTHORITY.—After consideration of the views of any agency or department that holds a *contract, grant, or cooperative agreement with the employer, the Administrator of General Services, in consultation with the Secretary of Homeland Security and the Attorney General, may waive operation of clause (i) or may limit the duration or scope of the debarment under clause (i) if such waiver or limitation is necessary to the national defense or in the interest of national security.*

"(II) NOTIFICATION TO CONGRESS.—If the Administrator grants a waiver or limitation described in subclause (I), the Administrator shall submit to each member of the Committee on the Judiciary of the Senate and of the Committee on the Judiciary of the House of Representatives immediate notice of such waiver or limitation.

"(III) PROHIBITION ON JUDICIAL REVIEW.—The decision of whether to debar or take alternate action under this clause shall not be judicially reviewed.

"(C) EXEMPTION FROM PENALTY FOR EMPLOYERS PARTICIPATING IN THE BASIC PILOT PROGRAM.—In the case of imposition on an employer of a debarment from the receipt of a Federal contract, grant, or cooperative agreement under subparagraph (A) or (B), that penalty shall be waived if the employer establishes that the employer was voluntarily participating in the basic pilot program under section 403(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note) at the time of the violations of this section that resulted in the debarment.".

Mr. DURBIN. Madam President, I move to reconsider the vote.

Mrs. FEINSTEIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GRASSLEY. Madam President, after great effort by many people, the Senate has adopted the Fair Minimum Wage Act as amended by the Baucus substitute amendment containing the Small Business and Work Opportunity Act of 2007. This bipartisan small business package will help ensure that small businesses are able to cope with an increase in the minimum wage.

Credit must go to the dedicated members of my staff, who spent many hours helping to put this package together. Kolan Davis, Mark Prater, Dean Zerbe, Elizabeth Paris, Chris Javens, Cathy Barre, Anne Freeman, Grant Menke, Stanford Swinton, and Nick Wyatt showed great dedication to the tasks before them.

Of course this package could not have been put together without the efforts of Chairman BAUCUS and his staff. I particularly want to thank Russ Sullivan, Bill Dauster, Pat Heck, Judy Miller, Rebecca Baxter, Melissa Mueller, Pat Bousliman, and Ryan Abraham.

Mr. MCCONNELL. Madam President, I rise to applaud the Senate for its keen sense of balance and judgment in passing H.R. 2, a bill to increase the minimum wage. After important input from both sides, we have met the needs of both America's workers, who will earn a higher wage, and America's small businesses, which fuel our economy.

The President and the Republican Congress were clear on the need to couple an increase in the minimum wage with small-business tax relief, and this legislation does just that. This is a testament to what we can accomplish when we work together to move critical legislation forward.

The American people that keep this economy running have created more than 7.2 million new jobs since August 2003—that's 40 months straight of job growth. The economy added 167,000 new jobs last December, exceeding market expectations.

Our unemployment rate is a staggeringly low 4.5 percent or as I like to put it, our employment rate is 95.5 percent. A 4.5 percent unemployment rate is lower than the 5.1 percent average unemployment rate of 2005, which was already a great year.

And a low rate of 4.5 percent is lower than the average unemployment rate of the 1960s, the 1970s, the 1980s, and even lower than the average unemployment rate of the boom years my friends on the other side of the aisle like to point to, the 1990s.

America's small businesses are the key to unlocking this economic success. Small businesses employ half of all private-sector employees and have generated between 60 to 80 percent of net new jobs annually over the last 10 years.

Here's the bottom line. Since August 2003, the American people have created over 7.2 million new jobs, more than the entire European Union plus Japan combined.

So understandably, this side of the aisle had this objective in mind regarding this bill: What is the best way to raise the minimum wage while keeping our high-flying economy aloft?

How could we encourage economic growth and not hinder it? How could we make sure that an increase in wages wouldn't create a decrease in jobs?

This Senate has successfully done that, by linking an increase in the hourly minimum wage, from $5.15 to $7.25 over slightly more than 2 years, with targeted tax and regulatory relief to small businesses, so that the small businesses that create the lion's share of new jobs in this country can remain competitive and employ even more people.

The President last December emphasized the need to pair minimum wage increase legislation with just this kind of targeted tax and regulatory relief.

In my initial speech to the Senate of the 110th Congress last month, I said we Republicans were open and willing to get things done with Democrats. And I said one of the first goals we should accomplish, working together, was increasing the minimum wage while providing relief for small businesses.

Around the same time, the distinguished majority leader struck a similar note, pledging that when it came to a wage increase plus small-business tax relief, "we are going to do it."

I am pleased to report that we have done it. An overwhelming majority of Senators acknowledged that creating new jobs and expanding the economy are more important than partisan wrangling.

And most importantly, we have taken care of the workers who will benefit from a higher wage and the small businesses that grow the economy at the same time.

I am pleased this Senate is doing that, and in doing so reinforcing a vital precedent. I note that the last time the minimum wage was increased, under a Republican Congress and a Democrat President, the same precedent was set.

We look forward to working with the House of Representatives to send a final bill to the President that will be a victory for both those who earn the minimum wage and those who pay it.

When that happens, we will prove that the words of bipartisanship and comity during this Senate's first days were more than empty rhetoric.

We will demonstrate that this Senate can come together to exercise balance and judgment, and improve the lives of both the workers who earn the minimum wage and the small businesses that employ them and keep America's economy running.

And we will show that divided government need not be divisive.

The PRESIDING OFFICER. Under the previous order, the majority leader is recognized.

BIPARTISAN CONCURRENT RESOLUTION ON IRAQ—MOTION TO PROCEED

Mr. REID. Madam President, first of all, I ask unanimous consent that the next cloture vote be vitiated.

Mr. MCCONNELL. Madam President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. Madam President, this next vote is not necessary. As a result of yesterday's breakthrough in negotiations, the base bill for the Iraq debate will be the Warner-Levin legislation and not S. Con. Res. 2. So I will vote against cloture and urge both sides of the aisle to do likewise.

The most important question that I have been asked, by popular demand, is when are we going to have a vote on Monday. I have conferred with the Republican leader on more than one occasion. We can still vote at 4:30 and complete the 30 hours prior to Wednesday, which would be our goal. So we are going to vote at 4:30 on Monday on cloture on the Levin-Warner measure, unless we work something out beforehand. Again, that is 4:30 Monday.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order and pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close the debate on the motion to proceed to Calendar No. 12, S. Con. Res. 2, a bipartisan concurrent resolution on Iraq.

Harry Reid, Patty Murray, Herb Kohl, Jeff Bingaman, Benjamin L. Cardin, Frank R. Lautenberg, Charles E. Schumer, Dick Durbin, Christopher J. Dodd, Bernard Sanders, Jack Reed, Joseph R. Biden, Chuck Hagel, Robert Menendez, Olympia Snowe, Ron Wyden, Debbie Stabenow.

The PRESIDING OFFICER. Under the previous order, there will now be 4 minutes of debate equally divided between the leaders or their designees.

Who yields time?

Mr. REID. Madam President, we yield back our time.

Mr. McCONNELL. Madam President, we yield back our time.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, is it the sense of the Senate that debate on the motion to proceed to S. Con. Res. 2, a concurrent resolution expressing a bipartisan resolution on Iraq, shall be brought to a close?

The yeas and nays are mandatory under the rule. The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON) and the Senator from New York (Mr. SCHUMER) are necessarily absent.

Mr. LOTT. The following Senator was necessarily absent: the Senator from Oklahoma (Mr. INHOFE).

Further, if present and voting, the Senator from Oklahoma (Mr. INHOFE) would have voted "nay."

The PRESIDING OFFICER (Mr. NELSON of Florida). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 0, nays 97, as follows:

[Rollcall Vote No. 43 Leg.]

NAYS—97

Akaka
Alexander
Allard
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Brown
Brownback
Bunning
Burr
Byrd
Cantwell
Cardin
Carper
Casey
Chambliss
Clinton
Coburn
Cochran
Coleman
Collins
Conrad
Corker
Cornyn
Craig
Crapo
DeMint
Dodd
Dole
Domenici
Dorgan
Durbin
Ensign
Enzi
Feingold
Feinstein
Graham
Grassley
Gregg
Hagel
Harkin
Hatch
Hutchison
Inouye
Isakson
Kennedy
Kerry
Klobuchar
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Martinez
McCain
McCaskill
McConnell
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Sanders
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Tester
Thomas
Thune
Vitter
Voinovich
Warner
Webb
Whitehouse
Wyden

NOT VOTING—3

Inhofe
Johnson
Schumer

The PRESIDING OFFICER. On this vote, the yeas are 0, the nays are 97. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Mr. LEVIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. THUNE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SIOUX FALLS COUGARS

Mr. THUNE. Mr. President, today I rise to recognize the University of Sioux Falls Cougars football team for winning the 2006 NAIA National Football Championship. I would also like to recognize their coach, Kalen DeBoer, for being named the NAIA Football Coach of the Year. The Cougars championship victory in December marked the second national football title for the school in the past 10 years.

This group of young men had an extraordinary season capped by a 23-to-19 victory over the previously unbeaten University of Saint Francis. That championship victory ensured the Cougars an undefeated season and the first football title since 1996. The University of Sioux Falls did not achieve a No. 1 ranking throughout the entirety of the 2006 season. Their championship was won on the field, not in the polls.

Coach DeBoer was able to achieve this victory in just his second year as head coach of the Cougars. He succeeded legendary coach Bob Young. Under the tutelage of Coach Young, and continued now by Coach DeBoer, the University of Sioux Falls has emerged as one of the premier football institutions in the country. Over the past 10 seasons, the Cougars have amassed a 103 to 19 record while capturing eight conference titles. Faith, loyalty, commitment, and teamwork have served as the foundation to building this tradition of excellence.

The 2006 Cougars were led to the title thanks to the work of an explosive offense and a powerful defense. They averaged nearly 39 points per game while allowing only seven. Leading the way for the Cougars this season were Chad Cavender, Mike Dvoracek, Dusty Hovorka, and Trey Erickson. These four were selected to the first-team of the 2006 NAIA All-American football team. This marks the first time in University of Sioux Falls history that four players have represented the school on the first-team. Also, five Cougars earned NAIA All-American honorable mention honors. These players were Zach Campbell, Josiah Fenceroy, Jason Glasco, Letarius Lee, and Adam Paulson.

Many of the players from this year's team have spent the last 4 years as teammates. The sixteen current University of Sioux Falls seniors have compiled a remarkable 48 to 4 record, including three Great Plains Athletic Conference championships, four NAIA Championship Series appearances, and the 2006 NAIA Football Championship. This group of student-athletes should be very proud of their impressive accomplishments over the past years.

The coaching staff, in alphabetical order, is as follows: Jon Anderson, Adam Breske, Al Christensen, Kalen DeBoer, Jeff Fitzgerald, Nick Fulton, Tom Grogan, Al Hansen, Chuck Morrell, Nate Moser, and Kurtiss Riggs.

The team, in alphabetical order, is as follows: Blake Andersen, Alex Anderson, Drew Anderson, Kyle Anderson, Jeremy Barnes, Bret Beachner, Nick Benedetto, Trevor Bowers, Curtis Brown, Tyson Brown, Zach Campbell, Doug Carlson, Luke Castle, Chad Cavender, Max Chapman, Erik Cimpl, Ross Cimpl, Kyle Cummings, Josh Daniels, Drew DeGroot, Dan DeJong, Glen Dirksen, Kyle Dreckman, Michael Dvoracek, Ernest Eaton, Brett Elgersma, Trey Erickson, Nate Everett, Josiah Fenceroy, Clint Fischer, Jason Glasco, Aaron Gunderson, Mike Hartley, Luke Hartman, Nick Haub, Adam Henglefelt, Trevor Holleman, Cameron Horton, Dusty Hovorka, Aaron Jensen, Gregg Jensen, James Johnikin, Matt Johnson, Joel Kelpe, Kyle Kidd, Blake Klinsing, Brandon Koolstra, Todd Kutter, Ty Larson, Letarius Lee, John Lentz, Matt Lindgren, Tyler Lodermeier, Ryan Lowmiller, Brad Maag, Lane Mellegaard, Matt Miller, Dan Moe, Joe Moen, Tyler Mousel, A.J. Munger, Scott Neu, Tyler Newman, Matt Norgaard, Jeff Nuzum, Chris Opitz, Cody O'Reilly, Aaron Parker, Adam Paulson, Adam Perry, Weston Peterson, Darren Quaile, Nick Ramstad, Jim Rawhouser, Kyle Robertson, Jon Ross, Jon Ryan, Dan Schmeichel, Shawn Schnabel, Andrew Schoenfelder, Brady Schwebach, Brandon Sexton, George Sperry, Alex Staebell, Dominic Studzinski, Robb Tiff, D.J. Tille, Chad Traver, Brent Tuxhorn, Brooks Underberg, Derek Varin, Josh Veurink, Michael Warren, Keegan Warwick, T.J. Wendt, Ben Westerfield, Brandon Williams, and Alex Woolbright.

I congratulate the men who won this National Championship and the coaches who led the way. The University of Sioux Falls football team has proven that they are strong competitors and dedicated athletes. On behalf of the city of Sioux Falls and the state of South Dakota, I am pleased to say congratulations, Cougars. You have made us all very proud.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. WHITEHOUSE). Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—S. 470

Mr. REID. Mr. President, I ask unanimous consent that it now be in order to proceed to Calendar No. 19, S. 470.

The PRESIDING OFFICER (Mr. WEBB). Is there objection?

Without objection, it is so ordered.

BIPARTISAN IRAQ LEGISLATION—MOTION TO PROCEED

CLOTURE MOTION

Mr. REID. Mr. President, I move to proceed to the bill and send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to calendar No. 19, S. 470, Bipartisan Iraq legislation.

Carl Levin, Joe Biden, Ken Salazar, Harry Reid, Pat Leahy, Sherrod Brown, Patty Murray, Robert Menendez, John F. Kerry, B.A. Mikulski, Dick Durbin, Jack Reed, Tom Harkin, Dianne Feinstein, Bill Nelson, H.R. Clinton, Herb Kohl, Ben Nelson.

Mr. REID. Mr. President, I ask unanimous consent that the cloture vote on the motion to proceed occur at 5:30 p.m. on Monday, that the mandatory quorum be waived, and that if cloture is invoked, it be in order to file cloture on the bill before the close of business on Tuesday next.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that there now be a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL CATHOLIC SCHOOLS WEEK

Mr. REID. Mr. President, I rise today to recognize the contribution of the Roman Catholic school system in the United States. From January 28 through February 2 of this year, communities across our Nation celebrated National Catholic Schools Week. This year's theme of "Catholic Schools: the Good News in Education" emphasizes the balanced and diverse educational perspective offered by Catholic education.

With more than 8,000 elementary and secondary schools across our Nation, Catholic education is an important part of educational communities across our country. My home State of Nevada is no exception. We have more than 16 Catholic schools that serve over 5,000 students. These schools play an important role in their communities, teaching service and character to their students in the Catholic tradition.

This tradition is what encourages many parents to sacrifice to pay for a Catholic education. As many students, parents, and teachers will tell you, a Catholic education provides balance to students not only in their educational experience, but also in their spiritual life. The values taught in Catholic schools are important for developing engaged and informed members of the community.

Catholic education has played a needed role in our educational system for more than a century. I am confident that Nevada and our Nation will be well served by Catholic schools for many years to come.

ANNIVERSARY OF ALASKA STATEHOOD

Mr. STEVENS. Mr. President, January marked the 48th anniversary of the day Alaska achieved statehood. Earlier this week, Senator MURKOWSKI and I introduced S.J. Res. 49, a resolution commemorating our State's 50th anniversary. We will reach this milestone on January 3, 2009.

Alaska's path to statehood was a long one. In 1867, Secretary of the Treasury William Seward convinced President Andrew Johnson to purchase Alaska for $7.2 million. At the time, this purchase was often derided as "Seward's Folly," and many wondered what the United States would do with what some called its new "Polar Bear Garden."

While history shortly proved the critics wrong, statehood for Alaska did not come easily. It took more than 90 years for Alaska to become a state. The first Alaska statehood bill was introduced by James Wickersham, our territorial delegate, in 1916. Over the years, seven Congresses considered legislation regarding Alaska's admission to our Union. Between 1946 and 1957 alone, statehood hearings held by the House and Senate spanned more than 3,500 pages in the printed record.

Alaskans tirelessly advocated for statehood. On November 8, 1955, 55 men and women assembled at the University of Alaska in Fairbanks for Alaska's Constitutional Convention. These delegates worked for 75 days, and their efforts produced a precedent-setting constitution.

Thanks to the dedication of George Lehleitner of Louisiana and C.W. Bill Snedden, the publisher of the Fairbanks Daily News-Miner, our constitution included Alaska's version of the "Tennessee Plan". Under this plan, our territory elected a congressional delegation without federal approval. Our constitution—and this plan—ultimately became the basis for congressional approval of statehood.

Alaskans also made countless trips to Washington, DC, to testify in support of statehood. These visits were critical to our success—in 1957, the House Insular Affairs Committee reported, "Alaska is in all ways ready for statehood."

Forty-two years after the introduction of the first statehood bill, our long wait finally ended. On May 12, 1958, Representative Clair Engle moved to bring the Alaska statehood bill to the floor of the House. He sought and received a special privileged status which is reserved for statehood bills. This status allowed him to circumvent the Rules Committee, which had blocked statehood legislation for more than 11 months.

Right up until the end, statehood for Alaska faced fierce opposition. In the Senate, a small group of opponents prolonged the debate for 5 long days and nights. I was among the many Alaskans who gathered in the viewing galleries above this Chamber on June 30, 1958, waiting for the historic vote. At 8:02 pm, the Senate passed the Alaska statehood bill by a vote of 64 to 20. Six months later, on January 3, 1959, we officially became the 49th State in the Union.

I come to the floor today to pay tribute to the Alaskans who fought for statehood and our good friends in Congress who supported them. Bob Bartlett, our State's delegate in the House, worked on statehood for 14 years. He was assisted by men like Leo O'Brien of New York, who chaired the Territories Subcommittee; John Saylor of Pennsylvania, who led the floor fight for Republican supporters; Clair Engle of California, who chaired the Insular Affairs Committee; and Sam Rayburn, the Speaker of the House.

In the Senate, Alaskans found a good friend in Senator Henry "Scoop" Jackson of Washington State, who was chairman of Territories on the Interior

Committee. Senator Jackson helped plan the successful strategy that put the vote for statehood over the top. Twenty-five years later, Senator Jackson cosponsored a resolution celebrating the silver anniversary of Alaska's statehood. Earlier this week, Senator MURKOWSKI and I offered a similar resolution, this time to commemorate our State's golden anniversary in 2009.

Alaskans also found many good friends outside of the Halls of Congress. President Eisenhower, President Truman, and Secretary of the Interior Fred Seaton each supported our campaign for statehood. It was my great privilege to know and serve with many of these men. I am particularly indebted to Secretary Seaton, who asked me to serve as his legislative counsel, Assistant to the Secretary, and ultimately the Solicitor of the Department of the Interior during the Eisenhower administration. These positions gave me the opportunity to work on the Alaska Statehood Act.

History has proven those who criticized Seward's purchase—and those who opposed statehood—wrong. When William Seward purchased Alaska from Russia, he paid $7,200,000—less than 2 cents per acre. With the full rights and opportunities granted to the states in our Union, Alaska has more than made good on this investment—the Federal revenue from the development of our resources has repaid this investment hundreds of times over.

The list of our State's opportunities remains promising. We have vast coal reserves and enormous potential in oil and gas both on and off our shores. Trillions of feet of gas hydrates lie beneath our permafrost. Our State's 34,000 miles of shoreline are the gateway to some of our Nation's most promising tidal and ocean energy prospects. Our forests contain much of the Nation's timber and pulp. Sixty percent of our country's commercial fish harvest is caught in the waters off of our State's shores.

Our geographic location was a vital asset during World War II and the Cold War, and it continues to offer our Armed Forces important strategic advantages. Our location has also helped boost our Nation's trade with Canada, Russia, and nations throughout Asia.

Our State's greatest resource, however, will always be our people. Alaskans are resourceful, enterprising, and fiercely independent. Our pioneer spirit runs deep. And the traditions and heritage of our Alaska Native people have greatly contributed to our country's cultural life.

The list of our State's opportunities is long, but we are still a young State. For each of our opportunities, there is a challenge to overcome. The Federal Government owns more than 60 percent of our lands. We have only 14,000 miles of roads. Seventy percent of our towns, villages, and cities can be reached only by boat or air. If we are to fulfill our potential, we will need greater understanding of these facts.

Forty-eight years is not a long time. In fact, our State is younger than all but eight of the Members who serve in this Senate. Our ability to fulfill our potential depends on the willingness of those who serve in Congress to provide us with the opportunities and support given to other States when they were in similar stages of their development.

On this anniversary of statehood, Alaskans honor those who made this milestone possible. And we share our hope that—once again—we will find friends in Congress and elsewhere that will help us fulfill our State's potential.

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY RULES OF PROCEDURE

Mr. HARKIN. Mr. President, I ask unanimous consent that the rules adopted on January 31, 2007, by the Committee on Agriculture, Nutrition, and Forestry be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RULES OF THE COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

RULE I—MEETINGS

1.1 Regular Meetings.—Regular meetings shall be held on the first and third Wednesday of each month when Congress is in session.

1.2 Additional Meetings.—The Chairman, in consultation with the ranking minority member, may call such additional meetings as he deems necessary.

1.3 Notification.—In the case of any meeting of the committee, other than a regularly scheduled meeting, the clerk of the committee shall notify every member of the committee of the time and place of the meeting and shall give reasonable notice which, except in extraordinary circumstances, shall be at least 24 hours in advance of any meeting held in Washington, DC, and at least 48 hours in the case of any meeting held outside Washington, DC.

1.4 Called Meeting.—If three members of the committee have made a request in writing to the Chairman to call a meeting of the committee, and the Chairman fails to call such a meeting within 7 calendar days thereafter, including the day on which the written notice is submitted, a majority of the members may call a meeting by filing a written notice with the clerk of the committee who shall promptly notify each member of the committee in writing of the date and time of the meeting.

1.5 Adjournment of Meetings.—The Chairman of the committee or a subcommittee shall be empowered to adjourn any meeting of the committee or a subcommittee if a quorum is not present within 15 minutes of the time scheduled for such meeting.

RULE 2—MEETINGS AND HEARINGS IN GENERAL

2.1 Open Sessions.—Business meetings and hearings held by the committee or any subcommittee shall be open to the public except as otherwise provided for in Senate Rule XXVI, paragraph 5.

2.2 Transcripts.—A transcript shall be kept of each business meeting and hearing of the committee or any subcommittee unless a majority of the committee or, the subcommittee agrees that some other form of permanent record is preferable.

2.3 Reports.—An appropriate opportunity shall be given the Minority to examine the proposed text of committee reports prior to their filing or publication. In the event there are supplemental, minority, or additional views, an appropriate opportunity shall be given the Majority to examine the proposed text prior to filing or publication.

2.4 Attendance.—(a) Meetings. Official attendance of all markups and executive sessions of the committee shall be kept by the committee clerk. Official attendance of all subcommittee markups and executive sessions shall be kept by the subcommittee clerk.

(b) Hearings. Official attendance of all hearings shall be kept, provided that, Senators are notified by the committee Chairman and ranking minority member, in the case of committee hearings, and by the subcommittee Chairman and ranking minority member, in the case of subcommittee hearings, 48 hours in advance of the hearing that attendance will be taken. Otherwise, no attendance will be taken. Attendance at all hearings is encouraged.

RULE 3—HEARING PROCEDURES

3.1 Notice.—Public notice shall be given of the date, place, and subject matter of any hearing to be held by the committee or any subcommittee at least 1 week in advance of such hearing unless the Chairman of the full committee or the subcommittee determines that the hearing is noncontroversial or that special circumstances require expedited procedures and a majority of the committee or the subcommittee involved concurs. In no case shall a hearing be conducted with less than 24 hours notice.

3.2 Witness Statements.—Each witness who is to appear before the committee or any subcommittee shall file with the committee or subcommittee, at least 24 hours in advance of the hearing, a written statement of his or her testimony and as many copies as the Chairman of the committee or subcommittee prescribes.

3.3 Minority Witnesses.—In any hearing conducted by the committee, or any subcommittee thereof, the minority members of the committee or subcommittee shall be entitled, upon request to the Chairman by the ranking minority member of the committee or subcommittee to call witnesses of their selection during at least 1 day of such hearing pertaining to the matter or matters heard by the committee or subcommittee.

3.4 Swearing in of Witnesses.—Witnesses in committee or subcommittee hearings may be required to give testimony under oath whenever the Chairman or ranking minority member of the committee or subcommittee deems such to be necessary.

3.5 Limitation.—Each member shall be limited to 5 minutes in the questioning of any witness until such time as all members who so desire have had an opportunity to question a witness. Questions from members shall rotate from majority to minority members in order of seniority or in order of arrival at the hearing.

RULE 4—NOMINATIONS

4.1 Assignment.—All nominations shall be considered by the full committee.

4.2 Standards.—In considering a nomination, the committee shall inquire into the nominee's experience, qualifications, suitability, and integrity to serve in the position to which he or she has been nominated.

4.3 Information.—Each nominee shall submit in response to questions prepared by the committee the following information:

(1) A detailed biographical resume which contains information relating to education, employment, and achievements;

(2) Financial information, including a financial statement which lists assets and liabilities of the nominee; and

(3) Copies of other relevant documents requested by the committee. Information received pursuant to this subsection shall be available for public inspection except as specifically designated confidential by the committee.

4.4 Hearings.—The committee shall conduct a public hearing during which the nominee shall be called to testify under oath on all matters relating to his or her suitability for office. No hearing shall be held until at least 48 hours after the nominee has responded to a prehearing questionnaire submitted by the committee.

4.5 Action on Confirmation.—A business meeting to consider a nomination shall not occur on the same day that the hearing on the nominee is held. The Chairman, with the agreement of the ranking minority member, may waive this requirement.

RULE 5—QUORUMS

5.1 Testimony.—For the purpose of receiving evidence, the swearing of witnesses, and the taking of sworn or unsworn testimony at any duly scheduled hearing, a quorum of the committee and the subcommittee thereof shall consist of one member.

5.2 Business.—A quorum for the transaction of committee or subcommittee business, other than for reporting a measure or recommendation to the Senate or the taking of testimony, shall consist of one-third of the members of the committee or subcommittee, including at least one member from each party.

5.3 Reporting.—A majority of the membership of the committee shall constitute a quorum for reporting bills, nominations, matters, or recommendations to the Senate. No measure or recommendation shall be ordered reported from the committee unless a majority of the committee members are physically present. The vote of the committee to report a measure or matter shall require the concurrence of a majority of those members who are physically present at the time the vote is taken.

RULE 6—VOTING

6.1 Rollcalls.—A roll call vote of the members shall be taken upon the request of any member.

6.2 Proxies.—Voting by proxy as authorized by the Senate rules for specific bills or subjects shall be allowed whenever a quorum of the committee is actually present.

6.3 Polling.—The committee may poll any matters of committee business, other than a vote on reporting to the Senate any measures, matters or recommendations or a vote on closing a meeting or hearing to the public, provided that every member is polled and every poll consists of the following two questions:

(1) Do you agree or disagree to poll the proposal; and

(2) Do you favor or oppose the proposal.

If any member requests, any matter to be polled shall be held for meeting rather than being polled. The chief clerk of the committee shall keep a record of all polls.

RULE 7—SUBCOMMITTEES

7.1 Assignments.—To assure the equitable assignment of members to subcommittees, no member of the committee will receive assignment to a second subcommittee until, in order of seniority, all members of the committee have chosen assignments to one subcommittee, and no member shall receive assignment to a third subcommittee until, in order of seniority, all members have chosen assignments to two subcommittees.

7.2 Attendance.—Any member of the committee may sit with any subcommittee during a hearing or meeting but shall not have the authority to vote on any matter before the subcommittee unless he or she is a member of such subcommittee.

7.3 Ex Officio Members.—The Chairman and ranking minority member shall serve as nonvoting ex officio members of the subcommittees on which they do not serve as voting members. The Chairman and ranking minority member may not be counted toward a quorum.

7.4 Scheduling.—No subcommittee may schedule a meeting or hearing at a time designated for a hearing or meeting of the full committee. No more than one subcommittee business meeting may be held at the same time.

7.5 Discharge.—Should a subcommittee fail to report back to the full committee on any measure within a reasonable time, the Chairman may withdraw the measure from such subcommittee and report that fact to the full committee for further disposition. The full committee may at any time, by majority vote of those members present, discharge a subcommittee from further consideration of a specific piece of legislation.

7.6 Application of Committee Rules to Subcommittees.—The proceedings of each subcommittee shall be governed by the rules of the full committee, subject to such authorizations or limitations as the committee may from time to time prescribe.

RULE 8—INVESTIGATIONS, SUBPOENAS AND DEPOSITIONS

8.1 Investigations.—Any investigation undertaken by the committee or a subcommittee in which depositions are taken or subpoenas issued, must be authorized by a majority of the members of the committee voting for approval to conduct such investigation at a business meeting of the committee convened in accordance with Rule 1.

8.2 Subpoenas.—The Chairman, with the approval of the ranking minority member of the committee, is delegated the authority to subpoena the attendance of witnesses or the production of memoranda, documents, records, or any other materials at a hearing of the committee or a subcommittee or in connection with the conduct of an investigation authorized in accordance with paragraph 8.1. The Chairman may subpoena attendance or production without the approval of the ranking minority member when the Chairman has not received notification from the ranking minority member of disapproval of the subpoena within 72 hours, excluding Saturdays and Sundays, of being notified of the subpoena. If a subpoena is disapproved by the ranking minority member as provided in this paragraph the subpoena may be authorized by vote of the members of the committee. When the committee or Chairman authorizes subpoenas, subpoenas may be issued upon the signature of the Chairman or any other member of the committee designated by the Chairman.

8.3 Notice for Taking Depositions.—Notices for the taking of depositions, in an investigation authorized by the committee, shall be authorized and be issued by the Chairman or by a staff officer designated by him. Such notices shall specify a time and place for examination, and the name of the Senator, staff officer or officers who will take the deposition. Unless otherwise specified, the deposition shall be in private. The committee shall not initiate procedures leading to criminal or civil enforcement proceedings for a witness' failure to appear unless the deposition notice was accompanied by a committee subpoena.

8.4 Procedure for Taking Depositions.—Witnesses shall be examined upon oath administered by an individual authorized by local law to administer oaths. The Chairman will rule, by telephone or otherwise, on any objection by a witness. The transcript of a deposition shall be filed with the committee clerk.

RULE 9—AMENDING THE RULES

These rules shall become effective upon publication in the Congressional Record. These rules may be modified, amended, or repealed by the committee, provided that all members are present or provide proxies or if a notice in writing of the proposed changes has been given to each member at least 48 hours prior to the meeting at which action thereon is to be taken. The changes shall become effective immediately upon publication of the changed rule or rules in the Congressional Record, or immediately upon approval of the changes if so resolved by the committee as long as any witnesses who may be affected by the change in rules are provided with them.

ILLEGAL GUN TRAFFICKING

Mr. LEVIN. Mr. President, there is growing awareness across the country that too little has been done to combat illegal gun trafficking. This awareness was validated by a report released last week by the Brady Center to Prevent Gun Violence which revealed that some licensed gun dealers are complicit in aiding gun traffickers, yet remain largely untouched by the law.

The report, "Shady Dealings: Illegal Gun Trafficking from Licensed Gun Dealers," was released in Philadelphia, a city that is combating a sharp increase in gun violence. In 2002, the city reached a 17-year low in homicides with 288. However, since then, homicide rates have soared. Last year, the city suffered 406 homicides and is on track to exceed that total in 2007. The report documents over two dozen cases of illegal gun trafficking from dealers across the country. In each case, gunrunners were prosecuted; however, the dealers who supplied them received no legal sanctions.

"Shady Dealings" documents several scenarios in which dealers turn a blind eye to clear indications of gunrunning. In-store straw purchases are transactions that violate Federal law in which one individual submits to the required Federal background check for a gun that is clearly intended for use by someone else. Multiple purchases of the same model gun by an individual should be an indication that the guns are not for personal use. Large volume sales of handguns should be a red flag to dealers. In one case, a gun dealer sold 87 pistols to a gun trafficker's straw buyer in a single transaction.

Another red flag for trafficking should occur when a single buyer makes repeated purchases from a dealer. In one instance, a trafficker from Ohio made at least 19 visits to a particular gun shop, yet was never turned away. Dealer sales to traffickers at gun shows present special opportunities for trafficking. A single gun dealer in Georgia was recorded selling eight guns to one trafficker and 20 additional pistols to two other traffickers. Several of the weapons were recovered by the New York City police, and one of them was used to shoot a New York City police officer.

Unfortunately, making life easier for gun traffickers presents the opportunity for financial reward with little to no consequence for gun dealers. Not one of the dealers profiled in the Brady Center report has been put out of business by the ATF or prosecuted for selling guns to convicted gun traffickers. As a result, the underground market for guns is fueled the diversion of massive numbers of guns from licensed gun dealers into the hands of criminals. Almost 60 percent of the guns traced to crime by the ATF originated from only about 1 percent of the Nation's gun dealers. Additionally, approximately 30 percent of the guns traced to crime were traced within 3 years of their retail sale. I urge my colleagues to take up and pass sensible gun legislation that will help prevent such egregious acts and help protect the welfare of our communities.

IN RECOGNITION OF AMERICAN HEART MONTH

Mr. DORGAN. Mr. President, today marks the start of American Heart Month. I note the occasion not as a reminder to my colleagues to purchase flowers or chocolates for their loved ones for Valentine's Day but as a reminder that we need to redouble our efforts to fight heart disease, stroke, and other cardiovascular diseases.

More than 80 million Americans—about 1 in 3 adults—are living with some form of cardiovascular disease. Heart disease remains the leading cause of death in America and stroke is the No. 3 killer. These devastating diseases have touched the lives of nearly every family in America.

Heart disease, stroke, and other cardiovascular diseases will cost our Nation more than $430 billion in 2007, including more than $284 billion in direct medical costs.

While it is true that we are making some progress, we can't win the fight against heart disease, stroke, and other cardiovascular diseases without the support of Congress and the administration. Next week, the President will send Congress a budget proposal for fiscal year 2008. The budget is more than just a lengthy document—it is a statement of our Nation's priorities. I believe investing in cardiovascular research, prevention, and treatment programs should be one of our highest priorities.

I was disappointed by the budget the President proposed last year. The administration's proposal would have scaled back funding for heart disease and stroke research at the National Institutes of Health, NIH, prevention programs at the Centers for Disease Control and Prevention, CDC, and a program that helps rural communities purchase lifesaving medical equipment.

The administration's fiscal year 2007 budget would have cut funding for the National Heart, Lung and Blood Institute by $21 million and the National Institute of Neurological Disorders and Stroke by $11 million. I am grateful that Congress rejected this proposal. Our investment in the NIH holds enormous promise to turn the tide against so many devastating diseases, including heart disease and stroke.

The President also proposed scaling back funding for the heart disease and stroke prevention program at the CDC. This program helps States design and implement plans to prevent cardiovascular disease before it occurs. Despite the fact that heart disease is the No. 1 cause of death in the country and stroke is the No. 3 killer, the CDC does not have enough funding to implement this important program in all States. The CDC provides funding for 19 States to develop plans and another 14 States to implement the plans.

Finally, the administration tried to eliminate funding for a program that helps rural communities purchase automated external defibrillators, AEDs. AEDs are small, laptop-size devices that help restore normal heart function after cardiac arrest. AEDs save lives, especially when placed in areas where large numbers of people congregate and in rural communities where emergency medical personnel are not readily available. I believe Congress should continue to provide grants to help communities purchase these lifesaving devices.

I hope that the President does not send Congress another budget that proposes Draconian cuts in funding for heart disease and stroke research, prevention, and treatment programs. Failing to make these investments will have real consequences. It is projected that, if we don't act today, deaths from heart disease alone will increase by nearly 130 percent by 2050.

I encourage my colleagues to take a few minutes during February to recognize American Heart Month and to join me in starting a national dialogue about making the fight against cardiovascular disease a priority.

HONORING BLACK HISTORY MONTH

Mr. CRAPO. Mr. President, today I join millions of people across our Nation to commemorate Black History Month.

Black History Month is a time to honor those heroes of the past and present who have played pivotal roles in African American history. During this month, we celebrate the lives of these extraordinary individuals and pay tribute to their many sacrifices and great accomplishments in strengthening the diverse cultural history we have in America. We are especially reminded during this month to renew our commitment to ensuring equality and justice for all Americans.

Black History Month was originally established as Negro History Week, later known as Black History Week, in 1926 by Dr. Carter G. Woodson, a son of former slaves who became the second African American to earn a Ph.D. from Harvard University. Woodson chose the second week in February in remembrance of the birthdays of two prominent individuals in the history of African Americans—President Abraham Lincoln, who promulgated the Emancipation Proclamation, and Frederick Douglass, one of the most renowned black abolitionists. In 1976, Black History Week was officially expanded to a month-long celebration—Black History Month, or African-American History Month.

Since 1926, the Association for the Study of Afro-American Life and History, ASALH, has established the national theme for Black History Month. This year's theme is "From Slavery to Freedom: The Story of Africans in the Americas." Long after slavery was abolished, people of African descent struggled for the basic rights afforded American citizens. This year's theme brings to light this quest for equality and freedom during the age of emancipation, when Africans throughout the Americas were emerging from the bonds of slavery to take their rightful place in society. The path was not an easy one—independence and liberty remained elusive for many. Yet through the work of visible leaders and heroes and those individuals who quietly persevered, we see great achievements in the African-American experience—triumph that went hand in hand with some of the greatest struggles and most severe obstacles.

In Idaho, many individuals have continued Woodson's vision to educate and inform our communities about the great contributions of African Americans. For over 85 years, Idaho's National Association for the Advancement of Colored People, NAACP—comprised of some of Idaho's finest citizens and humanitarians—has served as a leader for promoting cultural diversity and awareness in our state.

I also commend the work at the Idaho Black History Museum. Established in 1995, this museum is the only one of its kind in the Pacific Northwest. Through its exhibits and community outreach programs such as lectures, workshops, literacy courses, and musical performances, the Idaho Black History Museum successfully fosters a deeper understanding of cultural diversity in the State of Idaho.

HONORING MAMIE OLIVER

Today, I join with the Idaho Black History Museum in honoring a special Idahoan—Dr. Mamie Oliver—for her outstanding record of achievement and efforts on behalf of Idaho's communities. A historian, professor, and community leader, Dr. Oliver truly embodies what Black History Month is all about.

When Mamie Oliver accepted a position at Boise State University in 1972, she became Idaho's first African-American professor. At Boise State, Dr. Oliver and her students completed foundational research on African-American history in Idaho, launching the early development of what was previously untold history.

Dr. Oliver was influential in getting the St. Paul Baptist Church building on the Historical Register. The church, established in 1909, was one of two African-American churches in Idaho and is now the home of the Idaho Black History Museum. Together with her husband and fellow community leader, Dr. H. Lincoln Oliver, Ph.D., B.D., she sought to meet the needs of the less fortunate in the community by founding the Treasure Valley Council for Church and Social Action 25 years ago.

For her remarkable service, Dr. Oliver was recognized as a Distinguished Citizen by the Idaho Statesman and as one of the ten Outstanding Women in Idaho by the Boise March of Dimes. Dr. Oliver was selected for the Jefferson Award for Outstanding Public Service Benefiting Local Communities by the American Institute for Public Services and received the 2004 Women of Today and Tomorrow Award from the Girl Scouts of Silver Sage Council (Boise).

Dr. Oliver was appointed by Governor Evans to chair the first Martin Luther King, Jr., Task Force and by Governor Kempthorne to serve two terms on the Governor's Coordinating Council for Families and Children.

Dr. Oliver and her late husband, Dr. Lincoln Oliver, have two adult children and two grandchildren. Currently, she teaches at Northwest Nazarene University in Nampa, ID.

We in Idaho are proud to have individuals such as Dr. Mamie Oliver in our community. It is through the dedication of people like Dr. Oliver that we realize as a Nation our strengths and are empowered by what is integrally part of our American history and brought to the forefront this February—Black History Month.

Our Nation has made great strides in putting civil and human rights challenges behind us. But we must be ever vigilant in pursuing the fundamental principles of equality and justice and in continuing the legacy that so many individuals have worked so hard to achieve. In Congress, one of our most important duties is to protect these core personal freedoms that we as American citizens enjoy.

SENATOR GEORGE SMATHERS

Mr. NELSON of Florida. Mr. President, I rise today to recognize the life and achievements of Senator George Smathers. I delivered remarks at his memorial service on January 29. I ask unanimous consent to have printed in the RECORD the remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

It is fitting that we gather in this community, in this state, to honor George A. Smathers—an outstanding American, and one of the great sons of Miami and Florida.

Because it was here that George Smathers grew up.

It was here that he became president of the student bodies at Miami Senior High School and his beloved University of Florida, where he also was captain of the basketball, track and debate teams.

It was here that he joined the Marines, faking appendicitis so he could avoid a Navy desk job and see combat in World War II.

And it was here that the handsome young Miamian broke into public service as an assistant prosecutor, after which he kept ascending and never looked back.

This community, this state—this is where George Smathers devoted so much of his life.

I am honored that his family asked me to pay him tribute. He has two wonderful sons, John and Bruce, and is survived by his devoted wife Carolyn.

The fact of the matter is—my life has intersected with the family for 45 years. Even today, my desk in the chamber of the United States Senate is the one used by George Smathers.

I first met the Smathers' family when I was a college intern in the senator's office.

But it is the friendship of one of George Smathers' sons that has been especially important in my life.

At a time in my young life when I lost both parents, Bruce was more than a friend, he was a brother. Bruce is always faithful, never waivers, always encourages. He is a loyal friend—a Smathers' trait.

Bruce and I even introduced each other to our wives. And "little" Bruce is my godson.

As a kid, I'll never forget attending the funeral of President Kennedy with the senator and his sons, watching the rider-less horse with the boots turned backward, following the caisson down Pennsylvania Ave., and across Memorial Bridge for the burial at Arlington.

In the nine days since George Smathers has left us, many people have paused to remember.

The senator had become quite a successful businessman and philanthropist, giving the University of Florida $20 million for its libraries, and the University of Miami $10 million for its Wellness Center.

He was, in the words of his biographer, Brian Crispell, "congenial, humorous, and respected as a highly effective orator and legislator."

He also has been described as prophetic.

Indeed, he was so sure years ago that Miami would become a major international city and gateway to the rest of the hemisphere, that he insisted his sons learn to speak Spanish.

The year was 1946 when he set his sights on Congress.

That's when he took on a four-term incumbent U.S. congressman—and, with a group of young turks in Miami he beat the odds.

That was quite a class that went to Washington with him. It included the late Jacob Javits and Hale Boggs.

The young congressman from South Florida soon became close with President Truman, as the president would visit the Key West White House for his retreats.

No one will ever forget one of Smathers' earliest accomplishments, which was helping to create the Everglades National Park.

While he was in the House of Representatives, he also developed a passion for the politics and peoples of Latin America, making some 14 trips there.

Many years later in the Senate, his colleagues would refer to him, in jest, as the Senator from Latin America.

Everyone would laugh, and Senator Smathers would go along. But he would offer a disclaimer: Sure he had a specialty in foreign affairs in the Western Hemisphere, but his first duty was being the senator from Florida.

In 1948, the senator from Florida met Fidel Castro. And in a private conversation, Fidel told him he was going to take over Cuba. Smathers always was leery of Castro. And sure enough, 11 years later, Castro overthrew Batista.

While so many in America thought that was a good thing—ousting the hated dictator Batista—Smathers was one of the strongest anti-Castro voices around, saying, "Watch out for this fellow. You better be careful."

Leading up to the elections of 1950, President Truman called Smathers to the White House and asked him to run against Florida's incumbent Senator Claude Pepper. Apparently there had been a misunderstanding between Truman and Pepper, and the president still was angry.

Up to that point, Smathers had not seriously considered the Senate.

That 1950 campaign still is noted for remarks supposedly made to play on the ignorance of certain voters.

Years later, Smathers decided to debunk the myth by offering a $10,000 personal reward to anyone who could authenticate and verify his alleged comments.

Nobody could.

When he went to the Senate, George Smathers joined the "club." There were giants. Symington of Missouri, Johnson of Texas, Dirksen of Illinois, Kerr of Oklahoma, Kennedy of Massachusetts. And right there with them were Smathers and Holland, of Florida.

Smathers became close friends with John Kennedy, and was one of the best men in the wedding party when JFK married Jacqueline Bouvier.

LBJ depended on George Smathers, too, even though they differed on a number of issues.

When there was a vacancy in the assistant majority leader, Lyndon Johnson asked Smathers to fill that position.

And then, when Johnson suffered his heart attack and was out for seven months, Smathers filled in as the acting majority leader.

When LBJ resumed his duties running the Senate, he asked his friend from Florida to be his permanent assistant majority leader.

Johnson, who was not accustomed to hearing the word no, had to accept just that from his friend from Florida.

In 1956, the senator was considered for vice president, for the first of two times.

During his Senate career, he chaired the Senate Democratic Campaign Committee and is credited with passing legislation to help small businesses, reform immigration and advance tourism for Florida.

He helped upgrade transportation, and fought for what would become, under JFK, the Alliance for Progress in Latin America.

He also helped eliminate the poll tax, establish the Kennedy Space Center, set up the Permanent Select Committee on Aging and, of course, set aside that natural wonder, Everglades National Park, the "River of Grass" that means so much to us in Florida.

In 1960, he was the southern chairman for Kennedy and Johnson; and that same year he created a new judicial district for southern Florida to handle an increasing case load.

In the 1962 Cuban Missile Crisis, Smathers Beach in Key West, named after the senator, was an antimissile battery. The world now knows just how close we came to a nuclear exchange in the Cuban Missile Crisis.

Few know that George Smathers helped President Kennedy write the speech that warned the Soviet Union that any attack upon the United States from Cuba would be considered an attack by the Soviet Union.

After the Kennedy assassination, Smathers became a regular at the Johnson White House and an adviser to LBJ. In 1968, he turned down presidential nominee Hubert Humphrey's offer of being his vice presidential running mate.

The next year, he stepped out of public service and into private life, ending three terms in the Senate and two terms in the House.

Among the many accolades he received, perhaps the one he prized most came from Louisiana's Senator Russell Long. George Smathers, in Long's words, "was a statesman."

During a lifetime of public service, he also was a good husband and father, a Marine, a prosecutor, congressman, senator—a leader.

In later years, George Smathers said when asked, that he'd like to be remembered as a fellow "who worked hard for the people he represented and did his best for his country."

That he will be and much more.

Senator Smathers, thank you on behalf of a grateful nation.

LIHEAP FUNDING

Ms. STABENOW. Mr. President, I rise today to speak about a very important Federal program that helps hundreds of thousands of Michigan families and millions of Americans across the country. The Low Income Home Energy Assistance Program, known as LIHEAP, is critically important for families and seniors who struggle to pay high energy bills to heat their homes in the winter and cool their homes in the summer. Without LIHEAP, many of these households would be forced to make the impossible choice between paying for energy or paying for food and medicine.

Today is the National Fuel Funds Network's Washington Action Day for LIHEAP and folks from many different States will be walking the Halls of Congress to make sure we know how important it is to fully fund LIHEAP.

As winter kicks into high gear, the importance of the LIHEAP program is even more pronounced. According to the Energy Information Administration, American households spent an average of $948 in 2006 on their winter heating needs—an increase of $250 over the 2000–2001 winter season. That might seem like a modest increase, but for most Americans living paycheck to paycheck, it could have disastrous effects on their household budgets. LIHEAP assistance, which emphasizes partnerships between utilities, charitable organizations, and State governments, is a highly effective and cost-efficient way for our country to help the neediest families manage these incremental increases in their home energy costs. It has thus become an important component of our social safety net.

Not surprisingly, LIHEAP assistance historically has been targeted to cold-weather States in the Northeast and Upper Midwest. In the State of Michigan, for instance, more than 470,000 households received LIHEAP aid in 2006. In recent years, however, the program has been retooled in order to recognize the need to provide similar assistance to warm-weather States in the South and Southwest to help their neediest citizens meet their home cooling needs. Last year, more than 6.2 million households received assistance nationwide, including many new families in the warm-weather areas.

Unfortunately, the LIHEAP program has never been funded to its authorized level—which recently was raised to $5 billion as part of the Energy Policy Act of 2005. Even though LIHEAP was funded at $3.1 billion in fiscal year 2006 the highest level ever—many who are eligible remain unable to get help because there are simply not enough funds to help them. We need to take a good, hard look at our funding efforts so that we are not forced to make unfair choices between cold and warm-weather States, much less deny support to eligible recipients.

Increased gas prices, unforeseen medical bills, sudden unemployment, or any other unexpected situation that causes a family's living costs to rise while their income stays fixed, forces families to make some truly hard choices. But no one should have to choose between the need to heat and the need to eat. At its foundation, the LIHEAP program helps these families deal with one of the most basic of their needs—a warm home in wintertime as they work to regain their footing.

Today, the National Fuel Funds Network has mobilized a coalition of charitable organizations such as the Salvation Army and The Heat And Warmth Fund, THAW, utilities such as CMS Energy and DTE Energy of Michigan, State government officials, and low-income constituents to meet with congressional offices to educate Congress about the LIHEAP program and make the case for greater funding. I commend the organizers and participants of today's Washington Action Day for LIHEAP, and I urge my colleagues to support and fully fund the LIHEAP program. By supporting this important program, we are supporting hard-working American families. It is the right thing to do.

DARFUR

Mr. PRYOR. Mr. President, In reflection of the New Year, I have thought about what I wanted my New Year's resolution to be. I had a wonderful holiday that I was fortunate to spend with my family, and I thought about those in the world who did not have that same opportunity. World peace is our ambition, but, today I want to speak about our hope for the people of Darfur, Sudan.

I rise to add my voice, and that of my constituency, on the crisis in Darfur. Everyday I hear from Arkansans concerned about the escalating chaos and destruction happening in Darfur. Whether it is through church groups, schools, the newspaper, Internet, or the television, the reports from Darfur are shocking and disturbing. Darfur, Sudan, is 7,117 miles away from Little Rock, AR, but it is not removed from the thoughts and prayers of our citizens.

The statistics on this crisis are heartbreaking. It has been estimated that between 200,000 and 400,000 people have been killed and thousands of women have been raped. Over 2 million people have been displaced. Their lives have been completely uprooted, and their only chance of survival is refugee camps. These makeshift camps provide little shelter and are subjected to raids by armed militias. Aid workers and organizations have recently pulled out of the region due to safety concerns, and the conflict is spreading to neighboring countries, destabilizing governments that may be ill-equipped to integrate an influx of refugees. Moreover, the Sudanese government has restricted media and diplomatic access to the region.

While the United States has taken considerable actions to support an end to the horrible violence in Darfur, the situation continues to deteriorate. Darfur is the world's crisis, and we must do more to ensure that an effective peacekeeping force is in place to stem the escalating rape, murder, and destruction.

I am hopeful that the United Nations' most recent effort will work. I am encouraged that so many humanitarian organizations have worked tirelessly to find a resolution to this matter. It is my wish that peace and stability will come to Darfur in 2007.

The people of Darfur have been deprived of the most basic of human liberties: the right to live in peace. It is our responsibility as U.S. Senators, as Americans, and as humanitarians to do all that we can to bring about an end to this world crisis.

ADDITIONAL STATEMENTS

USC-RIVERSIDE CITRUS RESEARCH CENTER

• Mrs. BOXER. Mr. President, today I ask my colleagues to join me in recognizing 100 years of groundbreaking research and education at the University of California Riverside's Citrus Research Center—Agricultural Experiment Station. This year, the university celebrates a century of improving our Nation's agriculture, environment, and natural resources.

The idea behind the creation of a citrus experiment center began with the pioneering work of Riverside citrus grower John Henry Reed, who first proposed the idea in 1900. At the time Riverside was the hub of a rapidly expanding citrus industry, in part because refrigeration made nationwide shipments possible. His proposal became a reality in 1905 when the California Legislature passed a measure authorizing the establishment of the Citrus Experiment Station in Riverside. By 1907, the Citrus Experiment Station became an open branch of the Statewide Agricultural Experiment Station of the University of California.

From that time on, the Citrus Experiment Station continued to grow and develop, to become one of California's premier agricultural research institutions. In 1914, the station maintained a staff of 18 with an annual budget of $60,000. Over the next 40 years, the Experiment Station's research area grew from 30 acres to almost 1,000 acres, and staff grew to 265.

During that time, Leon D. Bachelor, as director, worked to initiate many of the long-term fertilizer experiments and worked to ensure the strength of the walnut industry through disease research. During his tenure, shipping and processing of produce was vastly improved, and improvements were implemented in citrus rootstocks, disease resistance, and fruit quality.

While this was taking place, facilities and physical plant construction continued to increase as more research stations and research buildings were being built. In 1954 Weber Hall was constructed, the U.S. Department of Agriculture's Boyden Entomological Laboratory was built in 1961, and research property increased to 1,100 acres. There were also advances in research focus, beginning in 1955 with the arrival of a vegetable crops group from UC Davis. During the next year, the Department of Nematology and the Biometrical Laboratory were established. Work also came from UCLA focusing on entomology and plant pathology on ornamentals.

Just after this, the Air Pollution Research Center was established on the UC Riverside campus, and agronomists from Davis were welcomed to join in the research efforts. A Dry Lands Research Institute was added in 1963, and in the year following, the UC Riverside campus added a Department of Agricultural Engineering. The year after this, the Department of Agronomy accepted further work from UCLA on turf grasses.

With the expansion of research into all of these areas, it became clear that the university did not simply research citrus, and the Citrus Experiment Station was appropriately renamed the Citrus Research Center and Agricultural Experiment Station, CRC–AES, in 1961. A full college devoted to this research effort was added in 1974, establishing the College of Natural and Agricultrual Sciences.

Today, UC Riverside agricultural and natural science researchers pave the way for many of our Nation's important scientific advances. Studies in plant sciences and environmental and natural resources continue to improve the quality of life for our Nation and our planet. As the Citrus Research Center—Agricultural Experiment Station at the University of California, Riverside celebrates its centennial, I applaud the tremendous efforts and advances and look forward to another century of progress.•

TRIBUTE TO 2006 KENTUCKY DERBY WINNER BARBARO

• Mr. BUNNING. Mr. President, today I wish to pay tribute to the life of Barbaro, the 2006 Kentucky Derby Champion. He was an inspirational survivor and was beloved by the State of Kentucky. Barbaro's motivational rise to the top of horse racing history and relentless fight for his life against all odds, serves as a shining example of strength and courage to us all.

Barbaro first entered this world on April 29, 2003, when he was foaled in Nicholasville, KY, at Springmint Farm. He is the son of the great champion racehorse Dynaformer and was destined to be a champion from the beginning.

Barbaro was always a favorite of the crowd, but it was his performance at the Kentucky Derby, May 6, 2006, that would make him a legend. He ended up winning the Derby with a lead of seven lengths, which was the largest margin of victory since 1946. Because of this spectacular race, many people believed Barbaro was destined for greatness in the horse racing industry and favored him to go on to win the Triple Crown of Thoroughbred Racing.

Later that same year, Barbaro ran the Preakness Stakes on May 20, 2006, as the crowd favorite. After an initial false start through the starting gate and signs of distress early on in the race, it was clear that Barbaro had sustained a severe injury. Laboratory tests showed that he had fractured three bones in and around his ankle and right hind leg. This resulted in immediate surgery and many subsequent surgeries. A last effort was made by doctors to save Barbaro, but their continued efforts proved to be unsuccessful and caused his current ailments to spread farther through his body. Although he kept fighting to recover, it was clear to everyone that he was in monumental pain. On January 29, 2007, Barbaro's owners decided that his pain was too much to handle and he was laid to rest.

Barbaro had a unique, motivational quality that made him the object of care and affection from the public in a way that few animals before him have ever experienced. He will be terribly missed but never forgotten. Barbaro was a champion, a fighter, and a true inspiration to the entire State of Kentucky.•

TRIBUTE TO CAPTAIN BRIAN GLACKIN

• Mr. COCHRAN. Mr. President, I am pleased to congratulate CAPT Brian Glackin upon the completion of his career of service in the U.S. Navy. Throughout his 23 year military career, Captain Glackin served with distinction and dedication.

A native of Lansdale, PA, Captain Glackin received a bachelor's degree in electrical engineering from Villanova University prior to being commissioned as an Ensign in 1984.

During his career he accumulated over 4,000 hours of flight time, including over 400 hours of combat time in Iraq, Afghanistan, and the former Republic of Yugoslavia. He has over 900 carrier arrested landings; and even more impressive over 300 of these took place at night. Captain Glackin completed seven deployments while serving on the aircraft carriers USS *Ranger*, USS *Roosevelt*, USS *Independence*, and USS *Enterprise*. He completed two overseas tours, including a tour forward deployed with the U.S. Navy's Seventh Fleet in Japan. He commanded a squadron of EA–6B Prowlers aboard USS *Enterprise* in the fight against the Taliban in Afghanistan following the horrific attacks of September 11.

Captain Glackin's family and shipmates can be proud of his distinguished service. His wife Maureen and their two children, Ann and Owen, also deserve praise for the sacrifices they made in support of Captain Glackin's naval career. As he departs the Pentagon to his second career, I call upon my colleagues to wish Brian and his family every success, and the traditional Navy "fair winds and following seas."•

HONORING MARVIN FARBMAN

• Mr. DODD. Mr. President, today I honor a dedicated public servant, Marvin Farbman, who is retiring after 30 years of tireless work at Connecticut Legal Services, CLS, on behalf of the people of Connecticut.

Mr. Farbman came to Connecticut Legal Services in 1977 with an impressive academic record. He received his undergraduate degree in biology at Boston University, his M.A. in Philosophy from the University of Western Ontario, and finally his law degree at the University of Connecticut, where he graduated with honors. Connecticut Legal Services hired him as a staff attorney, where he quickly took on more than 100 client cases per year, serving as counsel for low-income Connecticut families.

Over the past 30 years, Marvin Farbman worked tirelessly to provide better housing for low-income residents of Connecticut. Only a year after joining the staff of Connecticut Legal Services, he created Equity in Housing, a ground-breaking housing cooperative that continues serving low-income households today. Within 2 years, Mr. Farbman was promoted to the position of managing attorney of the Middletown office of Connecticut Legal Services.

During his years as managing attorney, Mr. Farbman continued to lead the fight for low-income housing improvements both in and out of the courtroom. He served as lead counsel in several influential court cases, including Korsko v. Harris, which stopped the conversion of a federally-subsidized 200-unit housing project into private condominiums with no assistance for low-income residents, Nelson v. Heintz, a successful lawsuit against the City of Bridgeport to obtain more reasonable shelter payment levels for low-income citizens, and Father Panik Village Tenants Assoc. v. Cisneros, which obtained a preliminary court settlement requiring the Bridgeport Housing Authority to replace more than 1,000 demolished public housing units.

Mr. Farbman's dedication and continued success in court was matched by the success of his other efforts to improve the community. In 1985, he led the effort to create the Middlesex Red Cross homeless shelter, the first apartment-based family shelter in Connecticut. He also organized a local coalition to renovate Arriwani Hotel, a single room flophouse, into a nonprofit apartment building with support services for residents.

When he was promoted to executive director of CLS in 1995, Mr. Farbman successfully guided the agency in the establishment of an operating plan to begin rebuilding its service capacity. Over his tenure as executive director, Connecticut Legal Services handled approximately 50,000 client cases, improving the lives of countless Connecticut residents and the communities where they live.

Millions of Americans live in poverty, and many must depend on people like Marvin Farbman to fight for their basic needs in court. Mr. Farbman has dedicated his life to improving the lives of low-income families, and his influence can be seen throughout Connecticut. For his dedicated service, Connecticut, and indeed, the whole nation owe him a tremendous debt of gratitude.

On February 8, a dinner will be held in honor of Marvin Farbman's many contributions to Connecticut Legal Services and the field of legal representation for low-income families. This dinner will be a wonderful tribute to Marvin's dedication to serving underprivileged residents of Connecticut.

Once again, I extend my deep thanks to Marvin Farbman for his long legacy of service to his community, to the people of Connecticut, and to our Nation. I wish to congratulate him, his wife Evelyn, and his sons Daniel and Herschel on this wonderful occasion, and I wish him well as he embarks on this new chapter in his life.•

RICHARD M. SHAPIRO

• Mr. KOHL. Mr. President, I express my gratitude and thanks to Richard M. Shapiro for his many years of service to the Members and staff of the Congress. I and other Members honor him for his dedication to this great institution, his tireless work on its behalf, and the countless ways in which he has helped us serve the public over nearly three decades, including almost two decades as executive director of the Congressional Management Foundation.

Mr. Shapiro began his impressive career in 1978 here in the Senate, when he was a staff investigator at the former Permanent Subcommittee on Investigations. After receiving a master's degree in public policy from Princeton University, Mr. Shapiro returned to Congress as the staff director for the former House Post Office and Civil Service Subcommittee on Investigations and later became staff director at the House Small Business Subcommittee on Regulations and Business Opportunities. In those positions, he continued to learn Congress inside and out, especially the importance of good management in the formation of effective teams and the unique challenges facing managers in Congress. This experience led him to become deputy executive director of the Congressional Management Foundation in 1988, and just 1 year later he became executive director.

During his years at CMF, Rick has undertaken numerous strategies with just one goal—helping Congress do the public's business more efficiently and effectively. His efforts as a management consultant have involved countless office retreats, staff surveys, individual assessments, and strategic planning sessions. Rick has also delivered dozens of training programs to address the needs of legislative and support staff. He has also authored and coauthored several books including the biannual "House and Senate Staff Salary Survey, Frontline Management, and Setting Course; A Congressional Management Guide" which has proved to be an invaluable guide for hundreds of new Members as they arrive in Congress. Rick has also undertaken a wide range of activities to help Congress effectively move into the Digital Age, including recommendations on Web site design and managing Internet communications.

I can speak directly to the terrific work that Rick has done over the years because for more than a decade he has played a critical role in helping me and my staff manage the challenges and take advantage of opportunities we have in representing the people of Wisconsin here in the Senate. That assistance has taken a wide variety of forms, ranging from multiday all-staff retreats, to staff surveys and analysis, to individual staff assessment and advice. He has helped us design annual evaluations, improve our salary and bonus structure, design our Web site, improve our mail system, and—perhaps most importantly—step back and assess our environment regularly to be sure we are doing our best for the people of Wisconsin.

Rick's efforts on behalf of our office reflect the amazing dedication and commitment that he has brought to every task over the years. There is never any question too small—or any hour too late—for him to make himself available to offer advice. His thoughtful analysis has been critical to many decisions I have made over the years, and I am grateful for his assistance at many key junctures in my career. I know that my office operates much more efficiently and effectively today thanks to his advice over the years.

Beyond his work with my office, I would also like to honor Rick for his dedication in continuing and dramatically expanding the work of CMF. Nonprofit organizations are a bit like restaurants—many of them open every year, but few of them last. Ultimately, those that survive do so as a result of the tireless dedication of a very small group of people, and in the case of CMF, Rick has helped them not only survive but to thrive and grow. During his tenure, the budget for CMF has more than quadrupled, while the staff has doubled and the work done for Congress has grown exponentially. As I mentioned earlier, Rick and CMF have undertaken a wide range of activities on behalf of Congress. Ultimately, Rick and CMF have a "whatever it takes" attitude, and we in Congress have been the beneficiaries of that intensity, creativity, and dedication.

In conclusion, I would like to honor Rick for his tireless dedication to assisting Senators, Congressmen, staff, and the entire institution of the Congress in our efforts to better serve the American people. We are grateful for all of his hard work over the years, and we look forward to working with him again in the future.•

MEASURES PLACED ON THE CALENDAR

The following bill and joint resolution were read the second time, and placed on the calendar:

H.J. Res. 20. Joint resolution making further continuing appropriations for the fiscal year 2007, and for other purposes.

S. 470. A bill to express the sense of Congress on Iraq.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-577. A communication from the Director, Office of Human Resources Management, Consumer Product Safety Commission, transmitting, pursuant to law, the Commission's report on category rating; to the Committee on Commerce, Science, and Transportation.

EC-578. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report relative to employees who were assigned to congressional committees during fiscal year 2005; to the Committee on Homeland Security and Governmental Affairs.

EC-579. A communication from the Insurance Policy Division, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Federal Employees Health Benefits: Payment of Premiums for Periods of Leave Without Pay or Insufficient Pay" (RIN3206-AG66) received on January 31, 2007; to the Committee on Homeland Security and Governmental Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BIDEN, from the Committee on Foreign Relations, without amendment:

S. Res. 64. An original resolution authorizing expenditures by the Committee on Foreign Relations.

EXECUTIVE REPORT OF COMMITTEE

The following executive report of a nomination was submitted:

By Mr. DORGAN for the Committee on Indian Affairs.

*Carl Joseph Artman, of Colorado, to be an Assistant Secretary of the Interior.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. HAGEL (for himself and Mr. NELSON of Nebraska):

S. 471. A bill to authorize the Secretary of the Interior to convey to The Missouri River Basin Lewis and Clark Interpretive Trail and Visitor Center Foundation, Inc. certain Federal land associated with the Lewis and Clark National Historic Trail in Nebraska, to be used as an historical interpretive site along the trail; to the Committee on Energy and Natural Resources.

By Mr. ALLARD (for himself and Mr. SALAZAR):

S. 472. A bill to authorize a major medical facility project for the Department of Veterans Affairs at Denver, Colorado; to the Committee on Veterans' Affairs.

By Mr. GRASSLEY:

S. 473. A bill to improve the prohibitions on money laundering, and for other purposes; to the Committee on the Judiciary.

By Mrs. HUTCHISON (for herself and Mr. CORNYN):

S. 474. A bill to award a congressional gold medal to Michael Ellis DeBakey, M.D; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. DOMENICI (for himself and Mr. BINGAMAN):

S. 475. A bill to increase the number of Deputy United States Marshals that investigate immigration crimes; to the Committee on the Judiciary.

By Mr. GRASSLEY (for himself and Mr. SESSIONS):

S. 476. A bill to amend chapter 3 of title 28, United States Code, to provide for 11 circuit judges on the United States Court of Appeals for the District of Columbia Circuit; to the Committee on the Judiciary.

By Mr. CRAPO (for himself and Mr. CRAIG):

S. 477. A bill to authorize the Secretary of the Interior to convey certain land and improvements of the Gooding Division of the Minidoka Project, Idaho; to the Committee on Energy and Natural Resources.

By Mr. MCCAIN (for himself and Mr. FEINGOLD):

S. 478. A bill to amend the Federal Election Campaign Act of 1971 to replace the Federal Election Commission with Federal Election Administration, and for other purposes; to the Committee on Rules and Administration.

By Mr. HARKIN (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, Ms. SNOWE, Mr. DURBIN, Mr. SMITH, Mr. LAUTENBERG, Mr. THUNE, Mr. KERRY, Mr. BROWNBACK, and Mr. SCHUMER):

S. 479. A bill to reduce the incidence of suicide among veterans; to the Committee on Veterans' Affairs.

By Mr. KOHL (for himself, Mr. HATCH, and Mr. SPECTER):

S. 480. A bill to amend the Antitrust Modernization Commission Act of 2002, to extend the term of the Antitrust Modernization Commission and to make a technical correction; to the Committee on the Judiciary.

By Mr. CONRAD (for himself, Mr. DOMENICI, Mr. DORGAN, Mr. MCCAIN, Mr. BINGAMAN, Mr. KOHL, and Mr. THUNE):

S. 481. A bill to recruit and retain more qualified individuals to teach in Tribal Colleges or Universities; to the Committee on Indian Affairs.

By Mr. CHAMBLISS:

S. 482. A bill for the relief of Charles Nyaga; to the Committee on the Judiciary.

By Mr. CHAMBLISS:

S. 483. A bill for the relief of Salah Naji Sujaa; to the Committee on the Judiciary.

By Mr. ENZI (for himself and Mr. KENNEDY):

S. 484. A bill to amend the Public Health Service Act and the Federal Food, Drug, and Cosmetic Act to improve drug safety and oversight, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. KERRY (for himself and Ms. SNOWE):

S. 485. A bill to amend the Clean Air Act to establish an economy-wide global warming pollution emission cap-and-trade program to assist the economy in transitioning to new clean energy technologies, to protect employees and affected communities, to protect companies and consumers from significant increases in energy costs, and for other purposes; to the Committee on Finance.

By Mr. KENNEDY (for himself, Mr. DURBIN, Mrs. CLINTON, Mr. HARKIN, Mr. ROCKEFELLER, Mr. KERRY, and Mr. SCHUMER):

S. 486. A bill to establish requirements for lenders and institutions of higher education in order to protect students and other borrowers receiving educational loans; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LEVIN (for himself, Mr. BOND, Mr. DORGAN, Mr. GRAHAM, Mr. DURBIN, Ms. MIKULSKI, Mr. PRYOR, and Mr. CARDIN):

S. 487. A bill to amend the National Organ Transplant Act to clarify that kidney paired donations shall not be considered to involve the transfer of a human organ for valuable consideration; to the Committee on Health, Education, Labor, and Pensions.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BIDEN:

S. Res. 64. An original resolution authorizing expenditures by the Committee on Foreign Relations; from the Committee on Foreign Relations; to the Committee on Rules and Administration.

By Mr. BIDEN:

S. Res. 65. A resolution condemning the murder of Turkish-Armenian journalist and human rights advocate Hrant Dink and urging the people of Turkey to honor his legacy of tolerance; to the Committee on Foreign Relations.

By Mr. KERRY (for himself, Mr. KENNEDY, and Mr. LEAHY):

S. Res. 66. A resolution honoring the life, achievements, and distinguished career of the Reverend Robert F. Drinan, S.J; considered and agreed to.

By Mrs. DOLE:

S. Res. 67. A resolution designating March 2007 as "Go Direct Month"; considered and agreed to.

By Mr. INHOFE (for himself, Mr. COBURN, and Mr. ISAKSON):

S. Res. 68. A resolution commending the Miss America Organization for its longstanding commitment to quality education and the character of women in the United States; considered and agreed to.

By Mr. VITTER (for himself and Ms. LANDRIEU):

S. Con. Res. 8. A concurrent resolution expressing the support of Congress for the creation of a National Hurricane Museum and Science Center in southwest Louisiana; to the Committee on Commerce, Science, and Transportation.

ADDITIONAL COSPONSORS

S. 65

At the request of Mr. INHOFE, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 65, a bill to modify the age-60 standard for certain pilots and for other purposes.

S. 80

At the request of Mr. STEVENS, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 80, a bill to amend title 5, United States Code, to provide for 8 weeks of paid leave for Federal employees giving birth and for other purposes.

S. 254

At the request of Mr. ENZI, the names of the Senator from New Mexico (Mr. DOMENICI), the Senator from Maine (Ms. SNOWE) and the Senator from Florida (Mr. MARTINEZ) were added as cosponsors of S. 254, a bill to award posthumously a Congressional gold medal to Constantino Brumidi.

S. 261

At the request of Ms. CANTWELL, the names of the Senator from Indiana (Mr. LUGAR), the Senator from North Carolina (Mrs. DOLE) and the Senator from Nebraska (Mr. HAGEL) were added as cosponsors of S. 261, a bill to amend title 18, United States Code, to strengthen prohibitions against animal fighting, and for other purposes.

S. 355

At the request of Mr. DOMENICI, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. 355, a bill to establish a National Commission on Entitlement Solvency.

S. 359

At the request of Mr. KENNEDY, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 359, a bill to amend the Higher Education Act of 1965 to provide additional support to students.

S. 368

At the request of Mr. BIDEN, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 368, a bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to enhance the COPS ON THE BEAT grant program, and for other purposes.

S. 374

At the request of Mr. DOMENICI, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 374, a bill to amend the Internal Revenue Code of 1986 to provide the same capital gains treatment for art and collectibles as for other investment property and to provide that a deduction equal to fair market value shall be allowed for charitable contributions of literary, musical, artistic, or scholarly compositions created by the donor.

S. 388

At the request of Mr. THUNE, the names of the Senator from Louisiana (Mr. VITTER), the Senator from Wyoming (Mr. ENZI) and the Senator from Kansas (Mr. ROBERTS) were added as cosponsors of S. 388, a bill to amend title 18, United States Code, to provide a national standard in accordance with which nonresidents of a State may carry concealed firearms in the State.

S. 398

At the request of Mr. DORGAN, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 398, a bill to amend the Indian Child Protection and Family Violence Prevention Act to identify and remove barriers to reducing child abuse, to provide for examinations of certain children, and for other purposes.

S. 402

At the request of Mrs. LINCOLN, the names of the Senator from South Carolina (Mr. DEMINT) and the Senator from Oklahoma (Mr. INHOFE) were added as cosponsors of S. 402, a bill to amend the Internal Revenue Code of 1986 to allow a deduction for qualified timber gains.

S. 413

At the request of Mrs. CLINTON, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 413, a bill to amend the Bank Holding Company Act of 1956 and the Revised Statutes of the United States to prohibit financial holding companies and national banks from engaging, directly or indirectly, in real estate brokerage or real estate management activities, and for other purposes.

S. 430

At the request of Mr. LEAHY, the names of the Senator from Colorado (Mr. SALAZAR) and the Senator from Washington (Ms. CANTWELL) were added as cosponsors of S. 430, a bill to amend title 10, United States Code, to enhance the national defense through empowerment of the Chief of the National Guard Bureau and the enhancement of the functions of the National Guard Bureau, and for other purposes.

S. 433

At the request of Mr. OBAMA, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 433, a bill to state United States policy for Iraq, and for other purposes.

S. 439

At the request of Mr. REID, the names of the Senator from New Mexico (Mr. BINGAMAN) and the Senator from Nebraska (Mr. NELSON) were added as cosponsors of S. 439, a bill to amend title 10, United States Code, to permit certain retired members of the uniformed services who have a service-connected disability to receive both disability compensation from the Department of Veterans Affairs for their disability and either retired pay by reason of their years of military service or Combat-Related Special Compensation.

S. 455

At the request of Mr. SMITH, his name was added as a cosponsor of S. 455, a bill to amend the Internal Revenue Code of 1986 to provide tax relief to active duty military personnel and employers who assist them, and for other purposes.

S. 470

At the request of Mr. BIDEN, his name was added as a cosponsor of S. 470, a bill to express the sense of Congress on Iraq.

At the request of Mr. SALAZAR, his name was added as a cosponsor of S. 470, supra.

At the request of Mr. LEVIN, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 470, supra.

At the request of Mr. NELSON of Florida, his name was added as a cosponsor of S. 470, supra.

S. CON. RES. 7

At the request of Mr. BIDEN, his name was added as a cosponsor of S. Con. Res. 7, a concurrent resolution expressing the sense of Congress on Iraq.

At the request of Mr. HAGEL, his name was added as a cosponsor of S. Con. Res. 7, supra.

At the request of Mr. SALAZAR, his name was added as a cosponsor of S. Con. Res. 7, supra.

S. RES. 23

At the request of Mr. SMITH, his name was added as a cosponsor of S. Res. 23, a resolution designating the week of February 5 through February 9, 2007, as "National School Counseling Week".

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ALLARD (for himself and Mr. SALAZAR):

S. 472. A bill to authorize a major medical facility project for the Department of Veterans Affairs at Denver, Colorado; to the Committee on Veterans' Affairs.

Mr. ALLARD. Mr. President, today I am introducing a bill to fully authorize the necessary funds needed to complete the construction of a new VA medical facility near Denver, CO. I am joined by my colleague Senator SALAZAR on this important legislation. Thankfully, Congress authorized approximately 16 percent of the needed funds for this project last year in order to finalize planning and site acquisition. That is a promising start that enables the project planners to begin the serious business of building this hospital. Although this was a tremendous step forward, there is still a great deal more that needs to be accomplished in order for this hospital to become a reality.

The current Denver VA hospital was built more than 50 years ago and as we are all well aware, medical technology has far surpassed what the builders of the Denver VA originally envisioned. This facility, which hosted the first liver transplant in 1963, has provided tremendous care over the years, but simply does not have the infrastructure to continue to provide our veterans the care they need in the 21st century. While I cannot say enough about the care and service our veterans receive at the current facility, many changes and improvements can and should be made, and a new facility is the only way to accomplish these goals.

This new VA hospital to be located at Fitzsimons campus and the former home of the Fitzsimons Army Medical Center will carry on a strong tradition of providing exceptional medical care for our Nation's best and bravest citizens. The current Fitzsimons campus first began treating wounded veterans in 1918, specializing in assisting those who had been victims of chemical weapons in world War I. The facility continued to grow through the 20th century and became one of the premiere Veterans hospitals through World War II. Fitzsimons was even unofficially deemed the "White House of the West" when President Eisenhower spent 7 weeks in the facility while recovering from a heart condition in 1955. Fitzsimons Hospital was even the birthplace of my colleague, Senator KERRY.

The new facility will provide an example of successful collaboration between numerous parties and will be the culmination of years of hard work. The Denver VA, the University of Colorado Health Sciences Center and the University of Colorado Hospital already have a complex and rewarding partnership in meeting veterans' healthcare needs in the region, and all are partnered together on this unique project. The University of Colorado, who currently owns the land for the new hospital, strongly supports the move of the existing Denver VA medical facility to the Fitzsimons Campus in Aurora, CO, and looks forward to strengthening their partnership with the Veterans Administration, allowing each entity to focus on its strengths.

Of course, the biggest endorsement of this new facility comes ultimately from the end-users: our veterans. The United Veterans Committee of Colorado, a coalition of 45 federally chartered veterans' service organizations, strongly supports the relocation of the Denver VA medical center to the Fitzsimons campus and has worked closely with my office and the Colorado congressional delegation over the years to ensure its success.

Of course, not too long ago it looked like this project was in peril. Thankfully, in 2005 Secretary Nicholson brought a much-needed, fresh perspective to this project. He made it a priority and made it clear to the entire Colorado delegation that he would pursue every opportunity to make the project a reality. I commend his efforts and thank him for his support. It is also important to mention the hard work and diligence of those in Colorado who have also worked to ensure the success of this new hospital. Without the extraordinary efforts put forth by the Fitzsimons Redevelopment Authority and its chairman, city of Aurora Mayor Ed Tauer, an agreement would not have been reached on the ultimate location of the Hospital.

I strongly support authorization of this hospital and look forward to seeing the completion of the new VA medical facility which undoubtedly will serve as a regional beacon for modern veteran medical care science not only for veterans in Colorado but throughout the entire Rocky Mountain region as well.

Mr. SALAZAR. Mr. President, today Senator ALLARD and I are introducing a bill that will authorize full funding for a state-of-the-art veterans' hospital at the Fitzsimons campus in Aurora, CO.

This crown jewel of our veterans' health system will serve more than 424,000 veterans who live in Colorado, and many more who live in nearby States, with the best available health care. Our veterans deserve the best, and Fitzsimons will be the best.

Since the VA identified the Fitzsimons VA Hospital as one of its top medical construction projects in 2004, I have fought to move this project forward, although we've encountered some hurdles along the way.

But we are making progress. I helped bring all the stakeholders together in 2005 so that supporters of the project, and advocates for veterans' health care, could speak with one voice on Fitzsimons. Thanks in part to this dialogue, in February of 2006 the VA finally reached agreement with the Fitzsimons Authority on the purchase price of 24 acres at the site.

And just 2 months ago, in December, I was pleased that the omnibus veterans' bill we passed, S. 3421, included a $98 million authorization for Fitzsimons that was so desperately needed to keep the project on track. Senator ALLARD and I fought hard for that authorization because it allowed the VA to use unspent project funds from previous years, and to begin spending more on the critical initial phases of the project.

Today, Senator ALLARD and I are introducing a bill that will complete the authorization for Fitzsimons VA Hospital. Our bill authorizes the remaining $523 million necessary to complete the project. It is a straightforward bill that we should pass as soon as possible to ensure we don't run into any costly construction delays down the road.

I spoke with Secretary Nicholson about this project just last week, and he reiterated his commitment to getting this project done as soon as possible. Just as the VA must keep Fitzsimons at the top of its priority list, so too should Congress do its part by completing the authorization for the project.

I look forward to the day when our veterans can enjoy the benefits of a new state-of-the-art facility at Fitzsimons. They have more than earned the high quality care they will receive there, and I urge this body to keep the project on track by passing this bill as soon as possible.

By Mr. GRASSLEY:

S. 473. A bill to improve the prohibitions on money laundering, and for other purposes; to the Committee on the Judiciary.

Mr. GRASSLEY. Mr. President, I rise to speak in support of a bill that I am introducing today, the Combating Money Laundering and Terrorist Financing Act of 2007.

The life-blood of any criminal organization or enterprise is money. Whether engaged in drug dealing or terrorism, criminals cannot operate without money. The targeting of efforts by criminals to hide illegitimate funds in legitimate financial institutions has long been a focus of law enforcement. Yet like all other aspects of criminal activity, money laundering continues to evolve into newer and more complex forms. This is particularly true in the funding of terrorist organizations and operations. Therefore, money laundering remains not only a criminal racket but also poses a grave threat to our national security.

Tracking how terrorists obtain, store, and move illicit funds is among the most critical aspects of stopping their efforts. Among its recommendations, the 9/11 Commission report stated that, "Vigorous efforts to track terrorist financing must remain front and center in the U.S. counterterrorism efforts." We have made some significant strides in identifying how terrorists accumulate and move money, but more remains to be done. Terrorists and criminal networks continually evolve new ways of using legitimate means to launder illegally obtained funds. We must not underestimate the intelligence or resolve of these groups. Many have already utilized loopholes in current law to hide funds or circumvent required reporting to U.S. Customs officials.

Work must continue so that terrorists and other criminals are left without the ability to hide illegally obtained funds inside or in concert with legitimate means. We should commit to increasing pressure on these organizations to make money laundering as difficult and unprofitable as possible. And ultimately, we must give law enforcement and prosecutors the ability to effectively deal with criminals' ever-changing tactics.

The legislation that I am introducing today will strengthen our current money laundering statutes by streamlining those laws, closing those loopholes in the laws exploited by criminal organizations, and creating more efficient means for dealing with violators of money laundering laws. My bill goes about doing this in several ways.

First, my bill deals with the problem of "specified unlawful activities" or "SUAs." SUAs are predicate offenses required for current money laundering statutes to apply, and there are currently over 200 of them. As criminals continue to change methods of laundering money, the list of SUAs will continue to grow. This legislation will prevent criminals from turning to other means not designated as an SUA, and will consolidate the ever growing list of SUAs by including all federal and state offenses punishable by imprisonment for more than one year. Also, criminals will no longer be able to hide behind borders, as this legislation would subject violations in foreign countries that have an effect on the U.S. to the same penalties as if they had occurred in the United States.

Currently, most circuit courts must charge each violation of money laundering statutes separately. My bill will allow, at the election of the government, prosecutors to charge multiple acts under one count in an indictment. This will significantly reduce the time and expense incurred by the courts in these cases, versus the current method of charging each and every violation separately.

Criminals have realized that the movement of large sums of money through traditional financial institutions will result in increased scrutiny and investigation. Therefore, many have turned to smuggling large quantities of money via a courier or bulk cash smuggling. They have developed techniques to avoid having to declare property with a value greater than $10,000 and to protect those couriers who are caught. My legislation will remove the criminal's ability to get around current laws, and remove protections for the smuggler.

For example, current law requires that couriers know specifics about the illegal activities that produced the monies they carry before they may be prosecuted under money laundering statutes. As a result, many claim ignorance about the illegal origins of the money and are released. With my bill, couriers will now be held responsible for their actions, even if they try to claim ignorance. Therefore, law enforcement can get both the courier and the money off the street. This bill also would stiffen the penalty for bulk cash smuggling to 10 years.

Another tactic now being used by criminals is to have couriers carry blank checks in bearer form. The couriers argue that the check has no amount, so it is not subject to declaration. Once the courier arrives at his destination, he merely has to fill in the amount, whatever it may be. My legislation would remove this loophole by setting the value of any blank check in bearer form equal to the highest amount in that account during the time period it was being transported, or when it is cashed.

My bill also seeks to mitigate the tactics of "commingling funds" and "structured transactions." The "commingling funds" tactic involves depositing illegal money in an account with legitimate funds. Under current law, criminals can argue that money withdrawn from the account was from the legitimate sources. The language in this bill would clarify that transactions on accounts containing more than $10,000 in illegally obtained funds will be considered a transaction involving more than $10,000 in criminally derived property, regardless of how the other money in the account was obtained. Nor will criminals be allowed to avoid the law by structuring smaller transactions below the $10,000 reporting requirement. Under my bill, individual but related transactions will be considered at their aggregate value.

Finally, this bill will provide the United States Secret Service with the legislative and financial resources it needs to combat counterfeiters and other criminals seeking to harm our financial systems. The U.S. Federal Reserve Note is the most identifiable currency in the world and the backbone of many other nations' economies. To help ensure continued stability of the Greenback worldwide, my bill will make illegal the possession of any materials used to make counterfeit currency. This is necessary because technology has evolved far beyond the old days of printing plates, stones, and digital images. Like the evolving tactics used by those in money laundering operations, the counterfeiter constantly changes his tactics and technologies. Furthermore, the crime of counterfeiting is becoming more and more international in scope every day. The Secret Service has identified counterfeiting operations in Colombia, Nigeria, Italy, Iraq, and North Korea. This is apparent in the use of bleached notes. Bleached notes are simply bills with low denominations being bleached with chemicals. This produces a blank canvas of genuine currency paper for counterfeiters to work with, to which they can add higher denominations. My bill will make it illegal to possess these bleached or otherwise altered notes, and give the Secret Service the authorization it needs to pursue these criminals outside the United States.

Additionally, this bill gives the Secret Service the authorization to use funds seized from criminals to pay for ongoing undercover investigations. This seems like common sense, and indeed, every other federal investigative agency has this authority. Tasked with protecting our financial systems, the Secret Service should be provided with all the resources necessary to fund its undercover operations. This makes even more sense, considering it's the criminals themselves who would be paying those bills. My bill provides that authority to the Secret Service and will allow them to continue the important work of protecting our financial infrastructure.

As I said, money is essential for the operation of any criminal or terrorist organization. The ability to get, move, and hide these funds is critical to the operations of both. We have had some success in thwarting this ability, as is evident by the constantly changing techniques for laundering money. We must continue to apply pressure on these groups, and do everything we can to identify and stop their financing operations. This bill is designed to do just that, and put these organizations out of business for good. I urge my colleagues to join me and my cosponsors, Senators KYL, CORNYN, and GRAHAM, in supporting this legislation to combat the financing of criminal and terrorist activities.

Mr. President, I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 473

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Combating Money Laundering and Terrorist Financing Act of 2007".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—MONEY LAUNDERING

Sec. 101. Specified unlawful activity.
Sec. 102. Making the domestic money laundering statute apply to "reverse money laundering" and interstate transportation.
Sec. 103. Procedure for issuing subpoenas in money laundering cases.
Sec. 104. Transportation or transhipment of blank checks in bearer form.
Sec. 105. Bulk cash smuggling.
Sec. 106. Violations involving commingled funds and structured transactions.
Sec. 107. Charging money laundering as a course of conduct.
Sec. 108. Illegal money transmitting businesses.
Sec. 109. Knowledge that the property is the proceeds of a specific felony.

Sec. 110. Extraterritorial jurisdiction.
Sec. 111. Conduct in aid of counterfeiting.
Sec. 112. Use of proceeds derived from criminal investigations.

TITLE II—TECHNICAL AMENDMENTS

Sec. 201. Technical amendments to sections 1956 and 1957 of title 18.

TITLE I—MONEY LAUNDERING

SEC. 101. SPECIFIED UNLAWFUL ACTIVITY.

Section 1956(c)(7) of title 18, United States Code, is amended to read as follows:

"(7) the term 'specified unlawful activity' means—

"(A) any act or activity constituting an offense in violation of the laws of the United States or any State punishable by imprisonment for a term exceeding 1 year; and

"(B) any act or activity occurring outside of the United States that would constitute an offense covered under subparagraph (A) if the act or activity had occurred within the jurisdiction of the United States or any State;".

SEC. 102. MAKING THE DOMESTIC MONEY LAUNDERING STATUTE APPLY TO "REVERSE MONEY LAUNDERING" AND INTERSTATE TRANSPORTATION.

(a) IN GENERAL.—Section 1957 of title 18, United States Code, is amended—

(1) in the heading, by inserting "**or in support of criminal activity**" after "**specified unlawful activity**";

(2) in subsection (a), by striking "Whoever" and inserting the following:

"(1) Whoever"; and

(3) by adding at the end the following:

"(2) Whoever—

"(A) in any of the circumstances set forth in subsection (d)—

"(i) conducts or attempts to conduct a monetary transaction involving property of a value that is greater than $10,000; or

"(ii) transports, attempts to transport, or conspires to transport property of a value that is greater than $10,000;

"(B) in or affecting interstate commerce; and

"(C) either—

"(i) knowing that the property was derived from some form of unlawful activity; or

"(ii) with the intent to promote the carrying on of specified unlawful activity;

shall be fined under this title, imprisoned for a term of years not to exceed the statutory maximum for the unlawful activity from which the property was derived or the unlawful activity being promoted, or both.".

(b) CHAPTER ANALYSIS.—The item relating to section 1957 in the table of sections for chapter 95 of title 18, United States Code, is amended to read as follows:

"1957. Engaging in monetary transactions in property derived from specified unlawful activity or in support of criminal activity.".

SEC. 103. PROCEDURE FOR ISSUING SUBPOENAS IN MONEY LAUNDERING CASES.

(a) IN GENERAL.—Section 986 of title 18, United States Code, is amended by adding at the end the following:

"(e) PROCEDURE FOR ISSUING SUBPOENAS.—The Attorney General, the Secretary of the Treasury, or the Secretary of Homeland Security may issue a subpoena in any investigation of a violation of sections 1956, 1957 or 1960, or sections 5316, 5324, 5331 or 5332 of title 31, United States Code, in the manner set forth under section 3486.".

(b) GRAND JURY AND TRIAL SUBPOENAS.—Section 5318(k)(3)(A)(i) of title 31, United States Code, is amended—

(1) by striking "related to such correspondent account";

(2) by striking "or the Attorney General" and inserting ", the Attorney General, or the Secretary of Homeland Security"; and

(3) by adding at the end the following:

"(iii) GRAND JURY OR TRIAL SUBPOENA.—In addition to a subpoena issued by the Attorney General, Secretary of the Treasury, or the Secretary of Homeland Security under clause (i), a subpoena under clause (i) includes a grand jury or trial subpoena requested by the Government.".

(c) FAIR CREDIT REPORTING ACT AMENDMENT.—Section 604(a)(1) of the Fair Credit Reporting Act (15 U.S.C. 1681b(a)(1)) is amended—

(1) by striking "or"; and

(2) by inserting before the period the following: ", or an investigative subpoena issued under section 5318 of title 31, United States Code".

(d) OBSTRUCTION OF JUSTICE.—Section 1510(b) of title 18, United States Code, is amended—

(1) in paragraph (2)(A), by inserting "or an investigative subpoena issued under section 5318 of title 31, United States Code" after "grand jury subpoena"; and

(2) in paragraph (3)(B), by inserting ", an investigative subpoena issued under section 5318 of title 31, United States Code," after "grand jury subpoena".

(e) RIGHT TO FINANCIAL PRIVACY ACT.—Section 1120 of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3420) is amended—

(1) in subsection (a)(1), by inserting "or to the Government" after "to the grand jury"; and

(2) in subsection (b)(1), by inserting ", or an investigative subpoena issued pursuant to section 5318 of title 31, United States Code," after "grand jury subpoena".

SEC. 104. TRANSPORTATION OR TRANSHIPMENT OF BLANK CHECKS IN BEARER FORM.

Section 5316 of title 31, United States Code, is amended by adding at the end the following:

"(e) MONETARY INSTRUMENTS WITH AMOUNT LEFT BLANK.—For purposes of this section, a monetary instrument in bearer form that has the amount left blank, such that the amount could be filled in by the bearer, shall be considered to have a value equal to the highest value of the funds in the account on which the monetary instrument is drawn during the time period the monetary instrument was being transported or the time period it was negotiated or was intended to be negotiated.".

SEC. 105. BULK CASH SMUGGLING.

Section 5332 of title 31, United States Code, is amended—

(1) in subsection (b)(1), by striking "5 years" and inserting "10 years"; and

(2) by adding the end the following:

"(d) INVESTIGATIVE AUTHORITY.—Violations of this section may be investigated by the Attorney General, the Secretary of the Treasury, the Secretary of Homeland Security, and the Postal Service.".

SEC. 106. VIOLATIONS INVOLVING COMMINGLED FUNDS AND STRUCTURED TRANSACTIONS.

Section 1957(f) of title 18, United States Code, is amended—

(1) in paragraph (2) by striking "and" at the end;

(2) in paragraph (3), by striking the period and inserting a semicolon; and

(3) by adding at the end the following:

"(4) the term 'monetary transaction in criminally derived property that is of a value greater than $10,000' includes—

"(A) a monetary transaction involving the transfer, withdrawal, encumbrance or other disposition of more than $10,000 from a bank account in which more than $10,000 in proceeds of specified unlawful activity have been commingled with other funds;

"(B) a series of monetary transactions in amounts under $10,000 that exceed $10,000 in the aggregate and that are closely related to each other in terms of such factors as time, the identity of the parties involved, the nature and purpose of the transactions, and the manner in which they are conducted; and

"(C) any financial transaction covered under section 1956(j) that involves more than $10,000 in proceeds of specified unlawful activity; and

"(5) the term 'monetary transaction involving property of a value that is greater than $10,000' includes a series of monetary transactions in amounts under $10,000 that exceed $10,000 in the aggregate and that are closely related to each other in terms of such factors as time, the identity of the parties involved, the nature and purpose of the transactions, and the manner in which they are conducted.".

SEC. 107. CHARGING MONEY LAUNDERING AS A COURSE OF CONDUCT.

(a) IN GENERAL.—Section 1956 of title 18, United States Code, is amended by adding at the end the following:

"(j) MULTIPLE VIOLATIONS.—Multiple violations of this section that are part of the same scheme or continuing course of conduct may be charged, at the election of the Government, in a single count in an indictment or information.".

(b) CONSPIRACIES.—Section 1956(h) of title 18, United States Code, is amended by striking "or section 1957" and inserting ", section 1957, or section 1960".

SEC. 108. ILLEGAL MONEY TRANSMITTING BUSINESSES.

(a) TECHNICAL AMENDMENTS.—

(1) IN GENERAL.—Section 1960 of title 18, United States Code, is amended—

(A) in the heading by striking "**unlicensed**" and inserting "**illegal**";

(B) in subsection (a), by striking "unlicensed" and inserting "illegal"; and

(C) in subsection (b)(1), by striking "unlicensed" and inserting "illegal".

(2) CHAPTER ANALYSIS.—The item relating to section 1960 in the table of sections for chapter 95 of title 18, United States Code, is amended to read as follows:

"1960. Prohibition of illegal money transmitting businesses.".

(b) DEFINITION OF BUSINESS TO INCLUDE INFORMAL VALUE TRANSFER SYSTEMS AND MONEY BROKERS FOR DRUG CARTELS.—Section 1960(b) of title 18, United States Code, is amended—

(1) in paragraph (2), by striking "and" at the end;

(2) in paragraph (3), by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(4) the term 'business' includes any person or association of persons, formal or informal, licensed or unlicenced, that provides money transmitting services on behalf of any third party in return for remuneration or other consideration.".

(c) PROHIBITION OF UNLICENSED MONEY TRANSMITTING BUSINESSES.—Section 1960(b)(1)(B) of title 18, United States Code, is amended by inserting the following before the semicolon: ", whether or not the defendant knew that the operation was required to comply with such registration requirements".

(d) AUTHORITY TO INVESTIGATE.—Section 1960 of title 18, United States Code, is amended by adding at the end the following:

"(c) Authority To Investigate.—Violations of this section may be investigated by the Attorney General, the Secretary of the Treasury, and the Secretary of Homeland Security.".

SEC. 109. KNOWLEDGE THAT THE PROPERTY IS THE PROCEEDS OF A SPECIFIC FELONY.

(a) Proceeds of a Felony.—Section 1956(c)(1) of title 18, United States Code, is amended by inserting ", and regardless of whether or not the person knew that the activity constituted a felony" before the semicolon at the end.

(b) Intent To Conceal or Disguise.—Section 1956(a) of title 18, United States Code, is amended—

(1) in paragraph (1)(B)(i), by striking "specified unlawful activity" and inserting "some form of unlawful activity"; and

(2) in paragraph (2)(B)(i), by striking "specified unlawful activity" and inserting "some form of unlawful activity".

SEC. 110. EXTRATERRITORIAL JURISDICTION.

Section 1956(f)(1) of title 18, United States Code, is amended by inserting "or has an effect in the United States" after "conduct occurs in part in the United States".

SEC. 111. CONDUCT IN AID OF COUNTERFEITING.

(a) In General.—Section 474(a) of title 18, United States Code, is amended by inserting after the paragraph beginning "Whoever has in his control, custody, or possession any plate" the following:

"Whoever, with intent to defraud, has custody, control, or possession of any material that can be used to make, alter, forge, or counterfeit any obligation or other security of the United States or any part of such obligation or security, except under the authority of the Secretary of the Treasury; or".

(b) Foreign Obligations and Securities.—Section 481 of title 18, United States Code, is amended by inserting after the paragraph beginning "Whoever, with intent to defraud" the following:

"Whoever, with intent to defraud, has custody, control, or possession of any material that can be used to make, alter, forge, or counterfeit any obligation or other security of any foreign government, bank, or corporation; or".

(c) Counterfeit Acts.—Section 470 of title 18, United States Code, is amended by striking "or 474" and inserting "474, or 474A".

(d) Strengthening Deterrents to Counterfeiting.—Section 474A of title 18, United States Code is amended—

(1) in subsection (a)—

(A) by inserting ", custody," after "control";

(B) by inserting ", forging, or counterfeiting" after "to the making";

(C) by striking "such obligation" and inserting "obligation"; and

(D) by inserting "of the United States" after "or other security";

(2) in subsection (b)—

(A) by inserting ", custody," after "control";

(B) striking "any essentially identical feature or device" and inserting "any material or other thing made after or in the similitude of any such deterrent"; and

(C) by inserting ", forging, or counterfeiting" after "to the making";

(3) by redesignating subsection (c) as subsection (d); and

(4) by inserting after subsection (b) the following:

"(c) Whoever has in his control, custody, or possession any altered obligation or security of the United States or any foreign government adapted to the making, forging, or counterfeiting of any obligation or security of the United States or any foreign government, except under the authority of the Secretary of the Treasury, is guilty of a class B felony.".

SEC. 112. USE OF PROCEEDS DERIVED FROM CRIMINAL INVESTIGATIONS.

(a) Authority of Secret Service.—During fiscal years 2008 through 2010, with respect to any undercover investigative operation of the United States Secret Service (in this section referred to as the "Secret Service") which is necessary for the detection and prosecution of crimes against the United States—

(1) sums authorized in any such fiscal year to be appropriated for the Secret Service, including any unobligated balances available from prior fiscal years, may be used to purchase property, buildings, and other facilities, and to lease space, within the United States, the District of Columbia, and the territories and possessions of the United States, without regard to—

(A) sections 1341 and 3324 of title 31 of the United States Code;

(B) section 8141 of title 40 of the United States Code;

(C) sections 3732(a) and 3741 of the Revised Statutes of the United States (41 U.S.C. 11(a) and 22); and

(D) sections 304(a) and 305 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 254(a) and 255);

(2) sums authorized in any such fiscal year to be appropriated for the Secret Service, including any unobligated balances available from prior fiscal years, may be used—

(A) to establish or to acquire proprietary corporations or business entities as part of an undercover investigative operation; and

(B) to operate such corporations or business entities on a commercial basis, without regard to sections 9102 and 9103 of title 31 of the United States Code;

(3) sums authorized in any such fiscal year to be appropriated for the Secret Service, including any unobligated balances available from prior fiscal years, and the proceeds seized, earned, or otherwise accrued from any such undercover investigative operation, may be deposited in banks or other financial institutions, without regard to—

(A) section 648 of title 18 of the United States Code; and

(B) section 3302 of title 31 of the United States Code; and

(4) proceeds seized, earned, or otherwise accrued from any such undercover investigative operation may be used to offset the necessary and reasonable expenses incurred in such operation, without regard to section 3302 of title 31 of the United States Code.

(b) Written Certification of Director Required.—

(1) In general.—The authority granted under subsection (a) may be exercised only upon the written certification of the Director of the Secret Service or the Director's designee.

(2) Content of certification.—Each certification issued under paragraph (1) shall 'state that any action authorized under paragraph (1), (2), (3), or (4) of subsection (a) is necessary to conduct the undercover investigative operation.

(3) Duration of certification.—Each certification issued under paragraph (1) shall continue in effect for the duration of the undercover investigative operation, without regard to fiscal years.

(c) Transfer of Proceeds to Treasury.—As soon as practicable after the proceeds from an undercover investigative operation with respect to which an action is authorized and carried out under paragraphs (3) and (4) of subsection (a) are no longer necessary for the conduct of such operation, such proceeds, or the balance of such proceeds, remaining at the time shall be deposited in the Treasury of the United States as miscellaneous receipts.

(d) Corporations With a High Net Value.—

(1) In general.—If a corporation or business entity established or acquired as part of an undercover investigative operation under subsection (a)(2) having a net value of over $50,000 is to be liquidated, sold, or otherwise disposed of, the Secret Service, as much in advance as the Director of the Secret Service or the Director's designee determines is practicable, shall report the circumstances of such liquidation, sale, or other disposition to the Secretary of Homeland Security.

(2) Transfer of proceeds to treasury.—The proceeds of any liquidation, sale, or other disposition of any corporation or business entity under paragraph (1) shall, after all other obligations are met, be deposited in the Treasury of the United States as miscellaneous receipts.

(e) Audits.—The Secret Service shall—

(1) conduct, on a quarterly basis, a detailed financial audit of each completed undercover investigative operation where a written certification was issued pursuant to this section; and

(2) report the results of each such audit in writing to the Secretary of Homeland Security.

TITLE II—TECHNICAL AMENDMENTS

SEC. 201. TECHNICAL AMENDMENTS TO SECTIONS 1956 AND 1957 OF TITLE 18.

(a) Unlawful Activity.—Section 1956(c) of title 18, United States Code, is amended—

(1) in paragraph (2), by striking "'conducts'" and inserting "'conduct'"; and

(2) in paragraph (7)(F), by inserting ", as defined in section 24(a)" before the semicolon.

(b) Property From Unlawful Activity.—Section 1957 of title 18, United States Code, is amended—

(1) in subsection (a), by striking "engages or attempts to engage in" and inserting "conducts or attempts to conduct"; and

(2) in subsection (f)—

(A) in paragraph (2), by striking "and" at the end;

(B) in paragraph (3), by striking the period and inserting "; and"; and

(C) by adding at the end the following:

"(4) the term 'conduct' has the meaning given such term under section 1956(c)(2).".

By Mrs. HUTCHISON (for herself and Mr. Cornyn):

S. 474. A bill to award a congressional gold medal to Michael Ellis DeBakey, M.D.; to the Committee on Banking, Housing, and Urban Affairs.

Mrs. HUTCHISON. Mr. President, I rise today to acknowledge the lifetime achievements of my dear friend Dr. Michael Ellis DeBakey, a public servant and world-renowned cardiologist, by reintroducing legislation to award him the Congressional Gold Medal.

Throughout his life, Dr. DeBakey has made numerous advances in the field of medicine. When he was only 23 years of age and still attending medical school, Dr. DeBakey developed a roller pump for blood transfusions—the precursor and major component of the heart-lung machine used in the first open-heart operation. This device later led to national recognition for his expertise in vascular disease. His service to our country did not stop there.

Dr. DeBakey put his practice on hold and volunteered for military service during World War II with the Surgeon General's staff. During this time, he received the rank of Colonel and Chief of Surgical Consultants Division.

As a result of his military and medical experience, Dr. DeBakey made numerous recommendations to improve the military's medical procedures. His efforts led to the development of mobile army surgical hospitals, better known as MASH units, which earned him the Legion of Merit in 1945.

After WWII, Dr. DeBakey continued his hard work by proposing national and specialized medical centers for those soldiers who were wounded or needed follow-up treatment. This recommendation evolved into the Veterans Affairs Medical Center System and the establishment of the commission on Veterans Medical Problems of the National Research Council.

In 1948, Dr. DeBakey joined the Baylor University College of Medicine, where he started its first surgical residency program and was later elected the first President of Baylor College of Medicine.

Adding to his list of accomplishments, Dr. DeBakey performed the first successful procedure to treat patients with aneurysms. In 1964, Dr. DeBakey performed the first successful coronary bypass surgery, opening the doors for surgeons to perform preventative procedures to save the lives of many people with heart disease. He was also the first to successfully use a partial artificial heart. Later that same year, President Lyndon B. Johnson appointed Dr. DeBakey as Chairman of the President's Commission on Heart Disease, Cancer and Stroke, which led to the creation of Regional Medical Programs. These programs coordinate medical schools, research institutions and hospitals to enhance research and training.

Dr. DeBakey continued to amaze the medical world when he pioneered the field of telemedicine by performing the first open-heart surgery transmitted over satellite and then supervised the first successful multi-organ transplant, where a heart, both kidneys and a lung were transplanted from a single donor into four separate recipients.

These accomplishments have led to national recognition. Dr. DeBakey has received both the Presidential Medal of Freedom with Distinction from President Johnson and the National Medal of Science from President Ronald Reagan.

Recently, Dr. DeBakey worked with NASA engineers to develop the DeBakey Ventricular Assist Device, which may eliminate the need for some patients to receive heart transplants.

I stand here today to acknowledge Dr. DeBakey's invaluable work and significant contribution to medicine by offering a bill to award him the Congressional Gold Medal. His efforts and innovative surgical techniques have since saved the lives of thousands, if not millions, of people. I ask my Senate colleagues to join me in recognizing the profound impact this man has had on medical advances, the delivery of medicine and how we care for our Veterans. Although, Dr. DeBakey is not a native of Texas, he has made Texas proud. He has guided the Baylor College of Medicine and the city of Houston into becoming a world leader in medical advancement. On behalf of all Texans, I thank Dr. DeBakey for his lifetime of commitment and service, not only to the medical community, but to the world.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 474

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

The Congress makes the following findings:

(1) Michael Ellis DeBakey, M.D., was born on September 7, 1908, in Lake Charles, Louisiana, to Shaker and Raheeja DeBakey.

(2) Dr. DeBakey, at the age of 23 and still a medical student, reported a major invention, a roller pump for blood transfusions, which later became a major component of the heart-lung machine used in the first successful open-heart operation.

(3) Even though Dr. DeBakey had already achieved a national reputation as an authority on vascular disease and had a promising career as a surgeon and teacher, he volunteered for military service during World War II, joining the Surgeon General's staff and rising to the rank of Colonel and Chief of the Surgical Consultants Division.

(4) As a result of this first-hand knowledge of military service, Dr. DeBakey made numerous recommendations for the proper staged management of war wounds, which led to the development of mobile army surgical hospitals or "MASH" units, and earned Dr. DeBakey the Legion of Merit in 1945.

(5) After the war, Dr. DeBakey proposed the systematic medical follow-up of veterans and recommended the creation of specialized medical centers in different areas of the United States to treat wounded military personnel returning from war, and from this recommendation evolved the Veterans Affairs Medical Center System and the establishment of the Commission on Veterans Medical Problems of the National Research Council.

(6) In 1948, Dr. DeBakey joined the Baylor University College of Medicine, where he developed the first surgical residency program in the city of Houston, and today, guided by Dr. DeBakey's vision, the College is one of the most respected health science centers in the Nation.

(7) In 1953, Dr. DeBakey performed the first successful procedures to treat patients who suffered aneurysms leading to severe strokes, and he later developed a series of innovative surgical techniques for the treatment of aneurysms enabling thousands of lives to be saved in the years ahead.

(8) In 1964, Dr. DeBakey triggered the most explosive era in modern cardiac surgery, when he performed the first successful coronary bypass, once again paving the way for surgeons world-wide to offer hope to thousands of patients who might otherwise succumb to heart disease.

(9) Two years later, Dr. DeBakey made medical history again, when he was the first to successfully use a partial artificial heart to solve the problems of a patient who could not be weaned from a heart-lung machine following open-heart surgery.

(10) In 1968, Dr. DeBakey supervised the first successful multi-organ transplant, in which a heart, both kidneys, and lung were transplanted from a single donor into 4 separate recipients.

(11) In 1964, President Lyndon B. Johnson appointed Dr. DeBakey to the position of Chairman of the President's Commission on Heart Disease, Cancer and Stroke, leading to the creation of Regional Medical Programs established "to encourage and assist in the establishment of regional cooperative arrangements among medical schools, research institutions, and hospitals, for research and training".

(12) In the mid-1960's, Dr. DeBakey pioneered the field of telemedicine with the first demonstration of open-heart surgery to be transmitted overseas by satellite.

(13) In 1969, Dr. DeBakey was elected the first President of Baylor College of Medicine.

(14) In 1969, President Lyndon B. Johnson bestowed on Dr. DeBakey the Presidential Medal of Freedom with Distinction, and in 1985, President Ronald Reagan conferred on him the National Medal of Science.

(15) Working with NASA engineers, he refined existing technology to create the DeBakey Ventricular Assist Device, one-tenth the size of current versions, which may eliminate the need for heart transplantation in some patients.

SEC. 2. CONGRESSIONAL GOLD MEDAL.

(a) PRESENTATION AUTHORIZED.—The Speaker of the House of Representatives and the President Pro Tempore of the Senate shall make appropriate arrangements for the presentation, on behalf of the Congress, of a gold medal of appropriate design, to Michael Ellis DeBakey, M.D., in recognition of his many outstanding contributions to the Nation.

(b) DESIGN AND STRIKING.—For purposes of the presentation referred to in subsection (a), the Secretary of the Treasury (referred to in this Act as the "Secretary") shall strike a gold medal with suitable emblems, devices, and inscriptions to be determined by the Secretary.

SEC. 3. DUPLICATE MEDALS.

The Secretary may strike and sell duplicates in bronze of the gold medal struck pursuant to section 2 under such regulations as the Secretary may prescribe, at a price sufficient to cover the cost thereof, including labor, materials, dies, use of machinery, and overhead expenses, and the cost of the gold medal.

SEC. 4. STATUS OF MEDALS.

(a) NATIONAL MEDALS.—The medals struck pursuant to this Act are national medals for purposes of chapter 51 of title 31, United States Code.

(b) NUMISMATIC ITEMS.—For purposes of sections 5134 and 5136 of title 31, United States Code, all medals struck under this Act shall be considered to be numismatic items.

SEC. 5. AUTHORITY TO USE FUND AMOUNTS; PROCEEDS OF SALE.

(a) AUTHORITY TO USE FUND AMOUNTS.—There is authorized to be charged against the United States Mint Public Enterprise Fund such amounts as may be necessary to pay for the costs of the medals struck pursuant to this Act.

(b) PROCEEDS OF SALE.—Amounts received from the sale of duplicate bronze medals authorized under section 3 shall be deposited into the United States Mint Public Enterprise Fund.

By Mr. DOMENICI (for himself and Mr. BINGAMAN):

S. 475. A bill to increase the number of Deputy United States Marshals that investigate immigration crimes; to the Committee on the Judiciary.

Mr. DOMENICI. Mr. President, I rise today to with Senator BINGAMAN to introduce legislation that provides resources that the U.S. Marshals Service desperately needs for their role in improving the security of our borders and enforcing our immigration laws.

Our U.S. Marshals are involved in several aspects of immigration matters, including helping to transport criminal immigrants and guarding them in federal courthouses. As we improve border security and interior enforcement, our Marshals need increased staff to handle the increased caseload that will be associated with those improvements.

Therefore, my legislation calls for hiring 50 new deputies each year for five years. Increasing the number of Deputy U.S. Marshals by 250 new law enforcers will make a great impact on this service that is stretched thin in their role relating to border security and immigration enforcement. Without such legislation, we will only be adding to the workload of our already thinly-stretched Marshals Service.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 475

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DEPUTY UNITED STATES MARSHALS.

(a) INCREASE POSITIONS.—In each of the fiscal years 2008 through 2012, the Attorney General, subject to the availability of appropriations, shall increase by not less than 50 the number of positions for full-time active duty Deputy United States Marshals that investigate criminal matters related to immigration.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Attorney General such sums as may be necessary for each of the fiscal years 2008 through 2012 to carry out subsection (a).

By Mr. CRAPO (for himself and Mr. CRAIG):

S. 477. A bill to authorize the Secretary of the Interior to convey certain land and improvements of the Gooding Division of the Minidoka Project, Idaho; to the Committee on Energy and Natural Resources.

Mr. CRAPO. Mr. President, I am pleased to reintroduce a bill today with my colleague, Senator CRAIG to formally convey title a portion of the American Falls Reservoir District from the Bureau of Reclamation to the National Park Service in our home State of Idaho.

The Minidoka Internment National Monument Draft General Management Plan and Environment Impact Statement proposes, the transfer of these two publicly owned parcels of land, which are both within and adjacent to the existing 73-acre NPS boundary, and have been identified as important for inclusion as part of the Monument. The sites were both within the original 33,000-acre Minidoka Relocation Center that was operated by the War Relocation Authority, where approximately 13,500 Japanese and Japanese Americans were held from 1942 through 1945.

The smaller 2.31-acre parcel is located in the center of the monument in the old warehouse area and includes three historical buildings and other important cultural features. The Draft General Management Plan proposes to use this site for visitor services, including a Visitor Contact Station within an original warehouse to greet visitors and provide orientation for the monument. The other, a 7.87-acre parcel, is on the east end of the monument and was undeveloped during WWII. The NPS proposes to use this area for special events and to provide a site for the development of a memorial for the Issei, first-generation Japanese immigrants. These two publicly-owned properties are critical for long-term development, visitor services, and protection and preservation of historical structures and features at Minidoka Internment National Monument.

I would like to add that this legislation was developed with and is strongly supported by both the agencies involved and the local communities. I ask my colleagues to join me in enacting this small land transfer that we might move a step closer toward properly memorializing an important, but often forgotten, chapter of our Nation's history.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to printed in the RECORD, as follows:

S. 477

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "American Falls Reservoir District Number 2 Conveyance Act".

SEC. 2. DEFINITIONS.

In this Act:

(1) AGREEMENT.—The term "Agreement" means Agreement No. 5-07-10-L1688 between the United States and the District, entitled "Agreement Between the United States and the American Falls Reservoir District No. 2 to Transfer Title to the Federally Owned Milner-Gooding Canal and Certain Property Rights, Title and Interest to the American Falls Reservoir District No. 2".

(2) DISTRICT.—The term "District" means the American Falls Reservoir District No. 2, located in Jerome, Lincoln, and Gooding Counties, Idaho.

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

SEC. 3. AUTHORITY TO CONVEY TITLE.

(a) IN GENERAL.—In accordance with all applicable law and the terms and conditions set forth in the Agreement, the Secretary may convey—

(1) to the District all right, title, and interest in and to the land and improvements described in Appendix A of the Agreement, subject to valid existing rights;

(2) to the city of Gooding, located in Gooding County, Idaho, all right, title, and interest in and to the 5.0 acres of land and improvements described in Appendix D of the Agreement; and

(3) to the Idaho Department of Fish and Game all right, title, and interest in and to the 39.72 acres of land and improvements described in Appendix D of the Agreement.

(b) COMPLIANCE WITH AGREEMENT.—All parties to the conveyance under subsection (a) shall comply with the terms and conditions of the Agreement, to the extent consistent with this Act.

SEC. 4. TRANSFER.

As soon as practicable after the date of enactment of this Act, the Secretary shall direct the Director of the National Park Service to include in and manage as a part of the Minidoka Internment National Monument the 10.18 acres of land and improvements described in Appendix D of the Agreement.

SEC. 5. COMPLIANCE WITH OTHER LAWS.

(a) IN GENERAL.—On conveyance of the land and improvements under section 3(a)(1), the District shall comply with all applicable Federal, State, and local laws (including regulations) in the operation of each facility transferred.

(b) APPLICABLE AUTHORITY.—Nothing in this Act modifies or otherwise affects the applicability of Federal reclamation law (the Act of June 17, 1902 (32 Stat. 388, chapter 1093), and Acts supplemental to and amendatory of that Act (43 U.S.C. 371 et seq.)) to project water provided to the District.

SEC. 6. REVOCATION OF WITHDRAWALS.

(a) IN GENERAL.—The portions of the Secretarial Orders dated March 18, 1908, October 7, 1908, September 29, 1919, October 22, 1925, March 29, 1927, July 23, 1927, and May 7, 1963, withdrawing the approximately 6,900 acres described in Appendix E of the Agreement for the purpose of the Gooding Division of the Minidoka Project, are revoked.

(b) MANAGEMENT OF WITHDRAWN LAND.—The Secretary, acting through the Director of the Bureau of Land Management, shall manage the withdrawn land described in subsection (a) subject to valid existing rights.

SEC. 7. LIABILITY.

(a) IN GENERAL.—Subject to subsection (b), upon completion of a conveyance under section 3, the United States shall not be liable for damages of any kind for any injury arising out of an act, omission, or occurrence relating to the land (including any improvements to the land) conveyed under the conveyance.

(b) EXCEPTION.—Subsection (a) shall not apply to liability for damages resulting from an injury caused by any act of negligence committed by the United States (or by any officer, employee, or agent of the United States) before the date of completion of the conveyance.

(c) FEDERAL TORT CLAIMS ACT.—Nothing in this section increases the liability of the United States beyond that provided in chapter 171 of title 28, United States Code.

SEC. 8. FUTURE BENEFITS.

(a) RESPONSIBILITY OF THE DISTRICT.—After completion of the conveyance of land and improvements to the District under section 3(a)(1), and consistent with the Agreement, the District shall assume responsibility for all duties and costs associated with the operation, replacement, maintenance, enhancement, and betterment of the transferred land (including any improvements to the land).

(b) ELIGIBILITY FOR FEDERAL FUNDING.—

(1) IN GENERAL.—Except as provided in paragraph (2), the District shall not be eligible to receive Federal funding to assist in any activity described in subsection (a) relating to land and improvements transferred under section 3(a)(1).

(2) EXCEPTION.—Paragraph (1) shall not apply to any funding that would be available to a similarly situated nonreclamation district, as determined by the Secretary.

SEC. 9. NATIONAL ENVIRONMENTAL POLICY ACT.

Before completing any conveyance under this Act, the Secretary shall complete all actions required under—

(1) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

(2) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(3) the National Historic Preservation Act (16 U.S.C. 470 et seq.); and

(4) all other applicable laws (including regulations).

SEC. 10. PAYMENT.

(a) FAIR MARKET VALUE REQUIREMENT.—As a condition of the conveyance under section 3(a)(1), the District shall pay the fair market value for the withdrawn lands to be acquired by them, in accordance with the terms of the Agreement.

(b) GRANT FOR BUILDING REPLACEMENT.—As soon as practicable after the date of enactment of this Act, and in full satisfaction of the Federal obligation to the District for the replacement of the structure in existence on that date of enactment that is to be transferred to the National Park Service for inclusion in the Minidoka Internment National Monument, the Secretary, acting through the Commission of Reclamation, shall provide to the District a grant in the amount of $52,996, in accordance with the terms of the Agreement.

By Mr. MCCAIN (for himself and Mr. FEINGOLD):

S. 478. A bill to amend the Federal Election Campaign Act of 1971 to replace the Federal Election Commission with Federal Election Administration, and for other purposes; to the Committee on Rules and Administration.

Mr. MCCAIN. Mr. President, I am pleased to be joined by my good friend and colleague from Wisconsin, Senator FEINGOLD in once again introducing legislation to replace the Federal Election Commission (FEC) with the Federal Election Administration (FEA). The FEA would serve as an independent body to enforce Federal campaign laws—something the FEC has been unable, and often unwilling, to do.

This legislation would terminate the FEC and establish a new regulatory entity. Using a new organizational structure and administrative law judges, we hope to avoid the routine partisan deadlocks that are now so prevalent at the FEC.

This bill would authorize the new FEA to impose civil penalties, issue cease and desist orders, report apparent criminal violations to the appropriate law enforcement authorities, and conduct audits and field examinations of campaign committees. Finally, this bill would direct the Comptroller General to examine and report to Congress on the enforcement of the criminal provisions of the Federal campaign finance laws.

I urge my colleagues to support this common sense reform proposal.

By Mr. HARKIN (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, Ms. SNOWE, Mr. DURBIN, Mr. SMITH, Mr. LAUTENBERG, Mr. THUNE, Mr. KERRY, Mr. BROWNBACK, and Mr. SCHUMER):

S. 479. A bill to reduce the incidence of suicide among veterans; to the Committee on Veterans' Affairs.

Mr. HARKIN. Mr. President, I am honored to join with the distinguished senior Senator from my State, Senator GRASSLEY, to introduce the Joshua Omvig Veterans Suicide Prevention Act.

During my years in the Navy, I learned one of the most important lessons of my entire life: Never leave a buddy behind. That's true on the battlefield—and it's also true after our servicemembers return home. Taking care of our veterans is a continuing cost of national defense, and we need to make sure we don't abandon them once they return home.

Our service men and women endure tremendous stress during combat. Almost all of our soldiers reported being under fire while serving in Iraq and knowing someone seriously injured or killed. Returning home and rejoining their families and friends can be a time of hope and joy, but it can also be a time of enormous stress. In particular, the traumas and memories of combat service can cause profound problems. Army studies show that around 25 percent of soldiers who have served in Iraq display symptoms of serious mental-health problems, including depression, substance abuse and post-traumatic stress disorder (PTSD).

Tragically, suicide disproportionately affects veterans. In 2004, veterans accounted for more than 20 percent of deaths by suicide, yet they make up only 10 percent of the general population. We should be addressing this shocking rate of suicide among our veterans. But the Department of Veterans Affairs (VA) currently does not have appropriate suicide prevention, early detection, and treatment programs available to meet the needs of our veterans. This is unacceptable! The aim of our bill is to improve early detection and intervention; provide access to services for veterans in crisis; and, thereby, prevent the unnecessary deaths of the men and women who have put their lives on the line to defend our nation.

Joshua Omvig was one such veteran. Josh was a member of the United States Army Reserve 339th MP Company, based in Davenport, IA. Before leaving for Iraq, he was a member of the Grundy Center Volunteer Fire Department and the Grundy Center Police Reserves. He felt honored to serve his country in the Reserves and hoped to return to serve his community as a police officer. Unfortunately, when he returned from his 11-month deployment in Iraq, he brought the traumas of war with him. He committed suicide a few days before Christmas in 2005. He was just 22 years old.

This was a preventable death. If Josh and his family had had better access to mental health services; if they had been trained to recognize the symptoms of PTSD; and if they had known where to turn for help; then the tragedy of his death might well have been avoided.

In his honor, Senator GRASSLEY and I offer this legislation to improve the services offered by the VA, and to bring down the appalling rate of suicide among veterans.

First, this bill focuses on reducing the stigma associated with seeking treatment for mental health problems. Almost 80 percent of soldiers serving in Iraq and Afghanistan who exhibited signs of mental health problems were not referred for mental health services. More than two-thirds of the servicemembers who screened positive for a mental health problem reported that they were concerned about the stigma associated with seeking treatment.

Given these statistics, our bill calls for the creation of a mental health campaign to increase awareness of mental illness and the risk factors for suicide. Veterans need to hear from members of the chain of command, leadership within the VA, and from their peers that seeking mental health services is important for their health, their families, and no different than seeking treatment for a physical health issue, such as chronic pain or a broken leg.

Second, this bill ensures that VA staff and medical personnel will receive suicide prevention and education training so that they can recognize when and where to refer veterans for assistance. Additionally, the legislation ensures 24-hour access to mental health care for those who are at risk for suicide, including those in rural or remote areas. Veterans who do not have easy access to VA hospitals and veterans centers must be assured of access to services during periods of crisis.

Finally, this bill recognizes the importance of family and peer support. It trains peer counselors to understand the risk factors for suicide, provide support during readjustment, and to assist veterans in seeking help. This bill also engages family members by helping them to understand the readjustment process; to recognize the signs and symptoms of mental illness; and let them know where to turn for assistance. By enlisting the aid and support of family members and peers, we will reduce the likelihood that our veterans suffer in isolation.

The stresses that our service men and women endure in combat are strong and can trigger severe mental health issues. Although our men and women may come home safely, the war isn't over for them. Often, the physical wounds of combat are repaired, but the mental damage—the psychological scars of combat—can haunt a person for a lifetime. The Federal Government has a moral contract with those who have fought for our country and sacrificed so much. Together, we can work to make good on that contract. Our service men and women deserve to know that we will not forget about their service—and we will not leave them behind.

By Mr. KOHL (for himself, Mr. HATCH, and Mr. SPECTER):

S. 480. A bill to amend the Antitrust Modernization Commission Act of 2002, to extend the term of the Antitrust Modernization Commission and to make a technical correction; to the Committee on the Judiciary.

Mr. KOHL. Mr. President, I rise today to introduce the Antitrust Modernization Commission Extension Act of 2007. This legislation will ensure that the Commission is able to finalize its report examining the state of the Nation's antitrust laws in a timely manner by granting it a brief 30 day extension to close out its operations. I thank my co-sponsors Senators HATCH and SPECTER for joining me in introducing this measure.

Congress established the Antitrust Modernization Commission through the passage of the Antitrust Modernization Act of 2002. The Commission's purpose was to "examine whether the need exists to modernize the antitrust laws" of our Nation. In fulfillment of this purpose the Commission is now finalizing a comprehensive report due to both Congress and the President by April 2, 2007. Currently, the Commission expects the report to be submitted in a timely manner. The Commission is concerned, however, with the sufficiency of the statutorily required 30 day deadline to dismantle itself following the submission of the report.

In order to comply with the current statutory framework and shut down operations within 30 days of the report's submission date, the Commission will need to begin archiving its records prior to its completion of the report. This large administrative undertaking will interfere with the Commission's final efforts on the report given the Commission's very limited staff resources. In view of the importance of the report, it is imperative that no aspect of this report be jeopardized by administrative deadlines. To alleviate this burden on the closing operations of the Commission, I am introducing this legislation to extend the Commission's administrative shutdown period from 30 days to 60 days.

Granting an additional 30 days to the Commission will provide it with time to archive Commission records and work product, while allowing it to perform other necessary close-out tasks, including the transfer of its acquired property to other government agencies, without interfering with the completion of its report. Furthermore, the time extension requested does not contemplate the appropriation of any additional funding to the Commission. In fact, the Commission expects that it will likely return at least $500,000 to the Treasury of the $4 million allocated to it upon fulfillment of its purpose. This 30 day extension is merely directed at the administrative process of wrapping up operations.

I urge my colleagues to support this legislation that will effectively and efficiently allow the Antitrust Modernization Commission to complete its designated tasks.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 480

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Antitrust Modernization Commission Extension Act of 2007".

SEC. 2. EXTENSION OF TERMINATION.

Section 11059 of the Antitrust Modernization Commission Act of 2002 (15 U.S.C. 1 note) is amended—

(1) by striking "30 days" and inserting "60 days"; and

(2) by striking "section 8" and inserting "section 11058".

By Mr. CONRAD (for himself, Mr. DOMENICI, Mr. DORGAN, Mr. MCCAIN, Mr. BINGAMAN, Mr. KOHL, and Mr. THUNE):

S. 481. A bill to recruit and retain more qualified individuals to teach in Tribal Colleges or Universities; to the Committee on Indian Affairs.

Mr. CONRAD. Mr. President, 5 years ago, I formed the bipartisan Task Force on Tribal Colleges and Universities to raise awareness of the important role that the tribal colleges and universities play in their respective communities as educational, economic, and cultural centers. The Task Force seeks to advance initiatives that help improve the quality education the colleges provide.

For more than 3 decades, tribal colleges have been providing a quality education to help Native Americans of all ages reach their fullest potential. More than 30,000 students from 250 tribes nationwide attend tribal colleges. Tribal colleges serve young people preparing to enter the job market, dislocated workers learning new skills, and people seeking to move off welfare. I am a strong supporter of our Nation's tribal colleges because, more than any other factor, they are bringing hope and opportunity to America's Indian communities.

Over the years, I have met with many tribal college students, and I am always impressed by their commitment to their education, their families and their communities. Tribal colleges and universities have been highly successful in helping Native Americans obtain a higher education. Congress has recognized the importance of these institutions and the significant gains they have achieved in helping more individuals obtain their education. While Congress has steadily increased its financial support of these institutions, many challenges still remain.

One of the challenges that the tribal college presidents have expressed to me is the frustration and difficulty they have in attracting qualified individuals to teach at the colleges. Recruitment and retention are difficult for many of the colleges because of their geographic isolation and low faculty salaries.

To help tackle the challenges of recruiting and retaining qualified faculty, I am introducing the Tribal Colleges and Universities Faculty Loan Forgiveness Act. This legislation will provide student loan forgiveness to individuals who commit to teach for up to five years in one of the tribal colleges nationwide. Individuals who have Perkins, Direct, or Guaranteed loans may qualify to receive up to $15,000 in loan forgiveness. This will provide these institutions with extra help in attracting qualified faculty, and thus help ensure that deserving students receive a quality education. Finally, the bill also includes loan forgiveness for nursing instructors at the few tribal colleges with accredited nursing programs. Nursing instructors currently receive loans through the Department of Health and Human Services for their training. As a result, without the added provision in this bill, they would not qualify for assistance.

I would be remiss if I did not recognize that former Senator Daschle was responsible for spearheading this initiative for a number of years. The tribal colleges lost a true champion, but I am pleased to carry forward his vision and support for the colleges.

I am pleased that Senators DOMENICI, DORGAN, MCCAIN, BINGAMAN, KOHL and THUNE are original cosponsors of this bill, and I look forward to working with my colleagues to pass this important legislation.

By Mr. ENZI (for himself and Mr. KENNEDY):

S. 484. A bill to amend the Public Health Service Act and the Federal Food, Drug, and Cosmetic Act to improve drug safety and oversight, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. ENZI. Mr. President, I rise today to introduce a very important bill, one that my colleague Senator KENNEDY and I have been working on for some time.

For decades, the United States has been the standard bearer in bringing new drugs and medications to the world market. Like it or not, the FDA has a very important role in all of our daily lives. The FDA is involved in ensuring the safety of the meals we are eating today, the pills we are taking, and even the cell phones in our pockets and briefcases. The FDA's role in our health and in our economy is broad.

Nearly half of all Americans take a prescription drug daily. Anyone who prescribes, provides or takes a prescription drug could benefit from enhanced safety and risk communication about these life-saving products. Over the last few years, a spate of safety issues, such as the withdrawal of the arthritis drug Vioxx and the labeling of antidepressants for suicidality in adolescents, has caused a crisis of public confidence in the FDA. I believe the American people are losing confidence in the FDA and its ability to evaluate and weigh the benefits and risks of prescription drugs. In addition, staff at the agency feel like they are under heavy fire, with little or no protection from the prevailing political winds, due to the lack of a confirmed Commissioner of Food and Drugs for most of the last six years. I believe that only Congress can restore the public's confidence in FDA and morale at the agency.

In 2005, the HELP Committee held two hearings on the issue of drug safety. We received over 50 recommendations from witnesses at those hearings. At that time, Senator KENNEDY and I pledged to develop a comprehensive response to the drug safety issues raised. Last August, we introduced the Enhancing Drug Safety and Innovation Act. That bill, S. 3807, was the product of working across party lines, and created a structured framework for resolving safety concerns. Careful and comprehensive pre-approval planning of how drugmakers and FDA will identify, assess and manage serious risks post-approval is a better way to obtain safety information without compromising patient access.

In September 2006, the Institute of Medicine released its report titled "The Future of Drug Safety: Promoting and Protecting the Health of the Public." The recommendations in this report had much in common with S. 3807. The Senate HELP Committee held a hearing in November 2006 at which representatives of the IOM, a physician and drug safety expert, patient groups, a consumer group, and a pharmaceutical company testified about the IOM report, the bill, and the relationship between them. In addition, other stakeholder groups made additional comments on the bill. Yesterday, FDA released their response to the IOM report. Newly confirmed Commissioner Dr. Andrew von Eschenbach has put forward a number of promising ideas to improve the internal processes and culture at FDA. His leadership is outstanding and his ideas are helpful, but internal change is not enough to alter public perception. FDA needs new drug safety authorities, and this bill provides those authorities.

While the bill we are introducing today reflects numerous refinements to clarify ambiguities or to address issues that S. 3807 had not addressed, we realize that there are thoughtful differences of opinion and ideas on how best to move forward with drug safety. I welcome any and all suggestions on improving this bill, and I look forward to working with my colleagues and other stakeholders to understand those concerns more fully and incorporate any necessary changes in the bill which will be considered in front of the HELP Committee in the next few weeks. I hope that all of my colleagues will take another look at this legislation and its goals and work with me to change the status quo. Everyone agrees: We must do more for drug safety.

Under the Enhancing Drug Safety and Innovation Act, FDA would begin to approve drugs and biologics, and new indications for these products, with risk evaluation and mitigation strategies (REMS). The REMS is designed to be an integrated, flexible mechanism to acquire and adapt to new safety information about a drug. The sponsor and FDA will assess and review an approved REMS at least annually for the first three years, as well as in applications for a new indication, when the sponsor suggests changes, or when FDA requests a review based on new safety information.

The development of tools to evaluate medical products has not kept pace with discoveries in basic science. New tools are needed to better predict safety and efficacy, which in turn would increase the speed and efficiency of applied biomedical research. The Enhancing Drug Safety and Innovation Act would spur innovation by establishing a new public-private partnership between the FDA, industry and academia to advance the Critical Path Initiative and improve the sciences of developing, manufacturing, and evaluating the safety and effectiveness of drugs, devices, biologics and diagnostics.

The Enhancing Drug Safety and Innovation Act also establishes a central clearinghouse for information about clinical trials and their results to help patients, providers and researchers learn new information and make more informed health care decisions.

Finally, the Enhancing Drug Safety and Innovation Act would make improvements to FDA's process for screening advisory committee members for financial conflicts of interest. FDA relies on its 30 advisory committees to provide independent expert advice, lend credibility to the product review process, and inform consumers of trends in product development. The bill would clarify and streamline FDA's processes for evaluating candidates for service on an advisory committee, and address the key challenge of identifying a sufficient number of people with the necessary expertise and the fewest potential conflicts of interest to serve on advisory committees.

I want to thank the dozens of stakeholders, including the Food and Drug Administration, patient and consumer groups, industry associations, individual companies, and scientific experts who have taken the time and effort to give us their comments and input on the bill. Their assistance has been invaluable, and I look forward to continuing to work with them as we go through this legislative process.

Senator KENNEDY and I believe that this bipartisan effort will bring more consistency, transparency, and accountability to the process of assuring a drug's safety after it is approved. The 110th Congress will hold an exceptionally full agenda with respect to the FDA. In addition to updating the FDA's authorities as we are proposing today, Congress must renew the drug and device user fee programs, as well as the Best Pharmaceuticals for Children and Pediatric Research Equity Acts. The introduction of this bill today is the beginning, not the end, of the process, and I look forward to working with my colleagues to advance these important pieces of legislation.

Mr. KENNEDY. Mr. President, it is a privilege to join Senator ENZI in introducing the Enhancing Drug Safety and Innovation Act of 2007. The goals of the legislation are to strengthen the Food and Drug Administration's authority over the safety of prescription drugs after they are approved; to encourage innovation in medical products; to increase access to clinical trials for patients and ensure that doctors and patients are aware of the results of clinical trials involving the drugs they prescribe and use; and to improve the screening of members of FDA's scientific advisory committees to avoid conflicts of interest.

The withdrawal of the drug Vioxx from the market 2 years ago demonstrated again that all prescription drugs have risks, many of which are unknown when a drug is approved, or even for years after approval. We need a more effective system to identify and assess the serious risks of drugs, inform health care providers and patients about such risks, and manage and mitigate these risks as soon as they are detected.

Our bill will require drugs to have a risk evaluation and mitigation strategy when it is approved. For many drugs, the strategy will include only the drug labeling, reports of adverse events, a justification for why only such reporting is needed, and a timetable for assessing how the REMS is working.

The FDA will be able to include additional requirements for drugs that pose serious risks, such as by requiring that the drug be dispensed with labels that patients can understand, that the drug company have a plan to inform health care providers about how to use the drug safely, and that a drug should not be advertised directly to consumers for up to 2 years after approval. If a serious safety concern needs to be understood, FDA can require further studies or even clinical trials after the drug is approved. Enhanced data collection and data mining techniques will help identify risk signals earlier and more thoroughly.

For drugs with the most serious side effects, FDA will be able to require that its risk evaluation and mitigation strategy include the restrictions on distribution or use needed to assure its safe use.

The FDA will be able to impose any of these requirements at the time a drug is approved. The agency can also modify the labeling or otherwise alter a drug's availability after the approval. The drug's manufacturer will propose the overall strategy, or modifications to it, and the FDA and the company will try to work out an adequate compromise. If the agency and the company cannot agree, the agency's Drug Safety Oversight Board can review the dispute and recommend a resolution to senior FDA officials, who will make the final decision.

Civil monetary penalties are added to FDA's traditional enforcement authority to ensure compliance. Drug user fees will also be used to review and implement the program.

The bill formalizes and makes mandatory what is now only informal and voluntary. Our intent is not to change the standards for approving drugs, but to see that the FDA has the ability to identify, assess, and manage risks as they become known. Better risk management will mean that drugs with special benefits for some patients will remain available, despite serious risks for other patients, because FDA can better identify the risks and manage them.

The bill helps to improve drug safety in other ways as well. The Reagan-Udall Institute for Applied Biomedical Research will be a new public-private partnership at the FDA to advance the agency's critical path initiative. The initiative is intended to improve the science of developing, manufacturing, and evaluating the safety and effectiveness of drugs, biologics, medical devices, and diagnostics.

The Institute will be supported by Federal funds and by contributions from the pharmaceutical and device industries. Philanthropic organizations will be able to supplement Federal support. The institute will have a board of directors and an executive director, and will report to Congress annually on its operations.

The bill will also expand the public database at NIH to encourage more patients to enroll in clinical trials of drugs. The database will build on the current systems and would include late phase II, phase III, and all phase IV clinical trials for all drugs.

A second, publicly available database would include the results of phase III and phase IV clinical trials of drugs, with the possibility that late phase II trials would be added later. Posting of results could be delayed for up to 2 years, pending the approval of the drug or the publication of trial results in a peer- reviewed journal.

The public needs to know about the results of clinical trials on drugs. Tragically, such information was not adequately available for the clinical studies of antidepressants in children.

Posting information in the clinical trials registry and the clinical trials results database will be requirements for federal research funding and for drug review and approval by the FDA. Both the FDA and other appropriate offices in the Department of Health and Human Services will review the content of submissions to the results database to ensure they are truthful and nonpromotional. These Federal requirements will preempt State requirements for clinical trial databases.

Finally, the bill will improve FDA's process for screening advisory committee members for financial conflicts of interest. The agency relies on advisory committees to provide independent, expert, nonbinding recommendations on significant issues. Ideally, committee members should be free of any financial ties to the companies affected by an issue before a committee. But at times, there may be no individual without financial ties to such companies—for example, when the issue involves a rare disease or a cutting edge medical technology. In these cases, the FDA must be able to grant a waiver to allow an individual with essential expertise to serve on the committee. The bill will require the agency to seek qualified experts with minimal conflicts, clarify how it makes waiver decisions, and disclose those decisions at least 15 days before a committee meeting.

Our bill is a comprehensive response to drug safety and other important issues involving prescription drugs and other medical technologies. I commend Chairman ENZI and his dedicated staff—especially Amy Muhlberg—for working closely with us on this proposal, and I urge our colleagues to support it.

By Mr. KERRY (for himself and Ms. SNOWE):

S. 485. A bill to amend the Clean Air Act to establish an economy-wide global warming pollution emission cap-and-trade program to assist the economy in transitioning to new clean energy technologies, to protect employees and affected communities, to protect companies and consumers from significant increases in energy costs, and for other purposes; to the Committee on Finance.

Ms. SNOWE. Mr. President, I rise today to support the Global Warming Reduction Act of 2007. Senator KERRY and I are here today offering this legislation because the issue of global warming is no longer seriously open to skepticism. The preponderance of peer-reviewed scientific evidence is irrefutable and the cost of inaction incalculable. It is no longer a question of science—it is now a question of political will.

I believe our bill offers a means by which anyone who is honestly committed to addressing global warming can vote to improve our environmental future while preserving our economy. We call for 65 percent reductions of greenhouse gas emissions by 2050 for all major sectors of our society, and starting in 2010, we put these called-for emissions reductions on a downward glide path to make the reductions realistic yet aggressive. It takes a forward-looking, comprehensive, science-based approach to tackling this issue without putting a stranglehold on our economy. This is the right course at the right cost.

While Congress fiddles, alpine glaciers and polar ice caps millions of years old are melting. Sea levels are rising globally. Manmade carbon dioxide levels and the average global temperature have increased at unprecedented levels over the past century—and are projected to increase up to 8.1 degrees Fahrenheit in the next 100 years. Meanwhile, the CO_2 we continue to release today while we await meaningful action will remain in the atmosphere for at least a century—with concentrations rising in the coming decades. Just think—CO_2 emissions from Henry Ford's very first car are still in the atmosphere. Clearly, we can't afford to wait any longer.

And it's not as though we aren't literally catapulting toward a consensus on at least the existence of the problem. We have a Federal agency, NOAA, reporting that 2006 was the warmest year since regular temperature records began in 1895 and the past nine years have been among the 25 warmest years on record for the contiguous U.S. Even though the President announced no new direct climate policy changes, he did state in his most recent State of the Union Address that we must confront the serious challenge of global climate change.

Just last week, a coalition of ten major U.S. companies came together to form the U.S. Climate Action Partnership—Alcoa, BP America, Caterpillar, Duke Energy, DuPont, General Electric, FPL Group, Lehman Brothers, PG&E, and PNM Resources all have advocated for a mandatory carbon cap-and-trade system—as our bill provides. Even ExxonMobil, long skeptical on anthropogenic global warming, recently saw its CEO state that "the risk [of climate change] is so great that it justifies taking action."

Two years ago, I became co-chair of the International Climate Change Taskforce, comprised of respected scientists, business leaders, and elected officials from eight industrialized and developing nations. The first and significant recommendation we published was to prevent global temperatures from rising above 3.6 degrees Fahrenheit in the next century—because science suggests that beyond this temperature increase there is a tipping point—a possible abrupt climate change that would have a catastrophic effect on our ecosystems and our society.

This bill would prevent us from reaching that tipping point with a required 65 percent reduction in CO_2 emissions by 2050—a figure that is both rigorous and realistic. And it does so by both instituting the successful California emissions standards that have already been embraced by other States—including seven northeastern States like my home State of Maine—and that provide industry with predictability and uniformity . . . and also putting in place a flexible but mandatory carbon "cap and trade" system that uses the power of the "invisible hand" to reduce emissions more cost-effectively for businesses.

And to encourage greater investment in renewable energy, we also call for 20 percent of America's electricity to come from renewable sources by 2020. But at the same time we provide incentives for advanced technologies so that existing industries can actually make investments into cleaner infrastructure.

Moreover, with the U.S. comprising only four percent of the world's population yet emitting 20 percent of the world's carbon dioxide, we think it's time our response to this crisis become proportional to our nation's contribution to the problem. And that's why our bill also urges the U.S. to return to the international negotiating table.

Global warming is a comprehensive problem that demands the kind of comprehensive approach our bill provides—with measures to minimize the effects on our communities and our ecosystems that other bills acknowledge are inevitable but do not address. Ours is the only climate bill to be introduced that calls for research to assess the vulnerability of coral reefs to increased CO_2 deposits, and of marine organisms throughout the marine food web. Our bill also calls for the creation of a "vulnerability scorecard" to provide communities with a yardstick for them to measure the potential impact of climate change and make informed decisions to minimize the impact.

In the end, government leaders should make no mistake—the public understands the severity of the risk of inaction on this crucial issue, with half of voters reporting in a recent Zogby poll that concerns about global warming made a difference in who they voted for and 58 percent said that combating global warming should be a high priority. So the truth is that elected officials ignore the public's concerns with global warming at their own peril—just as we ignore the danger to the detriment of our children and future generations.

The opportunity to stop, and ultimately reverse, global climate change is not open-ended. The clock is ticking . . . and the cost of inaction continues to escalate. We recognize the major cause of global warming and we understand what a solution requires. Now we are compelled to muster the political will to make it happen—and the Kerry-Snowe bill provides a reasonable yet vigorous path to follow. Thank you.

By Mr. KENNEDY (for himself, Mr. DURBIN, Mrs. CLINTON, Mr. HARKIN, Mr. ROCKEFELLER, Mr. KERRY, and Mr. SCHUMER):

S. 486. A bill to establish requirements for lenders and institutions of higher education in order to protect students and other borrowers receiving educational loans; to the Committee on Health, Education, Labor, and Pensions.

Mr. KENNEDY. Mr. President, it's a privilege to join my colleague, Senator DURBIN, in introducing the Student Loan Sunshine Act, to provide greater support for students and families across America who are struggling with great difficulty to pay for college.

Over the past 20 years, the cost of attending college has doubled. Today, the average cost of attendance at a 4-year public college is almost $13,000. As a result, students and families are going deeper and deeper into debt to finance the cost of higher education. In 1993, fewer than a third of students at four-year colleges graduated with debt to pay on their student loans. Today that number has doubled. Two-thirds of students now graduate with student loan debt.

The average debt load has soared as well. In the past decade, it has increased by 57 percent at public colleges and 38 percent at private colleges. Today, the typical graduate leaves college saddled with $17,000 in student loans.

Nowhere has this growth been more pronounced than in private student loans. Until recently, most students who borrowed for college took out loans under the Direct Loan program and the Federal Family Education Loan program—the two main student loan programs subsidized by the Federal Government.

With the cost of college rising rapidly and grant aid stagnating, however, more and more students are turning to the private loan sector and are taking out so-called "alternative loans"—private loans that lenders offer through colleges and universities. Students are also borrowing increasingly from direct-to-consumer education lenders, which include giant lenders such as Sallie Mae that also participate in the FFEL program, as well as other companies that just offer private-market loans, such as Loan to Learn.

A decade ago, private loans accounted for only 3 percent of all funds used to finance students' post-secondary education. Since then, the volume of private loans has grown by an astronomical 1200 percent. Today, private loans now total $17 billion, and represent 20 percent of all borrowing for higher education.

Many lenders making these private loans claim they're providing an important service. They say that at a time when college prices are rising rapidly, they provide needed funds to help students pay for college.

What they won't tell you is the exorbitant cost that countless students are paying for these loans. Unlike loans offered through the federal programs, private loans frequently carry much higher interest rates, especially for students without credit histories and families without strong credit ratings. In some cases, the interest rates on private loans may be as high as 19 percent a year, compared to 6.8 percent for loans offered through the FFEL and Direct Loan programs.

The lenders also don't tell you about the aggressive tactics they use to persuade colleges to offer private loans to their students—and to persuade students to borrow directly as well.

The private company Student Loan Xpress has offered 100 percent loan approval at colleges if the college agrees to "brand" the private loan with the college's name and emblem—making the loan appear to be offered by the college, not the private lender.

Other private loan companies encourage borrowers not to fill out the Free Application for Federal Student Aid, which allows borrowers to obtain loans at lower interest rates. They don't prominently disclose the fact that their interest rates are typically much higher.

Some lenders make gifts to college and university employees. Loan to Learn invited college officials and their spouses to an all-expenses paid "education conference" in the West Indies. Many lenders who participate in the FFEL program offer similar "educational conferences" at fancy hotels, and offer free entertainment and tickets to sporting events to college officials. The Attorney General in New York State has opened an investigation into such practices and is looking into the practices of six lenders, including Sallie Mae, Nelnet, and Educap, the corporate name of Loan to Learn.

We need to take immediate steps to stop actions that prevent students from obtaining the best loan agreement possible. That is what the Student Loan Sunshine Act does.

First and foremost, it is a consumer protection measure. It will protect student and parent borrowers by ending the inappropriate lender practices I've just mentioned.

It prohibits lenders from offering to a college employee any gift worth more than $10, including free or discounted trips, meals, invitations to entertainment events or other form of hospitality.

It prohibits lenders from offering services to financial aid offices that create a conflict of interest, such as lending staff during peak loan processing times. It also prohibits lenders from "branding" their loans with a college name, emblem, or logo.

The Sunshine Act also arms students and parents with the information they need to make wise decisions when they borrow funds for higher education.

The Act requires lenders to report any special arrangements they have with colleges to make such loans, and it ensures that this information is conveyed to borrowers.

It requires the Secretary of Education, together with members of the higher education community and students, to develop a clear, easy-to-use model format for reporting the terms and conditions of student loans, similar to the APR disclosure required for other types of loans.

If a college creates a "preferred lender" list, the Act requires the college to disclose clearly and fully why it has identified a lender as a preferred lender. Schools must also include at least three nonaffiliated lenders on the list, so that students have a real choice. Finally, the Sunshine Act also addresses the fast-growing direct-to-consumer educational loan market. It offers new protections for students who take out direct-to-consumer loans, so they don't borrow more than is necessary to pay for their college education.

The Act requires all lenders of direct-to-consumer private educational loans to state clearly and prominently that borrowers may qualify for low-interest loans through the Federal Government's loan programs. It also requires lenders to clearly disclose the terms and conditions of the loans they're offering, including any hidden fees, as well as any complaints against the lender that have been filed by consumer agencies such as the Better Business Bureau or the state attorney general's office.

Before a direct-to-consumer lender can offer an education loan of more than $1000, the Act requires the lender to notify the borrower's college of the amount of the proposed loan, so that the school can advise the borrower whether the loan exceeds what's necessary to cover the student's cost of attendance after other aid sources are factored in.

Students deserve the best loan advice possible from financial aid officers and the best deal from lenders. They have the right to exhaust their federal loan eligibility before turning to more expensive private lenders for aid.

Going to college is a lifetime investment, but paying for college is a heavy burden for too many families. As the private student loan market continues to grow, it's our responsibility to protect students from exploitation in that market.

I thank the bill's cosponsors, and I urge my colleagues to support this bill as well. It's time we put students first, and the Student Loan Sunshine Act takes important steps to do just that.

I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 486

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Student Loan Sunshine Act".

SEC. 2. INSTITUTION AND LENDER REPORTING AND DISCLOSURE REQUIREMENTS.

Title I of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.) is amended by adding at the end the following:

"PART E—LENDER AND INSTITUTION REQUIREMENTS RELATING TO EDUCATIONAL LOANS

"SEC. 151. DEFINITIONS.

"In this part:

"(1) COVERED INSTITUTION.—The term 'covered institution'—

"(A) means any educational institution that offers a postsecondary educational degree, certificate, or program of study (including any institution of higher education, as such term is defined in section 102) and receives any Federal funding or assistance; and

"(B) includes an agent of the educational institution (including an alumni association, booster club, or other organization directly or indirectly associated with such institution) or employee of such institution.

"(2) EDUCATIONAL LOAN.—The term 'educational loan' (except when used as part of the term 'private educational loan') means—

"(A) any loan made, insured, or guaranteed under title IV; or

"(B) a private educational loan (as defined in paragraph (5)).

"(3) EDUCATIONAL LOAN ARRANGEMENT.—

"The term 'educational loan arrangement' means an arrangement or agreement between a lender and a covered institution—

"(A) under which arrangement or agreement a lender provides or otherwise issues educational loans to the students attending the covered institution or the parents of such students; and

"(B) which arrangement or agreement—

"(i) relates to the covered institution recommending, promoting, endorsing, or using the loan product of the lender; and

"(ii) involves the payment of any fee or provision of other material benefit by the lender to the institution or to groups of students who attend the institution.

"(4) LENDER.—

"(A) IN GENERAL.—The term 'lender'—

"(i) means a creditor, except that such term shall not include an issuer of credit under a residential mortgage transaction; and

"(ii) includes an agent of a lender.

"(B) INCORPORATION OF TILA DEFINITIONS.—The terms 'creditor' and 'residential mortgage transaction' have the meanings given such terms in section 103 of the Truth in Lending Act (15 U.S.C. 1602).

"(5) PRIVATE EDUCATIONAL LOAN.—The term 'private educational loan' means a private loan provided by a lender that—

"(A) is not made, insured, or guaranteed under title IV; and

"(B) is issued by a lender for postsecondary educational expenses to a student, or the parent of the student, regardless of whether the loan is provided through the educational institution that the student attends or directly to the student or parent from the lender.

"(6) POSTSECONDARY EDUCATIONAL EXPENSES.—The term 'postsecondary educational expenses' means any of the expenses that are included as part of a student's cost of attendance, as defined under section 472.

"SEC. 152. REQUIREMENTS FOR LENDERS AND INSTITUTIONS PARTICIPATING IN EDUCATIONAL LOAN ARRANGEMENTS.

"(a) REPORTING FOR LENDERS.—In addition to any other disclosure required under Federal law, each lender that participates in 1 or more educational loan arrangements shall prepare and submit to the Secretary (at a time to be determined by the Secretary) an annual report that includes, with respect to each educational loan arrangement, the following:

"(1) The date on which the arrangement was entered into and the period for which the arrangement applies.

"(2) A summary of the terms of the arrangement related to the marketing, recommending, endorsing, or use of, the loans.

"(3) The full details of any aspect of the arrangement relating to the covered institution issuing loans and the lender (or a financial partner of the lender) servicing or purchasing such loans.

"(4) A summary of any direct or indirect benefit provided or paid to any party in connection with the arrangement.

"(b) PROVISION OF LOAN INFORMATION.—A lender may not provide a private educational loan to a student attending a covered institution with which the lender has an educational loan arrangement, or the parent of such student, until the covered institution has informed the student or parent of their remaining options for borrowing under title IV, including information on any terms and conditions of available loans under such title that are more favorable to the borrower.

"(c) USE OF INSTITUTION NAME.—

"(1) IN GENERAL.—A covered institution that has entered into an educational loan arrangement with a lender regarding private educational loans shall not allow the lender to use the name, emblem, mascot, or logo of the institution, or other words, pictures, or symbols readily identified with the institution, in the marketing of private educational loans to the students attending the institution in any way that implies that the institution endorses the private educational loans offered by the lender.

"(2) APPLICABILITY.—Paragraph (1) shall apply to any educational loan arrangement, or extension of such arrangement, entered into or renewed after the date of enactment of the Student Loan Sunshine Act.

"SEC. 153. INTEREST RATE REPORT FOR INSTITUTIONS AND LENDERS PARTICIPATING IN EDUCATIONAL LOAN ARRANGEMENTS.

"(a) SECRETARY DUTIES.—

"(1) REPORT AND MODEL FORMAT.—Not later than 180 days after the date of enactment of the Student Loan Sunshine Act, the Secretary shall—

"(A) prepare a report on the adequacy of the information provided to students and the parents of such students about educational loans (including loans made, insured, or guaranteed under title IV and private educational loans), after consulting with students, representatives of covered institutions (including financial aid administrators, registrars, and business officers), lenders (including lenders of private educational loans), loan servicers, and guaranty agencies;

"(B) include in the report a model format, based on the report's findings, to be used by lenders and covered institutions in carrying out subsections (b) and (c)—

"(i) that provides information on the applicable interest rates and other terms and conditions of the educational loans provided by a lender to students attending the institution, or the parents of such students, disaggregated by each type of educational loans provided to such students or parents by the lender, including—

"(I) the interest rate and terms and conditions of the loans offered by the lender for the upcoming academic year;

"(II) with respect to such loans, any benefits that are contingent on the repayment behavior of the borrower;

"(III) the annual percentage rate for such loans, based on the actual disbursed amount of the loan;

"(IV) the average amount borrowed from the lender by students enrolled in the institution who obtain loans of such type from the lender for the preceding academic year; and

"(V) the average interest rate on such loans provided to such students for the preceding academic year; and

"(ii) which format shall be easily usable by lenders, institutions, guaranty agencies, and loan servicers; and

"(C)(i) submit the report and model format to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and Labor of the House of Representatives; and

"(ii) make the report and model format available to covered institutions, lenders, and the public.

"(2) FORMAT UPDATE.—Not later than 1 year after the submission of the report and model format described in paragraph (1), the Secretary shall—

"(A) assess the adequacy of the model format included in the report;

"(B) after consulting with students, representatives of covered institutions (including financial aid administrators, registrars, and business officers), lenders (including lenders of private educational loans), loan servicers, and guaranty agencies—

"(i) prepare a list of any improvements to the model format that have been identified as beneficial to borrowers; and

"(ii) update the model format after taking such improvements into consideration; and

"(C)(i) submit the list of improvements and updated model format to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and Labor of the House of Representatives; and

"(ii) make the list of improvements and updated model format available to covered institutions, lenders, and the public.

"(3) USE OF FORM.—The Secretary shall take such steps as necessary to make the model format, and any updated model format, available to covered institutions and to encourage—

"(A) lenders subject to subsection (b) to use the model format or updated model format (if available) in providing the information required under subsection (b); and

"(B) covered institutions to use such format in preparing the information report under subsection (c).

"(b) LENDER DUTIES.—Each lender that has an educational loan arrangement with a covered institution shall annually, by a date determined by the Secretary, provide to the covered institution and to the Secretary the information included on the model format or an updated model format (if available) for each type of educational loan provided by the lender to students attending the covered institution, or the parents of such students, for the preceding academic year.

"(c) COVERED INSTITUTION DUTIES.—Each covered institution shall—

"(1) prepare and submit to the Secretary an annual report, by a date determined by the Secretary, that includes, for each lender that has an educational loan arrangement with the covered institution and that has submitted to the institution the information required under subsection (b)—

"(A) the information included on the model format or updated model format (if available) for each type of educational loan provided by the lender to students attending the covered institution, or the parents of such students; and

"(B) a detailed explanation of why the covered institution believes the terms and conditions of each type of educational loan provided pursuant to the agreement are beneficial for students attending the covered institution, or the parents of such students; and

"(2) ensure that the report required under paragraph (1) is made available to the public and provided to students attending or planning to attend the covered institution, and the parents of such students, in time for the student or parent to take such information into account before applying for or selecting an educational loan.

"SEC. 154. PRIVATE EDUCATIONAL LOAN DISCLOSURE REQUIREMENTS FOR COVERED INSTITUTIONS.

"A covered institution that provides information to any student, or the parent of such student, regarding a private educational loan from a lender shall, prior to or concurrent with such information—

"(1) inform the student or parent of—

"(A) the student or parent's eligibility for assistance and loans under title IV; and

"(B) the terms and conditions of such private educational loan that are less favorable than the terms and conditions of educational loans for which the student or parent is eligible, including interest rates, repayment options, and loan forgiveness; and

"(2) ensure that information regarding such private educational loans is presented in such a manner as to be distinct from information regarding loans that are made, insured, or guaranteed under title IV.

"SEC. 155. GIFT BAN FOR EMPLOYEES OF INSTITUTIONS.

"(a) GIFT BAN.—A lender or guarantor of educational loans shall not offer any gift to an employee or agent of a covered institution.

"(b) REPORTS OF GIFT BAN VIOLATIONS.—

"(1) EMPLOYEE REPORT.—Each employee or agent of a covered institution shall report to the Inspector General of the Department of Education any instance of a lender or guarantor of educational loans (including an agent of the lender or guarantor) that attempts to give a gift to the employee or agent in violation of subsection (a).

"(2) INSPECTOR GENERAL REPORT.—The Inspector General of the Department of Education shall investigate any reported violation of this subsection and shall annually submit a report to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and Labor of the House of Representatives identifying all reported violations of the gift ban under subsection (a), including the lenders involved in each such violation, for the preceding year.

"(c) DEFINITION OF GIFT.—

"(1) IN GENERAL.—In this section, the term 'gift' means any gratuity, favor, discount, entertainment, hospitality, loan, or other item having a monetary value of more than $10. The term includes a gift of services, transportation, lodging, or meals, whether provided in kind, by purchase of a ticket, payment in advance, or reimbursement after the expense has been incurred.

"(2) EXCEPTIONS.—The term 'gift' shall not include any of the following:

"(A) Standard informational material related to a loan, such as a brochure.

"(B) Food, refreshments, training, or informational material furnished to an employee or agent of an institution as an integral part of a training session or through participation in an advisory council that is designed to improve the lender's service to the covered institution, if such training or participation contributes to the professional development of the employee or agent of the institution.

"(C) Favorable terms, conditions, and borrower benefits on an educational loan provided to a student employed by the covered institution.

“(3) Rule for Gifts to Family Members.—For purposes of this section, a gift to a family member of an employee or an agent of a covered institution, or a gift to any other individual based on that individual's relationship with the employee or agent, shall be considered a gift to the employee or agent if—

“(A) the gift is given with the knowledge and acquiescence of the employee or agent; and

“(B) the employee or agent has reason to believe the gift was given because of the official position of the employee or agent.

“SEC. 156. COMPLIANCE AND ENFORCEMENT.

“(a) Condition of Any Federal Assistance.—Notwithstanding any other provision of law, a covered institution or lender shall comply with this part as a condition of receiving Federal funds or assistance provided after the date of enactment of the Student Loan Sunshine Act.

“(b) Penalties.—Notwithstanding any other provision of law, if the Secretary determines, after providing notice and an opportunity for a hearing for a covered institution or lender, that the covered institution or lender has violated subsection (a)—

“(1) in the case of a covered institution, or a lender that does not participate in a loan program under title IV, the Secretary may impose a civil penalty in an amount of not more than $25,000; and

“(2) in the case of a lender that does participate in a program under title IV, the Secretary may limit, terminate or suspend the lender's participation in such program.

“(c) Considerations.—In taking any action against a covered institution or lender under subsection (b), the Secretary shall take into consideration the nature and severity of the violation of subsection (a).

“SEC. 157. GAO STUDY AND REPORTS.

“(a) Study.—The Comptroller General of the United States shall conduct a study on—

“(1) the gifts or financial or other material benefits that are provided by lenders to covered institutions to secure, or as part of an effort to secure, the covered institutions' educational loan business;

“(2) the extent to which lenders issuing private educational loans may be inappropriately using inducements to secure, or as part of an effort to secure, educational loan arrangements with covered institutions; and

“(3) whether educational loans made to students attending a covered institution in connection with an educational loan arrangement, and private educational loans made directly to students, provide competitive interest rates, terms, and conditions to students who obtain such loans.

“(b) Reports.—The Comptroller General of the United States shall—

“(1) not later than 1 year after the date of enactment of the Student Loan Sunshine Act, submit to Congress a preliminary report regarding the findings of the study described in subsection (a); and

“(2) not later than 2 years after such date of enactment, submit to Congress a final report regarding such findings.”.

SEC. 3. PROGRAM PARTICIPATION AGREEMENTS.

Section 487(a) of the Higher Education Act of 1965 (20 U.S.C. 1094(a)) is amended by adding at the end the following:

“(24)(A) In the case of an institution (including an employee or agent of an institution) that maintains a preferred lender list, in print or any other medium, through which the institution recommends 1 or more specific lenders for loans made under part B to the students attending the institution (or the parents of such students), the institution will—

“(i) clearly and fully disclose on the preferred lender list—

“(I) why the institution has included each lender as a preferred lender, especially with respect to terms and conditions favorable to the borrower; and

“(II) that the students attending the institution (or the parents of such students) do not have to borrow from a lender on the preferred lender list;

“(ii) ensure, through the use of the list provided by the Secretary under subparagraph (C), that—

“(I) there are not less than 3 lenders named on the preferred lending list that are not affiliates of each other; and

“(II) the preferred lender list—

“(aa) specifically indicates, for each lender on the list, whether the lender is or is not an affiliate of each other lender on the list; and

“(bb) if the lender is an affiliate of another lender on the list, describes the specifics of such affiliation; and

“(iii) establish a process to ensure that lenders are placed upon the preferred lender list on the basis of the benefits provided to borrowers, including —

“(I) highly competitive interest rates, terms, or conditions for loans made under part B;

“(II) high-quality servicing for such loans; or

“(III) additional benefits beyond the standard terms and conditions for such loans.

“(B) For the purposes of subparagraph (A)(ii)—

“(i) the term ‘affiliate’ means a person that controls, is controlled by, or is under common control with another person; and

“(ii) a person has control over another person if—

“(I) the person directly or indirectly, or acting through 1 or more others, owns, controls, or has the power to vote 5 percent or more of any class of voting securities of such other person;

“(II) the person controls, in any manner, the election of a majority of the directors or trustees of such other person; or

“(III) the Secretary determines (after notice and opportunity for a hearing) that the person directly or indirectly exercises a controlling interest over the management or policies of such other person.

“(C) The Secretary shall maintain and update a list of lender affiliates of all eligible lenders, and shall provide such list to the eligible institutions for use in carrying out subparagraph (A).”.

SEC. 4. NOTICE OF AVAILABILITY OF FUNDS FROM FEDERAL SOURCES.

Section 128 of the Truth in Lending Act (15 U.S.C. 1638) is amended by adding at the end the following:

“(e) Disclosures Relating to Private Educational Loans.—

“(1) In general.—In the case of an extension of credit that is a private educational loan, other than a residential mortgage transaction, the creditor shall provide in every application for such extensions of credit and together with any solicitation, marketing, or advertisement of such extensions of credit, written, electronic, or otherwise, the disclosures described in paragraph (2).

“(2) Disclosures.—Disclosures required by this subsection shall include a clear and prominent statement—

“(A) that the borrower may qualify for Federal financial assistance through a program under title IV of the Higher Education Act of 1965, in lieu of or in addition to a loan from a non-Federal source;

“(B) of the interest rates available with respect to such Federal financial assistance;

“(C) describing how the applicable interest rate is determined, including whether it is based on the credit score of the borrower;

“(D) showing sample loan costs, disaggregated by type;

“(E) of the types of repayment plans that are available;

“(F) of whether, and under what conditions, early repayment may be made without penalty;

“(G) of when and how often the loan would be recapitalized;

“(H) describing all fees, deferments, or forbearance;

“(I) describing all available repayment benefits, and the percentage of all borrowers who qualify for such benefits;

“(J) describing collection practices in the case of default;

“(K) describing late payment penalties and associated fees;

“(L) of any complaints (and their resolution) filed with any State or private consumer protection agency (including the Better Business Bureau); and

“(M) such other information as the Board may require.

“(3) Provision of information.—Before a creditor may issue any funds with respect to an extension of credit described in paragraph (1) for an amount equal to more than $1,000—

“(A) the creditor shall notify the relevant postsecondary educational institution, in writing, of the proposed extension of credit and the amount thereof; and

“(B) if such relevant institution is a covered institution, the institution shall, in an expedient manner, notify the prospective borrower, in accordance with procedures established by rule of the Board, whether and to what extent the proposed extension of credit exceeds the cost of attendance (as defined in section 472 of the Higher Education Act of 1965) for the student at that institution, after consideration of the Federal and State grant and loan aid and institutional aid that the student has or is eligible to receive.

“(4) Regulatory authority.—The Board—

“(A) shall issue such rules and regulations as may be necessary to implement this subsection; and

“(B) may, by rule, establish appropriate exceptions to the disclosures required by this subsection.

“(5) Definitions.—As used in this subsection, the terms ‘private educational loan’ and ‘covered institution’ have the same meanings as in section 151 of the Higher Education Act of 1965.”.

Mr. DURBIN. Mr. President, I rise today to urge my colleagues to support the Kennedy-Durbin “Student Loan Sunshine Act.”

There is no question that having a college education is essential in today's job market. Over the course of a lifetime, a college graduate will earn over $1 million more than those with only a high school diploma.

In addition to the individual benefits of a college education, investing in and producing more college-educated Americans is vital to our nation's growth. Economists estimate that the increase in the education level of the United States labor force between 1915 and 1999 directly resulted in at least 23 percent of the overall growth in U.S. productivity.

However, paying for college is becoming increasingly difficult for students and their families. Tuition at four-year public institutions rose by 42 percent in the last five years, and more and more students are leaving college saddled with ever increasing debt burdens. According to the U.S. Department of Education, the average student debt has increased by more than 50 percent over the last decade. In 2004, college students graduated with an average of $17,400 in federal student loan debt, almost 45 percent more than students who graduated in 1993. When private loans are factored in, the average debt increases to more than $19,000.

As students and their families struggle to find ways to pay for higher education, more and more are forced to turn to private student loans in order to close the gap. Because these loans are not guaranteed or subsidized by the government, they often carry much higher interest rates.

According to The College Board, private student loans are now a $17.3 billion industry. Between the 2000–2001 and 2005–2006 school years, private student loans grew at an average annual rate of 27 percent, after adjusting for inflation.

As more students begin to rely on private student loans to help pay for college, some lenders and colleges are engaging in practices that do not appear to be in the best interests of the students. An article published in The New York Times revealed examples of incentives offered to colleges by student loan companies in order to be placed on a college's "preferred lender" list.

An example cited in the article included an all-expense paid trip to the Caribbean for university officials and their spouses to attend an education "summit" held at a luxury five-star beachfront resort. Between symposiums, forums and roundtable discussions on the importance of addressing the cost of higher education, guests could enjoy complimentary water and beach sports such as snorkeling, sailing, kayaking, sailboarding and volleyball as well as access to an 18-hole championship golf course, a 10-court tennis complex, two beachfront pools and a luxury spa. News of the trip garnered such a negative response from the public that the sponsor of the trip, Loan to Learn, ultimately cancelled the trip. Aside from all-expense paid trips, other examples of incentives include iPods that were given away at a financial aid administrators meeting and bonuses that are based on how much students borrow.

Colleges and universities should not be enticed to select "preferred lenders" or take other actions related to the student loan program on the basis of factors that are irrelevant, or at best ancillary, to the primary interests of the students.

The Student Loan Sunshine Act protects students and parents from potential exploitation by private student loan lenders and lenders that offer gifts to schools as a way to acquire the school's loan business. It ensures that students and their families have all the facts and can feel confident that they're receiving the best deal on their college loan.

First, this bill puts a stop to inappropriate lender practices. Lenders are prohibited from offering any gift over $10 to employees of a university, including free trips, meals, and tickets to entertainment events. Lenders are no longer allowed to offer services to a financial aid office that create a conflict of interest such as lending staff during peak loan processing times, printing literature for the financial aid office and e-mailing students on behalf of the financial aid office.

Second, the Act provides students and their families access to information about preferred lender lists, special arrangements between lenders and colleges and terms and conditions of loans. A school's preferred lender list must include at least three lenders that are independent from each other, clearly disclose why a lender was identified as a preferred lender, and clearly state that students and parents may take out a student loan with a lender that is not on their school's preferred lender list. This requirement is needed because in some instances, a school's preferred lender list may include what appear to be five different lenders; however, four of the five lenders may turn out to be subsidiaries of a single company. Lenders are required to report to the Secretary of Education any special arrangement they have with colleges to make loans to the students at a school including the terms of the arrangement and any benefit provided to the school in connection with the loan arrangement. In addition, the Act requires the Secretary of Education, along with the higher education community and students, to develop an easy-to-understand form for reporting the terms and conditions of student loans—similar to an APR disclosure.

Finally, the Act encourages students to maximize their borrowing options through the government's loan programs before obtaining private loans with higher interest rates and discourages over-borrowing through direct-to-consumer education loans. Some companies fail to clearly disclose that their private educational loans typically carry a higher interest rate and even encourage students not to complete the Free Application for Federal Student Aid form, which allows students to borrow low-interest educational loans. The Act requires all direct-to-consumer lenders to clearly disclose to students certain information such as: the fact that the student may be eligible for low-interest student loans through the federal government, how the interest rate is determined, any and all fees, and whether any complaints have been filed against the lender. Additionally, the Act puts in place provisions that will ensure that before a student obtains an educational loan through a direct-to-consumer lender, the student is informed of their loan options through the federal government and whether the loan will cause the student to exceed what is necessary to cover the student's cost of attendance.

These requirements are simply meant to ensure that as students are about to sign on the dotted line and accept what will likely be one of the largest debts they will incur in their lives, they have the information they need to make an informed decision and some assurance that their school has only their best interests in mind—not visions of the Caribbean or the latest iPod. We must not look away and allow them to be taken advantage of at one of the most critical points in their lives. I urge my colleagues to support this important legislation.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 64—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON FOREIGN RELATIONS

Mr. BIDEN submitted the following resolution; from the Committee on Foreign Relations; which was referred to the Committee on Rules and Administration:

S. Res. 64

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Foreign Relations is authorized from March 1, 2007, through September 30, 2007; October 1, 2007, through September 30, 2008; and October 1, 2008, through February 28, 2009, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or non-reimbursable basis the services of personnel of any such department or agency.

Sec. 2(a). The expenses of the committee for the period March 1, 2007, through September 30, 2007, under this resolution shall not exceed $3,469,450, of which amount (1) not to exceed $100,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $20,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(b) For the period October 1, 2007, through September 30, 2008, expenses of the committee under this resolution shall not exceed

$6,071,938, of which amount (1) not to exceed $100,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $20,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(c) For the period October 1, 2008, through February 28, 2009, expenses of the committee under this resolution shall not exceed $2,575,710, of which amount (1) not to exceed $100,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $20,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC 3. The Committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2009.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required (1) for the disbursement of salaries of employees paid at an annual rate, or (2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (6) for the payment of Senate Recording and Photographic Services, or (7) for payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 2007, through September 30, 2007; October 1, 2007, through September 30, 2008; and October 1, 2008, through February 28, 2009, to be paid from the Appropriations account for "Expenses of Inquiries and Investigations."

SENATE RESOLUTION 65—CONDEMNING THE MURDER OF TURKISH-ARMENIAN JOURNALIST AND HUMAN RIGHTS ADVOCATE HRANT DINK AND URGING THE PEOPLE OF TURKEY TO HONOR HIS LEGACY OF TOLERANCE

Mr. BIDEN submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 65

Whereas Hrant Dink was a respected, eloquent advocate for press freedom, human rights, and reconciliation;

Whereas, in 1996, Mr. Dink founded the weekly bilingual newspaper Agos and, as the paper's editor in chief, used the paper to provide a voice for Turkey's Armenian community;

Whereas Mr. Dink was a strong proponent of rapprochement between Turks and Armenians and worked diligently to improve relations between those communities;

Whereas Mr. Dink's commitment to democratic values, nonviolence, and freedom in the media earned him widespread recognition and numerous international awards;

Whereas Mr. Dink was prosecuted under Article 301 of the Turkish Penal Code for speaking about the Armenian Genocide;

Whereas, notwithstanding hundreds of threats to Mr. Dink's life and safety, he remained a steadfast proponent of pluralism and tolerance;

Whereas Mr. Dink was assassinated outside the offices of Agos in Istanbul, Turkey, on January 19, 2007;

Whereas tens of thousands of people in Turkey of many ethnicities protested Mr. Dink's killing and took to the streets throughout the country to honor his memory;

Whereas the Government of Turkey has pledged to undertake a full investigation into the murder of Mr. Dink;

Whereas the Prime Minister of Turkey, Recep Tayyip Erdogan, has stated that when Mr. Dink was shot, "a bullet was fired at freedom of thought and democratic life in Turkey";

Whereas the Foreign Minister of Armenia, Vartan Oskanian, stated that Mr. Dink "lived his life in the belief that there can be understanding, dialogue and peace amongst peoples"; and

Whereas Mr. Dink's tragic death affirmed the importance of promoting the values that he championed in life: Now, therefore, be it

Resolved, That the Senate—

(1) condemns the murder of Hrant Dink as a shameful act of cowardice perpetrated with contempt for law, justice, and decency;

(2) supports the pledge of the Government of Turkey to conduct an exhaustive investigation into the assassination of Mr. Dink and to prosecute those responsible;

(3) urges the Government of Turkey to repeal Article 301 of the Turkish Penal Code and work diligently to foster a more open intellectual environment in the country that is conducive to the free exchange of ideas;

(4) recognizes the decision of the Government of Turkey to invite senior Armenian religious and political figures to participate in memorial services for Mr. Dink;

(5) calls on the Government of Turkey to act in the interest of regional security and prosperity and reestablish full diplomatic, political, and economic relations with the Government of Armenia; and

(6) urges the people of Turkey to honor Mr. Dink's legacy of tolerance.

SENATE RESOLUTION 66—HONORING THE LIFE, ACHIEVEMENTS, AND DISTINGUISHED CAREER OF THE REVEREND ROBERT F. DRINAN, S.J.

Mr. KERRY (for himself, Mr. KENNEDY, and Mr. LEAHY) submitted the following resolution; which was considered and agreed to:

S. RES. 66

Whereas the Reverend Robert F. Drinan, S.J. was a talented scholar, who received a bachelor's degree in 1942 and a master's degree in 1947 from Boston College, a bachelor's degree in law in 1949 and a master of law degree in 1951 from Georgetown University, and a doctorate in theology in 1954 from Gregorian University in Rome, Italy;

Whereas Father Drinan entered the Society of Jesus in 1942, completed his seminary work at Weston College in Cambridge, Massachusetts, and was ordained as a Jesuit priest in 1953;

Whereas Father Drinan was an influential educator who served as the Dean of the Boston College Law School from 1956 to 1970 and transformed it into one of the leading educational institutions in the United States;

Whereas Father Drinan was elected in 1970 to represent Massachusetts in the House of Representatives;

Whereas Father Drinan represented Massachusetts in the House of Representatives from 1971 to 1981, the first Roman Catholic priest ever to serve in Congress as a voting Member;

Whereas Father Drinan, during his service in the House of Representatives, was an advocate for social justice, a fighter for civil rights, and a champion in the cause of international human rights;

Whereas Father Drinan drew on his legal expertise to make significant contributions in the areas of copyright law reform, consumer protection, and criminal justice;

Whereas Father Drinan renewed his commitment to education, after his service in Congress, as a professor at Georgetown University Law Center, where he specialized in constitutional law and human rights and taught more than 6,000 students;

Whereas Father Drinan was the founder and faculty adviser to the Georgetown Journal of Legal Ethics and was the author of 12 books on major public policy issues;

Whereas Father Drinan was the recipient of 22 honorary degrees and was a visiting professor at 4 universities;

Whereas Father Drinan's service led the American Bar Association (ABA) to award him the ABA Medal in 2004, the organization's highest honor, given to individuals who make exceptionally distinguished contributions to the jurisprudence of the United States; and

Whereas Father Drinan's lifelong leadership in promoting greater awareness of the importance of international human rights resulted in 2006 in the establishment by the Georgetown University Law Center of an endowed chair in his honor, known as the Robert F. Drinan, S.J. Chair in Human Rights Law: Now, therefore, be it

Resolved, That the Senate—

(1) honors the life, achievements, and distinguished career of the Reverend Robert F. Drinan, S.J.;

(2) offers its appreciation for Father Drinan's devoted work on behalf of the thousands of Massachusetts residents he represented in the House of Representatives and the millions of people worldwide who benefitted from his human rights initiatives; and

(3) expresses its condolences to Father Drinan's family and friends.

SENATE RESOLUTION 67—DESIGNATING MARCH 2007 AS "GO DIRECT MONTH"

Mrs. DOLE submitted the following resolution; which was considered and agreed to:

S. RES. 67

Whereas the Department of the Treasury issued 57,000 checks worth approximately $54,000,000 that were endorsed illegally in 2006;

Whereas the Department of the Treasury receives approximately 1,500,000 inquiries each year regarding problems with paper checks;

Whereas the use of direct deposit has resulted in more than $6,000,000,000 in savings for the Federal Government since 1986;

Whereas more than 12,000,000 social security and other Federal benefit recipients have yet to sign up for direct deposit;

Whereas the United States would generate approximately $120,000,000 in annual savings if all Federal beneficiaries used direct deposit;

Whereas the use of direct deposit is a more secure, reliable, and cost effective method of payment than paper checks because the use of direct deposit—

(1) helps protect against identity theft and fraud;

(2) provides easier access to funds during emergencies and natural disasters; and

(3) provides citizens of the United States with more control over their money;

Whereas the Department of the Treasury and the Federal Reserve Banks have launched "Go Direct", a national campaign organized to encourage the people of the United States to use direct deposit for the receipt of social security and other Federal benefits; and

Whereas, by working with financial institutions, advocacy groups, and community organizations, the sponsors of "Go Direct" are educating the people of the United States about the advantages of using direct deposit and assisting people during the enrollment process: Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of "Go Direct";

(2) designates March 2007 as "Go Direct Month";

(3) commends Federal, State, and local governments, and the private sector, for promoting March as "Go Direct Month"; and

(4) encourages the people of the United States to—

(A) participate in events and awareness initiatives held during the month of March;

(B) become informed about the convenience and safety of direct deposit; and

(C) consider signing up for direct deposit of social security or other Federal benefits.

SENATE RESOLUTION 68—COMMENDING THE MISS AMERICA ORGANIZATION FOR ITS LONGSTANDING COMMITMENT TO QUALITY EDUCATION AND THE CHARACTER OF WOMEN IN THE UNITED STATES

Mr. INHOFE (for himself, Mr. COBURN, and Mr. ISAKSON) submitted the following resolution; which was considered and agreed to:

S. RES. 68

Whereas the Miss America Organization was formed in 1921;

Whereas, in 1945, the organization established a scholarship program to assist young women achieve their personal and professional goals;

Whereas contestants in the Miss America Pageant must first succeed in local and State pageants;

Whereas the 52 young women who participated in the Miss America Pageant showed great poise and accomplishment;

Whereas Lauren Nelson, of Lawton, Oklahoma, was crowned Miss America 2007, the sixth Oklahoman in history and the second in a row;

Whereas Oklahoma now joins only 2 other States in boasting 6 Miss America crowns and 3 other States in holding consecutive crowns; and

Whereas the Senate family is also proud of Kate Michael of Senator Johnny Isakson's office, who represented the District of Columbia in the Miss America Pageant: Now, therefore, be it

Resolved, That the Senate—

(1) commends the Miss America Organization for its longstanding commitment to quality education and the character of women in the United States;

(2) congratulates Miss America 2007, Lauren Nelson of Lawton, Oklahoma, the 80th woman crowned Miss America; and

(3) directs the Secretary of the Senate to transmit a copy of this resolution to Lauren Nelson in care of the Miss America Organization.

SENATE CONCURRENT RESOLUTION 8—EXPRESSING THE SUPPORT OF CONGRESS FOR THE CREATION OF A NATIONAL HURRICANE MUSEUM AND SCIENCE CENTER IN SOUTHWEST LOUISIANA

Mr. VITTER (for himself and Ms. LANDRIEU) submitted the following concurrent resolution; which was referred to the Committee on Commerce, Science, and Transportation:

S. CON. RES. 8

Whereas the Creole Nature Trail All-American Road District Board of Commissioners has begun to create and develop a National Hurricane Museum and Science Center in the southwest Louisiana area;

Whereas protecting, preserving, and showcasing the intrinsic qualities that make Louisiana a one-of-a-kind experience is the mission of the Creole Nature Trail All-American Road;

Whereas the horrific experience and the devastating long-term effects of Hurricanes Katrina and Rita will play a major role in the history of the United States;

Whereas a science center of this caliber will educate and motivate young and old in the fields of meteorology, environmental science, sociology, conservation, economics, history, communications, and engineering;

Whereas it is only appropriate that the effects of hurricanes and the rebuilding efforts be captured in a comprehensive center such as a National Hurricane Museum and Science Center to interpret the effects of hurricanes in and outside of Louisiana; and

Whereas it is critical that the history of past hurricanes be preserved so that all people in the United States can learn from this history: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress supports and encourages the creation of a National Hurricane Museum and Science Center in southwest Louisiana.

AMENDMENTS SUBMITTED AND PROPOSED

SA 229. Mr. REID (for Mr. KERRY (for himself and Ms. SNOWE)) proposed an amendment to the bill H.R. 434, to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958 through July 31, 2007, and for other purposes.

SA 230. Mr. REID (for Mr. KERRY) proposed an amendment to the bill H.R. 434, supra.

TEXT OF AMENDMENTS

SA 229. Mr. REID (for Mr. KERRY (for himself and Ms. SNOWE)) proposed an amendment to the bill H.R. 434, to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958 through July 31, 2007, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. ADDITIONAL TEMPORARY EXTENSION OF AUTHORIZATION OF PROGRAMS UNDER THE SMALL BUSINESS ACT AND THE SMALL BUSINESS INVESTMENT ACT OF 1958.

(a) IN GENERAL.—Section 1 of the Act entitled "An Act to extend temporarily certain authorities of the Small Business Administration", approved October 10, 2006 (Public Law 109-316; 120 Stat. 1742), is amended by striking "February 2, 2007" each place it appears and inserting "July 31, 2007".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on February 2, 2007.

SA 230. Mr. REID (for Mr. KERRY) proposed an amendment to the bill H.R. 434, to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958 through July 31, 2007, and for other purposes; as follows:

Amend the title to read as follows: "An Act to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958 through July 31, 2007, and for other purposes".

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, February 1, 2007, at 9:30 a.m., in open session to consider the nomination of General George W. Casey, Jr., USA, for reappointment to the grade of general and to be Chief of Staff, United States Army.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to hold a hearing during the sessions of the Senate on Thursday, February 1, 2007, at 10 a.m., in room 253 of the Russell Senate Office Building. The purpose of this hearing is to assess the communications marketplace.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to hold a hearing during the session of the Senate on Thursday, February 1, 2007, at 9:30 a.m. in room SD–G50 of the Dirksen Senate Office Building. The purpose of the hearing is to examine accelerated biofuels diversity, focusing on how home-grown, biologically derived fuels can blend into the Nation's transportation fuel mix.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session on Thursday, February 1, 2007, at 10 a.m., in 215 Dirksen Senate Office Building, to hear testimony on "The Future of CHIP: Improving the Health of America's Children".

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, February 1, 2007, at 9:15 a.m., to hold a hearing on Iraq.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Thursday, February 1, 2007, at 9:30 a.m. in Room 485 of the Russell Senate Office Building to conduct a confirmation hearing on the President's nomination of Mr. Carl Joseph Artman, to be Assistant Secretary-Indian Affairs, U.S. Department of the Interior, to be followed immediately by a business meeting to approve the nomination of Mr. Carl Joseph Artman, to be Assistant Secretary—Indian Affairs, U.S. Department of the Interior.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. LEAHY. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on February 1, 2007 at 2:30 p.m. to hold an open hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, THE FEDERAL WORKFORCE, AND THE DISTRICT OF COLUMBIA

Mr. LEAHY. Mr. President, I ask unanimous consent that the Subcommittee on Oversight of Government Management, the Federal Workforce and the District of Columbia be authorized to meet on Thursday, February 1, 2007 at 2:30 p.m. for a hearing entitled, Private Health Records: Privacy Implications of the Federal Government's Health Information Technology Initiative.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. KENNEDY. Madam President, on behalf of Senator INOUYE, I ask unanimous consent that floor privileges be granted for the remainder of the 110th Congress to Rachel A. Armstrong, a detailee from the U.S. Army Nurse Corps, who works alongside his staff on issues pertaining to Labor, Health and Human Services and Education and Defense Appropriations and issues pertaining to the continuing resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXTENSION OF CERTAIN AUTHORITIES OF THE SMALL BUSINESS ADMINISTRATION

Mr. REID. Mr. President, I ask unanimous consent that the Small Business and Entrepreneurship Committee be discharged from further consideration of H.R. 434 and the Senate then proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

> A bill (H.R. 434) to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958 through December 31, 2007, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I understand there is an amendment at the desk. I ask unanimous consent that the amendment be considered agreed to; the bill, as amended, be read three times, passed; the motion to reconsider be laid upon the table; the title amendment be agreed to; and any statements relating to the bill be printed in the RECORD, without intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. MCCONNELL. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Republican leader.

Mr. MCCONNELL. Mr. President, it is my understanding that the authorization of these small business programs expires tomorrow. The bill before us, H.R. 434, was received in the Senate on January 18. I don't understand why the committee has waited until the day before the program expires to act. If we amend this bill and send it back to the House, they will not be able to act before these programs expire.

It is my understanding that if we allow this authorization to lapse, it will result in the dissolution of the SBA's Advisory Committee on Veterans Business Affairs. This committee serves veteran entrepreneurs by formulating, executing, and promoting policies that assist veterans seeking to start and develop small businesses. I cannot imagine why we would want to dissolve the committee designed to assist veterans who want to start their own small businesses.

Accordingly, I ask the Senator to modify the unanimous consent request to omit the Senate amendment and instead pass a bill clean so that it may go directly to the President for his signature.

Mr. REID. Mr. President, in responding to my friend, Senators KERRY and SNOWE, who are the chairman and ranking member of the Committee on Small Business, have indicated there are a lot of matters relating to small business jurisdiction that need to be completed forthwith. They are going to work on this next week and hope to have something done very quickly, but this gives them an opportunity to deal with the House, which, I am told, basically did not confer with them at all during the work they did over there, and they should have done that.

I say again, Senators KERRY and SNOWE understand the importance of this issue. They also know there are many other things depending on their raising this as an issue at this time.

Mr. MCCONNELL. Mr. President, if I may, I have been informed by Senator SNOWE, with all due respect to the majority leader, that is not her view. It may well be the view of Senator KERRY, but it is not the view of Senator SNOWE.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, we are checking at this time with Senator KERRY to see if we can work something out on this small business matter. In the meantime, we will move to another important issue that is before the Senate.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. REID. I ask unanimous consent that the Senate proceed to executive session to consider the following nominations en bloc: Calendar Nos. 11 through 13; the nominations be confirmed en bloc, the motions to reconsider be laid on the table en bloc, the

President be immediately notified of the Senate's action, and the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

UNITED STATES INTERNATIONAL TRADE COMMISSION

Irving A. Williamson, of New York, to be a Member of the United States International Trade Commission for the term expiring June 16, 2014.

Dean A. Pinkert, of Virginia, to be a Member of the United States International Trade Commission for the term expiring December 16, 2015.

SOCIAL SECURITY ADMINISTRATION

Michael J. Astrue, of Massachusetts, to be Commissioner of Social Security for a term expiring January 19, 2013.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

Mr. REID. Mr. President, we are glad we are able to clear three important nominations of the President.

HONORING THE LIFE, ACHIEVEMENT AND DISTINGUISHED CAREER OF THE REVEREND ROBERT J. DRINAN, S.J.

Mr. REID. I ask unanimous consent that the Senate proceed to the consideration of S. Res. 66.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 66) honoring the life, achievement and distinguished career of the Reverend Robert J. Drinan, S.J.

There being no objection, the Senate proceeded to consider the resolution.

Mr. KERRY. Mr. President, today we pay our respects to a great son of Massachusetts who passed away on Sunday, an inspiration to me and a leader beloved by many, Father Robert Drinan.

In all his life's endeavors, from the church pulpit to the halls of Congress to the classroom, Father Drinan was guided by a firm and unwavering moral compass. He lived out in public life the whole cloth of Catholic teachings.

In religion and politics alike, he followed his sense that we are all put on this Earth for something greater than ourselves. Wherever he went, he was led there by a concern for the weak, the helpless, the downtrodden. In religion and politics alike, that was his calling.

And as he walked between these worlds, on a path unique in our Nation's history, he was always unmistakably and wonderfully true to himself.

Father Drinan was a forever gentle, resilient, tenacious advocate for social justice and fundamental decency. In the most divisive days of Vietnam, when things were coming apart, this incredible man, this most unlikely of candidates, showed America how a man of faith could be a man of peace.

As a politician, Father Drinan is best remembered for his spirited opposition to the Vietnam war. That's what brought him to Congress in the first place and it is how our paths first crossed. In 1970, after we first met as opponents in the Peoples' Caucus, I was honored to support, campaign, and to work with and learn from committed Democrats like Jerome Grossman, John Marttila, Tom Kiley, John Hurley, and Tom Vallely. Together, many of these committed activists would spend the next decades championing the great progressive causes that marked the Drinan campaign.

Father Drinan's slogan was "Father Knows Best." I began studying law at Boston College—where Father Drinan had been the youngest law school Dean in the country—while he was down here, in Congress, making law, and making history.

Father Drinan's testimony against the war was remarkably powerful. He toured jails in Saigon and met a South Vietnamese politician there who had been jailed after placing second in an election. In the religious language of just war doctrine and the plain language of common decency, he helped us to see the flaws of our policy in Vietnam and urged the Church to speak out with great moral authority.

And even before his own words found their way into FBI files, even before his own name made its way onto Nixon's enemies list, Father Drinan was a champion for dissent and he had a special understanding of the obligations of patriotism. He helped eliminate the House Committee on Un-American Activities, the scene of one of the Cold War's ugliest chapters. He met with famous Soviet dissidents like Sharansky and Sakharov and founded the National Interreligious Task Force for Soviet Jewry. Angered by the treatment of Soviet dissidents, he was the first Congressman to call for a boycott of the Moscow Olympics.

And he sought to hold the President of the United States accountable for his behavior. As a member of the Judiciary Committee, he questioned witnesses in the Watergate hearings. But even before then he became the first Congressman to urge the impeachment of President Nixon, not for the Watergate coverup but for the illegal bombing of Cambodia. That, he thought, was the far greater crime. "Can we be silent about this flagrant violation of the Constitution?" he asked. "Can we impeach a president for concealing a burglary but not for concealing a massive bombing?"

After 10 years in Congress, Father Drinan was forced to choose between the two passions of his life: politics and the Catholic Church. He chose to remain in the priesthood and spent the rest of his life outside government as a passionate advocate for human rights and a much-loved law professor. "As a person of faith," he said, "I must believe that there is work for me to do which somehow will be more important than the work I am required to leave."

As president of the Americans for Democratic Action, he traveled and spoke widely on hunger, civil liberties and the dangers of the nuclear arms race. He cofounded the Lawyers' Alliance for Nuclear Arms Control, and served as vice chair of the ACLU's National Advisory Council and a member of the Helsinki Watch Committee.

Father Drinan's life of political activism was in the best tradition of what it means to be a Jesuit—love of learning and a commitment to justice. Jesuits were among the first to speak out against the Vietnam war and later against illegal interventions in Central America. As a professor and an activist, Father Drinan lived the ideals of his faith.

Asked about his activism, Father Drinan once said "it goes back to the fact that you're a Christian and a Jesuit. . . . It means you have to love each other and that you can't persecute people. You have to be compassionate to everyone in the world." It was as simple as that for him. When asked if he was planning to slow down in old age, Drinan recently told a reporter, "Jesuits don't ordinarily retire. You just do what you do."

His leadership helped give a new moral authority to the antiwar movement, and he was a mentor to a generation of Massachusetts politicians. People like BARNEY FRANK, who stepped into Father Drinan's congressional seat with big shoes to fill—and has spent the last 25 years there honoring Father Drinan's legacy with his own dogged fight for social justice.

Father Drinan leaves behind a sister-in-law, three nieces, over 6,000 adoring students, legions of supporters in the fourth district of Massachusetts, and those across the State and the Nation whose lives he touched.

Father Drinan once said, "If people are really Christians, they are involved in life, and politics is part of life. I feel if a person is really a Christian, he will be in anguish over global hunger, injustice, over the denial of educational opportunity." It was the defining mission of his truly remarkable life.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid on the table, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 66) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. Res. 66

Whereas the Reverend Robert F. Drinan, S.J. was a talented scholar, who received a bachelor's degree in 1942 and a master's degree in 1947 from Boston College, a bachelor's degree in law in 1949 and a master of law degree in 1951 from Georgetown University, and a doctorate in theology in 1954 from Gregorian University in Rome, Italy;

Whereas Father Drinan entered the Society of Jesus in 1942, completed his seminary work at Weston College in Cambridge, Massachusetts, and was ordained as a Jesuit priest in 1953;

Whereas Father Drinan was an influential educator who served as the Dean of the Boston College Law School from 1956 to 1970 and transformed it into one of the leading educational institutions in the United States;

Whereas Father Drinan was elected in 1970 to represent Massachusetts in the House of Representatives;

Whereas Father Drinan represented Massachusetts in the House of Representatives from 1971 to 1981, the first Roman Catholic priest ever to serve in Congress as a voting Member;

Whereas Father Drinan, during his service in the House of Representatives, was an advocate for social justice, a fighter for civil rights, and a champion in the cause of international human rights;

Whereas Father Drinan drew on his legal expertise to make significant contributions in the areas of copyright law reform, consumer protection, and criminal justice;

Whereas Father Drinan renewed his commitment to education, after his service in Congress, as a professor at Georgetown University Law Center, where he specialized in constitutional law and human rights and taught more than 6,000 students;

Whereas Father Drinan was the founder and faculty adviser to the Georgetown Journal of legal Ethics and was the author of 12 books on major public policy issues;

Whereas Father Drinan was the recipient of 22 honorary degrees and was a visiting professor at 4 universities;

Whereas Father Drinan's service led the American Bar Association (ABA) to award him the ABA Medal in 2004, the organization's highest honor, given to individuals who make exceptionally distinguished contributions to the jurisprudence of the United States; and

Whereas Father Drinan's lifelong leadership in promoting greater awareness of the importance of international human rights resulted in 2006 in the establishment by the Georgetown University Law Center of an endowed chair in his honor, known as the Robert F. Drinan, S.J. Chair in Human Rights Law: Now, therefore, be it

Resolved, That the Senate—

(1) honors the life, achievements, and distinguished career of the Reverend Robert F. Drinan, S.J.;

(2) offers its appreciation for Father Drinan's devoted work on behalf of the thousands of Massachusetts residents he represented in the House of Representatives and the millions of people worldwide who benefitted from his human rights initiatives; and

(3) expresses its condolences to Father Drinan's family and friends.

DESIGNATING MARCH 2007 AS "GO DIRECT MONTH"

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to consideration of S. Res. 67.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 67) designating March 2007 as "Go Direct Month."

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 67) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. Res. 67

Whereas the Department of the Treasury issued 57,000 checks worth approximately $54,000,000 that were endorsed illegally in 2006;

Whereas the Department of the Treasury receives approximately 1,500,000 inquiries each year regarding problems with paper checks;

Whereas the use of direct deposit has resulted in more than $6,000,000,000 in savings for the Federal Government since 1986;

Whereas more than 12,000,000 social security and other Federal benefit recipients have yet to sign up for direct deposit;

Whereas the United States would generate approximately $120,000,000 in annual savings if all Federal beneficiaries used direct deposit;

Whereas the use of direct deposit is a more secure, reliable, and cost effective method of payment than paper checks because the use of direct deposit—

(1) helps protect against identity theft and fraud;

(2) provides easier access to funds during emergencies and natural disasters; and

(3) provides citizens of the United States with more control over their money;

Whereas the Department of the Treasury and the Federal Reserve Banks have launched "Go Direct", a national campaign organized to encourage the people of the United States to use direct deposit for the receipt of social security and other Federal benefits; and

Whereas, by working with financial institutions, advocacy groups, and community organizations, the sponsors of "Go Direct" are educating the people of the United States about the advantages of using direct deposit and assisting people during the enrollment process: Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of "Go Direct";

(2) designates March 2007 as "Go Direct Month";

(3) commends Federal, State, and local governments, and the private sector, for promoting March as "Go Direct Month"; and

(4) encourages the people of the United States to—

(A) participate in events and awareness initiatives held during the month of March;

(B) become informed about the convenience and safety of direct deposit; and

(C) consider signing up for direct deposit of social security or other Federal benefits.

COMMENDING THE MISS AMERICA ORGANIZATION

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to S. Res. 68, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 68) commending the Miss America organization for its longstanding commitment to quality education and the character of women in the United States.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. It is late, but everyone should know the Miss America Pageant is in Las Vegas this year.

I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 68) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. Res. 68

Whereas the Miss America Organization was formed in 1921;

Whereas, in 1945, the organization established a scholarship program to assist young women achieve their personal and professional goals;

Whereas contestants in the Miss America Pageant must first succeed in local and State pageants;

Whereas the 52 young women who participated in the Miss America Pageant showed great poise and accomplishment;

Whereas Lauren Nelson, of Lawton, Oklahoma, was crowned Miss America 2007, the sixth Oklahoman in history and the second in a row;

Whereas Oklahoma now joins only 2 other States in boasting 6 Miss America crowns and 3 other States in holding consecutive crowns; and

Whereas the Senate family is also proud of Kate Michael of Senator Johnny Isakson's office, who represented the District of Columbia in the Miss America Pageant: Now, therefore, be it

Resolved, That the Senate—

(1) commends the Miss America Organization for its longstanding commitment to quality education and the character of women in the United States;

(2) congratulates Miss America 2007, Lauren Nelson of Lawton, Oklahoma, the 80th woman crowned Miss America; and

(3) directs the Secretary of the Senate to transmit a copy of this resolution to Lauren Nelson in care of the Miss America Organization.

NATIONAL SCHOOL COUNSELING WEEK

Mr. REID. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 23, and that the Senate proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 23) designating February 5 through February 9, 2007, as "National School Counseling Week."

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 23) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 23

Whereas the American School Counselor Association has declared the week of February 5 through February 9, 2007, as "National School Counseling Week";

Whereas the Senate has recognized the importance of school counseling through the inclusion of elementary and secondary school counseling programs in the reauthorization of the Elementary and Secondary Education Act of 1965;

Whereas school counselors have long advocated that the education system of the United States must leave no child behind and must provide opportunities for every student;

Whereas personal and social growth results in increased academic achievement;

Whereas school counselors help develop well-rounded students by guiding them through their academic, personal, social, and career development;

Whereas school counselors have been instrumental in helping students, teachers, and parents deal with the trauma that was inflicted upon them by hurricanes Katrina, Rita, and Wilma;

Whereas students face myriad challenges every day, including peer pressure, depression, and school violence;

Whereas school counselors are among the few professionals. in a school building that are trained in both education and mental health;

Whereas the roles and responsibilities of school counselors are often misunderstood, and the school counselor position is often among the first to be eliminated in order to meet budgetary constraints;

Whereas the national average ratio of students to school counselors of 478-to-1 is more than double the 250-to-1 ratio recommended by the American School Counselor Association, the American Counseling Association, the American Medical Association, the American Psychological Association, and other organizations; and

Whereas the celebration of National School Counseling Week would increase awareness of the important and necessary role school counselors play in the lives of students in the United States: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week of February 5 through February 9, 2007, as "National School Counseling Week"; and

(2) encourages the people of the United States to observe the week with appropriate ceremonies and activities that promote awareness of the role school counselors perform in the school and the community at large in preparing students for fulfilling lives as contributing members of society.

HONORING PERCY LAVON JULIAN

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 34, at the desk and just received from the House.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 34) to honor the life of Percy Lavon Julian, a pioneer in the field of organic chemistry research and development and the first and only African American chemist to be inducted into the National Academy of Sciences.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. REID. I ask unanimous consent that the concurrent resolution be agreed to, the motion to reconsider be laid upon the table, without any intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 34) was agreed to.

ORDERS FOR MONDAY, FEBRUARY 5, 2007

Mr. REID. Mr. President, I ask consent when the Senate completes its business today, it stand adjourned until 2 p.m. Monday, February 5; on Monday, following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day; there be a period of morning business until 4 p.m., with Senators permitted to speak for up to 10 minutes each; and that during morning business, Senator BYRD be recognized to speak for up to 60 minutes; that at 4 p.m. the Senate resume consideration of the motion to proceed to Calendar No. 19, S. 470, the Iraq legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, we are waiting to hear word on a small business matter.

In the meantime, I notice that the Senate overwhelmingly passed H.R. 2, the minimum wage legislation. I congratulate the floor managers for their excellent work. I congratulate the Republican leader for working with us to get this important piece of legislation passed.

PROGRAM

Mr. REID. On Monday, the Senate will conduct a rollcall vote on the motion to invoke cloture on the motion to proceed to S. 470 at 5:30, and that will be the first vote of the day.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXTENSION OF CERTAIN AUTHORITIES OF THE SMALL BUSINESS ADMINISTRATION—Continued

Mr. REID. Mr. President, we have been in touch with Senator KERRY's office today—in fact, just this minute—and he does say there is some confusion in this regard. He has spoken to Senator SNOWE. Because of this confusion at this time, I have no alternative but to seek adoption of the unanimous consent request regarding the small business matter that I enunciated some time ago.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 229) was agreed to as, follows:

AMENDMENT NO. 229

(Purpose: In the nature of a substitute)

Strike all after the enacting clause and insert the following:

SECTION 1. ADDITIONAL TEMPORARY EXTENSION OF AUTHORIZATION OF PROGRAMS UNDER THE SMALL BUSINESS ACT AND THE SMALL BUSINESS INVESTMENT ACT OF 1958.

(a) IN GENERAL.—Section 1 of the Act entitled "An Act to extend temporarily certain authorities of the Small Business Administration", approved October 10, 2006 (Public Law 109–316; 120 Stat. 1742), is amended by striking "February 2, 2007" each place it appears and inserting "July 31, 2007".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on February 2, 2007.

The amendment (No. 230) was agreed to, as follows:

Amend the title to read as follows: "An Act to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958 through July 31, 2007, and for other purposes".

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 434), as amended, was read the third time and passed.

Mr. REID. Mr. President, I appreciate the Republican leader bringing this to my attention. I personally will work on this tomorrow.

ADJOURNMENT UNTIL MONDAY, FEBRUARY 5, 2007, AT 2 P.M.

Mr. REID. Mr. President, if there is no further business to come before the Senate today, I ask unanimous consent the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 7:43 p.m. adjourned until Monday, February 5, 2007, at 2 p.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate Thursday, February 1, 2007:

UNITED STATES INTERNATIONAL TRADE COMMISSION

IRVING A. WILLIAMSON, OF NEW YORK, TO BE A MEMBER OF THE UNITED STATES INTERNATIONAL TRADE COMMISSION FOR THE TERM EXPIRING JUNE 16, 2014.

DEAN A. PINKERT, OF VIRGINIA, TO BE A MEMBER OF THE UNITED STATES INTERNATIONAL TRADE COMMISSION FOR THE TERM EXPIRING DECEMBER 16, 2015.

SOCIAL SECURITY ADMINISTRATION

MICHAEL J. ASTRUE, OF MASSACHUSETTS, TO BE COMMISSIONER OF SOCIAL SECURITY FOR A TERM EXPIRING JANUARY 19, 2013.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

THE JUDICIARY

LAWRENCE JOSEPH O'NEILL, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF CALIFORNIA.

VALERIE L. BAKER, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE CENTRAL DISTRICT OF CALIFORNIA.

GREGORY KENT FRIZZELL, OF OKLAHOMA, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF OKLAHOMA.

EXTENSIONS OF REMARKS

IN MEMORY OF DANIEL GATHRIGHT

HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 31, 2007

Mr. ROSS. Madam Speaker, I rise today to honor the memory of my friend Daniel Gathright, who passed away January 25, 2007, in Arkadelphia, Arkansas.

Dan Gathright was a pillar of the community of Arkadelphia and of Southern Arkansas for decades. While attending school at Southern State College, now known as Southern Arkansas University in Magnolia, Dan worked as a dispatcher at the Magnolia Police Department. Upon graduating, he worked at Washington Regional Hospital in Fayetteville before being named Assistant Administrator at Crittenden Memorial Hospital in West Memphis. In 1979, Dan moved to Arkadelphia and joined the Baptist Medical System where he served as Administrator of Twin Rivers Medical Center. He was later named Administrator and Senior Vice President of Baptist Health where he served until his death.

Dan Gathright was a member of the First Baptist Church of Arkadelphia, the Arkadelphia Rotary, the Clark County American Red Cross and a Board Member of the Arkadelphia Chamber of Commerce. Dan also served as President of the Clark County United Way and the Arkadelphia Band Boosters. His dedication to making Arkadelphia a better place to live could not have been greater. I am glad our paths crossed and I had the honor of knowing and working with Dan on health care issues.

My deepest condolences go to his wife, Shayron Looney Gathright of Warren; his son Michael Gathright of Frisco, Texas; his father, Archie Gathright of Magnolia; his sister Maretta Bullock of McNeil; and to his 2 grandchildren. Dan Gathright will be greatly missed in Arkadelphia and throughout the State of Arkansas.

COMMENDING DONALD HOFFPAUIR

HON. CHARLES W. BOUSTANY, JR.

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 31, 2007

Mr. BOUSTANY. Madam Speaker, I rise today to applaud the devoted service of Donald Hoffpauir to the people of Acadia Parish. Donald recently retired following twenty-two years of dedicated work in the Acadia Parish Tax Assessor's Office, where he served as a Personal Property Manager.

Throughout his career, Donald was known as a skilled and loyal manager, always willing to assist his co-workers and the many customers who called upon the tax assessor's office.

I ask my colleagues to join me and the people of Acadia Parish in wishing Donald Hoffpauir a happy retirement, and congratulating him for his invaluable accomplishments for the state of Louisiana.

EFFECT OF BUDGET RESOLUTION ON FORT KNOX

HON. RON LEWIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 31, 2007

Mr. LEWIS of Kentucky. I rise to register my strong disappointment over the dramatic cuts made to the Military Construction account in this year's budget for military installations affected by the 2005 Base Realignment and Closure Commission.

I am proud to represent Fort Knox. The overwhelming support demonstrated by local citizens, base officials and elected leaders continues to cement Fort Knox's position as a premiere military installation surrounded by communities that are wonderful places to live, work and raise families.

As a result of the 2005 Base Realignment and Closure Commission recommendations, Fort Knox is presently transforming from an institutional training installation to a multi-functional installation that will include an active duty infantry brigade combat team and the Army's Human Resources Command.

Construction has already begun on base to align infrastructure and industry to accommodate these new military operations. Simultaneously, many of the communities that surround Fort Knox are preparing for the arrival of thousands of new military and civilian employees and their families; negotiating contracts for new homes, schools, businesses and road improvements. These are indeed exciting times for the region.

The Defense Authorization Act for Fiscal Year 2007 budgeted approximately 5.6 billion dollars for military construction at BRAC impacted bases. House Leaders are now proposing budget cuts that would reduce promised funding by approximately 3 billion dollars. This funding shortfall would seriously impede necessary preparations at a number of bases including Fort Knox, leaving the installation and community ill-equipped to accommodate requisite changes.

Democrat leaders moved unilaterally to cut these funds, contradicting Speaker PELOSI's pledge to ensure an "open, honest and full debate" on all matters before the House. If my colleagues and I in the minority were allowed due consideration in the process, preserving full funding would have been our top priority.

In the face of significant changes, Ft. Knox and other instillations need our full commitment to provide in full resources that will allow them to set new standards of excellence and grow as an integral part of our nations defense capacities.

ADMINISTRATION INTERFERENCE WITH CLIMATE CHANGE SCIENCE

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 31, 2007

Mr. KUCINICH. Madam Speaker, I gave the attached statement, in opposition to the Administration's interference in Climate Change science on January 30, 2007.

Hearing on "Political Interference with Science: Global Warming" January 30, 2007.

I want to first thank the Chairman for holding this hearing that, like so many other hearings we will be having, is long overdue. Global warming will be a defining issue of this generation and of many to come.

There is substantial scientific certainty around climate change. Scientists are confident that global warming is happening. Similarly, the vast majority of experts on the issue agree that human activities are to blame. If that was not obvious already, it will be after this week when the Intergovernmental Panel on Climate Change releases its long awaited report.

The only uncertainty to be debated is the pace and intensity of warming that will face us. Will the pace of warming remain steady or accelerate predictably? Or can we expect more abrupt changes as enormous stores of methane hydrate, a gas with several times the heat retention capacity of carbon dioxide, is released from the ocean floor and expanses of permafrost? These gases are released as the natural mechanisms keeping them sequestered are broken down by warming. Permafrost melts. Ocean temperature and acidity rise. The historical record contains strong evidence that abrupt climate change has corresponded with a single release of vast stores of methane hydrate.

This uncertainty is real. It stands in stark contrast to the alleged uncertainties that have been manufactured by those who stand to profit by perpetuating the status quo as long as possible.

To resolve and manage the real uncertainty, we must have the best scientific information possible at our fingertips in order to weigh risks and benefits of all available policy responses. That is only one of the reasons that the casualness with which this Administration sends unqualified political appointees to edit scientific findings is so pernicious. It is also destructive because accurate information is the bedrock of any democratic society. Without it, citizens cannot hold their leaders accountable for their actions, or in this case, inactions.

Sadly, such distortion of the truth has a proven track record of effectiveness. Indeed

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

an entire industry has been created to manufacture scientific doubt where there is none. It is a technique that was mainstreamed by the tobacco industry and refined by others who stand to profit from scientific obfuscation like the chemical industry and the pharmaceutical industry. In fact, an entire industry that specializes in creating scientific uncertainty has taken root. It consists of PR agencies, pseudo scientific consultants and well paid think tanks. The strategy not only works, but is profitable.

Making matters worse, today we will see evidence that the taxpayers have been subsidizing the distortion of the findings of world class scientists on the topic. At best, it is corporate welfare. At worst, it undermines democracy and puts the delicate ecosystems on which we all intimately depend, at risk. My hope is that this hearing marks the beginning of the end of this practice.

TRIBUTE TO HRANT DINK

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 31, 2007

Mr. BACA. Madam Speaker, on January 19, 2007, Hrant Dink, a distinguished Armenian journalist, was shot dead outside the offices of his newspaper Agos in Istanbul, Turkey. A progressive voice of reason and hope for Armenians living in Turkey and around the world, Hrant Dink fought tirelessly to engage the Turkish community in open discussion of the many injustices Armenians have experienced in the past and present including the Genocide of 1915 and current human rights violations.

Hrant Dink struggled daily with the difficulties of disclosing the Armenian Genocide to the public in Turkey, yet he continued to make the difficult his lifelong passion. In his weekly columns, Dink often spoke of the complexities he felt being an Armenian who happened to be a citizen of Turkey—a country that fails to acknowledge that the Armenian Genocide occurred. As a result, Dink was charged and convicted of insulting Turkey's identity. In October 2005, after writing about the Armenian Genocide, he was given a 6-month suspended sentence.

Hrant Dink was killed because he was a courageous and outspoken journalist and continued to write his columns in hopes of educating and informing the people of Turkey. As Turkey continues to evolve as a modern secular state, it must understand that democracy requires more than free elections; freedom of the press is essential.

I express my condolences to the family, and colleagues of Hrant Dink. He was a courageous, committed columnist, and a mentor and friend to many. He will be remembered and missed.

HONORING THE MILITARY SERVICE OF STAFF SERGEANT EVERETT PATTON

HON. RON LEWIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 31, 2007

Mr. LEWIS of Kentucky. Madam Speaker, I rise today to pay public tribute to Army Staff Sergeant Everett Patton for his courageous service to our country during his recent deployment in Iraq. Staff Sergeant Patton, a resident of Owensboro, Kentucky, is currently recovering from severe burns at the Brooke Medical Center in Fort Sam Houston, Texas following an IED attack.

Staff Sergeant Patton began his military career in the United States Marine Corps. After a brief tenure working in civilian construction, Mr. Patton and his wife Christy enlisted in the Army in January 1999. He was first assigned as a Specialist in the heavy construction equipment operator field with C Company 5th Engineer Battalion at Fort Leonard Wood, Missouri.

Staff Sergeant Patton reenlisted in 2002 and was placed in the 562nd Engineer Company in Alaska as squad leader. He was deployed to Operation Iraqi Freedom in July 2005 for his first six-month tour as part of the 172nd Stryker Brigade. He returned to Iraq for a second tour in 2006.

While operating a bulldozer, Staff Sergeant Patton struck an IED that exploded and quickly engulfed his vehicle in flames. Gratefully, he survived the explosion but suffered severe burns over almost 70% of his body.

Staff Sergeant Patton is making a remarkable recovery in the burn unit at Brooke Medical Center in Fort Sam Houston, Texas. On January 29th, he was honored with the Purple Heart Award. He remains in high spirits with the love and support of his wife and five children.

I would like to take this opportunity to express my gratitude to Staff Sergeant Patton for selflessly standing in harm's way to protect our freedom and way of life. His courage and sacrifice represent the very best of what it means to be a United States soldier and citizen.

It is my great privilege to recognize Staff Sergeant Everett Patton today, before the entire U.S. House of Representatives, for his generous service and unflinching duty to our great country. My colleagues and I wish him a quick return to good health.

IN MEMORY OF NATHAN BARRETT

HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 31, 2007

Mr. ROSS. Madam Speaker, I rise today to honor the memory of my friend Nathan Barrett, who passed away January 25, 2007, in Pine Bluff, Arkansas.

Nathan Barrett was a pillar of the community of Warren and Bradley County for decades. After serving in the U.S. Army during the Korean War, Nathan returned to Warren where he was the owner and operator of Barrett-Pirtle Pharmacy since 1960. In 1964, Nathan received the A.H. Robins Bowl of Hygeia Award, one of the most prestigious professional pharmacy honors in Arkansas. In 2005, Nathan was honored by the Arkansas State Board of Pharmacy for 50 years of service as a certified pharmacist.

Nathan was a member of the First Baptist Church of Warren where he served as Deacon, Sunday School Director and member of the choir. Nathan was also a member of the Warren Rotary Club, past President of the Bradley County Chamber of Commerce, an Eagle Scout and a member of Order of the Arrow in the Boy Scouts of America. His dedication to making Warren and South Arkansas a better place to live could not have been greater.

I am glad our paths crossed and that I had the honor of knowing Nathan and calling him my friend.

My deepest condolences go to his wife, Mary King Barrett of Warren; his two daughters, Edie Coleman of Ft. Worth, Texas, and Laurie Moore of Ruston, Louisiana; his sister, Peggy Barrett of Greenbriar; and to his 4 grandchildren. Nathan Barrett will be greatly missed in Warren and throughout the state of Arkansas.

HONORING ACADIANA HIGH SCHOOL'S WRECKIN' RAMS

HON. CHARLES W. BOUSTANY, JR.

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 31, 2007

Mr. BOUSTANY. Madam Speaker, I rise today to congratulate the Acadiana High School Wreckin' Rams for winning the 5A Louisiana State Football Championship in the Superdome last month. The Wreckin' Rams defeated Sulphur High School 13–10 to win their first-ever state title. The victory was capped off by a last minute 32-yard field goal by Drew Alleman.

After kicking a 42-yard field goal to tie the game at 10–10, Alleman split the uprights on the game's final play to seal Acadiana's win. The championship ended a 13–2 season for the Rams.

Acadiana's coach, Ted Davidson, expressed his excitement after the game. "This is the most competitive team I've ever coached. This is the fifth game this year that we've won in the last 30 seconds of the game. They just refuse to lose," Davidson said in the Lafayette Daily Advertiser.

Madam Speaker, with this victory, Acadiana High School's Wreckin Rams have made the residents of their entire state proud. I enter into the official CONGRESSIONAL RECORD the names of these players and their coaches, and I ask that my colleagues join me in congratulating them for their achievement.

State Champions: Justin Green, Dvan Alexander, Kip Jacob*, Jeb Stefan, Louis Hollier, Jonathan Morvant, Javinas Faulk*, Daniel August*, DJ St. Julien, Desmond Sam, Terrence Sinegal, Tory Caudill, Brian Sinegal, Jordan Figaro*, John Dean, Darius Eaglin*, Chris White, Kyle Ramsey, Sam

Boersma*, Jarred Evans, Chris Nguyen, Jeremy Griggs, Terrance Broussard, Brad Melancon, Austin Romein, Jeremy Fontenot*, Daniel Arabie, Ethan Piazza, Jordan Burt, Keevan Breaux, Jarrid Durand, Dexter Bruno, Trent Noel, Fletcher Sanders*, Jordan Boykin*, Jordan Himel, Chase Southerland, Lora Parker, Whitney Duplechin, Tayla Davis, Josh Bourque, Coach Bob Fabre, Coach Scott McCullough, Coach Ted Davidson, Cody Labat, David Guidry, Cody Mandell, Coach Myles Casbon, Brett Polaski, Kalen Comeaux*, Anthony Johnson, Derek Richard*, Jeffrey Trahan, Kevin Elston, Marcus Sam*, Bobby Davidson, Drew Alleman, Dexter Hall*, Quincy Mouton, Chance Brossette, Donovan Gallien, Casey Latiolais*, Hunter Thibodeaux, Kyle Hebert, Marcus Bazile, Lance Walker, Brandon Touchet*, Sheffield Taylor*, Jordan Magee, Aaron Guidry*, Sean McGovern, Matt Crooks, Hunter Hebert, Matt Boudreaux, Cherish Barton, Jared Prince, Dylan Terro, Robert Montgomery*, Taylor Wiggins, Mike Carvajal, Wilfred Journet*, Buck Smith*, Brady Hebert*, Chris Thibodeaux*, Spencer Trahan, Jesse Ledet, Jeremy Courville, Brent White, Brian White, Kynsi Sonnier, Ayriell Collins, Crystal Faulk, Coach Neal Lege, Coach Larry Breaux, Coach Gary Fontenot, Coach Chris Mitchell, and Brandon Siner.

HONORING SPENCER COUNTY STUDENTS FOR THEIR PARTICIPATION IN NATIONAL HISTORY DAY

HON. RON LEWIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 31, 2007

Mr. LEWIS of Kentucky. Madam Speaker, I rise today to recognize six remarkable students from the Spencer County School System for their participation and high achievement in the National History Day Competition held last year at the University of Maryland.

National History Day is an innovative history education program for students in grades 6–12 who are interested in improving their historical knowledge in a fun and challenging environment. Each year, students choose a topic congruent with an annual theme, conduct research, then synthesize and analyze their findings into a paper, exhibit, documentary or performance. These projects are then evaluated at the local, state, and national levels. Finalists from each level advance to the next round of competition.

This 2006 theme was "Taking a Stand." Spencer County students, who placed first or second at the state contest held at the Kentucky History Center in Frankfort last April, traveled to Washington, D.C. to compete in the national contest at the University of Maryland, June 15–19, 2006. Together, they demonstrated great academic prowess, teamwork and sportsmanship before a regional audience, representing competitive values that make Kentucky proud.

I would like to commend Maureen McCoy, Paige Walls, Joel Fickel, Ashleigh Steever, Chase Thomas and Breisa Baker for their accomplishment. I would also like to recognize the effort and support of their coaches. I am very proud to represent these students, educators and their families.

I ask my colleagues in the U.S. House of Representatives to join me in congratulating these students for their achievement and wish them continued success in their promising future years.

IN HONOR OF JULIUS STORTI

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 31, 2007

Mr. KUCINICH. Madam Speaker, I rise today in honor and recognition of Julius Storti, upon his retirement from Transformer Engineering Corporation (TEC). His tenure at TEC spans sixty-three years, and is framed by integrity, innovation, excellence, friendship and unwavering loyalty and dedication.

Mr. Storti began working at TEC in the summer of 1943, while still in high school. His interest in electrical work was sparked while a student at Lincoln High School, where he assisted a teacher with an electrical course. At TEC, Mr. Storti became highly skilled in all areas, yet his primary work and expertise focused on hand & multiple winding, an area in which he is considered an expert.

A devoted family man, Mr. Storti was also surrounded by family and friends at TEC. He met his wife, Dorothy at TEC, and lovingly cared for her until her recent passing. Together they raised their daughter, Anne. He also worked alongside his childhood friend, George Kolsenicky, and his brother-in-law, the late Paul Yachanin. Mr. Storti's kind and humble nature consistently shone through at TEC, and his professional integrity and strong work ethic never wavered. Although a talented and dedicated employee, the center of Mr. Storti's life continues to be his family and close friends.

Speaker and Colleagues, please join me in honor and celebration of Mr. Julius Storti, whose sixty-three year tenure at Transformer Engineering Corporation is defined by kindness, patience, expertise and willingness to extend a helping hand to anyone in need. Mr. Storti created bonds of friendship at TEC that will never be broken, and he will be deeply missed by all. I wish Mr. Storti and his family an abundance of health, peace and happiness as he journeys onward from here.

HONORING G. MARTIN "MARTY" WAGNER

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 31, 2007

Mr. TOM DAVIS of Virginia. Madam Speaker, I rise today to honor Mr. G. Martin "Marty" Wagner for over 31 years of dedicated service to the Federal government.

Through Mr. Wagner's current role as Deputy Commissioner of Federal Acquisition Services, and previously as Acting Commissioner and Acting Deputy Commissioner, he oversaw the acquisition of more than $50 billion of goods and services for various federal agencies. He managed a workforce of more than 4,000 associates who helped the Federal government find, buy and manage all federal nonreal estate services.

Mr. Wagner led initiatives that set the tone and direction for major changes in government-wide management. He has played a key role in promoting electronic government, in using commercial contracts and approaches, and in putting performance measures into practice. Such initiatives include the creation of FirstGov, the Government's Internet portal; and FedbizOpps, the gateway for all federal procurements.

During Mr. Wagner's career he has been honored for his good work and accomplishments as a premier civil servant. Mr. Wagner received the Meritorious Presidential Rank for his career achievements as well as his efforts in leading the administration's effort to reinvent the federal management process. He also received the Distinguished Presidential Rank for his work to improve federal management, specifically the implementation of a new management framework to reflect modem management principles and effective uses of technology. Finally, Mr. Wagner received the General Services Administration's "Giraffe Award" for "sticking his neck out" and taking risks to improve various GSA programs. These recognitions illustrate the kind of results-oriented federal employee he is.

Whether Mr. Wagner was instituting the massive modernization of the federal telecommunications system, establishing improved customer and employee management systems, or taking the simple, personal step of adding Brail to his business cards, Mr. Wagner has always worked to ensure that everyone had improved access to the federal government.

Madam Speaker, in closing, I would like to commend and congratulate Mr. Wagner on all of his achievements. I call upon my colleagues to join me in applauding Marty for his past accomplishments and in wishing him continued success in the years to come.

CONGRATULATING BARRY PATRICK RODGERS, BS, M.ED.

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 31, 2007

Mr. EMANUEL. Madam Speaker, I rise today to congratulate Barry Rodgers on his appointment as principal of Northside College Preparatory High School in Chicago. The Northside school council voted unanimously to name Mr. Rodgers to a 4-year term as principal beginning on July 1, 2007, and they chose an outstanding successor to James Lalley, who is retiring on June 30, 2007.

Mr. Rodgers received his B.S. in zoology from the University of Wisconsin at Madison in 1990. He then went on to graduate from National Louis University, in 1999, with a master's degree in education specializing in curriculum and instruction, and he has continued his education with a certificate in educational leadership from DePaul University in 2005.

Throughout his career, Mr. Rodgers has been an educator and a leader in a variety of venues. He began his career at Mather High School teaching biology and chemistry. He went on to become the department chairman at Mather High. He then joined the Northside science department, working his way up to department chairman there as well. Currently, Mr. Rodgers is the LAUNCH principal at Westinghouse Career Academy in Chicago assisting in the day-to-day operations of the school.

Mr. Rodgers has gone above and beyond in serving the interests of the students wherever he has taught. He founded the swim team at Northside High School, led the Curriculum Team, was a teacher-mentor for the Golden Teachers program, coordinated staff development opportunities for five area schools, and was a member of the leadership team at both Northside High and Westinghouse Academy.

In addition to coaching the swim team at Northside, he is also affiliated with the Association for Supervision and Curriculum development, the National Science Teachers Association, the Friends of the Chicago River, the National School Reform Faculty, the North River Commission, the American Chemical Society, and National Public Radio.

Madam Speaker, I congratulate Barry Rodgers on his appointment as Northside College Preparatory High School's new principal, and I thank him for his many outstanding contributions in educating the young people of the Fifth District of Illinois. His efforts have had a profound impact on the lives of his friends, family, and countless other individuals. I wish him the best of luck as he embarks on this new journey, and continued happiness in all his future endeavors.

HONORING MUHAMMAD ALI

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 31, 2007

Mr. CONYERS. Madam Speaker, I rise today to support House Resolution 58 in honor of Muhammad Ali—born Cassius Marcellus Clay, on the occasion of his 65th birthday. Internationally known as the "greatest of all time," he single-handedly revolutionized the sport of boxing.

Born on this day in 1942 in Louisville, KY, by the age of 18, Clay had already become the 1960 light-heavyweight Olympic Gold Medalist. It was then that he evolved into a professional fighter, and by 1963, he had won all 19 of his first professional fights. The following year, 1964, Clay won the world heavyweight title against Sonny Liston. Two days later, he announced his acceptance of the teachings of the Nation of Islam and changed his name to Muhammad Ali shortly after.

Ali defended his championship title nine times between 1965 and 1967, more than most heavyweight fighters in such a short period. Citing his Islamic faith, Ali refused to serve in the U.S. military during the war in Vietnam. As a result, his title was revoked, his fighting license was suspended, and he was sentenced to 5 years in prison for draft evasion. He was barred from fighting from March 22, 1967 to October 26, 1970, which many feel were his peak years. Finally, in 1971, the Supreme Court unanimously reversed Ali's conviction, and his boxing privileges were restored.

Ali quickly set about regaining the heavyweight title, which was now held by the indomitable Joe Frazier. In the first of three bouts with Frazier, Ali lost what was dubbed "the fight of the century." In a rematch with Frazier in 1974, Ali was victorious in redeeming his championship title. In October of that same year, the fight considered to be his most anticipated and promoted of his career, was the "rumble in the jungle" against a younger and vibrant George Foreman. The fight took place in Kinshasa, Zaire, and there were many who doubted that Ali would emerge the victor. In this fight, Ali introduced what he called the "rope-a-dope," which he used to tire Foreman and eventually sustain his position as the No. 1 heavyweight champion of the world.

In 1975, his third and final bout with Joe Frazier, labeled the "the thrilla in Manila" by Ali, proved to be one of the toughest and greatest fights of his career. Ali was victorious once more. Sadly, in 1978, Ali lost the title to Leon Spinks. That same year, in a rematch with Spinks, Ali won the championship title for the third time. In his final fight, "the drama in Bahamas," against Trevor Berbick in 1981, his loss signaled the decline of the fighter's reign, and on December 12, 1981, Muhammad Ali said goodbye to boxing at the age of 39. There were also reports of his deteriorating health, and in 1982, the world knew that he was suffering from Parkinson's disease.

Ali remains a beloved and active public figure. He has enjoyed countless honors, such as becoming No. 13 of the Forbes Celebrity 100, receiving the Spirit of America Award which named him the most recognized American in the world, named "Kentucky Athlete of the Century," and lighting the flame at the 1996 Summer Olympics. In 2005, Ali received the Presidential Medal of Freedom, and the $60 million Muhammad Ali Center was opened in his honor in Louisville, KY. He is a United Nations Messenger of Peace and the first sportsman to receive an Otto Hahn Peace Medal. He is also the namesake of the Muhammad Ali Boxing Reform Act.

More than a superior in the boxing world, Ali took a stand against injustice. He was a champion of the civil rights movement, and an involved activist who used his power and fame to push noble social change. His refusal to fight in a war that he didn't believe in made a statement to not only the African-American community, but to the world. Ali sacrificed boxing, the one thing he loved the most, to stand up for that which he believed. His practice of Islam and civil disobedience propelled him to larger than life status. Muhammad Ali has inspired millions throughout the world. He has given people hope and proved that anyone can overcome insurmountable odds. He has given people courage and shown us all that with spirit and determination, a simple person can make a difference. There will never be another Muhammad Ali.

So Madam Speaker, it is with great distinction that I stand here today to wish the champ, the living legend, "The Greatest," Muhammad Ali, a happy birthday.

HONORING LORRAINE C. MILLER, CLERK OF THE HOUSE

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 31, 2007

Mr. BURGESS. Madam Speaker, I rise today to honor Mrs. Lorraine C. Miller of Fort Worth, Texas on her appointment as Clerk of the House of Representatives on Tuesday, January 30, 2007.

As Clerk of the House of Representatives, Mrs. Miller's responsibilities will include, but are not limited to, the Page Board, congressional travel reports and disclosure forms, the voting system, and oversight of the legislative operation of the House floor. She has worked at the highest levels of government, which have contributed to her leadership abilities and knowledge of management. The role of the Clerk is demanding and requires someone with great intellect. Mrs. Miller will bring strength and diversity to the Office of the Clerk as the first African-American woman to hold this top House position.

Mrs. Lorraine Miller first worked in the House for Representatives for U.S. Congressman Jim Wright (D–Fort Worth) when he was Majority Leader. She moved on to work for then-Speaker Tom Foley (D–Washington), U.S. Congressman JOHN LEWIS (D–Georgia), and finally for current Speaker NANCY PELOSI. Mrs. Miller also worked as Deputy Assistant to the President of Legislative Affairs for the House of Representatives during the Clinton Administration. She additionally held positions at the Federal Communications Commission and the Federal Trade Commission.

It is with great honor that I recognize Mrs. Lorraine C. Miller for decades of hard work and selfless dedication. I want to join her friends and family, both in Fort Worth and in Washington, in congratulating her on this prestigious milestone. She has been an inspiration and role model to many, and I am proud to represent her in Congress and look forward to working with her.

INTRODUCTION OF LTC JAMES MEGELLAS MEDAL OF HONOR BILL

HON. THOMAS E. PETRI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 31, 2007

Mr. PETRI. Madam Speaker, I am reintroducing legislation to honor a true American hero by awarding him the Medal of Honor. Sixty-two years ago this past Sunday, on January 28, 1945, during the Battle of the Bulge, then Lt. James Megellas led his platoon of the 82nd Airborne Division on a surprise and devastating attack on a much larger advancing German force, killing and capturing a large number of the enemy and causing others to flee. In an act of fearless courage, Lt. Megellas single-handedly destroyed an attacking German Mark V tank with two hand-held grenades. He then led the charge of his men and seized Herresbach, Belgium, during this fierce action of the Battle of the Bulge. Due to his aggressive, fearless and superior leadership, Lt. James Megellas inspired his men to excel.

After serving four years as a rifle platoon leader during World War II, including many combat jumps into Italy and Holland, James Megellas left the active Army and served for 16 years in the Army Reserve. He retired after 20 years of service as a lieutenant colonel.

His awards and decorations include the Distinguished Service Cross, two Silver Star Medals, two Bronze Star Medals, two Purple Hearts, and he is credited with being the 82nd Airborne Division's most decorated officer. During World War II, General James Gavin selected one 82nd officer—Lt. James Megellas—to receive the Military Order of Willhelm Orange Lanyard from the Dutch Minister of War on behalf of his division.

To this day, James Megellas continues to inspire. In February 2006, 61 years after that momentous battle, James "Maggie" Megellas set foot on a battlefield with fellow 82nd Airborne Division soldiers, this time in a current theater of war—Afghanistan. James Megellas was impressed with what he saw of the paratroopers and their work. He listened to their stories of the past year of deployment and shared with them his own experiences during World War II. "Maggie" continues to inspire by speaking to groups across the country about his experiences and is planning to observe his 90th birthday in Iraq this March with the 82nd Airborne troops.

I urge my colleagues to recognize James "Maggie" Megellas by supporting this bill to authorize and request the President to award him the Medal of Honor for his acts of valor on January 28, 1945, during the Battle of the Bulge. As time goes by, true heroes should not be forgotten, so please join me in honoring this outstanding American hero.

HONORING COLONEL PAUL M. KELLY

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 31, 2007

Mr. WILSON of South Carolina. Madam Speaker, I rise today in honor of a true American hero. Colonel Paul Kelly, of Stafford, Virginia, and a former member of the South Carolina Army National Guard, died in Baghdad when the Black Hawk helicopter he was in crashed.

Colonel Kelly served as a South Carolina guardsmen from April 1986 until June 2001. During his tenure, he held key leadership and staff positions within the aviation program rising to the rank of Lieutenant Colonel. Colonel Kelly later transferred to the Virginia Army National Guard, with which he was serving at the time of his death. To date Col. Kelly is the most senior officer to die in the Iraqi theater of war. He was a mentor to many coming up through the ranks of military service.

Colonel Kelly would have celebrated his 46th birthday today. According to the Dayton Daily News, Colonel Kelly was nicknamed "the Senator" because he was always shaking soldier's hands, no matter their rank.

Colonel Kelly is survived by his loving wife Maria, his two sons, Paul and John, his parents, John and Mary Rose, and his five siblings. Colonel Kelly honorably served America and his family. My thoughts and prayers are with them all.

In conclusion, God bless our troops, and we will never forget September 11th.

IN MEMORY OF LIEUTENANT GENERAL WARREN D. JOHNSON

HON. MARK STEVEN KIRK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 31, 2007

Mr. KIRK. Madam Speaker, LTG Warren D. Johnson of Winnetka passed away on January 23, 2007, leaving behind a legacy of personal contributions to his family, colleagues, and the nation.

General Johnson was born in 1922, in Blackwell, Oklahoma. He entered military service in April 1942 and graduated from officer candidate school with a commission as second lieutenant in November 1942. He was first assigned to advanced training for the B–17 and then sent to Tokyo, Japan where he served from December 1946 until June 1949 as a personnel officer in the Pacific Air Command and the Far East Air Forces.

Johnson was next assigned as a B–36 crew member with the 11th Bombardment Wing of Carswell Air Force Base, Texas. There he began his long association with Strategic Air Command. At Little Rock Air Force Base, Arkansas from May 1955 to July 1959 he served as a B–47 aircraft commander and director of operations for the 70th Strategic Reconnaissance Wing.

General Johnson was assigned as chief of transportation at Torrejon Air Base, Spain and in January 1962, became commander of the SAC base at Sidi Slimane, Morocco.

In 1963, he became deputy director of Eighth Air Force Headquarters at Westover Air Force Base, Massachusetts. In 1966, Johnson became commander of the 380th Strategic Aerospace Wing, SAC and in 1967 was given the responsibility for SAC wings.

In September 1969, he assumed the dual assignment of commander, U.S. Forces, Azores, and commander, 1605th Air Base Wing, Lajes Field, Azores.

In June 1971, General Johnson became deputy chief of staff for personnel at Strategic Air Command Headquarters and later became chief of staff.

He joined the Defense Nuclear Agency in May 1973 as deputy director for operations and administration, and in October 1973 was appointed as the director. General Johnson also served as a member of the Aerospace Safety Advisory Panel to the National Aeronautics and Space Administration.

General Johnson received numerous military decorations and awards. He was quadruplerated as pilot, navigator, bombardier and radar operator, and had more than 17,000 hours of flying time in fighters and bombers.

Retiring from the United States Air Force in 1977, Don Johnson joined Baxter International as a corporate officer. His activities were varied ranging from facility planning, telecommunications, and aviation to Baxter's operations in South Africa, finally recommending divestment of the company's interest in that country. General Johnson chaired Baxter's Crisis Management Team before retiring in 1990.

On a personal note, it was to my great pleasure and honor that "The General," as we called him, served on my Service Academy Select Screening Board to make recommendations for nominations for the Air Force Academy in Colorado Springs. He took delight in the many fine young people that our district produced and their sincere desire to serve our country.

General Johnson was a giant among men, having served in three wars, flying fighters and bombers, going from prop planes to the Strategic Air Command, and serving as Director of the Defense Nuclear Agency. He continued making contributions in civilian life by sharing his leadership and understanding of the world. We will never comprehend the influence and inspiration that General Johnson provided to those who had the opportunity to make his acquaintance. To his wife Judy and his four surviving children, I extend my deep condolences. To General Don Johnson's many friends at the North Shore Senior Center, it was our pleasure to know such a fine individual and family man who will be missed by all.

TRIBUTE TO ROCCO J. SOCCIO

HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 31, 2007

Mr. SHUSTER. Madam Speaker, I rise today to honor Mr. Rocco J. Soccio of Lewistown, Pennsylvania, who passed away Saturday, December 16, 2006, at the age of 71 years. This distinguished man is survived by a wife of almost 50 years, Barbara Kaley Soccio, whom he married in 1957 and had three children, Jan, John, and Vincent.

Lewistown is lucky to have had such a devoted citizen to the community such as Rocco, or "Rocky", as everyone knew him. For 30 years, he owned and operated the Parkway Service Store and was a partner in the operation of Riverside Wholesale for 13 years. He was also a manager and salesman for L&G Athletic Retail Sports Store. But those are just his contributions to the business community.

Rocky Soccio also spent time as an educator and coach at Kishacoquillas High School. He taught history and driver's education, and served as the wrestling coach and athletic director at the high school. The young lives he contributed to were many and did not go unnoticed. As recognition of his achievements, in 1965, Rocky was named the winner of Valley Forge Freedom Foundation Public Teacher Award.

Rocky Soccio also had a strong hand in the local government. He served on the Blue Cross Consumer Advisory Board for 34 years and also spent six years as a board member on the Mifflin County Housing Authority. Rocky became chairman of the Municipal Authority of the Borough of Lewistown as well as the Mifflin County Republican Party. He was a former auditor for the Mifflin County Board of Elections, and also found time to belong to the Knights of Columbus, the Lewistown Jaycees, the Kiwanis, and the Lions Club.

To cite each individual accomplishment and contribution that Rocco J. Soccio was involved in would be nearly impossible. His involvement in the community over the years has been immeasurable. Rocky Soccio selflessly dedicated himself to the Lewistown area, and we are all very grateful for his effort toward positive enrichment of the community, as he has certainly deserved this distinguished honor.

RECOGNIZING THE 50TH WEDDING ANNIVERSARY OF ANTONIO AND IDA FRISSORA

HON. PATRICK J. TIBERI

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 31, 2007

Mr. TIBERI. Madam Speaker, it is a pleasure for me to offer my best wishes to my aunt and uncle who recently celebrated their golden wedding anniversary.

Antonio and Ida Frissora first met after Ida moved to Columbus, Ohio from Niagara Falls in 1955. They were married on January 26, 1957 at St. John the Baptist Catholic Church and have now spent 50 years together.

Antonio and Ida have been wonderful parents to Christina, Tony and his wife, Caroline, and Don and his wife, Robin. They are the proud grandparents of eight.

As loving parents and grandparents, they continue to set a wonderful example for others to follow. I join with their family and many friends in wishing Antonio and Ida all the best on this joyous occasion.

TRIBUTE TO RAYMOND JOHN "JACK" WEAN, JR.

HON. TIM RYAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 31, 2007

Mr. RYAN of Ohio. Madam Speaker, I rise today in recognition of Raymond John "Jack" Wean, Jr., Chairman of The John Wean Foundation in Warren, OH. The John Wean Foundation was established in 1949 by Raymond John Wean, Sr., an inventive and enterprising industrialist, who was devoted to improving the quality of life and education in the Mahoning Valley. The John Wean Foundation would serve the communities in which he had achieved enormous success.

A native of Warren, OH, Jack was the son of Raymond J. Wean, Sr., who founded Wean Engineering Company in 1929. After graduating from Yale University, Mr. Wean served as a Naval Officer in the South Pacific during World War II. In 1946, he went to work for his father's business in Warren at a time when the steel and aluminum industries were booming.

Jack started in an executive position and was elected president and chief executive in 1966. He became chairman in 1979. Jack retired in 1992, but continued to chair The Foundation. He traveled extensively and was an avid sport fisherman.

Jack Wean was married to the former Adelaide McCracken and they have three sons and a daughter. They also have eight grandchildren and two great-grandchildren.

Since 1949, The John Wean Foundation has raised over $85 million dollars. It was through Jack's generosity that a broad range of nonprofit organizations would benefit. I would like to remember Raymond John "Jack" Wean, Jr., for his sense of obligation and commitment to the residents here in the Mahoning Valley.

IN RECOGNITION OF NATIONAL SKATING MONTH

HON. STEPHANIE TUBBS JONES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 31, 2007

Mrs. JONES of Ohio. Madam Speaker, I rise today in recognition of National Skating Month. This event has run throughout the month of January 2007, sponsored by the United States Figure Skating Association. It highlights contributions of U.S. figure skaters such as the wonderful competitors who participated in this month's U.S. Figure Skating Championships held in Spokane, WA, from January 21 through January 28, 2007.

Recently, from November 28 through December 2, 2006, my home city of Cleveland, OH, hosted the U.S. Junior Figure Skating Championships. This event featured young skaters from across the country. Significantly, efforts of the Cleveland Sports Commission, the Greater Cleveland Council of Figure Skating Clubs, and the United States Figure Skating Association resulted in an economic impact of over $1 million in Cleveland, OH.

In January of 2009, Cleveland, OH, will again host the U.S. Figure Skating Championships. This will be Cleveland's fourth time hosting the senior championships, previously held in the city in 2000, 1964, and 1940. This competition is one of the most significant events that a city can host. The 2000 championships had an economic impact in Cleveland calculated by the Cleveland Sports Commission at $19.5 million.

Figure skating is not only a wonderful sport to watch but is an activity that can be enjoyed by people throughout their lives. The sport is largely run by volunteers who spend countless hours in support of young people and their development. Furthermore, organizations such as Friends of Minority Figure Skating in Cleveland, OH, and the Kids on Ice Program of Fort Dupont Ice Arena in Washington, DC, create opportunities for young people who would not otherwise have an opportunity to participate in the sport.

At the conclusion of this National Skating Month, I commend parents, coaches, skating clubs, service organizations, and skaters, both youth and adult. Their hard work and sportsmanship is well worth recognition.

IN RECOGNITION OF THE LUNG CANCER CIRCLE OF HOPE

HON. STEVEN R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 31, 2007

Mr. ROTHMAN. Madam Speaker, I rise to commend the Lung Cancer Circle of Hope's President Susan Levin on her efforts to raise awareness about the dangers of radon. Radon, a radioactive gas that accumulates inside buildings, is the second leading cause of lung cancer in the United States behind cigarette smoke. Yet, many Americans have never even considered testing their homes for dangerous amounts of radon.

This January, which the U.S. Environmental Protection Agency, EPA, has declared National Radon Action Month, the Lung Cancer Circle of Hope rightly urged families across New Jersey to test their homes for radon. This poisonous gas can enter homes through a variety of ways and then collect indoors. The result can be a health threat that you cannot see, smell, or taste.

Every year, over 160,000 Americans die from lung cancer and the EPA estimates that radon is responsible for more than 20,000 of those devastating losses. Many of those radon-induced cancers could have been prevented had more homes and offices been tested for radon. Once again, I applaud Susan and her organization for their aggressive public education campaign to spread the word about radon to New Jersey families.

THE SECRETARY-GENERAL'S MESSAGE FOR HOLOCAUST VICTIMS MEMORIAL DAY

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 31, 2007

Mr. LANTOS. Madam Speaker, I want to take this opportunity to call to the attention of my colleagues two very important statements affirming the historical significance of the Holocaust by our new Secretary-General, Ban Ki-Moon, at the U.N. in New York.

The Secretary-General's first statement on January 17 stresses the uniqueness and undeniability of the Holocaust as a tragic historical event, and reaffirms the United Nations' commitment to observe the International Day in Memory of the Victims of the Holocaust annually on January 27. Secretary-General Ban's strong statement demonstrates that he is committed to fulfill Kofi Annan's legacy as the first Secretary-General who dedicated himself to moving the United Nations past its sad and crippling legacy of anti-Semitism.

The second statement, made on January 26, welcomes the adoption of a U.N. resolution refuting the putrid attempt by the Iranian President, Mahmoud Ahmadinejad, to sow discord and hatred in the international community by attempting to deny the historical reality of Hitler's systematic slaughter of millions of Jews. Secretary Ban's statement demonstrates strong leadership in facing down the

Iranian dictator by declaring the denial of historical events to be "unacceptable."

The new Secretary-General deserves our strong support as he moves forward in his effort to confront the anti-Semitic climate that pollutes the United Nations.

SECRETARY-GENERAL, IN MESSAGE FOR HOLOCAUST VICTIMS MEMORIAL DAY, STRESSES IMPORTANCE OF REASSERTING COMMITMENT TO HUMAN RIGHTS

NEW YORK, Jan. 19.—Following is the text of United Nations Secretary-General Ban Ki-Moon's message for the second observance of the International Day in Memory of the Victims of the Holocaust, to be observed on 27 January:

The Holocaust was a unique and undeniable tragedy. Decades later, the systematic murder of millions of Jews and others retains its power to shock. The ability of the Nazis to command a following, despite their utter depravity, still strikes fear. And above all, the pain remains: for ageing survivors, and for all of us as a human family that witnessed a descent into barbarism.

The work of remembrance pays tribute to those who perished. But it also plays a vital role in our efforts to stem the tide of human cruelty. It keeps us vigilant for new outbreaks of anti-Semitism and other forms of intolerance. And it is an essential response to those misguided individuals who claim that the Holocaust never happened, or has been exaggerated.

The International Day in Memory of the Victims of the Holocaust is thus a day on which we must reassert our commitment to human rights. That cause was brutally desecrated at Auschwitz, and by genocides and atrocities since.

We must also go beyond remembrance, and make sure that new generations know this history. We must apply the lessons of the Holocaust to today's world. And we must do our utmost so that all peoples must enjoy the protections and rights for which the United Nations stands.

On this International Day, I reiterate my strong commitment to that mission, and call on all to join in our common quest for human dignity.

STATEMENT ATTRIBUTABLE TO THE SPOKESPERSON OF THE SECRETARY-GENERAL, GENERAL ASSEMBLY RESOLUTION ON HOLOCAUST DENIAL

NEW YORK, Jan. 26.—The Secretary-General welcomes the adoption by the General Assembly today of a resolution unequivocally condemning any denial of the Holocaust.

This reflects the prevailing view of the international community. The Secretary-General reiterates his conviction that the denial of historical facts such as the Holocaust is unacceptable. He expresses his strong desire to see this fundamental principle respected both in rhetoric and in practice.

IN HONOR OF VICTOR J. FERLISE

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 31, 2007

Mr. PALLONE. Madam Speaker, I rise today in recognition and appreciation of Victor J. Ferlise, the deputy to the commanding general at the Fort Monmouth Army Garrison in New Jersey. It is with great pride and admiration that I honor him today for his long standing commitment to Fort Monmouth and the State of New Jersey for the past 36 years.

Throughout my 18 years in Congress, I have worked closely with Vic on issues pertaining to the Fort Monmouth community. He has always been a good friend and has worked tirelessly to provide life-saving equipment and technology for American soldiers.

Vic began his career in government service at Fort Monmouth in 1971. He served as the chief counsel of the Legal Office at Fort Monmouth before earning the title of deputy to the commanding general. Currently, Vic continues to serve as deputy, overseeing five major business units of the Communications-Electronics Life Cycle Management Command at Fort Monmouth.

He is responsible for the Command Legal Office and the Homeland Security Special Projects Office, and is a member of the New Jersey Research and Development Council. He is also a member of the Board of Trustees of Monmouth Medical Center and the First Atlantic Federal Credit Union.

Furthermore, Vic has been recognized numerous times for his outstanding contributions to State and Federal Government. His awards include several civilian awards and decorations, including the Distinguished and Meritorious Presidential Rank Awards and the Army Exceptional Civilian Service Award. In 2006, he was also the recipient of the highest civilian honor at the Department of Defense, the Distinguished Civilian Service Award. These accolades only serve as further evidence of his unwavering dedication to public service.

Madam Speaker, I sincerely hope that my colleagues will join me in recognizing Victor J. Ferlise for his contributions to our country, the State of New Jersey and the Fort Monmouth community. I wish him luck in his future endeavors and congratulate him on 36 years of outstanding service.

HONORING THE 30 YEAR SERVICE OF BRENDA WRIGHT TO THE HOUSE ARMED SERVICES COMMITTEE

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 31, 2007

Mr. SKELTON. Madam Speaker, I rise today to honor Ms. Brenda Wright, a long-time House Armed Services Committee Employee, on her retirement after 30 years of exemplary and professional service.

Throughout her tenure on the committee, Ms. Wright has been a selfless and dedicated employee and public servant. After serving for six years at the Interstate Commerce Commission, Brenda joined the House Armed Services Committee on February 14, 1977. Initially, she provided administrative support for the Sea Power subcommittee chaired by Charles E. Bennett and was promoted to her current position as Professional Staff Member on the full committee in 1988.

During the past 30 years, Ms. Wright has served seven committee chairmen, including myself, and has witnessed many pivotal moments in U.S. Congressional and military history. The House Armed Services Committee has been fortunate to benefit from the contributions of those who, like Brenda, not only have a great deal of experience, but who also appreciate and understand the history and the workings of this committee. Brenda joined the Congressional community at a time when our military faced the challenges of the aftermath of the Vietnam War, and since then, her efforts on behalf of our men and women in uniform have been consistent and unwavering. Recently, she recalled that one of the highlights of her tenure was the opportunity to personally witness the commissioning of the USS Cincinnati Los Angeles-class submarine and to stand among the service members who serve our nation so capably.

Madam Speaker, public perception of Congress frequently seems to be based on the personalities and characters of a few powerful figures. However, as one who shares Brenda's long tenure on the Hill, I know that Congress relies on the dedicated staff who steadfastly complete their work in the shadow of the dome and in the shadow of the limelight. Brenda Wright has gained a well-earned reputation as a dependable, loyal, and capable staff member whose absence will be felt by all who have had the privilege of working with her.

On behalf of all of the members of the House Armed Services Committee and her colleagues on the HASC staff, I congratulate Brenda on her upcoming retirement and thank her for her exemplary public service. With deep appreciation, we extend sincere best wishes to Brenda, her sons Robert and Lavan and their families for continued health and happiness.

HONORING ARMY SPECIALIST BRANDON L. STOUT

HON. PETER HOEKSTRA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 31, 2007

Mr. HOEKSTRA. Madam Speaker, I rise today to honor Army Specialist Brandon L. Stout, who died on January 22, 2007 in Baghdad, Iraq in support of Operation Iraqi Freedom.

Specialist Stout, who was 23 years old, died when an improvised explosive device detonated near his military vehicle. He was assigned to the 46th Military Police Company, 210th Military Police Battalion, Army National Guard, Kingsford, Michigan.

Brandon was raised in Kent City, Michigan. He met his future wife Audrey while attending Great Lakes Christian College from August, 2002 to May, 2003. They married in May of 2005.

Brandon's faith was an important part of his life, and he hoped to pursue a vocation in ministry. He felt called to serve his country and joined the Army National Guard in June 2003. In 2005 he was deployed to Louisiana for nearly two months as part of the Hurricane

Katrina response. Brandon trained at Fort Dix, New Jersey beginning in July 2006 and was deployed to Baghdad on October 1, 2006. He earned his promotion to Specialist in December of 2006. Brandon was looking forward to a scheduled two-week leave with his wife, family and friends.

Brandon is survived by his wife; his mother and step-father, Tracy and Jeff Anderson; his father and step-mother, Bill and Tammy Stout; and his brother, Adam. His extended family includes Andrew, Elizabeth, Stephanie and Christine Anderson; Stephanie Stout and Callie McGee; Gary and Laurie Hinken; Dusty and Lisa VanderMeer; and Marianne and Lindsey Hinken.

Specialist Stout's family and friends consider him a role model and a hero. He was dedicated to serving his country, was steadfast in his faith and deeply loved his wife and family. I extend my prayers and condolences to his family and friends and hope that they find peace and comfort during this difficult time.

TRIBUTE TO SERGEANT JONATHAN KINGMAN

HON. JIM JORDAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 31, 2007

Mr. JORDAN of Ohio. Madam Speaker, I rise today to honor the life of a brave young soldier, and one of America's fallen heroes, Sergeant Jonathan Kingman of Ohio.

Sergeant Kingman was a native of Mansfield, Ohio, and graduated from Mapleton High School, where he sang in the school choir, played basketball, and was a member of the track team.

Jonathan Kingman died on January 20, 2007, in Iraq, while serving his second tour of duty in support of Operation Iraqi Freedom. Age 21, he is survived by loving family, including his wife, children and parents.

In reading of Jonathan's life and speaking with his family members, Madam Speaker, I was touched by the dramatic impact this young man had on the lives of so many.

Like others before him, from farms, fields, and small towns across our land, Jonathan Kingman stood up and volunteered to serve his country.

He fought to promote freedom. He gave his life in defense of his family, his community, his state, and his nation.

For this, each and every American owes him and his family a great debt of gratitude.

Jonathan will be missed. But the strength of his character, and the courage he demonstrated through his service, will live on.

INTRODUCTION OF THE COMFORT WOMEN RESOLUTION

HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 31, 2007

Mr. HONDA. Madam Speaker, I rise today in strong support of the over 200,000 "comfort women" in Asia who suffered unimaginable dehumanization by the Japanese Imperial Army during Japan's colonial and wartime occupation of Asia and the Pacific Islands from the 1930s through the duration of World War II.

These women, whose experiences were unprecedented in cruelty and were officially commissioned by the Government of Japan, endured gang rape, forced abortions, humiliation, and sexual violence resulting in mutilation, death, or eventual suicide—and to this date, they have still not received justice from this tragedy.

Their hope is a modest one: That the government of Japan acknowledges, apologizes and accepts full historical responsibility for this crime.

Today, I am introducing a resolution which calls on Japan to formally and unambiguously apologize and acknowledge the tragedy which the comfort women endured under its Imperial Army during World War II. Not only should Japan's Prime Minister issue a public apology, Japan must take responsibility unequivocally.

Some question whether this resolution is necessary and warn that it could affect our nation's strong friendship and alliance with Japan. Some even argue that Japan has already apologized, and this resolution fails to recognize that. It is true that Japan's previous Prime Ministers have issued statements related to comfort women. However, it is clear that these statements are not viewed by the government of Japan with unequivocal respect, and the comfort women themselves do not consider them formal apologies. Japan has equivocated in its stance on this issue, which is made clear in their recent attempts to alter previous public statements and their school textbooks.

For example, in 1993, Japan's then Chief Cabinet Secretary Yohei Kono issued an encouraging statement regarding Japan's comfort women, which expressed the Government's sincere apologies and remorse for their ordeal. Today, some members of Japan's Liberal Democratic Party strive to review and even possibly rescind Secretary Kono's statement.

Further, the Japanese government continues to seek to downplay the comfort women system in its textbooks. We must ask ourselves, if Japan has truly come to terms with its past in acknowledging what its Imperial Army forced upon these women, why are they suppressing the knowledge of this through education? Education on this tragedy is important to ensure that future violence against women, especially in conflicts, should not be tolerated or repeated. Textbook suppression, coupled with efforts to revise Secretary Kono's 1993 statement, is disheartening and indicates that Japan wavers in its apology to these women.

I want to make it clear that I recognize and value the importance of our strong friendship with Japan. I appreciate Japan's efforts to provide monetary compensation to surviving comfort women through the Asia Women's Fund, a government-initiated and largely government-funded private foundation whose purpose was the carrying out of programs and projects with the aim of atonement for the comfort women. The Asia Women's Fund is to be disbanded on March 31, 2007, and while I agree that the Asia Women's Fund was important, the reality is that the majority of surviving comfort women refused to accept these funds, and that without an unambiguous and unequivocal apology from the government of Japan, the money was not significant to them.

The purpose of this resolution is not to bash or humiliate Japan. This is about achieving justice for the few remaining women who survived this atrocity. We must recognize this grave human rights violation, which has remained unknown for so many years.

Further, this resolution is intended to encourage and provide for reconciliation, as the U.S. Congress did when it passed H.R. 442, the Civil Liberties Act of 1988, which was a formal apology made to U.S. citizens of Japanese ancestry who were unjustly put into internment camps during World War II. As someone who was put into an internment camp at a young age, I know firsthand that we must not be ignorant of the past, and that reconciliation through government actions is long lasting.

I would be remiss if I failed to recognize the efforts that my good friend and former colleague Lane Evans made to push this issue forward in Congress. I am proud to be carrying the torch that Lane passed on, and commend him for the hope he has instilled in the comfort women and the communities that have worked so hard on their behalf by bringing this issue to Congress.

Madam Speaker, to put it frankly, the few surviving comfort women in the world who live with this burden are dying. We must help them achieve some peace of mind by moving this resolution forward. For the women who survived this brutality, this resolution demonstrates that our nation supports them and hears their voices calling for justice.

RECOGNIZING GINNY GANO FOR HER YEARS OF SERVICE TO OHIO'S 7TH CONGRESSIONAL DISTRICT

HON. DAVID L. HOBSON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 31, 2007

Mr. HOBSON. Madam Speaker, I rise today to recognize and honor a valued member of my staff, who is retiring after 37 years of working on behalf of the constituents of Ohio's 7th Congressional District. Virginia Gano, known by most everyone as "Ginny," is retiring this week from her post as the scheduler and executive assistant to me and the two previous members who held this seat.

A native of Springfield, Ginny started working for former Congressman Clarence "Bud" Brown, Jr. after graduating from Dennison University and the Katharine Gibbs School. When Bud decided to run for governor in Ohio, former Senator Mike DeWine won the seat, and Ginny stayed on to work for him.

When I came here in 1991, Ginny said that she would give me her resume, and I told her, "Ginny, I know that when you win the 7th congressional district, you win Ginny, too. You come with the office. You don't need a resume." That began not only a wonderful working relationship, but a warm friendship, too.

Ginny is one of the kindest and most outgoing people that you'll ever come across. She knows the people who keep the Capitol complex running—from the personnel who run the supply offices and maintenance shops to the staff members who work on the House floor and in the Speaker's Office. And she treats each and every one of them in a kind and courteous manner.

As everyone who works on Capitol Hill knows, an efficient scheduler is someone who can make or break an office. And Ginny, in her own way, has made this office work.

When a constituent would call the office to schedule a meeting or a tour, she always made the extra effort to be sure that their visit to Washington, D.C. was special. She's so popular giving tours, that she's now taking the grandchildren of some of the first people she gave tours to years ago through the Capitol.

And, if you ever had a question about how to cut through the "bureaucratic red tape," Ginny could find the answer or a way to get something done. It is those qualities that have made her invaluable to our office over the years.

Beyond her official responsibilities, Ginny has been the "den mother" for scores of staffers over the years. If you were moving to Washington, D.C. for your first job and were looking for a place to live, you called Ginny. If you were not feeling well or if you needed a ride to the hospital, you would go see Ginny. This includes the little, but meaningful things, too. For example, if someone was having a birthday in the office and you were looking for a card to have everyone sign, you would go ask Ginny. Those are just a few of the examples of what she has done for the young people who have worked in the office.

Ginny Gano has been the heart of this office and in my district for years, and she will be missed. So today, on behalf of my wife, Carolyn, and my current and former staff, I want to thank her for her service, but most of all for her friendship over the years.

Madam Speaker, please join me in honoring Ginny Gano on her retirement from federal service as the "first sergeant" of Ohio's 7th Congressional District.

CELEBRATING THE 85TH ANNIVERSARY OF THE 105TH AIRLIFT SQUADRON OF THE 118TH AIRLIFT WING

HON. JIM COOPER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 31, 2007

Mr. COOPER. Madam Speaker, today I rise in honor of the 85th anniversary of the 105th squadron of the 118th Airlift Wing in our Tennessee Air National Guard. The roots of this storied squadron reach as far back as World War I, and their brave service continues today in military operations around the world.

The unit received federal recognition in 1921 and was assigned to the U.S. Army's 30th "Old Hickory" Division. The unit adopted the name dubbing themselves the "Old Hickory Squadron" and their insignia still bears the image of Old Hickory himself, Andrew Jackson, riding on horseback.

At the onset of World War II, the unit mobilized for this global conflict. Members of the 105th Squadron made history around the world on observation missions, antisubmarine patrols, reconnaissance, and bombardment. The men of the 105th flew over 100 missions in the Pacific Campaign. They attacked Axis targets around the world in planes like the B–10 Bomber, the Vega Ventura B–34, and the B–25 Mitchel Bomber.

In 1961, the wing converted to the airlift mission that it accomplishes with distinction to this day. Beginning with the C–97G Stratofreighter, moving to the C–124C Globemaster II and finally to the C–130 Hercules, the 118th Military Airlift Wing carried out their critical mission from Panama to Iraq. They provided support for the Berlin Airlift and Cuban Missile crises, national and state civil disturbances, the Vietnam Conflict, Red Flag, Brave Shield, Volant Oak and Coronet Oak, Desert Shield, and Desert Storm. In 1990, the Wing mobilized 462 personnel during 21 deployments in Operations Desert Storm and Desert Shield, logging a record 7,239 flying hours.

After September 11, 2001, over one third of the 118th air wing was activated for a year or more helping patrol our skies in Operation Noble Eagle before deploying in support of Operation Enduring Freedom and Operation Iraqi Freedom. In 2003, the 118th deployed ten C–130's and over 320 personnel to the Middle East in direct support of combat operations in Iraq. The members of the 118th refused to let living in tents in the desert prevent them from establishing a bare base in support of the largest contingent of C–130's ever based in a combat environment, with over 46 C–130's located at a single base.

Madam Speaker, the world is safer because of the men and women of the 118th. The nation owes them our thanks on their 85th anniversary. These brave Americans are members of our community both in and out of uniform. Nashville is a better place for having the 118th Air Wing, and I am proud to represent them.

A TRIBUTE TO JOHN T. CAULFIELD, ESQ. UPON HIS RETIREMENT

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 31, 2007

Mr. HIGGINS. Madam Speaker, I rise to commend Mr. John Thomas Caulfield for over 25 years of outstanding service to the Congress and over 30 years of public service.

Mr. Caulfield has been known as a "lawyer's lawyer" on Capitol Hill and has provided all manner of counseling to the Congress including as a legal strategist and accomplished expert on the legislative process as the General Counsel to the Capitol Police Board, the Chief of Police and the U.S. Capitol Police for the past 20 years.

His contributions on behalf of the men and women of the Capitol Police and the entire Congress are truly immeasurable. His unique insights on Congressional operations and the institutional functions render him one of the few who, by direct experience, understand the complex and sometimes arcane interplay between and among the Houses of Congress and congressional entities.

His dedication to the protection of the legal institutional interests of the federal legislative branch has led to him being recognized nationally and even internationally as a First Amendment expert. He has been called upon to provide legal advice to the Parliaments of both Australia and Canada as well as the City of New York relative to the development and implementation of free expression demonstration, regulatory system balancing, and fundamental First Amendment rights of free speech, with appropriate governmental limitations. His profound grasp of these sometimes nuanced and competing constitutional and legal interests is demonstrated almost daily as he provides advice and counsel to the Capitol Police Board and the Capitol Police.

A native of Buffalo, New York, John has always maintained his "down-to-earth" roots as a person of integrity, humility, trustworthiness and truthfulness with a "what you see is what you get" approach to all endeavors. However, it is his keen legal intellect and overwhelming ethic for hard work combined with a Runyonesque, street-wise toughness that allowed him to remain calm during the many emergencies and critical situations that he was asked to handle on behalf of the Congress.

An accomplished student-athlete in high school and college, he has been recognized for academic and athletic honors including being inducted into the Canisius High School Hall of Fame as well as academic and athletic honors at John Carroll University. When asked, John has credited his Jesuit education and athletic participation as the cornerstone of his intellectual curiosity, thirst for knowledge and his drive to compete. This combination of attributes has allowed him, as an advocate, to temper the spirit of litigation "combat" with an eye toward resolution when it would be in the best interest of his client. It has been said by at least one opposing counsel that "even though we were on opposite sides, I knew he was always a straight shooter and I could take him at his word."

Another Capitol Hill attorney said, "If he had to knock heads with me, he would tell me upfront and then he'd help me up afterward."

While the breadth of his legal skills are well-known in Washington, DC, his unique expertise in constitutional law, litigation, including legal negotiations and settlements, legislative drafting and advocacy is unquestionably superior. Yet John, out of a deep sense of humility and commitment to public service, shrugs off any praise and dismisses his accomplishments, saying "that is what I expect of myself as a public servant." John also is often credited with an uncanny knack for instantaneous legal analysis and an ability to synthesize complex legal issues into simple and understandable terms.

To a large degree, John has credited the development of his expertise in the legislative process to his work as a subcommittee counsel for Chairman and former Congressman Henry J. Nowak of Buffalo. While he has dedicated much of his own time to mentoring and helping other young lawyers with the career development, one of his favorite mentoring tips, he learned from his experience under Mr. Nowak individuals especially those who work for the Congress should become so familiar with an issue that they become "masters of the 30 second briefing."

However, by all accounts, John remains most proud of his accomplishments as an advocate for the men and women of the Capitol Police. Even though it is rare, indeed, that a public servant can be provided with an opportunity to directly impact and improve the lives of individuals, John's successful advocacy for a "private relief" bill for the widow and children of deceased Capitol Police Sergeant Christopher Eney and his oversight responsibilities for the U.S. Capitol Police Memorial Fund originally established to assist the widow and children of deceased Capitol Police Private First Class Jacob Joseph Chestnut and Detective John Michael Gibson, the only Capitol Police officers ever killed in the line of duty have always been treasured accomplishments for him.

Another example of John's unique and historical contribution to the professional development, respect and prestige attributable to the Capitol Police is his tireless legal analysis, statutory drafting and advocacy spanning several years and culminating in the passage of the Capitol Police Retirement Act of 1990. This long sought law enforcement retirement initiative for the Capitol Police was viewed by many as one of the most significant formal, and historical statutory measures enacted by the Congress that recognized and treated Capitol Police similar to the FBI and the Secret Service as well all other executive branch federal law enforcement officers.

However, one of the most difficult challenges that John successfully faced relates to his collateral appointment as the Chief Legal Advisor of the United State Capitol Incident Management Team, the congressionally appointed anthrax terrorists acts response entity charged by Congress with the responsibility to address the anthrax terrorist acts of October 2001 widely reported as the deadliest attacks in the history of the United States. Neither the overwhelming long hours, the unique and varied legal complexities, nor the personal and professional responsibilities placed on John relative to the decision-making process as to the appropriate remediation of the buildings and the protection of individuals, nor the requirements of his regular duties as General Counsel could diminish his commitment to the continuity of the Congress and his service to the Capitol Police Board, the Capitol Police and the Congress.

Moreover, in virtually all serious and difficult challenges confronted by the Capitol Police Board and the Capitol Police during his tenure, Caulfield has been heavily relied upon for his unique problem-solving skills. Indeed, after receiving notice of a matter that was seemingly beyond repair John was consistently called upon to find a solution. Under these type of pressure circumstances and with a singular focus, even when faced with the inevitable "finger pointing" of those involved, Caulfield, is almost legendary for his sometimes impatient retort "I'm not interested in fault, you came to me to find a fix." In the development of resolutions in crisis management John exhibits an uncanny ability to quickly assess a given situation and synthesize a proposed solution providing a legal and litigation, as well as political and public relations risks in a concise and understandable manner. As former Doorkeeper of the House of Representatives, Jim Molloy once confided to a mutual friend, "John has one of the sharpest and best analytical minds I have ever seen."

John has also demonstrated his dedication to service to the Congressional community by serving as a volunteer member of the Board of Directors of the Wright Patman Congressional Federal Credit Union for approximately 20 years. During his service on the Board of Directors, the credit union has achieved much growth and success including relocating its headquarters to a new, larger facility. Additionally, John currently serves as the Chairman of the Member Information Security Committee leading the credit union's effort to ensure the protection of member personal information security and related privacy issues.

Madam Speaker, the retirement of John Thomas Caulfield from service to the Congress will bring a sense of loss not only for his substantive legal scholarship and acumen in such diverse areas of expertise as constitutional law, employment and labor law, appropriations law, criminal law and procedure, as well as in all aspects of legislative process and advocacy, but also I trust these revered halls of Congress will miss John's engaging personality, his spontaneous and humorous wit and ready smile.

Madam Speaker, it has often been said that "everyone is replaceable." Well maybe at long last we have found in John Thomas Caulfield the exception to that maxim.

Please join me in extending a heartfelt expression of appreciation for John's many years of dedicated and conscientious public service on behalf of the Congress and the Capitol Police and hearty congratulations on retirement to John, his wife Susan, his children, Jace and Molly, and his entire family.

REGARDING THE DESIGNATION OF THE FEDERAL BUILDING LOCATED AT 167 NORTH MAIN STREET IN MEMPHIS, TENNESSEE AS THE "CLIFFORD DAVIS/ODELL HORTON FEDERAL BUILDING"

HON. STEVE COHEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 31, 2007

Mr. COHEN. Madam Speaker, Odell Horton was appointed to the United States District Court for the Western District of Tennessee by President Jimmy Carter on May 12, 1980, the first black federal judge appointed since Reconstruction. Judge Horton served as chief judge of the district from January 1, 1987 until December 31, 1993.

Born in Boliver, Tennessee on May 13, 1929, Odell Horton was the oldest of four boys and a girl. Horton's father was a laborer and his mother took in laundry. Horton's first job at the age of six was delivering laundry for his mother. He and all his siblings picked cotton, stacked lumber and took other odd jobs to help support the family.

After graduating high school in 1946, Odell Horton enlisted in the Marine Corps. He took an early discharge ten months later and entered Morehouse College in Atlanta, using the GI bill to finance the tuition. By the time Horton graduated in 1951, the Korean War was underway and he returned for a second tour of duty.

Upon completion of his second tour of duty, which included graduating from the U.S. Navy School of Journalism, Horton entered Howard University in Washington, D.C., where he received his law degree in 1956. Horton moved to Memphis, rented a one-room office upstairs at 145 Beale Street, and opened his law practice.

Horton was in private practice from 1957 to 1962 and then was an Assistant United States Attorney in Memphis for the next five years. Governor Bufford Ellington appointed Horton to the Shelby County Criminal Court, a position to which he was later elected without opposition.

In 1968, at the peak of the civil rights movement, with the black sanitation workers in Memphis on strike, Mayor Henry Loeb appointed Horton as director of the city's hospitals, making him the only black division director in City Hall at the time. Horton dealt with a bitter strike by hospital workers, who were represented by the same union leadership as the sanitation workers. During the strike, Horton confronted officials at the University of Tennessee's medical school over the way their doctors treated patients at the hospitals. Judge Horton ordered the desegregation of William F. Bowld hospital and began moving some indigent patients to Bowld and Crump hospitals, which had been reserved for paying patients from the UT doctors' private practices. In 1969, he received the L.M. Graves Memorial Health Award as the person who did the most to advance the cause of health care in Memphis.

Judge Horton stepped down from the bench to serve as the President of LeMoyne-Owen College, a historically African-American liberal arts college, from 1970 to 1974.

Judge Horton returned to federal service upon his appointment as reporter for the Speedy Trial Act Implementation Committee by the Western District Court of Tennessee and later served as U. S. Bankruptcy Judge from 1976 to 1980.

After having served as both jurist and chief justice for the United States District Court for the Western District of Tennessee, Judge Horton took senior judge status on May 16, 1995, and two years later, closed his Memphis office.

Judge Odell Horton is remembered as a calm and patient judge, who carefully and deliberately explained legal concepts to jurors.

Judge Horton and his wife, Evie L. (nee Randolph), were married for over fifty years and have two sons, Odell, Jr. and Christopher, who graduated from his alma mater, Morehouse College in Atlanta.

Odell Horton's wife, Evie, spoke for so many in both his professional and personal life when she stated after his death, "He was a rare and precious jewel in the crown of humanity and made all our lives richer and better because he passed this way."

FREEDOM FOR MANUEL UBALS GONZÁLEZ

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 31, 2007

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, I rise today to speak about Manuel Ubals González, a political prisoner in totalitarian Cuba.

Mr. Ubals González, President of the Political Prisoners and Ex-Prisoners Club in Guantanamo, Cuba, is a peaceful pro-democracy activist who has worked for basic human rights for the people of Cuba. The persistent repression of human rights on that oppressed island forced Mr. Ubals Gonzáles to choose between a life without rights or fighting for the cause of liberty for the Cuban people. Mr. Ubals González admirably chose to dedicate his life to the battle for freedom for the Cuban people.

He joined his fellow Cuban pro-democracy activists, journalists, and human rights defenders and committed himself to helping shed light on the atrocities committed by the brutal tyrant and to help put an end to the abhorrent nightmare that is the Castro regime. On March 20, 2003, as part of the totalitarian regime's ruthless crackdown on pro-democracy activists, Mr. Ubals González was arrested and, after a farce trial, "sentenced" to 20 years in the totalitarian gulag.

After this sham trial, Mr. Ubals González was sentenced to 20 years in Castro's maniacal dungeon for nothing other than a peaceful exercise of his fundamental right to voice his opinion. Let me be very clear, Mr. Ubals González in suffering in depraved conditions that the U.S. State Department describes as, "Harsh and life threatening" in which "police and prison officials beat, neglect, isolate and deny medical treatment to detainees and prisoners."

As always with prisoners of conscience in Cuba, Mr. Ubals González does not suffer this torture alone. According to the International Committee for Democracy in Cuba, his wife, Mayelín Bolívar González, must travel by train with her three children to visit her husband in prison. However, since the train does not stop at the prison, Mrs. Ubals is forced to watch her two oldest children jump from a moving train before following suit, holding the youngest in her arms every single time she attempts to visit her husband.

Mr. Ubals González is a brilliant example of the fighting spirit of the Cuban people: of their rejection of the brutality, discrimination and depravity of the totalitarian despot. He is languishing in repulsive squalor because he does not subscribe to the lies and propaganda forced upon Cuba by the communist regime.

Madam Speaker, it is unconscionable that human beings just 90 miles from our shore are locked in a barbarously cruel gulag because they believe they have a right to freedom and a democratic government. My Colleagues, we must demand freedom and human rights for all people, especially those who live under the darkness of totalitarian regimes. We must demand the unconditional freedom for Manuel Ubals González and every prisoner of conscience in totalitarian Cuba.

INTRODUCTION OF 2007 NATIONAL CRIME VICTIMS' RIGHTS WEEK RESOLUTION

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 31, 2007

Mr. COSTA. Madam Speaker, as co-chair of the Congressional Victims' Rights Caucus, I rise today to introduce the 2007 National Crime Victims' Rights Week Resolution on behalf of myself and my caucus co-chair, Congressman TED POE of Texas. This resolution expresses Congress's support of the goals and ideals of National Crime Victims' Rights Week and the efforts to increase public awareness of the rights, needs, and concerns of crime victims and survivors in the United States. This observance will take place the week of April 22 through April 28.

In 1980, President Reagan first called for a national observance to recognize and honor the millions of crime victims and survivors in America. National Crime Victims' Rights Week also pays tribute to the thousands of community-based and system-based victim services providers and to the criminal justice and allied professionals who provide critical support and assistance to victims every day, of every week, of every single year. National Crime Victims' Rights Week has since been proclaimed annually with ceremonies and observances in Washington, DC, and in thousands of communities throughout our Nation.

President Reagan's strong emphasis on the rights and needs of crime victims led to the passage of the Victims of Crime Act, which in 1984 created the Crime Victims Fund. Since then, the Crime Victims Fund has dedicated more than $8 billion collected from criminal fines—not taxpayers' dollars—that annually supports more than 4,400 victim assistance programs serving some 3.8 million victims, and compensation to more than 165,000 victims for their unreimbursed medical expenses, lost wages and funeral costs. The adage, "crime doesn't pay, victims do," is challenged by the VOCA fund, which rightfully holds offenders accountable for their criminal actions, with fines ensuring that crime victims receive the services and support they so greatly need and deserve. And the Congressional Victims' Rights Caucus has worked since its inception to preserve the intent and integrity of the Crime Victims Fund as created by President Reagan nearly a quarter century ago.

The 2007 National Crime Victims' Rights Week theme is "Victims' Rights: Every Victim. Every Time." Today more than ever, these simple words resonate with greater importance than ever before. In the decade between 1994 and 2004, the National Crime Victimization Survey found that violent crime rates declined, reaching the lowest level ever recorded in 2005. Unfortunately last year, the FBI's Uniform Crime Reports reported that crime is, once again, on the rise—violent crime rose 3.7 percent; murders increased 1.4 percent; robberies were up nearly 10 percent; and arson increased by nearly 7 percent. This means more victims than ever suffer the indignation of crime, and have significant losses that affect them physically, emotionally, financially and spiritually. Our caucus and our Congress must recommit our energies to ensure that "every victim of every crime" has access to support and services.

I know that my colleagues in Congress have heard a great deal about violence and victimization, and have heard from those who are directly affected:

The teenage girl who leaves home for the first time to go to college, only to be drugged and raped at a campus party; or the young mother who is beaten by her husband on a regular basis, but fears leaving him because he's threatened to kill her kids, and she has no money, nor no place to go.

"Every victim. Every time."

Or the elderly man—no different from our parents—who is abused in a nursing home; or the parents whose only son is killed in a violent drunk driving crash.

"Every victim. Every time."

Or the horrific day that nobody will ever forget—September 11, 2001—when nearly 3,000 people were killed in the terrorist attacks against our Nation in New York, Pennsylvania, and right here in the shadow of our own Capitol.

"Every victim. Every time."

America is a nation known for its commitment to justice. Yet when we consider "criminal justice," that's pretty much what it is about: justice for the criminal and, still too often, little consideration is given to justice for victims. National Crime Victims' Rights Week gives us the chance to talk about "victim justice"—justice for innocent folks whose lives are irrevocably altered by crime. It gives Congress the opportunity to say, "yes," every victim of every crime should receive information about their case; to say, "of course" every victim of every crime should be offered protective measures to make them feel safe; to say, "absolutely," every victim of every crime that results in a conviction should receive restitution directly from the offenders who harmed them.

America's victims' rights movement is leading our entire Nation in this direction. Today, victims of crime and those who serve them have not only a voice, but a vision for what justice should look like in America. Today, there are over 32,000 laws that define and protect victims' rights. We have over 10,000 organizations in our communities and in our systems of justice that help victims cope in the aftermath of crime, and help victims recover. Criminal justice is no longer all about the offender; it is rightfully becoming very much about the victims.

I am proud to be one of the cofounders, along with Representative POE, of the Congressional Victims' Rights Caucus. The goals of the Victims' Rights Caucus are to (1) represent crime victims in the United States through the bipartisan legislation that reflects their interests, rights and needs; (2) provide an ongoing forum for proactive interactions between the U.S. Congress and national victim assistance organizations to enhance mutual education, legislative advocacy and initiatives that promote justice for all—including victims of crime; and (3) seek opportunities for public education initiatives to help people in America to understand the impact of crime on victims, and to encourage their involvement in crime prevention, victim assistance, and community safety. We have an Advisory Group of victims, survivors, victim advocates and justice professionals who serve as our "eyes and ears" to victims and survivors of crime, and they are not shy about letting us know what victims need.

And we have learned that one thing victims need, the one thing that victims deserve, is recognition of their suffering, and recognition of their need for justice, and their need for supportive services. "Victims' Rights: Every Victim. Every Time."

This is what 2007 National Crime Victims' Rights Week is all about. And this is what Congress can commit to by passing the National Crime Victims' Rights Week resolution.

INTRODUCTION OF RENEWABLE ENERGY LEGISLATION

HON. JERRY WELLER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 31, 2007

Mr. WELLER of Illinois. Madam Speaker, I rise today to introduce a package of legislation that achieves a comprehensive approach to the future of renewable energy. As we move forward with national energy policy, I strongly believe we need to start taking steps in a direction that will provide consumers with other options other than just oil based fuels. With crude oil hovering around $60 a barrel and natural gas around $8.00 per btu, renewable energy like wind, solar, biomass, ethanol and biodiesel have started to become economically competitive sources of energy for our nation's consumers and businesses. By advancing the use and knowledge of renewable energy, we can lower demand for imported oil and lead our nation towards energy independence.

One of the components I introduced today will push forward an aggressive schedule for renewable fuels by mandating the renewable content of gasoline to be 25 billion gallons by 2025. Under the energy bill, we are mandating that the renewable content of gasoline be at 4 billion gallons by 2006 which is 2% of total gasoline. Once implemented, the "25 by 25" initiative would raise that percentage up to 12.5%.

For farmers, the 25 billion gallon requirement means better commodity prices for corn and soy and more importantly it means jobs. According to the Renewable Fuels Association, a new ethanol plant will: expand the economic base of the local economy by $110.2 million, generate an additional $19.6 million of household income, support the creation of as many as 694 permanent new jobs throughout the entire economy of the United States and generate at least $1.2 million in new tax revenue for the state and local governments.

One problem we face in the advancement of renewable fuels is the sub par infrastructure we currently have in place. With ethanol and biodiesel plants mostly focused within the midwest and with only around 1,000 fuel stations that carry E–85 transportation fuels, it is essential that we provide tax incentives for the construction and development of ethanol and biodiesel plants. Another bill that I will be introducing, the Renewable Fuels Infrastructure Improvement Act of 2007, builds upon the relationship between renewable fuels and industry that started in the last energy bill. The legislation achieves this by providing multiple tax incentives for the construction and development of an infrastructure that will be more able to expand past the Midwest.

The legislation will provide an aggressive 7-year depreciation schedule for all ethanol and biodiesel refining equipment. Also included within this section is a provision that will expand and extend the installation of alternative fuel refueling property that we in Congress passed earlier this year. The provision will allow taxpayers to claim a more effective percentage tax credit for the cost of installing clean-fuel vehicle refueling property to be used in a trade or business of the taxpayer or installed at the principal residence of the taxpayer. This ramped up percentage schedule would help accelerate the construction of the E–85 infrastructure.

Another piece of legislation I introduced today ensures that government agencies will expand their use of renewable fuels. Under this bill, departments and agencies will have to purchase ethanol and biodiesel where it is competitively priced to gasoline and diesel. In the mentality of "practice what you preach" it is time for our own Federal government to increase their use of ethanol and biodiesel where these fuels are reasonably available. In attempting to reduce our dependence on foreign oil, it should start right here in our Nation's capitol.

I believe the most innovative legislation that I am introducing is a new tax credit that will provide for consumers who purchase a new concept vehicle which combines hybrid and flexible fuel technologies that will be available to consumers in the near future. It is this marriage of these technologies that will create a vehicle that will be better steward to our environment and will further reduce our dependence on foreign sources of oil. In providing this tax credit, we promote a greater sense of innovation for the future of automobiles.

In addition to renewable fuels, I believe we also need to make a serious investment in renewable sources of energy like wind, solar and biomass. It is for this reason I have introduced three different bills that will make current tax incentives permanent. The residential energy efficient tax credit, wind energy production tax credit and the renewable energy production tax credit all have been effective in promoting the investment and production of renewable energy. With energy sources like wind, solar and biomass, the up front costs for investment by producers and consumers are high. By giving individuals and businesses small incentives, like the $2,000 solar credit, we can make it easier for these technologies to be taken advantage of.

In closing, Madam Speaker, I believe we need to take many different approaches in making America energy independent. With the Energy Policy Act of 2005, we took steps forward in reducing our dependence on foreign oil by creating policy that increased the use of renewable energy in tandem with increasing our domestic production of energy sources. Due to the energy bill, we have seen over $100 million invested in wind energy and four to five new ethanol and biodiesel plants in my district. In total, we saw investment in renewable energy double in the United States to $68 billion dollars.

We need this investment in renewable energy to continue. These bills are good for farmers, the automobile industry, businesses, consumers, the environment and most importantly, the goal of reducing our dependence on foreign oil. I believe the legislation that I have introduced today, achieves the goals in renewable energy we need to achieve. I ask my colleagues to join me in moving forward with this innovative approach.

TRIBUTE TO EAGLE SCOUTS

HON. DOUG LAMBORN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 31, 2007

Mr. LAMBORN. Madam Speaker, the following is a list of young men who embody service and responsibility and have received the status of Eagle Scout. Today I want to applaud their achievement.

As a proud parent of four Eagle Scouts myself, I can attest to the hard work and dedication these men have put forth to become an Eagle Scout.

Only 5 percent of all Boy Scouts attain the highest advancement rank of Eagle Scout. To do so, a Boy Scout must excel in areas of leadership, service and outdoor skills, Eagle Scouts must earn 21 merit badges, 12 specific merit badges are required, including, First Aid, Citizenship in the Community, Citizenship in the Nation, Citizenship in the World, Communications, Environmental Science, Personal Fitness, Personal Management, Camping, and Family Life.

Service and responsibility are the foundation of the Boy Scouts of America, and these fine young men have mastered an array of skills. Today I want to honor their commitment to these principles.

It is my privilege today to congratulate the following Eagle Scouts on their fine accomplishment:

Morgan Campbell, Anthony Stokes, Michael Maloof, Colin Bornmann, Daryl Lambert, Tyler Campbell, David Benhammou, Joshua Bonlek, Jacob Gelsinger, James Allen, Andrew Perroni, Eric Gillaspie, Stephen Byvoet, Erik Schlabs, Aaron Straight.

Timothy Martin, Erik Umland, Charles Overbay, Nathaniel Jeffrey, Christopher Wu, Jeffrey Marlor, Michael McCreight, Benjamin Kush, Adam Colvin, Anil Damle, Michael Joseph, Alexander Norr, Jonathan Miller, Steven Falk, Peter Zupan, Aaron Schlagheck, Jacob Whatcott, Mathew Jennings, Christopher Howe, Brandon Turner.

Austin Nestlerode, Aric Higgins, Aaron Burkhart, Gregory Wingerter, Stephen Fitzwater, Christopher Malley, Andrew Petering, Andrew Renehan, Michael Tope, Gregory Williams, Joshua Antuna, Jeff Tindell, Gabriel Bennett, Joseph Becar, Stephen Marzulla, Alexander McElhaney, Kyle Moody, Nathan Bennion, Peter Zupan, Jeffery Seymore.

Andrew Kugler, Charles Balch, Joshua Godshall, Timothy Jutras, Devin Sperle, Christopher Weiler, John Vogt, Cameron Ackley, Austin Williams, Stephen Cooley, Christopher Maddox, Benjamin Carlson, Nicholas Holmes, Forrest Lampella, David Law, Daniel McConkie, Kyle Spencer, Adam Stanton, Mark Nader, Tyler Hill.

Benjamin Hallgarth, Daniel Evans, Brian Hicks, Nicholas Glass, Aaron Busse, Derek Kirchhoefer, Alexander Ramsay, William Whittemore, Jr., Luke Saunders, Connor O'Laughlin, Nicholas Davis, Aaron Novy, Ian Watson, Sean Steele, Jordan Barnett, Kenji Tanabe, Christopher Ciccolella, Bryan Bredfeldt, Jonathan Johnson, Christopher Temple.

Michael Temple, Matthew Davidson, Adam Feliz, Sean Anderson, David Lloyd, Raymond Stauffer, Adam Khan, Stephen Hornung, Stephen Gremillion, Robert Miller, Adam Jensen, Peter Mattingly, Benjamin Provolt, Robert Burns, James Dwyer, Christopher Hare, Nicholas Cunningham, Skylar Warner, Jared Stoltz, Erik Rodriguez.

Adam Phipps, Adam Muffler, Joseph Yeurdjian, Seth Grover, Matthew Heimerman, Krystopher Ford, Robert Burton, James Nealy, Carson Hiltbrand, Nathan Mather, Matthew Sewell, Nicholas Kramer, Matthew Ford, Michael Coleman, Kevin Zrust, Trevor Wallner, Jordan Smiley, Matthew Zrust, Nikolas Rajcevich, Bryan Rapacz.

Colby Baker, Chad Barens, Alma Dally, Daniel Hellewell, Kurt Hanson, Roger Greenlaw III, Andrew Grimald, Aaron Cowles, Thomas Lightbody.

TRIBUTE TO S. JERRARD SMITH

HON. DOUG LAMBORN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 31, 2007

Mr. LAMBORN. Madam Speaker, I rise today to pay tribute to Mr. S. Jerrard Smith, a philanthropist and leader for Colorado Springs.

He was a respected businessman, who served as president of Western Forge from 1998–2001 and also the managing director of the Colorado Baking Company. Yet what he valued more than any of these accomplishments was a drive for making the community of Colorado Springs a better place for all residents.

Mr. Smith epitomized philanthropy and giving. Under his leadership, fundraising grew over 18 percent during his 5 years as United Way president, to more than $5.5 million that goes a long way toward community projects and revitalization. He has left a legacy for Pikes Peak United Way that no other has nor ever will.

Jerry was a man with great vision and a passion for giving. He lived all of the core principles that United Way champions—Respect, Caring, Fairness, Integrity, Competence, Celebration and Passion. Friends described him as a renaissance man, who enjoyed symphony, opera, gardening, and gourmet cooking, a man equally at ease talking about football and azaleas.

There was a special place in his heart for this community and the United Way. He had served the agency first as chair in the 1980s, and was its chair again in 2002, when the position of CEO opened and he sought it.

Jerry passed away while doing something he loved—running in North Cheyenne Canyon. Jerry touched the lives of everyone he met, his legacy is eternal. The City of Colorado Springs is deeply grateful for his contributions and he will be missed.

TRIBUTE TO GUARDIAN INDUSTRIES AND ITS 75TH ANNIVERSARY

HON. JOE KNOLLENBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 31, 2007

Mr. KNOLLENBERG. Madam Speaker, I want to pay tribute to Guardian Industries which is celebrating its 75th Anniversary this week. This company's positive impact on Michigan's economy should be commended and I am pleased they are headquartered in my district, in Auburn Hills, Michigan.

Guardian is one of the largest manufacturers of float glass and fabricated glass products. They also manufacture and supply the automotive industry with a variety of exterior products and have a significant presence in the building materials distribution business. In addition, Guardian is the world's largest producer of mirrors.

Guardian Industries began in 1932 as Guardian Glass Company, a small windshield fabricator in Detroit, Michigan. In 1968, the company changed its name to Guardian Industries Corporation and two years later they opened their first float glass manufacturing line in Carleton, Michigan. Nearly thirty years later, in 1995, Guardian moved their corporate headquarters to a new facility in Auburn Hills, which I now represent.

Guardian Industries long-time contribution to Michigan's economy is substantial. Through three divisions—glass, automotive, and building products—Guardian Industries employs nearly 19,000 workers, including more than 1,000 in southeast Michigan. Guardian's commitment to making southeast Michigan a focus point for innovation can be seen through the company's Science & Technology Center. Guardian has also been an active supporter of the community, such as offering scholarships for local students pursuing advance education and providing financial support to the Detroit Symphony Orchestra.

Madam Speaker, Guardian Industries has been a leader in the United States and global glass, automotive, and building products industries. I congratulate them on their 75th anniversary as they continue to implement its philosophy of entrepreneurship and progressive management.

HONORING DR. MARSHA COLEMAN-ADEBAYO FOR HER LIFELONG COMMITMENT TO CIVIL RIGHTS

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 31, 2007

Mr. VAN HOLLEN. Madam Speaker, I rise today, as we begin observance of Black History Month, to pay tribute to one of my constituents, Dr. Marsha Coleman-Adebayo, a leader in the struggle for civil rights and worker protection.

Dr. Marsha Coleman-Adebayo won an historic lawsuit in 2000 against the Environmental Protection Agency for race, sex, and color discrimination and a hostile work environment. As a result of this victory and her subsequent testimony before Congress, the Notification of Federal Employees Anti-Discrimination and Retaliation Act ("NO FEAR Act") was passed by Congress and signed into law. Thousands of federal workers and their families have benefited from this law.

After passage of this legislation, Dr. Coleman-Adebayo formed the No FEAR Coalition, a group of civil rights and whistle-blowing organizations dedicated to working for increased legislative protections for federal employees, who speak out to protect the public good. We must ensure that these courageous individuals are not penalized.

Dr. Coleman-Adebayo has had a distinguished academic career. She earned a B.A. degree from Barnard College/Columbia University and a doctorate degree from the Massachusetts Institute of Technology. She holds an academic chair at George Mason University and is an Adjunct Professor at the Georgetown University School of Foreign Studies. She has also taught at MIT, American University and the University of California at Santa Barbara.

Dr. Coleman-Adebayo has served at the United Nations, representing it in Ethiopia and Tanzania. At the National Summit on Africa, she chaired the Sustainable Development and Environment Expert Group and was the Executive Secretary for the U.S./South Africa Bi-national Commission.

Dr. Coleman-Adebayo's work has been frequently recognized and she has received numerous honors and awards, including Harvard University's award for Outstanding Commitment to Global Health and Development and Good Housekeeping Magazine's Woman of the Year. She was selected by the National Whistleblower Center as one of the most influential "truth-tellers" in the United States and was inducted into the Project on Government Oversight's Hall of Fame. Dr. Coleman-Adebayo is the subject of a major motion picture, currently in production, entitled "No FEAR: The Marsha Coleman-Adebayo Story."

Madam Speaker, I ask my colleagues to join me in saluting Dr. Marsha Coleman-Adebayo for her lifelong commitment to civil and workers' rights.

HONORING NEWARK MAYOR DAVID W. SMITH

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 31, 2007

Mr. STARK. Madam Speaker, I rise today to pay tribute to the Mayor of Newark, California, David W. Smith. Mayor Smith has served the citizens of Newark, California for 27 years. He has the distinction of being the longest serving Mayor in California and presently the fourth longest serving Mayor in the United States.

Mayor Smith is a native of Detroit, Michigan. He has extensive management experience in the private sector and is currently Executive Director for Asset and Enterprise Management Systems at Ohlone College.

His government experience is equally impressive. He was elected to the Newark City Council in 1976 and was elected Mayor in 1978. He has served in the United States Conference of Mayors in a myriad of capacities including Trustee on the Executive Committee, Nominating Committee Chair, Membership Committee Chair, member of the Arts Committee and the Education Committee.

Mayor Smith is past President of the Alameda Conference of Mayors and former Chairman of the Alameda County Transportation Authority. He is Chairman of the Newark Redevelopment Agency, the Newark Community Development Advisory Committee and the Newark Disaster Council.

His awards and honors are noteworthy. He is a life member of the U.S. Jaycees, and had the honor of being selected as one of California's Five Outstanding Young Men, Outstanding Young Alumni at Michigan Technological University and is a former member of Mensa. He is among the Distinguished Alumni of Calumet High School and received the Hometown Hero Award from the Newark National Little League.

On March 22, 2007, the Mission Peak District of the Boy Scouts of America will present Mayor Smith with its 2006 "Good Scout Award" at a community breakfast in its honor. I join the community expressing appreciation to Mayor David Smith for his commitment to service.

INTRODUCTION OF THE PERMANENT INTERNET TAX FREEDOM ACT OF 2007

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 31, 2007

Ms. ESHOO. Madam Speaker, I am proud to introduce the Permanent Internet Tax Freedom Act of 2007. This legislation completes the work begun by Congress in 1998, by permanently banning discriminatory or duplicative state or local taxes on Internet access and e-commerce.

When Congress first instituted a temporary moratorium in 1998, the goal was to promote the growth of online commerce and encourage universal access. This policy has been a resounding success, fostering growth in productivity and innovation and widening public access to information. A 2006 report by the Pew Internet and American Life Project demonstrated that 73 percent of those polled were Internet users, up from 66 percent in a similar 2005 survey. While Americans use the Internet for a myriad of reasons, e-commerce has particularly flourished and continues to grow at an exceptional rate. In 2006 alone, online retail exceeded $100 billion, increasing 24 percent over 2005.

Despite the successes we have seen, there is still much work to be done. Internet usage still lags behind in rural and lower income areas and the United States has fallen from 4th to 16th in broadband penetration worldwide since 2001. In order to reverse this trend, we need to ensure that access costs are kept to a minimum. Prohibiting unnecessary access taxes will help accomplish this goal.

We also need to allow unfettered access to the products and new services that are only available through the Internet and prevent multiple layers of state and local taxes. Otherwise, we will open the door to a myriad of barriers to Internet commerce that will drive consumers from a web-based marketplace and stifle innovation.

Congress twice passed extensions to the moratorium in 2001 and again in 2004. Unfortunately, in November of this year the most recent extension will expire. Should Congress fail to renew this moratorium the continued growth and progress in Internet access and e-commerce will be endangered.

I urge my colleagues to join me in supporting my efforts to make this moratorium permanent and finally assure consumers that their Internet access and e-commerce will remain unhindered by discriminatory and duplicative taxes.

BLOUNTSTOWN FUTURE FARMERS OF AMERICA

HON. ALLEN BOYD

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 31, 2007

Mr. BOYD of Florida. Madam Speaker, I come to the floor today to congratulate a group of students from Blountstown, FL, who have recently won the National Future Farmers of America Forestry Career Development Event at the National FFA Convention in Indianapolis.

The forestry team from Blountstown represented the State of Florida, competing against 37 other teams from around the country in the national forestry event. The competition was part of the 79th National FFA Convention.

I am pleased to recognize all of the members of the Blountstown forestry team who contributed to the victory. The championship team consisted of Blountstown students Nic Stoltzfus, Will Leonard, Max Herndon, and Jennie Fagen. As the winning team, these exceptional students received scholarships to further their educations at a post-secondary institution of their choice. Leading the team of future agricultural professionals was Blountstown FFA sponsor Ron Mears.

These students have demonstrated impressive knowledge in the area of forest management, and I'm so proud of their hard work and their dedication to this important field. On behalf of my fellow Floridians, I applaud the Blountstown Future Farmers of America on their victory and national recognition.

INTRODUCTION OF LEGISLATION TO DESIGNATE THE THIRD FLOOR OF THE ELLIS ISLAND IMMIGRATION MUSEUM AS THE "BOB HOPE MEMORIAL LIBRARY"

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 31, 2007

Mr. ENGEL. Madam Speaker, I rise today to encourage my colleagues' strong support of legislation that I have introduced to designate the third floor library of the Ellis Island Immigration Museum as the "Bob Hope Memorial Library." I would also like to thank Representative GALLEGLY for his assistance with this bill. I believe that it is important to honor Bob Hope, an American Citizen, who immigrated through Ellis Island and who contributed so greatly to the American people and culture.

Most Americans remember Bob Hope for his work in the entertainment business as a comedian, actor, dancer, and singer as well as his work with American troops abroad. But, what few know is that Bob Hope was an immigrant from England. He is sometimes even referred to as America's most famous immigrant, whose life epitomizes the "American Dream." After a long period of restoration, Ellis Island was turned into a museum in 1990 with the purpose for people to come and remember the 16 million immigrants who passed through Ellis Island from 1892–1954 to pursue the American Dream. Bob Hope embodies that American Dream which so many immigrants sought and I believe that naming the library after this great American is a fitting tribute.

INTRODUCTION OF BILL TO PROVIDE PERMANENT FUNDING FOR THE PAYMENT IN LIEU OF TAXES (PILT) PROGRAM

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 31, 2007

Mr. UDALL of Colorado. Madam Speaker, together with my Colorado colleague, Representative JOHN SALAZAR, I am again introducing legislation to provide permanent funding for two programs that are very important to counties and other local units of government in Colorado and many other States.

Our bill is identical to one we introduced in the 109th Congress. Under the bill, the full amounts authorized under both the payments in lieu of taxes, PILT, program and the refuge revenue sharing program would be made available to the Secretary of the Interior annually, for distribution to eligible local governments in accordance with those programs.

This would eliminate the requirement for annual appropriations for PILT and refuge revenue sharing purposes and would shield them against the kind of political short-sightedness demonstrated in the presidential budget that has repeatedly failed to request full funding for PILT and has even proposed cuts from amounts Congress has previously provided.

While both programs are significant, PILT is particularly important for counties in Colorado and other States that include large expanses of Federal lands. In 2006, for example, counties in Colorado received more than $17.4 million out of a total of more than $232 million distributed nationwide.

Congress created the PILT program in response to a recommendation of the Public Land Law Review Commission, chaired by Representative Wayne N. Aspinall, who represented what was then Colorado's Fourth Congressional District. It reflected a recognition that a system of payments based on acreage was more equitable and reliable than one tied to management decisions such as timber harvests or other uses.

Counties use their PILT payments for a wide variety of purposes, including some—such as law enforcement, fire fighting, and search and rescue—that are directly related to the Federal lands within their boundaries and the people who use those lands.

For nearly two decades after the program was established, PILT funding remained level but the value of PILT payments was eroded by inflation. In 1995, Congress amended the law to raise the authorization level. However, since 1995, no budget request—from either President Clinton or President Bush—has requested more than two-thirds of the amount authorized by the PILT Act. As a result, the burden on county taxpayers has not been reduced to the extent that Congress intended when it passed the 1995 legislation. Our bill would ensure full implementation of that legislation.

HONORING HENRY M. THOMAS III

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 31, 2007

Mr. NEAL of Massachusetts. Madam Speaker, on Wednesday night, January 24, 2007, the University of Massachusetts presented Henry M. Thomas III of Springfield, MA, with its Distinguished Service Award. This award recognizes the "demonstrated leadership" and "exemplary accomplishments" of an individual, and I can think of no one more worthy than my friend Henry Thomas.

Henry Thomas is a life-long friend of mine and I would like to extend at this time my heartfelt congratulations to him upon receiving this prestigious honor. I would like to include in the CONGRESSIONAL RECORD today a history of Henry Thomas's accomplishments and dedication to the city of Springfield, social activism and education. Congratulations Henry on an award that is well-deserved.

DISTINGUISHED ACHIEVEMENT AWARD PRESENTED TO HENRY M. THOMAS III, JANUARY 24, 2007.

No one in our time has made greater civic contributions to western Massachusetts than Henry M. Thomas III, or shown greater courage and resolve in doing so. His record of achievement during the past three and a half decades has been dazzling in its depth and diversity.

Thomas is president and chief executive officer of the Urban League of Springfield Inc., which he joined in 1971 as youth and education director. The Urban League serves the African American community by promoting through advocacy and services the academic and social development and the economic self-sufficiency of young people and families. It also fosters racial inclusion and social justice.

Thomas showed an early aptitude for leadership. Within 4 years he was promoted to director of voter registration and education at the Springfield Urban League, and then to deputy director. In 1975, when only 25 years old, he was named president and CEO, the youngest person ever so appointed in an Urban League affiliate. He is a past president of the National Urban League Executives and served for 2 years as vice president for youth development at the New York office of the National Urban League, developing infrastructure to support inner-city youth.

Many other institutions and organizations have been touched by Thomas's energetic idealism and executive skill. As the first African American chairman of the Springfield Fire Commission from 1985 to 1998, he demonstrated a courageous willingness to challenge a rule that forbade fire department applicants from having an arrest record, as opposed to a conviction—this at a time when blacks and Latinos were frequently arrested on spurious grounds. Ten years later, as the first black chairman of the Springfield Police Commission, Thomas received death threats after granting three African Americans promotions to sergeant.

In January 2006, Governor Mitt Romney appointed Thomas vice chairman of the Massachusetts Board of Education, on which he had served since 2001. Thomas was also recently appointed to the transition team of Governor Deval Patrick.

Camp Atwater in North Brookfield, MA, the Nation's oldest African American summer youth residential camp, has long benefited from Thomas's support: he reopened it in 1980 following a 6-year hiatus and serves as its CEO. He also serves on a number of local and national boards and commissions. Thomas founded and is the presiding chairman of the board of Springfield's New Leadership Charter School, is a member of the board of the American Camping Association, and chairs the board of trustees of the Springfield Cable Endowment. He founded and is a co-chairman of Step Up Springfield and is on the executive committee of the Hamden County Regional Employment Board.

An earnest and inspired educator, Thomas has been a visiting professor in the Master's of Regional Planning Program at the University of Massachusetts Amherst and at Curry College in Milton, Massachusetts. He hosts a weekly community talk show, "Urban League Community Focus," now in its 15th year on Springfield radio station WTCC.

Thomas grew up in Springfield, where at Technical High School he was his class's only black gymnast. Equally adept on the gridiron, he was offered dozens of college football scholarships and accepted one at American International College in Springfield. There he founded the black student organization and earned a bachelor's degree in psychology in 1971 and a master's degree in human resource development 2 years later. In 1983 he received a jurisprudence doctorate from Western New England College School of Law. Thomas has called his law degree "an invaluable tool for dealing with government officials, community leaders, and the business aspects of running a multimillion-dollar nonprofit agency. . . . Virtually every area of my work involves law in some degree."

He has also received honorary doctorates from Westfield State College and Bay Path College. In 1999, he received an Executive Leadership Program Certificate from the Kennedy School of Government at Harvard University.

Thomas gives enormous credit to his wife, Devonia J. Thomas, for the support and encouragement she has provided throughout his career. The Thomases have been married for 35 years and live in Springfield's historic Forest Park neighborhood in a home well stocked with books and artifacts reflecting their love of African American history and African art, especially Shona art from what is now Zimbabwe. Their son, Perren, is an investment banker on Wall Street. Their daughter, Shadae, is a fourth-grade teacher in Cambridge, MA. Thomas relaxes by playing racquetball and the saxophone and by reading and watching a good deal of football.

HONORING FREDERICK DOUGLASS

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 31, 2007

Ms. SLAUGHTER. Madam Speaker, I rise today to humbly honor the life of one of America's most courageous pioneers in the civil rights movement—Frederick Douglass. Frederick Douglass was born 189 years ago this month, and although it has been over a century since he has walked this earth, his imprint on American history remains.

For the past 21 years, I have had the privilege of representing Rochester, New York in Congress; and the city's historic commitment to the advancement of progressive causes has always served as an inspiration to me. When I am standing on the House floor, exhausted by another debate to protect our civil liberties, my spirit is reinvigorated when I think of Frederick Douglass' Rochester newspaper, the North Star, and the phrase printed on its masthead: "Right is of no sex—Truth is of no color—God is the Father of us all, and we are all Brethren."

Beyond being a source of inspiration, Frederick Douglass is the subject of adoration as one of America's bravest heroes. After he escaped slavery in 1838, he devoted the remainder of his life to freeing other slaves and to ending the practice of slavery itself. Upon settling in Rochester, he used the city's location near the Canadian border to lead local Underground Railroad activities, giving sanctuary to freedom seekers as they fled from slavery, oppression, and injustice.

In addition to his work in the abolitionist movement, Douglass fought to ensure that freed slaves were treated fairly. In 1863, Douglass met with President Lincoln to discuss the treatment of black soldiers in the civil war. He later met with President Andrew Johnson to discuss black suffrage. His tireless efforts in support of freedom and equality laid the ground work for future civil rights movements.

Intolerant of any injustice, Douglass worked closely with another one of Rochester's leading progressive advocates, Susan B. Anthony, to fight for women's suffrage. In fact, he used his North Star newspaper not only to denounce slavery, but also to advocate for women's rights.

Douglass found a home in Rochester among the progressive activists of the mid-1800 who fought for social reforms, the peace movement, and universal equality. It is certainly no surprise that Frederick Douglass felt a special connection to the City of Rochester, and chose to be buried here.

Madam Speaker, Frederick Douglass' persistence, perseverance, and pertinacity serve as a timeless source of inspiration for Americans struggling for freedom against today's injustices. I urge my colleagues to join with me in celebrating and honoring Frederick Douglass' birth-month. America and the City of Rochester are fortunate to have had such an outstanding leader among us. We must never forget his legacy.

PAYING TRIBUTE TO FREDERICK A. LOHMAN AS HE RETIRES FROM THE GREATER WILKES-BARRE CHAMBER OF BUSINESS AND INDUSTRY

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 31, 2007

Mr. KANJORSKI. Madam Speaker, I ask you and my esteemed colleagues in the House of Representatives to pay tribute to Mr. Frederick A. Lohman, senior vice president of real estate and asset management for the Greater Wilkes-Barre Chamber of Business and Industry, who recently announced his resignation to accept a position with Mericle Commercial Real Estate Services.

During his 19 years with the Greater Wilkes-Barre Chamber of Business and Industry, Mr. Lohman has been responsible for all aspects of real estate development including planning, financing, development, management and disposition of real estate assets. He also served as the executive vice president of the Greater Wilkes-Barre Development Corporation and the Greater Wilkes-Barre Industrial Fund, Inc.

The Greater Wilkes-Barre Chamber of Business and Industry is a community, economic development and business service organization charged with the mission of collaborating with community and regional partners to create quality employment and business opportunities and improve the area's quality of life through strategic planning, programs and investments.

Throughout his tenure, Mr. Lohman worked successfully with talented coworkers and dedicated volunteer community leaders to change the economic landscape of the greater Wilkes-Barre area.

He joined the chamber in 1987 as business manager. He later served as vice president, controller, senior vice president, chief financial officer and senior vice president of real estate and asset management.

Mr. Lohman contributed toward the expansion of the Crestwood and Hanover Industrial Parks and the construction of three new parks including the Corporate Center at East Mountain, Hanover Crossings and Highland Park, home to the Wachovia Arena at Casey Plaza.

The chamber was responsible for redeveloping the former Pomeroy's Department Store building into what is now Public Square Commons, a first class office building, and the former Woolworth's Five and Dime Store, which is now home to the Innovation Center, a business incubator, as well as a joint collegiate bookstore, Barnes and Noble College Booksellers.

Mr. Lohman played an integral role in one of the chamber's most aggressive efforts—the Northampton and Main Redevelopment Project, a 160,000-square-foot urban mixed use, entertainment-based, commercial and residential complex containing a 14-screen cinema, retail space and loft housing.

Lohman is a 1976 graduate of Wilkes College, now Wilkes University, and received his master's degree in 1986 from Marywood University. He previously served as municipal manager for Edwardsville Borough and Towanda Borough and as director of the Wilkes University's Small Business Development Center.

On a personal note, let me express my sincere appreciation for all the assistance Fred has provided to me throughout the years. Whenever I have called on him to assist in furthering the progress of any project that would bring jobs to the region, he has been unfailingly generous with his time and expertise. He is a truly talented professional, and I am pleased to also call him a personal friend.

Madam Speaker, please join me in congratulating Mr. Lohman for his years of service to the Greater Wilkes-Barre community. The talent and dedication he brought to his role as a business development executive has paid many dividends that have improved the quality of life throughout the region, and I wish him well in his new position in the private sector.

HONORING WALLACE BROECKER AND COLUMBIA UNIVERSITY'S LAMONT-DOHERTY EARTH OBSERVATORY

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 31, 2007

Mr. ENGEL. Madam Speaker, I rise to honor Wallace Broecker, a geochemist at Columbia University's Lamont-Doherty Earth Observatory for recently being awarded the Crafoord Prize in Geosciences by the Royal Swedish Academy of Sciences. Mr. Broecker was honored with this prize for his stellar work in studying the role oceans play in the carbon cycle. As we debate how to control global warming in this Congress, Mr. Broecker's work will better inform us on the best policy approach to this global threat.

Dr. Broecker did his groundbreaking work at Columbia's Lamont-Doherty Earth Observatory, which resides in my district. This incredible facility is one of the world's leading research centers on how our biosphere operates. More than 300 research scientists at the observatory research every aspect of our planet including volcanoes, earthquakes and global warming.

To get the data necessary for their work, the observatory has led expeditions around the world to collect data. Using their 239-foot research vessel, the *Maurice Ewing*, the observatory has collected samples from the ocean floor, studied seismic activity and collected ocean soil core samples. Through this work the observatory has amassed the world's largest collection of deep-sea and ocean-sediment cores from every sea and ocean on the planet.

The observatory has taken the massive amounts of data they have accumulated and created some of the world's most comprehensive databases of ocean activity critical to the work of marine geoscientists such as Dr. Broecker.

Madam Speaker, my hat is off to Wallace Broecker for earning this fantastic honor. His work and the work of the entire Lamont-Doherty Earth observatory is an invaluable resource for other scientists and for policymakers as we struggle to balance our economic well being with our requirement to be stewards of the environment.

RECOGNITION OF MERCER AND MONROE COUNTIES AS BEST COMMUNITIES FOR YOUTH

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 31, 2007

Mr. RAHALL. Madam Speaker, I rise today in recognition of two counties in my district, Mercer and Monroe, which have recently received the honor as two of the Nation's "100 Best Communities for Youth for 2007" by the Alliance for Youth. This is the second such award for Mercer County, which was also honored last year.

These counties competed against hundreds of communities in the 50 States, the District of Columbia, Puerto Rico, and the U.S. Virgin Islands, who were all vying for the unique distinction.

This award is well-deserved, as these communities have dedicated themselves to fostering a healthy, safe, and caring environment for our young people. I share this vision, and am deeply honored to have the only two localities in West Virginia recognized located in my district.

I pledge to continue my work to make the communities of the Third District a healthy and nurturing environment for our children, by supporting legislation that will keep our children safe. Last year, I supported legislation to better fund our law enforcement. I also supported the Adam Walsh Child Protection and Safety Act of 2006, a bill that will protect children and save countless lives by dramatically improving efforts against sex offenders and violent criminals. In addition, I took action in the House of Representatives to protect West Virginia children from Internet predators, voting in support of the Deleting Online Predators Act and similar legislation.

While these steps are significant, it is by far the end of our work. As the folks of Mercer and Monroe Counties can attest, we must never waver from our commitment to our youth. As much as we accomplish, we must always strive to do better.

West Virginia native and renowned author Pearl S. Buck once said, "If our American way of life fails the child, it fails us all."

These are words to live by, words that Mercer and Monroe Counties are living by today. I again commend the entire community—the teachers, the civic leaders, the parents and the children as well, who are all so very bright—for the hard work they have done and continue to do.

I encourage other communities in the Third District and across West Virginia and our Nation to follow the fine example set by Mercer and Monroe Counties. As the Alliance for Youth said, "They are shining examples of what it means to keep America's promise to our young people."

IN HONOR OF LOUIS POSEN

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 31, 2007

Mr. BERMAN. Madam Speaker, I rise today to pay tribute to a distinguished and accomplished constituent: Louis Posen, who has dedicated the last 6 years of his life to two extremely important causes: achieving mental health parity and reducing the unacceptable rate of suicide that plagues this country.

Each year, more than 30,000 people die from suicide. For our youth, it is the third leading cause of death. And these deaths can be prevented.

Louis's story is remarkable in many ways. In 1993, he started his own record label, and called it Hopeless Records—not for lack of hope, but in honor of one of the first songs he produced.

It is hard to imagine that this successful label began in his living room with only $1,000 of seed money which was contributed by his helpful brother.

As Hopeless Records grew, Louis started a subsidiary label called Sub City. From this label grew the Take Action Tour, which uses the proceeds from concerts and record sales to support worthy charities.

Since 2001, the Tour has joined with the National Hopeline Network, 1–800–SUICIDE. So far, Louis and the Tour have raised over $1 million to help target the Hopeline and other mental health issues.

Louis has also collected over 100,000 signatures in support of mental health parity. He has educated both the public and their elected representatives about this and other important mental health issues.

As recently as 2000, the Federal budget had no funding for suicide prevention. Due in no small part to Louis's tireless work, Congress now provides at least modest support for programs to help prevent suicide.

We are grateful to Louis and the Tour for helping to fund programs such as the National Suicide Hotline and the Youth America Hotline. These are extremely valuable resources for individuals in times of crisis.

It is also a privilege today to recognize Reese Butler, founder of the Kristin Brooks Hope Center and the National Suicide Hotline.

Together, Reese and Louis have created a public/private partnership that has helped tens of thousands of people and is a great example of how such a partnership can work.

I strongly support legislation to provide mental health parity and additional funding for programs that will help reduce the unacceptably high number of suicides in this country. Again, I congratulate the Take Action Tour, Reese Butler and Louis Posen for their work on these critical Issues.

RECOGNIZING ALFRED C. YSRAEL AS GUAM'S EXECUTIVE OF THE YEAR FOR 2006

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 31, 2007

Ms. BORDALLO. Madam Speaker, I rise today to acknowledge that on Saturday, January 13, 2007, Mr. Alfred C. Ysrael of Tamuning, Guam, was recognized as the 2006 Executive of the Year during a ceremony sponsored by Guam Business magazine. Mr. Ysrael is the chairman and president of Tanota Partners, which owns and operates three hotels and several other profitable real estate holdings on Guam. He has spent the last 50 years growing and diversifying his business interests on Guam, creating thousands of local jobs for Guam's workforce and strengthening Guam's economy. The year 2007 marked the occasion of the 24th anniversary of Guam Business magazine presenting the Executive of the Year award.

It is not uncommon for successful businessmen, such as Alfred, to come from humble beginnings. They start out with only a dream, a few dollars in their pockets, and a commitment to excellence. Hard work and an unfaltering belief in what they seek to accomplish are essential to their success. Alfred was born and raised in the Philippines. He graduated from De La Salle University in 1952 with a bachelor's degree in commerce ready and eager to pursue the American dream. Mr. Ysrael now stands as a prominent figure among the pioneers of post-war business and commerce on Guam.

Mr. Ysrael arrived on Guam in 1952 as a guest worker with a 3-year contract to serve as an accountant for a military bowling alley. He purchased six surplus bowling lanes and opened the Anigua Bowling Alley, Guam's first, post-war civilian bowling alley upon completing his contract. Seven years later, in 1958, he became a U.S. citizen and was drafted into the U.S. Army. Alfred served his adopted country with honor and after his service returned to civilian life to his fledgling business interests. In 1960, he married Diana Zeien, my sister, with whom he has five children: Michael, Elizabeth, Mariana, Catherine, and Donna. Alfred is a devoted father and husband who always placed his family responsibilities first. His son Michael now serves as general manager of Tanota Partners, and his daughter Donna also has joined the firm. Alfred and Diana are the proud, loving grandparents of 13 grandchildren.

Alfred opened the Fujita Hotel, which catered to the Japanese tourists who arrived too late in the evening to secure hotel rooms, in the late 1960s when Guam's tourist industry was in its infancy. Alfred also invested in bringing Hilton International to Guam and remains a shareholder in Hilton Guam Resort & Spa. In 1987, he built the SunRoute, Ohana, Hotel and the Regency, Ohana, 2 years later. Mr. Ysrael's most recent venture was the construction and operation of the Outrigger Guam Resort in 1999. Alfred also developed apartment buildings in addition to building hotels. His tenants were primarily teachers and other workers hired from off-island. In time, however, as Guam's population grew and housing shortages became acute, many came to know Mr. Ysrael as their landlord.

Alfred and his businesses also have given much back to the community. Alfred was elected to serve the people of Guam as a senator in the 12th and 13th Guam Legislatures, from 1973 to 1977. He also served as a member of the Guam Board of Education from 1970 to 1971. Alfred further has a long and established record of philanthropy and community service on Guam. Largely as a result of his commitment to family and community and a strong belief in sports for young people—his own children are accomplished athletes—Mr. Ysrael and Tanota Partners are supporters of swimming, soccer and Tae Kwon Do teams on Guam. They also provide support for the South Pacific Games, the Guam National Olympic Committee, and the American Cancer Society's Annual Relay for Life. Athletics aside, Alfred and his family have also helped to raise funds for the American Cancer Society to increase awareness about breast cancer on Guam.

It is said that successful business persons should give back to the community that fostered their success. For the past 50 years and continuing today, Mr. Alfred C. Ysrael has indeed come far from humble beginnings and has given back in many, many ways to our island community which he proudly calls home.

HONORING THE STATE CHAMPION FRANKLIN HIGH SCHOOL VARSITY CHEERLEADERS

HON. MARSHA BLACKBURN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 31, 2007

Mrs. BLACKBURN. Madam Speaker, I ask my colleagues to join me today in congratulating the Franklin High School Varsity Cheerleading Squad for winning the 2006 TSSAA Cheerleading (Large Squad) State Championship.

On November 18, 2006 at Middle Tennessee State University, hundreds of hours of hard work were rewarded as the Lady Rebels narrowly upset another squad that had recently won a national championship.

This recognition reflects a dedication to practice and commitment to excellence. The teambuilding skills acquired by working together as a squad will doubtless benefit these young women for a lifetime.

Madam Speaker, please join me in thanking the parents, coaches and faculty of Franklin High School and again congratulating the members of the 2006 State Championship squad. I am sure this is not the last we will hear from this talented group of young women.

Laura Satterfield, Lindsey Jones, Taylor Kennerly, Kathleen Engstrand, Christie Kibler, Stacey Caravetta, Carly Joseph, Hannah Johnson, Chelsea Steen, Kacey Capps, Kelsey Raymond, Kate Allman, Rachel Mezger, Mary Musgrove, Kelsi Cates, Corianne Carter, Chelsea Ridens, Taylor Harrell, Grace Tenkhoff, Paige Tenkhoff, Kathryn Chambers, Courtland Harrell, Caroline Watson, Chandler Howell, Sara Thames.

HONORING BILL HILES FOR HIS LONG SERVICE TO TENNESSEE

HON. JOHN S. TANNER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 31, 2007

Mr. TANNER. Madam Speaker, I rise today to recognize Bill Hiles, who is retiring this week after working for 23 years as a journalist at the Dyersburg State Gazette in Dyersburg, Tennessee. He has proven himself a quality writer who fairly, accurately and completely covers the information that is important to our community in northwest Tennessee.

Even before coming to the State Gazette, Bill was a distinguished scholar, journalist and pastor. He received a Bachelor's Degree in Philosophy at Transylvania College in Lexington, Kentucky, and a Master's Degree in Systematic Theology from the University of Durham in Durham, England. He has also studied at Vanderbilt University and the George Peabody College for Teachers, taught college—level writing and public relations courses and, having been ordained as a minister of the Christian Church, Disciples of Christ, served as pastor at several churches throughout Tennessee. After working at the Associated Press and United Press International, Bill was a general assignment reporter and sports columnist at The Tennessean in Nashville, Tennessee, where he once sat across the desk from future Vice President Al Gore.

Madam Speaker, it has been a pleasure to work alongside Bill during his long service to Tennessee, and I am proud to call him my friend. I hope you and our colleagues will join Betty Ann and me in thanking Bill Hiles for his work, congratulating him on his well—earned retirement and wishing him all the best in the years to come.

THE SESQUICENTENNIAL OF THE ACADEMY OF MUSIC

HON. CHAKA FATTAH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 31, 2007

Mr. FATTAH. Madam Speaker, I rise today to recognize the 150th Anniversary of the grand opening of Philadelphia's Academy of Music—our "Grand Old Lady of Locust Street." Since January 26, 1857, the Academy has hosted more than one billion attendees at almost half a million performances. Generations of the region's children have sat in her elegant auditorium and caught their breath as the curtain rose on their first experience of an opera or ballet performance. Millions of them have sat up in wonder as they heard The Philadelphia Orchestra's rousing sounds for the first time. Hundreds of thousands of Philadelphians have walked proudly across the Academy's stage to accept their commencement certificate. Audiences and artists alike have flocked to Philadelphia from around the world because of the Academy of Music.–

What a remarkable legacy for one building—a legacy that has a deeply personal meaning for many generations of the region's families who share memories of attending special events within her walls; a legacy that laid the foundation on which the city created the Avenue of the Arts, built the shining new Kimmel Center, and made Philadelphia one of the most vibrant cultural destinations in the world; a legacy of which all Philadelphia—area residents can be proud.

The Academy of Music 150th Anniversary Concert and Ball, held on January 27, 2007, reflected many facets of the Academy's rich history. World—renowned artists host Tom Brokaw, soprano Deborah Voigt, tenor Ben Heppner and vocalists John Lithgow, with Music Director Christoph Eschenbach and our own celebrated Philadelphia Orchestra and Philadelphia Singers, presented an outstanding program of grand opera, theater, Broadway, classical and popular music.

The concert was attended by over 2,400 of the region's political, civic and corporate leaders as well as special guests Their Royal Highnesses the Prince of Wales and the Duchess of Cornwall. Even the Prince's visit has a historical precedent in the Academy's rich past: his great, great grandfather, Edward VII, was one of the early visiting dignitaries to grace the Academy at a gala performance by the popular soprano Adelina Patti in 1860. The Prince of Wales will sit in the same box, dubbed "the Prince of Wales Box" since the 1860 visit that his ancestor occupied before him.

I congratulate the Academy on its sesquicentennial and look forward to many more years of important cultural contributions to our city.

HONORING JOHN NANCE GARNER ELEMENTARY UPON ITS 20TH-YEAR ANNIVERSARY

HON. KENNY MARCHANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 31, 2007

Mr. MARCHANT. Madam Speaker, I rise today to recognize John Nance Garner Elementary for its 20th Anniversary of providing a superb education for the students of Grand Prairie, Texas.

The middle years of the 1980's found Grand Prairie south of I–20 to be a quiet, nearly rural collection of established county homes accented by a growing number of brand new housing developments. The need was clear for a new elementary school to serve the children who would eventually explode into this area with a force that no one yet imagined.–

John Nance Garner's doors opened in the fall of 1987 to an enrollment of 368 students with 14 teachers in grades K–5. ,Named for the 32nd Vice President of the United States under Franklin Roosevelt, the school's mascot was All-Stars.

.Twenty years have passed. Unprecedented growth resulting from the creation of Joe Pool Lake brought a generation of children through the doors at 145 Polo Road. A new wing was built in 1996 to accommodate the increasing enrollment, which peaked at over 725 students in 1997. Present enrollment hovers just under 500 students.

Garner Elementary has earned a place of honor in Grand Prairie ISD. It has become a family of dedicated educators and loyal volunteers, as well as a diverse mix of energetic youngsters who are proud to be today's Garner All-Stars.

The world has changed much since 1987, but at Garner Elementary, the focus continues to be making each student feel like an All-Star.

Mr. Speaker, I am honored to have had this time to honor the 20th Anniversary of John Nance Garner Elementary School.

HONORING DAVID H. BRUNE

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 31, 2007

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, today I would like to pay tribute to a friend of mine, a community visionary, a loving family man, and a true Texan who passed away last month.

David H. Brune was a man who lived a great life; he was dedicated to and loved his family, his church, and his work. His impact on the North Texas community was truly remarkable. As a lawyer, his expertise in water issues allowed for the Dallas County community of Las Colinas to be developed.

For five decades David H. Brune used his talents and his passion to serve the greater good of Texas. He helped to expand the potability of water, improve flood control, and turn flood plains into neighborhoods.

Martin Luther King, Jr. said, "We can all be great because we can all serve." David H. Brune answered his call to community service and helped to shape North Texas. He will be missed, but his legacy will endure. I offer my condolences to his two daughters, Claudia Sandbach and Elizabeth Hark, his five grandchildren, and his one great-grandchild.

INTRODUCTION OF THE "ANTITRUST MODERNIZATION COMMISSION EXTENSION ACT OF 2007"

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 31, 2007

Mr. CONYERS. Madam Speaker, today I am introducing the "Antitrust Modernization Commission Extension Act of 2007," legislation that allows the Antitrust Modernization Commission to finalize its report and shut down its operations in an appropriate time frame. I am joined by Ranking Member LAMAR SMITH.

In passing the Antitrust Modernization Act of 2002, Congress established this Commission to "examine whether the need exists to modernize [the U.S.] antitrust laws." In 2 months, I expect the Commission will provide its recommendations to Congress in its final report.

The Commission has expressed concerns over the statutorily required 30 day deadline to shut down its operations completely while also finalizing its report to Congress. For example, dismantling the Commission will require it to begin archiving its records prior to completion of the report, which would likely affect the integrity of the report. For this and other reasons, it makes sense to give the Commission adequate time to wrap up.

This bill allows the Commission to complete its report before beginning the process of shutting down operations by extending the Commission's administrative shutdown from 30 to 60 days. I urge my colleagues to support this effort.

NEIGHBORHOOD HOUSING SERVICES OF GREATER CLEVELAND'S 30TH ANNUAL LUNCHEON

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 31, 2007

Mr. KUCINICH. Madam Speaker, I rise today in honor of Neighborhood Housing Services of Greater Cleveland (NHSGC), which is celebrating its 30th Annual Luncheon on January 25, 2007, at the Bohemian National Hall in Cleveland's Slavic Village neighborhood.

Neighborhood housing has created homeownership and built communities for over 30 years. NHSGC, a trusted not-for-profit organization, has provided families in Northeast Ohio with the housing education and home repair loans they need to buy, improve and keep their homes. NHSGC was incorporated in July 1975 to revitalize Cleveland neighborhoods by providing programs and services that improve the communities and enhance the quality of life of residents. Realizing its primary market niche was providing a comprehensive service package to clients interested in homeownership, NHSGC is also one of the leading providers of rehab services and loan products. This experience has led NHSGC to expand its focus from traditional "neighborhood based" market to the entire City of Cleveland, while also expanding throughout Cuyahoga County and other strategic locations. NHSGC partners with both public and private institutions to help more than 1,300 people each year. In its efforts to build strong communities, NHSGC is led by local residents and guided by local needs.

As a chartered member of NeighborWorks®, one of nearly 245 organizations working in nearly 4,400 urban, suburbs and rural communities nationwide, NHSGC is certified to meet a high standard of fiscal integrity and service to help residents in developing leadership, improving their neighborhoods, and securing decent housing that is affordable. Its link to this powerful and unique nationwide network of community development organizations adds great value to what it is able to accomplish in Northeast Ohio.

Madam Speaker and colleagues, please join me in recognizing the great accomplishments of Neighborhood Housing Services of Greater Cleveland as it celebrates its 30th Annual Luncheon on January 25, and in committing ourselves to joining with this nonprofit organization in rebuilding our nation's great cities like Cleveland.

HONORING DOUGLAS D. HAWTHORNE

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 31, 2007

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, it has been a distinct honor over the years to take note of the extraordinary valuable work done by Douglas D. Hawthorne for the 30th Congressional District of Texas, the State of Texas and this Nation.

Mr. Hawthorne, president and chief executive of Texas Health Resources was recognized this fall, when he received the Greer Garson-E.E. Fogelson Humanitarian Award at the Greer Garson Gala. Mr. Hawthorne serves as a national role model through his leadership and unwavering commitment to helping people and furthering the awareness of Parkinson's disease in our community.

For more than a decade, Mr. Hawthorne has conducted a "quite revolution'" in the treatment of Alzheimer. He helped establish the APDA's Parkinson's Information and Referral Center at Presbyterian Hospital of Dallas in 1990 and developed a relationship with the local chapter.

Hawthorne served as president and chief executive officer of Presbyterian Healthcare Resources from 1983 until the formation of Texas Health Resources in 1997. He is past chairman of Dallas/Fort Worth Hospital Council and the Texas Hospital Association (THA). In 1996, he received the Boone Powell Sr. Award of Excellence for distinguished hospital administration by the Dallas/Fort Worth Hospital Council. In 1994, he received THA's highest award, The Earl M. Collier Award for Distinguished Hospital Administration. He has chaired several American Hospital Association (AHA) committees and is a former at-large member of AHA's Board of Trustees. A Fellow of the American College of Healthcare Executives (ACHE), he received the Gold Medal Award in 2002, ACHE Regent Senior Level Health Care Executive Award in 1991 and served as Regent for Texas Greater Dallas/Fort Worth area of the ACHE. In 2003, Modern Healthcare magazine named Hawthorne number 30 on its list of the "100 Most Powerful People in Health Care."

Madam Speaker, as one who has worked closely with Alzheimer patients, I know that his efforts for battling this disease are unequaled and he is certainly one of our community's great leaders. Therefore, Madam Speaker, I rise with great pleasure to honor Douglas Hawthorne, on the occasion of his receiving the Greer Garson-E.E. Fogelson Humanitarian Award.

HONORING PARKER ANNEX ELEMENTARY SCHOOL

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 31, 2007

Mr. HOLT. Madam Speaker, I rise to recognize and honor the outstanding achievements of the fifth grade mathematics team at Parker Annex Elementary School in Trenton, New Jersey.

Recently, The Parker Annex Elementary School's fifth-grade "Isotope6NJ" team was recognized as the #1 ranked mathematics team in the First In Math Online Program. To earn this distinction, they out-performed more than 10,000 online teams comprised of 300,000 students from 30 other states. Led by fifth-grade teacher Edward Butler, this extraordinary group of inner-city students overcame obstacles such as lack of computers at home and a late start to this year's competition to become the top-ranked math team in the country. Additionally, Parker Annex teams "ember31NJ" and "music22NJ" are currently ranked 2nd and 3rd in New Jersey, respectively.

I am delighted by the students' achievement and proud of Trenton, but I am not surprised by what their collective will and substantial effort have achieved. This is the predictable result of a community effort to invest in the potential of its emerging minds. It showcases how motivated students, caring parents, dedicated teachers, and committed school administrators can cooperate to build a team that represents not only its students' best efforts but also an example of what makes Trenton a truly capital city.

This laudable achievement also highlights why I have always been and continue to be an advocate for math and science education. Math and science education in the elementary grades is foundational to the growth of our New Jersey students and an academically literate citizenry. Inquiry-based science and math curricula are necessary to allow students to explore their world critically and experientially, which is shown to increase intrinsic motivation and further interest in science.

The success of the program at Parker Annex Elementary School is a tribute to the students, faculty, administration, and the scientific community. I applaud the success of team "Isotope6NJ" and wish the students of Parker Annex continued success in their academic endeavors.

INTRODUCTION OF H. RES. 108—SUPPORTING THE WEED AND SEED AND COPS PROGRAMS

HON. CORRINE BROWN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 31, 2007

Ms. CORRINE BROWN of Florida. Madam Speaker, I rise today to discuss legislation I introduced, in support of the Community Oriented Policing Services in the Department of Justice and the Weed and Seed program, led by the United States Attorney's Offices.

These two programs are the bedrock of community involvement in ending the cycle of violence that plagues our cities.

Weed and Seed is an innovative, comprehensive, multi-agency approach to law enforcement, crime prevention, and community revitalization.

It is a strategy that aims to prevent, control, and reduce violent crime, drug abuse, and gang activity.

The U.S. Attorney's Office plays a leadership role in organizing local officials, community representatives, and other key stakeholders.

Frankly, I am pleased the highest federal prosecutor in the region is getting involved with the community he or she is prosecuting. These United States Attorneys work hard and do not want to see people in the system.

Every Weed and Seed site is required to establish a Safe Haven, a multi-service center where many youth- and adult-oriented services are delivered. These are often housed in a school or community center.

The main goal of Weed and Seed is promoting the long-term health of communities.

However, the funding for this worthy program has hit some rough spots in recent years.

Funding for the program increased every year from its inception in 1993.

In 2005, $62 million was appropriated. However, requested funding in subsequent years fell to $50 million in 2006 and $49 million in 2007. This is a program that works.

We must continue the funding. Our cities need it. Our children need it.

My resolution also discusses the positive aspects of the COPS Program.

The community-oriented policing component bridges the "weeding" and "seeding" elements of the Weed and Seed strategy.

I think we all can agree that community-based strategies for solving crime problems brings a sense of responsibility within the community and help develop cooperative relationships between the police and residents.

Also, community policing embraces the two key concepts of community engagement and problem solving.

Having the community involved is the most important aspect to preventing crime and removing our kids from the vicious cycle of violence.

When everyone gets involved, we all benefit.

The COPS Program has been an overwhelming success.

COPS has funded more than 118,400 police officers and sheriff's deputies.

COPS has funded more than 6,454 school resource officers and trained more than 9,158 school resource officers and school administrators.

COPS has funded large and small jurisdictions, in fact 87% of COPS grantees serve populations of less than 50,000.

That is a community benefiting from Cops on the beat.

However, this president does not see fit to fund this program. In fact, the Bush Administration has not funded the COPS program for the last few years.

We can do better, and this resolution is a good beginning.

RECOGNIZING THE LIFE AND LEGACY OF MRS. ROSA AGUIGUI REYES

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 31, 2007

Ms. BORDALLO. Madam Speaker, I rise today to pay tribute to Mrs. Rosa Aguigui Reyes, the first woman to win election to public office on Guam. Her precedent setting election broke through the "marble ceiling" present on Guam at that time. In doing so, she paved the way for other women—including me—to serve as elected leaders of our island's community. Mrs. Reyes, elected to the Guam Congress's House of Assembly in 1946, passed away on January 29, 2007, at the age of 91.

Uniformed officers of the Department of the Navy were appointed by the President of the United States to serve as Governor of Guam for the period immediately following the liberation of Guam from enemy occupation. The bicameral Congress on Guam served at this time as an advisory body to the governor. Members of the Guam Congress were bona fide representatives of their constituents but possessed no legislative powers.

Mrs. Reyes, by standing for election to Guam's Congress, defied convention. Governance on Guam was considered a male prerogative. Mrs. Reyes, to her credit and to the benefit of all of us who came after her, stood for office so that the voices of Guam's women could be heard, and they were. Mrs. Reyes served with honor and distinction. Her service remains as an inspiration for me and so many other women on Guam.

Mrs. Reyes, born in the village of Merizo on February 7, 1915, was not only a politician. In fact, she was among the first group of teachers trained at the College of Guam. She graduated with an associate's degree in education in 1954. Mrs. Reyes, however, possessed significant experience as a classroom teacher well before her earning of her degree. Mrs. Reyes began teaching at Merizo Martyrs Elementary School in 1933. She taught there for 31 years. She also served for 11 years as principal of F.Q. Sanchez Elementary School in the village of Umatac before retiring from the Guam Public School System.

Mrs. Reyes also worked as the principal research assistant to the late Dr. Laura Thompson, an anthropologist who authored studies about Chamorro culture and history before and after World War II. Dr. Thompson returned to Guam shortly after the war to conduct continued research on Guam's culture and to determine what effects and impacts the years of occupation during the war had on the Chamorro people. Mrs. Reyes and Dr. Thompson enjoyed a joyful reunion in 1987, when Dr. Thompson made her final trip to Guam.

Mrs. Reyes was enrolled in the Guam Educators' Hall of Fame in 1983, in recognition of her legacy as an educator, her contributions to the study of Chamorro history and culture, and her courage and leadership in teaching us that women can rightfully and ably serve in elected public office. She remained committed to serving her church and its community activities throughout her life. Her interest in cultural preservation and in traditional arts also never waned. Mrs. Reyes, as evidence of the strength of her character, remained humble despite having established a prominent, diverse, and precedent setting legacy for herself in the history of our island and in the hearts of our people. Mrs. Reyes is an admirable role model and her life will inspire future generations of leaders on Guam.

I join the people of Guam in mourning the passing of Mrs. Rosa Aguigui Reyes and I offer my condolences to her husband, Mr. Ignacio Reyes, a former commissioner of Merizo, and her children and grandchildren. I thank them for supporting her efforts to contribute to the betterment of Guam. They can be proud of her achievements, and we share in their pride for her legacy.

HONORING PRIVATE FIRST CLASS SHAWN FALTER

HON. MICHAEL A. ARCURI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 31, 2007

Mr. ARCURI. Madam Speaker, I rise today to pay tribute to PFC Shawn Falter, who gave his life in service to our Nation on Saturday, January 20 in Karbala, Iraq.

Shawn grew up in the town of Homer, NY, and was a dedicated and loving son, brother and friend to many. As a student at Homer High School, Shawn excelled both on the field and in the classroom. He was a hard-working student, a natural leader, and a selfless friend who could light up a room with impeccable timing.

Shawn enlisted in the U.S. Army in August 2005, following in the footsteps of his three older brothers. He was assigned to the 2nd Battalion, 377th Parachute Field Artillery Regiment, 4th Brigade Combat Team, 25th Infantry Division deployed out of Fort Richardson, AK. Sadly, Shawn was killed during an ambush in Karbala, Iraq earlier this week in support of Operation Iraqi Freedom.

Shawn was truly an exemplary American who served his country bravely. Our Nation is blessed to have dedicated, talented men and women like Shawn Falter fighting to protect us and others around the world.

Madam Speaker, I ask my colleagues to join me in honoring PFC Shawn Falter, along with all of the other brave Americans who have made the ultimate sacrifice for our country.

TRIBUTE TO MR. LOU FALCONI

HON. JASON ALTMIRE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 31, 2007

Mr. ALTMIRE. Madam Speaker, I rise today to pay tribute to one of my constituents, Mr. Lou Falconi, who recently retired after 33 years at Farrell High School. I wish to recognize Mr. Falconi for his service to the Farrell Area School District both as a teacher and a football coach.

Mr. Falconi took over the high school football program at Farrell in 1980. Over the course of his legendary career, he led the team to three appearances in the State finals, winning two State championships. Amazingly, he has been honored eight separate times as "Coach of the Year." In total, Coach Falconi led the high school football team for 27 years and ended his coaching career as the second winningest coach in Mercer County history.

On Friday, February 9, 2007, the friends, family, and colleagues of Mr. Lou Falconi will come together to celebrate and honor his life's achievements and his commitment to the community. I plan to join them in thanking him for his service and the positive impact he has had on hundreds of kids in Farrell and throughout the Fourth Congressional District of Pennsylvania.

INTRODUCTION OF THE IRAQ POLICY REVITILIZATION AND CONGRESSIONAL OVERSIGHT ENHANCEMENT ACT

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 31, 2007

Ms. BORDALLO. Madam Speaker, I rise today to introduce H.R. 744, the Iraq Policy Revitalization and Congressional Oversight Enhancement Act. This bill is a modified version of H.R. 5630, the Iraq Congressional Oversight Enhancement Act, which I introduced on June 16, 2006, during the 109th Congress.

H.R. 744 expresses strong, continued support for United States military and civilian personnel deployed to Iraq and serving worldwide in support of the mission in that country. We owe these individuals a debt of gratitude that is simply un-payable.

Section two of H.R. 744 provides a select catalog of major events that have shaped Operation Iraqi Freedom. This section of the bill is not operative but is important to the context through which this bill should be reviewed.

Section three of this bill provides a comprehensive set of policy statements that would express grave concerns with the fact that the Government of Iraq, at the present time, appears to be incapable or unwilling to govern in a unified manner in the interest of all Iraqis. That is, the bill would express Congress's concern that representatives of the various, prominent parties in Iraq use their government offices, public resources, ministry employment opportunities under their control, and certain units of Iraqi Security Forces, in addition to their political militias, vigilante, and criminal groups, to seek to achieve their party's individual, parochial, biased, and competing political, economic and security objectives, in order to bolster their party's political, economic, and military power in and influence throughout Iraq. This bill would express grave concern that the inability or unwillingness of the Government of Iraq to govern in moderate terms contributes to violence against United States servicemembers and Coalition forces, creates barriers to national reconciliation in Iraq, and impedes the expeditious completion of Operation Iraqi Freedom and the return of our servicemembers to their peacetime duty stations. Section three of the bill raises significant issues regarding the reliability of the Government of Iraq that should be reviewed and considered as Congress proceeds in its review of current United States policy toward Iraq.

H.R. 744 also would enhance our ability to engage in more detailed, coordinated, and better informed oversight of activities with respect to Iraq. The provisions of section four of this bill would first consolidate existing, overlapping congressional reporting requirements. Section four of H.R. 744 would provide for a unique, comprehensive and focused analytical model around which future reporting to Congress by the Administration can be organized. That is, this bill would require from the President a single, regular, consolidated and comprehensive report that more exactly defines the political, economic, security, infrastructure, and governance capacity building benchmarks that are necessary and possible for United States military and civilian personnel to achieve at the various levels of government in Iraq in order to complete Operation Iraqi Freedom. The information contained in such a report also would include whether programs and projects that are essential to achieving those benchmarks are being executed; whether those programs and projects are successful toward achieving those ends; and whether gaps exist. The report pursuant to section four of H.R. 744, moreover, would include a comprehensive intelligence assessment of Iraq. Furthermore, and notably, the report would include sections that provide the President the opportunity to justify why he did not adopt and implement any of the recommendations made by the Iraq Study Group.

Section five of H.R. 744 would require that the President utilize—to the extent possible—the benchmarks he reports to Congress as a foundation for a multilateral agreement between the United States, Coalition countries, the Government of Iraq, regional countries, where appropriate, and relevant multilateral organizations to help stabilize Iraq. Countries in the region and the international community need to be more fully engaged and participating in the effort to stabilize Iraq. Kuwait, Saudi Arabia, Jordan, Turkey and others among the international community should have a strong interest in a stable Iraq and we should welcome and encourage their further involvement in the process of stabilizing Iraq. Engaging Syria and Iran with regard to Iraq policy is a serious issue. It is an issue that requires vigorous and thorough debate. A wide range of opinions on the issue of engagement with Syria and Iran with regard to Iraq may exist. For this reason, an effort toward reaching consensus on this issue should be pursued. It is because of the lack of consensus on this issue that I have written into H.R.744 the conditioning phrase—"(where appropriate)"—in the provisions that would direct the President to engage regional countries.

H.R. 744 would not set a timeline or deadline for the withdrawal of troops from Iraq. The bill also is silent on whether the President should increase the numbers of troops in Iraq or should initiate a phased withdrawal of forces from Iraq. But H.R. 744 would express grave concern that prolonged commitment of United States Armed Forces to Iraq may adversely affect the overall readiness of our military and hamper its ability to provide adequate resources to Operation Enduring Freedom in Afghanistan and to other contingencies around the world. Lastly, H.R. 744 does not dictate to the President the terms of completion for the mission in Iraq.

The war in Iraq is approaching its fourth year. The year 2007 will be perhaps the most challenging and critical year to date for Operation Iraqi Freedom. The 110th Congress, which was recently elected, will be the third consecutive Congress responsible for providing oversight of this war. Recent commentary notes Congress's record of oversight of Iraq is not one with which we should be satisfied. Our oversight of Iraq must be improved, and soon.

We are leaders with the responsibility, authority, and ability to act. We are leaders whose actions or inactions will have impacts—either positive or negative—that will span not only two-year election cycles, but also decades and possibly generations. We are leaders who history will judge not just by the power of our words, but also by the wisdom and courage of our actions. The seriousness of the situation in Iraq should compel this body to place a renewed emphasis on revitalizing United States-Iraq policy and enhancing Congressional oversight of Operation Iraqi Freedom. Support for H.R. 744 will go far toward achieving these objectives.

H.R. 744 recognizes the complex and interdependent nature of the challenges Coalition forces, civilian personnel and the Government of Iraq face today. That is, each level of government in Iraq—national, national capital city, regional, provincial, provincial capital, and municipal—experiences both shared and unique, and both isolated and interrelated political, economic, security, infrastructure, and governance capacity development challenges. The fact that, in some cases, difficult, contentious, or inefficient relationships between the central government in Baghdad and the regional and various provincial governments exist adds an additional level of complexity to establishing good and effective governance in Iraq. Iraq also is home to individuals of various ethnicities—such as Arabs, Kurds, Turcoman, Assyrians, and others—who ascribe to various religions—such as Sunni or Shia Islam, Christianity, Yezidi, and others—and who speak a variety of languages—such as Arabic, Kurdish, Assyrian, and Armenian. Some of Iraq's provinces are largely homogenous, such as Erbil, Sulaymaniyah, Basra, or Anbar. Others contain a combination of demographic groups such as Kirkuk, Nineweh and Babil. Still others, such as Baghdad, contain a mix of all of the groups. This ethnic, religious, and cultural variety creates complex political, economic, security, governance, and social challenges on the ground in Iraq. And it is within these levels of government in Iraq, in these cities and communities and among these diverse ethnic groups, and against these political, economic, security, governance, and social complexities and challenges that our servicemembers and civilian personnel serving in Iraq work to develop that country politically, economically, and infrastructure and security-wise, as well as work to build governance capacity at each of the levels of government in Iraq. Their mission is a difficult, varied, and complicated one. It is one that is vastly more complicated and complex than recent congressional debate and congressional oversight efforts would reveal. And both must be brought more into line with the realities that our personnel on the ground in Iraq face daily.

It is not within our capacity to solve all of Iraq's problems, nor is solving all of them necessary to honorably and expeditiously complete the mission in Iraq and to bring our troops home. Solving the key problems, however, is essential to completing the mission in Iraq. H.R. 744 would require the President to identify specifically which problems at and between each level of governance in Iraq and among the various pillars of our activities there are necessary and possible for us to solve in order to complete Operation Iraqi Freedom. The bill also would require the President to identify the programs, projects and activities utilized to achieve these vital measures and other benchmarks. Moreover, H.R. 744 would require the President to provide regular, consolidated and comprehensive reporting to Congress on the progress toward achieving these benchmarks. But while requiring this specific information H.R. 744 also provides the President flexibility to adjust or modify the benchmarks should events on the ground necessitate that such adjustments or modifications be made. Under the provisions of H.R. 744, however, the President would be required to provide detailed justification material to Congress to support adjustments or modifications made to the benchmarks.

As I noted in my introductory statement for H.R. 5630 in the 109th Congress, three legislative initiatives of the immediate previous Congress have required reports along these lines. These reports, provided to Congress by the Secretary of Defense, contain useful information. But, when taken together, the requirements and the content of these reports may not be sufficient for this Congress to fully exercise its oversight responsibilities pertaining to this war. A single report to provide a clear and full account of what is necessary and possible for the United States to achieve in Iraq—at the various levels of government within Iraq; what the United States Armed Forces and civilian personnel are tasked with in order to achieve those objectives; and where they are in the process of achieving them, would go far toward ensuring Congress has the information it needs to best fulfill its Constitutional responsibilities. H.R. 744 would consolidate the existing reporting requirements into a single reporting requirement of this nature.

The setting of benchmarks is not an easy task to accomplish. But it is one that must be accomplished. The setting of benchmarks alone, however, is not enough. Programs and projects must be implemented to achieve them. H.R. 744 would require the President to use these benchmarks as the foundation for a multilateral agreement to further provide for the completion of Operation Iraqi Freedom. An international agreement of this kind is needed because some of Iraq's key problems are undeniably international in nature; and they become more so—not less so—as each day passes.

An international agreement as urged by section five of this Act will help bring renewed focus to and enhanced international cooperation toward resolving Iraq's problems. Second, it will help reaffirm the existence of a united front against elements that seek to destabilize Iraq, and thus bring added pressure to bear on those actors. Third, this agreement would provide for the formation of a forum in which current and future regional security, political, and economic issues regarding Iraq's continued development can be discussed and addressed. The establishment and maintenance of conciliatory relations between Iraq, its neighbors, regional states and the international community is essential to stabilizing Iraq internally. The agreement called for by this legislative proposal, if successful, could be utilized and expanded to form the foundation—or beginnings—of a lasting regional security arrangement. H.R. 744 would require the President to report regularly on the progress toward implementing such an agreement.

As I noted in my introductory statement for H.R. 5630 in the 109th Congress, I am a member of the Committee on Armed Services and I have traveled to Iraq eight times since taking office in 2003. These trips have allowed me to observe our operations in Iraq and to personally speak with our commanders, servicemembers, and civilian personnel in the field. I have also had the opportunity to speak with Iraqi leaders during these visits. As a result, I have learned a great deal about the accomplishments made in Iraq to date. I have also learned of the many challenges that remain there. This legislation would provide us the information we need to make better informed decisions on policy with regard to Iraq.

I believe that an honest and open exchange of views on the substance of what our country and our allies must achieve in Iraq in order to complete Operation Iraq Freedom is needed. I also believe that our service in this body is never more consequential than it is when our troops are in harm's way. Debate regarding issues of war and peace deserve sober reflection, reasoned thinking, critical focus, and balanced perspective. Having this debate and conducting oversight in this manner is an institutional responsibility for the House of Representatives. But it also is a personal responsibility for each of us as representatives of our constituents. The continued sacrifices made by our military and civilian personnel serving in support of Operation Iraqi Freedom, those made by Coalition personnel, and those made by Iraqi patriots only further reinforce the need to elevate our discussion on the merits of and the challenges associated with what remains of the mission in Iraq.

I do not have the privilege of a full vote on the floor of the House of Representatives. And I represent American citizens serving in the United States Armed Forces who, because they are residents of Guam, cannot vote for their Commander-in Chief. Introducing legislation to revitalize Iraq policy and enhance Congressional oversight of Operation Iraqi Freedom represents a good faith effort on my part to fulfill my obligation to serve those who are serving us in defense of our freedoms.

Finding an achievable, expeditious, and honorable way to complete Operation Iraqi Freedom should be a primary goal for all of us. We owe this to those who have sacrificed so much for this mission. But the situation in Iraq will not yield a solution easily. Nevertheless, we must endeavor to find one. In doing so we will be helping shape in the best way possible the legacy future generations of Americans will inherit and the one we will have to defend to history. I am confident that the provisions of H.R. 744 will help toward achieving these ends. I respectfully request that my colleagues review and consider the provisions of this legislative proposal.